

CAPITAL REGIONAL DISTRICT
Regional Planning Services Department

Staff Report to the Regional Planning Committee
Meeting of Wednesday, October 20, 2004

SUBJECT:

Oak Bay Regional Context Statement

BACKGROUND:

The Board formally approved the Regional Growth Strategy (RGS) on August 13, 2003. Under *Local Government Act*, section 866, each municipality must, within two years of the date of adoption, adopt a regional context statement (RCS) into its official community plan (OCP). The RCS must identify the relationship between the OCP and the RGS and if applicable, must specify how the OCP will be made consistent with the RGS over time.

The context statement is prepared by the municipality as an amendment to the OCP, with which it must be consistent. As an amendment to an OCP, the RCS is binding on the council that adopted it. The RCS provides the mechanism to provide a local interpretation of the RGS. It should determine:

- The extent to which the OCP is consistent with the RGS;
- If it is not consistent, how the municipality intends to bring itself into consistency;
- The elements of the RGS that *are not* applicable to the municipality;
- The elements of the RGS that *should not* apply to the municipality; and,
- The elements of the OCP subject to inter-municipal and regional review.

Under the Act, a municipality refers its RCS to the regional district board for review and acceptance. The board must respond by resolution within 120 days after receipt indicating whether or not it accepts the RCS and, if the board refuses to accept the RCS, indicating:

- a) Each provision to which it objects; and
- b) The reasons for its objection.

If the Board fails to act within the period for acceptance or refusal, the board is deemed by the Act to have accepted the RCS.

DISCUSSION:

Bylaw No. 4221, *Oak Bay Official Community Plan Bylaw Amendment Bylaw No. 2, 2004* amends the Oak Bay OCP by adding a RCS. The Bylaw was given second reading by Oak Bay Council on June 29, 2004 and was subsequently amended at second reading on September 13, 2004. Council referred the RCS to the CRD for

formal acceptance by letter dated September 15, 2004 (Attachment A). This followed an informal review by RPS staff undertaken in January and again in June following first reading of the bylaw.

The RGS and Oak Bay

Under the RGS, the District of Oak Bay is wholly contained within the Regional Urban Containment and Servicing Policy Area and is a largely completely developed municipality, having experienced it's major growth in the first half of the 20th century. New development occurs primarily through the replacement of lower density by higher density forms of housing in carefully identified locations consistent with criteria set out in the OCP.

As with other member municipalities, the RGS is generally applicable to the District of Oak Bay and also makes one specific reference under Initiative 1.1 (Keep Urban Settlement Compact), Action 4, where along with Victoria, Saanich and Esquimalt the RGS calls for Oak Bay "...to include within its RCS direction to amend the OCP to increase by 2011 the designated planned capacity for ground oriented housing by 5% over levels determined by the OCP at the date of adoption of the RGS bylaw (August 2003) in locations consistent with the performance criteria for complete communities set out in initiative 3.1."

In the process to approve the RGS, the District made the case that it faced a number of constraints that would not enable it to achieve this target if it was restricted to ground-oriented housing only. Oak Bay proposed substitution of the words "a range of housing options" for the words "ground-oriented housing" in the RGS section noted above. The Board approved a memorandum of understanding (MOU) with the District of Oak Bay to this effect on October 9, 2002 (Attachment B).

The Oak Bay RCS – Comments

Oak Bay Bylaw No. 4221 provides a thorough account of the relationship between the Oak Bay OCP and the RGS, addressing all elements of the RGS, and in particular, outlining with reference to specific sections, the extent to which the OCP is consistent with the RGS.

RPS has comments on the following Oak Bay RCS section under the heading *Specific RGS Strategic Directions*:

1. Keep Urban Settlement Compact

In light of the CRD/Oak Bay MOU referenced above, RGS Initiative 1.1, Action 4, would apply to the District in the following form: "Oak Bay agrees to include in its regional context statement, direction to amend its OCP to increase by 2011 the designated

planned capacity for a *range of housing options* by 5%, over the levels determined by the OCP at the date of the adoption of the RGS bylaw, in locations consistent with the performance criteria for complete communities set out in Initiative 3.1.” The RCS states that Oak Bay will endeavour to meet the 5% by 2011 capacity increase target through continuation of its ongoing decision-making process on land use issues, and will monitor progress in this regard over time.

RECOMMENDATION:

That the Regional Planning Committee recommends to the Board that it resolve:

1. To accept the Regional Context Statement for the District of Oak, Bylaw No, 4221; and,
2. To notify the Council of the District of Oak Bay to this effect.

RGS CONSISTENCY

The proposed regional context statement is consistent with RGS and the CRD/Oak Bay Memorandum of Understanding approved by the Board on October 9, 2002.

FINANCIAL IMPACT OF THE RECOMMENDATION:

N/A

Mark Hornell, MCIP
Director - Regional Planning Services

EXECUTIVE DIRECTOR'S COMMENTS:

W.M. Jordan, Executive Director

Attachment
W:\RIS\STAFFRPT\FINAL\2004\Oct20sr4.doc