City of Kelowna Regular Council Meeting AGENDA



Monday, September 28, 2020 1:30 pm Council Chamber City Hall, 1435 Water Street

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.

In accordance with Order of the Provincial Health Officer on Gatherings and Events, the City is required to collect the first and last name and telephone number or email address of everyone attending a Council meeting. Thank you for your co-operation.

2. Confirmation of Minutes

PM Meeting - September 14, 2020

3. Development Application Reports & Related Bylaws

3.1	4145 June Springs Rd - A19-0004 - Donna Muriel Nicholas	13 - 27
	Mayor to invite the Applicant, or Applicant's Representative, to come forward.	
	To consider a Staff recommendation to NOT support an application to the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act.	
3.2	Willow Cr 1715 - Z20-0057 (BL12104) - Faith Jenelle McKenzie and Clint Douglas McKenzie	28 - 41
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the development of a carriage house.	

Pages

5 - 12

3.3	Willow Cr 1715 - BL12104 (Z20-0057) - Faith Jenelle McKenzie and Clint Douglas McKenzie	42 - 42
	To give Bylaw No. 12104 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.	
3.4	Tataryn Rd 916 - Z20-0056 (BL12105) - Tomasius Floire Phoebus	43 - 58
	To rezone the subject property to facilitate the conversion of the existing dwelling into a carriage house.	
3.5	Tataryn Rd 916 - BL12105 (Z20-0056) - Tomasius Floire Phoebus	59 - 59
	To give Bylaw No. 12105 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.	
3.6	Abbott St 3031 and 3041 - OCP20-0004 (BL12106) Z20-0007 (BL12017) - 1176909 B.C. Ltd., Inc. No. BC1176909	60 - 81
	To amend the Official Community Plan from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR Mixed Use (Residential/Commercial) designation and to rezone the subject properties from the RU1- Large Lot Housing zone to the C4- Urban Centre Commercial zone to facilitate the development of a mixed-use building.	
3.7	Abbott St 3031 and 3041 - BL12106 (OCP20-0004) - 1176909 B.C. Ltd., Inc. No. BC1176909	82 - 82
	To give Bylaw No. 12106 first reading to amend the Official Community Plan from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR Mixed Use (Residential/Commercial) designation.	
3.8	Abbott St 3031 and 3041 - BL12107 (Z20-0007) - 1176909 B.C. Ltd., Inc. No. BC1176909	83 - 83
	To give Bylaw No. 12107 first reading in order to rezone the subject property from the RU1- Large Lot Housing zone to the C4- Urban Centre Commercial zone.	
3.9	Abbott Newsom Road Closure	84 - 87
	To close a 198 square meter portion of excess rear lane adjacent to 3031 & 3041 Abbott Street for consolidation with the adjacent residential properties of 3031, 3041 Abbott Street, and 425 Newsom Avenue.	
3.10	BL12093 - Road Closure - portion of Abbott Street	88 - 89
	To give Bylaw No. 12093 first, second and third reading in order to close a portion of Abbott Street.	

	3.11	2268, 2276, 2284 and 2292 Speer Street, 2269 Pandosy Street - DP20-0087 - Interior Health Authority	90 - 112
		To consider the form and character of a non-accessory parking lot.	
4.	Bylaw	rs for Adoption (Development Related)	
	4.1	Rains Rd 195, BL11868 (Z17-0034) - Andrea Harrison	113 - 113
		To adopt Bylaw No. 11868 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.	
	4.2	Primrose Rd 435, BL11998 (Z19-0142) - Shaida Langley	114 - 114
		To adopt Bylaw No. 11998 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.	
	4.3	Ethel St 907, TA18-0010 (BL11752) - Emil Anderson Construction Co.Ltd., Inc. No.172775	115 - 116
		To waive conditions of adoption of Zoning Bylaw Text Amending Bylaw No. 11752 and to forward the bylaw for adoption.	
	4.4	Ethel St 907, BL11752 (TA18-0010) - Emil Anderson Construction Co. Ltd., Inc. No. 172775	117 - 117
		To adopt Bylaw No. 11752 in order to amend the Zoning Bylaw No. 8000 to permit Multiple Dwelling Housing for 907 Ethel Street.	
5.	Non-[Development Reports & Related Bylaws	
	5.1	Licence of Occupation - Bellevue Creek Greenway	118 - 144
		To secure tenure of the crown lands proximate to Bellevue Creek, thereby facilitating construction of a linear park trail connecting Gordon Drive to Lakeshore Road.	
	5.2	Active Transportation Capital Projects - Budget Amendments	145 - 147
		To amend the 2020 Financial Plan to accept \$500,000 in grant funding and transfer funds from Ethel 3C DCC to accelerate the design and public engagement of various active transportation projects.	
	5-3	Water Rates 2021 - Agricultural	148 - 150
		To set the 2021 water rate for Agriculture for the Kelowna Water Utility	
	5.4	Community Safety Plan	151 - 167
		To present information on the development of a Community Safety Plan, including the Terms of Reference for a Steering Committee, for endorsement by Council.	

5.5	2040 OCP Infill Housing Strategy and Infill Challenge Lessons Learned	168 - 186
	To review lessons learned from the Infill Challenge pilot project and identify future actions to support the infill housing targets of the 2040 OCP Growth Strategy.	
5.6	COVID-19 Pandemic Delegations of Authority Supplemental	187 - 188
	To remove temporary delegations of authority for Development Planning and Real Estate related to the COVID-19 pandemic.	
5.7	BL12109 - Removal of Temporary Delegation Authority Bylaw	189 - 190
	To give Bylaw No. 12109 first, second and third readings.	
5.8	Heritage Advisory Committee and Heritage Approvals	191 - 206
	To receive information on the Heritage Advisory Committee Terms of Reference and approvals for heritage applications.	
Resol	utions	

7. Mayor and Councillor Items

8. Termination

6.



City of Kelowna Regular Council Meeting

Minutes

Date: Time: Location:	Monday, September 14, 2020 1:30 pm Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran*, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Brad Sieben*, Mohini Singh, Luke Stack and Loyal Wooldridge
Members Participating Remotely	Councillor Charlie Hodge*
Staff Present	City Manager, Doug Gilchrist*; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Community Planning & Development Manager, Dean Strachan*; Planner Specialist, Adam Cseke*; Planner, Aaron Thibeault*; Planner, Jason Issler*; Planner Tyler Caswell*; Divisional Director, Infrastructure, Alan Newcombe*; Utility Planning Manager, Rod MacLean*; Parks and Open Space Planner, Melanie Steppuhn*; Legislative Coordinator (Confidential), Clint McKenzie

(*Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:35 pm.

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 Wooldridge/Seconded By Councillor DeHart

(**Ro579/2020/09/14**) THAT the Minutes of the Regular Meetings of August 24, 2020 be confirmed as circulated.

3. Development Application Reports & Related Bylaws

3.1 Water St 1660 - TA20-0001 - 1157695 B.C. Ltd., Inc. No. BC1157695

Councillor Hodge joined the meeting remotely at 1:37 p.m.

Councillor DeHart declared a conflict due to her employment in the hotel industry and ownership in two short- term rental properties and left the meeting at 1:37 p.m.

Staff:

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

Anthony Beyrouti, North Vancouver BC, Applicant:

- Displayed speaking notes reviewing the mixed-use development proposal.

- Provided reasons to support the application moving to public hearing.

- Responded to questions from Council.

Staff responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

(Ro580/2020/09/14) THAT Zoning Bylaw Text Amendment Application No. TA20-0001 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated September 14, 2020 for Lot A District Lot 139 ODYD Plan 22722 located at 1660 Water Street <u>NOT</u> be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw <u>NOT</u> be forwarded to a Public Hearing for further consideration.

Councillor Donn - Opposed

Councillor DeHart returned to the meeting at 2:20 pm.

3.2 Lake Ave 286 - Z20-0058 (BL12099) - Ian James Mackay

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Given

(**Ro580/2020/09/14)**THAT Rezoning Application No. Z20-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9 Block D District Lot 14 Osoyoos Division Yale District Plan 2220, located at 286 Lake Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

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

3.3 Lake Ave 286 - BL12099 (Z20-0058) - Ian James Mackay

Moved By Councillor Wooldridge/Seconded By Councillor Singh

(Ro581/2020/09/14) THAT Bylaw No. 12099 be read a first time.

Carried

3.4 Mayfair Ct 694 - Z20-0036 (BL12100) - Brandi J. Watson and Brent F. Watson

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Donn

(Ro582/2020/09/14) THAT Rezoning Application No. Z20-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16 District Lot 143 ODYD Plan 43720, located at 694 Mayfair Court, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

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

Carried

3.5 Mayfair Ct 694 - BL12100 (Z20-0036) - Brandi J. Watson and Brent F. Watson

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(Ro583/2020/09/14) THAT Bylaw No. 12100 be read a first time.

Carried

3.6 TA20-0017 (BL12101) - City of Kelowna

Staff:

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

Moved By Councillor Given/Seconded By Councillor Wooldridge

(Ro584/2020/09/14) THAT Zoning Bylaw Text Amendment Application No. TA20-0017 to amend City of Kelowna Zoning Bylaw No. 8000 as indicated in Schedule A and outlined in the Report from the Development Planning Department dated September 14, 2020 be considered by Council;

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

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

BL12101 (TA20-0017) - City Of Kelowna 3.7

Moved By Councillor Given/Seconded By Councillor Singh

(Ro585/2020/09/14) THAT Bylaw No. 12101 be read a first time.

Carried

Lakeshore Rd 3290, 3340 - Z19-0078 (BL12102) - Stober Construction Ltd., Inc. No. 3.8 125611

Staff:

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

- Reviewed the C4 & C9 commercial zone parameters.

Moved By Councillor Stack/Seconded By Councillor Sieben

(Ro586/2020/09/14) THAT Rezoning Application No. Z19-0078 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- Lot 1, District Lot 14, ODYD, Plan EPP77760, located at 3340 Lakeshore Rd, Kelowna, BC from the C1 - Local Commercial & C9 – Tourist Commercial zones to the C4 – Urban Centre Commercial zone, be considered by Council; Lot 2, District Lot 14, ODYD, Plan EPP77760, located at 3290 Lakeshore Rd, Kelowna, BC from the C1 - Local Commercial & C9 – Tourist Commercial zones to the P3 – Parks and
- Open Space 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 13th 2019;

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

Carried

Lakeshore Rd 3290, 3340 - BL12102 (Z19-0078) - Stober Construction Ltd., Inc. No. 3.9 125611

Moved By Councillor Singh/Seconded By Councillor Given

(Ro587/2020/09/14) THAT Bylaw No. 12102 be read a first time.

Carried

Frederick Rd 4633 - Z20-0017 (BL12103) - 1232798 B.C. Ltd., Inc.No. BC1232798 3.10

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

(Ro588/2020/09/14) THAT Rezoning Application No. Z20-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 580A SDYD Plan 38083, located at 4633 Frederick Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing 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 September 14th, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

Carried

3.11 Frederick Rd 4633 - BL12103 (Z20-0017) - 1232798 B.C. Ltd., Inc. No. BC1232798

Moved By Councillor Stack/Seconded By Councillor DeHart

(Ro589/2020/09/14) THAT Bylaw No. 12103 be read a first time.

Carried

4. Bylaws for Adoption (Development Related)

4.1 Speer St 2268, 2276, 2284, 2292 and Pandosy St 2269 - OCP18-0017 (BL11662) -Interior Health Authority

Moved By Councillor DeHart/Seconded By Councillor Stack

(Ro590/2020/09/14) THAT Bylaw No. 11662 be adopted.

Carried

4.2 Speer St 2268, 2276, 2284, 2292 and Pandosy St 2269 - Z18-0077 (BL11663) -Interior Health Authority and City of Kelowna

Moved By Councillor Stack/Seconded By Councillor DeHart

(Ro591/2020/09/14) THAT Bylaw No. 11663 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Q2 2020 Planning and Development Statistics

Staff:

- Displayed a PowerPoint Presentation outlining Building and Development Statistics from Q2 2020.

(Ro592/2020/09/14) THAT Council receive for information the report from the Divisional Director of Planning and Development Services dated September 14, 2020 with information relating to Q2 Planning and Development Statistics;

Carried

5.2 City Wastewater Treatment - Biosolids Management

Staff:

- Displayed a PowerPoint Presentation providing an update on Biosolids Management and responded to questions from Council.

The Mayor and City Manager left the meeting for a conference call with the Provincial Government at 3:01 p.m.

Deputy Mayor Donn took the Chair and Ryan Smith began as Acting for the City Manager at 3:01 p.m.

Staff continued with their presentation and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor DeHart

(Ro594/2020/09/14) THAT Council receive for information, the report from Infrastructure Engineering dated September 14, 2020 regarding the City Wastewater Treatment – Biosolids Management;

AND THAT Council approves staff proceeding to the next stage of Preliminary Design and Final Siting of the Biosolids Management Process.

Moved By Councillor Sieben/Seconded By Councillor Stack

(Ro595/2020/09/14) THAT Council amend the motion on the floor to remove "Final Siting of the Biosolids Management Process" and replace it with "Proposed Siting of the Biosolids Management Process" Carried

Deputy Mayor Donn, Councillor Given - Opposed

The original motion, as amended, was then voted on:

Moved By Councillor Given/Seconded By Councillor DeHart

(Ro596/2020/09/14) THAT Council receive for information, the report from Infrastructure Engineering dated September 14, 2020 regarding the City Wastewater Treatment – Biosolids Management;

AND THAT Council approves staff proceeding to the next stage of Preliminary Design and Proposed Siting of the Biosolids Management Process.

Carried

5.3 Canada Infrastructure Grant Application - City Park

Staff:

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

The City Manager returned to the meeting at 4:04 p.m.

The Mayor returned to the meeting at 4:06 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(Ro597/2020/09/14) THAT Council receives the report from Parks and Buildings Planning dated September 14, 2020 with respect to the Investing in Canada Infrastructure Program – BC – Community, Culture and Recreation Infrastructure;

AND THAT Council directs staff to submit an application for grant funding application for City Park through the *Investing in Canada Infrastructure Program (ICP) – Community, Culture and Recreation*;

AND THAT the 2020 Financial Plan be amended to include the transfer of \$1,067,000 of reserve funding from the City Park 2019 CCR grant application project to the City Park 2020 CCR grant application project.

AND FURTHER THAT the City of Kelowna will be responsible for its share of the eligible costs, ineligible costs and potential overruns related to the project.

Carried

5.4 Glenmore Recreation Park

Staff:

- Displayed a PowerPoint Presentation providing reasons for a budget amendment to the Glenmore Recreation Park project and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Sieben

(Ro598/2020/09/14) THAT Council receives the report from Parks and Buildings Planning dated September 14, 2020 with respect to Glenmore Recreation Park – Budget Amendment;

AND FURTHER THAT the 2020 Financial Plan be amended to include the transfer of \$1,363,000 of reserve funding from the 2019 City Park-CCR grant application project, to the Glenmore Recreation Park project.

Carried

5.5 COVID-19 Pandemic Delegations of Authority

Staff:

- Displayed a PowerPoint Presentation outlining the delegations of authority for Development Planning and Real Estate due to COVID-19 and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Stack

(Ro599/2020/09/14) THAT Council receives, for information, the report from the Office of the City Clerk dated September 14, 2020 with respect to COVID-19 pandemic delegations of authority;

AND THAT Council directs staff to bring forward amendments to Development Application Procedures Bylaw No. 10540 and Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11550 to remove the temporary delegations of authority related to the COVID-19 pandemic.

6. Resolutions

6.1 Draft Resolution - City of Kelowna Tax Sale

Moved By Councillor Stack/Seconded By Councillor Singh

(Ro6oo/2020/09/14) THAT Council designates the Kelowna Community Theatre, 1375 Water St. to be the location for the September 28, 2020 City of Kelowna Tax Sale.

Carried

7. Mayor and Councillor Items

There were no items.

8. Termination

This meeting was declared terminated at 4:25 p.m.

per: City Clerk

Mayor Basran

sf/cm





Date:	September 28,	2020		
То:	Council			
From:	City Manager			
Department:	Development P	Planning		
Application:	A19-0004		Owner:	Donna Nicholas
Address:	4145 June Sprir	ngs Road	Applicant:	Peter Klimuk
Subject:	Application to t	the ALC for "Subdivision	of Agricultural	Land Reserve"
Existing OCP D	esignation:	REP – Resource Protect	tion	
Existing Zone:		RR1 – Rural Residential	1	

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A19-0004 for Lot 2, Sections 2 and 3, Township 26, ODYD, Plan KAP88080 located at 4145 June Springs Road, Kelowna, BC to subdivide land within the Agricultural Land Reserve, pursuant Section 21(2) of the Agricultural Land Commission Act, <u>NOT</u> be supported by Council;

AND THAT Council <u>NOT</u> direct Staff to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To consider a Staff recommendation to NOT support an application to the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act.

3.0 Development Planning

Development Planning does not support the application for subdivision within the Agricultural Land Reserve. The subject property is outside of the Permanent Growth Boundary and designated REP – Resource Protection in the Official Community Plan (OCP). The parent parcel has been somewhat recently subdivided in 2008 under the same ownership. The proposal is not considered to benefit agriculture and has already been subdivided once for a family member under the current ownership.

4.0 Proposal

4.1 <u>Background</u>

The application is to subdivide the property into two lots, 2.0 ha in size including the existing single-family dwelling and a vacant 1.0 ha lot. The property has been owned by the family since the 1950's and has gone through two subdivisions, one in 1983 and more recently in 2008. Both subdivision applications were approved by ALC resolution and were for family members. The subdivision would likely not meet the general criteria for Homesite Severances on ALR lands due to the previously approvals. The applicant has decided to proceed with the application as submitted for general subdivision.

There is currently no agricultural activity or improvements on the subject property. The property is located in the City's Southeast Kelowna Sector. The Future Land Use is REP – Resource Protection and it is within the Agricultural Land Reserve. It is located outside of the Permanent Growth Boundary.

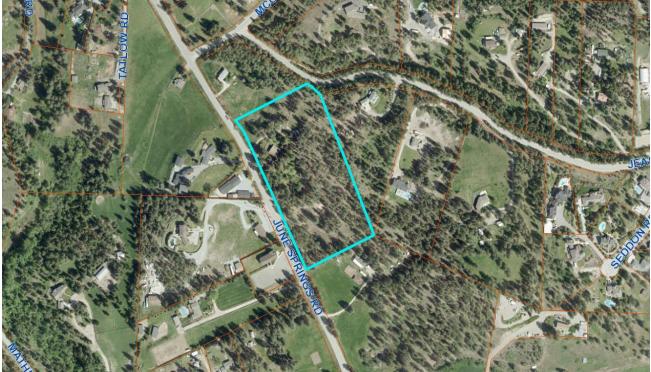
Parcel Summary – 4145 June Springs Road:

Parcel Size:	3.0 ha ha (7.41 acres)
Elevation:	546.0 to549.0 metres above sea level (masl) (approx.)

Table 1: Zoning and Land Use of Adjacent Property

Direction Zoning		ALR	Land Use		
North RR1 – Rural Residential 1		Yes	Agriculture / Residential		
South A1 – Agriculture 1		Yes	Agriculture / Residential		
East	RR1 – Rural Residential 1	No	Residential		
West A1 – Agriculture 1		Yes	Agriculture / Residential		

Subject Property Map: 4145 June Springs Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4 – Land Use Designation Definitions

Resource Protection Area

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Chapter 5 - Development Process

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .7 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

Objective 5.34 Preserve productive agricultural land

Policy .3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels near one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

6.o Technical Comments

7.0 Application Chronology

Date of Application Received:	February 22, 2019
Date of Application Received:	April 17, 2018

Agricultural Advisory Committee August 8, 2019

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on August 8, 2019 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council not support Agricultural Land Reserve Application No. A19-0004 for the property located at 4145 June Springs Road to allow for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act.

Anecdotal comments were that the Agricultural Advisory Committee would like to see the consideration of a home site severance application to ensure the remainder would be used for viable agriculture operation and that the Committee does not see any benefit to agriculture by approving the subdivision.

8.0 Alternate Recommendation

THAT Agricultural Land Reserve Application No. A19-0004 for Lot 2, Sections 2 and 3, Township 26, ODYD, Plan KAP88080 located at 4145 June Springs Road, Kelowna, BC to subdivide land within the Agricultural Land Reserve, pursuant Section 21(2) of the Agricultural Land Commission Act, be supported by Council;

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

Report prepared by:	Wesley Miles, Planner Specialist	
Approved for Inclusion:	Dean Strachan, Community Planning and Development Manager	
Approved for Inclusion:	Terry Barton, Development Planning Department Manager	

Attachments:

Schedule A – Preliminary Site Plan



A19-0004 4145 June Springs Road

Subdivision in the ALR

The state of the second



Proposal

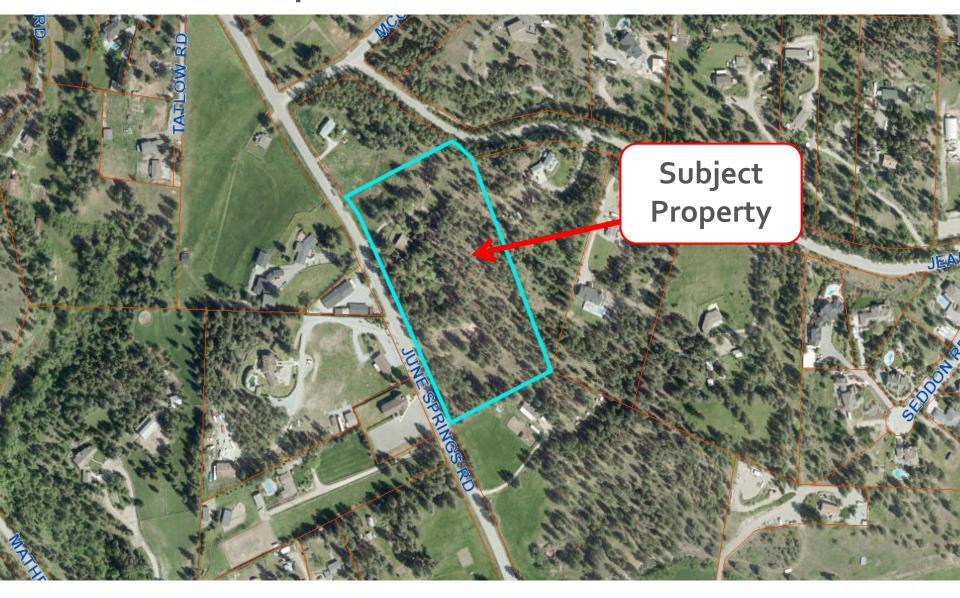
An application to the ALC for a subdivision, of 4145 June Springs Road



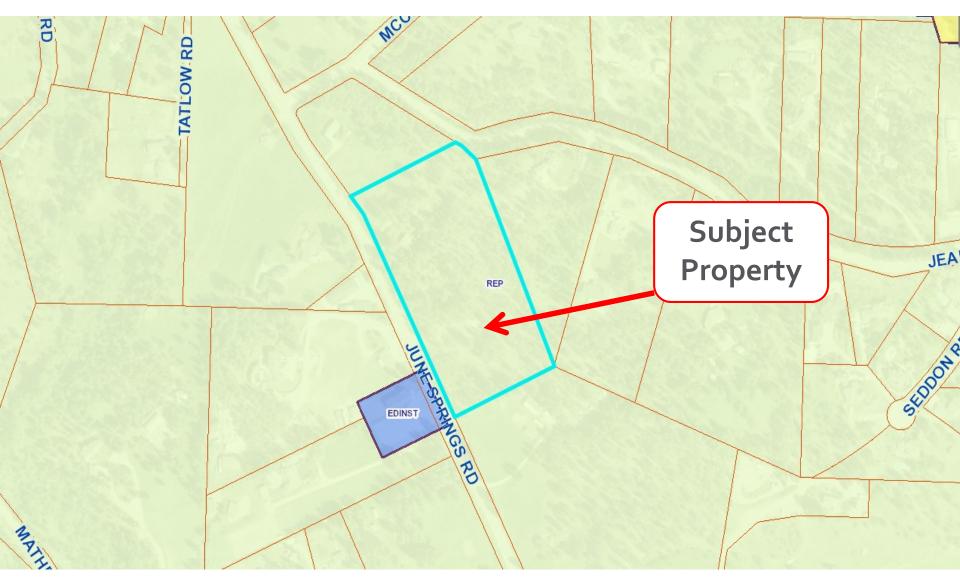
Development Process



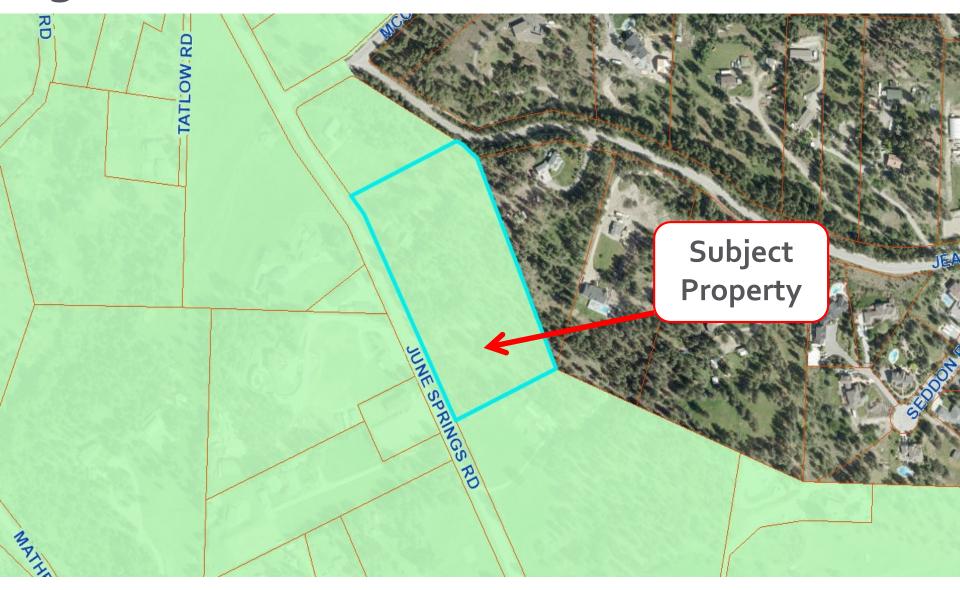
Context Map



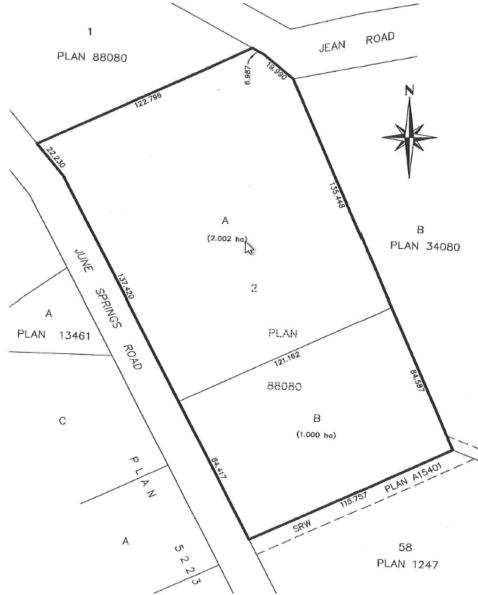
OCP Future Land Use / Zoning



Agricultural Land Reserve



Proposed Subdivision



Policy

- OCP Policy 5.33.7 Subdivision. Maximize potential for use of farmland by not allowing subdivision into smaller parcels except where significant positive benefits to agriculture.
- OCP Policy 5.34.3 Homeplating. Locate buildings in close proximity to one another and near existing road frontage.



