

City of Kelowna

Regular Council Meeting

AGENDA



Monday, February 3, 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

5 - 9

PM Meeting - January 27, 2020

3. Public in Attendance

3.1 Okanagan Regional Library Update

10 - 34

To receive a presentation from Okanagan Regional Library Chief Executor Officer Don Nettleton.

4. Development Application Reports & Related Bylaws

4.1 Coronation Ave 1028, 1036, 1044 Z17-0117 (BL11731) - 1136605 BC Ltd., Inc No. BC1136605

35 - 44

To rescind second and third readings of Bylaw No. 11731 and to consider an amended application to rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone to facilitate the development of multiple dwelling housing.

4.2 Coronation Ave 1028, 1036, 1044 BL11731 (Z17-0117) - 1136605 BC Ltd., Inc No. BC1136605

45 - 45

That second and third reading of Bylaw No. 11731 be rescinded.

4.3	Gordon Dr 5100, OCP-19004 (BL11977) and Z19-0103 (BL11978) - Trailhead Communities Ltd.	46 - 58
	To amend the Official Community Plan to change the future land use designation to PARK – Major Park/Open Space and MRC – Multiple Unit/Residential - Cluster Housing and rezone the subject property to RH3 – Hillside Cluster Housing, RU2h – Medium Lot Housing (Hillside Area), and P3 – Parks and Open Space to facilitate a future residential subdivision.	
4.4	Gordon Dr 5100, BL11977 (OCP-19004) - Trailhead Communities Ltd.	59 - 60
	To give Bylaw No. 11977 first reading in order to change the future land use designation to PARK – Major Park/Open Space and MRC – Multiple Unit/Residential - Cluster Housing.	
4.5	Gordon Dr 5100, BL11978 (Z19-0103) - Trailhead Communities Ltd.	61 - 61
	To give Bylaw No.11978 first reading in order to rezone the subject property to RH3 – Hillside Cluster Housing, RU2h – Medium Lot Housing (Hillside Area), and P3 – Parks and Open Space.	
4.6	Pandosy St 2660, Z19-0129 (BL11980) - Southgate Centre Holdings Inc., Inc.No. BC1077192	62 - 67
	To rezone the subject property from C4 – Urban Centre Commercial to C4rcs -Urban Centre Commercial (Retail Cannabis Sales) to allow for a retail cannabis sales establishment.	
4.7	Pandosy St 2660, BL11980 (Z19-0129) - Southgate Centre Holdings Inc., Inc.No. BC1077192	68 - 68
	To give Bylaw No. 11980 first reading in order to rezone the subject property from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone	
4.8	Gallagher Rd, 2975, TA19-0017, Supplemental - David Geen	69 - 76
	To give Bylaw No. 11983 first reading.	
4.9	Gallagher Rd 2975, BL11983 (TA19-0017) - David Geen	77 - 78
	To give first reading to Bylaw No. 11983 in order to amend Section 9 - Specific Use Regulations of Zoning Bylaw No. 8000.	

4.10	Cawston Ave 640-650 & Richter St 1284-1292, OCP20-0002 (BL11982) and Z19-0126 (BL11984) - 1145287 B.C. LTD., Inc. No. BC1145287	79 - 94
	To amend the Official Community Plan to change the future land use designation of the subject properties from MRM – Multiple Unit Residential Medium Density to MXR – Mixed Use Residential / Commercial and rezone the subject properties from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone to facilitate the development of a 6 storey apartment building with the potential for live/work units on the ground floor.	
4.11	Cawston Ave 640-650 & Richter St 1284-1292, BL11982 (OCP20-0002) - 1145287 B.C. LTD., Inc. No. BC1145287	95 - 95
	To give Bylaw No. 11982 first reading in order to amend the Official Community Plan to change the future land use designation of the subject properties from MRM – Multiple Unit Residential Medium Density to MXR – Mixed Use Residential / Commercial.	
4.12	Cawston Ave 640-650 & Richter St 1284-1292, BL11984 (Z19-0126) - 1145287 B.C. LTD., Inc. No. BC1145287	96 - 96
	To give Bylaw No. 11984 first reading in order to rezone the subject properties from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone.	
4.13	650 Cawston Avenue Road Closure	97 - 99
	To close a 185.8 square metre portion of lane for consolidation with the adjacent properties.	
4.14	650 Cawston Avenue, BL11967 Road Closure Bylaw	100 - 101
	To give Bylaw No. 11967 first, second and third reading.	
5.	Non-Development Reports & Related Bylaws	
5.1	Investment of Kelowna Funds 2019	102 - 113
	To provide Council with information summarizing the City of Kelowna's 2019 investment portfolio and an overview of the performance.	
5.2	Property Tax Penalty	114 - 126
	To update the structure for the legislated, non-discretionary penalty applied to property taxes outstanding after the due date from two annual due dates to one annual due date.	
5.3	BL11971 - Property Tax Penalty Bylaw	127 - 127
	That Bylaw No. 11971 be read a first, second and third time.	

6. Mayor and Councillor Items

7. Termination



City of Kelowna Regular Council Meeting Minutes

Date:

Location:

Monday, January 27, 2020
Council Chamber
City Hall, 1435 Water Street

Members Present

Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Mohini Singh, Brad Sieben, Luke Stack and Loyal Wooldridge

Staff Present

City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Infrastructure Engineering Manager, Joel Shaw*; Divisional Director, Planning & Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Planner Specialist, Alex Kondor*; Urban Planning & Development Policy Manager, James Moore*; Planner Specialist, Jocelyn Black*; Real Estate Department Manager, Johannes Saufferer*; Property Management Manager, JoAnne Adamson*; Deputy City Clerk, Laura Bentley*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

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

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

2. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Resolution 63/20/01/27 THAT the minutes of the Regular Meetings of January 20, 2020 be confirmed as circulated.

3. Reports

Carried

3.1 Excellence in Enterprise Asset Management Practice

Staff:

- Presented Council with the Award of Excellence in Enterprise Asset Management Practice.

Mayor Basran accepted the award on behalf of Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R0064/20/01/27 THAT Council receives for information, the report from the Infrastructure Engineering Department dated January 27, 2020, regarding the recently received Award for Excellence in Enterprise Asset Management Practice

Carried

4. Development Application Reports & Related Bylaws

4.1 Gallagher Rd, 2975, TA19-0017 - David Geen

Staff:

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

Mayor Basran invited the Applicant, or Applicant's Representative to come forward.

David Geen, Applicant

- Displayed a PowerPoint Presentation.
- Advised that his family have been farming in the Valley since 1903.
- Proposing to expand the existing accommodation from 60 beds to 130 beds; two additional ATCO style camps and a Supervisor trailer.
- Spoke to the need and why they are here; the proposed 130 bed dorms will be the prime accommodation site for 3 farms; Layer Cake, Belgo and Black Mountain farm. These dorms will serve 190 acres of cherries on site and close by.
- The number of pickers are needed in order to pick the number of acres that are there.
- The proposed location puts the farm workers within walking distance to 100 acres of cherries and a 10 – 25 minute bus ride to another 190 acres.
- Believes this is a practical and sensitive location and is maximizing the amount of time the worker can step out the front door to work avoiding any bus ride.
- Likely in the future there will be a housing development across from these dorms as Kirschner Mountain builds out, however, the dorms will be buffered by landscaping as well as by a future road.
- The development is tucked into a frost pocket of unfarmable land.
- A significant benefit that will occur from this development is our requirement to upgrade Loseth Road to emergency access route standard; this will be an alternate escape route for Kirschner Mountain residents off the sound end of Loseth Road.
- Noted that this application received unanimous support from the Agriculture Advisory Committee.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Stack

R0065/20/01/27 THAT Zoning Bylaw Text Amendment Application No. TA19-0017 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 27th 2020 for Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Drive, Kelowna, BC be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated January 27th 2020;

AND THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to approval from the Ministry of Agriculture;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered in conjunction with Council's consideration of a Non-Adhering Residential Use Permit, and Farm Help Development Permit for the subject property.

Carried

4.2 Okanagan Rail Trail Landscaping and Screening Regulations

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Donn

R0066/20/01/27 THAT Council receives, for information, the report from the Development Planning Department dated January 27, 2020, with respect to Okanagan Rail Trail Landscaping and Screening Requirements and Minimum Landscape Buffer Treatment Levels;

AND THAT Zoning Bylaw Text Amendment Application No. TA19-0004 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the report from the Development Planning department dated January 27, 2020 be considered by Council;

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

Carried

4.3 BL11970 (TA19-0004) - Amendment to Section 7 of Zoning Bylaw No. 8000 - Landscaping and Screening

Moved By Councillor Hodge/Seconded By Councillor Singh

R0067/20/01/27 THAT Bylaw No. 11970 be read a first time.

Carried

4.4 Dilworth 950, DP19-0144, The Board of Education of School District No. 23 (Central Ok)

Staff:

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

Mayor Basran invited the Applicant to come forward.

Stuart Burgess, Applicant

- Confirmed the colour of the structure that is displayed on the PowerPoint presentation and in the agenda package.

Moved By Councillor Donn/Seconded By Councillor Stack

R0068/20/01/27 THAT Council authorizes the issuance of Development Permit No. DP19-0144 for Lot G, Section 28, Township 26 Osoyoos Division Yale District Plan 31716 located at 950 Dilworth Dr, Kelowna, BC subject to the following:

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

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

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

Carried

5. Bylaws for Adoption (Development Related)

5.1 588 Radant Rd, BL11520 (Z17-0080) - Craig Bulawka Professional Corporation

Moved By Councillor Singh/Seconded By Councillor Hodge

R0069/20/01/27 THAT Bylaw No. 11520 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

6.1 License of Occupation – Swim Area, Dock and Water Intake

Staff:

- Displayed a PowerPoint Presentation summarizing the Licences of Occupation.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0070/20/01/27 THAT Council approve the City entering into a License of Occupation with the Province of British Columbia for a term of 30-years for all that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on District Lots 3457 except Plan 33137, District Lot 5296 and Lot 1 KAP 46717 all of Osoyoos Division Yale District, containing 3.3 hectares, more or less, more commonly known as the area in front of Waterfront Park for swimming and boating control buoy purposes, in the form attached to the Report of the Manager, Property Management dated January 27, 2020;

AND THAT Council approve the City entering into a License of Occupation with the Province of British Columbia for a term of 30-years for all that unsurveyed Crown foreshore being part of Okanagan Lake and fronting on District on Lot 1 of District Lots 139, 4041, 4082 and 5199, Osoyoos Division of Yale District, Plan KAP46717 containing 0.2945 hectares, more or less, more commonly known as the dock near the locks at Waterfront Park for the purpose of moorage, in the form attached to the Report of the Manager, Property Management dated January 27, 2020;

AND THAT Council approve the City entering into a sub-license agreement with the Delta Grand Hotel for at term of 10-years at market rates determined by the Manager of Property Management;

AND THAT Council approve the City entering into a License of Occupation with the Province of British Columbia for a term of 10-years for the surveyed Crown land with the legal description of Block A, District Lot 1720A and 5246, Osoyoos Division Yale District, and containing 17.40 hectares, for the purposes of water intake and all the associated works, in the form attached to the Report of the Manager, Property Management dated January 27, 2020;

AND THAT the Manager, Property Management be authorized to execute all documents necessary to complete the sublease agreement;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the attached Licenses of Occupation and Management Plans.

Carried

6.2 RDCO Board Voting Unit

Staff:

- Displayed a PowerPoint Presentation outlining the recommended vote assignments.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0071/20/01/27 THAT Council assign votes for the City of Kelowna directors on the Regional District of Central Okanagan's Board of Directors as outlined in the report from the Office of the City Clerk dated January 20, 2020, with respect to assignment of votes.

AND THAT Council direct staff to inform the Regional District of Central Okanagan of the assignment of votes.

Carried

7. Mayor and Councillor Items

Councillor DeHart:

- Spoke to their attendance, along with Mayor Basran and Councillor Wooldridge, at the Canadian Home Builder's Association Awards Gala.

8. Termination

This meeting was declared terminated at 3:01 p.m.

Mayor Basran

/acm


for

City Clerk

Fall 2019 Library Update



Presented By Don Nettleton

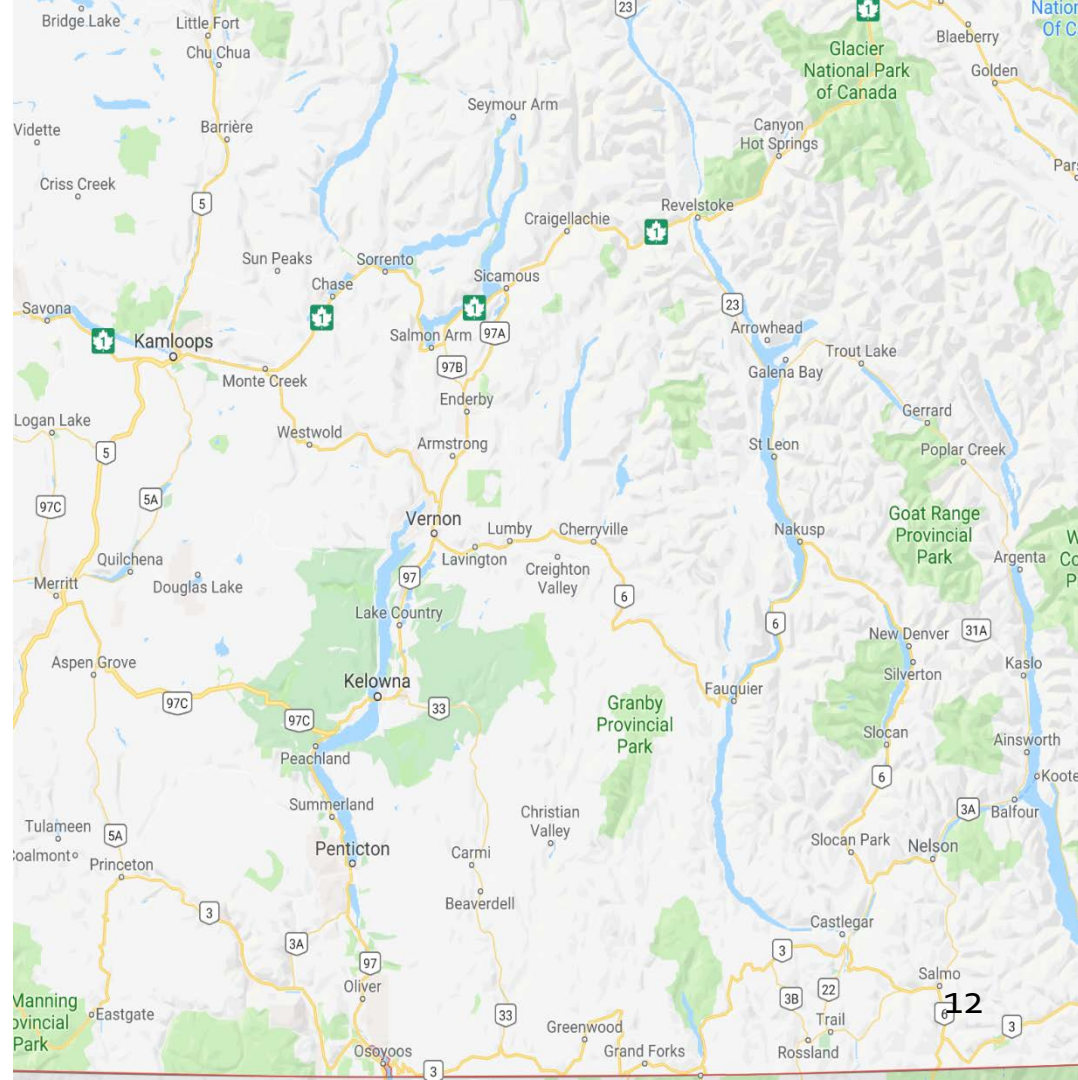
About your Library

We serve a population of
400,000 people



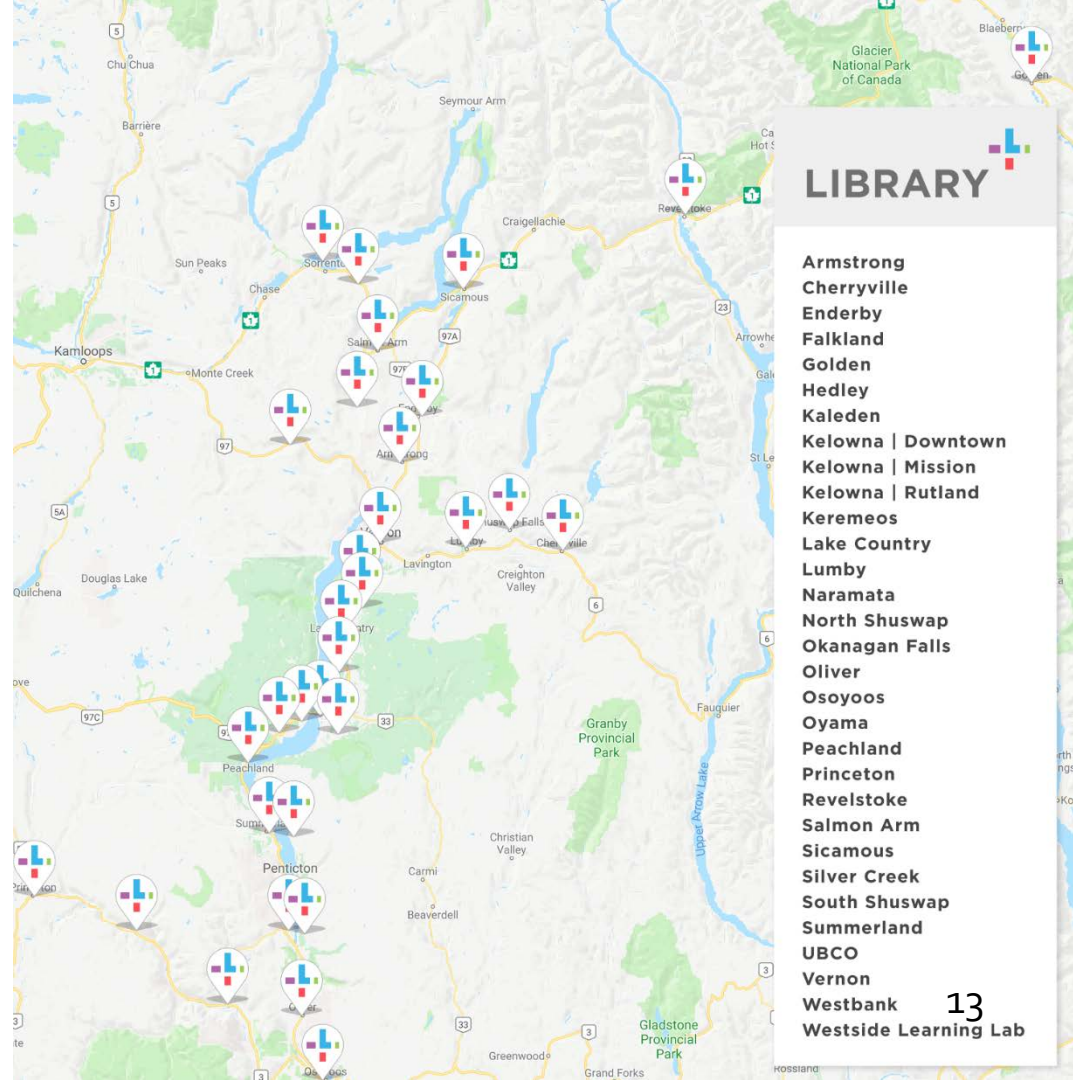
About your Library

Our geographic service area covers most of CSRD, RDNO, CORD and OSRD (from Golden in NE to Princeton in SW)



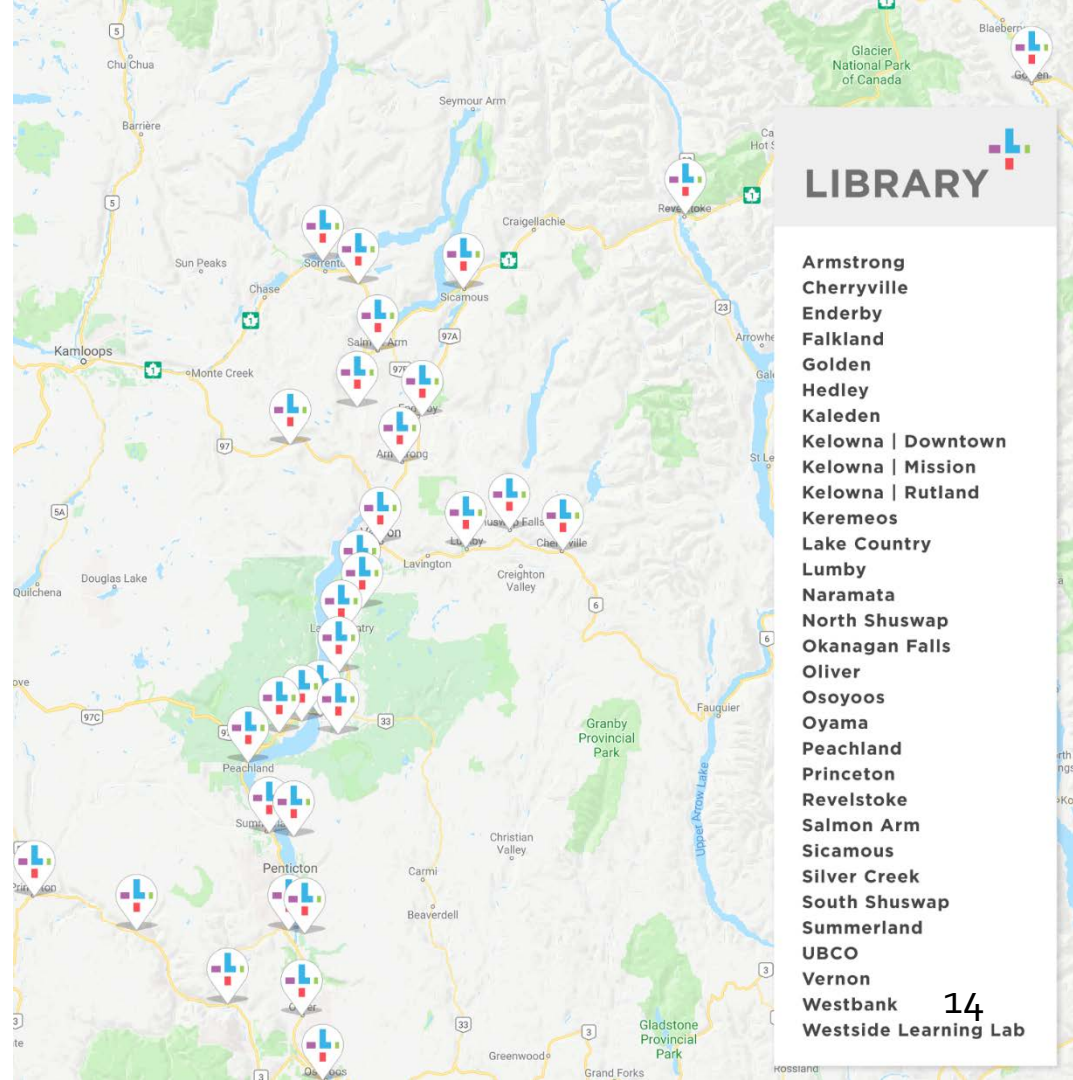
About your Library

We currently serve our customers from 31 locations and via the web



About your Library

We are governed by a 24 member Board comprised of one appointed councillor/director from each of our members



About your Library

We offer free wi-fi at all locations
and about 300 public use
computers



ORL TRENDS



Patrons attended
ORL programs and used
Library meeting spaces

 8% increase since 2016

CIRCULATION OF MATERIALS Up 1.7% [3.5M transactions]

VISITS Up 1.3% [3.9M total visits]

MEMBERS Up 4.9%. [106,344]

ORL TRENDS

519,567

ORL eBooks &
eAudio Checkouts



47%

INCREASE
SINCE
2016

2,799

Hours spent learning new
skills through Lynda.com

55% INCREASE SINCE 2016



2,796,898

Books, magazines and other
materials borrowed



740

Hours spent
learning new
languages through
Rosetta Stone

13%

INCREASE SINCE 2016



Library Programs for Adults

Language training
New citizen assistance
Literacy training
Digital literacy training
Reading clubs
Games and crafts
Other skill development
Assistance with getting
employment
Government resources
And much more



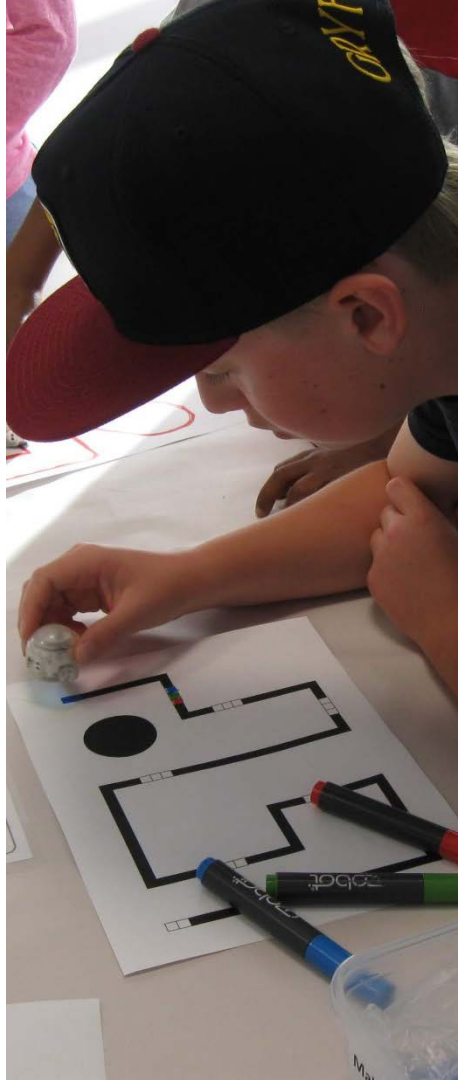
Library Programs for Children

Summer Reading Club
Storytime
Baby Storytime
ASL Storytime
Games and crafts
STEAM Activities
And much more



Digital Literacy

Digital Literacy is an increasing focus for public libraries. Most ORL branches now offer increasing programs and classes focused on technology. We also are hiring staff with specific focus on IT.



Maker Spaces

Maker spaces are opening in some of our branches, with the assistance of special donations from business and community groups.



In early 2019 we opened Westside Learning Lab on Westbank First Nation Land almost wholly focused on technology training and community programming.



Oct 2019 Golden and 2020 Revelstoke Branches will open makerspaces with assistance from Columbia Basin Trust technology grants



Summer 2019 Kelowna downtown library maker space opened



Vernon Library will also begin setting up a small makerspace

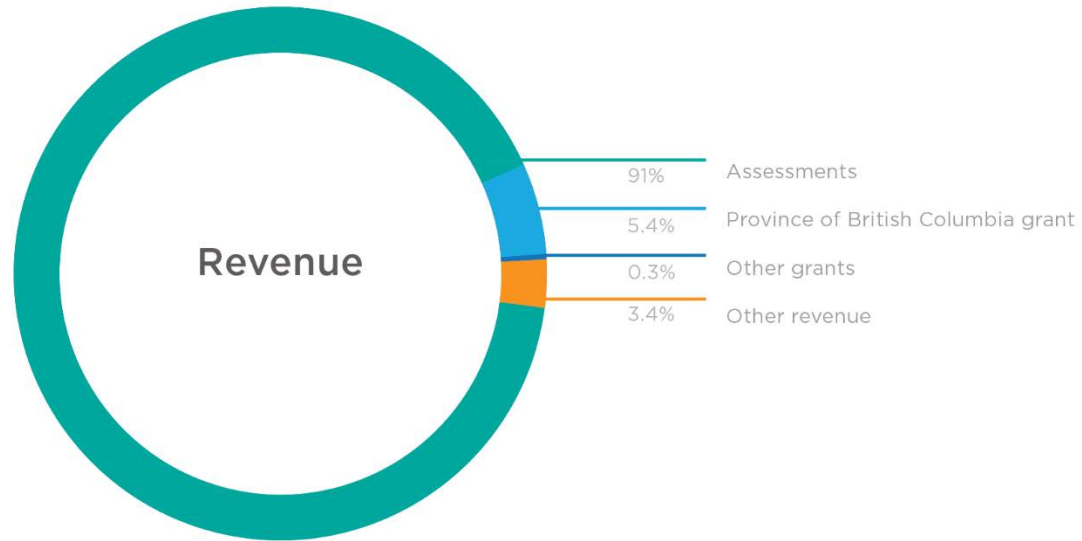




Library Funding

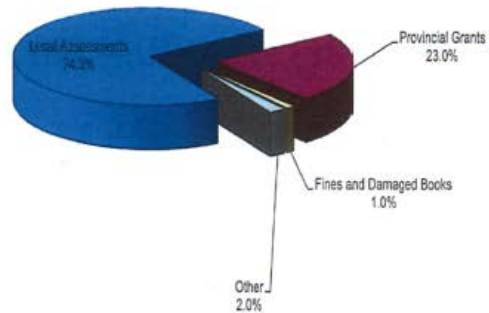
Current overall budget is just
over \$19 million per annum

Revenue Sources

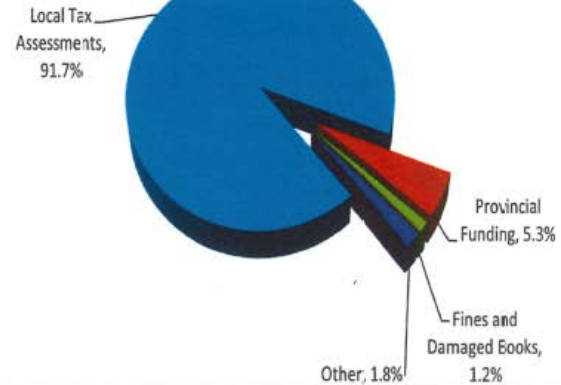


Effect of Provincial Funding Freeze

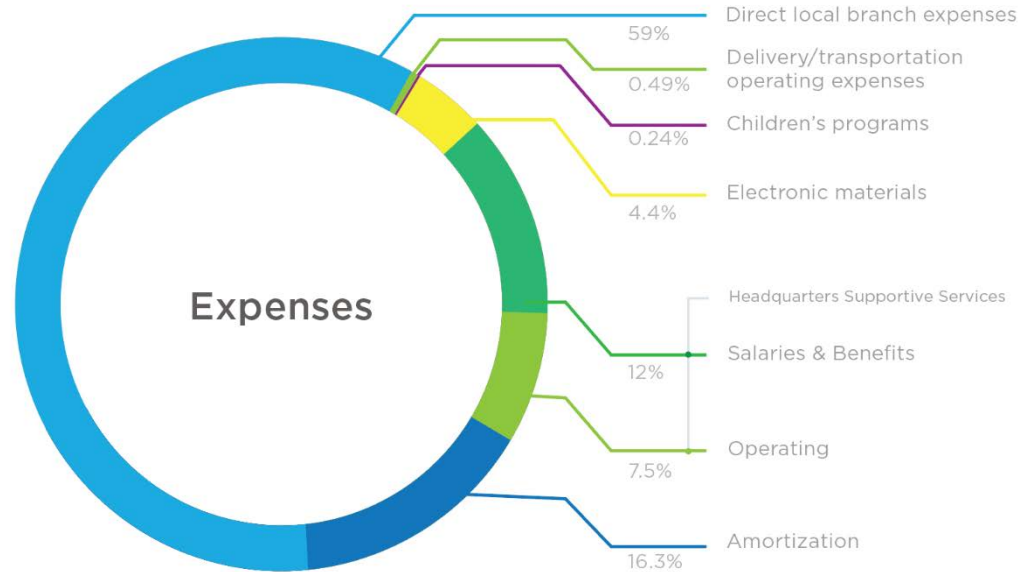
Revenue 1984 %



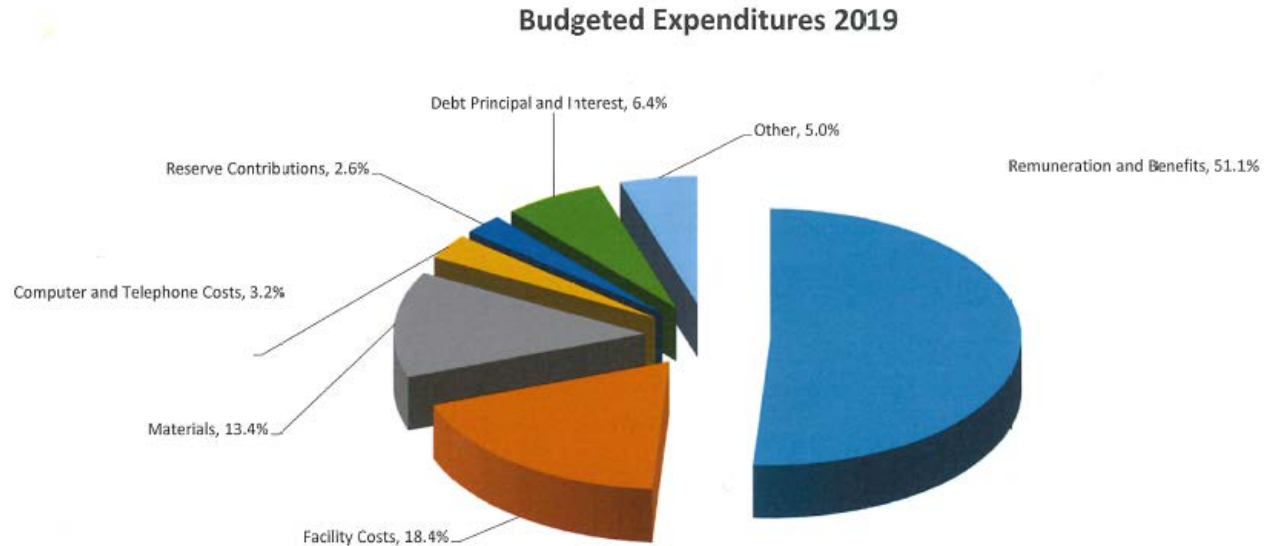
Budgeted Revenue 2019



Expenses



Breakdown of approx. \$19 Million Budget



ORL'S VALUE PROPOSITION

Value and efficiency



ORL includes all facility and capital expenditures, which not all libraries show in their costs



In some areas we have managed to rise to provincial average

ORL's total local government contribution is below the provincial average



ORL is significantly below the provincial average for major expenditures such as salaries and wages per capita (as much as 30% lower)



PROVINCIAL STATISTICS REPORT – YEAR 2017

	Provincial Average of all BC Libraries	Okanagan Regional Library
Circulation per capita	11.21	8.9
Sq. metres per capita	0.05	0.049
Library materials & electronic info expenditure per capita	\$ 6.30	\$ 6.21
Total expenditure per capita	\$ 53.27	\$ 46.13
Total expenditures on salaries & benefits per capita	\$ 35.41	\$ 23.75
Total expenditures excluding facilities per capita	\$ 48.67	\$ 34.34
Local government support per capita	\$ 48.65	\$ 44.76

Budget Changes



Over recent years the ORL Board has kept annual budget changes at or below inflation rates and has focused on finding internal efficiencies to reallocate funding to new initiatives

In the past 5 years, the Library Board also implemented an internal financial redistribution to bring closer into line the library service costs in each community and the taxes received from that community. This redistribution was largely implemented using attrition and is expected to be a continuous process.

Where's the Future of our Library



Continuing programming
expansion to all ages

Increased digital literacy
training

Increasing digital collections and
transitioning of space to provide
community hubs and gathering

Developing and implementing
an updated Strategic Plan

ORL TEAM



266 employees

152	part time
59	full time
55	auxiliary
29	Professional librarians
10	exempt staff



2 unions
5 non-union branches



About your local ORL Library branches





THANK YOU



Presented By Don Nettleton

REPORT TO COUNCIL



Date: February 3, 2020

To: Council

From: City Manager

Department: Development Planning

Application:	Z17-0117	Owner:	1136605 B.C. Ltd., Inc. No. BC1136605 Sage Mona Holdings Ltd., Inc No. BC1136607 1136499 B.C. Ltd., Inc. No. BC1136499
Address:	1028, 1036 & 1044 Coronation Avenue	Applicant:	New Town Architecture
Subject:	Rezoning Application		
Existing OCP Designation:	MRM – Multiple Unit Residential (Medium Density)		
Existing Zone:	RU6 – Two Dwelling Housing		
Proposed Zone:	RM5 – Medium Density Multiple Housing		

1.0 Recommendation

THAT Council rescind Second and Third Readings of Rezoning Bylaw No. 11731;

AND THAT Rezoning Application No. Z17-0117 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9 & 10 District Lot 138 and of Section 30 Township 26 ODYD Plan 3763 and Lot 1 District Lot 138 ODYD Plan 4282, located at 1026, 1036 & 1044 Coronation Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone, be considered by Council;

AND THAT the Rezoning Bylaw No. 11731 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 Development Planning Department dated February 3, 2020;

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 properties.

2.0 Purpose

To rescind second and third readings of Bylaw No. 11731 and to consider an amended application to rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone to facilitate the development of multiple dwelling housing.

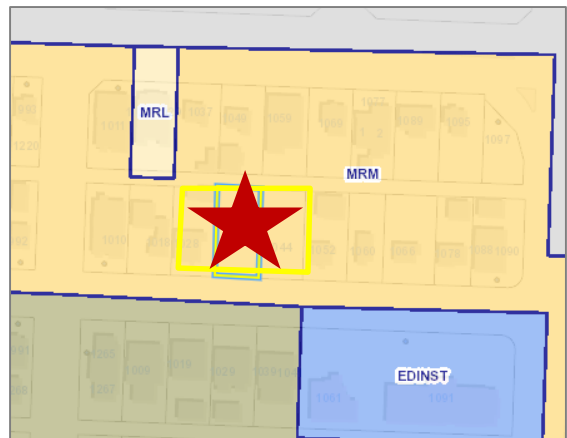
3.0 Development Planning

Staff are requesting that Council rescind Second and Third Readings of Bylaw No. 11731 in order to return the Bylaw to first reading. This request is due to the magnitude of changes the applicant has proposed. The modification to the proposal includes changing the multi-family building from a townhouse development to an apartment building, which impacts many of the zoning regulations within the RM5 – Medium Density Multiple Housing Zone. Staff will bring forward the form and character Development Permit and associated variances should Council support the amended Rezoning Bylaw.

The applicant is requesting to rezone the three subject properties from the RU6 – Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone. The proposal for a condominium development achieves a FAR of 1.17 with a maximum FAR of 1.2 allowed within the zone. The development will provide ground-oriented housing along with adding to the housing options within the existing neighbourhood.

The proposed development is consistent with the Official Community Plan (OCP) Future Land Use of MRM - Multiple Unit Residential (Medium Density). The MRM designation extends from Clement Avenue to the north side of Coronation Avenue with SIH – Sensitive Infill Housing extending south along Coronation Avenue. The surrounding neighbourhood is an area in transition with a number of projects in the development stage. The proximity to downtown provides nearby amenities including parks, restaurants, shops and recreational opportunities in the immediate area.

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



4.0 Proposal

4.1 Background

The original application was before Council for Initial Consideration on January 7, 2019 and the Public Hearing followed on January 29, 2019. The application consisted of 16-townhouse units which were designed to achieve the maximum FAR of 1.2 allowed for the site. Staff was supportive of the development proposal as it provided a housing type that was lacking within the neighbourhood.

During the past year, the property owners observed changes in Kelowna's real estate market which prompted a decision to redesign the project from 16 townhouses to a 36-unit condominium development. Due to the shift in the direction of the project, it was determined that the new proposal should be evaluated on its merits. Therefore, second and third reading of the current Bylaw should be rescinded, and the Bylaw sent to Public Hearing again for consideration.

4.2 Project Description

The applicant is proposing the construction of a 4-1/2 storey 36-unit condo development. Four ground-oriented units with patios providing direct access to the street front the Coronation Avenue facade. The development provides generous setbacks to both the east and west sides of the site. This aids in providing a transition to the adjacent existing single-family dwellings and lessens overlook concerns to the properties. The material selections and articulated façade along with the enhanced landscaping provides visual interest and lends to achieving a pedestrian scaled development along Coronation Avenue.

The majority of the required parking is provided in a partially underground parkade structure, which is 1.0 m below grade due to the high-water table in this location. This allows for ground-oriented, landscaped patios to screen the above ground portion of the parking podium while providing an outdoor amenity area for the occupants. Fourteen parking spaces are provided along the rear lane with two access points to the structured parking which provides a further 40 parking stalls to meet Zoning Bylaw requirements.

Staff are tracking two variances, site coverage and parking stall ratios. The site coverage variance would apply to both the site coverage of building and the site coverage of building, driveways and parking area. The variance is requested in order to accommodate the partially above ground parking structure.

Should Council support the Rezoning bylaw, staff will bring forward a report to Council with a detailed review of the design guidelines for the Development Permit and a Development Variance Permit for Council's consideration of the variances.

4.3 Site Context

The three parcels are located on the north side of Coronation Avenue, which has a Future Land Use of MRM – Multiple Unit Residential (Medium Density). Sensitive Infill Housing (RU7) is situated on the south side of Coronation Avenue. The development is within the Permanent Growth Boundary.

Subject Property Map: 1028, 1036 & 1044 Coronation Avenue



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 outside the PGB for more intensive use only to the 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 (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 .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.

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in multi-unit residential and mixed-use developments.

6.0 Application Chronology

Date of Application Received:	December 20, 2017
Date of Initial Consideration:	January 7, 2019
Date of Public Hearing:	January 29, 2019
Date of Amended Drawing Package Received:	September 20, 2019

Report prepared by: Lydia Korolchuk, Planner II

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Conceptual Drawing Package

CITY OF KELOWNA

MEMORANDUM

SCHEDULE A

This forms part of application
Z17-0117

Planner
Initials

LK



Date: October 01, 2018

File No.: Z17-0117 (REVISED)

To: Community Planning (LK)

From: Development Engineering Manager(JK)

Subject: 1028 - 1044 Coronation Ave (REVISED)

RU6 to RM5

Development Engineering has the following 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 Jason Angus

.1) Domestic Water and Fire Protection

- a) The development site is presently serviced with a two (2) small diameter (13-mm) water services and one (1) 19mm service. The applicant's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.
- b) It is apparent that the existing 150mm diameter water main within Coronation Ave is substandard. The applicant, at their cost, will arrange for upgrading of watermain along the full frontage to Gordon Drive with a 200mm PVC water main, the decommissioning of the Three (3) small water services, and the installation of one new larger water service.

.2) Sanitary Sewer

- (a) The development site is presently serviced with a Three (3) 100mm-diameter sanitary sewer service. Only one service will be permitted for this development. The developer's consulting civil engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing services and the installation of a new larger service if required.

.3) Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.
- (b) Only one service will be permitted for this development. The applicant, at their cost, will arrange the installation of one overflow service.

.4) Road Improvements

- (a) Coronation Ave fronting this development must be upgraded to an urban standard to include barrier curb & gutter, storm drainage, concrete sidewalk, landscaped boulevard c/w irrigation and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- (b) The lane fronting this development is constructed to a paved standard, therefore the upgrades that are required is the pavement widening and a storm drainage system.

.5) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

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

.6) Electric Power and Telecommunication Services

- 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 this site is located within the South Pandosy urban town centre.
- b) 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.
- c) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

.7) Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

.8) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's 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.

.9) Servicing Agreements for Works and Services

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

.10) Survey Monuments and Iron Pins

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

.11) Bonding and Levy Summary

(a) Bonding

(i)	Water main and service upgrade	\$TBD
(ii)	Sanitary main and service upgrade	\$TBD
(iii)	Lane Upgrades	\$TBD
(iv)	Coronation Ave Frontage Improvements	\$TBD

.12) Administration Charge

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

14) Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) The access to this site must be from the lane. Access to Gore Street is not permitted as per bylaw.

15. Geotechnical Report

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

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of

fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

James Kay

James Kay, P. Eng.
Development Engineering Manager
JA



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

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

This drawing must not be scaled.

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.



Seal

Revisions		
No	Date	Description
1	09/19/19	ISSUED FOR DP

project title
**CORONATION 36-UNIT
MULTI-FAMILY**

project address
**1028, 1036 & 1044
Coronation Ave., Kelowna**

project no. **4093**

drawing title
RENDERINGS

designed **R.Y.R.B.** scale
drawn **R.Y.R.B.**
checked **R.Y.**
drawing no.

A502

printed 9/19/2019 5:22:20 PM

ATTACHMENT

This forms part of application
Z17-0117

Planner Initials LK

City of
Kelowna
DEVELOPMENT PLANNING

CITY OF KELOWNA

BYLAW NO. 11731

Z17-0117 – 1028, 1036 & 1044 Coronation Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9 & 10 District Lot 138 and of Section 30 Township 26 ODYD Plan 3763 and Lot 1 District Lot 138 ODYD Plan 4282, located on Coronation Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple 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 7th day of January, 2019.

Considered at a Public Hearing on the 29th day of January, 2019.

Read a second and third time by the Municipal Council on the 29th day of January, 2019.

Rescind second and third reading on the

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council on the

Adopted by the Municipal Council of the City of Kelowna on the

Mayor

City Clerk

REPORT TO COUNCIL



Date: February 3, 2020

RIM No. 1250-30

To: Council

From: City Manager

Department: Development Planning (AK)

Application: OCP19-0004/Z19-0103 **Owner:** Trailhead Communities (Ponds) Ltd.

Address: 5100 Gordon Drive **Applicant:** WSP Global Inc.

Subject: Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: MRC- Multiple Unit Residential – Cluster Housing
PARK – Major Park/Open Space

Proposed OCP Designation: MRC - Multiple Unit Residential – Cluster Housing
PARK – Major Park/Open Space

Existing Zone: A1- Agriculture

Proposed Zone: RH3- Hillside Cluster Housing
P3- Parks and Open Space
RU2h – Medium Lot Housing (Hillside Area)

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP19-0004 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of The South ½ District Lot 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118, EPP55798, EPP45189, EPP72926, EPP74481 AND EPP77194 located at 5100 Gordon Drive, Kelowna, BC from the:

- Major Park / Open Space (public) (PARK) designation to the Multiple Unit Residential- Cluster Housing (MRC) designation; and from the
- Multiple Unit Residential- Cluster Housing (MRC) designation to the Major Park / Open Space (public) (PARK) designation

as shown on Map "A" attached to the Report from the Development Planning Department dated February 3, 2020, be considered by Council;

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

AND THAT Council considers the Public Hearing process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Development Planning Department February 3, 2020;

THAT Rezoning Application No. Z19-0103 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of The South ½ District Lot 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118, EPP55798, EPP45189, EPP72926, EPP74481 AND EPP77194 located at 5100 Gordon Drive, Kelowna, BC, from the A1 – Agriculture zone to the RH3 – Hillside Cluster Housing zone, RU2h – Medium Lot Housing (Hillside Area) zone and P3- Parks and Open Space zone as shown on Map “B” attached to the Report from the Development Planning Department February 3, 2020, be considered by Council;

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

2.0 Purpose

To amend the Official Community Plan to change the future land use designation to PARK – Major Park/Open Space and MRC – Multiple Unit/Residential - Cluster Housing and rezone the subject property to RH3 – Hillside Cluster Housing, RU2h – Medium Lot Housing (Hillside Area), and P3 – Parks and Open Space to facilitate a future residential subdivision.

3.0 Development Planning

Development Planning staff support the proposed Official Community Plan (OCP) amendment and rezoning application to allow for a residential subdivision with natural open space connections. The proposal is consistent with the 2007 Area Structure Plan (ASP) for the neighbourhood known as ‘The Ponds’ in the Upper Mission area and the Official Community Plan. Within the ASP the subject property is envisioned to accommodate a mix of trails, parkland and residential development. Residential development is intended to be a group of housing units situated within clearly defined “buildable areas” surrounded by natural open space and typically accessed by a single local or strata road as proposed.

The property is currently designated a mix of PARK – Major Park/Open Space and MRC - Multi Unit Residential- Cluster Housing as defined in the Official Community Plan. The proposed OCP amendment is meant to create adjustments to the boundaries of the existing Future Land Use designations based on the proposed development plan. The proposed amendment would result in a 2.0 ha (5 acre) net increase in the amount of land designated as park as portions of the lot currently designated for residential housing are proposed to re-designated for park/open spaces use. The remainder of the site is proposed to be used for residential development. The proposed density of the site is consistent with the surrounding S2RES - Single/Two Unit Residential OCP designation that is characteristic of the surrounding existing neighborhood.

The proposed site is zoned A1 -Agriculture. The proposal would rezone the site to a mix of RH3, RU2h and P3 zones. The proposed RU2h – Medium Lot Housing zone is meant to allow for fee simple single family lots and future single detached housing. A portion of the site near the south-east corner is proposed to be zoned RH3 – Multi Unit Residential – Cluster Housing which allows for a range of uses including single family lot, strata lots, and multi-family. The applicant intends to develop this area as either fee-simple or

strata single family lots. If the applicant chooses to develop the site as multi-family development a form and character development permit would be required to be considered by council.

The applicant has completed neighbourhood consultation in accordance with Council Policy no. 367. An Open House was held by the applicant on October 29th 2019 at the Okanagan Mission Hall. Concerns raised during the public consultation included traffic congestion downstream on Gordon Drive, concerns that the density of the proposed homes will impact property values, and that a 'triangle' shaped portion of the subject site near Clarence Ave would be more appropriate as a park. To address these concerns the developers have reduced the number of lots in their proposed subdivision by two lots to increase the overall lot width of the proposed lots and are proposing to designate the 'triangle' shaped portion of the lot as Park/Open Space.

Should Council support the OCP amendments and rezoning, staff would work with the applicant through the subdivision process to address specific service requirements such as road standards, pedestrian connections, environmental restoration, and trails. Servicing requirements would be a condition of subdivision approval. Environmental and hazardous condition requirements will be addressed through the Development Permit process.



Proposed Subdivision Rendering

4.0 Proposal

4.1 Background

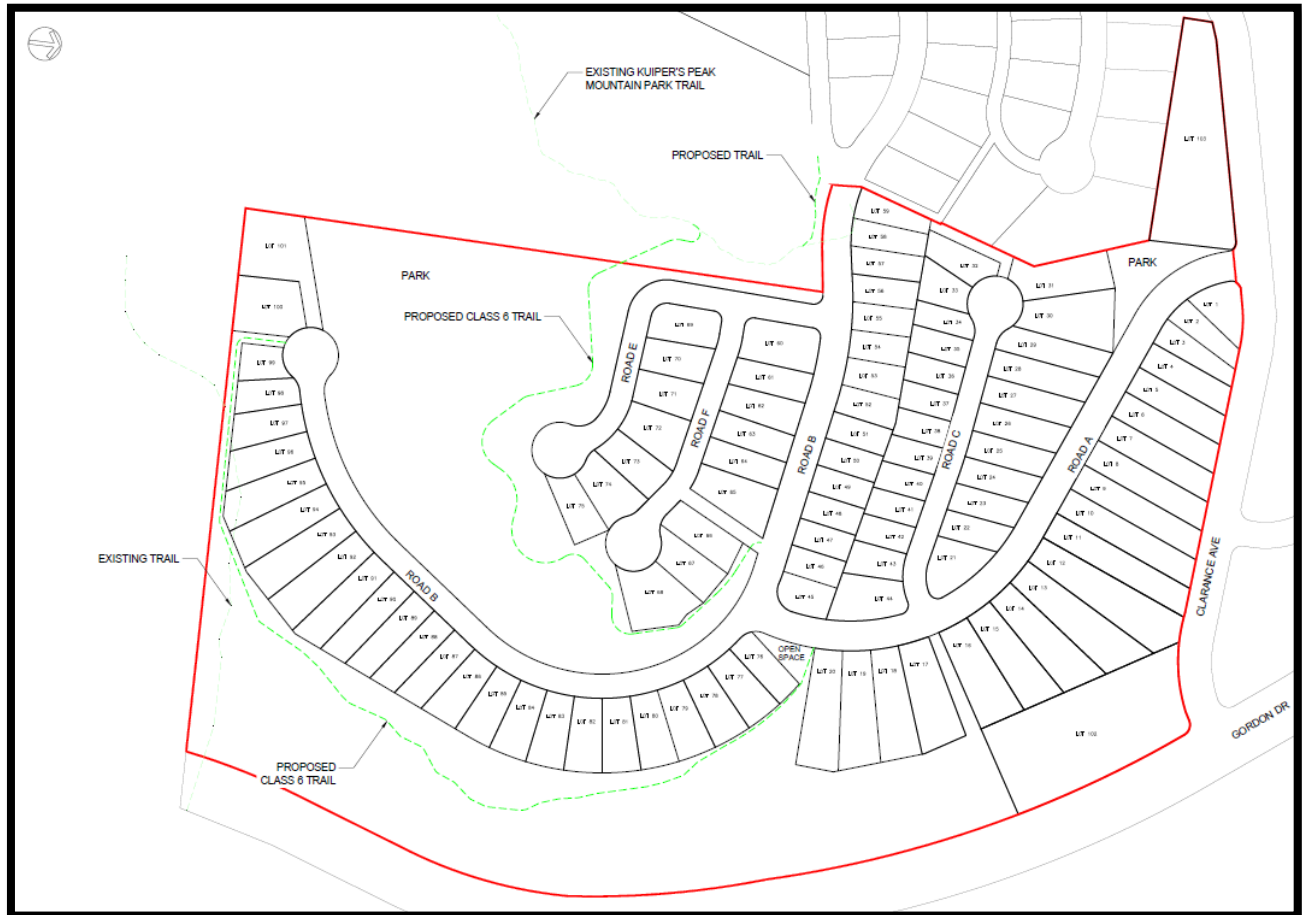
The site is currently designated MRC – Multiple Unit Residential Cluster Housing and PARK- Major Park/Open Space. The property is located within the Permanent Growth Boundary. A linear trail corridor on the subject property is identified in the OCP. The property is located in several Development Permit Areas including the Wildland Fire/Hazardous Condition DPA, Natural Environment DPA, and Hillside DPA.

The subject site is approximately 18 hectares (44 acres) in area and is located at the intersection of Gordon Drive and Clarence Avenue. The property is characterized by rock cliffs and outcrops with moderate sloping areas. The majority of the property burned in the 2003 Okanagan Mountain Park fire which destroyed most of the vegetation in the area. There are environmentally sensitive habitat features for a range of sensitive wildlife species, including wildlife trees, talus slopes, and cliffs that occur in pockets throughout the property.

The Area Structure Plan (ASP) and related OCP amendments were adopted by Council on April 3, 2007. This neighborhood was identified within the 1994 Southwest Okanagan Mission Sector Plan and covers the entirety of the area now known as 'The Ponds'. The plan envisions a pattern of development that would result in a high quality, attractive and complete community. Within the ASP this property was specifically identified for residential cluster development. The cluster designation was chosen primarily in areas interwoven with slopes and environmentally sensitive areas. Cluster development was envisioned in the plan to be a group of housing units situated within clearly defined "buildable areas" surrounded by natural

open space and accessed by a single local or strata road. Trail connections and wildlife corridors on the site were also recognized in the ASP which are proposed to be maintained.

4.2 Project Description



Preliminary Subdivision Concept

The purpose of the proposed OCP amendment and rezoning application is to facilitate the development of a residential subdivision. The proposed subdivision includes approximately 100 residential lots accessed from a new road and cul-de-sacs connecting with Clarence Avenue and Hewetson Court. The proposed subdivision is intended to create mostly fee simple lots for single detached housing to be developed in accordance with the Ruzh zone. A portion of the site near the South-West end of the proposed new cul-de-sac may be developed in the form of bareland strata, fee-simple single family lots or potentially as a multi-family strata development in accordance with the RH3 zone.

The proposed single family lot sizes range from 450sqm to 2000sqm in area. The average proposed lot is approximately 15.5m wide and 770sqm in area. The proposed lot widths and areas are comparable with the surrounding neighbourhood. The proposed lots are approximately 30% smaller than the immediate surrounding neighbourhood on Clarence Ave and Hewetson Court which are approximately an average of 21.5m wide and 1100sqm in area. The proposed lots are larger than lots in other recent phases of 'The Ponds' neighbourhood such as the Steele Road/Redstem Street neighbourhood where a typical lot is approximately 10m wide and 400sqms in area.

The proposed development features an extensive trail network and is proposing to maintain connectivity to the Kuiper's Peak Mountain Park through park land dedication and east-west connectivity through no-disturb areas on the proposed lots. Specifically, an existing trail to Kuiper's Peak is proposed to be re-aligned to connect with Hewetson Court and two new public trails are meant to connect to Kuiper's Peak Mountain Park.

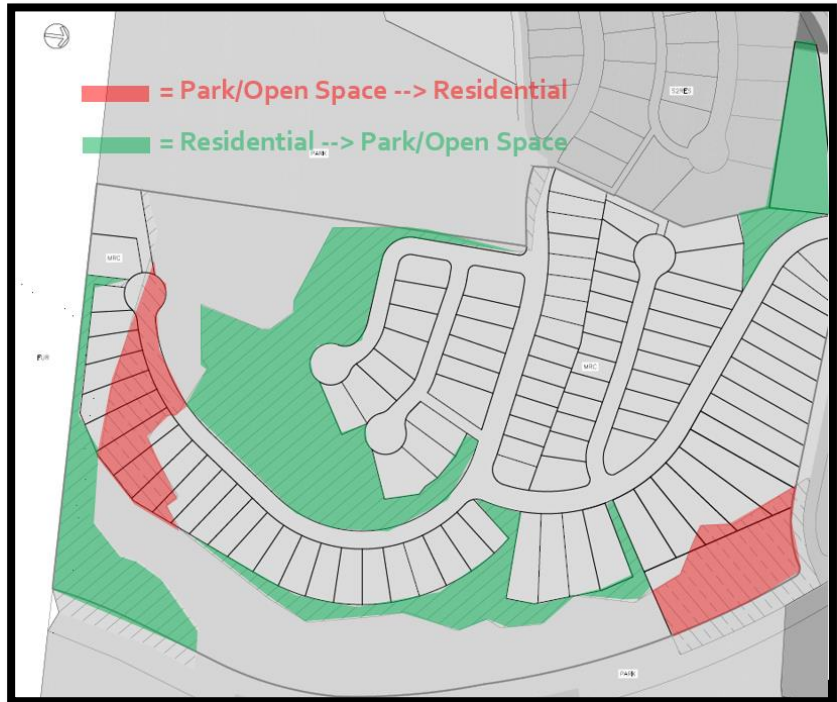
There are two areas of the subject site currently designated for Park – Major Park/Open Space that are proposed to be changed to MRC - Multi Unit Residential – Cluster Housing. One area is near the South side of the lot (shown in red to the right). This area was identified in the ASP as a natural area and wildlife corridor. To maintain connectivity the applicant intends to maintain no-disturb areas along the side and rear yards of several of the lots, the specific location of these areas would be determined at the subdivision and natural environment development permit stage. The second area to be changed from park to residential is located at the corner of Gordon Drive and Clarence Ave; this area was previously used as a sales centre.

Environmental monitoring and geotechnical oversight would be required during the construction phase of the project.

4.3 Site Context

The subject property is located within the Okanagan Mission Sector of the City. The site is located within the Permanent Growth Boundary. The portion of the subject parcel under consideration contains a mix of Future Land Use designations, including: MRC – Multiple Unit Residential- Cluster Housing and PARK- Major Park/Open Space (Public).

The adjacent properties to the North of the site have a Future Land Use



Subject Site Map

designation of S2RESH – Single/Two Unit Residential- Hillside and contain single-family housing. To the East of the site across Gordon Drive is a residential subdivision designated S2RESH – Single/Two Unit Residential- Hillside and Jack Smith Lake. To the South, the entire area has a designation of FUR – Future Urban Reserve and is under consideration for an Area Structure Plan (ASP) for an area known as 'Thomson Flats'. Adjacent to the West of the site is Kuiper's Peak Mountain Park and a subdivision designated S2RES – Single/Two Unit Residential in the OCP.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2H	Single Family Subdivision
East	A1, P3 and RU2H	Single Family Subdivision and Jack Smith Lake Park
South	A1	Vacant/Open Space
West	RU1H, A1, P3 and P4	Kuiper's Peak Mountain Park and Single Dwelling Subdivision.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Policy 5.15.3 Environmentally Sensitive Area Linkages. Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

Policy 5.15.13 Access Through Steep Slopes. Discourage roads (public or private) through +30% slope areas intended to access lands beyond, except in cases where it can be demonstrated the road will be sensitively integrated (visual and aesthetic impacts minimized) with the natural environment and will present no hazards to persons or property, environmental threats or unreasonable servicing or maintenance challenges.

Policy 5.22.1 Cluster Housing. Require new residential development to be in the form of cluster housing on/or near environmental sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two-unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- Protect environmentally sensitive areas of a development site and preserve them on permanent basis utilizing the most appropriate tools available;
- Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
- Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surface in site development;
- Promote overall cost savings on infrastructure installation and maintenance; and
- Provide opportunities for social interaction, walking and hiking in open space areas.

Policy 5.36.3 Design for People and Nature. Structure new neighbourhoods around parks, pedestrian and bike routes, open spaces, and environmental areas, rather than around roadway and cars.

Chapter 7: Infrastructure

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

Policy 7.12.2 Natural Area Parks and Open Spaces. Provide a city-wide network of natural area parks which meet the following criteria:

- Contains representative Okanagan ecosystems;
- Contains areas of outstanding natural beauty (including areas with high visual sensitivity and high visual vulnerability, such as rocky outcrops, ridge lines, hilltops, slit slopes, canyons, and water edges);
- The land area is contiguous and forms part of a larger open space network;
- Contains conservation areas;
- Protects viewshed corridors; and
- Where appropriate, trails which maximize public safety while minimizing human impact on the most sensitive and vulnerable areas.

6.o Application Chronology

Date of Application Received: July 10, 2019
Date Public Consultation Completed: November 15, 2019

Report prepared by: Alex Kondor, Planner Specialist
Tyler Caswell, Planner I

Reviewed by: Wesley Miles, A/Suburban and Rural Planning Manager

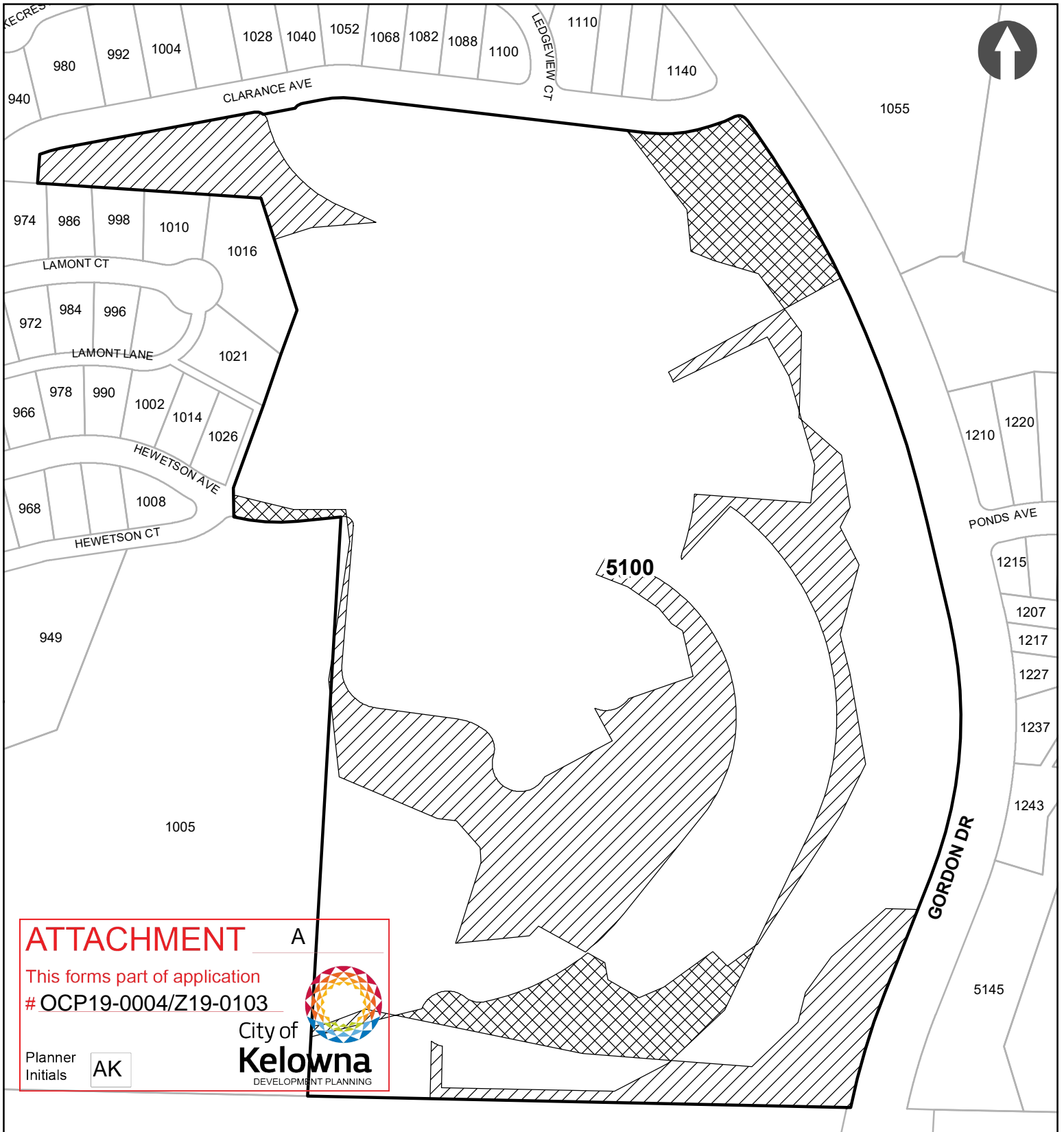
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Map "A"

Attachment B: Map "B"

Attachment C: Concept Plans



ATTACHMENT

A

This forms part of application

OCP19-0004/Z19-0103

Planner
Initials

AK

City of
Kelowna
DEVELOPMENT PLANNING



MAP "A" OCP AMENDMENT File OCP19-0004



MRC - Multi Unit Residential - Cluster Housing to PARK - Major Park/Open Space



PARK - Major Park/Open Space to MRC - Multi Unit Residential - Cluster Housing



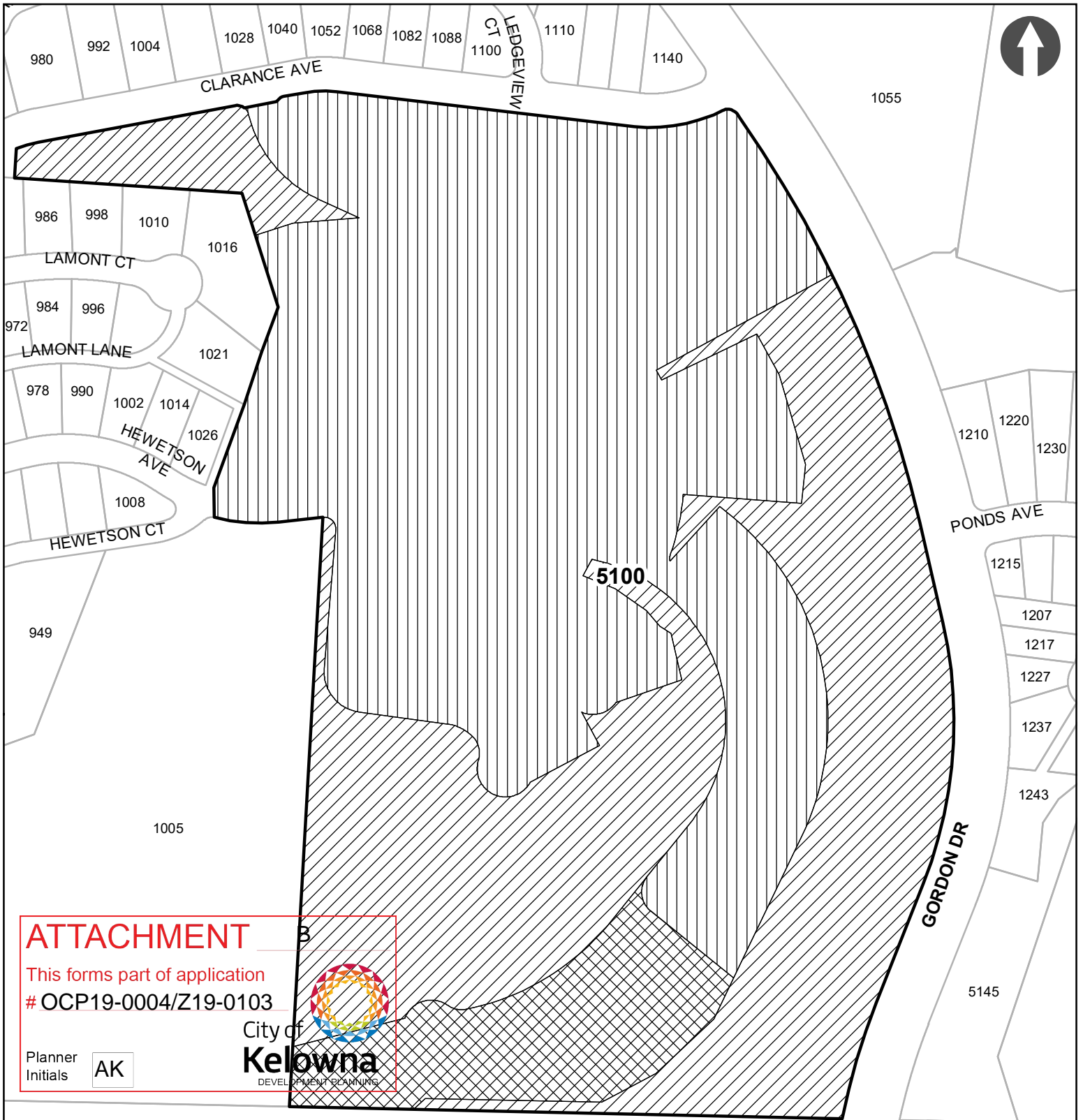
Subject Property

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

0 50 100 Metres

City of
Kelowna

Rev. Monday, January 27, 2025







ATTACHMENT B

This forms part of application
OCP19-0004/Z19-0103

Planner
Initials **AK**

City of
Kelowna
DEVELOPMENT PLANNING

MAP "B" PROPOSED ZONING File Z19-0103

-  Subject Property
-  A1 - Agriculture to P₃ - Parks and Open Space
-  A1 - Agriculture to RH₃ - Hillside Cluster Housing
-  A1 - Agriculture to RU₂H - Medium Lot Housing (Hillside Area)

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

0 37.5 75 Metres



Gordon Dr

Clarence Ave



Clarence Ave



Gordon Dr

Clarence Ave



Gordon Dr

Clarence Ave

CITY OF KELOWNA

BYLAW NO. 11977

Official Community Plan Amendment No. OCP19-0002 5100 Gordon Road

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Future Land Use designation of portions of The South ½ District Lot 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118, EPP55798, EPP45189, EPP72926, EPP74481 AND EPP77194 located on Gordon Drive, Kelowna, BC from the following as shown on Map "A" attached to and forming part of this bylaw:
 - a.) Major Park / Open Space (public) (PARK) designation to the Multiple Unit Residential- Cluster Housing (MRC) designation;
 - b.) Multiple Unit Residential- Cluster Housing (MRC) designation to the Major Park / Open Space (public) (PARK) designation.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

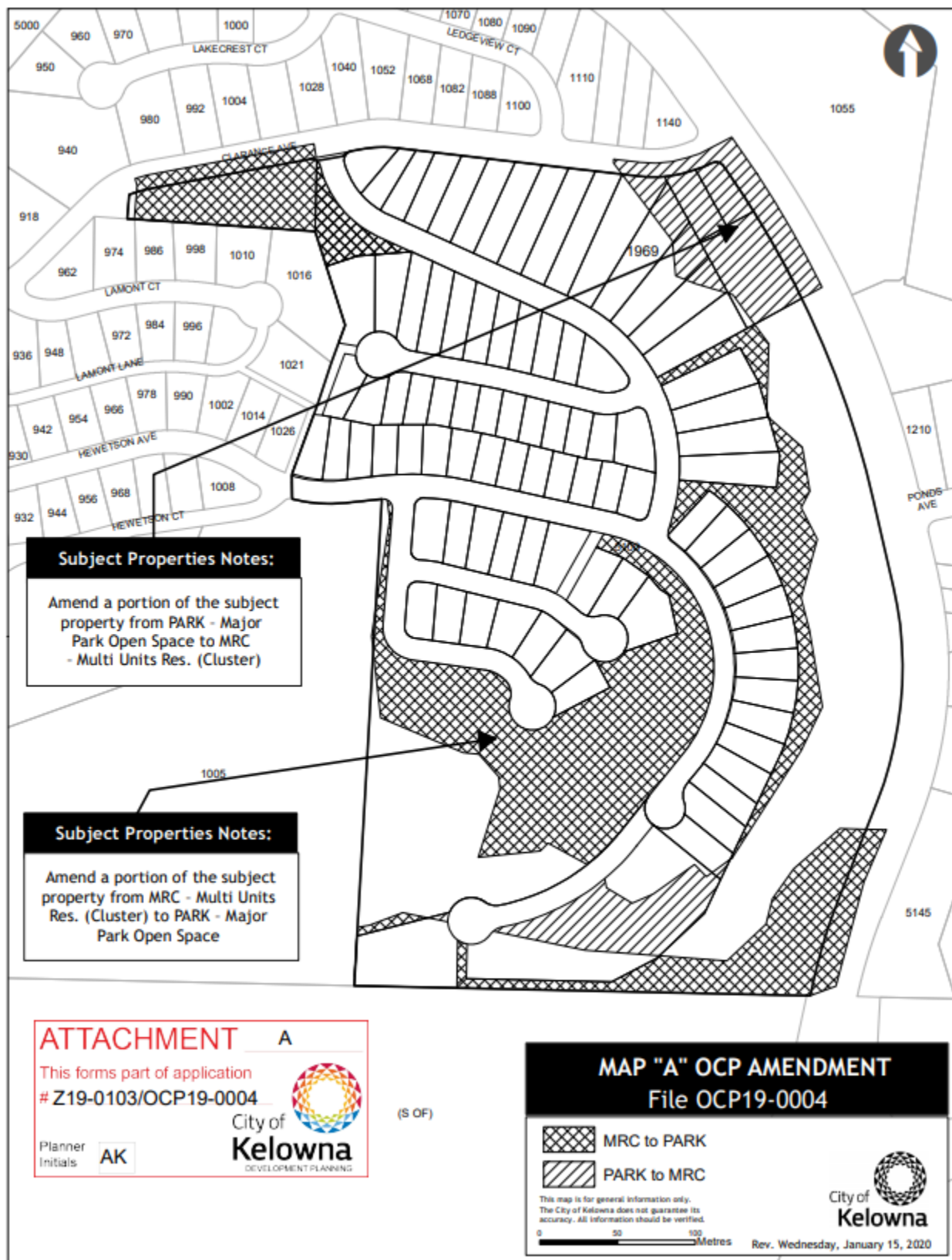
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11978
Z19-0103 – 5100 Gordon Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of The South ½ District Lot 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118, EPP55798, EPP45189, EPP72926, EPP74481 AND EPP77194 located on Gordon Drive, Kelowna, BC, from the A1 – Agriculture zone to the RH3 – Hillside Cluster Housing zone, RU2h – Medium Lot Housing (Hillside Area) zone and the P3- Parks and Open Space zone as per Map "B" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: February 3, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z19-0129

Owner: Southgate Centre Holdings Inc., Inc.No. BC1077192

Address: 2660 Pandosy Street

Applicant: Jordan Hettinga; Kent-Macpherson

Subject: Rezoning Application

Existing OCP Designation: MXR – Mixed Use Residential / Commercial

Existing Zone: C4 – Urban Centre Commercial

Proposed Zone: C4rcs – Urban Centre Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0129 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 14 ODYD Plan 33506, located at 2660 Pandosy Street, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone, be considered by Council;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

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

2.0 Purpose

To rezone the subject property from C₄ – Urban Centre Commercial to C₄rcs -Urban Centre Commercial (Retail Cannabis Sales) to allow for a retail cannabis sales establishment.

3.0 Development Planning

Development Planning supports the proposal to rezone the subject property to C₄rcs – Urban Centre Commercial (Retail Cannabis Sales).

The C₄ – Urban Centre Commercial zone allows for the addition of the Retail Cannabis Sales designation. Also, the property meets all minimum buffer distance requirements associated with retail cannabis sales establishments as listed in the Zoning Bylaw under Section 9.16.

4.0 Proposal

4.1 Project Description

The applicant proposes to rezone the subject property to C₄rcs – Urban Centre Commercial (Retail Cannabis Sales) to allow for a retail cannabis sales establishment.

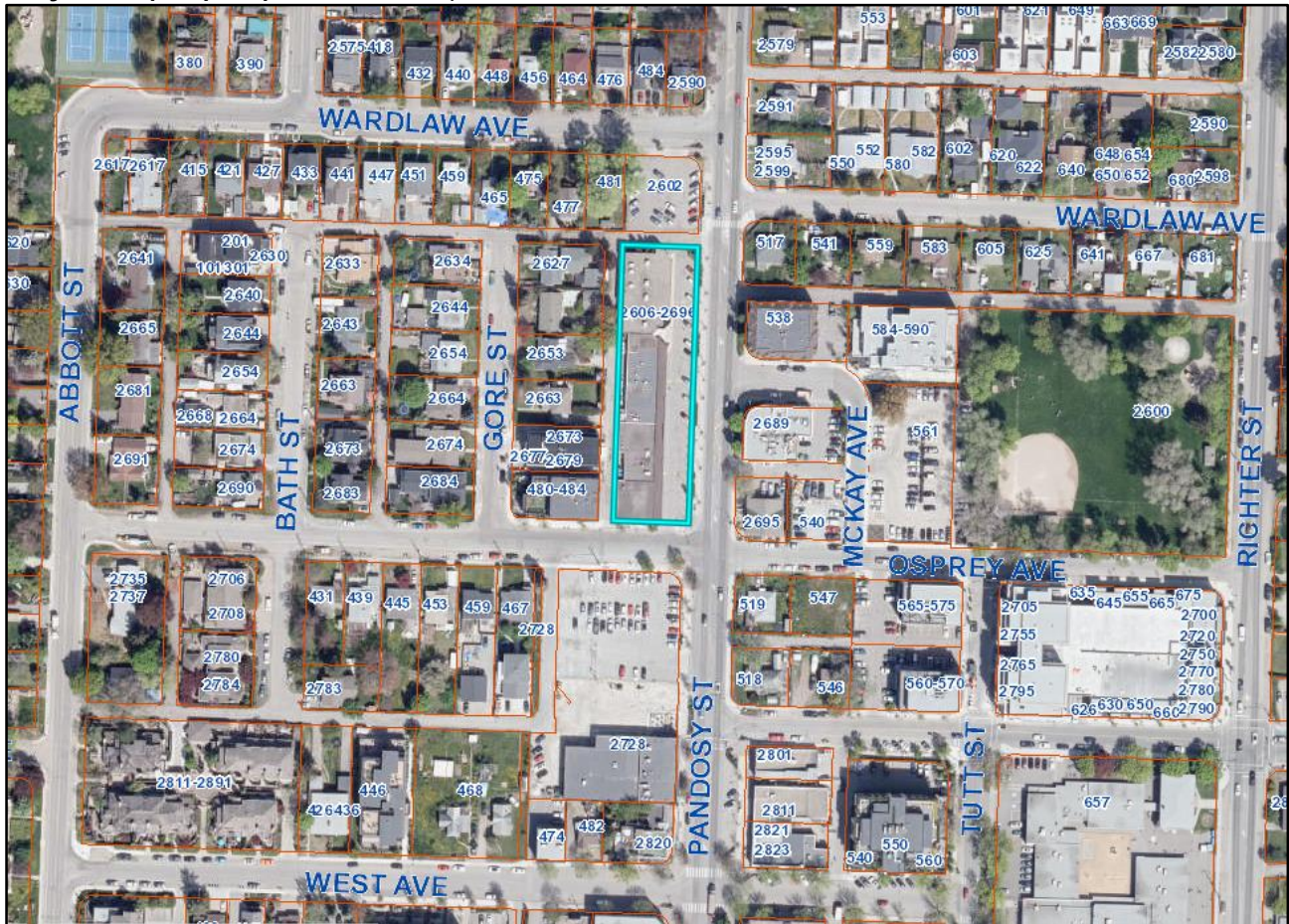
4.2 Site Context

The lot is at the corner of Pandosy St. and Osprey Ave north of Raymer Ave, and at the north end of the South Pandosy Urban Centre. The lot contains a strip mall with numerous commercial retail units (CRUs). The nearest property with the Retail Cannabis Sales designation is at 3140 Lakeshore Rd., more than 500m away.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C ₄ – Urban Centre Commercial	Commercial Parking
East	C ₄ – Urban Centre Commercial / RU6 – Two Dwelling Housing	Mixed Use Development / Commercial Uses / Single Family Housing
South	C ₄ – Urban Centre Commercial	Commercial Parking / Commercial Uses
West	C ₄ – Urban Centre Commercial / RM5 – Medium Density Multiple Housing / / RU6 – Two Dwelling Housing	Commercial Uses / Apartment Housing / Single Family Housing

Subject Property Map: 2660 Pandosy St.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 8: Economic Development

Objective 8.1 Focus on economic drivers that generate new and sustainable wealth.

Policy .1 Sustainable Prosperity. Assign priority to supporting the retention, enhancement and expansion of existing businesses and post-secondary institutions and the attraction of new businesses and investment identified as bringing sustainable prosperity to Kelowna.

6.0 Technical Comments

6.1 Development Engineering Department

- This application does not compromise any City of Kelowna municipal infrastructure.

7.0 **Application Chronology**

Date of Application Received: November 19, 2019

Date Public Consultation Completed: December 20, 2019

Report prepared by: Aaron Thibeault, Planner II

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Applicant Rationale

ATTACHMENT		A
This forms part of application		
# Z19-0129		
Planner Initials	AT	 City of Kelowna <small>COMMUNITY PLANNING</small>



October 29, 2019

Current Planning Department
City of Kelowna
1435 Water Street
Kelowna, BC, V1Y 1J4

Re: Rezoning Application
2660 Pandosy Street, Kelowna
PID – 003-164-993
Lot A, District Lot 14, ODYD, Plan 33506

Applicant: The Heartland Group

Please accept this application to add Cannabis Retail Sales as a permitted use for the subject property located on 2660 Pandosy Street, which is currently zoned C4; Urban Centre Commercial. The subject property is a 0.831-acre shopping plaza in the South Pandosy Urban Centre. The proposed cannabis retail store would be located in the center of the plaza.

The property is located in the heart of Pandosy within the Urban Centre referred to as the ‘South Pandosy’ district, which is one of the five Urban Centres in Kelowna. The property is situated along Pandosy Street and can provide easy access to vehicles, transit, bikes, and pedestrians. There is a transit stop directly to the south, contributing to a Walk Score of 86 (Very Walkable) and a Bike Score of 94 (Bikers Paradise).

Following the success of this application, The Heartland Group will be working with the Liquor & Cannabis Regulation Branch to obtain the Provincial approvals necessary to sell cannabis at this location.

We believe that this proposed cannabis retail location meets all the City’s policies and guidelines and is an appropriate location for the surrounding community. We believe that with the growth in the South Pandosy

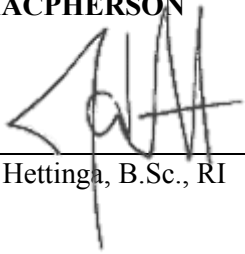
Town Centre, along with the developments in the Hospital District, South Kelowna, and Lower Mission, that a cannabis store in this location is an appropriate use.

If you have any questions pertaining to this Application, please do not hesitate to contact me.

Sincerely,

KENT-MACPHERSON

Per:


J. Hettinga, B.Sc., RI

Cc: Fred Hamel, The Heartland Group
Reid Ogdon, The Donnelly Group
David Bakonyi, Southgate Holding Ltd.

ATTACHMENT		A
This forms part of application		
# Z19-0129		
Planner Initials	AT	 City of Kelowna <small>COMMUNITY PLANNING</small>

CITY OF KELOWNA
BYLAW NO. 11980
Z19-0129 – 2660 Pandosy St

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 14 ODYD Plan 33506, located on Pandosy Street, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) 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: February 3rd 2020

To: Council

From: City Manager

Department: Development Planning (AK)

Application: TA19-0017

Owner: Geen, David

Address: 2975 Gallagher Road

Applicant: Sellinger, Bob

Subject: Zoning Bylaw Text Amendment

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Council receives for information the Supplemental Report of the Development Planning department dated February 3, 2020, regarding Text Amendment No. TA19-0017 for Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Road, Kelowna, BC.

2.0 Purpose

To give Bylaw No. 11983 first reading.

3.0 Background

On January 27th 2020 council considered the alternative recommendation of the staff report for a text amendment to the Zoning Bylaw. The text amendment is to facilitate temporary farm worker housing for up to 70 temporary farm workers on the subject property, which would result in a total of up to 130 temporary farm workers for a single farm unit located within the same City Sector and increase the maximum 'temporary farm worker housing footprint' from 0.3ha to 0.95ha (Report Dated January 27th attached).

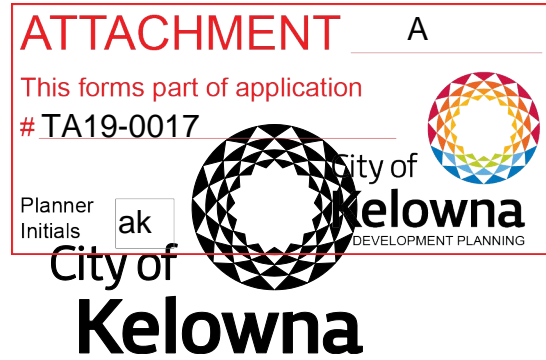
Report prepared by: Alex Kondor, Planner Specialist

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments

Attachment A - Council Report dated January 27th 2020

REPORT TO COUNCIL



Date: January 27th 2020

To: Council

From: City Manager

Department: Development Planning (AK)

Application: TA19-0017 **Owner:** Geen, David

Address: 2975 Gallagher Drive **Applicant:** Sellinger, Bob

Subject: Zoning Bylaw Text Amendment, ALR Non-Adhering Residential Use Permit and Temporary Farm Worker Housing Permit

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated January 27th 2020 for Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Drive, Kelowna, BC, NOT be considered by Council;

2.0 Purpose

To consider a Staff recommendation to NOT support an application for a Text Amendment to the Zoning Bylaw to facilitate temporary farm worker housing for up to 70 temporary farm workers on the subject property, which would result in a total of up to 130 temporary farm workers for a single farm unit located within the same City Sector and increase the maximum 'temporary farm worker housing footprint' from 0.3ha to 0.95ha.

3.0 Development Planning

Development Planning staff are recommending non-support for the proposed application which would result in a total of 130 temporary farm workers for a single farm unit located within the same City Sector and increase the maximum 'temporary farm worker housing footprint' from 0.3ha to 0.95ha. The City's Zoning Bylaw limits the amount of housing for temporary farm workers per farm unit in each City Sector to avoid an excessive concentration of workers in agricultural areas that lack amenities such as shops, services, sanitary connection, parks, and access to transit. The subject site is an isolated agricultural parcel not located near transit, stores, or other amenities.

Staff are recommending non-support due to the fact that 60 beds of TFWH has been deemed to be the maximum amount of workers that is appropriate for each farm unit in each Sector of the City. The property owners have previously been granted approval for 60 workers within the same Sector on the subject property early in 2019 (A19-0005 AND FH19-0001). In 2017, Council adopted new regulations for Temporary Farm Worker Housing (TFWH) following consultation with the Ministry of Agriculture, the farming industry, and the public. The regulations were intended to address concerns related impact on agricultural land, increased demands on municipal infrastructure, and the potential 'detachment' of the workers having no connection to the overall community. The current zoning bylaw regulations allow farmers to have accommodations for up to 40 temporary farm workers on parcels less than 8.0 ha and up to 60 temporary farm workers for parcels 8.0 ha or greater on farm units within each City sector. This maximum applies to each 'farm unit', which is defined as the group of parcels owned, rented, or leased by an individual farmer. This enables farmers to have multiple TFWH locations within the City but not in the same Sector of the City. Staff recommend that more urban locations of the City are more appropriate for this level of housing.

4.0 Proposal

4.1 Background

The property is farmed by Coral Beach Farms Ltd. The company currently has 930 acres of cherries planted with an additional 250 acres planned in 2020 for a total of 1,180 acres. 300 of those acres are in the City of Kelowna. The majority of land owned or leased by the company is in the Central and North Okanagan. In 2018 the company produced 3,750 tons of cherries, and upwards of 6,000 tons is expected by 2021. The cherries are currently packed at the company's facility in Carr's Landing and a new packing facility under construction on a property on Shanks Road near Highway 97 N is anticipated to be used in 2020.

Coral Beach Farms employs approximately 1,000 staff in the peak summer season. By 2023 the company expects to employ over 1,400 staff. Approximately 60% of seasonal staff are brought in under the Seasonal Agricultural Workers Program (SAWP) program from Mexico and Jamaica, with the remainder primarily being international backpackers and out-of-province Canadians.

The property owners have previously been granted approval for 60 workers within the same Sector on the subject property early in 2019 (A19-0005 AND FH19-0001). The applicants have provided a detailed letter (attached) which states the company currently has 222 beds in City of Kelowna and 474 beds for workers in Lake Country and Vernon. The applicants have also provided a letter of opinion from an agrologist (attached) on the proposed worker accommodation area and its impact on the overall agricultural operations on the subject property.

4.2 Project Description

The property owners have applied for permits to accommodate 70 additional workers on the subject site located at 2975 Gallagher Road which will mean up to 130 workers will be housed on the property. The subject property is zoned for A1 - Agriculture and located within the Agricultural Land Reserve (ALR). The lot is 61 hectares (151 acres) in area. Approximately 96 acres are presently planted as cherry orchard and cherry/apple tree nursery. The proposed accommodation is required in order to house seasonal workers to maintain the cherry orchard on the property and nearby orchards of Coral Beach Farms.

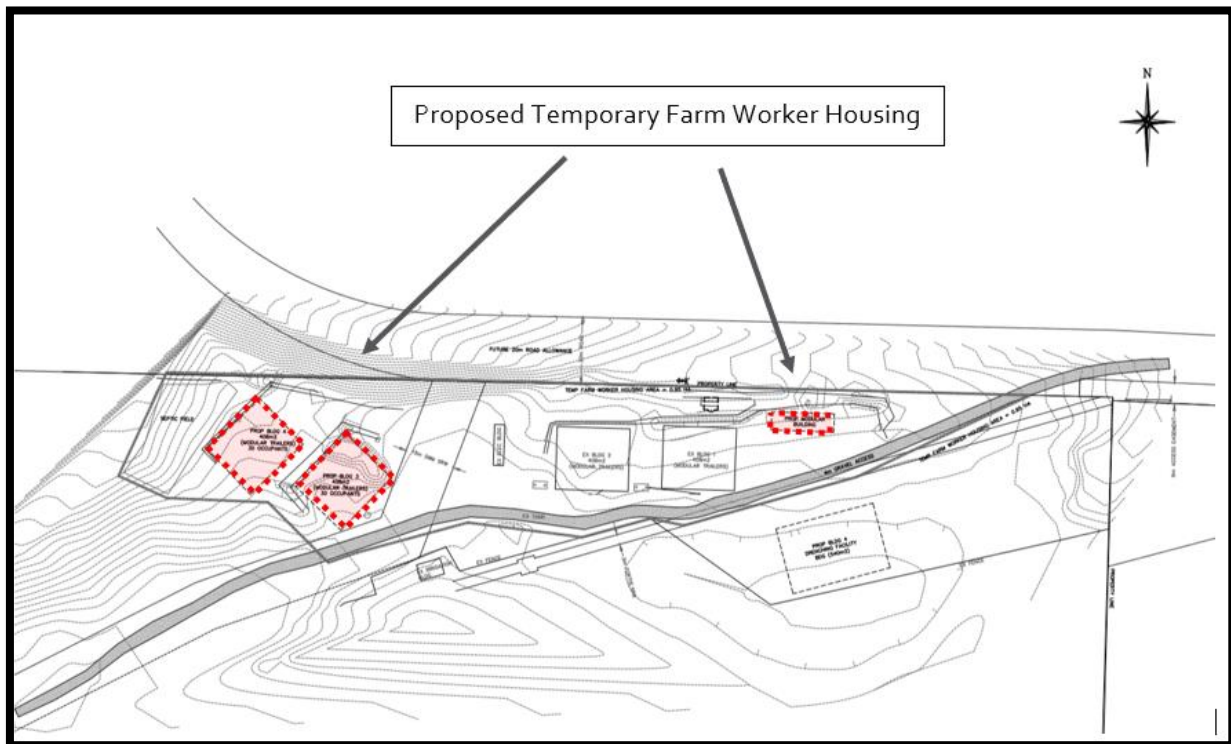
The application is for 70 additional beds for temporary farm worker housing (TFWH) in temporary structures on non-permanent foundations. Specifically, the proposal is to accommodate 70 additional seasonal farm workers by placing 12 'ATCO' trailers on the property. The majority of the housing will be

located in two 'pods' of 6 trailers each. Each pod includes bedrooms, shared washrooms and a common kitchen area.

The proposed housing is located in a City Sector that currently has approximately 60 units of temporary farm worker housing (TFWH). In comparison the Rutland City Sector has approximately 231 units of existing TFWH and the McKinley City Sector has 180 units of TFWH. The applicant owns multiple parcels within the City of Kelowna and surrounding area. Staff have discussed other possible sites with the applicant. The applicant has advised that the subject site is the least disruptive location to their agricultural operation and is intended to be the least disruptive to adjacent properties. In addition to the proposed housing the applicant is also proposing to construct 44 units of temporary farm worker housing in the East Kelowna City Sector.

The Official Community Plan (OCP) states that temporary farm worker housing should utilize all existing dwellings within a farm unit prior to building new temporary farm worker housing. The applicants have clarified that throughout their farms in Kelowna, and also in Lake Country and Vernon, 100% of the dwellings are used for farm staff. Specifically, the applicants state they have zero non-farm use rental accommodation, which could otherwise be converted to use for temporary farm worker housing.

To deal with the fact the proposed housing is located in an isolated rural area, the applicants are proposing to provide bus transportation to urban amenities such as grocery stores or banks. The site is accessed by easement over the Kirschner Mountain property the applicants are proposing to pay the cost of upgrading a portion of this easement to a municipal emergency road standard to ensure safe access to the site. The trailers are located near a low-point of the property and the proposed location is not highly visible from the surrounding area. A landscape buffer has been installed as condition of the previous approval for 60 workers on the subject site and would be required to be expanded to buffer the proposed units.



4.3 Site Context

The site is located outside of the Permanent Growth Boundary and within the Belgo-Black Mountain City Sector. The site is located on a portion of Layer Cake Mountain and was planted with cherries starting in 2017/18. The lot is adjacent to Mission Creek to the south and west which is designated as Park in the Official Community Plan and Zoned P3 – Parks and Open Space. The lot is adjacent to Kirschner Mountain to the north which is designated S2Res – Single/Two Unit Residential in the OCP and zoned A1 – Agriculture 1. The property is accessed by easement from Gallagher Road to the east, and the location of the access easement will likely become a future road to service Kirschner Mountain development.

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.
- Temporary farm worker housing (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 temporary farm working housing such that:

- Temporary farm worker housing should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, 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 temporary farm worker housing structure.
- Temporary farm worker housing 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.
- Temporary farm worker housing should have a minimum 3 metre wide vegetated buffer for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.

5.2 City of Kelowna Agriculture Plan

Allow Temporary Farm Worker Housing, as permitted by City of Kelowna bylaw. Temporary Farm Worker Housing, 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 temporary farm worker housing, 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 Attached Servicing Memo (Attachment A)

6.2 Ministry of Agriculture

- Ministry staff in general support the development of farm worker accommodation appropriate to the farm operation's agricultural activity and consistent with the ALC's Act and Regulations.
- Based on the information provided, Ministry staff consider the proposal to be a reasonable application based on the crop, scale, and location of the agricultural operation. Ministry staff are aware of Kelowna's accompanying referral requests for FH19-0006 farm help application and TA19-0017 zoning bylaw text amendment and will respond separately following further review.
- Ministry staff anticipate that the zoning bylaw text amendment will require Minister's approval given that the City of Kelowna's is identified in the Local Government Act's Right to Farm Regulation with the proposed bylaw being submitted following 3rd reading.

7.0 **Application Chronology**

Date of Application Received: October 18th 2019
 Date Public Consultation Completed: December 20th 2019

Agricultural Advisory Committee December 12th 2020

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

THAT The Agricultural Advisory Committee recommends that Council support temporary farm worker housing for up to 70 additional farm workers on the subject property, which would result in a total of up to 130 temporary farm workers for a single farm unit located within the same City Sector.

8.0 Alternate Recommendation

8.1 Discussion

Should Council support the applicant's proposal, several approvals are required:

1. Zoning Bylaw Amendment (TA19-0017) - The property owners have applied for a site-specific text amendment to the Zoning Bylaw to allow for structures to accommodate a maximum of 70 temporary farm workers on the property, and to accommodate a maximum of 130 temporary farm workers on this farm unit in the Belgo-Black Mountain City Sector. A text amendment is also required to increase the maximum Temporary Farm Worker Housing Footprint from 0.4ha to 0.95ha to accommodate the proposed structures. In 2019 the property owners obtain permission for Temporary Farm Worker Housing to house 60 workers on the subject site at 2975 Gallagher Road.

In 2017, Council adopted new regulations for Temporary Farm Worker Housing (TFWH) following consultation with the Ministry of Agriculture, the farming industry, and the public. The regulations were intended to address concerns related to:

- Potential misuse of farm worker housing;
- Loss of agricultural land;
- Changes to the agricultural landscape;
- Increased demands on municipal infrastructure; and
- A perceived 'detachment' of the workers having no connection to the community.

The regulations allow farmers to have accommodations for up to 40 temporary farm workers on parcels less than 8 ha and up to 60 temporary farm workers for parcels 8 ha or greater on farm units within each City sector. This maximum applies to each 'farm unit', which is defined as the group of parcels owned, rented, or leased by an individual farmer. This enables farmers to have multiple TFWH locations within the City but not in the same Sector of the City. The main reason for the limit on worker allocation is to avoid concentrating a large amount of workers in an otherwise agricultural or rural area where there are typically not many amenities such as transit or grocery stores. The limit on the number of farm workers per City Sector is also in place to minimize impacts such as traffic and noise on surrounding properties.

2. Non-Adhering Residential Use (A19-0017) – Owners of land within the Agricultural Land Reserve are required to obtain approval from the Agricultural Land Commission for dwellings for temporary farm help where it exceeds what would be considered one dwelling unit on a property. Should Council choose to support the site specific text amendment and non-adhering residential use application, approval from the Agricultural Land Commission would be required prior to adoption of the text amendment.
3. Temporary Farm Worker Housing Permit (FH19-0006) – A Farm Worker Housing permit must be approved by Council confirming the proposal meets the City of Kelowna regulations and guidelines related to temporary farm worker housing. In keeping with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas and the City's regulations for TFWH, the property owner would be required to register Section 219 restrictive covenants on title that generally state:
 - The TFWH will be used for temporary farm workers only;

- The owner will remove the TFWH if the farm operation changes such that it is no longer required; and
- The TFWH will only be used for farm workers for a specified number of months of the year (typically a maximum of eight, though may be increased to ten).

The proposed temporary farm worker accommodation meets all other regulations of the Zoning Bylaw and the guidelines stated in Official Community Plan. The proposal is also consistent with Ministry of Agriculture standards for temporary farm worker accommodation. Specifically, agriculture is the principal use on the parcel, and the applicant has demonstrated that the housing is necessary to accommodate farm employees whose residence on the farm property is considered critical to the overall operation of the farm. The proposed accommodation is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified.

8.2 Alternative Recommendations

THAT Zoning Bylaw Text Amendment Application No. TA19-0017 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 27th 2020 for Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Drive, Kelowna, BC be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated January 27th 2020;

AND THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to approval from the Ministry of Agriculture;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered in conjunction with Council's consideration of a Non-Adhering Residential Use Permit, and Farm Help Development Permit for the subject property.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Terry Barton, Development Planning Department Manager

Approved Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments :

Schedule A: Zoning Bylaw Text Amendments

Attachment A: Development Engineering Memo

Attachment B: Supporting Documents (Site Plan, Letter of Rational, Agrologist Report)

CITY OF KELOWNA
BYLAW NO. 11983
TA19-0017 – 2975 Gallagher 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 **Section 9 Specific Use Regulations, 9.13.4 Site Specific Regulations** be amended, by adding in its appropriate location the following:

“

	<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>
	Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Drive, Kelowna, BC to existing table: 'Regulations apply for Temporary Farm Worker Housing on a site-specific basis as follows:' Notwithstanding section 9.13.2(a) TFWH Footprint Size, the TFWH footprint may not exceed 0.95 ha for structures to accommodate a maximum of 130 temporary farmworkers.	2975 Gallagher Drive, Kelowna, BC	The following regulations shall apply to this farm unit only. Notwithstanding section 9.13.2(a) TFWH Footprint Size, the TFWH footprint may not exceed 0.95 ha for structures to accommodate a maximum of 130 temporary farmworkers.

”

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: February 3, 2020

To: Council

From: City Manager

Department: Development Planning

Application: OCP20-0002 & Z19-0126 **Owner:**

Address: 640-650 Cawston Ave. & 1284-1292 Richter St. **Applicant:** Paul Pasutto; Innocept

Subject: OCP Amendment and Rezoning Application

Existing OCP Designation: MRM – Multiple Unit Residential Medium Density

Proposed OCP Designation: MXR – Mixed Use Residential / Commercial

Existing Zone: RU2 – Medium Lot Housing

Proposed Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0002 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037; The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502, located at 640-650 Cawston Ave. and 1284-1292 Richter St., Kelowna, BC from the MRM – Multiple Unit Residential Medium Density designation to the MXR – Mixed Use Residential / Commercial designation, be considered by Council;

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

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated February 3, 2020;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated February 3, 2020.

AND THAT Rezoning Application No. Z19-0126 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037; The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502, located at 640-650 Cawston Ave. and 1284-1292 Richter St., Kelowna, BC from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated February 3, 2020;

AND 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;

AND THAT a covenant be placed on Title limiting development to 6 ½ storeys and 24m in height;

AND FURTHER THAT a covenant be placed on Title limiting permitted uses to residential with live-work units on the ground floor.

Purpose

To amend the Official Community Plan to change the future land use designation of the subject properties from MRM – Multiple Unit Residential Medium Density to MXR – Mixed Use Residential / Commercial and rezone the subject properties from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone to facilitate the development of a 6 ½ storey apartment building with the potential for live/work units on the ground floor.

2.0 Development Planning

Development Planning supports the proposal to change the future land use designation of the subject property to MXR – Mixed Use Residential / Commercial and rezone the subject property to C7 – Central Business Commercial to facilitate the development of a 6 ½ storey apartment building with the potential for live/work units on the ground floor.

The C7 – Central Business Commercial zone was designed for the City Centre Urban Centre to accommodate the density, mix of uses and parking requirements appropriate for the downtown area. In this case, the C7 zone is deemed by staff to be the most appropriate zone so as to satisfy the desired density and set an appropriate parking requirement for the development. Though the C7 zone allows for commercial uses, the bulk of these commercial uses are intended to be confined primarily to certain Retail Corridors, as shown in the Zoning Bylaw on C7 Map B – Civic Precinct and Retail Streets. The site in question is well away from any of these Retail Corridors; and therefore, staff do not support locating commercial uses in this area. In order to ensure the C7 zoning will not be used for commercial uses at this site, a covenant will be required on Title limiting development to residential uses, and with the potential for live/work units on the ground floor. Live/work units are considered to be acceptable in residential areas.

With respect to height, the C7 zone allows for variable heights as governed by the C7 Map A – Downtown Building Heights Plan. The site in question straddles two distinct areas in the C7 Map A, as part of the site sits east of the laneway west of Richter St., and part of the site sits west of this laneway. See diagram below:

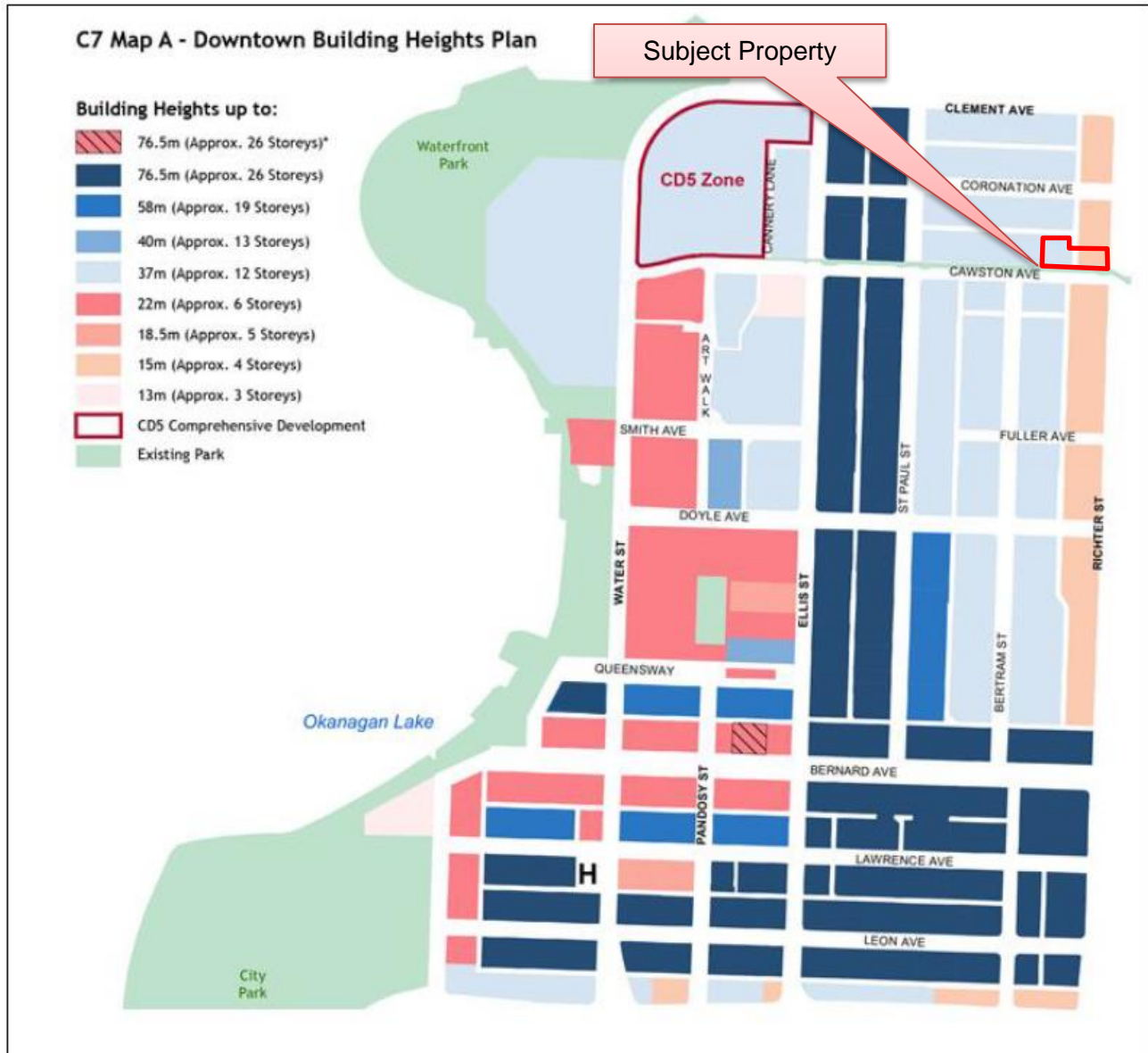


Table 1.

The area of the site west of the laneway allows for a height of 37m (approx. 12 storeys), while the area of the site east of the laneway allows for a height of 15m (approx. 4 storeys). In this case, staff support limiting the development to 6 ½ storeys in height, as development next to the site remains low profile, and the 6 ½ storey height is in keeping with the current future land use designation of the site, which is meant to accommodate mid-rise apartment buildings. In order to limit the development to 6 ½ storeys a covenant will be required on Title.

As the C7 zone fits under the future land use designation of MXR – Mixed Use Residential / Commercial the rezoning necessitates a change in the future land use designation from MRM – Multiple Unit Residential Medium Density to MXR – Mixed Use Residential / Commercial. Again, though, the intention here is not to

introduce commercial uses to this site, and a covenant will be required on Title limiting the development to residential uses (with the potential for live/work units on the ground floor).

3.0 Proposal

3.1 Background

The laneway west of Richter St. in the site area was closed to vehicular access from Cawston Ave. in late October/early November 2019, and bollards were placed to prevent private vehicles from accessing the lane. The lane was closed as part of an initiative to close access to all lanes on Cawston Ave. between Bertram Ave. and Graham St. so as to minimize conflicts between vehicles and pedestrians and cyclists on the Cawston Ave. multi-use pathway. The decision to close access to these lanes was made by the Transportation Planning Department in July of 2019, and a letter was sent to local residents informing them of the closure of the lanes on July 19, 2019. The need to close the laneway in question to vehicular access opened up the possibility of closing the laneway permanently through a Road Closure Bylaw, and of ultimately disposing the lane. On January 13, 2020 Council resolved to permanently close the laneway extending from Cawston Ave. to the north lot line of 1284 Richter St. (described as Road Plan 1037 EPP99502) and to dispose of this portion of the laneway for consolidation with the adjacent lands.

3.2 Project Description

The applicant proposes to change the future land use designation and rezone the subject properties to facilitate the development of a 6 ½ storey apartment building with the potential for live/work units on the ground floor.

The C7 – Central Business Commercial zone is considered to be the most appropriate zone for the site so as to satisfy the desired density and set an appropriate parking requirement. The C7 zone allows for a mix of residential and commercial uses, including retail at grade. In this case, intensive commercial uses are not desirable in this area, as the area is well away from any of the Residential Corridors cited in the Zoning Bylaw under C7 Map B – Civic Precinct and Retail Streets. Therefore, a covenant will be required on Title limiting the development to residential uses with the potential for live-work units on the ground floor.

With respect to height, the C7 zone allows for a height of 37m (approx. 12 storeys) on that part of the site west of the laneway west of Richter St. In this case, staff support limiting the development to 6 ½ storeys in height, as development next to the site remains low profile, and the 6 ½ storey height is in keeping with the current future land use designation of the site, which is meant to accommodate mid-rise apartment buildings. As such, a covenant will be required on Title limiting the development to 6 storeys. The area of the site east of the laneway west of Richter St. allows for a height of 15m (approx. 4 storeys) under the C7 zone. As the proposed development in the Development Permit application is proposed to be 6 ½ storeys in height throughout, the 6 ½ storey height east of the laneway west of Richter St. would require a variance, which staff is tracking.

In addition to the height variance, staff are also tracking three other variances related to the corner setback, setback distance above 16m height, and the ratio of car parking devoted to regular size parking stalls. These potential variances are not to be considered formally at this stage of the development process.

As the C7 zone falls under the future land use designation of MXR – Mixed Use Residential / Commercial, the proposed development also requires an OCP Amendment to change the future land use designation of the site, which currently sits as MRM – Multiple Unit Residential Medium Density.

3.3 Site Context

The subject properties are located at the northwest corner of Cawston Ave. and Richter St. on the eastern edge of the City Centre Urban Centre. As a property in the City Centre Urban Centre, the site is within walking distance of a wide range of amenities and destinations, including retail and dining opportunities; employment opportunities; and cultural and recreational facilities. Related to this, the lot has a walkscore of 92, and is considered to be a Walker's Paradise, where "daily errands do not require a car". In addition, the lot has direct access to the Cawston Ave. multi-use pathway and is within 400m of the Ethel St. multi-use pathway, and thus has excellent access for all forms of active transportation.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 – Medium Lot Housing	Single Family Housing
East	RU6 – Two Dwelling Housing	Single Family Housing
South	RM5 – Medium Density Multiple Housing	Stacked Row Housing
West	RU2 – Medium Lot Housing	Single Family Housing

Subject Property Map:



4.0 Current Development Policies

4.1 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 400m 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.

5.0 **Technical Comments**

5.1 Development Engineering Department

- See Schedule A

6.0 **Application Chronology**

Date of Application Received: November 13, 2020

Date Public Consultation Completed: January 14, 2020

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Applicant Rationale

CITY OF KELOWNA

MEMORANDUM

Date: December 19, 2019
File No.: Z19-0126 R
To: Community Planning (AT)
From: Development Engineering Manager (JK)
Subject: 640, 650 Cawston Ave, 1292, 1292, 1284 Richter St.t

SCHEDULE		A
This forms part of application # OCP20-0002, Z19-0126		
Planner Initials	AT	 City of Kelowna COMMUNITY PLANNING

RU2 to C7

Development Engineering has the following comments and requirements associated with this application to this Rezoning application to rezone the subject properties from RU2. Medium Lot Housing to C7. Central Business Commercial to facilitate the construction of an apartment building.

The road and utility upgrading requirements outlined in this report will be a requirement of this application. All servicing and Road requirements will be address in this Rezoning memo.

Technologist for this project is Ryan O'Sullivan

The following Works & Services are required for this Rezoning:

.1) **General**

- a) This proposed development may require the installation of centralized mail delivery equipment. Please contact the Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) The Fire Department requirements and comments are addressed separately by them.

.2) **Geotechnical Report**

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

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

AT

Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- ii) Site suitability for development.
- iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iv) Any special requirements for construction of roads, utilities and building structures.
- v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- vii) Identify slopes greater than 30%.
- viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix) Recommendations for items that should be included in a Restrictive Covenant.
- x) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- xi) Any items required in other sections of this document.
- xii) Recommendations for erosion and sedimentation controls for water and wind.
- xiii) Recommendations for roof drains and perimeter drains.

.3) Domestic Water and Fire Protection

- a) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this property to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits.
- b) The property is located within the City of Kelowna service area. 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 service and the installation of one new larger metered water service
- 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 their cost.

.4) Sanitary Sewer

- a) Our records indicate that these properties are currently serviced with 5- 100mm-diameter sanitary sewer services. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new service at the applicant's cost.

.5) Drainage

- a) Provide a detailed Storm Water Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) 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 recommendations for onsite drainage containment and disposal systems
- 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) Richter St frontage improvements have already been completed. No further upgrades are needed at this time.
- b) Cawston Ave frontage improvements have already been completed. No further upgrades are needed at this time. With the exception of the existing Letdown to Lane way to be removed and landscaped Boulevard, Roll over curb and gutter to removed and replaced with Barrier curb and gutter.
- c) The laneways fronting this development and Lane way north to Coronation Ave needs to be upgraded to a laneway standard. Standard drawings to be used is SS-R2 for the full construction of the laneway and SS-C7 for the laneway driveway let down. The limits of construction of the lane will be the west-east portion and the entire north-south section. A storm drainage system will be needed within the laneways. CB and Drywell are required
- d) Existing poles and utilities in Lane way effected in section C will need to be undergrounded.

.7) Development Permit and Site Related Issues

- a) By Registered plan to provide the following
 - i) Grant statutory rights-of-way or dedicate lands if required for utility services and/or pedestrian access
 - ii) Dedication of Corner Rounding in the south west corner of the property

SCHEDULE

A


This forms part of application

OCP20-0002, Z19-0126

Planner Initials

AT

Z19-0126



City of

Kelowna

COMMUNITY PLANNING

b) All vehicle access to this development will be via laneway. No access will be granted from Cawston Ave or Richter Street.

c) Lot consolidation is needed.

.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) Street lights 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**

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) **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.

.11) 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 FortisGas, 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.

.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 Fee: \$50.00 per newly created lot (HST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

James Kay

James Kay, P. Eng.
Development Engineering Manager
RO

SCHEDULE		A
This forms part of application		
# OCP20-0002, Z19-0126		
Planner Initials	AT	 City of Kelowna COMMUNITY PLANNING

DEVELOPMENT RATIONALE FOR PROPOSED RICHTER-CAWSTON MULTI FAMILY PROJECT

Proposal for Re-Zoning, Development Permit and Development Variance Permit

Existing Zoning: RU2

Proposed Zoning: C-7

1292 Richter Street. - Legal Description:

ATTACHMENT

A

This forms part of application

OCP20-0002, Z19-0126

Planner
Initials

AT



1284 Richter Street. - Legal Description:

Lot 16, District Lot 139 Osoyoos Division
Yale District Plan 1037. PID:011-855-045
AND

The South ½ Of Lot 15 District Lot 139
Osoyoos Division Yale District Plan
1037. PID: 011-855-037

Lot A District Lot 139 Osoyoos Division
District Plan KAP68057

650 Cawston Avenue. - Legal Description:

Lot 17 District Lot 139 Osoyoos Division
Yale District Plan 1037. PID: 011-855-053

640 Cawston Avenue. - Legal Description:

The East ½ of Lot 19 District Lot 139
Osoyoos Division Yale District Plan
1037. PID: 011-855-070

Introduction

This is an application for the re-zoning, development permit and development variance permit to accommodate a 73-unit multi-family building.

Site Description

The subject property is situated on the NW corner of Cawston Avenue and Richter Street within Kelowna's downtown Urban Cultural District. Located walking distance away from Downtown Kelowna's many amenities; the future residents of this medium density multi-family structure can choose to walk or bike for daily essentials instead of driving.



The site consists of four lots (which will be consolidated) that contain approximately 2276 m² (24,489 sq. ft.) The subject properties are currently zoned RU2 and we are seeking a re-zoning to C7 (Central Business District). In addition, the proposed development includes a portion of the laneway whose prospective sale has received preliminary approval from City of Kelowna.

The site is level, with frontages on both Cawston Avenue and Richter Street. All four separate older houses that will be demolished prior to construction commencing. The North End of Downtown Kelowna is undergoing substantial redevelopment as the downtown core continues to evolve into a medium to higher density area.

Development Description

ATTACHMENT		A
This forms part of application		
# OCP20-0002, Z19-0126		
Planner Initials	AT	 City of Kelowna <small>COMMUNITY PLANNING</small>

The proposed project requires a new Re-Zoning Development Permit and a Development Variance Permit for a 6-storey condominium building which will consist of a single level (lower parking, partial below grade) concrete parking area with 75 parking stalls and six (6) floors (wood frame) of condominiums consisting of 73 condos above the parking podium.

The building will incorporate independent patio/green space on top of portions of the parking structure. Vehicular access to the parking shall be from the rear alleyway via St. Paul and Clement. The intention is to use of brick, concrete, and wood materials. The final design details will be provided in the forthcoming Development Permit grade drawings.

The centrally located building entrance is planned to emphasize the entrance and to create a prominent street scape. The accent feature, and deliberate glazing, on the large vertical column, creates an inspired yet subtle accent and creatively defines this important corner.

The mix of units in the building is currently proposed to be made up of 19 two-bedroom units, 15 one bedroom plus den units, 9 one-bedroom units, and 30 studio units. Unit sizes range from 493 sq. ft for studios, 634 sq. ft. for one bedroom, 690-780 for one bedroom plus den, 1,110-1,230 sq. ft. for two bedrooms.

Development Rationale

- This development intends to support the goals of the Kelowna "My Downtown" Official Community Plan.
- Scale of building and wood frame construction provides a much required attainable and affordable alternative to concrete high-rise developments prominent in the downtown core.
- This location reduces the impact and need for car use; walking to work and bike riding will be a common practice with residents as they access the many entertainment and dining options nearby.
- Residential and pedestrian interface along Cawston with off street vehicle and bike parking will support an active lifestyle.
- The site is well positioned near the rapid transit bus route system. It is also located to be strategically integrated with the Cawston community bike path.

**SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA**

PAGE 1 OF 2 PAGES

Your electronic signature is a representation that you are a British Columbia land surveyor and a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250. By electronically signing this document, you are also electronically signing the attached plan under section 168.3 of the act.

**Robert
Macdonald
RT2G1T**

Digitally signed by Robert Macdonald
RT2G1T
DN: c=CA, cn=Robert Macdonald
RT2G1T, o=BC Land Surveyor,
ou=Verify ID at www.juricert.com/
LKUP.cfm?id=RT2G1T
Date: 2020.01.22 15:05:21 -08'00'

1. BC LAND SURVEYOR: (Name, address, phone number)

Robert T. Macdonald**Runnalls Denby BC Land Surveyors****259A Lawrence Avenue****Kelowna****BC V1Y6L2****rob@runnallsdenby.com
250-763-7322**☐ Surveyor General Certification [For Surveyor General Use Only]

2. PLAN IDENTIFICATION:

Control Number: **157-973-5003**Plan Number: **EPP99502**

3. CERTIFICATION:

☒ Form 9 ☐ Explanatory Plan ☐ Form 9A

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

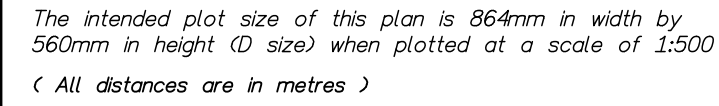
The field survey was completed on: **2020 January 22** (YYYY/Month/DD) The checklist was filed under ECR#: **232329**

The plan was completed and checked on: **2020 January 22** (YYYY/Month/DD)

☒ None ☐ Strata Form S☒ None ☐ Strata Form U1 ☐ Strata Form U1/U2Arterial Highway ☐Remainder Parcel (Airspace) ☐4. ALTERATION: ☐

PLAN EPP99502

BCGS 82E.083



● Denotes Standard Iron post (Type 5) found
 ○ Denotes Standard Iron post (Type 5) placed
 ⊗ Denotes Control Monument found
 ■ Denotes Lead Plug (Type 3) found
 NF Denotes nothing found
 Wt Denotes witness

Note: This plan shows one or more witness posts which are not set on the true corner(s).

Integrated Survey Area No. 4, City of Kelowna,
NAD83 (CSRS) 4.0.BC.1

Grid bearings are derived from GNSS observations and are referred to the central meridian of UTM Zone 11.

The UTM coordinates and estimated horizontal positional accuracy are derived from Real-time GNSS survey ties to geodetic control monuments 6457 and 6459 from Leica Smartnet station ID 4005.

This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the combined factor of 0.9999417 which has been derived from geodetic control monuments 6457 and 6459. CGVD 28 (HTV2.0)

Note: The coordinates and horizontal positional accuracies shown on this plan are a result of an independent and accurate GNSS survey and do not represent official published coordinates.



259A Lawrence Avenue Phone: (250)763-7322
Kelowna, B.C. Fax: (250)763-4413
V1Y 6L2 Email: rob@runnallsdenby.com

DWG. No.: 15490 CLOSED ROAD

FILE: 15490



The field survey represented by this plan was completed on the 22nd day of January, 2020.

Robert T. Macdonald, BCLS 873

CITY OF KELOWNA

BYLAW NO. 11982

Official Community Plan Amendment No. OCP20-0002 640, 650 Cawston Avenue & 1284-1292 Richter Street

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Future Land Use designation of The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037; The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502, located on Cawston Avenue and Richter Street, Kelowna, BC from the MRM – Multiple Unit Residential Medium Density designation to the MXR – Mixed Use Residential / Commercial designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11984

Z19-0126 – 640,650 Cawston Avenue & 1284 – 1292 Richter Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037; The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502, located on Cawston Avenue and Richter Street, Kelowna, BC from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial 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: February 3, 2020
To: Council
From: City Manager
Subject: 650 Cawston Avenue – Road Closure
Department: Real Estate Services

Recommendation:

THAT Council receives, for information, the Report from the Manager, Real Estate Services dated February 3, 2020, recommending that Council adopt the proposed closure of a portion of road adjacent to 650 Cawston Avenue;

AND FURTHER THAT Bylaw No. 11967, being proposed road closure of a portion of road adjacent to 650 Cawston Avenue, be given reading consideration.

Purpose:

To close a 185.8 square metre portion of lane for consolidation with the adjacent properties.

Background:

The proposed road closure (shown as "Closed Road" on the attached Schedule 'A') has been deemed excess to municipal needs and will be transferred to and consolidated with the adjacent properties at 640 and 650 Cawston Avenue and 1284 and 1292 Richter Street.

Legal/Statutory Authority:

Section 26 and 40, Community Charter

Considerations not applicable to this report:

Internal Circulation:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: Mike Olson, Manager, Real Estate Services

Approved for inclusion: Johannes Säufferer, Department Manager, Real Estate

Attachment: 1. Schedule A – Survey Plan

cc: J. Kay, Manager, Development Engineering
T. Barton, Manager, Urban Planning
G. Foy, Manager, Transportation Engineering

PLAN EPP99502

99

CITY OF KELOWNA

BYLAW NO. 11967

Road Closure and Removal of Highway Dedication Bylaw **(Portion of Cawston Road)**

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

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

1. That portion of highway attached as Schedule "A" comprising 185.5m² shown in bold black as Closed Road on the Reference Plan prepared by Robert T. Macdonald, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

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

Approved Pursuant to Section 41(3) of the Community Charter this

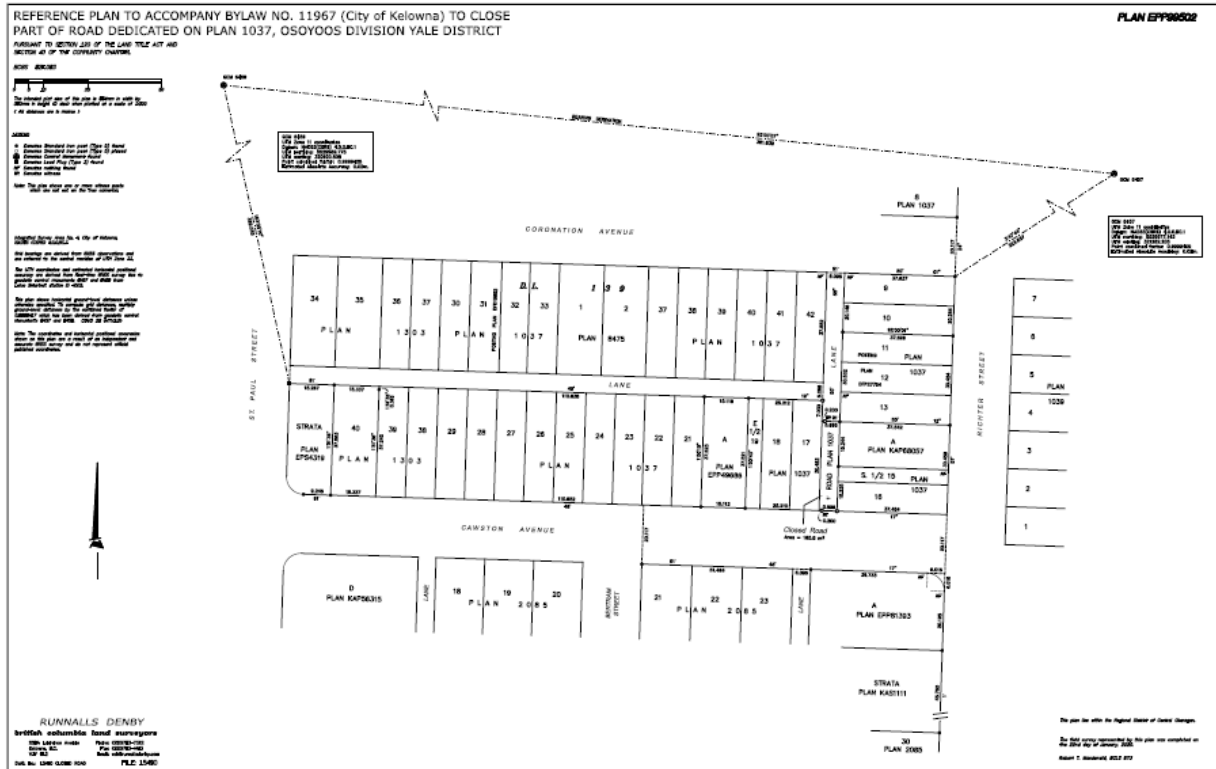
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"



Report to Council



Date: February 3, 2020
To: Council
From: City Manager
Subject: Investment of Kelowna Funds for 2019
Department: Financial Services

Recommendation:

THAT Council receives, for information, the Investment of Kelowna Funds for 2019 Report from Financial Services as presented on February 3, 2020 in alignment with Council's strong financial management priority.

Purpose:

To provide Council with information summarizing the City of Kelowna's 2019 investment portfolio and an overview of the performance.

Background:

Economic Review

2019 saw a strengthening in our national economy, which was echoed with the Bank of Canada maintaining the overnight interest rate at 1.75% since October 2018 in a continued attempt to balance inflation to the Bank of Canada's 2% target rate. The current economic outlook for 2020 continues to moderate with uncertainty about the ratification of Canada-United States-Mexico Agreement, lower oil prices, and weaker spending in both housing and consumer being the main factors.

The Consumer Price Index (CPI) inflation rate for Canada increased from 2.0% in 2018 to 2.2% in 2019. The inflation rate is predicted to fluctuate in the coming months due to uncertainty but is expected to remain close to the Bank of Canada's 2% target rate.

The economic outlook is expected to maintain interest rates over time. The interest rates will fluctuate as needed to keep the economy operating close to potential and the inflation rate on target.

Investment of Kelowna Funds

The Investment Policy aligns with current best practices and ensures the continued commitment to provide an optimal blend of investment return and security. The City of Kelowna has a fund value of \$510.1 million as of Dec. 31, 2019. The funds are used toward the City's operating and capital programs and help offset taxation impact to residents. The portfolio is diversified into 42% (\$214.0 million) long term investments, 57% (\$293.3 million) short term investments and 1% (\$2.8 million) internally financed projects.

The portfolio continues to be slightly overweight in its corporate holdings as the corporate bank debt offerings continue to provide the highest fixed income returns and are considered a strong financial investment. The portfolio constraints are in line with best practices and industry standards.

The City of Kelowna continues to utilize a laddered 10-year strategy and balanced approach for investment holdings and duration. The laddered strategy ensures that the bonds mature at a smooth and predictable rate, that yields are maximized, and that investment income and maturing investments provide ongoing liquidity. This balanced approach results in the City having sufficient levels of income and funding available to meet the municipality's annual requirements.

Portfolio Performance

As at Dec. 31, 2019 the City of Kelowna Investment Portfolio had a weighted average term to maturity of 4.7 years and an average investment quality rating of AA. This represents the highest credit worthiness of corporate and government bonds.

The City has selected five market indicators as benchmarks to determine the investment portfolio's performance. The benchmarks are compared to the City's average rate of return earned on the entire investment portfolio. These benchmarks are the CPI Index Average, the FTSE TMX Canada 91-Day T-Bill, the median money market return, and the MFA Money Market and Intermediate Funds. In 2019, the City of Kelowna's 2.51% average rate of return was greater than performance indicators in each of these benchmarks.

Legacy Fund

The Legacy Fund consists of City owned Fortis Inc. corporate shares purchased with the proceeds of the sale of the City's electrical utility, along with the proceeds received from the termination of the City's natural gas lease-in lease-out agreement with FortisBC Energy Inc. in 2018. In 2013 the City of Kelowna purchased Fortis Inc. shares in the amount of \$55.0 million from the sale of the City's Electric Utility. To date, the city has used this investment to support capital projects such as the City's Dark Fibre Optic Network.

In 2019, the City reinvested dividends in the amount of \$3.5 million and sold shares in the amount of \$1.6 million to support City operations. As of Dec. 31, 2019, the Fortis investment has a book value of \$65.2 million and a current market value of \$103.9 million. The invested proceeds from the 2018 termination of the City's natural gas lease-in lease-out agreement with FortisBC Energy Inc. are \$27.7 million with earned interest in the amount of \$0.8 in 2019. The Legacy Fund is to be an investment fund that benefits the citizens of Kelowna in perpetuity.

The Year Ahead

2020 investment objectives include continued monitoring of the U.S. dollar and Canadian economic climate in order to safeguard and accurately position financial assets and seeking investment opportunities that can increase the City's investment revenues while remaining within Council's investment policy.

Internal Circulation:

Communications Consultant

Considerations applicable to this report:

The Financial Officer will provide Council with an annual report on the performance of the Investment of City of Kelowna Funds portfolio in the first quarter of the following year.

Existing Policy:

Council Policy Number 316

Alternate Recommendation:

Considerations not applicable to this report:

Legal/Statutory Authority:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

J. Sexton, Financial Analyst

Approved for inclusion:



G. King CPA CMA, Financial Planning Manager

cc: G. Davidson CPA CMA, Divisional Director Financial Services

Attachments:

Appendix A. Presentation to Council



2019 Investment Report

February 3, 2020



Portfolio summary

Fund Summary at December 31, 2019	Amount
Long Term Investments	\$ 214.0
Internally Financed Projects	2.8
Short Term Investments	293.3
Total Fund Value	\$ 510.1
(in millions)	

Compliance report

Diversification

Rating	Amount	Percentage	Maximum	Over/(Under)
AAA	\$ 115.9	23%	100%	(77%)
AA	362.1	71%	80%	(9%)
A	29.3	6%	60%	(54%)
Grand Total	\$ 507.3	100%		

(in millions)

Compliance report

Exposure

Rating - Government	%	Max.%	Over/(Under)
AAA	7%	70%	(63%)
AA	24%	50%	(26%)
A	28%	30%	(2%)
Grand Total	59%		

Includes bonds from Government of Canada, Provincial and Municipal, and the Canada Housing Trust.

Compliance report

Exposure

Rating - Corporate	%	Individual	Max.%	Over/(Under)
AA	41%	14%	30%	(16%)
A	0%	0%	20%	(20%)
Grand Total	41%			

Includes bonds from all commercial banks.

Performance objectives

Average rate of return

Benchmark	Rate	City of Kelowna Average Rate
CPI Index Average	2.20%	2.51%
FTSE TMX Canada 91-Day T-Bill	1.60%	
Median Money Market Return	1.88%	
MFA Money Market Fund	1.86%	
MFA Intermediate Fund	2.29%	

Legacy Fund summary

Legacy Fund at December 31, 2019	Amount
FortisBC Inc. share summary	\$ 65.2
Natural Gas proceeds	27.7
Total	\$ 92.9
(in millions)	

Cemetery Care Maintenance Fund summary

CCMF Investment at December 31, 2018	Amount
Investment Summary	\$ 3.8
	(in millions)



Questions?

For more information, visit kelowna.ca.

Report to Council



Date: February 3, 2020
To: Council
From: City Manager
Subject: Property Tax Penalty Bylaw
Department: Financial Services

Recommendation:

THAT Council receives, for information, the Report from the Revenue Supervisor dated February 3, 2020 recommending that Council adopt a new Property Tax Penalty Bylaw;

AND THAT Bylaw No. 11971, being the Property Tax Penalty Bylaw, be forwarded to Council for reading consideration;

AND FURTHER THAT Bylaw No. 8639, being the current Tax Penalty Bylaw, be repealed.

Purpose:

To update the structure for the legislated, non-discretionary penalty applied to property taxes outstanding after the due date from two annual due dates to one annual due date.

Background:

The Community Charter, section 235, authorizes municipalities to establish bylaws setting due dates for property taxes and assessing penalties in relation to payments made after the tax due date. The legislated, non-discretionary penalty rate is established in the Municipal Tax Regulations under B.C. Reg. 426/2003, section 3, and is currently 10 per cent. The current City of Kelowna bylaw, Tax Penalty Bylaw No. 8639, was adopted in 2001 and authorized a split of the penalty across two due dates, with a five per cent penalty applied for late payments at each due date (in July and then in August).

Payment options and communication methods have improved considerably since the current bylaw was adopted in 2001. Historically, cash, cheque, bank draft or payment at the bank were the typical forms of payment. Current banking methods have expanded over the last 19 years and contemporary financial processes have streamlined the payment of property taxes. More payment options are now offered by financial institutions, for example online/mobile/phone banking and pre-payment plans, resulting in much more accessibility and flexible payment options for taxpayers. Taxpayers have more options to be informed about the annual tax due date via multiple channels: direct letter with tax

notice, e-newsletters, news releases/media articles, social media posts, on kelowna.ca/propertytax, posters in City Hall, and print and online advertising. Kelowna tax communication starts in May annually. Additionally, the Provincial Home Owner Grant (which reduces the property taxes owing) is available online of which approximately 60 per cent of taxpayers utilize along with online payments.

Of the larger Okanagan and other interior BC municipalities listed below, Kelowna is currently the only municipality with a split-penalty, two due-date structure.

Vernon	Lake Country	Peachland	Kamloops	Salmon Arm	Osoyoos	Quesnel
Penticton	Summerland	Armstrong	Merritt	Revelstoke	Williams Lake	Oliver
West Kelowna	Coldstream	Spallumcheen	Nelson	Creston	Cranbrook	

Discussion:

The split-penalty, two due-date structure is administratively costly. Taxpayers of Kelowna have a proven record of paying on time, with 90 per cent of taxpayers paying by the first (July) due date and another 4 per cent paying by the second (August) due date. Overall, approximately 95 per cent of property tax revenues are collected by the July due date.

Adjusting the penalty structure to a single due-date offers efficiency and cost savings in both staff time and printing/postage costs. The savings incurred can be applied to other City services and resources to continue to best serve taxpayers and the community.

Additionally, the potential increased compliance of on time payments supports aligning City resources equitably and efficiently with the high-value activities to best serve City of Kelowna residents.

Conclusion:

It is recommended that the split penalty for late tax payments be updated to reflect a single due-date penalty. This would be more equitable for taxpayers who pay on time and to realize cost savings and efficiency of staff time. The split-penalty, two-date structure is not aligned with the principle of equitable treatment as taxpayers that pay late are receiving more time and resources than taxpayers who pay on time. With the improvements in payment and communication options, there is no longer reason to provide this additional time to pay. It also aligns the City of Kelowna with many B.C. municipalities' best practices.

Repealing the Tax Penalty Bylaw No. 8639 and adopting the Property Tax Penalty Bylaw No. 11971 to facilitate the recommended penalty structure of one penalty and one payment due date provides equitable use of resources to all taxpayers.

Internal Circulation:

Divisional Director, Financial Services
Controller, Financial Services
Communications Consultant
City Clerk

Considerations applicable to this report:

Legal/Statutory Authority:

The Community Charter Section 235 authorizes municipalities to establish bylaws setting due dates for property taxes and assessing penalties in relation to payments made after the tax due date.

Financial/Budgetary Considerations:

The changes resulting from the new bylaw will result in increased penalty charges which are expected to normalize in relation to increases in compliance to make on time payments.

Communications Comments:

The new penalty structure will be communicated directly to taxpayers as part of the annual taxation communications, including the City website, news releases, notices in City Hall, social media and stated on the tax notice.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements

Existing Policy

External Agency/Public Comments

Submitted by: Angie Schumacher, CPA, CGA, Revenue Supervisor

Approved for inclusion:



G. Davidson, CPA, CMA, Divisional Director, Financial Services



Property Tax Penalty



Purpose

- ▶ To update the structure for the legislated, non-discretionary penalty applied to late property tax payments from two annual due dates to one annual due date
 - ▶ Community Charter Section 235 authorizes municipalities to establish bylaws setting due dates and assessing penalties for payments made after the tax due date
 - ▶ Provincially-mandated penalty rate is established at 10% in the Municipal Tax Regulation B.C. Reg. 426/2003, section 3

Current Tax Penalty Bylaw No. 8639

- ▶ Current bylaw adopted in 2001
 - ▶ Split the provincially legislated ten per cent penalty
- ▶ Split-penalty, two due-date structure for late property tax payment
 - ▶ Five percent of the property taxes outstanding after the first working day in July
 - ▶ A further five percent of the property taxes outstanding after the first working day following the August Civic holiday.

Background

- ▶ Payment options and communication methods have improved
 - ▶ Notice of tax due date via print, social media, website
 - ▶ Financial institutions providing more options
 - ▶ Prepayment options with interest
 - ▶ Online payments directly to tax accounts
 - ▶ Home owner grant available online

Background

- ▶ Among the larger Okanagan and other interior BC municipalities listed below, Kelowna is currently the only municipality with a split-penalty, two due-date structure:

Vernon	Lake Country	Peachland	Kamloops	Salmon Arm
Osoyoos	Quesnel	Penticton	Summerland	Spallumcheen
Merritt	Revelstoke	Oliver	Coldstream	Williams Lake
Armstrong	Nelson	Creston	Cranbrook	West Kelowna

Discussion

- ▶ Split penalty, two due-date structure is administratively costly
 - ▶ More resources are spent on taxpayers who pay late
 - ▶ Additional notices and processing time required for second due date
 - ▶ High-value activities to best serve residents are affected by extra resources managing late taxpayers
- ▶ Majority of taxpayers pay their property taxes on time
 - ▶ 90% of taxpayers pay on time
 - ▶ 95% of taxes collected by the due date

Proposed Property Tax Penalty Bylaw No. 11971

- ▶ Single due-date, ten percent penalty of the property taxes outstanding after the first working day in July

Discussion

- ▶ Offers efficiencies and savings in staff time, printing and postage costs
- ▶ Potentially increases compliance to make payments on time
- ▶ Aligns the property tax penalty with most other Okanagan and Interior BC municipalities

Conclusion

- ▶ The proposed Property Tax Penalty Bylaw will:
 - ▶ Provide for a more equitable use of resources for all taxpayers
 - ▶ Result in savings and efficiencies to apply to other City services and resources to continue to best serve taxpayers and the community



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA
BYLAW NO. 11971
Property Tax Penalty

WHEREAS Section 235 of the Community Charter permits the City to establish, by bylaw, one or more dates on which all or part of the property taxes are due; and to establish penalties and interest to be applied in relation to payments made after a tax due date established by the bylaw;

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

1. If all or part of the property taxes for a parcel of land and its improvements on the assessment roll remain unpaid after the first working day after July 1st of the year those taxes are levied, the collector must add to the unpaid property taxes for the parcel and improvements for the current year a penalty equal to ten per cent of the portion that remains unpaid.
2. The penalty referred to in Section 1 of this bylaw is due as part of the property taxes for the current year for the parcel and improvements.
3. This bylaw shall take effect on the date of its adoption by Council.
4. This bylaw may be cited for all purposes as the "Property Tax Penalty Bylaw No. 11971".

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

Adopted by the Municipal Council of the City of Kelowna

Mayor

City Clerk