



Memo

March 29, 2018

TO: OCP Implementation Monitoring Committee

FROM: Community Planning

SUBJECT: Alternative Approval Process Fact Sheet

The OCP IMC requested information on the Alternative Approval Process (AAP), because a strip of Kirkstone Park is being considered for removal and there are outstanding questions from the public and from the Committee members.

WHAT IS AN ALTERNATIVE APPROVAL PROCESS (AAP)?

The *Community Charter*, which is governing legislation for most BC municipalities, prescribes two methods by which a local government may seek approval of the electors on certain types of proposed bylaws, agreements, or other matters. These are *Assent of the Electors* (approval by voting), or *Alternative Approval Process*, which allows a Board (Council) to proceed with an action unless at least 10% of the electors state their opposition within a prescribed period.

AAPs follow a standardized process. A local government must publish a notice in a newspaper outlining the purposes of a proposed bylaw, agreement, or other matter where the approval of the electors is required. After the second of two notices is advertised, electors have 30 days in which to advise their local government that in their opinion, the matter is of such significance that a referendum should be held. If more than 10% of the electors hold this opinion, then the local government cannot proceed with the proposed bylaw, agreement, or other matter without holding a referendum.

WHEN WOULD A MUNICIPALITY CONSIDER USING AN AAP?

There are a number of factors that local governments consider when deciding to conduct an AAP or assent voting. A few reasons why a local government may choose to use an AAP are:

- **Scale**
 - The size and impact of a particular project or decision is often taken into account when determining whether to use an AAP or assent voting. The number of residents impacted, typically includes those located outside just the local area, and the disruption to daily lives is a considering factor when determining what form of voting to use.
 - AAPs require a 10% threshold compared to 50%+1 for assent voting.

- **Accessibility & Convenience**
 - AAPs provide more time for community input. AAPs provide at least 30 days for community members to express their opinion and submit their response form, instead of being limited to appearing in person on 2-3 designated days to cast a ballot during assent voting.
 - Community members have an opportunity to share their opinion in various ways (e.g. response form, petition-style form, etc.) rather than just a simple voting form.
- **Cost**
 - AAPs are less expensive than a referendum to gauge public opinion. It can be used whenever the legislation requires a local government to obtain the approval of the electors.

WHAT IS THE KIRKSTONE AAP AND WHAT DOES IT ENTAIL?

The AAP process is rarely used at the District and is considered when timing is critical and there is an appreciable benefit to the community at stake.

The OCP and Lynn Valley Flexible Planning Framework identify an extension of Emery Place to facilitate the future road network in Lynn Valley. To achieve this, a portion of Kirkstone Park dedication must be removed (shown below) to permit the land to be used for a new road and lit sidewalks. The strip under consideration is a 6m wide and 140m long portion of Kirkstone Park. This strip of park is on the north eastern side, and is currently an unpaved pathway adjacent to a paved road, and leads from Emery Place westwards into the park (Figure 1).



Figure 1: Proposed changes at Kirkstone Park

Timing for this process is considered critical because the proposed road would come from two sources: 1. the property located at 1200 Emery Place (Emery Village) as a condition of the proposed rezoning, and 2. from Kirkstone Park. The road would be acquired if and when Council adopts the rezoning bylaw. The development application (Emery Place) is scheduled for First Reading on April 16, 2018.

In response to concerns from the public about the loss of parkland, the developer identified an additional 6,828 ft² adjacent to Kirkstone Park that will be contributed to the park through an approved rezoning, including a new pathway section of park. The proposal results in a net increase in trees, from 110 existing to 330 retained and new.

The new land noted in Figure 1 will include a new path to connect the new cul-de-sac to Kirkstone Park, tree protection areas, and an enhanced entrance to the park at the end of the Emery Place extension. The ultimate design of the improved pedestrian connection is ongoing and will include opportunities for community input to achieve a net improvement in the pedestrian access to Kirkstone Park. The new streets will include street tree plantings, streetlights, sidewalk, and street parking.

To date, the AAP has followed the timeline shown below:



Figure 2: Kirkstone AAP Timeline

MORE INFORMATION

General information about the Kirkstone AAP can be found on the District’s website: <http://www.dnv.org/kirkstone-park-alternate-approval>.

Additional background information on the rationale for recommending the AAP for Kirkstone can be found here: <http://www.dnv.org/sites/default/files/edocs/regular-agenda-report-20180129.pdf>

For more information on the Emery Place development application, please refer to: <http://www.dnv.org/property-development/1200-1250-emery-place-emery-village>