

City of Kelowna

Regular Council Meeting

AGENDA



Monday, March 11, 2019
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

4 - 9

March 4, 2019

3. Development Application Reports & Related Bylaws

3.1 HWY 97 N 7770, 7782, 7800 and 7810, LUCT18-0006 - Multiple Owners

10 - 13

To consider an application for the early termination of Land Use Contract LUC76-1104 and revert the parcels back to the underlying A1 – Agriculture 1 and RR2 – Rural Residential 2 zones.

3.2 HWY 97 N 7770, 7782, 7800 and 7810, LUCT18-0006 (BL11762) - Multiple Owners

14 - 15

To give Bylaw No. 11762 first reading in order to early terminate Land Use Contract LUC76-1104 and revert the parcels back to the underlying A1 – Agriculture 1 and RR2 – Rural Residential 2 zones.

3.3 Pioneer Rd 1485 & 1535, LUCT18-0008 - Patricia Phelan and Michael & Cathy Kosick

16 - 19

To consider an application for the early termination of Land Use Contract LUC77-1046 and revert the subject property to the underlying A1 – Agriculture 1 zone.

3.4 Pioneer Rd 1485 & 1535, LUCT18-0008 (BL11764) - Patricia Phelan and Michael & Cathy Kosick

20 - 21

To give Bylaw No. 11764 first reading in order to early terminate Land Use Contract LUC77-1046 and revert the subject properties to the underlying A1 - Agriculture 1 zone.

3.5	Slater Rd 3308 & 3318, LUCT18-0004 - Steven & Adele Williams and Gerald Bugera and Sandra Cooney	22 - 25
	To consider an application for the early termination of Land Use Contract LUC76-1033 and revert the subject properties to the underlying A1 – Agriculture 1 zone.	
3.6	Slater Rd 3308 & 3318, LUCT18-0004 (BL11765) - Steven & Adele Williams and Gerald Bugera and Sandra Cooney	26 - 27
	To give Bylaw No. 11765 first reading in order to early terminate Land Use Contract LUC76-1033 and revert the subject properties to the underlying A1 - Agriculture 1 zone.	
3.7	Snowsell St 155, LUCT18-0010 - Joanne & Kevin Tribiger	28 - 30
	To consider an application for the early termination of Land Use Contract No. LUC77-1072 and revert the subject property to the underlying RR3 – Rural Residential 3 zone.	
3.8	Snowsell St 155, LUCT18-0010 (BL11767)- Joanne & Kevin Tribiger	31 - 32
	To give Bylaw No. 11767 first reading in order to early terminate Land Use Contract LUC77-1072 and revert the subject properties to the underlying RR3 - Rural Residential 3 zone.	
3.9	Tronson Ct 841, LUCT18-0005 - Isaac Potash & Jennifer Large	33 - 36
	To consider an application for the early termination of Land Use Contact LUC76-1063 and revert the subject property to the underlying zoning, RU1 – Large Lot Housing.	
3.10	Tronson Ct 841, LUCT18-0005 (BL11768) - Isaac Potash & Jennifer Large	37 - 38
	To give Bylaw No. 11768 first reading in order to early terminate Land Use Contact LUC76-1063 and revert the subject property to the underlying RU1 – Large Lot Housing zone.	
3.11	Yates Rd 373 & 379, LUCT18-0009 - Kenneth & Holly Finney and Jordan Huculak & Kayla Madsen	39 - 42
	To consider an application for the early termination of land Use Contract LUC77-1052 and revert the parcels to the underlying RU1 – Large Lot Housing zone.	
3.12	Yates Rd 373 & 379, LUCT18-0009 (BL11769) - Kenneth & Holly Finney and Jordan Huculak & Kayla Madsen	43 - 44
	To give Bylaw No. 11769 first reading in order to early terminate Land Use Contract LUC77-1052 and revert the subject properties to the underlying RU1 - Large Lot Housing zone.	

3.13	Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, OCP17-0023 Z17-0098 - Blenk Development Corp	45 - 65
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To amend the Official Community Plan to change the Future Land Use designation of and to rezone portions of the subject properties to residential, commercial, institutional, and park uses to facilitate development of the Wilden village neighbourhood.

3.14	Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, OCP17-0023 (BL11781) - Blenk Development Corp	66 - 68
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Requires a majority of all members of Council (5).

To give Bylaw No. 11781 first reading in order to change the future land use designation of the subject properties as per Map A.

3.15	Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, Z17-0098 (BL11785) - Blenk Development Corp	69 - 71
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To give Bylaw No. 11785 first reading in order to rezone the subject properties as per Map B.

4. Non-Development Reports & Related Bylaws

4.1	UBCM - Community Emergency Preparedness Fund (CEPF) - Kelowna Flood Mitigation Plan for Okanagan Lakeshore application	72 - 73
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To provide Council with background information in support of the UBCM Structural Grant Application.

4.2	Budget adjustment for Spencer Road Mill Creek Drainage Improvements	74 - 76
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To amend the 2019 Financial Plan to cover the unforeseen additional expenses for the Spencer Road Drainage Improvements Project.

4.3	Loseth Road Slope Stability – Remediation Budget	77 - 79
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To provide budget to cover the cost of emergency work required at 2001 Kloppenburg Court and 2045 Loseth Road to remediate the fill slopes that have been identified to be a hazardous condition.

5. Bylaws for Adoption (Non-Development Related)

5.1	BL11760 - Amendment No. 9 to Development Application Fees Bylaw No. 10560	80 - 80
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To adopt Bylaw No. 11760 in order to amend the Development Application Fees Bylaw No. 10560.

6. Mayor and Councillor Items

7. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, March 4, 2019

Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine Dehart*, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben*, Mohini Singh, Luke Stack and Loyal Woolridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Active Living & Culture, Jim Gabriel*; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom*; PT Recreation Technician, Melina Moran*; Community Planning Department Manager, Ryan Smith*; Planner II, Kim Brunet*; Policy & Planning Department Manager, Danielle Noble-Brandt*; OCP Project Planner, Robert Miles*; Business License Manager, Greg Wise*; Community Planning Supervisor, Laura Bentley*; Integrated Transportation Department Manager, Rafael Villarreal Pacheco*; Integrated Transportation Term Appointment, Matt Worona*; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:30 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 Stack/Seconded By Councillor Dehart

(R0212/19/03/04) THAT the Minutes of the Regular Meetings of February 25, 2019 be confirmed as circulated.

Carried

3. Committee Reports

3.1 44th Annual Civic & Community Awards Finalist Announcement

Staff introduced the Chair of the Civic and Community Awards Steering Committee, Michael Loewen. Guest, Michael Loewen, displayed a PowerPoint presentation introducing the Civic & Community Award finalists.

Councillor Sieben joined the meeting at 1:37 p.m.

Moved By Councillor Donn/Seconded By Councillor Hodge

(R0213/19/03/04) THAT Council receives, for information, the report from the Recreation Technician, dated March 4, 2019, regarding the finalists for the 44th Annual Civic & Community Awards.

Carried

4. Development Application Reports & Related Bylaws

4.1 Nickel Rd 240, 250, 260 - Z18-0033 - 1129410 BC Ltd.

Staff displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Singh

(R0214/19/03/04) THAT Rezoning Application No. Z18-0033 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of Lots 1, 2 & 3, Section 27, Township 26, ODYD Plan 8839, located at 240, 250, 260 Nickel Rd Kelowna, BC from the RU1-Large Lot Housing Zone to the RM3 – Low Density Multiple Housing 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 in conjunction with Council's consideration of a Development Permit, for the subject property.

Carried

4.2 Nickel Rd 240, 250, 260, BL11772 (Z18-0033) - 1129410 BC Ltd.

Moved By Councillor Donn/Seconded By Councillor Stack

(R0215/19/03/04) THAT Bylaw No. 11772 be read a first time.

Carried

4.3 Retail Cannabis Sales Update and Amendment to Development Application Fees Bylaw No. 10560

Staff displayed a PowerPoint presentation summarizing the applications and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R0216/19/03/04) THAT Council receives, for information, the report from the Community Planning Department Manager dated March 4, 2019, with respect to the status of applications for rezoning to allow for retail cannabis sales establishments.

AND THAT Bylaw No. 11760 being Amendment No. 9 to the Development Application Fees Bylaw No. 10560 be forwarded for reading consideration.

Carried

4.4 BL11760 - Amendment No. 9 to Development Application Fees Bylaw No. 10560

Moved By Councillor Donn/Seconded By Councillor Dehart

(R0217/19/03/04) THAT Bylaw No. 11760 be read a first, second and third time.

Carried

5. Bylaws for Adoption (Development Related)

5.1 Text Amendment for Cannabis Production and Retail Cannabis Sales TA18-0008 (BL11679) - City of Kelowna

Moved By Councillor Donn/Seconded By Councillor Stack

(R0218/19/03/04) THAT Bylaw No. 11679 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

6.1 2040 OCP Growth Scenario Implementation

Staff displayed a PowerPoint presentation updating work undertaken to date and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Hodge

(R0219/19/03/04) THAT Council receives, for information, the summary of the land use impacts as they relate to Growth Scenario 3 and corresponding next steps for the 2040 OCP Update process.

Carried

Moved By Councillor Stack/Seconded By Councillor Singh

(R0220/19/03/04) THAT Council endorses the 2040 OCP Preferred Growth Scenario, as presented in the Report from the Policy & Planning Department presented to Council December 10, 2018, to serve as the foundation in the development of a draft 2040 Official Community Plan, the Transportation Master Plan, and the 20 Year Servicing Plan analysis;

AND THAT Council directs that the draft 2040 Official Community Plan, the Transportation Master Plan, and the 20 Year Servicing Plan public consultation timelines, project budgets and deliverables, and project scope be amended to reflect the endorsed 2040 OCP Preferred Growth Scenario, as presented in the Report from the Policy & Planning Department presented to Council December 10, 2018.

Carried

Councillor Hodge - Opposed

Staff provided a review of the various collaborative opportunities available to the public in moving forward with the 2040 OCP, Transportation Master Plan and 20 Year Servicing Plan and responded to questions from Council.

Meeting recessed at 3:14 p.m.

Meeting reconvened at 3:21 p.m.

6.2 Short-Term Rental Accommodation Business Licence and Regulation

Councillor Dehart declared a conflict of interest on items 6.2, 6.3 and 6.4 as it is in direct competition with her hotel employer and she also owns property on Sunset Drive and left the meeting at 3:22 p.m.

Staff displayed a PowerPoint presentation summarizing the proposed business license regulations and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

(R0221/19/03/04) THAT Council receives for information, the report from the Business Licensing Manager, dated March 4, 2019, with regards to creating a new Short-Term Rental Accommodation Business Licence and Regulation Bylaw;

AND THAT Bylaw No. 11720 being Short-Term Rental Accommodation Business Licence and Regulation Bylaw be forwarded for reading consideration;

AND THAT Bylaw No.11771 being Amendment Bylaw No. 23 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration;

AND THAT Council provide an opportunity for persons who consider themselves affected by this application to make representations to Council during the March 12, 2019, Public Hearing on the associated Text Amendment Bylaw No 11766;

AND FURTHER THAT Council direct staff to give notice of its intention to provide for public input on Bylaw No. 11720 being Short-Term Rental Accommodation Business Licence and Regulation Bylaw by advertising in the in the Daily Courier on Wednesday, March 6th, and Friday, March 9th; in the Okanagan Saturday edition on March 10th and by being posted on the City Hall Notice Board on Tuesday, March 5, 2019.

Carried

6.3 Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720

Moved By Councillor Hodge/Seconded By Councillor Singh

(R0222/19/03/04) THAT Bylaw No. 11720 be read a first, second and third time.

Carried

6.4 BL11771 - Amendment No. 23 to Bylaw Notice Enforcement Bylaw No.10475 Bylaw

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R0223/19/03/04) THAT Bylaw No. 11771 be read a first, second and third time.

Carried

Councillor Dehart rejoined the meeting at 3:55 p.m.

6.5 Bikeshare Pilot Update

Staff displayed a PowerPoint presentation providing an update on the Bikeshare Pilot and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Dehart

(R0224/19/03/04) THAT Council receive for information, the report from the Transit and Programs Manager, dated March 4, 2019 with regard to the Bikeshare Pilot Update and Next Steps;

AND THAT Council direct staff to explore a system to regulate use of the public right-of-way for bikeshare service that allows for multiple operators and multiple vehicle types and report back in March.

Carried

6.6 Groves Ave 424-460 – Road Closure

Moved By Councillor Donn/Seconded By Councillor Woolridge

(R0225/19/03/04) THAT Council receives, for information, the Report from the Acting Manager, Real Estate Services dated March 4, 2019, recommending that Council adopt the proposed closure of a portion of road north of 424-460 Groves Avenue;

AND THAT Bylaw No. 11576, being a proposed road closure of a portion of road north of 424-460 Groves Avenue, be given reading consideration.

Carried

6.7 Groves Ave 424-460, BL11756 - Road Closure Bylaw

Moved By Councillor Wooldridge/Seconded By Councillor Singh

(R0226/19/03/04) THAT Bylaw No. 11756 be read a first, second and third time.

Carried

6.8 A portion of Dall Rd - Road Closure

Moved By Councillor Singh/Seconded By Councillor Woolridge

(R0227/19/03/04) THAT Council receives, for information, the report from the Acting Manager, Real Estate Services dated March 4, 2019, recommending that Council adopt the proposed closure of a portion of road north of 3060 Pooley Road;

AND THAT Bylaw No. 11773, being a proposed road closure of a portion of road north of 3060 Pooley Road, be given reading consideration.

Carried

6.9 A portion of Dall Rd, BL11773 - Road Closure Bylaw

Moved By Councillor Singh/Seconded By Councillor Woolridge

(R0228/19/03/04) THAT Bylaw No. 11773 be read a first, second and third time.

