



2009

# Regional Growth Strategy: A Summary Opinion of Dispute Resolution Legislation

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## ***Regional Growth Strategies and Dispute Resolution: A Summary***

### ***1.0 Summary***

The Regional Growth Strategy was presented to Coldstream Council on February 2<sup>nd</sup>, 2009 and clarification was requested on the provincial role within Regional Growth Strategy conflict resolution, local government autonomy within the Regional Growth Strategy process, and provincial involvement in Regional Growth Strategy Bylaw adoption. The development of this summary report is a result of that request for clarification on the above issues.

The Regional District of North Okanagan Regional Growth Strategy process, after careful review of the development of other Regional Growth Strategies throughout the province, has been designed with the intent of avoiding the need to enact the conflict resolution provisions, if possible. The organization and structure of the Regional Growth Strategy process ensures the involvement of municipal governments, both at the elected official and staff levels, continually and throughout each stage as equal partners. The process has been developed with the goal of ensuring that local government issues, concerns and interests are expressed early and are discussed, with a focus on collaboration, cooperation relationship-building and accommodation. Within the Local Government Act, Part 25, there is the provision for a local government to exclude elements of the Regional Growth Strategy that are either not acceptable or do not apply. The goal of our process is to avoid dispute resolution, which can only be enacted by the Regional District or a local government during the Bylaw process (in this case, late is Phase III of our process) by ensuring that all local government interests, concerns and issues are address early on, as well as throughout, the Regional Growth Strategy process.

Although the provincial government does have a legislated role within dispute resolution process, Sections 856, 858, 859 and 860 of Part 25 of the Local Government Act are rarely evoked.<sup>1</sup> When they are, it is at the request of the Regional District or affected local governments. The Minister will initiate the dispute resolution process, but will not dictate either the content of the Regional Growth Strategy or the participation of local government. Throughout the dispute resolution process, including arbitration or peer review, the Regional District and affected local governments can work toward an alternative solution that is acceptable to all parties. Even after a peer panel or arbitrator has made a decision, the affected parties have 60 day to work together to develop an acceptable alternative before the adoption of the arbitrator's decision.

The implication of the dispute resolution sections of the Act is that local governments and the Regional District are encouraged to work collaboratively together in developing an acceptable Regional Growth Strategy and to identify areas of disagreement early, especially prior to initiating the Bylaw process (Section 857). If all dispute resolution processes have been exhausted, then a decision can be forced on all Regional Growth Strategy participants, using local and regional government submissions. This situation has only occurred once, which is described in a case study in Section 7.0 of this document.

The Provincial Government does not have a role, outside of an advisory capacity, in the development of the Regional Growth Strategy. Once the Regional Growth Strategy Bylaw process has begun, the province may have a role, upon request by the affected local government, in facilitating or arbitrating an agreement on the outstanding issue(s) with continued opportunity for the local government to reach agreement outside of provincial involvement.

After a Regional Growth Strategy has been adopted, each municipality in that region has up to two years to prepare a Regional Context Statement (RCS). It is important to note the RGS is not binding on the

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<sup>1</sup> Refer to Sections 6.0, 7.0 and 8.0, and the Case Study on page 5 for a summary of the situations where conflict resolution has been evoked.

member municipalities, however, the regional context statements are. As such, it is important to develop them in a careful manner (Capital Regional District 2004).

## **2.0 Introduction**

Section 849(1), Part 25 of the *Local Government Act* states that the purpose of a regional growth strategy (RGS) is to “promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources.” Part 25 outlines the subjects that can be addressed within a regional growth strategy (Section 850), the process for adopting and amending a regional growth strategy (Sections 853, 857, 863 and 864), how regional growth strategies should relate to local plans (Section 865 and 866), and the process for resolving disputes (Sections 856, 858, 859 and 860). In general, the *Act* aims for agreement on growth management matters, rather than compliance. It provides detailed procedures to achieve such agreement between municipalities and the Regional Board, together with mechanisms to establish consistency between regional and local plans. The *Act* does not provide regional mechanisms to enforce local implementation, nor does it provide penalties for non-compliance, which is consistent with its overall philosophy of seeking agreement rather than regulation (Government of British Columbia 1999).

