



STAFF REPORT TO COUNCIL

Special Council Meeting: SEPTEMBER 18, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 6480-20-2018-OCF

SUBJECT: UCLUELET OFFICIAL COMMUNITY PLAN BYLAW

REPORT NO: 18-89

ATTACHMENTS: APPENDIX A – OCP BYLAW NO. 1236, 2018
APPENDIX B – SCHEDULE 1 TO OCP BYLAW NO. 1236 (OFFICIAL COMMUNITY PLAN)
APPENDIX C – MAP SCHEDULES TO THE OCP

RECOMMENDATION(S):

THAT Council, with regard to the 2018 Official Community Plan (OCP) bylaw update:

1. introduce and give first reading to Ucluelet Official Community Plan Bylaw No. 1236, 2018;
2. refer the OCP to the public and the following agencies for a period of 30 days to invite their input:
 - Ucluelet First Nation;
 - Toquaht Nation;
 - Alberni Clayoquot Regional District;
 - District of Tofino;
 - School District 70;
 - Island Health;
 - Ministry of Transportation and Infrastructure;
 - Pacific Rim National Park Reserve;
 - Ucluelet Recreation Commission;
 - Ucluelet Harbour Advisory Committee;
 - Clayoquot Biosphere Trust;
 - Westcoast Community Resources Society;
 - Alberni Clayoquot Health Network;
 - Wild Pacific Trail Society;
 - Tourism Ucluelet; and
 - Ucluelet Chamber of Commerce;
3. refer the OCP bylaw to the municipal solicitors for legal review; and,
4. direct staff to report back at a future Regular Council Meeting on the input received from the public and the above agencies, and recommend any adjustments to the draft prior to Council considering second reading of Bylaw No. 1236, as amended.

PURPOSE:

The purpose of this report is to provide a brief background and explore next steps for the update of the Ucluelet Official Community Plan (**OCP**) bylaw. This report touches on the work done to date, and highlights some key areas where the current draft OCP has been changed or expanded beyond the existing OCP Bylaw No. 1140, which was adopted in 2011.

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. That work led to a series of public engagement events this spring, including a well-attended Open House which sought the opinions of residents on a number of key topic areas. The results of the spring public engagement were presented to Council at its April 24, 2018, meeting.

In June, ONNI Development Corp. held a public information meeting to present a land use concept for its lands. Though outside the municipal OCP review process, the event was well attended by residents and sparked discussion on many topics pertinent to the OCP.

Also in June, staff presented a report on housing issues which included a preview of directions for housing policy and actions related to the OCP and zoning bylaws. Those policy items, endorsed by Council at its June 26, 2018 meeting, have informed the drafting of the revised OCP document.

OVERVIEW:

The draft 2018 OCP presented with Bylaw No. 1236 represents a major overhaul of the 2011 Plan. In particular, proposed changes to the OCP include:

1. a new structure organized around the broad themes of Place, People and Systems;
2. writing which attempts to be more inclusive of indigenous perspectives (see Part 1);
3. expanded policies on affordable housing (see Part 3);
4. an updated section on economic development (see Part 4);
5. an updated Long-Range Land Use Plan (see Schedule 'A') reflecting the current zoning (and sub-zones) but also showing the expected evolution of land uses toward the year 2050, particularly in the former Forest Reserve land areas;
6. addition of a Parks and Trails Network map (see Schedule C) showing the location of existing and proposed new parks, trail connections and open space;
7. new mapping and clarification of Development Permit areas for protection of the environment and avoiding natural hazards (see Schedules 'E' and 'G', and DP guidelines in Part 6);

8. updated policies responding to climate change, energy use and sea level rise (see Parts 2 and 6);
9. clarification of Development Permit areas for form and character (see Schedules 'F', and DP guidelines in Part 6); and,
10. an updated section on implementation, including enforcement (see Part 6).

The document has benefitted from the enthusiastic input of Ucluelet residents as well as insights provided by all municipal departments. Staff have attempted to draft a plan which captures the character of Ucluelet and charts the direction where the community is headed over the coming years. The aim has been to create a document which will prove useful:

- to residents and property owners, as they look to understand what their friends and neighbours envision, and where they fit within the community;
- to businesses and investors, as they seek a clear understanding of the framework they are working in and the available opportunities;
- to other agencies, as they look for the direction Ucluelet is taking to see where our interests align;
- to staff, as they work to continually improve municipal operations and deliver services on behalf of the community; and,
- to Councils, as they discuss community issues, set priorities and deliberate on where to focus finite resources.

