



TOWN OF SIDNEY

REPORT TO COMMITTEE OF THE WHOLE

TO: Chair and Committee Members

FROM: Corey Newcomb, Senior Manager of Long Range Planning

DATE: Regular Committee of the Whole - 13 Dec 2021 **FILE NO.:** 6480-20

SUBJECT: OCP Review and Update Project: Phases 3 and 4 Approach Report

PURPOSE:

To provide the Committee of the Whole with an overview of the proposed approach to the final phases of the Official Community Plan (OCP) Review and Update project, including:

1. A summary of the legislative framework and steps that local governments are required to take in advance of adopting a new OCP.
2. An overview of the anticipated timeline, process and activities to be undertaken between now and the end of the project.

BACKGROUND:

The OCP Review and Update Project is now entering its final stages. Phase 1 of the project began in May 2020 and wrapped up in August 2020. This phase primarily involved background research and analysis, including a detailed overview of the Town's current policy structure, bylaws and related documents. Phase 1 also included some early community engagement activities; stakeholder interviews and notification letters to various stakeholder groups advising them of the project. This work resulted in a "Background and Recommendations Report", which was reviewed by APC in October 2020 and provided some high-level recommendations related to policy gaps and opportunities when considering land use and planning options in Phase 2.

Phase 2, titled "Explore Options", was the primary community engagement stage of the project. The goal of Phase 2 was to gather feedback and stimulate discussion on the community's vision for the future of Sidney. To accomplish this, a variety of engagement opportunities were organized between September 2020 and June 2021.

Feedback from the entire community engagement process, the policy analysis from the Background and Recommendations Report, input from staff, and the professional opinions of the project consultant were summarized in the "Key Directions Report" – the main deliverable for Phase 2. The Key Directions Report went through a 4 week community engagement period for further feedback and was generally well received. At the September 13, 2021 regular Council meeting, staff were directed to proceed with Phase 3 of the project, drafting the OCP document. Phase 3 is currently underway and staff anticipate that a draft OCP will be complete in early 2022.

The final bylaw adoption process of the OCP is Phase 4 and staff are anticipating that it will directly follow Phase 3.

DISCUSSION:

This report is intended to further familiarize Committee members of both the legislative requirements around adopting an OCP as well as the tentative timeline and process for adoption and associated activities over the next several months.

Legislative Requirements

In British Columbia, the *Local Government Act* (“*the Act*”) provides the legislative basis for municipalities to prepare and adopt an OCP. Because an OCP is a special type of bylaw, there are specific requirements not only for what the document must contain, but also for how it must be prepared and adopted, including requirements for content, consultation and bylaw adoption proceedings. The sections below provide information regarding these required areas, for the Committee’s information.

Sections 471 – 478 of *the Act* broadly describe the requirements, content and development and adoption process for an Official Community Plan. A discussion of some of the most relevant sections of *the Act* are reproduced below in an abridged format; the complete sections are attached to this report as Appendix A. Below each relevant section, staff have also included a brief bulleted comment regarding how Council can expect to see each requirement met:

Content and process requirements

473 (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;

- This requirement will be met through a combination of land use mapping, land use designations and policy statements. These will be supplemented through policy identifying focus areas for housing needs, including affordable housing.

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

- This requirement will be met through a combination of land use mapping and land use designations.

(c) [not applicable];

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

- This requirement will be met through a combination of land use mapping and Development Permit Area designations. These will be supplemented through policy identifying specific geographical areas in need of protection, as well as guidelines for development in those areas.

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

- Sidney is largely built out and as a result, no major road, sewer and water systems are required. However, some areas in need of upgrading or improvement may be identified in the plan.

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

- These items will be identified in policy form, if required. Staff have liaised with the School District and the Capital Regional District (which operates the Peninsula Wastewater Treatment Plant, Hartland Landfill and Peninsula Recreation Commission) to discuss their needs and expected future demand for services. At this time available future capacity in all of these areas is expected to be sufficient for future planned growth within Sidney.

(g) [not applicable].

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

(2.1) the local government must consider the most recent housing needs report (a) when developing an official community plan,

- Policies respecting affordable housing will be included in the OCP and based on the housing needs assessment, as required.

(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.

