



District of Maple Ridge

TO: His Worship Mayor Ernie Daykin
and Members of Council

MEETING DATE: November 4, 2013

FROM: Chief Administrative Officer

FILE NO: 2013-102-CP

MEETING: CoW

SUBJECT: Official Community Plan Revision Bylaw No. 7034-2013

EXECUTIVE SUMMARY:

At the May 24, 2011 Council meeting, the following resolution was passed:

That staff be directed to bring back a housekeeping amendment bylaw to correct the discrepancies between the Schedule B map, the figure maps in Appendix E and the Schedule C map and any further housekeeping items that are required.

The District solicitor has recommended that a Revision Bylaw, permitted under Section 140 of the *Community Charter* be adopted as a means of undertaking the housekeeping amendments listed above.

This report sets out a process for the above work, limited to correcting mapping errors, clerical, grammatical and typographical errors, as well as updating name changes (such as the GVRD to Metro Vancouver) and projects that have been completed. Further, the work will involve updating the corporate branding to current standards.

The approach proposed for the Official Community Plan housekeeping amendments will be undertaken in two steps: 1) Step I involves the proposed Official Community Plan Revision Bylaw, prepared by the District's solicitor and permitted under Section 140 of the *Community Charter*. The Revision Bylaw authorizes minor revisions with no change to policy intent or any new policy additions to an Official Community Plan without the requirement of a public hearing. An Official Community Plan Adoption Bylaw is still required, however, the first three readings may occur in one Council meeting. 2) Step II will involve bringing the Official Community Plan Adoption Bylaw forward to Council, with the more streamlined approval process.

The District's solicitor has emphasised that a bylaw revision carried out pursuant to Section 140 is limited to minor amendments only:

It must be understood that "revisions" cannot change the substance of the bylaw that is being revised; they may, however, "bring out more clearly what is considered to be the meaning of a bylaw" and "improve the expression of the law".

RECOMMENDATION:

That Official Community Plan Revision Bylaw No. 7034-2013 be given First, Second, and Third Readings.

DISCUSSION:

a) Background Context:

The District's solicitor has recommended the proposed Revision Bylaw, permitted under Section 140 of the *Community Charter*, be used for minor housekeeping amendments to the Official Community Plan. Such a bylaw enables minor revisions (i.e. no alteration or addition to the substance of the Official Community Plan) to be undertaken in a more efficient and expedited manner throughout the life of the current Official Community Plan Bylaw. The solicitor has also advised that Section 140 of the *Community Charter* allows a Revision Bylaw to be adopted for any and all municipal bylaws to enable more streamlined processes for all minor housekeeping type of amendments. A Revision Bylaw for the existing Official Community Plan is the only Revision Bylaw proposed at this time. In written correspondence, the municipal solicitor states:

The product of bylaw revision under s. 140 of the Community Charter could be a complete set of revised municipal bylaws, or a single revised bylaw. Zoning bylaws and official community plans are obvious candidates for revision at the local government level because they are frequently amended and, being large bylaws, are likely to contain minor errors, and the formal bylaw amendment and replacement procedures are cumbersome.

The principal advantage of a bylaw revision process in the case of an official community plan is that a "revised" OCP when adopted by the Council is deemed to have been adopted as if all requirements respecting approval and adoption of its provisions have been met. In the case of an OCP this eliminates consultation and public hearing requirements and re-acceptance of the regional context statement by the Metro Vancouver board. These steps are unnecessary when Council adopts a duly revised OCP.

Community Charter: S. 140 Revision of Bylaws

As stated above, *Community Charter* Section 140 authorizes a Revision Bylaw to be adopted for "all or any" municipal bylaws. The authority of this provincial legislation is provided to municipalities through the *Bylaw Revision Regulation*, B.C. Reg. 367/2003. This regulation clearly lays out what a municipal Revision Bylaw may authorize in section 1(1)(2) as follows:

- (a) Consolidating a bylaw by incorporating in it all amendments to the bylaw;
- (b) Omitting and providing for the repeal of a bylaw or a provision of a bylaw that is expired, inoperative, obsolete, spent or otherwise ineffective;

- (c) Omitting, without providing for its repeal, a bylaw or a provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing that has non general application throughout the municipality;
- (d) Combining 2 or more bylaws into one, dividing a bylaw into 2 or more bylaws, moving provisions from one bylaw to another and creating a bylaw from provisions of one or more bylaws;
- (e) Altering the citation and title of a bylaw and the numbering and arrangement of its provisions;
- (f) Adding, changing or omitting a note, heading, title, marginal note, diagram, map, plan or example to a bylaw;
- (g) Omitting the preamble and long title of a bylaw;
- (h) Omitting forms or schedules contained in a bylaw that can more conveniently be contained in a resolution, and adding to the bylaw authority for forms or schedules to be established by resolution;
- (i) Correcting clerical, grammatical and typographical errors;
- (j) Making changes, without changing the substance of the bylaw, to bring out more clearly what is considered to be the meaning of a bylaw or to improve the expression of the law.

The proposed Revision Bylaw has been prepared by the District's solicitor and it includes most of the allowable changes authorized through the provincial regulation.

The *Bylaw Revision Regulation* also stipulates that the corporate officer must certify that revisions made to a bylaw (such as an OCP) under the Revision Bylaw, have been made in accordance with the Revision Bylaw.

