

City of Kelowna

Regular Council Meeting

AGENDA



Monday, June 22, 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

4 - 15

PM Meeting - June 15, 2020

3. Reports

3.1 RCMP Quarterly Report

16 - 39

To provide Council with an update on the activities of the RCMP and on progress toward goals and outcomes in the 2016-2019 Crime Reduction Strategy.

4. Development Application Reports & Related Bylaws

4.1 Arab Road 185, Z20-0025 - 1046958 B.C. Ltd., Inc. No. BC1046958 - ** Deferred to Monday, July 13, 2020

40 - 63

Deferred at the request of the applicant.

4.2 Hwy 33 E 1799 - LUC20-0002 (BL12058) OCP20-0012 (BL12059) Z20-0043 (BL12060) - 1231306 B.C. Ltd., Inc. No. BC1231306

64 - 99

To consider an application for Land Use Contract discharge, an application to amend the Official Community Plan from the MRL – Multiple Unit Residential (Low Density) designation to the SC – Service Commercial designation and a rezoning application from the A1 – Agriculture 1 zone and to the C10 – Service Commercial zone.

4.3	Hwy 33 E 1799 - BL12058 (LUC20-0002) - 1231306 B.C. Ltd., Inc. No. BC1231306 To give Bylaw No. 12058 first reading.	100 - 100
4.4	Hwy 33 E 1799 - BL12059 (OCP20-0012) - 1231306 B.C. Ltd., Inc. No. BC1231306 To give Bylaw No.12059 first reading.	101 - 101
4.5	Hwy 33 E 1799 - BL12060 (Z20-0043) - 1231306 B.C. Ltd., Inc. No. BC1231306 To give Bylaw No. 12060 first reading.	102 - 102
4.6	Kyndree Ct, Prince Edward Dr, Clifton Rd N - LUCT19-0027 (12038) Z19-0096 (12039) - Multiple Owners To consider an application for the early termination of Land Use Contract LUC77-1023 and to rezone select properties to the RR1 – Rural Residential 1 and RR2 – Rural Residential 2 zones as identified in 'Schedule A, B and C', and waive the Public Hearing for the rezoning application.	103 - 122
4.7	Kyndree Ct, Prince Edward Dr, Clifton Rd N - BL12038 (LUCT19-0027) - Multiple Owners To give Bylaw No. 12038 first reading.	123 - 124
4.8	Kyndree Ct, Prince Edward Dr, Clifton Rd N - BL12039 (Z19-0096) To give Bylaw No. 12039 first reading.	125 - 126
4.9	Underhill St 1940, 1960 - Z18-0071 (BL12061) - 1940 Underhill Developments Corp., Inc. No. BC1159386 To consider an application to rezone a portion of the subject property from the A1 – Agriculture zone and C6 – Regional Commercial zone to the C4 – Urban Centre Commercial zone, and waive the Public Hearing.	127 - 129
4.10	Underhill St 1940, 1960 - BL12061 (Z18-0071) - 1940 Underhill Developments Corp., Inc. No. BC1159386 To give Bylaw No. 12061 first reading.	130 - 131
4.11	Supplemental Report - Gordon Dr 4382 - Z20-0015 (BL12049) - Amanda and Donald Maccormack - Correspondence Received To receive a summary of correspondence for Rezoning Bylaw No. 12049 and to give the bylaw further reading consideration.	132 - 133
4.12	Gordon Dr 4382 - BL12049 (Z20-0015) - Amanda and Donald Maccormack To give Bylaw No. 12049 second and third reading.	134 - 134

5.	Bylaws for Adoption (Development Related)	
5.1	BL12030 (TA20-0014) - Amendment to Fencing Regulations	135 - 136
	To adopt Bylaw No. 12030 in order to amend Zoning Bylaw No. 8000.	
6.	Non-Development Reports & Related Bylaws	
6.1	Update on Environmental Protection Council Priority	137 - 180
	To update Council on initiatives related to the Council priority of environmental protection and climate action.	
6.2	Flood Mitigation and Management Project Review	181 - 213
	To advise Council on the completed studies and on-going flood mitigation and management work happening in the City.	
6.3	Shared E-scooters in Downtown Kelowna	214 - 215
	To restrict the operation of shared e-scooter services in downtown Kelowna.	
7.	Mayor and Councillor Items	
8.	Termination	



City of Kelowna Regular Council Meeting Minutes

Date: Monday, June 15, 2020
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley, Director, Planning & Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Planner, Barbara Crawford*, Environmental Coordinator, Arlene Janousek*; Planner Specialist, Jocelyn Black*; Planner, Tyler Caswell*; Planner, Aaron Thibeault*; Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Wastewater Manager, Mike Gosselin*; Utility Services Manager, Kevin Van Vliet*; Water Operations Manager, Andy Weremy*, Property Officer Specialist, Ben Walker*; Real Estate Services Manager, Mike Olson*; Divisional Director, Infrastructure, Alan Newcombe*; Integrated Transportation Department Manager, Rafael Villarreal*; Strategic Transportation Planning Manager, Mariah VanZerr*; Mobility Specialist, Matt Worona*; Legislative Coordinator (Confidential), Arlene McClelland

Guest Stephen Power, Strategic Planning Lead for the Regional Transportation Plan at HDR Design

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:35 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 Wooldridge

R0429/20/06/15 THAT the Minutes of the Regular Meetings of June 1, 2020 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Rose Rd 3455 - A19-0019 FH19-0007 - Nirmal Singh Dhaliwal and Rimplejeet Kaur Dhaliwal

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Hodge

R0430/20/06/15 THAT Agricultural Land Reserve Appeal No. A19-0019 for Lot 4 Section 10 Township 26 ODYD Plan 355 located at 3455 Rose Road, Kelowna, BC for a Non-Adhering Residential Use Permit pursuant to Section 25 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;

AND THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit no. FH19-0007 Lot 4, Section 10, Township 26, ODYD, Plan 355 located at 3455 Rose Road, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A19-0019;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule A;
3. A vegetated buffer is provided for screening adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule B;
4. The applicant be required to post the City a Landscape Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
5. Registration of a Section 219 restrictive covenant on the Title that states;
 - a. The dwellings will be used for temporary farm workers only;
 - b. The owner will remove the dwellings if the farm operation changes such that if they are no longer required;
 - c. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
 - d. The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
 - e. The temporary farm worker housing building footprint is a maximum of 0.3ha.

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

Carried

3.2 Fitzpatrick Road 729 - Z20-0016 (BL12050) - Marian Beatrice Gruber

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0431/20/06/15 THAT Rezoning Application No. Z20-0016 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, Section 34, Township 26, Osoyoos Division Yale District Plan 3236 Except Plan B5456, located at 729 Fitzpatrick Road,

Kelowna, BC from the A1-Agriculture 1 zone to the I2 – General Industrial zone and P3 – Parks and Open Space, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated May 26, 2020;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of an Environmental Development Permit for the subject property;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter for the dedication of the linear park and riparian management area along Francis Brook.

Carried

3.3 Fitzpatrick Road 729 - BL12050 (Z20-0016) - Marian Beatrice Gruber

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R0432/20/06/15 THAT Bylaw No. 12050 be read a first time.

Carried

3.4 Timberline Rd 178 - Z18-0069 (BL12051) - Michael Lanan Stang

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Sieben

R0433/20/06/15 THAT Rezoning Application No. Z18-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 16 Township 28 Similkameen Division Yale District Plan 34351, located at 178 Timberline Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RR1c – Rural Residential 1 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.

Carried

3.5 Timberline Rd 178 - BL12051 (Z18-0069) - Michael Lanan Stang

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0434/20/06/15 THAT Bylaw No. 12051 be read a first time.

Carried

3.6 Landsdowne Pl 1990 - Z19-0116 (BL12052) - Raul Holdings Inc., Inc. No. BC0968428

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Sieben

R0435/20/06/15 THAT Rezoning Application No. Z19-0116 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 35 Township 26 ODYD Plan 19674 Except Plans 23587 and EPP53538, located at 1990 Landsdowne Pl, Kelowna, BC from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone be considered by Council;

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

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

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

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

Carried

3.7 Landsdowne Pl 1990 - BL12052 (Z19-0116) - Raul Holdings Inc., Inc. No. BC0968428

Moved By Councillor Hodge/Seconded By Councillor Singh

R0436/20/06/15 THAT Bylaw No. 12052 be read a first time.

Carried

3.8 Old Vernon Rd 175, Rutland Ct 2053, 2065 and 2115 OCP18-0005 (BL12053) Z18-0019 (BL12054) TA18-0011 (BL12055) - Reid's Crossing Development Inc. Inc. No. BC1165652 and City of Kelowna

Staff:

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

Moved By Councillor Given/Seconded By Councillor Donn

R0437/20/06/15 THAT Official Community Plan Amendment Application No. OCP18-0005 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073, located at 175 Old Vernon Road and 2053, 2065, and 2115 Rutland Court Kelowna, BC, from the REP – Resource Protection Area designation to the SC – Service

Commercial designation, as shown on Map "A" attached to the report from the Development Planning Department dated June 15, 2020, be considered by Council;

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

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the report from the Development Planning Department dated June 15, 2020;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 15, 2020;

AND THAT Rezoning Application No. Z18-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP 56073, located at 175 Old Vernon Road and 2053, 2065, and 2115 Rutland Court, Kelowna, BC, from the A1 – Agriculture 1 zone to the C10lp – Service Commercial (Liquor Primary) zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the report from the Development Planning Department dated June 15, 2020;

AND THAT Zoning Bylaw Text Amendment Application No. TA18-0011 to amend Zoning Bylaw No. 8000 as outlined in the report from the Development Planning Department dated June 15, 2020 to allow additional retail and commercial uses be considered by Council;

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

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

Carried

3.9 Old Vernon Rd 175, Rutland Ct 2053, 2065 and 2115 BL12053 (OCP18-0005) - Reid's Crossing Dev. Inc & City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Singh

Ro438/20/06/15 THAT Bylaw No. 12053 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

- 3.10 Old Vernon Rd 175, Rutland Ct 2053, 2065 and 2115 - BL12053 (Z18-0019) - Reid's Crossing Dev. Inc & City of Kelowna**

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0439/20/06/15 THAT Bylaw No. 12054 be read a first time.

Carried

- 3.11 Old Vernon Rd 175, Rutland Ct 2053, 2065 and 2115 OCP18-0005 BL12055 (TA18-0011) - Reid's Crossing Dev. Inc & City of Kelowna**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0440/20/06/15 THAT Bylaw No. 12055 be read a first time.

Carried

- 3.12 Pandosy St 2340 - Z19-0135 (BL12056) - 1128710 B.C. Ltd. Inc. No BC1128710**

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Given

R0441/20/06/15 THAT Rezoning Application No. Z19-0135 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 14 Osoyoos Division Yale District Plan 12868, located at 2340 Pandosy St, Kelowna, BC from the RU1 - Large Lot Housing zone to the HD3 - Health Services Transitional 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 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 June 15, 2020;

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

Carried

Councillors DeHart, Hodge, Sieben and Wooldridge - Opposed

- 3.13 Pandosy St 2340 - BL12056 (Z19-0135) - 1128710 B.C. Ltd. Inc. No BC1128710**

Moved By Councillor Sieben/Seconded By Councillor Donn

R0442/20/06/15 THAT Bylaw No. 12056 be read a first time.

Carried

Councillors DeHart, Hodge, Sieben and Wooldridge - Opposed

- 3.14 Supplemental Report - Snowsell St N 470 - Z20-0009 (BL12035) - Grant Douglas Vestner**

Staff:

- Responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0443/20/06/15 THAT Council receives, for information, the report from the Office of the City Clerk dated June 15, 2020 with respect to the summary of correspondence received for Zoning Bylaw No. 12035;

AND THAT Rezoning Bylaw No. 12035 be forwarded for further reading consideration.

Carried

3.15 Snowsell St N 470 - BL12035 (Z20-0009) - Grant Douglas Vestner

Moved By Councillor DeHart/Seconded By Councillor Stack

R0444/20/06/15 THAT Bylaw No. 12035 be read a second and third time.

Carried

3.16 Supplemental Report - Glenmore Dr 850 - Z20-0022 (BL12036) - James (Scott) and Jennifer Dakin- Correspondence Received RTC

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0445/20/06/15 THAT Council receives, for information, the report from the Office of the City Clerk dated June 15, 2020 with respect to the summary of correspondence received for Zoning Bylaw No. 12036;

AND THAT Rezoning Bylaw No. 12036 be forwarded for further reading consideration.

Carried

3.17 Glenmore Dr 850 - BL12036 (Z20-0022) - James (Scott) and Jennifer Dakin

Moved By Councillor Stack/Seconded By Councillor DeHart

R0446/20/06/15 THAT Bylaw No. 12036 be read a second and third time and be adopted.

Carried

3.18 Supplemental Report - Knowles Rd 472 - Z20-0029 (BL12043) - Amarjit Hundal, Jaswinder Nahal, Harminder and Gurdip Dhillon

Staff:

- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R0447/20/06/15 THAT Council receives, for information, the report from the Office of the City Clerk dated June 15, 2020 with respect to the summary of correspondence received for Zoning Bylaw No. 12043;

AND THAT Rezoning Bylaw No. 12043 be forwarded for further reading consideration.

Defeated

Councillors DeHart, Hodge, Sieben, Singh and Wooldridge - Opposed

Moved By Councillor Sieben/Seconded By Councillor Singh

R0448/20/06/15 THAT Rezoning Bylaw No. 12043 be forwarded to a Public Hearing for further consideration.

Carried

3.19 Knowles Rd 472 - BL12043 (Z20-0029) - Amarjit Hundal, Jaswinder Nahal, Harminder and Gurdip Dhillon

Bylaw No. 12043 was not heard as it was forwarded to a Public Hearing.

4. Bylaws for Adoption (Development Related)

4.1 Underhill St 1940, BL11941 (LUC18-0004) - 1940 Underhill Developments Corp.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0449/20/06/15 THAT Bylaw No. 11941 be amended at third reading by deleting the legal description(s) that read:

Lot A, District Lot 127 and 4646, ODYD, Plan KAP74477

and replace it with

Lots 1 and 2 District Lots 4646 and 127 ODYD Plan EPP101738.

Carried

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0450/20/06/15 THAT Bylaw No. 11941 as amended be adopted.

Carried

4.2 Bach Rd 125 - BL12033 (Z20-0024) - Robert G Johnston and Deborah M Johnston

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0451/20/06/15 THAT Bylaw No. 12033 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Ironman Properties Ltd. Lease Agreement Amendment

Staff:

- Provided an explanation for extending the land lease with Ironman Properties Ltd. and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0452/20/06/15 THAT Council approves the amendment to the Ironman Properties Ltd. Lease Agreement attached as Appendix A to the report from the Airport Finance and Corporate Services Department dated June 15, 2020;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the transaction.

Carried
Councillor Donn - Opposed

5.2 Wastewater Utility Update 2020 and Wastewater Utility Rates 2021

Staff:

- Displayed a PowerPoint Presentation summarizing the wastewater utility operations and utility rates for 2020 to 2022 and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R0453/20/06/15 THAT Council receives, for information, the report from the Wastewater Operations Department dated June 15, 2020, pertaining to an update on the City wastewater utility and regarding the wastewater utility rates for 2021 through 2022.

AND THAT Bylaw No. 12057 being amendment No. 37 to Sewerage System User Bylaw No. 3480 be forwarded to Council for reading consideration.

Carried

5.3 BL12057 - Amendment No. 37 to Sewerage System User Bylaw No. 3480

Moved By Councillor Stack/Seconded By Councillor DeHart

R0454/20/06/15 THAT Bylaw No. 12057 be read a first, second and third time and be adopted.

Carried

5.4 Water Utility 2020 Update

Staff:

- Displayed a PowerPoint Presentation providing an update on the status of the Water Utility and upcoming initiatives and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor DeHart

R0455/20/06/15 THAT Council receive for information, the report from the Water Operations Department, dated June 1, 2020.

Carried

5.5 Water Rates 2021

Staff:

- Displayed a PowerPoint Presentation summarizing the 2021 water rates and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R0456/20/06/15 THAT Council receive for information the report from the Utility Services Department, dated June 15, 2020, regarding Water Utility rates for 2021;

AND THAT Council direct staff to transition water rates for the Beaver Lake Industrial Area Properties such that they align with the rest of the City by 2024 as outlined in this report;

AND FURTHER THAT Council direct staff to report with an amending bylaw for reading consideration to enact the water rates outlined in this report beginning January 1, 2021.

Carried

Moved By Councillor Sieben/Seconded By Councillor Hodge

R0457/20/06/15 THAT Council directs staff to forward the Agriculture water rates to the Agricultural Advisory Committee for their feedback and report back to Council.

Carried

Mayor Basran advised a change in Agenda Order and that Items 5.8 and 5.9 to be heard prior to Item 5.6.

5.8 Surtees Heritage Award

Staff:

- Displayed a PowerPoint Presentation providing an overview of the 2020 Surtees Heritage Award and responded to questions from Council.

Mayor Basran received the Surtees Heritage Award on behalf of Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

R0458/20/06/15 THAT Council receives for information, the report from Real Estate department dated June 15, 2020, with respect to recognition of the Surtees Heritage Site by the Central Okanagan Heritage Society at the 2020 Heritage Awards.

Carried

5.9 Rental Housing Revitalization Tax Exemption Agreements – June 2020

Councillor Stack declared a perceived conflict of interest as the organization he works for at times applies for these contracts and departed the meeting at 3:45 p.m.

Staff:

- Provided an overview of three proposed rental housing tax exemption agreements.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0459/20/06/15 THAT Council, receives, for information, the Report from the Long Range Policy & Planning Department dated June 15, 2020 recommending that Council adopt the following Revitalization Tax Exemption Agreements for three purpose-built rental housing projects.

THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Okanagan Opportunity GP, for Lot A, District Lot 139, ODYD Plan EPP82176 at 599 Clement Avenue, Kelowna, BC.

THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Okanagan Opportunity (Pacific) GP Inc., for Lot A District Lot 137 ODYD Plan EPP84914 at 1145 Pacific Avenue, Kelowna, BC.

THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Columbian Centennial Housing Society, Inc no. sS-16825, for Strata Lots #6-#41 of the proposed subdivision of Lot A, District Lot 137, ODYD, Plan EPP88875 at 1165 Sutherland Avenue, Kelowna, BC.

Carried

The meeting recessed at 3:47 p.m.

The meeting reconvened at 4:00 p.m. with Councillor Stack in attendance.

5.6 Overview of Shared Micromobility in Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed e-Scooter use in the Downtown area and the Bikeshare Permit Program and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Singh

Ro460/20/06/15 THAT Council directs staff to provide options to prohibit E-scooters from operating on the Waterfront Walkway and Bernard Avenue and report back to Council.

Carried

5.7 Regional Transportation Plan - Draft

Staff and Stephen Power, Strategic Planning Lead for the Regional Transportation Plan:

- Displayed a PowerPoint Presentation providing an overview of the Draft Regional Transportation Plan and its subcomponents and responded to questions from Council.

Councillor Donn departed the meeting at 5:15 p.m.

Councillor Stack left the meeting at 5:40 p.m.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro461/20/06/15 THAT Council receives, for information, the report from the Integrated Transportation Department dated June 15, 2020 with respect to the Draft Regional Transportation Plan (RTP) and its sub-components: The Draft Regional Bicycling and Trails Master Plan (RBTMP) and the Draft Regional Disruptive Mobility Strategy (RDMS).

Carried

5.10 Update on Environmental Protection Council Priority

Moved By Councillor Hodge/Seconded By Councillor Singh

Ro462/20/06/15 THAT Council defer the report regarding the Update on Environmental Protection Council Priority to the June 22, 2020 PM Meeting.

Carried

6. Resolutions

6.1 Draft Resolution - Council Advisory Committee Reinstatement

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro463/20/06/15 THAT Council reinstate the duties and meetings of the Agricultural Advisory Committee, Airport Advisory Committee, and Heritage Advisory Committee;

AND THAT the Advisory Committees of Council meet in accordance with the public health orders and guidelines until the Government of British Columbia lifts orders restricting the gathering of people.

arried

7. Mayor and Councillor Items

Councillor Hodge:

- Encouraged the community to be mindful of proper social distancing as recommended by the Provincial Health Officer, Dr. Bonnie Henry.

8. Termination

This meeting was declared terminated at 5:58 p.m.

Mayor Basran

/acm



City Clerk

DRAFT

Report to Council



Date: June 22, 2020
To: Council
From: City Manager
Subject: RCMP Report to Council
Department: Human Resources & Community Safety

Recommendation:

That Council receive the RCMP Update report from the Superintendent, Kelowna RCMP Detachment dated June 22, 2020.

Purpose:

To provide Council with an update on the activities of the RCMP and on progress toward goals and outcomes in the 2016-2019 Crime Reduction Strategy.

Background:

The City's 2016 – 2019 Crime Reduction Strategy and investments in police funding focus on directly addressing the concerns of residents and safety in Kelowna. In the 2019 statistically significant public safety survey, the primary reason cited by residents for rating their neighbourhood as unsafe is the presence of people without homes and open drug use. Citywide, residents think the most important crime-related problems are breaking and entering/property crimes and drug use. RCMP units including the Community Safety Unit, foot and bike patrols work to be a visible presence in business areas and neighbourhoods to reassure residents as well as address crime proactively. .

The Crime Reduction Strategy consisted of four main goals, each with multiple strategies within. The four goals included:

1. Taking a proactive approach to crime;
2. To work with partner agencies for more effective policing;
3. To maximize the effectiveness of resources using an intelligence-led model;
4. Leveraging effective communications

Taking a proactive approach to crime

The Kelowna RCMP detachment has a diverse number of specialized units to address the range of complex, dynamic and evolving crime and safety issues the community is experiencing. In 2020, our proactive policing initiatives have continued to focus on enhanced visibility, problem residences, targeting street level drug activity, traffic enforcement and crime prevention initiatives. In some instances, due to the Covid-19 pandemic, we've had to adjust our approaches to better manage issues given the changing environment.

The Community Safety Unit has continued being a visible presence in our business areas and addressing problem residences in local neighborhoods.

Our new Foot Patrol Team established in October is staffed by two dedicated officers to enhance RCMP visibility and address safety issues. Their regular foot beat includes patrols in the Downtown, Rutland, Pandosy and other business districts within the city. The team will be expanded to four dedicated officers later this year allowing for seven day a week coverage. This increase in foot patrol officers is a direct result of the additional resources approved in the 2020 Budget. Our four officer RCMP Bike Patrol team resumed operations April 1st. They have been a visible presence in our parks, trails and business areas.

In late April, the Community Safety Unit commenced deploying our bait bike to combat bike theft. These efforts have resulted in seven thefts of the bait bike and subsequent charge recommendations forwarded to Crown Council.

Since March, the Community Safety Unit has investigated and executed search warrants at five residences located in the Downtown, Rutland and Lower Mission neighborhoods. These investigations have recovered drugs, firearms, and stolen property including bicycles.

Enhanced Policing Shifts will be continuing three evenings a week in the downtown. These will assist in ensuring visible police presence during the expanded retail and hospitality services offered on Bernard Avenue this summer. Bike and Foot patrol teams have adjusted their shift pattern to provide more early evening coverage.

Our Street Enforcement, Target Team and Drug Units continue to proactively target drug activity and prolific offenders. They have completed investigations targeting auto thieves resulting in the recovery of stolen vehicles and executed search warrants related to drug and firearms trafficking.

The Traffic Services Unit conducted 54 Provincial & Criminal Code impaired driving investigations from March 1 – June 1 of 2020. In this same period, 571 tickets and 309 warnings were issued.

To work with partner agencies for more effective policing

The Prolific Offender Monitoring Program participants include Crown, Probation, Bail Supervisors, Parole, Corrections, the Target Team, and both the West Kelowna and Lake Country detachments meet once per month. Regular meetings have been interrupted by COVID-19, however, exchange of information has continued between agencies. Meetings resumed on June 17.

Criminality and homelessness are not one and the same. RCMP use an enforcement approach when necessary but officers also conduct outreach daily to connect people with the services they need. Often situations are de-escalated and redirected to support services. The RCMP partners with social development groups to address both sides of the issue, with the goal of protecting the most vulnerable, the public and businesses from those involved in criminal activity.

The Kelowna Outreach and Support Table (KOaSt) consists of approximately twelve partner agencies who meet weekly to support individuals who are at immediate risk of crisis. Meetings were suspended during COVID for six weeks with teleconferences commencing on April 28. Since that time, five referrals have been made to the table.

The Police and Crisis Team (PACT) has been involved in multiple consultations/interventions/assessments: 85 March / 121 April / 107 May, plus 22 MHA Apprehensions. The increased numbers observed in April and May are consistent with springtime trends.

In partnership with Crime Prevention and the John Howard Society, the Restorative Justice program has seen 31 youth referrals and 53 adult referrals to date in 2020.

To maximize the effectiveness of resourcing using an intelligence led model

Kelowna Detachment will be implementing the eleven new positions approved by Council in the 2020 Budget later this year. The new resources will be dedicated to the Community Safety Unit including additional foot and patrol officers. One position will be used to enhance the existing School Resource Officer program and four will go to the General Investigation Support Team.

The Griffiths Resource Report has been reviewed. We are currently preparing responses to the various recommendations and developing a suggested implementation plan for future positions.

CompStat meetings with partners and stakeholders are held monthly and highlight criminally active offenders for targeted enforcement. During April and May formal meetings were suspended. Detachment Crime Analysts continued to prepare and disseminate the monthly reports providing intelligence on active offenders to our investigators. This resulted in focused enforcement on a small group of active property crime offenders resulting in multiple criminal charges.

Employee wellness has been a continued focus for the Detachment. The Detachment Wellness Group was successful in receiving a Civil Forfeiture Grant to provide further training in the area of Critical Incident Stress Management to our employees. It is anticipated that this training will be arranged this fall after the lifting of COVID-19 restrictions.

Leveraging effective communications

Our Media Relations Officer and Community Safety Officer have completed several proactive releases educating the public on a variety of topics including: Bike Theft Prevention, Traffic Safety, and Fraud Friday and Traffic Tuesday Tips.

Unfortunately, several of our upcoming community related events including the Canadian Police Canine Association Competition have been cancelled due to COVID-19 imposed restrictions.

Statistics

Early this year we observed an increase in property related crime compared to previous year comparisons. A decline in offences commenced in early March. It is believed that this is a result of the apprehension of a small group of property offenders who were very active in the early part of the year. It is also felt that COVID-19 restrictions imposed in March contributed to the decrease.

Persons crimes, primarily in the area of common assault, also trended higher in the early part of this year compared to the previous year. Numbers are currently returning to rates comparable with the previous year. This area will be carefully monitored as the year progresses. An increase in assault files has been noted within the greater RCMP Southeast District year to date.

Internal Circulation:

Police Services
Community Safety
Communications

Considerations applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
External Agency/Public Comments:
Communications Comments:

Submitted by: B. Mundle, Superintendent Kelowna RCMP Detachment

Approved by: S. Leatherdale, Divisional Director, Corporate & Protective Services

Attachment: 1. PowerPoint

cc: S. Jackson, Police Services Manager
C. Cornock, Crime Prevention Supervisor
D. Caul, Director of Community Safety
M. Lee, Communications Consultant
T. Wilson, Communications Manager

CITY COUNCIL PRESENTATION

June 22, 2020



**Officer In Charge
Supt. Brent Mundle
Kelowna RCMP**

Crime Reduction Strategy

GOAL #1

PREVENT CRIME BEFORE IT OCCURS THROUGH A PROACTIVE APPROACH

GOAL #2

TO WORK WITH PARTNER AGENCIES FOR MORE EFFECTIVE POLICING

GOAL #3

TO MAXIMIZE THE EFFECTIVENESS OF RESOURCES USING AN
INTELLIGENCE-LED MODEL

GOAL #4

TO EFFECTIVELY COMMUNICATE PUBLIC SAFETY

GOAL #1

TAKING A PROACTIVE APPROACH TO CRIME

- Prevent Crime Before It Occurs -

- ❖ Crime Prevention Unit Update
- ❖ Summer Policing
- ❖ Traffic Initiatives



GOAL #1

TAKING A PROACTIVE APPROACH TO CRIME

Community Safety Unit



GOAL #1
TAKING A PROACTIVE APPROACH TO CRIME
Community Safety Unit (CSU)



GOAL #1

TAKING A PROACTIVE APPROACH TO CRIME (CONT'D)

Significant Investigations

- Drug Investigations;
- Property Crimes;
- Person Crimes;



GOAL #2

WORK WITH PARTNER AGENCIES FOR MORE EFFECTIVE POLICING

- ❖ Prolific Offender Monitoring Program
- ❖ Kelowna Outreach & Support Table (KOaST)
- ❖ Police and Crisis Team (PACT)
- ❖ Restorative Justice
- ❖ Temporary Overnight Sheltering

GOAL #3

TO MAXIMIZE THE EFFECTIVENESS OF RESOURCES USING AN INTELLIGENCE-LED MODEL

❖ New Resource Update

- 6 Community Safety Unit (Foot & Patrol Resources) Officers
- 1 School Resource Officer
- 4 General Investigation Support Team (GIST) Officers

❖ COVID-19 Resource Deployment / Impacts

GOAL #3

TO MAXIMIZE THE EFFECTIVENESS OF RESOURCES USING AN INTELLIGENCE-LED MODEL (CONT'D)

- ❖ Griffiths Report - Resources
- ❖ COMPSTAT
- ❖ Employee Wellness

GOAL #4

EFFECTIVELY COMMUNICATE PUBLIC SAFETY

❖ Point in Time Count Training Sessions

❖ Proactive Releases

- Unnecessary Vehicle Noise;
- Tinted Windows;
- Outdoor Safety;
- Bike Theft Prevention;
- Social Media Video on Bike Theft Prevention
- Twitter / Facebook (Fraud Friday & Traffic Tuesday)

❖ Community Involvement

- Okanagan College Foundation Fundraiser

GOAL #4

EFFECTIVELY COMMUNICATE PUBLIC SAFETY



Kelowna RCMP

@RCMPKelowna

Home

Posts

Videos

Photos

About

Community

Events



Kelowna RCMP is at Kelowna RCMP.

May 7 · Kelowna, BC ·

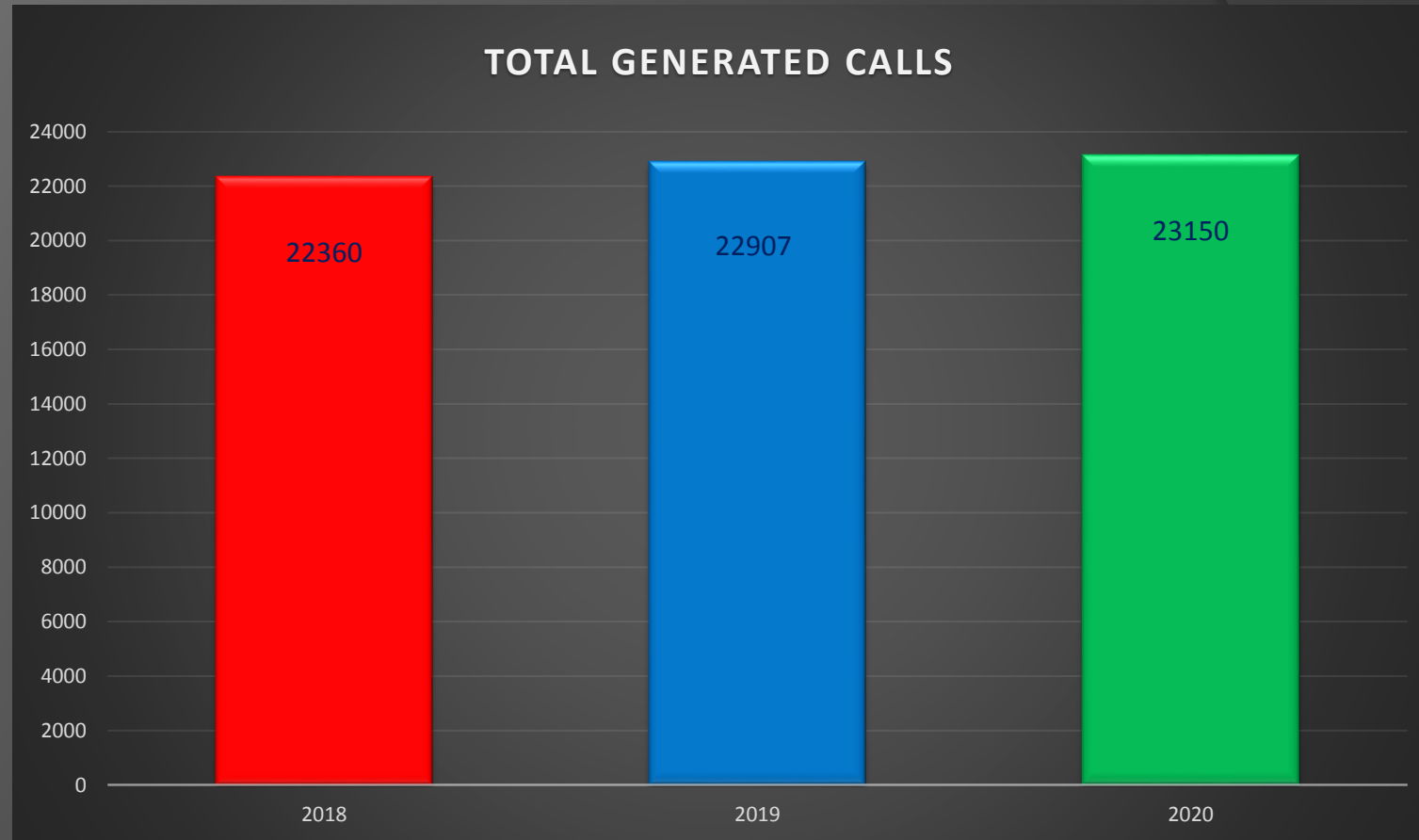
The Kelowna RCMP Community Safety Unit wants to remind cyclists to secure your bicycle as a theft of your investment can take just moments. #KelownaBC #KelownaRCMP

