

## FOR CITY MANAGER'S REPORT

TO: E.C. SWABEY, DIRECTOR, PLANNING & DEVELOPMENT

FROM: ANDREW TUCKER, MANAGER, COMMUNITY PLANNING

RE: OCP TEN YEAR REVIEW

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### RECOMMENDATION:

That Council endorse the Official Community Plan (OCP) Ten Year Review process outlined in this report.

### BACKGROUND:

Plan Nanaimo: the Official Community Plan (OCP) Bylaw No. 6000 was adopted on 1996-Jul-08 following an extensive public consultation process. The OCP is based on five guiding principles or goals:

1. Build complete viable communities.
2. Protect the environment.
3. Manage urban growth.
4. Improve mobility and servicing efficiency.
5. Ongoing planning and community involvement.

There appears to be widespread support for these goals among community members. However, some residents feel that the OCP has drifted from the original intent of the five goals. Part of this criticism arises from a view that once a plan is adopted, it must remain unaltered over time, that the OCP should be cast-in-stone. Notwithstanding this perspective, Plan Nanaimo has always been considered a "living document".

Consider that between 1976 and 2001 the City of Nanaimo grew from a population of 41,294 to a population of 76,892 (an average annual growth rate of 2.6 percent). While it is projected that the City will grow at approximately half that rate over the next 25 years, we will grow from a population of 80,181 in 2006 to 113,954 in 2031. Plan Nanaimo needs to anticipate this growth and provide policies to accommodate it.

### A Living Document

Since its adoption, there have been numerous amendments to the OCP through 65 amending bylaws. Most of these amendments were internally generated in order to keep the OCP current with new legislation or to reflect new policies of Council. For example, recent amendments have included ones to reflect the new Parks, Recreation and Culture Master Plan and the Environmentally Sensitive Areas Inventory. There have also been 45 applications received from external applicants. Of these external applications 23 were approved by City Council, 21 were denied or withdrawn, and 2 are pending.

In addition, the Plan contains an ambitious list of major initiatives to achieve Plan goals through the implementation strategy section of the Plan. In other words, some of the amendments over the past ten years are a direct result of actions identified in the OCP. While many of these have been completed, others are still outstanding and others are no longer a priority for the City.

While there is no statutory requirement to undertake a review of a plan every ten years, it is standard professional practice to do so. It is the intention of the City of Nanaimo to undertake a review of the OCP in 2006. The purpose of this report is to provide Council with an overview of the

review process and to identify issues which are anticipated to be considered as part of the ten year review.

### Statutory Authority

Part 26 of the *Local Government Act* (LGA) governs the preparation, consultation and adoption requirements for Official Community Plans.

Sections 877 and 878 of the LGA outline the required and optional content of an Official Community Plan. Section 879 lists the outside agencies with which the City must consult as part of any Plan preparation including:

- The Regional District of Nanaimo.
- The District Municipality of Lantzville.
- The Snuneymuxw First Nation.
- School District #68.
- The Provincial and Federal governments.

Official community plans have been described as the “constitutions of land use regulation.” British Columbia Planning Law and Practice by William Buholzer states that this metaphor is:

“... intended to convey the notion that official plans are expected to enshrine principles that are above the daily politics of rezonings, variances, and development approvals. They are meant to govern the overall direction of development and its pace at a policy level without descending into detail, which is left to regulatory instruments such as [zoning] bylaws and permits.”

One of the goals of the Ten Year Review is to ensure that the OCP continues to be a policy document that guides the overall growth of the city and is long range in focus. This may require revision of some of the more detailed or specific policies which are contrary to the broad nature of the Plan.

### Background Studies

In 2001 the City initiated a five year review of the OCP which examined the policies concerning growth centres (town centres, neighbourhood villages and local service centres), one of the key policies of the Plan. The Growth Centre Concept Assessment: Policy Directions Report (February 2005) looked at the framework of growth centres and recommended the elimination of some growth centres and the scaling back of others. That study was completed in early 2005 but the recommendations contained in the review have yet to be formally considered by Council.