## **3.0 Consensus**

The requirement is that a RGS “must be accepted by affected local governments” (sections 853 (1) (c) and 857 (1)). One of the standards to be met along the way to “acceptance” is that the Regional Board and the affected local governments have to “make all reasonable efforts to reach agreement” on the proposed RGS (section 855 (1) (b)) (Sloan 2008). The legislation anticipates a negotiation that will go on for some time as affected municipalities consider the implications of the RGS, seek changes to it and accommodate those changes. A full slate of consultations are required (section 855 (2)). The Regional District of North Okanagan Regional Growth Strategy process, through design of structure and organization, seeks local government input, agreement and consensus throughout each phase of the project, ensuring the development of a Regional Growth Strategy that will represent all interests and concerns moving forward. The re-confirmation of the Terms of Reference and the first Elected Officials’ Forum are two examples of ensuring that RGS direction and content reflect the interests of local governments.

During the development and adoption of a Regional Growth Strategy, referrals to other levels of government may be sought by the Regional Board or the appointed facilitator (sections 855 (2) and 856 (1) (a) (iv)). Finally, Regional Growth Strategy referral to affected municipalities is required for a period of 120 days (section 857). The nature of that referral is that a serious discussion occurs in each council chamber of each local government because a resolution concerning the matter is required (Sloan 2008). Significantly, the resolution is not merely a matter of “yes” or “no” to the question of acceptance. It is an answer which requires details of acceptance, objection, reasons for objection and potential alteration (section 857 (7)). The section speaks of “objection”, not rejection.

So the regime in place under the *Act* encourages an active involvement in plan development and negotiation that seeks a true consensus in favour of an RGS (or amendment to one) with the full expectation that there will probably be objections that need to be ironed out. The concept of consensus anticipates that adjustment will have to be made during consensus seeking to accommodate, not compromise objections along the way (Sloan 2008). The North Okanagan Regional Growth Strategy has been designed around that concept of consensus.

## **4.0 Agree to Disagree**

Section 853(2) and 857(7)(c) provides an “agree to disagree” option for addressing outstanding issues of a minor nature in a Regional Growth Strategy. Specifically, if a local government objects to a specific provision of a RGS and the Regional Board does not consider the provision critical to the overall strategy,

the local government can accept the RGS on the basis that the provision **does not apply** to that local government (Government of British Columbia 2006).

A notation clarifying the provision which the Regional Board and the local government agree to disagree on will be included in the RGS. The local government may choose to accept the provision later on, if desired, at which time it would apply to that jurisdiction.

### **5.0 Minor Regional Growth Strategy Amendments**

The Local Government (Green Communities) Statutes Amendment Act (formerly Bill 27) provides a mechanism for establishing a process for minor amendments to an RGS after the RGS has been adopted. If a minor amendment process is in place, an amendment under consideration could move through full consideration quickly. The Regional District and local government, as a chapter of the Regional Growth Strategy Bylaw, must define what constitutes a minor amendment and the process that must be undertaken to make that amendment.

Under the default minor amendment process (Section 857(1)), when a minor amendment to an adopted RGS is proposed all Regional Board members attending the meeting must agree that the amendment is minor, by voting in favour of the amendment when the bylaw is given first reading. This mechanism creates a considerable check which will ensure that only items which are truly considered minor in nature, by the Regional Board, will go through the minor amendment process.

If a Regional Board chooses to create a customized minor amendment process, a list of items must be included in a custom process. All board members would provide input into what would be considered a minor amendment, and full acceptance of all affected local governments would be required to include the minor amendment process in the RGS.

Inclusion of section 857(1) provides a mechanism for minor amendment of the RGS, forgoing the re-acceptance of the RGS by all municipalities, as specified in section 857.

### **5.0 Major Regional Growth Strategy Amendments**

By the terms of section 853 (4), major amendments of an RGS follows the same process as the original creation of the RGS. The revised RGS is sent out to member municipalities for review (often referred to as the “municipal referral process”) under section 857. The municipalities have 120 days in which to signal by resolution their acceptance of or objection to the amendment. If acceptance of *all* member municipalities in the region is not achieved, then the conflict resolution process is enacted.

