



# TOWN OF SIDNEY

## REPORT TO COUNCIL

**TO:** Mayor and Council

**FROM:** Corey Newcomb, Senior Manager of Long Range Planning

**DATE:** Special Council - 30 May 2022 **FILE NO.:** 6480-20

**SUBJECT:** **Summary of Revisions to the Draft Official Community Plan**

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### **PURPOSE:**

The purpose of this report is to provide an overview of the second draft of the draft Official Community Plan, summarizing significant revisions following direction from Council, and recommending next steps for the project.

### **BACKGROUND:**

A first draft of the Sidney 2040 Official Community Plan (OCP) was released for public review and comment on March 3, 2022, following Council's initial review of it on February 28, 2022. The draft then went through a six week comment period, during which the Town received many comments and suggestions from the community and Town committees on how the draft could be refined and improved.

On May 5, 2022 Council reviewed feedback from the community and Town committees on the first draft of the OCP and provided direction for revisions to the document. These revisions included some significant changes to certain policy sections, as well as a restructuring of the document overall; the changes are covered in more detail below and a draft OCP showing significant revisions is included as Appendix A to this report. A "clean" version of the revised draft will be made available on the [project webpage](#).

### **DISCUSSION:**

Following the May 5th Council meeting, staff began to revise the draft OCP to incorporate not only Council direction, but also many of the more detailed suggestions from the community and committees, as well as further policy refinement by staff.

### **Overview of changes to Version 2 of the Draft OCP**

This report has retained the "themes" structure for potential revisions to the draft OCP that helped to frame the discussion at the May 5th Council meeting. Within each theme the relevant Council resolutions from May 5th have been included to link the changes with Council's discussion and direction. Some changes and additions to the draft that are unrelated to the themes are also discussed further below. Major revisions are discussed in this report; smaller revisions that do not affect policy approaches are excluded for brevity. In addition, due to the substantial reorganization of the document, some non-policy changes have not been specifically tracked. These include:

- The restructuring of the document itself (i.e. moving sections and policies to new locations).
- Most changes to "Part 1" of the document (introduction, background, vision, etc.)
- Substantial rewrites of the "community context" part of each new section.

- Some restructuring of the Design Guidelines.

The majority of the policy content from the first draft is unchanged. Changes are shown in red text.

### **Theme 1: Protection of natural assets and areas**

Direction from Council and public feedback has resulted in substantial additions to the environmental section of the document. These additions include:

- An additional context section focusing specifically on the Town's Environmentally Sensitive Areas (ESA's).
- A "Natural Features Map" that, while fairly basic due to data limitations, serves to provide a visual basis for the establishment of the ESA's and also the start of future efforts to gather additional data and map in more detail the many natural features within Sidney.
- Additions to the ESA's, as directed by Council. There are now eight individual ESA's in two categories. The "Marine Foreshore" ESA category has been renamed to "Marine Coastal" to better reflect the fact that it includes upland properties as well as marine foreshore areas. The Riparian category remains unchanged.
- Policy sections specific to each ESA have been added to the Environment Section.

Resolutions from Council regarding the environmental theme, and their outcomes, are listed below:

#### ***That the Marine Foreshore ESA be extended south to Mt. Baker Avenue.***

- This change has been made to Schedule D.

#### ***That the draft OCP be revised to identify Resthaven Park and Resthaven Island Park (i.e. the portion starting from where Harbour Road Marine ends and extending northward to include Resthaven Island Park) as an ESA and include the Lochside Waterfront ESA from the current OCP with appropriate policies.***

- These areas have been added to Schedule D and policies added to the relevant sections.

#### ***That the draft OCP be revised to prohibit subdivision in the Beaufort Grove portion of the Marine Foreshore ESA.***

- A policy prohibiting subdivision has been added to the relevant section.

