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# Request for Decision



<b>To:</b>	Peter de Verteuil, CAO	<b>File No:</b>	6480-20
<b>Meeting Date:</b>	August 15, 2022	<b>Submission Date:</b>	July 22, 2022
<b>From:</b>	Kyle Young, Manager of Planning		
<b>Reviewed by:</b>	Paige MacWilliam, Director of Corporate Services		
<b>Subject:</b>	City of Duncan Official Community Plan Bylaw No. 3226, 2022		

## RECOMMENDATION:

1. **That Council give first reading to “Official Community Plan Bylaw No. 3226, 2022”.**
2. **That Council considers the “Official Community Plan Bylaw No. 3226, 2022” in conjunction with the City of Duncan’s Five Year Financial Plan; Cowichan Valley Regional District Solid Waste Management Plan; and Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.**
3. **That Council give second reading to “Official Community Plan Bylaw No. 3226, 2022”.**

## BACKGROUND:

An Official Community Plan (OCP) is a policy document with objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government (from *Local Government Act*).

In early 2021, the City began the process of updating its 2007 OCP. The primary purpose of this work was to undertake a comprehensive review of the underlying assumptions and principles of the existing OCP and make any necessary adjustments to the vision, goals, objectives, and policies.

The review and update are now complete and the draft new OCP is being presented to Council for consideration of bylaw readings (see **APPENDIX 1**). If Council gives first two readings to the bylaw, the next step will be for the City to schedule a public hearing to hear from the public prior to giving third reading and adopting the bylaw.

## Project Process

The project process generally included a background review and analysis, engagement and public consultation, and plan development.

Detailed reports on all background work, community information, demographic, OCP development process, and the results of the public consultation and engagement are available on the project page

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on PlaceSpeak. Once the OCP is adopted, those reports will be relocated to the City's website.

### **Engagement Opportunities**

The City and the project consultant hosted several in-person and virtual engagement events and opportunities, including stakeholder workshops, an open house, PlaceSpeak discussion boards, and a pop-up event. There were also two community-wide surveys. Overall, participation in events and surveys was relatively low, but the smaller groups at events provided an opportunity for more in-depth discussion of key issues.

### **OCP Advisory Committee**

Council established an OCP Advisory Committee to provide the City with meaningful input and recommendations related to the OCP review project. The Committee met three times during the course of the project and provided valuable input into the process and OCP content. At its April 27, 2022 meeting (third and final meeting), the Committee passed the following motion:

That the Official Community Plan Advisory Committee requests the following amendments to the draft Official Community Plan as attached to the April 27, 2022 report of the Manager of Planning:

1. add on page 51, "20. 'Safer Community Plan' and continued implementation";
2. amend on page 27, 11) by removing "in the downtown" and adding at the end "in non-residential areas."; and
3. amend on page 125, under Water Conservation 3. by adding "applicable native" in front of "trees".

That the Official Community Plan Advisory Committee endorses the draft Official Community Plan, as amended.

The final recommendations of the OCP Advisory Committee were incorporated into the draft OCP.

### **Advisory Design Panel**

The Advisory Design Panel met twice to review the proposed Development Permit Area guidelines in the draft OCP. The advice and recommendations of the Panel were incorporated into the draft OCP.

### **Environment & Sustainability Advisory Committee**

The Environment & Sustainability Advisory Committee met once to review the draft OCP. At its June 13, 2022 meeting, the Committee passed the following motion:

That the Environment and Sustainability Advisory Committee endorses the intent of the environment and sustainability policies and guidelines in the draft Official Community Plan, as attached to the June 13, 2022 report of the Manager of Planning, and encourages the

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replacement of passive wording with stronger wording, where possible.

The advice and recommendations of the Committee were incorporated into the draft OCP.

### **Referrals**

At its April 19, 2022 regular meeting, Council passed the following motion:

That Council authorize the draft new City of Duncan Official Community Plan for external referrals.

