

To General Purposes Committee Feb 28th, 2011

Re: Proposed 2041 Regional Growth Strategy (RGS)

After reading the staff referral report, I am here to state that endorsing the Regional Growth Strategy as recommended is illogical for two major reasons.

1 The designation of the Garden City Lands and DND Lands as General Urban is incorrect.

The definition in the RGS says that "General Urban areas are intended for residential neighborhoods and centres. . . ." However, these precious lands are in the ALR, and the ALC stated this in their October 20, 2010 letter:

"In Richmond, the encroachment area . . . is proposed for a General Urban designation. These designations are not consistent with the Agricultural Land Commission Act, with the [ALR Use] Regulation . . . or with any existing order of the commission.

Why would the staff recommend to council that they endorse the RGS after that? Why contradict the ruling of the ALC? If you sign the RGS, you break the law.

Mr. Crowe says that "Not accepting the RGS at this stage would be a dramatic departure from previous City positions." I say that two wrongs don't make a right. Better to correct the mistake than to continue what you know is wrong.

Staff has stated that the General Urban designation "most closely corresponds with the current urban designation in the LRSP. " But there was no urban zone or urban designation in the LRSP. The only zone was the Green Zone.

In any case, the legal opinion from Andrew Gage states (on page 4) that "the legality of new bylaws must be considered at the time they are adopted, even if they are merely adopting previous terms." In other words, copying an old error would not have legally excused the new error.

#2 Deliberately making legal errors in order to correct them later does not make sense.

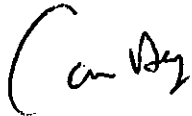
Staff suggest option 3 for making changes to land use designations: "Council would accept the RGS and would request that specific changes be made after its approval. . . . City staff believe MV is willing to consider changes to the RGS. . . ."

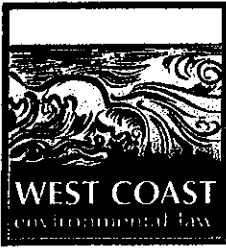
"CONSIDER CHANGES," they say! That is not good enough. Option 3 makes the City of Richmond appear foolish and disrespectful of the law and the Agricultural Land Commission, and it puts these critical lands at the mercy of Metro Vancouver. Better to slow down and get it right the first time. Risking the later change in designation of the lands from the illegal General Urban to the proper Agricultural one is not acceptable to the people of Richmond. The problem needs to be corrected now.

The staff opinion is not useful. The legal opinion of Andrew Gage says what council needs to know. Please make use of it in your decisions.

You have the ability tonight to slow down the crazy train and fix the obvious errors. You have the ability to insure that the designation of these lands is Agricultural. Don't agree to sign a document you know to be illegal and morally wrong.

Carol Day

A handwritten signature in black ink that reads "Carol Day". The signature is written in a cursive, slightly slanted style.



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February 9, 2011

Garden City Lands Coalition Society
Attn. **Jim Wright, President**

***** BY EMAIL AT
GARDENCITYLANDS@SHAW.CA *****

Dear Sirs/Mesdames:

Re: Metro Vancouver Regional Growth Strategy and ALR Lands

You have asked us to provide an opinion further developing our view of Metro Vancouver's Regional Growth Strategy¹ (the RGS) in relation to the Garden City Lands and other ALR lands designated General Urban or Industrial. This opinion builds on the legal analysis provided in our Environmental Law Alert blog post: Metro Vancouver Growth Strategy on thin legal ice,² as well as responding to the response to that post received from Metro Vancouver.³

You have also instructed us to provide a copy of this legal opinion to Ms. Jessica Beverley, In-house Counsel to Metro Vancouver. She is cc'd on this opinion.

The Facts

The legal facts on which this opinion is based are as follows. A change in the information available could alter our legal conclusions.

