

Date: March 20th, 2015 **File No.:** GB-OCP-2015.1
To: Gabriola Island Local Trust Committee
For the meeting of April 2nd, 2015
From: Karin Kronstal, Island Planner
CC: Courtney Simpson, Regional Planning Manager

Re: Gabriola Planning Area Official Community Plan (OCP) Review

Interim Report

On January 22nd, 2015, the Gabriola Island Local Trust Committee (LTC) passed the following resolution:

GB-2015-007

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee direct staff to provide an update on the Gabriola Official Community Plan review incorporating the results of the previous terms Advisory Planning Committee report.

This staff report provides an update on Official Community Plan (OCP) revisions accomplished to date under this Project, an overview of the potential OCP and related Land Use Bylaw (LUB) amendments identified by the Volunteer Review Committee during the 2009 to 2011 term, and recommends priorities in the ongoing OCP review for LTC's consideration.

Project Objectives

As stated in section 875 of the *Local Government Act*, an official community plan is “a statement of objectives and policies to guide decisions on planning and land use management.” The purpose of the Project when it was initiated in 2009 was to update the OCP goals and objectives to reflect current community priorities and to ensure alignment of the OCP with higher level planning documents such as the Trust Policy Statement and Regional Conservation Plan. Please find attached the Strategic Plan and Public Consultation strategy for the OCP/LUB review, as adopted at the LTC meeting on January 29, 2010.

Project Background

At the September 2009 LTC meeting the Gabriola Island Local Trust Committee (LTC) adopted a Terms of Reference for a Volunteer Review Committee (VCR) to assist with the OCP review process. The purpose of the Committee was to provide community input, review goals, policies and directions for the Official Community Plan and Land Use Bylaw, and make recommendations to the LTC. The VCR Terms of References stated that the “Committee shall

play a leadership role to identify and discuss community interests relating to the Review.” As such, the VRC was not limited to reviewing topics specifically referred to them by the LTC. The last meeting of the VRC came near the end of the LTC’s 2008-2011 term.

In mid-2010, the VRC presented the LTC with a list of nineteen broad themes, each with several sub-issues, as areas of possible focus for the OCP review. Of these areas, the VRC selected five themes as their highest priorities for action– ‘Housing’, ‘Water and Sewer’, ‘Density’, ‘Commercial’, and ‘Economy.’ The attached table provides a list of the 19 topics and sub-topics identified by the VRC, and shows whether the LTC addressed, referred or deferred action. In some cases, the actions taken are still ongoing or the LTC declined to take action at all.

In discussing the high priority items during their 2009-2011 term, the VRC primarily focused on the following topics: The issue of density limits; lack of adequate/legal housing for people at the lower end of the income scale (e.g. subsidized affordable housing and modest income housing); and water supply and wastewater disposal. These issues are interrelated, as some types of affordable housing (e.g. secondary suites, cottage dwellings) can raise concerns about the Gabriola’s carrying capacity in terms of water supply and wastewater disposal.

One of the VRC’s main products was a report on water supply and wastewater disposal, which contained a number of recommendations for amendments or LTC advocacy (received at the January 27, 2011 LTC meeting, [and available on the project website](#)). The LTC referred this document to the Regional District of Nanaimo and the Vancouver Island Health Authority as the primary agencies responsible, but did not pursue the recommended OCP/LUB amendments at that time. Since that time, the Regional District of Nanaimo has undertaken a major groundwater study that provides some of the baseline data that the VRC recommended be assessed and monitored by the Islands Trust. The report related to this project, to which the LTC has contributed \$12,500 over two terms, is available on the [RDN website](#).

Review of the LTC minutes reflect serious consideration by the LTC of the VRC’s recommendations in deciding which to focus on. In many cases the LTC requested planning staff provide more information before making a decision. At times the LTC made no changes to the OCP or made a different change than the one the VRC recommended, either because they didn’t agree with the recommendation or had a different priority. For example, the VRC recommended that the definition of “family” be removed from the OCP in favour of the word “household.” The LTC considered this recommendation, but ultimately chose to retain the use and definition of “family” in the OCP, based on a desire to retain the limit of five unrelated persons living in the same household found in the current definition.

