



COUNCIL REPORT

To: Mayor and Council

Date: June 13, 2023

From: Paul Gipps, CAO

File No: P 21-01

Subject: **P 21-01; Official Community Plan Bylaw No. 300, 2023 (1st Reading)**

Report Prepared By: Carla Eaton, Senior Planner (Long Range)

RECOMMENDATION:

THAT Council give First Reading to the “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”; and

THAT Council direct staff to schedule the Public Hearing for Bylaw No. 0300, 2023, following Council’s consideration of the Official Community Plan (OCP) in conjunction with the City’s Financial and Waste Management Plans, and referral of the OCP to the Agricultural Land Commission.

STRATEGIC AREA(S) OF FOCUS

Invest in Infrastructure – We will invest in building, improving and maintaining infrastructure to meet the needs of, and to provide a high quality of life for, current and future generations.

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

Strengthen Our Community – We will provide opportunities for the residents of West Kelowna to build connections, celebrate successes, embrace the community's strengths and diversity, address shared needs, and contribute to shaping the community's future.

Foster Safety and Well-Being – We will pursue through direct action, advocacy, and collaboration with local and regional service providers, investments in community health, needs-based housing, emergency preparedness, policing, and other services that foster safety and well-being in West Kelowna.

BACKGROUND

Summary of Key Updates

Based on consideration of the most recent public, stakeholder, agency, and Council input, the draft OCP has been updated to reflect this feedback and is now ready for formal consideration by Council as a bylaw, including referral to the Agricultural Land Commission and Public Hearing. Proposed Bylaw No. 0300, and the updated document which also forms Schedule A to Bylaw No. 0300 is provided as *Attachment 1 and 2*.

Key updates based on Public and Referral Feedback and Internal Review:

The following is a summary of revisions made to the OCP since the public information session held on February 1, 2023. See *Attachment 3* for a full list of the changes.

- Revised to address new Council direction received on May 16th related to heights, growth boundary, and related implications to land use projections (see additional detail below).
- Revised to ensure all LGA requirements were met.
- Revised for to address clarity, duplication, errors, and omissions.
- Revised to support agriculture and food security, as well as natural areas and parks policies including consideration of enhanced recreational and cultural needs.
- Revised to enhance coordinated transportation planning.
- Revised to include enhanced cultural considerations such as heritage and archaeology.
- Revised to enhance a broader perspective on education and childcare.
- Revised to clarify housing continuum in support of a diversity of housing needs and connection to the Housing Strategy.
- Revised mapping to address Council direction, errors and omissions, including labeling and additional map layers for clarification to acknowledge items such as school sites and parks.

Key Updates based on Council Feedback:

The following is a summary of changes made to the draft OCP following Council feedback received at the Council OCP Workshop held on May 16, 2023:

1) Building Heights

Heights in urban and neighbourhood centres have been adjusted to accommodate additional opportunity for growth in these areas. Based on Council's feedback, the following heights have been incorporated into the OCP:

Development Area	Proposed Building Heights*
Westbank Urban Centre – Mixed Use Corridor	19 Storeys
Westbank Urban Centre – Commercial Core	15 Storeys
Westbank Urban Centre – Residential Shoulder	12 Storeys
Boucherie Urban Centre	12 storeys
Neighbourhood Centre(s)	6 storeys

*With Density Bonusing

2) **Extraordinary Community Benefit**

Based on significant public feedback, Council removed the “extraordinary community benefit” language from the OCP, in lieu of a more structured density bonusing program that is consistent with the proposed building heights (above). This is intended to be more transparent and predictable, with the density bonusing program being implemented as part of the upcoming Zoning Bylaw Update.

3) **Land Use Designation(s)**

The Westbank Urban Centre Commercial Core Land Use Designation has been expanded to include the east side of Brenda Lee Road within Westbank Centre. This is to accommodate additional heights (up to 15 storeys) that have been identified.

4) **Growth Boundaries**

- a. **Raymer Comprehensive Development Plan Area** has been reverted to previous versions which anticipate growth to the northern extent of the municipal boundaries in the Bear Creek Road area.
- b. **Goat’s Peak Neighborhood Centre** has been expanded to include lands on the west side of Gellatly Road to provide additional mixed use development opportunities. Additional feedback from the applicant has resulted in an amendment to the location of the growth area expansion to the south, which provides more realistic growth opportunities than previously presented to Council. The overall area of expansion, however, is largely consistent with Council’s previous direction.

