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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** January 31, 2007  
**File No.:** OCP07-0005, B/L 9736

**To:** **City Manager**

**From:** **Planning and Development Services Department**

**Subject:** **Bylaw 7600 Official Community Plan - Amendment Bylaw No. 9736**

Report prepared by: Gary L. Stephen

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**RECOMMENDATION**

THAT OCP Text Amendment Bylaw No.OCP07-0005 to amend *Kelowna 2020* – Official Community Plan Bylaw No. 7600 be considered for First Reading and forwarded to Public Hearing as outlined in the report of the Planning and Development Services Department dated January 31, 2007;

AND THAT staff be directed to follow the consultation process outlined in the report of the Planning and Development Services Department dated January 31, 2007, prior to forwarding OCP Bylaw Text Amendment No. 9736 for First Reading.

**BACKGROUND**

The information used to generate the specific properties identified in the Natural Environment Development Permit Area mapping is based on the specific creek and wetland setbacks currently identified in Table 7.1 – Riparian Management Area Setbacks. Basically, these setbacks are plotted on a map and the GIS system can be programmed to automatically select those properties that touch or cross that setback line, thereby generating a map that highlights those specific properties within the specified distance from a particular water feature.

Similarly, the information used to generate the specific properties identified in the Hazardous Condition Development Permit Area mapping is based on topographic information that outlines the +30% slope lands within the City. Again, the GIS system can be programmed to automatically select those properties that touch or cross that topographic line, thereby generating a map that highlights the specific properties containing any area over 30% slope.

The selected properties for either Natural Environment or Hazardous Condition are then included in the map we currently know as Map 7.1 Natural Environment / Hazardous Condition Development Permit Area Designation.

## DISCUSSION

The Natural Environment and Hazardous Condition Development Permit Area Designation maps attached to OCP Bylaw 7600 are static in nature. These maps represent a snapshot in time (usually at the time of preparation) of the properties identified as requiring a Development Permit for either natural environment or hazardous condition reasons. Council adoption of these maps can often be months after preparation. The legal lot information on these maps is very quickly outdated given the on-going process of amending the legal lots database as development and subdivisions are approved. That database evolution generates the need to periodically amend the OCP to update the legal lots layer used as the basis for the DP mapping and even then the information is out of date the day a new map is adopted into the OCP.

The gap in information timing has given rise to implementation issues in terms of whether a specific property may or may not be within a designated DP area at a given time.

It is proposed that we simplify this process by adopting into the OCP a map that provides the actual water feature (creeks, lakes, wetland) setbacks from Table 7.1 and a separate map that provides the + 30% slope data. In this way there would never be a need to amend the OCP to update the information unless a new creek or wetland is identified or unless the setback distance identified in Table 7.1 is changed. Similarly, updated topographic information might generate the need to amend the OCP to adopt a new GIS layer.

On the input of new legal lots information the GIS data management system would automatically update the database and a new map of specific properties within the respective DP designations could be produced on an as-needed basis. We could provide new mapping for the OCP website or the public and staff that is current as of the date of printing without the need to amend the OCP. In this way information available internally through the property inquiry system and externally through the Internet Map Viewer would be live (as current as humanly possible). The automatic update of the property inquiry system in particular will remove the conflict of the time lag between Council approved mapping and current conditions and thereby reduce information errors and potential frustration on the part of staff and the public / developers.

It would be intended that mapping on the website or internally would be similar to what is currently shown, as a consolidation of Bylaw amendments based on the water feature and slope data approved by Council. It is easier to identify whether a property is impacted by the DP designation if the whole property is highlighted, even though only a portion of the property may be actually within the designated area.

Essentially, proposed Maps 7.1a and 7.1b would be adopted by Council into the OCP as the principle on which the preparation of other maps would be based. Consolidated maps for presentation purposes would be prepared to illustrate the properties selected as either Natural Environment or Hazardous Condition DP areas.

It will also be necessary to update the numerous policy statements and cross-references in the OCP that currently refer to Map 7.1 Natural Environment / Hazardous Condition DP Area Designation to refer to the new maps 7.1a Natural Environment DP Area Designation and 7.1b Hazardous Condition DP Area Designation.

## CONSULTATION

Under the *Local Government Act* there is a requirement for the City to provide one or more opportunities it considers appropriate for consultation in addition to the public hearing required. Given that this proposed amendment only affects the visual presentation of the maps and does not change the principle on which these maps were created it is recommended that any consultation process could be fairly minimal. This would not likely be an item of wide spread interest. Therefore, it is suggested that staff be directed to follow a consultation process that includes posting this proposed amendment package to the City web site and making hard copies available when necessary, advertising in local newspapers to solicit community input (for 1 week / 10 days) related to the posted information and considering any input received for potential changes prior to scheduling First Reading and the Public Hearing.

Staff has confirmed these proposed amendments will not affect either the Financial Plan or the Waste Management Plan in compliance with LGA Section 882(3).

## CONCLUSION

The proposed OCP mapping amendments are intended to simplify the map updating process without altering the principles the maps are intended to represent. There will be no substantive changes to the maps that would be available internally or publicly and they will be more accurate and timely. Therefore it is recommended that the amendments as outlined in the report of the Planning and Development Services Department dated January 31, 2007 be forwarded for First Reading and Public Hearing and that staff be directed to follow the consultation process outlined in the report of the Planning and Development Services Department dated January 31, 2007, prior to forwarding OCP Bylaw Text Amendment No. 9736 for First Reading.

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Signe K. Bagh  
Manager – Policy Research and Strategic Planning

Approved for inclusion

Mary Pynenburg, MRAIC MCIP B. Arch M. Pl.  
Director of Planning & Development Services

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Attachment

**Attachment 1**  
(OCP Amendment Bylaw 9736)

**Map 7.1a – Natural Environment Development Permit Area Designation**

**Attachment 2**  
(OCP Amendment Bylaw 9736)

**Map 7.1b – Hazardous Condition Development Permit Area Designation**