

4.4(a)

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CITY OF KELOWNA

MEMORANDUM

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**Date:** April 9, 2008

**File No.:** B/L 9973; 6480-30  
OCP08-0008

**To:** City Manager

**From:** Planner Specialist

**Subject:** Bylaw 7600 Official Community Plan - Amendment Bylaw OCP08-0008 (B/L No. 9973)

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**RECOMMENDATION:**

THAT OCP Bylaw Text Amendment No. OCP08-0008 to amend *Kelowna 2020* - Official Community Plan Bylaw No. 7600 to correct a typing error as outlined in the report of the Planning & Development Services Department dated April 9, 2008 be considered by Council;

AND THAT Council deems the consultation process conducted as part of the previous OCP Amendment Bylaw No. 9580 be considered sufficient;

AND FURTHER THAT OCP Bylaw Text Amendment No. OCP08-0008 be forwarded to a Public Hearing for further consideration;

**BACKGROUND:**

In March 2006 Council was introduced to a package of OCP Bylaw 7600 housekeeping amendments. Included in that report was a consultation process that staff were directed to follow that consisted of posting the 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.

The material posted for that consultation process included the following policy wording in Chapter 14:

**.33 Linear Park Dedications.** At subdivision for all development types and at rezoning for multiple unit housing, commercial, industrial and institutional developments, secure a 10-metre statutory right-of-way for public access where trails are included in **Table 14.1** and/or are shown on **Map 14.2**. The 10-metre access corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environment Chapters of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional "no disturb" zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy.



Following that consultation the housekeeping amendment package in the form of OCP Amendment Bylaw 9580 came forward for Council consideration. Unfortunately, between the public consultation process and the drafting of the actual bylaw wording there was a typing error that staff has only recently been made aware of. Therefore it is necessary to process a minor OCP Amendment bylaw to correct the error. It is recommended that the existing policy wording be replaced by the correct wording noted above.

**INTERNAL CIRCULATION TO:**

City Clerk

**LEGAL/STATUTORY AUTHORITY:**

*Local Government Act* – Division 2, Part 26

**LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:**

During the development of an official community plan, or the repeal or amendment of an official community plan the local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. This consultation is in addition to the public hearing required under *Local Government Act* – Section 882(3)(d).

As part of the consultation with respect to OCP Amendment Bylaw 9580 the policy wording was correct at that time and therefore that consultation process remains valid. Given that the original consultation process included the correct wording it is recommended that further consultation to correct this minor typing error not be required.

**EXISTING POLICY:**

.33 **Linear Park Dedications.** At subdivision for all development types and at rezoning for multiple unit housing, commercial, industrial and institutional developments, secure a 10-metre statutory right-of-way for public access where trails are included in **Table 14.1** and/or are shown on **Map 14.2**. The 10-metre access corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environment Chapters of the OCP. On the private property side of the public access corridor, the city may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision application are resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy;

Staff have reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan.

Considerations not applicable to this report:

**FINANCIAL/BUDGETARY CONSIDERATIONS:**

**PERSONNEL IMPLICATIONS:**

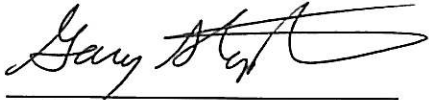
**TECHNICAL REQUIREMENTS:**

**EXTERNAL AGENCY/PUBLIC COMMENTS:**

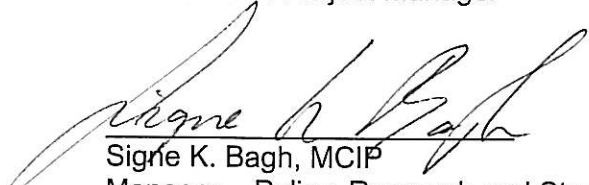
**COMMUNICATIONS CONSIDERATIONS:**

**ALTERNATE RECOMMENDATION:**

Submitted by:

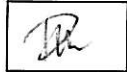


G. Stephen, Planner Specialist  
OCP Review Project Manager



Signe K. Bagh, MCIP  
Manager – Policy, Research and Strategic Planning

Approved for inclusion



Paul Macklem  
Acting Director of Planning and Development Services

Cc: City Clerk