

REPORT TO COUNCIL



Date: March 6, 2023
To: Council
From: City Manager
Department: Development Planning
Application: OCP23-0003
Subject: OCP Amendment regarding Temporary Use Permit Designation

1.0 Recommendation

THAT Official Community Plan Amendment OCP23-0003 to amend Kelowna 2040 – Official Community Plan Bylaw No. 12300 as outlined in the Report from the Development Planning Department dated March 6, 2023, be considered by Council;

AND THAT the Official Community Plan Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council considers the Public Hearing to be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Development Planning Department dated March 6, 2023.

2.0 Purpose

To amend the Official Community Plan by allowing Temporary Use Permits to be considered on all lands within the City of Kelowna.

3.0 Development Planning

Staff support the proposed Official Community Plan (OCP) amendment to allow Temporary Use Permit (TUP) in all lands in the City. The proposed amendment provides for options and flexibility for TUP where appropriate, however, considerations would still be given to relevant OCP policies, neighbourhood impacts, and terms of the permit.

In Chapter 3 – Future Land Use section of the OCP, the current TUP statement is as follows:

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated as Urban Centre, Village Centre, Regional Commercial, Neighbourhood Commercial, Education / Institutional, Industrial, or Public Service / Utility. Temporary Use Permits outside the PGB may be considered on lands designated Rural – Agricultural and Resource, with a stated time period considerably less than the maximum three year time limit. A Temporary Use Permit on lands in the ALR

will require the approval of the Agricultural Land Commission. All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

Staff propose the following revised statement:

Temporary Use Permits may be considered on all lands within the City of Kelowna. Temporary Use Permits should consider the fit within the character of the neighbourhood and surrounding uses to minimize conflicts and nuisances and as such should consider any mitigating strategies such as landscaping buffering, screening and operational details. Terms and conditions of the permit should specifically address an appropriate time duration up to the maximum limit under the Local Government Act (LGA).

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

| | |
|--------------------------------|--|
| Report prepared by: | Barbara B. Crawford, Planner II |
| Reviewed by: | Dean Strachan, Community Planning & Development Manager |
| Reviewed by: | Terry Barton, Development Planning Department Manager |
| Approved for Inclusion: | Ryan Smith, Divisional Director, Planning & Development Services |