### **6.0 The Dispute Resolution Process for Regional Growth Strategies**

An array of dispute resolution mechanisms are provided in Sections 856, 858, 859 and 860. Non-binding resolution, peer panel, two arbitration options and facilitation are all dispute resolution techniques that can be applied to a lack of consensus at various prescribed points in the initiation, development or adoption of

#### **Agree to Disagree Provision (Section 853(2))**

**“(2) As an exception to subsection (1) (c), a regional growth strategy may be adopted without acceptance in relation to a specific provision if**

**(a) the provision is included on the basis that it is not binding on the jurisdiction of a local government that has refused to accept it, and**

**(b) the board considers that it is not essential to the regional growth strategy that the provision apply to that jurisdiction”**

Consensus and agreement on all issues and RGS objectives are anticipated in Part 25 of the Local Government Act. During the development of a RGS, specific provisions may not be in the best interests of municipalities and may present the possibility of conflict. Such minor conflict can be addressed through an “agree to disagree” provision, which is provided for in Section 853(2). For example, if a local government objects to a provision of the proposed Regional Growth Strategy that the Regional District does not consider to be critical to the overall strategy, these parties can “agree to disagree” and the local government can accept the Regional Growth Strategy on the basis that the provision does not apply to them.

a Regional Growth Strategy, to a major amendment or the repeal of sections of a RGS. The dispute resolution provisions are enacted at the request of the Regional District or affected local government and, except for facilitation, occurs during the RGS Bylaw acceptance process between readings 2 and 3, if a local government(s) chose not to accept the RGS Bylaw.

### **6.1 Facilitation**

Upon the request of the Regional Board or an affected local government(s), the Minister can appoint a facilitator to assist with negotiations between local governments, and facilitate the resolution of anticipated objections (section 856 (1)). The Act does not specify any particular methodology for this function. Facilitation is also accessible without triggering section 856 and the consequent legislation. A Regional Board can determine if it wants to use a facilitator actively to assist the negotiation of any issues during the Regional Growth Strategy process. The new amendments to the Act (Bill 27) broaden the use of facilitation so it can now be used during the development of a Regional Context Statement (Government of British Columbia 2006).

If an outstanding issue remains during negotiations on an RGS, a facilitator could recommend non-binding resolution processes (e.g. mediation) to assist in achieving agreement. Additionally, after a strategy is approved, a facilitator could assist local governments in entering into implementation agreements with the provincial government and others

If the facilitator anticipates non-acceptance during the 120-day review period, he or she may convene a meeting between the Regional District and the affected local governments (section 858 (2)(a)). The purpose of the meeting is to clarify the issue(s) which non-acceptance may hinge upon and to encourage their resolution prior to formal communication with the Board. If the facilitator anticipates that agreement is possible but more time is required, he or she may extend the 120-day acceptance period (sections 857 (4)(b) and 858(3)) . This would allow the parties to concentrate on resolving their differences, using whatever process they choose, in consultation with the facilitator.

If facilitated agreement can not be reached, then Section 859 (2) provides the terms of which the Minister would either determine that a non-binding process must begin or that such a process is unlikely to be fruitful and direct that the matter go immediately to a binding settlement process. Within the Capital Region District case study, the Minister concluded that the facilitation activities undertaken constituted a sufficient non-binding process and the matter should proceed to binding settlement. Facilitation was undertaken between January 28<sup>th</sup>, 2008 and June 30<sup>th</sup>, 2008 on the matter of extending the Urban Containment Boundary contained within the RGS. Highlands District wished to increase development potential on a 267 ha parcel of land from the planned 62 home plan without water and sewer service to plan that allowed 150 single-detached homes and 250 tourist rental accommodations with water and sewer service. Expansion of the boundary was contentious and arbitration was undertaken after that point because agreement on this matter was not achieved. Arbitration was undertaken, with each interested municipality and the Regional District submitting a RGS Bylaw amendment, and a modified Highlands District UCB extension was chosen. This is the only case where arbitration determined the outcome. It should be noted that, if the Capital Regional District RGS has a minor bylaw amendment procedure, this situation could have been avoided. The RGS process that the Regional District developed is designed, through organization and structure, to avoid this situation by engagement local government throughout the process to make transparent issues, interests and concerns, and provide numerous opportunities to accommodate those interests within the final RGS. As well, there is the ability for local governments to ensure that provisions of the RGS are non-binding if not in local government interest (Section 853(2)).

