

Intergovernmental Relations
Technical Working Group

Tsawwassen First Nations Negotiations

Workshop #1

Planning and Land Use Controls

May 12, 2004

Sussex
Consultants Ltd

1. Jurisdictions

Local jurisdictions

	Incorporated body
University Endowment Lands	x
University of BC	x
Area A (rest)	x
Bowen Island	✓
Delta (+ other municipalities)	✓
Tsawwassen First Nation (and others)	x

Representation

	Population	Separate seat on GVRD	Locally elected council
UEL	2,700	} Share 1 director	x
UBC	5,400		x
Area A (rest)	260		x
Bowen Island	3,300	✓	✓
Delta (+ other mun's)	101,000	✓	✓
Tsawwassen FN	630	see Delta	✓

Main planning statutes

	Local				Islands	TFN
	Gov't Act	Comm. Charter	UEL Act	Univ. Act	Trust Act	Land Code
UEL			✓			
UBC	✓	✓		✓		
Area A (rest)	✓	✓			✓	
Bowen Island	✓	✓			✓	
Delta (+ other mun's)	✓	✓				
Tsawwassen FN						✓

✓ *Passage Is. and Bowyer Is. are in the Trust (Trust adopts planning bylaws)*

Other provincial statutes affect land use planning matters too, including the ALR Act, Land Act, Land Titles Act, Local Services Act, Soil Conservation Act, Water Protection Act, and numerous others.

Who adopts land use plans

	Community plan adoption	Zoning bylaw adoption	Subdivision approval
UEL	Minister	Minister	Province
UBC	GVRD	UBC*	Province
Area A (rest)	no plan	GVRD^	Province
Bowen Island	Munic and either Trust or Minister	Municipality	Municipality
Delta (+ other mun's)	Municipality	Municipality	Municipality
Tsawwassen FN	TFN	TFN	TFN

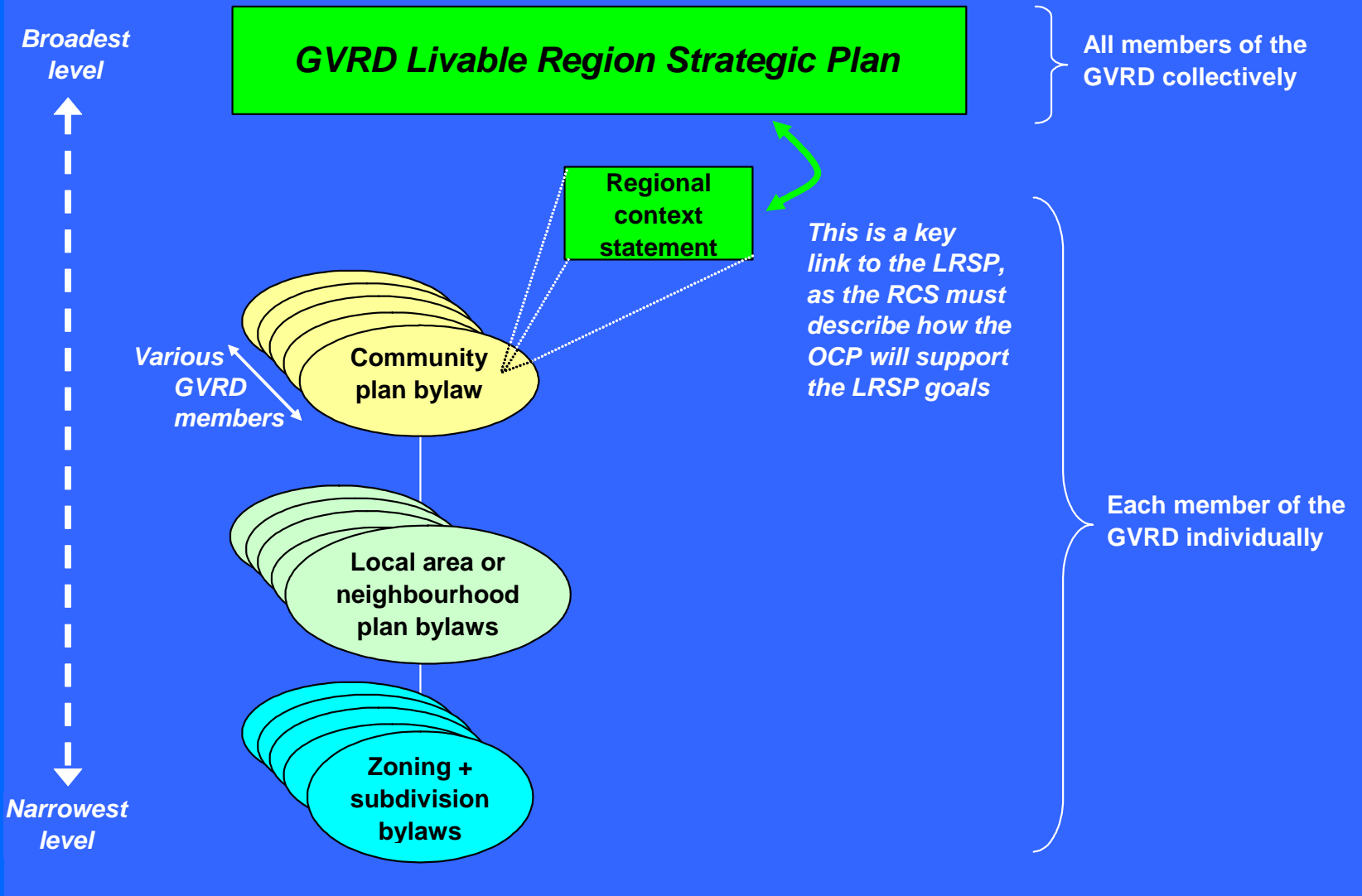
* Neighbourhood plan adoption ^ Islands Trust for Passage and Bowyer Is.

