

## Background

The Capital Regional District (CRD) adopted an updated Regional Growth Strategy (RGS) on March 14, 2018. Bylaw 4017 “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” guides decisions on regional issues such as transportation, growth and settlement patterns. The 2018 RGS provides population projections to the year 2038 and updates policy regarding water servicing, growth management, the environment and infrastructure, housing and community, transportation and economic development. The 2018 RGS also provides new policy regarding food systems and climate action.

## Purpose of a Regional Context Statement

The CRD and local municipalities are responsible for implementing the RGS. A Regional Context Statement, adopted within a municipality’s applicable Official Community Plan (OCP), relates OCP provisions to the RGS. The regional context statement must be consistent with the OCP. Board review and acceptance of a context statement is the only tool by which to relate the RGS to an OCP, and is therefore a key RGS implementation tool.

It is important to note that RGS policies in and of themselves do not implement the RGS; rather, implementation will be through *decision-making* consistent with the RGS and municipal context statements on matters such as program and service delivery, infrastructure investment and regulation.

## Objectives for the Regional Context Statement Framework

- Recognize that the RGS provides municipalities with the flexibility to identify the policies and tools to achieve RGS objectives.
- Set clear expectations for the content of a Regional Context Statement.
- Provide an evaluation guide to assist CRD staff and CRD Board review of a Regional Context Statement.
- Describe the process for municipal preparation and CRD Board acceptance of a Regional Context Statement.

## Legislative Authority

Sections 446 to 449 of the *Local Government Act* (the *Act*) establish the requirements for the preparation, acceptance and settlement of a regional context statement.

<b>Content</b>	<b>s.446(1):</b> A municipal OCP must include a regional context statement.
	<b>s.446(2):</b> A municipal council must submit a regional context statement for CRD Board approval within two years of RGS adoption.
	<b>s.447(1):</b> A regional context statement must identify the relationship between the OCP and the RGS, and if applicable, how the OCP is to be made consistent with the RGS over time.
	<b>s.447(2):</b> A regional context statement must be consistent with the municipal OCP.

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<b>Acceptance</b>	<b>s.448(1):</b> A council must: <ul style="list-style-type: none"><li>(a) submit a proposed regional context statement for CRD Board acceptance;</li><li>(b) submit any amendments to the regional context statement for CRD Board acceptance; and</li><li>(c) review the regional context statement at least once every 5 years and if no amendments are proposed, submit the statement for its continued acceptance.</li></ul>
	<b>s.448(2):</b> The CRD 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 indicate the provisions to which it objects and the reasons for the objections. The Board has broad discretion to accept or not accept a regional context statement.

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<b>Dispute Resolution</b>	<b>s.449:</b> Should the CRD refuse to accept a regional context statement, the same dispute resolution provisions for the acceptance of the RGS apply.
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As the RGS was adopted on March 14, 2018, municipalities must submit a regional context statement for CRD Board acceptance by March 14, 2020 as per section 446(2) of the *Act*.

## Content of a Regional Context Statement

A regional context statement, as per s.447 of the *Act*, must identify the relationship between OCP provisions and RGS content developed in accordance with s.429 (2) and (3) of the *Act*. The Board has broad discretion to accept or not accept the context statement.

To relate the OCP with the RGS, consider the following:

- What OCP content affects, or is affected by, the RGS?
- Which RGS provisions apply to the OCP?
- Does anything in the OCP need to be made consistent with the RGS over time? How will it be made consistent?

A table or a narrative approach may be used to show the relationship between the RGS and relevant OCP content. In accordance with the legislation, the regional context statement should address matters identified in the RGS, as applicable.

A recent court ruling (*Greater Vancouver Regional District v. Langley Township*) made it clear that for an RGS to be implemented through the context statement, the context statement must be specific. To have legal significance, OCP provisions that are integral to RGS implementation must be communicated in sufficient detail in the context statement. The reference cannot be indirect and it cannot be high-level. The regional context statement will describe, in a succinct and clear manner, the specific OCP content that relates to the RGS. As noted, for a context statement to have legal significance, simply referencing OCP section numbers is not sufficient to identify the relationship between the OCP and the RGS.

## CRD Staff Review of a Regional Context Statement for Reporting to Board

CRD staff will use three criteria to evaluate the context statements. The criteria are based on the legislative requirements and the findings from the *Greater Vancouver Regional District v. Langley Township* court ruling.

Table 1 presents the framework that will be used to evaluate whether a regional context statement meets the criteria. The evaluation criteria are as follows:

1. **All relevant content is included:** The regional context statement addresses all RGS content relevant to the OCP. Content that is not applicable in the context of the OCP should be identified as “not applicable”.

***Example:** The regional context statement contains headers, sections, a table or other such format that clearly identifies each applicable RGS objective. Should an objective not apply, such as if a municipality contains no identified food or farmlands, the context statement would note that the objective does not apply.*

2. **Clearly articulates relevant content:** The regional context statement provides a sufficient level of detail to convey how the specific OCP content relates to the RGS.

***Example:** The regional context statement provides content specificity such that it is clear what the Board is accepting. An example is: “RGS Objective X is implemented by building in “...” location, at a range of “...” densities and proximate to “...” services.” A context statement with content as follows: “RGS Objective X is implemented with OCP policies A, B and C” would not be sufficiently specific.*

3. **Plan to be consistent over time:** The regional context statement identifies how the OCP will become consistent with the RGS over time, if content is not immediately consistent.

