



Shaping Our Future
THE REGIONAL DISTRICT OF NANAIMO
GROWTH STRATEGY REVIEW

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Regional Growth Strategy Review 2007-2008

**A Discussion Paper on
Amending the Regional Growth Strategy**

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Preamble

The RDN initiated a comprehensive review of the Regional Growth Strategy (RGS) in 2007¹. As part of the review, discussion papers were to be prepared at two different points in the review process. The first discussion paper, released in Spring 2008, was intended to get community feedback on those sustainability challenges that could be addressed in a revised regional growth strategy. In conjunction with the release of the discussion paper, two public workshops were held and an online survey was made available. Feedback from the community was received on the important issues to be addressed in the review and on sustainability challenges to be included in a revised RGS.

During the first round of consultation for the RGS Review, many comments were provided on a wide range of sustainability issues. In terms of improvements to the RGS, these comments generally fell into four broad areas: implementation, sustainability principles, improving existing policies, and expanding the content of the RGS to address a broader range of sustainability challenges.

Implementation

Many participants commented that the RGS is only effective if it is implemented. Many people felt that there has not been enough done to implement the policies in the RGS and also that not enough has been done to explain that the RGS is only a policy document and that it must be implemented by using other tools such as zoning. The RGS should be more explicit about how it will be implemented.

Sustainability principles

With the Board direction being that the RGS should be the cornerstone of the movement to a more sustainable region, many participants commented that the RGS should be based on sustainability principles. Currently, the RGS does not have a basis in sustainability principles and is generally focused on land use and development.

Broadening Sustainability

There is a need to expand the range of sustainability challenges that are in the regional growth strategy. For it to be the key document that guides the actions to becoming a more sustainable

¹ Please see www.shapingourfuture.ca for additional information on the RGS Review.

region it needs to cover a broader range of sustainability challenges. In particular, those related to social and economic sustainability.

Updating Existing Policies

Several participants commented that some of the existing RGS policies need to be improved and updated. With the RGS having a broader scope based on sustainability, there is a need to refine and possibly add to some of the policies that are already in the RGS so that they reflect the new priorities related to sustainability.

Therefore, based on the feedback received to date, a second set of four discussion papers is being prepared to address the main themes that came out of the first round of public consultation. As well, two discussion papers will deal with new provincial legislation related to regional growth strategies. The topics for the six discussion papers are:

- Implementation;
- Sustainability Principles;
- Strengthening Existing RGS Policies;
- Expanded Sustainability Policies;
- Greenhouse Gas Targets; and,
- Amending the RGS.

Each discussion paper will include: an introduction to the topic, a summary of public input; direction provided by the RDN Board; background on the topic; and, possible options for including goals/statements/policy in a revised RGS.

As stated in the first discussion paper released in Spring 2008, the challenge is to strike a balance between keeping decisions at the local level as much as possible and the need for consistent actions to achieve a liveable and sustainable region. After this phase of consultation is completed and the results of the input are compiled, a draft of a revised RGS will be developed.

Introduction

In this discussion paper, two issues related to amending the RGS will be examined. The first is to ensure that decisions to amend the RGS are based on a process that is clear, fair,

transparent and will lead to achieving the goals of the RGS. The second is whether the process should be the same for all amendments or whether there should be certain “minor” amendments that are treated differently.

The provincial government introduced legislation that will allow a regional district to adopt a special process for changes to the RGS that are considered minor. Should a local government wish to adopt a process for minor amendments then it must define a minor amendment and in the RGS provide details on the alternate approval process such as criteria, procedure and timelines.

Community Input

The community input on this topic has been in the form of a strong desire for a fair and transparent process to amend the Regional Growth Strategy. Several concerns were raised on this topic including: it should not be easy to amend the RGS; the process to amend the RGS should be open and transparent; the RGS should not be amended until an analysis has been completed examining the benefits of the proposed change; and, only changes that are consistent with the principles and goals of the RGS should be approved

As well, comments such as “Better accountability (on decisions to amend the urban containment boundary)” indicate strong support to have a process with a high level of scrutiny and public accountability for changes to the Urban Containment Boundary (UCB). Based on the discussion at workshops, changes to the UCB are not the type of RGS amendment that should be considered as minor.

Board Direction

Board direction on this topic can be found in the RGS and in reports received by the Board such as *Recommendations for a Sustainable Future* prepared by the Regional Growth Monitoring Advisory Committee. In these documents, and others, the Board has recognized the need for a fair and transparent process when it comes to amending the RGS. These documents include references to respecting the vision, goals, and policies of the Regional Growth Strategy as decisions are made and ensuring that the RGS is adhered to throughout the RDN and member municipalities.

Background

The provincial government adopted changes to the *Local Government Act* in the fall of 2008 that now permits a Regional Growth Strategy to include provisions for minor amendments that follow a different process than a regular amendment. Previously, all amendments to a regional growth strategy, no matter how minor, were expected to go through the full RGS bylaw amendment process.

