



TOWN OF SIDNEY

Memorandum

TO: Mayor and Council
FROM: Corey Newcomb, Acting Manager of Planning
DATE: January 4, 2019 File No. 6480-20
SUBJECT: OCP Review Discussion Paper (for 2019 Council Strategic Planning Session)

PURPOSE:

The purpose of this report is to provide Council with an overview of relevant considerations during Strategic Planning Session deliberations on how to approach the development of a new Town of Sidney Official Community Plan (OCP).

Note that this memorandum is only intended to serve as a basis for further in-depth discussion by Council on the scope of a potential future OCP review and to generate ideas and discussion to assist staff in developing a more formal approach report that would clearly identify next steps in the process. As such, only general information is included below, given the multiple potential outcomes of Council's deliberations.

BACKGROUND:

What is an OCP?

In British Columbia, the *Local Government Act* enables all municipalities to prepare and adopt an OCP by bylaw. An OCP is a type of bylaw that sets out the broad objectives and policies that guide decisions on planning, land use and provision of municipal services in the community. It is important to note that an OCP is not prescriptive in the way that a Zoning Bylaw is, but instead serves as a guiding policy document to assist in a Council's decision making process, particularly with respect to rezoning applications. OCP's may sometimes contain contrary or even conflicting policy, as municipal objectives can range widely (e.g. greater vehicle capacity on roads vs. greenhouse gas reduction initiatives). However, an OCP strives to provide a degree of certainty about the location and nature of community change to residents and landowners in the form of a framework for guiding and managing future development and growth. In doing so, it outlines the general framework for all of the key issues that concern a municipality, including, but not limited to:

- Identification of lands for residential, commercial, recreational, public utility and other land uses;
- Policies to protect environmentally sensitive areas, and promote environmentally responsible development;
- Economic development;
- Public infrastructure (such as roads and parks);
- Social and cultural values;
- Urban design and physical development goals and objectives

Sections 471 – 478 of the *Local Government Act* provide a good legislative overview of the purpose, process and intent of Official Community Plans, while Section 428 of the *Act* (which applies to both OCP's and Regional Growth Strategies, outlines the matters that should be considered in the development of an OCP. These sections are attached as Appendix A for reference.

More recently, the Provincial Government has implemented an additional requirement for municipalities to undertake a housing needs assessment to better understand housing demand in our communities, prior to the adoption of an OCP. The Housing Needs Assessment is discussed in more detail below.

Sidney's Current OCP in Context

The Town of Sidney Official Community Plan (OCP) was last adopted in 2007. In the last eleven years, Sidney has undergone significant changes, including continuing interest in the redevelopment of the downtown; the continued development of increasingly "high-end" oriented residential development; pending completion of the Community Safety Building; major proposed commercial development and a significant amount of residential redevelopment in all areas of the town. In addition, it is anticipated that Sidney will see this development interest continue and along with it, some of the changes and challenges that have arisen during this most recent wave of activity.

The Town has also undertaken a number of long-range planning projects over the past several years, which have focused on a vision for the redevelopment of Sidney's downtown waterfront, a blueprint for change in the west side industrial area, and updated standards for Sidney's downtown streets. Moreover, there has been a significant level of interest among many members of the community in preserving and enhancing Sidney's natural environment. While the current OCP does address many of these issues and challenges to a degree, it is also clear that there is a need to bring these various ideas together into an updated and coherent vision for the community in the form of a new OCP that provides a more current vision and policy direction for the community. The following is a list of the various documents completed following the current OCP that will need to be considered and possibly incorporated in some way into a future OCP:

- Downtown/Downtown Waterfront Local Area Plan (2008)
- Climate Action Plan (2010)
- Zoning Bylaw (2012)
- Downtown Parking Study/Traffic Movement Study (multiple)
- Sidney Downtown and Downtown Waterfront Density Review (2016)
- West Side Local Area Plan (2017)
- Downtown Waterfront Vision (2017)
- Off-Street Parking and Loading Bylaw (2017)
- Downtown Streetscape and Urban Design Standards (2018)
- Parks Master Plan (2018)
- Urban Forest Management Plan (2019)

In addition, the Capital Regional District (CRD) has recently completed a number of significant regional documents, including the Regional Growth Strategy, Regional Transportation Plan and Housing Affordability Strategy; these documents will also factor in to a new OCP.

Overview of Past Sidney OCPs

Since 1980, Sidney has developed and adopted five OCP's, as follows:

Bylaw No. 651: Adopted January 14, 1980

Bylaw No. 944: Adopted October 24, 1988

Bylaw No. 1140: Adopted July 28, 1993

Bylaw No. 1612: Adopted May 23, 2000

Bylaw No. 1920: Adopted May 14, 2007

As shown by the above dates, the current OCP is the longest serving document thus far. However, unlike previous OCP's, the current OCP has also been "updated" to an extent, through the adoption of two supplemental Local Area Plans (LAP's), which are intended to provide additional policy guidance in specific areas of the community. The LAP's were completed in 2008 and 2017.

