



STAFF REPORT

To: Council

File No.: 6480-00

From: Chief Administrative Officer

Date: May 11, 2020

Subject: Official Community Plan (OCP) - Consultation Requirements

PURPOSE:

The purpose of this report is to obtain direction from Council on the opportunities it considers appropriate for consultation with the people, organizations and authorities that Council considers will be affected by the OCP.

CAO RECOMMENDATION:

THAT based on the May 11, 2020 staff report "Official Community Plan (OCP) – Consultation Requirements", Council approve OPTION 1 as follows:

- (1) That Council give consideration to the requirements of Section 475 of the *Local Government Act*;
- (2) That Council direct staff to consult with:
 - a. Comox Valley Regional District;
 - b. Town of Comox;
 - c. Village of Cumberland;
 - d. K'ómoks First Nation
 - e. School District No. 71;
 - f. Ministry of Transportation and Infrastructure
 - g. Ministry of Environment and Climate Change Strategy
 - h. Ministry of Forests, Lands, Natural Resource and Operations, and Rural Development;
 - i. Department of Fisheries and Oceans; and
 - j. Island Health
- (3) That consultation with K'ómoks First Nation include no less than two meetings between K'ómoks Chief and Council and City Council in addition to referral of a draft copy of the OCP with sixty (60) days for written comment prior to bylaw adoption;
- (4) That Council direct City staff to engage in regular meetings with staff from K'ómoks First Nation throughout the development of the OCP;
- (5) That consultation with the Laich-Kwil-Tach Council of Chiefs, the Wei Wai Kum/Kwiakah First Nations and the Homalco Indian Band occur through a notice of the OCP review process and referral of a draft copy of the OCP with sixty (60) days for written comment prior to bylaw adoption; and

- (6) That consultation methods with the ministries, agencies and local governments identified follow the recommendations in this report. **(Recommended)**

Respectfully submitted,



David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

Section 475 of the *Local Government Act* (the ‘Act’) requires local governments to provide consultation during the development of an official community plan, or the repeal or amendment of an official community plan. The Act requires local government to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by the OCP. Under the *Act*, the local government must:

- (a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing;
- (b) specifically consider whether consultation is required with the following:
 - i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;
 - ii) the board of any regional district that is adjacent to the area covered by the plan;
 - iii) the council of any municipality that is adjacent to the area covered by the plan;
 - iv) first nations;
 - v) boards of education, greater boards and improvement district boards;
 - vi) the Provincial and federal governments and their agencies; and
- (c) in relation to boards of education the City must seek input on the following:
 - i) the actual and anticipated needs for school facilities and support services in the school districts;
 - ii) the size, number and location of the sites anticipated to be required for the school facilities referred to in paragraph (i);
 - iii) the type of school anticipated to be required on the sites referred to in paragraph (ii);
 - iv) when the school facilities and support services referred to in paragraph (i) are anticipated to be required;
 - v) how the existing and proposed school facilities relate to existing or proposed community facilities in the area.

DISCUSSION:

Staff identified stakeholders including senior and local governments and their agencies that it anticipates will be affected by the OCP early in the project. The following section of the report outlines recommendation for Council’s consideration for each of the groups identified by the *Local Government Act*. Other stakeholder groups and the public will be consulted through open houses, surveys, neighbourhood engagement and the OCP Advisory Committee.

The board of the regional district in which the area covered by the plan is located

As there is a Regional Growth Strategy in the area covered by the plan, the Comox Valley Regional District (CVRD) will be consulted. The OCP must include a Regional Context Statement that outlines how the OCP is consistent with the CVRD's Regional Growth Strategy. CVRD staff will be given opportunities to review materials and provide feedback throughout the process. CVRD staff will liaise with the CVRD Board as they deem necessary throughout the process. The final draft of the Regional Context Statement must be accepted by the CVRD Board.

