

Background Material for Workshop #1

Planning and Land Use Regulation

May 12, 2004

*Prepared for the Intergovernmental
Relations Technical Working Committee*

Tsawwassen First Nations Treaty Negotiations

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Introduction

This brief report is prepared as background material for a May 12, 2004 workshop addressing the matter of planning and land use regulation. It is the first of several workshops organized by the Intergovernmental Relations Technical Working Committee (IGRTWG) as part of the Tsawwassen Treaty Negotiation process. Subsequent workshops will deal with service provision, service financing, and intergovernmental relations.

Participants at the workshop include representatives from the Tsawwassen First Nation (TFN), the federal Treaty Negotiation Office, the provincial Treaty Negotiation Office, the Greater Vancouver Regional District (GVRD), the Corporation of Delta, and the Lower Mainland Treaty Advisory Committee (LMTAC).

The goal of the Workshop #1 is to develop a thorough understanding of regional and local government planning processes and how they are integrated. Because the GVRD has a variety of local government types, this requires an understanding of a variety of land use regulations systems. Much of this background material is aimed at presenting how these systems work.

Much of the technical information presented is based on material kindly provided to the consultant by, in particular, staff at the Tsawwassen First nation, the GVRD, the Corporation of Delta, LMTAC, and the UEL.

This work is occasioned by the March 15, 2004 signing of the “Tsawwassen First Nation Agreement in Principle”. This agreement between the TFN, Canada and the Province of BC sets out a framework of both general and specific principles to guide a Final Agreement regarding TFN rights, lands, processes, and authorities.

GVRD's Local Governance Diversity

The GVRD is unique in the diversity of its local government jurisdictions. Like other regional districts, it has municipalities, electoral area land, and First Nations, but it also has the University Endowment Lands, the University of British Columbia, and a municipality in the Islands Trust. While there are a great many areas of commonality among these diverse areas in terms of services and community policies, there are notable differences in how land use policies and regulations are developed and managed.

A brief overview of the various jurisdictions

- Tsawwassen First Nation Reserve
 - Approximate population = 630 (155 TFN plus 475 non-members)
 - Contains 179 market housing units in three areas (Stahaken, Tsatsu Shores, beachfront)
 - No separate representation on the GVRD board (representation via Delta's director)
 - Principal administrative body is the Chief and Council
- University Endowment Lands
 - Approximate population = 2,700
 - No separate representation on the GVRD board (shares the Area A director)
 - Principal administrative body is the Province of BC (Minister of Community, Aboriginal and Women's Services)
- University of BC
 - Approximate population = 5,400 year-round (includes 1,800 at Hampton Place)
 - No separate representation on the GVRD board (shares the Area A director)
 - Principal administrative body is UBC (Board of Governors)
- Electoral Area A (other than UBC and UEL)
 - Approximate population = 260
 - Dispersed area from Howe Sound to Indian Arm to Pitt Lake
 - No separate representation on the GVRD board (shares the Area A director)
 - Principal administrative body is GVRD
 - Includes several small islands in the Islands Trust (Bowyer and Passage)
- Bowen Island
 - Approximate population = 3,300 (year round; more in summer)
 - Principal administrative body is the municipality (mayor and council)
 - Member of the Islands Trust
 - Has separate member on the GVRD board
- Other municipalities (including Delta)
 - Approximate population = 2.13 million (Delta = 101,000)
 - Principal administrative body is the municipality (mayor and council)
 - Each has separate member(s) on the GVRD board

Planning Tools and Authority

Main Tools for Land Use Regulation

The principal regulations and policy tools available to local governments to manage land uses include the following.

- Regional growth strategy (a regional district bylaw)
- Official community plans
- Zoning regulations
- Development permits
- Subdivision regulation
- Storm water management
- Flood plain regulations
- Soil removal regulations
- Farm and aquaculture regulations
- Building regulations and permits

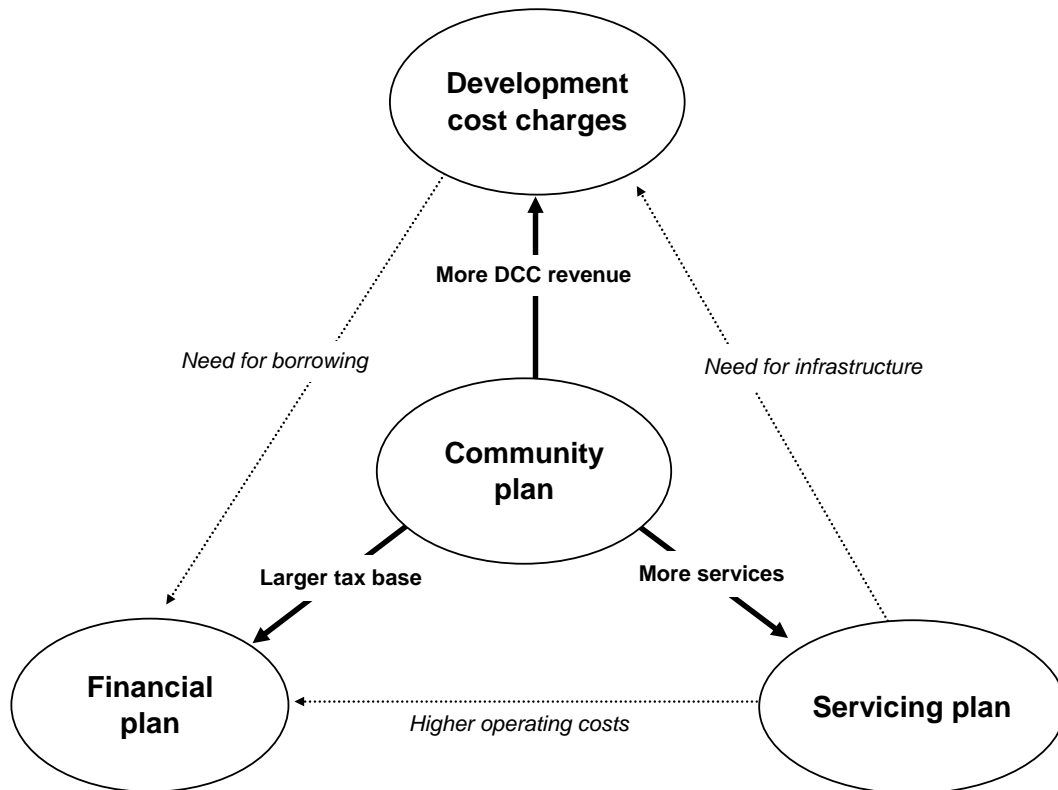
The first on the list is a concept that applies to a regional district as a collective of members; the others are used by individual municipalities, regional districts, First Nations, and other local government types. Except for the first one, most local governments use almost all of these tools to some degree.

Official Community Plans

OCPs are the blueprint for a community, and as such they deserve a special mention. In addition to their own merits, OCPs in the GVRD provide one of the main links between an individual municipality's vision of itself and the vision of the GVRD's Livable Region Strategic Plan, in the form of the Regional Context Statement.

The OCP is tied to various aspects of local government administration. By defining long term growth issues, land capacities, and social goals, the OCP heavily influences numerous local government policies and practices. For example, the extent of community growth foreseen in the plan has a strong influence on the need to plan for future services and infrastructure. After all, more people means more cars, more traffic to manage, more parks usage, more buildings for the fire department to protect, and so on. More development also means a rise in the tax base, but will it offset the rise in the costs of providing local services? Would growth at this level trigger large jumps in infrastructure needs? How would new infrastructure be funded? Must taxes rise to meet these demands? Can these rises be managed effectively, or would the OCP increase the chance of unacceptable tax jumps? There are non-financial concerns, too.

