
FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 6480-20-2018-OCF

SUBJECT: UCLUELET OCP BYLAW REVIEW – PROJECT UPDATE.

Report No: 17-71

ATTACHMENTS: APPENDIX A – EXCERPTS FROM DRAFT CONSULTING SERVICES AGREEMENT WITH VIU
APPENDIX B – STAFF REPORT FROM THE MAY 9, 2017, REGULAR COUNCIL AGENDA

RECOMMENDATION(S):

THAT Council, with respect to the ongoing project to review and update the Official Community Plan bylaw:

1. give early notice to the following agencies of the District's intent to update the Ucluelet Official Community Plan bylaw, and invite their participation and input:
 - Yuułuʔiłʔatḥ Legislature – Ucluelet First Nation;
 - ʔukʷaaʔath Council - Toquaht Nation;
 - Alberni Clayoquot Regional District;
 - District of Tofino;
 - School District 70;
 - Island Health;
 - Ministry of Transportation and Infrastructure;
 - Pacific Rim National Park Reserve;
 - Clayoquot Biosphere Trust;
 - Westcoast Community Resources Society;
 - Alberni Clayoquot Health Network;
 - Wild Pacific Trail Society;
 - Tourism Ucluelet; and
 - Ucluelet Chamber of Commerce

2. reach out to the leadership of the Yuułuʔiłʔatḥ and ʔukʷaaʔath First Nations to:
 - a. invite Yuułuʔiłʔatḥ and ʔukʷaaʔath First Nations' participation in the update of the Ucluelet municipal Official Community Plan;
 - b. ask how the Yuułuʔiłʔatḥ and ʔukʷaaʔath would like to be consulted on this project;
 - c. inquire whether the Yuułuʔiłʔatḥ and ʔukʷaaʔath First Nations are interested in co-authoring a new section of the municipal OCP to overview the relationship between the Ucluelet municipal government, the broader community, First Nations people and traditional lands; and,
 - d. invite discussion with the Yuułuʔiłʔatḥ First Nation Legislature and Staff, and the ʔukʷaaʔath Council and Staff on areas of mutual interest and support;

3. endorse the work plan as outlined in the Staff report; and,
4. authorize Staff to enter into a sole-source consulting agreement with Vancouver Island University for the scope of research, consultation and analysis as detailed in **Appendix 'A'** to the Staff report, for an honorarium fee not to exceed \$15,000.

PURPOSE:

The purpose of this report is to provide a brief background and context for the next steps to review and update the Ucluelet Official Community Plan (**OCP**) bylaw. This report touches on the work done to date, areas of focus for the work ahead, tasks to be completed by Staff and consultants, and opportunities for input by community members, stakeholders, neighbouring jurisdictions and interested agencies. An overview of the project budget and timeline is also included. Staff are seeking a Council resolution to provide direction for the next stages of the OCP review project.

BACKGROUND:

A review of the Ucluelet Official Community Plan (OCP) bylaw was initiated by Council in 2016.

In September of 2016 the District of Ucluelet, along with students and faculty from Vancouver Island University's (**VIU**) Master of Community Planning program, initiated a process to collect community opinions on the District's Official Community Plan. A report on the findings from the initial public consultation was placed on the May 9, 2017, Council agenda (see **Appendix 'B'**) but the item was tabled at that time. Further consultation work was completed by VIU students this past summer.

Council has indicated that bringing the review and update of the OCP bylaw to a point of conclusion before the summer of 2018 is a high priority. Presentation of a draft OCP this spring would avoid the busy summer season and the run-up to the fall municipal election.

NEXT STEPS:

A great deal of good work and public input has already occurred. Moving the project forward in the expected timeline will require now focusing on specific community issues and areas for potential changes within the OCP. Staff suggest that policy areas warranting particular attention include:

1. an updated overview section, including indigenous perspectives;
2. expanded policies on affordable housing;
3. an updated section on economic development;
4. new mapping and clarification of Development Permit areas for protection of the environment and avoiding natural hazards;
5. updated policies responding to climate change, energy use and sea level rise;
6. clarification of Development Permit areas for form and character; and,
7. an updated section on implementation, and enforcement.

