

City of Kelowna

Regular Council Meeting

AGENDA



Monday, April 6, 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.

1.1 COVID-19, Financial Operations Temporary Changes

3 - 12

To provide Council with recommendations for temporary changes to financial operations to support citizens of Kelowna during the extraordinary circumstances of the COVID 19 Pandemic.

2. Confirmation of Minutes

No Minutes for Adoption

3. Development Application Reports & Related Bylaws

3.1 Gallagher Road 2975, A19-0017 - David Geen

13 - 40

To consider an Agricultural Land Commission Non-Adhering Residential Use Permit to allow for temporary farm worker housing to accommodate up to 70 additional temporary agricultural workers on the subject property.

3.2 CD18 Zone Text Amendment, TA20-0013 (BL12009) - McKinley Hillside Limited Partnership

41 - 51

To amend the CD18 – McKinley Beach Comprehensive Resort Zone to remove specific restrictions on maximum gross floor area and building footprint.

3.3 CD18 Zone Text Amendment, BL12009 (TA20-0013) - McKinley Hillside Limited Partnership

52 - 54

To give Bylaw No. 12009 first reading.

3.4	Springfield Rd 1585, TA20-0012 (BL12017) - Springfield Plaza Inc., Inc.No. BCo479374	55 - 75
	To amend the Zoning Bylaw by changing the Development Regulations in the CD16 – Bingo and Gaming zone for two proposed minor building additions and replacing the CD16 – Bingo and Gaming Site Plan to reflect these changes.	
3.5	Springfield Rd 1585, BL12017 (TA20-0012) - Springfield Plaza Inc., Inc.No. BCo479374	76 - 78
	To give Bylaw No. 12017 first reading.	
4.	Bylaws for Adoption (Development Related)	
4.1	Cawston Ave 540, Z18-0087 (BL11677) - Cawston 540 Holdings Inc	79 - 79
	To adopt Bylaw No. 11677 in order to rezone the subject property from the C2 - Neighbourhood Commercial zone to the C7 - Central Business Commercial zone.	
4.2	Nickel Rd 250, BL11772 (Z18-0033) - Nickel Road Development Ltd., Inc. No. BC1129410	80 - 80
	To amend and adopt Bylaw No. 11772 in order to rezone the subject property from the RU1 Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.	
4.3	BL11988 (TA20-0007) - Rental Sub-Zones addition to Zoning Bylaw No. 8000	81 - 85
	To adopt Bylaw No. 11988 in order to add a rental subzone to Section 13 and Section 14 of the Zoning Bylaw No. 8000.	
5.	Non-Development Reports & Related Bylaws	
5.1	Road Closure at Dall Road Western Corner	86 - 88
	To close a 184.2 square metre portion of road at Dall Road (western corner).	
5.2	BL11979 - Road Closure Bylaw - Portion of Dall Rd.	89 - 90
	To give Bylaw No. 11979 first, second and third reading in order to close a portion of Dall Road.	
6.	Mayor and Councillor Items	
7.	Termination	

Report to Council



Date: April 6, 2020
File: 0250-20
To: City Manager
From: Genelle Davidson, Divisional Director Financial Services
Subject: COVID19, Financial Operations temporary changes
Report Prepared by Jackie Dueck, Controller

Recommendation:

THAT Council receives, for information, the report from Divisional Director, Financial Services, dated April 6, 2020, with respect to temporary changes to financial operational practices;

AND THAT Council directs staff to maintain the current tax due date of July 2, 2020;

AND THAT Council directs staff to bring forward a bylaw amendment to Property Tax Bylaw 11791 to change the penalty date to move the 10% penalty for late payment of property taxes to September 1st, 2020;

AND THAT Council directs staff to bring forward a Revenue Anticipation Borrowing Bylaw that will provide for the ability to short term borrow until tax revenues have been collected;

AND THAT Council directs staff to allow property tax customers that are on monthly payment plans to request auto-withdrawals be put on hold starting April 7, 2020 to August 31, 2020;

AND THAT Council directs staff to bring forward a bylaw amendment to the Utility Billing Customer Care Bylaw 8754 to temporarily waive interest charges on Utility Bills from April 2020 to August 31, 2020;

AND THAT Council directs staff to allow utility customers on monthly payment plans to request auto-withdrawals be put on hold starting April 7, 2020 to August 31, 2020;

AND THAT Council directs staff to waive interest charges on Accounts Receivable accounts (i.e. permits, licenses, rents) as of April 7, 2020 until August 31, 2020;

AND THAT Council directs staff to suspend Collection Agency efforts in the collection of outstanding accounts receivable customers as well as parking tickets starting April 7, 2020 until August 31, 2020;

AND THAT Council directs staff to waive the returned cheque fee between April and August 31, 2020 upon approval of updated bylaw;

AND FURTHER THAT Council directs staff to bring forward a bylaw amendment to the Fees and Charges Bylaw 9381 to temporarily waive the returned cheque fee from April to August 31, 2020.

Purpose:

To provide Council with recommendations for temporary changes to financial operations to support citizens of Kelowna during the extraordinary circumstances of the COVID 19 Pandemic.

Background:

Considering the COVID19 pandemic and the current economic outlook, Financial Services staff have reviewed operational practices in order to determine where the City can support our taxpayers and customers by providing relief, while still being able to provide essential services. The areas being addressed include Property Tax Due Date and penalty, Utility Billing, Accounts Receivable interest and collection and the Returned Cheque fee.

Financial Services has tracked the relief that other Municipalities across the country are providing and have considered what flexibility our municipality may have while still following British Columbia Provincial legislation. Although staff, and many other financial officers across the Province have had weekly calls with the Province regarding potential relief for our customers, the Province has yet to change any legislative deadlines for Municipalities. Staff have reviewed and reassessed the City's budget and cash flow, Provincial legislation as it relates to municipalities as well as City of Kelowna Bylaws and Policies to determine the following recommendations.

The recommendations are for temporary changes from April to August 31, 2020 with the intention of reassessing the situation at that point in time.

Property Tax due date

The recommendation is to maintain the current due date of July 2, 2020 with a 0% penalty and to move the required 10% penalty for late property tax payment to September 1, 2020. This means that property taxes must be paid by midnight on August 31, 2020 in order to be exempt from the penalty charge.

Maintaining the due date but pushing out the penalty date for two months, supports some of the City's requirements for cash flow assuming those that can pay, will, and provides a relief measure for individuals who require more time to pay. It also provides more time for taxpayers to claim their Home Owners Grant (HOG) and/or apply for the provincial deferment program.

It is also recommended that property tax customers on monthly payment plans be allowed to request their auto-withdrawals be put on hold between April and August 31, 2020 so that they have the opportunity for more flexibility if they require it.

Making these changes will result in the likely risk that the City could have insufficient funds to pay all or part of the other taxing authority payments during this period of time while also continuing to provide City essential services. The City recognizes that other taxing authorities which include the Regional Hospital, Schools and Regional District of Central Okanagan may rely on the funding we collect on their behalf, to operate their services.

To mitigate the cash flow risk staff are requesting Councils support in establishing a Revenue Anticipation Borrowing Bylaw which allows the City to borrow funds until tax revenues are collected. The rate of borrowing (1.85%-1.95%) is comparable to the interest that would be charged on any late payments to the Province for school taxes. Cash flow risk is also mitigated as it is expected that those who pay their taxes through their mortgage companies will continue to pay in this manner and that these will be paid by the due date and a good portion of taxes due from those that pay by pre-authorized payments have been collected already. This accounts for approximately 24% of tax payments.

Utility Bills

Recommendation is to waive interest charges on utility bills from April to August 31, 2020.

It is also recommended that utility billing customers on monthly payment plans be allowed to request their auto-withdrawals be put on hold between April and August 31, 2020 so that they have the opportunity for more flexibility if they require it.

Accounts Receivable - Interest and Collection

Recommendation is to waive interest charges on Accounts Receivable accounts (i.e. permits, licensing, rents etc.) from April until August 31, 2020.

It is also recommended that Collection Agency efforts be suspended from April to August 31, 2020 for the collection of outstanding accounts receivable accounts. i.e. permits, licenses, rents and parking tickets.

Returned Cheque Fee

Recommendation is to waive the returned cheque fee from April until August 31, 2020.

Conclusion:

Considering the significant impact that COVID19 is having on the Community, staff have provided the recommendations above for Council consideration to provide support for City of Kelowna taxpayers and customers. These financial impacts will be considered through the upcoming proposed Final Budget, to balance these financial provisions with mind to the continuation of essential services as well as maintenance and support of economic stability through the provision of jobs within the Community.

Should Council endorse staff's recommendations those that do not require a bylaw amendment will be implemented on Tuesday April 7, 2020 and those requiring bylaw amendments will be implemented upon approval of the bylaws.

Internal Circulation: Stephen Fleming, City Clerk

Legal/Statutory Procedural Requirements: Property Tax Penalty Bylaw 11971, Utility Billing Customer Care Bylaw 8754, Fees and Charges Bylaw 9381

Financial/Budgetary Considerations:

Financial impacts include reductions in the anticipated receipt of the budgeted amount of \$850,000 in property tax penalty revenue, the \$85,000 in Utility Billing interest charges, \$45,000 in Accounts Receivable interest and will need to cover the costs of a portion of the returned cheques \$10,600. The 2020 Final Budget revenues will be lowered to reflect actual anticipated revenues.

Considerations not applicable to this report:

Legal/Statutory Authority:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by: J. Dueck, Controller

Approved for inclusion:

GD

G. Davidson, Divisional Director Financial Services

cc:

S. Fleming, City Clerk

C. Weaden, Divisional Director, Corporate Strategic Services



COVID-19 – Financial operations temporary changes

April 6, 2020



Background

- ▶ Support for taxpayers and customers
- ▶ Other taxing authorities (OTA's)
- ▶ Provincial legislative deadlines
- ▶ City's budget and cash flow analyzed
- ▶ Temporary changes from April to August 31, 2020

Recommendations for April – Aug 31, 2020

- ▶ Maintain property tax due date of July 2, 2020
- ▶ Legislated property tax penalty deferred to Sept. 1
- ▶ Property tax customers can put auto-withdrawals on hold
- ▶ Utility bill interest waived

Recommendations for April – Aug 31, 2020

Continued

- ▶ Utility customers can put auto-withdrawals on hold
- ▶ Accounts Receivable (i.e. permits, licenses, rents etc.) interest waived
- ▶ Collection Agency efforts suspended
- ▶ Returned cheque fee waived

Conclusion

- ▶ COVID19 financial impacts on City & Community
- ▶ Recommendations for consideration
- ▶ Support for City of Kelowna taxpayers and customers
- ▶ Financial impacts included in proposed Final Budget



Questions?

For more information, visit kelowna.ca.

REPORT TO COUNCIL



Date: April 6th 2020
To: Council
From: City Manager
Department: Development Planning (AK)
Application: A19-0017 **Owner:** David Geen
Address: 2975 Gallagher Drive **Applicant:** David Geen
Subject: ALC Non-Adhering Residential Use Permit
Existing OCP Designation: REP – Resource Protection Area
Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Council waives the requirement for a Non-Adhering Residential Use Permit to be considered in conjunction with Final Adoption of Zoning Bylaw Text Amending Bylaw No. 11983 (TA19-0017);

AND THAT Agricultural Land Reserve Appeal No. A19-0017 at Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Drive, Kelowna, BC for a non-adhering residential use permit pursuant to Section 25 of the Agricultural Land Commission Act, be supported by Council;

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

2.0 Purpose

To consider an Agricultural Land Commission Non-Adhering Residential Use Permit to allow for temporary farm worker housing to accommodate up to 70 additional temporary agricultural workers on the subject property.

3.0 Development Planning

On February 25th 2020 Council gave Bylaw No. 11983 second and third readings in order to amend Section 9 - Specific Use Regulations of Zoning Bylaw No. 8000 to allow for accommodation of 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 on the subject property located at 2975 Gallagher Road.

Final adoption of the bylaw will be considered subsequent to approval from the Ministry of Agriculture. Prior to approval from the Ministry of Agriculture a 'non-adhering residential use' permit must be considered and approved by the Agricultural Land Commission. 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. An application for 70 additional units of TFWH (130 total) has been submitted.

Staff are recommending the non-adhering residential use permit be supported as, notwithstanding the proposed text amendment to increase the number workers on the subject site, the proposed application complies with City of Kelowna OCP policies on TFWH requirements. Specifically, agriculture is the principal use on the parcel. The scale of the farm operation is large enough and necessary to accommodate farm employees whose residence on the farm property is considered critical to the overall operation of the farm. The proposed housing is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified and the housing is located in an area of the property that minimizes the residential impact to agriculture.

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 a non-adhering residential use permit 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 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.

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 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:	November 5 th 2019
Date Public Consultation Completed:	December 20 th 2019
Agricultural Advisory Committee	December 12 th 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.*

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Terry Barton, Development Planning Department Manager

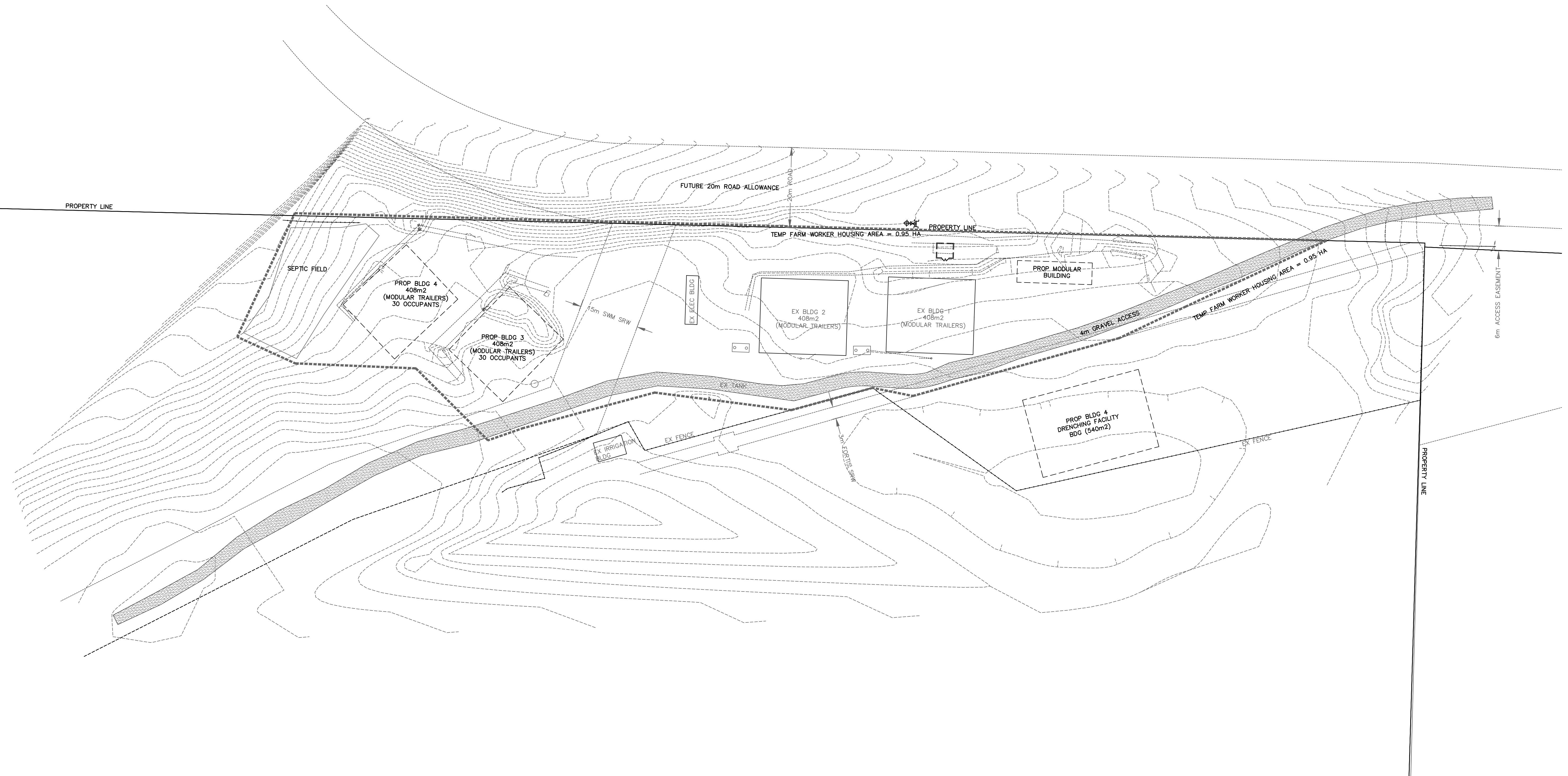
Attachments :

Schedule A – Site Plan

Schedule B – Letter from Applicant

Schedule C – Agrologist Report

Schedule D – ALC Non-Adhering Residential Use Application



DIVISION	
DRAWING NO.	REV. NO.
19027-01	1

Sept 23rd, 2019

CITY OF KELOWNA PLANNING DEPARTMENT

My company, Coral Beach Farms Ltd, presently has 930 acres of cherries planted, with another 250 being planted in spring of 2020. 300 of these acres are in Kelowna, with the balance predominantly in Lake Country, and Vernon. As you are likely aware, sweet cherries are one of the most labour intensive crops grown in BC, and peak labour needs are concentrated in a very short time span over the summer months.

The 2019 season was our last year packing fruit at our Lake Country facility in Carr's Landing, as we are moving into our 140,000 square foot packing facility located in North Kelowna, in April of 2020.

Specifically, in Kelowna, we are farming the following blocks, which total 300 acres:

- 1) 100 acres on Gallagher Road (subject property)
- 2) 50 acres on Bal Court, off Highway 33 (long term lease)
- 3) 80 acres of mixed deeded and lease land in East Kelowna (Dendy orchards)
- 4) 25 acres in the Glenmore valley (leased)
- 5) 10 acres in Okanagan Mission (leased)
- 6) 25 acres on Joe Rich Road in the Black Mountain area (being planted in spring of 2020)
- 7) 10 acres on Shanks Road.