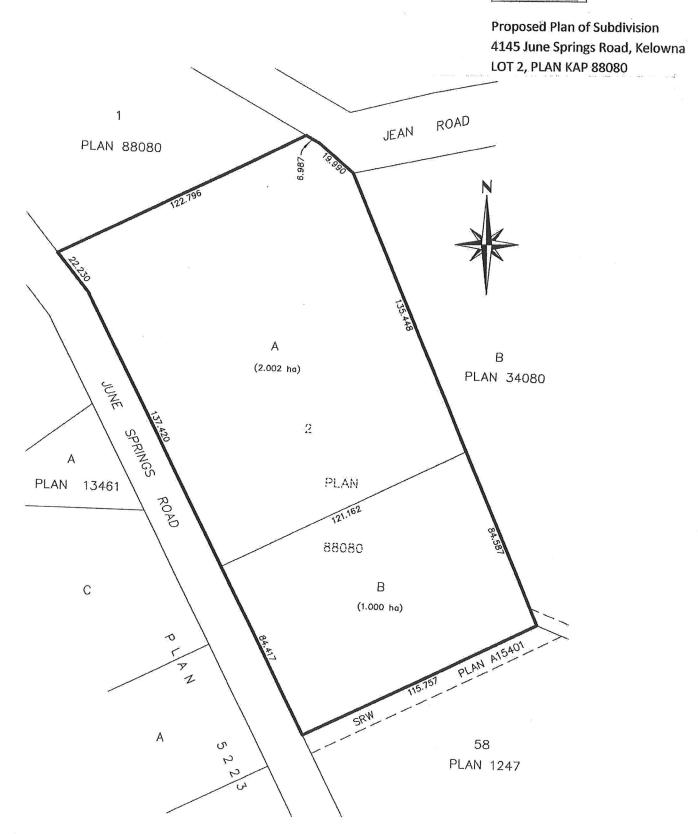
Staff Recommendation

- Staff are not recommending support for the proposal:
 - The subject property is outside of the PGB and is designated REP
 - The property has been owned by the family since the 1950's however has been previously subdivided under ALC approval for a family member in 2008.



Conclusion of Staff Remarks

- APPENDIX #2 -







Date:	September 28,	2020		
То:	Council			
From:	City Manager			
Department:	Development F	Planning		
Application:	Z20-0057		Owner:	Faith Jenelle McKenzie and Clint Douglas McKenzie
Address:	1715 Willow Cre	escent	Applicant:	Clint McKenzie
Subject:	Rezoning Appli	cation		
Existing OCP De	esignation:	S2RES – Single / Two U	Init Residential	
Existing Zone:		RU1 – Large Lot Housir	ıg	
Proposed Zone:		RU1c – Large Lot Housing with Carriage House		

1.0 Recommendation

THAT Rezoning Application No. Z20-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 29 Township 26 ODYD Plan 14444, located at 1715 Willow Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone be considered by Council;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the development of a carriage house.

3.0 Development Planning

Development Planning staff support the proposed rezoning to allow a carriage house to be built on the subject property. The Official Community Plan (OCP) Future Land Use designation of the property is S2RES – Single / Two Unit Residential, which supports building forms including single detached homes with secondary suites or carriage houses. Neighbourhood notification was undertaken by the applicant in accordance with Council Policy No. 367.

4.0 Proposal

4.1 <u>Project Description</u>

The applicant is proposing to build a carriage house in the rear of the property behind an existing single-family dwelling. The applicant has provided a site plan showing that a one-storey carriage house and required parking can be accommodated on-site without any variances.

4.2 <u>Site Context</u>

The subject property is located within the Permanent Growth Boundary, north of Clement Avenue and west of Glenmore Drive. The neighbourhood mainly consists of single-family housing. Adjacent land uses are listed below:

Orientation	Zoning	Land Use
North	RU1- Large Lot Housing	Single Dwelling Housing
East	RU1- Large Lot Housing	Single Dwelling Housing
South	RU1- Large Lot Housing	Single Dwelling Housing
West	RU1- Large Lot Housing	Single Dwelling Housing

Subject Property Map: 1715 Willow Crescent



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB

for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

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

Objective 5.22 Ensure context sensitive housing

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

Policy .12 Carriage Houses & Accessory Apartments. Support carriage houses and accessory apartments through appropriate zoning regulations.

5.2 Zoning Bylaw No. 8000

RU1c – Large Lot Housing with Carriage House. The purpose of this zone is to provide a zone for single detached housing, and compatible secondary uses including carriage houses, on larger serviced urban lots.

6.o Application Chronology

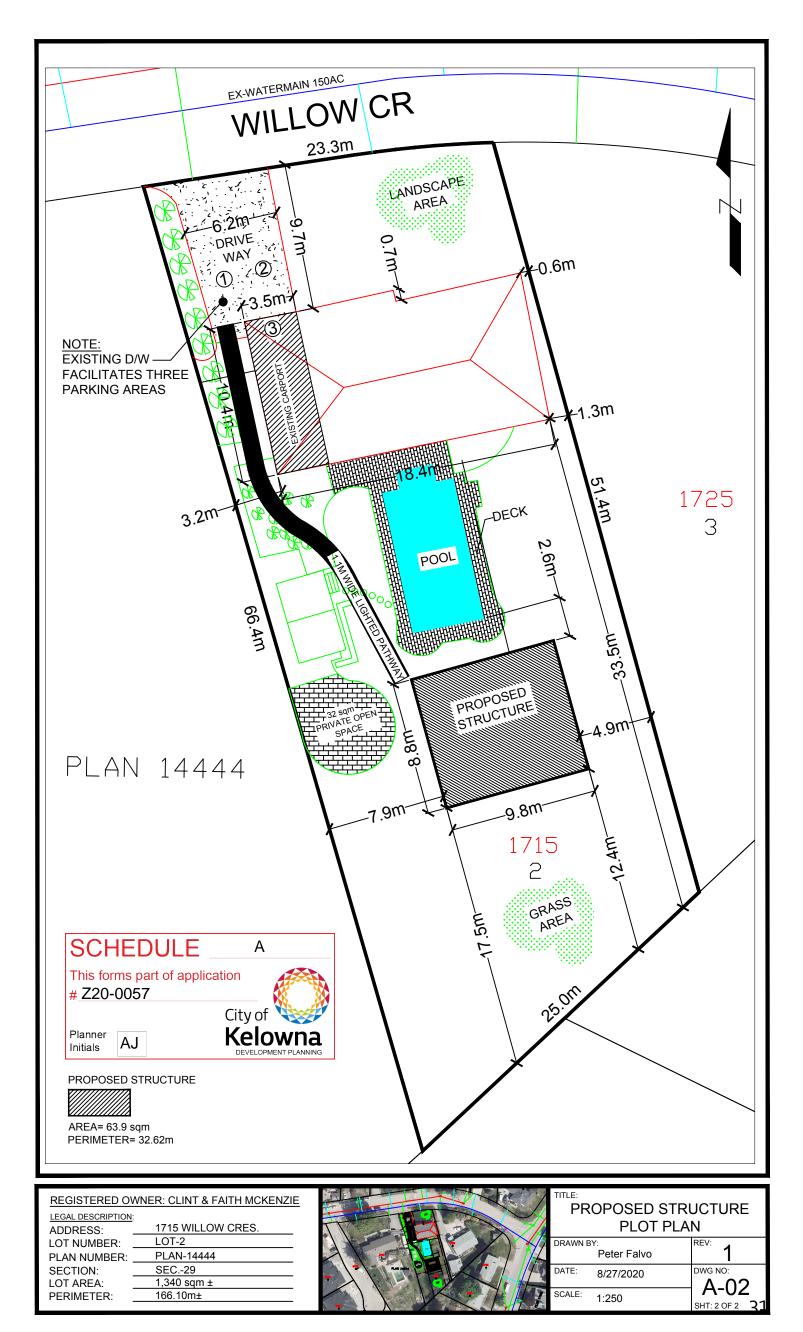
Date of Application Received:	July 14, 2020
Date Public Consultation Completed:	September 1, 2020

Report prepared by:	Arlene Janousek, Planner
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Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Site Plan





Z20-0057 1715 Willow Crescent

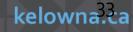
Rezoning Application





Proposal

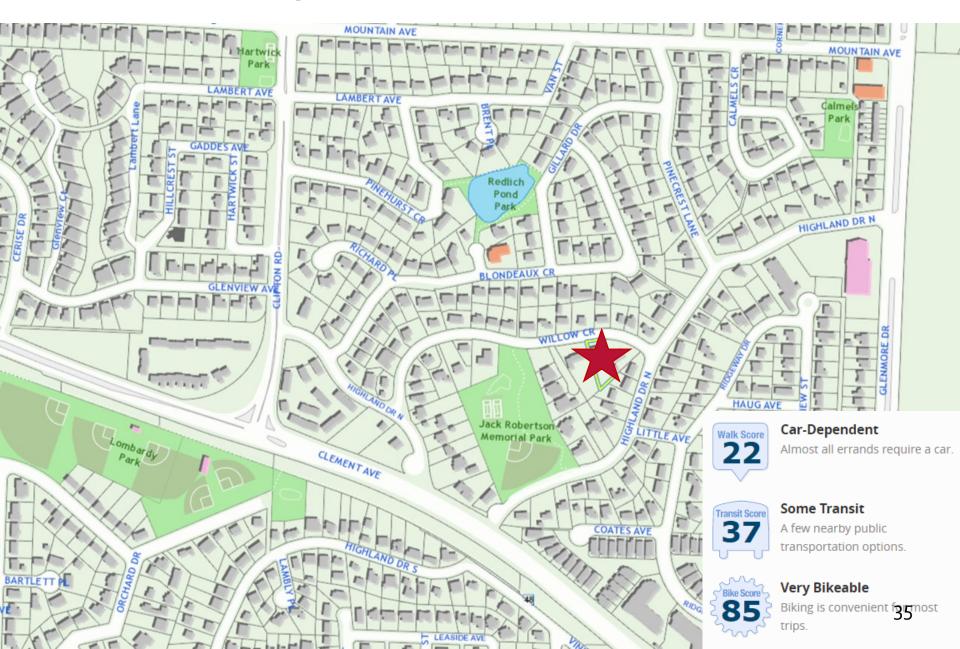
To rezone the subject property from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House to facilitate the development of a carriage house.



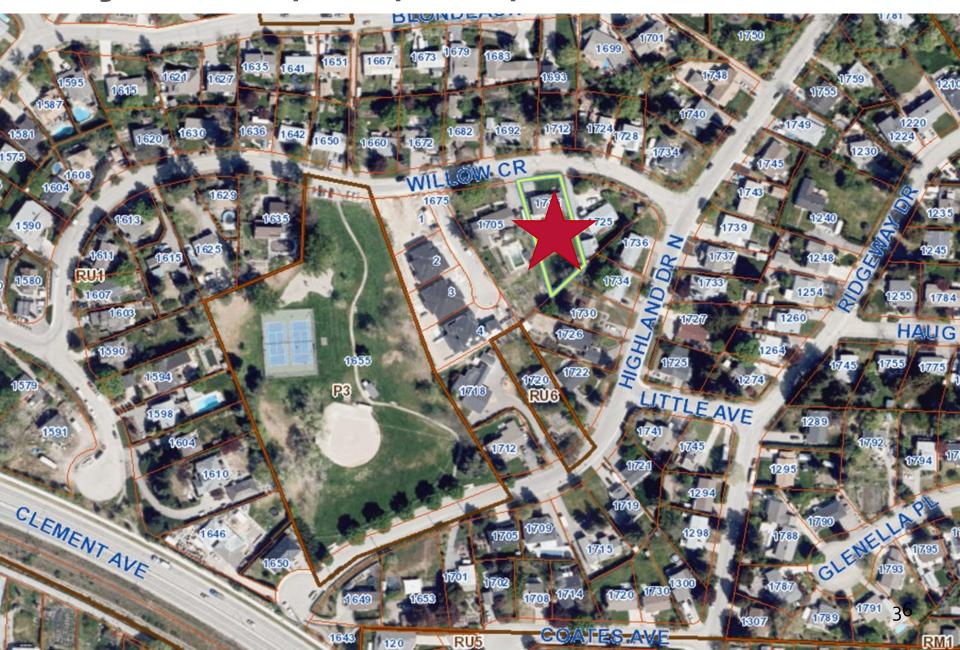
Development Process



Context Map



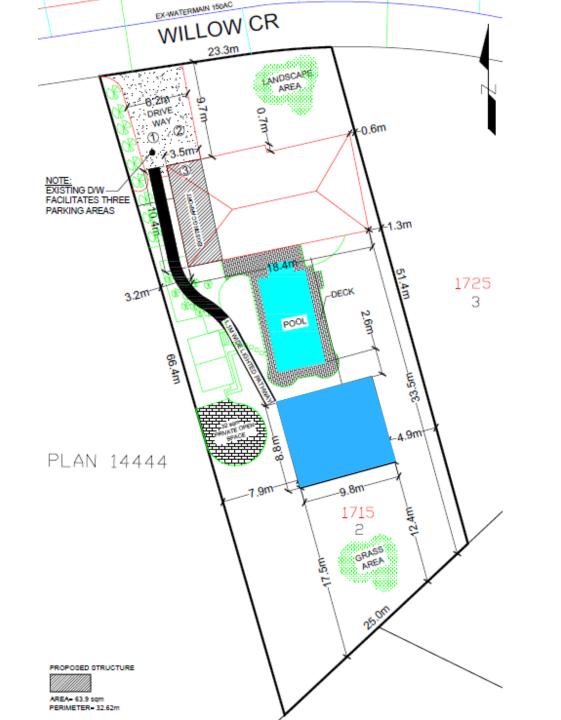
Subject Property Map



Subject Property Photo



Conceptual Site Plan

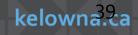


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Development Policy

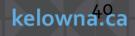
- Meets the intent of Official Community Plan Urban Infill Policies:
 - Within Permanent Growth Boundary
 - Complete Communities
 - Sensitive Infill
 - Carriage Houses and Accessory Apartments
- Consistent with Zoning Bylaw no variances





Staff Recommendation

- Staff recommend support of the proposed rezoning to facilitate development of a carriage house
 - Meets the intent of the Official Community Plan
 - Urban Infill Policies
 - Appropriate location for adding residential density
- Recommend the Bylaw be forwarded to Public Hearing





Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12104 Z20-0057 – 1715 Willow Crescent

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:

- THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 Section 9 Township 26 ODYD Plan 14444 located at Willow Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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





Date:	September 28,	2020		
То:	Council			
From:	City Manager			
Department:	Development Planning			
Application:	Z20-0056		Owner:	Tomasius Floire Phoebus
Address:	916 Tataryn Ro	ad	Applicant:	Tomasius Phoebus
Subject:	Rezoning Application			
Existing OCP D	esignation:	S2RES – Single / Two U	nit Residential	
Existing Zone:		RU1 — Large Lot Housin	ig	
Proposed Zone	:	RU1c – Large Lot Housi	ing with Carria	ge House

1.0 Recommendation

THAT Rezoning Application No. Z20-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 137 Osoyoos Division Yale District Plan 17047, located at 916 Tataryn Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT 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 approval of the Ministry of Transportation and Infrastructure;

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

2.0 Purpose

To rezone the subject property to facilitate the conversion of the existing dwelling into a carriage house.

3.0 Development Planning

Development Planning Staff support the rezoning application to RU1c – Large Lot Housing with Carriage House to facilitate the conversion of the existing dwelling into a carriage house. The Official Community Plan (OCP) Future Land Use designation of the subject property is S2RES – Single / Two Unit Residential, which

supports this zoning change. The concept of the carriage house is aligned with the OCP Policies of Compact Urban Form – increasing density where infrastructure already exists, and of Carriage Houses & Accessory Apartments. The property is connected to City sanitary sewer and within the Permanent Growth Boundary.

To convert the existing single storey dwelling into a carriage house, a variance to the minimum front yard would be required. Should this rezoning application be supported, Development Planning Staff would bring this variance forward for Council consideration prior to any building permits being issued for a new dwelling.

4.0 Proposal

4.1 <u>Project Description</u>

There is an existing single family dwelling on the subject property that is proposed to be converted to a carriage house. For this to occur, the applicant is requesting to rezone to the RU1c – Large Lot Housing with Carriage House zone, and for a Development Variance Permit to the minimum required front yard for a carriage house.

The applicant currently has an open building permit application for the existing dwelling, and it has undergone substantial renovations, including to the roof and exterior materials. A 3.0 m wide drive aisle on the east side of the property would provide access to the proposed new dwelling, as well as provide access to the required parking stalls.

4.2 <u>Site Context</u>

The subject property is located mid-block on the north side of Tataryn Rd, between Davie Rd and Stirling Rd. The surrounding area is characterized by single and two dwelling housing and the rear property line is adjacent to Hollydell Park. It is within the City's Permanent Growth Boundary and the walk score is 30, indicating that most errands require a car.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Spaces	Public Parks
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 — Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing



Subject Property Map: 916 Tataryn Rd

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy 5.3.2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and redevelopment within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objective 5.22 Ensure context sensitive housing development.

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

6.o Technical Comments

6.1 <u>Development Engineering Department</u>

See Attachment A: Development Engineering Memorandum

7.0 Application Chronology

Date of Application Received:July 8, 2020Date Public Consultation Completed:July 25, 2020

Report prepared by:	Kimberly Brunet, Planner II
Reviewed by:	Terry Barton, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: Draft Site Plan



CITY OF KELOWNA

MEMORANDUM

Date: July 20, 2020

File No.: Z20-0056

To: Urban Planning Management (JB)

From: Development Engineering Manager (JK)

Subject:916 Tataryn Rd

RU1 to RU1C

The Development Engineering Branch has the following comments and requirements associated with this application. The utility upgrading requirements outlined in this report will be a requirement of this development.

1. GENERAL

- a) The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b) Only a single driveway access (maximum 6.0 m wide) will be permitted for this development.

2) DOMESTIC WATER AND FIRE PROTECTION

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

3) SANITARY SEWER SYSTEM

a) Our records indicate that this property is currently serviced with a 100-mm diameter sanitary sewer service. The service will be adequate for this application.

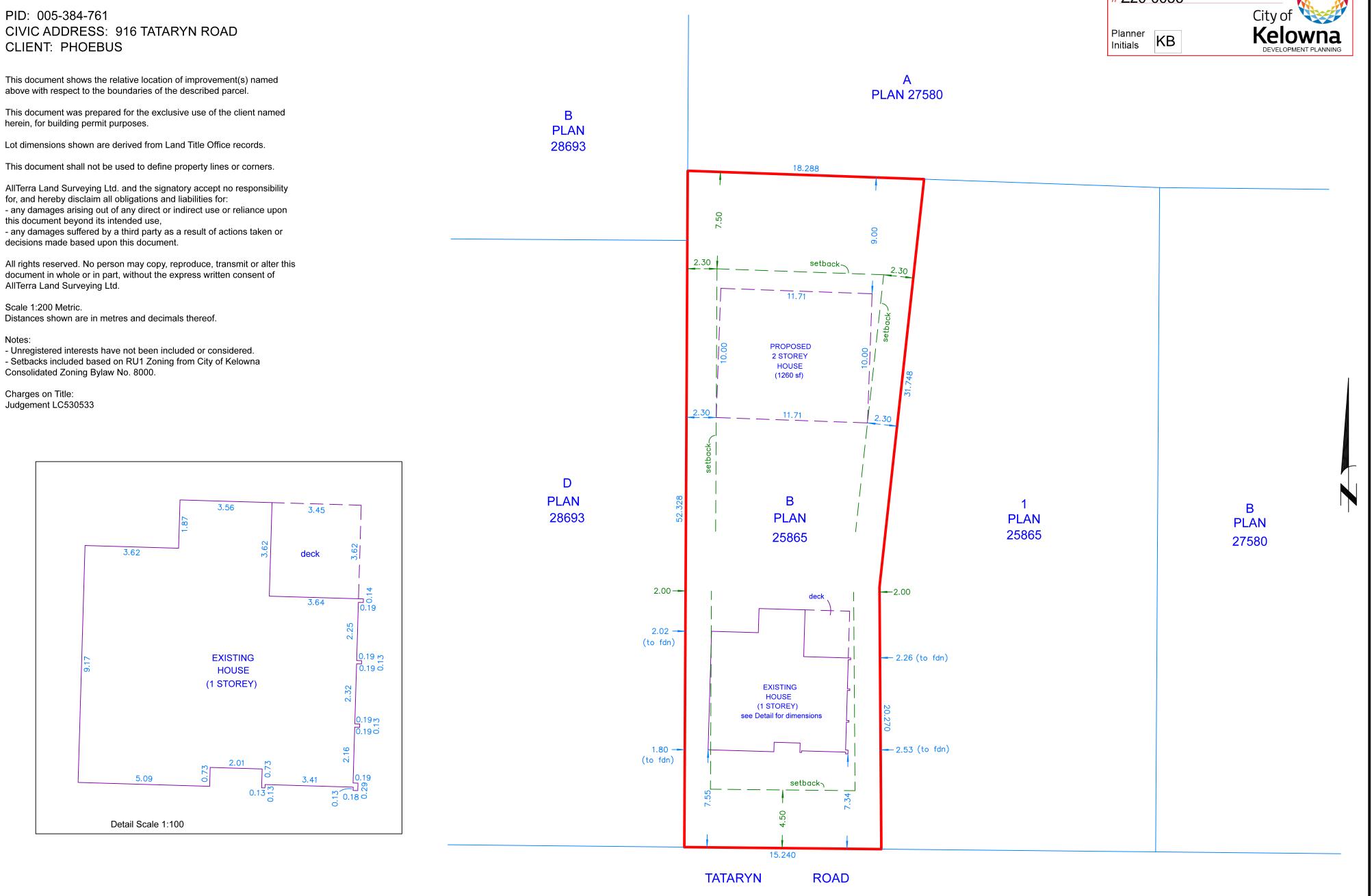
4) POWER AND TELECOMMUNICATION SERVICES

a) It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost. Underground services will be required for all new power and telecommunications services.

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Øames Kay, P.∕Éng. Development Engineering Manager

SITE PLAN OF PROPOSED BUILDING ON LOT B, SECTION 22, TOWNSHIP 26, ODYD, PLAN 25630.



AllTerra Land Surveying Ltd. www.AllTerraSurvey.ca Ph: 250.452.9298 File: 320028-CO © AllTerra Land Surveying Ltd, 2020.





Z20-0056 916 Tataryn Rd

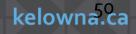
Rezoning Application





Proposal

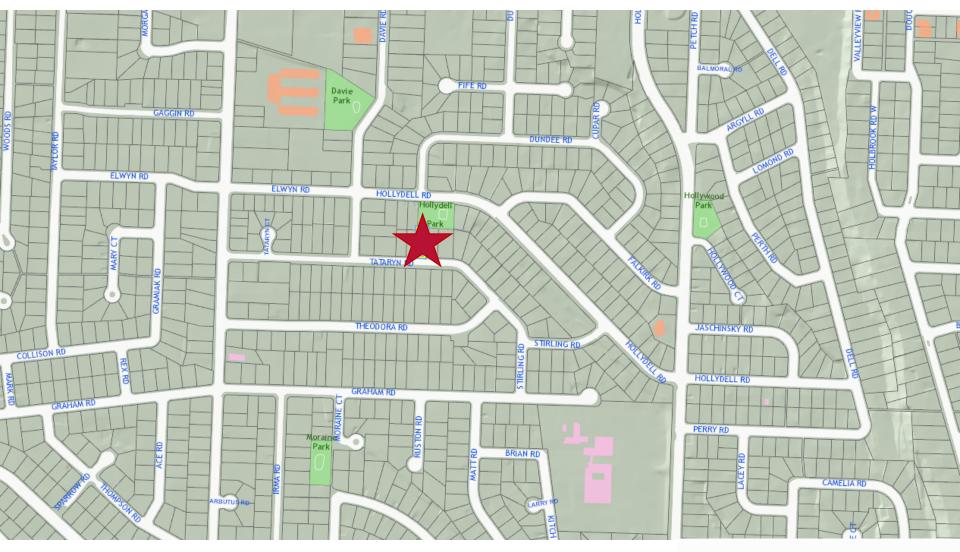
To rezone the subject property from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House to facilitate the conversion of the existing dwelling into a carriage house.