### **6.2 Non-Binding Process**

If there is an opportunity for parties to resolve outstanding issues with the assistance of a neutral expert, the Minister will direct the parties to use a non-binding resolution process. The choice of which specific, non-binding resolution process to use is for the Board and the local government(s) that did not accept the

RGS to decide, although the facilitator will be available to provide recommendations. If the parties cannot agree on which resolution process to use, the Minister will determine the process. All affected local governments may participate in the resolution process.

If changes to the draft RGS are proposed that are based on results of the non-binding process, the RGS must again be submitted to affected local governments for acceptance. This step is required because not all affected local governments may have participated in the resolution process or been a party to the proposed changes which may directly affect them. The same provisions under section 857 which governed the initial referral and acceptance will apply here, except that in this case acceptance must be reached within 60 days of the conclusion of a resolution process. If acceptance cannot be achieved within the 60-day time frame, the RGS is automatically referred for settlement under the provisions established in section 860 (Government of British Columbia 2006).

### 7.0 Final Settlement of an RGS

Closure on outstanding RGS issues is needed, but the use of a final settlement process would only be used as a “last resort”, when all other methods of dispute resolution to facilitate reaching agreement have failed, or are destined to fail because differences are too deeply entrenched.

In the event that an affected local government notifies the Minister that it will not accept the RGS, in spite of any non-binding process to be undertaken, the minister can refer the RGS for final settlement. Alternatively, if a non-binding resolution process has been used and the parties were still not able to reach agreement, the strategy will automatically be referred for settlement. Section 861 outlines three options for final settlement—a peer panel, final proposal arbitration or full arbitration. The choice of settlement process is to be made by agreement between the regional district and the local government(s) that did not accept the RGS. If, within a reasonable time period, the parties cannot decide on the option to be used for final settlement of the RGS, the Minister will choose the most appropriate settlement process based upon the issue(s) in dispute and specific circumstances. Specific procedural rules for each of the three options are set out in sections 860, 861, and 862. Once section 860 is evoked, local government can come to agreement on an acceptable resolution at any point during then final settlement process.

Section 860, final settlement, has only been enacted three times since 1995, where all parties, after exhausting all other dispute resolution options, could not agree upon a resolution. The Capital Regional District enacted arbitration in 2003 during final acceptance of the RGS, and the outstanding issues were resolved by the local governments prior to the arbitrator’s decision. As a result, the arbitration process was considered void and the local government solution was placed into the RGS. The issue was minor in nature and was based upon the wording of a single provision.

The Capital Regional District enacted facilitation and the Minister enacted arbitration in 2008 due to a RGS amendment that would have changed the growth boundary significantly (see Case Study).

#### **Case Study: CRD Regional Growth Strategy Amendment Conflict Resolution (2007-2008)**

The District of Highlands put forward a Regional Context Statement that expanded the agreed upon Urban Containment and Servicing Policy Area (UCSPA). This RCS was accepted by the Regional Board and the RGS required amendment to accommodate the proposed UCSPA boundary, which required RGS re-acceptance by all affected local governments. Consensus was not reached by the local governments and the Regional District on the amended RGS, triggering section 856 which allowed the Minister of Community Development to appoint a facilitator to assist with reaching consensus. The facilitator was unsuccessful, and, as required under section 859(2), the dispute could be directed through a non-binding process or arbitration. Minister considered the proposed 5-year review of the RGS an unacceptable non-binding process under section 859 and chose arbitration under section 860. Since local government agreement on a mutual acceptable solution did not occur, the arbitrator, directed under section 861(2), selected the District of Highland proposal that reduced the extension of the UCSPA significantly. This resolution changed the UCSPA boundary within the RGS.

