



City of Richmond

Report to Committee

To: Planning Committee Date: March 26, 2002
 From: Terry Crowe File: -
 Manager, Policy Planning
 Re: **CONSULTATION AND ADOPTION PROCEDURES FOR OFFICIAL
 COMMUNITY PLAN AMENDMENTS**

Staff Recommendation

- 1 That the existing Council Policy 5002 "Committee and Official Community Plan Bylaw – Staff Recommendations to Council" adopted September 11, 1989, be rescinded; and
- 2 That the "OCP Bylaw Consultation Policy" (**Attachment 3** to the report dated March 26, 2002, from the Manager, Policy Planning) be adopted.

Terry Crowe
Manager, Policy Planning

Att.

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

Staff Report

Origin

The Local Government Act (LGA) was amended in January 2001 to more specifically define the responsibilities of local governments with regard to:

- consultation during the preparation or amendment of an Official Community Plan (OCP) (which includes Area Plans);
- consultation with the School Board regarding planning for school facilities in the context of enacting or amending an OCP; and
- adoption procedures for OCP bylaws.

Attachment 1 provides the complete wording of the statute.

In order to address these changes, this report presents:

- a revised approach for consultation during the development of an OCP bylaw with a corresponding Council Policy; and
- a revised adoption procedure for an OCP bylaw with the corresponding staff report cover sheet and recommendations.

Findings Of Fact

Consultation During OCP Development

The previous legislation had no specific requirement for consultation during the development of an OCP, therefore, while it occurred, there was no formalized process. The type of consultation varied from Public Information Meetings that were held for the city-wide OCP update to phone conversations between City staff and staff in other organizations such as the School Board or the GVRD.

A Council Policy (**Attachment 2**) provided direction to staff in recommending to Council the appropriate referrals to adjacent municipalities and the GVRD regarding OCP Plan Bylaws.

The new legislation is much more specific, placing more responsibility on local government to consult, and requires that the City:

- Consult with anyone it considers to be affected;
- Consider the form of the consultation; and
- Specifically consider if the local regional district, adjacent regional districts, adjacent municipalities, first nations, school districts and provincial and federal governments should be consulted.

Adoption Procedures

The adoption procedure under the old legislation made specific reference to the Capital Expenditure Program, the Waste Management Plan, the Economic Strategy Plan, the 5 Year Financial Plan, an adjoining Municipality, and the Greater Vancouver Regional District.

Under the new legislation the only specific references that are required as part of the adoption procedure are in relation to the City's financial plan or Capital Plan, any city or regional waste management plan, or the Land Reserve Commission for land in the ALR.

Analysis

Consultation During OCP Development

The affect on the City of the changes to the legislation are that:

- the local government must consider more diligently who should be consulted and how, during any OCP amendment, large or small; and
- the consultation with adjacent municipalities and the GVRD occurs during the OCP Bylaw preparation rather than during the adoption of the Bylaw;

In order to address the requirements of the legislation for early consultation during OCP development, staff propose a revised Council Policy (**Attachment 3**) which would guide Urban Development staff in undertaking consultation during the preparation of an OCP bylaw. The staff report for each of these OCP Bylaw amendments would then provide more detailed information with regard to who and how this consultation was undertaken.

Due to the more specific legislative requirements for consultation with the School District, staff from the City and the School District met to discuss the proposed policy. Staff from the School District indicated that referral would be necessary when a bylaw results in a land use change that may have implications for an adjacent school site and/or affects the number or location of 50 or more school-age children. It was also agreed that staff from each organization would generally keep each other informed through phone calls and through the Council School Board Liaison Committee.

Adoption Procedures

Under the new legislation, the adoption procedure for an OCP bylaw requires specific reference to the City's financial plan or Capital Plan, any city or regional waste management plan and to the Land Reserve Commission if applicable. In order to address these legislative requirements in terms of the adoption procedure, a revised OCP Bylaw staff report cover sheet is presented for information (**Attachment 4**).

Financial Impact

None.

Conclusion

Under the Local Government Act changes were made to the requirements for local governments to consult when undertaking an OCP amendment and for adoption procedures for an OCP amendment.

March 26, 2002

- 4 -

The change requires that local government more diligently consider who is to be consulted and how.

A Council Policy is proposed, that would guide staff when undertaking consultation during the OCP bylaw preparation. The corresponding staff reports accompanying the OCP bylaw amendments will provide details to Council regarding the consultation that was undertaken.

A handwritten signature in black ink, appearing to read "J Beran". The signature is written in a cursive, flowing style.

Jenny Beran, MCIP
Planner, Urban Development
JMB:cas

Sub
Jan. 1/01

Consultation during OCP development

879. (1) During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.

- (2) For the purposes of subsection (1), the local government must
- (a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and
 - (b) specifically consider whether consultation is required with
 - (i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan,
 - (ii) the board of any regional district that is adjacent to the area covered by the plan,
 - (iii) the council of any municipality that is adjacent to the area covered by the plan,
 - (iv) first nations,
 - (v) school district boards, greater boards and improvement district boards, and
 - (vi) the Provincial and federal governments and their agencies.

(3) Consultation under this section is in addition to the public hearing required under section 882 (3) (d).

2000-7-135.

Rep
Jan. 1/01

879.1 and 880. *Repealed.* [2000-7-135]

Am
Jan. 1/01

Planning of school facilities

881. (1) If a local government has adopted or proposes to adopt or amend an official community plan for an area that includes the whole or any part of one or more school districts, the local government must consult with the school boards for those school districts

- (a) at the time of preparing or amending the community plan, and
- (b) in any event, at least once in each calendar year.

(2) For consultation under subsection (1), the local government must seek the input of the school boards as to the following:

- (a) the actual and anticipated needs for school facilities and support services in the school districts;
- (b) the size, number and location of the sites anticipated to be required for the school facilities referred to in paragraph (a);
- (c) the type of school anticipated to be required on the sites referred to in paragraph (b);
- (d) when the school facilities and support services referred to in paragraph (a) are anticipated to be required;
- (e) how the existing and proposed school facilities relate to existing or proposed community facilities in the area.

RS1979-290-945.1; 1993-6-18; 2000-7-136.

Sub
Jan. 1/01

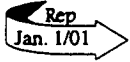
Adoption procedures

882. (1) An official community plan must be adopted by bylaw in accordance with this section.

- (2) Each reading of a bylaw under subsection (1) must receive,
- (a) in the case of a municipal bylaw, an affirmative vote of a majority of all council members, and
 - (b) in the case of a regional district bylaw, an affirmative vote of a majority of all directors entitled under section 791 [*voting on resolutions and bylaws*] to vote on the bylaw.

(3) After first reading of a bylaw under subsection (1), the local government must, in sequence, do the following:

- (a) consider the plan in conjunction with
 - (i) its financial plan or capital expenditure program, as applicable, and
 - (ii) any waste management plan that is applicable in the municipality or regional district;



- (b) *Repealed.* [2000-7-139]
- (c) unless exempted under subsection (6), if the plan applies to land in an agricultural land reserve established under the *Agricultural Land Reserve Act*, refer the plan to the Land Reserve Commission for comment;
- (d) hold a public hearing on the proposed official community plan in accordance with Division 4 [*Public Hearings on Bylaws*].

(4) Unless exempted under subsection (6), a regional district bylaw under subsection (1) may only be adopted with the approval of the minister.

(5) In addition to the requirements under subsection (3), a local government may consider a proposed official community plan in conjunction with any other land use planning and with any social, economic, environmental or other community planning and policies that the local government considers relevant.

(6) The minister may make regulations doing one or more of the following:

(a) in relation to subsection (3),

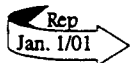
- (i) defining areas for which and describing circumstances in which referral to the Land Reserve Commission under subsection (3) (c) is not required, and
- (ii) providing that an exception under subparagraph (i) is subject to the terms and conditions specified by the minister;

(b) in relation to subsection (4),

- (i) defining areas for which and describing circumstances in which approval by the minister under that subsection is not required, and
- (ii) providing that an exception under subparagraph (i) is subject to the terms and conditions specified by the minister.

(7) Regulations under subsection (6) (b) may be different for different regional districts, different areas and different circumstances.

2000-7-137, 139.



883. *Repealed.* [2000-7-137]

Effect of official community plans

884. (1) An official community plan does not commit or authorize a municipality, regional district or improvement district to proceed with any project that is specified in the plan.

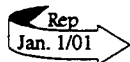
(2) All bylaws enacted or works undertaken by a council, board or greater board, or by the trustees of an improvement district, after the adoption of

(a) an official community plan, or

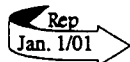
(b) an official community plan under section 711 of the *Municipal Act*, R.S.B.C. 1979, c. 290, or an official settlement plan under section 809 of that Act before the repeal of those sections became effective,

must be consistent with the relevant plan.

RS1979-290-949(1) and (2); 1985-79-8; 1987-14-14.