For the most part the Regional Growth Strategy is very supportive of agricultural land and the vast majority of ALR lands are designated as being for agricultural use. This designation, according to the RGS, is (in part) "intended primarily for agricultural uses, facilities and supporting services with an emphasis on food production where appropriate."

There are a small number of exceptions. Significant amounts of ALR lands are included in Special Study Areas, which may be reviewed for possible development in the future. Since Special Study Areas do not in and of themselves allow a particular type of development the Agricultural Land Commission (ALC) has suggested, and we agree, that there is no legal inconsistency between this designation and the *Agricultural Land Commission Act* ("the Act").

However, there are also lands located in Richmond and Aldergrove which are ALR lands and which are specifically designated by the RGS for urban residential or (in the case of one area in Aldergrove) industrial use. The affected lands in Richmond include, of course, the Garden City Lands.

¹ *Regional Growth Strategy, Bylaw No 1136, 2010.*

² <http://wcel.org/resources/environmental-law-alert/metro-vancouver-growth-strategy-thin-legal-ice>.

³ Letter from C. De Marco to Andrew Gage dated January 27, 2011.

I have been advised by Metro Vancouver staff that these designations are based upon the designations found in the previous Regional Growth Strategy (known as the Livable Region Strategic Plan).⁴

I have also been advised by Metro Vancouver staff that they are based upon the designations that appear in the Official Community Plans (OCP) for the respective municipalities, although at least in the case of Richmond this appears not to be the case in at least some cases: the Garden City Lands are identified as Public and Open Space in Richmond's Official Community Plan (a designation in respect of which the Agricultural Land Commission passed an order, confirming it as an appropriate use within the ALR).

I am advised by Metro Vancouver staff that as a result of discussions with the ALC the draft RGS was modified to add a clause which explicitly recognized that nothing in the RGS could be inconsistent with the Agricultural Land Commission Act (s. 6.11.2 – discussed below).

However, this general clause apparently did not fully satisfy the ALC in relation to the Richmond and Aldergrove ALR Lands. In October 2010, after Metro Vancouver referred the RGS to the Agricultural Land Commission, Mr. Brian Underhill, Executive Director of the Commission, wrote to Metro Vancouver. While he expresses appreciation for wording changes in the RGS (presumably including s. 6.11.2), he clearly sets out his concerns about the Richmond and Aldergrove ALR lands designated by the RGS for urban residential or industrial use:

From the Commission's perspective, the most important outstanding issues are the two instances where the Urban Containment Boundary encroaches into the Agricultural Land Reserve. ... These designations are not consistent with the *Agricultural Land Commission Act*, with the ... Regulation or with any existing order of the Commission. Under section 46 of this Act a local government in respect of its bylaws [including a bylaw to adopt a regional growth strategy] must ensure consistency with this Act, the regulations and the orders of the commission. ... If the Regional Board decides to adopt a bylaw enacting a regional growth strategy without any modification, subsection 46(4) of the *Agricultural Land Commission Act* provides that to the extent of the inconsistency, the bylaw is of no force or effect.

When Metro Vancouver went ahead and gave second reading to the RGS without addressing the ALC's concerns, the Chair of the ALC, Mr. Richard Bullock, took the unusual step of writing to the regional district for a second time to further emphasize that the RGS violates the *Agricultural Land Commission Act*.

Reference is ... made to section 46 of the *Agricultural Land Commission Act* (the Act), which requires that a local government must ensure consistency with the Act, the regulations and the orders of the commission. ... This letter identifies lands with respect to which Bylaw 1136 as currently drafted is inconsistent with the Act, [the Regulations] ... or with any existing order of the commission.

When the Metro Vancouver Board considered the RGS, staff summarized Mr. Bullock's letters as part of the public submissions as relating to "mapping inconsistencies" – clearly an inadequate description of the serious legal concerns raised in that letter.

