



TOWN OF SIDNEY

REPORT TO COUNCIL

TO: Mayor and Council

FROM: Corey Newcomb, Senior Manager of Long Range Planning

DATE: Regular Council - 28 Feb 2022 **FILE NO.:** 6480-20

SUBJECT: **Official Community Plan Review and Update Project: First Draft and Phase 3 Engagement**

PURPOSE:

To provide Council with an overview of the first draft version of the Town's new Official Community Plan (OCP) and the planned engagement activities following its release, as part of Phase 3 of the OCP Review and Update project.

BACKGROUND:

The OCP Review and Update Project is now entering Phase 3 of 4. Phase 1 of the project began in May 2020 and wrapped up in August 2020. That phase primarily involved background research and analysis, early stakeholder engagement and a detailed overview of the Town's current policy structure, bylaws and related documents. This work resulted in a "Background and Recommendations Report", which provided some high-level recommendations related to policy gaps and opportunities when considering land use and planning options in Phase 2.

Phase 2, titled "Explore Options", was the primary community engagement stage of the project. The goal of Phase 2 was to gather feedback and stimulate discussion on the community's vision for the future of Sidney. To accomplish this, a variety of engagement opportunities were organized between September 2020 and June 2021. Details on these activities and the project overall are available on the project webpage: www.sidney.ca/ocp.

Feedback from the entire community engagement process, the policy analysis from the Background and Recommendations Report, input from staff, and the professional opinions of the project consultant were summarized in the "Key Directions Report" – the main deliverable for Phase 2. The Key Directions Report went through a 4 week community engagement period for further feedback and was generally well received. At the September 13, 2021 regular Council meeting, staff were directed to proceed with Phase 3 of the project, drafting the OCP document. The first draft of the OCP document is now ready for public review and feedback.

DISCUSSION:

The draft OCP should be considered a "90% draft" – essentially, it is a complete draft of all proposed OCP content, including introductory/context sections, policies and guidelines. The remaining 10% - final content edits, graphic design, and most of the images and other visual content – will follow the final stage of community engagement in order to focus discussion on the written content and also to avoid additional layout and design work if substantial changes to the draft were to be required. It is important to note that the final draft will be much more visual, including explanatory images, graphics, and graphic design and layout improvements to enhance the user experience. Following Council and public review of the draft, any required final edits will

be incorporated and the final layout will be brought forward as the document reaches the final bylaw adoption phase of the project.

Overview of Draft OCP

The draft contains the typical components of an OCP; an introductory section, including information on the history and planning context of Sidney, some statistical information, the main policy section, development design guidelines, and land use mapping in the schedules at the end of the document.

As noted in the Key Directions Report, this OCP is structured around an overarching vision and 6 broad goals for the community, with policy subsections following each goal. This differs from Sidney's previous OCP, which was divided into policy sections based on separate land uses. The goals-based structure of the draft OCP focuses on integrating various types of policies under a single goal in order to achieve a more comprehensive approach to land use management (e.g. coordination between land use, transportation and the environment).

In keeping with Council's commitment in the Strategic Plan to extensive community engagement at the project's outset, the draft incorporates feedback from a range of community engagement events and activities throughout the two year timeline of the project. Residents, stakeholder groups, the business community, and other organizations all provided feedback. To date, there have been more than 1,600 unique interactions with the community that directly contributed to the formation of the draft, with additional Phase 3 engagement – feedback on the draft itself – yet to come.

The draft also represents the Town's commitment to reconciliation with First Nations. This includes an introductory and context section provided by the WSÁNEĆ Leadership Council (WLC), as well as the inclusion of policies that developed out of a series of discussions with the WLC and other First Nations people, specifically aimed at advancing reconciliation and relationship building.

Specific Areas of Focus

The six OCP goals include detailed policy approaches in a wide variety of areas, including those identified in the original project approach report presented to Council in December 2019, as follows:

- **Housing affordability:** Development of policies in this area included consideration of the Town's 2019 Housing Needs Assessment, the addition of new policies to guide the Town's actions in addressing affordable housing, as well as ensuring that the OCP provides sufficient opportunities to address the anticipated 5 year housing needs of the community.
- **Environmental protection:** In addition to new policies and development guidelines, the Town's environmentally sensitive areas were restructured and expanded to protect additional areas of coastline and riparian areas, including known Great Blue Heron nesting areas, as per Council's previous direction. At the same time, the draft maintains the balance between private property rights and environmental protection that has been successful in Sidney for many years now.
- **Climate action and sea level rise:** New greenhouse gas reduction targets and climate action policies have been included in the draft, as well as a policy section that outlines the Town's approach to addressing the potential for sea level rise.
- **Active transportation:** Extensive policy sections have been developed that will guide the Town's approach to developing and implementing the Active Transportation Plan and other related transportation opportunities.

- **Inclusion of previous planning work:** This includes documents like the Downtown Waterfront Vision and the Urban Forest Strategy, as well as the incorporation of still-relevant sections of the 2008 Downtown Local Area Plan. The West Side Local Area Plan has been retained in whole as part of the draft OCP and incorporated into the overall approach to land use management.

In addition to these focus areas, the draft OCP includes either mapping or policy that address previous Council direction arising out of the Key Directions Report in September 2021. This includes the following areas:

- Opportunities for garden suites, secondary suites and duplexes have been included in “Neighbourhood Residential” areas. (Noting that implementation of these uses would require further Zoning Bylaw amendments.)
- Consideration of ground floor residential uses in some areas of downtown Sidney. (Policy approach with Council discretion for approval.)
- The potential for townhouse and multiplex development around Neighbourhood Commercial nodes. (Noting that implementation of these uses would require further Zoning Bylaw amendments.)
- Designation of the area to the south of Mermaid Park as “Multi-unit Residential” and the inclusion of specific policies to facilitate the potential for the future rehabilitation of the creek. (Approvals of developments in these areas would require individual Zoning Bylaw amendment applications.)
- Limiting building heights to 3 storeys on Beacon Avenue, east of Fifth Street and 4 storeys elsewhere in the downtown (with the potential for discretionary Council approval of a fifth storey west of Fifth Street where affordable housing is included.) This approach also includes a specific design guideline to set back the fourth storey level, where one is included, in order to create a three storey “street wall”.

Finally, the Development Permit Area design guidelines have also been substantially revised and restructured to help deliver the policy approaches under the 6 goals, including improvements to guidelines for Environmentally Sensitive Areas, sustainability considerations (e.g. bird-friendly design approaches) and “form and character” guidelines for residential, commercial and industrial development.

Specific Land Use Change Considerations

As a result of the proposed land use changes noted above around Neighbourhood Commercial nodes and in some other areas (properties on the north side of Melville Park and south of Rothesay Avenue), approximately 100 properties are proposed to be redesignated from “Neighbourhood Residential” (i.e. single-detached homes) to “Multi-Unit Residential” (i.e. townhouses or apartments). It’s important to note that this only represents the potential future land use; Zoning Bylaw amendments, including property owner notification and a public hearing (to change the actual use and determine setbacks, heights, and density) and Development Permit approvals (form and character review) would be required before any multi-unit development is permitted in those locations. Nonetheless, Council may wish to consider notifying these property owners specifically of this proposed change in OCP land use designation; a recommendation to this effect is included below.

In addition, approximately 80 properties are proposed to be added to designated Environmentally Sensitive Areas (ESA’s); primarily in the Allbay Road area (to include the heavily treed areas with Blue Heron and Eagle nesting potential and shoreline areas) and between Rothesay Avenue and Beaufort Road (to protect the marine foreshore). A small area is also proposed to be added immediately south of Mermaid Park, on properties with or immediately adjacent to sections of open creek channel. Upon designation, these properties would become subject to the applicable ESA development guidelines and would be require an approved Development Permit prior to

alteration of the land (this includes building a new house, addition or substantial landscaping work). Because the inclusion of these properties in the ESA's would represent a kind of land use change, Council may also wish to notify these property owners individually of the change. Staff note that Sidney has historically taken a very balanced approach between private property rights and environmental protection, and while the guidelines are being strengthened somewhat, this balanced approach would continue for the newly designated properties as well.

