

5. New Business Council and other District issues.

5.1 OCP, Local Area Plans, Neighbourhoods: Diversity vs. Conformity & Sum vs. Parts

- Strong network of neighbourhoods
- Community driven growth and change

See also "Text Revisions" on page 4 of

http://www.nanaimo.ca/UploadedFilesPath/Site_Structure/Corporate_Services/Corporate_Administration/2008_Committee_Minutes/PNAC080506M.pdf

and contrarily in section "Plan Precedence" on page 5 of <http://www.richmond.ca/shared/assets/mclennan563.pdf> and also at

<http://www.coquitlam.ca/Business/Developing+Coquitlam/Strategic+Plans/Citywide+Official+Community+Plan.htm>

This conflict/uncertainty must be resolved/clarified BEFORE a new District wide OCP is drafted. The public deserves clarity on this issue in order to choose wisely.

A useful overview of OCP's is available at

<http://www.wcel.org/issues/water/bcgwlp/o22-4.shtml>

A useful overview (although somewhat dated) of the concepts of Smart Growth and Local Government Law are found at

<http://www.wcel.org/wcelpub/2001/13300.pdf>

<http://www.wcel.org/issues/urban/sbg/case.pdf>

5.2 West Kelowna Strategic Priorities 2009

A concise example of strategic priorities...

<http://www.districtofwestside.ca/docs/Strategic%20Priorities/Strategic%20Priorities%202009.pdf>

5.3 Strategic Planning by NV RCMP

Presentation to FONVCA on June 18th

Contact: Media Relations Officer (Marlene) 604-983-7433

<http://www.fonvca.org/agendas/may2009/Strategic%20Plan%20for%20the%20North%20Vancouver%20RCMP.pdf>

6. Any Other Business

6.1 Legal Issues

Phased Development Agreements:

<http://www.bcrelinks.com/articles/phk1.htm>

http://www.civicinfo.bc.ca/LocalGovernmentAct/data/gsdoc150_1096.html

<http://www.cityofrevelstoke.com/pdf/Inclusionary%20Zoning%20Policy%20and%20Procedure.pdf>

<http://causs.ca/?p=94>

<http://www.sms.bc.ca/logo/2007/spring/spring2007-2.html>

6.2 Any Other Issues (2 min each)

7. Chair & Date of next meeting.

Thursday July 16th 2009

Attachments

-List of Email to FONVCA - **ONLY NEW ENTRIES**

OUTSTANDING COUNCIL ITEMS-Cat Regulation Bylaw; District-wide OCP; Review of Zoning Bylaw; Securing of vehicle load bylaw; Snow removal for single family homes bylaw.

Place: DNV Hall 355 W. Queens Rd V7N 2K6

Time: 7:00-9:00pm

Chair: Eric Andersen – Blueridge C.A.

Tel: 604-929-6849

Regrets: Paul Tubb – Pemberton Hts CA
Lyle Craver – Mt. Fromme R.A.

1. Order/content of Agenda

2. Adoption of Minutes of May 21st

<http://www.fonvca.org/agendas/jun2009/minutes-may2009.pdf>

3. Old Business

3.1 OCP Roundtable – appointment of FONVCA recommendation accepted.

"Our People," takes place **Saturday, June 20, from 1 p.m. to 4 p.m. at Norgate Elementary School (1295 Sowden Street)**. This session will look at our demographics, cultural diversity, local economy, and rate of growth, recognizing that our people are an important resource and also contribute to our unique identity as a community.

Bring your thoughts on:

- Who are we planning for?
- How are our demographics changing?
- What kind of growth can we anticipate into the future?
- How can we encourage a resilient and sustainable local economy in the District?

See <http://identity.dnv.org/> and particularly <http://identity.dnv.org/article.asp?c=1079>

3.2 Update on LV Olympic Celebrations

<http://www.fonvca.org/agendas/jun2009/Olympic-Celebrations-Planning-June-16th.pdf> - Dan Ellis

4. Correspondence Issues

4.1 Business arising from 2 regular emails:

4.2 Non-Posted letters – 0 this period

Correspondence/Subject Ordered by Date
18 May 2009 → 14 June 2009

LINK	SUBJECT
http://www.fonvca.org/letters/2009/16may-to/Jeanine_Bratina_3jun2009.pdf	OCP – News Release
http://www.fonvca.org/letters/2009/16may-to/Wendy_Qureshi_6jun2009.pdf	Multiple Public Meetings

For details/history see

<http://www.fonvca.org/letters/index-letters-total-may2009.html>

FONVCA

Minutes May 21st 2009

Attendees

Diana Belhouse (Chair)	Save Our Shores
Dan Ellis	Lynn Valley C.A.
Cathy Adams	Lions Gate N.A.
Corrie Kost	Edgemont C.A.
Val Moller	Lions Gate N.A.
Eric G. Andersen (Notes)	Blueridge C.A.

The meeting was called to order at 7:05 PM
Councillor Mike Little attended a portion of this meeting.

1. ORDER / CONTENT OF AGENDA

Added items:

6.3 When is RS3 not RS3?

2. ADOPTION OF APRIL MINUTES

Dan moved and Val seconded adoption of April 16th minutes with a few corrections in the spelling of some participants' names.

3. OLD BUSINESS

A letter <http://www.fonvca.org/agendas/may2009/Re-2008-Municipal-Election-financial-disclosure-by-candidates.pdf> was sent by FONVCA to thank Mr. Gordon for posting the financial disclosure by candidates on the DNV's website.

4. CORRESPONDENCE ISSUES

4.1 Business arising from 6 regular e-mails

Nothing to report on this item.

4.2 Non-posted letters – 0 this period.

5. NEW BUSINESS

Council and other District Issues

5.1 Housing Forum

The Housing Forum was announced - it would take place the week after this FONVCA meeting.
7-9pm May 27 & 9:30am-4pm May 28 – Leo Marshall Curriculum Centre
<http://housingthenorthshore.ca/>

5.2 Ipsos-Reid Community Values Survey

IR conducted a survey, conducted for DNV in April/Early May to identify core community values, key issues, and explore future vision for next 25yrs. This info is a lead-up to the upcoming OCP

discussions. The questions asked by Ipsos-Reid are not known at this point (other than the participants).
<http://www.dnv.org/article.asp?c=1002&a=4413>

5.3 West Vancouver Community Focus

The District of West Vancouver has posted an excellent overview of their community survey responses on their website.

<http://www.westvancouver.ca/Level3.aspx?id=13450>

5.4 Public Risk of Greenhouse Gases

<http://www.pollutiononline.com/nl/777553/733151>

<http://www.esrl.noaa.gov/gmd/aggi/>

was attached and it was recommended to read this article by the Environmental Protection Agency in the USA.

5.5 OCP Rountable - Volunteers

After a healthy discussion it was decided that Dan Ellis would apply to be on the District's OCP committee as a member at large, whereas Corrie Kost (albeit missing the first meeting due to a trip out of town) would apply to be FONVCA's representative. This is the committee that will take measures to engage the public in the OCP process.

Terms of Reference and Public Engagement Charter can be found at <http://dnv.org/article.asp?c=1073>

Since the existing OCP is the broad **vision** for the future of DNV (page 1-1 and 2-1 of the Nov 1991 Plan and also of the 1996 Draft OCP).

it was agreed that there definitely seems to have been a vision in the past 1991 OCP and 1996 OCP draft, so it is incorrect to infer that there is a lack of vision in the current OCP.

5.6 Snow: Parking Restrictions for Dec-Feb

http://www.dnv.org/upload/documents/Council_Reports/1190359.pdf

<http://www.fonvca.org/agendas/may2009/snow-feedback.pdf>

The issue of snow removal was discussed after a recent workshop held by Council.

It was agreed that the snow this winter was totally uncharacteristic for Vancouver and is not expected to be repeated every year.

This past winter problems, especially of plowing streets were exacerbated by cars being left (often abandoned) on streets preventing proper snow plowing. Would more enforcement be helpful?
Topics considered included:

Should vehicles be registered in order to allow any

overnight parking on public street? If so, what should be the accompanying fee?

Will more **sidewalk** clearing equipment become available in the future? Currently sidewalk are covered by snow plowed from the street driving lanes.

Would midnight-6am parking restrictions work with alternative days (even house numbers for even days, odd number houses for odd days of month)?

5.7 Strategic Planning by NV RCMP

The request for presentation to FONVCA on June 18th was approved (max ~ 30 minutes). Contact: Media Relations Officer (Marlene) 604-983-7433
<http://www.fonvca.org/agendas/may2009/Strategic%20Plan%20for%20the%20North%20Vancouver%20RCMP.pdf>

5.8 Khazzoom-Brookes Postulate

The economists, Khazzoom and Brookes, claim that increased efficiency tends to lead to increased consumption. Although it may sound absurd it would appear to be a truism and reference was given to the article about this postulate on Wikipedia.

http://en.wikipedia.org/wiki/Khazzoom-Brookes_postulate

For example: "increased energy efficiency paradoxically tends to lead to increased energy consumption." Thus, in this regard, the road to hell may well be paved with good intentions!

5.9 Metro Vancouver 2040 – Shaping Our Future

Eric gave a brief report after this meeting he attended on May 13th.

A number of motherhood statements were made at the meeting by Metro Vancouver and the extremely limited audience was asked to vote on whether control should remain with local councils or whether more control should be granted to Metro Vancouver. An amazingly optimistic prediction of increase in public ridership was also made by Metro Vancouver (going from 11 to 30% by 2040 – which seems inconsistent with stagnation at 11-12% over past 10 years).

6. ANY OTHER BUSINESS

6.1 Legal Issues

Three legal issues were briefly discussed:

a) Requirement to allow overnight camping in local parks for the homeless if availability of local shelters are inadequate.

<http://www.sms.bc.ca/logo/2009/winter/winter2009-2.html>

b) Local Government have a duty to consult First Nations. More details can be found at

<http://www.sms.bc.ca/logo/2009/winter/winter2009-3.html>

c) Municipalities have a duty to reduce Natural Hazards

<http://www.sms.bc.ca/logo/2008/fall/fall2008-1.html>

Basically, if municipalities know of hazards within their jurisdiction these should be mitigated to reasonable standards.

6.2 Any Other Issues (2 min each)

a) FONVCA.COM added to FONVCA.ORG?

An offer to expand the usual website fonvca.org to include fonvca.com was rejected by the members – it provided minimal benefit for the extra \$20 annual cost. We will keep the original website only.

b)When is RS3 not RS3?

A discussion was held on RS3 zoning after that this issue had been brought up at a Public Hearing for a development on Dollarton Highway waterfront earlier in the month. The discussion centered on the fact that the application involved the subdivision of three large lots into 6 bare land strata lots and one fee simple lot.

Corrie expressed concerns at the public hearing that the proposed bare land strata subdivision approach may have a larger impact in other areas of the District and he queried the sizing of the various lots and noted that they are lower than the minimum required amounts allowed (although the average met the minimum required lot size). It also seems to circumvent the disallowance of "pan-handle" lots. At the time of the Public Hearing he had urged council to consider the implications for the rest of the community and seek clarity on bare land strata subdivisions before proceeding. Nevertheless, the Public Hearing had closed with Council expressing limited interest in the points he brought up.

7. CHAIR AND DATE OF NEXT MEETING

7:00pm Thursday June 18th 2008

Eric Andersen – Blueridge Community Assoc.

Tel: 604-929-6849 ericgandersen@shaw.ca

Meeting was adjourned at 9:10PM.

**MINUTES OF THE PLAN NANAIMO ADVISORY COMMITTEE MEETING
HELD ON TUESDAY, 2008-MAY-06 AT 5:00 PM, IN ROOMS 19 AND 20 AT THE
BEBAN PARK SOCIAL CENTRE, 2300 BOWEN ROAD, NANAIMO, BC**

Present: Councillor Bill Holdom Shirley Lance
Brian Anderson Jolyon Brown
Carey Avender Ralph Meyerhoff
Chris Erb Gord Turgeon
Jane Gregory Nadine Schwager
Ric Kelm
Staff:
Bruce Anderson, Manager, Community Planning
Deborah Jensen, Community Development Planner
Fran Grant (Recording Secretary)

Regrets: Bill Forbes David Hill-Turner
Michael Geselbracht Michael Schellinck
Darwin Mahlum

Guest: M. Pilcher S. Anderson, Island Timberlands
Public: 6

1. Call to Order:

Chair B. Holdom called the meeting to order at 5:15 pm. He advised that the primary purpose of this meeting is to review the draft OCP for recommendation to Council.

2. Adoption of Minutes for 2008-APR-15:

MOVED by S. Lance, SECONDED by R. Meyerhoff, that the minutes of 2008-APR-15 be adopted as presented.

CARRIED

3. Approval of Agenda and Late Items:

B. Holdom noted that:

- after the PNAC public forum held on 2008-APR-10 there was to be no more formal opportunity for public presentations to PNAC.
- One presenter at that meeting made a brief presentation suggesting a designation change but did not feel they received a fair opportunity because of tone of the audience at the meeting.
- Chair agreed so invited them to present to PNAC this evening.
- Does PNAC agree to hear the presentation again at tonight's meeting?

MOVED by S. Lance, SECONDED by C. Erb, that the agenda be approved with the addition of a presentation from M. Pilcher.

CARRIED

4. Correspondence:

No correspondence.

5. Presentations:

M. Pilcher, agent for owners of 1985 Island Diesel Way gave a presentation which is attached hereto as Appendix A.

There were no questions from PNAC to M. Pilcher.

PNAC commented:

- Need to look at transition area from industrial to residential, and agree that large building facing Bowen Road would not be ideal. This site could be a good transition for the area.
- Feel that this is valuable industrial land and we need to maintain the stock we have. Building doesn't have to have blank wall and Design Advisory Panel (DAP) will oversee that. Other industrial buildings in the area fit in. There would be a need for another access road as there is too much traffic coming from neighbouring property now.
- Could it have dual use with commercial on front and industrial on back?
- Industrial land is very important and can't see anyone doing half industrial and half commercial.
- There is a need to keep industrial lands but also a need for commercial and residential mix on Bowen Road.

Bruce Anderson advised that staff's opinion is that City could keep blank wall from facing on Bowen Road, although light industrial will not be as attractive as commercial and residential mix would be.

MOVED by R. Meyerhoff, SECONDED by N. Schwager, that PNAC confirm their motion from the 2008-APR-15 meeting that the designation for 1985 Island Diesel Way remain as Light Industrial.

CARRIED (5 in favour, 4 opposed)

6. Information Items:

a) PNAC Membership Terms

D. Jensen noted:

- As reported at the 2008-APR-15 meeting, at the end of 2008-JUN four PNAC positions will be up for renewal and there has been one resignation: Youth (M. Geselbracht), At-Large (J. Brown), Development Community (C. Erb), Neighbourhood Network (B. Forbes), Advisory Committee on Environment (G. Adrienne resigned).
- Youth and at-large positions will be advertised; Neighbourhood Network will be ask to appoint a new representative.
- C. Erb agreed to continue for another term as the Development Community representative.

7. Old Business:

- a) Harmac water license
- b) Sunset clause for development proposals

These two items were put over to the next meeting.

8. New Business:

- a) OCP Update
- Map Revisions

Bruce Anderson gave a brief overview of map revisions made since the last PNAC meeting as follows:

- 1) Island Timberlands property in south end to change designation from Resource Protection to Industrial to align with existing zoning.

MOVED by S. Lance, SECONDED by C. Erb, that the subject property be designated Industrial.

CARRIED

- 2) Jingle Pot Road, near Boban Drive, to change designation from Light Industrial to Neighbourhood to align with current single family use on small lots.

MOVED by R. Meyerhoff, SECONDED by C. Erb that the subject property be designated as Neighbourhood.

CARRIED

- 3) Spartan Road, at Metral Drive, to change designation from Corridor to Urban Node to maintain consistency on that block of properties north of Spartan Road.

MOVED by R. Meyerhoff, SECONDED by J. Gregory, that the subject property be designated as Urban Node.

CARRIED

- 4) Three properties on White Street, near Pryde Avenue and Bowen Road, to change designation from Neighbourhood to Corridor. Currently has multi-family on one parcel with proposal to consolidate the three lots with frontage along Bowen Road.

G. Turgeon advised of a conflict of interest on this issue. He did not participate in the discussion.

PNAC discussed the above noted subject properties as well as the overall corridor issue and noted:

- Dealt with rezoning at RAC last week and concern is how deep the corridors will be. It should be fairly narrow.
- Think it makes sense to move this property in but why not the rest of the lots on White Street as well?
- Need to provide for the integration of adjacent neighbourhoods attached to these corridor designations. Don't want to see six storey buildings up against neighbourhoods.
- Concern about properties on White Street. Have to make sure there is transition.
- Why not change designation for all properties on White Street because properties behind them, along Bowen Road, will be mostly gone with widening of Bowen Road.

- Think wording should be added to draft Plan regarding the transition from Corridor to Neighbourhood to ensure that neighbouring properties aren't up against six storey buildings. Text should state something to indicate buildings in Corridors should be scaled down to reflect where they meet adjacent Neighbourhoods.

Bruce Anderson gave the following answers to questions from the Committee:

- Depth of this Corridor would allow for redevelopment opportunity for mixed use two to six storeys. Width is based on that redevelopment opportunity. Depth based on where they are located and what is existing. Also allows for higher density residential opportunity. Deeper corridors can be found around other major corridor intersections.
- Addition made to draft Plan to indicate Corridor plans will incorporate urban design guidelines so that there is proper transition to adjoining neighbourhood. Range of heights allows for two to six storeys but we don't expect every development to be six storeys.

No motion was forthcoming from Committee on the subject properties.

The Committee agreed with Chair B. Holdom that PNAC return to this issue after road engineering plans for this section of Bowen Road have been finalized.

- Text Revisions

Bruce Anderson distributed list of substantive text changes and gave a brief overview of each one.

Bruce Anderson gave the following answers to questions from the Committee:

- OCP is the main planning document. Neighbourhood Plans are amendments to the OCP and are considered consistent with the OCP. They provide detailed policy to OCP.
- New Neighbourhood Plans need to be consistent with policies in new OCP and reflect achieving higher density mixes.
- There is a policy in current plan that when there is conflict between OCP and the Neighbourhood Plan, that Neighbourhood Plan takes precedence. Legislation is clear that OCP is overriding policy. That policy has therefore been removed from the new Plan. Tried to make it clear that existing plans will be added intact.
- Current Neighbourhood Plans, except for two, do achieve needed density.
- The existing Town Centre in Chase River has been modified to a Commercial Centre - City designation and Corridor designation.
- Departure Bay hasn't been designated a Corridor at this time as Corridors need to be supported by transit.
- Corridor and urban node designations will try to take more of the density for overall increase.

PNAC commented:

- Chase River would like to see Sandstone development become their designated town centre.
- Supposed to be enough land for another 25,000 people to highest and best use. Not going to happen.
- Do have concern that if one neighbourhood is a 'have density' and those that don't want density, this will make for uneven development around the city. The 'have density' areas will end up with too much density.

- If a developer was to do a land assembly in Departure Bay, the neighbourhood would come out against it. Council needs to be strong enough to support the density policies.
- For roads that are marked as Corridors, some of these should be kept at two lanes to discourage high volumes of traffic.
- Agree with new Plan's proposed changes to what constitutes a Neighbourhood from what has been the norm of mainly single-family.

MOVED by R. Kelm, SECONDED by S. Lance that PNAC approve substantive text changes as outlined in table.

CARRIED

Chair B. Holdom went over the entire Plan to identify any areas of discussion.

The Committee made the following comments:

Goal 6

- Section 6.10 policy 3 – take out Hammond Bay Road as there are other pump stations and not just on Hammond Bay Road.

Goal 7:

- Areas that the community needs to pay attention to are storm, sewer and water. Hope more teeth will be added to address this.

Bruce Anderson gave the following answers to questions from the Committee:

- Parks zoning is a zoning process that is currently underway.
- PNAC's suggestions around issues such as stormwater, narrower roads, and reduced parking requirements could flow as recommendations from PNAC through staff to Council.
- Objectives in the OCP could be used to encourage acceptance of innovative environmentally friendly development proposals. The sustainability strategy could lead to the implementation of new environmentally friendly developments.

MOVE by C. Erb, SECONDED by R. Meyerhoff that PNAC recommend to Council acceptance of the draft Official Community Plan.

CARRIED (1 opposed)

Bruce Anderson went over the next steps in the process and noted:

- Proposed timetable is
 - May 12 - Report to Council with PNAC's endorsement
 - May 26 - First Reading OCP Bylaw
 - Consideration of Part 26 Local Government Act
 - Second Reading of OCP Bylaw
 - June 19 - Public Hearing
 - July 14 - Third Reading & Adoption of Revised OCP
- Working with Impact Visual for new format for the OCP. This will not alter any of the content but looking to simplify the format and make it more user friendly.
- Will provide PNAC with hard copy of final draft Plan as soon as it is available.

9. Next Meeting:

The next regular meeting of PNAC, scheduled for 2008-MAY-20, is not required and has been cancelled. Will advise Committee members when the next meeting has been scheduled.

10. Adjournment:

Meeting adjourned at 7:30 pm.

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PLAN INTERPRETATION

What is the Official Community Plan (OCP)?

The OCP is a legal community planning document for managing the City’s social, economic, land use, servicing and environmental future. It sets out a vision, goals, objectives, and policies that reflect overall community values that have been determined through a public consultation process.

How is the Plan organized?

The OCP (Bylaw 7100) is comprised of:

- 1) Schedule 1: the overall OCP;
- 2) Schedule 2: Area Plans and Sub-Area Plans.

Area Plans refer to the 15 areas that have been identified within Richmond for planning purposes (see Key Maps).

Sub-Area plans refer to smaller localized areas within specific planning areas.

The OCP addresses broad city wide issues while the Area Plans and Sub-Area Plans address local neighbourhood issues.

Plan Precedence

If there is a conflict with respect to a land use designation between the OCP Generalized Land Use Map and Area Plan Land Use Maps, the Area Plan Maps shall take precedence with the exception of sites designated Conservation Area or Environmentally Sensitive Area (ESA) in which case readers should check Schedule 1 as it takes precedence over this plan.

Changes to this Document

This Plan may be amended from time to time. Please check with the City’s Urban Development Division to make sure that this is an up-to-date version containing all of the adopted amendments.

Definitions

Schedule 1 of the Official Community Plan (OCP) contains a definitions section which applies to the entire OCP. Appendix 1 contains definitions that apply to this area plan only.

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Citywide Official Community Plan

The Citywide Official Community Plan (CWOCP) is a comprehensive plan that guides the overall future of the City and provides a broad framework for managing future change.

The CWOCP is at the top of the City's hierarchy of land use plans. Plans included in the CWOCP are Area Plans and Neighbourhood Plans. If there is a policy conflict between the CWOCP and an Area Plan, the Area Plan policies will take precedence over the Citywide policies.

From time to time, Council will consider amendments to the CWOCP Bylaw which may result in changes to this document. Users of this document will need to assume responsibility for making the necessary inquiries regarding these changes. Further information can be obtained from the City of Coquitlam Planning and Development Department (604-927-3400)

The following OCP sections include amending Bylaws 3988 and 3996 (passed February 16, 2009).

Cover Section (includes Amendment List)

PART 1 - Introduction

1. Managing Change and Diversity
 - 1.1 The Planning Framework for Managing Change
 - 1.2 Interpretation and Hierarchy of Plans
 - 1.3 Regional Context Statement
 - 1.4 Citywide OCP Format

PART 2 - Achieving the Plan Goals

2. A Compact, Complete Community by Nature
3. A Healthy Environment
4. Housing Choices in Distinctive Neighbourhoods
 - 4.1 Housing Choices and Affordability
 - 4.2 Neighbourhoods
 - 4.3 Community Heritage
5. A Vital Economy
 - 5.1 Business-Friendly Climate
 - 5.2 Industry, Business Parks and Office
 - 5.3 Retail and Service Commercial
 - 5.4 Institutional
 - 5.5 Technology and Knowledge-Based Businesses
 - 5.6 Film and Tourism
 - 5.7 Home-Based Businesses
 - 5.8 Resource Activities
6. Strategic Transportation Choices



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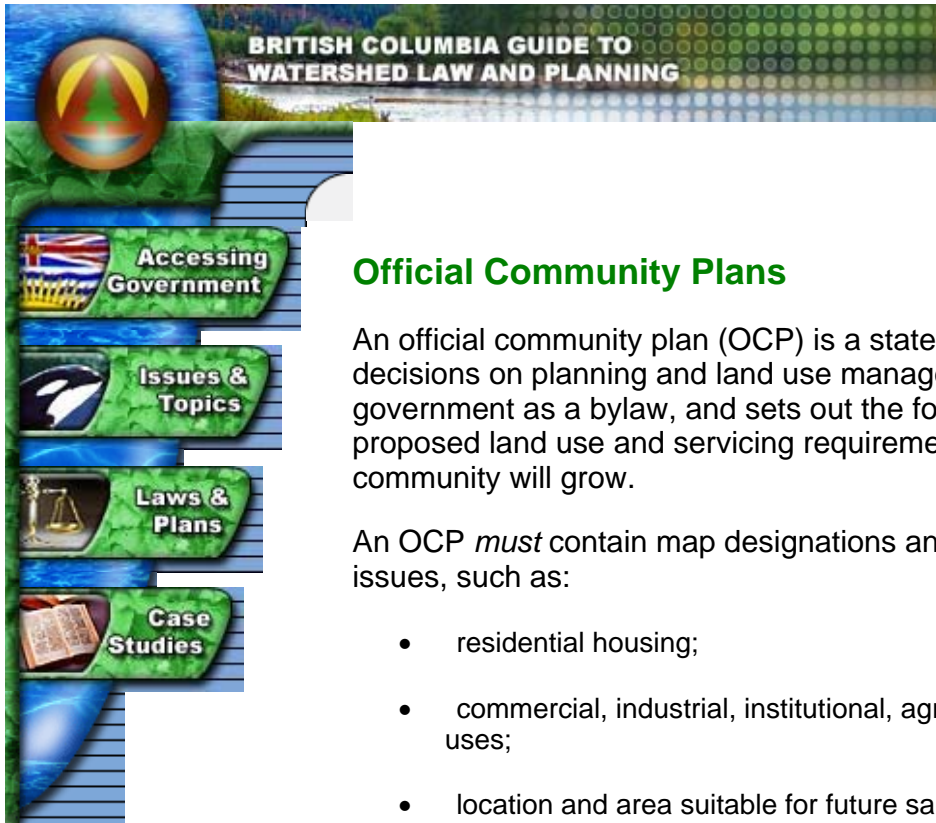
- [Citywide Official Community Plan 2006 Summary](#)
- [Area Plans & Neighbourhood Plans](#)
- [Design Guidelines](#)
- [Strategic Transportation Plan](#)
- [Heritage Strategic Plan](#)
- [Environmentally Sensitive Area Study Overview](#)
- [Corporate Strategic Plan](#)
- [Greater Vancouver Regional District](#)
- [Industrial Land Strategy \(ILS\)](#)



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Official Community Plans

An official community plan (OCP) is a statement of objectives and policies to guide decisions on planning and land use management. It is adopted by a local government as a bylaw, and sets out the form and character of existing and proposed land use and servicing requirements. It is a vision statement for how the community will grow.

An OCP *must* contain map designations and policy statements on some specific issues, such as:

- residential housing;
- commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- location and area suitable for future sand and gravel extraction;
- restrictions on the use of land subject to hazardous conditions or environmentally sensitive to development;
- location and phasing of major road, sewer and water systems;
- location and type of public facilities such as school, parks and waste treatment and disposal sites;
- policies for affordable housing, rental housing and special needs housing.

OCP's can also include policies relating to other matters within a local governments jurisdiction.

However, an OCP cannot regulate developments outside a municipality's boundaries, or on land it does not control, such as land in the Agricultural Land Reserve, First Nations land, or Crown land. OCP's must be consistent with [regional growth strategies](#), and may be [coordinated](#) with other plans.

Developing an OCP

Before the public hearing on a new OCP or OCP amendment, the council or board must consult with "persons, organizations and authorities it considers will be affected." This authority is very broad and allows councils and boards to decide what level of consultation is needed.

Prior to the adoption or amendment of an OCP, a [public hearing](#) must be held, giving all persons who believe that their interests in property are affected the right to be heard.

Many local governments also develop **local area plans** or neighbourhood plans, to state in more detail specific requirements for a defined area. This allows consultation to focus on the needs of a particular neighbourhood.

Effect of an OCP

OCPs do not directly regulate the specifics of land development and do not authorize capital expenditures (e.g. just because a park is shown in an OCP doesn't mean that the Local Government has committed the money to purchase the land for it). However, they set the overall development context for a community and all bylaws and works must be consistent with them. This includes [zoning bylaws](#), [capital expenditures](#), and [development permits](#). OCP's also provide direction to subdivision approving officers and councilors. It is important that OCPs include precise policy statements and guidelines that will provide more precise standards for land use decisions.

In practice, bylaws and works are seldom invalidated because of inconsistency with an OCP. Courts require that there be a "direct conflict" between the OCP provision and a bylaw provision – rather than merely a tension – before they will strike down a law. In practice, if a local government wants to amend a zoning bylaw that would make it inconsistent with the OCP, both the OCP and the zoning bylaw will be amended at the same time. These minor amendments, over time, result in significant changes to the OCP and development direction for the community.

While the objectives and policies in an OCP will rarely result in a bylaw or work being struck down, sections of an OCP that require permits can give an OCP teeth. The OCP may set out areas in which:

- [development permits](#) will be required, as well as specifying guidelines as to when council should issue a permit;
- Special information (known as [development approval information](#)) may be required before development can proceed; or
- [temporary commercial and industrial use permits](#) can be required under the OCP.

Environmentally Sensitive Areas (ESA)

While ESAs may be designated in an OCP, there is no further requirement that a local government impose restrictions on land use once the ESA has been identified for the council or board. It is only when restrictions on the development of ESA land are imposed, they must be included in the OCP as statements and map designations.

Related Guide Pages:

- [Local Government Act](#)
- [Local Government Planning](#)
- [Development Permits](#)
- [Local Government Act – Miscellaneous Tools](#)

For more information on official community plans:

- West Coast Environmental Law's [The Smart Growth Guide to Local Government Law and Advocacy](#) (2001).
- [OCP Purpose and Content](#) and [OCP Process and Consultation](#) – Two October 2000 Bulletin of the Ministry of Community, Aboriginal and Women's Services.
- "Official Community Plans" from the Successful Communities Forum's [Citizen's Guide to Development Planning](#).



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District of
**West
Kelowna**

**Strategic
Priorities
2009**

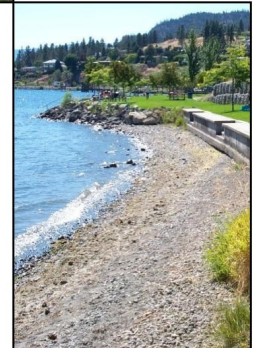
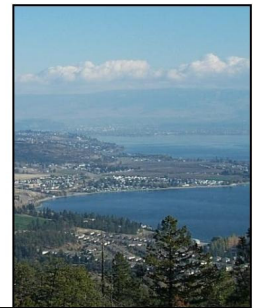


Table of Contents	Page
Mayor's Message	3
Executive Summary	4
Infrastructure	5
Growth Management	7
Finance	10
Economic Enhancement	12
Services	14
Inter-Government Relations	16
Communication/Relationships	18
Governance	20

Key	
DWKC	District of West Kelowna Council
CAO	Chief Administrative Officer
CFO	Chief Financial Officer
DCS	Director of Corporate Services
DDS	Director of Development Services
DES	Director of Engineering Services
DPRC	Director of Parks, Recreation & Culture
EDC	Economic Development Commission
DHR	Director of Human Resources
WKFC	West Kelowna Fire Chief

Mission

“To make informed decisions that meet community needs to protect, enhance and celebrate our West Kelowna home.”

*Council
2009*

Vision

“The District of West Kelowna is an innovative local government that will make informed decisions to benefit the community by welcoming input and giving consideration to fiscal responsibility, environmental stewardship, healthy living and economic enhancement.”

*Council
2009*

Mayor's Message

Welcome to West Kelowna Council's Strategic Priorities 2009-2011.

In these pages you'll find Council's **top six priorities in each of eight categories** for what we hope to accomplish in this term of office. This document is essentially Council and staff's marching orders, with the intention that our work will meet one or more of the goals listed here.

For over three months, Council and senior staff have held many lengthy meetings, brainstorming, researching and debating what the most pressing needs of our new municipality are. It has certainly not been an easy or comfortable exercise, but after all voices were heard, we now stand behind these Strategic Priorities as one Council and will proudly work toward good results in all categories.

Last year, our first year as a municipality, we were most fortunate in that we had a driven and dedicated Council and exemplary staff. A great deal was accomplished, effectively setting up a well-functioning municipality from scratch. We still have some tinkering to do, but our foundational processes and structures are in place.

With that said, you will find there is a more visionary tone to our new Strategic Priorities, with Council thinking more about how to guide our municipality into the future with key planning documents, as well as meeting our immediate infrastructure needs. And underlying all is our commitment to open and welcoming governance and fiscal responsibility.

The dust is settling from our first year of work and we are seeing the long road that lays ahead, but it is through effective and respected strategic planning like this that we will continue to take great strides as a community.



Doug Findlater
MAYOR



District of West Kelowna Council 2008-2011

From left: Councillor Bryden Winsby, Councillor David Knowles, Councillor Carol Zanon, Mayor Doug Findlater, Councillor Rosalind Neis, Councillor Gord Milsom and Councillor Duane Ophus.

Strategic Priorities 2009 – District of West Kelowna Executive Summary

Council has determined its top priorities for 2009 which have been grouped and prioritized into eight categories. The top six priorities in each category have been determined with timelines for completion by the applicable department. Council and District staff use these Strategic Priorities as governing mandates for the work to be accomplished this year. Here is a summary list of the top three priorities for each category.

Category	Priority One	Priority Two	Priority Three
Infrastructure	Sewer services to be installed	Understand ARGO Road Maintenance Contract	Road upgrades done based on priorities
Growth Management	Official Community Plan Review	Neighbourhood Planning	Waterfront Plan development
Finance	Review existing agreements with partners	Municipal Policing Agreement to be finalized	Financial Plan Improvements
Economic Enhancement	Development of Town/Village Centre Plans	Determine Economic Development Plan process	Advocate for a Westside Health Facility
Services	Major Servicing Plans - Master Transportation Plan and Master Drainage Plan	Public Safety Building construction to begin in summer 2009	Upgrade Parks Master Plan/Cultural Heritage Master Plan
Inter-Government Relations	Analyze Existing Services - from Regional District of Central Okanagan	Lobby for free Crown Land grants or nominal rent tenure	Advocate for new service agreements with partners
Communication/ Relationships	Take Strategic Priorities 2009 and 2009-2013 Financial Plan to the public	Budget/Citizen Survey conducted by August 2009	An inclusive Annual Report created by May 2009
Governance	Develop In-Camera policy	Codify District practices into policy	Develop letter, email response protocol

Infrastructure

Infrastructure is defined as the physical assets maintained by the District of West Kelowna. This includes roads, water, sewer, storm drainage and sidewalks/bike paths.

GOAL

The District of West Kelowna will have proper infrastructure to meet the long term needs of the municipality.

OBJECTIVES

- Have projects ready to capitalize on grant funding
- Provide infrastructure in a cost-effective, comprehensive and methodical manner by establishing priorities through a 5-10 year capital plan
- Apply for infrastructure grants
- Explore P3s (public-private partnerships)
- Implement cost recovery through development cost charges
- Value pedestrian connections/linkages
- Ensure that infrastructure is not dug up twice

STRATEGIC GOALS - INFRASTRUCTURE		PRIORITY	TIMELINE	STAFF ASSIGNED
SEWER	DWK Sewer Program Completion - services to be installed ASAP - 50 % sewer hook up (3 years)	1	December 2011	DES
ROADS	ARGO contract - ARGO maintenance contract: Council to understand service levels of contract and consider payout/transfer – solid plan for maintenance transfer from Argo 1-2 years	2	Report to Council September 2009	DES
	Roads Master Plan - staff to develop plan based on priorities for Council's consideration	3	Process Completion by 2010	DES
	Pressing Roads Issues - in absence of Master Transportation Plan, short term road improvements planned	4	Report to Council June 2009 One Year Plan	DES

STRATEGIC GOALS - INFRASTRUCTURE		PRIORITY	TIMELINE	STAFF ASSIGNED
SEWER	Sewage Treatment Plant - transfer to District of West Kelowna - expanding plant, septage plant	5	Workshop for Council June 2009	DES
WATER	Water System Master Plan - Irrigation District integration	6	Report to Council November 2009 Timelines	DES
UNRANKED	Storm Drainage - plans and priorities be brought to Council, shelf ready projects for Federal/Provincial sources		Master Drainage Plan November 2010 Complete	DES
	Roads - arterial/collector route defined by Official Community Plan		Master Transportation Plan September 2010 Complete	DES
	Watershed Protection - develop watershed protection management plan - support District's watershed protection in Province, Okanagan Basin Water Board/Irrigation Districts - draft Union of BC Municipalities resolution		Report to Council December 2010 Complete	DES/DDS
	Reduce Water Consumption - Building Permit regulations - reinforce xeriscaping as option (building regulations) - incentives/water conservation - regulations – limited use in watershed		Water Conservation Strategy to Council June 2011	DES
	Water - Westbank Irrigation District - Upper Glenrosa water community meeting - Crown land leases for reservoir lakes - agricultural vs residential water supply		Meeting December 2009	DES
	Sidewalks, Paths, Trails, Bike Lanes - develop sidewalk network plan - continuation of sidewalk plan - connections/accessibility – develop network connecting shopping, beaches etc. - accessibility for wheelchairs - School District 23 – aware of responsibility - connect neighbourhoods – walkways, pathways, connections		September 2010 Paths, Trails December 2009 September 2010	DES/DDS/ DPRC

Growth Management

GOAL

The District of West Kelowna will employ land use best practices that reflect the community's needs which include affordable/livable neighbourhoods, village centres for residents and tourists and protection of the environment

OBJECTIVES

- Manage growth/Economic Development Commission policy
- Understand District's land inventory through land use analysis
- Review Official Community Plan
- Public input on how best to achieve mixed use development, encourage infill, reduce sprawl
- Protect the environment
- Preserve farm land where appropriate
- Encourage multi use development
- Focus development in a different way
- Develop pedestrian friendly neighbourhoods
- Ensure development contributes in fair manner
- Implement integrated approach to development/development decisions
- Determine how to attract growth
- Promote smart growth community
- Maintain a semi-rural landscape
- Foster small commercial neighbourhood centres

STRATEGIC GOALS - GROWTH MANAGEMENT		PRIORITY	TIMELINE	STAFF ASSIGNED
DWK POLICY	<p>OCP Review</p> <ul style="list-style-type: none"> - identify sustainability best practices; identify opportunities for sustainability and climate action throughout the District's operations - promote more industrial/commercial land - promote environmental land use conditions, environmental protection - promote Town Centre multi-use (June 2010) - promote mixed use development - downtown redevelopment - affordable housing - preserve farmland where appropriate - preserve public access to waterfront - create a balance of housing types - review hillside development protection - protect Highway 97 second crossing – consideration (Master Transportation Plan September 2010) 	1	OCP completed by December 2009	DDS
	<p>Neighbourhoods</p> <ul style="list-style-type: none"> - OCP – Westbank Town Centre Project primary importance - capitalize on uniqueness of DWK/enhance neighbourhoods - development permit guidelines – Okanagan style of construction 	2	Preliminary Report to Council August 2009 Town Centre Plan December 2009 Report to Council April 2010	DDS
	<p>Waterfront Plan</p> <ul style="list-style-type: none"> - consider Waterfront Plan development 	3	Workshop with Council September 2009	DDS/ DPRC

STRATEGIC GOALS - GROWTH MANAGEMENT		PRIORITY	TIMELINE	STAFF ASSIGNED
DVK POLICY	Agriculture Plan – Local Food Production - preserve agricultural heritage - advocate to Province to enhance agriculture, preserve farmland - encourage land use policy to enhance agriculture - Regional District of Central Okanagan agriculture support officer/support liaison	4	September 2009	DDS
	- develop Agriculture Advisory Committee - Official Community Plan regulations		November 2009	
	- agriculture Development Cost Charge relevance or Parks Development Cost Charge		June/July 2010	
	- developing and sustaining our own food source - food security, local food production		September 2010	
	District Land Inventory - staff to complete land inventory and land use analysis - GIS/mapping support required – part of OCP review - all land uses and land base to be identified for Council	5	December 2009	DDS
	- parks inventory - approach Province for free Crown grants/nominal rent tenure		September 2009	DPRC
	Westbank Town Centre - better use of lanes and back alleys (ie – European streets) - support land use build up - develop a plan to address Couplet	6	Report to Council December 2009 Couplet Report November 2010	DDS/DES
UNRANKED	Climate Action Plan - green legislation 2010 implementation		Fall 2009	CAO
	Affordable Housing - discussion paper/options (1 year) - for homeless - pods of high density - rentals in community - strata conversion policy - protect mobile home parks		June 2010	DDS
	Green Initiatives/New Technology - give consideration to incorporating green initiatives and new technology		Ongoing	CAO

STRATEGIC GOALS - GROWTH MANAGEMENT		PRIORITY	TIMELINE	STAFF ASSIGNED
UNRANKED	Boundary Expansion Policy Development - Council to receive report from staff - policy for Council on Boundary expansion		September 2009	CAO
	Light Industrial Strategy - to identify strategies to promote further development and redevelopment of light industrial land		June 2011	DDS
	Zoning regulations - review secondary suites and carriage houses - stop spot zoning - review height of residential zones - rezone CD zones – new categories		November 2009 After OCP Review April 2010	DDS
	Subdivision Development/Hillside development - develop hillside regulations - develop Subdivision Development Servicing Bylaw - staff to develop alternative roads standards for Council review		After OCP Review April 2010 Draft Bylaw December 2009 Update Bylaw October 2010	DDS/DES
	Boats/Waterfront - boats, marine facilities, moorage - houseboats, part of waterfront plan - regulatory use of foreshore in community - head lease - Waterfront Plan - 2 years completion - preserve and protect lake - acquisition of properties (December 2011) - road ends on lakeshore (develop for use)		Moorage April 2010 Regulations September 2009 Use of foreshore September 2009 Head Lease September 2009 Waterfront Plan October 2010	DPRC/ DDS
	Heritage Assets - heritage mapping to identify assets - develop protection plan		April 2010	DDS/ DPRC

Finance

GOAL

The District of West Kelowna has a long-term financial plan with solid financial footing and strong capital reserves.

OBJECTIVES

- Establish and deliver appropriate capital reserves
- Consider alternate ways of providing financing for infrastructure including P3s
- Ensure the District has cost effective operations for all functions
- Pursue public projects as revenue generators or revenue neutral
- Review gas tax funding (RDCO) tie back to Council's priorities in order to offset taxation impact
- All Departments examine and pursue alternate revenue sources

STRATEGIC GOALS - FINANCE		PRIORITY	TIMELINE	STAFF ASSIGNED
AGREEMENTS	Agreement Review - staff to identify all agreements and bring recommendations to Council	1	October 2009	CFO
	Municipal Policing Agreement - review request and contract and provide budget options to Council	2	March 2009 Complete	CAO, CFO
FINANCE POLICY	Financial Plan Improvements - actual budget vs Financial Plan, show 2008 experience in plan - budget approval process refinement - feedback from public – options: 2x open houses, focus groups, presentation, more 1on1, newspaper - Committee of the Whole meet with public - pictures instead of words	3	March 2009	CFO
	- assets analysis		August 2009	
	- major capital projects into Capital Plan		September 2009	
	- cash vs committed basis		December 2009	
	Assets and Liabilities - staff to provide a comprehensive review of DWK assets and liabilities	4	April 2009	CFO, DPRC
	Capital Reserves Policy - Council to consider developing a policy on capital reserves -financial framework, debt levels relevant to population size	5	October 2009	CFO

STRATEGIC GOALS - FINANCE		PRIORITY	TIMELINE	STAFF ASSIGNED
AGREEMENTS	Fringe Area/Service Agreements - resolve fringe area issues and remnant service areas	6	June 2009	CAO
UNRANKED	School District Agreement - reinforce and enhance agreements for use of fields and facilities		December 2009	DPRC
	Tax Level Communication - property tax assessments – value for dollars - include graphs with tax notices, use web to communication, other taxation levels collected for other government		May 2009	CFO
	Community Service Groups - Westbank Yacht Club –define services provided regarding tax exemption - proactive dialogue with community service groups - review Chamber and services provided - Grants in Aid – make applicants aware of exactly what is required		August 2009	CFO
	Museum - review business plan for Council consideration - assess offer/professional review of artifacts and true value		January 2010	DPRC

Economic Enhancement

GOAL

The District of West Kelowna has an interest in enhancing the economic viability of the community by encouraging a diverse tax base and supporting economic development initiatives.

OBJECTIVES

- Provide the community with a diverse tax base and supportive climate for business
- Recognize the economic development assets of the region, capitalize on unique opportunities
- Ensure that taxation levels foster continued development in community
- Partner with neighbours on tourism initiatives (Chamber enhancements)
- Enhance tourism within West Kelowna

STRATEGIC GOALS - ECONOMIC ENHANCEMENT		PRIORITY	TIMELINE	STAFF ASSIGNED
PROMOTING ECONOMIC DIVERSITY/TOURISM	<p>Town/Village Centres</p> <ul style="list-style-type: none"> - Council to promote and support Town/Village Centre concepts (December 2009) - develop/support more commercial activity in Town Centre (September 2009) (a) Westbank Town Centre Plan – redevelop as a professional centre, Health Care Precinct (September 2009) (b) Village Centres – Lakeview Village Centre important (Developer driven) (c) Boucherie – Boucherie as a long-term Civic Centre of community (December 2011) 	1	Report to Council September 2009	DDS
ECONOMIC DEVELOPMENT PLAN	<p>Economic Development Plan Process</p> <ul style="list-style-type: none"> - build with an idea-led process, create unique opportunities - establish West Kelowna ED Committee - liaise with Economic Development Commission, Westbank First Nation, Peachland, Kelowna - encourage private sector to develop recreation opportunities - feedback with community leaders on ED Plan - analyze relationships with community partners 	2	May 2009	CFO, CAO
PROMOTING ECONOMIC DIVERSITY/TOURISM	<p>Westside Health Facility</p> <ul style="list-style-type: none"> - advocate for capital plan (60% from Province) 	3	Ongoing	Council
PROMOTING ECONOMIC DIVERSITY/TOURISM	<p>Review Waterfront Opportunities</p> <ul style="list-style-type: none"> - develop an analysis of public wharf/waterfront amenity with tourism in mind 	4	December 2010	DDS/ DPRC

STRATEGIC GOALS - ECONOMIC ENHANCEMENT		PRIORITY	TIMELINE	STAFF ASSIGNED
PROMOTING ECONOMIC DIVERSITY/TOURISM	Industrial/Commercial Development - identify light industrial park in OCP - Stevens Rd./Hwy 97 opportunities/enhancements - clean up/redevelopment of industrial park	5	Part of OCP Review March 2010	DDS
	Multi-Use Development - Council to promote mixed use development (residential/commercial/institutional)	6	Part of OCP Review December 2009	DDS
UNRANKED	Trolley System - analyze a potential trolley system connecting shopping, beaches and wineries with tourists in mind			EDC
	Resort Development - continue to attract and support			EDC
	Tourism Branding - EDC to facilitate discussion			EDC
	Film Industry - promote this community to film making industry		Ongoing	Council

Services

The District of West Kelowna defines Services as quality of life infrastructure such as parks, policing, facilities, programming and public amenities.

GOAL

**The District of West Kelowna will provide a high level of services to the community.
Service levels will be set through Council based on community needs.**

OBJECTIVES

- The District of West Kelowna will keep good perception of being a safe community
- Have the ability to differentiate ourselves by being safe

STRATEGIC GOALS - SERVICES		PRIORITY	TIMELINE	STAFF ASSIGNED
SERVICING PLANS	Major Servicing Plans <ul style="list-style-type: none"> - Parks & Recreation master plan - roads, sidewalks, storm water - Official Community Plan - agriculture - water master plan 	1	December 2009 Master Transportation Plan September 2010 Master Drainage Plan November 2010	DPRC DES DDS
POLICING/ PUBLIC SAFETY	Public Safety Building <ul style="list-style-type: none"> - tender RCMP building - finalize construction - construction to begin summer 2009 	2	Tender April 2009 Construction completed June 2010	DDS
PARKS, RECREATION & CULTURE	Upgrade Parks Master Plan/Cultural Heritage Master Plan <ul style="list-style-type: none"> - 2009 budget item 	3	December 2009	DPRC
BYLAW ENFORCEMENT	Bylaw Enforcement <ul style="list-style-type: none"> - review bylaw enforcement - Council to understand service levels (July 2009) - property owner clean up (April 2009) - implement Good Neighbour Bylaw (April 2009) - parking regulations (April 2009) - bylaw adjudication (June 2010) 	4	June 2010	DDS
TRANSIT	Transit <ul style="list-style-type: none"> - assume function from RDCO - link bus rapid transit – get project back on track (2 years behind) - focus on community transit – connection to UBCO and hospital - transit bus stops to be enhanced 	5	Initial Report to Council with recommendations December 2009	DES

STRATEGIC GOALS - SERVICES		PRIORITY	TIMELINE	STAFF ASSIGNED
POLICING/ PUBLIC SAFETY	Policing-Community Perception - enhance-encourage participate in development of RCMP priorities - find ways to allow community participation in policing priorities	6	March 2010	WKFC
	Volunteers -continue to support Speed Watch-Citizen's on Patrol relationship		Ongoing	CAO
UNRANKED	Royal LePage Place - clean up surrounding facility - reconciliation of Royal LePage Place construction through RDCO - consider Royal Lepage Place heating		July 2009 November 2009 July 2009	DPRC
	Parks - Lakeview playground consideration - acquisition of parks, public space, walkways and beaches		April 2009 June 2011	DPRC
	Pine Beetle - implement management program		Started December 2008 Ongoing	DPRC
	Communities in Bloom - staff evaluation of program benefits for Council's consideration		September 2009	DPRC
	Public Facilities - ensure facilities are universally accessible - Parks and Rec for all ages - increase community hall space/playground		December 2010	DRPC
	Public Works - clean up community Westbank Town Centre-Lakeview - industrial park clean up - community groups clean up - adopt a highway promotion - bylaw enforcement		December 2010	DES
	Risk Management - ensure DWK adequately address RM throughout functions		November 2010	DHR
	Fire Protection Boundaries - Council to be provided a review for consideration		March 2010	WKFC

Inter-Government Relations

GOAL

The District of West Kelowna wants to foster good relationships with other governments and explore mutually beneficial partnerships and agreements.

OBJECTIVES

- Council to use UBCM as a venue to advance policy issues
- Partner on joint lobbying efforts and cost sharing agreements
- Obtain maximum grant opportunities for West Kelowna programs
- Maintain and build strong/firm relationships with partners – federal, provincial, first nations, municipal
- DWK to advise partners when withdrawing from a service and give advance notice

STRATEGIC GOALS – INTER-GOVERNMENT RELATIONS		PRIORITY	TIMELINE	STAFF ASSIGNED
EXISTING SERVICE PARTNERSHIPS	Regional District of Central Okanagan Services - analyze if services appropriate for District of West Kelowna	1	May 2009	CAO
LOBBYING	Crown Land - approach Province for free Crown grants/nominal rent tenure	2	March 2009	DPRC
SERVICE AGREEMENT	Advocate for new agreements with Peachland and Westbank First Nation - sewage treatment plant	3	July 2009	CAO
WFN RELATIONSHIP	Relationship - Council to promote positive relations with WFN - consider joint grant applications - joint lobbying for health care facility for capital funding - understand the Cultural Centre concept that WFN proposes - develop a protocol of cooperation with Westbank First Nation and relationship management plan	4	Ongoing	DWKC/ CAO
	- hold Community to Community meetings		May 2009	CAO
	- land use, review the tree farm license and implications on District of West Kelowna		May 2009	DPRC
	- ensure connection with Westbank First Nation on pathways and sidewalks		Master Transportation Plan September 2010	DES

STRATEGIC GOALS – INTER-GOVERNMENT RELATIONS		PRIORITY	TIMELINE	STAFF ASSIGNED
LOBBYING	Urgent Care Centre - lobby Province to obtain 60% capital funding - Central Okanagan Regional Hospital District 40% capital funding	5	Ongoing	DWKC
	Federal/Provincial Services - agents for services within DWK operations for service opportunities	6	Ongoing	DWKC
UNRANKED	Watershed Protection - support District of West Kelowna's watershed protection with Province, Okanagan Basin Water Board and Irrigation Districts - reservoir lease lots, advocate for conclusion of reservoir lease lots for watershed protection		July 2011 Ongoing	DES DWKC
	Transportation – Transit - request Ministry of Transportation review long term Okanagan Valley Transportation Plan, fund long term highway improvements, review couplet - District to advocate for funding to study couplet - transit function to West Kelowna (contract)		September 2011	DES
	British Columbia Transmission Corporation - advocate for improvements to sub-station and second feed to District		Mar. 2010	WKFC
	School District 23 - advocate for better school busing in District - seek feedback on services & programs (emphasizing youth) via focus groups		Ongoing October 2010	DWKC DPRC
	Community Connection – Local Govt Liaison - more connection with communities Osoyoos/Vernon links (transportation and transit)		Ongoing	DWKC/ CAO
	Gellatly Nut Farm - consider as natural heritage, Parks Heritage site		February 2010	DPRC
	Landfill Contract - deal with transfer station - well bermed/buffered - chipping and air quality - sight line visibility		June 2011	DES

Communication/Relationships

GOAL

To ensure the District of West Kelowna is a welcoming organization that actively seeks to communicate with its citizens and provides opportunities for contact and participation.

OBJECTIVES

- Provide clear, consistent, two-way communication with citizens
- Provide a welcoming form of government
- Encourage participation in Council's activities

STRATEGIC GOALS – COMMUNICATION/RELATIONSHIPS		PRIORITY	TIMELINE	STAFF ASSIGNED
GUIDING DOCUMENTS	Communication of Guiding Documents - Communicate with community on <i>Strategic Priorities 2009</i> and <i>2009-2013 Financial Plan</i>	1	Completed by March 2009	CAO
	Budget/Citizen Survey - questions to Council earlier, more time to review - summer/fall release - specific focus on what rec programs are included - results roll-out, celebrate results with public - detailed feedback based on 2008 baseline	2	August 2009	CFO
	Annual Report - staff to create an inclusive annual report	3	May 15, 2009	DCS
PUBLIC RELATIONS	Website/Online Services Emphasis - invest in website as most efficient delivery of information and services and excellent way to interact with citizens	4	To coincide with Mt. Boucherie Opening June 15, 2009	DCS
RECOGNIZING COMMUNITY	Community Event - plan exciting community events 1 st Event – August 2009 (Art in the Park) 2 nd Event – August 2010 - build on success of Westside days	5	August 2009 August 2010	DPRC
COMMUNITY NAME	Logo/Branding - low cost, quick review, staff recommendation to Council	6	Report to Council with recommendation March 17, 2009	DCS

STRATEGIC GOALS – COMMUNICATION/RELATIONSHIPS		PRIORITY	TIMELINE	STAFF ASSIGNED
UNRANKED	Name Change - request Canada Post change postal addresses		April/May 2009	DWKC
	Municipal City Hall - signage, communication on opening		June 15, 2009	DCS
	Volunteers - create teams of volunteers for events, projects, gathering feedback - help promote citizen participation		Council to identify projects 2-3 months to recruit volunteers	DCS/ DHR
	Street Naming - recognizing pioneers through Street Naming policy - requires GIS/Mapping capabilities		September 2009	DDS

Governance

GOAL

The District of West Kelowna will provide the public with transparency in Council's operation.

OBJECTIVES

- Written policy on the operations of the District of West Kelowna.
- Ensure Council's governance is defined through policy.

STRATEGIC GOALS - GOVERNANCE		PRIORITY	TIMELINE	STAFF ASSIGNED
TRANSPARENCY	In-Camera <ul style="list-style-type: none"> - policy to Council on Best Practices on In-Camera items - Council to develop its own lens on In-Camera - educate on what is and what isn't In-Camera - draw media in to explain policy 	1	September 2009	CS
POLICY DEVELOPMENT	Codify DWK practices into policy <ul style="list-style-type: none"> - top 20 policies for District of West Kelowna – ie: CAO as only employee of Council 	2	September 2009	CAO
	Letter, email response <ul style="list-style-type: none"> - timelines to respond to public - template response on issues ie: houseboats - Council's personal opinions to be identified in any response to the public where Council has already dealt with an issue 	3	September 2009	CS
COMMITTEES OF COUNCIL	Committees of Council <ul style="list-style-type: none"> - Advisory Committee – APC 2009 (priority) – requires DP guidelines (November 2009) - Agricultural Committee (as part of OCP process) 	4	November 2009	DDS
	<ul style="list-style-type: none"> - Parks & Recreation Committee by 2010 (focus groups) – focus groups, P&R Committee 		December 2010	DPRC
TRANSPARENCY	Developer Requests for Meetings with Council <ul style="list-style-type: none"> - develop protocol of developers to request meetings with Council through staff 	5	September 2009	CS/ DDS
COMMITTEES OF COUNCIL	External Committee Appointments <ul style="list-style-type: none"> - consider external committee participation by Council or staff on case by case basis - policy level (Council) - technical level (staff) 	6	Case by Case	DWKC/ CS

Strategic Plan for the North Vancouver RCMP

The North Vancouver RCMP is looking for public input into our strategic plan. All organizations need to strategize and plan how to provide a better service; we are no different. To assist us with providing the best service possible to the residents of North Vancouver please answer the following:

What should be the priorities for the North Vancouver RCMP?

What are we doing right at the present time?

What services would you like to see continued?

Are there any programs or services we should discontinue?

How can we improve?

Please email your responses to nvan_strategic_plan@rcmp-grc.gc.ca

Marlene MORTON (CPL)
Media Relations Officer
RCMP North Vancouver Detachment
147 E 14th Street
North Vancouver, B.C. V7L 2N4
Office: 604-983-7433
Cellular: 604-861-7267
marlene.morton@rcmp-grc.gc.ca

Wednesday, June 17
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Home: Feature Article

Phased Development Agreements and the Future of Metro Vancouver

By Peter Kenward March 26, 2009



As a lawyer whose practice focuses on private sector dealings with government, I am constantly presented with examples of how the system that the Province has put in place for regulating land use and development impacts the community in which we live.

In Metro Vancouver, the system has yielded substantial positive effects, enhancing the innate "livability" associated with our mountains and oceans. The system has also however yielded some significant negative impacts, including for housing affordability and transit. Important questions arise about the implications of this system for the future of the region, and about what kinds of changes might be made to address the negatives while still maintaining the positives.

The system that governs the regulation of major phased developments recently underwent some fundamental changes. Those changes are worth noting not only in and of themselves, but for the lessons they offer for addressing the issues facing Metro Vancouver.

A. The land use regime in Metro Vancouver

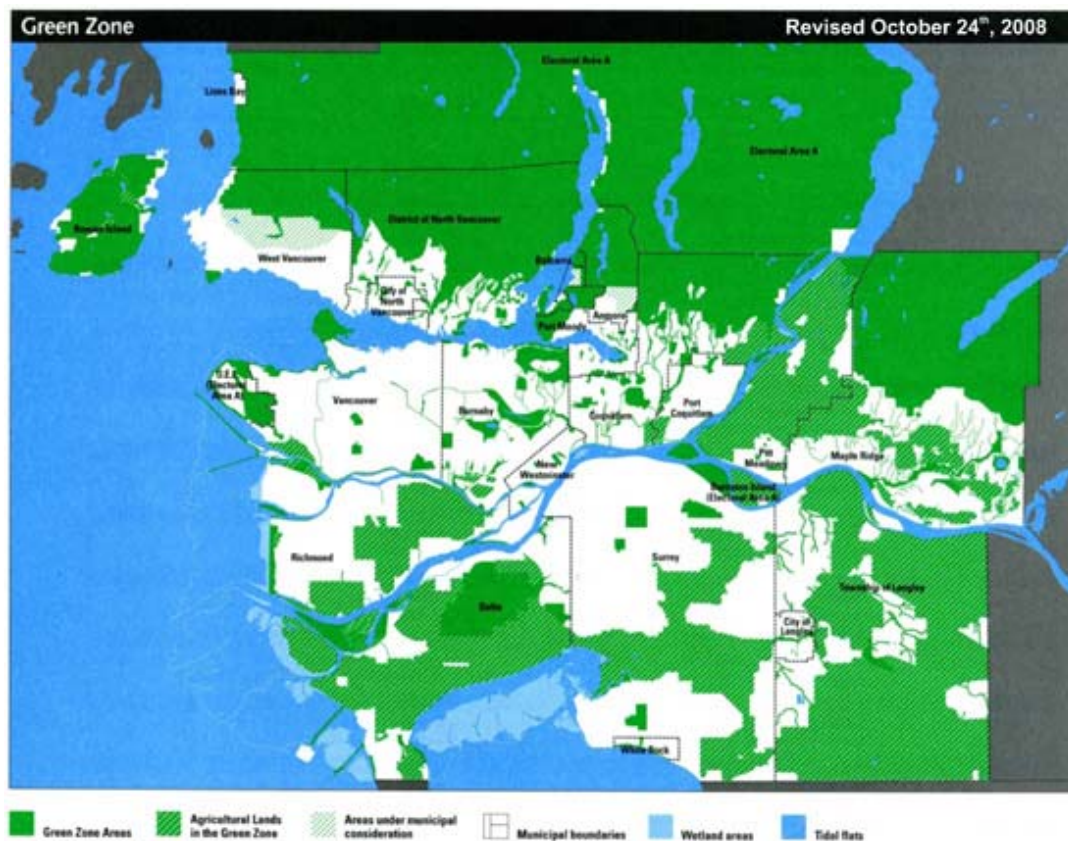
Let's start with a review of five key features of the present system at play in Metro Vancouver.

1. 22 governments ...

Land use decisions in Metro Vancouver are not by and large made by a regional government, but rather by 22 independent municipalities. The relatively small size of these local governments, combined with the typical level of voter turn out, results in neighbourhood "not in my back yard" (NIMBY) pressures having great weight. This has tended to keep densities relatively low, including along transit lines.