Cst. Gauthier
Community Safety Unit

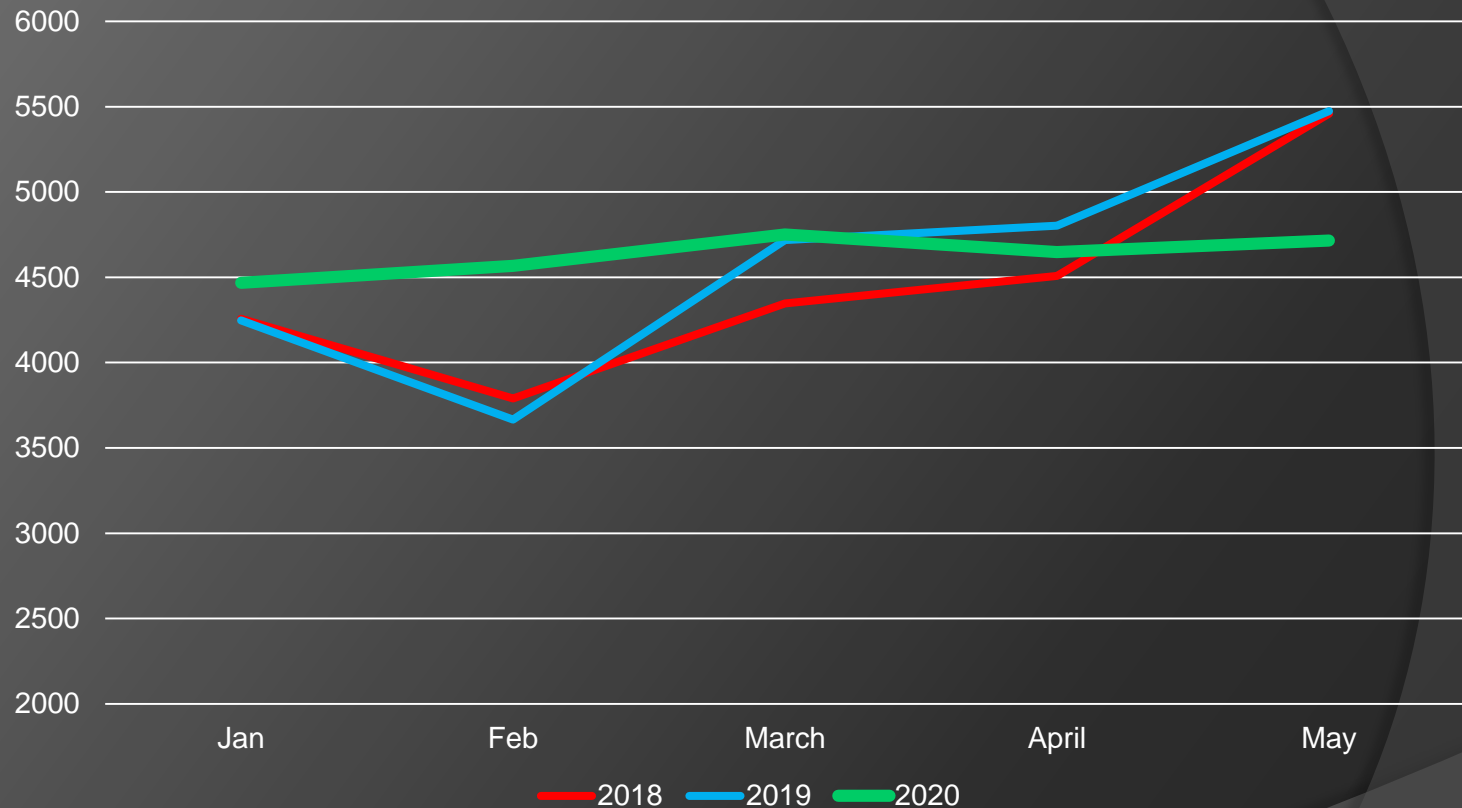


CALLS FOR SERVICE

JANUARY 1 TO MAY 31



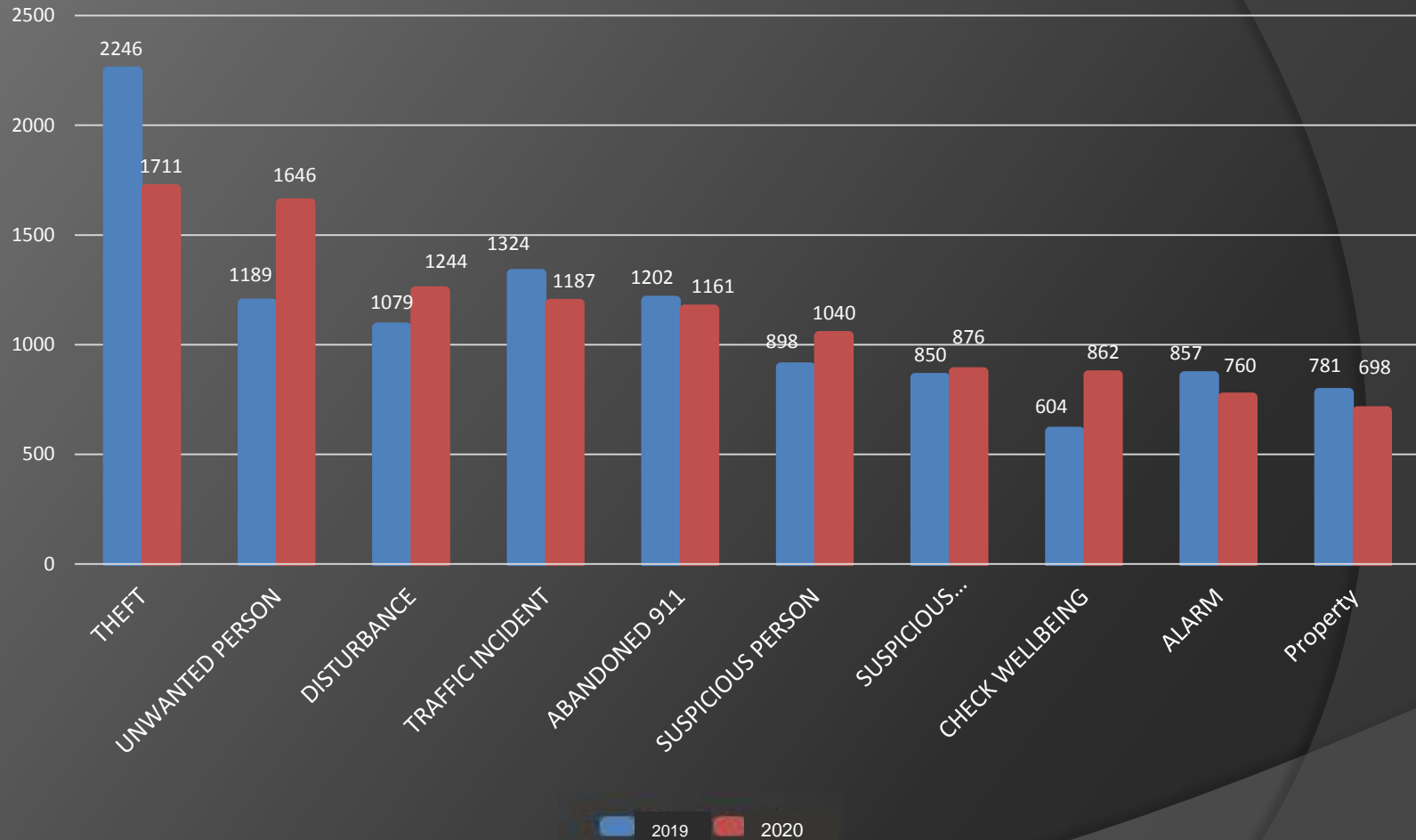
CALLS FOR SERVICE 3 YEAR MONTHLY COMPARISON



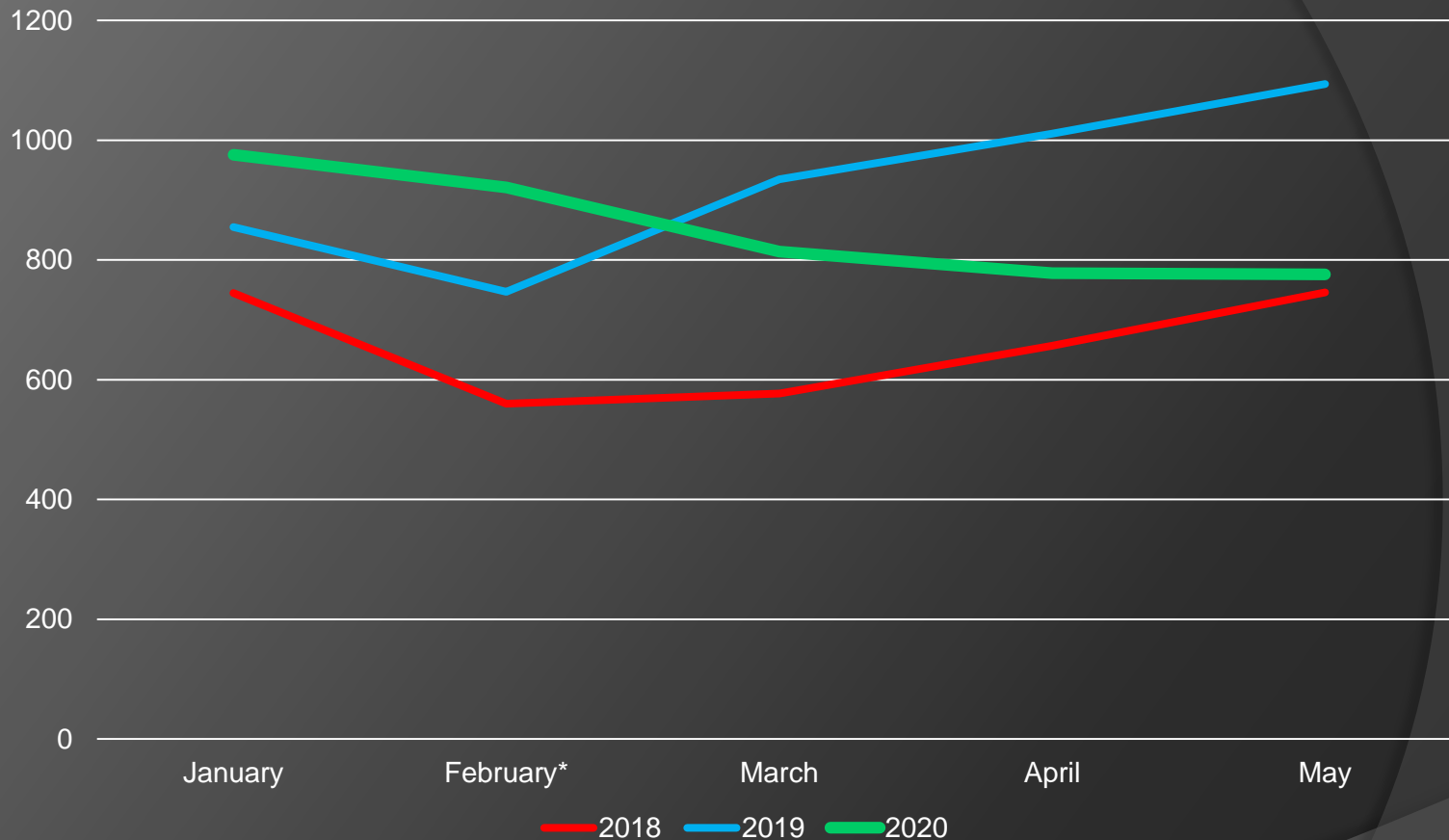
* February 2020 had 29 days,
compared to 28 in February 2018/2019

TOP TEN CALLS FOR SERVICE COMPARISON

JANUARY 1 TO MAY 31



PROPERTY CRIME 3 YEAR MONTHLY COMPARISON

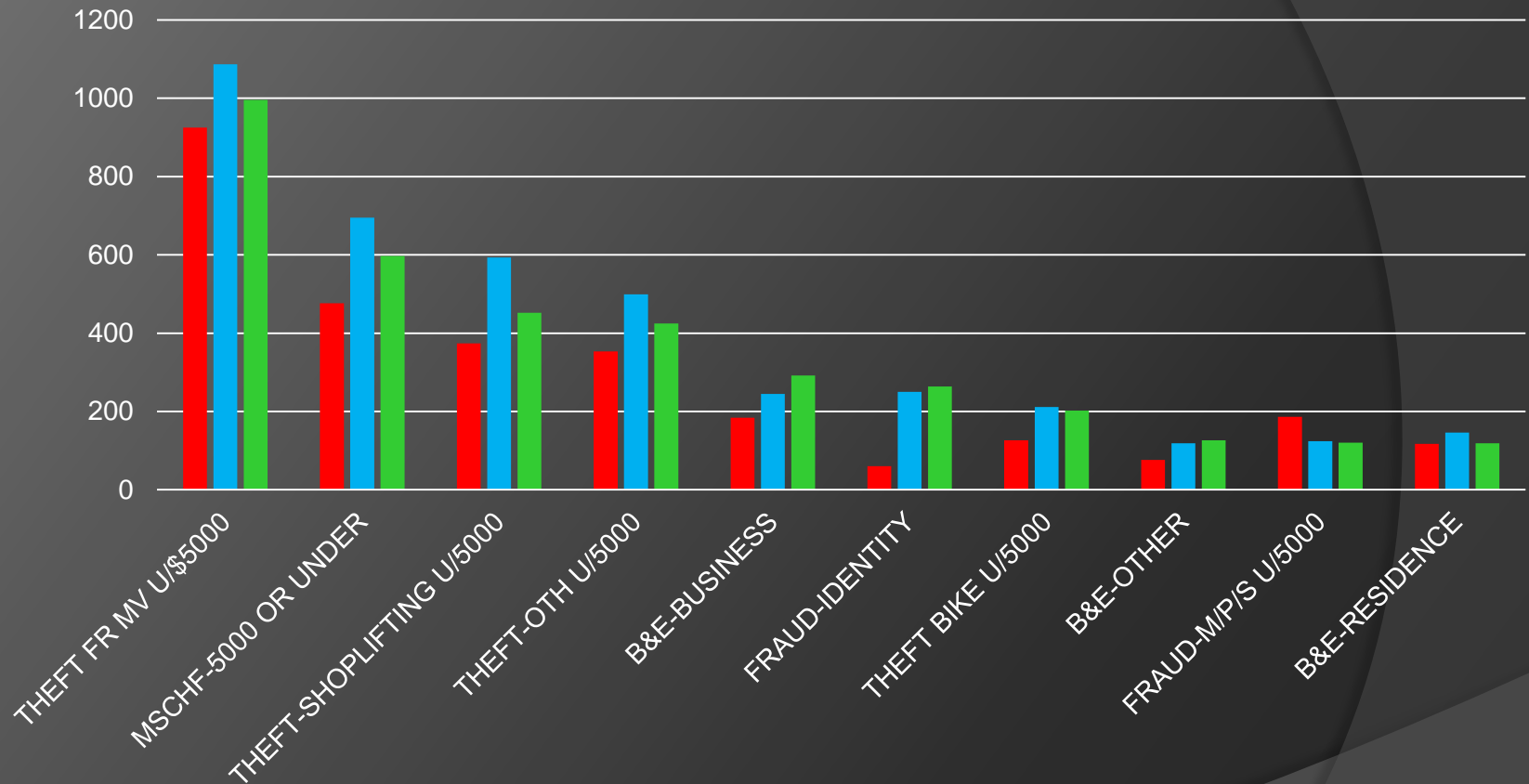


* February 2020 had 29 days,
compared to 28 in February 2018/2019

PROPERTY CRIME – THREE YEAR COMPARISON

JANUARY 1 – MAY 31

TOP 10 PROPERTY CRIMES

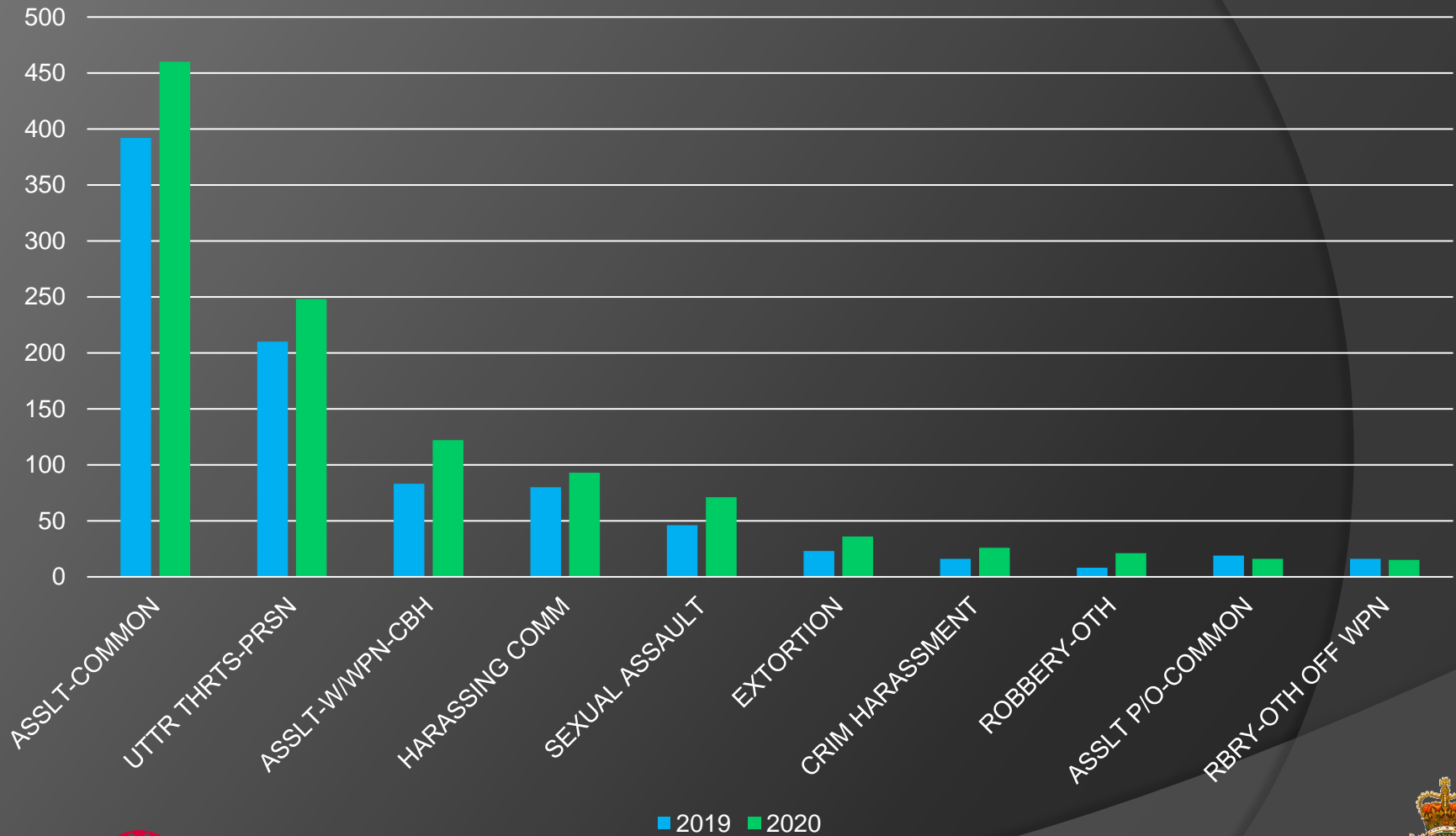


■ 2018 ■ 2019 ■ 2020

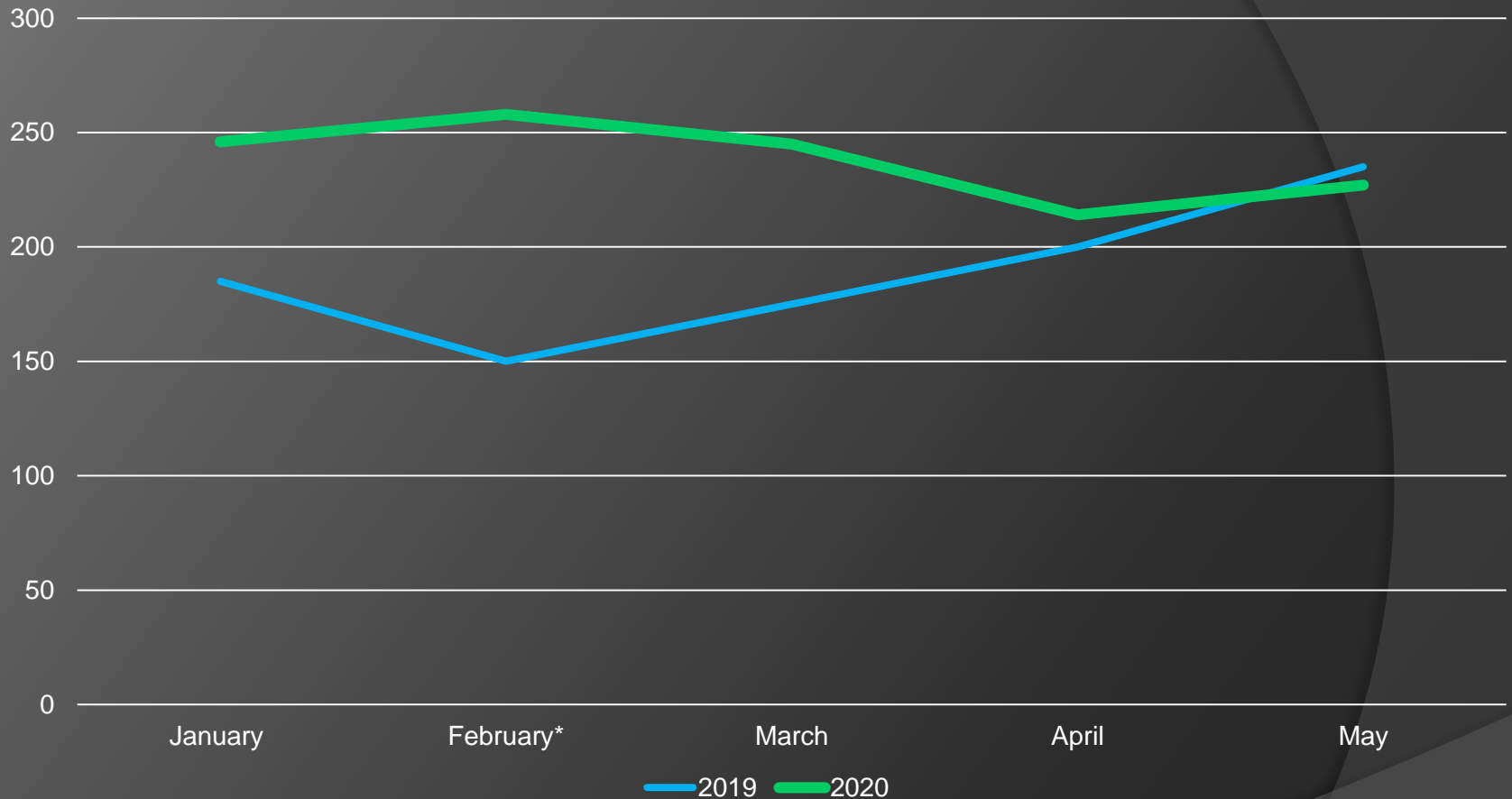
*M/P/S = Money/Property/Securities

TOP 10 PERSON CRIMES

January 1 – May 31



PERSON CRIMES MONTH BY MONTH



* February 2020 had 29 days,
compared to 28 in February 2018/2019

CRIMINAL CODE OFFENCES BY TYPE

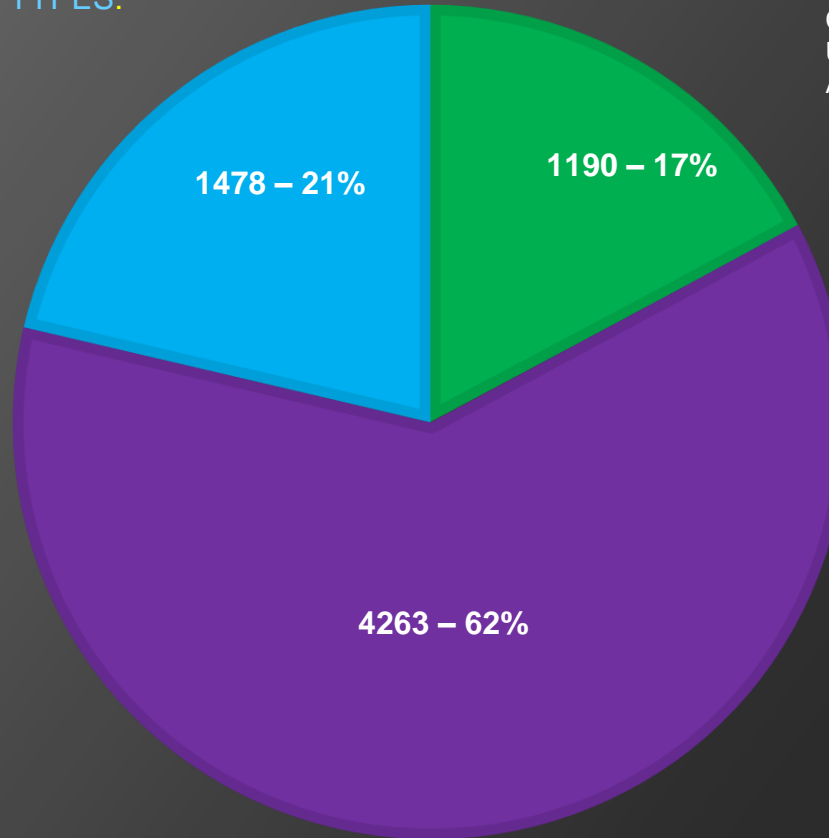
JANUARY 1 – MAY 31, 2020

TOP 3 OTHER CC CRIME TYPES:

Cause Disturbance – 921
Breach/Bail Violation – 137
Fail to Appear - 88

TOP 3 PERSON CRIME TYPES:

Common Assault – 460
Utter Threats – 248
Assault with Weapon CBH - 122



TOP 3 PROPERTY CRIME TYPES:

Theft from MV Under \$5,000– 996
Mischief Under \$5,000– 597
Shoplifting Under \$5,000– 452

■ PERSON OFFENCES ■ PROPERTY OFFENCES ■ OTHER CC

QUESTIONS?

REPORT TO COUNCIL



Date: June 22, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0025

Owner: 1046958 B.C. Ltd., Inc. No.
BC1046958

Address: 185 Arab Road

Applicant: Steven Lea, Press Development
Ltd.

Subject: Rezoning Application

Existing OCP Designation: IND-L – Industrial Limited

Existing Zone: A1 – Agriculture 1

Proposed Zone: I6 – Low Impact Transitional Industrial

1.0 Recommendation

THAT Rezoning Application No. Z20-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 40, Section 3, Township 23, Osoyoos Division Yale District Plan 18861, located at 185 Arab Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I6 – Low Impact Transitional Industrial zone NOT be considered by Council.

2.0 Purpose

To consider Staff recommendation to NOT rezone the subject property from A1 – Agriculture 1 to I6 – Low Impact Transitional Industrial to facilitate the use of the subject property for an industrial development.

3.0 Development Planning

Staff recommend non-support for the proposed rezoning application to facilitate the use of the subject property for an industrial development as it would undermine the coordinated engineering and utility servicing upgrade requirements for the Appaloosa-Arab Road area, as per Subdivision, Development and Servicing Bylaw 7900.

The area has complex road and utility challenges that necessitates a comprehensive and coordinated solution lead by the area residents. In order to rezone the area from Agriculture to Industrial, the road

network in the area requires comprehensive upgrades, and community water and sewer is required to service the new industrial lands.

Additionally, fair cost-sharing of upgrade works is necessary so that the entire neighbourhood may proceed. The cost for off-site requirements for the area properties is estimated to be in excess of three million dollars, which is more than one property owner is likely to be able to manage. The off-site requirements include underground and surface infrastructure for Appaloosa Road and Palomino Road, which need to be completed concurrently.

Furthermore, there must be Statutory Right of Way for drainage pipes in place at the front-end of the area upgrades for drainage to work through different properties. There must be a new road connection through private property that will only be achievable through a comprehensive, area-wide engineering and serving implementation. Any property doing these works on a standalone application will make it more difficult in the future for other properties in the area to tie in to the works, placing a strain on the area and its residents.

All of this cannot be achieved on a lot-by-lot basis unless the individual lot in the area that is first to submit a rezoning application agrees to take on the entire off-site needs and cost associated with off-site improvements for the area, at that time, then the individual lot may come in alone. Otherwise, approval of one-off rezoning proposal would erode the likelihood of a neighbourhood solution.

The area has a long-standing history (refer to Section 4.1 for background details). The applicant understands the property owners in the area intend to pursue a neighbourhood-led land use and servicing plan. This is to facilitate the option for the area residents to submit a collaborated group application to rezone their parcels to I6.

In accordance with Council direction from 2017, Staff have informed area residents that no-one could move forward a rezoning application until an area servicing plan had been created and bonded for by each applicant. Contrary to this direction, the applicant for the subject property wishes to pursue rezoning the parcel independently of Area residents and without collaborating with the Area servicing plan.

To fulfill Council Policy No. 367, the applicant notified property owners/tenants within 50m of the subject property and submitted a Neighbour Consultation Form to staff on May 13, 2020.

4.0 Proposal

4.1 Background

The historical background for the Appaloosa-Arab Road neighbourhood was provided in a letter (dated April 24, 2020) by the Divisional Director of Planning and Development and presented to Council and City Manager (Attachment C).

In summary, the Official Community Plan (OCP) designates the subject property as IND-L Industrial-Limited which was created for the I6 zone. The zone was created to allow for a range of low-impact industrial land uses that are intended to act as a transition between the general industrial areas to the south and east and the rural residential areas to the north and west of the Appaloosa-Arab Road Area. The permitted uses, development regulations, screening requirements, parking and outdoor storage restrictions, and other regulations in the I6 zone are designed to limit negative impacts to the nearby residential, rural and agricultural uses in this Area.

Following a Public Hearing in April 2017, Council directed the Area property owners to work together on a plan for the servicing of the Area. This plan would in theory see interested parties front-end the consulting costs and ultimately the servicing costs, with the ability to latecomer future development.

Since Council's 2017 decision, Staff have been working on and off with a group of Appaloosa-Arab Area property owners and a civil engineer to create an Area servicing plan. During this time, Council denied two applications for temporary use permits and directed the applicants to work towards a permanent servicing solution. As per Council direction, Staff have informed Area residents that no-one could move forward a rezoning application until an Area servicing plan had been created. A number of property owners in the Area continue to work towards a servicing plan that meets the City's servicing regulations for industrial development. A servicing plan was submitted by the consultant and currently is under review by the City. If approved and once the property owners with active rezoning applications bond for the servicing works, it will allow rezoning applications to begin to move forward into the Council process with Staff support under a coordinated servicing strategy.

4.2 Project Description

The applicant wishes to rezone the subject property to I6 to facilitate the use of the subject property for an industrial development, and has not submitted a proposed development permit application or a plan for the property.

4.3 Site Context

The subject property is located within the Highway 97 City Sector and a Transmission Pressure Pipeline runs through the property. The property fronts Arab Road, is on the corner of Arab Road and future Palomino Road, and on the south side of Appaloosa Rd. The lot area is approximately 7,484m² (1.85 acres) in size and is typical of other surrounding properties. The property is within the Permanent Growth Boundary and is zoned A1 – Agriculture 1 with a future land use designation of IND – L Industrial – Limited. Adjacent land uses are as follows:

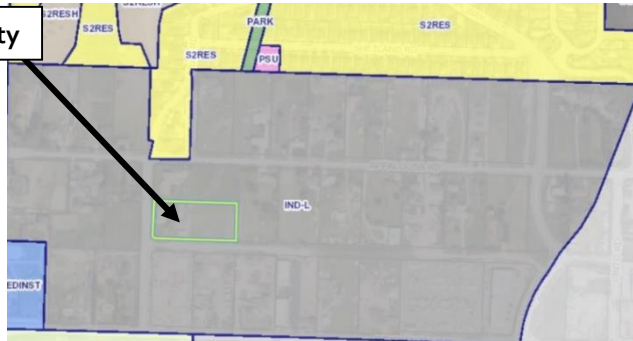
Orientation	Zoning	Land Use
North	A1C - Agriculture 1 with carriage house	Rural residential
East	A1 – Agriculture 1	Rural residential
South	Future Palomino Road I6 – Low Impact Transitional Industrial A1 – Agriculture 1	Future Palomino Road Outdoor storage Rural residential and outdoor storage
West	Arab Road A1 – Agriculture 1	Arab Road Rural residential

Subject Property Map: 185 Arab Road

Zoning Map:



Future Land Use:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 10: Development Process

Objective 5.28 Industrial Land Use Policies:

Focus industrial development to areas suitable for industrial use.

Objective 5.30 Industrial Supply Protection:

Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.

5.2 Other Policies

Subdivision, Development and Servicing Bylaw 7900

Section 9.3 Required Works and Services

6.0 Technical Comments

6.1 Development Engineering Department

- Refer to Schedule A, Development Engineering Memo, dated March 6, 2020.

7.0 Application Chronology

Date of Application Received: February 5, 2020

Date Public Consultation Completed: May 13, 2020

8.0 Alternate Recommendation

THAT Rezoning Application No. Z20-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 40, Section 3, Township 23, Osoyoos Division Yale District Plan 18364, located at 185 Arab Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I6 – Low Impact Transitional Industrial zone be considered by Council;

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

AND FURTHER THAT final adoption of the Zone Amending Bylaw be subsequent to the following:

1. To the outstanding conditions identified in Schedule A associated with the report from the Development Planning Department, dated March 6, 2020.
2. The applicant be required to provide a landscape plan and post with the City a Landscape Performance Security deposit in the form of a Letter of Credit in the amount of 125% of the estimated value of the landscaping.

Report prepared by: Barbara B. Crawford, Planner II
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Development Engineering Memo, dated March 6, 2020.

Attachment A: Site Plan.

Attachment B: Applicant's Rationale Letter.

Attachment C: Appaloosa-Arab Road Neighbourhood Servicing for Development, Divisional Director of Planning and Development, dated April 24, 2020.

CITY OF KELOWNA

MEMORANDUM

SCHEDULE	A
This forms part of application # Z20-0025	
Planner Initials	BC
 City of Kelowna DEVELOPMENT PLANNING	

Date: March 6, 2020
File No.: Z20-0025
To: Planning & Development Services Department (BC)
From: Development Engineer Manager (JK)
Subject: 185 Arab Rd., Lots 401, Plan 18861 A1 – I6

Development Engineering has the following comments and requirements associated with this application rezone the subject property from A-1 to I6 are as follows:

1. **General**

Access to the subject lots must be achieved off of Arab Road and exit on Palomino Road is designated as a rural lane Palomino will be exit only to Arab road. CTQ Consultants Ltd. has created a master plan and cost estimate for Bonding for Area.

2. **Geotechnical Study**

We recommend that a comprehensive geotechnical study be undertaken over the subject property. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays.

3. **Sanitary Sewer System**

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development. There is an existing 100mm PVC sanitary service to lot.
- a) The Connection Area #35 charge is currently set by Bylaw at \$13,300 per Single Family Equivalent (SFE). This Bylaw was reviewed for and accepted by Council in 2018.

determined by the following formula: the first 0.36 acres of developed land or portion thereof equals 1 SFE. Thereafter 1.49 Acres per acre of developed land.

The assessed value is 5.17 SFE's is **\$68,787.60**

SCHEDULE		A
This forms part of application # Z20-0025		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

4. Water Servicing Requirements

This development is within the service area of the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

5. Storm Drainage

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual By-Law 7900 is required.

6. Road Improvements

- a.) The Appaloosa Properties will work together or on their own the first application in to council will be required to complete all roads, Water, Sanitary and storm works for Appaloosa area, including Palomino, Arab roads. CTQ Consultants Ltd. has created a master plan and cost estimate for bonding for Area.
- b.) The frontage of Arab Road will be upgraded to a full (SS-R5) urban standard in accordance with Bylaw 7900, Sidewalk and road marking will be required.

7. Road Dedication and Subdivision Requirements

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, TELUS, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

8. Power and Telecommunication Services

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

9. Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreements for Works and Services

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

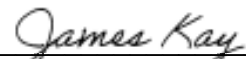
11. DCC Credits

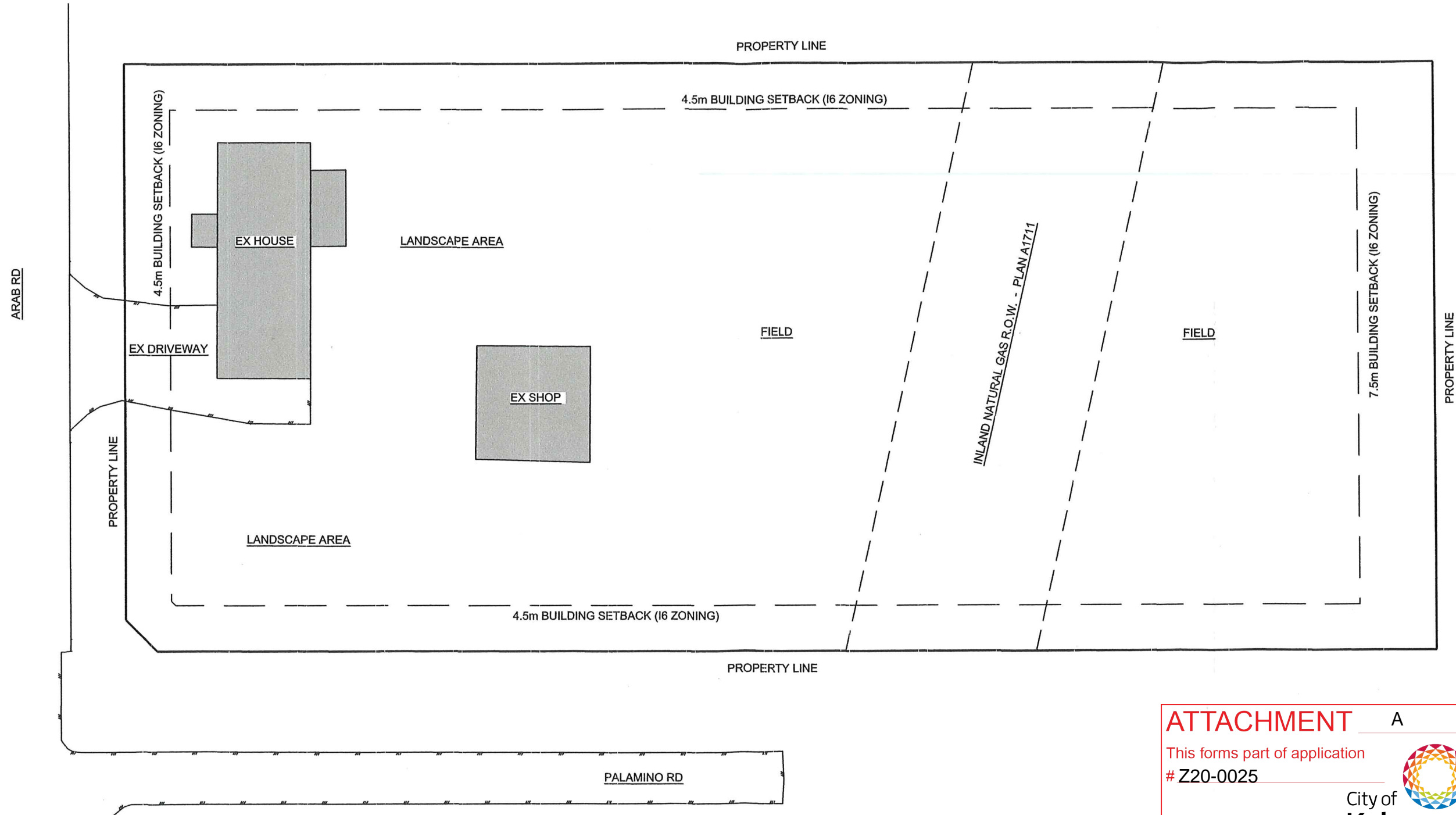
None of the required improvements qualify for DCC credit consideration, as these levies are collected as cash in lieu.

12. Bonding and Levies Summary

Levies

Palomino Rd. repair works	TBD
Connection. Area #35	\$68,787.60
Total levies	<u>TBD</u>


 James Kay, P. Eng.
 Development Engineering Manager
 RO



ATTACHMENT A

This forms part of application
Z20-0025

Planner
Initials

BC

City of
Kelowna
DEVELOPMENT PLANNING



HALF-SCALE

**press
developments**
Real Estate Development

PO BOX 30131 GLENPARK PO
KELOWNA, BC V1Y 2M4
(250) 859-2972
steve@pressdevelopments.com

THE DRAWINGS AND DIMENSIONS AS SHOWN ARE BASED ON ESTIMATED EXISTING CONDITIONS AND MEASUREMENTS. ALL DESIGN AND DIMENSIONS HEREIN ARE SUBJECT TO CHANGE PER ACTUAL AND CONFIRMED SITE CONDITIONS AND MEASUREMENTS.

OWNER AND CONTRACTOR TO VERIFY ALL DIMENSIONS, STRUCTURAL DETAILS, BUILDING CODES, AND GRADE REQUIREMENTS.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE OWNER OF ANY DIMENSIONAL ERRORS, OMISSIONS, OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.

OWNER WILL TAKE NECESSARY PRECAUTIONS TO REMOVE OR RELOCATE ITEMS OF VALUE TO BE REVISED AND/OR SAVED, OR IN ANY DANGER OR BEING DAMAGED DUE TO CONSTRUCTION PROCESS.

ISSUES		
No.	DATE	DESCRIPTION
1	MAR 3, 20	REZONING

REVISIONS		
No.	DATE	DESCRIPTION

PROJECT	185 ARAB RD
CLIENT	0725353 BC LTD.
DRAWING TITLE	EX SITE PLAN

DATE	FEBRUARY 8, 2020
SCALE	1 : 200
DRAWN	SWL
PROJECT No.	20004
DRAWING No.	

C1

February 4, 2020

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



Regarding: 185 Arab Rd – Rezoning Rationale

The following items will illustrate the support for the application to rezone 185 Arab Rd from A1 – Agricultural to I6 – Low Impact Transitional Industrial

1.0 Existing Lot Conditions

The existing conditions of the lot meet all of the zone requirements of I6 (as outlined in the attached Zoning Analysis Table). The existing residential house is situated that its within the I6 building setbacks. No variances are required with the rezoning to I6 for this property.

2.0 Existing Off-Site Conditions

With the improvement of Arab Rd completed in 2009 to meet the Collector Class 1 Rural Road ROW, the lot will have the appropriate utility services provided to tie into. The frontage of the lot still requires some off-site upgrades for sidewalks.

With this being a corner lot, it also backs onto Palomino Rd. Palomino Rd has been reclassified to a laneway, where a portion of it has been constructed in 2019 from Arab Rd heading east approximately 70 meters adjacent to the property line.

It is understood that the owner of the lot will have to contribute its share of the costs of upgrading Arab Rd and Palomino Rd. A recent detailed cost analysis was completed by CTQ Consultants Ltd that outlines the required off-site costs to be paid, which has been submitted to the City.

3.0 OCP (official Community Plan)

This lot sits within an area that the City has identified in its Official Community Plan to be Light – Industrial. Rezoning to I6 fits within the Official Community Plan.

4.0 Future Development in the Area

The area between Sexsmith Rd, Arab Rd, Appaloosa Rd, and Hollywood Rd is undergoing a transition from A1 to I6. In the last three years, within this area, there have been 5 lots rezoned from A1 to I6 and 10 lots currently in the process of being rezoned. In addition, there are 10 lot owners who are coming together to provide a security bond to allow the upgrading of Appaloosa and Palomino Rd (between Arab and Hollywood Rd) to meet the requirements of an Industrial subdivision.

5.0 Existing Industrial Needs

Currently the City of Kelowna has a shortage of available Industrial land and buildings. This is demonstrated with observing how new projects are leased or sold in a very short time period (*210 Lougheed and 3050 Sexsmith Rd*).

A search for available Industrial land only shows one lot available that is technically zoned Industrial, but is advertised to be rezoned Commercial (*1055-1063 Ellis St*).

