



REPORT TO: Council FOR: Committee of the Whole
REPORT FROM: Community Services, Planning Department
PRESENTED: February 14, 2012 FILE:
SUBJECT: Regional Context Statement – Project Initiation

Recommendation:

THAT the District of Squamish Council endorse the Regional Context Statement process proposed February 14, 2012.

THAT as per section 879(2) of the *Local Government Act*, the following agencies be given opportunities for early and ongoing consultation during the development of the District of Squamish's Regional Context Statement:

- a. Squamish Lillooet Regional District,
- b. Squamish Nation,
- c. Howe Sound School District #48,
- d. Resort Municipality of Whistler, and,
- e. Ministry of Community, Sport, and Cultural Development.

THAT Regional Context Statement Council Workshop #1 be set for March 13, 2012 during a Special Council meeting; and,

THAT Council authorize the early release of \$25,000.00 from the 2012 budget in recognition of the statutory time constraints of the Regional Context Statement.

1. Purpose:

The purpose of this report is to describe the legislative and process requirements for developing a Regional Context Statement (RCS).

2. Time Critical:

Yes. There is a tight timeline for this project. In order to submit a proposed RCS to the SLRD by June 28, 2012, the project should be reviewed by Council and initiated as soon as possible.

3. **Background:**

On June 28, 2010 the Squamish Lillooet Regional District adopted a Regional Growth Strategy (RGS). An RGS is a region-wide strategy to promote socially, economically, and environmentally healthy settlements, and to ensure efficient use of public facilities, land, and other resources. The RGS contains a combination of strategic directions, policy statements, and recommended actions. It was accepted by the four member municipalities (Squamish, Whistler, Pemberton, and Lillooet), and now gives long range planning direction to each of the municipality's official community plans (OCPs).

Section 866 of the *Local Government Act* requires that following the adoption of an RGS, member municipalities prepare a Regional Context Statement (RCS). RCSs are a key implementation mechanism for the Regional Growth Strategy. They indicate how a municipality's OCP conforms to the provisions of the RGS, outlining:

- i. the extent to which the municipal OCP is consistent with the RGS, and,
- ii. if it is not consistent, how the municipality intends to bring itself into consistency over time.

An RCS is essentially a chapter within the OCP that describes how local planning and land use policy will work toward the goals and objectives established in the Regional Growth Strategy. It provides an opportunity for local interpretation of the RGS, and to clarify issues that may have been raised. The RCS was devised by the Province as a means of protecting a municipal council's authority to make local planning decisions, while ensuring that the Council and the Regional Board agree upon matters of legitimate regional interest. As an amendment to an OCP, the RCS is binding to the Council once adopted.

The District's Participation in Developing the RGS

The District of Squamish participated in the RGS development process since its inception in 2004. The Council of the day was supportive of the objectives set out in the initial RGS drafts and the general framework upon which the RGS was built. Both the RGS and the District's 2010 OCP reflect Smart Growth principles.

On November 4, 2008, the District of Squamish Council considered the proposed RGS (Bylaw No. 1062, 2008), which had been given second reading by the SLRD Board and was under statutory referral for acceptance by the member municipalities and adjacent regional districts.

The RGS established nine strategic directions, as well as a section on implementation and monitoring:

- Goal 1: Focus Development into Compact, Complete, Sustainable Communities
- Goal 2: Improve Transportation Linkages and Options

- Goal 3: Support a Range of Quality Affordable Housing
- Goal 4: Achieve a Sustainable Economy
- Goal 5: Protect Natural Ecosystem Functioning
- Goal 6: Encourage the Sustainable Use of Parks and Natural Areas
- Goal 7: Create Healthy and Safe Communities
- Goal 8: Enhance Relations with Aboriginal Communities
- Goal 9: Improve Collaboration among Jurisdictions

The District supported all but one section of the RGS. The principle concern was that the wording of the first section required that municipal OCPs be consistent with the RGS Settlement Planning Map.

