

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, May 11, 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-video feed is being broadcast and recorded on kelowna.ca and a delayed broadcast is shown on Shaw Cable.

#### 2. Confirmation of Minutes

3 - 7

PM Meeting - May 4, 2020

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

##### 3.1 Fitzgerald Rd 3496 A20-0002 - Paramjot Baines

8 - 32

To support an application to the Agricultural Land Commission for a non-adhering residential use permit to temporarily allow for 2 dwellings to be constructed on land within the ALC which would facilitate the construction of a new dwelling, while allowing the applicant to remain in an existing house during the construction period.

##### 3.2 Bach Rd 125, Z20-0024 (BL12033) - Robert G. Johnston and Deborah M. Johnston

33 - 49

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to allow the conversion of an existing detached garage to a carriage house.

##### 3.3 Bach Rd 125, BL12033 (Z20-0024) - Robert G. Johnston and Deborah M. Johnston

50 - 50

To give Bylaw No. 12033 first reading.

##### 3.4 Supplemental Report - Ponto Rd 290 - Z19-0063 - 1135072 BC Ltd and Pelican Properties Ltd.- Correspondence Received RTC

51 - 52

To receive a summary of correspondence for Rezoning Bylaw No. 12021 and to give the bylaw further reading consideration.

3.5	<b>Ponto 290, BL12021 (Z19-0063), 1135072 B.C. Ltd, Inc. No. BC1135072</b>	53 - 53
	To give Bylaw No. 12021 second and third reading.	
4.	<b>Bylaws for Adoption (Development Related)</b>	
4.1	<b>Fordham Rd 4628 BL12006 (Z20-0005) - Jason Witt</b>	54 - 54
	To adopt Bylaw No. 12006	
5.	<b>Non-Development Reports &amp; Related Bylaws</b>	
5.1	<b>Q1 2020 Building and Development Statistics</b>	55 - 69
	This report updates Council on Building and Development Statistics from Q1 2020.	
5.2	<b>Sarsons Beach Park</b>	70 - 98
	This report addresses the proposed improvements to Sarsons Beach Park, and concerns raised by local residents regarding the removal of the existing park fence and gate.	
5.3	<b>Development Approval Process Options</b>	99 - 113
	To consider options for development approval processes for development variance permits and public hearing items.	
6.	<b>Mayor and Councillor Items</b>	
7.	<b>Termination</b>	



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, May 4, 2020  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Mohini Singh and Luke Stack

Members Participating Remotely Councillors Charlie Hodge, Brad Sieben\* and Loyal Wooldridge

Members Absent Councillor Ryan Donn

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Director, Planning & Development Services, Ryan Smith\*; Community Planning & Development Manager, Dean Strachan\*; Planner Specialist, Wesley Miles\*; Divisional Director, Financial Services, Genelle Davidson\*; Financial Planning Manager, Melanie Antunes\*; Divisional Director, Infrastructure, Alan Newcombe\*; Risk Manager, Lance Kayfish\*; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:30 p.m.

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

### 2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Given

**R0324/20/05/04** THAT the Minutes of the Regular Meetings of April 27, 2020 be confirmed as circulated.

**Carried**

Councillor Sieben joined the meeting at 1:31 p.m.

### 3. Development Application Reports & Related Bylaws

#### 3.1 TA20-0014 Amendment to Fencing Regulations

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed text amendment and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

**R0325/20/05/04** THAT Council receives, for information, the report from the Development Planning Department dated May 4, 2020, with respect to Fencing Requirements;

AND THAT Zoning Bylaw Text Amendment Application No. TA20-0014 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Attachment 'A' in the report from the Development Planning Department dated April 27, 2020 be considered by Council;

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

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

**Carried**

### **3.2 BL12030 (TA20-0014) - Amendment to Fencing Regulations**

Moved By Councillor Given/Seconded By Councillor Singh

**R0326/20/05/04** THAT Bylaw No. 12030 be read a first time.

**Carried**

### **3.3 Academy Way, South of - Vint Road - (OCP20-0009) (Z19-0056) - Whitfield Hall Developments Inc., Inc. No. A0096060**

Staff:

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

Moved By Councillor Given/Seconded By Councillor Stack

**R0327/20/05/04** THAT Official Community Plan Map Amendment Application No. OCP20-0009 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for portions of Lot C, Section 3, Township 23, ODYD, Plan EPP33993, Except Plan EPP66986 located at (S OF) Academy Way, Kelowna, BC from the S2RESH – Single / Two Family Residential Hillside to the MRL – Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the Report from the Development Planning Department dated May 4<sup>th</sup>, 2020 be considered by Council;

THAT Rezoning Application No. Z19-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Lot C, Section 3, Township 23, ODYD, Plan EPP33993, Except Plan EPP66986 located at (S OF) Academy Way, Kelowna, BC from the RU1h – Large Lot Housing (Hillside Area) to RM2h – Low Density Row Housing (Hillside Area), as shown on Map "B" attached to the Report from the Development Planning Department dated May 4<sup>th</sup>, 2020 be considered by Council;

AND THAT the Official Community Plan Amendment and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;



AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated May 4<sup>th</sup>, 2020;

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

**Carried**

**3.4 Academy Way, BL12031 (OCP20-0009) - Whitfield Hall Developments Inc., Inc No. A0096060**

Moved By Councillor Singh/Seconded By Councillor Given

**R0328/20/05/04** THAT Bylaw No. 12031 be read a first time;

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

**Carried**

**3.5 Academy Way, BL12032 (Z19-0056) - Whitfield Hall Developments Inc., Inc No. A0096060**

Moved By Councillor Singh/Seconded By Councillor Given

**R0329/20/05/04** THAT Bylaw No. 12032 be read a first time.

**Carried**

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

**4.1 2020 Financial Plan - Final Budget**

City Manager:

- Made opening remarks regarding the approach to achieve the final budget.

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed 2020 Financial Budget amendments and responded to questions from Council.

Councillor Wooldridge experienced video connection issues and retained an audio connection with the meeting from 2:25 p.m. onwards.

Moved By Councillor Stack/Seconded By Councillor Hodge

**R0330/20/05/04** THAT Council adopts the 2020-2024 Financial Plan;

AND THAT Council approves the formulation of 2020 Property Tax Rates that will raise the required funds in 2020, from General Taxation, in the amount of \$148,846,715, resulting in an average net property owner impact of 2.05 per cent;

AND THAT Bylaw No. 12011 being the 2020-2024 Five Year Financial Plan, 2020 be advanced for reading consideration;

AND THAT Bylaw No. 12012 being the Tax Structure Bylaw, 2020 be advanced for reading consideration;

AND THAT Bylaw No. 12013 being the Annual Tax Rates Bylaw, 2020 be advanced for reading consideration;

AND THAT Bylaw No. 12014 being the DCC Reserve Fund Expenditure Bylaw, 2020 be advanced for reading consideration;

AND FUTHER THAT Bylaw No. 12015 being the Sale of City Owned Land Reserve Fund Expenditure Bylaw, 2020 be advanced for reading consideration.

Carried  
Councillor Sieben - Opposed

#### **4.2 BL12011 - Five Year Financial Plan Bylaw 2020-2024**

Moved By Councillor Stack/Seconded By Councillor DeHart

R0331/20/05/04 THAT Bylaw No. 12011 be read a first, second and third time and be adopted.

Carried

#### **4.3 BL12012 - Tax Structure Bylaw, 2020**

Moved By Councillor DeHart/Seconded By Councillor Stack

R0332/20/05/04 THAT Bylaw No. 12012 be read a first, second and third time and be adopted

Carried

#### **4.4 BL12013 - Annual Tax Rate Bylaw, 2020**

Moved By Councillor Stack/Seconded By Councillor DeHart

R0333/20/05/04 THAT Bylaw No. 12013 be read a first, second and third time and be adopted

Carried

#### **4.5 BL12014 - Development Cost Charge Reserve Fund Expenditure Bylaw, 2020**

Moved By Councillor Dehart/Seconded By Councillor Stack

R0334/20/05/04 THAT Bylaw No. 12014 be read a first, second and third time and be adopted

Carried

#### **4.6 BL12015 - Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2020**

Moved By Councillor Stack/Seconded By Councillor DeHart

R0335/20/05/04 THAT Bylaw No. 12015 be read a first, second and third time and be adopted

Carried

#### **4.7 Essential Services Aid Agreement for Water Providers**

Staff:

- Provided an overview of the Water Supply Essential Services Agreement.

Moved By Councillor DeHart/Seconded By Councillor Given

R0336/20/05/04 THAT Council receive, for information, the report from the Risk Management Department dated May 4, 2020, regarding the Kelowna Water Supply Essential Services Agreement;

AND THAT Council approve the Kelowna Water Supply Essential Services Agreement and authorize the Mayor and Clerk to execute this agreement on behalf of the City of Kelowna.

**Carried**

## 5. Mayor and Councillor Items

Councillor Hodge:

- Encouraged the public to respect physical distancing while grocery shopping.

Councillor Sieben:

- Raised concerns with the ability of businesses in our community to survive and that they need our advocacy and support.

Councillor Wooldridge:

- Raised concerns with business operations while maintaining social distancing.

Councillor Stack:

- Commented on how much larger the COVID-19 impact has been in Ontario and Quebec and acknowledged Provincial leadership that has resulted in a much lower number of COVID-19 cases in B.C.

Councillor DeHart:

- Encouraged Kelowna citizens to support and buy local.

## 6. Termination

This meeting was declared terminated at 2:58 p.m.

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

/acm



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

# REPORT TO COUNCIL



**Date:** May 11<sup>th</sup>, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department (TC)

**Application:** A20-0002

**Owner:** Paramjot Bains

**Address:** 3496 Fitzgerald Rd

**Applicant:** Paramjot Bains

**Subject:** Application to the ALC for Non-Adhering Residential Use Permit

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

**Existing Zone:** A1 – Agriculture 1

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## 1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A20-0002 for the West ½ of Lot 5 Section 10 Township 26 ODYD Plan 355, located at 3496 Fitzgerald Road, Kelowna, BC for a Non-Adhering Residential Use Permit in the Agricultural Land Reserve pursuant to Section 20.1 of the Agricultural Land Commission Act, be supported by Council;

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

## 2.0 Purpose

To support an application to the Agricultural Land Commission for a non-adhering residential use permit to temporarily allow for 2 dwellings to be constructed on land within the ALC which would facilitate the construction of a new dwelling, while allowing the applicant to remain in an existing house during the construction period.

## 3.0 Development Planning

Development Planning staff support the non-adhering residential use permit application. This application is to allow for the construction of a new principal dwelling in addition to an existing dwelling to remain on the property until construction of the new dwelling is complete. The proposal would temporarily allow for 2 dwellings on the subject site. The Agricultural Land Commission Act states that land within the ALR may have no more than one residence per parcel unless an owner applies to the commission for permission for a non-adhering residential use permit.

Following completion of construction, the existing residence will be decommissioned and will be used for storage and act as a fruit stand. The existing house is too small for the family but will act as an important building for their farming operations. Both buildings will remain in a contiguous residential footprint to maximize the total farmable area, as well as limiting the footprint of residential uses. The subject property is being actively farmed by the owner and is an active cherry farm, with several varieties. Development Planning staff do not anticipate any neighbourhood concerns with the support of this non-adhering residential use permit.

#### **4.0 Proposal**

##### **4.1 Background**

The subject property is 13.87 acres (5.6ha) property, where four different varieties of cherries (Skeena, Sweetheart, Staccato, Centennial) are grown. The property is located within the Southeast Kelowna Sector and access through an easement off Fitzgerald Road. The orchard was originally growing apples and was previously owned by the applicant's father. The property is now owned and farmed by the applicant.

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

A preliminary site plan and house plan have been provided in support of the application ('Attachment A'). The proposed principal dwelling will be built to stay within the maximum 500m<sup>2</sup> size. The family has owned the property since 1979, and the existing house is no longer adequate to house the family due to the age of the structure and the size. The dwelling will be multi-generational, housing four generations on site and is no longer large enough. A detailed description has been provided in the attached ALC Applicant Submission ('Attachment B').

The owner is applying for a non-adhering residential use permit, because they wish to remain in the house throughout the duration of the construction of the new dwelling. The existing dwelling will be decommissioned and turned into a storage facility and fruit stand.

The existing house was built in 1910 and provides heritage value to the subject property and community. Many of the old farmhouses in Southeast Kelowna have been demolished. The bottom floor will be converted into storage where farm equipment, chemicals, tools and a cold storage area. The owners currently do not have adequate storage for their farm and have never built the appropriate accessory buildings to house their farming equipment. The conversion will not only help with storage, but it will also help with safety, as they have been victims of theft in the past. The top floor will be converted into a storage room, office, gift shop, stock room and fruit and vegetable display area. The applicant has been in the area for 40+ years and is confident that there is a market for a fruit stand in the area, as the closest shop/fruit stand for cherry pickers is at KLO Supermarket more than 2km away.

There will be appropriate signage along Pooley Road and at the end of the driveway to help locals, guests and tourists find the fruit stand. With the conversion of the existing dwelling into storage, two onsite trailers will be able to be removed, which will allow the owners to cultivate the land and plant an additional 60-70 cherry trees.

##### **4.3 Site Context**

The subject property lies within the Southeast Kelowna City sector. The surrounding area is predominantly agricultural lands within the Agricultural Land Reserve. Most of the properties in the neighbourhood are zoned A1 – Agriculture 1, while there are a few pockets of Rural Residential as well.

Specifically, adjacent land uses are as follows:



Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1 / RR2 – Rural Residential 2	Agriculture / Rural Residential
West	A1 – Agriculture 1	Agriculture

**Subject Property Map:** 3496 Fitzgerald Rd



## 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.

### 5.2 Agricultural Land Commission Act (ALCA)

Residential use of agricultural land – Section 20.1

(1) Unless permitted under section 20.2, 25 or 45 or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:

(a) the agricultural land may have no more than one residence per parcel;

(2) an owner may apply (a) to the commission for permission under section 25 for a non-adhering residential use

## **6.o Application Chronology**

Date of Application Received: February 13<sup>th</sup>, 2020

Date Public Consultation Completed: N/A

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** Alex Kondor, Acting Agricultural Manager

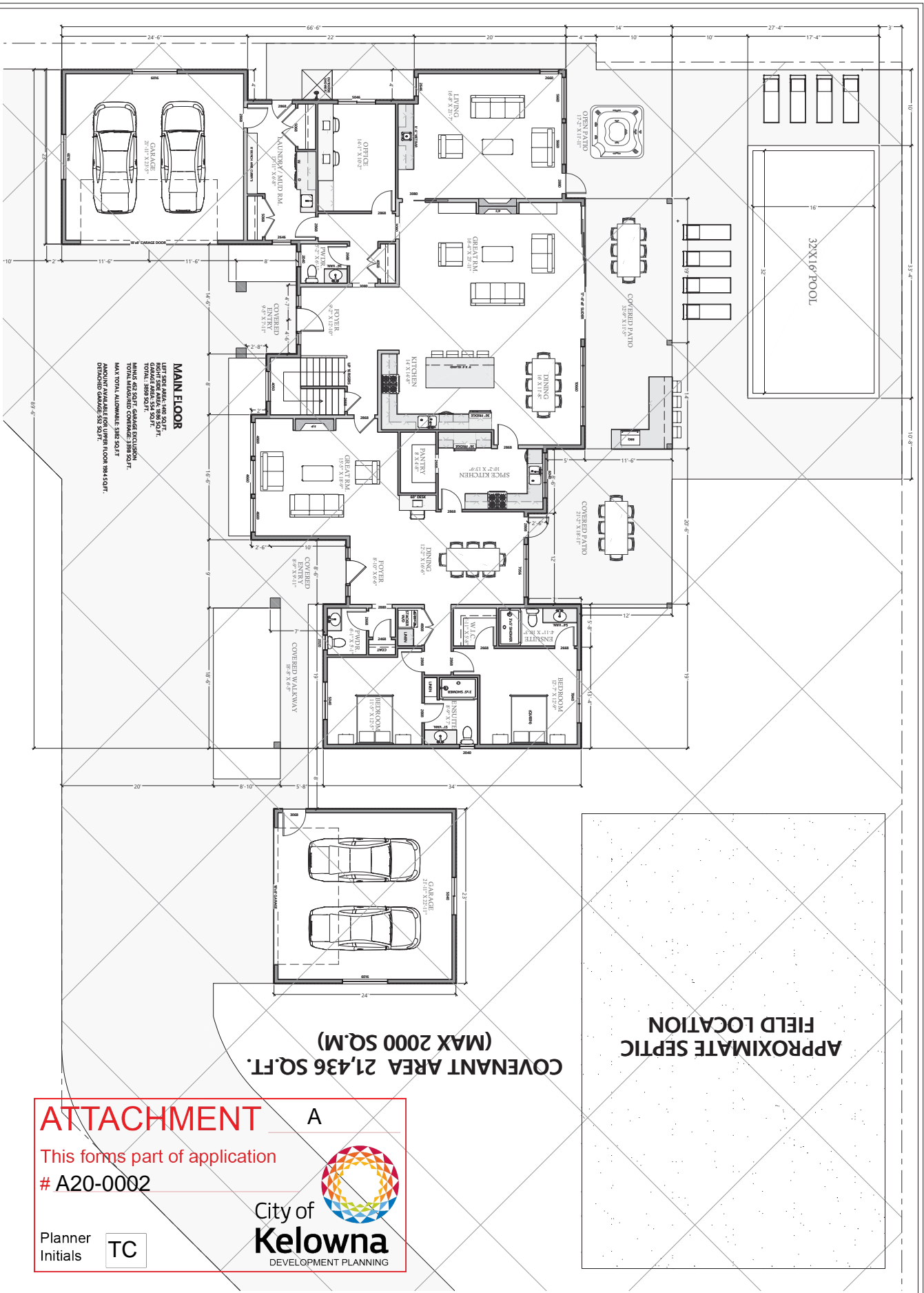
**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Attachment A: Conceptual House Plans

Attachment B: Non-Adhering Residential Use – ALC Application





# ATTACHMENT

A

This forms part of application  
 # A20-0002

Planner  
 Initials TC

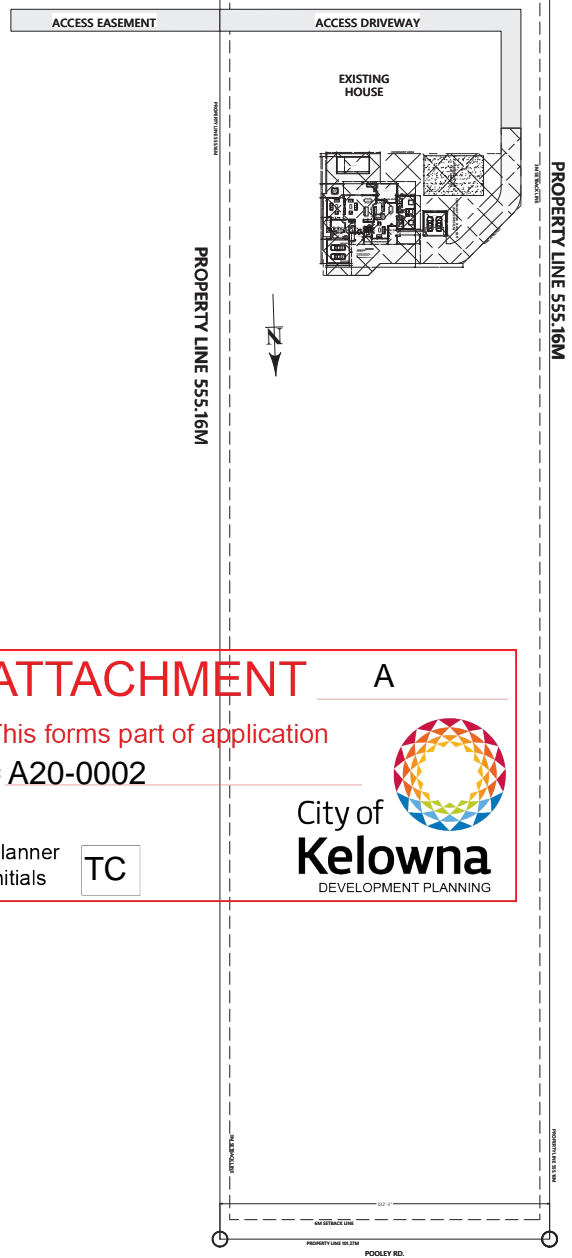


DATE: 2020-04-07	PROJECT TITLE: 3496 FITZGERALD RD.	ISSUED PLANS: NO. DESCRIPTION BY DATE	R-tistry Home Design design@rtistryhomedesign.com PH: 250-469-1641	RT
SCALE: 3/16" = 1'				
SHEET: 2/4				

FITZGERALD RD.



FITZGERALD RD.



# ATTACHMENT

A

This forms part of application  
# A20-0002

Planner Initials TC



SHEET:  
**3/4**

DATE:

SCALE:

2020-04-07

PROJECT TITLE:

3496 FITZGERALD RD.

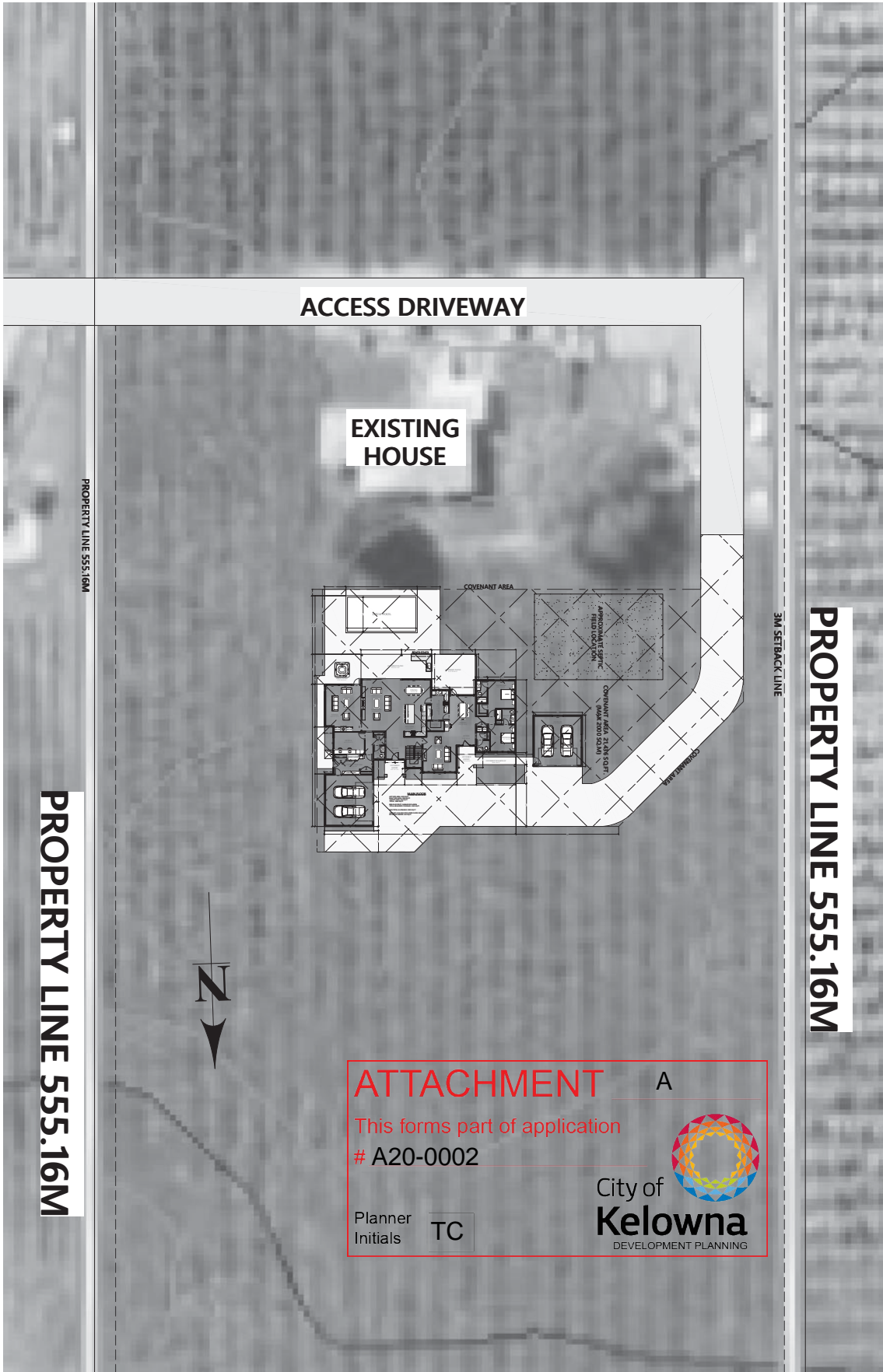
## ISSUED PLANS:

NO.	DESCRIPTION	BY	DATE

*R-tistry Home Design*  
design@rtistryhomedesign.com  
PH: 250-469-1641







**ATTACHMENT A**

This forms part of application  
# A20-0002

Planner Initials **TC**

City of Kelowna  
DEVELOPMENT PLANNING





# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 60408

**Application Status:** Under LG Review

**Applicant:** Paramjot Bains

**Local Government:** City of Kelowna

**Local Government Date of Receipt:** 02/05/2020

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

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

**Proposal:** As our current dwelling (historic old farm house) is far too small, impractical and virtually inadequate for our current family, our proposal is to build a new house at the north end of our farm, set back from Pooley Road. This house will meet the residential footprint allowed by the current ALC rules (we plan to stay within the 2000 square meter residential footprint).

We propose that we be granted the appropriate building permit to proceed with the construction of our new house, while still living in our current dwelling. The reasons for this are multifactorial - to save money, to save my baby from an unnecessary move (we have already moved to Kelowna from another city 6 months ago), to allow my elderly grandmother with Parkinson's disease and early dementia the comfort of staying in her own home, and to allow us to be close to our building project.

At the end of the build, we will happily move into our new home, and are agreeable to having our farm house decommissioned. However, we would ask that it not be torn down for several reasons - it is a historic property, we will have use for it for farm equipment storage, and as a site to sell our own fruit and vegetables during the summer months (seasonal fruit stand). We will not require cooking facilities for such activities.

I am happy to pay a bond and sign a covenant that states that me and my family will continue to reside in our current home until our new house is finished, and I would agree to it being decommissioned once we move into the new house.

**Mailing Address:**

3496 Fitzgerald Rd

Kelowna, BC

V1W 4G7

Canada

**Primary Phone:** (250) 899-6885

**Mobile Phone:** (250) 861-1148

**Email:** mizzbains@gmail.com

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 008-554-013

**Legal Description:** THE W 1/2 OF L 5 SEC 10 TP 26 OSOYOOS DIVISION YALE DISTRICT  
PL 355

**Parcel Area:** 5.6 ha



**Civic Address:** 3496 Fitzgerald Rd, Kelowna, BC, V1W 4G7  
**Date of Purchase:** 12/20/2013  
**Farm Classification:** Yes  
**Owners**

1. **Name:** Paramjot Bains  
**Address:**  
3496 Fitzgerald Rd  
Kelowna, BC  
V1W 4G7  
Canada  
**Phone:** (250) 899-6885  
**Cell:** (250) 861-1148  
**Email:** mizzbains@gmail.com
- 

<b>ATTACHMENT</b>		<b>B</b>
This forms part of application # A20-0002		
Planner Initials	TC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

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

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

*We have a total of 13.87 acres, including our current farm house, which is only an approximately 1000 sq foot footprint. There is only outdoor space for farm machinery at the moment.*

*In terms of farm use, we have approximately 13 acres of cherries, 4 different varieties (Skeena, Sweetheart, Staccato, Centennial).*

*Our season starts in the early winter with winter pruning, followed by minor thinning of the buds in the spring. This is followed by a multitude of sprays throughout the spring and early summer, followed by cherry harvest (picking) in July and August. It is a very busy 7 or 8 months, but also very fruitful.*

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

*This orchard previously grew apples, and was previously owned by my father. The apple trees at the back of the farm house (approximately 9 acres) were pulled out in 2003, and cherry trees (varieties: Skeena, Sweetheart and Staccato) were planted. The apples trees in front of the farm house were pulled out in 2010, and cherry trees (variety: Centennial) were subsequently planted.*

*The cherry crop has been much more lucrative for us than the apple crop ever was. The Centennial crop is the most lucrative. We have continued to follow advice from our field person every season regarding sprays, fertilizers, etc., and our fruit has been of very high quality for the last 4 seasons. As a result, we have been able to take part in an international cherry export program.*

*We have updated most of our farm machinery and equipment, as per industry standard, to ensure each activity in the season runs smoothly and we are following all of the latest guidelines. This includes a new tractor, sprayer, blower (to blow rainwater off cherries), pruning sheers, ladders, new plastic buckets, and bins.*

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

*Our current farm house, which was built in 1910, and historically moved to this site from another site in 1952. It was extended in 1966. Despite this, the footprint of the house is only 1000-1100 square feet.*

*Currently, the farm house houses me, my 16-month-old son, my husband, my mother, my father, and my elderly grandmother with Parkinson's disease. The basement is semi-finished. The garage (ground level of house) stores much of our smaller equipment, including buckets, pruning sheers, smaller farm equipment.*

*There is parking for our personal cars, as well as our farm machinery at the front of the house. We also have a large vegetable garden at the side of the farm house, where a yard would normally be.*

## **Adjacent Land Uses**

### **North**

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

### **East**

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

### **South**

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

### **West**

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

## **Proposal**

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

*As our current dwelling (historic old farm house) is far too small, impractical and virtually inadequate for our current family, our proposal is to build a new house at the north end of our farm, set back from Pooley Road. This house will meet the residential footprint allowed by the current ALC rules (we plan to stay within the 2000 square meter residential footprint).*

*We propose that we be granted the appropriate building permit to proceed with the construction of our new house, while still living in our current dwelling. The reasons for this are multifactorial - to save money, to save my baby from an unnecessary move (we have already moved to Kelowna from another city 6 months ago), to allow my elderly grandmother with Parkinson's disease and early dementia the comfort of staying in her own home, and to allow us to be close to our building project.*

*At the end of the build, we will happily move into our new home, and are agreeable to having our farm house decommissioned. However, we would ask that it not be torn down for several reasons - it is a historic property, we will have use for it for farm equipment storage, and as a site to sell our own fruit and vegetables during the summer months (seasonal fruit stand). We will not require cooking facilities for such activities.*

*I am happy to pay a bond and sign a covenant that states that me and my family will continue to reside in our current home until our new house is finished, and I would agree to it being decommissioned once we move into the new house.*

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

*Currently, there is no agri-tourism on the property. We would like to be able to sell our own fruit locally at this site, so that might bring some local tourists in the future.*

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

*2000 m<sup>2</sup>*

<b>ATTACHMENT</b>		<b>B</b>
This forms part of application # A20-0002		
Planner Initials	TC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING



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

6

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

*The reason for behind building the house at the north end of the orchard, off of Pooley Road is to minimize the amount of trees that we will have to pull out, as our cherry crop is very important, our livelihood and the source of most of our income. The cherry variety at the north end of the orchard (Skeena) is the least lucrative, and the most susceptible to damage by rain (splitting). We hope to replant any amount of trees pulled around our existing farm house. We have also been told by local city officials that it is preferred that new houses are built off of the main road (and not in the middle of the farm) in an effort to decrease pesticide exposure to our family, especially my 16-month-old son.*

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

*Currently, there is one residential farm house located on the property, with a 1000-1100 square foot footprint (approximately 1900 sq ft total, including downstairs garage and unfinished basement).*

*The farm house is occupied by me and my family - my husband, my 16-month-old son, my mother, my father, and my elderly grandmother with Parkinson's disease and early dementia.*

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

*Currently, there is no agri-tourism located at this property. In future, if we are able to sell our own fruit by the site, we may be able to attract local tourists.*

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

*This proposal supports agriculture both in the short term and the long term. Cherry farming is my family's livelihood and main source of income. By being able to build a bigger house to house our family, it will be a more sustainable process for us to be involved in both in the short term and in the future. We have no intention of cutting down more trees than necessary. We only want to cut down our least lucrative trees, most susceptible to damage. We plan to replant cherry trees around our current dwelling, preferably of a higher quality variety.*

*By being able to keep our current residential dwelling on site (and not being forced to tear it down), would mean better storage for our farm equipment and a potential site for us to sell our own fruit locally, which we have been craving. This would contribute to the growth of the fruit industry in the Okanagan.*

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

*We propose building a new house house that will meet the residential footprint allowed by the current ALC rules (we plan to stay within the 2000 square meter residential footprint). This would mean potentially cutting down 0.2 hectares of our current orchard. However, we want to minimize the amount of trees we cut, and hope to incorporate some of them into the landscape of the new house.*

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

No

**Applicant Attachments**

- Proposal Sketch - 60408
- Certificate of Title - 008-554-013

**ALC Attachments**





# A20-0002

# 3496 Fitzgerald Road

ALC Application



# Proposal

- ▶ To support an application to the Agricultural Land Commission for a non-adhering residential use permit application to allow the construction of a new dwelling, while allowing the applicant to remain in the existing house.