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1 BL11763 - Amendment No. 34 to Airport Fees Bylaw No. 7982

Moved By Councillor Donn/Seconded By Councillor Dehart

(R0229/19/03/04) THAT Bylaw No. 11763 adopted.

Carried

8. Mayor and Councillor Items

Councillor Dehart:

- Attended the Pink Shirt Day Breakfast along with Councillor Wooldridge and Mayor Basran.
- Attending event in Calgary to promote tourism in Kelowna.

Councillor Donn:

- Mentioned there is a cohousing event by UBCO students and staff at the Innovation Building on Thursday.

Councillor Sieben:

- Attended the URBA mural event last week.

Councillor Singh:

- Will be taking personal time off for the remainder of March and will be back in April.

Councillor Wooldridge:

- Spoke to being the Deputy Mayor for March and attended several events.

Mayor Basran:

- Emceed a fundraising event at the Rec Centre for the Selzer family.

9. Termination

This meeting was declared terminated at 4:35 p.m.

Mayor Basran

sf/rvh

City Clerk

REPORT TO COUNCIL



Date: March 11, 2019

RIM No. 1250-40

To: City Manager

From: Community Planning Department (JR)

Application: LUCT 18-0006

Owner: Multiple Owners

Address: 7770, 7782, 7800, & 7810 Hwy 97 N

Applicant: The City of Kelowna

Subject: Land Use Contract Termination (LUC 76-1104)

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1 and RR2 – Rural Residential 2

1.0 Recommendation

WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 and RR2 – Rural Residential 2 zones in the City of Kelowna Zoning Bylaw No. 8000 applies to the subject properties under Land Use Contract No. 76-1104;

THAT Application No. LUCT18-0006 to terminate LUC76-1104 from Lot 1,2,3 & 4, Section 34, Township 23, ODYD, Plan KAP28056, located at 7770, 7782, 7800, & 7810 Hwy 97 N, Kelowna, BC, be considered by Council.

AND THAT the Land Use Contract Termination be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Land Use Contract Termination Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

2.0 Purpose

To consider an application for the early termination of Land Use Contract LUC76-1104 and revert the parcels back to the underlaying A1 – Agriculture 1 and RR2 – Rural Residential 2 zones.

3.0 Community Planning

Staff are bringing forth and are recommending this Land Use Contract (LUC76-1104) be terminated for the subject properties. The current LUC affects 4 properties, 7770, 7782, 7800, & 7810 Hwy 97 N. The Land Use

Contract currently restricts the use to single family residential and exempts the subject properties from connection to domestic water and permits a reduction in the side yard setbacks to minimum 3.6m.

The underlying zoning (A1 – Agriculture 1 and RR2 – Rural Residential 2) fits with the established neighbourhood and is an appropriate zone for the existing land use. Staff are suggesting that 7770, 7782, and 7800 Hwy 97 N revert to the underlying zone RR2 – Rural Residential and that 7810 Hwy 97 N revert to the underlying zone A1 – Agriculture 1.



Properties to revert to RR2



Property to revert to A1

The Land Use Contract uses and regulations fit within the A1 and RR2 zone.

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not initially apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act before the LUC is removed and the underlying zone comes into effect.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality will send additional letters after the bylaw(s) are adopted for further information. The Land Title Office will notify owners after the one-year grace period is complete to inform the property owners of which land use regulations apply to their property(ies).

Staff are not providing notification signage on the subject properties as per the Council approved Land Use Contract Termination Strategy. Notification signage was not recommended as: Land Use Contract Terminations are a City initiative, could involve hundreds of properties, and the elimination is mandated by the Local Government Act. Staff have mailed notification to all properties affected by the LUC under consideration for termination.

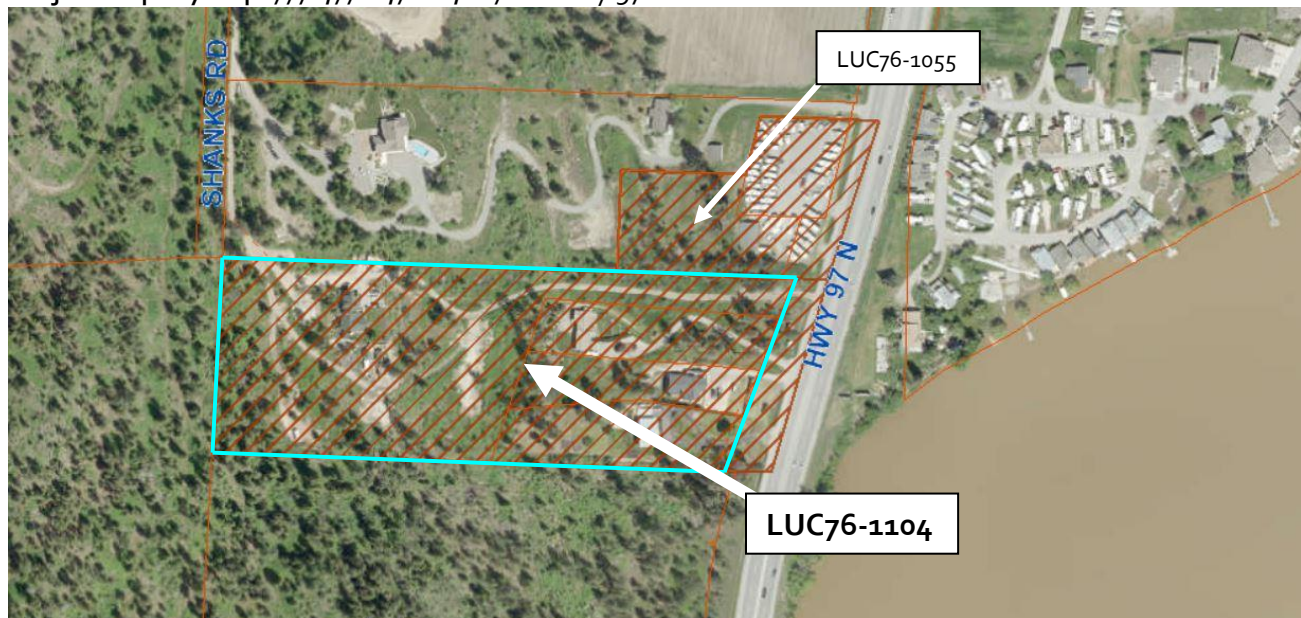
4.3 Site Context

The subject properties have a total area of 37,894 m² and is located 7770, 7782, 7800, & 7810 Hwy 97 N. The property is designated REP – Resource Protection Area in the Official Community Plan and the surrounding area is agricultural and single family residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Single Family Residential
East	First Nations Reserve	Single Family Residential
South	A1 – Agriculture 1	Vacant
West	A1 – Agriculture 1	Vacant

Subject Property Map: 7770, 7782, 7800, & 7810 Hwy 97 N



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282.² Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contacts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts

6.o Technical Comments

N/A

7.o Application Chronology

N/A

Report prepared by:

Jenna Ratzlaff, Planner

Reviewed by:

Terry Barton, Urban Planning Manager

**Reviewed by
Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

Attachments:

None

CITY OF KELOWNA

BYLAW NO. 11762

LUCT18-0006

Early Termination of Land Use Contract – LUC76-1104 7770, 7782, 7800 & 7810 Hwy 97 North

WHEREAS a land use contract (the "Land Use Contract LUC76-1104") is registered at the Kamloops Land Title Office under the charge number M36870 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Hwy 97 North, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC76-1104 Bylaw";
2. Land Use Contract LUC76-1104 is hereby terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A

Land Use Contract: **LUC76-1104**
Charge Number: **M36870**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot 1 Section 34 Township 23 ODYD Plan 28056	7770 Hwy 97 N	004-635-779	RR2 - Rural Residential 2 zone
2	Lot 2 Section 34 Township 23 ODYD Plan 28056	7782 Hwy 97 N	004-635-787	RR2 - Rural Residential 2 zone
3	Lot 3 Section 34 Township 23 ODYD Plan 28056	7800 Hwy 97 N	004-635-809	RR2 - Rural Residential 2 zone
4	Lot 4 Section 34 Township 23 ODYD Plan 28056	7810 Hwy 97 N	004-635-817	A1 - Agriculture 1 zone

REPORT TO COUNCIL



Date: March 11, 2019

RIM No. 1250-40

To: City Manager

From: Community Planning Department (JR/CB)

Application: LUCT 18-0008

Owner: Patricia M Phelan
Michael and Cathy Kosick

Address: 1485 & 1535 Pioneer Road

Applicant: The City of Kelowna

Subject: Land Use Contract Termination (LUC 77-1046)

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone in the City of Kelowna Zoning Bylaw No. 8000 applies to the subject property under Land Use Contract LUC77-1046;

THAT Application No. LUCT18-0008 to terminate LUC77-1046 from Lot A District Lot 132 ODYD Plan 28646, Plans 27094 and 28646 located on 1485 and 1535 Pioneer Road, Kelowna, BC, be considered by Council;

AND FURTHER THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider an application for the early termination of Land Use Contract LUC77-1046 and revert the subject property to the underlying A1 – Agriculture 1 zone.

3.0 Community Planning

Staff are bringing forth and are recommending this Land Use Contract (LUC77-1046) be terminated for the subject property. The current LUC affects 2 properties, 1485 & 1535 Pioneer Road. The Land Use Contract currently restricts the use to single family residential and permits the property to be serviced with water obtained from a well located on the lands.

The property is located within the ALR and the OCP designation is REP – Resource Protection Area. The underlying zoning (A1 – Agriculture 1) fits with the established neighbourhood and is an appropriate zone for the existing land use. The Land Use Contract uses and regulations fit within the A1 – Agriculture 1 zone.

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not initially apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act before the LUC is removed and the underlying zone comes into effect.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality will send additional letters after the bylaw(s) are adopted for further information. The Land Title Office will notify owners after the one-year grace period is complete to inform the property owners of which land use regulations apply to their property(ies).

Staff are not providing notification signage on the subject properties as per the Council approved Land Use Contract Termination Strategy. Notification signage was not recommended as: Land Use Contract Terminations are a City initiative, could involve hundreds of properties, and the elimination is mandated by the Local Government Act. Staff have mailed notification to all properties affected by the LUC under consideration for termination.

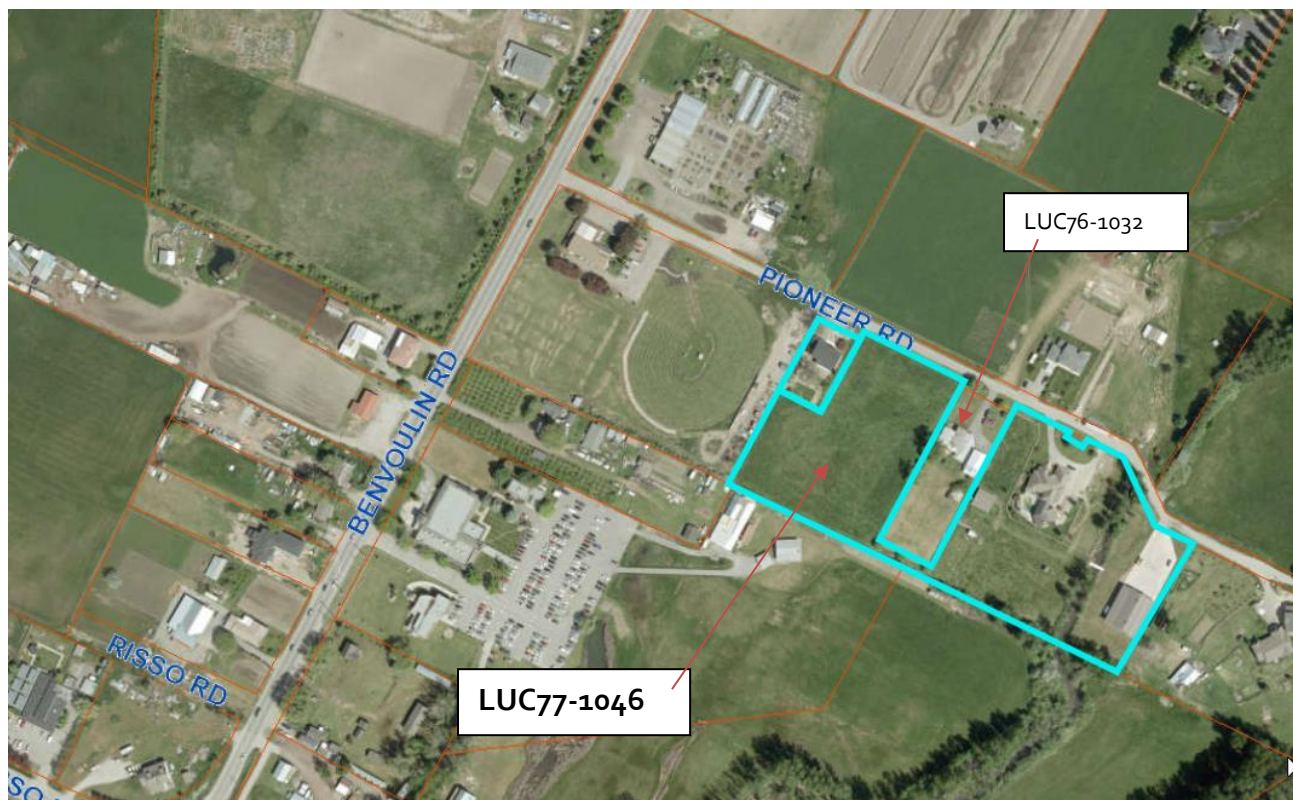
4.3 Site Context

The properties are designated REP – Resource Protection Area in the Official Community Plan, is within the ALR and the surrounding area is agriculture - farming.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture - Farming
East	A1 – Agriculture 1	Agriculture - Farming
South	A1 – Agriculture 1	Agriculture – Farming Single Family Residential
West	A1 – Agriculture 1	Agriculture - Farming