Council Committee Feedback

The **Advisory Planning Commission (APC)** reviewed the Draft OCP at their February 15, 2023, meeting and provided the following feedback to staff:

- Impact on housing and amenities with projected age demographics.
- Concern with the realistic implementation of green technology and impact on the community.
- Noted options to either restrict growth and impact to housing, policing and servicing costs and lifestyle versus accommodating growth and impact to built form and housing costs.
- Questions around impact of density increases and related constraints such as no second electrical source and no medical facility.
- Concern regarding higher density near the waterfront.
- Concern with the style of built form within low density residential (basement living), as well as if only options for high rise (apartment living) as we need a variety of forms to meet peoples needs.

The **Agricultural Advisory Committee (AAC)** reviewed the Draft OCP at their March 1, 2023, meeting and provided the following feedback to staff:

- Consider acknowledging the agricultural lands located within the Industrial and Business Park areas.
- Generally, support the exclusion policy but note it does not hold the City to no net loss of ALR lands.
- Consider language to support inclusion of lands into the ALR.
- Support climate action policies but concerned that the City monitors for whatever targets are set.
- Consider additional support for small farm, farmer's market and farm gate to support viability of small-scale business.
- Consider green roof for agricultural production and composting to reduce GHG and provide soil enhancements locally.
- Concern with parking from increased density to adjacent farm areas.

Legal/Statutory Procedural Requirements

Council has the authority under Part 14, Section 472 of the *Local Government Act* to create and amend the Official Community Plan.

Local Government Act Section 477(3) specifies that after first reading (and prior to Public Hearing) of an Official Community Plan bylaw the local government must do the following in the indicated order:

- (a) first, consider the proposed official community plan in conjunction with
 - (i) its financial plan, and
 - (ii) any waste management plan under Part 3 [Municipal Waste Management] of the Environmental Management Act that is applicable in the municipality or regional district;
- (b) next, if the proposed official community plan applies to agricultural land, refer the plan to the Provincial Agricultural Land Commission for comment;
- (c) next, hold a public hearing on the proposed official community plan in accordance with Division 3 [Public Hearings on Planning and Land Use Bylaws] of this Part.

The financial and waste management report is being presented to Council under separate cover.

In addition to the initial referral of the draft OCP to the Agricultural Land Commission (ALC) on February 7, 2023, the ALC will be referred the OCP following first reading for their formal comment to address the legislative requirement.

Pending confirmation of the completion of the first two items, a public hearing will be scheduled.

DISCUSSION

Next Steps

Should Council give 1st reading of the OCP bylaw and direct staff to hold a public hearing, the following options are available:

Public Hearing Option 1: June 27, 2023 at 3:00 PM

This option intends to hold the hearing before the regularly scheduled Council meeting. This option focuses on ensuring the public is available and not impacted by summer break. Although minimum public notice requirements can be met, additional notice to the public on the hearing will not be able to be accommodated.

Public Hearing Option 2: June 29, 2023 at 3:00 PM (time flexible)

This option provides the first option for a stand alone public hearing date, but coincides with the last day of class for Central Okanagan Public Schools. Although minimum public notice requirements can be met, additional notice to the public on the hearing will not be able to be accommodated.

Public Hearing Option 3: July, 2023 – date and time to be determined

This option provides the best opportunity to schedule a stand alone public hearing date with additional public notice which provide the community the greatest ability to participate in the hearing. As it would be occurring during summer break, there is potential for residents to be unavailable for the hearing; however, with additional notice, opportunity to provide written representations to be reviewed at the hearing are available.

Public Hearing Option 4: September, 2023 - date and time to be determined

This option provides the greatest opportunity for public participation due to ample notification opportunities, and the return of residents to the community for the resumption of school. This option does include a significant delay in the process.

