

STAFF REPORT

REPORT TO: TED SWABEY, GENERAL MANAGER, DSD

FROM: ANDREW TUCKER, DIRECTOR, PLANNING AND DEVELOPMENT

RE: OFFICIAL COMMUNITY PLAN 10-YEAR REVIEW UPDATE

STAFF'S RECOMMENDATION:

That Council:

1. direct staff to realign the UCB to coincide with the City boundary in the Draft Official Community Plan (excluding Agricultural Land Reserve designated lands);
2. direct staff to amend the Draft Official Community Plan to include policies for an "Urban Reserve" designation (applied to Linley Valley and the Jingle Pot Neighbourhood area);
3. release the Draft Official Community Plan for public consultation; and
4. include specific strategies for public input with respect to the UCB amendments and Urban Reserve policies proposed in the Draft Official Community Plan.

EXECUTIVE SUMMARY:

Recent Council decisions and directions regarding the UCB will require preparation of new policy and designations within the Draft Plan of the OCP. The recent changes (both approved and proposed) represent a significant modification to the location of the UCB for the City. Staff is of the opinion that based on recent decisions of Council, as it relates to Jingle Pot Neighbourhood, Cable Bay and South Nanaimo lands, that there is merit in relocating the UCB to the City boundary and providing policy and designations in the OCP to allow the City to manage future growth and protect environmental and agricultural resources. Moving the UCB to City boundaries will ensure local decision making is maintained in terms of growth management and clarifies that Nanaimo is the major "node" within the Regional Growth Management area. Having the UCB at City boundaries will also help define that "sprawl" has regional context, more so than urban applicability.

The purpose of this report is to summarize recent policy decisions and directions that have altered the approach to the location of the UCB since the OCP Review began and to seek direction on the proposed UCB location for the Draft Plan to be released for public consultation.

BACKGROUND:

What is an Urban Containment Boundary and what is its Role?

An Urban Containment Boundary (UCB) is a line on a map within the OCP used to differentiate between "urban and rural areas". The objectives of the City's UCB as written in the 1996 OCP are:

- To separate rural and urban uses: provide a clear separation between rural and urban lands and preserve both rural and urban life style choices. Stop the gradual spread of urban development into rural areas.

- To direct growth to urban areas: stop sprawl and contain growth by directing future urban development to areas within the UCB.
- To minimize the requirement for future tax increases: reduce the cost of providing road, sewer, water and storm drainage services by fully utilizing existing service infrastructure inside the UCB and by making no new commitments to service presently unserved lands outside the UCB.

The City's UCB does not coincide with the municipal boundary and in some cases has resulted in denser development outside of the City boundary limits (i.e. within the Regional District) than permitted within the City limits and outside of our UCB. Paramount to the establishment of a UCB within a municipal setting is to reflect the municipality's role in a regional context and to establish policies that better define what development outside the UCB can occur. Development outside of a UCB is most commonly referred to as "sprawl", however, this means most of the Regional District is experiencing sprawl and is in conflict with its own Regional Growth Strategy Plan. Urban sprawl in a traditional sense can refer to the ever encroaching and outreach of single-family development into "rural farm land" areas. The lands in question in Nanaimo are not traditional farm lands in terms of agricultural production. Urban sprawl has been referred in simple terms as a derogatory name for deconcentration of City uses resulting in the development of one dimension of a complete community.

In an urban centre, such as the City of Nanaimo, the protection of traditional "rural" areas is not germane, however, the spread of single-family development beyond an existing UCB is, in staff's opinion, the type of sprawl that must be prevented. Sprawl in a City context is more appropriately, in staff's opinion, related to the monolithic development of uses, such as single-family development, which are extremely draining on one's tax base and not economical (i.e. not economical to service with police, fire, snow clearing, garbage collection, etc.). The development of Cable Bay lands (under existing zoning – i.e. five acre lots with 2 houses per lot) fits this definition of sprawl within a City context. Regionally, the context of sprawl is further defined by encouraging nodal urban developments in community plans throughout the Regional District.

By developing comprehensive development plans for Cable Bay and for South Nanaimo lands, Council can help ensure that both the City policy, as it relates to complete communities and the Regional Growth Management Strategy policies relate to nodal development. This also helps ensure the issues generally associated with "sprawl" within an Urban Centre are addressed. Any areas within the UCB that do not have comprehensive development policies registered as part of a site specific OCP application, could have an Urban Reserve designation applied to the lands to require the comprehensive planning be done as part of future OCP and zoning amendment applications.

The Regional Growth Management Strategy states that growth management can only succeed in halting sprawl and improving the quality of life in the region if future development occurs in designated nodes in ways that create complete communities. OCPs will be amended or created to contain policies supporting nodal structure. OCPs will identify nodal boundaries and clear policies that direct development and services through nodes and establish programs to create open space in public amenities."

The Urban Reserve designation is proposed to be used on all major tracts of land proposed to be brought into the UCB and will require concept plans as part of the adoption of zoning, that address the nodal requirements of the Regional Growth Strategy. This also provides clarity that the decision-making authority for how, when and where development will occur lies with local elected officials.

Status of 10 Year OCP Review

The OCP 10-Year Review is currently in the Phase Two – Policy Update stage of a three-stage review process.

- Phase One – Consultation and Review
- Phase Two – Policy Update
- Phase Three – Revised OCP and Plan Adoption

Phase Two has included presentation of proposed policy directions for the OCP within a Working Paper (sustainNanaimo) and a series of 'Highlighters' (summaries on sustainability, densification, and the urban containment boundary), which were published in the local newspaper and available online for public review and comment until this fall. The Working Paper contained three options for consideration respecting the Urban Containment Boundary:

1. Maintain the existing UCB
2. Move the UCB to meet City boundaries
3. Realign the UCB

The proposed direction (Option Three) was to realign the UCB (both exclusions - Pryde Vista Golf Course, Buttertubs Marsh, Harewood Plains - and inclusions, Northfield Industrial, Westwood Road, Protection Island, and notably to include the South Nanaimo Lands area in the UCB. The Working Paper did not show the Jingle Pot Neighbourhood or the Cable Bay lands as proposed inclusions in the UCB. A copy of the UCB map that was contained in the Working Paper will be distributed to Council separately.

The OCP amendment bylaw for the South Nanaimo Lands (Application OCP00038), which contained the UCB inclusion for this area of the City, was adopted by Council on 2007-OCT-29.

As part of the Phase Two – Policy Update for the OCP, a Draft Plan was prepared based on the proposed policy directions of the Working Paper, which was then reviewed by PNAC at the 2007-NOV-20 meeting and endorsed for public consultation. Following final preparation of the Draft Plan by consultants and staff, the intent was to then release the document for public consultation and review in January 2008.

While the Draft Plan document was being prepared, PNAC also considered the issue of the UCB in the Jingle Pot Neighbourhood. At their 2007-NOV-20 meeting, PNAC confirmed a recommendation of the 'status quo' for the UCB in this area of the City (i.e., that the Jingle Pot Neighbourhood remain outside the UCB). Council at their 2007-DEC-17 meeting, received the PNAC recommendation as well as a staff report and provided direction to move the UCB to the City boundary as it relates to the Jingle Pot Neighbourhood area and designate the area as Urban Reserve. This direction requires staff to prepare policies for an Urban Reserve designation to be included in the Draft Plan. The intent for the Urban Reserve is to hold the area from urban development until an Area Plan is prepared. This is similar in intent to the current OCP policies for the Linley Valley area, except that Linley Valley is outside the UCB and does not have an Urban Reserve designation. The proposed approach to the Jingle Pot area (include in UCB with an Urban Reserve) may also have merit for the Linley Valley area.

In addition to the above, a revised OCP amendment application (OCP00037) for the Cable Bay lands was received by the City 2007-NOV-14. This application also includes a proposal to include lands within the UCB, as well as a municipal boundary extension into Electoral Area 'A' of the RDN. The revised application was reviewed by PNAC and supported at a 2007-DEC-11 meeting. Council at their 2007-DEC-17 meeting directed staff to prepare the OCP amendment bylaw and the boundary extension application for the Cable Bay lands.

Finally, previous direction was provided to refer the issue of including heavy industrial areas (which includes the Duke Point industrial park) within the UCB to the OCP 10-Year Review. This direction was in response to a staff report dated 2005-DEC-13. A copy of the UCB map including all proposed changes will be distributed to Council separately.

Summary

To summarize, since the Working Paper was issued, the South Nanaimo Lands have been included in the UCB and recent directions are proposing substantial additional lands to be included within the UCB (Jingle Pot Neighbourhood, Duke Point industrial park, and Cable Bay). The result of these decisions and proposed directions represents a significant change and potential modification to the UCB since the Working Paper.

Given these recent proposed changes to the UCB, Staff recommends moving the UCB to the City boundary. This would require the development of corresponding policies in the OCP to provide for future growth management, including protection of environmentally sensitive areas and agricultural lands, and identification of future urban development areas. This could be achieved through the use of an Urban Reserve designation for future urban development areas, and a modified Rural Resource designation to ensure protection of environmentally sensitive areas and lands within the Agricultural Land Reserve.

Part of the public consultation process to date included an online survey dealing with the potential of moving the UCB. 51.5% did not support moving the UCB and 48.5% supported moving it. It should be noted that the results of this survey on the UCB option cannot be considered statistically valid, as only 68 responses were received. This low public input has been consistent during the entire OCP Review process to date and staff has observed that there is a consistent core group of persons who attend workshops, meetings and respond to public input. While these people should be commended for the time and effort they have put into the process, the public input received to date is not as high as had been hoped for. The proposed UCB amendments are significant and staff recommends that a more aggressive public input process be undertaken, specific to the proposed UCB changes, as part of the public review process proposed for the draft OCP.

In order to maintain the momentum of the 10 -Year OCP Review; it is proposed to circulate the Draft Plan OCP, including proposed revisions to the UCB which reflect the proposed directions as noted above. Public review and consultation will assist in considering the merits of modifying the UCB location.

Respectfully submitted,

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