Development Process



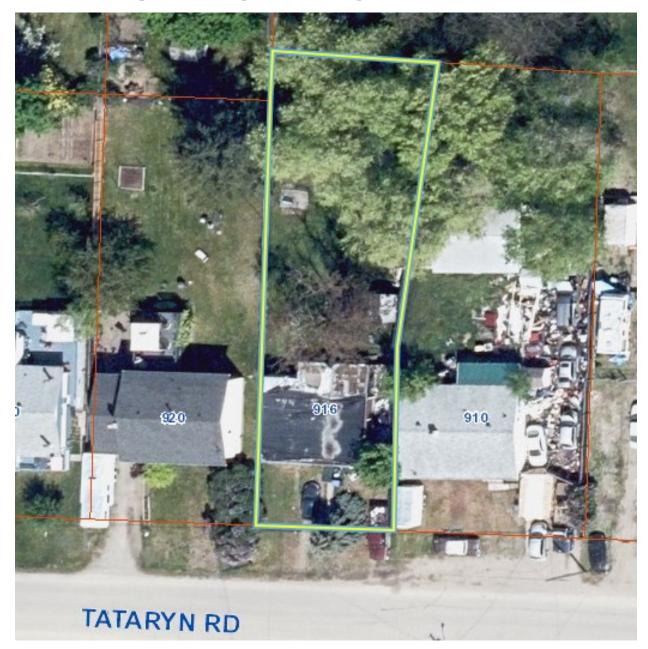
Context Map



City of Kelowna

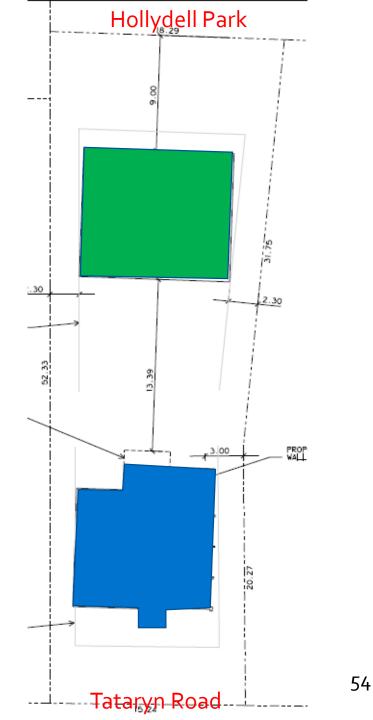


Subject Property Map



Proposal Details

- Existing single storey dwelling would become a carriage house
 - Variance for minimum front yard setback would be required
- New dwelling would be constructed in the rear
 - Demonstrated this can occur without any variances



Existing Dwelling/Proposed Carriage House





Development Policy

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





Staff Recommendation

Staff recommend support of the proposed rezoning to facilitate the conversion of the existing dwelling into a carriage house

- Meets the intent of the Official Community Plan
 - Urban Infill Policies
 - Within Permanent Growth Boundary
- Recommend the Bylaw be forwarded to Public Hearing





Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12105 Z20-0056 — 916 Tataryn Road

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

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

- THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6 District Lot 137 ODYD Plan 17047 located at Tataryn Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk





Date:	September 28, 2020			
То:	Council			
From:	City Manager			
Department:	Development Planning			
Application:	OCP20-0004 &	Z20-0007	Owner:	1176909 B.C. Ltd., Inc. No. BC1176909
Address:	3031 & 3041 Abbott Street		Applicant:	1176909 B.C Ltd.
Subject:	Official Community Plan Amendment and Rezoning Application		pplication	
Existing OCP De	esignation:	MRM- Multiple Unit Re	sidential (Medi	um Density)
Proposed OCP [Designation:	MXR- Mixed Use (Resid	lential/Comme	rcial)
Existing Zone:		RU1- Large Lot Housing	g	
Proposed Zone:		C4- Urban Centre Commercial		

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0004 to amend Map 4.1 in the Kelowna 2030- Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lots 7 and Lot 8, Block 2, District Lot 14 Osoyoos Division Yale District Plan 4743, located at 3031 and 3041 Abbott Street, Kelowna, BC from the MRM- Multiple Unit Residential (Medium Density) designation to the MXR- Mixed Use (Residential/Commercial) designation, be considered by Council;

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

AND THAT Rezoning Application No. Z20-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 7 and Lot 8, Block 2, District Lot 14 Osoyoos Division Yale District Plan 4743, located at 3031 and 3041 Abbott Street, Kelowna, BC from the RU1- Large Lot Housing zone to the C4- Urban Centre Commercial zone, be considered by Council;

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

AND THAT the 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 September 28, 2020;

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

2.0 Purpose

To consider an application to amend the Official Community Plan from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR Mixed Use (Residential/Commercial) designation and an application to rezone the subject properties from the RU1- Large Lot Housing zone to the C4- Urban Centre Commercial zone to facilitate the development of a mixed-use building.

3.0 Development Planning

Staff are supportive of the proposed Official Community Plan (OCP) amendment and rezoning application to allow for the development of a mixed-use building with commercial units and live/work units located at the ground level with a residential component above. The subject properties are located in the South Pandosy Urban Centre and will require the consolidation of two lots, plus a portion of the laneway that runs north-south at the rear of the properties. The subject site is highly walkable and accessible by alternative transportation methods due to is location directly across from the Abbott St transportation corridor. Additionally, the future Pandosy Waterfront Park will be developed directly across the street.

The OCP amendment allows for a small component of commercial uses to be incorporated into the development. The Abbott St Corridor is one of the main routes for pedestrians and cycling in the City, and the future development of Pandosy Waterfront Park will enhance this area and contribute to the vibrancy of the Urban Centre. The commercial node located across from the park will allow for services and amenities for area residents and visitors.

In lieu of hosting a public information session, the applicant sent out information packages to neighbours within 50m. This is due to Council's direction to waive Council Policy 367 requirements for in-person interactions.

4.0 Proposal

4.1 <u>Background</u>

The subject property is currently two separate lots. The lot at the corner of Abbott St and Newsom Ave does not contain any structures, and the second lot has a single-family dwelling. A portion of the existing laneway to the east will be purchased by the developer and consolidated into the site.

4.2 Project Description

The project is a 4.5 storey, mixed-use building with 24 residential units and ground-floor commercial. Ground-oriented live-work units are proposed along Newson Ave and ground-oriented commercial retail units are proposed along Abbott St. A Development Permit and Development Variance Permit have been submitted with the OCP amendment and rezoning application and Staff are tracking variances related to height and setbacks.

4.3 Site Context

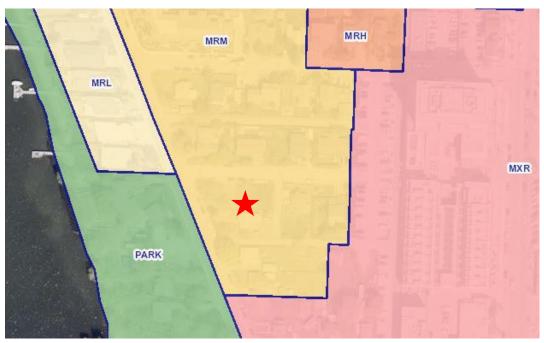
The subject properties are located at the corner of Abbott St and Newsom Ave in the South Pandosy Urban Centre. Pandosy St is located to the east and the Abbott St Corridor to the west. Single family homes are located to the north and south. The future land use of the lots to the north and south are MRM- Multiple Unit

Residential (Medium Density) which allows for future land assembly and medium density development. The future land use for the properties to the west are Park to allow for the future Pandosy Waterfront Park.

Orientation	Zoning	Land Use
North	RU1- Large Lot Housing	Single Dwelling Housing
East	RU1- Large Lot Housing	Single Dwelling Housing
South	RU1- Large Lot Housing	Single Dwelling Housing
West	P3- Parks and Open Space	Paddle Centre/Residential

Specifically, adjacent land uses are as follows:

Future Land Use Map:



Subject Property Map:

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designate growth areas:

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

Objective 5.22 Ensure context sensitive housing development.

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

5.2 Other Applicable Policies

Urban Centres Roadmap

Principals & Targets

<u>Mix It Up</u> Policy 1: Promote a mix of land use that encourages activity at different times of the day and serves a full spectrum of needs

Social Spaces Policy 4: Ensure all residents are within walking distance of an inviting public space

- 6.o Technical Comments
- 6.1 <u>Development Engineering Department</u>

See attached memorandum.

7.0 Application Chronology

Date of Application Received:January 31, 2020Date Public Consultation Completed:April 29, 2020

Report prepared by:	Jocelyn Black, Planner Specialist
Reviewed by:	Dean Strachan, Community Planning and Development Manager
Approved for Inclusion:	Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Site Plan & Project Rendering



CITY OF KELOWNA

MEMORANDUM

Date: February 10, 2020

File No.: Z20-0007

To: Community Planning (JB)

From: Development Engineering Manager (JK)

Subject: 3031-3041 Abbott Street

RU1 to C4

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

- 1) <u>Domestic Water and Fire Protection</u>
 - a) The development site is presently serviced with two 19-mm water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.
 - b) The applicant, at his cost, will arrange for the removal of the existing service and the installation of one new larger metered water service.
 - c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.
- 2) <u>Sanitary Sewer</u>
 - a) The development site is presently serviced with two 100mm-diameter sanitary sewer service. Only one service will be permitted for this development. The developer's consulting civil engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing service and the installation of a new larger service. The new service should tie in to the main on Newsom Ave.
- 3) <u>Storm Drainage</u>
 - a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development.

- b) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- c) Ground water will not be allowed to be pumped to City drainage system.

4) Road Improvements

- a) Abbott Street Rd fronting this development must be upgraded to an urban standard to including barrier curb & gutter, separated 1.8m sidewalk, storm drainage, irrigated landscaped boulevard, laneway driveway letdown and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- b) Newsom Ave fronting this development must be upgraded to an urban standard to including barrier curb & gutter, separated 1.8m sidewalk, storm drainage, irrigated landscaped boulevard, laneway driveway letdown and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction

5) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) Dedicate ~1.5m width along the full frontage of Newsom Ave.
- b) Provide a 6m corner rounding at the intersection of Abbott St and Newsom Ave.
- c) Grant statutory rights-of-way if required for utility services.
- 6) <u>Electric Power and Telecommunication Services</u>
 - a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as this site is located within the South Pandosy urban town centre.
 - b) Streetlights must be installed on Abbott St and Newsom Ave if needed.
 - c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
 - d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

7) <u>Engineering</u>

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

8) <u>Design and Construction</u>

a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is

subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

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

9) <u>Servicing Agreements for Works and Services</u>

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

The Geotechnical report must be submitted prior to submission of Engineering drawings or application for subdivision approval.

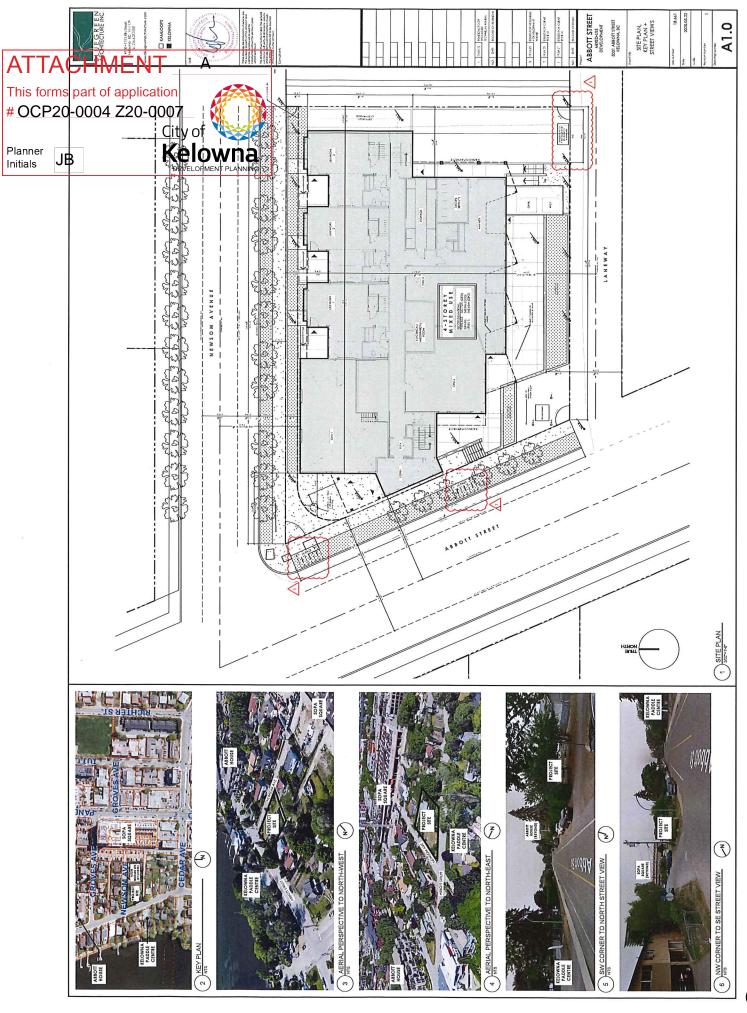
- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- ii. Site suitability for development.
- iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iv. Any special requirements for construction of roads, utilities and building structures.

- v. Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- vi. Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- vii. Identify slopes greater than 30%.
- viii. Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix. Recommendations for items that should be included in a Restrictive Covenant.
- x. Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- xi. Any items required in other sections of this document.
- xii. Recommendations for erosion and sedimentation controls for water and wind.
- xiii. Recommendations for roof drains and perimeter drains.
- xiv. Recommendations for construction of detention or infiltration ponds if applicable.
- 11) <u>Charges and Fees</u>
 - a) Development Cost Charges (DCC's) are payable
 - b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) only if disturbed.
 - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

rmes Kau

James Kay, P. Eng. Development Engineering Manager

AS







OCP20-0004 & Z20-0007 3031 & 3041 Abbott St

Official Community Plan Amendment and Rezoning Application

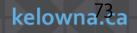


Proposal

To consider an application to amend the Official Community Plan from MRM – Multiple Unit Residential (Medium Density) to MXR Mixed Use (Residential/Commercial) and an application to rezone the subject properties from the RU1 – Large Lot Housing zone to C4 – Urban Centre Commercial zone to facilitate the development of a mixed-use building.

Development Process

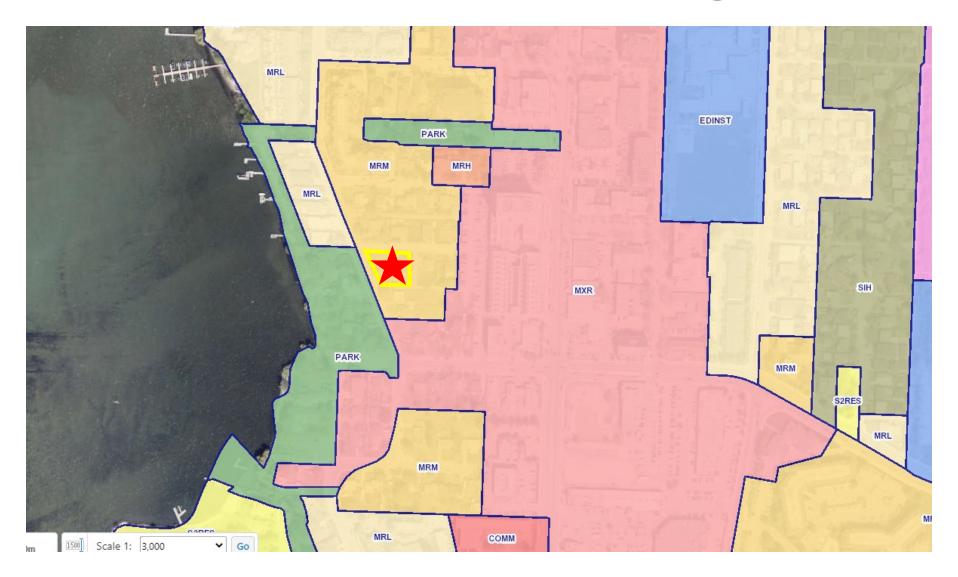




Context Map



OCP Future Land Use / Zoning



Subject Property Map

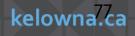


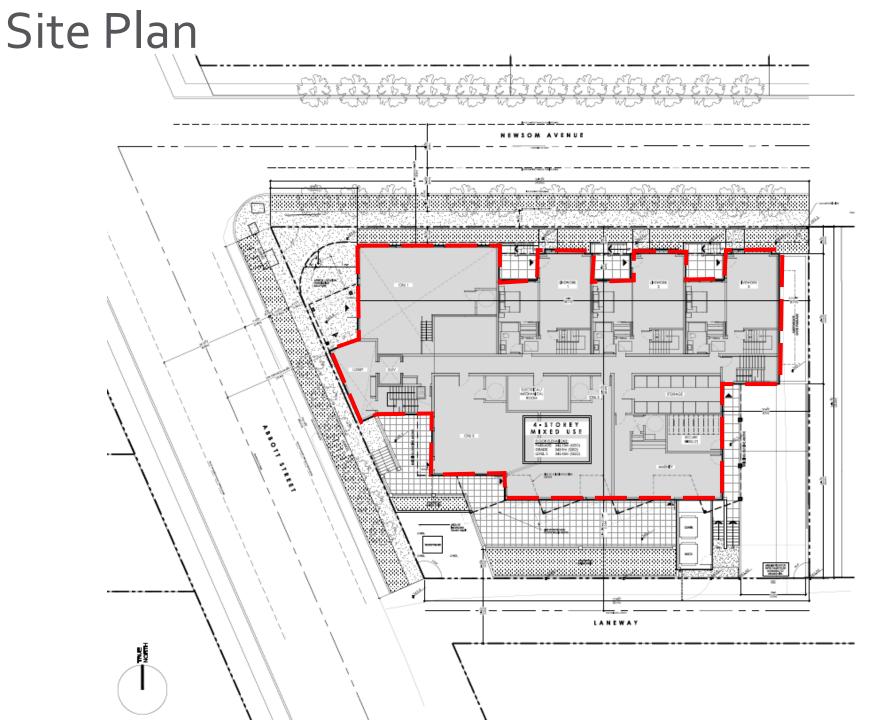
City of Kelowna



Project/technical details

- To facilitate the development of a mixed-use building with commercial units and live/work units on the ground level and residential above
- ► 4.5 storey building with 24 residential units





Renderings





Staff Recommendation

- Staff recommend support of the proposed OCP amendment to MXR Mixed Use (Residential/Commercial) and rezoning to C4 – Urban Centre Commercial zone:
 - Within the South Pandosy Urban Centre
 - Would service the future park development
 - In a highly walkable and accessible location





Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12106

Official Community Plan Amendment No. OCP20-0004 3031 and 3041 Abbott Street

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

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

- 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 Lots 7 and 8, Block 2, District Lot 14, ODYD, Plan 4743, located on Abbott Street, Kelowna, B.C., from the MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential/Commercial) designation;
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12107 Z20-0007 -3031 and 3041 Abbott 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:

- THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 7 and 8, Block 2, District Lot 14, ODYD, Plan 4743 located at Abbott Street, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk





Date:	September 28, 2020
То:	Council
From:	City Manager
Subject:	Abbott Street Newsom Avenue Road Closure
Department:	Real Estate Services

Recommendation:

THAT Council receives, for information, the Report from the Real Estate Services Department dated September 28, 2020, regarding the proposed closure of a portion of road adjacent to 3031 and 3041 Abbott Street, and 425 Newsom Avenue;

AND THAT Bylaw No. 12093, being proposed road closure of a portion of road adjacent to 3031 and 3041 Abbott Street, and 425 Newsom Avenue be given reading consideration.

Purpose:

To close a 198 square meter portion of excess rear lane adjacent to 3031 & 3041 Abbott Street for consolidation with the adjacent residential properties of 3031 and 3041 Abbott Street, and 425 Newsom Avenue.

Background:

The proposed road closure (shown as "Closed Lane" on the attached Schedule 'A') has been deemed excess to municipal needs and will be transferred to and consolidated with the adjacent properties of 3031 & 3041 Abbott Street, and 425 Newsom Avenue.

Legal/Statutory Authority:

Section 26 and 40, Community Charter

Considerations not applicable to this report:

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

Approved for inclusion: T. Hillis, Property Officer, Real Estate Services

Approved for inclusion: M. Olson, Manager, Real Estate Services

Attachment: Schedule A – Survey Plan

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

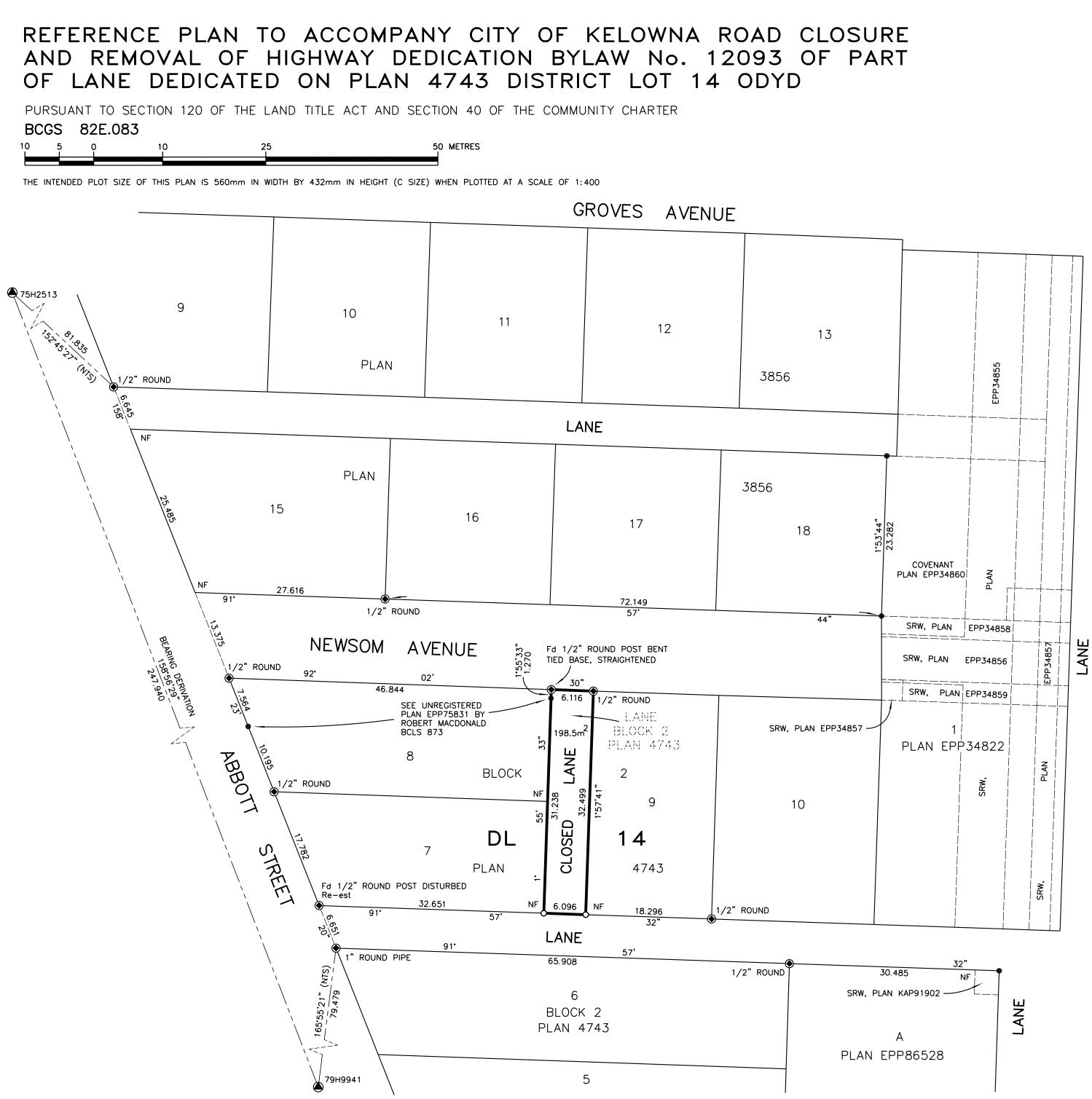
Your electronic signature is a representation that you are a British Columbia land surveyor and a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250. By electronically signing this document, you are also electronically signing the attached plan under section 168.3 of the act.

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

	Surveyor C	General Ce	rtification [For Surveyor General Use Only	y]			
2.	PLAN IDENTIFICATION:				Control Number:		
	Plan Number:						
	This original pla	n number	assignment was done under Commission #:		LTO Doc	ument Reference:	
3.	CERTIFICATIO	N:			Form 9	Explanatory Plan	Form 9A
The	e field survey was o	completed	on:		(YYYY/Month/I	DD) The checklist v	vas filed under ECR#:
	e plan was complet	-			(YYYY/Month/I	DD)	
			rveyor and certify that				
this	s plan was complet	ed and che	ecked on:		(YYYY/Month/I	DD)	
tha	t the checklist was	filed unde	r ECR#:				
and	l that the plan is co	rrect in ac	cordance with Land Title Office records.				
Lat	n a British Columb	bia land su	rveyor and certify that the buildings includ	ed in this s	trata plan have no	t been previously	None Strata Form S
	cupied as of	iu iuiiu su	(YYYY/Mon				
000	upieu us or				None	Strata Form U1	Strata Form U1/U2
I ar	n a British Columb	oia land su	rveyor and certify that the buildings shown	n on this st	rata plan are with	n the external bounda	ries of the land
tha	t is the subject of th	he strata p	lan				
Cei	rtification Date:		(YYYY/Mon	th/DD)			
I ar	n a British Columb	oia land su	rveyor and certify:				
of t 2.]	his endorsement That certain parts o	f the build	this strata plan are within the external boun ings are not within the external boundaries on 244 (1)(f) of the Strata Property Act.				-
Reg	gistered Charge Nu	mber(s):					
Cer	rtification Date:		(YYYY/Mon	th/DD)			
Art	erial Highway		British Columbia land surveyor and certify 44.1 of the Transportation Act to show cert				
Re	mainder Parcel (Ai	rspace)	I am a British Columbia Land Surveyor overlap vertically, that is, lie above or b	•		*	
4.	ALTERATION:		LTO Document Ref	ference:			
ть	is is an alteration to						

This is an alteration to a previous version of this plan identified by control number:

DESCRIPTION OF ALTERATION: SEE SCHEDULE



PLAN EPP104877

TABLE OF GEODETIC CONTROL MONUMENTS

NAD83(CS	RS) 4.0.0.BC.1 (JTM ZONE 11 C	OORDINATES
GCM	NORTHING	EASTING	ESTIMATED ABSOLUTE
75H2513	5526498.912	320711.086	0.02
79H9941	5526267.544	320800.172	0.02

LEGEND

INTEGRATED SURVEY AREA NO. 4, CITY OF KELOWNA, NAD83 (CSRS) 4.0.0.BC.1

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 75H2513 AND 79H9941 ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11.

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED FROM MASCOT PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL MONUMENTS 75H2513 AND 79H9941.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9999433 WHICH HAS BEEN DERIVED FROM GEODETIC CONTROL MONUMENTS 75H2513 AND 79H9941.

- DENOTES CONTROL MONUMENT FOUND
- DENOTES STANDARD IRON POST FOUND
- O DENOTES STANDARD IRON POST PLACED
- DENOTES NON-STANDARD IRON POST FOUND
- NF DENOTES NOTHING FOUND
- NTS DENOTES NOT TO SCALE

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 28th DAY OF AUGUST, 2020 COLIN FERGUSON, BCLS 858

Ferguson Land Surveying & Geomatics Ltd. B.C. AND CANADA LAND SURVEYORS 404–1630 PANDOSY STREET, KELOWNA, B.C. TELEPHONE (250) 763–3115 FAX (250) 763–0321

JOB No 22284-REF-LANE

S:\Shared (Aug 10, 2006)\Job_Files\222XX\22284\CAD DRAWINGS\22284-REF-LANE.DWG DRFTD BY: CF FB/PG: SEE FILE

CITY OF KELOWNA

BYLAW NO. 12093

<u>Road Closure and Removal of Highway Dedication Bylaw</u> (Portion of Abbott Street (East of))

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on Abbott Street (East of)

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

- 1. That portion of highway attached as Schedule "A" comprising 198.5m² shown in bold black as Closed Lane on the Reference Plan prepared by Colin Ferguson, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
- 2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

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

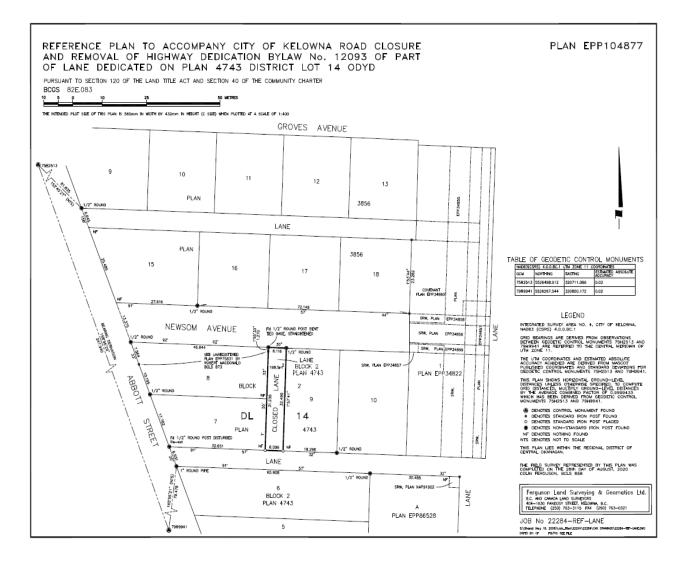
Adopted by the Municipal Council of the City of Kelowna this

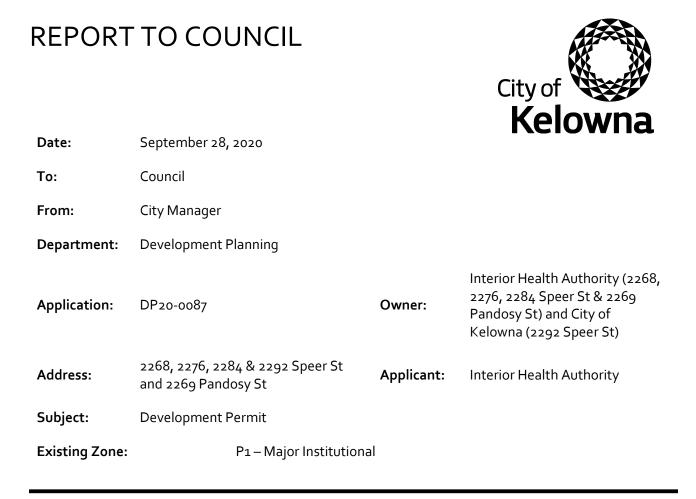
Mayor

City Clerk

Bylaw No. 12093 - Page 2







1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP20-0087 for Lot 1 District Lot 14 ODYD Plan EPP87656 and Lot B District Lot 14 ODYD Plan EPP28861, located at Speer and Pandosy Street, Kelowna, BC subject to the following:

- 1. The dimensions and siting to be constructed on the land be in accordance with Schedule "A,"
- 2. Landscaping to be provided on the land be in accordance with Schedule "B"

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

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

2.0 Purpose

To consider the form and character of a non-accessory parking lot.

3.0 Development Planning

Development Planning Staff are supportive of the proposed non-accessory parking lot. The Development Permit process is intended to ensure appropriate landscaping will be provided on site to mitigate any negative impacts to adjacent residential development. Staff are confident the proposal will not negatively impact adjacent properties and will suffice in fulfilling part of the need for parking that Interior Health is currently facing.

4.0 Proposal

4.1 <u>Background</u>

Interior Health Authority has been working on a long-term plan to provide a parking structure on hospital property to address the growing parking needs. The location of the parking structure is yet to be established. In the meantime, the subject site has undergone an Official Community Plan Amendment and Rezoning application to allow for the development of a surface parking lot.

4.2 <u>Project Description</u>

The parking lot includes five properties, with four parcels under Interior Health Authority ownership and one by the City of Kelowna. The City of Kelowna has granted a 5-year lease with two 1-year renewals of the City property at 2292 Speer St. The surface lot will include the four parcels along Speer St and an extension of the existing surface parking lot at 2251 Pandosy St (The Walter Anderson Building) which is proposed to include 2269 Pandosy St.

Access to the lot along Speer St is from the existing laneway off Rose Ave. Entry and exit of the extension of the Walter Anderson building is through the existing entry to the parking lot off Royal Ave. The proposed lot will operate 24 hours a day and is intended to be used for KGH staff. Passholder only parking will be indicated by signage.

The proposed lot is an asphalt milling surface and stalls will be delineated using wheel stops and signage. Pedestrian connectivity from the lot to the hospital is by crossing the laneway and accessing a 3.0m wide concrete pedestrian walkway that connects to Pandosy St. Alternatively, a user could walk towards Rose Ave and use the existing sidewalk on Rose Ave to connect to Pandosy St.

The proposed landscaping includes:

- landscaped swales adjacent to the laneway;
- screen planting along the north, east and south property line and wood fencing along the north property line to provide a buffer to the residential development on Speer St; and
- protection of an existing chestnut tree at the southern property.

4.3 <u>Site Context</u>

The subject properties are located along both Pandosy St and Speer Street between Royal and Rose Avenue.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	HD1- Kelowna General Hospital	Hospital
	RU6- Two Dwelling Housing	Single Detached Dwelling
East	RU6- Two Dwelling Housing	Single Detached Dwelling
South	RU6- Two Dwelling Housing	Single Detached Dwelling
West	HD1- Kelowna General Hospital	Hospital
	RU6- Two Dwelling Housing	Single Detached Dwelling



Subject Property Map:

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.32 *Ensure the development of institutional facilities meets the needs of residents.*

Policy .10 Health Care Facilities. Support the extension of services and appropriate building expansions of the Kelowna General Hospital and other health care facilities, as provided for on the Generalized Future Land Use Map 4.1. The form and character of future expansions should be compatible with the surrounding neighbourhood context.

6.0 Application Chronology

Date of Application Received: March 9, 2020

- **Report prepared by:** Jocelyn Black, Planner Specialist
- Reviewed by: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit DP20-0087

This forms part of application # DP20-0087

JB

ATTACHMENT

А

Kelowna

EVELOPMENT PLANNING

City of

Development Permit & Planner Initials **Development Variance Permit** DP20-0087



This permit relates to land in the City of Kelowna municipally known as

2268, 2276, 2284 & 2292 Speer St and 2269 Pandosy St

and legally known as Lot 1, District Lot 14 ODYD Plan EPP87656

and Lot B, District Lot 14 ODYD Plan EPP28861

and permits the land to be used for the following development:

Non-accessory parking

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision	September 28, 2020
Decision By:	Council
Development Permit Area:	Revitalization DPA and Comprehensive DPA
Existing Zone:	P1- Major Institutional
Future Land Use Designation:	EDINST – Educational/ Major Institutional

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner:	Interior Health Authority (2268, 2276, 2284 Speer St & 2269 Pandosy St) and City of Kelowna (2292 Speer
	St)
Applicant:	Interior Health Authority

Planner: J. Black

Terry Barton

Community Planning Department Manager **Planning & Development Services**

Date

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting to be constructed on the land be in accordance with Schedule "A";
- b) Landscaping to be provided on the land be in accordance with Schedule "B";

This Development Permit is valid for two (2) years from the date of approval, with no opportunity to extend.

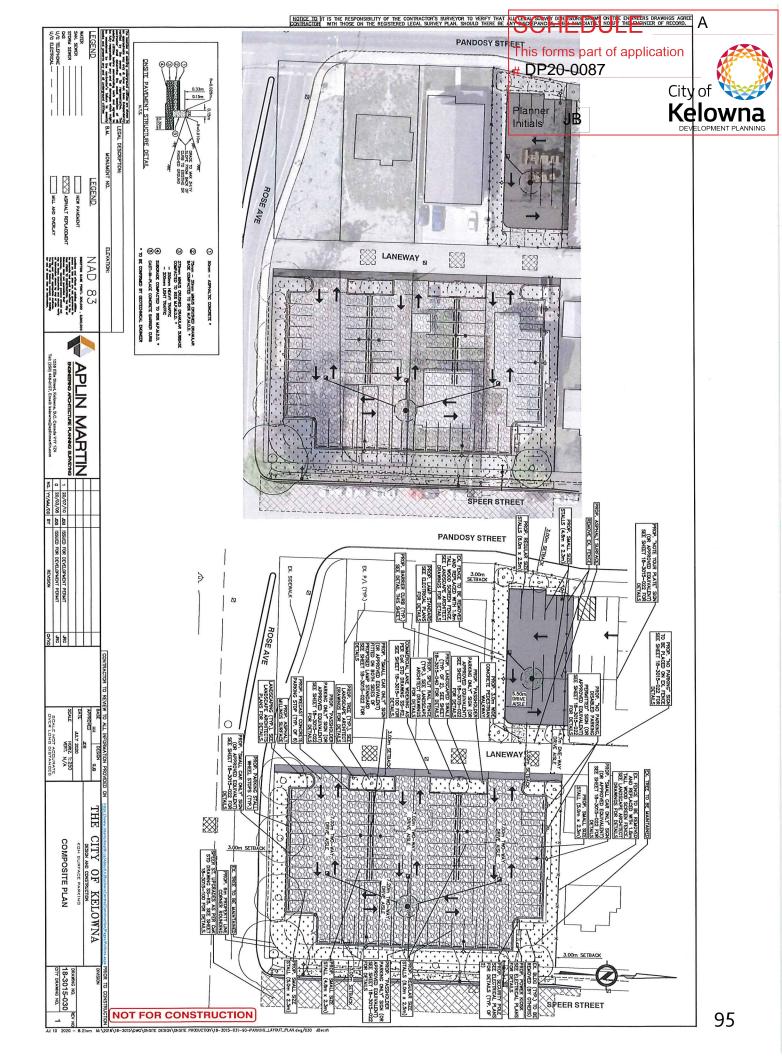
5. INDEMNIFICATION

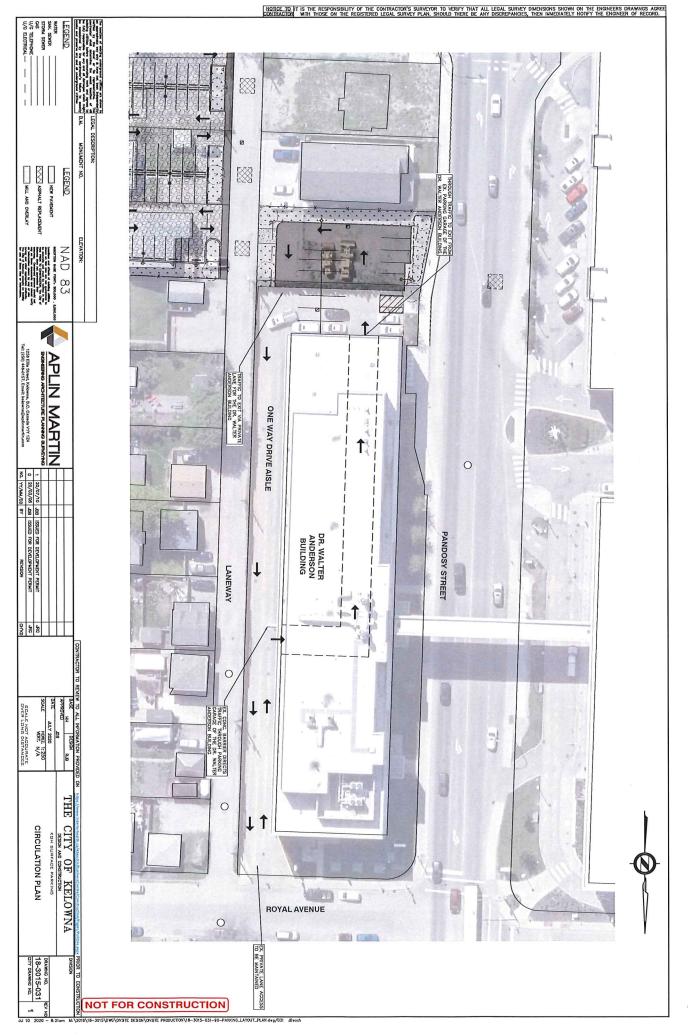
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

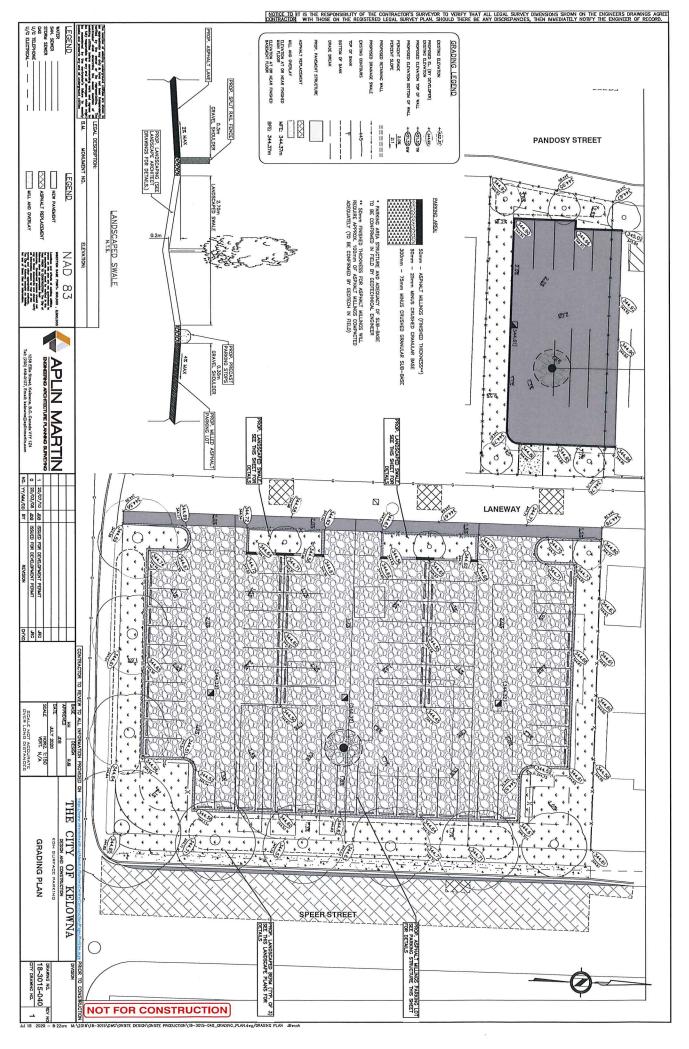
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

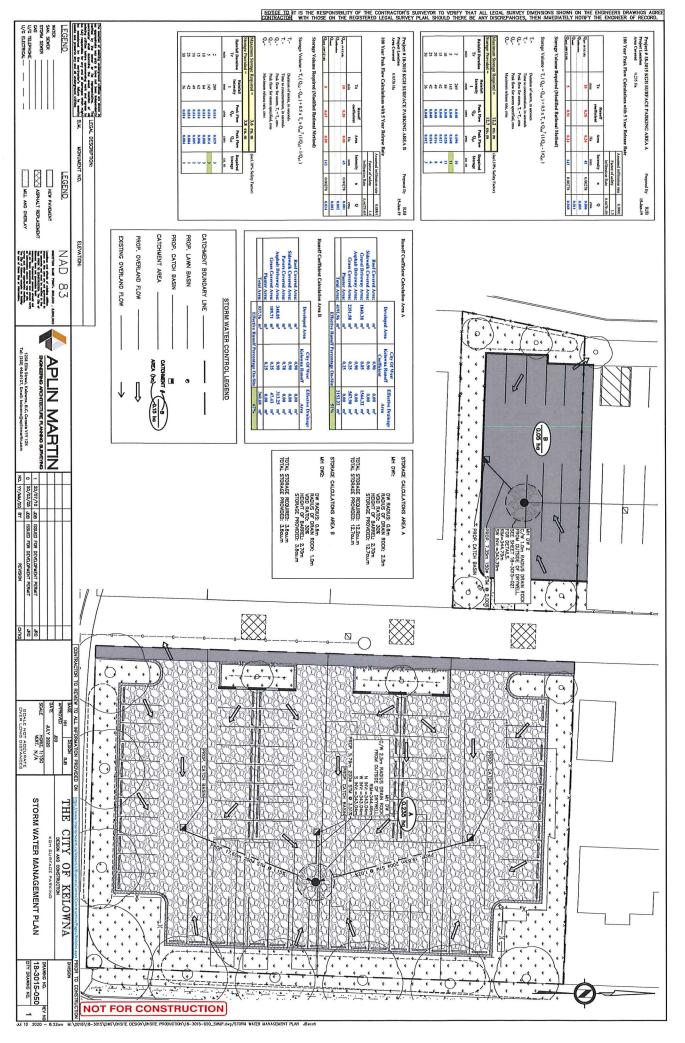
All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

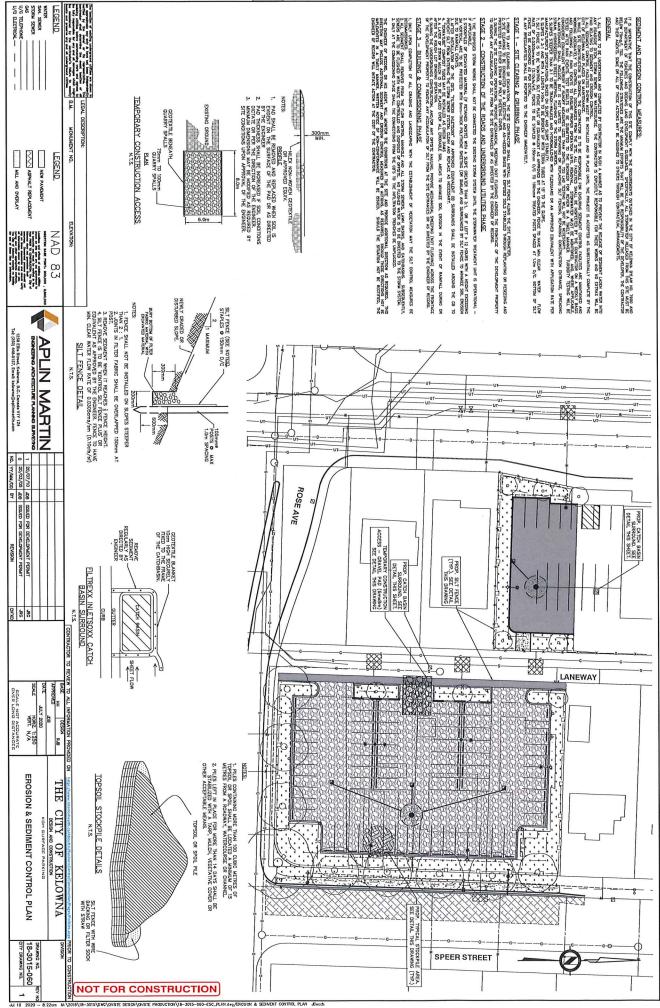
The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.



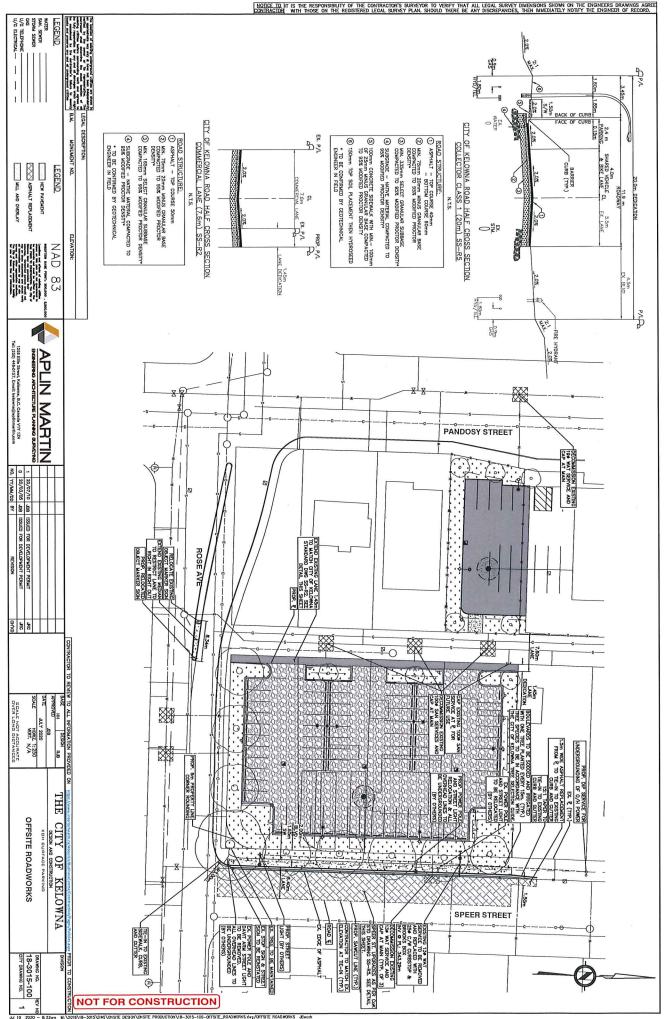




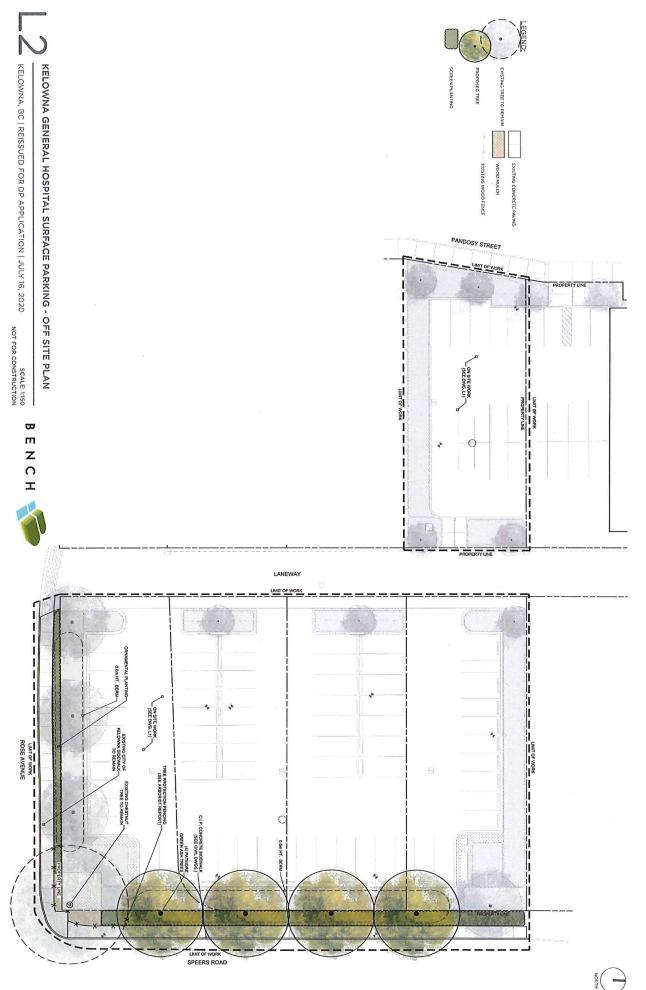




NOTICE TO IT IS THE RESPONSIBILITY OF THE CONTRACTOR'S SURVEYOR TO VERIFY THAT ALL LEGAL SURVEY DIVENSIONS SHOWN ON THE ENGINEERS DRAWINGS A CONTRACTOR WITH THOSE ON THE REGISTERED LEGAL SURVEY PLAN. SHOULD THERE BE ANY DISCREPANCIES, THEN INVEDIATELY NOTIFY THE ENGINEER OF RECOM











DP20-0087 2268, 2276, 2284 & 2292 Speer St and 2269 Pandosy St.

