

REQUEST FOR DECISION

DATE: August 28, 2015

Report No. DEV-15-043

TO: Mayor and Council

FROM: Bill Brown, Director of Development Services

SUBJECT:

Commencement of the Official Community Plan Review

RECOMMENDATION:

That Council:

- 1) adopt the Official Community Plan project charter (Schedule "A") and instruct staff to begin the review of the Official Community Plan;
- 2) authorize the Mayor to send a letter to all of the stakeholders identified in Schedule "B" indicating that Council has commenced a review of its Official Community Plan and inviting them to indicate whether or not they wish to actively participated in the review; and
- 3) authorize staff to draft an on-line/paper kick-off survey for Council's review;

all as outlined in staff report DEV-15-043.

RELEVANT POLICY:

Council strategic plan.

STRATEGIC RELEVANCE:

The Strategic Priorities 2015 – 2019 identifies the undertaking of a process to update the Official Community Plan as a strategic priority for the Township.

BACKGROUND:

Esquimalt's current Official Community Plan was adopted by Council on March 19, 2007. Although there is no statutory review timeline, it is imperative that the Official Community Plan be periodically reviewed and updated as part of the good governance

model espoused by Council and staff. The Plan must continue to reflect the values and aspirations of the community as it evolves. This report first provides an overview of Official Community Plans and then outlines the proposed review process.

The role of the Official Community Plan

Section 875 (1) of the Local Government Act states, “An official community plan is a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government”. The Official Community Plan is in essence, a municipal constitution (Buholzer, 2001 (including Service Issues 2001 -2015), pp. 6-1).

They (Official Community Plans) are meant to govern the overall direction of development and its pace at a policy level without descending to detail, which is left to regulatory instruments such as bylaws and permits. Like real constitutions, official plans in B.C. operate to control the actions of government rather than the actions of citizens; bylaws enacted and works undertaken by local governments must be consistent with the applicable official community plan (Buholzer, 2001 (including Service Issues 2001 -2015), pp. 6-1).

The relationship between the Official Community Plan and the legal framework within which it is imbedded is illustrated in Schedule “C”. The hierarchy reflects the importance of the Official Community Plan as the paramount statutory document in the Township. Section 884 (2) of the Local Government Act states:

*All bylaws enacted or works undertaken by a Council, board or greater board, or by the trustees of an improvement district, after the adoption of
(a) an official community plan...
must be consistent with the relevant plan.*

Furthermore, Section 8 (7) (c) of the Community Charter states:

The powers under subsections (3) to (6) to regulate, prohibit and imposed requirements, as applicable, in relation to a matter...may not be used to do anything that a council is specifically authorized to do under Part 26 [Planning and Land Use Management] or Part 27 [Heritage Conservation] of the Local Government Act.

The provisions for Official Community Plans along with Zoning Bylaws and various types of permits fall under Part 26 of the Local Government Act.

The mandatory content of an Official Community Plan is governed by Section 877 of the Local Government Act and the discretionary policy content is governed by Section 878.

Section 877 states:

877 (1) An official community plan must include statements and map designations for the area covered by the plan respecting the following:

(a) the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;

(b) the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;

(c) the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;

(d) restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;

(e) the approximate location and phasing of any major road, sewer and water systems;

(f) the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;

(g) other matters that may, in respect of any plan, be required or authorized by the minister.

(2) An official community plan must include housing policies of the local government respecting affordable housing, rental housing and special needs housing.

(3) An official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets.

Section 878 states:

878 (1) An official community plan may include the following:

(a) policies of the local government relating to social needs, social well-being and social development;

(b) a regional context statement, consistent with the rest of the community plan, of how matters referred to in section 850 (2) (a) to (c), and other matters dealt with in the community plan, apply in a regional context;

(c) policies of the local government respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the community plan;

(d) policies of the local government relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.

