

METRO's PROPOSED REGIONAL GROWTH STRATEGY:

A PRIVATE SECTOR PERSPECTIVE

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A. RGS: Introduction

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RGS: Status

- November 12, 2010, Metro Board gives first and second reading
- Public hearing process is concluded within three weeks
- January 14, 2011, Metro Board makes revisions, and forwards to municipalities for acceptance

RGS: Next steps

- If accepted as is by all municipalities, could be enacted within two months
- If one or more Councils object to all or part, arbitration to resolve
- Then back to Metro to consider third reading

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Effect of RGS if enacted

- Is binding on Metro
- Becomes binding on each municipality, including through a Regional Context Statement ("RCS")
- Each municipality is to prepare its RCS within two years after the adoption of the Regional Growth Strategy
- RCS requires approval by both Metro and the municipality that prepares it

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Metro's objectives with RGS

- (1) Focusing urban development along transit
- (2) Protecting the industrial land supply
- (3) Containing urban sprawl

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What this presentation reviews

- (1) What the Regional Growth Strategy provides
- (2) What various organizations have said regarding the Regional Growth Strategy
- (3) The impact that the RGS will have on municipalities in exercising their land use and development regulation powers
- (4) Issues surrounding the effectiveness of the RGS in achieving its goals, relative to other options
- (5) The enactment process

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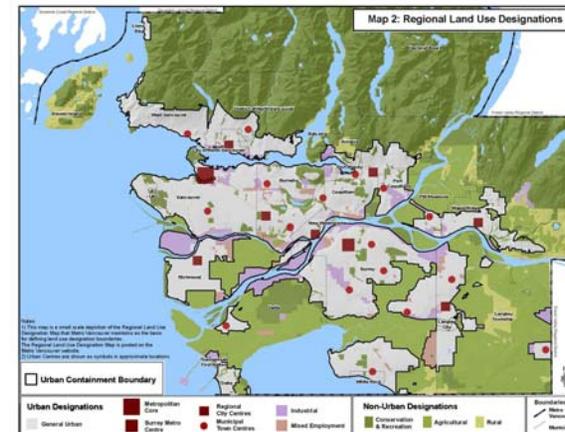
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B. What the RGS provides

What the RGS provides: Overview

- Creates an Urban Containment Boundary ("UCB")
- Designates all land within the boundaries of Metro Vancouver into one of six Regional Land Use Designations
- Provides for overlays of Urban Centres, and Frequent Transit Development Areas ("FTDAs")
- Sets Metro voting standard for changes

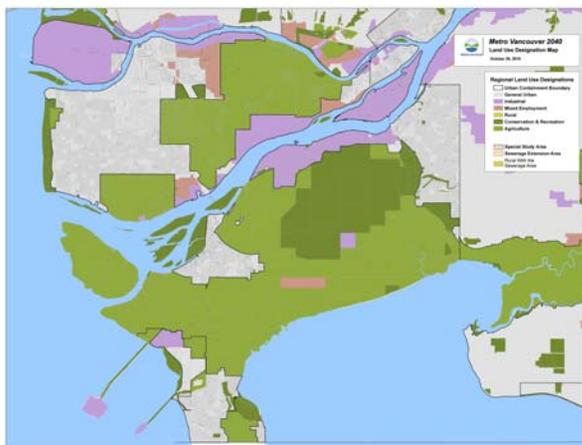
RGS land use plan: Region-wide



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RGS land use plan: Parcel based



Regional Land Use Designations that cannot be changed without a weighted 2/3 vote of Metro Board and a regional public hearing:

- Urban Containment Boundary
- Agricultural
- Conservation and Recreation
- Rural

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Regional Land Use Designations that cannot be changed to without a 50% + 1 weighted vote of Metro Board

- Industrial
- Mixed Employment
- General Urban

Municipalities can unilaterally make minor shifts in those categories (up to 2%, subject to other limits)

Urban Centre and Frequent Transit Development Area boundaries

- Municipalities have some flexibility to set initial boundaries, and make boundary changes
- But must meet the criteria set out in Table 3 of the RGS

Other process items

- Metro can, but need not, *allow* minor changes by way of Regional Context Statements, without requiring that the RGS be amended, if the changes are "generally consistent" with the RGS
- If there is a disagreement between Metro and a municipality in the drafting of a Regional Context Statement, the parties can refer it to dispute resolution

C. Comments from other Organizations

Comments from Municipalities

- Coquitlam opposes at first reading, citing lack of clarity regarding on Metro's expanded role in local land use planning and development approval
- Port Moody also opposes at first reading
- Burnaby notes that the RGS "clearly diminish[es] existing local autonomy in dealing with all city land use and associated regulatory matters"

Comments from Ministry of Community Development

- Work needs to be done to not only *preserve* industrial land but *expand their supply* to meet the goals of the Pacific Gateway Strategy

Comments from TransLink

- We are not giving up TransLink's authority to plan transit, based on our own studies, funding etc.
- Prioritizing rapid transit corridors other than for the northeast sector is premature, given it appears to prejudge the outcome of TransLink's studies

Comments from Port Metro Vancouver

- Likes protection of industrial lands
- But notes a concern about restricting port industrial land expansion opportunities in areas well served by water, rail and road corridors
- There will be challenges to intensification, given the nature of the distribution economy

Comments from the Agricultural Land Commission

- Urban Containment Boundary encroaches into the ALR in two places, being Garden City and Aldergrove
- There are “Special Study Areas” within the ALR
- Legislation requires planning to be consistent

Comments from the Business Council of BC

The Regional Growth Strategy is:

- largely oblivious to the critical importance of the region's gateway economy;
- insensitive to competitiveness, the cost of doing business, and the need for regulatory efficiency; and
- excessively focused on agriculture (a relatively small industry)

Funding issues (alongside but not part of the RGS)

- TransLink proposal to obtain power to impose its own Development Cost Charges
- TransLink proposal to obtain power to impose its own Community Amenity Contributions

D. Impact of the RGS on Municipalities

Municipal Impacts: Overview

- (1) The *limits* the RGS imposes on municipal discretion
- (2) The *growth* in the importance of those limits over *time*
- (3) Metro's ability to seek *extractions* in exchange for releasing municipalities from the limits
- (4) Metro's ability to change land use designations in a municipality over that municipality's *objections*
- (5) Ability of the public to enforce the plan's restraints in Court

Legislation: Hierarchy of bylaws

The *Local Government Act* provides for a hierarchy of bylaws and regulations. Essentially the system flows through the following components:

- regional growth strategy
- regional context statement
- official community plan
- zoning bylaw
- development permit.

At root, what happens at each level is impacted by the next higher layer.

Legislation: Metro's role in land use process

Metro's role is at two key points in that hierarchy:

- whether or not to approve a Regional Growth Strategy, and changes to it; and
- whether or not to approve Regional Context Statements

Legislation: How RCSs carry the RGS forward

- Each municipality must prepare its Regional Context Statement within two years after the adoption of the RGS
- RCSs cannot be adopted, and cannot be changed, without Metro approval
- Each municipality's Official Community Plan Bylaw *must be consistent with* its RCS
- Zoning changes that are not consistent with the municipality's OCP can only be made if the OCP changes

Legislation: Nature of the regime

Given that structure, a regional growth strategy:

- can, depending on how it is drafted, add significant *hurdles* that can *block* a variety of rezonings, but
- cannot give a Regional District the power to *compel* rezonings (up or down) or to grant development approvals

Legislation: The implications of an adopted RGS for Metro: Section 865

Section 865 of the *Local Government Act*:

"(1) *All bylaws adopted by a regional district board after the board has adopted a regional growth strategy, and all services undertaken by a regional district after the board has adopted a regional growth strategy, must be consistent with the regional growth strategy*"

Legislation: The implications of an adopted RGS for Metro

- Section 5 of the *Local Government Act* defines a "service" as:
"an activity, work or facility undertaken or provided by or on behalf of the regional district..."
- Section 851(4) confirms that the RGS is a service
- Would therefore bind Metro in its consideration of RCSs

Legislation: Implications of an adopted RGS for municipalities: Part 25

Much of Part 25 of the *Local Government Act*, including Sections 853(3), 857(1), 860(6) and 864, provides for a comprehensive enactment regime under which, before it is adopted, a regional growth strategy must:

- be specifically *accepted* by each member municipality, which is equated to being binding, or
- otherwise become *binding* on it by way of a detailed dispute resolution process that includes various forms of arbitration.