The OCP Affects Other Management Issues



At a much smaller scale, the OCP can also influence the public consultation process for zoning bylaws. Section 890 of the Local Government Act requires that a public hearing be held on a proposed zoning bylaw unless there is an OCP in place and the proposed bylaw is consistent with the OCP, in which case published notice of the proposal will suffice.

Livable Region Strategic Plan

The LRSP was developed by the GVRD prior to the *Growth Strategies Act* (now part of the *Local Government Act*) and therefore stands out as a pioneering effort. It was adopted in early 1996 after four years of public and intergovernmental consultation. The plan has four main strategies to protect and enhance the livability and quality of the region:

- Protect the green zone (watersheds, parks, farm land, etc)
- Create complete communities (strengthen the idea of town centres)
- Achieve a compact metropolitan region (concentrate growth in urban areas)
- Increase transportation choices (less reliance on the auto and more on transit)

All members of the GVRD except Bowen Island (which is part of the Islands Trust) and the Howe Sound-Indian Arm-Pitt Lake parts of Electoral Area A (which have no OCP) have built into their OCPs a Regional Context Statement, and all have been accepted by the GVRD board. The objectives and policies in a RCS demonstrate how the municipality will support and advance the goals of the LRSP in their land use regulations and community policies.

The areas for which there are no Regional Context Statements are Bowen Island (part of the Trust), the Howe Sound-Indian Arm-Pitt Lake sections of Electoral Area A, and First Nations lands.

Local Government Act

Various documents endow local governments with authority to regulate land use and development. For regional districts and municipalities, the provincial *Local Government Act* is the principal statute for land use regulation rules and obligations, though there are a number of other relevant statutes as well (including the *Community Charter*, *Agricultural Land Commission Act*, *Land Title Act*, and many others that contain sections affecting land use planning matters).

Part 25 of the Act sets out the regulations for a regional growth strategy, which is an optional function for a regional district. Some of the features of this part are as follows.

- S. 855 requires that a consultation plan must be established as soon as possible if a plan is proposed, and that the plan provides opportunities for early and ongoing consultation with, at a minimum, citizens, affected local governments, First Nations, and various public agencies. In addition to this consultation process, a public hearing must be held before adoption of a plan.
- S. 857 requires that a regional growth strategy must be accepted by each affected local government or, failing acceptance, becomes binding by virtue of a dispute resolution process.
- S. 866 requires that a regional context statement must be included in every OCP in the regional growth strategy area.
- S. 867 requires that an intergovernmental advisory committee be created, consisting of senior staff from each municipality as well as from various other agencies.
- S. 869 requires that the regional district must, every five years, provide an opportunity for public input and consider whether the plan should be reviewed for possible amendment.

Part 26 of the Act deals with planning and land use management, including the following.

- S. 875-884 outline the requirements for an official community plan, including the obligation for consultation with individuals and agencies.
- S. 890 sets out the requirements for public hearings (which are *in addition to* community consultations) on OCP and zoning bylaw proposals. Note that public hearings for zoning bylaws can be waived if there is an OCP in place and the proposed bylaw is consistent with the OCP. Proper notice of the bylaw proposal must be given if a hearing is waived. This means public hearings are not needed for inconsequential or minor bylaw changes but are for major changes.
- S. 896 sets out the need to maintain a list of all planning and heritage bylaws and permits, and the list must be available to the public.
- S. 903 describes zoning regulations and procedures.
- S. 907 allows a local government to control storm runoff from private property.
- S. 910 allows a local government to impose restrictions on development on flood plain areas.
- S. 933 sets out procedures and policies regarding development cost charges (DCCs).
- S. 938 allows the setting of subdivision servicing requirements.

TFN Agreement in Principle and Land Code

There are several points of interest in the Tsawwassen First Nation Agreement in Principle (AIP) in relation to land use regulation and planning.

- Chapter 3 (Lands) stipulates that the ALR designations in place at the time of the final agreement's start will remain in place, though the AIP lays out a process to consider applications by TFN for removal of the ALR designation.
- Chapter 4 (Land Management and Use) identifies that the final agreement will provide that TFN has the power to make laws regarding (among other things) planning and land use management. It also states that when TFN makes a planning and land use law, it will be based on principles of consultation and transparency like those in municipalities. TFN will have the right to be consulted in the same capacity as a local government on provincial land use planning processes. The chapter also says that the final agreement will provide that TFN will have the power to make laws about the authorization of proposed developments on TFN land.

For the Tsawwassen First Nation, the principal documents for land use regulation are the Land Code and the Framework Agreement on First Nation Land Management under which the Land Code was drafted. The Land Code has just recently come into being. The Framework provides the option to administer reserve lands outside of the provisions of the *Indian Act*. The First Nation assumes authority and responsibility for land management rather than relying on the Minister of Indian Affairs and Northern Development. Decisions about land matters will be made independently by the band.

Among other things, the TFN Land Code has these features of interest to the matter of land use regulation and community planning.

- Natural resources: A TFN member has the right to revenues from his/her land and the revenues derived from those resources.
- Land laws: The Council has broad abilities to pass laws regarding all aspects of its land.
- Lands Committee: The Land Code establishes a Lands Committee to assist, advise, and make recommendations on land matters to the Council.
- Community approvals: The Council must hear the views of the community on a variety of matters, including a land use plan and any amendment to the Land Code itself.

Under the Land Code, the Lands Committee has six main purposes:

- Assist with the development of a system to administer land.
- Advise the Council and staff on matters involving TFN land.
- Make recommendations to the Council about laws, policies and practices related to TFN land.
- Hold both regular and special meetings with members about land issues and make recommendations as to resolutions of issues.
- Assist in consultation and information flows between members and the Council on land matters.
- Oversee community approvals under the Land Code.

The Lands Committee's first tasks include developing rules and procedures to address (among other things) environmental protection and land use planning and zoning. The Committee is to have seven members (three appointed and four elected).

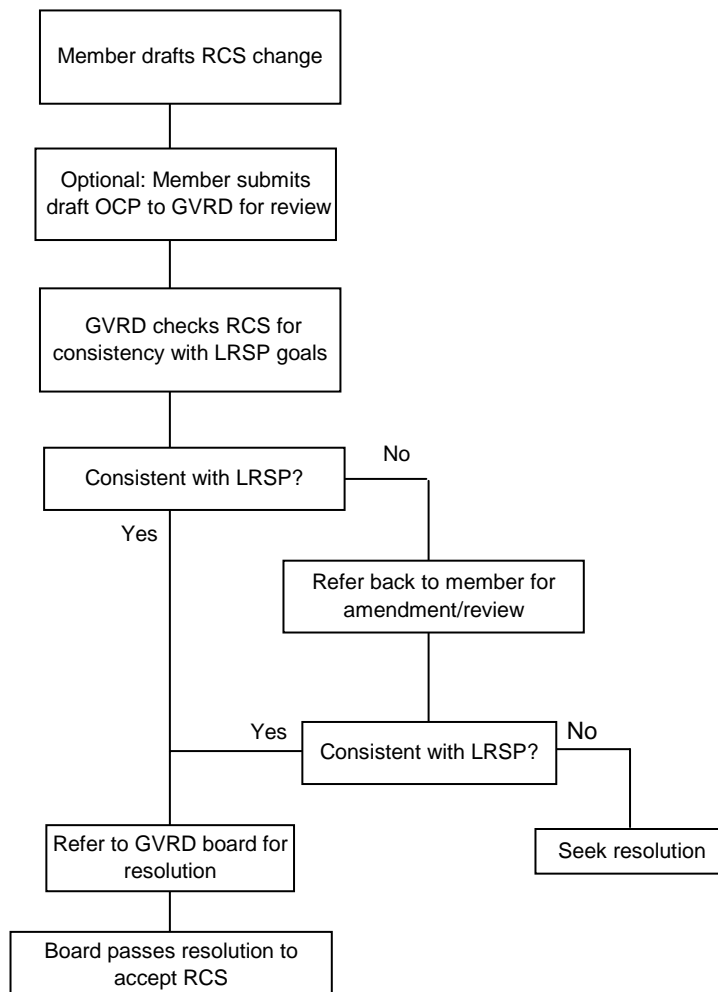
Planning Process in Each Area

Differences among the GVRD jurisdictions include their authorities and responsibilities related to land use planning and management policies. Different processes, statutes, and sections of statutes apply, depending on the area in question.

