



District of North Saanich

STAFF REPORT

To: Tim Tanton
Chief Administrative Officer

Date: October 1, 2019

From: Carly Rimell
Planner

File: 6430-20 RGS

Re: **Draft Regional Context Statement – Proposed Bylaw No. 1485**

RECOMMENDATIONS:

That Council:

- a) Grant first reading and second reading to Official Community Plan Bylaw Amendment No. 1485, 2019;
- b) Give consideration to the Financial Plan and the Waste Management Plan;
- c) Direct staff to refer Official Community Plan Bylaw Amendment No. 1485, 2019 to the Capital Regional District Board for acceptance;
- d) Direct staff to refer Official Community Plan Bylaw Amendment No. 1485, 2019 to the Agricultural Land Commission, Tseycum First Nation, Pauquachin First Nation, Ministry of Transportation and Infrastructure, School District No. 63, Town of Sidney, District of Central Saanich and the Victoria Airport Authority; and
- e) Direct staff to refer this staff report Draft Regional Context Statement – Proposed Bylaw No. 1485 to the Community Agricultural Commission, the Community Planning Commission and the Community Stewardship Commission for comment.

STRATEGIC PLAN IMPLICATIONS:

This matter relates to the following Council strategic priorities:

Ensure Strong Leadership, Fiscal Responsibility and Transparent Government

Encourage Compatible Commercial and Local Business Development

Maintain a Strong Sense of Community

Protect and Enhance Rural, Agricultural, Heritage, Marine and Environmental Resources

Maintain a Safe and Healthy Community

OFFICIAL COMMUNITY PLAN:

This matter relates to the following sections of the District's Official Community Plan:

- 6.0 Residential
- 16.0 Regional Context Statement
- 17.0 Performance Measures

INTRODUCTION / BACKGROUND:

The District of North Saanich (DNS) on January 22, 2018 at a Special Meeting of Council resolved:

- 47 That Council accept Bylaw 4017 “Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016” and write to the Capital Regional Board that it has no objections.

The Capital Regional District (CRD) adopted the Regional Growth Strategy (RGS) on March 14, 2018 (Appendix A: Regional Growth Strategy 2018). The *Local Government Act* provides 2 years for municipalities to update their Regional Context Statements (RCS) to align with a new RGS. This means all RCSs must be updated by March 15, 2020. The *Local Government Act* also provides regional districts up to 120 days to accept a Council-proposed RCS. As a result of these legislative provisions, the deadline for submission for the DNS RCS is November 15, 2019.

The purpose of this report is to provide a draft updated RCS for Council’s consideration.

DISCUSSION:

A RCS, adopted within a municipality’s applicable Official Community Plan (OCP) (Appendix B: District of North Saanich Official Community Plan Bylaw No. 1130, 2007), relates OCP provisions to the RGS. The CRD Board has broad discretion to accept or not accept the RCS.

On April 11, 2018 the CRD Board approved a framework to guide the evaluation of RCS. DNS staff followed this guide while drafting the proposed RCS to ensure relevant criteria was included within the proposed update to the RCS.

In general, the proposed changes with respect to the RCS include:

- a narrative format as opposed to a table format
- reorganization to align with the structure of the RGS, including new headings
- the addition of food systems and climate action sections to align with the RGS
- in text references to the RGS and OCP to better demonstrate policy alignment
- addition of new information to address the evaluation criteria
- mapping updates for simplification, clarification and to reflect present infrastructure and existing development

The current RCS uses written descriptions of how the policies aligned with the previous RGS as well as an additional column to reference policies which apply to the entire section (Appendix B: District of North Saanich OCP; Section 16.0 Regional Context Statement). Through consultation with CRD staff, a new approach was suggested to include references to specific goals, objectives and policies within the proposed draft RCS. This suggestion is also consistent with a recent court ruling (*Greater Vancouver Regional District v. Langley Township*) where it was made clear that for an RGS to be implemented through the context statement, the context statement must be specific. The reference cannot be indirect and it cannot be high level. DNS staff have therefore included in text citations throughout the draft proposed RCS to more clearly demonstrate policy alignment.