# Development Process

Feb 13, 2020

Development Application Submitted



Staff Review & Circulation



May 11, 2020

Council Consideration



Council  
Approvals



ALC Consideration



Building Permit

# Context Map

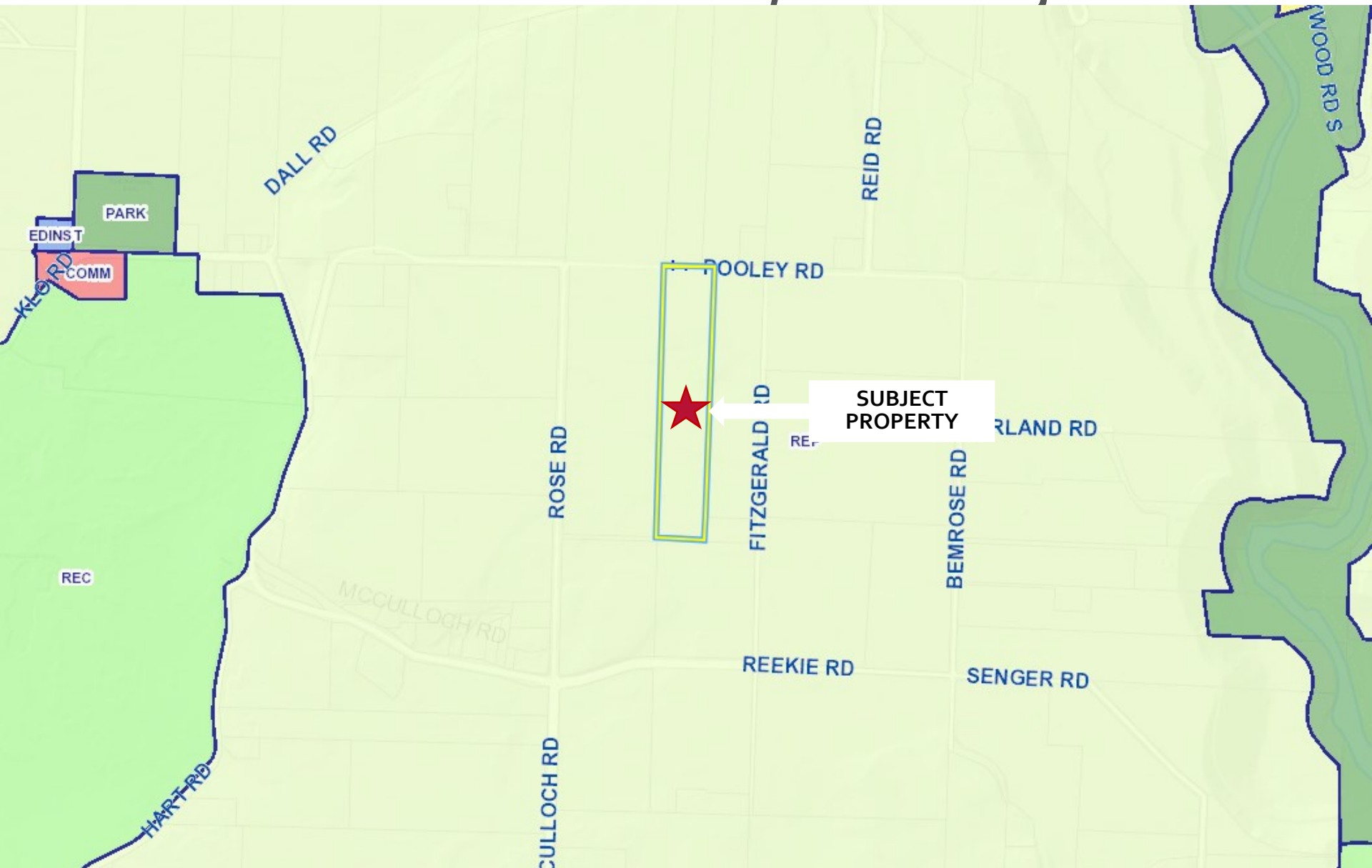


City of Kelowna

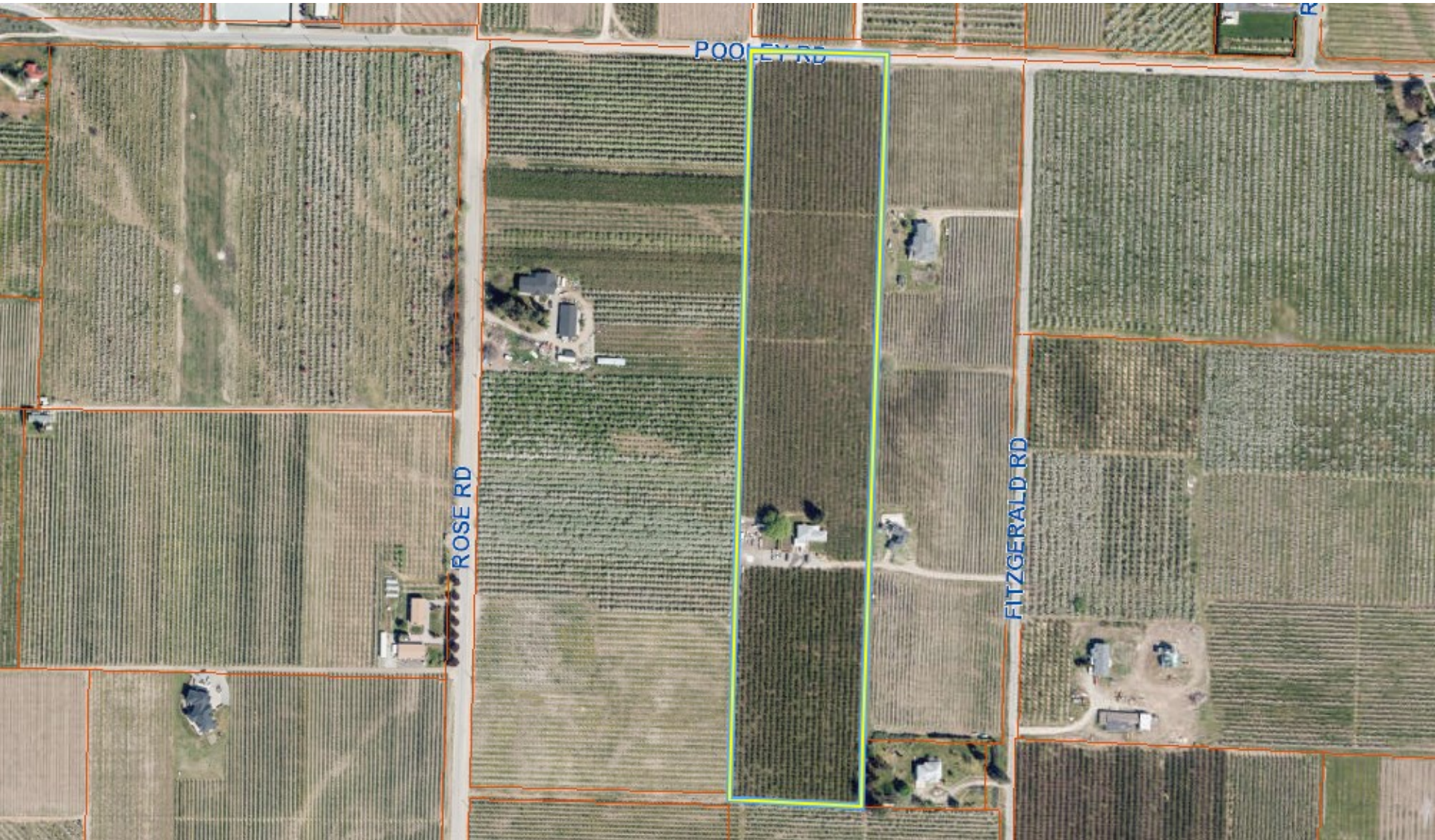




# OCP Future Land Use / Zoning



# Subject Property Map

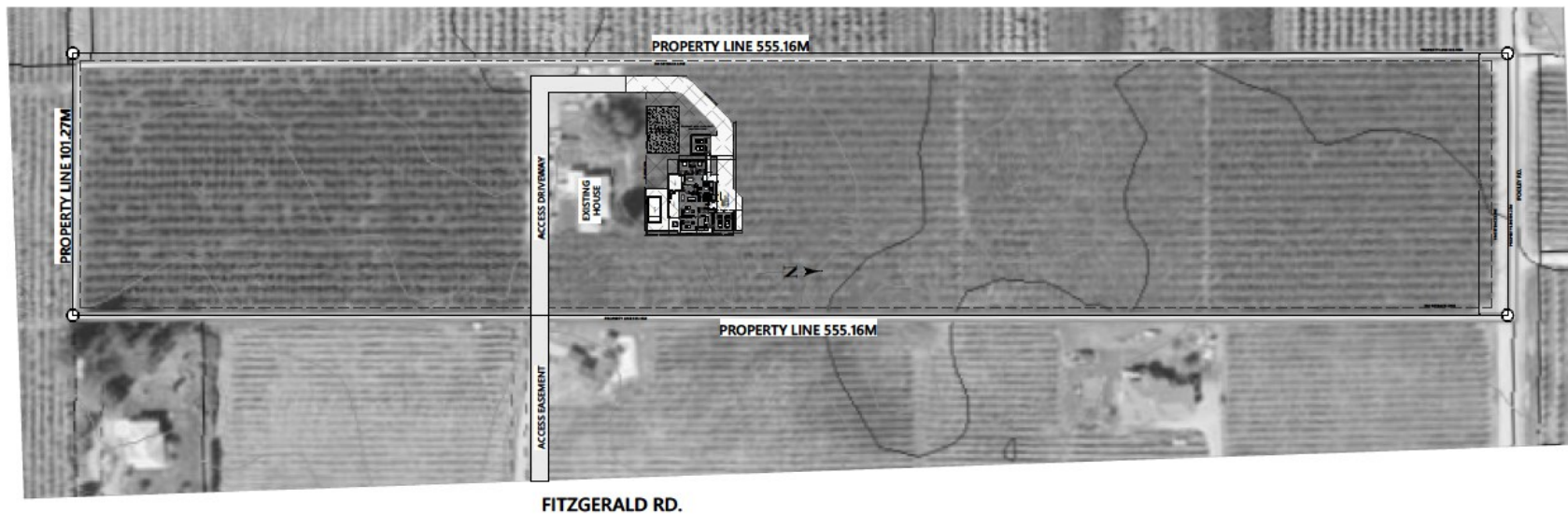
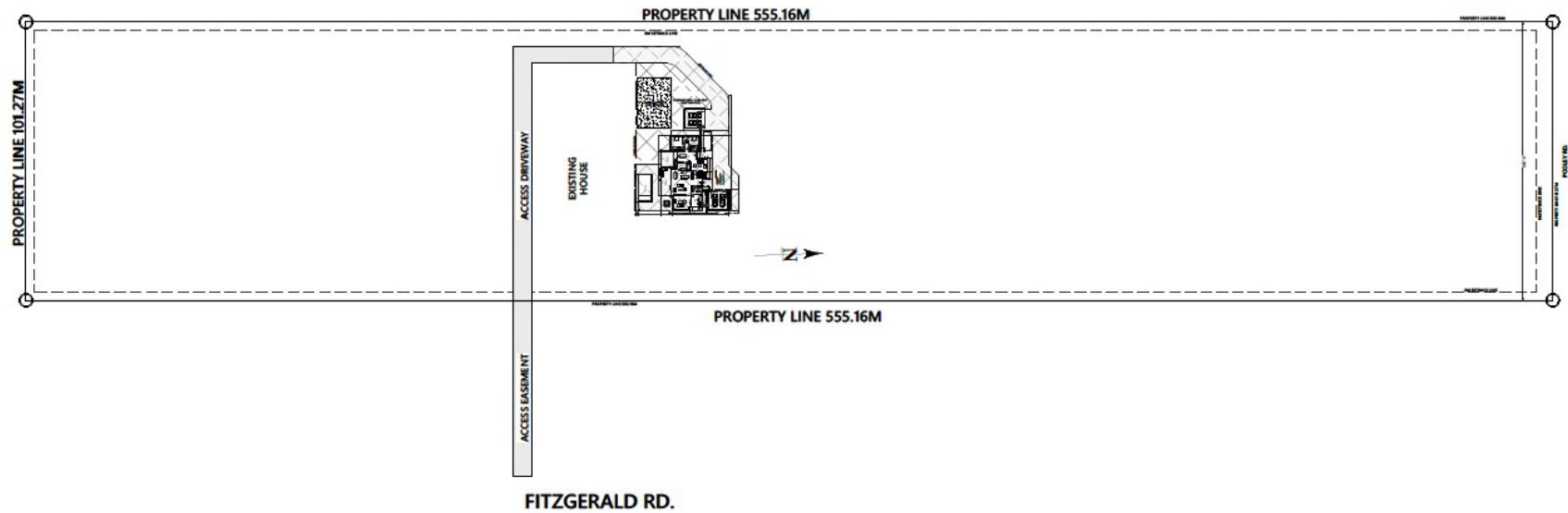




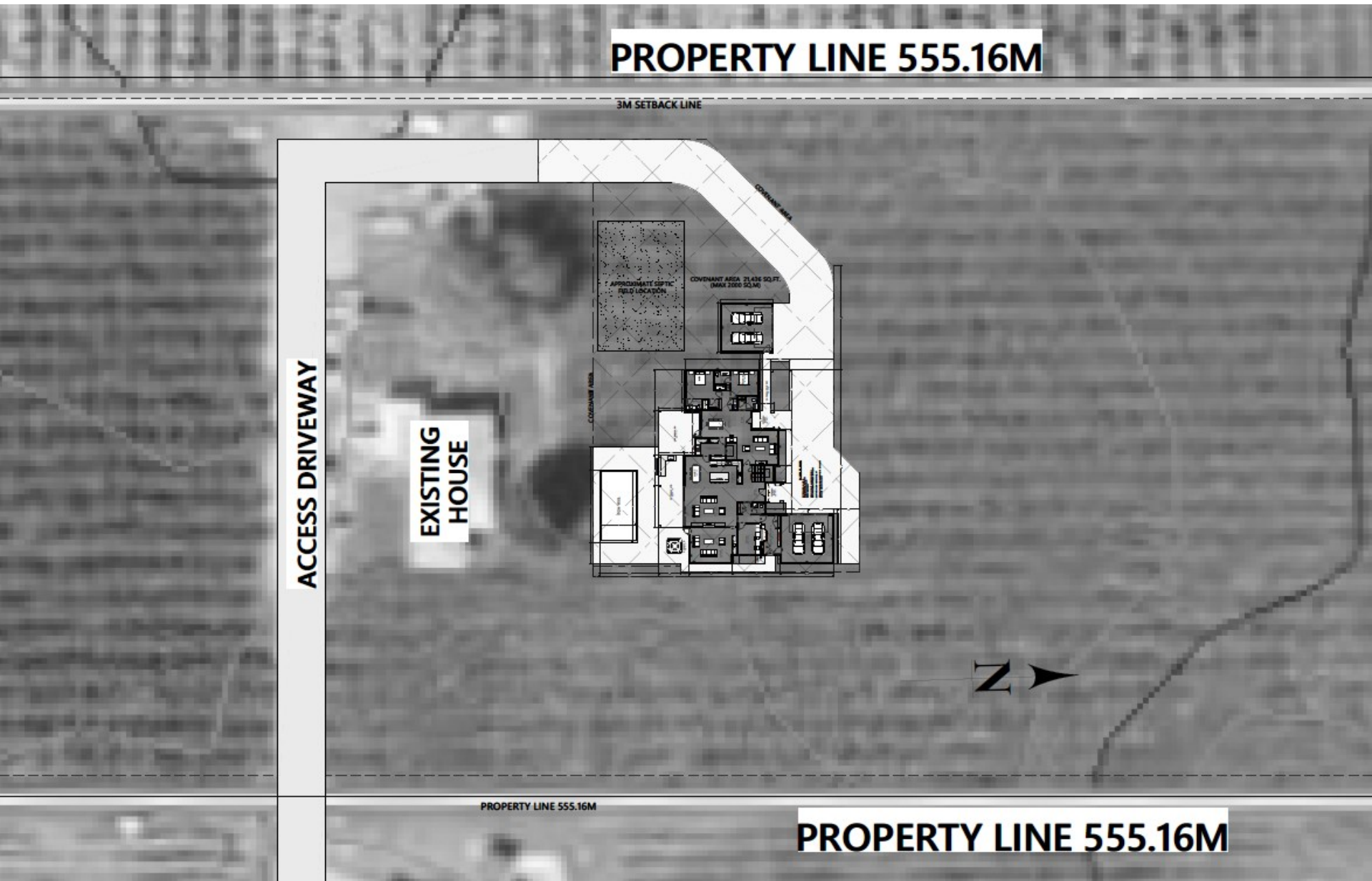
# Project/technical details

- ▶ Applicant wants to remain in existing house while new house is built.
  - ▶ New dwelling will be within the maximum 500m<sup>2</sup> residential area.
- ▶ The existing dwelling will be decommissioned and turned into a fruit stand and storage facility.

# Site Plan



# Site Plan





# Development Policy

- ▶ OCP - Chapter 5: Development Process
  - ▶ Objective 5.33 Protect and enhance local agriculture
    - ▶ Policy 5.33.1 - Protect Agricultural Land.
  
- ▶ Agricultural Land Commission Act (ALCA)
  - ▶ Residential use of agricultural land – Section 20.1
    - ▶ (1) Unless permitted under section 20.2, 25 or 45 or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:
      - ▶ (a) the agricultural land may have no more than one residence per parcel;
    - ▶ (2) an owner may apply (a) to the commission for permission under section 25 for a non-adhering residential use

# Staff Recommendation

- ▶ Staff recommend **support** of the proposed Non-Adhering Residential Use application.
  - ▶ Property is being actively farmed by applicant.
  - ▶ Only one home will remain occupied by the family.
- ▶ Recommend the Bylaw be forwarded to ALC for consideration



## *Conclusion of Staff Remarks*

# REPORT TO COUNCIL



**Date:** May 11, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z20-0024

**Owner:** Robert G. Johnston & Deborah  
M. Johnston

**Address:** 125 Bach Road

**Applicant:** Robert G. Johnston

**Subject:** Rezoning Application

**Existing OCP Designation:** MRL – Multiple Unit Residential Low Density

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

**Proposed Zone:** RU1c – Large Lot Housing with Carriage House

---

## 1.0 Recommendation

THAT Rezoning Application No. Z20-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 26 Township 26 ODYD Plan 19679, located at 125 Bach Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

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

## 2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to allow the conversion of an existing detached garage to a carriage house.