In reviewing past OCP's, it is also clear that for nearly 40 years now, Sidney has followed a relatively consistent land use pattern, based largely on the way the town site developed from its inception up to the 1970's: a commercial downtown core with a traditional street grid, surrounded by higher density multi-family development, in turn surrounded by low rise largely single-family neighbourhoods. Areas designated for multi-family development were largely identified decades ago; while some have been largely built-out, some have yet to change at all. It is also clear from older versions of the OCP that Sidney has long committed to keeping its working harbours and industrial areas intact, and not allow these areas to be converted to residential or other uses which would erode their core functions.

DISCUSSION:

Review Options

In undertaking a review of the OCP, staff have identified three potential options for a review process: General Review; Comprehensive Review; and Complete Re-Write. Each of these options has implications regarding the potential timeline for completion and the expected costs.

Option 1: General Review

A General Review of the Official Community Plan would entail a cursory examination and assessment of the existing objectives and policies contained within the current OCP. Essentially, while the overall format and general vision of the plan would likely remain unchanged, certain key policies and map designations may be altered. Another aspect of a General Review is with respect to the level of public consultation. Typically, under a General Review, public consultation during the planning process is not as significant as a Comprehensive Review or Re-write.

Due to the scope of work involved in a General Review, the OCP review process can likely be undertaken internally by staff, thereby eliminating the necessity to hire outside planning consultants, keeping costs to a minimum. Further, based upon more limited public consultation a shorter time frame is required to complete the process. From the beginning of the OCP Review to adoption of bylaw, this process should take between ten to twelve months.

Option 2: Comprehensive Review

A Comprehensive Review of the Official Community Plan (OCP) would involve a more detailed analysis and assessment of the current document. Greater attention would be paid to background research, including development trends and statistics. A key component of the Comprehensive Review process would be a high level of public consultation. This may include several public open houses, stakeholder workshops and other means of engaging the public to provide meaningful input.

In addition, a Comprehensive Review may also entail a relatively significant re-structuring of the overall look and appearance of the plan. Often this is premised upon a review of 'Best Practices' from recently completed OCP's from similar municipalities.

Similar to a General Review, a Comprehensive Review may be partly undertaken internally by staff; however it is likely that it would be necessary to engage planning consultants to carry out significant parts of the process, particularly the public consultation process and tasks which require a large degree of technical skill (i.e. data analysis or architectural design guidelines). If done internally, it is estimated that this process will take between twelve to eighteen months to complete.

The previous OCP review process which was conducted in 2006 – 2007 could be considered a General Review in that the OCP received a significant overhaul but still reflected some elements of its predecessor document.

Option 3: Complete Re-Write

A Complete Re-Write of the OCP would involve a departure from the fundamentals of the existing document and would essentially mean a “clean slate”; creating a fresh blueprint with a significant and detailed reconsideration of almost every aspect of the current OCP. In undertaking a complete re-write of the OCP, a significant portion of the process would involve conducting detailed background studies and analysis on recent changes in the community. Further, like a Comprehensive Review, a very high level of public consultation would be required at all stages of the process.

Given the project scope and the high levels of required analysis and consultation, a complete re-write of the OCP would likely take between eighteen to twenty-four months to complete. Based upon the time commitment for such a review, most jurisdictions would engage the services of a consultant to guide the OCP review process. Subsequently, a complete Re-Write of the Official Community Plan would likely cost between \$150,000 and \$200,000.

Issues to consider:

- A substantial amount of time has passed (10+ years) since the current OCP was adopted.
- The level of growth and change in the community, and in Greater Victoria in general, has been significant over the past ten years. Sidney is facing new challenges not anticipated by the previous OCP.
- Sidney continues to undergo significant demographic change, with little understanding of its true scope and extent.
- There is an expectation in the community for a high level of public consultation and a need to tackle challenging questions.
- There is a need to incorporate other significant long-range planning work completed in previous years into the process (i.e. LAP's, etc.).
- The Capital Regional District adopted a new Regional Growth Strategy in January 2018.