Squamish-Lillooet Regional District, in 2009, has enacted Section 858 and 859 for facilitated negotiation of non-acceptance when Squamish, not providing rational or outstanding issues and rejected the RGS. Facilitation is still ongoing.

### **7.1 Peer Panel**

One settlement option draws on the resources of a panel of three individuals who are locally elected officials (current or former) or who, in the opinion of the Minister, have appropriate experience in relation to local government matters. These individuals cannot be elected officials from a local government that is currently involved in the preparation of the RGS in question.

The panel will hear presentations from the local governments participating in the settlement proceedings and make any decision it considers appropriate to settle the disputed issues. Written reasons will be provided upon request, if the request is made prior to the panel retiring to make its decision after the proceedings have concluded. This option may give local governments some comfort that the members of the panel will be familiar with the issues before them and it gives an opportunity for those not involved in the dispute to try to resolve it for them (Government of British Columbia 2006).

### **7.2 Full Arbitration**

Full arbitration of settlement of an RGS conflict is by an individual arbitrator who hears presentations from the participating local governments, but can make any decision he/she consider appropriate. Candidates will be experienced arbitrators, with extensive knowledge of the law. As with the other options, the choice of arbitrator will be left up to the Regional District and local governments which did not accept the RGS, or failing agreement, by the Minister. Regulations specify how the proceedings are to be conducted. Written reasons for the decision are required. When the Minister determines that binding arbitration should proceed, that does not hinder the Regional Board and the affected local governments from continuing to work together to find a mutually agreeable solution (Lekstrom 2008).

### **7.3 Final Proposal Arbitration**

Section 861(2) set out the process for final proposal arbitration. Under this process, the arbitrator reviews written submissions only and must choose one of the submissions to resolve the disputes issue. The arbitrator does not provide written reasons for the choice nor can he/she craft an alternative solution from those submitted. RGS provisions settled under section 861 are binding to the Regional District and all affected governments, whether they participated in the process or not. Agreement would negate the need for the arbitration process to continue. Even after an arbitrator has made a decision, the Regional Board and the affected local governments have 60 days to agree on an alternative resolution before the arbitrator's decision becomes binding.

### **7.4 Judicial Review**

Section 862(6) provides for a judicial review of the panel or arbitrator's decision. The time period for initiating such a review is during the 60 days after the decision has been made. Judicial review involves the Supreme Court of British Columbia reviewing the way in which the panel or arbitrator made the decision. It is not an appeal of the merits of the decision (Government of British Columbia 2006).

## **8.0 What Final Settlement Means**

Consistent with the principle that the planning system should be biased toward agreement, every opportunity is given to the parties to achieve agreement during final settlement. During a settlement proceeding, the parties can continue to negotiate on a mutually acceptable agreement and at any point in

the process the parties can reach agreement on the RGS, the affected local governments would accept it, and the proceedings would be terminated. Even at the stage where a decision has been made by a peer panel or arbitrator, the Regional District and affected local governments are provided an opportunity to come to agreement on an alternative, locally-crafted solution. Specifically, the Regional District and affected local governments will have 60 days, after a decision has been rendered, in which to negotiate a different resolution for the Strategy before the panel's or arbitrator's decision becomes final and binding. This provides a final opportunity for reaching agreement, as there has to be a mechanism that will ultimately bring the issue(s) and, therefore, the RGS process, to closure.

Once settlement of an RGS is achieved, the Regional District gives the RGS third reading and bylaw adoption. If the Regional District fails to adopt the RGS, Cabinet can require the Regional District adopt the RGS within a specified time period (section 864). Section 864 has never been enacted, even during the Capital Regional District RGS amendment process (see Case Study).

### **9.0 Regional Context Statements and Official Community Plans**

Regional Context Statements (RCS) are a key implementation mechanism for the Regional Growth Strategy. **It is important to note the Regional Growth Strategy is not binding on the municipalities, however, the regional context statements are.** As such, it is important to develop them in a careful manner.