Step I: OCP Revision Bylaw

The Official Community Plan Revision Bylaw No. 7034-2013 is recommended and itemizes the kinds of minor amendments that will be permitted once adopted. This would mean that future housekeeping amendments to Official Community Plan Bylaw No. 6425-2006 could be handled according to Official Community Plan Revision Bylaw No. 7034-2013. Any proposed OCP amendments that are not authorized by the Revision Bylaw will be subject to the usual requirements of the *Local Government Act*. Section 879 of the *Local Government Act* stipulates that public consultation be considered for any proposed Official Community Plan amendments and Section 890 stipulates public hearing requirements.

In accordance with Section 135 of the *Community Charter*, a Revision Bylaw may receive three readings in one Council meeting and adoption at the subsequent Council meeting.

Step II: Proposed OCP Adoption Bylaw

Subsequent to the adoption of the Official Community Plan Revision Bylaw No. 7034-2013, an Official Community Plan Adoption Bylaw will be brought forward to Council with revisions to the Official Community Plan prepared in accordance with the OCP Revision Bylaw. A sample OCP Adoption Bylaw is attached as Appendix "B" and is for information only. Staff will continue to work

with the District solicitor to ensure compliance with the Revision Bylaw. An itemized list of the types of changes that have been made will be included in the staff report for information and clarity. The following list is a small sample of the types of changes that are anticipated to be highlighted and either corrected or updated:

- **Urban Area Boundary:** Correct mapping error on Schedule “C”, Natural Features Map, to include Thornhill in the Urban Area Boundary, as shown on Schedule “B”.
- **References to Outdated Titles:** There are many references in the existing Official Community Plan to the Greater Vancouver Regional District (GVRD), which is now referred to as Metro Vancouver. Correcting this organization title and similar outdated titles is proposed throughout the Official Community Plan.
- **Completed Studies:** The Official Community Plan includes a commitment to undertake a number of studies that have since been completed. For example, studies such as the Agricultural Plan, Detached Garden Suites, and Urban Area Boundary review have been done and the language needs to be updated to reflect this.
- **Corporate Branding:** The District logo and corporate branding style have changed since adoption of the Official Community Plan. It is proposed that the Official Community Plan be updated to align with the District’s corporate branding policy.

Once the Official Community Plan Adoption Bylaw is ready to be brought forward to Council with the housekeeping revisions, the Manager of Legislative Services will be asked to review the changes in order to certify that the proposed Official Community Plan revisions have been done in accordance with the Revision Bylaw.

b) Citizen/Customer Implications:

The proposed Revision Bylaw complies with the process and content permitted in Section 140 of the *Community Charter*.

c) Interdepartmental Implications:

Planning staff will work with the Manager of Legislative Services on the implementation of this new process.

d) Business Plan/Financial Implications:

None. This project is consistent with the May 24, 2011 direction from Council to undertake an Official Community Plan housekeeping amendment.

e) Policy Implications:

Policy language will be updated to only reflect projects that have been approved and/or completed since adoption of the Official Community Plan. The substance and intent of existing policies will not be changed.

CONCLUSION:

A Revision Bylaw is proposed for making minor housekeeping amendments to the Official Community Plan for the life of the existing plan. The intent is to exercise the authority given through the *Community Charter* for a more efficient and expedient process when housekeeping amendments are warranted.

“Original signed by Lisa Zosiak”

Prepared by: Lisa Zosiak
Planner

“Original signed by Christine Carter”

Approved by: Christine Carter, M.PL, MCIP, RPP
Director of Planning

“Original signed by Frank Quinn”

Approved by: Frank Quinn, MBA, P.Eng
GM Public Works & Development Services

“Original signed by J.L. (Jim) Rule”

Concurrence: J.L. (Jim) Rule
Chief Administrative Officer

Attachments:

Appendix A – Official Community Plan Revision Bylaw No. 7034-2013
Appendix B – Sample Official Community Plan Adoption Bylaw (for Step II in this process)

CORPORATION OF THE DISTRICT OF MAPLE RIDGE

BYLAW NO. 7034-2013

A bylaw to authorize the revision of Official Community Plan Bylaw No. 6425-2006

WHEREAS Section 140 of the *Community Charter* permits the Council to, by bylaw, authorize the revision of any of the bylaws of the municipality in accordance with the Bylaw Revision Regulation B.C. Reg. 367/2003; and

WHEREAS the Council has adopted and subsequently amended Official Community Plan Bylaw No. 6425-2006, and

WHEREAS Bylaw No. 6425-2006, as revised under this bylaw, must be adopted by bylaw in accordance with the Bylaw Revision Regulation; and

WHEREAS Bylaw No. 6425-2006, as revised under this this bylaw and adopted, is deemed to have been adopted as if all requirements respecting the approval and adoption of its provisions have been met, including consultation, notification and public hearing requirements.

NOW THEREFORE, the Council of the District of Maple Ridge, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “Official Community Plan Revision Bylaw No. 7034-2013”.
2. The Council authorizes the revision of Official Community Plan Bylaw No. 6425-2006 in the following ways:
 - (a) incorporating into the Official Community Plan all amendments to the plan and any of its Figures, Appendices or Schedules and omitting any provision that has been repealed;
 - (b) altering the numbering and arrangement of the provisions of the Official Community Plan and any of its Figures, Appendices and Schedules;
 - (c) adding, changing or omitting a note, heading, logo, title, marginal note, diagram, map, photograph, plan or example in the Official Community Plan or any of its Figures, Appendices and Schedules;
 - (d) correcting clerical, grammatical and typographical errors; and
 - (e) making changes to bring out more clearly the meaning or to improve the expression of the Official Community Plan without changing the substance of the plan, including by updating references to places, government agencies, and other governments.

SCHEDULE A

I certify that the Official Community Plan contained in this Schedule has been revised in accordance with Official Community Plan Revision Bylaw No. 7034-2013.

Corporate Officer

[attached revised OCP]