



**REPORT TO JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, OCTOBER 15, 2013**

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**SUBJECT**      **DRAFT TERMS OF REFERENCE FOR THE EAST SOOKE OFFICIAL COMMUNITY PLAN REVIEW**

**ISSUE**

A review and update of the East Sooke Official Community Plan (OCP) is required. This report outlines the scope of work and a Plan process, in accordance with the provisions of the *Local Government Act (LGA)*.

**BACKGROUND**

The East Sooke area is within the Juan de Fuca Electoral Area of the Capital Regional District (CRD) and is bound to the east by the District of Metchosin, Becher Bay First Nation and Becher Bay, to the north by the District of Sooke and Sooke Harbour, and to the west and south by the Strait of Juan de Fuca (Appendix 1).

The overall goal of this project is to provide a review and update of the East Sooke Official Community Plan (OCP). The current OCP was initially adopted by the CRD Board in 2007 as Bylaw No. 3353 and replaced in 2012 by Bylaw No. 3718. The East Sooke OCP review is scheduled to begin in the fall of 2013 and to have a draft version suitable for consideration by the Juan de Fuca Land Use Committee in December 2014.

The planning process will focus on a number of areas including the Regional Growth Strategy (RGS) or Regional Sustainability Strategy (RSS) policies, Agricultural Land Reserve (ALR), resource and settlement designation, settlement containment boundary, community services, development approval information area, and development permit areas. The final product will be a bylaw, which contains a set of goals, objectives and policies for future land use in East Sooke that is consistent with legislation, the RGS/RSS, relevant best practices, and the aspirations and interests of the community. The intention is not to re-write the OCP, but rather to update it to ensure that the Plan reflects the community's vision of the future.

Terms of Reference for the OCP review provide the work program (Appendix 2). In addition, in the Consultation Plan, an approach for involving the citizens of East Sooke in the review and drafting of a revised OCP is outlined (Appendix 3).

As the project progresses, the review process or timeframes might need to be amended to address new issues or allow for more in-depth policy discussion. Such flexibility ensures that the planning process remains responsive to the needs of all participants.

**ALTERNATIVES**

1. Direct staff to initiate the East Sooke Official Community Plan review in accordance with the Terms of Reference and the Consultation Plan.
2. Direct staff not to initiate the East Sooke Official Community Plan review in accordance with the Terms of Reference and the Consultation Plan.
3. Request staff to evaluate other considerations in the Terms of Reference.

**FINANCIAL IMPLICATIONS**

The East Sooke OCP is a major project to be undertaken by Local Area Planning staff through fall of 2013 to mid-2015. The Federal Gas Tax Community Works Fund can be accessed for the OCP review under the Integrated Community Sustainability Planning program. Funds have been allocated for professional planning expertise and consultation materials and services in support of the OCP. The JDFA Planning budget provides for costs associated with staff time and legal advice.

### **INTER-DEPARTMENTAL IMPLICATIONS**

Other CRD departments such as Building Inspection, Environmental Sustainability, Integrated Water Services, Regional Parks, and Regional Planning will be involved in the review of the Plan.

### **LEGISLATIVE IMPLICATIONS**

An OCP or “Plan” is authorized by section 876 of the *LGA*, and is a statement of objectives and policies to guide decisions on planning and land use management respecting the character of existing and proposed land use and servicing requirements in the area covered by the Plan. The key to developing an Official Community Plan is that it is a community driven exercise that reflects the community's values.

This OCP is intended to guide land use and development decisions, provide detailed planning direction with respect to community development and to establish regulatory functions for the Plan area. Section 877 of the *LGA* outlines the content to be addressed in the OCP. The *LGA* also states that an OCP may include policies relating to social needs, social well-being and social development; respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the Official Community Plan; and relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.

As well, if a local government proposes to include a matter in an Official Community Plan, the regulation of which is not within the jurisdiction of the local government, the Plan may only state the broad objective of the local government with respect to that matter unless the Minister has required or authorized the local government to state a policy with respect to that matter.

Although municipalities may provide a regional context statement outlining how the OCP meets or will meet the provisions of the RGS, this does not apply to Electoral Area OCP bylaws. In accordance with section 865 of the *LGA*, once a regional growth strategy is adopted, further bylaws adopted by the CRD or works of the CRD must be consistent with the regional growth strategy. Therefore, the East Sooke OCP must be consistent with the RGS.

