COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – SIXTH SESSION

Wednesday 27th April, 2022

House met in the Main Chamber at 9:00 a.m.

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYERS

The Speaker (Hon. Oraro): Good morning Honourable Members. I want to request that pursuant to the provisions of County Assembly of Kisumu Standing Order No. 32 (2) that the Serjeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Speaker (Hon. Oraro): Hon. Philemon Ojuok, could you confirm if we have the quorum.

Hon. Ojuok: Thank you Mr. Speaker. There is quorum.

The Speaker (Hon. Oraro): Madam Clerk, please take us through the Order Paper of today.

The Speaker (Hon. Oraro): Next order!!

MOTION

REPORT FROM THE STANDING COMMITTEE OF PLANNING, INDUSTRIALIZATION AND ICT ON ITS CONSIDERATION OF THE KISUMU CITY LOCAL LAND USE DEVELOPMENT PLAN (KCLLUDP).

BY

HON. GEORGE OLWAL, MCA, KOLWA CENTRAL.

(CHAIRPERSON, PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE)

The Speaker (Hon. Oraro): Hon. George Olwal.

Hon. Olwal: Mr. Speaker and Honourable Members. A Local Physical Land Use Development Plan is an area-specific long-term plan providing a spatial framework for coordinated, integrated, comprehensive, and sustainable urban development through programs, policies, plans, and projects. The Kisumu City Local Physical and Land Use Development Plan was introduced to this House and committed to the Committee on Planning, Industrialization and ICT for legislative processing pursuant to Standing Order No. 193(5) (b) of the Kisumu County Assembly Standing Orders. The committee initiated the process of comprehensive review of the policy including but not limited to stakeholder participations and public participation in line with Articles 118 & 196 of the Constitution of Kenya, 2010, Section 187 of the County Governments Act No. 17 of 2012 and the Kisumu County Public Participation Act 2015.

This report is therefore a comprehensive committee report on the consideration of the Kisumu City Local Physical and Land Use Development Plan (KCLPLUDP).

Establishment and Mandate of the Committee
Mr. Speaker and Honourable Members, the Committee on Planning, Industrialization and ICT derives its mandates from County Assembly Standing Orders No. 193 (5) (a) and the Second Schedule which provides that the committee shall;

i). Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments
ii). Study the programme and policy objectives of departments and the effectiveness of the implementation
iii). Study and review all County legislation referred to it
iv). Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives
v). Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly

vi). To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (Committee on Appointments)

vii). Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Members of the Committee

Mr. Speaker and Honourable Members, the Committee on Planning, Industrialization and ICT as currently constituted comprises of the following Members: -

1. Hon. George Olwal - Chairperson
2. Hon. Nancy Owiti - Vice Chairperson
3. Hon. George Ogutu - Member
4. Hon. Aslam Khan - Member
5. Hon. Pamela Odhiambo - Member
6. Hon. George Abaja - Member
7. Hon. Joseph Olale - Member
8. Hon. Jennipher Obonyo - Member
9. Hon. Gard Olima - Member
10. Hon. Habil Nyasuna - Member
11. Hon. Olga Aoko - Member
12. Hon. Priscah Misachi - Member
13. Hon. Johnson Guya - Member
14. Hon. Kennedy Ageng'o - Member
15. Hon. Victor Rodgers - Member

Secretariat

1. Boaz Ouko - Senior Administrative Assistant
2. David Ochieng - Senior Clerk Assistant
3. Austine Ochieng - Committee Clerk
4. Rodgers Wagude - Clerk Assistant
4. Patrick Okoyo - Hansard Reporter
5. Kennedy Okise - Serjeant-at-Arms
6. Bill Omondi - Legal Counsel

Acknowledgement and Tabling

Mr. Speaker and Honourable Members, profound gratitude goes to Members of the sectoral Committee on Planning, Industrialization and ICT for their time and input towards the development and production of this report on the Kisumu City Local Physical and Land Use Development Plan.

We extend our appreciation to the department of Lands, Housing, Physical Planning and Urban Development, the City Board and the Groupehuit (Consultants) all of whom played important roles in the development of the Kisumu City Local Physical and Land Use Development Plan.

We would also wish to thank the offices of the Speaker and the Clerk of the County Assembly whose support and facilitation eased the production of this report.

Finally, we appreciate the Committee secretariat for the commitment and dedication that they offered in planning and coordinating all the activities geared towards culmination of this report.

It is now my humble duty to table this report of the sectoral Committee on Planning, Industrialization and ICT on the consideration of the Kisumu City Local Physical and Land Use Development Plan (KCLPLUDP) for consideration and adoption.

HISTORY OF THE FORMULATION OF KISUMU COUNTY LAND USE DEVELOPMENT PLAN.

Mr. Speaker and Honourable Members, the current project is part of the Kisumu Urban Project (KUP). In 2009, the City of Kisumu started to design and implement the Kisumu Urban Project (KUP), a 4-year urban development project, financially supported by the French Development Agency (AFD), under the supervision of the Ministry of Lands, Housing and Urban Development (MLHUD).

The Kisumu Urban Project was launched to improve the living conditions of Kisumu's population through urban action. It was also aimed at prioritizing investments that would help in reaching its goals. These 3 specific goals are mentioned in the Terms of References as:

a) Modernization of public policies through enhancement of the City management systems to improve public service delivery (improve the city management systems by developing effective public policy)
b) Improvement of land management systems through spatial planning and slum upgrading;
c) Improvement of urban infrastructure and public facilities
d) While achieving the above objectives, the Kisumu Urban Project identified 5 cross cutting issues of high significance for the city's development:
e) Environmental preservation and conservation issues,
f) Employment issues and capacity building issues,
g) Stakeholders coordination, communities' participation, gender balance, youth and children involvement,
h) Financial management and planning,
i) HIV sensitization.
j) Hon. Speaker, it is important to note that the Kisumu Urban Project duration was extended to 2020.

THE INTEGRATED STRATEGIC URBAN DEVELOPMENT PLAN (ISUD)

Mr. Speaker and Honourable Members, the Integrated Strategic Urban Development Plan (ISUD) was completed in 2015. Mr. Speaker and Honourable Members, the Integrated Strategic Urban Development Plan was developed by the Kenyan Ministry of Local governments (MOLG) and the Kisumu County Government, with the support of the Agence Française de Development (AFD). The purpose of ISUD was to guide strategically, investments in Kisumu, the third city of Kenya. The ISUD is a strategic document providing policy directions in urban development with a 2030 perspective. The ISUD is the main reference in terms of global urban strategy for Kisumu.

Hon. Speaker, the ISUD Plan relies on the established strategy at the national scale focusing on Kisumu as a flagship city for Kenya Vision 2030 policy. The city has been assigned a specific role within the country national development policy and will benefit from important public investments. The ISUD-Plan integrated these expectations, especially regarding the pivotal role that the city could play in the planned overhauling of the larger region transport infrastructure.

ISUD-Plan is organized in three parts: the first part presents a strategic diagnosis of the city. This diagnosis is presented on a database format. The diagnosis provides guidance for the second part which presents a development strategy for Kisumu regarding land use, growth areas, mobility, informal settlements and housing, commercial activities and the creation of Special Planning Areas. The third part identifies needed investments based on the previous parts. It constitutes the capital investment strategy.

THE LOCAL PHYSICAL DEVELOPMENT PLANS

Mr. Speaker and Honourable Members, the ISUD was followed by the Local Physical Development Plan.

The Physical Planning Act, Chapter 286 makes provisions for Local Physical Development Plans. By definition, a local physical development is a plan for the area or part of a city, municipal, town or urban council and includes a plan with reference to any trading or marketing center. Under section 24 of the physical planning act a local physical development plan may be prepared in reference to:

a) Government land
b) Trust land
c) Private land

Local Physical Development Plans (LPDPs) will in these conditions provide detailed direction for a sustainable urban development of Kisumu on economic, social, environmental and spatial plans. For special planning areas identified, orientations about socio-economic structure, urban mobility fabric, environmental safeguards and urban design will be provided.

