



City of Revelstoke

Council Report

File No.: 6480-01

To: His Worship Mayor Sulz and Members of City Council
From: Marianne Wade, Director of Development Services
Paul Simon, Senior Planner
Date: August 10, 2021
Subject: Official Community Plan Amendment Bylaw No. 2297

RECOMMENDATION:

THAT Official Community Plan Amendment Bylaw No. 2297 be read a First time.

CAO Comments:

This report was reviewed for Council consideration.

Executive Summary:

A comprehensive review of the Official Community Plan Bylaw No. 1950 (OCP) is underway. Phase 1 includes project plan development, vision check-in and update, as well as minor updates to modernize the Bylaw. This bylaw for consideration is not a new OCP and the proposed bylaw is to address historical amendments that have created conflict within the OCP and the Zoning Bylaw, creating inconsistency in interpretation by staff and the public. Staff recommend significant amendments to Bylaw No. 1950 to implement the changes outlined in attachment #1 and detailed in the discussion section of this report.

The new OCP as part of phase 2 will be completed in a new format that is significantly different from the current OCP. This will significantly alter and replace content, land uses, and be based off robust public engagement / technical analysis. This is where the master plans (population report, master parks and recreation plan, master transportation plan etc.) that are currently underway will inform the new OCP policies. The new OCP will be brought forward for Council consideration in 2022 as a repeal and replace bylaw to complete the OCP update.

The objective of the Phase 1 amending bylaw is to address immediate concerns and challenges for staff and applicants with respect to the day-to-day implementation / interpretation of the OCP. This document will provide clarity regarding the application of the Bylaw for current planning applications until such a time that Phase 2 project is completed. Should the Phase 2 repeal and replace bylaw be delayed or not be adopted by Council, the proposed amending bylaw would provide a more applicable document for the community that still achieves the goals and objectives of the current OCP.



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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 are noted in the in this report and 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.

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. 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:



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- 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.

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



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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).

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



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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)

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.



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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*.

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.



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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)

With the amendments, 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.

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.



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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 also do not include the recently annexed Thomas Brook lands.

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.

Options:

Should Council grant First reading and wish to grant Second Reading and direct staff to schedule a Public Hearing, additional resolutions are provided for consideration below:

1. **THAT** Official Community Plan Amendment Bylaw No. 2297 be read a Second time;
2. **THAT** a Public Hearing for OCP Amendment Bylaw No. 2297 be scheduled in accordance with the *Local Government Act*.

Public Consultation:

The *Local Government Act* has specific requirements for public consultation regarding an OCP amendment, as such each phase of the OCP update includes public and stakeholder engagement plan.

As described in the background section of this report, engagement with Council committees and the OCP focus group has been undertaken for the proposed OCP update for Phase 1 of the project. TalkRevelstoke will be updated with a summary of the changes and consultation undertaken in support of the changes to inform the community in advance of a Public Hearing. Advertisement in accordance with the *Local Government Act* will be undertaken in advance of the Public Hearing.

Should Council deem it necessary to host additional engagement sessions, they can direct staff to undertake this in advance of a Public Hearing.



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Financial Implications:

All work associated with the revisions to the Official Community Plan were undertaken by in-house staff with the assistance of professional services like legal. This is a capital project and all costs associated with Phase 1 are covered within this budget. The changes proposed are not anticipated to have any future financial impacts.

DOF Initials

Others Consulted:

Official Community Plan Amendment Bylaw No. 2297 was presented to the Advisory Planning Commission (APC) on April 20, 2021. In advance of a Public Hearing, the amendments would be brought back to APC.

The following City of Revelstoke Departments and outside agencies received referrals for the Official Community Plan Bylaw: Development Services; Engineering; Public Works; Finance; Fire Rescue Services; Parks, Recreation & Culture; Agriculture Land Commission; Ministry of Transportation and Infrastructure; School District #19; Columbia Shuswap Regional District; Interior Health, BC Hydro; Fortis BC; Telus, and the RCMP.

The Director of Engineering and Public Works, Director of Economic Development, as well as the Director of Parks, Recreation and Culture have reviewed this proposal.

As per Section 475(2)(iv) of the *Local Government Act*, the City must provide an opportunity for consultation with First Nations. The Province of BC has mapping information which details all First Nations that have an interest in lands within the City of Revelstoke boundaries. All First Nations groups identified in this mapping have been referred on this amending Bylaw.

Attachments/ Links:

Linked Attachment 1 – [Comprehensive Summary of Housekeeping Amendments](#)

Linked Attachment 2 – [Annotated OCP \(Current OCP Bylaw No. 1950\)](#)

Attachment 3a – [Official Community Plan Amendment Bylaw No. 2297](#)

Attachment 3b – Amended [Schedule A](#)

Respectfully submitted,

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Ron Mattiussi
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