



City of Revelstoke

Council Report

File No.: 6480-01

To: Advisory Planning Commission
From: Paul Simon, Senior Planner
Date: August 17, 2021
Address: Multiple
Subject: Official Community Plan Amendment Bylaws No. 2297 and No. 2298

FILE:	6480-01
OWNER/APPLICANT:	City of Revelstoke
DESCRIPTION	Amendments to the City's Official Community Plan to complete Phase 1 of the Comprehensive Review
OFFICIAL COMMUNITY PLAN:	Multiple
DEVELOPMENT PERMIT AREA:	Multiple
ZONING:	Multiple

Purpose

To present to the Advisory Planning Commission a City led Official Community Plan (OCP) minor update bylaw amendment for their consideration to provide comments and / or recommendations to Council. Also, Staff touch on the proposed amending Bylaw 2298 which is the proposed amendments for Thomas Brook Neighbourhood that Council requested Staff to separate from Bylaw 2297 and run as a separate bylaw.

Advisory Planning Commission Discussion

The Commission is requested to provide comments and/or recommendations for Council's consideration on the proposed amendment including the following:

- Impact on the accessibility of the OCP for all stakeholders to navigate the document more effectively
- Suitability of the proposed Development Permit Area exemptions
- Introduction of Floodplain Exemption Permit regulations
- Impact of the proposed changes to the density regulations
- Suitability of the proposed Resort Fringe land use and Tourist Commercial Development Permit Area for the Thomas Brook neighbourhood

Previous Council Consideration:

On [August 10, 2021](#), staff presented OCP Amendment Bylaw No. 2297 to Council for First reading consideration for a minor update to modernize the existing OCP. This is not a new OCP but rather cleans up the existing bylaw to remove conflicts and format it for easier access to



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information for Staff and the community. Council directed staff to create a separate amending bylaw 2298 for the proposed amendments to the Thomas Brook neighbourhood. Staff completed this and the amendments for Thomas Brook neighbourhood are under OCP Amendment Bylaw No. 2298.

Attachment 1 provided to the commission is the consolidated version of both Amendments. Staff have also included an amendment tracker as well as an annotated version of the OCP for the commission to better understand the proposed changes.

Background:

The City is currently undertaking a comprehensive review of the OCP broken into the following general phases:

- **Phase 1:** Project Plan development; Vision and Priorities Update; minor updates for modernization.
- **Phase 2:** Current Situation and Future Projections Analysis (technical review)
- **Phase 3:** Policy Review and Plan Update
- **Phase 4:** Council Review and Adoption

The current OCP has been amended multiple times since the original adoption in 2009. Over the course of the past eleven years, the OCP has been amended 15 times. The impact of these various amendments is noted in the in this report and in the attached summary of proposed amendments.

Between 2019 and 2021, staff encountered a variety of challenges in working with the current OCP including:

- Structure of the document and a lack of references to sections, numbering, and general formatting;
- References to a Unified Development Bylaw that was never adopted by Council and is not being pursued, and corresponding Land Use transect zones;
- A density table that does not align with approved and proposed density of development to reflect best practices and the intent / objectives of the current OCP;
- A lack of exemptions for development within Development Permit areas, causing unnecessary applications along with confusion for staff and applicants;
- An incorrect framework for development within the flood plain that does not align with provincial legislation;
- A lack of a proper policy framework for land uses to help guide OCP amendment applications;
- Unnecessary, outdated appendices adding significant length to the document; and
- Thomas Brook area was brought into the City in 2018 and requires a land use designation in the OCP and associated Development Permit area designation.



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This minor update to modernize the current OCP will not only provide clarity to interpretation and implementation of the current bylaw but provide a well-organized document that can be utilized by staff and the public in the interim while staff is undertaking the comprehensive OCP review process which will result in a new OCP.

By organizing the document into sections and providing a formal numbering system, it will also increase accessibility for the public to information and staff will be able to communicate what sections have changed and why.