Planning staff and Council felt that the requirement for consistency stated in Bylaw No. 1062 created a hierarchical land use approval process. The District would not be able to amend its OCP in a manner not consistent with the regional settlement map, without an amendment to the RGS. This was not acceptable as it infringed on the District's autonomy to regulate land use within District boundaries. Additionally, the *Local Government Act* does not require consistency. Rather, it requires that municipal OCPs contain a Regional Context Statement identifying the relationship between the OCP and the RGS, and setting out how the OCP is to be made consistent with the RGS over time.

Dispute Resolution

In 2008 the District agreed to enter into a non-binding dispute resolution process. The District proposed that:

- i. the requirement for municipal OCPs to be consistent with the RGS settlement map be removed,
- ii. only electoral areas be required to be consistent with the RGS,
- iii. municipalities be required to have an RCS that leads toward consistency with the RGS over time, and,
- iv. that if a development arises that affects the RCS, the District will consult with the SLRD.

Consensus was not achieved through the non-binding dispute resolution process. On December 15, 2009, the District and the SLRD agreed to cease nonbinding arbitration. For further dispute resolution, on March 9, 2010 final proposal arbitration (i.e. binding arbitration) was agreed to.

In June 2010 the final binding resolution was delivered. The RGS was finalized with the following solution to the dispute:

- a) the requirement for municipal and electoral area OCP policies to be consistent with the RGS settlement map was maintained, and,
- b) phrases 'iii' and 'iv' from above were added to the RGS to reflect the legislation.

4. **Project Information:**

RCS Legislative Requirements

According to Section 866 of the *Local Government Act*, each member municipality must prepare an RCS within two years of adoption of the RGS. This means the District's proposed RCS must be submitted to the Regional Board before June 28, 2012.

The process of adopting the RCS is very much like the process for adopting other OCP amendments, with the additional requirement of Regional Board acceptance. The Project Schedule (Appendix A) sets out the legislated process for RCS adoption, as well as the proposed timeline and communications. Early and ongoing consultation, a public hearing, and four readings of the bylaw are legislated requirements.

If the Regional Board does not accept the District's proposed RCS, there is a dispute resolution process provided for in the *Local Government Act*, similar to that used for the RGS.

RCS Consultation

Staff have developed an outreach and engagement plan to build public awareness about the RCS project, and to solicit input throughout the process. The District website will be the primary tool to communicate project information on a devoted RCS project page, complete with project FAQs and links. An online feedback form will provide early opportunity for questions and public comment. Ongoing updates linked to key project milestones will be communicated via an initial press release, District e-news, newspaper advertising, as well as an insert in the District utility bill mail out to homeowners in March. Staff will also ensure physical project information displays are stationed at a number of community facilities, such as Municipal Hall, Brennan Park, the Seniors Centre, and the Adventure Centre. Together, these channels provide an effective means for local outreach.

Although the District does not currently formally engage in social media, District communications staff monitor local activity and will inform planning staff of any discussions relevant to the project.

As the development of the RCS is largely an exercise in (existing OCP) policy analysis in relation to the Regional Growth Strategy, at this time Staff do not recommend a traditional public information meeting for this project.

Council direction and input will be sought at an initial workshop, suggested for March 13, 2012. As draft content for the RCS is created for further Council and broader community review, it will be shared online. A survey to capture public comment on regional growth management issues and alignment would be further employed as needed.

In the spirit of cooperation under the 2008 protocol agreement, a pre-bylaw referral and outreach efforts will be made for information sharing with the Squamish Nation. Following preparation of the RCS, agency referrals will provide a 30-day comment period as detailed in the Project Schedule (Appendix A). The statutory requirement for a public hearing after its first two readings, and the prerequisite advertising in two consecutive newspaper publications, will be met.

