
CITY OF KELOWNA

MEMORANDUM

Date: April 2, 2008
File No.: 6480-30
To: City Manager
From: Planner Specialist
Subject: Official Community Plan Consultation Policy

RECOMMENDATION:

THAT the revised Official Community Plan Consultation Policy No. 296, attached to the Planning and Development Services report of April 2, 2008, be adopted as Council Policy on the consultation process with respect to the adoption of the proposed new Kelowna 2030 Official Community Plan Bylaw in accord with the *Local Government Act* - Section 879.

AND THAT consultation with regard to the repeal of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 is inherent in, and provided for, during the development and adoption of the proposed new Kelowna 2030 Official Community Plan Bylaw.

BACKGROUND:

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 previous OCP Consultation Policy No. 296 has been revised and updated (see Attachment 1). The proposed policy does not include a bylaw number at this time. As we approach the time when we are ready to proceed with formal bylaw readings we will assign a number that has some significance and is more easily remembered.

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, Uptown Rutland Business Association, Urban Development Institute, the Canadian Home Builders Association and other special interest groups. In addition to the ability of any individual or group to provide written input at any time in the form of submissions, petitions, letters, faxes and emails there will be opportunities for participation on-line through a website survey and at a variety of scheduled events, including open houses. The website will also provide for review of pertinent information and updates as the process evolves.

Public input 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 (Agricultural Land Commission, provincial ministries of Agriculture and Lands, Transportation, Environment, as well as Regional District of Central Okanagan, 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 and business associations should be early and ongoing, given the less formalized structure of these organizations and their challenges with responding on short timelines. In addition to the more formal events, web based communications in the form of updates, newsletters and surveys will provide a 24/7 opportunity for these groups to respond and provide input at their convenience and from the widest range of individuals and interests 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 most 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 on-line and 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 as well as Council review and consideration of this information prior to a Public Hearing.

INTERNAL CIRCULATION TO:

City Clerk
Communications Manager

LEGAL/STATUTORY AUTHORITY:

Local Government Act – Division 2, Part 26, Section 879.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

During the development of an official community plan, or the repeal or amendment of an official community plan the local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.

The local government must consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and on-going, and specifically consider whether consultation is required with:

- i. the board of the regional district in which the area covered by the plan is located,
- ii. the board of any regional district that is adjacent to the area covered by the plan,
- iii. the council of any municipality that is adjacent to the area covered by the plan,
- iv. first nations,
- v. school district boards, greater boards and improvement district boards, and
- vi. the provincial and federal governments and their agencies.

This consultation is in addition to the public hearing required under *Local Government Act* – Section 882(3)(d).

A local government must also consider any applicable "provincial policy" guidelines under Section 870 of the *Local Government Act*. To date there have been no such guidelines created.

EXISTING POLICY:

Council Policy 296 – Official Community Plan Consultation – Bylaw No. 7600 was adopted specifically to facilitate the previous OCP Review in 2001. This new proposed policy is a revision to that original policy to update the language to reflect the current OCP Review process.

COMMUNICATIONS CONSIDERATIONS:

A consultant has been hired to prepare and execute a thorough public engagement program which will be reviewed by the City's Communications Division to ensure compatibility with City standards, goals and desires.

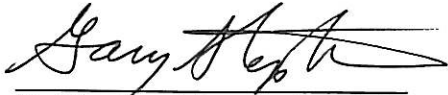
The implementation of the revised OCP Consultation Policy No. 296 will involve extensive communications efforts on the part of the consultant, planning staff and communications staff.

The primary consultation windows will be in the late spring and the early fall. We will be advertising opportunities for public participation once dates are set.

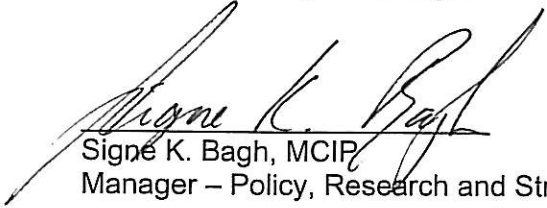
Considerations not applicable to this report:

FINANCIAL/BUDGETARY CONSIDERATIONS:
PERSONNEL IMPLICATIONS:
TECHNICAL REQUIREMENTS:
EXTERNAL AGENCY/PUBLIC COMMENTS:
ALTERNATE RECOMMENDATION:

Submitted by:

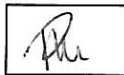


G. Stephen, Planner Specialist
OCP Review Project Manager



Signe K. Bagh, MCIP
Manager – Policy, Research and Strategic Planning

Approved for inclusion



Paul Macklem
Acting Director of Planning and Development Services

Cc: City Clerk
Communications Manager

Attachment 1



CITY OF KELOWNA

COUNCIL POLICY MANUAL

POLICY: 296
PAGE: 1 of 4

APPROVAL DATE:
RESOLUTION #:
REPLACING #: R237/01/03/26
DATE OF LAST REVIEW:

SUBJECT: OFFICIAL COMMUNITY PLAN CONSULTATION – BYLAW NO. XXXX

The City of Kelowna will provide the following minimum opportunities for public consultation when considering Kelowna 2030 Official Community Plan Bylaw No. XXXX.

These opportunities may be expanded upon if and when considered necessary.

