

Supports Item No. 3
P&E Committee Agenda
March 3, 2011



POLICY REPORT
URBAN STRUCTURE

Report Date: February 15, 2011
Contact: Brent Toderian
Contact No.: 604.873.7698
RTS No.: 09078
VanRIMS No.: 08-2000-20
Meeting Date: March 3, 2011

TO: Standing Committee on Planning and Environment
FROM: Director of Planning
SUBJECT: Metro Regional Growth Strategy Bylaw No. 1136

RECOMMENDATION

- A. THAT the City of Vancouver accept the proposed Metro Vancouver Regional Growth Strategy (RGS) Bylaw No. 1136, 2010, entitled "Metro Vancouver 2040: Shaping our Future".
- B. THAT this report and its recommendation be forwarded to Metro Vancouver.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of the foregoing.

CITY MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

COUNCIL POLICY

The *Livable Region Strategic Plan (LRSP)*, the region's current Regional Growth Strategy (RGS), was endorsed by Vancouver City Council in 1995 and adopted by the regional district in 1996.

The *Vancouver Regional Context Statement (RCS) Official Development Plan*, which demonstrates how the City's plans and policies support the *LRSP*, was adopted by Council in 1999. Vancouver's existing RCS will need to be updated once a new RGS is approved. A RCS is required by Provincial legislation from each municipality within two years of adoption of a RGS. A RCS requires Metro Board approval initially, and for any later changes.

Current Council priorities that are connected to the RGS include affordable housing; strong, safe, and inclusive communities; environment and sustainability; and creative capital and a growing economy.

PURPOSE

This report presents Metro's proposed RGS Bylaw No. 1136 to City Council for acceptance as part of the formal approval process as required by provincial legislation. On January 14, 2010 the Metro Vancouver Board gave second reading to the RGS Bylaw (January 2011) and referred it all affected local governments for acceptance, by resolution.

BACKGROUND

Metro Vancouver has been working with its member municipalities for several years on a new RGS to replace the existing RGS (LRSP, 1996). In 2009 and 2010 Metro produced three drafts of the RGS. With each draft Council conveyed comments and suggested changes to better reflect Vancouver's interests within the regional framework of collaborative planning.

Council consistently supported the idea of strong and clear regional policy planning, and specifically supported the broad Vision, Goals and Strategies contained in the RGS. The overall framework provides comprehensive guidance and direction that builds on key elements of previous regional plans. This includes maintaining a strong urban growth boundary with protection and enhancement of 'green zone' areas, achieving a compact Metro region, building complete communities, and increasing transportation choices and identifying key rapid transit linkages.

The new RGS Bylaw adds new elements that tackle timely and urgent issues. This includes a new focus on the economy (especially regarding employment dispersion and loss of employment lands), and on addressing climate change. Affordable housing directions provide a balanced approach that recognizes appropriate roles and actions for Metro and municipalities. Other elements of the RGS are also in strong alignment with Council's priorities and plans, including the Greenest City Action Plan.

DISCUSSION

RGS - Balancing Regional and Local Interests

Staff believe the proposed RGS Bylaw No. 1136 (January 2011) has addressed the central issue of 'regional significance' and it now provides an appropriate balance of regional interests and local autonomy. (web link at: <http://public.metrovancouver.org/planning/development/strategy/Pages/default.aspx>).

Some examples of Council concerns with previous drafts that the proposed RGS Bylaw addresses are:

- changing language from 'consistent' to 'generally consistent' which provides greater municipal flexibility with regard to municipal responses to the RGS;
- enabling municipal flexibility in the implementation of Industrial and Mixed Employment areas by allowing a limited amount of change without triggering a formal plan amendment;

- applying a policy-based, guidelines approach to development of Urban Centres and Frequent Transit Development areas;
- allowing Mixed Employment Areas to be located within Frequent Transit Development Areas;
- articulating a clearer role for Metro in supporting renewable energy infrastructure;
- clarifying Metro's role in initiating amendments to regional land use designations;
- providing additional clarity regarding the roles of Metro and TransLink regarding rapid transit priorities in the region;
- adding preparation of implementation guidelines to assist understanding and administration of the plan; and,
- including different thresholds to Board voting for RGS amendments to reflect different levels of regional significance of future RGS amendments.

In November/December of 2010 Metro held a public hearing which was conducted in four different regional locations and separate dates. Metro staff took comments and submissions received and made a number of minor amendments to the draft RGS. In Metro's January 14, 2011 report to the Board, staff note that the changes made are largely to increase clarity, or to correct errors; the changes are not substantive. At several stages, Council and staff also expressed concern regarding the tight timeframe given to municipalities to respond, which often didn't allow sufficient time for municipalities to consult with the public before Council consideration.

RGS Acceptance Process

On January 19, 2011 Vancouver received a request from Metro to consider acceptance of the RGS Bylaw No. 1136, January 2011. Under the provisions of the Local Government Act, Metro Vancouver's affected local governments have 60 days from the receipt of this letter in which to consider acceptance or non-acceptance of the RGS. If a local government refuses to accept the RGS it must indicate the provisions to which it objects, and the reasons for its objection. If no response is provided to Metro within the 60 day period, the local government is deemed to have accepted the RGS.

At the conclusion of the 60 day acceptance period, Metro staff will report to the Board on the status of acceptances. If all affected local governments have accepted the RGS, then the Board will be asked to consider final adoption of the bylaw. If one or more affected local governments refuse to accept, then the Board must notify the Minister, who will then set in motion the settlement process which will focus on and resolve the issues raised by the non-accepting municipalities.

Depending on the nature of the settlement process used, if there are resulting changes to the RGS, then these changes may be subject to an acceptance process by all affected local governments. If there are no changes to the RGS as a result of the settlement process, the RGS can be given third and final reading. The legislation specifies that until all affected local governments have accepted the RGS, (or, if in the case of a refusal to accept, until the settlement process has been completed), the RGS bylaw cannot be adopted by Metro Board.

Public Process and Comments on the RGS

Metro's process during the development of the proposed RGS Bylaw included a significant and public process, culminating in Metro's public hearing in late 2010. Summaries of all comments received are included in Metro's January 14, 2011 report to the Board "*Proposed Amendments to the Regional Growth Strategy and Next Steps in the Ratification Process*" (January 4,

2011) (web link at: http://public.metrovancouver.org/boards/GVRD%20Board/GVRD_Board-January_14_2011-Agenda.pdf).

Vancouver Council has also provided opportunities for members of the public and stakeholder groups to make comments regarding the RGS directly to them although often the timing expected by Metro made such opportunities a challenge. During the RGS process Vancouver has placed advertisements in local newspapers, supplied information on the RGS and links to Metro's web site on the City's web pages, and offered web-based RGS comment forms to interested citizens and groups. Numerous submissions have been received and delegations have been heard at previous Council Committee meetings.

In advance of this report, staff placed an advertisement in the Courier newspaper and updated the City's web page (web link at: <http://vancouver.ca/commsvcs/planning/index.htm>). The City Clerk's Office has provided typical notification to an extensive list of stakeholders, including all those who have made previous submission or presentations to Council.

Vancouver has received a number of comments regarding the RGS following the conclusion of Metro's public hearing. All submissions received have been circulated to Council and copies are available from the City Clerk. The main themes and concerns raised were:

- The RGS will make it easier to remove land from the Agricultural Land Reserve (ALR). Specific concerns include the inclusion of ALR land in Special Study Areas and designation of some ALR lands as General Urban or Industrial (Appendix A provides a detailed Metro response).
- The RGS will lead to more urban sprawl into 'green' zones (ALR, Conservation and Recreation, and Rural).
- The RGS transfers land-use authority from municipalities to regional authorities including both Metro Vancouver and TransLink.
- There is insufficient public knowledge about the RGS and the public is only recently learning about the RGS. More consultation is requested, particularly on the above concerns. There was no specific Metro public hearing held within the City of Vancouver.