## 3.0 Development Planning

Development Planning supports the application to rezone the subject property to RU1c – Large Lot Housing with Carriage house to allow for the conversion of an existing detached garage to a carriage house.

The lot has a future land use designation of MRL – Multiple Unit Residential Low Density, and the proposed zone is beneath the intensity of this future land use designation. However, the property is outside the Rutland Urban Centre and there is little opportunity at present for the lot to be consolidated with either the lot to the west or that to the south for a larger development.

As the conversion of an existing building, the proposed carriage house is sensitive to the context of the neighbourhood, and thus is consistent with the OCP's Policy of Sensitive Infill.

Finally, the existing detached garage adheres to all development regulations for carriage houses, and the application will not require any variances.

#### **4.0 Proposal**

##### **4.1 Background**

The existing detached garage to be converted to a carriage house was built in 2011 and has a valid Building Permit (BP40110).

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

The applicant proposes to rezone the subject property to RU1c – Large Lot Housing with Carriage to allow the conversion of an existing detached garage to a carriage house. The existing detached garage adheres to all development regulations for carriage houses, and the application will not require any variances.

##### **4.3 Site Context**

The subject property is in the Rutland Sector just outside the Rutland Urban Centre and across the street from Rutland Middle School and Rutland Senior School.

Specifically, adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	C4 – Urban Centre Commercial	Mixed Use Bldg. (Under Construction)
East	RU1 – Large Lot Housing	Single Family Housing
South	RU1 – Large Lot Housing	Single Family Housing
West	RU1 – Large Lot Housing	Single Family Housing



**Subject Property Map: 125 Bach Rd.**



**5.0 Current Development Policies**

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

**Chapter 5: Development Process**

Objective 5.3 Focus development to designated growth areas.

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

Objective 5.22 Ensure context sensitive housing development.

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

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- See Schedule A

## 7.0 Application Chronology

Date of Application Received: March 6, 2020

Date Public Consultation Completed: April 19, 2020

**Report prepared by:** Aaron Thibeault, Planner II

**Reviewed by:** James Moore, Acting Development Planning Manager

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

### **Attachments:**

Schedule A: Development Engineering Memo

---

# CITY OF KELOWNA

## MEMORANDUM

**Date:** March 10, 2020  
**File No.:** Z20-0024  
**To:** Community Planning Services (AT)  
**From:** Development Engineering Manager (JK)  
**Subject:** 125 Bach Rd

### SCHEDULE

**A**

This forms part of application  
# Z20-0024

Planner  
Initials

AT

City of  
**Kelowna**  
COMMUNITY PLANNING



RU1 to RU1c

Carriage House

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject lot from RU1 to RU1c to allow an existing garage to be converted to a carriage house. The utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

- a) The subject lot is within the Black Mountain Irrigation District (BMID) water supply area. The Developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection(s) and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the Developer.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service (c/w inspection chamber). The service will be adequate for this application. The inspection chamber is to be completed with Brooks Box as per SS-S9 (Bylaw 7900 - Schedule 5 – Part 2a).

3. Development Permit and Site Related Issues

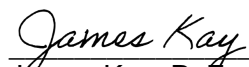
Roof drains are to be directed to splash pads.

4. Offsite Requirements

The existing ~6.0 m driveway access is to be maintained. No additional accesses will be permitted.

5. Electric Power and Telecommunication Services

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

  
James Kay, P. Eng.  
Development Engineering Manager

JKH



# Z20-0024

# 125 Bach Road

Rezoning Application





# Proposal

- ▶ To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to allow the conversion of an existing detached garage to a carriage house.

# Development Process

March 6, 2020

Development Application Submitted



Staff Review & Circulation



April 19, 2020

Public Notification Received



May 11, 2020

Initial Consideration



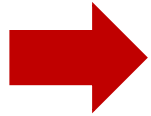
Public Hearing  
Second & Third Readings



Final Reading  
DP & Variances

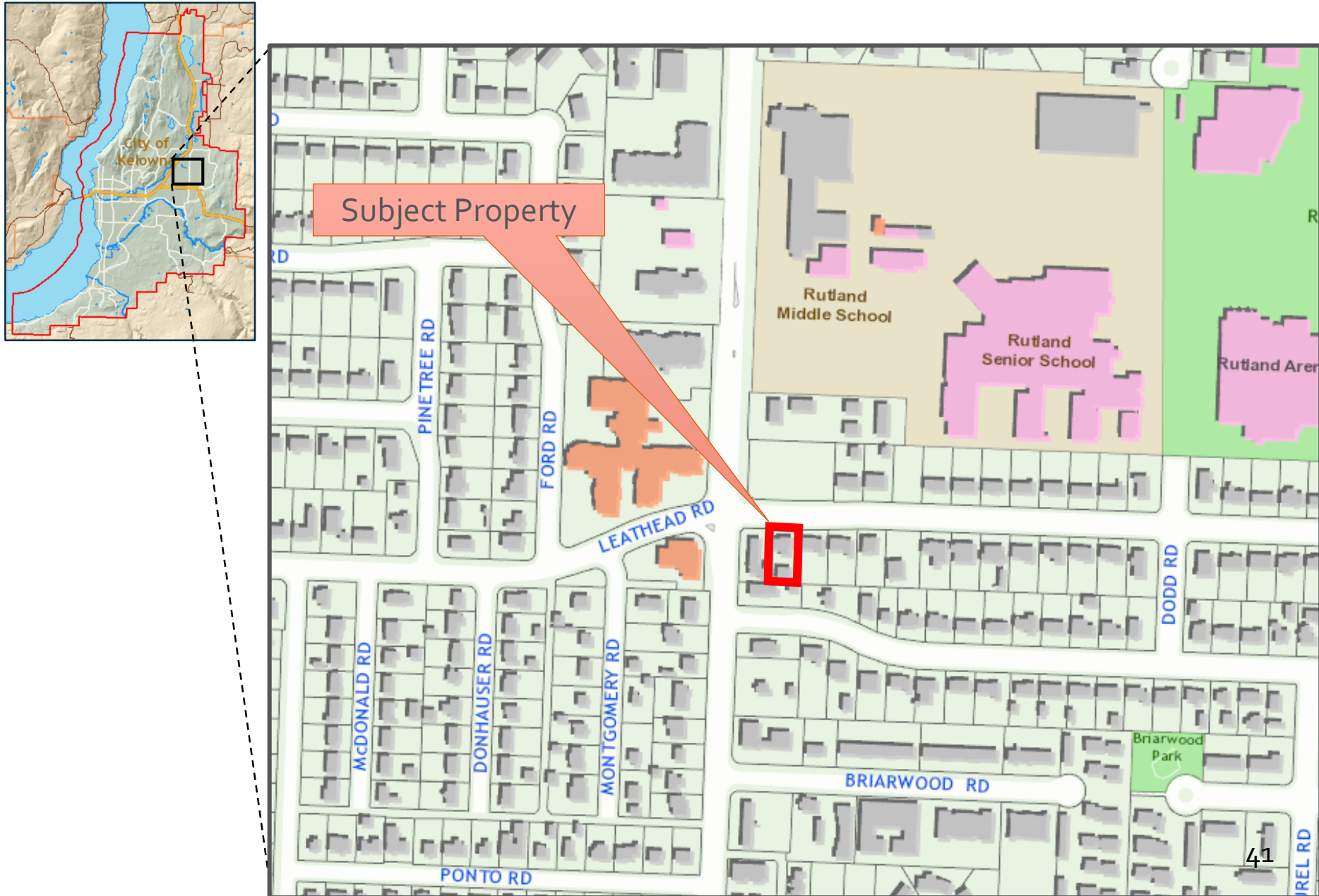


Building Permit

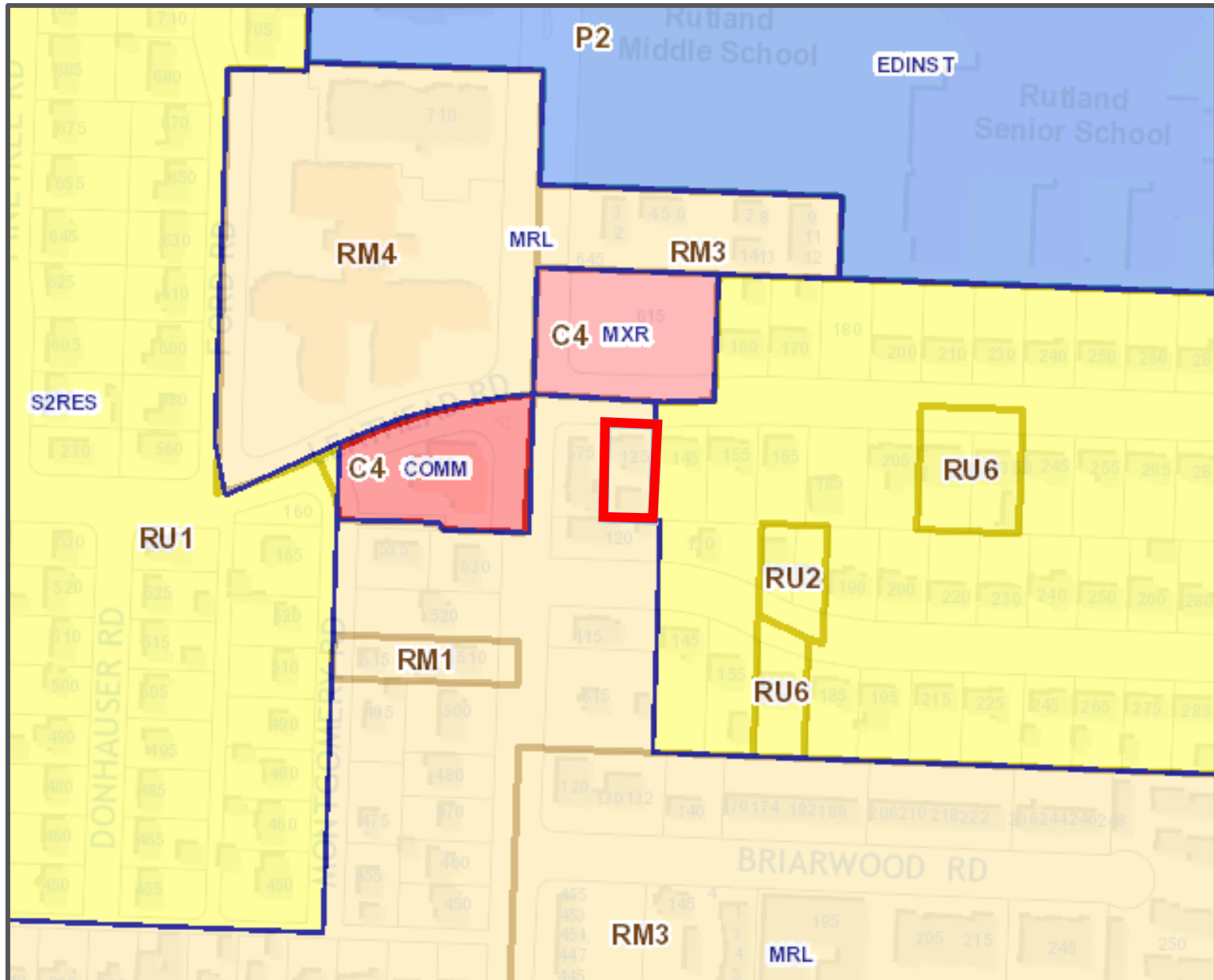


Council  
Approvals

# Context Map



# OCP Future Land Use / Zoning



# Subject Property Map

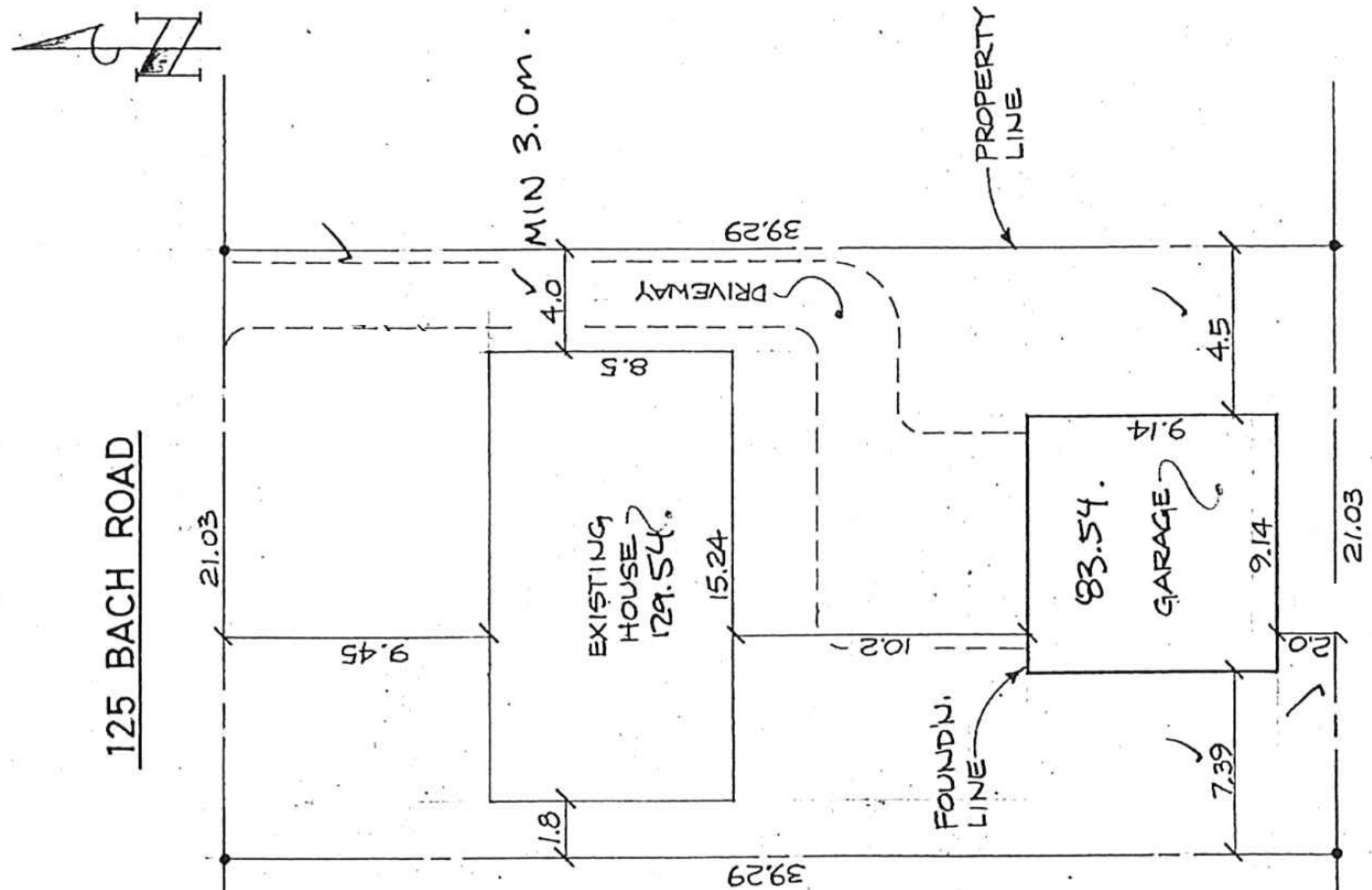




# Project/technical details

- ▶ The applicant proposes to rezone the subject property to RU1c – Large Lot Housing with Carriage to allow the conversion of an existing detached garage to a carriage house.
- ▶ The existing detached garage adheres to all development regulations for carriage houses, and the application will not require any variances.