⁴ I know that you have provided a detailed rebuttal of this claim on your Garden City Lands Blog: <http://gardencitylands.wordpress.com/2011/02/02/weak/>, last accessed February 9, 2011. I do not believe that it is necessary to resolve this dispute at this time; as discussed below, Metro Vancouver's claim on this point makes no difference to my conclusion.

Issues

1. Does the designation of the Richmond and Aldergrove lands in the RGS as General Urban and Industrial comply with the legal requirements of the Act?
2. If the answer to 1 is no, does the general clause in 6.11.2 of the RGS bring the RGS back into compliance with the Act?

Brief Answers

1. No. Section 46 of the Act clearly prohibits the enactment of bylaws, including bylaws enacting regional growth strategies, that provide for the development of ALR lands, even if further changes to zoning bylaws or Official Community Plans or other government approvals will also be required before ALR lands could in fact be developed.
2. No. The Act identifies very clearly when a bylaw will be considered inconsistent with the Act, or associated regulations and orders. A general condition such as s. 6.11.2, which simply reiterates the legal requirements of section 46, cannot save an otherwise illegal portion of the bylaw.

Analysis

Legality of designations of Richmond/Aldergrove Lands

Section 46 of the Agricultural Land Commission Act very clearly states that every local government must make sure that its bylaws (including bylaws enacting Regional Growth Strategies) are “consistent” with the Act and its regulations. Section 46 states, in part:

46 (2) A local government in respect of its bylaws and a first nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission. ...

(4) A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect.⁵

“Bylaws” is explicitly defined as including bylaws adopting a regional growth strategy.⁶

In general “consistency” is not a strong legal requirement. However, section 46(5) explicitly addresses this problem:

(5) Without limiting subsection (4), a local government bylaw or a first nation government law is **deemed to be inconsistent with this Act** if it

(a) allows a use of land in an agricultural land reserve that is not permitted under this Act, or

(b) contemplates a use of land that would impair or impede the intent of this Act, the regulations or an order of the commission, whether or not that use

⁵ *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (the “Act”), s. 46 (2) and (4)

⁶ Act, *ibid*, s. 46(1).

requires the adoption of any further bylaw or law, the giving of any consent or approval or the making of any order.⁷

This section goes out of its way to clarify that a bylaw that meets that requirement will be inconsistent if it merely “contemplates” non-farm uses of land in the ALR, even if further zoning bylaws or other approvals (including ALC orders) are required before the land can be converted to a non-farm purpose.

The remaining subsections of section 46 confirm the ability of local governments to restrict agricultural use on ALR lands, but do not alter the clear legal requirements of the subsections quoted above to ensure that bylaws, including regional growth strategies, do not allow, or even contemplate, non-farm uses on ALR lands.

On its face the RGS does purport to allow and/or contemplate the use of the Richmond and Aldergrove Lands for residential development and industrial uses: clearly uses of lands not allowed in the ALR under the Act or its regulations without the approval of the ALC.

Metro Vancouver staff have suggested that the fact that the designations in respect of these lands remain the same as in the previous RGS⁸ and/or that they may have been (in at least some cases) similarly designated in the Official Community Plans for some years in some way overcomes any problem of consistency.

With respect, it does not. The responsibility of local governments under s. 46(2) to ensure consistency is an ongoing one, and the legality of new bylaws must be considered at the time they are adopted, even if they are merely adopting previous terms.

In relation to the Richmond lands, Metro Vancouver staff have also suggested that the RGS designations of the Garden City Lands as General Urban are consistent with the Richmond Official Community Plan’s designation of those lands as Public and Open Space. They further note that the ALC has approved Richmond’s Public and Open Space designation.

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.⁹

Again, with respect, this argument is flawed. The Public and Open Space Use designation does not provide for urban development; despite that fact the City of Richmond still sought (and received) specific ALC approval for that designation.¹⁰

By contrast, the “General Urban” designation, while allowing for the use of land for urban parks, also explicitly allows those lands to be used for residential development (indeed, that is the main

⁷ Act, *ibid*, s. 46(5), emphasis added.

