

CAPITAL REGIONAL DISTRICT
Regional Planning Services Department

Staff Report to the Regional Planning Committee
Meeting of Wednesday, July 17, 2002

SUBJECT:

RGS Bylaw No. 2952 Statutory Referral – Status and Responses

BACKGROUND:

The Regional Growth Strategy (RGS), Bylaw No. 2952, has been circulated to the member municipalities for review and acceptance. This 120 day review process is a requirement of the Growth Strategies legislation. The intent of the legislation is to provide each municipal council with the opportunity to carefully consider the RGS and the implications of the agreement for their communities.

The 120-day period begins after the public hearing and prior to third reading of the Bylaw. The municipal councils may choose one of two options:

- Accept the regional growth strategy, or
- Respond, by resolution, to the Regional Board indicating that they refuse to accept the regional growth strategy, and stating their reasons for doing so.

The 120-day review period for the Regional Growth Strategy ends August 6th, unless the Provincial Facilitator on behalf of any of the affected local governments requests an extension.

DISCUSSION:

Comments Received to Date:

Formal acceptance of the RGS has been received from:

- The District of Sooke, advising that at its meeting of May 13, 2002, Council resolved to accept the Capital Regional District Bylaw No.2952.
- The District of Saanich, accepted the RGS bylaw at their meeting of June 17, 2002
- The Township of Esquimalt accepted the RGS bylaw at their meeting of June 17, 2002
- Cowichan Valley Regional District, advising that at its meeting of May 22, 2002, the Board resolved that the CVRD does not object to the Capital Regional Growth Strategy.
- The Township of Central Saanich accepted the RGS Bylaw at its Regular Council Meeting held on Monday June 3, 2002

Refusals or Conditions to Acceptance:

Municipalities which have either refused to accept or indicated conditions for acceptance include: (see Appendix one for the wording of the resolutions)

- The District of North Saanich
- Town of View Royal
- Town of Sidney

Pending:

Information received to date indicates that other municipalities will be submitting formal responses within the next month.

- The City of Colwood’s Committee of the Whole recommended acceptance of the RGS. It goes before their Council on July 8, 2002.
- The District of Highlands is expected to deal with the Growth Strategy at the meeting of Council on July 15, 2002.
- The District of Langford – still pending
- The District of Metchosin is expected to deal with the Growth strategy at the meeting of Council on July 8, 2002
- The District of Oak Bay is considering refusal of the Bylaw. A final vote on the RGS will take place on July 22, 2002. Oak Bay is objecting to the requirement for the District to provide the recommended 5% increase in housing units through ground-access housing. The municipality is willing to absorb the increase, but prefers to do so through a range of housing options that are not limited to ground-oriented.
- City of Victoria (see Attachment A)

Outstanding Issues and Concerns:

A number of concerns regarding the RGS have been raised through both formal and informal channels. Some will need to be resolved immediately, before municipal councils will accept the RGS bylaw. In some cases, the issues will need to be addressed through the various implementation procedures.

(1) The Cost of Implementation

Several municipalities have raised the issue of the unknown cost of implementation. The RGS implies a fairly ambitious set of activities to move ahead with the strategy. Both the District of North Saanich and the Town of Sidney have included this issue in their reasons for refusal. Some have voiced concerns, but have chosen to accept the Bylaw (see Appendix for resolutions).

Opportunities to resolve this issue:

There are a number of options for addressing this issue.

- A comprehensive implementation program can be developed as part of the Master Implementation Agreement. While the agreement can not be approved until the

Bylaw is accepted, it can be drafted in consultation with the municipalities at this time – and finalized once the Bylaw is formally accepted.

- The Bylaw can be formally amended at this time to include more detail on the implementation program. The downside of this approach is it necessitates a time consuming and resource-heavy process to make changes. It is analogous to putting a departmental budget in a zoning bylaw.
- A project management approach can be used with the option of incorporating it into an implementation agreement, or taking it forward as any other report or proposed work plan to the Regional Board. The project management documents to be approved through the Board would include a project charter, scope of work, and workplan. The project charter contains information on the project purpose, objectives, roles & responsibilities, timelines, and expected outcomes or deliverables. It is signed by the project sponsor (in this case the Board) and those expected to contribute resources (the municipal representatives/mayors if different from the Board). The scope of work statement is similar to a terms of reference. It details the level of effort, the number of people required to work on the project, any external consultant requirements, technical resource requirements (e.g. data), project phasing (what will be done when) and anticipated costs or cost-ranges (or upset limits on costs). The work plan provides more detail on who does what, when information will be presented to stakeholders and the public, and the reporting schedule for the Board and any committees.