In addition, the remainder of the adoption process is as follows:

- Council to consider the Financial Plan and Waste Management Plan (proposed June 13th, 2023);
- Refer the OCP to the Agricultural Land Commission;
- Hold Public Hearing (subject to Council direction);
- Amend OCP as necessary to reflect Council and Public feedback (noting that substantive amendments may require repeating the previous steps); and
- Council to consider 2nd, 3rd, and final readings of the OCP, as applicable, noting that all three readings may be given at the same meeting.

Next Steps - Existing Policy and Implementation

Once endorsed by Council, the implementation of the Official Community Plan is contingent first on the formal adoption of the plan as a bylaw, and secondly on ensuring that appropriate related regulations, policy, guidelines and systems are in place to properly administer the plan.

As part of the adoption process it is necessary to repeal the previous OCP as established in Bylaw No. 100. If approved, there are also a number of consequential amendments to other bylaws that will be pursued, as soon as practical after OCP adoption, to bring them into alignment and to implement portions of the new OCP. Bylaws that will be amended include:

- Zoning Bylaw No. 265 – tentative 1st draft summer 2023, to commence following adoption of OCP
- Works and Services Bylaw No. 249 – to be determined
- Development Application Procedures Bylaw No. 260 – to be determined
- Ticket Information Utilization Bylaw No. 0095 – to be determined

In addition, there are other bylaws, policies and processes that may need review and amendment in order to support the basic implementation of the proposed plan. As the OCP identifies a number of possible action items related to various levels of implementation, these actions remain dependent on Council priority, budgetary constraints, and staff workload. Council has the opportunity to provide feedback on the individual action items identified within the Summary of Identified OCP Actions as part of this holistic review associated with the consideration of first reading, but further opportunity will also be provided to consider each action item during future strategic and budgetary planning processes.

Active Application Transition

Any development permit applications received prior to the adoption of the new OCP will be processed in accordance with the regulation and policies in effect at the time of their receipt. All zoning amendment applications must conform to the current OCP at time of adoption regardless of date of application.

FINANCIAL IMPLICATIONS

As noted above, the local government must consider the OCP in conjunction with its financial plan (being presented under separate cover – proposed June 13th). Implementation of the OCP suggests the consideration of a number of actions, policies and processes, such as zoning amendments to bring existing City regulations into alignment with new policy. However, there are an additional number of action items identified within the OCP for possible future implementation at the discretion of Council. Future consideration of staff capacity to implement the various plan, policy and operational objectives is also imperative to the successful implementation of the OCP.

The implementation plan will provide direction to staff in formulating the budget for Council's consideration. However, Council has the opportunity to review the annual contribution to the affected department each year through the budget deliberation process.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
May 16, 2023	Council workshop where they received the Phase 4 What We Heard Report, and summary of the formal referral responses.	N/A
November 22, 2022	Council received the Official Community Plan Update Report for information purposes.	N/A
May 24, 2022	Council received the Ideas in Place (Phase 3) What We Heard Report for information purposes.	N/A
December 14, 2021	THAT Council direct staff to proceed with development of a draft land use plan and initiate policy development based on the preferred Growth Concept – Vibrant Centres and Complete Neighbourhoods.	C382/21
October 26, 2021	Council received the Phase 2 What We Heard Report for information purposes.	N/A
September 28, 2021	Council received the Phase 2 Status Update for information purposes.	N/A
June 8, 2021	Council received the Engagement Plan Overview for information purposes.	N/A
April 6, 2021	Council received the 2021 Long Range Planning Work Plan for information purposes.	N/A
February 23, 2021	THAT Council endorse the West Kelowna, OurWK Community Vision Final Draft.	C093/21

CONCLUSION

Based on input received from the community and agencies during the Official Community Plan formal referral process, and in consideration of any feedback received from Council, it is recommended that Council give first reading to "West Kelowna Official Community Plan Bylaw No. 0300, 2023", subject to further amendment from Mayor and Council pending public hearing.

Alternate Recommendation:

1. **THAT** Council postpone consideration of First Reading to the “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”.

Should Council postpone consideration of First Reading, it is requested that Council provide specific direction as to which changes should be made to the Bylaw prior to reconsideration.

REVIEWED BY

Brent Magnan, Director of Development Approvals

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. West Kelowna Official Community Plan Bylaw No. 0300, 2023
2. Schedule 'A' – Draft West Kelowna Official Community Plan (text and schedules)
3. Summary of Changes to Draft OCP