

# Memo



**Date:** July 21, 2010  
**File:** 1320-30  
**To:** City Manager  
**From:** F.Schaad - Utilities Technologist, Infrastructure Planning  
**Subject:** Bylaw to regulate building construction in the Mill Creek Floodplain

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## **Recommendation:**

THAT Council gives reading consideration to Bylaw No. 10248 being the "City of Kelowna Mill Creek Floodplain Regulation Bylaw".

## **Purpose:**

To designate land as a flood plain of Mill Creek and to regulate the development of land that is subject to flooding by Mill Creek.

## **Background:**

On March 29, 2010 the Mill Creek Floodplain Bylaw Analysis Report was presented to Council for information with a description of the proposed public consultation process. The public consultation process was executed and at Council request extended to include a mail out to 6,000 property owners potentially affected by the bylaw.

Feedback from the public was generally very positive. All those attending the public open house were in favour of the proposed bylaw. Many stated "it is what we expect government to do" to protect them from flooding. 11 phone calls and 4 written submissions were received. Numerous people collected the information packages available at the Capri, PRC and City Hall. Those that called or wrote to express concern were satisfied with the proposed bylaw once their questions were answered fully. In summary, there were no changes to the bylaw requested by the public.

## **Internal Circulation:**

The Director of Development Services requested some minor edits to the language in the bylaw to maintain consistency with BC Building Code and to clarify the roles and responsibilities described in Section 6 - Delegation.

## **Legal/Statutory Authority:**

Section 910 of the Local Government Act permits that a local government may adopt a flood plain bylaw that designates an area as a flood plain, specifies development levels and setback requirements in the designated area, and enforces these conditions. This method of flood hazard management ensures land use will be planned and buildings constructed in a manner that will reduce or prevent injury, human trauma and loss of life, and minimize property damage.

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**External Agency/Public Comments:**

On June 18, 2010 the Ministry of Environment wrote that they had reviewed the proposed bylaw and associated documentation and had no comments.

**Considerations not applicable to this report:**

Community & Media Relations Comments:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

Alternate Recommendation:

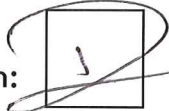
Considerations not applicable to this report:

Submitted by:



F.Schaad, Utilities Technologist, Infrastructure Planning

Approved for inclusion:



R.Cleveland, Director, Infrastructure Planning

Attachment: City of Kelowna Mill Creek Floodplain Regulation Bylaw

cc: General Manager, Community Sustainability  
Director, Development Services  
Director, Airport  
Fire Chief