



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** October 14, 2020

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 21, 2020

**FROM:** Community Planning Division  
Land Use Services Department

**SUBJECT:** Electoral Area Open House Reports on the OCP & MOC

**FILE:** 6480-20 Community Planning – Official Community Plan  
6500-20 Community Planning – Local Area Plans  
6410-01 Planning and Development – General

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## PURPOSE/INTRODUCTION

The primary purpose of the staff report is to provide the following draft bylaws to the Board for 1<sup>st</sup> and 2<sup>nd</sup> reading:

1. CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2020
2. CVRD Bylaw No. 4329 – Cowichan Valley Regional District Revision Bylaw (Official Community Plan and Zoning Bylaws), 2020
3. CVRD Bylaw No. 4330 – Cowichan Valley Regional District Zoning Bylaw Harmonization Bylaw, 2020

For clarity, the draft Bylaws are itemized as attachments to this Staff Report (October 14, 2020) and itemized on the last page.

## RECOMMENDED RESOLUTIONS

That it be recommended to the Board:

1. 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 1<sup>st</sup> and 2<sup>nd</sup> reading.
2. 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 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That "CVRD Bylaw No. 4330 - Zoning Bylaw Harmonization Bylaw, 2020", be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading.
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 "CVRD Bylaw No. 4270 - Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2020" be referred to the 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.

## **BACKGROUND**

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

Area A - **Mill Bay / Malahat**  
Area B - **Shawnigan Lake**  
Area C - **Cobble Hill**  
Area D - **Cowichan Bay**  
Area E - **Cowichan Station / Sahtlam / Glenora**  
Area F - **Cowichan Lake South / Skutz Fall**  
Area G - **Saltair**  
Area H - **North Oyster / Diamond**  
Area I - **Youbou / Meade Creek**

Currently, the Cowichan Valley Regional District has official community plans for each of the nine electoral areas A through I. While the land use policy indicated in all of the plans is generally similar, the bylaws were drafted at different times and have different wording. To provide greater consistency and clarity regarding land use policy, the Regional Board authorized the replacement of these plans with a single Official Community Plan for the Electoral Areas.

This work is being approached in two phases:

### **Phase I Harmonization**

Harmonization of the seven electoral area official community plans into one Official Community Plan for the Electoral Areas; and

### **Phase II Modernization**

Modernization of the Official Community Plan for the Electoral Areas and modernization of the eight electoral areas zoning bylaws into one Zoning Bylaw for the Electoral Areas.

### **Phase I Harmonization - Official Community Plan for the Electoral Areas & Associated Bylaws & Policy**

The following three draft Bylaws and one draft Policy were provided “for information” at the September 16, 2020, Electoral Area Services Committee (EASC) meeting. The three draft bylaws are now presented and recommended for 1<sup>st</sup> and 2<sup>nd</sup> reading:

#### **1. “CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas, 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 & Gravel Deposits Maps  
Schedule L Land Use Designations Maps  
Schedule M Marine Area Maps  
Schedule N First Nations Maps  
Schedule S Service Areas Maps  
Schedule T Transportation & Major Roads Maps  
Schedule U Development Permit Areas Maps

See Attachment A.

**2. “CVRD Bylaw No. 4329 – Cowichan Valley Regional District Revision Bylaw for the Electoral Areas, 2020”**

A bylaw to authorize the revision of the electoral area official community plans 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.

See Attachment B.

**3. “CVRD Bylaw No. 4330 – Cowichan Valley Regional District Zoning Bylaw Omnibus for the Electoral Areas, 2020”**

A bylaw that amends the electoral area zoning bylaws to ensure consistency between the bylaws and the Regional District’s new Official Community Plan for the Electoral Areas.

See Attachments C and C-1.

The Official Community Plan for the Electoral Areas has been referred to all CVRD departments for comments in August 2020.

**ANALYSIS**

Given the results of the open house and the confirmation by most electoral area APCs that the Official Community Plan for the Electoral Areas Bylaw No. 4270 is generally consistent with existing electoral area official community plans over a two-year period, and with limitations in the harmonization scope to advance further, staff is recommending a 1<sup>st</sup> and 2<sup>nd</sup> reading of Bylaw No. 4270 and referral to agencies.

Legal Context

The following procedures are recommended:

*1<sup>st</sup> & 2<sup>nd</sup> Reading*

Proceeding to 1<sup>st</sup> and 2<sup>nd</sup> reading is consistent with the CVRD Board Procedure Bylaw No. 2889.

Further, the *Local Government Act* s.477(4) states that the Board should consider other matters before a 3<sup>rd</sup> reading, because considering these matters could result in changes to the plan that cannot be made after public hearing. These include:

- Consider financial plan, any waste management plan;
- Consider in conjunction with other relevant planning and policies; and
- Agency referrals.