An OCP should not include specific land use or subdivision regulations. Policies in the OCP are intended to guide future decision-making. Amendments to land use and subdivision regulations may be required to implement an OCP; however, zoning regulations cannot be adopted in contravention of the OCP once it is adopted.

The *LGA* sets out specific procedural requirements that must be met in the process of adopting an Official Community Plan. Specifically, the *LGA* establishes referral and notification requirements, sets out standards for advertising and the holding of a public hearing, and specifies the types and applicability of development permit areas.

Pursuant to Section 879 of the *LGA*, the amendment of an OCP requires that the local government provide one or more opportunities for consultation it considers appropriate to persons, organizations and authorities the local government considers may be affected by the adoption of a bylaw.

Specific consideration must be given to referring the proposed amendment to the adjacent regional districts or municipalities, and First Nations. Consideration should also be given to referring the proposed amendment to improvement districts and applicable provincial and federal agencies. Pursuant to Section 881 of the *LGA*, a proposed bylaw must also be referred to the School District.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 882 (3) (d) to hold a public hearing as part of the amendment process.

A public hearing will be required pursuant to Section 890 of the *LGA* subsequent to the amendment passing second reading by the Capital Regional District Board which will be advertised in the local paper and on the website.

### **PUBLIC CONSULTATION IMPLICATIONS**

Section 979 of the *LGA* requires consultation during OCP development. A Consultation Plan has been prepared which outlines how the community, government agencies, First Nations and interest groups will participate in the OCP review (Appendix 3). The primary approach is to engage the community through a series of workshops to discuss key issues and policies, and to review the draft OCP. Comments and concerns raised at these workshops will be considered by a Citizens' Committee and staff in preparing the OCP update.

**PLANNING PROCESS**

The planning process sets out activities and tasks required to complete the OCP review. Changes to the scope of the OCP review, may result in changes to timelines, costs or both. Staff has identified the phases and tasks for the OCP review and has identified a timeline in the Terms of Reference (Appendix 2).

The planning process will be undertaken in two phases: Phase 1 - OCP Review and Update and Phase 2-OCP bylaw preparation and adoption. Details are noted within the Terms of Reference.

**Phase 1 – OCP Review and Update**

Phase 1 will be undertaken with an appointed Citizens' Committee. The Committee is to represent the community's interests in reviewing and updating the OCP, assisting with the development and implementation of a public consultation program and recommending a draft OCP to the Juan de Fuca Land Use Committee for consideration in the CRD OCP bylaw adoption process. This phase is based upon a thorough review and assessment of the existing OCP with community consultation to determine which elements of the existing OCP should be retained, identify any deficiencies and develop new policies to be incorporated. This work involves the review of background information, issue identification and policy review and development.

**Phase 2 – Bylaw Adoption**

Phase 2 consultation will be undertaken in accordance with the LGA and conform to the OCP amendment process as outlined in the Juan de Fuca Land Use Development Procedures Bylaw, Bylaw No. 3110. This phase will include consideration by the Juan de Fuca Land Use Committee, the full CRD Board determination of consistency with the Regional Growth Strategy, agency referrals, a public hearing, Ministerial approval of the proposed bylaw and adoption of the OCP bylaw.

**CONCLUSIONS**

A review of the East Sooke OCP is required. Staff have prepared Terms of Reference for the OCP review as well as a comprehensive Consultation Plan. Staff recommend proceeding with the East Sooke OCP update in accordance with the Terms of Reference and the Consultation Plan.

**RECOMMENDATIONS**

That the Juan de Fuca Land Use Committee direct staff to initiate the East Sooke Official Community Plan Review in accordance with the Terms of Reference and the Consultation Plan.

**\*\*ORIGINAL SIGNED\*\***

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Appendices

1. East Sooke Official Community Plan Area Location Map
2. Proposed Terms of Reference for East Sooke OCP Review
3. Proposed Consultation Plan for East Sooke OCP Review



## Appendix 2: Proposed Terms of Reference for East Sooke OCP Review

### PROPOSED TERMS OF REFERENCE - EAST SOOKE OCP REVIEW

#### 1.0 BACKGROUND

The East Sooke area is within the Juan de Fuca Electoral Area of the Capital Regional District (CRD). The East Sooke area is bound to the east by the District of Metchosin, Becher Bay First Nation and Becher Bay, to the north by the District of Sooke and Sooke Harbour, and to the west and south by the Strait of Juan de Fuca (Appendix 1).