GVRD Livable Region Strategic Plan

The LRSP is a living document that must be reviewed, or at least considered for review, every five years under the *Local Government Act*. Because each member's community plan must contain a Regional Context Statement acceptable to the GVRD board, and because the OCP themselves are living documents that change over time, it follows that the LRSP too is a living document.

Process for GVRD Review of a Member's Regional Context Statement



Tsawwassen First Nation

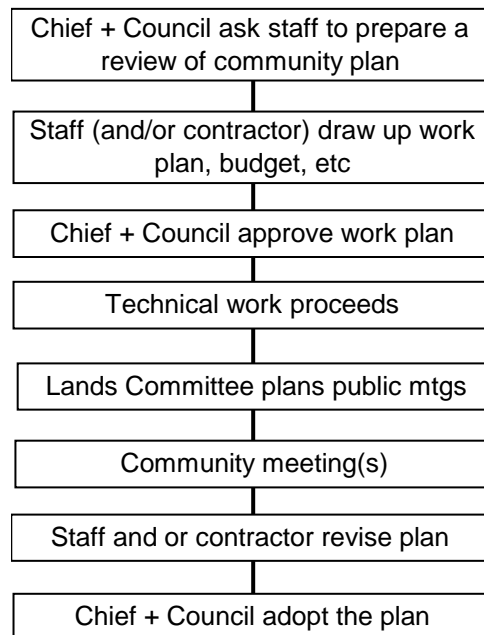
Currently, TFN has bylaws in place to regulate various land-related activities. These include the following (some of them are also found in municipalities as well):

- General zoning
- Construction of buildings
- Local works and water supplies
- Soil removal
- Traffic and weight restrictions
- Trespass
- Taxation
- Assessment
- Sewer easements

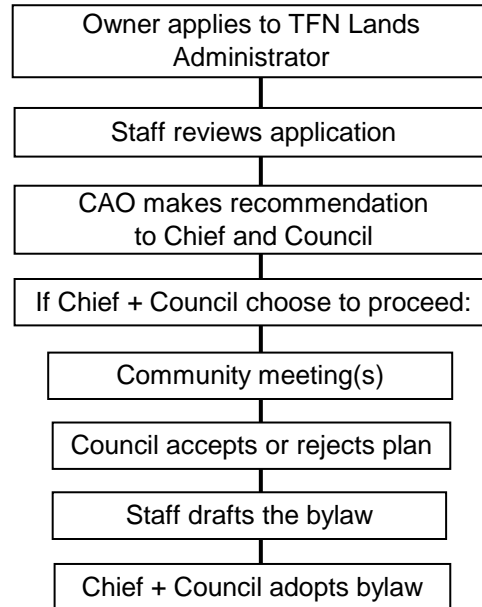
The General Zoning Bylaw divides the Reserve into four permitted-use zones: Single family residential; multiple suite residential; agricultural; and commercial and industrial. There is a Zoning Board of Appeal to hear requests for zoning relaxation. Note that the TFN's zoning bylaw does not apply in Stahaken. Under Schedule "B" of the lease agreement between Stahaken Developments Ltd. and the Government of Canada, lessees of the lands must conform to a number of Corporation of Delta regulations, including zoning, building, and subdivision bylaws.

The TFN processes for amending or adopting a community plan is shown in the next figure. Following that is the TFN process for adopting a zoning law.

TFN Process for Adopting a Community Plan



TFN Process for Adopting a Zoning Regulation



University Endowment Lands

Though it is part of the GVRD's Electoral Area A, the UEL is administered directly by the Province of BC rather than by a local council or board. The province maintains an administration office at the UEL with a manager, a public works crew, and other staff. Local services are funded through a unique UEL property tax rather than the more common provincial rural tax found in all other unincorporated areas of BC.

Though they are immediate neighbours, the UEL is administratively separate from UBC and has a land use regulatory system that is fundamentally different from the other areas. The biggest difference is that there is no elected local body to adopt bylaws -- that is the role of the Minister of Community, Aboriginal and Women's Services directly. The Minister adopts bylaws in accordance with the regulations to the *University Endowment Lands Act*.

Because it is directly administered by the province, the GVRD has little direct role in the land use planning process at the UEL. Because it is not a municipality, the UEL community plan is not obligated to contain a Regional Context statement in support of the Livable Region Strategic Plan, but the new community plan will in fact include one.

The UEL has a Community Plan bylaw and is in the process of amending it. The Community Plan prohibits subdivision in the single family areas, so the matter of subdivision has not been an issue. There is also a "zoning, administration and building bylaw" in place.

The closest thing to a board or council is the UEL Ratepayers Association, but in fact it is not a substitute for a statutory elected council or board. It can't adopt bylaws and it does not represent the UEL tenants who make up a significant share of the UEL residents.

The UEL Community Plan requires that proposed plan amendments be discussed at a meeting attended by the Ratepayers Association and the Advisory Planning Committee. However, it is

proposed to create a new seven-person Administration Advisory Committee that will take part in future discussions as the citizens' referral and commentary body. A new Advisory Design Panel will also be created to replace the current APC.

Subdivision is not allowed in the single family areas of the UEL. Subdivision elsewhere in the UEL requires application to the provincial Ministry of Transportation who serves as the subdivision approval officer for unincorporated areas.

UEL Community Plan Process

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| <ol style="list-style-type: none">1 UEL manager initiates review (after informal discussions with residents)2 Manager, contractor and resident committee define work plan3 Questionnaire sent to residents asking for opinions about work plan4 Technical work on the plan proceeds5 Public meeting to explain draft plan6 Plan revised based on comments and questionnaire7 Revised plan submitted to Community Advisory Committee (AAC) and Advisory Design Panel (ADP)8 Plan presented to public meeting (technical meeting)9 Draft sent to other bodies for review (Vancouver, UBC, GVRD, province, etc)10 Plan debated at public hearing in front of Ratepayers Ass'n and APC11 Plan sent to Minister for approval12 Minister adopts plan as a UEL bylaw |
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UEL Zoning Amendment Process

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| <ol style="list-style-type: none">1 Manager initiates review after receiving application or request <p>If proposal is minor:</p> <ol style="list-style-type: none">2 Manager/contractor drafts bylaw change3 Draft referred to Ratepayers Ass'n and APC for comment4 Plan amended as warranted5 Manager send to Minister for adoption6 Minister adopts it as a UEL bylaw <p>If proposal is significant:</p> <ol style="list-style-type: none">2 Manager/contractor drafts bylaw change3 Draft referred to Ratepayers Ass'n and APC (soon to CAC and ADP)4 Draft presented and discussed at public meeting5 Plan amended as warranted6 Manager sends to Minister for adoption7 Minister adopts it as a UEL bylaw |
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University of BC