As a first step in the Ten Year Review process, the City began a Land Inventory and Capacity Analysis in November 2005 to examine the availability of land for each type of use (residential, commercial, industrial). The analysis will result in more accurate GIS mapping and will include the ability to run various scenarios using CommunityViz software.

In addition, the City has undertaken a review of the 1998 Progress Nanaimo Report to determine the suitability of various indicators and our success towards achieving the goals of the Plan.

### Public Consultation

Although there appears to be widespread support for the OCP, it is clear that some public commentary show a lack of knowledge about the Plan's actual content. Therefore, if meaningful public input is to be received, it is critical that the Ten Year Review include a major public education component.

It is suggested that the public education component include an explanation of each of the five goals and a summary of actions taken by the City over the past decade to achieve that goal. A series of newspaper inserts (backgrounders) on each goal as well as one on growth in Nanaimo are recommended to fulfill this role. Public education materials should also identify completed actions which support the goals while identifying those actions that have not yet occurred.

In addition, it is suggested that the public consultation process begin with a conference open to all residents on a variety of planning topics such as Smart Growth, New Urbanism, sustainability and demographic trends. Experts in these fields would be invited to make the presentations. This event would act as a kick off to the review process.

The public consultation process will use a wide variety of consultation techniques in order to engage as wide a cross section of the community as possible. Elements of the public consultation process are tentatively to include:

- A series of backgrounders on each goal of the Plan as well as demographic trends and land use demand and capacity. These would likely take the form of newspaper inserts and would provide public education on Plan Nanaimo prior to the start of public consultation. An informed public will lead to informed debate as part of the review process.
- A community survey to identify key issues. This work would be undertaken by a professional public opinion survey firm. The estimated budget for survey work is \$25,000. Additional survey work may be used to address particular issues or policy directions if the need arises.
- A community conference bringing in experts on Smart Growth, sustainability, healthy communities, demographics and urban design. The estimated budget for the community conference is \$25,000. Potential speakers include:
  - Allan Jacobs – Professor of Urban Planning at the University of California (Berkeley) and author of Great Streets.
  - Ken Greenberg – Architect and designer, former Director of Urban Design for the City of Toronto, whose projects include the Crossroads Initiative in Boston, and Harbourfront Centre in Toronto.
  - Dr. Avi Friedman, author, architect and Director of the Affordable Homes Program at McGill University.
  - Jamie Van Struth – Consulting Economist specializing in economic development and statistical development based in B.C.
  - Norm Hotson – Architect and founding partner of Hotson Bakker Boniface Haden Architects of Vancouver.
  - Dr. John Harber – Coastal geologist and a principal of Coastal & Ocean Resources Inc. of Sydney, B.C. and adjunct professor at University of Victoria.
  - Dr. Larry Frank – Bombadier Chair in Sustainable Urban Transportation at UBC and author of Health and Community Design.
  - Mark Holland – Landscape architect and planner and a principal at Holland Barrs Architecture whose practice focuses on sustainability.
  - Eugene McCann – Professor of Geography at SFU whose research focuses on urban policy and how place is shaped.
  - Betsy Donald – Professor of Geography at Queen’s whose research focuses on the urban creative economy.

The number of speakers who would be able to participate in a community conference would depend on their fees and availability. It is anticipated that the available budget would cover the cost of three to five keynote speakers.

- Community forums to review proposed amendments under each goal of the Plan. These forums should include a wide variety of formats including open houses, public meetings, presentations to community organizations and special interest groups, web based forums, community workshops and others. The planning consultant selected to undertake the Ten

Year Review will need to have expertise in a wide variety of public consultation techniques and processes. The estimated budget for this component of the review is \$90,000.

- A public hearing as required under the LGA.

#### Role of the Plan Nanaimo Advisory Committee:

PNAC was created by City Council to act as an advisor to Council on matters pertaining to the OCP. The Committee is composed of fourteen members representing a wide cross-section of the community including the development and business sectors, the environmental sector, three neighbourhood association representatives and representatives from other committees of Council including heritage, social planning, parks and recreation and the environment. Given that there is an existing broad-based committee dealing with the OCP, it is recommended that PNAC act as the steering committee for the Ten Year Review process.