The overall goal of this project is to provide a review and update of the East Sooke Official Community Plan (OCP). The current OCP was initially adopted by the CRD Board in 2007 as Bylaw No. 3353 and replaced in 2012 by Bylaw No. 3718. The East Sooke OCP review is scheduled to begin in the fall of 2013 and to have a draft version suitable for consideration by the Juan de Fuca Land Use Committee in December 2014.

The planning process will focus on a number of areas including the Regional Growth Strategy (RGS) or Regional Sustainability Strategy (RSS) policies, Agricultural Land Reserve (ALR), resource and settlement designations, settlement containment boundary, community services, development approval information area, and development permit areas. The final product will be a bylaw, which contains a set of goals, objectives and policies for future land use in East Sooke that is consistent with legislation, the RGS/RSS, relevant best practices, and the aspirations and interests of the community. The intention is not to re-write the OCP, but rather to update it to ensure that the Plan reflects the community's vision of the future.

Terms of Reference for the OCP review provide the work program. In addition, in the Consultation Plan, an approach for involving the citizens of East Sooke in the review and drafting of a revised OCP is outlined.

As the project progresses, the review process or timeframes might need to be amended to address new issues or allow for more in-depth policy discussion. Such flexibility ensures that the planning process remains responsive to the needs of all participants.

#### Official Community Plans

An OCP is authorized by the *Local Government Act (LGA)*, and is a statement of objectives and policies to guide decisions on planning and land use management respecting the character of existing and proposed land use and servicing requirements in the area covered by the Plan.

Pursuant to Section 877 of the *LGA*, an OCP must include statements and map designations for the area covered by the Plan respecting the following:

1. the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
2. the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
3. the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
4. restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
5. the approximate location and phasing of any major road, sewer and water systems;
6. the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;
7. housing policies of the local government respecting affordable housing, rental housing and special needs housing; and
8. targets for the reduction of Green House Gas emissions in the area covered by the Plan, and policies and actions of the local government proposed with respect to achieving those targets.

In addition, an OCP may include the following:

1. policies of the local government relating to social needs, social well-being and social development;

2. a regional context statement, consistent with the rest of the OCP, of how matters referred to in Section 850(2)(a) to (c) of the *LGA*, and other matters dealt with in the OCP, apply in a regional context;
3. policies of the local government respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the OCP; and
4. policies of the local government relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.

As well, if a local government proposes to include a matter in an Official Community Plan, the regulation of which is not within the jurisdiction of the local government, the Plan may only state the broad objective of the local government with respect to that matter unless the Minister has required or authorized the local government to state a policy with respect to that matter.

Although municipalities may provide a regional context statement outlining how the OCP meets or will meet the provisions of the RGS, this does not apply to Electoral Area OCP bylaws. In accordance with Section 865 of the *LGA*, once a regional growth strategy is adopted, further bylaws adopted by the CRD or works of the CRD must be consistent with the regional growth strategy. Therefore, the East Sooke OCP must be consistent with the RGS.

An OCP should not include specific land use or subdivision regulations. Policies in the OCP are intended to guide future decision-making. Amendments to land use and subdivision regulations may be required to implement an OCP; however, zoning regulations cannot be adopted in contravention of the OCP once it is adopted.

The *LGA* sets out specific procedural requirements that must be met in the process of adopting an Official Community Plan. Specifically, the *LGA* establishes referral and notification requirements, sets out standards for advertising and the holding of a public hearing, and specifies the types and applicability of development permit areas.

## **2.0 PLANNING PROCESS**

The planning process sets out activities and tasks required to complete the OCP review. Changes to the scope of the OCP review, may result in changes to timelines, costs or both. Staff has identified the phases and tasks for the OCP review and has identified a timeline in the Terms of Reference.