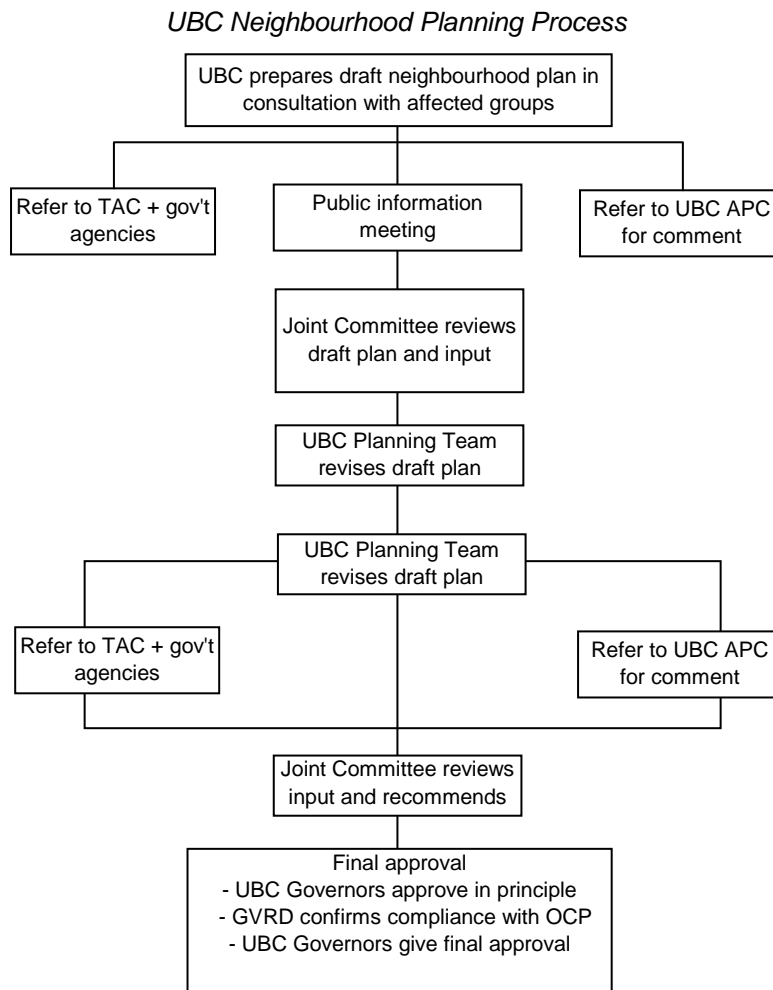
UBC is separate from the UEL but is still part of the GVRD's Electoral Area A. Residents vote in the election of the Area A director to the GVRD board (as do UEL residents). While UBC's intrinsic structure and role do not lend themselves to an easy comparison in a governance context, its Board of Governors serves as what might loosely be viewed as a local government for some services and facilities. However, under the *Local Government Act* it is the GVRD that is the local government body with authority for adopting land use bylaws at UBC. In 1997, the GVRD adopted the UBC's Official Community Plan, which covers the whole campus.

The OCP identifies eight neighbourhoods for non-institutional development. In order to ensure compliance with the goals of the OCP, the GVRD reviews and approves the neighbourhood plans. UBC deals with planning for the institutional developments. The two parties agreed to this division of responsibility in an MOU in 1994 (updated in 2000).

The two parties also agreed to create a Joint Committee to (among other things) oversee, review and make recommendations on the neighbourhood plans and the planning process. The plans are to be consistent with both the OCP goals and UBC's academic goals. The Joint Committee has six members – three from the GVRD board and three from the UBC Board of Governors.

There is an Advisory Planning Committee (APC) to provide public input to the neighbourhood planning process. The 7-9 members are appointed by the Joint Committee and represent a variety of interests in the area (including the UEL). In addition, there is a Technical Advisory Committee (TAC), whose members are also appointed by the Joint Committee. The TAC includes staff from multiple organizations like the UEL, City of Vancouver, Translink, and provincial agencies.

Subdivision at UBC requires an application to the provincial Ministry of Transportation for approval.



Rest of Electoral Area A

In addition to UBC and the UEL, Electoral Area A of the GVRD consists of unincorporated settlements on the west side of Pitt Lake, the north part of Indian Arm, along Howe Sound between West Vancouver and Lions Bay, and Bowyer and Passage Islands.

Residents vote for the Electoral Area A director on the GVRD board, just like voters at UBC and the UEL. The provincial Ministry of Transportation is the subdivision approving body for these communities.

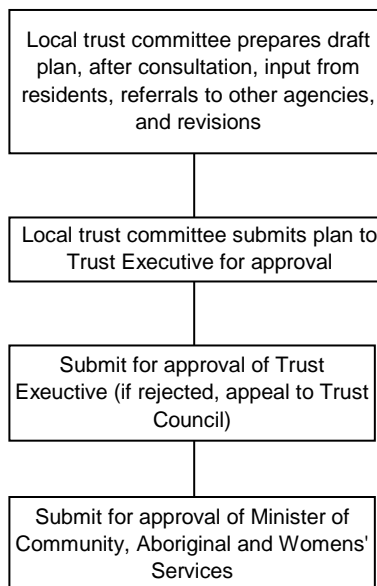
Bowyer and Passage Islands

Bowyer and Passage Islands are also part of the Islands Trust. The Trust's authority is limited mainly to land use planning and regulation. There are 13 island groups in the Trust area, as well as a number of smaller islands like Bowyer and Passage. Bowyer and Passage are part of the Gambier Island group.

The mandate of the Islands Trust is to preserve and protect the trust and its unique amenities, and the principal way it does this is by regulating land use via zoning, community plan, and other development-related bylaws.

The Trust bodies consist of the Trust Council (26 members – 2 elected from each island group), the Trust Executive (four members of the Council, chosen by the Council), and the Trust Fund Board (four people appointed by the province). The local trust committee – the two locally elected members of the Trust Council – prepares zoning bylaws and presents them for public discussion and debate. Following this, the local committee then recommends the bylaw for approval by the Trust Executive (or, failing that, of the Trust Council as a whole). This applies to an OCP bylaw too, except that an OCP bylaw also needs approval from the Minister of Community, Aboriginal and Women's Services.

Islands Trust Process for Community Plan Adoption (Unincorporated Area)

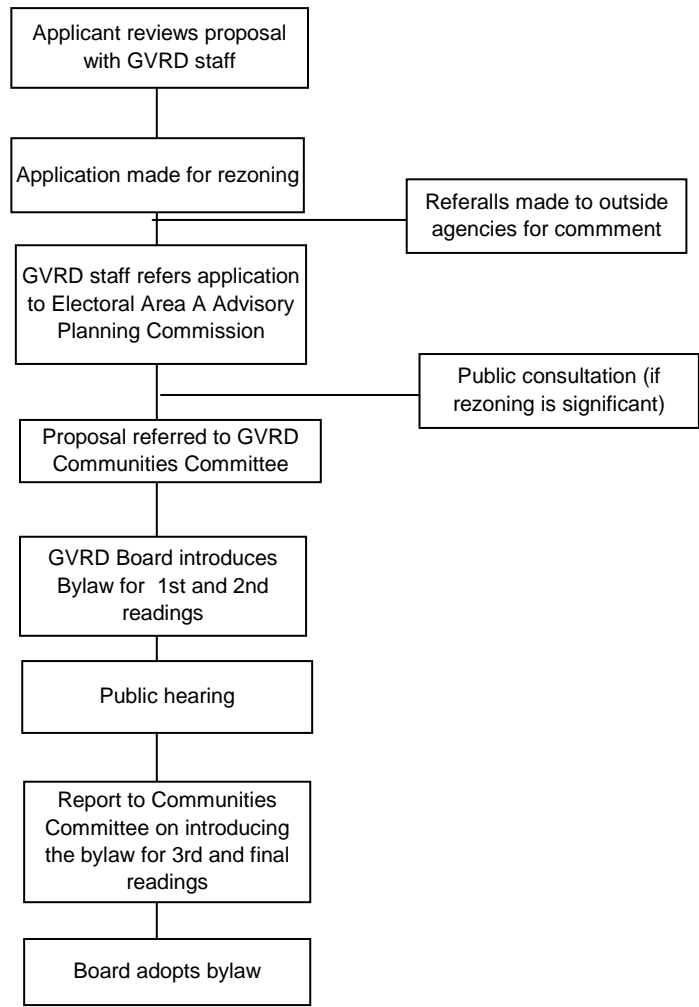


So while the GVRD is still a significant provider of services and functions on these two islands, it lacks authority for community planning and zoning. In addition, the Islands Trust Act stipulates that a regional growth strategy plan shall not apply to an area in the Islands Trust. This means that the Livable Region Strategic Plan does not apply to Bowyer, Passage, or Bowen Islands.

