



**REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE
MEETING OF WEDNESDAY, MARCH 28, 2018**

SUBJECT **Approval of Regional Context Statement Framework**

ISSUE

To approve a framework to guide the Capital Regional District (CRD) Board's consideration of Regional Context Statements (context statements) in relation to the CRD's Regional Growth Strategy (RGS) bylaw.

BACKGROUND

On March 14, 2018, the CRD Board adopted Bylaw No. 4017, "Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016". At adoption, the CRD Board directed staff "to bring forward, for Board approval, a framework to guide Board consideration of Regional Context Statements as soon as possible."

A context statement, adopted within a municipality's Official Community Plan (OCP), relates OCP provisions to the RGS. Acceptance of a context statement is one of the CRD's key RGS implementation tools. Sections 446 – 449 of the *Local Government Act* (the *Act*) establish the requirements for the preparation, acceptance and settlement of a context statement.

As part of the RGS update process, interest was expressed in providing consistency across the region in terms of how the context statements are considered by the Board. The Development Planning Advisory Committee (DPAC), comprised of municipal directors of planning or their designate, have reviewed and provided input on a potential framework. DPAC comments are captured in the meeting notes provided in Appendix A.

ALTERNATIVES

Alternative 1

That the Planning and Protective Services Committee recommends to the Capital Regional District Board:

That Regional Context Statements be considered in accordance with the Regional Context Statement evaluation framework, as shown in Appendix B.

Alternative 2

That the Planning and Protective Services Committee recommends to the Capital Regional District Board:

That Regional Context Statements be considered without reference to an approved evaluation framework.

DISCUSSION

A context statement, as per s.447 of the *Act*, must identify the relationship between OCP provisions and RGS content.

The Board has broad discretion to accept or not accept a context statement, as per s. 448(2) of the *Act*. In the context of broad discretion, the purpose of a framework is to set clear expectations for how staff will:

- a) evaluate a Regional Context Statement, and;
- b) report out to the Board with information that will assist the Board, in the context of the Board's broad discretion, in determining whether to accept or not accept a Regional Context Statement.

Alternative 1 supports decision-making based on evaluation criteria that can be consistently applied to all municipalities and presented to the Board for consideration when it decides whether to accept or not accept a context statement. The evaluation criteria are derived from the legislated requirements for context statements and respond to recent case law interpretation of context statements. The criteria are 1) whether the context statement addresses all RGS content relevant to the OCP, 2) whether the context statement provides a sufficient level of detail to convey how the OCP relates to the RGS, and 3) whether there is a plan for the OCP to become consistent with the RGS over time.

Alternative 2 does not specify evaluation criteria. Under Alternative 2, the Board would consider context statements on a case-by-case basis.

IMPLICATIONS

Legislative Implications

Legislation provides the Board with broad discretion to accept or not accept a context statement, provided that its reasons for the decision are reasonable. The recommended alternative follows the legislative requirements for Board acceptance of a context statement.

Intergovernmental Implications

Municipalities are responsible for preparing a context statement and submitting the statement to the CRD Board for acceptance by March 14, 2020, two years from the date of RGS adoption. Municipalities are also responsible for reviewing an adopted context statement every five years. Municipalities have the flexibility to determine the format of the context statement (e.g., table, paragraph, point form) and how best to align to RGS policy and achieve RGS objectives. The CRD Board has 120 days to accept or not accept a referred context statement. The recommended alternative reflects municipal authority to determine context statement format and how best to align with the RGS.

Legal Implications

Board review and acceptance of a context statement is the only tool by which to relate the RGS to OCPs. Effective RGS implementation at a municipal level is dependent on municipal creation and regional acceptance of legally strong context statements.

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. Absent sufficient detail, content within an OCP could, subsequent to Board acceptance, be changed in a manner that works against RGS objectives *without* Board consideration of potential RGS impacts. A lack of detail weakens the legal effect of the context statement as an RGS implementation tool.

The recommended alternative seeks a level of detail necessary to address the above concerns.

Timing Implications

A decision not to accept a context statement would result in possible delays to OCP adoption and additional work associated with revising and re-referring the context statement. The proposed framework sets clear expectations for how CRD staff will evaluate and report out to the Board on the context statements. This would allow for consistent evaluation across municipalities and would provide certainty to municipalities. The proposed framework would thus allow municipal staff to work with CRD staff in a pre-referral process to prepare context statements that meet the criteria in the evaluation framework, which could expedite the formal referral process.

CONCLUSION

The Regional Context Statement is the legislated mechanism that relates the RGS to a municipal OCP. The Board has broad discretion to accept or not accept a context statement. The Board can approve a framework for the consistent evaluation of context statements which would support decision-making and RGS implementation.

RECOMMENDATION

That the Planning and Protective Services Committee recommends to the Capital Regional District Board:

That Regional Context Statements be considered in accordance with the Regional Context Statement evaluation framework, as shown in Appendix B.

Submitted by:	Emily Sinclair, MCIP, RPP, Planner, Regional & Strategic Planning
Concurrence:	Signe Bagh, MCIP, RPP, Senior Manager, Regional & Strategic Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

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Attachments: Appendix A - DPAC Meeting Notes – March 9, 2018
Appendix B - Regional Context Statement Framework