



City of Richmond

Report to Committee

To Planning - Apr 19, 2006

To: Planning Committee
From: Terry Crowe
Manager, Policy Planning
Re: **OCP BYLAW PREPARATION CONSULTATION POLICY**

Date: March 28, 2006
File: 08-4045-00

Staff Recommendation

That, as per the Manager, Policy Planning report dated, March 28, 2006:

1. The existing Council Policy 7017 "Consultation During OCP Development" adopted May 9, 2005, be rescinded;
2. The proposed "OCP Bylaw Preparation Consultation Policy" (**Attachment 2**) be adopted, and
3. The March 28, 2006 report and adopted Policy be referred to the Council / School Board Liaison Committee for information.

Terry Crowe, Manager, Policy Planning

Att. 3

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
City Clerk.....	Y	<input checked="" type="checkbox"/>	N	<i>The Crowe</i>	
Law.....	Y	<input checked="" type="checkbox"/>	N		
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES	NO
		<i>TC</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Report

Origin

The purpose of this report is to propose a revised Council policy regarding public consultation during the preparation, amendment or repeal of proposed Official Community Plan [OCP] bylaws, in order to achieve an improved balance between certainty and flexibility, particularly regarding referrals to the Richmond School Board.

Findings Of Fact

Local Government Act Changes (2001)

On January 1, 2001, the Local Government Act section 879 and section 881 were changed to require local governments to consider opportunities for consultation during the development, repeal or amendment of an Official Community Plan (OCP).

The legislation places responsibility on local government to consult, and requires that the City:

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

On February 9, 2005, Council endorsed Policy 5043 “OCP Bylaw Preparation Consultation Policy” (see **Attachment 1**). The Council Policy provides direction and flexibility to staff in conducting and recommending to Council appropriate referrals to adjacent municipalities, outside agencies, the School Board and the GVRD regarding proposed OCP bylaws.

Analysis

Framework For Consultation During OCP Preparation

The effects on the City of the legislation are that:

- ❑ Local governments must consider more diligently who should be consulted and how, during any OCP bylaw amendment, large or small; and
- ❑ The consultation with adjacent municipalities, outside agencies, and the GVRD is to occur during the OCP Bylaw preparation, rather than during the adoption of an OCP bylaw.
- ❑ School Board Consultation:
Local governments must seek the input of the School Board on school district needs as follows:
 1. During the preparation or amendment of an Official Community Plan, or
 2. A minimum of at least once every calendar year.
 3. Where in a calendar year, should there be no OCP bylaw amendment (a rare possibility), staff will consult with the School Board on the overall OCP and its implications on the School Board (e.g., school needs).

After further review, staff believe that the City’s OCP consultation policy should be clarified to address the specific consultation requirements with the Richmond School Board regarding its specific needs and interests, that maybe effected by an OCP bylaw change.

Staff propose a revised Council Policy (**Attachment 2**) which would guide City consultation with the Richmond School Board during the preparation of a proposed OCP bylaw.

Staff consulted with the Richmond School Board regarding the proposed OCP Preparation Consultation Policy. The School Board agrees with the proposed policy (**Attachment 3**).

Rationale For The Threshold Of 50 or more For Sending Certain Proposals to the School Board

In the proposed revised Policy, only residential developments which have the potential for generating 50 or more school aged children (e.g., 295 or more multiple family housing units and/or 200 or more single-family housing units) will be sent to the School Board for comment.

The rationale is that:

- not every residential development generates students,
- the school system has flexibility in its capacity to accommodate students,
- the City and School Board have been collaborating for some time, to coordinate their interests [e.g., share information].

OCP Consultation

Where the preparation, repeal or amendment of an OCP bylaw is considered, the following wording will be placed in each Council report:

“The Official Community Plan Amendment Bylaw No. [OCP bylaw no.], which [adopts, repeals or amends] Official Community Plan Bylaw No. 7100 [Area Plan name] as Schedule [Schedule no.] was referred to [name of organization(s)] for consultation and comment prior to [OCP bylaw no.] being introduced for and given first reading.”

As well, the report will continue to indicate who should be consulted after First Reading and before the Public Hearing.

Benefits


The benefits of the proposed policy are that it better:

- Meets provincial legislative requirements	- Provides clarity
- Coordinates stakeholder interests	- Provides flexibility
- Avoids legal challenges	- Allows for administrative efficiencies
- Avoids delays	- Provides clarity

Financial Impact - None.

Conclusion

A revised Council Policy is proposed, to better guide City staff and Council, when consulting with the Richmond School Board during the preparation of proposed OCP bylaw amendments, in order to better coordinate City - School Board interests.


 Terry Crowe, Manager, Policy Planning (4139)
 TTC:cas



City of Richmond

Existing Policy Policy Manual

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Adopted by Council: *[date]*

POLICY 5403

File Ref: 4045-00

OCP Bylaw Preparation Consultation Policy

1. Purpose

In accordance with the requirements of the Local Government Act section 879 and section 881 that require a local government to consider opportunities for consultation during the preparation, repeal or amendment of an Official Community Plan (OCP), this policy provides direction to staff and Council.