#### ***That the draft OCP be revised to include a Great Blue Heron ESA and that 2325 Harbour Road be included in the ESA with appropriate policies.***

- Following discussions with subject matter experts with the Provincial Government, staff have included any known locations of Great Blue Heron nests within the eight ESA's established in the second OCP draft, but have not included a separate "Great Blue Heron ESA". The reason for this is twofold; first, the locations of the nests can change over time, while the OCP is a relatively static document and may not reflect current conditions. Second, areas that can be considered to have nesting potential are all now included as ESA's. These ESA's have both policies and guidelines speaking to the management of sites with nests. Furthermore, nests are protected by Provincial and Federal regulations in any case, which would act as a backstop should nests occur in a non-ESA area.

***That the draft OCP be revised to identify a Beaufort Grove ESA with appropriate policies.***

- A separate Beaufort Grove ESA has been added to Schedule D and policies added to the relevant section.

***That the designation of the parcels within the Mermaid Creek Riparian ESA remain as Neighbourhood Residential.***

- This has been completed; however, staff are concerned that the outcome of this resolution will not achieve the desired objective of protecting or restoring Mermaid Creek, while creating incongruous development on adjacent properties. This is due to the following reasons:
  - The existing damage to Mermaid Creek *is a direct result of the single-detached development format* which originally required the piping of the creek.
  - As a result, the retention of the Neighbourhood Residential designation for properties on or immediately adjacent to Mermaid Creek will result in a “like for like” redevelopment scenario. In other words, due to existing lot sizes single-detached homes will redevelop in essentially the same building footprint with no need for a discretionary approval (i.e. variance or rezoning). This will prevent the acquisition of land or a right-of-way that would allow for future renaturalization efforts to occur. Piped sections of Mermaid Creek will be required to remain in those pipes.
  - The ability of the Town to purchase lots in this area is extremely limited. The current assessed value (not market value, which is typically higher) of the affected properties is currently approximately \$14 million. Moreover, grants for environmental restoration are typically given for actual restoration work, and often preclude the purchase of land. Redevelopment remains the most likely method by which the Town could acquire land or rights to land for restoration purposes.
  - Redevelopment of properties in the “Neighbourhood Townhouse” designation will result in much larger building footprints due to the ground-oriented nature of this building form. Redevelopment to townhouses may result in greater lot coverage, more driveways, and the loss of the ability to consolidate other lots closer to Mermaid Creek, making restoration efforts more difficult. Moreover, some of the remaining Neighbourhood Townhouse lots are unsuited to that development format (e.g. single lots with no possibility of consolidation).

For these reasons, staff recommend that Council reconsider this particular change, and either retain the “Multi-Unit Residential” designation as proposed in the first draft of the OCP, or retain the current Neighbourhood Residential designation as they currently exist for properties in this block. The Neighbourhood Townhouse designation is not recommended in this location if there is a desire to retain a range of options for Mermaid Creek restoration in the future.

**Theme 2: “Multi-Unit Residential” designations around Neighbourhood Commercial**

The new “Multi-Unit Residential” designations have been modified as directed by Council. The Third Street and Mermaid Creek ESA areas have been removed and retained in their current “Neighbourhood Residential” and “Intensive Neighbourhood Residential” designations. All other areas have been specifically changed to a new designation called “Neighbourhood Townhouse” with accompanying policy that provides specific guidance on the scale of development that will occur in these areas (further described below under Theme 3).

Resolutions from Council regarding the Multi-Unit Residential theme, and their outcomes, are listed below:

***That the draft OCP be revised to remove the Neighborhood Commercial Policy areas.***

- The three Neighbourhood Commercial Policy Areas have been removed from the draft OCP.

***That the draft OCP be revised to amend the designation of the new Multi-Unit Residential parcels around existing Neighborhood Commercial to be Townhome Residential with appropriate policies.***

- Completed; as noted above the new designation is called “Neighbourhood Townhouse”.