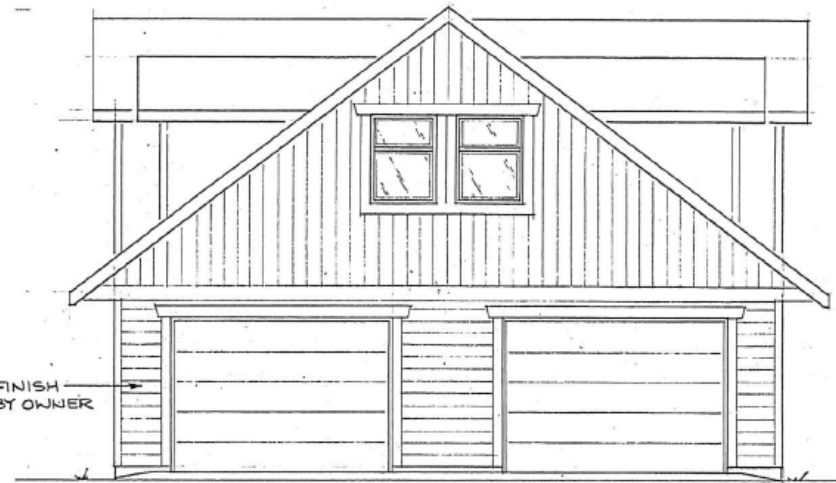
# Site Plan



# Elevations

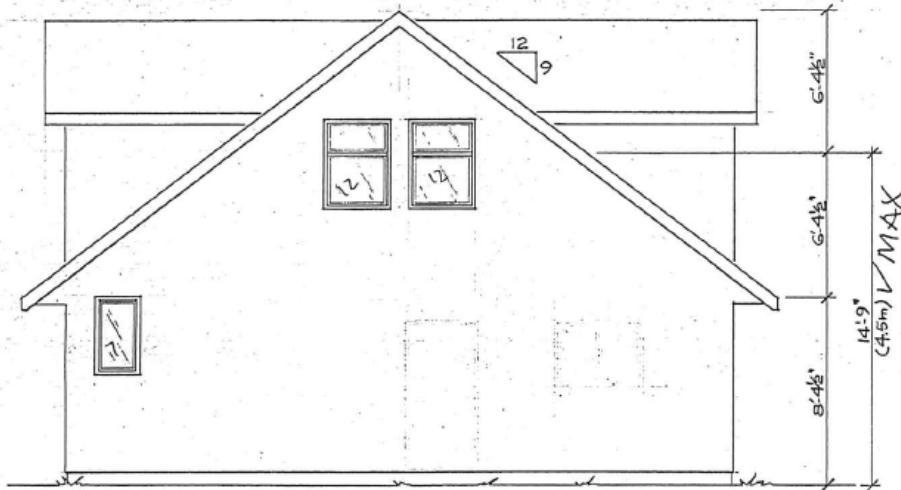


LEFT ELEVATION

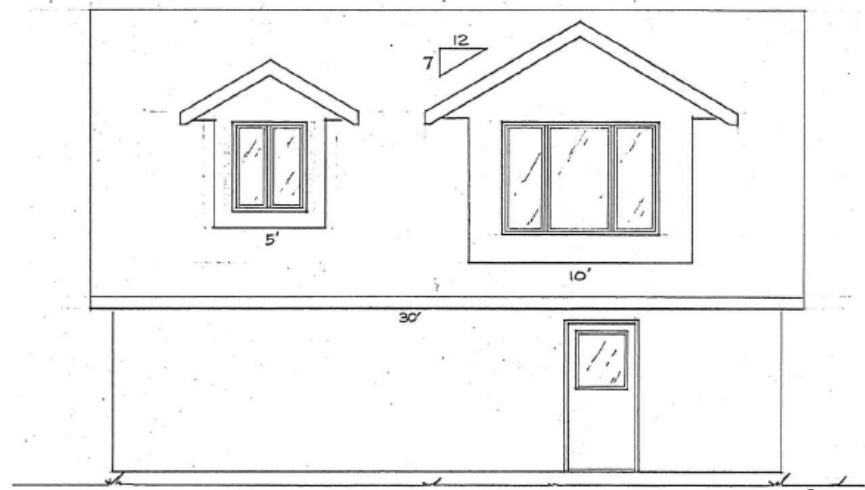


FRONT ELEVATION

SCALE:  $\frac{1}{4}" = 1'-0"$



REAR ELEVATION



RIGHT ELEVATION

# Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
  - ▶ Within Permanent Growth Boundary
  - ▶ Sensitive Infill
  - ▶ Carriage Houses and Accessory Apartments

# Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate the conversion of an accessory building to a carriage house
  - ▶ Meets the intent of the Official Community Plan
    - ▶ Compact urban form that uses existing infrastructure
    - ▶ Context sensitive additional density
- ▶ Recommend the Public Hearing be waived.





## *Conclusion of Staff Remarks*

**CITY OF KELOWNA**  
**BYLAW NO. 12033**  
**Z20-0024 – 125 Bach Road**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 Section 26 Township 26 ODYD Plan 19679, located on Bach Road, Kelowna, BC from the RU1 – Large Lot Housing zone to RU1c – Large Lot Housing with Carriage House zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing Waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# Report to Council



**Date:** May 11, 2020

**To:** Council

**From:** City Manager

**Subject:** Rezoning Bylaw No. 12021 for Z19-0063 Summary of Correspondence

**Department:** Office of the City Clerk

---

## **Recommendation:**

THAT Council receives, for information, the report from the Office of the City Clerk dated May 11, 2020 with respect to the summary of correspondence received for Rezoning Bylaw No. 12021;

AND THAT Rezoning Bylaw No. 12021 be forwarded for further reading consideration.

## **Purpose:**

To receive a summary of correspondence for Rezoning Bylaw No. 12021 and to give the bylaw further reading consideration.

## **Background:**

At the March 23, 2020 Council Meeting, Council passed a resolution directing staff to recommend that Council waive the Public Hearing for rezoning applications if they are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received. This resolution is in effect until May 31, 2020 or until the Government of British Columbia lifts orders restricting the gatherings of people, whichever is later.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

**Discussion:**

Rezoning Application Z19-0063 for 290 Ponto Road was brought forward to Council for initial consideration on April 20, 2020. At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between April 22, 2020 and May 4, 2020.

The Office of the City Clerk received zero pieces of correspondence during this period.

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

**Conclusion:**

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12021, located at 290 Ponto Road, further reading consideration.

**Internal Circulation:****Considerations applicable to this report:*****Legal/Statutory Authority:***

*Local Government Act s. 464(2)*

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

Following the notification period under sec. 467 of the *Local Government Act*, Council may choose to give a bylaw further reading consideration, advance the bylaw to a Public Hearing, or defeat the bylaw. These are the same options available to Council for a bylaw that is considered at a Public Hearing.

**Considerations not applicable to this report:*****Existing Policy:******Financial/Budgetary Considerations:******External Agency/Public Comments:******Communications Comments:***

Submitted by:

R. Van Huizen, Legislative Technician

**Approved for inclusion:** S. Fleming, City Clerk

cc:

Development Planning



**CITY OF KELOWNA**  
**BYLAW NO. 12021**  
**Z19-0063 – 290 Ponto Road**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 14 Section 26 Township 26 ODYD Plan 4414 located at Ponto Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 20<sup>th</sup> day of April, 2020.

Public Hearing Waived by the Municipal Council this 20<sup>th</sup> day of April, 2020.

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 12006**  
**Z20-0005 - 4628 Fordham Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 357, SDYD, Plan 19646 located at Fordham Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 23<sup>rd</sup> day of March, 2020.

Public Hearing Waived by the Municipal Council this 23<sup>rd</sup> day of March, 2020.

Read a second and third time by the Municipal Council this 27<sup>th</sup> day of April, 2020.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# Report to Council



**Date:** May 4, 2020  
**To:** Council  
**From:** City Manager  
**Subject:** 2020 Q1 Planning and Development Statistics  
**Department:** Planning and Development Services

---

## **Recommendation:**

THAT Council receive for information the report from the Divisional Director of Planning and Development Services dated May 11, 2020 with information relating to Q1 Planning and Development Statistics.

## **Purpose:**

This report updates Council on Building and Development Statistics from Q1 2020.

## **Background:**

In order to keep Council current with local development and construction trends, the Divisional Director of Planning and Development Services will endeavor to bring quarterly reports forward for Council's information. As the structure of this report continues to develop, the goal is to improve the connection between Council's consideration of development applications on a weekly basis and the larger picture of housing goals in the Official Community Plan.

## **Discussion:**

### **Planning Application Intake Statistics – Q1 2020**

A record number of development applications were submitted in the first quarter of 2020. Although the City's Development Planning department has been experiencing higher than average development application volumes for the last 4-5 years, this Q1 volume is attributed to the Development Cost Charge increase that was implemented in February of 2020. The application intake statistics for the final quarter of 2019 were similarly high for the same reason. Council should expect to see these applications begin to translate into busier Council agendas in the weeks/months ahead. The total volume will be somewhat reduced by the delegation of authorities for Development Permits and waived Public Hearings for OCP compliant rezoning applications. Depending on the development conditions late in

2020 and early 2021, these applications may lead to higher than average Building Permit values and housing starts.



Chart 1

#### Building and Permitting Statistics Q1 - 2020

The Building and Permitting Department notes a Q1 reduction in construction value of just over 50%; however, this is in comparison to 2019 where Building Permits for several very large Commercial, Industrial and Multi-Family projects were permitted. While this number is below the 5-year trend (as shown in Chart 3); the number of permits issued is only down 19% over the same Q1 period from last year. Permitting activity remains relatively high although the value of construction being permitted has dropped. The next section will dig into this trend further.

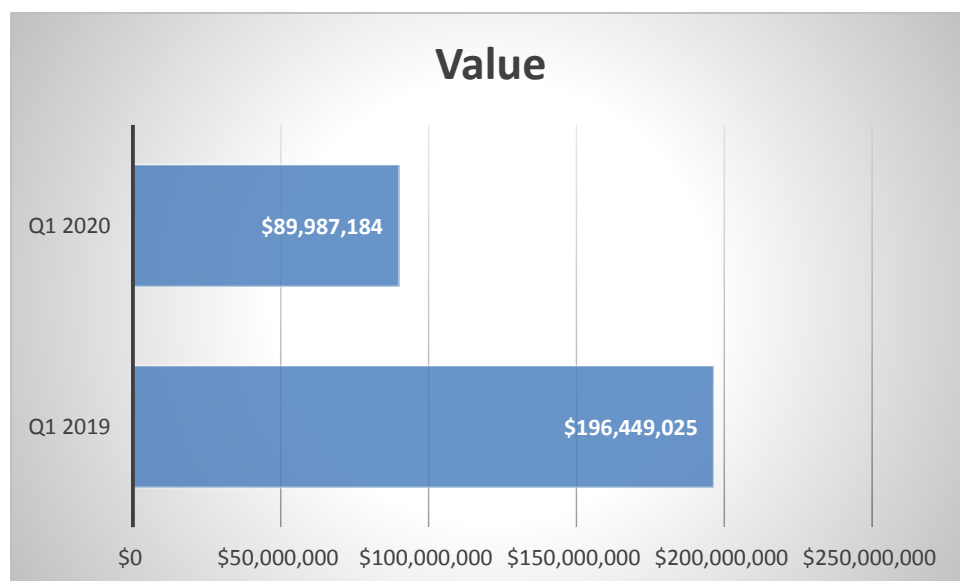


Chart 2

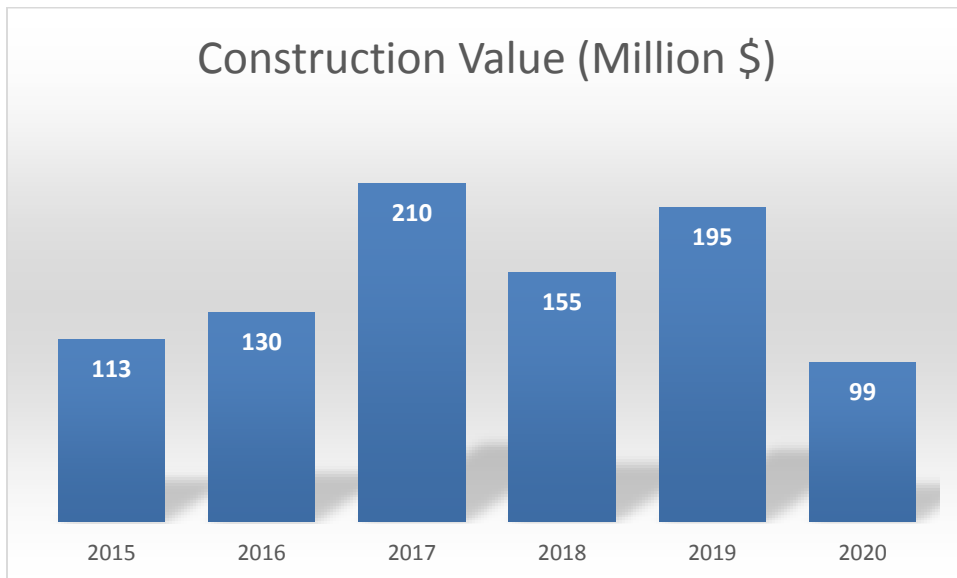


Chart 3

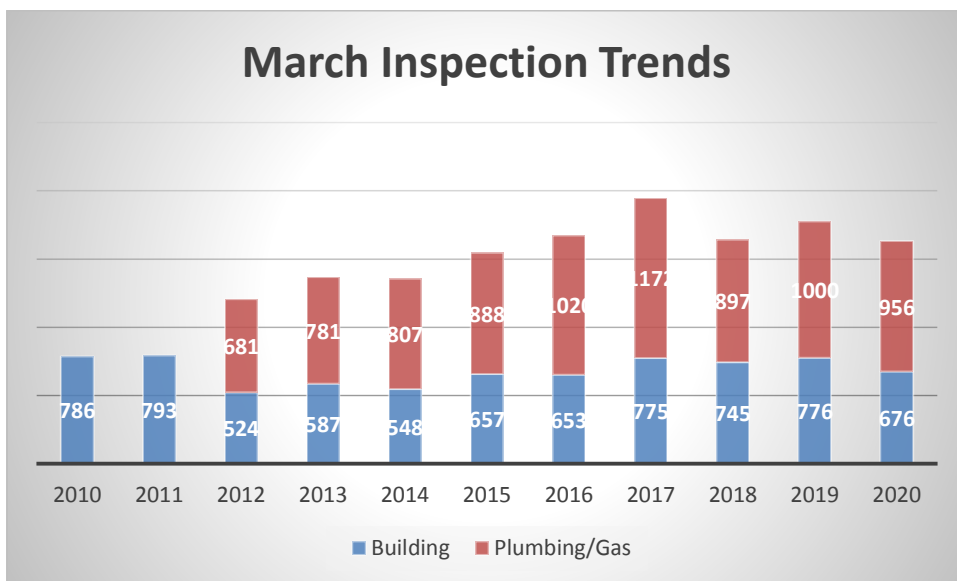


Chart 4

Chart 4 shows that the City's Building Inspections team remained very busy in March with inspections of the many projects around the City that are at all stages of the construction process. Developers and contractors have implemented measures to allow construction projects to move forward rather than putting a hold on construction mid-build.



## Housing Type and Volumes

Housing starts which are often quite strong in March were a bit less than half of their normal volume. The drop in this area is directly related to the impacts of COVID-19. The drop in multi-family starts shows that those developers doing larger scale projects chose to hold off on starting those projects while single family project which generally represent a lower risk investments proceeded. The second graph reinforces this by showing that 91% of the Q1 housing starts were single family which is well above the 5 year average of 41% for this period.

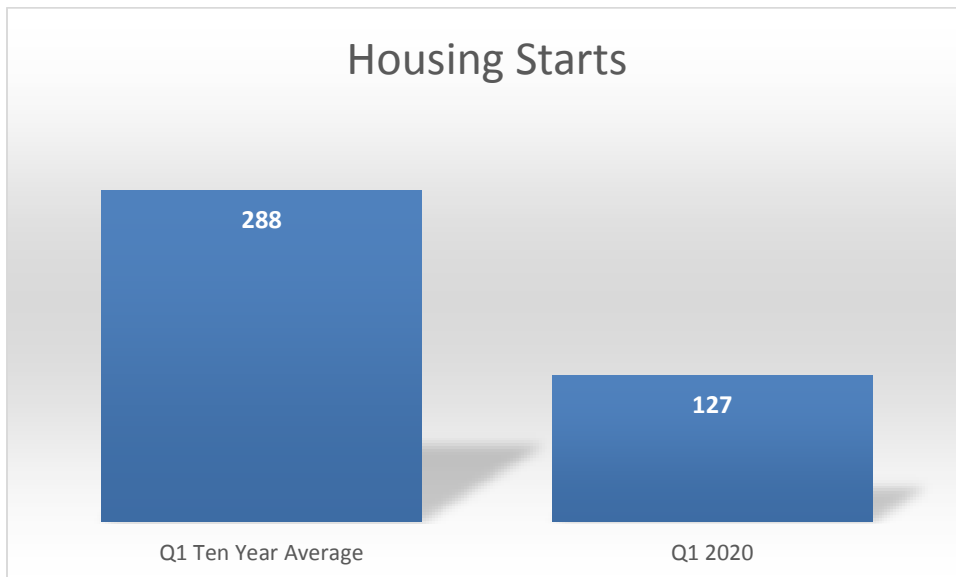


Chart 5

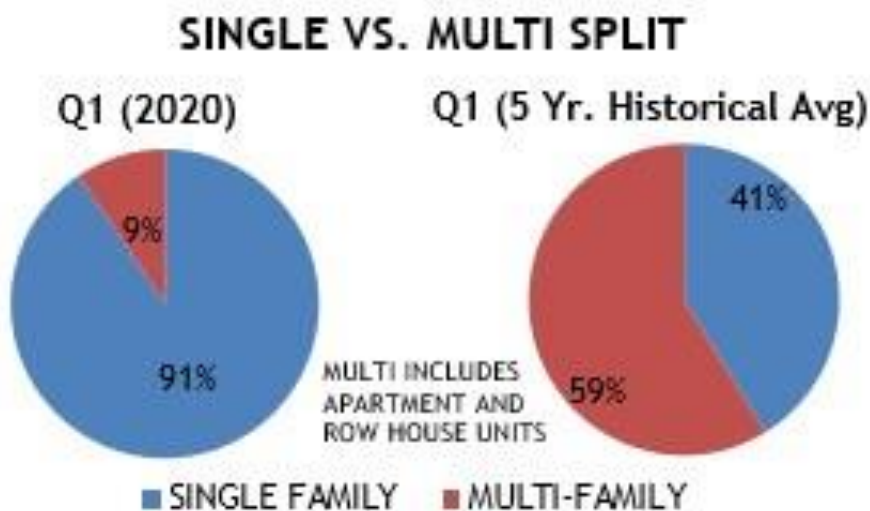


Chart 6

## Conclusions:

Planning application numbers for Q1 are strong, fueled by DCC increase deadline and grandfathering legislation. As business recovery efforts get underway, we can likely expect to see much higher levels of multi-family housing starts in the months ahead as developers get already permitted projects underway to take advantage of DCC rate grandfathering.