2. Consultation Considerations

It is Council policy that where the preparation, repeal or amendment of an Official Community Plan (including an Area Plan) is proposed:

1. Staff will consider consultation with persons, organizations and authorities that may be affected by the enactment, repeal or amendment of the Official Community Plan.
2. Staff shall consult with the school board and in any event, staff must consult with the school board at least once each calendar year.
3. Staff will consider early and ongoing consultation with the external agencies listed below and with any other persons, organizations and authorities as deemed appropriate.
4. Prior to first reading of an Official Community Plan Bylaw, Council will consider, through the receipt of a staff report summarizing the consultation undertaken, whether additional consultation with external agencies, persons, organizations and authorities is required.
5. Consultation may involve a variety of methods, including information meetings, dialogue or written correspondence.

External Agencies Which Will Be Considered For Consultation
The Board of the Greater Vancouver Regional District
The Councils of adjacent Municipalities
First Nations (e.g., Sto:lo, Tsawwassen, Musqueam)
TransLink
Port Authorities (Fraser River, North Fraser, Steveston Harbour Authority)
Vancouver International Airport Authority (VIAA) (Federal Government Agency)
Land Reserve Commission
Community Groups and Neighbours
Richmond Coastal Health Authority
All relevant Federal and Provincial Government Agencies



City of Richmond

ATTACHMENT 2 Policy Manual

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Adopted by Council: [date]

POLICY

File Ref: 4045-00

OCP Bylaw Preparation Consultation Policy

1. Purpose

In accordance with the requirements of the Local Government Act section 879 and section 881 that require a local government to consider opportunities for consultation during the presentation, repeal or amendment of an Official Community Plan (OCP), this policy provides direction to City staff and Council.

2. Consultation Considerations

It is Council policy that, where the development, repeal or amendment of an Official Community Plan (OCP) (including an Area Plan) bylaw is proposed:

- (1.) Staff will consider consultation with persons, organizations and authorities that may be affected by the enactment, repeal or amendment of the Official Community Plan bylaw (e.g. where the other parties' land use, programming, servicing, transportation and environmental interests may be affected).
- (2.) Staff will consider early and ongoing consultation with the external agencies listed below and with any other persons, organizations and authorities, as deemed appropriate:

External Agencies Which Will Be Considered For Consultation
<input type="checkbox"/> The Board of the Greater Vancouver Regional District (GVRD)
<input type="checkbox"/> The Councils of adjacent Municipalities
<input type="checkbox"/> First Nations (e.g., Sto:lo, Tsawwassen, Musqueam)
<input type="checkbox"/> TransLink
<input type="checkbox"/> Port Authorities (Fraser River, North Fraser, Steveston Harbour Authority)
<input type="checkbox"/> Vancouver International Airport Authority (VIAA) (Federal Government Agency)
<input type="checkbox"/> BC Land Reserve Commission
<input type="checkbox"/> Richmond School Board
<input type="checkbox"/> Richmond Coastal Health Authority
<input type="checkbox"/> Community Groups and Neighbours
<input type="checkbox"/> All relevant Federal and Provincial Government Agencies

(3.) School Board Consultation

- (a) City staff shall refer proposed OCP amendments to the Richmond School Board where the OCP amendment involves a residential development which would have the potential to generate for 50 or more school aged children (e.g., 295 or more multiple family housing units and/or 200 or more single-family housing units).
 - (b) Where in a calendar year, should there be no OCP bylaw amendment that meets this criteria, City staff will consult with the School Board, on the overall OCP and its implications on the School Board (e.g., school needs) at the beginning of each school term in September of each year.
 - (c) The City and the School Board have agreed to share information (e.g., statistics, maps, reports) to co-ordinate City and School Board interests and facilitate consultations.
- (4.) Prior to the first reading of a proposed Official Community Plan Bylaw, Council will consider, through the receipt of a staff report summarizing the consultation undertaken, if additional consultation with external agencies, persons, organizations and authorities is required.
 - (5.) Consultation may involve a variety of methods, including information meetings, dialogue and/or written correspondence.



School District No. 38 (Richmond)
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February 20, 2006

Office of the Secretary - Treasurer

Mr. D. Weber
City Clerk
City of Richmond
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

Dear Mr. Weber:

I would advise that at the February 20, 2006 Public Meeting of the Board of School Trustees (Richmond), the following resolution was passed:

076/2006 THAT, as per the City of Richmond's Manager, Policy Planning report dated February 10, 2006, the Board of School Trustees (Richmond) support the proposed changes to the existing City Council's Policy 7017 "Consultation During OCP Development".

CARRIED

Sincerely,

K.L. Morris
Secretary Treasurer

cc: Trustees
B. Beairsto, Superintendent of Schools
T. Crowe, Manager Policy Planning ✓
K. Huhtala, Senior Planner