Mr. Speaker and Honourable Members, The following challenges within the City necessitated the development of the Kisumu City Local Physical and Land Use Development Plan;

a) A fragmented territory to be redesigned,
b) Alarming Social Vulnerability

c) A weak economic basis
d) Inadequate Urban Management
e) Endangered natural resource

The City of Kisumu with the support from the French Development Agency (AFD) went through the process of preparing the Local Physical and Land Use Development Plan (LPLUDP) for four zones that will guide the growth of the city of Kisumu for the next 15years as an incremental policy on the previous city land use and development plans.

Mr. Speaker and Honourable Members, the overall objective of this plan is to provide the City of Kisumu with the necessary tools, maps, zoning regulations and guidelines for sustainable urban development and successful implementation of the Integrated Strategic Urban Development Plan (ISUD). The specific objectives include;

i). Transferring and contextualizing overall vision of the ISUD Plan
ii). Localizing development strategies of the ISUD Plan
iii). Promoting sustainable urban development
iv). Providing guidance for infrastructure provision
v). Promoting adequate provision of space for pedestrian and mobility networks

LEGAL AND INSTITUTIONAL FRAMEWORK

Mr. Speaker and Honourable Members, the development of a physical land use and development plan is guided by various policies and laws as well as various stakeholders and institutions all of whom play various important roles in the process.

LEGAL FRAMEWORK

Some of the laws that make clear and distinct provisions in guiding the process of development of land use and development policy include;

1) The Constitution of Kenya, 2010: Article 66(1) of the Constitution of Kenya 2010 stipulates that the State may regulate the use of any land, or any interest in or right over any land, in the interest of defense, public safety, public order, public morality, public health, or land use planning. 66(2) states that Parliament shall enact legislation ensuring that investments in property benefit local communities and their economies. Moreover, the 4th schedule of the Constitution Part 1 paragraph 21 equally reinforces the role of the state in land use planning and development. Under Part 2 paragraph 8, the County Governments are tasked with County Planning and development including inter alia land survey and planning.
2) Physical and Land Use Planning Act 2019: According to the Physical and Land Use Planning Act Cap 286, section 24(1), Local Physical and Land Use Development Plan can be prepared in reference to government land, trust land or private land within an area of authority of a city, municipality, town or urban area for specific control of the use and

development of land. Section 56 gives Counties the power to undertake development control subject to both the Urban Areas and Cities (Amendment) Act, 2019 and the County Governments Act, 2012. Section 57 (1) prohibits carrying out development within a County without a development permission granted by the County Executive Committee member in charge of physical and land use planning. Moreover, the second schedule of Physical Land Use Planning Act clearly defines the contents of Land Use Development Plan.

3) County Government Act, 2012 section 110 and 111: Provides that (1) There shall be a ten year county GIS based database system spatial plan for each county, which shall be a component part of the County Integrated Development Plan providing; (a) A spatial depiction of the social and economic development programme of the county as articulated in the Integrated County Development Plan; (b) Clear statements of how the spatial plan is linked to the regional, national and other county plans; and (c) Clear clarifications on the anticipated sustainable development outcomes of the spatial plan. Additionally, the Act provides that each county spatial plan shall be developed by the county executive committee and approved by the respective county assemblies in accordance with procedures approved by the respective county assembly. (4) Each county spatial plan shall be reviewed every five years and the revisions approved by the respective County Assemblies.
4) Urban Areas and Cities Act 2011: Section 36(1) outlines the objectives of Integrated Urban Areas and City Development Planning as follows; (a) give effect to the development of urban areas and cities as required by this Act and any other written law; (b) strive to achieve the objects of devolved government as set out in Article 174 of the Constitution; (c) contribute to the protection and promotion of the fundamental rights and freedoms contained in Chapter Four of the Constitution and the progressive realization of the socio-economic rights; (d) be the basis for— (i) the preparation of environmental management plans; No. 13 of 2011 [Rev. 2012] Urban Areas and Cities [Issue 1] 18 (ii) the preparation of valuation rolls for property taxation; (iii) provision of physical and social infrastructure and transportation; (iv) preparation of annual strategic plans for a city or municipality; (v) disaster preparedness and response; (vi) overall delivery of service including provision of water, electricity, health, telecommunications and solid waste management; and (vii) the preparation of a geographic information system for a city or municipality; (e) nurture and promote development of informal commercial activities in an orderly and sustainable manner; (f) provide a framework for regulated urban agriculture; and (g) be the basis for development control. Section 36(2) states that ‘‘In addition to the objectives set out in subsection (1), an integrated urban or city development plan shall bind, guide and inform all planning development and decisions and ensure comprehensive inclusion of all functions.’’

INSTITUTIONAL FRAMEWORK

Mr. Speaker and Honourable Members, the table below is a summary of the major institutions involved in the process of developing a land use and regularization plan;

Table 1: Summary of institutions involved in the development of land use plan

Institution	Role	Relevant law granting mandate	Development control considerations
County Government	County spatial planning and facilitation of development control	County Government Act 2012	-Compliance with Vision 2030 Compliance with county development plans (CSP, CIDP) -Compliance with ISUD Plan - Compliance with LPLUDPs -Compliance with Zoning Regulation
City Board	Controlling land use, land sub-division, land development and zoning	Urban Areas and Cities (Amendment) Act, 2019	Compliance with ISUD Plan Compliance with LPLUDPs Compliance with Zoning Regulations
National Land Commission	Monitoring and having oversight responsibilities over land use planning to facilitate development control	Constitution of Kenya National Land Commission Act, 2012	Compliance with National Spatial Plan/ Compliance with Land Regulations/ Compliance with the Land and Planning Laws
National Environment Management Authority (NEMA)	Ensuring that the proposed development does not have negative impacts on the environment, and if there are, that adequate mitigation measures are put in place/	Environmental Management and Coordination (Amendment) Act, 2015	Compliance with NEMA Regulations/ Compliance with EIA Regulations/ Compliance with National

	Approving EIA Reports for new projects/ Inspecting buildings sites for EIA project license		Integrated Land Use Guidelines

UNPACKING THE KISUMU CITY LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLAN

Mr. Speaker and Honourable Members, a Local Physical Land Use Development Plan is an area-specific long-term plan providing a spatial framework for coordinated, integrated, comprehensive, and sustainable urban development through programs, policies, plans, and projects. In regards to the timelines, this project was launched in November 2019. Thereafter, there were 4 phases during the development of the plan including;

a) the inception phase
b) situation analysis phase
c) draft plan phase and
d) the final plan

The proposed Kisumu City Local Physical and Land Use Development Plan (LPLUDP) is divided into four zones that will guide the growth of the city of Kisumu for the next 15 years. The plan is proposed to cover the entire city comprising of the following areas:

1) Urban Core including the Lakefront
2) Urban Renewal and Regeneration area including the Informal Settlements and Auji creek
3) Eastern Extension
4) Northern Extension

Specific plans have been developed for the Lakefront (Masterplan area), the CBD (action area plan), the CBD extension, the Informal Settlements (Action Area Plan 2A), Auji Creek (Masterplan Area) and for the Growth Nodes identified by the Integrated Strategic Urban Development Plan.

The committee noted that the zoning referred to in this plan will regulate the types of uses, the development intensity, the setting and height of buildings on any plot. As such, it will serve as an effective planning tool to guide development in a logical and orderly fashion. The zoning regulations indicate the land use for a specific zone on different levels, such as:

a) Primary land use - main purposes for which a property may be used,
b) Additional uses - other uses that may also be allowed if they meet certain criteria and
c) Consent uses - other uses for which the City may give permission upon application. Objectives of the zoning regulations include;
d) To provide a clear mechanism for the implementation of the Local Physical and Land Use Development Plan

e) To direct public and private sector development to follow a clear set of development objectives, definitions and regulations that reflect the vision and concept proposed in the Plans.
f) To ensure that development is carried out to achieve a sustainable and attractive development pattern in the City
g) To safeguard privacy and amenities, and provide opportunities for growth, with enough flexibility to respond to changing business needs and development trends. The regulations place an emphasis on encouraging sustainable development and design in order to achieve a quality and sustainable living environment as articulated in different international instruments such as Sustainable Development Goals and the New Urban Agenda

Mr. Speaker and Honourable Members, the plan divides the city into major development planning zones with different development regulations as unpacked below;

Heritage and Historical Core
Mr. Speaker and Honourable Members, the Plan contains an area zoned as Historic Core and this covers the triangular stretch East of Oginga Odinga street, North of Obote road and east of Nairobi Highway linking Obote road across Jomo kenyatta highway up to the junction of Omolo Agar road, and south of Omolo Agar road including the region that houses the County Assembly, the Central Police station, K-City, the Courts, the City Hall, Accra and Odera streets. The full triangle entails Angawa Avenue, Oginga Odinga Street and Obote road. Other areas included under Historic Core are Kisumu Hotel and Former Provincial Headquarters.