Legislation: Implications of an adopted RGS for municipalities: Section 866

Section 866(2) provides that municipal RCS are to:

- identify the relationship between the municipality's OCP and the matters referred to in the Regional Growth Strategy, and
- state "*if applicable*, how the official community plan is to be made consistent with the regional growth strategy over time."

Legislation: Implications of an adopted RGS for Metro and municipalities: Conclusion

Metro would seem to be in a strong position to require Regional Context Statements to limit municipal action *to the degree the RGS provides for*, given:

- section 865, and its directive that the RGS is binding on Metro in its dealings with RCSs; and
- the RGS will have been specifically accepted by, or will otherwise have become "binding" on, every member municipality

Limits in the RGS

The next issue is the nature and scope of the limits the RGS provides for, noting:

- the "regulatory approach" that Metro and the member municipalities chose in drafting the RGS, as compared to the "leadership approach" taken by the Livable Region Strategic Plan; and
- that the RGS explicitly provides in numerous places for RCSs to be "generally consistent" with it

Impact #1: The limits the RGS imposes on municipal discretion

The Regional Land Use Designations: green zones, purple zones, orange zones

The Livable Region Strategic Plans teeth were in its "Green Zone" provisions. The Regional Growth Strategy builds on that approach by creating separate "zones" for:

- Industrial (the purple zone),
- Mixed Employment (the orange zone),
- General Urban (the grey zone),
- Agricultural (the green zone),
- Rural (the olive zone), and
- Conservation and Recreation (the forest green zone).

Limits on municipal discretion: Particularity

The "zones" are established in parcel-based maps, and per the provisions set out earlier, can only be changed by Metro vote.

The Regional Growth Strategy also sets out:

- a comprehensive statement of the nature of each "zone", at Part D, and
- a detailed set of parameters for the policies that municipalities are to adopt in each such "zone"

Regional Land Use Designations: Conclusion

- One can expect those limits to work their way into municipal OCP bylaws, and thereby *constrain* municipalities' abilities to make zoning changes

Urban Centres and FTDA's

- Urban Centres: the squares and the dots
- Frequent Transit Development Areas (FTDA's): locations to be established later, in RCSs
- the areas that are to get elevated density

Urban Centres and FTDA: *Locations*

- Urban Centres and FTDA *locations* can only be added or deleted with Metro approval
- Urban Centres and FTDA *boundaries* are determined by municipalities, based on established criteria
- The distinction between the two terms is unclear (ie - a *boundary* defines the outer limits of a *location*);
- You can expect that at some point there will be a dispute where a municipality asserts that something is a change of a boundary, and Metro says it goes beyond that and is really a change of location

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Urban Centres and FTDA: *Boundaries*

- Boundaries have to be identified by municipalities *in their Regional Context Statements*. That initial designation of boundaries is subject to Metro sign off
- Boundaries have to be generally consistent with the *guidelines in Table 3*, which are detailed, with very specific definitions
- FTDA's key off of the Frequent Transit Network *set by TransLink*

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Limits on municipal discretion: *Arbitration*

It would not be surprising if arbitrators tended to side with Metro in the dispute on the above issues, given:

- the legislative directions noted earlier
- each municipality specifically accepted the RGS, or it otherwise became "binding" on it by arbitration
- the fact the RGS is written as it is, with municipalities having agreed to limit their role in the manner noted
- by definition, a majority of municipalities or more will have taken the position that the matter invokes the Region's interests

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Limits on municipal discretion: *Conclusion*

- The provisions are much more comprehensive than the existing RGS
- Metro may or may not push the full scope of its ability to constrain
- Whether it does so would depend on who fills what position at Metro in the future, and, if there is a dispute, how the arbitrator(s) respond

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Impact #2: The *growing* importance of the limits on municipal jurisdiction over time

The growing importance of the limits: Overview

- The Regional Growth Strategy "locks in" to varying degrees a *specific plan* in a *changing* world
- Metro signoff is required for changes to that land use plan

The growing importance of the limits: Predicting the future

It is impossible to predict the complex interplay over time of:

- market forces, and economics
- knowledge growth, and technological change
- political change, both locally and across the world
- environmental change, etc.

Expectations versus events

- What expectations did people have for the following two decades in 1910, as compared to the events that followed
- Same question for 1925, 1937, 1959, 1975, etc.

Changes in the past decade

- Massive growth of China's economy
- Financial crisis of 2008, with the following global recession
- 9/11, and the war between the US and Iraq

Assumptions built into the land use plan

- Transit
- Amount and location of Port distribution lands
- Impact of NIMBY pressures
- Agriculture

Variable #1: Transit

- Changes in the location of transit lines, or delays in their provision
- If municipalities up densities per the plan, but transit goes elsewhere, there are livability issues
- Recent example in Port Moody

Variable #2: Industrial

- The Port is a key element of the Metro Vancouver economy (and the Canadian economy)
- The RGS is based on assumptions regarding the appropriate *amount* and *location* of the industrial land that is required, which in turn reflects projections regarding *demand*
- It is not clear how valid those assumptions are, because Metro studies came after the Regional Land Use Designations were set, and have not been released yet

Variable #3: NIMBY pressures

- Developable area is significantly constrained by the ocean, mountains and US border
- Developable area is then significantly further reduced by the ALR
- The remaining area is divided into 21 municipalities, elevating the importance of neighbourhood "not in my back yard" considerations
- Results in reduced building heights and densities along transit lines, to avoid alienating voters by changing existing neighbourhoods "too much"

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Variable #3: Effects of NIMBY pressures

- Negatively impacts housing affordability
- Labour supply and land costs, and hence business competitiveness
- Social impacts (can my children afford to live here?; homelessness)
- Reduced transit effectiveness
- Later pressures to move the Urban Containment Boundary outwards

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Variable #4: Agriculture

- Current system is largely an export market, dependant on transportation cost structure
- Average age of farmers approaching 60
- Farming and food technologies evolve
- Climate change impacts, including availability of water

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Planning

- Can't simply put lots of planners in a room for an extended period, and thereby know the future
- Invariably a comprehensive plan is prepared, and then there are a series of iterations as the variables noted above evolve, followed by a new plan when it gets too far out of date
- Here, majority and 2/3rds Metro vote requirements constrain the ability of municipalities to make those changes
- Metro's role as the gatekeeper of whether change will be allowed is tied to a specific plan, and therefore will grow over time

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Impact #3: Metro's ability to seek *extractions* in exchange for releasing municipalities from limits

Extractions: Discretionary approvals generally

Where approval is required from two bodies, both of whom have discretionary approval powers, they:

- may not agree
- even if they do, each often seeks things that advance their interests (offset potential impacts) as enticements to approval

Extractions: Precedents

- The ALC's approval conditions commonly include a one for one replacement of agricultural land, etc.
- OCP changes are theoretically just as broadly based as Regional Context Statement changes. But it is common for changes to be made to OCPs as a result of zoning applications for individual parcels
- Iterative change is inherent in an evolving world

Extractions: Examples

- A key player of the next emerging economy wants to come to Metro Vancouver, and the site that best suits its needs for size, logistics, etc. is not located alongside a transit line
- Or perhaps Delta or Surrey are persuaded, in the interests of the Port, to allow a land use change to lands in the vicinity of DeltaPort or Port Kells
- If such change can only be made with an RCS change, there would be nothing stopping Metro from seeking substantial extractions as a precondition (reducing what the municipality could otherwise extract)

Impact #4: Metro's ability to change land use designations in a municipality against that municipality's wishes

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Metro's ability to force changes: Overview

- A core underpinning of the RGS is agreement on a specific land use plan, which has been negotiated with all member municipalities, in the context of legislation provides that each municipality has a right of sign off or arbitration
- Through the inclusion of section 6.4.1, municipalities are waiving the need for the same process before those designations are changed within its boundaries against its wishes
- The municipality's right to arbitrate would not arise until the RCS stage, well after the RGS was already amended.