New DP Areas:

One area of notable change in the draft OCP is the mapping and designation of DP areas for protection of the environment and hazardous conditions. These designations would require that the District issue a Development Permit prior to significant land clearing, new construction, subdivision or other defined development activities. Note that minor changes, maintenance and reconstruction activities within existing properties are generally exempt from the DP requirements (see the designations and exemptions listed for each DP area in Part 6).

The designation of these DP areas and the corresponding guidelines are based on our current knowledge and mapping of natural features, best practices among similar municipalities, and a precautionary approach to identifying areas of sensitivity or hazard. As noted in the OCP, areas of sensitivity and/or hazard may exist which are not mapped; further steps are identified should the District wish to clarify and refine the DP designations and guidelines. Conversely lands designated as DP areas may, upon site investigation, be found to not contain features which warrant a DP; exemptions are listed for such cases.

An area where significant refinement is possible lies in a detailed coastal engineering analysis to clarify Flood Construction Levels (FCL) to account for sea level rise and storm surge, and potential tsunami hazards. Such study may result in reduced and/or refined areas shown as subject to flooding on Schedule G, particularly on the inlet side of the peninsula. That level of analysis is beyond the scope of this OCP update, but may be pursued as part of future budget considerations (and likely subject to grant availability). For now, the FCL levels have been mapped taking a

conservative approach, using methodology similar to other jurisdictions in the region (e.g. the Bamfield OCP adopted by the ACRD).

PROGRESS:

An OCP is a complex, living document and can always be improved. This is certainly true of the attached draft which is the result of the best efforts by staff - but also reflects the limitations of available time and competing demands. Staff are pleased to recommend the draft as a significant step forward which builds on the 2011 OCP, but recommend that the Plan could still be improved by further input from the public and knowledgeable stakeholders. Staff therefore suggest that the OCP Bylaw No. 1236 be given first reading and then referred for a 30-day period to allow for public and stakeholder comment. The OCP could then be revised to include any improvements or additions, and correct any errors, prior to Council considering second reading of the bylaw and thereafter referral to a formal Public Hearing.

The above approach would put the potential date of adopting the bylaw beyond the current Council term.

Alternatively, Council could give first and second readings to the bylaw at this time and refer the bylaw to a public hearing to be held as early as October 9th, 2018. This would allow sufficient time for the necessary statutory notification for the public hearing. Were the bylaw to receive third reading immediately following the input heard at the public hearing on the 9th, a Special Council Meeting could be scheduled for Thursday October 11th, at which time Council could conceivably adopt the OCP bylaw, prior to the end of this Council term. Should any changes to the Plan be desired as a result of input received up to the public hearing, the bylaw would need to return for re-reading (at second reading) as amended, and then Council would need to schedule and give notice of another public hearing. In short, adoption of the bylaw during this Council term is possible if there is a high degree of confidence in the accuracy and completeness of the Plan, and if Council is confident that the bylaw as written has support from the community.

Note that after first reading, a legislated requirement (under section 477 of the *Local Government Act*) is for Council to consider the OCP in conjunction with its financial plan and any waste management plan. If proceeding past first reading, Council should turn its mind to these areas and consider the motions presented in the “Options” section of this report, below.

FINANCIAL IMPACTS:

Adoption of an OCP does not commit Council or the community to complete any tasks or projects by a certain time, or commit to funding future projects; those future decisions remain at the discretion of Council. The OCP as drafted does note a number of follow-up actions which would build on the Plan and help clarify future decisions facing the community and its elected Council. A number of projects are also identified as priorities (particularly trails, sidewalks and other public-realm improvements). These items will all be brought forward for consideration by Council as part of its strategic planning and budgeting process, with the associated costs to be detailed at that time.

POLICY OR LEGISLATIVE IMPACTS:

There are a number of legislated requirements under the *Local Government Act* for adopting an OCP bylaw: both necessary content and steps in the process. These are discussed in Part 7 of the OCP document.

