

Date: October 8, 2019

To: Nikki Gilmore, Chief Administrative Officer

From: Joanna Rees, Planner

Subject: Official Community Plan Amendment – Early and Ongoing Consultation

PURPOSE

The purpose of this report is for Council to consider the early and ongoing consultation requirements described in Section 475 of the *Local Government Act* and provide direction for early and ongoing consultation for an Official Community Plan (OCP) amendment proposed on a portion of the subject lands located at 1400 Oak Street (Pemberton Secondary School).

This report is in response to an application by Sea to Sky School District No. 48 to amend the OCP Bylaw No. 654, 2011 by re-designating a 1,001 m² portion of Lot 1, DL 165 & 203, LLD, Plan KAP56732 from 'Civic and Institutional' to 'Residential' to accommodate a companion rezoning and future subdivision application. The amendments together would enable the applicant to apply for subdivision and would result in the creation of one (1) new single-family residential lot to be located at the corner of Poplar Street and Aspen Boulevard.

BACKGROUND

Sea to Sky School District No. 48 has made application to the Village of Pemberton for an amendment to the Official Community Plan (OCP). The application's intent is to designate additional lands in the OCP for residential use and to amend the Zoning Bylaw No. 832, 2018 to accommodate the creation of one (1) new residential lot. The subject lands are depicted in **Appendix A**, the proposed OCP amendment location is shown in **Appendix B**.

The application involves a minor amendment to the OCP, and therefore trigger's Council's consideration under Section 475 of the *Local Government Act* which addresses Council's requirements for early and ongoing consultation.

DISCUSSION & COMMENTS

Per Section 475 of the *Local Government Act*, Council must consider an appropriate level of engagement for each specific OCP amendment contemplated.

As this is a relatively minor OCP amendment, and given the Village of Pemberton practice of referring development applications to First Nations and affected jurisdictions, Staff recommend the standard application referral which provides the following agencies an opportunity to comment:

- Lil'wat Nation
- Squamish-Lillooet Regional District (SLRD)
- Ministry of Transportation and Infrastructure (MOTI)
- CN Rail

- Pemberton Valley Dyking District (PVDD)
- Pemberton Valley Trails Association (PVTA)
- School District No. 93 – Consular Scholaire Francophone de la BC
- Pemberton and District Chamber of Commerce
- TELUS
- BC Hydro

Staff also recommends to Council that the Applicant be required to organize, advertise and host a public information meeting with respect to the proposed land use amendments before Council considers First and Second Reading to the forthcoming OCP amending bylaw.

The purpose of this report is for Council to provide direction with respect to early and ongoing consultation as part of the ongoing Official Community Plan amendment application. This report is not intended to facilitate discussion about the relative merits of the proposal nor is it requesting direction on the application itself. The consultation process will run parallel with the Staff and agency review and the OCP amendment and rezoning bylaws will be brought forward for consideration by Council at a future meeting.

COMMUNICATIONS

This report and request for Council direction does not require communication beyond appearing on a regular agenda of Council. It will be the applicants' responsibility to advertise and provide notification to adjacent property owners about the required developer-led public information session.

LEGAL CONSIDERATIONS

Section 475 of the *Local Government Act* reads as follows:

Consultation during development of official community plan

475 (1) *During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.*

(2) *For the purposes of subsection (1), the local government 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.

(3) Consultation under this section is in addition to the public hearing required under section 477 (3) (c).

(4) If the development of an official community plan, or the repeal or amendment of an official community plan, might affect agricultural land, the proposing local government must consult with the Agricultural Land Commission.

IMPACT ON BUDGET & STAFFING

There are no budget or staffing considerations as the costs are recoverable with the application.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required respecting the processing of this application as it is a function of the Development Services Department and can be accommodated within the current workplan.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

Neighbouring jurisdictions including the Lil'wat Nation and the SLRD are given the opportunity to comment on this OCP amendment through the standard referral process. There are no anticipated impacts on the region or neighbouring jurisdictions.

OPTIONS FOR CONSIDERATION

Option One: That Council supports the Staff recommended standard referral process and the requirements for a developer-led public information session as a means of securing early and ongoing consultation.

This is the recommended option. Should the OCP Amendment and Re-Zoning application be supported, the Approving Officer will have the ability to approve the concurrent subdivision application, to create one (1) detached dwelling residential lot in an existing residential neighborhood (Poplar Street and Aspen Boulevard). Accordingly, Staff do not consider the amendment significant enough to deviate from the standard development referrals process, with the exception of the requirement for a public information session hosted by the Applicant.

Option Two: That Council provide additional direction respecting early and ongoing consultation pursuant to Section 475 of the *Local Government Act*.

POTENTIAL GOVERNANCE CONSIDERATIONS

Consideration of this item is consistent with Strategic Priority One: Economic Vitality to foster investment within the Village and Strategic Priority Three: Excellence In Service through the continuation of delivering quality municipal services by processing development applications efficiently.

RECOMMENDATIONS

Recommendation No. 1

THAT Council has considered the obligations under Section 475 of the *Local Government Act* with respect to the Official Community Plan amendment application by Sea to Sky School District No. 48 on a portion of Lot 1, DL 165 & 203, LLD, Plan KAP56732 and requests that the Applicant organize, advertise, and host at least one (1) public information meeting prior to consideration of First and Second reading of the forthcoming OCP amending bylaw.

Recommendation No. 2

THAT Council has considered Section 475 of the *Local Government Act* and directs Staff to consult with the following organizations before consideration of First and Second Reading to the forthcoming OCP amending bylaw:

- Lil'wat Nation
- Squamish-Lillooet Regional District
- Ministry of Transportation and Infrastructure
- CN Rail
- Pemberton Valley Dyking District
- Pemberton Valley Trails Association
- School District No. 93 – Consular Scholaire Francophone de la BC
- Pemberton and District Chamber of Commerce
- TELUS
- BC Hydro.

Attachments:

Appendix A: Location Map and Subject Lands

Appendix B: Draft OCP Amendment Schedule

Prepared by:	Joanna Rees, Planner
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