
CITY OF KELOWNA
MEMORANDUM

Date: March 16, 2005
File No.: 6740-20

To: City Manager
From: Planning and Corporate Services Department
Subject: Revision to Shorezone Plan

Report prepared by: Gary L. Stephen

RECOMMENDATION

THAT staff be directed to prepare a Request for Proposal (RFP) to seek consultant assistance in the preparation of a revised Shorezone Plan to begin in late 2005 or 2006 as outlined in the Planning and Corporate Services Department report of March 16, 2005;

AND THAT Council endorse the environmental principles attached to the report of March 16, 2005 as the basis for the review of the Shorezone Plan;

AND FURTHER THAT staff be directed to review the Shorezone Plan using monies available in Environment Policy Implementation accounts from 2005.

BACKGROUND

The current Shorezone Plan was prepared in 1996 and endorsed by Council in early 1997. The Bylaw incorporating associated OCP amendments was approved on February 25, 1997. The Shorezone Plan provided policy direction with respect to natural environment issues along the foreshore, public access, beaches and waterfront parks, beach access, watercraft and associated facilities, private docks, upland development and overall management of the shorezone with respect to local, provincial and federal jurisdiction. Much of that policy work remains in the current version of the OCP adopted by Council in January 2004.

DISCUSSION

The current Shorezone Plan policy direction is focused on management of the immediate foreshore and upland uses along the frontage of Okanagan Lake. This direction is based on the overall direction from the OCP to increase public access along the foreshore, increase access to the foreshore via public walkways, waterfront park acquisition and increased use of beach access road ends. Some of the potential to increase public access to and use of the foreshore was to be achieved through increased density along specific areas of the Okanagan Lake frontage.

The Shorezone Plan and the OCP provide for varying degrees of intensity of land use along the Okanagan Lake frontage, however, much of this direction is based on community aspirations rather than the quality of the habitat, particularly fish habitat. Upland use of the area along the foreshore should be based on the quality of the habitat in the near shore and off-shore areas and the potential for upland uses to impact that habitat.

The City is and will likely continue to be under pressure for redevelopment along Okanagan Lake foreshore. Some of these developments will also likely contain proposals for docks, marinas, dredging and / or filling of the lake and all the associated uses that go along with water access and recreational use of the foreshore. The City also needs to focus on a waterfront park land acquisition and access management strategy that seeks to minimize impacts to Okanagan Lake habitat.

Without the environmental base line from which to assess the potential impact of such uses any City strategy could be compromised by lengthy delays in necessary approvals from provincial and federal agencies. To that end the Environment Division of Works and Utilities and Community Development & Real Estate are currently having a review of the near shore and off-shore habitat done by a consultant (EBA Engineering Consultants). This work will provide the scientific background to enable analysis of the potential impact of foreshore and upland development on the habitat.

The Department of Fisheries and Oceans (DFO) has indicated that they would be prepared to use the environmental data currently being prepared by EBA as the basis for decision making with respect to current and future applications for developments along the foreshore, including proposals for filling. That agreement by DFO is predicated on a commitment by the City of Kelowna to a review of the Shorezone Plan with respect to development of upland uses, foreshore access management and foreshore / off-shore development as well as endorsement of the environmental principles outlined in Attachment 1.

Much of the information with respect to land based and water based ecosystems and policy direction in the current Shorezone Plan may still be relevant however this information needs to be reviewed in the context of updated information on near shore and off-shore habitat. The review of the Shorezone Plan and forthcoming policy direction would be based on the scientific data currently being assembled by EBA.

This review should also establish potential criteria for evaluation of development projects with respect to protection or restoration of habitat, trade-offs or transfer of habitat compensation, and include a public consultation process that involves the general public, affected agencies and interest groups and provides recommendations for potential changes in policy direction.

Currently the Policy, Research and Strategic Planning division of Planning and Corporate Services has a number of environment related projects underway or required in 2005 (slope analysis, hazardous condition mapping, wildland fire mapping and policy review), however, most of these projects will be done in-house and require minimal funding. Consequently, there is sufficient funding available in PRSP Environment Policy Implementation accounts to commission a consultant to undertake the Shorezone Plan review. Given current staff commitments it is likely that this review would be undertaken later in 2005 or in 2006.

CONCLUSION

In order to facilitate corporate direction on future land acquisition and public access along the foreshore and to deal with current and future development proposals that may impact shorezone fish habitat it is recommended that the Shorezone Plan be reviewed using funds in the existing Environment Policy Implementation account and in conjunction with updated scientific data on near shore and off-shore habitat. It is also recommended that Council endorse the environmental principles in Attachment 1 as the basis for the Shorezone Plan review.

Gary L. Stephen, Acting Manager
Policy, Research and Strategic Planning

Approved for inclusion

R.L. Mattiussi, ACP, MCIP
Director of Corporate and Planning Services

GLS

Attachment 1

Environmental Principles

The Environmental Principles required for the Kelowna Shorezone Plan are as follows.

1. The Kelowna Shore Zone Plan will identify appropriate actions toward restoration of damaged ecosystems and ecological health of the lake in the region, and for the benefit of the entire watershed.
2. The Kelowna Shore Zone Plan will seek to maintain ecological linkages and biodiversity, wherever practical, including wildlife movement corridors and aquatic and terrestrial pathways.
3. The Kelowna Shore Zone Plan will not support development in high ESA's.
4. The Kelowna Shore Zone Plan will not support trade-off of unacceptable environmental effects for economic gain (i.e., economic development projects will be directed to locations and/or design options that avoid impacts to environmentally sensitive areas).
5. The Kelowna Shore Zone Plan will support only net neutral or net positive effects for biophysical resources.
6. The Kelowna Shore Zone Plan will not support "significant" adverse effects to any biophysical resource on the basis that compensatory habitat works may offset such effects. Any compensatory habitat works that may be considered within the context of the Kelowna Shore Zone Plan must instead follow the DFO Decision Framework for the Determination and Authorization of Harmful Alteration, Disruption or Destruction of Fish Habitat and be consistent with the "No Net Loss" guiding principle of The Department of Fisheries and Oceans Policy for the Management of Fish Habitat.
7. The Kelowna Shore Zone Plan will not support restorative or enhancement habitat works as an acceptable trade-off for incomplete mitigation where more effective mitigation efforts are feasible. A business case will be required to prove mitigation feasibility.
8. The Kelowna Shore Zone Plan will require that no net loss or that a net gain in the productive capacity of biophysical resources is realized prior to, or as a condition of, any approval of shoreline-altering projects.
9. The Kelowna Shore Zone Plan will support only those planning and development compromises or trade-offs that will result in substantial, long-term net positive production benefits for biophysical resources.
10. The Kelowna Shore Zone Plan will encourage the use of Green Technologies and recyclable materials.
11. The Kelowna Shore Zone Plan will encourage recreational pursuits (biking, non-motorized boating), pedestrian traffic and interpretive opportunities in moderate to high sensitive areas, where sensitivities allow.