The Regional Context Statement was devised by the Province as a means of **protecting a municipal council's authority to make local planning decisions** while ensuring that the municipal council and the Regional Board agree upon matters of legitimate regional interest.

A Regional Context Statement is essentially a chapter within an OCP which addresses how local planning and land use policy will work toward the goals and objectives established in the Regional Growth Strategy. The RCS provide the mechanism and opportunity to provide a **local interpretation of the Regional Growth Strategy**. It also provides the opportunity to clarify any issues that were raised during the RGS process.

The *Local Government Act* states that a Regional Context Statement must identify:

- The relationship between the OCP and the growth strategy (Section 866.2.a); and
- How the OCP will be made consistent with the RGS over time (Section 866.2.b).

As well, the RCS should determine:

1. The extent to which the municipal OCP is consistent with the Regional Growth Strategy,
2. If it is not consistent, how the municipality intends to bring itself into consistency, and
3. The elements of the RGS which *are not* applicable to the municipality (e.g. development of urban centres in rural municipalities).

RCS were conceived by the provincial government as a mechanism for explaining the linkage between local and regional plans. This choice of an explanatory mechanism reflected the Province's overall philosophy that Part 25 of the *Local Government Act* should **preserve local autonomy wherever possible**. Each local government has the **flexibility** to decide what its RCS will contain. The RCS *must* address the regional issues listed in Section 850(2) of the Act (the five minimum issues that the RGS has to address: housing, transportation, regional district services, parks and natural areas, and economic development). The RCS must be developed by a municipality within 2 years of RGS adoption, must be consistent with the associated OCPs, and are either accepted or not accepted by the Regional Board. There is a dispute resolution process laid out in the Act (Government of British Columbia 1999), although that dispute mechanism has never been enacted.

Although the legislation states that the RGS and the OCP must be consistent, it provides no guidance for how this is to take place. A municipality may amend its OCP over time to give more effect to a RGS. Subsequent amendments of an OCP do not automatically have to be referred to the Regional District for acceptance unless they change the RCS component (Nowlan et. al. 2001).

### **10.0 Conclusions**

The North Okanagan Regional Growth Strategy process has been designed to avoid dispute resolution, as outlined in Sections 856, 858, 559 and 860 of the Local Government Act. The involvement of all municipalities as equal partners, at both the staff and elected official levels, at every stage and throughout each phase of the project, will ensure that council issues, concerns and interests will be addressed throughout the development of the Regional Growth Strategy. This does not mean compromise but will instead emphasize accommodation of interests. Each jurisdiction is unique within the North Okanagan and the interpretation, implementation, and applicability of the goals and objectives will be flexible. As well, provisions of the RGS that are not in the best interest of a municipality can be non-binding (Section 853(2)). As well, the development of a RCS within our process provides the local flexibility to implement and interpret agreed-upon RGS objectives into the OCP. This process is not a top-down approach. Instead, the Regional District and municipalities will be developing the Regional Growth Strategy as equal partners. Issues, concerns and interests will be discussed and accommodations made early within, and throughout the process. The RGS will not go to the Bylaw stage, where dispute resolution can be enacted, without agreement by all municipalities on the objectives and content of the RGS. To ensure an agreed-upon RGS bylaw, municipal staff and elected officials will be involved at each step of RGS development.

Dispute resolution is a last resort within the legislation and the North Okanagan RGS process has been designed, after careful examination of other RGS process, to avoid this possibility through an equal partnership between municipalities and the Regional District. Dispute resolution can only be invoked at the local or regional level. In brief, the dispute resolution sections of the Part 25 of the *Local Government Act* are rarely evoked, and when they are, it is at the request of the Regional District or affected local governments. The Minister will initiate the dispute resolution process, but will not dictate either the content of the Regional Growth Strategy or the participation of local government. Throughout all dispute resolution processes, including arbitration or peer review, the Regional District and affected local governments can work toward an alternative solution that is acceptable to all parties. Even after a peer panel or arbitrator has made a decision, the affected parties have 60 day to work together to develop an acceptable alternative before the adoption of the arbitrator's decision.

