

DATE OF MEETING May 30, 2022

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**SUBJECT CITY PLAN BYLAW 2022 NO. 6600 - FIRST AND SECOND
READING**

OVERVIEW

Purpose of Report

To present Council with “City Plan Bylaw 2022 No. 6600” for consideration of first and second reading in accordance with adoption procedures under Section 477 of the Local Government Act in order to repeal and replace “Official Community Plan Bylaw 2008 No. 6500”.

Recommendation

1. That Council has considered the consultation opportunities provided during the development of the “City Plan Bylaw 2022 No. 6600”, and has determined that those opportunities are appropriate, and satisfy the requirements of Section 475 of the *Local Government Act*,
2. That “City Plan Bylaw 2022 No. 6600” pass first reading;
3. That “City Plan Bylaw 2022 No. 6600” pass second reading;
4. That Council:
 - a) considers “City Plan Bylaw 2022 No. 6600” in conjunction with the City of Nanaimo’s financial plan;
 - b) considers “City Plan Bylaw 2022 No. 6600” in conjunction with the Regional District of Nanaimo Liquid Waste Management Plan (2014) and Regional Solid Waste Management Plan (2018);
 - c) direct Staff to refer “City Plan Bylaw 2022 No. 6600” to the Agricultural Land Commission for comment; and,
 - d) direct Staff to arrange a public hearing.

BACKGROUND

City of Nanaimo Council initiated a coordinated Strategic Plan Review in the fall of 2019 through a process now known as *ReImagine Nanaimo*. This involved a review and update of several key strategic planning and policy documents including the City of Nanaimo’s PlanNanaimo Official Community Plan Bylaw 2008 No. 6500; Parks, Recreation and Culture Master Plan 2005; and the Transportation Master Plan 2014. The process also included updating the Economic Development Strategy 2011; Climate Action Plan 2012; as well as, developing a new Active and Sustainable Transportation Plan. Coordinating community engagement, and aligning the different

strategic plans, was central to the review process with the intended outcome of trying to amalgamate multiple plans.

Council endorsed the following guiding principles for the review process:

- a) Build on successful policies in existing documents;
- b) Incorporate Council's strategic themes identified in the Strategic Plan;
- c) Acknowledge and address the priorities of climate change, reconciliation, and sustainable service delivery;
- d) Include robust community engagement in the creation of plans and strategies;
- e) Provide a clear and coordinated vision to guide community-building for the next 25 years; and,
- f) Provide a method that allows for the evaluation and measurement of plans and strategies.

The results of this coordinated process has produced an integrated draft City Plan – *Nanaimo ReImagined* (“City Plan”) that will serve as the City’s:

- Official Community Plan (OCP);
- Parks, Recreation, Culture and Wellness Plan;
- Transportation Plan;
- Active Mobility Plan;
- Climate Action and Resiliency Plan; and,
- Accessibility and Inclusion Plan.

Draft City Plan Overview

The draft City Plan (Bylaw 2022 No. 6600) reinforces and builds on existing directions considered effective in the 2008 Official Community Plan, while at the same time integrating new policy directions. The draft City Plan is a comprehensive approach to community planning that goes beyond the minimum requirements of a standard OCP under the *Local Government Act*. It is a document that connects goals and objectives for future land use, parks, recreation, culture, wellness, transportation, mobility, services, and asset management with directions on Truth and Reconciliation, climate adaptation, economic prosperity, housing, health and safety, accessibility, diversity, and more.

Although there are many new directions, at the same time, the draft City Plan builds on the strengths of the 2008 OCP and other existing policy documents. Key changes and continued directions between the 2008 OCP and 2022 draft City Plan include:

1. Structuring the Plan’s goals, desired outcomes (objectives), and policy directions around the Nanaimo Doughnut sustainability framework as endorsed by Council. This framework will also serve as the structure for monitoring the effectiveness of actions to implement the plan to achieve environmental and social sustainability goals.
2. Working government-to-government with Snuneymuxw First Nation to ensure that desired reconciliation outcomes are included throughout the document as well as in a designated section.