Subject Property Map: 1485 & 1535 Pioneer Road



Current Development Policies

4.4 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282.² Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contacts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts

5.0 Technical Comments

N/A

6.0 Application Chronology

N/A

Report prepared by: Jenna Ratzlaff, Planner

Corinne Boback, Legislative Coordinator

Reviewed by:

Terry Barton, Urban Planning Manager

**Reviewed by
Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

Attachments:

None

CITY OF KELOWNA

BYLAW NO. 11764

LUCT18-0008

Early Termination of Land Use Contract - LUC76-1033 1485 & 1535 Pioneer Road

WHEREAS a land use contract (the "Land Use Contract LUC77-1046") is registered at the Kamloops Land Title Office under the charge number M72742 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Pioneer Road, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC77-1046 Bylaw";
2. Land Use Contract LUC77-1046 is hereby terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A

Land Use Contract: **LUC77-1046**
Charge Number: **M72742**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot A District Lot 132 ODYD Plan 28646	1485 Pioneer Road	004-521-927	A1 - Agriculture 1 zone
2	Lot 12 District Lot 312 ODYD Plan 2021 Except Plans 27094 and 28646	1535 Pioneer Road	011-269-359	A1 - Agriculture 1 zone

REPORT TO COUNCIL



Date: March 11, 2019

RIM No. 1250-40

To: City Manager

From: Community Planning Department (JR/CB)

Application: LUCT 18-0004

Owner: Steven and Adele Williams
Gerald Bugera and Sandra Cooney

Address: 3308 & 3318 Slater Road

Applicant: The City of Kelowna

Subject: Land Use Contract Termination (LUC 76-1033)

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone in the City of Kelowna Zoning Bylaw No. 8000 applies to the subject property under Land Use Contract LUC76-1033;

THAT Application No. LUCT18-000 to terminate LUC76-1033 from Lot 1, Section 28, Township 23, ODYD, Plan 27206, located on 3308 Slater Road, Kelowna, BC, and Lot B Section 28 Township 28 ODYD Plan 25331 Except Plan 27206, located on 3318 Slater Road, Kelowna, BC, be considered by Council;

AND FURTHER THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider an application for the early termination of Land Use Contract LUC76-1033 and revert the subject properties to the underlying A1 – Agriculture 1 zone.

3.0 Community Planning

Staff are bringing forth and are recommending this Land Use Contract (LUC76-1033) be terminated for the subject properties. The current LUC affects 2 properties, 3308 and 3318 Slater Road. The Land Use Contract currently restricts the use to single family residential and allows the lot to be serviced with water from a well located on the adjacent lands.

The underlying zoning (A1 – Agriculture 1) fits with the established neighbourhood and is an appropriate zone for the existing land use. The Land Use Contract uses and regulations fit within the A1 – Agriculture 1 zone however, the new zone does permit more uses (e.g. secondary suite)

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not initially apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act before the LUC is removed and the underlying zone comes into effect.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality will send additional letters after the bylaw(s) are adopted for further information. The Land Title Office will notify owners after the one-year grace period is complete to inform the property owners of which land use regulations apply to their property(ies).

Staff are not providing notification signage on the subject properties as per the Council approved Land Use Contract Termination Strategy. Notification signage was not recommended as: Land Use Contract Terminations are a City initiative, could involve hundreds of properties, and the elimination is mandated by the Local Government Act. Staff have mailed notification to all properties affected by the LUC under consideration for termination.

4.3 Site Context

The subject properties are designated REP – Resource Protection Area in the Official Community Plan and the surrounding area is agriculture.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture - Farming
East	A1 – Agriculture 1	Agriculture - Farming
South	A1 – Agriculture 1	Agriculture - Farming
West	A1 – Agriculture 1	Agriculture - Farming

Subject Property Map: 3308 and 3318 Slater Road



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282.² Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contacts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts

6.0 Technical Comments

N/A

7.0 Application Chronology

N/A

Report prepared by:

Jenna Ratzlaff, Planner
Corinne Boback, Legislative Coordinator

Reviewed by:

Terry Barton, Urban Planning Manager

**Reviewed by
Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

Attachments:

None

CITY OF KELOWNA

BYLAW NO. 11765

LUCT18-0004

Early Termination of Land Use Contract - LUC76-1033 3308 & 3318 Slater Road

WHEREAS a land use contract (the "Land Use Contract LUC76-1033") is registered at the Kamloops Land Title Office under the charge number L54218 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Slater Road, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC76-1033 Bylaw";
2. Land Use Contract LUC76-1033 is hereby terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A

Land Use Contract: **LUC76-1033**
Charge Number: **L54218**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot B Section 28 Township 23 ODYD Plan 25331 Except Plan 27206	3318 Slater Road	005-506-131	A1 - Agriculture 1 zone
2	Lot 1 Section 28 Township 23 ODYD Plan 27206	3308 Slater Road	004-854-594	A1 - Agriculture 1 zone

REPORT TO COUNCIL



Date: March 11, 2019

RIM No. 1250-40

To: City Manager

From: Community Planning Department (JR)

Application: LUCT 18-0010

Owner: Joanne M & Kevin W Tribiger

Address: 155 Snowsell Street

Applicant: The City of Kelowna

Subject: Land Use Contract Termination (LUC 77-1072)

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RR3 – Rural Residential 3

1.0 Recommendation

WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RR3 – Rural Residential 3 zone in the City of Kelowna Zoning Bylaw No. 8000 applies to the subject property under Land Use Contract No. LUC77-1072;

THAT Application No. LUCT18-0010 to terminate LUC77-1072 from Lot A, Section 4, Township 23, ODYD, Plan 29850, located on 155 Snowsell Street, Kelowna, BC, be considered by Council.

AND FURTHER THAT the Land Use Contract Termination and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

2.0 Purpose

To consider an application for the early termination of Land Use Contract No. LUC77-1072 and revert the subject property to the underlying RR3 – Rural Residential 3 zone.

3.0 Community Planning

Staff are bringing forth and are recommending this Land Use Contract (LUC77-1072) be terminated for the subject property. The current LUC affects 1 property, 155 Snowsell Street. The Land Use Contract currently restricts the use to single family residential.

The underlying zoning (RR₃ – Rural Residential 3) fits with the established neighbourhood and is an appropriate zone for the existing land use. The Land Use Contract uses and regulations fit within the RR₃ – Rural Residential 3 zone however, the new zone does permit more uses (e.g. secondary suite or facilitates subdivision).

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not initially apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act before the LUC is removed and the underlying zone comes into effect.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality will send additional letters after the bylaw(s) are adopted for further information. The Land Title Office will notify owners after the one-year grace period is complete to inform the property owners of which land use regulations apply to their property(ies).

Staff are not providing notification signage on the subject properties as per the Council approved Land Use Contract Termination Strategy. Notification signage was not recommended as: Land Use Contract Terminations are a City initiative, could involve hundreds of properties, and the elimination is mandated by the Local Government Act. Staff have mailed notification to all properties affected by the LUC under consideration for termination.

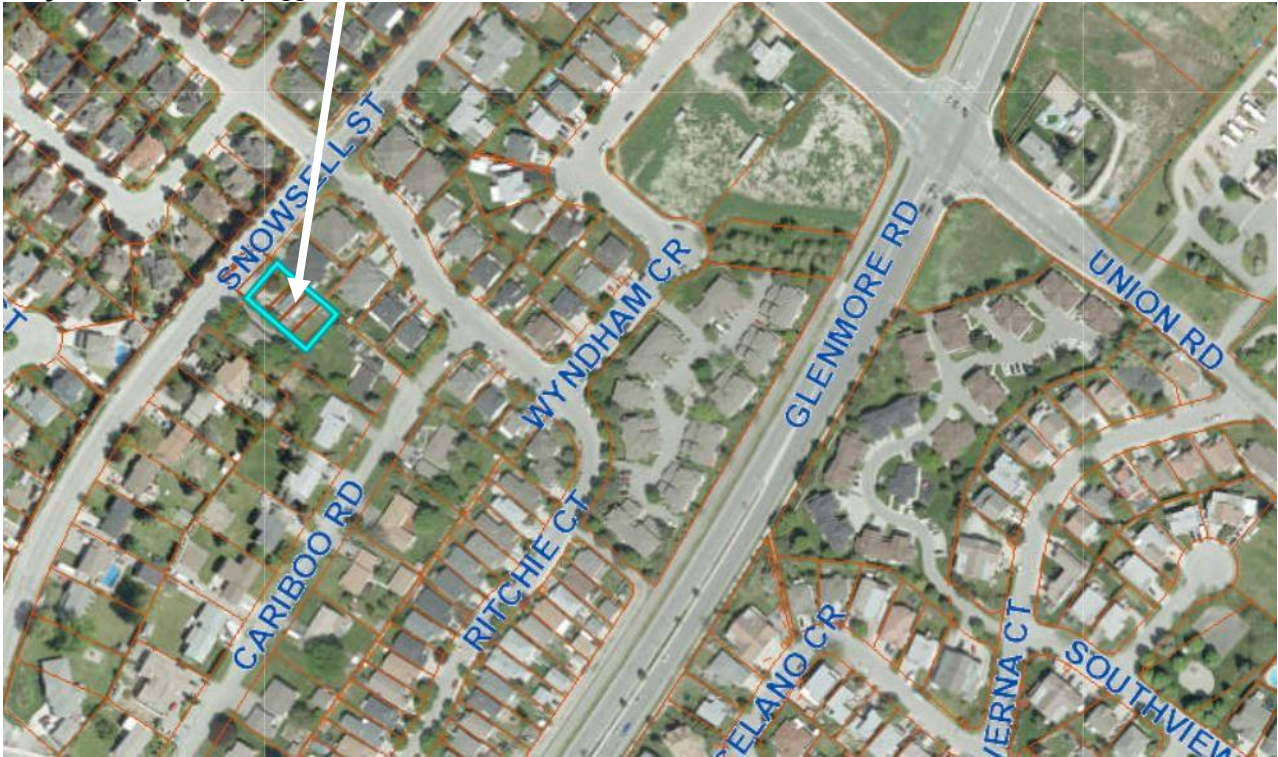
4.3 Site Context

The subject property is 911 m² and is located at 155 Snowsell Street. The property is designated S2RES – Single / Two Unit Residential in the Official Community Plan and the surrounding area is single family residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM ₁ -	Multi-Family Residential
East	RR ₃ – Rural Residential 3	Single Family Residential
South	P ₄ – Utilities	Utilities - Telephone
West	RU ₁ – Large Lot Housing	Single Family Residential

Subject Property Map: 155 Snowsell Street



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282.² Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contacts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts

6.0 Technical Comments

N/A

7.0 Application Chronology

N/A

Report prepared by: Jenna Ratzlaff, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

None

CITY OF KELOWNA

BYLAW NO. 11767

LUCT18-0010

Early Termination of Land Use Contract – LUC77-1072 155 Snowsell Street

WHEREAS a land use contract (the "Land Use Contract LUC77-1072") is registered at the Kamloops Land Title Office under the charge number N61943 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Snowsell Street, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC77-1072 Bylaw";
2. Land Use Contract LUC77-1072 is hereby terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A

Land Use Contract: **LUC77-1072**
Charge Number: **N61472**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot A Section 4 Township 23 ODYD Plan 29850	155 Snowsell Street	004-142-071	RR3 - Rural Residential 3 zone

REPORT TO COUNCIL



Date: March 11, 2019

RIM No. 1250-40

To: City Manager

From: Community Planning Department (JR/AD/CB)

Application: LUCT 18-0005

Owner: Isaac Potash & Jennifer Large

Address: 841 Tronson Court

Applicant: The City of Kelowna

Subject: Land Use Contract Termination (LUC 76-1063)

Existing OCP Designation: S2RES – Single / Two Dwelling Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THAT Application No. LUCT18-0005 to terminate LUC76-1063 from Lot A Section 29 Township 26 ODYD Plan 27577, located on 841 Tronson Court, Kelowna, BC, be considered by Council.

AND FURTHER THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

2.0 Purpose

To consider an application for the early termination of Land Use Contract LUC76-1063 and revert the subject property to the underlying zoning, RU1 – Large Lot Housing.

3.0 Community Planning

Staff are bringing forth and are recommending this Land Use Contract (LUC76-1063) be terminated for the subject property. The current LUC affects 841 Tronson Court. The Land Use Contract (LUC) currently restricts the use to single family residential and allows the lot to be exempt from the minimum area regulation in the City of Kelowna Subdivision Bylaw No. 2291.

The underlying zoning (RU1 – Large Lot Housing) fits with the established neighbourhood and is an appropriate zone for the existing land use. The Land Use Contract uses and regulations fit within the RU1 – Large Lot Housing zone however, the new zone does permit more uses (e.g. secondary suite).

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not initially apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act before the LUC is removed and the underlying zone comes into effect.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality will send additional letters after the bylaw(s) are adopted for further information. The Land Title Office will notify owners after the one-year grace period is complete to inform the property owners of which land use regulations apply to their property(ies).

Staff are not providing notification signage on the subject properties as per the Council approved Land Use Contract Termination Strategy. Notification signage was not recommended as: Land Use Contract Terminations are a City initiative, could involve hundreds of properties, and the elimination is mandated by the Local Government Act. Staff have mailed notification to all properties affected by the LUC under consideration for termination.