⁸ Again, I am aware of your objection to this assertion. Above, note 4.

⁹ Above, note 3.

¹⁰ You advise that this request for approval came after a refusal by the ALC to remove the Garden City Lands from the ALR and while a second request was still pending.

purpose of the designation). Unlike the Public and Open Space designation, it explicitly allows or contemplates a non-farm use. And, again unlike Richmond, Metro Vancouver has not sought the consent of the ALC in respect of those uses. Given the very strong wording of section 46, the General Urban designation is inconsistent with both the Act and with the consent given by the ALC to Richmond in respect of the Public and Open Space designation.

In my view the designations of these ALR lands for urban and industrial purposes is on its face inconsistent with the Act, regulations and orders of the ALC. The remaining question is whether this apparent inconsistency is saved by section 6.11.2 of the RGS.

The legal effect of s. 6.11.2

Metro Vancouver staff argue that even if the Richmond and Aldergrove ALR land designations are by themselves inconsistent with the ALC Act, section 6.11.2 of the RGS rectifies these inconsistencies by conceding that the ALC takes precedence. Section 6.11.2 reads:

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.¹¹

Metro Vancouver states its position as follows:

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.¹²

There are several problems with argument that section 6.11.2 makes everything good again.

Purely on a technical level, section 6.11.2 doesn't change the fact that the RGS "contemplates" residential and industrial development on ALR lands.

In addition, the interpretation also undermines what we take to be the intent of the *Agricultural Land Commission Act*. In our view the very strong requirements of section 46 contemplate two levels of protection for ALR lands.

- The ALC has a general mandate to ensure that no non-farm uses occur on ALR lands (or to regulate such use if it views it as appropriate); and
- Local governments are specifically charged (under section 46(2)) with ensuring that their bylaws also protect ALR lands against development for non-farm purposes.

This means that in general approval for the development of land for a non-farm purpose will require at least two levels of approval, from both the ALC and from relevant local governments, creating a high level of legal protection for ALR lands. This is consistent with the purposes of

¹¹ Above, note 1.

¹² Above, note 3.

the Act and the high level of protection for agricultural lands provided in other sections of the Act.

Metro Vancouver acknowledges that as a result of the designations in the RGS this level of protection no longer exists for the Richmond and Aldergrove Lands:

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.¹³

In our view this "practical effect" is precisely what section 46 attempts to prevent.

We also note that the idea that a general acknowledgment of the existence of a legal requirement (and section 6.11.2 essentially just repeats the legal effect of section 46 of the Act) can give a person the ability to violate it at the specific level is a curious one. If correct it would mean that Metro Vancouver could designate all ALR lands for future industrial development, relying on section 6.11.2 to rectify the clear illegality. The concept is analogous to a person prefacing threats to another person with the words: "I know that it's illegal to threaten you, so please disregard everything I'm about to say." These results are clearly absurd.

For the above reasons, we do not believe that a general recognition that the Act has precedence over the RGS, such as that found in section 6.11.2, can save otherwise illegal specific cases of inconsistency between the RGS and the Act.

Conclusion

For the above reasons, we are of the view that the RGS, as currently drafted, is illegal in respect of the designations of the Richmond and Aldergrove lands for future urban and industrial development. We believe that the designation of these Lands in the RGS should be re-evaluated prior to adoption of the RGS.

Sincerely,



Andrew Gage,
Staff Counsel

cc. Jessica Beverley, Barrister and Solicitor (by email at Jessica.beverley@metrovancover.org)

¹³ Ibid.

Metro Vancouver Growth Strategy on thin legal ice

By *Andrew*

Created 2011-01-24 11:12

Monday, January 24, 2011

Metro Vancouver
Shaping our Future



Metro Vancouver has given second reading to its new Regional Growth Strategy (RGS), and sent the plan to its member municipalities for approval [1]. But the plan is coming under attack from critics concerned about urban sprawl and the protection of agricultural lands [2].