3. Reframing and integrating Parks, Recreation and Culture objectives to reflect a community wellness, accessibility, and inclusion lens throughout the document as well as in a designated section.
4. Reinforcing and strengthening green policies to address climate change mitigation through a range of measures including low carbon energy use, and compact and efficient land use linked to transportation and mobility networks. Policies also address resilience to climate change impacts (including sea level rise) through enhanced directions to manage land use and protect natural assets (tree canopy, protection of environmentally sensitive areas, etc.) and the services they provide.
5. Strengthening focus on social wellbeing outcomes including community safety, housing affordability, food security, and access to parks, recreation and cultural opportunities.
6. Embedding directions to improve accessibility and inclusion throughout the document as well as a specific section so that the plan meets the June 2021 *Accessible British Columbia Act* requirements for local governments.
7. Updated land use designations to reflect existing desired land uses along with ensuring capacity to meet projected demand for future residential, amenities, servicing, and employment land uses (commercial, institutional, and industrial). This involves ongoing designation of lands to support environmental, recreational, agricultural, and other values. Several studies informed the plan and land use designations including “The Regional District of Nanaimo Housing Needs Assessment” (April 2020), “City of Nanaimo Population, Housing and Employment Projections (June 2020), “City of Nanaimo Land Inventory and Capacity Analysis” (June 2020), and draft City Plan “Review of Land Use Designations” (April 2022).
8. Focussing the majority of the City’s future growth into seven urban centres based on existing centres with capacity to evolve into more livable, walkable, well-serviced centres. This includes a focus on Downtown as the primary Urban Centre with six Secondary Urban Centres linked by key mobility corridors intended to support efficient transit, as well as walking, biking, and rolling.
9. Supporting lighter, more modest growth, in existing neighbourhoods. This includes local services in designated Neighbourhood Centres as well opportunities for smaller scale neighbourhood hubs near or integrated with elementary schools where appropriate.
10. Enhancing and integrating land use and mobility so that the City Plan now serves as the updated transportation and active mobility plan. This ensures that existing and future transit hubs/exchanges align with identified Urban Centres.
11. Continuing to support the Regional Growth Strategy and growth management objectives (as described in the Regional Context Statement in Appendix A of the City Plan). This includes increasing the amount of land outside the City’s Urban Containment Boundary in order to protect these lands for rural uses while supporting efficient servicing of priority lands inside the Urban Containment Boundary. These priority lands within designated Urban Centres are intended to collectively absorb the majority of the City’s future growth and evolve into more sustainable complete, compact centres.

12. Continuing to designate and provide a rationale for Development Permit Areas (DPAs) in the City Plan Bylaw while transferring regulatory guidelines to the Zoning Bylaw to support more effective implementation.
13. Refining, streamlining, and updating mapping and language in the existing Development Permit Areas to reflect best practices. This includes combining current DPAs 1 and 2 so that aquatic and terrestrial ecosystems are integrated into one DPA for Environmentally Sensitive Areas (ESAs).
14. Adding two new DPAs to address hazards posed by anticipated Sea Level Rise and Coal Mine Workings.
15. Integrating and streamlining, policies and DPA guidelines for Form and Character to support neighbourhoods to become more attractive livable areas. As part of this, where neighbourhood plans exist, they will continue to serve as key guiding documents to inform future development in the areas they cover.
16. Given the need to ensure that urban areas can effectively absorb the majority of the City's future residential and employment growth, Area Plans are supported as an important tool to provide detailed policy direction to achieve desired land use and mobility patterns as well as sustainable servicing and amenities to create healthy, vibrant centres.
Existing and new Area Plans will form part of the City Plan as appendices. Appendices B-F of the City Plan include:
 - B. Nanaimo Downtown Plan (2002)
 - C. Port Drive Waterfront Master Plan (2018)
 - D. Hospital Area Plan (2018)
 - E. Bowers District Master Plan (2022)
 - F. Sandstone Master Plan (2022)

DISCUSSION

In order for the draft City Plan to serve as the City's OCP, it must be adopted by Bylaw following the statutory steps for the development and adoption of an OCP as outlined in Part 14, Division 4 of the *Local Government Act*. This includes the minimum requirements for engagement/consultation including a public hearing. Section 475 of the *Local Government Act* requires the City to provide opportunities for consultation that the City considers appropriate. On 2020-MAY-25, Council endorsed an Engagement Strategy that identified the entities that the City considered appropriate to consult with and outlined methods for engagement. In addition to the required referral/consultation with the Agricultural Land Commission (ALC) and School Districts, Council endorsed consultation with residents, an extensive list of community groups, Committees of Council, as well as the following levels of government/agencies identified below:

- Regional District of Nanaimo & Member Municipalities
- Islands Trust
- First Nations Governments
- Provincial agencies (including BC Housing; Island Health; Ministry of Transportation and Infrastructure; BC Ferries)
- Federal agencies (including Department of Fisheries and Oceans; Department of National Defence; Nanaimo Port Authority)

Despite the impacts and uncertainty posed by the global COVID-19 pandemic, the development of the draft City Plan involved thousands of inputs from the community received through surveys, online platforms, emails, virtual and in-person meetings, student classroom participation, workshops, an open house, and other methods. As well, feedback was solicited and received from a wide variety of agencies and organizations representing sports, recreation, culture, tourism, economic development, neighbourhoods, food security, climate change, community health and wellness, and other interest groups.

Discussions before and throughout the Relmagine process have taken place government-to-government with Snuneymuxw First Nation through the Protocol Agreement Working Group and Staff-to-Staff through the technical working group and other meetings.

Local Government Act Consultation Requirements (Section 475 and 476)

During phases one, two, and three of the Relmagine Nanaimo process, the City consulted with many government agencies and other interested parties (including those identified in the 2020-MAY-25 Engagement Strategy report to Council) by providing information and several opportunities to participate and provide feedback. This involved emails with links to information, workshops, an open house, smaller meetings, and invitation to review the draft 2022-FEB-28 City Plan and provide feedback via survey, in writing or verbally. On 2022-MAY-09, Council received a summary of Phase 3 engagement on the draft City Plan.

Consideration of Financial Plan and Waste Management Plans

While the City Plan Bylaw will be considered in conjunction with the City of Nanaimo's financial plan, it should be noted that the *Local Government Act* does not commit or authorize a municipality to proceed with any project that is specified in the plan. This allows current and future Councils the discretion to prioritize and fund how the plan is implemented. The intention is that Council through annual review of an Integrated Action Plan to implement the City Plan will prioritize projects, services, and programs vis-à-vis their annual budgeting/financial planning processes and strategic planning.

The City Plan supports ongoing consistency and alignment with the policies and directions in both the Regional District of Nanaimo's (RDN) Liquid Waste Management Plan (2014) and Regional Solid Waste Management Plan (2018). The development of policies to support efficient and sustainable service delivery, as well as the land use designations included in the City Plan, involved input from the RDN with regard to capacity of their facilities to meet projected demand for wastewater treatment and solid waste management disposal services. The process also involved a review of the capacity of the City's delivery systems for water and sewer, which then informed policies supporting the location and hierarchy of development of the seven urban centres identified in the plan.

Amendments to draft City Plan based on engagement

Following an extensive review of input received on the 2022-FEB-28 draft City Plan, the Governance and Priorities Committee (GPC) received a Staff report on 2022-MAY-09 that summarized engagement throughout the process and provided the results of engagement on the 2022-FEB-28 draft City Plan. This showed a high level of community support for the vast majority of directions in the draft Plan.

On 2022-MAY-16, Council approved the 2022-MAY-09 GPC recommendations to amend the plan. At the same time, Council also approved amendments based on community input, as well as feedback from Snuneymuxw First Nation, other government agencies, and interested parties.

Staff have integrated the approved changes and are now presenting the revised draft as City Plan Bylaw 2022 No. 6600 for Council's consideration of first and second reading. In addition to Council's changes, the revised plan also includes changes that are more general/housekeeping in nature (i.e. to improve the document's clarity, consistency, organization, readability, and accuracy).

Pending Council direction, further opportunity to comment on the City Plan Bylaw will be provided in accordance with the bylaw adoption requirements of the *Local Government Act*.