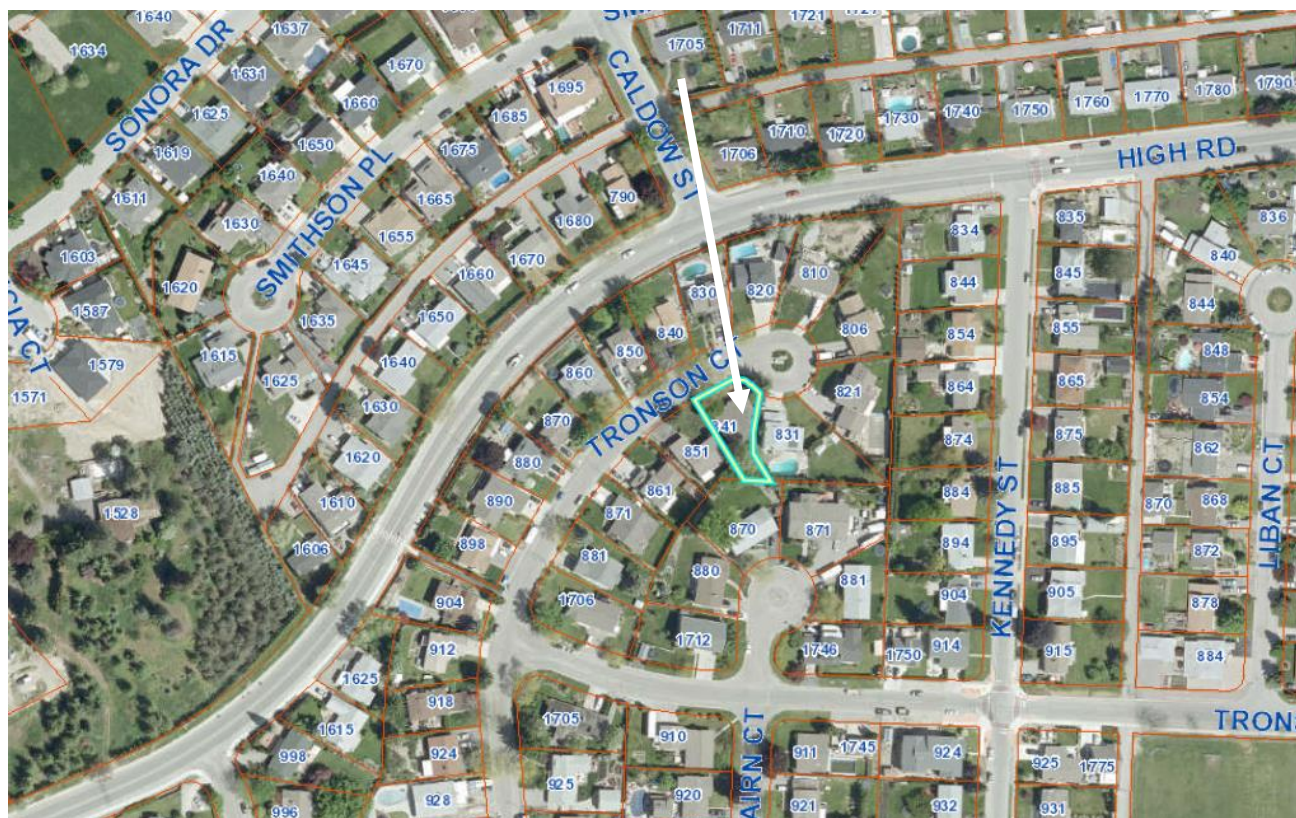
4.3 Site Context

The subject property is 607 m² and is located at 841 Tronson Court. The property is designated S2RES – Single / Two Dwelling Residential in the Official Community Plan and the surrounding area is single family residential.

Specifically, adjacent land uses are as follows:

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

Subject Property Map: 841 Tronson Court



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282.² Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contacts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts

6.0 Technical Comments

N/A

7.0 Application Chronology

N/A

Report prepared by:

Jenna Ratzlaff, Planner
Adam Cseke, Planner Specialist
Corinne Boback, Legislative Coordinator

Reviewed by:

Terry Barton, Urban Planning Manager

**Reviewed by
Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

Attachments:

None

CITY OF KELOWNA

BYLAW NO. 11768

LUCT18-0005

Early Termination of Land Use Contract - LUC76-1036 841 Tronson Court

WHEREAS a land use contract (the "Land Use Contract LUC76-1036") is registered at the Kamloops Land Title Office under the charge number M7576 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Tronson Court, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC76-1036 Bylaw";
2. Land Use Contract LUC76-1036 is hereby terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A

Land Use Contract: **LUC76-1036**
Charge Number: **M7576**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot A Section 29 Township 26 ODYD Plan 27577	841 Tronson Court	004-794-583	RU1 - Lage Lot Housing zone

REPORT TO COUNCIL



Date: August 27, 2018

RIM No. 1250-40

To: City Manager

From: Community Planning Department (JR)

Application: LUCT 18-0009

Owner: Multiple Owners

Address: 373 & 379 Yates Road

Applicant: The City of Kelowna

Subject: Land Use Contract Termination (LUC 77-1052)

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU1 – Large Lot Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to both subject properties under Land Use Contract No. LUC77-1052;

THAT Application No. LUCT18-0009 to terminate LUC77-1052 from Lot A & B, Section 32, Township 26, ODYD, Plan 29878, located on 373 & 379 Yates Road, Kelowna, BC, be considered by Council.

AND FURTHER THAT the Land Use Contract Termination and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

2.0 Purpose

To consider an application for the early termination of land Use Contract LUC77-1052 and revert the parcels to the underlying RU1 – Large Lot Housing zone.

3.0 Community Planning

Staff are bringing forth and are recommending this Land Use Contract (LUC77-1052) be terminated for the subject properties. The current LUC affects 2 properties, 373 & 379 Yates Road. The Land Use Contract currently restricts the use to single family residential.

The underlying zoning (RU1 – Large Lot Housing) fits with the established neighbourhood and is an appropriate zone for the existing land use. The Land Use Contract uses and regulations fit within the RU1 – Large Lot Housing zone however, the new zone does permit more uses (e.g. secondary suite or facilitates subdivision).

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not initially apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act before the LUC is removed and the underlying zone comes into effect.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality will send additional letters after the bylaw(s) are adopted for further information. The Land Title Office will notify owners after the one-year grace period is complete to inform the property owners of which land use regulations apply to their property(ies).

Staff are not providing notification signage on the subject properties as per the Council approved Land Use Contract Termination Strategy. Notification signage was not recommended as: Land Use Contract Terminations are a City initiative, could involve hundreds of properties, and the elimination is mandated by the Local Government Act. Staff have mailed notification to all properties affected by the LUC under consideration for termination.

4.3 Site Context

The subject properties total area is 2237 m² and is located 373 & 379 Yates Road. The property is designated S2RES – Single / Two Unit Residential in the Official Community Plan and the surrounding area is single family residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Residential
East	RU2 – Medium Lot Housing	Single Family Residential
South	RU1 – Large Lot Housing	Single Family Residential
West	RU1 – Large Lot Housing	Single Family Residential

Subject Property Map: 373 & 379 Yates Road



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282.² Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contacts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts

6.0 Technical Comments

N/A

7.0 Application Chronology

N/A

Report prepared by: Jenna Ratzlaff, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by
Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

Attachments:

None

CITY OF KELOWNA

BYLAW NO. 11769

LUCT18-0009

Early Termination of Land Use Contract – LUC77-1052 373 & 379 Yates Road

WHEREAS a land use contract (the "Land Use Contract LUC77-1052") is registered at the Kamloops Land Title Office under the charge number N61943 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Yates Road, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC77-1052 Bylaw";
2. Land Use Contract LUC77-1052 is hereby terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A

Land Use Contract: **LUC77-1052**
Charge Number: **N61943**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot A Section 32 Township 26 ODYD Plan 29878	373 Yates Road	004-125-541	RU1 - Large Lot Housing zone
2	Lot B Section 32 Township 26 ODYD Plan 29878	379 Yates Road	004-125-584	RU1 - Large Lot Housing zone

REPORT TO COUNCIL



Date: March 11, 2019

RIM No. 1250-20

To: City Manager

From: Community Planning Department (LB)

Application: OCP17-0023 & Z17-0098

Owner: Glenwest Properties Ltd.,
Inc.No. C0889227

Address: 2025 Begbie Road, 225 Clifton Road N &
(W of) Union Road

Applicant: Ekistics Town Planning Inc.

Subject: OCP Amendment & Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential, S2RESH – Single / Two Unit Residential – Hillside, MRC – Multiple Unit Residential – Cluster Housing, MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), EDINST – Educational / Major Institutional, PARK – Major Park / Open Space (Public)

Proposed OCP Designation: S2RESH – Single / Two Unit Residential – Hillside, MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), COMM – Commercial, EDINST – Educational / Major Institutional, PARK – Major Park / Open Space (Public)

Existing Zone: RU2h – Medium Lot Housing (Hillside Area), RU3h – Small Lot Housing (Hillside Area), RU4 – Low Density Cluster Housing, RM2h – Low Density Row Housing (Hillside Area), RM3 – Low Density Multiple Housing, C2 – Neighbourhood Commercial, P2 – Education and Minor Institutional, P3 – Parks and Open Space

Proposed Zone: RU2h – Medium Lot Housing (Hillside Area), RU4 – Low Density Cluster Housing, RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing, C3 – Community Commercial, P2 – Education and Minor Institutional, P3 – Parks and Open Space

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP17-0023 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:

- a) Lot A Sections 4, 5, 8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750 and EPP24895, located at 2025 Begbie Road, Kelowna, BC;

- b) Lot D Section 8 Township 23 ODYD Plan KAP75116 Except Plans EPP24895, EPP24897, EPP64871 and EPP77782, located at 225 Clifton Road N, Kelowna, BC;
- c) That Part Closed Road Lying Within Sections 8 and 9 Township 23 ODYD Shown as Parcel 2 on Plan KAP86749, located at (W of) Union Road, Kelowna, BC; and
- d) The North East 1/4 of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W of) Union Road, Kelowna, BC

from the S2RES – Single / Two Unit Residential, S2RESH – Single / Two Unit Residential – Hillside, MRC – Multiple Unit Residential – Cluster Housing, MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), EDINST – Educational / Major Institutional, and PARK – Major Park / Open Space (Public) designations to the MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), COMM – Commercial, EDINST – Educational / Major Institutional, and PARK – Major Park / Open Space (Public) designations as shown on Map “A” attached to the Report from the Community Planning Department dated March 11, 2019, 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 11, 2019;

AND THAT Rezoning Application No. Z17-0098 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of:

- a) Lot A Sections 4,5,8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750 and EPP24895, located at 2025 Begbie Road, Kelowna, BC;
- b) Lot D Section 8 Township 23 ODYD Plan KAP75116 Except Plans EPP24895, EPP24897, EPP64871 and EPP77782, located at 225 Clifton Road N, Kelowna, BC;
- c) That Part Closed Road Lying Within Sections 8 and 9 Township 23 ODYD Shown as Parcel 2 on Plan KAP86749, located at (W of) Union Road, Kelowna, BC; and
- d) The North East 1/4 of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W of) Union Road, Kelowna, BC

from the RU2h – Medium Lot Housing (Hillside Area), RU3h – Small Lot Housing (Hillside Area), RM2h – Low Density Row Housing (Hillside Area), RM3 – Low Density Multiple Housing, C2 – Neighbourhood Commercial, P2 – Education and Minor Institutional, and P3 – Parks and Open Space zones to the RU2h – Medium Lot Housing (Hillside Area), RU4 – Low Density Cluster Housing, RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing, C3 – Community Commercial, P2 – Education and Minor Institutional, and P3 – Parks and Open Space zones as shown on Map “B” attached to the Report from the Community Planning Department dated March 11, 2019, 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 11, 2019.

2.0 Purpose

To amend the Official Community Plan to change the Future Land Use designation of and to rezone portions of the subject properties to residential, commercial, institutional, and park uses to facilitate development of the Wilden village neighbourhood.

3.0 Community Planning

Staff support the proposed Official Community Plan (OCP) amendment and rezoning for the Wilden village neighbourhood. The revised plan sees residential and commercial uses and density concentrated on the land west of Union Road between Upper Canyon Drive and Begbie Road, which is one of the flatter sites in the Wilden area and can serve the surrounding community. The plan is consistent with the vision for the village centre established in the Glenmore Highlands Area Structure Plan (ASP) and supports several OCP development policies, particularly those around creating complete suburbs, providing pedestrian and cycling connectivity in new developments, and providing for a mix of housing types.

Land Uses

The proposed type and configuration of uses within the Wilden village neighbourhood supports the development of Wilden and the surrounding areas as a complete suburb, in accordance with OCP Policy 5.2.3 that encourages commercial, institutional and residential uses in appropriate locations and at appropriate densities. The layout sees the greatest height and density concentrated in the core of the village neighbourhood on the flattest portion of the site, along with the school site and park, transitioning to lower density development on the bench and steeper areas to the west.

Staff support the use of the C3 – Community Commercial zone outside of a designated Village Centre in this instance to achieve mixed-use development with ground floor commercial space and residential above. It creates a more cohesive development by serving existing and proposed apartments, townhouses, and single detached houses in the vicinity. The RM5 – Medium Density Multiple Housing zone proposed adjacent to the C3 area would allow for four storey apartment buildings, creating an appropriate transition from the mixed-use C3 area to the RM3 – Low Density Multiple Housing area to the west where three storey townhouses are anticipated. The additional residential units are expected to support the development of a complete village neighbourhood and allow residents to more readily walk to neighbourhood services, the school, and recreational amenities.

Representatives from School District 23 have reviewed the proposed changes as they relate to the school site in particular. The school is expected to serve the needs of families in the area, and ground-oriented units proposed in the village neighbourhood are expected to further increase demand for a school here.

Roads & Active Transportation

The proposed layout provides for three access points from Union Road, an internal local and collector road network, and active transportation facilities in the form of multi-use pathways, sidewalks, on-street bicycle lanes, and pedestrian trails. Multi-use pathways along Union Road and around the school, park, and commercial site will enable multiple modes of active transportation in the core of the village neighbourhood, helping to achieve OCP Policy 5.10.1 by supporting pedestrian and cycling connectivity. Nature trails between the wetlands in the southern portion of the site will provide further connectivity and recreation opportunities.

The Begbie road extension connecting the northern end of the village and existing neighbourhoods to Glenmore Road is currently under construction. It will be completed and open prior to development of the village neighbourhood, offering another point of access beyond the Wilden area.

Infrastructure & Servicing

The village neighbourhood will be fully serviced with city water, sanitary, and stormwater services, connecting into existing infrastructure that anticipated development of this site. The servicing requirements associated with the rezoning are established in Schedule A. More detailed servicing requirements will be considered through individual subdivision applications.

Parks & Natural Areas

Through the Glenmore Highlands ASP and subsequent plans, the village neighbourhood has been identified as the location for the community park to serve the Wilden area. With the proposed changes, staff worked with the developer on an acceptable size and location to create a viable community park. At 0.64 ha (1.58 ac) in area, the new community park is approximately 700 m² (0.18 ac) smaller than the existing park site; however, the new location brings it closer to the centre of the village neighbourhood and provides for a direct connection to the school site. A joint use agreement between the City and the School District will be pursued.

The small greenspace within the RM3 area towards the southern portion of the village neighbourhood both adds park space throughout the site and can act as a pedestrian corridor extending from the village road and plaza through to the residential area to the west. On-site private open space requirements will still apply for all developments.

Measures to protect and restore, as needed, of steep slopes and environmental features will be determined through development permit and subdivision applications as development proceeds. The residential uses are farther away from the series of wetlands at the south end of the village neighbourhood and the developer has proposed ways of improving the wetland interface adjacent to the commercial site.

Public Consultation

The applicant completed public notification and hosted a public information session on February 15, 2018, where they presented the application materials. The information session had approximately 170 attendees and 117 feedback forms were received. The applicant indicates that 79% of respondents were in favour of the proposed plan. A summary of the consultation is provided in Attachment 7.

Future Requirements

Several other approvals will be needed prior to any development of the Wilden village neighbourhood, including natural environment and hazardous condition development permits, subdivisions (via preliminary layout review applications), and form and character development permits for all commercial and multi-unit residential buildings. Staff will review these applications against established policies, guidelines, and the overall plan for the site. Form and character development permits and development variance permits, if any, will be brought forward for Council consideration as the project proceeds.

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 Background

The site is within the Glenmore Highlands ASP area, adopted by Council in April 2000. The ASP established how the area is intended to develop and includes general plans for land uses, transportation and servicing. The ASP designates the subject site for Mixed-Use, School, Village Single / Multi Family, Clustered Single / Multi Family, and Village Interpretive Area development. It should be noted that the current Future Land Use designations do not align with the current zoning, which was adopted by Council in 2003. In particular, the area zoned C2 should also have a future land use designation of COMM – Commercial.

The Wilden development team also has an active application to rezone 1550 Union Road, immediately east of the village neighbourhood, from the RM5 – Medium Density Multiple Housing zone to the RM3 – Low Density Multiple Housing to facilitate development of a townhouse complex. When considered in conjunction with the neighbourhood village proposal, this would see the highest residential densities concentrated around the commercial node west of Union Road in the proposed C3 and RM5 zones.

4.2 Project Description

The Wilden village neighbourhood is intended to serve as the hub of services, amenities and activity for the Wilden area, providing for residents' day-to-day needs. The site was selected for its ability to serve a range of functions and achieve some higher density development to create a complete community, including a mix of housing forms, a school, commercial space, and parks and trails. To better achieve this vision, the application proposes to amend the existing Future Land Use designations and rezone to allow for higher density residential uses and a wider range of commercial uses in the village area.

The following is a brief breakdown of the proposed uses:

- Residential: approximately 600 units (20% increase from current zoning)
 - Apartments in the core area (C3 and RM5 zones)
 - Townhouses to the west and north of the core area (RM3 zone)
 - Single detached houses on the ridge to the west (RU2h and RU4 zones)
- Commercial: approximately 4,180 m² (45,000 sq ft) of commercial floor space (C3 zone)
- Institutional: elementary school expected (P2 zone)
- Park: community park, small active park spaces, and natural open space (P3 zone)
 - Community park adjacent to school site and between RM3 developments
 - Natural open space around wetlands and along steep slopes

As with most hillside developments, Wilden has not realized its expected density in many previous development phases. The total number of units permitted in the Glenmore Highlands ASP would still be maintained by shifting density away from other locations to this site.

The purpose of the C3 zone is to provide a zone for the development of community commercial centres to serve more than one neighbourhood. Accordingly, the zone allows for a range of service, retail and office uses with some principal and secondary residential uses. Businesses typically found in the C3 zone include bank branches, coffee shops and restaurants, grocery and convenience stores, small professional offices, and service establishments. The C3 zone provides for a wider range of uses than the existing C2 zone, which has limited opportunities for retail and commercial uses.

The proposal includes a range of residential zones that allow for various housing forms. The table below shows the proposed residential zones for the village neighbourhood and their main residential uses.

Zone	Typical Principal Residential Use				
	Single dwelling housing	Two dwelling housing	Multiple dwelling housing	Micro suite housing	Supportive housing
RU2h – Medium Lot Housing (Hillside Area)	X				
RU4 – Low Density Cluster Housing	X	X			
RM3 – Low Density Multiple Housing			X		X
RM5 – Medium Density Multiple Housing			X	X	X

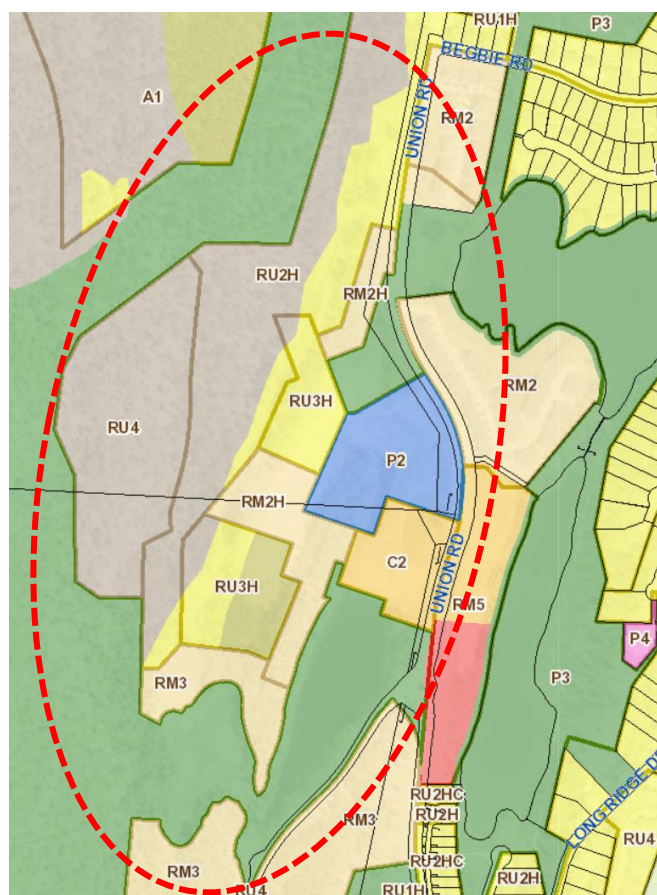
4.3 Site Context

The subject site is in the Wilden neighbourhood in the City's Glenmore-Clifton-Dilworth Sector and is within the Permanent Growth Boundary. It is generally west of Union Road between Begbie Road and Upper Canyon Drive North. The Wilden village neighbourhood is identified as a Neighbourhood Centre (Glenmore Highlands) in the OCP. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2h – Medium Lot Housing (Hillside Area) P3 – Parks and Open Space	Undeveloped land Natural open space
East	RM2 – Low Density Row Housing P3 – Parks and Open Space RM5 – Medium Density Multiple Housing*	Semi-detached houses and townhouses Begbie Park Undeveloped land
South	RM3 – Low Density Multiple Housing P3 – Parks and Open Space	Undeveloped land Natural open space
West	P3 – Parks and Open Space	Natural open space

* Active application to rezone to RM3 – Low Density Multiple Housing (Z18-0070)

The existing zoning and Future Land Use designations for the subject area are shown in the map below.



5.0 Development Policies

5.1 Official Community Plan

Chapter 5: Development Process

Policy 5.2.3 Complete Suburbs. 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 needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

Policy 5.10.1 Maximize Pedestrian / Cycling Connectivity. Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used

connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

Policy 5.14.4 Protect Sensitive Areas. Sensitive environmental areas and riparian management areas (RMA) will be protected by siting trails beyond their boundaries, unless there are absolutely no alternatives.

Policy 5.22.11 Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Policy 5.32.7 Community Use of Schools. Encourage that schools be designed so as to facilitate, during non-school hours, use for before / after school programs, recreation programs, youth / family activities, adult education or other community uses.

Chapter 7: Infrastructure

Policy 7.6.2 Complete streets. Ensure new roads are built as complete streets that incorporate sidewalks and on street bike lanes on arterial and major collector roads and off-road bike paths as per the Active Transportation Plan and provides for efficient transit service, as well as sufficient space to include landscaping.

Policy 7.8.3 New Residential Developments. Ensure that new residential developments and subdivisions have active transportation links to the nearest arterial or major collector roads at developer cost.

Chapter 17: Definitions

Neighbourhood Centre (Glenmore Highlands / Kettle Valley / Lakeshore – Bluebird)

A small node (max. 3,000 m²) of retail / service outlets located along an arterial or collector road. Neighbourhood Centres provide limited goods / services for the convenience needs of nearby residents. One “anchor store” may account for up to 235 m² of floor space, but individual stores are rarely larger than 140 m² (restaurants might be somewhat larger). Generally, Neighbourhood Centres would be located more than one kilometre from City or Town Centre commercial facilities. Density will increase as the distance from the core increases.

5.2 Glenmore Highlands Area Structure Plan

3.2.3 Village Centre Objectives: As a principle, a village centre that provides an activity focus for the plan area and offers a range of functions, services and facilities should be provided in the location best suited to higher intensity development.

3.6.4 Village Single / Multiple Family: The Village Single / Multiple Family designation provides for a more urban form of housing near the local amenities of the Glenmore Highlands village centre. Village Single / Multiple Family areas will predominantly incorporate single family developments; however, permitted housing forms include single family (fee-simple and strata) of various lot sizes, duplexes, street-oriented townhomes and multiple housing forms. The design intent of the Village Single / Multiple Family designation is to establish comfortable, human-scaled neighbourhoods with pedestrian-oriented streetscapes. Maximum gross densities of twenty (20) units per hectare are permitted.

3.6.4 Village Apartments: The Village Apartments designation provides for a high density urban form of housing near the local amenities of the Glenmore Highlands village centre. Permitted housing forms include townhomes, apartment buildings and senior citizen’s housing. The design intent of the Village Apartments designation is to create a transition between the mixed-use village centre and other residential uses. Maximum gross densities of 125 per hectare are permitted.

3.7 Village Centre Mixed-Use: The Mixed-Use designation provides for residential uses that are sensitively integrated with commercial amenities within the Glenmore Highlands village centre. A multiple family housing form that includes townhomes, apartments, and mixed-use apartments (i.e. residential above ground floor commercial) is permitted. Gross density is not to exceed 125 units per hectare.

6.0 Technical Comments

6.1 Development Engineering Department

- See Attachment 3.

6.2 Fire Department

- Recommend that the secondary means of egress from the Upper Canyon area be completed prior to any more development being approved. Union continues to be the only egress in a wildfire situation for new proposal and current Begbie Rd area. Perhaps a continuation of Begbie Rd would permit a second egress from the area. A Wildfire Hazard Assessment report should be submitted for the Wilden area. This report should be updated as phases continue. Appropriate setbacks from steep slopes should be considered.

6.3 Parks & Buildings Planning

- The Parks Agreement (Section 219 Covenant) specifies the Village Centre Park (Community Park) should be 0.714 ha of developable park land. Developable land must be within the rezoning area. Steep areas, stormwater swales, ponds, and other infrastructure are not considered developable areas for parks.
- The land that is proposed as additional P3 (currently RU2h) is steep and without road access. This area should be included in adjacent lots with no disturb covenants on them. Alternatively, if the land is transferred to the City, the developer should first provide access such that the area can be maintained, and conduct fire hazard mitigation prior to transfer. As natural park land, this may not be included in the calculation for park dedication responsibilities under the Parks Agreement.

7.0 Application Chronology

Date of Application Received: November 2, 2017

Date Public Consultation Completed: February 15, 2018

Prepared by: Laura Bentley, Community Planning Supervisor

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Derek Edstrom, Acting Divisional Director, Community Planning & Strategic Investments

Attachments:

Attachment 1: Map "A" OCP Amendment

Attachment 2: Map "B" Proposed Zoning

Attachment 3: Schedule "A" City of Kelowna Memorandum

Attachment 4: Proposed Land Use Plan & Zoning Plan

Attachment 5: Conceptual Site Development

Attachment 6: Proposed Park & Pathway Plan

Attachment 7: Consultation Summary

- Subject Property Line
- - - - - Proposed Future Land Use Designation Boundary
- Existing Property Line
- Small Parcels Shaded for Clarity

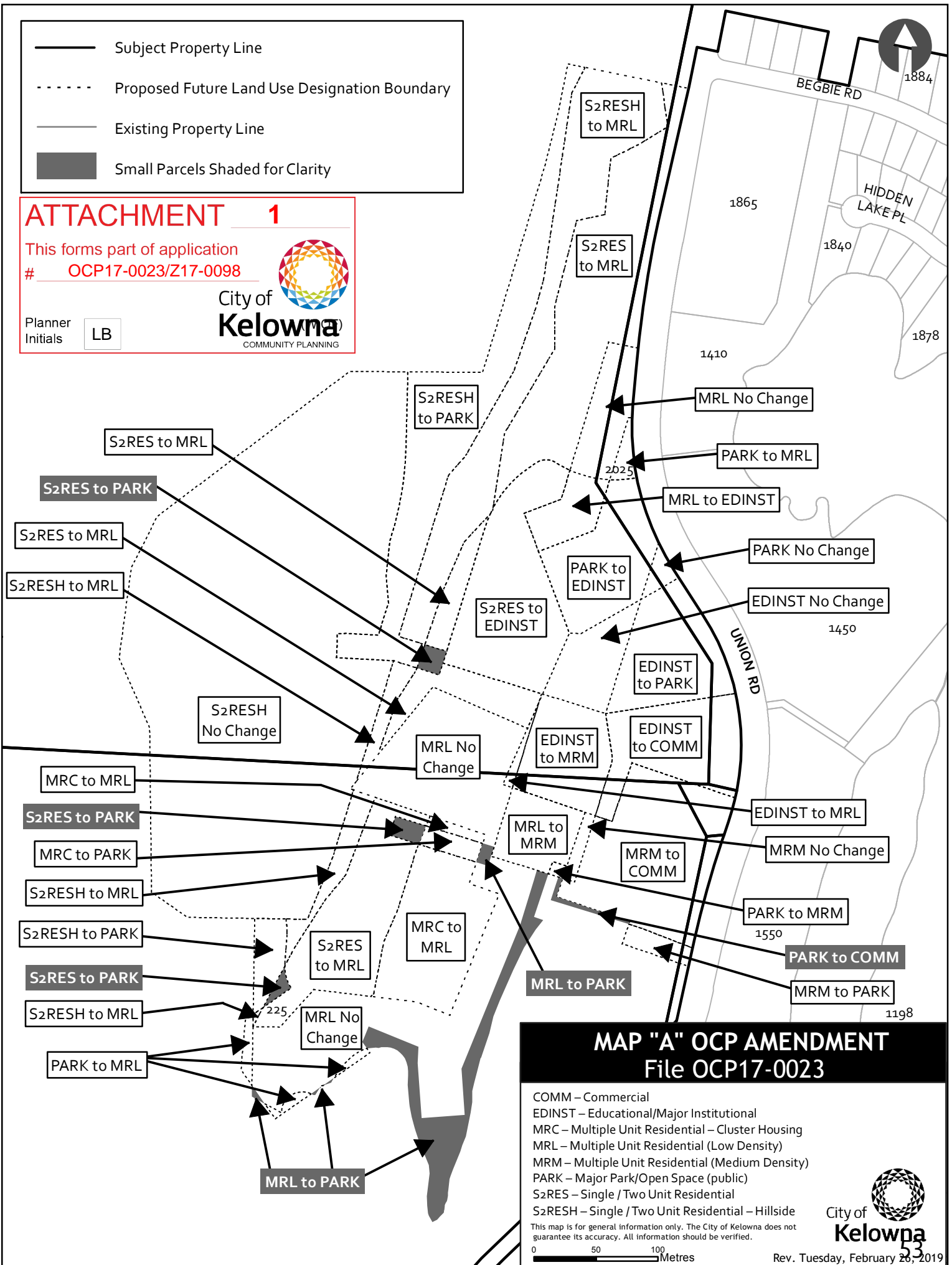
ATTACHMENT 1

This forms part of application
OCP17-0023/Z17-0098



Planner
Initials LB

City of
Kelowna
COMMUNITY PLANNING



- Subject Property Line
- - - - - Proposed Rezoning Boundary
- Existing Property Line
- Small Parcels Shaded for Clarity

ATTACHMENT 2

This forms part of application
OCP17-0023/Z17-0098

Planner Initials LB

City of Kelowna
COMMUNITY PLANNING



BEGBIE RD 1884
HIDDEN LAKE PL 1840
1865
1878



(W OF)

RU2h to RU4

RU3h to RM3

RU2h to P2

RU2h to RM3

1410 RM2h to RM3

P3 to RM3

RM2h to P2

P3 to P2

P3 No Change

P2 No Change

P2 to P3

P2 to C3

C2 to C3

C2 to RM5

P3 to RM5

P3 to C3

C2 to P3

1550

RM2h to P3

MAP "B" PROPOSED ZONING File Z17-0098

C2: Neighbourhood Commercial
C3: Community Commercial
P2: Educational and Minor Institutional
P3: Parks and Open Space
RM2h: Low Density Row Housing (Hillside Area)
RM3: Low Density Multiple Housing

RM5: Medium Density Multiple Housing
RU2: Medium Lot Housing
RU2h: Medium Lot Housing (Hillside Area)
RU3h: Small Lot Housing (Hillside Area)
RU4: Low Density Cluster Housing

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 50 100 Metres

City of Kelowna
54

Rev. Friday, February 01, 2019



CITY OF KELOWNA

MEMORANDUM

Date: April 25, 2018
File No.: Z17-0098 Revised
To: Community Planning (LB)
From: Development Engineering Manager (JK)
Subject: Rezone and OCP Application to facilitate an updated Wilden Village Neighbourhood Plan

LOCATION: 2025 Begbie Rd, 225 Clifton Rd	ZONE Residential Hillside
APPLICANT: Glenwest Properties (Blenk)	
LEGAL: Lot A PL 69724	

WORKS AND SERVICES REQUIREMENTS

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Ryan O'Sullivan

The following Works & Services are required for this Rezoning application to adjust the location and boundaries of existing zoning and proposed new zoning to facilitate an updated Wilden Village Neighborhood Plan. The proposed zones are: RU4, RU2h, RM3, RM5, C3, P2 and P3.

.1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) The Glenmore Highlands Phase One Concept Report (November 2001 Final Edition) prepare by Ekistics Town Planning Inc. outlines the servicing strategy proposed for this phase of development. Additional comments on the servicing strategies are noted below.

.2) Geotechnical Report

- a) Provide a comprehensive geotechnical report and hydro-geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:
NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.
- vii) Recommendations for roof drains and perimeter drains.
- viii) Recommendations for construction of detention or infiltration ponds if applicable.

.3) Water

- a) The property is to be serviced by City of Kelowna
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.
- c) Confirmation is required from City of Kelowna that the water system components proposed satisfy the Bylaw and that security is in place for any offsite Works and that all associated fees are paid.
- d) Design drawings must be reviewed by City of Kelowna prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections and inspection chamber (IC) complete with brooks box must be installed on the service at the owner's cost.
- b) Confirmation is required from City of Kelowna that the sanitary system components proposed satisfy the Bylaw and that security is in place for any offsite Works and that all associated fees are paid.
- c) Design drawings must be reviewed by City of Kelowna prior to the City issuing the drawings for construction.

.5) Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
 - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and water treatment before entering any storm water pond or wet land
 - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

- d) Any Stormwater discharged to Stormwater ponds or wet lands must be approved by City of Kelowna, Suburban and Rural Planning Department.

.6) Roads

- a) Road standards are based on Hillside standards and in accordance with the Rezoning report (Western Ridge) for RU4 and RU2H road cross section to be SS-H7. This road will be a future connection to Upper Ridge road.
- b) All roads with Multi-Use Pathway will not require Bike Lanes with exception of Union Road.
- c) South Terrace and North Terrace:(Village Local Street, the developer has shown the use of the hillside standard SS-H11 please use SS-H12,
- d) "Village Collector Streets With MUP: The developer has shown the use of the hillside Modified SS-H4,
- e) Village Local Streets and Condition A: The developer has shown the use of the hillside Modified SS-H11 please use SS-H12,
- f) Union Road: According to the Glenmore Highlands Phase One Rezoning report Union road is to be constructed to SS-H1 modified and continued on with Village Centre to Begbie Road with minimum 3.0m MUP and 1.5m bike lanes.
- g) Village Centre 90-degree or angle parking will not be permitted. Parallel only.
- h) BEGBIE ROAD (offsite): The Begbie Road connection from the Highlands property line to Glenmore Road will need to be acquired and constructed to a rural modified Class I Collector standard (15m existing right of way; 7.2m road, 1.5m bike lanes, curb gutter and sidewalk) by the applicant. Once 5m of ALR lands can be removed as road right of way along Begbie road, Begbie can be completed to SS-R5 Urban standard. This road is not a City DCC project and therefore not subject to DCC credits. Begbie Road is a requirement of this Zoning File Service Agreement will need to be in place.
- i) INTERSECTION OF GLENMORE AND BEGBIE: At the intersection of Glenmore Road and Begbie Road, a separate northbound left-turn bay is required on Glenmore Road and right turn off Glenmore road to Begbie road, built to City/TAC standards for the proposed posted speed limit of 60 km/h. This will be at the applicant's cost. Signalization of this intersection will be cost shared with the City of Kelowna. City of Kelowna's cost share for signals will be in the 2019 budget. If construction proceeds with no signal, left out unto Glenmore will be restricted until signals are constructed and operational.
- j) All Lanes to be constructed to SS-H15 or SS-R2 with 6.0m clear asphalt roadway with no parking.
- k) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- l) Provide a Street Sign, Markings and Traffic Control Devices Drawing.

- m) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
- n) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles.
- o) All terminal ending roads that will not be extended in the future can be no more than 200m and must end with a cul-de-sac (Schedule 4 section 4.4 By-Law 7900) and emergency access will be required.
- p) All terminal ending roads that will be extended in the future can be no more than 400m and must end with a cul-de-sac (Schedule 4 section 4.4 By-Law 7900) and emergency access will be required.
- q) MoT Section 440H Solid Rock Cut Section please use detail for any and all rock cuts on Road Right of Way or pathway sections.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground.
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.8) 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 Development Engineering 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.

.9) Servicing Agreements 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.

.10) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Fortis BC, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable at Subdivision or Building Permit.
- b) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- c) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (HST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



James Kay, P.Eng
Development Engineering Manager
RO

LAND USE PLAN



LEGEND

DECEMBER 2018

	Wilden Village Neighbourhood Boundary
	Single/Two Unit Residential - Hillside (S2RESH) 7.21 ha 17.82 ac
	Multiple Unit Residential (Low Density) (MRL) 9.00 ha 22.24 ac
	Multiple Unit Residential (Medium Density) (MRM) 0.94 ha 2.32 ac
	Commercial (COMM) 2.21 ha 5.46 ac
	Major Parks and Open Space (PARK) 8.77 ha 21.67 ac
	Educational/Institutional (EDINST) 2.44 ha 6.03 ac
100%	30.57 ha 75.54 ac

ATTACHMENT

4

This forms part of application
 # OCP17-0023/Z17-0098

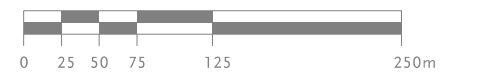
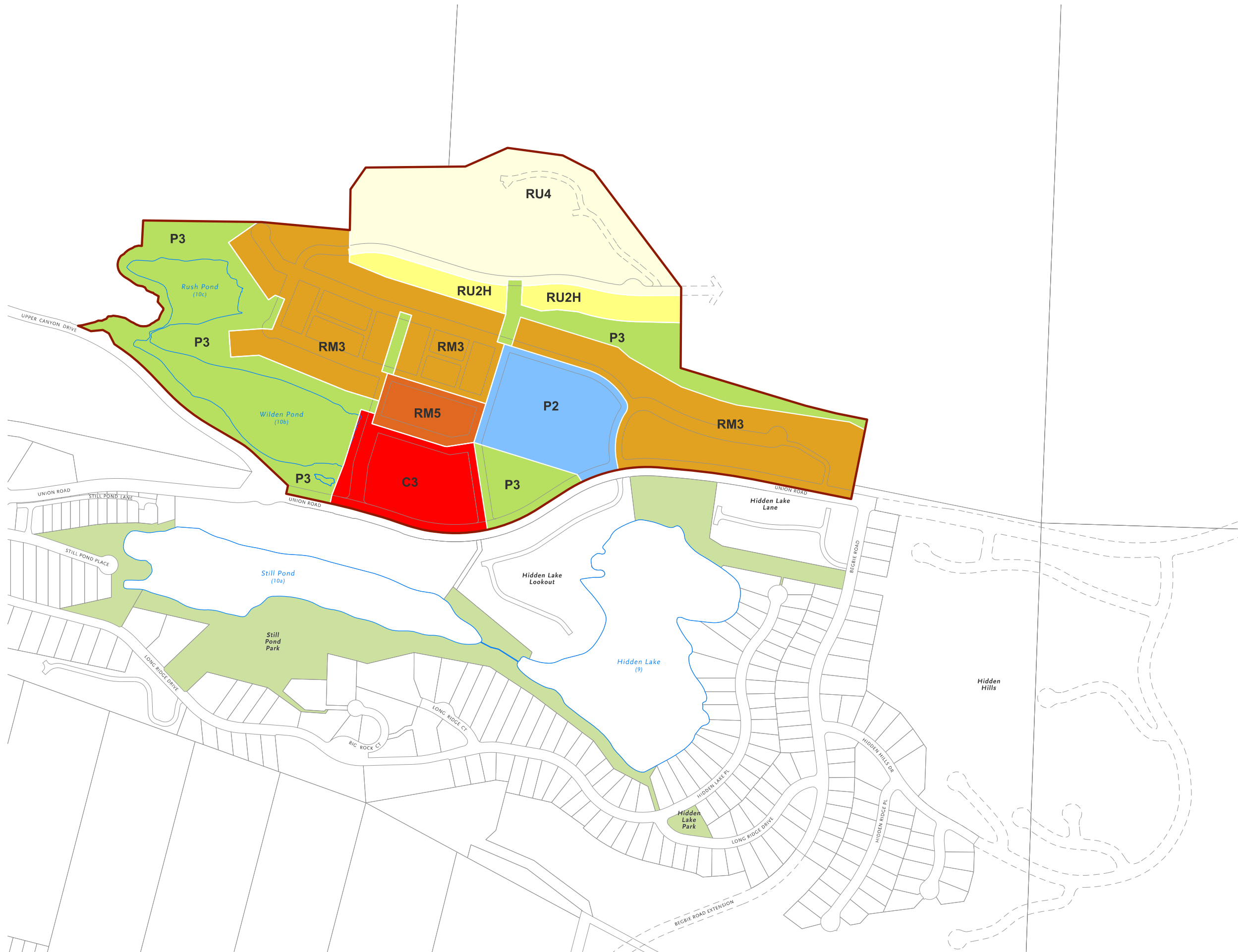
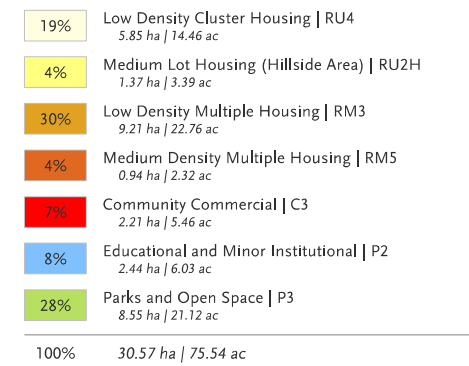
Planner Initials

LB

City of
Kelowna
 COMMUNITY PLANNING

ZONING PLAN

DECEMBER 2018

 Wilden Village Neighbourhood Boundary



ILLUSTRATIVE PLAN

LEGEND MARCH 2018

Wilden Village Neighbourhood Boundary

Note: For illustration purposes only. Final design to be determined through Development Permit.

ATTACHMENT 5

This forms part of application
OCP17-0023/Z17-0098

Planner
Initials LB



PARK & PATHWAY
PLAN

LEGEND MARCH 2018

- Wilden Village Neighbourhood Boundary
- Development Areas
- School + Publicly Accessible Open Space
- Community Park
- Natural Area Park

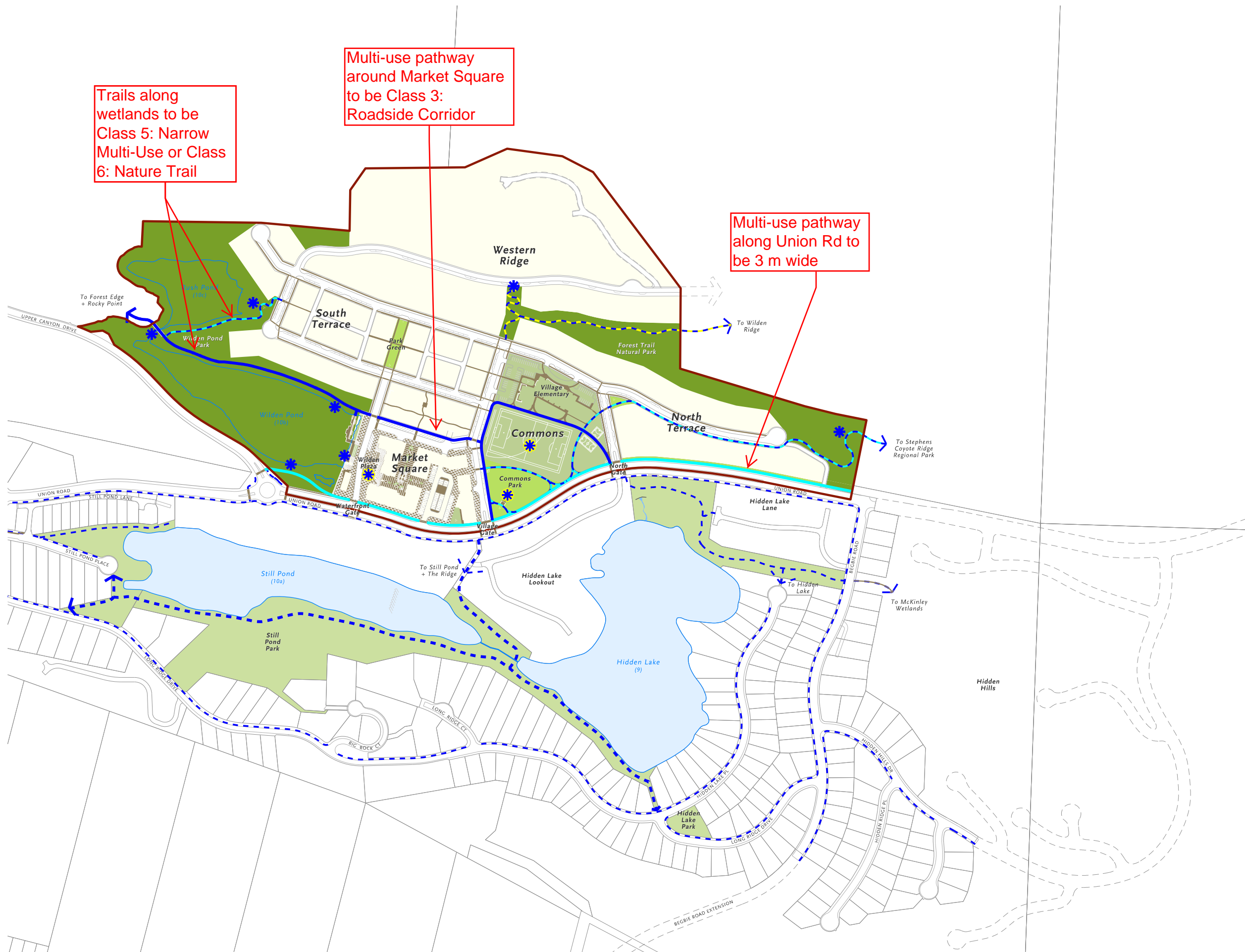
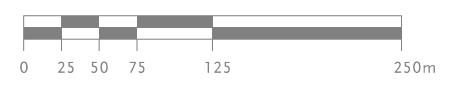
- Plaza
- Sidewalk
- Class 2 - Major Multi-Use Pathway | 4.0m
- Class 2 - Major Multi-Use Pathway | 3.0m
- Class 4 - Standard Multi-Use Pathway | 2.5m
- Class 6 - Nature Trail | 1.2m
- Existing Pathway
- Public Gathering Space
- Vantage Point

ATTACHMENT 6

This forms part of application # **OCP17-0023/Z17-0098**

Planner Initials **LB**

City of **Kelowna**
COMMUNITY PLANNING



CONSULTATION SUMMARY

ATTACHMENT 7

This forms part of application
OCP17-0023/Z17-0098



Planner
Initials

LB

City of
Kelowna
COMMUNITY PLANNING

The Wilden Village Neighbourhood Update Application was prepared by EKISTICS Town Planning and Wilden Group. In line with the City of Kelowna's **Policy 367: Public Notification & Consultation for Development Applications**, a Public Consultation Plan was prepared to provide and increase meaningful engagement of local residents in the development of Wilden Village Neighbourhood. Policy 367 required the following Public Consultation Initiatives:

Neighbour Consultation

Following Policy 367's Public Notification + Consultation Procedures, Wilden Group in communication with the City of Kelowna, ensured existing residents within 100m of the proposed development were given adequate notice and several opportunities to provide feedback. Wilden used the following to fulfill this requirement: a large format development Notice Sign (see appendix); advertisements in both the Daily Courier and Capital News (see appendix); hand delivered Public Information Session invitations + Development Information Packages; Canada Post Mailout to Wilden Residents; and, an active website.

Public Information Session

EKISTICS Town Planning and Wilden Group hosted a Public Information Session on February 15th as part of the OCP + Rezoning Update Application process for the Wilden Village Neighbourhood.

The event was hosted at the Wilden Presentation Centre in Kelowna for existing Wilden and surrounding area residents, with a combined attendance of ~170 people, with 117 feedback forms received.

The following document presents a summary of the Public Consultation Process for the Wilden Village Neighbourhood Update OCP + Rezoning Application, including materials used for Neighbour Consultation and the Public Information Session.

The full summary of the neighbour consultation and public information session is available upon request from the Community Planning Department.

CITY OF KELOWNA

BYLAW NO. 11781

Official Community Plan Amendment No. OCP17-0023 2025 Begbie Road, 225 Clifton Road N & (W of) Union Road

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 Official Community Plan Map Amendment Application No. OCP17-0023 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:

- a) Lot A Sections 4, 5, 8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750 and EPP24895, located on Begbie Road, Kelowna, BC;
- b) Lot D Section 8 Township 23 ODYD Plan KAP75116 Except Plans EPP24895, EPP24897, EPP64871 and EPP77782, located on Clifton Road N, Kelowna, BC;
- c) That Part Closed Road Lying Within Sections 8 and 9 Township 23 ODYD Shown as Parcel 2 on Plan KAP86749, located at (W of) Union Road, Kelowna, BC; and
- d) The North East 1/4 of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W of) Union Road, Kelowna, BC

from the S2RES – Single / Two Unit Residential, S2RESH – Single / Two Unit Residential – Hillside, MRC – Multiple Unit Residential – Cluster Housing, MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), EDINST – Educational / Major Institutional, and PARK – Major Park / Open Space (Public) designations to the MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), COMM – Commercial, EDINST – Educational / Major Institutional, and PARK – Major Park / Open Space (Public) designations as shown on Map "A" attached to the 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

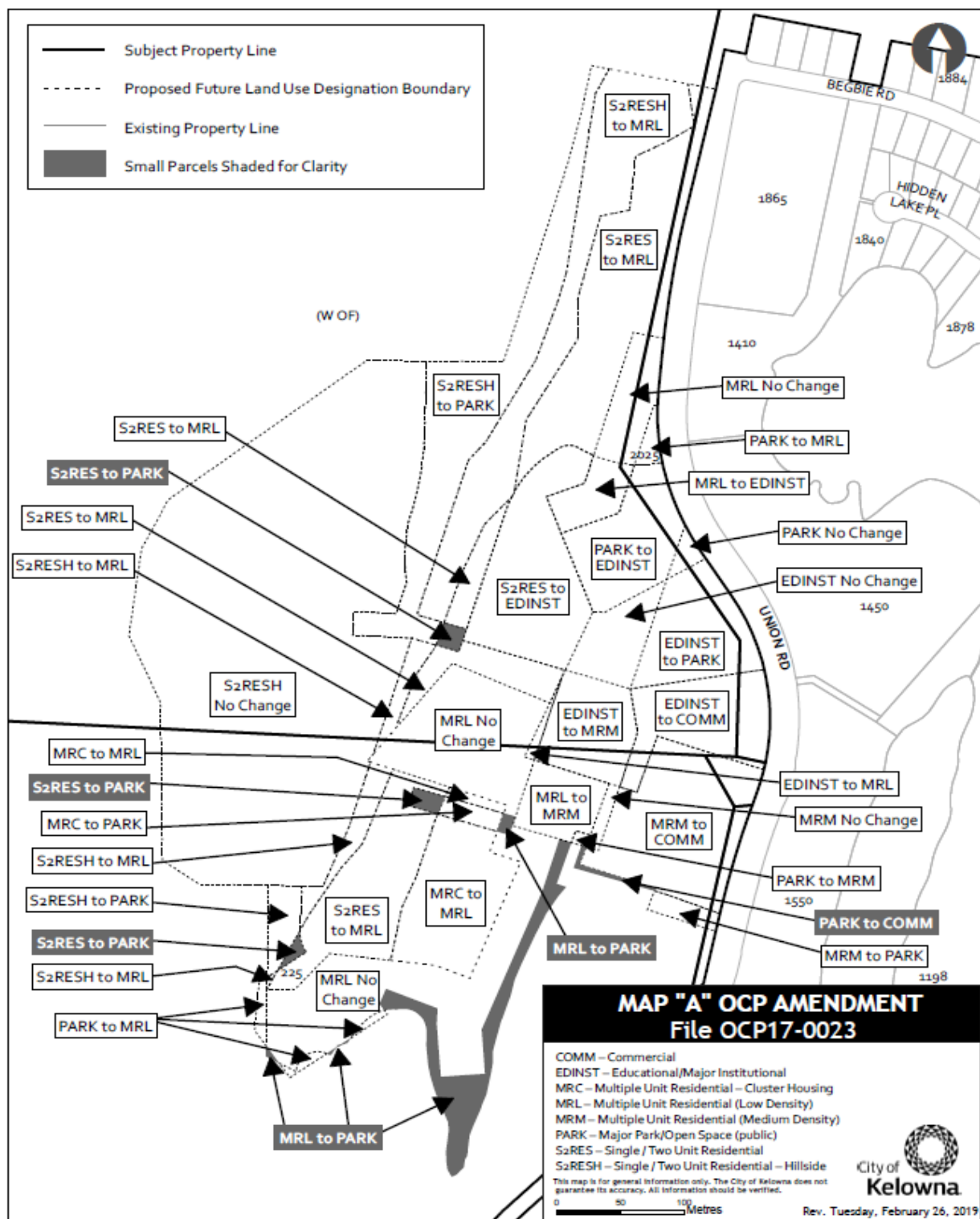
Considered at a Public Hearing on the

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. 11785

Z17-0098 – 2025 Begbie Rd, 225 Clifton Road N & (W of) Union 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 portions of:

- a) Lot A Sections 4,5,8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750 and EPP24895, located at 2025 Begbie Road, Kelowna, BC;
- b) Lot D Section 8 Township 23 ODYD Plan KAP75116 Except Plans EPP24895, EPP24897, EPP64871 and EPP77782, located at 225 Clifton Road N, Kelowna, BC;
- c) That Part Closed Road Lying Within Sections 8 and 9 Township 23 ODYD Shown as Parcel 2 on Plan KAP86749, located at (W of) Union Road, Kelowna, BC; and
- d) The North East 1/4 of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W of) Union Road, Kelowna, BC

from the RU2h – Medium Lot Housing (Hillside Area), RU3h – Small Lot Housing (Hillside Area), RM2h – Low Density Row Housing (Hillside Area), RM3 – Low Density Multiple Housing, C2 – Neighbourhood Commercial, P2 – Education and Minor Institutional, and P3 – Parks and Open Space zones to the RU2h – Medium Lot Housing (Hillside Area), RU4 – Low Density Cluster Housing, RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing, C3 – Community Commercial, P2 – Education and Minor Institutional, and P3 – Parks and Open Space zones as shown on Map "B" attached to the 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 11, 2019
File: 0710-60
To: City Manager
From: Rod MacLean, Utilities Planning Manager
Subject: UBCM - Community Emergency Preparedness Fund (CEPF) - Kelowna Flood Mitigation Plan for Okanagan Lakeshore application

Recommendation:

THAT Council receives, for information, the report from the Utilities Planning Manager dated March 11, 2019, with respect to the UBCM - Community Emergency Preparedness Fund (CEPF) - Kelowna Flood Mitigation Plan for Okanagan Lakeshore application;

AND THAT Council authorizes staff to apply for a UBCM - Community Emergency Preparedness Fund - Flood Risk Assessment, Flood Mapping and Flood Mitigation Planning Program Grant;

AND THAT upon confirmation of the grant award, the 2019 Financial Plan be amended to include the receipt of up to \$75,000 in grant funding.

Purpose:

To receive Council approval to apply for a UBCM Community Emergency Preparedness Fund – Flood Risk Assessment, Flood Mapping and Flood Mitigation Planning Program Grant.

Background:

The City is currently conducting studies in 2019 that help address some of the City built and natural infrastructure risks from future flooding, as well as creating flood mapping on Mill Creek and smaller tributaries.

This project and associated application for grant funding is to address the specific mitigation requirements of shoreline damage at vulnerable sites along Okanagan Lake within the City. The project will focus on the entire 35 kilometer length of Okanagan Lake foreshore, where the land use consists primarily of access roads, public parks, private residences, developments, boat launches, piers, marinas and natural shoreline. The project will take into account the impact of the Bennett Bridge that generally separates the lake into north and south; separating the risk exposure of wave action due to fetch distances and sediment transport patterns along the foreshore.

The project would result in the development of a Flood Mitigation Plan that supplements presently funded studies. The modelling will help address impacts of wave action on flood water levels, as this is what caused the majority of costly damages on the foreshore during the 2017 Okanagan Lake flood event. Elements of GIS-based mapping and risk assessment results by others, and cost benefit analysis will inform permanent mitigation works planning for future funding opportunities.

The outcome of this project will be a tool for use by the City, and collaboratively for Central Okanagan communities. Deliverables include GIS-compatible mapping and a Flood Mitigation Plan. The work will be completed by qualified professionals hired as part of the project.

As part of the application process, a Council resolution is required indicating support for the current proposed activities and willingness to provide overall grant management.

Internal Circulation:

Divisional Director, Corporate Strategic Services
Financial Planning Manager
Grants & Special Projects Manager
Infrastructure Engineering Manager
Utility Services Manager

Financial/Budgetary Considerations:

The City is requesting a \$75,000.00 grant from the UBCM Community Emergency Preparedness Fund – Flood Risk Assessment, Flood Mapping and Flood Mitigation Planning Grant Program. Similar applications are being submitted by the Regional District of Central Okanagan and other nearby communities. It is anticipated that the work will be completed by a single Consultant team whose scope will depend on how many communities are successful in obtaining a grant.

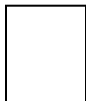
Considerations not applicable to this report:

Existing Policy:
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

Rod MacLean, P.Eng
Utilities Planning Manager

Approved for inclusion:



A. Newcombe, Divisional Director - Infrastructure

cc: Divisional Director, Financial Services
Divisional Director, Infrastructure

Report to Council



Date: March 11, 2019
File: 1850-04
To: City Manager
From: Divisional Director, Infrastructure
Subject: Budget adjustment for Spencer Road Mill Creek Drainage Improvements
Report Prepared by Brian Beach, Infrastructure Delivery Department Manager

Recommendation:

THAT Council receives, for information, the report from the Infrastructure Divisional Director, dated March 11, 2019 regarding the Budget adjustment for Spencer Road Mill Creek Drainage Improvements;

AND THAT the 2019 Financial Plan be amended to include up to \$280,000 funded from capital drainage funds currently held in reserve.

Purpose:

To amend the 2019 Financial Plan to cover the unforeseen additional expenses for the Spencer Road Drainage Improvements Project.

Background:

The conceptual design and cost estimate for the Spencer Road Project was quickly formalized from a consultant report for a CEPF Structural Flood Mitigation grant application in Spring 2018. The City was successful in obtaining the maximum grant amount of \$750,000, and an additional \$270,000 was included in the 2019 budget to meet the conceptual cost estimate for the project at that time.

Further analysis of the project indicated that it could have a number of unique challenges, risks and design options available to meet the objectives. Given the tight time constraints to complete the project before the 2019 Spring freshet, it was decided to undertake a unique procurement strategy to select the most qualified contractor and enter into a modified design-build contract that would firmly establish the cost after successfully fulfilling the design requirements. Landmark Solutions (Landmark), an experienced contractor with over 40 similar installations, was selected to complete the project.

Landmark has submitted a complete design and construction plan, and identified a number of construction challenges that were not fully understood at the time of grant and budget submissions:

1. A temporary detour bridge was determined to be the most efficient and cost effective option to maintain traffic to the strata development at the end of Spencer Road.
2. Environmental permitting and monitoring requirements were more challenging than expected, given the related flood recovery issues and to ensure approvals for construction were received in time to construct prior to the 2019 freshet.
3. As an option to a lengthy archeological approval process, OKIB agreed to allow the project to proceed with the presence of a monitor at the site.
4. Costs to temporarily maintain utility service across the construction zone will be significantly more than expected. A temporary GEID water main is required followed by permanent restoration, the FortisBC gas main is on a difficult alignment and needs to be relocated, and there are separate water, sewer and utility services to the isolated strata lot on the north side of the crossing that need to be maintained and relocated.
5. Dewatering costs to bypass creek flow during the installation is more than expected due to higher than expected flows this winter and not being able to maintain flow through a temporary pipe for construction safety and sequencing of work.

The projected construction costs from Landmark have been thoroughly vetted by City staff and the owner's engineer (Stantec). The additional scoped items would simplify the construction and access problems in the area, and help assure the project would be completed prior to spring freshet. The current cost is quoted at ~\$1.1M with contingency allowances for variable items such as disposal of unsuitable material and additional import backfill. The current project budget is summarized below. An additional budget transfer of \$280,000 is required.

Spencer Road at Mill Creek Drainage Improvements – Revised Project Budget

Civil/Environmental QA and Permitting	40,000
Environmental Monitoring and OKIB Monitoring	30,000
City Costs – staff, survey, asphalt paving	65,000
Design – Build Construction Base Contract	1,100,000
Construction Contract Contingencies	65,000
Total Estimated Project Cost (Current Budget \$1,020,000)	1,300,000

<u>Spencer Road at Mill Creek Drainage Improvements (3410)</u>	<u>Summary</u>	<u>Request</u>
Estimated Project Total	\$1,300,000	
<u>Current approved budget (750,000 grant, 270,000 taxation)</u>	<u>\$1,020,000</u>	
Estimated deficit to be balanced	- \$ 280,000	\$280,000

Financial/Budgetary Considerations:

In order to cover the unforeseen additional expense incurred for the Spencer Road Mill Creek Drainage Improvement project the 2019 Financial Plan will need to be amended to include up to \$280,000 funded from capital drainage funds held in reserve (R000).

Internal Circulation:

Financial Planning Manager
Utility Planning Manager
Manager, Infrastructure Administration
Manager, Infrastructure Delivery

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

A. Newcombe, Divisional Director, Infrastructure

Approved for inclusion:



D. Gilchrist, City Manager

cc: Divisional Director, Infrastructure
Divisional Director, Financial Services
Manager, Infrastructure Administration
Manager, Infrastructure Delivery
Financial Planning Manager
Utility Planning Manager

Report to Council



Date: March 11, 2019
File: 1850-19
To: City Manager
From: Divisional Director, Infrastructure
Subject: Loseth Road Slope Stability – Remediation Budget

Recommendation:

THAT Council receives, for information, the report from the Divisional Director, Infrastructure dated March 11, 2019 with respect to Loseth Road Slope Stability – Remediation Budget;

AND THAT Council authorizes City staff to proceed with the procurement of services to undertake the design and construction of emergency works to mitigate the hazardous conditions at, and around, 2045 Loseth Road and 2001 Kloppenburg Court;

AND THAT the 2019 Financial Plan be amended to include the initial use of up to \$1,200,000 funded from the Insurance Deductible Reserve to support remediation works at, and around, 2045 Loseth Road and 2001 Kloppenburg Court.

Purpose:

To provide budget to cover the cost of emergency work required at 2001 Kloppenburg Court and 2045 Loseth Road to remediate the fill slopes that have been identified to be a hazardous condition.

Background:

Council has imposed a remedial action requirement in relation to a hazardous/unsafe condition of fill slopes identified within the properties located at 2001 Kloppenburg Court and 2045 Loseth Road. In the event that the current property owners are unwilling or unable to carry out the required work to remediate the hazardous condition, the City will undertake to mitigate the situation to reduce the hazard.

The extent of proposed remedial works is identified in Westrek Geotechnical Services report, "Geotechnical Investigation 2045 Loseth Road", dated January 24, 2019 and attached to the February 25, 2019 report to council: "Remedial Action Orders To Address Slope Instability & Unsafe Conditions, Loseth

Rd. above Kloppenburg Ct.. The geotechnical investigation has determined that four properties at the bottom of the slope are at immediate risk if there is a landslide, and approximately 90 properties could have access cut-off if Loseth Road is closed due to risk of failure or a slope failure incident.

The estimated costs are outlined below:

2001 Kloppenburg Court

Geosynthetic Reinforced Soil (GRS) Retaining Wall(s) and Related Earthworks	\$400,000
Engineering Consulting, Testing and Project Management	\$60,000

2045 Loseth Drive

Earthwork and Removals for Slope Modifications	\$500,000
Engineering Consulting, Testing and Project Management	\$40,000

On-Going Slope and Drainage Monitoring	\$50,000
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Contingency / Miscellaneous Additional Costs	\$150,000
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Total Estimated Project Cost	\$1,200,000
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Additional Associated Costs:

In case there are indications of a slope failure prior to or during the work, City staff have prepared an Emergency Response Plan which includes planning for utility shutdowns, road detours and closures, as well as the preparation of a 1 km emergency access route on private property.

The City and Black Mountain Irrigation District are also considering the use of existing operational budget to design and construct trench cut-off drains outside the subject properties to reduce ground water that could be a contributing source of groundwater pressure as a means of further enhancing the overall level of safety on the slopes, in addition the required site works on the subject properties.

Geotechnical investigation work already complete is estimated at \$205,000 and has been covered by Black Mountain Irrigation District (~\$150,000) that started the investigation and City of Kelowna that took over and completed the investigation (~\$55,000).

Financial/Budgetary Considerations:

Council is asked to approve that the 2019 Financial Plan be amended to include the initial use of up to \$1,200,000 funded from the Insurance Deductible Reserve to support remediation works at, and around, 2045 Loseth Road and 2001 Kloppenburg Court.

Recovery is expected to be sought for the City's expenditure of funds to remediate the hazardous condition on private property arising from fill material placed on this site by others. Where allowable, recovery will be secured against the subject private properties. For costs not able to be secured against private property, and perhaps some that are, the City may decide later to make claims for damages against the parties responsible for creating unsafe conditions.

Considering there is uncertainty that the City will recover all associated expenses incurred as a result of correcting this unsafe condition and the timing of recovery also carries an element of uncertainty, the intention will be to replenish funds used for the associated work to the Insurance Deductible Reserve through annual surplus allocations as soon as appropriate and considering the overall needs of the City at the time of allocation. Funds recovered will be allocated to general revenue or the Insurance Deductible Reserve considering the status of the reserve at the time of recovery.

Legal/Statutory Procedural Requirements:

Property owners subject to the remedial action requirement set by council on February 25, 2019 have a period to request reconsideration and a period to present a plan and undertake the required works themselves. The City will not undertake any associated works to remediate the unsafe slope conditions until appropriate or confirmed by the property owners to be agreed to.

Internal Circulation:

A/Director of Community Safety
Financial Planning Manager
Infrastructure Administration Manager
Infrastructure Delivery Department Manager

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

Alan Newcombe, Divisional Director of Infrastructure

Approved for inclusion:



Doug Gilchrist, City Manager

cc: Divisional Director, Human Resources
Divisional Director, Financial Services
A/Director of Community Safety

CITY OF KELOWNA

BYLAW NO. 11760

Amendment No. 9 to Development Application Fees Bylaw No. 10560

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Applications Fees Bylaw No. 10560 be amended as follows:

1. THAT **Schedule "A" - DEVELOPMENT APPLICATION FEES –Development Application Fees – Table 1 FEES PURSUANT TO ZONING BYLAW NO. 8000 AND LOCAL GOVERNMENT ACT** be amended by:

a) deleting under Zoning Amendments the following that reads:

Application Fee - Retail Cannabis Sales Subzone Initial Evaluation Review	n/a	n/a	\$1000	\$1020
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b) deleting under ¹ Refundable Amounts sub-paragraph c that reads:

"(c) The application fee for the "Retail Cannabis Sales Subzone Initial Evaluation Review" is not refundable."

2. This bylaw may be cited for all purposes as "Bylaw No. 11760, being Amendment No. 9 to Development Applications Fees Bylaw No.10560."
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 4th day of March, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk