

DATE: July 13, 2018**FILE:** 6410-20/Amendments/RGS 1C 17**TO:** Chair and Directors
Committee of the Whole**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative OfficerR. Dyson**RE: Regional Growth Strategy Amendment Proposal: 3L Developments Inc.
Reconsideration****Purpose**

At the direction of the Chair, have the Committee of the Whole reconsider its July 10, 2018 resolution to process the 3L Developments Inc. Regional Growth Strategy Amendment Proposal as a minor application (a resolution which was defeated meaning a standard amendment procedure is to be followed).

Recommendation from the Chief Administrative Officer:

This report does not contain any recommendations. Rather, at the direction of Chair Jolliffe, the Committee of the Whole will reconsider its vote on the following resolution, which was defeated on July 10, 2018:

THAT having had regard for the criteria established in Section 5.2.3 “Criteria for Minor Amendments” of the Regional Growth Strategy, the Comox Valley Regional District Board consider the minor amendment application made by 3L Developments Inc. to establish a new Settlement Node, as a minor amendment.

Following receipt of this report at its July 17, 2018 Committee of the Whole meeting, the above resolution will be placed before the committee for reconsideration. There is no requirement for the committee to move or second this resolution.

Executive Summary

Information presented to the Committee of the Whole in the staff report dated July 5, 2018 and during the July 10, 2018 meeting described a process in which a unanimous vote on first reading of a minor amendment bylaw to the Regional Growth Strategy (RGS) would be required. While section 437(3) of the *Local Government Act* [RSBC, c. 1, 2015] does describe such a scenario, the legislation also defers to the process contained in an RGS where the minor amendment process is defined. The Comox Valley RGS in fact defines a minor amendment process and requires that voting on such amendment bylaws would follow normal procedures (meaning a simple majority on first reading is required for approval). The process comparison chart (Appendix A) illustrating the difference between a minor and standard amendment is updated to reflect the correct steps for amending the RGS.

Further, it should be noted that the Technical Advisory Committee’s (TAC) and the Steering Committee’s (SC) reports make no reference to the matter of a unanimous vote being required on first reading of a minor amendment. TAC and SC will meet July 13, 2018 to review the matter with the Committee of the Whole being advised of the outcome. Should an update to the TAC and SC recommendations be required following those discussions, that update would be provided in the form of an addendum to the Committee of the Whole meeting.

Chair Jolliffe has requested that a special Committee of the Whole meeting be held on July 17, 2018 to present the correct information and enable the committee members to reconsider whether the 3L Developments Inc. application should be processed as a minor amendment. The recommendations approved on July 10 (to initiate the 3L Developments Inc. RGS amendment application and to provide notice of affected local governments and the Minister of Municipal Affairs and Housing) and any recommendations made by the committee on July 17 will be forwarded to the Board for consideration at its July 24, 2018 meeting.

Prepared by:

Concurrence:

J. Warren

A. Mullaly

James Warren
General Manager of Corporate
Services

Alana Mullaly
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Stakeholder Distribution (Upon Agenda Publication)

3L Developments Inc. c/o Mr. Kabel Atwall	✓
Village of Cumberland	✓
Town of Comox	✓
City of Courtenay	✓

Attachments: Appendix A – “Updated Process Comparison Chart”

RGS Amendment Comparison Chart

Board Initiates Amendment

Board decides minor or standard and provides notice of initiation to affected local governments and minister LGA s.433

Minor RGS Amendment Process per section 5.2.4

1st reading and adopt consultation plan concurrently

If affirmative vote of majority of board members present, then proceed to 2nd reading

If not affirmative vote of majority of board members present, staff will report back to Board with its options for the next step in the process

2nd reading

Public Hearing (if required)

3rd reading

Adoption

Standard RGS Amendment Process

Adoption of consultation plan LGA s.434

1st reading

Public Hearing (if required)

2nd reading

Refer to affected local governments and minister for acceptance LGA s.436

All affected local governments accept

Not all affected local governments accept

3rd reading

Adoption

Minister decides resolution process LGA s.436

Binding resolution

Non-binding resolution

Settlement or Arbitration