The draft OCP was referred to 35 organizations for review and comment. While the City requested that responses be provided within 6 weeks by June 3, 2022, staff have been flexible with extension requests and all responses received up to the date of this report have been received and considered. The following 8 organizations have provided responses:

- Agricultural Land Commission
- Ministry of Transportation and Infrastructure
- School District
- Cowichan Valley Regional District
- Economic Development Cowichan
- Duncan Cowichan Chamber of Commerce
- Island Health
- Cowichan Climate Hub

Responses are included in **APPENDIX 2**. Where appropriate, feedback has been incorporated in the draft new OCP. A number of responses from internal department referrals were also received, considered, and incorporated into the OCP, where appropriate.

### **Cowichan Tribes**

The City and the project consultant attended two Cowichan Tribes' Quw'utsun Tumuhw (Lands) Committee meetings at different stages of the project. Cowichan Tribes also appointed its Referrals Coordinator to sit as a member of OCP Advisory Committee to speak to issues pertinent to Cowichan Tribes. The purpose of attending the Quw'utsun Tumuhw (Lands) Committee meetings and having a Cowichan Tribes staff person on the OCP Advisory Committee was to ensure early and ongoing involvement of Cowichan Tribes.

Following the April 19, 2022 Council meeting, the City sent a request to Cowichan Tribes for guidance and recommendations on how the City can ensure that the interests of Cowichan Tribes are reflected in the OCP, and extended an offer to meet to further discuss the project. To-date, the City has not received a response from Cowichan Tribes, nor any guidance or recommendations on the draft OCP. At the final OCP Advisory Committee meeting, the City heard from the Cowichan Tribe's representative that the City would be receiving a letter from Cowichan Tribes, but the City has yet to receive the letter.

Despite not receiving a response from Cowichan Tribes, some members of the Quw'utsun Tumuhw

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(Lands) Committee did express a variety of concerns with the draft OCP at the last Committee meeting the City attended. Those can be summarized as follows:

- The draft plan does not acknowledge the Indigenous Rights and Title of Cowichan Tribes.
- The draft plan does not acknowledge or address the UN Declaration on the Rights of Indigenous Peoples.
- The draft plan does not acknowledge the provincial *Declaration on the Right of Indigenous Peoples Act*.
- Cowichan Tribes is not Duncan's "neighbour" and does not wish to be addressed in that manner.
- Cowichan Tribes is not a "referral agency" and the City should not send "referrals" to Cowichan Tribes in the same manner that it sends referrals to other external organizations.
- There is concern that homelessness and illicit drug-related issues in Duncan are adversely impacting surrounding communities, including Cowichan Tribes.

A number of changes have been made to the draft OCP in an attempt to work towards addressing the concerns the City heard at the Quw'utsun Tumuhw (Lands) Committee meeting. This includes a refined territorial acknowledgement and a new policy section that incorporates the UNDRIP, provincial *DRIPA*, the *provincial DRIPA* implementation plan, and other available guidance on reconciliation.

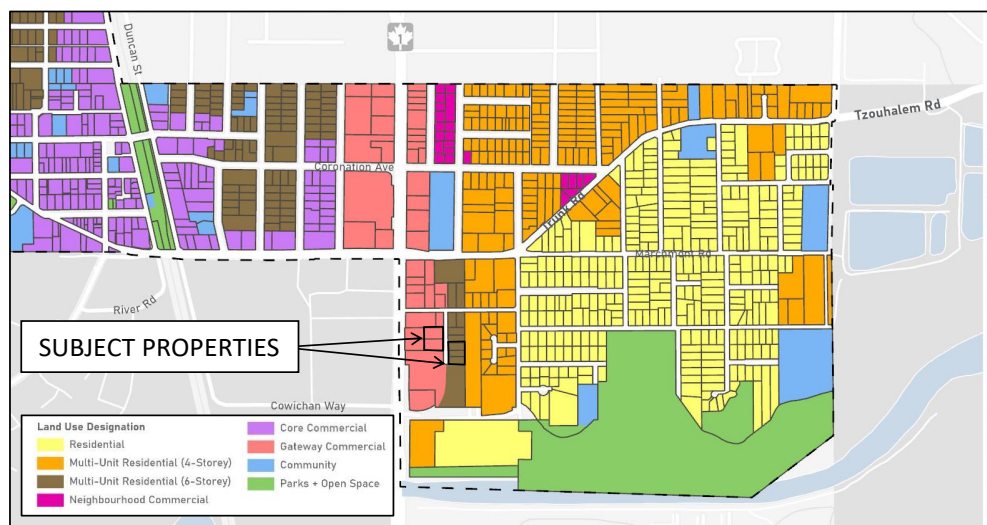
Should Council choose to give the bylaw first and second readings, staff will send a new letter to Cowichan Tribes with the updated OCP and public hearing information.