The board of any regional district that is adjacent to the area covered by the plan

The City of Courtenay's boundaries are entirely within the Comox Valley Regional District. Accordingly, there are no other regional districts adjacent to the City that require consideration.

The Council of any municipality that is adjacent to the area covered by the plan

It is recommended that the Town of Comox and Village of Cumberland be consulted throughout the process. Staff of these municipalities will be given opportunities to review materials and provide feedback on policies that may affect their jurisdiction or to seek opportunities for consistency in policies. Staff of the municipalities will liaise with their Council on the final draft as well as provide regular updates as they deem necessary.

First Nations

Staff has conducted research using Provincial mapping sources to identify First Nations who may have interests within the City boundary. Information provided indicates that the City of Courtenay is located in an area where four First Nations territories overlap. These are: K'ómoks First Nation, Laich-Kwil-Tach Council of Chiefs, Homalco Indian Band, and Wei Wai Kum/Kwiakah First Nations.

The K'ómoks First Nation has two Indian Reserves (IR 1 and IR 2) immediately adjacent to City boundaries. Traditionally the City works closely with K'ómoks First Nation, and Council has identified continuing to build on its good relationship with K'ómoks First Nation and practicing reconciliation as a strategic priority. In addition, the City acknowledges at formal gatherings that it is meeting on the unceded traditional territory of the K'ómoks First Nation.

In recognition of this strong relationship it is recommended that consultation meetings between City Council and K'ómoks First Nation Chief and Council occur during development of the OCP. Initial dialogue between City staff and K'ómoks First Nation staff suggests that a minimum of two meetings may be preferred – the first in the next 6 weeks to overview the OCP project and receive initial comment and, the second toward the end of the project when policy is in draft form. Additional meetings are possible as the project unfolds should either party request one. Given the current COVID-19 pandemic it is anticipated the meetings will need to be conducted electronically, pending any easing of restrictions related to social distancing and gatherings.

It is also recommended that City staff meet regularly with K'ómoks First Nation staff during the development of the OCP. These meetings will not only help to build understanding and relationships but will also allow staff to explore ways to find consistency between the land use policies of each government.

Finally, the draft OCP will be provided to the K'ómoks First Nation with a sixty (60) day referral for written comment.

It is recommended that consultation with the Laich-Kwil-Tach Council of Chiefs, Homalco Indian Band and Wei Wai Kum/Kwiakah First Nations be focused on the referral of the draft OCP with a request for written comment within sixty (60) days. City staff support sharing information with, and responding to queries from staff of these first nations as the OCP process.

The Provincial and Federal Governments and their agencies

Consultation with the Ministry of Highways and Infrastructure is recommended as there are multiple ministry roads within the City's boundaries. The ministry is required to approve subdivision adjacent to ministry roads. Additionally, they are required to approve all rezoning applications or permits for the construction of commercial and industrial buildings exceeding 4,500 square metres where the rezoning or permit is within 800 meters of a controlled access highway. Accordingly, it is important to obtain their input on land use and transportation policies.

In recognition of the new OCP goal to focus on climate adaptation and mitigation, staff recommend consultation with the provincial Ministry of Environment and Climate Change Strategy.

In recognition of the relationship that exists between health and land use planning staff recommend consultation with Island Health staff who are involved in their Healthy Built Environment program.

It is recommended that consultation occur with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development in relation to Environmental Development Permit Guidelines and policies.

As the City is adjacent to the Courtenay River and estuary, consultation with the Federal Department of Fisheries and Oceans is recommended in relation to Environmental Development Permit Guidelines and policies.

The above noted ministries and agencies will be consulted at a staff level during development of the plan and circulated a final draft for written comment with a thirty (30) day response period.