Jurisdictions: Summary

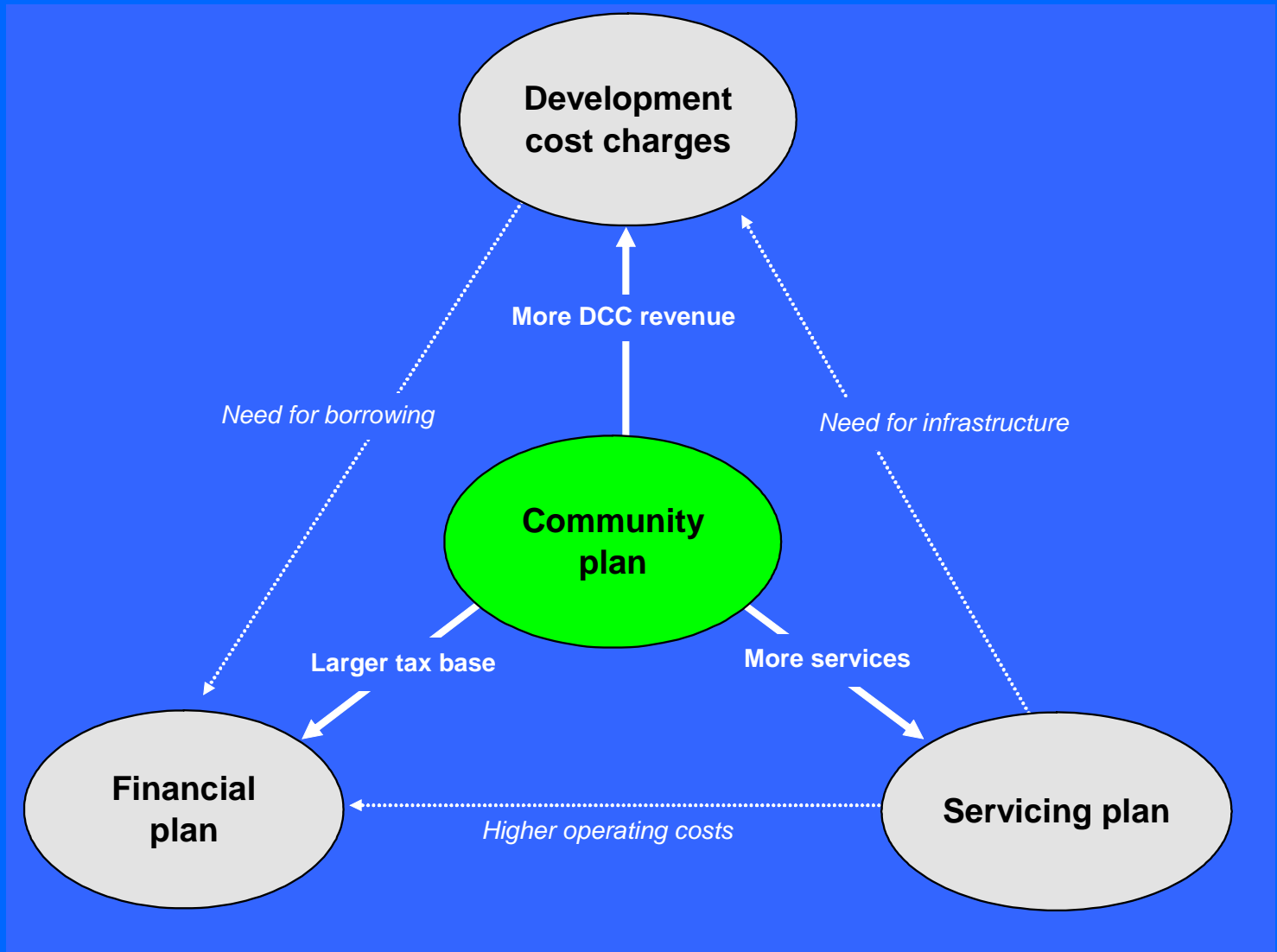
- ✓ Lower Mainland has unique jurisdictions:
 - ✓ UEL
 - ✓ UBC
 - ✓ Bowen Island
- ✓ Representation on local body varies
- ✓ GVRD board has 2 roles in land use planning:
 - ✓ Local body for parts of Area A
 - ✓ LRSP for region as a whole