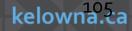
Development Permit Application





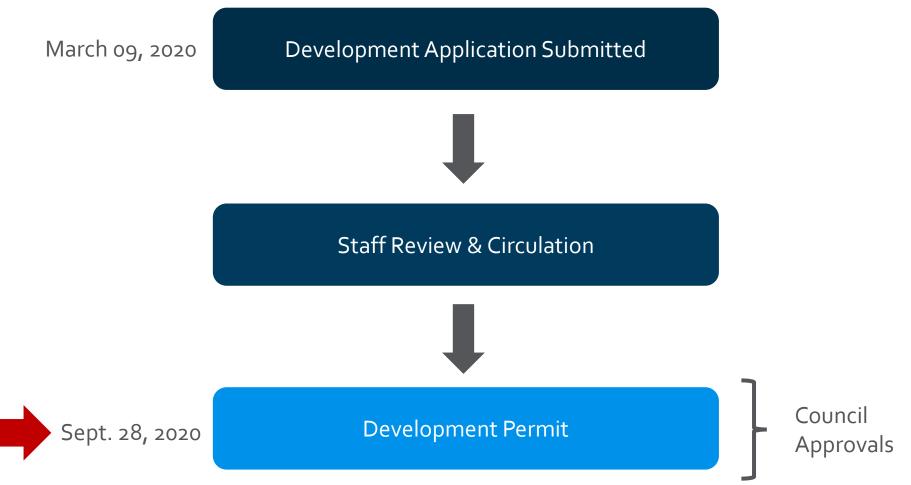
Proposal

To consider the form and character of a nonaccessory parking lot



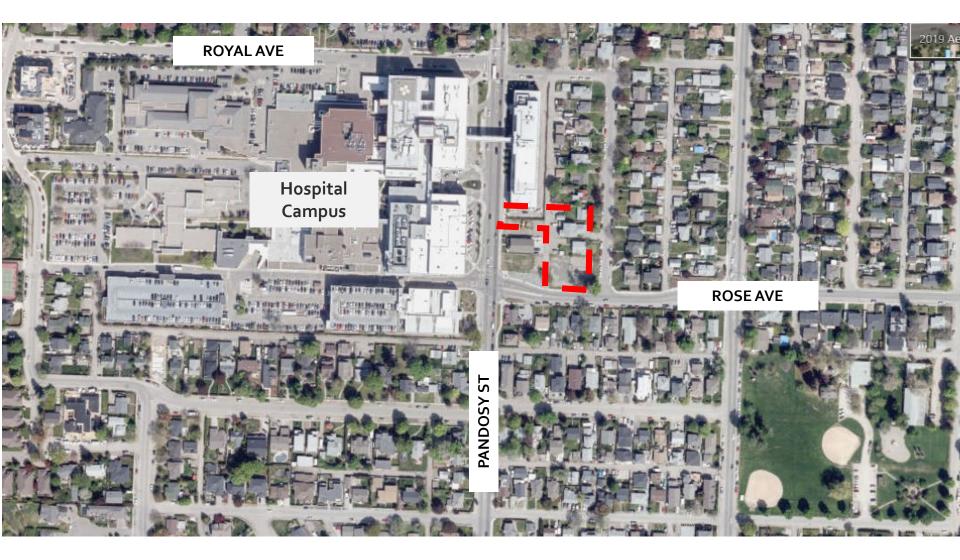
Development Process



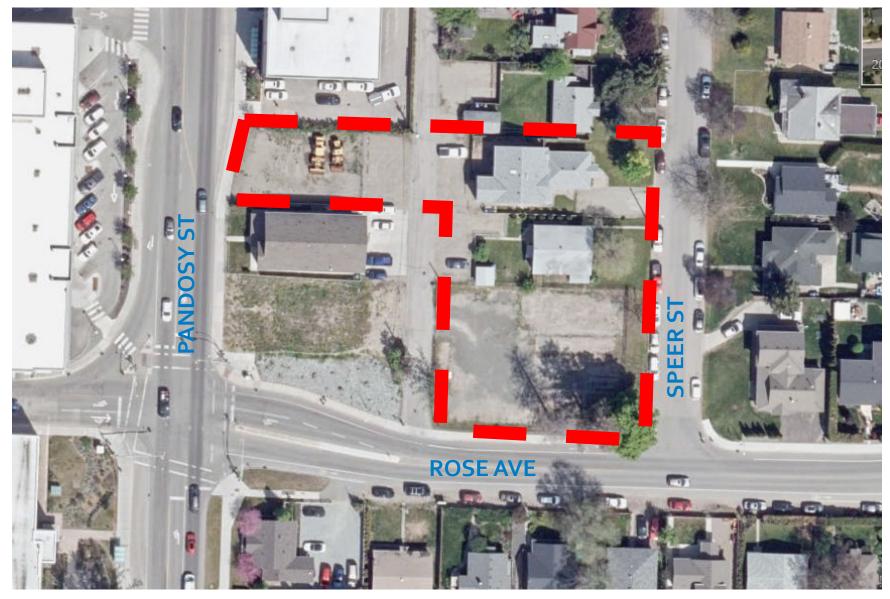


kelowna.ca

Context Map



Subject Property Map



City of Kelowna



Project/technical details

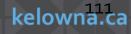
- The subject properties have received final adoption for an Official Community Plan amendment and rezoning to allow for a surface parking lot
- Intended to be used my KGH staff to address growing parking need in that area
- Asphalt milling surface with landscape buffer to residential development





Staff Recommendation

- Staff recommend support of the issuance of Development Permit No. DP20-0087:
 - Parking demand, will aid in the expansion of Kelowna General Hospital
 - Landscape buffers to mitigate effects on adjacent properties





Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 11868 Z17-0034 — 195 Rains Road

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

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

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9, Section 35, Township 26, ODYD, Plan 19149 located at Rains Road, Kelowna, BC from the RU1 Large Lot Housing zone to the RU1c Large Lot Housing with Carriage House zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 15th day of July, 2019.

Considered at a Public Hearing on the 30th day of July, 2019.

Read a second and third time by the Municipal Council this 30th day of July, 2019.

Approved under the Transportation Act this 31st day of July, 2019.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11998 Z19-0142 - 435 Primrose Road

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

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

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, Section 26, Township 26, ODYD, Plan 17525 located on Primrose Road, Kelowna, BC from the RU1 Large Lot Housing zone to the RU6 Two Dwelling Housing zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of February, 2020.

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

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

Approved under the Transportation Act this 18th day of March, 2020.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



Report to	Council
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Date:	September 28, 2020
То:	Council
From:	City Manager
Subject:	TA18-0010
Department:	Development Planning

Recommendation:

THAT Council waives the requirements as set out in Schedule "B" attached to the report from the Community Planning Department dated February 4, 2019 to be considered with final adoption of Zoning Bylaw Text Amending Bylaw No. 11752;

AND THAT Council waives the requirement for a Development Variance Permit to be considered in conjunction with final adoption of Zoning Bylaw Text Amending Bylaw No. 11752;

AND FURTHER THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 11752 be considered by Council.

Purpose:

To waive conditions of adoption of Zoning Bylaw Text Amending Bylaw No. 11752 and to forward the bylaw for adoption.

Background:

On February 26, 2019 Council gave 2nd and 3rd Reading to Text Amendment Application No. TA18-0010. The Text Amendment was to allow the residential use of multiple-dwelling housing on a lot zoned I4 – Central Industrial at 907 Ethel St. Final adoption of the Text Amendment was subject to two conditions of approval. The first condition of approval was that the engineering requirements listed in the Engineering Memo under Schedule "B" be satisfied. The second condition of approval was that final adoption of the Text Amendment be considered in conjunction with a Development Variance Permit for height on the proposed development.

With regards to the first condition of approval, the Engineering Memo specified that all engineering requirements related to the project were to be deferred to Building Permit stage. This requirement remains in force; and therefore, it is asked that this condition of approval be waived at this time. All engineering requirements will continue to be enforced at Building Permit stage. With regards to the second condition of approval, the original development proposal requiring a variance on height has been replaced by a new development proposal that does not require a variance on height—nor any other variance.

Conclusion:

Since the first condition of approval of the Text Amendment remains in force, and the second condition of approval is no longer applicable, it is asked that Council now give final adoption of the Text Amendment.

Submitted by: Aaron Thibeault, Planner II

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

CITY OF KELOWNA

BYLAW NO. 11752

TA18-0010 – 907 Ethel 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 Section 15, I4 – Central Industrial Zone be amended by adding a new section 15.4.7 Site Specific Uses and Regulations in its appropriate location that reads:

15.4.7 Site Specific Uses and Regulations

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

	Legal Description	Civic Address	Regulation
1.	Lot A Section 30 Township 260DYD Plan 18927	907 Ethel Street	To allow Multiple dwelling housing as a permitted Principal Use.

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

Read a first time by the Municipal Council this 4th day of February, 2019.

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

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to C	Council
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Date:	September 28, 2020
То:	Council
From:	City Manager
Subject:	Licence of Occupation – Bellevue Creek Greenway
Department:	Real Estate Services

Recommendation:

THAT Council will agree to acquire the Licence for the term of 30 years from the Province over the land that part of District Lot 357 shown as returned to Crown on Plan 29704 together with those parts of Section 25, Township 28, shown as returned to Crown on Plans 41781, 42853, 35670, KAP53791, and EPP70707, all of Similkameen Division Yale District, containing 1.79 hectares, more or less, for the purpose of use, occupation and maintenance of a local/regional park;

AND THAT the Mayor and City Clerk be authorized to execute the attached Licence of Occupation and Management Plans as outlined in the report from the Real Estate Services Department dated September 28, 2020.

Purpose:

To secure tenure of the crown lands proximate to Bellevue Creek, thereby facilitating construction of a linear park trail connecting Gordon Drive to Lakeshore Road.

Background:

The adaptive re-use initiative associated with the Surtees Heritage Property included construction of a trailhead and parking area to enhance public access to a recently developed public amenity in the form of the Bellevue Creek Greenway. Real Estate Services completed a number of partial acquisitions in the Vintage Terrace area, thereby facilitating construction of the existing trail connecting the Surtees Property on Lakeshore Road to a cul-de-sac on the west end of Kincaid Road.

The contemplated Licence of Occupation grants the City care and control over the crown-owned lands along Bellevue Creek between Kincaid Road and Gordon Drive, thereby enabling the future extension of the Bellevue Creek Greenway in a more park-like setting and in close proximity to Bellevue Creek.

This tenure achieves Kelowna's Linear Parks Master Plan goals of Connections and Ecology by providing trail connections that increase city-wide and neighbourhood connectivity as well as

educational opportunities in environmentally sensitive areas to understand their values, while balancing the accommodation of public access.

The proposed Licence of Occupation carries a term of 30 years, at which time a renewal application would be required. A nominal \$1 fee is associated with the licence term.

Considerations not applicable to this report:

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

Submitted by:	T. Hillis, Property Officer, Real Estate Services
Approved for inclusion:	M. Olson, Manager, Real Estate Services
Attachments:	Schedule A - Licence of Occupation # 3413279 Schedule B - Management Plan #3413279 Schedule C – PowerPoint Presentation



LICENCE OF OCCUPATION

Licence No.:

File No.: 3413279 Disposition No.: 934980

THIS AGREEMENT is dated for reference June 25, 2020 and is made under the Land Act.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the minister responsible for the *Land Act*, Parliament Buildings, Victoria, British Columbia

(the "Province")

AND:

CITY OF KELOWNA 1435 Water St Kelowna, BC V1Y 1J4

(the "Licensee")

The parties agree as follows:

ARTICLE 1 - INTERPRETATION

1.1 In this Agreement,

"Agreement" means this licence of occupation;

"Commencement Date" means June 25, 2020;

"disposition" has the meaning given to it in the Land Act and includes a licence of occupation;

"Fees" means the fees set out in Article 3;

"Hazardous Substances" means any substance which is hazardous to persons, property or the environment, including without limitation

(a) waste, as that term is defined in the *Environmental Management Act*; and

STANDARD LICENCE

Page 1 of 18

- (b) any other hazardous, toxic or other dangerous substance, the use, transportation or release into the environment of which, is now or from time to time prohibited, controlled or regulated under any laws or by any governmental authority, applicable to, or having jurisdiction in relation to, the Land;
- "Improvements" includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under the Land, and attached to it or intended to become a part of it, and also includes any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching of, in, on or under the Land;
- "Land" means that part or those parts of the Crown land either described in, or shown outlined by bold line on, the schedule attached to this Agreement entitled "Legal Description Schedule" except for those parts of the land that, on the Commencement Date, consist of highways (as defined in the *Transportation Act*) and land covered by water;
- **"Realty Taxes"** means all taxes, rates, levies, duties, charges and assessments levied or charged, at any time, by any government authority having jurisdiction which relate to the Land, the Improvements or both of them and which you are liable to pay under applicable laws;
- "Security" means the security referred to in section 6.1 or 6.2, as replaced or supplemented in accordance with section 6.5;

"Term" means the period of time set out in section 2.2;

"we", "us" or "our" refers to the Province alone and never refers to the combination of the Province and the Licensee: that combination is referred to as "the parties"; and

"you" or "your" refers to the Licensee.

- 1.2 In this Agreement, "person" includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law and wherever the singular or masculine form is used in this Agreement it will be construed as the plural or feminine or neuter form, as the case may be, and vice versa where the context or parties require.
- 1.3 The captions and headings contained in this Agreement are for convenience only and do not define or in any way limit the scope or intent of this Agreement.
- 1.4 This Agreement will be interpreted according to the laws of the Province of British Columbia.
- 1.5 Where there is a reference to an enactment of the Province of British Columbia or of Canada in this Agreement, that reference will include a reference to every amendment to it, every regulation made under it and any subsequent enactment of like effect and, unless otherwise

Page 2 of 18

Licence	File No.: 3413279
	Disposition No.: 934980

indicated, all enactments referred to in this Agreement are enactments of the Province of British Columbia.

- 1.6 If any section of this Agreement, or any part of a section, is found to be illegal or unenforceable, that section or part of a section, as the case may be, will be considered separate and severable and the remainder of this Agreement will not be affected and this Agreement will be enforceable to the fullest extent permitted by law.
- 1.7 Each schedule to this Agreement is an integral part of this Agreement as if set out at length in the body of this Agreement.
- 1.8 This Agreement constitutes the entire agreement between the parties and no understanding or agreement, oral or otherwise, exists between the parties with respect to the subject matter of this Agreement except as expressly set out in this Agreement and this Agreement may not be modified except by subsequent agreement in writing between the parties.
- 1.9 Each party will, upon the request of the other, do or cause to be done all lawful acts necessary for the performance of the provisions of this Agreement.
- 1.10 Any liabilities or obligations of either party arising, or to be performed, before or as a result of the termination of this Agreement, and which have not been satisfied or remain unperformed at the termination of this Agreement, any indemnity and any release in our favour and any other provision which specifically states that it will survive the termination of this Agreement, shall survive and not be affected by the expiration of the Term or the termination of this Agreement.
- 1.11 Time is of the essence of this Agreement.
- 1.12 Wherever this Agreement provides that an action may be taken, a consent or approval must be obtained or a determination must be made, then you or we, as the case may be, will act reasonably in taking such action, deciding whether to provide such consent or approval or making such determination; but where this Agreement states that you or we have sole discretion to take an action, provide a consent or approval or make a determination, there will be no requirement to show reasonableness or to act reasonably in taking that action, providing that consent or approval or making that determination.
- 1.13 Any requirement under this Agreement for us to act reasonably shall not require us to act in a manner that is contrary to or inconsistent with any legislation, regulations, Treasury Board directives or other enactments or any policy, directive, executive direction or other such guideline of general application.

ARTICLE 2 - GRANT AND TERM

STANDARD LICENCE

Page 3 of 18

- 2.1 On the terms and conditions set out in this Agreement, we grant you a licence of occupation of the Land for use, occupation and maintenance of a local/regional park purposes, as set out in the Management Plan. You acknowledge this licence of occupation does not grant you exclusive use and occupancy of the Land.
- 2.2 The term of this Agreement commences on the Commencement Date and terminates on the 30th anniversary of that date, or such earlier date provided for in this Agreement. We reserve the right to terminate this Agreement in certain circumstances as expressly provided in this Agreement.

ARTICLE 3 - FEES

3.1 The Fee for the Term is \$1.00, the receipt of which we acknowledge.

ARTICLE 4 - COVENANTS

4.1 You must

- (a) pay, when due,
 - (i) the Fees to us at the address set out in Article 10,
 - (ii) the Realty Taxes, and
 - (iii) all charges for electricity, gas, water and other utilities supplied to the Land for use by you or on your behalf or with your permission;
- (b) deliver to us, immediately upon demand, receipts or other evidence of the payment of Realty Taxes and all other money required to be paid by you under this Agreement;
- (c) observe, abide by and comply with
 - (i) all applicable laws, bylaws, orders, directions, ordinances and regulations of any government authority having jurisdiction in any way affecting your use or occupation of the Land or the Improvements including without limitation all laws, bylaws, orders, directions, ordinances and regulations relating in any way to Hazardous Substances, the environment and human health and safety, and
 - (ii) the provisions of this Agreement;
- (d) in respect of the use of the Land by you or by any person who enters upon or uses the Land as a result of your use of the Land under this Agreement, keep the Land and the

Page 4 of 18

Improvements in a safe, clean and sanitary condition satisfactory to us, and at our written request, rectify any failure to comply with such a covenant by making the Land and the Improvements safe, clean and sanitary;

- (e) not commit any wilful or voluntary waste, spoil or destruction on the Land or do anything on the Land that may be or become a nuisance to an owner or occupier of land in the vicinity of the Land;
- (f) use and occupy the Land only in accordance with and for the purposes set out in the Management Plan;
- (g) not construct, place or affix any Improvement on or to the Land except as permitted in the Management Plan;
- (h) pay all accounts and expenses as they become due for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, except for money that you are required to hold back under the *Builders Lien Act*;
- (i) if any claim of lien over the Land is made under the *Builders Lien Act* for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, immediately take all steps necessary to have the lien discharged, unless the claim of lien is being contested in good faith by you and you have taken the steps necessary to ensure that the claim of lien will not subject the Land or any interest of yours under this Agreement to sale or forfeiture;
- (j) not cut or remove timber on or from the Land without
 - (i) our prior written consent, and
 - (ii) being granted the right under the *Forest Act* to harvest Crown timber on the Land;
- (k) not alter or add to any improvement without our prior written consent;
- (l) ensure all portions of the trail are above the Natural Boundary of Bellevue Creek;
- (m) take all reasonable precautions to avoid disturbing or damaging any archaeological material found on or under the Land and, upon discovering any archaeological material on or under the Land, you must immediately notify the ministry responsible for administering the *Heritage Conservation Act*;
- (n) permit us, or our authorized representatives, to enter on the Land at any time to inspect the Land and the Improvements, including without limitation to test and remove soil, groundwater and other materials and substances, where the inspection may be necessary

Page 5 of 8

or advisable for us to determine whether or not you have complied with your obligations under this Agreement with respect to Hazardous Substances, provided that we take reasonable steps to minimize any disruption of your operations;

(o) indemnify and save us and our servants, employees and agents harmless against all claims, actions, causes of action, losses, damages, costs and liabilities, including fees of solicitors and other professional advisors, arising out of one or more of the following:

- (i) any breach, violation or non-performance of a provision of this Agreement,
- (ii) any conflict between your use of the Land under this Agreement and the lawful use of the Land by any other person, and
- (iii) any personal injury, bodily injury (including death) or property damage occurring or happening on or off the Land by virtue of your entry upon, use or occupation of the Land,

and the amount of all such losses, damages, costs and liabilities will be payable to us immediately upon demand; and

- (p) on the termination of this Agreement,
 - (i) peaceably quit and deliver to us possession of the Land and, subject to paragraphs (ii), (iii) and (iv), the Improvements in a safe, clean and sanitary condition,
 - (ii) within 90 days, remove from the Land any Improvement you want to remove, if the Improvement was placed on or made to the Land by you, is in the nature of a tenant's fixture normally removable by tenants and is not part of a building (other than as a tenant's fixture) or part of the Land and you are not in default of this Agreement,
 - (iii) not remove any Improvement from the Land if you are in default of this Agreement, unless we direct or permit you to do so under paragraph (iv),
 - (iv) remove from the Land any Improvement that we, in writing, direct or permit you to remove, other than any Improvement permitted to be placed on or made to the Land under another disposition, and
 - (v) restore the surface of the Land as nearly as may reasonably be possible, to the condition that the Land was in at the time it originally began to be used for the purposes described in this Agreement, but if you are not directed or permitted to remove an Improvement under paragraph (iii), this paragraph will not apply to that part of the surface of the Land on which that Improvement is located,

STANDARD LICENCE

Page 6 of <u>18</u>

and all of your right, interest and estate in the Land will be absolutely forfeited to us, and to the extent necessary, this covenant will survive the termination of this Agreement.

- 4.2 You will not permit any person who enters upon or uses the Land as a result of your use of the Land under this Agreement to do anything you are restricted from doing under this Article.
- 4.3 You must not use all or any part of the Land
 - (a) for the storage or disposal of any Hazardous Substances; or
 - (b) in any other manner whatsoever which causes or contributes to any Hazardous Substances being added or released on, to or under the Land or into the environment from the Land;

unless

- (c) such storage, disposal, release or other use does not result in your breach of any other provision of this Agreement, including without limitation, your obligation to comply with all laws relating in any way to Hazardous Substances, the environment and human health and safety; and
- (d) we have given our prior written approval to such storage, disposal, release or other use and for certainty any such consent operates only as a consent for the purposes of this section and does not bind, limit, or otherwise affect any other governmental authority from whom any consent, permit or approval may be required.
- 4.4 Despite any other provision of this Agreement you must:
 - (a) on the expiry or earlier termination of this Agreement; and
 - (b) at any time if we request and if you are in breach of your obligations under this Agreement relating to Hazardous Substances;

promptly remove from the Land all Hazardous Substances stored, or disposed of, on the Land, or which have otherwise been added or released on, to or under the Land:

- (c) by you; or
- (d) as a result of the use of the Land under this Agreement;

save and except only to the extent that we have given a prior written approval expressly allowing specified Hazardous Substances to remain on the Land following the expiry of the

STANDARD LICENCE

Page 7 of _ 18

Term.

- 4.5 We may from time to time
 - (a) in the event of the expiry or earlier termination of this Agreement;
 - (b) as a condition of our consideration of any request for consent to an assignment of this Agreement; or
 - (c) if we have a reasonable basis for believing that you are in breach of your obligations under this Agreement relating to Hazardous Substances;

provide you with a written request to investigate the environmental condition of the Land and upon any such request you must promptly obtain, at your cost, and provide us with, a report from a qualified and independent professional who has been approved by us, as to the environmental condition of the Land, the scope of which must be satisfactory to us and which may include all such tests and investigations that such professional may consider to be necessary or advisable to determine whether or not you have complied with your obligations under this Agreement with respect to Hazardous Substances.

4.6 You must at our request from time to time, but not more frequently than annually, provide us with your certificate (and if you are a corporation such certificate must be given by a senior officer) certifying that you are in compliance with all of your obligations under this Agreement pertaining to Hazardous Substances, and that no adverse environmental occurrences have taken place on the Land, other than as disclosed in writing to us.

ARTICLE 5 - LIMITATIONS

- 5.1 You agree with us that
 - (a) in addition to the other reservations and exceptions expressly provided in this Agreement this Agreement is subject to the exceptions and reservations of interests, rights, privileges and titles referred to in section 50 of the *Land Act*;
 - (b) other persons may hold or acquire rights to use the Land in accordance with enactments other than the Land Act or the Ministry of Lands, Parks and Housing Act, including rights held or acquired under the Coal Act, Forest Act, Geothermal Resources Act, Mineral Tenure Act, Petroleum and Natural Gas Act, Range Act, Water Sustainability Act or Wildlife Act (or any prior or subsequent enactment of the Province of British Columbia of like effect); such rights may exist as of the Commencement Date and may be granted or acquired subsequent to the Commencement Date and may affect your use of the Land;

Page 8 of <u>18</u>

acknowledge that your use of the Land may be affected by such interests and the area or boundaries of the Land may change as a result of the granting of such interests;
(d) you have no right to compensation from us and you release us from all claims, actions, causes of action, suits, debts and demands that you now have or may at any time in the future have against us arising out of any conflict between your use of the Land under

(including fee simple interests, leases, statutory rights of way and licences); you

other persons may hold or acquire interests in or over the Land granted under the Land

Act or the Ministry of Lands, Parks and Housing Act; such interests may exist as of the Commencement Date; following the Commencement Date we may grant such interests

- future have against us arising out of any conflict between your use of the Land under this Agreement and any use of, or impact on the Land arising from the exercise, or operation of the interests, rights, privileges and titles described in subsections (a), (b), and (c);
- this Agreement does not limit any right to notice, compensation or any other benefit that you may be entitled to from time to time under the enactments described in subsection (b), or any other applicable enactment;
- (f) you will not commence or maintain proceedings under section 65 of the *Land Act* in respect of any interference with your use of the Land as permitted under this Agreement that arises as a result of the lawful exercise or operation of the interests, rights, privileges and titles described in subsections (a), (b) and (c);
- (g) you will not remove or permit the removal of any Improvement from the Land except as expressly permitted or required under this Agreement;
- (h) any interest you may have in the Improvements ceases to exist and becomes our property upon the termination of this Agreement, except where an Improvement may be removed under paragraph 4.1(p)(ii), (iii) or (iv) in which case any interest you may have in that Improvement ceases to exist and becomes our property if the Improvement is not removed from the Land within the time period set out in paragraph 4.1(p)(ii) or the time period provided for in the direction or permission given under paragraph 4.1(p)(iii); and
- (i) if, after the termination of this Agreement, we permit you to remain in possession of the Land and we accept money from you in respect of such possession, a tenancy from year to year will not be created by implication of law and you will be deemed to be a monthly occupier only subject to all of the provisions of this Agreement, except as to duration, in the absence of a written agreement to the contrary.

ARTICLE 6 - SECURITY AND INSURANCE

6.1 On the Commencement Date, you will deliver to us Security in the amount of \$0.00 which will

Licence

(c)

- (a) guarantee the performance of your obligations under this Agreement;
- (b) be in the form required by us; and
- (c) remain in effect until we certify, in writing, that you have fully performed your obligations under this Agreement.
- 6.2 Despite section 6.1, your obligations under that section are suspended for so long as you maintain in good standing other security acceptable to us to guarantee the performance of your obligations under this Agreement and all other dispositions held by you.
- 6.3 We may use the Security for the payment of any costs and expenses associated with any of your obligations under this Agreement that are not performed by you or to pay any overdue Fees and, if such event occurs, you will, within 30 days of that event, deliver further Security to us in an amount equal to the amount drawn down by us.
- 6.4 After we certify, in writing, that you have fully performed your obligations under this Agreement, we will return to you the Security maintained under section 6.1, less all amounts drawn down by us under section 6.3.
- 6.5 You acknowledge that we may, from time to time, notify you to
 - (a) change the form or amount of the Security; and
 - (b) provide and maintain another form of Security in replacement of or in addition to the Security posted by you under this Agreement;

and you will, within 60 days of receiving such notice, deliver to us written confirmation that the change has been made or the replacement or additional form of Security has been provided by you.

- 6.6 You must
 - (a) without limiting your obligations or liabilities under this Agreement, at your expense, purchase and maintain during the Term the following insurance with insurers licensed to do business in Canada:
 - (i) Commercial General Liability insurance in an amount of not less than \$2,000,000.00 inclusive per occurrence insuring against liability for personal injury, bodily injury (including death) and property damage, including coverage for all accidents or occurrences on the Land or the Improvements. Such policy will include cross liability, liability assumed under contract, provision to provide 30 days advance notice to us of material change or cancellation, and include us as additional insured;

- (b) ensure that all insurance required to be maintained by you under this Agreement is primary and does not require the sharing of any loss by any of our insurers;
- (c) within 10 working days of Commencement Date of this Agreement, provide to us evidence of all required insurance in the form of a completed "Province of British Columbia Certificate of Insurance";
- (d) if the required insurance policy or policies expire or are cancelled before the end of the Term of this Agreement, provide within 10 working days of the cancellation or expiration, evidence of new or renewal policy or policies of all required insurance in the form of a completed "Province of British Columbia Certificate of Insurance";
- (e) notwithstanding subsection (c) or (d) above, if requested by us, provide to us certified copies of the required insurance policies.
- 6.7 We may, acting reasonably, from time to time, require you to
 - (a) change the amount of insurance set out in subsection 6.6(a); and
 - (b) provide and maintain another type or types of insurance in replacement of or in addition to the insurance previously required to be maintained by you under this Agreement;

and you will, within 60 days of receiving such notice, cause the amounts and types to be changed and deliver to us a completed "Province of British Columbia Certificate of Insurance" for all insurance then required to be maintained by you under this Agreement.

- 6.8 You shall provide, maintain, and pay for any additional insurance which you are required by law to carry, or which you consider necessary to insure risks not otherwise covered by the insurance specified in this Agreement in your sole discretion.
- 6.9 You waive all rights of recourse against us with regard to damage to your own property.