Bylaw No. 4270 must be considered in conjunction with the Cowichan Valley Regional District Financial Plan and the Liquid Waste Management Plan (LWMP) under section 477(3) of the *Local Government Act*. The current LWMPs are identified in Bylaw No. 4270.

A new Liquid Waste Management Plan is under development for the South Cowichan and is anticipated to be advanced to the Board in late 2020/early 2021. New growth containment boundaries are contemplated in the Modernized Official Community Plan (MOCP) to be consistent, but Bylaw No. 4270 will be inconsistent. The statutory requirement (s. 477(3)(a)(ii)) is for the Board to consider the proposed MOCP in conjunction with any applicable LWMP.

Staff is recommending consideration of the financial plan and waste management plan for consistency with Bylaw No. 4270 after 1<sup>st</sup> and 2<sup>nd</sup> reading and that the Board direct staff to proceed with agency referrals.

Staff will provide a staff report with all referral comments for the Board to consider prior to public hearing and any recommended amendments.

#### *Public Hearing*

Proceed to public hearing with Board direction after considering any amendments subject to agency referral comments.

#### *3<sup>rd</sup> Reading & Adoption*

Following public hearing, 3<sup>rd</sup> reading and adoption are considered.

Ordinarily, 3<sup>rd</sup> reading and adoption of a bylaw must be separated by one clear day for municipal councils. With respect to the Regional Board, the *Local Government Act* s. 228 states:

*A Regional District bylaw that does not require approval, consent or assent under this or any other Act before it is adopted may be adopted at the same meeting at which it passes third reading if the motion for adoption receives at least 2/3 of the votes cast.*

#### Recommendation:

Staff recommend advancing to 1<sup>st</sup> and 2<sup>nd</sup> reading, which is consistent with Bylaw No. 2889 for Bylaw Nos. 4270 and 4330. Bylaw No. 4230 does not require a public hearing and the EASC could recommend Bylaw No. 4230 for 3<sup>rd</sup> reading to the Board at the October 21, 2020, EASC meeting.

### Options

#### Recommended

1. Give 1<sup>st</sup> and 2<sup>nd</sup> reading to Bylaw No. 4270 and proceed with the referral to agencies.
2. Proceed with 1<sup>st</sup> and 2<sup>nd</sup> reading to Bylaw No. 4329.
3. Proceed with 1<sup>st</sup> and 2<sup>nd</sup> reading to Bylaw No. 4330.

#### Not Recommended

4. Continue with community consultation with Bylaw No. 4270.

### Next Steps

1. 30-day referrals to all agencies, forty-five (45) days to First Nations with a reminder. If a First Nation has not provided comments within forty-five (45) days, staff will resend the application and provide an additional fifteen (15) days for the First Nation to comment or to request a further extension.
2. Report back to EASC with comments, any amendments to Bylaw No. 4270 and recommendation for public hearing.

### Summary

The Official Community Plan for the Electoral Areas Bylaw No. 4270 is the harmonization of all electoral area official community plans developed in a process over two years with community consultation through open houses and electoral areas advisory planning commission reviews. In addition, the draft Bylaw No. 4270 reflects internal departmental referral comments. Staff is recommending 1<sup>st</sup> and 2<sup>nd</sup> reading so that the draft Bylaw No. 4270 can be referred to external agencies prior to public hearing.

Supporting Bylaw Nos. 4329 Bylaw Revision Bylaw and 4330 Zoning Bylaw for Consistency with Bylaw No. 4270 are also recommended for 1<sup>st</sup> and 2<sup>nd</sup> reading. Bylaw No. 4330 would be considered at the public hearing along with Bylaw No. 4270. Bylaw No. 4329 does not require public hearing.

### **FINANCIAL CONSIDERATIONS**

Costs for the public hearing are budgeted 2021 and anticipated to be minimal.

A consultation plan for the modernization of the Official Community Plan for the Electoral Areas will be budgeted for 2021.

### **COMMUNICATION CONSIDERATIONS**

In February 2020, the CVRD invited electoral area residents to participate in an initial community engagement process to inform them of the Official Community Plan for the Electoral Areas process. Staff have written to First Nations advising of the draft Bylaw No. 4270 forthcoming.

Local governments are required to follow a consultation plan when developing or amending an official community plan, and to hold a public hearing as well. A consultation plan will be developed for the modernization.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

N/A

Referred to (upon completion): For clarity, Bylaw 4270 was referred to Community Services, Engineering Services, Land Use Services; this staff report (September 30, 2020) was referred to:

- ☒ Communications & Engagement
- ☐ Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, 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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Financial Considerations:

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**ATTACHMENTS:**

Attachment A – CVRD Official Community Plan for the Electoral Areas (Bylaw 4270) Draft  
Attachment B – CVRD Bylaw Revision Bylaw for the Electoral Areas (Bylaw 4329) Draft  
Attachment C – CVRD Zoning Bylaw Omnibus for the Electoral Areas Bylaw (Bylaw 4330) Draft  
Attachment C-1 – Explanatory Table for Bylaw 4330