2. Community Plans

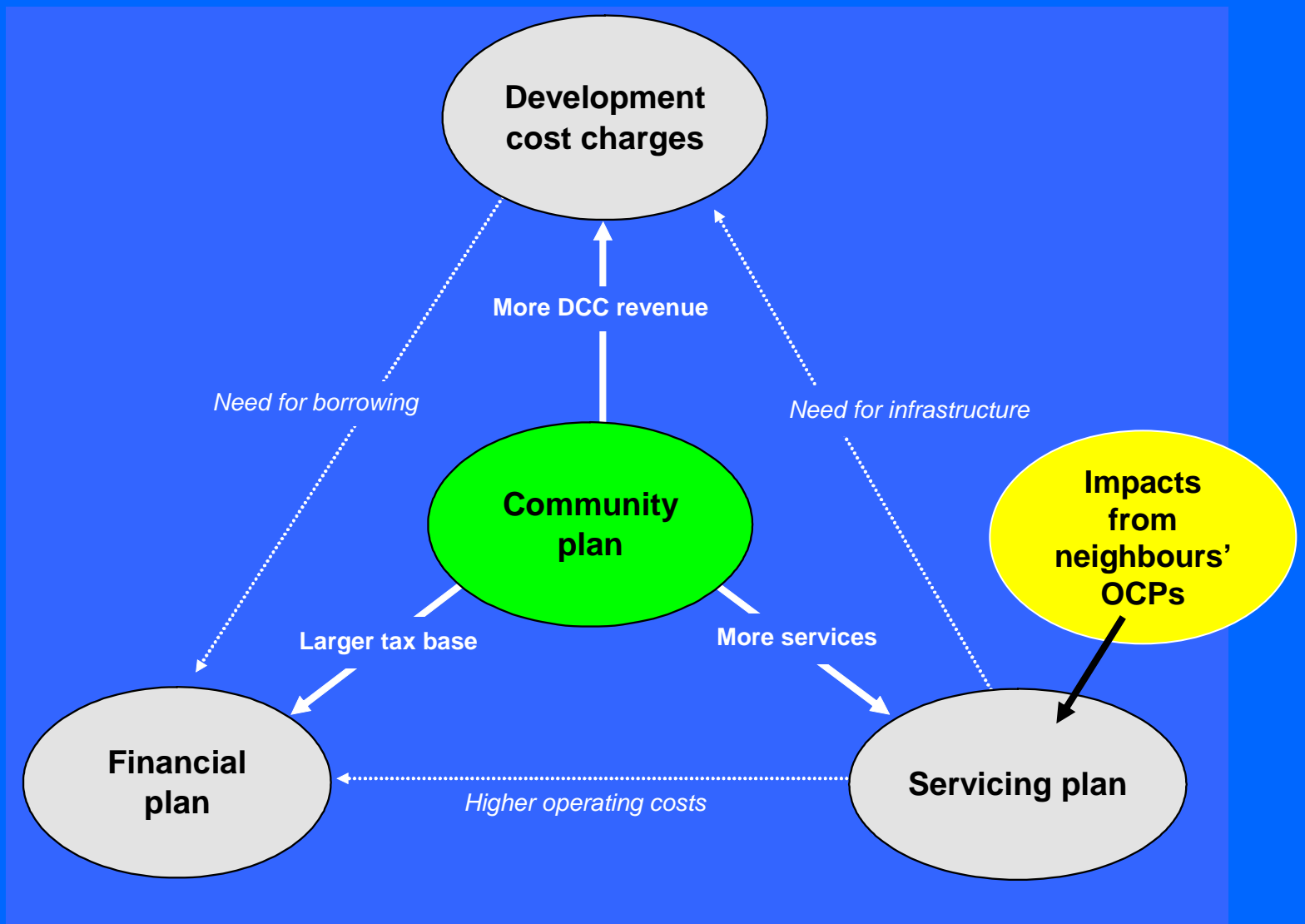
Land use plan hierarchy



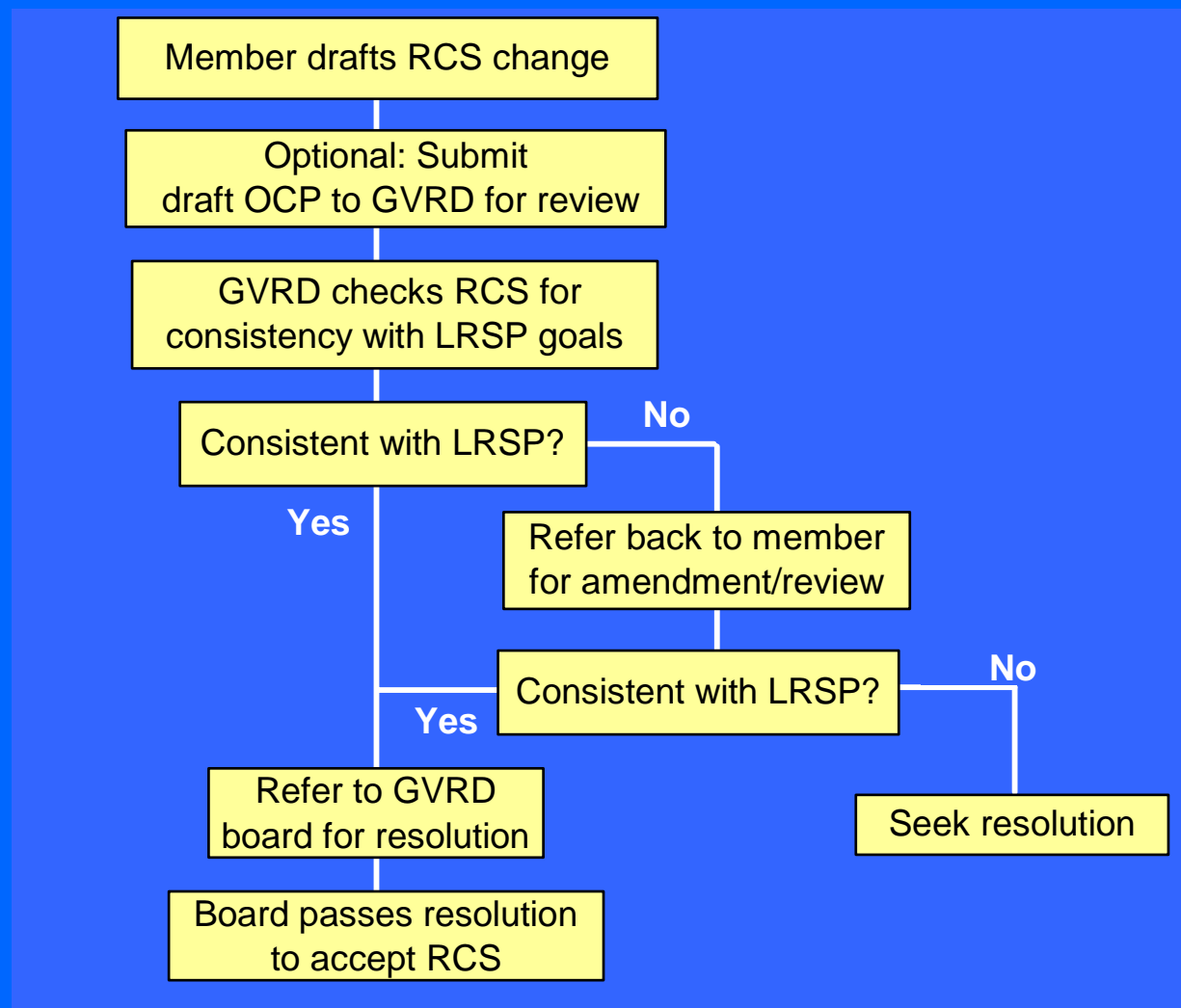
Community plan importance



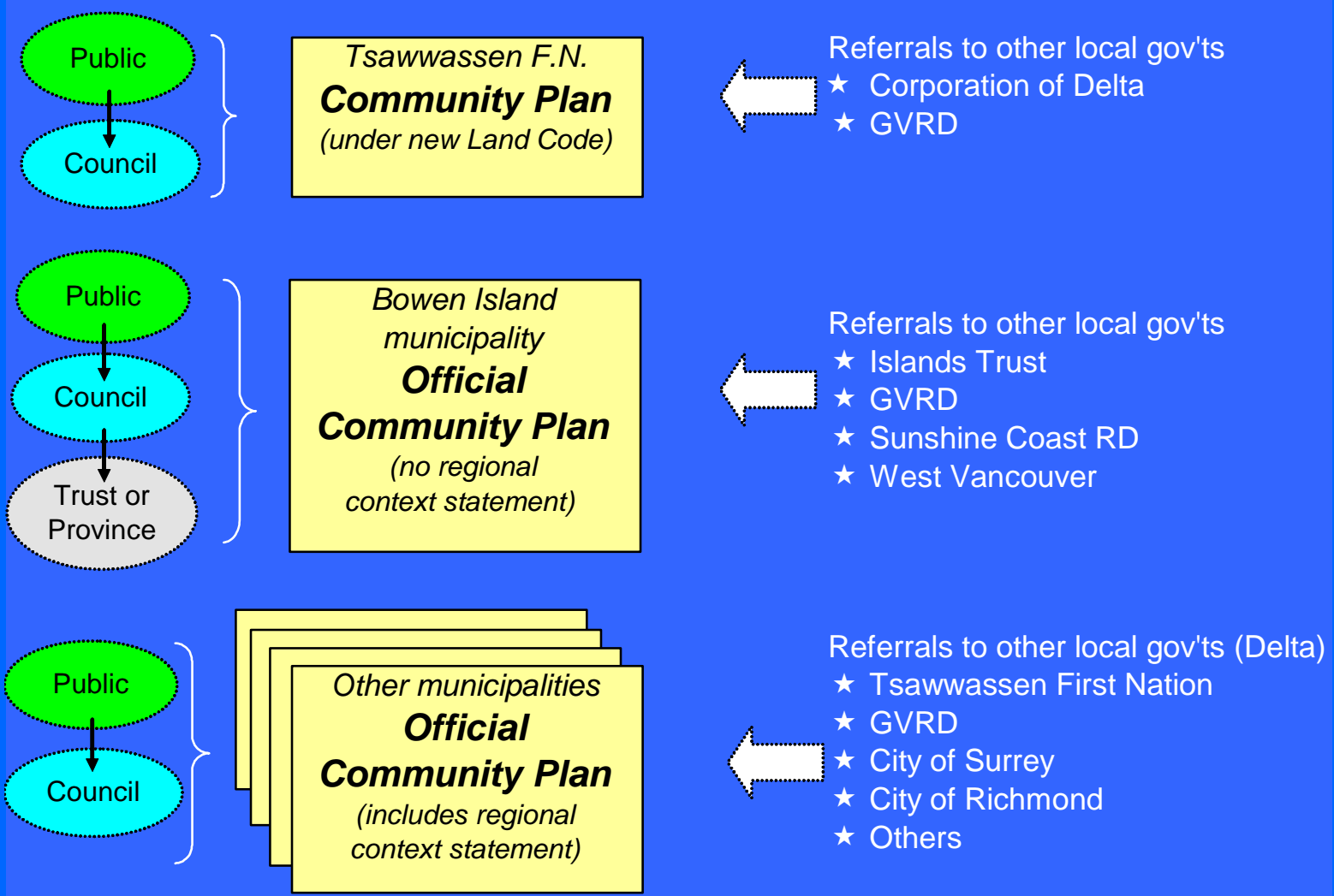
Impacts from neighbours



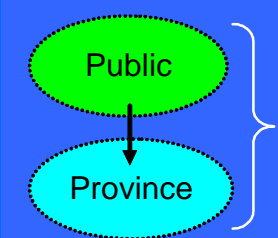
Context statements for LRSP



Community plans (part 1)

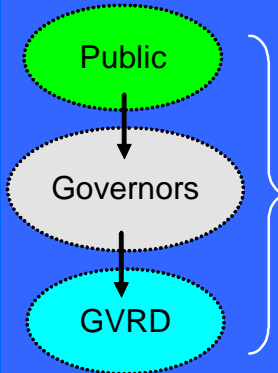


Community plans (part 2)



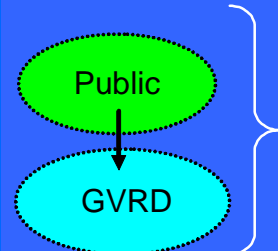
Univ. Endow. Lands
**Official
Community Plan**
*(will include regional
context statement)*

- ← Referrals to other local gov'ts
- ★ UBC
 - ★ UEL
 - ★ City of Vancouver
 - ★ GVRD



University of BC
**Official
Community Plan
for UBC**
*(includes regional
context statement)*

- ← Referrals to other local gov'ts
- ★ University Endowment Lands
 - ★ GVRD
 - ★ City of Vancouver



Rest of GVRD Area A
Zoning bylaw
* No OCP
* No regional context
statement

- ← Referrals to other local gov'ts
- ★ Neighbouring municipalities (Anmore, Coquitlam, West Vancouver, etc)
 - ★ UBC
 - ★ UEL

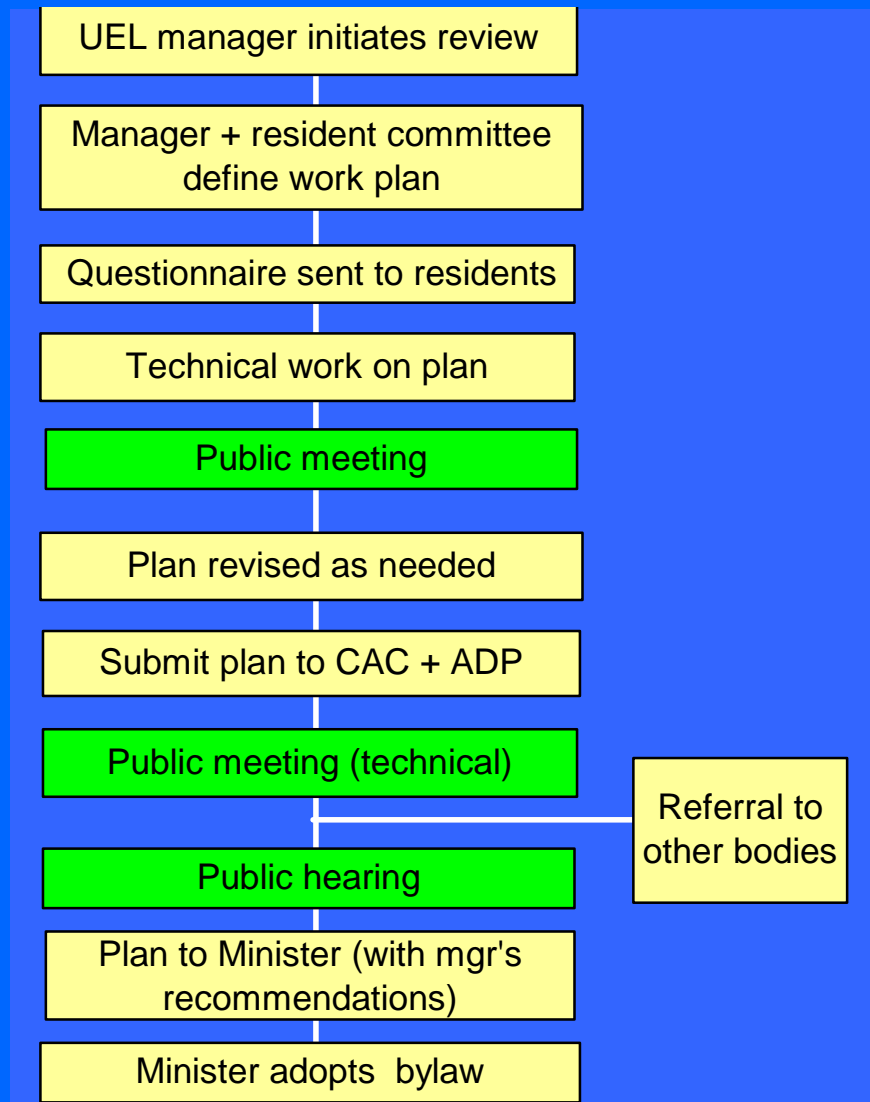
Community plan process

	TFN	UEL	UBC	Area A (no OCP)	Bowen Island	Delta and other mun's
Adopting body	TFN Council	Minister	GVRD Board	GVRD Board	Munic. Council	Munic. Council
Approval of other body req'd	No	No	No	No	Trust or Minister	No
Formalized interagency coordination	None	None	GVRD-UBC MOU + Joint Committee	Howe Sound Community Forum	BC-IT Protocol Agreement; letters patent	None
Required to conform to LRSP	No	No (but will)	Yes	n.a. (no OCP)	No	Yes
Public notice	Yes	Yes	Yes	Yes	Yes	Yes
Public consultation required	Yes	No	Yes	Yes	Yes	Yes
Public consultation performed	Yes	Yes	Yes	Yes	Yes	Yes
Consult with First Nations	Optional	Yes	Yes	Yes	No	Yes
Consult with other local governments	Optional	UBC, GVRD, Vancouver	UBC, UEL, Vancouver	Adjacent RD's, adj. mun's	Is. Trust, GVRD, West Van	GVRD, adjacent municipalities

