

DATE: June 28, 2018

FILE: 6410-20/RGS 1CV 18

TO: Chair and Directors
Committee of the Whole

Supported by Russell Dyson
Chief Administrative Officer

FROM: Russell Dyson
Chief Administrative Officer

R. Dyson

RE: RGS Standard Amendment Section 5.2 Changes

Purpose

This report seeks first reading of Bylaw No. 539, amendment no. 1, and recommends that a public hearing be scheduled.

Recommendations from the Chief Administrative Officer:

THAT the board give first reading to Bylaw No. 539, Appendix A to this staff report, dated June 28, 2018, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1” which amends Part 5, Implementation and Monitoring, in order to make changes to the amendment process;

AND FINALLY THAT, in accordance with section 434 of the *Local Government Act* (RSBC, 2015, c. 1), the board schedule a public hearing for Bylaw No. 539 (RGS 1CV 18).

Executive Summary

- In August 2017, the board determined that a five-year review of the Regional Growth Strategy (RGS) was not required but directed staff to bring forward an amendment to revise the Minor Amendment Process language in Section 5.2(4) to align it with the process steps in the *Local Government Act* (RSBC, 2015, c.1) (LGA);
- On June 26, 2018, the board approved recommendations of the RGS Steering Committee (SC) to:
 - Initiate an amendment to the RGS;
 - Review the proposed changes to Section 5.2(4) as a standard amendment;
 - Adopt a consultation plan (Appendix B) including the hosting of a public hearing; and
 - Notify affected local governments of the initiation of a standard amendment.
- The proposed bylaw (Appendix A) will:
 - Clarify that the first step in the amendment process is the board’s initiation of an amendment, by resolution;
 - Identify that it is the decision of the board to determine whether a proposed amendment is to be reviewed as a standard or minor amendment;
 - Establish that a proposed amendment can be tabled by a member municipality, the electoral areas services committee, or the board; and
 - Update LGA references within the RGS to reflect the re-numbering of the LGA.

Prepared by:

A. Mullaly

Alana Mullaly, MCIP, RPP
Acting General Manager,
Planning and Development
Services Branch

Stakeholder Distribution (Upon Agenda Publication)

Village of Cumberland Council	✓
Town of Comox Council	✓
City of Courtenay Council	✓
Electoral Area 'A' – Baynes Sound – Hornby/Denman Islands (Vancouver Island portion only), Director Jolliffe	✓
Electoral Area 'B' – Lazo North, Director Nichol	✓
Electoral Area 'C' – Puntledge – Black Creek, Director Grieve	✓

Background/Current Situation

On June 26, 2018, the board approved the following:

THAT the Regional Growth Strategy Steering Committee recommend that the Comox Valley Regional District Board initiate an amendment to the Regional Growth Strategy pertaining to process-related language in Section 5.2, Amendments to the RGS, of the Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”;

AND FURTHER THAT the Regional Growth Strategy Steering Committee recommend that the Comox Valley Regional District Board consider changes to Section 5.2, proposed in Appendix A, of staff report dated June 20, 2018, as a standard amendment;

AND FURTHER THAT the Regional Growth Strategy Steering Committee recommend that the Comox Valley Regional District Board adopt the consultation plan, appended to this report as Appendix B, as the required consultation plan;

AND FINALLY THAT the Regional Growth Strategy Steering Committee recommend that the Comox Valley Regional District Board provide written notice of the initiation of an amendment to affected local governments and the Minister of Municipal Affairs and Housing.

Appendix A contains the proposed amendment bylaw. Specifically, the proposed amendment would accomplish the following:

1. Clearly state that the first step in the RGS amendment process is board initiation of the amendment;
2. Clearly identify that it is the role of the board to determine whether a proposed amendment is to be reviewed as a standard or minor amendment;
3. Establish that proposed amendments can be introduced by a member municipality, the Electoral Areas Services Committee, or the board, including on behalf of a private landowner or agency; and
4. Update the LGA references in Part 5 of the RGS to reflect the re-numbering of the LGA.

Policy Analysis

Sections 433 (initiation), 434 (consultation) and 437 (minor amendments) of the LGA are particularly salient to the recommendation contained within this report.

Options

1. Endorse staff's recommendation to grant first reading to proposed Bylaw No. 539 and authorize staff to schedule a public hearing;
2. Refer the proposed bylaw back to staff with direction on revisions.