Next Steps

Should Council proceed with first and second reading of the OCP Bylaw on 2022-MAY-30, a public hearing could be scheduled for 2022-JUN-22 in order to allow the required time for notice of the public hearing to be given. The Bylaw would then be formally referred on 2022-MAY-31 to the ALC, and opportunity for input provided to other government agencies, the community and interested parties as per *Local Government Act* requirements. This would allow approximately three weeks for Council to receive further feedback on the Bylaw.

Based on a public hearing taking place on 2022-JUN-22, if Council is satisfied that the Bylaw as presented reflects their direction, and has community support, then Council could consider third and final reading (adoption) of the Bylaw on 2022-JUL-04. This timeline would ensure that the Bylaw is adopted within the term of this Council.

Council also has the option of considering changes to the Bylaw based on information received up to and during the public hearing. Changes considered minor could be included as part of third and final reading of the Bylaw. However, any proposed changes that are more substantive including those affecting lands uses, development density or tenure, may require another the bylaw to be amended at second reading, and scheduling another public hearing. Extending the timelines for adoption would potentially reduce the likelihood that the Bylaw is adopted within the term of this Council.

OPTIONS

OPTION 1:

1. That Council has considered the consultation opportunities provided during the development of the "City Plan Bylaw 2022 No. 6600", and has determined that those opportunities are appropriate, and satisfy the requirements of Section 475 of the Local Government Act;
2. That "City Plan Bylaw 2022 No. 6600" pass first reading;
3. That "City Plan Bylaw 2022 No. 6600" pass second reading;
4. That Council:
 - a) considers "City Plan Bylaw 2022 No. 6600" in conjunction with the City of Nanaimo's financial plan;

- b) considers “City Plan Bylaw 2022 No. 6600” in conjunction with the Regional District of Nanaimo Liquid Waste Management Plan (2014) and Regional Solid Waste Management Plan (2018);
 - c) direct Staff to refer “City Plan Bylaw 2022 No. 6600” to the Agricultural Land Commission for comment; and
 - d) direct Staff to arrange a public hearing.
- The advantages of this option: The *ReImagine Nanaimo* process has allowed for an extensive engagement process to create an integrated plan that will guide the City until 2046. The draft City Plan reflects a high level of community endorsement for the land use designations and policy directions. Proceeding with first and second reading of City Plan Bylaw 2022 No. 6600 will continue the momentum of the project, and allow for consideration of the City Plan bylaw at a public hearing. Once adopted, Council can proceed with confirming priority actions to implement the plan. The City Plan provides a more streamlined approach for developers and other community builders to understand community supported policy directions and expectations. The City Plan bylaw would be regularly monitored, reviewed, and updated as needed to reflect City priorities as they evolve.
 - The disadvantages of this option: Should major concerns be identified with the City Plan Bylaw No. 6600, Council may wish to take more time to consider further amendments to the plan and delay the bylaw adoption process.
 - Financial Implications: The *ReImagine Nanaimo* process has been an important commitment and investment to create an integrated plan that sets the path for the next 25 years to guide land use; parks, recreation and culture; transportation and active mobility; climate action and resiliency; and accessibility and inclusion. Using a comprehensive and integrated approach to community planning will allow for more efficient use of resources to realise projects that achieve plan goals. Despite requirements under Section 478 of the *Local Government Act* for the City to ensure that “all bylaws enacted or works undertaken” are consistent with directions in the plan, the Act does not commit or authorize a municipality to proceed with any project that is specified in the plan. This allows current and future Councils the discretion to prioritize and fund how the plan is implemented.

OPTION 2:

That Council provide alternate direction to Staff with regard to the City Plan Bylaw 2022 No. 6600. |

SUMMARY POINTS

- The draft City Plan is proposed to be Nanaimo’s new Official Community Plan; Parks, Recreation, Culture and Wellness Plan; Transportation Plan; Active Mobility Plan; Climate Action and Resiliency Plan; and Accessibility and Inclusion Plan.
- The development of the draft City Plan involved thousands of inputs from the community, interested and affected agencies, and organizations including government-to-government engagement with Snuneymuxw First Nation.
- “City Plan Bylaw 2022 No. 6600” is presented to Council for consideration of first and second reading, and direction to proceed to public hearing in accordance with the *Local Government Act*.

ATTACHMENTS:

“City Plan Bylaw 2022 No. 6600” |

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