
CITY OF KELOWNA
MEMORANDUM

Date: August 11, 2008
File No.: OCP08-0019, B/L 10056
To: City Manager
From: Planning & Development Services Department
Subject: Bylaw 7600 Official Community Plan – Amendment Bylaw No. 10056
Report prepared by: Carlie Ferguson

RECOMMENDATION

THAT OCP Text Amendment OCP08-0019 – Amendment Bylaw No. 10056 to amend Map 7.1a - Natural Environment Development Permit Area Designation of the *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by replacing the existing map with a revised map attached as Schedule "A" to the report of the Planning and Development Services Department dated August 11, 2008 be considered;

AND THAT staff be directed to follow the consultation process outlined in the report of the Planning and Development Services Department dated August 11, 2008, prior to forwarding OCP Text Amendment OCP08-0019 – Amendment Bylaw No. 10056 for First Reading and Public Hearing.

BACKGROUND:

Through various public consultation processes the citizens of Kelowna have expressed their concerns over the need for green space and environmental protection. Many of the remaining environmentally sensitive areas located within the City of Kelowna may be severely influenced and permanently compromised by new and infill development unless there are sound environmental initiatives to protect the resources that are critical to the health, vitality and economy of the local community.

One way to address development in ecologically sensitive areas is through environmentally based inventory and mapping projects. The City of Kelowna recently undertook three separate projects focusing on the better identification and ultimate protection of environmentally sensitive areas. These projects were the Wetland Inventory and Mapping project (WIM), Sensitive Habitat Inventory Mapping (SHIM) project and lastly the Sensitive Ecosystem Inventory (SEI) project. (Please see Attachment 1 for a brief description of these projects).

Due to their environmental significance and sensitivity, many water-based and land-based features within the City of Kelowna have already been designated as Natural Environment Development Permit Areas. This essentially flags properties as requiring a Development Permit prior to the alteration of land, subdivision or construction of, addition to, or alteration of a building or structure. The Development Permit areas do not preclude development but require additional information and environmental assessments in order to identify appropriate criteria and regulations for those properties. Development Permit areas previously supported by Council have helped protect ecosystems and irreplaceable land and water features within the City.

SEI, WIM, and SHIM projects were undertaken to identify valuable natural assets. Now that the work is complete, it is important to ensure the OCP is amended to reflect this updated and more accurate map information so that all affected properties can be protected through the Natural Environment Development Permit process in a fair and consistent manner.

In order to reflect the updated inventory of *water-based features*, the Policy, Research and Strategic Planning division proposes to amend Map 7.1a in the OCP. Updates of land-based features and hazardous conditions will be incorporated as part of the OCP review. This additional and more accurate information changes the number of properties that would be affected by a Natural Environment Development Permit. Overall, the proposed amendments would see the removal of 62 properties from the Development Permit areas, while including an additional 686 properties (see attached map showing all current and proposed Development Permit properties).

INTERNAL CIRCULATION TO:

Current Planning Department
Environment Division

LEGAL/STATUTORY AUTHORITY:

Local Government Act (LGA) (Section 876) provides the authority to adopt an Official Community Plan bylaw. *LGA Sections 877 and 878* outline the required content and potential policy statements respectively and *LGA Section 879* outlines the consultation requirements for the adoption and amendment of an OCP.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

Under the *Local Government Act (LGA) (Section 876)* 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 an amendment to the Environmental Development Permit Areas directly impacts an additional 673 properties, it is recommended that a consultation process could include presenting the amendment at an Advisory Planning Commission (APC) meeting with direct notification to those affected property owners. In addition, advertising to the general community and direct referral to related provincial and government agencies would be done.

The *LGA (section 882 (3))* states that when adopting or amending an OCP, the first consideration Council must do after First Reading and before Public Hearing is consider the plan amendment in conjunction with "its financial plan and any waste management plan that is applicable in the municipality or regional district".

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

COMMUNICATION CONSIDERATIONS:

It is suggested that staff be directed to follow a consultation process that includes written notification to all newly affected property owners, including both advisement of the APC meeting and an information package with an explanation of the circumstances, direct referral to government agencies, 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.

PLANNING AND DEVELOPMENT SERVICES POLICY:

Kelowna Strategic Plan (2004)

- Goal 1 – To maintain, respect, and enhance our natural environment.
- Objective 3 – Manage human impacts on our natural environment, including Okanagan Lake and the surrounding hillsides.
- Action 1.3.3 – Assess ways to acquire or protect significant natural open space areas, including natural lands abutting Okanagan Lake.