Staff recommends option 1.

Financial Factors

Costs relating to staff's recommendation pertain to staff time, advertising and hosting a public hearing. The following financial provisions are made in the approved 2018-2022 Function No. 512 budget to address any proposed amendments initiated in 2018:

- Meeting expenses: \$500
- Advertisement: \$1000

Legal Factors

The proposed amendment has been reviewed by legal counsel.

Regional Growth Strategy Implications

The proposed amendments will align the RGS with the LGA: it does not affect the substance of the goals and policies of the RGS. The LGA states that any change to the process for amending an RGS must be undertaken as a standard amendment (i.e. not minor).

Intergovernmental Factors

The RGS Steering Committee comprises the Chief Administrative Officers of each of the participant local governments (i.e. Cumberland, Comox, Courtenay, CVRD). The LGA requires that following initiation of an amendment to an RGS, the local government must provide notice to "affected local governments". As such, on June 27, 2018, letters were sent to the Village of Cumberland, Town of Comox, City of Courtenay, Powell River Regional District, Strathcona Regional District, Regional District of Nanaimo and the Alberni-Clayoquot Regional District to advise of the board's initiation. Also, as required, the Minister of Municipal Affairs and Housing was sent a notification letter.

If the proposed amendment proceeds, as recommended by staff, affected local governments will be sent a copy of the proposed bylaw for comment and acceptance. This will be undertaken in accordance with the requirements of the LGA.

Interdepartmental Involvement

Planning and Development Services Branch staff are undertaking this work. Assistance with the development and implementation of the consultation plan has been provided by staff within the Corporate Services Branch.

Citizen/Public Relations

The approved consultation plan includes provision for public notification via the CVRD's website. A newspaper advertisement is required to inform the public of the public hearing. The public hearing is the key mechanism through which the general public can provide comments to the board.

Attachments: Appendix A – "Proposed Bylaw No. 539"
Appendix B – "Consultation Plan"

Bylaw No. 539
Comox Valley Regional District

STATUS

Title: Comox Valley Regional District Regional Growth Strategy
Bylaw No. 120, 2010, Amendment No. 1

Applicant: Comox Valley Regional District

File No.: RGS 1CV 18

Purpose: To amend Section 5.2 of the Comox Valley Regional District
Regional Growth Strategy Bylaw No. 120, 2010

Participants: Baynes Sound – Vancouver Island portion (Electoral Area A);
Lazo North (Electoral Area B); Puntledge – Black Creek
(Electoral Area C); City of Courtenay; Town of Comox;
Village of Cumberland



Comox Valley Regional District Board: **Date:** June 26, 2018
Decision: Initiate a standard amendment to
consider changes to Part 5 of the
Regional Growth Strategy; adopt
consultation plan; and provide notice
to affected local governments

Read a first time Date:

Public Hearing **Date:**

Read a second time Date:

Accepted by resolution Date:

Read a third time Date:

Adopted **Date:**

Comox Valley Regional District**Bylaw No. 539**

A Bylaw to amend the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010".

WHEREAS pursuant to the provisions of Section 433 of the *Local Government Act* (RSBC, 2015, c. 1), the preparation of the regional growth strategy amendment was initiated by resolution of the board;

WHEREAS pursuant to the provision of Section 434 (2) of the *Local Government Act*, the board adopted a consultation plan that provides opportunities for early and ongoing consultation;

WHEREAS pursuant to the provision of Section 434(4) of the *Local Government Act*, the board held a public hearing on the proposed regional growth strategy amendment;

AND WHEREAS pursuant to the provision of Section 436(1) of the *Local Government Act*, the regional growth strategy amendment was accepted by affected local governments;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled, enacts the following amendments to the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010.

Section One Text Amendment

- 1) Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010," is hereby amended as set out in Schedule A attached to and forming part of this Bylaw.

Section Two Title

- 1) This Bylaw may be cited as the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1."

Read a first time this	day of	2018.
Public hearing held this	day of	2018.
Read a second time this	day of	2018.
Accepted by resolution this	day of	2018.
Read a third time this	day of	2018.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 539, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1", as read a third time by the board of the Comox Valley Regional District on the XX day of XX 2018.

Corporate Legislative Officer

Adopted this _____ **day of** _____ **2018.**

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 539, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1", as adopted by the board of the Comox Valley Regional District on the XX day of XX 2018.