### **Price Place**

The City has been involved in ongoing discussions with a developer – Top Down Investments – that is proposing to develop two 6-storey multi-unit residential buildings on properties on the east and west sides of Price Place. The properties are currently designated and zoned medium density in the OCP and zoning bylaw, respectively, which only permits building heights of up to four storeys. The developer intends to submit a concurrent OCP / zoning bylaw amendment application to redesignate and rezone the properties to permit 6-storey multi-unit residential buildings.

In the draft new OCP, the properties on the east side of Price Place are proposed to be designated Multi-Unit Residential (6-Storey) and the properties on the west side of Price Place are proposed to be designated Gateway Commercial (see image below), which is a change from the current designation.

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The developer is requesting that the properties on the west side of Price Place remain designated residential and be assigned the Multi-Unit Residential (6-Storey) designation in the new OCP (see **APPENDIX 3**).

### **Other Input**

While the City was not explicitly seeking broader public input at this stage, several individuals chose to provide emails to the City with input on GHG emissions and the use of low carbon heating, cooling, and cooking (see **APPENDIX 4**). The draft OCP was adjusted to identify City support for low carbon heating and cooling, but additional investigation is required to determine legal tools and mechanisms to achieve this.

### **ANALYSIS:**

#### **Changes to the Draft OCP**

A significant number of changes were made since the draft OCP was presented to Council at the April 19, 2022, primarily based on internal and external feedback, the Cowichan Tribes' Quw'utsun Tumuhw (Lands) Committee meeting, City committee feedback, and further internal review and analysis. The changes are summarized as follows:

1. Format – the format and images were adjusted and updated to more appropriately reflect the tag line – “Small Town. Bright Future.” – and the community’s vision in the OCP. Many of the images were either unrelated to the policy content or misplaced (e.g. image of Downtown shops in the Gateway Commercial designation).
2. Goals – the relationship between the goals and the policy areas was unclear and somewhat confusing. For example, there was a goal called “Managed Growth” and a policy area called “Growth Management”, but not all policy areas had corresponding high level goals. Goals were added for each policy area.

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3. Objectives – some of the objectives were unclear or were actually policies. Objectives that were policies were moved into the applicable policy section. The remaining objectives were refined and consolidated.
4. Cowichan Tribes – a new policy section – “Indigenous Relations and Reconciliation” – was added in an attempt to work towards addressing some of the things the City heard at the Cowichan Tribes’ lands committee meeting and other available resources.
5. Heritage – formerly, “Arts, Culture, and Heritage” was a single policy area. “Heritage” has been separated as a distinct policy area.
6. Policies – wording has been strengthened, clarified, and consolidated, where appropriate. Most policies now begin with “The City will...” in order to make complete sentences.
7. Population Targets – this section has been removed, as it had no relationship with the remainder of the plan. OCPs do not target a specific population. OCP land use designations establish supported land uses and identify the level of intensity of the land use (e.g. 4-storey vs. 6-storey).

The United Nations Sustainable Development Goals were also added to the OCP as a framework for community sustainability. While there are no obligations or implications of including this in the OCP, staff feel that this is a useful lens through which the City can evaluate the impact of local decisions on sustainability at the global scale.