The implication of the dispute resolution sections of the Act is that local governments and the Regional District are encouraged to work collaboratively together in developing an acceptable Regional Growth Strategy and to identify areas of disagreement early, especially prior to initiating the Bylaw process (Section 857), which is where the legislated dispute resolution process will begin (Sections 858, 859 and 860). There are numerous options that exist, even at resolution stage including facilitated resolution to objections, the ability for a provision not to apply to a jurisdiction under sections 853(2) and 857(7)(c), and the ability for the Regional District and local governments to continue working toward an acceptable solution throughout the arbitration or peer review process.

It must be remembered that the intent of the Regional Growth Strategy is to develop a long-range strategic vision document that:

- sets out, for the regional district and its jurisdictions, agreed upon economic, social and environmental goals;
- guides the planning, growth management and development decisions of the Regional District and municipalities in ways that promote the agreed-upon goals

- Regional Growth Strategies are prepared by Regional Districts and municipalities working together as equal partners.
- A Regional Growth Strategy Bylaw must be adopted by the Regional Board and accepted by the council of every member municipality (by resolution) in order to take effect.

A system of cross-acceptance is employed. Each municipality must formally accept the Regional Growth Strategy. Once the Regional Growth Strategy is in place, municipalities must amend their OCPs to indicate how the municipality's OCP will reflect the agreed-upon RGS policies and how the OCP, over time, will be adapted to be consistent with the RGS.

Regional Context Statements were conceived by the provincial government as a mechanism for explaining the linkage between local and regional plans. This choice of an explanatory mechanism reflected the Province's overall philosophy that the RGS should **preserve local autonomy wherever possible**. As such, local and regional plans were seen as having a non-hierarchical relationship, where most, if not all, differences between municipalities and Regional Districts are worked out during the development of the Regional Growth Strategy. Our process emphasizes collaboration, cooperation, accommodation of interests, issues and concerns, and equal partnership between the Regional District and municipalities. The resulting RGS will be a document of agreed-upon objectives, goals and strategies with municipal governments involved at every point in the process. The Regional Context Statement provides the flexibility of approach which links broad agreed-upon objectives into local action. Any changes to the OCP are expected to occur over time to reflect the agreed-upon RGS objectives, but this is a slow process and is at the **discretion of the municipality**.

## 11.0 References

Capital Regional District. 2004. Municipal Requirements for Regional Context Statements, Capital Regional District, Regional Planning Services, February 18, 2004. Available at: [http://www.crd.bc.ca/reports/regionalplanning\\_/generalreports\\_/regionalgrowthstrate\\_/implementation\\_/municipalrequirement/MunicipalRequirementsforRegionalContextStatements.pdf](http://www.crd.bc.ca/reports/regionalplanning_/generalreports_/regionalgrowthstrate_/implementation_/municipalrequirement/MunicipalRequirementsforRegionalContextStatements.pdf))

Government of British Columbia. 1999. Reaching Agreement on Regional Growth Strategies. Government of British Columbia, Ministry of Community Services, Victoria, BC.

Government of British Columbia. 2006. Regional Growth Strategies, An Explanatory Guide. Government of British Columbia, Ministry of Community Development, Victoria, BC, February 2006.

Lekstrom, Blair. 2008. Letter to Chair Blackwell of the Capital Regional District: RE: Arbitration. Government of British Columbia, Ministry of Community Development, Victoria, BC, September 25<sup>th</sup>, 2008.

Nowlan, L., Rolfe, C. and Grant, K. 2001. The Smart Growth Guide to Local Government Law and Advocacy. West Coast Environmental Law Research Foundation, Vancouver, BC. Available at: <http://www.wcel.org/wcelpub/2001/13300.pdf>

Sloan, Gordon. 2008. Report of the Facilitator, Proposed Amendment Bylaw 3443., ADR Education, June 19, 2008. <http://www.crd.bc.ca/regionalplanning/documents/CRDreport3.pdf>

Appendix 'A'

Regional Growth Strategy Adoption Process – Conflict Resolution (from Regional Growth Strategies: An Explanatory Guide)

