

Date: October 15, 2010

File No.: GB-RZ-2010.2
(Medical Health Clinic)

To: Gabriola Island Local Trust Committee
For LTC meeting of October 21, 2010

From: Chris Jackson, MCIP
Regional Planning Manager

CC: Kaitlin Kazmierowski, Island Planner

Re: Rezoning Application for Medical Health Clinic

Owner: Potlatch Properties Ltd.

Applicant: Williamson & Associates, Brian Henning

Location: North End of Church Street, Gabriola Island
The South ½ of the North West ¼ of Section 19

THE PROPOSAL:

The Gabriola Health Care Society and Foundation have entered into an agreement with a property owner, to rezone and subdivide a 32.2 ha (79.4 ac) property at the end of Church Street, adjacent to the Firehall property and north of the existing Ambulance Station. The agreement is that a 1.7 ha (4.1 ac) portion of the lot be rezoned from Forestry such that the area is permitted to operate a: medical health clinic, medical offices, and personal services, and subsequently have it subdivided from the larger lot.

The applicant included detailed information regarding the proposal and the distinction between the Gabriola Health Care Society and the Foundation. A building layout plan and proposed plan of subdivision were also included. This information is provided in a separate memo. In addition, the applicant request that the LTC co-sponsor the application by paying for 50% of the \$4500 application fee.

Elements of the proposal include:

- Hours of operation are intended to be 24 hours a day, 7 days a week, 365 days a year;
- The facility will have space for a minimum of three on call physicians and associated staff;
- A fully equipped and supplied clinic with examination rooms;
- An eye diagnostic and treatment area;
- A blood pressure assessment area;
- An area for resource materials;
- A nursing station; and,
- A three bay treatment area.

SITE CONTEXT:

The area of the proposed rezoning is provided below:

CURRENT PLANNING STATUS OF SUBJECT LANDS:

The Islands Trust Policy Statement Bylaw, 1993

The following directive policies are related to this proposal. The application is not at variance with or contrary to the Trust Policy Statement.

5.3 Growth and Development

5.2.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.8 Health and Well-being

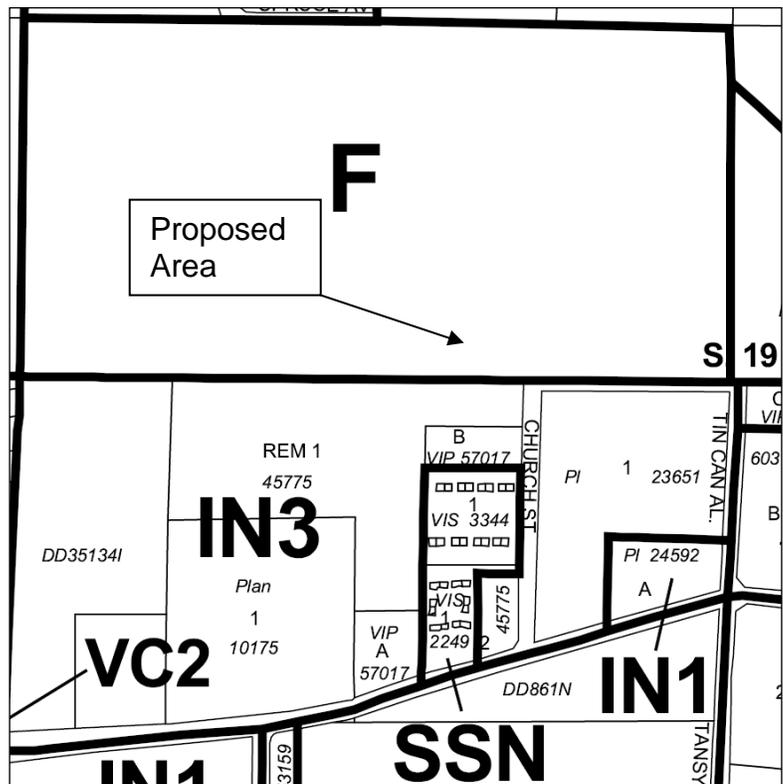
5.8.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Islands Trust Policy Manual, section 4.1.xiii, Guidelines for Local Trust Committee Sponsored or Initiated Development Applications

The applicant requests the LTC pay for 50% of the application fee. Relevant excerpts from the above policy are provided in Attachment 1. This policy assists LTCs with guidelines on when sponsorship may occur. This application appears to be a proposal that qualifies for partial sponsorship.

Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997 (OCP)

Attachment 2 includes comprehensive excerpts from the OCP that relate to this application. Discussion of this proposal and how it relates to the OCP are contained in the staff comments section of this report. Briefly, the LTC needs to provide direction



regarding on whether this application can move forward, as OCP amendments are required.

The property is currently designated Forestry, which is under the larger heading of Resource Lands. The northeastern area is within Development Permit Area 6, Protection of Development from Hazardous Conditions. There is no need for a development permit as part of this rezoning application.

While an OCP amendment is required for mapping, it is not likely that a great deal of policy will need to be considered for revision; instead, it is likely the focus of the proposal would result in rezoning the property generally, and changes to regulations.

Gabriola Island Land Use Bylaw, 1999 (LUB)

The property is currently zoned Forestry. To the south, lands are zoned Institutional 3 (IN3). If the proposal moves forward, changes to the zoning map needs to be amended, in addition to site specific regulatory changes.

Sensitive Ecosystems and Hazard Areas:

There are no environmental issues identified in the proposed area, according to Sensitive Ecosystem Mapping. As indicated above, the northeastern portion of the property lies within a hazardous development permit area. However, the proposed rezoning area is not subject to hazardous condition guidelines.

Archaeological Sites: No archaeological sites are identified within 50 m of the proposed area.

Covenants: There are no covenants registered on title.

COMMUNITY INFORMATION MEETING(S):

The proposal should be brought forward to a community information meeting. If the proposal proceeds further a public hearing process must occur and neighbours notified.

STAFF COMMENTS:

Sponsorship Request, section 4.1.xiii of the *Islands Trust Policy Manual, Guidelines for Local Trust Committee Sponsored or Initiated Development Applications*:

According to this policy, the proposal meets the definition of a "Trust Committee Sponsored Application", and complies with policies in which such a proposal may be considered for sponsorship. The LTC may consider paying 50% of the \$4500 fee, with the \$2250 coming from the LTC local expense account.

It is noted that partial *sponsorship of this application does not fetter the discretion of the LTC when it makes decisions about the outcome of the application. Staff and LTC members must ensure that applicants and members of the public are fully aware of the distinction between a LTC's sponsorship of an application and the LTC's role in decision-making regarding the application.*

Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997

Bylaw amendment procedures dictate that when OCP amendments are part of a rezoning proposal, then a comprehensive staff report with draft bylaws included, should be avoided. Instead, only at the specific direction of the LTC, should staff proceed with

detailed analysis and spend time drafting a bylaw. As such, staff seeks LTC direct, as discussed in the next steps section below.

The following issues are identified in the OCP that must be considered as part of this application. Staff seeks LTC direction on these:

- Applications for amendment to this OCP shall be required to include:
 - details concerning the potential environmental impacts of the proposed development;
 - a plan and specifications detailing how water supply and sewage disposal for the intended use are to be provided, and unless the development is residential and consists of less than five lots or dwelling units the plan and specifications must be prepared by a professional engineer; and
 - such other requirements as may reasonably be deemed necessary in adequately reviewing the application.
- Institutional uses include facilities, services and uses which are operated by government or a non-profit society and include medical clinics open for community use. Institutional use objectives are intended to provide for institutional uses which meet the needs of the local community; institutional uses policies indicate:
 - that a health care use shall be permitted as an institutional use,
 - the minimum parcel size shall be 0.5 hectares (1.235 acres) and the average parcel size shall be no less than 1.0 hectare (2.47 acres) [note: applicant is seeking to subdivide a 1.7 ha (4.2 ac) lot from the parent parcel 32.2 ha (79.4 ac)], and
 - the definition of "institution" includes an arena, armoury, cemetery, college, community centre, community hall, court of law, fire hall, hospital, library, municipal office, park, playground, police station, public art gallery, public museum, school, stadium or public swimming pool.
- Resource lands, including the Forestry designation, are intended to identify lands which due to their location, site characteristics and resource capability are considered to be best suited to resource uses; the Forestry designation is used primarily to identify lands which due to their suitability for the growing of trees were previously in the Forest Land Reserve. Forestry designation objectives and policies are intended to preserve large contiguous areas of forested land in large land holdings for sustainable forest management and/or to encourage their dedication for wilderness recreation or public recreational trail purposes, protect groundwater resources and recharge areas, and provide opportunity for the concept of residential density being transferred from a parcel in the Forestry zone to a parcel in the Resource zone; Please note that the Provincial Forest Land Reserve (FLR) no longer exists, as it did when the original OCP was adopted.
- The subdivision of land, in the Forestry zone, shall not be supported, except for purposes of creating an ecological reserve.