	Council		Staff	VIU
December				
	Provide direction on next steps		Provide input and direction to VIU; formalize contract	1. Report out on results of consultation to date;
			Seek and coordinate staff knowledge on the community and organizational needs;	2. Complete a Gap Analysis and report out on what areas of the OCP need most attention;
	Initiate discussions with First Nations (and ongoing)		complete internal gap analysis	
January				
			engage consultants for specialized areas of expertise (identifying sensitive ecosystems and natural hazards, etc.)	3. Perform research into best practices and policy alternatives (for priority policy areas identified by the District and VIU, e.g. affordable housing);
		Text re-write of all sections of the OCP;	Coordinate updated mapping (to be completed by GIS contractor);	
February				
				4. Prepare report on policy alternatives (for Council meeting)
				5. Prepare presentation materials
mid-February				
	Public event			6. Hold public event to gather feedback / gauge community preference among policy options
end of February				
				7. Report back on the community feedback heard on specific policy sections.
March				
	Public Open House / COW on Draft OCP		Coordinate legal review by the municipal solicitors;	
April				
May				
	formal notice and bylaw adoption process (including public hearing)		Coordinate bylaw adoption process by Council.	

Figure 1: Project Timeline

The updated scope of work for VIU is more focussed than was put forward earlier this year; this reflects the short timeframe to develop a draft OCP to take to the community next spring for discussion and comment. The proposed scope would capitalize on VIU’s ability to focus on researching policy alternatives, innovative and appropriate approaches to community issues. At the same time, because we work with the OCP regularly, Staff are well positioned to identify and resolve structural inconsistencies in the current OCP document. By taking this approach to the re-write of the OCP document, with close input from the municipal solicitors and the strategic use of consulting expertise, Staff aim to present a clear, updated draft which will reflect the current vision of the Ucluelet community looking ahead to 2050.

CONSULTATION WITH FIRST NATIONS AND INCLUSION OF INDIGENOUS PERSPECTIVES:

Since the Ucluelet OCP Bylaw No. 1140 was written, some things have changed: the 2011 signing of the Maa-nulth Treaty and the 2015 publication of the Final Report of the Truth and Reconciliation Commission, along with broader changes in society and greater awareness among all Canadians, make it timely to consider the OCP in a new light. Council has signaled a raised awareness of indigenous perspectives by making a practice of acknowledging the traditional territory of the Yuułuʔiłʔatḥ at the start of each public Council meeting. The relationship between the municipality, indigenous peoples and their traditional territories is not currently addressed within the OCP document, however. It would be timely to include that perspective within the OCP, by considering how the document could describe the relationship between Ucluelet, Yuułuʔiłʔatḥ and 'tukʷaaʔath.

Staff recommend that Council reach out to the Yuułuʔiłʔatḥ and 'tukʷaaʔath First Nations to ask how they would like to be consulted during the OCP review project and beyond. Keeping an open mind to the process and timeline for those conversations means accepting that the amendments to the OCP drafted next spring may or may not include the final version of all sections. Staff suggest that some items could proceed on the schedule laid out above, but the timeline for arriving at an understanding of indigenous interests within the OCP has yet to be determined, and should not be rushed. This is appropriate, considering that an OCP is a living document which can be amended, updated or added to at such time as Council deems it necessary.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

As the review process will rely on in-house Staff resources both for coordinating consultant actions and to complete the re-writing of the OCP document, this project will be a major focus of staff time within the Planning Department. Other departments will be drawn upon for their insights and input into the draft plan. Staff time devoted to the OCP update can be expected to have some influence on the timeline and responsiveness to other long-term planning projects and development applications.

A public event is planned for mid-February to seek public input on the policy alternatives assembled by VIU. Council participation is anticipated at the public event and through updates provided at regular Council meetings as necessary. Once a draft OCP has been developed, Council may wish to include a public Open House or Town Hall meeting to gather public input ahead of the formal bylaw process. The bylaw adoption process is required to include a Public Hearing on the OCP bylaw (see **Figure 1**).

FINANCIAL IMPACTS:

The 2017 Budget included \$40,000 for the project; the majority of these funds have not been spent this year. Staff recommend that \$39,910 be carried over to enable the project to be completed in 2018 with no additional funding from taxation.

The scope of the contract with VIU would total \$15,000. The balance of \$24,910 would be used to engage other consultants to provide specific technical pieces of the OCP (updated mapping,

technical studies in support of environmental DP area designations, etc.). Even with relying on Staff to shoulder most of the re-drafting work, the funding earmarked for the project is modest; ultimately the depth of the analysis and bylaw update will be tailored to the available resources.

Following Council direction, Staff will seek proposals from additional qualified professionals where their expertise is necessary to resolve portions of the OCP bylaw. Contracting will be per the municipal Purchasing Policy and will be brought to Council for authorization as necessary.

The District's Purchasing and Disposal Policy requires 3 written quotes for goods or services over \$10,001 and under \$25,000. A sole-sourced contract would therefore require the prior approval of Council. As discussed above, Staff are requesting Council approval to engage VIU for an honorarium of \$15,000. The continued involvement of VIU in the research and consultation on policy alternatives offers a community benefit, given their prior experience in Ucluelet and understanding of the issues.

POLICY OR LEGISLATIVE IMPACTS:

Once the project has progressed to the point where a draft OCP is ready for presentation to Council, Staff will provide a report addressing the legislative requirements for adopting an Official Community Plan bylaw and identifying the steps for Council to meet those requirements, along with suggestions for public consultation on the draft. Council consideration of a formal referral of the draft bylaw to other jurisdictions and agencies is a required part of the process. The early notification being recommended at this stage would enable those agencies, if they so choose, to provide input which could inform the draft bylaw ahead of the formal bylaw adoption process.

Once an Official Community Plan is adopted, the subsequent decisions of Council and actions of the municipality must follow the policies in the plan.

SUMMARY:

This report proposes the following:

- that Council give early notice, to interested and affected agencies, of the OCP update project and invite their participation and input;
- that Council use this opportunity to specifically seek early and ongoing consultation with the Yuułuʔiłʔatḥ and ʔukʷaaʔatḥ First Nations;
- that Staff use the organizational knowledge, public consultation results, research and input from VIU and other consultants as necessary to begin drafting a revised OCP document; and,
- that VIU be engaged to report out on their findings to date, complete a gap analysis of the current OCP, research and present policy alternatives for selected issues and sections to inform the updated OCP document.

OPTIONS:

1. That Council move forward with the OCP review project by giving early notice to affected and interested jurisdictions, specifically seek early and ongoing participation by the Yuułu?i?ath and 'tuk'aa?ath First Nations, endorse the workplan as presented, and authorize contracting with VIU for selected consulting services **(recommended)**;
2. That Council provide direction on changes to the process for the review and update of the OCP, and seek further information on the implications for the project budget and timing; or,
3. That Council reassess whether updating the OCP remains a priority at this time.

Respectfully submitted:

Bruce Greig, Manager of Community Planning
Carolyn Bidwell, Chief Financial Officer
Mark Boysen, Chief Administrative Officer

Schedule “A”

Summary of Contract Term, Services and Budget

1. Term of the Contract

Regardless of the actual date of execution, this Contract will start on January 2, 2018 and end on March 31, 2018 (the “**Contract Term**”).

2. Obligations of VIU

VIU’s investigator, Dr. Pam Shaw, agrees to provide the following deliverables, more particularly described in Schedule “B”:

- Work with the District of Ucluelet in the development of an Official Community Plan (OCP)
 - Perform research into best practices and policy alternatives
 - Prepare report on policy alternatives
 - Prepare presentation materials
 - Facilitate public engagement event to gather feedback and gauge preferences among policy options
 - Final Report

3. Terms of Payment

The District will pay VIU \$15,000.00, including applicable taxes. The District will pay VIU the below installments on the following due dates:

\$ 7,500.00 (50%) upon initiation of this Contract (January 2, 2018)

\$ 7,500.00 (50%) upon completion of Project Deliverables (March 31, 2018)

4. Further Obligations of the District

The District will provide VIU (Dr. Pam Shaw) with access to necessary information, and will be responsible for such further tasks as described in Schedule “B”.

