

REPORT TO COUNCIL



Date: September 28, 2011
File: 1200-31
To: City Manager
From: Long Range Planning Manager
Subject: OCP 2030 Bylaw 10500 - Housekeeping Amendments

Recommendation:

THAT Council receives, for information, the report from the Long Range Planning Manager dated September 28, 2011 with respect to Council directed and staff initiated housekeeping amendments to OCP 2030 Bylaw 10500;

AND THAT Council directs staff to refer the proposed OCP 2030 Bylaw 10500 changes to the Advisory Planning Commission as the required public consultation prior to introduction of the amendment bylaw.

Purpose:

To initiate minor housekeeping amendments to the OCP based on Council direction from previous meetings as well as staff initiated housekeeping amendments.

Background:

At the Council Meeting of May 30, 2011 the following resolutions were adopted:

THAT Council directs staff, as part of the next set of staff-initiated Kelowna 2030 Official Community Plan Bylaw amendments, to hold further discussions with University of British Columbia staff with respect to the concerns raised by the representative of the University of British Columbia with respect to the University of British Columbia-Okanagan lands during the Kelowna 2030 Official Community Plan Public Hearing. (Service Request #197537)

THAT Council directs staff to bring forward, as part of the next set of staff-initiated Kelowna 2030 Official Community Plan Bylaw amendments, recommendations to change the future land use designation of Lots C and D, Plan 17322, locally known as 1500 Maiden Road and 1510 Highway 33 West, from the Multiple Unit Residential (Low Density) designation to the Commercial designation. (Service Request #197553)

THAT Council directs staff to investigate the implications of changing the classification of High Road from an arterial road to a major collector road and to report back to Council as part of the next set of staff-initiated Kelowna 2030 Official Community Plan Bylaw amendments. (Service Request #197550 / 208425)

A handwritten signature in blue ink, appearing to be "J. P.", located in the bottom right corner of the page.

At the Council Meeting of September 12, 2011 the following resolutions were adopted:

THAT Council directs staff, as part of the future Kelowna 2030 Official Community Plan amendments, to amend the Kelowna 2030 Official Community Plan to change the future land use designation of the south side of Manhattan Drive from the "Industrial" designation to the "Commercial" designation. (Service Request #207480)

THAT Council directs staff to amend Official Community Plan Policy 12.9.1 as part of the future Kelowna 2030 Official Community Plan housekeeping amendments. (Service Request # 197556)

In addition, there are number of other minor housekeeping amendments suggested to correct typing / numbering / formatting errors, wording clarification and one suggested new policy as outlined in Attachment 1.

With respect to the implications of changing the classification of High Road from an arterial road to a major collector road, Infrastructure Planning has advised that given the complexity of this issue they will be bringing forward a separate report for Council consideration.

Internal Circulation:

General Manager of Community Sustainability
Director of Infrastructure Planning
Urban Land Use Manager
Environment & Land Use Manager

Legal / Statutory Authority:

Local Government Act Part 26: Division 2 - Official Community Plans, Sections 875 - 882.

Legal/Statutory Procedural Requirements:

Local Government Act Section 882(3) specifies that after first reading (and prior to Public Hearing) of an Official Community Plan bylaw the local government must, in sequence, consider the plan in conjunction with its financial plan and any waste management plan applicable. The local government must also refer the plan to the Agricultural Land Commission (ALC) for comment if the plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act.

The only amendments likely to be of interest to the ALC are with respect to the proposed changes to the Resource Protection Area designation and to Policy 5.3.1 Permanent Growth Boundary that would impact lands owned by UBCO. The lands in question are within the ALR and the ALC has previously requested changes to the Permanent Growth Boundary (PGB) to ensure that lands in the ALR remain outside the PGB.

In addition, Local Government Act Section 879 (1) specifies that a local government must, during the development, repeal or amendment of an official community plan, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. This consultation is in addition to the required public hearing.

Existing Policy:

Kelowna OCP 2030 Bylaw 10500.

External Agency/Public Comments:

Council has the authority to determine what type of consultation is appropriate. Given that a number of the proposed amendments were discussed by Council (based on public input) at the Public Hearing held on May 30, 2011 and the minor nature of the majority of the proposed changes it is recommended that Council direct that the appropriate consultation for this amendment package be referral to the Advisory Planning Commission for public discussion and comment. The next APC meeting will be October 11, 2011.

Considerations not applicable to this report:

Financial/Budgetary Considerations:

Communications Comments:

Personnel Implications:

Alternate Recommendation:

Submitted by:



Gary Stephen, Long Range Planning Manager
Policy and Planning

Approved for inclusion:

Signe Bagh, Director of Policy & Planning



cc: General Manager, Community Sustainability
Director of Infrastructure Planning
Urban Land Use Manager
Environment & Land Use Manager

Attachment 1

Proposed OCP Amendments

1. Amend Chapter 4 - Resource Protection Area Designation (proposed new wording is underlined) to acknowledge discussions and agreement with UBC Okanagan:

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 DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic 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 (whether they are within the permanent growth boundary or not) 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 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. Notwithstanding the foregoing, it is recognized that UBC's campus lands in the Resource Protection Area are for future institutional uses consistent with the CD-20 Zone and upon such rezoning the boundary of the Resource Protection Area will be adjusted to exclude the affected campus lands. Future university planning, consistent with UBC's academic mission, will be undertaken prior to rezoning.

2. Amend Map 4.1 - Generalized Future Land Use to change the designation of properties located at 1510 Hwy 33 W and 1500 Mayden Rd from Multiple Unit Residential - low density to Commercial.
3. Amend Map 4.1 - Generalized Future Land Use to change the designation of properties located at 1000, 1040 & 1060 Manhattan Dr from Industrial to Commercial.
4. Amend Policy 5.3.1 Permanent Growth Boundary (proposed new wording is underlined) to acknowledge discussions and agreement with UBC Okanagan:

Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support support development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Notwithstanding the foregoing, it is recognized that UBC's campus lands outside the Permanent Growth Boundary are for future institutional uses consistent with the CD-20 zone and, upon rezoning to CD-20, the Permanent Growth Boundary will be adjusted to show all UBC lands not designated for Resource Protection as being inside the Permanent Growth

Boundary. 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 may be reviewed as part of the next major OCP update.

5. Amend Map 5.3 - Urban and Village Centres by removing the word "Centre" from the legend in reference to "E Capri / Landmark".
6. Amend Policy 5.5.1 **Building Height** by inserting the appropriate spacing between words in the 3rd line of the 1st paragraph.
7. Amend Policy 5.5.1 **Building Height** by changing the wording of the section on South Pandosy (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

South Pandosy: Generally 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings is are placed at a corner, gateway or view terminus locations that are is of significance to the community or where a buildings are is of cultural significance to the community.

8. Amend **Objective 5.11** as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

Support parking management programs that promote reduced ~~car-vehicle~~ car-vehicle ownerships, reduced ~~car-vehicle~~ car-vehicle trips and increased use of active modes of transportation.

9. Amend Policy 5.11.3 **Preferred Parking** as follows (proposed new wording underlined):

Preferred Parking. Encourage preferred (e.g. close to entrances) or dedicated parking stalls for electric vehicles, share cars and / or hybrid vehicles and small vehicles for all developments.

10. Amend Policy 5.22.5 **Multi Family in Character Areas** as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

Multi ~~Family~~ Unit in Character Areas. Consider multiple family unit development and the conversion of existing ~~single-family-unit~~ housing to multiple family unit use in Character Areas provided that the use is supported on the Future Land Use map and the proposed design is consistent in architectural style and scale with the original development or the dominant style of the block and parking is screened from public view or contained within the structure. The renovation of existing ~~single-family~~ unit structures to accommodate multiple housing units, should maintain the exterior appearance of a ~~single-family~~ unit structure.

11. Add a new policy under Objective 5.22 as Policy 5.22.6 as well as adding the Economic Sustainability and Social Sustainability icons as follows:

Sensitive Infill. Encourage new or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

12. Amend Policy 5.27.1 **Green Office Space** to correct the map reference as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

Green Office Space. Support rezoning that results in

- Innovative, green office space; and
- an ability to locate close to other innovative firms (clustering); and
- proximity to collective green space (park or courtyard); and
- low-rise (max. 3 storey) buildings with a centre courtyard (to provide for interaction between businesses).

Where such can be provided within the Permanent Growth boundary, with preferred locations being the Urban Centres (see Map 5.44~~3~~ Urban / Village Centres).

13. Amend Policy 5.33.7 **Non-farm Uses** as follows (deleted wording in ~~strikethrough~~):

Non-farm Uses. Support non-farm use applications on agricultural lands only where ~~where~~ approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

14. Amend Policy 5.40.1 **Evaluation Checklist** by adding a reference to Map 5.2 in the 2nd bullet as follows (proposed new wording is underlined):

- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Map 4.1 and 5.2)?

15. Amend Policy 5.40.1 **Evaluation Checklist** by amending the wording of the 16th bullet as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

- Would the additional density or new land use designation ~~approval of the project~~ enhance the surrounding neighbourhood in a way that the current land use designation does not?

16. Amend the first paragraph of Policy 6.2.1 **GHG Reduction Target and Actions** as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

GHG Reduction Target and Actions. ~~The City of Kelowna will, in~~ In partnership with: senior governments; local residents and businesses; NGOs; external agencies; and utility providers, work towards reducing community greenhouse gas emissions by 33% (from 2007 levels) by 2020.

17. Amend Policy 7.6.4 **Rail Corridor** as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

Rail Corridor. ~~The City will only~~ Only support use of the rail corridor as a transportation corridor for trains, buses, cycling, pedestrians and other uses that complement the primary alternative transportation function. ~~The City will pursue~~ Pursue approval for joint use of the corridor for active forms of transportation while the corridor is still being used for rail transportation.

18. Amend Policy 7.7.1 **Motorized Trips** as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

Motorized Trips. ~~The City will provide~~ Provide infrastructure to the Urban Centres based on the expectation that not more than 45% of total trips in the City Centre and other Town Centres will be by motor vehicle.

19. Amend Policy 7.12.5 **Walking Radius** by amending the reference to the Map as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

Walking Radius. Strive to provide all residents in the urban core (See ~~5.3 Urban Core / Suburban Areas~~ Map 5.1 Core Area) of the City with access to centrally located parks within a five minute walking radius.

20. Amend Policy 8.9.2 **Downtown** as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

Downtown. ~~The City of Kelowna recognizes~~ Recognize that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

21. Amend Chapter 12 - **Natural Environment DP Guidelines - Guideline 12.9.9.1** as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

Encourage ~~Require~~ that private wells to be closed when a parcel is connected to a community water system.

22. Amend Chapter 14 - Urban Design DP Guidelines - Comprehensive Development Permit Area - Section 12.0 as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

~~Landscape Development and Irrigation Water Conservation~~ Landscape development and irrigation water conservation

23. Amend Chapter 14 - Urban Design DP Guidelines - Intensive Residential - Secondary Suite Two Dwelling Housing Design Guidelines - Section 1 as follows (proposed new wording is underlined; deleted wording in ~~strikethrough~~): on page 14.23 change 1.1 to read 1.10.

~~4.4~~ 1.10 Retain existing, healthy, mature trees and vegetation both on site and adjacent to the street (including those with special character or historical and cultural significance);

24. Amend Chapter 14 - Urban Design DP Guidelines to revise the numbering to differentiate between subsections.