The requirements for adopting an Official Community Plan bylaw include Council consideration of opportunities for consultation with persons, organizations and authorities as part of the process. The early notification being recommended at this stage would enable the agencies listed, if they so choose, to provide input which could inform the draft bylaw ahead of proceeding to a formal public hearing.

It would also be correct for Council to advance the bylaw to a public hearing and seek input solely through the public hearing process. This route, however, contains less flexibility for amending the Plan in response to the input received (without stepping back to rescind prior readings, etc.).

Once an Official Community Plan is adopted, the subsequent decisions of Council and actions of the municipality must be consistent with the objectives and policies set out in the plan.

SUMMARY:

This report proposes the following:

- that if Council considers that the OCP as drafted generally meets with its expectations, then to initiate the bylaw adoption process by introducing Bylaw No. 1236 and giving early notice to the public and interested agencies, and invite their input over a 30-day period;
- that staff then provide a summary of the input received and any resulting revisions to the OCP document; and,
- that early in its term the new Council would be in a position to proceed with further consideration of the bylaw as amended, including holding a public hearing.

OPTIONS:

THAT Council, with regard to the 2018 Official Community Plan (OCP) bylaw update:

1. introduce and give first reading to Ucluelet Official Community Plan Bylaw No. 1236, 2018;
2. refer the OCP to the public and the following agencies for a period of 30 days to invite their input:
 - Ucluelet First Nation;
 - Toquaht Nation;
 - Alberni Clayoquot Regional District;
 - District of Tofino;
 - School District 70;
 - Island Health;
 - Ministry of Transportation and Infrastructure;
 - Pacific Rim National Park Reserve;
 - Ucluelet Recreation Commission;
 - Ucluelet Harbour Advisory Committee;
 - Clayoquot Biosphere Trust;
 - Westcoast Community Resources Society;
 - Alberni Clayoquot Health Network;
 - Wild Pacific Trail Society;
 - Tourism Ucluelet; and
 - Ucluelet Chamber of Commerce;
3. refer the OCP bylaw to the municipal solicitors for legal review; and,
4. direct staff to report back at a future Regular Council Meeting on the input received from the public and the above agencies, and recommend any adjustments to the draft prior to Council considering second reading of Bylaw No. 1236, as amended.

[RECOMMENDED OPTION]

or;

THAT Council, with regard to the 2018 Official Community Plan (OCP) bylaw update:

1. introduce and give first reading to Ucluelet Official Community Plan Bylaw No. 1236, 2018;
2. consider Ucluelet Official Community Plan Bylaw No. 1236, 2018, in conjunction with the Budget and Five-Year Financial Plan;
3. consider Ucluelet Official Community Plan Bylaw No. 1236, 2018, in conjunction with the Waste Management Plan;
4. give second reading to Ucluelet Official Community Plan Bylaw No. 1236, 2018;
5. refer Ucluelet Official Community Plan Bylaw No. 1236, 2018 to a public hearing to be held on October 9th, 2018;
6. refer the OCP bylaw to the municipal solicitors for concurrent legal review; and,
7. give notice to the following agencies of the Ucluelet Official Community Plan Bylaw No. 1236, 2018, and invite their input prior to or at the public hearing:
 - Ucluelet First Nation;
 - Toquaht Nation;
 - Alberni Clayoquot Regional District;
 - District of Tofino;
 - School District 70;
 - Island Health;
 - Ministry of Transportation and Infrastructure;
 - Pacific Rim National Park Reserve;
 - Ucluelet Recreation Commission;
 - Ucluelet Harbour Advisory Committee;
 - Clayoquot Biosphere Trust;
 - Westcoast Community Resources Society;
 - Alberni Clayoquot Health Network;
 - Wild Pacific Trail Society;
 - Tourism Ucluelet; and
 - Ucluelet Chamber of Commerce.

or;

THAT Council provide direction to staff on desired changes to the draft OCP and/or process for consulting the public and other organizations and authorities at this time.

Respectfully submitted:

Bruce Greig, Manager of Community Planning
John Towgood, Planner 1
Mark Boysen, Chief Administrative Officer