Recommend 19

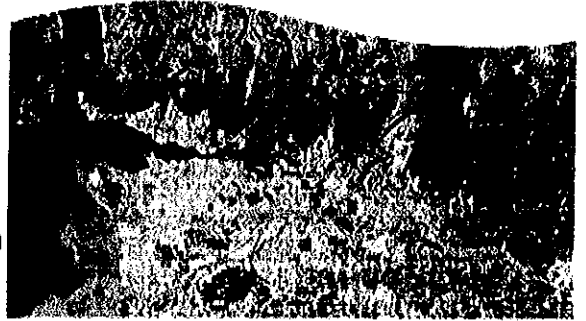
Metro Vancouver has given second reading to its new Regional Growth Strategy (RGS), and sent the plan to its member municipalities for approval [1]. But the plan is coming under attack from critics concerned about urban sprawl and the protection of agricultural lands [2].

Most of the critics of the RGS have focused on changes to the Urban Containment Boundary and the creation of Special Study Areas. These are both legitimate concerns:

- The Urban Containment Boundary is one of the primary tools for controlling urban sprawl. Municipalities are supposed to ensure that lands outside the UCB are zoned rural. Changes to this boundary open up new areas for development.
- Special Study Areas are areas where "a municipality has expressed an intention to alter the existing land use." In order to convince some municipalities to sign on to the RGS, Metro Vancouver has offered the carrot that municipal ambitions to develop these lands in the future will not be frustrated. While the RGS will still apply to these lands (unlike in some earlier drafts), it can be amended in these cases by a simple majority of the Metro Vancouver board, without public consultation (beyond any required by the municipality).

[1] While West Coast shares these concerns, we do also recognize positive features in the RGS which we believe will help protect the environment and the agricultural land base, and prevent urban sprawl (see our February 2010 submissions on an earlier draft [3]).

Metro Vancouver 2040
Shaping our Future



But one of the most serious problems with the RGS – one which is likely to actually cause legal problems for Metro Vancouver – has been largely unreported: the fact that the RGS purports to designate lands in the Agricultural Land Reserve (ALR) located in Richmond and Aldergrove (Township of Langley) for future development. So far as we can tell only the Garden City Lands [4]

blog has attempted to address this legal problem with the RGS (and we thank them for drawing it to our attention). In my view, Metro Vancouver is on thin ice legally on this issue and should expect a legal challenge, either from the Agricultural Land Commission (ALC) or from members of the public. That being said, any legal challenge would probably only affect the Richmond and Aldergrove ALR lands, and will not by itself address the broader concerns around the potential loss of agricultural land identified by many of the plan's opponents.

Correspondence from the Agricultural Land Commission

Metro Vancouver can't say it wasn't warned. In October 2010, after Metro Vancouver referred the RGS to the ALC Mr. Brian Underhill, Executive Director of the Commission, wrote to express concern [5] about (among other issues) ALR lands being designated for future development:

From the Commission's perspective, the most important outstanding issues are the two instances where the Urban Containment Boundary encroaches into the Agricultural Land Reserve. ... These designations are not consistent with the Agricultural Land

Commission Act, with the ... Regulation or with any existing order of the Commission. Under section 46 of this Act a local government in respect of its bylaws [including a bylaw to adopt a regional growth strategy] must ensure consistency with this Act, the regulations and the orders of the commission. ... If the Regional Board decides to adopt a bylaw enacting a regional growth strategy without any modification, subsection 46(4) of the Agricultural Land Commission Act provides that to the extent of the inconsistency, the bylaw is of no force or effect.

Mr. Underhill also notes that any amendments to the RGS in the future in respect of the Special Study Areas which contemplate non-agricultural use of ALR lands would raise similar issues.