(2) If a local government proposes to include a matter in an official community plan, the regulation of which is not within the jurisdiction of the local government, the plan may only state the broad objective of the local government with respect to that matter unless the minister has, under section 877 (1) (g), required or authorized the local government to state a policy with respect to that matter.

In addition to outlining the content of an Official Community Plan, the Local Government Act also describes the consultation process including who needs to be consulted. The proposed general consultation process is outlined in Schedule “B”. Schedule “B” also includes a list of “persons, organizations, and authorities” who staff believe should be notified pursuant to Section 879 of the Local Government Act. This initial notification would indicate that Council has commenced the review of the Official Community Plan and would invite the addressee to indicate to staff whether or not they wish to actively participate in the review and if so to what extent.

Staff anticipates that the review process will take approximately two years (Schedule “D”). This is about average for an Official Community Plan review – especially when the majority of the work is being done by staff.

Staff does not anticipate the need for any specific studies related to the Official Community Plan review. Recently completed studies such as the West Bay Neighbourhood Design Guidelines will both inform the discussion related to the West Bay Neighbourhood and become integrated into the new Official Community Plan. In addition staff are proposing two additional studies in 2016 that will inform the review of the Official Community Plan. The first will be a “Commercial/Industrial Gap and Demand Analysis”. This study was identified as a priority by the Economic Development Select Committee in their July 7, 2015 report to Council. The second study would be a detailed

“Urban Design Study of Esquimalt Road”. This study would be similar to the “West Bay Neighbourhood Design Guidelines” but on a much larger scale and with additional emphasis on development economics. Both studies would require Council budget approval.

ISSUES:

1. Rationale for Selected Option

[The review of the Official Community Plan has been identified in Council’s strategic plan.]

2. Organizational Implications

[Significant staff time will be required from the Director of Development Services, the Community Development Coordinator, the Planning Technician, and the Planning Administrative Assistant. In addition, both the Planner and the Senior Planner will be required to participate in the process from time to time. Additional staff time will be required from the Directors of Parks and Recreation, and Engineering and Public Works, and their staff related to parks and open space policies, transportation policies, and policies associated with utilities, particularly storm water management.]

3. Financial Implications

[The 2015 budget has \$50,000 allocated for the review of the Official Community Plan. Due to the fact that:

- 1 The review has started later in the year than originally planned; and
- 2 Staff now recommend that there not be a formal kick-off event;

it is anticipated that less than \$20,000.00 will be spent in 2015. The complete budget for 2016 will be calculated following an analysis of the survey results which will among other things indicate to what degree the citizens of Esquimalt wish to be consulted and how they wish to be consulted.]

4. Sustainability & Environmental Implications

[Policies and development permit guidelines related to the environment will be the subject of extensive discussion. It is anticipated that there will be a round table specifically dedicated to the development of policies and guidelines related to the environment.]

5. Communication & Engagement

[A “Communications Outline” is attached as Schedule “B”. Following the analysis of the initial survey results, staff will present a detailed communications plan to Council for approval. As an initial step in the engagement process, staff are requesting that Council authorize staff to develop a community survey in order to ascertain what the citizens would like to see discussed during the review process (within the legislative parameters set out in the Local Government Act) and what types of engagement processes they would like to participate in.]

ALTERNATIVES:

1) That Council:

- a) adopt the Official Community Plan project charter (Schedule “A”) and instruct staff to begin the review of the Official Community Plan;
- b) authorize the Mayor to send a letter to all of the stakeholders identified in Schedule “B” indicating that Council has commenced a review of its Official Community Plan and inviting them to indicate whether or not they wish to actively participated in the review; and
- c) authorize staff to draft an on-line/paper kick-off survey for Council’s review;

all as outlined in staff report DEV-15-043.

- 2) That Council postpone a decision pending receipt of additional information from staff.

Bibliography

Buholzer, W. (2001 (including Service Issues 2001 -2015)). *British Columbia Planning Law and Practice*. Markham, Ontario, Canada: LexisNexis Canada.