Section 879 of the *Local Government Act* states that during amendment of an OCP, such as when developing and adopting the RCS, the District must consider what opportunities will be provided for early consultation and with whom. The local government must:

(a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and,
(b) specifically consider whether consultation is required with:

- (i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan,
- (ii) the board of any regional district that is adjacent to the area covered by the plan,
- (iii) the council of any municipality that is adjacent to the area covered by the plan,
- (iv) first nations,
- (v) school district boards, greater boards and improvement district boards, and
- (vi) the Provincial and federal governments and their agencies.'

Accordingly, Staff recommend that the consultation component of this project specifically engage the Squamish Lillooet Regional District, the Squamish Nation, the Howe Sound School District #48, the Resort Municipality of Whistler, and the Ministry of Community, Sport, and Cultural Development.

5. Department Comments:

There is a tight timeline for this project. In order to submit a proposed RCS to the SLRD by June 2012, the project will be a staff priority for the year.

The Regional Context Statements for Lillooet, Pemberton, and Whistler are also under development at this time. More information will be provided as it comes available.

6. Budget Implications:

This project was identified as a 2012 project in the 2011 Five Year Financial Plan \$50,000 was allocated to this project. Following a more detailed review of the project requirements and staff work load, we have brought more of the project in house and anticipate that fewer funds will be required.

Staff are asking for early release of \$25,000.00 with remaining resources to be determined before completion of the 2012 budget process

A portion of the project budget will be used for advertising and communications, and potentially for an external facilitator. The Project Schedule (Appendix A) indicates that if significant issues arise during the development of the proposed RCS, there is potential for a second Council workshop to be arranged with an external facilitator.

7. Policy Implications:

From an initial review of the RGS and Squamish OCP, there appears to be a great deal of alignment between the two documents. Significant conflict between any goals or policies is not anticipated.

8. Environmental Considerations:

As per District policy, the development of the RCS will take into account environmentally sensitive areas, greenhouse gas mitigation, and other environmental considerations.

9. Staff Recommendation:

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10. Alternatives to Staff Recommendation:

Another alternative as identified by Council.

Amica Antonelli, Planner

Chris Bishop, Acting Manager Planning and Building

Cameron Chalmers, General Manager, Community Services

Joanne Greenlees, General Manager, Financial Services

CAO Recommendation:

That the recommendation of the Planning Department be approved.

K. Ramsay, CAO

- Attachment A: Project Schedule

Appendix A: Regional Context Statement - Project Schedule

Target Date	Milestone	Communications
January 2012	Project initiation	Development of Outreach + Engagement Plan
February 2012	Report # 1: legislative requirements, project timeline, consultation First draft of RCS prepared	Web RCS Project Page District News Release E-Newsletter Feb 17 Pop-Up Displays Web Feedback Form/Survey
March 2012	Council Workshop #1: review of RCS, seek consensus on issues, identify outstanding issues <i>Optional:</i> Public Open House/Forum <i>Optional:</i> Council Workshop #2 (find consensus on outstanding issues, potential for external facilitator)	Staff level discussions with agencies Web updates E-Newsletter March 2012 Newspaper Ads for public event (optional)
April 2012	Report # 2: second draft of RCS, request first reading Refer bylaw to external agencies, including SLRD (30 days for review)	Agency referral District Quarterly Update & Utilities Mail Out Ongoing Web updates
May 2012	Report # 3: third draft of RCS, request second reading	Web updates E-Newsletter May 2012 Newsletter Property Tax Mail Out? Newspaper Ads for PH (2 issues)
June 2012	Public hearing Report # 4: overview of public hearing comments Refer bylaw to SLRD Board (120 days required for review, acceptance requested)	SLRD referral Web updates E-Newsletter June 2012
~ September 2012	RCS acceptance by SLRD Board, or, enter into a Ministry directed resolution process (timeline variable)	
Dependant on previous milestone	Report # 5: final draft of RCS, request third reading and adoption	Web updates E-Newsletter