

Report to Council



Date: November 23, 2015
RIM: 1250-04
To: City Manager
From: Ryan Roycroft, Urban Planning
Subject: Moorage Referral and Water Use Policy Updates

Recommendation:

THAT Official Community Plan Bylaw Text Amendment No. OCP15-0006 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by adding Future Land Use descriptions for water use areas as outlined in the Report of the Community Planning Department dated November 23, 2015 be considered by Council;

AND THAT Official Community Plan Bylaw Text Amendment No. OCP15-0006 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by amending Map 5.8 as outlined in the Report of the Community Planning Department dated November 23, 2015, be considered by Council;

AND THAT Council considers the public hearing process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the Report of the Community Planning Department dated November 23, 2015;

AND THAT Zoning Bylaw Text Amendment No. TA15-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by amended the CD22 Zone as outlined in the Report of the Community Planning Department dated November 23, be considered by Council;

AND FURTHER THAT the Official Community Plan Amendment Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

Purpose:

To consider staff proposals to amend the OCP, Zoning Bylaw and City Policies regarding how Kelowna reviews and responds to referrals regarding private moorage applications.

Background:

In May of 2014, as the result of inconsistencies in communications and referrals regarding moorage application between the City of Kelowna and the Ministry of Forests, Lands and Natural Resources, Council directed staff to prepare bylaw and policy amendments to clarify how the City of Kelowna reviews referrals for moorage applications.

Staff have put together a package of Zoning Bylaw, Official Community Plan and Policy amendments to clarify how moorage referrals are reviewed and circulated, and to better guide the decision making process regarding moorage referrals.

There will be 4 policy upgrades as part of the collection of amendments.

- A. **Draft Official Community Plan Policies and Objectives:** This section provides greater direction as to the City's rationale when considering future water uses. The OCP Objectives considers key issues such as neighbourhood impact, upland uses, environmental impact, incompatibility of uses and the implications for Council and community review.
- B. **Future Water Use Designations:** This section provides high level direction as to the anticipated locations of intensive water uses, complementing the OCP policies and zoning by-law. This mapping reflects the existing W2 zones as well as areas where the upland land use is supportive of more intensive water uses. Preliminary descriptions of these Water Use Designations are included in the OCP amendments.
- C. **Zoning Bylaw Amendments:** The W1 Zone will be updated moving dock and boatlift regulations and parts of the shared dock guidelines. The new W1 Zone will have a set of regulations for private or shared moorage between two units or properties and a set of regulations for three or more units or properties or commercial moorage. Some minor changes are made to the W2 zone, but W2 uses are too diverse to provide effective regulations.
- D. **Updated Senior Government Referral Council Policy:** A new policy will be brought before Council at a later date, after the adoption of the OPC and Zoning Bylaw Amendments.

Overall, the intent of the policy amendments will be to clarify municipal policy regarding water use. The policy amendments do not dramatically alter how applications for moorage and water uses are treated in the City, but instead provide direction to developers and staff.

The amendments will give Council the opportunity to review all referrals for major moorage applications prior to their being returned to the province.

Internal Circulation:

The amendments have been put together by staff from the Community Planning and Policy Planning groups. Parks staff have also been involved in drafting the amendments.

The City Clerks office will bring the policy amendment to Council after the adoption of the OCP and Zoning Bylaw amendments.

External and Stakeholder Consultation:

Staff have conducted a targeted outreach and consultation process. Because of the limited scope of the amendments and their focus more on procedural clarity than on large scale policy changes, consultation was limited.

- Four letters of support were received from local dock builders.
- The Ministry of Forests, Lands and Natural Resource Operations (Crown Land Policy Section) support the proposed Text Amendments
- The Ministry of Transportation have no concerns over the proposed Text Amendments

Legal/Statutory Authority:

Moorage approvals in BC are issued by the Province, which refers applications to the local authorities for comment. The municipality has the opportunity to comment on these referrals, be it through staff or council comment.

Legal/Statutory Procedural Requirements:

Staff recommends that the public hearing process should be considered appropriate for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

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

Existing Policy:

The City of Kelowna has a Senior Government Referral policy in place giving staff direction for how to deal with certain forms of referrals, regarding broadcasting towers. The amendments to the policy would expand the policy to also deal with moorage referrals.

The City of Kelowna Official Community Plan does not designate Future Land Use on the water at this time.

The Zoning Bylaw includes some policy on docks and moorage, but it is not clearly tied to the W1 and W2 zones. The proposed amendments will clarify the relationships between moorage policy and the underlying water zone.

Financial/Budgetary Considerations:

There are no financial or budgetary impacts anticipated.

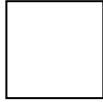
Personnel Implications:

No additional personnel will be required. Workload is not expected to expand significantly as the result of the policy amendments, only internal workflow.

Submitted by:

Ryan Roycroft, Planner

Approved for inclusion:



Ryan Smith, Department Manager, Community Planning

cc: Policy Planning