



STAFF REPORT TO COMMITTEE

DATE OF REPORT June 28, 2021

MEETING TYPE & DATE Special Electoral Area Services Committee Meeting of July 7, 2021

FROM: Community Planning Division
Land Use Services Department

SUBJECT: HOCP MOCP Update

FILE: 3900-30 4270 Official Community Plan for the Electoral Areas (HOCP)
3900-30 4373 Official Community Plan for the Electoral Areas (MOCP)
3900-30 4374 Zoning Bylaw for the Electoral Areas (MZB)
3900-30 4329 Bylaw Revision Electoral Areas
3900-30 4330 Zoning Consistency Bylaw Electoral Areas

PURPOSE/INTRODUCTION

The primary purposes of this report are to:

1. Provide an update on the harmonized and modernized OCP bylaws, request amendments to CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2021 and CVRD Bylaw No. 4329 – Cowichan Valley Regional District Bylaw Revision Bylaw 2021;
2. Recommend that the harmonization bylaws be advanced to public hearing; and
3. Request that staff proceed with the communications and engagement plan for the modernized OCP process.

RECOMMENDATION

That it be recommended to the Board:

1. That 2nd reading of “CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2020”, be rescinded.
2. That “CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2020” be amended as outlined in the Staff Report to the July 7, 2021, Special Electoral Area Services Committee meeting.
3. That “CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2020”, be forwarded to the Board for consideration of 2nd reading as amended.
4. That “CVRD Bylaw No. 4270 - Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2020”, be considered in conjunction with the CVRD’s Five Year Financial and Solid Waste Management Plans.
5. That a public hearing be held for “CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2020”, with all electoral area directors as delegates.
6. That “CVRD Bylaw No. 4329 – Cowichan Valley Regional District Bylaw Revision Bylaw (Official Community Plan and Zoning Bylaws), 2020”, be forwarded to the Board for consideration of 3rd reading and adoption.

7. That a public hearing be held for “CVRD Bylaw No. 4330 – Zoning Bylaw Harmonization Bylaw, 2020” with all electoral area directors as delegates.
8. That in respect of any official community plan amendment bylaw that has already been given readings and would be incapable of being adopted if Bylaw No. 4270 is adopted, staff be authorized to revise the amendment bylaw prior to presentation to the Board for 3rd reading or adoption, to the extent permitted by section 470 (1) (b) of the *Local Government Act* and required to enable the Board to adopt the bylaw as an amendment to CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2020.
9. That the Engagement and Consultation Plan for the OCP Modernization process, as outlined in the staff report to the July 7, 2021, Special Electoral Area Services Committee meeting, be approved.
10. That staff prepare a report on recommendations to amend “CVRD Bylaw 3544 - Advisory Planning Commission Establishment Bylaw, 2011”.

BACKGROUND

The Cowichan Valley Regional District (CVRD) is developing an Official Community Plan for the Electoral Areas (OCP). This work involves the harmonization and modernization of seven electoral area official community plans and eight zoning bylaws to create one OCP for the electoral areas (including complementary local area plans) and one zoning bylaw for all nine electoral areas.

Phase I Harmonization

The following provides updates on three bylaws which received 2nd reading on December 12, 2020:

CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2020

A bylaw to guide and direct decision-making on all aspects of planning and land use management within the electoral areas of the Cowichan Valley Regional District with the following Schedules:

- Schedule A – Official Community Plan for the Electoral Areas
- Schedule B – Local Area Plans for the Electoral Areas
- Schedule C – Development Permit Areas for the Electoral Areas
- Schedule D – Agricultural Land Maps
- Schedule E – Fire Protection Maps
- Schedule F – Future Land Use Maps
- Schedule G – Growth Management Concept Maps
- Schedule H – Heritage Designations Maps
- Schedule I – Foreshore and Major Creeks Maps
- Schedule J – Sand and Gravel Deposits Maps
- Schedule L – Land Use Designations Maps
- Schedule M – Marine Area Maps
- Schedule N – First Nations Maps
- Schedule O – Floodplain and Dam Designation Maps
- Schedule P – Parks and Trails
- Schedule S – Service Areas Maps
- Schedule T – Transportation and Major Roads Maps

- Schedule U – Development Permit Areas Maps

Bylaw No. 4270 was given 2nd reading by the Board on December 12, 2020, and referred to the electoral area Advisory Planning Commissions (APCs) and following external agencies and for comment:

Agricultural Land Commission, Capital Regional District, Cowichan School District No. 79, Islands Trust, Ladysmith-Nanaimo School District No. 68, Ministry of Agriculture, Ministry of Transportation, Regional District of Nanaimo and the following First Nations: Cowichan Tribes, Ditidaht First Nation, Halalt First Nation, Hul'qumi'num Treaty Group, Lyackson First Nation, Malahat First Nation, Pauquachin First Nation, Penelakut Tribe, Stz'uminus First Nation and Ts'uubaa-asatx First Nation.

Written responses were received by the Agricultural Land Commission, Islands Trust, Ministry of Agriculture and the Ministry of Transportation. All suggested revisions were made to draft CVRD Bylaw 4270. Presentations were given to most electoral area APCs and to Cowichan Tribes and Lyackson First Nation.

The table of external referral comments is attached to this staff report and will be made available at the public hearing of CVRD Bylaw No. 4270. (Attachment A)

The table of APC referral comments are attached to this staff report and will be made available at the public hearing of CVRD Bylaw No. 4270 (Attachment B)

Amended Bylaw No. 4270 is attached to this staff report and is available on the CVRD community planning webpage for public review. (Attachments C – O)

CVRD Bylaw No. 4270 Schedule C Development Permit Guidelines and Schedules D–U GIS (Attachments P – AE)

Schedule C – Development Permit Areas: The following DPAs had text amendments to accompany respective mapping changes:

- Development Permit Area 2: Sensitive Ecosystem Protection
- Development Permit Area 5: Wildfire Hazard
- Development Permit Area 6: Floodplain Hazard
- Development Permit Area 7: Landslide Hazard
- Development Permit Area 8: Protection of Farming

Schedule D – Agricultural Land Maps:

- Updated Agricultural Land Reserve data

Schedule L – Land Use Designations Maps:

- Updated parcel boundaries, legend and labels
- Designation changes to incorporate recently adopted OCP amendment bylaws (Bylaw Nos. 4226, 4256, 4301, 4319) and general housekeeping changes

Schedule O – Floodplain and Dam Designation Maps: NEW

- New maps for floodplains as shown in Bylaw No. 4348 Shawnigan Flood Mapping, Bylaw No. 4358 Riverbottom Flood Mapping, and Bylaw No. 4381 Koksilah Flood Mapping
- New maps for erosion hazard with data from *Cowichan River – Riverbottom Road Area Flood and Erosion Hazard Mapping* (Northwest Hydraulic Consultants Ltd., 2020)
- New maps for dam risk from *Dam Safety Review and Risk Assessment of Ashburnham Creek Dam* (Ecora, March 2019), *Dam Safety Review and Risk Assessment of Shawnigan Lake Weir* (Ecora, March 2019), *Dam Safety Review and Risk Assessment of*

Stocking Lake Dam (Ecora, November 2018) and *Dam Safety Review and Risk Assessment of Youbou Creek Dam* (Ecora, March 2019)

Schedule P – Parks and Trails: NEW

- Containing text and updated figures pertaining to parks and trails previously found in local area plans, updated to reflect current parks and trails

Schedule U – Development Permit Areas Maps: Updated parcel boundaries, legend, and labels and the following maps were changed to replace mapping information with updated reports or to remove DPAs as mapping information was replaced by flood construction bylaws:

- Development Permit Area 2: Sensitive Ecosystem Protection
 - data from *Environmentally Sensitive Areas (ESAs) Mapping in the Cowichan Region – Phase II* (Madrone Environmental Services, 2018) replaced data from the provincial 2004 Sensitive Ecosystems Inventory for East Vancouver Island and the Gulf Islands (SEI)
 - added data for the Western Toad for Area E from *Western Toad Winter Habitat Requirements in Modified Landscapes on Vancouver Island Summary* (Wind, 2018)
- Development Permit Area 5: Wildfire Hazard
 - data from Cowichan Valley Regional District Central Zone Community Wildfire Protection Plan 2017 Update (B.A. Blackwell & Associates Ltd, June 25, 2019); Cowichan Valley Regional District North Zone Community Wildfire Protection Plan 2017 Update (B.A. Blackwell & Associates Ltd, November 20, 2018); Cowichan Valley Regional District South Zone Community Wildfire Protection Plan 2017 Update (B.A. Blackwell & Associates Ltd, September 28, 2018); and Cowichan Valley Regional District West Zone Community Wildfire Protection Plan 2017 Update (B.A. Blackwell & Associates Ltd, May 1, 2019) replaced data from Cowichan Valley Regional District Community Wildfire Protection Plan 2012 Update (Strathcona Forestry Consulting, August 21, 2012)
- Development Permit Area 6: Floodplain Hazard
 - removed data for *Lower Cowichan/Koksilah River Integrated Flood Management Plan* (Northwest Hydraulic Consultants, September 2009) and removed map UDPA6.3 Floodplain Hazard – Areas E/F; this floodplain area will be governed by Bylaw No. 4381 Koksilah Flood Mapping
 - removed data for *Assessment of Flooding and Erosion Potential of Cowichan River Near River Bottom Road* (Hardy BBT Ltd, 1989) and removed map UDPA6.4 Floodplain Hazard – Areas D/E; this floodplain area will be governed by Bylaw No. 4358 Riverbottom Flood Mapping
 - note that Bylaw No. 4348 Shawnigan Lake Flood Mapping is based on new data and is currently not a DPA floodplain
- Development Permit Area 7: Landslide Hazard
 - Youbou Lands data from *Debris Flow Runout Model: North Shore Cowichan Lake: LABS Model Results 2021 Rev2* (Stantec and Palmer, 2021) replaced data from *Debris Flow Runout Model: North Shore Cowichan Lake* (Stantec and Palmer, 2020)
- Development Permit Area 8: Protection of Farming
 - Updated the 30 m buffer where Agricultural Land Reserve was updated

Updated Bylaw No. 4270 OCP for the Electoral Areas is on the CVRD webpage <https://www.cvrld.ca/3357/Draft-Community-Planning-Bylaws>

CVRD Bylaw No 4329 - Cowichan Valley Regional District Bylaw Revision Bylaw (Official Community Plan and Zoning Bylaws), 2020

Bylaw No. 4329 was given 2nd reading by the Board on December 12, 2020. This bylaw authorizes the revision of the electoral area OCPs and zoning bylaws, which makes provision for the

development permit guidelines to be moved to the modernized zoning bylaw. The development permit designations will remain in the OCP, as required under the *Local Government Act*.

Bylaw No. 4329 is attached to this staff report (July 7, 2021) (Attachment AF).

CVRD Bylaw No. 4330 – Zoning Bylaw Harmonization Bylaw

Bylaw No. 4330 was given 2nd reading by the Board on December 12, 2020. Bylaw No. 4330 is a zoning consistency bylaw with CVRD Bylaw No. 4270.

Bylaw No. 4330 and Bylaw No. 4330 Explanatory Table are attached to this staff report (July 7, 2021) (Attachments AG–AH)

Consultation with Advisory Planning Commissions

At the request of the Board, presentations were made by WebEx to all electoral area APCs in December 2020 and January 2021 and to the Cowichan Tribes staff in December 2020 and Lyackson First Nation Council in March 2021. APC written submissions were reviewed and a table of all comments compiled and sent to the APC chairs for distribution. The table of comments from the APCs is 98 pages and will form part of the public hearing binder for CVRD Bylaw No. 4270. Many comments were included in the updated electoral area plans or tabled for consideration in the modernization. Staff recommend EASC direct staff to review CVRD APC Bylaw No. 3544 to consider options for an electoral area APC for regional planning matters.

Phase II Modernization

Phase II considers two large bylaws: CVRD Bylaw No. 4373 Official Community Plan for the Electoral Areas (Modernized) and CVRD Bylaw No. 4374 Zoning Bylaw for the Electoral Areas and several smaller bylaws to be considered later in the staff report.

To support the modernization of the OCP and zoning bylaws, a regional housing needs assessment and sub-regional housing needs assessment reports for each electoral area were completed February 2021.

CVRD Bylaw No. 4373 Official Community Plan for the Electoral Areas (MOCP)

The development of an organizing framework for Bylaw No. 4373, the Modernized OCP, has occurred over the last two years. First, an in-depth analysis of existing land use designations with GIS analysis of density ranges and reviews of existing objectives and policies informed a “transect” of different land types. MOCP goals are modernized versions of the HOCP goals confirmed through online surveys and open houses.

MOCP Policy Papers

The development of individual policy chapters on each goal provide greater local context and description; summarize the current status of each; provide a draft of proposed policy direction; and offer additional policy options to further advance each goal which are:

Manage Infrastructure Responsibly

Make Distinct, Complete Communities

Expand Mobility Options

Strengthen Local Food & Agricultural Systems

Enhance Regional Prosperity

Protect & Enhance Natural Assets

Mitigate & Adapt to the Climate Crisis

Improve Governance & Implementation

The MOCP policy papers have completed internal departmental review and are attached to this staff report and are posted on the community planning webpage (Attachment AI). It is anticipated these policy papers will be modified over the next year or so with ongoing GIS analysis on containment boundaries and community circle consultations.

The MOCP policy papers apply a social equity lens to objectives and policies. The social equity explanatory paper is attached to this staff report (Attachment AJ).

The community planning webpage has been updated to include the MOCP policy papers, the social equity explanatory table, the modernized zoning bylaw spatial analysis and a video explaining the organizing framework (the “transect”).

ANALYSIS

Bylaw Process

CVRD Bylaw No. 4270 Procedures for OCP Amendments

With respect to the period up to the Bylaw No. 4270 public hearing, staff recommend that further OCP amendments and in-stream OCP amendments be revised to be consistent with Bylaw No. 4270.

CVRD Bylaw No. 4329

It is recommended that Bylaw No. 4329 be advanced to 3rd reading and adoption. Bylaw No. 4329 is an administrative bylaw allowing movement of development permit guidelines from Bylaw No. 4270 Schedule C to the Bylaw No. 4374 modernized zoning bylaw when adopted. Administrative bylaws do not require public hearing.

CVRD Bylaw 4330

It is recommended that Bylaw No. 4330 be advanced to public hearing concurrently with Bylaw No. 4270 providing further clarity to the public of changes made to electoral area zoning bylaws for consistency purposes.

Other Modernization Bylaws and Policies

In addition to harmonizing and modernizing OCP and zoning bylaws, staff are undertaking corresponding work on a number of related bylaws and policies. The following will be the subject of separate reports to the Electoral Area Services Committee:

- CVRD Bylaw No. 4331 Works and Servicing – a bylaw to replace CVRD Subdivision Bylaw No. 1215;
- CVRD Bylaw No. 4342 Protection of Eagle and Osprey Nests – a bylaw to provide for the protection of eagles and ospreys throughout the regional district;
- CVRD Bylaw No. 4343 Environmental Protection Bylaw – a bylaw to control runoff, support aquifer recharge and protect environmentally sensitive areas;
- CVRD Bylaw No. 4349 Cannabis Uses in the Electoral Areas – a bylaw to amend electoral area zoning bylaws in respect of cannabis uses;
- CVRD Bylaw No. 4348 Shawnigan Lake Flood Management Bylaw – a bylaw to mitigate flood hazards on Shawnigan Lake;

- CVRD Bylaw No. 4360 Shawnigan High Water Mark Definition – a bylaw to amend the Electoral Area B Zoning Bylaw to ensure consistency between the zoning and flood management bylaws;
- CVRD Bylaw No. 4358 Riverbottom Flood Management Bylaw – a bylaw to mitigate flood hazards in the Cowichan/Riverbottom area;
- CVRD Bylaw No. 4381 Koksilah Flood Mapping – a bylaw to mitigate flood hazards on the Cowichan – Koksilah floodplain;
- CVRD Bylaw No. 4367 Manufactured Home Parks – a bylaw to update the Manufactured Home Parks bylaw.
- CVRD Manufactured Home Park Re-Development Policy (2021) – a policy to replace the existing CVRD Manufactured Home Park policy (2008);
- CVRD Bylaw 4375 Malahat Retention Bylaw – a bylaw to establish a landscape buffer for the Malahat highway corridor; and
- CVRD Community Amenity Policy (2021) – a policy to provide a consistent approach to the provision of voluntary community amenity contributions in association with rezoning applications.

Through this work, staff will also recommend that the Board rescind the following policies:

- CVRD Non-conforming Use Policy (1991);
- Letters for Comfort for Non-Conforming Siting (1994);
- Modular Mobile Home Policy (2009);
- Short Term Rental (2012); and
- Seasonal Cabins (2017).

Consultation Process

The *Local Government Act* S. 475 requires local governments to consult during the development of an official community plan. The communications and engagement plan is focused on a virtual platform of community circles commencing in January 2022.

Communication and Engagement to Support Bylaw 4373 MOCP

In our current context, the CVRD is considering engagement preferences while also designing an engagement strategy that is adaptable to the rapidly changing public health context, consistent with Provincial orders limiting the size of gatherings, and sensitive to the competing priorities that may impact resident participation in engagement activities held during this time.

The communications and engagement plan attached to this staff report outlines virtual community circles to engage and involve the public in discussion on the policy papers. To support these virtual meetings, two new video releases have been developed: one explaining the land use transect and a second to explain community circles so that communities can convene community circles without staff support. It is intended that the first community circles in each electoral area be supported by staff and consultants but led by a community volunteer. A signup list of volunteers has already been initiated, and a more formal launch is in preparation with a full web presence.

The MOCP policy papers in development are the foundational policy documents for community circle discussions specialized GIS work on the growth containment boundaries.

The Engagement and Consultation Plan is attached to this staff report (Attachment AK).

The Community Circles Primer is attached to this staff report (Attachment AL).

Timeline

A timeline is attached to this staff report outlining expected quarters in 2021 when the new bylaws and policies will be advanced to the Electoral Area Services Committee/Board (Attachment AM).

Summary

The harmonization and modernization project is a complex, multi-year project, which may best be described as a series of projects. At this time, staff are seeking to advance the harmonized OCP and corresponding zoning consistency bylaws as a baseline for forthcoming modernization work. Staff are also seeking support to advance the communications and engagement plan to support this work in a strategic manner.

FINANCIAL CONSIDERATIONS

The estimated cost to implement the communications and engagement plan is \$50,000 in 2021 and within budget.

An RFP for the community circle engagement and consultation will be issued summer 2021 to commence mid-fall 2021 with a social media platform and advertising to support sign up for either leading or participating in the 2022 community circles.

Costs for the two videos have already been covered in the 2021 budget as has consultation from with respect to the community circles primer development.

Training will be provided to the community circle facilitators in late fall 2021.

COMMUNICATION CONSIDERATIONS

Information about the harmonization and modernization of CVRD planning bylaws and policies is maintained on the CVRD website.

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

The OCP Harmonization and Modernization project is a multi-year comprehensive audit of land use services community planning and development bylaws which advance the following strategic planning objectives:

- 1.2 Advance community place-making initiatives. The community circle consultation will provide important community input.
- 2.4 Promote and fund organizational capacity aimed at enhancing community engagement. The modernization's communications and engagement plan includes a staff element that will build organizational capacity while enhancing community engagement with strong staff support.
- 6.1&7.1 The housing needs assessment and OCP referrals resulted in collaboration and coordination of the development of official community plans, land use policies and bylaws across electoral areas, municipalities and First Nations through consultation and consistent use of statistics and other metrics.
- 6.2 Update and harmonize the electoral area official community plans—recommendation to proceed to public hearing.
- 6.6 Review and update key CVRD bylaws that regulate activities on lands in electoral areas—several policies are recommended to be rescinded due to redundancy, and several new bylaws are proposed to modernize the planning bylaws.
- 7.2 Protect existing and encourage the development of additional affordable housing options, including those needed to attract workers and those for vulnerable populations. The

housing needs assessment and modernization GIS analysis are supporting the development of OCP policy and zoning regulations accordingly.

GENERAL MANAGER COMMENTS

☐ Not Applicable

Referred to (upon completion):

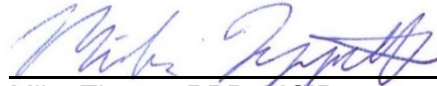
- ☐ Communications & Engagement
- ☐ Community Services *(Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Emergency Management, Facilities & Transit)*
- ☐ Corporate Services *(Finance, Human Resources, Legislative Services, Information Technology, Procurement)*
- ☐ Engineering Services *(Environmental Services, Recycling & Waste Management, Water Management)*
- ☐ Land Use Services *(Community Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails)*

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Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Manager, Legislative Services

Financial Considerations:

☒ Manager, Finance

ATTACHMENTS:

Attachment A – External Agency Referral Comments

Attachment B – Overview of APC Referral Comments & Associated Amendments to Bylaw 4270 OCP for the EAs

Attachment C – Bylaw 4270 OCP for the EAs Schedule A

Attachment D – Bylaw 4270 OCP for the EAs Schedule A Appendix I EA OCP Harmonized Population Projections

Attachment E – Bylaw 4270 OCP for the EAs Schedule A Appendix II CVRD Corporate Strategic Plan 2020-2022

Attachment F – Bylaw 4270 OCP for the EAs Schedule A Appendix III Indicators Dashboard

Attachment G – Bylaw 4270 OCP for the EAs Schedule B Area A Local Area Plan

Attachment H – Bylaw 4270 OCP for the EAs Schedule B Area B Local Area Plan

Attachment I – Bylaw 4270 OCP for the EAs Schedule B Area C Local Area Plan

Attachment J – Bylaw 4270 OCP for the EAs Schedule B Area D Local Area Plan

Attachment K – Bylaw 4270 OCP for the EAs Schedule B Area E Local Area Plan
Attachment L – Bylaw 4270 OCP for the EAs Schedule B Area F Local Area Plan
Attachment M – Bylaw 4270 OCP for the EAs Schedule B Area G Local Area Plan
Attachment N – Bylaw 4270 OCP for the EAs Schedule B Area H Local Area Plan
Attachment O – Bylaw 4270 OCP for the EAs Schedule B Area I Local Area Plan
Attachment P – Bylaw 4270 OCP for the EAs Schedule C Development Permit Areas
Attachment Q – Bylaw 4270 OCP for the EAs Schedule D Agricultural Lands Maps
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Attachment Z – Bylaw 4270 OCP for the EAs Schedule N First Nations Maps
Attachment AA – Bylaw 4270 OCP for the EAs Schedule O Floodplain and Dam Maps
Attachment AB – Bylaw 4270 OCP for the EAs Schedule P Parks and Trails
Attachment AC – Bylaw 4270 OCP for the EAs Schedule S Service Area Maps
Attachment AD – Bylaw 4270 OCP for the EAs Schedule T Transportation and Major Roads Maps
Attachment AE – Bylaw 4270 OCP for the EAs Schedule U Development Permit Area Maps
Attachment AF – Bylaw 4329 Revision Bylaw
Attachment AG – Bylaw 4330 Zoning Consistency Bylaw for the Electoral Areas
Attachment AH – Bylaw 4330 Zoning Consistency Bylaw for the EAs Explanatory Table
Attachment AI – Bylaw 4373 OCP for the EAs MOCP Policy Papers
Attachment AJ – Bylaw 4373 OCP for the EAs MOCP Social Equity Explanatory Paper
Attachment AK – Bylaw 4373 OCP for the EAs Engagement and Consultation Plan
Attachment AL – Community Circles Primer
Attachment AM – Timeline for EA Bylaws Harmonization and Modernization