At its meeting of 2006-Mar-14, PNAC recommended that Council invite the participation of representatives of Snuneymuxw First Nation, the Port Authority and Malaspina University-College to sit on PNAC for the duration of the Ten Year Review.

#### Scope of Work:

It is anticipated that the Ten Year Review will result in a major rewrite of the Plan which will resolve any inconsistencies in the document but remain true to the original goals. Having said this, it may be desirable to modify the goals to make the concept of sustainability more explicit in the Plan by adding components to the “build viable communities” goal that speak to economic development and social development.

A preliminary review of issues that may be identified to be addressed as part of the Ten Year Review project includes:

- Finalizing the Five Year Review of growth centres including town centres, neighbourhood villages, and local service areas.
- Consideration of extending the UCB to include industrial lands due to the expectation that industrial lands will be fully serviced.
- Review of the fine-grained infill policies under the Neighbourhood designation which may be too prescriptive or act as an impediment to increasing densities on infill sites.
- Review of policies that direct big box retail to one area of the City only (Woodgrove).
- Policies for multi-family adjacent to major roads.
- Development of new policies that speak to the role of Third Street as a major connector between Downtown and Malaspina University-College.
- Need for policies for Malaspina University-College and the recreational node at NAC/NIC.
- A review of high rise development policies.
- Review of the UCB in Linley Valley with particular attention to DL56.
- Recommendations regarding the alignment of zoning with designations in the OCP.
- Review of policies for Harewood Plains.
- Review of the affordable housing policies to address homelessness issues.

In addition to these more substantive issues a number of housekeeping and administrative issues should also be addressed as part of the Ten Year Review project, including:

- Mapping – increasing the number of schedules to enhance readability.
- Mapping – explore the need for consistency between the use of symbols as opposed to cadastral information to map designations which may make interpretation of policies for growth centres more difficult.
- Reduce the number of policies to eliminate repetition.
- Consolidate DPAs.
- Review the “six month window” for applications to amend the OCP.

Timeline

The following is an anticipated timeline to complete the review:

|                |  |
|----------------|--|
| April 2006     | Call for Proposals   |
| May 2006       | Award of Contract<br>Completion of Land Inventory Analysis<br>Completion of Progress Nanaimo update  |
| June 2006      | Development of public participation plan<br>Formation of technical steering committee<br>Initial meetings with City staff<br>Initial meetings with external referral agencies (SFN, RDN, Prov) |
| July/Aug. 2006 | Preparation of backgrounders<br>Preparation of community survey<br>Review of studies, plans, etc.  |
| Sept. 2006     | Backgrounders published in community newspaper<br>Community survey administered  |
| October 2006   | Community conference on planning and design<br>Second round of meetings with external agencies<br>Results of survey published<br>First round of public open houses                             |
| Nov./Dec. 2006 | Preparation of draft plan document   |
| Jan. 2007      | Draft circulated to internal and external referral agencies<br>Second round of public open houses  |
| Feb./Mar. 2007 | Revisions to draft plan<br>Preparation of final document   |
| April 2007     | Formal referral to external agencies<br>Third round of public open houses<br>Introduction of plan for Council adoption   |
| May 2007       | Formal public hearing  |
| June 2007      | Adoption   |

Resources

The Community Planning Budget includes \$150,000 for the Ten Year Review as a major workplan item in 2006. The budget allocations are estimated as follows:

- Community conference \$25,000
- Community survey \$25,000
- Planning consultant \$90,000
- Contingency \$10,000

It is the City's intent to advertise for a planning consulting firm to undertake the Ten Year Review in the near future.

PNAC Endorsement

At their meeting of 2006-Mar-14, PNAC endorsed the OCP review process as outlined in this report.

**RECOMMENDATION**

That Council endorse the Official Community Plan (OCP) Ten Year Review process outlined in this report.

Respectfully submitted,

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