(2) The Requirements for Buffering

The RGS requires that municipalities provide buffering between land use adjacent to ALR, the Urban Containment Boundary, Capital Green Lands, and Renewable Resource Lands. There is no detail provided, however, of what constitutes an appropriate and reasonable buffer, and under what circumstances they are required. Earlier discussions conducted through the Intergovernmental Advisory Committee (IAC) addressed this issue, and determined that a high level of detail and descriptive requirements was inappropriate for inclusion in the RGS. Rather, each municipality would address the requirements and approaches suitable to their local situation as part of the regional context statements

Opportunities to resolve this issue:

- The municipality can use their regional context statement to indicate how they intend to apply this policy to their local situation. This provides an opportunity to describe existing buffers already in place and circumstances where the RGS policy doesn't apply. For example, the policy to buffer ALR lands from adjacent urban uses assumes that the ALR is actually used for agricultural (or at least rural) purposes. On some sites, this is not the case. The municipality can indicate this difference through a simple statement in the regional context statement.
- The policy intent and the requirements (or criteria) for buffering between uses can be clarified in an implementation agreement. This provision is included in the RGS bylaw under section 1.2, Action #4 (p.9):

Member municipalities agree to negotiate, where necessary, bilateral agreements regarding buffering and land use transition where the Regional Urban Containment and Servicing boundary coincides with a municipal jurisdictional boundary. Member municipalities and the CRD agree to include in Regional Context Statements, where appropriate, policy guidelines for buffering and land use transition between urban areas and Capital Green Lands and Renewable Resource Lands, and how the guidelines would be applied through regulation.

- The policy intent and the requirements (or criteria) for buffering between uses can be clarified and/or further refined as part of the 2-year interim update.

(3) Housing Targets

Initiative 1.1 “Keep Urban Settlement Compact” establishes a policy for increasing the proportion of apartments, row housing, and other attached housing types in the region’s housing stock. However, it establishes a target for detached and ground-oriented housing. The District of Oak Bay has requested on a number of occasions that this provision be changed to allow them to provide “attached” housing forms because it would better meet their community needs and established lot patterns, and would be more consistent with the intent of the policy.

Opportunities to resolve this issue:

There are a number of options for addressing this issue:

- A “formal” amendment can be made to the Bylaw at this time, and re-submitted for another 120-day review period. This process may be required if other issues can not be resolved to the satisfaction of those municipalities that have refused to accept the Bylaw in its current form. Also, the wording of the strategy includes other municipalities who may be affected by any proposed change to the requirement.
- If a municipality prefers to avoid the formal amendment option at this time, it can address the issue in the regional context statement and/or the 2-year interim update. The CRD and the Province can assist this process by fully documenting the request and the rationale for the alteration. In this particular case, the municipality is remaining consistent with the RGS policy, and is requesting the opportunity to provide the additional housing in a higher density form. The municipality also has the option of submitting their regional context statements at an early date (i.e. prior to the next election) should they feel it in their best interest to deal with the existing Board on this matter.

(4) Monitoring, Indicators & Benchmarks

The Growth Strategies legislation requires that the strategy be monitored. The Bylaw also contains policy direction on this. Some municipal staff and elected officials have raised concerns with regard to the potential scope and resource requirements associated with this program. Concerns have also been raised about the intent of the monitoring program and how others may use it (e.g. how judgmental will it be?).

Opportunities to resolve this issue.

The implementation section of the RGS bylaw contains the following:

I-3 Establish within one year of the adoption of the Regional Growth Strategy, a process and program to monitor, evaluate and periodically report on regional economic, population, social and environmental trends and progress towards achievement of the Regional Growth Strategy vision and objectives.

The program will be developed with the input and expertise of the municipal staff, and, hopefully, with the assistance of staff in the Growth Strategies office and in other regional districts that has growth strategies in place. As such, the municipalities will be provided with the opportunity to guide the development of the monitoring and evaluation program.

The project charter, terms of reference and work-plan will be brought before the Board for approval,

Moving Forward:

In addition to the options for issue resolution, the refinement and implementation of the growth strategy will occur through a number of other means, including:

Implementation Projects:

- There are three major implementation initiatives already approved as part of the Regional Growth Strategy: Transportation, Economic Development, and Housing Affordability. The findings and recommendations resulting from these initiatives may provide an opportunity for the Regional District and member municipalities to develop “on the ground” solutions to growth related problems.

Municipal Development Review:

- To a large extent, the implementation of the growth strategy occurs through the day-to-day development review process. The municipalities maintain authority for setting policy through the Official Community Plans (and area-specific or neighbourhood-level plans), and directing development through zoning bylaws, development permits, and design guidelines.