Guiding Principles for the development of a new OCP:

It is important to establish a set of guiding principles for the OCP review to help steer the process and create a policy document which provides the greatest benefit to the community. The principles are general statements that outline not only the type of OCP that is most desirable for the Town, but the way in which it is developed. As the project progresses, the principles of the OCP review process can be further developed and enhanced. While staff believe that Council input is critical to establishing the principles, the following are some initial ideas for Council to consider:

1. First and foremost, develop an OCP that is created with a high degree of community input, ultimately fully endorsed by the community. Residents and stakeholders should have opportunities for meaningful input before they perceive that changes are set in stone. This can be achieved through comprehensive public consultation at the outset, continuing through the process.
2. Develop an OCP that provides clear and consistent guidance and direction for Council, staff, and the development community.
3. Establish a user friendly OCP that is an understandable document for the public, decision makers and staff. This can be achieved through the following:
 - A logical and organized bylaw structure;
 - Use graphics and illustrations;
 - Use clear language and well-defined terms;
 - A clear table of contents and index digitally linked to relevant sections of the document; and
 - Design the bylaw for easy online use.
4. Achieve an OCP that defines and helps enhance the unique character of the Town of Sidney.
5. Improve development guidelines to achieve a desirable form and character of development in Sidney.

6. Focus on incorporating themes of environmental health and sustainability, human happiness, and a sense of community into the document.

Special Focus Areas

Sidney has several unique neighbourhoods and areas that may warrant special attention during the development of an OCP, as well as larger themes of community interest that could be explored in depth. One of Council's roles as representatives of the community will be to provide direction to staff in identifying these areas or themes. Examples of these themes are as follows:

- Restoration/enhancement of Environmentally Sensitive Areas, such as Roberts Bay, the Reay Creek watershed, or other broad environmental themes.
- Developing a strategy to increase the amount of attainable housing in Sidney.
- The scale and scope of development in Sidney's downtown.
- The needs of the commercial and industrial business communities.

Housing Needs Report

The Provincial Government amended the *Local Government Act* in 2018 to include the requirement for municipalities in BC to undertake a Housing Needs Report, at least once every 5 years. (Note that Section 473 (a) of the Act requires OCP's to identify housing needs in the community for a 5 year period, but did not previously require a report.) The intent of these reports is that they serve as a fundamental basis for anticipating the required housing in a community, and in doing so inform important land use decisions in the OCP.

Although the legislation is not yet in force, pending development of the specific implementing regulations, staff anticipate these regulations will be complete by spring 2019. As a result, staff believe that the housing needs report should be planned for in advance of the development of the OCP, although the potential exists for the same consultant to work on both projects. Provincial funding will also be available by mid-2019 to assist in the development of these reports.

When a housing needs report has been completed, a municipality is required to:

- receive the report at a council or board meeting that is open to the public;
- publish the report on an internet site that is publicly and freely accessible.

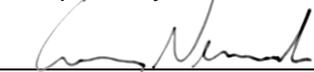
Because the Housing Needs Report may partially inform the policy direction that may be included in an OCP, staff consider it prudent to undertake the report as a stand-alone initiative, separate from the OCP. This would allow the findings of the report to be properly considered by Council and the public in advance of making significant decisions on OCP policy. In addition to specifics regarding housing needs, the scope of the report could also be expanded to include broader statistical data for the community that would help inform the OCP, such as demographic change, income levels, transportations choices, etc.

Summary

This report has provided some insight into what an Official Community Plan is, and some considerations that are involved in developing a new one. However, the process of developing a new OCP evolves as new information is obtained, consensus on the process is reached and interim decisions made.

Based on the outcome of discussions at the 2019 Council Strategic Planning Session, staff will work to develop a more detailed approach report which will incorporate direction from Council, budget priorities and additional research by staff to establish the basis for an Official Community Plan that helps shape the future of the Town of Sidney.

Respectfully submitted,



Corey Newcomb, MCIP RPP
Acting Manager of Planning

Attachment: Appendix A: Local Government Act Excerpts

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428 Purpose of regional growth strategy [note reference in 471 (2)]

- (1) The purpose of a regional growth strategy is to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources.
- (2) Without limiting subsection (1), to the extent that a regional growth strategy deals with these matters, it should work towards but not be limited to the following:
 - (a) avoiding urban sprawl and ensuring that development takes place where adequate facilities exist or can be provided in a timely, economic and efficient manner;
 - (b) settlement patterns that minimize the use of automobiles and encourage walking, bicycling and the efficient use of public transit;
 - (c) the efficient movement of goods and people while making effective use of transportation and utility corridors;
 - (d) protecting environmentally sensitive areas;
 - (e) maintaining the integrity of a secure and productive resource base, including the agricultural land reserve;
 - (f) economic development that supports the unique character of communities;
 - (g) reducing and preventing air, land and water pollution;
 - (h) adequate, affordable and appropriate housing;
 - (i) adequate inventories of suitable land and resources for future settlement;
 - (j) protecting the quality and quantity of ground water and surface water;
 - (k) settlement patterns that minimize the risks associated with natural hazards;
 - (l) preserving, creating and linking urban and rural open space, including parks and recreation areas;
 - (m) planning for energy supply and promoting efficient use, conservation and alternative forms of energy;
 - (n) good stewardship of land, sites and structures with cultural heritage value.

