

# CITY OF KELOWNA

## BYLAW NO. 9736

### Official Community Plan Amendment No. OCP07- 0005 – Text Amendment Natural Environment / Hazardous Condition Development Permit Area Designation to Bylaw No. 7600 *Kelowna 2020* – Official Community Plan

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AND WHEREAS Council wishes to adopt certain text and mapping amendments to Bylaw No. 7600 *Kelowna 2020* – Official Community Plan;

AND WHEREAS Council may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of Council;

AND WHEREAS after first reading of the bylaw and before third reading of the bylaw, Council held a public hearing on the proposed amendments to the official community plan in accordance with Sections 890 through 894 of the *Local Government Act*;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT the **List of Maps** be amended by deleting the wording “Map 7.1 Natural Environment / Hazardous Condition Development Permit Area Designation Back” and replacing it with the following :

“**Map 7.1a** Natural Environment Development Permit Area Designation Back

**Map 7.1b** Hazardous Condition Development Permit Area Designation Back”

2. AND THAT **Chapter 7 – Environment**, sub-section **7.9 Natural Environment Policies / Special Requirements**, be amended by deleting the first paragraph in the existing policy **7.9.15 Natural Environment Development Permit**, not including the wording following the cross reference and replacing it with the following:

“**.15 Natural Environment Development Permit.** Require, unless exempted under the provisions of Section 7.11, that those owning properties located within Natural Environment Development Permit Areas (See Map 7.1a) obtain development permits prior to altering land or receiving building permit or subdivision approval. (Please see Section 7.11 in the Environment Chapter for an explanation of development permit criteria and exemption provisions);”

3. AND THAT **Chapter 7 – Environment**, sub-section **7.10 Hazardous Condition Policies / Special Requirements** be amended by deleting the first paragraph in the existing policy **7.10.3 Natural Environment Development Permit**, not including the wording following the cross reference and replacing it with the following:

“**.3 Hazardous Condition Development Permit.** Require that, unless exempted under the provisions of Section 7.12, that those owning properties located within Hazardous Condition Development Permit areas (see Maps 7.1b and 7.2) obtain development permits prior to altering land or receiving building permit or subdivision approval. (Please see Section 7.12 in the Environment Chapter for an explanation of development permit criteria and exemption provisions);”

4. AND THAT **Chapter 7 – Environment**, sub-section **7.11 Development Permit Guidelines for the Protection of the Natural Environment, its Ecosystems and Biological Diversity**, be amended by:
  - (a) deleting the paragraph entitled **Areas Designated**, and replacing it with the following:

“The areas shown as Natural Environment DP Areas on **Map 7.1a** are designated as Natural Environment Development Permit areas.”
  - (b) deleting the paragraph entitled **Activities Requiring a Permit**, and replacing it with the following:

“Unless a Development Permit waiver has been issued, all properties shown as Natural Environment Development Permit areas on Map 7.1a will require a “Natural Environment” Development Permit prior to one, or more, of:

    - alteration of land;
    - subdivision; or
    - construction of, addition to, or alteration of a building or structure.”
5. AND THAT **Chapter 7 – Environment**, sub-section **7.12 Development Permit Guidelines for the Protection of Development from Hazardous Conditions**, be amended by:
  - (a) deleting the paragraph entitled **Areas Designated**, and replacing it with the following:

“The areas shown as Hazardous Condition Development Permit Areas on Map 7.1b and as Wildland Fire Hazard Development Permit Areas on Map 7.2 or affected by the conditions listed in Section 7.12 are designated as Hazardous Condition Development Permit areas.
  - (b) deleting the paragraph entitled **Activities Requiring a Permit**, and replacing it with the following:

“Unless a Development Permit waiver has been issued, all properties shown as Hazardous Condition Development Permit areas on Maps 7.1b and 7.2 will require a “Hazardous Condition” Development Permit prior to one, or more, of:

    - alteration of land;
    - subdivision; or
    - construction of, addition to, or alteration of a building or structure.”
6. AND THAT existing **Map 6.2 Urban Centre Development Permit Area Designation** be amended by deleting the text reference in the legend which states “See Map 7.1 Natural Environment / Hazardous Condition Development Permit Area Designation” and replacing the wording with “See Map 7.1a Natural Environment and Map 7.1b Hazardous Condition Development Permit Area Designations”;
7. AND THAT existing **Map 7.1 Natural Environment / Hazardous Condition Development Permit Area Designation**, be deleted and replaced with a new **Map 7.1a Natural Environment Development Permit Area Designation** and a new **Map 7.1b Hazardous Condition Development Permit Area Designation** which are attached hereto as Schedule “A” and Schedule “B”;

8. If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw and the official community plan adopted by this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw and official community plan.
9. AND THAT all cross references in Bylaw No. 7600 *Kelowna 2020- Official Community Plan*, be updated.

Read a first time by the Municipal Council this 12th day of March , 2007.

Considered at a Public Hearing on the 3rd day of April , 2007.

Read a second and third time and be adopted by the Municipal Council of the City of Kelowna this    day of    , 2007.

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Mayor

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City Clerk