We presently have the following accommodation in the city of Kelowna:

- 1) 140 beds at Shanks road (dedicated to packing staff in peak season)
- 2) 6 beds at Bal Court
- 3) 16 beds at Dendy farm in East Kelowna
- 4) 60 beds at Gallagher Road

Total beds: 222 beds

Beds servicing strictly Kelowna farms (net of Shanks beds, which serve packing needs for all 1200 acres of cherries, operation wide): 82 beds

82 beds in Kelowna leaves us in a severe shortfall as our young trees come into production, as we calculate we need approximately $\frac{3}{4}$ worker per bearing acre of cherry trees. Our intent is to build another 80 beds at the Gallagher road site for 2020 (the subject of this application), and for 2021 or 2022, to build 44 additional beds in East Kelowna.

Owing to the sector plan in the present COK farm worker housing bylaw, we do understand that this request will require a site-specific text amendment, and a more detailed process to obtain permitting. However, we have looked at other options and ruled them out: For example, we considered building at Bal Court to remain to compliant with the bylaw. However, this would involve removing producing cherry trees in good soil, and the camp would be located in full view of all the residents of the Toovey road subdivision. On the other hand, adding additional units at Gallagher road places the camp on an area poorly suited to farming (in a frost pocket), and well set back and out of sight from residential areas. This choice is also efficient for us, being both easier to manage when more workers are at one site, and also being located on our largest single property, minimizing the transportation needs for the workers. We note that council members remarked positively on our previous choice of this Gallagher road site for phase #1, and were appreciative of the pains we took to site the camp well.

As a final note, please understand that we also presently have 474 beds (mostly our own, but a percentage rented) in Lake Country and Vernon. We are not concentrating our beds in Kelowna, but rather distributing the beds as evenly as possible, to have the employees located as close as possible to the tasks at hand.

Should you have any further questions, please call me at 250 878 3025

Sincerely,

David Geen

FarmQuest Consulting Ltd**3755 Haskins Road East****Creston, B.C. V0B 1G1****Mobile: (250) 428-1742 Email: dholder@telus.net**

November 2, 2018

To Whom It Concerns;

I visited the "Layer Cake" farm site owned and operated by David Geen of Coral Beach Farms on Wednesday, October 31st to assess the proposed location for worker accommodation on this farm.

It is my view that the proposed worker accommodation site will be ideally located on this property and will have the least impact on the agricultural capability of the land base. The proposed accommodation site has the following characteristics:

- It is located in the least productive area of the property due to the topography of the land. If planted, the proposed accommodation site would have a high risk for crop loss due to the potential for spring frost.
- It is a highly suitable for worker accommodation facilities due to:
 - o Easy and immediate access to the property entrance
 - o Located on the perimeter of the farming operation
 - o Convenient access to power and water sources
 - o Shade from existing conifers for housing and worker rest area

There are approximately 100 acres currently under cultivation on this farm which have been fenced, planted to cherries or prepared for planting in 2019 and 2020. As the cherry orchard matures, the labour requirement during the peak demand for labour at harvest is estimated to be 1 worker per acre.

The photos included in this report illustrate the proposed worker accommodation site and the view of the current farming operation from that site.

Kind Regards,


Duane Holder P.Ag.

FarmQuest Consulting Ltd.

Photo 1. Proposed Worker Accommodation site.



Photo 2. Existing farming operation adjacent to proposed accommodation site.





SCHEDULE		D
This forms part of application		
# A19-0017		
Planner Initials	ak	 City of Kelowna DEVELOPMENT PLANNING

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 59983

Application Status: Under LG Review

Applicant: David Geen , Laura Geen

Agent: Kent-Macpherson

Local Government: City of Kelowna

Local Government Date of Receipt: 11/05/2019

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

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: To build 2 drill camp style dormitories to accommodate an additional 70 seasonal farm workers. Each drill camp consists of 6 ATCO trailers (12x62) mounted on steel skids. We have planted a cherry orchard on the property and will be planting more this spring. Harvesting cherries is labour intensive, and the industry requires more seasonal workers than reside in the Okanagan. In order for the farm to have a sufficient number of workers there is no alternative to hiring workers through the SAWP program, which requires the farmer to provide accommodation. These 70 workers will allow us to harvest approximately 20ha of cherries.

Agent Information

Agent: Kent-Macpherson

Mailing Address:

304 - 1708 Dolphin Avenue

Kelowna, BC

V1Y 9S4

Canada

Primary Phone: (250) 763-2236

Email: jhettinga@kent-macpherson.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 030-555-787

Legal Description: LOT A SECTION 12 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP71625

Parcel Area: 61.3 ha

Civic Address: 2975 Gallagher Rd, Kelowna, BC, V1P 1H1

Date of Purchase: 06/09/2017

Farm Classification: Yes

Owners

1. **Name:** David Geen

Address:

16351 Carrs Landing

Winfield, BC

V4V 1A9

Applicant: David Geen , Laura Geen

Canada
Phone: (250) 878-3025
Email: david@jealousfruits.com
2. **Name:** Laura Geen
Address:
16351 Carrs Landing
Winfield, BC
V4V 1A9
Canada
Phone: (250) 878-3025

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 012-296-660
Owner with Parcel Interest: David Geen
Parcel Area: 4.1 ha
Land Use Type: Agricultural/Farm
Interest Type: Partial Ownership

2. **Ownership Type:** Fee Simple
Parcel Identifier: 012-296-643
Owner with Parcel Interest: David Geen
Parcel Area: 4.1 ha
Land Use Type: Agricultural/Farm
Interest Type: Partial Ownership

3. **Ownership Type:** Fee Simple
Parcel Identifier: 003-919-447
Owner with Parcel Interest: David Geen
Parcel Area: 3.5 ha
Land Use Type: Agricultural/Farm
Interest Type: Partial Ownership

4. **Ownership Type:** Fee Simple
Parcel Identifier: 013-576-941
Owner with Parcel Interest: David Geen
Parcel Area: 19.4 ha
Land Use Type: Agricultural/Farm
Interest Type: Partial Ownership

5. **Ownership Type:** Fee Simple
Parcel Identifier: 012-643-408
Owner with Parcel Interest: David Geen
Parcel Area: 5.3 ha
Land Use Type: Agricultural/Farm
Interest Type: Partial Ownership

6. **Ownership Type:** Fee Simple
Parcel Identifier: 011-344-385
Owner with Parcel Interest: David Geen
Parcel Area: 10.9 ha

Land Use Type: Agricultural/Farm
Interest Type: Partial Ownership

7. **Ownership Type:** Fee Simple
Parcel Identifier: 004-566-238
Owner with Parcel Interest: David Geen
Parcel Area: 19.6 ha
Land Use Type: Agricultural/Farm
Interest Type: Registered Lease

8. **Ownership Type:** Fee Simple
Parcel Identifier: 004-566-246
Owner with Parcel Interest: David Geen
Parcel Area: 8.4 ha
Land Use Type: Agricultural/Farm
Interest Type: Registered Lease

9. **Ownership Type:** Fee Simple
Parcel Identifier: 003-621-634
Owner with Parcel Interest: David Geen
Parcel Area: 4.1 ha
Land Use Type: Agricultural/Farm
Interest Type: Registered Lease

10. **Ownership Type:** Fee Simple
Parcel Identifier: 011-844-493
Owner with Parcel Interest: David Geen
Parcel Area: 3.5 ha
Land Use Type: Agricultural/Farm
Interest Type: Registered Lease

11. **Ownership Type:** Fee Simple
Parcel Identifier: 023-482-770
Owner with Parcel Interest: David Geen
Parcel Area: 1.5 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

12. **Ownership Type:** Fee Simple
Parcel Identifier: 011-507-039
Owner with Parcel Interest: David Geen
Parcel Area: 1.5 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

13. **Ownership Type:** Fee Simple
Parcel Identifier: 023-482-842
Owner with Parcel Interest: David Geen
Parcel Area: 2.5 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

14. **Ownership Type:** Fee Simple
Parcel Identifier: 011-506-903
Owner with Parcel Interest: David Geen

Parcel Area: 3.8 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

15. **Ownership Type:** Fee Simple
Parcel Identifier: 023-239-638
Owner with Parcel Interest: David Geen
Parcel Area: 7.7 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

16. **Ownership Type:** Fee Simple
Parcel Identifier: 003-268-993
Owner with Parcel Interest: David Geen
Parcel Area: 8.1 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

17. **Ownership Type:** Fee Simple
Parcel Identifier: 004-713-982
Owner with Parcel Interest: David Geen
Parcel Area: 11.7 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

18. **Ownership Type:** Fee Simple
Parcel Identifier: 003-990-371
Owner with Parcel Interest: David Geen
Parcel Area: 9.4 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

19. **Ownership Type:** Fee Simple
Parcel Identifier: 013-786-733
Owner with Parcel Interest: David Geen
Parcel Area: 3.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

Current Use of Parcels Under Application

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

8.5 ha Nursery (cherry and apple trees)

30.5 ha Cherry Orchard

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

26 ha cleared in 2017

15 ha of land contouring in 2017 and 2018

39 ha of Land prep in 2017 and 2018

Irrigation mainline to connect to irrigation district and pump house built in 2018

39 ha fenced in 2018

39 ha irrigation mains and sub-mains installed in 2018

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

There is no current non-agricultural use; however there is an ALC approved easement for a stormwater abatement pond for the adjacent planned subdivision.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Future Residential Subdivision

East

Land Use Type: Agricultural/Farm

Specify Activity: Single Family Homes and Livestock

South

Land Use Type: Recreational

Specify Activity: Regional Park

West

Land Use Type: Recreational

Specify Activity: Regional Park

Proposal

1. What is the purpose of the proposal?

To build 2 drill camp style dormitories to accommodate an additional 70 seasonal farm workers. Each drill camp consists of 6 ATCO trailers (12x62) mounted on steel skids. We have planted a cherry orchard on the property and will be planting more this spring. Harvesting cherries is labour intensive, and the industry requires more seasonal workers than reside in the Okanagan. In order for the farm to have a sufficient number of workers there is no alternative to hiring workers through the SAWP program, which requires the farmer to provide accommodation. These 70 workers will allow us to harvest approximately 20ha of cherries.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

In the short term, the accommodations are required in order to house seasonal workers to maintain the 8.5 ha nursery and the 30.5 ha of orchard. We are also depending on these 70 workers to harvest some 500 tons of cherries from our other orchards in the vicinity this coming year. We have no alternative accommodation, and rental accommodation is not a viable option in the peak of the Okanagan's tourism season.

In the long term, the accommodation will house seasonal workers to prune, spray, harvest, etc the minimum of 39 ha of orchard we are planting on the property. Cherries are a labour intensive crop that cannot be farmed without workers that are not available locally. Building accommodations and hiring seasonal workers is critical to bringing this farmland into full productive capacity. The proposed farm worker housing is located between the orchard and the future neighbouring subdivision. In effect, the farm worker housing will act as a buffer between the orchard and future homes, and reduce residential conflicts with farming operations such as spraying and helicopter use. Additionally, the proposed farm worker housing is built on steel skids and will have no permanent foundation. City of Kelowna bylaws require that if the accommodations are unused for 2 consecutive years they must be removed from the property.

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

There are currently two 'drill camps' consisting of 12 ATCO trailers (12' x 62') mounted on steel skids to accommodate 60 seasonal farm workers.

4. What is the total floor area of the proposed additional residence in square metres?

816 m²

5. Describe the rationale for the proposed location of the additional residence.

The proposed site is located on the worst farmland on the property, being that it is located at a local low point in the terrain, and as such is a frost pocket. This is land that will not be farmed regardless of the outcome of this application. Additionally it is located very close to the entrance of the property which does two things: it satisfies the City of Kelowna's requirement that the accommodation be located within 60m of the property line, and it minimizes use conflict between the accommodation and the orchard. Any other site on the property would require workers to travel through the orchard to reach the accommodation and would require significantly more buffering of the accommodation. The location of the proposed camp between the orchard and the future subdivision to the north also means that the camp acts as a buffer between the orchard and the future residences.

6. What is the total area of infrastructure necessary to support the additional residence?

The buildings, buffers, septic field, parking, road, and all associated infrastructure will be 0.3 ha (already in place). The entire temporary farm worker housing area, including the existing and proposed camps, will be 0.95 ha.

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement - Kent-Macpherson
- Professional Report - Agrologist Letter
- Other correspondence or file information - Justification of Site
- Proposal Sketch - 59983
- Certificate of Title - 030-555-787

ALC Attachments

None.

Decisions

None.



