City of Kelowna Regular Council Meeting AGENDA



Monday, March 26, 2018 1:30 pm Council Chamber City Hall, 1435 Water Street

Pages

1. Call to Order

This meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

5 - 14

PM Meeting - March 19, 2018

3. Development Application Reports & Related Bylaws

3.1 Cantina Ct 680 - OCP17-0020 Z17-0091 - Gillen Investments Inc. and Emil Anderson Construction Co

15 - 26

To amend the Official Community Plan to change the future land use designation and to rezone the subject property to facilitate the development of low density row housing.

3.2 Cantina Ct 680 & (S of) South Crest Dr - OCP17-0020 (BL11577) - Gillen Investments Inc and Emil Anderson Construction Co

27 - 28

Requires a majority of all Council. (5)

To give Bylaw No. 11577 first reading in order to change the future land use designation of portions of the subject properties from COMM - Commercial designation to the MRL - Multiple Unit Residential (Low Density), &from PARK - Major Park/Open Space (Public) designation to the MRL - Multiple Unit Residential - Low Density designation.

3.3	Cantina Ct 68o & (S of) South Crest Dr- Z17-0091 (BL11578) - Gillen Investments Inc and Emil Anderson Construction Co	29 - 30
	To give Bylaw No. 11578 first reading in order to rezone portions of the subject properties from the C2 - Neighbourhood Commercial zone to the RM2h - Low Density Row Housing (Hillside Area) zone, and from the C2 - Neighbourhood Commercial zone to the P3 - Parks &Open Spaces zone; and from the P4 Utilities zone to the RM2H - Low Density Row Housing (Hillside Area) zone.	
3-4	Lakeshore Rd 4329, Z17-0027 - William Bruce Povah	31 - 37
	To rezone the subject property to facilitate the development of two dwelling housing.	
3.5	Lakeshore Rd 4329, Z17-0027 (BL11579) - William Bruce Povah	38 - 38
	To give Bylaw No. 11579 first reading in order to rezone the subject property from the Ru1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.	
3.6	McClain Rd 4185, Z18-0009 - Bruce Merz	39 - 46
	To rezone the subject property from RR1 - Rural Residential to RR1c - Rural Residential with Carriage House to facilitate the development of a carriage house.	
3.7	McClain Rd 4185, Z18-0009 (BL11580) - Bruce Merz	47 - 47
	To give Bylaw No. 11580 first reading in order to rezone the subject property from the RR1 - Rural Residential zone to the RR1c - Rural Residential with Carriage House zone.	
3.8	Ziprick Rd 255, Z17-0081 - Gurdeep Chahal and Palwinder Pannu	48 - 63
	To rezone the subject property to facilitate the addition of a second dwelling unit on the subject property.	
3.9	Ziprick Rd 255, Z17-0081 (BL11581) - Gurdeep Chahal and Palwinder Pannu	64 - 64
	To give Bylaw No. 11581 first reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.	
3.10	Laurier Ave 1018 and 1024 - Z18-0006 - Mottram Holdings LTD	65 - 76
	To consider a development application to rezone the subject properties from RM ₄ – Transitional Low Density Housing and RU6 – Two Dwelling Housing to RM ₃ – Low Density Multiple Housing to facilitate the development of an expansion to an existing congregate housing facility.	
3.11	Laurier Ave 1018 and 1024, Z18-0006 (BL11588) - Mottram Holdings LTD	77 - 77
	To give Bylaw No. 11588 first reading in order to rezone the subject properties from the RM4 – Transitional Low Density Housing zone and RU6 – Two Dwelling Housing zone to RM3 – Low Density Multiple Housing zone.	

Pooley Rd 3060, A17-0011 - Lawrence Neid RTC To consider an application for a non-farm use for a water reservoir and pump station, and for subdivision in the Agricultural Land Reserve. Non-Development Reports & Related Bylaws 4.1 **Energy Step Code Implementation Strategy** 90 - 121 To inform Council on the BC Energy Step Code and to obtain Council's endorsement on the proposed BC Energy Step Code implementation timeline and strategy prior to stakeholder engagement. 122 - 136 4.2 Good Neighbour Bylaw Update To consider amendments to the Good Neighbour Bylaw and to amend the Bylaw Notice Enforcement Bylaw. 137 - 141 4.3 BL11546 - Amendment No. 1 to Good Neighbour BL11500 To give Bylaw No. 11546 first, second and third readings in order to amend the Good Neighbour Bylaw No. 11500. 4.4 BL11566 - Amendment No. 20 to Bylaw Notice Enforcement Bylaw No. 10476 142 - 153 To give Bylaw No. 11566 first, second and third readings in order to amend the Bylaw Notice Enforcement Bylaw No. 10475. 4.5 Kelowna Community Health Services Centre Public Art - Memorandum of 154 - 163 Understanding To seek Council's approval to enter into a MOU outlining roles and responsibilities of an equal cost sharing partnership between Doyle Property Holdings Ltd. and the City of Kelowna for the commissioning of new publicly accessible artwork at the Kelowna Community Health Services Centre, 505 Doyle Avenue. Bylaws for Adoption (Non-Development Related) 164 - 166 5.1 Sufficiency Report for South Perimeter Road and Gordon Drive Extension For Council to receive the Sufficiency Report for the South Perimeter Road and Gordon Drive project and to advance the accompanying loan authorization bylaw for adoption consideration. 167 - 211 5.2 BL11554 - South Perimeter Road & Gordon Drive Extension To adopt Bylaw No. 11554 in order to enter into an agreement with Ponds Ventures Inc to construct the South Perimeter Road and extension of Gordon Drive.

3.12

4.

5.

78 - 89

5.3 BL11556 - Road Closure and Removal of Highway Dedication - Portion of Lougheed Road

212 - 213

Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

To adopt Bylaw No. 11556 in order to authorize the City to permanently close and remove the highway dedication of a portion of highway on Lougheed Road.

- 6. Mayor and Councillor Items
- 7. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Location: Monday, March 19, 2018

Council Chamber

City Hall, 1435 Water Street

Members Present

Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Tracy Gray,

Brad Sieben, Mohini Singh and Luke Stack

Members Absent

Councillors Gail Given and Charlie Hodge

Staff Present

City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist*; Long Range Policy Planning Manager, James Moore*; Policy & Planning Department Manager Danielle Noble-Brandt*; Utility Services Manager, Kevin Van Vliet*; Community Planning Department Manager, Ryan Smith*; Planner Specialist, Adam Cseke*; Planner Specialist, Laura Bentley*; Divisional Director, Financial Services, Genelle Davidson*; Revenue Supervisor, Angie Schumacher*; Financial Analyst, James Sexton*; Financial Planning Manager, George King*; Real Estate Services Manager, Johannes Saufferer*; Parking Services Manager, Dave Duncan*; Parks & Buildings Planning Manager, Robert Parlane*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:32 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Gray

<u>R265/18/03/19</u> THAT the Minutes of the Regular Meetings of March 12, 2018 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Diamond Mountain Area Structure Plan Consideration

Staff:

- Introduced the Diamond Mountain Area Structure Plan report.

Displayed a PowerPoint Presentation.

- Made comment on the purpose of an Area Structure Plan.

- Displayed a map identifying lands for an Area Structure Plan and noted that through an ASP, the City and an applicant are intended to examine the feasibility of development on a site.

An ASP is a policy document and should not be understood to grant development rights.

- Made comment on the Diamond Mountain Area Structure Plan proposal and noted that this area is not a critical growth node.

Made comment on the landfill interface concerns:

the ASP process has highlighted nuisance impact and risk to the City for these lands;

• there is also nuisance impact on surrounding lands; Some more clear now, some a result of changing regulations;

incompatible development adjacent to our facilities is a substantial risk to the City;

• need to address this land use issue to by further assessing the impacted adjacent lands and the current Future Land Uses as assigned in the OCP; work with neighbouring land owners to ensure compatible use.

Made comments on nuisance modelling:

Residents of proposed site will be affected by Dust, Odour, Noise and Visual impacts;

o From site and from landfill traffic

- Significant political pressure on future Councils
- Significant pressure towards future Councils and from Ministry of Environment.

Responded to questions from Council.

John Ferguson, GHD Consulting

- Provided technical comments on the nuisance modelling.

Responded to comments from Tetra Tech regarding validity of the GDH modelling study.

- There will be nuisance impact and stand by GHD's report.

Responded to questions from Council.

The meeting recessed at 2:55 p.m.

The meeting reconvened at 3:03 p.m.

Renee Wasylyk, 1160 Bernard Avenue, Troika Developments

- Displayed a PowerPoint Presentation.

- This site will be developed into a comprehensive sustainable community.

- Noted the vision for Diamond Mountain:

- Embrace and respect the spectacular natural setting;
- Integrate progressive sustainable design principles;
- Provide many opportunities to live, work and play;

- Deliver a complete range of housing options;

Serve as a benchmark project for sustainable neighbourhood land development in Kelowna.

Will create a Green Standard for communities through:

· Innovative community water recycling;

Development compact clusters of housing where needed for hillside sensitivity using only 45% of our site, with the remainder being open parkland;

Requirement sustainable building design elements;

Diverse Housing product types for a complete community;

Incorporation sustainable energy systems;

- Sensitive Landscaping with Required xeriscaping and native plantings;
- Excessive parkland dedication;

Transit route through the site;

• Promotion active living through an extensive trail network and recreation opportunities.

Spoke to the purpose and benefits of using the Three Pillars model and the Economic, Social and Environmental advantages this ASP project would bring to the City.

Spoke to the timeline of the application from 2011 to present with staff's support last March and

then pulled by staff without explanation.

Raised issues with the modeling and policy decision recommendations from GHD Consulting.

- Diamond Mountain is the least impacted area for any odour nuisances identified in the scientific
- The Area Structure Plan includes mitigation measures to alleviate visual impacts, odour, dust and noise nuisances.
- Spoke to the lack of any complaints to City Bylaw Department for landfill related nuisances over the past few years and that there has been only 1 shutdown ever.

Questioned how much development on Diamond Mountain would actually increase any of the regulatory risks identified by staff.

There is no scientific or regulatory reason for Diamond Mountain to not move forward.

Tetra Tech reviewed the City studies and disagree with the conclusions regarding their impacts on the Diamond Mountain Area Structure Plan.

Believes the wrong modelling technique was used and is grossly over conservative.

Responded to questions from Council.

John Muller and Jeremy Travis, Tetra Tech

- Critiqued the modelling on the fact that it does not adhere to BC Guidelines of the Ministry of Environment. Calpuff modelling is the choice in the Okanagan Valley; the treatment of missing data is not adhering to BC Guidance.
- Believes Diamond Mountain is the least affected from the figures that have been seen.

Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Singh

R266/18/03/19 THAT Area Structure Plan Application No. ASP12-0001 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for portions of:

Lot B Section 9 Township 23 ODYD Plan 30819 Except Plan 38902, located at 2250 Galiano Road, Kelowna, BC;

Lot A Sections 9, 10 and 16 Township 23 ODYD Plan 30819 Except Plan KAP81434, located at 1555 Glenmore Road North, Kelowna, BC; and

Lot 1 Sections 9 and 10 Township 23 ODYD Plan 1884 Except Plan 31642, located at 855

Packinghouse Road, Kelowna, BC

from the FUR - Future Urban Reserve designation to the REP - Resource Protection Area, S2RES - Single / Two Unit Residential, and S2RESH - Single / Two Unit Residential - Hillside, MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), COMM – Commercial, and PARK – Major Park / Open Space (Public) designations, as shown on Map "A" attached to the Report from the Policy & Planning and Utility Services Departments dated March 19, 2018 NOT be considered by Council.;

AND THAT Council direct staff to further investigate the nuisance analysis as it relates to the Glenmore Landfill Fill Plan and report back on mitigation and preventative options as it relates to adjacent land uses, on-site activities, and financial impacts to the City of Kelowna.

Carried

Councillors Gray and Sieben - Opposed

Richter St 1205-1241, OCP18-0001 & Z18-0003 - 1120797 BC Ltd Inc. 3.2

Staff:

Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

<u>R267/18/03/19</u> THAT Official Community Plan Map Amendment Application No. OCP18-0001 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of each of the following parcels:

Lot 8 District Lot 138 ODYD Plan 1039, located at 1241 Richter Street, Kelowna, BC Lot 9 District Lot 138 ODYD Plan 1039, located at 1235 Richter Street, Kelowna, BC Lot 10 District Lot 138 ODYD Plan 1039, located at 1229 Richter Street, Kelowna, BC Lot 11 District Lot 138 ODYD Plan 1039, located at 1223 Richter Street, Kelowna, BC Lot 12 District Lot 138 ODYD Plan 1039, located at 1215 Richter Street, Kelowna, BC Lot 13 District Lot 138 ODYD Plan 1039, located at 1205 Richter Street, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MRH – Multiple Unit Residential (High Density) designation, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Community Planning Department dated March 12, 2018;

THAT Rezoning Application No. Z18-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of each of the following parcels:

Lot 8 District Lot 138 ODYD Plan 1039, located at 1241 Richter Street, Kelowna, BC Lot 9 District Lot 138 ODYD Plan 1039, located at 1235 Richter Street, Kelowna, BC Lot 10 District Lot 138 ODYD Plan 1039, located at 1229 Richter Street, Kelowna, BC Lot 11 District Lot 138 ODYD Plan 1039, located at 1223 Richter Street, Kelowna, BC Lot 12 District Lot 138 ODYD Plan 1039, located at 1215 Richter Street, Kelowna, BC Lot 13 District Lot 138 ODYD Plan 1039, located at 1205 Richter Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM6 – High Rise Apartment Housing zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated March 12, 2018;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the registration of a height restriction covenant to a maximum of six (6) storeys and a land use restriction covenant on the subject property;

AND FURTHER THAT final adoption of Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

<u>Carried</u> Councillor Stack – Opposed

3.3 Richter St 1205, 1215, 1223, 1229, 1235 & 1241, OCP18-0001 (BL11574) - 1120797 BC Ltd Inc.

Moved By Councillor Gray/Seconded By Councillor Donn

R268/18/03/19 THAT Bylaw No. 11574 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

Councillor Stack-Opposed

3.4 Richter St 1205, 1215, 1223, 1229, 1235 & 1241, Z18-0003 (BL11575) - 1120797 BC Ltd Inc.

Moved By Councillor Gray/Seconded By Councillor Donn

R269/18/03/19 THAT Bylaw No. 11575 be read a first time.

Carried

Councillor Stack- Opposed

3.5 South Ridge Dr 5008, Z17-0114 - Emil Anderson Construction Co. Ltd

Staff:

Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Donn

<u>R270/18/03/19</u> THAT Bylaw No. 11198 be forwarded for rescindment consideration and the file be closed;

AND THAT Rezoning Application No. Z17-0114 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL 1688S SDYD Plan KAP68647 located at 5008 South Ridge Drive, Kelowna, BC from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated January 8, 2018;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a restrictive covenant on title precluding the use of the property for a gas bar.

Carried

3.6 South Ridge Dr 5008, Z15-0064 (BL11198) - Emil Anderson Construction Co

Moved By Councillor Donn/Seconded By Councillor Gray

<u>R271/18/03/19</u> THAT Bylaw No. 11198 be rescinded at first, second and third readings and the file be closed.

Carried

3.7 South Ridge Dr 5008, Z17-0114 (BL11576) - Emil Anderson Construction Co

Moved By Councillor Stack/Seconded By Councillor DeHart

R272/18/03/19 THAT Bylaw No. 11576 be read a first time.

Carried

3.8 Agassiz Rd 2025, Z16-0052 - Exceling Investments Inc. BC No 1062096

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Gray/Seconded By Councillor Donn

<u>R273/18/03/19</u> THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amending Bylaw No. 11358, be extended from March 7, 2018 to March 7, 2019;

AND THAT Council directs Staff to not accept any further extension requests.

Carried

3.9 Nickel Rd 230, DP17-0095 - James Zeleznik

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R274/18/03/19 THAT Rezoning Bylaw No. 11429 be amended at third reading to revise the legal description of the subject properties from "Lot A, Section 27, Township 26, ODYD, Plan 25115, located at 230 Nickel Rd, Kelowna, BC, and Lot B, Section 27, Township 26, ODYD, Plan 25115 Except Plan KAP65522, located at 170 Nickel Rd, Kelowna, BC" to "Lot 1, Section 27, Township 26, ODYD, Plan EPP73636 located at 200 Nickel Rd, Kelowna, BC";

AND THAT final adoption of Rezoning Bylaw No. 11429 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0095 for Lot 1, Section 27, Township 26, ODYD, Plan EPP73636 located at 200 Nickel Rd, Kelowna, BC subject to the following:

- The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
- 2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
- 3. Landscaping to be provided on the land be in accordance with Schedule "C";
- 4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Defeated

Mayor Basran, Councillors DeHart, Gray, Singh and Stack - Opposed

3.10 Valley Rd 720, DP17-0237 - Kane 2 Resources Ltd., Inc. No. BC0807695

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Stack

<u>R275/18/03/19</u> THAT final adoption of Official Community Plan Bylaw No. 11527 be considered by Council;

AND THAT final adoption of Rezoning Bylaw No. 11536 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0237 for Lot E Sections 29 and 32 Township 26 ODYD Plan EPP75038, located at 720 Valley Road, Kelowna, BC subject to the following:

- 1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";
- 2. The exterior design and finish of the buildings to be constructed on the land be in accordance with Schedule "B";
- 3. Landscaping to be provided on the land be in accordance with Schedule "C";
- 4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a Letter of Credit in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permit to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

4. Bylaws for Adoption (Development Related)

4.1 TA16-0002 (BL11552) - General Text Amendments

Moved By Councillor DeHart/Seconded By Councillor Stack

R276/18/03/19 THAT Bylaw No. 11552 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Downtown Kelowna Association 2018 Budget

Staff:

- Displayed a PowerPoint Presentation summarizing the Downtown Kelowna Association 2018 Budget.

Moved By Councillor DeHart/Seconded By Councillor Sieben

<u>R277/18/03/19</u> THAT Council approves the Downtown Kelowna Association 2018 Budget as outlined in the report of the Accountant dated March 19, 2018;

AND THAT Council approves the 2018 levy of \$887,407 on Class 5 and Class 6 properties located within the boundaries of the Kelowna Downtown Business Improvement Area.

Carried

5.2 Uptown Rutland Business Association 2018 Budget

Staff:

 Displayed a PowerPoint Presentation summarizing the Uptown Rutland Business Association 2018 Budget.

Moved By Councillor Sieben/Seconded By Councillor Gray

<u>R278/18/03/19</u> THAT Council approve the Uptown Rutland Business Association 2018 Budget as outlined in the report of the Accountant dated March 19, 2018;

AND THAT Council approve the 2018 levy of \$180,564 on the Class 5 and Class 6 properties located within the boundaries of the Uptown Rutland Business Improvement Area.

Carried

5.3 Investment of City of Kelowna Funds for 2017

Staff:

- Displayed a PowerPoint Presentation summarizing the City's 2017 investment portfolio and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Gray

<u>R279/18/03/19</u> THAT Council receives, for information, the Investment of City of Kelowna Funds for 2017 Report from the Financial Analyst as presented on March 19, 2018 in alignment with Council's strong financial management priority.

Carried

The meeting recessed at 5:20 p.m.

The meeting reconvened at 5:30 p.m.

5.4 2018 Carryovers - Financial Plan

Staff:

- Displayed a PowerPoint Presentation summarizing the 2018 Carryovers included in the Financial Plan and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

R280/18/03/19 THAT the 2018 Financial Plan be increased by \$8,614,340 to provide for operating carryover projects and \$139,472,230 for capital carryover projects as summarized in Financial Plan Volume 2.

Carried

5.5 Provincial Budget 2018 - Real Estate Taxes

Staff:

- Displayed a PowerPoint Presentation providing information on the proposed real estate taxes that were identified in the 2018 Provincial Budget.
- Responded to questions from Council.

Council

- Made comments on the recommendations in the staff report.

Moved By Councillor DeHart/Seconded By Councillor Singh

<u>R281/18/03/19</u> THAT Council defer the report from the Real Estate Services Manager dated March 19, 2018, with respect to the Provincial Budget 2018 - Real Estate Taxes to the March 20, 2018 Tuesday, Regular Meeting;

AND THAT staff bring forward a series of recommendations based on Council comments this afternoon.

Carried

5.6 Complimentary Downtown Parking for 2018 Small Shop Promotion Days

Moved By Councillor Donn/Seconded By Councillor Sieben

<u>R282/18/03/19</u> THAT Council receives, for information, the report from the Manager, Parking Services, dated March 19, 2018, with respect to no-charge downtown parking on two (2) days in 2018;

AND THAT Council approves waiving on-street parking fees in the downtown area on the following two (2) dates:

Saturday, March 24, 2018 Saturday, November 24, 2018.

Carried

5.7 Smith Avenue (Library Parkade) Offices Renovation and Fit Out

Staff:

- Displayed a PowerPoint Presentation identifying the renovations accompanying the amendment to the 2018 Financial Plan.

Moved By Councillor Stack/Seconded By Councillor DeHart

R283/18/03/19 THAT Council receives, for information, the report from the Parks & Buildings Planning Manager dated March 19, 2018, with respect to Smith Avenue (Library Parkade) Offices Renovation and Fit Out;

AND THAT the 2018 Financial Plan be amended to include up to \$625,000 from the Civic Facilities Reserve, for the renovation and fit out of the Smith Avenue offices;

AND FURTHER THAT the 2018 Financial Plan be amended to reduce the annual operating budget by \$59,300 as outlined in the Financial/Budgetary Considerations section of this report.

<u>Carried</u>

5.8 Aspen Road Parcel Tax Bylaw No. 11572 and 2018 Parcel Tax Review Panel

Moved By Councillor DeHart/Seconded By Councillor Sieben

<u>R284/18/03/19</u> THAT Council receives for information the report from the City Clerk dated March 19, 2018 directing staff to impose a parcel tax under Section 200 of the *Community Charter* on the benefiting parcels in the Aspen Road Local Service Area.

AND THAT Bylaw No. 11572, being the Aspen Road Local Area Service Parcel Tax be forwarded for reading consideration.

AND FURTHER THAT Council set the 2018 Parcel Tax Roll Review Panel meeting for April 11, 2018 at 11:45am in meeting room 4A-Knox Mountain, 4th Floor, City Hall, 1435 Water Street, Kelowna, BC.

Carried

5.9 BL11572 - Parcel Tax Bylaw for Aspen Road Local Area Service

Moved By Councillor Stack/Seconded By Councillor DeHart

R285/18/03/19 THAT Bylaw No. 11572 be read a first, second and third time.

Carried

- 6. Mayor and Councillor Items Nil.
- 7. Termination

This meeting was declared terminated at 6:33 p.m.

Mayor Basran

/acm

City Clerk

REPORT TO COUNCIL



Date: March 26, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TA)

Gillen Investments Inc. Inc. No. 528682

Application: OCP17-0020 Z17-0091 Owner: Emil Anderson Construction Co. Ltd. Inc.

No. C172775

Matthew J. Temple

Address: 680 Cantina Court Applicant:

Emil Anderson Construction Co Ltd.

Subject: Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: COMM – Commercial

PARK – Major Park/Open Space (Public)

Proposed OCP Designation: MRL – Multiple Unit Residential (Low Density)

PARK – Major Park/Open Space (Public)

Existing Zone: C2 – Neighbourhood Commercial

P3 - Parks & Open Space

Proposed Zone: RM2h – Low Density Row Housing (hillside)

P3 – Parks & Open Space

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP17-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

- portions of Lot 15, District Lot 1688S, SDYD, Plan KAP71342, located at 68o Cantina Court, Kelowna, BC; from the COMM - Commercial designation to the MRL – Multiple Unit Residential (Low Density), and from the COMM – Commercial designation to the PARK – Major Park/Open Space (Public) designation; and
- portions of Lot 56, District Lot 1688S, SDYD, Plan KAP68647 Except Plan KAP71342, located at (S
 OF) South Crest Drive, Kelowna, BC; from the PARK Major Park/Open Space (Public) designation
 to the MRL Multiple Unit Residential (Low Density) designation;

as shown on Map "A" attached to the Report from the Community Planning Department dated March 26, 2018 be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the neighbourhood consultation process to be appropriate consultation for the purposes of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated March 26, 2018;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 26, 2018;

AND THAT Rezoning Application No. Z17-0091 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- portions of Lot 15, District Lot 1688S, SDYD, Plan KAP71342, located at 680 Cantina Court, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the RM2h – Low Density Row Housing (Hillside Area) zone, and from the C2 – Neighbourhood Commercial zone to the P3 – Parks & Open Spaces zone; and
- portions of Lot 56, District Lot 1688S, SDYD, Plan KAP68647 Except Plan KAP71342, located at (S
 OF) South Crest Drive, Kelowna, BC from the P4 Utilities zone to the RM2h Low Density Row
 Housing (Hillside Area) zone;

as shown on Map "B" attached to the Report from the Community Planning Department dated March 26, 2018 be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the execution of the Land Agreement between the City of Kelowna and the applicant;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

2.0 Purpose

To amend the Official Community Plan to change the future land use designation and to rezone the subject property to facilitate the development of low density row housing.

3.0 Community Planning

The subject property is currently zoned for neighbourhood commercial as established in the original Area Structure Plan for the South Ridge neighbourhood in 2002. It has sat vacant since that time as the surrounding residential neighbourhood has built out. The property owner has been challenged with developing commercial at this site due to low levels of interest and its relatively isolated commercial

location and is now proposing a change in land use to low density residential which would have greater market viability. While a commercial component is an important element in creating more sustainable neighbourhoods, Staff recognize that the South Ridge neighbourhood will be serviced by the future commercial village centre planned in the adjacent Ponds neighbourhood to the east along Frost Road. Community Planning supports the proposed low density residential land use as it is capability with the surrounding residential neighbourhood; contributes to providing a different housing type than currently exists in the area, and is an appropriate fit for the site constraints.

Should Council support the proposed OCP and Zoning amendments, Staff will being forward a Council considered Development Permit for Form and Character.

The applicant completed neighbourhood consultation in accordance with Council Policy No. 367. Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 <u>Background</u>

The subject property was identified as a commercial site through the South Ridge Area Structure Plan in 2002. It is currently zoned C2 – Neighbourhood Commercial. The intent of the neighbourhood commercial was to provide a stand-alone commercial building on the upper rocky portion of the site connected via stairwell to the lower portion of the site where parking would be sited. The property is vacant and has never been developed.

The subject property is a steeply sloped and irregularly shaped property with a rocky knoll at the upper north east portion. It is surrounded on three sides by City owned land currently zoned P₄ – Utilities for the South Ridge Drainage and Retention Area. In order to achieve a reasonable site area for row-housing, the applicant has entered into a Land Agreement with the City of Kelowna to establish a land transfer. The applicant will transfer the north eastern steeply sloped portion to the City of Kelowna to be zoned P₃ – Parks & Open Space and to be used as Park. The City will transfer portions of land at the lower elevation which are not as steeply sloped to create a site for 6 proposed row houses under the RM2h zone (please refer to attached Map "A" and Map "B").

4.2 Project Description

The applicant has proposed a residential development of 6 row houses. The portion of City lands that will be disposed to the applicant and consolidated with the subject property will be amended from PARK to MRL and rezoned to RM2h – Low Density Row Housing (Hillside Area). The steep slopes at the north-east corner of the property will become City-owned and will be amended from COMM to PARK and rezoned to P_3 – Parks & Open Space.

4.3 Site Context

The subject property is located in Upper Mission in the South Ridge neighbourhood. It is located off of South Ridge Drive and Cantina Ct. in a subdivision that is predominantly single dwelling housing. The walk score of the subject property is 1, which means it is a car dependent neighbourhood.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P4 - Utilities	South Ridge Detention Pond
East	P4 - Utilities	South Ridge Detention Pond
South	P ₃ – Parks & Open Space	South Ridge Open Space
300011	RU1h – Large Lot Housing (Hillside Area)	Single Dwelling Housing
West	P4 - Utilities	South Ridge Detention Pond

Subject Property Map: 68o Cantina Court



5.0 Current Development Policies

5.1 <u>Kelowna Official Community Plan (OCP)</u>

Development Process

Policy 5.15.7: *Protection Measures.* Protect and preserve environmentally sensitive areas using one or more of the following measures, depending on which measures are appropriate to a given situation:

Dedication as a City park or trail where the area complements the goals and objectives
of sustainable development. ESA's acquired as parks or trails will be managed to
protect their sensitive features in balance with public use.

Policy 5.15.12: Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

Policy 5.22.7: *Healthy Communities*. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

6.0 Technical Comments

6.1 <u>Building & Permitting Department</u>

- Any retaining walls or slope stability to platform the building sites are required to be designed by a geotechnical engineer and the work done as part of the subdivision.
- Locations of rock pits to clearly determined on site grading plans and comment for design should be provided in the geotechnical report. This area does not have a storm pipe system.
- Roof water disposal to be determined by geotechnical engineer at time of sub division. If the
 roof water is connected to stormwater management system then engineering details should be
 provided since this requirement is not within the Building Code. Details should include slope of
 piping, clean outs, connection to dwelling, size of pipe, backflow protection, etc.
- Any sloped areas above the building platform should have a drainage swale system before the property line to deal with potential overland water flows issues.

6.2 <u>Development Engineering Department</u>

• Please see attached Development Engineering Memorandum dated November 1, 2017 as Schedule "A".

7.0 Application Chronology

Date of Application Received:

Date Public Consultation Completed:

Date of Revised Drawings Received:

August 21, 2017

December 4, 2017

March 7, 2018

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director Community Planning and

Strategic Investments

Attachments:

Attachment "A": Applicant's Letter of Rationale dated March 27, 2017

Map "A": Official Community Plan Amendment Map

Map "B": Zoning Bylaw Amendment Map

Schedule "A": Development Engineering Memorandum



EMIL ANDERSON CONSTRUCTION (EAC) INC.

March 27, 2017

City of Kelowna 1435 Water Street Kelowna, BC V1Y 1.J4

Attention: Benjamin Walker, RLA

Property Officer II

Cantina Court Re:

Project Proposal – Land Swap Review

Dear Mr. Walker,

Please find enclosed for City review, EAC's proposal for the Cantina Court housing development, a proposed Low Density Row Housing (Hillside Area) project located at 680 Cantina Court, Kelowna BC.

This letter provides an overview of the proposed EAC project, including history of the initial intent for the site, and why the updated proposed use is best suited for the site today. In order to move this project forward, EAC will be proposing a land swap with the City of Kelowna due to spatial and grading constraints. We ask that you please circulate this information to the necessary departments for comment and approval of the land swap so that we may move forward with subsequent Rezoning and Development Permit applications.



This 0.731 acre irregularly shaped property is currently zoned C2 – Neighborhood Commercial. This property is bound on the north, east, and west sides by City property zoned P4, and on the south by Cantina Court. There is an existing City right-of-way crossing the center of the lot (south-north) for an existing City storm main, directing drainage collected by the main within Cantina Court to the existing drainage ditch along the south side of South Ridge Drive.

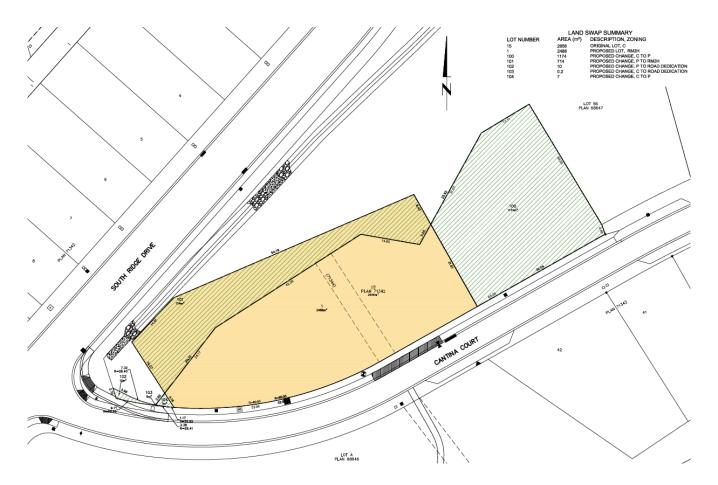
The original vision for this property was in keeping with the current C2 zone, a commercial building at the northeast end of the property atop the knoll in that area, with supporting surface parking in the southwest area at the lower elevation. These two areas would be connected via a stairway. Today, this mid 90's concept of an isolated standalone food and beverage establishment is simply not viable. Other uses under the C2 zoning were considered, but none gained traction with possible tenants.

EAC has opted instead to move forward with a revised vision for the property. Working with GTA Architecture and CTQ Consultants, EAC is proposing a low density row housing development which will integrate nicely with the existing neighborhood. Both the Architecture and the Engineering teams have identified site constraints and suggested plans and modifications to make this updated vision feasible.

The proposed land swap is triggered by the spatial and grading constraints. As seen in the included plans and below rendering, the site has considerable grade change from east-west and from south-north, as well as a knoll in the northeastern portion of the site. The proposed building layout takes advantage of the gentlest slopes in the southwest area, but due to the size of the proposed unit footprints, re-grading at the rear of the buildings is required.



Utilizing walk-out structures for units 1-5 makes the most efficient use of the natural grade. Unit 5/6 as proposed would encroach on the slope of the knoll, as such a combination of a walk-out and walk-up unit is best suited to interface with the hillside, minimizing the impact to the surrounding area. Note that the architectural renderings are yet to be updated to show Unit 6 as a walk-up design; however this chance has been reviewed in full by the civil engineering team and is illustrated in the grading design. Renderings will be updated prior to subsequent submissions.



The proposed land swap boundary is based on the intention to contain the majority of all required re-grading within the proposed lot, while also adhering to all setback requirements associated with an RM2h zone, for which EAC intends to propose a rezoning. This concept was reviewed with City staff on February 23, 2017. As shown on the plans, the area proposed to be transferred to the City is $1,181\text{m}^2$, while EAC is proposing the City transfer 714m^2 , a ± 1.65 :1 swap in favor of the City.

It is noted that EAC also presented another option to the City on February 23, 2017, where the proposed boundary would entirely contain all required re-grading. The alternative swap option resulted in a ratio closer to 1:1, still marginally in favor of the City.

From an access perspective, it is noted that previous discussions with the City identified that EAC would be permitted to have a driveway access to Cantina Court for each unit. While it is understood this is not typical for a strata development, it makes best use of an already spatially challenging site, as a common entry and internal fronting road would not fit, and is also a preferred function for a site with access via a hillside road only. Supporting correspondence from past discussion is included for your reference.

Public utilities are in place to service this lot. It is noted that conceptual plans indicate a reduction to cover over the existing storm main routed through the site, however it is very likely that minimum 1.0m cover can be maintained through detailed grading design. In the event that cover cannot be maintained, it is noted that the mains may easily be lowered between Cantina Court and the South Ridge Drive ditch network.

CTQ has identified that the existing sanitary connection off Cantina Court is at too high an elevation to service units 1-4, which was expected as this lower level area of the site was intended to be a parking lot. EAC would seek approval to install a second connection further downstream off Cantina Court for service to units 1-4.

A single water connection would service all the units, with the location of the City meter to be determined.

Finally, it is proposed that the intersection of Cantina Court and South Ridge Drive be improved. It is proposed that the north Cantina Court curb tie be re-aligned to widen the intersection, as the existing intersection is based on previous hillside standards and the upgrade will also improve function of the non-perpendicular intersection.

It is our intention to finalize the proposed land swap boundaries as quickly as possible to the satisfaction of all, as such, we welcome the opportunity to assist in any way we can. If there are any questions about the information contained within, please don't hesitate to contact Matthew Temple at 250-763-8232 x289 or Gregory Asling x247.

Yours truly,

Emil Anderson Construction (EAC) Inc.

Matthew J. Temple, P.Eng

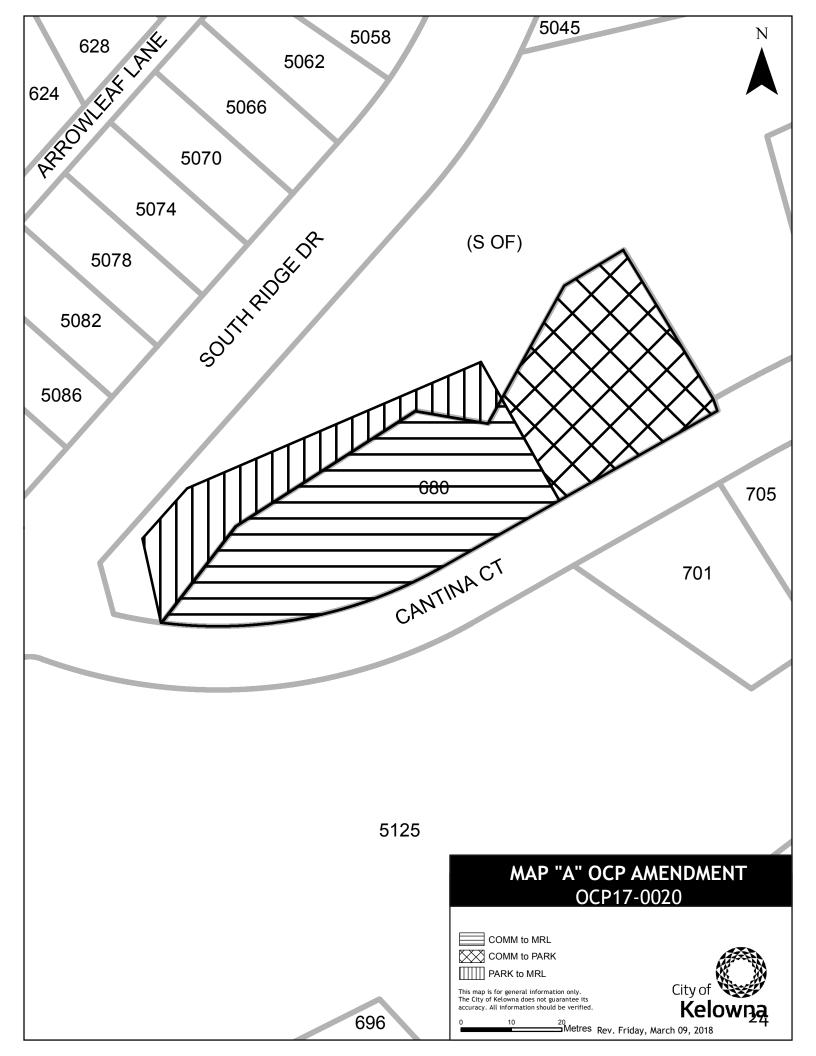
Development - Construction Manager

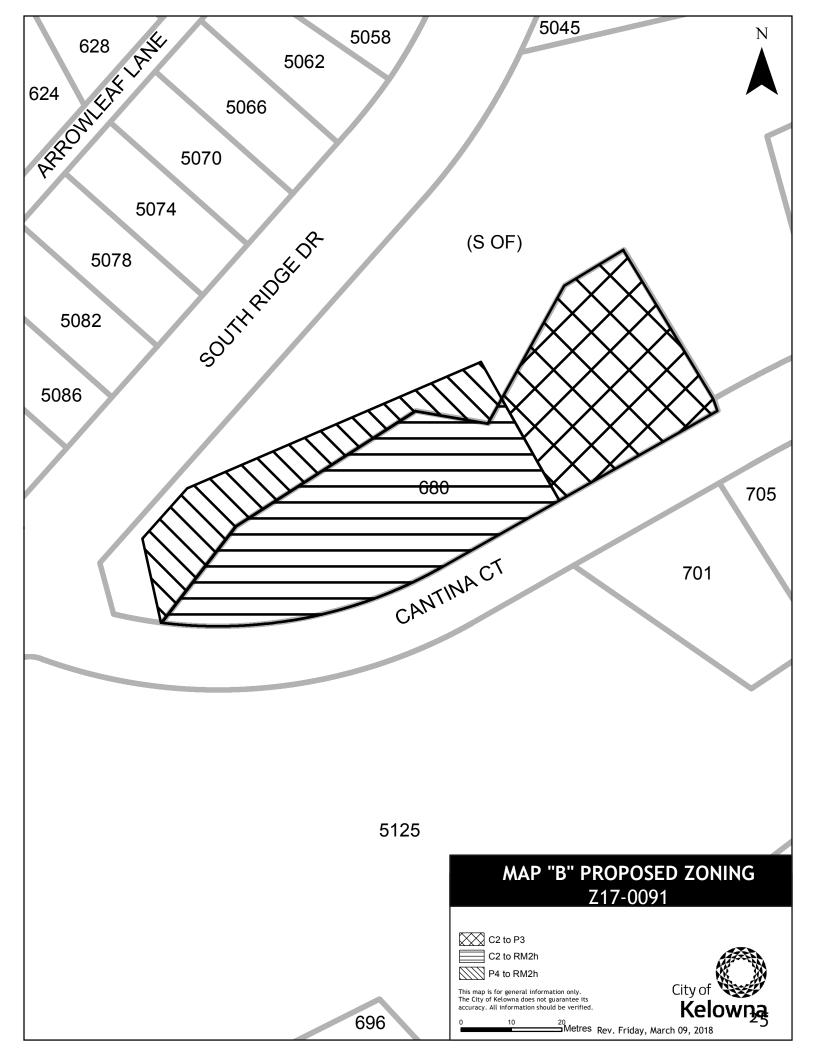
Encl. Current City Property Reports

Cantina Court Preliminary Grading; CTQ Consultants Site Plan / Land Swap Plans; CTQ Consultants

Perspective and Elevation Views; GTA Architecture

Past City correspondence (site access)





CITY OF KELOWNA

MEMORANDUM

Date:

November 1, 2017

File No.:

Z17-0091

To:

Community Planning (TB)

From:

Development Engineering Manager (JK)

Subject:

680 Cantina Court

Lot 15 Plan 71342

C2 to P4, RM2H

Development Engineering has the following comments and requirements associated with this application.

The Development Engineering Technologist for this project is John Filipenko AScT

The road frontage for the subject parcel is fully urbanized with curb and gutter, sidewalk piped storm drainage system and street lighting. Boulevard landscaping, the re-location or adjustment of existing utility appurtenances if required to accommodate development of the subject parcel will be at the applicant's expense.

The subject parcel is currently serviced with large diameter sanitary and water services. Service upgrades or adjustments, if required, will be at the applicant's expense.

The property is within pending Water Extended Service Area 17. A ESA charge of \$1,769.00 per EDU will be assessed at time of development.

James Kay, P. Eng.

Development Engineering Manager

JF



CITY OF KELOWNA BYLAW NO. 11577

Official Community Plan Amendment No. OCP17-0020 680 Cantina Court and (S of) South Crest Drive

A bylaw to amend the "Kelowna 2030 – Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT Map 4.1 **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of:
 - a) portions of Lot 15, District Lot 1688S, SDYD, Plan KAP71342, located at Cantina Court, Kelowna, BC; from the COMM - Commercial designation to the MRL - Multiple Unit Residential (Low Density), and from the COMM - Commercial designation to the PARK -Major Park/Open Space (Public) designation; and
 - b) portions of Lot 56, District Lot 1688S, SDYD, Plan KAP68647 Except Plan KAP71342, located at (S OF) South Crest Drive, Kelowna, BC; from the PARK Major Park/Open Space (Public) designation to the MRL Multiple Unit Residential (Low Density) designation;
 - as per Map "A" attached to and forming part of this bylaw.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

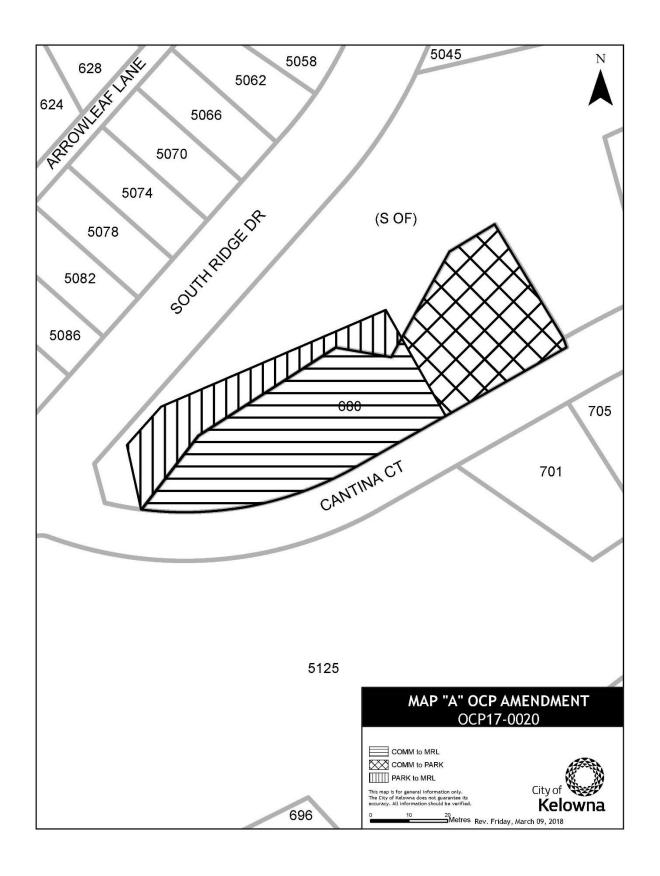
Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor
City Clerk



CITY OF KELOWNA

BYLAW NO. 11578 Z17-0091 — 680 Cantina Court and (S of) South Crest Drive

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of:
- a) portions of Lot 15, District Lot 1688S, SDYD, Plan KAP71342, located at 680 Cantina Court, Kelowna, BC from the C2 Neighbourhood Commercial zone to the RM2h Low Density Row Housing (Hillside Area) zone, and from the C2 Neighbourhood Commercial zone to the P3 Parks & Open Spaces zone; and
- b) portions of Lot 56, District Lot 1688S, SDYD, Plan KAP68647 Except Plan KAP71342, located at (S OF) South Crest Drive, Kelowna, BC from the P4 – Utilities zone to the RM2h – Low Density Row Housing (Hillside Area) zone;
 - as per Map "B" attached and forming part of this bylaw.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

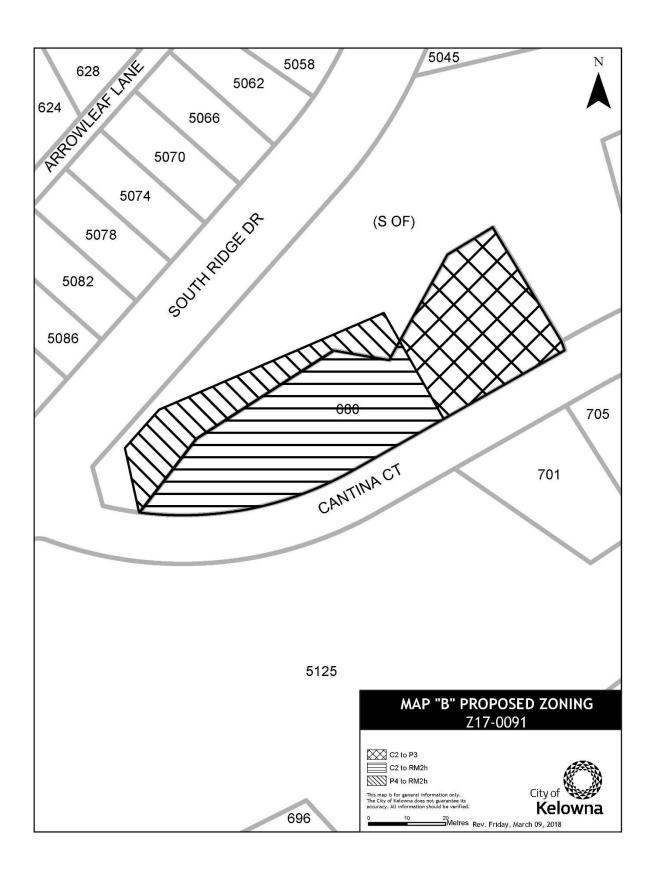
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: March 26, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TA)

Application: Z17-0027 **Owner:** William Bruce Povah

Address: 4329 Lakeshore Road Applicant: Len Suchocki, Chriscan

Construction

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z17-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, ODYD, Plan 31689 located at 4329 Lakeshore Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 26, 2018.

2.0 Purpose

To rezone the subject property to facilitate the development of two dwelling housing.

3.0 Community Planning

Community Planning supports the proposed rezoning from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate the development of two dwelling housing. The rezoning aligns with Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential, and aligns with OCP Development Policy regarding Compact Urban Form. The subject property meets the minimum lot size and width for two dwelling housing and no variances are proposed at this time.

Should Council support the rezoning, the applicant will proceed to apply for a building permit.

4.0 Proposal

4.1 <u>Background</u>

There was a single family dwelling on the subject property that was demolished in 2015 in anticipation of this rezoning application.

4.2 Project Description

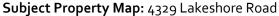
The applicant proposes to rezone the subject property from RU1 to RU6 to facilitate the development of two dwelling housing. The proposal is for two single family dwellings, and the first dwelling is currently under construction. Nether dwelling is permitted to have a suite under the current RU6 zone regulations. No variances are requested and a shared driveway is proposed.

4.3 <u>Site Context</u>

The .45-acre subject property is on the east side of Lakeshore Road near the intersection of Lakeshore Road and Sarsons Road. The neighbourhood is predominantly single family residential with several schools and parks in the near vicinity. The subject property has a walkscore of 25, meaning it is car dependent and most errands require a vehicle.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing





4.4 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL		
Existing Lot/Subdivision Regulations				
Lot Area	700.0 m²	1821 m²		
Lot Width	18.om m	21.2 M		
Lot Depth	30.0 m	38.1 m		

5.0 Current Development Policies

5.1 <u>Kelowna Official Community Plan (OCP)</u>

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

Future Land Use

Single / Two Unit Residential (S2RES).² Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Nonresidential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

6.o Technical Comments

6.1 <u>Building & Permitting Department</u>

• Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 <u>Development Engineering Department</u>

 Please see attached Schedule "A": Development Engineering Memorandum dated April 25, 2017.

7.0 Application Chronology

Date of Application Received: March 13, 2017
Date Public Consultation Completed: February 13, 2018

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

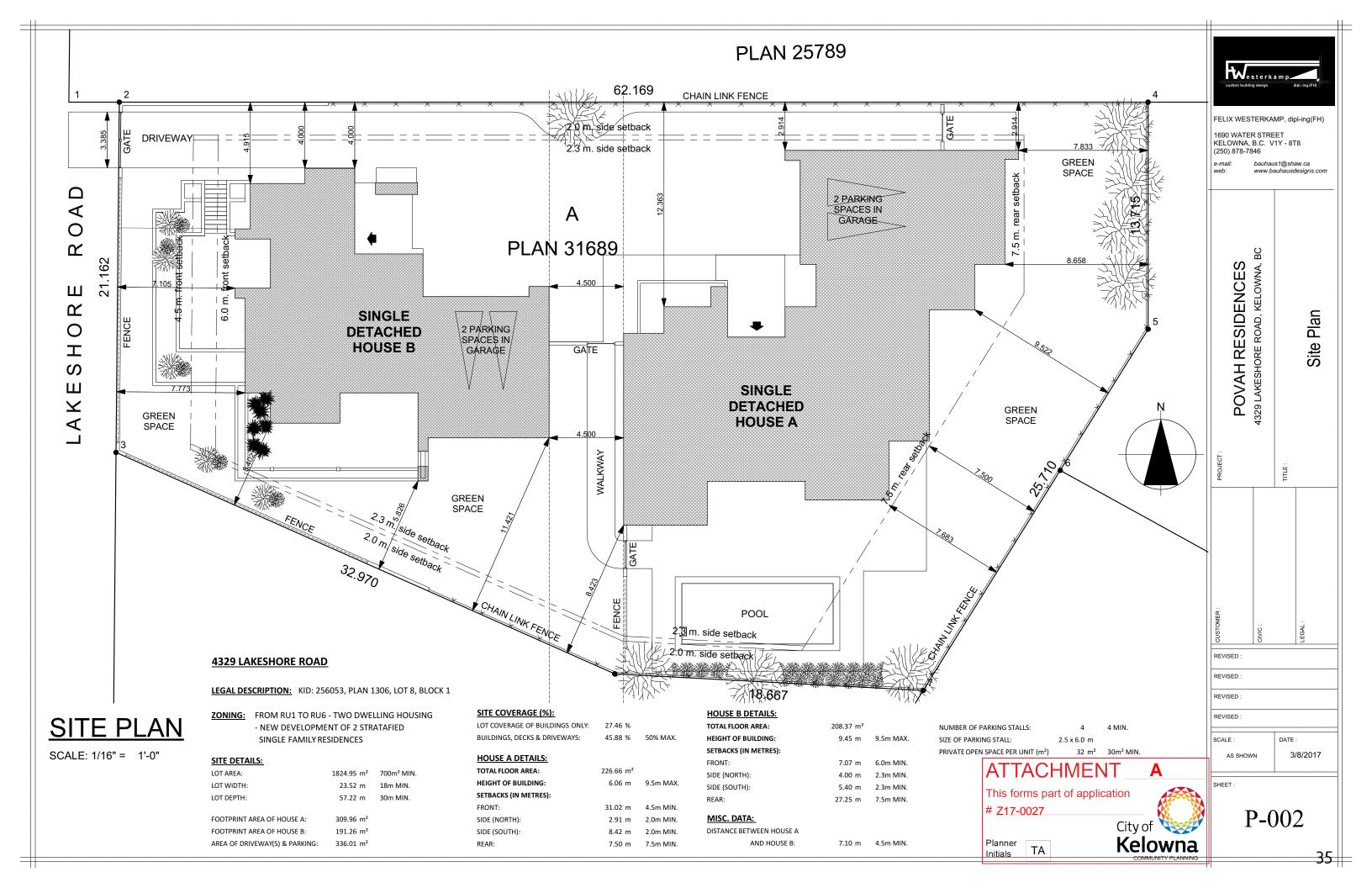
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment "A": Site Plan

Schedule "A": Development Engineering Memorandum

² City of Kelowna Official Community Plan, Chapter 4: Future Land Use



Kelow

CITY OF KELOWNA

MEMORANDUM

Planner

Date:

April 25, 2017

File No.:

Z17-0027

To:

Community Planning (TB)

From:

Development Engineering Manager(SM)

Subject:

4329 Lakeshore Rd

RU1 to RU6

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

This property is currently serviced with a 19mm diameter PVC water service. Two 19mm copper or 25mm poly water services are required to meet current by-law requirements. The water service requirements can be provided by the City at the owner's cost. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service which is suitable for this application.

3. Road Improvements

- (a) Lakeshore Road must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be \$14,772.00 not including utility service cost.
- (b) Only the service upgrades must be completed at this time. The City wishes to defer the upgrades to Lakeshore Road fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

Item	Cost
Drainage	\$ 469.00
Curb &Gutter	\$3,179.00
Sidewalk	\$3,973.00
Street Lighting	\$1,192.00
Road Fillet	\$4,768.00
Blvd Landscaping	1,192.00
	_

This forms part of application # Z17-0027 City of Planner Initials TA Kelowna COMMUNITY PLANNING

4. Subdivision

Total

- (a) Grant Statutory Rights of Way if required for utility services.
- (b) Provide a 1.5m road reserve width along the full length along Lakeshore Road.

\$14,772.00

(c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

5. <u>Development Permit and Site Related Issues</u>

Direct the roof drains into on-site rock pits or splash pads.

One driveway access is permitted to a maximum width of 6.0m.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

7. Bonding and Levy Summary

(a) <u>Levies</u>

1. Lakeshore Rd frontage improvements

\$14,772.00

2. Service upgrades

To be determined

Steve Mulenz, P. Hng.

Development Engineering Manager

SS

BYLAW NO. 11579 Z17-0027 – 4329 Lakeshore Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 358, ODYD, Plan 31689 located on Lakeshore Road, Kelowna, BC from the RU1 Large Lot Housing zone to the RU6 Two Dwelling Housing zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

•	
Read a first time by the Municipal Council this	
Considered at a Public Hearing on the	
Read a second and third time by the Municipal Council th	is
Adopted by the Municipal Council of the City of Kelowna	this
<u> </u>	Mayor
_	City Clerk

REPORT TO COUNCIL



Date: March 26, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (BBC)

Application: Z18-0009 **Owner:** Friedrich and Alice Merz

Address: 4185 McClain Road Applicant: Bruce Merz

Subject: Rezoning Application - Z18-0009

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: RR1 - Rural Residential

Proposed Zone: RR1c – Rural Residential with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z18-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sections 2 and 3 Township 26 Osoyoos Division Yale District Plan 7436, located at 4185 McClain Rd, Kelowna, BC from the RR1 – Rural Residential zone to the RR1c – Rural Residential with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment A attached to the Report from the Community Planning Department dated February 1, 2018.

2.0 Purpose

To rezone the subject property from RR1 - Rural Residential to RR1c - Rural Residential with Carriage House to facilitate the development of a carriage house.

3.0 Community Planning

Community Planning Staff support the proposed rezoning from RR1 - Rural Residential to RR1c - Rural Residential with Carriage House to facilitate the construction of a carriage house in lieu of a mobile home on the subject property. Generally, staff would not support this type of rezoning application outside of the City's Permanent Growth Boundary; however, due an error in the City's mapping that led to incorrect advice regarding the development of a mobile home on the land, staff believe that this recommendation

represents a fair compromise. Refer to section 4.1 of this report for additional background information that is relevant to staff support for this application.

To fulfill the requirements of Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form on February 12, 2018 outlining that neighbours within 300 m of the subject property were notified.

4.0 Proposal

4.1 Background

In September 2010, bylaw number 10305 was adopted by Council to rezoned the subject property from A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone. At this time, City mapping, including the Development Application (DA) and internal mapping systems were not updated to reflect the rezoning of the subject property.

In September 2017, the applicant enquired regarding constructing a carriage house on the subject property. During pre-application meetings the applicant was informed that a carriage house would not be supported, however a mobile home would be supported. This was based on a discrepancy between the zoning information that was still showing in the City system for the subject property (still classified as A1 zone) and the adopted rezoning bylaw. As a result, in November 2017, the applicant submitted a Farm Protection Development Permit to allow for a mobile home to be developed on the subject property.

In December 2017, staff identified the zoning and mapping discrepancies for the subject property, as well as the adopted bylaw documentation verifying the current zoning (RR1) for the subject property. Additional discussions with the applicant resulted in a new application to rezone the subject property from RR1 to RR1c to facilitate the development of a carriage house.

Between December 2017 and January 2018 the applicant followed up with a number of pre-application enquiries. In January 2018, the applicant re-submitted an incomplete application with a conceptual site plan that required a variance (maximum accessory building footprint). Revised drawings were provided in February, 2018 that eliminated the variance and allowed the application to proceed to circulation stage.

The subject property has a single family dwelling and an accessory building used as a shop located on the property, which will be retained through this development (Schedule A).

4.2 Project Description

The applicant has provided preliminary designs for the single storey carriage house and a detached garage (Schedule A). The location of the proposed carriage house is on a pre-disturbed part of the subject property, and is approximately 22.54 m southwest of the existing single family dwelling. The proposed carriage house does not trigger any variances at this time (Schedule B).

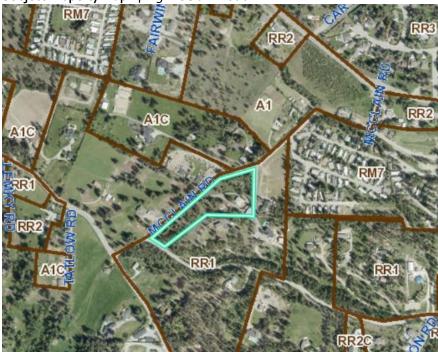
4.3 Site Context

The large lot (16,187 m²), is located on McClain Road, off June Springs Road in Southeast Kelowna. The neighbourhood has a mix of residential and agricultural zones.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
	A1 – Agriculture 1	Agricultural
North	A1c — Agriculture 1 with Carriage House	Agricultural with Carriage House
INOILII	RR2 — Rural Residential 2	Residential
	RR3 – Rural Residential 3	Residential
Fact	RR1 – Rural Residential 1	Residential
East	RM7 – Mobile Home Park	Residential - Mobile Homes
South	A1 – Agriculture 1	Agricultural
300011	RR1 – Rural Residential 1	Residential
	A1 – Agriculture 1	Agricultural
West	A1c — Agriculture 1 with Carriage House	Agricultural with Carriage House
west	RR1 – Rural Residential 1	Residential
	RR2 – Rural Residential 2	Residential





5.0 Current Development Policies

5.1 <u>Kelowna Official Community Plan (OCP)</u>

Development Process

Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

Carriage Houses & Accessory Apartments². Support carriage houses and accessory apartments through appropriate zoning regulations.

¹ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

6.0 Technical Comments

6.1 <u>Building & Permitting Department</u>

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Approval from the water purveyor at time of permit application.
- If the detached garage is for the use of the new carriage house than spatial calculations are required which may affect the finishes and construction of the two buildings.
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.
 Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

6.2 Development Engineering Department

 Please see attached Development Engineering Memorandum (Attachment A), dated February 1, 2018

6.3 <u>Fire Department</u>

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on McClain Rd.
- Ensure access from McCain Rd is maintained to all buildings

6.4 <u>Southeast Kelowna Irrigation District</u>

• All charges paid in full for servicing, and water letter/certificate issued.

7.0 Application Chronology

Date of Application Received:

Date of Complete Application:

Date Public Consultation Completed:

Supplemental Drawings Received:

November 27, 2017

February 1, 2018

February 12, 2018

February 5, 2018

Report prepared by: Barbara Crawford, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A - Development Engineering Services Memos Schedule A – Site Plan Schedule B – Conceptual Elevation and Floor Plan

² City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).



MEMORANDUM

Date:

February 1 2018

File No.:

Z18-0009

To:

Community Planning (BC)

From:

Development Engineering Manager

Subject:

4185 McClain Road

Lot A Plan 7436

Development Engineering has the following comments and requirements associated with this application to rezone from RR1 to RR1C to permit the addition of a carriage home.

Domestic water and fire protection.

The subject property is within the service area of the South East Kelowna Irrigation District (SEKID). The applicant is required to make satisfactory arrangements with the SEKID for the following items:

All charges for service connection and upgrading costs are to be paid directly to the

SEKID.

The applicant is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

On-site servicing including the utilisation of existing or proposed services will be reviewed by Building & Permitting.

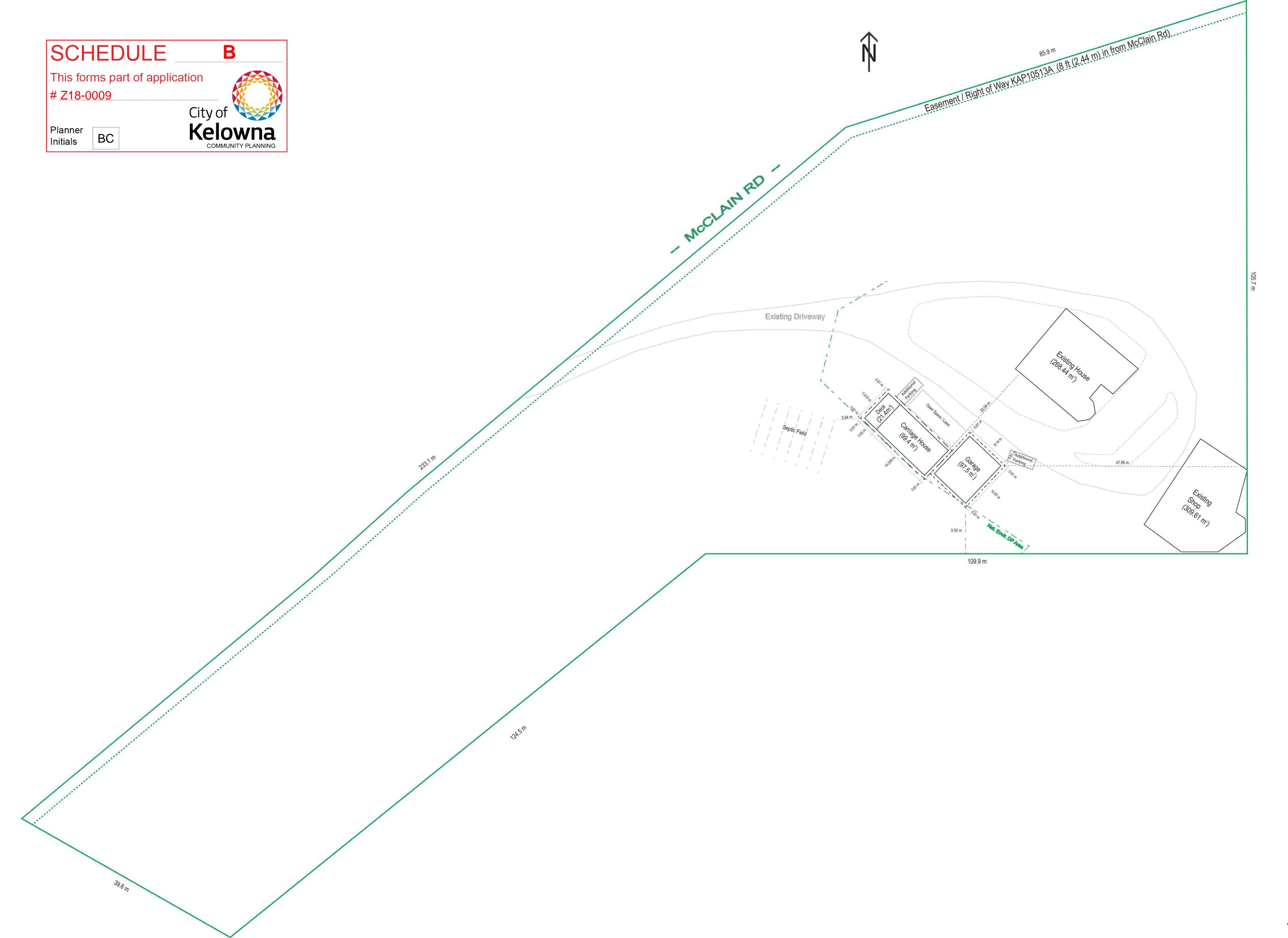
Sanitary Sewer.

This subject property is currently not within the City service area. Sanitary sewage is handled by on-site wastewater disposal system(s). The existing on-site system(s) are not shown in detail on the submitted Site Plan. The application will be reviewed by a Licenced Wastewater Practitioner and Building & Permitting.

James Kay, P.Eng

Development Engineering Manager

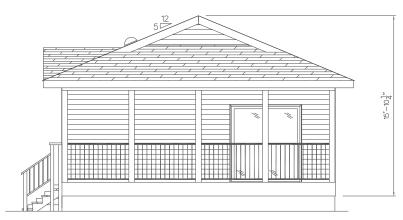
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SCHEDULE B This forms part of application # Z18-0009 City of Planner Initials BC Kelowna COMMUNITY PLANNING

CUSTOM PRINT

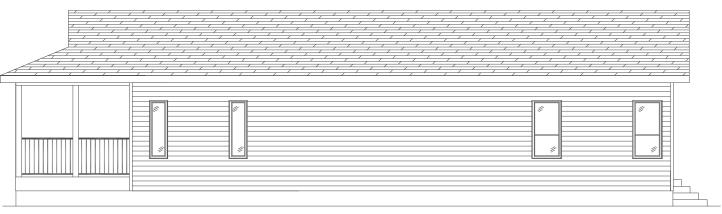




FRONT SIDE ELEVATION

FRONT END ELEVATION





BACK END ELEVATION

BACK SIDE ELEVATION

NOTES: MODULINE ASSUMES NO RESPONSIBILITY FOR FIRE SEPARATION, SEISMIC OR DOOR/WINDOW FENESTRATION REQUIREMENTS. CONSULT YOUR LOCAL BUILDING OFFICIAL OR ENGINEER OF RECORD TO CONFIRM

Any renderings and depictions are conceptual only and are for the convenience of reference. They should not be relied upon as representations, express or implied, of the final detail of the Units. Moduline Industries expressly reserves the right to make modifications, revisions, and changes it deems desirable in its sole and absolute discretion. All depictions of appliances, counters, furniture, finishes, lighting, plumbing fixtures, soffits, floor coverings and other matters of detail are conceptual only and are not necessarily included in each Unit. Consult your Purchase Agreement and the Offering Documents for the items included with the Unit. Dimensions and square footage are approximate and may vary with actual construction.



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	DEALER CHANGE REQUEST
Α	
В	
С	

TITLE: CORNERSTONE

DRAWING NO.

Q111149C-24C04402-ELEVATION

DRAWN BY: 45 K.E.A.

DATE: 01/29/2018

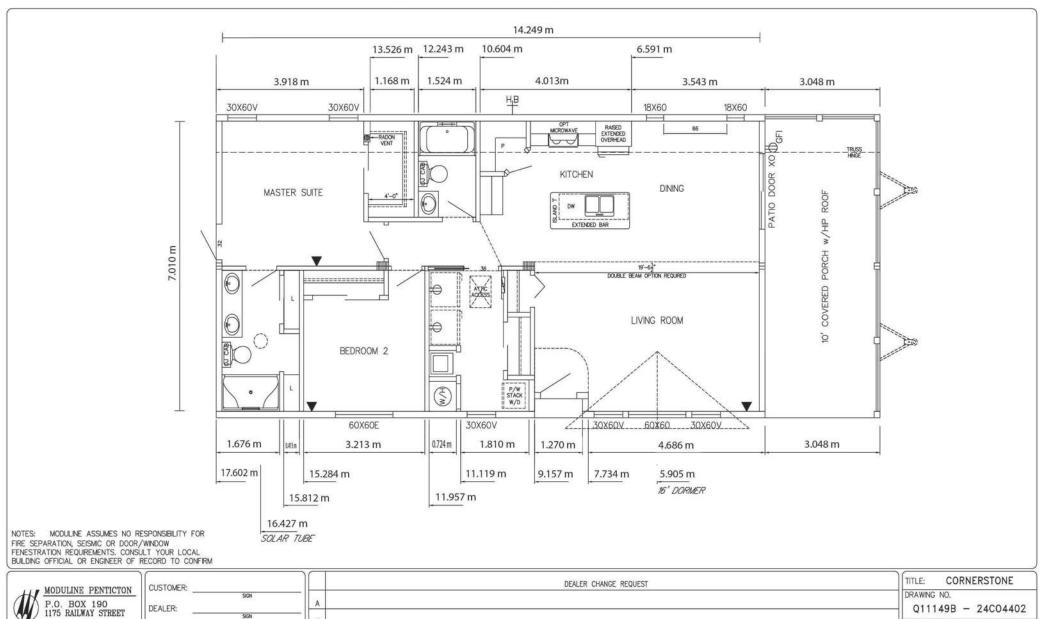


PENTICTON, B.C. V2A 6K3

(250) 493-0122

DATE:

CUSTOM PRINT



В

01/26/2018

DRAWN BY:

DATE:

BYLAW NO. 11580 Z18-0009 4185 McClain Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Sections 2 and 3 Township 26 ODYD Plan 7436 located on McClain Road, Kelowna, BC from the RR1 Rural Residential zone to the RR1c Rural Residential with Carriage House zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

of adoption.	
Read a first time by the Municipal Council this	
Considered at a Public Hearing on the	
Read a second and third time by the Municipal Council this	
Adopted by the Municipal Council of the City of Kelowna this	
	Mayor
	City Clork
	City Clerk

REPORT TO COUNCIL



Date: March 26, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z17-0081 Owner: Gurdeep Chahal & Palwinder

Pannu

Address: 255 Ziprick Road Applicant: Omega Engineering

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z17-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3 Section 22 Township 26 ODYD Plan 26018, located at 255 Ziprick Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated September 5, 2017.

2.0 Purpose

To rezone the subject property to facilitate the addition of a second dwelling unit on the subject property.

3.0 Community Planning

Community Planning staff supports the proposal to rezone the parcel to facilitate the development of an addition for a second dwelling on the parcel. The property is within the Permanent Growth Boundary in the Rutland area of Kelowna. The parcel meets the Official Community Plan (OCP) Future Land Use designation of S2RES – Single/ Two Unit Residential and the policy of supporting densification of neighbourhoods through appropriate infill development. The proposed second dwelling is sensitive with

respect to the building design, height and siting. The modest increase in density is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant and all neighbours within 50 m radius of the subject parcel.

4.0 Proposal

4.1 Project Description

The subject application is to rezone the parcel to RU6 – Two Dwelling Housing to accommodate an addition to create a semi-detached dwelling on the parcel. If the Rezoning application is approved, the applicant can apply directly for a building permit, as the addition of the second dwelling units meets all of the RU6 Zoning Bylaw Development Regulations and minimum parking requirements.

The applicant has submitted preliminary plans to show how the addition of the second dwelling unit will be located on the property. The existing attached garage, which is located at the north end of the existing dwelling, will be removed. Parking for the existing dwelling will be located in front of the house as two surface parking stalls. The new dwelling will have a double attached garage and both dwelling units will share a single driveway access from Ziprick Road.

The2-storey addition will have finishes to match the existing 1 ½ dwelling. Off-white horizontal hardie-panel siding with brick accents. The roof slopes and window style will be similar to the existing building to provide a cohesive design that is consistent with the existing neighbourhood.

4.2 Site Context

The parcel is within the Rutland area and is located on Ziprick Road, at the intersection of Baron Road to Ziprick Road. The parcel is within the Permanent Growth Boundary with easy access to many arterial roads. The Rezoning request aligns with the OCP Future Land Use of S2RES – Single/ Two Unit Residential. The site will aid in providing a transition from the Commercial (Costco) on the west side of Ziprick Road to the predominantly single family dwelling neighbourhood.

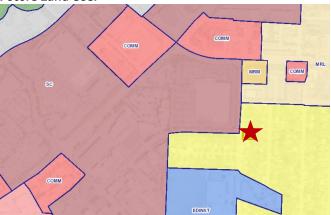
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Housing
East	RU1 – Large Lot Housing	Single Family Housing
South	RU1 – Large Lot Housing	Single Family Housing
\\/ a a b	RU1 – Large Lot Housing	Single Family Housing
West	C10 – Service Commercial	Costco

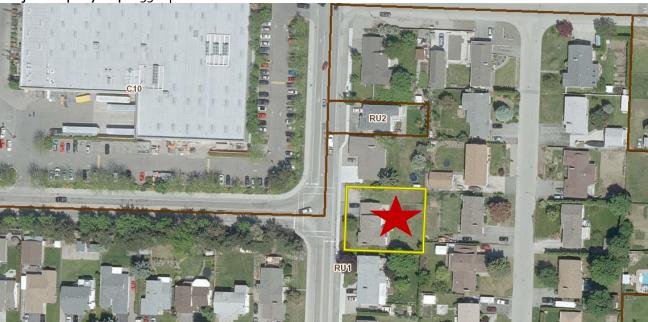
Context Map:



Future Land Use:



Subject Property Map: 255 Ziprick Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Complete Suburbs.¹ Support a mix of uses within Kelowna's suburbs (see Map 5.1 – Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 – Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special eneds housing) at densities appropriate to their context.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

Compact Urban Form.² Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.³ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

6.o Technical Comments

- 6.1 Building & Permitting Department
 - Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
 - A third party work order may be required with the Development Engineering Department for an upgraded water line and sewage connection. These requirements are to be resolved prior to issuance of the Building Permit.
 - Separate and independent heating systems are required for each unit. These heating units may be
 required to vent thru the roof depending on distances to windows and air inlets to the building. We
 recommend that the location of any air conditioners are to be established at this time due to
 setback limitations.
 - HPO (Home Protection Office) approval or release is required at time of Building Permit application.
 - The drawings submitted for Building Permit application are to indicate the method of fire separation between the units.
 - At time of Building Permit application, the spatial calculations are to be provided from the designer. Between the garages and the rear elevation of the units may require additional fire rated components or building materials to meet the minimum requirements of the building code.
 - Full Plan check for Building Code related issues will be done at time of Building Permit applications.
 Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.
- 6.2 Development Engineering Department
 - Refer to Attachment A dated September 5, 2017.
- 6.3 Fire Department
 - Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
 - Both units shall have an address from Ziprick Rd.

² City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

6.4 Fortis BC - Electric

• No concerns with the Rezoning application.

7.0 Application Chronology

Date of Application Received: August 21, 2017
Date Public Consultation Completed: August 12, 2017
Date of Amended Drawings Received: November 7, 2017

Report Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: Rutland Water District Letter

Schedule A: Site Plan

Schedule B: Conceptual Elevations

Planner Initials LK



MEMORANDUM

Date:

Sept 5, 2017

File No.:

Z17-0081

To:

Community Planning (LK)

From:

Development Engineering Manager(JK)

Subject:

255 Ziprick Road

RU1 to RU6

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Andy Marshall.

1. <u>Domestic Water and Fire Protection</u>

This property is currently serviced by Rutland Water District. Upgrades and associated costs to be to be determined by RWD.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. No further utility upgrades are needed.

3. Development Permit and Site Related Issues

Direct the roof drains into on-site rock pits or splash pads.

4. <u>Electric Power and Telecommunication Services</u>

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

5. Parking

Parking to be onsite as approved by Planning Officer. Boulevard to be landscaped to allow access to property by existing driveway only.

James Kay, P.Eng.

Development Engineering Manager

am

Planner Initials LK



MEMORANDUM

Date:

Sept 06, 2017

File No.:

DVP17-0187

To:

Urban Planning Management (LK)

From:

Development Engineering Manager (JK)

Subject:

255 Ziprick Rd

The Development Engineering division comments and requirements for the Development Variance Permit application to vary the side yard setback, and required parking, to facilitate the development of a semi-detached dwelling on the subject property.

1. General.

- a) The proposed variance has no impact on existing municipal infrastructure.
- b) All the offsite infrastructure and services upgrades are addressed in the rezoning Engineering Report under file Z17-0081.

Andy Marshall,

Development Engineering Technologist

Development Engineering Manager (initials)





106 – 200 Dougall Road North Kelowna, BC V1X 3K5 www.rutlandwaterworks.com

f: (250) 765-7765 e: info@rutlandwaterworks.com

October 19, 2017

City of Kelowna Planning Department C/O Lydia Korolchuk lkorolchuk@kelowna.ca

RE: Lot 3, Plan 26018 – 255 Ziprick Rd File # DP17-0187 RWD FILE # 17/16

Rutland Waterworks District has no objection to this re-zoning as proposed.

Please note any determined Capital Expenditure Charges will be due to Rutland Waterworks District at the building permit stage. Any other costs will be due prior to the issuance of a water certificate letter to the City of Kelowna.

Further, all bylaws and regulations of Rutland Waterworks District must be adhered to for the commitment of water service to this property.

Should you have any questions or require further information, please contact our office.

Sincerely,

Pete Preston General Manager

c. Omega Engineering SA LLP
Gurdeep Chahal (Registered Owner)





106 – 200 Dougall Road North Kelowna, BC V1X 3K5 www.rutlandwaterworks.com

p: (250) 765-5218 f: (250) 765-7765

e: info@rutlandwaterworks.com

October 19, 2017

Omega Engineering SA LLP Attention: Megan McColl 120-6 St NE Salmon Arm, BC V1E 4P3

RE: Lot 3, Plan 26018 – 255 Ziprick Rd RWD File 17/16 – City of Kelowna File DP17-0187

As requested the following is a summary of Rutland Waterworks District requirements with regard to the above noted address: Specifically the addition of a semi-detached home on lot (Future strata).

Capital Expenditure Charges
Please pay by separate cheque, noting file # 17/16 CEC
 Water Service Works Deposit
Please pay by separate cheque, noting file # 17/16 Works
 Additional Costs

\$2,700.00
\$1,000.00
\$1,000.00

5/8"x3/4" - 19mm Meter Please pay by separate cheque, noting file # 17/16 Meter

Second service will need to be twined from existing service.

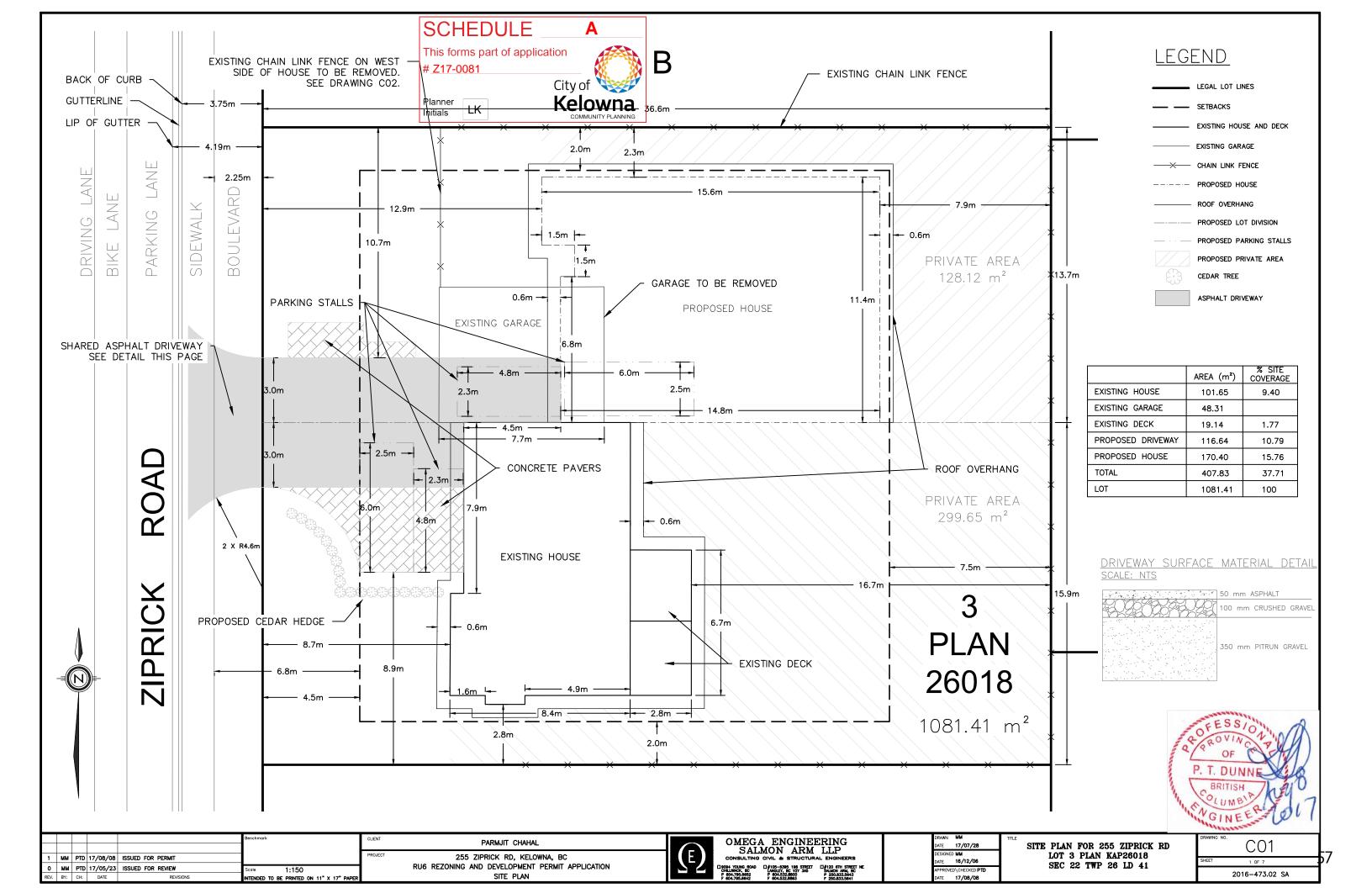
Upon receipt of above noted fees a water certificate will be issued.

Should you have any questions or require further information, please contact the undersigned.

Sincerely,

General Manager

City of Kelowna (Planning Department)
 Gurdeep Chahal (Registered Owner)



3200 28 ST NE SALMON ARM, BC V1E 3X7

TEL: (250) 517-7131 www.khmdesign.ca kris@khmdesign.ca

UPPER FLOOR PLAN

PROPOSAL

DEVELOPMENT 255 ZIPRICK ROAD KELOWNA, BC V1X 4H2 ISSUED FOR REVIEW

THESE DESIGNS AND DRAWINGS ARE THE EXCLUSIVE PROPERTY OF KHM DESIGN AND MAY NOT BE USED OR REPRODUCED WITHOUT CONSENT.

DATE 11/7/17

DRWN KHM

JOB # ****

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2017-11-07 7:48:18 PM

KHM Design

3200 28 ST NE SALMON ARM, BC V1E 3X7

TEL: (250) 517-7131 www.khmdesign.ca kris@khmdesign.ca

LOWER FLOOR PLAN

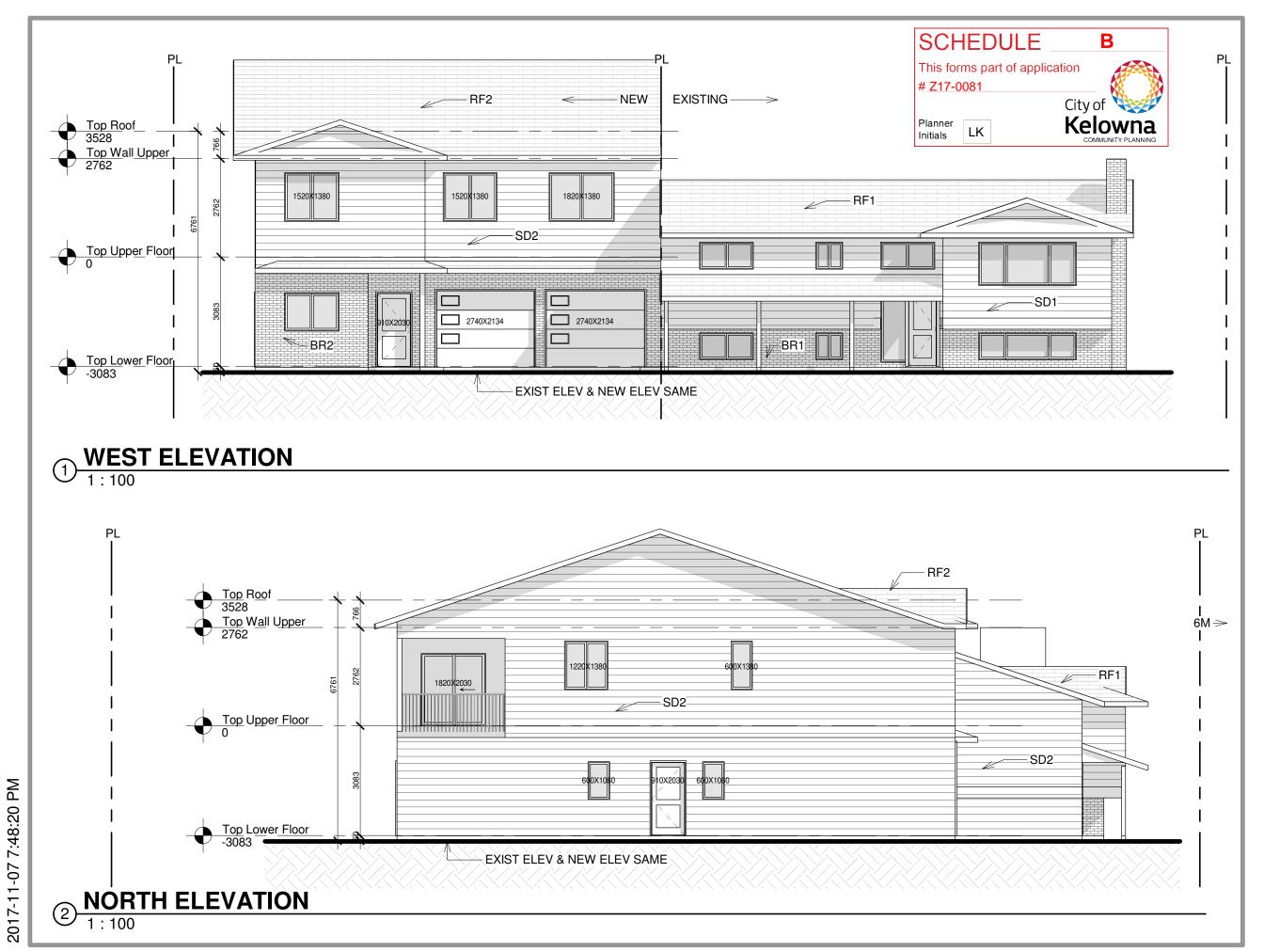
DEVELOPMENT PROPOSAL 255 ZIPRICK ROAD KELOWNA, BC V1X 4H2

THESE DESIGNS AND DRAWINGS ARE THE EXCLUSIVE PROPERTY OF KHM DESIGN AND MAY NOT BE USED OR REPRODUCED WITHOUT CONSENT.

DATE	11/7/17
DRWN	KHM
JOB#	***

A1.1

ISSUED FOR REVIEW



KHM Design

3200 28 ST NE SALMON ARM, BC V1E 3X7

TEL: (250) 517-7131 www.khmdesign.ca kris@khmdesign.ca

ELEVATIONS 1

DEVELOPMENT 255 ZIPRICK ROAD KELOWNA, BC V1X 4H2

ISSUED FOR REVIEW

11/7/2017

PROPOSAL

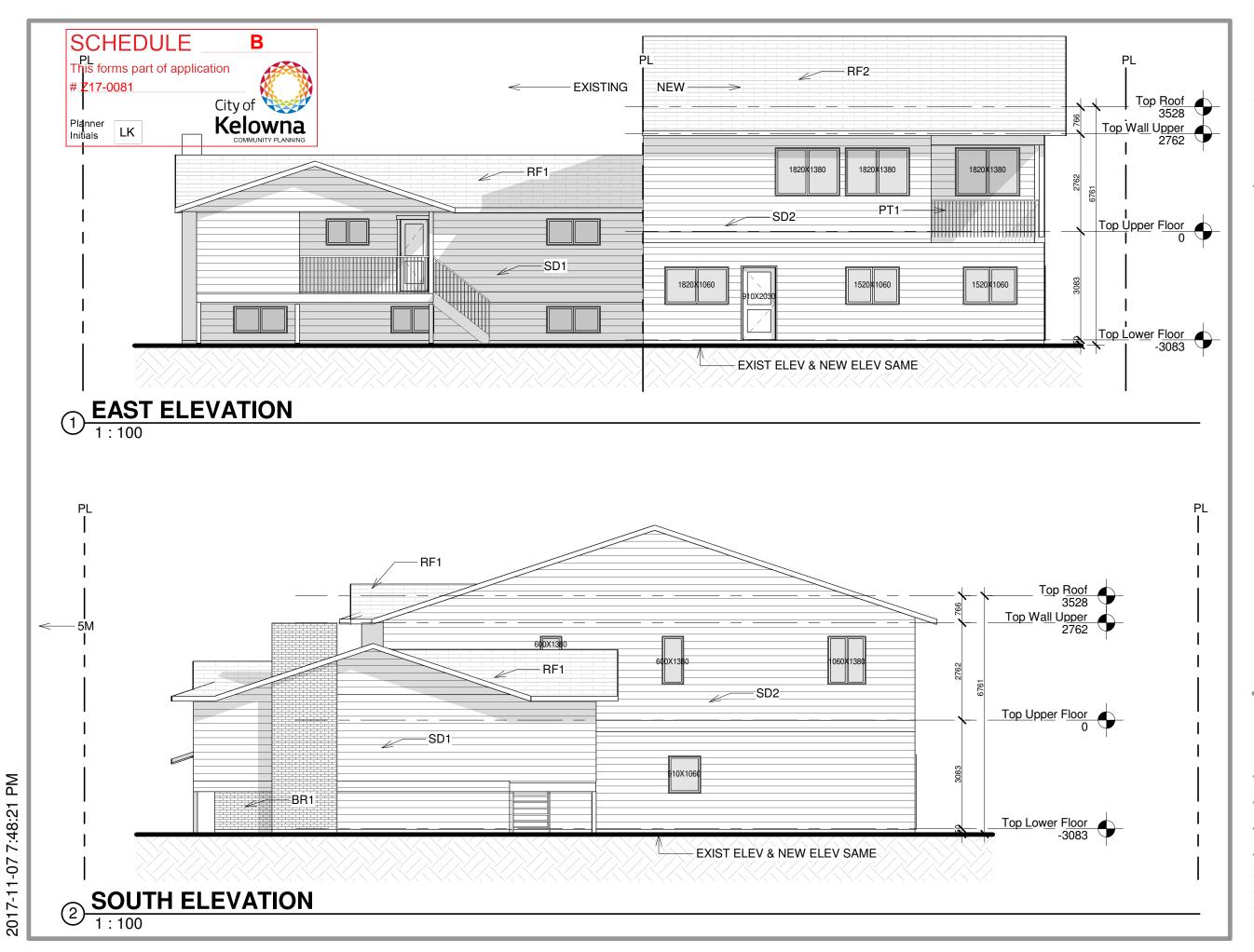
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DATE 11/7/17

DRWN KHM

JOB # ****

A2.0



KHM Design

3200 28 ST NE SALMON ARM, BC V1E 3X7

TEL: (250) 517-7131 www.khmdesign.ca kris@khmdesign.ca

PROPOSAL DEVELOPMENT

 $^{\circ}$

ELEVATIONS

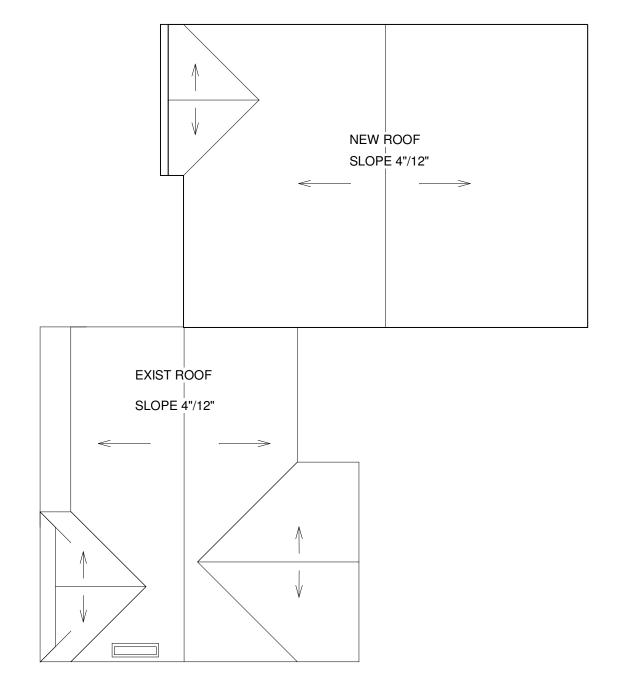
255 ZIPRICK ROAD KELOWNA, BC V1X 4H2

ISSUED FOR REVIEW

THESE DESIGNS AND DRAWINGS ARE THE EXCLUSIVE PROPERTY OF KHM DESIGN AND MAY NOT BE USED OR REPRODUCED WITHOUT CONSENT.

DATE 11/7/17 KHM **DRWN** **** JOB#

1 ROOF PLAN
1:150



☐ ELEVATION NOTES

EXISTING FINISHES

SD1 WOOD BEVEL SIDING - OFF WHITE

BR1 COMMON BRICK - RED

RF1 ASPHALT SHINGLE - VARIAGATED LIGHT BROWN

NEW FINISHES

SD2 NEW HARDIE HORIZ SIDING

EXPOSURE AND COLOUR TO MATCH EXIST SIDING

BR2 NEW COMMON BRICK TO MATCH EXIST

RF2 NEW ASPHALT SHINGLE TO MATCH EXIST

PT1 FASCIA COLOUR - DARK BROWN TO MATCH EXIST

KHM Design

3200 28 ST NE SALMON ARM, BC V1E 3X7

TEL: (250) 517-7131 www.khmdesign.ca kris@khmdesign.ca

ROOF PLAN, ELEVATION NOTES

DEVELOPMENT PROPOSAL 255 ZIPRICK ROAD KELOWNA, BC V1X 4H2

ISSUED FOR REVIEW

THESE DESIGNS AND DRAWINGS ARE THE EXCLUSIVE PROPERTY OF KHM DESIGN AND MAY NOT BE USED OR REPRODUCED WITHOUT CONSENT.

DATE 11/7/17

DRWN Author

JOB # ****

A3.0

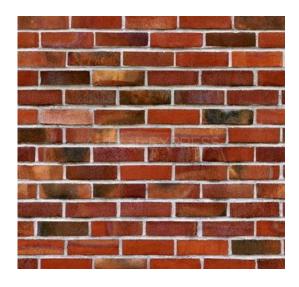
JOB #



EXIST & NEW SIDING - OFF WHITE



EXIST & NEW ASPHALT ROOFING -VARIAGATED LIGHT BROWN



EXIST & NEW BIRCK VENEER -VARIAGATED RED

FINISHES - DEVELOPMENT PROPOSAL 255 ZIPRICK ROAD, KELOWNA, BC

BYLAW NO. 11581 Z17-0081 255 Ziprick Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The M	unicipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:	
1.	THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classificat of Lot 3 Section 22 Township 26 ODYD Plan 26018, located at Ziprick Road, Kelowna, BC fr the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.	
2.	This bylaw shall come into full force and effect and is binding on all persons as and from the dof adoption.	ate
Read a	first time by the Municipal Council this	
Consid	lered at a Public Hearing on the	
Read a	second and third time by the Municipal Council this	
Approv	ved under the Transportation Act this	
(Appro	oving Officer-Ministry of Transportation)	
Adopt	ed by the Municipal Council of the City of Kelowna this	
	Ma	yor

City Clerk

REPORT TO COUNCIL



Date: March 26, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AF)

Application: Z18-0006 Owner: Mottram Holdings LTD. Inc.

No. BC1107813

Address: 1018 & 1024 Laurier Avenue Applicant: New Town Services

Subject: Rezoning Application

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RU6 – Two Dwelling Housing and RM4 – Transitional Low Density

Housing

Proposed Zone: RM₃ – Low Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, District Lot 138, ODYD, Plan 3999 located at 1024 Laurier Avenue, Kelowna, BC from RM4 – Transitional Low Density zone to RM3 – Low Density Multiple Housing, be considered by Council;

AND THAT Rezoning Application No. Z18-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the East 50 Feet of Lot 5, District Lot 138, ODYD, Plan 578 located at 1018 Laurier Avenue, Kelowna, BC from RU6 – Two Dwelling Housing zone to RM3– Low Density Multiple Housing, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated January 18, 2018;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

2.0 Purpose

To consider a development application to rezone the subject properties from RM4 – Transitional Low Density Housing and RU6 – Two Dwelling Housing to RM3 – Low Density Multiple Housing to facilitate the development of an expansion to an existing congregate housing facility.

3.0 Community Planning

Community Planning supports the proposed rezoning to RM₃ – Low Density Mulitple Housing as it is in line with the Official Community Plan (OCP) Future Land Use Designation of MRL – Multiple Unit Residential (Low Density). The properties are located within the Urban Core Area of the city and located in an urban neighborhood to the west of the Capri-Landmark Urban Centre. The increase in density will be further supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area. It is consistent with the OCP Urban Infill Policy of Compact Urban Growth by utilitizing the existing services and utilities in the area. The congregate housing use is compatible with the surrounding single family neighbourhood and consistent with the OCP Policy of Sensitive Infill. In addition, the proposed rezoning and associated lot consolidation will result in consistent land use regulations for the facility through the RM₃ zone.

Council Policy No. 367 with respect to public notification was undertaken by the applicant. All adjacent neighbours within a 50m radius were provided with a circulation package in regards to the proposed development.

4.0 Proposal

4.1 Background

The subject property located at 1024 Laurier Ave currently has a Seniors Supportive Housing Facility in operation. The existing dwelling is one storey in height and has a total of 7 existing units.

4.2 <u>Project Description</u>

The proposed rezoning from RM₄ – Transitional Low Density Housing and RU6 – Two Dwelling Housing to RM₃ – Low Density Multiple Housing would facilitate the expansion of an existing single storey congregate housing facility on the subject property. The proposed one storey building expansion is for 18 additional units, bringing the unit count to a total of 25 and incorporates an interior courtyard for its users. Surface parking is to be located at the rear of the building and shall access off of the lane.

This project will include a number of landscaping improvements such as the addition of a private interior courtyard with shade trees, site furniture and water features, planted landscape buffers on both the east and west sides of the building and robust landscaping along Laurier Avenue to provide residents with additional amenity space and to soften and enhance the proposed building expansion within the context of the neighbourhood.

The planning department is tracking a total of four variances for site coverage and side yard setback. Should Council support the Rezoning, a Development Permit and a Development Variance Permit will come forth for consideration.

4.3 Site Context

The subject property is located in the Central City Area near the intersection of Harvey Avenue and Gordon Drive and north of Millbridge Park. It is in close proximity to transit routes along both Gordon Drive and Harvey Avenue and is within walking distance to Mary Ann Collinson Memorial Park, Millbridge Park and Mill Creek Linear Park. There is one other RM3 zoned property in the same neighborhood area directly adjacent

to the subject property located on the south side of Laurier Avenue. Other surrounding zones within the neighborhood includes several RU6 – Two Dwelling Housing, RU6b – Two Dwelling Housing with Boarding or Lodging House, one RM2 – Low Density Row Housing and a number of RM5 – Medium Density Multiple Housing properties.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

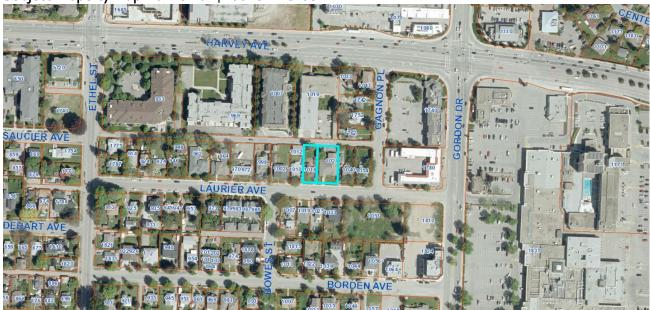
Site Context Map



Future Land Use Map



Subject Property Map: 1018 & 1024 Laurier Avenue



5.0 Current Development Policies

5.1 <u>Kelowna Official Community Plan (OCP)</u>

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

6.0 Technical Comments

- 6.1 <u>Building & Permitting Department</u>
 - No comments applicable to Rezoning
- 6.2 <u>Development Engineering Department</u>
 - Refer to Attachment 'A' dated January 18, 2018
- 6.3 <u>Ministry of Transportation</u>
 - The Ministry has no concerns with the proposed rezoning. Please forward the bylaw for Ministry signature after 3rd reading.

7.0 Application Chronology

Date of Application Received: December 22, 2017
Date Public Consultation Completed: February 26, 2018

Report prepared by: Andrew Ferguson, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

Attachments:

Attachment A: Development Engineering Technical Comments

Attachment B: Site Plan

Attachment C: Conceptual Elevations

MEMORANDUM

Date:

January 18, 2018

File No.:

Z18-0006

To:

Community Planning (AF)

From:

Development Engineering Manager (JK)

Subject:

1018 - 1024 Laurier Ave



RU6 & RM4 to RM3

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Angus

1. Domestic Water and Fire Protection

- a) Property 1018 Laurier Ave is currently serviced with a 25mm-diameter water service. Property 1024 Laurier Ave is currently serviced with a 50mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicants cost.
- b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system
- c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. <u>Sanitary Sewer</u>

Our records indicate that these properties are currently serviced with a 100mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.

3. Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Subdivision



Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems

4. Road Improvements

- (a) Laurier Ave must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, Landscaped boulevard c/w irrigation, sidewalk, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. Road cross section to be used is a SS-R7. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. However, a cash-in-lieu payment has already been received for the previous development on 1024 Laurier Ave and will be subtracted from the total frontage cost. (\$46,876.56 \$9,146.62) The cash-in-lieu amount is determined to be \$37,729.94 not including utility service cost.
- (b) The Laneway fronting this development has already been upgraded. No further upgrades are needed at this time.

4. Road Dedication and Subdivision Requirements

- (a) Grant Statutory Rights of Way if required for utility services.
- (b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.
- (c) Lot consolidation is required.

5. <u>Development Permit and Site Related Issues</u>

- a) Direct the roof drains into on-site rock pits or splash pads.
- b) The vehicle access to this site must be from the Laneway.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

7. Design and Construction

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.



- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

8. Servicing Agreement for Works and Services

- (a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

9. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST).

9. Survey, Monument and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install pisometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.



Additional geotechnical survey may be necessary for building foundations, etc. (e)

Bonding and Levy Summary 11.

- **Bonding** (a)
 - Utility improvements (i)

TBD

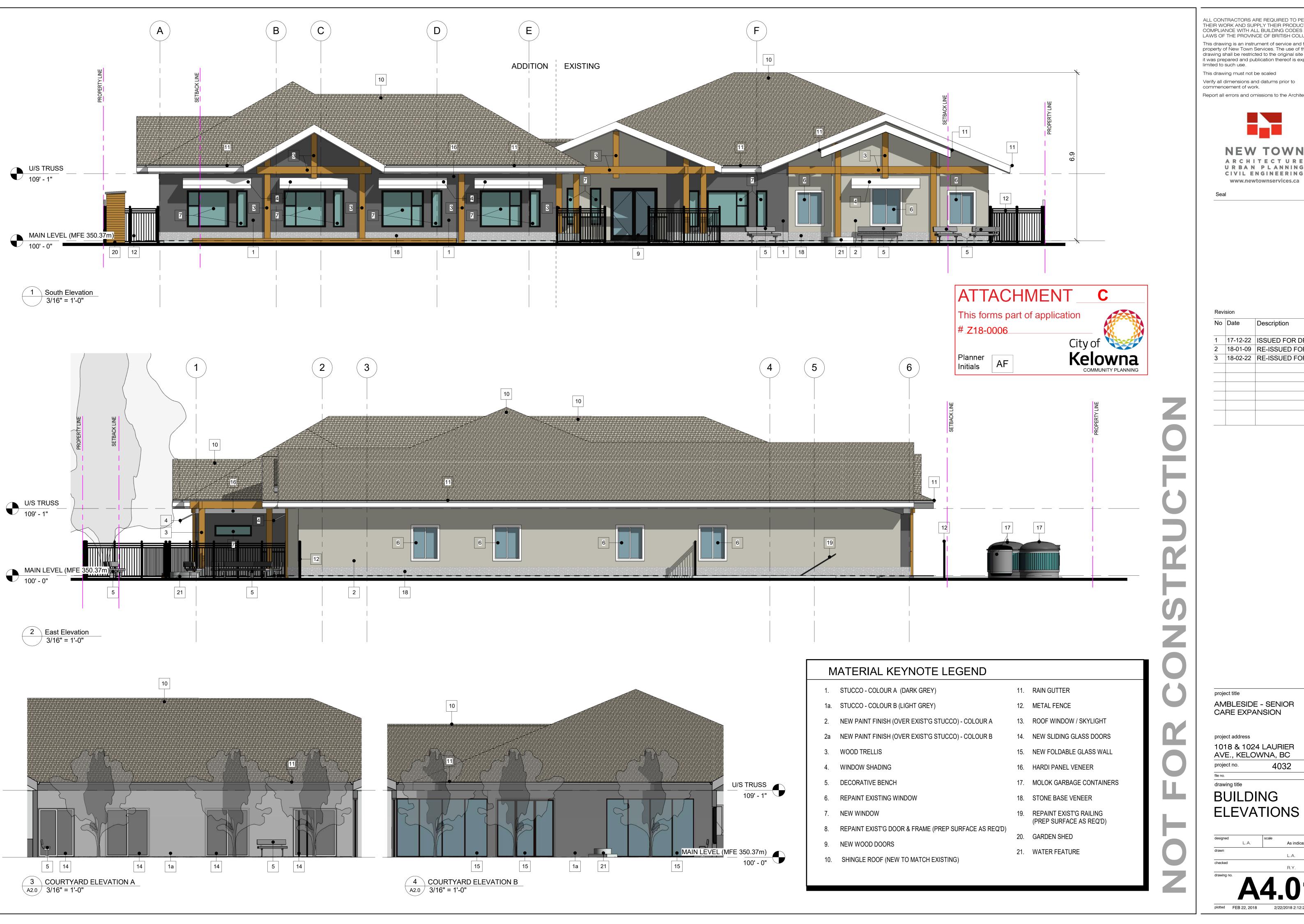
- (b) Total Cash-in-lieu
 - a. Laurier Ave Improvements

\$37,729.94

James Kay, P. Eng. Development Engineering Manager



THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA



ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA

This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly

Verify all dimensions and datums prior to Report all errors and omissions to the Architect.

> **NEW TOWN** ARCHITECT URE URBAN PLANNING

Description 1 | 17-12-22 | ISSUED FOR DP 2 | 18-01-09 | RE-ISSUED FOR DP 3 18-02-22 RE-ISSUED FOR DP

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ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA This drawing is an instrument of service and the property of New Town Services. The use of this

drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use. This drawing must not be scaled



NEW TOWN ARCHITECT URE URBAN PLANNING CIVIL ENGINEERING

No Date Description 1 | 17-12-22 | ISSUED FOR DP 2 | 18-01-09 | RE-ISSUED FOR DP 3 18-02-22 RE-ISSUED FOR DP

AMBLESIDE - SENIOR CARE EXPANSION

project address

1018 & 1024 LAURIER AVE., KELOWNA, BC

drawing title

BUILDING **ELEVATIONS**

CITY OF KELOWNA

BYLAW NO. 11588 Z18-0006 1018 & 1024 Laurier Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, District Lot 138, ODYD, Plan 3999 located on Laurier Avenue, Kelowna, BC from RM4 – Transitional Low Density zone to RM3 – Low Density Multiple Housing;
- 2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the East 50 Feet of Lot 5, District Lot 138, ODYD, Plan 578 located at Laurier Avenue, Kelowna, BC from RU6 Two Dwelling Housing zone to RM3 Low Density Multiple Housing;
- 3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this	
Considered at a Public Hearing on the	
Read a second and third time by the Municipal Council this	
Approved under the Transportation Act this	
(Approving Officer-Ministry of Transportation)	_
Adopted by the Municipal Council of the City of Kelowna this	
	Mayor
	City Clerk

REPORT TO COUNCIL



Date: March 26, 2018

RIM No. 1210-21

To: City Manager

From: Community Planning Department (LB)

Application: A17-0011 **Owner:** Lawrence Neid

Address: 3060 Pooley Road Applicant: City of Kelowna

Subject: ALR Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A17-0011 for Lot 2 Section 15 Township 26 ODYD Plan 6585, located at 3060 Pooley Road, Kelowna, BC for a non-farm use of agricultural land in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Council;

AND THAT Agricultural Land Reserve Appeal No. A17-0011 for Lot 2 Section 15 Township 26 ODYD Plan 6585, located at 3060 Pooley Road, Kelowna, BC for a subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Council;

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To consider an application for a non-farm use for a water reservoir and pump station, and for subdivision in the Agricultural Land Reserve.

3.0 Community Planning

Staff support the request for a non-farm use and subdivision of the subject property to facilitate a water reservoir and pump station facility as part of Phase 1 of the City's Integrated Water Supply Plan. City policies generally protect agricultural land and only support non-farm uses and subdivision on agricultural land where a benefit to agriculture can be demonstrated. The project as a whole benefits agricultural interests by separating agricultural and domestic water infrastructure in South East Kelowna, and the specific site limits impacts on agricultural land. Site development and grading may improve the productive capability of the existing farm.

The Agricultural Land Use Inventory identifies the portion of the property proposed for the reservoir as having limited potential for farming due to site limitations. The site has steep slopes and was previously used for gravel extraction. It is the most appropriate site for the reservoir based on site context, location, elevation, and connection to the broader infrastructure. The reservoir will not negatively impact adjacent farm operations, including those on the subject property.

The site will be used as a water reservoir and pump station in the long term and the proposed 0.5 ha lot includes sufficient space for the reservoir, parking and access without impacting any land that is currently farmed. The remaining 3.6 ha includes the existing orchards and house on the higher portion of the property.

Improvements to agricultural land may be achieved through placement of clean fill generated from the project, providing additional planting area and better access to the existing orchard. Furthermore, reducing the grade of the slope below the farmed land will allow farming activities to extend closer to the slope without the risk of erosion.

Process

Should Council choose to support the application, it would be sent to the Agricultural Land Commission (ALC) for consideration. If the ALC decides to allow the non-farm use and subdivision, the non-farm use could proceed under the existing A1 – Agriculture 1 zone as a utility services, minor impact use. Once the final design is determined, a Development Variance Permit may be required to address non-compliant development regulations (e.g. site coverage, setbacks).

4.0 Proposal

4.1 Background

The City of Kelowna Integrated Water Supply Plan calls for a city-wide integrated water system to: provide drinking water that meets Canadian Drinking Water Quality Standards; achieve the best, lowest cost city-wide solution that provides administrative and operational flexibility; and maintain agricultural interests. Phase 1 of the Plan focuses on separating agricultural and domestic systems in Southeast Kelowna, specifically to:

- Provide treated water from Okanagan Lake to South East Kelowna Irrigation District (SEKID) users on a separate mainline system;
- Supply water to the South Okanagan Mission Irrigation District (SOMID); and
- Complete upgrades to City infrastructure in the South Mission to meet new supply requirements.

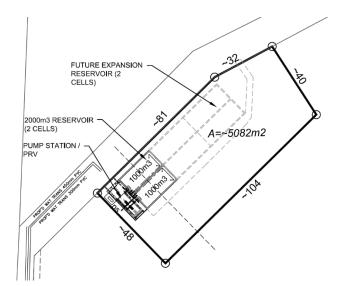
Domestic water will be supplied through a new line connecting to the City's water distribution system from Okanagan Lake, while agricultural water in the SEKID area will continue to be supplied from Hydraulic Creek. The provincial and federal governments approved a grant for \$43.9 million for Phase 1, which is expected to be complete by January 2020.

The project involves substantial infrastructure requirements, including upgrades to existing infrastructure and significant new infrastructure, such as pump stations, expansion of reservoir capacity, and water distribution mains.

4.2 Project Description

The subject property has been identified as the location of the Dall Road reservoir and pump station – infrastructure that is necessary in this location as part of the larger infrastructure plan. The reservoir would

be designed to meet City of Kelowna bylaw standards, with two reservoir cells and a pump station initially and future capacity to add more reservoir cells. The cells would be 5 m to 7 m in height, with a footprint of 277 m^2 to 387 m^2 for the two cells.

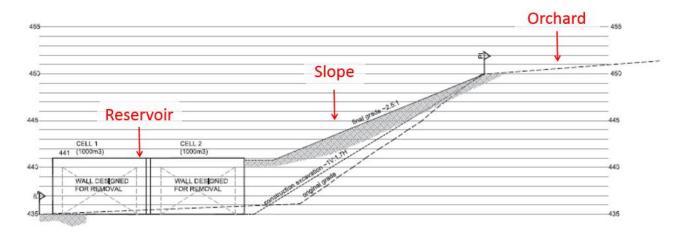




For administrative and operations purposes, the City is proposing subdivision of the property to create a separate lot for the reservoir area. The proposed lot is 0.5 ha in area to allow sufficient space for maintenance and reservoir expansion, with the remaining 3.6 ha for the existing farming operations.

The proposed water reservoir is considered utility services, minor impact under the Zoning Bylaw, which is a permitted use in the A₁ – Agriculture ₁ zone. The Agricultural Land Reserve Use, Subdivision and Procedure Regulation (B.C. Reg. 171/2002) allows water lines within dedicated right-of-ways as a permitted non-farm use; however, a water reservoir requires a specific non-farm use application.

The Water Project team is investigating the potential for using excess clean fill generated from the project to fill a portion of a gully on the property. The gully currently creates a divide between orchard rows, and filling would create additional planting area and improve access to the orchard. The project team's Professional Agrologist would provide further recommendations on soil placement prior to construction. The previous gravel extraction operation created a very steep slope where the reservoir is proposed. The reservoir will act as a retaining wall, reducing the grade of the slope below the existing orchard. The slope will be revegetated to improve stability and reduce the spread of noxious weeds.



4.3 Site Context

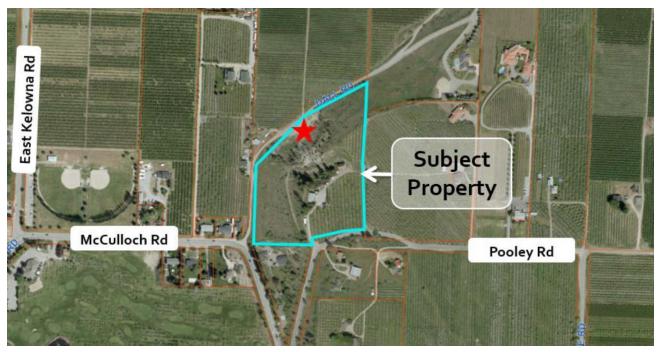
The subject property is zoned A1 - Agriculture 1, has a Future Land Use designation of REP - Resource Protection Area and is within the Agricultural Land Reserve. The property lies outside of the Permanent Growth Boundary.

The 4.1 ha (10.1 ac) site has a significant slope across the north and western portions, which is identified in the Agricultural Land Use Inventory as having limited potential for farming due to site limitations. The reservoir is proposed in the northern portion of the property at the bottom of the steep slope in an area previously used as a gravel pit. The site was not reclaimed or improved since operations ended several decades ago. The plateau in the southeast area is currently planted with an orchard, and a single family dwelling is at the top of the slope, adjacent to the orchard.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture / Rural Residential
South	A1 – Agriculture 1	Agriculture / Rural Residential
West	A1 – Agriculture 1	Agriculture

Map 1: Subject Property & Surrounding Neighbourhood



Map 2: Agricultural Land Reserve



Map 3: Agricultural Land Use Inventory Farming Availability & Site Topography



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Resource Protection Area (REP)

Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Chapter 5: Development Process

Objective 5.33 Protect and enhance local agriculture.

Policy 5.33.1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy 5.33.6 Non-Farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- Are consistent with the Zoning Bylaw and OCP;
- Provide significant benefits to local agriculture;
- Can be accommodated using existing municipal infrastructure;
- Minimize impacts on productive agricultural lands;
- Will not preclude future use of the lands for agriculture;
- Will not harm adjacent farm operations.

Policy 5.33.7 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

Chapter 7: Infrastructure

Objective 7.20 Ensure an adequate supply of high quality water.

Policy 7.20.1 Water Availability for Agriculture. Work with stakeholders to ensure the continued delivery of sufficient quantities of water as per best practices for water conservation to ensure continued agricultural productivity.

5.2 Agriculture Plan (2017)

Theme 1: Strengthening Local Policies and Actions to Protect Agriculture

Action 1.1c: Restrict non-farm uses that do not directly benefit agriculture.

6.0 Application Chronology

Date of Application Received: October 19, 2017

Agricultural Advisory Committee January 25, 2018

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on January 25, 2018 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A17-0011 for the property located at 3060 Pooley Road to request permission from the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a non-farm use to construct a water reservoir on a portion of the subject property.

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A17-0011 for the property located at 3060 Pooley Road to request permission from the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act for the subdivision of the portion of property for the water reservoir.

Anecdotal Comments:

The Agricultural Advisory Committee recommended that Council support the application as the Committee felt that non-farm use was acceptable and as part of the City's Integrated Water Supply Plan. The Committee also recommended that the City examine options to increase the agricultural capability of the surrounding property.

Prepared by: Laura Bentley, Planner Specialist

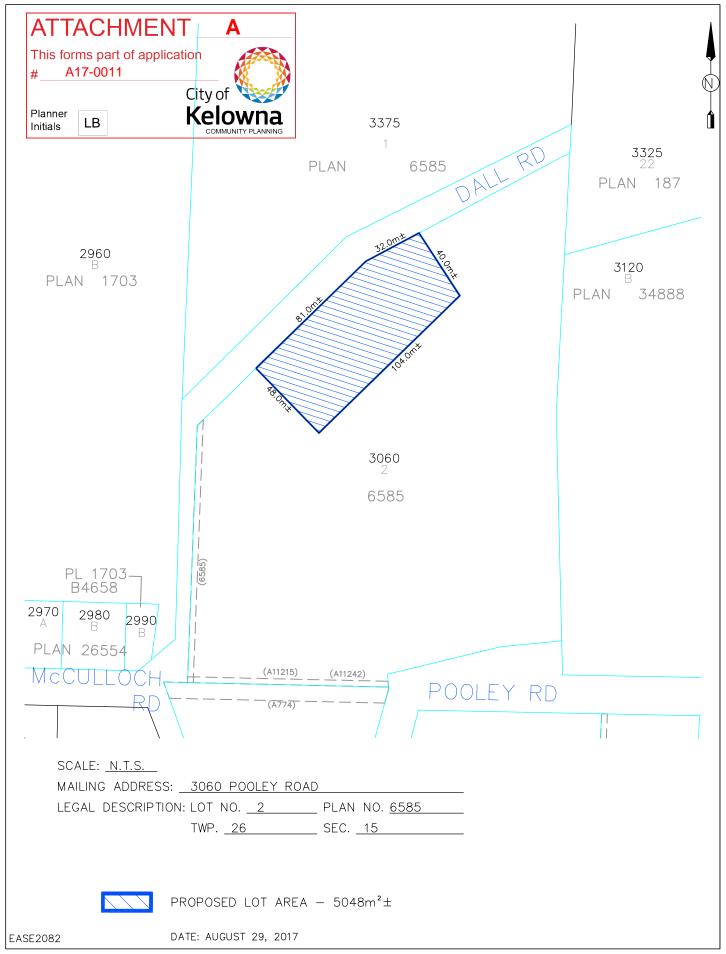
Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Attachment A: Site Plan & Concept Facility Plan

Attachment B: Phase 1 Map Attachment C: Site Photos





SCALE: N.T.S.

MAILING ADDRESS: 3060 POOLEY ROAD

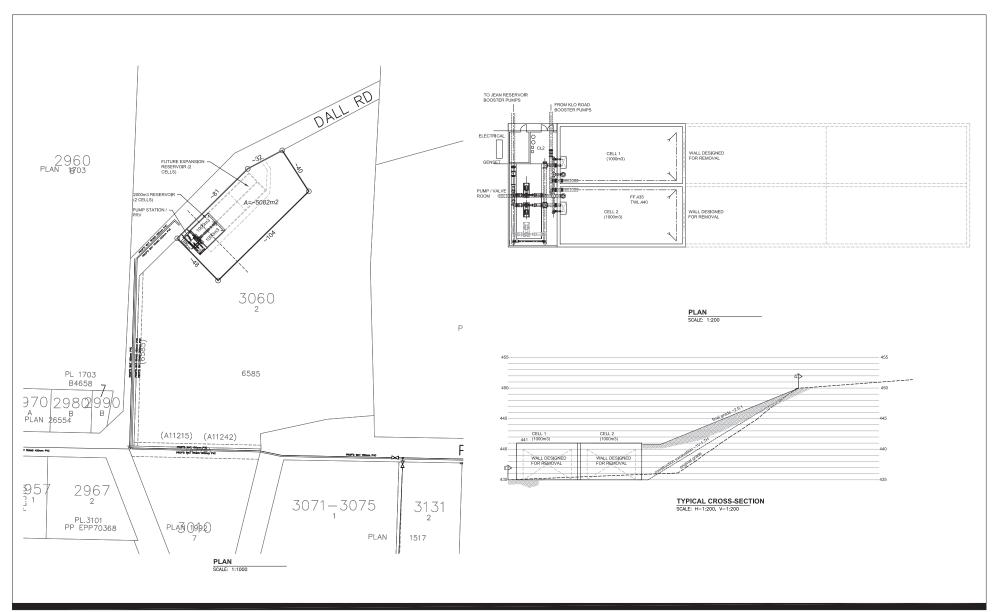
LEGAL DESCRIPTION: LOT NO. 2 PLAN NO. 6585

TWP. <u>26</u> SEC. <u>15</u>



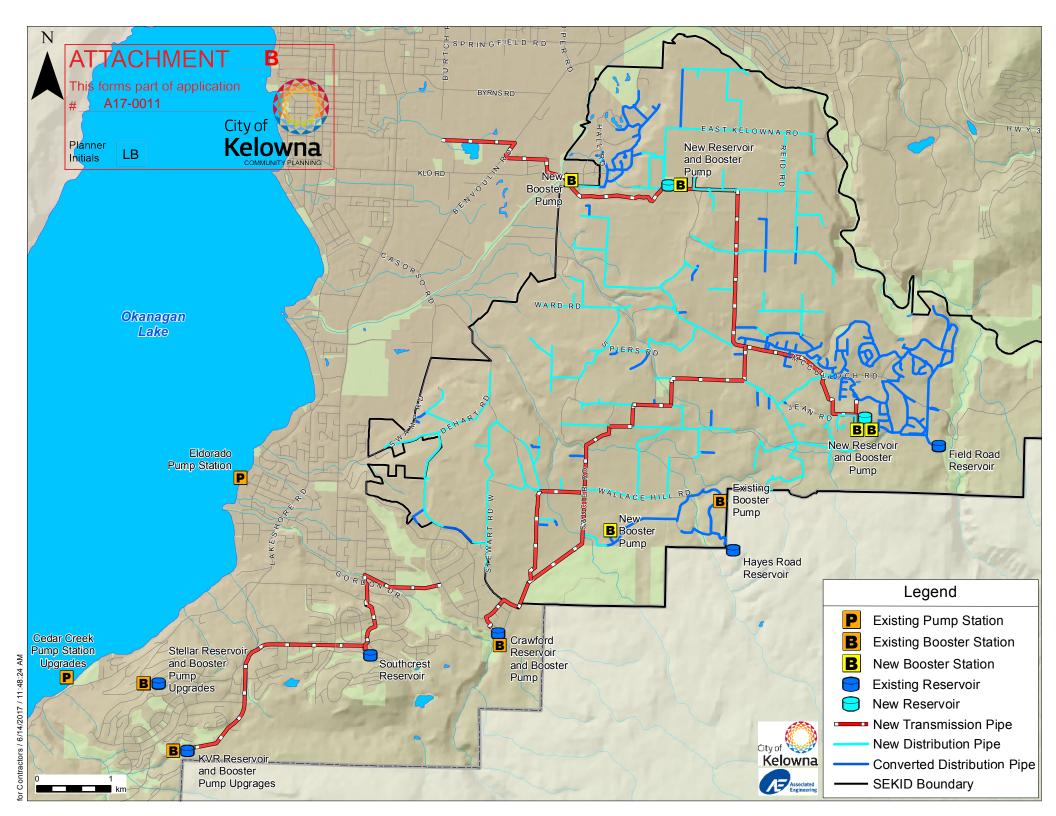
PROPOSED LOT AREA - 5048m²±

EASE2082 ORTHO DATE: AUGUST 29, 2017



Kelowna Integrated Water Project- Phase 1
FIGURE 1 - DALL ROAD PUMP STATION AND 2000m3 RESERVOIR CONCEPT CITYOFKELOWNA Project No.: 60550832

AECOM



Site Photos: 3060 Pooley Road







Report to Council



Date: March 20, 2018

File: 0920-02

To: City Manager

From: Ashley Lubyk, Community Energy Specialist

Subject: Energy Step Code Implementation Strategy

Recommendation:

THAT Council receives, for information, the report from the Community Energy Specialist dated March 13, 2018, with respect to the Energy Step Code Implementation Strategy.

AND THAT Council direct staff to engage key stakeholders on the proposed Energy Step Code timeline and strategy for Kelowna.

Purpose:

To inform Council on the BC Energy Step Code and to obtain Council's endorsement on the proposed BC Energy Step Code implementation timeline and strategy prior to stakeholder engagement.

Background:

Buildings account for approximately 36% of Kelowna's community GHG emissions. Increasing energy efficiency in buildings is identified as one of the primary means for Kelowna to achieve its GHG emission reduction target of 4 per cent below 2007 levels by 2023. The easiest and most cost effective time to make energy efficiency upgrades is during the construction of new buildings.

Provincial Climate Leadership Plan

The Province's Climate Leadership Plan, released in 2016, includes several important actions pertaining to reducing emissions in the building sector. These included:

- Accelerating increased energy requirements in the BC Building Code by taking incremental steps to make buildings "net-zero energy ready" by 2032.
- Developing the "BC Energy Step Code", consisting of energy efficiency requirements for new buildings that go beyond those in the BC Building Code.

¹ A net-zero energy ready building is designed and built to reduce energy needs to a minimum such that with the inclusion of on-site renewable energy systems, the building has the ability to produce as much energy as it consumes on a yearly basis.

The BC Energy Step Code

The *BC Energy Step Code* is a provincial standard designed to help both local government and industry incrementally move toward a future in which all new construction across the province is "net-zero energy ready" by 2032. A variety of stakeholders were involved in its development, including the Urban Development Institute, Canadian Home Builders Association, BC Hydro, FortisBC, Architectural Institute of BC, the Association of Professional Engineers and Geoscientists of BC, BC Housing, the Local Government Management Association, as well as a number of local governments.

On April 11, 2017, the Province announced its adoption of the *BC Energy Step Code* as a technical regulation. It is currently a voluntary compliance path within the BC Building Code (9.36.6) that establishes a series of measurable, performance-based energy-efficiency targets (or steps) that supports market transformation from the current prescriptive energy-efficiency requirements to netzero energy ready buildings by 2032. The BC Energy Step Code aims to provide consistency across BC by creating a standard set of performance requirements, while offering local governments a simple and effective set of standards to support their energy conservation and greenhouse gas reduction goals.

Shifting to a Performance-Based Approach

The BC Energy Step Code marks an end to the prescriptive approach. Instead, a building's performance must be proven, demonstrated through whole-building energy modelling and on-site testing to validate how the design, and the constructed building, meet the performance targets associated with each 'Step'. A "performance" approach is inherently flexible, as it simply establishes a performance target and leaves it to the building team to decide how to meet the target in the most efficient and cost effective manner.

How Many Steps Are There?

The Energy Step Code consists of two broad sets of energy standards that cover:

- "Part 3" buildings large and/or complex buildings such as large multi-family, commercial, and industrial buildings, and
- "Part 9" buildings residential buildings three (3) stories and less, and under 600m² building area.²

Additionally, the Energy Step Code varies between climate zones. Kelowna is within Climate Zone 5, and currently, for municipalities outside Climate Zone 4 (Lower Mainland and South Vancouver Island), the BC Energy Step Code only applies to Part 9 residential buildings. For Part 9 buildings, there are five performance target steps, each representing a higher level of performance. Steps 1 through 3 represent the Lower Steps, while Steps 4 and 5 form the Upper Steps (Figure 1).

² In the future, the Energy Step Code Council will work with stakeholder and experts to develop proposals for Part 3 buildings in other climate zones.

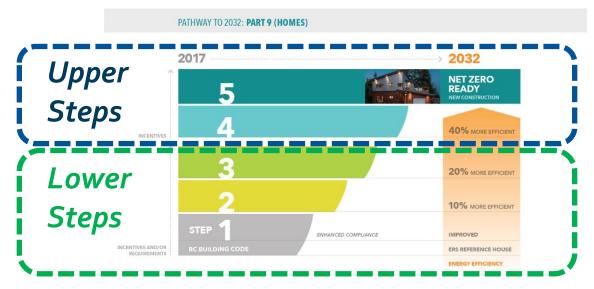


Figure 1: 'Steps' for Part 9 buildings.

Step 1 is designed to familiarize builders with measuring energy efficiency. Builders will need to use a whole-building energy model to calculate the energy consumption of their buildings as well as have a building airtightness test done. However, the construction of the building remains the same as conventional construction and it only needs to meet the performance of the base BC Building Code. The Step Code forms a framework by which the construction industry can, over time, "step up" the performance of their buildings to the net-zero energy ready level that must be achieved by 2032.

How the Energy Step Code can be Used by Local Governments

The BC Energy Step Code policy states that the first three years (2017 to 2020) are to serve as a transition period, during which time the Energy Step Code Council³ and member organizations will provide support to communities as they learn to apply the regulation. Recognizing that builders, designers, and trades will need time to build capacity to achieve better performing buildings, the Energy Step Code Council recommends that local governments only cite Lower Steps in their policies and regulations (Steps 1 – 3 for Part 9 residential buildings); upper Steps should only be referenced if significant incentives are being offered. Future iterations of the BC Building Code⁴ will require Energy Step Code compliance, and this transition period is an opportunity for local governments to be proactive by adopting one or more Steps to enable the local market to mature and to spur increased industry capacity for services and products that support higher performing buildings.

Benefits to the City of Kelowna and Community

Showing leadership on the Energy Step Code not only eases the market into an inevitable future, but the City of Kelowna can champion an initiative that supports its Community Climate Action Plan and Official Community Plan through reduced greenhouse gas emissions and energy use, and its Healthy

³ The Energy Step Code Council (ESCC) is comprised of associations representing industry professions and trades, local government and public sector organizations, and utilities and consumer interests. Its role is to build consensus between stakeholders and to support a smooth transition to BC Energy Step Code implementation.

⁴ The BC Building Code will be updated two or three times prior to 2032, and the Province will most likely move up the steps with each of the Building Code iterations.

Housing Strategy by supporting the creation of housing that results in lower utility bills for owners and occupants. Significant additional benefits are associated with higher performing buildings, including:

- Increased comfort Buildings with high performance building envelopes are more comfortable, with fewer drafts and more consistent temperatures near exterior windows and walls.
- Quieter homes Homes with better insulation and airtightness are quieter, with less external noise pollution entering the interior spaces.
- Improved indoor air quality Buildings constructed with performance in mind have balanced ventilation, delivering fresh air to occupants, while expelling stale air and excess moisture. This results in better indoor air quality and health outcomes for occupants, while reducing moisture related problems.
- Increased building durability and ease of maintenance: Buildings built to Energy Step Code requirements require a whole-systems approach, resulting in buildings with better performing building envelopes that manage moisture and increase durability, while also simplifying building heating and cooling systems. Durable buildings with simpler systems reduce the potential for expensive repairs as a building and its systems age.
- Regional economic development: The global green-building market is said to double every three years, with a value of the green building materials market expected to reach \$234 billion by 2019.⁵ Since the BC Energy Step Code encourages high performance building envelopes, with many of the components manufactured locally insulation, windows, a framing components new local economic development opportunities await.
- Climate change adaptation: Buildings with better building envelopes are more adaptable to changing climates, remaining warmer in the winter and cooler in the summer.

Costs to Energy Step Code Adoption

The BC-Housing-commissioned *Metrics Research Report (2017)*⁶ is a comprehensive analysis of the energy, emissions and economic impacts relating to the BC Energy Step Code. It explores the impacts of Step Code adoption across the province's numerous climate zones and across a broad range of building archetypes, including both Part 3 and Part 9 buildings. The general cost implications across all climate zones in BC are summarized as such:

The research shows that meeting the requirements of the Lower Steps of the BC Energy Step Code involve only very modest construction premiums. In most situations, builders can achieve the Lower Steps for less than a 2% construction cost premium above that of a home built to the requirements of the BC Building Code. The construction cost premiums associated with Step 1 compliance is even smaller—just a small fraction of a percent (Metrics Research Report, 2017, p. 1).

The incremental capital costs associated with Step Code adoption for Part 9 buildings in Climate Zone 5, which Kelowna is in, are summarized in Attachment 1.

Accounts from the certified Energy Advisors working in the region suggest that airtightness practices utilized by many local builders are likely resulting in homes that already meet Lower Step requirements. Although these accounts are anecdotal, they are in keeping with a recent costing study commissioned

⁵ "World Green Building Trends 2016, Developing Markets Accelerate Global Green Growth." World Green Building Council.

⁶ 2017 Metrics Research Report: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/reports/bc_energy_step_code_metrics_research_report_full.pdf

by FortisBC. The preliminary results of this study suggest that for single family dwellings (both gas/electric and full electric) and townhomes (full electric), Lower Steps (1 & 2) in Climate Zone 5 can be satisfied with only small improvements to airtightness (to 3.0 air changes per hour) on a building built to the prescriptions found in the current BC Building Code; and townhomes (gas/electric) were shown to comply to Lower Steps (1 & 2) with only modest improvements to mechanical systems (an HRV was suggested) and airtightness (to 3.0 air changes per hour) on buildings constructed to the prescriptions found in the current BC Building Code.

Early Stakeholder Engagement

Provincial policy provides guidance for the successful implementation of the BC Energy Step Code. This policy is summarized in the resource titled, *The BC Energy Step Code: A Best Practices Guide for Local Governments*, where it is suggested that local governments provide industry a minimum of six (6) months' notice before new or expanded requirements for Lower Steps are enforced to allow sufficient time to prepare for change.

Engagement to date has included:

- October 5th, 2017 Mo Bayat, Development Services Director, presented to the Canadian Home Builders Association on the BC Energy Step Code.
- January 11th, 2018 the City participated in the BC Housing-sponsored Energy Step Code seminar in Kelowna, which was attended by roughly 150 participants, the majority of which are directly involved in the construction industry in the city.
- January 15th, 2018 the Community Energy Specialist joined Policy and Planning to develop an Energy Step Code implementation strategy for the City of Kelowna.
- January 15th, 2018 UDI hosted a Step Code roundtable discussion with industry and local government staff from the City of Kelowna, City of West Kelowna, District of Lake Country, District of Peachland and City of Vernon.

Since this time, the Community Energy Specialist has met with internal staff to explore incentives and regulations; regional municipalities to identify synergies for taking a regional approach to implementation; and with key stakeholders (UDI, CHBA-CO, Energy Advisors, ASTT-BC, Okanagan College, and a number of builders and designers) to gather feedback on concerns and to learn what supports industry needs for a smooth transition. The Community Energy Specialist is also part of the Provincial Energy Step Code Peer Network – a platform that allows local governments to share progress updates and best practices for implementation.

This first phase of engagement revealed a number of concerns regarding Step Code implementation, including:

- Concerns over additional building costs;
- Lack of technical training for builders, trades, and designers in achieving Step Code compliance;
- Insufficient Energy Advisor capacity; and
- The process of monitoring for compliance.

These are not unanticipated concerns, and the Energy Step Code Council has created (and continues to develop) a wide-range of tools and resources to help local governments and industry address the

challenges facing Energy Step Code implementation, and City staff intend on using these resources to the fullest extent possible to inform internal staff and the wider building community. City staff have also heard from stakeholders that a clear timeline at the local level is necessary to remove some of the uncertainty as it relates to preparing for the new requirements of the Energy Step Code, particularly in regards to investing in additional training or the hiring of additional staff. Taken together, an implementation timeline is proposed.

Proposed Timeline

The proposed timeline reflects the current capacity of the local building industry to build to a higher standard, and it provides ample time for local government staff (planning department and building officials) and industry to prepare for new requirements. The April 1, 2019 implementation date, which would require that builders of Part 9 residential buildings (see Table 1 below) meet Step 1 of the Energy Step Code, provides City staff time to complete its engagement process, while giving industry and the City's internal departments a full year to prepare for the transition to the new Energy Step Code requirements. It is also in line with what other progressive regions are doing in the province (a full list of municipalities that have submitted their initial intent to consult is included in Attachment 2).

Pt 9 Building Type	April 1, 2019	October 1, 2020	2022
SFD/2/3/4-plex	Step 1	Step 3	-
Carriage house	Step 1	Step 2	Step 3
Townhouse/Low-rise apartment	Step 1	Step 3	-

Table 1: Preliminary Step Code Implementation Timeline for City of Kelowna

Stakeholder Engagement

It is recommended that Council endorse a stakeholder engagement process to allow City staff to gather feedback on the proposed Energy Step Code implementation regime. This process will:

- Inform pertinent stakeholders (see Attachment 3) of the proposed policy timeline;
- Offer educational opportunities that will help support an understanding of the requirements needed to achieve compliance under the new system;
- Identify complementary supports for more energy efficient development; and
- Gather feedback on the tools and resources needed to support a smooth transition to Energy Step Code adoption.

Staff are proposing stakeholder engagement using online and in-person methods as well as a combination of targeted (e.g. workshop) and passive (e.g. advertising) information.

Next Steps

Following the stakeholder engagement process, City staff intends on returning to Council (anticipated for Summer 2018) to recommend a revision to the Building bylaw, adopting and requiring Step 1 of the

Energy Step Code, beginning April 1, 2019. Additionally, an educational program to support a smooth transition to Energy Step Code adoption will be developed.

Internal Circulation:

Divisional Director, Community Planning and Strategic Investments Development Services Director Energy Program Manager Communications Advisor, Community Engagement

Legal/Statutory Authority:

To support energy conservation and greenhouse gas reduction objectives, Section 5 of the *Building Act* ("Unrestricted Matters") authorizes local governments in BC (except the City of Vancouver) to reference the *BC Energy Step Code* in their policies and bylaws, and may begin enforcing requirements as of December 15, 2017, subject to notification timelines.⁷

Existing Policy:

The City of Kelownα has established a number of climate action goals and programs that are delivering on Council's commitment to low-carbon energy, including:

- OCP Objective 5.16. "Improve the energy efficiency and environmental performance of new buildings."
- OCP Objective 6.2. "Improve energy efficiency and reduce community greenhouse gas emissions."
- OCP Objective 6.2.1 The City of Kelowna will, in partnership with: senior governments; local residents and businesses; NGOs; external agencies; and utility providers, work towards reducing community greenhouse gas emissions by 33% (from 2007 levels) by 2020. (Please note that the City is currently updating this target as part of the Community Climate Action Plan update, slated for completion spring 2018).

Implementing the BC Energy Step Code will be recommended as part of the draft Community Climate Action Plan update.

Personnel Implications:

The Community Energy Specialist is tasked with supporting the development of policies and programs that move the City of Kelowna towards a low carbon energy future. The main role priority of the Community Energy Specialist, as identified in the work plan established to align with FortisBC's Climate Action Partners program, is to develop an Energy Step Code implementation strategy to help achieve the goal of a low carbon energy future.

⁷ Local governments are required to give a minimum of 6 months between the time they notify the Building and Safety Standards Branch of their intent to consult and the referencing of Lower Steps in municipal policies or bylaws. The City of Kelowna submitted their Notice of Consultation on the BC Energy Step Code to the Building and Safety Standards Branch on January 22, 2018.

Submitted by:
Ashley Lubyk, Community Energy Specialist
Approved for inclusion: Danielle Noble-Brandt, Department Manager of Policy and Planning
Attachments: Attachment 1: Costs to Energy Step Code Adoption Attachment 2: Initial Notification to Consult Attachment 3: List of Key Stakeholders

CC:

Divisional Director, Community Planning and Strategic Investments
Development Services Director
Building & Permitting Manager
Sustainability Coordinators

Attachment 1: Costs to Energy Step Code Adoption

The table below is adapted from the *Metrics Research Study (2017)* and shows the lowest incremental capital costs (% change) for each Step of the BC Energy Step Code framework for Climate Zone 5 across the various Part 9 building archetypes.

Step	Small Single Family Dwelling	Medium Single Family Dwelling	Large Single Family Dwelling	Quadplex	6 Unit Row House	10 Unit MURB
1	0.4%	0.2%	0.2%	0.2%	0.2%	0.1%
2	0.8%	0.0%	-0.3%	0.7%	0.5%	0.3%
3	2.4%	0.0%	-0.3%	0.7%	0.5%	0.3%
4	7.1%	1.5%	0.7%	2.9%	1.7%	0.5%
5	16.2%	4.9%	6.9%		4.4%	2.0%

Attachment 2: Initial Notification to Consult

The following is a list of local governments that have submitted their initial notification to the Province and the Energy Step Code Council indicating they have started to consult on the BC Energy Step Code (listed by date of submission of their form):

- City of Richmond June 16, 2017
- City of North Vancouver July 4, 2017
- City of Campbell River July 10, 2017
- City of Duncan August 24, 2017
- District of North Vancouver September 1, 2017
- City of Victoria September 27, 2017
- District of Saanich September 27, 2017
- Comox Valley Regional District October 3, 2017
- District of North Saanich October 4, 2017
- Resort Municipality of Whistler October 5, 2017
- District of West Vancouver October 24, 2017
- Township of Langley November 7, 2017
- District of Squamish November 9, 2017
- City of New Westminster November 28, 2017
- City of Surrey December 7, 2017
- City of Kelowna January 22, 2018
- City of Penticton January 27, 2018
- City of Burnaby March 1, 2018
- City of Kimberley March 12, 2018
- City of Vernon March 19, 2018

Attachment 3: List of Key Stakeholders

The following is a list of key stakeholders targeted for engagement regarding the BC Energy Step Code.

- Development community (via UDI-Okanagan)
- Builders and trades (via CHBA)
- Building professionals (e.g. Energy Advisors)
- Architect and design community
- Realtors
- ASTT-BC
- Colleges and skills training providers (e.g. Okanagan College)
- Utilities (e.g. Fortis BC)
- Manufactures and suppliers
- Regional governments (between Penticton and Vernon)

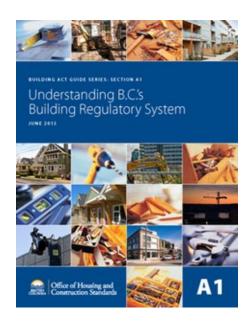


Energy Step Code Implementation Strategy



About the BC Energy Step Code

- ► Climate Leadership Plan call for:
 - "Net zero energy ready" buildings by 2032;
 - Development of the Energy Step Code to get there.
- ► Building Act offers a consistent standard for achieving building energy goals for **new buildings** across BC



Climate Leadership Plan

AUGUST 2016



BC Energy Step Code

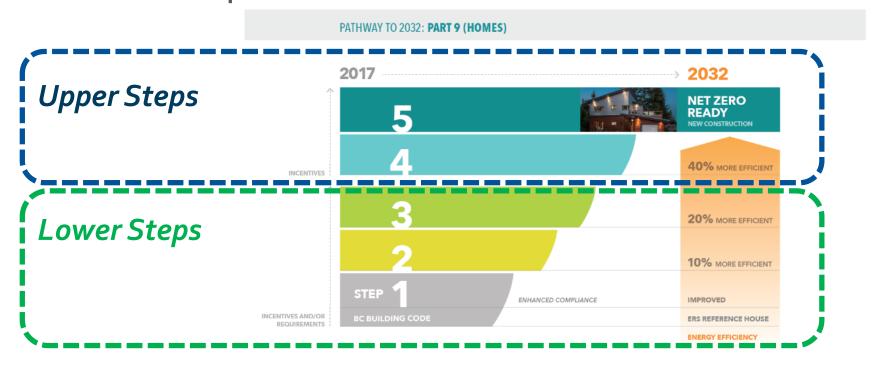
The ESC is a **transition policy** that provides an **incremental** and **consistent** approach to achieving more energy efficient buildings that go beyond the requirements of the **current BC Building Code**.

Prescriptive

Performance

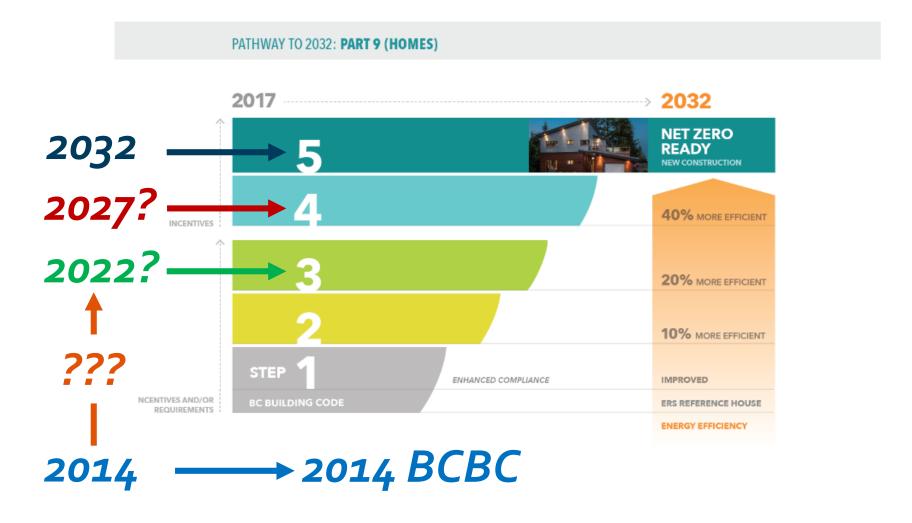


Focus to 2020: Part 9 Residential Buildings, Lower Steps



- Step 1 current BC Building Code via the performance path
- Lower Steps (2/3) use conventional materials and techniques
- **Upper Steps (4/5)** may require innovative materials and practices

Where's The Code Headed?

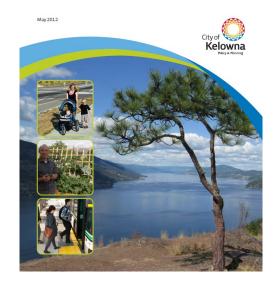


Policy Support

- OCP 2030 (currently being rewritten)
 - Improve the energy efficiency and environmental performance of new buildings (objective 5. 16)
 - ► Improved the energy efficiency and reduce community GHG emissions (objective 6.2)
- ► Implementing the BC Energy Step Code will be recommended as part of the draft Community Climate Action Plan update.



Community Climate Action Plan
Working towards a 33% reduction in greenhouse gases



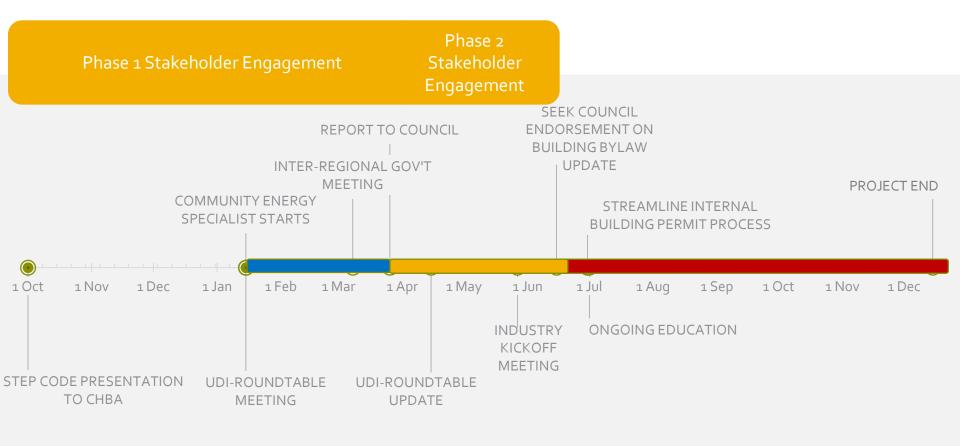
Ancillary Benefits of Energy Step Code

- ➤ Offers **predictability** with the 2032 net zero energy ready timeline.
- ► Provides consistency through a single standard.
- ► Contributes to regional economic development.
- Owners and occupants benefit from lower operating costs.
- Better performing homes are more comfortable, quieter, and have improved air quality.

Implementation Strategy

Review/Key Consult Facilitate Finalize Program Internal Stakeholder Stakeholder Neighbouring Continued Details & Report Consultations Engagement Consultations Jurisdictions Learning to Council ESC Guidance **Planning** Look for **regional** Involve Report to **Facilitate** department & relevant parties document synergies to council and training (hold industry Development achieve greater seek ESC opportunities Internal Services **efficiency** from workshop) endorsement policies/bylaws Identify alignment stakeholder Involve and Communicate opportunities Conduct a engagement and Consider inform council long-term to regional enhanced appropriate and public intentions to demonstrate capacity scan capacity during tools the community leadership Identify ongoing Impact on additional implementation. affordability capacity gaps Join the Local and barriers Government **Peer Network**

Implementation Strategy Timeline



Engagement to Date

- ▶ October 5, 2017 Mo Bayat presented on Step Code to the CHBA.
- ▶ January 11, 2018 the City participated in the BC Housingsponsored Energy Step Code seminar in Kelowna.
- ▶ January 15, 2018 UDI hosted a Step Code roundtable discussion with industry, local and regional government staff.
- ▶ Jan 15 onward the Community Energy Specialist has:
 - Met with internal staff to explore incentives, regulations, and administrative needs;
 - ► Engaged key stakeholders (UDI, CHBA-CO, Energy Advisors, ASTT-BC, Okanagan College, and a number of builders and designers).
 - ▶ Joined the Provincial Energy Step Code Peer Network.
- Mar 8, 2018 Regional partner meeting to discuss regional approach

Anticipated Challenges

- 1. Additional construction costs.
- 2. Certified energy advisor capacity.
- Inadequate **training** on energy efficient building among building professionals/municipal staff.
- 4. Defining energy advisor role in assuring compliance.

1. Additional Construction Costs

- Metrics Research Study (2017)
 - ► <u>Parametric analysis</u> looking at hundreds of thousands of design possibilities.
 - Found lowest incremental capital costs (% change) for each Step for Climate Zone 5 across the various Part 9 building archetypes.

Lowest incremental capital costs (% change) for each Step for Climate Zone 5.									
Step	Small Single Family Dwelling	Medium Single Family Dwelling	Large Single Family Dwelling	Quadplex	6 Unit Row House	10 Unit MURB			
1	0.4%	0.2%	0.2%	0.2%	0.2%	0.1%			
2	0.8%	0.0%	-0.3%	0.7%	0.5%	0.3%			
3	2.4%	0.0%	-0.3%	0.7%	0.5%	0.3%			
4	7.1%	1.5%	0.7%	2.9%	1.7%	0.5%			
5	16.2%	4.9%	6.9%		4.4%	2.0%			

2. Assessing Energy Advisor (EA) Capacity

- ➤ City of Kelowna issued ~700 Part 9 building permits in 2017.
- ► Currently **7 certified EAs** serving the area.
- ► City Green (Victoria) suggests 6 to 12 EAs per 1,000 Part 9 buildings to be assessed.
- ► Full certification to become EA typically 6 12 months.
 - Recent CHBA training: March 19th in Kelowna (10 registrants)

3. Knowledge Gaps

- ► Central Okanagan builders may already be building to the Lower Steps (Steps 1 - 3).
- ▶ Process of working with an EA.
- ▶ **Designing** for compliance.
- ▶ Building to a higher performance standard, particularly regarding airtightness.

4. Compliance Reporting

ENERGY COM	PLIANCE REPORT - PERFORMAN	ICE PATHS FOR PART	9 BUILDINGS
uildings Complying	vith Subsection 9.36.5. or 9.36.6. of the 2012 B	C Building Code (see BCBC Artic	le 2.2.8.3. of Division C
A: PROJECT INFOR	MATION		
Building Permit #:		Building Type: Please Select Bu	iding Type
Builder:		If Other, Please Specify:	
Project Address:		Number of Dwelling Units:	
Municipality / District		Climate Zone: Please Select Cli	mate Zone 🔻
Postal Code:		PID or Legal Description:	
C Ruilding Code Perf	ormance Compliance Path (select one):		
		6.6 Complete Sections A.B.	D.S.F.
	Version:	Climetic Deta (Location):	
Software Name:	version:	Climatic Data (Location):	
3: BUILDING CHAR	ACTERISTICS SUMMARY (see BCBC Clause	2.2.8.3.(2)(b) of Division C)	
	DETAILS (ASSEMBLY / SYSTEM TYPE	/ FUEL TYPE / ETC.)	EFFECTIVE RSI-VALUE /EFFICIENCY
EXTERIOR WALLS & FLOOR HEADERS			
ROOF/CEILINGS			
FOUNDATION WALLS.			
HEADERS, & SLABS			
	Slab Is: Below OR Above Frost Line AN	D Heated OR Unheated	
FLOORS OVER UNHEATED SPACES			
FENESTRATION			
& DOORS	FDWR: %		
AIR BARRIER SYSTEM			
& LOCATION			
SPACE CONDITIONING (HEATING & COOLING)			
SERVICE WATER			
HEATING			
VENTILATION			
OTHER ENERGY IMPACTING FEATURES			
The above information	is correct based on drawings prepared by	, dated (dd/i	mm/yyyy)

			AS-BUIL
	PLIANCE REPORT - PERFORMANC with Subsection 9.36.5. or 9.36.6. of the 2012 BC I		
A: PROJECT INFOR	MATION		
Building Permit #:		Building Type: Please Select Build	ding Type 🔻
Builder:		If Other, Please Specify:	
Project Address:		Number of Dwelling Units:	
Municipality / District		Climate Zone: Please Select Clim	ate Zone
Postal Code:		PID or Legal Description:	
BC Building Code Perf	ormance Compliance Path (select one):		
9.86.5.	► Complete Sections A, B, C, & E 9.964	6 Complete Sections A, B, D	δE
Software Name:	Version:	Climatic Data (Location):	
D. D. III D. II G. G. I. I. D.	LOYEDIOTICS SIN DALBY DODG G	0.0.0.00/01/01/01/01/01	
B: BUILDING CHAR	ACTERISTICS SUMMARY (see BCBC Clause 2.	2.8.3.(2)(b) of Division C)	
	DETAILS (ASSEMBLY / SYSTEM TYPE / F	FUEL TYPE / ETC.)	EFFECTIVE RSI-VALUE /EFFICIENCY
EXTERIOR WALLS & FLOOR HEADERS			
ROOF / CEILINGS			
FOUNDATION WALLS, HEADERS, & SLABS			
HEADERS, & SEADS	Slab Is: Below OR Above Frost Line AND	Heated OR Unheated	
FLOORS OVER UNHEATED SPACES			
FENESTRATION			
& DOORS	FDWR: %		
AIR BARRIER SYSTEM & LOCATION			
SPACE CONDITIONING (HEATING & COOLING)			
SERVICE WATER HEATING			
VENTILATION			
OTHER ENERGY IMPACTING FEATURES			
The above information	is correct based on a site evaluation completed on ((dd/mm/yyyy):	

"The undersigned has produced and/or reviewed the House Performance Evaluation for the above-mentioned project, created based on the project's design as provided by the Designer of Record. The undersigned has verified that the project complies with the Subsection 9.36.5. of Division B, as detailed in the 2012 BC Building Code." – from City of North Vancouver Compliance Report

Moving the Bar - Opportunities

- City-Wide Building
 Bylaw
- \$ Building Permit
 Rebates
- \$ Energy Advisor
 Subsidy/Rebate
- Revitalization Tax Exemption

- Facilitating Training
 Opportunities
- Density Bonuses

- Rezoning
 Requirements
- Thick Wall Exclusion

Municipalities Consulting to Adopt the Step Code

- City of Richmond June 16, 2017
- City of North Vancouver July 4, 2017
- City of Campbell River July 10, 2017
- City of Duncan August 24, 2017
- District of North Vancouver -September 1, 2017
- City of Victoria September 27, 2017
- District of Saanich September 27, 2017
- Comox Valley Regional District -October 3, 2017
- District of North Saanich October 4, 2017

- Resort Municipality of Whistler -October 5, 2017
- District of West Vancouver October 24, 2017
- Township of Langley November 7, 2017
- District of Squamish November 9, 2017
- City of New Westminster November 28, 2017
- ➤ City of Surrey December 7, 2017
- City of Kelowna January 22, 2018
- City of Penticton January 27, 2018
- City of Burnaby March 1, 2018
- City of Kimberley March 12, 2018
- ➤ City of Vernon March 19, 2018

Adopted – Council Notified/Consulting

City of Kelowna's Proposed Approach



Building Bylaw Amendment

Pt 9 Building Type	Apr 1, 2019	Oct 1, 2020	2022
SFD/2/3/4-plex	Step 1	Step 3	-
Carriage house	Step 1	Step 2	Step 3
Townhouse/Low-Rise Apartment	Step 1	Step 3	-

Continued Engagement

- ▶ Inform pertinent stakeholders of the proposed policy timeline;
- Offer educational opportunities that will help support an understanding of the requirements;
- Identify complementary supports for more energy efficient development; and
- ▶ Gather feedback on the tools and resources needed to support a smooth transition to Energy Step Code adoption.

Next Steps

- ► Following the stakeholder engagement, City staff will return to Council (anticipated for Summer 2018) to recommend a revision to the Building bylaw, adopting and requiring Step 1 of the Energy Step Code, beginning April 1, 2019.
- ➤ Additionally, an **educational program** to support a smooth transition to Energy Step Code adoption **will be developed**.



Questions?

For more information, visit **kelowna.ca**.

Report to Council



Date: March 26, 2018

File: 0100-01

To: City Manager

From: Colleen Cornock, Crime Prevention Supervisor

Subject: Good Neighbour Bylaw Update

Recommendation:

THAT Council receives for information, the report from the Crime Prevention Supervisor, dated March 19, 2018 pertaining to making amendments to the Good Neighbour Bylaw No 11500, and the Bylaw Notice Enforcement Bylaw No. 10475;

AND THAT Bylaw No 11546 being Amendment No. 1 to Good Neighbour Bylaw No. 11500 be forwarded for reading consideration;

AND THAT Bylaw No. 11566 being Amendment No. 20 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration;

AND FURTHER THAT Council rescind City of Kelowna Panhandling Bylaw No 8214.

Purpose:

For Council to consider amendments to the Good Neighbour Bylaw and to amend the Bylaw Notice Enforcement Bylaw.

Background:

The recently adopted Good Neighbour Bylaw is intended to serve as a compliance tool to assist in the regulation of property nuisances, graffiti, street nuisances, property noise and construction noise. The bylaw amalgamated the following bylaws when it was adopted on Nov. 6, 2017:

- Anti-Litter Bylaw, No 3477
- Noise & Disturbances Control Bylaw, No 6647
- Residential Nuisance Bylaw, No 7782
- Unsightly Premises and Visual Nuisance Bylaw No 8217

These bylaws were subsequently rescinded.

Following the adoption of the Good Neighbour Bylaw on Nov. 6, 2017, it was recognized that minor administrative amendments were required. In addition, review of the existing Panhandling Bylaw No 8214 was completed and resulted in the proposal to include panhandling in the Good Neighbour Bylaw.

Panhandling:

The current Panhandling Bylaw 8214 has been in place since 1998, and was amended in 2007. Panhandling activity has increasingly been observed to take place on meridians, at busy intersections and highway junctions, as well as with cars stopping on the road to hand over bottles to panhandlers around bottle depots. This poses a safety risk to the person panhandling and motorists.

The integration of the bylaw into the Good Neighbour Bylaw regulates how panhandling can occur and under what conditions to ensure that both the person panhandling and members of the public are safe. A bylaw regulating panhandling is part of a coordinated approach to improve safety and to foster an inclusive community for all approach. While there are community outreach programs in place to provide options for panhandlers, the proposed panhandling section of the Good Neighbour Bylaw recognizes that panhandling is an allowable activity but regulates the conditions under which the activity can take place.

If adopted into the Good Neighbour Bylaw, the Panhandling Bylaw 8214 would subsequently be rescinded.

Specific changes and updates from existing bylaw include:

- a) Change distance of panhandling from banks, ATMS, buses and liquor stores to from 10 metres to 5 metres
- b) Remove the restriction of panhandling at the entrance to a movie theatre
- c) Add the restriction of panhandling at a taxi stand
- d) Add the restriction of panhandling within 5 meters of a person who is seated in an outdoor area of a restaurant or bar which food or beverage are being served
- e) Change to permit panhandling between 8 a.m. to 8 p.m.
- f) Define that a person panhandling cannot obstruct the passage of, walk next to, or follow the person being solicited with the intent to panhandle
- g) Add that no person shall stop a motor vehicle on the street within 500 metres of a Recycling Depot for the purpose of giving or delivering recyclable materials to another person
- h) Add that no occupant of a motor vehicle which is stopped at a traffic control signal as defined in the Motor Vehicle Act shall give money, goods or other things of value to another person
- i) Section 8 of the Panhandling Bylaw sets the maximum fine at \$2,000 and a period of incarceration of not more than 90 days. The maximum fine at \$2,000 and the penalty of incarceration are not included in the Good Neighbour Bylaw

Busking:

Currently busking – the act of street entertainment with intent to collect donations for the performance – is not part of City Bylaws. At present, Festivals Kelowna manages the busking program and issues permits. Adoption of the busking permit guidelines into the Good Neighbour Bylaw will help protect the artistic program and ensure performers have a fair and regulated process for adding entertainment and vibrancy to Kelowna streets and parks.

Proposed items for inclusion into the Good Neighbour Bylaw include:

- a) Incorporate new street entertainment requirements:
 - 1. A valid Buskers Program Permit is required
 - 2. Permit must be produced upon request by a peace officer
 - 3. Street entertainment within the boundaries of the Downtown Business Improvement Area is restricted to designated "Busk Stops".
 - 4. While performing, conditions set out in the Buskers Program Permit must be adhered to including hours of operation set out by the program.

Bylaw Notice of Enforcement Bylaw No 10475 include:

- a) Addition Owner or occupier to Sec 4.2-5.4 inclusive
- b) Addition of new Panhandling Sec 7.1-7.7 including fee structure

Internal Circulation:

Divisional Director, Corporate & Protective Services
Divisional Director, Active Living & Culture
City Clerk
Bylaw Services Manager
Social Development Manager
Communications Manager
Communications Consultant
Superintendent RCMP

Legal/Statutory Authority:

Good Neighbour Bylaw 11503 Panhandling Bylaw 8214 Bylaw Notice Enforcement Bylaw 10475

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements
Existing Policy
Financial/Budgetary Considerations
External Agency/Public Comments
Communications Comments
Alternate Recommendation

Submitted by:	
C. Cornock, Crime Prevent	tion Supervisor
Approved for inclusion:	Divisional Director, Corporate and Protective Services
cc: Police Services Manager Bylaw Services Manager	



Good Neighbour Bylaw Update





Agenda

- Overview of Good Neighbour Bylaw and Panhandling Bylaw
- Changes to Panhandling Bylaw
- 3. Amendments to Good Neighbour Bylaw
- 4. Fines & Penalties
- 5. Recommended for adoption



Good Neighbour Bylaw

Provides the City with a new authority to levy nuisance abatement fees

► Consolidation of 4 bylaws



Panhandling Bylaw No. 8214

- ► Adopted April 20, 1998
- ► Amended September 17, 2007





Panhandling

- ► Safety concerns
- ► Sense of safety
- ► Community outreach programs in place
- ► Current bylaw one part of coordinated approach
- Can continue to exist but with regulations to allowable locations and conditions under which the activity can take place



Notable Changes

- ► Where and when panhandling can occur
- ► Activity involving occupants of motor vehicle

▶ Street Entertainment

GNB Notable Changes & Updates





▶ Definitions

▶ Panhandling

► Street Entertainment



Bylaw Notice Enforcement Bylaw Notable Changes

- ▶ Descriptions Owner or occupier
- ► Sec 7 Panhandling
- Sec 8 Street Entertainment



Fines

- ▶ Fines range from \$100 minimum to \$275 maximum
- ► Different 1st and 2nd offence fine amounts have been set out for contraventions



Recommendations

- ► THAT Council receives for information, the report from the Crime Prevention Supervisor, dated March 19, 2018 pertaining to making amendments to the Good Neighbour Bylaw No 11500, and the Bylaw Notice Enforcement Bylaw No. 10475;
- ► AND THAT Bylaw No 11546 being Amendment No. 1 to Good Neighbour Bylaw No. 11500 be forwarded for reading consideration;
- ► AND THAT Bylaw No. 11566 being Amendment No. 20 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration;
- AND FURTHER THAT Council rescind City of Kelowna Panhandling Bylaw No 8214.



Questions?

For more information, visit **kelowna.ca**.

CITY OF KELOWNA

BYLAW NO. 11546

Amendment No. 1 to Good Neighbor Bylaw No. 11500

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Good Neighbour Bylaw No. 11500 be amended as follows:

- 1. THAT **Section 2. Definitions** be amended by:
 - a) Add a new definition for Automated Teller Machine in its appropriate location that reads:
 - "Automated Teller Machine" means a device linked to a financial institution's account records which is able to carry out transactions, including, but not limited to, account transfers, deposits, withdrawals, balance inquiries, and mortgage and loan payments;"
 - b) Add a new definition for **Bus Stop** in its appropriate location that reads:
 - "Bus Stop means a section of street which is reserved for the loading and unloading of buses and where parking and stopping of all other vehicles is prohibited;"
 - c) Add a new definition for **Panhandle or Panhandling** in its appropriate location that reads:
 - **Panhandle or Panhandling** means to beg for, or, without consideration ask for, money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture for one's self or for any other person but does not include soliciting for charity.
 - d) Add a new definition for **Street Entertainer** in its appropriate location that reads:
 - "Street Entertainer includes a single or group of musicians or performers who actively entertain the public on or adjacent to a street or other place open to the public and who receives or has an expectation of receiving a gratuity or other donation from one or more members of the public;"
 - e) Add a new definition for **Trust Company** in its appropriate location that reads:
 - "Trust Company means an office or branch of a trust company to which The Trust and Loans Company Act (Canada) applies and in which deposit accounts are held;"
 - f) Add a new definition for **Vehicle** in its appropriate location that reads:
 - "Vehicle means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks"
- 2. AND THAT **Section 4. Property Nuisances**, 4.3 (b) be deleted that reads:
 - "(b) keep a **derelict motor vehicle**, vehicle, boat or trailer except as part of a lawful business operating under a license from the City;"

And replace with:

- "(b) keep a derelict vehicle of any sort, including but not limited to a motor vehicle, vehicle, boat or trailer except as part of a lawful business operating under a license from the City;"
- 3. AND THAT **Section 5. Graffiti, 5.1** be amended by adding the words "in or" after the words "sign or any other structure or surface,"
- 4. AND THAT Section 6. Street and Public Space Nuisances, be deleted that reads:
 - "6.1 No person shall place **graffiti**, or cause **graffiti** to be placed on any wall, building, fence, sign or other structure or surface in a **street** or **public space**.
 - 6.2 No person shall on a **street** or in a **public space**:
 - (a) urinate or defecate;
 - (b) sleep in a motor vehicle; or
 - (c) participate in a violent confrontation or struggle.
 - 6.3 No person shall on a **street** or in a **public space**:
 - (a) scatter, dump, or dispose of any garbage, glass, crockery, litter or other material, whether liquid or solid, and whether likely to injure any person, animal, vehicle or not;
 - (b) place or throw any circular, pamphlet, handbill or other paper material, whether or not the paper material had been previously placed upon any **motor vehicle** or other vehicle, without the consent of the **owner** or driver thereof;
 - (c) cut, remove or damage any tree, shrub or flower plant, bush or hedge;
 - (d) deface, injure or damage any **street**, ditch or fence or anything erected or maintained for purpose of lighting a **street**;
 - (e) dispose or place or leave any cement, mortar, lime, or any other substance having a damaging or destructive effect upon the concrete, asphalt, bushes, shrubs, or trees, or grass situate thereon;
 - (f) stamp, paint, post, affix or otherwise place any placard, bill, poster, notice advertisement without first having obtained the permission of the City; or
 - (g) remove to, or accumulate in from lands adjacent to a **street** or **public space**, grass cuttings, leaves or **rubbish**."

And replace with:

- "6.1 No person shall on a street or in a public space:
 - (a) urinate or defecate;
 - (b) sleep in a motor vehicle; or
 - (c) participate in a violent confrontation or struggle.
- 6.2 No person shall on a street or in a public space:
 - (a) scatter, dump, or dispose of any garbage, glass, crockery, litter or other material, whether liquid or solid, and whether likely to injure any person, animal or cause damage to a vehicle or not;
 - (b) place or throw any circular, pamphlet, handbill or other paper material, whether or not the paper material had been previously placed upon any motor vehicle or other vehicle, without the consent of the motor vehicle owner or occupant thereof;
 - (c) cut, remove or damage any tree, shrub or flower plant, bush or hedge;
 - (d) deface or damage any street, ditch or fence or anything erected or maintained for purpose of lighting a street;
 - (e) dispose or place or leave any cement, mortar, lime, or any other substance having a damaging or destructive effect upon the concrete, asphalt, bushes, shrubs, or trees, or grass situate thereon;

- (f) stamp, paint, post, affix or otherwise place any placard, bill, poster, notice advertisement without first having obtained the permission of the City; or
- (g) remove to, or accumulate in from lands adjacent to a street or public space, grass cuttings, leaves or rubbish."
- 5. AND THAT a NEW **Section 7. Panhandling** and **Section 8. Street Entertainment** be added in its appropriate locations and all subsequent sections be re-numbered that reads as follows:

"7. Panhandling

The practice of panhandling has been identified as a significant social and safety concern and community outreach programs are in place to provide other options for panhandlers. These regulations are a required part of the coordinated approach to reduce the community impact of panhandling. Panhandling is permitted in the City of Kelowna under the following restrictions:

- 7.1 No person shall panhandle within 5 meters of:
 - (a) an entrance to a bank, credit union or **trust company** or other financial institution where cash can be withdrawn;
 - (b) an automated teller machine or other device from which cash can be electronically accessed;
 - (c) a person who is seated in an outdoor area of a restaurant or bar which food or beverage are being served:
 - (d) a bus stop or taxi stand; and
 - (e) a liquor store
- 7.2 A person may only engage in panhandling between 8:00 am and 8:00 pm.
- 7.3 No person shall while engaging in panhandling, impede the convenient passage of, walk next to, or follow the person being solicited.
- 7.4 No person shall continue to engage in panhandling otherwise permitted by this Bylaw who has been refused or the solicitation has been declined.
- 7.5 No person shall engage in panhandling from any person who, at the time is an occupant of a motor vehicle.
- 7.6 No person shall stop a motor vehicle on a street within 500 meters of a Recycling Depot for the purpose of giving or delivering recyclable materials to another person.
- 7.7 No occupant of a motor vehicle which is stopped at a traffic control signal as defined in the Motor Vehicle Act shall give money, goods or other things of value to another person.

8 Street Entertainment

Street Entertaining is permitted in the City of Kelowna under the following restrictions:

- 8.1. No person may carry on the business of a street entertainer unless that person has applied for and obtained a permit from an approved Busker's Program.
- 8.2 Upon demand of a peace officer, a street entertainer must produce a valid Buskers Program Permit.

- 8.3 Street entertainment within the boundaries of the Downtown Business Improvement Area is restricted to designated "Busk Stops:
- 8.4 While performing, a street entertainer must comply with the conditions set out in the Buskers Program Permit."
- 6. AND THAT **Section 8. Construction Noise,** 8.1 be amended by deleting "o700 hours or after 2100 hours" and replacing it with "7:00 am or after 9:00 pm".
- 7. AND THAT **Section 9. Deemed Objectionable Noises**, 9.5 be amended by:
 - a) Deleting "sections 7.1 to 8.1 and 9.1 to 9.4 of this bylaw" and replacing it with "sections 7.1 to 8.1 and 9.1 to 9.4, 10.1 to 10.4 and 11.1 to 11.4 of this bylaw";
 - b) adding in sub-section (b)(ii) the word "alarm" after the words "a motor vehicle horn,"; and
 - c) deleting in sub-section (c) "0700 hours or after 2100 hours" and replacing it with "before 7:00 am or after 9:00 pm"
- 8. AND THAT **Section 10. Compliance Orders, 10.2** be amended by deleting section 10.2 that reads:
 - "10.2 Where a condition exists that is a contravention of any of the provisions in sections 4 and 5 of this bylaw, the **bylaw supervisor** may issue an **order to comply** requiring the person to remedy the nuisance or non-compliance within fourteen (14) days of deemed service or ten (10) days in the case of a contravention of section 5.3 of this bylaw, or on a date the **bylaw supervisor** considers reasonable in the circumstances if in the opinion of the **bylaw supervisor** a further period of time is required due to:"

And replace it with:

- "10.2 Where a condition exists that is a contravention of any of the provisions in sections 4 and 5 of this bylaw, a **Bylaw Enforcement Officer** may issue an **order to comply** requiring the person to remedy the nuisance or non-compliance within fourteen (14) days of deemed service or ten (10) days in the case of a contravention of section 5.3 **Error! Reference source not found.**of this bylaw, or on a date a **Bylaw Enforcement Officer** considers reasonable in the circumstances if in the opinion of the **bylaw supervisor** a further period of time is required due to:"
- 9. AND THAT City of Kelowna "Panhandling Bylaw No. 8214" and all amendments thereto, are hereby repealed.
- 10. This bylaw may be cited for all purposes as "Bylaw No.11546 being Amendment No. 1 to Good Neighbor Bylaw No. 11500."
- 11. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor
City Clerk

CITY OF KELOWNA

BYLAW NO. 11566

Amendment No. 20 to Bylaw Notice Enforcement Bylaw No. 10475

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Bylaw Notice Enforcement Bylaw No. 10475 be amended as follows:

1. THAT Schedule "A", Good Neighbour Bylaw No. 11503, be deleted in its entirety that reads:

Bylaw No.	Section		A1 Penalty – First Offence	A2 Early Payment Penalty – First Offence	A3 Late Payment Penalty – First Offence	A4 Penalty – second and subsequent offences	A5 Early Payment - second and subsequent offences Payment Penalty	A6 Late Payment Penalty – second and subsequent offences	A7 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes")
Good Ne	eighbour	Bylaw No. 115	503						
11503	4.2	Owner of real property remain unsightly	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	Yes
11503	4.3a	Permit accumulation of rubbish on premises	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
11503	4.3a	Permit compost that is not closed and sealed	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
11503	4.3b	Permit derelict motor vehicle, vehicle, boat or trailer on real property	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	Yes

11503	4.3C	Permit accumulation of noxious, offensive or unwholesome materials, substance or objects	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	Yes
11503	4.3d	Permit accumulation of building materials	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	Yes
11503	4.2	Permit contamination of the atmosphere	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	Yes
11503	5.1	Place graffiti on wall, building, fence or other structure	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	No
11503	5.2	Permit graffiti on utility kiosk, customer service box or dumpster	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	No
11503	5.3	Permit graffiti on real property adjacent to street or public space	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	Yes
11503	5.4	Permit graffiti on a motor vehicle	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
11503	6.1	Cause or place graffiti on street or public space	\$500.00	\$450.00	\$500	\$500.00	\$450.00	\$500.00	No
11503	6.2a	urinate or defecate on street or public space	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	6.2b	sleep in a motor vehicle on or public space	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	6.20	Participate in violent confrontation or struggle	\$250.00	\$225.00	\$275.00	\$250.00	\$225.00	\$275.00	No
11503	6.3а	Dispose materials that may injure any person, animal or vehicle	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	No
11503	6.3b	Place paper or other material on motor vehicle	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	No

11503	6.3c	Cut, remove or damage tree, shrub, flower plant, bush or hedge	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	6.3d	Damage street lighting	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	No
11503	6.3e	Contaminate & harm bushes, shrubs, trees or grass situate	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	No
11503	6.3f	Placing paper materials without the permission of the City	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	Yes
11503	6.3g	Place or accumulate grass cuttings, leaves or rubbish	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	No
11503	7.1	Permit noise to disturb the neighbourhood	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	Yes
11503	7.2	Permit noise from real property to disturb any person	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	Yes
11503	7.3	Operate sound amplification equipment or instrument to disturb any person	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	Yes
11503	7.4	Harbour any animal or bird which disturbs the neighbourhood	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	Yes
11503	8.1	construction noise before 0700 hours or after 2100 hours	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	Yes
11503	9.1	Launch a motor boat without an adequate exhaust system	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	9.2	Operate motor boat with stacks or dry headers	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No

11503	9.3	Operate a motor boat powered by an engine with exhausting devices	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	9.4	Operate a motor boat to cause noise	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	9.5(a)(l)	Noise or sounds exceeding 15 mins – two or more people – raised voices	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	9.5(a)(ii)	Noise or sounds exceeding 15 mins — barking or howling of harbored dog	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	9.5(a)(iii)	Noise or sounds exceeding 15 mins – yelling or screaming	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	9.6(b)(i)	Exhaust system noise	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	9.6(b)(ii)	Horn or alarm noise	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	9.6(b)(iii)	Tire squeal noise	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	No
11503	9,6(c	Lawn mower or power tool noise before 0700 or after 2100	\$100.00	\$90.00	\$110.00	\$250.00	\$225.00	\$250.00	Yes
11503	14.1	Obstruct a Bylaw Enforcement Officer	\$500	\$450	\$500.00	\$500.00	\$450.00	\$500.00	No

- 2. AND THAT Schedule "A" be amended by adding a new section for **Good Neighbour Bylaw No. 11500** as attached to and forming part of this bylaw as Attachment A.
- 3. This bylaw may be cited for all purposes as "Bylaw No. 11566 being Amendment No. 20 to Bylaw No. Bylaw Notice Enforcement Bylaw No. 10475."

4.	This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.
	Read a first, second and third time by the Municipal Council this
	Adopted by the Municipal Council of the City of Kelowna this
	Mayo
	City Clerk

Schedule A

				50	hedule A				1
Bylaw No.	Section	Description	A1 Penalty – First Offfence	A2 Early Payment Penalty – First Offfence	A3 Penalty – second and subsequent offences	A4 Early Payment - second and subsequant offences Payment Penalty	A5 Late Payment Penalty	A6 Late Payment Penalty – second and subsequent offences	A6 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes")
Good N	lieghbour B	ylaw No. 11500							
11500	4.2	Owner or occupier allow real property to remain unsightly	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$450.00	Yes
11500	4.3 a	Owner or occupier permit accumulation of water, filth or rubbish on real property	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	4.3 b	Owner or occupier permit derelict motor vehicle, vehicle, boat or trailer on real property	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$110.00	Yes
11500	4.3 C	Owner or occupier permit accumulation of noxious, offensive or unwholesome materials, substance or objects on real property	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	Yes

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11500	4.3 d	Owner or occupier permit building materials to accumulate on real property for more than 15 days without permit or being stored in closed	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	Yes
		building or							
11500	4.4	Owner or occupier of real property permit contamination of the atmosphere	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	Yes
11500	5.1	Cause or place graffiti on wall, building, fence or any other structure	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	No
11500	5.2	Owner permit graffiti on utility kiosk, customer service box or dumpster	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	No
11500	5-3	Owner or occupier shall keep real property adjacent to street or public space free of graffiti	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	Yes
11500	5.4	Owner permit graffiti on a motor vehicle	\$100	\$90	\$100.00	\$90.00	\$110.00	\$500.00	Yes
11500	6.1.a	Urinate or defecate on street or public space	\$100	\$90	\$100.00	\$90.00	\$110.00	\$110.00	No
11500	6.1 b	Sleep in a motor vehicle on a street or public space	\$100	\$90	\$100.00	\$90.00	\$110.00	\$110.00	No

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11500	6.1 c	Participate in violent controntation or struggle on a street or public space	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	No
11500	6.2 a	Dispose materials that may injure any person or animal or cause damage to a vehicle	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	No
11500	6.2 b	Place paper or other material on motor vehicle	\$250.00	\$225.00	\$500.00	\$450.00	\$500.00	\$500.00	No
11500	6.2 C	Cut, remove or damage any tree, shrub or flower plant, bush or hedge on a street or public space	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	No
11500	6.2 d	Deface or damage any street lighting	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	No
11500	6.2 e	Dispose concrete, asphalt or other substance that cause damage to bushes, shrubs, trees or grass situate thereon	\$500.00	\$450.00	\$500.00	\$450.00	\$500.00	\$500.00	No
11500	6.2 f	Stamp, paint, post, affix or place paper materials without the permission of the City	\$250.00	\$225.00	\$500.00	\$450.00	\$500.00	\$500.00	Yes
11500	6.2 g	Place grass cuttings, leaves or rubbish on a street or in a public space	\$250.00	\$225.00	\$500.00	\$450.00	\$500.00	\$500.00	No

11500	7.1 a	Panhandle within 5 m of an entrance to any financial institution or trust company	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	7.1 b	Panhandle within 5 m of an automated teller machine	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	7.1 C	Panhandle within 5 m of a an outdoor restauraunt or bar	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	7.1 d	Panhandle within 5 m of a bus stop or taxi stand	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	7.1 e	Panhandle within 5 m of a liquor store	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	7.2	Panhandle before 8 am or after 8 pm	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	7.3	Panhandle in a manner which impedes the convenient passage of a pedestrian	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	7.4	Continue to panhandle after a negative response	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	7.5	Panhandle from any person or occupant of a motor vehicle	\$100.00	\$90.00	\$100.00	\$90.00	\$110.00	\$110.00	Yes
11500	7.6	Stop motor vehicle within 500 meters of a Recycling Depot and give recyclables to another person	\$250.00	\$225.00	\$275.00	\$250.00	\$225.00	\$275.00	Yes

	1	1	ı	ı	Г			ı	1
11500	7.7	Occupant of motor vehicle stopped at controlled signal give money, goods or other things	\$250.00	\$225.00	\$275.00	\$250.00	\$225.00	\$275.00	Yes
		to another							
		person							
11500	8.1	Street Entertainer fail to obtain valid permit	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
11500	8.2	Street Entertainer fail to produce valid permit upon demand of an officer	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
11500	8.3	Entertain in a restricted area not designated as a busk stop	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
11500	8.4	Street Entertainer fail to comply with conditions of permit	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
11500	9.1	Owner or occupier of real property allow or permit noise to disturb any person	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	Yes
11500	9.2	Permit or cause noise from an instrument, electronic equipment or device to disturb any person	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	Yes
11500	9.3	Own, keep or harbor any animal or bird whose sound disturbs any person	\$250.00	\$225.00	\$275.00	\$500.00	\$450.00	\$500.00	Yes

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11500	10.1	Cause or	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	Yes
		permit							
		construction							
		noise before							
		7:00 am or							
		after 9:00 pm							
11500	11.1	Launch a	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
		motor boat							
		without							
		adequate							
		exhaust							
		system							
11500	11.2	Operate motor	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
		boat with							
		stacks or dry							
		headers							
11500	11.3	Operate a	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
5::		motor boat		.5,			.5		
		powered by an							
		engine with							
		exhausting							
		devices							
11500	11 /	Operate a	\$100.00	\$90.00	\$110.00	\$100.00	\$00.00	\$110.00	Yes
11500	11.4	motor boat so	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	
		as to cause							
		noise and							
		disturb any							
11500	44.50(i)	person	#100.00	400.00	*****	4100.00	400.00	****	Yes
11500	11.5 a (i)	Noise or	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	163
		sounds							
		exceeding 15							
		mins - two or							
		more people –							
	m	raised voices							Yes
11500	11.5 a (ii)	Noise or	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	163
		sounds							
		exceeding 15							
		mins - barking							
		or howling of a							
		harboured dog							. V
11500	11.5 a	Noise or	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
	(iii)	sounds							
		exceeding 15							
		mins – yelling							
		or screaming							

11500	11.5 b	Noise or	\$100.00	\$90.00	\$110.00	\$100.00	#00.00	\$110.00	Yes
11500	(i)	sounds from	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	. 03
	(1)	motor vehicle							
		exhaust							
		system that							
		disturbs any							
		person		-					.,
11500	11.5 b	Horn, alarm or	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
	(ii)	warning device							
		from motor							
		vehicle that							
		disturbs any							
		person							
11500	11.5 b	Operate motor	\$100.00	\$90.00	\$110.00	\$100.00	\$90.00	\$110.00	Yes
	(iii)	vehicle in a							
		manner to							
		cause tires to							
		squeal							
11500	11.5 C	Lawn mower	\$100.00	\$90.00	\$110.00	\$250.00	\$225.00	\$275.00	Yes
		or power						, ,	
		garden tool							
		noise before							
		7:00 am or							
		after 9:00 pm							
11500	14.1	Interefere	\$500.00	\$450.00	\$500.00	\$500.00	\$450.00	\$500.00	Yes
	'	with, hinder or					13		
		obstruct a							
		bylaw officer							

Report to Council

Date: March 26, 2018

File: 1840-40

To: City Manager

From: Planner Specialist, Parks & Buildings Planning

Subject: Kelowna Community Health Services Centre Public Art - Memorandum of

Understanding

Recommendation:

THAT Council receives, for information, the report from the Planner Specialist, Parks & Buildings Planning dated March 26, 2018, with respect to the Kelowna Community Health Services Centre Public Art - Memorandum of Understanding (MOU).

Kelowr

AND THAT Council authorizes the Parks & Building Planning Manager to enter into an MOU for an equal cost sharing partnership between Doyle Property Holdings Ltd. and the City of Kelowna for the commissioning of a new public artwork, as outlined in this report;

AND THAT Council direct staff to report back to Council with the City's share of the project costs in the form of a Cost Sharing Agreement.

Purpose:

To seek Council's approval to enter into a MOU outlining roles and responsibilities of an equal cost sharing partnership between Doyle Property Holdings Ltd. and the City of Kelowna for the commissioning of new publicly accessible artwork at the Kelowna Community Health Services Centre, 505 Doyle Avenue.

Background:

Interior Health and Doyle Property Holdings Ltd. (Bentall Kennedy) has approached City staff to partner on a public art installation. The objective of the partnership is to install a unique, site specific and publicly accessible artwork to be located at the Kelowna Community Health Service Center building (KCHSC) at the corner of Ellis Street and Doyle Avenue.

The artwork will reflect Kelowna citizens' relationship between health and the well-being of individuals and serve as inspiration for the role Interior Health plays in the community and region in providing inclusive health services and their vision of 'every person matters'.

The artwork is to be sited adjacent to KCHSC's main entrance and will serve as a prominent feature in a highly visible location. The artwork site will be in close proximity to pedestrian circulation along Ellis

Street, as well as patients and staff accessing the building. As such, this public art partnership opportunity is seen as a positive addition to the public realm.

The artwork will be owned by the City as part of the Public Art Collection. Public access to the artwork will be secured through a Statutory Right-of-Way.

Subject to Council approval, the total budget for the Project is \$120,000 and is to be an equal cost sharing partnership between Bentall Kennedy and the City. Partnership sharing will cover all artist's costs for proposal development, design development, fabrication and installation of the artwork at the location identified. Partnership sharing will also cover costs associated with the registration of a Statutory Right-of-Way, project management costs, project contingencies, and maintenance for the life of the work.

Process

The artwork will be chosen by an open, two-stage competition. The two-stage process is intended to expand the reach and response of submissions received from the Call to Artist issued through the City's Public Art Program.

<u>Stage 1</u> will be an open call to artists to submit their Expression of Interest and qualifications only, without making demands on artists' time and resources. The Expression of Interest will not require the preparation of a design proposal.

<u>Stage 2</u> will involve a short-list of 3-5 artists from Stage 1 to be invited to provide detailed design proposals. An honorarium will be paid to each invited artists to offset some of the costs of development of their proposal.

Subject to Council approval, selection of the artist is anticipated to be sometime between August and September 2018. Installation and completion of the artwork is anticipated for spring of 2020.

Memorandum of Understanding

A MOU will establish the project understanding and respective roles, responsibilities and obligations between the artwork partners. Details of the MOU will outline the following project areas:

- Key stakeholders involved in the partnership;
- Project understanding, including goals and vision for the artwork;
- Roles and responsibilities between partners;
- Project budget and financial contributions;
- Artist and artwork selection process;
- Ownership and permission rights;
- Terms and conditions for cancellation;
- Duration and project schedule;
- Insurance and permit requirements;

Internal Circulation:

Divisional Director, Infrastructure
City Clerk
Parks & Buildings Planning Manager
Financial Planning Manager
Cultural Services Manager
Partnership Manager
Community Engagement Manager

Existing Policy:

The proposed project and partnership is consistent in terms of the City of Kelowna's Public Art Program as reflected in Cultural Policy 274.

Financial / Budgetary Considerations:

City staff will return to Council with a recommendation for the City's share of the project costs, up to \$60,000, and to authorize the expenditure of funds from the Public Art Reserve.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Approved for inclusion:

Submitted by:	
D. James, Planner Specialist, Parks	& Buildings Planning.
	7

Attachment 1: Kelowna Community Health Services Centre Public Art - Memorandum of Understanding Presentation

Alan Newcombe, Divisional Director, Infrastructure

cc: City Clerk

Divisional Director, Active Living & Culture

Divisional Director, Corporate & Protective Services

Divisional Director, Corporate Strategic Services

Divisional Director, Financial Services

Divisional Director, Infrastructure

Director Strategic Investments

Infrastructure Operations Department Manager

Kelowna Community Health Services Centre Public Art Partnership

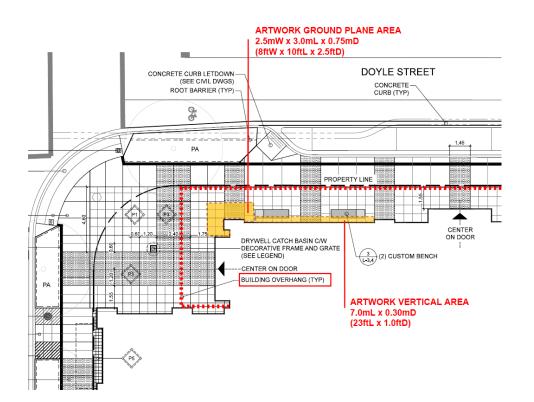


March 26, 2018



Artwork Location

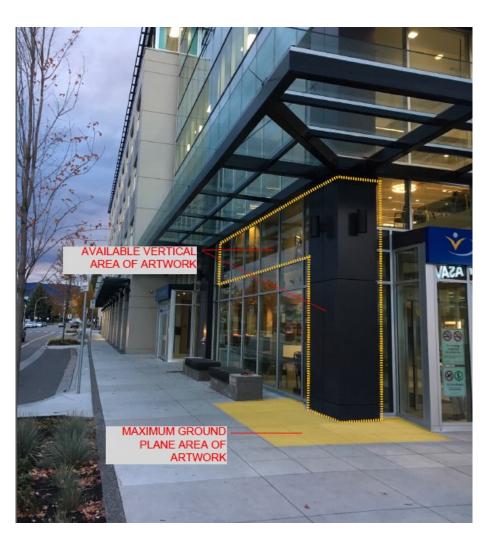




- Adjacent to main entrance;
- ► Highly visible location;
- Proximity to pedestrian traffic;
- ➤ Positive addition the public realm.







- ▶ Two-stage competition;
- Stage 1 Open call to artists for Expression of Interest and qualifications;
- Stage 2 Shortlist of artists to provide detailed design proposals.



Memorandum of Understanding

Establish understanding of partnership roles, responsibilities and obligations:

- ► Key stakeholders;
- ► Goals;
- Budget and financial contributions;
- Artwork selection process;
- Ownership and permission rights;
- Duration and project schedule;



Costs

- Equal cost sharing partnership;
- ▶ \$120,000 total project budget;
- ▶ \$60,000 City portion;
- Funded from Public Art Reserve;
- Artists' costs for proposal, fabrication and installation;
- ► Project costs for Statutory Right-of-Way, project management, contingencies and maintenance.



Recommendations

Direct staff to enter into a Memorandum of Understanding for an equal cost sharing partnership.

Direct staff to report back in form of a Cost Sharing Agreement.



Report to Council



Date: March 26, 2018

File: 0600-30

To: City Manager

From: City Clerk

Subject: Sufficiency Report for South Perimeter Road and Gordon Drive Extension

Report Prepared by: C. Boback, Legislative Coordinator

Recommendation:

THAT Council receive for information the report from the City Clerk dated March 26, 2018 pertaining to the Certificate of Sufficiency for the South Perimeter Road and Gordon Drive Extension project;

AND THAT Bylaw No. 11554 being South Perimeter Road and Gordon Drive Extension Development Cost Charge Frontending Agreement Authorization Bylaw be adopted.

Purpose:

For Council to receive the Sufficiency Report for the South Perimeter Road and Gordon Drive project and to advance the accompanying loan authorization bylaw for adoption consideration.

Background:

The Alternative Approval Process (AAP) pertaining to the City borrowing for the South Perimeter Road and Gordon Drive project closed at 4:00 pm on Friday, March 16, 2018.

Approval of the electors will be obtained if the number of elector responses received by the end of the alternative approval process is less than 10% of the number of electors within the City of Kelowna (10,909).

At the deadline of 4pm, Friday, March 16, the Office of the City Clerk received 120 valid petitions.

As an insufficient number of valid petitions were received by the deadline, Council may proceed with the adoption of South Perimeter Road and Gordon Drive Extension Development Cost Charge Frontending Agreement Authorization Bylaw No. 11554.

Internal Circulation:

Communications and Information Services Real Estate Services

Legal/Statutory Authority: *Community Charter*, Sections 86, 94, 174 and 179

Legal/Statutory Procedural Requirements:

Notice of the Alternative Approval Process was advertised in the Kelowna Capital News on February 8 & 13, 2018. On February 8, 2018, notice was posted on the notice board at City Hall and all relevant information relating the AAP was posted on the City of Kelowna Website.

Petitions submitted against the proposed agreement must be received by the Officer responsible for Corporate Administration (the City Clerk) in the form approved by Council by the deadline set by Council, and must be certified as sufficient or not, according to the requirements of the legislation.

Considerations not applicable to this report: Existing Policy: Financial/Budgetary Considerations: Personnel Implications: External Agency/Public Comments: Communications Comments: Alternate Recommendation:
Submitted by:
Stephen Fleming, City Clerk
cc: J. Saufferer, Real Estate Services Manager

<u>CITY OF KELOWNA</u>

CERTIFICATE OF SUFFICIENCY

I hereby certify that sufficient petitions <u>HAVE NOT</u> been received in relation to the adoption of Bylaw No. 11554, being the South Perimeter Road and Gordon Drive Extension Development Cost Charge Frontending Agreement Authorization Bylaw.

Dated this 19th day of March, 2018.

S. Fleming, City Clerk

Description of Proposal	Number of Elector Responses required to Defeat Proposal (10%of Electors City-wide)	Number of valid Responses Received
Bylaw No. 11554, being the South Perimeter Road and Gordon Drive Extension Development Cost Charge Frontending Agreement Authorization Bylaw.	10, 909	120

CITY OF KELOWNA

BYLAW NO. 11554

South Perimeter Road and Gordon Drive Extension Development Cost Charge Frontending Agreement Authorization Bylaw – Ponds Ventures, Inc.

Whereas pursuant to Sections 565 and 566 of the *Local Government Act*, a local government may, by bylaw, enter into a development cost charge fronting agreement,

Therefore, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. The Municipal Council hereby authorizes the City of Kelowna to enter into a Development Cost Charge Frontending Agreement with Ponds Ventures, Inc. to construct the South Perimeter Road and an extension of Gordon Drive.
- The Mayor and City Clerk are hereby authorized to execute the attached agreement as well as any conveyances, deeds, receipts or other documents in connection with the attached agreement.
- 3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 5th Day of February, 2018.

Adopted by the Municipal Council of the City of Kelowna this

Mayor
City Clerk

THIS AGREEMENT made as of January 30, 2018, is

BETWEEN:

City of Kelowna, 1435 Water Street, Kelowna, British Columbia, V1Y 1J4 (the "City")

AND:

Ponds Ventures Inc., P.O. Box 29053, Okanagan Mission RPO, Kelowna, British Columbia, V1W 4A7

(the "Developer").

WHEREAS:

A. The Developer is the owner of and wishes to develop the lands legally described as:

PID: 017-150-604, Lot B Section 20, Township 29, Similkameen Division, Yale District, Plan KAP44335 Except Plan KAP86178,

and is participating in a coordinated effort with a number of other developers that wish to develop the lands legally described as:

PID: 028-432-207, Lot A, District Lot 579, Similkameen Division, Yale District, Plan EPP9618, Except Plans EPP9638, EPP15721, EPP18670, EPP20408, EPP22118, EPP33403 and EPP 43336;

PID: 028-948-521, Lot 3, District Lot 579, Similkameen Division, Yale District, Plan EPP22118;

PID: 029-124-298, Lot 1, District Lot 579, Similkameen Division, Yale District, Plan EPP29197; and,

PID: 029-930-898, Lot 2, District Lot 579, Similkameen Division, Yale District, Plan EPP45189;

(all of the lands in this preamble A are hereby defined as the "Development Lands");

B. The Development Lands are located within the area of Kelowna, British Columbia, known as the Southwest Mission Service Area, as set out and identified as "R-B South Mission" on the map attached as Schedule A, (the "Benefitting Area");

- C. The City has, through the 20-Year Servicing Plan & Financial Strategy (the "Plan and Strategy"), recognized the future need for the construction of an extension to Gordon Drive, known as Gordon Drive 1 Part 2, and certain road works, known as the South Perimeter Road, (together known as the South Perimeter Road Project (the "SPR Project")) for the development of the Benefitting Area, with the City's projected timing under the Plan and Strategy for the construction of the SPR Project being some time between 2025 and 2030;
- D. The Developer has requested that the City advance the timing of the construction of the SPR Project to accommodate the Developer's development of those parts of the Development Lands owned by the Developer;
- E. The Developer has obtained and delivered to the City letters of acceptance acceptable to the City in its sole discretion from developers in the Benefitting Area for the terms of the SPR Project and the developers' obligations in respect of the SPR Project;
- F. The Developer has agreed to design, construct and finance the SPR Project;
- G. The City and the Developer wish to set out the terms and conditions on which the Developer will design, construct, and finance the SPR Project;
- H. Sections 565 and 566 of the *Local Government Act* authorize the City Council to enter into an agreement to permit an owner to provide works and services in lieu of payment of all or any portion of a development cost charge; and,
- I. The City Council has passed a bylaw (the "Bylaw") authorizing the parties to enter into this Development Cost Charge Frontending Agreement (the "Agreement") pursuant to sections 565 and 566 of the *Local Government Act* for the provision of the SPR Project, including the payments to the Developer contemplated by the Agreement.

IN CONSIDERATION of their mutual promises set out in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

Conditions Precedent

- 1. This Agreement shall not be binding on the parties unless the following conditions precedent have, within 6 months of the execution of this Agreement, been satisfied by the Developer or waived by the City:
 - The Developer has entered into agreements acceptable to it in its sole discretion to provide water, utilities, and road access to the Development Lands;

- The Developer has retained engineering and other consultants satisfactory to the City (the "Design Consultants") to prepare the detailed design the SPR Project (the "Detailed Design");
- c. The Developer has submitted to the City for review and acceptance the Detailed Design;
- d. The City has, in its sole discretion, accepted the Detailed Design;
- e. The Developer has submitted to the City for review and acceptance the Developer's engineer's estimate of the total cost of the SPR Project (the "ECE"), which shall include all costs of negotiating and acquiring all road dedications necessary for the completion of the SPR Project (the "Road Dedications"), in sufficient detail to allow the City to assess its reasonableness. The ECE shall set out unit prices that include all costs to complete the SPR Project, including but not limited to overhead, profit, financing, insurance, etc., but not the costs of the Road Dedications. The ECE shall include the costs of the Road Dedications as separate items;
- f. The appraisal commissioned by the Developer from Kent McPherson Appraisals Inc. (the "KM Appraisal") of the market value of those Road Dedications that are, in the opinion of the Developer, at risk of the Developer, after making all commercially reasonable efforts to acquire the Road Dedications, being unable to acquire the Road Dedications (the "At Risk Road Dedications") being no more than 50% greater than the estimate dated January 12, 2017, obtained by the Developer from A-1 Appraisals Ltd. (the "A-1 Estimate") of the market value of the At Risk Road Dedications.
- g. The City has, in its sole discretion, accepted the ECE:
- h. The Developer has agreed in writing to comply with the requirements of the City's Subdivision, Development and Servicing Bylaw No. 7900, as amended or replaced from time to time, ("Bylaw No. 7900") in relation to the construction of the SPR Project, and has entered into a works and services agreement satisfactory to the City as evidence of the terms of that agreement;
- i. The City has obtained the approval of the electors to this Agreement or has satisfied itself, in its sole discretion, that the same is not required:
- j. The City has adopted the Bylaw: and,

k. The City and all other authorities having jurisdiction have issued all required development and other permits for the construction of the SPR Project to proceed.

Construction of the SPR

- 2. The Developer shall design, construct and transfer to the City the SPR Project and, for those purposes, shall, subject to the direction of the City:
 - a. acquire all Road Dedications. Should, after making all commercially reasonable efforts to acquire the Road Dedications, the Developer be unable to acquire some of the At Risk Road Dedications, the City will, at the request of the Developer, consider exercising its powers as a local government to acquire the At Risk Road Dedications. In the event that the City exercises its powers to acquire the At Risk Road Dedications, the Developer shall reimburse the City for all costs incurred by the City in acquiring the same, including without limitation compensation for the market value of the land so acquired, disturbance damages and business losses resulting from the acquisition of the same, and legal, survey, and appraisal costs. The City's consideration of the exercise of its powers to acquire the At Risk Road Dedications does not in any manner whatsoever relieve or reduce the obligation of the Developer to acquire all Road Dedications;
 - b. acquire all required permits and approvals for the SPR Project;
 - c. construct the SPR Project in compliance with:
 - the Detailed Design and all issued for construction drawings, and under the oversight of the Design Consultants or other consultants acceptable to the City;
 - ii. all required permits and approvals for the SPR Project; and
 - iii. the geotechnical recommendations contained in the geotechnical report attached as Schedule B (the "Geotechnical Specifications").

3. The Developer shall:

- a. commence construction of the SPR Project within 30 days of the requirements of paragraph 1 of this Agreement being satisfied or waived and this Agreement becoming binding on the parties;
- retain the Design Consultants, or other consultants acceptable to the City, for the entire period of construction of the SPR Project to oversee the construction; and,

- c. complete the construction of the SPR Project within 12 months of commencing construction.
- 4. The SPR Project shall be deemed to be complete (the "Completion Date") upon the commencement of the one-year maintenance period for the SPR Project in accordance with Bylaw No. 7900.

Costs and financing

- 5. The City is not responsible for any of the costs of the SPR Project.
- 6. The Developer shall complete the SPR Project at its own expense, including acquiring the Road Dedications, solely in exchange for remittances by the City in accordance with paragraph 9 of this Agreement of the project cost (the "Project Cost") determined in accordance with paragraph 7 of this Agreement.
- 7. The Project Cost is the lesser of the actual total costs of completing the SPR Project, including the cost of acquiring the Road Dedications, and:
 - a. the lesser of the ECE and \$9.263 million, plus
 - b. any additional costs, to a maximum of \$1.5 million, arising out of any City-requested changes to the Detailed Design, as may be agreed in writing by both the City and the Developer.

With respect to the actual total costs of completing the SPR Project, the review and determination shall only be in respect of the total costs and shall not involve a review of individual line items in the ECE.

- 8. If the ECE is less than \$9.263 million, the Developer agrees that it shall complete the SPR Project. If the ECE is greater than \$8.863 million, it shall be within the sole discretion of the Developer as to whether or not it proceeds with the SPR Project. If the Developer decides not to proceed with the SPR Project, it shall notify the City in writing of that decision no later than thirty days after the City executes this Agreement. If the Developer so notifies the City, this Agreement shall terminate on the day that the City is so notified, and the City will purchase from the Developer the Detailed Design for \$100,000 payable within three months of the termination of this Agreement.
- 9. In consideration of the completion of the SPR Project to the satisfaction of the City without any cost to the City, the City agrees to pay the Developer the Project Cost by remitting to the Developer a portion of the Southwest Mission Service Area Roads Development Cost Charges (as set out in Schedule A to Bylaw 10589) (the "Roads DCCs") collected by the City from developers in the Benefitting Area until the earlier of the Project Cost having been fully paid and

the expiry of 35 years from the date of this Agreement, in accordance with the following:

- Within 30 days of the Completion Date, the City shall remit to the Developer an amount equal to \$2.56 million plus 80% of the Road DCCs collected by the City in the 180 days immediately preceding the Completion Date;
- b. Within 30 days of the date that is the last day of the first calendar quarter following the Completion Date, the City shall remit to the Developer of an amount equal to 80% of the Road DCCs collected by the City between the Completion Date and the last day of that same calendar half; and
- c. Within 30 days of the date that is the last day of each subsequent calendar quarter following the Completion Date, the City shall remit to the Developer of an amount equal to 80% of the Road DCCs collected by the City in that subsequent.
- 10. The Developer agrees that the remittances by the City to the Developer pursuant to paragraph 9 of this Agreement are only required in the event that the SPR Project is completed in accordance with the Detailed Design to the satisfaction of the City, acting reasonably, are the only payments required to be made by the City to the Developer in relation to the completion of the SPR Project, and shall continue only until the earlier of the Project Cost having been fully paid and the expiry of 35 years from the date of this Agreement, after which time the City shall no longer be obligated to make any further remittances to the Developer, and all such remittances to the Developer shall cease.
- 11. The Developer agrees that no interest is payable by the City to the Developer in relation to the remittances to the Developer of Roads DCCs by the City at all and, in particular, that no interest is payable by the City to the Developer in relation to the remittances of Roads DCCs for the period between the City's collection of the Roads DCCs and the City's remittances of them to the Developer.
- 12. The Developer agrees that the City is not obliged to make any remittances to the Developer pursuant to paragraph 9 of this Agreement except to the extent that the Roads DCCs have actually been received by the City, and that, where a developer in the Benefitting Area utilizes development cost charge credits granted under the *Local Government Act* ("DCC Credits") to reduce the amount of Roads DCCs that would otherwise be required to be collected by the City from the developer, the value of the DCC Credits utilized by the developer does not form part of the amounts to be remitted by the City to the Developer pursuant to paragraph 9 of this Agreement.

13. The Developer agrees that the City is solely responsible for the administration of its development cost charge program including, without limitation, determining the amount of Roads DCCs to be collected by the City from a developer in the Benefitting Area, including determining what DCC Credits are available to the developer to be utilized to reduce the amount of Road DCCs that would otherwise be required to be collected by the City from the developer, and agrees that the City's determination of such amounts is in each case conclusive and binding on the Developer.

Waiver of Development Cost Charge Credits and Latecomer Payments

- 14. In consideration of the City's remittance obligations pursuant to paragraph 10 of this Agreement, the Developer hereby irrevocably waives, relinquishes and abandons any and all rights that the Developer now has or may at any time hereafter have to:
 - a. any DCC Credits related in any manner whatsoever to the SPR Project;
 and
 - b. any entitlement to latecomer payments granted under the *Local Government Act* related in any manner whatsoever to the SPR Project (the "Latecomer Payments").
- 15. The Developer hereby releases and forever discharges the City and its current and past elected officials, officers, employees, servants, agents, successors and assigns from all manner of actions, causes of action, suits, debts, dues, accounts, bonds, covenants, contracts, claims and demands whatsoever against the City, or any one or more of its current or past elected officials, officers, employees, servants, agents, successors and assigns that the Developer ever had, now has or hereafter may have by reason of the SPR Project and, without limiting the generality of the foregoing, by reason of the Developer's inability to utilize DCC Credits available to the Developer or to receive Latecomer Payments to which the Developer would be entitled to but for this Agreement.

General Provisions

- 16. The Developer represents and warrants to the City that:
 - a. it has the full and complete power, authority and capacity to enter into, execute and deliver this Agreement;
 - b. all necessary corporate actions and proceedings have been taken to authorize entry into and performance of this Agreement:
 - c. this Agreement shall be fully and completely binding upon such party in accordance with the terms hereof;

- d. neither the execution and delivery, nor the performance of or covenants in, this Agreement breaches any other agreement or obligation or causes default of any other agreement or obligation on the part of such party; and
- e. the foregoing representations and warranties shall have force and effect notwithstanding any knowledge on the part of the City whether actual or constructive concerning the status of such party or any other matter whatsoever.
- 17. Any notice to be given under this Agreement shall be in writing and may be delivered personally or sent by prepaid registered mail. The addresses of the parties for the purpose of notice shall be the addresses set out in this Agreement. Any party may at any time give notice in writing to another of any change of address.
- 18. No partnership, joint venture or agency involving the City or the Developer is created by or under this Agreement and the Developer will not have the authority to commit and will not purport to commit the City to the payment of any money to any person.
- 19. The parties each agree that this Agreement creates only contractual rights and obligations among them and each party by this section agrees that no tort or other duty, obligation or liability is created by or under this Agreement (including any duty of care or fiduciary duty).
- 20. This Agreement is the entire agreement among the parties, and supersedes and terminates all previous agreements, promises, representations and warranties respecting the subject matter of this Agreement. The City has made no representations, warranties, guarantees, promises, covenants or agreements to or with the Developer other than those in this Agreement. For certainty, the Developer acknowledges and agrees that the City has not made or given any representations or warranties to the Developer respecting the subject matter of this Agreement.
- 21. No amendment to or waiver of any part of this Agreement is valid unless in writing and executed by the parties. Waiver of any default by a party is not to be deemed a waiver of any subsequent default by that party.
- 22. Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural or the feminine or the body corporate or politic where the context or the parties so require.
- 23. Time is of the essence of this Agreement.

- 24. Neither party may assign this Agreement without the prior written consent of the other party, which consent will not be unreasonably withheld.
- 25. This Agreement shall enure to the benefit of and be binding upon the parties, their respective heirs, executors, administrators, successors and permitted assigns.
- 26. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the City or the Council of the City. Further, nothing contained or implied in this Agreement shall derogate from the obligation of the Developer under any other agreement with the City or, if the City so elects, prejudice or affect the City's rights, powers, duties or obligation in the exercise of its functions pursuant to the *Community Charter* or the *Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the City's discretion, and the rights, powers, duties and obligations of the City under all public and private statutes, bylaws, orders and regulations, which may be, if the City so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the parties.
- 27. The laws of British Columbia are to govern its interpretation and enforcement and each of the City and the Developer accepts the jurisdiction of the courts of British Columbia.
- 28. If a party to this Agreement consists of more than one person, firm, or corporation, the covenants and obligations of such party under this Agreement shall be joint and several.
- 29. Subject to the earlier termination of this Agreement, this Agreement shall expiry 35 years from the date of this Agreement.

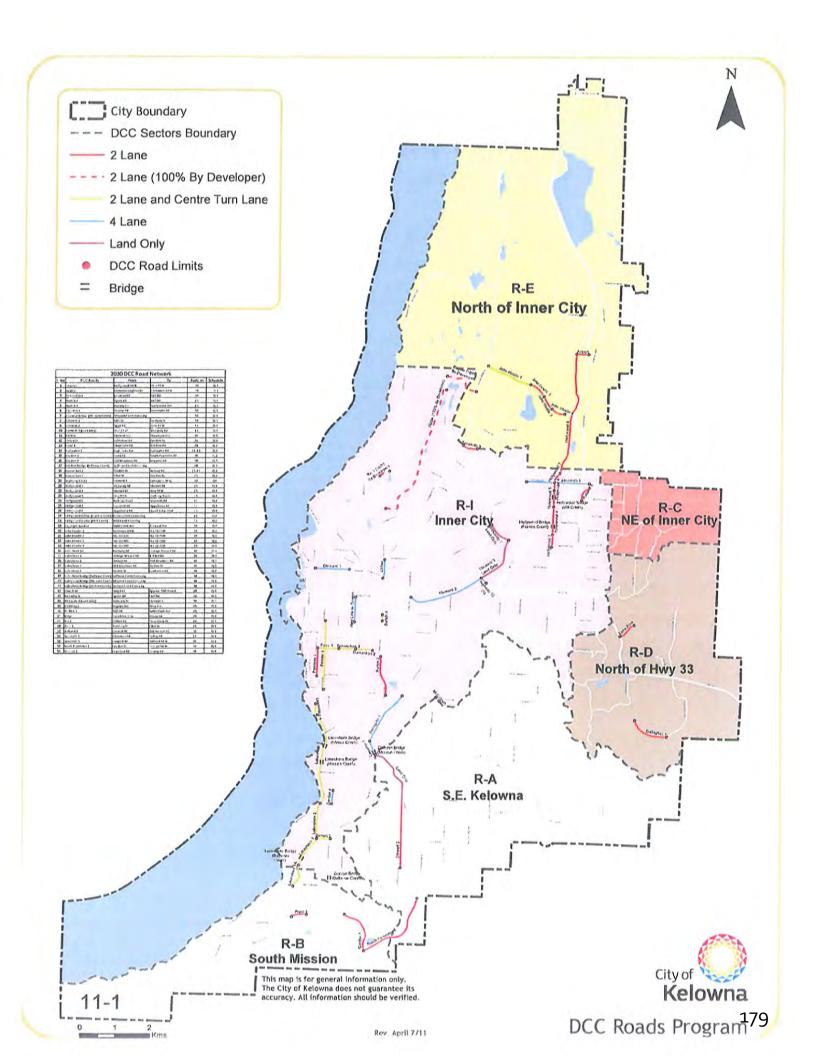
IN WITNESS WHEREOF the City and the Developer have executed this Agreement as of the day and year written below.

CITY OF KELOWNA by its authorized signatories:		
Mayor:)))	
Corporate Officer:)	
Date:)	

PONDS VENTURES INC. by its)	
authorized signatories:)	
Name:))	
WALTER S. LEONE)	C/S
Name:)	
Date: (A), 30/18)	

Schedule A – Benefitting Area

[Refer to Page 11-1]



$Schedule \ B-Geotechnical \ Specifications$

[Refer to Pages 12-1 to 12-31]



MATERIALS TESTING * SOILS CONCRETE * ASPHALT * CORING GEOTECHNICAL ENGINEERING

> 1 - 1925 KIRSCHNER ROAD KELOWNA, B.C. V1Y 4N7 PHONE: 860-6540 FAX: 860-5027

Arthon Suite 9 – 1790 KLO Road Kelowna, BC V1W 3P6 April 20, 2016 Job 16.072

Attention:

Mr Keith Muldrum, AScT, RTMgr - Manager, Special Projects

Dear Ms;

Re:

Geotechnical Investigation

Proposed South Perimeter Road

Kelowna, BC

As requested and further to our proposal of March 18, 2016 Interior Testing Services Ltd (ITSL) has carried out a geotechnical investigation for the above noted proposed road construction project.

Please see attached the following:

- One page location plan (Drawing 16.072-1)
- One page of schematic soil logs (Drawing 16.072-1A)
- Nine pages of test pit logs (Drawings 16.072-2 to 16.072-12)
- Three pages of borehole logs (Drawing 16.072-13 to 16.072-15)
- One page of gradation analysis results (Drawings 16.072-16)

At the end of this letter report, please also see attached a copy of our two-page "Terms of Engagement" that applies to our work on this project, which has been previously signed and accepted.

1.0 INTRODUCTION & SCOPE OF WORK

Based on the preliminary plans, we understand that roughly 2300 m of roadway is proposed to connect Stewart Road West to Gordon Drive. The current plan is to construct two, 3.5 m wide traffic lanes with one paved bike lane and gravel shoulders. There is a multi-plate structure proposed for the Bellevue Creek crossing which is being designed by others.

With respect to underground services, we understand that only near the connection to Stewart Road West is any pipework to be installed.

Due to the undulating nature of the existing ground profile, there are significant areas of cut and fill work that will be required. Based on the plan-profile sections prepared by Protech Consulting (2012), cut heights are estimated to be on the order of 11 m in some areas. Fill heights appear to be on the order of 8 m.

To evaluate existing soil conditions, we carried out a two phase subsurface investigation. Initially, a series of machine dug test pits were carried out to evaluate the shallower conditions. Within the deep cut zones, we carried out deeper drilling to identify the potential for bedrock, which we anticipate to be a significant cost to construction.

The purpose of our investigation was to identify the underlying soil and groundwater conditions with respect to general geotechnical comments for construction of the proposed roadway. The following report presents our investigation and laboratory results, along with general geotechnical comments and recommendations for subgrade fill, slope finishing, trench work and pavement structure.

2.0 SITE DESCRIPTION

The site is an undeveloped tract of land that extends from Stewart Road West to Gordon Drive in a general northeast to southwest fashion. The property is currently privately held and contains a significant recreational trail network. The land undulates significantly throughout the planned alignment. The local vegetation is sparse, with mature trees generally only around the Bellevue Creek and Jack Smith Lake areas.

There is an active quarry to the southeast of the Stewart Road West area. Throughout the overall property there are active haul roads that access the quarry area.

3.0 FIELD WORK

On April 14, 2016, a tracked excavator operated by Dirty Deeds Landscaping was used to advance a total of eleven test pits to as much as roughly 2.8 m below current site grades. The intent of the test pits was to identify the potential for near surface bedrock and to sample the near surface soils for additional testing.

Following our test pit investigation, on April 15, 2016 a track mounted drill rig operated by Mud Bay Drilling Co Ltd was used to advance three boreholes within areas where deep cuts are proposed. The initial auger hole (AH1) was completed using conventional solid stem equipment. However, due to the dense condition of the other areas, AH2 and AH3 were completed using air rotary tooling. Air rotary has the advantage of penetrating very dense, coarse conditions. However, sampling is limited to the significant disturbance to the soil profile.

All test holes (test pits and boreholes) were continuously logged in the field and regular, representative samples were recovered and returned to our laboratory for additional analysis.

Locations of the test holes were referenced onsite to the centerline stake alignment and stations were roughly paced off. The locations of the test holes are approximately shown on attached location plan provided by Protech Consulting (2012) as Drawing 16.072-1. Using the plan-profile sections from Protech Consulting (2012) we approximated the surface elevation at each test hole location, which are shown on the schematic logs and the attached test hole logs. The elevations should be considered approximate and may vary from those shown.

4.0 RESULTS

4.1 Soil Profile

The schematic logs of all test holes are shown on Drawing 16.072-1A. Detailed soil descriptions are shown on the attached test hole logs (Drawings 16.072-2 to 16.072-13), which should be used in preference to the generalized soil descriptions that follow.

As a very general comment, the proposed roadway alignment typically appears to be underlain by natural SANDs or SAND, GRAVEL, COBBLE and occasional boulders.

As much as 1.5 m of FILL was noted within TP1 to TP3. The FILL material was usually darker in colour and contained occasional evidence of wood waste / topsoils.

Between Stations roughly 2+880 to 1+850 the soil profile appears to have a significant SAND component. Within AH1, SAND was encountered to the base of the borehole at roughly 9.1 m. However, there also appear to be at least occasional seams of larger granular material, as noted within TP2, TP3, TP4 and TP5.

From roughly Station 1+850 to the terminus of the alignment, Station 0+540, the underlying soil profile typically consists of dense, coarse SAND, GRAVEL, COBBLE and BOULDER.

While bedrock was not specifically encountered in the test holes, possible bedrock outcrops were observed, so that the potential remains for bedrock to be exposed within cut areas.

4.2 Groundwater Conditions

Standing groundwater was only noted within TP7 at roughly 0.5 m below grade. However, we anticipate that this may be part of an ephemeral stream and speculate that the water observed is not part of the local groundwater regime. This is in part due to the seepage that was observed along the existing cut slopes that form the onsite haul roads.

Page 3 of 6

Groundwater or seepage was not encountered in any other test holes.

As a general comment, groundwater levels will vary seasonally and will be affected by drainage and infiltration conditions. As outlined below, there were occasional ephemeral streams observed during our field work and consideration will need to be given by the design team to adequately address these systems during and after construction.

4.3 Laboratory Work

Moisture contents were determined on all recovered samples and the results are presented on the attached test hole logs. The natural soils varied in oven dried moisture content from approximately 2 to 23%.

We carried out gradation analyses on several select samples and the results have been plotted on Drawing 16.072-16. Of the four samples, three generally can be classified as fine to coarse SAND and GRAVEL, trace to some silt. The sample from TP5 at roughly 0.6 m below grade indicates a SILT / SAND soil, with over 50% fines.

Currently, we are also carrying out a California Bearing Ratio test on a larger bucket sample recovered from TP4 at roughly 0.8 m below grade. We will forward the results of this test when they are ready.

4.4 General Field Observations

During our site investigation work, we made the following general notes.

- Ephemeral stream path noted to the northeast of TP3.
- Seepage at the toe of the existing cut bank to the east of TP4.
- Flowing stream noted at roughly Station 1+905.
- Possible bedrock outcrop or very large boulder noted at Station 1+700.
- Possible bedrock outcrop or very large boulder noted at Station 1+570
- Shallow pond to the southeast of TP11, at roughly Station 0+570.

5.0 CONSTRUCTION CONSIDERATIONS

We provide the following general comments for construction of the proposed roadway.

5.1 Old Fill Comments

As part of the initial site preparation work, we anticipate that some level of grubbing will be carried out to remove vegetation and topsoils. In addition, we recommend that any existing

Page 4 of 6

old fills be removed to expose suitable natural soils. Based on our investigation, there were fills noted within TP1 to TP3 and potentially within AH1.

5.2 Roadway Fill & Existing Soil Re-Use

As noted above, there are areas of the alignment that require significant cuts and fills. Based on our deeper drilling information, the cut areas typically consist of SANDs to SAND, GRAVEL and COBBLE. These granular materials are expected to be suitable for use as subgrade fill. For the areas where cobbles and / or boulders are encountered and if it is desired to re-use these materials, crushing and screening will be required to limit the maximum particle size to 200 mm (8 inches). Additional guidance can be provided at the time of construction if needed.

Approved subgrade FILLs should be placed in maximum 300 mm (1 ft) thick lifts, compacted to at least 95% of Modified Proctor Density (MPD) and conditioned to within 2% of the optimum moisture content.

Regular field density testing should be carried out to evaluate the compactive and conditioning efforts of the contractor during subgrade fill placement.

5.3 Underground Utility Service Installation

We anticipate that the proposed utility services will be set on competent, natural soils such that pipe (service) support is expected to be adequate.

Conventional Worksafe BC side slopes of 3H:4V should be satisfactory during construction for trench depths up to approximately 3 m for dry conditions. If steeper slopes are required, if deeper excavations are proposed or if water is encountered, a geotechnical engineer should be given the opportunity to review and comment.

5.4 Pavement Structure

We understand that the South Perimeter Road is to be an arterial corridor. For the natural granular soils or satisfactorily compacted subgrade FILLs (see 5.1), we anticipate the California Bearing Ratio (CBR) value will be on the order of 10. We are currently completing a CBR test in our laboratory on the natural SANDs and we will forward the results when ready. On a preliminary basis, the following pavement structure is expected to be satisfactory and reasonable from a frost protection perspective.

100 mm ASPHALT

100 mm BASE GRAVEL (19 mm Minus) - compacted to 95% of MPD

200 mm SUBBASE GRAVEL (150 mm Minus) - compacted to 95% of MPD

Page 5 of 6

After completion of our CBR test, we will forward the results and confirm the above pavement structure.

5.5 Finished Slopes

We recommend that all fill and cut slopes be finished to no steeper than 1.5 Horizontal to 1 Vertical (1.5H:1V). Slopes should also be vegetated or hydro-seeded to reduce the potential for surface erosion.

If significant grade separations require the construction of retaining walls, ITSL can provide further design information as necessary.

Although not expected to be encountered, bedrock cuts should be finished to no steeper than 1H:4V. If necessary, rock catchment zones beneath bedrock slopes should be as per the Ministry of Transportation and Infrastructure's Technical Bulletin GM02001.

6.0 CONCLUSIONS

- 6.1 We have carried out a geotechnical investigation for the proposed roadway. There are significant cuts and fills required along the proposed alignment. Our comments with respect to material re-use, subgrade fill and other construction considerations are provided in the above section of this letter report.
- 6.2 During construction of the proposed roadway, ITSL can carry out materials testing services and engineering review as needed.

We trust the above comments are sufficient at this stage. After your review, please feel free to call and discuss any questions you may have.

Sincerely,

Interior Testing Services Ltd

Prepared By

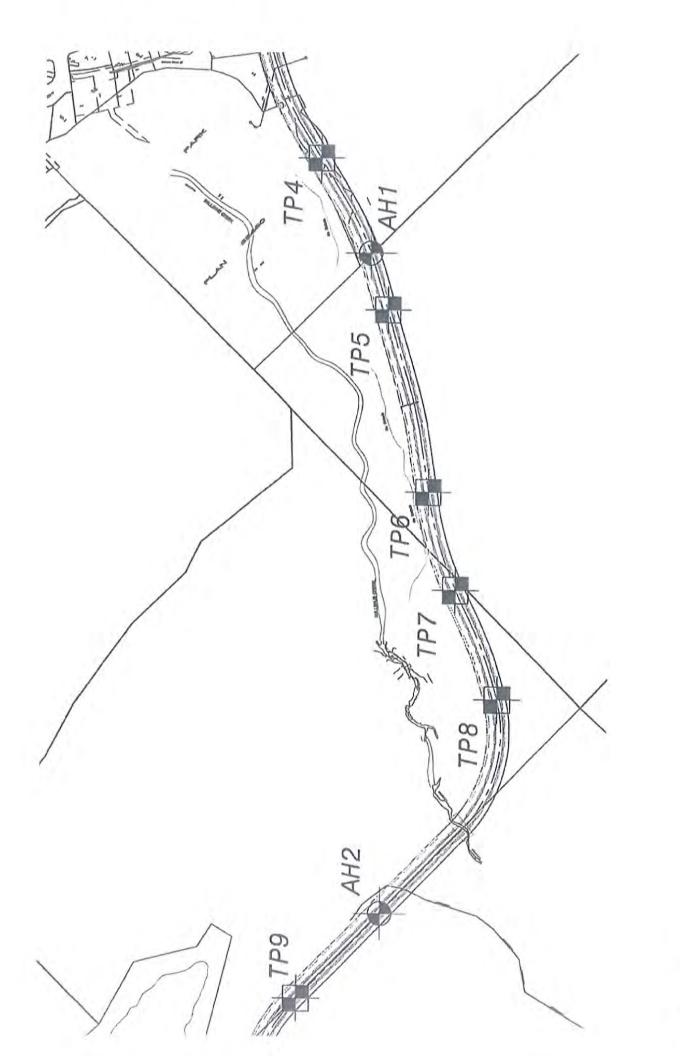
Jeremy Block, P Eng

Intermediate Geotechnical Engineer

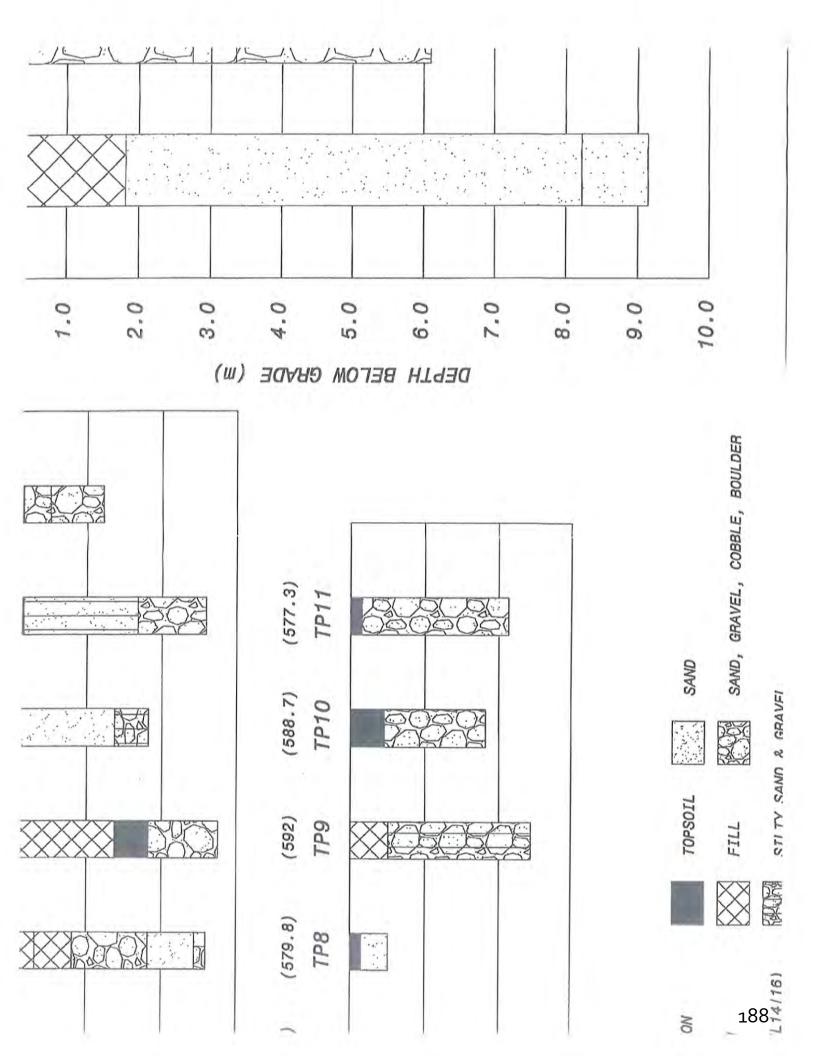
Reviewed By:

Peter Hanenburg, P Eng

Principal Geotechnical Engineer







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40	80	%	W	Location: Station 2+828 (+/	/ -)	5	Š	Sa	DESCRIPTION Sand and gravel FILL.
o 5%				No seepage or groundwater obse	rved.		\$1		Bottom of test pit at 2.75 m.

1 ·	ior Testing 1925 Kirs elowna, Bo (250) 86 info@inte	chne C V1 0 - 6	er R 1Y 4 540	oad N7	Project	n		: Gr : Pr	072 Method : Tracked Excavator otechnical Investigation Operator : Dirty Deeds Landscoposed South Perimeter Rd Logged By : JB lowna, BC Date : April 14, 2016 e Dwg. No. 16.072-1
	oisture	% Moisture	Water Level	REMARK	(S	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample DESCRIPTION
o 11%				Location: Station 2+659 (+/ No scepage or groundwater obse	% Fines		S1 S2		Light brown, sand to sand gravel FILL. Brown to dark brown, silty topsoil / old fill, occasional wood waste. Brown to rust brown, SAND, GRAVEL and COBBLE. Light brown SAND, some gravel. Light brown, SAND, GRAVEL and COBBLE. Bottom of test pit at 2.6 m.

	nterior Tes 1 - 1925 Kelowna (250) nail: info@	Kirso BC 860	V1	er R Y 4 540	oad N7	Project			Pr Ke	.072 Method Tracked Excavator object-inical Investigation Operator Dirty Deeds Lands oposed South Perimeter Rd Logged By Ilowna, BC Date April 14, 2016 e Dwg. No. 16.072-1
9	% Moisture	80	% Moisture	Water Level	REMARI	<s< th=""><th>GRAPHIC</th><th>Sample Number</th><th>Sample Type</th><th>Legend Disturbed Sample DESCRIPTION</th></s<>	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample DESCRIPTION
0	10%				Location: Station 2+483 (+, Seasonal stream observed to the r	path portheast		S1		TOPSOIL and roots. Light brown, SAND to SAND, GRAVEL, occasional cobble. Bottom of test pit at 2.75 m.

1	Interior Testing Sen 1 ~ 1925 Kirschner Kelowna, BC V11 (250) 860 - 65 email: info@interior	r Road Y 4N7 40	Project Location			: G:	.072 Method : Tracked Excavato cotechnical investigation Operator : Dirty Deeds Lands oposed South Perimeter Rd Logged By : JB clowna, BC Date : April 14, 2016 te Dwg. No. 16.072-1	
0-	% Moisture % Moisture % %	Water Level	KS	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample DESCRIPTION	
		Location: Station 2+294(+) Seepage noted a the cut face to the California Bearin Test (Dwg 16.07) No seepage or groundwater obs within test pit	long toe c east. g Ratio 2-17)		\$1		Light brown, fine to medium SAND, traces of silt. 150 mm thick gravel seam at roughly 0.3 m. Grey, dense, silty SAND and GRAVEL (till-like). Bottom of test pit at 1.8 m.	

1 - 19 Kelo (2	Testing Se 925 Kirschr wna, BC V 950) 860 - (fo@interior	ner R /1Y 4 6540	oad N7	Project			: Pr	072 Method : Tracked Excavator otechnical Investigation Operator Dirty Deeds Lands oposed South Perimeter Rd Logged By JB owna, BC Date April 14, 2016 e Dwg No. 16.072-1	
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0 13%			Location: Station 2+063 (+) Flowing stream of at Station 1+905 Sieve Analysis - 5 No seepage or groundwater observithin test pil.	bserved (+/-).		S1		TOPSOIL / roots. Light brown to grey, moist SILT / SAND. Coarse SAND, GRAVEL and COBBLE. Bottom of test pit at 2.6 m.	2

	Interior Tes 1 - 1925 l Kelowna, (250) email: info@i	Sirsch BC \ 860 -	ner F /1Y / 6540	Road 4N7)	Project			: Ge	.072 Method : Tracked Excavator cotechnical Investigation Operator : Dirty Deeds I, and so oposed South Perimeter Rd Logged By : JB clowna, BC Date : April 14, 2016 see Dwg. No. 16,072-1	
0,	% Moisture	Moisture	Water Level	REMAR	KS	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample DESCRIPTION	
	0 15%			Location: Station 1+811 (+ Possible BEDROC at Station 1+700 (+ No seepage or groundwater obs within test pil.	CK outcrop		S1		TOPSOIL. Rust brown, SAND, GRAVEL, COBBLE, BOUDLER. Boulder diameter roughly 1 m. Occasional roots. Light brown, SAND, GRAVEL, COBBLE and BOULDER. Bottom of test pit at 1.2 m due to refusal on boulder.	2
										3

Interior Te 1 - 1925 Kelowna (250 email: info@	Kirse a, BC) 860	chne V1	er R Y 4 540	oad N7	Project Locatio			: Ge	072 Method : Tracked Excavator otechnical Investigation Operator : Dirty Deeds Lands posed South Perimeter Rd Logged By : JB owna, BC Date : April 14, 2016 a Dwg. No. 16.072-1	
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40	80	%	Wa	Location: Station 1+675 (+c	(A)	. GR	Sar	Sar	DESCRIPTION TOPSOIL / weeds. Moist silty SAND.	
			v	Groundwater leve ephemeral stream April 14, 2016.		0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0			Light brown, SAND, GRAVEL, COBBLE and BOULDER.	
				Possible BEDROC at Station 1+570 (+					Bottom of test pit at 0.75 m due to high water level.	

	Interior Te 1 - 1925 Kelowns (250 email: info@	Kirso a, BC) 860	V1	Y 4	oad N7	Projec			: Ge	otechnical Investigation opposed South Perimeter Rd I	Method Operator Logged By Date	: Tracked Excavator : Dirty Deeds Landso : JB : April 14, 2016	
0	% Moisture	80	% Moisture	Water Level	REMAR	KS	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample DE	SCRIPTION		
					Location: Station 1+512 (+	+/-)				TOPSOIL / weeds. Brown, medium to coarse			
					No groundwater seepage observe	or ed.							3

	Keld	925 K wna, 250) t	BC BC	hne V1 - 65	r Ro Y 4	oad N7	Project Locatio			: G : Pr	office investigation operator community in the community of the community	: Tracked Excavator : Dirty Deeds Lands : JB : April 14, 2016
0	% Mo(s)		80	% Moisture	Water Level	REMARK	<s< th=""><th>GRAPHIC</th><th>Sample Number</th><th>Sample Type</th><th>Legend Disturbed Sample DESCRIPTION</th><th>DN</th></s<>	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample DESCRIPTION	DN
0	7%				- 1	Location: Station 1+000 (+) No seepage or groundwater obs within test pit.			51		Brown, silty gravel FILL, occasional with the silty grave	
o	9%				5	Sieve Annlysis - 2	0% Fines		S2			
								200			Bottom of test pit at 2.4 m due to refusi soils.	ol on coarse dense

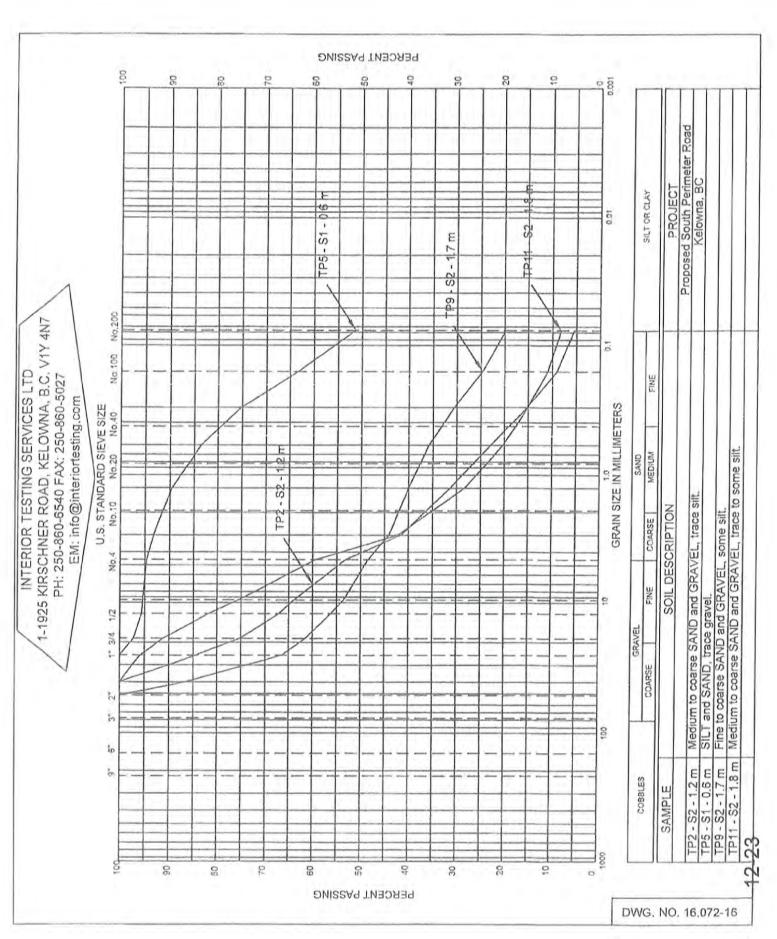
Interior Testing Services Ltd 1 - 1925 Kirschner Road Kelowna, BC V1Y 4N7 (250) 860 - 6540 email: info@interiortesting.com	Proje			: G : P	Method : Tracked Excavator cotechnical Investigation Operator : Dirty Deeds Landscroposed South Perimeter Rd Logged By : JB Date : April 14, 2016
% Moisture % Mater Level % Moisture % Mater Level %	RKS	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample DESCRIPTION
0 40 80 % \$\frac{3}{5}\] Location: Station 0+720	(+/-)	O	S	0	Brown, topsoil-like silt / sand.
O 9% No seepage or groundwater o within test pit.	bserved		S1 S2		Light brown, medium to coarse SAND, GRAVEL and COBBLE. Difficult digging with depth.
					Bottom of test pit at 1.8 m due to refusal on coarse dense soils.

		Kel	925 owns (250)	Kirso , BC 860	Vi - 6	er R Y 4 540	oad N7	Project Locatio			: Go	5,072 eolechnical Investigation oposed South Perimeter Rd elowna, BC te Dwg. No. 16,072-1		d Excavator eeds Landscap 4, 2016
		% Mois			% Moisture	Water Level	REMARI	K S	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample	COURTION	
1		40	1	80	%	3			Ö	SS	Sa		ESCRIPTION	
1							Location: Station 0+590(+/	á				TOPSOIL / roots.		
	o	3%					Shallow pond to at Station 0+570 No seepage or groundwater obs within test pit.	(47-)		S1		dlameter roughly 0.6 m.	COBBLE and BOULDER. Bo	oulder
	ю	6%					Sieve Analysis - 8	3% Fines	000000000000000000000000000000000000000	\$2		Bottom of test pit at 2.1 n soils.	n due to refusal on coarse de	ense
														3

T	e	1. K	192 elow (25	5 Kirs na, B (0) 86	Schn C V 0 - 6	er R 1Y 4 540	N7	Projec			; P	6,072 Method : Solid Stem Auger eotechnical Investigation Driller : Mud Bay Drilling Co roposed South Perimeter Rd Logged By : JB elowna, BC Date April 15, 2016	o I
0		% Mc	olstur 10	e 80	% Moisture	Water Level	REMARI	(S	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample DESCRIPTION	
	o	10%					Location: Station 2+149(+/-			S1		Brown to dark brown, moist, fine to medium sand, trace to some silt and gravel, possible FILL.	
	0	6%					groundwater obsi within test pil.	erved		S2		Light brown, compact, fine to medium SAND. Medium SAND between 5.2 to 6.1 m.	
	o	9%								83			
	o	9%								S4			
	0	12%								S5			67
	c	2	3%							56		Grey, moist, occasionally rust stalned, fine SAND, some silt.	5
												Bottom of auger hole at 9.1 m,	10

Interior Testing Services Ltd 1 - 1925 Kirschner Road Kelowna, BC V1Y 4N7 (250) 860 - 6540 email: info@interiortesting.com				Project , 16.072 Method , Geotechnical Investigation Driller : Proposed South Perimeter Rd Logged By Kelowna, BC Date Location See Dwg. No. 16.072-1				Driller Logged By	: Air Rotary : Mud Bay Drilling Co : JB : April 15, 2016	io L	
% Moistur	® Moisture	Water Level	REMARI	<s< th=""><th>GRAPHIC</th><th>Sample Number</th><th>Sample Type</th><th>Legend Disturbed Sample</th><th>ESCRIPTION</th><th></th><th></th></s<>	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample	ESCRIPTION		
9 6%			Location: Station 1+160 (+ No seepage or groundwater obs within test pit. Limited sample a description due to disturbance by all No bedrock encor	erved nd o trotary.		S1		Coarse, clean SAND. BOULDER, SAND, GRAVEL, COBBI	LE.		10

Interior Testing Services Ltd 1 - 1925 Kirschner Road Kelowna, BC V1Y 4N7 (250) 860 - 6540 email: info@interiortesting.com					Project : 15.072 : Geotechnical Investigation : Proposed South Perimeter Ro : Kelowna, BC : See Dwg. No. 16.072-1				eolechnical Investigation oposed South Perimeter Rd elowna, BC	Method Driller Logged By Date	: Air Rotary : Mud Bay Drilling Co : JB : April 15, 2016		
0		oisture 40	80	% Moisture	Water Level	REMAR	<s< th=""><th>GRAPHIC</th><th>Sample Number</th><th>Sample Type</th><th>Legend Disturbed Sample</th><th>ESCRIPTION</th><th></th></s<>	GRAPHIC	Sample Number	Sample Type	Legend Disturbed Sample	ESCRIPTION	
2%						Location: Station 0+652 (+/ No seepage or groundwater obs- within test pit. Limited sample at description due to disturbance by air No bedrock encor	erved nd r rolary.	\$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	S1		SAND, GRAVEL and CO		



TERMS OF ENGAGEMENT

GENERAL

Interior Testing Services Ltd. (ITSL) shall render the Services performed for the Client on this Project in accordance with the following Terms of Engagement. ITSL may, at its discretion and at any stage, engage subconsultants to perform all or any part of the Services. Unless specifically agreed in writing, these Terms of Engagement shall constitute the entire Contract between ITSL and the Client.

COMPENSATION

Charges for the Services rendered will be made in accordance with ITSL's Schedule of Fees and Disbursements in effect from time to time as the Services are rendered. All Charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client within thirty (30) days of the date of the invoice without hold back. Interest on overdue accounts is 12% per annum.

REPRESENTATIVES

Each party shall designate a representative who is authorized to act on behalf of that party and receive notices under this Agreement.

TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay ITSL its Charges for the Services performed, including all expenses and other charges incurred by ITSL for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by ITSL under this paragraph, the Client shall forthwith pay to ITSL its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

ENVIRONMENTAL

ITSL's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater. ITSL will co-operate with the Client's environmental consultant during the field work phase of the investigation.

PROFESSIONAL RESPONSIBILITY

In performing the Services, ITSL will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed. ITSL makes no warranty, representation or guarantee, either express or implied as to the professional services rendered under this agreement.

LIMITATION OF LIABILITY

ITSL shall not be responsible for:

- (a) the failure of a contractor, retained by the Client, to perform the work required in the Project in accordance with the applicable contract documents;
- (b) the design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
- (c) any cross-contamination resulting from subsurface investigations;
- (d) any damage to subsurface structures and utilities;
- (e) any Project decisions made by the Client if the decisions were made without the advice of ITSL or contrary to or inconsistent with ITSL's advice;
- (f) any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
- (g) the unauthorized distribution of any confidential document or report prepared by or on behalf of ITSL for the exclusive use of the Client.

The total amount of all claims the Client may have against ITSL under this engagement, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the lesser of our fees or \$50,000.00.

No claim may be brought against ITSL in contract or tort more than two (2) years after the Services were completed or terminated under this engagement.

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PERSONAL LIABILITY

For the purposes of the limitation of liability provisions contained in the Agreement of the parties herein, the Client expressly agrees that it has entered into this Agreement with ITSL, both on its own behalf and as agent on behalf of its employees and principals.

The Client expressly agrees that ITSL's employees and principals shall have no personal liability to the Client in respect of a claim, whether in contract, tort and/or any other cause of action in law. Accordingly, the Client expressly agrees that it will bring no proceedings and take no action in any court of law against any of ITSL's employees or principals in their personal capacity.

THIRD PARTY LIABILITY

This report was prepared by ITSL for the account of the Client. The material in it reflects the judgement and opinion of ITSL in light of the information available to it at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. ITSL accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report. This report may not be used or relied upon by any other person unless that person is specifically named by us as a beneficiary of the Report. The Client agrees to maintain the confidentiality of the Report and reasonably protect the report from distribution to any other person.

INDEMNITY

The client shall indemnify and hold harmless ITSL from and against any costs, damages, expenses, legal fees and disbursements, expert and investigation costs, claims, liabilities, actions, causes of action and any taxes thereon arising from or related to any claim or threatened claim by any party arising from or related to the performance of the Services.

DOCUMENTS

All of the documents prepared by ITSL or on behalf of ITSL in connection with the Project are instruments of service for the execution of the Project. ITSL retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of ITSL.

FIELD SERVICES

Where applicable, field services recommended for the Project are the minimum necessary, in the sole discretion of ITSL, to observe whether the work of a contractor retained by the Client is being carried out in general conformity with the intent of the Services.

DISPUTE RESOLUTION

If requested in writing by either the Client or ITSL, the Client and ITSL shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with the mediator, the dispute shall be referred to and finally resolved by an arbitrator appointed by agreement of the parties.

CONFIRMATION OF PROFESSIONAL LIABILITY INSURANCE

As required by by-laws of the Association of Professional Engineers and Geoscientists of British Columbia, it is required that our firm advises whether or not Professional Liability Insurance is held. It is also required that a space for you to acknowledge this information be provided.

Our professional liability insurance is not project specific for the project and should not be regarded as such. If you require insurance for your project you should purchase a project specific insurance policy directly.

Accordingly, this notice serves to advise you that ITSL carries professional liability insurance. Please sign and return a copy of this form as an indication of acceptance and agreement to the contractual force of these Terms of Engagement.

ACKNOWI EDGEMENT		
ACKNOWLEDGEMENT:_		

1 – 1925 Kirschner Road Kelowna, BC V1Y 4N7 Phone: (250) 860-6540

Email: info@interiortesting.com

-INTERIOR-TESTING SERVICES -LTD.-

GEOTECHNICAL MEMO

To:	Mr Keith Meldrum, AScT, RTMgr	Company:	Arthon Industries Ltd						
Email:	keith@arthon.com	Date:	June 15, 2016						
Job:	16.072	Pages:	6 (including this page)						
Re:	California Bearing Ratio Results – Proposed South Perimeter Road, Kelowna, BC								
Email cc:	Mr Ron Boyer – Protech Consulting – rbo	yer@protech-consul	ting.com						

Further to our geotechnical report dated April 20, 2016, Interior Testing Services Ltd (ITSL) has carried out laboratory testing of two samples recovered adjacent to TP4. Please find attached a one page site plan, two pages of California Bearing Ratio (CBR) results and one page of gradation analyses. As before, our work is subject to our two-page "Terms of Engagement" which has previously been signed and accepted.

- To evaluate the suitability of the underlying natural soils, two samples were recovered adjacent to TP4. We anticipate that these finer grained soils will represent the "weakest" materials throughout the proposed road alignment. The samples were compacted to approximately 98.9 and 99.6% of Modified Proctor Density (MPD).
- The results are shown on Drawings 16.072-17 and 16.072-18. After soaking the lowest CBR value at 0.1 inches was recorded as 4 for the "surface" sample and 5 for the deeper sample.

We anticipate that as part of the general construction procedure, the surface soils will be stripped and the underlying soils will be exposed prior to placement of the pavement structure. Therefore, it is our opinion that it will be reasonable to use a minimum CBR value of 5 in design. Furthermore, as noted above, these tested soils are expected to be the "weakest" throughout the roadway alignment, with natural sands, gravels, cobbles and boulders anticipated for the majority of the project.

 Based on the CBR test results and our comments above, we confirm the pavement structure from our April 20, 2016 report is expected to be reasonable for the proposed roadway.

100 mm	ASPHALT
100 mm	BASE GRAVEL (crushed 19 mm gravel) - 95% of MPD
200 mm	SUBBASE GRAVEL (150 mm minus) - 95% of MPD

In addition, we can provide construction reviews as needed to provide further guidance and comments in localized sections where alternative comments with respect to pavement structure may be required.

We trust the above comments are sufficient. Please do not hesitate to call if you have any questions.

Regards,

Interior Testing Services Ltd

Prepared By

Jeremy Block, P Eng

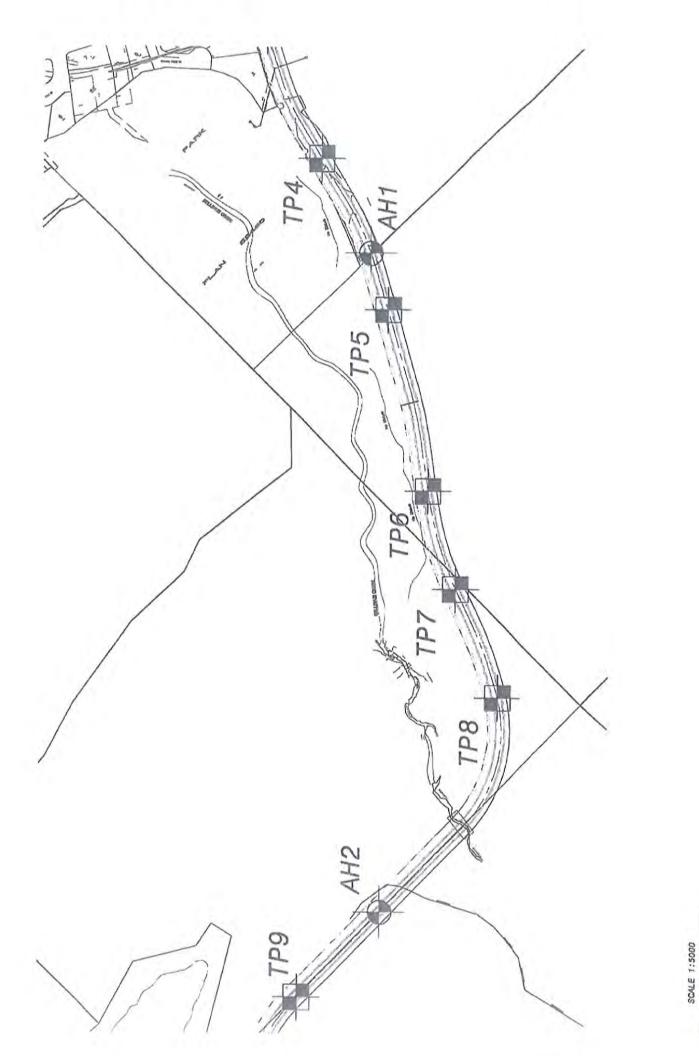
Intermediate Geotechnical Engineer

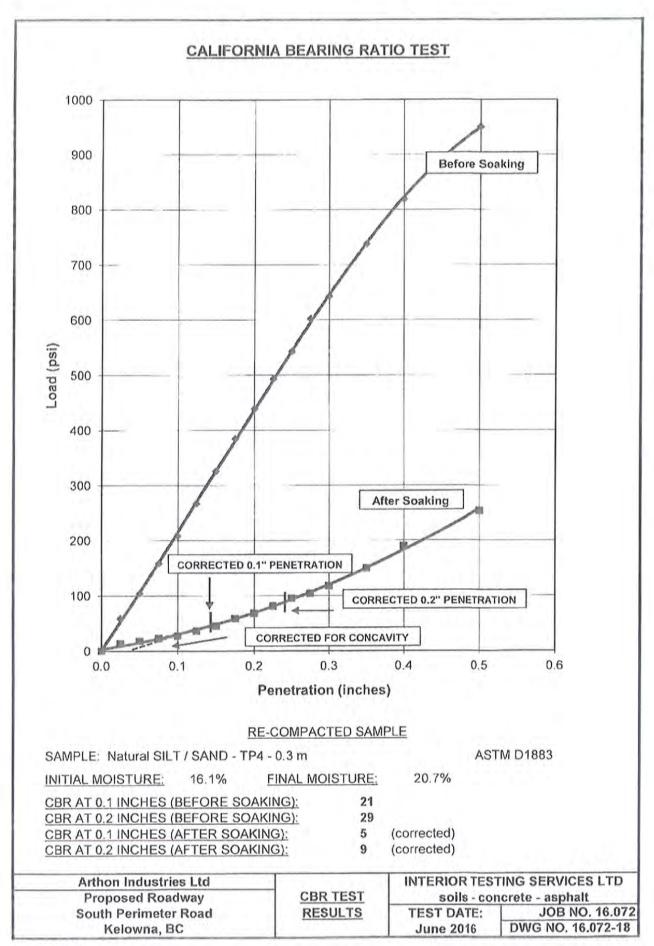
Mail copy to Arthon Constructors Ltd

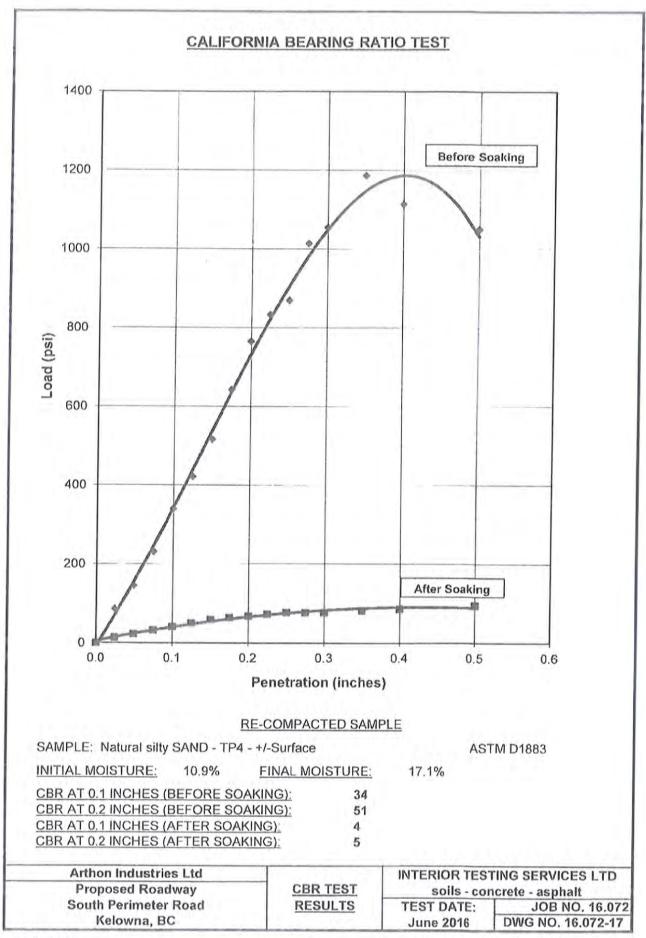
Reviewed By:

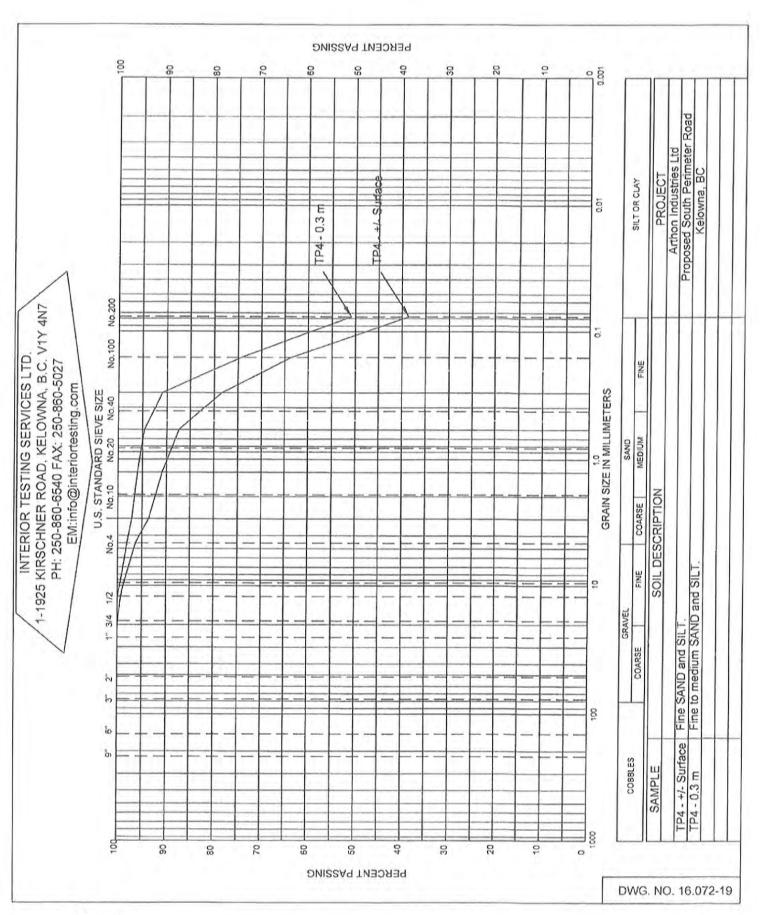
Peter Hanenburg, P Eng

Principal Geotechnical Engineer









CITY OF KELOWNA

BYLAW NO. 11556

Road Closure and Removal of Highway Dedication Bylaw (Portion of Lougheed Road)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on Lougheed Road

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

- 1. That portion of highway attached as Schedule "A" comprising 102.7m² shown in bold black as Closed Road on the Reference Plan EPP79975 prepared by Robert T. Macdonald, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
- 2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

Read a first, second and third time by the Municipal Council this 19th day of February, 2018.

Approved Pursuant to Section 41(3) of the Community Charter this 5th day of March, 2018.

Audrie Henry (Approving Officer-Ministry of Transportation)	
Adopted by the Municipal Council of the City of Kelown	na this
	Mayor
	City Clerk

Bylaw No. 11556 - Page 2

Schedule "A"