Zoning policy as contained in the Plan sets parameters of permissibility of development in the various zoning districts of the city and the same properly mapped for clarity of the development-decision making.

Mr. Speaker and Honourable Members, the City will be guided by Development and Guidance Manual, a document that has development tools and instruments to be used in carrying out the mandate of controlling and guiding developments in order to achieve orderly and sustainable development.
The proposed Local Physical Land Use and Development Plan, in its Vol II of Action Plan Area proposes various approaches for the revitalization of urban and architectural built historic heritage. The strategies include; preservation, rehabilitation, restoration, and reconstruction of the historic and heritage core of the city.

Some of the key specific strategies for the preservation of the historic core include;

a) The plan proposes that should a developer or building owner wish to propose a repair, restoration, or alteration to any designated heritage building that affects the exterior of the property, the City shall administratively weigh that proposal on the basis of a written and

illustrated brief and shall grant that permission/approval via a Certificate of Appropriateness (COA)

b) Standard plaster and paint finish that should be enforced in order to forbid over branding such as painted on advertisements.
c) Standard white or off white or buff paint finish be established for district wide coherence.
d) Regulating all sign placements to limit the number of signs placed on historic buildings and where they are placed, with the key placement being limited to non-obstructing positions.
e) Any new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the finished building. The addition / new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
f) Any new additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic building and its environment would be unimpaired
g) On vertical additions, a rooftop addition on a historic building shall be set back from the primary facade by a dimension that is equivalent to the height of the addition.
h) Additional regulations on the Historic Core allows for primary uses, Additional uses and Consent uses. Primary uses include shopping centers, general and professional offices, and financial services. Additional uses include hotels and restaurants, leisure and entertainment centers, galleries, pubs, theatres, petrol stations and residential apartments with commercial at ground floor. Consent uses comprise places of worship, petty trader's stalls and eateries.
i) The building configurations within the historic core shall be expected to allow for Existing building structures+ One -with a plot configuration of 0.05 hectares, existing ground coverage at 80% maximum with a plot ratio of 300% (*See Annex 1- LPLUDP 1: Urban Core p. 10*).
j) Preservation and enhancing the historic developments in this area

Mr. Speaker and Honourable Members, the committee notes that the need to zone the mentioned triangle was as a result of the need to appreciate and preserve the culture and heritage of Kisumu. The Constitution of Kenya recognizes culture as the foundation of the nation and the cumulative civilization of the people. Additionally, UNESCO (2002) defines culture as the set of distinctive spiritual, material, intellectual, and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs. Heritage, on the other hand is something that can be passed from one generation to the next, something that can be preserved or inherited, and something that has historic and cultural value.

Both the 1972 UNESCO convention on preservation of tangible heritage and the 2003 Convention on intangible heritage provides best practices not only for areas inscribed as world heritage sites but also on matters conservation of areas considered to have rich cultural value such as the Kisumu

Historic Core. Tangible heritage provides evidence of our past civilization, validates memories and attests to our human creative ingenuity. As such, they need to be preserved and harnessed for sustainable development.

The National culture and Heritage policy developed by the Ministry of Sports provides that national and county governments shall set up mechanisms to promote, preserve, safeguard and disseminate traditional and contemporary knowledge on tangible heritage. Though this does not directly apply to the kind of Historic Core in the proposed plan, it buttresses the need to conserve and preserve evidence of our past civilization.

Other heritage areas within the proposed plan include a section of the lakefront covering the Muslim cemeteries and the Hindu crematorium as earmarked for preservation.

Commercial Rezoning Area
This shall cover all areas earmarked as commercial zones and its features shall include;

a) Restricted traffic for Lorries

b) Retrofit the existing buildings to fit commercial and office uses

c) Restrict residential use only on the upper floors

d) Retain the existing wholesale and retail services

e) Buildings should allow public easy access to the lakefront

f) Retain and promote the environmental and aesthetic qualities of the wetland through adaptive reuse for educational and recreational activities

g) Maintain current façade alignment

h) Develop and maintain sidewalks along Obote and Mumias Road

i) Undertake land ownership audit which will help in negotiating with local landowners in the event of relocation

j) Pedestrian circulation between adjacent buildings shall be seamlessly connected; the linkages shall be minimum 2 meters in width. All pedestrian circulation shall be accessible to the disabled

k) Loading docks, if any, shall be located to the rear of the building

l) Proper location of the outdoor refuse areas shall be decided by the City of Kisumu upon review of the development application.

CBD Extension

CBD Extension A
The CBD Extension A will make the following provisions;

a) For luxury hotels and serviced apartments for the business travelers,
b) Allocate areas with good views and a relaxing environment as entertainment district to incorporate a variety of food outlets and restaurants, karaoke lounges, pubs and bars, indoor and outdoor performing areas, souvenir shops etc.
c) The high-rise buildings are proposed to be located at the CBD core area and gradually slope down towards the lakefront.
d) The structures abutting the lakefront should be generally kept lower, to allow unobstructed views to the lake from the developments at the backs.
e) Create attractive plazas, outdoor refreshment areas and lookout points capitalizing on the lakefront view.

CBD Extension B
This section shall be regulated thus;

a) A section for the relocation of schools though the plan provides that this is a long-term programme that should begin in 2030
b) Provide comprehensive educational, health and community facilities for the international community living in the CBD
c) Allow sizeable parcel size to create an iconic development
d) Allocate areas where informal shopping activities such as street bazaars could take place.
e) Pedestrian circulation between adjacent buildings shall be seamlessly connected; the linkages shall be minimum 2 meters in width. All pedestrian circulation shall be accessible to the disabled.
f) Loading docks, if any, shall be located to the rear of the building.
g) Proper location of the outdoor refuse areas shall be decided by the City of Kisumu upon review of the development application.
h) Required parking stalls shall be provided within the lot boundary
i) Parking shall be hard surfaced and provided with adequate drainage
j) Plant trees along roads, roundabouts landscaped
k) Commercial –1 Parking Lot for 200m2 shall be provided
l) One building identification sign shall be permitted on the building.

CBD Extension C
Mr. Speaker and Honourable Members, this section will have the following features;

a) Allow sizeable parcel size to create an iconic development.

b) Allocate areas where informal shopping activities such as street bazaars could take place.
c) Promote multi-level parking for the existing bus park.
d) Pedestrian circulation between adjacent buildings shall be seamlessly connected; the linkages shall be minimum 2 meters in width.
e) All pedestrian circulation shall be accessible to the disabled.
f) Loading docks, if any, shall be located to the rear of the building.
g) Proper location of the outdoor refuse areas shall be decided by the City of Kisumu upon review of the development application.
h) Required parking stalls shall be provided within the lot boundary.

Urban renewal and regeneration.