The planning process will be undertaken in two phases: Phase 1 - OCP Review and Update and Phase 2 – OCP Bylaw Adoption. The community involvement during Phase 1 will be in accordance with the Consultation Plan.

### **Phase 1 – OCP Review and Update**

Phase 1 will be undertaken with the assistance of an appointed Citizens' Committee. The Committee is to represent the community's interests in reviewing and updating the OCP, assisting with the development and implementation of a public consultation program and recommending a draft OCP bylaw to the Juan de Fuca Land Use Committee for consideration in the CRD OCP bylaw adoption process. This phase is based upon a thorough review and assessment of the existing OCP with community consultation to determine which elements of the existing OCP should be retained, identify any deficiencies and develop new policies to be incorporated. This work involves the review of background information, issue identification and policy review and development.

#### **A: - Background Information**

1. A build-out analysis based upon existing OCP land use designations and current land use patterns and demographics identifying trends and or significant changes.
2. Review of the current OCP:
  - Identify obsolete references or policies;
  - Identify policy wording that is ambiguous, unclear or contradictory;
  - Identify policies that have been implemented and which could be removed or amended;

- Identify policies and provisions that are not consistent with the RGS, the *LGA* other provincial policies or current case law; and
- Identify any gaps or issues based on current practice and community values.

**B: - Issue Identification**

Project staff and the Citizens' Committee will work with the referral agencies and groups, First Nations and the community to confirm the key issues to include in the review and consider appropriate mechanisms to obtain comments and options for each. A series of workshops will be scheduled to review and confirm key issues.

Several issues have been identified by staff. Many of these are standard to all OCP reviews, driven by legislative requirements, or should be considered based upon new mapping data. The following list is preliminary and additional issues will be identified through community consultation:

- Review the Plan's vision and goals with a new focus on sustainability;
- Review of settlement designations and servicing in relation to future needs;
- Housing policies;
- Compliance with *Riparian Area Regulations*;
- Targets and policies for greenhouse gas emission reduction;
- Surface and groundwater resources;
- Transportation policies;
- Archaeological and First Nations cultural site policies;
- Development Permit Area provisions; and
- Food security.

**C: - Policy Development**

Based upon the issues identified, staff and the Citizens' Committee will work with the referral agencies and groups, and the community to identify the key policies and guidelines to include in the OCP.

1. Draft Policies and guidelines – based upon the issues identified, staff will work with the referral agencies and groups, and the community to identify the key policies and guidelines to include in the Plan. A series of workshops will be scheduled to review, confirm and make policy recommendations on key issues.
2. Draft OCP – staff will prepare a draft OCP based upon policy work for community review through workshops. It is expected that three versions may be reviewed.
3. Final draft of OCP – staff will present the final draft of the proposed OCP to the East Sooke Citizens' Committee for recommendation to the Juan de Fuca Land Use Committee to proceed with the OCP adoption.

**Phase 2 – Bylaw Adoption**

Phase 2 consultation will be in accordance with the *Local Government Act* and conform to the OCP amendment process as outlined in the Juan de Fuca Land Use Development Procedures Bylaw, Bylaw No. 3110. This phase will include consideration by the Juan de Fuca Land Use Committee, the full CRD Board determination of consistency with the RGS/RSS, agency referrals, a public hearing, Ministerial approval of the proposed bylaw and adoption of the OCP bylaw.

1. Draft bylaw and staff report for Juan de Fuca Land Use Committee recommendation to CRD Board, for referral. This will include the referral to the East Sooke Advisory Planning Commission, and to the full CRD Board for a determination of consistency with the RGS.
2. Refine the OCP bylaw based on referral comments and prepare report for the Juan de Fuca Land Use Committee recommendation to CRD Board, for first and second reading for the proposed OCP bylaw and direction for a public hearing.

3. Undertake public hearing – scheduled and advertised.
4. Drafting report of public hearing for CRD Board review and third reading of proposed OCP bylaw.
5. Prepare package to submit to the Minister of Community, Sport and Cultural Development and Minister of Transportation and Infrastructure for approval of proposed OCP bylaw.
6. CRD Board adoption of bylaw.

### **3.0 TASKS AND TIMELINE**

It is proposed that a draft East Sooke Official Community Plan update will be finalized and adopted in early 2015. As with many planning processes, the exact timeline is uncertain as there may be a request by the public for greater involvement which may impact the timeframe. The following table outlines major tasks and the tentative timeline for the project. The task list and timelines provided as a starting point for discussion and will be amended as the review progresses.