Official Community Plan 2000 – 2020

There is current OCP policy direction with respect to managing the natural environment and management of the impacts from development projects:

Growth Management Policy 5.1.5 **Sustain the Environment.** Encourage development and land use changes to take place in a manner that will not compromise the ability of future generations to meet their needs and to enjoy the quality of life that we experience today.

Environment Policy 7.3.10 **Initiate Watershed Restoration.** Initiate projects to increase watershed health and to demonstrate improved techniques that can be used for watershed restoration.

Environment Policy 7.3.13 **Minimize Impacts to local Watersheds.** Require streamside and foreshore homeowners to prevent or reduce impacts to Kelowna's watercourses (refer to Development Permit requirements).

Environment Policy 7.3.15 **Buffering.** Utilize the Development Permit process to establish buffers to protect environmentally sensitive areas such as watercourses and steep slopes from debilitating land uses.

Environment Policy 7.10.6 **Natural Features Identification.** Continue to identify and assess Natural Environment areas with the objective of formulating protective strategies, encouraging restoration, and obtaining knowledge to facilitate appropriate land use and servicing decisions.

Environment Policy 7.10.8 **Environmental Review.** Ensure that all development activities occurring on properties designated as environmental development permit areas are reviewed and meet the requirements for mitigation, compensation, protection or replacement.

Environment Policy 7.10.12 **Retention of Natural Areas.** Encourage all development and infrastructure projects to conserve wetlands, wildlife corridors, trees or other indigenous vegetation. Encourage alternative development methods, such as considering increasing density, narrowing right-of-ways or cluster housing.

Environment Policy 7.10.17 **Natural Environment Development Permit.** Require, unless exempted under the provisions of 7.12, that those owning properties located with Natural

EXTERNAL AGENCY/PUBLIC COMMENTS:

A supplemental report outlining the results of any feedback related to the specifics of the proposed OCP Amendment Bylaw 10056 consultation will be submitted for Council consideration prior to the scheduling of the First Reading and Public Hearing.

Considerations not applicable to this report:

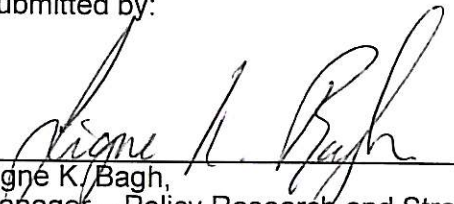
FINANCIAL/BUDGETARY CONSIDERATIONS:

PERSONNEL IMPLICATIONS:

TECHNICAL REQUIREMENTS:

ALTERNATE RECOMMENDATION:

Submitted by:


Signé K. Bagh,
Manager – Policy Research and Strategic Planning


Todd Cashin
Environment Supervisor

Approval for Inclusion



 Paul Macklem
Acting Director of Planning & Development Services

cc: Current Planning Supervisor

Attachment 1

Wetland Inventory and Mapping Project

The Wetland Inventory and Mapping project was initiated as a follow up to the Wetland Habitat Management Strategy (1998 & 2001) which had identified many but not all wetland ecosystems within Kelowna. Wetlands provide habitat for plants, fish and wildlife and are home to many endangered species that directly depend on these habitats for survival. Wetland ecosystems are extremely rare; it is estimated that they currently occupy only 0.2% of the Central Okanagan land base. Wetlands have historically been filled in or their hydrology altered resulting in the loss of approximately 85-90% of large wetlands in the Okanagan Valley. The main goal of the Wetland Inventory and Mapping project was to ensure all wetlands within Kelowna are accurately mapped and designated in the OCP as Natural Environment Development Permit areas. This project was completed between September and December 2007 by Ecoscape Environmental Consultants Ltd and the Development Permit areas can now be better defined in terms of wetland habitats within Kelowna.