Residential- Urban Renewal
This will cover the following estates; Arena Estate, Makasembo Estate, Lumumba Estate, Anderson Estate, Ondiek Estate, Nyalenda Railways, Argwings Kodhek Estate, Patels Flat & Kimute, Mosque, Manyatta Arab & Parts of Okore

The following will be the major features;

a) Allocate 50% of the residential units for studio on a floor area of 25m2
b) Allocate 30% of the residential units for one-bedroom on a floor area of 40m2
c) Allocate 20% residential units for two-bedroom on a floor area of 50m2

Urban regeneration 1
This will cover Celtel Estate, Shauri-yako & Nubian. Will be associated with the following major features;

i). Allocate 50% of the residential units for studio on a floor area of 25m2
ii). Allocate 30% of the residential units for one-bedroom on a floor area of 40m2
iii). Allocate 20% residential units for two-bedroom on a floor area of 50m2
iv). For any subdivision, minimum plot size should not go below 0.04Ha
v). Allocate land for "green space" (trees on roads, roundabouts, schools, small parks

Urban Regeneration 2
Will cover AP Lines, Pembe Tatu, GK Quarters, Kaloleni & Survey. Key features will include;

i). Allocate 50% of the residential units for studio on a floor area of 25m2
ii). Allocate 30% of the residential units for one-bedroom on a floor area of 40m2
iii). Allocate 20% residential units for two-bedroom on a floor area of 50m2
iv). For any subdivision, minimum plot size should not go below 0.04Ha
v). Provide appropriate incentives to stimulate urban regeneration and infill development

Urban Regeneration 3

Will cover Railways Quarters, parts of Nyalenda Railways, Oguyo Estate & parts of Opiyo Oguma Estate

The major features of this section shall include;

a) Allocate 50% of the residential units for studio on a floor area of 25m2
b) Allocate 30% of the residential units for one-bedroom on a floor area of 40m2
c) Allocate 20% residential units for two-bedroom on a floor area of 50m2
d) For any subdivision, minimum plot size should not go below 0.04Ha
e) Provide appropriate incentives to stimulate urban regeneration and infill development

Urban Regeneration 4

This will cover; Sansura Estate, Museum & KBC

a) Allocate 50% of the residential units for studio on a floor area of 25m2
b) Allocate 30% of the residential units for one-bedroom on a floor area of 40m2
c) Allocate 20% residential units for two-bedroom on a floor area of 50m2
d) For any subdivision, minimum plot size should not go below 0.04Ha

The Informal Settlements

Mr. Speaker and Honourable Members, the major informal settlements in the city include Nyalenda, Obunga and Manyatta settlement areas. The plan proposes a regeneration strategy that provides for proposed block structures, open spaces and agricultural sections divided/ separated by clearly and neatly done roads and linkages.

In Nyalenda, for example, the plan proposes;

a) To improve the 5 main streets connecting into the city center and down to the Auji river to be upgraded with 8.0m width of tarmac where possible without too much demolitions to result into a 50% carriageway and 50% soft use
b) Tuk-tuk stops and bus stops to be constructed within 300-400m and that all the remaining roads be prioritized for pedestrians in home zone areas
c) Neighborhood parks be established in the central core with a network of green and tree covered public parks and public spaces. These shall be made accessible within 300m walking distance for all residents
d) Proposal to make Nyalenda A & B –inclusive seven districts thus increasing way finding and sense of community
e) Public space networks to be improved with pedestrian lanes and accessibility to parks and commons with local centers and increased service
f) Integrating and breaking the ring road barrier by establishing three new urban centers along the ring road.

This proposal is equally envisaged for Manyatta, Dunga, Bandani and Obunga informal settlements with minimal improvements.

In terms of urban design guidelines for the informal settlements, the plan proposes;

a) Incremental housing to accommodate various housing needs short and long term
b) Low and dense development with buildings creating smaller blocks with shared and sheltered courtyards
c) Commercial spaces at ground floors of buildings in combination with designated spaces for informal commercial activities within the street in order to prove a wide range of income opportunities
d) Green streets with green links between public and open spaces.

The illustration below provides for the land readjustment & building configuration plans for all the informal settlements in the city as indicated in the plan for the informal settlements;

Table 2: An illustration of the land readjustment plans for informal settlements

	Nyalenda	Manyatta	Obunga	Migosi	Dunga	Bandani
Allowed developments	Primary use; residential apartments and incremental buildings	Primary use; residential apartments and incremental buildings	Primary use; residential apartments and incremental buildings	Primary use; residential apartments and incremental buildings	Low density residential	Medium density primary use
Additional uses	Commercial& public infrastructure	Commercial &public infrastructure	Commercial &public infrastructure	Commercial &public infrastructure	Resort hotels with consent uses being food hub, small kiosks not exceeding 100m2& public facilities in Dunga 2.	Small shops not exceeding 100m2 faith consent uses of public facilities

Density	Residential high density	Residential: low-to medium density	Residential high density	Residential: low-to medium density	Residential: low-to medium density	Medium to high density
Building Configuration	Ground +4/ Ground +2	Ground +4/ Ground +2	Ground +4/ Ground +2	Ground +4/ Ground +2	Ground +1 with an ancillary of 1 storey maximum	Ground +2 with an ancillary of 1 storey max

Eastern Extension

Mr. Speaker and Honourable Members, the proposed eastern extension of the city consists of residential areas, conservation sections, educational, public purpose and agricultural areas. The residential areas are earmarked to include; Buoye, Mayenya, Kasule and Chiga areas.

Development in these areas is proposed to be regulated as illustrated below;

Table 3: Proposed regulations of development in Eastern Extension of the city

	Residential Areas	Conservation Areas	Educational Areas	Public Purpose	Agriculture areas
Description	Buoye, Mayenya, Kasule and Chiga	All ecologically sensitive areas	Rae Kanyaika Sec./ Nyalunya Mixed Sec./ Jamaa Pri./ Genesis Jnr/ Renja Pri./ Omungi Pri./ etc	Health facilities	All farming sites
Allowed development	Primary use- medium density residential	Primary use: conservation area/ with low density conservation area/ nature trail/	Primary use; educational and agriculture	Public purpose	Farm land

		agriculture (horticulture)			
Buildings	Low density buildings of ground +1 height with an ancillary of 1 storey maximum	Low density buildings of ground +1 height with an ancillary of 1 storey maximum	Educational institutions of height of ground +4 with no ancillary	Public purpose health facilities of height of ground +4 with no ancillary structures	All farmland with allowable principal building of the height of ground +2

Northern Extension

Mr. Speaker and Honourable Members, The proposed northern extension of the city consists of residential areas, conservation sections, and educational, agricultural, industrial and quarrying areas. The residential areas are classified as low density (including Kiboswa, Dago, Mkendwa, Bar A, Bar B, Ongadi, and Kajulu areas), medium density and high density sites[1].

Development in these areas is proposed to be regulated as illustrated below;

Table 4: Proposed regulations of development in Northern Extension of the city

	Residential Areas			Conservation Areas	Agricultural Areas	Industrial Areas	Quarrying areas
	Low density	Medium	High				
Description	Kiboswa, Dago, Mkendwa, Bar A, Bar B, Ongadi, and Kajulu areas	All medium areas	All high density areas	All conservation sites within the Nothern extension	All farming sites	Sections of Kisian/ Ojola/ Kanyawegi	All quarrying sites
Allowed development	Low density	Medium density	High density residential	Primarily a	Primary use of	Primarily industrial	Controlled

	residential with additional provisions for agriculture &tourism/ shops/ residential hotels/ public facilities. Barber shops, sundries& groceries will seek consent	residential with additional provisions for agriculture &tourism/ shops/ residential hotels/ public facilities. Barber shops, sundries& groceries will seek consent	with additional provisions for agriculture &tourism/ shops/ residential hotels/ public facilities. Barber shops, sundries& groceries will seek consent	conservation area with low density residential use and nature trails	conservation areas with provisions for low density residential with nature trail. Sundries, shops and farmhouses will seek consent	use, mining and value addition industries. Consents of petrol stations/ carwashes/minor automotive repairs/ etc	quarry activities
Buildings	Low residential buildings of height of ground +2	Medium density residential buildings of height of ground +5 & ancillary of ground +1	High density residential buildings of height of ground +7 & ancillary of ground +1	Conservation site with a provision of buildings of ground +1 with no ancillary	Primarily farming site with provision of buildings of the height of ground +1	Industrial buildings with a maximum of ground + 2	Quarry pits only.

GROWTH NODES STRATEGY

Mr. Speaker and Honourable Members, the proposed Kisumu City Local Physical and Land Use Development Plan is designed in such a way that it envisages growth nodes strategies in 11 linking

points including; Kisian, Otonglo, Riat, Kondele, Dunga, Nyamasaria, Chiga, Kibos, Mamboleo, Wathorego and Kiboswa. The major growth nodes shall include; Kisian, Dunga, Nyamasaria, Kondele, and Mamboleo –with all the rest being minor. Urban centers and cities are characterized by nodes which are considered as places or configurations of places focusing various activities and corresponding structures which if classified form the city/ urban center. The nodes identified by the proposed Kisumu City Local Physical and Land Use Development Plan are all located at privileged positions within the city boundary are considered to attract most activities and functions crucial for the development of the city.