Due to the upcoming comprehensive OCP review in 2020, this draft proposed RCS only draws parallels between the existing OCP goals, objectives and policies. Where necessary the draft proposed RCS acknowledges where consideration will be given to identify how the OCP is to be made consistent with the RGS over time.

A detailed outline of the proposed changes to the OCP has been attached to this report as Appendix C: Summary Table of Proposed Changes for RCS Update. DNS staff have provided details on the justification for the proposed amendments to the OCP as part of the RCS update.

For clarity, no new policies are being proposed for inclusion within the OCP as part of this proposed bylaw amendment (Appendix D: Proposed Bylaw No. 1485).

CRD staff have been consulted during the drafting of the RCS and have provided helpful feedback. DNS staff believe the proposed RCS fulfills the legislated requirements and would be acceptable for consideration by the CRD Board.

IMPLICATIONS:

Procedural Implications

Section 448 of the *Local Government Act* outlines the process of CRD Board acceptance of proposed RCS.

s.448 (1) A Council must:

- (a) submit a proposed regional context statement for board acceptance;
- (b) submit any amendments to the regional context statement for board acceptance; and
- (c) review the regional context statement at least once every 5 years and if no amendment is proposed, submit the statement for its continued acceptance.

(2) The board has 120 days to respond, by resolution, indicating whether it accepts or rejects the regional context statement. Should the Board reject the regional context statement, it must

- (a) indicate the provision to which it objects and
- (b) the reasons for the objections.

(3) If the board fails respond within the 120 days the board is deemed to have accepted the regional context statement.

The RGS was approved on March 15, 2018. Legislation provides two years for municipalities to update their RCS to align with a new RGS. That means all RCSs must be updated by March 15, 2020. The legislation provides regional districts with up to 120 days to accept a Council-proposed RCS. As a result of these legislative provisions, the deadline for submission of the RCS is November 15, 2019.

The RCS is subject to acceptance of the CRD Board to ensure the municipality and the region agree that the OCP and RGS are compatible. If the CRD doesn't accept the RCS, the same dispute resolution processes would apply as with the adoption of the RGS. However due to ongoing CRD staff review DNS staff anticipate that the draft RCS would be acceptable for consideration by the CRD Board.

Consultation Implications

Section 475(2)(b) requires that the local government consider whether consultation is required with the board of the regional district, council of any adjacent municipality, first nations, boards of education, provincial and federal governments and their agencies. Consultation with these agencies is accomplished by means of referral.

Section 476(1) requires that the local government consult with the boards of education for the school district at the time of preparing or amending the OCP.

Section 477(3)(b) requires that if the proposed OCP applies to land within the Agricultural Land Reserve (ALR), it must be referred to the Agricultural Land Commission for comment.

All of the relevant agencies have been included within the recommendation to Council if they wish to proceed with the proposed draft Bylaw No. 1485.

Financial Implications

Section 477(3)(a) requires that after first reading of the bylaw the local government must consider the proposed official community plan in conjunction with (i) its financial plan, and (ii) any waste management plan under Part 3 [Municipal Waste Management] of the *Environmental Management Act* that is applicable in the municipality or regional district. As no new policies or services are being proposed it is anticipated there would be no financial impact to either plans from the proposed bylaw amendment.

OPTIONS TO CONSIDER:

That Council:

- a. Grant first reading and second reading to Official Community Plan Bylaw Amendment No. 1485, 2019;
- b. Give consideration to the Financial Plan and the Waste Management Plan;
- c. Direct staff to refer Official Community Plan Bylaw Amendment No. 1485, 2019 to the Capital Regional District Board for acceptance;
- d. Direct staff to refer Official Community Plan Bylaw Amendment No. 1485, 2019 to the Agricultural Land Commission, Tseycum First Nation, Pauquachin First Nation, Ministry of Transportation and Infrastructure, School District No. 63, Town of Sidney, District of Central Saanich and the Victoria Airport Authority;
- e. Direct staff to refer this staff report Draft Regional Context Statement – Proposed Bylaw No. 1485 to the Community Agricultural Commission, the Community Planning Commission and the Community Stewardship Commission for comment.
- f. Request amendments to the proposed Official Community Plan Bylaw Amendment No. 1485, 2019 and request that staff provide a follow-up report outlining the proposed amendments to Official Community Plan Bylaw Amendment No. 1485, 2019;
- g. Other.