***Example:** A regional context statement identifies that a municipality will undertake a population projection to determine how to align with the RGS population projections over time.*

A comment section in Table 1 allows for staff to note any implications of the context statement on achieving RGS objectives over time.

Table 1. Regional Context Statement Evaluation Framework

LGA	RCS Content	Meets Requirement For CRD Board consideration		
		All relevant content is included	Clearly articulates relevant content	Plan to be consistent over time
429(2)(a)	Identify how the OCP relates to the RGS vision on p. 1 of the RGS.	Y / N	Y / N	Y / N
		Comment:		
429(2)(b)	Identify how the OCP relates to the projections provided in Table 1 of the RGS.	Y / N	Y / N	Y / N
		Comment:		
429(2)(c) and (d); 429(3)	Identify how the OCP relates to the RGS. <i>NOTE: Identify any RGS provisions that are <b>not applicable</b> in the regional context statement.</i>	<b>Managing and Balancing Growth</b> (Objectives 1.1 & 1.2)		
		Y / N / N/A	Y / N / N/A	Y / N / N/A
		<b>Environment and Infrastructure</b> (Objective 2.1 & 2.2)		
		Y / N / N/A	Y / N / N/A	Y / N / N/A
		<b>Housing and Community</b> (Objectives 3.1 & 3.2)		
		Y / N / N/A	Y / N / N/A	Y / N / N/A
		<b>Transportation</b> (Objective 4.1)		
		Y / N / N/A	Y / N / N/A	Y / N / N/A
		<b>Economic Development</b> (Objective 5.1)		
		Y / N / N/A	Y / N / N/A	Y / N / N/A
		<b>Food and Agricultural Systems</b> (Objective 6.1)		
		Y / N / N/A	Y / N / N/A	Y / N / N/A
		<b>Climate Action</b> (Objective 7.1)		
		Y / N / N/A	Y / N / N/A	Y / N / N/A

## Process for Preparing and Adopting a Regional Context Statement

RGS implementation measure I-4(a) states that the CRD will work to reach agreement with local municipalities on regional context statements. The process for preparing and accepting a regional context statement is described below.

There are four scenarios that trigger the development of a regional context statement:

1. A new RGS has been adopted.
2. Five years have passed since a regional context statement was accepted by the CRD.
3. A municipality is preparing a new OCP.
4. Proposed amendments to an existing OCP are not consistent with an accepted regional context statement.

### Step 1: Initiation

**Who's involved?** Staff (municipal and CRD)

**Timing:** Initiation of regional context statement or OCP process

Municipal staff notify CRD staff of the need for a regional context statement amendment. CRD staff offer assistance with any relevant background work (e.g., growth projections) and advice on regional context statement content.

Note that not all OCP amendments would trigger the development of a new regional context statement. Municipalities are responsible for determining whether OCP amendments are consistent with an approved RCS. The CRD can assist municipalities upon request.

### Step 2: Drafting

**Who's involved?** Staff (municipal and CRD)

**Timing:** When draft OCP is prepared and released for public comment

Municipal staff circulate the draft regional context statement for CRD staff comment. This can be done at any time. Early circulation allows for dialogue that may speed up the formal acceptance process (Step 3). CRD staff comment on the draft regional context statement, based on the evaluation frameworks provided in

Table 1 Table 1. Note that the review of the regional context statement may occur as part of a CRD-wide review of the draft OCP, if applicable.

Should the staff-level review find that the draft regional context statement does not work toward achieving RGS visions and objectives, a municipality may consider requesting an RGS amendment concurrent with the regional context statement / OCP process.

### **Step 3: Regional Context Statement Referral**

*Who's involved?* Municipal Council (by resolution)

*Timing:* After first reading, before public hearing

The municipal council refers the regional context statement, by resolution, for CRD Board acceptance after first reading of bylaw.

### **Step 4: Board Acceptance**

*Who's involved?* CRD Board (by resolution)

*Timing:* Within 120 days of receiving the regional context statement referral

The CRD Planning and Protective Services Committee (PPSC) will review the proposed regional context statement and recommend that the Board either accept or reject the regional context statement. The Board will consider the recommendation and make a decision, in the context of its broad legislative discretion. The Board will notify the municipality of the decision to accept or reject the RGS.

Should the CRD Board not accept a regional context statement, a municipality may choose to revise the regional context statement, request an amendment to the RGS or initiate dispute resolution.

Note that section 448(2) of the *Act* provides for a 120-day referral period for Board acceptance of the regional context statement. The CRD will target a shorter response period, when possible. At the time of writing, the PPSC meets every second month which affects the timing of the review.

### **Step 5: OCP Adoption**

*Who's involved?* Municipal Council (by resolution)

*Timing:* After public hearing and third reading

Once the CRD Board has accepted the regional context statement, the OCP may proceed to public hearing and to third reading and adoption. Note that a municipal council must re-refer the regional context statement for Board acceptance should the public hearing result in changes that require revisions to the regional context statement.

### **Dispute Resolution**

*Who's involved?* CRD Board and Municipal Council

*Timing:* If CRD Board does not accept the regional context statement

Section 445 of the *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.