

REPORT TO COUNCIL



Date: June 1, 2012
File: 1200-30
OCP11-0016 / BL 10621
OCP12-0004 / BL 10702
To: City Manager
From: Long Range Planning Manager
Subject: Official Community Plan 2030 Bylaw 10500 - Housekeeping and Miscellaneous Amendments

Recommendation:

THAT Council receives, for information, the report from the Long Range Planning Manager dated June 1, 2012 with respect to amendments to Official Community Plan 2030 Bylaw 10500;

AND THAT Bylaw No. 10621, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan, be forwarded to the July 10, 2012 Public Hearing;

AND FURTHER THAT Bylaw No. 10702, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan, be forwarded to the July 10, 2012 Public Hearing.

Purpose:

To proceed with housekeeping and miscellaneous amendments to the Kelowna 2030 Official Community Plan based on Council direction from previous meetings as well as staff initiated policy changes.

Background:

At the Council Meeting of May 7, 2012 the following resolutions with respect to Bylaw 10621 were adopted:

THAT Council receives, for information, the report from the Long Range Planning Manager dated May 2, 2012 with respect to staff initiated housekeeping amendments to OCP 2030 Bylaw 10500;

AND THAT Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan be amended at First Reading as outlined in the report from the Long Range Planning Manager dated May 2, 2012;

AND FURTHER THAT once consultation has been completed, OCP Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 Official Community Plan - Bylaw 10500 be forwarded to a Public Hearing.

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At the Council Meeting of May 7, 2012 the following resolutions with respect to Bylaw 10702 were adopted:

THAT Council receives, for information, the report from the Long Range Planning Manager dated May 2, 2012 with respect to Council directed and staff initiated miscellaneous amendments to OCP 2030 Bylaw 10500;

AND THAT Amendment Bylaw No. 10702 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan be given First Reading as outlined in the report from the Long Range Planning Manager dated April 18, 2012;

AND THAT after 1st reading Council directs staff to forward OCP Amendment Bylaw No. 10702 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan to the Agricultural Land Commission (ALC) for comments as per Local Government Act Section 882(3)(c);

AND FURTHER THAT once the ALC comments have been received, OCP Amendment Bylaw No. 10702 being an amendment to Bylaw No. 10500 Kelowna 2030 Official Community Plan - Bylaw 10500 be forwarded to a Public Hearing.

The requirement for consultation over and above the Public Hearing was addressed by advertising in a local newspaper, posting information on the website and notification through e-subscribe, with contact information for the Long Range Planning Manager to field inquiries and comments. The consultation period ended on June 1, 2012.

Internal Circulation:

General Manager of Community Sustainability

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.

External Agency/Public Comments:

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.

The consultation period ended on June 1, 2012 and there were no public comments or inquiries. Bylaw 10702 was also referred to the Agricultural Land Commission (ALC) for their

comments and in their letter of May 15, 2012 (attached) the ALC advised that there is no objection to the revised text and maps.

Existing Policy:

Kelowna OCP 2030 Bylaw 10500.

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



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May 15, 2012

Reply to the attention of Martin Collins

Gary Stephen, Long Range Planning Manager
Policy and Planning
City of Kelowna,
1435 Water St.
Kelowna, B.C.
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Dear Sir

Re: Bylaw 10702

Thank you for referring the above referenced bylaw for the Agricultural Land Commission's review and consideration.

This is to advise that there is no objection to the revised bylaw text and maps, because they are consistent with the ALC Act and regulation, and previous Commission decision(s) – more specifically Resolution # 130/2004.

If you have any further questions about the bylaw, please contact this office.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in blue ink that reads 'Martin Collins'. The signature is fluid and cursive.

Martin Collins, Regional Planner

mc/38787