<b>TASKS – East Sooke OCP Update</b>	<b>TIMELINE</b>
<b>Project Initiation</b>	
Juan de Fuca Land Use Committee directs staff to initiate the East Sooke OCP update	Oct 2013
Auxiliary Planner retained for OCP update	Nov
Appointment of East Sooke OCP Review Citizens' Committee as outlined in Consultation Plan	Nov
<b>Phase 1: OCP Review and Update</b>	
High level review of existing OCP	Nov
Detailed review and develop goals, objectives	Dec
Detailed review and develop land use designations and policies	Jan-Apr 2014
Detailed review development permit areas and policies	May-June
Staff prepare draft 1 of OCP	Jul-Aug
Review draft 1 of OCP	Sep
Staff prepare draft 2 of OCP	Oct
Review and referral of draft 2	Nov
Review draft 3 and approve proceeding to Juan de Fuca LUC for bylaw adoption process	Dec
<b>Phase 2: OCP Bylaw Adoption</b>	
LUC recommendation for referral	Jan 2015
CRD Board approves OCP referral	Feb
Agency referral of OCP including full CRD Board for consistency with RGS	Feb-Mar

LUC recommendation for 1 <sup>st</sup> and 2 <sup>nd</sup> reading and direction to public hearing	Apr
CRD Board grants 1 <sup>st</sup> and 2 <sup>nd</sup> reading and directs bylaw to public hearing	May
Public Hearing	May
CRD Board grants 3 <sup>rd</sup> reading	June
Approval from Minister of Community, Sport & Cultural Development and Minister of Transportation & Infrastructure	July
CRD Board adopts bylaw	Aug

**4.0 RESOURCES AND BUDGET**

All of the work to gather and collate data, consult with the public, produce and design documents/consultation materials, and draft the OCP will be completed by auxiliary planning staff and CRD staff. This OCP review was anticipated in the 2013/14 budget and work plan. Funds from the Federal Gas Tax Community Works Fund can be accessed under the Integrated Community Sustainability Planning program. Funds have been allocated for professional planning expertise and the consultation process, including meetings and communications. The JDFEA Planning budget provides for costs associated with CRD staff time and legal advice.

### Appendix 3: Proposed Consultation Plan for East Sooke OCP Review

#### PROPOSED CONSULTATION PLAN - EAST SOOKE OCP REVIEW

##### 1.0 CONSULTATION FRAMEWORK

A successful project is one that provides for meaningful and ongoing public involvement. While the *Local Government Act (LGA)* sets out minimum requirements (as outlined below), it is the intent of this Consultation Plan to outline an approach to address these legislative requirements. The CRD has prepared a Public Participation Framework, which will be used to guide this consultation process. The Framework identifies a series of guiding principles for public participation including:

- Active Citizenship – The CRD acknowledges the benefits, as an organization and in civil society, for active citizen involvement in CRD's public participation and decision making processes.
- Commitment – Leadership and strong commitment to information, consultation and engage in active participation is needed at all levels – from CRD Directors, senior managers and staff.
- Clarity – Objectives for, and limits to, information, consultation and active participation will be well defined from the outset. The respective roles and responsibilities of citizens (in providing input) and the CRD (in making decisions for which we are accountable for) must be clear to all.
- Time – Public consultation and active participation will be undertaken as early in the decision making process as possible, to allow for a greater range of solutions to emerge and to raise the chances of successful implementation.
- Objectivity – Information will be objective, complete and accessible. All citizens will have equal treatment when exercising their rights of access to information and participation.
- Resources – Adequate financial, human and technical resources are required if public information, consultation and active participation in policy making are to be effective. CRD staff will be supported through guidance and training and the provision of adequate resources.
- Coordination – Initiatives will be coordinated across the CRD to enhance knowledge management, ensure policy coherence, avoid duplication and reduce the risk of 'consultation fatigue' among staff and citizens.
- Evaluation – In order to increase the CRD's organizational capacity and success, evaluations of public participation processes will be incorporated into every process.