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Metro's ability to make changes: Example

- Metro can change designations over the objection of a municipality
- Majorities can and do impose their will on minorities
- In the 1990s, Metro assigned sewage treatment cost recovery to municipalities based on growth. Surrey had 30% of growth, but only 17% of the property tax base. It appealed to Cabinet, based on being assigned a double property tax load

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Metro's ability to make changes: Arbitration

Arbitration might tend to support Metro, given:

- the term allowing change over municipal objections was agreed to in the RGS
- the land use designation in the RGS will already have been amended, well before the arbitration arises at the time of the next RCS
- legislative provisions say RGS is binding at that point

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Metro's ability to force changes: Limits

- Metro may be able to implement changes from the RGS into an RCS, and even into an Official Community Plan
- But there is no mechanism to *compel* a municipality to zone

Impact #5: The ability of the public to enforce the plan's restraints in Court

Limits on Metro's ability to allow changes without RGS amendment: Context

- The RGS (and its land use plan) are quite specific
- Various sections provide for RCSs to be "generally consistent" with the RGS
- Sections 865, 860(6), etc. create obligations to act consistently with the RGS

Limits on Metro's ability to allow changes without RGS amendment: Case law

- In *McLean Lake* and other cases, citizens who oppose a project are able to strike down bylaws based on plan terms
- Metro's ability to accept Regional Context Statements that "meet or work towards" the RGS would make legal challenge based on the RGS alone difficult
- The key will be what the RCS that carries forward the provision says

Impacts on municipalities: Conclusion

Impacts on municipalities: Conclusion

- Metro would have an increased power to *block* zonings that are at odds with the RGS (now or as amended)
- Metro does not have the ability to *compel* municipalities to zone as Metro wishes

Impacts on municipalities: Conclusion

- Limits commence within two years after the adoption of the RGS, through new RCSs, and possibly earlier
- Significant ability on Metro's part to constrain municipalities (with some unpredictability over how Metro would exercise those powers)
- Metro role would increase as time passes, and the RGS gets more and more out of date
- Delays in approval times, as Metro reviews issues
- Quite possibly Metro extractions

E. Issues surrounding the effectiveness of the RGS in achieving its goals

Effectiveness of the RGS in achieving its goals: Overview

- The fact the Regional Growth Strategy changes the current regime does not mean that it is a bad thing. Indeed, that is its purpose
- The real questions are:
 - (i) whether it improves the present situation
 - (ii) whether there are better alternatives

Criteria #1: Focusing urban development along transit

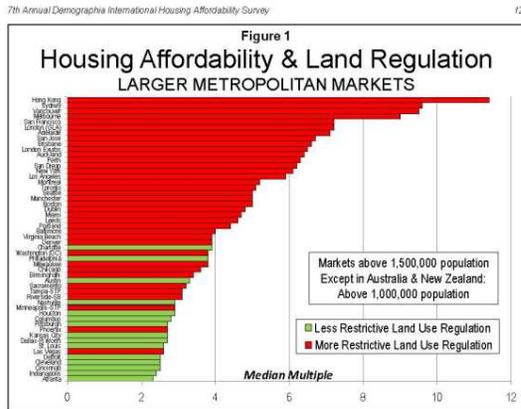
Effectiveness: Metro's objectives with RGS

- (1) Focusing urban development along transit
- (2) Protecting the industrial land supply
- (3) Containing urban sprawl

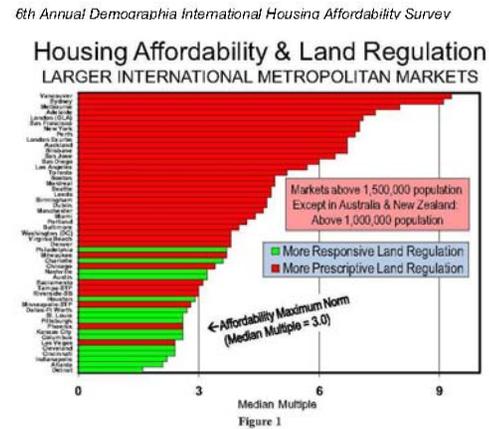
Focusing residential and employment density: Underpinnings of the problem

- Popular international location
- Significant limits on developable area (ocean, mountains, border, Agricultural Land Reserve)
- 'Multiple relatively small municipalities' structure amplifies NIMBY pressures

Focusing residential and employment density:
Effects of the problem



Focusing residential and employment density:
Effects of the problem



Focusing residential and employment density:
Effects of the problem

Negatively impacts:

- Housing affordability, and homelessness
- Metro's competitiveness, given land cost and labour supply impacts
- Decreased transit effectiveness, with associated environmental and economic downsides