Inter-jurisdictional Discussions & Implementation Agreements:

- While the RGS provides a framework for dealing with change and region-wide issues, it is not the appropriate tool to address detailed cross-boundary issues and the interface issues unforeseen at the time of its development. The Regional Board and the regional planning committee will continue to provide a mechanism to facilitate discussion among municipalities regarding cross-boundary and interface issues. In some cases, an Implementation Agreement may be established between adjoining or affected municipalities to address growth-related issues in more detail than is possible in the Regional Growth Strategy.

Dispute Resolution

- The BC Ministry of Community, Aboriginal and Women's Services, which oversees the Local Government Act, will continue to support the municipalities in moving toward agreement. The Ministry has appointed a facilitator (Dale Wall) for the review process, and will continue to offer advice and support through the Growth Strategies Office.

Conclusion:

To effectively respond to the concerns raised to date through the RGS Bylaw review process, a number of changes, and additional work is required. The Growth Strategies legislation provides for a number of tools to be used to deal with local and cross-boundary issues. The legislation did not intend for the Bylaw to contain all the implementation details. Rather, it requires that the Bylaw set out the strategic framework, including the vision, goals, objectives, policies and guidelines or criteria. Similar to an OCP, the implementation details are dealt with through other related tools and processes. The RGS Bylaw is only one element of the strategy. The implementation agreements, regional context statements, special studies and implementation projects, and subsequent updates and revisions, will address many (but not all) of the issues raised to date.

However, there are a number of steps that can be taken prior to the conclusion of the 120-day review to address a number of the concerns raised.

To reduce the uncertainty surrounding the scope and cost of the implementation program, it is recommended that an outline for the implementation program be developed as soon as possible (i.e. this month). The outline should explain the following:

- The tasks which are mandatory according to the growth strategy legislation.
- The tasks that can be done “in-house” with minimal to no resource demands made to the municipalities
- The tasks that may require municipal resources (human and/or financial) and the decision-making process that should be used – to ensure that each municipality is accepting and capable of moving forward on the tasks.
- A project management process to be followed for all major undertakings (i.e. anything requiring external consultants and additional program dollars).

In addition, the Regional District staff, along with the Growth Strategies Office staff, will work with the municipalities to address the technical and project scope concerns raised to the extent possible before the end of the 120-day review. It *may* be possible to make minor changes and add clarifications without having to formally amend and re-circulate the Bylaw (would require approval of the Provincial Growth Strategies Office), providing the major elements (vision, policy directions, goals and objectives) are not materially altered.

RECOMMENDATION:

That the Regional Planning Advisory Committee receive this report for information.

Tracy Corbett, MCIP
Senior Planner - Regional Growth Strategy

Mark Hornell, MCIP
Director – Regional Planning Services

EXECUTIVE DIRECTOR'S COMMENTS:

W.M. Jordan, Executive Director
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Regional Growth Strategy – Municipal Council Resolutions

District of Central Saanich (Council resolution, June 3, 2002)

“That the Staff Memorandum dated May 8, 2002 entitled “Capital regional District (CRD) – Regional Growth Strategy” be received, and Council indicate its support for the CRD Regional Growth Strategy Bylaw No. 2952 and the CRD Board be advised accordingly.” *And*

“That the Capital Regional District (CRD) be advised that while Council remains strongly supportive of the Regional Growth Strategy (RGS) it has significant concerns in regards to the potential cost implications to member municipalities of the implementation plan for the RGS, and it be requested that this matter continue to receive a high level of scrutiny and attention by the CRD Board and the Regional Planning Committee.”

Township of Esquimalt (Council resolution, June 17, 2002)

“That Council accept the Regional Growth Strategy CRD Bylaw No. 2952”.

The District of North Saanich (draft resolution from the *Committee of the Whole*, June 25, 2002)

“Committee of the Whole recommends to Council that the District of North Saanich reject the Regional Growth Strategy (RGS) document dated February, 2002 based on the omission of explicit information on the implementation strategy as set out on page 18 of the document, specifically the lack of an implementation schedule and all costs associated with the implementation of the RGS, and further, that Council would be pleased to reconsider its position on the RGS in the event that information on the implementation schedule and associated costs is received and endorsed by Council, and the Capital Regional District be so advised.”

Town of Sidney (Council resolution, June 24, 2002)

“... Council refused to accept the Regional Growth Strategy on the basis of objection to the following provisions contained within:

Initiative no. 1 – Managing and Balancing Growth – Action No. 5/ Implementation 1-2:

“...member municipalities agree to comply with the requirements of the Master Implementation Agreement prepared as required under Implementation measure 1-2”.

Reason for Refusal: If member municipalities adopt the RGS, it can be assumed that the respective policies regarding the above initiative would be incorporated into the various municipalities' OCPs. Subsequently, a Master Implementation Agreement is an unnecessary duplication, which creates added costs for both municipalities and the CRD.

