



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: August 22, 2023

From: Paul Gipps, CAO

File No: P 21-01

Subject: **P 21-01, Official Community Plan Bylaw No. 300 (3rd as amended and Adopt)**

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

RECOMMENDATION to Consider and Resolve:

THAT Council give third reading to “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”, as amended; and

THAT Council adopt “City of of West Kelowna Official Community Plan Bylaw No. 0300, 2023”.

BACKGROUND

Following first and second reading and Council direction received on June 27, 2023, the proposed City of West Kelowna Official Community Plan Bylaw No. 0300, 2023 was prepared for Public Hearing on July 20, 2023. A total of 18 submissions were received from the public, and 8 individuals spoke at the public hearing. This report provides clarification of issues raised at public hearing and proposes several minor revisions to the OCP Bylaw No. 0300 which are specified further in this report for the consideration of Council at third reading of the bylaw. The OCP Bylaw No. 0300 as amended is attached to this report as *Attachment 2*.

DISCUSSION

Clarification of Items Raised at Public Hearing

Increased Residential Densities and Industrial Uses

Requests as part of the public hearing process have proposed additional changes to the Land Use Plan and Growth Boundary primarily related to additional residential density, or potential industrial use. No changes are being recommended subsequent to the public hearing based on the following:

- Prior to first reading and in addition to the extensive early engagement and Community Vision process, the City provided opportunity for individuals to review the OCP draft Land Use Plan and request any proposed land use changes through the Brain Storm

Portal; in response to this feedback, four mapping changes were already directed by Council.

- As per the *Local Government Act*, changes to land use or density would require amendments to the bylaw and a **new public hearing**.

It is also noted that the OCP identifies a number of future processes that may address a large number of the proposed amendments such as:

- Future Infill Strategy to review potential for areas within the City where appropriate gentle density increases may be considered. This may include two of the areas noted in the Public Hearing submissions, including the Harmon Road area, and the Carate/Witt/Carrington/Wetton/Majoros neighbourhood.
- Future Industrial Strategy to review the potential location and amount of additional Industrial lands that may be required. This may include two of the areas noted in the Public hearing submissions, including expansions to the existing industrial area along Bartley Road and new potential industrial areas.

Following adoption of the OCP, Council may wish to address other OCP land use changes as part of individual applications where there is merit in the proposed amendment, such as directed by other policy in the OCP.

Prioritize Climate Change

Prior to first reading, in response to public and referral feedback some language changes were made to:

- Policy 3.6.6.1.5 regarding sustainable soil and water management practices in agriculture and expanded Policy 3.6.6.1.2 regarding food security with regard to emergency response planning.
- Section 2.18.1.8 expanded to consider protection of water sources related to Natural Areas and Public Parks.
- Section 3.4 added reference to potential opportunity to collaborate with RDCO on projects related to community climate action.

As such, no change has been recommended as the OCP recognizes that climate change has the potential to significantly impact the quality of life envisioned in the City and has outlined specific objectives and policy related to climate change. Additionally, policy is embedded throughout the OCP where sustainable development is considered as a key element, as well as reviewing the ability to avoid or mitigate the risks associated with climate events due to climate change.

Gellatly Village Study - Reduction in OCP Housing Projections

With reference to the discrepancy in population and unit projections between the Gellatly Village Study (GVS) and OCP *Table 2: Potential Housing Distribution within Centres*; the issue is attributed to the following:

- Table 2 calculates number of dwellings and people that could be accommodated in the Gellatly Village based on approximately 3.42 ha of developable land area as the Centre includes adjacent properties. Whereas the potential units in the GVS only looked at a portion of its study area that included approximately 2.7 ha.
- Table 2 includes a marginal increase in maximum number of storeys (5 to 6)
- Table 2 is based on maximum densities for the site (apartments), whereas the GVS anticipated a mix of housing types (apartments and townhomes). The OCP uses maximum densities to establish long-term servicing requirements as well as key projects for the City's Transportation Master Plan and other master plans.
- Table 2 is based on maximum build out and does not take into consideration limiting factors such as topography, step-backs, form and character considerations, market conditions, massing reductions to limit shadow effect, additional parking requirements, etc.
- Table 2 does not consider reductions in units due to commercial space requirements that are required as part of the development of the area.

Based on this, no changes have been proposed to Table 2 at this time.

High Rise Development - Fire Services

West Kelowna Fire Rescue has been a part of the review process and development of the OCP including consideration of the proposed building heights within the identified Urban and Neighbourhood Centres both in draft and its most recent iteration. The statements on public safety policies in the OCP (3.6.5.3) are very strong and very clear on the need to support emergency services as our community grows.

The ability of the fire department to protect buildings within our community is an important consideration, as required under the BC Building Code. Presently, protecting high buildings (> 6 stories) would be a challenge for our fire service. Growth of our fire service will be required to ensure that higher buildings can be protected. We will also have to rely on our regional partners and other agencies to provide firefighting aid. Planning for adequate fire response to anticipated development at heights up to 19 storeys is underway with discussion and identification of the appropriate legislative, operational, maintenance, training, staffing and equipment requirements to protect higher buildings and their occupants. Council will receive an update on this work in the coming months.

The OCP is a vision for how Council wishes to see the community develop. Future approvals of high buildings will be contingent on the fire department's ability to protect, and the fire department plan will outline needs for Council consideration prior to any buildings being approved. As a result, no change has been recommended to the OCP, as the existing policies regarding maximum height reflect Council's direction regarding height, and detailed Development Permit guidelines address the issues with street interface and the form and character of the anticipated new taller buildings within our urban cores.

Park and Natural Areas and Additional Recreational Facilities

The existing policies for focused growth are largely supported and additional policy within Transportation Section 3.2 and Natural Environment and Hazards Section 3.5 outlines how future development can contribute to the addition of parks, linear trails, and the protection of environmental features and areas. As a result, no change has been recommended to the OCP.

Additional action items are also identified within these sections that outline the consideration of parks and natural assets with the update of the Parks Master Plan and the Transportation Master Plan, along with additional action items in the Social Sustainability Section 3.6 regarding a review of the City's cultural needs and review of recreational facilities. These actions will be reviewed through the development of those plans and studies, where Council may deliberate on the potential capital funding implications in support of these initiatives.

Short term Rental Opportunities

With reference to increasing short term rental opportunities to support the tourism economy, it is anticipated that a review of the current regulations will be brought forward to Council later this year and no change has been recommended to the OCP.

Highway 97 Access and BC Hydro Infrastructure

As the City continues to advocate with the provincial government regarding Hydro infrastructure and reconfiguration of Highway 97, no change has been recommended to the OCP. Additionally, the Transportation Master Plan is currently being updated to reflect on transportation concerns and has considered the concurrent development of the OCP as part of that process.

Transportation Improvements Related to Anticipated Density

The existing transportation policies anticipate improvements associated with additional traffic and pedestrian movement within the identified Centres. These are slated to be addressed at time of development, along with enhanced development permit guidelines to support a pedestrian and activated street focus at the ground level. As a result, no change has been recommended to the OCP.

Additionally, the Transportation Master Plan is currently being updated to reflect transportation concerns and has considered the concurrent development of the OCP as part of that process, including the consideration of required or anticipated transportation network improvements as result of the proposed densities. Council will have the opportunity to deliberate on the potential capital funding implications and prioritization of transportation projects through the annual budgetary process.

Proposed Revisions/Amendments to the OCP Bylaw

Based on previous Council direction and additional plan review, a number of minor revisions to the proposed OCP Bylaw has been identified. As these changes are related to items previously addressed by Council and/or are considered minor corrections related to consistency within the bylaw, it is recommended that Council consider these revisions prior to consideration of third reading of the OCP Bylaw. These amendments are noted in red text on Attachment 3, and are summarized below:

- **Revision 1** – Table of Contents

Corrected the Table of Contents to include “Map 5 Community Natural Sand and Gravel Potential pg. 105”.

- **Revision 2** – Neighbourhood Centre Policies Section 2.7.2

Corrected Policy No. 2.7.2.1 to remove the reference to “taller” buildings as the land use designation is restricted to only mid-rise buildings as per Council direction on May 16 and for consistency with the Land Use Designation Summary Table 4, and the Section 2.7 Neighbourhood Centre Land Use Designation as read for first and second reading which limits height to 6 storey mid-rise buildings.

- **Revision 3** – Community Amenity and Infrastructure Implementation (Policies and Action Item)

Revise Section 5.3.2 and 5.3.3 to ensure consistency with Council’s direction on May 16th to include additional language on structured density bonusing. The proposed amendments include revisions to provide consistent terminology throughout the OCP and to match these sections with the processes previously outlined in Section 2.2 and clarify the difference between density bonusing, community amenity contributions and development cost charges.

The proposed revisions outlined above do not constitute a major amendment, changes to land use or density, and do not affect previous Council consideration of the proposed OCP Bylaw in light of the Waste Management Plan or Financial Plan. The revisions have been reflected in the recommended motion to give 3rd reading “as amended”. Should Council direct staff to complete additional amendments, reconsideration of the required plans in addition to potential re-referral (agencies) and the holding of a second public hearing may be required.

Next Steps - Existing Policy and Implementation

The implementation of the Official Community Plan is contingent on formal adoption of the plan as a bylaw, and 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 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.

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

On June 27, 2023, Council considered the OCP in conjunction with its financial plan. Implementation of the OCP suggests the consideration of a number of actions, policies and processes to bring existing City regulations into alignment with new policy. Future consideration of staff resources to implement the various plan, policy and operational objectives is key to the successful implementation of the OCP. Additional resources will be brought forward to Council during regular budget review process for consideration.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
Jul 20, 2023	Public Hearing held.	n/a
Jun 27, 2023	THAT Council considers “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023” in conjunction with the Financial Plan as per Local Government Act Section 477(3)(a)(i); and	C260/23

	THAT Council considers “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023” in conjunction with the Waste Management Plan as per Local Government Act Section 477(3)(a)(ii).	
Jun 27, 2023	THAT Council direct staff to rename the Gellatly Village Neighbourhood Centre to Gellatly Village; and THAT Council give first and second reading to the “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”, including the recommended revisions to Gellatly Village; 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) and the City’s Financial and Waste Management Plans, and referral of the OCP to the Agricultural Land Commission.	C259/23
Jun 13, 2023	THAT Council direct staff to report back to align the Gellatly Neighbourhood Centre with the Gellatly Village Plan.	C231/23
	THAT Council direct staff to expand the residential shoulder North to Bering Road and Westbank Urban Commercial would extend to Butt Road.	C232/23
	THAT Council direct staff to remove Item 9 from 2.18.2 from Natural Areas and Public Parks Policies.	C234/23
	THAT Council direct staff to amend Westbank Urban Centre shoulder to allow commercial from grade up to 4 stories.	C235/23
	THAT Council direct staff to amend the Industrial Land Use designation to allow ancillary caretaker units.	C237/23
	THAT Council defer first reading to the “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”.	C238/23
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 public hearing, and in consideration of any feedback received from Council, it is recommended that Council consider the proposed revisions as outlined in *Attachment 3* to “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”, and give third reading to the bylaw as revised and adopt the OCP.

Alternate Recommendation – Postpone Consideration

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

Should Council postpone consideration of Third Reading, it is requested that Council provide specific direction as to which changes should be made to the Bylaw prior to reconsideration. Should any changes to land use or density be proposed, a second public hearing will be required.

REVIEWED BY

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

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' – West Kelowna Official Community Plan (text and schedules) – As Revised
3. Summary of Proposed OCP Revisions for Consideration at Third Reading