ARTICLE 7 - ASSIGNMENT

- 7.1 You must not sublicense, assign, mortgage or transfer this Agreement, or permit any person to use or occupy the Land, without our prior written consent, which consent we may withhold.
- 7.2 Prior to considering a request for our consent under section 7.1, we may require you to meet certain conditions, including without limitation, that you provide us with a report as to the environmental condition of the Land as provided in section 4.5.

STANDARD LICENCE

Page 11 of <u>|</u>§

ARTICLE 8 - TERMINATION

8.1 You agree with us that

Licence

- (a) if you
 - (i) default in the payment of any money payable by you under this Agreement, or
 - (ii) fail to observe, abide by and comply with the provisions of this Agreement (other than the payment of any money payable by you under this Agreement),

and your default or failure continues for 60 days after we give written notice of the default or failure to you,

- (b) if, in our opinion, you fail to make diligent use of the Land for the purposes set out in this Agreement, and your failure continues for 60 days after we give written notice of the failure to you;
- (c) if you
 - (i) become insolvent or make an assignment for the general benefit of your creditors,
 - (ii) commit an act which entitles a person to take action under the *Bankruptcy and Insolvency Act* (Canada) or a bankruptcy petition is filed or presented against you or you consent to the filing of the petition or a decree is entered by a court of competent jurisdiction adjudging you bankrupt under any law relating to bankruptcy or insolvency, or
 - (iii) voluntarily enter into an arrangement with your creditors;
- (d) if you are a corporation,
 - (i) a receiver or receiver-manager is appointed to administer or carry on your business, or
 - (ii) an order is made, a resolution passed or a petition filed for your liquidation or winding up;
- (e) if you are a society, you convert into a company in accordance with the *Society Act* without our prior written consent;
- (f) if this Agreement is taken in execution or attachment by any person; or

STANDARD LICENCE

Page 12 of _____8___

(g) if we require the Land for our own use or, in our opinion, it is in the public interest to cancel this Agreement and we have given you 60 days' written notice of such requirement or opinion;

this Agreement will, at our option and with or without entry, terminate and your right to use and occupy the Land will cease.

- 8.2 If the condition complained of (other than the payment of any money payable by you under this Agreement) reasonably requires more time to cure than 60 days, you will be deemed to have complied with the remedying of it if you commence remedying or curing the condition within 60 days and diligently complete the same.
- 8.3 You agree with us that
 - (a) you will make no claim against us for compensation, in damages or otherwise, upon the lawful termination of this Agreement under section 8.1; and
 - (b) our remedies under this Article are in addition to those available to us under the *Land Act*.

ARTICLE 9 - DISPUTE RESOLUTION

- 9.1 If any dispute arises under this Agreement, the parties will make all reasonable efforts to resolve the dispute within 60 days of the dispute arising (or within such other time period agreed to by the parties) and, subject to applicable laws, provide candid and timely disclosure to each other of all relevant facts, information and documents to facilitate those efforts.
- 9.2 Subject to section 9.5, if a dispute under this Agreement cannot be resolved under section 9.1, we or you may refer the dispute to arbitration conducted by a sole arbitrator appointed pursuant to the *Commercial Arbitration Act*.
- 9.3 The cost of the arbitration referred to in section 9.2 will be shared equally by the parties and the arbitration will be governed by the laws of the Province of British Columbia.
- 9.4 The arbitration will be conducted at our offices (or the offices of our authorized representative) in Kamloops, British Columbia, and if we or our authorized representative have no office in Kamloops, British Columbia, then our offices (or the offices of our authorized representative) that are closest to Kamloops, British Columbia.
- 9.5 A dispute under this Agreement in respect of a matter within our sole discretion cannot, unless we agree, be referred to arbitration as set out in section 9.2.

STANDARD LICENCE

Page 13 of 18

ARTICLE 10 - NOTICE

10.1 Any notice required to be given by either party to the other will be deemed to be given if mailed by prepaid registered mail in Canada or delivered to the address of the other as follows:

to us

MINISTRY OF FORESTS, LANDS, NATURAL RESOURCE OPERATIONS AND RURAL DEVELOPMENT 441 Columbia Street Kamloops, BC V2C 2T3;

to you

CITY OF KELOWNA 1435 Water St Kelowna, BC V1Y 1J4;

or at such other address as a party may, from time to time, direct in writing, and any such notice will be deemed to have been received if delivered, on the day of delivery, and if mailed, 7 days after the time of mailing, except in the case of mail interruption in which case actual receipt is required.

- 10.2 In order to expedite the delivery of any notice required to be given by either party to the other, a concurrent facsimile copy of any notice will, where possible, be provided to the other party but nothing in this section, and specifically the lack of delivery of a facsimile copy of any notice, will affect the deemed delivery provided in section 10.1.
- 10.3 The delivery of all money payable to us under this Agreement will be effected by hand, courier or prepaid regular mail to the address specified above, or by any other payment procedure agreed to by the parties, such deliveries to be effective on actual receipt.

ARTICLE 11 - MISCELLANEOUS

11.1 No provision of this Agreement will be considered to have been waived unless the waiver is in writing, and a waiver of a breach of a provision of this Agreement will not be construed as or constitute a waiver of any further or other breach of the same or any other provision of this Agreement, and a consent or approval to any act requiring consent or approval will not waive or render unnecessary the requirement to obtain consent or approval to any subsequent same or similar act.

Page 14 of 18

- 11.2 No remedy conferred upon or reserved to us under this Agreement is exclusive of any other remedy in this Agreement or provided by law, but that remedy will be in addition to all other remedies in this Agreement or then existing at law, in equity or by statute.
- 11.3 The grant of a sublicence, assignment or transfer of this Agreement does not release you from your obligation to observe and perform all the provisions of this Agreement on your part to be observed and performed unless we specifically release you from such obligation in our consent to the sublicence, assignment or transfer of this Agreement.
- 11.4 This Agreement extends to, is binding upon and enures to the benefit of the parties, their heirs, executors, administrators, successors and permitted assigns.
- 11.5 If, due to a strike, lockout, labour dispute, act of God, inability to obtain labour or materials, law, ordinance, rule, regulation or order of a competent governmental authority, enemy or hostile action, civil commotion, fire or other casualty or any condition or cause beyond your reasonable control, other than normal weather conditions, you are delayed in performing any of your obligations under this Agreement, the time for the performance of that obligation will be extended by a period of time equal to the period of time of the delay so long as
 - (a) you give notice to us within 30 days of the commencement of the delay setting forth the nature of the delay and an estimated time frame for the performance of your obligation; and
 - (b) you diligently attempt to remove the delay.
- 11.6 You acknowledge and agree with us that
 - (a) this Agreement has been granted to you on the basis that you accept the Land on an "as is" basis;
 - (b) without limitation we have not made, and you have not relied upon, any representation or warranty from us as to
 - (i) the suitability of the Land for any particular use, including the use permitted by this Agreement;
 - (ii) the condition of the Land (including surface and groundwater), environmental or otherwise, including the presence of or absence of any toxic, hazardous, dangerous or potentially dangerous substances on or under the Land and the current and past uses of the Land and any surrounding land and whether or not the Land is susceptible to erosion or flooding;
 - (iii) the general condition and state of all utilities or other systems on or under the Land or which serve the Land;

Page 15 of 18

- (iv) the zoning of the Land and the bylaws of any government authority which relate to the development, use and occupation of the Land; and
- (v) the application of any federal or Provincial enactment or law to the Land;
- (c) you have been afforded a reasonable opportunity to inspect the Land or to carry out such other audits, investigations, tests and surveys as you consider necessary to investigate those matters set out in subsection (b) to your satisfaction before entering into this Agreement;
- (d) you waive, to the extent permitted by law, the requirement if any, for us to provide you with a "site profile" under the *Environmental Management Act* or any regulations made under that act;
- (e) we are under no obligation, express or implied, to provide financial assistance or to contribute toward the cost of servicing, creating or developing the Land or the Improvements and you are solely responsible for all costs and expenses associated with your use of the Land and the Improvements for the purposes set out in this Agreement; and
- (f) we are under no obligation to provide access or services to the Land or to maintain or improve existing access roads.
- 11.7 You agree with us that nothing in this Agreement constitutes you as our agent, joint venturer or partner or gives you any authority or power to bind us in any way.
- 11.8 This Agreement does not override or affect any powers, privileges or immunities to which you are entitled under any enactment of the Province of British Columbia.

The parties have executed this Agreement as of the date of reference of this Agreement.

Page 16 of 18

File No.: 3413279 Disposition No.: 934980

SIGNED on behalf of **HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA** by the minister responsible for the *Land Act*

or the minister's authorized representative

Minister responsible for the *Land Act* or the minister's authorized representative

SIGNED on behalf of CITY OF KELOWNA By its authorized signatories

Authorized Signatory

Authorized Signatory

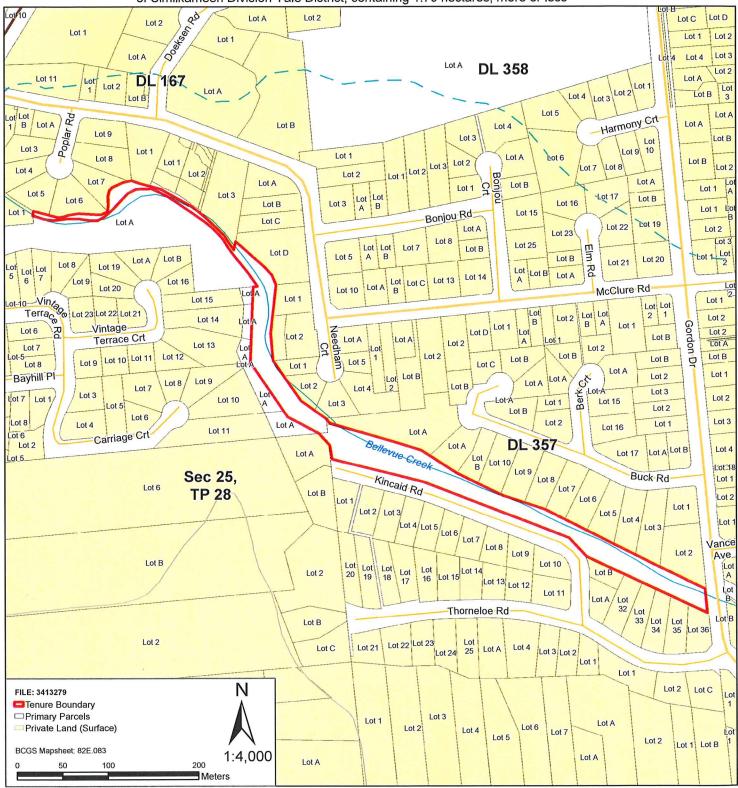
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Page 17 of <u>18</u>

File No. 3413279 Disposition No. 934980

LEGAL DESCRIPTION SCHEDULE

That part of District Lot 357 shown as returned to Crown on Plan 29704 together with those parts of Section 25, Township 28, shown as returned to Crown on Plans 41781, 42853, 35670, KAP53791 and EPP70707, all of Similkameen Division Yale District, containing 1.79 hectares, more or less



MANAGEMENT PLAN

FILE # 3413279

DID #: 934980

PURPOSE: Local/Regional Park- Trail and greenway.

LEGAL DESCRIPTION: That part of District Lot 357 shown as returned to Crown on Plan 29704, together with those parts of Section 25, Township 28, shown as returned to Crown on Plans 41781, 42853, 35670, KAP 53791 and EPP70707, all of Similkameen Division Yale District, containing 1.79 hectares, more or less.

Any future alterations or additions to the improvements will require our prior written consent.

This document supersedes any earlier Management Plans. The signature of the Province's authorized representative is solely for the purpose of acknowledging the Province's acceptance of this document as the Management Plan for Local/Regional Park- trail and greenway purposes, and does not represent a certification by the Province or its signatory of any factual content or acceptance of professional responsibility by the Province's signatory for any advice or analysis contained in this document.

ACCEPTED and SIGNED by

This Management Plan has been approved by the Ministry of Forest, Lands, Natural Resource Operations and Rural Development :

Authorized Signatory

Authorized Signatory

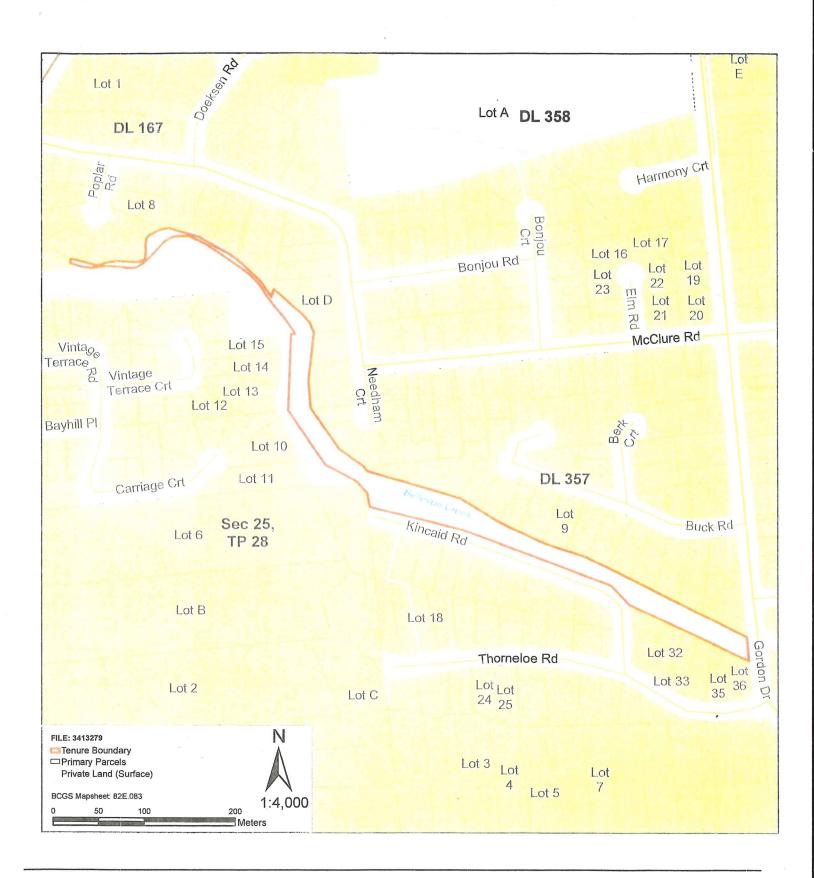
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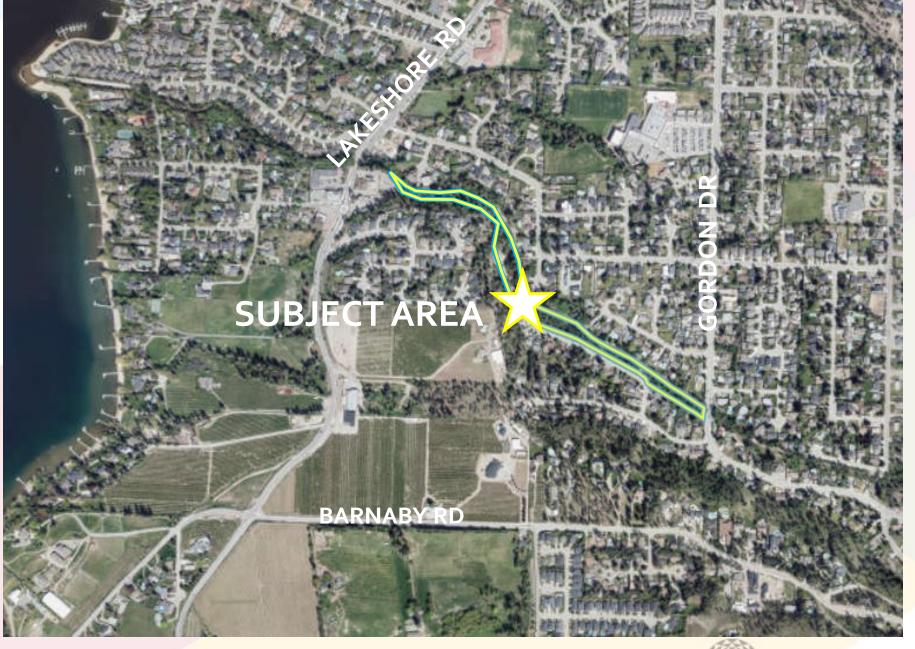
MANAGEMENT PLAN



LOCAL/REGIONAL PARK

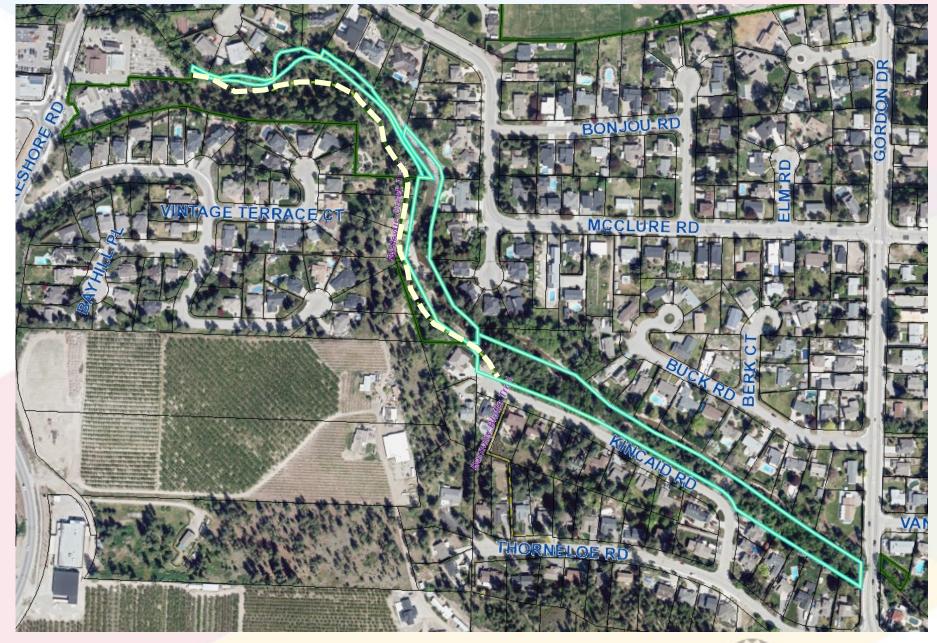
Page 2 of 2.

Licence of Occupation Bellevue Creek Greenway



Context Map

City of Kelowna



Licence of Occupation Area



Transaction Summary

Type:
Rationale:
Cost:
Term:

Licence of Occupation Park/Trail N/A 30 Years



"The City will pursue inter-governmental partnerships with federal, provincial and/or, regional governments to achieve public benefits." Strategy 4.2 2018 Land Strategy



Date:	September 28, 2020
То:	Council
From:	City Manager
Subject:	Active Transportation Capital Projects – Budget Amendments
Department:	Integrated Transportation

Recommendation:

THAT Council receives, for information, the report from the Integrated Transportation Department dated September 28, 2020, with regards to the Active Transportation Capital Projects – Budget Amendments;

AND THAT the 2020 Financial Plan be amended to reflect the \$500,000 in grant funding received from the BC Active Transportation Infrastructure Grant to support the Ethel 3C DCC (Rose – Raymer) Active Transportation Corridor (ATC) project;

AND THAT the 2020 Financial Plan be amended to include the new Casorso 4 DCC (Raymer Ave - KLO Rd) ATC project, funded from a transfer of \$150,000 from the Ethel 3C DCC ATC project;

AND THAT the 2020 Financial Plan be amended to add \$60,000 to Casorso 3 DCC (KLO Rd - Barrera Rd) ATC project funded from a transfer from the Ethel 3C DCC ATC project;

AND THAT the 2020 Financial Plan be amended to include the new Abbott (Rose Ave - Cedar Ave) protected bike lane project, funded from a transfer of \$100,000 from the Ethel 3C DCC ATC project;

AND FURTHER THAT the 2020 Financial Plan be amended to include the new Houghton 2 DCC (Hollywood Rd - Rutland Rd) ATC project, funded from a transfer of \$50,000 from the Ethel 3C DCC ATC project.

Purpose:

To amend the 2020 Financial Plan to accept \$500,000 in grant funding and transfer funds from Ethel 3C DCC to accelerate the design and public engagement of various active transportation projects.

Background:

The federal government has recently announced 3.3 billion dollars in funding through the new *Investing in COVID-19 Community Resilience* stream within the existing *Investing in Canada Plan* program.^[1] The new funding stream includes improvement of active transportation infrastructure as a funding priority (up to 80% of eligible project costs), however, also requires substantial completion of construction by the end of 2021, favoring projects that have advanced their planning and design. The selection of projects will be coordinated between the provincial and federal governments.

In anticipation of this opportunity, Staff are working to accelerate design on a number of active transportation projects to position the City to deliver a competitive series of grant applications over the coming months.

As part of the 2020 capital budget, Council approved \$2,700,000 for the detailed design and construction of the Ethel 3C DCC (Rose – Raymer) ATC project. In 2020, the City applied for and received a BC Active Transportation Infrastructure Grant for the Ethel 3C project. A budget amendment is needed to bring the \$500,000 of grant funding into the budget for the Ethel 3C project. The \$500,000 is requested to be added to the \$2,700,000 that was previously budgeted.

Surplus project funds are requested to be transferred to fund the following emerging transportation projects:

Casorso 4 DCC (Raymer Ave - KLO Rd), ATC Project

This project continues the Ethel ATC from Raymer to KLO, connecting to future phases of the Casorso ATC south of KLO and provides improved connections to Okanagan College and Pandosy Village Urban Center. Staff are requesting a transfer of \$60,000 from Ethel 3C project, to develop detailed design and to complete public engagement to support future project delivery.

Casorso 3 DCC (KLO Rd - Barrera Rd) ATC Project

This project continues the same corridor referenced above, connecting south from KLO and provides improved connections to Barrera and the existing ATC network to the south, including Lakeshore ATC and Gordon to the H2O Centre. Staff are requesting a transfer of \$150,000 from the Ethel 3C project, to develop a concept design and public engagement to support future project delivery.

Abbott (Rose Ave - Cedar Ave) Protected Bike Lane Pilot Project

This project continues the Abbott ATC from Kelowna General Hospital to the Pandosy Village Urban Center, using interim materials and strategies, to bring a protected bicycle facility to one of the most heavily used links in Kelowna's bike network. Staff are requesting a transfer of \$100,000 from the Ethel 3C project, to develop detailed design and conduct public engagement to support future project delivery.

Houghton 2 DCC (Hollywood Rd - Rutland Rd) ATC Project

The project extends the Houghton ATC east, from its current end point at Hollywood Rd to Rutland Rd completing the connection to the Rutland Urban Center and Transit Exchange. Staff are requesting a

^[1] Infrastructure Canada - Investing in COVID-19 Community Resilience (2020, August 19). Government of Canada. Retrieved September 11, 2020, from https://www.infrastructure.gc.ca/plan/covid-19-resilience-eng.html

transfer of \$50,000 from Ethel 3C project, to develop concept design and conduct public engagement to support future project delivery.

Financial/Budgetary Considerations:

Summary of Estimated Budget Transfer from Ethel 3C surplus:

	Original	Addition	Total
Capital Project	Budget	Required	Required
Casorso 4 DCC (Raymer Ave - KLO Rd), ATC Project	\$ 15,000	\$ 60,000	\$ 75,000
Casorso 3 DCC (KLO Rd - Barrera Rd) ATC Project	\$0	\$ 150,000	\$150,000
Abbott (Rose Ave - Cedar Ave) Protected Bike Lane Project	\$0	\$100,000	\$100,000
Houghton 2 DCC (Hollywood Rd - Rutland Rd) ATC Project	\$ 0	<u>\$ 50,000</u>	\$ 50,000

Estimated Total Transfers to Other Projects

\$ 360,000

Internal Circulation:

Community Communications Financial Planning Financial Services Infrastructure Infrastructure Delivery Infrastructure Engineering Integrated Transportation

Considerations not applicable to this report:

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

Submitted by: M. Worona, New Mobility Specialist

Reviewed and Approved by: R. Villarreal, Department Manager, Integrated Transportation

Approved for inclusion:



A. Newcombe, Divisional Director, Infrastructure

cc: Deputy City Manager Divisional Director, Corporate Strategic Services Divisional Director, Financial Services Divisional Director, Infrastructure





Date:	September 28, 2020
То:	Council
From:	City Manager
Subject:	Water Rates 2021 - Agricultural
Department:	Utility Services

Recommendation:

THAT Council receive for information the report from the Utility Services Department, dated September 28, 2020, regarding Water Utility rates for Agriculture for 2021;

AND THAT Council direct staff to report with an amending bylaw for reading consideration to enact an Agricultural water rate of \$120 per acre along with tiered rates for exceeding a property's water allotment beginning January 1, 2021, as outlined in the report from the Utility Services Department, dated September 28, 2020.

Purpose:

To set the 2021 water rate for Agriculture for the Kelowna Water Utility.

Background:

On June 15, 2020 staff recommended a comprehensive set of water rates for all City of Kelowna water customers to begin January 1, 2021. This adjustment included a rate increase of 6% for all non-farm properties. The fixed fee allotment rate for Agriculture (farm status properties) had a proposed increase from \$96.30 (originally set in 2019) to \$120 per acre. Council requested that staff consult with the Agricultural Advisory Committee (AAC) on agricultural water rates prior to bringing back final 2021 rates for Council consideration and bylaw approval.

Staff engaged the AAC on the topic of agricultural water rates on July 9, 2020.

In addition to the per acre rate, the AAC reviewed the proposed tiered rates for users that exceed their allotment as outlined in the table below:

	Rates (\$ per acre)	
Kelowna 2021	Glenmore-Ellison Irrigation District 2020	Greater Vernon Water 2020
\$120.00	\$122.00	\$126.69

	"Over Allotment" Rates (\$ per cubic metre)		
Percentage over allotment	Kelowna 2021	Glenmore-Ellison Irrigation District	Greater Vernon Water 2020
		2020	
0-19.99% over	\$0.30	\$0.50	\$0.45
20 – 49.99% over	\$0.60	\$1.00	\$0.90
50% + over	\$1.00	\$1.50	\$1.79

Discussion:

Public and stakeholder engagement with the agriculture community was undertaken from 2017 to 2019 to ensure the rate structure was aligned with the priorities and values of this unique user group.

The recommended agricultural rate itself was based on two principles from Water Supply Policy 383, specifically "*Pricing of water for agricultural purposes will reflect the community's support and will be set to be competitive with agricultural water rates in the Okanagan Valley.*"

The recommended agricultural rate was set to keep water costs for Kelowna farmers fair and competitive within the Okanagan valley. In 2021 the proposed rates are expected to be the lowest in the valley while remaining relatively close to the costs paid by other farmers within the City of Kelowna (regardless of water provider).