When Metro Vancouver went ahead and gave second reading to the RGS without addressing the designation of the ALR lands, the Chair of the ALC, Mr. Richard Bullock, took the unusual step of writing to the regional district for a second time [6] to further emphasize that the RGS violates the Agricultural Land Commission Act.

The ALC's legal analysis is entirely correct. Section 46 of the Agricultural Land Commission Act [7] very clearly states that every local government must make sure that its bylaws (including bylaws enacting Regional Growth Strategies) are "consistent" with the Act and its regulations. In general "consistency" is not a strong legal requirement. However, section 46 explicitly addresses this problem [7], defining inconsistency to include any bylaw that:

... contemplates a use of land that would impair or impede the intent of this Act, the regulations or an order of the commission, whether or not that use requires the adoption of any further bylaw or law, the giving of any consent or approval or the making of any order.

The previous regional growth strategy also designated at least some of these same ALR lands for development. So Metro Vancouver might take the view that the new RGS does nothing new. But that would just mean that the old regional growth strategy was illegal too. It does nothing to resolve the existing legal

Section 46 is often confusing to local governments. We've seen other cases in which local governments believe, incorrectly, that section 46 means that municipalities can't regulate agriculture at all on ALR lands. (Exactly what they can and can't legally do is a more complicated question – one for another blog post). But the Metro Vancouver RGS is clearly trying to do something that section 46 does not allow – which is to designate ALR lands for future development not consistent with agricultural purposes.

And it does so after the ALC warned Metro Vancouver, not once but twice and in very clear language, that those sections of the RGS related to these ALR lands are illegal. The decision to ignore the Agricultural Land Commission is all the more baffling given that:

- Section 6.11.2 of the RGS explicitly recognizes that the Agricultural Land Commission Act "prevails" over the RGS in the event of an inconsistency – essentially adopting language similar to s. 46 of the ALC Act; so why include in the RGS something that you know is inconsistent.
- The RGS explicitly states the protection of agriculture as a major goal; and
- the Metro Vancouver Board has publicly called on the province to provide the ALC with the resources to protect agriculture [8].

It's tempting to believe that the Metro Vancouver Board did not appreciate the significance of the ALC's letters, buried in among the hundreds of referrals and public submissions received. And indeed, Directors may have been swayed by a summary of submissions prepared by Metro Vancouver staff that characterized Mr. Bullock's letter to the Board as amounting merely to "Mapping inconsistencies." On the other hand, the Georgia Straight reports (without fully explaining the significance of the ALC's objections) that Director Harold Steves of Richmond specifically drew the Directors' attention to ALC President Bullock's letter [9]:

Before the vote, Steves also called the attention of his fellow directors to some objections raised by the Agricultural Land Commission.

These were contained in a November 23, 2010, letter from the ALC to Metro Vancouver, which noted "inconsistencies" with the Agricultural Land Commission Act.

We asked Metro Vancouver staff to comment on the apparent failure to address the ALC's concerns about the Richmond and Aldergrove ALR Lands. In an email received just before we posted this story Glen Bohn, Communications Specialist for Metro Vancouver, emphasized the many ways that the RGS does support agriculture:

Overall, the Regional Growth Strategy supports the protection of agricultural lands. In fact, this has been acknowledged by the Agricultural Land Commission in correspondence.

In Strategy 2.3 of the document, Metro Vancouver and member municipalities commit to: "Protect the supply of agricultural land and promote agricultural viability with an emphasis on food production."

Strategy 2.3.4 is key, because it identifies the regional district's commitment to working with the ALC and maintaining sites as agricultural and/or rural while they remain in the Agricultural Land Reserve. That section of the regional plan describes Metro Vancouver's role this way: "In collaboration with the province and the Agricultural Land Commission, identify and pursue strategies and actions to increase actively farmed agricultural land, emphasize food production, reduce barriers to the economic viability of agricultural activities, ensure the management of farmlands is in concert with groundwater resources, and minimize conflicts among agricultural, recreation and conservation, and urban activities."