### **Price Place**

The purpose of applying the new Gateway Commercial designation on the properties on the west side of Price Place was to expand the commercial land base and support the potential for a more cohesive, larger commercial redevelopment of that area. By contrast, maintaining the residential designation under the current OCP will likely mean significantly more housing in that area, with more restricted opportunities for commercial redevelopment.

Staff have already advised the developer that access to the existing commercial developments to the west will need to be provided, regardless of whether the Price Place properties are developed as commercial or residential. Access could be from Price Place or, based on the suggestion of the developer, a new lane from Dobson Road. The purpose of a new access from City streets to the existing commercial properties is to eventually eliminate direct access to the highway.

If Council wishes to make the amendment requested by the Price Place property owner / developer, a motion for consideration is included in the Alternate Options section of this report. Staff do not support the amendment requested by the property owner.

### **Public Hearing**

If Council gives the bylaw first and second readings, the next step will be to schedule a public hearing.

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The next available regular Council meeting date would be September 6, 2022. Alternatively, a special Council meeting could be scheduled given the significance of the bylaw. Advertisement for the public hearing would go in two consecutive issues of the newspaper (e.g. August 25<sup>th</sup> and September 1<sup>st</sup>). The project page on PlaceSpeak would also be updated.

The public hearing is the statutory opportunity for the public to make their views known on the OCP bylaw, either in-person or in writing, prior to Council considering third reading and adoption of the bylaw. Following the public hearing, Council, at the subsequent Council meeting, could give third reading and adopt or defeat the bylaw. If Council chooses to make amendments to the bylaw following the public hearing, a new public hearing may need to be scheduled depending on the nature and significance of the amendments.

### **Local Government Act**

Staff have reviewed the statutory requirements for OCPs and are satisfied that all requirements have been considered and met. Council must consider the City's Financial Plan and applicable waste management plans in conjunction with bylaw readings for an OCP. Staff have reviewed this requirement and do not have any concerns.

### **IMPLICATIONS:**

<b>Financial:</b>	This project will be completed within the approved budget.
<b>Policy/Legislation:</b>	The consultation and adoption procedures for OCPs are established in the <i>Local Government Act</i> . The City will meet all statutory adoption procedures.
<b>Strategic Priority:</b>	5. Manage Growth – Review the Official Community Plan (OCP)
<b>Sustainability:</b>	The new policies, guidelines, and standards in the OCP that will replace the 2007 OCP policies are likely to improve overall community sustainability, particularly as it relates to new development.
<b>Communication:</b>	Notification and advertising for the OCP will follow all statutory requirements.
<b>Staffing Implications:</b>	N/A

### **ALTERNATE OPTIONS:**

1. As noted above, if Council wishes to change the land use designation of the properties on Price Place, as per the request of the property owner / developer, now is an appropriate time to do that.

Motion for consideration:

**That Council give first reading to “Official Community Plan Bylaw No. 3226, 2022”.**

**That Council amend “Official Community Plan Bylaw No. 3226, 2022” by redesignating 161 Price Place and 171 Price Place from “Gateway Commercial” to “Multi-Unit Residential (6-Storey)” in Schedule A, Map 2 – Land Use Designations.**

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**That Council give second reading to “Official Community Plan Bylaw No. 3226, 2022”, as amended.**

**That Council confirms that “Official Community Plan Bylaw No. 3226, 2022” is consistent with the City of Duncan’s Financial Plan and applicable waste management plans.**

**APPENDICES:**

Appendix 1 – OCP Bylaw

Appendix 2 – Referral Responses

Appendix 3 – Letter from Price Place Developer

Appendix 4 – Other Input

Appendix 5 – Financial Plan 2022-2026 Bylaw No. 3223, 2022

<https://duncan.civicweb.net/filepro/documents/37448>

Appendix 6 – CVRD Solid Waste Management Plan <https://www.cvrld.ca/2979/Solid-Waste-Management-Plan>

Appendix 7 – CVRD Central Sector Liquid Waste Management Plan

<https://www.cvrld.ca/DocumentCenter/View/387/central-sector-liquid-waste-management-plan>