The pricing for agricultural water is subsidized by the remaining (non-farm) water users within the City which demonstrates considerable support and value for farming in our community. Depending on the year, farming will consume 35 to 40 percent of all water produced and sold by the City water utility while revenues from farming will account for approximately four percent of service revenues. Another perspective is that non-farm revenues for water will amount to \$0.95 to \$1.00 per cubic metre produced while farm revenues will typically range from \$0.06 to \$0.07 per cubic metre based on the proposed \$120 per acre rate.

The AAC agreed that the proposed rate of \$120 per acre is fair, however there was concern that the increase from \$96.30 was too quick and should be spread over time. The AAC passed the following resolution for Council's consideration:

"THAT after consultation with staff the AAC supports the proposed agricultural water rate of \$120 per acre. This rate should be implemented progressively over three years starting in 2021."

Spreading the increase over three years would result in a recommended 2021 agricultural water rate of \$105.93 per acre.

As the city water utility is fully self-funded projected revenues must match projected expenses. Spreading the rate increase for the Agricultural class over three years with 10 percent annual adjustments leaves a shortfall in Utility revenue requiring a corresponding increase in non-farm rates

from the approved 6.0 percent increase to a 6.5 percent increase. This will further increase the water subsidy for farming.

Conclusion:

The recommended rate of \$120 per acre, while a significant increase from the 2019/2020 rate, is expected to remain the lowest in the Okanagan and as a result is impacting the regional rates. It will see Kelowna utility farmers pay close to the same rate as their city neighbours being serviced by the Irrigation Districts and maintain the 2021 water rate increase for all other utility customers at six percent.

Spreading the agricultural rate increase over a longer period of time will impact the rate increases of all other customers.

Internal Circulation:

Financial Planning Manager, Financial Services Budget Supervisor Controller, Financial Services Revenue Supervisor, Financial Services Communications Consultant, Communications

Considerations applicable to this report:

Financial/Budgetary Considerations:

The 2021 Financial Plan will include the anticipated additional revenues for the new fees and rate adjustments outlined in this report.

Considerations not applicable to this report:

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

Submitted by:

K. Van Vliet, Utility Services Manager

Approved for inclusion:



K. Van Vliet, Acting Director Civic Operations

cc:

A. Schumacher, Revenue Supervisor

M. Antunes, Acting Financial Planning Manager

K. Kay, Communications



Date:	September 28, 2020
То:	Council
From:	City Manager
Subject:	Community Safety Plan
Department:	Corporate and Protective Services – Community Safety

Recommendation:

THAT Council receives, for information, the report from the Director of Community Safety, dated September 28, 2020, regarding the Community Safety Plan;

AND THAT Council endorses the draft Community Safety Plan Terms of Reference as provided in the report from the Director of Community Safety, dated September 28, 2020.

AND THAT Council directs staff to move forward with the development of the Community Safety Plan.

Purpose:

To present information on the development of a Community Safety Plan, including the draft Terms of Reference for a Steering Committee, for endorsement by City Council.

Background:

Community safety is identified as a top priority for citizens and City Council. Council has publicly committed to develop a community safety plan to generate shared ownership, vision and action among the range of government ministries and community organizations critical to community safety. Kelowna's Community Safety Plan (CSP) will form the basis for an overall multi-pronged, systems-based approach improve community safety in our City, which includes improving residents' sense of safety. Among other, a CSP will provide a framework to:

- engage and align relevant community stakeholders, systems and partners;
- identify and validate community safety issues and priorities;
- uncover local assets and identify risk factors underlying local community safety issues;
- outline tangible, evidence-based actions through multi-system / agency approaches; and
- develop new ways of measuring, monitoring and reporting progress.

The development of the City of Kelowna Community Safety Plan will be guided by the following overarching project objectives:

- Activate future partnerships to deliver community safety strategies and outcomes, while also building future governance for ongoing coordination and integration from systems leaders.
- Confirm the scope of the police role in delivering on community safety strategies and outcomes and the roles of other agencies engaged in community safety.
- Ensure evidence-based actions and meaningful, multi-sectoral metrics exist within the Community Safety Plan.
- Align with existing City of Kelowna commitments and outcomes for community well-being and inclusion (e.g. Journey Home Strategy, Healthy Housing Strategy, Imagine Kelowna).

Fundamental in the CSP is the acknowledgement and understanding that safety and security must involve the broader public, private and civil sectors and include meaningful involvement of those most affected.

Discussion:

Community safety is a priority in Kelowna as we continue to grapple with increasing crime in our community. Since 2017 when Ontario legislated municipalities to develop and implement community safety plans, they have become increasingly common across Canada. There is no single approach or form that CSPs take though all seek to engage a cross-section of government and non-governmental leaders in a process designed to establish a shared vision and a shared action plan for change. Other principles and considerations that will shape the development of a made-in Kelowna CSP follow:

- Community safety and crime reduction are not the responsibilities of police, alone. Shared ownership and responsibility among "upstream" systems/partners, among other, is critical to ensure individuals, families and communities experiencing risk factors are identified earlier, and receiving timelier, targeted and effective preventative supports before requiring urgent and costly intervention/emergency response.
- Broad based senior leadership is essential to the success and sustainability of city-wide community safety efforts. As such, a Steering Committee comprised of senior government designates with responsibilities for systems/institutions relevant to a Kelowna CSP will be relied upon to develop and champion a shared vision for change.
- A Kelowna CSP will align with existing local social policy work (i.e., Imagine Kelowna, Healthy Cities Initiative, Social Policy Framework and Journey Home Strategy) completed/underway, but not overlap or duplicate.
- The Project Management Team (PMT) and Steering Committee will rely on existing data from a range of credible sources, including partnering agencies, to develop the relevant profile of our community, identify and validate community safety issues, and to drive the development of tangible, evidence-based and action-oriented responses.
- The CSP process will build upon, but not duplicate, results from recent and relevant stakeholder engagements (i.e., Imagine Kelowna, Journey Home Strategy, tiered policing review, Intelligent Cities, and community safety survey); therefore, focused and timely engagement strategies will be employed.

- A Kelowna CSP will vigilantly maintain a direct line of sight to community safety outcomes including reduced crime and victimization, along with increased sense of safety (from crime).
 - The risk factors and root causes affecting community safety are broad and often multigenerational. Identifying issues and actions that are most directly linked to current community issues and those most likely to have the desired impacts in the short to medium term will be the focus.

Once the CSP is complete, an RCMP-specific plan will be developed to update its now expired 2016-2019 Crime Reduction Strategy, with emphasis on community policing, crime prevention, organizational efficiency and effectiveness, as well as goals/objectives and tangible actions to support the completed CSP. In the interim, the RCMP will continue to accountably deliver and report on priorities outlined in its Annual Performance Plan (2020/21) which includes priorities set by the City.

Process:

A Project Management Team comprised of MNP, Community Safety Department staff, RCMP staff and the City's Communications Division will provide the necessary support and management of the project. Developing a draft CSP will also rely on the expertise and active contribution of a Steering Committee, comprised of representatives from government agencies positioned to leverage the systems-based changes necessary to enhance community safety in our City. Supported and directed by the PMT, the Steering Committee will provide advice and guidance throughout the development of a draft CSP for Council consideration and approval.

In addition to research and engagement through the Steering Committee, stakeholder engagement will include a range of organizations / agencies representing the business and social sectors, Indigenous Peoples, faith groups, seniors, youth, people with lived experience and more. The general public will have an opportunity for input. Council will also be engaged through a "workshop" to drive the development of strategic directions and actions for the Plan and will receive regular updates throughout the process.

Timeline:



Internal Circulation:

Jim Gabriel, Divisional Director – Active Living & Culture Carla Weaden, Divisional Director – Corporate Strategic Services Sue Wheeler, Social Development Manager Insp. Dale Somerville, Acting OIC – Kelowna Regional RCMP

Considerations applicable to this report:

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

Considerations not applicable to this report:

Submitted by: Darren Caul, Community Safety Director

Approved for inclusion:

Stu Leatherdale, Division Director

Attachments:

Community Safety Plan – Steering Committee Terms of Reference

Terms of Reference



COMMUNITY SAFETY PLAN – STEERING COMMITTEE

1. Introduction

Community safety is a priority for Kelowna residents and City Council. <u>City Council Priorities (2019-2022)</u> have mandated a focused effort toward three results:

- 1. Crime rates are decreasing;
- 2. Residents feel safe; and
- 3. Data and analysis is used to understand problems and target solutions.

Council is committed to the development and implementation of a Community Safety Plan (CSP). A CSP forms the basis of an overall strategy to employ a multi-pronged, systems-based approach in Kelowna. Among other, a CSP will provide a framework to:

- engage and align relevant community stakeholders, systems and partners;
- identify and validate community safety issues and priorities;
- uncover local assets and identify the risk factors underlying local community safety issues;
- outline tangible, evidence-based actions through multi-system / agency approaches; and
- develop new ways of measuring, monitoring and reporting progress.

2. Committee Objective

Supported by a dedicated Project Management Team (PMT), the Steering Committee will provide advice and guidance to steer the development of a draft CSP for consideration and approval by City Council. A second objective is to develop a shared vision for change including a common understanding of the problem(s) and joint approaches to solving the problem(s) through agreed upon actions.

3. Scope of Work

The CSP will provide a strategic framework reflecting a multi-pronged systems-based approach, and comprised of pillars / outcomes, strategies, priorities, tangible and action-based initiatives, as well as measures and a governance structure supporting implementation.

The Steering Committee may provide advice, input and feedback on matters relating to community safety, crime prevention and the sense of safety in the City of Kelowna. Its work will be accomplished by:

- Engaging and coordinating relevant systems and partners to identify, validate and prioritize community safety issues and priorities;
- Enabling open communication across systems;

- •
- Developing mutually reinforcing activities; and Developing new ways of measuring, monitoring and reporting results. •

4. Membership

Member organizations will be invited to participate on the Steering Committee. Individual representatives will be appointed by their respective agencies / organizations in consultation with senior City staff.

The composition of the Steering Committee is designed primarily to bring together leaders of systems with inputs and impacts on community safety in Kelowna, while recognizing the many important voices of diverse stakeholders and partners in community safety. To provide representation from the varied governmental systems community safety and social service sectors, while also ensuring the Committee should consist of nine member organizations derived asfollows:

- One (1) senior / executive member of each of the following stakeholders/partners:
 - City of Kelowna Corporate and Protective Services Division;
 - Interior Health (2);
 - RCMP;
 - Relevant Provincial Ministries; and
 - School District #23.

In the event of a vacancy occurring during the term, the vacancy shall be filled for the remainder of that term by the Member agency / organization.

Members of the Committee shall serve without remuneration by the City of Kelowna, although honorarium may be considered.

5. Member Qualifications

The following are considered to be minimum qualifications to serve on the Steering Committee:

- senior / executive representative with the requisite authority, responsibility and mandate to represent the Ministry / Agency;
- commitment to the objectives of a CSP;
- understands the range of business units within his/her organization, particularly as they relate to and impact community safety;
- able to appropriately distribute information about the plan development and engage other staff within his/her organization so as to add value and input representative of the entire organization
- systems-based thinking: understands the role of varied systems/sectors as they relate to and impact community safety;
- understands and embodies approaches that enable collective impact including a commitment to develop a shared vision, openness to new approaches and partnerships, as well as consistent and open communication;
- ability to objectively review and discuss complex and sensitive system-based situations and solutions; and
- knowledge of relevant and impacting legislation.

6. Member Roles and Responsibilities

Guided by a Project Management Team, Members will steer the development of a draft CSP for consideration and approval by City Council. Members will be available and committed for the duration of the project, expected to be September 2020 to April 2021. Member responsibilities include:

- Attend the estimated six meetings or, in the case of unavoidable absence, appoint and adequately prepare a knowledgeable designate;
- Engage others within their respective organizations, and beyond, to advance Committee objectives;
- Ensure adequate reporting / communications internal to their respective organizations;
- Facilitate timely responses to assigned tasks or situations requiring internal consultation / authority to advance;
- Actively promote a culture of openness to candid and constructive dialogue in the spirit of enhancing cross-system relationships, collaboration and problem-solving; and

7. Meeting Dates and Deadlines

Meeting dates will be set by September 21 for the duration of 2020. A Project Plan will be carefully followed with dates / deadlines adhered to or vigilantly updated, as necessary. Current Planis:

Phase 1: Organization	August to mid-September
Phase 2: Collect and Analyze Information	Mid-September to mid-October
Phase 3: Develop Strategic Directions and Actions	Mid-October to November
Phase 4: Develop Priorities, Actions, Timelines and Metrics	January to February 2021 Phase
5: Draft and Finalize Community Safety Plan	March to April 2021

Generally, meetings will be held monthly in City Hall with appropriate physical distancing measures in place and/or appropriate virtual participation options available.

Meeting agendas and materials will be prepared by the CSP Project Management Team and circulated at least three full business days before each meeting.

Meeting Minutes, or an acceptable alternative (i.e., Decision and Action Log) will be prepared by the City of Kelowna within three full business days after each meeting.

8. Secretariat / Staff Support

A Project Management Team comprised of City of Kelowna and RCMP staff, with support from MNP (contracted agency for this project) will support all administrative and technical aspects of the Committee's work.



Community Safety Plan

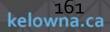
September 28, 2020



Community Safety Plan development for Council consideration

City Council Priorities (2019-2022) focus on Community Safety Results

crime rates are decreasing;
residents feel safe; and
data and analysis are used to understand problems and target solutions.



Objectives

- activate partnerships to deliver community safety strategies & outcomes;
- confirm the scope of police in delivering community safety strategies;
- confirm roles of other agencies engaged in community safety;
- develop and deliver evidence-based actions with meaningful metrics; and
- align with existing City of Kelowna commitments.

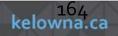
Systems-Based Approach

- engage & align relevant stakeholders, systems & partners;
- identify and validate community safety issues & priorities;
- uncover local assets & risk factors underlying local safety issues;
- outline evidence-based actions; and
- develop performance metrics & reporting progress.



Governance & Support





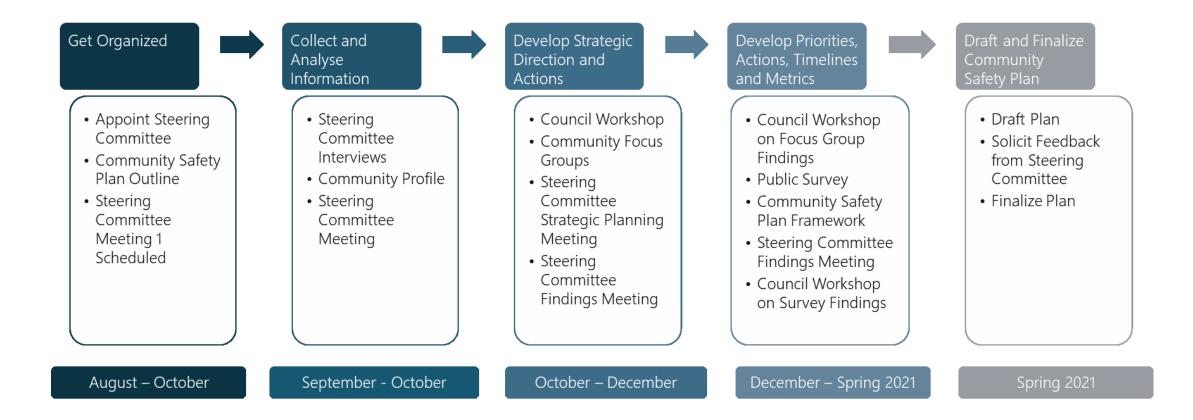
Steering Committee

- Designed to bring together leaders of systems integral to enhancing community safety in our City
- Develop a shared vision for change, a common understanding of problems and joint approaches to solutions through agreed upon actions





Milestones





Questions?

For more information, visit kelowna.ca.





Date:	September 28,2020
То:	Council
From:	City Manager
Subject:	2040 OCP Infill Strategy and RU7 Lessons Learned
Department:	Policy & Planning

Recommendation:

THAT Council receives for information, the report from the Policy & Planning Department, dated September 28, 2020;

AND THAT Council direct staff to proceed with the proposed projects to support the 2040 Draft OCP Infill Housing Strategy in 2020-2021 as described in the report from Policy and Planning on September 28,2020.

Purpose:

Review lessons learned from the Infill Challenge pilot project and identify future actions to support the infill housing targets of the 2040 OCP Growth Strategy.

Background:

A major pillar of the draft 2040 OCP is to promote housing diversity by increasing the share of development in Kelowna's Core Area Neighbourhoods over the next twenty years. The draft 2040 OCP growth strategy projects roughly 25 per cent of future growth in the form of infill housing in the Core Area Neighbourhoods. To accommodate this amount of development in a way that improves the quality of life in these areas will require new policies and regulations alongside investment from the City.

Through the City's Infill Challenge pilot project, roughly 800 lots within the City's Core Area Neighbourhoods were pre-zoned to RU7 in early 2017. The Infill Challenge process and RU7 implementation represent Kelowna's most ambitious efforts to promote housing diversity and infill to date. Through the Infill Challenge, the City piloted various policy tools and approaches to promote infill housing. Lessons learned from this process are intended to inform strategic directions for infill in the 2040 OCP.

In addition, the directions of this report reflect public consultation undertaken regarding infill housing approaches. As part of this consultation, staff hosted four interactive stakeholder workshops in summer

2019 to determine successes and challenges of the RU7 implementation as well as infill objectives for the 2040 OCP. The workshops brought together neighbourhood representatives, local design professionals, and members of the development community to consider infill housing options to support the 2040 OCP growth scenario targets. The findings from these consultations are integrated into the lessons learned section and highlight the opportunity to create infill housing that is supported by both the development community, design professionals and local neighbourhood organizations.

Discussion:

This review of the lessons learned from the Infill Challenge and RU7 implementation will assist staff in adapting policies and regulations to support the implementation of the 2040 OCP. The analysis reflects building permit and real estate statistics, technical analysis as well as engagement with staff, local neighbourhood representatives and the development community completed through the 2040 OCP process.

In reviewing the lessons learned for the Infill Challenge and RU7 implementation, there were several insights related to the market demand for missing middle housing in Kelowna. A critical takeaway from the RU7 implementation is that of the 800 lots pre-zoned, roughly 250 building permits have been issued for ground-oriented housing units, demonstrating considerable market interest for new infill housing. The RU7 zone encouraged designs with four units (1,200-1,500 sq. ft.) on a lot, a form of housing that was challenging to develop prior to the RU7 implementation. The median sales price for these smaller ground-oriented units was \$539,000 from 2017-19. Although these units are not "affordable," they do reflect a price point that is attainable for many middle-income households (\$75,000-\$130,000). In addition, the RU7 projects have resulted in different tenure configurations (e.g. owner occupied, rental etc.). As of 2019, 14 per cent of the units are owner occupied, indicating that the RU7 zone has resulted in the development of a considerable number of middle housing rental units, a form of housing not typically built in the Core Area prior to the RU7 implementation. Overall, the RU7 implementation demonstrates a strong demand for new infill housing types and the potential for these units to promote housing diversity in the Core Area neighbourhoods.

The Infill Challenge and RU7 implementation also provided staff with an opportunity to better understand the impact of different policy tools on infill housing.

- *Pre-zoning:* The development community indicated pre-zoning was a key ingredient to the success of the RU7 pilot, facilitating a shorter development application process.
- *Pre-approved Plans:* The simplified process attracted interest from the development community including small-scale builders and developers that may have been discouraged by a more complex rezoning and OCP amendment process.
- *Deferred Revenue:* RU7 projects have contributed roughly \$1.65 million in deferred revenue for Local Street urbanization works as of early 2020; however, without a formal strategy to deliver urbanization projects it will be challenging to leverage these monies in the future.

Through the Infill Challenge/RU7 implementation and the Infill Housing Strategy stakeholder workshops, several future directions for infill housing emerged:

- *Pace of Neighbourhood Change*: The workshop participants felt there was a disconnect between the level of change as a result of infill housing and level of civic investment allocated to position these areas for heightened livability.
- *Streetscape & Urbanization*: All the participants from the Infill Strategy workshops emphasized that urbanized streetscapes with street trees, boulevards, and continuous sidewalks are integral to the success of infill in Core Area neighbourhoods.
- *Design Excellence*: Through the Infill Challenge competition, pre-approved plans were considered the minimum standard for design excellence; however, many of the applications that did not use the pre-approved plans failed to deliver the design quality envisioned.
- *Parking Requirements:* Through OCP Infill Strategy workshops, reduced parking requirements were supported which highlighted opportunities to explore more 'car-lite' infill housing in Core Area neighbourhoods well served by transit, protected bike lanes and car share.

Emerging Best Practices for Infill Housing

Recently, a number of cities throughout North America have implemented comprehensive strategies to promote infill housing and create more inclusive and sustainable communities. The following highlights of recent infill strategies are provided:

- *City of Portland, Residential Infill Project:* This suite of housing updates rezoned upwards of 90 per cent of the city's single detached housing areas to support middle housing (up to six units per lot) subject to minimum lot sizes, while also making off-street parking optional.
- *City of Minneapolis, 2040 Zoning Plan:* The City up-zoned much of the City's low-density residential areas that previously only allowed single-family housing to allow triplexes, effectively tripling Minneapolis' future housing potential.
- *City of Seattle, Accessory Dwelling Unit Legislation:* New regulations made it easier to build up to 2 accessory dwelling units (e.g. suites and backyard cottages) on 75 per cent of low-density residential lots, while also lowering the maximum size of new single-detached homes.
- *Coquitlam, Housing Choices Program:* Updates to the zoning bylaw and new OCP designations have made it easier to build triplex and fourplexes subject to minimum lot sizes.

Summary of Lessons Learned

The implementation of the Ru7 Zone demonstrated the strong demand for new forms of infill housing in Kelowna. The high level of interest from the development community translated into roughly 200-250 attainable infill housing units being constructed since 2017 that were not previously permitted in the Core Area. However, the implementation of the RU7 Zone has also demonstrated some of the challenges associated with infill. Specifically, the lack of sidewalks and street trees on many streets in the Core Area detracts from the walkability and livability of these neighbourhoods. Furthermore, the absence of a formal City strategy to leverage the existing \$1.65 million in deferred revenue collected for urban infrastructure points to the broader challenge of delivering the amenities (street trees, sidewalks, and parks etc.,) required to support urban neighbourhoods. In summary, the Infill Challenge / RU7

implementation and recent infill initiatives in other jurisdiction offer inspiration as the City looks ahead to the implementation of the infill housing goals of the Draft 2040 OCP.

2040 OCP Infill Housing Strategy Next Steps

The Infill Challenge pilot project demonstrated the City's ability to take a leadership role to encourage infill development. The implementation of the RU7 Zone also provided insights as to new directions for the City's Infill Housing strategy in the coming years. Through the RU7 implementation and 2040 OCP engagement, staff identified three projects (subject to Council Consideration) to advance in late 2020 and continue through 2021 to promote infill housing and support the City's 2040 OCP Growth Scenario.

Proposed Projects

- **Zoning Bylaw Update:** As part of Zoning Bylaw updates to support draft 2040 OCP implementation, staff will be reviewing regulations and considering opportunities for prezoning in 2020-21 to promote infill (e.g., number of units, parking, and lot size etc.) in Core Area Neighbourhoods.
- Infill Challenge Competition 2.0: Explore potential for a second infill housing design competition led by the City in partnership with the development community to establish a new infill housing area (e.g. areas without lanes) with new pre-approved designs. Key activities in 2020-2021 could include the following: partnership development, design competition planning, and establishing an infill competition design review panel.
- Local Street Urbanization Project: This pilot project would explore alternative project delivery strategies to tackle local street urbanization (e.g. sidewalks, street trees, and stormwater) in the Core Area. Funding for urbanization projects would likely include a mix of deferred revenue, local area service bylaw funding and taxation dollars. Key activities in 2020-2021 could include local street design concepts and costing estimates, neighbourhood outreach, council check-in and a 2022 capital plan submission. If successful, this pilot project in the RU7 area could be expanded to other local streets in the Core Area providing a new approach to delivering streetscape improvements in areas that are receiving infill.

Conclusion:

Moving forward, the draft 2040 OCP proposes a significant increase in the amount of development in Kelowna's Core Area Neighbourhoods. To achieve the 2040 OCP infill housing targets the City will need to adapt policies and zoning regulations to encourage new forms of infill housing, while enhancing the livability of Core Area neighbourhoods. The City's Infill Challenge project and 2019 stakeholder workshops provide insight as to how the City can encourage a greater level of infill housing as well as current challenges that will need to be resolved to provide a high quality of life to citizens of the city's Core Area Neighbourhoods in the years ahead.

Internal Circulation: Development Planning Policy and Planning Integrated Transportation Development Engineering

Considerations applicable to this report: *Existing Policy:*

Official Community Plan

Policy .2

Compact urban form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities through development, conversion and redevelopment within Urban Centres in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Financial Implications:

Infill Housing Competition

A modest budget of \$15,000 would support promotions as well as a cash prize to attract participation in the design competition. Staff would explore opportunities for partnership with other groups to reduce the financial burden on the City.

Local Street Urbanization Pilot Project

In 2020-2021, staff would develop conceptual designs and high-level costing estimates for local street urbanization works within existing budgets. Capital works would likely occur in subsequent years 2022-2023 and therefore Capital Plan submission would occur once design and costing work as well as neighbourhood outreach is completed in 2021.

Submitted by: R. Soward, Policy & Planning

Approved for inclusion:

J. Moore, Manager, Long Range Policy Planning



Lessons Learned for Infill Housing in the 2040 OCP

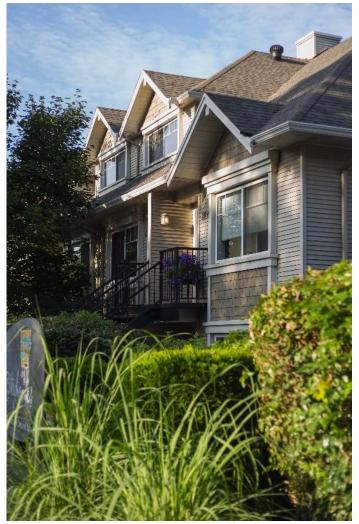
Policy & Planning Department – September 28, 2020

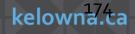


Purpose of Report

- Review Infill Challenge & RU7 lessons learned
- Share outcomes from OCP Infill engagement
- Identify next steps to implement Draft 2040 OCP infill objectives







Infill Challenge Goals



- Promote infill housing
- Enhance housing diversity
- Support Growth Management Strategy

Kelowna posted Jun 1, 2016 @ 06:00am by Anita Sthankiya

Kelowna welcomes unique housing concept

Listen to this article now 02:55 Powered by Trinity Audio

The City of Kelowna is hoping to help solve the housing crunch within the city with a new project that will see new forms of housing in the urban core area.