While there are a couple of Strata units coming online (*Enterprise Way and Clement Ave*), these units are geared towards a different user than what you would see in the Sexsmith / Appaloosa area. When researching the available units that are comparable, there is only 8 units available at this time (*Airport Park*).

When talking with local Commercial Realtors, they express a real need for more Industrial land and buildings. It has also been noted that currently there is a vacancy rate of 0.76% for Industrial. (*HM Commercial Group – 2019 Industrial Report*).

6.0 Proposed Development

No official design has been completed for 185 Arab Rd at this time. Rezoning this property conforms to the area and will further enhance the Industrial area requirements and needs.

7.0 Summary

1. The lot meets all of the I6 zoning requirements
2. Arab Rd has already been upgraded to provide the required utilities to the lot
3. Palomino Rd has been partially completed adjacent to the lot
4. Rezoning this lot follows the Official Community Plan designation and requirements
5. The immediate surrounding area is transitioning from A1 to I6 with upgrading the infrastructure to accomplish this
6. There is an extremely low inventory of available Industrial land in the City of Kelowna
7. The rezoning and development of the lot conforms to the neighbourhood and will enhance the Industrial needs of the area

Regards,



Steve Lea, Civil Tech
Press Developments Ltd.

Memo

ATTACHMENT		C
This forms part of application # Z20-0025		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING



Date: April 24, 2020

To: City Manager

From: Divisional Director of Planning and Development

Subject: Arab/Appaloosa Neighbourhood Servicing for Development

1.0 Background

The Arab/Appaloosa area was designated for future transitional industrial development in the 2011 Official Community Plan. Subsequently a zone was added to the City's Zoning Bylaw to allow for rezoning applications to proceed. During the review of initial applications it was determined that the design and installation of industrial services was both cost prohibitive for individual property owners and difficult due to fragmented ownership (some property owners wished to develop, and some did not).

In 2012, Council directed staff not to accept rezoning applications until the servicing issues had been resolved. Staff explored changes to the zoning that might allow a reduced servicing standard; however, the proposed changes were not supported by the neighborhood. In 2013, Council re-affirmed direction to staff not to accept rezoning applications. Further, it was directed that staff explore the possibility of a Local Area Service program (LAS) to achieve the needed upgrades. Between 2014 and 2017 staff worked on a LAS program but support was lukewarm in the neighborhood.

After a Public Hearing in April 2017, Council indicated that they were no longer supportive of the LAS for the Arab/Appaloosa neighborhood. At that time, Council directed the area property owners to work together on a plan for the servicing of the area. This plan would (in theory) see interested parties front end the consulting costs and ultimately, the servicing costs (with the ability to latecomer future development).

2.0 Current Status

Since Council's 2017 decision, staff have been working on and off with a group of Arab/Appaloosa property owners and a civil engineer to create a neighborhood servicing plan. During this time, Council denied two applications for temporary use permit and directed the applicants to work towards a permanent servicing solution. Staff have informed applicants, for rezoning applications that none could move forward until a neighborhood servicing plan has been created (in accordance with Council direction from 2012 and 2013). Some property owners in the neighborhood continue to work towards a servicing plan that meets the City's servicing regulations for industrial development. Currently, it appears as though an acceptable plan is close at hand. This will allow rezoning applications to begin to move forward into the Council process with staff support under a coordinated servicing strategy. Staff will bring forward additional details about this plan with the first rezoning applications to move forward.



Z20-0025 185 Arab Road

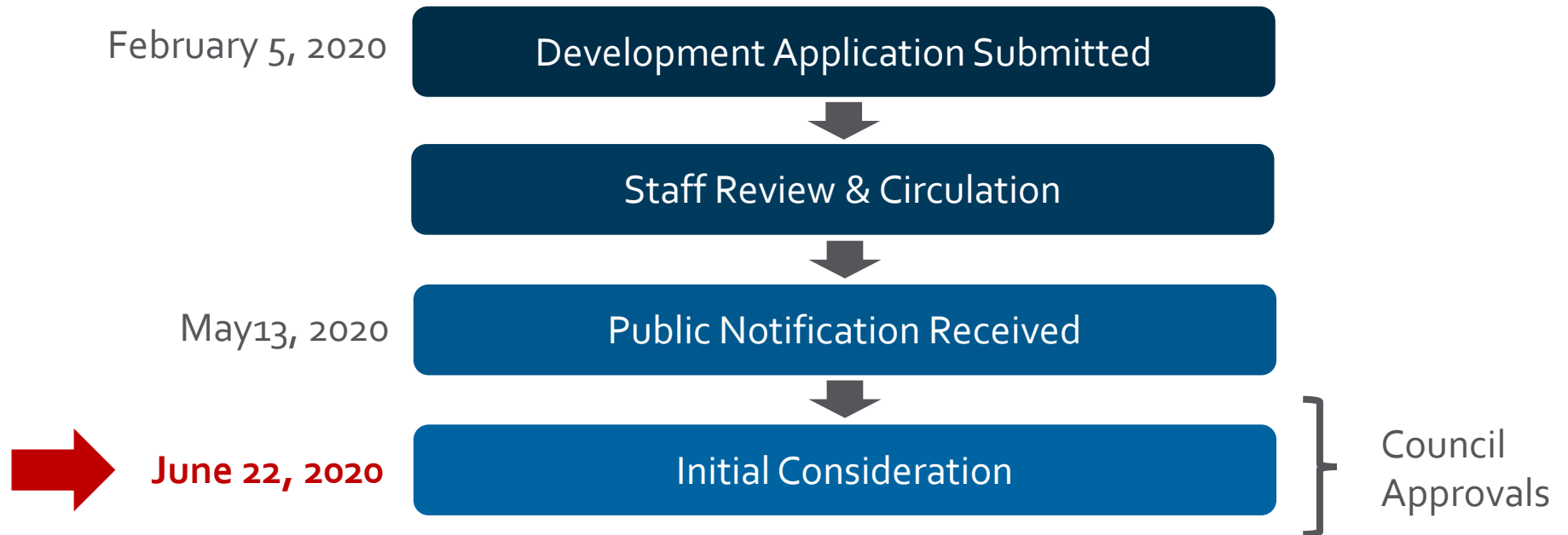
Rezoning Application



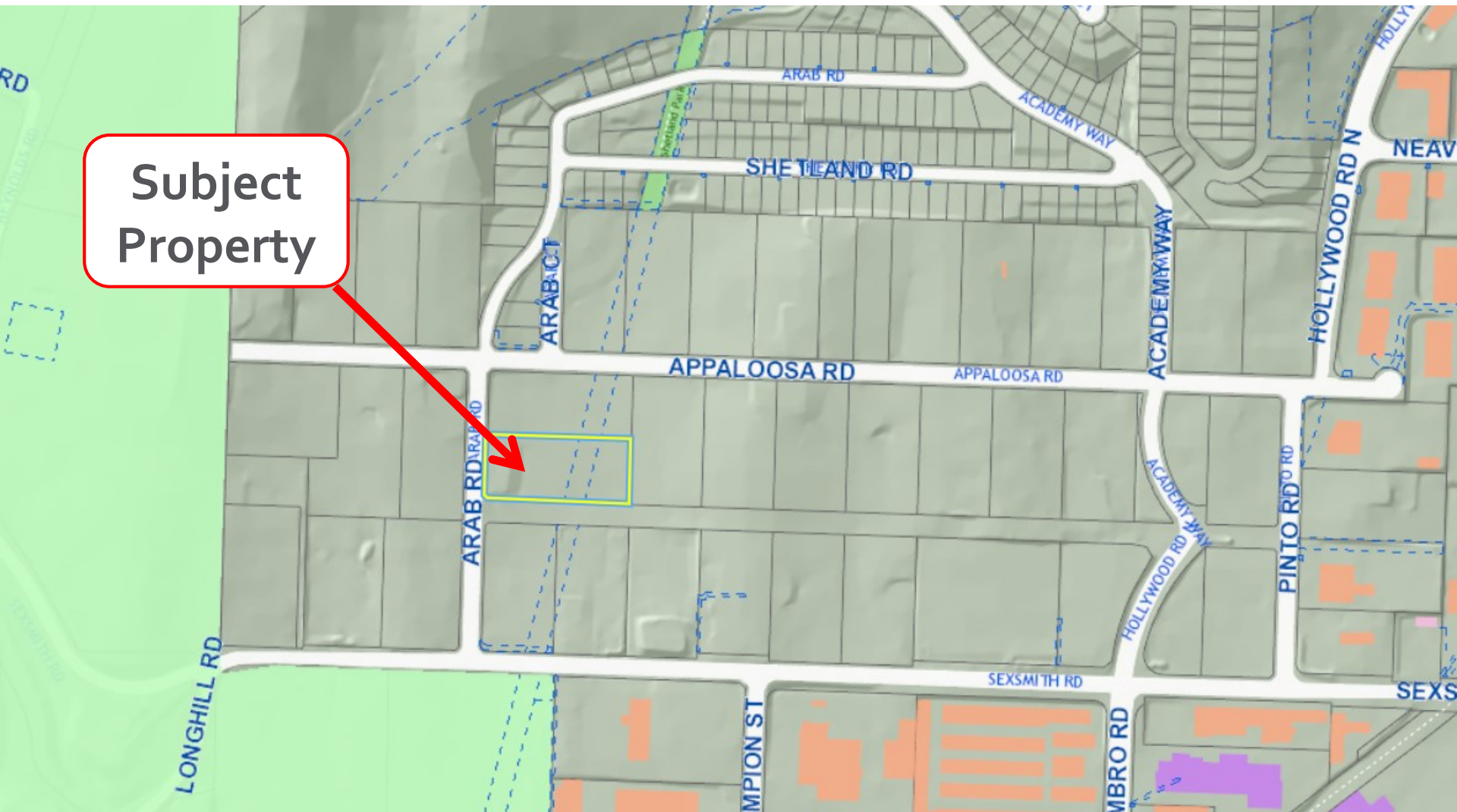
Proposal

- ▶ To consider Staff recommendation to NOT rezone the subject property from A1 – Agriculture 1 to I6 – Low Impact Transitional Industrial to facilitate the use of the subject property for an industrial development.

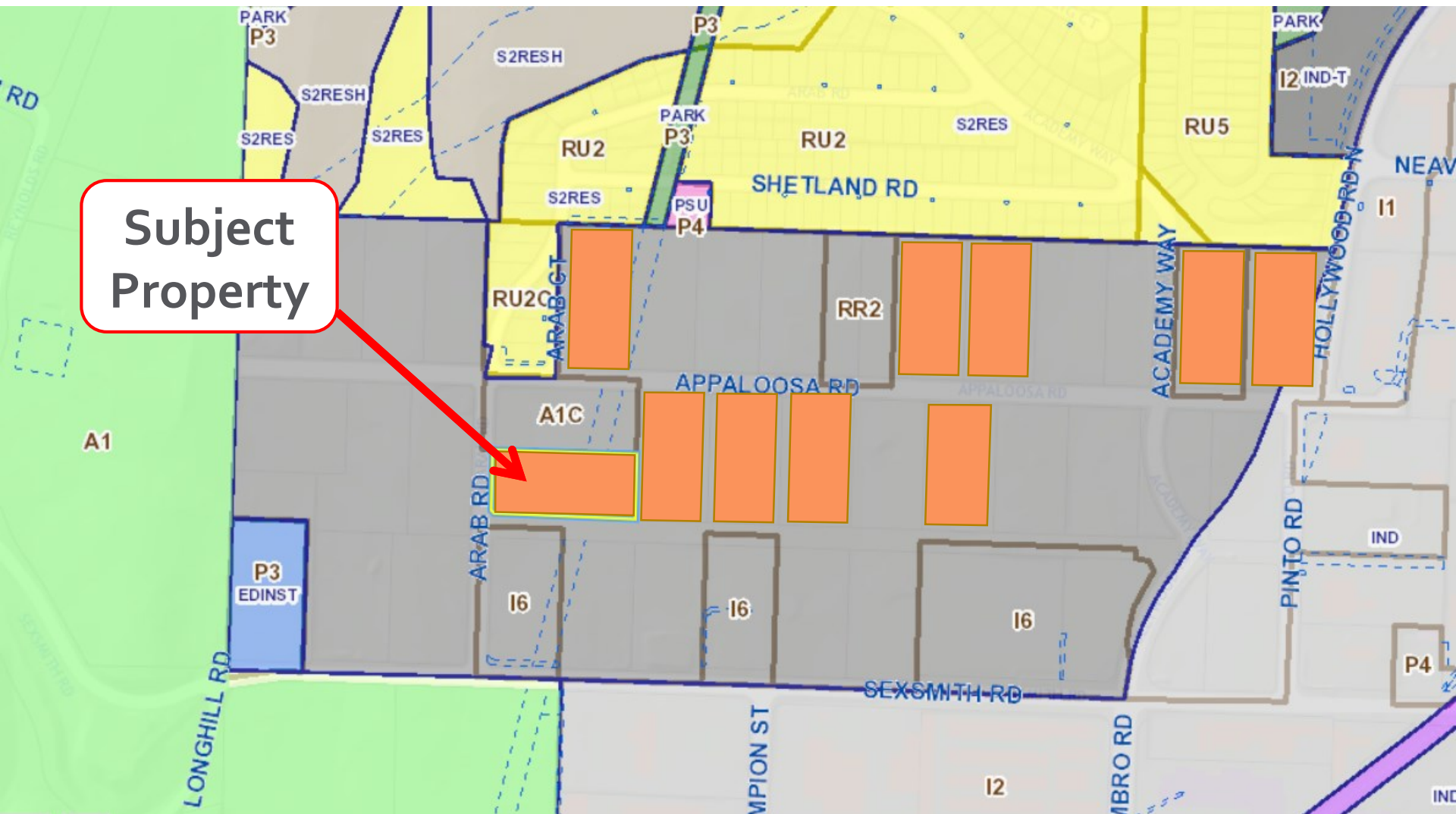
Development Process



Context Map



Zoning and OCP Future Land Use



Subject Property Map and Project Details



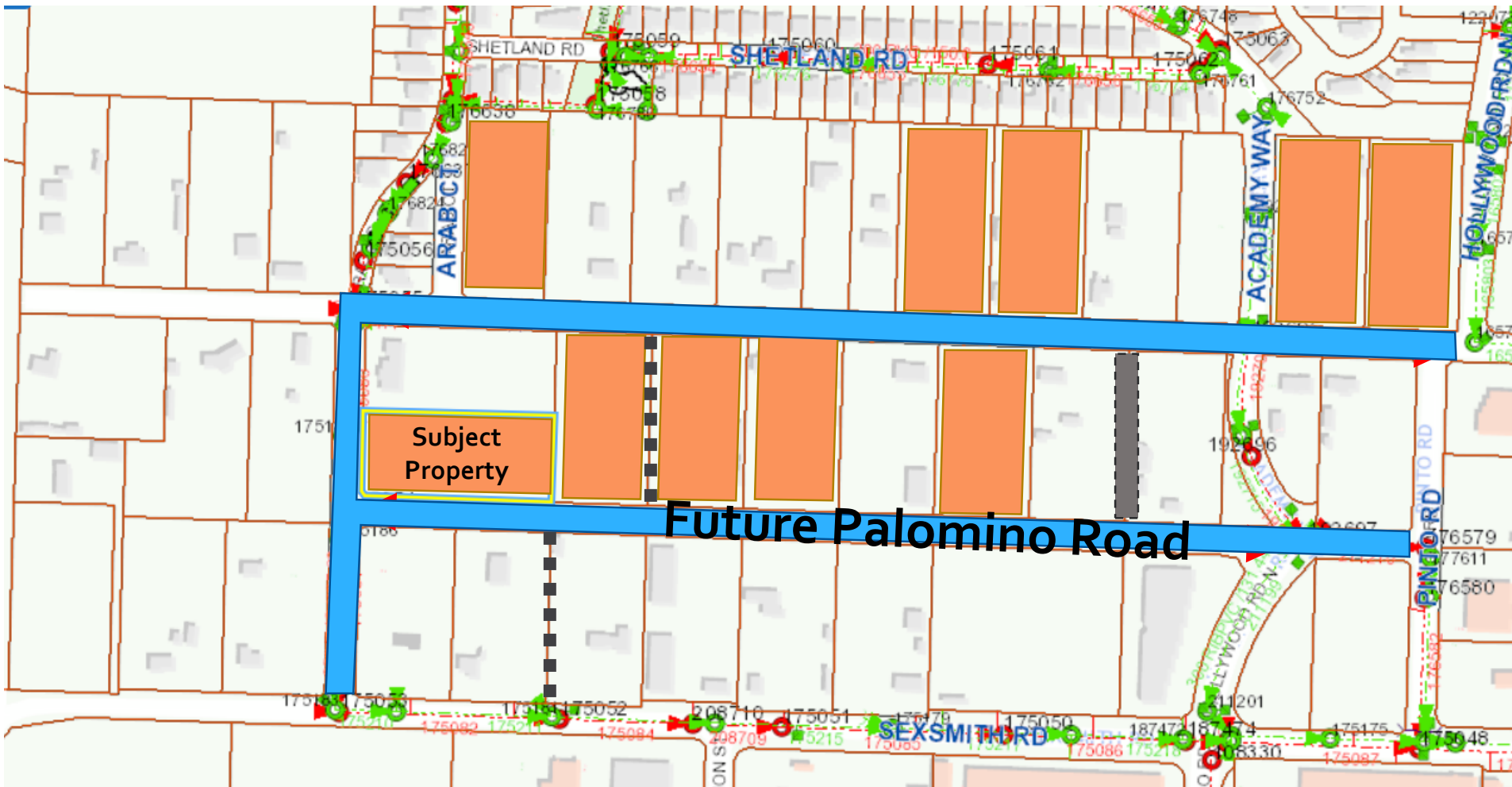
Background

- ▶ 2017: A neighbourhood led comprehensive area servicing plan.
 - ▶ Fair cost sharing - \$3Million
 - ▶ Front-end cost and latecomer future developments
 - ▶ Late comer agreement
 - ▶ No individual applications – area servicing plan must be created & bonded for, approved by Council
- ▶ 2019/2020: Comprehensive and coordinated solution led by the area residents.

Development Policy

- ▶ Meets the intent of the Official Community Plan.
- ▶ Application undermines comprehensive area servicing plan, as per the Subdivision, Development and Servicing Bylaw 7900.
 - ▶ road network upgrades
 - ▶ community utilities

Engineering Details



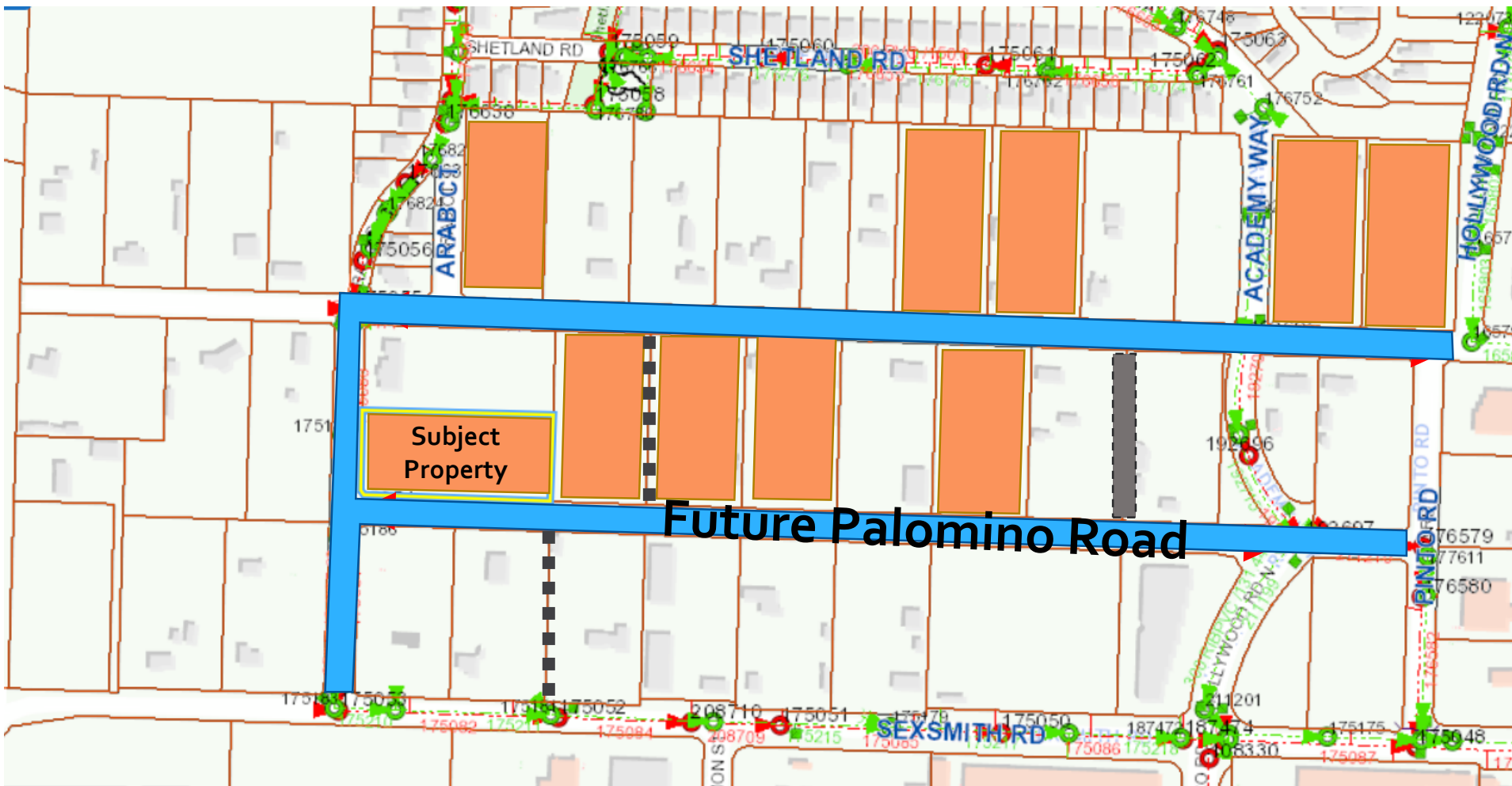
Staff Recommendation

- ▶ Staff recommend **non-support** for the proposed rezoning of the subject property:
 - ▶ Result in the expansion of industrial land uses ahead of a coordinated and recommended approach for the area.
 - ▶ Fair cost-sharing of upgrade works necessary to allow for the entire neighbourhood to proceed.
 - ▶ One-off rezoning proposals erode likelihood of neighbourhood solution



Conclusion of Staff Remarks

Engineering Details



REPORT TO COUNCIL



Date: June 22, 2020

To: Council

From: City Manager

Department: Development Planning

Application: LUC20-0002 OCP20-0012 & Z20-0043

Owner: 1231306 BC Ltd., Inc. No. BC1231306

Address: 1799 Hwy 33 E

Applicant: Urban Options Planning and Permits – Birte Decloux

Subject: Land Use Contract Discharge, OCP Amendment and Rezoning Application

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

Proposed OCP: SC – Service Commercial

Existing Zone: A1 – Agriculture 1

Proposed Zone: C10 – Service Commercial

1.0 Recommendation

That Application No. LUC20-0002 to discharge LUC76-1064 from Lot A, Section 18, Township 27, ODYD, Plan 29386, located at 1799 Hwy 33 E, Kelowna, BC, be considered by Council;

AND THAT OCP Amendment Application No. OCP20-0012 to amend the City of Kelowna Official Community Plan No. 10500 by changing the OCP Future Land Use designation of Lot A, Section 18, Township 27, ODYD, Plan 29386, located at 1799 Hwy 33 E, Kelowna, BC from the MRL – Multiple Unit Residential (Low Density) designation to the SC – Service Commercial designation as attached to the Report from the Development Planning Department dated June 22nd 2020, be considered by Council;

AND THAT Rezoning Application No. Z20-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 18, Township 27, ODYD, Plan 29386, located at 1799 Hwy 33 E, Kelowna, BC from the A1 – Agriculture 1 zone to the C10 – Service Commercial zone as attached to the Report from the Development Planning Department dated June 22nd 2020, be considered by Council;

AND THAT the Land Use Contract Discharge Bylaw, the Official Community Plan Map Amending Bylaw, and the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

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

2.0 Purpose

To consider an application for Land Use Contract discharge, an application to amend the Official Community Plan from the MRL – Multiple Unit Residential (Low Density) designation to the SC – Service Commercial designation and a rezoning application from the A1 – Agriculture 1 zone and to the C10 – Service Commercial zone.

3.0 Development Planning

This site has been used as a commercial gas station as permitted under the original Land Use Contract (LUC76-1064). The original land use contract allowed for a food store and a gas station. The applicant is applying to discharge the land use contract and to change the existing land use regulations to reflect the current land use (gas station). This application is consistent with Council's direction to eliminate Land Use Contracts and the proposed OCP amendment and rezoning applications are consistent with the current land use. The applicant is not proposing to change anything onsite. Staff are recommending support for the proposed Land Use Contract discharge, rezoning, and OCP amendment applications.

Subject Property Map: 1799 Hwy 33 e



3.1 Background

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

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost

Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

4.0 Technical Comments

None

5.0 Application Chronology

Application Submitted: May 14th 2020.
Public Notification: June 5th 2020

Report prepared by: Adam Cseke, Planner

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Development Engineering Memo

Applicant Rationale and Drawing Set

LUC76-1064


CITY OF KELOWNA
MEMORANDUM

Date: May 28, 2020
File No.: LUC20-0002
To: Development Planning (AC)
From: Development Engineering Manager (JK)
Subject: 1799 HWY 33 E LUC discharge (A1 to C10)

The Development Engineering Branch's comments and requirements regarding this application to terminate the Land Use Contract (LUC76-1064) on the subject lot and to rezone the property from A1 - Agriculture to C10 - Service Commercial is linked to zoning memo Z20-0043 are as follows:

General

- 1) The subject property is serviced with Municipal utility services.
- 2) At such time that the property re-develops or has a change in use, this may trigger utility and frontage improvements which will be implemented at time of building permit.
- 3) These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).



James Kay, P.Eng.
Development Engineering Manager

JKH

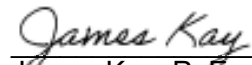
CITY OF KELOWNA
MEMORANDUM

Date: May 28, 2020
File No.: Z20-0043
To: Development Planning (AC)
From: Development Engineering Manager (JK)
Subject: 1799 HWY 33 E LUC discharge (A1 to C10)

The Development Engineering Branch's comments and requirements regarding this application to rezone the subject lot from A1 – Agriculture to C10 – Service Commercial to support the termination of Land Use Contract (LUC76-1064) on the subject lot are as follows:

General

- 1) This application does not compromise any City of Kelowna municipal infrastructure.
- 2) This rezoning application is linked to application LUC20-0002 for land use contract termination and therefore does not trigger any off-site improvements.



James Kay, P. Eng.
Development Engineering Manager

JKH



May 13, 2020

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

Re: Land Use Contract Discharge/Rezoning Application at 1799 Highway 33 E.

Dear Planning Staff,

We are pleased to submit the following application for the property addressed 1799 Highway 33 E:

- Application to discharge Land Use Contract LUC76-1064 from the subject property.
- Rezoning application to rezone the property from the current A1 – Agriculture 1 zone to the proposed C10 – Service Commercial zone.

The site has been used as a commercial gas station as permitted under LUC76-1064. The above noted applications have been made after consultation with City Planning staff (Adam Cseke) to determine the most appropriate Commercial zone that can accommodate the existing uses on the property. Through these consultations, it has been determined that the applicable Commercial zone would be the C10 – Service Commercial zone, as the subject property is not located within an "Urban Centre."

The future land use for the property is currently designated as MRL – Multiple Unit Residential (Low Density). However, a substantial amount of clean up would be required to achieve this use. The landowners wish to continue with the gasbar/convenience store use. A survey showing the configuration of the gas pumps, concrete pad, and building accompanies this application.

This application will allow for a Land Use Contract to be discharged from the property and ultimately terminated, be consistent with Council direction to eliminate Land Use Contracts in the City of Kelowna in order to meet Provincial directives. Conventional appropriate zoning will enable current City bylaw regulations to be applied to the property and remove any uncertainty regarding how land uses are to be regulated.

We look forward to hearing your comments and feedback on this application package. Should you have any questions please call me at 250.575.6707.

Regards,

A handwritten signature in blue ink, appearing to read "Birte Decloux".

Birte Decloux behalf of PR Petroleum

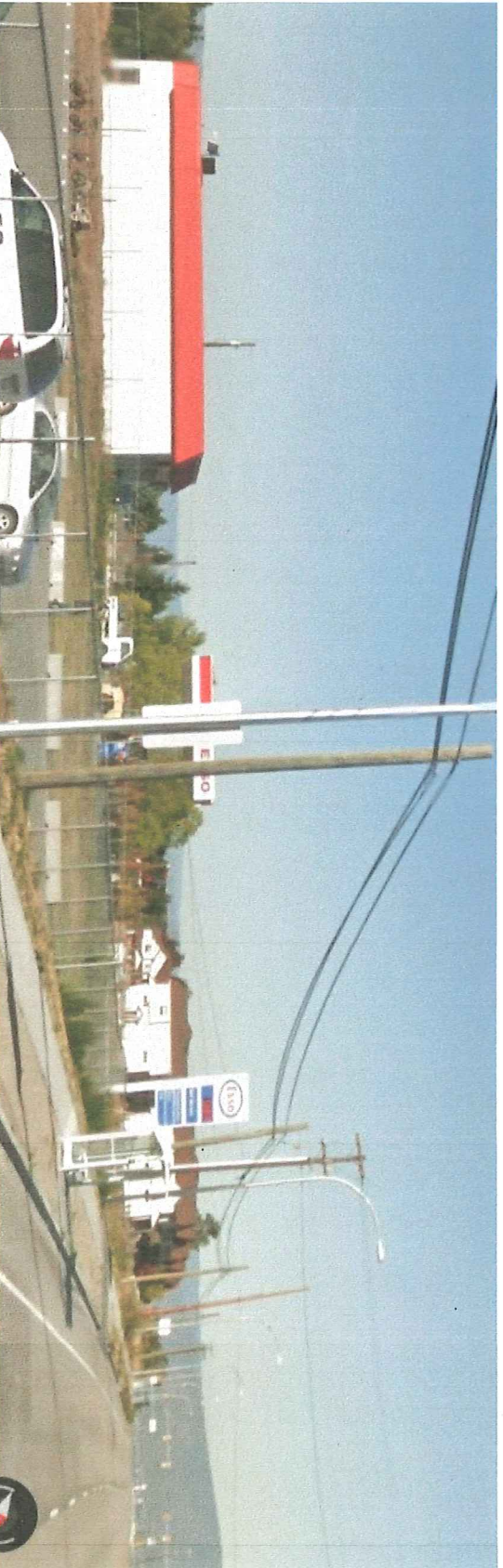
Zoning Analysis Table

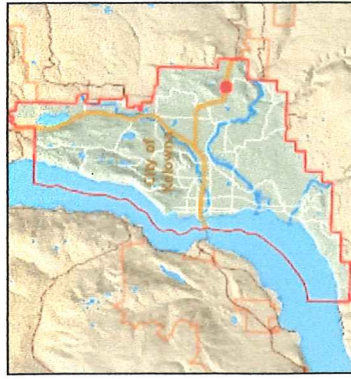
Address: 1799 Highway 33 E.

Zone: C10 – Service Commercial

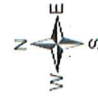
Development Regulations	ZBL Requirements	Current Configuration
Site Details:		
Site Area (m ²)	1200 m ² (Service Station)	3,197 m ²
Site Width	30.0 m	45.21 – 42.04 m
Site Depth	30.0 m	67.99 – 84.60 m
Site Coverage including pump islands	30%	~ 8%
Front yard setback	2.0 m	15.33 m (to gas bar)
Rear yard setback	0.0 m	20.30 m
Side yard setbacks	0.0 m or 4.5 m when adjacent to residential, agricultural, or institutional zone.	E: 3.04 m W: 26.78 m (building) 10.48 m (fuel pumps)

Site Photos





Legend:



Notes

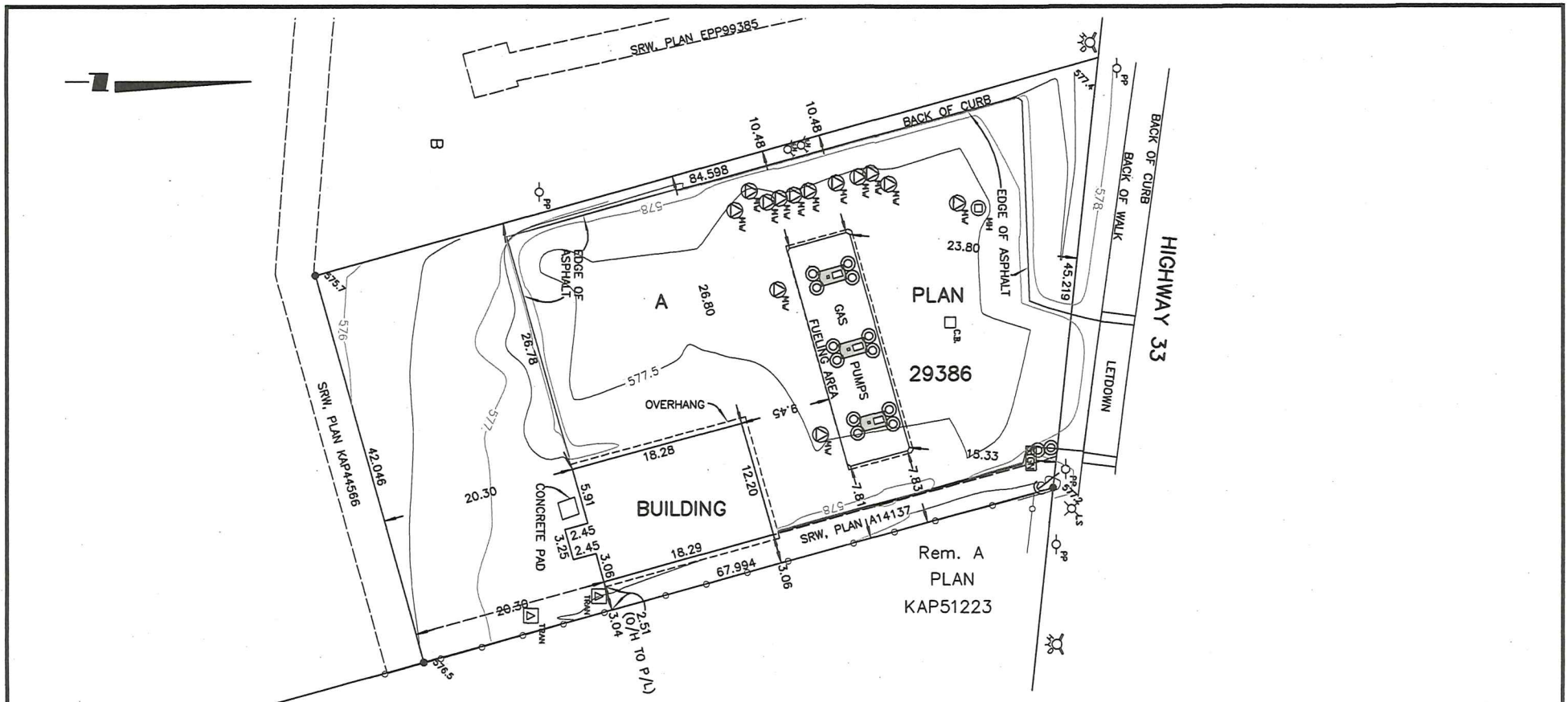
This map is for general information only. The City of Kelowna does not guarantee its accuracy, currency or completeness. All information should be verified.

50Meters

25

0

May 14, 2020



LEGAL DESCRIPTION: LOT A SECTION 18
TOWNSHIP 27 ODYD PLAN 29386

DRAWING TYPE: TOPOGRAPHIC SITE PLAN

CIVIC ADDRESS: 1799 HIGHWAY 33



B.C. LAND SURVEYORS
CANADA LANDS SURVEYORS
Subdivision Design
Legal, Topographic & GPS Surveys
404-1630 Pandosy St., Kelowna, B.C. V1Y 1P7
Telephone (250)763-3115 Fax (250)763-0321

LEGEND

- IRON PIN FOUND
- ⊙ BOLLARD
- ⊗ GAS VENT
- ⊗ FIRE HYDRANT
- OVERHANG
- FENCELINE
- ⊗ LS LAMP STANDARD
- ⊙ MH STORM MANHOLE
- ⊗ SIGN ROAD SIGN
- ⊗ TRAN TRANSFORMER
- ⌋ ANCHOR
- C.B. STORM CATCH BASIN
- ⊙ PP POWER POLE
- ⊗ MW MONITORING WELL
- ⊗ GAS PUMP (TYP.)

REVISION NO.	DESCRIPTION	BY	DATE REVISED

JOB NO. 22082

DATE: JANUARY 24, 2020

SCALE: 1:400 METRES

CLIENT: PR PETRO

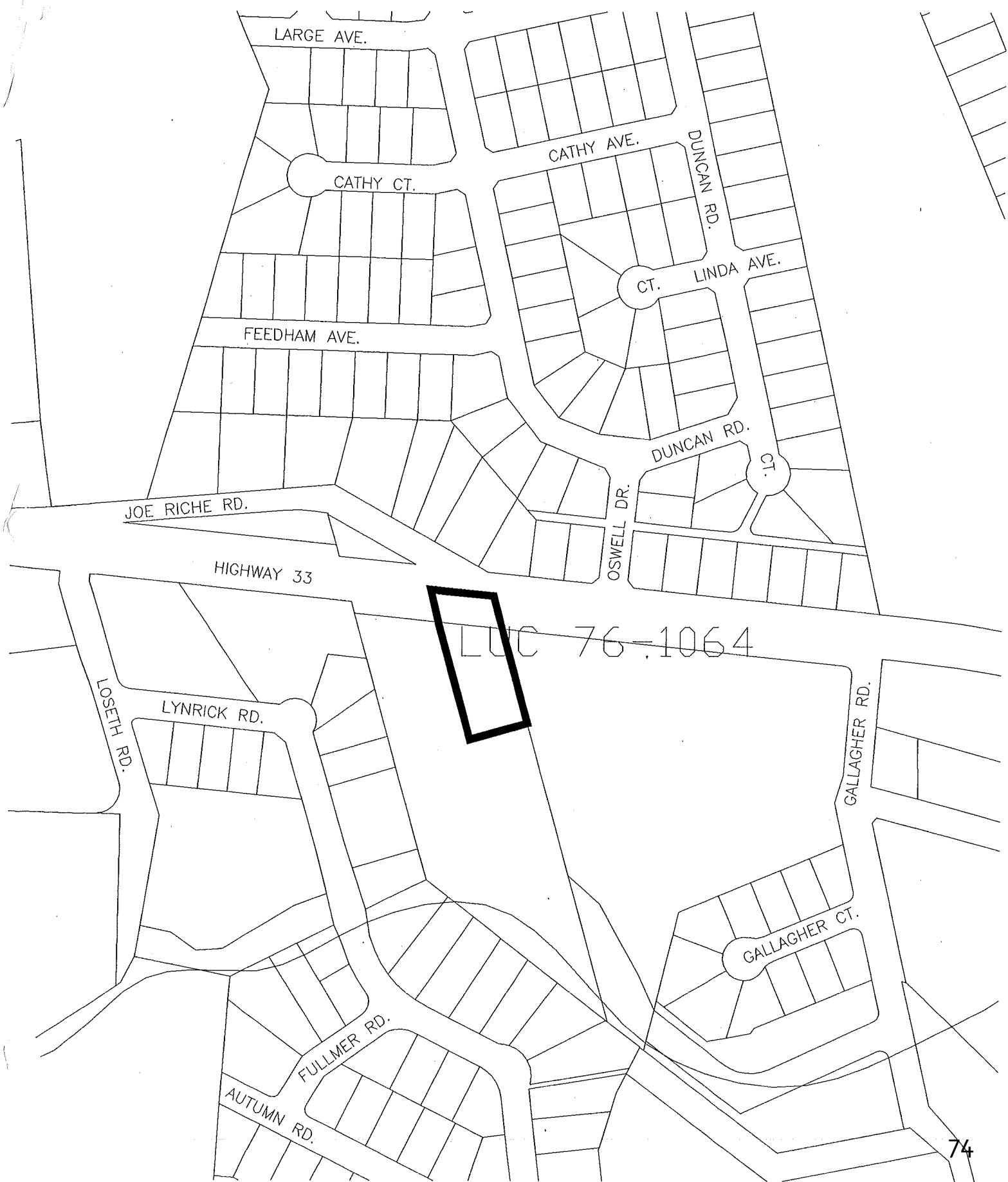
NOTES: ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM RTK GPS.