Focusing residential and employment density:
Impact of the RGS

- RGS reflects a "regulatory approach" which seeks to ensure that things are optimally achieved in specified locations by *limiting* them *everywhere* else
- The legislation does not allow Metro to compel zoning, so there is no direct impact on NIMBY pressures

Focusing residential and employment density: Limits on the positive impact

- *Precluding* activities elsewhere is not the same as *getting something done* where you want it
- Councils would still be left to ignoring NIMBY pressures at their peril
- Largest impact may be the "political weight" the plan will have, as a result of an established consensus around expanding densities
- To the extent the RGS conveys "political weight", that effect may already have happened

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Focusing residential and employment density: Potential problems

- Side effects are quite high, per Part D
- Effects in practice are unclear (Surrey sewer treatment cost example)
- RGS impact also muted by directive of
 - (i) no residential and office along transit in Industrial areas
 - (ii) no residential along transit in Mixed Employment areas

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Focusing residential and employment density: TransLink

- Is seeking the power to impose DCCs and CACs
- RGS proposes major system changes, and TransLink proposes future change to add costs, even though such changes would not directly address NIMBY pressures

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Focusing residential and employment density: Implications:

- Popular international location: not affected
- Limits on developable area: not affected
- Governance structure that amplifies NIMBY factors: muted

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Focusing residential and employment density: An alternative approach: TransLink Municipal Agreements ("TMAs")

- Could instead directly address density by allowing TransLink and municipalities to make deals: transit service for density
- Could apply on a municipal-wide basis, or within a municipality on a transit line specific basis
- Public fully involved, by requiring public input as a prerequisite to the entering into of a TMA

Focusing residential and employment density: TMAs

- Enable density decisions to be made on an *area wide* basis *in conjunction with* transit decisions, rather than *separately* from them (leaving detailed *site by site* zoning for later)
- Municipalities and TransLink could factor in the density levels that need to be met for transit to work, and the transit service levels that are needed for the density to work
- Parties could build in detailed incentives and penalties that would apply if the density levels were not met subsequently at zoning or build out, or if the proposed transit service was not provided

Focusing residential and employment density: TMAs

Would address the NIMBY factor more directly than the RGS does, because Councillors would be in a position to respond to voters that:

- they had an opportunity to address those issues at the time of the TMA public process, when the interplay between density and transit was being addressed
- the municipality, and hence its citizens, will suffer a contracted downside if Council yields to NIMBY pressures

Focusing residential and employment density: TMAs

- Is a more targeted tool, and would avoid many of the negative side effects of the RGS
- Because the TMA would be an agreement between a municipality and TransLink, it would be easier to amend to reflect changing events than the RGS

Criteria #2: Protecting the Industrial land supply

Protecting the Industrial land supply: Approach taken by the RGS

- Adds a layer of protection to the industrial land supply that is absent in the current regime
- But caps and adds restraints on the conversion of General Urban, Mixed Employment, Rural and Conservation and Recreation land to Industrial:
 - (i) adds restraints regarding the re-designation of Agricultural lands, *whether or not* they are in the ALR
 - (ii) in many cases, the restraints involve a two-thirds weighted vote of the Metro Board and a regional public hearing

Protecting the Industrial land supply: Assumptions

RGS land use designations reflect assumptions regarding:

- The *amount* of industrial land that the Region requires for the Port to be competitive
- The appropriate *location* of that industrial land
- The appropriate standard to apply to the designation of *additional* industrial land

Protecting the industrial land supply: Issue definition

- The function of a Regional Growth Strategy is not to protect an existing industrial land base, and then examine the degree to which that land base can be intensified
- The real issue is to protect an appropriate industrial land base
- The analysis has to examine the effects of *location* on the port distribution economy

Providing for an appropriate Industrial land supply: Information

Metro's studies on (i) the Industrial Land Inventory, and (ii) the potential for Intensification:

- post-date the setting of the Regional Land Use Designations
- are not scheduled for release and public and private sector comment until mid-February 2011

The sufficiency of industrial supply for the gateway economy was cited as a core factor by the Province, the Port and the Business Council