The table below gives an illustration of the proposed planning for the major nodes in the proposed Kisumu City development plan and their provisions with specific planning proposals;

Table 5: An illustration of the proposed provisions for the major nodes in the proposed Kisumu City development plan

	NODES	PROPOSED PLANNING PROVISIONS WITHIN THE NODE
1.	DUNGA growth node	Proposed public beach along the lakefront/ proposed resort areas bordering the lakefront/ Proposed fishing, water sports and boat docks/ proposed food hubs/ Dunga hospital/ proposed commercial center and proposed low density residential areas
2.	KISIAN growth node	Proposed hotels and recreation activities areas/ proposed level 4 sub county hospital/ light industrial area/ proposed commercial center/ existing KPLC substation/ proposed industrial park/ and proposed logistics park
3.	KONDELE growth node	Proposed public park bordering both sides of the roundabout/ proposed site for the relocation of Kondele Market/ Commercial center/ Proposed parking and open space/ proposed social amenities, health center and administrative offices/ proposed site for light industries
4.	MAMBOLEO growth node	Proposed sites for higher learning institutions/ stadiums/ knowledge and innovation hub/ schools district relocation site/national housing residential development sites/ existing lake basin mall/ Jomo Kenyatta Stadium and knowledge and innovation center/ proposed bus terminal/ light industries/ commercial center/ proposed sub county hospital/ mosque and existing kanyakwar primary school.
5.	NYAMASARIA growth node	Commercial center/ mixed use properties/ proposed sub county hospital/ proposed site for mechanical workshops/ proposed site for carpentry and metal workshops/ proposed conversion of super loaf

		bakery to a fire station/ proposed upgrading of Nyamasaria market/ existing Dubai complex/ proposed site for entertainment joints/ proposed site for hotels/ proposed administrative offices and police station

The Auji Creek

Mr. Speaker and Honourable Members, according to the plan, there is a plan to conserve and protect one of the main wetland areas in the city. The region has been identified and named as 'the Auji Creek' and is designated to include; the stretch from Dunga beach public recreation area, along the Dunga hill camp, Ojijo Oteko road, Hippo Point, through to Ring Road and around River Nyamasaria bordering River Wigwa on the west of Kisumu Busia Road covering the water treatment plant back along river Nyamasaria and all through the boarder of the lake south of Nyalenda.

The intention is to create a people owned park managed by the community for the environmental and social benefits. The concept is envisaged to make provisions for;

a) Urban agricultural areas as well as forestation to buffer dense residential use from conservation areas
b) Strategic entry points aligned to existing road network furnished with bridges, widened and formalized tree lined paths
c) Nature trail network with a series of nature paths leading to a proposed community conservation center
d) Riparian buffer zone to be created 15m each side along all rivers and streams and indigenous trees planted all along
e) A proposed community conservation center located at the intersection of several rivers and streams with a small built up area where conservation activities are carried out including tree seed beds, aquaculture, etc as well as a center for research and education about environmental assets and preservation practices

Open Spaces

Mr. Speaker and Honourable Members, the plan also identifies open spaces and classifies them into two categories; conservation areas and green public open spaces as discussed below;

i). The conservation areas identified and provided for by the plan include; the Auji Creek, Kajulu Hills, riparian areas along the various rivers and streams, and the lakefront spaces.
ii). The green public open spaces which are further classified to include;
    a. Regional parks; the lakefront, Moi International Sports Stadium, the proposed International stadium in Mamboleo
    b. District Parks; Jomo Kenyatta, Oile Park, Taifa Park and Auji Creek
    c. Neighborhood open spaces within residential neighborhoods

d. Linear open spaces along major transport corridors within the city
e. Pocket parks

Land Tenure

Mr. Speaker and Honourable Members, in 2010, the Constitution of Kenya classified land as:
Public land– reserved for public use or environmental protection. It is administered and managed by National Land Commission (NLC) on behalf of the people of Kenya.
Community land – held by communities on basis of ethnicity, culture or similar community interest. It is administered under the Community Land Act No. 27 of 2016. Any unregistered land that is community land is held in trust by the county governments for the community.
Private land – held by natural or legal persons. The Ministry of Lands is tasked with the registration of any interest in private land. It is classified into the following land tenure system:

a) Freehold land tenure system which gives the holder absolute ownership of the land for life. A freehold title deed generally has no restrictions as to the use and occupation of the land. However, there are some conditional freeholds which may restrict the use of land for agricultural uses only.
b) Leasehold land tenure system which is the interest in land for a specific period subject to payment of land rent to the government and land rates to the county governments. Once a lease expires, the land reverts to the owner or the leaseholder can apply for a renewal or extension of the lease.

Land is an important and competitive factor of production that invokes a lot of emotions. The issues around land tenure are emotive and yet important in the city planning considerations.

Mr. Speaker and Honourable Members, the Committee notes that the proposed plan for the city has made various provisions for land tenue in various regions as highlighted below;

a) For the urban renewal and regeneration zones, it is proposed that there be progressive conversion of land within Nyalenda, Manyatta, Obunga and Migosi, areas to leasehold tenure to facilitate development control
b) For agricultural land, where riparian lands are gazetted as free-hold – there should either be re-adjustments or there should be conditionalised land use on the riparian/lake strips so that no cultivation, buildings are allowed
c) Provide ownership documents to the plot owners.

PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT PROCESS

Public Participation by the Executive arm of the County Government

Mr. Speaker and Honourable Members, pursuant to the provisions of Article 196 of the Constitution of Kenya, 2010, Sections 3 (f) and Section 115 of the County Governments Act No.17 of 2012 and the Kisumu County Public Participation Act, 2015, the County Executive extensively

engaged residents through consultations, discussions, stakeholder engagements, household surveys, public fora, Focused Group Discussions and interviews in order to examine the current situation of the city, the needs, problems and aspirations of the citizenry. Besides, elaborate review of literature was done together with geospatial data collection in addition to taking into consideration experts' views.

This consultative approach necessitated gathering of city knowledge, her past and present, identifying major development trends and determining the main features of recent developments in the various sectors in order to discern opportunities and major challenges of the future.

The County Executive also employed visioning; a technique used to support a group of stakeholders to develop a shared vision of the future. As such, visioning workshops were organized for different thematic, territorial and political stakeholder groups in Kisumu city. A three-pronged methodological approach was adopted for the Kisumu visioning dialogue that was structured around the said strands.

Mr. Speaker, a detailed explanation of Stakeholder engagement is available in the Local Physical & Land Use Development Plans (LP&LUDPs) - Public Report published in September 2020.

Further, the 5 main key elements of concern included the following;

a) Health facilities: Residents envisions a city that is accommodative and receptive to all including the most vulnerable members of the community. There is a strong desire to have everyone access to hospitals with proper infrastructure and medicine. Old and dilapidated hospitals structures should be renovated equipped with proper infrastructural facilities, stocked with medicines and have adequate qualified staff.
b) Markets: Emphasis should be placed on building modern markets within the city and industries to drive business and create employment opportunities. In this way, the economic status of the city with be enhanced and unemployment levels will subside. Roads: Residents are concerned with how people move to and through the city by vehicle, bicycle, Tuk-Tuk and on foot (motorized and non-motorized means of transportation). Proper road network should be developed. There is need to tarmac roads, open access roads and maintain the already developed roads.
c) Water: Residents indicated that the water quality connected to them is of poor quality and is not clean and safe for consumption and want this to be properly addressed to avert further health issues. Besides this, they want water connectivity to be improved so that every resident can easily access quality and safe water for consumption.
d) Environment: From the public engagement meetings, residents noted that there is need to have a proper solid waste management system to take care of the massive waste being produced from householders and businesses within the city. Also, there is need to have a proper disaster management system to cushion the residents and dwellers against calamities

such as fire, and floods. They indicated that at the moment, there is garbage everywhere. (See annex 4)

Public Participation by the County Assembly

Mr. Speaker and Honourable Members, apart from the stakeholder forums and public participation held by the Executive, the County Assembly equally advertised for public participation and called for memoranda (see annexure 5- copy of the advert). This is in line with Article 196 of the Constitution of Kenya, 2010, Sections 3 (f) and Section 115 of the County Governments Act No.17 of 2012 and the Kisumu County Public Participation Act, 2015.