Howe Sound, Pitt Lake, and Indian Arm

The GVRD is responsible for land use planning and zoning in these areas. There is a zoning bylaw for the Pitt Lake-Indian Arm-Howe Sound areas but no OCP is in place. There is a GVRD-appointed Advisory Planning Committee to assist the GVRD in the development, presentation and review of planning matters like zoning.

Rezoning Process for Electoral Area A (outside Barnston, Bowyer, Passage, UEL, and UBC)



Bowen Island Municipality

Bowen Island recently became a municipality, but it is different from the other municipalities in that it is part of the Islands Trust. As noted above, Bowyer and Passage Islands are also in the

Trust area, but they are unincorporated areas, not a municipality like Bowen, so their land use planning processes are different. They do not have a municipal council as their main form of local government.

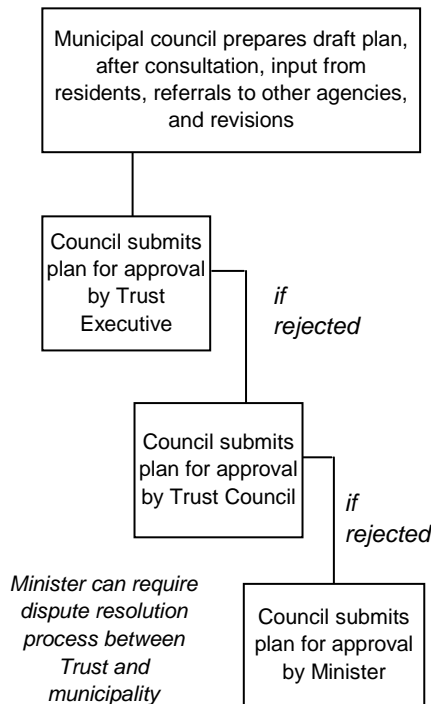
Two of Bowen’s municipal councilors sit on the 26-person Trust Council as Bowen’s representatives; these are the two councilors who polled the highest for the Trust positions during the elections for municipal council. In addition, one member of council serves as Bowen’s director on the GVRD board.

Contemplating the creation of a municipality within the Trust system prior to Bowen’s incorporation, the Trust Council and the Province of BC drew up an MOU setting out some requirements for a trust area municipality. Several parts of this MOU are of note here.

- As part of the Islands Trust, the municipality must, *in all actions*, have regard for the Trust Policy Statement and the Trust object to “preserve and protect” the amenities of the Trust. This is a very strong requirement of the municipality’s policies and bylaws.
- Official Community Plan changes must be approved by the Trust Executive Committee, or failing that, by the Trust Council, or failing that, by the Minister.
- All land use regulation bylaws proposed by municipal council must be reviewed by the Trust Executive Committee.
- Proposed new inter-jurisdictional protocol arrangements must be referred to the Trust for review

As noted earlier, the Islands Trust Act excludes any part of the Trust area from a regional district’s growth management plan, so Bowen’s OCP does not have to conform to the Livable Region Strategic Plan goals and policies.

Overview of Bowen Island Process for an OCP Bylaw



For zoning bylaws, Bowen does not need the approval of either the Trust or the Minister, but it must refer *all* bylaws to the Trust for review, so the Trust has the opportunity to object if it feels the proposed bylaw would not conform to the Trust’s “preserve and protect” mandate. In the event of a disagreement between the municipality and the Trust, the Minister can require that a dispute resolution process be undertaken.

Like other municipalities, the subdivision approval officer is appointed by municipal council.

Other GVRD Municipalities (Delta)

All other municipalities in the GVRD (except Vancouver) must follow the rules and regulations set out in the *Local Government Act* as well as other regulations. The *Act* sets out the minimum requirements; many (if not most) municipalities exceed this in terms of the public process they follow for rezonings and community plan amendments. For example, municipalities (and regional districts, too) often hold more public meetings than the bare minimum. The more important the plan or proposal, the more likely it is that additional opportunities for public input will be provided. This is especially true for community plans, since these blueprints for the municipality can have such far-reaching implications for residents.

The Corporation of Delta is a good model of the process for enacting land use regulations and bylaws in a municipality (many of its procedures are also used by the GVRD, the UEL, and UBC as well). A partial list of Delta’s bylaws that affect land use includes the following (the list has been limited to bylaws that relate in particular to new development, as opposed to existing developments like homes and stores).

Selected Key Bylaws in Delta to Regulate Land Use and Development

Delta's Official Community Plan	The OCP reflects the current community values and visions for the future.
Delta Zoning Bylaw	Regulates the development of land in Delta. In particular, the Bylaw details the uses to which land in the Municipality may be put.
Agricultural Bylaw	These two bylaws are <u>under preparation</u> and will provide amendments to the A1 zone and in other zones where farming is a permitted use.
Community Improvement and Enhancement of Property	Intent: To protect the community from unsightly, hazardous and obligating conditions that contribute to the deterioration of neighbourhoods; and to provide for the abatement of such conditions.
Subdivision and Development Standards	This Bylaw Regulates the standards for development of subdivisions.
Waterways Protection	A bylaw to prohibit the fouling, obstructing, or impeding of any watercourse.
Guidelines for Geotechnical Requirements for Steep Slopes	This policy applies to all development in areas of Delta near steep slopes such as the many ravines and bluffs common the North Delta and Tsawwassen.
Scott Road Corridor Transportation Planning Study Guide	This study guide is a coordinated and collaborative approach to land use policy between Surrey and Delta. This helps to define a shared vision to increase the pedestrian activity along the Scott Road corridor.
Highways	A bylaw to regulate traffic, parking and the use of highways, boulevards, sidewalks and public land in the Municipality of Delta.
Development Cost Charges Bylaw	Funds paid to the Municipality to assist the Municipality to pay the capital costs of providing, constructing, altering, or expanding sewage, water, drainage and highway facilities, other than off-street parking facilities, and providing and improving parkland to service, or directly or indirectly, the development of which the charge is being imposed.

Like many local governments, Delta makes use of advisory committees to help assess, review and make recommendations about development and land use changes.

- Planning and environment committee
- Heritage Advisory Committee
- Community Services Advisory Committee
- Advisory Design Panel

Delta requires a number of permits related to land use development, though not all apply to every circumstance. These requirements can include:

- Development permit (Delta’s OCP identifies various development permit areas)
- Development permit with hazardous conditions (requires geotechnical report)
- Development variance permit
- Rezoning
- OCP amendment
- Subdivision approval

The following two figures, adapted from Delta’s web site, summarize the procedures for amending the OCP and a zoning bylaw.

