



TOWN OF VIEW ROYAL Council Report

TO: Mayor and Council **DATE:** September 17, 2020
FROM: J. Chow, MCIP RPP **MEETING DATE:** September 22, 2020
Senior Planner **FILE NO.:** 3440-20-2020/01

CONSULTATION REQUIREMENTS FOR OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION 2020/01 - 298 Island Highway

RECOMMENDATION

THAT Council require early and ongoing consultation with persons, organizations, and authorities in regard to Official Community Plan amendment application 2020/01 as follows:

- a. That the applicant conduct early and ongoing consultation with owners and occupants of properties within 400m of 298 Island Highway;*
- b. That the following organizations and authorities be consulted on an ongoing basis and be notified if a public hearing for the proposed Official Community Plan amendment bylaw is scheduled:*
 - *BC Hydro*
 - *BC Ministry of Transportation and Infrastructure*
 - *BC Transit*
 - *Canada Post*
 - *Capital Regional District*
 - *Esquimalt Nation*
 - *FortisBC*
 - *School District No.61*
 - *Shaw Cable*
 - *Songhees Nation*
 - *Telus*

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS

I concur with the recommendation.

DIRECTOR OF DEVELOPMENT SERVICES' COMMENTS

I concur with the recommendation.

PURPOSE OF REPORT

To consider Local Government Act requirements for early and ongoing consultation for Official Community Plan Amendment Application 2020/01 (298 Island Highway).

BACKGROUND

The following applications for the subject property were introduced at the September 15, 2020 Committee of the Whole meeting:

| Application | From | To |
|------------------|--|---|
| OCP 2020/01 | Neighbourhood Mixed Use Commercial/Residential (1.5:1 Floor Space Ratio) | Comprehensive Development Area Commercial/Residential (3.0:1 Floor Space Ratio) |
| Rezoning 2020/04 | C-1: Community Commercial | New commercial and residential zone |

One of the critical aspects of an Official Community Plan amendment application is that Council must turn its attention to who requires consultation on the amendment and at what point in the application process.

DISCUSSION

The current land use designation of the subject property is Neighbourhood Mixed Use, which supports commercial uses with townhouses and apartments up to four storeys with a maximum Floor Space Ratio (FSR) of 1.5:1. The applicant requests the OCP be amended to assign the property a new land use designation for commercial and residential use with a maximum FSR of 3.0:1, which is double the density of the current land use designation.

Section 475 of the Local Government Act requires local governments to “provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected” during the development Official Community Plan (OCP) amendments. Local governments 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*

The following addresses the people who are affected and the organizations and authorities as two separate categories, both of which are important to consider.

Persons Affected

The applicant conducted early neighbourhood engagement and submitted received comments with the application. To meet legislative requirements, staff recommends that the applicant conduct early and ongoing consultation with owners and occupants of properties within 400m of 298 Island Highway and that the results be provided for Council consideration. The 400m radius covers the bylaw public hearing notification area required by *Development Procedures Bylaw No. 730, 2009*.

Organizations and Authorities Affected

Staff recommends ongoing consultation with the following agencies and authorities:

| Agencies and Authorities | | |
|--------------------------|---|---|
| i | the board of the regional district in which the area covered by the plan is located | <ul style="list-style-type: none"> Capital Regional District |
| ii | the board of any regional district that is adjacent to the area covered by the plan | <i>Not applicable</i> |
| iii | the council of any municipality that is adjacent to the area covered by the plan | <i>Not applicable</i> |
| iv | First Nations | <ul style="list-style-type: none"> Esquimalt Nation Songhees Nation |
| v | boards of education, greater boards and improvement district boards | <ul style="list-style-type: none"> School District No.61 |
| vi | the Provincial and federal governments and their agencies | <ul style="list-style-type: none"> BC Ministry of Transportation and Infrastructure BC Hydro BC Transit Canada Post |
| | Other | <ul style="list-style-type: none"> FortisBC Shaw Cable Telus |

Early referral of the application was made to the above noted agencies and authorities as part of the standard review process, but ongoing consultation is recommended as the proposal may evolve as the application proceeds through to Council consideration. The applicant is expected to participate in the ongoing consultation as the OCP amendment is to accommodate their development proposal.


It is also recommended if the application moves forward as a bylaw to a public hearing, that the agencies and authorities be formally notified of the amendment bylaw in conjunction with the public hearing process.

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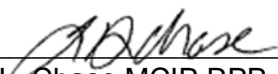
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SUBMITTED BY:



J. Chow MCIP RPP, Community Planner

REVIEWED BY:



L. Chase MCIP RPP, Director of Development Services