The County Assembly of Kisumu met a number of stakeholders on Friday 4 March, 2022 from 10:00 a.m. within the precincts of the Assembly to voice their concerns on the LPLUDP. Below is a summary of the key issues raised during the said public participation exercise.

a) Existence of a Master Plan for the city
b) Members of the public objected the proposal to progressively change land tenure from freehold to leasehold in Nyalenda, Obunga, Migosi and Manyatta.
c) The delay in implementing the Plan that was mooted about ten years earlier (adequate response supplied that this is an improvement of ISUD)
d) Demarcations of designs
e) The extent to which the Plan takes care of the socio-economic aspects of the residents of the people of Kisumu
f) The extent to which the Plan addresses historical land injustices, for example, the plight of the Kanyakwar people
g) Recognition of indigenous people of Kisumu in the Plan
h) construction of ultra-modern Assembly in an area the stakeholder believes is labelled ecologically sensitive
i) stakeholder involvement
j) zoning of areas under heritage and historic preservation
k) Kisumu Boys' High school and Kisumu Girls be retained at current location.

Mr. Speaker and Honourable Members, the Assembly equally invited memoranda from various stakeholders through a publication in widely circulated newspapers as provided for in law. Various stakeholders submitted their concerns, reservations and recommendations on the plan which were comprehensively considered by the committee as illustrated below;

Table 6: Summary of key issues raised in the memoranda submitted by stakeholders on the proposed city development plan and committee resolutions on the same.

DATE OF SUBMISSION	SUBMITTING STAKEHOLDER	KEY ISSUES RAISED	COMMITTEE REVIEWS
4/03/2022	CDM Holdings	Objection to zoning of properties along Oginga Odinga road, CBD under heritage and historic preservation	-Prayer denied Regulation on the historic core allows for primary uses to be shopping centers, general and professional offices, financial services, hotels and restaurants, leisure and entertainment centers, gallaries, pubs, theatres, petrol stations and residential apartments with commercial at ground floor -The building configurations allows for Existing building structures plus One with a plot configuration of 0.05 hectares Existing ground coverage at 80% maximum with a plot ratio of 300% *RESOLUTION* -Part of the CBD should be reserved a historical site. (*See additional comments on framework for Heritage and historic preservation*)
		Objections to the restrictions on high rise buildings on properties under the heritage and historic preservation zone	-The committee observed that it is important that a section of the city, as identified in the plan, be reserved and regulated as a historic core in order to protect the history and heritage of the old town.
28/02/2022	Pride Enterprises limited & Ujenzi Quarries limited	Objections to zoning of Section 43 of the Plan as medium density residential.	-

		The companies operate heavy industrial activities including quarry, ballast asphalt & concrete manufacturing plants. They recommend review to zone the area (Section 43) as Heavy Industrial Zone	-The committee considers this memorandum to have some merit and resolves that the region be left as heavy industrial due to the health implications of heavy industries on health as well as the economic importance of the industries to the overall economy and the residents of the city
		Objection to the proposed changes of title ownership from Freehold to Leasehold –on a number of properties within the City.	*-the plan doesn't propose any change of land tenure in the specific zone where the listed land parceIs fall.*
		Pages 52 & 69: (Kanyawegi) objections to the proposal to zone the area as agricultural. Recommends that the area be considered for zoning as heavy industrial because of the manufacturing activities they already undertake in the area.	*-the prayer denied.* *Untenable given the lives of the people who would be at stake.*
08/03/2022	Navinchandra Lalji Shah	Pg.9 Technical Supplement Regulations Section 4.17: Objections to Section 4.17 (Kisumu Municipality Block 10/517 Busia Road)	-Matter in Court under Constitutional Petition No. E 005 of 2020 In the Matter of L.R. No. Kisumu Municipality/ Block 10/514; L.R. No. Kisumu Municipality/ Block 10/515 and L.R. No. Kisumu Municipality/ Block 10/517 and

		zoned as public purpose land. Recommend zoning as mixed residential and commercial. Private property Block 10/517 included as part of Kisumu Museum public purpose land -Object to the area in Section 4.10 marked as boundaries of Kisumu Museum (highlighted in yellow) and recommend that the boundaries be revised to exclude private property parcel no. Block 10/517 commercial property	conservatory orders issued on 23rd Sept. 2021 *Deferred for review in the next 5 years as the matter is in court.*
03/03/2022	Dev& Ramesh Karia	Objection to the planned development of a 5-storey County Assembly building on land designated by the plan as 'recreational and ecologically sensitive' zone.	*-Irrelevant (the Plan has not been approved). The memo raises concerns on activities of a developer (the County Assembly) that the petitioner thinks is not in line with a plan that has not been approved. Can best be addressed to organization charged with implementing the plan, if the plan is approved. Not relevant at the moment.* *-The section earmarked for the construction of the Assembly complex is not ecological, but it is bordering on the ecological zone. Moreover, the specific area is low*

			density area and not recreational area.
04/03/2022	Western Chapter-Kenya Institute of Planners/ Kisumu County Planners Forum	Inadequate public participation. Cited Section 3 (26&27) of Kisumu County Public Participation Act No.11 of 2016 and Sections 49 (1-3), Section 40 (1-7)& Section 41 (1-4) of Physical and Land Use Planning Act No.13 of 2019. That city residents should be made aware on how the plan will affect the current & future developments	*County Assembly* -Stakeholder engagement on this matter has been quite robust, with information relayed in major print media of national circulation in addition to vernacular radio. *See Annex* for proof of call for public participation. -Call published in Assembly website -Participation is open to all residents to have willingly heeded to the placed call. -Residents were encouraged to submit memoranda before Report writing. *County Executive* -Evidence of timely and meaningful input from a wide range of community members and stakeholders (*See pg*. 34 of the LP &LUDPs Public Report) -A three-pronged methodological approach for the Kisumu visioning dialogue structured around thematic, territorial and political strands.

04/03/2022	Hon. Aslam Khan	Sunni Muslim and Ismailia Cemetery and Hindu Crematorium: zoned as heritage site; -What would be the heritage classification of the site? Natural heritage, cultural heritage or monument? -will the national museums and heritage Act apply? -What will happen to the rights of the minorities over the sites –if approved as a heritage? Preservation of the site/ ownership? -will the rights and religious practices of the people be respected? -Sustainability of the plan since the matter of cemetery land has been recurring. Needs access to previous house resolutions and documents from the County Government on the matter Recommends: -compliance with the right of the community	- *The Plan does not touch on the issues raised. The area in question is not changed in any way and instead earmarked as heritage area for the preservation of the cultural and religious rights of the communities involved.* *-On the proposed managed of the heritage site, the committee cannot anticipate the process. The same shall be handled adequately during the implementation of the plan, if approved, using the requisite laws.* *-on the same note, the committee recommends that the department of Health to conduct a fresh environmental health assessment of the crematoriums on water, ground water and air pollution based on their location*

		to fair administrative action –through adequate and proper public participation -allowing the community access to information with regards to the comprehensive plans of the government on the cemetery property -county to enforce and adhere to the rule of law in protecting the rights of the minority groups within the County and their fundamental rights and freedoms of conscience, religion, belief and opinion pursuant to Article 32 of the Constitution of Kenya -That the County should vest the legal ownership of the cemetery and the proposed plan for a heritage site –on the minority communities to be preserved on agreed common terms in line with the proposed urban strategy.	

08/03/2022	Navinchandra Lalji Shah	-Objection zoning of Section 4.10 as residential area only and recommend that the same be zoned as mixed use residential and commercial -Objection to page 54 bordering Busia Road and Got Huma Road zoned as Low Density Residential – recommends that to be reviewed and zoned as mixed use multi-storey commercial and residential.	- The memo dismissed and the area remains as zoned due to majority population activities considered by the plan. The area is largely low density residential and is as rightly zoned.
04/03/2022	Lugano & Lugano Advocates	Objection to the zoning of L.R. No. Kisumu Municipality / Block 8/203 –Okore Road Milimani -and its surrounding properties as heritage and historic preservation –the historic core. (pages 27& 28) -Development restrictions associated with historic core zoning	- *Memorandum not considered* - *Okore road and the plot and area in question is outside the triangle considered as historic*
08/03/2022	Kisumu Boys Alumni Foundation	Recommends; -Relocation of bus park -Nature park be developed in the site	-The plan does not out rightly provide for the relocation of the schools, but only proposes an alternative consideration of the same to be implemented in 2030 if approved.

		currently hosting the bus park -Jubilee market be retained but improved with automated operations and parking spaces behind National Petrol station -Institutions of historical significance such as; Kisumu Boys, Kisumu Girls, Taifa Park, Aga Khan Complex (school, hospital and hall) be retained but improved to modern standards.	- Relocation of bus park ongoing and well captured in the Plan. Construction of satellite bus parks ongoing: Nyamasaria, Otonglo and Mamboleo Bus Parks courtesy of Kenya Urban Support Programme projects. -Further reviews on relocation of Kisumu Boys to be looked into during the next review cycle.

COMMITTEE FINDINGS

Mr. Speaker and Honourable Members, following the extensive interrogation of the Kisumu City Local Physical and Land Use Development Plan, the committee makes the following findings;

a) THAT the Kisumu City Local Physical and Land Use Development Plan proposes the development and extension of city along different zoning areas including; Urban Core including the Lakefront, Urban Renewal and Regeneration areas, the Informal Settlements and Auji creek, Eastern Extension and Northern Extension
b) THAT the plan earmarks key conservation and recreational zones in various areas within the city key amongst them being the Auji Creek designated to include; the stretch from Dunga beach public recreation area, along the Dunga hill camp, Ojijo Oteko road, Hippo Point, through to Ring Road and around River Nyamasaria bordering River Wigwa on the west of Kisumu Busia Road covering the water treatment plant back along river Nyamasaria and all through the boarder of the lake south of Nyalenda.
c) THAT the plan identifies and classifies open spaces into two categories; conservation areas and green public open spaces. The open spaces include; (i) Conservation areas; the Auji Creek, Kajulu Hills, riparian areas along the various rivers and streams, and the lakefront spaces & the green public open spaces; (ii) Regional parks; the lakefront, Moi International Sports Stadium, the proposed International stadium in Mamboleo; (iii) District Parks; Jomo Kenyatta, Oile Park, Taifa Park and Auji Creek, (iv) Neighborhood open spaces within

residential neighborhoods, (v) Linear open spaces along major transport corridors within the city and (vi) Pocket parks

d) That from the public participation held within the County Assembly and the memoranda received, members of the public voiced their dissenting views on the proposal by the plan to progressively change land tenure from freehold to leasehold in Nyalenda, Obunga, Migosi and Manyatta.

e) THAT the plan zones, as the Historic Core of the city, the rectangular stretch covering East of Oginga Odinga street, North of Obote road and west of Nairobi Highway linking Obote road across Jomo Kenyatta highway up to the junction of Omollo Agar road, and south of Omollo Agar road including all that region that houses the County Assembly, the police station, the K-City Business Park, the Courts, the City Hall, Accra and Odera streets. The full area entails Ang'awa Avenue, Oginga Odinga Street and Obote road, Jomo Kenyatta Sports ground. Other areas included under Historic Core are Kisumu Hotel and Former Provincial Headquarters.

f) THAT the plan provides for a zoning policy that sets parameters of permissibility of development in the various zoning districts of the city and the same properly mapped for clarity of the development- decision making. These include development controls in historic core, informal settlements regeneration zones, eastern and norther extensions.

g) THAT both the County Executive and the County Assembly complied with the provisions of Article 196 of the Constitution of Kenya and Sections 3 (f) and Section 115 of the County Governments Act No.17 of 2012 and the Kisumu County Public Participation Act, 2015, and adequately subjected the process of the development of the plan to adequate and robust public participation. The Assembly reliably advertised and publicized the public participation event, invited and received public memoranda from various stakeholders, engaged the public in both physical and social, mainstream media –through vernacular radio stations and the County Assembly broadcasting unit amongst other avenues.

h) THAT, the plan proposes alternative regeneration of the urban core that would include a long term plan of relocation of the Kisumu Boys and Kisumu Girls to be implemented effective 2030.

RECOMMENDATION

Mr. Speaker and Honourable Members, based on the foregoing considerations and findings on the proposed Kisumu City Local Physical and Land Use Development Plan, the committee makes the following recommendations;

a) THAT this House APPROVES the proposed Kisumu City Local Physical and Land Use Development Plan 2020 with the following specific recommendations on various specific sections and plans for specific areas/zones for purposes of selected implementation as well as differed implementation in some cases thus;

a. THAT for purposes of implementation, the County Executive Committee member for Lands, Physical Planning and Urban Development and the City Board differ for review the proposals on land tenure that proposes progressive conversion of land within Nyalenda, Manyatta, Obunga, & Migosi areas to leasehold tenure. This is in consideration of the dissenting views of the public on the proposal and the much needed consultations between the County Government, the National Land Commission and the Ministry of Lands before the implementation of the proposal. The Committee however acknowledges the several benefits that comes with leasehold tenure in an urban set up.
b. THAT the County Executive Committee member for Lands, Housing, Physical Planning and Urban Development and the City Board proceeds with the implementation of the plan for the development of and protection of conservation and recreational zones in various areas within the city such as the Auji Creek, Kajulu Hills, riparian areas along the various rivers and streams, and the lakefront spaces
c. THAT, the proposal of alternative regeneration of the urban core that would include a long term plan of relocation of the Kisumu Boys and Kisumu Girls to be implemented effective 2030, be subjected to periodic reviews that would ensure that preparations such as relocation areas are well taken care of.
d. THAT the County Executive Committee member for Lands, Physical Planning and Urban Development and the City Board proceeds with the implementation of the plan for the development of and protection of open spaces including; the lakefront, Moi International Sports Stadium, the International stadium in Mamboleo, Jomo Kenyatta sports ground, Oile Park, Taifa Park, Neighborhood open spaces within residential neighborhoods, and Linear open spaces along major transport corridors within the city and Pocket parks within the estate.
e. THAT the County Executive Committee member for Lands, Physical Planning and Urban Development provides a report to this House within 90 days upon adoption of this report on comprehensive list of all open spaces within the city and the plans the County Government has towards their conservation, development and protection in regards to implementation of this plan.
f. THAT the County Executive Committee Member for Lands, Physical Planning and Urban Development and the City Board proceeds with the implementation of the planned Historic Core of the city as is proposed in the plan.
g. THAT the County Executive Committee member Lands and Physical Planning and the City Board proceeds with the implementation of the zoning policy and the set parameters of permissibility of development in the various zoning districts of the city as provided in the plan –upon adoption of this report. These include development controls in historic core, informal settlements, regeneration zones, eastern and norther extension.

CONCLUSION

Mr. Speaker and Honourable Members, l hereby urge the Hon. Members to adopt this report that will ensure that the Kisumu City Local Physical and Land Use Development Plan is passed in this Assembly. May I call upon Hon. Nancy Owiti to second?

The Temporary Speaker (Hon. Muga): Hon. Nancy Owiti.

Hon. Nancy Owiti: Thank you Mr. Speaker. I arise to second the report as moved by the Chairperson. Thank you.

The Temporary Speaker (Hon. Muga): Honourable Members, report from the Standing Committee of Planning, Industrialization and ICT on its consideration of the Kisumu City Local Land Use Development Plan has been presented by the Committee Chairperson Hon. Olwal and seconded by Hon. Owiti. I therefore want to open it for debate.

The Temporary Speaker (Hon. Muga): Yes, Hon. George Ogutu.

Hon. Ogutu: Thank you Madam Speaker. I arise to support this report. I want to applaud this House Committee for the good work they have done. I can see the Chairperson in the Chambers today despite the fact he was denied an ODM ticket in the just concluded party nominations. The report had a lot of challenges but the Chairperson was able to work with his members to deliver.