***That the designation of parcels adjacent to the waterfront walkway remain Neighborhood Residential.***

- Completed. Staff also note that that the proposed extension to the waterfront walkway has been removed from the draft OCP. (Following a motion to include it that was defeated.) However, staff have retained policy to obtain rights-of-way over properties where the opportunity arises. While this may not lead to the near-term construction of the walkway, it may preserve that opportunity for the future.

**Theme 3: Specifics around built form and density**

Policies have now been added to the second draft to provide additional specificity around the Town’s approach to built form and scale in the OCP. An entire subheading section titled “Neighbourhood Form and Scale” has been added to the “Residential Lands” section of the OCP (5.3.1 – 5.3.17) which provides clarity around the scale of development (measured in storeys) and the minimum lot areas required for development, depending on land use type. Additional policies are included to address other considerations for infill development, such as building adjacencies and transitions.

The intent of this approach is to provide a clear “graduated” approach to building scale in Sidney, starting with a primarily 4 storey downtown area (with 5 storeys possible in specific circumstances as per policy 6.3.5) with building heights then declining to a 2-4 storey scale in Multi-Unit Residential areas immediately surrounding the downtown, and finally ending at the 1-2.5 storey scale in Neighbourhood Residential and Neighbourhood Townhouse areas.

This general level of building scale has been the de facto approach in Sidney for many years, but this is now being explicitly stated in the OCP. Staff note however that specific spatial details of development, such as density (measured by total floor area or another method), building heights, setbacks, lot coverage, etc., remain to be articulated in the Zoning Bylaw.

Similar policies have also been added for other land use designations that are generally close to residential areas, such as Neighbourhood Commercial and Harbour Road Marine.

Specific building scale policy for the Galaran neighbourhood (West Sidney Mixed Use Village and Multi-Unit Residential designations) are already contained within the West Side Local Area Plan, which remains as a schedule to the draft OCP.

More clarity has also been added around minimum lot areas, including specifying the minimum lot areas for single-detached, duplex dwellings and other uses. A policy (5.3.5) has also been

added to clarify that minimum lot areas are only general minimums and should be further developed for each zone depending on other policy objectives.

#### **Theme 4: Parking**

Additional policies and objectives related to addressing parking have been added to the revised draft. The policies primarily focus on opportunities for improved management of existing parking spaces through demand management strategies, with the exception of the policy to explore the feasibility of a downtown parking facility when the Town periodically evaluates downtown parking demand.

#### **Theme 5: Document Structure**

Version 2 of the draft OCP has been restructured along the lines of the relevant land use designations, or specific areas of focus, such as First Nations reconciliation. This approach to structure more closely reflects Sidney's current OCP. The six goals used to structure the first draft have been retained, but are now used as background and context for the vision statement and the policy directions in the overall document.

#### **Other Changes**

##### **Regional Context Statement**

Section 446 of the *Local Government Act* requires that municipalities that are within an area covered by a Regional Growth Strategy include in their OCP a Regional Context Statement (RCS). A RCS is a linking document that shows how a municipality's planning vision, as expressed in its OCP, aligns with and supports the regional vision, as outlined in the Regional Growth Strategy.

The RCS that has been included in this draft of the OCP is the same one that was approved by Council on December 16, 2019 and subsequently approved by the CRD Board in early 2020. As noted in the "track changes" version of the draft OCP, only minor updates have been made, primarily to policy references; otherwise the intent and applicability of the RCS remains the same in terms of the policy approach in Sidney's draft OCP to support the Regional Growth Strategy. Following adoption of the OCP, staff will advise the CRD by letter that the RCS has been adopted into the OCP, noting the minor amendments that were made to policy references.

##### **Offences/Penalty Section**

An offences/penalty section has been added; this is required in the event that some aspect of the OCP (typically Development Permit guidelines) need to be enforced via a bylaw enforcement ticket or legal action.