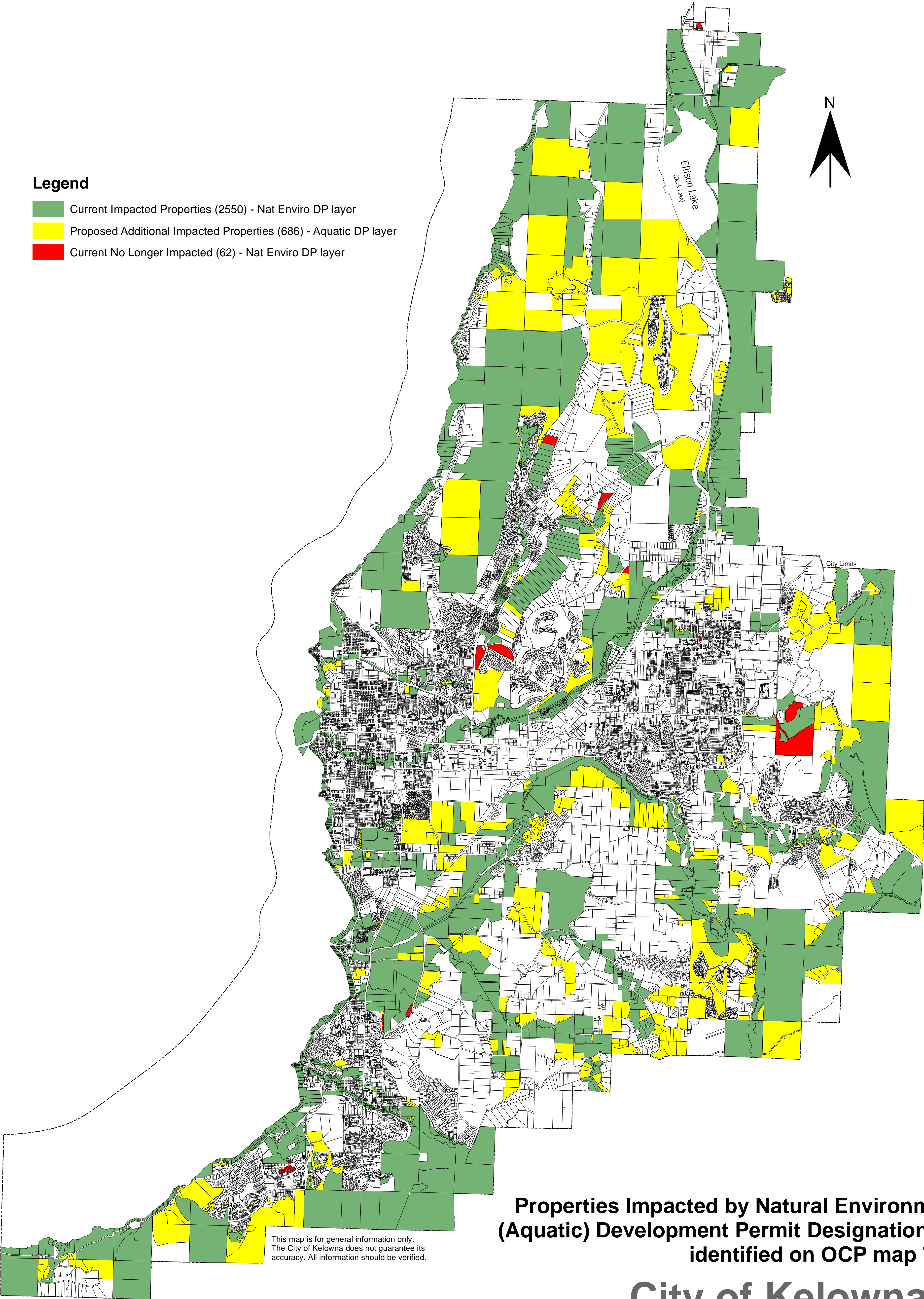
Sensitive Habitat Inventory Mapping

The City of Kelowna and the Regional District of Central Okanagan jointly undertook the Sensitive Habitat Inventory Mapping (SHIM) project. The SHIM project focused primarily on the mapping of streams located in both the Regional District and City of Kelowna. SHIM provides planners with up-to-date information, allowing for more informed planning decisions. SHIM assessments can also be used in the design of storm water/runoff management plans and to guide management decisions and priorities for habitat restoration and enhancement projects. Ultimately, the knowledge provided by the SHIM project will help protect water quality in the Central Okanagan. To date, over 225 km of stream in the Regional District and over 82 km of stream and more than 100 wetlands within Kelowna boundaries have been mapped through the SHIM project.

Sensitive Ecosystem Mapping

City Council directed Policy, Research and Strategic Planning to complete a Sensitive Ecosystem Inventory as part of their 2007 work program. The objective of the SEI was to provide scientific information regarding sensitive ecosystems to support sustainable land management decisions and encourage conservation and land stewardship. Iverson and MacKenzie Biological Consultants were hired and the SEI work is now complete.