Infill housing is the addition of new housing units to existing neighbourhoods and is an effective way to combat urban sprawl, while building resilient neighbourhoods with access to services. The city launched an innovative competition called the Infill Challenge, calling for new designs for select parts of Kelowna.



Kelowna boosts inner city density with infill housing plan

New zoning will allow two smaller homes and two carriage houses all in one building on regular-sized lots in some neighbourhoods.

ALISTAIR WATERS / Nov. 15, 2016 5:00 p.m. / NEWS

f 💟 🔂 🖻 🖨 🛇



Kelowna city council has given initial approval to a sweeping new initiative aimed at squeezing more housing onto existing city lots, a move city staff says will not only create more needed housing but also provide more housing options here.

One of the designs chosen for infill housing in Kelowna containing four homes—two smaller

To start, the Infill Challenge Initiative will allow four homes — two smaller than regular homes and two carriage houses all in one building — to be built on



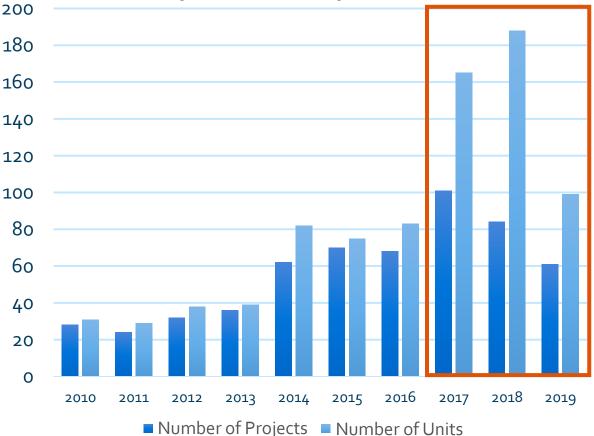
Lessons Learned: Market for Infill Housing



 RU7 pre-zoning took place in early 2017
 High level of interest in new infill housing

form

Development Activity in RU7 Areas



kelown¹⁷⁶.ca

Lessons Learned: Market for Infill Housing



- Resulted in smaller ground-oriented units
- Attainable for middle income households



Median Price of RU7 Units \$539,000



Lessons Learned: Market for Infill Housing

- Flexible zone allows for different tenure configurations
- Resulted in new middle housing long-term rentals







kelow

Lessons Learned: Policy Tools



kelown¹⁷.2a

- Pre-zoning facilitated a shorter development application process.
- Pre-approved Plans attracted interest from developers.
- Deferred Revenue, new approach needed to deliver improvements.



Pre-approved plans





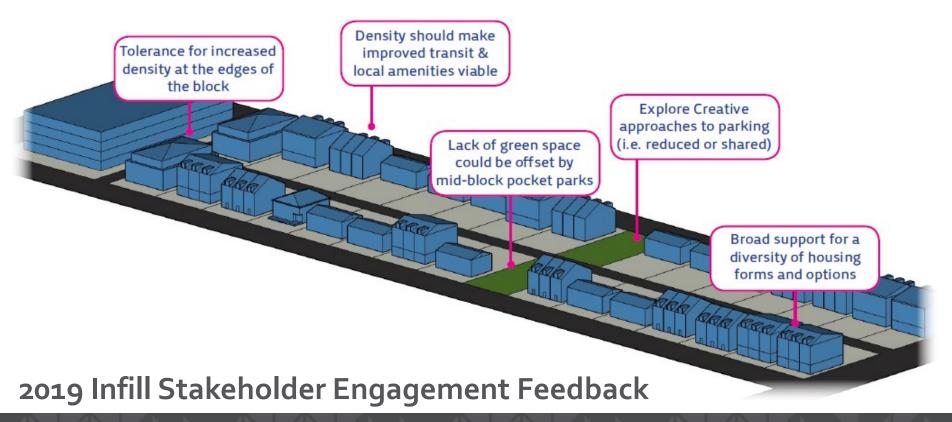
OCP Infill Engagement

- Diversity of groups participated
- Informs OCP infill approach
- Design-oriented workshops

Directions from Infill Engagement



All participants supported greater density
 New forms of infill housing beyond RU7





Directions from Engagement



Neighbourhood change & civic InvestmentStreetscapes & urbanization









Directions from Engagement

- Design excellence
- Car-lite development

Infill Best Practices

- City of Portland: 90 per cent of areas allow up to six units per lot with optional off-street parking.
- City of Minneapolis: up-zoned residential areas to allow triplexes.
- Coquitlam: New regulations allow three and four units per lot.





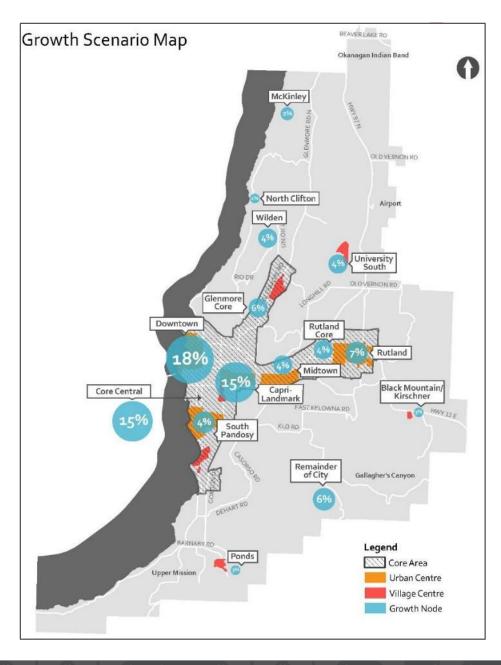




- Infill Challenge Competition 2.0: Explore design competition for new infill housing area.
- Local Street Urbanization Project: Test alternative project delivery strategies for streetscape improvements.
- Zoning Bylaw Update: Review infill housing regulations and consider opportunities for pre-zoning in 2020-21.

Conclusion

- Infill is central to 2040 OCP Growth Strategy
- Requires new policy and bylaw updates
- Lessons learned will guide OCP implementation





Report to Council



Date:	September 28, 2020	
То:	Council	
From:	City Manager	
Subject:	COVID-19 Pandemic Delegations of Authority Supplemental Rep	ort
Department:	Office of the City Clerk	

Recommendation:

THAT Council receives, for information, the Report from the Office of the City Clerk dated September 28, 2020 recommending that Council adopt Bylaw No. 12109;

AND THAT Bylaw No. 12109, being Removal of Temporary Delegation of Authority Bylaw, be forwarded for reading consideration.

Purpose:

To remove temporary delegations of authority for Development Planning and Real Estate related to the COVID-19 pandemic.

Background:

On Monday September 14, 2020, Council directed staff to bring forward amendments to Development Application Procedures Bylaw No. 10540 and Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11550 to remove the temporary delegations of authority related to the COVID-19 pandemic.

Discussion:

Approved in spring 2020, the temporary delegations of authority were to allow Council and staff to focus on emerging priorities related to the COVID-19 pandemic while allowing regular business to proceed.

Three of the authorities delegated to the Divisional Director of Planning & Development Services were used, while the others were not needed based on applications and real estate transactions that came forward as well as Council's ability to continue meeting.

Conclusion:

With removal of the delegations of authority, Council will consider form and character development permits, requests to extend bylaw deadlines, liquor license applications, and real estate transactions that are not otherwise delegated.

Considerations not applicable to this report:

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

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: D. Gilchrist, City Manager

cc:

D. Edstrom, Divisional Director, Partnership & Investments

R. Smith, Divisional Director, Planning & Development Services

CITY OF KELOWNA

BYLAW NO. 12109

Removal of Temporary Delegation of Authority Bylaw

Being Amendment No. 8 Development Application Procedures Bylaw No. 10540 Amendment No. 2 Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Application Procedures Bylaw No. 10540 and the Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250 be amended as follows:

1. THAT Development Application Procedures Bylaw No. 10540, Section 1 – Introduction, 1.4 Definitions, 1.4.1 be amended by deleting the following:

'Divisional Director of Planning and Development Services' means the person appointed as such and includes selected designate(s);

2. AND THAT Development Application Procedures Bylaw No. 10540, Section 2 – General Provisions, 2.3 Delegation of Authority be amended by deleting the following:

"2.3.6 Temporary Delegation of Authority

Pursuant to Section 154(1)(b) of the *Community Charter*, **Council** delegates to the **Divisional Director of Planning** and **Development Services**:

- a) The powers of **Council** under section 490 of the *Local Government Act* to issue, to refuse and to amend **Development Permits** in respect of **Development Permit** areas established by an **Official Community Plan**, notwithstanding the restrictions on delegation identified in Schedule 3 of this bylaw;
- b) The powers of **Council** to require that the applicant provide security for the purposes of section 502 of the *Local Government Act*, to establish the conditions of the permit, and to determine whether such requirements and conditions have been met;
- c) The powers of **Council** under section 15(1) of the *Community Charter* to issue, to amend, and to set conditions for permits for the placement of dwellings for the accommodation of temporary farm workers, in accordance with the *Agricultural Land Commission Act* and Regulations, notwithstanding the restrictions on delegation identified in Schedule 9 of this bylaw; and
- d) The powers of **Council** to extend, to a maximum of six (6) months, the deadline of a bylaw that has received third reading provided no previous extension requests have been made.
- e) The powers of Council to gather the views of residents and provide local government input to the Liquor and Cannabis Regulation Branch on liquor license applications that do not contravene the public interest and are consistent with Council Policy No. 359 Liquor Licensing Policy & Procedures.

Until May 31, 2020 or until the Government of British Columbia lifts orders restricting the gathering of people, whichever is the later."

- 3. THAT Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250, Section 1 Introduction, 1.2 Definitions, 1.2.1 be amended by deleting the following:
 - a) "City Clerk" means the individual appointed by Council as the officer assigned the responsibility of corporate administration of the City of Kelowna, or their lawful deputy."
 - b) "City Manager" means the individual appointed by Council as the City Manager or who holds the position of chief administrative officer of the City of Kelowna, or their lawful deputy."
 - c) "Divisional Director, Partnership and Investments" means the person appointed as such and includes selected designate(s)."
- 4. AND THAT Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250, Section 2 – Authorized Signatories for Specific Real Property Transactions be amended by deleting the following:
 - "2.7 The City Manager and the Divisional Director, Partnership and Investments are authorized to approve on behalf of the City, transactions of up to a maximum of \$8,000,000 and the Mayor and City Clerk are authorized to execute contracts, agreements and other documents necessary or desirable to complete these transactions for projects approved by Council until May 31, 2020 or until the Government of British Columbia lifts orders restricting the gathering of people, whichever is later.
 - 2.8 The **Divisional Director, Partnership and Investments** is authorized to approve and execute on behalf of the **City**, transactions for general and project-based acquisitions and dispositions of property up to a maximum value of \$500,000 until May 30, 2020 or until the Government of British Columbia lifts orders restricting the gathering of people, whichever is the later."
- 5. This bylaw may be cited for all purposes as "Removal of Temporary Delegation of Authority Bylaw No. 12109."
- 6. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



Date:	September 28, 2020
То:	Council
From:	City Manager
Subject:	Heritage Advisory Committee Terms of Reference and Heritage Approvals
Department:	Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated September 28, 2020 with respect to the Heritage Advisory Committee Terms of Reference and heritage approvals.

Purpose:

To receive information on the Heritage Advisory Committee Terms of Reference and approvals for heritage applications.

Background:

The Heritage Advisory Committee (HAC) is an advisory committee of Council and operates within the Terms of Reference endorsed by Council. The HAC for the 2018-2022 Council term was appointed in July 2019 and has met four times since being established¹.

Heritage applications include heritage alteration permits (HAPs), heritage designations, heritage revitalization agreements (HRAs), and heritage register requests. Other types of development applications, such as OCP amendments and rezonings, may also affect heritage property. Heritage Procedures Bylaw No. 11185 establishes application procedures and delegates certain approval authorities for heritage applications.

On August 24, Council directed staff to bring forward the HAC Terms of Reference and outline the types of heritage applications that are considered by Council and those that are considered by staff.

¹ Advisory committee duties were suspended from March 23, 2020 to June 15, 2020 due to the pandemic.

Discussion:

Heritage Advisory Committee

The HAC considers and advises Council on matters related to heritage protection and conservation, specifically development and conservation with respect to heritage property. The Committee's scope of work generally involves making recommendations to Council or staff (for delegated approvals) on heritage-related development applications, including HRAs, heritage designations, heritage register requests, and certain HAPs. The Committee also considers OCP amendments and rezoning applications associated with OCP amendments within the Heritage Conservation Areas.

Recommendations are to be informed by supporting plans, policies, and guidelines. Advisory Committees of Council have no decision-making authority, and as such the HAC does <u>not</u> approve (or turn down) heritage-related development applications.

The HAC consists of five voting members and two alternates appointed by Council based on their experience and qualifications. Meetings are held monthly, provided there are agenda items, and are open to the public. For applications, staff present the application and the applicant has the opportunity to speak to the item. Attachment A contains the full HAC Terms of Reference.

Heritage Application Approvals

Heritage designations and HRAs are approved by bylaw and require a public hearing, and therefore are considered by Council. The HAC provides recommendations to Council based on relevant plans and policies. Heritage register requests (addition, change, or removal) are approved by Council resolution and are generally brought forward to Council on an annual basis, unless special circumstances require individual consideration. The HAC evaluates and makes recommendations on heritage register requests based on the established evaluation criteria, which consider the architectural history, cultural history, context, and integrity.

Through Heritage Procedures Bylaw No. 11185, Council has delegated approval of some HAPs to the Development Planning Department Manager, as follows:

For property in the Abbott Street or Marshall Street Heritage Conservation Areas, the delegation is limited to:

- a) Development on a property zoned for single or two dwelling housing; and
- b) Applications that do not require variances.

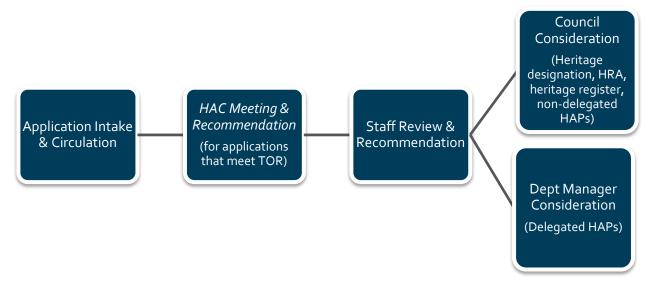
For protected heritage property², the delegation is limited to:

- a) Non-structural alterations to a heritage building (e.g., replacing windows, doors, roof); or
- b) Changes to the exterior finish of a heritage building (e.g., painting, period lighting); or
- c) Site alteration requests (e.g., adding or removing vegetation, relocating parking); and
- d) Applications that do not require variances.

² Protected heritage property means a property subject to a Heritage Designation Bylaw, Heritage Revitalization Agreement, or a Heritage Conservation Covenant.

All other HAPs require Council approval and would be considered by Council at either a Monday afternoon meeting (without variances) or a Tuesday regular meeting (with variances). The HAC makes recommendations on HAPs based on relevant policies and guidelines, including the Heritage Conservation Area Guidelines.

The flowchart below outlines the typical process for a heritage application, with different approval streams based on the type of application and relevant authority.



Conclusion:

The HAC currently considers and provides recommendations to Council or staff on heritage applications as outlined in the Terms of Reference. The HAC's recommendations are included in the staff report to Council or the Department Manager for consideration in the approval process. Similar to other types of development applications, approvals for some types of HAPs are delegated to staff by bylaw. All other heritage applications, as well as those HAPs that are not delegated, are considered by Council.

Internal Circulation:

Planning & Development Services Division

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act, s. 590 Bylaw and permit procedures

(1) A local government may, by bylaw, define procedures under which a person may apply for an amendment to a bylaw under this Part or for the issue of a permit under this Part.

Local Government Act, s. 598 Community heritage register

(1) A local government may, by resolution, establish a community heritage register that identifies real property that is considered by the local government to be heritage property.

Considerations not applicable to this report: Legal/Statutory Procedural Requirements: Existing Policy: Financial/Budgetary Considerations: External Agency/Public Comments: Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

Attachments Attachment A: Heritage Advisory Committee Terms of Reference

CC:

R. Smith, Divisional Director, Planning & Development Services

Terms of Reference



HERITAGE ADVISORY COMMITTEE

1. Introduction

The Heritage Advisory Committee (HAC) advises Council on matters related to heritage protection and conservation. The Committee advises on development and conservation matters with respect to heritage property.

The HAC functions as an **Advisory Committee** of Council.

2. Objective

The primary objective of the HAC is to advise Council on heritage-related development applications.

The Committee may also advise on other matters related to the heritage significance of any building, structure or landscape feature located within City limits.

3. Scope of Work

The HAC may make recommendations to Council on matters relating to a building, structure or landscape feature having possible heritage significance to the City of Kelowna including:

- Applications for review prior to consideration by Council
 - Heritage Revitalization Agreements;
 - Heritage Designation Bylaws;
 - Heritage Conservation Covenants;
 - Major Heritage Alteration Permits;
 - Heritage Register requests;
 - Official Community Plan Amendment and associated Rezoning applications within a Heritage Conservation Area; and
 - Other applications at the discretion of Council
- Major Heritage Alteration Permits* processed by Community Planning staff; specifically applications that propose:
 - Subdivision with creation of a new lot;
 - Demolition of 30 m² or more that is visible from a street;
 - An addition of 30 m² or more that is visible from a street;
 - A new structure that is visible from a street; or
 - Other Heritage Alteration Permit applications at the discretion of Council.
- Other matters as referred by Council

*Minor Heritage Alteration Permits will be processed by Community Planning staff and will not be forwarded to the HAC for consideration.

4. Criteria

Committee members are expected to be familiar with supporting plans, policies and guidelines to inform recommendations on applications and other matters. These will be provided in the orientation binder.

Consideration will be given to the Heritage Conservation Area Guidelines in the City of Kelowna Official Community Plan and the Abbott Street & Marwill Street Heritage Conservation Areas Development Guidelines when reviewing Heritage Alteration Permits.

5. Membership

In order to provide the expertise required to advise on development applications, the membership of the Committee will consist of five (5) voting members derived as follows:

- Three technical experts with professional expertise in the areas of design, planning or construction, where preference will be given to those with related heritage experience; and
- Two heritage experts with expertise in the areas of historical information or conservation.

Two alternates <u>may</u> be appointed to replace regular members unable to attend Committee meetings. Alternates will be chosen from the design and heritage communities at large.

Where insufficient members can be identified to represent the specific expertise identified above, additional members may be appointed from the community at large.

6. Qualifications

The following are considered to be minimum qualifications to serve on the Committee:

- preference will be given to residents of or business owners in the city of Kelowna;
- available to attend most HAC meetings;
- commitment to the HAC's objectives;
- ability to objectively review complex applications and planning considerations;
- understanding of the heritage planning framework including, but not limited to, Kelowna's Official Community Plan, Zoning Bylaw, Local Government Act; and
- access to a computer and an email address to receive and respond to communications and information including meeting packages.

7. Appointment and Term

The Committee will run concurrent with the four year Council term. Members will be appointed by Council.

Council may, at any time, remove any member of the Committee and any member of the Committee may resign at any time upon sending written notice to the Chairperson of the Committee. In the event of a vacancy occurring during a regular term of office, the vacancy may be filled for the remainder of that term upon resolution of Council.

Committee members who are absent for three consecutive meetings will forfeit their appointment, unless such absence is authorized by motion of the Committee.

Members of the Committee will serve without remuneration.

8. Chairperson

Unless appointed by Council the Committee will elect the Chairperson and, if applicable, Vice Chair annually. In the absence of the Chairperson and Vice Chairperson, the Committee may elect an Acting Chairperson from those members present at that meeting.

The Chair may appoint sub-committees to deal with any special matters coming within the scope and jurisdiction of the Committee. Any sub-committee so created will report to the Committee.

All committee members will be provided a training session by the City on procedures for Committees of Council.

9. Meeting Procedures

The Chairperson will call meetings of the Committee on a monthly basis unless there are no items to be reviewed in a particular month. Generally, all meetings will be held on the third Thursday of each month in City Hall. Alternate dates may occur where special circumstances demand.

The Committee will recognize that each meeting can require a significant commitment of staff resources and meetings should therefore be held when there are clear items of business to address in accordance with the scope of work. Committee members are expected to be familiar with the relevant materials and come to meetings prepared to discuss the agenda items.

A special meeting may be called by the Chairperson, or at the request of any three members of the Committee. Notice of the day, hour, and place of special meeting will be given at least three days prior to the meeting, by providing a copy of the notice for each member of the Committee and the Office of the City Clerk for posting.

Unless otherwise authorized by the *Community Charter* or City of Kelowna Council Procedure Bylaw No. 9200, as amended or replaced from time to time, all meetings will be held in open session and in a location accessible to the public.

A majority of the Committee members, three, will represent a quorum. A meeting will not proceed if a quorum cannot be achieved. Members must make a reasonable effort to notify the staff liaison at least two working days before the meeting if they are unable to attend.

The order of business is to be set out in an agenda package to be provided to the Committee members in advance of the meeting date. Items for the agenda, including presentation materials, will be forwarded electronically to the Office of the City Clerk at least seven complete working days prior to the meeting date for agenda preparation and posting for the public on the City's website.

Minutes of the meetings will be prepared by the Office of the City Clerk and signed by the Committee Chair or Acting Chair for the meeting for which the minutes pertain. Originals of the minutes will be forwarded to the City Clerk for safekeeping. Once adopted, minutes will be posted for public viewing on the City's website.

Conflict of Interest

Committee members must abide by the conflict of interest provisions of the *Community Charter* and City of Kelowna Council Procedure Bylaw No. 9200, as amended or replaced from time to time.

Members who have a direct or indirect pecuniary interest in a matter under discussion are not permitted to participate in the discussion of the matter or to vote on a question in respect of the matter. They must declare their conflict and state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect of the matter.

Voting

Committee members have a responsibility to make decisions based on the "criteria" established in Section 4, above.

All Committee members, including the Chair, vote on every motion unless they have declared a conflict and left the meeting. Members who do not indicate their vote, or have left the meeting without declaring a conflict, are counted as having voted in favour of the question. If the votes are equal for and against, the question is defeated.

Comments in Public or to the Media

When speaking in public or to the media on an issue, Committee members must distinguish whether they are speaking as a member of the Committee, a representative of another agency or community group, or as an individual. Committee members need to convey the public interest and remember that they represent the Corporation of the City of Kelowna.

10. Scheduled Delegations

If an application is a scheduled item on the meeting agenda, and following the presentation of the application by staff, the applicant will have the opportunity to speak to the item and/or answer questions from the committee to a maximum of five (5) minutes.

The Committee may, from time to time, invite resource people or delegations to participate in a Committee meeting. Individuals or delegations must be authorized by the City Manager and identified in advance as an item on the meeting agenda.

11. Reporting to Council

Where appropriate, recommendations of the Committee will be adopted by a motion of the Committee prior to consideration by Council. Unless otherwise directed, the **Community Planning Department** or the **Policy & Planning Department** will forward the Committee recommendations to Council as part of a comprehensive report on the issue, development proposal or bylaw.

The staff liaison will provide status updates on applications the Committee has considered through regular reporting of decisions of Council to the committee.

The Office of the City Clerk will forward the Committee Agendas and Minutes electronically for circulation to all Council members.

12. Budget

The routine operations and any special initiatives of the Committee will be funded by allocations within the Community Planning and Strategic Initiatives Division budget.

13. Staff Support

Community Planning and **Policy and Planning** will provide the staff liaison and technical support for the Committee.

Support functions include the following:

- forwarding all agenda items to the Office of the City Clerk at least seven working days prior to the meeting date for agenda preparation and posting as a public notice;
- receiving all correspondence, and preparing correspondence and reports on behalf of the Committee;
- reviewing and returning draft minutes to the Office of the City Clerk to finalize prior to adoption by the Committee;
- reporting back to the Committee with status updates on applications the Committee has considered;
- maintaining a list of outstanding issues for Committee action in accordance with the Committee's scope of work and Council's direction; and
- providing all members with a detailed orientation binder at the beginning of the term, including a 'cheat sheet' of planning terms. This binder is to be returned to staff at the end of the term.

The **Office of the City Clerk** will provide meeting management and recording support for the Committee.

Support functions include the following:

- organizing and preparing the meeting agendas, in conjunction with the Chair and staff liaison;
- receiving and organizing all agenda-related presentation materials and/or hand-outs prior to the meeting date for inclusion in the agenda package;
- distributing the agenda packages to committee members;
- posting all meeting notices and agendas for the public in accordance with the statutory timelines;

- preparing draft minutes, and providing the final minutes to the City Clerk and staff liaison;
- maintaining the records of the Committee, including posting and retaining minutes for the public record;
- circulating agendas and minutes electronically to all members of Council; and
- providing an annual check-in with the Committee, including meeting management training as necessary

The Office of the City Clerk, in conjunction with the staff liaison, will initiate recommendations to Council for Committee appointments and maintain an updated list of appointees, including the date they were appointed.

Endorsed by Council: November 18, 2002 Revised & Endorsed by Council: October 19, 2009 Revised & Endorsed by Council: February 27, 2012 Revised & Endorsed by Council: December 14, 2015 Revised & Endorsed by Council: December 10, 2018



HAC Terms of Reference & Heritage Approvals

September 28, 2020





Heritage Advisory Committee

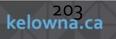
- Advisory committee of Council
- Operates under Terms of Reference
- Considers & makes <u>recommendations</u> on heritage applications
 - HRAs, heritage designations, heritage register, some HAPs
 - Based on relevant plans, policies, and guidelines
- ▶ 5 members & 2 alternate members appointed by Council



Heritage Application Approvals

Application procedures established by bylaw

- Council approval:
 - Heritage designations & HRAs (bylaw & public hearing)
 - Heritage register (resolution)
 - Some HAPs (major projects, variances)
- Department Manager delegated approval:
 - Some HAPs (minor projects, no variances)





Delegated Approvals

Property in the Heritage Conservation Areas:

- Property zoned for single or two dwelling housing
- No variances
- Protected heritage property*:
 - Non-structural alterations (e.g., replacing windows or doors)
 - Changes to exterior finish (e.g., painting)
 - Site alterations (e.g., landscaping)
 - No variances
- All other HAPs are considered by Council

* Property with heritage designation bylaw, HRA, or heritage conservation covenant



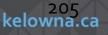
Application & Approval Process



Council Consideration (Heritage designation,

HRA, heritage register, nondelegated HAPs)

Dept Manager Consideration (Delegated HAPs)





Questions?

For more information, visit kelowna.ca.