Additionally, there have been concerns raised by the development industry, particularly the Urban Development Institute (UDI). UDI has expressed a range of concerns that include:

- The RGS is more about restricting land uses than compelling densification in key areas;
- More flexibility is needed to redevelop industrial land at rapid transit stations;
- Additional processes will add another layer and will add costs to development;
- More certainty and a new form of contract is needed between local governments and the region/province to ensure density occurs where a transportation/transit investment occurs; and,
- The RGS should not be approved until appropriate and timely processes have been developed and agreed to.

Most, if not all, of these concerns have accompanied the various stages of the RGS process. Metro has provided responses (as noted above) and there have been modifications to the RGS in response. Staff note that there is bound to be uncertainty and concern with the introduction of a new RGS structure, as is now before Council.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

This report recommends Council accept the proposed RGS Bylaw No. 1136, January 2011. Through a public process over several years the RGS has been shaped into a framework that provides a stronger regional role in matters of regional significance while also respecting the need for local autonomy. Staff acknowledge that more work is needed to advance and implement the RGS. With acceptance by Vancouver, this important RGS Bylaw will move significantly toward ratification and adoption so that implementation work can begin.

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January 27, 2011

File: CP-11-01-RGS-01

Mr. Andrew Gage, Acting Executive Director
West Coast Environmental Law
301-1195 Esquimalt Road,
Victoria, BC V9A 3N6

Dear Mr. Gage:

Re: Metro Vancouver's Regional Growth Strategy Bylaw

We are taking this opportunity to respond to your queries about the Regional Growth Strategy's land use designation for lands known as the "Garden City Lands" in Richmond, and for parcels surrounding Aldergrove town centre, referred to in this letter as the "Aldergrove Lands".

The Garden City Lands are in the Agricultural Land Reserve, and are shown as "General Urban" in the Regional Growth Strategy. The Garden City Lands are designated "Public and Open Space Use" in Richmond's Official Community Plan and have been designated as such since the 1990s. We are aware that the status of the Garden City Lands has been the subject of ongoing dialogue within the community and with the Agricultural Land Commission. Richmond provided to us the attached letter from the Agricultural Land Commission in which the Commission consents to Richmond's designation of the Garden City Lands as "Public and Open Space Use". The regional "General Urban" designation can contain a number of municipal designations, including "Public and Open Space Use" as it is reasonable to consider parks within a general urban context.

The Aldergrove Lands are in the Agricultural Land Reserve, and are shown as "Industrial" and "General Urban" in the Regional Growth Strategy. The northeast, southwest and southeast areas of the Aldergrove Lands are designated "Urban Growth" in the Township of Langley Official Community Plan, and the portion in the northwest is designated "Rural Residential/Agricultural." We understand that the Aldergrove Lands have been so designated in the Township of Langley's Official Community Plan since the adoption of the Township of Langley's Official Community Plan in 1979.

The practical effect of the Garden City Lands and the Aldergrove Lands having a regional "General Urban" or "Industrial" designation is that if, at some point in the future, the Agricultural Land Commission determines that these lands may be removed from the Agricultural Land Reserve, Richmond and the Township of Langley, respectively, will not need to apply to the Metro Vancouver Board for a change to the regional designation. The regional "Urban" or "Industrial" designations do not mean that the Agricultural Land Commission will become "impotent" with respect to these lands, as some critics have suggested. Under the laws of British Columbia, the *Agricultural Land Commission Act* takes precedence over local government bylaws: if the Agricultural Land Commission determines that these lands must remain within the ALR then that determination prevails over any local government bylaws that are not consistent with such determination.