Summary of Delta’s OCP Amendment Process

1	Application received at the Application Centre and reviewed for completeness. A non-refundable fee and a Public Hearing fee are collected.
2	The file is assigned to a Planner/Planning Technician who reviews the application for compliance with the Development Applications Procedure Bylaw.
3	The application is circulated to other key departments and external agencies for review, and policy issues are reviewed with senior staff.
4	A public information meeting will be held if the amendment is significant enough to warrant one; if not, letters and advertising only
5	An OCP application will be referred to the Advisory Planning Commission for comment. Where an OCP amendment may have environmental implications, the OCP amendment may be referred to the Environmental Advisory Committee for comment.
6	Upon completing the staff review, staff prepare a report and an OCP amendment bylaw for Council consideration.
7	Council considers the staff report and the bylaw and either reject the bylaw, suggest modifications, or give the bylaw first and second readings and refer the proposed amendment to a Public Hearing.
8	The Public Hearing is advertised in two consecutive editions of a local newspaper and surrounding residents and businesses are notified by mail.
9	A Public Hearing is held to receive public commentary on the bylaw.
10	Staff review the Public Hearing comments and prepare a report for Council consideration.
11	Council may give third reading to the bylaw, refuse the application or refer the matter to staff for further information.
12	After third reading of the bylaw, a letter is sent to the applicant setting out all requirements to be completed prior to Council granting final adoption to the bylaw.

Summary of Delta's Rezoning Process

1	One or more pre-application meetings are usually held with applicants who propose a larger rezoning project. Where an OCP amendment is also required, the two processes are undertaken concurrently.
2	Application received at the Application Centre and reviewed for completeness. A non-refundable application deposit is taken and a separate Public Hearing fee is also collected (refundable if Council do not refer the application to a Public Hearing).
3	The file is assigned to a Planner/Planning Technician who reviews the application for compliance with Delta's policies and objectives, and Development Applications Procedures Bylaw.
4	The application is circulated to other key departments and, where necessary, other external agencies for review and comment.
5	The applicant, in conjunction with staff, is encouraged to consult with the public to inform the surrounding residents and/or businesses, to receive public comment early in the application review process.
6	An application may be referred to the Advisory Planning Commission, Design Panel and in some cases, the Environmental Advisory Committee for comment.
7	When the review is complete, the Planner/Planning Technician will either prepare a Council report or advise the applicant of major issues that should be addressed prior to reporting to Council. If there are outstanding issues, staff may request the applicant to provide further research, design amendments or seek further comment from senior agencies.
8	Staff prepare a report and one or more bylaws for Council consideration.
9	Council reviews the staff report and the bylaw(s) and either rejects, or gives the bylaw(s) first and second readings and refers it to a Public Hearing.
10	A Public Hearing is advertised in two consecutive editions of a local newspaper and surrounding residents/businesses are notified by mail.
11	A Public Hearing is held to receive public comment concerning the bylaw(s).
12	Staff review the Public Hearing comments and prepare a report for Council's consideration.
13	Council gives third reading to the bylaw(s), refuses the application, or refers the matter to staff for more information.
14	Following third reading of the bylaw(s), staff prepare a letter which sets out all rezoning requirements to be completed by the applicant prior to Council granting final adoption of the bylaw(s).
15	Where necessary, the bylaw(s) is referred to the Ministry of Transportation and Highways for approval prior to Council granting final bylaw adoption.
16	A report is prepared for Council's consideration of final adoption.
17	Council consider the staff report and may either adopt or reject the bylaw(s).

Intergovernmental Consultation

The GVRD consists of many members and there are many shared borders. Since the region has seen dynamic growth over the years and has developed a complex system of services like roads, water and sewer, the policies and actions of one member can have a notable effect on several others. For example, a decision by a municipality to allow a large new residential development may produce impacts not only within the municipality – increased traffic, more crowded parks, and so on – but also in the neighbouring municipalities. The closer the development is to a neighbour and the larger the scale of development, the more likely it is that the neighbour will be impacted.

This means a balance may need to be found between a member’s right to make its own decisions and its cooperation with neighbouring members. In some ways, this principle lies at the heart of the Livable Region Strategic Plan, though the LRSP is generally based on broader region-wide goals.

Consultation between neighbouring local governments is one way to reduce potential strife related to land use policies that affect neighbours.

Regional District

The *Local Government Act* requires several forms of intergovernmental consultation for regional districts with respect to land use planning and regulation.

- *Livable Region Strategic Plan*: S.855 requires that a regional district must provide opportunities for consultation with the public and with various local governments and agencies in the preparation of a growth strategy plan. S. 855 also requires a public hearing between second and third reading of the bylaw so that the public and interested parties can make their views known. As well, s.857 require acceptance of the plan by all members (though the plan can advance without a member’s acceptance if, after a dispute resolution process, a binding resolution emerges).
- *Technical Advisory Committee (TAC)*: S.867 of the *Act* requires the creation of a technical committee consisting of senior staff from every member of the regional district, as well as staff from non-municipal agencies like transit and provincial ministries. The GVRD TAC meets monthly and provides a forum to discuss intergovernmental issues related to land use regulation, services, and community development.
- *Rezoning*: For rezonings in the Howe Sound-Indian Arm-Pitt Lake parts of Electoral Area A, the *Act* again requires that a public hearing be held, and public consultation process is held when the rezoning proposal is significant. The GVRD routinely advises neighbouring municipalities of rezoning applications near them, at the staff level rather than formally at the elected board level. However, part of the rezoning process involves referring the proposal to the Communities Committee, which consists of GVRD board members, so there is a built-in “formal” information process for certain elected officials.
- *UBC*: The GVRD and UBC have an MOU stipulating that there is to be a Joint Committee (three directors of the GVRD, three members of UBC’s Board of Governors) to review and advise on various UBC planning matters and to facilitate communication between the two parties.

University of BC

UBC is involved in several formalized processes for intergovernmental consultation regarding land use planning and development.

- The GVRD-UBC Joint Committee: As noted above, there is a structured committee of officials from these two bodies to (among other things) facilitate communications between the two on matters related to the land use planning MOU.
- UBC's Technical Advisory Committee includes staff from neighbouring jurisdictions like the UEL, the City of Vancouver, and the GVRD, as well as various other agencies and bodies.
- UBC's process for adopting a neighbourhood plan calls for submission of a plan to the GVRD to obtain the GVRD's confirmation that the plan does not conflict with the OCP.

First Nations

There are several examples of structured arrangements between First Nations and neighbouring municipalities regarding consultation on land use matters. Some examples include the following. Not all refer specifically to land use regulation and not all are in the Lower Mainland, but all involve a formal agreement.

- Various First nations have entered into servicing agreements with a municipality. For example, there is a servicing agreement whereby the Corporation of Delta provides services to the Stahaken neighbourhood. While these agreements generally don't specify a formal process for notification and consultation on land development proposals or regulations, they do serve to establish a structured system and common basis for on-going consultation.
- The District of North Vancouver has signed a protocol agreement with the Tsleil Waututh First Nation that includes the objectives of providing community participation in the development of Cates Park/Whey-ah-Wichen and, through a joint process, of providing for the planning and management of the park. The joint committee is to have four persons – two appointed by the District and two appointed by the Tsleil Waututh.
- The Katzie First Nation and the GVRD have signed a letter of understanding on Grant Narrows Regional Park in which the parties commit to meet to discuss the protection of each other's interests in connection with the park.
- Outside of the GVRD, there are protocol agreements between First Nations and local government establishing the principles for information sharing, among other things. For example, the Lheidli T'enneh First Nation has signed such a protocol with the Fraser-Fort George Regional District that commits the two parties to the sharing of information, technology and staff resources in order to encourage better coordinated and efficient service provision. In addition, the two parties signed an MOU that includes the objective of promoting dialogue between community leaders on areas of common interest, with a specific reference to cooperative land use planning. The Lheidli T'enneh have similar agreements with the City of Prince George.
- The District of Powell River and the Sliammon First Nation have a Community Accord that calls for the two parties to meet regularly in joint sessions that are open to the public. The goal is to encourage discussion of all matters between the two communities.
- The 'Ngmgis First Nation and the Village of Alert Bay have signed the Alert Bay Accord in which they agree to consult and coordinate their efforts for community development.