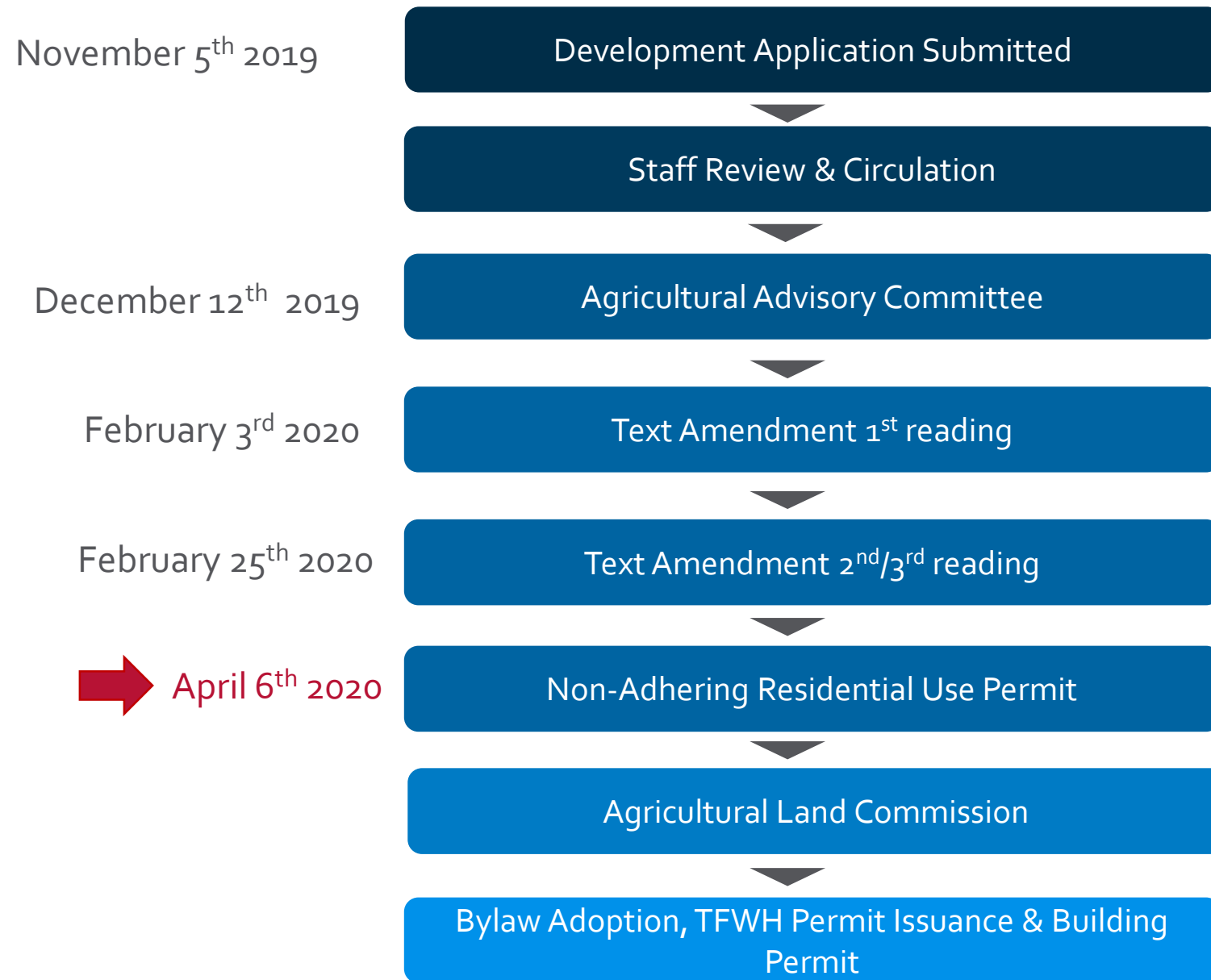
A19-0017 2975 Gallagher Road

ALC Non-Adhering Residential Use Permit

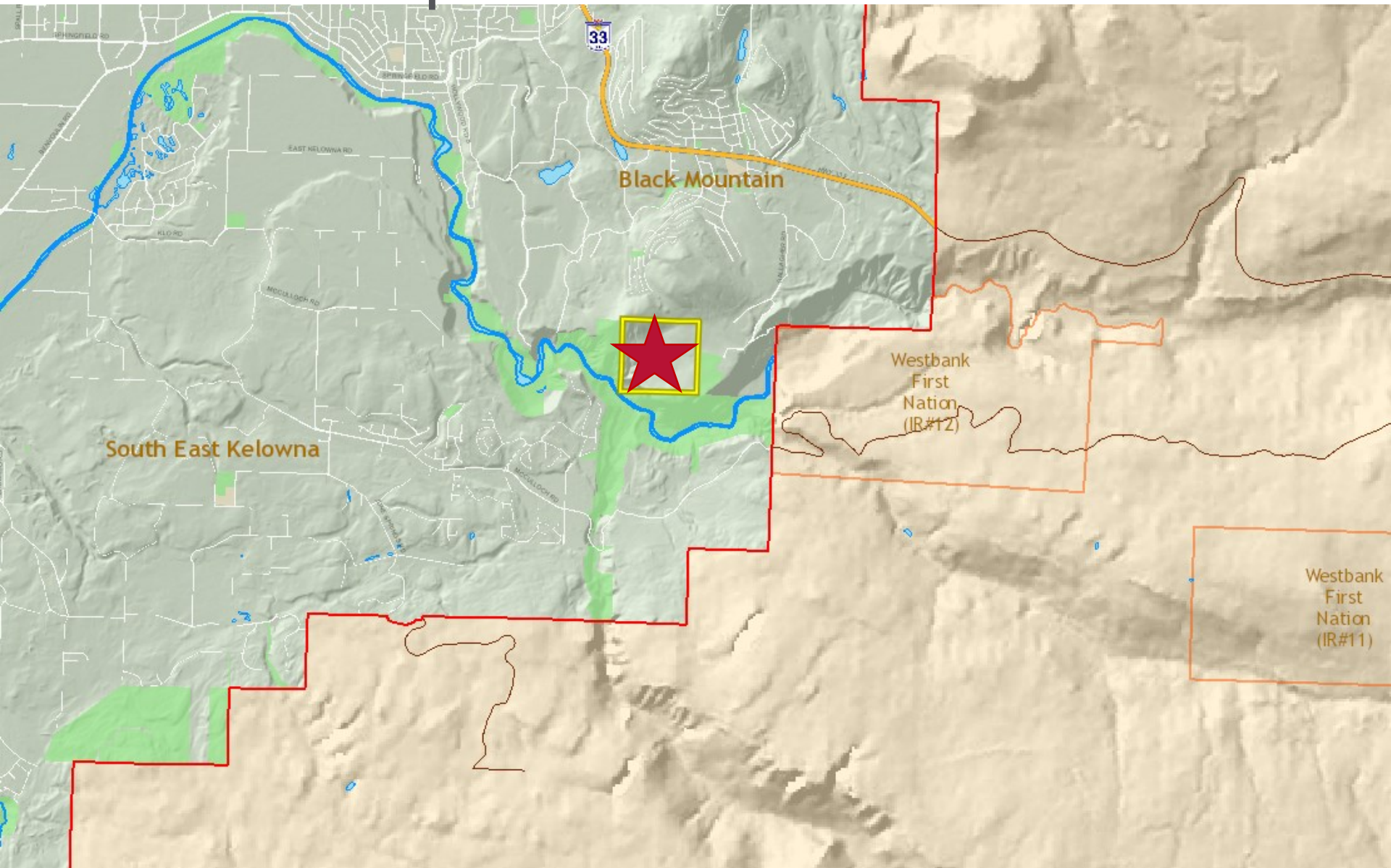
Proposal

- ▶ 70 Units of Temporary Farm Worker Housing
- ▶ Will increase amount of temporary farm worker accommodation on the subject site from 60 to 130

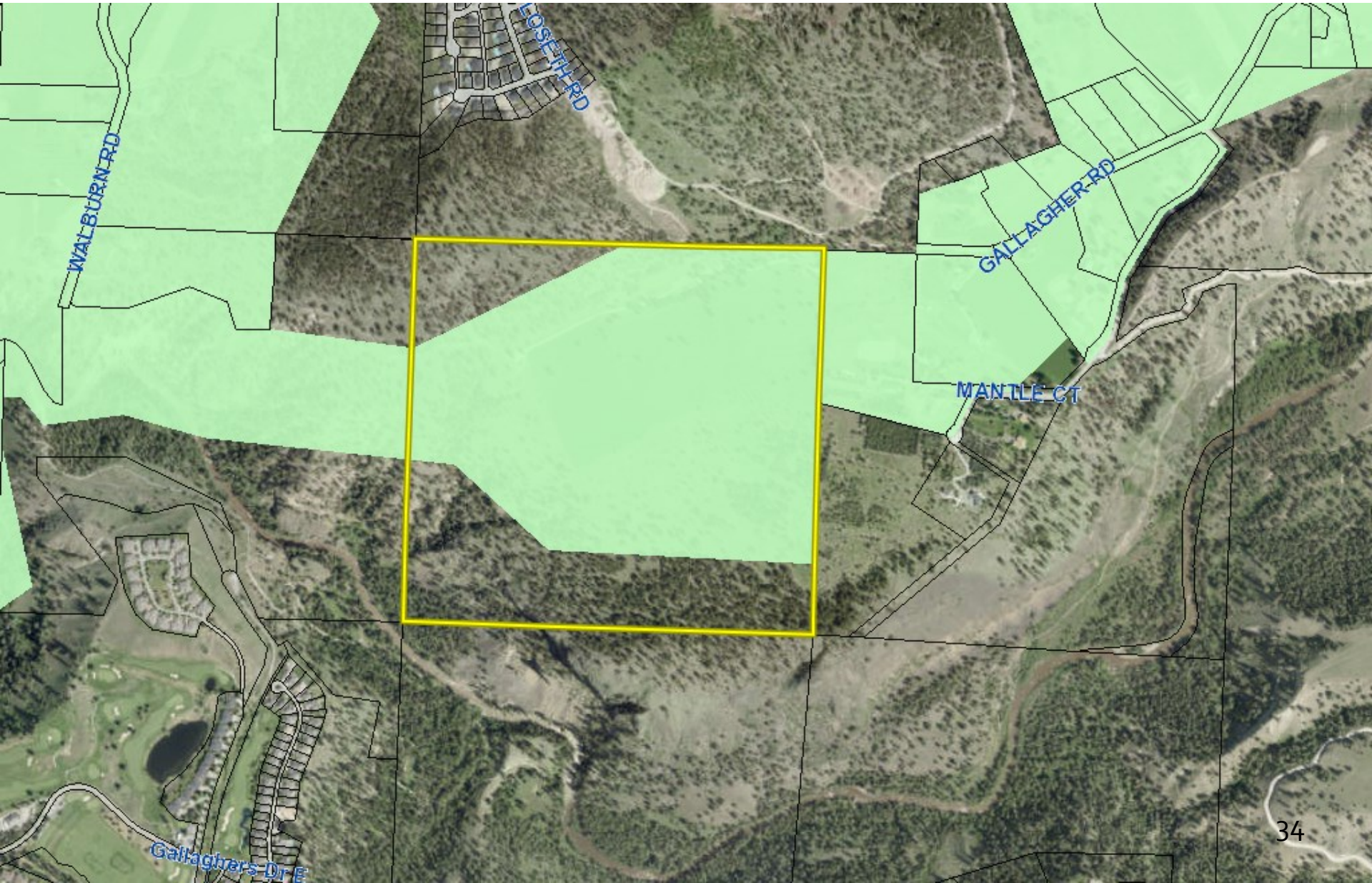
Development Process



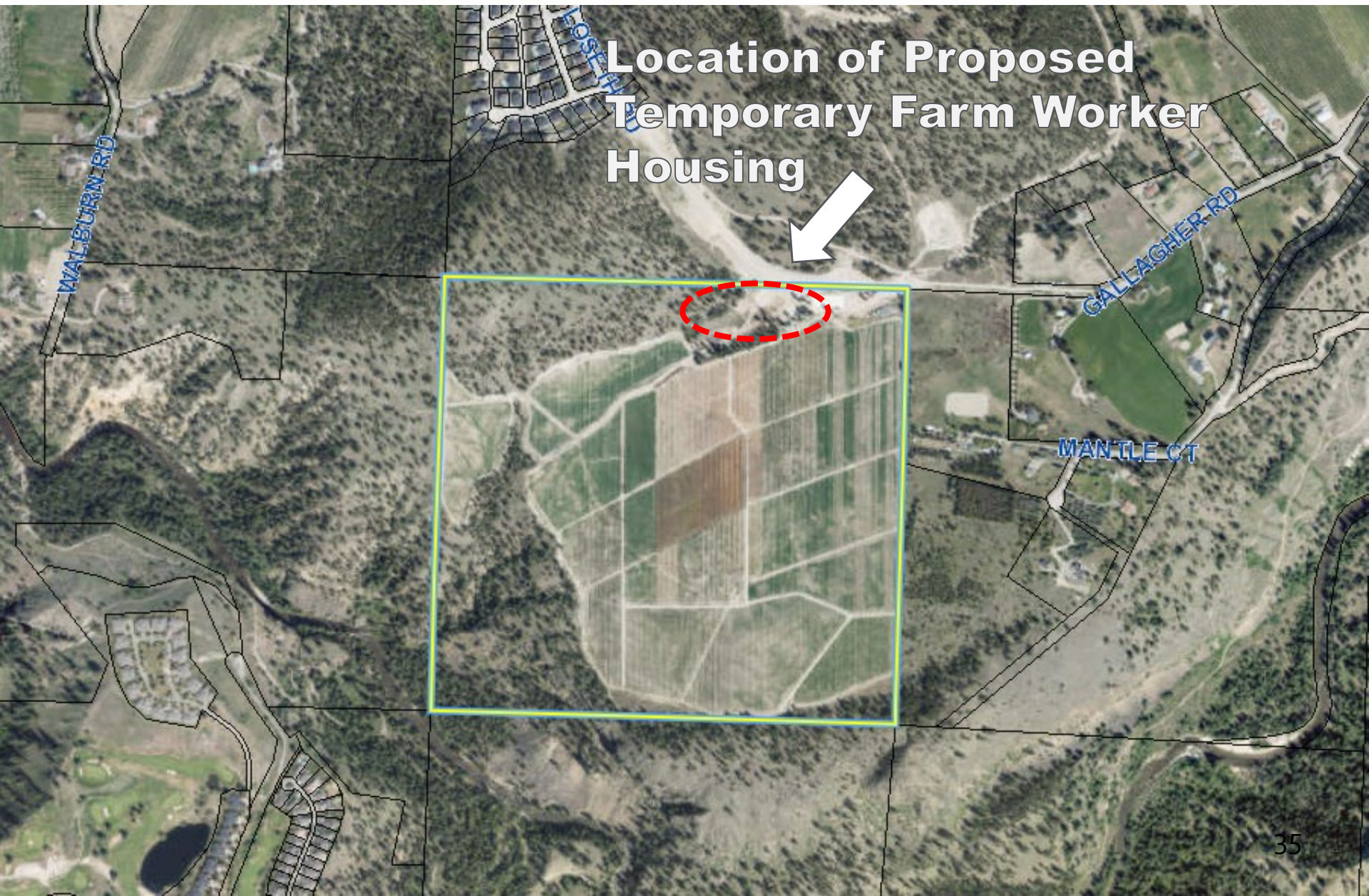
Context Map



ALR Map

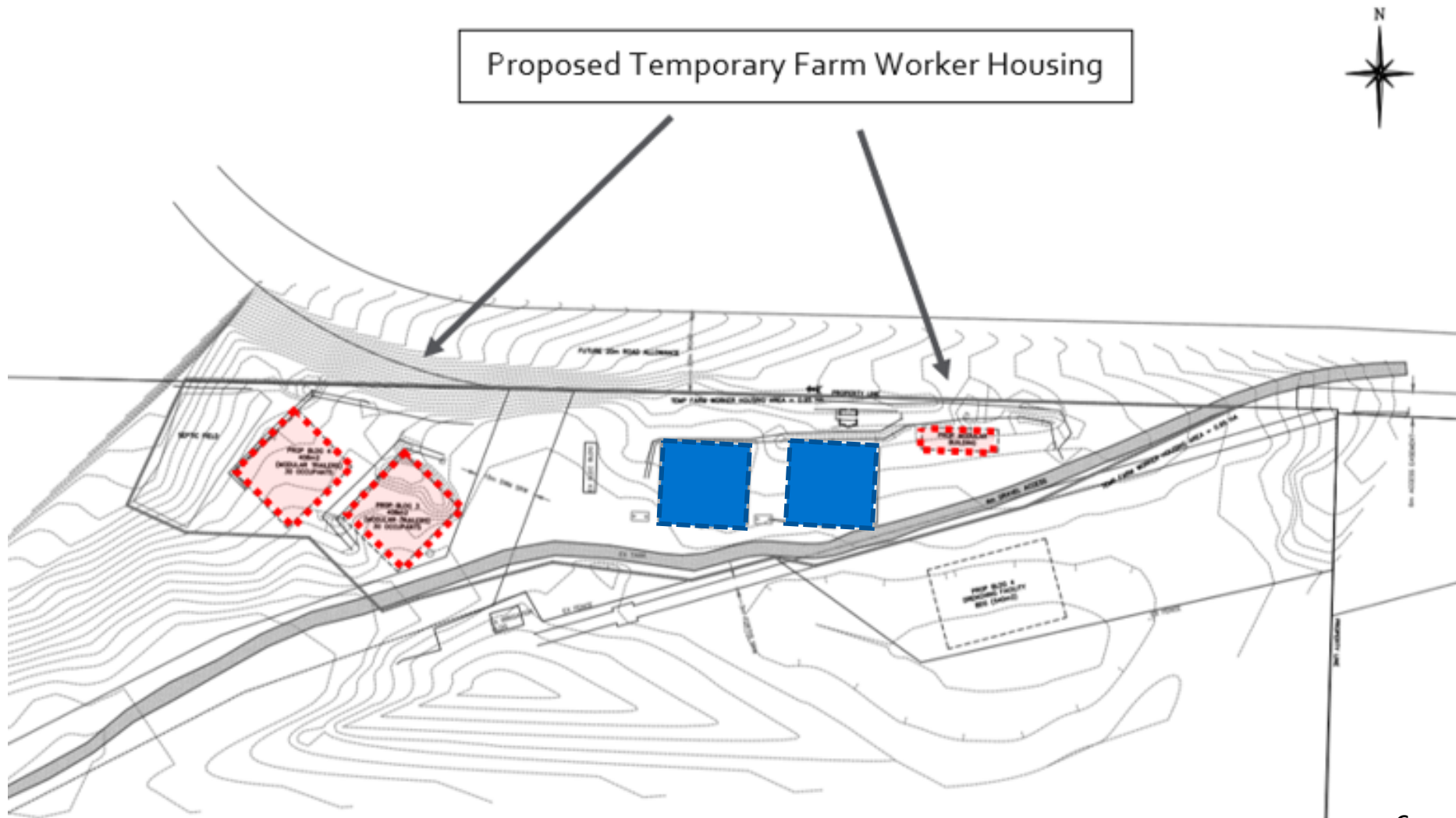


Proposed Housing



**Location of Proposed
Temporary Farm Worker
Housing**

Site Plan



Development Policy: Zoning Bylaw

Regulation	Meets
Minimum farm unit size: 3.8 ha	✓
New TFWH structures must include a communal kitchen	✓
Only occupied during growing, harvesting and pruning periods	✓
Occupied no more than 10 months of a calendar year	✓
Maximum TFWH footprint: 0.30 ha for maximum of 60 workers	✗
Maximum temporary farm workers per city sector: 60	✗

Development Policy: OCP Policies & Permit Guidelines

Policy / Guideline	Meets
Agriculture is the principal use on the parcel	<input checked="" type="checkbox"/>
Permanent help is deemed necessary	<input checked="" type="checkbox"/>
TFWH is on non-permanent foundations	<input checked="" type="checkbox"/>
Building footprint within 50 m of the road or located to maximize agricultural potential and limit negative impacts on the farm parcel	<input checked="" type="checkbox"/>
Minimum 3 m wide vegetated buffer	<input checked="" type="checkbox"/>

Staff Recommendation

- ▶ Staff recommend **support**:
 - ▶ The proposed application substantially complies with City of Kelowna OCP policies on TFWH requirements.
 - ▶ The proposed housing is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified.
 - ▶ The housing is located in an area of the property that minimizes the residential impact to agriculture.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: April 6, 2020

To: Council

From: City Manager

Department: Development Planning (DS)

Application: TA20-0013

Owner: N/A

Address: N/A

Applicant: McKinley Hillside Limited Partnership

Subject: Zoning Bylaw Text Amendment Application No. TA20-0013

Existing OCP Designation: Mixed Use Tourism (MXT)

Existing Zone: CD18 – McKinley Beach Comprehensive Report Development

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0013 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report from the Development Planning Department dated April 6th be considered by Council;

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

2.0 Purpose

To amend the CD18 – McKinley Beach Comprehensive Resort Zone to remove specific restrictions on maximum gross floor area and building footprint.

3.0 Development Planning

Staff are recommending that a proposed text amendment to the CD18 – McKinley Beach Comprehensive Resort Zone to remove specific restrictions on maximum gross floor area and building footprint be supported. The development regulations of the CD18 zone impose a maximum floor area of 150m² per unit on apartments, hotels, congregate housing, motel units or row housing. For single detached housing, semi-detached housing, row housing with four units or less the maximum gross floor area is 350m² per unit and the main floor footprint may not exceed 175m² per unit.

The original purpose for limiting unit size and building footprint was to facilitate the development of small scale dwellings to be used for vacation resort purposes. To date the McKinley Beach area has developed into a suburban and mixed use residential subdivision instead of a resort style development therefore staff

support the removal of the unit size restriction from the CD18 zone. The limit on gross floor area and building footprint is redundant as the buildable areas of each lot are being determined through the subdivision and development permit process.

4.0 Proposal

4.1 Background

The CD18 Zone is a comprehensive development zone that encompasses the McKinley Beach neighborhood. The zone was created to allow for the development of a comprehensively planned multifaceted destination community having a variety of commercial and accommodation uses organized around a central lifestyle village.

Section 1.3 (g) of the CD18 zone states that a maximum floor area for attached apartment, hotel, congregate housing, motel units or row housing units (units in buildings exceeding 4 units with common amenities) is 150m² per unit . For single detached housing, semi-detached housing, row housing with four units or less the maximum gross floor area is 350m² per unit and the main floor footprint may not exceed 175m² per unit .

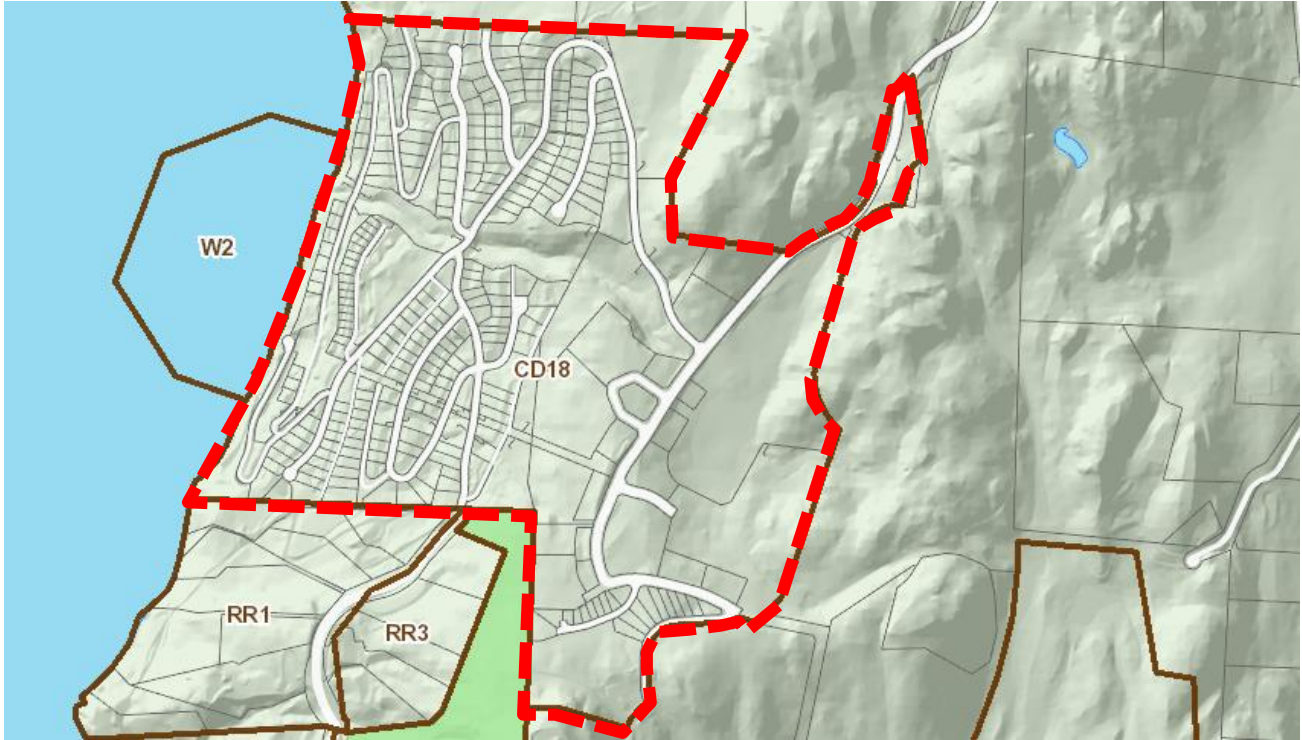
The original purpose for limiting unit size and building footprint was to keep the use of residential units as a vacation resort dwellings with a limited size and scale. The McKinley Beach area has developed as a single family and mixed-use suburban residential subdivision rather than a resort style development.

In accordance with the OCP and the development regulations within the CD18 zone any development that impacts slopes over 30% will require a Natural Environment/Hazardous Condition Development Permit. For any development to occur in these areas, it must be demonstrated that the proposal will be sensitively integrated with the natural environment and will present no hazards to persons or property. For all multi-family development a Form and Character Development Permit is required.

Staff are recommending the maximum unit size regulations stated in the CD18 zone be removed as they are not required to effectively regulate development within this area. The lot layout and buildable areas of each lot in the CD18 zone is being determined through the subdivision and development permit process. Specifically, for single family development at time of subdivision 'no-build' and 'no-disturb' covenants are being required to be registered on the title of each new lot to ensure geotechnically unsafe or environmentally sensitive areas are avoided. Staff review commercial or multi-family projects based on the overall size, massing, height, parking spaces etc. in order to determine their suitability in relation to urban design guidelines.

The overall density of 1300 residential units in the CD18 zone is controlled in the form of a 219 covenant registered on the remainder parcel(s), of the McKinley Beach area which is updated at time of development permit or subdivision.

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 – Development Process

Policy 10 - North McKinley: Not approve any additional residential uses or densities (beyond existing zoning) for lands in the North McKinley area designated in the OCP for mixed use tourism use.

Chapter 12 – Natural Environment DP Guidelines:

2.1 – Habitat Protection: Plan, design and implement land development and subdivision to protect environmentally sensitive areas.

Chapter 13 – Hazardous Condition DP Guidelines:

General DP Guidelines - Disturbance of steep slopes and hazardous condition areas will be avoided in accordance with City of Kelowna hillside development guidelines.

Report Prepared by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Proposed Text Amendments

Schedule A – Proposed Text Amendment

Schedule B – Comprehensive Development Zones - CD18 – McKinley Beach Comprehensive Resort Development – Development Regulations

No.	Section	Current Wording	Proposed	Reason for Change
1.	1.3 (f) 2.	2. for those lots not requiring a form & character Development Permit it will be through the subdivision approval process based on a calculation of 350m ² per unit (based on 1.3(g) Type B below). For example: if there are 10 lots being approved and eight of those lots are for single detached housing and two of the lots are for semi-detached housing the calculation used to determine the buildable area would be 12x350m ² = 4,200m ² .	2. for those lots not requiring a form & character Development Permit total site density will be reduced through the subdivision approval process based on the maximum developable area of each lot measured as all areas of a lot that are able to be developed excluding development permit areas not allowing development.	<p>The proposed change will allow for residential units to have a greater floor area and building footprint subject to the developable area of each lot.</p> <p>The developable area of each lot will be determined at the subdivision stage through the development permit process.</p>

Schedule A – Proposed Text Amendment

2.	1.3 (g)	<p>Dwelling units or resort accommodation which allows for short-term stays is made up of two types:</p> <p>Type A:</p> <p>Attached apartment, hotel, congregate housing, motel units or row housing units (units in buildings exceeding 4 units with common amenities) – maximum area of 150m² per unit floor area net.</p> <p>Type B:</p> <p>Single detached housing with or without secondary suites, semi-detached housing, row housing with four units or less, with amenities that may be in separate buildings. The maximum gross floor area is 350m² per unit (excluding garages). The main floor footprint (excluding garage) may not exceed 175m² per unit (excluding garages).</p>	Delete Section 1.3 (g) in its entirety and remove any reference to this section within the CD18 zone.	The proposed change will remove specific restrictions on floor areas and building footprint.
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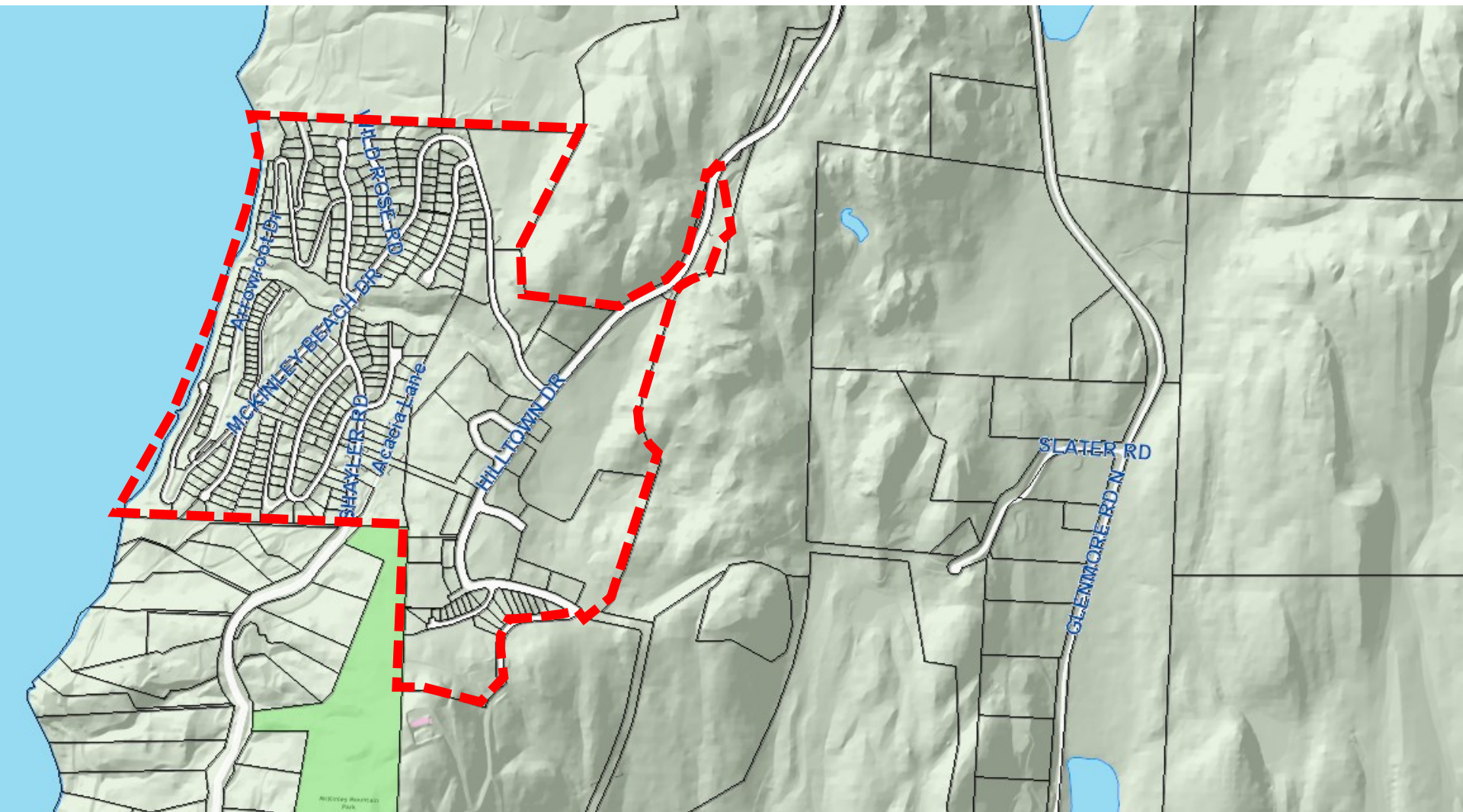


TA20-0013 (W OF) Shayler Rd

Zoning Bylaw Text Amendment Application



Context Map



Proposal

- ▶ To amend the CD18 – McKinley Beach Comprehensive Resort Zone to remove restrictions on maximum gross floor area and building footprint.

Current Zoning Regulation

- ▶ The maximum floor area for attached apartment, hotel, congregate housing, motel units or row housing units is 150m² per unit .
- ▶ The maximum gross floor area is 350m² per unit and the main floor footprint may not exceed 175m² per unit for single detached housing, semi-detached housing.

Staff Recommendation

- ▶ Remove maximum unit size regulations stated in the CD18 zone as they are not required to effectively regulate development within this area.
- ▶ The lot layout and buildable areas of each lot in the CD18 zone is being determined through the subdivision and development permit process.
 - ▶ 'no-disturb' covenants are being required to be registered on the title of each new lot to ensure geotechnically unsafe or environmentally sensitive areas are avoided
 - ▶ Staff review commercial or multi-family projects based on the overall size, massing, height, parking spaces etc. in order to determine their suitability in relation to urban design guidelines.
 - ▶ The overall density in the CD18 zone is controlled in the form of a 219 covenant registered on the remainder parcel(s)



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12009

TA20-0013 – Schedule 'B' Comprehensive Development Zones CD18 – McKinley Beach Comprehensive Resort Development

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. AND THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD18 – McKinley Beach Comprehensive Resort Development, 1.2 PRINCIPLE AND SECONDARY USES, 1.2(a) AREA 1 Village Centre**, be amended by:

- a) Deleting from **Principle Uses** the following:

"(aa) **row housing** subject to 1.3g"
"(bb) **single detached housing** subject to 1.3g"
"(cc) **semi-detached housing** subject to 1.3g"

And replacing it with:

"(aa) **row housing**"
"(bb) **single detached housing**"
"(cc) **semi-detached housing**"

- b) Deleting from **Secondary Uses** the following:

"(k) **secondary suites** in **single detached housing** subject to 1.3g"

And replacing it with:

"(k) **secondary suites** in **single detached housing**"

2. AND THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD18 – McKinley Beach Comprehensive Resort Development, 1.2 PRINCIPLE AND SECONDARY USES, 1.2(b) AREA 2 Winery and Resort Accommodation**, be amended by:

- a) Deleting from **Principle Uses** the following:

"(j) **row housing** subject to 1.3g"
"(k) **single detached housing** subject to 1.3g"
"(l) **semi-detached housing** subject to 1.3g"

And replacing it with:

"(j) **row housing**"
"(k) **single detached housing**"
"(l) **semi-detached housing**"

- b) Deleting from **Secondary Uses** the following:

"(h) **secondary suites** in **single detached housing** subject to 1.3g"

And replacing it with:

“(h) **secondary suites in single detached housing**”

3. AND THAT **Section 18 – Schedule ‘B’ – Comprehensive Development Zones, CD18 – McKinley Beach Comprehensive Resort Development, 1.2 PRINCIPLE AND SECONDARY USES, 1.2(c) AREA III Hillside Resort Accommodation**, be amended by:

- a) Deleting from **Principle Uses** the following:

“(e) **row housing** subject to 1.3g”

“(f) **single detached housing** subject to 1.3g”

“(g) **semi-detached housing** subject to 1.3g”

And replacing it with:

“(e) **row housing**”

“(f) **single detached housing**”

“(g) **semi-detached housing**”

- b) Deleting from **Secondary Uses** the following:

“(d) **secondary suites in single detached housing** subject to 1.3g”

And replacing it with:

“(d) **secondary suites in single detached housing**”

4. AND THAT **Section 18 – Schedule ‘B’ – Comprehensive Development Zones, CD18 – McKinley Beach Comprehensive Resort Development, 1.2 PRINCIPLE AND SECONDARY USES, 1.2(d) AREA IV Waterfront Resort Accommodations**, be amended by:

- a) Deleting from **Principle Uses** the following:

“(k) **row housing** subject to 1.3g”

“(l) **single detached housing** subject to 1.3g”

“(m) **semi-detached housing** subject to 1.3g”

And replacing it with:

“(k) **row housing**”

“(l) **single detached housing**”

“(m) **semi-detached housing**”

- b) Deleting from **Secondary Uses** the following:

“(h) **secondary suites in single detached housing** subject to 1.3g”

And replacing it with:

“(d) **secondary suites in single detached housing**”

5. THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD18 – McKinley Beach Comprehensive Resort Development, 1.3(f)2 DEVELOPMENT REGULATIONS** be amended by:

Deleting the following:

"2. for those lots not requiring a form & character Development Permit it will be through the subdivision approval process based on a calculation of 350m^2 per unit (based on 1.3(g) Type B below). For example: if there are 10 lots being approved and eight of those lots are for single detached housing and two of the lots are for semi-detached housing the calculation used to determine the buildable area would be $12 \times 350\text{m}^2 = 4,200\text{m}^2$."

And replacing it with:

"2. for those lots not requiring a form & character Development Permit total site density will be reduced through the subdivision approval process based on the maximum developable area of each lot measured as all areas of a lot that are able to be developed excluding development permit areas not allowing development."

6. AND THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD18 – McKinley Beach Comprehensive Resort Development, 1.3(g) DEVELOPMENT REGULATIONS** be deleted in its entirety
7. 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: April 6, 2020

To: Council

From: City Manager

Department: Development Planning Department

Application: TA20-0012

Owner: Springfield Plaza Inc., Inc.No.
BC0479374

Address: 1585 Springfield Road

Applicant: LIME Architecture Inc.

Subject: Zoning Bylaw Text Amendment Application

Existing Zone: CD16 – Bingo and Gaming

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0012 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report from the Development Planning Department dated April 6, 2020 for Lot A District Lot 129 ODYD Plan KAP70110 located at 1585 Springfield Road be considered by Council;

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

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

2.0 Purpose

To amend the Zoning Bylaw by changing the Development Regulations in the CD16 – Bingo and Gaming zone for two proposed minor building additions and replacing the CD16 – Bingo and Gaming Site Plan to reflect these changes.

3.0 Development Planning

The CD16 – Bingo and Gaming Zone is a Comprehensive Development Zone which applies only to the subject property, which contains Chances Casino. Staff support the proposed text amendments to accommodate the two small additions to the existing building.

The proposed text amendment identifies only very minor changes to the footprint of the existing building. These minor changes are not expected to result in any negative impacts to the building's aesthetic, on the site's functionality, or on adjacent parcels.

4.0 Proposal

4.1 Background

Council recently supported a request by Chances Casino to allow a substantial change to the existing gaming facility to introduce live table games. In addition to these proposed changes, Chances has experienced a steady increase in their visitor numbers over the years.

Chances Casino has further development plans beyond the small additions currently proposed. These future development plans will require additional development applications and are anticipated to significantly change the CD16 – Bingo and Gaming zone, as well as substantially change the existing building form and scale. However, the applicants are not ready to make these applications at this time as they are still working through their preferred design and development plans.

4.2 Project Description

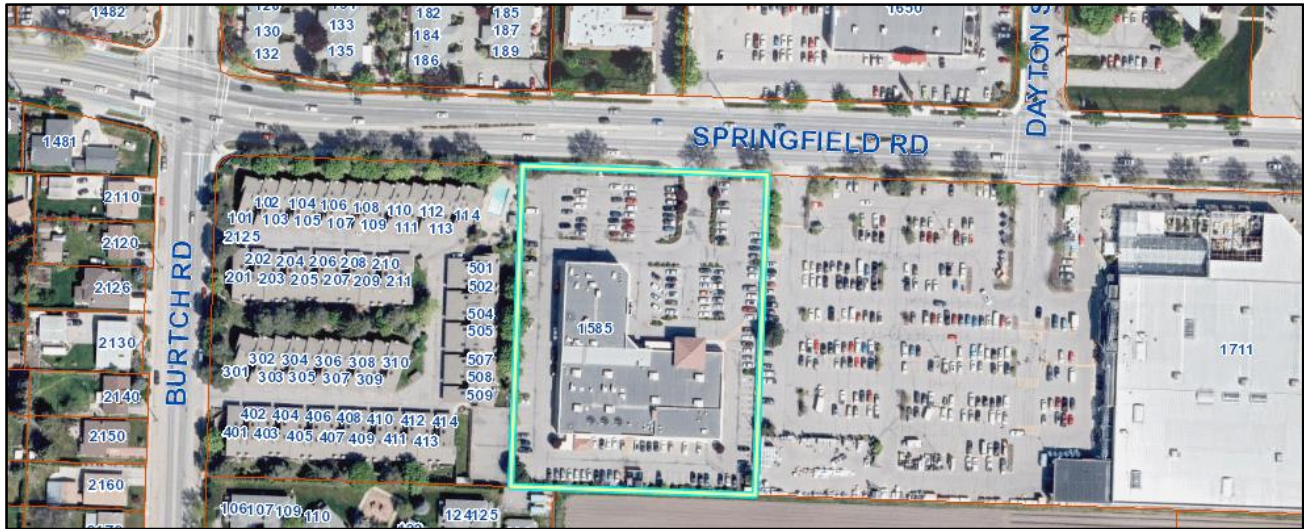
To respond to growing local demand, Chances is proposing additions to the existing building to provide support space including additional electrical room space and office spaces to be used by the casino repair technicians. These additions, as shown on the site plan in Attachment B, will increase the building footprint along the west façade (130.8 m²) which reduces the side yard from 15.0 m to 14.0 m and along the south façade (34.2 m²) which reduces the rear yard from 21.0 m to 18.0 m. The proposed additions also increase the site coverage from 25% to 26%.

4.3 Site Context

Chances Casino is located south of Springfield Road, east of Burtch Road. The subject property has adjacent uses of Residential to the east, Commercial to the west, and Agricultural (ALR) lands to the south. Chances Casino has a formal easement agreement with the adjacent property to the east, which is currently occupied by Rona, to access the underutilized surface parking area with stair access between the two sites.

The property is adjacent to ALR lands to the south which requires a Level 5 landscape buffer with a minimum width of 3.0m. The ALC's Guide to Edge Planning encourages a 15.0 m setback from the agricultural area boundary and an 8.0 m wide vegetative buffer within the setback. The proposed development meets the City's required 3.0 m buffer width and the ALC's encouraged 15.0 m building setback and would therefore be exempt from a Farm Protection Development Permit.

Subject Property Map:



4.4 Zoning Analysis Table

The CD16 – Bingo and Gaming Zone is a Comprehensive Development Zone which applies only to the subject property, which contains Chances Casino. As a Comprehensive Development Zone is in place, a Text Amendment to the Zone is required instead of what would be considered a variance application in other contexts.

The changes to the development regulations, as shown below in the Zoning Analysis Table, are complemented by the Zoning Bylaw CD16 – Bingo and Gaming Zone Site Plan (Schedule A) that is included in the zone and would restrict any future development from any proposal beyond what is currently being considered by Council.

Zoning Analysis Table		
CRITERIA	CURRENT CD16 ZONE REQUIREMENTS	CD16 PROPOSED CHANGES
Development Regulations		
Max. Site Coverage	25 %	26 %
Min. Side Yard	15.0 m	14.0 m
Min. Rear Yard	21.0 m	18.0 m

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 business and investment identified as bringing sustainable prosperity to Kelowna.

6.0 Application Chronology

Date of Application Received: January 17, 2020

Date Public Consultation Completed: March 5, 2020

Date Text Amendment Map Received March 11, 2020

Report prepared by: Hailey Rilkoff, Planner I

Reviewed by: James Moore, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

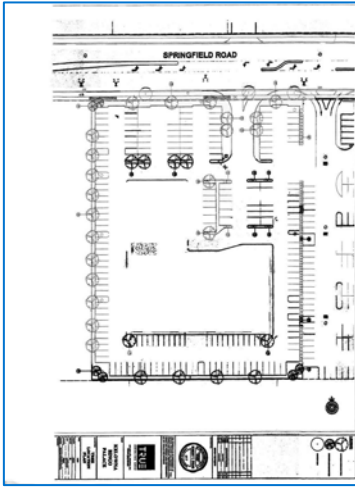
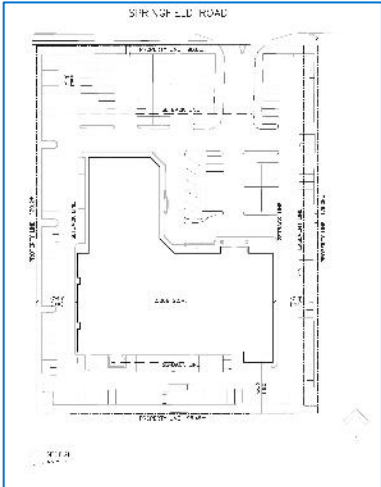
Schedule A: Proposed Text Amendments

Attachment A: Applicant's Rationale

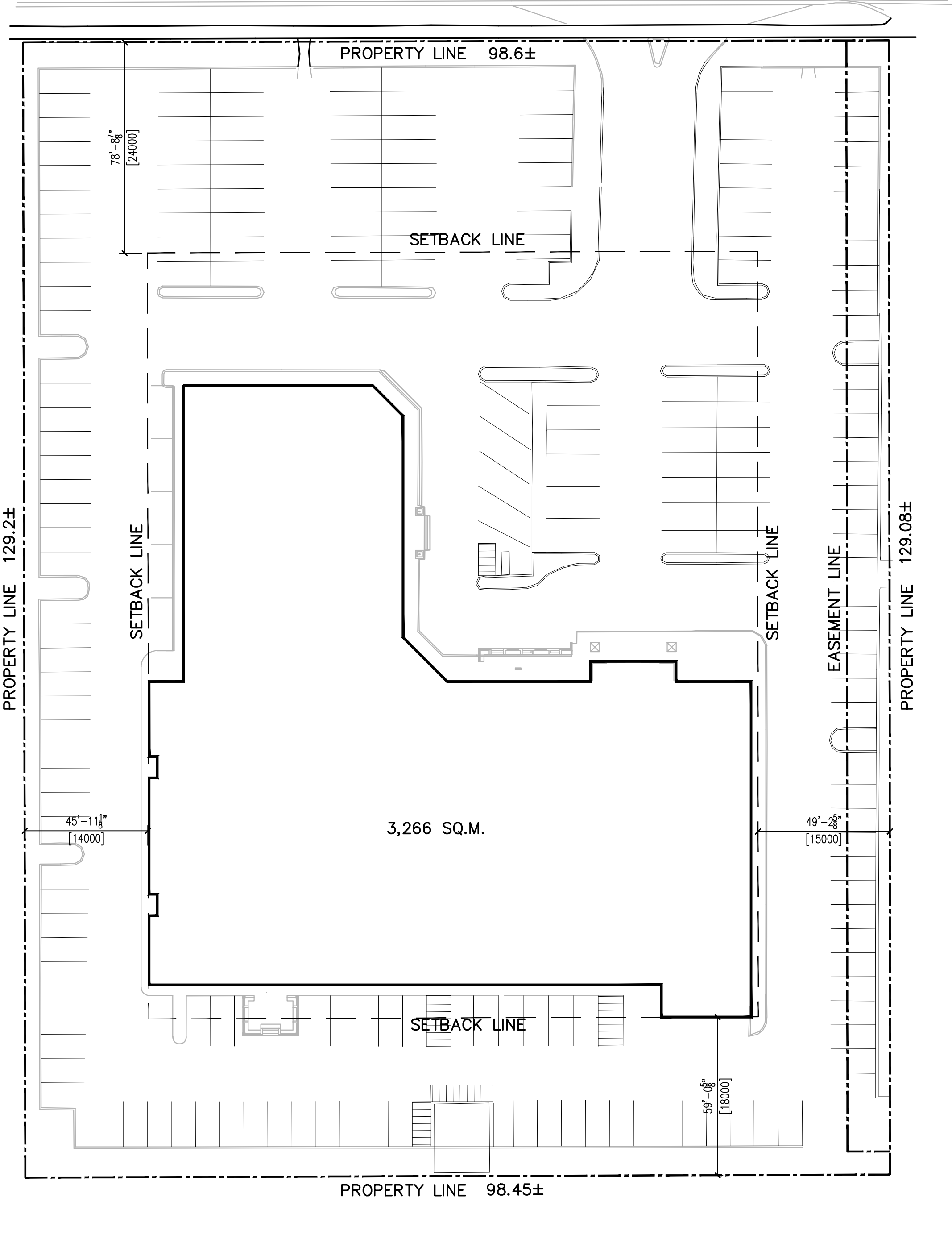
Attachment B: Development Site Plan

Schedule A – Proposed Text Amendments

Schedule B – Comprehensive Development Zones - CD16 Bingo and Gaming

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.4 (b)	Development Regulations	(b) The maximum site coverage is 25%	(b) The maximum site coverage is 26%	Increase the maximum site coverage
1.4 (e)	Development Regulations	(e) The minimum side yard is 15.0m	(e) The minimum side yard is 14.0 m	Decrease the minimum side yard
1.4 (f)	Development Regulations	(f) The minimum rear yard is 21.0 m	(f) The minimum rear yard is 18.0 m	Decrease the minimum rear yard
1.5 (c)	Other Regulations	<p>(c) Development of the subject property is limited to that shown on the CD16 – Bingo and Gaming Site Plan.</p> 	<p>(c) Development of the subject property is limited to that shown on the CD16 – Bingo and Gaming Site Plan.</p> 	Update Site Plan with the proposed changes to Development Regulations

SPRINGFIELD ROAD





January 28, 2020

**Re: Design Rationale for Proposed Addition (DVP) to Chances Casino,
1585 Springfield Road, Kelowna BC (The Site)**

To: City of Kelowna, Planning Department

C/O: Hailey Rilkoff

Cc: Stan Walt

Email: HRilkoff@kelowna.ca

Email: SWalt@chanceskelowna.ca

Dear City of Kelowna Planning Department,

Further to submitted information as it pertains to the DVP associated with the proposed addition to the Chances Casino at The Site, we offer the following Design Rationale for the project:

Chances is an established local business that has provided Casino facilities to the local market for many years. Chances has operated as a Casino sensitive to neighbouring properties as proven by its long standing operation without concern from the community. In fact the popularity of Chances has seen a steady increase in the number of visitors over the years and as a responsible business, Chances is adding much needed support space to ensure its continued operations can respond to growing local demand. Accordingly, the proposed additions to the existing Chances building include additional electrical room space as well as office spaces for use by the Casino repair technicians to look after gaming equipment and British Columbia Lottery Corporation (BCLC), gaming managers and auditors. The electrical closet expansion is in direct response to the growing demands of new and changing gaming options as well as to ensure future expansion can be accommodated in a way that can be phased with an existing electrical service area that is easily accessible and reduces disruption to the existing Casino.

Chances is eager to ensure additional office space for BCLC is provided in response to the requests and requirements of the Lottery Corporation as it represents the continued governance and regulatory oversight that is integral to the compliant operation of Chances. The location on the west side of the existing building is ideally located for easy office access without disruption to the current operation of the Casino and will meet the needs of both Chances and BCLC alike.

While the cumulative areas being added to Chances are small in area relative to the building size, their locations and design have been strategically considered in response to operations and sensitively designed to complement the existing building. These locations do require minor variances into existing side and rear yards noting that the additions will not disrupt the existing vehicle circulation between building and property line. While the additions (1,775 square feet in size) represent less than a 6% increase in overall building size (existing building is 33,380 square feet), it does result in site coverage that is .6% greater than the site coverage allowed for the property.

Since it was felt the additions needed to be outside the existing building footprint for the reasons outlined above, and the variances are minor in nature, we kindly request the City's support of the DVP application.

Please do not hesitate to contact our office if you have any questions or require additional information in these matters.

Sincerely,

Matt Johnston Architect AIBC, LEED AP
LIME Architecture Inc.

CHANCES CASINO - EXTERIOR ADDITIONS

1585 SPRINGFIELD RD, KELOWNA, BC

ATTACHMENT B

This forms part of application
TA20-0012

Planner
Initials HR

City of
Kelowna
DEVELOPMENT PLANNING



LIME
ARCHITECTURE INC.

PHONE: 250-448-7801
205-1626 Richter Street,
Kelowna, BC V1Y 2M3
www.limearchitecture.com

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ALL RIGHTS RESERVED
All ideas, designs, drawings and specifications are the exclusive property of LIME Architecture Inc. As instruments of service, they may not be used or reproduced in any manner without the expressed written consent of LIME Architecture Inc. All Contracting Trades shall check and verify all levels, dimensions, data and conditions on the site prior to commencement of any work. Any discrepancies are to be reported immediately to LIME Architecture Inc. Do not Scale any dimensions from this drawing.
All trades are to execute the work in accordance with the current municipality building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - (most recent edition) including all published revisions and addenda. All trades shall assume full responsibility for the location and protection of all under and above ground utilities, wires and conduit connections, including (but not limited to) water, sewer, gas, hydro and telephone.

PROPERTY DESCRIPTION:

CHANCES CASINO

CIVIC ADDRESS: 1585 SPRINGFIELD ROAD, KELOWNA BC
LEGAL ADDRESS: PLAN 70110, LOT A, ROLL 10519967
ZONING: CD16
BUILDING AREA: 33,380 SQ.FT (EXISTING)
INTENDED USAGE: CASINO

CASINO FLOOR AREAS:

EXISTING GROSS FLOOR AREA: 40,788 SQ.FT (3,789 SQ.M)
WEST ADDITION: 1,407 SQ.FT (130.8 SQ.M)
ELECTRICAL ROOM ADDITION: 368 SQ.FT (34.2 SQ.M)

TOTAL GROSS FLOOR AREA: 42,263 SQ.FT (3,954 SQ.M)

EXISTING BUILDING AREA: 33,380 SQ.FT (3,101 SQ.M)
WEST ADDITION: 1,407 SQ.FT (130.8 SQ.M)
ELECTRICAL ROOM ADDITION: 368 SQ.FT (34.2 SQ.M)

TOTAL BUILDING AREA: 35,155 SQ.FT (3,266 SQ.M)

ZONING CALCULATIONS:

CURRENT: CITY OF KELOWNA, CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)

SITE INFORMATION:

GROSS SITE AREA= ALLOWABLE SITE COVERAGE = F.A.R. =	ALLOWED N/A 25% (34,195 SF)[3,177 SM] 0.4 (54,711 SF)[5,083 SM]	PROPOSED 136,778 SF (12,707 SM) 25.6% (35,155 SF)[3,266 SM] VARIANCE 0.30 (42,263 SF)[3,954 SM]
	REQUIRED MAX. HEIGHT - FRONT YARD - SIDE YARD (WEST)- SIDE YARD (EAST) - REAR YARD -	PROPOSED EXISTING TO REMAIN EXISTING TO REMAIN 46'-5" (14.1M) EXISTING TO REMAIN 60'-1 3/8" (18.33M) VARIANCE

PARKING CALCULATIONS:

PARKING STALLS:
CASINO (CD16) 3-4 PER 100m² CFA
= 3,954 /100
= 39.54 x 3 or 4
= 119-158 STALLS

LOADING BAYS:
CASINO (CD16) REQUIRED:
EXISTING TO REMAIN

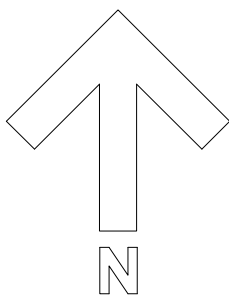
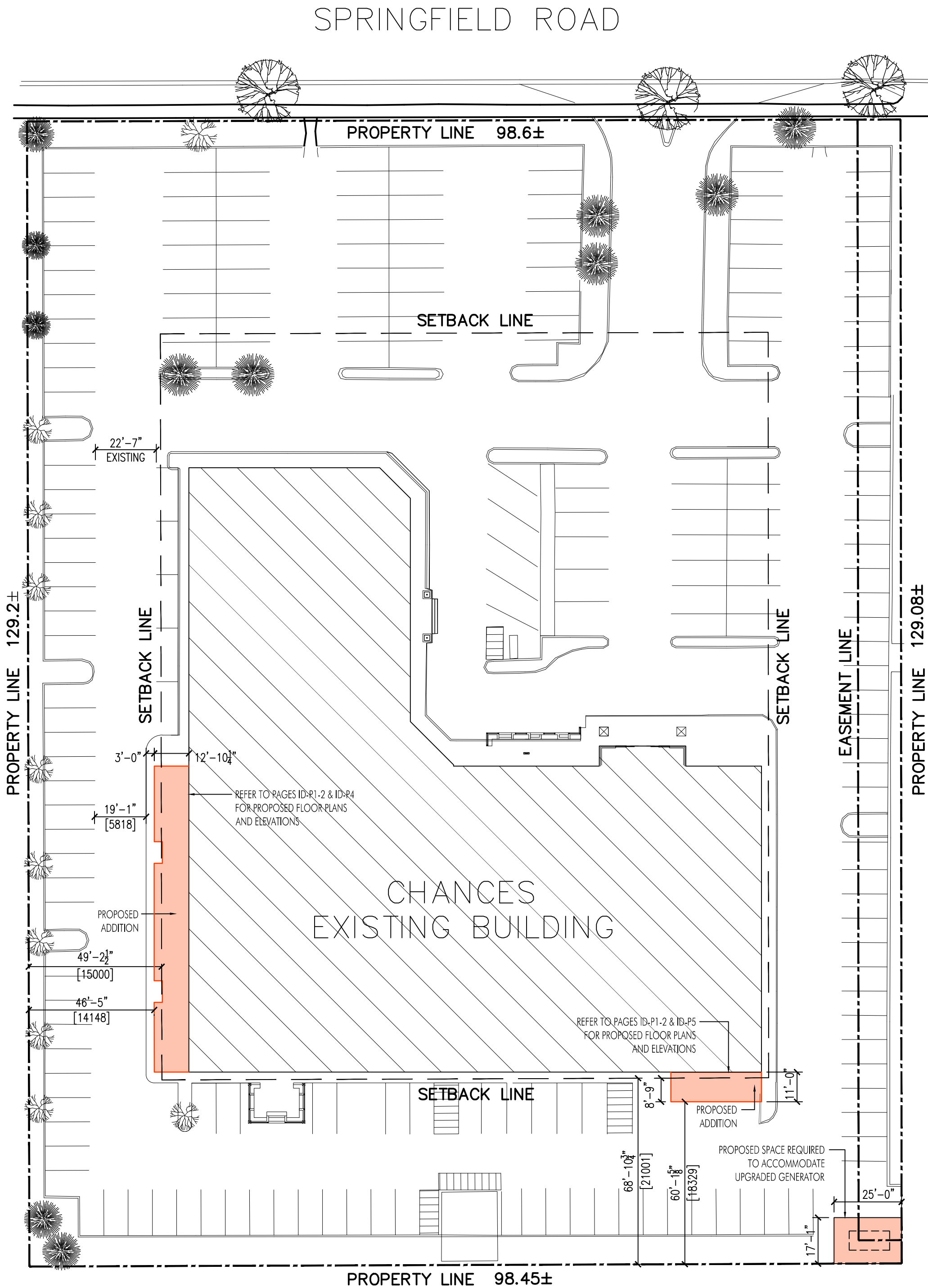
BICYCLE PARKING:
CASINO (CD16) REQUIRED:
EXISTING TO REMAIN

TOTAL EXISTING STALLS:
CASINO = 205 STALLS

TOTAL REMAINING STALLS (WITH ADDITIONS):
CASINO = 195 STALLS (10 STALLS LOST)

B.C. BUILDING CODE (2018) ANALYSIS

- OCCUPANCY CLASSIFICATION:
A2 - CASINO
- NUMBER OF STREETS FACED: 3.2.2.10
ONE (1)
- BUILDING AREA: 3.2.2.5
3,059 m² / 32,937 sq.ft
- BUILDING HEIGHT: 3.2.2.5
2 STOREYS
- SIZE & OCCUPANCY REQUIREMENTS:
GROUP A, DIVISION 2, UP TO 6 STOREYS, ANY AREA, SPRINKLERED (3.2.2.24)
- CONSTRUCTION REQUIREMENTS:
NONCOMBUSTIBLE CONSTRUCTION
FLOOR ASSEMBLIES AS FIRE SEPARATIONS WITH 1 HOUR F.R.R.
MEZZANINES WITH 1 HOUR F.R.R.
LOAD BEARING WALLS, COLUMNS, AND ARCHES REQUIRE A 1 HOUR F.R.R.
OR BE NOT LESS THAN THAT REQUIRED FOR THE SUPPORTED ASSEMBLY



1 SITE PLAN
1/12" = 1'-0"

Revision No., Date
and Description
01.16.20 - FOR DVP

Plot Date 16-Jan-20
Drawing No. A-001

PROJECT
CHANCES CASINO
EXTERIOR ADDITIONS
DRAWING TITLE
PROJECT INFORMATION



FOR DVP



TA20-0012

1585 Springfield Road

Text Amendment



Proposal

- ▶ To amend the Zoning Bylaw by changing the Development Regulations in the CD16 – Bingo and Gaming zone and replacing the CD16 – Bingo and Gaming Site Plan to reflect these changes.

Development Process

Jan 17, 2020

Development Application Submitted

Staff Review & Circulation

Mar 5, 2020

Public Notification Received

Apr 6, 2020

Initial Consideration

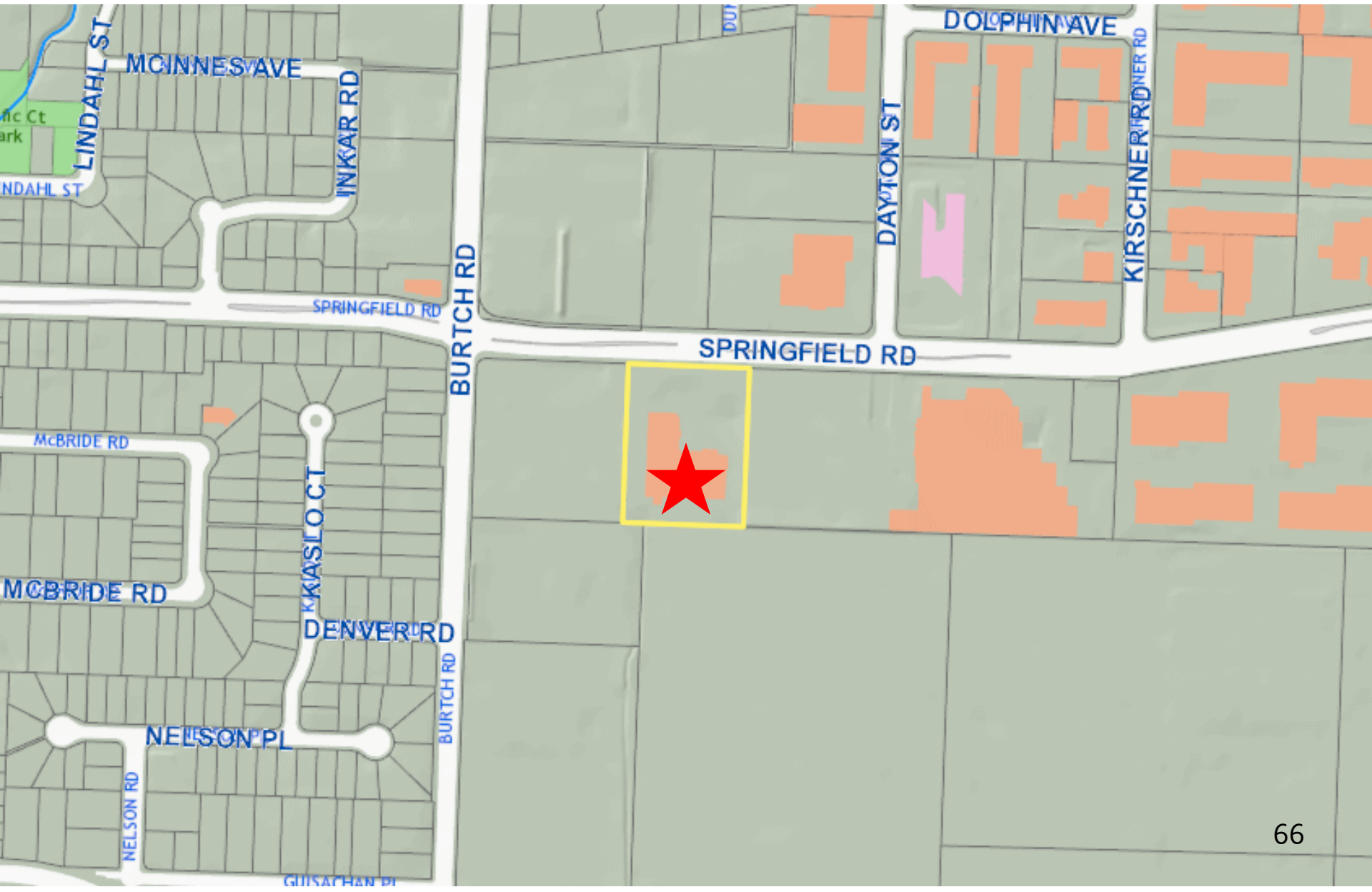
Public Hearing
Second & Third Readings

MOTI Approval, Final Reading

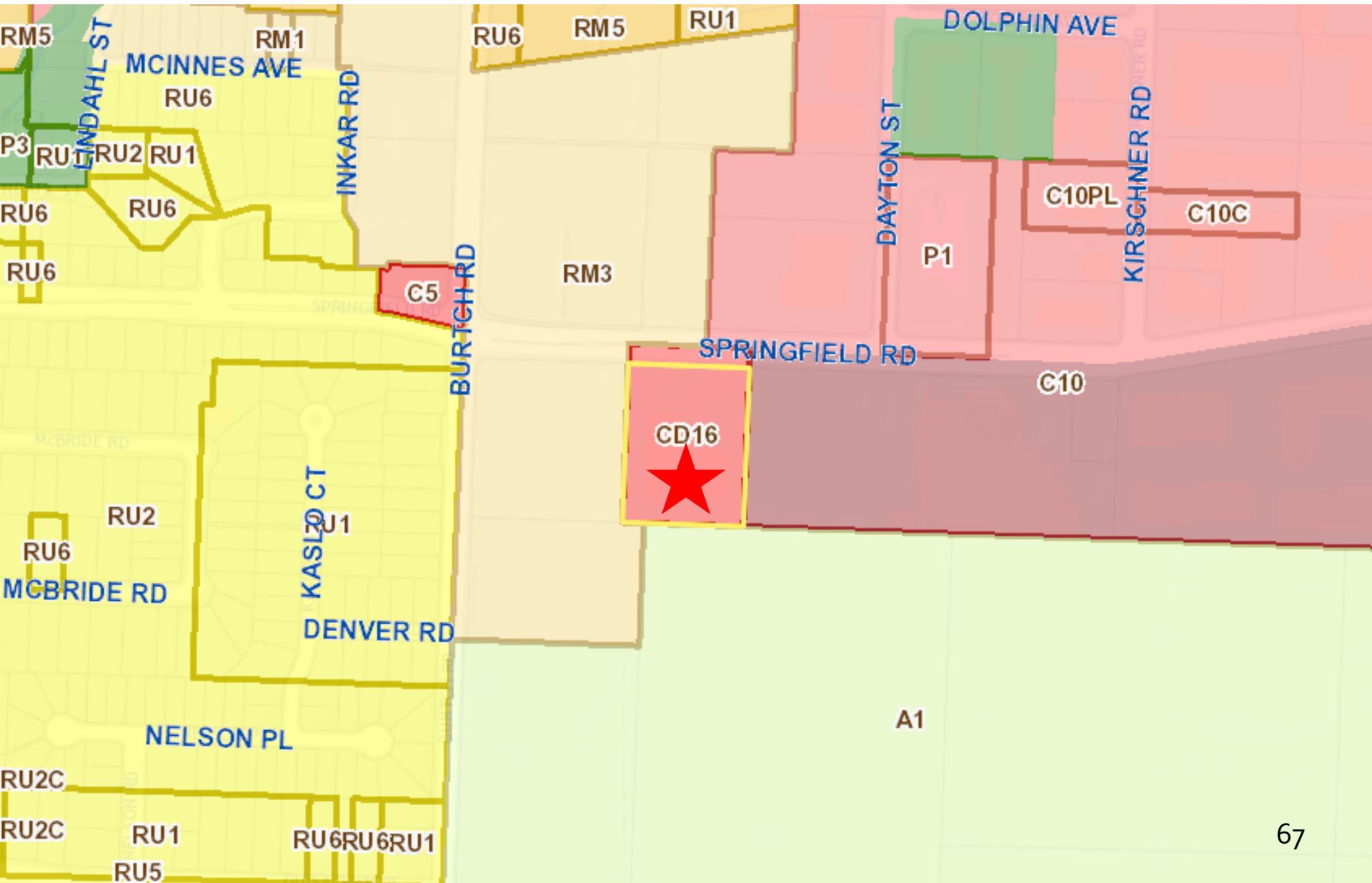
Building Permit

Council
Approvals

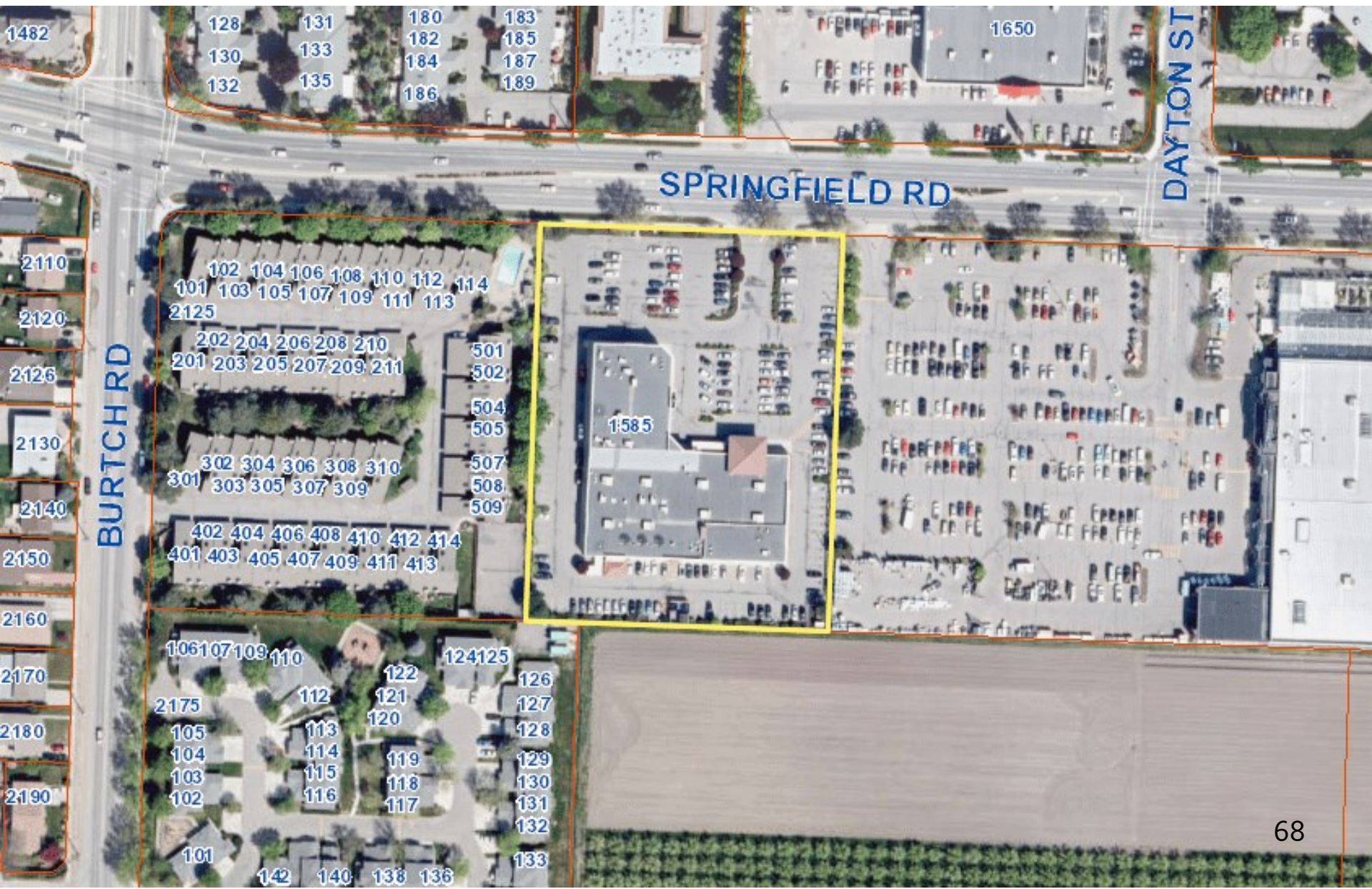
Context Map



Future Land Use / Zoning



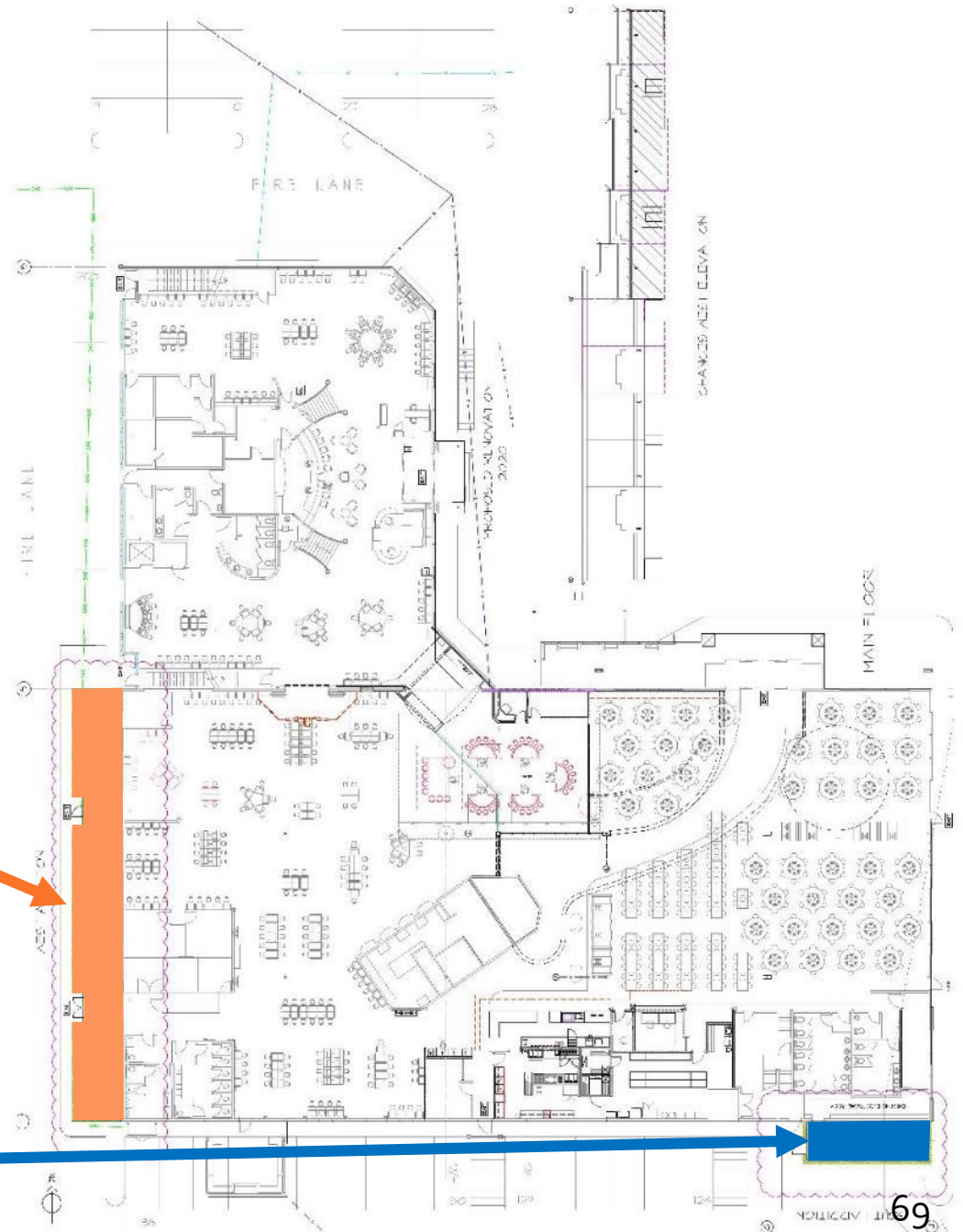
Subject Property Map



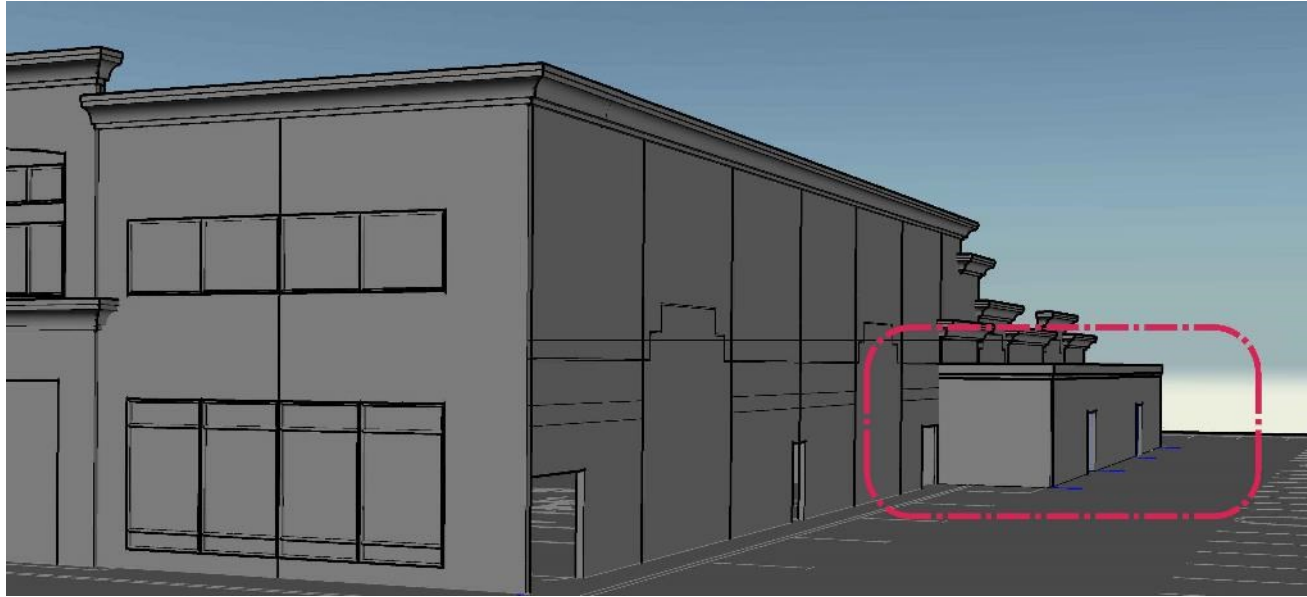
Project Details

130.8 m² – West Addition

34.2 m² – South Addition

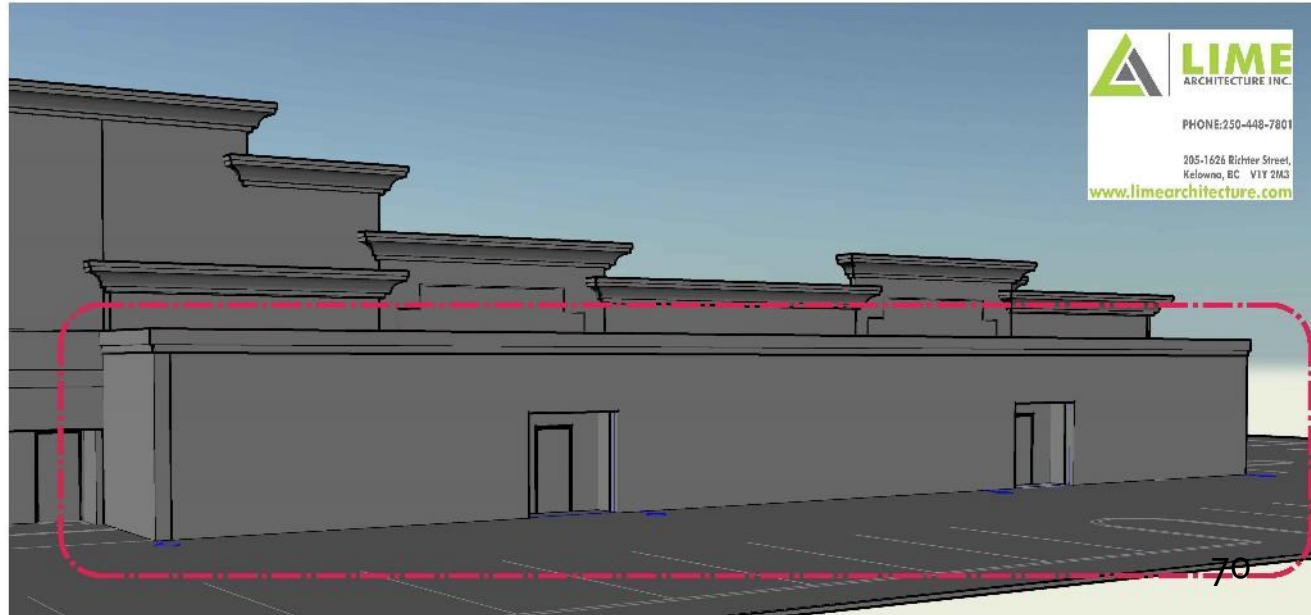


Project Details



South
(Rear Yard)
Addition
Rendering

West
(Side Yard)
Addition
Rendering



Text Amendments

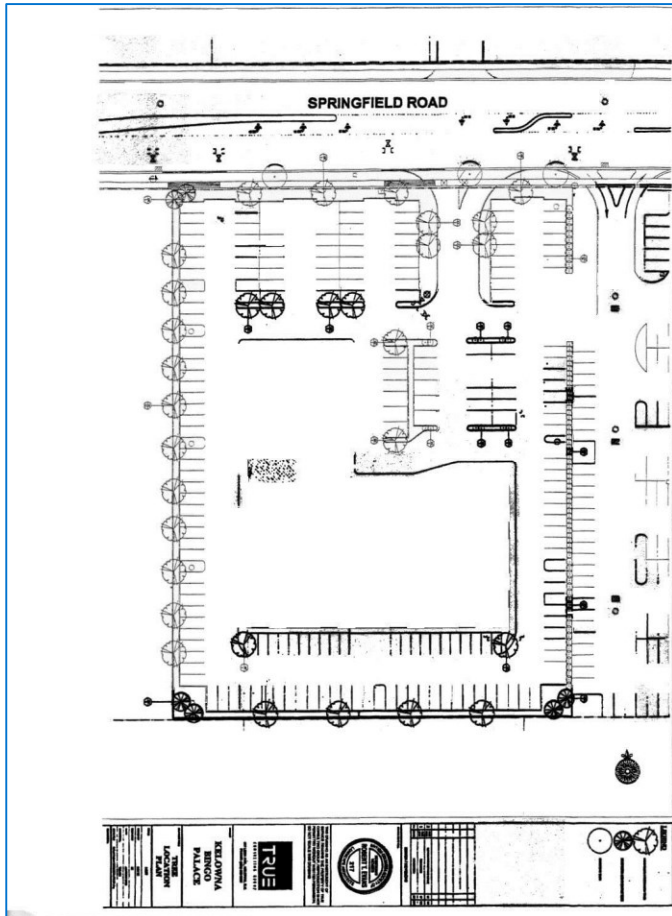
► Amend Development Regulations

Development Regulation	CD16 Zone	Proposed
Max. Site Coverage	25%	26 %
Min. Side Yard	15.0 m	14.0 m
Min. Rear Yard	21.0 m	18.0 m

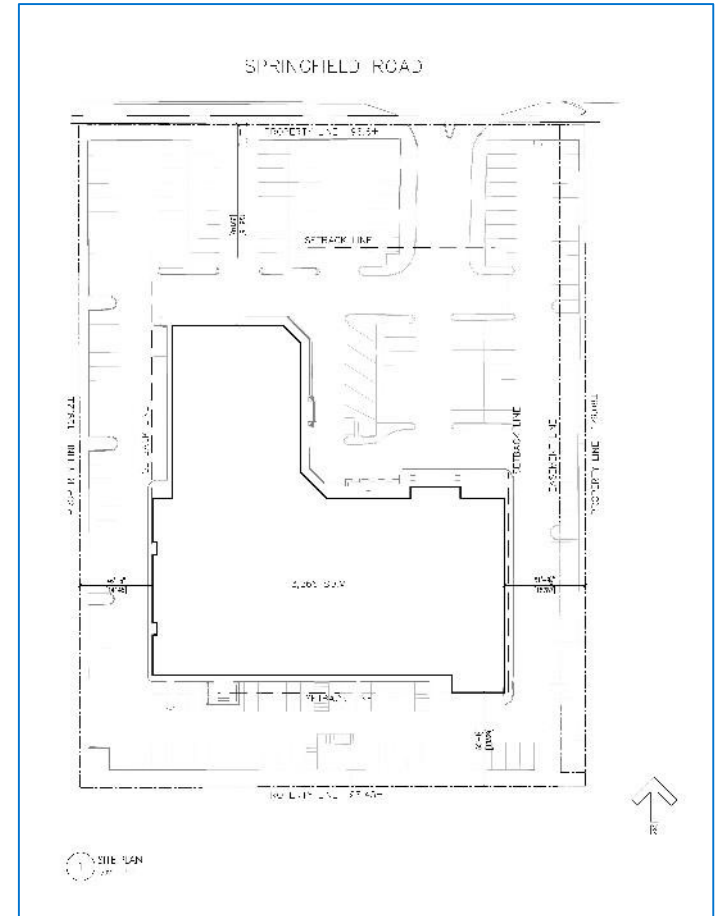
► Replace Site Plan

- Development on the site must be in accordance with the site plan included in the Zone.

Site Plan



Existing



Proposed

Future Development

- ▶ Staff understand the applicants have further development plans
 - ▶ Will require additional development applications
 - ▶ Anticipate to significantly change CD16 Zone
 - ▶ Substantial change to existing building form and scale
- ▶ Applicant is still working through their preferred design and development plans

Staff recommendation

- ▶ Staff recommend **support** of the proposed Text Amendments
- ▶ Recommend the Bylaw be forwarded to Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12017

TA20-0012 – Schedule 'B' Comprehensive Development Zones CD16 – Bingo and Gaming

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 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.4 Development Regulations** be amended by:

Deleting the following:

"(b) The maximum **site coverage** is 25%"

"(e) The minimum **side yard** is 15.0m"

"(f) The minimum **rear yard** is 21.0 m"

And replacing it with:

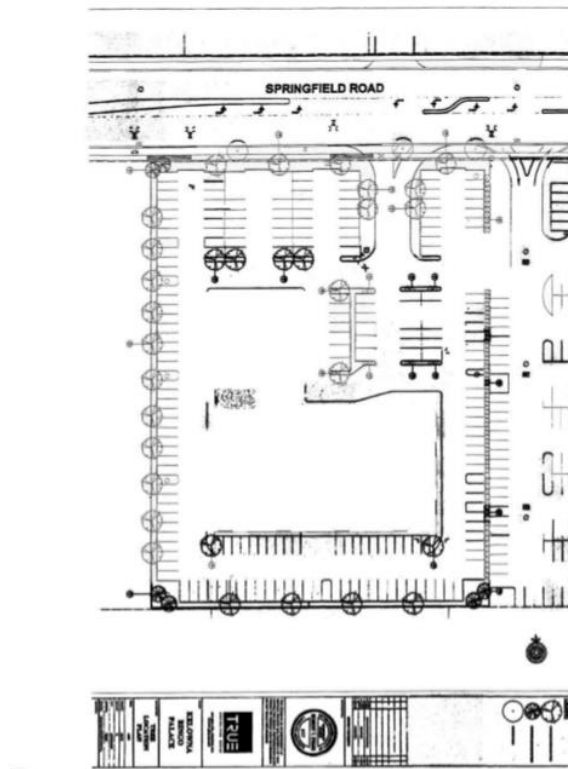
"(b) The maximum **site coverage** is 26%"

"(e) The minimum **side yard** is 14.0 m"

"(f) The minimum **rear yard** is 18.0 m"

2. AND THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.5(c) Other Regulations** be amended by:

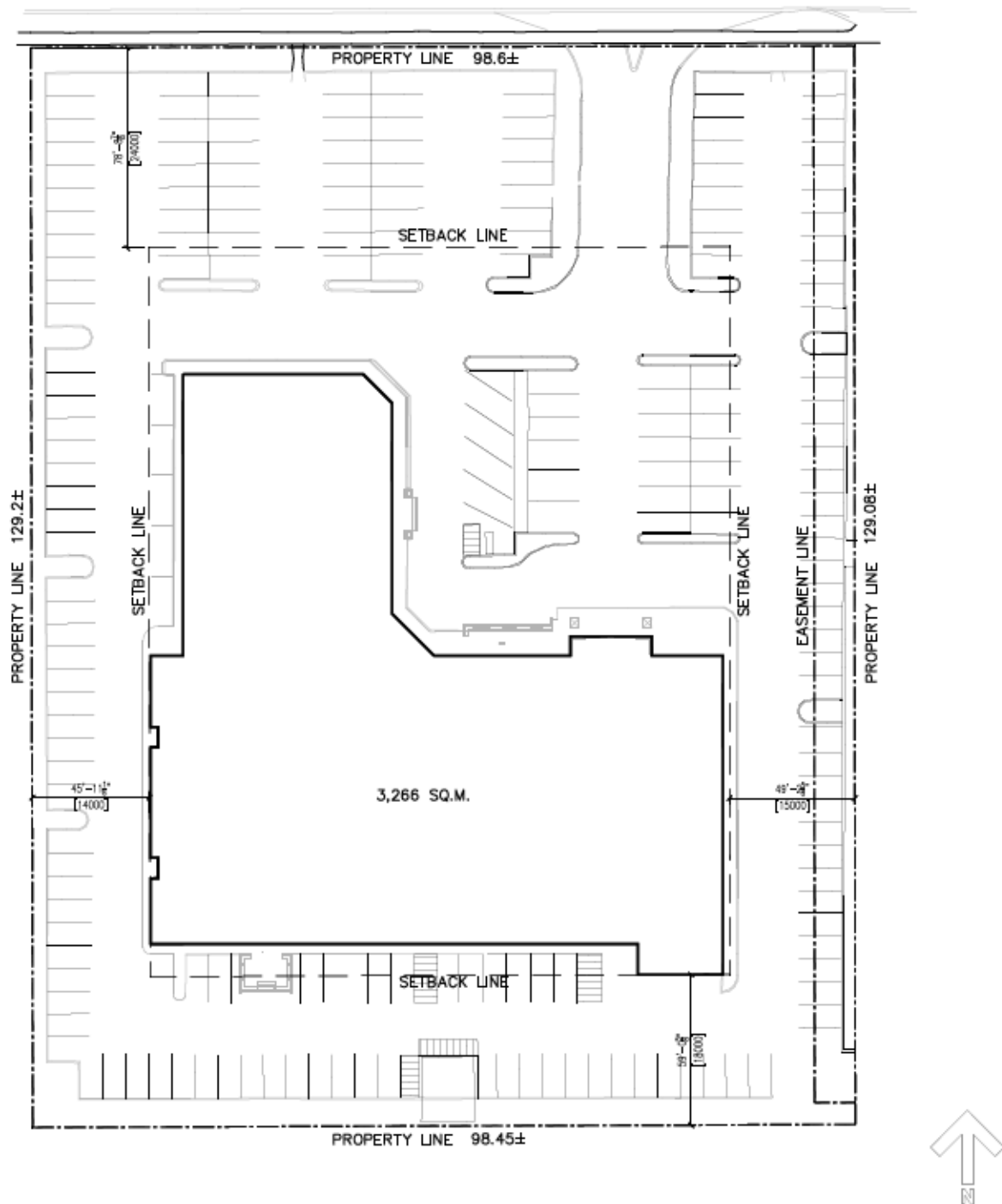
Deleting the following:



And replacing it with:

CD16 – Bingo and Gaming – Site Plan

SPRINGFIELD ROAD



1 SITE PLAN
1/32" = 1'-0"

3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11677
Z18-0087 – 540 Cawston 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 Lot 13, District Lot 139, ODYD, Plan KAP1303, located on Cawston Ave, Kelowna, BC from the C2 – Neighbourhood Commercial 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 27th day of August, 2018.