CONTOURS ARE SET TO 0.5m INTERVALS.

FIELD CREW: JF/RC

DRAWN BY: FL

S:\Shared (Aug 10, 2006)\Job_Files\22082\22082-TOPO.DWG



LARGE AVE.

CATHY CT.

CATHY AVE.

DUNCAN RD.

CT.

LINDA AVE.

FEEDHAM AVE.

DUNCAN RD.

CT.

JOE RICKE RD.

OSWELL DR.

HIGHWAY 33

LUC 76-1064

LOSETH RD.

LYNRICK RD.

GALLAGHER RD.

GALLAGHER CT.

FULLMER RD.

AUTUMN RD.

Kid: 330542 Plan: 29386 Lot: A Block: _____
Address: HWY 33 E 1799 Add Date: _____
Land Stat: Active Reg Stat: Registered Archived Date: _____

Zoning-

Zoning: Land Use Contract: Future Land Use: Urban Area: No Aviation Zone: No
A-1 LUC 76-1064 SF/2F Residential

Development Permit Information-Current DP: No

Other DPA Considerations

Natural Feature: NoUrban Town Centre: NoIndustrial: NoResidential Urban Village: BLACK MOUNTAINCommercial: NoArterial: HIGHWAY 33Multi-Family: No**Natural Features-**Water:
noneLand:
none**DCC Sector Codes-**

Water:	Parks:	Sewer:	Roads:	Treatment:	Drainage:
none	<u>A</u>	<u>A</u>	<u>D</u>	<u>A</u>	<u>A</u>

Pre-1996 DCC Sector Codes-

Water:	Parks:	Sewer:	Roads:	Treatment:
none	<u>A</u>	<u>I</u>	<u>D</u>	<u>A</u>

Utility Boundaries-Water:
BMIDElectrical:
WKPL**Misc-**

Water Spec Area:	Sewer Spec Area:	Future Park: <u>No</u>	ALR: <u>No</u>
none	<u>6</u>		
		Park/Recreational: <u>No</u>	
Contaminated Area:	Heritage Designation:	Tree Soil Bylaw: <u>No</u>	
none	none		

Worksheet Number:

26-1327-18*wood stove
gas station*

Roll: 6884425 Status: Assessed Deleted: No
Plan: 29386 Lot: A Block:
Street Name: HWY 33 Dir: E Number:

Owners

Owner: A H E HLDG LTD
Address: 10916 5 AVE SW
EDMONTON AB
T6W 1A2

**** End of Report ****

BY-LAW NO. 4402

LAND USE CONTRACT
NO. 76-1064

NAME:

HAYMOOR, ~~HASSAN~~ ^{HIMBYR}

LOCATION:

HWY 33 E.

AMENDMENTS:

BY-LAW/DP/DVP NO.	DATE	LEGAL	COMMENTS
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QUIT CLAIMS:

BY-LAW NO.	DATE	LEGAL	COMMENTS
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COMMENTS

N 68 050

CITY OF KELOWNA

BY-LAW NO. 4402-77

(H. Himour, O. Haymour and M. Haymour Land Use Contract
Authorizing By-Law, Hwy. 33 E. of Loseth Rd., LUC76-1064)

WHEREAS Subsection (3) of Section 702A of the "Municipal Act", being Chapter 255 of the Revised Statutes of British Columbia, 1960, provides in part that the Council may, by by-law, notwithstanding any by-law of the municipality, or Section 712 or 713 of the "Municipal Act", enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon, and thereafter the use and development of the land shall, notwithstanding any by-law of the municipality, or Section 712 or 713 of the said Act, be in accordance with the land use contract;

AND WHEREAS the Municipal Council of the City of Kelowna, is desirous of entering into a Land Use Contract with Messrs. H. Himour, O. Haymour and M. Haymour;

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Messrs. Hassen Himour, 880 Wayne Road, Kelowna, B.C.; Omar Haymour, 8315 - 137th Avenue, Edmonton, Alta. and Mike Haymour, 12312 - 135th Avenue, Edmonton, Alberta in the form of Land Use Contract attached hereto and forming part of this by-law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract, as well as any conveyances, deeds, receipts and other documents in connection with the attached Land Use Contract and affix the corporate seal of the City of Kelowna to same.

Read a first time by the Municipal Council this 13 day of April, 1978.

Considered at a Public Hearing on the 9th day of May, 1978.

Read a second time by the Municipal Council this 9th day of May, 1978.

Read a third time by the Municipal Council this 9th day of May, 1978.

Approved under the Controlled Access Highways Act this 4 day of August, 1978.

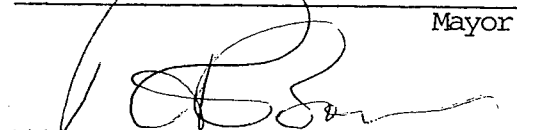
(Signed H.F. Blunden)
Approving Officer,
Ministry of Highways & Public Works.

By-Law 4402-77 - 2

Reconsidered, finally passed and adopted by a vote of two-thirds of the members of the Municipal Council of the City of Kelowna present this 22 day of August, 1978.



Mayor



City Clerk

LAND USE CONTRACT

THIS CONTRACT made the _____ day of _____, 197

BETWEEN: CITY OF KELOWNA

a municipal corporation having
its offices at 1435 Water Street,
in the City of Kelowna,
Province of British Columbia
(hereinafter called the "Municipality")

OF THE FIRST PART

AND: ~~MARGARET CHAPEL McCLELLAND, Widow~~
~~of 1220 K.L.O. Road,~~
~~Kelowna, British Columbia~~

AND: HASSEN HIMOUR
880 Wayne Road
Kelowna, British Columbia

AND: OMAR HAYMOUR
8315 - 137th Avenue
Edmonton, Alberta

AND: MIKE HAYMOUR
12312 - 135th Avenue
Edmonton, Alberta

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS the Municipality, pursuant to Section 702A of the Municipal Act, may, notwithstanding any By-Law of the Municipality, or Section 712 or 713 of the Municipal Act, enter into a land use contract containing such terms and conditions for the use and development of land as may be agreed upon with a Developer, and thereafter the use and development of the land shall be in accordance with the land use contract;

AND WHEREAS the Municipal Act requires that the Municipal Council consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a land use contract and the Council of the Municipality have considered such criteria in arriving at the terms and conditions herein contained;

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of the Zoning By-Law of the Municipality and has requested that the Council of the Municipality enter into this contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Land is within an area of the Municipality designated as a development area pursuant to Section 702A(2) of the Municipal Act;

AND WHEREAS if the Land is within a radius of one-half mile of the intersection of a controlled access highway and another highway, the approval of the Minister of Highways to the terms hereof must be obtained;

AND WHEREAS the Municipality and the Developer both acknowledge that the Council of the Municipality cannot enter into this Contract, until the Council has held a public hearing in relation to this Contract, and considered any opinions expressed at such hearing, and unless two-thirds of the members of Council present at the meeting at which the By-Law to approve this Contract is adopted vote in favour of the Municipality entering into this Contract;

NOW THEREFORE THIS CONTRACT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

OWNER 1. (a) The Developers, Hassen Himour, Omar Haymour and Mike Haymour, are the registered owners in fee simple of ALL AND SINGULAR that certain parcel or tract of Land and premises situate, lying and being in the City of Kelowna, in the Province of British Columbia and being more particularly known and described as:

Lot A
Section 18
Township 27
Osoyoos Division
Yale District
Plan 29386

(herein called the "Land")

CONSENTS

2. The Developer has obtained the consent of all persons having a registered interest in the Land as set out in the Schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

DEVELOPMENT

3. The provisions of the C-1a (Rural Local Commercial) zone of City of Kelowna Zoning By-Law 1976, No. 4500 shall apply to the Land and those provisions as amended or replaced from time to time both before and after the date of this Agreement are hereby incorporated into and form a part of this Agreement and any development upon or use of the Land shall be in strict compliance with those provisions and regulations save and except where expressly added to or varied by the terms of this Agreement.

3. (a) The Lands shall not be used for the purpose of a Neighbourhood Public House as defined in Part 1 of Zoning By-Law, 1976, No. 4500.

SITING

4. All buildings and structures, off-street parking facilities, landscaping, signs and points of ingress and egress to and from the Land shall be constructed, placed and developed strictly in accordance with the site plan annexed hereto as Schedule "B".

DESIGN

5. All buildings shall be of a size and shape and all off-street parking spaces shall be provided in the number as shown on Schedule "B". All buildings, structures and signs shall be constructed of an appearance and with surface treatment as more particularly shown on Schedule "B".

SUBDIVISION

6. The Developers shall, by Plan of Subdivision registered in the Land Registry Office at the City of Kamloops prior to the issuance of any building permits for new construction upon the Land, subdivide the Land in accordance with the plan attached hereto as Schedule "A".

SETBACK

7. Any future constructed buildings or structures upon the Land shall be situated at least fifty feet (50') back from the front property line, as the front property line abuts Highway #33.

LANDSCAPING

8. (a) The Developer shall landscape the Land according to the general plans and descriptions as more particularly set out in Schedule "C" attached hereto.

8. (b) In order to ensure the provision of landscaping upon the Land, as more particularly set out in paragraph (a) of this paragraph the Developer shall deliver to the Municipality an Irrevocable Letter of Credit in the form attached hereto as Schedule "D". The condition of deposit of the Letter of Credit is that should the Developer fail to landscape the Land in accordance with the provisions of Schedule "C" to the satisfaction of the Director of Planning Services of the Municipality on or before the 1st day of May 1979, the Municipality, by its servants or agents or contractors, may carry out the work according to the provisions of Schedule "D" and may draw down on the said Letter of Credit sufficient funds to pay the costs thereof. Should there be insufficient funds deposited with the Municipality through the Irrevocable Letter of Credit to carry out such work, the Developer shall pay the balance thereof within thirty (30) days of invoice by the Municipality. Should the Municipality draw down more money than is required then the balance shall be returned to the Developer but without interest thereon. Should the Developer perform the construction and provision of landscaping as herein required before the date provided herein the Letter of Credit shall be returned to the Developer. The Letter of Credit shall be in the amount of Six Thousand (\$6,000.00) Dollars.

DOMESTIC
WATER

9. The Developer shall connect any water system on the Land to the Black Mountain Irrigation District Water System according to the terms and conditions and plans and specifications first approved by the Black Mountain Irrigation District and the Director of Engineering of the Municipality.

FIRE
PROTECTION

10. The Developer shall, at the sole cost of the Developer, provide a fire hydrant to the satisfaction of the Director of Engineering of the Municipality, the Fire Chief of the Municipality and School District No. 23.

SEWAGE
DISPOSAL

11. The Developer shall dispose of all sewage effluent created upon the Land in a manner approved by and to the satisfaction of the Medical Health Officer.

STORM
DRAINAGE

12. The Developer shall contain and dispose of storm drainage within the boundaries of the Land and shall provide adequate drainage facilities to plans and specifications first approved by the Director of Engineering and constructed to the satisfaction of the Director of Engineering of the Municipality. 83

ELECTRICAL
() TELEPHONE

13. The Developer shall deliver all electrical and telephone services to the buildings and structures upon the Land by means of underground transmission facilities. If required by the supplying utility the Developer shall, subject to the statutory approvals required, provide rights-of-way for the installation of electrical and telephone facilities upon the Land.

TERMINATION

14. On or after (10) years from the date of this contract the Municipality may, by resolution, in its sole discretion, unilaterally terminate all or any part of this Contract provided always that:

- (a) the Municipality before adopting any such resolution shall hold a public hearing thereon in the manner provided for in Section 703 of the Municipal Act, R.S.B.C. 1960 Chapter 255 and amendments thereto;
- (b) any such resolution shall be registered in the Land Registry Office at the City of Kamloops in the same manner as this Contract.

INCORPORATIONS

15. The Schedules attached hereto hereinbefore referred to are hereby incorporated into and made a part of this Contract.

COSTS

16. The Developer shall pay to the Municipality on invoice by the Municipality, all legal, surveying and advertising costs incurred by the Municipality in the preparation and registration of this Contract.

COMPLIANCE

17. Except for the matters otherwise specifically provided for herein the Developer shall comply with all of the By-Laws of the Municipality as the same apply to the Land.

REPRESENTATIONS

18. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those set out in this Contract.

REGISTRATION

19. This Contract shall be construed as running with the Land and shall be registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act.

INTERPRETA-
TION

20. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural; feminine or body corporate or politic where the context or the parties so require.

BINDING

21. This Contract shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

A public hearing on this Contract was held on the *9th* day of *May*, 1978

This Contract was adopted by an affirmative vote of at least two-thirds of the members of the Council of the Municipality present at the meeting at which the By-Law to authorize this Contract was adopted by the Council of the Municipality on the *22* day of *August*, 1978

IN WITNESS WHEREOF the said parties to this Contract have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF THE)
CITY OF KELOWNA was here-)
unto affixed in the)
presence of:)

(Seal)

Joel [Signature]
Mayor
[Signature]
City Clerk

SIGNED, SEALED AND DELIVERED
by the Developer in the
presence of:

Name: *I. S. Davidson*

Address: *301-10408-124 St.*

City: *Edmonton, altn.*

Occupation: *Accountant & Auditor*

THE CORPORATE SEAL OF

was hereunto affixed in
the presence of:

Mike Hayman

Omar Hayman

H. J. Pushor

R. J. PUSHOR
427 HIGHWAY 33 WEST
KELOWNA, B.C.
BARRISTER & SOLICITOR

Signature of Omar Hayman

(Seal)

Acknowledgment of Maker

I HEREBY CERTIFY that, on the

23

day of

March

, 19 78 , at

Kelowna, in the Province of British Columbia

Nansen Hemour

Oath of

before me and acknowledged to me that ~~he is~~ the person mentioned in the annexed instrument as the maker thereof, and whose name ~~is~~ subscribed thereto as party that ~~he~~ knows the contents thereof, and that ~~he~~ executed the same voluntarily, and ~~is~~ of the full age of nineteen years.

(whose identity has been proved by the evidence on

), who is personally known to me, appeared

mentioned in the annexed instrument as the

that ~~he~~ knows the contents

of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
at Kelowna in the Province of
British Columbia, this 23 day of March 1978.

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

PARKS
Form 208

Acknowledgment of Maker

I HEREBY CERTIFY that, on the

28th

day of

March

, 19 78 , at

EDMONTON, in the Province of British Columbia ALBERTA

DANIEL HAYMOUR & MIKE HAYMOUR (whose identity has been proved by the evidence on
oath of
before me and acknowledged to me that ~~they are~~ the person ~~s~~ mentioned in the annexed instrument as the
maker " thereof, and whose name ~~is~~ subscribed thereto as parties that ~~they~~ know the contents
thereof, and that ~~they~~ executed the same voluntarily, and ~~are~~ of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
at EDMONTON in the Province of
British Columbia, this 28 day of March 1978.
ALBERTA

A Notary Public in and for the Province of British Columbia. ALBERTA
A Commissioner for taking Affidavits for British Columbia

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

LAND USE CONTRACT

Schedule of Persons Having a Registered Interest In the Land Whose Consents Are Required

Full Name

Address

Occupation

Nature of Charge

NIL

NAME OF CHARTERED BANK GRANTING LETTER OF CREDIT

TO: CITY OF KELOWNA
Kelowna, B.C.

Dear Sirs:

Irrevocable Commercial Letter of Credit
Number _____

At the request of _____, we hereby authorize you to
draw on _____

for account of _____ up to an
aggregate amount of SIX THOUSAND DOLLARS (\$6,000.00) available by drafts at
sight for one hundred percent (100%) of value;

Covering the construction and provision of landscaping as set out in
Sections 8 and 8(a) of a Land Use Contract between the City of
Kelowna and _____, dated the _____ day of _____, 1977.

1. Drawings are to be made in writing to the _____
(Name of Bank)

(Address)

2. Partial drawings may be made.

3. The Bank will not inquire as to whether or not the City of Kelowna has a right
to make demand on the Letter of Credit.

4. This Letter of Credit is irrevocable up to the expiry date.

Drafts must be drawn and negotiated not later than the _____ day of _____ 197

The drafts drawn under this Credit are to be endorsed hereon and shall state on their
face that they are drawn under the _____
(Name and Address of Bank)

Letter of Credit No. _____

Yours truly,

Letters of Credit Officer

Letters of Credit Manager

PART 1 CONFIRMATION OF TERM DEPOSIT

CANADIAN IMPERIAL
BANK OF COMMERCE

Rutland, Kelowna, B. C.

No. 5639580

June 6, 1978

We confirm receipt of the following deposit at this branch upon the terms and conditions set out below

PRINCIPAL AMOUNT OF DEPOSIT	MATURITY DATE	NUMBER OF DAYS YEARS	INTEREST RATE PER ANNUM TO BUT NOT AFTER MATURITY	INTEREST PAYABLE	<input type="checkbox"/> PERSONAL
\$6,000.00	June 6/79	1year	8 1/4%	<input checked="" type="checkbox"/> WHEN WITHDRAWN <input type="checkbox"/> APR 30 & OCT 31 <input type="checkbox"/> MONTHLY	<input checked="" type="checkbox"/> NON PERSONAL
MAIL TO ▶	NAME			SOURCE OF DEPOSIT	
	City of Kelowna			<input type="checkbox"/> DEBIT _____ ACCOUNT	
	STREET			<input type="checkbox"/> CHEQUE / CASH	
	1420 Water St.,			INTEREST AND PRINCIPAL WILL BE PAID BY	
	CITY & PROV.			<input type="checkbox"/> CREDIT TO _____ ACCOUNT	
	Kelowna, B. C.			<input type="checkbox"/> OUR CHEQUE IN YOUR FAVOUR	
	Re: Hassen Himour/Black Knight Market			ACCOUNT NUMBER	
				N/A	
				ACCOUNT NUMBER	
				N/A	

All but not part of the principal amount may be withdrawn prior to the maturity date, in which event interest will be calculated from the date hereof to date of withdrawal in accordance with the following table instead of at the rate specified above, and if the interest so payable is less than the total interest paid before date of withdrawal, the difference shall be refunded to the Bank. The Bank reserves the right to require 10 days written notice of any such withdrawal.

IF REDEEMED WITHIN	LESS THAN 30 DAYS	30 TO 59 DAYS	60 TO 89 DAYS	90 TO 179 DAYS	180 TO 269 DAYS	270 DAYS TO 1 YEAR	OVER 1 TO 2 YEARS	OVER 2 TO 3 YEARS	OVER 3 TO 4 YEARS	OVER 4 TO 5 YEARS	OVER 5 TO 6 YEARS
INTEREST RATE PAYABLE IF REDEEMED BEFORE MATURITY	NO INTEREST PAYABLE	6 3/4 %	7 %	7 1/4 %	7 1/2 %	7 1/2 %	%	%	%	%	%

If not withdrawn on maturity date, the principal amount will remain on deposit for 30 days thereafter with interest at a rate to be advised by the Bank in a Confirmation of Term Deposit issued in replacement hereof.

[Signature]
ACCOUNTANT

NOT NEGOTIABLE

[Signature]
MANAGER



Z20-0043

OCP20-0012

LUC20-0002

1799 Hwy 33 e

Rezoning, OCP Amendment, & LUC Discharge Applications

Proposal

- ▶ To consider an application for Land Use Contract discharge, an application to amend the Official Community Plan from the MRL – Multiple Unit Residential (Low Density) designation to the SC – Service Commercial designation and a rezoning application from the A1 – Agriculture zone and to the C10 – Service Commercial zone.

Development Process

May 14, 2020

Development Application Submitted

Staff Review & Circulation

June 5, 2020

Public Notification Received

June 22, 2020

Initial Consideration

Public, Hearing,
Second & Third Readings

Final Reading

Building Permit

Council
Approvals

Joe Riche Rd

Hwy 33 E

Oswell

Black Mountain

Lasher Rd

Loseith Rd




Lynrick Rd

1799

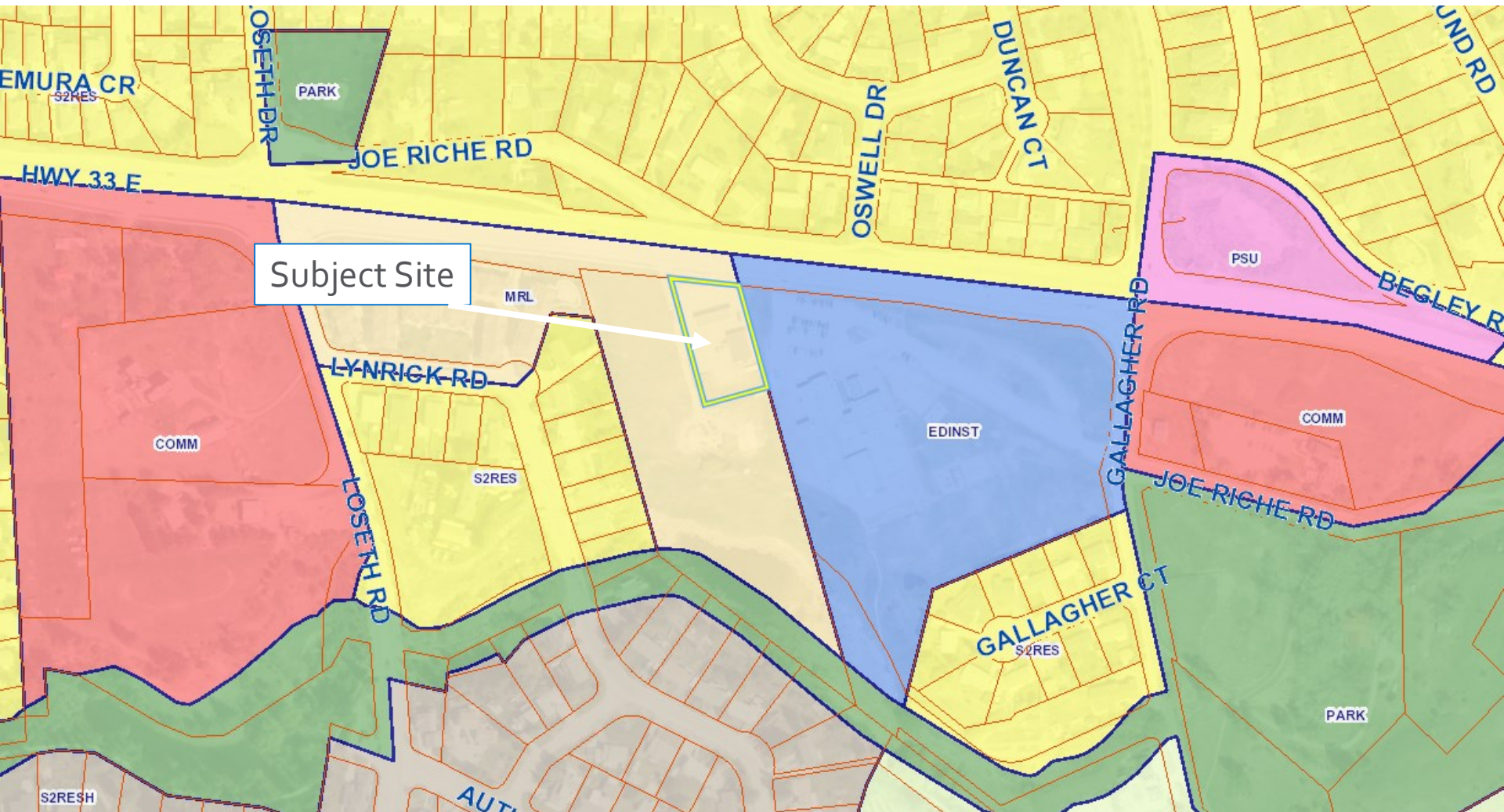
Walk Score
0
Car-Dependent
Almost all errands require a car.

Transit Score
21
Minimal Transit
It is possible to get on a bus.

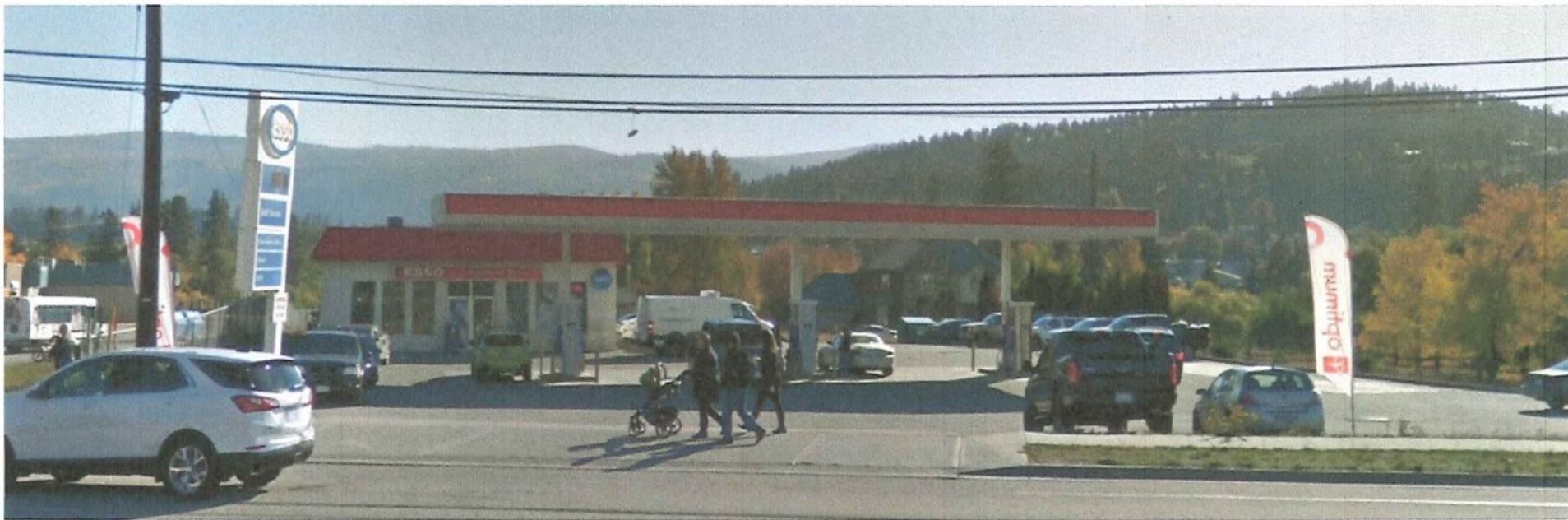
Somewhat Bikeable

-  **Walk Score**
0
Car-Dependent
Almost all errands require a car.
-  **Transit Score**
21
Minimal Transit
It is possible to get on a bus.
-  **Bike Score**
49
Somewhat Bikeable
Minimal bike infrastructure.

Future Land Use Designations



Site Photos



HIGHWAY 33
 BACK OF CURB
 BACK OF WALK
 LETDOWN
 578
 577.4
 45.219
 23.80
 EDGE OF ASPHALT
 PLAN 29386
 GAS PUMPS
 FUELING AREA
 16.33
 7.83
 7.81
 8.15
 SRW, PLAN A14137
 Rem. A
 PLAN KAP51223
 10.48
 10.48
 84.598
 578
 26.80
 A
 517.5
 OVERHANG
 12.20
 18.28
 BUILDING
 18.29
 67.994
 3.06
 2.51 (O/H TO P/L)
 3.04
 5.91
 2.45
 2.45
 3.25
 CONCRETE PAD
 26.78
 577
 20.30
 42.046
 SRW, PLAN KAP44566
 576.1
 576
 576.5
 B
 SRW, PLAN EPP99385

Staff Recommendation

- ▶ Staff recommend **support** of the proposed Rezoning, Official Community Plan (OCP) amendment, and Land Use Contract Discharge application, and
 - ▶ New Regulations congruent with existing Land Uses
 - ▶ Application consistent with Council's Land Use Contract Elimination Strategy
- ▶ Recommend the Public Hearing be waived for the Rezoning, Official Community Plan (OCP) amendment, and Land Use Contract Discharge Bylaws.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12058

Discharge of Land Use Contract

LUC76-1064 - (N68050)

1799 Hwy 33 East

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number N68050 against lands in the City of Kelowna particularly known and described as Lots A, Section 18, Township 27, ODYD, Plan 29386 (the "Lands"), located on Hwy 33 East, Kelowna, BC;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC76-1064 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

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)

Amended and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12059

Official Community Plan Amendment No. OCP20-0012 1799 Hwy 33 East

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot A, Section 18, Township 23, ODYD, Plan 29386 located on Hwy 33 East, Kelowna, BC, from MRL – Multiple Unit Residential (Low Density) designation to SC – Service Commercial designation.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12060

Z20-0043 – 1799 Hwy 33 East

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 18, Township 27, ODYD Plan 29386 located on Hwy 33 East, Kelowna, BC from the A1 – Agriculture 1 zone to the C10 – Service 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

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

REPORT TO COUNCIL



Date: June 22, 2020

To: Council

From: City Manager

Department: Development Planning

Application: LUCT19-0027 / Z19-0096

Owner: Multiple Owners

Address: Multiple Addresses

Applicant: City of Kelowna

**Affected
Addresses:** Kyndree Court, Prince Edward Drive
& Clifton Road North

Subject: Land Use Contract Termination and Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: A1 – Agriculture 1

Proposed Zone RR1 – Rural Residential 1 / RR2 – Rural Residential 2

1.0 Recommendation

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

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

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone for the subject properties under Land Use Contract LUC77-1023 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT19-0027 to terminate LUC77-1023 from properties identified in 'Schedule A', located on Kyndree Court, Prince Edward Drive & Clifton Road North, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z19-0096 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule B', located on Kyndree Court & Prince Edward Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone be considered by Council;

AND THAT Rezoning Application No. Z19-0096 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule C', located on Kyndree Court & Prince Edward Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the RR2 – Rural Residential 2 zone be considered by Council;

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

AND FURTHER THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 12039.

Purpose

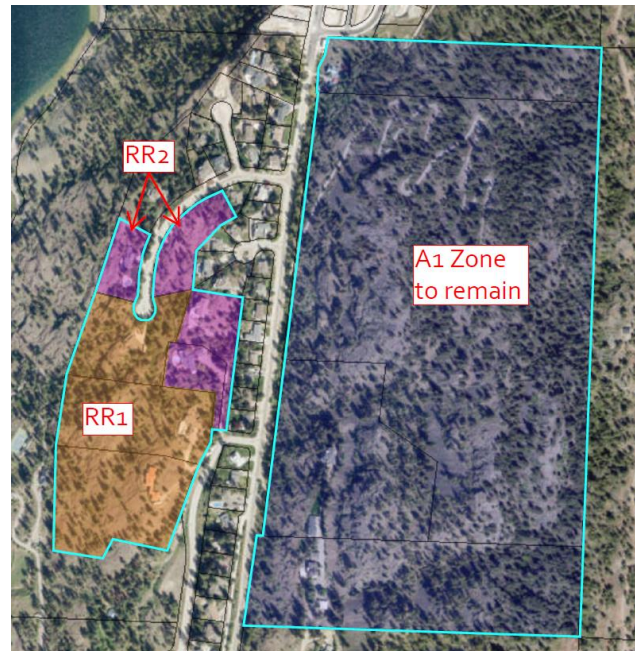
To consider an application for the early termination of Land Use Contract LUC77-1023 and to rezone select properties to the RR1 – Rural Residential 1 and RR2 – Rural Residential 2 zones as identified in 'Schedule A, B and C', and the waive the Public Hearing for the rezoning application.

2.0 Development Planning

Staff are bringing forth and recommending this Land Use Contract (LUC77-1023) be terminated with a majority of the properties requiring rezoning to a more appropriate zone. Out of the 11 total properties currently regulated by LUC77-1023, 4 have appropriate underlying zoning of A1 – Agriculture 1, with the 7 remaining properties requiring rezoning to the RR1 – Rural Residential 1 and RR2 – Rural Residential 2 zones. The underlying zone of A1 – Agriculture 1 does not entirely fit within the established neighbourhood and is not an appropriate land use for all properties.



A1 – Agriculture 1 zone (Refer to Schedule 'A')



RR1 – Rural Residential 1 & RR2 – Rural Residential 2 Properties (Refer to Schedules 'B' & 'C')

3.0 Proposal

3.1 Background

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

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

3.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must send additional letters after the one-year grace period is complete informing the property owners of which land use regulations apply to their properties.

Staff are recommending Council Notification Policy #367 including early notification and development signage be waived for all Land Use Contract terminations. Public consultation in this case is not recommended as the notification policy is a City initiative. Staff are suggesting the standard development notification, as outlined above, be sent to properties affected by the LUC under consideration for termination.

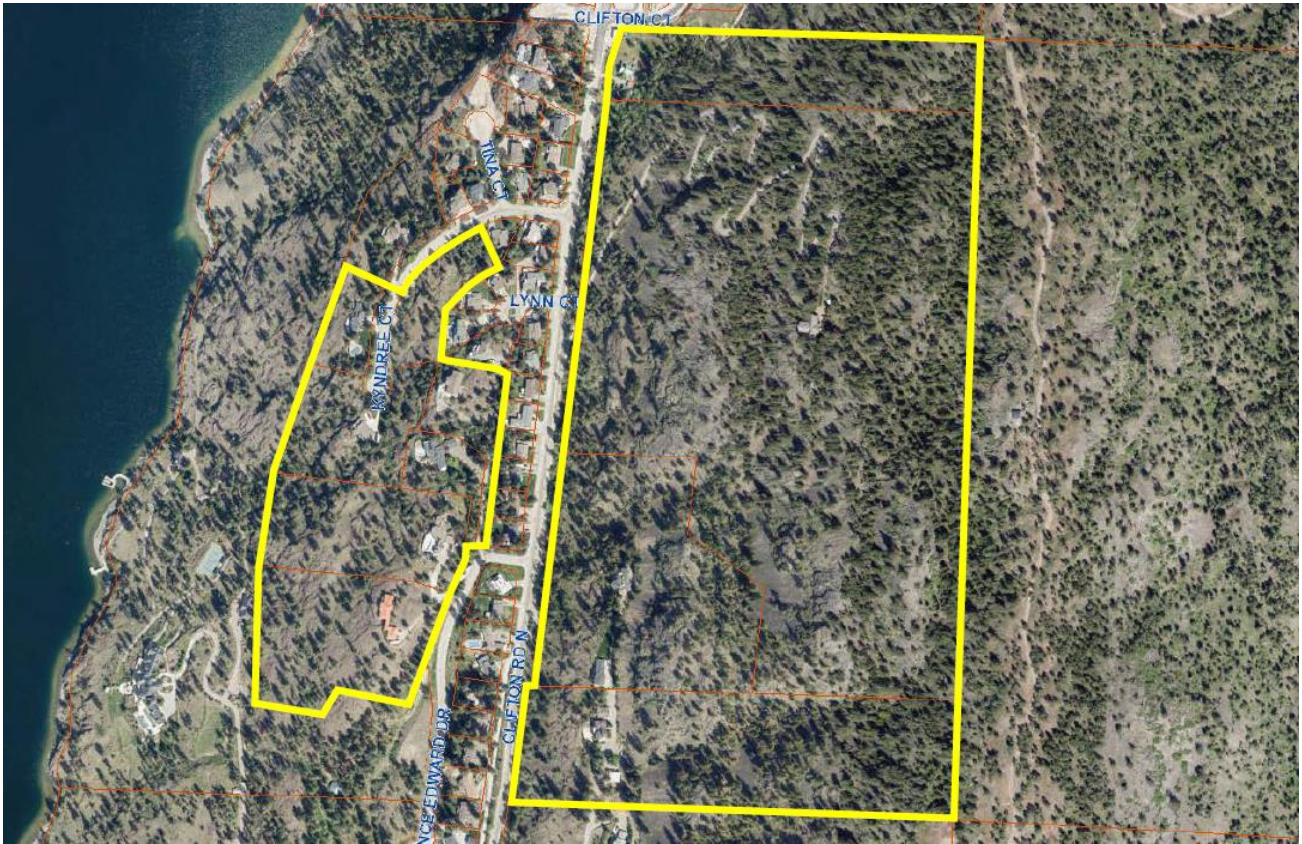
3.3 Site Context

The subject

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 – Rural Residential 3	Residential
East	A1 – Agriculture 1	Undeveloped and unfarmed lands
South	A1 – Agriculture 1	Rural Residential / Undeveloped and unfarmed lands
West	A1 – Agriculture 1	Rural Residential

Subject Properties Map: Kyndree Court, Prince Edward Drive & Clifton Road N.