2. ... managing "islands in a sea of green"

More than 70% of the land supply in Metro Vancouver is in the Agricultural Land Reserve or the Green Zone.



Source: Livable Region Strategic Plan

There can be no doubt that the values that have led to the ALR and the Green Zone are fundamental ones, and there is of course nothing wrong with voter responsiveness per se. But the discussion cannot end there. The question that has to be asked is whether the system sets the proper balance between those considerations and other relevant considerations.

For example, is the best land use system for Canada's major west coast port City one under which over 70 percent of the land is removed from the equation, and land use decisions over the balance (being the lands available for residential, commercial,

industrial and other developable uses) are divided up among 22 largely independent entities?

There can be little doubt that the heightened land prices associated with the reduction in land supply (less than 30% of the land base being developable), and the reduced densities that NIMBY forces tend to lead to, has contributed to major problems with housing affordability. And there can be no doubt that the fact that transit has to cover relatively large areas that have relatively low population densities negatively impacts transit efficiency.

3. Planning focus

Let's look at a couple more core elements of the system. Local government financial resources are relatively constrained, with a substantial focus on property taxes. That factor, combined with a system that is weighted in favour of neighbourhood voter pressures, tends to lead to local government planning that focuses on freezes and constraints that limit supply and increase costs, rather than on increasing supply and reducing costs.

One of the leading responses thus far to the affordability problem is "inclusionary zoning". Under inclusionary zoning, local governments seek to address the affordability problem by requiring developers to design their developments to set aside a pot of 10 or 15% of units that are cheaper (to be allocated by some form of list regime). Because no mechanism has been added to balance the NIMBY factor, inclusionary zoning often does not increase housing supply overall, meaning that it cannot improve affordability overall. The remaining 85% or 90% of units simply carry the cost, meaning that those units become even more expensive.

4. The regional plan

The regional planning system requires unanimity among 22 municipalities before a new regional plan can be adopted. This has resulted in a situation whereby the update of Metro Vancouver's regional plan, which could theoretically address some of these issues (for example by compelling set levels of development along transit corridors), has proceeded at a glacial pace.

One might also question the incentive that municipalities have to settle upon a regional plan that meaningfully comes to grips with these issues, given that doing so would require them to agree upon a plan that effectively reduces their own powers.

5. TransLink

TransLink has no power to regulate land use, and there is no mechanism by which TransLink can legally bind municipalities to increase density before TransLink commits

to a new transit line. Whatever good intentions a municipality might have, neighbourhood pressures can substantially undercut their implementation once a line is committed.

TransLink itself has tended to focus much more on its potential access to various kinds of taxes (the property transfer tax for example) than on the density and supply issue, or on legal mechanisms that might address its leverage problem.

B. Phased development

There is no doubt that system change is a daunting task. But it is hardly hopeless. An example is the change that the Province made to the system of local government in 2007 to address a different (but not unrelated) problem that was arising with increasing frequency in connection with phased development.

1. The problem

A private party would commence a phased project on the basis of an agreed plan (which typically involved the provision of substantial up front amenities), and then find, after an early phase had been completed and the upfront amenities given, that NIMBY pressures resulted in the local government fundamentally downzoning or changing the rules of the game to block or negatively modify the completion of the project.

While this might be good for those who had moved in to the earlier phases (we are here, lets keep others out) or those who had no qualms about revamping development terms after amenities had already been provided (two councillors changed in the last election, and the new council's definition of the public interest is all that matters), it was not without negative effects. Planning for sustainability commonly involves comprehensive planning, and the system was undermining the ability of municipalities to implement comprehensive plans and to attract multi-phase investment and beneficial public amenities. Private investors are obviously less willing to incur up front costs when their investment is fragile, and heightened risk also increases financing costs and therefore overall development costs, which in turn has affordability implications.

2. The process for achieving a solution

A Business Coalition formed, involving the Urban Development Institute (Pacific Region), the Business Council of BC, the BC Chamber of Commerce and others, to seek a solution. I provided the legal input.

In order to maximize the prospects for success, we focused on creating a mechanism that would address the problem without undercutting democracy (by constraining councillor control over land use and development decisions). So the question we faced was how to achieve the greatest beneficial effect with the least disruption.

The approach we settled upon was a contract based regime, under which the proponent of a development project could enter into a contract with the local government that would grandparent the project relative to subsequent changes to the zoning bylaw. This created an additional tool over and above traditional zoning, without "cutting back" any existing municipal powers.

We worked closely with the Union of BC Municipalities, and, once they were on-side, persuaded the Province to develop and then add the Phased Development Agreement provisions at sections 905.1 to 905.5 of the *Local Government Act*.

3. The new regime

Under the new regime, protection does not arise automatically upon making a development application or the obtaining of an approval, but rather is negotiated on a case by case basis. The Phased Development Agreement that establishes the grandparenting requires consideration at a public hearing, with maximum term of the protection being 10 years, or 20 years with the approval of the Inspector of Municipalities.

The legislative change does not mandate that downzonings can never again happen in the later phases of a phased project: if there is no Phased Development Agreement, there is no protection. There are also limits on what can be agreed to: changes will apply for example if they are necessary to address a hazardous condition of which the local government was unaware at the time it entered into the Phased Development Agreement.

The agreement approach means that it is very important that the property owner take care in negotiating and drafting the Phased Development Agreement, because there is little to be gained from the agreement if considerations are missed that undercut the validity or usefulness of the agreement. Depending on the context, for example, it may be important to provide for multiple land use options, and for a range of assignment scenarios (to ensure that the agreement applies to the buyers of subdivided parcels) and to take into consideration infrastructure financing and property tax considerations. Certain kinds of development permit provisions can be subordinated to a Phased Development Agreement (on the basis that they have been taken into account up front), while other kinds cannot.

A carefully negotiated Phased Development Agreement can provide important protection to an investment, facilitate a comprehensive development occurring that might not otherwise be possible, and enable a community to engage in sustainability-based comprehensive planning with an increased prospect that the plan will actually be achievable.

C. Where to from here

The system that is currently at play in Metro Vancouver, while it has many plusses, has produced some clear negatives for housing affordability, transit and our viability as a

port. Various forces can be expected to exacerbate these problems further, including the decline in undeveloped developable land and climate change. One can question whether major improvements are likely without system changes that directly address the causes of the problems, and that also seek to maintain the benefits of the current system to the maximum degree possible. The system that guides land use and development in British Columbia needs to continuously evolve, because a system that has a very positive impact in one context can prove destructive in another.

Peter Kenward



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CHAPTER # 323 [RS 1996]

LOCAL GOVERNMENT ACT

-- Sections 903 - 908 of Part 26, Division 7 --

-- Sections 903 - 908 of Part 26, Division 7 --

Zoning bylaws

- 903.** (1) A local government may, by bylaw, do one or more of the following:
- (a) divide the whole or part of the municipality or regional district into zones, name each zone and establish the boundaries of the zones;
 - (b) limit the vertical extent of a zone and provide other zones above or below it;
 - (c) regulate within a zone
 - (i) the use of land, buildings and other structures,
 - (ii) the density of the use of land, buildings and other structures,
 - (iii) the siting, size and dimensions of
 - (A) buildings and other structures, and
 - (B) uses that are permitted on the land, and
 - (iv) the location of uses on the land and within buildings and other structures;
 - (d) regulate the shape, dimensions and area, including the establishment of minimum and maximum sizes, of all parcels of land that may be created by subdivision, in which case
 - (i) the regulations may be different for different areas, and
 - (ii) the boundaries of those areas need not be the same as the boundaries of zones created under paragraph (a).
- (2) The authority under subsection (1) may be exercised by incorporating in the bylaw maps, plans, tables or other graphic material.
- (3) The regulations under subsection (1) may be different for one or more of the following, as specified in the bylaw:
- (a) different zones;
 - (b) different uses within a zone;
 - (c) different locations within a zone;
 - (d) different standards of works and services provided;
 - (e) different siting circumstances;
 - (f) different protected heritage properties.
- (4) The power to regulate under subsection (1) includes the power to prohibit any use or uses in a zone.
- (5) Despite subsections (1) to (4) but subject to subsection (6), a local government must not exercise the powers under this section to prohibit or restrict the use of land for a farm business in a farming area unless the local government receives the approval of the minister responsible for the administration of the *Farm Practices Protection (Right to Farm) Act*.
- (6) The minister responsible for the *Farm Practices Protection (Right to Farm) Act* may make regulations
- (a) defining areas for which and describing circumstances in which approval under subsection (5) is not required, and
 - (b) providing that an exception under paragraph (a) is subject to the terms and conditions specified by that minister.
- (7) Regulations under subsection (6) may be different for different regional districts, different municipalities, different areas and different circumstances.
- RS1979-290-963; 1993-58-4; 1994-43-70; 1995-23-19; 2000-7-151; 2003-52-385.

Zoning for amenities and affordable housing

- 904.** (1) A zoning bylaw may
- (a) establish different density regulations for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions under paragraph (b) are met, and
 - (b) establish conditions in accordance with subsection (2) that will entitle an owner to a higher density under paragraph (a).
- (2) The following are conditions that may be included under subsection (1) (b):

- (a) conditions relating to the conservation or provision of amenities, including the number, kind and extent of amenities;
 - (b) conditions relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind and extent of the housing;
 - (c) a condition that the owner enter into a housing agreement under section 905 before a building permit is issued in relation to property to which the condition applies.
- (3) A zoning bylaw may designate an area within a zone for affordable or special needs housing, as such housing is defined in the bylaw, if the owners of the property covered by the designation consent to the designation.

RS1979-290-963.1; 1993-58-4; 1994-43-71.

Housing agreements for affordable and special needs housing

905. (1) A local government may, by bylaw, enter into a housing agreement under this section.
- (2) A housing agreement may include terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions respecting one or more of the following:
- (a) the form of tenure of the housing units;
 - (b) the availability of the housing units to classes of persons identified in the agreement or the bylaw under subsection (1) for the agreement;
 - (c) the administration and management of the housing units, including the manner in which the housing units will be made available to persons within a class referred to in paragraph (b);
 - (d) rents and lease, sale or share prices that may be charged, and the rates at which these may be increased over time, as specified in the agreement or as determined in accordance with a formula specified in the agreement.
- (3) A housing agreement may not vary the use or density from that permitted in the applicable zoning bylaw.
- (4) A housing agreement may only be amended by bylaw adopted with the consent of the owner.
- (5) If a housing agreement is entered into or amended, the local government must file in the land title office a notice that the land described in the notice is subject to the housing agreement.
- (6) Once a notice is filed under subsection (5), the housing agreement and, if applicable, the amendment to it is binding on all persons who acquire an interest in the land affected by the agreement, as amended if applicable.
- (7) On filing under subsection (5), the registrar must make a note of the filing against the title to the land affected but, in the event of any omission, mistake or misfeasance by the registrar or the staff of the registrar in relation to the making of a note of the filing,
- (a) neither the registrar, nor the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,
 - (a.1) neither the assurance fund nor the Land Title and Survey Authority of British Columbia, as a nominal defendant, is liable under Part 19.1 of the *Land Title Act*, and
 - (b) neither the assurance fund nor the minister charged with the administration of the *Land Title Act*, as a nominal defendant, is liable under Part 20 of the *Land Title Act*.
- (8) The Lieutenant Governor in Council may prescribe fees for the filing of notices under subsection (5), and section 386 of the *Land Title Act* applies in respect of those fees.

Sep 23/98

Jan 20/05

Jan 20/05

Jan 20/05

RS1979-290-963.2; 1993-58-4; 1998-34-197; 2004-66-153.

Jun 21/07 **Phased development agreements**

- 905.1(1) In this section and in sections 905.2 to 905.5:
- "**developer**" means an owner of land who enters into, or who by assignment becomes a party to, a phased development agreement;
 - "**development**" means a development on land owned by a developer and

described in a phased development agreement;

"phased development agreement" means a phased development agreement under this section;

"specified zoning bylaw provision" means a provision of a zoning bylaw that is specified under subsection (3) of this section for a phased development agreement.

- (2) A local government may, by bylaw, enter into a phased development agreement with a developer.
- (3) A phased development agreement must identify the land that is being developed and specify the provisions of a zoning bylaw to which subsection (5) applies while the agreement is in effect.
- (4) A phased development agreement may include additional terms and conditions agreed to by the local government and the developer, including but not limited to terms and conditions respecting one or more of the following:
 - (a) the inclusion of specific features in the development;
 - (b) the provision of amenities;
 - (c) the phasing and timing of the development and of other matters covered by the agreement;
 - (d) the registration of covenants under section 219 of the *Land Title Act*;
 - (e) subject to section 905.4 (3), minor amendments to the agreement, including a definition of "minor amendment" for the purpose of the agreement;
 - (f) dispute resolution between the parties;
 - (g) early termination of the agreement, either automatically in the event that terms and conditions are not met or by mutual agreement.
- (5) Subject to subsection (6), if the specified zoning bylaw provisions are amended or repealed while the agreement is in effect, those changes do not apply to the development unless the developer agrees in writing that the changes apply.
- (6) The following changes to the specified zoning bylaw provisions apply to the development without the written agreement of the developer:
 - (a) changes to enable the local government to comply with an enactment of British Columbia or of Canada;
 - (b) changes to comply with the order of a court or arbitrator or another direction in respect of which the local government has a legal requirement to obey;
 - (c) changes that, in the opinion of the local government, are necessary to address a hazardous condition of which the local government was unaware at the time it entered into the phased development agreement.
- (7) Subject to subsection (8), if a specified zoning bylaw provision is a provision under section 903 (1) (c) (iii) [*zoning bylaws*], a development permit under section 920 [*development permits*] that
 - (a) varies the siting, size or dimensions of buildings and other structures, or
 - (b) varies the siting, size or dimensions of uses that are permitted on the land

does not apply to the development unless the developer agrees in writing that the development permit will apply.

May 29/08

- (8) Subsection (7) does not apply to a development permit for land designated under section 919.1 (1) (a) to (c) and (h) to (j) [*designation of development permit areas*], if the development permit is approved by the inspector.
- (9) For certainty, if a matter included in a phased development agreement is specifically authorized under another section of this Part or Part 27 [*Heritage Conservation*], the requirements that would apply in relation to that matter under those sections continue to apply.

2007-6-23 (B.C. Reg. 190/2007); 2008-23-21.

Jun 21/07 **Term and assignment of phased development agreement**

- 905.2(1)** Subject to subsection (2), the maximum term for a phased development agreement is 10 years.
- (2) With the approval of the inspector, a local government may enter into a phased development agreement for a term not exceeding 20 years.
 - (3) Subject to subsection (2), a phased development agreement may be renewed or extended, as long as the renewal or extension will not make the agreement

effective for a period that could exceed 20 years.

- (4) A phased development agreement may not require the local government to renew or extend a phased development agreement or enter into a subsequent phased development agreement for the same development.
- (5) The developer may assign a phased development agreement to a subsequent owner of the land identified in the agreement only if
 - (a) the subsequent owner is identified in the agreement,
 - (b) the subsequent owner is a member of a class of persons identified in the agreement, or
 - (c) the local government agrees to the assignment.

2007-6-23 (B.C. Reg. 190/2007).

Jun 21/07 **Process for phased development agreement bylaw**

- 905.3**(1) Subject to subsections (2) to (4), the local government must hold a public hearing in accordance with Division 4 [*Public Hearings on Bylaws*] before adopting a bylaw under section 905.1 [*phased development agreements*].
- (2) In addition to the notice requirements of section 892 (2) [*notice of public hearing*], the notice of the public hearing must include the following:
 - (a) the name of the developer;
 - (b) a general description of the specified zoning bylaw provisions for the phased development agreement;
 - (c) the term of the phased development agreement;
 - (d) a general description of the nature of the development that will be the subject of the phased development agreement;
 - (e) if the phased development agreement provides for the assignment of the agreement to a subsequent owner of the land that is identified in the agreement, the conditions under which the assignment may occur;
 - (f) any other information required by regulation.
 - (3) Section 890 (4) [*waiver of public hearings*] does not apply to a public hearing under subsection (1) of this section.
 - (4) Despite section 135 (3) [*at least one day between third reading and adoption*] of the *Community Charter*, a local government may adopt a phased development agreement bylaw at the same meeting at which the bylaw passed third reading.

2007-6-23 (B.C. Reg. 190/2007).

Jun 21/07 **Amendments to phased development agreement**

- 905.4**(1) Subject to subsections (2) to (4), if the local government and the developer agree, a phased development agreement may be amended in accordance with this section.
- (2) If the phased development agreement provides for minor amendments, the local government may agree to a minor amendment by resolution.
 - (3) The following matters may not be dealt with as minor amendments to the phased development agreement:
 - (a) the specified zoning bylaw provisions;
 - (b) provisions regarding the assignment of the agreement to a subsequent owner;
 - (c) the term of the agreement, unless the amendment will reduce the length of the term;
 - (d) renewal or extension of the agreement;
 - (e) the land that is the subject of the agreement;
 - (f) the definition of "minor amendment" for the purpose of the agreement.
 - (4) An amendment to a phased development agreement, other than a minor amendment, must be adopted by bylaw, and sections 905.1 to 905.3 apply to the bylaw.

2007-6-23 (B.C. Reg. 190/2007).

Jun 21/07 **Information that must be available for public inspection**

- 905.5** The following must be made available for public inspection at the local government offices during regular office hours:
- (a) the phased development agreement;
 - (b) any amendments to the phased development agreement;

- (c) any agreements, permits, plans or other documents that are incorporated into the phased development agreement, whether directly or by reference.

2007-6-23 (B.C. Reg. 190/2007).

May 29/08 **Off-street parking and loading space requirements**

- 906.** (1) A local government may, by bylaw,
- (a) require owners or occupiers of any land or building or other structure to provide off-street parking and loading spaces for the building or other structure, or the use of the land, building or other structure, including spaces for use by disabled persons,
 - (b) establish design standards for spaces required under paragraph (a), including standards respecting the size, surfacing, lighting and numbering of the spaces,
 - (c) permit off-street parking spaces required under paragraph (a) to be provided, other than on the site of the building or other structure or use, under conditions that are specified in the bylaw, and
 - (d) as an alternative to complying with a requirement to provide off-street parking spaces under paragraph (a), permit, at the option of the owner or occupier of the land or building or other structure, the payment to the municipality or regional district of an amount of money specified in the bylaw.
- (2) Money referred to in subsection (1) (d) is payable
- (a) at the time the building permit is issued for the applicable building or other structure, or
 - (b) if no building permit is required, at the time the use that requires the parking space specified in the bylaw begins.
- (3) A bylaw under this section may make different provisions for one or more of the following:
- (a) different classes of uses, or of buildings or other structures as established by the bylaw;
 - (b) subject to subsection (4), different activities and circumstances relevant to transportation needs that are related to
 - (i) a use,
 - (ii) a building or other structure, or
 - (iii) a class of use or of buildings or other structures as established by the bylaw;
 - (c) different areas;
 - (d) different zones;
 - (e) different uses within a zone.
- (4) A provision under section (3) (b) must not increase the number of off-street parking spaces required under subsection (1) (a).
- (5) A provision under subsection (3) that establishes requirements with respect to the amount of space for different classes does not apply with respect to
- (a) land, or
 - (b) a building or other structure existing at the time the bylaw came into force,
- so long as the land, or building or other structure, continues to be put to a use that does not require more off-street parking or loading spaces than were required for the use existing at the time the bylaw came into force.
- (6) A bylaw under this section may exempt one or more of the following from any provisions of such a bylaw:
- (a) a class of use, or of buildings or other structures, as established by the bylaw;
 - (b) an activity or circumstance relevant to transportation needs that is related to
 - (i) a use,
 - (ii) a building or other structure, or
 - (iii) a class of use or of buildings or other structures as established by the bylaw;
 - (c) a use, or building or other structure, existing at the time of the adoption of a bylaw under this section.
- (7) If money is received by a municipality or regional district under subsection (2), the municipality or regional district must

- (a) establish a reserve fund for the purpose of providing
 - (i) new and existing off-street parking spaces, or
 - (ii) transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation, and
- (b) place the money to the credit of the reserve fund.
- (8) If reserve funds are established for both the purpose of subsection (7) (a) (i) and the purpose of subsection (7) (a) (ii), the reserve funds must be separate.
- (9) Before June 30 in each year, a local government must prepare and consider a report respecting the previous year in relation to the reserve funds required under this section, including the following information separately for each of the purposes established under subsection (7):
 - (a) the amounts received under subsection (2) in the applicable year;
 - (b) the expenditures from the reserve funds in the applicable year;
 - (c) the balance in the reserve funds at the start and at the end of the applicable year;
 - (d) the projected timeline for future projects to be funded from the reserve funds.
- (10) The local government must make a report under subsection (9) available to the public from the time it considers the report until June 30 in the following year.

2008-23-22.

Runoff control requirement

Oct 20/97

- 907.** (1) A local government may, by bylaw, require that an owner of land who carries out construction of a paved area or roof area, manage and provide for the ongoing disposal of surface runoff and storm water in accordance with the requirements of the bylaw.
- (2) A local government may, by bylaw, establish the maximum percentage of the area of land that can be covered by impermeable material.
- (3) A bylaw under subsection (1) or (2) may be different for
- (a) different zones,
 - (b) different uses in zones,
 - (c) different areas in zones,
 - (d) different sizes of paved or roof areas, and
 - (e) different terrain and surface water or groundwater conditions.

1997-24-10 (B.C.Reg. 354/97).

Regulation of signs

Dec 31/04

- 908.** (1) Subject to the *Transportation Act* and section 135 of the *Motor Vehicle Act*, a local government may, by bylaw, regulate the number, size, type, form, appearance and location of any signs.
- (2) A bylaw under subsection (1) may contain different provisions for one or more of the following:
- (a) different zones;
 - (b) different uses within a zone;
 - (c) different classes of highways.
- (3) The power in subsection (1) to regulate includes the power to prohibit, except that a sign that is located on a parcel and relates to or identifies a use on that parcel must not be prohibited.

RS1979-290-967; 1985-79-8; 1987-14-31; 2004-44-126.

Prepared By:	Planning, Building & Bylaw Enforcement Department	Policy Title: Inclusionary Zoning Policy & Procedure
Approval Date:	May 26, 2008	
Next Review Date:		
1. Amendment Date:		
2. Amendment Date:		

REFERENCE: Inclusionary Zoning

POLICY: To include non-market housing as an integral component in residential development and provide non-market ownership options to residents and employees. The authority to require contributions will be addressed through the use of Section 904 "Zoning for amenities and affordable housing" or Section 905.1 'Phased Development Agreements' of the *Local Government Act*.

APPLICABILITY:

1. This policy shall apply to all rezoning applications with a residential component that result in increased density.

DEFINITIONS:

BASE DENSITY means the maximum density permitted under the Zoning Bylaw for the proposed zoning designation.

DENSITY means the amount permitted on a parcel of land in terms of units, and / or floor area ratio. Floor area ratio can be the maximum square footage permitted under the height and lot coverage regulations combined.

NON-MARKET DWELLING UNIT means a dwelling unit under a Housing Agreement with the City of Revelstoke, and which its sale, purchase or rental is managed by the Revelstoke Community Housing Society.

QUALIFIED PURCHASER means a person or persons who meet the qualification criteria set out by the Revelstoke Community Housing Society which may be subject to change from time to time.

PROCEDURE:

The following policy shall apply to all projects rezoned for residential uses. Council instructs the Director of Planning to use Section 904 or Section 905.1 of the *Local Government Act* to determine an affordable housing contribution to be provided as a part of the rezoning, in accordance with the following parameters:

Section 904 – Zoning for amenities and affordable housing

1. The Director of Planning shall use Section 904 of the *Local Government Act* for all residential rezoning applications where the base density is established to acquire non market dwelling units for affordable housing in exchange for additional density, where additional density is deemed appropriate, in accordance with the general provisions below. Additional density includes but is not limited to additional units per hectare, increased height and / or increased lot coverage or floor area ratio.
2. Provisions for additional density shall be included in the applicable draft Zoning Amendment Bylaw for Planning Committee's consideration.

Section 905.1 of the Local Government Act

3. The Director of Planning shall utilize section 905.1 of the *Local Government Act* for all residential rezoning applications where the base density of the proposed zoning designation is not established (e.g. comprehensive development zones, commercial zones with residential components, etc.) or where the development is phased and it is a more appropriate and beneficial process for the City than utilizing section 904.
4. The phased development agreement bylaw shall be prepared in accordance with section 905.1 concurrently with the applicable draft Zoning Amendment Bylaw.
5. Staff shall process the Bylaws concurrently and hold the Public Hearings at the same meeting.
6. Notification of the Public Hearing shall be in accordance with section 892 and section 905.3 of the *Local Government Act*.
7. The Director of Planning will determine the terms of the agreement in accordance with the general provisions stated below and present the draft Bylaw to Planning Committee for their consideration.

CITY OF REVELSTOKE	POLICY MANUAL	
	I - 1	Page 3 of 4

General

Number of non market units

8. The maximum number of units shall be in accordance with the density provisions outlined in the Official Community Plan.
9. Any density increases must be deemed appropriate for the site and surrounding area by the Director of Planning.
10. A minimum of 15% of the total number of dwelling units shall be non market dwelling units if the base density is increased. Where a base density is not determined (i.e. when utilizing section 905.1 of the *Local Government Act*), 15% of the total dwelling units shall be non market dwelling units.
11. Applications for additional height, lot coverage or other non-unit per hectare density shall be evaluated on a case-by-case basis to determine a fair exchange for non market dwelling units.
12. To encourage rental housing, Council will consider bonus dwelling units without non-market dwelling units for purpose-built rental housing in non-strata titled building (s).

Sale price of non market units

13. Prior to submittal of a building permit application, the applicant shall provide the Director of Planning with adequate evidence of the estimated base cost of construction. The base cost of construction shall not include costs of luxury / high-end interior finishes (e.g. granite countertops).
14. The sale price of all non-market dwelling units shall be based on the estimated base cost of construction (all costs excluding financing costs) at the time of building permit issuance.
15. In the event that adequate evidence is not provided, the City shall determine the base cost of construction to be \$175.00 / square foot to be automatically increased at the beginning of each calendar year by 3%.
16. The maximum base cost of construction is set at \$250.00 / square foot, to be automatically increased at the beginning of each calendar year by 3%.

Type of non market units

17. Council will consider requiring smaller non market dwelling units or non market dwelling units with fewer bedrooms to ensure that the demand from qualified purchasers is met by the supply of non-market dwelling units or to ensure that the price of the non market dwelling unit remains attainable to qualified purchasers.
18. Council will consider allowing one or more non market dwelling unit to be provided on a site different than that being developed if the applicant can prove on-site units are not feasible.

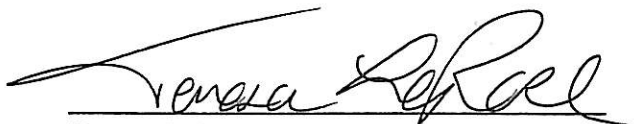
Housing Agreement

19. Prior to building permit issuance, the applicant shall register on title a Housing Agreement with the City of Revelstoke, in accordance with Section 905 of the *Local Government Act* for all non market dwelling units. The Housing Agreement shall include, but not be limited to, the following:
 - a. The initial sale price will be limited to the base cost of construction.
 - b. The maximum size of the dwelling unit will be set.
 - c. The Agreement will be in effect for the life span of the dwelling unit.
 - d. The on-site non-market dwelling unit (s) will have an external appearance that is reasonably comparable to the market dwelling units in terms of building size, shape and style.
 - e. To ensure long term affordability, the increase in price over time will be fixed at a maximum of 3% interest per year.
 - f. The City of Revelstoke shall have right of first refusal.

Delivery of non market units

20. For non-phased development, the non market dwelling units must be built and receive an occupancy permit prior to issuance of occupancy permits on the final twenty-five percent (25%) of the market dwelling units.
21. For phased development, the non market dwelling units must be built and receive an occupancy permit prior to issuance of occupancy permits on the final twenty-five percent (25%) of the market dwelling units provided in each phase.

Certified Correct:



Teresa LeRose
Deputy Director of Corporate Administration

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- [Home](#)
- [Our Mission](#)
- [History](#)
- [Environmental Impacts](#)
- [Social Impacts](#)
- [Financial Impacts](#)
- [Contact](#)

« [Inspector's rubber stamp ignores the facts](#)
[Minister evades responsibility and asks the Inspector to reply to CAUSS](#) »

[CAUSS alerts all BC residents to Phased Development Agreements](#)

April 14, 2009 9:12 am

Citizens Against Urban Sprawl Society is issuing an alert to all BC residents concerned with responsible development planning and protection of the environment. The province has introduced legislation which allows developers and municipalities to enter into 20 year legally binding Phased Development Agreements (PDAs). If approved by the Inspector of Municipalities, 20 year PDAs guarantee zoning for developers regardless of what up to 6 future elected municipal councils deem to be in their community's best interest. **The flawed PDA process overrides the will of the electorate and undermines the ability of democratically elected councils to respond to community needs.** The Mission test case proves that despite their long-term environmental, social and economic impacts, the approval of these PDAs is merely a rubber stamp process with no real accountability. The Inspector recently approved a PDA between Mission and 2 major development corporations despite serious objections from both provincial and federal environment ministries whose concerns were not even mentioned in his approval (see ministry concerns [dfo oct 17 08, moe oct 21 08](#)). The Inspector refused to accept public submissions prior to making his decision and refused to accept a legal opinion funded by West Coast Environmental Law. This legal opinion states the Mission PDA violates the Local Government Act and calls into question the business case for the massive development project (see [jb-to-inspector](#)). It is no coincidence that Mission's Director of Corporate Administration has since confirmed that the developers have already failed to meet their first important obligation under the PDA- to apply to register a no-build covenant on the property within 15 days of adoption of the agreement. This covenant was a critical component of the PDA designed to protect the public interest by ensuring compliance with density objectives and provision of conservation areas and parks. Given his responsibility within government, it was shocking to read the Inspector state the approval "is not to be construed as representing provincial approval for the substance of the bylaw and its legality" (see [inspector-approval](#)). **Unless a more rigorous and transparent approval process is developed, PDAs could be passed all over the province leaving a long-term legacy of environmentally destructive and financially high-risk projects.** To date, Kevin Krueger, Minister of Community Development, and local MLA Randy Hawes have not responded to CAUSS's concerns with the PDA approval process. Mission residents will be paying close attention to this issue over the next few weeks. Concerned BC residents should email their local MLA, Minister Krueger, Premier Campbell, the BC Ombudsman and BC Auditor General to demand environmental ministry concerns and legal and technical issues be resolved before the province commits to any extended PDA timelines.



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- ▶ Handbooks
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Phased Development Agreements – The Land Use Contract Returns?

Bill 11, the Community Services Statutes Amendment Act 2007, has introduced what may prove to be the most significant land use and planning law tool for development projects in British Columbia in over a decade – the "phased development agreement" – by adding new sections 905.1 to 905.5 and subsection (8.1) of section 911 of the *Local Government Act* (LGA).

At this point, we can only speculate about the reasons for this initiative, but strongly suspect that in large part the phased development agreement is the legislature's response to

1. the legal uncertainties surrounding amenity zoning in British Columbia, particularly in light of the Supreme Court of Canada's decision in *PNI v. City of Victoria*, and
2. the development community's desire for greater certainty to protect long term investments, as the makeup and direction of councils change from election to election.

Some of the features of this new planning and development tool recall the land use contract regime of the 1970s, but there are some significant differences.

What is a Phased Development Agreement?

Essentially, the proposed legislation establishes a framework whereby an owner of land and a local government may enter into a comprehensive development agreement concerning, among other things:

- the inclusion of specific features in the development of the owner's land
- the provision of amenities
- the phasing and timing of the development, and of other matters covered by the agreement

"Downzoning Free" Period

The most significant aspect of the legislation is that the agreement must specify certain provisions of a zoning bylaw, defined as "specified zoning bylaw provisions". These provisions will remain applicable to the development while the agreement is in effect, unless the owner consents in writing to change them, despite zoning bylaw amendments or repeal.

The intention appears to be to provide local governments with the flexibility to negotiate, on a site specific basis, for amenities and other development features outside of the somewhat limited density bonus provisions of s. 904 of the LGA. At the same time, the legislation addresses the development community's legitimate concern that, having provided amenities and other benefits to the community in conjunction with a development application, their development rights could be taken away by a future council's exercise of its legislative discretion to downzone the land.

Of course, this scenario was at the heart of both of the Supreme Court of Canada decisions in *PNI v. Victoria*, from which two important principles emerged:

1. In the absence of express statutory authority, a municipal council's discretion to downzone land cannot be fettered by agreement with a developer (PNI No. 1).
2. If a developer has provided works, services or community amenities in excess of the amenities a local government is entitled to require by statute, and then loses development rights as a result of downzoning, the developer may have a claim against the local government for unjust enrichment, and may therefore be able to recover the cost of the "excess services" it has provided (PNI No. 2).

The phased development agreement seems designed to strike some form of balance by providing a "downzoning free" period during which developers may crystallize their development rights without fear of downzoning.

Exceptions

There are a few statutory exceptions to the "downsizing free period". Zoning changes which are made to enable the local government to comply with an enactment of BC or Canada, or to comply with the order of a court or arbitrator, or changes that are necessary to address hazardous conditions the local government was not aware of when it entered into the agreement, will all apply even where the developer refuses to agree to their application.

Other Key Features

The phased development agreement may provide for a number of other matters. These may include, but are not limited to, the phasing and timing of the development, registration of restrictive covenants, and provisions for minor amendments, dispute resolution, and early termination.

The proposed legislation does not define what a "phased development" is. Presumably this is intentional, so as to provide some flexibility. Arguably, any development that takes time to build out (and that could be virtually any development) could be the subject of a phased development agreement.

The term of a phased development agreement is limited to ten years or, with the approval of the Inspector of Municipalities, up to twenty years. The agreement may be renewed or extended, as long as the renewal or extension would not have the effect of extending the agreement beyond the maximum term permitted by statute. The agreement may be assigned with the local government's consent, or the agreement itself may define the person or classes of persons to whom the agreement may be assigned.

The agreement must be authorized by bylaw and a public hearing must be held before the bylaw is adopted. The agreement may be amended by resolution of Council, and the agreement of the owner, if it is a "minor amendment" as defined by the agreement.

Certain key provisions of the agreement must not be dealt with as minor amendments, and must be authorized by bylaw. These provisions include a "specified zoning bylaw provision" that is protected from changes while the agreement is in effect (unless the developer agrees to the changes in writing) and the agreement's term and its renewal.

The public hearing requirement applies to a bylaw authorizing an amendment to the agreement.

Development permit provisions to vary a specified zoning bylaw provision that regulates the siting, size or dimensions of a building or use under subsection 903(1)(c)(iii) of the LGAdo not apply without the developer's written agreement. There is one exception: where land is designated

under subsections 919.1(1)(a) to (c) of the LGA, namely areas designated as development permit areas for protection of the natural environment, protection of development from hazardous conditions and protection of farming.

Not Quite a Land Use Contract

There are some obvious differences between the phased development agreement and the former land use contract system. The phased development agreement, unlike a land use contract, is not intended as a tool to override or vary existing zoning regulations. It protects development rights, in that it provides the basis for contracts that will prevent a local government from changing the specified zoning bylaw provisions of land for a fixed period of time. Also in contrast to the land use contract regime, the zoning bylaw need not designate development areas for the purpose of these agreements. Indeed, this new planning tool appears flexible enough to be used on a site-by-site or ad hoc basis.

An Upside for Local Government

Even though the primary intent of the legislation appears to be to preserve development rights, the phased development agreement offers some advantages to local governments.

The decision in *PNI v. Victoria (No. 2)* introduced an additional element of uncertainty in relation to amenity agreements, particularly the prospect of claims for unjust enrichment where amenities are provided in excess of statutory requirements. The existing density bonus scheme under section 904 of the LGA has its limitations. It does not provide a sufficient framework for amenity agreements where a bona fide density bonus scheme is not included as part of the zoning bylaw. Also, it may not be entirely suitable for site specific development initiatives. In fact, the legal basis for amenity agreements in British Columbia, outside of the limited statutory framework of section 904, has been the subject of some uncertainty.

To date, in order to secure amenities to mitigate the less desirable aspects of certain development proposals, or to secure the promises developers make, some local governments have tried to make the best of the density bonusing provisions of the legislation. Others have required, or received, section 219 *Land Title Act* restrictive covenants in connection with rezoning applications. Others enter into "Master Development Agreements". Each approach has its benefits and challenges.

The phased development agreement gives explicit authority for this type of arrangement. It may therefore prove to be a planning and development tool that is as beneficial to local governments as it may be to developers, in that it provides much needed certainty for both sides.

Although this tool may have been intended for "large" development projects, phased development agreements may be adaptable to "smaller" projects, too.

Dealing with the Potential Downside

An important cautionary note: the insertion into Part 26 of the LGA of explicit authority for phased development agreements may be used to argue that other, non-statutory approaches currently being used are unlawful since an implied authority for these other approaches cannot be relied upon where an explicit power to enter into phased development agreements exists.

Bill 11 has been given 3rd reading by the Legislature and has received Royal Assent. It will be brought into force at a later date by regulation. Therefore, consideration should be given by local governments to take advantage of this new tool, after Bill 11 comes into force, to ensure that the potential drawbacks of other approaches are avoided for future rezonings, covenants or development agreements.

**Peter Johnson and Lui Carvello, MCIP
Spring 2007**

This article was published in Spring 2007 and may be superseded by changes in the law at a later date. It is for general information only. Specific legal advice should be obtained from a qualified lawyer.



Questions or Comments? webmaster@sms.bc.ca