We agree that there are many ways in which the RGS does support agricultural land. However, Mr. Bohn's response misses the point: specific ALR lands have been identified in the RGS as being open for development. Whether the RGS "overall" supports the protection of agricultural lands is irrelevant to the

question of the legality of the RGS in relation to these specific properties.

It is disturbing when a local government, for no apparent reason, enacts bylaws that they know, or should know, are illegal. It forces public bodies like the ALC into an unseemly public confrontation with local government, or, if the ALC does not act, leaves community groups to raise the funds for expensive court challenges. Metro Vancouver, as the largest and arguably the most sophisticated local government in the province, has no excuse.



By Andrew Gage, Staff Lawyer

[Bullock23Nov10.pdf](#) [6]

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Links:

- [1] <http://public.metrovancouver.org/planning/development/strategy/RGSDocs/RGSJan-14-2011SubmittedtoAffectedLocalGovernments.pdf>
- [2] <http://www.vancouver.sun.com/news/11th+hour+meeting+rally+citizens+against+urban+sprawl/4102051/story.html>
- [3] <http://wcel.org/resources/publication/comments-west-coast-environmental-law-metro-vancouver-2040-shaping-our-future>
- [4] <http://gardencitylands.wordpress.com/>
- [5] <http://www.metrovancouver.org/planning/development/strategy/CommentsDraftRGSSept10/AgriculturalLandCommissionComments.pdf>
- [6] <http://wcel.org/sites/default/files/file-downloads/Bullock23Nov10.pdf>
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- [9] <http://www.straight.com/article-368607/vancouver/richmond-councillor-says-metro-vancouver-regional-growth-strategy-threatens-farmland>
- [10] <http://wcel.org/category/keywords/agricultural-land-commission>
- [11] <http://wcel.org/category/keywords/aldergrove>
- [12] <http://wcel.org/category/news/green-communities>
- [13] <http://wcel.org/category/keywords/metro-vancouver-regional-growth-strategy>
- [14] <http://wcel.org/category/keywords/richmond>
- [15] <http://wcel.org/category/keywords/shaping-our-future>



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20 October 2010

Metro Vancouver Policy and Planning Department
4330 Kingsway
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Attention: Christina DeMarco, Regional Development Division Manager

Re: Metro Vancouver Regional Growth Strategy — our file #O-36732

This letter is in response to the referral of the 03 September 2010 draft of the proposed Regional Growth Strategy *Metro Vancouver 2040—Shaping Our Future*.

The Commission appreciates that many of the modifications from the previous draft reflect a positive response to comments made by the Commission by letters dated 20 and 26 May 2009 and in the 2009 presentation to the Metro Vancouver Planning Committee by representatives of the Commission. The following comments therefore relate to outstanding issues of a broader scale than would normally be dealt with at the level of a municipal regional context statement.

From the Commission's perspective, the most important outstanding issues are the two instances where the Urban Containment Boundary encroaches into the Agricultural Land Reserve. At Aldergrove, the encroachment areas to the north and south of the existing urban area are proposed for a General Urban designation; the encroachment area to the north of the existing industrial area is proposed for an Industrial designation. In Richmond, the encroachment area bounded by Westminster Highway, Garden City Road, Alderbridge Way and Shell Road is proposed for a General Urban designation. These designations are not consistent with the *Agricultural Land Commission Act*, with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation or with any existing order of the Commission. Under section 46 of this Act a local government in respect of its bylaws [including a bylaw to adopt a regional growth strategy] must ensure consistency with this Act, the regulations and the orders of the commission. If the Regional Board wishes to request that the Commission enact an order consenting to all or part of the otherwise inconsistent provisions, that request should reflect an understanding of the associated agricultural implications. If the Regional Board decides to adopt a bylaw enacting a regional growth strategy without any modification, subsection 46(4) of the *Agricultural Land Commission Act* provides that to the extent of the inconsistency, the bylaw is of no force or effect.