Providing for an appropriate Industrial land supply: Alternative approaches

- There are numerous options for the RGS beyond what has been submitted
- The Livable Region Strategic Plan, adopted by Metro in 1996, took a "regulatory approach" to the Green Zone but more of a "leadership approach" to other issues

Providing for an appropriate Industrial land supply: Alternative approaches

Could do:

- a "regulatory approach" for (i) the Green Zone and (ii) the protection of a base set of industrial land
- an agreement-based approach to density and transit, as outlined above in connection with TransLink Municipal Agreements
- a "leadership approach" on other issues, to avoid the side effects noted at Part D

Criteria #3: Containing Urban Sprawl

Containing Urban Sprawl: Designations outside of the UCB

- Agricultural designation in the RGS includes land that is in the ALR *and* land that is not in the ALR
- Can only be changed by a 2/3 weighted vote of the Metro Board, following a regional public hearing
- ALC is to consult with Metro *to ensure consistency between* the RGS and ALC decisions
- The only way to ensure consistency with an Agricultural designation would generally be to refuse an exclusion application

Containing Urban Sprawl: Designations outside of the UCB

This applies on a broad *policy* basis, and hence irrespective of:

- how poor the agricultural quality of the land might be
- how valuable the land might be from some other perspective (such as the port distribution economy)

Containing Urban Sprawl: Designations outside of the UCB

- The reason for this broad policy providing triple protection the ALR land (Metro on a 2/3rds vote following a regional public hearing, followed by the municipality, followed by the ALC) is unclear
- the ALC has *not* been ineffective at protecting agricultural land

Containing Urban Sprawl: Designations outside of the UCB

- The reason for this broad policy vis a vis *non*-ALR land is also unclear
- Nor is it clear why the RGS designates land as General Urban that the ALC specifically refused to remove from the ALR (the Garden City lands in Richmond)

Containing Urban Sprawl: Designations outside of the UCB

- These designations have also been established before Metro's Industrial Land Inventory Study, or its Industrial Intensification Study, are released
- They are obviously related to Port distribution economy issues

Containing Urban Sprawl: Alternative approaches

There is a very real question whether inadequate urban containment is a problem under the present regime, given the combination of:

- the ALR, and
- the Green Zone in the existing otherwise less interventionist Livable Region Strategic Plan

F. RGS process

RGS process: legislative requirements: Metro stage

The *Local Government Act* requires:

- the Metro Board to adopt a consultation plan
- in adopting the consultation plan, to consider whether the plan should include the holding of a public hearing, but on the basis that

"a failure to comply with the consultation plan does *not* invalidate the regional growth strategy as long as reasonable consultation has been conducted"

RGS process: Municipal stage

- After receiving the proposed RGS, each affected local government is to review it in the context of any matters that affect its jurisdiction, and then either accept it or not
- The local government is to indicate each provision to which it objects, and the reasons for its objection

RGS Process: Public input at municipal stage

- The legislation does not set parameters for the process whereby the municipality takes public input from its citizens on how it should respond
- Important how Councillors handle this, given the required review and the implications for citizens and businesses in each municipality going forward
- UDI has written to each member municipality seeking to make a submission

RGS process: Metro / municipal stage

- The Metro stage is only the first stage. The regime contemplates municipalities responding, and then the conflicting positions being sorted out
- Where one or more local governments object to one or more provisions, the Board notifies the Minister, who can direct (i) a non-binding resolution process, or (ii) one or another form of binding arbitration
- The contents of the RGS can be altered significantly through the acceptance and settlement process
- If the Board does not like the outcome, it can decide to not adopt the RGS

G. Conclusion

Conclusion

The RGS's goals and objectives are unquestionably laudable.

At the same time, in terms of achieving its objectives:

- it may be relatively ineffective in focusing urban development, given the limits in the legislation;
- it is not clear that the provision for industrial land is sufficient for the needs of the Port economy, given that the relevant studies have not yet been released; and
- one can question whether Metro has an urban containment problem, and whether the proposed regime is preferable to the one that is already in place.

The main effect of the RGS would seem to be a shifting of jurisdiction, through the addition of a significant layer of required Metro approvals, the scope of which could be expected to increase over time.

H. Questions for discussion

Impacts on Municipal decision-making: #1

Given the limits on people's ability to predict the future, is it in the best interests of the region to create a system that:

- is built on a parcel-based set of land use designations for the entire region; and
- imposes heavy hurdles (ie – a two-thirds weighted vote of Metro, following a regional public hearing, etc.) on changes from that plan?

Impacts on municipal decision-making: #2

Would the long term effect of the Regional Growth Strategy be:

- better coordination, and smooth sailing to a better future;
- the need to navigate a substantially increased bureaucracy as a precondition to evolving with the world; or
- to put Metro in a position to receive the substantial extractions, reducing the amount available to the municipalities that would otherwise receive them (ie – Delta in the case of lands around Deltaport, and Surrey in the case of Port Kells) ?

Impacts on municipal decision-making: #3

How should one expect the discretion that the new regime gives Metro to be exercised? Can anyone know given the changing membership of the Metro Board?

Impacts on municipal decision-making: #4

What criteria will prove dominant where the standard for change is:

- a two-thirds weighted vote of the Metro Board (with its 21 member municipalities and one electoral area); or
- a 50% + 1 weighted vote?

Effectiveness of the Regional Growth Strategy at achieving its goals: #1

Are the affordability, competitiveness, etc. problems in Metro Vancouver a function of:

- a limited developable land base (because of the ocean, mountains, border and the ALR); and
- a governance structure that over-weights neighbourhood NIMBY interests?

Does the Regional Growth Strategy:

- do little to increase the limited developable land base, and indeed further constrains land use alternatives; and
- do nothing to compel zoning, such as to offset the NIMBY factor?

Effectiveness of the Regional Growth Strategy at achieving its goals: #2

If so:

- should one expect a significant impact on affordability, the region's competitiveness, etc.; or
- will its main effect be to impact who needs to be involved in land use decision-making, by adding a layer of Metro approval bureaucracy?

Effectiveness of the Regional Growth Strategy achieving its goals: #3

The Regional Growth Strategy would seem to protect existing industrial land, but make additions to it harder.

Should one expect the RGS to have a positive, or negative, impact on addressing the relatively low employment earning and household income levels that the Business Council notes apply here?

Effectiveness of the Regional Growth Strategy achieving its goals: #4

Would it be preferable, from the perspective of affordability, competitiveness, etc. to:

- take the industrial land that is low value from the perspective of the port economy and that is well served by transit (Lake City, Kent Street, etc.), and take advantage of the transit by converting it to more residential and office use; and
- add a limited amount of compensating land to one or more "Special Study Areas", where that land would substantially improve the competitiveness of the port economy perspective (Deltaport, Port Kells)?

Effectiveness of the Regional Growth Strategy achieving its goals: #5

Is the assumption of "insufficient urban containment" in Metro Vancouver real?

Effectiveness of the Regional Growth Strategy achieving its goals: #6

Does the Regional Growth Strategy propose the most effective use of the Metro Vancouver land base over the 30-year time horizon of the plan?

Effectiveness of the [Regional Growth Strategy](#) achieving its goals: #7

Are the benefits that are likely to flow from the Regional Growth Strategy relative to its goals such as to warrant the changes that the Regional Growth Strategy would make to the land use and development approval system?

Alternatives: #1

Would a combination of:

- TransLink Municipal Agreements (to address the concentrated density issue);
 - a more limited use of the "regulatory approach" (ie – a form of Green Zone, combined with a protected base of industrial lands); and
 - the "leadership approach" otherwise;
- be more effective than the RGS?

Alternatives: #2

Should a sunset clause be added, whereby the Regional Growth Strategy would only continue to apply after a set point (ie – 7 or 10 years after enactment) if some weighted majority of Metro's member municipalities approved either:

- an update of the Map 2 plan, or
- the continuation of the RGS?

Alternatives: #3

Given the stakes for the future of Metro Vancouver, should the input process for the Regional Growth Strategy be extended so that:

- Metro's public input process is not concluded within three weeks after introduction; and
- The public and interested stakeholders have the opportunity to comment on studies that are fundamental to the assumptions on which the Regional Growth Strategy is based (ie – the Industrial Inventory Study, and the Industrial Intensification Study)?

Where to from here

The issues are canvassed. Lets hear from the other speakers.

THANK YOU

This paper is not intended as legal advice applicable to any specific circumstances, and is not to be relied upon as such.

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