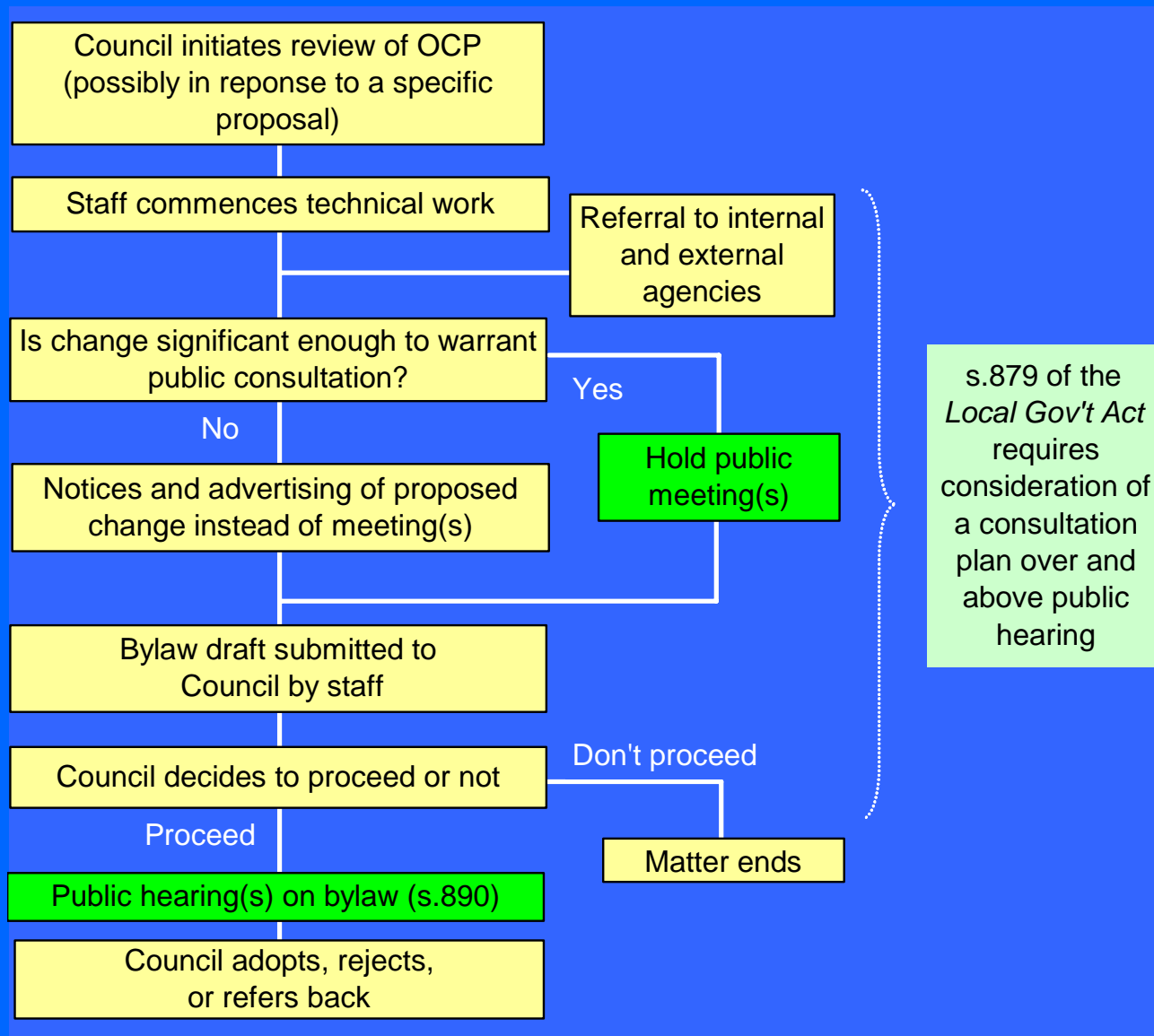
TFN community plan process



UEL OCP process



Municipal OCP process



Community plans: Summary

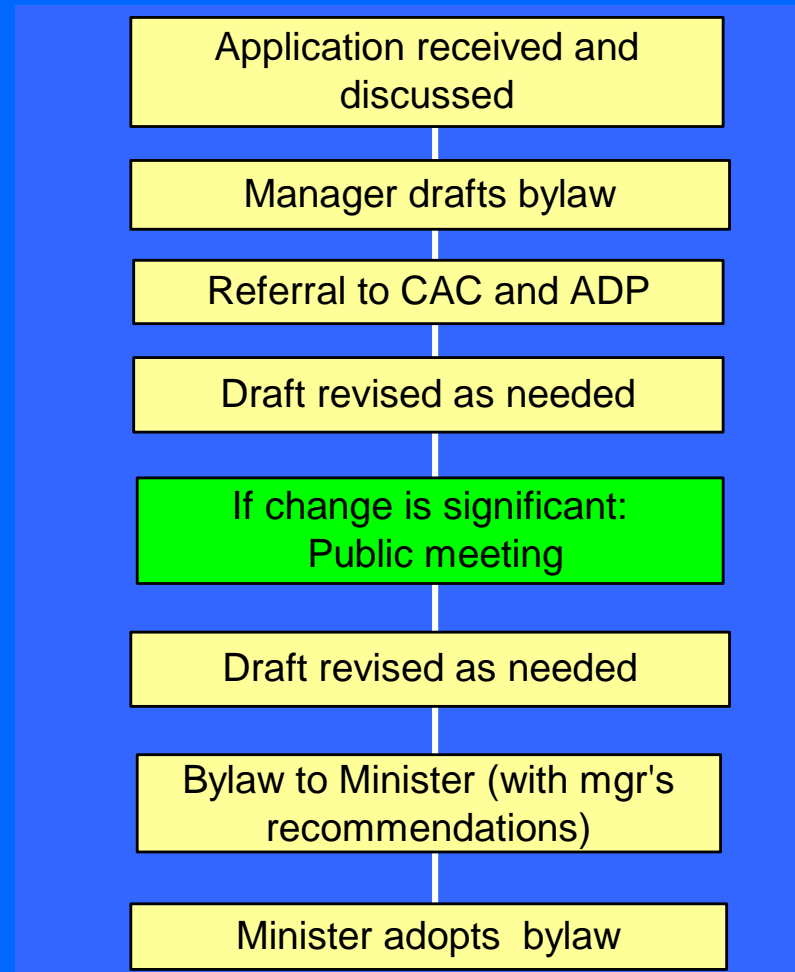
- ✓ Dominant land use bylaw (growth, taxes, etc)
- ✓ GVRD urban form is complex and intertwined
- ✓ OCP impacts are exported
- ✓ Autonomy vs. exported impacts
- ✓ Municipal OCPs must contain Regional Context Statement -- the link with the LRSP
- ✓ Consultation level up to local body
- ✓ OCPs (and LRSP) are living documents
- ✓ Minor or major changes allowed in OCPs

3. Zoning process

Zoning overview

- ✓ Zoning bylaws give force to community plans
- ✓ Virtually all settled areas have zoning bylaws
- ✓ Smaller areas may have one zoning bylaw
- ✓ Larger areas may have many
- ✓ Zoning must be consistent with OCP
- ✓ Zoning change can trigger OCP review
- ✓ Consultation level up to local body