Due to the broad project scope, the previous LTC created a number of sub-projects with separate objectives and timelines for completion. Of the eight currently on the priorities list, four sub-projects have been fully completed and are awaiting Ministerial approval prior to final adoption (Riparian Areas Regulations, Climate Change Bylaws, Agricultural Bylaws and Parks Rezoning); one has been started but not completed (Village Core policies and regulations), and three have not been started (First Nations/archeological protection; updating the 2010 Built Out Map; consideration of density transfer affordable housing policies for cottage densities). The ‘Analysis’ section below proposes a restructuring of the remaining sub-projects’ classifications.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

The Trust Council Strategic Plan is a key reference document when considering which priorities to pursue as part of the ongoing OCP review. Some examples of relevant strategies include the following:

Strategy 3.3 - Use land use planning tools and decisions to protect water quality and quantity

Strategy 4.3 - Use land use planning tools and decisions to improve the availability of affordable, accessible, appropriate housing (as described in Trust Council's toolkit, Community Housing Toolkit)

Islands Trust Policy Statement

The review of the OCP should consider the goals and objectives of the Islands Trust Policy Statement to ensure that any proposed changes align with the Islands Trust overall purpose.

Climate Change Mitigation

In 2010, the Local Trust Committee adopted policies in the Official Community Plan for targets, policies and actions to address climate change through proposed Bylaws No. 273, and By-law 276 bring these changes into the Land Use Bylaw through changes to regulations.

Gabriola Island Affordable Housing Needs Assessment (2009)

The 2009 report, produced for the Islands Trust and funded jointly with the Regional District of Nanaimo and the Real Estate Foundation, provides background information and policy options for addressing housing affordability.

Analysis

There are four sub-projects under the OCP review project that have not yet been started, or only partially completed. This section provides context for these sub-projects to help the LTC decide whether to keep the current list of higher priority sub-projects and next steps the LTC might consider in moving forward in each area.

Consider density transfer affordable housing policies for cottage densities

At the regular LTC meeting on August 11, 2011, the LTC passed the following resolution:

GB-147-2011 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee amend its top priority list to add development of policies regarding cottage densities for density banking.

This item was added to the list near the end of the 2008-2011 term, and was part of a larger discussion on how to increase Gabriola's affordable housing stock without increasing overall density on the island (e.g. not adding to the number of actual and possible residential units currently allowed under the existing zoning.) The purpose of this project was to assess whether it would be possible to transfer the permitted 'cottage density' (the secondary cottage of less than seven hundred square feet permitted on residential lots larger than 5 acres) to the Density Bank for later use as new affordable housing in designated areas, possibly near the village core.

In 2011, the LTC moved forward on OCP amendments allowing the transfer of densities resulting from lands rezoned from Forestry to Resource Residential and from donated densities. Around the same time, the Trustees expressed the need for more community consultation and research prior to cottage densities being included in these amendments and included OCP Section 2.5.2(c), “Residential densities listed in the Residential Density Bank in Appendix 2 are principal dwelling units and do not include accessory cottages until related policies are developed by the Local Trust Committee.”

Due to the number of other priorities within the OCP review, work on this project has not been active for several years. Staff recommends that this project be temporarily moved onto the ‘projects in waiting’ page until such time as any amendments to the DP-7 area have been complete, which would provide some options as to where such densities could be located. One of the options for locating affordable housing that has emerged both in Gabriola community discussion and land use planning practice is a centralized location in the village core. Some rural communities feel it is more appropriate to locate affordable housing within the low density, rural pattern of current development throughout the island, such as in cottages on individual lots. It appears that the LTC has not yet led a community discussion about the details of provision of affordable housing for Gabriola, which will be important for determining how and where banked densities might be used. This has been identified in past discussions as key information for any decision to permit the banking and transfer of cottage densities.

Update the 2010 build out map and report (including the number of existing and potential residential cottages and a list of forestry parcels with the potential for density transfer)

In 2010 a revised edition of the original 2005 ‘Built-Out Map’, which estimates the existing and potential development based on the size of current lots and the potential for further subdivision, was prepared for the purpose of providing background information for the OCP review. The map and the associated staff report are available [on the project website](#).

As of the 2010 count, there were 3232 lots on Gabriola with the potential for an additional 112 lots to be created through subdivision. However, these figures should not be considered as an accurate representation of the Island’s full build out potential due to the following constraints:

- 1) Subdivision requirements or restrictions which may occur but not taken into account by the mapping included lot width to lot length ratios, park dedication, road dedication and steep slopes;
- 2) Parcel sizes for this map and calculations were derived from the Island Trust GIS Cadastral map and may vary slightly from the British Columbia Assessment data;
- 3) All subdivisions are subject to the final approval of the Ministry of Transportation and Infrastructure and not decided by the Islands Trust;
- 4) All lands that are located in the Agricultural Land Reserve require approval from the Agricultural Land Commission for subdivision or development; and
- 5) Road or park dedication, or slope, topography, riparian area or ecologically sensitive areas could result in non-approval of a subdivision or development.