Implementation 1-1 (p.18)

“Maintain a collaborative agreement-seeking regional strategic planning program directed to work towards achievement of long term objectives..., and undertake every five years after adoption, or more frequently at the Board’s discretion, a substantial review and update of the Regional Growth Strategy.

Reason for Refusal: There is no indication of what resources (i.e. staff time, costs, etc.) will be required by the member municipalities for the RGS’s substantial review and update of the RGS every five years. The Town, with its current resources and already strong growth in development activity, is not able to become actively involved in this implementation, except through its own five-year OCP rewrite.

Council is willing to have the above provisions included in the Regional growth Strategy providing they do not apply to the Town of Sidney.

Initiative 1.1 – Keep Urban Settlement Compact:

Map 3 as it relates to the Victoria Airport, special Policy Area; and Map 4 (Blue and Green Spaces).

Reason for refusal: These provisions appear to be a contradiction between them and the provisions do not recognize the long term development plan approved for the Victoria International Airport (VIA) by the Victoria Airport Authority (VAA) and the Town of Sidney.

Council objects to the inclusion of these initiatives in the Regional Growth Strategy unless it is unambiguously demonstrated that the long-term development plans approved by the VAA and Sidney are safeguarded.

Initiative 1.2 – Protect the Integrity of the Rural Communities:

The requirement that municipalities adopt policies to support farming within the ALR lands and provide buffering for Renewable Resource Lands.

Reasons for Refusal: Council objects to this initiative because Map 4 shows some lands in Sidney designated ALR. The first of these lands is within the Victoria Airport and subject to an approved development plan. The second is part of Greenglade Elementary School. It is not appropriate for Sidney to adopt policies encouraging farming or

providing buffers for these lands.

Council is willing to have this provision included in the Regional Growth Strategy providing it does not apply to the Town of Sidney.

Initiative 1.1 – Keep Urban Settlement Compact:

Adopt policies for protection, buffering and maintenance of Urban Containment Boundaries.

Reason for refusal: Council objects to this Initiative because the boundary between Sidney and North Saanich has been defined as the Urban Containment Boundary but the Town's urban development already extends to this boundary and there is no opportunity for buffering and protection. The provision of Sidney's Official Community Plan is adequate with respect to transitions.

Council is willing to have this provision included in the Regional Growth Strategy providing it does not apply to the Town of Sidney.

Implementation I-7

Sets an objective to develop partnerships with “nine First Nation Councils”.

Reason for Refusal: There are ten First Nation Councils

Council objects to the inclusion of this objective in the Regional Growth Strategy unless it is technically correct.

Initiative 2.2 – Manage Natural resources and Environmental Sustainability

Action 3, which includes a commitment to set and monitor air quality targets.

Reason for refusal: The inclusion of this action because it was considered and rejected by Sidney and the CRD Board some years ago.

Council is willing to have this provision included in the regional Growth Strategy provided it does not apply to the Town of Sidney.

Council is not opposed to the general provisions and concept of the Regional Growth Strategy and its vision for economically vital, livable and healthy communities. However, Council is concerned with certain aspects noted above, in particular, the costs and process associated with the implementation of each initiative.

Town of View Royal (Council resolution, July 2, 2002)

“Be it resolved that the Town of View Royal accepts the Regional Growth Strategy which forms Schedule “A” to CRD Bylaw No. 2952, provided that the Town of View Royal is removed from the classification of “western Communities” within the RGS document, and that should this revision not be implemented accordingly, the Town hereby refuses to accept the RGS on this basis.”

City of Victoria (draft resolution from the Committee of the Whole, June 6, 2002)

The Committee of the Whole report contained the following recommendations:

“That this report be received for information. *and*

That Victoria City Council pass a resolution stating its acceptance of the Regional Growth Strategy Bylaw 2952, based on the assumptions listed in Appendix 1, prior to August 2002.”

The assumptions include:

(Part 1.1 IV and other references) Increasing Victoria’s “planned capacity” for ground oriented housing may be expressed by a numeric target in the City’s Official Community Plan regional context statements.

(Part 2.1) For the blue spaces in the Victoria Harbour and along its Dallas waterfront, the City’s Official Community Plan regional context statements will establish a balance between ecological integrity and human needs including those determined in its 2001 Harbour Plan.

(Table 2, Line 1, Column 2) “Metro Core – Secondary Centre” description of area boundaries is considered conceptual only and not binding on local plan policies.

Glossary definitions of “Ground Oriented Housing” and “Non-Ground Oriented Housing” will be deemed, in Victoria, to include dwellings in houses that have been converted to suites as “Ground Oriented Housing” even with a shared entry corridor.