



To: Planning Committee

Date: April 26, 2005

From: Terry Crowe
Manager, Policy Planning

File:

Re: **OCP BYLAW PREPARATION CONSULTATION POLICY**

Staff Recommendation

That, as per the Manager, Policy Planning report dated, April 26, 2005:

1. The existing Council Policy 7017 "Consultation During OCP Development" adopted April 22, 2002, be rescinded; and
2. The "OCP Bylaw Preparation Consultation Policy" (**Attachment 2**) be adopted.

Terry Crowe
Manager, Policy Planning

Att. 2

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

Staff Report

Origin

This report presents a new Council policy regarding public consultation during the preparation, amendment or repeal of an OCP bylaw, in order to achieve improved flexibility.

Findings Of Fact

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, adjacent regional districts, adjacent municipalities, first nations, school districts, and provincial and federal governments should be consulted.

On April 22, 2002, Council endorsed Policy 7017 "Consultation During OCP Development" (see **Attachment 1**). The Council Policy provided direction to staff in conducting and recommending to Council the appropriate referrals to adjacent municipalities, outside agencies, and the GVRD regarding OCP bylaws.

After further review, staff believe that the City's OCP consultation policy can be improved to:

- ❑ Allow consultation processes to be better tailored to the matter being considered and stakeholders' interests,
- ❑ Enable Council to ensure that sufficient consultation has occurred prior to 1st bylaw reading and afterwards, prior to public hearing;
- ❑ Address the specific consultation requirements with school districts regarding individual school district needs, that maybe effected by an OCP bylaw change;
- ❑ Achieve greater flexibility;
- ❑ Save time and money.

As such, the City policy needs to be further revised.

Analysis

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 a bylaw.
- ❑ School Board Consultation
 - Local governments must seek the input of the school board on school district needs:
 - . During the preparation or amendment of an Official Community Plan; or
 - . A minimum of at least once every calendar year.

- 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).

In order to address the requirements of the legislation for early consultation during OCP bylaw preparation, staff propose a revised Council Policy (**Attachment 2**) which would guide consultation during the preparation of an OCP bylaw.

For OCP bylaw amendments, the staff report for each future OCP Bylaw amendment would provide more detailed information regarding:

- How this consultation was undertaken and what was learned prior a bylaw’s First Reading, and
- Any additional consultation after a bylaw’s First Reading and before Public Hearing.

Due to the more specific legislative requirements for consultation with the School Board, staff recommend that:

1. Referrals would be necessary when an OCP bylaw:
 - Results in a land use change that may have implications for a nearby school site, and/or,
 - Affects the number or location of 50 or more school-age children.
2. For annual consultation where in a calendar year there is no OCP bylaw amendment, staff will consult with the school board and report the findings to Council.

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

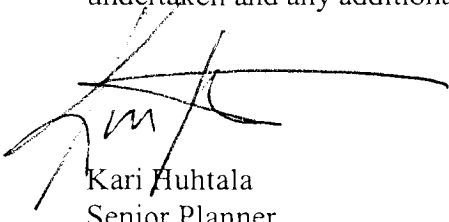
The benefits of the proposed policy are that it better:

- 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 staff and Council when undertaking consultation during the OCP bylaw preparation. The corresponding staff reports which accompany OCP bylaw amendments will provide details to Council regarding the consultation that was undertaken and any additional consultation before first bylaw reading and the public hearing.



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Senior Planner
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City of Richmond

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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



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Adopted by Council: *[date]*

POLICY

File Ref: 4045-00

OCP Bylaw Preparation Consultation Policy

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 development, 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 development, 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