4.0 Current Development Policies

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

Council Policy No. 282. Includes the following statement:

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

5.0 Technical Comments

N/A

6.o Application Chronology

N/A

Report prepared by: Andrew Ferguson, Planner II
Reviewed by: James Moore, Urban Planning & Development Policy Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Properties affected by LUC77-1023

Schedule B: Properties to be Rezoned to RR1

Schedule C: Properties to be Rezoned to RR2

Schedule A: LUC77-1023 Charge #: M17452					
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone
1	Lot 4 Section 8 Township 23 ODYD Plan 33219	1231 Kyndree Crt	001-771-396*	LUC77-1023	A1 – Agriculture 1
2	Lot B Section 8 Township 23 ODYD Plan 33589	1238 Kyndree Crt	001-951-211*	LUC77-1023	A1 – Agriculture 1
3	Lot 3 Section 8 Township 23 ODYD Plan 33219 Except Plan 34187	1252 Kyndree Crt	003-233-227*	LUC77-1023	A1 – Agriculture 1
4	Lot D Section 8 Township 23 ODYD Plan 33308	382 Prince Edward Dr	003-210-880*	LUC77-1023	A1 – Agriculture 1
5	Lot C Section 8 Township 23 ODYD Plan 33308	394 Prince Edward Dr	002-751-399*	LUC77-1023	A1 – Agriculture 1
6	Lot 1 Section 8 Township 23 ODYD Plan 34187	398 Prince Edward Dr	003-018-202*	LUC77-1023	A1 – Agriculture 1
7	Lot A Section 8 Township 23 ODYD Plan 33308	400 Prince Edward Dr	003-210-863*	LUC77-1023	A1 – Agriculture 1
8	Lot 4 Section 8 Township 23 ODYD Plan 29568	365 Clifton Rd N	004-245-938	LUC77-1023	A1 – Agriculture 1
9	Lot B Section 8 Township 23 ODYD Plan KAP47167	405 Clifton Rd N	017-778-964	LUC77-1023	A1 – Agriculture 1
10	Lot A Section 8 Township 23 ODYD Plan KAP47167	465 Clifton Rd N	017-778-956	LUC77-1023	A1 – Agriculture 1
11	Lot 1 Section 8 Township 23 ODYD Plan 29568	491 Clifton Rd N	003-175-227	LUC77-1023	A1 – Agriculture 1
*Charge #M17452/P1215/T15327					

Schedule B: Proposed RR1 Zone Charge #: M17452/P1215/T15327						
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Proposed Zone
1	Lot 3 Section 8 Township 23 ODYD Plan 33219 Except Plan 34187	1252 Kyndree Crt	003-233-227	LUC77-1023	A1 – Agriculture 1	RR1 – Rural Residential 1
2	Lot D Section 8 Township 23 ODYD Plan 33308	382 Prince Edward Dr	003-210-880	LUC77-1023	A1 – Agriculture 1	RR1 – Rural Residential 1
3	Lot C Section 8 Township 23 ODYD Plan 33308	394 Prince Edward Dr	002-751-399	LUC77-1023	A1 – Agriculture 1	RR1 – Rural Residential 1

Schedule C: Proposed RR2 Zone
Charge #: M17452/P1215/T15327

No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Proposed Zone
1	Lot 4 Section 8 Township 23 ODYD Plan 33219	1231 Kyndree Crt	001-771-396	LUC77-1023	A1 – Agriculture 1	RR2 – Rural Residential 2
2	Lot B Section 8 Township 23 ODYD Plan 33589	1238 Kyndree Crt	001-951-211	LUC77-1023	A1 – Agriculture 1	RR2 – Rural Residential 2
3	Lot 1 Section 8 Township 23 ODYD Plan 34187	398 Prince Edward Dr	003-018-202	LUC77-1023	A1 – Agriculture 1	RR2 – Rural Residential 2
4	Lot A Section 8 Township 23 ODYD Plan 33308	400 Prince Edward Dr	003-210-863	LUC77-1023	A1 – Agriculture 1	RR2 – Rural Residential 2



Existing Underlying zone of A1 – Agriculture 1



Properties proposed to rezone to RR1 – Rural Residential 1 & RR2 – Rural Residential 2



LUCT19-0027 / Z19-0096 Kyndree Ct, Prince Edward Dr & Clifton Rd N

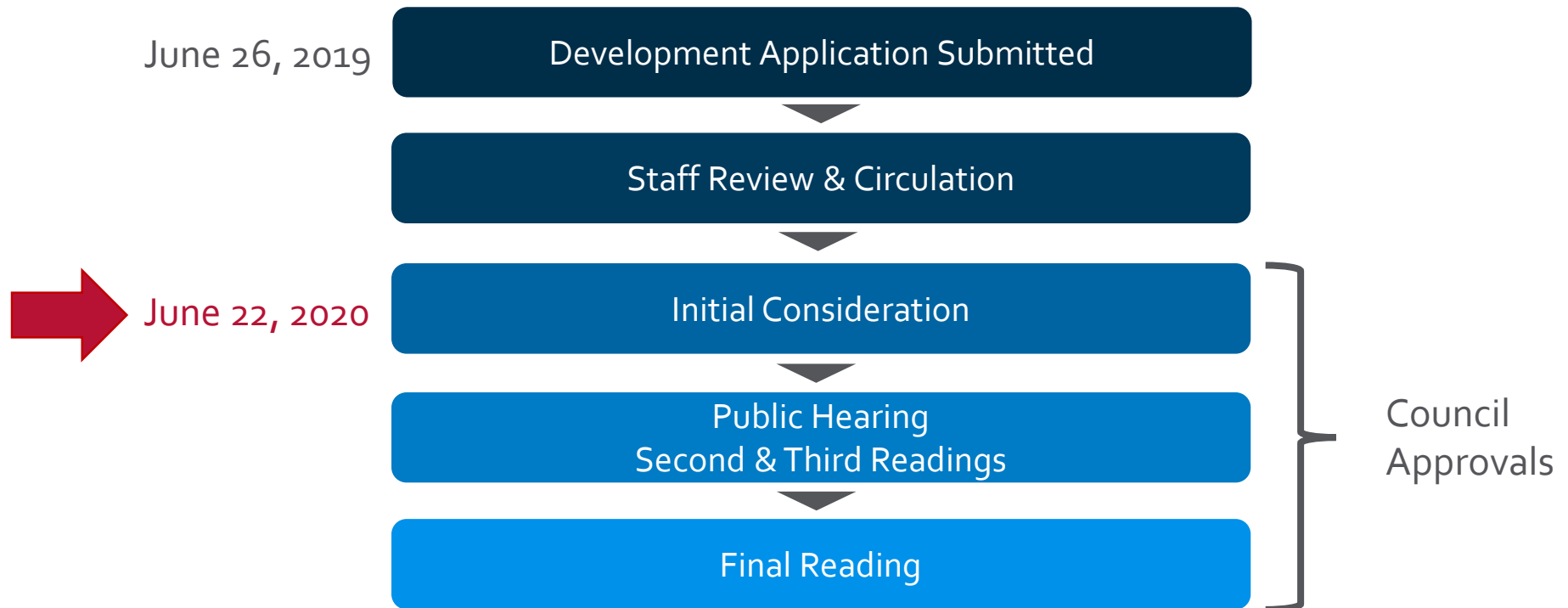
Land Use Contract Termination & Rezoning Applications



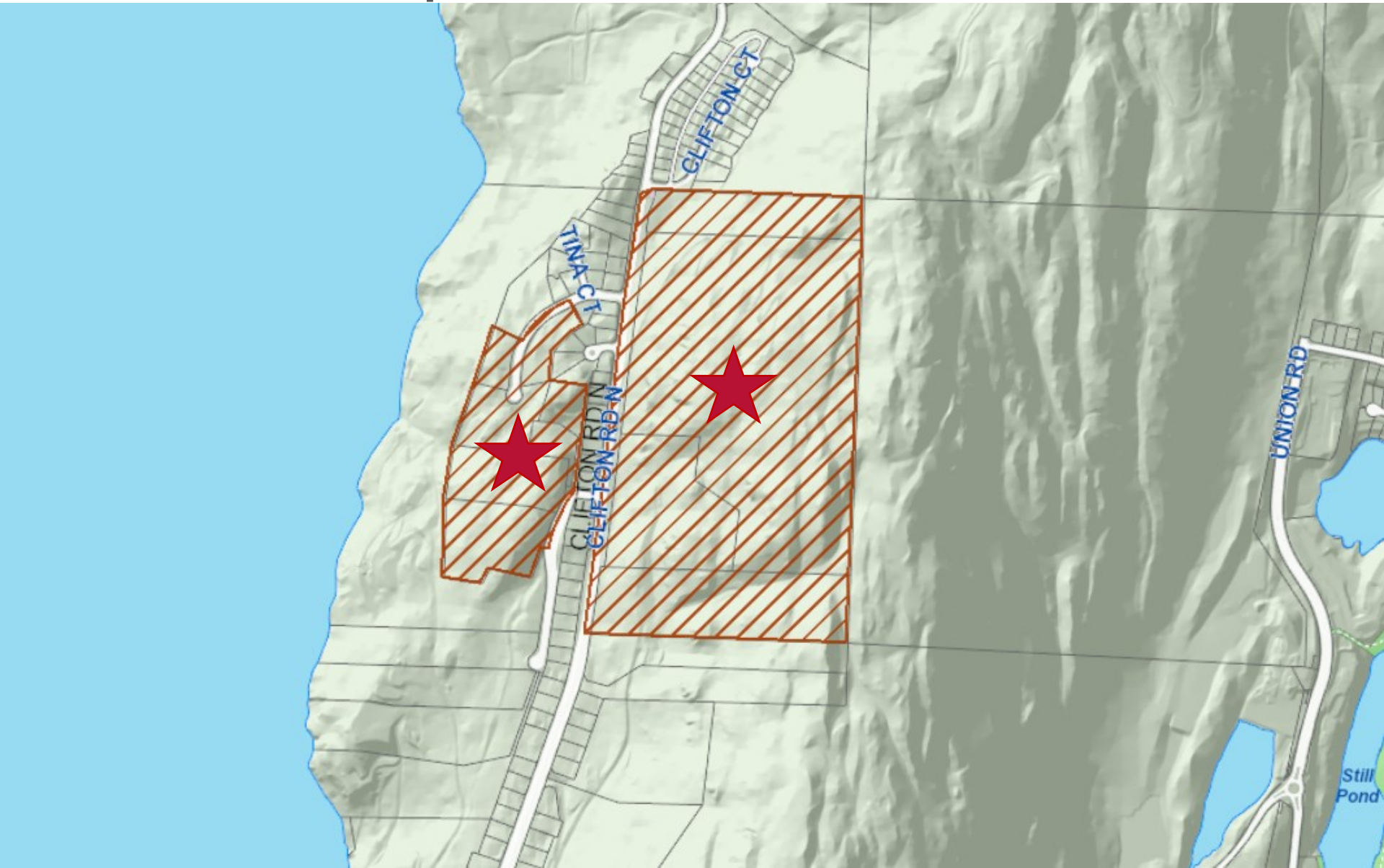
Proposal

- ▶ To consider an application for the early termination of Land Use Contract LUC77-1023 and to rezone select properties to the RR1 – Rural Residential 1 and RR2 – Rural Residential 2 zones as identified in 'Schedule A, B & C'.

Development Process



Context Map



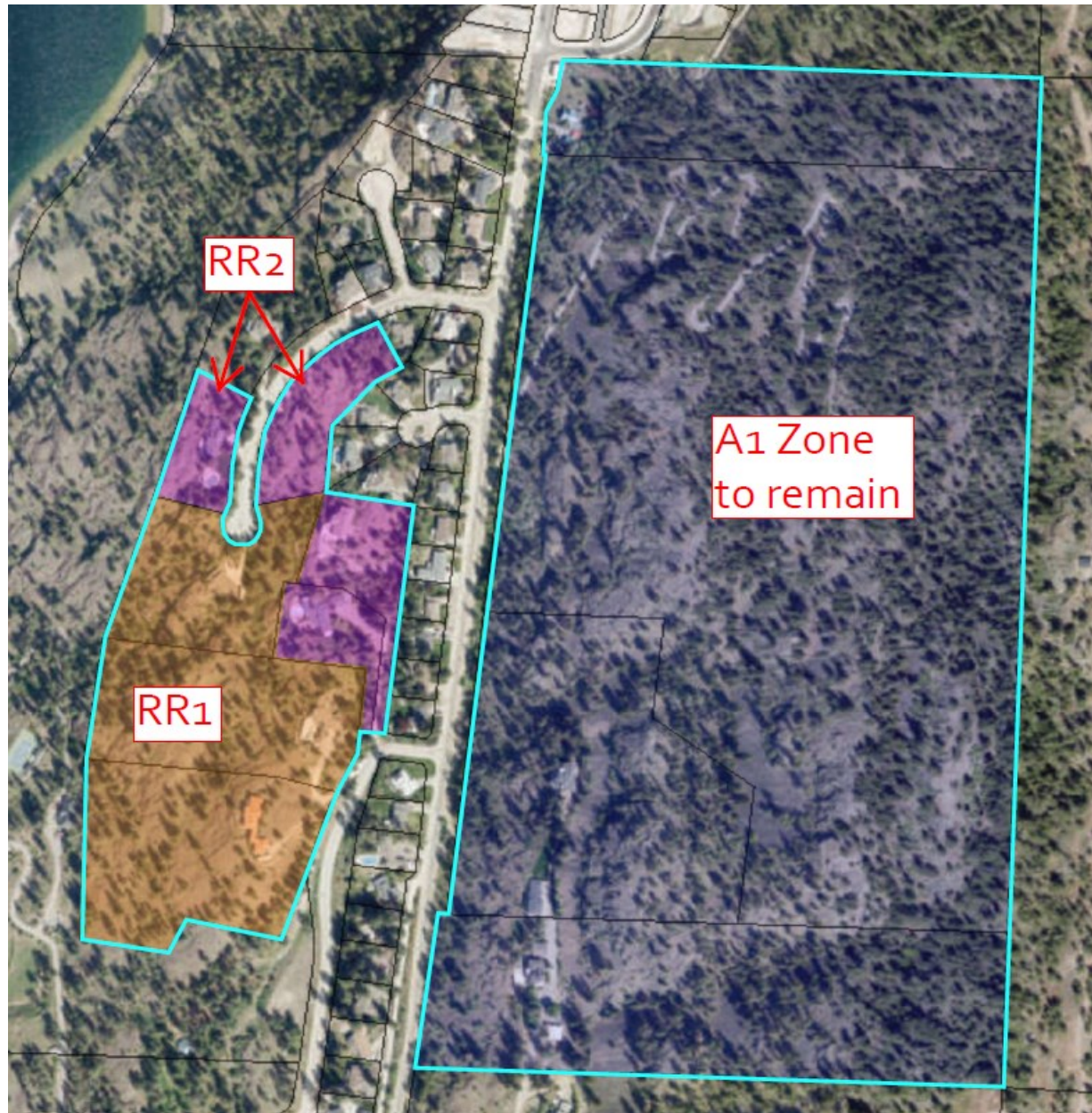
Subject Properties Map



Existing Zoning



Proposed Rezoning



Proposal

- ▶ To terminate the Land Use Contract (LUC77-1023) and rezone select properties to the RR1 and RR2 zones.
 - ▶ The underlying zone (A1 – Agriculture 1) is not appropriate for all properties regulated by the LUC.
 - ▶ Out of the total 11 properties regulated by the LUC:
 - ▶ 4 have appropriate underlying zoning of A1
 - ▶ 7 properties require rezoning (3 proposed to rezone to RR1 with the remaining 4 proposed to rezone to RR2)

Development Policy

- ▶ Application consistent with Council Policy No 282 – Strategy for Elimination of Remaining Land Use Contracts
 - ▶ Consultation with affected land owners prior to Council Approval
 - ▶ Letters sent out on May 7, 2020

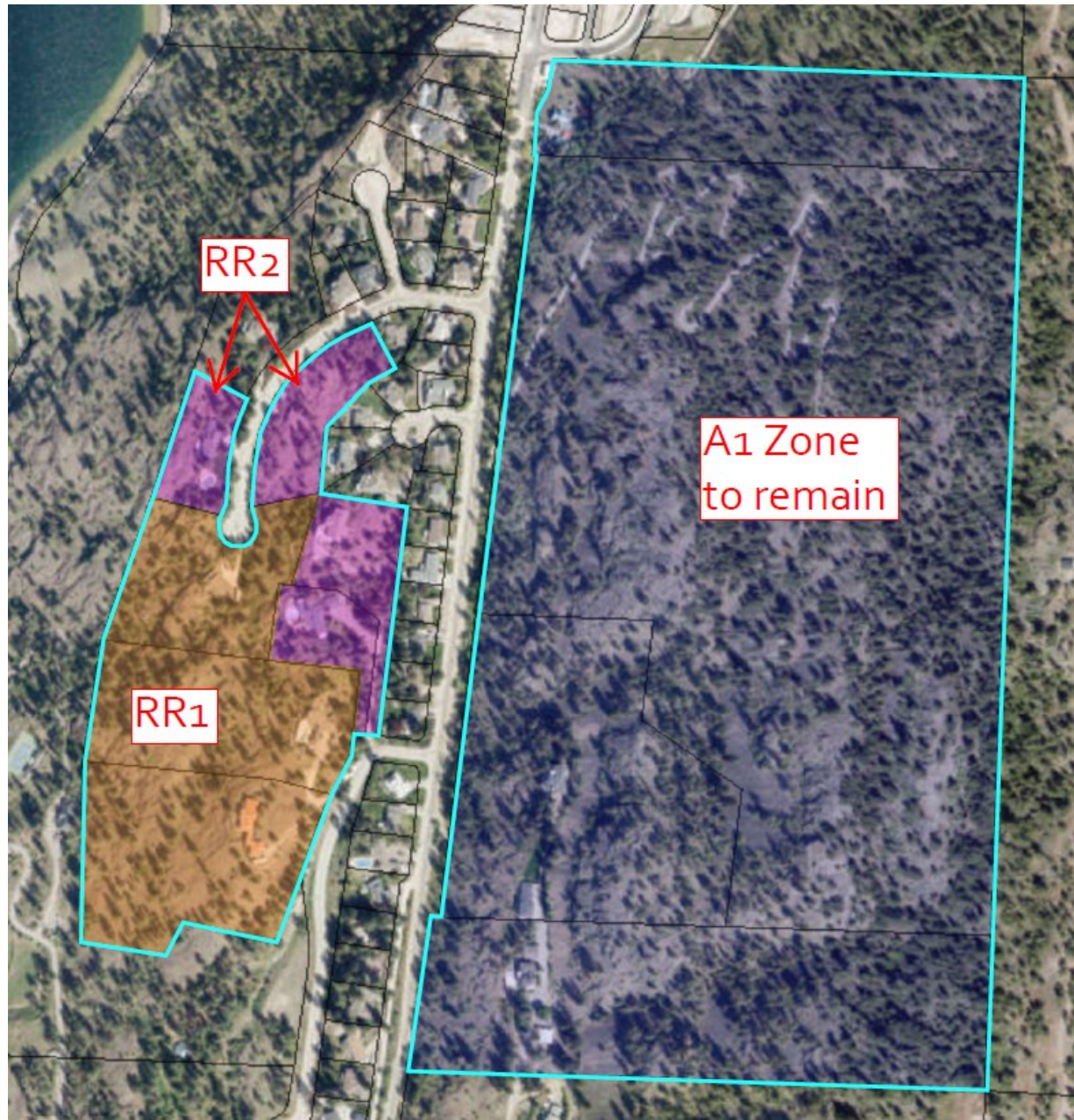
Staff Recommendation

- ▶ Staff recommend **support** of the proposed Land Use Contract Termination of LUC77-1023
- ▶ Recommend the Land Use Contract Termination Bylaw be forwarded to Public Hearing



Conclusion of Staff Remarks

Proposed Rezoning



CITY OF KELOWNA

BYLAW NO. 12038

LUCT19-0027

Early Termination of Land Use Contract – LUC77-1023 Kyndree Court, Prince Edward Drive and Clifton Road North

WHEREAS a land use contract (the "Land Use Contract LUC77-1023") is registered at the Kamloops Land Title Office under the charge number M17452, P1215 and T15327 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Kyndree Court, Prince Edward Drive and Clifton Road North, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC77-1023";
2. Bylaw No. 4694-78 establishing Land Use Contract LUC77-1023 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A: LUC77-1023 Charge #: M17452					
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone
1	Lot 4 Section 8 Township 23 ODYD Plan 33219	1231 Kyndree Court	001-771-396*	LUC77-1023	A1 – Agriculture 1
2	Lot B Section 8 Township 23 ODYD Plan 33589	1238 Kyndree Court	001-951-211*	LUC77-1023	A1 – Agriculture 1
3	Lot 3 Section 8 Township 23 ODYD Plan 33219 Except Plan 34187	1252 Kyndree Court	003-233-227*	LUC77-1023	A1 – Agriculture 1
4	Lot D Section 8 Township 23 ODYD Plan 33308	382 Prince Edward Drive	003-210-880*	LUC77-1023	A1 – Agriculture 1
5	Lot C Section 8 Township 23 ODYD Plan 33308	394 Prince Edward Drive	002-751-399*	LUC77-1023	A1 – Agriculture 1
6	Lot 1 Section 8 Township 23 ODYD Plan 34187	398 Prince Edward Drive	003-018-202*	LUC77-1023	A1 – Agriculture 1
7	Lot A Section 8 Township 23 ODYD Plan 33308	400 Prince Edward Drive	003-210-863*	LUC77-1023	A1 – Agriculture 1
8	Lot 4 Section 8 Township 23 ODYD Plan 29568	365 Clifton Road North	004-245-938	LUC77-1023	A1 – Agriculture 1
9	Lot B Section 8 Township 23 ODYD Plan KAP47167	405 Clifton Road North	017-778-964	LUC77-1023	A1 – Agriculture 1
10	Lot A Section 8 Township 23 ODYD Plan KAP47167	465 Clifton Road North	017-778-956	LUC77-1023	A1 – Agriculture 1
11	Lot 1 Section 8 Township 23 ODYD Plan 29568	491 Clifton Road North	003-175-227	LUC77-1023	A1 – Agriculture 1

*Charge #M17452/P1215/T15327

CITY OF KELOWNA
BYLAW NO. 12039
Z19-0096 - Kyndree Court and Prince Edward Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of parcels outlined in Schedule "B" and Schedule "C" attached and forming part of this bylaw located on Kyndree Court and Prince Edward Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 and the RR2 - Rural Residential 2 zones;
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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule B: Proposed RR1 Zone Charge #: M17452/P1215/T15327						
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Proposed Zone
1	Lot 3 Section 8 Township 23 ODYD Plan 33219 Except Plan 34187	1252 Kyndree Crt	003-233-227	LUC77-1023	A1 – Agriculture 1	RR1 – Rural Residential 1
2	Lot D Section 8 Township 23 ODYD Plan 33308	382 Prince Edward Dr	003-210-880	LUC77-1023	A1 – Agriculture 1	RR1 – Rural Residential 1
3	Lot C Section 8 Township 23 ODYD Plan 33308	394 Prince Edward Dr	002-751-399	LUC77-1023	A1 – Agriculture 1	RR1 – Rural Residential 1

Schedule C: Proposed RR2 Zone Charge #: M17452/P1215/T15327						
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Proposed Zone
1	Lot 4 Section 8 Township 23 ODYD Plan 33219	1231 Kyndree Crt	001-771-396	LUC77-1023	A1 – Agriculture 1	RR2 – Rural Residential 2
2	Lot B Section 8 Township 23 ODYD Plan 33589	1238 Kyndree Crt	001-951-211	LUC77-1023	A1 – Agriculture 1	RR2 – Rural Residential 2
3	Lot 1 Section 8 Township 23 ODYD Plan 34187	398 Prince Edward Dr	003-018-202	LUC77-1023	A1 – Agriculture 1	RR2 – Rural Residential 2
4	Lot A Section 8 Township 23 ODYD Plan 33308	400 Prince Edward Dr	003-210-863	LUC77-1023	A1 – Agriculture 1	RR2 – Rural Residential 2

REPORT TO COUNCIL



Date: June 22, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z18-0071

Owner: 1940 Underhill Developments Corp., Inc. No. BC1159386

Address: 1940 and 1960 Underhill St

Applicant: City of Kelowna

Subject: Rezoning

Existing Zone: A1 – Agriculture 1 and C6 – Regional Commercial

Proposed Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Rezoning Application No. Z18-0071 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1 & 2, District Lot 4646 & 127, ODYD, Plan EPP101738 located at 1940 and 1960 Underhill Rd, Kelowna, BC from the A1 – Agriculture 1 zone and C6 – Regional Commercial zone to the C4 – Urban Centre Commercial zone as shown on Map "A" attached to the Report from the Development Planning Department dated June 22nd 2020, 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.

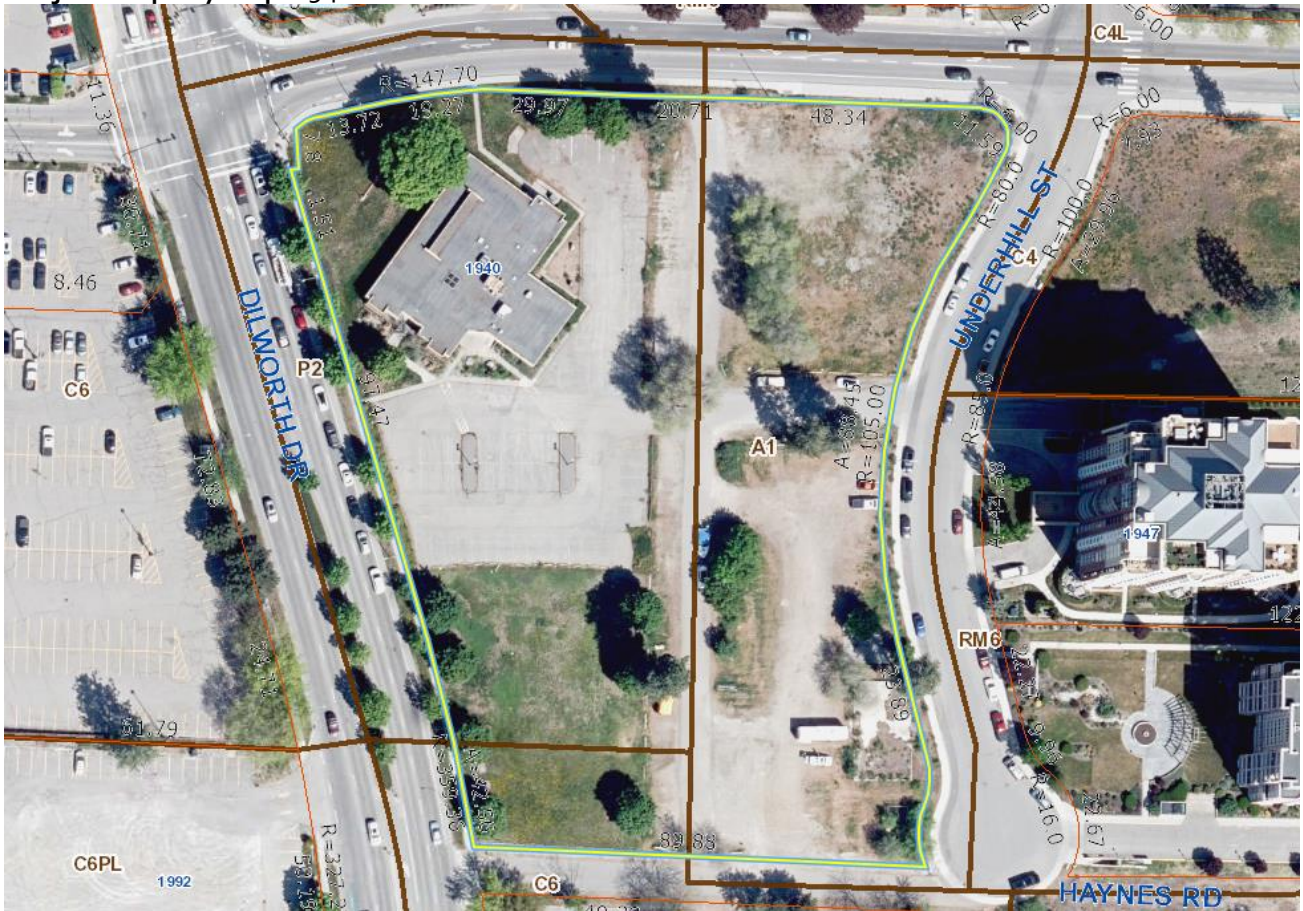
2.0 Purpose

To consider an application to rezone a portion of the subject property from the A1 – Agriculture zone and C6 – Regional Commercial zone to the C4 – Urban Centre Commercial zone, and waive the Public Hearing.

3.0 Development Planning

This report and rezoning bylaw is meant to fix an error in the original rezoning bylaw. Unfortunately, the original rezoning bylaw was supposed to state from the P2, A1, and C6 zone to the C4 zone. However, the bylaw was created in error and only included rezoning from the P2 zone to the C4 zone.

Subject Property Map: 1940 Underhill Rd



4.0 Technical Comments

None

5.0 Application Chronology

N/A

Report prepared by: Adam Cseke, Planner

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Map A



Rezzone a portion of the subject property from
C6 - Regional Commercial to C4 - Urban Centre Commercial.



Rezzone a portion of the subject property
from A1 - Agriculture to
C4 - Urban Centre Commercial.

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

0 30 50 Metres Rev. Thursday, June 11, 2020



CITY OF KELOWNA
BYLAW NO. 12061
Z18-0071 – 1940 and 1960 Underhill Street

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of the following:
 - a) Lot 1, District Lot 4646 & 127, ODYD, Plan EPP101738 located at Underhill Street, Kelowna, BC; and
 - b) Lot 2, District Lot 4646 & 127, ODYD, Plan EPP101738 located at Underhill Street, Kelowna, BCfrom the A1 – Agriculture 1 zone and the C6 – Regional Commercial zone to the C4 – Urban Centre Commercial zone as shown on Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



MAP "A" ZONING AMENDMENT File Z18-0071



Rezone a portion of the subject property from
C6 - Regional Commercial to C4 - Urban Centre Commercial.



Rezone a portion of the subject property
from A1 - Agriculture to
C4 - Urban Centre Commercial.

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

0 30 60 Metres Rev. Thursday, June 11, 2020



Report to Council



Date: June 22, 2020

To: Council

From: City Manager

Subject: Rezoning Bylaw No. 12049 for Z20-0015 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 June 22, 2020 with respect to the summary of correspondence received for Zoning Bylaw No. 12049;

AND FURTHER THAT Rezoning Bylaw No. 12049 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12049 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 the Government of British Columbia lifts orders restricting the gatherings of people.

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 Z20-0015 for 4382 Gordon Drive was brought forward to Council for initial consideration on June 1, 2020. At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between June 2, 2020 and June 15, 2020.

The Office of the City Clerk received zero pieces of correspondence.

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. 12049, located at 4382 Gordon Drive, 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 s. 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: S. Woods – Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc:

Development Planning

CITY OF KELOWNA

BYLAW NO. 12049

Z20-0015 – 4382 Gordon Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District Lot 358, ODYD, Plan 15098 located at Gordon Drive, 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 1st day of June, 2020.

Public Hearing Waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 12030
TA20-0014 – Amendment to Fencing Regulations

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 2 – Interpretation, 2.3.3 General Definitions** be amended by:
 - a) Adding a new definition for "**FENCE PICKET**" in it's appropriate location that reads:

"FENCE PICKET means a post, stick, stake or peg attached to horizontal rails between upright posts."
 - b) Adding a new definition for "**FINIAL**" in it's appropriate location that reads:

"FINIAL means a relatively small, ornamental, terminal feature at the top of a fence, gable, pinnacle, furniture or of one part of such a piece."
2. AND THAT **Section 7 – Landscaping and Screening, 7.5.3- Fencing and Retaining Walls** be amended by deleting the following:

"No **fence** constructed at the **natural grade** in rural residential or **residential zones** shall exceed 2.0 m in **height**, except where **abutting** an agricultural or commercial **zone**, the maximum **height** is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m"

And replacing it with:

"No **fence** constructed at the **natural grade** in rural residential or **residential zones** shall exceed 2.0 m in **height**, except where **abutting** an agricultural or commercial **zone**, the maximum **height** is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m

No metal **fence** shall allow the ends of **fence pickets** or **finials** to extend above a horizontal rail (see diagram 7.3)."

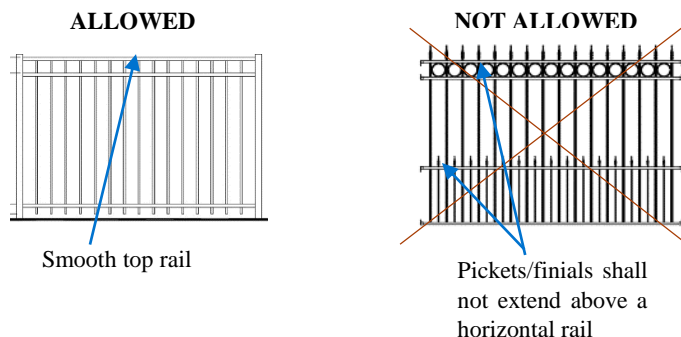


DIAGRAM 7.3

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 4th day of May, 2020.

Considered at a Public Hearing on the 2nd day of June, 2020.

Read a second and third time by the Municipal Council this 2nd day of June, 2020.

Approved under the Transportation Act this 4th day of June, 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: June 22, 2020
To: Council
From: City Manager
Subject: Update on Council's Environmental Protection Priorities
Department: Policy & Planning

Recommendation:

THAT Council receives, for information, the report from Policy & Planning, dated June 22, 2020, with respect to an update on Council's Environmental Protection Priorities.

AND THAT Council directs staff to investigate the resource and financial implications to accelerate progress on the actions outlined in the Community Climate Action Plan.

AND FURTHER THAT Council directs staff to provide an update on the status of the Sustainable Development Goals related to protecting the environment once the report is complete.

Purpose:

To provide a response to Council's request from Open AM Session of Council on Monday, February 10, 2020 under Issues Arising from Correspondence & Community Concerns, for an update on initiatives related to Council Priority of environmental protection and climate action (R0112/20/02/10).

Background:

Recently, Council was provided a report on the progress the City is making on each of Council's six priority areas (May 25, 2020 PM Council Session, item 5.8). This report brought to light that of the 39 result statements the Environmental Protection Priority "Greenhouse Gas (GHG) Emissions are Decreasing" was one of only three areas not trending in the right direction.

The Intergovernmental Panel on Climate Change (IPCC) warns that global warming needs to be limited to 1.5°C by 2030 to reduce the risks of extreme weather, rising sea levels and other impacts. Unprecedented changes in land use, transportation and buildings are needed to reach this goal which requires reducing human-caused GHG emissions by 45 per cent from 2010 levels by 2030.¹ In response,

¹ Intergovernmental Panel on Climate Change (IPCC), October 8, 2018. Summary for Policymakers of IPCC Special Report on Global Warming of 1.5°C approved by governments. <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/>

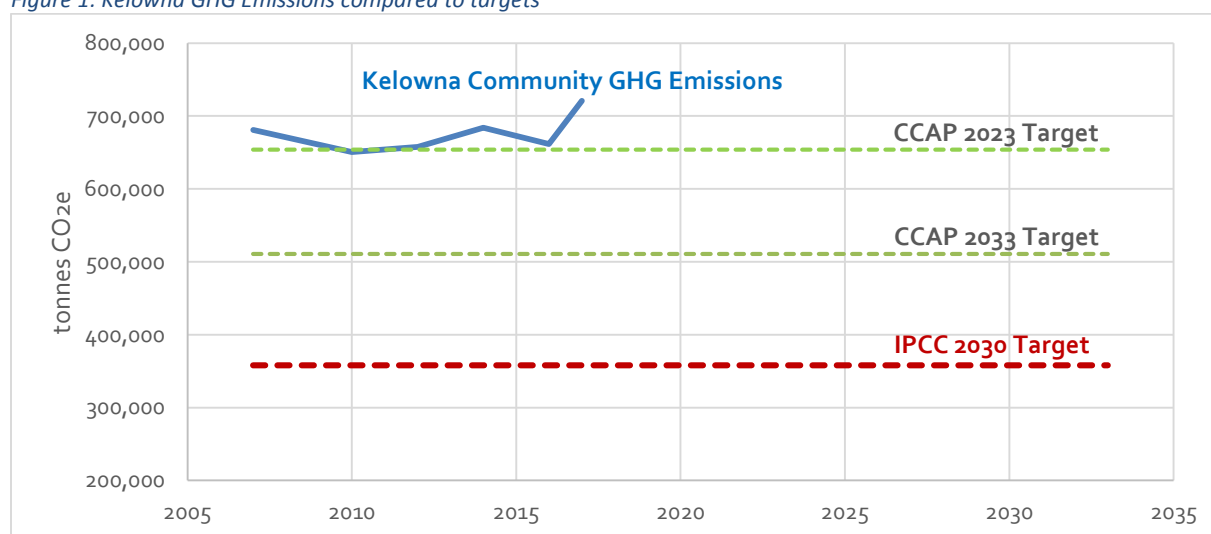
many local governments are investigating ways their communities can accelerate progress on reducing emissions or determining what actions are needed to align with the IPCC recommendations.

Environmental Protection Priority: Greenhouse gas emissions are decreasing

Progress: Needs improvement: not trending in the desired direction

The Environmental Protection Council Priority result statement “greenhouse house gas emissions are decreasing” focuses on two areas: community and corporate GHG emissions. On the community side, *Kelowna’s Community Climate Action Plan (CCAP)* focuses on actions the City can lead to help the community reduce its GHG footprint as local governments can influence GHG emissions reductions through land use planning, transportation options, building requirements and waste services. Over the short-term, the five-year life of the Plan, the CCAP defines a path to slow GHG emissions growth – to reduce GHG emissions by 4% below 2007 levels by 2023. The CCAP also identifies a mid-target of 25% below 2007 levels by 2033 and a long-term target of 80% below 2007 levels by 2050. These targets, however, are below what the IPCC states are needed to be achieved to avoid catastrophic impacts. For the City to align with the IPCC 1.5°C recommendation, the mid-term target would have to be nearly doubled.

Figure 1: Kelowna GHG Emissions compared to targets



While GHG emissions may vary from year to year due to weather (e.g., a cold winter would require more natural gas use for heating), progress on achieving the CCAPs short-term target is questionable as illustrated in Figure 1, let alone being on course to achieve the IPCC’s more aggressive goals. The City has not been able to achieve absolute GHG emissions reductions in line with the CCAP targets, which is paramount to limiting the extent and impact of climate change. Even when examining per capita GHG emissions, the community appears to have stalled and is not progressing in achieving reductions on a per person basis. With the community expected to grow by 50,000 residents by 2040 it is paramount that progress on reducing per capita GHG emission contributions far outpace the rate of population growth to ensure total GHG emissions decline.

Since its endorsement, the City has been working on implementing the actions outlined in the CCAP. Over seventy-eight per cent of the 47 actions are in progress, ongoing or complete (see Attachment A for the status of each CCAP action). In addition to those actions outlined in the CCAP, a summary of the diverse actions being taken across the organization was recently provided in the annual *Climate*

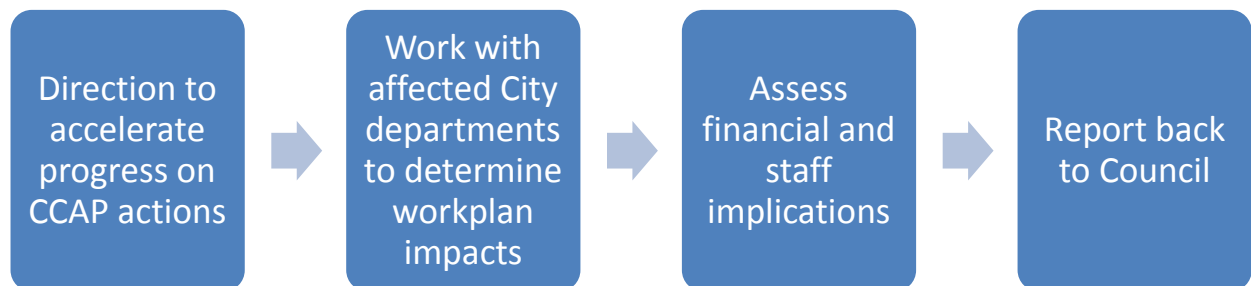
Action Revenue Incentive Program report. While it is imperative that everyone – residents, businesses, industry, and senior levels of government – take action to reduce GHG emissions, the City’s actions and leadership are essential to support the transition to lower GHG emissions in Kelowna. Creating a complete, compact community with diverse transportation options while increasing energy efficiency and renewable energy in buildings will ultimately help progress climate action in the community over the long term.