Gabriola Island Land Use Bylaw, 1999

The property is currently zoned Forestry. To the south, lands are zoned Institutional 3 (IN3). The applicant requests community bylaws be amended such that a 1.7 ha (4.2 ac) lot can be subdivided from the parent parcel 32.2 ha (79.4 ac), and that the smaller lot be permitted these uses: medical health clinic, medical offices, and personal services.

The LUB permits 'urgent care medical clinic' in the IN2 and IN3 zone. It also permits 'medical and dental clinics' in the Village Commercial 1 and 2 zone, as well as the District Commercial 1 zone.

The definition of 'medical and dental clinics' is not defined, but 'urgent care medical clinic' 'means an establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists or social workers and where patients are not lodged overnight.'

The existing lot at 32.2 ha (79.4 ac), can not be subdivided, according to the Forestry zone regulations. However, density transfer provisions apply, in which every 8 ha of land 'donated' allows one lot with one dwelling to be relocated to a Resource zoned property elsewhere on the Island. This results in the existing density transfer potential of 4 lots. If this proposal moves forward, the density transfer potential will decrease by one. That is, if the new lot is subdivided and rezoned, the parent parcel (which will remain in the Forest zone), will decrease from 32.2 ha down to 30.5 ha. The applicant is aware of this and does not seek to retain the density transfer potential. The applicant further indicates that they are not supportive of any covenant, or "encumbrances" of any kind, be registered on the Forestry zoned area as part of this application.

If this proposal goes forward, there are a few options for rezoning the 1.7 ha area, including: a new site specific zone, rezone the area to either IN2 or IN3, or rezone the area to either IN2 or IN3 with some site specific restrictions or relaxations (such as setbacks, if necessary). Other bylaw matters to consider, if this application moves forward include: parking, signage, setbacks, subdivision averaging and lot size, and so on.

The LTC should direct staff with how to proceed.

Next Steps

The applicant requests the LTC consider this proposal as a priority. Staff seeks LTC direction on how this application relates to other priority work program items. For example, does the LTC wish to put this application forward before all other applications, or put this application before any staff time spent on OCP community planning work?

At this time, the OCP is in a critical stage in which policy and regulatory development must occur over the next few weeks in order to meet legislated public hearing obligations and deadlines. If these deadlines are not met, it is possible any resulting bylaws will not be completed this term.

For note, staff attempts to dedicate available time between Development Management (i.e. applications and referrals) and Community Planning (i.e. OCP review) at 50% each. This value can also be modified.

In order to move forward, staff recommends that the LTC consider holding a Community Information Meeting (CIM) for this application and seek public input. If the LTC considers this application as more urgent than other matters, staff suggests that direction be given to draft amending bylaws for the CIM.

RECOMMENDATIONS:

Staff recommends that the Gabriola Island Local Trust Committee deliberate and resolve the following:

- that the Local Trust Committee sponsors up to 50% of application fees for this proposal, from the local expense account;
- that the Local Trust Committee resolve whether this application should take priority over other Gabriola applications;
- that the applicant is requested to provide supporting documentation that includes:
 - details concerning the potential environmental impacts of the proposed development; and,
 - plans and specifications detailing how water supply and sewage disposal for the intended use are to be provided; such plans are to be prepared by a professional engineer;
- that staff is directed to draft bylaw amendments, taking the following into consideration:
 - Provide wording and mapping amendments that would be required to the Official Community Plan; and
 - Provide wording and mapping amendments for the Land Use Bylaw, such that the proposed area would be rezoned to an Institutional zone, with site specific options presented as appropriate; and,
- that staff is directed to schedule a Community Information Meeting in order to receive feedback and comment from the public.

Prepared and Submitted by:

Chris Jackson

October 15, 2010

Chris Jackson, Regional Planning
Manager

Date

ATTACHMENT 1

Excerpts From Policy Manual, Section 4.1.xiii, Guidelines for Local Trust Committee Sponsored or Initiated Development Applications

PURPOSE: To clarify the circumstances when it is appropriate for a local trust committee to sponsor or initiate a property-specific development application in their community.

Trust Committee Sponsored Application – means when a local trust committee assumes sponsorship of a development application for a specific property or properties and pays the appropriate fee on behalf of an applicant, either from its local expense budget or from funds raised by a local property tax levy.

Policy:

1. Development Applications

a) May include OCP & Zoning Bylaw Amendments, Development Permits, Development Variance Permits and Temporary Use Permits.

3. Conditions appropriate for local trust committee sponsorship of a property-specific development application are:

a) When the applicant is a non-profit agency or organization seeking to establish, expand or modify a facility for the benefit of the community at large and consistent with goals in the OCP.

b) When the applicant is an established or establishing institution supported by taxpayers that is seeking to establish, expand or modify a community facility. In this instance, the local trust committee may consider sponsorship of up to one half of the costs of the application.

c) When the applicant seeks to implement specific objectives of an OCP with broad community benefits such as the development of affordable or special needs housing.

4. Conditions not appropriate for local trust committee sponsorship or initiation of a property-specific development application include:

a) When the applicant is a registered for-profit corporation under the Corporations Act.

b) When the applicant is a non-profit agency or organization seeking to establish, expand or modify a facility that would not benefit the community at large.

c) When an applicant claims that he or she cannot afford the cost of the application, and the application would not otherwise qualify for sponsorship or initiation.

6. Where a local trust committee wishes to sponsor a property-specific application, the costs of the relevant application fees will be charged to the local trust committee's local expense fund following an appropriate resolution from the local trust committee. Local trust committees without sufficient resources in their local expense fund have the option of raising additional funds by requesting a local property tax levy during the annual budget process.

7. Sponsorship or initiation of a development application by a local trust committee does not fetter the discretion of the local trust committee when it makes decisions about the outcome of the application. Local trust committee members and staff must ensure that applicants and members of the public are fully aware of the distinction between a local trust committee's sponsorship or initiation of an application and the local trust committee's role in decision-making regarding that application.

ATTACHMENT 2

Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997

Section 1 – Introduction and Community Goals

1.2 Plan Principle and Major Goals

Social Goals

1. To preserve the rural character and atmosphere of settlements in the Local Trust Area and ensure that communities remain viable, healthful places in which to live, providing for a variety of lifestyles in harmony with the natural environment.
2. To ensure that access and opportunity, now and in the future, are provided for the public to enjoy and appreciate the Local Trust Area in harmony with the natural environment and existing communities.
4. To encourage gradual and appropriate, rather than rapid, change and growth.

Section 2 – General Land Use and Residential Development

General Land Use Objectives

3. To ensure development is undertaken in a manner which minimizes negative community and environmental impact; and
4. To limit development to a level that is compatible with the Community Plan and the object of the Islands Trust.

General Land Use Policies

- f) Applications for amendment to this OCP shall be required to include:
 - i. details concerning the potential environmental impacts of the proposed development;
 - ii. a plan and specifications detailing how water supply and sewage disposal for the intended use are to be provided, and unless the development is residential and consists of less than five lots or dwelling units the plan and specifications must be prepared by a professional engineer; and
 - iii. such other requirements as may reasonably be deemed necessary in adequately reviewing the application.
- h) The Village Centre shall be recognized as the hub of the community and shall provide for a mix of uses at a scale in keeping with Gabriola's character. Since the Village Centre is surrounded by land in the Agricultural Land Reserve, considerations respecting any expansion of the Village Centre into the Agricultural Land Reserve should only be given to community-minded non-commercial uses, subject to the intended use not degrading the future agricultural capability of the land.

Section 4 - Institutional, Parks and Outdoor Recreational Uses

4.1 Institutional Land Use

Background: Institutional uses play an important role in the community and in many cases serve as a focal point for community life. For purposes of this plan, Institutional

Uses includes facilities, services and uses which are operated by government or a non-profit society and include medical clinics open for community use.

The following facilities are recognized as institutional uses on Gabriola: Agricultural Hall, Women's Institute Hall, Gabriola Island Community Hall, Seniors' Rollo Centre, Gabriola Recycling Depot, the museum, churches and the cemetery. The following are public institutions on Gabriola which are operated by government: the post office, RCMP station, the Gabriola Elementary School, the north and south fire halls, the ambulance station and the Ministry of Transportation and Highways Works Yard. The Gabriola Medical and Urgent Care Clinic and the helicopter landing pad are also recognized as institutional uses in the planning area.

Institutional Uses Objectives

1. To provide for institutional uses which meet the needs of the local community; and

Institutional Uses Policies

- a) Existing institutional uses identified above shall be designated on the Plan Map (Schedule B).
- b) A health care use shall be permitted as an institutional use.
- c) The minimum parcel size shall be 0.5 hectares (1.235 acres) and the average parcel size shall be no less than 1.0 hectare (2.47 acres).

Section 5 - Resource Lands

This part of the Community Plan provides details pertaining to three types of resource lands: Resource, Agriculture and Forestry. The intent in all three land use designations is to identify lands which due to their location, site characteristics and resource capability are considered to be best suited to resource uses.

5.2 Forestry

Background: The Forestry designation on Gabriola is used primarily to identify lands which due to their suitability for the growing of trees were previously in the Forest Land Reserve. Small-scale forestry operations and wilderness recreation are considered to be the most appropriate means through which these forest lands may be retained for economic timber production on a sustained yield basis while at the same time providing the Island with the environmental, recreational and social benefits which can be derived from these properties.

In keeping with the objective of maintaining a rural landscape in the planning area the intent is to retain much of the land in this designation in large parcels. Yet, as provided for in the policies below, the residential density previously permitted (Gabriola Island Subdivision Bylaw No 8) with a parcel in the Forestry zone may be transferred to another parcel in the Resource zone.

Forestry Objectives

- 1) To preserve large contiguous areas of forested land;

- 2) To support forestry practices which are compatible with and complementary to the values of conservation and sustainability;
- 3) To support timber production while retaining the environmental and recreational values of forested land;
- 4) To protect the groundwater resource and recharge areas;
- 5) To encourage the use of forested land for purposes of recreation, wildlife habitat and maintaining the island's biological diversity.

Forestry Policies

- a) The principal uses in the Forestry zone shall be forestry uses.
- b) The minimum and average parcel size in the Forestry zone shall be 60 hectares (148.2 acres).
- c) The subdivision of land, in the Forestry zone, shall not be supported, except for purposes of creating an ecological reserve.
- d) The zoning bylaw shall make provision for two forestry zones: Forestry and Forestry/Wilderness Recreation;
- e) All lands in the Forestry designation shall, at the time a zoning bylaw is adopted to reflect this plan, be placed in the Forestry zone.
- f) The following provisions shall apply to the Forestry zone:
 - i) The principal use shall be forestry;
 - ii) One single family residential dwelling unit per parcel shall be permitted; and
 - iii) The minimum and average parcel size shall be 60 hectares (148.2 acres).
- g) The Plan supports the retention of lands in the Forestry zone in large land holdings for sustainable forest management and/or to encourage their dedication for wilderness recreation or public recreational trail purposes. The concept of residential density being transferred from a parcel in the Forestry zone to a parcel in the Resource zone is supported subject to compliance with the policies in this plan.

Appendix 1 Definitions

"institution" includes an arena, armoury, cemetery, college, community centre, community hall, court of law, fire hall, hospital, library, municipal office, park, playground, police station, public art gallery, public museum, school, stadium or public swimming pool;