Corporate Legislative Officer

Schedule A

Section One Text Amendment

1. Part 05, "Implementation and Monitoring", Section 5.1(1), be amended by replacing the reference to "*Local Government Act s.866*" with "*Local Government Act s.446*";
2. Part 05, "Implementation and Monitoring", Section 5.1(3), be amended by replacing the reference to "*Local Government Act s.855*" with "*Local Government Act s.434*";
3. Part 05, "Implementation and Monitoring", Section 5.2(1), be amended by deleting the title that now reads "*Standard Amendments*" and re-numbered accordingly;
4. Part 05, "Implementation and Monitoring", Section 5.2(1), be amended by replacing the text that now reads

"An amendment to the RGS, other than those considered to be a minor amendment, is considered a standard amendment and will follow the same process that is required to adopt a RGS as set out in Part 25 of the Local Government Act"

With:

"An amendment to the RGS may be proposed by a member municipality, the Electoral Areas Services Committee, or the board, including on behalf of an external agency or private land owner. Unless determined by board resolution to be a minor amendment, an amendment is a standard amendment and will follow the same process that is required to adopt a RGS as set out in Part 13 of the Local Government Act. The process that is required to adopt a minor amendment is as set out in Section 5.2(4). The RGS Summary Chart summarizes the processes for the adoption of a standard and minor amendment."

5. Part 05, "Implementation and Monitoring", Section 5.2(2) be amended by deleting the title that now reads "*Minor Amendments*" and re-numbering accordingly;
6. Part 05, "Implementation and Monitoring", Section 5.2(2) be amended by replacing the reference to "Section 857.1" with "Section 437";
7. Part 05, "Implementation and Monitoring", Section 5.2(3) Criteria for Minor Amendments, be amended by replacing the reference in 5.2(3)(e) to "*Part 25*" with "*Part 13*";
8. Part 05, "Implementation and Monitoring", Section 5.2(4) be amended by replacing the text that now reads

"Minor amendments may be applied for by a member municipality, the regional district, external agency, private land owner or developer. Once a minor amendment application has been received, the process for review and adoption is as follows:"

With:

"Where an amendment to the RGS has been proposed by a member municipality, the Electoral Areas Services Committee, or the board, and the board has, by resolution, initiated the amendment, the process for the board to determine if the amendment is minor, and then to consider it as minor, is as follows:"

9. Part 05, "Implementation and Monitoring", Section 5.2 (4) be amended by replacing the text that now reads

"Upon receiving a minor amendment application, the CVRD will set up a Technical Advisory Committee (TAC) meeting for review and discussion of the application and provide comments to CVRD staff"

With:

“Upon a board resolution to initiate an amendment, the regional district will set up a Technical Advisory Committee (TAC) meeting for review and discussion of the proposed amendment. The TAC will provide comments, in the form of a report prepared by regional district staff, to the Steering Committee”.

10. Part 05, “Implementation and Monitoring”, Section 5.2 (4) be amended by replacing the text that now reads

“On receipt of an application with comments from the technical advisory committee, CVRD staff will prepare a preliminary report for review by the RGS steering committee. Steering committee comments and recommendations will be forwarded to the CVRD Board to assist in its decision on whether the application should be processed as a minor amendment”

With:

“Upon receipt of a report from the Technical Advisory Committee, the Steering Committee will meet to review and discuss the proposed amendment. The Steering Committee will provide its comments and recommendations to the CVRD Board via a report prepared by regional district staff. The Steering Committee’s report will assist the board in its decision on whether the proposed amendment should be processed as a minor amendment”

11. Part 05, “Implementation and Monitoring”, Section 5.2 (4) be amended by replacing the text that now reads

“The CVRD board will assess any proposed amendment in terms of the minor amendment criteria. The Board may resolve, by an affirmative vote of 2/3 of the board members present, to proceed with an amendment application as a minor amendment. Where the board resolves to proceed with an amendment application as a minor amendment, the Board will...”

With:

“The board will assess any proposed amendment in terms of the minor amendment criteria. The board may resolve, by an affirmative vote of 2/3 of the board members present, to process the proposed amendment as a minor amendment. Where the board resolves to process an amendment proposal as a minor amendment, the board will...”