There are also three areas proposed to be included as "Neighbourhood Commercial Policy Areas" comprising just over 30 properties. These are areas that represent potential neighbourhood commercial nodes in some residential areas and could accommodate a corner store, coffee shop or other local service for residents. In these areas, an applicant could assemble two or more properties and apply for a zoning amendment to build a small mixed use (commercial/residential) development at a scale compatible with the surrounding neighbourhood. Although these areas would require a site-specific zoning amendment, a public hearing, and a development permit approval prior to redevelopment, Council may also wish to notify these property owners of the change in land use designation.

Next Steps

Should Council decide to advance the draft OCP to the next stage of community engagement, staff are prepared to begin that engagement process from March 1, 2022 with the following activities:

- Begin an online survey to solicit feedback on the draft OCP
- Schedule open house(s) to introduce the community to the draft OCP

These main engagement activities would also be supported by the following:

- Notice to the community and all stakeholders that the draft OCP document is ready for review and comment, in the form of a media release and letters to stakeholder groups.
- Additional advertising to inform the community of the release of the draft OCP, as well as the different opportunities available for reviewing and commenting on the document. This would include advertisements in the Peninsula News Review, physical signage in the community, (including posters, large format signs, and sandwich board signs), and numerous social media posts throughout the month. These would all direct people to the project page where the draft OCP, the survey, and supporting information will be located.
- A final meeting with the W̱SÁNEĆ Leadership Council (WLC) to present the draft OCP. Staff will also reach out to the Pauquachin First Nation (who are not part of the WLC) and invite their review and comment on the draft OCP.
- As directed by Council, staff will also be prepared to present the draft OCP to the Advisory Planning Commission (APC) and any other relevant Town committees to which Council may choose to refer the document.
- Staff recommend that the OCP Advisory Committee also meet to review the document and community feedback from the final engagement process. This would be similar to how the review process for the Key Directions Report was undertaken and provided a level of assurance that the project goals had been achieved and the work has met with community expectations.

Feedback from these engagement processes will be summarized and presented to Council at a Council meeting in April and staff will update the draft OCP document with any required edits. The final draft OCP would then be brought back before Council to undergo the bylaw adoption process. It is anticipated that the adoption process would run from May through June.

It is important to note that the above process and timeline is, to some extent, dependent on whether the draft OCP document “gets it right” and delivers on the community’s expectations. Should significant alterations or amendments to the document be required, this timeline is subject to change.

Finally, staff would like to stress that no OCP is ever “perfect” as adopted. It is very likely that one or more rounds of housekeeping updates will be required over the next few years as the OCP gets used in practice and issues are identified as a result. Staff will keep a list of these necessary updates and bring forward housekeeping amendments as required following the initial adoption of the bylaw.

STRATEGIC PLAN:

Supports item 1 under the "Complete Community" section of the Strategic Plan; "Completion of the Official Community Plan Review"

FINANCIAL IMPLICATIONS:

None; proposed engagement activities fall under existing budgets.

RECOMMENDATION:

1. That staff undertake Phase 3 engagement for a six week period from March 1, 2022 to– April 8, 2022 as per the February 22, 2022 staff report and report back to Council with the results.
2. That the draft OCP be referred to the Advisory Planning Commission for review and comment.
3. That the draft OCP and public feedback from the Phase 3 engagement process be presented to the OCP Advisory Committee for consideration.
4. That staff send letters to individual property owners whose property is being redesignated from “Neighbourhood Residential” to “Multi-Unit Residential” in the draft OCP.
5. That staff send letters to individual property owners whose property is being designated as Environmentally Sensitive in the draft OCP.
6. That staff send letters to individual property owners whose property is being designated as a “Neighbourhood Commercial Policy Area” in the draft OCP.

Submitted By:	Corey Newcomb, Senior Manager of Long Range Planning
Concurrence:	Randy Humble, Chief Administrator Officer
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ATTACHMENTS:

[2022 02 22 - Sidney OCP Consolidated DRAFT for consultation](#)