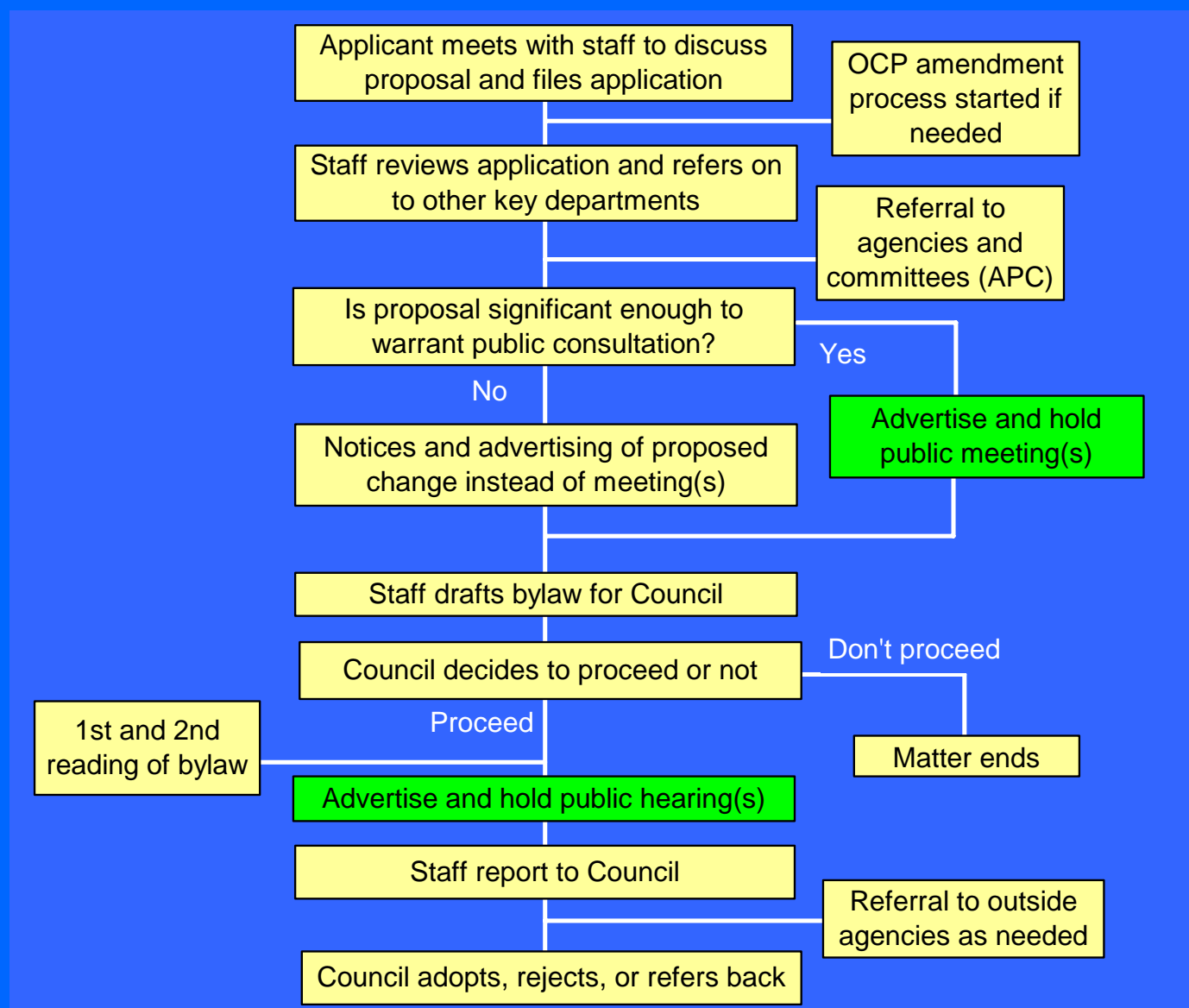
UEL zoning process



TFN zoning process



Municipal zoning process



4. Consultation

Regional plan consultation

S.855 of the *Local Government Act* requires that:

- ✓ Board must provide consultation opportunity for affected persons, organizations and authorities
- ✓ Consultation plan must be developed early
- ✓ GVRD members must make all reasonable efforts to agree on strategy plan
- ✓ Public hearing required between 2nd reading and adoption
- ✓ After hearing and before adoption, board must submit regional plan to municipalities for approval
- ✓ Board also refers plan to other agencies (GVTA, for example) prior to adoption

Municipalities: OCP Consultation

S.879 of the *Local Government Act* requires that:

- ✓ Municipal Council or RD Board must provide one or more **appropriate** consultation opportunities for **affected** persons and groups before public hearing
- ✓ Council or Board decides what **appropriate** and **affected** mean
- ✓ Consultation with neighbouring local gov'ts must be considered – but is not mandatory
- ✓ Significant OCP amendments trigger consultations; minor changes might not
- ✓ Public hearing is required
- ✓ Various referrals to other agencies (ALC, MoT, etc)

Municipalities: Zoning consultation

S.890 of the *Local Government Act* requires that:

- ✓ Zoning (and OCP, too) bylaw can't be adopted without a public hearing or notice
- ✓ Public hearing must be held between 1st and 3rd readings
- ✓ Consultation with neighbouring local gov'ts is not required
- ✓ Significant zoning bylaws trigger consultations; minor changes might not
- ✓ If public hearing (s.890) is waived, public notice must be given (s.893)

TFN consultation

- ✓ Land Code and Framework Agreement identify processes to refine land planning procedures
- ✓ Community input required for:
 - ✓ A community plan
 - ✓ A subdivision plan
 - ✓ Matters respecting heritage or environmentally sensitive sites
 - ✓ Matters respecting transfer or assignment of interests in TFN lands

Intergovernmental consultation

- ✓ Land use consultation between municipalities is informal (staff level)
- ✓ Act does not require consultation between municipalities (but OCP consultation must at least be considered)
- ✓ Consultation most likely for larger projects closer to border
- ✓ LRSP by far the most formal and extensive inter-member consultation
- ✓ Formal examples:
 - ✓ GVRD technical advisory committee (all members)
 - ✓ UBC technical advisory committee (UEL, Vancouver, GVRD)
 - ✓ North Van-Burrard FN servicing agreement

Consultation: Summary

- ✓ Consultation levels usually up to local body
- ✓ Larger proposals warrant more consultation
- ✓ LGA requires local body to consider public meeting
- ✓ Public *meeting* is not same as public *hearing*
- ✓ Before OCP adoption: Public hearing required
- ✓ Before zoning bylaw adoption: Public hearing or notification
- ✓ All bylaws must be enacted publicly
- ✓ Consultation between municipalities not mandatory (but must be considered for OCP)
- ✓ Almost all inter-municipal consultation is very informal
- ✓ Very few formal processes (TACs, MOUs, etc)

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End