12. Part 05, “Implementation and Monitoring”, Section 5.2(4), Summary Chart, be amended by replacing the text box that now reads “RGS amendment initiated” with “Board resolution to initiate RGS amendment”
13. Part 05, “Implementation and Monitoring”, Section 5.2(4), Summary Chart, be amended by replacing the text box that now reads “CVRD Board determines if amendment is minor (2/3 vote)” with “Board resolution by 2/3 vote if an amendment is minor”



Appendix B Consultation Plan

Subject: Proposed Amendment to Part 5.2 Regional Growth Strategy	File: 3410-20 / RGS 1CV 18
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Purpose

To outline a consultation process in support of a proposed standard amendment to revise section 5.2 (Amendments to the RGS) of the Regional Growth Strategy.

Target Audience(s):

As defined in the *Local Government Act* (RSBC, 2015, c. 1) (LGA) under Section 434(2), the following individuals/organizations will be consulted:

- Citizens of the Comox Valley
- Affected local governments: Town of Comox, City of Courtenay, Village of Cumberland, Regional District of Nanaimo, Powell River Regional District, Strathcona Regional District and Alberni-Clayoquot Regional District
- First Nations: K'omoks First Nation, Homalco Indian Band, We Wai Kai Nation of the Laich-Kwil-Tach Treaty Society, and the Wei Wai Kum / Kwiakah First Nation of the Kwiakah Treaty Society
- School District No. 71 (Comox Valley), School District No. 93 (Comox Valley Francophone)
- Union Bay Improvement District, Ship's Point Improvement District, Fanny Bay Improvement District
- Ministry of Municipal Affairs and Housing

Project Background:

- In August 2017 the Comox Valley Regional District Board directed staff to return with revised language for the Regional Growth Strategy (RGS) Section 5.2(4.) Minor Amendment Process.
- Staff have prepared revised wording for Section 5.2(4.) in order to align the amendment process with the LGA, specifically:
 - Clarifying that board initiation of an amendment is the first step in the review process.
 - Clarifying that the board determines by resolution whether a proposed amendment is to be considered as a minor amendment or standard amendment.
- Proposed revision also establishes that a proposed amendment may be tabled for board consideration by a member municipality, the Electoral Areas Services Committee or the board. A private landowner or agency would work directly with either the respective member municipality or Electoral Areas Services Committee to propose an amendment for board consideration.
- LGA directs that any RGS changes that relate to process must be reviewed as a standard amendment (i.e. not minor).

Key Speaking Points:

- The proposed amendment will change the RGS amendment process.
- The proposed amendment does not affect the overall goals and objectives or growth management principles of the RGS.

- The proposed amendment reinforces the role of the board to direct any amendments to the RGS.

Spokesperson: Alana Mullaly

Guiding principles:

- Project to have budget sufficient to cover communications strategies.
- All materials and communication will follow the Comox Valley Regional District Corporate Identity guide

Budget:

- 2018:
 - Advertising: \$1,000

Consultation Plan Objectives:

1. To provide notice to citizens, affected local governments, First Nations, School District Nos. 71 & 93 (Comox Valley, Francophone); area improvement districts (i.e. Union Bay, Ship's Point, Fanny Bay); and the Ministry of Municipal Affairs and Housing in accordance with Section 434 of the LGA.
2. To provide an opportunity for the above individuals and agencies to provide feedback on the proposed amendment.

Consultation Plan Elements (commence upon Board's initiation of amendment):

Tactic	Description	Responsibility	Budget	Due Date
Adopt consultation plan	Consultation plan must provide opportunities for early and ongoing consultation	Content: Alana Mullaly Confirmation: Technical Advisory Committee Recommendation: Steering Committee Approval: board	N/A	Concurrent with board resolution to initiate amendment
Letter to affected local governments	Provide notice of initiation to affected local governments and province	Alana Mullaly	Staff time	Minimum 30 days before first reading of bylaw per LGA
Website	Update website with details on the proposed revisions and provide FAQ's.	Content: Alana/Jennifer Updating: Beverly/Jennifer	Staff Time	June 2018
Newspaper Advertisement - Public Hearing Ad	Book and develop the required public hearing ad	Content: Planning Design/Book/Distribute Communications	\$1,000	TBD

Consultation Plan – RGS Amendment

Public Hearing	Plan the public hearing in support of this.	Planning	TBD	TBD
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Next Steps:

- Approval of Consultation Plan
- Execution of Consultation Plan elements

Approval History

Created by: Robyn Holme/ Jennifer Steel	Updated: May 9, 2018
Amended by: Alana Mullaly	May 24, 2018