
CITY OF KELOWNA

MEMORANDUM

Date: March 21, 2001
File No.: File #: 6480-30
To: City Manager
From: Director of Planning and Development Services
Subject: Official Community Plan Consultation Policy

1.0 Recommendation

THAT the Official Community Plan Consultation Policy No. 296, attached to the Planning & Development Services report of March 21, 2001, be adopted as Council Policy on the consultation process with respect to the adoption of Kelowna 2020 Official Community Plan Bylaw No. 8600, in accord with the recently amended Local Government Act – Section 879;

AND THAT consultation with regard to the repeal of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 is inherent in, and provided for, during the development and adoption of Kelowna 2020 Official Community Plan Bylaw No. 8600;

AND FURTHER THAT the consultation policy for Official Community Plan amendments continue to be the advertising of and the public input received through the Advisory Planning Commission process, pending further advice from the Province in the form of consultation guidelines.

2.0 Background

As part of recently proclaimed amendments to the Local Government Act, municipalities must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by the adoption, repeal or amendment of an Official Community Plan. This consultation is in addition to the Public Hearing required by statute. The Local Government Act still requires formal referral of the Official Community Plan to the Land Reserve Commission after first reading of the adoption bylaw.

Generally, the Local Government Act has delegated the authority to municipalities to determine their own procedure with respect to consultation, with a few caveats:

- Local government must consider whether consultation should be early and ongoing;
- Local government must specifically consider where consultation is required with:
 - The Board of the Regional District in which the area covered by the plan is located
 - The Board of any Regional District that is adjacent to the area covered by the plan
 - The Council of any municipality that is adjacent to the area covered by the plan
 - First Nations
 - School Districts, greater boards and Improvement Districts
 - The Provincial and Federal government and their agencies

3.0 Proposed Policy for Adoption of the New OCP

In the interest of ensuring an appropriate consultation format, it is proposed that an OCP Consultation Policy be adopted by Council to guide the process and outline when, with whom and how consultation should occur with respect to the adoption of the new OCP. The new amendments to the Local Government Act also require that Council consider relevant provincial guidelines in the adoption of an OCP, including proposed guidelines on consultation. These provincial guidelines are not yet complete, therefore the City policy is specific to Kelowna 2020 Official Community Plan Bylaw No. 8600. When provincial consultation guidelines are completed it may be necessary to adopt a new, more comprehensive City policy, including a procedure with respect to OCP amendments.

The consideration of who should be consulted encompasses a wide range of potential groups and organizations that represent the interests of the general public and / or business interests. Aside from general advertising that would invite the participation of the general public the City should specifically extend invitations to consultation opportunities to all Residents Associations and Business Associations, including the Chamber of Commerce, Downtown Kelowna Association, Urban Development Institute and the Canadian Home Builders Association. Consultation opportunities would be through participation in focus groups and Open Houses, in addition to the right of any individual or group to provide written input at any time in the form of submissions, petitions, letters, faxes and emails.

This would be in addition to the provincial agencies, local governments, School District, boards, and Improvement Districts that are consulted on a regular basis for other activities, including Official Community Plan preparation. These agencies (Land Reserve Commission, provincial ministries of Agriculture and Food, Transportation and Highways, and Environment, Land and Parks, Regional District of Central Okanagan, and District of Lake Country, School District # 23, Westbank First Nations and Okanagan Indian Band) will also provide significant input to the OCP process. Other agencies that should be consulted include utility agencies such as major water purveyors and cable, gas, power, and telephone providers.

The timing of consultation with these groups is also variable. Public groups such as residents / business associations should be early and ongoing, given the less formalized structure of these organizations and their limited ability to respond to proposals in a timely manner. The focus group structure and Open House format at various stages of OCP preparation are opportunities to reach, inform and receive input from the widest range of individuals and interests as possible over an extended period of time.

Consultation with primary provincial and local agencies is easier to manage due to their formal structure and staff dedicated to providing the community with such information. Typically, these agencies are more effective when there is something to react to, such as a draft document. It is suggested that consultation with the primary agencies should be formal circulation of a written draft prior to preparation of the final draft, and the final draft presented to Council, in order to allow public agency input at the earliest possible time.

Consultation with other agencies such as utility providers is typically more technical in nature, and their structure allows involvement at a later stage to react to a more refined document that includes previous public and primary agency input. It is suggested that consultation with utility agencies should be formal circulation of a written draft prior to preparation of the final draft, and the final draft presented to Council.

All public and agency input received, including open house exit surveys, should become a part of the public record of the formal adoption process of the OCP Bylaw. Any submissions, petitions, letters, faxes, and emails should be compiled, including related city responses and actions, for presentation to Council at initial consideration of the OCP Bylaw. This would allow maximum opportunity for public review and Council review and consideration of this information prior to a Public Hearing.

This consultation policy does not replace the consultation required through the formal Public Hearing.

4.0 Summary

The OCP Consultation Policy is consistent with the procedure to date in the undertaking of the current OCP Review / Update. Future action with respect to summarizing the agency and public input for presentation to Council at initial consideration and first reading of the OCP Bylaw would allow sufficient time, between initial consideration and the Public Hearing, for the community and Council to review this important information.

The repeal of the existing OCP is part of the adoption process of the new OCP. As a result, the consultation on both actions is concurrent. Council's obligation to "provide one or more opportunities it considers appropriate for consultation" with the public with regard to the repeal is therefore met when the consultation with regard to the adoption occurs. It is noted that the advertising for the public hearing that will occur after first reading of the new OCP bylaw will include notification of both the repeal of the old OCP bylaw and the adoption of the new one.

Other recent amendments to the Local Government Act - Section 876(3) – require local government to consider applicable provincial policy guidelines when developing or amending an OCP. The Ministry of Municipal Affairs is currently developing guidelines for consultation. In addition, other provincial ministries may develop policy guidelines covering their respective areas of provincial interest with respect to local government Official Community Plans, to be approved by the respective Minister. No such guidelines currently exist, but when and if guidelines are developed, it may be necessary to adopt a new and more comprehensive OCP Consultation Policy to reflect provincial interests.

Therefore the proposed City of Kelowna Consultation Policy No. 296 is specific to the adoption of Kelowna 2020 Official Community Plan Bylaw No. 8600. OCP amendments should continue to be processed following the current procedure of advertising and holding Advisory Planning Commission meetings, until relevant provincial guidelines are prepared and approved.

L.V. Foster, CSLA, MCIP
Long Range Planning Manager

Approved for inclusion

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R.L. Mattiussi, ACP, MCIP
Director of Planning and Development Services

GLS

Attach