Although Building Permit value is down substantially from 2019 Q1 numbers, a minor decrease was already anticipated and has been exasperated by the COVID-19 crisis. Inspection numbers remain high, these are follow-through inspections related to the many on-going projects permitted in 2018 and 2019. These levels are expected to continue well into 2020 (unless COVID-19 restrictions are tightened further).

Q1 2020 also saw the reversal of multi-family/single-family split. The 5-year average of 59% multi-family vs. 41% single family units permitted changed dramatically in Q1. The first quarter of 2020 saw 91% single family units permitted and only 9% multi-family. While a sharp contrast against the 5-year trend, this change is to be expected given that there is far less financial risk associated with commencing single family home construction than multi-family type construction. In a recent survey of the local development industry, only 5% of respondents indicated that they would be cancelling projects. Most are either deferring projects or proceeding in a limited manner. Based on the available information at this time, all the fundamentals appear to be in place to allow a quick re-bounce from a slow first quarter which was heavily impacted by COVID-19. In order to further support economic recovery in the local development and construction industries, staff have been meeting with the local liaison committee for the Urban Development Institute to identify additional opportunities. Staff will bring these opportunities forward to Council for deliberation later this spring.

The following planning initiatives are development proposals are expected to come forward to Council in Q2 of 2020:

Development	Planning Projects
Ramada Mass Timber Tower	OCP Project report update
St.Paul/Clement Boutique Hotel	Revitalization Tax Exemption Report
9 storey hotel South Pandosy	CARIP (Climate Action Revenue Incentive Program) Annual Report
Retaining Wall regulation update	Energy Step Code Part 3 Strategy
Society of Hope 8 storey on Benvoulin	
9 story senior's housing at KLO and Pandosy	

## Internal Circulation:

Director, Development Services

Department Manager, Policy and Planning  
Department Manager, Development Planning  
Divisional Director, Corporate Strategic Services

Considerations applicable to this report:

N/a

Considerations not applicable to this report:

*Legal/Statutory Authority:*

*Legal/Statutory Procedural Requirements:*

*Existing Policy:*

*External Agency/Public Comments:*

*Communications Comments:*

*Financial/Budgetary Considerations:*

Submitted by:

R.Smith, Divisional Director of Planning and Development Services

Approved for inclusion:



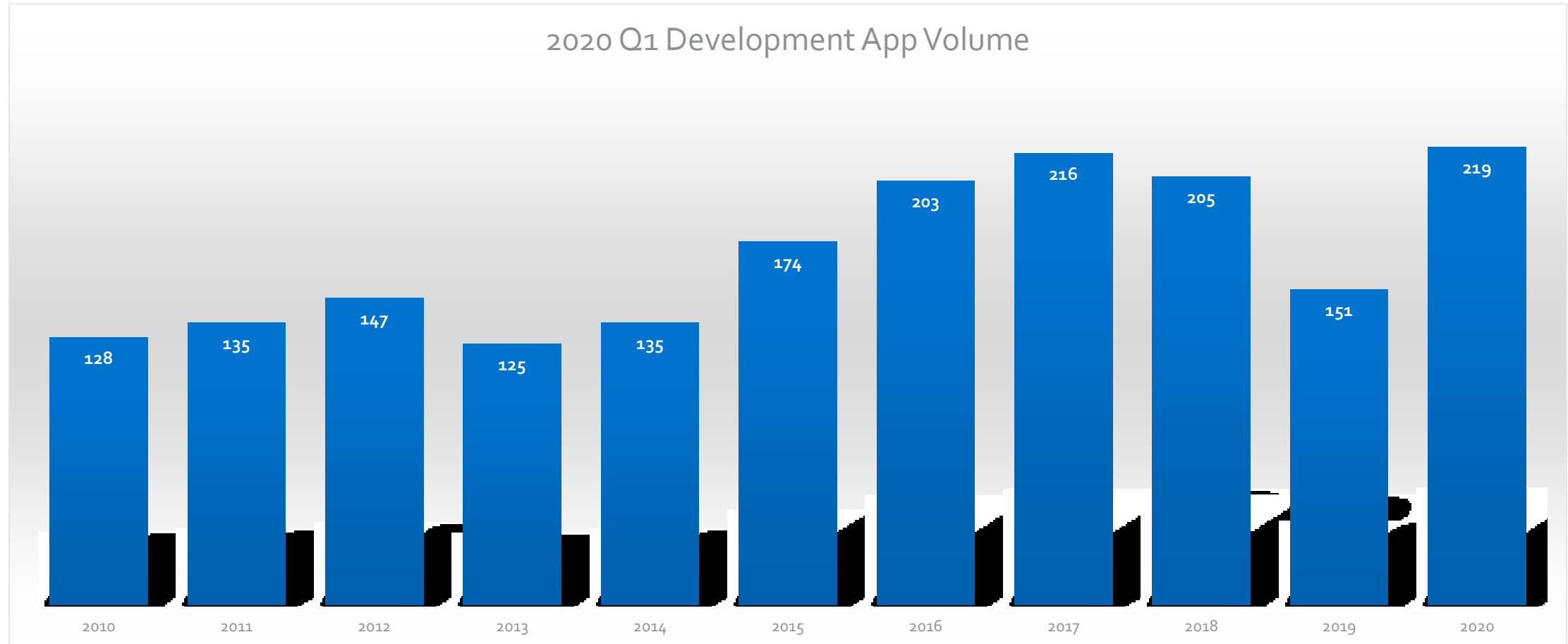
D.Gilchrist, City Manager



# Q1 2020 Building and Development Statistics

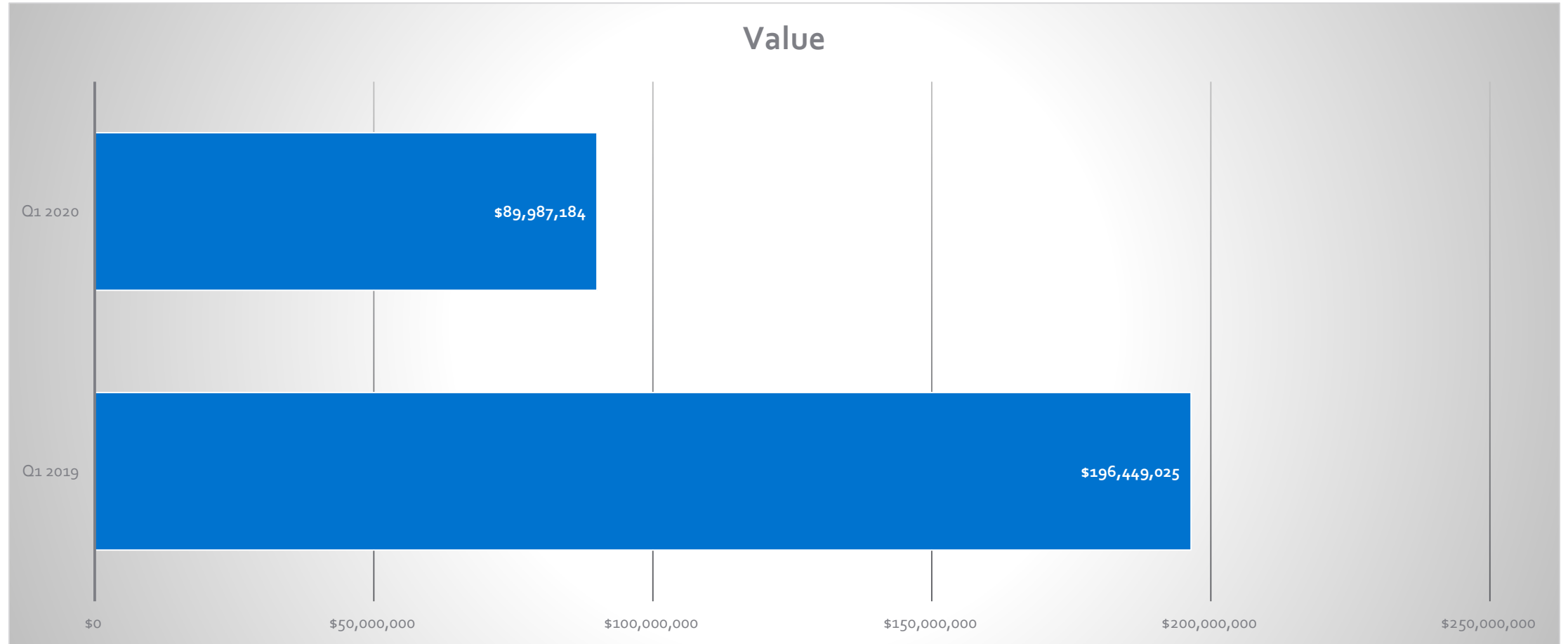
May 11, 2020

# Planning Application Intake Statistics – Q1 2020

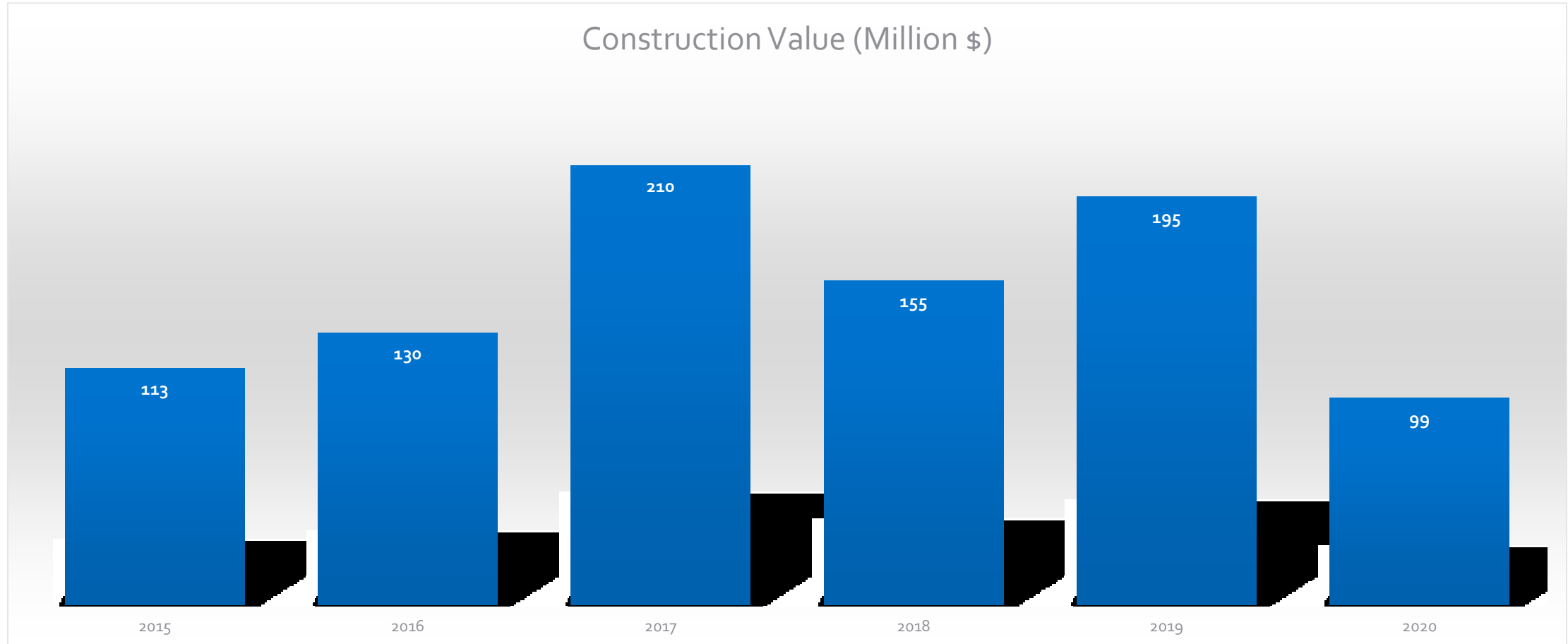




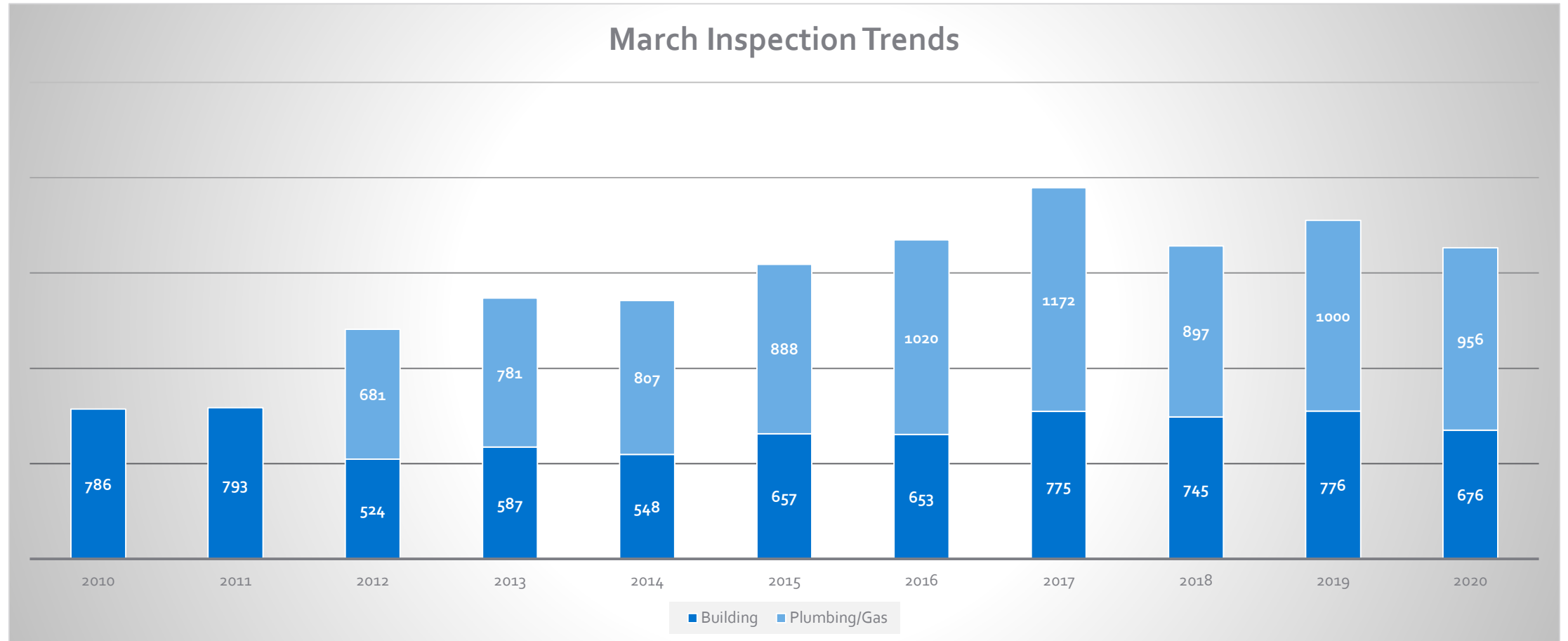
# Building and Permitting Statistics Q1 - 2020