The Commission also notes that seven of the Special Study Areas are depicted entirely within the Agricultural Land Reserve. These depictions are not inconsistent *per se*, given that they do not designate agricultural land for a use other than agriculture. Provided the RGS procedures require that the Commission be consulted and offered an opportunity to participate in the special study, and that any regional growth strategy amendment resulting from a special study does not proceed unless the Commission has first consented to that amendment as it affects the ALR, the Commission has no objection to the depiction of these Special Study Areas.



The Livable Region Strategic Plan

In 1990, the Greater Vancouver Regional District Board adopted the *Creating Our Future* vision:

"Greater Vancouver can become the first urban region in the world to combine in one place the things to which humanity aspires on a global basis: a place where human activities enhance rather than degrade the natural environment, where the quality of the built environment approaches that of the natural setting, where the diversity of origins and religions is a source of social strength rather than strife, where people control the destiny of their community, and where the basics of food, clothing, shelter, security and useful activity are accessible to all."

The purpose of the Livable Region Strategic Plan is to help realize this vision through Greater Vancouver's land use and transportation development.

The Livable Region Strategic Plan is the result of a four-year public and intergovernmental consultation process. Early in the process, the public rejected a business-as-usual approach to regional growth that would spread population throughout the Fraser Valley. They rejected it because it would put development pressure on farmland, increase the distance between jobs and housing, cost too much for public services and utilities, and result in worsening air pollution from increased automobile use. The Strategic Plan provides a clear alternative that is more in keeping with the values of *Creating Our Future*.

The Strategic Plan, incorporating policies, targets and maps, is based upon four fundamental strategies:

PROTECT THE GREEN ZONE

The Green Zone is intended to protect Greater Vancouver's natural assets, including major parks, watersheds, ecologically important areas and farmland. By doing so, the Green Zone also establishes a long-term boundary for urban growth. Municipalities nominated lands to be placed in the Green Zone.

In total the municipal submissions comprise two-thirds of the GVRD's total land base, including half the region's developable lowlands.

BUILD COMPLETE COMMUNITIES

The Strategic Plan is intended to support the public's strong desire for communities with a wider range of opportunities for day-to-day life. These communities would be focused on town centres throughout the region. More complete communities would result in a better balance in the distribution of jobs and housing, a wider choice of affordable housing types, a better distribution of public services, and more effective transportation service.



Policy Directions

The Livable Region Strategic Plan's approach to growth management rests on four fundamental strategies:

- > Protect the Green Zone
- > Build Complete Communities
- > Achieve a Compact Metropolitan Region
- > Increase Transportation Choice

Within each of these strategies the Strategic Plan establishes clear objectives and identifies the partnerships needed to achieve them. The strategies are also closely inter-related. For instance, it would be difficult to protect the Green Zone if growth is not concentrated within the available urban area. Communities would not be very complete if they did not have a diversity of housing and jobs, and if everyone needed a car to get to work or shop in some distant location. Transportation choice would be hard to provide without sufficient population densities to support expanded transit service. It is this interdependency and consistency between the strategies which binds them together as a growth management framework.

DID YOU KNOW?

- > The GVRD's land area is made up of:

Green Zone and other non-urban uses: 72%

Urban uses (residential, commercial and industrial): 20%

Vacant urban land: 8%

—Source: GVRD

- > 90% of GVRD homeowners agree that collectively, individuals can make a significant difference towards keeping the costs of providing regional services and utilities down by changing what they do on a daily basis.

—1998 Angus Reid Survey
commissioned by the GVRD

- > About 60% of Greater Vancouver's occupied private dwellings are self-owned, and 40% are rented. The proportion of owner-occupied dwellings generally increases with distance from the metropolitan core.

—Source: GVRD, 1998

Green Zone