The purpose is to provide for a more streamlined amendment process for minor changes while ensuring that amendments that substantially change the vision and direction of the strategy are still subject to acceptance by all affected local governments. In this way the vision of a RGS is sustained while day to day technicalities can be dealt with in ways that will be more efficient and leave more time for discussion and decisions on substantive issues.

The legislation now allows for two options for the procedure to adopt a minor amendment. The first option allows the regional district to establish the process subject to a minimum set of requirements:

- (a) Establish criteria for determining whether a proposed amendment is minor for the purposes of allowing the process to apply;
- (b) Provide a means for the views of affected local governments respecting a proposed minor amendment to be obtained and considered;
- (c) Provide a means for providing notice to affected local governments respecting a proposed minor amendment;
- (d) Establish procedures for adopting the minor amendment bylaw.

Should a regional district want to use this option then the minor amendment process must be included in the RGS.

Should an RGS not include provisions for a minor amendment, the following process must be followed for the adoption of a minor amendment:

- (a) The Board must notify all affected local governments at least 30 days before the Board meeting where a minor amendment will be considered for first reading;

- (b) An affected local government must have an opportunity to make a representation to the Board before first reading of the bylaw;
- (c) If the amendment receives an affirmative vote of all Board members for first reading then the bylaw may be adopted in accordance with procedures to adopt a regional growth strategy;
- (d) If the amendment does not receive an affirmative vote from all Board members then the bylaw must be adopted under the regular adoption process.

Also, a public hearing is no longer required as part of the bylaw adoption process for a RGS. The reason for removing this requirement is because the development or review of a regional growth strategy is a multi-year process with several opportunities for public input. By the time a RGS is ready for adoption a public hearing may not be necessary as several opportunities for public input have already been made available. Removing the requirement for a public hearing could help streamline the process. Whether or not to hold a public hearing must be determined early on in the RGS review process when the consultation strategy is approved.

Options for the New RGS

How can the RGS ensure that amendments to the RGS are carried out in a fair, transparent and consistent process?

To ensure a consistent process for all RGS amendments, similar types of amendments could follow the same process regardless of where the amendment originates. This means that the same process could be followed for an amendment in an electoral area or a municipality. All RGS amendments could only be made by bylaw. Under the *Local Government Act*, an amendment to the Regional Growth Strategy, other than those considered to be a minor amendment, could follow the same process that is required to adopt a Regional Growth Strategy.

Amending the RGS by bylaw ensures consistency, fairness and transparency in the following ways:

- The same process will be followed for each RGS amendment;
- The legislation requires all RDN members to vote on an amendment to the RGS;
- The legislation requires that a specific notification process is followed;

- The legislation requires that a public consultation strategy be developed and approved by the RDN Board for each amendment;
- The legislation requires each municipal council and adjacent regional district to formally accept a proposed amendment.

What types of amendments should be considered minor?

The *Local Government Act* requires that the “criteria for determining whether a proposed amendment is minor” be included in the RGS. There are two general approaches that can be taken. The first is to have some general criteria with which to conduct an assessment of a proposed amendment and then have the Board decide if it can proceed under the minor amendment process. This is the approach being taken by the Squamish Lillooet Regional District.

The second approach is to clearly state in the RGS the types of amendments that are minor. In this option a list of criteria could be stated and a proposed amendment would have to meet all of the criteria to be considered minor. For example, criteria may include such requirements as consistency with the RGS goals and policies, impacts and costs of servicing, impact on regional GHG emissions, can it be serviced by transit, and impacts on agricultural and resource lands. This is the approach taken by Metro Vancouver.

Any proposal that does not meet the criteria for a minor amendment could be considered to not be a minor amendment and would have to follow the regular process as outlined in the LGA.

What should the process be for minor amendments?

The *Local Government Act* has some requirements for the RGS minor amendment process. At a minimum the process must include the following:

- Criteria for determining if a proposed amendment is minor;
- A means for affected local governments to comment on a proposed amendment and have those views considered by the regional district Board;
- A means to provide notice to affected local governments;
- Procedures for adopting the minor amendment bylaw.

The first requirement on minor amendment criteria was covered above. The remaining three criteria are part of the adoption procedures. These requirements relate to voting to approve the RGS bylaw. For other regional districts that have considered this question already, one of the main concerns was not allowing one member to stop a minor amendment that was supported by all of the other members. A second concern was to not allow a RGS amendment to proceed as a minor amendment where essentially only half of the members were in agreement. Metro Vancouver has proposed to address both of these concerns by requiring a 2/3rds majority vote in favour for most minor amendment bylaws. The Squamish Lillooet Regional District has proposed something similar for minor amendments to its RGS whereby the Board must approve by a 2/3rds majority to proceed with an amendment application as a minor amendment.

Next Steps

This discussion paper is intended to initiate discussion on how the regional growth strategy can be improved so that it better addresses a wider range of sustainability challenges. The options presented here are not a final product. They are intended to initiate a dialogue on the content for a new and revised regional growth strategy based on sustainability principles.

After this phase of consultation is completed and the results of the input are compiled, a first draft of a new regional growth strategy will be developed. Community input on the draft will be sought.