- The OCP will include a specific section on climate action and greenhouse gas reduction targets and associated policies.

Consultation requirements

In addition to the actual adoption of the OCP bylaw (which requires a public hearing and notice), local governments must also consider consultation with a number of organizations during the development of an OCP. These requirements are covered under Section 475 and 476 of *the Act*:

475 (1) 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.

(2) For the purposes of subsection (1), 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, and

(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.

In the initial stages of the project, Council directed staff to engage the following groups as part of the project's engagement activities:

- The Capital Regional District
- The District of North Saanich

- The District of Central Saanich
- The Tseycum, Tsartlip, Tsawout and Pauquachin First Nations.
- School District No. 63 (Saanich)
- The Provincial Government, including the following Ministries: Municipal Affairs and Housing, Transportation and Infrastructure, Environment, Forests, Lands and Natural Resource Operations, and Education.
- The local Member of the Legislative Assembly of BC and the Member of Parliament
- Victoria Airport Authority

In addition to these organizations, the Town has also been engaging with groups such as the Sidney Community Association, Saanich Peninsula Chamber of Commerce, and the Sidney Business Improvement Area Society, among others. Council also decided that the engagement should be “ongoing” and as a result staff will continue to consult and engage with all these organizations throughout the final stages of the project, keeping them apprised of the progress of the project and providing them opportunities to review and comment on the draft OCP.

Specific School District Consultation

Section 476 of the Act requires that:

(1) If a local government has adopted, or proposes to adopt or amend, an official community plan for an area that includes the whole or any part of one or more school districts, the local government must consult with the boards of education for those school districts

(a) at the time of preparing or amending the official community plan, and

(b) in any event, at least once in each calendar year.

Staff will continue to consult with the School District as required by *the Act*. School District No. 63 has provided a response to the Town’s engagement request and provided some technical information which will form the basis for some policy in the draft OCP, fulfilling this legislative requirement.

Adoption procedures for Official Community Plans

477 *(1) An official community plan must be adopted by bylaw in accordance with this section.*

(2) Each reading of a bylaw under subsection (1) must receive,

(a) in the case of a municipal bylaw, an affirmative vote of a majority of all council members, and

(b) [not applicable]

(3) After first reading of a bylaw under subsection (1), the local government must do the following in the indicated order:

(a) first, consider the proposed official community plan in conjunction with

(i) its financial plan, and

(ii) any waste management plan under Part 3 [Municipal Waste Management] of the Environmental Management Act that is applicable in the municipality or regional district;

(b) next, if the proposed official community plan applies to agricultural land in the agricultural land reserve, refer the plan to the Provincial Agricultural Land Commission for comment;

(c) next, hold a public hearing on the proposed official community plan in accordance with Division 3 [Public Hearings on Planning and Land Use Bylaws] of this Part.

(4) In addition to the requirements under subsection (3), a local government may consider a proposed official community plan in conjunction with any other land use planning and

with any social, economic, environmental or other community planning and policies that the local government considers relevant.

(5) The minister may make regulations in relation to subsection (3) (b)

(a) defining areas for which and describing circumstances in which referral to the Agricultural Land Commission under that subsection is not required, and

(b) providing that an exception under paragraph (a) is subject to the terms and conditions specified by the minister.

(6) Despite section 135 (3) [at least one day between third reading and adoption] of the Community Charter, a council may adopt an official community plan at the same meeting at which the plan passed third reading.

As noted in the above section, the adoption process for an OCP largely follows standard bylaw adoption procedures. However, within this process are some key requirements to consider other elements of the Town's operations (financial and waste management plans) as well as consultation with the Agricultural Land Commission. These requirements will be incorporated into the final stages of the project, further described below.

OCP Project Final Stages: Tentative timeline, process and activities

The project consultant and staff are currently working on putting the first draft of the OCP document together. Staff anticipate that this process will require another few months of work, but plan to have a draft ready to bring forward for the Committee's consideration fairly early in 2022. The details of the two remaining phases of the project are tentatively planned for as follows:

Phase 3: Create the Plan

In terms of completing project tasks from the Work Plan and Community Engagement Plan, Phase 3 project deliverables include the following items:

- The draft OCP document, including draft Development Permit Area Guidelines
- An open house to introduce the community to the draft OCP
- An online survey to solicit feedback on the draft OCP

Currently, staff are targeting the February 28, 2022 regular Council meeting to present the draft OCP to Council. Assuming the draft OCP document is well received at this meeting, staff would recommend that the document be referred to the broader community and stakeholders for review and comment. While staff will take Council direction on the amount of time they feel is appropriate, staff suggest this engagement period should encompass the entire month of March.

At that time staff would also recommend contacting members of both the OCP Review Advisory Committee and the Advisory Planning Commission in order to allow them to begin reviewing the draft OCP document in detail individually. Assuming a Council referral to each committee, they will be expected to provide detailed feedback on a complex document in committee format later in March, so having them begin their review of the draft in advance of their meeting dates would be critical to ensuring quality feedback in a timely manner.

The following would be planned during March once Council refers the draft OCP to the community for feedback:

- Notice to the community and all stakeholders that the draft OCP document is ready for review and comment. This would take the form of a media release and letters that include all the groups noted above, as well as any other groups who have provided input or expressed interest in the project along the way.
- An open house. Ideally this would be a virtual event as well as in-person at the Mary Winspear Centre; however, this is dependent on the Covid-19 pandemic situation at the

time. Staff would plan for a virtual-only event as a contingency. Additional open houses could be scheduled as demand requires.

- An online survey. This would be the primary method of receiving detailed community feedback regarding the draft OCP document and the online platform will give people the opportunity to review and comment on every section of the document, as desired. It would also include a “how to review” guide so that people can find the sections most relevant for them.
- Engaging the W̱SÁNEĆ Leadership Council (WLC) to present the draft OCP. This would conclude the sub-project which Council approved together with the Districts of North and Central Saanich to engage with the WLC jointly on each community’s respective OCP process. This will conclude a process which included several meetings, including a Community Forum, as well as policy review and other OCP-related initiatives. Staff will also reach out to the Pauquachin First Nation (who are not part of the WLC) and invite their review and comment on the draft OCP.
- Advertising to inform the community that the draft OCP is ready for review, as well as the different opportunities available for reviewing and commenting on the document. This would include advertisements in the Peninsula News Review, physical signage in the community, (including posters, large format signs, and sandwich board signs), and numerous social media posts throughout the month. These would all direct people to the project page where the draft OCP, the survey, and supporting information will be located.
- Depending on Council’s preference, staff will also be prepared to present the draft OCP to the Advisory Planning Commission (APC) and any other relevant Town committees to which Council may choose to refer the document.

Feedback from these engagement processes would be summarized and presented to Council at a meeting in early April. Staff suggest that like the process with the Key Directions Report, it would be valuable to also present the draft OCP as well as the collected community feedback to the OCP Review Advisory Committee. This process worked well with the Key Directions Report and provided a level of assurance that the project goals had been achieved and the work has met with community expectations.

By mid-April, staff hope to have completed the above process and will spend the remaining half of April updating the draft OCP document with any required edits. Staff have reserved the final Committee of the Whole and Council meetings in April to bring forward any items which may require additional Council direction before proceeding to Phase 4.

Phase 4: Finalize the Plan

Phase 4 is the OCP bylaw adoption process, which staff expect to run through the month of May. Once Council is satisfied that the OCP is ready to go through bylaw adoption, the following process will be initiated:

- Staff will draft a bylaw (a relatively simple process as the OCP document itself is the bulk of the “bylaw”) and bring it forward to a Council meeting for first and second readings.
- On the same Council agenda where the OCP bylaw receives first and second readings, staff will also submit a report on the new OCP’s implications for the Town’s financial plan and CRD solid and liquid waste management plans, as required by legislation.
- The same staff report would also include a recommendation to refer the OCP bylaw to the Agricultural Land Commission, referencing the limited Agricultural Land Reserve land in Sidney (a portion of the airport runway, Peter Grant Park and the Greenglade Community Centre land). As these land uses are not used for agricultural purposes, nor proposed to be changed, staff expect this referral to proceed smoothly.
- Once a satisfactory response from the ALC is received, staff will schedule a public hearing and advertise as required.

- Third reading would follow the public hearing and, as permitted by legislation, Council could also choose to adopt the OCP bylaw at the same meeting. Accordingly, it is feasible that the adoption of the OCP Bylaw could occur as early as June 2022.

It is important to note that the above process and timeline is, to some extent, dependent on whether the draft OCP document “gets it right” and delivers on the community’s expectations. Should significant alterations or amendments to the document be required, this timeline is subject to change.

Finally, staff would like to stress that no OCP is ever “perfect” as adopted. It is very likely that one or more rounds of housekeeping updates will be required over the next few years as the OCP gets used in practice and issues are identified as a result. Staff will keep a list of these necessary updates and bring forward housekeeping amendments as required following the initial adoption of the bylaw.

STRATEGIC PLAN:

The approach outlined in this report will achieve the completion of the OCP, identified as a Strategic Plan priority.

FINANCIAL IMPLICATIONS:

The OCP Review and Update project is currently within the allocated budget amount. Staff will report out on the project as a whole, including a final budget report, following the adoption of the OCP bylaw.

RECOMMENDATION:

That Council approve the proposed approach outlined in this report, dated December 13, 2021, for the completion of the OCP Review and Update Project.

Submitted By:	Corey Newcomb, Senior Manager of Long Range Planning
Concurrence:	Randy Humble, Chief Administrator Officer
Concurrence:	
Concurrence:	

ATTACHMENTS:

[Appendix A Local Government Act Excerpt](#)

have been aware of the hearing, did not see or receive the notice, and was not prejudiced by not seeing or receiving it.

Division 4 — Official Community Plans

Purposes of official community plan

471 (1) 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.

To the extent that it deals with these matters, an official community plan should

(2) work towards the purpose and goals referred to in section 428 [*purpose of regional growth strategy*].

Bylaw to adopt official community plan

472 (1) A local government may, by bylaw, adopt one or more official community plans.

An official community plan

- (2)
- (a) must be included in the adopting bylaw as a schedule, and
 - (a) must designate the area covered by the plan.
 - (b)

Content and process requirements

473 (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.

An official community plan must include housing policies of the local government

respecting affordable housing, rental housing and special needs housing.

(2.1) Unless a local government is exempted, or is in a class of local governments exempted, under section 585.11 [*application of this Division*], the local government must consider the most recent housing needs report the local government received under section 585.31 [*when and how housing needs report must be received*], and the housing information on which the report is based,

- when developing an official community plan,
- (a) when amending an official community plan in relation to statements
- (b) and map designations under subsection (1) (a) of this section, or
- when amending an official community plan in relation to housing
- (c) policies under subsection (2) of this section.

(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.

(4) In developing an official community plan, the local government must consider any applicable guidelines under section 582 [*provincial policy guidelines*].

Policy statements that may be included

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

- policies of the local government relating to social needs, social well-being and social development;
- (a)
- a regional context statement, consistent with the rest of the plan, of how
- (b) matters referred to in section 429 (2) (a) to (c) [*required content for regional growth strategy*], and other matters dealt with in the plan, apply in a regional context;
- policies of the local government respecting the maintenance and
- (c) enhancement of farming on land in a farming area or in an area designated for agricultural use in the plan;
- policies of the local government relating to the preservation, protection,
- (d) 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 state only the broad objective of the local government with respect to that matter unless the minister has, under section 473 (1) (g), required or authorized the local government to state a policy with respect to that matter.

Consultation during development of official community plan

475 (1) 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.

For the purposes of subsection (1), the local government must

- (2) consider whether the opportunities for consultation with one or more of
- (a) the persons, organizations and authorities should be early and ongoing, and
- specifically consider whether consultation is required with the following:
- (b) the board of the regional district in which the area covered by the
 - (i) plan is located, in the case of a municipal official community plan;
 - the board of any regional district that is adjacent to the area
 - (ii) covered by the plan;
 - the council of any municipality that is adjacent to the area covered
 - (iii) by the plan;
 - first nations;
 - (iv) boards of education, greater boards and improvement district
 - (v) boards;
 - the Provincial and federal governments and their agencies.
 - (vi)

- (3) Consultation under this section is in addition to the public hearing required under section 477 (3) (c).

- (4) If the development of an official community plan, or the repeal or amendment of an official community plan, might affect agricultural land, the proposing local government must consult with the Agricultural Land Commission.