The General Public:

1. Consultation with the general public, which may include at least:
 - (a) Advertising (newspaper / radio / website) the City's intention to begin the process prior to its start;
 - (b) Installing and advertising appropriate facilities and methods, such as an OCP e-mail address, or an OCP web site address, for the ongoing gathering and updated dissemination of information between the City and the public;
 - (c) Soliciting links on other websites to the OCP Review website;
 - (d) Soliciting email addresses for automatic updates regarding information changes on the website or upcoming events;
 - (e) Attendance at other community events to promote the OCP Review process;
 - (f) Use of project newsletters and surveys;
 - (g) Holding and advertising public open houses at the following times during the process, and at any other appropriate times:
 - Following the preparation of a first draft of the proposed OCP;
 - Following the preparation of any other drafts of the proposed OCP that are presented to City Council prior to the final draft that is presented to Council for initial consideration and forwarding to the formal bylaw reading and adoption process.

Special Interest and Community Organizations:

2. Consultation with the following special interest and community organizations, and any other similar organizations whose specific input is considered necessary or appropriate:
 - Local Residents Associations
 - Chamber of Commerce
 - Economic Development Commission
 - Downtown Kelowna Association
 - Uptown Rutland Business Association
 - Urban Development Institute (Interior Chapter)
 - Canadian Home Builders Association (Interior Chapter)
 - Southern Interior Construction Association
 - UBC - Okanagan
 - Okanagan College



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- Service Clubs (e.g. Rotary)
- Other Business Organizations (e.g. Hotel - Motel Association / Tourism Kelowna etc.)
- Other Special Interest Groups (e.g. Friends of Knox Mountain / Friends of Mission Creek etc.)

The consultation may include at least:

- (a) Project newsletters and surveys;
- (b) Presentations at meetings;
- (c) Notifying the organizations directly (letter or email) of any and all public open houses or other opportunities for participation being held during the process.

Council Committees:

3. Consultation with the following Council committees, and any other Council committees with interest or involvement in planning or land use issues whose specific input is considered necessary:

- Advisory Committee for People with Disabilities
- Advisory Committee on Community and Women's Issues
- Advisory Planning Committee
- Agricultural Advisory Committee
- Community Heritage Commission
- Downtown Centre Strategy Task Force
- Kelowna Parking Committee
- Public Art Committee
- Recreation, Parks and Culture Task Force
- Rutland Town Centre Strategy Task Force
- Housing Committee
- Transportation Directions Committee
- Youth Advisory Committee

The consultation may include at least:

- (a) Soliciting comments and input from the Council committees prior to preparation of the first draft, and at any other appropriate time;
- (b) Considering and incorporating, where appropriate, any comments or input provided by the Council committees, prior to presenting the final draft of the proposed OCP to Council for initial consideration in the formal bylaw reading and adoption process.



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Government Bodies or Agencies:

4. Consultation with the following government bodies or agencies, and any other government bodies or agencies as appropriate:

- Agricultural Land Commission
- Ministry of Agriculture and Lands
- Ministry of Transportation
- Ministry of Environment
- Interior Health Authority
- Regional District of Central Okanagan
- District of Lake Country
- Westbank First Nation
- Okanagan Indian Band

The consultation may include at least:

- (a) Referring for comment the following versions of the draft OCP to the government bodies or agencies:
 - A draft prior to preparation of final draft;
 - The final draft that is presented to Council for initial consideration in the formal bylaw reading and adoption process;
- (b) Considering and incorporating, where appropriate, any comments or input provided by the government bodies or agencies, prior to presenting the final draft to Council for initial consideration in the formal bylaw reading and adoption process.

School District No. 23:

5. Consultation with School District No. 23, which shall include at least:

- (a) Referring for comment the following versions of the draft OCP to School District No. 23:
 - A draft prior to preparation of final draft;
 - The final draft that is presented to Council for initial consideration in the formal bylaw reading and adoption process;
- (b) Considering and incorporating, where appropriate, any comments or input provided by School District No. 23, prior to presenting the final draft to Council for initial consideration in the formal bylaw reading and adoption process;
- (c) In addition to any other consultation with School District No. 23, specifically soliciting comments and input as to the items listed in section 881(2) of the *Local Government Act*.



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Utilities Providers:

6. Consultation with the following local providers of utilities, and any other similar providers whose specific input is considered necessary:

- Glenmore-Ellison Improvement District
- Black Mountain Irrigation District
- Rutland Waterworks District
- South East Kelowna Irrigation District
- Kelowna Joint Water Committee
- Telus
- Shaw Cable
- Terasen Gas
- Fortis BC

The consultation may include at least:

- (a) Referring for comment the following versions of the draft OCP to the utilities providers:
 - A draft prior to preparation of final draft;
 - The final draft that is presented to Council for initial consideration in the formal bylaw reading and adoption process;
- (b) Considering and incorporating, where appropriate, any comments or input provided by the utilities providers, prior to presenting the final draft to Council for initial consideration in the formal bylaw reading and adoption process.

REASON FOR POLICY: To establish guidelines for public consultation during development of Kelowna 2030 Official Community Plan Bylaw No. XXXX in conformance with Sections 879 (2) of the *Local Government Act*.

LEGISLATIVE AUTHORITY: Division 2, Part 26.

PROCEDURE FOR IMPLEMENTATION: Information gathered during the Public Consultation Process for the new OCP will be submitted to Council at the time the final draft is presented for initial consideration. Once the bylaw for the new OCP has received first reading the proposed OCP must be considered in conjunction with the City's financial plan and waste management plan; referred to the Land Reserve Commission; and a public hearing must be held.