Schedule “B”

Contract Research Proposal

Partnership with VIU & District of Ucluelet

Background

The District of Ucluelet is a vibrant community on the west coast of Vancouver Island and is one of three urban centres, alongside Tofino and the City of Port Alberni, located within the Alberni-Clayoquot Regional District (ACRD). The District has a long and rich history – the word Ucluelet itself is derived from local traditional language and means “safe or good harbour” for canoe landing. First Nations of the area historically lived off the abundant natural resources of the land and depended on the ocean and surrounding lands for food and livelihood. When the region was colonized in the mid-1800s, settlers were drawn to the abundance of fish, gold, and other natural resources. Ucluelet’s economy was originally based around the access to and use of these natural assets, but has expanded to tourism as visitors seek the outdoor recreation possibilities in the region, such as those available in the Pacific Rim National Park.

Ucluelet became an official District Municipality in 1997. Although population was steadily increasing in the District between 1956 and 1981 (at about 3.6% per year), until 2006 the population has seen a slow decline (0.3% on average per year), due to the decline in local resource-based industries, such as fisheries. The current Official Community Plan (published in 2011) attempted to address these declining trends by creating a growth strategy that enhances economic prosperity while advancing environmental sustainability. The vision of the current OCP, left unchanged from the previous 2004 OCP, is as follows:

“Ucluelet’s built and natural environment respects, above all, the outstanding diverse natural habitat and optimizes recreational opportunities for its citizens and its visitors. Ucluelet residents enjoy a high quality of life built upon a sustainable and diversified local economy.”

The current OCP update process, that this Contract defines, will streamline and improve upon the Vision and Guiding Principles set out in the 2011 OCP by bringing them in line with best practices in planning and current community thought. The Guiding principles of the 2011 OCP are to:

1. Create a complete community;
2. Create a compact and vibrant Village Square;
3. Develop and maintain quality parks, trails, recreation and community services for residents and visitors;
4. Build a sustainable local economy;
5. Maintain and enhance Ucluelet’s unique character and preserve its heritage;
6. Protect natural areas;
7. Increase transportation choice; and
8. Manage residential growth in balance with job creation and the provision of services.

Preparation for a revised OCP is now underway with the start of public consultation of issues related to the current OCP. Four events and an online survey were conducted between September and December of 2016. These were conducted by both staff of the District of Ucluelet and students from Vancouver Island University's Master of Community Planning program. The purpose of the first three events and the online survey was to understand the public's perspective on the current OCP and on Ucluelet itself; the last event was to present these findings in the final event.

Moving forward, the revision process will include the following scope of work.

- 1) Reporting out on Community Engagement to share progress of the project to date;
- 2) Research into policy alternatives and gap analysis - prepare an identified issues and policy alternatives report and conduct a gap analysis of the current OCP; and
- 3) Prepare presentation materials, facilitate public engagement event and report on findings of community preferences among policy alternatives.

Proposed Timeline

January

- Report out on what has been heard (last year of work)
- Complete a gap analysis and report on what areas of the current OCP require the most attention
- Meet with District Staff (at VIU) to discuss priority areas for change within the OCP.

February

- Perform research into what best practices and policy alternatives
- Prepare report on policy alternatives
- Prepare presentation materials

March

- Facilitate public engagement event in Ucluelet to gather feedback and gauge preferences among policy options
- Final Report

Contributions

District of Ucluelet

- \$15,000.00 to complete this project
- In-kind project support in the form of workspace as needed, staff project guidance and support

VIU

- MCP & MABRRI student researchers
- Faculty support
- In-kind project support in the form of research vehicles, research equipment, office space, coordination hours (Dr. Pam Shaw, Graham Sakaki)