885. *Repealed.* [2000-7-140]



Division 3

886. to 889. *Repealed.* [2000-7-141]



City of Richmond

Policy Manual

Page 1 of 1

Adopted by Council: Sept. 11/89

POLICY 5002

File Ref: 4045-00

COMMITTEE AND OFFICIAL COMMUNITY PLAN BYLAW – STAFF RECOMMENDATIONS TO COUNCIL

POLICY 5002:

It is Council policy that:

The following apply to staff recommendations to Committee (and Council) on Official Community Plan Bylaw referrals to the City of Vancouver, City of Burnaby, District of Delta, City of New Westminster, and to the Greater Vancouver Regional District, under Section 947 (2)(b) and (c) of the Municipal Act:

1. For a new Official Community Plan (OCP): recommend to Council complete referral.
2. For all other OCP Amendments, including Area Plans: the following matters are to be evaluated by staff to determine the extent of the referral to be recommended to Council:
 - (a) plan amendment alters the proposed use or density of use of a substantial area of land adjacent to another municipality;
 - (b) plan amendment envisions major commercial or industrial developments which would compete with or preclude similar developments in an adjoining municipality;
 - (c) plan amendment provides for major public facilities (such as recreation centres) which would impact similar services offered by the adjoining municipality;
 - (d) plan amendment provides for major transportation routes which would direct traffic into or draw traffic from an adjoining municipality;
 - (e) plan amendment provides for major sewer, drainage or water systems which connect to a network in the adjoining municipality.

(Urban Development Division)



Page 1 of 1

Adopted by Council:

POLICY

File Ref:

CONSULTATION DURING OCP DEVELOPMENT

POLICY 7017:

In order to meet the requirements of the Local Government Act with respect to the local government providing the appropriate opportunities for consultation during the preparation, repeal or amendment of an Official Community Plan (OCP), the following policy provides direction to staff.

1. It is Council policy that, where an Official Community Plan (including an Area Plan) is enacted or amended, Urban Development Division staff will initiate consultation with external agencies, in accordance with the chart set out below, prior to first reading of the Bylaw.
2. Consultation is not limited to those listed below and may include others as deemed appropriate.
3. Consultation may include a variety of methods, including information meetings and verbal or written correspondence.

If a Proposed OCP Bylaw ...	External Agency to be Consulted
Results in change to the Regional Context Statement or OCP population or employment numbers	GVRD Board
Affects an adjacent Municipality	Adjacent Municipality
Affects any government property (subject to land claims) or land owned by First Nations	First Nations (Sto:lo, Tsawassen, Musqueam)
Results in a land use change that may have implications for an adjacent school site; and/or Affects the number or location of 50 or more school-age children	School District Board
Results in a major land use change affecting regional transportation	TransLink
Affects operations of a Port Authority	Port Authorities (Fraser River, North Fraser, Steveston Harbour Authority)
Affects land within area determined by Richmond/YVR Accord Affects operations of YVR	YVR (Federal Government Agency)
Affects land that is in or adjacent to the ALR	Land Reserve Commission
Results in significant impact on a particular community or property owner	Community Groups/Neighbours



Report to Committee

Select
yes or
no { **CLOSED**

To: Planning Committee **Date:** <date>
From: Joe Erceg **File:** RZ <file no.>
Manager, Development Applications
Re: Application by <applicant's name> for Rezoning at <property address> from <from zoning district> to <to zoning district>

Staff Recommendation

1. That Official Community Plan Amendment Bylaw No. <ocp bylaw no.>, to redesignate <property address> from "☛<old OCP designation>" to "☛<new OCP designation>" in Attachment ☛<attachment no.> to Schedule ☛<schedule no.> of Official Community Plan Bylaw No. 7100 (☛<area plan name> Area Plan), be introduced and given first reading.

2. That Bylaw No. <ocp bylaw no.>, having been considered in conjunction with:
• the City's Financial Plan and Capital Program;
• the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;

is hereby deemed to be consistent with said program and plans, in accordance with Section 882(3)(a) of the Local Government Act.

Select
yes or
no { 3. That Bylaw No. <ocp bylaw no.>, having been considered in conjunction with Section 882(3)(c), be referred to the Land Reserve Commission for comment and response by ☛<date (Wednesday prior to Public Hearing)>.

Select
one for
Recomm.
4. { 4. That Bylaw No. <rezoning bylaw no.>, for the rezoning of <property address> from "<from zoning district>" to "<to zoning district>", be introduced and given first reading.

or
4. That the application for the rezoning of <property address> from "<from zoning district>" to "<to zoning district>" be denied.

Joe Erceg
Manager, Development Applications

JE:☛
Att. ☛