The following community engagement regarding the update to the OCP Phase 1 has been undertaken to date to inform the community of the changes contemplated through this amending bylaw:

- Presentation to COTW on [February 11, 2021](#) that included the new draft OCP, comprehensive summary of the changes, and an annotated version of the current OCP to highlight the changes;
- Review with the OCP focus group on March 4, 2021, where staff provided a presentation and answered questions from the focus group regarding the changes;
- Presentation to the Social Development Committee to provide a highlight of the proposed changes on [March 31, 2021](#);
- Presentation to the Economic Development Commission to provide a highlight of the proposed changes on [April 14, 2021](#);
- Presentation to the Advisory Planning Commission on [April 20, 2021](#) to provide a highlight of the proposed changes and present the COTW report from February 11, 2021; and
- Initial consultation meeting on August 4, 2021, with eleven members of the Thomas Brook neighbourhood to discuss the proposed amendments.

The draft OCP Amendment Bylaw along with associated staff reports will be posted to TalkRevelstoke to inform the community of the proposed changes and the consultation efforts undertaken regarding the changes throughout 2021. Staff will provide the ability for the public to comment through TalkRevelstoke in advance of a formal Public Hearing. These comments will be brought forward as part of a Public Hearing package.

Discussion:

The following section provides a summary of the proposed minor changes and intent of these changes. Due to the significant restructuring of the document, and challenges with respect to the existing formatting, a track changes version of the current OCP proved cumbersome and difficult to follow. To ensure a high degree of transparency for the public and Council regarding the proposed changes, staff prepared a Comprehensive Summary of Housekeeping Amendments in attachment #1 to this report. This summary outlines all content changes and restructuring that has been undertaken as part of the housekeeping amendments. In addition, staff have prepared an annotated version of the current OCP to further illustrate the changes.



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General Amendments (Multiple Housekeeping Amendments, Attachment 1)

General amendments include:

- Renumbering
- Formatting
- Spelling/Punctuation/Grammar
- Updates to references to Legislation that has changed
- Update cross references within document as required

Currently, the OCP presents unique challenges when staff and applicants are working to review applicable sections for a development proposal given the lack of a numbering structure. This also impacts how staff currently prepare reports and present the findings of their policy analysis to Council. The intent of these changes is to drastically enhance accessibility of the document for the public, applicants, Council and staff.

Vision and Priorities (Amendment 7, Attachment 1)

Between 2019 and 2020, staff engaged the community to update the vision and priorities of the OCP to help set the overall framework by which future goals, objectives, and policies in the OCP would be crafted. Based on direction received by Council at the [July 14, 2020](#) Council meeting, endorsement of an updated vision and community priorities was received. The updated vision and priorities have been included as part of the minor amendments.

Density Table (Amendments 18 – 22, Attachment 1)

The current OCP includes “Table 3: Provisions for Various Densities of Residential Development” within Section 3.4 (Land Use). This Table is contained under the “Amenities and Affordable Housing” header in Section 3.4. Preceding this Table is various references to a “Maximum Bonus Density (A)” and “Maximum Bonus Density (B)”. The current Table 3 does not include any references to these maximum bonus densities, and instead references a maximum density of 60 units/ hectare (UPH).

Between 2008 and 2012, amendments were made to the land use section of the City’s previous OCP (Bylaw No. 1519) and the current OCP (Bylaw No. 1950).

On September 22, 2008, Council adopted Bylaw No. 1916. This Bylaw included amendments to allow for Density Bonusing in accordance with the City’s Inclusionary Housing Policy. This Bylaw included a more robust Table that included Density Bonuses organized by (A) and (B).

On July 6, 2009, the new OCP was adopted (Bylaw No. 1950). The previous Bylaw including any amendments through Bylaw No. 1916 were repealed. The new OCP did not include the amended table that allowed for density bonusing organized by (A) and (B), and instead reverted to the original table that capped density at a maximum of 60 unit/hectare (what is currently shown in Table 3 of the OCP).



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In 2012, another major amendment to Section 3.4 was undertaken through [Bylaw No. 2010](#). This amendment, adopted May 8, 2012, never altered the table. However, the policy references to Density Bonusing (A) and (B) remained, without a formal reference in Table 3 to implement these policies.

Staff propose removing the density table entirely and all policy references to Density Bonus (A) and Density Bonus (B). Staff propose replacing the density table with general descriptions of the development form that constitutes high, medium, and low density. The zoning bylaw contains prescriptive information regarding the maximum permitted density and is the more appropriate bylaw for this measure. This is in accordance with best practises and removes conflict that currently exists between the OCP and zoning bylaw. Furthermore, proposed projects currently in the review que that exceed the maximum 60 units/ hectare density figure will be able to proceed.