Municipality-Level Consultation

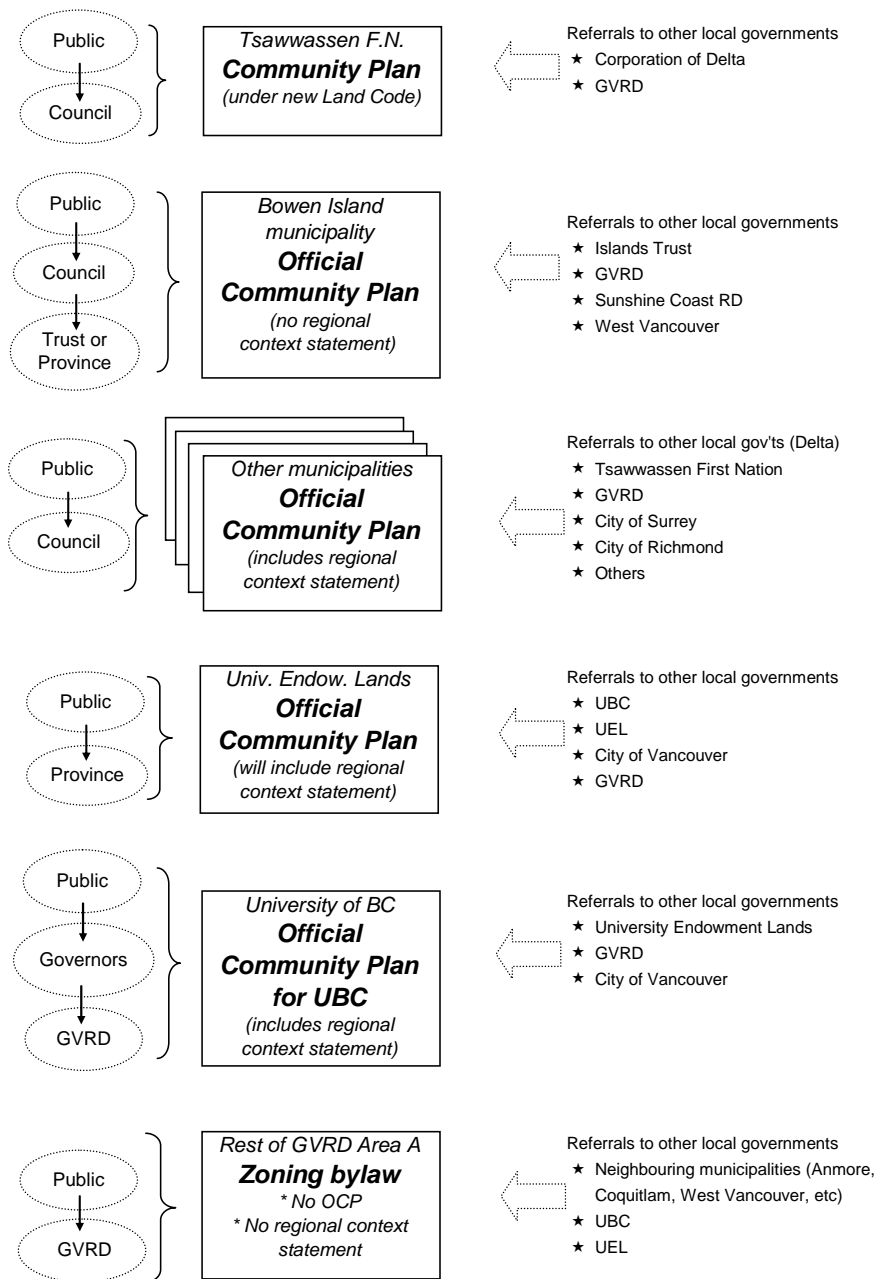
A survey of GVRD municipalities reveals that the flow of information between neighbours on land use regulation matters generally has several forms.

- Proposed changes to a municipality's OCP that are significant (as opposed to more inconsequential, housekeeping amendments) trigger a review of the Regional Context Statement by the GVRD.
- The growth strategies section of *Local Government Act* requires that there be a Technical Advisory Committee comprised of staff from all the municipalities as well as from other agencies. This provides a structured forum for planning staff to discuss community development issues and large scale proposals.
- The *Act* requires that a consultation process be employed for official community plan preparation. S. 879 of the Act requires that the local government must consider whether consultation is required with the board of the regional district in which the municipality is located, the board of any adjacent regional district, the council of any adjacent municipality, First Nations, and other agencies. Note that the requirement is to consider the necessity, not to actually consult them. This allows a streamlined process in the case of minor or inconsequential amendments to an OCP (these are quite common). For anything other than inconsequential changes, it is routine for a municipality to notify all of these boards about the OCP review. Indeed, it is a rare exception when notification and consultation do *not* take place for major or significant changes.
- The most common form of consultation involves a staff member (often the planner) from one municipality informally contacting a planner in a neighbouring municipality to advise of a land use proposal or policy change. This is an extremely frequent occurrence.
- Municipalities regularly contact their neighbours in connection with issues regarding services such as roads, water, sewers, storm drainage, and other shared or impacting facilities. In many cases there is a formal agreement for service sharing. For example, Delta has an agreement with Surrey on the matter of maintaining boundary roads. These provide a forum for ongoing dialogue between neighbouring municipalities about issues related to land use development.

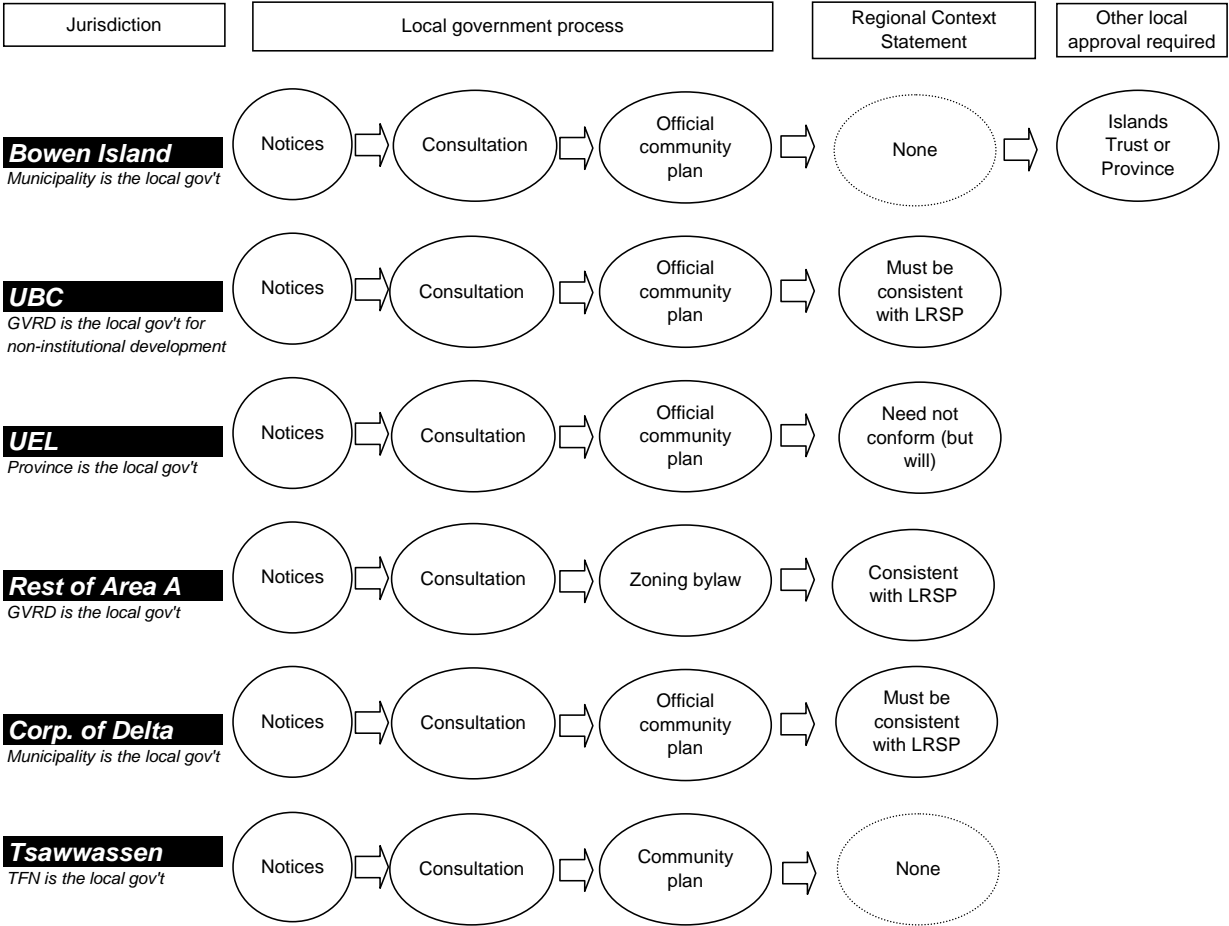
Summary of Land Use Planning Processes

The next figures summarize the array of land use regulation processes in the GVRD. The first shows the community plans by jurisdiction.

Community Plans in the GVRD



Overview of Community Plan (OCP) and Livable Region Strategic Plan (LRSP) Relationship



Overview of Acts and Bodies

Geographical area	Local land use regulation						GVRD Regional Plan
	Tsawwassen Band Lands	Univ. Endowment Lands	University of BC	Rest of Elect. Area A	Bowen Island Municipality	Delta and other municipalities	
Main basis of land use authority:							
TFN land code	•						
University Endowment Lands Act		•					
Universities Act			•				
Local Government Act			•	•	•	•	•
Community Charter				•	•	•	
Islands Trust Act				•	•		
Main local advisory bodies:							
Advisory planning committee (APC)	No	Yes (9 appointed members) NB: The APC will be replaced by an Advisory Design Panel.	Yes (for neighbourhood plans)	Yes (appointed)	Yes (7 appointed members)	Planning and Environment Committee (12 members: 2 from Council + 10 appointed)	Intergovernmental Advisory Committee
Others	Lands Committee (7 members: 3 appointed + 4 elected)	UEL Ratepayers Ass'n, UEL Tenants Society (NB: There will be a 7-member, elected body called the Community Advisory Council to replace these)	GVRD-UBC Joint Committee; Technical Advisory Committee (for neighbourhood plans)		Sustainable Community Advisory Committee, local water advisory committees, others	Delta Treaty Advisory Task Force, others	Technical Advisory Committee

Overview of GVRD Livable Region Strategic Plan

Geographical area	TFN	UEL	UBC	Area A	Bowen Island	Delta and other municipalities	GVRD as regional body
Regional Plan process:							
Adopting body	--	--	--	--	--	--	GVRD Board
Approval of other body required	--	--	--	--	--	--	Province
Public notice (newspaper ads, signs, etc)	--	--	--	--	--	--	Yes
Public consultation required	--	--	--	--	--	--	Yes
Public consultation performed	--	--	--	--	--	--	Yes
Referendum required for LRSP	--	--	--	--	--	--	No
Advisory groups	--	--	--	--	--	--	No
Consult with First Nations	--	--	--	--	--	--	Yes (req'd)
Consult with other statutory bodies	--	--	--	--	--	--	Yes (numerous local and senior gov't agencies)
Regional Context Statement (RCS):							
Regional Context Statement required	No	No	No (but included)	No	No	Yes	--
Community plan to include an RCS	No	Yes (forthcoming)	Yes	n.a.	No	Yes	--
RCS must be acceptable to GVRD	No	No	Yes	n.a.	No	Yes	--
Local plans req'd to conform to RCS	No	Yes	Yes	n.a.	No	Yes	--

Overview of Community Plan Process and Consultation

Geographical area	TFN	UEL	UBC	Area A (NB: No OCP in place)	Bowen Island	Delta and other municipalities
Adopting body	TFN Council	Province (MCAWS)	GVRD Board	GVRD Board	Munic. Council and Islands Trust (or Province)	Munic. Council
Approval of other body required	No	No	No	No	Trust or Province (MCAWS)	No
Formalized interagency coordination	None	No	GVRD-UBC MOU and OCP Joint Committee	Howe Sound Community Forum	Province-Islands Trust Protocol Agreement; Municipality's letters patent	
Required to conform to LRSP	No	No (but new OCP will conform)	Yes	n.a. (no OCP)	No	Yes
Referral to Agricultural Land Commission	Yes, if ALR lands affected	No (no ALR land)	No	Yes, if ALR lands affected	Yes, if ALR lands affected	Yes, if ALR lands affected
Public notice (newspaper ads, signs, etc)	Yes	Yes	Yes	Yes	Yes	Yes
Public consultation required	Yes	No	Yes	Yes	Yes	Yes
Public consultation performed	Yes	Yes	Yes	Yes	Yes	Yes
Main local advisory groups consulted	Lands Committee	UEL Ratepayers Ass'n, APC	APC, TAC	APC; Howe Sound Community Forum	APC, others	Planning and Environ. Committee
Consult with First Nations	Optional	Yes	Yes	Yes	No	Yes
Consult with other local governments	Optional	UBC, GVRD, Vancouver	UBC, UEL admin., Vancouver	Adjacent RD's, adjacent municipalities	Is. Trust, GVRD, West Van	GVRD, adjacent municipalities
Referendum required	Yes	No	No	No	No	No

Overview of Zoning Bylaw Process and Consultation

Geographical area	TFN	UEL	UBC	Area A	Bowen Is.	Delta and other municipalities
Adopting body	TFN Council for most; Delta for Stahaken	Province (MCAWS)	UBC Board of Governors	GVRD Board	Munic. Council	Munic. Council
Approval of other body required	No	No	GVRD (for conformity with UBC OCP)	No	No	No
Must conform to Regional Context Statement	No	Yes	Yes	Yes	No	Yes
Required to conform to LRSP	No	No	Yes	Yes	No	Yes
Public notice (newspaper ads, signs, etc)	Yes	Yes	Yes	Yes	Yes	Yes
Public consultation required	Yes	No	Yes	Yes	Only if bylaw conflicts with OCP	Only if bylaw conflicts with OCP
Public consultation performed	Yes	Yes	Yes	For significant proposals	For significant proposals	For significant proposals
Main local advisory groups consulted	No	UEL Ratepayers Ass'n, APC	APC, TAC	APC	APC, others	Planning and Environ. Committee, others
Consult with First Nations	No	No	Yes	Yes	No	
Consult with other local governments	No	No	GVRD, Van.	Yes	GVRD, West Van, Is. Trust	

Overview of Subdivision Process

Geographical area	TFN	UEL	UBC	Area A	Bowen Is.	Delta and other municipalities
Subdivision allowed	Yes	Yes, outside single family areas	Yes	Yes	Yes	Yes
Regulation-adopting body	TFN Council	Province (MCAWS)	Province (MoT)	Province (MoT)	Munic. Council	Munic. Council
Approving officer	TFN Council	MoT staff	MoT staff	MoT staff	Munic. staff	Munic. staff
Public notice (newspaper ads, signs, etc)	Yes	Yes	Yes	Yes	Yes	Yes
Public consultation required	Yes	No	No	No	No	No
Public consultation performed	Yes	No	No	No	No	No