

Memo



Date: April 7, 2010
File No.: 1200-31
To: City Manager
From: Policy & Planning
Subject: Draft Official Community Plan - Policy and DP Guidelines
Report Prepared By: Gary Stephen, Long Range Planning Manager

RECOMMENDATION:

THAT Council receive for information the report from the Policy & Planning Department dated April 7, 2010 on the Draft Official Community Plan - Policy and DP Guidelines;

AND THAT Council direct staff to continue with public and stakeholder consultation on the draft policy direction, including the Development Permit Guidelines.

BACKGROUND:

The most recent OCP public Open House was on November 7, 2009. Since then inter-departmental staff have been refining policy language and DP chapters to respond to public, stakeholder and Council input. In some cases there has been conflicting input: some for certain policies to be more stringent; others would prefer less stringent policies. To move forward staff have identified a number of proposed policies (see Attachment 1) in the draft OCP language that would benefit from discussion with and direction from Council prior to continuing the public and stakeholder consultation process.

There will be further public discussion of draft OCP policies and DP Guidelines in May 2010. The draft OCP land use direction is tied to the Infrastructure and Servicing Plan review process that is anticipated to be completed by the end of July. The servicing review may trigger an iterative process that generates additional changes to the land use plan. The land use and servicing components will then be the subject of further public consultation and Council review in the fall, toward completion of the full OCP Review by the end of 2010.

LEGAL/STATUTORY AUTHORITY:

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

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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). Council Policy No. 296, as revised and approved by Council in April 2008, addresses these requirements.

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 No. 296 - OCP Consultation.

EXTERNAL AGENCY/PUBLIC COMMENTS:

It is intended that the draft OCP Policy document and Development Permit Guidelines will be presented at an Open House in May 2010 and then made available for public consultation by posting to the OCP website and advising the public through advertising and emails of the opportunity to review and comment.

The draft OCP DP Guidelines will be presented (tentatively scheduled for May 4, 2010) to stakeholder groups. Stakeholders will then be provided with a minimum of one month for review and comments.

Considerations that were not applicable to this report:

INTERNAL CIRCULATION TO:

FINANCIAL/BUDGETARY CONSIDERATIONS:

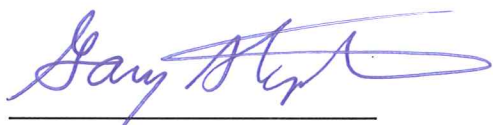
TECHNICAL REQUIREMENTS:

COMMUNICATIONS CONSIDERATIONS:

PERSONNEL IMPLICATIONS:

ALTERNATE RECOMMENDATION:

Submitted by:



G. Stephen
Long Range Planning Manager

Approved for Inclusion:



Director of Policy & Planning

Attachment 1

Land Use Designation Definitions

Resource Protection Area

Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant visual value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally land areas within this designation will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of industrial or park/recreation uses. Minimum parcel size for ALR land is 2.0 ha and non-ALR land is 4.0 ha as indicated in the A1 Agricultural Zone of Zoning Bylaw 8000.

Hillside Residential

New designation (wording not yet finalized) that will require new development in hillside areas to rezone to a specific hillside zone, including the application of Intensive Residential Development Permit Guidelines to create sensitive treatment of hillsides

Commercial

Developments for the sale of goods and services. Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial. Building heights of up to twelve storeys in the South Padosy, Capri/Landmark and Rutland Urban Centres at selected locations are encouraged. In the Highway Urban Centre (Midtown) buildings up to twelve or sixteen storeys will be encouraged, depending on site specific conditions. In the City Centre (Downtown) buildings of up to 30 storeys will be encouraged, depending on site specific conditions. This designation may also include CD Comprehensive Development zoning that includes commercial uses.

Industrial - Limited

General industrial uses, limited by compatibility with on-site and nearby residential uses. Uses consistent with new zone I6 - Industrial Limited.

Major Park/Open Space (public)

City, District, Community, Neighbourhood and Linear parks. Not all parks required over the next 20 years are indicated on the map, as Neighbourhood parks will be provided at City standards as integral components of new and redevelopment initiatives. A major District Park may be provided in the Glenmore Valley area. Open space indicated at the south end of Ellison Lake is intended as wildlife habitat preservation subject to approval of the appropriate provincial ministry or agency.

Draft Policy Language

Objective 5.1 Ensure new development is consistent with OCP goals.