Unified Development Bylaw and Transect Land Uses (Multiple Minor Amendments, Attachment 1)

On May 8, 2012, Bylaw No. 2010 was adopted by Council. This bylaw brought forth sweeping amendments to Section 3.4 “Land Use” of the OCP. The amendments, including the introduction of secondary / neighbourhood planning areas, and the use of what are referred to as “Transect Land Uses.” The “Transect Land Uses” were intended to provide a more cohesive, integrated approach to land use planning in the City to guide rezoning applications in a way that provided effective transitions between new and existing development.

To implement the guiding framework of these new, “Transect Land Uses”, staff proposed the adoption of a Unified Development Bylaw (UDB) in early 2013. The general intent of a UDB is to integrate individual bylaws (Zoning, Subdivision and Servicing, Sign, and Building bylaws) into one comprehensive bylaw. This had proven overly complex at the time, and as such the UDB was never adopted by Council. In addition, since 2013, no comprehensive changes were made to the City’s Zoning Bylaw, which would have made up the bulk content of the UDB.

While a UDB was never adopted, its references in the current OCP and legacy of “Transect Land Uses” remains. The proposed housekeeping amendments rename all “Transect Land Uses” and remove all references to a UDB.

As part of the OCP comprehensive review, staff will review opportunities to streamline and simplify the variety of Land Uses that currently exist in the OCP to provide a more straight-forward framework for the public and developers who may need to rezone lands. This updated Land Use Strategy will be based on robust public engagement and technical analysis. In conjunction with an update to the overall Land Use Strategy, staff will undertake comprehensive Zoning Bylaw updates to implement the guiding framework of the OCP updated Land Use Strategy.

Future Growth Land Use (Amendment 50, Attachment 1)



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Within the “Future Growth” land use designation section, updated policies to guide development on properties with proper zoning but hold the Future Growth Land Use has been proposed.

Historically some lands that are designated “Future Growth” never re-designated (i.e. amended the OCP land use) concurrently with the rezoning application. This amendment brings these properties into compliance with the OCP policies. While this appears minor, it is of importance to provide certainty to applicants who are currently developing land that falls within this situation. Staff note that Section 478(2) of the *Local Government Act* requires all bylaws adopted after the adoption of an OCP to be in compliance with the OCP. This amendment will bring historic properties into compliance. Any future rezoning applications under the Future Growth Land Use will be required amend the OCP land use concurrently.

As part of the OCP comprehensive review, the overall Land Use Strategy will be updated and refined based on public input and technical analysis.

Development Permit Areas (Amendments 55 – 64, 84, Attachment 1)

One of the major challenges with administering the City’s current OCP is with respect to Development Permit Areas (DPAs). The current OCP does not include a prescriptive list of exemptions within a DPA that would provide clarity and consistency to the public and staff regarding what forms of development need and do not need a Development Permit (DP).

Under Section 489 of the *Local Government Act*, all areas designated as DPAs must not be subdivided, nor have the “construction of, addition to, or alteration of a building or other structure” started, unless a valid DP has been issued. Under Section 488(4) of the *Local Government Act*, municipalities can specify conditions in which a DP would not be required.

The OCP currently includes one standard list of DP exemptions that apply to every DPA. Staff propose expanding the list of exemptions to align with the legislative requirements for each DPA, rather than having one standard exemption list applicable to each DPA. Legislatively, there are technical DPAs and Form and Character DPAs, each having to address legislative requirements. Staff are recommending that each DPA exemption be specific to its intent under the legislation. The full list of exemptions within each DPA is provided in Attachment #1 – Comprehensive Summary of Housekeeping Amendments.

Every DPA within the current OCP makes a blanket policy reference stating: “All works within the Development Permit Area shall require a development permit.” There is no definition of “works” leaving this up to interpretation by both staff and the public. Without this being defined, it adds costs and extends approval timelines as all projects require a DP, regardless of how minor. Staff recommend amending this policy to replace the reference of “all works” to “construction activities” and have proposed a definition of construction activities. This will provide clarity and have the City’s DPA policies more in line with the language in the *Local Government Act*.



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Staff have also proposed that each DPA have two additional policies. The first would require lighting to be dark sky compliant to reduce light pollution with new developments and consider wildlife. The second would provide guidance on subdivisions where a roadway is constructed to address the character of the streetscape.

Floodplain Exemptions Policies (Amendment 28, Attachment 1)

The floodplain policies as currently written in the OCP are not reflective of requirements in the provincial legislation and procedures to manage development within the floodplain. The current OCP classifies floodplain areas as a technical DPA and requires a DP for all works within this area.

Under Section 524 of the *Local Government Act*, a municipality may establish a floodplain that specifies the geodetic elevation that habitable space and storage of goods damageable by floodwaters needs to be constructed at, and the setback from top of bank within flood prone areas. If development is proposed under this geodetic elevation or within the setback, the legislation very clearly indicates the process by which a municipality can issue a “Floodplain Exemption Permit.”

Staff propose a process to issue Floodplain Exemption Permits. This would require a registered professional to verify construction meets the established geodetic elevations as well as recommendations for constructing safely within the floodplain and provide this to the City. If the applicant does not satisfy this condition, then a Floodplain Exemption Permit would not be issued and development could not commence.

Given that the issuance of “Floodplain Exemption permits” is a technical matter, staff propose amending Delegation Bylaw No. 2098 to allow this authority to be delegated to the Director of Development Services (or alternate). This matter will be for Council consideration prior to adoption of the OCP.

Thomas Brook Neighbourhood (Amendment 85, Attachment 1) Now Amending Bylaw No.2298

Staff note these proposed amendments have been separated out of Bylaw No.2297 and now are in Bylaw No.2298 which will go before Council for first Reading at the August 24, 2021 Council meeting.

Staff propose to establish a “Resort Fringe” land use area (see revised section 14.23 of the OCP) that would initially be applicable for the Thomas Brook neighbourhood. Currently, this neighbourhood is under the Columbia Shuswap Regional District’s OCP policy framework. This would bring the neighbourhood under the City’s policy framework and allow these properties to develop for multi-residential and / or tourist accommodation purposes while retaining a rural residential feel and applying a conservation approach to development.



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Landowners would then be able to submit a rezoning application in accordance with the guidance set forth in the Resort Fringe land use policies to develop their properties as per City bylaws. This would allow those that have historic approvals that may have expired or no longer be valid to apply to rezone their properties.

In addition, staff propose to apply the Tourist Commercial Development Permit Area designation to these lands as they do not currently fall under a Development Permit Area. This will ensure that elements such as the form and character of the development, landscaping, and building siting are done in a way that minimizes impacts on adjacent properties.

Staff note that this amendment does not impact the Camozzi Bench property located at the southern boundary of the City off Camozzi road (PID 012-858-889). This property currently has an active OCP amendment and rezoning application and as such would not be part of the amendment for the Thomas Brook lands.

Mapping – Land Use (Amendments 79 – 81, Attachment 1)

The current Schedule F – Land Use, and Schedule G – Development Permit Areas, in the OCP is incorrect and not up to date. The current maps do not include the most recent bylaw amendments, and the recently annexed Thomas Brook lands which will be considered in Bylaw 2298.

In addition, the maps will no longer be separate schedules of the OCP, but rather consolidated as part of Appendix V. This is for ease of future amendments and administration.

Appendices (Amendments 82 – 83, Attachment 1)

Appendix 6 (Smart Growth Checklist) and Appendix 7 (Illustrative Plans) are proposed to be removed. The Smart Growth checklist has never been used and is identified as voluntarily in the OCP. This has been replaced with policies in the land use section to promote conservation design with new proposals. As part of the comprehensive OCP review, application of a climate lens to the entire OCP will be incorporated.

The Illustrative Plans in appendix 7 are a remnant of the UDB that was never adopted by Council. The concepts do not have implementation value as there is no UDB to guide their development and are therefore recommended to be removed.

Attachments/ Links:

Attachment #1 – Consolidated OCP Revisions under Bylaw No. 2297 and No. 2298

Attachment #2 – Summary of OCP Amendments

Attachment #3 – Annotated version of current OCP Bylaw No. 1950

Respectfully submitted,



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A handwritten signature in black ink, appearing to read 'Paul Simon', is positioned above the printed name.

Paul Simon
Senior Planner