As a result, the most useful information the Build-Out map provides is not the total number of potential lots (‘densities’) on the Island as a whole, but rather an estimation as to how many densities might be available for transfer from lands currently zoned as Forestry. The report

estimates that there are 62 potential densities available for transfer from existing Forestry zoned lands.

The report also notes that there are 642 potential “cottage” densities that could be transferred (405 from lots zoned as Large Rural Residential, 196 from lots zoned Forestry and Resource, and 41 from Small Rural Residential lots over 2.0 ha in size), should the LTC choose to undertake amendments that enable the transfer of cottage densities into the Density Bank for use as affordable housing. However, this does not take into account the lots that already have cottages on them, and whether those cottages have been legally constructed.

At their October 27, 2011 meeting, the LTC passed the following motion:

GB-175-2011 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee direct staff to update the 2010 Build Out Map Report for the consideration and review of the 2011 – 2014 Local Trust Committee.

Due to other priorities within the review this update was not completed during the last LTC term. Given that this map may be misinterpreted by the public as providing an absolute number of potential densities, staff recommends removing this item from the projects list and that any mapping related for future projects regarding to density transfers be undertaken as a separate exercise in support of those specific projects (e.g. a map showing only lands zoned Forestry eligible for density transfer through rezoning, etc.).

Implement First Nations and Archaeological Protection policies, including improved engagement on land use referrals

The LTC has expressed a high level of interest in engaging with our First Nations neighbours and many other local trust committees have made some aspect of this relationship building a Top Priority. Staff continues to work with First Nations to improve the bylaw referral process. While referrals typically do not require decision making by the LTC, there are many other avenues for improving communications and strengthening relationships with First Nations that the LTC can consider, and staff supports this remaining a Top Priority.

Given the scope and urgency of this issue, staff recommends that the wording be amended to mention ‘improving communications and strengthening relationships with First Nations’ and that it be made a stand-alone item rather than a sub-project of the OCP review, as it is the case for other local trust committees (e.g. Denman LTC, Executive Areas (Ballenas-Winchelsea Islands) LTC). Making this issue a stand-alone priority also reflects the importance given to it in the Strategic Plan, which has as Objective #5 to “Strengthen relations with First Nations.” Given that there are already three Top Priorities, staff recommends that this be placed at the top of the Projects list and that it be made a Priority as soon as the Housekeeping Bylaw amendments are complete.

In order to not lose the specific activity of implementing archaeological protection policies, staff recommends this is added to the “activity” column of this item on the Top Priorities List.

Review DP-7 form and character guidelines for Village Core, and review OCP/LUB to make Village more pedestrian friendly, and to consider passive solar, renewable energy and energy efficient design

The area covered by Development Permit Area #7 (DP-7) is often referred to as the “Village Core” or Folklife Village (though the DP-7 encompasses a larger area than the Folklife Village commercial center). The LTC gathered community input on potential changes to Village Core area through a World Café style public consultation on October 5th, 2011. Some of the input gathered during that session was integrated into the climate change bylaws, specifically input on permeable parking, moving parking to the rear of the building and reduced parking requirements. Other aspects of the DP-7 form, such as new building design guidelines, have not been a priority area of the OCP review to date.

As the LTC is aware, in 2014 the community group ‘Village Vision’ began what is anticipated to be a two-year engagement/conversation to re-imagine Gabriola’s primary commercial node. While still early in the process, the LTC has been asked to provide support in the form of technical advice from staff and potentially by later assisting in coordinating meetings between the Islands Trust, Village Vision representatives and other government agencies.

Staff recommends the existing sub-project be made a stand-alone project, and that the wording be amended to reflect that the Village Vision is an independent, community-driven process whose work may inform future bylaw amendments. It makes no sense for the Islands Trust staff to start collecting community input or drafting guidelines when there is a similar process underway, and staff can play a role by providing information and advice as required. However, the issues being considered by the Village Vision group are beyond the legislated authority of the LTC for land use planning, and the conclusions of the Visioning process may not represent the community as a whole and cannot replace a public consultation process led by the LTC.

This being the case, the project description should reflect that the LTC is supportive of but not a partner in the Village Visioning project. If the LTC wishes to revise the project description at a later date to reflect a more active role in the Village Vision that remains an option. As there is no immediate need for staff involvement, staff recommends moving the amended project to the projects-in-waiting list until such time as it seems appropriate to be moved to the Top Priority list. Given the infrequency of the Village Visioning meetings, it is not anticipated significant staff resources will be required in the immediate future.