471 Purposes of official community plan

- (1) An official community plan is a statement of 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.
- (2) To the extent that it deals with these matters, an official community plan should work towards the purpose and goals referred to in section 428 [purpose of regional growth strategy].

472 Bylaw to adopt official community plan

- (1) A local government may, by bylaw, adopt one or more official community plans.
- (2) An official community plan
 - (a) must be included in the adopting bylaw as a schedule, and
 - (b) must designate the area covered by the plan.

473 Content and process requirements

- (1) An official community plan must include statements and map designations for the area covered by the plan respecting the following:
 - (a) the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
 - (b) the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
 - (c) the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
 - (d) restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
 - (e) the approximate location and phasing of any major road, sewer and water systems;
 - (f) the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;
 - (g) other matters that may, in respect of any plan, be required or authorized by the minister.
- (2) An official community plan must include housing policies of the local government respecting affordable housing, rental housing and special needs housing.
- (3) An official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets.
- (4) In developing an official community plan, the local government must consider any applicable guidelines under section 582 [provincial policy guidelines].

474 Policy statements that may be included

- (1) An official community plan may include the following:
 - (a) policies of the local government relating to social needs, social well-being and social development;
 - (b) a regional context statement, consistent with the rest of the plan, of how matters referred to in section 429 (2) (a) to (c) [required content for regional growth strategy], and other matters dealt with in the plan, apply in a regional context;
 - (c) 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 plan;
 - (d) policies of the local government relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.
- (2) 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 state only the broad objective of the local government with respect to that matter unless the minister has, under section 473 (1) (g), required or authorized the local government to state a policy with respect to that matter.

475 Consultation during development of official community plan

- (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.

476 Consultation on planning for school facilities

- (1) If a local government has adopted, or proposes to adopt or amend, an official community plan for an area that includes the whole or any part of one or more school districts, the local government must consult with the boards of education for those school districts
 - (a) at the time of preparing or amending the official community plan, and
 - (b) in any event, at least once in each calendar year.
- (2) For consultation under subsection (1), the local government must seek the input of the boards of education on the following:
 - (a) the actual and anticipated needs for school facilities and support services in the school districts;
 - (b) the size, number and location of the sites anticipated to be required for the school facilities referred to in paragraph (a);
 - (c) the type of school anticipated to be required on the sites referred to in paragraph (b);
 - (d) when the school facilities and support services referred to in paragraph (a) are anticipated to be required;
 - (e) how the existing and proposed school facilities relate to existing or proposed community facilities in the area.

477 Adoption procedures for official community plan

- (1) An official community plan must be adopted by bylaw in accordance with this section.
- (2) Each reading of a bylaw under subsection (1) must receive,
 - (a) in the case of a municipal bylaw, an affirmative vote of a majority of all council members, and

- (b) in the case of a regional district bylaw, an affirmative vote of a majority of all directors entitled under Division 3 [Voting and Voting Rights] of Part 6 [Regional Districts: Governance and Procedures] to vote on the bylaw.
- (3) After first reading of a bylaw under subsection (1), the local government must do the following in the indicated order:
 - (a) first, consider the proposed official community plan in conjunction with
 - i. its financial plan, and
 - ii. any waste management plan under Part 3 [Municipal Waste Management] of the Environmental Management Act that is applicable in the municipality or regional district;
 - (b) next, if the proposed official community plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act, refer the plan to the Provincial Agricultural Land Commission for comment;
 - (c) next, hold a public hearing on the proposed official community plan in accordance with Division 3 [Public Hearings on Planning and Land Use Bylaws] of this Part.
- (4) In addition to the requirements under subsection (3), a local government may consider a proposed official community plan in conjunction with any other land use planning and with any social, economic, environmental or other community planning and policies that the local government considers relevant.
- (5) The minister may make regulations in relation to subsection (3) (b)
 - (a) defining areas for which and describing circumstances in which referral to the Agricultural Land Commission under that subsection is not required, and
 - (b) providing that an exception under paragraph (a) is subject to the terms and conditions specified by the minister.
- (6) Despite section 135 (3) [at least one day between third reading and adoption] of the Community Charter, a council may adopt an official community plan at the same meeting at which the plan passed third reading.

478 Effect of official community plan

- (1) An official community plan does not commit or authorize a municipality, regional district or improvement district to proceed with any project that is specified in the plan.
- (2) All bylaws enacted or works undertaken by a council, board or greater board, or by the trustees of an improvement district, after the adoption of
 - (a) an official community plan, or
 - (b) an official community plan under section 711 of the Municipal Act, R.S.B.C. 1979, c. 290, or an official settlement plan under section 809 of that Act, before the repeal of those sections became effective, must be consistent with the relevant plan.