Consultation on planning for school facilities

- 476** (1) If a local government has adopted, or proposes to adopt or amend, an official community plan for an area that includes the whole or any part of one or more school districts, the local government must consult with the boards of education for those school districts

- at the time of preparing or amending the official community plan, and
- (a) in any event, at least once in each calendar year.
- (b)

- (2) For consultation under subsection (1), the local government must seek the input of the boards of education on the following:

- the actual and anticipated needs for school facilities and support
- (a) services in the school districts;
- the size, number and location of the sites anticipated to be required for
- (b) the school facilities referred to in paragraph (a);
- the type of school anticipated to be required on the sites referred to in
- (c) paragraph (b);

- (d) when the school facilities and support services referred to in paragraph (a) are anticipated to be required;
- how the existing and proposed school facilities relate to existing or
- (e) proposed community facilities in the area.

Adoption procedures for official community plan

477 (1) An official community plan must be adopted by bylaw in accordance with this section.

- Each reading of a bylaw under subsection (1) must receive,
- (2) in the case of a municipal bylaw, an affirmative vote of a majority of all
 - (a) council members, and
 - in the case of a regional district bylaw, an affirmative vote of a majority
 - (b) of all directors entitled under Division 3 [*Voting and Voting Rights*] of Part 6 [*Regional Districts: Governance and Procedures*] to vote on the bylaw.

After first reading of a bylaw under subsection (1), the local government must do

- (3) the following in the indicated order:

- first, consider the proposed official community plan in conjunction with
 - (a) its financial plan, and
 - (i) any waste management plan under Part 3 [*Municipal Waste Management*] of the *Environmental Management Act* that is applicable in the municipality or regional district;
 - next, if the proposed official community plan applies to agricultural land
 - (b) in the agricultural land reserve, refer the plan to the Provincial Agricultural Land Commission for comment;
 - next, hold a public hearing on the proposed official community plan in
 - (c) accordance with Division 3 [*Public Hearings on Planning and Land Use Bylaws*] of this Part.

In addition to the requirements under subsection (3), a local government may

- (4) consider a proposed official community plan in conjunction with any other land use planning and with any social, economic, environmental or other community planning and policies that the local government considers relevant.

The minister may make regulations in relation to subsection (3) (b)

- (5) defining areas for which and describing circumstances in which referral
 - (a) to the Agricultural Land Commission under that subsection is not required, and
 - providing that an exception under paragraph (a) is subject to the terms
 - (b) and conditions specified by the minister.

Despite section 135 (3) [*at least one day between third reading and adoption*] of the

- (6) *Community Charter*, a council may adopt an official community plan at the same

meeting at which the plan passed third reading.

Effect of official community plan

478 (1) An official community plan does not commit or authorize a municipality, regional district or improvement district to proceed with any project that is specified in the plan.

All bylaws enacted or works undertaken by a council, board or greater board, or
(2) by the trustees of an improvement district, after the adoption of

- an official community plan, or
- (a) an official community plan under section 711 of the *Municipal Act*,
- (b) R.S.B.C. 1979, c. 290, or an official settlement plan under section 809 of that Act, before the repeal of those sections became effective,

must be consistent with the relevant plan.

Division 5 — Zoning Bylaws

Zoning bylaws

479 (1) A local government may, by bylaw, do one or more of the following:

divide the whole or part of the municipality or regional district into

(a) zones, name each zone and establish the boundaries of the zones;

limit the vertical extent of a zone and provide other zones above or

(b) below it;

regulate the following within a zone:

(c) the use of land, buildings and other structures;

(i) the density of the use of land, buildings and other structures;

(ii) the siting, size and dimensions of

(iii) buildings and other structures, and

(A) uses that are permitted on the land;

(B) the location of uses on the land and within buildings and other

(iv) structures;

limit the form of tenure in accordance with section 481.1;

(c.1) regulate the shape, dimensions and area, including the establishment of

(d) minimum and maximum sizes, of all parcels of land that may be created by subdivision.

The authority under subsection (1) may be exercised by incorporating in the bylaw
(2) maps, plans, tables or other graphic material.

The power to regulate under subsection (1) includes the power to prohibit any use
(3) or uses in a zone.

... A bylaw under this section may make different provisions for one or more of the