##### Legislative Context

Pursuant to the *LGA*, the CRD Board must specifically consider whether consultation is required with the Board of any regional district that is adjacent to the area covered by the OCP, the council of any municipality that is adjacent to the area covered by the OCP, First Nations, school district boards, greater boards and improvement district boards, and the provincial and federal governments and their agencies.

##### Roles and Responsibilities

There are a variety of participants involved in the East Sooke OCP review and update with varying level of responsibility.

Minister of Community, Sport and Cultural Development – approve the bylaw before the CRD Board can adopt the OCP bylaw.

Minister of Transportation and Infrastructure – approve the bylaw before the CRD Board can adopt the OCP bylaw.

CRD Board – the CRD Board is ultimately responsible to all citizens of the Capital Regional District and therefore, acts in the best interest of the region as a whole. During its review and decision making process, the Board and Committees have an obligation to recognize the efforts and activities that have preceded its deliberations. Directors should have regard for the public involvement processes that have been completed in support of projects. The full CRD Board will be given to opportunity to determine if the OCP is consistent with the provisions of the Regional Growth Strategy. The CRD Board (Voting Block A) will consider adoption the OCP bylaw.

Electoral Area Director - the Director is to provide situational leadership throughout the community planning process by chairing, facilitating, and/or presenting at public events, and reporting to the Juan de Fuca Land Use Committee and CRD Board on the process as required.

Juan de Fuca Land Use Committee (LUC) – the LUC is to consider the final draft OCP and recommend to the CRD Board that the OCP bylaw proceed through the bylaw adoption process.

East Sooke OCP Citizens' Committee (CC) – the Committee is to represent the community's interest in amending the existing OCP. Details on the establishment and operation of the Committee are outlined in Section 3.0. Specifically, the Citizens' Committee will review and assist in the development of the revised OCP goals, objectives, policies and implementation strategies in collaboration with the Local Planning staff. The Committee will also assist in the implementation of and participate in the broad public consultation process. The Committee will recommend a draft OCP to the Juan de Fuca Land Use Committee for consideration in the bylaw adoption process.

East Sooke Advisory Planning Commission (APC) – the APC is to review the draft OCP as part of the bylaw adoption process.

CRD Staff – staff is responsible for the design and implementation of the public participation process and to ensure that the Guiding Principles are the foundation of the process. Staff also have a responsibility to:

- Pursue public involvement with a spirit that recognizes the value it adds to projects;
- In all public involvement activities, work towards fostering long-term relationships based on respect and trust;
- Encourage positive working partnerships;
- Take-up the challenge to draw out the silent majority, the voiceless and the disempowered;
- Ensure that decisions and recommendations reflect the needs and desires of the entire community; and
- Ensure that no participant or group is marginalized or ignored.

Staff will also organize and provide technical support for the project. This includes gathering and collating data, consulting with the public, producing and designing documents/consultation materials, mapping and drafting the Official Community Plan.

Residents, Landowners, Agencies and Interest Groups - can help identify how the new OCP can better meet the community's needs and goals, identify how the existing plans can be improved, and ultimately provide feedback on the proposed OCP through submissions, at workshops and CC meetings.

All Participants – the public is also accountable to the process and the accomplishment of the project goals. All participants have a responsibility to:

- Focus on the real issues and not on the furthering of personal agendas;
- Balance personal concerns with the needs of the community as a whole;
- Have realistic expectations;
- Participate openly, honestly and constructively, offering ideas, suggestions, alternatives, etc.;
- Listen carefully and completely;
- Identify their concerns and issues early in the process;
- Provide their names and contact information if they want direct feedback;
- Make every effort to work within the project schedule; if this is not possible then this should be discussed with staff as soon as possible. Participants must also recognize that process schedules may be constrained by external factors (e.g. broader project schedules or legislative requirements);
- Recognize that there is no single voice that is more important than all others, and that there are diverse opinions to be considered;
- Work within the process in an integrates and cooperative manner;
- Accept some responsibility for keeping themselves aware of current issues; when possible, participants should also make others aware of project activities and solicit their input; and
- Recognize that the measure of the success of the process is the fullness of public involvement and the quality of the outcome.

## **First Nations Engagement**

Consultation and engagement with the First Nations is different than public consultation because it is driven by the law, not just by good public policy. The Canadian courts have emphasized that the federal and

provincial governments must consult with First Nations when making decisions that may affect aboriginal and treaty rights and accommodate those rights where appropriate. Aboriginal and treaty rights are also protected under the Constitution of Canada.

It is important to keep in mind that the CRD cannot assume responsibility for the legal obligations to consult now imposed on the senior governments. It can, however, be delegated procedural steps such as gathering information on First Nations interests. It is also important to recognize that First Nations and the CRD are neighbours so it makes sense to work with First Nations in a meaningful way to seek their input, to apply their input to avoid future problems and to seek opportunities to work together whenever working on projects that may affect their interests or provide opportunities to build a better relationship.

The Ministry of Community, Sport and Cultural Development has prepared a Guide to First Nations Engagement on Local Government Statutory Approvals (Interim) that will be considered through the draft OCP process. The following First Nations have been identified as having an interest in the East Sooke OCP Plan Area:

- Scia'new First Nation
- T'sou-ke First Nation
- Cowichan Tribes
- Halalt First Nation
- Hul'qumi'num Treaty Group
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Te'Mexw Treaty Association
- Stz'uminus First Nation

## **2.0 CONSULTATION APPROACH**

The consultation approach corresponds to the two phases set out in the project Terms of Reference including Phase 1 – OCP Review and Update, and Phase 2 – Bylaw Adoption.

### **Phase 1 – OCP Review and Update**

The Phase 1 consultation is based upon using a series of CC meetings/workshops with interested residents and landowners to obtain community comments on the existing OCP, review proposed changes to the OCP and finalize a proposed OCP bylaw for Juan de Fuca Land Use Committee consideration. It would also include agency and stakeholder referrals to review the existing OCP and proposed changes to the OCP. The CC terms of reference are in Section 3.0.

It is anticipated that two versions of the draft OCP will be reviewed. The CC will recommend a draft OCP to be considered by the Juan de Fuca Land Use Committee to proceed through the bylaw adoption process. Once this is completed the work of the CC will be concluded.

The ongoing involvement of regional, provincial and federal agencies and special interest groups from Plan initiation to Plan completion is intended to result in a collaborative planning process and a comprehensive OCP. The following agencies and organizations will be consulted with respect to the East Sooke OCP Review. Additional agencies and groups will be consulted as required.

- Department of Fisheries and Oceans
- Ministry of Transportation & Infrastructure
- Ministry of Environment
- Ministry of Forests, Lands & Natural Resource Operations
- Ministry of Agriculture
- Ministry of Energy and Mines
- Agricultural Land Commission
- First Nations
- CRD Regional Parks
- CRD Regional Planning
- CRD Integrated Water Services
- Wilderness Mountain Water Distribution Commission
- Juan de Fuca Electoral Area Agricultural Advisory Planning Commission
- Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
- Juan de Fuca Economic Development Commission
- Juan de Fuca Emergency Program
- School District No. 62
- Vancouver Island Health Authority
- Private Managed Forest Land Council
- East Sooke Fire Department
- Seagirt Water Works Improvement District

## Phase 2 – OCP Bylaw Adoption Process

Phase 2 consultation will be in accordance with the *LGA* and conform to the OCP amendment process as outlined in the Juan de Fuca Land Use Development Procedures Bylaw, Bylaw No. 3110. This phase will include consideration by the Juan de Fuca Land Use Committee, full CRD Board determination of consistency with the Regional Growth Strategy, agency referrals, a public hearing, Ministerial approval of the proposed bylaw and Voting Block A adoption of the OCP bylaw.

### 3.0 EAST SOOKE CITIZENS' COMMITTEE TERMS OF REFERENCE

The East Sooke CC will assist Juan de Fuca planning staff on the review of the East Sooke OCP. The purpose of the OCP review will be to examine and, if deemed necessary, amend or draft new goals, objectives and policies to guide decisions on planning and land use management in East Sooke. Juan de Fuca planning staff or consultants will act as Committee facilitator and manage the meetings. Planning staff will provide logistical, procedural and technical support for the process and will be responsible for process design, including the development of work plans, coordination of analysis, government liaison, public and stakeholder communication, draft planning documents, statistics, mapping, and linkages to other relevant planning processes (e.g. Regional Sustainability Strategy). Staff are also responsible for drafting amendments to the Official Community Plan.

#### Membership and Responsibilities

The Citizens' Committee will:

1. Represent the needs of the overall community rather than any individual needs.
2. Regularly attend scheduled meetings and public events.
3. Keep informed with information and progress of the plan and Committee discussions.
4. Review and provide advice on materials prepared in support of the OCP review, including but not limited to: background information; public, stakeholder and agency representations and submissions; content and policy directions; and drafts of the Plan.
5. Assist in the development and implementation of public consultation activities, advertising and scheduled events.
6. Provide advice on overall issues involving the OCP review and not to deal with individual and ongoing land use development applications.

#### Composition

1. The Citizens' Committee will be comprised of no more than 11 members.
2. The membership of the Committee should reflect a cross-section of the community and diversity of relevant interests, expertise and knowledge.
3. All interested members of the East Sooke Advisory Planning Commission will be appointed to the Committee.
4. All committee members shall reside or own property within the OCP area.

#### Recruitment and Appointments

1. The Electoral Area Director, with the assistance of Juan de Fuca planning staff, will recruit members to serve on the OCP Citizens' Committee by:
  - a. Unaddressed mail drop to residents in the community;
  - b. Advertisement in the Sooke News Mirror and on the CRD website;
2. In the event that the recruitment methods are unsuccessful in selecting a balance of community interests and values, the Electoral Area Director will then use other methods of selection such as word of mouth and letters to various groups, organizations and individuals.
3. The Electoral Area Director will appoint members to the Committee.

### **Membership Rules**

1. Members of the Committee shall serve from the date of appointment until the acceptance of a draft OCP to be considered by the Juan de Fuca Land Use Committee.
2. The members represent their views as individuals rather than being representatives of any group or organization.
3. A member may resign from the Committee on submission of written notice to the Manager, Local Area Planning.
4. Any member who is absent from three consecutive meetings without cause or without notice to the Manager, Local Area Planning shall be deemed to have resigned from the Committee.
5. Members of the Citizens' Committee shall serve without remuneration but the CRD will pay appropriate preapproved and necessary expenses that arise directly out of the performance of their duties as members of the Committee in accordance with CRD Financial policy.

### **Committee Procedure**

1. The Committee, if they choose to vote on an issue, will operate on a simple majority of members in attendance.
2. Members must declare their property interests at the start of the review process, and must excuse themselves from recommendations related to their specific property interests.
3. Minutes of Committee meetings shall be prepared by Juan de Fuca Planning staff. The minutes shall be reviewed by the Committee and signed by the Committee facilitator and made available to the public.
4. The Citizens' Committee has no authority to call public meetings, commit funds, enter into contracts, or represent the CRD.

### **Meetings**

#### Meeting Frequency

1. Preferred days, times and location of the meetings will be established at the first Committee meeting.
2. Notice of these meetings will be posted at the Juan de Fuca Planning office, on the CRD website and advertised in the Sooke News Mirror in advance of the meeting.

#### Meeting Conduct

1. All Committee meetings will be conducted in an orderly and business-like manner and will be advertised and open to the public.
2. The format of the meetings shall include three sections: an initial Committee administration section including approval of agendas and minutes, and general Committee procedures; a workshop session where Committee members and the public review and discuss Plan process and content; and a final section where Committee members vote on proposed actions or policies, if required.
3. All Committee meetings shall commence at the stated time. The conduct of meetings shall enable members of the Committee to consider information presented, weigh evidence related thereto, and make informed decisions.

#### Meeting Ground Rules

Participants will:

- Participate in good faith;
- Treat others with courtesy and respect;
- Listen attentively;

- Seek to gain a better understanding of the perspectives of others;
- Refrain from dominating discussions and provide opportunities for the interests of others to be heard;
- State concerns openly and directly;
- State views as interests rather than positions;
- Avoid use of acronyms and jargon;
- Come to meetings prepared and ready to engage in productive discussion;
- Share information related to issues being discussed;
- Avoid side conversations;
- Commit to resolving issues and making recommendations;
- Endeavor to support other Committee members;
- Work cooperatively to achieve consensus on issues; and
- Respect decisions that have been reached and agreed to.