

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, June 20, 2023
4:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2040* - Official Community Plan Bylaw No. 12300.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaw at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at Kelowna.ca/council or by request to the Office of the City Clerk.

For those participating this evening, or who have already submitted letters to Council, a reminder that this Hearing and the Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor Webber.

3. Call to Order the Public Hearing

4. Individual Bylaw Submissions

4.1 START TIME 4:00 PM - Penno Rd 480 - OCP23-0004 (BL 12499) - 480 Penno Road Ltd., Inc.No. BC1381501

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To amend the Official Community Plan to change the future land use designation of the subject property from the IND - Industrial designation to the REC - Private Recreational designation.

5. Termination

6. Call to Order the Regular Meeting

7. Bylaws Considered at Public Hearing

7.1 START TIME 4:00 PM - Penno Rd 480 - BL12499 (OCP23-0004) - 480 Penno Road Ltd., Inc.No. BC1381501

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Requires a majority of all members of Council (5).

To give Bylaw No. 12499 second and third reading in order to change the Future Land Use designation of the subject property from the IND - Industrial designation to the REC - Private Recreational designation.

8. Reminders

9. Termination

10. Procedure on each Bylaw Submission

- a) Brief description of the application by City Staff (Development Planning);
- (b) The applicant has up to 15 minutes to make representations to Council regarding the project.
- (c) The Chair will call for representation from the public participating in person and online as follows:
 - (i) Any person wishing to make representations during the Hearing will have the opportunity to do so.
 - (ii) Speakers have up to 5 minutes to share their remarks.
- (d) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in questions be held open, the Chair shall state to participants the the Public Hearing on the Bylaw is closed.
- (e) Once the public has had an opportunity to comment, the application is given up to 10 minutes to respond to any questions raised.
- (f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

Note: Any applicant or member of the public may use electronic visual aids to assist in their presentation or questions. Online participants must be able to share their screen to display the item.

Report to Council



Date: March 20, 2023
To: Council
From: City Manager
Department: Policy and Planning

Application: OCP23-0004 **Owner:** 480 Penno Road Ltd.,
BC1381501
Address: 480 Penno Road **Applicant:** City of Kelowna
Subject: OCP Amendment

Existing OCP Designation: IND - Industrial
Proposed OCP Designation: REC – Private Recreational
Existing Zone: P₃ – Parks and Open Space

1.0 Recommendation:

THAT Official Community Plan Map Amendment Application No. OCP23-0004 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of Lot B District Lot 123 ODYD Plan EPP41714, located at 480 Penno Road, Kelowna, BC from the IND – Industrial designation to the REC – Private Recreational designation, as outlined in the Report from the Policy & Planning Department dated March 20, 2023, be considered by Council;

AND THAT the Official Community Plan Amending Bylaw No. 12499 be forwarded to a Public Hearing for further consideration;

AND THAT the requirement to hold a Public Information Session, conduct Neighbour Consultation and post a Development Notice Sign, prior to the Official Community Plan Map Amending Bylaw receiving first reading, in accordance with the *Local Government Act*, and the City of Kelowna’s Development Application and Heritage Procedures Bylaw No. 12310, be waived.

2.0 Purpose:

To amend the Official Community Plan to change the future land use designation of the subject property from the Industrial designation to the Private Recreational designation.

3.0 Development Planning

At the regular meeting of February 27, 2023; staff were directed by Council to bring forward an amendment to Kelowna's OCP2040 related to the future land use designation of 480 Penno Road (Kelowna Springs Golf Course)

Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

During two Regular Meetings in June and July 2022, concern was raised by Council pertaining to the subject property's 2040 Official Community Plan Industrial Future Land Use and directed staff to initiate an OCP Amendment process to change the Future Land Use to Private Recreational, as was signaled in the previous 2030 OCP. On August 22, 2022 Council defeated a proposed resolution and the bylaw to amend the Official Community Plan was not considered. In early 2023, Council expressed an interest in reconsidering the Future Land Use designation for the subject property.

Previous Council Resolutions

Resolution	Date
THAT Council direct staff to bring forward for Council consideration a bylaw to amend the OCP 2040 Future Land Use Map 3.1 designation for 480 Penno Rd from the "IND - Industrial" designation to the "REC – Private Recreational" designation.	February 27, 2023
THAT Council receives for information, the report from the Policy & Planning Department dated July 25, 2022 regarding the Future Land Use for 480 Penno Road. THAT Council direct staff to bring forward for Council consideration a bylaw to amend the OCP 2040 Future Land Use Map 3.1 designation for 480 Penno Rd from "Industrial" to "Private Recreational".	July 25, 2022
THAT Council direct staff to bring forward the rationale for the OCP 2040 Map 3.1 Future Land Use designation for 480 Penno Rd.	June 27, 2022

Subject Property Map: 480 Penno Road



5.0 Current Development Policies

5.1 Development Application and Heritage Procedures Bylaw No. 12310

The purpose of the Bylaw is to establish procedures for the processing of land development applications, including amendments to the Official Community Plan. The Bylaw outlines that consultation requirements as identified in Council Policy No. 367 must be undertaken. This Policy establishes standards and procedures for applicant’s public notification and consultation responsibilities in respect of development applications prior to initial Council consideration. This ensures transparent and consistent application of standards for the benefit of affected residents, the development community and the City.

As this proposed OCP amendment involves a major change to the Future Land Use class, public notification prior to consideration of first reading includes posting a development notice sign, conducting neighbour consultation and hosting a public information session. It is recommended that Council waive this pre-first reading public notification requirement as the proposal has already garnered early public engagement, numerous media stories, and significant public correspondence.

Report prepared by: Policy and Planning

Reviewed by: Policy and Planning

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services



City of
Kelowna

2040

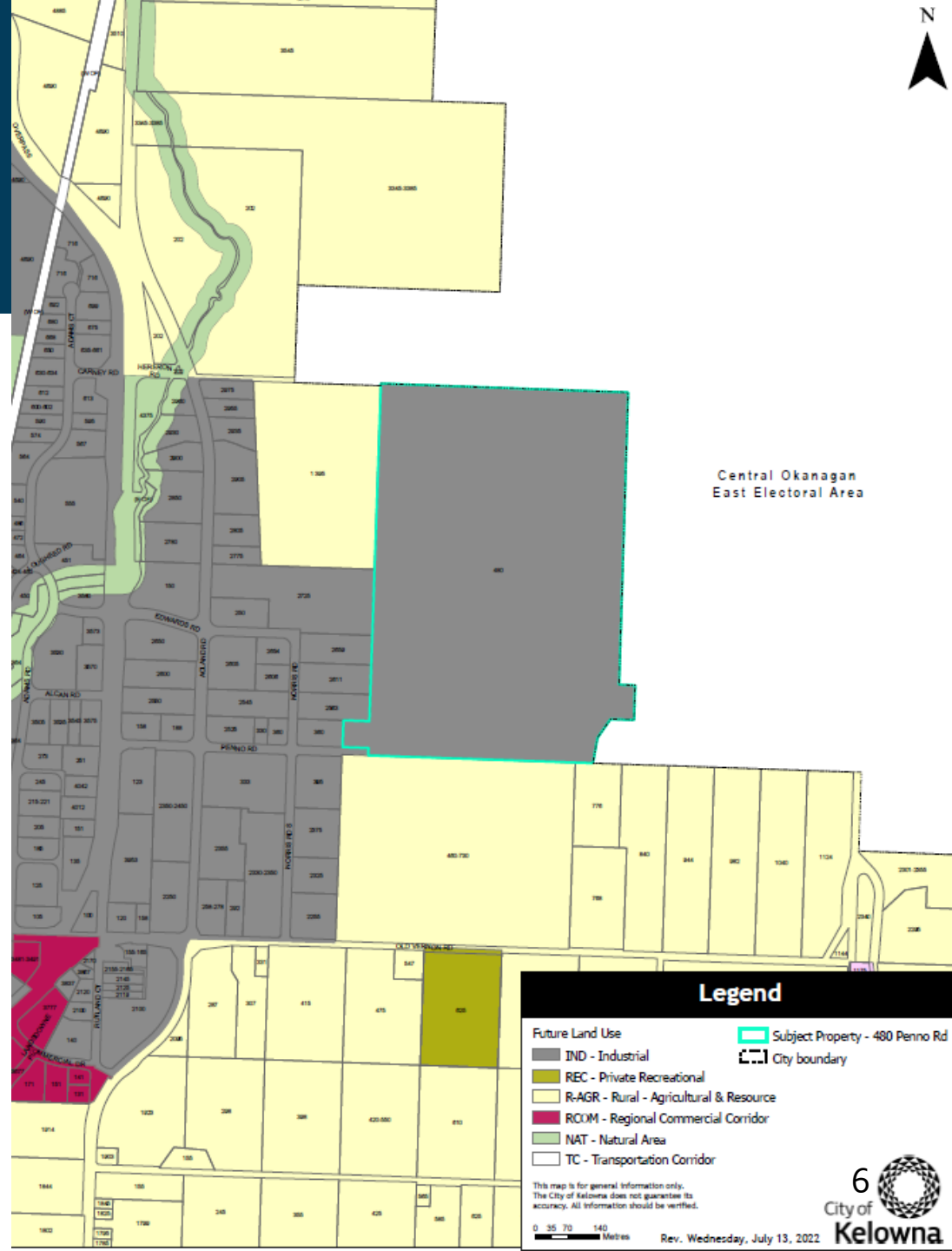
Official
Community Plan

OCP22-0009: 480 Penno Road

Subject Property Map



Future Land Use



Central Okanagan
East Electoral Area

Legend

- Future Land Use
- IND - Industrial
- REC - Private Recreational
- R-AGR - Rural - Agricultural & Resource
- RCOM - Regional Commercial Corridor
- NAT - Natural Area
- TC - Transportation Corridor
- Subject Property - 480 Penno Rd
- City boundary

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 35 70 140
Metres

Rev. Wednesday, July 13, 2022

Staff Recommendation

THAT Official Community Plan Map Amendment Application No. OCP23-0004 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of Lot B District Lot 123 ODYD Plan EPP41714, located at 480 Penno Road, Kelowna, BC from the IND – Industrial designation to the REC – Private Recreational designation, as outlined in the Report from the Policy & Planning Department dated March 20, 2023, be considered by Council;

AND THAT the Official Community Plan Amending Bylaw No. 12499 be forwarded to a Public Hearing for further consideration;

AND THAT the requirement to hold a Public Information Session, conduct Neighbour Consultation and post a Development Notice Sign, prior to the Official Community Plan Map Amending Bylaw receiving first reading, in accordance with the Local Government Act, and the City of Kelowna's Development Application and Heritage Procedures Bylaw No. 12310, be waived.



City of
Kelowna



2040 Official Community Plan

CITY OF KELOWNA

BYLAW NO. 12499

Official Community Plan Amendment No. OCP23-0004 480 Penno Road

A bylaw to amend the "*Kelowna 2040* – Official Community Plan Bylaw No. 12300".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 3.1 – **Future Land Use** of "*Kelowna 2040* – Official Community Plan Bylaw No. 12300" be amended by changing the Future Land Use designation of Lot B District Lot 123 ODYD PLAN EPP41714, located on Penno Road, Kelowna, BC from the IND – Industrial designation to the REC – Private Recreational designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council on this 20th day of March, 2023.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk