



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
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Esquimalt, B.C. V9A 3P1

Legislation Text

File #: 20-244, Version: 1

REQUEST FOR DECISION

DATE: May 27, 2020

Report No. DEV-20-025

TO: Laurie Hurst, Chief Administrative Officer

FROM: Karen Hay, Planner and Bill Brown, Director of Development Services

SUBJECT:

Official Community Plan Amendment Consultation - 842 Carrie Street.

RECOMMENDATION:

That Council, having considered Sections 475 and 476 of the *Local Government Act*, authorize staff to circulate the Official Community Plan Amendment - Development Concept Plan, attached as Appendix 'B' to Staff Report No. DEV-20-025, detailing the proposed development at 842 Carrie Street [PID 000-385-336, Lot 14, Section 10, Esquimalt District, Plan 276] to those persons, organizations, and authorities identified in Appendix 'A' of Staff Report No. DEV-20-025.

RELEVANT POLICY:

Sections 475 and 476 of the *Local Government Act*
Official Community Plan Bylaw, 2018, No. 2922
Development Application Procedures and Fees Bylaw, 2012, No. 2791

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Appendix A: Proposed Official Community Plan [OCP] Consultation List
Appendix B: Development Concept Plan
Appendix C: Subject property map and air photo

Purpose of the Application

The owner of the subject property is requesting an amendment to Official Community Plan Bylaw No. 2646, and a change to the property's zoning to facilitate the subdivision of the subject property to allow for an additional single family dwelling.

The OCP amendment would authorize a change to the OCP's Schedule H - Development Permit Areas map, changing the development permit area [DPA] for the subject property from 'DPA No. 6 - Multi-Family Residential' to 'DPA No. 3 - Enhanced Design Control Residential'. As the applicant's

proposal aligns with the subject property's Low Density Residential designation on the OCP's Schedule A - Present Land Use Designation Map, it is rational to amend the Development Permit Area to 'Enhanced Design Control Residential' in order for the development permit area to correspond with the most appropriate development permit area for the proposal, a Single-unit Infill Housing type of project.

Section 475(1) of the *Local Government Act* states, "*During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.*"

Section 475(2)(b) of the *Local Government Act* provides the following list of organizations and authorities that Council must specifically consider whether consultation with is required:

- i. the Board of the regional district in which the area covered by the plan is located
- 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. Board of education, greater boards and improvement District Boards
- vi. the Provincial and Federal government and their agencies.

Staff have reviewed the requirements of Section 475 of the *Local Government Act* and has provided a tentative list [Appendix A] of persons, organizations, and authorities that should be consulted pursuant to Section 475 of the *Local Government Act*. In addition, Section 476 of the *Local Government Act* requires the mandatory consultation with any school districts that incorporate the subject property.

Furthermore, as per Section 475 (2)(a) of the *Local Government Act*, Council must "*consider whether the opportunity for consultation with one or more of the persons, organizations and authorities should be early and ongoing*". The applicant has already made efforts in public consultation with neighbouring residents, and the recommendation of this report would provide for early efforts, specifically with respect to the Official Community Plan Amendment.

ISSUES:

1. Rationale for Selected Option

By law, Council must consider who should be consulted and how they should be consulted for all Official Community Plan amendments.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

This Request for Decision has no sustainability or environmental implications.

5. Communication & Engagement

In addition to the consultation list provided in Appendix 'A', Council may decide to further consult persons, organizations, and authorities that it considers affected by the proposed amendment.

Furthermore, a statutory public hearing will also be required.

Applicant's neighbourhood consultation

In lieu of a neighbourhood meeting, at the direction of the Director of Development Services and with the assistance of staff, on May 6, 2020 a letter was mailed on behalf of the applicant to the owners and residents of properties located within 100 metres of the subject property, providing them with an opportunity to telephone or email the applicant with any comments or concerns; in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

ALTERNATIVES:

1. That Council, having considered Sections 475 and 476 of the *Local Government Act*, authorize staff to circulate the Official Community Plan Amendment concept plan, attached as Appendix 'B' to Staff Report No. DEV-20-025, detailing the proposed development at 842 Carrie Street [PID 000 -385-336, Lot 14, Section 10, Esquimalt District, Plan 276] to those persons, organizations, and authorities identified in Appendix 'A' of Staff Report No. DEV-20-025.
2. That Council amend the list in Appendix 'A' by adding or removing persons, organizations, and authorities that it considers affected by the proposed Official Community Plan Amendment prior to authorizing Alternative '1'.