NEXT STEPS:

Regional Context Statement Referral

If Council supports the proposed bylaw (RCS) as written and wishes to proceed with first and second reading of the proposed bylaw, Council would then, by resolution, refer it to the CRD for Board acceptance.

CRD Board

The CRD Planning and Protective Services Committee¹ would review the proposed RCS and would recommend that the Board either accept or reject the RCS. The Board would consider the

¹ The Planning and Protective Services Committee is a standing committee established by the CRD Board to oversee and make recommendations to the Board regarding matters related to planning, protective services and emergency management matters.

recommendation and make a decision, in the context of its broad legislative discretion. The Board would notify the DNS of the decision to accept or reject the RGS, by resolution.

Should the CRD Board not accept the RCS, the DNS may choose to revise the RCS, request an amendment to the RGS or initiate dispute resolution².

Note that section 448(2) of the *Local Government Act* provides for a 120-day referral period for Board acceptance of the RCS. The CRD has advised that they will target a shorter response period, when possible.

OCP Adoption

Once the CRD Board has accepted the RCS, the OCP may proceed to public hearing and to third reading and adoption; however, if the public hearing results in changes that require revisions to the RCS Council must re-refer the RCS for Board acceptance.

RGS Implementation through the RCS

The CRD Board review and acceptance of the RCS is the only tool by which to relate the RGS to an OCP, and is therefore a key RGS implementation tool.

The CRD is responsible for monitoring and yearly reporting on progress toward achieving RGS objectives, policies and targets. The first of these annual reports, since the adoption of the 2018 RGS, was provided to Council at the August 19, 2019. It was resolved that Council:

- 306 1. Receive the 2019 Regional Growth Strategy Indicator Report for information; and
2. Affirm that the District of North Saanich continues to work to further advance progress towards applicable Regional Growth Strategy targets.

CONSULTATIONS:

Development of the RCS

The draft proposed RCS was closely developed with Infrastructure Services staff, chiefly the GIS Technician and the Director of Infrastructure Services.

The draft proposed RCS was reviewed by CRD staff several times.

Referral of the RCS

If Council chooses to proceed with the proposed draft RCS, DNS staff recommend that the Community Planning Commission, Community Stewardship Commission and the Community Agricultural Commission have the opportunity to review the proposed RCS and to provide comments and recommendations.

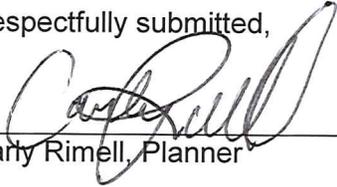
If Council chooses to proceed with the proposed draft RCS, DNS staff recommend that the Agricultural Land Commission, Tseycum First Nation, Pauquachin First Nation, Ministry of Transportation and Infrastructure, School District No. 63, Town of Sidney, District of Central Saanich and the Victoria Airport Authority have the opportunity to review the proposed RCS and to provide comments and recommendations.

² Section 445 of the *Local Government Act* provides for a dispute resolution mechanism should the CRD Board not accept the regional context statement. The same dispute resolution processes that apply to the acceptance of the RGS apply to acceptance of a regional context statement.

SUMMARY:

DNS staff have prepared a draft RCS (Bylaw No. 1485) which demonstrates existing policy alignment between the RGS and the DNS OCP. In keeping with the *Local Government Act* the draft RCS has outlined where consideration will be given to identify where the OCP is to be made consistent over time. DNS staff recommend giving first and second reading to the bylaw and proceeding with the bylaw referral process.

Respectfully submitted,



Carly Rimell, Planner

Concurrence,



Tim Tanton, Chief Administrative Officer

Concurrence:



Anne Berry, Director Planning and
Community Services

Attachments:

- Appendix A Regional Growth Strategy (January 2018) Available at northsaanich.ca
- Appendix B District of North Saanich Official Community Plan Bylaw No. 1130, 2007 Available at northsaanich.ca
- Appendix C Summary Table of Proposed Changes for RCS Update
- Appendix D Proposed Bylaw No. 1485