The land use designations for all parcels in the Regional Growth Strategy were determined jointly between Metro Vancouver and member municipalities. Metro Vancouver used the existing 1996 *Livable Region Strategic Plan* Green Zone as the starting point for determining which lands should be identified as non-urban in the 2011 Regional Growth Strategy. The Green Zone consists of the region's conservation, recreation and agricultural lands. The *Livable Region Strategic Plan* including the Green Zone map, was adopted by the Metro Vancouver Board and accepted by Metro Vancouver's affected local governments. The Garden City Lands and Aldergrove Lands were not in the 1996 Green Zone but shown as Urban in the *Livable Region Strategic Plan*. When Richmond and the Township of Langley reviewed the draft maps for the Regional Growth Strategy, they requested that the 1996 *Livable Region Strategic Plan* designations remain for the Garden City Lands and the Aldergrove Lands.

On this basis it should be clear that the Regional Growth Strategy does not alter the status quo with respect to the Garden City Lands or the Aldergrove Lands.

Metro Vancouver staff has been corresponding with the Agricultural Land Commission regarding the Regional Growth Strategy since early 2009. In correspondence dated January 28, 2010 and October 20, 2010 the Agricultural Land Commission advised Metro Vancouver that it was concerned the regional designations for the Garden City Lands and the Aldergrove Lands were not consistent with the *Agricultural Land Commission Act*. Metro Vancouver discussed these concerns with the Commission and Metro Vancouver's proposed remedy was Section 6.11.2 of the Regional Growth Strategy, which reads:

6.11.2 In accordance with the *Agricultural Land Commission Act*, in the event that there is an inconsistency between the regional land use designations or policies set out in the Regional Growth Strategy and the requirements of the *Agricultural Land Commission Act* or regulations and orders made pursuant thereto, the Agricultural Land Commission requirements will prevail.

The intent of this section is to make it clear that Metro Vancouver recognises that the *Agricultural Land Commission Act* takes precedence over the Regional Growth Strategy and to address the Commission's concerns. It is Metro Vancouver's position that the Regional Growth Strategy is not inconsistent with the *Agricultural Land Commission Act*. However, to the extent there is any inconsistency, the *Agricultural Land Commission Act* resolves the issue by providing that the Regional Growth Strategy has, to the extent of the inconsistency, no force or effect.

It is important that the public is aware that Metro Vancouver is actively working to protect the region's agricultural land and to support the Agricultural Land Commission. The Regional Growth Strategy includes many policies that support the protection of agricultural lands, and the viability of those lands, in tandem with the Agricultural Land Commission's mandate. The Regional Growth Strategy sets out policies for Metro Vancouver to limit the development of agricultural land by limiting sewer provisions on those lands (policy 2.3.1). It directs Metro Vancouver to undertake technical work to monitor the status of agricultural land with the objective of promoting agricultural viability and food security (policy 2.3.2). Metro Vancouver is also committed to working with the province and the Agricultural Land Commission to develop strategies to support farming (policy 2.3.3). Most importantly, the Regional Growth Strategy explicitly states that Metro Vancouver's role is to work with the Commission to protect the region's agricultural land base and not amend the Agricultural or Rural land use designation of a site if it is still part of the Agricultural Land Reserve (policy 2.3.4).

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Furthermore, the Regional Growth Strategy has defined an amendment process for the Agricultural designation that requires a two-thirds vote by the Metro Vancouver Board, and a public hearing, which is the highest threshold defined for amending a regional land use designation. The Strategy also includes a number of parcels in the Agricultural designation that *are not* in the Agricultural Land Reserve, one example of this being the "Southlands" parcel in Delta. The Agricultural Land Reserve has also been strengthened by the inclusion of a number of ALR parcels that are shown as "Rural" in the Regional Growth Strategy; in the 1996 *Livable Region Strategic Plan*, many of these parcels were "Urban."

If you have any further questions, I would be happy to meet or discuss them further with you.

Sincerely,



Christina DeMarco
Division Manager, Regional Development

CD/lg/ws

Attachment: Letter – dated July 7, 2008 from Agricultural Land Commission (4804751)