Should Council choose to accelerate action to reduce GHG emissions, there are two options.

1. **Accelerate progress on the CCAP**

As outlined in Figure 2, staff could investigate the resources required (i.e., staff and financial commitments) to expedite the actions outlined in the Community Climate Action Plan. Attachment B summarizes some of the initiatives that are underway and provides examples of how these actions could be accelerated. Most of these examples are actions from the CCAP that have not yet started, do not have resources to implement, or were identified as an ambitious action. Others are examples from different communities that also could have significant impact. Some of the proposed actions would also need to be assessed to determine if there are community financial impacts and how those costs effect post COVID economic recovery.

Figure 2: Process to accelerate progress on CCAP

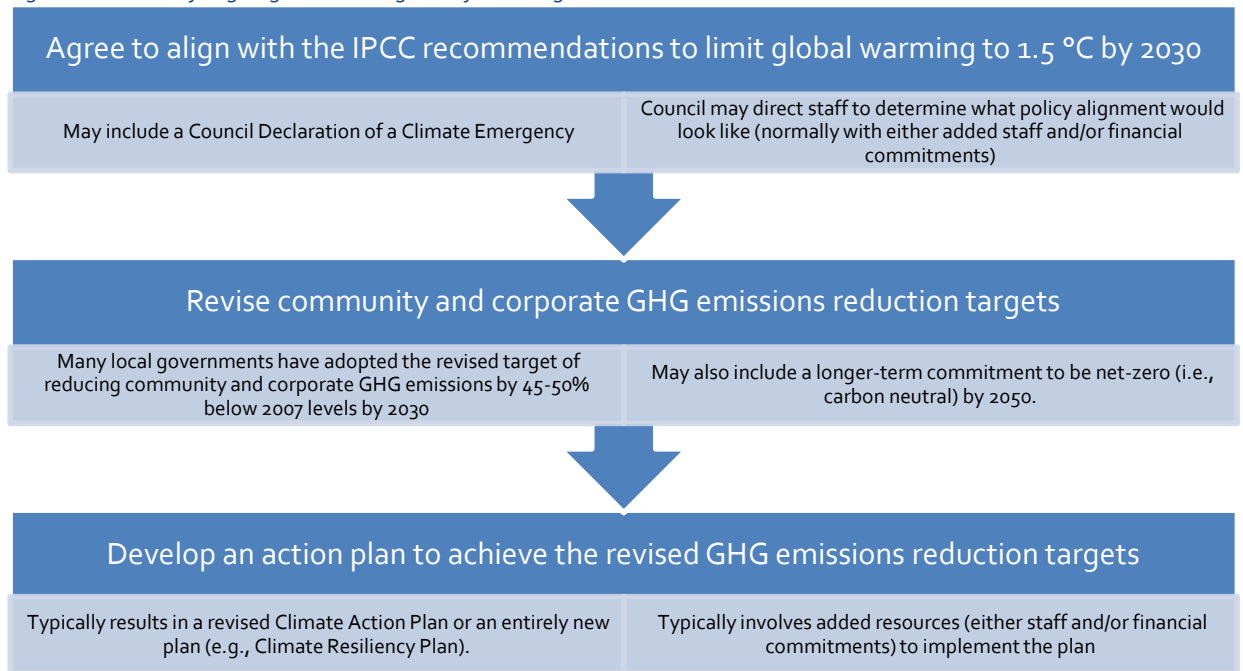


2. **Align with IPCC’s targets**

Determining how to align with the IPCC’s 1.5°C target is more complex as illustrated in Figure 3. The first step would be to investigate the resources required to revisit the CCAP’s targets and undertake a process to develop and model the actions required to reduce GHG emissions by 45 per cent by 2030. As seen in other communities like Vancouver and Richmond, bold actions in transportation, buildings, and urban forestry are required to achieve this degree of GHG emissions reduction. Attachment B includes an additional column to provide examples of how the City could move beyond accelerating reductions to align with the IPCC targets. These examples are for discussion only and are inspired by other communities who are currently working towards this target. To fully understand what would be required to achieve the IPCC target, in-depth modelling and action development would have to be undertaken².

² Preliminary investigation indicates modelling and developing new actions to align with the IPCC would cost \$30,000+ depending on the level of engagement with the community. This cost is exclusive to modelling, and would not involve the development of a Low Carbon Resiliency Plan.

Figure 3: Process of aligning with 1.5 degrees of warming



The second part of the Environmental Protection Council Priority result statement “greenhouse house gas emissions are decreasing” speaks to the leadership role the City plays in reducing its own corporate GHG emissions, which make up approximately one per cent of community GHG emissions. As presented during the *Climate Action Revenue Incentive Program* report provided at the June 1 PM Session (item 4.7), recent changes in utility billing revealed that some of the City’s electricity and natural gas accounts were not included in the usage reports provided by FortisBC, resulting in corporate GHG emissions being under reported. Over the coming months, staff will reconcile the historical data so that a historical trend can be established to see how the City is progressing on its goal to reduce corporate GHG emissions by 12 per cent below 2007 levels by 2022 as identified in the *Corporate Energy and GHG Emissions Plan* (2018).

Environmental Protection Priority: **Resiliency & adaptability to climate change**
 Predictive modeling & forecasting
 Emergency response & preparation

Progress: On track: trending in the desired direction

The other three result statements that address Council’s Environmental Protection Priority focus on forecasting, modelling and adapting so the community will be resilient to climate change. A changing climate has major consequences for local governments as they are the ones who are on the front lines of flooding, wildfires, and storms; responsible for infrastructure; provide first responder services; and educate and prepare residents.³ The extent of how much the climate will change depends on how well the global community is able to reduce GHG emissions in the near term as greenhouse gases that are released today can impact climate for years to come. A joint report commissioned and released earlier

³ Don Lidstone, QC and Ian Moore, September 25, 2019. “Declaring a Climate Emergency – Legal Issues” for Planning Institute of BC Climate Emergency Webinar.

this year by the regional districts in the Okanagan, *Climate Projections for the Okanagan Region*, models the changes that the Okanagan climate will experience over the coming decades. Significant changes are projected with hotter, drier summers; warmer winters; increased precipitation in all seasons except summer; and a shifting of the seasons.⁴

Each of the Environmental Protection priority result statements related to adaptation are trending in the right direction as various departments undertake initiatives to prepare our community. These include fuel modification in parks to reduce wildfire threat, improvements to stream channels to reduce flooding and changes in development standards to account for a changing climate. The City, however, does not yet have a Climate Adaptation Plan to provide comprehensive direction to prepare the community for the anticipated changes. If a decision is made to revisit the CCAP targets to align with the IPCC, there is an opportunity to create a low carbon resilience plan (also known as a climate ready future plan) at the same time, addressing both climate mitigation and adaptation concurrently.⁵

Other Environmental Protection Focus Areas:

Progress: To be determined

All the Council priorities related to environmental protection focus on climate mitigation (reducing greenhouse emissions) and adaptation (preparing for the impacts of climate change). To have a more robust understanding of the state of the environment in Kelowna, issues beyond climate must be considered (e.g. biodiversity, habitat loss, water resources, and air quality). Kelowna's natural environment is unique. The lakes, valley hillsides, streams and air draw many people to live and visit, contributing significantly to the local economy and as expressed through Imagine Kelowna, the community wants these assets protected.⁶ Kelowna's natural environment is susceptible to the impacts of human development and activity and ongoing impacts could have long term and irreversible consequences to the livability of the city.

Recently, the City has been working with the British Columbia Council for International Cooperation (BCCIC) as part of a pilot project to determine how local governments are progressing on the implementation and achievement of the UN Sustainable Development Goals. The UN Sustainable Development Goals (UN SDG) are 17 goals with a universal call to action to protect the planet, end poverty, and improve the lives and prospects of everyone, everywhere.⁷ Seven of the UN SDGs being tracked as part of the pilot project help provide a broader understanding of environmental protection in Kelowna. This includes goals related to protecting habitat on land and in water, waste reduction, air quality, and clean water. It is anticipated that BCCIC will have a report complete later this year at which time staff will provide an update to Council.

Ultimately, protecting the natural environment will help deliver on climate mitigation and adaptation goals. For example, preserving a streamside riparian area protects habitat and water quality, but it also

⁴ RDCO, RDNO, RDOS, Pinna Sustainability, February, 2020. Climate Projections for the Okanagan Region. <https://pub-rdco.escribemeetings.com/filestream.ashx?DocumentId=2073>

⁵ Preliminary investigation indicates the cost to develop a Climate Resiliency Plan would be \$150,000 +

⁶ Imagine Kelowna includes the following goals related to environmental protection: Protect land, water & air; preserve Okanagan Lake as a shared resource; embrace transportation options; grow vibrant urban centres and limit sprawl; protect agricultural land; and take action in the face of climate change.

⁷ United Nations Sustainable Development Goals: The Sustainable Development Agenda.

acts as a carbon sink to lower GHG emissions and provides an area to attenuate flood waters associated with climate change.

Conclusion:

Whether accelerating progress on the CCAP, identifying and implementing new actions to align with the IPCC, or undertaking a climate resiliency plan, all these initiatives would not only result in reduced GHG emissions, they would also achieve goals and deliverables outlined in other City plans and projects. For example, improving walking, bicycling and transit reduces GHG emissions from the transportation sector, but it also provides residents with diverse, affordable options to get around; reduces road congestion; reduces air pollution; and creates a more active community. Likewise, improving energy efficiency in buildings not only reduces energy usage and GHG emissions, it also reduces household energy costs and can improve indoor air quality, which aligns with the Healthy Housing Strategy.

During the last several months, COVID-19 has brought unprecedented changes to the world. While most of the changes have upheaved the systems and processes that serve us, favorably the world's response has had positive impacts on the global climate. It is estimated that daily global GHG emissions decreased by 17% in the peak of the COVID-19 pandemic restrictions in April 2020 compared with mean 2019 levels.⁸ While the circumstances of these improvements are not ideal, COVID-19 provides a glimpse of what could be accomplished with long term behavior change. This is an opportunity to leverage climate action for a strong economic recovery, while accelerating progress on emissions reductions.⁹

The issue and challenges presented by climate change cannot be solved by local government alone. Senior government will need to regulate change and citizens will need to adjust their behavior. Local government, however, needs to lead in implementing plans, programs and services that will shift the community towards a low carbon lifestyle.

Internal Circulation:

Divisional Director, Planning & Development Services
Development Services Director
Development Planning Department Manager
Corporate Strategy & Performance Department Manager
Strategic Transportation Planning Manager
Energy Program Manager
Utility Planning Manager
Long Range Policy Planning Acting Manager

⁸ Le Quéré, C., Jackson, R.B., Jones, M.W. *et al.* (2020). Temporary reduction in daily global CO₂ emissions during the COVID-19 forced confinement. *Nat. Clim. Chang.* (2020). <https://doi.org/10.1038/s41558-020-0797-x>.

⁹ BC Municipal Climate Leadership Council and the Community Energy Association. Policy Insights for COVID Job Creation infographic.

Considerations applicable to this report:

Existing Policy:

- OCP Objective 6.2: Improve energy efficiency and reduce community greenhouse gas emissions
- OCP Policy 6.2.1 *GHG Reduction Target and Actions.* The City of Kelowna will, in partnership with senior governments; local residents and businesses; NGOs; external agencies; and utility providers, work towards reducing absolute community greenhouse gas emissions by:
- 4% below 2007 levels by 2023;
 - 25% below 2007 levels by 2033;
 - 80% below 2007 levels by 2050.
- The City of Kelowna's efforts will be focused on creating a dynamic community that embraces sustainable transportation options, energy efficient buildings and vibrant urban centres.
- City will support the reduced use of fossil fuels in buildings by encouraging renewable energy supplies, and energy efficient technologies in new and existing buildings.
- The City will lead through example and strive to meet the BC Climate Action Charter Targets for the reduction of GHG emissions from municipal infrastructure.
- OCP Policy 7.1.3 Greenhouse Gas Reduction Criteria. Incorporate greenhouse gas reduction criteria in infrastructure projects for evaluation / modeling and procurement.
- OCP Policy 7.19.2 Energy Reduction Priorities. In working to reduce greenhouse gas emissions, place a primary focus on reducing demand, then prioritize further efforts in the following sequence: re-using waste heat, using renewable heat, and then finally on using renewable energy.

Financial/Budgetary Considerations:

Accelerating the actions provided in the Community Climate Action Plan will have implications financially and on staff resources. Staff need to investigate and discuss with impacted departments to understand the full resource implications.

Considerations not applicable to this report:

External Agency/Public Comments:

Communications Comments:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Submitted by:

T. Guidi, Sustainability Coordinator

C. Ray, Community Energy Specialist

Approved for inclusion:



D. Noble-Brandt, Dept. Manager, Policy & Planning

cc:

Divisional Director, Planning & Development Services

Development Services Director

Development Planning Department Manager

Corporate Strategy & Performance Department Manager

Strategic Transportation Planning Manager

Energy Program Manager

Utility Planning Manager

Long Range Policy Planning Acting Manager

Attachment A: Community Climate Action Plan Implementation Progress

Legend:

Ongoing/ complete

In progress

Not started

Table 1: Progress of implementation actions to be undertaken with existing resources

Action #	Description	Action Status	Action Implementation Notes
In progress or ongoing actions			
T1	Implement policy actions from the Pedestrian and Bicycle Master Plan	In Progress	Several of the policy recommendations are in progress including policy updates for bicycle parking, end of trip facilities, and driveway locations adjacent to active transportation corridors.
T2	Implement capital projects from the Pedestrian and Bicycle Master Plan	Ongoing	In 2018 expanded the active transportation network by 5.7 km of buffered bike lanes, 12.5 km of multi-use path, 0.8 km of sidewalk, 3.0 km of bike lanes. 2019 Plans include 11.6 km of buffered bike lanes, 2.6 km of cycle tracks, 6.0 km of new bike lanes and 1.6 km of sidewalk.
T3	Continue improving public transit service delivery	Ongoing	In 2018 restructured transit service to add a new route linking downtown to UBCO via Glenmore, bus service to University Heights, added 5,000 service hours.
B1	Partner with FortisBC on delivery of programs	Ongoing	Promotion of rebates and FortisBC programs such as the 2019 Small Business Program. In 2020 the City is offering the <i>See the Heat</i> program where residents and City staff can borrow a thermal imaging camera to see heat loss in their homes (the program is funded by FortisBC). The City is also running a workshop for rental building owners/managers to educate them on FortisBC's Rental Apartment Efficiency Program.
B2	Engage building community on regional Energy Step Code implementation strategy	Ongoing	Lake Country and Penticton implemented Energy Step Code for Part 9 buildings earlier in 2019. Kelowna regulations come into effect December 1, 2019 (i.e., Step 1 required for Part 9 residential buildings). Okanagan communities meet quarterly to discuss challenges and opportunities for regional collaboration.
B3	Develop educational offerings to support transition to Energy Step Code	Ongoing	Energy Step Code Industry Workshop in the Spring of 2018. Energy Step Code Airtightness and Assembly Details training in the Fall of 2019. Worked with CHBA-CO to offer builder breakfast series on Energy Step Code. Offering internal training for Building Officials (i.e., Building Inspectors, Plan Checkers, and One Window staff).
W1	Implement the 2017 Solid Waste Management Plan	Ongoing	Ongoing waste reduction programs happen annually such as composter sale, repair cafes, and trunk sales. The addition of two summer recycling ambassadors have increased outreach and education. The new waste contract will see compressed natural gas vehicles instead of gasoline.
LU1	Update the Zoning and Traffic Bylaws to incentivize car sharing	In Progress	Proposed amendments to Zoning Bylaw have received 3 rd reading to allow parking requirement reductions in multi-family residential development that include car share vehicles. Will be presented to Council for final reading November 25 th , 2019.

Action #	Description	Action Status	Action Implementation Notes
O1	Implement the Urban Forestry Strategy	Ongoing	In 2019 the City sold 600 trees through NeighbourWoods for planting on private property. On public property, will plant 400 street trees, 100 trees along Mill Creek and 5,000 tree seedlings in various locations.
O2	Implement the 2017 Agriculture Plan	Ongoing	As of fall 2019, 75% of the Plan's 52 actions are ongoing, in progress or complete.
O3	Continue to implement the Clean Air Strategy	Ongoing	Ongoing programs include Safe Routes to School, Agricultural Chipping Program, Woodstove Exchange Program, and Mow/Chip It rebates. Initiated work on amendments to the Smoke Control Bylaw and initiated development of an Anti-idling Bylaw.
O5	Investigate options to fund climate mitigation and adaptation initiatives	Ongoing	Recently received: <ul style="list-style-type: none"> • Funding from Disaster Mitigation Adaptation Fund for the Mill Creek Off-Stream Storage Projects and Channel Conveyance Project. • Grant from Pacific Institute for Climate Solutions to hire a student to develop climate adaptation policy for the OCP update. • Grant from FortisBC to hire a Community Energy Specialist position for 2 years (to March 2021). • Funding from FortisBC to support Energy Step Code training and <i>See the Heat</i> thermal imaging camera program. • Federal grant and partnership with FortisBC to expand level 3 electric vehicle charging infrastructure.
O6a	Investigate developing a Climate Adaptation Plan	Ongoing	Okanagan Regional Districts are currently in process of modelling climate change impacts for the Okanagan area, with report expected early 2020. A water shortage modelling project is underway to compare water requirements versus supply. In 2020 staff will be investigating options for a Climate Adaptation Plan and potential funding sources.
Actions to be implemented Years 0 – 2			
T4	Develop a disruptive mobility strategy	In progress	A Disruptive Mobility Strategy has been drafted as part of the Regional Transportation Plan.
T5	If successful, expand the pilot community bike share program.	Ongoing	In 2019 developed and implemented bike share permit program. Four bikeshare companies with permits to operate in Kelowna (most using e-scooters).
T7	Update the Zoning Bylaw to restrict drive-through uses	Not started	
T9	Implement an anti-idling bylaw	In progress	This is being developed as a regional initiative through the Regional Air Quality program.
T10	Investigate regulations and incentives for City parking to prioritize the use of alternative transportation modes	Ongoing	Council endorsed an updated Downtown Area Parking Plan, July 2019.
T12	Investigate options for a regional fuel tax	Not started	Funding sources will be explored as part of the implementation of the Regional Transportation Plan.
B5	Update Building Bylaw for part 9 buildings requiring Step Code 1 (April 2019) and Step Code 3 (Oct 2020)	Complete	Step 1 for Part 9 residential buildings comes into effect in Kelowna on December 1, 2019. Step 3 comes into effect June 1, 2021.
B6	Relax Zoning Bylaw setback requirements to allow thicker walls for Step 4 and 5 buildings	Complete	Final adoption of the zoning amendments completed June 17, 2018.

Action #	Description	Action Status	Action Implementation Notes
B7	Create a building permit fee rebate program for part 9 buildings for those achieving Steps 4 or 5	Complete	Endorsed as part of the Energy Step Code Implementation Strategy for Part 9 buildings on May 6, 2019. Also included a building permit fee rebate for modelling and blower door testing to encourage builders to use Step Code in advance of Step 1 coming into effect December 1, 2019.
B8	Investigate updating the OCP Development Permit Guidelines to include building energy efficiencies	In progress	The Urban Design Development Permit Guidelines will incorporate this as part of the OCP 2040 update.
LU2	Amend the Zoning Bylaw to establish updated parking minimums and maximums	In progress	Proposed amendments to Zoning Bylaw have received 3 rd reading to reduce parking minimums for several multi-family zones and urban centre commercial zones. Will be presented to Council for final reading November 25 th , 2019.
LU4	Coordinate land use and transportation planning through OCP and transportation plans	In progress	Both the OCP update and Transportation Master Plan are coordinated and in progress.
LU5	As part of the OCP update, reinforce the Permanent Growth Boundary (PGB)	In progress	Council endorsed the growth scenario on March 4 th that reinforces the PGB and focuses on infill and redevelopment in the Core Area and no new suburban areas are identified for new development.
LU6	As part of the OCP update, evaluate a more compact growth strategy	In progress	Council endorsed the growth scenario on March 4 th that reinforces the PGB and focuses on infill and redevelopment in the Core Area and no new suburban areas identified for new development. Draft Future Land Use map presented to Council on August 12, 2019.
LU8	Investigate amendments to Bylaw 7900 to include pedestrian connectivity	In progress	Bylaw 7900 updates separated into 2 components. The first is immediate actions which is currently in draft form. The second is structural change which will be drafted later in 2020.
LU9	Incorporate a policy into the Official Community Plan to design neighbourhoods through a systems approach.	In progress	Being considered as part of the policy development for the OCP 2040 update.
O4	Amend the landscape regulations in both Zoning and Subdivision Bylaws to include tree protection and replacement requirements.	Not started	
O10	Investigate the opportunity to use treated effluent from the WWTF for irrigation	In progress	Pilot project in 2020 to water WWTF fields with treated effluent.
O12	Investigate opportunities in the Cultural Plan update to incorporate climate change messaging through artistic work.	In progress	Culture Plan update is in progress.
Actions to be implemented Years 3 – 5			
LU7	Investigate options to amend OCP policy and Zoning regulations for shared parking facilities in new and existing developments	Not started	
O8	Investigate adopting both a private and heritage tree protection bylaw	In progress	Development Planning is drafting a Private Tree Protection Bylaw.

Table 2: Progress of implementation actions to be undertaken requiring additional resources

Action #	Description	Action Status	Action Implementation Notes
In progress or ongoing actions			
T8	Through the TDM review project, enhance Kelowna's TDM program	Not started	Options for TDM program offerings are being explored as part of the Transportation Master Plan project.
O11	Investigate implementing or expanding education and engagement campaigns	Not started	Options to improve education and engagement are being explored as part of the Transportation Master Plan project.
Actions to be implemented Years 0-2			
T6	Develop an electric vehicle strategy	In progress	<ul style="list-style-type: none"> Preliminary work has been undertaken, and the community strategy is expected to be developed in 2020. Work continues with FortisBC to expand the EV charging network. Submitting a federal ZEVIP application with FortisBC to get funding for up to 17 Level 2/3 chargers for fleet and workplace. Will expand the public Level 2 charging network by up to eight with \$135,000 budget for Parking Services
B4	Develop a community energy retrofit strategy	In progress	<ul style="list-style-type: none"> Preliminary work has been undertaken. Stakeholder engagement in Summer 2020. Expected by end of 2020. See the Heat Thermal Imaging Public Campaign to be launched Winter 2020. The City contributes to the Municipal Top Up Program for EnerGuide assessments through provincial Better Homes BC program. Partnering with Natural Resources Canada (NRCAN) to develop a prototype of the Canadian Energy End Use Map which would give the City better insight into energy and emissions from buildings at the parcel level, and potential retrofit packages for different housing archetypes.
B9	Investigate options to implement Energy Step Code for Part 3 buildings once available	In progress	<ul style="list-style-type: none"> Hosted an Energy Step Code Solutions Lab for Part 3 buildings for stakeholders in September 2019. Draft Implementation Strategy near completion.
B10	Investigate adopting Steps 4 and 5 for part 9 buildings once Province makes it available	Not started	Province currently allows communities to adopt up to Step 3 (and incentivize beyond this). Action will be delayed until provincial regulations allow and success of Kelowna's Step 1 and 3 implementation is determined.
B11	Investigate financing models to support city-wide deep energy retrofits	In progress	Working with NRCAN to assess financing options as part of the Canadian Energy End Use mapping prototype project (e.g., Green Municipal Fund Community Efficiency Financing).
Actions to be implemented Years 3 – 5			
T11	Investigate options to integrate alternative fuels into fleets such as transit.	In progress	New waste hauling contract will utilize compressed natural gas vehicles to reduce emissions. The City is looking at a pilot project to add a Level 3 electric vehicle charger for the Yards facility for fleet vehicles.
LU3	Apply an infrastructure cost analysis to major OCP amendments and ASP applications	In progress	Model City Infrastructure is in a pilot phase, ultimately it will be utilized as part of the review of major OCP amendments / ASP applications.

Action #	Description	Action Status	Action Implementation Notes
RE1	Investigate opportunities to increase both supply and demand of Renewable Natural Gas	In progress	Conducted a biogas feasibility study as part of the Wastewater Treatment Anaerobic Digestion Options Analysis.
O6b	Develop a Climate Adaptation Plan	Not started	
O7	Investigate doing a Green Economy Study	Not started	
O9	Investigate process improvements to ensure that tree planting requirements are executed through site construction	Not started	

Table 3: Summary of CCAP Progress

	Actions with existing resources				Actions with additional resources			
	Ongoing / Complete	In progress	Not started	Total actions	Ongoing / Complete	In progress	Not started	Total actions
Years 0 – 2 (2018 – 2020)	11	2	0	13	0	0	2	2
Years 0 – 2 (2018 – 2020)	5	11	3	19	0	4	1	5
Years 3 – 5 (2021 – 2023)	0	1	1	2	0	3	3	6
Total	16	14	4	34	0	7	6	13

Attachment B: Examples of how to accelerate GHG emissions reduction or align with the IPCC's 1.5°C target

	What we are doing	Accelerate progress (requires additional staff and/or financial resources)	Examples of options to align with 1.5 degrees (requires additional staff and financial resources)
Overall	Community Climate Action Plan	Accelerate the implementation timeline	Revisit the plan to develop targets and actions that align with 1.5°C.
The way we get around	Develop an Electric Vehicle Strategy (CCAP Action T6)	Accelerate implementation of the EV Strategy once complete	Support and implement policy and programs so that by 2030 over half of all vehicle kilometers traveled are zero emission vehicles (e.g., rapid expansion of public EV charging infrastructure, retrofit existing multifamily with EV charging facilities, provide incentives for EV vehicle purchase, support the emergence of small electric vehicles such as e-scooters and e-bikes).
	Continue improving public transit service delivery (CCAP Action T3)	Expand transit service and delivery	Service all frequent transit corridors as identified in the draft 2040 OCP Future Land Use Map. Support transit recommendations in the draft Regional Transportation Plan. Support increased transit investment in the upcoming Transportation Master Plan. By 2030 majority of residents have easy access to frequent transit.
	Implement capital projects from the Pedestrian and Bicycle Master Plan (CCAP Action T2)	Accelerate implementation of the Pedestrian and Bicycle Master Plan through additional investments to make the community more walkable.	Invest more into alternative transportation, prioritizing alternative modes through proximity, connectivity and urban design (CCAP Ambitious Action AA2), accelerating the PBMP implementation. Support increased investment in neighbourhood streets and bicycling in the upcoming Transportation Master Plan. By 2030 most residents are within an easy walk / cycle of their daily needs.
	-	Conduct a regional study to determine local feasibility, effectiveness and legislative authority for transportation pricing strategies for vehicle kilometers traveled and/or fuel consumption. (CCAP Ambitious Action AA3)	Implement transportation pricing strategies once regulatory tools available.
		Reducing idling by Implementing an anti-idling bylaw (CCAP Action T9) and Update the Zoning Bylaw to restrict drive-through uses (CCAP Action T7)	
		Encourage flexible work from home policies with major employers in Kelowna to reduce VKT.	Investigate options for a regional fuel tax (CCAP Action T12)

	What we are doing	Accelerate progress (requires additional staff and/or financial resources)	Examples of options to align with 1.5 degrees (requires additional staff and financial resources)
		Enhance Kelowna's TDM program (CCAP Action T8) by promoting shared and new mobility options to maximize availability of these modes to residents and visitors.	
The energy we use in buildings	<ul style="list-style-type: none"> Implemented Step 1 of Energy Step Code for Part 9 buildings (and advance to Step 3 in 2021) (CCAP Action B5) Developing implementation strategy for Part 3 buildings. (CCAP Action B9) 	Investigate adopting upper steps (i.e., Steps 4 and 5 for part 9 buildings; Steps 3 or 4 for Part 3 buildings) once the Province makes it available and develop an implementation timeline (CCAP Action B10)	<ul style="list-style-type: none"> Require the highest steps of Energy Step Code for Part 9 and Part 3 buildings so that the thousands of buildings constructed between now and 2032 (when the Province fully implements the Energy Step Code) incorporate efficiency measures which will have lasting impacts to building performance. (CCAP Ambitious Action AA3). Use the Energy Step Code framework to incentive low carbon energy systems and/or low GHG intensity
	Developing a Community Energy Retrofit Strategy (CCAP Action B4)	<ul style="list-style-type: none"> Investigate financing models and provide municipal incentives to support city-wide deep energy retrofits to target 1 per cent of the existing building stock with a minimum 30 per cent improvement in energy efficiency (CCAP Action B10) Encourage home energy labelling at the time of lease or sale. 	<ul style="list-style-type: none"> Lobby Province so that by 2030 all new and replacement heating and hot water systems are zero emission. Aim to have 10 per cent of the existing building stock retrofitted annually, achieving at least a 30 per cent improvement in energy efficiency Provide more generous financial incentives for energy efficient and/or low GHG emission technology (e.g., electric air-source heat pumps, deep energy retrofit packages)
		Encourage major commercial and industrial businesses to report on their GHG emissions.	
The waste we create	Implement the Solid Waste Reduction Plan (CCAP Action W1)	Incorporate new programs (such as household organics diversion and composting) to accelerate implementation of the Solid Waste Management Plan (i.e. to reduce per capita disposal from 681 to 600 kg/capita prior to 2022)	Transition to a circular economy to maximize value of resources and minimize waste.
		Investigate and if feasible implement a digestion process to reduce biosolid volume at the Wastewater Treatment Facility (WWTF)	Implement a digestion process to reduce biosolids and produce renewable natural gas.
Planning our Community	Develop 2040 OCP in conjunction with TMP (CCAP Action LU4) Other related CCAP actions include B8, LU5, LU6)	Accelerate implementation of the OCP (once complete)	Incorporate revised GHG emissions reduction targets and associated actions in the OCP.

	What we are doing	Accelerate progress (requires additional staff and/or financial resources)	Examples of options to align with 1.5 degrees (requires additional staff and financial resources)
		Amend OCP Policy and Zoning Regulations for shared parking facilities in new and existing developments (CCAP Action LU7)	
	Apply an infrastructure cost analysis to major OCP amendments (i.e. Model City) (CCAP Action LU3)	Prohibit new subdivisions on lands that are not already zoned as identified in the growth strategy for the 2040 OCP Update. ¹	
The Energy We Generate		Work with others to develop low carbon energy alternatives such as renewable natural gas, district energy, solar and geothermal.	Transition to 100% renewable energy by 2050
Other	Investigate developing a Climate Adaptation Plan (CCAP Action O6a)	Develop a Climate Adaptation Plan (CCAP Action O6b)	Develop a Low Carbon Resiliency Plan ² to include actions for climate mitigation (including more aggressive targets), adaptation and resiliency.
		Investigate the amount of other emissions not addressed in the CCAP (e.g. embodied carbon in construction, emissions from various land use activities, etc.) and develop strategies the City can implement to reduce emissions.	
	Tree Protection Bylaw (CCAP Action O8)	Amend landscape regulations in both Zoning and Subdivision Bylaws to include tree protection and replacement requirements (CCAP Action O4)	
	Implement Urban Forestry Strategy (CCAP Action O1)	Update the Urban Forestry Strategy and then implement	Develop and implement a plan to plant trees and protect forests and green space with the intent of sequestering carbon to vastly reduce emissions.
	Investigate options to "green" the Subdivision and Servicing Bylaw to utilize green infrastructure in development	Expand use of green infrastructure to mitigate and adapt to climate change. Ecological systems, both natural and engineered, designed to mimic natural processes by providing social, economic and environmental benefits.	Maximize the use of green infrastructure
		Implement climate education and engagement campaigns (CCAP Action O11)	

¹ City of Kelowna. Official Community Plan 2040 Growth scenario overview.
https://www.kelowna.ca/sites/files/1/docs/growth_scenario_overview_ocp_tmp_2019.pdf

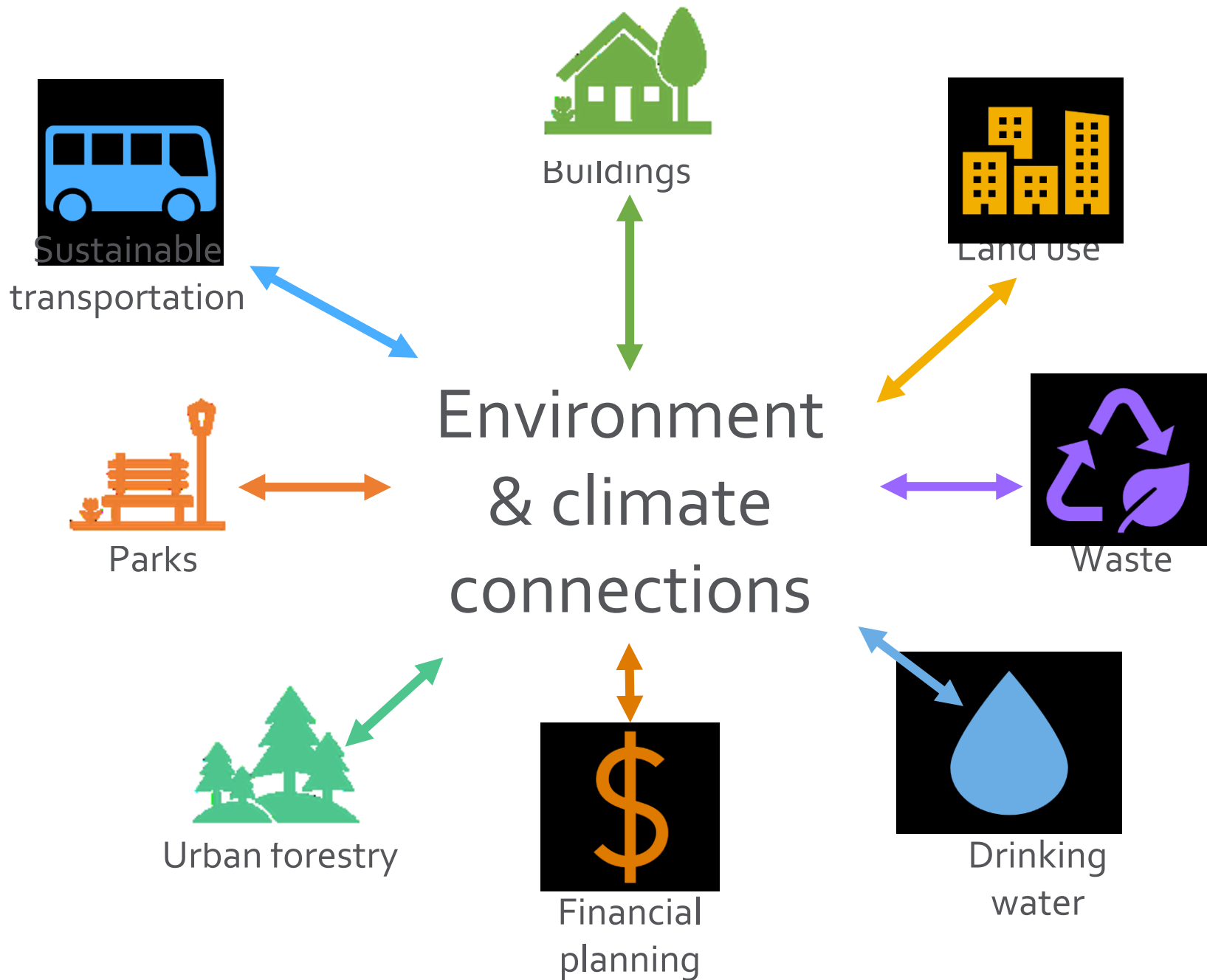
² COP23 Fiji. <https://cop23.com.fj/mitigation-adaptation-resilience/> The three pillars of the response to global warming: 1. Mitigation: slowing the rate of global warming 2. Adaptation: taking steps to live with the effects of global warming 3. Resilience: become more resilient to the effects of climate change.



Update on Environmental Protection Council Priority

June 2020





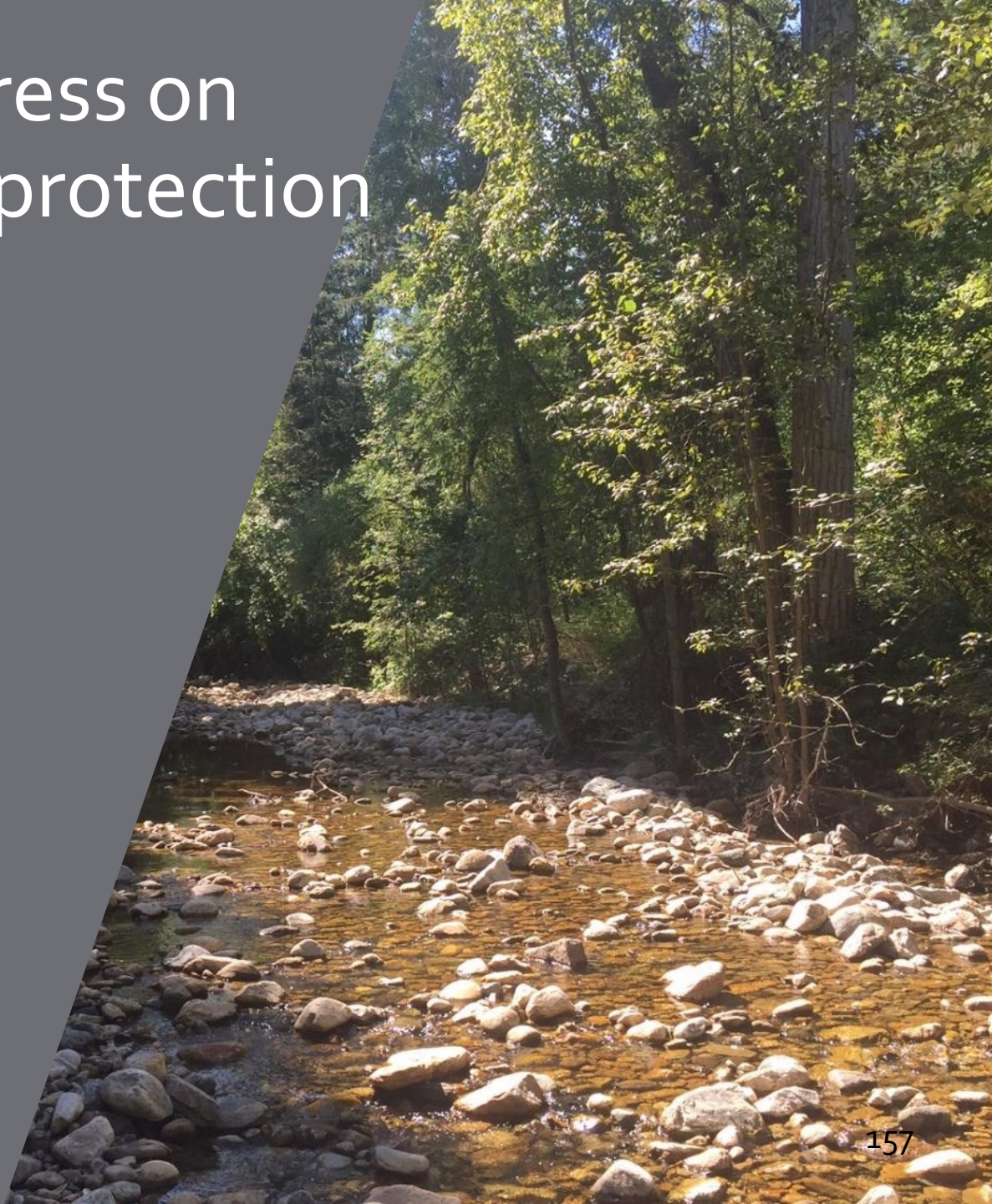


Kelowna's natural environment

- ▶ 27 creeks
- ▶ 200 wetlands
- ▶ Ecosystems for fish and wildlife
- ▶ Habitat for rare and threatened plant and animal species
- ▶ 28% assessed as sensitive
- ▶ Critical migration corridor
- ▶ Good air quality

Assessing progress on environmental protection

- ▶ Clean water
- ▶ Clean air
- ▶ Clean energy
- ▶ Habitat protection
- ▶ Biodiversity
- ▶ Waste reduction
- ▶ Climate mitigation
- ▶ Climate adaptation



Assessing progress on environmental protection

- ▶ Clean water
- ▶ Clean air
- ▶ Clean energy
- ▶ Habitat protection
- ▶ Biodiversity
- ▶ Waste reduction
- ▶ Climate mitigation
- ▶ Climate adaptation



Assessing progress on environmental protection

- ▶ Clean water
- ▶ Clean air
- ▶ Clean energy
- ▶ Habitat protection
- ▶ Biodiversity
- ▶ Waste reduction
- ▶ Climate mitigation
- ▶ Climate adaptation



Council Priority Environmental protection	
Resiliency & adaptability to climate change	Greenhouse gas emissions are decreasing
✓	✗
Predictive modelling & forecasting	Emergency response & preparation
✓	✓

Council Priority: Environmental Protection

Resiliency & adaptability
to climate change



Greenhouse gas
emissions are decreasing



Predictive modelling &
forecasting



Emergency response &
preparation



Climate projections



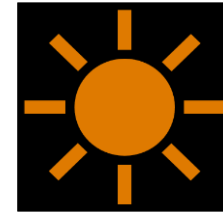
Warmer
temperatures



Drier
summers



Longer
growing
season



Warmer
winters



More
precipitation



Shifting
Seasons



Adaptation, modeling, response progress

- ▶ Fuel modification
- ▶ Flood models
- ▶ Irrigation water consumption predictor
- ▶ Improvements to stream capacity
- ▶ Changes to development standards

Adaptation options

- a. Climate adaptation plan – actions to live with the effects of global warming
- b. Climate resiliency plan – mitigation and adaptation to become resilient to climate change



Council Priority: Environmental Protection

Resiliency & adaptability
to climate change



Greenhouse gas
emissions are decreasing



Predictive modelling &
forecasting



Emergency response &
preparation



Council Priority
Environmental protection

Greenhouse gas
emissions are decreasing

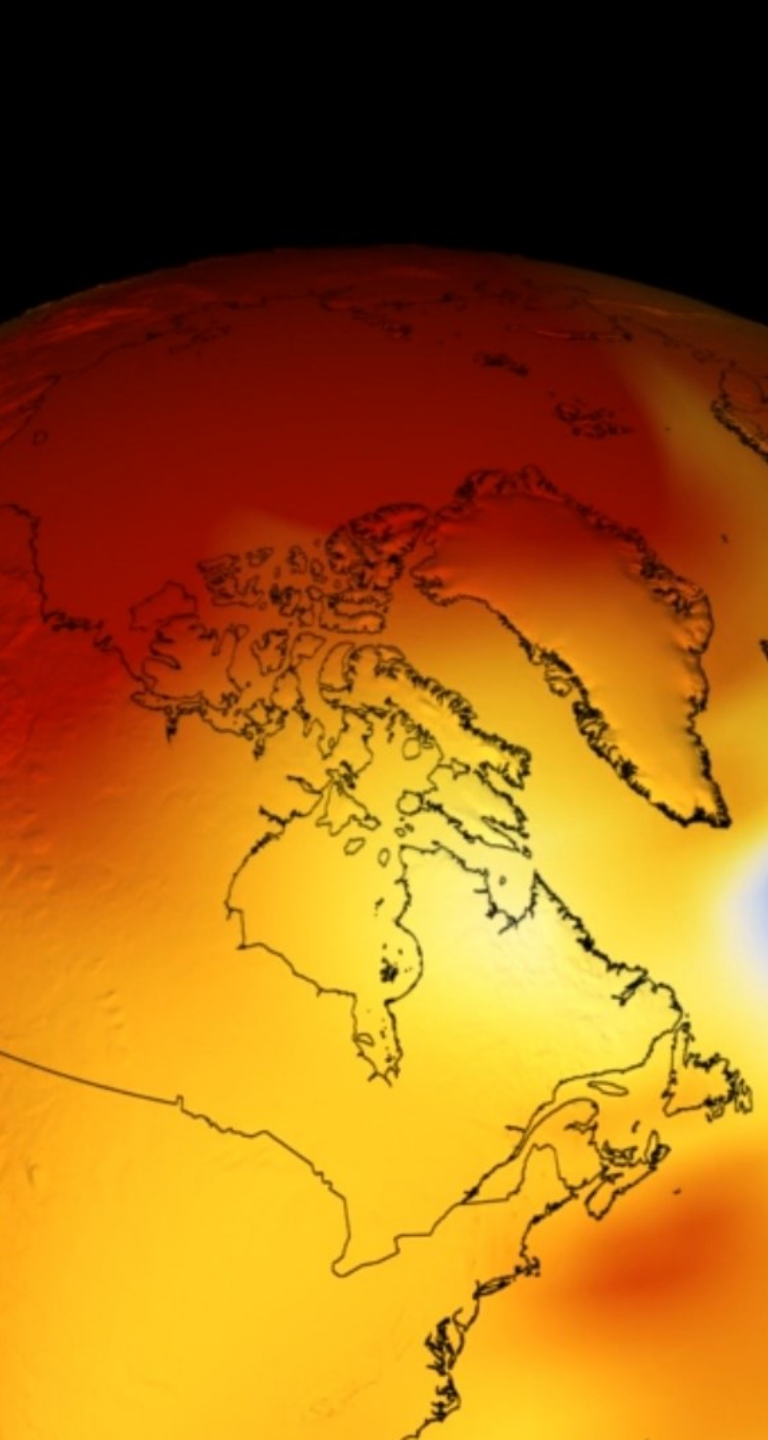


1. Corporate GHG emissions
2. Community GHG emissions

Corporate GHG Emissions

- ▶ Account for approx. 1% of community GHG emissions
- ▶ Historical corporate GHG emissions data being reconciled to establish performance trend

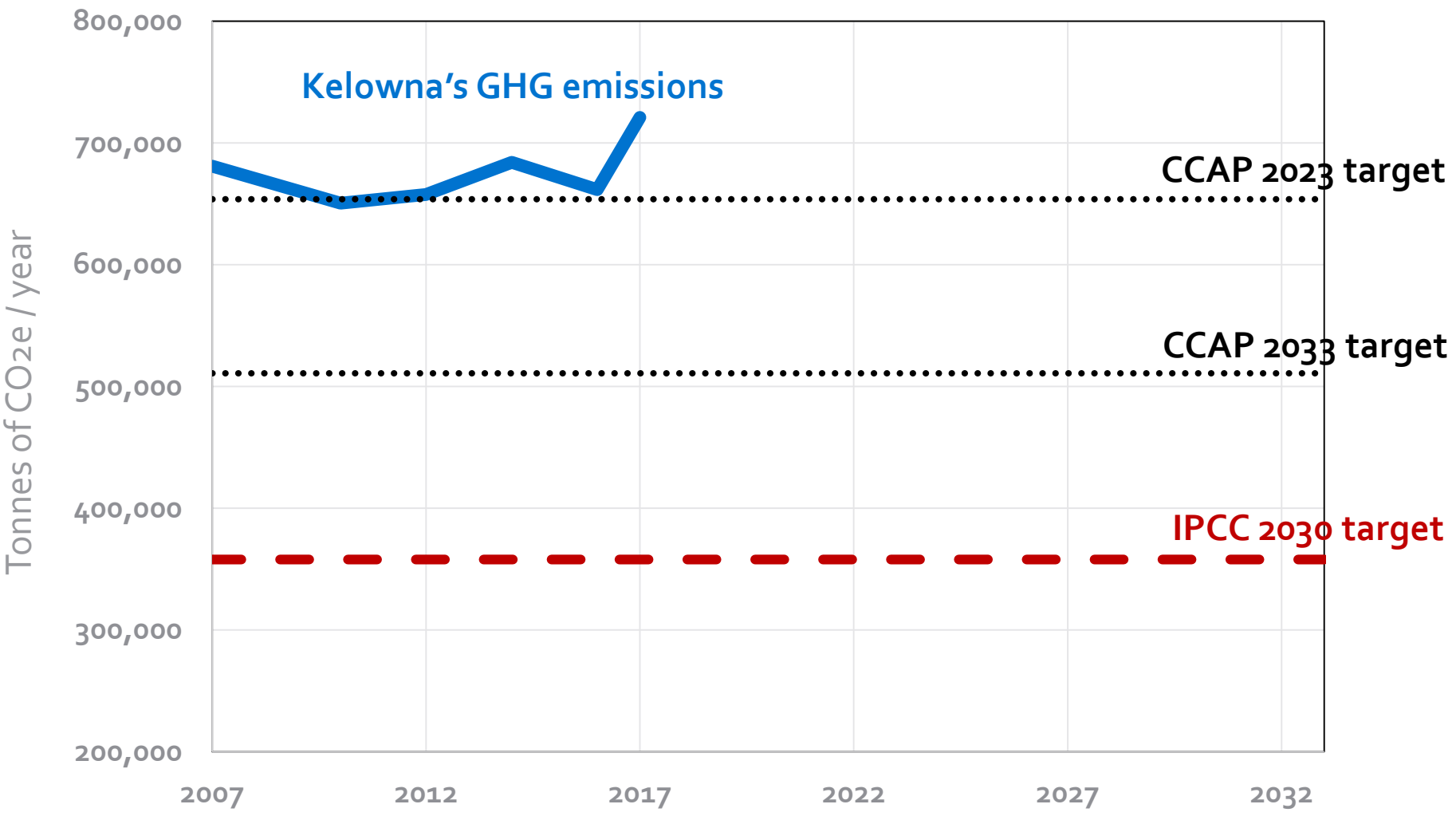




Global Emissions

- ▶ Reduce GHG emissions by 45% by 2030
- ▶ Limit warming to 1.5 degrees
- ▶ Unprecedented change needed for land use, transportation and buildings
- ▶ Local governments investigate how to accelerate GHG reduction or determining actions to align with IPCC

Kelowna's community GHG emissions



CCAP progress

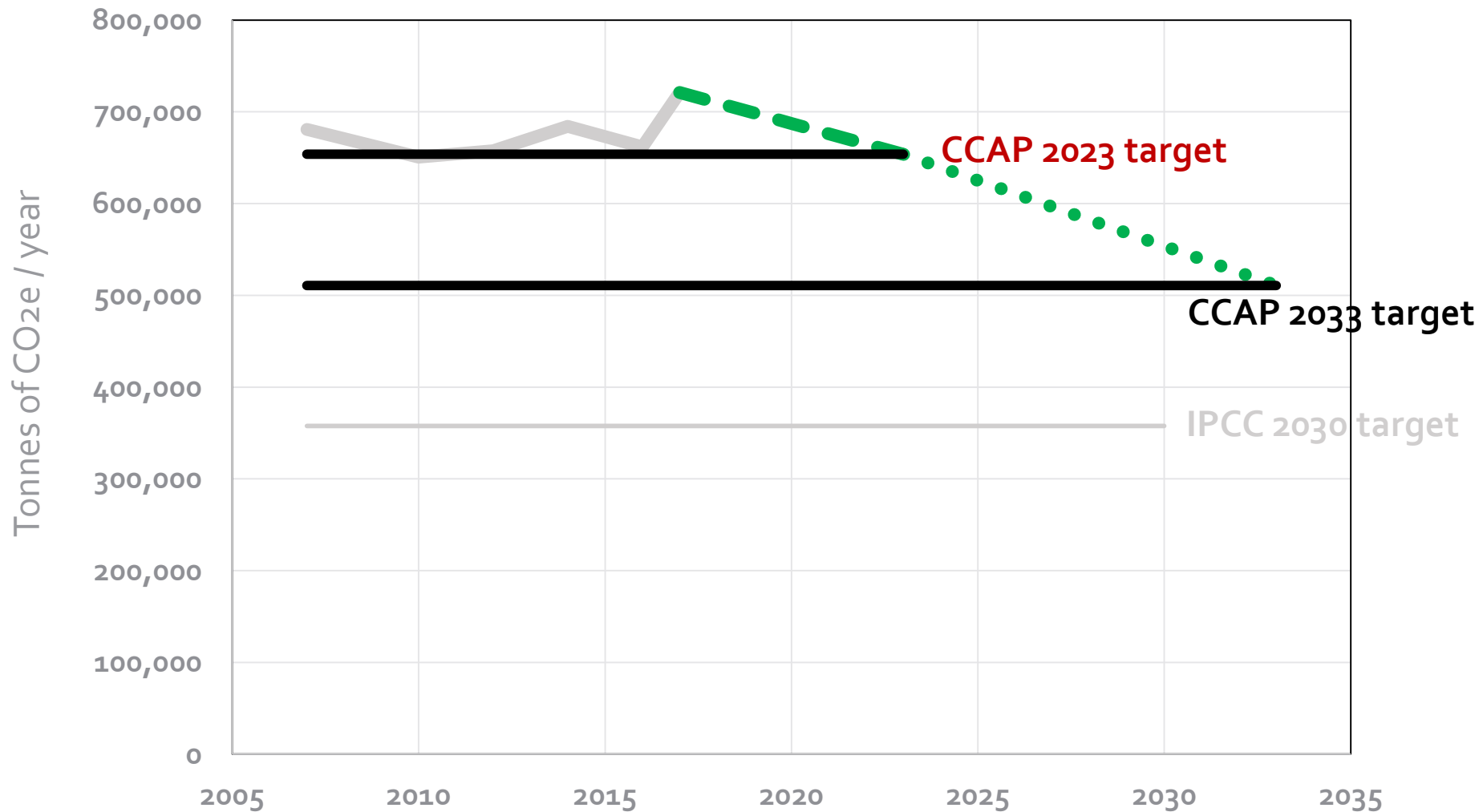
	Actions with existing resources				Actions with additional resources			
	Ongoing/ Complete	In progress	Not started	Total actions	Ongoing/ Complete	In progress	Not started	Total actions
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Years 3 - 5 (2021 – 2023)	0	1	1	2	0	3	3	6
Total	16	14	4	34	0	7	6	13



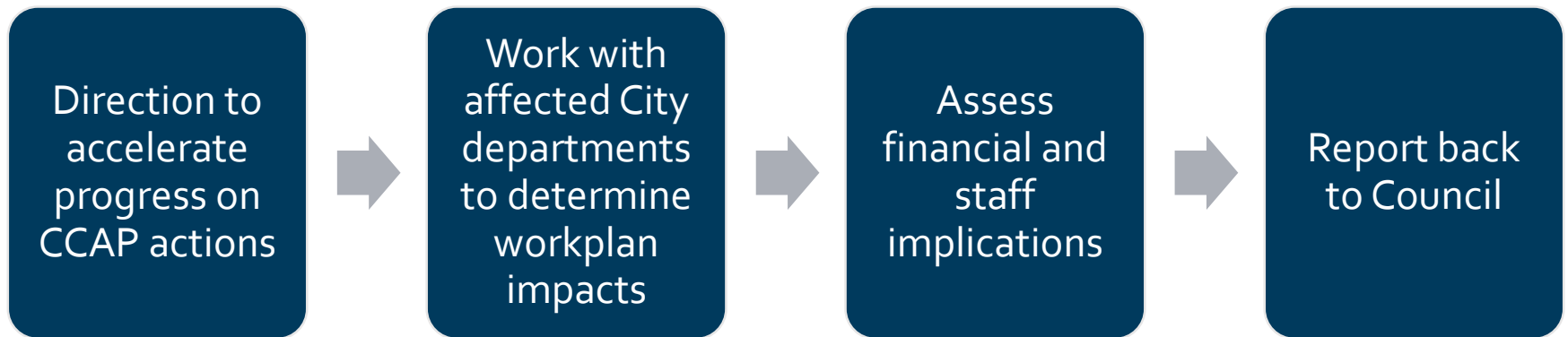
GHG Emissions Reduction Options



Option: Accelerate Progress on CCAP



Option: Accelerate Progress on CCAP



Example: Accelerate Progress for Transportation

What we are doing	Develop an Electric Vehicle Strategy (CCAP Action T6)
Accelerate progress	Accelerate implementation of the EV Strategy once complete



Example: Accelerate Progress in Buildings

What we are doing

Developing a Community Energy Retrofit Strategy (CCAP Action B₄)

Accelerate progress

Investigate financing models and provide municipal incentives to support city-wide deep energy retrofits (CCAP Action B₁₀)

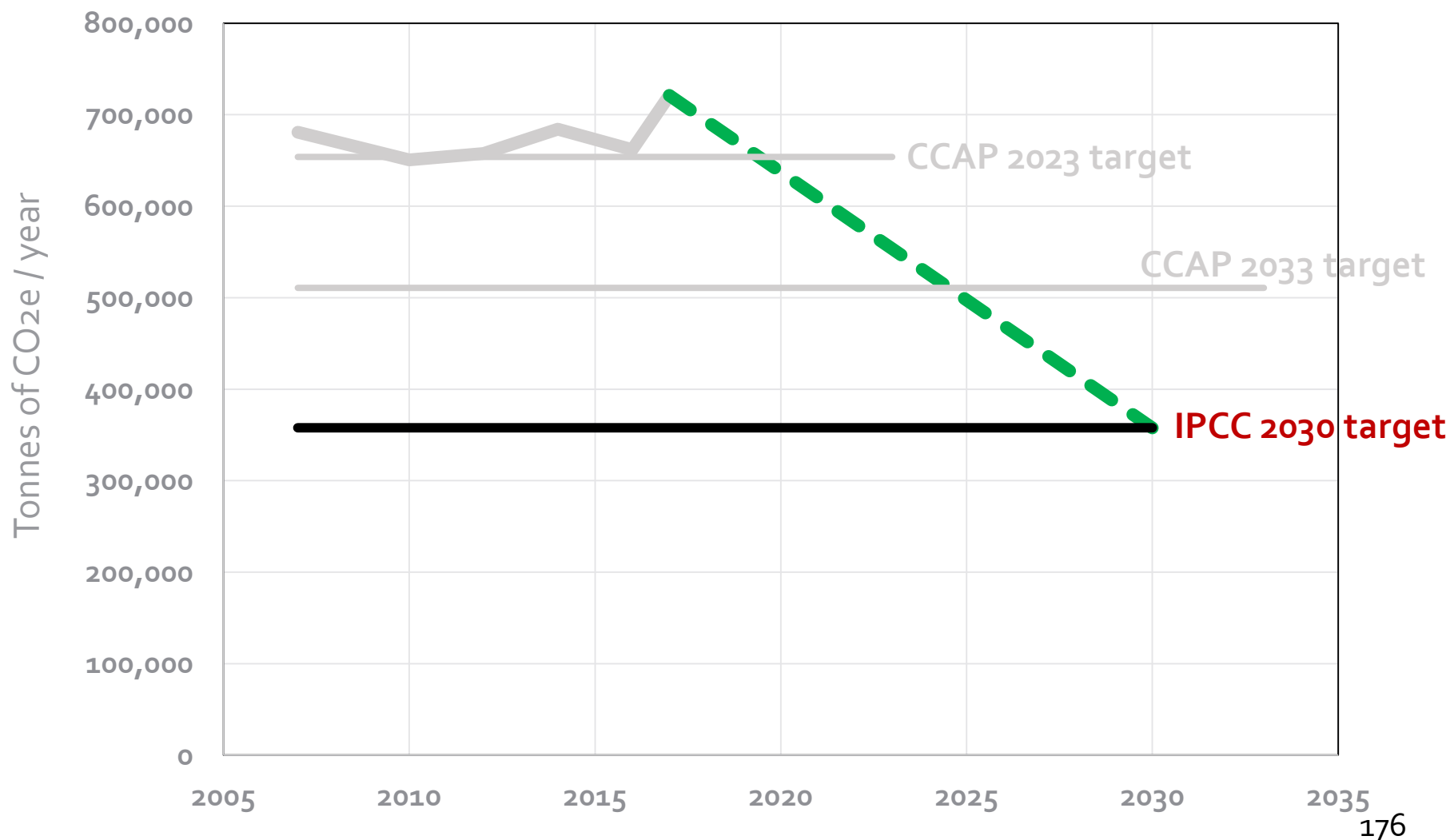


Example: Accelerate Progress for Planning

What we are doing	Develop 2040 OCP in conjunction with TMP (CCAP Action LU4)
Accelerate progress	Accelerate implementation of the OCP (once complete)



Option: Align with IPCC targets



Option: Align with IPCC targets

Agree to align with the IPCC recommendations to limit global warming to 1.5 °C by 2030

May include a Council Declaration of a Climate Emergency

Council may direct staff to determine what policy alignment would look like (normally with either added staff and/or financial commitments)



Revise community and corporate GHG emissions reduction targets

Most local governments have adopted the revised target of reducing community and corporate GHG emissions by 45-50% below 2007 levels by 2030

May also include a longer-term commitment to be net-zero (i.e., carbon neutral) by 2050.



Develop an action plan to achieve the revised GHG emissions reduction targets

Typically results in a revised Climate Action Plan or an entirely new plan (e.g., Climate Resiliency Plan).

Typically involves added resources (either staff and/or financial commitments) to implement the plan

Example policies to align with IPCC



By 2030, over half of the kilometres driven on Kelowna's roads will be by zero emissions vehicles.



Increase bicycle ridership and micro electric mobility to reach 10% of all trips taken by 2030, with further increases to 2050.



Each year, 10% of existing residential buildings will receive deep energy retrofits.

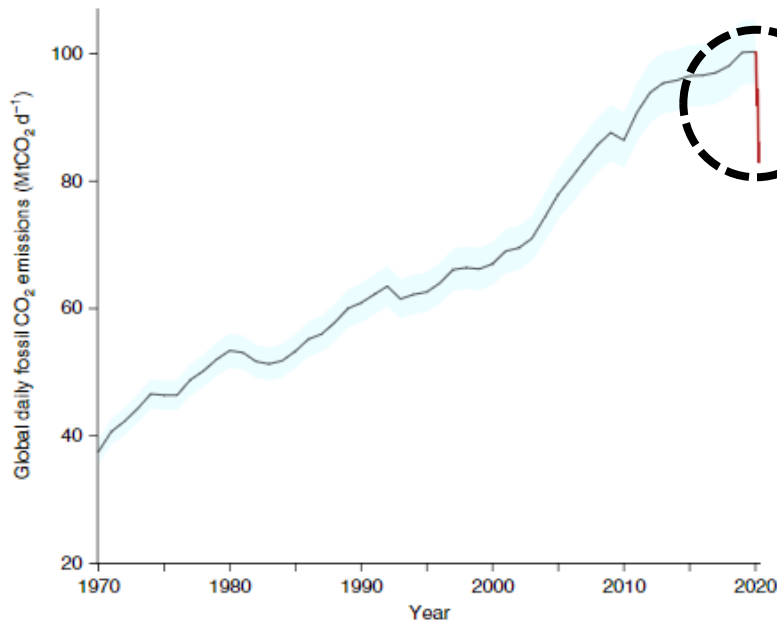


All new buildings will meet the top performance level of the BC Energy Step Code by 2025, with incentives for new buildings to install low-carbon energy systems.



By 2025, all new and replacement heating and hot water systems will be zero emissions.

GHG Emissions During COVID-19



- Government policies during COVID-19 restrictions **reduced transportation** and **changed consumption patterns**
 - Daily CO₂ emissions decreased by **17%** at the peak of restrictions in April
 - 2020 annual CO₂ emissions reduction expected between **4-7%**



Questions?

For more information, visit kelowna.ca.

Report to Council



Date: June 22, 2020

To: Council

From: City Manager

Subject: Flood Mitigation and Management Project Review

Department: Infrastructure Engineering

Recommendation:

THAT Council receives for information, the report from Infrastructure Engineering dated June 22, 2020, with respect to the Flood Mitigation and Management Project Review.

Purpose:

To advise Council on the completed studies and on-going flood mitigation and management work happening in the City.

Background:

The City has been involved in many initiatives since the severe events in 2017 and 2018 where creek bank inundation and lake flooding impacted many properties and residents. Our work started with simply delivering new flood mapping and conducting flood risk assessments according to Federal guidelines. Through our association with the Okanagan Basin Water Board (OBWB), it was evident that there were significant gaps in the type of information and data needed to properly evaluate the relationship between our climate and creek/lake flooding events. The computer models used for studies in the past were becoming out of date and did not provide the level of precision necessary to properly address how and where infrastructure and emergency funding could be best applied.

We discovered that high quality and accurate data was available for rainfall, temperature, creek flows, creek temperature, snowfall, and other relevant factors; just not everywhere. By partnering with neighbouring communities, we have initiated processes that provide a holistic approach that is now available to address the coordination of resources, expertise and budgets needed to effectively address flood and natural systems management.

Simply put, building an understanding of flood mitigation is similar to a puzzle with many pieces. Each piece can be derived for a different purpose, yet shared by others to meet another outcome. Data now produced are valuable inputs for such projects as the regional Emergency Operations Centre (EOC), environmental flow needs calculations, stormwater quality and development approvals in flood plains.

Exciting new modelling products use spatial data and state-of-the-art tools that support the design of more resilient infrastructure against the impacts of a changing climate.

The following list are recent initiatives either complete or in progress that are pieces to our flood management solutions puzzle. Each piece, whether a new tool, study, data or map, are developed by different partners working with the City. A PowerPoint presentation of some of these tools are appended to this report.

INITIATIVES

1. **LiDAR:** The City, along with the OBWB, Regional District (RDCO) and other communities throughout the Okanagan and Similkameen obtained a fresh LiDAR survey dataset that covered all watersheds in the Okanagan Basin. This data includes coverage of our larger watersheds and is the primary input to the new computer modelling processes being developed. This data is useful for generating other online mapping layers such as tree inventories, detailed contours, building heights, curb heights, etc. A sample LiDAR map is available on the City of Kelowna Map Viewer.
2. **Mill Creek Flood Mapping Project:** This recent project completed new flood mapping on Mill Creek. The City coordinated the delivery of flood maps using the LiDAR provided. The work was funded from a \$150k grant from UBCM – Community Emergency Preparedness Fund (CEPF).
New Tools: A modern hydraulic model of Mill Creek (1D-2D HEC-RAS) that can be used for future design and alternatives analysis for the Mill Creek Flood Protection Project.
3. **Hydrometric Flow Stations:** The City has installed five new flow level monitoring stations at critical locations in the City. The data is collected internally, reviewed and will soon be available for public use. The Okanagan Nation Alliance (ONA) are contracted to manage the stations and their installation. The data is also downloaded to the EOC Dashboard.
New Tools: 5 new permanent flow measurement stations: Mill Creek/Downtown, Mill Creek at Fenwick, Mill Creek at RDCO Park, Scotty Creek at Old Vernon Road and Brandts Creek outlet.
4. **Kelowna Flood Risk Assessment:** The City was awarded \$250,000 in Federal and Provincial funding from the National Disaster Mitigation Program (NDMP) Intake 4 to conduct a Major Systems Flood Risk Assessment. The objective was to confirm, identify, inspect and document all hazards and observed field conditions that contribute to flooding and other adverse effects to public and private property, including the local environment (i.e. erosion, slope failure and/or instability, excessive sedimentation, debris flows, etc.).
New Tools: New computer hydraulic models (1D-2D HEC-RAS and PCSWMM) models for Mill Creek, Gopher Creek, Brandts Creek and Bellevue Creek. These will be useful in future erosion and flood scenario development, as well as minimum building elevation needs.
5. **YLW Stormwater Management Plan:** This project, led by Kelowna Airport staff, provides an on-site plan to manage stormwater volume and quality on airport land, and how it plans to discharge safely to Mill Creek during storm events consistent with Bylaw 7900 and Transport Canada

standards. The study included existing airport operations areas, future development areas, and flooding of downstream areas off-site from Mill, Whelan and Scotty Creeks.

New Tool: A very detailed hydraulic model (2D PCSWMM) of Mill Creek between Old Vernon Road and Edwards Road near the airport. This will be used to develop capital budgets for flood mitigation in the Mill Creek basin.

6. **Area Based Water Management Plan** – This holistic strategic plan examines stormwater and flood management in context of all other water-based sectors that rely on Okanagan Lake. The Plan includes a review of internal sectors and their operations, addressing water supply, water quality and treatment (source water protection), Wastewater, Stormwater, Environmental Flow Needs and management of natural assets. The plan investigates internal activities related to water and the risks associated both within and external to the City.

Deliverables (Future): A Strategic Plan that looks holistically at water and related policy initiatives.

7. **Okanagan Basin Hydrology and Flood Routing Project (OBWB):** A new and improved RAVEN hydrologic modelling process is now available through the OBWB for nineteen Okanagan Basin watersheds. This tool will initially be used to analyze provincial operations, improve decision-making and ultimately lead to processes that improve drought management support and tools for climate change adaptation development, environmental flow needs investigations, channel restoration and management and other water management activities.

Deliverable: This process produced the latest design flood parameters for the Mill Creek Flood mapping and the major creek flood risk assessment.

8. **Okanagan Mainstem Floodplain Mapping (OBWB):** This project provided comprehensive floodplain mapping for the Okanagan River from Penticton to the U.S. Border and the Okanagan mainstem lakes: Ellison/Duck, Wood-Kalamalka, Okanagan, Skaha, Vaseux and Osoyoos. The floodplain maps include flood inundation extents, with and without freeboard, as well as flood hazard mapping for 20, 100, 200 and 500 year recurrence interval flooding.

New Tool: A new hydrologic model of the Okanagan River Basin. This work will form the basis of new initiatives throughout the Okanagan.

9. **Mission Creek Flood Mapping Project (RDCO):** This study generated flood mapping for Mission Creek using similar processes to the Mill Creek Flood Mapping project above. The City worked with RDCO staff to coordinate the delivery of the project, which was funded through the RDCO and a \$150k grant from UBCM (CEPF).

New Tool: A new river computer model of Mission Creek has been developed (1D-2D HEC-RAS) using the new LiDAR and revised Hydrology from the RAVEN model. These tools will be immediately useful in understanding the latest high-water marks throughout the creek, and help with minimum bridge elevations at KLO Road.

10. **The Okanagan Flood Story Web Portal (OBWB):** This new website was developed by the OBWB to present a single web portal for flood mapping, flood history, perspective and best management practices. The City will supply formatted data, mapping, photos and stories to this site on a regular basis.

New Tool: A public website managed by the OBWB. This website is intended to be the base for public communication and flood mapping information and will be developed further over the next few years.

11. **Data Access Portals and Dashboards (EOC, RDCO, OBWB):** – The EOC digital “dashboard” allows users associated with the RDCO Emergency Operations Centre to receive timely information from a variety of data collection sites. These sites measure creek levels, lake levels, snow levels and temperature. The City has helped coordinate standardized data parameters with assistance of the OBWB and other partners. We are now starting to allow access to historical and live data.

New Tools: A new computer dashboard and information site for active flooding and river flow information for the EOC. This project includes new database structures and portals through the City Kelowna.ca website to access live and historical time series data. Much of the generic weather information collected by the City will ultimately be made available on this site in the future.

12. **Syilx Okanagan Flood and Debris Flow Risk Assessment (Okanagan Nation Alliance):** The Okanagan Nation Alliance Chief’s Executive Council wished to better understand flood and debris flow phenomena to help communities adapt and reduce their risk. This region-wide project involved 22 municipalities, regional districts, provincial agencies, industry, and Syilx communities to look at impacts such as erosion, slope failure and/or instability, excessive sedimentation and debris flows. The City participated in identifying issues and known impacts in our area and developed a better understanding of issues facing First Nations communities in the Okanagan and Similkameen watersheds.

Next Steps

Over the next couple of years:

- the City will expand its data network and making more data available for public consumption. We look to collaborations with UBCO and other organizations;
- the City will look for opportunities to give our creeks the room they need to naturally operate as Natural Assets. This means re-developing riparian and flood extents beyond just the channel and requiring access to both public and private lands. This also creates a better environment for fish, wildlife, parks and improved water quality;
- the City will be leveraging federal funding to construct projects that mitigate some of the flooding that typically occurs along Mill Creek. Many of the old structures simply do not allow the higher flows we have been witnessing recently;
- the City is currently in the design phase of two flood related projects: one a refurbishment of the existing Mission Creek Diversion at Leckie Road to allow better operation during both high flow and low flow events; the second is a temporary diversion option of flow peaks along the Clement corridor.

Internal Circulation:

Communications Department Manager

Financial Planning Manager

Infrastructure Delivery Department Manager

Infrastructure Engineering Manager

Infrastructure Operations Department Manager
Utility Services Manager
Wastewater Manager
Wastewater Operations Supervisor

Considerations not applicable to this report:

Alternate Recommendation
Communications Comments
Existing Policy
External Agency/Public Comments
Financial/Budgetary Considerations
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements
Personnel Implication

Submitted by:

Rod MacLean, P.Eng., Utility Planning Manager

Approved for inclusion:



A. Newcombe, Divisional Director, Infrastructure

Attachment 1 - Flood Risk and Mapping Initiatives 2020 Presentation

cc: Deputy City Manager
Divisional Director, Corporate Strategic Services
Divisional Director, Infrastructure
Divisional Director, Planning & Development Services
Infrastructure Operations Department Manager

Flood Mitigation Work at the City

Presentation to Council

Rod MacLean, June 22, 2020

Presentation Outline

- ▶ Purpose
- ▶ Initiatives
 - ▶ Internal works
 - ▶ Partnerships
- ▶ Next Steps
- ▶ Questions



Purpose

To demonstrate:

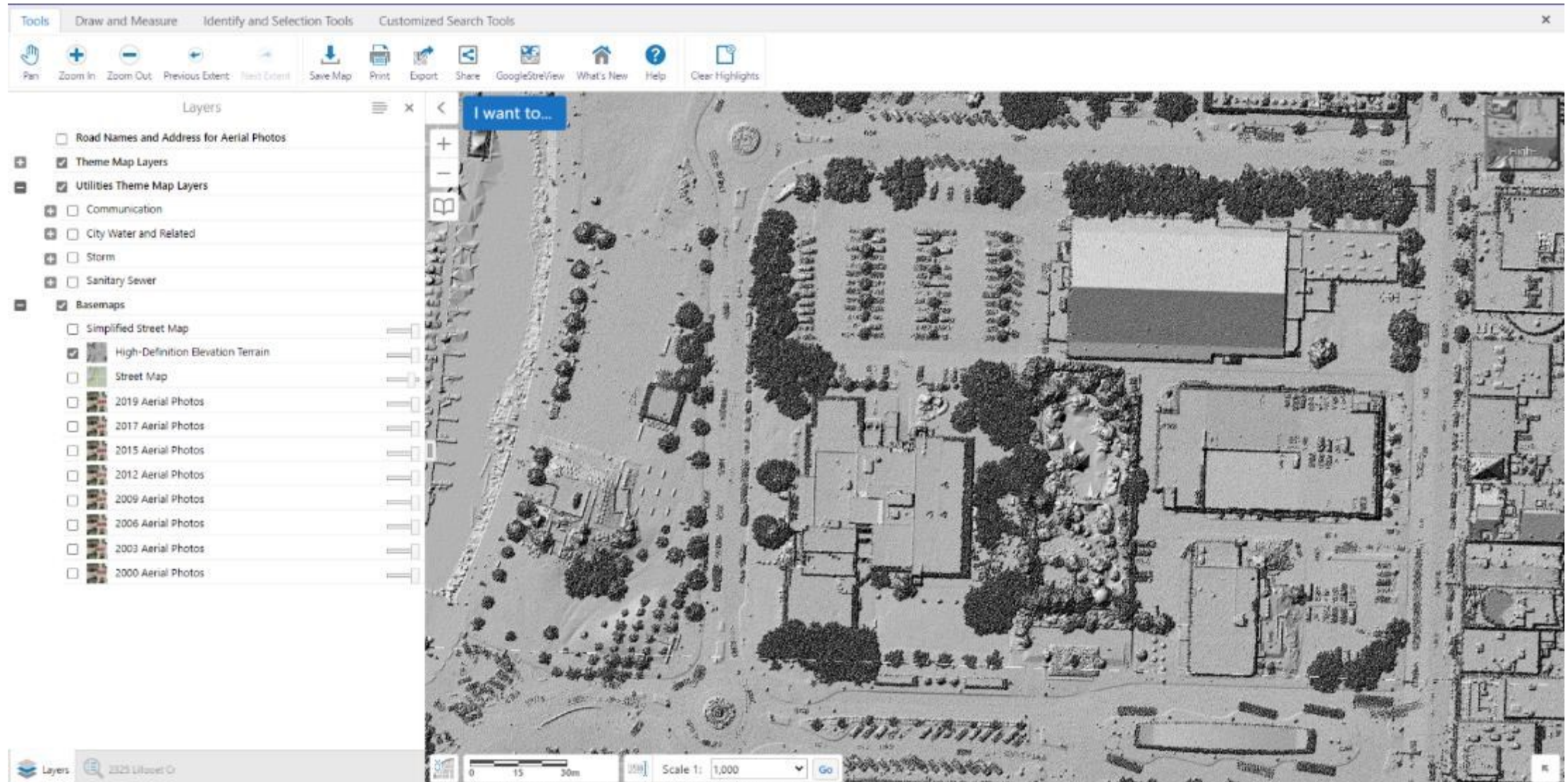
- ▶ The scope of work being conducted.
- ▶ The tools being developed.
- ▶ Where we are working with other communities and organizations
- ▶ The communication of flood information in the future.
- ▶ How this translates into constructed works.