Policy .4 **DCC Reductions.** Waive or reduce DCCs for low environmental impact development patterns and small lot subdivisions meant to reduce GHG emissions where it can be quantified that such developments place no/low impact on certain infrastructure. For example, lower storm sewer DCCs might be considered where there are appropriate onsite detention systems.

Objective 5.2 Develop sustainably.

Policy .2 **Sustainability Incentives.** Consider offering incentives (waiving of application fees, parking reductions etc.) where applicants score above the minimum score set by Council for the sustainability checklists. In order to qualify for incentives, a Section 219 Land Title Act covenant must be registered, requiring the incorporation of features that the applicant indicated would be provided in responses to the Sustainability Checklist. The covenant should include provisions to help ensure compliance with the covenant into the future (e.g. provisions requiring the filing of monitoring or maintenance reports might be considered).

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1. Development of property outside the Permanent Growth Boundary will be supported for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw _____, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary will be reviewed as part of the next major OCP review or whenever the City reaches the point when only 400 ha of single/two unit designated land remains available (i.e. undeveloped) within the Permanent Growth Boundary.

Objective 5.5 Ensure appropriate and context sensitive built form.

Policy .1 Building Height. Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing. Generally speaking, unless existing zoning provides for greater heights, building heights should not exceed four storeys outside of the Urban Centres.

Where a lot line abuts a lower density residential land use designation, buildings facing this lot line within the development should be stepped back such that there is no more than a one-storey height gain between these building frontages and the height permitted within the land uses assigned to adjacent parcels. The key issue is the transition in scale. The City may consider alternatives to this if other measures can ensure an appropriate transition. Other alternatives may include a combination of appropriate choice of materials, positioning of a building on a site, the level of detail on the facing façade, positioning of balconies, windows, etc.

Encourage building heights adjacent to Okanagan Lake to remain low and support an increase in building height as the distance from the lake increases, except in circumstances where where a proposed development is deemed by the City of Kelowna to have significant merit, including the protection of upland sight lines towards the Lake, a comprehensive development zone to allow greater height will be considered.

Objective 5.8 Ensure that densification of existing neighbourhoods happens in a context of directly contributing to enhanced liveability.

Policy .1 Amenity Requirements. Starting in 2012, where new development requires a change to zoning that increases density, leverage amenities appropriate to the community using a negotiation process. Contributions will be negotiated based on the increase in land value resulting from the density increase. The intent of the amenities would be to ensure that redevelopment helps compensate for any additional burdens on the immediately surrounding neighbourhood by providing offsetting positive amenities. The purpose is to enhance acceptance of the densification that is essential to achieving the City's growth management objectives. Site specific conditions and the goals and objectives contained in this OCP will suggest what amenities should be considered. Amenities are considered those features which are provided ABOVE AND BEYOND minimum requirements imposed at the municipal and provincial levels as per prevailing bylaws and regulations and may include:

- Affordable, Special Needs or Purpose-Built Rental Housing (terms defined in Chapter __) secured with housing agreements;
- Public art;
- Common meeting, office or general activity spaces available to the broader community (including space for child care, youth or senior's centre);
- Outdoor space available to the community (e.g. park, pedestrian and cycling connections, public square, community gardens etc.);
- Underground power lines;
- Energy efficient design features;
- Entertainment venues;
- Artist live-work spaces; and/or
- Other amenities defined as needed and appropriate to the neighbourhood and not eligible to be funded by development cost.

Contributions will be negotiated based on the increase in land value resulting from the increased density and in accordance with applicable provisions of Bylaws and Council Policies.

Where the City deems it appropriate, cash-in-lieu contributions may be accepted. When sufficient funds are available, an appropriate amenity will be provided to the densifying neighbourhood.

Objective 5.10 Support the creation of affordable and safe rental, non-market and/or special needs housing.

Policy .2 Secondary / Accessory Units. Consider secondary suites as a permitted use in all single detached homes, and consider accessory rental apartments (e.g. 'mingle suites') as a permitted use in all multiple unit residential buildings, provided other requirements of the zoning can be met.

Objective 5.16 Ensure environmentally sustainable development.

Policy .13 Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw ____.

Policy .14 Access Through Steep Slopes. Discourage roads (public or private) through +30% slope areas intended to access lands beyond, except in cases where it can be demonstrated the road will be sensitively integrated with the natural environment and will present no hazards to persons or property, environmental threats or unreasonable servicing challenges.

Objective 5.20 Ensure development is compatible with surrounding land uses.

Policy .9 Truswell Rd. Area. A developer-funded design charette providing for neighbourhood and professional input will be required before any re-zoning or variances allowing for increased building height in the mixed use tourism commercial area near Truswell Rd. will be considered by Council.

Development Variance Permit Applications

Policy .1 **Variations for “Green” Features.** Staff will give favourable regard to variance applications to reduce setbacks whose sole purpose is to accommodate green building features (e.g. solar panels etc.), provided that safety and neighbourhood impact issues can be addressed.

Objective 5.33 Ensure the development of institutional facilities meets the needs of residents.

Policy .4 **Re-Designation of School Sites.** Not support the re-designation of surplus school sites to ensure retention of facilities and open space as a community asset.

Objective 5.34 Ensure retention of viable agricultural land base.

Policy .1 **Agricultural Land Reserve.** Uphold the Agricultural Land Reserve (ALR), toward the preservation of agricultural lands, except as otherwise noted in the Agriculture Plan. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion would otherwise be consistent with the goals, objectives, and other policies of the OCP.

Objective 5.41 Ensure all development is consistent with the vision, goals and objectives of the OCP.

Policy .1 **Evaluation Checklist.** Evaluate development applications that require an OCP amendment on the basis of the extent to which they comply with underlying OCP objectives, including the following:

- Does the proposed development contribute to preserving lands with slopes greater than 30%?
- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Map 4.1)?
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses within individual buildings or larger development projects?
- Is the proposed development located in an Urban Centre?
- Does the proposed development increase the supply of affordable (as defined in the OCP) apartments or townhouses?

- Is the property serviced with water and City sanitary sewer at the time of application?
- Could the proposed project be built at no financial cost to the City?
- Would the proposed project help decrease the rate of travel by private automobile, especially during peak hours?
- Is there transit service within 400 metres of non-residential projects or major employment generators (50+ employees)?
- Does the proposed project involve redevelopment of currently under-utilized, urbanized land?
- Does the proposed project result in the creation of substantially more public open space than would be available if the development were not to proceed (not including required open space dedications or non-developable areas)?
- Is there a deficiency of properties within the applicable Sector (see Map 5.4) that already have the required OCP designation?
- Does the project avoid negative impacts (shadowing, traffic) etc on adjoining properties where those adjoining properties are not slated for land use changes?
- Is the project consistent with the height principles established in the OCP?
- If the project goes ahead, would surrounding property owners be likely to develop their properties as per OCP Future Land Use and other City policy provisions?
- Would approval of the project enhance the surrounding neighbourhood?
- Could the project be supported without overburdening existing park and other community resources or threatening the viability of existing neighbourhood resources?

Objective 7.5 Maintain automobile, commercial goods and emergency vehicle mobility while placing increased emphasis on sustainable modes of transportation (walking, cycling, transit).

Policy .1 Transportation Infrastructure Funding. Transportation infrastructure will be funded, designed, constructed and maintained according to the following priority:

- i. Active Transportation (Walking and Cycling)
- ii. Transit
- iii. Vehicles for movement of Goods & Services
- iv. High Occupancy Vehicles (HOVs)
- v. Single Occupant Vehicles (SOVs)

Priority will be assigned to active transportation and transit infrastructure that serves and connects Urban Centres.

Policy .6 Future Role of Highway 97. Enhance pedestrian, cycling and transit facilities along Highway 97 even if it means reducing vehicle capacity, if Highway 97 at some future point is no longer designated as a Provincial Highway.

Objective 7.7 Provide more active transportation infrastructure to: increase resilience in the face of higher energy prices; improve community health; and reduce greenhouse gas emissions.

Policy .1 Sidewalk Funding. Prioritize sidewalk projects undertaken at 100% city expense on the basis that neighbourhoods undergoing the greatest density increases receive priority and that where the City does not already own the land, the property owners receiving the sidewalk provide the right of way.

Objective 7.9 Ensure roadway planning supports sustainability goals.

Policy .1 Level of Service. Refrain from implementing major roadway modifications intended to increase capacity and/or efficiency for automobiles, except when there are safety issues, until the peak hour level-of-service (LOS) is at the threshold of failure, measured at non-tourist season peaks.

Objective 7.11 Provide active and passive parks for a diversity of people and a variety of uses.

Policy .1 Active Park Standard. Using Development Cost Charge revenue provide 3.0 ha of parks per 1000 new population growth. As a guideline the 3.0 ha standard will include provision for 0.6 ha neighbourhood, 0.7 ha community, 1.0 ha recreation and 0.7 city-wide types of parks.