Project Scope and Timeline

The project timeline for the OCP/LUB review has been a moving target as sub-projects shift on and off the Top Priorities list and sub-projects take longer than anticipated for a variety of reasons. As the attached Strategic Plan makes clear, the original intention of the review was that the project was to be completed by the fall of 2011, which is also when the VRC term ended. As the attached update table demonstrates, the LTC did make many significant amendments to the OCP/LUB, including the creation of the Density Bank (Bylaw No. 262). That not every possible issue was included in amending bylaws does not necessarily indicate an incomplete process but that the issues left out of the general review were of sufficient complexity to warrant status as stand-alone projects.

As discussed above, staff recommends limiting the number of Priorities to three at a time. In its current multi-project format, the OCP/LUB review could last for the remainder of the 2014-2017 term and delay addressing more current community priorities, such as in-house dog boarding.

Reducing the numbers of priorities allows staff sufficient time to produce quality reports as well as handling any rezoning or development permit applications that arise. As noted, a number of issues raised during the OCP review remain on the project list; staff recommends these also be considered stand-alone projects to be made Priorities as work is completed and space becomes available. The LTC may wish to review the existing Projects list to ensure it reflects current community concerns and to rank the Projects in order of the importance assigned by the LTC.

Resources and Roles

Courtney Simpson will be the project manager, with support from Island Planner Karin Kronstal. Trust Council recently approved a budget of \$3,500 for this project in the 2015/16 fiscal year, part of which will be required if the OCP review involves further public consultation or a Public Hearing. The funds may also be used for communications material or to pay costs associated with attending meetings with First Nations or other groups.

Communications

The 'Project' section of the Gabriola LTC website includes specific pages for the sub-projects that are nearing completion (e.g. Riparian Areas Regulations). The website has been updated to include relevant staff reports from the OCP review to date, including the attached status chart.

Project Charter

The attached Strategic Plan was the original charter for this project. Since the adoption of the new template, four of the sub-projects within OCP review were given their own Project Charters (Riparian Areas Regulations, Climate Change Bylaws, Agricultural Bylaws and Parks Rezoning). Once staff has direction from the LTC as to any desired changes to the scope of this project, Staff will draft a new Project Charter.

Next Steps

This staff report has touched on a number of issues without going into great detail about the background information available (e.g. previously prepared staff reports, minutes from community information meetings or focus groups). Should the LTC wish to be provided with any further context on a particular issue from the attached list of VRC recommendations, more detail can be provided as an information item at the next regular meeting.

Summary of Planning Recommendations

Based on the background and analysis provided above and in the attached documents, staff suggests that a continuation of the "Gabriola Community Plan Review" project in its current form may not be required to achieve "completion" of this project as initiated in 2009. The attached table of "OCP Review Topics and Work Done to Date (2009-2014)" indicates that consideration was given to all topics and the LTC at the time made decision to either address, defer, decline or refer to another agency.

The question for this LTC is how to address the deferred items. There appears to be an understanding in the community among those who are following this, that the "Gabriola Community Plan Review" project that was initiated in 2009 is not complete until all of the

deferred sub-projects are complete. The challenge is that the list of deferred items that remain are broad in scope and from a process perspective, each one easily warrants being an individual Top Priority project (with the exception of the build-out map which staff considers to be a tool in which to facilitate a primary project regarding densities). Staff suggests there will be more success in accomplishing the remaining work to be done by re-organizing the sub-projects into projects of their own, which could be accomplished as follows:

1. Move Priority 2.5 (“Consider density transfer affordable housing policies for cottage densities”) from the Top Priorities list onto the Projects list;
2. Remove Priority 2.7 (“Update the 2010 build out map and report (including the number of existing and potential residential cottages and a list of forestry parcels with the potential for density transfer)”) from the Top Priorities list;
3. Amend Priority 2.6 to read “Village Core Review” and move it from the Top Priorities list onto the Projects list; and
4. Amend Priority 2.8 to read “Strengthen relationships with First Nations” and move it to the Projects list until the completion of the Housekeeping Bylaw amendments, at which time it may be moved to the Top Priorities.

RECOMMENDATIONS:

THAT the Gabriola Local Trust Committee provides direction on the scope of the Gabriola Official Community Plan Review project.

Prepared and Submitted by:

Karin Kronstal

March 20, 2016

Karin Kronstal, MCIP, RPP
Island Planner

Date

Concurred in by:

Courtney Simpson

March 20, 2015

Courtney Simpson, MCIP, RPP
Regional Planning Manager

Date

Attachments:

1. Summary of OCP Review Topics and Work Done to Date (2009-2014)
2. OCP/LUB Strategic Plan and Public Engagement Strategy (2010)