The Board of Education

School District No.71 will be consulted throughout the process to ensure there is a mutual understanding of how the OCP could impact or adapt to enrolment capacity at various school sites. Additionally, there may be opportunities to partner in relation to recreational needs, community needs and land development as both the School District and City are large land holders. It is envisioned this consultation will continue through the long standing staff liaison meetings, in addition to referral of the draft OCP to the School Board for written comment with a thirty (30) day response period. In addition it is noted that one of the OCP Advisory Committee members is also a School Board Trustee. The member is expected to provide updates to the Board, while being a community ambassador of the project.

ADMINISTRATIVE IMPLICATIONS:

Public consultation is an essential part of the OCP update project. Development Services department staff are responsible for initiating, planning, scheduling, and all other associated activities related to

consultation. This work is accounted for in the OCP project work plan. Given the current COVID-19 pandemic it is anticipated there may be unexpected changes in the overall project schedule in the future.

FINANCIAL IMPLICATIONS:

Consultation costs with the organizations and authorities including First Nations are included in the approved 2020 Community and Sustainability Planning department operation budget. The overall budget for the OCP in the 2020 Financial Plan is \$200,500.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications with respect to the OCP consultation process. However, land use planning policies in the new OCP will be guided by asset management principles of sustainable service delivery and reducing infrastructure lifecycle costs.

2019 - 2022 STRATEGIC PRIORITIES REFERENCE:

November 2019 Strategic Priority Chart: Number 1 (NOW) Priority

- OCP – Consultation Process (public input/consult report)

Strategic Priorities 2019 - 2022

We continually invest in our key relationships

We support diversity in housing & reasoned land use planning

- Complete an update of the City’s OCP and Zoning Bylaw
- ■ Build on our good relations with K’ómoks First Nation and practice Reconciliation
- ▲ ■ Advocate and cooperate with local and senior governments on regional issues affecting our community

OFFICIAL COMMUNITY PLAN REFERENCE:

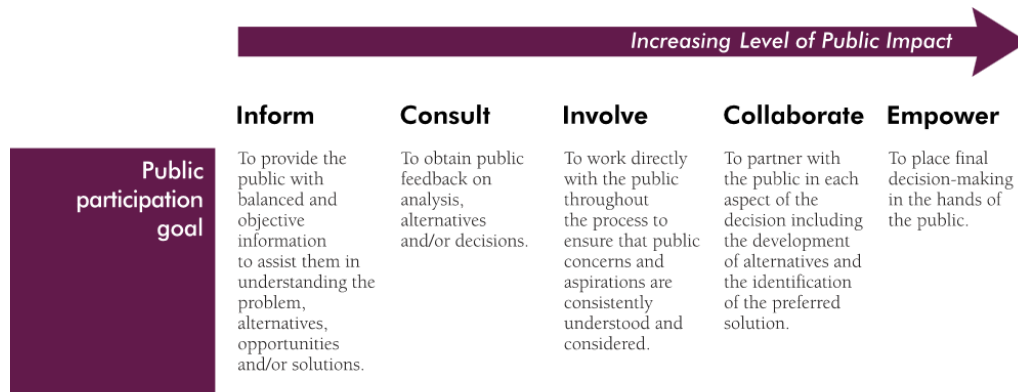
Not specifically referenced in the plan. However, consultation during development of official community plan is required by the Local Government Act.

REGIONAL GROWTH STRATEGY REFERENCE:

Not referenced.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “**involve**” the community based on the IAP2 Spectrum of Public Participation during the development of the OCP.



Staff note the consultation outlined in this report is over and above the public consultation that will occur through public forums, surveys, and neighbourhood meetings that have previously been outlined to Council. It is also in addition to consultation occurring through the OCP Advisory Committee that Council appointed to provide topic specific feedback as process and policy is developed.

OPTIONS:

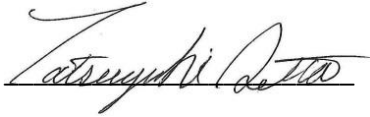
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OPTION 2: That Council provide staff with alternative direction.

Prepared by:



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Reviewed by:



Ian Buck, MCIP, RPP
Director of Development Services