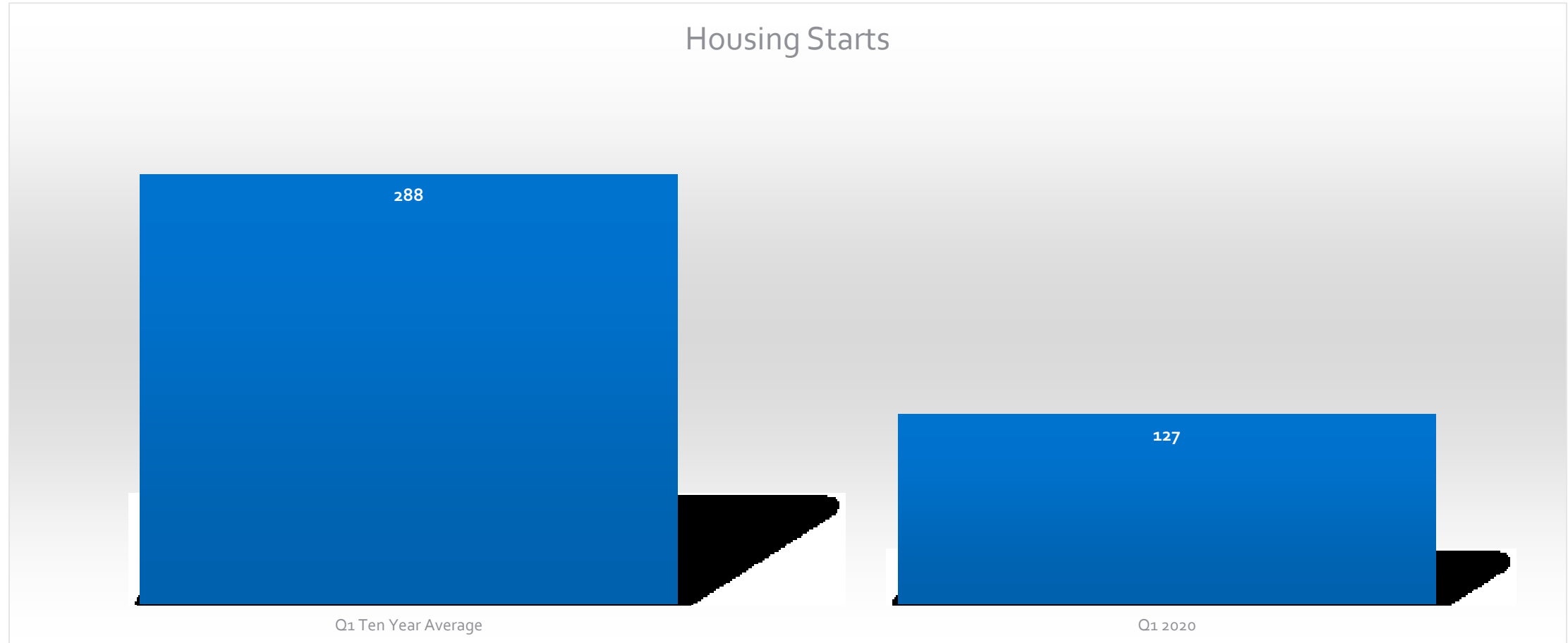
# Building and Permitting Statistics Q1 - 2020



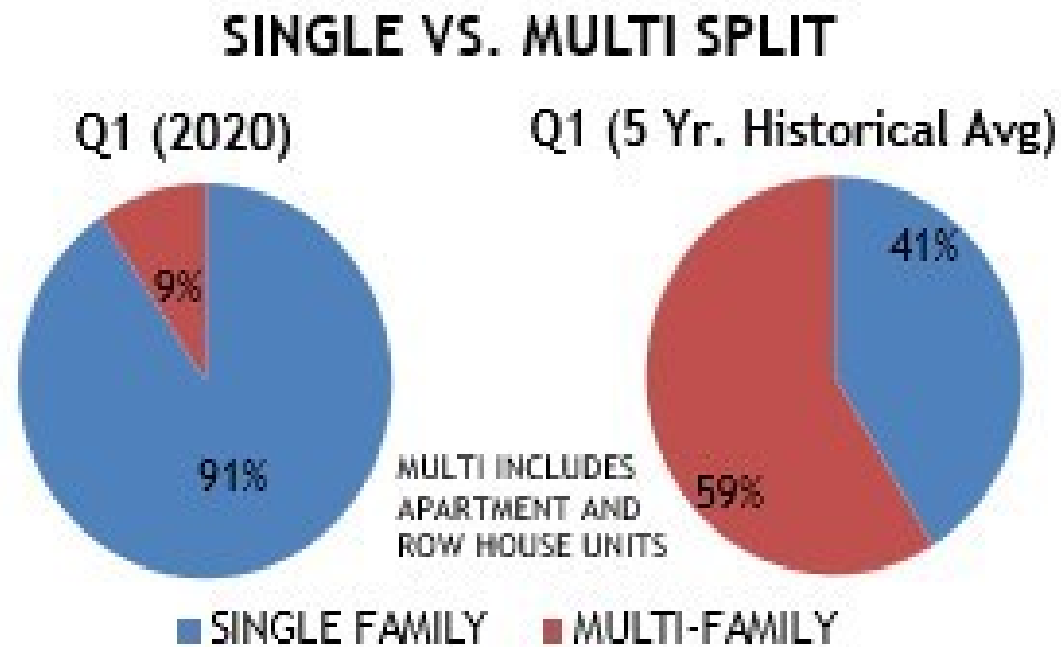
# March 2020 Inspection Trends



# Housing Type and Volume



# Housing Type and Volume





# Key Takeaways

- ▶ Development applications for Q1 strong
- ▶ Building Inspectors remain busy with supervision of the many projects approved in 2018/2019 which are under construction
- ▶ Single family housing starts remain steady, multi-family housing starts delayed to reduce financial risk
- ▶ Staff working on a package of regulation updates to help with economic recovery in the development/construction sector



*Questions?*

For more information, visit [kelowna.ca](http://kelowna.ca).

# Report to Council



**Date:** May 11, 2020  
**To:** Council  
**From:** City Manager  
**Subject:** Sarsons Beach Improvements  
**Department:** Parks & Buildings Planning

---

## **Recommendation:**

THAT, Council receives for information this report from the Parks & Buildings Planner Specialist, dated May 11, 2020, on the current park expansion project currently under construction at Sarsons Beach Park;

AND THAT Council directs staff to secure the park frontage along Hobson Road, until such time that a fence has been constructed along the neighbouring southern park property line adjacent to 387 Hobson Crescent.

## **Purpose:**

This report addresses the proposed improvements to Sarsons Beach Park, and concerns raised by local residents regarding the removal of the existing park fence and gate.

## **Background:**

In 2008, the City purchased 381 Hobson Crescent with the intention of adding the property to Sarsons Beach Park. Council approved as part of the 2020 Provisional Budget \$230,000 to undertake improvements to remove the house and integrate the property into park use. The design focused on maximizing usable park area, in order to open up the park for the many users of this popular park. The design included removing a centrally located hedge, opening up the turf space to the north, removing the house at 381 Hobson Crescent, and replacing that space with irrigated turf. The design focused on opening up sight lines, including removing obstructions that could hide potential party areas.

Specifically, the improvements to Sarsons Beach Park include:

- Demolition and removal of the house at 381 Hobson Cr.
- Install lawn area and irrigation throughout 381 Hobson Cr.
- Removing a central hedge to improve visibility and remove known blind spots
- Removing a chainlink fence to make the lawn in front of the Activity Centre more usable
- Remove the existing entrance gate and fence, and replace with a double swing vehicle gate and bollards with low landscaping
- Install 1.8m fence along the boundary with 387 Hobson Cr.
- Installing two concrete foosball tables near the playground

- Install three sets of new bike racks
- Increase lawn area immediately adjacent to the beach with the removal of four parking stalls net
- Increase parking by 17 stalls evenings and weekends by making the Activity Centre parking accessible for public use when there are no events booked.

**Design Rationale:**

Sarsons Beach Park is a popular beach park, particularly in the busy summer months. With the purchase of 381 Hobson Court, the intention was to expand the usable area of the park. Similarly, the plan included the removal of a hedge through the centre of the park in order to open the park up visually and physically, both expanding the area of use and improving sight lines. The design including the removal of a 1.8m high chain link fence and metal gate, replacing the gate with a low vehicle gate, similar to those in many parks across the City. This opens the park, both physically and visually. This solution is consistent with other waterfront parks, including Bluebird Beach Park and Hobson Beach Park, which is now open and available to the public.



Figure 1: Additional Available Turf Area through Improvements

The additional available turf area through the improvements, including making the northern area more accessible, is 4575 m<sup>2</sup>, equivalent to 1.13 acres. The removal of hedges through the site enables views from the street, through to the water to the northwest and west directions.

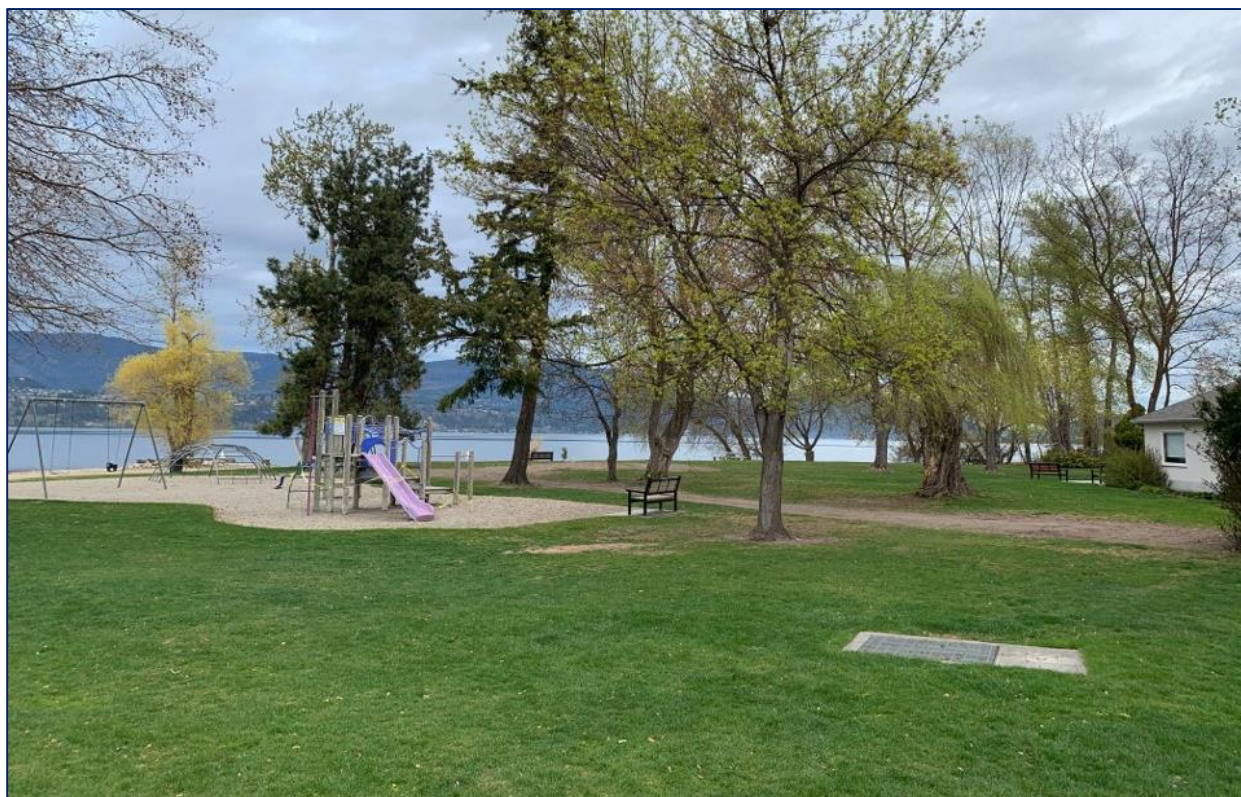


**Photo 1: Pre-construction View from Hobson Cr. / Sarsons Rd. Intersection**



**Photo 2: Current View from Hobson Cr. / Sarsons Rd. Intersection**





**Photo 3: Current View from Playground looking North**

### **Fencing:**

Our park designs try to avoid our parks appearing as fenced compounds. We are endeavouring to make them more welcoming, and a shared asset that can be enjoyed by the whole community. Opening up valuable views of the lake at different parks across the City without being obscured by fencing is part of that celebration of our parks. With the demolition of the house, the approach down Sarsons Rd will now have a direct open lawn view through the park out to the lake. We intentionally kept the existing parking configuration partly to achieve this view.

A chain-link fence across a park frontage unfortunately provides a false sense of security. While it prevents the majority of law-abiding residents from entering, it actually creates very little obstacle for someone intent on entering the park to either party or break and enter a property from the waterfront. Once in, it provides greater confidence as they know they will be left undisturbed.

However, we still need to maintain security. By increasing sightlines into the park, the eyes and ears of residents offers a greater year-round deterrent. With the property demolished, car headlights coming down Sarsons Rd. will shine directly into the park, and because this is unpredictable, create a greater deterrent. Increased visibility will also afford our nightly Parks security patrols and Bylaw much greater views into the park, making security easier, and again increase the deterrent factor.

We will still maintain a low vegetation barrier and low vehicle gate across the park frontage. This will clearly define the park boundary and give security or Bylaw the ability to challenge anyone who is in the park out of hours without excuses.

### **Parking:**

The design includes the removal of six parking places closest to the lake, recovering two in front of a previous side access to 381 Hobson Court. The removal of parking spaces allowed reclaiming highly desirable turf area immediately adjacent to the beach. We acknowledge parking is a challenge at the park during the summer peak, but also recognize we do not dedicate a large area of valuable waterfront property to additional asphalt that will sit vacant for ten months of the year. We are therefore revising the signage to make the additional 17 parking spaces in front of the Okanagan Mission Activity Centre available after hours and at weekends when the Centre is not booked. We think this is better use of taxation dollars.

### **Alternative Fencing Option:**

A hard barrier along the park frontage is not in line with our current park design best practice, however, should Council consider it necessary, staff would propose a 1.2m height metal rail fence, with stone clad pillars, and a matching gate along the road frontage. The estimated additional impact to the budget for this fence is \$63,000.

### **2019-2022 Council Priorities:**

Parks also support several of Council's priorities such as:

- Vibrant neighbourhoods :  
High quality, context sensitive site design;  
Accessible and multi-purpose amenities;  
Animated parks & public spaces;
- Environmental protection:  
Resiliency & adaptability to climate change.

### **Conclusion:**

The vision for waterfront parks is to be visually and physically open to the public. Fences can provide false sense of security, only assisting those with poor intentions and making surveillance more difficult. The plan is focused on opening up spaces and sightlines throughout the park, removing blind spots that would be difficult to patrol. The original plan follows this intent, which mirrors treatments of similar waterfront parks in Kelowna.

### **Internal Circulation:**

Partnership & Investments;  
Infrastructure;  
Financial Services;  
Infrastructure Operations Department;  
Parks Services;  
Community Communications

**Considerations applicable to this report:**

**Existing Policy:**

Council Priorities 2019-2022 identified measures to transform this vision into action. Specifically, relevant to this report:

- Vibrant neighbourhoods :  
High quality, context sensitive site design;  
Accessible and multi-purpose amenities;  
Animated parks & public spaces;
- Economic resiliency:  
Infrastructure deficit is reduced.

**Considerations not applicable to this report:**

Personnel Implications:

External Agency/Public Comments:

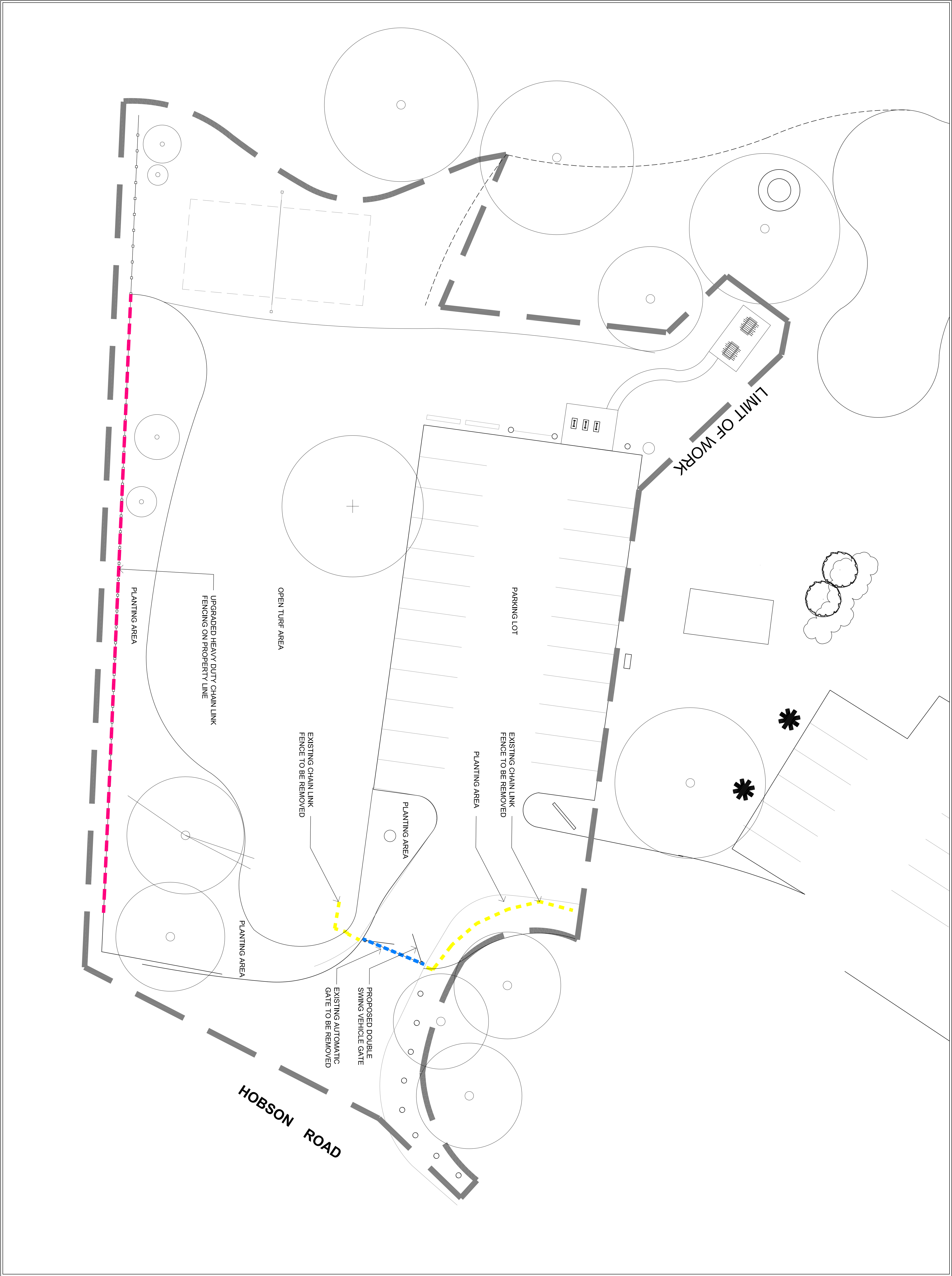
Communications Comments:

**Submitted by:** M. Steppuhn, Planner Specialist, Parks & Building Planning

**Reviewed and approved by:** R. Parlane, Parks & Building Planning Manager

Attachment 1 - Plan

Attachment 2 - PowerPoint



CITY OF KELOWNA NOTES:

### LEGEND

- EXISTING CHAIN LINK FENCE TO BE REMOVED
- EXISTING AUTOMATIC GATE TO BE REMOVED
- EXISTING CHAIN LINK FENCE TO BE UPGRADED WITH HEAVY DUTY FENCE FABRIC (6 GA)

CONSULTANT:

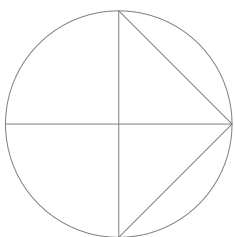
03	for Council Review	May 5,20
02	for Roadways Review	April 29,20
01	for Parks Review	April 21,20
ISSUE DESCRIPTION		DATE

**CITY OF KELOWNA**  
INFRASTRUCTURE DELIVERY  
City of Kelowna, BC V1Y 1J4  
www.kelowna.ca

PROJECT TITLE:  
Seasons Beach Park

SHEET NAME:  
FENCING CONCEPT

PROJECT NO.:	DATE:
3511	APRIL 21,20
DRAWN:	CHECKED:
AS	NTS
SCALE:	DRAWING NO.:



F-0

REV NO.:





# Sarsons Beach Improvements

Report to Council

11 May 2020



# Sarsons Beach Improvements

- 2008 Purchase 381 Hobson
- Dec 2019 – \$230,000 to Provisional Budget
- Included:
  - Demolition
  - Lawn expansion
  - Irrigation expansion
  - Removing hedge and chain link fence in front of Activity Centre
  - Remove fence and gate
  - Install 1.8m fence 387 Hobson
  - Two foosball tables
  - Three bike racks



# Design Objectives

- Open views through the park and to the lake



- View before construction



# Design Objectives

- Open views through the park and to the lake



- Current View from Sarsons Rd



# Hedge through center of park





# Hedge Removal

- Open views through the park and to the lake
- Increase usable park area





# Increase Park Area

- Turf increase  
4575m<sup>2</sup> = 1.13 acres





# Design Objectives

- Open views through the park and to the lake
- Increase park area



- Current View from Sarsons Rd<sup>84</sup>

# Aerial View





# Hobson Beach Park

- Open views through the park and to the lake





# Bluebird Beach Park

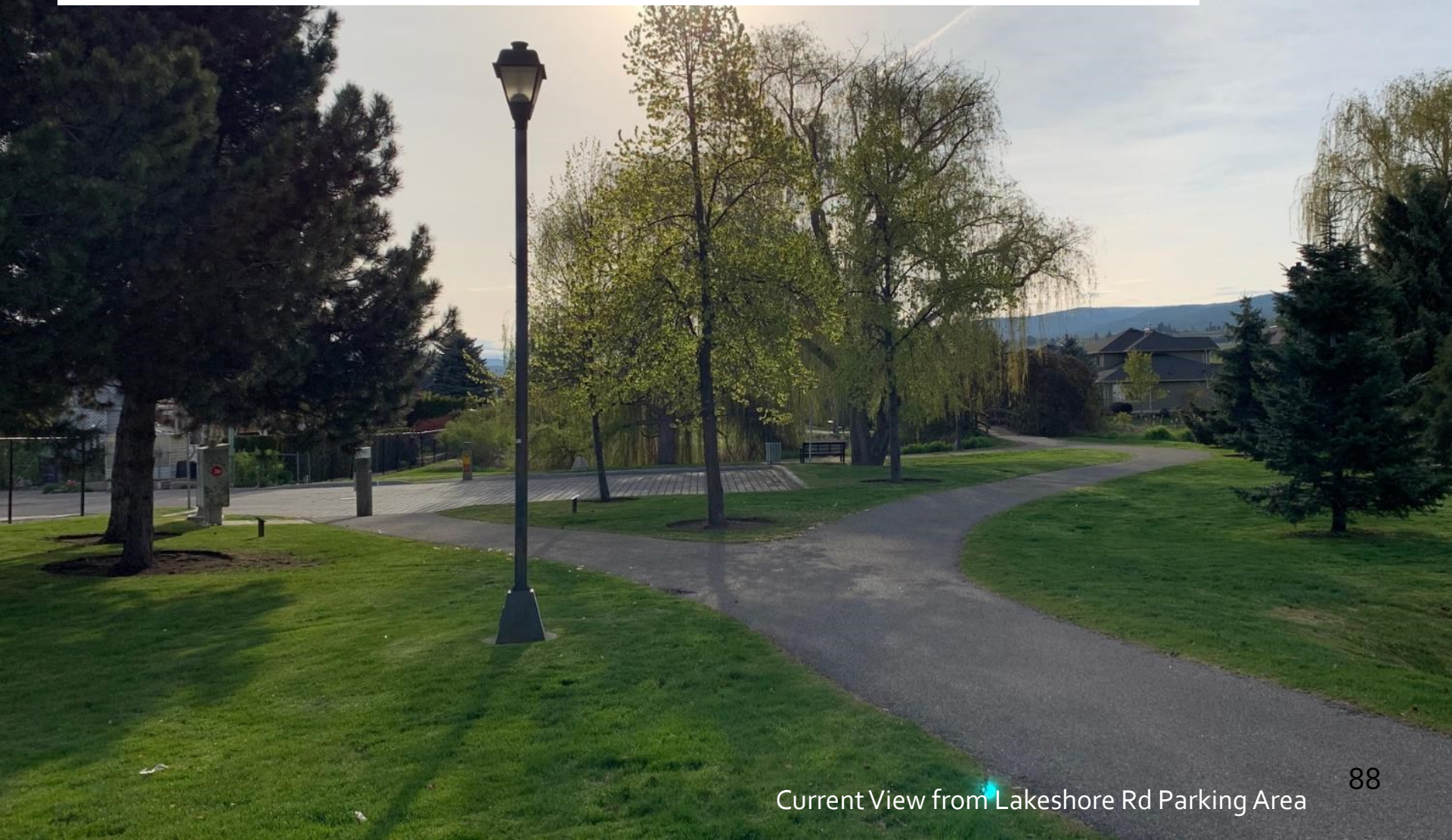
- Open views through the park and to the lake





# Belmont Park

- Open views through the park





# Rotary Park

- Open views through the park





# Boyce Gyro Park

- Open views through the park and to the lake





# Kinsmen Park



# Strathcona Park





# Aerial View





# Sarsons Park

- Existing Gate





# Sarsons Park





# Staff Recommendation

- ▶ Receive the report for information;
- ▶ Direct staff to install a temporary 1.8m fence until the fencing is secured at 387 Hobson Court



*Questions?*

For more information, visit [kelowna.ca](http://kelowna.ca).

# Lake Avenue Dog Beach





# Report to Council



**Date:** May 11, 2020  
**To:** Council  
**From:** City Manager  
**Subject:** Development Approval Process Options  
**Department:** Office of the City Clerk

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## **Recommendation:**

THAT Council receive, for information, the report from the Office of the City Clerk dated May 11, 2020, with respect to options for development approval processes;

AND THAT Council direct staff to prepare the necessary policies and bylaws to implement changes to approval process for development variance permits as described in the report from the Office of the City Clerk dated May 11, 2020;

AND THAT Council direct staff to investigate further and report back to Council changes to the public hearing process as described in the report from the Office of the City Clerk dated May 11, 2020;

AND FURTHER THAT Council direct staff to hold the June 2, 2020 Public Hearings and Tuesday regular meetings in accordance with the procedures described in the report from the Office of the City Clerk dated May 11, 2020.

## **Purpose:**

To consider options for development approval processes for development variance permits and public hearing items.

## **Background:**

The City's Development Application Procedures Bylaw No. 10540 and Council Procedure Bylaw No. 9200 establish processes for development applications and their associated approvals. In an effort to continue to improve processes, staff have been considering different options for development approvals to achieve several objectives: ensure Council and the public have relevant information early on in the decision-making and input process, focus public hearings on public input, and streamline approvals by reducing unnecessary and low-value processes. Recommended changes focus on development variance permit (DVP) applications and public hearings.

Currently, DVPs are considered by Council at Tuesday PM regular meetings with opportunity for the applicant to present and the public to address Council. Notices are mailed to the subject property and properties within 50 m, and a sign is posted on the property. The procedure is much the same for public hearings, with notices advertised in the newspaper and mailed to the subject property and properties within 50 m, and a sign posted on the property.

## **Discussion:**

### *Development Variance Permits*

Public notification is required prior to Council's consideration of a DVP and, unlike development permits, issuance of a DVP cannot be delegated to staff. However, a public hearing process is not mandated. Many DVP applications represent a minimal departure from the bylaw requirement and often do not generate written correspondence or in-person representation at a Tuesday Council meeting.

To streamline the approval process while continuing to provide opportunity for public input, staff recommend creating two categories for DVP applications (major and minor) with different approval processes for each. Major DVPs would continue to be considered at Tuesday PM Council meetings, with opportunity for applicant and public presentations, while minor DVPs would be considered at Monday PM Council meetings without an opportunity for the applicant or the public to present directly to Council. The applicant and the public could still submit written correspondence in advance of Council's consideration. In effect, this would be similar to the process for a waived public hearing except that Council only considers a DVP application once following the public notification period.

Major and minor DVP applications would need to be defined to determine how Council considers each application. Proposed criteria for minor DVP applications are:

1. Consistent with the intent of the Official Community Plan;
2. Staff recommendation of support;
3. A maximum of three variances;
4. Variances for different development regulations (e.g., setbacks, lot depth, site coverage) within a certain percentage of the bylaw requirement.

Staff would identify detailed parameters for variances to be considered minor under item 4 above based on practices in other jurisdictions and Kelowna's context. For example, setbacks may be appropriate up to a 10% variance of the bylaw requirement while lot width may be appropriate up to 5%. Applications that do not meet the above criteria would be considered major and would follow the current approval process.

In addition, it is recommended the Divisional Director of Planning & Development Services have discretion to direct what would otherwise be considered a minor variance to a Tuesday PM Council meeting for the public to have the opportunity to present directly to Council, where appropriate. The same definitions and processes would also be applied to heritage alteration permits with variances.

### *Public Hearings*

The availability of more information early in the approval process for public hearing items would support more informed decision-making and public input. Staff recommend applicants be given the

opportunity to present to Council following the staff presentation at initial consideration instead of during the public hearing. This gives Council the chance to ask questions of applicants before advancing the application to a public hearing. It also gives the public more information about the application before the notification period and public hearing.

With both staff and applicant presentations available to watch online (live or recorded), neither staff nor the applicant would present at the public hearing, allowing that process to focus more on the public's input. The applicant would still have an opportunity at the end of the public hearing to respond specifically to questions raised by the public.

### *Next Steps*

Should Council support this direction, amendments to Development Application Procedures Bylaw No. 10540 and Council Procedure Bylaw No. 9200 would be required to implement these changes. Staff would also draft a new Council policy to define major and minor variances for the purposes of the new procedures, expanding on the criteria outlined above. These items would be brought forward for Council consideration at an upcoming Council meeting, following stakeholder engagement.

### *Public Hearings & Tuesday Regular Meetings During the COVID-19 Pandemic*

On March 23, 2020, Council directed staff to recommend waiving public hearings for rezoning applications that meet certain criteria, and on April 20, 2020, Council directed staff to hold the May 12, 2020 Public Hearing and Regular Meeting with applications scheduled at individual times. These, along with other measures, allow public hearings to be held in a way that meets the public health guidelines and orders of the Provincial Health Officer. Given the ongoing need for physical distancing and limits on public gatherings, staff recommend that Council direct staff to hold the June 2, 2020 public hearings and Tuesday regular meetings in the manner approved on April 20.

On May 1, 2020 the Province issued an order allowing for public hearings to be held electronically. Along with possible adjustments to the public hearing process after the May 12 meeting, staff will consider the need for and explore options to facilitate electronic participation and report back to Council at a future date.

### **Conclusion:**

The recommended changes are expected to streamline certain development approvals, ensure Council and the public have access to more information earlier in the approval process, and focus public hearings on receiving input from the public. The video livestream and recordings of Council meetings support the public's ability to access information and see how Council decisions are made, which is even more relevant during the COVID-19 pandemic. The changes would continue to meet legislative requirements and rules of procedural fairness and to facilitate public participation.

While these are recommended as permanent changes, they would also enable the City to better meet or exceed the public health guidelines and requirements of the Provincial Health Officer during the COVID-19 pandemic. Specifically, having fewer DVP applications considered at Tuesday PM Council meetings and reducing the amount of time needed for public hearing items limits how much in-person interaction is needed while continuing to facilitate public participation in these processes.

**Internal Circulation:**

Planning & Development Services

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

*Local Government Act s. 464* – Requirement for public hearing before adopting bylaw

*Local Government Act s. 498* – Development variance permits

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

*Local Government Act s. 465* – Public hearing procedure

*Local Government Act s. 499* – Development variance permits notice to affected property owners and tenants

**Considerations not applicable to this report:**

*Existing Policy:*

*Financial/Budgetary Considerations:*

*External Agency/Public Comments:*

*Communications Comments:*

Submitted by:

L. Bentley, Deputy City Clerk

**Approved for inclusion:** S. Fleming, City Clerk

cc:

R. Smith, Divisional Director, Planning & Development Services





# Development Approval Process Options

May 11, 2020



# Background

- ▶ Objectives:
  - ▶ Ensure Council & the public have information early in the process
  - ▶ Focus public hearings on public input
  - ▶ Streamline approvals by reducing low-value processes
- ▶ Focus on development variance permits & public hearings

# Development Variance Permits

Process	Current
Meeting	Tuesday PM Council meeting
Mailed notice	✓
Sign on property	✓
Applicant presentation	✓
Public presentation	✓

# Development Variance Permits

Process	Current	Proposed - Minor DVPs	Proposed - Major DVPs
Meeting	Tuesday PM Council meeting	Monday PM Council meeting	Tuesday PM Council meeting
Mailed notice	✓	✓	✓
Sign on property	✓	✓	✓
Applicant presentation	✓	X	✓
Public presentation	✓	X	✓



# Criteria for Minor DVPs

- ▶ Consistent with the intent of the OCP
- ▶ Staff recommendation of support
- ▶ Maximum of 3 variances
- ▶ Variances for different development regulations within certain percentage of bylaw requirement
  - ▶ E.g., setbacks up to 10% variance
  - ▶ E.g., lot width up to 5% variance

# Public Hearings

Process	Current
Meeting	Tuesday PM public hearing
Newspaper ad	✓
Mailed notice	✓
Sign on property	✓
Applicant presentation	✓
Public presentation	✓

# Public Hearings

Process	Current	Proposed
Meeting	Tuesday PM public hearing	Tuesday PM public hearing
Newspaper ad	✓	✓
Mailed notice	✓	✓
Sign on property	✓	✓
Applicant presentation	✓	Initial consideration
Public presentation	✓	✓

# Public Hearing Process Benefits

- ▶ Council can make more informed decisions early in the process
- ▶ Public has more information to provide input (written or in-person)
- ▶ Staff & presentations available online to watch live or recorded
- ▶ Focus public hearings on public input



# COVID-19 Pandemic Measures

- ▶ Hold June 2, 2020 public hearings & regular meetings with applications scheduled at individual times
  - ▶ Physical distancing measures in place
- ▶ Province introduced the option to hold public hearings electronically on May 1
  - ▶ Staff are exploring & will report back to Council at a future date

# Next Steps & Recommendations

- ▶ Amendments to the Development Application Procedures Bylaw & Council Procedure Bylaw
- ▶ Council policy for major & minor variances
- ▶ Recommend that Council direct staff to:
  - ▶ Prepare policies & bylaws to change the DVP approval process
  - ▶ Investigate & report back to Council on changing the public hearing process
  - ▶ Hold the June 2, 2020 public hearings & regular meetings with applications scheduled individually



*Questions?*