##### **Other:**

- Additional (existing) trails have been added to Schedule B (Parks, Trails and Open Space map).
- The policy supporting consideration of ground floor residential in downtown Sidney has been removed.
- The policy around consideration of liveaboards and floathomes has been made less restrictive (a Zoning Bylaw amendment would still be required to change the Town's approach to this issue).

## **Site-Specific Considerations**

At the May 5th Special Council Meeting, Council provided direction on how three specific sites are addressed in the context of the draft OCP. Changes to these properties are discussed in detail below:

### **1. Cedarwood Motel site**

Council made the following resolution regarding this property:

***That the draft OCP be revised to provide additional guidance on the form and density of the Cedarwood Motel site.***

As described above under themes 2 and 3, a number of changes and additions have been made that provide guidance for this site:

- The addition of the Neighbourhood Townhouse designation for the western portion of this site provides guidance under policy 5.3.3.
- Policies 5.3.10 and 5.3.11 provide guidance regarding a transition from existing adjacent Neighbourhood Residential areas to higher density uses, such as Neighbourhood Townhouse.
- A number of additional objectives and policies have been added to the “Neighbourhood Commercial” designation that provide guidance around form and density on this site. These include policy 8.3.1, which sets a building scale of between 1-3 storeys for Neighbourhood Commercial uses, as well as policies 8.3.5, and 8.3.6 which provide guidance when considering new Neighbourhood Commercial proposals.

Zoning Bylaw amendments and Development Permit application processes would still be required prior to any redevelopment of this site that involves a change in use. As noted above, a Zoning Bylaw amendment would be required to set specific uses, density, setbacks, lot coverage, etc. for the site.

### **2. 2325 Harbour Road**

Council made the following resolution regarding this property:

***That the land use designation for 2325 Harbour Road remain as “Harbour Road Marine Industrial” in the draft OCP, that policies be added clarifying that the intent is a small mixed-use building providing a transition between Harbour Road Marine Industrial and the adjacent Residential area, and that land uses with potential to create significant noise or disturbance are not permitted.***

As per Council’s resolution, the land use designation has been retained (with a slightly updated name of “Harbour Road Marine”) to reflect a broader range of potential uses, and staff have added objective 11.2.4 and policies 11.3.1, 11.3.8, and 11.3.9 to address the transitional location of this property, ensuring that a subsequent Zoning Bylaw change for the site would take the context of the site adjacent to residential properties into account.

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Zoning Bylaw amendment and Development Permit application processes would still be required prior to any redevelopment of this site that involves a change in use.

### 3. 2125 Beacon Avenue West

Council made the following resolution regarding this property:

***That the land use designation for 2125 Beacon Avenue West be changed to “Airport Commercial” and supporting policies for this designation be added to the revised draft Official Community Plan.***

This name change was made as per Council’s direction, and additional objectives and policies have been added to the draft OCP under a new Section 9. The policy approach for this designation ties into the existing land use framework with the Victoria Airport Authority (VAA) and references the Town’s commercial Development Permit guidelines as the framework to review potential developments against when the VAA refers a development to the Town for comment.

#### **STRATEGIC PLAN:**

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

#### **FINANCIAL IMPLICATIONS:**

Expected work described above remains within the project budget.

#### **RECOMMENDATION:**

1. **That Council consider any additional desired changes to the draft OCP.**
2. **That staff be directed to bring forward for Council’s consideration to the June 13, 2022 regular Council meeting an Official Community Plan Bylaw that includes any amendments made at the May 30, 2022 Special Council meeting.**
3. **That the revised draft OCP be made available for public comment on the project webpage and that any comments received until 4:00 p.m. on June 13, 2022 be presented to Council for consideration.**
4. **That the revised draft OCP be promoted through a media release, advertisements in the Peninsula News Review and on the Town’s social media.**

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

#### **ATTACHMENTS:**

[Sidney Draft OCP Version 2 \(Track Changes Version\)](#)