

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, January 20, 2020  
1:30 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

#### 1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

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

Regular PM Meeting - January 13, 2020

#### 3. Development Application Reports & Related Bylaws

##### 3.1 Morrison Rd 1425, A19-0012 & FH19-0003 - Surinder K. Boparai & Avtar S. Boparai

10 - 32

To consider a Non-Adhering Residential Use application for temporary housing and to issue a Temporary Farm Worker Housing Permit for accommodations for 14 temporary farm workers.

##### 3.2 East Kelowna Rd 2830, A19-0016 - William Trent Kitsch/Maria Louise Kitsch

33 - 49

To consider a non-farm use application to build an alcohol production facility (winery) on a parcel that is currently in the process of converting to a vineyard and to discharge a 'no-disturb' covenant on the subject land.

##### 3.3 Nickel Rd 300, Z19-0104 - Okanagan Valley Construction Ltd., Inc. No. BCo665697

50 - 58

To rezone the subject property from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone to facilitate a four dwelling housing project.

##### 3.4 Nickel Rd 300, BL11972 (Z19-0104) - Okanagan Valley Construction Ltd., Inc. No. BCo665697

59 - 59

To give Bylaw No. 11972 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone.

|             |  |                |
|-------------|--|----------------|
| <b>3.5</b>  | <b>Vaughan Ave 760, TA19-0019 (BL11973) - 760 Vaughan Inc., Inc.No. BC1148021</b>  | <b>60 - 68</b> |
|             | To amend the Zoning Bylaw to allow select commercial uses in the I4 – Central Industrial zone at 760 Vaughan Avenue.   |                |
| <b>3.6</b>  | <b>Vaughan Ave 760, BL11973 (TA19-0019) - 760 Vaughan Inc., Inc.No. BC1148021</b>  | <b>69 - 69</b> |
|             | To give Bylaw No. 11973 first reading to allow for select commercial uses in the I4 - Central Industrial zone at 760 Vaughan Avenue.   |                |
| <b>3.7</b>  | <b>Speer St 2257-2263, Z19-0102 (BL11974) - Jesse David East and John Thomas Hodges</b>  | <b>70 - 79</b> |
|             | To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone to facilitate the development of a multi-family residential building. |                |
| <b>3.8</b>  | <b>Speer St 2257-2263, BL11974 (Z19-0102) - Jesse David East and John Thomas Hodges</b>  | <b>80 - 80</b> |
|             | To give Bylaw No. 11974 first reading in order to rezone the subject properties from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone.                       |                |
| <b>3.9</b>  | <b>Mugford Rd 550, Z19-0122 (BL11975) - Dr. A Ravindran Inc., Inc. No. B.C. 0814175</b>  | <b>81 - 89</b> |
|             | To consider an application to rezone the subject property from RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a proposed six lot subdivision.                         |                |
| <b>3.10</b> | <b>Mugford Rd 550, BL11975 (Z19-0122) - Dr. A Ravindran Inc., Inc. No. B.C. 0814175</b>  | <b>90 - 90</b> |
|             | To give Bylaw No. 11975 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.  |                |

#### **4. Non-Development Reports & Related Bylaws**

|            |  |                  |
|------------|--|------------------|
| <b>4.1</b> | <b>Rental Housing Grants Recommendation for 2020</b>   | <b>91 - 102</b>  |
|            | To consider the approval of three Rental Housing Grant applications.   |                  |
| <b>4.2</b> | <b>Birch Avenue Water Main Project Cancelled and Budget Transferred to South End Water Upgrades Project</b>  | <b>103 - 104</b> |
|            | To cancel the Birch Avenue Water Main project and transfer budget to the South End Water Upgrades project to meet financial requirements of completed works. |                  |

**4.3 Cancellation - Sutherland Outfall Oil Grit Chamber Project and Budget Transfer to  
Chichester Pond Sediment Forebay Project** 105 - 106

To cancel the Sutherland Outfall Oil/Grit Chamber project and the transfer of the remaining budget to the Sediment Forebay project to meet projected financial requirements to complete the works.

**5. Bylaws for Adoption (Non-Development Related)**

**5.1 BL11833 - Amendment No. 24 to the Bylaw Notice Enforcement Bylaw No. 10475** 107 - 126

To adopt Bylaw No. 11833 to update the Bylaw Notice Enforcement Bylaw.

**5.2 BL11747 Amendment No. 2 Fire & Safety Bylaw No. 1076** 127 - 142

To adopt Bylaw No. 11747 to update the Fire and Life Safety bylaw.

**6. Mayor and Councillor Items**

**7. Termination**



**City of Kelowna  
Regular Council Meeting  
Minutes**

Date: Monday, January 13, 2020  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillors Maxine DeHart, Charlie Hodge and Brad Sieben

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Divisional Director, Planning & Development Services, Ryan Smith\*; Development Planning Department Manager, Terry Barton\*; Planner, Aaron Thibeault\*; Planner Specialist, Wesley Miles\*; Divisional Director, Corporate Strategic Services, Carla Weaden\*, Project Portfolio Manager, Angie Thiessen\*; Corporate Strategy & Performance Department Manager, Mike McGreer\*; Fire Chief, Travis Whiting\*; Senior Transportation Planning Engineer, Chad Williams\*; Utility Planning Manager, Rod MacLean\*; Divisional Director, Infrastructure, Alan Newcombe\*; Transit Service Coordinator, Mike Kittmer\*; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

**1. Call to Order**

Mayor Basran called the meeting to order at 1:33 p.m.

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

**2. Confirmation of Minutes**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0006/20/01/13 THAT the Minutes of the Regular Meetings of December 9, 2019 and the Budget Deliberations Meeting of December 12, 2019 be confirmed as circulated.

**Carried**

**3. Development Application Reports & Related Bylaws**

**3.1 Hwy 33 W 340, DP19-0092 - ZSY Holdings Ltd. Inc. No. BC0981442**

Staff:

- Displayed a PowerPoint Presentation summarizing and providing rationale for non-support for the application and responded to questions from Council.

The Mayor invited the Applicant or Applicant's representative to come forward.

Birte Decloux, Urban Options Planning & Permits

- Displayed a PowerPoint Presentation.
- The Applicant has been part of the business community for 15 years and a member of the Uptown Rutland Business Association.
- Spoke to the process of the application beginning in 2015 when a DP was approved by Council for a 6-bay carwash and commercial building along Dougall Road frontage; due to the size of the project financing was difficult to secure.
- Spoke to the pre-application meeting in 2018 with Planning staff.
- Spoke to the details of the application proposing a building that contains a 3 bay car wash, office for business and a 2 bedroom residential unit and rooftop patio.
- Modern contemporary exterior design elements; some steel elements are incorporated for functional components; the building has many windows and blends into the existing structures on the property and the landscaping is enhanced.
- This proposal is the first phase and once up and running will complete the next phase.
- Spoke to the 126 letters of support submitted to Council for this proposal and the further 80 letters of support received.

Moved By Councillor Given/Seconded By Councillor Stack

**R0007/20/01/13** THAT Council NOT authorize the issuance of Development Permit No. DP19-0092 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403, located at 340 Hwy 33 W, Kelowna, BC.

Moved By Councillor Singh/Seconded By Councillor Donn

**R0008/20/01/13** THAT Council defer further consideration of Development Permit No. DP19-0092 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403, located at 340 Hwy 33 W, Kelowna, B.C., so the Applicant can amend the current application to meet Urban Design and Streetscape guidelines.

**Carried**

**3.2 Stockley St 1075, Z19-0057 (BL11968) - Melcor Lakeside Inc.**

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Singh

**R0009/20/01/13** THAT Rezoning Application No. Z19-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, Section 19, Township 27, ODYD, Plan KAP81890, located at 1075 Stockley Street, Kelowna, BC from the RU4 – Low Density Cluster Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated January 13, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

**Carried**

### **3.3 Stockley St 1075, BL11968 (Z19-0057) - Melcor Lakeside Inc.**

Moved By Councillor Given/Seconded By Councillor Singh

**R0010/20/01/13** THAT Bylaw No. 11968 be read a first time.

**Carried**

### **3.4 McCurdy Rd 1085, Z19-0110 (BL11969) - Amandeep & Manpreet Singh**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

**R0011/20/01/13** THAT Rezoning Application No. Z19-0110 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 143 ODYD Plan 10792, located at 1085 McCurdy Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated January 13, 2020;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

**Carried**

### **3.5 McCurdy Rd 1085, BL11969 (Z19-0110) - Amandeep & Manpreet Sidhu**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

**R0012/20/01/13** THAT Bylaw No. 11969 be read a first time.

**Carried**

## **4. Non-Development Reports & Related Bylaws**

### **4.1 Action Plan 2020**

Staff:

- Displayed a PowerPoint Presentation outlining the actions to be undertaken throughout 2020 and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**R0013/20/01/13** THAT Council receive for information, *Action Plan 2020* as attached to the report of the City Manager dated January 13, 2020.

**Carried**

#### **4.2 Amendment to Fire and Life Safety Bylaw No. 10760 and Bylaw Notice Enforcement Bylaw No 10475**

Staff:

- Provided an overview of proposed amendments to the Fire and Life Safety Bylaw and Bylaw Notice Enforcement Bylaw and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Singh

**R0014/20/01/13** THAT Council, receives, for information, the Report from the Fire Chief dated January 13, 2020 recommending that Council approve the bylaw amendment for the Fire and Life Safety Bylaw No. 10760;

AND THAT Bylaw No. 11747, being Amendment No. 2 to the Fire and Life Safety Bylaw No. 10760 be forwarded for reading consideration;

AND FURTHER THAT Bylaw No. 11833 being Amendment No. 24 to the Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration.

**Carried**

#### **4.3 BL11747 Amendment No. 2 Fire & Safety Bylaw No. 1076**

Moved By Councillor Donn/Seconded By Councillor Stack

**R0015/20/01/13** THAT Bylaw No. 11747 be read a first, second and third time.

**Carried**

#### **4.4 BL11833 - Amendment No. 24 to the Bylaw Notice Enforcement Bylaw No. 10475**

Moved By Councillor Donn/Seconded By Councillor Stack

**R0016/20/01/13** THAT Bylaw No. 11833 be read a first, second and third time.

**Carried**

#### **4.5 ICBC Road Safety Program - Budget Amendment**

Staff:

- Provided an overview of the amendments to the 2019 Financial Plan to reflect ICBC's Road Safety Improvement Program contributions and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Singh

**R0017/20/01/13** THAT Council receives, for information, the report from the Transportation Planning Engineer dated January 13, 2019 with respect to the ICBC Road Improvement Program;

AND THAT the 2019 Financial Plan be amended to include \$206,455 in ICBC Road Improvement Program Contributions related to the receipt of grant funding from the ICBC Road Safety Improvement Program as outlined in the report from the Transportation Planning Engineer dated January 13, 2019.

Carried

#### **4.6 UBCM Community Emergency Preparedness Fund (CEPF)**

Staff:

- Provided information regarding the Structural Flood Mitigation Program Grant and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Given

R0018/20/01/13 THAT Council receives, for information, the report from the Utilities Planning Manager dated January 13, 2020, with respect to the UBCM Community Emergency Preparedness Fund (CEPF) - Structural Flood Mitigation Program Application – Strathcona Area Flood Prevention;

AND THAT Council authorizes staff to apply for a UBCM CEPF Structural Flood Mitigation grant as outlined in this report;

AND THAT Council authorizes the Division Director, Infrastructure to execute the UBCM CEPF Structural Flood Mitigation grant, if the application is successful;

AND FURTHER THAT the 2020 Financial Plan be amended to include the grant funding for the Strathcona Area Flood Prevention Project, if the application is successful.

Carried

#### **4.7 Age-Friendly Communities Grant - Senior Transit Travel Training**

Staff:

- Displayed a PowerPoint Presentation outlining the BC Ministry of Health Age-friendly Communities Grant.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0019/20/01/13 THAT Council receives for information, the report from the Transit Service Coordinator dated January 13, 2020, with respect to the Transit Travel Training program and the BC Ministry of Health Age-friendly Communities Grant;

AND THAT Council authorizes the Transit & Programs Manager to apply for BC Ministry of Health Age-friendly Communities Program grant funding and provide overall grant management, if successful;

AND FURTHER THAT the 2020 Financial Plan be amended to include the grant funding for the Senior Transit Travel Training program if the application is successful.

Carried

### **5. Bylaws for Adoption (Non-Development Related)**

#### **5.1 BL11913 - Amendment No. 20 to Subdivision Development and Servicing Bylaw No. 7900**

Moved By Councillor Donn/Seconded By Councillor Stack

R0020/20/01/13 THAT Bylaw No. 11913 be adopted.

Carried

6. **Mayor and Councillor Items – Nil.**

7. **Termination**

This meeting was declared terminated at 2:51 p.m.

\_\_\_\_\_  
Mayor Basran

/acm

\_\_\_\_\_  
City Clerk

DRAFT

# REPORT TO COUNCIL



**Date:** January 20, 2020

**To:** Council

**From:** City Manager

**Department:** Development Department – Suburban/Rural

**Application:** A19-0012 and FH19-0003      **Owner:** Surinder K. Boparai and Avtar S. Boparai

**Address:** 1425 Morrison Road      **Applicant:** Surinder K. Boparai

**Subject:** Application for a Non-Adhering Residential Use Permit for Temporary Farm Worker Housing

**Existing OCP Designation:** REP – Resource Protection Area

**Existing Zone:** A1 – Agriculture 1

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## 1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0012 for Lot B, Section 36, Township 26, ODYD, Plan EPP15301 located at 1425 Morrison Road, Kelowna, BC for a non-adhering residential use permit pursuant to Section 25 of the Agricultural Land Commission Act, be supported by Council;

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

THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit No. FH19-0003 Lot B, Section 36, Township 26, ODYD, Plan EPP15301 located at 1425 Morrison Road, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A19-0012;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule A;
3. A vegetated buffer is provided for screening to adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule B;
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;

5. Registration of a Section 219 restrictive covenant on title that states:
  - i. The dwellings will be used for temporary farm workers only;
  - ii. The owner will remove the dwellings if the farm operation changes such that if they are no longer required;
  - iii. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
  - iv. The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
  - v. The temporary farm worker housing building footprint is a maximum of 0.3ha.

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

## **2.0 Purpose**

To consider an Agricultural Land Commission Non-Adhering Residential Use Permit and Temporary Farm Worker Housing Permit to allow for proposed temporary residences on non-permanent foundations to accommodate up to 14 temporary agricultural workers on the subject property.

## **3.0 Development Planning**

Development Planning Staff support the application for Temporary Farm Worker Housing (TFWH) for up to 14 agricultural workers on the subject property. The proposed temporary farm worker accommodation meets the regulations of the Zoning Bylaw. The proposal is also consistent with Ministry of Agriculture standards for temporary farm worker accommodation.

The proposed application complies with City of Kelowna OCP policies on TFWH requirements. Agriculture is the principal use on the parcel. The applicant has provided Development Planning Staff with copies of federal farm worker contracts from previous years and has demonstrated that the scale of farm operations is large enough and necessary to accommodate farm employees whose residence on the farm property is considered critical to the overall operation of the farm. The proposed housing is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified and is located in an area of the property that minimizes the residential impact to agriculture.

## **4.0 Proposal**

### **4.1 Background**

The subject property is an active apple and cherry orchard, is approximately 22.49 acre (9.10 ha) in size and is located on Morrison Road, within the Rutland City Sector. The parcel is accessible from Morrison Road to the west and McKenzie Road to the east. The subject property is bordered by Bauer Brook to the south which defines the southern property boundary.

The property is owned and farmed by the applicant and applicant's family. In addition to the subject property, the applicant owns and operates three additional agricultural properties within the Rutland Sector, totaling 90 acres. There are currently 12 farm workers housed at the applicant's 2105 Morrison Road property and three workers are at 1995 Swenson Road property. In 2018 the applicant brought in seasonal staff under the Seasonal Agricultural Workers Program (SAWP) from Mexico.

There are three legal non-conforming accessory structures currently located within the 15 metre high water mark of the riparian area along the southern property boundary. In 2017 a principle dwelling that was located at the south-central portion of the property was destroyed by fire. In 2018, the applicant submitted a development permit application to reconstruct a single detached dwelling (DP18-0223) and install a new septic area within the footprint area of the previously destroyed dwelling. A building permit was issued in May 2019.

During a site visit on May 14, 2019, a 24ft x 40 ft (7.4 m x 12.2 m) non-permitted "ATCO" trailer and a smaller office trailer were identified on the property. The trailers were located at a pre-cleared area near the centre of the property and the larger trailer appeared to be under construction with bathroom fixtures and a kitchen area being installed. A stop work order was placed on the property and a meeting was held with the property owner. The owner submitted Non-Adhering Residential Use Permit and a Farm Worker Housing Permit applications in order to bring the property into conformance.

#### 4.2 Project Description

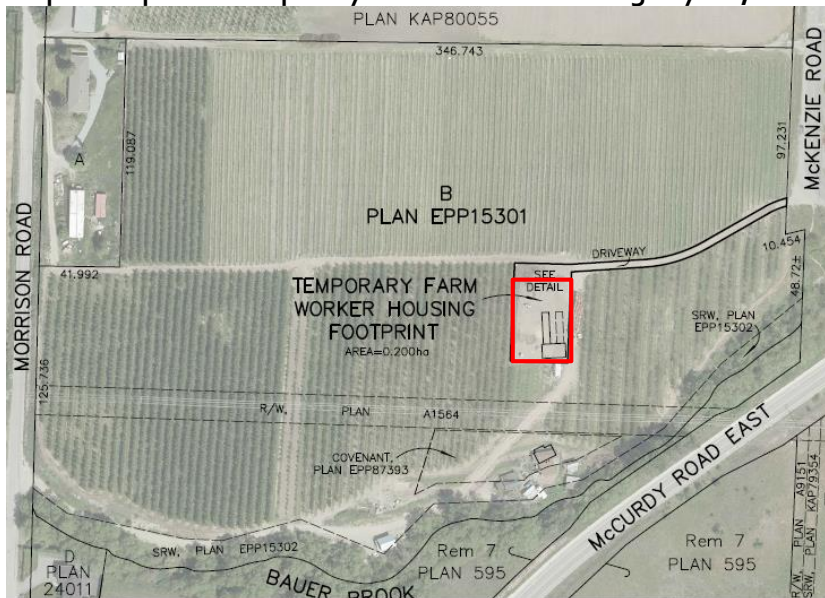
The proposal is to place mobile trailers on non-permanent foundations on the subject property to house up to 14 temporary farm workers.

The proposed mobile configuration consists of two seven-person sleeper units and a single trailer used as a common area including kitchen, washrooms and laundry facility. The proposed housing location is on a topographically high-point of the property and at a pre-cleared area near the center of the property used to store and stage farming equipment and fruit storage crates. The proposed location is meant to minimize impact to the existing and active cherry and apple orchard. A new septic field is proposed for the TFWH. A site plan is attached showing the layout of the proposed housing. The housing is required to provide accommodation for farm help working at the subject property, however there may be some overlap with the other orchards owned by the applicant.

The applicant has provided Development Planning Staff with copies of previous year's federal farm worker application and contract for one of the other agriculture properties owned by the applicant. The applicant is proposing to apply to the Government of Canada to bring in the proposed 14 temporary farm workers under the SAWP from Mexico. In addition to the existing 15 farm workers currently located at two other properties owned by the applicant, the addition of 14 temporary farm workers at the subject property would result in a total of 29 farm workers located at the Rutland City Sector. It is anticipated that the proposed TFWH would be occupied between March and October annually.

In accordance with the City of Kelowna Farm Protection Development Permit Guidelines, the application includes a landscape plan, which provides a buffer between the TFWH and the active agriculture land surrounding the housing. The landscape buffer would surround the trailers on the north, south and west sides, as shown on Schedule B. The landscape plan includes a 3.0 metre wide vegetative buffer with a variety of native tree and shrub species along the western side of the TFWH. However, due to farm vehicular activities and emergency exit doors that are located at the northern and southern ends of the trailers, a 2.5m vegetative buffer is planned for the northern and southern sides of the TFWH, and no buffer will be planted along the east side.

**Map 1: Proposed Temporary Farm Worker Housing Layout, shown in red.**

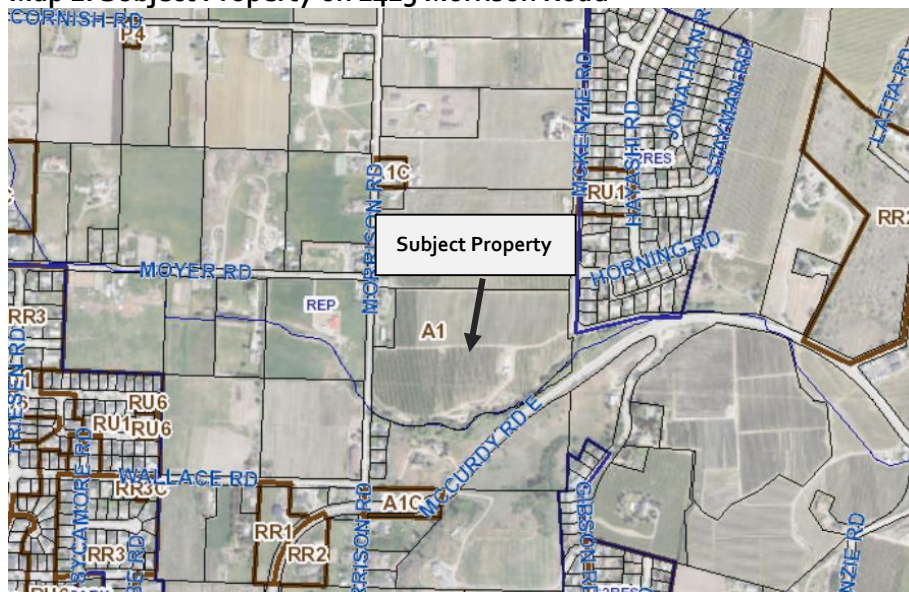


### 4.3 Site and Neighbourhood Context

The subject property is located on Morrison Road in Rutland, approximately 200 metres north of the intersection of McCurdy Road East and Morrison Road. The parcel is accessible from Morrison Road to the west and McKenzie Road to the east. The roughly rectangular shaped lot has a riparian area (Bauer Brook) along the full extent of its southern property boundary. The property is zoned A1 – Agriculture 1 and is designated Resource Protection Area (REP) in the City's Official Community Plan (OCP). The property is located with the Agricultural Land Reserve (ALR).

The area is predominantly surrounded by Agriculture lands and except for a rural residential neighbourhood located to the northwest, the surrounding lands are in the ALR. The subject property is bordered by Bauer Brook to the south.

### Map 2: Subject Property on 1425 Morrison Road



## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Chapter 5: Development Process**

*Objective 5.33 Protect and enhance local agriculture.*

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

*Objective 5.34 Preserve productive agricultural land*

Policy 5.34.2 Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:

- Agriculture is the principal use on the parcel; and
- The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.
- TFWH (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

#### **Chapter 15 Farm Protection Development Permit Guidelines.**

Design TFWH such that:

- TFWH should use all existing dwellings within the farm unit, prior to building new TFWH, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use or demolished including decommissioning the existing septic system, prior to the authorization of a new TFWH structure.
- TFWH footprint should be contiguous with the residential footprint (i.e. homeplate) and / or within 50 metres of the road and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.
- TFWH should have a minimum 3 metre wide vegetated buffer for screening to adjacent property lines and between the TFWH and active farming areas.

### **5.2 City of Kelowna Agriculture Plan**

Allow TFWH, as permitted by City of Kelowna bylaw. TFWH, as permitted by the City of Kelowna, should be allowed. The TFWH footprint means the portion of a lot that includes all structures, driveways and parking areas associated with the TFWH, including but not limited to structures for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

See Attachment C, Development Engineering Memorandum.

6.2 Building and Permitting Department

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

6.3 Ministry of Agriculture

See Attachment A, letter from the Ministry of Agriculture.

**7.0 Application Chronology**

Date of Application Received: May 27, 2019  
Date of Revised, Complete Application: September 11, 2019  
Date of Landscape Plans Received: November 20, 2019  
Date Public Consultation Completed: December 16, 2019

Agriculture Advisory Committee December 12, 2019

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on December 12, 2019 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends to Council that the non-adhering residential use permit application to allow temporary farm worker housing to accommodate up to 14 workers on the property located at 1425 Morrison Road be approved.

**Report prepared by:** Barbara Crawford, Planner II  
**Reviewed by:** Alex Kondor, Acting Approving Officer/Agricultural Planning Manager  
**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

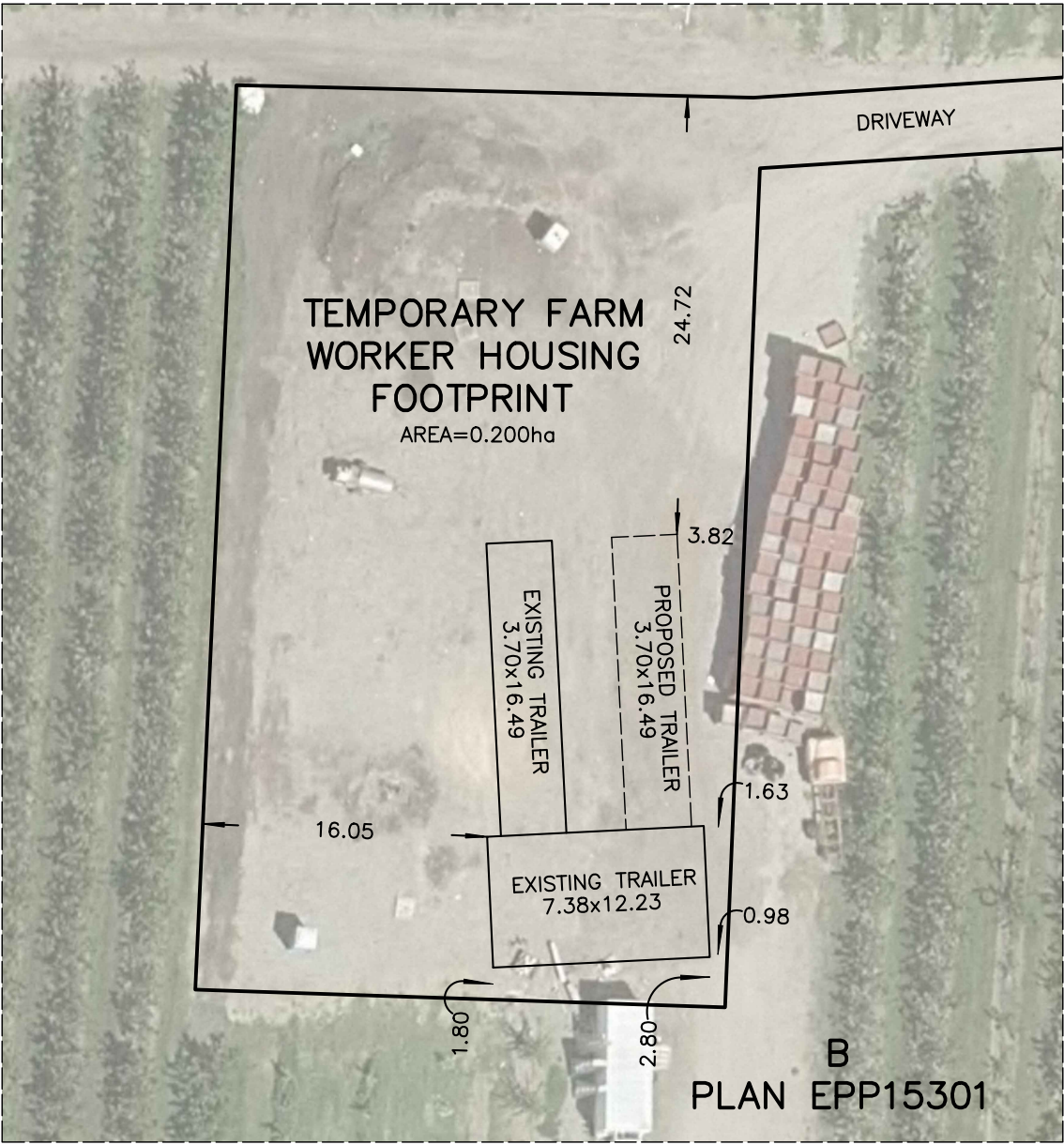
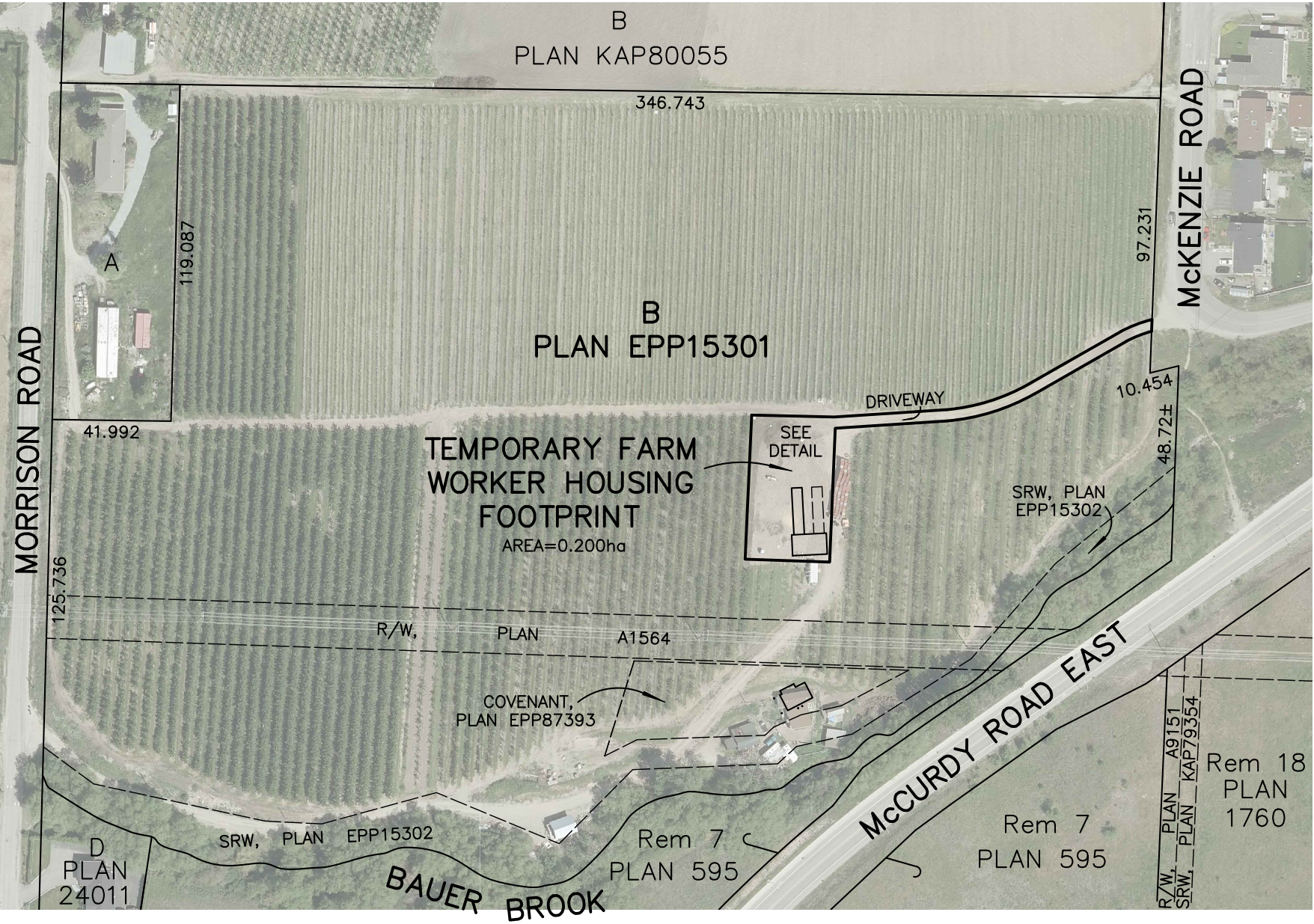
**Attachments:**

Schedule A: Site Plan  
Schedule B: Landscape Plan  
Attachment A – Letter from the Ministry of Agriculture  
Attachment B – ALC Non-Adhering Residential Use Application  
Attachment C – Development Engineering Memorandum  
Attachment D – Draft Temporary Farm Worker Housing Permit

SITE PLAN SHOWING TEMPORARY FARM WORKER HOUSING  
FOOTPRINT AND EXISTING AND PROPOSED TRAILERS ON LOT B  
SECTION 36 TOWNSHIP 26 ODYD PLAN EPP15301  
PID: 028-792-360

1425 MORRISON ROAD,  
KELOWNA

DETAIL  
SCALE 1:400 METRES



THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR ONLY AND IS NOT TO BE  
USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

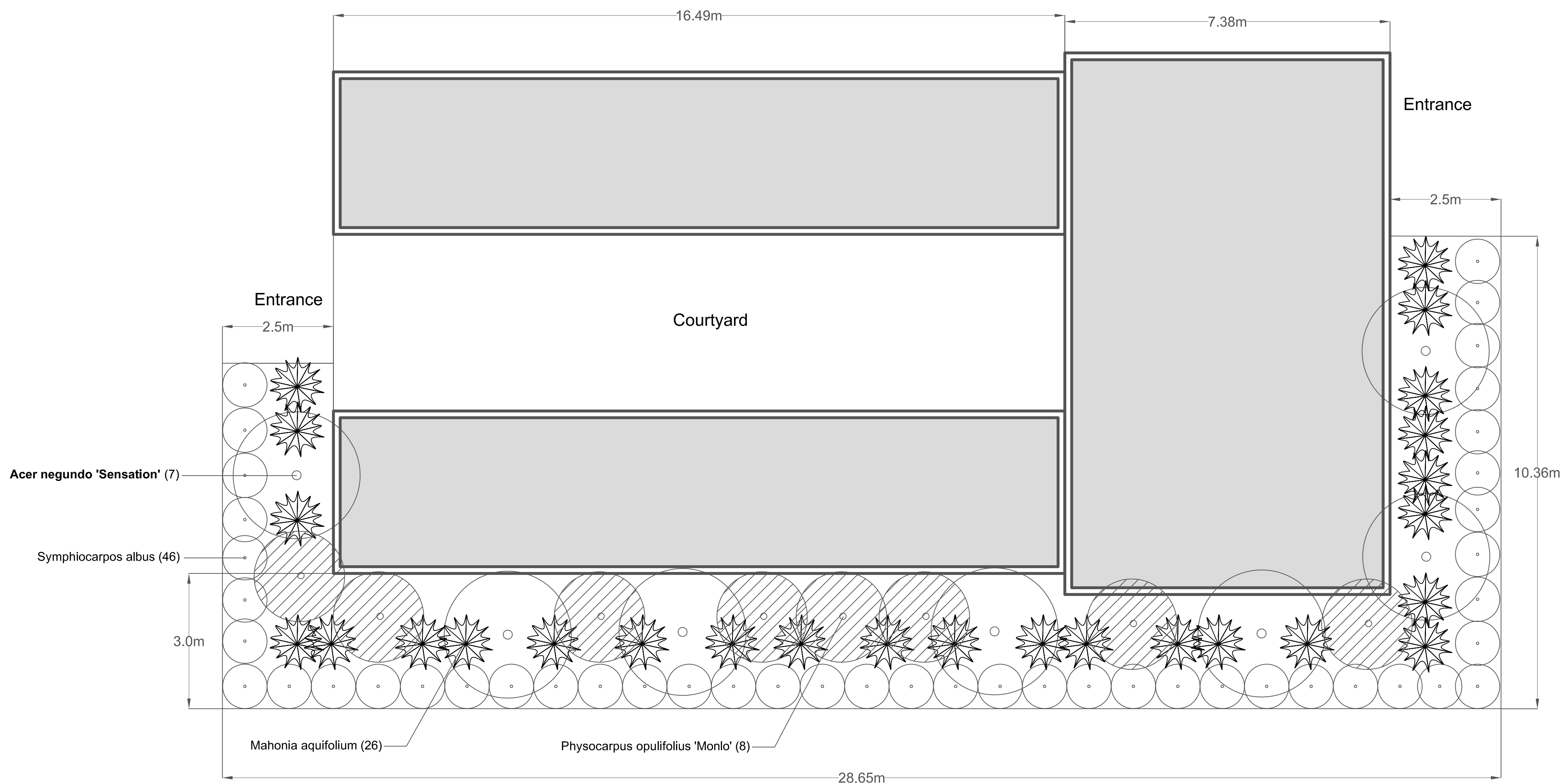
|   |                      |
|---|----------------------|
| CLIENT: AVTAR & SURINDER BOPARAI                                  | DATE: AUGUST 9, 2019 |
| SCALE: 1:2000 METRES  | FILE: 21696          |
| DRAWN BY: AI  |                      |
| Ferguson Land Surveying & Geomatics Ltd.                          |                      |
| BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC |                      |
| PHONE: (250) 763-3115 FAX: (250) 763-0321                         |                      |
| Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.    |                      |

**SCHEDULE A**

This forms part of application  
# A19-0012 and FH19-0003

Planner Initials **BC**

City of Kelowna  
DEVELOPMENT PLANNING



**Plant List**

| Amt | Botanical                | Common              | Size    |
|-----|--------------------------|---------------------|---------|
| 7   | Acer negundo 'Sensation' | Sensation Box Elder | 2.0m Ht |
| 46  | Symphiocarpus albus      | White Snowberry     | #2      |
| 26  | Mahonia aquifolium       | Oregon Grape        | #2      |
| 8   | Physocarpus opulifolius  | Diabolo Nine Bark   | #5      |

**Notes:**

1. Planting beds to be dressed with black bark mulch.
4. Site to be watered with a fully automatic drip irrigation system.
5. Site Grading to ensure that all structures have positive drainage.

**SCHEDULE**

B

This forms part of application  
# A19-0012 and FH19-0003

Planner  
Initials

BC

City of  
**Kelowna**

DEVELOPMENT PLANNING



|                                |    |   |
|--------------------------------|----|---|
| <b>ATTACHMENT</b>              |    | <b>A</b>  |
| This forms part of application |    |   |
| # A19-0012 and FH19-0003       |    |   |
| Planner Initials               | BC | <br>City of<br><b>Kelowna</b><br>DEVELOPMENT PLANNING |

October 3 2019

File: A19-0012

City of Kelowna  
1435 Water Street  
Kelowna BC V1Y 1J4  
E-mail: [planninginfo@kelowna.ca](mailto:planninginfo@kelowna.ca)

Re: A19-0012 ALC Non-Adhering Residential Application at 1425 Morrison Road

To the City of Kelowna,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the ALC Non-Adhering Residential application to allow temporary farm worker accommodation for the property located at 1425 Morrison Road. I have reviewed the documents you have provided and can provide the following comments:

- Ministry staff support the development of farm worker accommodation appropriate to the farm operation's agricultural activity and consistent with the ALC's Act and Regulations.
- Kelowna's Temporary Farm Worker Housing Criteria refer to physical accommodation requirements including temporary foundations and no permitted basements. This application could benefit with additional descriptions of these criteria.
- From the written description of the application, the proposed accommodation will be located near the property line; however it appears from the proposed site plan that the housing will be placed closer to the centre of the parcel, attached to a pre-existing trailer in a cleared work area. Clarifying from an agricultural productivity perspective why the proposed housing will be placed there may be helpful during the application process.

If you have any questions, please contact me directly at [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca) or 250-861-7201.

Sincerely,



Christina Forbes, P.Ag  
Regional Agrologist  
B.C. Ministry of Agriculture – Kelowna  
Office: (250) 861-7201  
E-mail: [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca)  
Email copy: ALC Planner, ALC.Okanagan@gov.bc.ca



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 59746

**Application Status:** Under LG Review

**Applicant:** surinder boparai

**Local Government:** City of Kelowna

**Local Government Date of Receipt:** 09/11/2019

**ALC Date of Receipt:** This application has not been submitted to ALC yet.

**Proposal Type:** Non-Adhering Residential Use - Non-Adhering Accommodation

**Proposal:** short term farm workers

14 farm workers needed at 1425 morrison parcel to work on , as well as the other 3 parcels

temp. farm workers required approx. march to october

worker duties to be, pruning planting, picking and cleaning

lay out new irrigation as needed

government documents for temporary farm worker will be provided for previous year 2018

current will be approved following final inspection by mexican consulate once the housing is done 100 per cent



## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 028-792-360  
**Legal Description:** lot b plan epp15301  
**Parcel Area:** 9.1 ha  
**Civic Address:** 1425 morrison road  
**Date of Purchase:** 06/01/2012  
**Farm Classification:** Yes  
**Owners**
  1. **Name:** surinder boparai  
**Address:**  
1865 tree top road  
kelowna, BC  
v1p 1c5  
Canada  
**Phone:** (250) 862-1026  
**Email:** surinderboparai@icloud.com

## Current Use of Parcels Under Application

### 1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

*orchard - apples and cherries, approx. 50 % cherries & 50 % apples*

*on 22 acre lot plus 3 more lots total 90 acres*

*workman do:*

*pruning - winter, thinning - summer*

*planting - spring, irrigation - april to november*

*spraying march to october*

*other work as required*

### 2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

*Since 2012 22 acres removal of old trees, old main waterline & install new sprinkler system and new main*

*waterline. for the complete 22 acres.*

*rototilled existing soil and brought in new top soil per each tree as required.*

*purchased new apple and cherry trees. and grow nursery for property for new planting*

### 3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

*current property at 1425 has a trailer to be used as commercial kitchen and bathroom (approx 1,000 sq. ft.)*

*at 2105 morrison property currently has for 12 workers and 1995 swenson road currently houses 3 farm house*

## Adjacent Land Uses

### North

**Land Use Type:** Agricultural/Farm

**Specify Activity:** orchard

### East

**Land Use Type:** Agricultural/Farm

**Specify Activity:** orchard

### South

**Land Use Type:** Agricultural/Farm

**Specify Activity:** orchard

### West

**Land Use Type:** Agricultural/Farm

**Specify Activity:** orchard

## Proposal

### 1. What is the purpose of the proposal?

*short term farm workers*

*14 farm workers needed at 1425 morrison parcel to work on , as well as the other 3 parcels*

*temp. farm workers required approx. march to october*

*worker duties to be, pruning planting, picking and cleaning  
lay out new irrigation as needed  
government documents for temporary farm worker will be provided for previous year 2018  
current will be approved following final inspection by mexican consulate once the housing is done 100  
per cent*

**2. Describe any agri-tourism that is currently taking place on the property.**

*none*

**3. What is the total floor area of the proposed accommodation in square metres?**

*146 m<sup>2</sup>*

**4. How many "sleeping units" in total are proposed?**

*2*

**5. Describe the rationale for the proposed location of the accommodation.**

*the proposed location of the accommodations is on the orchard land close to all locations, due to the fact  
of  
transportation issues. they do not drive.*

**6. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.**

*one kitchen, bathroom building  
two sleeping unit*

**7. Describe any agri-tourism accommodation or tourist accommodation currently located on the property.**

*none*

**8. Does the proposal support agriculture in the short or long term? Please explain.**

*short term  
march to october*

**9. What is the total area of infrastructure necessary to support the proposed accommodation?**

*accommodation located near property line. no parking lot,*

**10. Do you need to import any fill be required to construct the accommodation?**

*No*

**Applicant Attachments**

- Proposal Sketch - 59746
- Certificate of Title - 028-792-360

**ALC Attachments**

*None.*

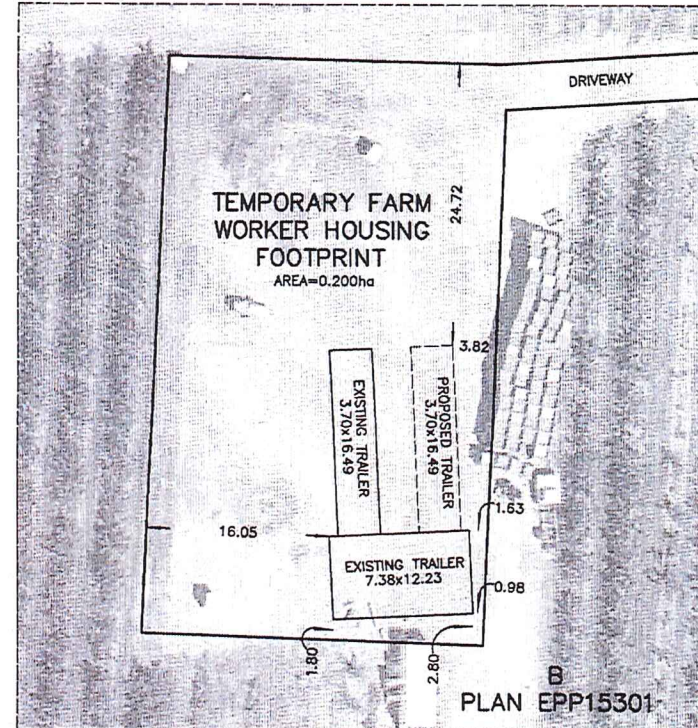
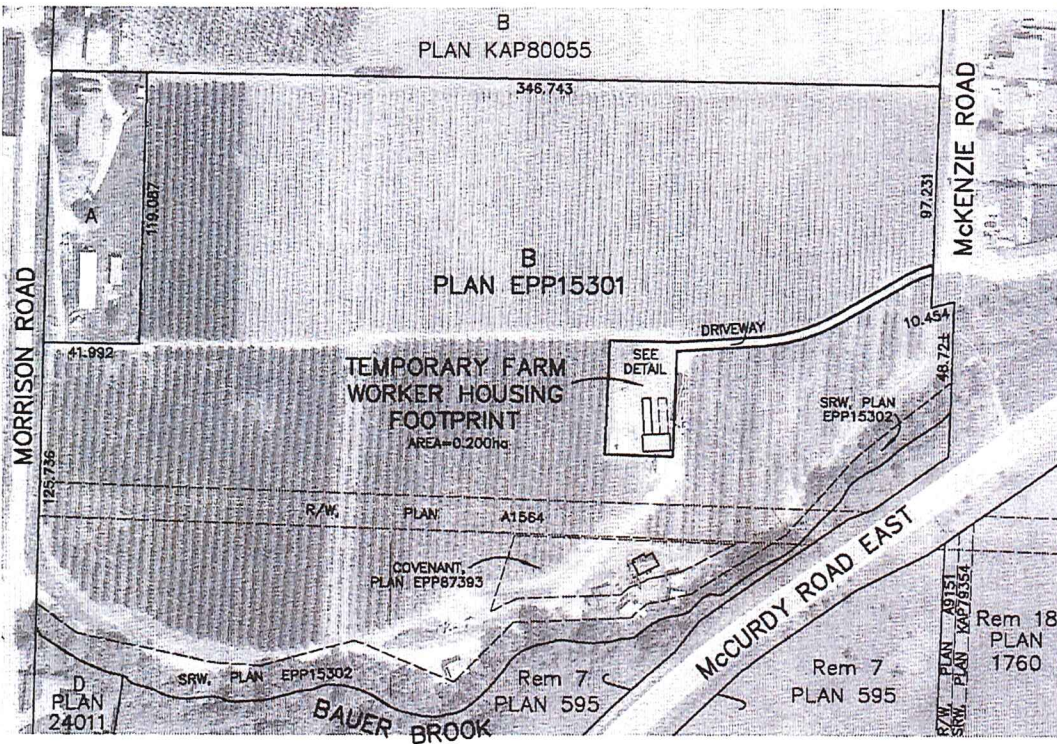
**Decisions**

*None.*

SITE PLAN SHOWING TEMPORARY FARM WORKER HOUSING  
FOOTPRINT AND EXISTING AND PROPOSED TRAILERS ON LOT B  
SECTION 36 TOWNSHIP 26 ODYD PLAN EPP15301  
PID: 028-792-360

1425 MORRISON ROAD,  
KELOWNA

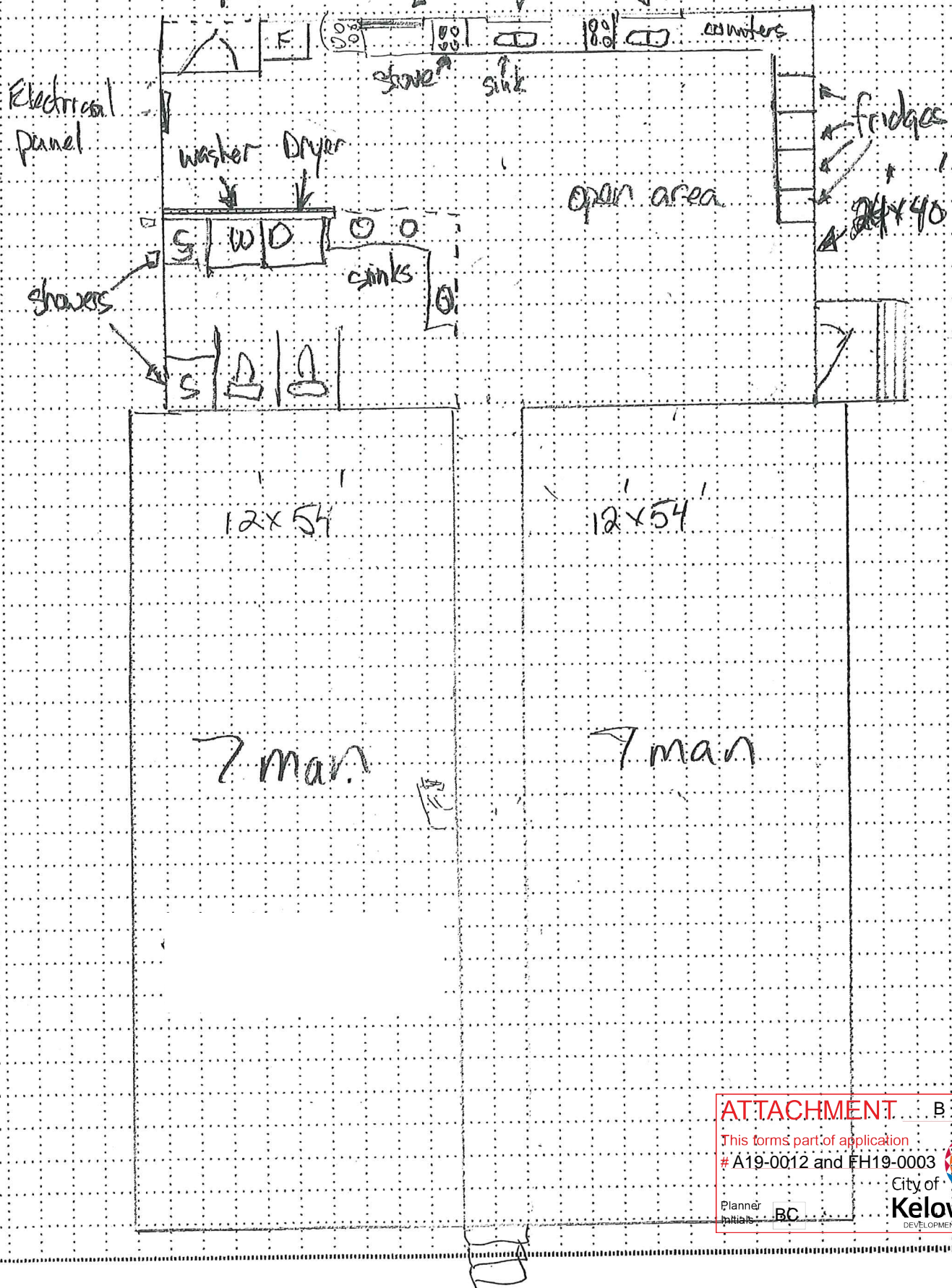
DETAIL  
SCALE 1:400 METRES



THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR ONLY AND IS NOT TO BE  
 USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

|   |                      |
|---|----------------------|
| CLIENT: AVTAR & SURINDER BOPARAI                                  | DATE: AUGUST 9, 2019 |
| SCALE: 1:2000 METRES  | FILE: 21696          |
| DRAWN BY: AI  |                      |
| Ferguson Land Surveying & Geomatics Ltd.                          |                      |
| BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC |                      |
| PHONE: (250) 763-3115 FAX: (250) 763-0321                         |                      |
| Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.    |                      |

From the workbench of: Dean Keller window  
 Date: JAN 23/19





December 3, 2018

CRA Business Number: 803268796

|  |    |  |
|--|----|--|
| <b>SCHEDULE</b>  |    | <b>B</b>   |
| This forms part of application<br># A19-0012 and FH19-0003 |    |  |
| Planner<br>Initials  | BC | <br>City of<br><b>Kelowna</b><br>DEVELOPMENT PLANNING |

Surinder Boparai,

This is to inform you that Employment and Social Development Canada (ESDC) /Service Canada (SC) has completed the processing of your Labour Market Impact Assessment (LMIA) application received on November 14, 2018 for 15 Fruit farm worker(s) at 1995 Swainson Road, Kelowna , BC.

It has been determined that hiring foreign nationals in the specified occupation and at the specified work location is likely to have a positive or neutral impact on the Canadian labour market. **This positive LMIA expires on December 15, 2019**; prior to this date, the foreign national(s) must submit their work permit or permanent residency application(s) to Immigration, Refugees and Citizenship Canada (IRCC).

This positive LMIA is based on the information and supporting documentation you provided in your application. It is subject to your compliance with legal requirements related to the employment of the foreign worker. Employers are responsible for:

- ensuring they comply with all of the conditions and requirements of the Immigration and Refugee Protection Act (IRPA), the Immigration and Refugee Protection Regulations (IRPR), and the Temporary Foreign Worker (TFW) Program, as outlined in documents such as the LMIA application, the LMIA decision letter and annexes;
- keeping all records associated to their LMIA application and any other documents that demonstrate their compliance with the program conditions that are set out in the LMIA decision letter and annexes for a period of six years; and
- informing ESDC/SC of any changes or errors relating to an approved LMIA or the temporary foreign worker.

To view the Program Requirements you agreed to comply with as part of your application submission, please visit: <https://www.canada.ca/en/employment-social-development/services/foreign-workers.html>.

This LMIA may be **revoked or suspended** if:

- (a) new information becomes known after the time the LMIA is issued that, if known before, would have led to a different result or indicate that the employment of the foreign worker under the work permit is having, or will have, a significant negative effect on the labour market in Canada;
- (b) you, your third-party, or the group of employers of which you are part of provided false, misleading or inaccurate information in the context of the request for the LMIA;
- (c) your name has been added to the list referred to in subsection 209.91(3) of the IRPR (<http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/>);
- (d) there are reasonable grounds to suspect that you are not complying with the conditions set out in IRPR.

If you decide to cancel your offer of employment or that you no longer need to hire a foreign national before their entry to Canada, you must immediately contact the affected foreign national(s) and notify Service



Canada by contacting the Employer Contact Center at 1-800-367-5693, or by dialing 1-866-840-0222 if the employment location is within the province of Quebec. Failure to do so could impact the outcome of future LMIA applications.

## WORK PERMIT OR PERMANENT RESIDENCY APPLICATION

Employers must provide copies of this LMIA Letter and the annexed Employment Details page to the foreign nationals in order for them to apply for a work permit or permanent residency. To obtain more information, please visit Immigration, Refugees and Citizenship Canada (IRCC) at: [www.cic.gc.ca](http://www.cic.gc.ca).

## FOREIGN WORKER RIGHTS

To obtain information on the rights of people temporarily working in Canada, see 'Understand Your Rights - Foreign Workers' at <http://www.cic.gc.ca/english/work/tfw-rights.asp>.

## REPORTING ABUSE OR MISUSE

To report abuse or misuse of the Temporary Foreign Worker Program, see the 'Online Fraud Reporting Tool' at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca) or call the Service Canada Confidential Tip Line at 1-866-602-9448. Callers can choose to remain anonymous.

**NOTE:** inspections with or without prior notice can be conducted anytime within a six-year period beginning on the first day of employment of the foreign worker.

If you have any questions or concerns regarding this letter, please refer to the contact information provided below.

Sincerely,

Katie Tuttle  
Program Officer  
(800) 367-5693

c.c.

Bunvir Nijjer  
BC Fruit Growers Association  
880 VAUGHAN AVE  
KELOWNA, BC, V1X 7E4

|  |    |  |
|--|----|--|
| <b>SCHEDULE</b>  |    | <b>B</b>   |
| This forms part of application<br># A19-0012 and FH19-0003 |    |  |
| Planner<br>Initials  | BC | <br>City of<br><b>Kelowna</b><br>DEVELOPMENT PLANNING |

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## CITY OF KELOWNA

### MEMORANDUM

**Date:** July 25, 2019  
**File No.:** A19-0012  
**To:** Suburban and Rural Planning (BC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1425 Morrison Rd

|  |    |  |
|--|----|--|
| <b>ATTACHMENT</b>  |    | <b>C</b>   |
| This forms part of application<br># A19-0012 and FH19-0003 |    |  |
| Planner<br>Initials  | BC | <br>City of<br><b>Kelowna</b><br>DEVELOPMENT PLANNING |

---

The Development Engineering comments and requirements regarding this application to allow temporary farm worker accommodation for up to 14 temporary farm workers are as follows:

1. **General.**

- a) All offsite infrastructure and services upgrades are addressed in the Development Engineering Memo FH19-0003.

  
\_\_\_\_\_

James Kay, P. Eng.

Development Engineering Manager

JKH

---

**CITY OF KELOWNA****MEMORANDUM**

---

**Date:** July 25, 2019  
**File No.:** FH19-0003  
**To:** Suburban and Rural Planning (BC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1425 Morrison Rd



---

The Development Engineering comments and requirements regarding this application to allow temporary farm worker accommodation for up to 14 temporary farm workers are as follows:

**1. Sanitary sewer service**

- a) This subject parcel is within the City of Kelowna Sewer Connection Area No. 20 (North Rutland). Sanitary sewage is presently handled by an on-site sewage disposal system. The applicant's consulting engineer will determine the requirements of the on-site disposal system that will support the proposed use. The disposal system shall be reviewed by the Interior Health Authority and Building & Permitting. Should the Interior Health Authority and/or Building & Permitting not be supportive of the any proposed on-site sewage disposal system, the applicant at their own cost will be required to connect to the City's sanitary sewer network.
- b) As per the technical notes for this application, the proposed upgrades will result in up to 14 persons living part-time on the property. These 14 part-time residents equate to five (5) single-family equivalents (SFEs) ( $14 \text{ persons} / 3 = 4.7$ , rounded to 5) for sanitary sewer connection charges. As the property exists in the sewer connection area No. 20 - Rutland North, the sewer connection charges for this property will be \$10,500 ( $5 \text{ SFEs} \times \$2,100/\text{SFE} = \$10,500$ ) (as per BYLAW NO. 11540). All sewer connection charges must be paid to the City prior to and as a condition of allowing installation or usage of a sewer connection to this parcel, payable in accordance with the charges prescribed above.
- c) Should the applicant require connection to the City of Kelowna's sanitary sewer network, service will be provided off Morrison Rd. The 200-mm PVC sanitary main in Morrison Rd will require extension to the frontage of 1425 Morrison Rd. As per the Subdivision, Development & Servicing Bylaw No. 7900, a manhole is required at the upstream end of every sewer line.
- d) If construction is to occur in the City' right-of-way, section 4. and 5. of this memorandum will be applicable.

## **2. Domestic Water and Fire Protection**

- a) The property is located within the Black Mountain Irrigation District (BMID).
- 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 (7900) for a residential property.
- c) Design drawings must be reviewed by BMID. Confirmation of their review must be provided to the City.

## **3. Driveway**

- a) Ensure that all driveways are compliant with the geometric standards for multi-family driveways outlined in section 4.3 of Schedule 4 of the *Subdivision, Development & Servicing Bylaw No. 7900*.

## **4. Design and Construction**

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

## **5. Servicing Agreement for Works and Services**

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

|                                |    |  |
|--------------------------------|----|--|
| <b>ATTACHMENT</b>              |    | <b>C</b>   |
| This forms part of application |    |  |
| # A19-0012 and FH19-0003       |    |  |
| Planner Initials               | BC | <br>City of<br><b>Kelowna</b><br>DEVELOPMENT PLANNING |

## 6. Agricultural Land Commission

Development Engineering has no additional comments at this point in time with regard to this application, however, the Land Capability Assessment Report will be assessed at the time of development application submission when the Agricultural Land Commission agrees to the proposed activity on the subject property.

|                                |    |  |
|--------------------------------|----|--|
| <b>ATTACHMENT</b>              |    | <b>C</b>   |
| This forms part of application |    |  |
| # A19-0012 and FH19-0003       |    |  |
| Planner<br>Initials            | BC | <br>City of<br><b>Kelowna</b><br>DEVELOPMENT PLANNING |



James Kay, P. Eng.

Development Engineering Manager

JKH

# TEMPORARY FARM WORKER HOUSING PERMIT



## APPROVED ISSUANCE OF TEMPORARY FARM WORKER HOUSING PERMIT NO. FH19-0003

**Issued To:** Surinder K. Boparai and Avtar S. Boparai  
**Site Address:** 1425 Morrison Road  
**Legal Description:** Lot B, Section 36, Township 26, ODYD, Plan EPP15301  
**Zoning Classification:** A1 – Agriculture 1  
**Development Permit Area:** Temporary Farm Worker Housing

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT Agricultural Land Reserve Appeal No. A19-0012 for Lot B, Section 36, Township 26, ODYD, Plan EPP15301 located at 1425 Morrison Road, Kelowna, BC for a non-adhering residential use permit pursuant to Section 25 of the Agricultural Land Commission Act, be supported by Council;

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

THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit No. FH19-0003 Lot B, Section 36, Township 26, ODYD, Plan EPP15301 located at 1425 Morrison Road, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A19-0012;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule A;
3. A vegetated buffer is provided for screening to adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule B;

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
5. Registration of a Section 219 restrictive covenant on title that states:
  - i. The dwellings will be used for temporary farm workers only;
  - ii. The owner will remove the dwellings if the farm operation changes such that if they are no longer required;
  - iii. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
  - iv. The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
  - v. The temporary farm worker housing building footprint is a maximum of 0.3ha.

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

## 2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit or a Certified Cheque in the amount of **\$9,121.88**

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

## 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

#### 4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

#### 5. APPROVALS

Issued and approved by Council on the TBD day of TBD, 2020.

\_\_\_\_\_  
 Terry Barton, Development Planning Department Manager

\_\_\_\_\_  
 TBD  
 Date

The PERMIT HOLDER is the CURRENT LAND OWNER.  
 Security shall ONLY be returned to the signatory of the  
 Landscape Agreement or his or her designates

# REPORT TO COUNCIL



**Date:** January 20<sup>th</sup> 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department (AK)

**Application:** Non-Farm Use Application **Owner:** William Trent Kitsch/Maria Louise Kitsch

**Address:** 2830 East Kelowna Road **Applicant:** William Trent Kitsch/Maria Louise Kitsch

**Subject:** Non-Farm Use Application A19-0016 Winery and Covenant Discharge

**Existing OCP Designation:** REP – Resource Protection Area

**Existing Zone:** A1 – Agriculture 1

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## 1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0016 for Lot A, Section 16, Township 26, ODYD, Plan 32982 Except Plan KAP71228 located at 2830 East Kelowna Road, Kelowna for a non-farm use in the Agricultural Land Reserve pursuant to Section 20 of the Agricultural Land Commission Act, be supported by Council;

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

## 2.0 Purpose

To consider a non-farm use application to build an alcohol production facility (winery) on a parcel that is currently in the process of converting to a vineyard and to discharge a 'no-disturb' covenant on the subject land.

## 3.0 Development Planning

Staff are recommending support for the proposed non-farm use application. The Agricultural Land Commission requires at least two (2) hectares of grapes to be planted and ready for production on the subject site for the winery to be considered a 'farm use'. A non-farm use application is required as this property is in the process of converting to a vineyard. Specifically, the owners are in the process of planting 14 acres (5.7ha) of grapes but the plants are not yet mature enough to be considered harvestable/production ready therefore the site does not meet the ALC threshold for the winery to be considered 'farm use'. The applicants already operate a winery and own vineyards near the subject site. Specifically, the applicants

own two parcels totaling approximately 24 acres with 12.7 acres (5.1 ha) planted with grapes. If the proposed non-farm use application is approved it would facilitate the relocation of the existing winery from its current location at 3330-3340 Neid Road to the subject site. The proposed use would only be considered a non-farm use until the grapes currently planted on site become mature enough to meet ALC threshold regulations.

A portion of the subject site is encumbered by a 'no-disturb' covenant area that was registered on the title of the lot as a condition of a previous ALR exclusion and subdivision application which was approved in 1993. Part of this non-farm use application is to request that the ALC discharge the covenant to allow the property owners to improve and potentially farm or place agricultural structures within a portion of this covenant area. The covenant was intended to protect a potentially hazardous slope and retain this area as a natural buffer. Staff are recommending this request be supported as it is meant to improve the agricultural use of the site and any development within this area would be subject to a site specific geotechnical report and environmental assessment required through the City's Development Permit process.

The Official Community Plan states to support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations

This application meets the criteria stated in the Official Community plan regarding support for non-farm use application. Specifically the proposed use (winery) is permitted within the City's Zoning Bylaw, the proposal is meant to allow for an established winery to expand and relocate, and there are no significant negative impacts anticipated on municipal infrastructure or productive agricultural lands.

#### **4.0 Proposal**

##### **4.1 Background**

The subject site is a 20 acre (8.1ha) agricultural parcel. There is an existing single detached house and an existing dwelling being used for farm help on the property. Previously, the parcel was planted to cherries, currently approximately 14 acres (5.7ha) of the property are in the process of being converted to grapes. The proposal is to demolish the existing dwelling for farm help and build a purpose built winery building. The amount of grapes currently planted on the subject parcel do not meet the ALC threshold regulations to allow for a winery to be constructed on the lot therefore a non-farm use application has been submitted for consideration.

The ALR Use, Subdivision and Procedure Regulation permits alcohol production facilities, such as wineries, as 'farm use' provided they meet the prescribed thresholds and are of appropriate scale and scope as per the intent of ALR regulations. An alcohol production facility does not qualify as a designated farm use if it located on a parcel that is not actively producing the required 'Primary Farm Product'. Primary Farm Product (PFP) means the farm product that is the primary ingredient used in a fermentation process to make an alcohol product, generally grapes, grain or honey. In the case of a winery the Primary Farm Product is grapes.

The ALC requires that there must be a robust relationship between the primary farm product and the farm in order for an alcohol production facility to qualify as a designated farm use. Specifically at least 50% of the

primary farm product must be grown on the facility parcel (the property where the winery is to be located), or a minimum of 2 ha of the primary farm product must be in production on the facility parcel. As the farm is in the process of converting to a vineyard the amount of grapes that are ready for production on the property where the winery is proposed do not meet this threshold.

The parcel is encumbered by a no-disturb covenant area that was required to be registered on the title of the lot as a condition of a previous ALR exclusion application. Part of this non-farm use application is to remove this covenant to allow the property owners to maintain and potentially farm or place agricultural structures within a portion of this covenant area.

Regarding the proposed covenant removal. The covenant was placed on the property as a condition to allow 1.2ha of land to be excluded and subdivided from the ALR in 1993. Specifically, the approval was subject to the following conditions:

1. The retention of the escarpment above the 410 meter contour line as a natural vegetative buffer.
2. The registration of a covenant over this area preventing the disturbance of vegetation or the construction of structures in this area.
3. The construction of a chain link fence on the downslope side of the buffer.

During the exclusion process council recommended that the above conditions be placed on the application, and ALC staff recommended that further study of the escarpment in this area be reviewed. A slope analysis has not been commissioned during the exclusion and subdivision process. This area is currently part of the City's 'High Hazard' and 'Natural Environmental' Development Permit areas. This means a geotechnical report and an environmental assessment would be required prior to any the development to confirm what is proposed is safe and not disturbing a highly environmentally sensitive area. The applicants request to wait to commission a site specific geohazard report or environmental assessment until after the covenant is discharged but prior to any development in this area. Development permit guidelines are in place to regulate development within this area. During the development permit process a new covenant may be required based on the results of a site specific geohazard assessment or environmental assessment.

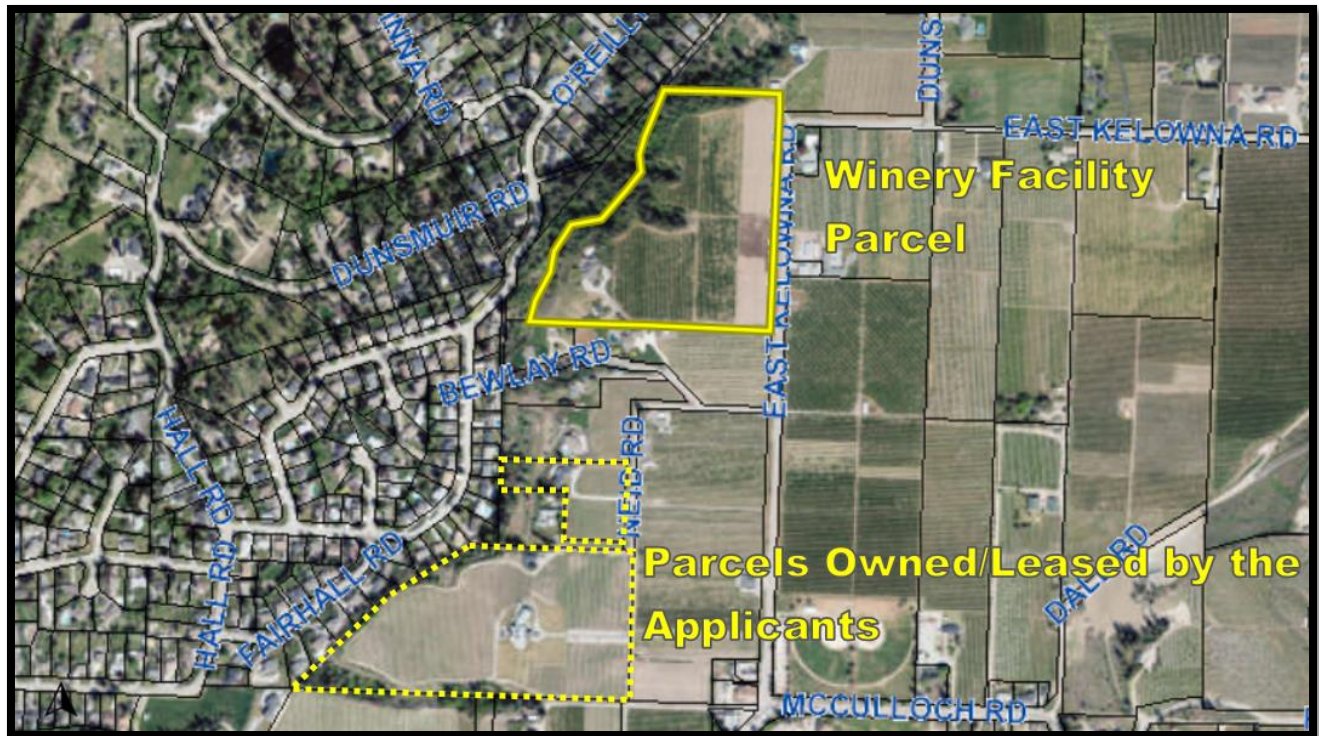
#### 4.2 Project Description

The proposed winery is approximately 950sqm (10,200sqft) this includes a crush pad, barrel storage, and tasting area. The proposed winery meets the City's Zoning Bylaw development regulations for alcohol production facilities with respect to size, height and set-backs. The request to remove the covenant is to increase agricultural activity within the covenant area. The applicants have not provided any definitive plans for the covenant area. They have stated that a portion of the covenant area may be suitable for a cellar for the winery (barrel and case storage). Concern has also been raised from the applicants that shade and root systems created by tall trees along the edge of the covenant area are going to have a negative impact on the sun exposure and are going to impact the vineyard with respect to moisture, frost, and ripening.

#### Site Context

The property is designated REP – Resource Protection Area in the Official Community Plan and zoned A1 – Agriculture 1. The property is located within the Agricultural Land Reserve. The property is within the Southeast Kelowna City Sector. The properties to the North, East, and South are predominantly designated REP – Resource Protection Area in the Official Community Plan, zoned A1 – Agriculture 1 and located within the Agricultural Land Reserve. The area to the West of the site is designated Single/Two Unit Residential in the Official Community Plan and Zoned RR3 -Rural Residential 3 and is being used for single detached housing.

**Subject Property Map:**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Chapter 5: Development Process**

**Objective 5.33 Protect and enhance local agriculture**

*Policy .6 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:*

- *are consistent with the Zoning Bylaw and OCP;*
- *provide significant benefits to local agriculture;*
- *can be accommodated using existing municipal infrastructure;*
- *minimize impacts on productive agricultural lands;*
- *will not preclude future use of the lands for agriculture;*
- *will not harm adjacent farm operations.*

**Chapter 15: Farm Protection DP Guidelines**

*1.10 On agricultural lands, locate farm retail sales, wineries, cideries, breweries, distilleries, and any other structures and services related to the public that are defined as farm uses under the ALC Act near the road entrance or in a location that minimizes road construction to reduce the footprint and extent of services through the lot with the goal of reducing impact on the agriculture potential.*

**5.2 ALR Use, Subdivision and Procedure Regulation**

*(2.1) A winery or cidery, and ancillary uses, are designated as farm uses for the purposes of the Act if*

*(a) at least 50% of the farm product used to make the wine or cider produced each year is grown on the farm on which the winery or cidery is located, or*

*(b) the farm on which the winery or cidery is located is more than 2 ha in area and at least 50% of the farm product used to make the wine or cider produced each year is grown*

*(i) on the farm, or*

*(ii) both on the farm and on another farm located in British Columbia that provides that farm product to the winery or cidery under a contract having a term of at least 3 years.*

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

- The subject property is within the former South East Kelowna Irrigation District service area. On-site servicing including the utilisation of existing or proposed services will be reviewed by Building & Permitting.
- The proposed building location appears to be outside of the existing Fire Hydrant coverage area.
- This subject property is currently not within the City service area. Sanitary sewage is handled by on-site wastewater disposal system(s). The existing on-site system(s) are not shown on the submitted Site Plan. The application will be reviewed by a Licenced Wastewater Practitioner and Building & Permitting.
- Provide one primary paved access driveway to East Kelowna Road. A secondary gated egress driveway is acceptable for special events and limited use only. Adequate on-site parking shall be provided with an area that will allow vehicles to turn-around and exit the property in a forward direction.

### **6.2 Ministry of Agriculture**

- The parcel is located within the Agricultural Land Reserve (ALR), a provincial zone in which agriculture is recognized as the priority use; where farming is encouraged, and non-agricultural uses are restricted.
- Ministry staff also have concerns regarding the proposed removal of the parcel's existing covenant and previous ALC application condition given the benefits associated with vegetative buffers between agricultural and non-agricultural properties. Strong buffers and thoughtful edge planning can help play a valuable role in minimizing potential conflict between different land uses.
- Related to this, Ministry staff emphasize the recognition that there is a potential increase of neighbouring noise and traffic complaints sometimes associated with wineries in the ALR. Ministry staff strongly encourage the applicants and City of Kelowna staff to continue to engage with neighbouring property residents to help minimise this potential issue

## **7.0 Application Chronology**

|                                 |                               |
|---------------------------------|-------------------------------|
| Date of Application Received:   | August 15 <sup>th</sup> 2019  |
| Agricultural Advisory Committee | October 10 <sup>th</sup> 2019 |

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on October 10<sup>th</sup> 2019 and the following recommendations were passed:

*THAT a nonfarm-use of 4 years be supported for Agricultural Land Reserve Application No. A19-0016 for the property located at 2830 East Kelowna Road.*

*THAT the 'no-disturb' covenant be maintained and allow for its modernization to facilitate agricultural purposes.*

**Report prepared by:** Alex Kondor, Planner Specialist  
**Reviewed/Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A – ALC Application

Attachment B – Development Plans

Attachment C – ALR Exclusion/Covenant Sketch Plan (A93-108)



|                                |    |  |
|--------------------------------|----|--|
| <b>ATTACHMENT</b>              |    | <b>A</b>   |
| This forms part of application |    |  |
| # A19-0016                     |    |  |
| Planner Initials               | ak | <br><b>City of Kelowna</b><br>DEVELOPMENT PLANNING |

# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 59612

**Application Status:** Under LG Review

**Applicant:** Maria Kitsch , Trent Kitsch

**Agent:** Kitsch Wines

**Local Government:** City of Kelowna

**Local Government Date of Receipt:** 08/15/2019

**ALC Date of Receipt:** This application has not been submitted to ALC yet.

**Proposal Type:** Non-Farm Use

**Proposal:** The proposal has two related parts.

1: To build a purpose-built winery on a farm that is currently converting to vineyard.

2: Remove or amend legacy ALR covenant

1. We are requesting 3-year relief from the requirement that our property be harvesting 25% of the PFP on the basis that we are already an operating winery and own a parcel 100m away but the current location is not sufficient for the following reasons: no drainage, insufficient power, insufficient water, insufficient heating and cooling, no public restrooms and not owned directly by Trent and Ria Kitsch (it is Kitsch family-owned and Kitsch Wines has a lease on the farm and rental of the garage with winery license). When we purchased the proposed property in November the language of the harvest requirement was "farm" and could include the neighbouring farms that we own and lease to be part of the 25% PFP, now the terminology is "property" and although we have cleared 8.7 acres of cherries and are increasing the planted area to 11.42 acres of Pinot Noir this spring, we will not be able to attribute the 12.7 acres we already farm and own/lease on the bench on Neid Rd (listed in properties of interest) as part of our total farmed PFP. Those farmed properties of interest currently make up over 80% of our PFP. Importantly, the area where we are proposing to build is not able to be farmed as it is a geothermal field that heats the primary residence and future winery. Attached will be vineyard plan, first order for vines, a long term forecast and current business plan, as well as a document showing that we had an offer to purchase the property in Feb of 2018 so that we could remove trees and work on a vineyard and building plan however. Although we didn't feel 100% confident that we would have the funds to close in October as we were waiting on another business to sell to finance the purchase of the property but this shows intent. Our agricultural proximity, investment and intent as well as the stage of our business (not just start-up or idea) should all be considered towards exempting the property harvest requirement for a period of 3 years.

2. For this proposal we are also asking that a legacy covenant be amended or removed - it is a remnant of Hall Rd/O'Rielly Rd subdivision below us and it doesn't allow us to do anything in an area where we would be interested in potentially planting, creating a natural cellar, and or placing a farm equipment building. The Area is perfect for a cellar for the winery (barrel and case storage) as it has a void which in future could be subterranean providing natural insulation to get the cellar at 12 degrees. Area above cellar could then go into production of vines. Also shade created by the current tall pine trees intervenes with sun and breeze exposure and negatively affects the vineyard (moisture, frost, ripening). The needles also significantly raise the PH of the soil and the roots and fruit at our vineyard at 3370 Neid Road that are near pine trees are all the weakest performers and have yet to generate strong fruit sets. The current perimeter fence is in need of repair in many areas due to the animals which border the vineyard and penetrate the protection making us concerned about losing new plantings and harvests. Overall, removing or amending the covenant would allow for increased plantings, improved yields, utility corridor and equipment areas. On the recommendation of ALC Land Planner, we have begun discussion with the City of Kelowna in regards to the covenant to understand their position at this time compared to when it was originally adopted.

## Agent Information

**Agent:** Kitsch Wines

**Mailing Address:**

2830 East Kelowna Rd

Kelowna, BC

V1W 4H5

Canada

**Primary Phone:** (778) 821-1955

**Email:** ria@kitschwines.ca

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 003-268-993

**Legal Description:** L A SEC 16 TP 26 OSOYOOS DIVISION YALE DISTRICT PL 32982 EXC PL KAP71228

**Parcel Area:** 8.1 ha

**Civic Address:** 2830 East Kelowna Rd

**Date of Purchase:** 11/05/2018

**Farm Classification:** Yes

#### Owners

1. **Name:** Maria Kitsch

**Address:**

2830 East Kelowna Rd

Kelowna, BC

V1W 4H5

Canada

**Phone:** (778) 821-1955

**Email:** ria@kitschwines.ca

2. **Name:** Trent Kitsch

**Address:**

2830 East Kelowna Rd

Kelowna, BC

V1W 4H5

Canada

**Phone:** (250) 317-5140

**Email:** trent@kitschwines.ca

---

### Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 012-149-217

**Owner with Parcel Interest:** Trent Kitsch

**Parcel Area:** 1.3 ha

**Land Use Type:** Agricultural/Farm

**Interest Type:** Full Ownership

---

**2. Ownership Type:** Fee Simple  
**Parcel Identifier:** 005-266-980  
**Owner with Parcel Interest:** Maria Kitsch  
**Parcel Area:** 7.6 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

---

## **Current Use of Parcels Under Application**

### **1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

*This summer 8.15 acres of cherries were harvested and then removed. Soil turnover and land prep clean up is currently taking place for 11.42 acres of Pinot Noir grapes to be planted in spring of 2020. 3.15 acres of land is 100% ready.*

### **2. Quantify and describe in detail all agricultural improvements made to the parcel(s).**

*Increasing crop coverage by 3.27 acres. Invested in improvements to perimeter fence (there were many needed). 100% completed prep for 3.15 acres of grapes.*

### **3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**

*Our family of 4 lives in the main residence.*

## **Adjacent Land Uses**

### **North**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Wine grape vineyards

### **East**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Cherry orchard

### **South**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Apple Orchard

### **West**

**Land Use Type:** Unused  
**Specify Activity:** Vacant RR1 large forested lot

## **Proposal**

### **1. How many hectares are proposed for non-farm use?**

*0.1 ha*

### **2. What is the purpose of the proposal?**

*The proposal has two related parts.*

*1: To build a purpose-built winery on a farm that is currently converting to vineyard.*

*2: Remove or amend legacy ALR covenant*

1. We are requesting 3-year relief from the requirement that our property be harvesting 25% of the PFP on the basis that we are already an operating winery and own a parcel 100m away but the current location is not sufficient for the following reasons: no drainage, insufficient power, insufficient water, insufficient heating and cooling, no public restrooms and not owned directly by Trent and Ria Kitsch (it is Kitsch family-owned and Kitsch Wines has a lease on the farm and rental of the garage with winery license). When we purchased the proposed property in November the language of the harvest requirement was "farm" and could include the neighbouring farms that we own and lease to be part of the 25% PFP, now the terminology is "property" and although we have cleared 8.7 acres of cherries and are increasing the planted area to 11.42 acres of Pinot Noir this spring, we will not be able to attribute the 12.7 acres we already farm and own/lease on the bench on Neid Rd (listed in properties of interest) as part of our total farmed PFP. Those farmed properties of interest currently make up over 80% of our PFP. Importantly, the area where we are proposing to build is not able to be farmed as it is a geothermal field that heats the primary residence and future winery. Attached will be vineyard plan, first order for vines, a long term forecast and current business plan, as well as a document showing that we had an offer to purchase the property in Feb of 2018 so that we could remove trees and work on a vineyard and building plan however. Although we didn't feel 100% confident that we would have the funds to close in October as we were waiting on another business to sell to finance the purchase of the property but this shows intent. Our agricultural proximity, investment and intent as well as the stage of our business (not just start-up or idea) should all be considered towards exempting the property harvest requirement for a period of 3 years.

2. For this proposal we are also asking that a legacy covenant be amended or removed - it is a remnant of Hall Rd/O'Rielly Rd subdivision below us and it doesn't allow us to do anything in an area where we would be interested in potentially planting, creating a natural cellar, and or placing a farm equipment building. The Area is perfect for a cellar for the winery (barrel and case storage) as it has a void which in future could be subterranean providing natural insulation to get the cellar at 12 degrees. Area above cellar could then go into production of vines. Also shade created by the current tall pine trees intervenes with sun and breeze exposure and negatively affects the vineyard (moisture, frost, ripening). The needles also significantly raise the PH of the soil and the roots and fruit at our vineyard at 3370 Neid Road that are near pine trees are all the weakest performers and have yet to generate strong fruit sets. The current perimeter fence is in need of repair in many areas due to the animals which border the vineyard and penetrate the protection making us concerned about losing new plantings and harvests. Overall, removing or amending the covenant would allow for increased plantings, improved yields, utility corridor and equipment areas. On the recommendation of ALC Land Planner, we have begun discussion with the City of Kelowna in regards to the covenant to understand their position at this time compared to when it was originally adopted.

**3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.**

Having a land-based winery license is required to be on ALR land. We cannot build on property of interest 1 (3370 Neid Rd) because it does not have enough planted for ALR requirements nor enough land to build the building without removing vines. We cannot build on property of interest 2 (3330 Neid Road) as we do not own it and it houses a family that does not wish to have a purpose-built winery building on their property.

**4. Does the proposal support agriculture in the short or long term? Please explain.**

Yes. The new vineyards are being held to organic levels (steel posts, low intervention, natural spray and weed management program). Our participation in agriculture via the winery has demonstrated land improvements and successful agri-tourism and agricultural product sales. The vines we plant are meant to last generations and the proximity to the lands we currently own and farm make it more economical and environmentally friendly as they are only 2 parcels from one another. We are also increasing the jobs in agriculture.

The removal or amendment of the covenant would improve size and quality of plantable area.

**5. Do you need to import any fill to construct or conduct the proposed Non-farm use?**

*No*

**Applicant Attachments**

- Agent Agreement - Kitsch Wines
- Proposal Sketch - 59612
- Other correspondence or file information - Initial Vine order
- Other correspondence or file information - Vineyard Plan
- Other correspondence or file information - Original purchase agreement
- Other correspondence or file information - Proposed Winery building location and design
- Other correspondence or file information - Proposed Winery Floorplan
- Other correspondence or file information - Long Term Financial Forecast & Plan
- Other correspondence or file information - 2019 Business Plan
- Certificate of Title - 003-268-993

**ALC Attachments**

None.

**Decisions**

None.

CIVIC ADDRESS: 2830 EAST KELOWNA ROAD

Lot dimensions shown are derived from Land Title Office records.

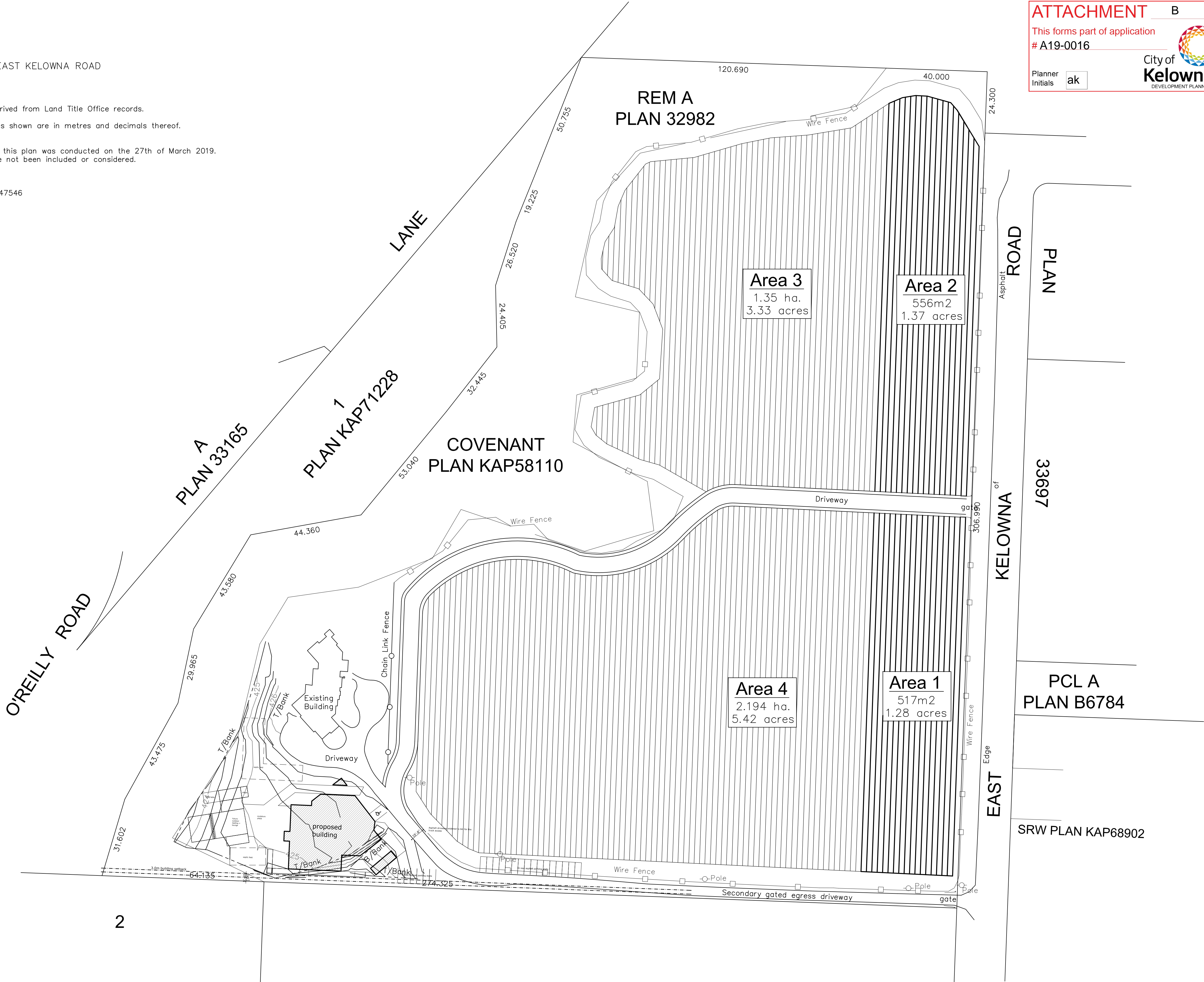
Scale 1:1000 Metric. Distances shown are in metres and decimals thereof.

Notes:

- The survey represented by this plan was conducted on the 27th of March 2019.
- Unregistered interests have not been included or considered.

Charges on Title:

- Covenant KK102845
- Statutory Right of Way KL47546



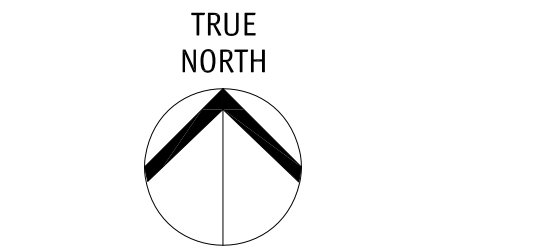
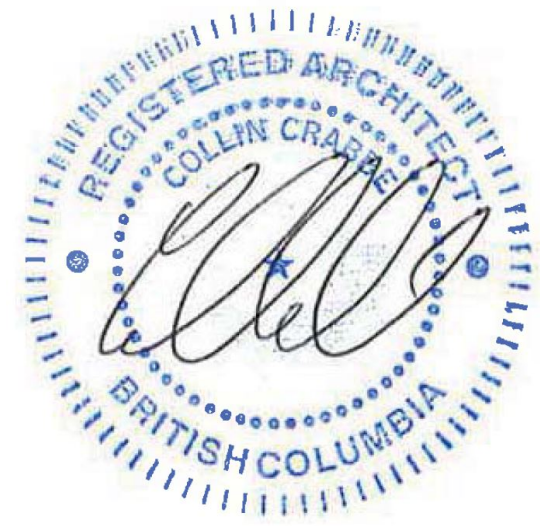
PARKING  
tasting(retail liquor)  
production(general industrial)

REQ'S  
3.0 per 100sqm/215sqm  
2.0 per 100sqm/672sqm

TOTAL  
6.45  
13.44  
20

233 BERNARD AVENUE  
KELOWNA, B.C.  
V1Y 6N2  
TEL: 250.762.3004  
EMAIL: kel-mai@shaw.ca

**m+m**  
MEIKLEJOHN ARCHITECTS INC.



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| No. | Date       | Revision                      |
|-----|------------|-------------------------------|
| 01  | 2019.03.29 | issued for development permit |
|     |            |                               |
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Project Title  
**KITSCH WINES**

KELOWNA BC  
Drawing Number

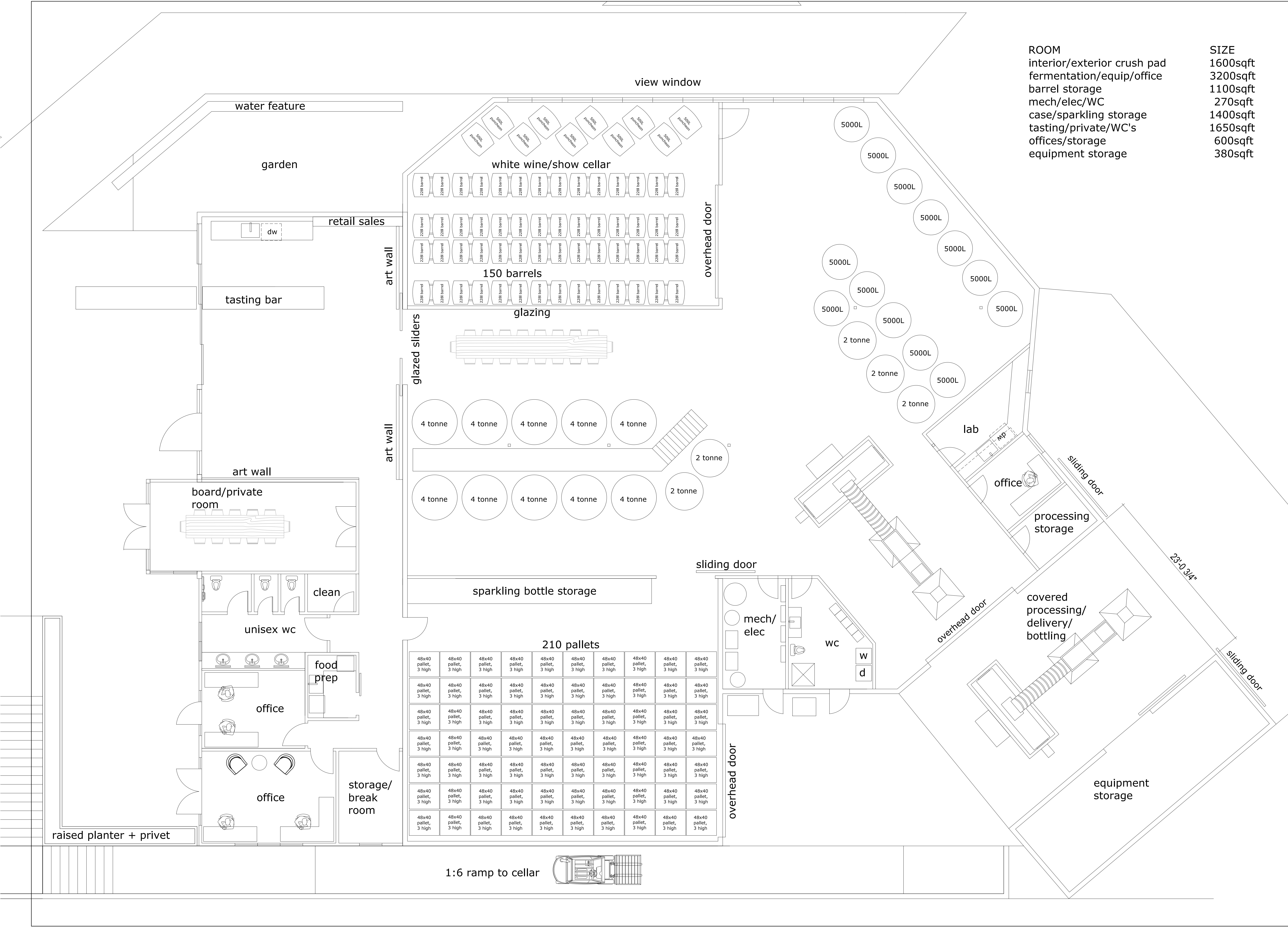
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DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title  
**PROPOSED  
SITE PLAN**

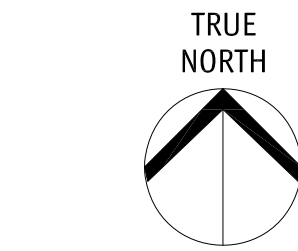
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| ROOM                        | SIZE     |
|-----------------------------|----------|
| interior/exterior crush pad | 1600sqft |
| fermentation/equip/office   | 3200sqft |
| barrel storage              | 1100sqft |
| mech/elec/WC                | 270sqft  |
| case/sparkling storage      | 1400sqft |
| tasting/private/WC's        | 1650sqft |
| offices/storage             | 600sqft  |
| equipment storage           | 380sqft  |

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EMAIL: kel-mai@shaw.ca



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| 01  | 2019.03.29 | issued for development permit |
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Project Title  
**KITSCH WINES**

KELOWNA BC

Drawing Number

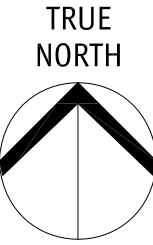
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Drawing Title  
**UPPER LEVEL  
FLOOR PLAN**

**3/16" = 1'-0"**

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Project Title  
**KITSCH WINES**

KELOWNA BC

Drawing Number

**A0.02**

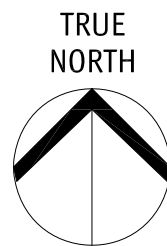
DRAWINGS ARE NOT TO BE SCALED.  
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Drawing Title  
**CELLAR  
FLOOR PLAN**

**3/16" = 1'-0"**

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Project Title  
**KITSCH WINES**

KELOWNA BC

Drawing Number

**A0.03**

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title

**PROPOSED  
ELEVATIONS**

3/32" = 1'-0"

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|---------|-------------|
| Date    |             |
| Job No. | m+m 18-.... |
| Scale   | AS SHOWN    |
| Drawn   |             |
| Checked | CC          |

main roof apex  
27'-1"  
main ridge processing roof  
23'-0"  
apex of tasting roof  
18'-4"  
low point of main roof  
12'-8"

ffi 0'-0"

**NORTH ELEVATION**

main roof apex  
27'-1"  
main ridge processing roof  
23'-0"  
apex of tasting roof  
18'-4"  
low point of main roof  
12'-8"

ffi 0'-0"

**WEST ELEVATION**

main roof apex  
27'-1"  
main ridge processing roof  
23'-0"  
apex of tasting roof  
18'-4"  
low point of main roof  
12'-8"

ffi 0'-0"

**SOUTH ELEVATION**

cellar ffi -10'-0"

main roof apex  
27'-1"  
main ridge processing roof  
23'-0"  
apex of tasting roof  
18'-4"  
low point of main roof  
12'-8"

ffi 0'-0"

**EAST ELEVATION**



smooth white insulated  
aluminum panels



dark gray  
steel beams



curtain wall  
glazing



fine finish stucco



TRUE  
NORTH



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| No. | Date       | Revision                      |
|-----|------------|-------------------------------|
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|     |            |                               |

Project Title  
**KITSCH WINES**

KELOWNA BC

Drawing Number

**A0.05**

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title  
**PROPOSED  
MATERIALS**

**NTS**

|         |             |
|---------|-------------|
| Date    |             |
| Job No. | m+m 18-.... |
| Scale   | AS SHOWN    |
| Drawn   |             |
| Checked | CC          |

**SKETCH PLAN FOR DISCUSSION APPROVAL**  
**#02-CT-Kel-93-28303**

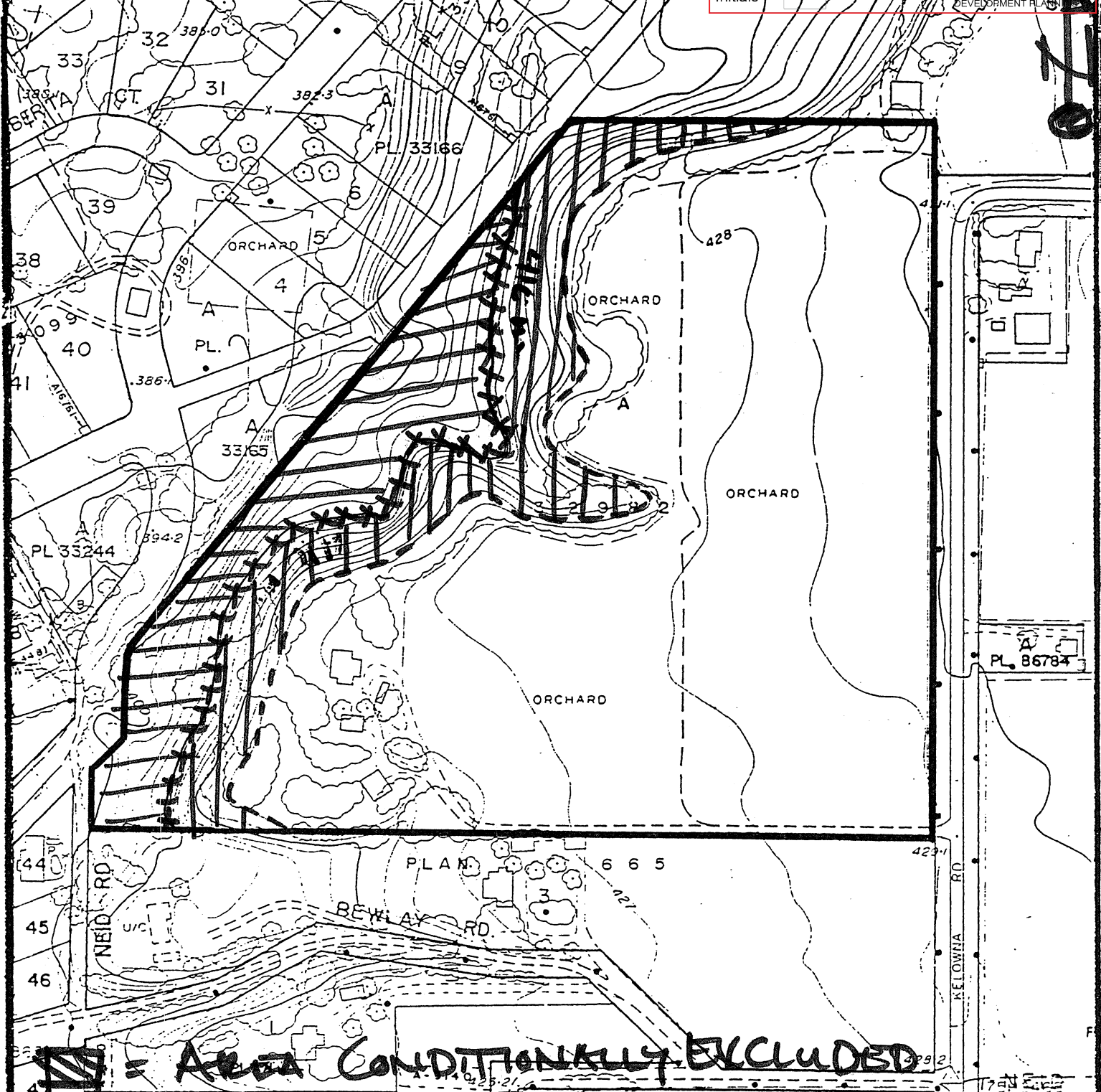
**ATTACHMENT**

This forms part of application

# A19-0016

Planner  
Initials ak

City of  
**Kelowna**  
DEVELOPMENT PLAN



- = AREA CONDITIONALLY EXCLUDED
- = SCHEDULE D-6 FENCE
- = NATURAL VEGETATIVE BUFFER @ COVENANT

APPLICATION:  
A93-108  
 SCALE: 1:2500

2.9

# REPORT TO COUNCIL



**Date:** January 20, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning - Urban

**Application:** Z19-0104

**Owner:** Okanagan Valley Construction Ltd., Inc. No. BCo665697

**Address:** 300 Nickel Road

**Applicant:** Okanagan Valley Construction

**Subject:** Rezoning Application

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

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM1 – Four Dwelling Housing

---

## 1.0 Recommendation

THAT Rezoning Application No. Z19-0104 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 Section 27 Township 26 ODYD Plan 8839 located at 300 Nickel Road, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule A attached to the report from the Development Planning Department dated January 20, 2020;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

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

## 2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone to facilitate a four dwelling housing project.

### 3.0 Development Planning

Development Planning Staff are supportive of the application to rezone the subject property from RU1 – Large Lot Housing to RM1 – Four Dwelling Housing to facilitate the development of a four dwelling housing project. This rezoning application is consistent with the Official Community Plan (OCP) Future Land Use designation of the subject property, which is MRL – Multiple Unit Residential (Low Density), and several new townhouse projects have been approved on the block in recent years. The MRL designation supports low density multiple unit residential development including townhouses, garden apartments, apartments, and buildings containing three or more units. Council Policy No. 367 with respect to public consultation was undertaken by the applicant.

### 4.0 Proposal

#### 4.1 Project Description

The applicant has provided a site plan of the potential development under the proposed RM1 zoning. The proposal consists of two semi-detached dwellings, each containing two units. The semi-detached dwellings are proposed to be two storeys in height, and parking is to be provided through private single garages as well as through parking on a shared driveway. Private open space requirements are to be met through private at-grade yards allocated to each unit as well as additional open space throughout the site.

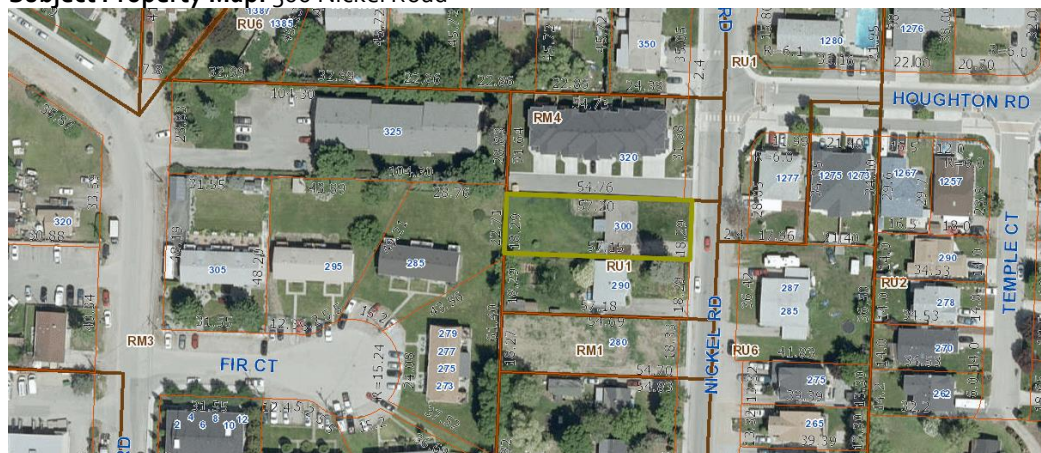
The single-family dwelling currently on the property would be demolished should this application be approved. This application is tracking three variances to site coverage, drive aisle width, and landscaping.

#### 4.2 Site Context

The subject property is located in the Rutland City Sector between the Rutland Urban Centre and the Midtown Urban Centre. The property fronts onto Nickel Road south of Houghton Road and north of Highway 33 W. The neighbourhood consists of single dwelling, two dwelling, and multi-family housing, and there are also some nearby commercial uses along Highway 33 W. The subject property has a Walkscore of 60 – some errands can be accomplished on foot. Adjacent land uses are as follows:

| Orientation | Zoning                                 | Land Use                  |
|-------------|--|---------------------------|
| North       | RM4 – Transitional Low Density Housing | Multiple Dwelling Housing |
| East        | RU1 – Large Lot Housing                | Single Dwelling Housing   |
| South       | RU1 – Large Lot Housing                | Single Dwelling Housing   |
| West        | RM3 – Low Density Multiple Housing     | Multiple Dwelling Housing |

**Subject Property Map: 300 Nickel Road**



## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Chapter 1: Introduction**

##### ***Goals for a Sustainable Future:***

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

#### **Chapter 5: Development Process**

##### ***Objective 5.3 Focus development to designated growth areas***

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

##### ***Objective 5.22 Ensure context sensitive housing development***

*Policy .6 Sensitive Infill.* Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

*Policy .7 Healthy Communities.* Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

### **5.2 Zoning Bylaw No. 8000**

#### ***Section 13.7 – RM1 – Four Dwelling Housing***

The purpose is to provide a zone for the development of a maximum of four dwelling units in the form of single detached, semi-detached, duplex, three-plex, or four-plex housing on urban services. The maximum floor area ratio is 0.6, the maximum building height is the lesser of 9.5 m or 2.5 storeys, and the maximum site coverage of buildings is 40%.

## **6.0 Application Chronology**

Date of Application Received: May 16, 2019  
Date Public Consultation Completed: December 10, 2019

**Report prepared by:** Arlene Janousek, Planner

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### **Attachments:**

Schedule A: Development Engineering Memorandum

Schedule B: Proposed Site Plan

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**CITY OF KELOWNA**  
**MEMORANDUM**

**SCHEDULE**

**A**

This forms part of application  
# Z19-0104

Planner  
Initials

AJ

City of  
**Kelowna**  
DEVELOPMENT PLANNING



**Date:** July 17, 2019  
**File No.:** Z19-0104  
**To:** Urban Planning (AJ)  
**From:** Development Engineering Manager (JK)  
**Subject:** 300 Nickel Rd

RU1 to RM1

---

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

**1) General**

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b) Provide easements as may be required.
- c) 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.

**2) Geotechnical Study.**

- a) Provide a geotechnical report 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 report must be submitted 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. Recommendations for items that should be included in a Restrictive Covenant.
- vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- vii. Any items required in other sections of this document.
- viii. Additional geotechnical survey may be necessary for building foundations, etc

### **3) Water**

- a) This property is located within the Black Mountain Irrigation District (BMID) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with BMID staff for any service improvements and the decommissioning of existing services. Only one water service will be permitted per lot.
- b) The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for residential zoning is 150l/s and is available at the site. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- c) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- d) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost

### **4) Sanitary Sewer**

- a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.

### **5) Drainage**

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the

development and / or recommendations for onsite drainage containment and disposal systems.

- b) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

**6) Roads**

- a) Nickel Rd must be upgraded to an 2 lane major collector along the full frontage of this proposed development including curb and gutter, street lights, landscaped boulevard, separated sidewalk, drainage system including catch basins, and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. Road cross section to be used is a SS-R5.

**7) Road Dedication and Subdivsion Requirements**

- a) Grant Statutory Rights of Way if required for utility services.
- b) The ultimate width of Nickel Road between Houghton Road and Hwy 33 is established as a collector-class 1 with bike lanes, complete with a 20.0m right of way (R.O.W). The R.O.W. in the front of the subject property is deficient by approximately 2.44m. It is recommended that a dedication to 2.44m width along the full frontage.
- c) If any road dedication affects lands encumbered by a Utility right-of-way (such as BC Hydro Gas, 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

**8) Power and Telecommunication Services and Street Lights**

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground.
- b) Streetlights must be installed on all roads.
- c) 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.
- d) Remove existing poles and utilities, where necessary. Remove aerial trespass (es).

**9) 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.

**10) Other Engineering Comments**

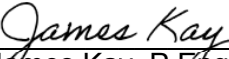
- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands, and for public access to Vaughan Ave via the proposed lane.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) 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) 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

**12) Charges and Fees**

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- c) Engineering and Inspection Fee: 3.5% of construction value (plus GST)

  
\_\_\_\_\_  
James Kay, P.Eng.  
Development Engineering Manager

AS

OKANAGAN  
VALLEY  
CONSTRUCTION

Proposed  
Project For:

300 NICKEL  
ROAD  
KELOWNA, BC

Sheet Title:

SITE PLAN

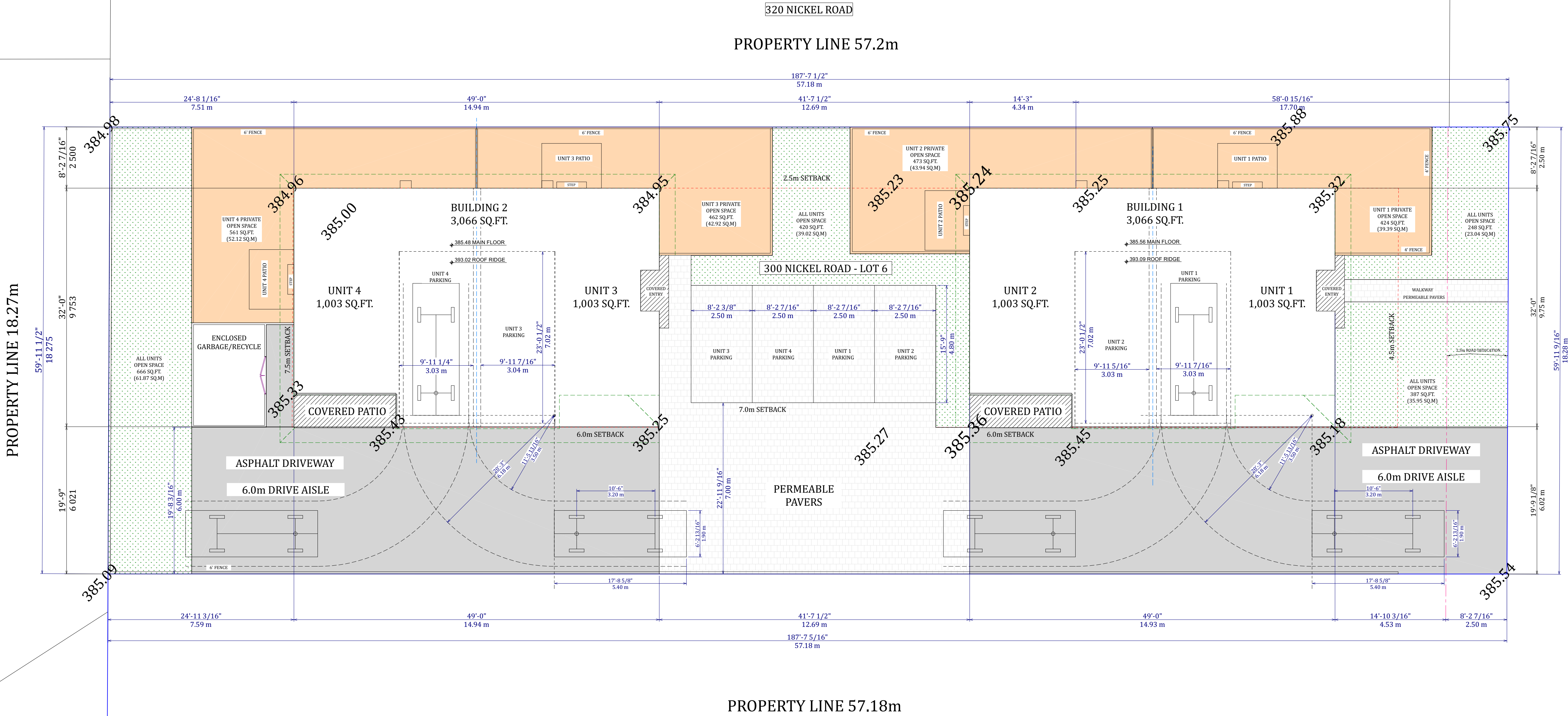
DATE:  
8/30/2019

SCALE: 1/8"=1'

VERSION:  
1.0

SHEET NO.:  
A-3

# STRATA PLAN EPS1636



## SITE PLAN

### SITE COVERAGE (BLDGs)

|                  |               |
|------------------|---------------|
| BLDG 1:          | 146.32 SQ.M   |
| BLDG 2:          | 146.32 SQ.M   |
| TOTAL BLDG AREA: | 292.64 SQ.M   |
| SITE AREA:       | 1,045.04 SQ.M |
| SITE COVERAGE:   | 28.00 %       |

### SITE COVERAGE (BLDGs/DRIVEWAYS/PARKING)

|                    |               |
|--------------------|---------------|
| TOTAL BLDG AREA:   | 292.64 SQ.M   |
| DRIVEWAYS/PARKING: | 392.98 SQ.M   |
| GARBAGE/RECYCLE:   | 13.00 SQ.M    |
| TOTAL AREA:        | 698.62 SQ.M   |
| SITE AREA:         | 1,045.04 SQ.M |
| SITE COVERAGE:     | 66.85 %       |

### SITE COVERAGE (IMPERMEABLE DRIVEWAY & PARKING/BLDGs)

|                    |               |
|--------------------|---------------|
| TOTAL BLDG AREA:   | 292.64 SQ.M   |
| DRIVEWAYS/PARKING: | 142.14 SQ.M   |
| TOTAL AREA:        | 434.78 SQ.M   |
| SITE AREA:         | 1,045.04 SQ.M |
| SITE COVERAGE:     | 41.60 %       |

### DENSITY:

|                       |                  |
|-----------------------|------------------|
| UNIT 1:               | 1,629.5 SQ.FT.   |
| UNIT 2:               | 1,513.5 SQ.FT.   |
| UNIT 3:               | 1,629.5 SQ.FT.   |
| UNIT 4:               | 1,513.5 SQ.FT.   |
| TOTAL BLDGS NET AREA: | 6,286 SQ.FT.     |
| SITE AREA:            | 11,256.14 SQ.FT. |
| FAR:                  | 0.56             |

PROPERTY LINE 57.18m

290 NICKEL ROAD

5

**CITY OF KELOWNA**  
**BYLAW NO. 11972**  
**Z19-0104 – 300 Nickel Road**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6 Section 27 Township 26 ODYD Plan 8839, located on Nickel Road, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** January 20, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** TA19-0019

**Owner:** 760 Vaughan Inc., Inc. No.  
BC1148021

**Address:** 760 Vaughan Avenue

**Applicant:** Alec Warrender, Faction  
Projects Inc.

**Subject:** Text Amendment

**Existing OCP Designation:** I<sub>4</sub> – Central Industrial

**Existing Zone:** IND – Industrial

---

## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0019 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the report from the Development Planning Department dated January 20, 2020 for Lot 2 Section 30 Township 26 ODYD Plan 23753 located at 760 Vaughan Avenue, Kelowna, BC be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

## 2.0 Purpose

To amend the Zoning Bylaw to allow select commercial uses in the I<sub>4</sub> – Central Industrial zone at 760 Vaughan Avenue.

## 3.0 Development Planning

Development Planning Staff support the proposed Text Amendment to allow the requested uses in the I<sub>4</sub> – Central Industrial zone for the property located at 760 Vaughan Avenue. The subject property is located in the industrial district north of downtown Kelowna and is one block east of the Downtown Urban Centre. Staff recognize that this area of the City is experiencing change and that it is necessary to protect the core of the north end industrial area while allowing for compatible uses that provide an effective transition to the Downtown Urban Centre.

The I<sub>4</sub> zone covers most of the north end industrial area and currently permits breweries and distilleries, food primary establishments, industrial high technology research and product design, minor liquor primary establishments, and indoor participant recreation services, among other uses. Several of the proposed uses are similar to service commercial and light industrial uses.

Staff are recommending prohibiting office uses in ground floor units to retain ground-oriented units for industrial uses. Additionally, the applicant is proposing only limited retail uses, and the retail uses proposed complement the mix of residential and industrial uses surrounding the subject property. Residential uses are not being proposed as part of this application and would not be supported on the subject property. This proposal does not meet Council Policy No. 359 regarding large Liquor Primary Establishments being located in Urban Centres only; however, given the proximity to the Downtown Urban Centre, Staff are recommending support in this case.

Overall, the proposal respects the industrial history of the site and maintains industrial uses while allowing for additional compatible uses that relate to the changes occurring in the area.

#### **4.0 Proposal**

##### **4.1 Background**

In 2018, 740 Clement Avenue, the property south of the subject property, underwent an OCP amendment and rezoning to allow commercial residential uses under the C<sub>4</sub> – Urban Centre Commercial zone (OCP17-0021/Z17-0093). A Development Permit was approved for 740 Clement Avenue that includes approximately 150 residential units. Additionally, a site-specific text amendment was approved for 816 Clement Avenue in 2018 (TA18-0006), which also is south of 760 Vaughan Avenue. This text amendment allows for some retail and office uses.

##### **4.2 Project Description**

The subject property is 1.43 hectares (3.53 acres) in area. Currently, there are three buildings on the property. In the southeast corner is the recently established 700m<sup>2</sup> brewery (Rustic Reel Brewing Company), which was developed in 2019 by repurposing a trucking garage. In the southwest corner of the property is an old loading bay building (approximately 750m<sup>2</sup>), and in the northwest corner of the property is an old warehouse building (approximately 900m<sup>2</sup>). The loading bay building and the warehouse building are not currently in use. Overall, most of the property is vacant, and the site is underdeveloped. The applicant is requesting a site-specific text amendment to facilitate additional phases of development.

The applicant is requesting the following uses in the I<sub>4</sub> zone in addition to the uses already permitted:

- Business support services – would allow for tenants that provide services such as printing, janitorial services, and repair services to businesses.
- High technology research and product design – would expand on what is permitted in I<sub>4</sub> under industrial high technology research and production design.
- Offices and offices, construction and development industry – would be permitted on-site but prohibited in ground floor units.
- Retail stores, convenience – would allow for retail sales of goods in a limited floor area required by area residents and employees on a day-to-day basis.
- Retail stores, service commercial – would allow for retail sales of goods that require extensive on-site storage to support the store's operations.
- Liquor primary establishment, major – would expand what is permitted in I<sub>4</sub> under the liquor primary establishment, minor use to allow service of alcoholic beverages to over 100 people.

- Spectator entertainment establishments – would allow for entertainment focused uses such as movie screenings, live music, and theatre.

The request for liquor primary establishment, major and spectator entertainment establishment uses are to facilitate plans the applicant has to repurpose the warehouse building located in the northwest corner of the property. Plans for the building are still being formalized, and the applicant is pursuing partnerships with local entrepreneurs to refine this project further. The intention is to create a space that offers food and liquor service and entertainment uses such as movie screenings and potentially live music.

This site-specific text amendment would apply to the whole subject property, allowing any permitted use to occur in any building on the site. If this application is approved, the applicant could move forward with building permits. The applicant completed neighbourhood notification as per Council Policy No. 367.

#### 4.3 Site Context

The subject property is located midblock on the north side of Vaughan Avenue between Richter Street and Ethel Street. The site is centrally located in Kelowna's north end industrial area and is surrounded on the east, west, and north by I<sub>4</sub> zoned industrial properties. The adjacent property to the south has a Future Land Use Designation of Mixed Use – Residential / Commercial and is zoned C<sub>4</sub> – Urban Centre Commercial. The subject property is just east of the Downtown Urban Centre, which ends at Richter Street, and the Okanagan Rail Trail is in close proximity. Land uses of the properties adjacent to the subject property are listed below:

| Orientation | Zoning  | Land Use   |
|-------------|---|--|
| North       | I <sub>4</sub> – Central Industrial   | Breweries and Distilleries, Major                                    |
| East        | I <sub>4</sub> – Central Industrial   | General Industrial Uses  |
| South       | C <sub>4</sub> – Urban Centre Commercial<br>I <sub>4</sub> – Central Industrial | Apartment Housing, Retail Stores, General<br>General Industrial Uses |
| West        | I <sub>4</sub> – Central Industrial   | Breweries and Distilleries, Major                                    |

#### Subject Property Map: 760 Vaughan Avenue



## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Chapter 5: Development Process**

##### ***Objective 5.3 Focus development to designated growth areas***

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

##### ***Objective 5.19 Ensure development is compatible with surrounding land uses***

*Policy .6 North End Industrial (High Tech and Incubator).* Encourage the redevelopment of industrially designated lands north of the Downtown Urban centre for high-tech projects and buildings, including the potential for “incubator space” for smaller businesses.

##### ***Objective 5.29 Ensure efficient use of industrial land supply.***

*Policy .1 Industrial Land Use Intensification.* Encourage more intensive industrial uses of currently under-utilized industrial sites during site redevelopment or by permitting lot subdivision where new lots can meet the minimum lot size requirements of the Zoning Bylaw.

## **6.0 Application Chronology**

Date of Application Received: November 22, 2019

Date Public Consultation Completed: November 26, 2019

**Report prepared by:** Arlene Janousek, Planner

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Schedule “A”: Summary Table of Proposed Text Amendments to Zoning Bylaw No. 8000

Attachment A: Applicant’s Rationale

## Schedule A – Zoning Bylaw No. 8000 Text Amendment

| No. | Section   | Existing Text                | Proposed Text   |  |  |  | Explanation of Change |                          |                      |                   |  |    |  |                              |   |  |   |
|-----|---|------------------------------|---|--|--|--|-----------------------|--------------------------|----------------------|-------------------|--|----|--|------------------------------|---|--|---|
| 1.  | 15.4 I4 – Central Industrial<br><br>15.4.7 Site Specific Uses and Regulations | N/A                          | <b>15.4.7 Site Specific Uses and Regulations</b><br>Uses and regulations apply to the I4 – Central Industrial zone on a site-specific basis as follows: <table><tr><td></td><td><b>Legal Description</b></td><td><b>Civic Address</b></td><td colspan="2"><b>Regulation</b></td></tr><tr><td>1.</td><td>Lot 2 Section 30 Township 26 ODYD Plan 23753</td><td>760 Vaughan Ave, Kelowna, BC</td><td colspan="2">To allow business support services, high technology research and product design, liquor primary establishment, major, offices, construction and development industry, offices, retail stores, convenience, retail stores, service commercial, and spectator entertainment establishments as permitted Principal Uses in addition to those permitted in section 15.4.2. Office uses are not permitted in ground-floor units.</td></tr></table> |  |  |  |                       | <b>Legal Description</b> | <b>Civic Address</b> | <b>Regulation</b> |  | 1. | Lot 2 Section 30 Township 26 ODYD Plan 23753 | 760 Vaughan Ave, Kelowna, BC | To allow business support services, high technology research and product design, liquor primary establishment, major, offices, construction and development industry, offices, retail stores, convenience, retail stores, service commercial, and spectator entertainment establishments as permitted Principal Uses in addition to those permitted in section 15.4.2. Office uses are not permitted in ground-floor units. |  | The new section will facilitate the addition of a site-specific text amendment for 760 Vaughan Avenue and allow for various uses in addition to the uses already permitted under the I4 zone. The site-specific text amendment will allow various Principal Uses on the subject property. |
|     | <b>Legal Description</b>  | <b>Civic Address</b>         | <b>Regulation</b>   |  |  |  |                       |                          |                      |                   |  |    |  |                              |   |  |   |
| 1.  | Lot 2 Section 30 Township 26 ODYD Plan 23753                                  | 760 Vaughan Ave, Kelowna, BC | To allow business support services, high technology research and product design, liquor primary establishment, major, offices, construction and development industry, offices, retail stores, convenience, retail stores, service commercial, and spectator entertainment establishments as permitted Principal Uses in addition to those permitted in section 15.4.2. Office uses are not permitted in ground-floor units.   |  |  |  |                       |                          |                      |                   |  |    |  |                              |   |  |   |

November 6, 2019

Mr. Adam Cseke, Planner Specialist  
City of Kelowna 1435 Water Street  
Kelowna, BC V1Y 1J4

**RE: Letter of Rationale - Text Amendment for 760 Vaughan Avenue, Kelowna, BC**

ATTACHMENT

A

This forms part of application  
# TA19-0019

Please  
Initials

AJ

  
**City of Kelowna**  
DEVELOPMENT PLANNING

Dear Adam:

Further to our previous meetings and discussions we hereby submit our Letter of Rationale in support of this Text Amendment application for our '760 Vaughan' project.

### *Looking Back*

The Kelowna Growers Exchange (KGE) was established in 1913 in Kelowna's North End. Their objective was simple - support the growing, buying and selling of local agriculture products. In truth, however, this bustling hive was about so much more than just packing and selling fruit. The KGE was about the meeting of likeminded individuals who shared a passion for local, authentic, and an appreciation for everything the Okanagan Valley had to offer. These values align with the vision behind 760 Vaughan.



### *Looking Forward*

The North End of Downtown Kelowna is in the early stages of revitalization, a different type of revitalization than is currently being experienced downtown. 760 Vaughan is extremely well located to positively impact the commercial / industrial renaissance taking place in this neighbourhood. 760 Vaughan and its unique tenants have the potential to attract a new batch of producers and consumers who share a passion for local and the desire for something handmade.



**DEVELOPMENT MANAGEMENT**

**ARCHITECTURE**

**CONSTRUCTION MANAGEMENT**

T 250-980-4510 F 250-764-2116 201-3935 Lakeshore Rd, Kelowna BC V1W 1V3

[www.factionprojects.com](http://www.factionprojects.com)

## 760 Vaughan

The subject property is located between Sandhill Wines and BC Tree Fruits and is directly across the street from PC Urban's 'The Packing District' project. Recently rezoned to the C4 – Urban Centre Commercial Zone, The Packing District will accommodate a mix of commercial units and 160 apartment housing units. The infographic below provides a broad overview of the transition taking place within and on the northern edge of the Downtown Urban Centre.



As shown above the North End is currently experiencing rapid growth and, although 760 Vaughan will embrace this change, it will do so while celebrating the neighbourhood's industrial past, present and future.

The Rustic Reel Brewing Company is the first phase of 760 Vaughan and it successfully respected the North End's history as a production and transport hub while creating a vibrant venue that has helped energize the area. This unique project saw an old trucking garage rehabilitated and converted into a new space and it acknowledges the area's past while sustainably reinvesting in its future. The old garage bays and the building structure were retained and highlighted to help tell the area's story.



## *Next Steps*

### *Phase 1B*

This phase will see the rehabilitation of the old vacant warehouse building at the N/W corner of the property. This building will be retained, repurposed and injected with new life. Rather than losing this old industrial building to the revitalization being experienced in the area, it will be celebrated and sustainably repurposed.



The exterior of the warehouse has an interesting form and character worth protecting as it captures the simplicity and practicality of an old warehouse building constructed in the 1950s. However, the most valuable and impressive part of the building is the exposed interior wooden roof structure that truly makes it special and worthy of rehabilitation. The goal is to deliver this phase in partnership with local entrepreneurs that share our vision of transforming this unique building into a successful community asset. This phase will tell the North End's industrial story while welcoming the new energy being brought to the area. It's anticipated that restorative work will begin early in 2020.

### *Phase 2*

This phase will see the first new building introduced to 760 Vaughan and as proposed will consist of a mix of commercial and light industrial uses. This building provides a link between new and existing industrial buildings to complete the Vaughan Avenue frontage.

### *Phase 3*

This phase will complete and complement the previous phases but is currently still in the visioning stage. The development of 760 Vaughan has been a patient process and the plan for this phase will only be finalized once the first three phases are underway.

### *Text Amendment*

In order to enable 760 Vaughan to reach its full potential a Text Amendment allowing a few additional uses is being requested. The following uses will help realize the vision we have for 760 Vaughan:

- Business Support Services;
- High Technology Research and Product Design;
- Liquor Primary Establishment, Major;

- Offices;
- Offices, Construction and Development Industry;
- Retail Stores, Service Commercial; and
- Retail Stores, Convenience.

While the proposed Text Amendment will introduce new uses, those uses are intended to compliment rather than compete with the exciting changes happening downtown and in the neighbourhood. The majority of the proposed uses are partially allowed within the current zone but the proposed amendment will help to generally broaden the type of businesses that can put down roots at 760 Vaughan and will specifically help accommodate partners that have shown interest in the project. 760 Vaughan will be a unique place due to its transitional context between the Downtown Urban Centre and the North End industrial area; it will celebrate rather than turn its back on its industrial history and context. It will continue to build upon and facilitate the growth in cycling and pedestrian modes of transportation that the area has experienced due to its central location and close proximity to Downtown, Knox Mountain and the rail trail.

Faction Projects Inc. takes a multiple bottom line approach to success that focuses on people, planet and profit. Our whole system methodology optimizes results, increases value, reduces waste and maximizes efficiency through all phases of development. We believe that 760 Vaughan, including the revitalization of two industrial buildings, is consistent with staff and Council expectations for this transitional area and will complement the positive improvements that have been made to date.

Please contact me should have any questions or require any further information.

Best Regards,



Alec Warrender  
Manager, Development  
Faction Projects Inc.

**CITY OF KELOWNA**  
**BYLAW NO. 11973**  
**TA19-0019 – 760 Vaughan Avenue**

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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 **Section 15.4, I4 – Central Industrial** be amended, by adding in its appropriate location the following:

**"15.4.7 Site Specific Uses and Regulations**

Uses and regulations apply to the I4 – Central Industrial zone on a site-specific basis as follows:

|    | <b><i>Legal Description</i></b>                    | <b><i>Civic Address</i></b>        | <b><i>Regulation</i></b>  |
|----|--|------------------------------------|---|
| 1. | Lot 2 Section 30<br>Township 26<br>ODYD Plan 23753 | 760 Vaughan<br>Ave, Kelowna,<br>BC | To allow business support services, high technology research and product design, liquor primary establishment, major, offices, construction and development industry, offices, retail stores, convenience, retail stores, service commercial, and spectator entertainment establishments as permitted Principal Uses in addition to those permitted in section 15.4.2. Office uses are not permitted in ground-floor units. |

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:** January 20, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning - Urban

**Application:** Z19-0102

**Owner:** Jesse David East & John  
Thomas Hodges

**Address:** 2257 and 2263 Speer Street

**Applicant:** Urban Options Planning &  
Permitting

**Subject:** Rezoning Application

**Existing OCP Designation:** HLTH – Health District

**Existing Zone:** RU6 – Two Dwelling Housing

**Proposed Zone:** HD2 – Hospital and Health Support Services

---

## 1.0 Recommendation

THAT Rezoning Application No. Z19-0102 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 34 District Lot 14 ODYD Plan 413, located at 2257 Speer Street, Kelowna, BC and Lot 35 District Lot 14 ODYD Plan 413, located at 2263 Speer Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated January 20, 2020;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the demolition of existing dwellings and the consolidation of the subject properties;

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

## 2.0 Purpose

To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone to facilitate the development of a multi-family residential building.

### 3.0 Development Planning

Development Planning Staff are supportive of the proposed rezoning to facilitate the development of a multi-family residential building. The Official Community Plan (OCP) Future Land Use Designation of the subject properties is Health District (HLTH), and the proposed rezoning to HD2 – Hospital and Health Support Services is consistent with the HLTH Future Land Use Designation. The purpose of the Health District is to designate land for uses that support Kelowna General Hospital (KGH) and provide a transition in scale from KGH to adjacent residential areas. The Health District is intended for development that includes uses such as health administration, health education, patient services, and care facility operations.

The HD2 zone is intended to support land uses that are associated with KGH; however, the zone currently permits multiple dwelling housing as a principal use. To ensure that the proposed development has the potential to better support health services, the applicant is working with Staff to incorporate two ground-oriented live-work units into the building design. The goal of the live-work units is to provide the option for health-related uses such as medical offices, counseling and rehabilitation services, and other health services. The site and building design will be finalized through the Development Permit and Development Variance Permit process.

As the subject properties are currently adjacent to other residential uses, the residential nature of this proposal is suitable for the neighbourhood. Additionally, the subject properties are located centrally between two Urban Centres and are accessible by transit and by bike and can therefore support increased residential density. The applicant completed neighbourhood notification in accordance with Council Policy No. 367. The applicant also hosted an open house to provide an additional engagement opportunity.

### 4.0 Proposal

#### 4.1 Project Description

The applicant has provided a conceptual site plan showing potential development under the proposed HD2 zone. The applicant is currently proposing a 4.5 storey, 24-unit apartment building which would have access off the lane rear lane and underground parking. Should the application proceed, lot consolidation of the two subject properties would be necessary, and the existing single-family dwellings on the subject properties would be demolished.

The proposal is currently tracking two setback variances that would be considered by Council at a later date should the project proceed.

#### 4.2 Site Context

The subject properties are located between the City Centre Urban Centre and the South Pandosy Urban Centre in the Central City Sector of Kelowna. The properties are one block east of Pandosy Street and KGH, north of Rose Avenue. Currently Speer Street is predominately residential with single family dwellings as the main building form. The properties are located mid-block and this application is one of the first on this block to propose development under the Health District Future Land Use Designation. The surrounding properties are also designated as Health District and are expected to develop over time in accordance with uses that support the hospital as indicated in OCP policy. Adjacent land uses are as follows:

| Orientation | Zoning                     | Land Use                                    |
|-------------|----------------------------|---|
| North       | RU6 – Two Dwelling Housing | Single Dwelling Housing with Carriage House |
| East        | RU6 – Two Dwelling Housing | Single Dwelling Housing                     |
| South       | RU6 – Two Dwelling Housing | Single Dwelling Housing                     |
| West        | RU6 – Two Dwelling Housing | Single Dwelling Housing                     |



## 5.1 Kelowna Official Community Plan (OCP)

## Chapter 4: Future Land Use

To integrate uses in support of the regional KGH campus both physically and functionally with the surrounding communities and to provide a moderating transition in scale from a major institutional centre to adjacent established residential areas that incorporate heritage components, where included in the Heritage Conservation Area boundary. This designation is to encompass development that supports the operations of the Kelowna General Hospital or other health administration, health education, patient services or care facility operation. Other uses may include multiple unit residential uses consistent with the RM3, RM4 or RM5 zones of the Zoning Bylaw. Limited health and service-related commercial uses as defined by the Zoning Bylaw may be supported.

## Chapter 5: Development Process

### Objective 5.3 Focus development to designated growth areas

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

## 5.2 Zoning Bylaw No. 8000

## Section 17.2 HD2 – Hospital and Health Support Services

**17.2.1 Purpose.** The purpose is to provide a zone for the conversion and new development of buildings that provide services to the medical community associated with the Kelowna General Hospital,

Interior Health Authority, and UBC Medical Programs including staff, clients, patients and their families. This zone will provide for a range of institutional, medical-related commercial and complimentary residential uses within the Official Community Plan Health District future land use designation. Principal uses for properties with a lot area of 9000m<sup>2</sup> or more include multiple dwelling housing, health services, and short-term rentals.

#### **6.o Application Chronology**

Date of Application Received: June 28, 2019  
Date Public Consultation Completed: August 27, 2019

**Report prepared by:** Arlene Janousek, Planner

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### **Attachments:**

Schedule A: Development Engineering Memo

Schedule B: Site Plan

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## CITY OF KELOWNA

# MEMORANDUM

**Date:** July 10, 2019  
**File No.:** Z19-0102  
**To:** Community Planning (AJ)  
**From:** Development Engineering Manager (JK)  
**Subject:** 2257-2263 Speer Street

### SCHEDULE

A

This forms part of application  
# Z19-0102

Planner  
Initials

AJ



RU6 to HD2

---

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

#### .1) General

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b) Provide easements as may be required.

#### .2) Road Dedication and Subdivision Requirements

- a) Vehicle access to the development should only be from the laneway.
- b) Lot consolidation is required.

#### .3) Geotechnical Study.

- (a) Provide a geotechnical report 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 Development Services Department for distribution to the Development Engineering Branch 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. Recommendations for items that should be included in a Restrictive Covenant.
- vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- vii. Any items required in other sections of this document.

Additional geotechnical survey may be necessary for building foundations, etc

#### **.4) Water**

- a) The property is located within the City of Kelowna service area. The existing lots are serviced with a 13mm diameter water service. Only one service will be permitted to the site or per property. The applicant, at his cost, will arrange for the removal of the existing services and the installation of one new larger metered water service.
- b) The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for commercial zoning is 150l/s and is available at the site. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- c) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- d) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost

#### **.5) Sanitary Sewer**

- a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.

**.6) Drainage**

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.
- b) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

**.7) Roads**

- a) Speer Street is designated an 2-lane collector road and must be upgraded to an collector standard along the full frontage of this proposed development, including curb and gutter, separated sidewalk, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. A modified SS-R5 cross section will be provided at time of detailed design.
- b) The laneway must be upgraded to an laneway standard along the full frontage of this proposed development, including storm drainage and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. A SS-R2 standard cross section is to be used at detailed design.
- c) Landscaped boulevards, complete with underground irrigation design drawing as per bylaw, is required on Speer Street prior to the issuing of the notice to proceed.

**.8) Power and Telecommunication Services and Street Lights**

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as the subject properties are within the "City Center Urban Center".
- b) Streetlights must be installed on all roads.
- c) 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.

**.9) Design and Construction**

- d) 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.
- e) 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.
- f) 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).
- g) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- h) 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.

**.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 Terasen, 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) Servicing Agreements for Works and Services**

- b) 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.
- c) 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.

**.12) Charges and Fees**

- a) Development Cost Charges (DCC's) are payable

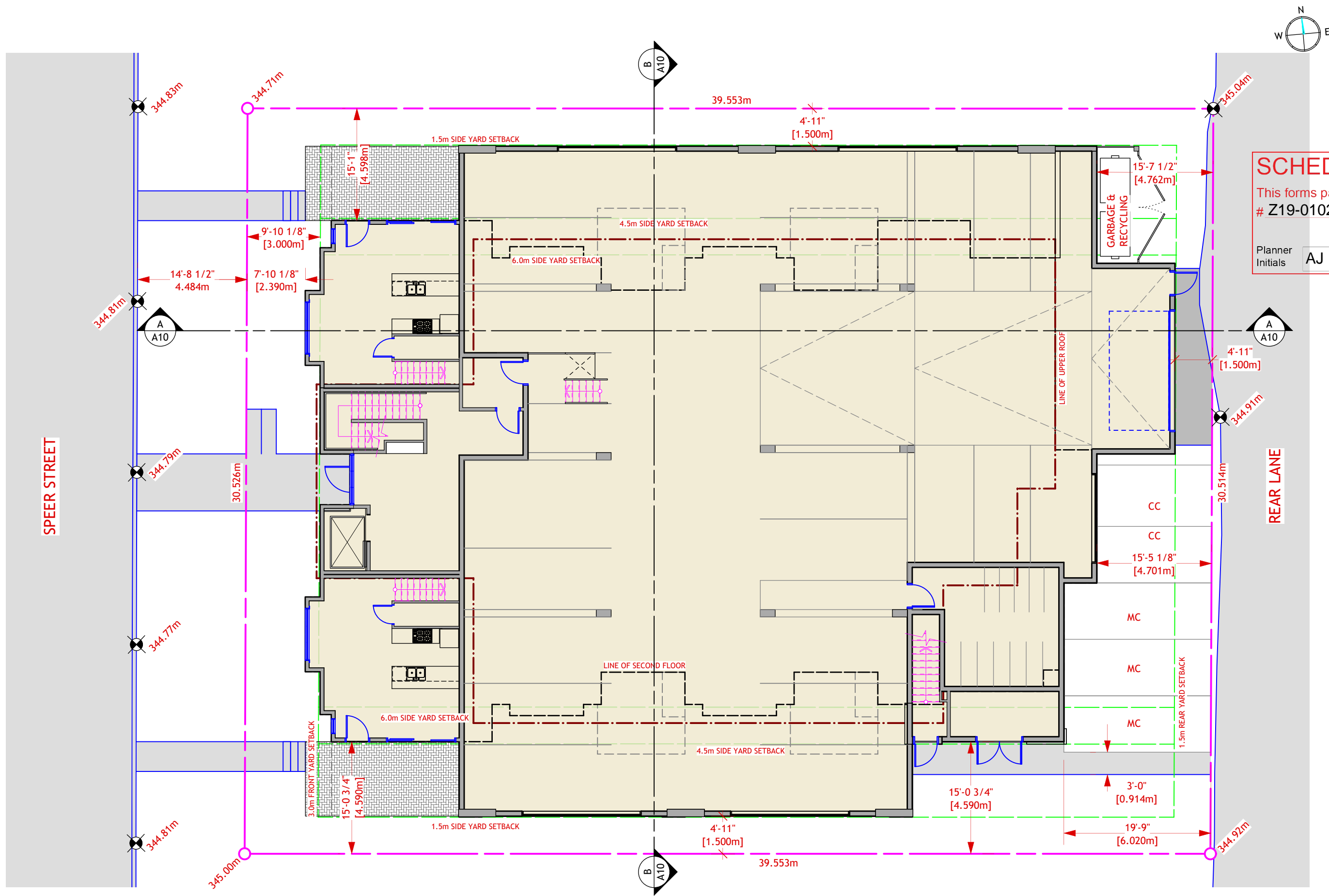
- b) Fees per the "Development Application Fees Bylaw" include:
- i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

*Ryan O'Sullivan for James Kay*

---

James Kay, P.Eng.  
Development Engineering Manager

JA for AS



# SCHEDULE B

This forms part of application  
# Z19-0102

Planner Initials  
AJ



AXOarchitecture  
250-469-3190  
andrea@axoarchitecture.ca

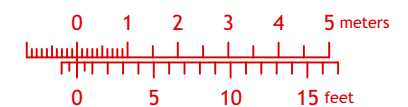
SPEER STREET MULTIFAMILY  
2257-2263 SPEER STREET  
KELOWNA, BC

## SITE PLAN

DATE:  
JUNE 27, 2019

SCALE: 1:150  
ISSUED FOR: DESIGN REVIEW  
SHEET: A2

1 SITE PLAN  
Scale: 1:150



**CITY OF KELOWNA**  
**BYLAW NO. 11974**  
**Z19-0102 – 2257 & 2263 Speer Street**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 34 District Lot 14 ODYD Plan 413, located on Speer Street, Kelowna, BC and Lot 35 District Lot 14 ODYD Plan 413, located on Speer Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** January 20, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning – Urban

**Application:** Z19-0122

**Owner:** Dr. A Ravindran Inc.

**Address:** 550 Mugford Rd

**Applicant:** New Town Services

**Subject:** Rezoning Application

**Existing Zone:** RU1 – Large Lot Housing

**Proposed Zone:** RU2 – Medium Lot Housing

---

## 1.0 Recommendation

THAT Rezoning Application No. Z19-0122 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot E Sec 26 TWN 26 ODYD Plan 35641 located at 550 Mugford Road, Kelowna BC from the RU1 – Large Lot Housing to the RU2 – Medium Lot Housing zone to be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

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 Development Planning Department dated January 20, 2020.

## 2.0 Purpose

To consider an application to rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a proposed six lot subdivision.

## 3.0 Development Planning

Development Planning Staff support the proposed Rezoning amendment from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a proposed six lot subdivision. The subject property has a Future Land Use designation of S2RES – Single/Two Unit Residential in the City's

Official Community Plan (OCP) and is within the Permanent Growth Boundary. The proposal is consistent with the OCP's Development Process Policies and the property is fully serviced.

#### 4.0 Proposal

##### 4.1 Project Description

The proposal is to rezone the subject property in order to facilitate a proposed six lot subdivision and subsequent bareland stratification in the future. The rezoning application does not involve a specific development proposal as each individual lot, once subdivided, would be developed separately.

At the time of subdivision, a Section 219 Covenant will be required to be registered on the proposed Lot 1 (or the lot adjacent to Mugford Road) in order to ensure any building constructed will have a street oriented building design to reflect the character of the neighbourhood. This will require the building to have a front façade facing Mugford Road, to treat the lot line abutting Mugford Road as a Front Lot Line, and to restrict any part of a garage or carport to only facing the internal strata road.

##### 4.2 Site Context

The subject property is located in the Rutland City Sector near the intersection of Mugford Road and Merrifield Road. The subject property currently has a single detached house and related accessory buildings and structures. The neighbourhood predominantly consists of single dwelling housing with some nearby properties zoned for two-dwelling housing and medium lot housing

Specifically, adjacent land uses are as follows:

| Orientation | Zoning   | Land Use    |
|-------------|--|-------------|
| North       | RU1 – Large Lot Housing                              | Residential |
| East        | RU1 – Large Lot Housing                              | Residential |
| South       | RU1 – Large Lot Housing                              | Residential |
| West        | RU1 – Large Lot Housing & RU6 – Two Dwelling Housing | Residential |

**Subject Property Map: 550 Mugford Road**



#### 4.3 Zoning Analysis Table

| Zoning Analysis Table   |                       |                          |
|-------------------------|-----------------------|--------------------------|
| CRITERIA                | Ru2 ZONE REQUIREMENTS | PROPOSAL                 |
| Subdivision Regulations |                       |                          |
| Min. Lot Area           | 400 m <sup>2</sup>    | 408 – 433 m <sup>2</sup> |
| Min. Lot Width          | 13 m                  | 13 – 13.3 m              |
| Min. Lot Depth          | 30 m                  | 33.3 m                   |

### 5.0 **Current Development Policies**

#### 5.1 Kelowna Official Community Plan (OCP)

##### Chapter 1: Introduction

##### *Goals for a Sustainable Future:*

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

##### Chapter 5: Development Process

##### *Objective 5.3 Focus development to designated growth areas*

*Policy .1 Permanent Growth Boundary.* Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outsid the PGB for more intensive use only to th extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

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

##### *Objective 5.22 Ensure context sensitive housing development*

*Policy.6 Sensitive Infill.* Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

#### Zoning Bylaw No.

#### Section 13 – Urban Residential Zones

##### *13.2 RU2 – Medium Lot Housing.*

The purpose is to provide a zone for single detached housing,k and compatible secondary uses, on medium sized serviced urban lots. Principal uses in this zone include single dwelling housin, urban agricultura, and community gardens. The maximum site coverage of buildings is 40% and the maximum building height is the lesser of 9.5 m or 2.5 storeys.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

See attached Memo from the Development Engineering Department dated December 12, 2019.

## **7.0 Application Chronology**

Date of Application Received: October 21, 2019

Date Public Consultation Completed: January 8, 2020

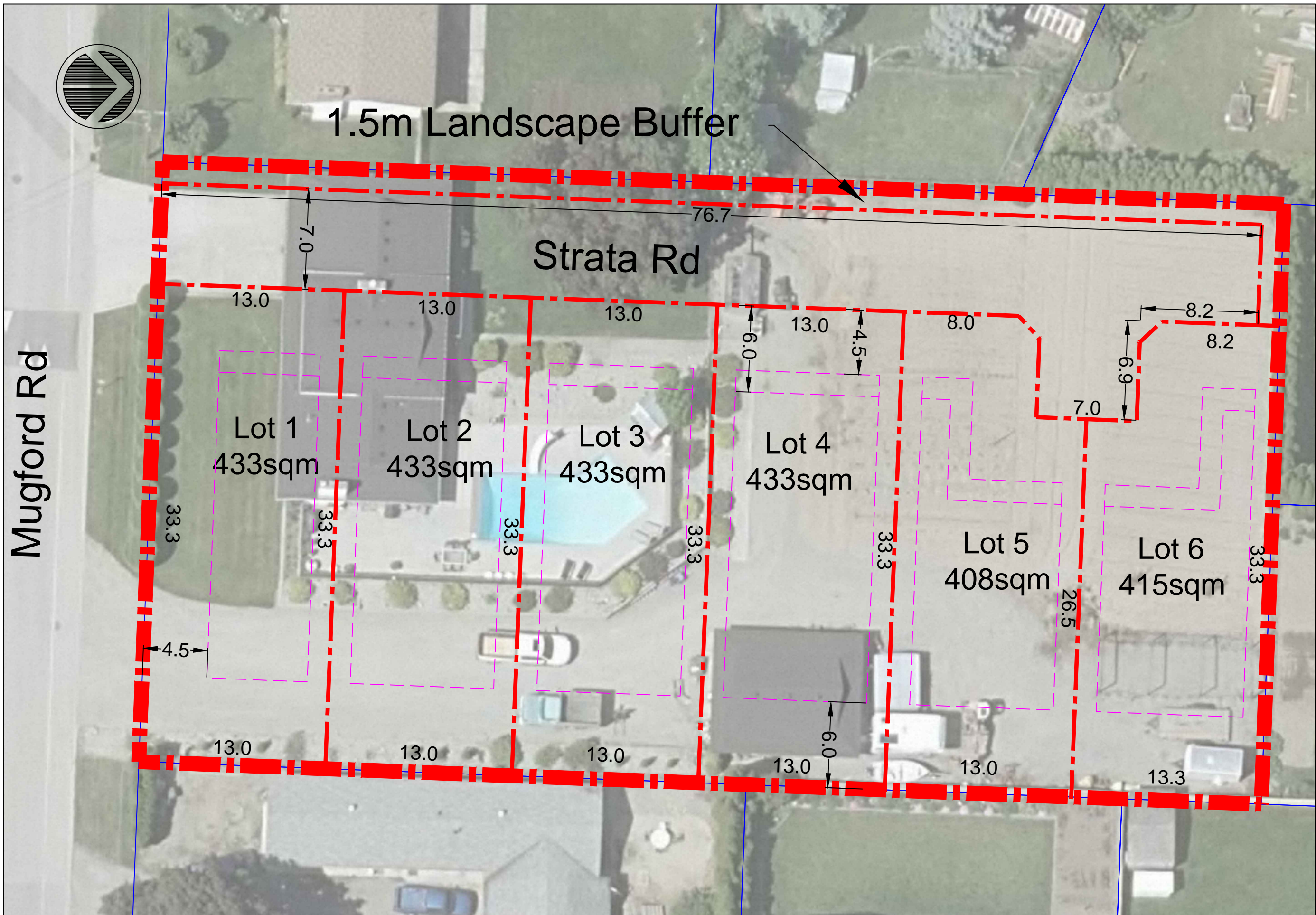
**Report prepared by:** Hailey Rilkoff, Planner I

**Reviewed / Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Conceptual Subdivision Layout



|           |        |                   |
|-----------|--------|-------------------|
| 2         | 191211 | Issued for Review |
| 1         | 191129 | Issued for Review |
| No.       | Date   | Description       |
| Revisions |        |                   |



project title  
Mugford  
Subdivision

project no. 1691

drawing title  
RU2 Site Plan

|             |                       |
|-------------|-----------------------|
| designed    | scale 1:250 (@ 11x17) |
| drawn       |                       |
| checked     |                       |
| drawing no. |                       |

plotted

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**CITY OF KELOWNA**  
**MEMORANDUM**

---

**SCHEDULE**

**A**

This forms part of application  
# Z19-0122

Planner  
Initials

HR

City of  
**Kelowna**  
DEVELOPMENT PLANNING



**Date:** January 14, 2020  
**File No.:** Z19-0122  
**To:** Urban Planning Management (HR)  
**From:** Development Engineering Manager (JK)  
**Subject:** 550 Mugford Rd RU1 to RU2

---

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 to RU2. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Jim Hager.

**1. General**

- a) These are Development Engineering Branch comments/requirements and are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).

**2. Domestic Water and Fire Protection**

- a) The subject lot is within the Black Mountain Irrigation District (BMID) water service area. The developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by BMID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.
- c) 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 No. 7900.

**3. Sanitary Sewer**

- a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at their cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service, if necessary.

**4. Storm Drainage**

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.
- 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; and
  - iii. An Erosion and Sediment Control Plan.

**5. Subdivision Requirements**

- a) Grant statutory rights-of-way if required for utility services.

**6. Electric Power and Telecommunication Services**

All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

**7. Road Improvements**

- a) Mugford Rd must be upgraded to a collector standard along the full frontage of this proposed development, including sidewalk, curb and gutter, pavement removal and replacement, boulevard landscaping and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The existing catch basin is to be relocated to the new gutter line. The sidewalk is to tie in to the existing sidewalk to the east at 580 Mugford Rd. Driveway letdowns required for 550 / 580 Mugford Rd. Only one 6.0m access to the property will be permitted. The road cross section to be used is a modified SS-R5 with the sidewalk located at 0.2m from property line.
- b) There is a speed hump in Mugford Rd fronting the subject lot. If this speed hump is disturbed during construction, it is to be replaced as per the City of Kelowna's requirements.
- c) The estimated cost of this construction, for performance security purposes, is to be submitted by the Developer's Consulting Engineer.

**8. Geotechnical Report**

- (a) Provide a geotechnical report 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.

- (b) The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch 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) Recommendations for items that should be included in a Restrictive Covenant.
  - (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
  - (vii) Any items required in other sections of this document.

## 9. **Design and Construction**

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

## 10. **Site Requirements**

- (a) Provide turning movements showing ingress and egress of an MSU vehicle on the subject lot.

**11. 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.

**12. Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

*Ryan O'Sullivan for James Kay*

James Kay, P.Eng.  
Development Engineering Manager

JKH

**CITY OF KELOWNA**  
**BYLAW NO. 11975**  
**Z19-0122 – 550 Mugford Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot E Sec 26 TWN 26 ODYD Plan 35641 located on Mugford Road, Kelowna BC from the RU1 – Large Lot Housing to the RU2 – Medium Lot Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# Report to Council



**Date:** January 13, 2020

**To:** Council

**From:** City Manager

**Subject:** Rental Housing Grant Recommendation for 2020

**Department:** Policy & Planning

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**Recommendation:**

THAT Council receives the report from the Planner Specialist, dated January 13, 2020 regarding the Rental Housing Grants funding recommendation for 2020;

AND THAT Council approves the 2020 Rental Housing Grants as identified in the report from the Planner Specialist, dated January 13, 2020, in accordance with the Housing Opportunities Reserve Fund Bylaw No. 8593 and Council Policy No. 335.

**Purpose:**

To consider the approval of three Rental Housing Grant applications, subject to final budget approval.

**Background:**

In fall 2018, CMHC reported an increase in the rental housing vacancy rate from 0.2 per cent to 1.9 per cent. Since the 2018 Rental housing report was prepared by CMHC, over 1,000 long-term rental units were completed and added to the primary rental housing market in Kelowna.<sup>1</sup> The long-term rental housing added over the last 12 months represents a major increase to the long-term rental housing market. Based on the added supply, staff anticipates the forthcoming (January 15, 2019) CMHC Rental Housing Market Report will show a further increase in the rental housing vacancy rate for Kelowna.

To encourage new market rental and affordable rental units, the City of Kelowna has two programs that provide financial incentives; the Rental Housing Grants program and the Revitalization Tax Exemption (RTE) Bylaw program. The Rental Housing Grants program provides grants in the form of Development Cost Charge (DCC) credits for projects that enter into a rental housing agreement with the City for a minimum of ten years. The amount of funding available for the 2020 rental housing grants

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<sup>1</sup> CMHC Starts and Completions Survey – Completions by Intended Market, Retrieved November 2019.

is \$300,000 and supports the key directions of the Healthy Housing Strategy.

**Discussion:**

To improve housing affordability and reduce barriers for affordable housing, Council approved changes to the Rental Housing Grants program on August 12, 2019. The changes to the program shifted the focus from market rental units to affordable rental units. These changes are intended to focus the grants (Development Cost Charge credits) toward projects that will promote affordability in the long-term rental market. Further, the DCC credits are also expected to improve the financial viability of non-market rental projects that are facing rising land and construction costs.

To receive the rental housing grants, projects must have a housing agreement to secure the rental dwellings for a minimum of ten years.<sup>2</sup> After ten years, a request can be made to release the notice of the housing agreement. To discharge a housing agreement, Council approval is required as well as a subsequent repayment of the grant funding to the City's Housing Opportunities Reserve Fund (By-law 8593).

The 2020 applications demonstrate the continued response from the non-profit housing sector and BC Housing to address the demand for affordable long-term rental units in Kelowna. The properties being recommended to receive rental housing grants for 2020, are:

1. \$84,146 for 555 Fuller Avenue - Pathways Ability Society
2. \$135,365 for 969 Harvey Avenue - Evangel Housing Society
3. \$80,487 for 330 Valley Road - NOW Canada Partnership with Springdale Properties

The grants are intended to offset the cost of developing affordable rental housing and are to be applied against the DCC fees for each project. Based on the three rental applications received and preliminary DCC estimates, the grants are covering (on average) 15 per cent of eligible DCCs for the 2020 applications. Subject to final Council approval, the grants amounts are summarized in the table below.

| Project           | Units Supported | Recommended Grant | Estimated DCC Fees | Type of Rental Units  |
|-------------------|-----------------|-------------------|--------------------|-----------------------|
| 555 Fuller Avenue | 68              | \$84,146          | \$1,020,000        | Affordable apartments |
| 969 Harvey Avenue | 42              | \$135,365         | \$600,000          | Affordable apartments |
| 330 Valley Road   | 32              | \$80,487          | \$545,000          | Affordable townhouses |

- 
2. The City has removed the requirement for projects to sign a housing agreement with the City of Kelowna in cases where a long-term operating agreement is in place with the Provincial Rental Housing Corporation (BC Housing).

Grant recipients will be notified by letter of the amount of the grant (subject to Council approval) and advised that they need to include a copy of the letter with their building permit application in order to receive a DCC credit, on the DCC's payable at building permit stage, equal to the amount of the grant.

In addition to rental housing grants, application can also be made for a 10-year revitalization tax exemption on new purpose-built rental projects. To apply, applications must be consistent with the criteria established in the Revitalization Tax Exemption Bylaw 9561. Staff anticipates several of the grant applicants will submit applications for rental housing tax exemptions.

**Conclusion:**

Moving forward, staff will continue to monitor the impact of the Rental Housing Grants program in relation to the overall changes to the Development Cost Charges Bylaw that are anticipated to come into effect in 2020.

***Internal Circulation:***

Divisional Director, Planning and Development Services  
Manager, Long Range Policy and Planning  
Department Manager, Policy and Planning  
Department Manager, Development Planning  
Budget Supervisor  
Manager, Building and Permitting

***Legal/Statutory Authority:***

Local Government Act, Section 877. (1) (a) 933.1 (1)

***Legal/Statutory Procedural Requirements:***

Housing Opportunities Reserve Fund By-law No. 8593

***Existing Policy:***

2030 Official Community Plan

Objective 10.3 Support the creation of affordable and safe rental, non-market and /or special needs housing

Policies 10.3.1, 10.3.2, 10.3.3 & 10.3.4

Council Policy no. 355 – Rental Housing Grants Eligibility

***Healthy Housing Strategy***

*Key directions:*

1. Promote and protect rental housing;
2. Improve housing affordability and reduce barriers for affordable housing;
3. Build the right supply; and
4. Strengthen partnerships and align investments.

***Financial/Budgetary Considerations:***

Budgeted funds (subject to final approval) allow for a contribution of \$3,658 per three-bedroom or greater units, \$1,829 per two-bedroom unit and \$914 per one-bedroom / studio unit for the 142 affordable rental units.

Available funds are as follows:

|  |                  |
|--|------------------|
| <u>Housing Opportunities Reserve Fund (HORF) –2020 budget allocation:</u>            | <u>\$60,000</u>  |
| <u>Annual Budget Allocation to Rental Grants to provide partial relief from DCCs</u> | <u>\$240,000</u> |
| <b>Total Funds Available</b>   | <b>\$300,000</b> |

Submitted by:

R. Soward, Planner Specialist

**Approved for inclusion:** J. Moore, Manager of Long Range Policy Planning



# Rental Housing Grants

2020 Funding Recommendations  
Policy & Planning Department



# Kelowna's Rental Housing Market

## Primary Rental Market

- Market rentals
- Affordable rentals
- Supportive housing

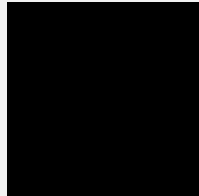
## Secondary Rental Market

- Carriage houses
- Secondary suites
- Rental condo units

# 2020 Application Intake



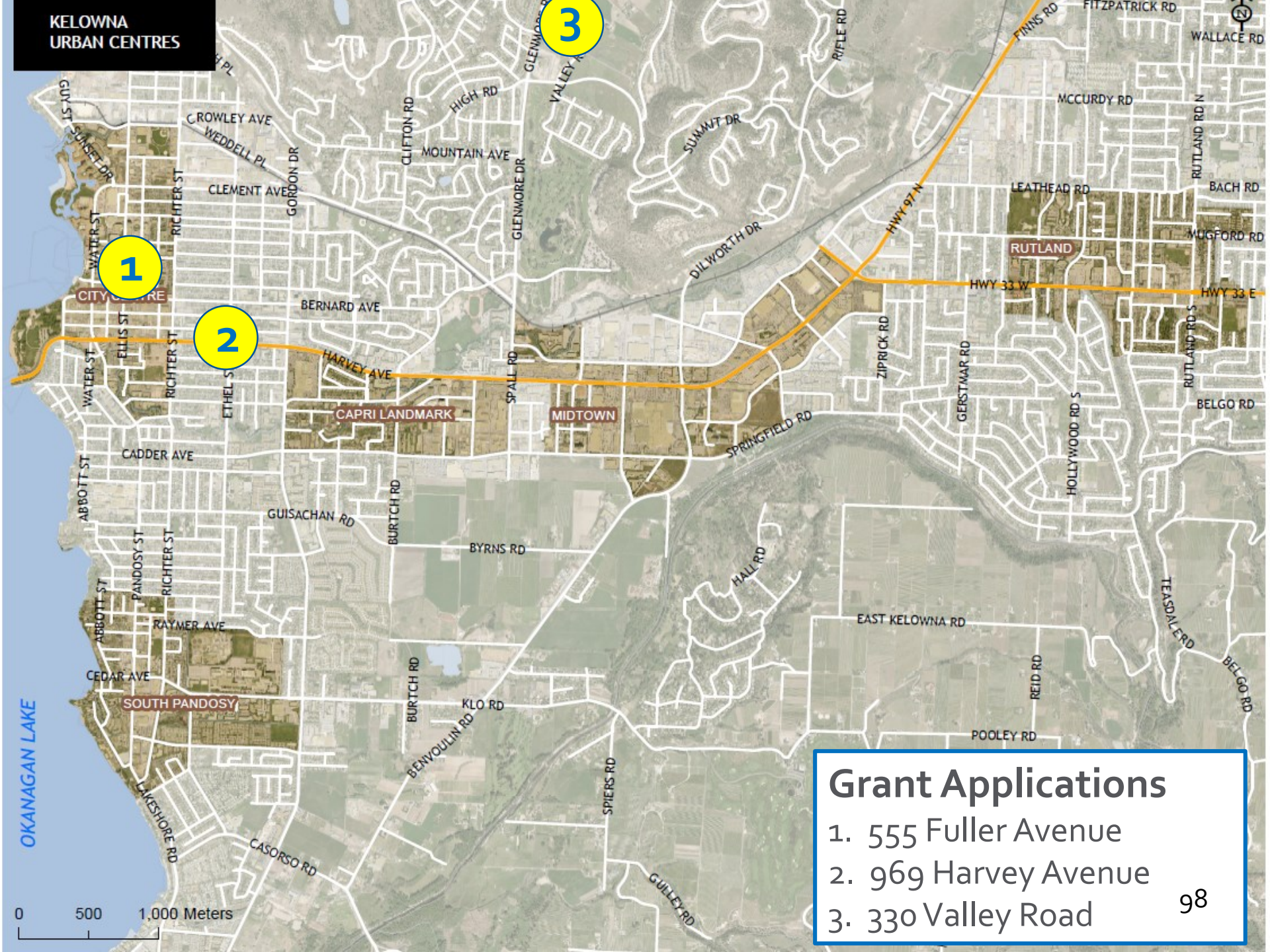
First year under  
updated policy



Shift of focus to  
affordable rental



Three applications  
for \$300,000 in  
grant



## Grant Applications

1. 555 Fuller Avenue
2. 969 Harvey Avenue
3. 330 Valley Road

# 2020 Grant Applications

| Project           | Number of Units | Type of Rental Units  |
|-------------------|-----------------|-----------------------|
| 555 Fuller Avenue | 68              | Affordable Apartments |
| 969 Harvey Avenue | 42              | Affordable Apartments |
| 330 Valley Road   | 32              | Affordable Townhouses |

\*Recommended grant amount per unit type

- ▶ \$3,658 per 3+ bedroom,
- ▶ \$1,829 per 2 bedroom,
- ▶ \$914 per 1 bedroom / studio

# Recommended Grant Amounts

| Project Address   | Number of Units | Recommended Grant Amount for 2020 |
|-------------------|-----------------|-----------------------------------|
| 555 Fuller Avenue | 68              | \$84,146                          |
| 969 Harvey Avenue | 42              | \$135,365                         |
| 330 Valley Road   | 32              | \$80,487                          |

- ▶ Grants are covering on average 15% of DCCs

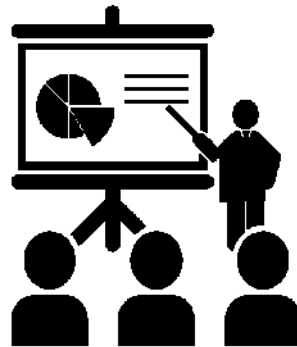
# Next Steps & Timeline

- ▶ Notify successful applicants (subject to council approval)
- ▶ Secure housing agreements
- ▶ Credit on DCC payment at time of building permit

Applications  
Received



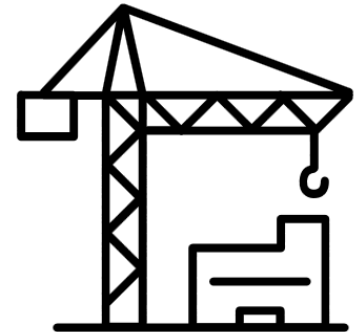
Council Approves  
Grant Amounts



DCC Credits at  
Building Permit



Construction Of  
New Rental Units



# Conclusions

- ▶ Updates to program supporting new affordable rental projects
- ▶ Larger share of family friendly units
- ▶ On-going rental housing supply needed for healthy rental market



*Rendering of 555 Fuller Ave Project*

# Report to Council



**Date:** January 20, 2020  
**To:** Council  
**From:** City Manager  
**Subject:** Birch Avenue Water Main Project Cancelled and Budget Transferred to South End Water Upgrades Project  
**Department:** Infrastructure Delivery

---

## **Recommendation:**

THAT Council receives for information the report from the Infrastructure Divisional Director dated January 20, 2020 regarding the cancellation of the Birch Avenue Water Main project and the transfer of the remaining budget to the South End Water Upgrades project;

AND THAT the 2019 Financial Plan be amended to include the cancellation of the Birch Avenue Water Main project and the transfer of remaining budget to the South End Water Upgrades project as noted in the Financial/Budgetary Considerations section below.

## **Purpose:**

To cancel the Birch Avenue Water Main project and transfer budget to the South End Water Upgrades project to meet financial requirements of completed works.

## **Background:**

The South End Water Upgrades project is part of the Water Integration Phase 1 initiative. As part of the upgrading work an opportunity arose to improve servicing and bylaw pressure requirements for six residences on Raymer Road. The South End Upgrades include a new 350mm water supply main running parallel to an existing (1970 vintage) 300mm main in Woodhaven Park.

Due to the age of the existing watermain, it's alignment through Woodhaven Park and resultant water quality risks from low demand, the decision was made to take advantage of this opportunity and replace it with a new 150 mm PVC main in a common trench. New service connections are also provided. This work was not part of the original scope, necessitating additional funding to cover the cost.

The Birch Avenue Water Main replacement project was previously approved as a capital project by Council, as a component of the on-going cast iron replacement and system renewal programs. It was later determined through field investigation that this section of mainline was previously renewed,

however, it's renewal was not recorded in our asset management system. Therefore, the project can be cancelled and the remaining budget is available for transfer.

**Financial/Budgetary Considerations:**

It is requested that the 2019 Financial Plan be amended to include the cancellation of the Birch Avenue Water Main project and the transfer of the remaining budget to the South End Water Upgrades project.

*Summary of Estimated Budget Transfer Requirements*

|                                  |                        |
|----------------------------------|------------------------|
|                                  | <u>Budget Increase</u> |
| South End Water Upgrades (#3322) | \$ 138,000             |

*Funding Source:*

|   |                               |
|---|-------------------------------|
|   | <u>Available for Transfer</u> |
| Birch Avenue Water Main (#3384) - Cancelled | \$ 138,000                    |

**Internal Circulation:**

Divisional Director, Infrastructure  
Financial Planning Manager  
Utilities Planning Manager  
Department Manager, Infrastructure Administration  
Budget Supervisor

**Considerations not applicable to this report:**

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

Submitted by:



Brian Beach, Department Manager, Infrastructure Delivery

**Approved for inclusion:**



A. Newcombe, Divisional Director, Infrastructure

cc: Divisional Director, Infrastructure  
Divisional Director, Financial Services

# Report to Council



**Date:** January 20, 2020

**To:** Council

**From:** City Manager

**Subject:** Cancellation of the Sutherland Outfall Oil/Grit Chamber Project and Budget Transfer to Chichester Pond – Sediment Forebay Project

**Department:** Infrastructure Delivery

---

## **Recommendation:**

THAT Council receives for information, the report from the Infrastructure Divisional Director dated January 20, 2020 regarding the cancellation of the Sutherland Outfall Oil/Grit Chamber Project and the transfer of the remaining budget to the Chichester Pond – Sediment Forebay project;

AND THAT the 2019 Financial Plan be amended to include the cancellation of the Sutherland Outfall project and the transfer of remaining budget to the Sediment Forebay project, as noted in the Financial/Budgetary Considerations section below.

## **Purpose:**

To cancel the Sutherland Outfall Oil/Grit Chamber project and the transfer of the remaining budget to the Sediment Forebay project to meet projected financial requirements to complete the works.

## **Background:**

The Sutherland Outfall Oil/Grit Chamber project was planned as a stormwater treatment installation proposed for Sutherland Avenue at Mill Creek, previously approved by Council. The detailed design identified construction and operational challenges resulting in the need for a much larger project to adequately address the issues. The larger project will be best accomplished in conjunction with the future Sutherland ATC corridor project between Gordon and Burtch. Therefore, staff would like to rescope this work for a future budget year and transfer the remaining budget to the Chichester Pond project, which is a higher priority installation.

The Chichester Pond project is to provide water quality improvements, reduced maintenance costs and lower environmental impacts for this naturalized storm drainage treatment system. The project was sent out for construction quotations and came in well over-budget. It will be completed by City Crews to achieve some savings but will still require additional budget of approximately \$83,000 to complete.

**Financial/Budgetary Considerations:**

It is requested that the 2019 Financial Plan be amended to include the cancellation of the Sutherland Outfall project and the transfer of remaining budget to the Chichester Pond Sediment Forebay project.

*Summary of Estimated Budget Transfer Requirements*Budget Increase

|  |           |
|--|-----------|
| Chichester Pond Sediment Forebay (#3299) | \$ 83,000 |
|--|-----------|

*Funding Source:*Available for Transfer

|  |           |
|--|-----------|
| Sutherland Outfall (#3298) - Cancelled | \$ 83,000 |
|--|-----------|

**Internal Circulation:**

Divisional Director, Infrastructure

Financial Planning Manager

Utilities Planning Manager

Department Manager, Infrastructure Administration

Budget Supervisor

**Considerations not applicable to this report:**

Personnel Implications:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:



Brian Beach, Department Manager, Infrastructure Delivery

**Approved for inclusion:**



A. Newcombe, Divisional Director, Infrastructure

cc: Divisional Director, Infrastructure  
Divisional Director, Financial Services

# CITY OF KELOWNA

## BYLAW NO. 11833

### Amendment No. 24 to Bylaw Notice Enforcement Bylaw No. 10475

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

1. THAT **Schedule "A"** be amended by deleting the Fire and Life Safety Bylaw No. 10760 in its entirety that reads:

| Bylaw No.                            | Section | Description | A1<br>Penalty | A2<br>Early<br>Payment<br>Penalty | A3<br>Late<br>Payment<br>Penalty | A4<br>Compliance<br>Agreement<br>Available<br><br>(*Maximum<br>50%<br>Reduction in<br>Penalty<br>Amount<br>Where<br>Compliance<br>Agreement is<br>Shown as<br>"Yes") |
|--------------------------------------|---------|-------------|---------------|-----------------------------------|----------------------------------|--|
| Fire and Life Safety Bylaw No. 10760 |         |             |               |                                   |                                  |  |

| PART ONE: ADOPTION AND APPLICATION OF THE FIRE CODE |     |   |          |          |          |     |
|---|-----|---|----------|----------|----------|-----|
| 10760   | 1.1 | Failure to post adequate No Smoking Signs             | \$50.00  | \$40.00  | \$60.00  | Yes |
| 10760   | 1.1 | Fail to supply/maintain approved fire extinguisher    | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760   | 1.1 | Fail to adhere to posted occupant loads(overcrowding) | \$500.00 | \$450.00 | \$500.00 | Yes |
| 10760   | 1.1 | Failure to practice fire drill                        | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760   | 1.1 | Failure to install fire alarm/sprinkler system        | \$250.00 | \$200.00 | \$300.00 | No  |
| 10760   | 1.1 | Failure to post emergency evacuation plan             | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760   | 1.1 | Failure to provide Emergency Vehicle Access           | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760   | 1.1 | High Rack storage exceeds permissible height          | \$250.00 | \$200.00 | \$300.00 | Yes |
| PART THREE: FIRE DEPARTMENT                         |     |   |          |          |          |     |
| 10760   | 3.6 | Enter designated fire area                            | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760   | 3.7 | Impersonate a member of the Fire Department           | \$500.00 | \$450.00 | \$500.00 | No  |
| 10760   | 3.8 | Obstruction of Fire Chief or Designate                | \$500.00 | \$450.00 | \$500.00 | No  |
| 10760   | 3.8 | Interference with Fire Hose line                      | \$500.00 | \$450.00 | \$500.00 | No  |

SCHEDULE "A"

| PART FOUR: PERMITS |       |  |            |           |           |     |
|--------------------|-------|--|------------|-----------|-----------|-----|
| 10760              | 4.1   | Set Off Consumer Fireworks without permit                        | \$250.00   | \$200.00  | \$300.00  | Yes |
| 10760              | 4.1   | Set Off Display Fireworks without permit                         | \$500.00   | \$450.00  | \$500.00  | Yes |
| 10760              | 4.1   | Unpermitted Fuel Tank  | \$100.00   | \$90.00   | \$110.00  | Yes |
| 10760              | 4.1   | Start a fire without a Permit                                    | \$345.00   | \$300.00  | \$390.00  | No  |
| 10760              | 4.5   | Fail to comply with burning conditions                           | \$345.00   | \$300.00  | \$390.00  | No  |
| 10760              | 4.5   | Burn prohibited materials  | \$345.00   | \$300.00  | \$390.00  | No  |
| 10760              | 4.5   | Burn a structure for the purpose of demolition                   | \$5,000.00 | \$5000.00 | \$5000.00 | No  |
| 10760              | 4.5   | Start a fire without permission                                  | \$345.00   | \$300.00  | \$390.00  | No  |
| 10760              | 4.5.2 | Inadequate supervision   | \$345.00   | \$300.00  | \$390.00  | Yes |
| 10760              | 4.5.2 | Appliance not CSA/ULC/CGA or equivalent approved                 | \$345.00   | \$300.00  | \$390.00  | Yes |
| 10760              | 4.5.2 | Appliance fueled by unapproved fuel                              | \$345.00   | \$300.00  | \$390.00  | Yes |
| 10760              | 4.5.2 | Fail to provide 1 meter clearance                                | \$345.00   | \$300.00  | \$390.00  | No  |
| 10760              | 4.5.2 | No approval from Authority Having Jurisdiction on Gas Inspection | \$345.00   | \$300.00  | \$390.00  | Yes |
| 10760              | 4.5.2 | Fail to provide adequate extinguishing agent                     | \$345.00   | \$300.00  | \$390.00  | Yes |
| 10760              | 4.5.2 | Burning of refuse, waste or wood                                 | \$345.00   | \$300.00  | \$390.00  | No  |
| 10760              | 4.5.3 | Burn materials other than from property                          | \$345.00   | \$300.00  | \$390.00  | No  |
| 10760              | 4.5.3 | Operate a backyard incinerator                                   | \$345.00   | \$300.00  | \$390.00  | Yes |

SCHEDULE "A"

| PART FIVE: FIRE PROTECTION EQUIPMENT |       |  |          |          |          |     |
|--------------------------------------|-------|--|----------|----------|----------|-----|
| 10760                                | 5.1   | Spray Operations without conforming spray booth.             | \$500.00 | \$450.00 | \$500.00 | Yes |
| 10760                                | 5.1   | Obstructed FD Access Route                                   | \$500.00 | \$450.00 | \$500.00 | Yes |
| 10760                                | 5.1   | Failure to institute a fire watch                            | \$500.00 | \$450.00 | \$500.00 | No  |
| 10760                                | 5.2   | Failure to provide signage on Fire Dept. connection          | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                | 5.2.3 | Obstruct access to Fire Dept. Connection or Standpipe        | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                | 5.3   | Hydraulic Calculations on Sprinkler not provided (per riser) | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                | 5.5   | No working smoke alarm on premise.                           | \$250.00 | \$200.00 | \$300.00 | No  |
| 10760                                | 5.5   | Insufficient number of smoke alarms on premise               | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760                                | 5.6.2 | Unauthorized use of hydrant                                  | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760                                | 5.6.3 | Tamper with hydrant  | \$250.00 | \$200.00 | \$300.00 | No  |
| 10760                                | 5.7   | Fail to provide hydrant maintenance/testing documentation    | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                | 5.7   | Fail to tag hydrant out of service                           | \$100.00 | \$90.00  | \$110.00 | No  |
| 10760                                | 5.8   | Obstruction within one (1) meter of fire hydrant             | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                | 5.8   | Fail to maintain/inspect hydrant                             | \$100.00 | \$90.00  | \$110.00 | Yes |

SCHEDULE "A"

| PART SIX: FIRE ALARM SYSTEMS                |       |  |          |          |          |     |
|---|-------|--|----------|----------|----------|-----|
| 10760                                       | 6.1   | Failure to provide contact information                             | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 6.2   | Cause or allow false alarm   | \$500.00 | \$450.00 | \$500.00 | Yes |
| PART SEVEN: EMERGENCY ACCESS AND EVACUATION |       |  |          |          |          |     |
| 10760                                       | 7.2   | Fail to submit Fire Safety Plan                                    | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 7.2.1 | Failure to provide/maintain Fire Safety Plan on site               | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 7.8   | Failure to evacuate during fire alarm                              | \$100.00 | \$90.00  | \$110.00 | Yes |
| PART EIGHT: REGULATION OF FIRE HAZARDS      |       |  |          |          |          |     |
| 10760                                       | 8.1   | Accumulation of combustible materials in alley, premises, sidewalk | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 8.1.4 | Keep an ash pit other than provided for                            | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 8.1.5 | Fail to place ashes in non-combustible receptacle                  | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 8.2   | Failure to maintain refuse container clearances                    | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 8.3   | Store flammable products in underground parkades                   | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760                                       | 8.3   | Unsafe storage of flammable liquids                                | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 8.7   | Failure to secure vacant building                                  | \$500.00 | \$450.00 | \$500.00 | Yes |

SCHEDULE "A"

| PART EIGHT: REGULATION OF FIRE HAZARDS                           |      |   |          |          |          |     |
|--|------|---|----------|----------|----------|-----|
| 10760  | 8.10 | Fail to maintain commercial cooking equipment                       | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 8.10 | Fail to maintain fire suppression system                            | \$100.00 | \$90.00  | \$110.00 | No  |
| PART NINE: SAFETY TO LIFE  |      |   |          |          |          |     |
| 10760  | 9.1  | Obstructed Access or Egress - A2 Licensed Beverage Est & B-2        | \$500.00 | \$450.00 | \$500.00 | No  |
| 10760  | 9.1  | Obstructed Access or Egress   | \$100.00 | \$90.00  | \$110.00 | No  |
| 10760  | 9.1  | Failure to maintain fire door separations                           | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 9.1  | Unauthorized installation of locking devices on required exit doors | \$250.00 | \$200.00 | \$300.00 | Yes |
| PART TEN: INSPECTIONS OF PREMISES                                |      |   |          |          |          |     |
| 10760  | 10.2 | Failure to provide access for fire inspection after owner advised   | \$75.00  | \$50.00  | \$100.00 | Yes |
| PART TWELVE: INSPECTION AND TESTING OF FIRE PROTECTION EQUIPMENT |      |   |          |          |          |     |
| 10760  | 12.1 | Fail to notify of testing, repair of Alarm System                   | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 12.1 | Fail to maintain and test fire alarm                                | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760  | 12.1 | Fail to maintain and test sprinkler/standpipe and/or hose system    | \$250.00 |          |          |     |

SCHEDULE "A"

|                                  |         |  |          |          |          |     |
|----------------------------------|---------|--|----------|----------|----------|-----|
|                                  |         |  |          | \$200.00 | \$300.00 | Yes |
| 10760                            | 12.1    | Fail to retain records of fire life safety systems           | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                            | 12.1    | Fail to test/maintain/provide emergency lights or exit signs | \$100.00 | \$90.00  | \$110.00 | Yes |
| <b>PART SEVENTEEN: FIREWORKS</b> |         |  |          |          |          |     |
| 10760                            | 17.1.1  | Sell/offer for sale fireworks                                | \$100.00 | \$90.00  | \$110.00 | No  |
| 10760                            | 17.1.3  | Store display fireworks                                      | \$100.00 | \$90.00  | \$110.00 | No  |
| 10760                            | 17.2.8  | Discharge fireworks outside approved time                    | \$100.00 | \$90.00  | \$110.00 | No  |
| 10760                            | 17.2.13 | Fail to remove and dispose of fireworks and debris           | \$100.00 | \$90.00  | \$110.00 | Yes |

And replace it with:

SCHEDULE "A"

| Bylaw No.  | Section | Description   | A1<br>Penalty | A2<br>Early Payment Penalty | A3<br>Late Payment Penalty | A4<br>Compliance Agreement Available<br><br>(*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes") |
|--|---------|---|---------------|-----------------------------|----------------------------|---|
| <b>Fire and Life Safety Bylaw No. 10760</b>                |         |   |               |                             |                            |   |
| <b>PART ONE: ADOPTION AND APPLICATION OF THE FIRE CODE</b> |         |   |               |                             |                            |   |
| 10760  | 1.1     | Failure to post adequate No Smoking Signs             | \$50.00       | \$40.00                     | \$60.00                    | Yes   |
| 10760  | 1.1     | Fail to supply/maintain approved fire extinguisher    | \$100.00      | \$90.00                     | \$110.00                   | Yes   |
| 10760  | 1.1     | Fail to adhere to posted occupant loads(overcrowding) | \$500.00      | \$450.00                    | \$500.00                   | Yes   |
| 10760  | 1.1     | Failure to practice fire drill                        | \$100.00      | \$90.00                     | \$110.00                   | Yes   |
| 10760  | 1.1     | Failure to install fire alarm/sprinkler system        | \$250.00      | \$200.00                    | \$300.00                   | No  |
| 10760  | 1.1     | Failure to post emergency evacuation plan             | \$100.00      | \$90.00                     | \$110.00                   | Yes   |
| 10760  | 1.1     | Failure to provide Emergency Vehicle Access           | \$100.00      | \$90.00                     | \$110.00                   | Yes   |
| 10760  | 1.1     | High Rack storage exceeds permissible height          | \$250.00      | \$200.00                    | \$300.00                   | Yes   |

**SCHEDULE "A"**

|  |           |  |          |          |          |     |
|--|-----------|--|----------|----------|----------|-----|
| 10760  | 1.1       | Failure to comply with Fire Codes not identified in this Schedule  | \$250.00 | \$200.00 | 300.00   | Yes |
| <b>PART THREE: FIRE DEPARTMENT</b>               |           |  |          |          |          |     |
| <b>3.5 No Interference</b>                       |           |  |          |          |          |     |
| 10760  | 3.5.1     | Obstruct or interfere access   | \$500.00 | \$450.00 | \$500.00 | No  |
| 10760  | 3.5.2     | Interfering with responding to an alarm or other request for assistance  | \$500.00 | \$450.00 | \$500.00 | No  |
| 10760  | 3.5.3 (a) | Interfering with member/officer entering/upon fire scene - cause and origin of fire                                  | \$500.00 | \$450.00 | \$500.00 | No  |
| 10760  | 3.5.3 (b) | Interfering with member/officer entering/upon fire scene - activation of fire alarm system                           | \$500.00 | \$450.00 | \$500.00 | No  |
| 10760  | 3.5.3 (c) | Interfering with member/officer entering/upon fire scene - sprinkler system or fire or life safety protection system | \$500.00 | \$450.00 | \$500.00 | No  |
| <b>3.6 Prohibition Against Entry</b>             |           |  |          |          |          |     |
| 10760  | 3.6.1 (a) | Enter building or premise threatened by building incident  | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 3.6.1 (b) | Enter in a designated fire area  | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 3.6.1 (c) | Refusal to leave designated fire area  | \$100.00 | \$90.00  | \$110.00 | Yes |
| <b>3.7 False Representation</b>                  |           |  |          |          |          |     |
| 10760  | 3.7.1     | Impersonate a member of the Fire Department  | \$500.00 | \$450.00 | \$500.00 | No  |
| <b>3.8 No Obstruction at Assistance Response</b> |           |  |          |          |          |     |
| 10760  | 3.8.1     | Obstruction of a member during a response  | \$500.00 | \$450.00 | \$500.00 | No  |

SCHEDULE "A"

| PART FOUR: PERMITS   |                    |  |          |          |          |     |
|----------------------|--------------------|--|----------|----------|----------|-----|
| 4.1 Permit Required  |                    |  |          |          |          |     |
| 10760                | 4.1.1 (a)          | Installation and Removal without a permit                        | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                | 4.1.1 (b)          | Store flammable or combustible liquids without permit            | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                | 4.1.1 (c)          | Open flames for display  | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                | 4.1.1 (d)          | Set Off Consumer Fireworks without permit                        | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760                | 4.1.1 (d)          | Set Off Display Fireworks without permit                         | \$500.00 | \$450.00 | \$500.00 | Yes |
| 10760                | 4.1.1 (e)          | Rack storage exceeding 12'in high                                | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760                | 4.1.1 (f)          | Start a fire without a Permit                                    | \$345.00 | \$300.00 | \$390.00 | No  |
| 4.5 Open Air Burning |                    |  |          |          |          |     |
| 10760                | 4.5.2 (a)<br>(i)   | Appliance not CSA/ULC/CGA or equivalent approved                 | \$345.00 | \$300.00 | \$390.00 | Yes |
| 10760                | 4.5.2. (a)<br>(ii) | Appliance fueled by unapproved fuel                              | \$345.00 | \$300.00 | \$390.00 | Yes |
| 10760                | 4.5.2 (a)<br>(iii) | Fail to provide 1 meter clearance                                | \$345.00 | \$300.00 | \$390.00 | No  |
| 10760                | 4.5.2 (a)<br>(iv)  | No approval from Authority Having Jurisdiction on Gas Inspection | \$345.00 | \$300.00 | \$390.00 | Yes |
| 10760                | 4.5.2 (a)<br>(v)   | Owner not supervising unit                                       | \$345.00 | \$300.00 | \$390.00 | Yes |
| 10760                | 4.5.2 (a)<br>(vi)  | Failure to provide adequate extinguishing agent                  | \$345.00 | \$300.00 | \$390.00 | Yes |

SCHEDULE "A"

|       |                   |   |                      |          |          |     |
|-------|-------------------|---|----------------------|----------|----------|-----|
| 10760 | 4.5.2 (a)<br>vii  | Burning of refuse, waste or wood in outdoor bbq fire pit or fireplace   | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (a)         | Open air burning on lots less than one (1) hectare  | \$345.00<br>\$345.00 | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (b)         | No adult in attendance of burning   | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (c)(i)      | Burning pile not less than 30.5m from combustible structure or material   | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (c)(ii)     | Burning pile not less than 30.5m from standing timber or brush  | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (c)(i)      | Burning pile not less than 30.5m from water course  | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (d)         | Burning pile less than 30.5 m of property lines without consent   | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3(e)          | Buring materials not originating from the property in which a permit applies                                      | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (f)         | Burning of compostable materials  | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (g)         | Failing to adhere to venting index  | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (h)<br>(i)  | Use of materials to start, fuel or feed a fire  | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (h)<br>(ii) | Burning of standing crops or grasslands   | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 (i)         | Buring with a sususpended or cancelled permit without inpection of extinguished site prior to new permit issuance | \$345.00             | \$300.00 | \$390.00 | No  |
| 10760 | 4.5.3 j           | Operate a backyard incinerator  | \$345.00             | \$300.00 | \$390.00 | Yes |
| 10760 | 4.5.3 (k)         | Start a fire without permission of owner or agent   | \$345.00             | \$300.00 | \$390.00 | No  |

**SCHEDULE "A"**

|   |                       |  |          |          |          |     |
|---|-----------------------|--|----------|----------|----------|-----|
| 10760                                       | 4.5.3 (m)             | Starting a fire without a valid permit   | \$345.00 | \$300.00 | \$390.00 | No  |
| 10760                                       | 4.5.3 (o)             | Failure to comply with conditions, restrictions and requirements imposed by Fire Chief       | \$345.00 | \$300.00 | \$390.00 | No  |
| <b>PART FIVE: FIRE PROTECTION EQUIPMENT</b> |                       |  |          |          |          |     |
| <b>5.1 Buildings and Occupancies</b>        |                       |  |          |          |          |     |
| 10760                                       | 5.1.1 (a)(i)          | Failure to maintain system per Building Code and Fire Code                                   | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 5.1.1 (a)(ii)         | Failure to Maintain record s (by owner or occupant_  | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 5.1.1 (a)<br>(iii)(1) | Failure to notify Fire Department if system is not functioning properly                      | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 5.1.1 (a)<br>(iii)(2) | Failure to notify Fire Department when system is restored                                    | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 5.1.1 (b)<br>(i)      | Failure to test fire protection equipment by a Fire Protection Service Technician            | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 5.1.1 (b)<br>(ii)     | Failure to deliver a copy of fire protection test to fire hall                               | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 5.1.1 (b)<br>(iii)    | Failure to adhere to completion dates of deficiencies  | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 5.1.2                 | Failure to adhere to legislative standards for fire protection equipment                     | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 5.1.3 (a)             | Failure to use "Notice of Responsibility" when systems are compermised                       | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760                                       | 5.1.3 (b)             | Failure to use "Notice of Responsibility" when systems will not restore to working condition | \$100.00 | \$90.00  | \$110.00 | Yes |

**SCHEDULE "A"**

|   |                    |   |          |         |          |     |
|---|--------------------|---|----------|---------|----------|-----|
| 10760   | 5.1.3 (c)          | Failure to use "Notice of Responsibility" when FIRE WATCH is required | \$100.00 | \$90.00 | \$110.00 | Yes |
| <b>5.2 Connections for Building Sprinkler and Standpipe Systems</b> |                    |   |          |         |          |     |
| 10760   | 5.2.3              | Obstruct access to Fire Dept. Connection                              | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.2.4 (a)          | Failure to provide signage on Fire Department connection              | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.2.4 (b)          | Failure to provide signage maximum pumping inlet                      | \$100.00 | \$90.00 | \$110.00 | Yes |
| <b>5.3 Sprinkler Systems</b>  |                    |   |          |         |          |     |
| 10760   | 5.3.3 (a)          | Failure to identify sprinkler design standard                         | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.3.3 (b)          | Failure to identify available water supply                            | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.3.3 (c)<br>(i)   | Failure to identify occupancy hazard or commodity classification      | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.3.3 (c)<br>(ii)  | Failure to provide method of packaging and encapsulation              | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.3.3 (c)<br>(iii) | Failure to provide method of storage of commodities                   | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.3.3 (c)<br>(iv)  | Failure to provide height of storage                                  | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.3.3 (c)<br>(v)   | Failure to provide clearance between racks, piles or stacks           | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.3.3 (d)          | Failure to provide required level of manual firefighting equipment    | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760   | 5.3.3 (e)          | Failure to provide required density of water application              | \$100.00 | \$90.00 | \$110.00 | Yes |

**SCHEDULE "A"**

|  |           |  |          |          |          |     |
|--|-----------|--|----------|----------|----------|-----|
| 10760  | 5.3.3 (f) | Failure to provide required design area of water application                   | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 5.3.3 (g) | Failure to provide required fire alarm system and central station connections  | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 5.3.3 (h) | Failure to provide current status of sprinkler system to Fire Inspector        | \$100.00 | \$90.00  | \$110.00 | Yes |
| <b>5.5 Smoke Alarms</b>                      |           |  |          |          |          |     |
| 10760  | 5.5.1     | No working smoke or carbon monoxide alarms on premise.                         | \$250.00 | \$200.00 | \$300.00 | No  |
| 10760  | 5.5.2     | Insufficient number of operational smoke and carbon monoxide alarms on premise | \$250.00 | \$200.00 | \$300.00 | Yes |
| <b>5.6 Fire Hydrants</b>                     |           |  |          |          |          |     |
| 10760  | 5.6.2     | Unauthorized use of hydrant  | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760  | 5.6.3     | Tamper with hydrant  | \$250.00 | \$200.00 | \$300.00 | No  |
| 10760  | 5.6.4     | Unauthorized removal of a fire hydrant   | \$250.00 | \$200.00 | \$300.00 | No  |
| <b>5.7 Fire Hydrant Maintenance</b>          |           |  |          |          |          |     |
| 10760  | 5.7.3     | Fail to tag hydrant out of service   | \$100.00 | \$90.00  | \$110.00 | No  |
| <b>5.8 Fire Hydrants on Private Property</b> |           |  |          |          |          |     |
| 10760  | 5.8.1 (a) | Obstruction within one (1) meter of fire hydrant                               | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 5.8.1 (b) | Provide clear view of fire hydrant from street                                 | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 5.8.4     | Fail to maintain/inspect hydrant   | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 5.8.5 (a) | Failure to flush and drain hydrant   | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 5.8.5 (b) | Failure to provide written inspection, servicing and testing report            | \$100.00 | \$90.00  | \$110.00 | Yes |

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|       |           |  |          |         |          |     |
|-------|-----------|--|----------|---------|----------|-----|
| 10760 | 5.8.5 (c) | Failure to provide written report of flow test | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760 | 5.8.5 (d) | Failure to comply with NFPA 291 Standards      | \$100.00 | \$90.00 | \$110.00 | Yes |

**SCHEDULE "A"**

| <b>PART SIX: FIRE ALARM SYSTEMS</b>                |           |  |          |          |          |     |
|--|-----------|--|----------|----------|----------|-----|
| <b>6.1 Contact Persons</b>                         |           |  |          |          |          |     |
| 10760  | 6.1.1     | Failure to provide contact information   | \$100.00 | \$90.00  | \$110.00 | Yes |
| <b>6.2 Activation</b>                              |           |  |          |          |          |     |
| 10760  | 6.2.1(a)  | Activate fire alarm with no fire   | \$500.00 | \$450.00 | \$500.00 | Yes |
| 10760  | 6.2.1(b)  | Activate fire alarm with no imminent fire or incident                                    | \$500.00 | \$450.00 | \$500.00 | Yes |
| 10760  | 6.2.1(c)  | Active fire alarm when not testing systems   | \$500.00 | \$450.00 | \$500.00 | Yes |
| <b>PART SEVEN: EMERGENCY ACCESS AND EVACUATION</b> |           |  |          |          |          |     |
| <b>7.1 Construction Fire Safety Plan</b>           |           |  |          |          |          |     |
| 10760  | 7.1.1     | Failure to contact fire department if fire safety plan is required prior to construction | 100.00   | 90.00    | 110.00   | No  |
| 10760  | 7.1.2 (a) | Failure to have fire safety plan reviewed  | 100.00   | 90.00    | 110.00   | No  |
| 10760  | 7.1.2 (b) | Failure to provide a copy of fire safety plan on site                                    | 100.00   | 90.00    | 110.00   | No  |
| <b>7.2 Fire Safety Plan</b>                        |           |  |          |          |          |     |
| 10760  | 7.2.1 (a) | Failure to prepare Fire Safety Plan  | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 7.2.1 (b) | Failure to pay fee   | 100.00   | 90.00    | 110.00   | Yes |
| 10760  | 7.2.1 (c) | Failure to review and update Fire safety plan and submit to FD for review                | 100.00   | 90.00    | 110.00   | Yes |
| 10760  | 7.2.1 (d) | Failure to provide/maintain Fire Safety Plan on site                                     | \$100.00 | \$90.00  | \$110.00 | Yes |
| <b>7.4 Access and Keys</b>                         |           |  |          |          |          |     |

**SCHEDULE "A"**

|   |           |  |          |          |          |     |
|---|-----------|--|----------|----------|----------|-----|
| 10760   | 7.4.1     | Failure to provide/maintain fire department clearly marked lock box and/or keys    | \$100.00 | \$90.00  | \$110.00 | no  |
| <b>7.8 Evacuation of Buildings</b>            |           |  |          |          |          |     |
| 10760   | 7.8.1     | Failure to evacuate during fire alarm  | \$100.00 | \$90.00  | \$110.00 | no  |
| <b>PART EIGHT: REGULATION OF FIRE HAZARDS</b> |           |  |          |          |          |     |
| <b>8.1 Removal of Fire Hazards</b>            |           |  |          |          |          |     |
| 10760   | 8.1.1     | Accumulation of combustible in/around premises                                     | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760   | 8.1.4     | Keep an ash pit other than provided for  | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760   | 8.1.5     | Fail to place ashes in non-combustible receptacle                                  | \$100.00 | \$90.00  | \$110.00 | Yes |
| <b>8.2 Refuse and Recycling Containers</b>    |           |  |          |          |          |     |
| 10760   | 8.2.1 (a) | Failure to maintain refuse container clearances near combustible materials         | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760   | 8.2.1 (b) | Failure to maintain refuse container clearances near unprotected building openings | \$100.00 | \$90.00  | \$110.00 | Yes |
| <b>8.3 Flammable or Combustible Liquids</b>   |           |  |          |          |          |     |
| 10760   | 8.3.1     | Store flammable products in underground parkades                                   | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760   | 8.3.2     | Unsafe storage of flammable liquids  | \$100.00 | \$90.00  | \$110.00 | Yes |
| <b>8.7 Vacant Premises</b>                    |           |  |          |          |          |     |
| 10760   | 8.7.2 (a) | Failure to maintain litter/debris premise  | \$345.00 | \$300.00 | \$390    | Yes |
| 10760   | 8.7.2 (b) | Failure to secure vacant building  | \$500.00 | \$450.00 | \$500.00 | Yes |

SCHEDULE "A"

|       |           |   |          |          |          |     |
|-------|-----------|---|----------|----------|----------|-----|
| 10760 | 8.7.2 (c) | Failure to maintain operational requirements of Sprinkler / Fire Alarm System | \$250.00 | \$200.00 | \$300.00 | Yes |
|-------|-----------|---|----------|----------|----------|-----|

SCHEDULE "A"

| PART EIGHT: REGULATION OF FIRE HAZARDS                           |            |   |          |          |          |     |
|--|------------|---|----------|----------|----------|-----|
| 8.10 Commercial Cooking Equipment                                |            |   |          |          |          |     |
| 10760  | 8.10.1 (a) | Fail to conduct weekly inspection of commercial cooking equipment       | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 8.10.1 (b) | Fail to maintain commercial cooking equipment by a Qualified Technician | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 8.10.1 (c) | Fail to post commercial kitchen fire suppression system instructions    | \$100.00 | \$90.00  | \$110.00 | Yes |
| PART NINE: SAFETY TO LIFE  |            |   |          |          |          |     |
| 9.1 Exists and Means of Egress                                   |            |   |          |          |          |     |
| 10760  | 9.1.1      | Obstructed Access or Egress - A2 Licensed Beverage Est & B-2            | \$500.00 | \$450.00 | \$500.00 | No  |
| 10760  | 9.1.3 (a)  | Obstructed Access or Egress   | \$100.00 | \$90.00  | \$110.00 | No  |
| 10760  | 9.1.3 (c)  | Failure to provide adequate emergency lighting coverage                 | \$100.00 | \$90.00  | \$110.00 | Yes |
| 10760  | 9.1.4      | Unauthorized installation of locking devices on required exit doors     | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760  | 9.1.8      | Failure to maintain fire door separations                               | \$100.00 | \$90.00  | \$110.00 | Yes |
| PART TEN: INSPECTIONS OF PREMISES                                |            |   |          |          |          |     |
| 10.1 Entry for Inspection  |            |   |          |          |          |     |
| 10760  | 10.2.1     | Failure to provide access for fire inspection after owner advised       | \$75.00  | \$50.00  | \$100.00 | Yes |
| PART TWELVE: INSPECTION AND TESTING OF FIRE PROTECTION EQUIPMENT |            |   |          |          |          |     |
| 12.1 Maintenance and Testing of Emergency Equipment              |            |   |          |          |          |     |
| 10760  | 12.1.1(b)  | Fail to ensure service tags are mounted                                 | \$250.00 | \$200.00 | \$300.00 | Yes |
| 10760  | 12.1.1(a)  | Fail to maintain and test fire alarm                                    | \$250.00 | \$200.00 | \$300.00 | Yes |

SCHEDULE "A"

|                                  |         |  |          |         |          |     |
|----------------------------------|---------|--|----------|---------|----------|-----|
| 10760                            | 12.1.3  | Fail to retain records of fire life safety systems | \$100.00 | \$90.00 | \$110.00 | Yes |
| 10760                            | 12.1.4  | Fail to notify of testing, repair of Alarm System  | \$100.00 | \$90.00 | \$110.00 | Yes |
| <b>PART SEVENTEEN: FIREWORKS</b> |         |  |          |         |          |     |
| <b>17.1 Regulations</b>          |         |  |          |         |          |     |
| 10760                            | 17.1.1  | Sell/offer for sale fireworks                      | \$100.00 | \$90.00 | \$110.00 | No  |
| 10760                            | 17.1.3  | Store display fireworks                            | \$100.00 | \$90.00 | \$110.00 | No  |
| <b>17.2 Permit for Fireworks</b> |         |  |          |         |          |     |
| 10760                            | 17.2.8  | Discharge fireworks outside approved time          | \$100.00 | \$90.00 | \$110.00 | No  |
| 10760                            | 17.2.13 | Fail to remove and dispose of fireworks and debris | \$100.00 | \$90.00 | \$110.00 | Yes |

2. This bylaw may be cited for all purposes as "Bylaw No. 11833 being Amendment No. 24 to Bylaw Notice Enforcement Bylaw No. 10475."
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

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11747

### Amendment No. 2 to Fire and Life Safety Bylaw No. 10760

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Fire and Life Safety Bylaw No. 10760 be amended as follows:

1. **THAT PART FIVE: FIRE PROTECTION EQUIPMENT, 5.1 Buildings and Occupancies, 5.1.1 MAINTENANCE AND TESTING** be amended by deleting the following sections:

"5.1.1 Every owner of premises must ensure that all fire protection equipment required under the Building Code or Fire Code shall be inspected, tested and maintained in accordance with good engineering practices and the applicable standards, requirements and guidelines of the British Columbia Building Code, the City's Building Bylaw No. 7245, the British Columbia Fire Code, this Bylaw and all other applicable enactments, all as amended or replaced from time to time, and any equivalents or alternative solutions required or accepted under those enactments.

5.1.2 A "Notice of Responsibility" form shall be used to document and officially notify building owners/ representative(s) of what is expected of them by the Kelowna Fire Department regarding the restoration of the building's fire protection systems and the owner/ representative's fire watch duties.

The "Notice of Responsibility" form may be used in the following circumstances:

- a) When a building's fire protection system(s) have been compromised.
- b) When a building's fire protection system will not restore to normal working condition.
- c) When a FIRE WATCH is required."

And replace them with:

**"5.1.1 MAINTENANCE AND TESTING**

- (a) Every Owner or Occupant of a premise for which a system of fire protection equipment is installed or required under the Building Code or Fire Code must:
  - (i) inspect, test, record, maintain, and repair the system in accordance to the standards and requirements of the Building Code and Fire Code;
  - (ii) where a Fire Protection Service Technician has inspected or tested fire protection equipment pursuant to 9.1 of this bylaw, the fire protection technician shall label the equipment and the owner or occupant shall maintain records in a manner acceptable to the authority having jurisdiction; and
  - (iii) promptly notify the Fire Department:
    1. if the system or any part of it has been taken out of service, becomes inoperable, or has otherwise stopped functioning properly; and
    2. report to the Fire Department when the service is restored, is fully operable and functioning properly.

- (b) Every Owner or Occupant who is required under the Fire Code to perform or cause to be performed an inspection or test of fire protection equipment must ensure that:
  - (i) the inspection or test is performed by a Fire Protection Service Technician;
  - (ii) a copy of the inspection and/or test form completed by the Fire Protection Service Technician is delivered to the Fire Department; and
  - (iii) all deficiencies are completed by the date provided and delivered to the Fire Department.
- (c) Every Fire Protection Service Technician who carries out inspections, testing, maintenance or repair of fire protection equipment must use an inspection and testing form that is acceptable to the Fire Chief.
- (d) No person shall undertake any work or testing on fire protection equipment or life safety systems that sends an alarm directly to an alarm monitoring company without notifying that company prior to undertaking the work or testing.
- (e) The Owner or Occupant shall correct any deficiencies to the fire alarm or sprinkler system when the Fire Department attends a premise where a fire alarm or sprinkler system has been activated without proper cause.

5.1.2 Every owner of premises must ensure that all fire protection equipment required under the Building Code or Fire Code shall be inspected, tested and maintained in accordance with good engineering practices and the applicable standards, requirements and guidelines of the British Columbia Building Code, the City's Building Bylaw No. 7245, the British Columbia Fire Code, this Bylaw and all other applicable enactments, all as amended or replaced from time to time, and any equivalents or alternative solutions required or accepted under those enactments.

5.1.3 A "Notice of Responsibility" form shall be used to document and officially notify building owners/ representative(s) of what is expected of them by the Kelowna Fire Department regarding the restoration of the building's fire protection systems and the owner/ representative's fire watch duties.

The "Notice of Responsibility" form may be used in the following circumstances:

- a) When a building's fire protection system(s) have been compromised.
- b) When a building's fire protection system will not restore to normal working condition.
- c) When a FIREWATCH is required.

2. AND THAT **PART FIVE: FIRE PROTECTION EQUIPMENT, 5.5 Smoke Alarms**, be amended by:

- a) deleting the title that reads "**Smoke Alarm**" and replace it with "**Smoke Alarm / Carbon Monoxide Alarms**";
- b) deleting section 5.5.1 that reads:

"The owner and occupier of every premise with residential occupancy must ensure that smoke alarms are maintained, tested, repaired and replaced in accordance with the requirements of the manufacturer."

And replace it with:

"The owner and occupier of every premise with residential occupancy must ensure that operational smoke alarms and carbon monoxide alarms (if required) are maintained, tested, repaired and replaced in accordance with the requirements of the manufacturer."; and

c) adding the following sentence to the beginning of the Section 5.5.2:

"Operational smoke and carbon monoxide alarms must adhere to the standards of the British Columbia Building Code, the British Columbia Fire Code and Amendments thereto. "

3. AND THAT **PART FIVE: FIRE PROTECTION EQUIPMENT, 5.9 Premises Under Construction**, be amended by adding a new section 5.9.5 that reads as follows:

"5.9.5 The City of Kelowna Fire Safety Plan for Construction, Demolition and Renovation form must be submitted to the fire department for review prior to the commencement of construction."

4. AND THAT **PART SEVEN: EMERGENCY ACCESS AND EVACUATION** be amended by deleting Section **7.1 Construction Fire Safety Plan** in its entirety that reads:

**"7.1 Construction Fire Safety Plan**

7.1.1 Before construction of any building commences the owner or occupier of the property must contact the Fire Department to determine whether a fire safety plan is required.

7.1.2 Where the Fire Chief or designate determines that a fire safety plan is required, the owner or occupier must:

- a) prepare the construction fire safety plan in a form, format and diagram template acceptable to the Fire Chief or designate and submit the construction fire safety plan to the Fire Prevention Branch for review;
- b) ensure a copy of the construction fire safety plan is maintained on the premises in a location and manner acceptable to the Fire Chief or designate to allow for reference by the Fire Department.";

5. AND THAT **PART NINE: SAFETY TO LIFE, 9.1.8** be amended by adding the following to the end of the paragraph "Fire separations shall be maintained as per the BC Fire Code.";

6. AND THAT **PART FOURTEEN: HIGH BUILDINGS, 14.1 Buildings 6 or more storeys** be amended by:

a) deleting the title that reads "**14.1 Buildings 6 or more storeys** " and replacing it with "**14.1 high buildings as per the British Columbia Building Code**";

b) deleting in Section 14.1.1 that reads:

"The owner of any building of six or more storeys, and for which an application for a building permit is submitted to the City after August 1, 2008, shall ensure that;"

And replace it with:

"It is recommended that the owner of any high buildings as per the British Columbia Building Code, for which an application for a building permit is submitted to the City after August 1, 2008, provide the following:"

- c) Deleting sub-sections, a & b in their entirety that read:
  - "a) pressurized stairwells are marked clearly, including roof access stairwells; stairwell doors shall be marked on both sides;
  - b) an approved Fire Department lock box is installed in accordance with section 7.4 of this Bylaw;"
- d) Deleteing "30 minute" and replacing it with "45 minute" in sectin 14.1.1 subsectin d); and
- e) Deleting sub-sections e & f in their entirety that read:
  - "e) a copy of the construction fire safety plan is provided in accordance to section 7.1 of this Bylaw;
  - f) a copy of the building fire safety plan is provided in accordance to section 7.2 of this Bylaw."

7. AND THAT **PART FIFTEEN: COMMUNICATIONS, 15.1 Emergency Services Communications Equipment, 15.1.1** be deleted in its entirety that reads:

- "15.1.1 If the design of a proposed building does not, in the opinion of the Fire Chief or designate, facilitate or permit emergency services communication between the interior of the building and the Fire Department personnel assembling at the exterior of the building in response to an incident, the owner must install and maintain in or on the building one of the following:
- a) a passive antenna or radiating cable system;
  - b) an internal multiple antenna system with unidirectional or bi-directional amplifiers as needed;
  - c) a voting receiver system; or
  - d) any other system proposed by the owner and approved in writing by the Fire Chief or designate as meeting the requirements of the emergency services communications system."

And replace it with:

- "15.1.1 The design and construction of new buildings shall provide reliable two-way radio communications for emergency responders inside the buildings to command vehicles in accordance with Schedule C. Prior to **occupancy**, the installed system will be subject to a field test and approval by the Kelowna Fire Department to ensure that it meets the Kelowna Fire Department's operational needs."

8. AND THAT **PART TWENTY TWO: FEES AND COST RECOVERY, 22.1 Permit and Service Fees, 22.1.1** be amended by adding new sub-paragraphs (l) and (m) that read:

- "l) an additional inspection(s) of a burn pile, if on the initial inspection by the fire department the burn pile or site is deemed unacceptable;

- m) a yearly inspection of a mobile vender, fee to be waved if the inspection is done on a designated weekend."

9. AND THAT **SCHEDULE "A" Interpretation** be amended by:

- a) adding a definition for **ASTTBC** in its appropriate location that reads:

"**ASTTBC**" means Applied Science Technologist and Technicians of BC which is a self-governing, professional association pursuant to the Applied Science Technologist and Technicians Act RD CHAP. 15, 1996.";

- b) adding a definition for **Fire Protection Service Technician** in its appropriate location that reads:

"**Fire Protection Service Technician**" means a person certified under the Applied Science Technologists and Technicians Act "ASTTBC" as a fire protection technologist, or a person having other equivalent certification acceptable to the Fire Chief, that qualifies the person to perform inspections and testing of fire protection equipment.";

- c) adding a definition for **Mobile Vendor** in its appropriate location that reads:

"**Mobile Vendor**" means cooking equipment used in fixed, mobile or temporary concessions, such as trucks, buses, trailers, pavilions, tents, or any form of temporary roofed enclosure. The authority having jurisdiction can exempt temporary facilities, such as a tent, upon evaluation for compliance to the applicable requirements."; and

- d) deleting the definition for "firewatch" that reads:

"**firewatch**" The assignment of a person or persons to an area for the express purpose of notifying the fire department, the building occupants, or both of an emergency; preventing a fire from occurring; extinguishing small fires; or protecting the public from fire or life safety Dangers

and replace it with a new definition that reads:

"**firewatch**" means the assignment of a person or persons to an area for the express purpose of assuming the responsibility of notifying the fire department, the building occupants, or both, of an emergency; preventing a fire from occurring; extinguishing small fires; or protecting the public from fire or life safety dangers;"

10. AND THAT **SCHEDULE "B" FEES AND COST RECOVERY** be amended by adding to the end of the Table the following new line:

|  |      |          |
|--|------|----------|
| "Re-inspection of burn pile  | 22.2 | \$50.00  |
| Inspection of a mobile vender (waved if done on a designated weeked) | 22.2 | \$50.00" |

11. This bylaw may be cited for all purposes as "Bylaw No. 11747 being Amendment No. 2 to Fire and Life Safety Bylaw No. 10760";
12. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

## Schedule C

### In-Building Radio Communications Coverage

#### 1.0 PREFACE

This Schedule (Schedule C) shall be the reference document for ensuring and verifying minimum acceptable emergency radio communications reliability inside buildings to meet the emergency response needs of the Kelowna Fire Department (KFD).

This Schedule specifies the minimum radio communications reliability requirements and the procedures and testing requirements for verifying the acceptability of the radio communications coverage inside a building.

Please note that this Schedule shall be used as the reference by KFD to determine the acceptability (or unacceptability) of the in-building radio communications reliability.

#### 2.0 IN-BUILDING RADIO COMMUNICATIONS REQUIREMENTS

##### 2.1 Definition of Reliable Two-Way Radio Communications

Reliable two-way radio communications as defined below shall be achieved between personnel inside the building communicating over the KFD simplex "tactical" radio frequency channel with personnel outside the building.

All two-way radio communications in both directions shall meet a Delivered Audio Quality defined as follows:

"Understandable possibly with some noise"

(DAQ 3.4 – 4.0 as defined in Telecommunications Industry Association TSB 88 standards in all locations and under the operating conditions specified below).

##### 2.2 Description of Interior Building Coverage Requirements

Reliable two-way radio communications shall be achieved in the following areas and locations inside the building:

| Location |   | Floor Area for Reliable Two-Way Radio Communications |
|----------|---|--|
| 1.       | Public access hallways, elevator lobbies  | 95% of each area on each floor                       |
| 2.       | Living areas  | 95% of each enclosed areas within each living area   |
| 3.       | Parking garage  | 95% of all areas on each level                       |
| 4.       | Common rooms, recreation rooms and recreation areas such as pools, hot tubs, gyms | 95 % of each enclosed areas and each open area       |
| 5.       | Foyers, lobbies, atriums, and enclosed entranceways.                              | 95% of each enclosed area and each open area         |

| Location |   | Floor Area for Reliable Two-Way Radio Communications           |
|----------|---|--|
| 6.       | Stairwells  | 100 % of all areas within each stairwell                       |
| 7.       | Elevators   | 100% inside closed elevators                                   |
| 8.       | Designated refuge areas (shelter in-place and protected areas)                                  | 100 % of each enclosed area and each open area                 |
| 9.       | Mechanical and electrical rooms   | 100% of all areas within each room                             |
| 10.      | Storage areas including hazardous materials storage (paints, solvents, cleaning supplies, etc.) | 100% of each enclosed area and each open area                  |
| 11.      | Fire command centres, alarm panel locations   | 100% of each enclosed area and at each location in open areas. |
| 12.      | Commercial parking garages  | 95% of all areas on each level                                 |
| 13.      | Individual offices and open office areas  | 95% of each enclosed area and each open area                   |
| 14.      | Warehouse, manufacturing and fabricating plant areas, enclosed rooms and open areas             | 95% of each enclosed area and each open area                   |
| 15.      | Retail malls, individual retail stores, open mall areas   | 95% of each shop, each enclosed area and each open area        |
| 16.      | Locations, and areas not listed above will be at the discretion of the Fire Chief               |  |

Note: The building interior shall be completely constructed with all exterior and interior walls, doors and windows installed.

### 2.3 Personnel Communications

Reliable two-way radio communications shall be achieved in the above areas between personnel inside the building using a handheld (portable) radio communicating with personnel outside the building who are communicating using a vehicle mobile radio.

The radio communications reliability minimum requirements shall be met when:

1. personnel inside the building are using handheld (portable) radios that are equipped with a flexible whip or helical style antennas with a length not exceeding  $\frac{1}{8}$  wavelength and the antenna is securely connected to the antenna connector on the radio.
2. personnel outside the building are using a vehicle mounted radio (mobile) that is connected to a whip style antenna not exceeding  $\frac{1}{4}$  wavelength mounted on the roof of the vehicle.

The location of the vehicle shall be specified by the Fire Department.

### 2.4 Wearing Handheld (Portable) Radio

The reliable two-way radio communications requirements shall be met when the radio is worn in a holster or on a clip on the belt of the person at the waist with the radio antenna against the body and shielded by the person's arm.

## 2.5 Personnel Body Position Variations

Reliable two-way radio communications shall be met when the person is standing facing North, East, South, and West

## 3.0 **INITIAL DEMONSTRATION OF TWO-WAY RADIO COMMUNICATIONS RELIABILITY**

The following shall be carried out after the building has been completed. The building interior shall be completely constructed with all exterior and interior walls, doors and windows installed.

### 3.1 Handheld (Portable) Radio Equipment Preparation

1. The handheld radio transmitter and receiver (transceiver) shall be tested in accordance with radio equipment manufacturer's instructions to verify that the radio transmitter and receiver performance meets the manufacturer's minimum performance standards and specifications, and shall be in full compliance with relevant Innovation, Science & Economic Development (ISED) standards and specifications, in accordance with the KFD radio station license.
2. The handheld radio battery shall be fully charged and shall not be below the minimum battery charge level for full performance as specified by the radio manufacturer at any time throughout all two-way radio communications tests.
3. The antenna shall be a flexible, helical style antenna (rubber duckie style), free from all defects and damage, and shall connect securely to the transceiver antenna terminal.
4. The handheld radio transmitter output power shall not exceed 5 Watts.
5. The handheld radio shall be equipped with an external/remote speaker microphone to enable the radio to be operated when the radio is in the holster or on a clip at the waist.
6. The external speaker microphone shall be tested with the radio in accordance with the manufacturer's instructions to verify that the radio transmitter modulation level and the voice quality meet the manufacturer's specification and the quality of the received audio in the speaker/microphone is clear and noise-free.
7. The external/remote speaker microphone shall be free from all defects and damage, and shall connect securely to the transceiver connector.

### 3.2 Vehicle (Mobile) Radio Equipment Preparation

A KFD fire engine, or similar KFD vehicle with an installed radio and rooftop mounted  $\frac{1}{4}$  wave whip antenna shall be used for the tests.

1. The radio transmitter and receiver (transceiver) shall be tested in accordance with the radio manufacturer's instructions to verify that the radio transmitter and receiver performance meets the manufacturer's minimum performance standards and specifications and shall be in full compliance with relevant ISED standards and specifications, in accordance with the KFD radio station license..
2. The radio tests shall include the vehicle radio microphone to verify that the transmitter modulation level using the microphone meets the manufacturer's specification, and the transmitted audio (modulation) is noise and distortion free.

3. The transceiver shall be connected to a ¼ wave whip antenna mounted on the roof of the vehicle for testing purposes.
4. The antenna and antenna cable shall be free from defects and damage and shall be securely connected to the transceiver antenna terminal.

### 3.3 Mapping The Areas To Be Tested

Each floor including all levels in parking garages (if applicable) shall be divided into equal area grids to cover all floors throughout the entire building.

Each grid shall not exceed 6 meters by 6 meters.

For large open area structures, such as storage buildings or warehouses, the grid pattern may be larger at the sole discretion of the Fire Chief.

In the case of hallways or areas that may be narrower than 6 metres, and the grid extends into adjacent enclosed areas or rooms, each separate enclosed area or room within the same grid shall be considered to be a separate grid.

The grid shall be overlayed on the floor plans of each floor including parking garages, and each grid shall be labeled with a unique identifier that shall be recorded on the test record forms for each two-way radio communications test.

### 3.4 Two-Way Communications Reliability Demonstration Procedure

The two-way radio communications tests shall be conducted at each location within each grid as specified above.

The tests shall be carried out with the test personnel positioned in the middle (centre) of each grid (as close to centre as practical).

In enclosed areas that are smaller than 6 metres by 6 metres, the test personnel shall stand in the approximate centre of the area, or as close to the centre of the area as practical.

At each test location, two-way radio communications tests shall be carried out under the following conditions by the test personnel inside the building:

| <b>Test Personnel with Handheld Radio Inside Building</b> |                          |   |
|---|--------------------------|---|
| <b>Position</b>   | <b>Facing</b>            | <b>Radio On Body</b>  |
| Standing  | North, East, South, West | Radio worn in a holster or a belt clip on the test personnel belt at waist level – test personnel arm shielding antenna |

1. The in-building test personnel shall make initial communications contact with the test personnel at the outside vehicle location.
2. When contact has been established, the in-building personnel shall transmit a voice message speaking clearly and slowly counting from 1 – 5.

3. The test personnel shall speak directly into the speaker/microphone approximately 5 cm from the microphone.
4. Vehicle test personnel shall transmit their assessment of the quality of the received transmissions to the in-building personnel who shall record the vehicle test personnel's assessment on the test record form for each grid location.
5. After recording the vehicle test personnel assessment on the test record form, the in-building test personnel shall request a clear, slow count from the vehicle test personnel in the same manner as the transmissions by the in-building personnel.

Note: The vehicle test personnel shall verify that there is very low, or no significant local area ambient (background) acoustical noise that could affect the quality of the voice transmission to the in-building test personnel.

6. The vehicle test personnel shall transmit a voice message speaking clearly and slowly counting from 1 – 5.
7. The test personnel shall speak directly into the microphone approximately 5 cm from the microphone.
8. The in-building test personnel shall record their assessment of the quality of the voice message received from the vehicle transmission on the test record for each grid location.

Note: If either the vehicle test personnel or the in-building test personnel suspect that the other end is transmitting a voice message but there is no reception or the received voice is not understandable, contact may be required using commercial mobile telephone service to have the transmission repeated until a firm assessment of the received voice message is made.

### 3.5 Radio Communications Voice Quality Assessment

The assessment of the quality of each voice message received by the vehicle test personnel and the in-building test personnel shall be one of the following and recorded on the test record for each two-way test:

- 0: No voice or communications
- 1: poor or noisy- barely understandable (DAQ = 1 -2)
- 2: understandable possibly with some noise (DAQ 3.0 – 4.0)
- 3: loud and clear, no noise (DAQ 4.5 – 5.0)

One of the above assessments shall be recorded on the test form for each test voice message received by the vehicle test personnel and the in-building test personnel at each test location inside the building and for each handheld radio and body position specified below.

### 3.6 Reliability Evaluation

1. For any grid, assessments 2 and 3 in both directions: Pass

A Pass assessment shall be for reception of voice messages by the vehicle test personnel and for reception of voice test messages by the in-building test personnel for the same test location and all body and handheld radio positions specified below.

2. For any grid, assessments 0 and 1 in either or both directions: Fail

A fail assessment shall be for reception of a voice test message by either the vehicle test personnel or by the in-building test personnel (or both).

3. On each floor and in separately identified areas in 2.2 above that do not require 100% radio communications coverage reliability:
- The total number of "Pass" locations divided by the total number of grid locations in each separately identified area shall be at least 95% of the total grid locations for voice communications in both directions; i.e. from the vehicle test personnel to the in-building test personnel, and from the in-building test personnel to the vehicle test personnel.

Note: Failure of any 2 adjacent grids in any area shall result in failure of the entire area including all grids within the area; for example, if an area is covered by 3 or more grids, failure of 2 adjacent grids shall result in failure of all grids in the area for purposes of calculating areas of reliable coverage.

4. In the case of partial grids, such as in hallways or areas that may be narrower than 6 metres, and the grid extends into adjacent areas or rooms, each separate area or room within the same grid shall be considered to be a separate grid for purposes of calculating the acceptable coverage area.
5. In locations and areas identified in 2.2 above requiring 100% radio communications coverage reliability:
- All test results in both directions; i.e. by the vehicle test personnel and by the in-building test personnel shall be assessed based on the pass and fail criteria in 1 through 5 in 3.5 above.
  - A failure in any part of an area defined as requiring 100% coverage shall be a failure of the entire area.

#### **4.0 FIRE DEPARTMENT REPORT**

KFD will prepare a report that references the two-way radio communications test results and specifies the acceptability or unacceptability of the radio communications coverage throughout the inside of the building in accordance with this Schedule.

#### **5.0 USE OF TECHNOLOGY**

##### **5.1 General**

The design and installation of any technology that may be required to meet the in-building radio communications reliability requirements, including Distributed Antenna Systems (DAS), bi-directional amplifiers (BDAs), radiating cable, passive reflectors and antenna systems shall meet industry accepted standards and best practice for public safety radio communications systems.

The technology shall meet and as applicable be approved for the intended application in accordance with (ISED Canada standards and specifications CPC-2-1-05 "Zone Enhancers" and RSS-131 "Zone Enhancers for the Land Mobile Service".

All system design and installation shall meet all applicable municipal, provincial and federal codes and regulations.

Other references:

1. Radio manufacturer's maintenance manual and test and maintenance instructions.
2. Telecommunications Industry Association:
  - TIA Systems Bulletin TSB 88: Wireless Communications Systems Performance In Noise And Interference Limited Situations
  - EIA/TIA 603: Land Mobile FM or PM Communications Equipment Measurement and Performance Standards
  - TIA 156 – Land Mobile Radio Antenna Systems Minimum Standards for RF Signal Booster

All technology shall use an electrical power source that shall not be disabled or disrupted if the primary Fortis BC power source fails or is interrupted.

Backup electrical power in the event of Fortis BC power failure or interruption may be provided by either a building provided backup power source such as an auxiliary power generator or a self-contained backup battery power source that shall maintain full electrical power capabilities for all technology for a minimum of 4 hours during continuous in-building emergency radio communications.

The use of any in-building radio coverage enhancement technology shall not result in spurious radiation (RF leakage) outside the building except via dedicated, intentional antennas or other intentional radiators required for the in-building coverage enhancement technologies.

Any spurious or leakage radiation outside the building shall not result in any degradation of the performance of any radio communications used by KFD or any other other emergency responders in the area.

## 5.2 As-Built Drawings and Specifications

As built drawings shall be provided for any technology that is added to the building design or structure specifically to improve the in-building radio communications coverage.

The drawings shall detail the specific technology make and model numbers, interconnections and schematic or block diagrams of the interconnected technology.

## 6.0 ULTIMATE AUTHORITY

The Fire Chief, or designate, shall have ultimate authority to accept or reject the reliability of the radio communications inside the building, and the test reports submitted by the building owner.

## 7.0 ANNUAL COVERAGE VERIFICATION TESTS & INSPECTIONS

The following tests, measurements and inspections shall be carried out annually from the date of acceptance of the initial demonstration tests (Section 3.0 in this Schedule).

The two-way voice communications tests shall verify that the in-building radio signal reliability and voice quality assessment for two-way handheld radio communications has not degraded since the tests were conducted initially in Section 3.0.

The technology measurements (as applicable) and installation shall meet the requirements specified in this Schedule.

The annual verification tests, measurements and inspections shall be the responsibility of the building owner (Owner).

The Owner shall certify to KFD in a written statement, that the two-way voice communications quality, the technology and installation continue to meet the requirements specified in this Schedule.

Personnel who are assigned to carry out the two-way radio tests shall be proficient in the use of handheld radios and possess sound knowledge of radio communications voice quality assessment and testing procedures.

Personnel who are assigned to the measurement of the technology and the system inspection shall be fully qualified technicians having sound skills and strong experience with the installation, measurement and inspection of radio communications equipment and previous experience with in-building radio communications coverage enhancement systems.

#### 7.1 Test Radio Equipment Preparation

All radio equipment shall be prepared for the tests in accordance with Sections 3.1 and 3.2 in this Schedule.

#### 7.2 Building Test Locations & Tests

The test locations selected for the annual verification tests shall be based on the grid (map) used for the initial demonstration tests described in Section 3.3 in this Schedule.

1. On each floor of the building, including parking garages in areas identified as 95% coverage in Section 2.2 of this Schedule:
  - a) At least 2 grids on each floor.
  - b) Grids selected from the grids used for the original tests conducted after building completion under Initial Demonstration of Two-Way Radio Communications Reliability tests, (Section 3.3 in this Schedule) .
  - c) Centre of each selected grid shall not be exposed to windows.
  - d) Conduct tests as specified in 3.4 in this Schedule.
  - e) For each test location, assess the two-way voice communications quality as defined in 3.5.
  - f) Evaluate the two-way radio coverage reliability as specified in 3.6 of this Schedule.
2. In each location identified as 100% coverage in Section 2.2 of this Schedule:
  - a) At least 1 two-way voice communications test in each location.
  - b) Each location shall be the same as the location used for the original tests conducted after building completion under Initial Demonstration of Two-Way Radio Communications Reliability tests, (Section 3.3 in this Schedule).
  - c) The location shall not be exposed to windows unless window exposure in the location is unavoidable because of the size or the location of the room or space in the building.
  - d) Conduct tests as specified in 3.4 in this Schedule.

- e) For each test location, assess the two-way voice communications quality as defined in 3.5.
- f) Evaluate the two-way radio coverage reliability as specified in 3.6 of this Schedule.

### 7.3 Technology Measurements & Inspections

If technology is used for enhancing the in-building two-way radio communications coverage, such as bi-directional amplifiers (BDA) and distributed antenna system (DAS), the technology shall be determined to be functioning properly by making basic measurements of the amplifier uplink and downlink gain.

The measurement results shall be within the manufacturer's specified limits, and shall be the same as the measurement results that were conducted when the equipment was originally installed.

All antennas, interconnecting cables, and connectors shall be inspected for damage, loose connections, etc.

Any equipment or cables that are located on the exterior of the building and are exposed to the weather shall be inspected for water damage to the equipment and moisture leakage inside the connectors and cables.

Any damaged cables shall be replaced and all loose connections tightened based on industry accepted best practices.

After replacement or repair of any equipment, antennas, or cables the two-way voice communications tests specified in Section 7.2 of this Schedule shall be repeated in the areas that are affected by the repairs or replacement.

### 7.4 Test Results Confirmation Letter

A test confirmation letter shall be prepared that clearly, and definitively confirms that the annual coverage verification tests, measurements and inspection meets the requirements in accordance with this Schedule and as specified in Sections 3.5 and 3.6.

The test confirmation letter shall be completed using the template attached as part of this Schedule.

## **PALIDOR Radio Communications Consultants**

### **Annual Test Confirmation Letter Template**

Date

Building Owner Name(s)

Owner's address & contact information

Building Name

Building Address

Fire Chief

Kelowna Fire Department

2255 Enterprise Way

Kelowna, BC V1Y 8B8

### **Certification of In-Building Radio Communications Annual Coverage Testing, Measurements and Inspection of *[Insert Name and Address of Building]***

**Reference:** City of Kelowna Fire and Life Safety Bylaw No. 10760, Schedule C.

Date(s) of Tests, Measurements and Inspection: Insert date(s) as applicable

We hereby certify that:

1. The annual coverage verification tests, measurements, and system inspections were carried out in full compliance with the requirements in this Schedule.
2. The results of the two-way voice communications tests meet the minimum two-way voice communications quality requirements specified in this Schedule.
3. The technology meets the manufacturer's minimum performance and functional specifications.
4. The installation of the in-building radio coverage enhancement technology and all equipment and materials conform to industry accepted standards and best practice.

Name (Owner or Owner's representative)

Title

Signature

Date