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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** June 7, 2006  
**File No.:** B/L 9580, 6480-30  
OCP06-0003

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:** Bylaw 7600 Official Community Plan - Amendment Bylaw No. 9580

Report prepared by: Gary L. Stephen

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**RECOMMENDATION**

THAT Council consider amending OCP Bylaw Text Amendment No. 9580 at First Reading to address concerns of the Agricultural Land Commission as outlined in the report of the Planning and Corporate Services Department dated June 7, 2006;

AND THAT the revised OCP Bylaw Text Amendment No. 9580 be forwarded to a Public Hearing for further consideration.

**BACKGROUND**

A report from Planning and Corporate Services dated April 26, 2006 was considered by Council at the Regular Meeting held Monday, May 1, 2006, when the following resolution was adopted:

THAT OCP Text Amendment Bylaw No. 9580 received by Council at the Regular Meeting of March 27, 2006 be advanced for First Reading by Council;

AND THAT OCP Text Amendment Bylaw No. 9580 be forwarded to the Agricultural Land Commission for comment after First Reading and then forwarded to a Public Hearing for further consideration.

First Reading of Bylaw 9580 was subsequently given at the same meeting. On May 2, 2006 a copy of OCP Amendment Bylaw 9580 was forwarded to the Agricultural Land Commission.

Comments from the Agricultural Land Commission have now been received and a copy of their letter is included as Attachment 1.

## DISCUSSION

The response of the Agricultural Land Commission (ALC) to the referral at First Reading of OCP Amendment Bylaw 9580 has been taken into consideration and staff are comfortable with their suggested changes. The ALC does not support showing a linear trail on Map 19.1 Generalized Future Land Use until such time as a non-farm use application has been approved by the ALC. Given that the City does not own or control the former BMID Right-of-Way we are not currently in a position to make an application for non-farm use of the corridor. To that end, Map 19.1 attached to Bylaw 9580 needs to be replaced with a new map no longer showing the linear trail as Major Park / Open Space. A new Map 19.1 is included in this report as Attachment 2 to replace the version in the packages circulated with the original report of March 22, 2006.

The policy wording suggested by the ALC is as follows:

“Pursue an application to the Agricultural Land Commission for a linear trail on the Black Mountain Irrigation District ditch right-of-way (more or less) located on the Rutland Bench north of Hwy 33. The City commits to consultation with the land owners and farmers affected by the right-of-way, and (if the application is allowed) to mitigation of the impacts of public use on farmland and farming activities, including, but not limited to:

- Fencing both sides of the right-of-way with trespass inhibiting fence,
- Making every effort to limit right-of-way expansion,
- Providing public amenities (such as washrooms, trashcans and parking areas) to ensure minimal impact on adjoining farmland.

The suggestion by the ALC would still allow the OCP to state the nature of the City interest in a linear trail on or in the vicinity of the BMID Right-of-Way and authorize staff to move forward in achieving control of the BMID Right-of-Way, or a suitable alternative, toward the submission of a non-farm use application in the future.

## CONCLUSION

Compliance with these changes concludes our requirement for referral of OCP Amendment Bylaw 9580 to the ALC for comment and it would be in order to forward the draft Bylaw to a Public Hearing.

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Signe K. Bagh  
Manager, Policy / Research / Strategic Planning

Approved for inclusion

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

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