Schedule "A" – Amended Map 7.1a Natural Environment Development Permit Area Designation

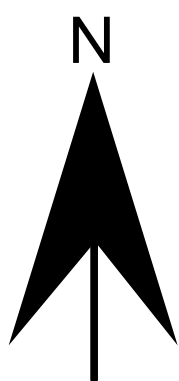


**Properties Impacted by Natural Environment
(Aquatic) Development Permit Designation as
identified on OCP map 7.1a**

City of Kelowna

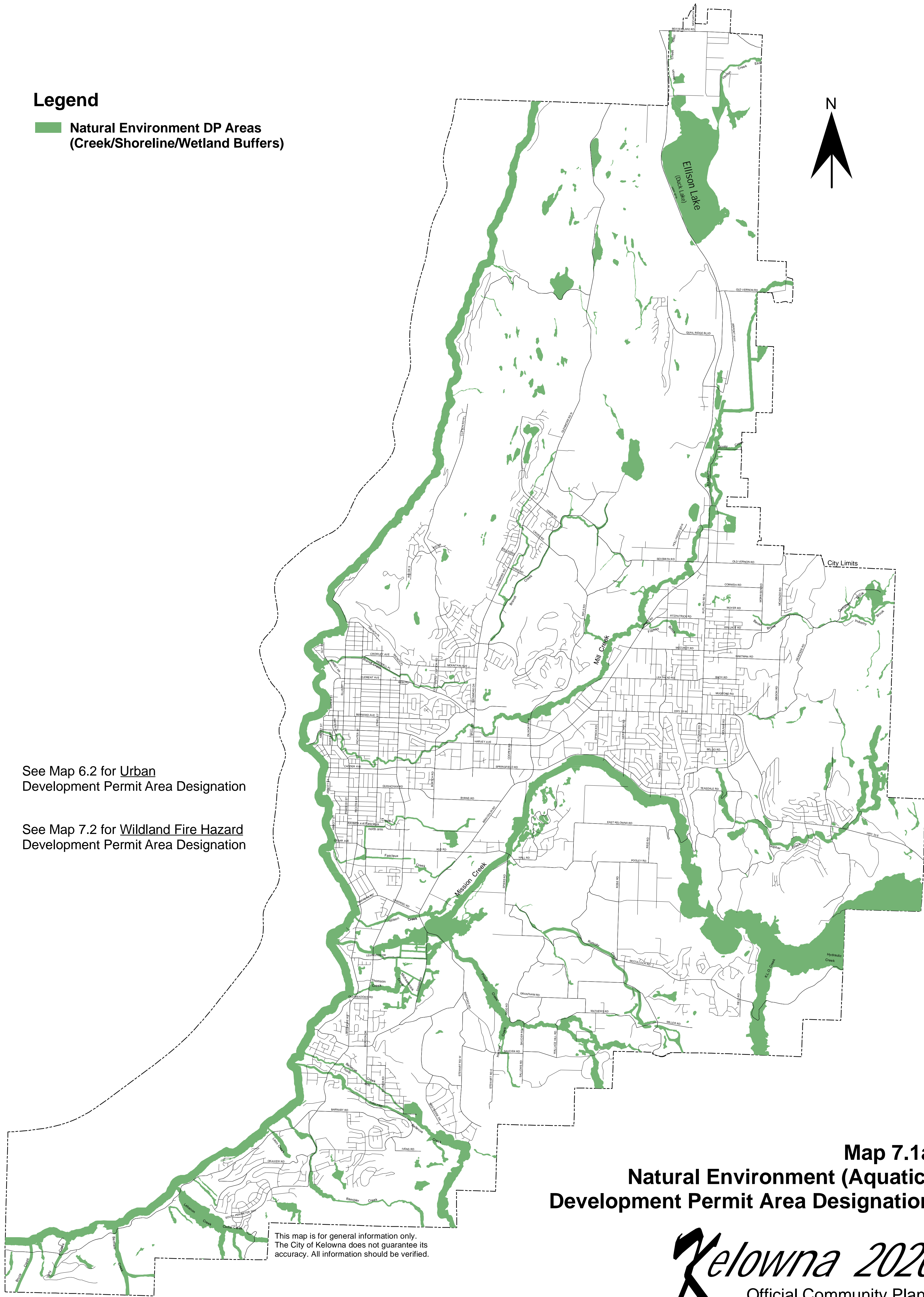
Legend

 Natural Environment DP Areas
(Creek/Shoreline/Wetland Buffers)



See Map 6.2 for Urban
Development Permit Area Designation

See Map 7.2 for Wildland Fire Hazard
Development Permit Area Designation



Map 7.1a
Natural Environment (Aquatic)
Development Permit Area Designation