Initiatives



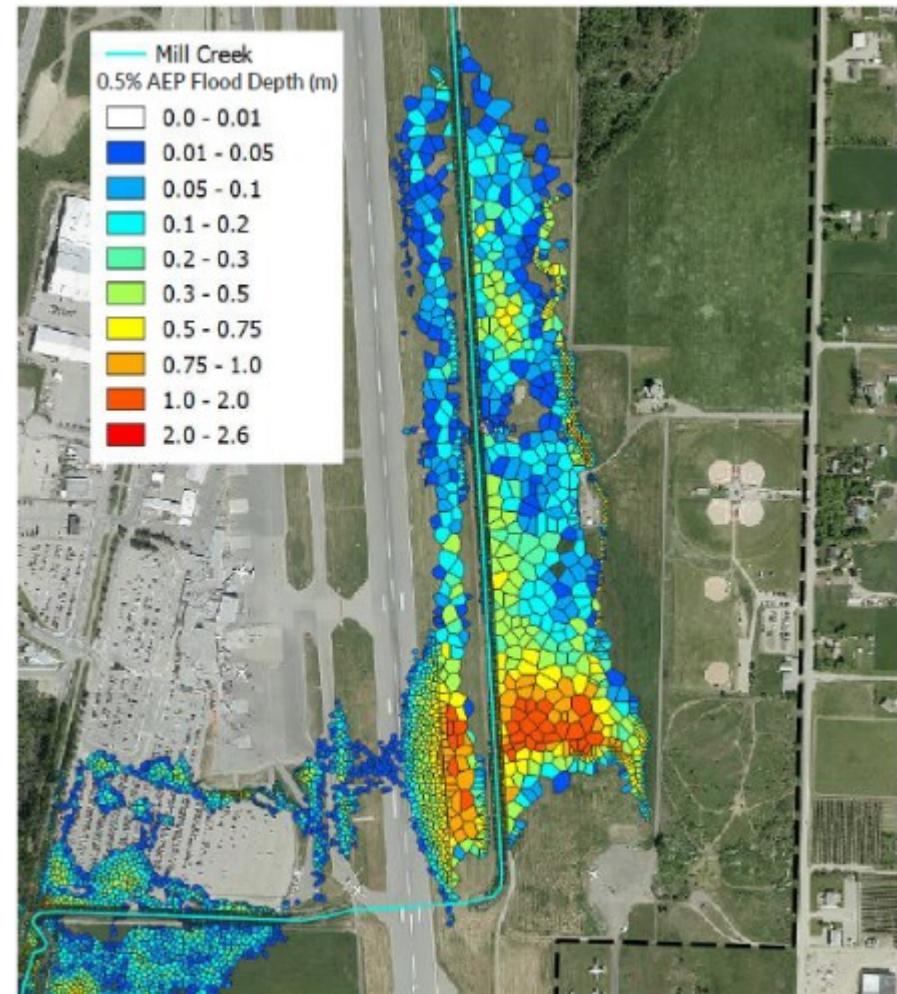
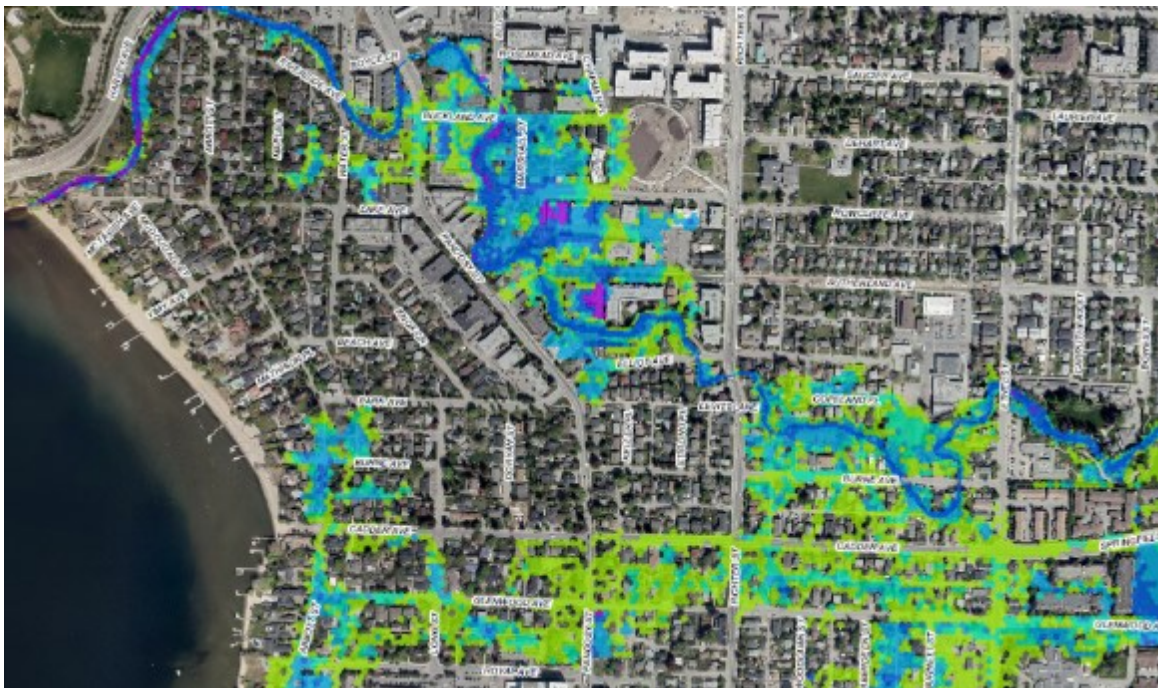
LiDAR





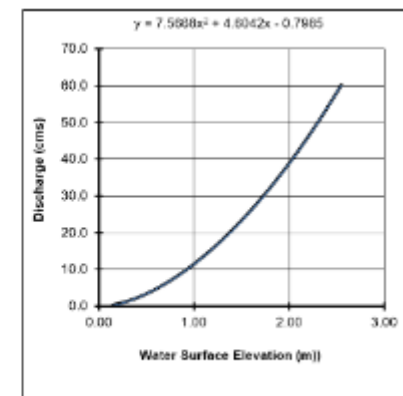
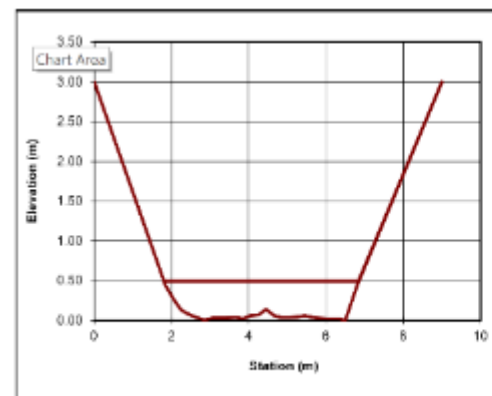
Mill Creek Flood & Hazard Mapping

► 1D-2D PCSWMM Dynamic Model





Hydrometric Stations





City of Kelowna





Kelowna Major Systems Flood Risk Assessment

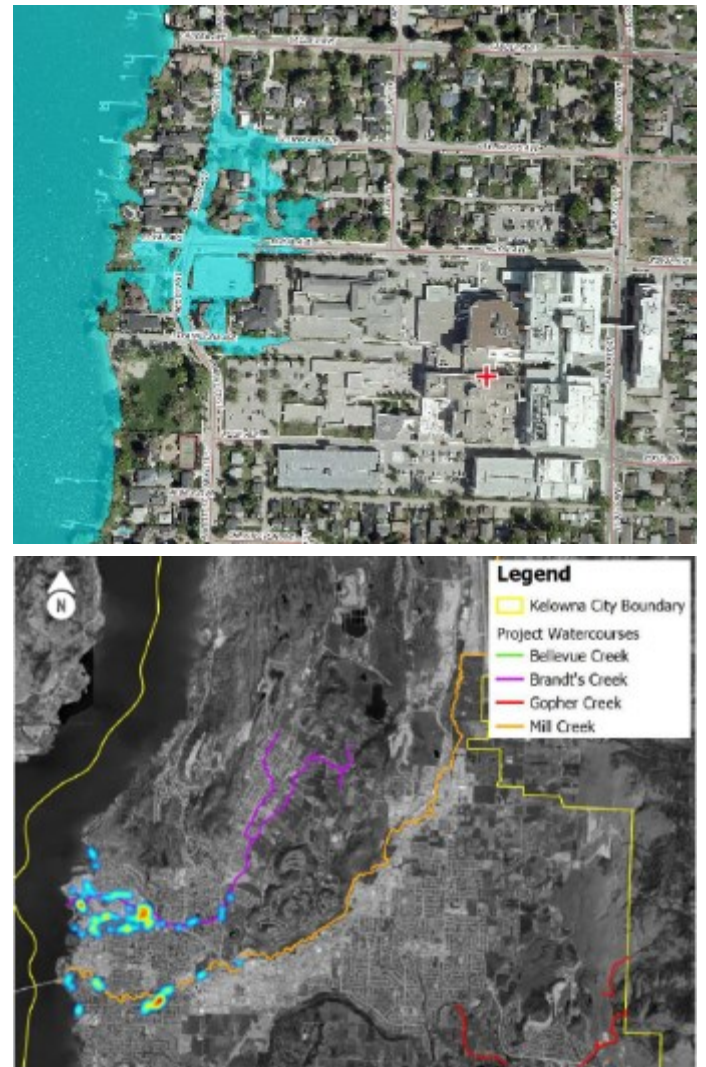
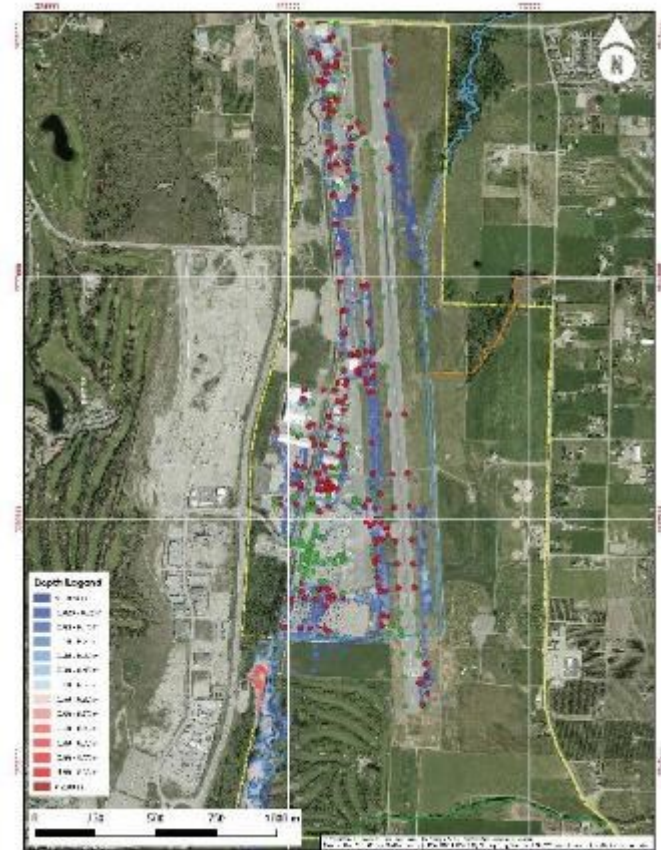
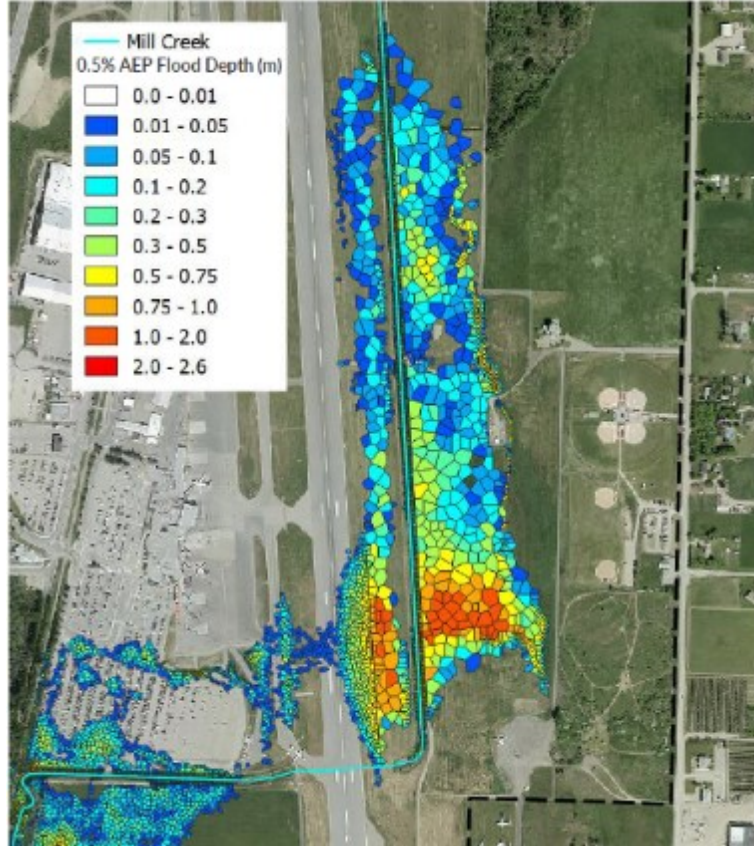


Figure 4-5
Relative concentration of potable water assets affected by flooding in Kelowna



YLW Stormwater Management Plan (DRAFT)



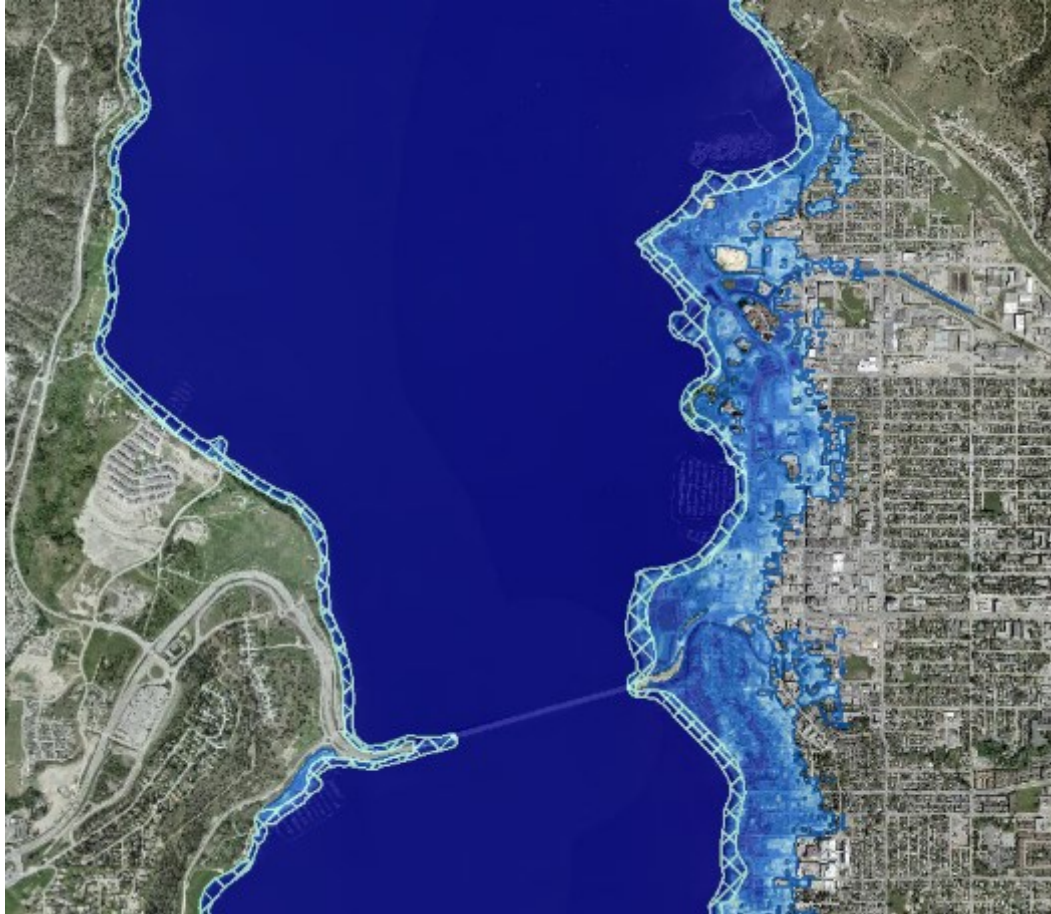
Area Based Water Management Plan

- Strategic Plan and Policy initiatives.



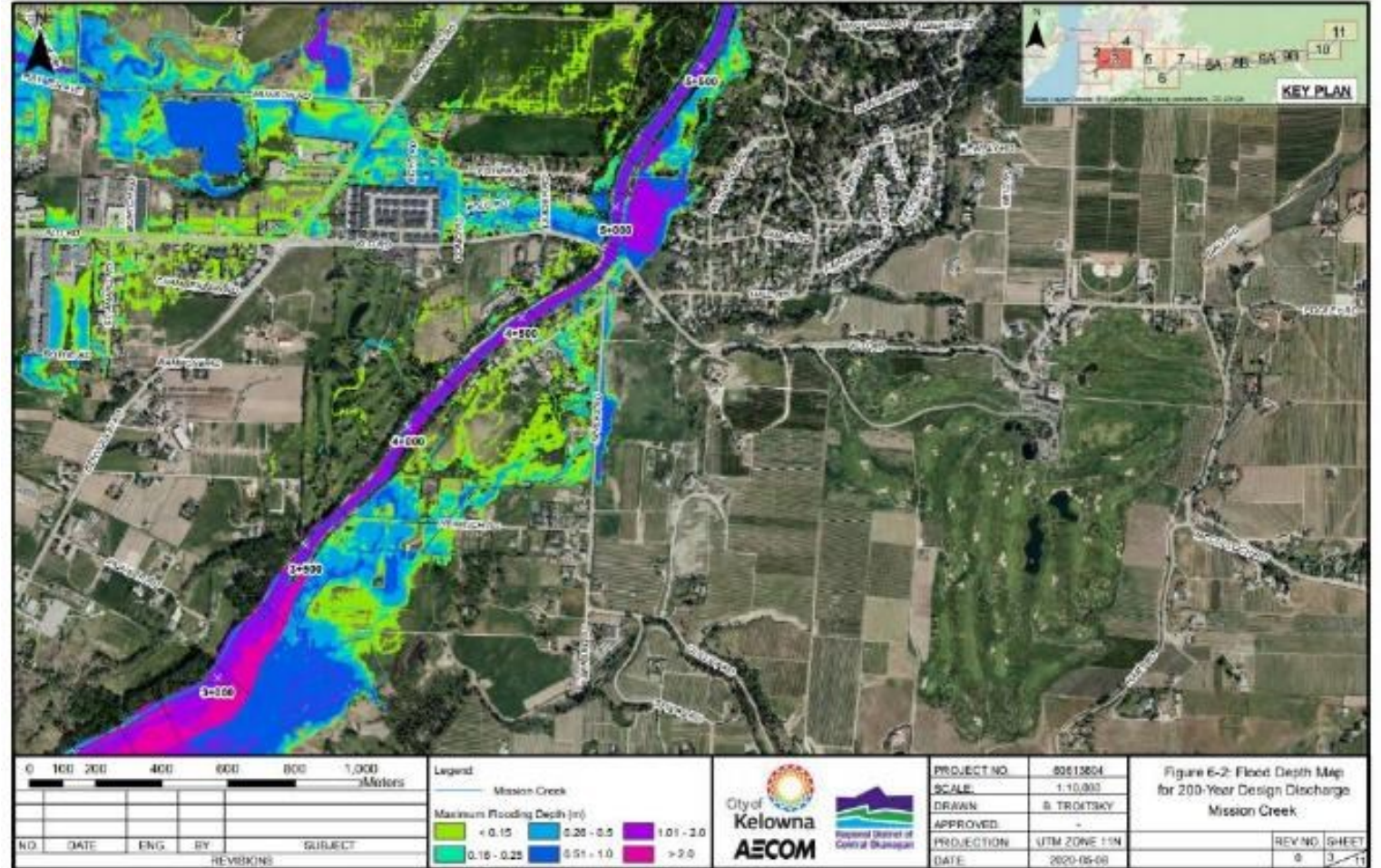
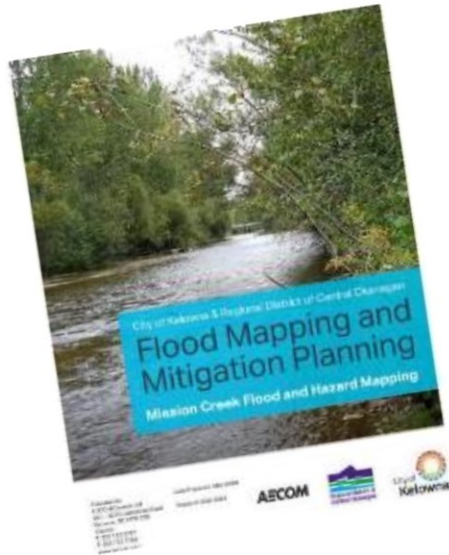


Okanagan Mainstem Floodplain Mapping



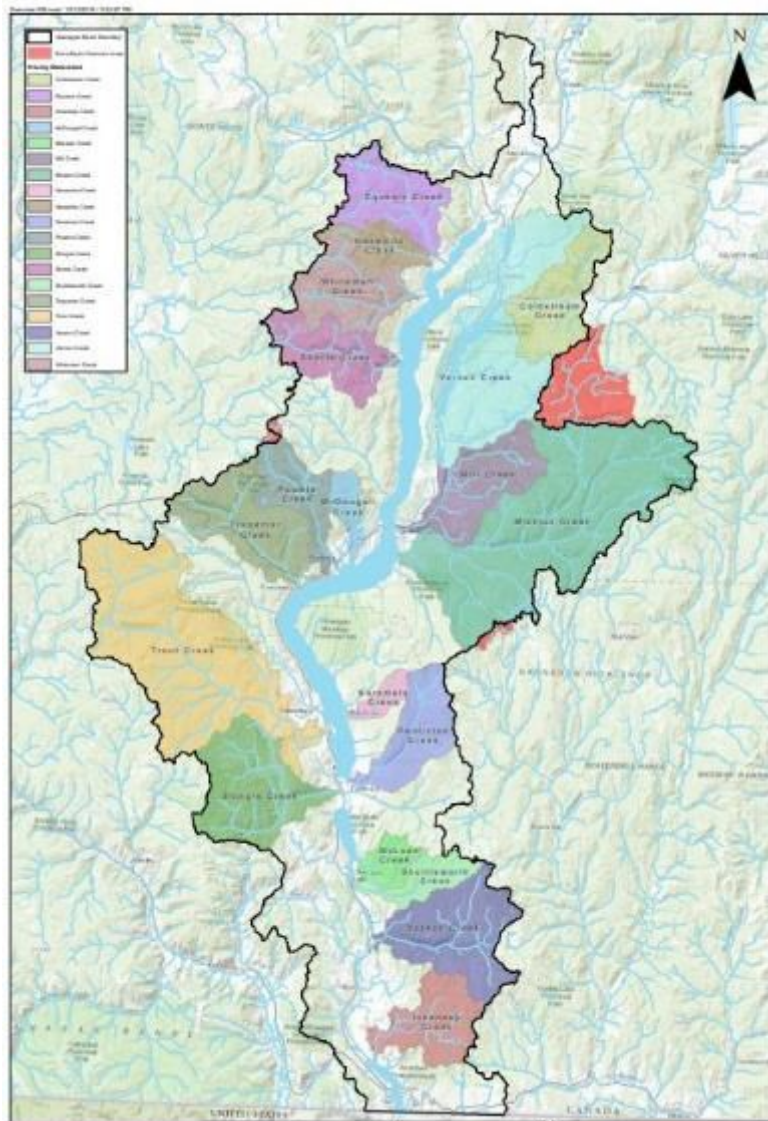


Mission Creek Flood Mapping Project





Okanagan Basin Hydrology and Flood Routing





Web Portal



Flooding in the Okanagan - An Introduction



There have always been floods in the Okanagan – a valley born of water and ice. As times change, with different weather and different ways we live on the land, the story of flooding in the Okanagan changes with each generation. It is a story of resilience, regeneration, balance, and community.

After highwater events in 2017 and 2018, the Okanagan Basin Water Board (OBWB) led a valley-wide partnership of local governments and Indigenous

The Okanagan Flood Story Web Portal

Okanagan Flood Story

https://okanagan-basin-flood-portal-rdco.hub.arcgis.com/app/d817d8f949634e39b9a320a6055e91f5

CoK Viewer | Agresso | Budget Capture | Bylaws

Okanagan Basin Water Board | Flood Maps | History | Changing Climate | Responsibility | Reducing Risk | How to Prepare | Response | Recovery | Mobile | FAQs

Okanagan Flood Story

waterwise

RESPONSIBILITY

HOMEOWNER RESPONSIBILITY

LOCAL AND FIRST NATION GOVERNMENT RESPONSIBILITY

PROVINCIAL GOVERNMENT RESPONSIBILITY

The Government of B.C. is responsible for coordinating support for local governments for "all emergency management activities, including planning, training, testing and exercising" (Emergency Management BC).

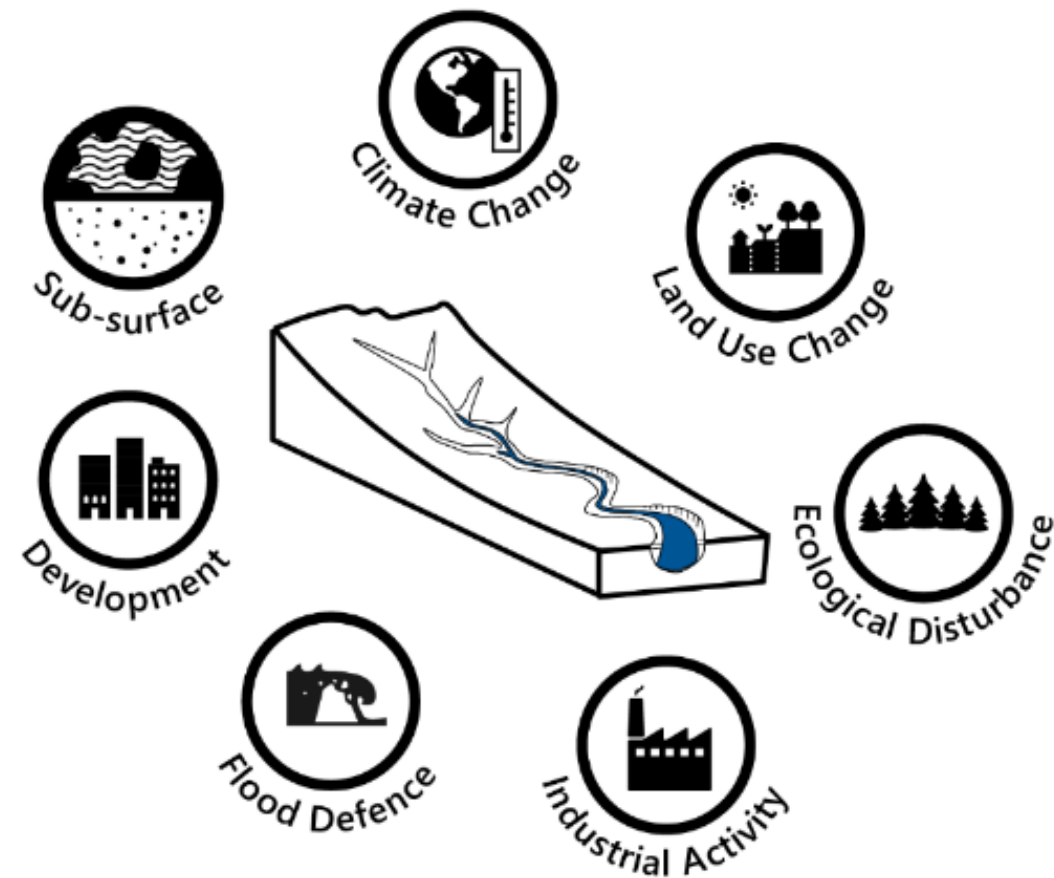
In the Okanagan, the Government of B.C. manages the dams along the Okanagan River to their provincial operating rules. Smaller dams on other lakes in the area are operated by local governments or private owners.

FEDERAL GOVERNMENT RESPONSIBILITY

B.C. wildfire firefighters in the City of Kelowna. Photo: Michael Hintringer, provided by City of Kelowna, 2017.

esri | A Story Map

Syilx Okanagan Flood and Debris Flow Risk Assessment

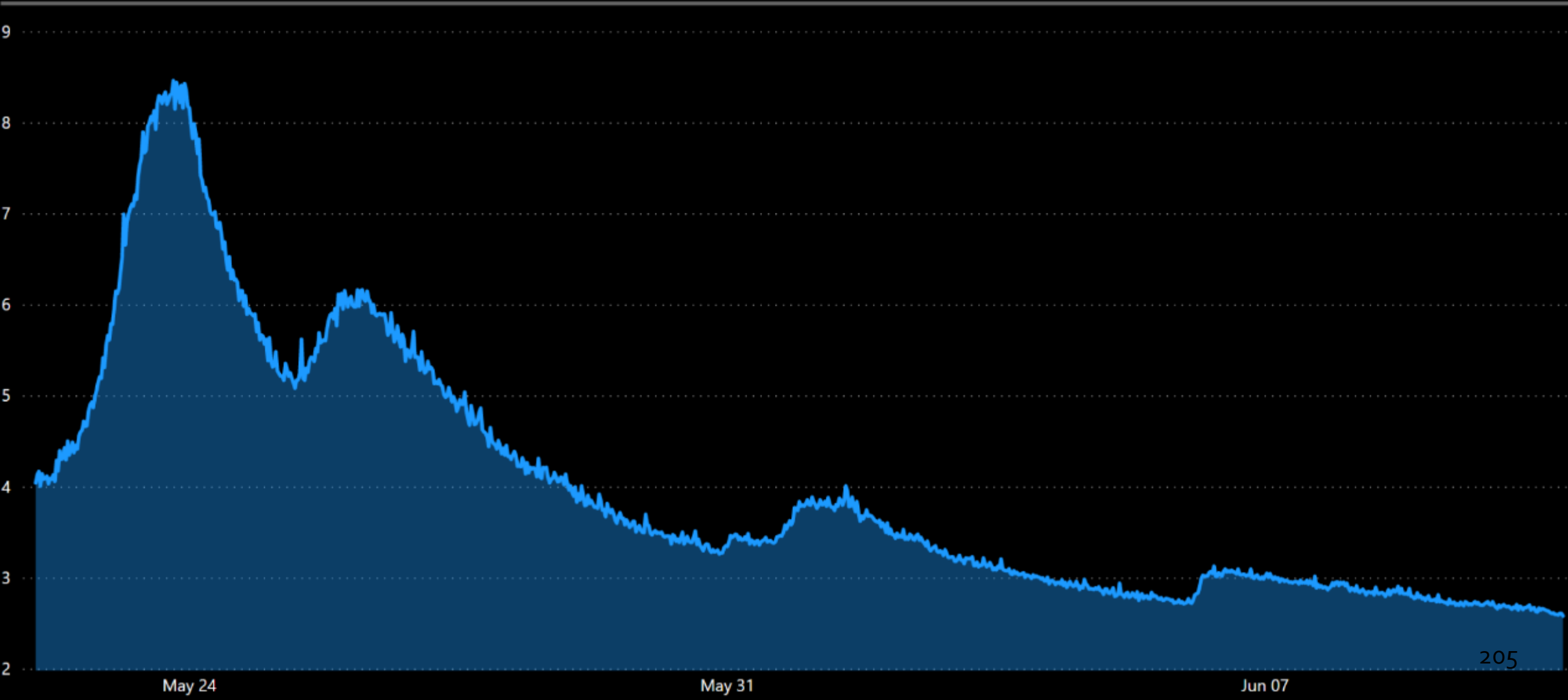




Data Access Portals and Dashboards



Brandts Creek	Clark Creek	Dennis Creek	Kalamalka Lake	Mill Creek @ Fenwick	Mill Creek Regional Park	Okanagan Lake	Okanagan River @ Mcl...	Okanagan River @ Oliver	Osoyoos Lake	Similkameen River	Vaseux Lake
Camp Creek	Coldstream Creek	Ellison Lake	Middle Vernon Creek	Mill Creek @ Sutherland	Mission Creek	Okanagan River	Okanagan River @ OK ...	Okanogan River @ Oro...	Scotty Creek @ Old Vernon	Skaha Lake	Vernon Creek



Brandts Creek	Clark Creek	Dennis Creek	Kalamalka Lake	Mill Creek @ Fenwick	Mill Creek Regional Park	Okanagan Lake	Okanagan River @ Mcl...	Okanagan River @ Oliver	Osoyoos Lake	Similkameen River	Vaseux Lake
Camp Creek	Coldstream Creek	Ellison Lake	Middle Vernon Creek	Mill Creek @ Sutherland	Mission Creek	Okanagan River	Okanagan River @ OK ...	Okanagan River @ Oro...	Scotty Creek @ Old Vernon	Skaha Lake	Vernon Creek



Hydrometric Data 2018

Last updated last year | 80,011 Records



4/15/2019 Table Custom License

Download APIs

The readings and calculated flows from the City's 2018 hydrometric network. For station locations, data quality and status, please refer to the Hydrometric Station Location dataset. DateTime field is in UTC format. Water_Level is in cubic meters.

Attributes

Chart Map Visualization

DateTime Date or Time	Discharge Number	ID Text	Water_Level Number	SHOW MORE 2 Attributes
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Related Data

About

Environmental group
Shared By: CityofKelowna_GIS
Data Source: services3.arcgis.com

View Metadata
Create Webmap
Create a Story Map

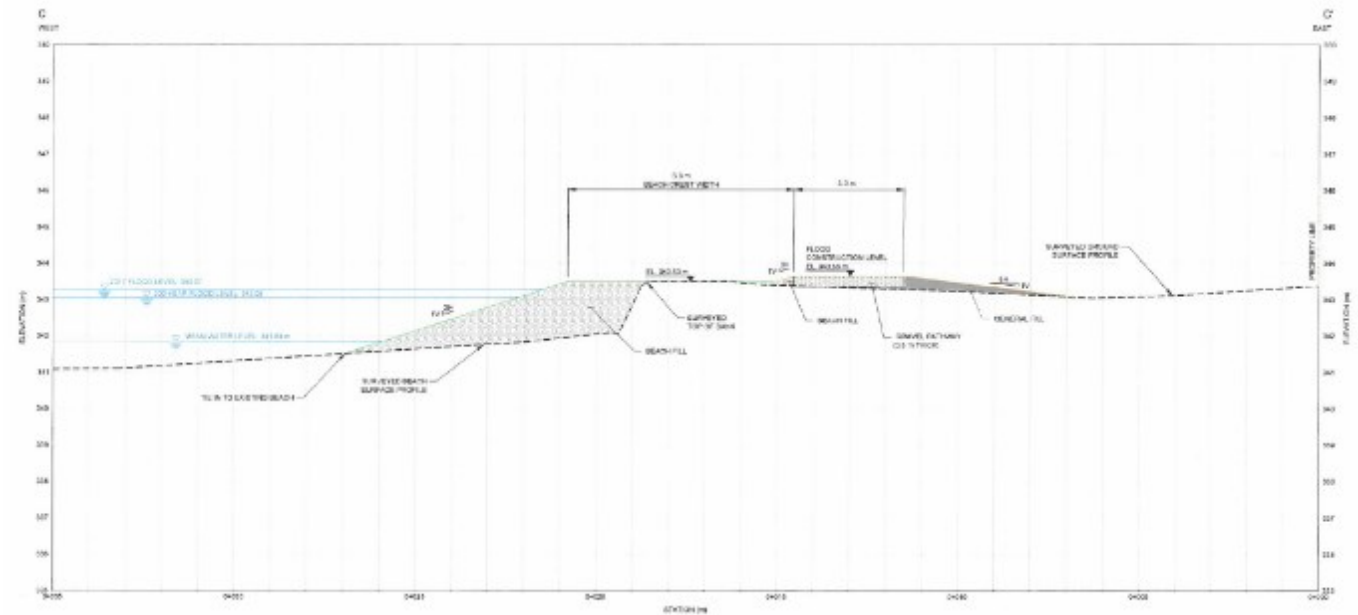


Spencer Road Culvert



City of Kelowna







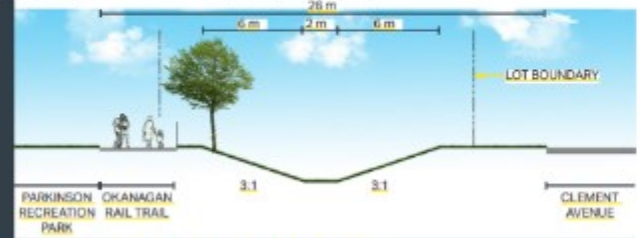
MILL CREEK DIVERSION LINEAR PARK

DRAFT VERSION 1.0 JUNE 2020



MILL CREEK DIVERSION CLEMENT AVENUE

DRAFT VERSION 1.0 JUNE 2020



Next Steps

- ▶ Get more information and data out.
- ▶ Allow space for creeks to flow more naturally.
- ▶ Focus on Mill Creek project outcomes
- ▶ More measurement



Questions



Report to Council



Date: June 22, 2020
To: Council
From: City Manager
Subject: Shared E-scooters in Downtown Kelowna
Department: Integrated Transportation

Recommendation:

THAT Council receives for information, the report from the Integrated Transportation Department, dated June 22, 2020, with regard to shared e-scooters in downtown Kelowna;

AND THAT Council direct staff to prohibit shared e-scooter services from operating within and along the Waterfront Walkway from the Bennett Bridge to the Rotary Marsh and on Bernard Avenue for the length and duration of the temporary closure, once shared e-scooters return to regular operation in Kelowna.

Purpose:

To restrict the operation of shared e-scooter services in downtown Kelowna.

Background:

Due to COVID-19, shared e-scooter services have not been operational since March 2020. Staff will continue this pause until the Province grants the City the ability to regulate e-scooters, similarly to bicycles, in Kelowna so that they can be used for a variety of trip purposes.

Discussion:

Based on Council discussion, staff are recommending the prohibition of shared e-scooters from the Waterfront Walkway, and also along portions of Bernard Avenue during its temporary closure.

Motor Vehicle Act Pilot Project

The City of Kelowna has submitted a proposal to the Province for a pilot project allowing e-scooters to be used similar to bicycles. The City has been in discussion with the Ministry of Transportation and Infrastructure and a decision will likely be made on the proposal this summer. Should the Province grant the City the ability to regulate e-scooters similarly to bicycles, Staff will bring forward an amendment to the Traffic Bylaw No. 8120 to allow their use within bike lanes and on the road network. The intent, however, would still be to restrict shared e-scooter operations from the prescribed areas of the Waterfront Walkway and Bernard Avenue (during its temporary closure).

Internal Circulation:

Communications
Office of the City Clerk

Considerations applicable to this report:***Existing Policy:***

The Kelowna On The Move: Pedestrian and Bicycle Master Plan recommends Staff “research and develop a strategy to demonstrate which programs would be most effective in achieving behavioural change to grow the share of residents selecting active modes of transportation.”

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
External Agency/Public Comments
Communications Comments
Financial/Budgetary Considerations

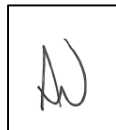
Submitted by:

M. Worona, Mobility Specialist

Reviewed and Approved by:

R. Villarreal, Department Manager, Integrated Transportation

Approved for inclusion:



A. Newcombe, Divisional Director, Infrastructure

cc: Divisional Director, Corporate Strategic Services
Divisional Director, Infrastructure