Madam Speaker, if this report is adopted and implemented, it will open a lot of opportunities to our people and change our City just like other cities across the globe have been transformed through such wonderful endevours. Hon. Olwal made sure that this report reaches this stage and I want to applaud him for putting up a brave face and spirited fight. This plan if executed is going to be a game changer in the County. I want to urge the Honourable Members to adopt this report so that we can together change our city. I support the report.

The Temporary Speaker (Hon. Muga): Thank you. Hon. Aslam Khan.

Hon. Khan: Thank you Madam Speaker. I arise to support this report. The Community Land Act 2017 gives a lot of provisions on how to develop land. Madam Speaker, page thirty-two of this report talks of Progressive Conversion of Land Area to Lease Tenure. I want to say that if you look at the recommendations given, it shows that there was a lot of objections from the people to change the Land Tenure especially in areas like Nyalenda, Obunga and Manyatta.

Madam Speaker, I am similarly happy that there is plan to conserve the Auji Creek and they are going to build a pump that is going to be managed by the people. I am also happy that the plan has taken care of socioeconomic aspects which is very important. Similarly, I am happy that the report is taking care of Muslim Cemeteries and the Hindu Crematorium. This Standing Committee also recognize that we have to preserve the culture and the religious beliefs. So, we have to preserve the Culture and Religious beliefs under the UNESCO 2002 which defines culture as a set of distinct

spiritual emotions of a Social Group. So, we as the minority we are a social group and this social group is the one which actually is now talking about the contents of this report.

Madam Speaker, finally, I am happy that the issue of Kisumu Boys High School and Kisumu Girls has been addressed in their report because, I being an alumni of Kisumu Boys I am happy that this this has been deferred until the year 2030 which is in line with the Kenya Vision 2030. Madam Speaker, this shows that the same equally applies if we are talking about relocation of schools especially Kisumu Boys and Girls which are being categorized as National Schools where once I was a Board Member and a Parents, Teacher Association Member. These School has undertaken a lot of development and if relocation is to be executed then, we will request the same be done as it was done to Mama Ngina Girls in Mombasa which was relocated and allocated funds and adequate space and facilities be which this must be provided for by the National Government through the Ministry of Education for the proper implementation of the same.

Madam Speaker, I take this opportunity to once again appreciate this Standing Committee of Planning, Industrialization and ICT especially this goes to the Chairman because if this is implemented then they need to look into the issues of Freehold and Leasehold which I believe will go a long way in the development of Kisumu County. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Pamela Odhiambo.

Hon. Pamela Odhiambo: Thank you Madam Speaker. Being a Member of the House Committee, we have done our work and we discussed this report together with various key stakeholders. I can see recommendations made by the Committee which I believe are not clearly elaborated.

Madam Speaker, if you look at page eighteen of this report, in recommendation number eleven which indicates Undertake Land Ownership Audit which will assist in the Local Land Owners in Kisumu County in the event of relocation. Madam Speaker, we were informed that it should be implemented from Freehold to Leasehold because Public Participation was conducted and we all agreed that, when you want to relocate and maybe reposes somebody's property then, you must negotiate with the owner of the property and compensate and you don't just reprocess anybody's property. Madam Speaker, from the report, I can see it is well captured.

Madam Speaker, in the recommendations which is in page forty-three recommendation number two, that states that the Planned Earmarked for Conservation and Recreational Zones in various areas within the City among them being the River Auji is designated to include the stretch from Dunga Beach Public Recreational Area along the Dunga Hill Camp-Ojijo Oteko Road Hippo Point.

Madam Speaker, these are issues that we deliberated upon because we all want to see our City improve and this is because Kisumu has been known to be Europe and when we implement these infrastructural projects they are going to improve the livelihood of our people and attract investors who will come to assess and gauge what we have to offer and ultimately attract more tourists.

Madam Speaker, the only problem that we have encountered was the issues to do with Wetlands notably Nam Thoi. Madam Speaker, if you can recall, we had placed funds in the budget with the hope that those people living along that stretch of land will be issued with Title Deeds. Madam Speaker, I am not aware if in this report whether that is still valid or it has been done away with it. Madam Speaker that is the only area that our farmers are getting their foods from.

Madam Speaker, we have Nyalenda "A" and Nyalenda "B", Manyatta "B", Kolwa Central and Kolwa East. Most of the residents from the above mentioned area do their farming at Nam Thoi. So, after the approval of the report, we should rethink of going back and inform them what is expected to transpire. This is because, I will not be glad representing my Ward knowing very well that my people will go to bed without food.

Madam Speaker, again on the Freehold and Leasehold that I have talked about. You cannot come and do plumbing in my plot, where the title deed is in my name. You have to convince me to move because we are all aware that the City is expanding. The current boundary of the City is very small and we need to expand but, before we do that, we have to go back to our constituents and implore them that now, we want you parcels of land to enable us extend the demarcations of the City. So, you have to be relocated and this implies that, you have to convince me and compensate me well to enable me move to another area. I cannot object the development of this City because of some flimsy reasons. I support the report.

The Temporary Speaker (Hon. Muga): Honourable Members, judging from the mood of the House, can somebody call the mover to reply because it seems the debates have been fully exhausted.

The Temporary Speaker (Hon. Muga): Yes Hon. Inviolate Adhiambo.

Hon. Inviolate: Thank you Madam Speaker. May I call upon the mover to reply?

The Temporary Speaker (Hon. Muga): Yes Hon. Olwal.

Hon. Olwal: Thank you Madam Speaker. Foremost, I want to thank the Honourable Members for their positive contributions towards this fundamental report on a very significant plan that touches the City. Madam Speaker, I similarly want to acknowledge the inputs made by Hon. Pamela Odhiambo about the Wetlands notably Nam Thoi and the issues on Freehold and Leaseholds.

Madam Speaker and Honourable Members, I wish to state that, we need to always be relevant to the topic under discussion because the report does not touch on anything to do with land ownership. So, Nam Thoi as I know because I also hail from that area, I am aware that, that parcels of land has already been adjudicated and we don't need to raise a storm on the same.

Madam Speaker, now, there has been a lot of tension especially on Land Tenure and this plan only proposes in accordance to the provisions in the Third Schedule of the Blue Park which states

that, the plan must equally give guidance to the Land Tenure. Madam Speaker, there has also been tension brewing between the forms of Land Tenure and many Honourable Members have incorrectly believed that leasehold is a public land but, according to our report that we gave in which defines all the land tenure. Leasehold is private land and when a Hon. Member states that the County Government cannot come and plan in its property. The plan only deals with development and not ownership but it has also mandated the city to also plan. Due to public outcry, we have seen it prudent and also recommended that this issue be deferred for future. I would like to urge this Honourable House to pass this believing that if we fail to plan then we are planning to fail. We also need to be recognized that we made necessary changes however painful they are and so I urge all the Hon. Members to pass this so that they can be recognized in future as one of the great planners of this city.

The Temporary Speaker (Hon. Muga): Thank you. Honourable Members, a report from the Standing Committee of Planning, Industrialization and ICT on the consideration of the Kisumu City Local, Physical and Land Development Use has been presented before this House by the Chairperson, Hon George Olwal, seconded by Hon. Nancy Owiti and debated by Hon. Members. Honourable Members, I therefore want to put a question on the adoption of the same.

(Question put and agreed to)

The Temporary Speaker (Hon. Muga): Honourable Members, the report from the Standing Committee of Planning, Industrialization and ICT on the consideration of the Kisumu City Local, Physical and Land Development Use is hereby adopted today Wednesday, 27th April 2022 at 11.10 a.m.

Honourable Members, I hereby direct that the Hansard Report be prepared and be forwarded to the County Executive for further implementation. Thank you.

The Temporary Speaker (Hon. Muga): Next Order!!

ADJOURNMENT

The Temporary Speaker (Hon. Muga): There being no any other business to transact, the House stands adjourned to today 27th April 2022 at 2.30 p.m.

(House rose at 11.14 a.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Jesca Otieno – Hansard Reporter

Vallery Achieng' – Hansard Reporter