Considered at a Public Hearing on the 18th day of September, 2018.

Read a second and third time by the Municipal Council this 18th day of September, 2018.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11772
Z18-0033 – 250 Nickel Rd

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 Section 27 Township 26 ODYD Plan EPP90723, located on Nickel Rd Kelowna, BC from the RU1-Large Lot Housing Zone to the RM3 – Low Density Multiple Housing.
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 4th day of March, 2019.

Considered at a Public Hearing on the 26th day of March, 2019.

Read a second and third time by the Municipal Council this 26th day of March, 2019.

Approved under the Transportation Act this 28th day of March, 2019.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11988

TA20-0007

Section 13 Urban Residential Zones and Section 14 Commercial Zones

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, **Section 1 – General Administration, 1.3 Zoning Map, 1.3.1 Section 13 – Urban Residential Zones and Section 14 – Commercial Zones** be amended by:

- a) Deleting the following:

RM2/RM2h	Low Density Row Housing/Low Density Row Housing (Hillside Area)
----------	---

And replacing it with:

RM2	Low Density Row Housing
RM2h	Low Density Row Housing (Hillside Area)
RM2r	Low Density Row Housing (Residential Rental Tenure Only)

- b) Deleting the following:

RM3	Low Density Multiple Housing
-----	------------------------------

And replacing it with:

RM3	Low Density Multiple Housing
RM3r	Low Density Multiple Housing (Residential Rental Tenure Only)

- c) Deleting the following:

RM4	Transitional Low Density Housing
-----	----------------------------------

And replacing it with:

RM4	Transitional Low Density Housing
RM4r	Transitional Low Density Housing (Residential Rental Tenure Only)

- d) Deleting the following:

RM5	Medium Density Multiple Housing
-----	---------------------------------

And replacing it with:

RM5	Medium Density Multiple Housing
RM5r	Medium Density Multiple Housing (Residential Rental Tenure Only)

- e) Deleting the following:

RM6	High Rise Apartment Housing
-----	-----------------------------

And replacing it with:

RM6 RM6r	High Rise Apartment Housing High Rise Apartment Housing (Residential Rental Tenure Only)
-------------	---

f) Deleting the following:

C4	Urban Centre Commercial
C4rls	Urban Centre Commercial (Retail Liquor Sales)
C4lp	Urban Centre Commercial (Liquor Primary)
C4lp/rls	Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)
C4rcs	Urban Centre Commercial (Retail Cannabis Sales)
C4lp/rcs	Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)
C4rls/rcs	Urban Centre Commercial (Retail Liquor Sales /Retail Cannabis Sales)
C4lp/rls/rcs	Urban Centre Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)

And replacing it with:

C4	Urban Centre Commercial
C4rls	Urban Centre Commercial (Retail Liquor Sales)
C4lp	Urban Centre Commercial (Liquor Primary)
C4lp/rls	Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)
C4rcs	Urban Centre Commercial (Retail Cannabis Sales)
C4lp/rcs	Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)
C4rls/rcs	Urban Centre Commercial (Retail Liquor Sales /Retail Cannabis Sales)
C4lp/rls/rcs	Urban Centre Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)
C4r	Urban Centre Commercial (Residential Rental Tenure Only)

g) Deleting the following:

C7	Central Business Commercial
C7rls	Central Business Commercial (Retail Liquor Sales)
C7lp	Central Business Commercial (Liquor Primary)
C7lp/rls	Central Business Commercial (Liquor Primary/Retail Liquor Sales)
C7rcs	Central Business Commercial (Retail Cannabis Sales)
C7lp/rcs	Central Business Commercial (Liquor Primary/Retail Cannabis Sales)
C7rls/rcs	Central Business Commercial (Retail Liquor Sales/Retail Cannabis Sales)
C7lp/rls/rcs	Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)

And replacing it with:

C7	Central Business Commercial
C7rls	Central Business Commercial (Retail Liquor Sales)
C7lp	Central Business Commercial (Liquor Primary)
C7lp/rls	Central Business Commercial (Liquor Primary/Retail Liquor Sales)
C7rcs	Central Business Commercial (Retail Cannabis Sales)
C7lp/rcs	Central Business Commercial (Liquor Primary/Retail Cannabis Sales)
C7rls/rcs	Central Business Commercial (Retail Liquor Sales/Retail Cannabis Sales)
C7lp/rls/rcs	Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)
C7r	Central Business Commercial (Residential Rental Tenure Only)

2. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 2 – Interpretation, 2.3 General Definitions, 2.3.3** be amended by adding the following in its appropriate location:

“**RESIDENTIAL RENTAL TENURE** means occupancy of a **dwelling unit** under a rental agreement that is subject to the Residential Tenancy Act;”

3. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 8 – Parking and Loading, 8.2 Off-Street Parking Regulations - Number of Spaces, 8.2.12 Rental Housing Incentives** be amended by:

Deleting the following:

If a **development** rezones to a sub-rental **zone** guaranteeing the **development** as rental housing, then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an **urban centre** and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an **urban centre**.

And replacing it with:

If a **development** is sub-zoned for **Residential Rental Tenure** guaranteeing the **development** as **Residential Rental Tenure**, then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an **urban centre** and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an **urban centre**.

4. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.8 RM2 – Low Density Row Housing/RM2h – Low Density Housing (Hillside Area)** be amended by adding a sub-rental zone to the end of the title as follows:

“**RM2r – Low Density Row Housing (Residential Rental Tenure Only)**”

5. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.8 RM2 – Low Density Row Housing/RM2h – Low Density Housing (Hillside Area), 13.8.7 Other Regulations** be amended by adding:

“(g) In the RM2r zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure**.”

6. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.9 RM3 – Low Density Multiple Housing** be amended by adding a sub-rental zone to the end of the title as follows:

“**RM3r – Low Density Multiple Housing (Residential Rental Tenure Only)**”

7. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.9 RM3 – Low Density Multiple Housing, 13.9.7 Other Regulations** be amended by adding:

“(e) In the RM3r zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure**.”

8. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.10 RM4 – Transitional Low Density Housing** be amended by adding a sub-rental zone to the end of the title as follows:

“**RM4r – Transitional Low Density Housing (Residential Rental Tenure Only)**”

9. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.10 RM4 – Transitional Low Density Housing, 13.10.7 Other Regulations** be amended by adding:

"(e) In the RM_{4r} zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure**."

10. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.11 RM₅ – Medium Density Multiple Housing** be amended by adding a sub-rental zone to the end of the title as follows:

"RM_{5r} – Medium Density Multiple Housing (Residential Rental Tenure Only)"

11. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.11 RM₅ – Medium Density Multiple Housing, 13.11.7 Other Regulations** be amended by adding:

"(d) In the RM_{5r} zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure**."

12. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.12 RM₆ – High Rise Apartment Housing** be amended by adding a sub-rental zone to the end of the title as follows:

"RM_{6r} – High Rise Apartment Housing (Residential Rental Tenure Only)"

13. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.12 RM₆ – High Rise Apartment Housing, 13.12.7 Other Regulations** be amended by adding:

"(e) In the RM_{6r} zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure**."

14. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 14 – Commercial Zones, 14.4 C₄ – Urban Centre Commercial/ C_{4rls} – Urban Centre Commercial (Retail Liquor Sales) C_{4lp} – Urban Centre Commercial (Liquor Primary) C_{4lp/rls} – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)/ C_{4rcs} – Urban Centre Commercial (Retail Cannabis Sales)/C_{4lp/rcs} – Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)/C_{4rls/rcs} – Urban Centre Commercial (Retail Liquor Sales/Retail Cannabis Sales)/C_{4lp/rls/rcs} – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)** be amended by adding a sub-rental zone to the end of the title as follows:

"C_{4r} – Urban Centre Commercial (Residential Rental Tenure Only)"

15. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 14 – Commercial Zones, 14.4 C₄ – Urban Centre Commercial/ C_{4rls} – Urban Centre Commercial (Retail Liquor Sales) C_{4lp} – Urban Centre Commercial (Liquor Primary) C_{4lp/rls} – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)/ C_{4rcs} – Urban Centre Commercial (Retail Cannabis Sales)/C_{4lp/rcs} – Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)/C_{4rls/rcs} – Urban Centre Commercial (Retail Liquor Sales/Retail Cannabis Sales)/C_{4lp/rls/rcs} – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales), 14.4.6 Other Regulations** be amended by adding:

"(g) In the C_{4r} zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure**."

16. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 14 – Commercial Zones, 14.7 C₇ – Central Business Commercial/C_{7rls} – Central Business Commercial (Retail Liquor Sales) /C_{7lp} – Central Business Commercial (Liquor Primary) /C_{7lp/rls} – Central Business Commercial (Liquor Primary/Retail Liquor Sales)/ C_{7rcs} – Central Business Commercial (Retail Cannabis Sales)/ C_{7lp/rcs} – Central Business Commercial (Liquor Primary/Retail Cannabis Sales)/ C_{7rls/rcs} – Central Business Commercial (Retail Liquor Sales/Retail Cannabis Sales)/ C_{7lp/rls/rcs} – Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)** be amended by adding a sub-rental zone to the end of the title as follows:

"C7r – Central Business Commercial (Residential Rental Tenure Only)"

17. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 14 – Commercial Zones, 14.7 C7 – Central Business Commercial/C7rls – Central Business Commercial (Retail Liquor Sales) /C7lp – Central Business Commercial (Liquor Primary) /C7lp/rls – Central Business Commercial (Liquor Primary/Retail Liquor Sales)/ C7rcs – Central Business Commercial (Retail Cannabis Sales)/ C7lp/rcs – Central Business Commercial (Liquor Primary/Retail Cannabis Sales)/ C7rls/rcs – Central Business Commercial (Retail Liquor Sales/Retail Cannabis Sales)/ C7lp/rls/rcs – Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales), 14.7.7 Other Regulations** be amended by adding:

"(f) In the C7r zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure.**"

18. 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 2nd day of March, 2020.

Considered at a Public Hearing on the 17th day of March, 2020

Read a second and third time by the Municipal Council this 17th day of March, 2020.

Approved under the Transportation Act this 26th day of March, 2020.

Audrie Henry
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: April 6, 2020
To: Council
From: City Manager
Subject: Road Closure – Portion of Dall Road (western corner)
Department: Real Estate

Recommendation:

THAT Council receives, for information, the report from the Manager, Real Estate Services dated April 6, 2020, recommending that Council adopt the proposed closure of a portion of road on the western corner of Dall Road;

AND THAT Bylaw No. 11979, being a proposed road closure of a portion of road at Dall Road (western corner), be given reading consideration.

Purpose:

To close a 184.2 square metre portion of road at Dall Road (western corner).

Background:

The proposed road closure (shown as closed road on the attached Schedule 'A') is for a portion of excess roadway. The road closure area will be consolidated with the newly created Dall Road Reservoir property as part of the Kelowna Integrated Water Project to provide clean drinking water for South East Kelowna.

Internal Circulation:

Legal/Statutory Authority:

Section 26 and 40, Community Charter

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: M. Olson, Manager, Real Estate Services

Approved for inclusion: J. Säufferer, Department Manager, Real Estate

Attachment: Schedule A – Survey Plan – Road Closure Area

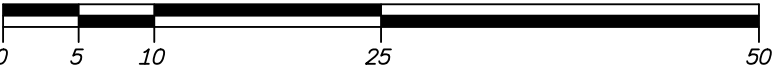
cc: J. Kay, Manager, Development Engineering
G. Foy, Manager, Transportation Engineering
T. Barton, Department Manager, Development Planning
P. Aylard, Senior Project Manager

REFERENCE PLAN TO ACCOMPANY BYLAW NO. 11979 (City of Kelowna)
TO CLOSE A PORTION OF ROAD DEDICATED ON PLAN 6585, SECTION
15, TOWNSHIP 26, OSOYOOS DIVISION YALE DISTRICT

PLAN EPP100243

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT
AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 82E.083



The intended plot size of this plan is 560mm in width by
432mm in height (C size) when plotted at a scale of 1:500
(All distances are in metres)

LEGEND

- Denotes Standard Iron post (Type 5) found
- Denotes Standard Iron post (Type 5) placed
- ▲ Denotes Control Monument found

Integrated Survey Area No. 4, City of Kelowna,
NAD83 (CSRS) 4.0.0.BC.1

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

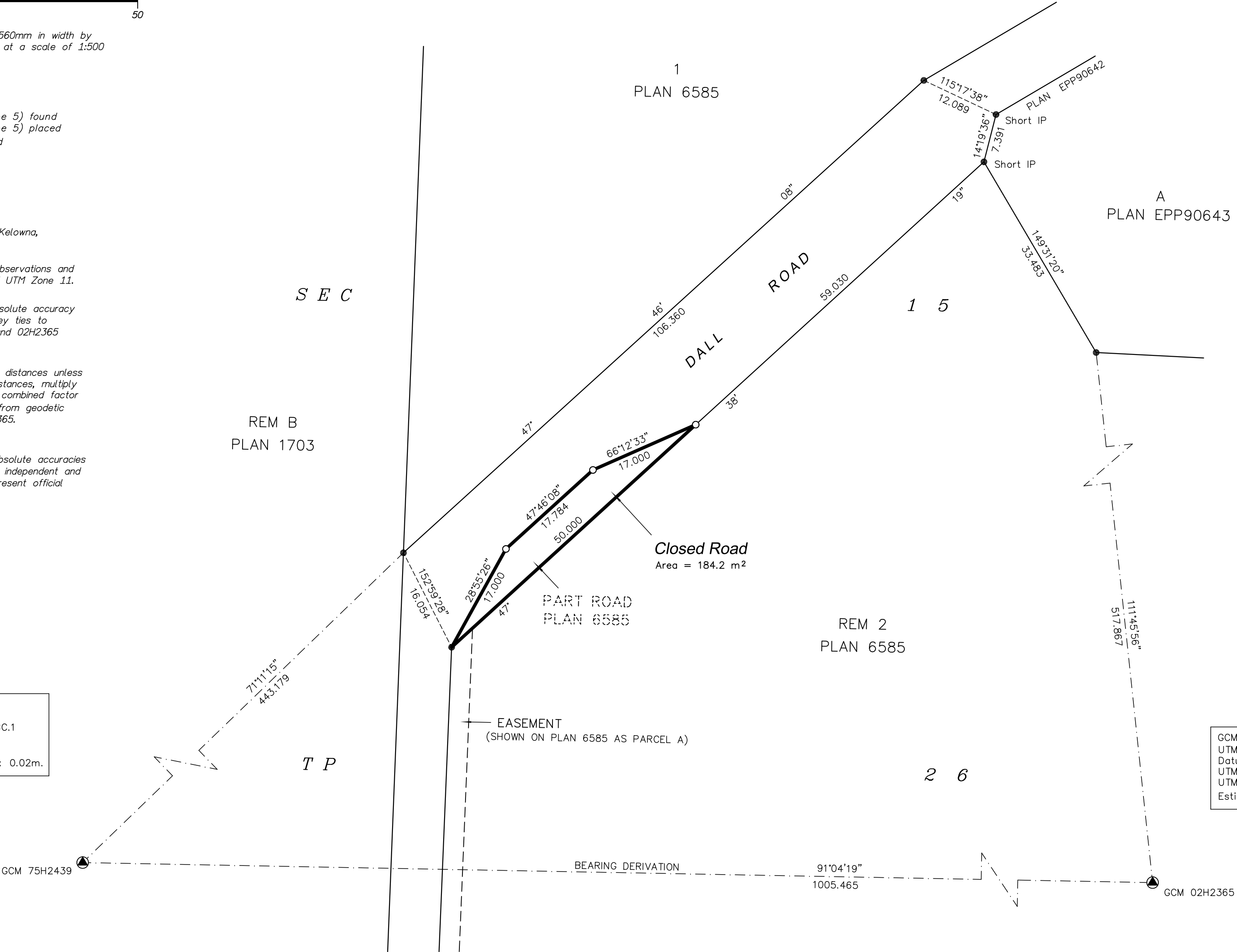
The UTM coordinates and estimated absolute accuracy
are derived from Real-time GNSS survey ties to
geodetic control monuments 75H2439 and 02H2365
from Leica Smartnet station ID 4005.

This plan shows horizontal ground-level distances unless
otherwise specified. To compute grid distances, multiply
ground-level distances by the average combined factor
of 0.9999027 which has been derived from geodetic
control monuments 75H2439 and 02H2365.
CGVD 28 (HTV2.0)

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

GCM 75H2439
UTM Zone 11 coordinates
Datum: NAD83(CSRS) 4.0.0.BC.1
UTM northing: 5525870.137
UTM easting: 325790.330
Estimated Absolute Accuracy: 0.02m.

GCM 02H2365
UTM Zone 11 coordinates
Datum: NAD83(CSRS) 4.0.0.BC.1
UTM northing: 5525851.327
UTM easting: 326795.520
Estimated Absolute Accuracy: 0.02m.



RUNNALLS DENBY

british columbia land surveyors

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

DWG. No.: 14978 ROAD CLOSURE 2 FILE: 14978

This plan lies within the Regional District of Central Okanagan.

The field survey represented by this plan was completed on
the 29th day of January, 2020.
Robert T. Macdonald, BCLS 873

CITY OF KELOWNA

BYLAW NO. 11979

Road Closure and Removal of Highway Dedication Bylaw **(Portion of Dall Road, West Corner)**

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 Dall Road, West Corner

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 184.2m² shown in bold black as Closed Road on the Reference Plan EPP100243 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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Bylaw No. 11979 - Page 2

Schedule "A"

