

City of Kelowna
Regular Council Meeting
AGENDA



Monday, November 2, 2020
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

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

2. Confirmation of Minutes

3 - 7

PM Meeting - October 26, 2020

3. Development Application Reports & Related Bylaws

3.1. Byrns Rd 2090 - OCP20-0005 Z20-0011 - 0966447 BC Ltd., Inc.No.BC0966447, Gurjeet Johal, Meena Johal

8 - 55

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

To consider a Staff recommendation to NOT amend the Official Community Plan or rezone the subject property that would facilitate future commercial development.

3.2. Gerstmar Rd 605 - Z20-0081 (BL12112) - KTMP Holdings Ltd., Inc.No. A0092290

56 - 73

To rezone the subject property to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision.

3.3. Gerstmar Rd 605 - BL12112 (Z20-0081) - KTMP Holdings Ltd., Inc.No. A0092290

74 - 74

To give Bylaw No. 12112 first reading in order to rezone the subject property to the RU2 - Medium Lot Housing zone.

3.4.	TA20-0020 (BL12115) - City of Kelowna	75 - 94
	To amend the C ₄ - Urban Centre Commercial zone to introduce an additional 0.2 Floor Area Ratio for five and six storey buildings under the Residential Rental Tenure Only subzone and to add a map detailing properties that are required to provide functional commercial space on the first floor in the Rutland Urban Centre.	
3.5.	BL12115 (TA20-0020) - City of Kelowna	95 - 97
	To give Bylaw No. 12115 first reading in order to amend the C ₄ - Urban Centre Commercial zone.	
3.6.	Aurora Cres 230 - Z20-0088 (BL12116) - Lambert and Paul Construction Ltd., Inc. No. 80191	98 - 122
	To rezone the subject property to facilitate the development of a multiple dwelling housing project with the Residential Rental Tenure Only subzone.	
3.7.	Aurora Cres 230 - BL12116 (Z20-0088) - Lambert and Paul Construction Ltd., Inc.No. 80191	123 - 123
	To give Bylaw No. 12116 first reading in order to rezone the subject from the C ₄ - Urban Centre Commercial zone to the C _{4r} - Urban Centre Commercial (Residential Rental Tenure Only) to facilitate a multiple dwelling housing project.	
4.	Non-Development Reports & Related Bylaws	
4.1.	Water Regulation Bylaw No. 10480 Amendment	124 - 146
	To enact proposed changes to the Water Regulation Bylaw including administration changes.	
4.2.	BL12110 - Amendment No. 12 to Water Regulation Bylaw No. 10480	147 - 164
	To give Bylaw No. 12110 first, second and third reading.	
4.3.	BL12111 - SEKID Bylaws Repeal Bylaw	165 - 165
	To give Bylaw No. 12111 first, second and third reading.	
4.4.	Community Resiliency Investment (CRI) Program Funding 2021	166 - 171
	To seek Council approval towards an application for funding through the Community Resiliency Investment (CRI) Program.	

5. Mayor and Councillor Items

6. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, October 26, 2020
 Location: 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; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Divisional Director, Corporate Strategic Services, Carla Weaden*; Communications Department Manager, Lisa Corcoran*; Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Real Estate Department Manager, Johannes Saufferer*; Divisional Director, Active Living & Culture, Jim Gabriel*; Sport & Event Services Manager, Doug Nicholas*

Staff participating remotely Legislative Coordinator (Confidential), Arlene McClelland

Guest participating remotely Catherine Knaus, Director of Ipsos Reid

(*Denotes partial attendance)

1. Call to Order

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

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio-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 Given/Seconded By Councillor Donn

Ro688/20/10/26 THAT the Minutes of the Regular Meetings of October 19, 2020 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Mills Rd 320 - Z19-0130 (BL12114) - 1186276 BC Ltd., Inc. No. BC1186276

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

Ro689/20/10/26 THAT Rezoning Application No. Z19-0130 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 125 ODYD Plan 4709, located at 320 Mills Road, Kelowna, BC from the RM3 – Low Density Multiple Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) 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

3.2 Mills Rd 320 - BL12114 (Z19-0130) - 1186276 BC Ltd., Inc. No. BC1186276

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro690/20/10/26 THAT Bylaw No. 12114 be read a first time.

Carried

4. Bylaws for Adoption (Development Related)

4.1 BL12101 (TA20-0017) - City Of Kelowna

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro691/20/10/26 THAT Bylaw No. 12101 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 2020 Citizen Survey Results

Staff:

- Introduced Catherine Knaus, Director of Ipsos Reid.

Catherine Knaus, Director Ipsos Reid

- Displayed a PowerPoint Presentation summarizing the 2020 Citizen Survey results and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

Ro692/20/10/26 THAT Council receives, for information, the Report from the Community Communications Manager dated October 26, 2020 with respect to the results of the 2020 Citizen Survey.

Carried

5.2 Transport Canada Head Lease Amendment

Staff:

- Described the proposed Lease Agreement Amendments with Transport Canada.

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro693/20/10/26 THAT Council receive for information the report of the Kelowna International Airport department dated October 26, 2020, with respect to the amendment of the Transport Canada Head Lease;

AND THAT the Mayor and City Clerk be authorized to execute the Transport Canada Head Lease Amendment in the form attached to the report of the Kelowna International Airport department dated October 26, 2020.

Carried

5.3 Walrod Street 825 - Commercial Lease

Staff:

- Displayed a PowerPoint Presentation outlining the commercial lease agreement and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

Ro694/20/10/26 THAT Council approves the City entering into a two (2) year Lease Agreement with the Justice Institute of British Columbia, with the option to renew for one (1) additional term of one (1) year, in the form attached to the Report of the Real Estate Department dated October 26, 2020;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to enter into the contemplated lease agreement.

Carried

5.4 Stuart Park Ice Rink - 2020-21

Staff:

- Displayed a PowerPoint Presentation outlining the 2020/21 operations plan for the opening of Stuart Park Ice Rink and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Sieben

Ro695/20/10/26 THAT Council receives the report from the Sport & Event Services Department, dated October 26, 2020, providing information related to the opening of the Stuart Park ice rink for the 2020/21 winter season;

AND THAT Council direct staff to operate the Stuart Park ice rink for the 2020/21 season with an adapted operating model to align with provincial COVID safety guidelines as outlined in the report from the Sport & Event Services Department, dated October 26, 2020.

Carried

6. Resolutions

6.1 Draft Resolution, re: 2021 Council Meeting Schedule

Moved By Councillor Sieben/Seconded By Councillor Donn

Ro696/20/10/26 THAT the 2021 Council Meeting Schedule be adopted as follows:

Monday Regular Meetings	Public Hearing/Regular Meetings
January 11, 18, and 25	January 19
February 1, 8 and 22	February 2 and 23
March 1, 8, 15 and 22	March 16
April 12, 19, and 26	April 6 and 20
May 10, 17 and 31	May 11
June 14, 16*, 21, and 28	June 1 and 22
July 12 and 26	July 13 and 27
August 9 and 23	August 10 and 24
September 13, 20 and 27	September 21
October 4, 18 and 25	October 5 and 26
November 1, 8, 15 and 22	November 16
December 6 and 9*	December 7

- June 16th – Pre-Budget Council Meeting
- December 9th – 2020 Budget Deliberations

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1 BL12034 - 2021 Permissive Tax Exemption Bylaw

Councillor Stack declared a conflict of interest as his employer receives permissive tax exemptions and left the meeting at 3:05 p.m.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro697/20/10/26 THAT Bylaw No. 12034 be adopted.

Carried

Councillor Stack rejoined the meeting at 3:05 p.m.

8. Mayor and Councillor Items

Councillor DeHart:

- Thanked the Parks Department staff for their good job with flower baskets and landscaping on street meridians.

Councillor Donn:

- Acknowledged efforts and appreciation of former MLA Steve Thompson.

Mayor Basran:

- Reminder that the Public Hearing tomorrow begins at 4:30 p.m.

9. Termination

This meeting was declared terminated at 3:07 p.m.

Mayor Basran

/acm

Deputy City Clerk

DRAFT

REPORT TO COUNCIL



Date: November 2, 2020

To: Council

From: City Manager

Department: Development Planning

Application: OCP20-0005/Z20-0011 **Owner:** 0966447 B.C. LTD., Inc.No.
BC0966447, Gurjeet Singh Johal,
Meena Johal.

Address: 2090 Byrns Road **Applicant:** DiStefano Jaud Architecture
inc.

Subject: Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: REP – Resource Protection

Proposed OCP Designation: COMM - Commercial

Existing Zone: A1 – Agriculture 1

Proposed Zone: C3rls - Community Commercial (Retail Liquor Sales)

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0005 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Parcel A, Block 2, District Lot 128, ODYD, Plan 415B Except Plan KAP64062 located at 2090 Byrns Road, Kelowna, BC from the REP – Resource Protection designation to the COMM - Commercial designation, as shown in the Report from the Development Planning Department dated November 2, 2020 NOT be considered by Council.

AND THAT Rezoning Application No. Z20-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A, Block 2, District Lot 128, ODYD, Plan 415B Except Plan KAP64062, located at 2090 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to the C3rls - Community Commercial (Retail Liquor Sales) zone, as shown in the Report from the Development Planning Department dated November 2, 2020 NOT be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT amend the Official Community Plan or rezone the subject property that would facilitate future commercial development.

3.0 Development Planning

Development Planning does not support the application to amend the Official Community Plan (OCP) and rezone the subject property to accommodate proposed commercial development. The proposal development would include a gas station, convenience store (with retail liquor sales), car wash, and two general commercial retail buildings. The subject property is located outside of the Permanent Growth Boundary (PGB) and designated REP – Resource Protection in the OCP. The proposal does not meet a number of OCP objectives and policies in regards to intensive urban development, focused growth or protection of agricultural lands.

In review of similar community commercial services within the area, staff note that there are three gas stations located within an approximate two-kilometer radius. All having a range of other associated commercial uses and listed as follows:

1. Shell Gas Station, and convenience store located on the corner of Springfield Road and Benvoulin Court. (Approx. 1.2 km's north);
2. Shell Gas Station, convenience store and car wash, located on the corner of KLO Road and Benvoulin Road (Approx. 1.2 km's south); and
3. Chevron Gas Station, and Guisachan shopping centre, located on the corner of Guisachan Road and Gordon Drive (Approx. 2.0 km's west).

Given the proximity of the services listed and their location, the Guisachan Village Centre, Midtown Urban Centre and KLO corner, staff do not see the community benefit in adding further services in an area that does not have the associated urban development and is predominately agricultural.

The Benvoulin area is considered an important agriculture corridor for both in existing agricultural activity and heritage. Further development may lead to increased land speculation and development pressure on similar properties along Benvoulin Road. The property itself is 2.14 acres in sized, flat with no significant obstructions to agriculture uses. It has been used for hay crop in the past and given its size the property is considered to have enough farmable area to be used for a variety of agricultural purposes.

4.0 Proposal

4.1 Background

The subject property is designated REP – Resource Protection in the OCP, is zoned A1 – Agriculture, is outside of the PGB, but is not within the Agricultural Land Reserve (ALR). However, the property is bordering ALR lands to the north and west. There is currently a single-family dwelling on the property and its current use is rural residential.

4.2 Project Description

The proposed conceptual commercial development consists of a gas station, convenience store (with retail liquor sales), car wash, and two general commercial retail buildings. The two general commercial buildings

and proposed convenience store which would have a total of 1757 m² of commercial lease space. Access would be restricted to right in, right out only from Benvoulin Road and one access/egress at the furthest point west from Byrns Road.

4.3 Site Context

The subject property is located on the Benvoulin Road corridor in the South Pandosy – KLO City Sector. It is located at the intersection of Byrns Road and Benvoulin Road and is approximately 2.1 acres in size.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Agriculture / Residential
East	A1 - Agriculture	Benvoulin Road / Agriculture
South	A1 - Agriculture	Byrns Road / Residential
West	A1 - Agriculture	Agriculture

Subject Property Map: 2090 Byrns 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 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

Objective 5.3 Focus Development to Designated Growth Areas

Policy .1 Permanent Growth Boundary. Lands outside the Permanent Growth Boundary will not be supported for urban or intensive uses with the exception of the extent permitted as per the OCP Future Land Use designations.

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns through development, conversion, and re-development within Urban Centres.

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.

6.0 Technical Comments

6.1 Development Engineering Department

- Refer to Development Engineering Memo Dated February 12, 2020

7.0 Application Chronology

Date of Application Received: December 20, 2019
Date Public Consultation Completed: September 24, 2020

8.0 Alternate Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0005 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Parcel A, Block 2, District Lot 128, ODYD, Plan 415B Except Plan KAP64062, located at 2090 Byrns Road, Kelowna, BC from the REP – Resource Protection Area designation to the COMM - Commercial designation, be considered by Council;

THAT Rezoning Application No. Z20-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A, Block 2, District Lot 128, ODYD, Plan 415B Except Plan KAP64062, located at 2090 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to C3rls - Community Commercial (Retail Liquor Sales) zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated November 2, 2020;

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

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:

Attachment A – Applicant Rationale and Conceptual Site Plan

ATTACHMENT **A**

This forms part of application

OCP20-0005/Z20-0011

Planner
Initials

WN



2090 BYRNS ROAD DEVELOPMENT PROPOSAL

September 30,2020

DiStefano Jaud **Architecture**

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2090 Byrns Road Development Proposal

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September 24, 2020

Dear Mayor and Councilors

**Re: Property Development Proposal
 2090 Byrns Road Kelowna BC**

Dear Sir/Madam

DiStefano Jaud Architecture inc.
Carlo DiStefano Architect AIBC, AAA
Neil Jaud Architect AIBC, AAA, MRAIC, LEED
AP

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We respectfully submit to you the description of our process of Community engagement. As well we include the initial letter of rationale, letter to the residents within the catchment area and the rendered images of our proposal for development.

Letters to 117 residents and Owners were sent by mail on July 24, 2020 to describe our proposal for the development of the property 2090 Byrns Road at the intersection of Benvoulin and Byrns roads.

Our goal is to reinforce the attributes of this neighborhood by creating a quality “edge” development to frame and reinforce the boundary to the existing farmlands.

We are requesting a rezoning and OCP amendment to accommodate this commercial development. The low-rise project is intended to consist of retail shops, offices, liquor store, fast food outlet, gas bar and premium car wash.

The site plan shows the landscaped perimeter edge which will follow the “Guide to Edge Planning” forming a dense green boundary to the adjacent cropland. The overall site plan organization of small-scale buildings distributed over the site. Ample open space between the proposed building components as well as between the buildings and the adjacent croplands relates well to the farm building context.

Access to the site will be located at distance from the intersection at the extreme ends of the site frontage along Benvoulin and Byrns roads. Access will be right in and right out on Benvoulin and we anticipate right and left in-out on Byrns. See Attached site plan drawing.

The project site is designed to give street expression to the buildings which has the advantage of internally locating parking and drive-aisles out of direct view from the roadways.

Landscaping will front the buildings and provide a “green” setting presented to the view of passers-by while the interior property line will incorporate a landscaped transition to the adjacent properties.

Our public information session was held at the Kanata hotel on Saturday August 08, 2020 and was attended by 12 residents, some of whom reside on Bryns Road and others on Benvoulin Road. As well we received emails from a residents at 2409 Benvoulin Road, 2979 Bryns Road, 2300 Benvoulin Road and the Arboretum at 2288-2300 Benvoulin Road

The points raised by those who attended were:

1. Traffic on Bryns and Benvoulin and potential congestion
 - a. Developer providing intersection lane modifications
 - b. Access from Benvoulin is right-in and Right-out only
 - c. Access from Bryns is right-in and right-out only with lane addition to alleviate congestion
2. Traffic light installation at Benvoulin and Cooper intersection
 - a. City jurisdiction
3. Potential noise from carwash dryer
 - a. Developer offers to work with manufacturer on noise mitigation measures
4. Hours of operation and noise generation
 - a. Developer traditionally closes operations at 12 midnight
To respect privacy of adjacent residents
 - b. Carwash will close at 10pm.
5. Safety of sidewalks, bike lanes
 - a. Sidewalk to be added to Benvoulin and Bryns Roads
 - b. Lane addition on Bryns Road to alleviate
 - c. Existing bike lane on Benvoulin not affected
6. Provision of chain link fence along interior property lines to protect farmland
 - a. Developer offers an upgraded fence to accompany landscaped separation strip
7. Speed of traffic on Bryns and Benvoulin Roads
 - a. City jurisdiction

8. Existing service stations and carwash facilities
 - a. Developer has had a feasibility study prepared which supports the project type
 - b. Currently no service station or carwash exists on West side of Benvoulin Road
 - c. The two existing stations within one kilometer are at KLO and Springfield. One is located for opposite traffic direction and one is out of the way for Benvoulin traffic.

It is our view that the concerns noted can be satisfactorily be addressed by the developer through good design and quality business operations.

The local benefits for this project include:

- 50 plus new steady jobs
- Property tax increase
- Convenient new structure

As well the current property value and BC Assessment is very high under the current zoning which makes it very difficult to have income and return sufficient to support the property value.

In the words of one supporter of this proposal "It will clean up the corner".

We look forward to your consideration and trust a positive view of this rezoning will be the result.

Respectfully

Neil Jaud

On Behalf of 0966447 BC LTD

Attachments:

Email responses

December 20, 2019

Planning Department
City of Kelowna
1435 Water Street
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Carlo DiStefano Architect AIBC, AAA
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Re: **Letter of Rationale**
Application for OCP Amendment and Rezoning
2090 Byrns Road Kelowna BC

Forming part of the Submission to Amend the City of Kelowna Official Community Plan and Rezoning to Permit Convenience Commercial and Gas Station/Car Wash

1. Justification to accommodate C-Zone at this site (Convenience grocery/gas/car wash)

The subject property has been zoned A1 and never subjected to the ALR designation from inception of the Provincial legislation in 1973. The large lot has contained a single-family home for several decades and in recent years has fallen into a state of disrepair. The property is located along Benvoulin Road that has been upgraded to a major road which has experienced significant growth in traffic volumes. The four-lane roadway is a main arterial carrying traffic between the growing south sector of Kelowna and major employment hubs, a large commercial precinct and the Highway 97 corridor which is recognized as a regional, Provincial and international route for trade and tourism. The strategic location at the intersection of Byrns Road and Benvoulin Road warrants consideration for a 'higher and better use', namely convenience commercial and community auto service. A mixture of convenience uses will require a C3rls Zone as per Bylaw #8000.

Convenience community commercial uses are lacking along this road. Commercial convenience retail is also severely lacking further along Benvoulin south bound and along KLO into southeast Kelowna beyond the Hall Road area. The minor commercial that currently exists at the corner of KLO and Benvoulin Roads is compromised with access and egress, making turning movements unsafe and often congested especially for the return-home traffic. The *Shell Gas Station* on the southeast corner is the only fueling station for several kilometers causing motorists to cross over and then return to Benvoulin to proceed southbound after fueling up. Similarly, the *Williams Auto Centre* on the other side of Benvoulin is severely compromised with both access and egress. All three corner convenience locations, including *KLO Crossing*, contain minor retail and are restricted for any expansion. (Also See # 5)

2. Justification to re-designate from Agriculture/Resource Protection to Commercial

The subject property is currently designated Resource Protection and outside of the Permanent Growth Boundary, essentially adopted by the City to protect the integrity of the ALR and to contain urban growth from spreading. Nevertheless, it is noted that the City has been instrumental in widening the Benvoulin Road corridor, upgrading the intersection at Cooper and Benvoulin and continuing to permit multi-family development in the vicinity of the subject property, further enhancing urban opportunities. Although the Benvoulin-KLO ALR block continues to maintain a rural character, it is proven much of the land has been fallow for years, under farmed or even abandoned for farm use. The A1, RU6 and RM3 zoned lands, including the subject property, along Benvoulin Road and especially concentrated near Byrns to Cooper Roads, are all out of the ALR. The subject property is one of the largest lots that remains in the A1 zone and out of the ALR. Its use as commercial convenience/gas service would not impinge on the agricultural community nor the potential of the adjacent ALR for future farm use. This proximate relationship between convenience commercial/gas service and agriculture use exists throughout BC.

3. Transition of the Benvoulin Road Corridor – Byrns Rd to Springfield Rd

In recent years, the Benvoulin corridor from Byrns to Springfield has transformed with respect to land use and roadway changes. This involved dramatic changes including exclusion/land exchanges with ALR to permit the rerouting of Benvoulin and connections with Cooper Road. The former Westwind Nursery parcel was rezoned to permit a significant amount of high density residential and social housing apartments. Complementary to that transformation was a major upgrade to Benvoulin Road into a four-lane arterial. New multi-family developments have continued to occur along Benvoulin Road south towards the Byrns Rd intersection, which was also upgraded with traffic lights and turning lanes. There are currently four remaining lots between the existing multi-family (RM3) and the subject property, all on same side of the road and all outside of the ALR. This urbanization lends credibility to a complementary commercial use in this strategic location.

4. Upgrade of Byrns-Benvoulin intersection

Subsequent to the upgrades of Benvoulin Road, the City also upgraded Byrns Road into a two-lane arterial between Benvoulin and Burtch Roads, as well as the intersection at Byrns and Benvoulin Roads. The three-way intersection includes traffic lights, crosswalks and turning lanes to accommodate traffic and pedestrian movement between the Guisachan Road area and Benvoulin Road, as well as along the Benvoulin corridor. It is recognized that the addition of a convenience commercial development at this corner location would necessitate frontage improvements to address access/egress movements and landscaping. (See # 9)

5. Justification of Supporting Market (Gas and Convenience)

The commitment to pursue a development that would accommodate a gas station, convenience commercial and associated uses for this location was not made lightly. Important aspects were considered in defense of a sufficient market especially related to the traffic volume and patterns along Benvoulin, trip destinations and competition from similar facilities in the area.

The gas station/car wash opportunity investigated the availability of similar facilities especially on the south side of Highway 97 and towards KLO Road. There are currently 5 stations (3 Shells, 1 Esso and 1 Chevron). Only the Chevron at Guisachan contains associated convenience groceries in adjacent stores; the others have limited convenience items and coffee at the station. The Shell at KLO and Benvoulin is the only combination gas/car wash in the vicinity until you reach the Esso way out on Lakeshore Road beyond Mission Creek. As there is no further service for southbound traffic beyond KLO or along Gordon Drive for several kilometers, the drive home trip for the south and southeast residential lacks opportunity for access to basic goods and services, or must deviate off their direct route and/or risk movements at various intersections including the KLO-Benvoulin corner

Small grocery, liquor or other convenience retail and services are also limited along this corridor. The relatively new liquor store at KLO Crossing will serve part of the pass-through traffic, but it is in a disaggregated location far enough away from typical grocery convenience. For southeast Kelowna residents, the KLO Super Mart and McCulloch Cold Beer/Wine Store near the corner of K.L.O. and East Kelowna Roads, is a convenient aggregated commercial location, as is Guisachan Village for residents travelling home along Gordon Drive. Otherwise, access to such goods and services are limited or one must deviate off their direct route.

6. Current Zoning is Limiting Potential of the Site

The subject property consists of just over 2 acres of land with an old single-family house as principle use. The current zoning of A1 is considered limiting for future uses other than continuing residential or agricultural purposes. Opportunities to pursue a higher and better use would necessitate rezoning. Building a new single-family home on a busy arterial would not make sense from a lifestyle or economic perspective. Pursuing agriculture is also considered limited opportunity at this corner of two main roads. Discussion has included possibilities of agri-tourism or market garden/fruit stand. The latter is considered challenged due to lot size for agricultural production and the numerous markets that already serve the area. A commercial zoning would translate into considerable benefit to the area, increased tax base to the city and employment opportunities. Sensitive design and a mix of uses could ensure integration with the nearby agriculture and a growing residential area along Benvoulin.

7. Opportunity to Buffer adjacent to ALR

The City of Kelowna and the Agricultural Land Commission require a buffer along the western edge of the site. The site is large enough to accommodate a sufficient setback and planted buffer to protect the integrity of the adjacent agricultural operation. Commercial land uses as proposed are very compatible with farmland especially where the commercial activity does not impinge on soil quality, release air emissions, or cause any other negative externalities for production of farm product. Other controls can be introduced through the Development Permit, if required.

8. Byrns Road Redevelopment

There is a similar block of A1 properties across the road from the subject property. The City of Kelowna has recently approved duplex and townhouse developments (RU6) along Byrns Road in the vicinity of the subject property. There are more A1 properties (outside of the ALR) that may be subject to redevelopment.

9. Convenient access/egress

Preliminary site planning has determined that access and egress for vehicles using this commercial area will be safe and controlled. It is expected that a right-in/ right out off Benvoulin Road south bound, along with in/out movements on the existing Byrns right-of-way (with extra left in turning lane) will achieve the necessary upgrades. Further traffic impact assessment and design will confirm exact location of driveways, length of turning lane and signage. The site itself has been designed for gas station, car wash and convenience retail/service to be used simultaneously without compromising turning movements of delivery vehicles into and through the site. Further design of the buildings and the site will also consider aesthetics, off-site sidewalks and landscape treatment to help achieve safety, and address form and character guidelines.

SUNCOR ENERGY INC.

Dealer/Lessee Network
500 - 4820 Richard Road S.W.
Calgary, Alberta T3E 6L1
Fax 403-767-2683/877-540-3335
www.petro-canada.ca



17, October 2018

Attention: To whom it may concern

RE: 2090 Byrns Rd Kelowna, BC

Please except this letter as a Letter of Intent with Suncor/Petro-Canada interest in the included development of 2090 Byrns Rd Kelowna, BC. We have a letter of intent to be the branding and fuel supplier for the development presented at 2090 Byrns Rd Kelowna, BC by Gary Johal.

If you have any questions I can be reached at the below.

Sincerely,

Tye Coldwell
Dealer Development Representative
Suncor Energy Products Partnership
500- 4820 Richard Road, SW
Calgary, AB T3E 6L1
C: 250-469-4753
tcoldwell@suncor.com



NATIONAL PARTNER

Site-Check[®] Research Group

*Powerful Site Assessment Options
for the Gas and Convenience Industry*



Fuel/Convenience Sales Potential Study

KELOWNA DATA – Benvoulin Rd and Bryns Rd

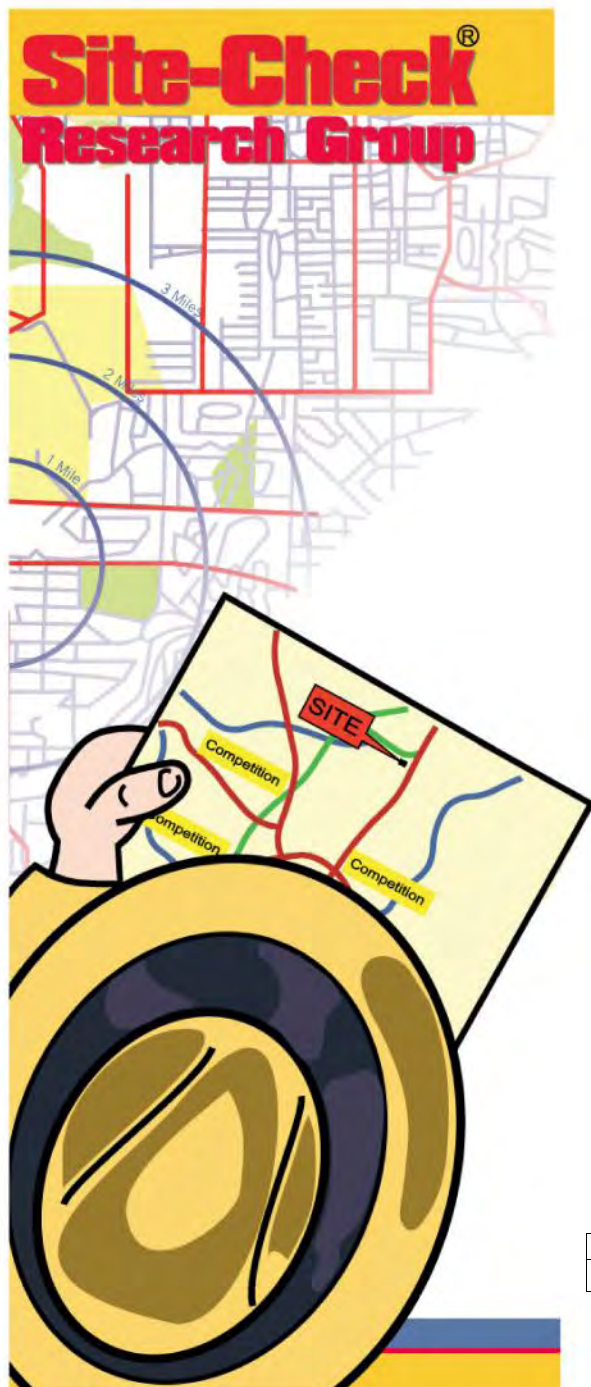
Kelowna, BC

May 2019

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May 31, 2019

Gary Johal
C/O 0966447 BC Ltd

Attn: Mr. Gary Johal

Dear Mr. Johal

Attached you will find a “Fuel/C-Store” sales potential evaluation for a new “Petro-Canada” Fuel/C-Store/Car Wash on Benvoulin Rd and Bryns Rd in Kelowna, BC.

The base case was evaluated to include five (Gasoline/Diesel) Multi-Product Dispensers (MPD's). The gasoline fueling forecourt will have 10 fueling positions with a bypass lane on the outside of each island within a starting gate fueling layout configuration. The retail store size will be approx. 1,875 retail square feet with a strong selection of soft drinks, salty snacks, coffee, sweet pre-packaged baked goods and a fountain area. There will be a soft cloth tunnel car wash in a separate building within a strip centre containing 30,000 sq. ft of office and retail space. The fuel pricing model has been set to competitive which was based on the current pricing in the trade area. (Additional details are shown on the projection assumption page).

Projection	Description	Year 1	Year 2	Year 3	Year 4	Year 5
One	Fuel	5,186	5,881	5,999	6,177	6,355
One	C-Store	999	1,161	1,210	1,264	1,317

Summary of Projections

-) Fuel projections are expressed in annual litres (000's)
-) C-Store projections are expressed in annual \$ (000's)
-) C-Store sales do not include lottery sales
-) C-Store sales assume cigarette pricing is competitive with other outlets in the trade area
-) C-Store sales do not include any branded partner sales

Population	Age	Daytime Pop	Ave Income	Index	Ltr/Per	Index	Cstore/Per	Index	FastFood/Per	Index
7,497	53	0	\$65,984	67	.902	97	\$132	59	\$431	89

1.5 Kilometer Summary

Know Your Options!



(Executive Summary Continued...)

There are 18 fuel competitors in the trade area with an average annual outlet volume of 5.578 (million litres). The “Fuel Scores” range from a low of 67 to a high of 132.

There are 9 C-Store competitors with an estimated average annual volume of \$1.456 (million). The “C-Store Scores” range from a low of 79 to a high of 124.

The traffic count on Benvoulin Rd is 43,145 (AADT) with easy access, slightly hindered visibility and an intersection break for the northbound cross over traffic.

The traffic count on Bryns Rd is an estimated 7,500 (AADT) with easy access, slightly hindered visibility and a legal barrier for the eastbound cross over traffic.

The weakness of the site is the limited population in the immediate trade area.

The strength of the site is the high traffic count and the PM site positioning on Benvoulin Rd which serves as arterial feeder into the East Kelowna and South Kelowna areas.

After reviewing the site plan, caution should be used when setting up the layout of this site. Restricted visibility and ingress/egress points may hinder the sales of this location.

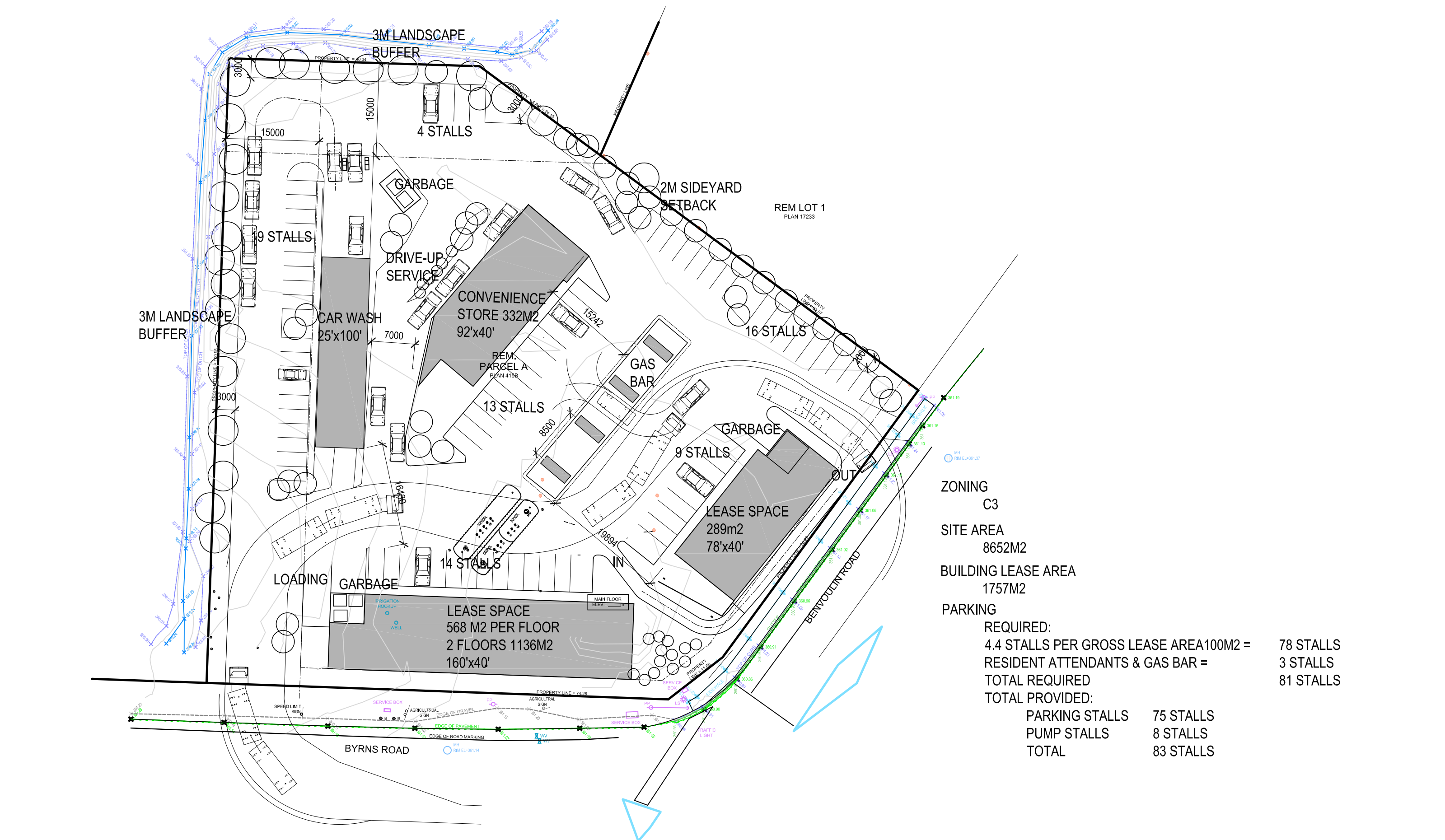
The sales were adjusted in the first year of operation to account for consumer shopping patterns to change post grand opening

Sincerely,

Ron Conlin

SITE-CHECK RESEARCH GROUP

Please note that the attached volume projections are based on the conditions as they are outlined in this report. If there are any changes in the trade area or changes to the competition, there could be significant variation between projected and actual sales. This possibility increases with the passing of time.



ZONING	C3
SITE AREA	8652M2
BUILDING LEASE AREA	1757M2
PARKING	
REQUIRED:	
4.4 STALLS PER GROSS LEASE AREA100M2 =	78 STALLS
RESIDENT ATTENDANTS & GAS BAR =	3 STALLS
TOTAL REQUIRED	81 STALLS
TOTAL PROVIDED:	
PARKING STALLS	75 STALLS
PUMP STALLS	8 STALLS
TOTAL	83 STALLS













OCP20-0005 & Z20-0011 2090 Byrns Road

OCP Amendment & Rezoning Application

Proposal

- ▶ To change the Future Land Use designation of the subject property from REP – Resource Protection Area to COMM - Commercial
- ▶ To rezone the subject property from A1 - Agriculture and C3rls – Community Commercial (Retail Liquor Sales)

Development Process

Dec 20, 2019

Development Application Submitted

Staff Review & Circulation

Sept 24, 2020

Public Notification Received

Nov 2, 2020

Initial Consideration

Public Hearing
Second & Third Readings

Final Reading

Development Permit/Building Permit

Council
Approvals

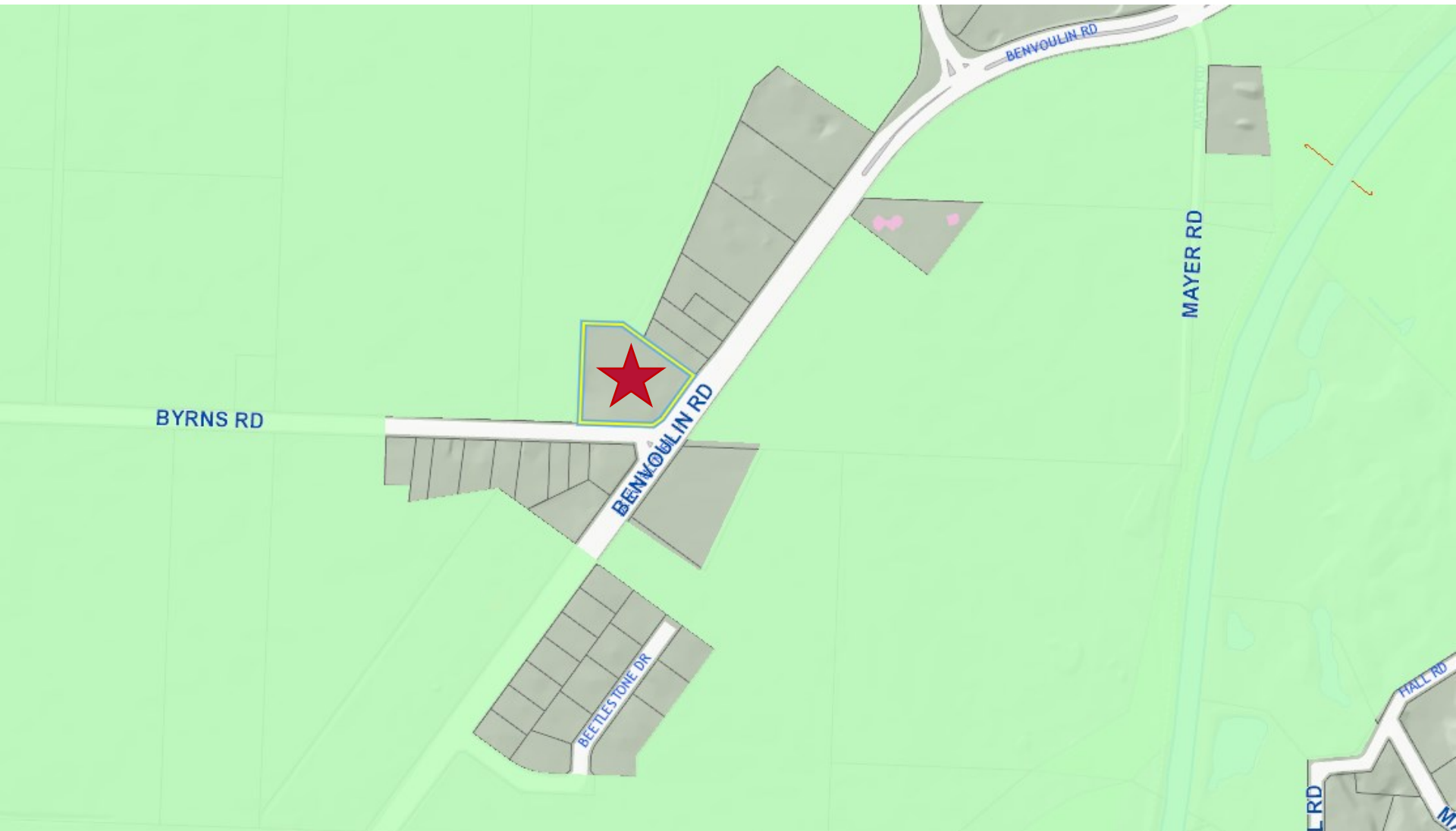
Context Map



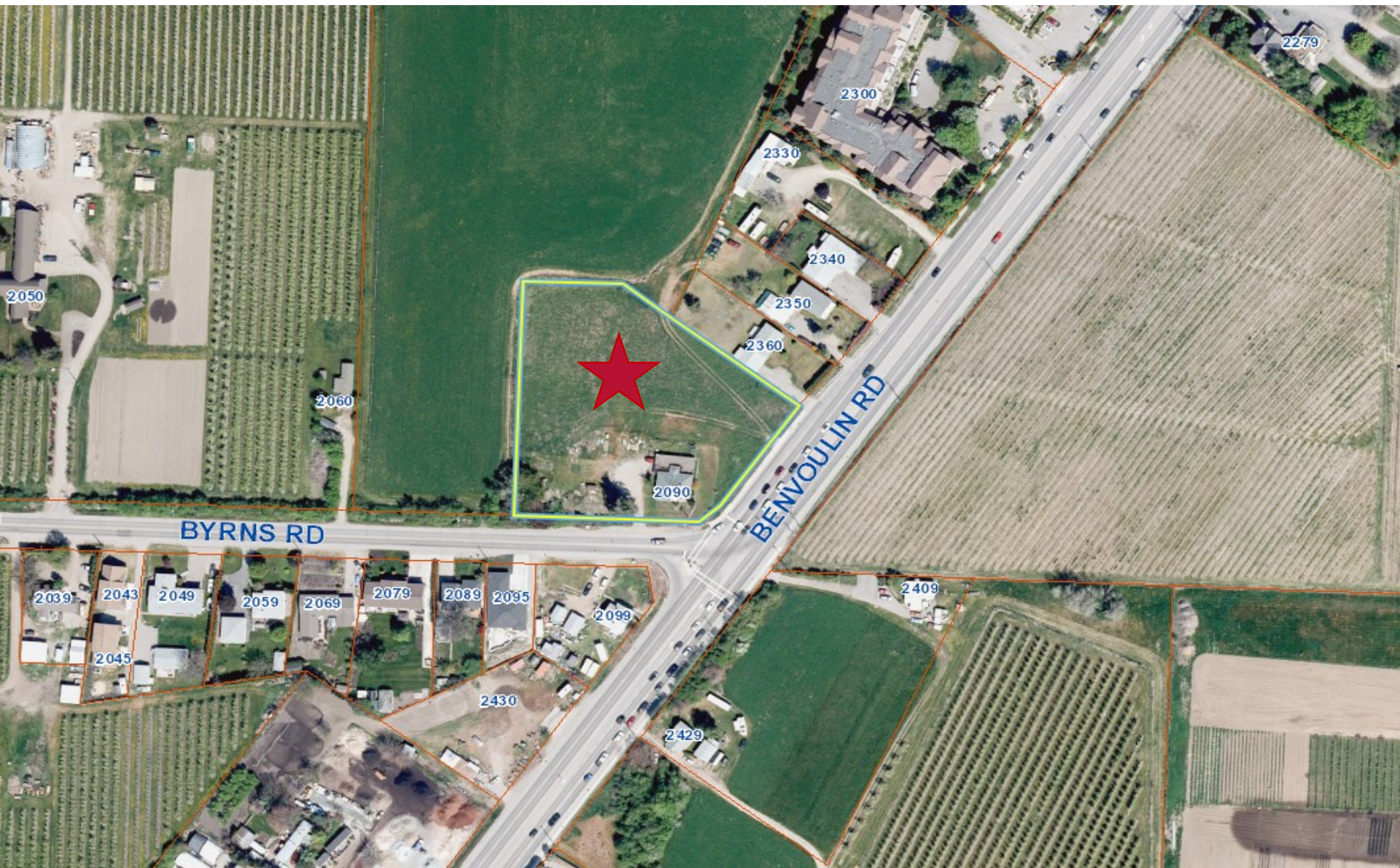
OCP Future Land Use / Zoning



Agricultural Land Reserve



Subject Property Map



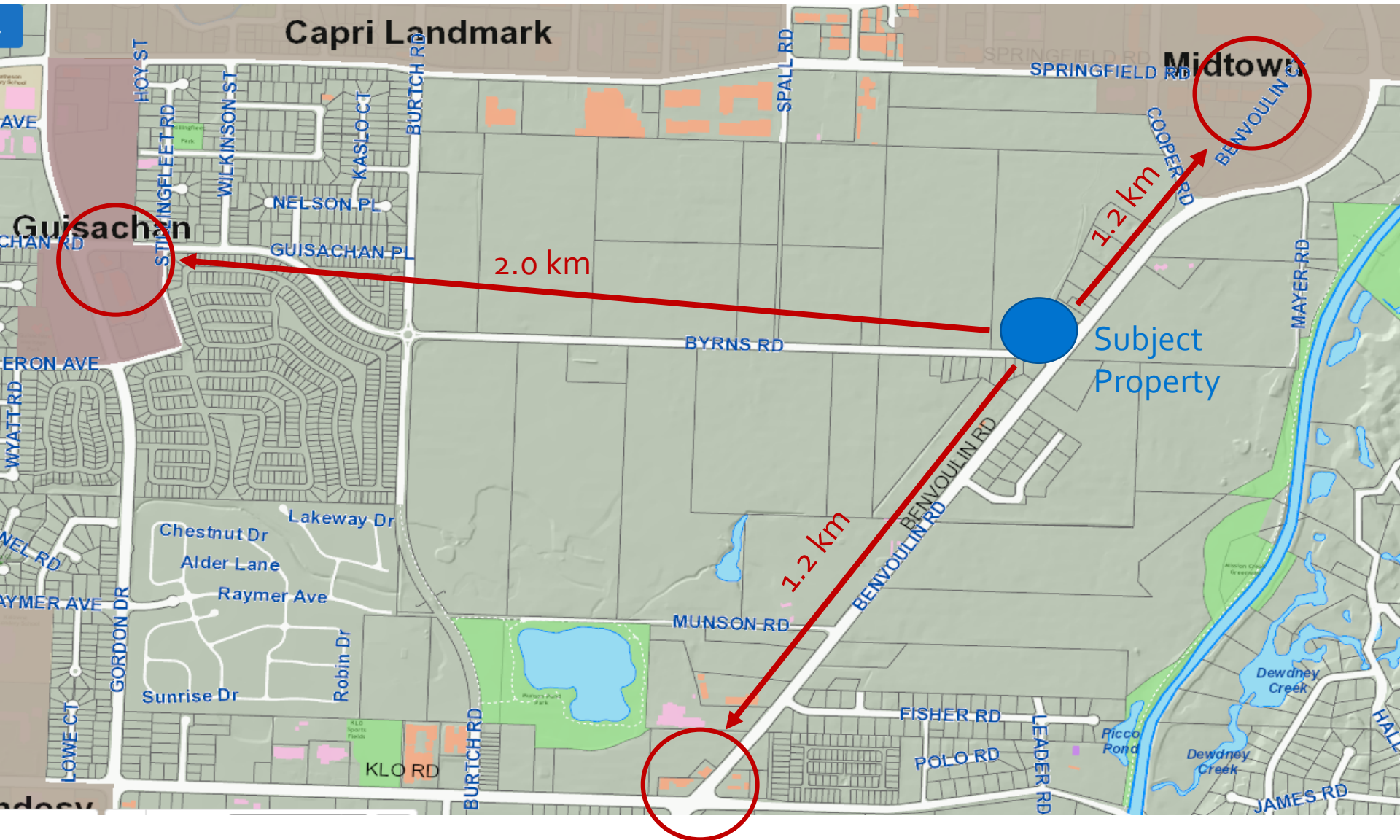
Subject Property Photo



Conceptual Site Plan



Urban Centre/Village Context



Site Considerations



Development Policy

- ▶ Does not the intent of the Official Community Plan
 - ▶ REP – land areas within this designation will not be supported for more intensive development than that allowed under current zoning regulations
 - ▶ Not consistent with surrounding land uses

- ▶ Does not meet objectives and policies of intensive urban development or focused growth
 - ▶ Lands outside the PGB will not be supported for urban or intensive uses
 - ▶ Develop a compact urban form that maximizes the use of existing infrastructure through development, conversion and re-development within Urban Centres

- ▶ Does not meet the objective and policies of agricultural protection
 - ▶ Retain the agricultural land base and ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
 - ▶ Direct Urban uses to lands within the PGB, in the interest of reducing development and speculative pressure on agricultural lands

Staff Recommendation

- ▶ Staff are **not** recommending support of the proposed Official Community Plan (OCP) amendment and rezoning
 - ▶ Does not meet the intent of the Official Community Plan
 - ▶ Does not meet objectives and policies of intensive urban development or focused growth
 - ▶ Does not meet objectives and policies of agricultural protection
- ▶ Given the proximity to other services located in the Village/Town Centres and on the KLO corner staff do not see the community benefit in adding further services in an area that does not have the associated urban development and is predominately agricultural.



Conclusion of Staff Remarks

Benvoulin

Byrns Road Proposal



PROPERTY



- Adjacent to ALR land so we are working with neighbour farmers to get their feedback to protect their cropland. We are providing a 15 meter(50') buffer between ALR and our development without any variance requirement. We will also install a solid fence and dense landscape beside ALR land.
- This parcel size is not feasible for profitable farming
- For the past 20+ years it has been used as RURAL RESIDENTIAL.
- Due to the location this parcel has much higher BC assessment value in comparison to other agriculture land values in the area making it very difficult to have sufficient return to support property value use in its current state.
- There is no other operating farm of this parcel size or smaller in Kelowna as well as surrounding areas.
- We will work with staff to make sure all measures are in place to protect adjacent farmland.

APPLICATION

- NO VARIANCES REQUESTED

VIABILITY

- Current zoning potential not viable on small, high value parcel of land
- property not utilized for food production for 20 plus years
- This project will clean up the corner and will upgrade sidewalks, bike lane, landscape and street presence.
- Currently no service station or car wash exists on the West side of Benvoulin Rd. There are three more stations within 2 kilometer and one of them (KLO SHELL) is located for opposite traffic and the other two (Springfield SHELL & Gordon Chevron) are out of the way for Benvoulin traffic.
- Petro Canada has done a review of the site in relation to other station locations and have found it to be a viable location.
- If development size needs to be adjusted then we will work with staff as per recommendations.
- Developer will own and operate property and it is in their best interest to work with surrounding property owners to ensure they are satisfied.

PROTECTION OF FARMLAND

- Separation measures
- Prepared to work with farmers to mitigate
- Project works to define and provide an edge to farmland and buffer it from Benvoulin
- Parcel is too small on its own to support meaningful farming. What function best protects farming function?
- We will work with staff to make sure all measures are in place to protect adjacent farmland.
- It is part of projects mandate to ensure crop lands would not be adversely affected by this development.
- If development size needs to be adjusted, then we will work with staff as per recommendations.

LAND USE

- Housing does not seem better suited
- Site configuration does not lend itself to residential use
- Site is a corner and naturally acts as a hub to the surrounding context.

IMPROVEMENTS



- Intersection upgrades for traffic management

REQUEST

- That the proposal is given opportunity of going to public hearing for further input and comment.

REPORT TO COUNCIL



Date: November 2, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0081

Owner: KTMP Holdings Ltd., Inc.No.
A0092290

Address: 605 Gerstmar Road

Applicant: NAI Commercial Okanagan Ltd.

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z20-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5 Section 22 Township 26 Osoyoos Division Yale District Plan 19913 located at 605 Gerstmar 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 November 2, 2020;

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

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

2.0 Purpose

To rezone the subject property to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision.

3.0 Development Planning

Staff support the rezoning application, which would facilitate a two-lot residential subdivision. The RU2 – Medium Lot Housing zone meets the form and density objectives of the Official Community Plan (OCP) S2RES – Single / Two Unit Residential designation, and as such, the application complies with the designated Future Land Use. In addition, the OCP urban infill policies support the modest densification of urban residential neighbourhoods where infrastructure already exists, and through sensitive development including the use of smaller lots. The subject property is fully serviced and, if rezoned, would meet the subdivision regulations allowing for a Preliminary Layout Review to be issued for the creation of two smaller lots.

The applicant has confirmed the completion of neighbourhood notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Project Description

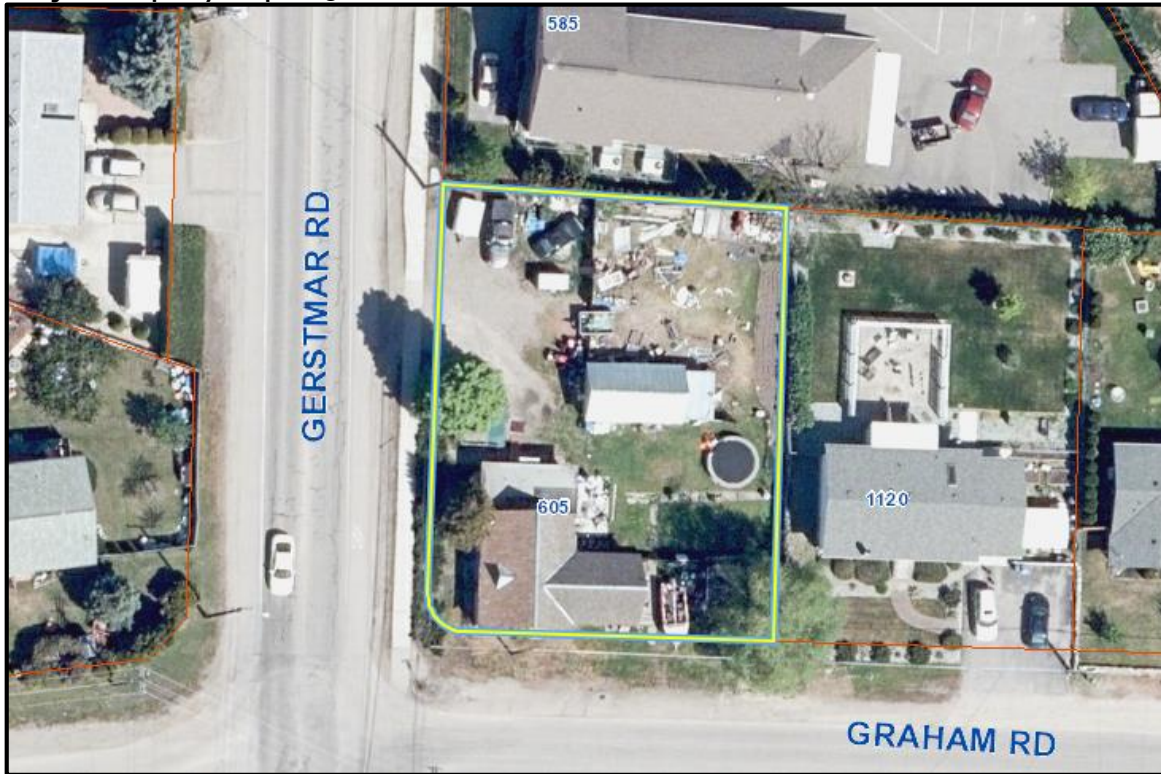
The applicant is seeking approval to rezone to the RU2 – Medium Lot Housing zone, to facilitate a two-lot subdivision. There is an existing single family dwelling and accessory structure on the subject property that are proposed to be demolished as part of this development. A draft subdivision plan was submitted, which demonstrates this can occur with no variances to the RU2 – Medium Lot Housing subdivision regulations within the City's Zoning Bylaw. This draft subdivision plan has been included in Attachment A.

4.2 Site Context

The subject property is located at the corner of Gerstmar Road and Graham Road in the City's Rutland OCP Sector. The surrounding area is characterized by single and two dwelling housing, and a religious assembly is located directly to the north. The property is within the City's Permanent Growth Boundary and has a walk score of 25, indicating that more errands require a car.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional	Religious Assemblies
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: 605 Gerstmar Road**4.3 Subdivision Regulations**

Subdivision Regulations			
CRITERIA	RU ₂ ZONE REQUIREMENTS	PROPOSED LOT A (CORNER LOT)	PROPOSED LOT B (INTERIOR LOT)
Subdivision Regulations			
Min. Lot Area	400 m ²	577.5 m ²	475 m ²
Min. Lot Width	13.0 m (interior lot) 15.0 m (corner lot)	15.8 m	13.1 m
Min. Lot Depth	30.0 m	36.5 m	36.0 m

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 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 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.

6.0 Technical Comments

6.1 Development Engineering Department

Please see Schedule A: City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Received: September 3, 2020
Date Public Consultation Completed: September 16, 2020

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: City of Kelowna Memorandum

Attachment A: Draft Subdivision Plan

CITY OF KELOWNA

MEMORANDUM

Date: September 15, 2020

File No.: Z20-0081

To: Urban Planning Management (KB)

From: Development Engineering Manager (JK)

Subject: 605 Gerstmar Rd RU1 to RU2

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 (Large-lot housing) to RU2 (Medium-lot housing) to support a two-lot subdivision. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Sarah Kelly.

1. General

- a) These are Development Engineering Branch comments/requirements and are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- b) The following requirements are valid for two (2) years from the reference date of this memo, or until the PLR and/or 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.

2. Domestic Water and Fire Protection

- a) The subject lot is within the Rutland Waterworks District (RWD) water service area. The developer is required to make satisfactory arrangements with RWD for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by RWD are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw No. 7900.

3. **Sanitary Sewer**

- a) Each legal lot shall require only one individual sanitary service connection complete with an inspection chamber (SS-S7) and Brooks Box (SS-S9), to be installed at the applicant's cost.
- b) The existing lot is currently serviced with a 100-mm sanitary service. If the existing service connection is to remain it will be required to be completed with an inspection chamber and Brooks box.

4. **Storm Drainage**

- a) See item 5a for public storm drainage infrastructure requirements.
- b) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.
- c) Provide the following drawings:
 - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii. A detailed Stormwater Management Plan; and
 - iii. An Erosion and Sediment Control Plan.

5. **Subdivision Requirements**

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

6. **Electric Power and Telecommunication Services**

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

7. **Road Improvements**

- a) Gerstmar Rd is classified as a Major Collector under the City of Kelowna's 20-Year Major Road Network. The section of Gerstmar Rd must be upgraded to a collector standard along the full frontage of this proposed development, including sidewalk, curb and gutter, pavement removal and replacement, boulevard landscaping, drainage infrastructure (catch basins, perforated storm pipe, and drywell), and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is SS-R6.
 NOTE: Pipe and drywell inverts to consider eventual connection to existing storm main at Gerstmar Rd and Tataryn Rd – DWG A-2482-4.

- b) The developer is requested, at the City's cost, to arrange for the design and construction of frontage upgrades, detailed above, continuing north along Gerstmar Rd. Based on the developer's Consulting Civil Engineers cost estimate, the City will agree to pay for frontage upgrades beyond the limits of the subject lot. The details of this arrangement are to be formalized at the time of drafting the servicing agreement for the required works and services. Contact the Development Technician (Sarah Kelly, skelly@kelowna.ca) for more information.
- c) Graham Rd must be upgraded to a local standard along the full frontage of this proposed development including curb and gutter, pavement removal and replacement, boulevard landscaping and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The existing catch basin is to be relocated to the new gutter line. The road cross section to be used is a modified SS-R3.
- d) The estimated cost of this construction, for performance security purposes, is to be submitted by the Developer's Consulting Engineer.

8. **Geotechnical Report**

- (a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.
- (b) The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (ii) Site suitability for development.
 - (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (iv) Any special requirements for construction of roads, utilities and building structures.
 - (v) Recommendations for items that should be included in a Restrictive Covenant.
 - (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
 - (vii) Any items required in other sections of this document.

9. **Design and Construction**


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

10. Servicing Agreements for Works and Services

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

12. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - 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).

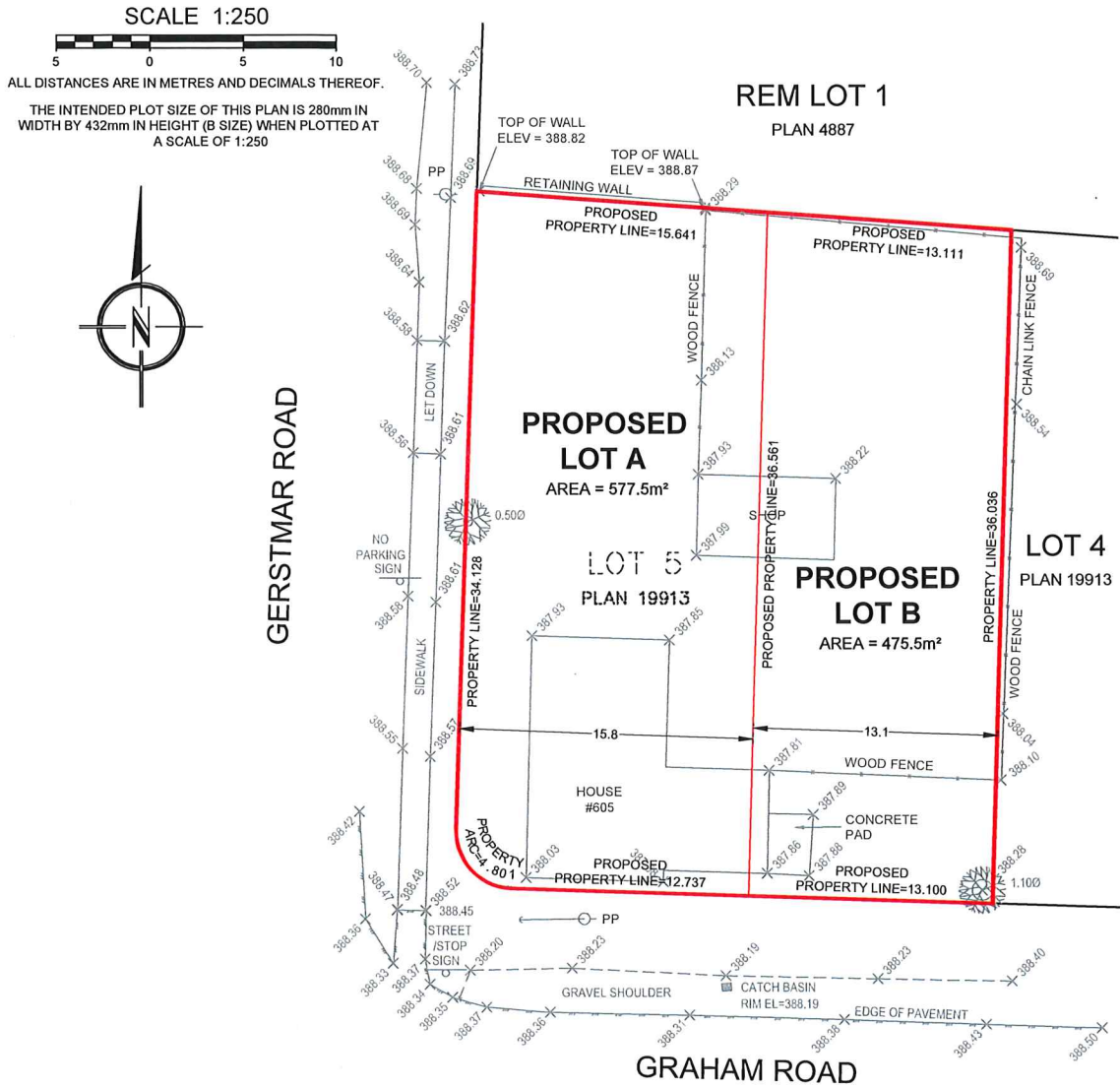


 James Kay, P.Eng.
 Development Engineering Manager

SK

SKETCH PLAN OF PROPOSED SUBDIVISION OF LOT 5
SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 19913

CITY OF KELOWNA
CIVIC ADDRESS: 605 GERSTMAR ROAD
PID: 005-078-563



ZONING: RU1 (TO BE REZONED RU2)
ELEVATIONS ARE TO CVD28 GEODETIC DATUM, AND ARE DERIVED FROM DUAL-FREQUENCY GNSS OBSERVATIONS PROCESSED USING THE SMARTNET REAL-TIME NETWORK SERVICE.
PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: PLAN 19913 & PLAN KAP69955
OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.
REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.
THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.
FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH BENNETT LAND SURVEYING LTD.
BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE EXTERIOR SURFACES UNLESS OTHERWISE NOTED.
TREE SPECIES AND DIMENSIONS SHOULD BE CONFIRMED BY A QUALIFIED ARBORIST. SHADED AREA IS NOT AN INDICATION OF DRIP LINE LOCATION UNLESS SPECIFICALLY LABELED.

bennett
LAND SURVEYING LTD.
BC LAND SURVEYORS
#201 - 1470 ST. PAUL STREET,
KELOWNA, BC
V1Y 2E6
TEL 250-763-5711
www.bennettsurveys.com

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FIELD SURVEY COMPLETED ON AUGUST 14, 2020.



Z20-0081 605 Gerstmar Rd

Rezoning Application



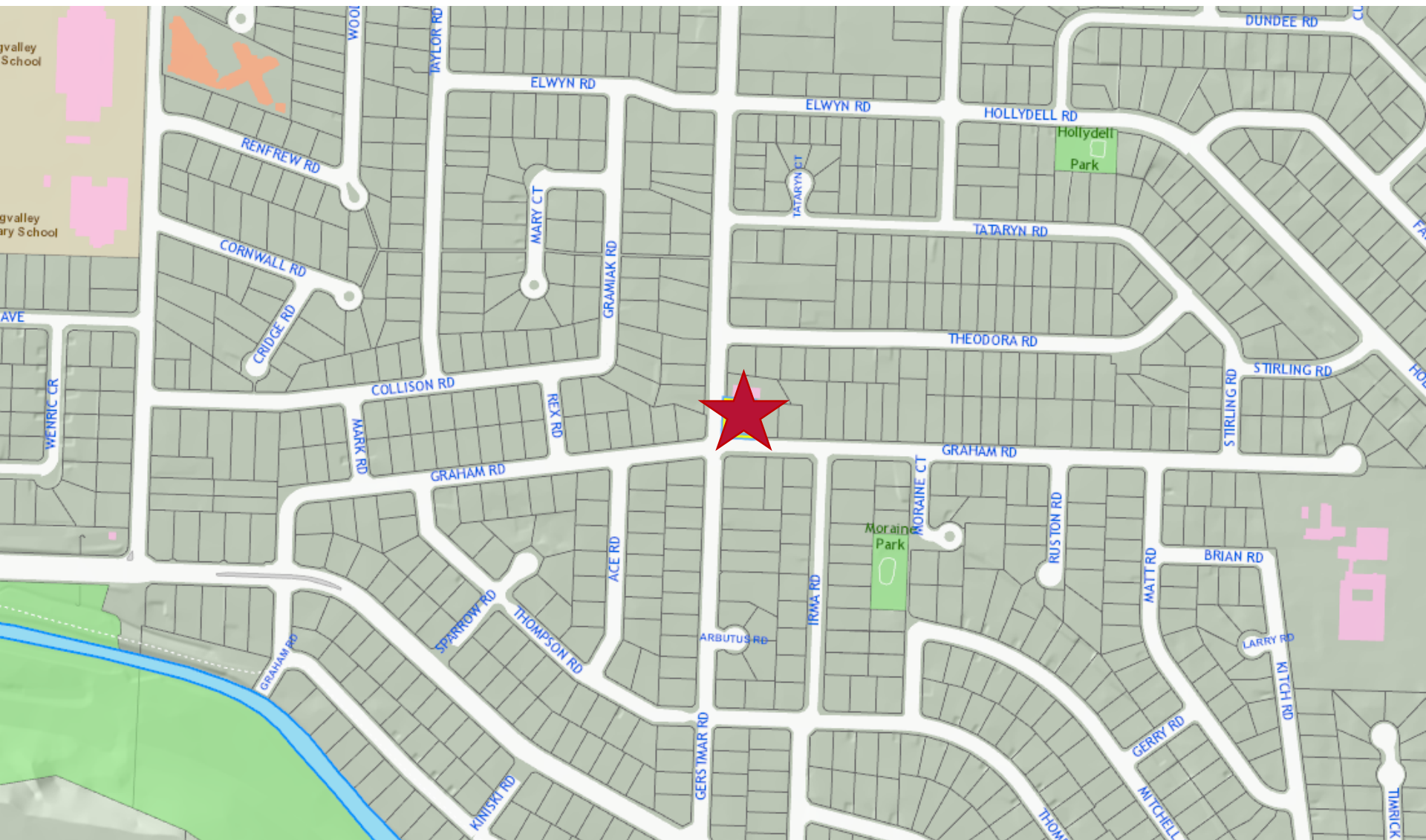
Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a two-lot subdivision.

Development Process



Context Map



Transit Score
34

Some Transit
A few nearby public transportation options.

City of Kelowna

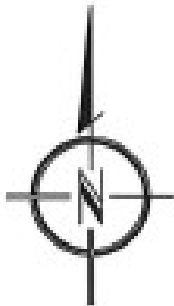
Walk Score
25

Car-Dependent
Most errands require a car.

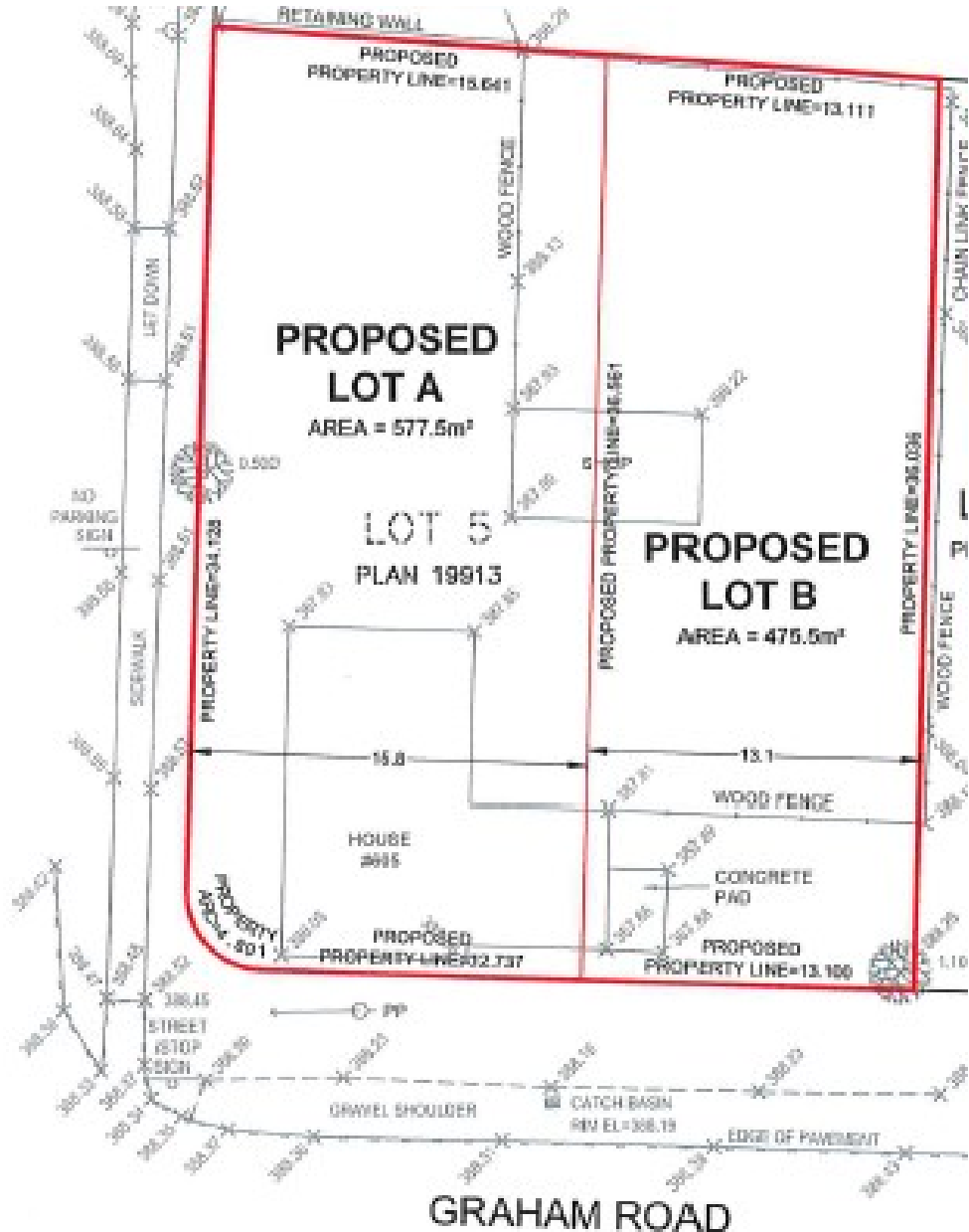
Subject Property Map



Draft Site Plan



GERSTMAR ROAD



Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Compact Urban Form
 - ▶ Within Permanent Growth Boundary
- ▶ Consistent with Future Land Use **S2RES**
- ▶ Consistent with Zoning Bylaw

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning:
 - ▶ Meets the intent of the Official Community Plan
 - ▶ Urban Infill Policies
 - ▶ Appropriate location for adding modest amount of residential density
- ▶ Recommend the Bylaw be forwarded to Public Hearing.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12112

Z20-@0081 -

605 Gerstmar 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 5 Section 22 Township 26 ODYD Plan 19913 located at Gerstmar Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot 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

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

REPORT TO COUNCIL



Date: November 2, 2020

To: Council

From: City Manager

Department: Development Planning

Application: TA20-0020

Owner: N/A

Address: N/A

Applicant: City of Kelowna

Subject: Text Amendment Application

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0020 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated November 2, 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.

2.0 Purpose

To amend the C4 - Urban Centre Commercial zone to introduce an additional 0.2 Floor Area Ratio for five and six storey buildings under the Residential Rental Tenure Only subzone and to add a map detailing properties that are required to provide functional commercial space on the first floor in the Rutland Urban Centre.

3.0 Development Planning

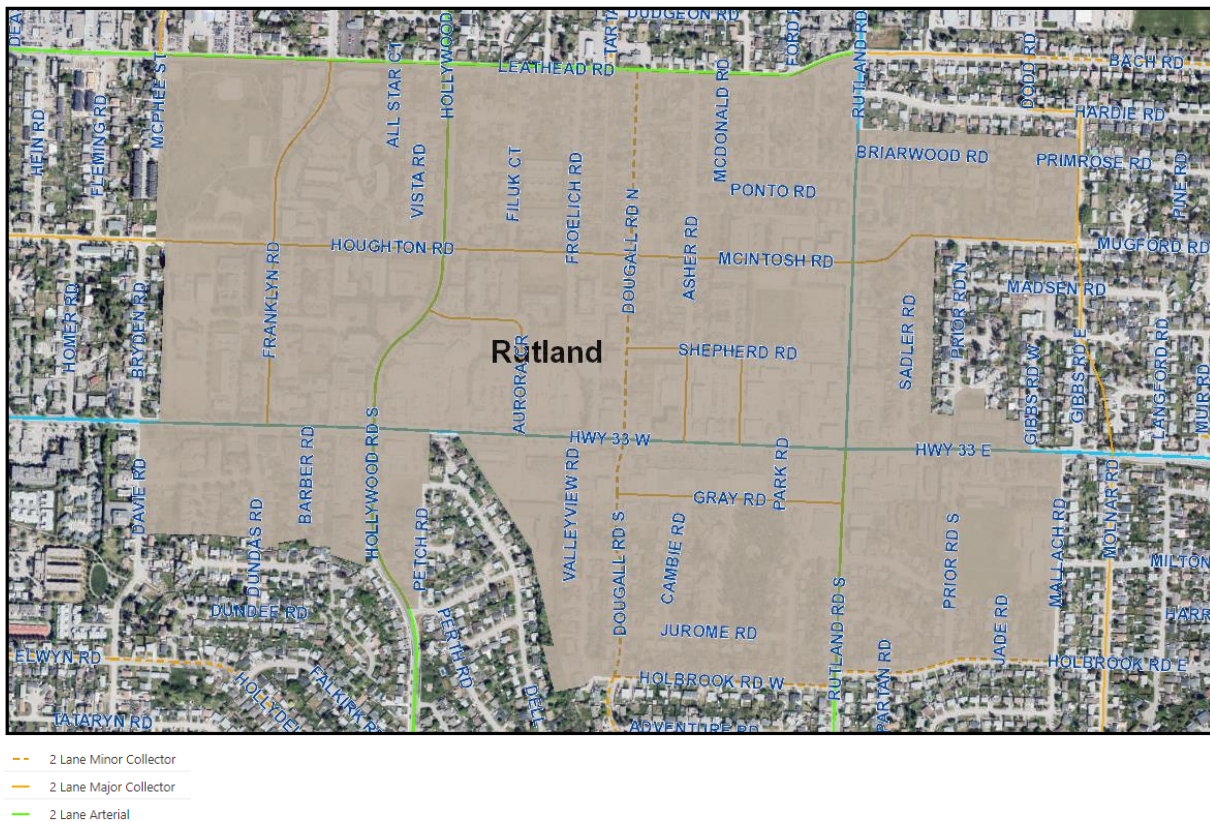
Development trends in Rutland show interest in the provision of five and six storey rental projects, of which the City is generally supportive in developing the Urban Centre and identified as a key direction in the framework of the Healthy Housing Strategy. Many projects in the Rutland Urban Centre can consider fully underground parking as a viable solution as there are not the same water table issues as in other parts of the City. This translates into five or six storeys of residential units, triggering the need for additional Floor Area Ratio (FAR). As an incentive to increase the number of rental developments within the Rutland Urban Centre, this Text Amendment includes an increase of 0.2 to the FAR for five and six storey buildings that have the

Residential Rental Tenure Only subzone. The total maximum allowable FAR with bonusing within the C4 – Urban Centre Commercial zone is not proposed to change.

To facilitate these types of rental projects, including an application at 230 Aurora Cres, increases to the C4 – Urban Centre Commercial FAR regulation is recommended by Development Planning. Development Planning sees this approach as providing an incentive in the Rutland Urban Centre that is fair and transparent to the marketplace and better land use management than if a site-specific text amendment approach were considered.

Development Planning also recommends support for changes to an existing Zoning Bylaw requirement in the C4 – Urban Centre Commercial zone relating to providing functional first floor commercial space on collector or arterial roads. In order to provide clarity of intent to the development community, Staff are wanting to include a supplemental map in the Zoning Bylaw in relation to this regulation for the Rutland Urban Centre. This map specifies which properties are required to have a commercial component, and which may be developed to be entirely residential. The addition of this map would remove the first-floor commercial requirement for a number of properties on collector and arterial roads within the Rutland Urban Centre, including on Aurora Cres.

Map of the Rutland Urban Centre, with an overlay of collector and arterial roads:



4.0 Proposal

4.1 Background

This broad amendment to the C4 – Urban Centre Commercial zone was initiated by an applicant to facilitate a development at 230 Aurora Cres under application Z20-0088. This specific development is being considered in separate applications.

5.0 Current Development Policies

5.1 Healthy Housing Strategy

Four key directions form the framework for the strategy:

1. Promote and protect rental housing;
2. Improve housing affordability and reduce barriers for affordable housing;
3. Build the right supply; and
4. Strengthen partnerships and align investments.

5.2 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

Address Housing Needs of All Residents. Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Chapter 5: Development Process

Objective 5.9 Support the creation of affordable and safe rental, non-market and/or special needs housing.

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.

6.0 Technical Comments

6.1 Development Engineering Department

The Development Engineering Branch has no comments related to the request for a text amendment. All other Development Engineering Branch comments related to the development at 230 Aurora Cres are included in City of Kelowna Memorandum for DP20-0147.

7.0 Application Chronology

Date of Application Received: June 8, 2020

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Summary Table of Proposed Text Amendments to Zoning Bylaw No. 8000

Attachment A: Applicant's Rationale

Schedule A – Zoning Bylaw No. 8000 Text Amendment

No.	Section	Existing Text	Proposed Text	Explanation of Change
1.	14.4 C4 – Urban Centre Commercial 14.4.5(a)2.v. Development Regulations – Floor Area Ratio	14.4.5(a)2.v. Five and six storey buildings can add a 0.2 Floor Area Bonus.	14.4.5(a)2.v. Five and six storey buildings can add a 0.2 Floor Area Bonus and if the property is located within the Rutland Urban Centre and has the Residential Rental Tenure Only subzone a further 0.2 Floor Area Bonus can be applied.	This change will facilitate an increase to the maximum floor area ratio for properties located within the Rutland Urban Centre with a Residential Rental Tenure subzone.
2.	14.4 C4 – Urban Centre Commercial 14.4.6(e) Other Regulations	14.4.6(e) Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the street frontage not used as a building will not be considered for the purpose of this calculation.	14.4.6(e) Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the street frontage not used as a building will not be considered for the purpose of this calculation. For properties located within the Rutland Urban Centre, Map 14.4 Commercial / Residential Frontage Regulations applies	The addition of this map to the Zoning Bylaw details which properties within the Rutland Urban Centre are required to provide functional commercial space on the first floor.

3.	14.4 C4 – Urban Centre Commercial 14.4.6 Other Regulations	N/A	Insert Map 14.4 Commercial / Residential Frontage Regulations at the end of Section 14.4.6	This requests the addition of Map 14.4 Commercial / Residential Frontage Regulations to the end of Section 14.4.6
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SCHEDULE

This forms part of application

TA20-0020

Planner
Initials

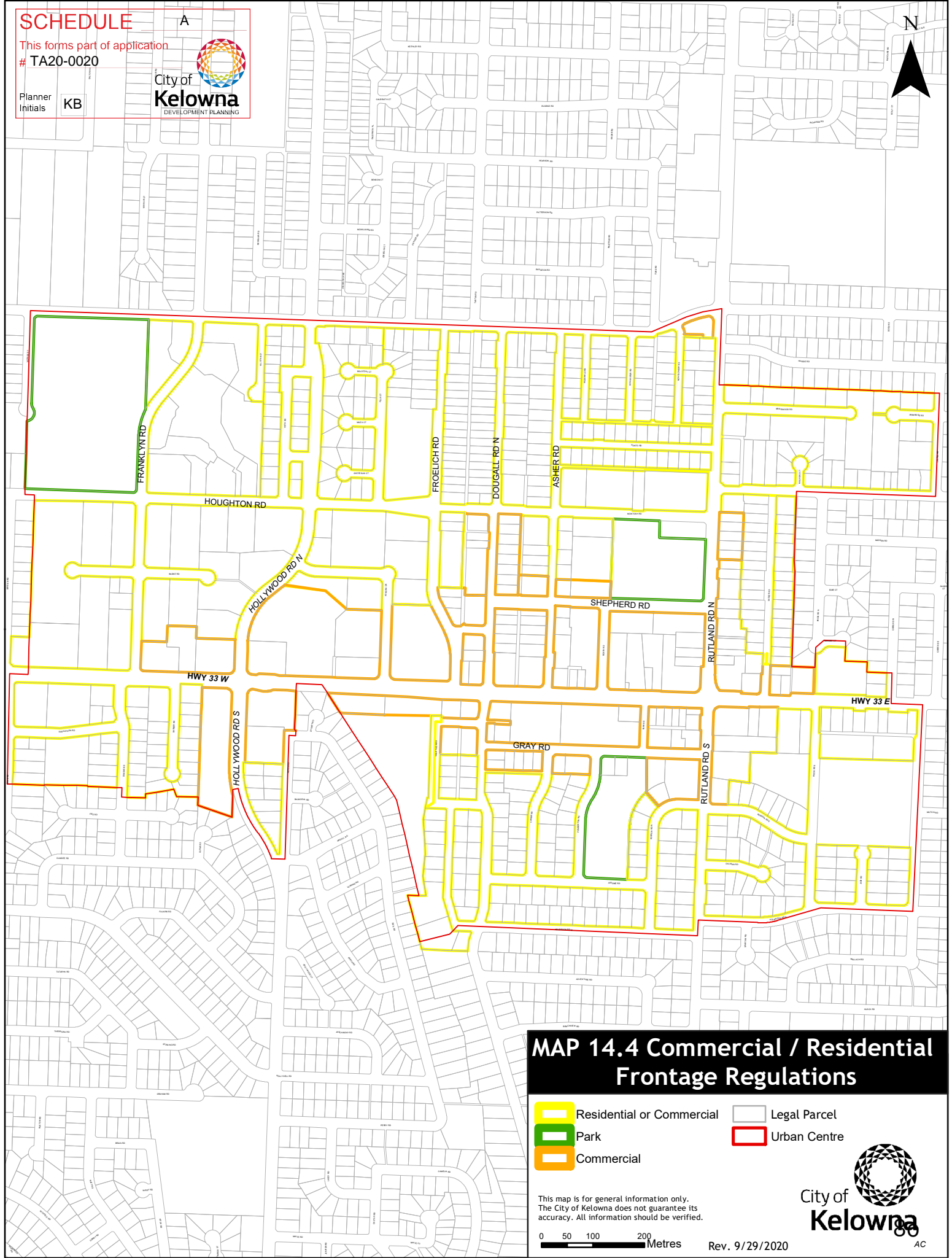
KB

City of
Kelowna
DEVELOPMENT PLANNING



A

N



MAP 14.4 Commercial / Residential Frontage Regulations

- Residential or Commercial
- Park
- Commercial
- Legal Parcel
- Urban Centre

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

0 50 100 200 Metres

Rev. 9/29/2020

City of
Kelowna
86



AC



October 13, 2020

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

Dear Ms. Brunet,

Re: Letter of Rationale for 230 Aurora Crescent, Kelowna, BC – Zoning By-law Text Amendment and Rezoning

Ironclad Developments Inc is applying for a Rezoning and Text Amendment to the City of Kelowna Zoning By-law No. 8000 for a proposed multi-unit residential development at 230 Aurora Crescent. The proposed development consists of two buildings, Building A will have five storeys of residential above ground floor parking and Building B will have six storeys of residential. The subject property is zoned C4 – Urban Centre Commercial which allows developments with a FAR between 1.6 and 1.7 and requires any building on a collector street to provide commercial space on the first floor. This first floor commercial space must occupy 90% of all street frontages. The purpose of this site-specific Text Amendment is to allow for a higher density of FAR 1.82 and to eliminate the ground floor commercial space requirement along Aurora Crescent which is identified as a Major Collector Road.

The proposed rezoning will rezone the property to C4R, a subzone of the current C4 zone. C4R – Urban Centre Commercial (Residential Rental Tenure Only) will ensure that the building remains rental for the long term.

ICD is asking for a site-specific Text Amendment to increase the FAR to 1.82, as we believe it is appropriate for the following reasons:

- 1) Low vacancy rate in Kelowna
- 2) Kelowna's Urban Centres Roadmap policies
- 3) Surrounding context

In October 2018, the vacancy rate for apartments in the City of Kelowna was 1.9%. Although this vacancy rate is not severely low, it is low, indicating a need for apartments in the community. Ironclad constructs and manages purpose built rental apartment buildings and intends on maintaining this development as rental units, not selling them as condominiums.





The buildings will be composed of a mix of one-, two- and three-bedroom units, providing an option of unit size to students, young professionals, seniors, and small families. Increasing the FAR from a maximum of 1.7 to 1.82 will allow Ironclad Developments to maximize the development potential of the lot with a total of 104 units in two six storey buildings and increasing Kelowna's rental options.

Kelowna's Urban Centres Roadmap outlines policies and targets for urban centres as they continue to develop. Two of the policies to create a healthy housing mix are 'promote a mix of unit types, building form and tenure in multi-family residential developments' and 'encourage multi-family buildings in areas with schools and parks to contain ground-oriented units and family-oriented units.' The proposed multi-unit residential development fits these policies as it will increase the mix of housing in the urban centre and is near multiple parks and schools.

The six storey design of the development is appropriate for the property as it is near a commercial area and other multi-unit residential buildings. The nearby residential buildings are three storeys tall, however, the proposed development will not shade the nearby residential buildings for most of the year. A shadow study has shown that the shadow will be contained within the property and the street during the day for the majority of the year.

We are asking for a site-specific Text Amendment for no ground floor commercial on this site, as we believe it is not appropriate or viable for the following reasons:

- 1) OCP Major Collector Road designation error
- 2) Surrounding context
- 3) Low traffic volumes/lack of destination
- 4) Marketability of commercial on this site
- 5) COVID implications on commercial space

The City of Kelowna Zoning Bylaw requires any building located on a collector or arterial road in the Urban Centre Commercial zone to provide a functional commercial space on the first floor. In pre-application discussions with the planning staff at the City of Kelowna, they indicated that Aurora Crescent was incorrectly designated as a Major Collector Road when the Official Community Plan was adopted. Ironclad Developments believes this is true as the street does not act as a Major Collector Road.

The City of Kelowna defines a collector road as 'that part of the roadway system servicing traffic between major and local roadways (e.g. Sutherland Avenue, Valley Road and Baron Road)' (City of Kelowna, 2020). A local road is defined as 'roadways used primarily for direct access to





residential, industrial or other abutting property (e.g. typical residential roads found in most neighbourhoods)' (1). Aurora Crescent is used to access the multi-unit residential properties along the street and the commercial uses along the highway that have access off Aurora. As per the City's definition, Aurora Crescent acts more as a local road than as a collector road as drivers do not use it to access other roadways, the only other road connected to it other than the highway, is Hollywood Road North, which bisects the highway on its own one block away.

Aurora Crescent is largely a residential street as the northern portion is fronted by multi-unit residential developments surrounding where the proposed development would be located. The southern portion of Aurora Crescent is not fronted by any businesses but is used to access the parking lots for the commercial uses. If approved, the proposed development would front onto the southern portion of Aurora, providing an active frontage for this section of the street. Although there would not be commercial uses on the main floor, the main floor suites would be pushed out towards the street and have private patios adjacent to the sidewalk. These patios, along with the balconies in each suite above the ground floor would provide private outdoor space for each resident and create eyes on the street for pedestrian safety.

On nearby collector roads like Asher Road and Roxby Road there are multiple commercial uses fronting onto the street. Aurora Crescent does not have the same commercial frontage as the commercial uses adjacent to Aurora (Value Village, KFC/Taco Bell and Mara Lumber Home Building Centre) front onto Kelowna-Rock Creek Highway and most likely only use Aurora to just access the parking lot. Unlike other collector roads, Aurora is not part of a wider commercial core or mixed-use area and does not connect to or adjacent to a commercial district or destination. Franklyn Road, another nearby collector road with multiple multi-unit residential developments along the street, however it services local roads and connects two arterial roads that do not intersect. As Aurora does not have other commercial uses adjacent to the subject property to help draw customers to the area, and does not serve a purpose as a connection to another area, the marketability of commercial uses at this location is questionable.

In March 2020 the Canadian economy changed dramatically as a result of COVID-19, causing a huge impact on businesses in Canada and their ability to operate. Sales dropped, businesses had to shut down temporarily and close to a third of businesses feel it will take a year or two to get back to pre-COVID business volumes (CIBC, 2020). Businesses are now reevaluating what is needed after months of successfully staying connected and doing business in a virtual workplace. Office workplaces have adapted to work-from-home arrangements, having fewer in-person meetings and increasing technology support, their costs have been reduced, causing





them to consider downsizing their office space permanently (Desai, 2020). This shift in workplace operations may alter the demand for commercial office space for years to come (Beaudoin, Georgules, & Raicht, 2020). With uncertainty around the demand for commercial space as COVID-19 continues, and in its aftermath, new commercial spaces may sit empty while the enters a prolonged long and slow recovery period. Until the economy improves, building additional commercial spaces when many businesses are downsizing or unsure if they will be able to remain open, is problematic and with increased risk as it may be hard to lease commercial space.

It is for the above reasons that we believe a Rezoning and Text Amendment is appropriate for the site to permit an increased FAR and allow for a new development without the required ground-floor commercial component. By rezoning to a residential rental subzone, the building will remain rental for the long term.

Respectfully submitted,

Breanne Jack





References

- Beaudoin, C., Georgules, J., & Raicht, T. (2020, April 20). *Tenant needs in a post-pandemic world: 2020 Forecast Series*. Retrieved from JLL: <https://www.jll.ca/en/trends-and-insights/research/2020-first-look-navigating-post-COVID-19>
- CIBC. (2020, May 4). COVID-19 impact felt by 81 per cent of Canadian small business owners : CIBC poll. Retrieved from <http://cibc.mediaroom.com/2020-05-04-COVID-19-impact-felt-by-81-per-cent-of-Canadian-small-business-owners-CIBC-Poll>
- City of Kelowna. (2020). *Roadway maintenance & equipment*. Retrieved from City of Kelowna: <https://www.kelowna.ca/roads-transportation/roads/roadway-maintenance-equipment>
- Desai, K. (2020, June 19). *The fate of the office: should it stay or should it go?* Retrieved from Altus Group: <https://www.altusgroup.com/data/insights/the-fate-of-the-office-should-it-stay-or-should-it-go/>





TA20-0020 230 Aurora Cres

Text Amendment Application



Proposal

- ▶ To amend the C₄ - Urban Centre Commercial zone within the Zoning Bylaw to add 0.2 Floor Area Ratio bonus for five and six storey buildings in the Rutland Urban Centre that have a Residential Rental Tenure Only subzone and to add a map detailing which properties within are required to provide functional commercial space on the first floor.

Development Process

June 8, 2020

Development Application Submitted



Staff Review & Circulation



Nov 2, 2020

Initial Consideration

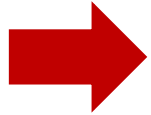


Public Hearing
Second & Third Readings



Final Reading

Council
Approvals



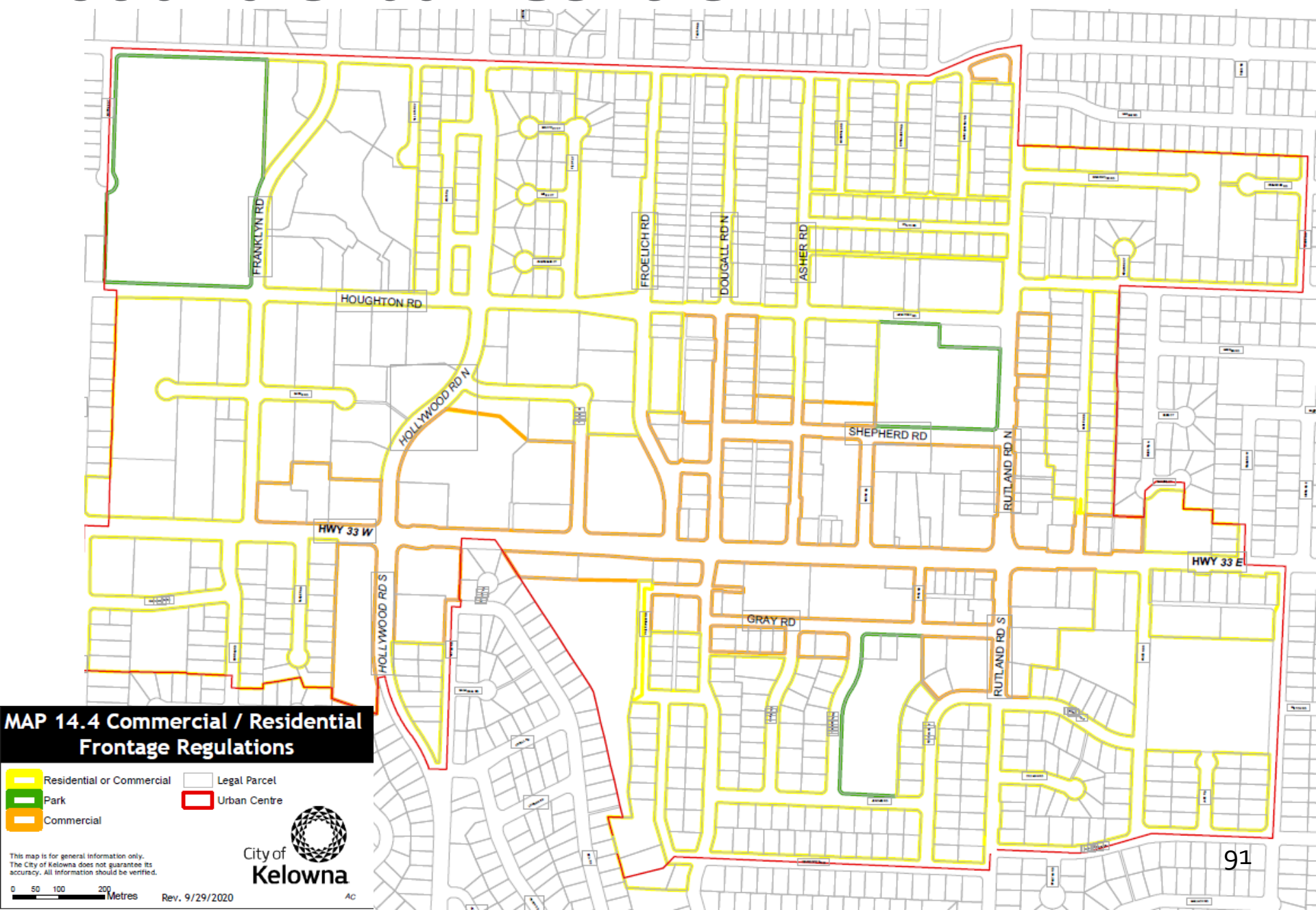
Text Amendment

- ▶ Floor Area Ratio
 - ▶ 0.2 FAR bonus, C₄ rental developments in Rutland Urban Centre
 - ▶ The total maximum allowable FAR in the C₄ zone is not proposed to change
 - ▶ Underground parking is possible in Rutland (less water table issues than other locations in the City)
- ▶ First Floor Functional Commercial Space
 - ▶ Current requirement for first floor commercial space on collector or arterial roads
 - ▶ Addition of a map further specifying which properties in the Rutland Urban Centre where this is required

Rutland Urban Centre



Rutland Urban Centre



Development Policy

- ▶ Promoting and Protecting Rental Housing is a key direction in the Healthy Housing Strategy
- ▶ Meets the Intent of the Official Community Plan
 - ▶ Support the creation of affordable and safe rental, non-market and/or special needs housing.
 - ▶ Housing Mix
 - ▶ Address Housing Needs of All Residents

Staff Recommendation

- ▶ Staff recommend support for the Text Amendment
 - ▶ FAR bonus for Residential Rental Tenure Only subzone helps encourage rental developments in the Rutland Urban Centre
 - ▶ Greater clarification for commercial development requirement on arterial and collector roads in the Rutland Urban Centre
- ▶ Recommend the Bylaws be forwarded to a Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12115

TA20-0020

Amendment to C4 – Urban Centre Commercial Section 14.4 and Addition of Map 14.4

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 14 – Commercial Zones, Section 14.4 – C4 – Urban Centre Commercial, 14.4.5(a)2 Development Regulations** be amended by:

Deleting the following:

"v. Five and six storey buildings can add a 0.2 Floor Area Bonus."

And replacing it with:

"v. Five and six storey buildings can add a 0.2 Floor Area Bonus and if the property is located within the Rutland Urban Centre and has the Residential Rental Tenure Only subzone a further 0.2 Floor Area Bonus can be applied."

2. AND THAT **Section 14 – Commercial Zones, Section 14.4 – C4 – Urban Centre Commercial, 14.4.6(e) Other Regulations** be amended by:

Deleting the following:

"Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as a **building** will not be considered for the purpose of this calculation."

And replacing it with:

"Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as a **building** will not be considered for the purpose of this calculation. For properties located within the Rutland Urban Centre, Map 14.4 Commercial/Residential Frontage Regulations applies."

3. AND THAT **Section 14 – Commercial Zones, Section 14.4 – C4 – Urban Centre Commercial, 14.4.6 Other Regulations** be amended by adding the diagram "Map 14.4 Commercial / Residential Frontage Regulations" at the end of **Section 14.4.6 Other Regulations** as attached to and forming part of this bylaw.
4. 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

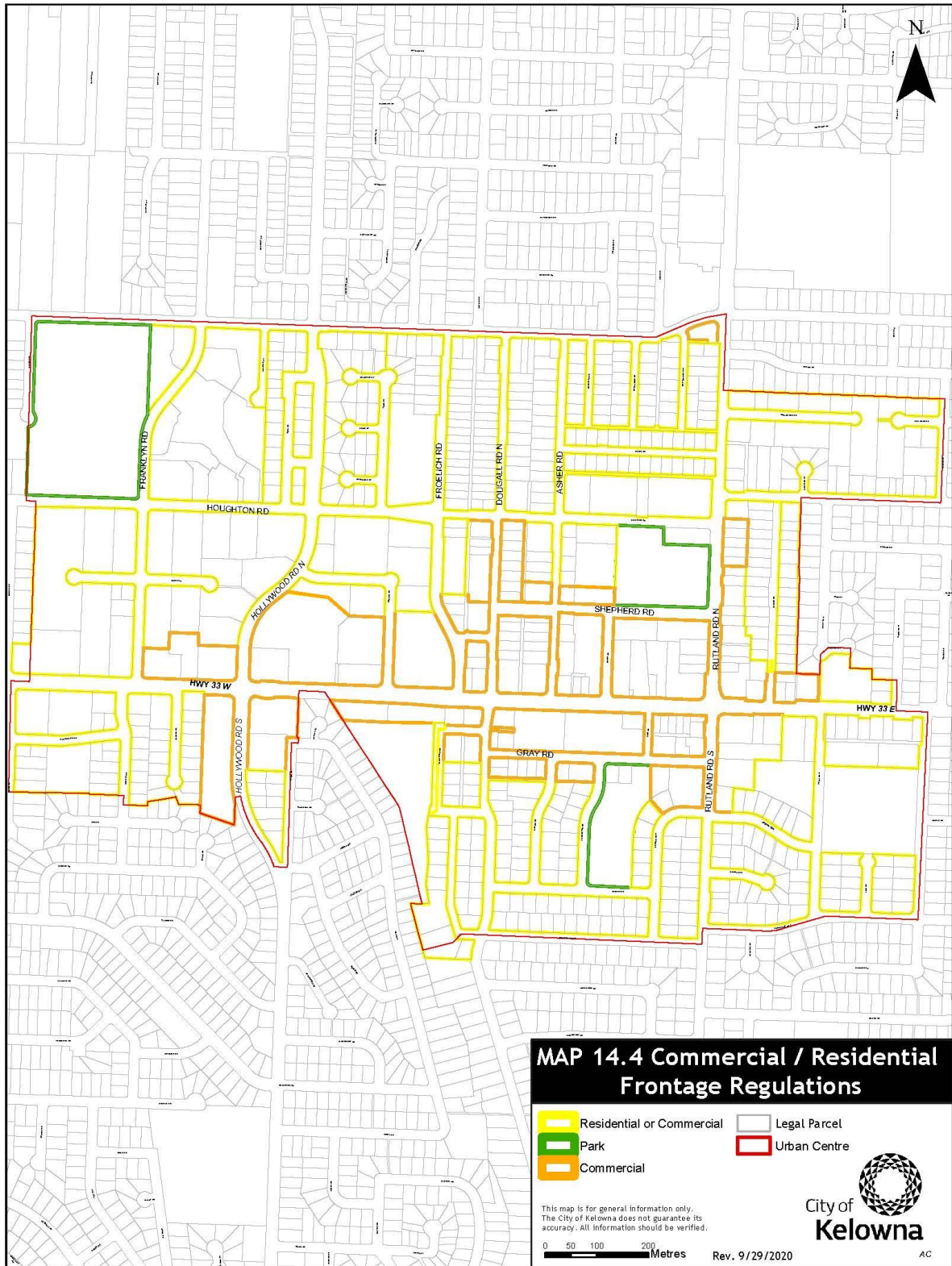
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: November 2, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0088

Owner: Lambert and Paul Construction Ltd., Inc. No. 80191

Address: 230 Aurora Crescent

Applicant: Ironclad Developments Inc.

Subject: Rezoning Application

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial)

Existing Zone: C4 – Urban Centre Commercial

Proposed Zone: C4r – Urban Centre Commercial (Residential Rental Tenure Only)

1.0 Recommendation

THAT Rezoning Application No. Z20-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 Section 26 Township 26 Osoyoos Division Yale District Plan KAP46961, located at 230 Aurora Crescent, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4r – Urban Centre Commercial (Residential Rental Tenure Only) 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 Permit and Development Variance Permit for the subject property.

2.0 Purpose

To rezone the subject property to facilitate the development of a multiple dwelling housing project with the Residential Rental Tenure Only subzone.

3.0 Development Planning

Development Planning recommends support for the Rezoning application. The application proposes a zoning change from the C₄ – Urban Centre Commercial zone to the C_{4r} – Urban Centre Commercial (Residential Rental Tenure Only) zone, which would ensure this development remains as dedicated rental dwellings within the Rutland Urban Centre. The proposed apartment buildings will benefit from the central and convenient location of the subject property in close access to many nearby shops, services and amenities. This aligns with key directions from the framework of the Healthy Housing Strategy, as well as the broad objectives in the Official Community Plan to support the creation of affordable and safe rental, non-market housing.

4.0 Proposal

4.1 Background

The subject property is currently zoned C₄ – Urban Centre Commercial, and has a Future Land Use in the City's OCP of MXR – Mixed Use (Residential / Commercial) and approximately 1.01 acres in size. Research provided by the applicant indicated that this site has always been undeveloped, however it was used as a laydown for lumber from an adjacent sawmill from approximately 1956-1963, and on and off used for parking and equipment storage in the years since. The site is currently vacant.

4.2 Project Description

The applicant is proposing two six-storey wood-frame buildings for a multiple dwelling housing development, which would contain 104 dedicated rental units. The units are a mix of one, two and three bedrooms, and combination of surface, ground floor and underground parking is proposed.

This development proposal includes a rezoning application from the C₄- Urban Centre Commercial zone to the C_{4r} – Urban Centre Commercial (Residential Rental Tenure Only) zone, and multiple dwelling housing is a permitted principal use within this zone. A Zoning Bylaw Text Amendment to C₄ – Urban Centre Commercial regulations relating to FAR and functional commercial space on the first floor is being considered separate from this application. Should Council support the proposed Rezoning Bylaw, Staff would bring forward a Development Permit application for Council consideration prior to any building permits being issued.

4.3 Site Context

The subject property is a corner lot located on Aurora Cres in the City's Rutland OCP Sector. It is near existing residential and commercial uses, as well as public transit options. The Walk Score is 71, indicating that most errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing
East	C ₄ – Urban Centre Commercial C ₁₀ – Service Commercial	Currently Vacant Land Retail Store, Service Commercial
South	C ₄ – Urban Centre Commercial	Retail Stores, General
West	C _{4rls} – Urban Centre Commercial (Retail Liquor Sales)	Retail Stores, General, Food Primary Establishments, Retail Liquor Sales Establishment, Personal Service Establishment

Subject Property Map: 230 Aurora Cres



5.0 Current Development Policies

5.1 Healthy Housing Strategy

Four key directions form the framework for the strategy:

1. Promote and protect rental housing;
2. Improve housing affordability and reduce barriers for affordable housing;
3. Build the right supply; and
4. Strengthen partnerships and align investments.

5.2 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.

Address Housing Needs of All Residents. Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Chapter 5: Development Process

Objective 5.9 Support the creation of affordable and safe rental, non-market and/or special needs housing.

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.

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

Policy .13 Family Housing. Support housing alternatives for families when single detached housing is too costly, including features that are important to families, such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighbourhood characteristics (e.g.: location and amenities)

Objective 5.23 Address the needs of families with children through the provision of appropriate family-oriented housing.

Policy .1 Ground-Oriented Housing. Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with two or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

6.0 Technical Comments

6.1 Development Engineering Department

See Attachment A: City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Received: June 8, 2020
Date Public Consultation Completed: September 14, 2020

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: City of Kelowna Memorandum

Attachment B: Applicant's Rationale

Attachment C: Draft Site Plan and Conceptual Rendering

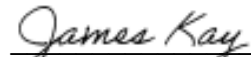
CITY OF KELOWNA

MEMORANDUM

Date: October 14, 2020
File No.: Z20-0088
To: Community Planning (KB)
From: Development Engineering Manager (JK)
Subject: 230 Aurora Cr C4 – C4r

Development Engineering comments and requirements regarding this rezoning application are as follows:

1. This application to rezone the subject property from the C4 Urban Centre Commercial zone to the C4r Urban Centre Commercial (Residential Rental Tenure Only) zone does not compromise any City of Kelowna municipal infrastructure.
2. All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under the Development Permit application file number DP20-0147.
3. These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).


James Kay, P. Eng.
Development Engineering Manager

SK



October 13, 2020

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

Dear Ms. Brunet,

Re: Letter of Rationale for 230 Aurora Crescent, Kelowna, BC – Zoning By-law Text Amendment and Rezoning

Ironclad Developments Inc is applying for a Rezoning and Text Amendment to the City of Kelowna Zoning By-law No. 8000 for a proposed multi-unit residential development at 230 Aurora Crescent. The proposed development consists of two buildings, Building A will have five storeys of residential above ground floor parking and Building B will have six storeys of residential. The subject property is zoned C4 – Urban Centre Commercial which allows developments with a FAR between 1.6 and 1.7 and requires any building on a collector street to provide commercial space on the first floor. This first floor commercial space must occupy 90% of all street frontages. The purpose of this site-specific Text Amendment is to allow for a higher density of FAR 1.82 and to eliminate the ground floor commercial space requirement along Aurora Crescent which is identified as a Major Collector Road.

The proposed rezoning will rezone the property to C4R, a subzone of the current C4 zone. C4R – Urban Centre Commercial (Residential Rental Tenure Only) will ensure that the building remains rental for the long term.

ICD is asking for a site-specific Text Amendment to increase the FAR to 1.82, as we believe it is appropriate for the following reasons:

- 1) Low vacancy rate in Kelowna
- 2) Kelowna's Urban Centres Roadmap policies
- 3) Surrounding context

In October 2018, the vacancy rate for apartments in the City of Kelowna was 1.9%. Although this vacancy rate is not severely low, it is low, indicating a need for apartments in the community. Ironclad constructs and manages purpose built rental apartment buildings and intends on maintaining this development as rental units, not selling them as condominiums.





The buildings will be composed of a mix of one-, two- and three-bedroom units, providing an option of unit size to students, young professionals, seniors, and small families. Increasing the FAR from a maximum of 1.7 to 1.82 will allow Ironclad Developments to maximize the development potential of the lot with a total of 104 units in two six storey buildings and increasing Kelowna's rental options.

Kelowna's Urban Centres Roadmap outlines policies and targets for urban centres as they continue to develop. Two of the policies to create a healthy housing mix are 'promote a mix of unit types, building form and tenure in multi-family residential developments' and 'encourage multi-family buildings in areas with schools and parks to contain ground-oriented units and family-oriented units.' The proposed multi-unit residential development fits these policies as it will increase the mix of housing in the urban centre and is near multiple parks and schools.

The six storey design of the development is appropriate for the property as it is near a commercial area and other multi-unit residential buildings. The nearby residential buildings are three storeys tall, however, the proposed development will not shade the nearby residential buildings for most of the year. A shadow study has shown that the shadow will be contained within the property and the street during the day for the majority of the year.

We are asking for a site-specific Text Amendment for no ground floor commercial on this site, as we believe it is not appropriate or viable for the following reasons:

- 1) OCP Major Collector Road designation error
- 2) Surrounding context
- 3) Low traffic volumes/lack of destination
- 4) Marketability of commercial on this site
- 5) COVID implications on commercial space

The City of Kelowna Zoning Bylaw requires any building located on a collector or arterial road in the Urban Centre Commercial zone to provide a functional commercial space on the first floor. In pre-application discussions with the planning staff at the City of Kelowna, they indicated that Aurora Crescent was incorrectly designated as a Major Collector Road when the Official Community Plan was adopted. Ironclad Developments believes this is true as the street does not act as a Major Collector Road.

The City of Kelowna defines a collector road as 'that part of the roadway system servicing traffic between major and local roadways (e.g. Sutherland Avenue, Valley Road and Baron Road)' (City of Kelowna, 2020). A local road is defined as 'roadways used primarily for direct access to





residential, industrial or other abutting property (e.g. typical residential roads found in most neighbourhoods)' (1). Aurora Crescent is used to access the multi-unit residential properties along the street and the commercial uses along the highway that have access off Aurora. As per the City's definition, Aurora Crescent acts more as a local road than as a collector road as drivers do not use it to access other roadways, the only other road connected to it other than the highway, is Hollywood Road North, which bisects the highway on its own one block away.

Aurora Crescent is largely a residential street as the northern portion is fronted by multi-unit residential developments surrounding where the proposed development would be located. The southern portion of Aurora Crescent is not fronted by any businesses but is used to access the parking lots for the commercial uses. If approved, the proposed development would front onto the southern portion of Aurora, providing an active frontage for this section of the street. Although there would not be commercial uses on the main floor, the main floor suites would be pushed out towards the street and have private patios adjacent to the sidewalk. These patios, along with the balconies in each suite above the ground floor would provide private outdoor space for each resident and create eyes on the street for pedestrian safety.

On nearby collector roads like Asher Road and Roxby Road there are multiple commercial uses fronting onto the street. Aurora Crescent does not have the same commercial frontage as the commercial uses adjacent to Aurora (Value Village, KFC/Taco Bell and Mara Lumber Home Building Centre) front onto Kelowna-Rock Creek Highway and most likely only use Aurora to just access the parking lot. Unlike other collector roads, Aurora is not part of a wider commercial core or mixed-use area and does not connect to or adjacent to a commercial district or destination. Franklyn Road, another nearby collector road with multiple multi-unit residential developments along the street, however it services local roads and connects two arterial roads that do not intersect. As Aurora does not have other commercial uses adjacent to the subject property to help draw customers to the area, and does not serve a purpose as a connection to another area, the marketability of commercial uses at this location is questionable.

In March 2020 the Canadian economy changed dramatically as a result of COVID-19, causing a huge impact on businesses in Canada and their ability to operate. Sales dropped, businesses had to shut down temporarily and close to a third of businesses feel it will take a year or two to get back to pre-COVID business volumes (CIBC, 2020). Businesses are now reevaluating what is needed after months of successfully staying connected and doing business in a virtual workplace. Office workplaces have adapted to work-from-home arrangements, having fewer in-person meetings and increasing technology support, their costs have been reduced, causing





BUILDING THE FUTURE

IRONCLAD DEVELOPMENTS INC.

ATTACHMENT B	
This forms part of application	
# Z20-0088	
Planner Initials	www.ironcladdevelopments.com City of Kelowna

them to consider downsizing their office space permanently (Desai, 2020). This shift in workplace operations may alter the demand for commercial office space for years to come (Beaudoin, Georgules, & Raicht, 2020). With uncertainty around the demand for commercial space as COVID-19 continues, and in its aftermath, new commercial spaces may sit empty while the enters a prolonged long and slow recovery period. Until the economy improves, building additional commercial spaces when many businesses are downsizing or unsure if they will be able to remain open, is problematic and with increased risk as it may be hard to lease commercial space.

It is for the above reasons that we believe a Rezoning and Text Amendment is appropriate for the site to permit an increased FAR and allow for a new development without the required ground-floor commercial component. By rezoning to a residential rental subzone, the building will remain rental for the long term.

Respectfully submitted,

Breanne Jack

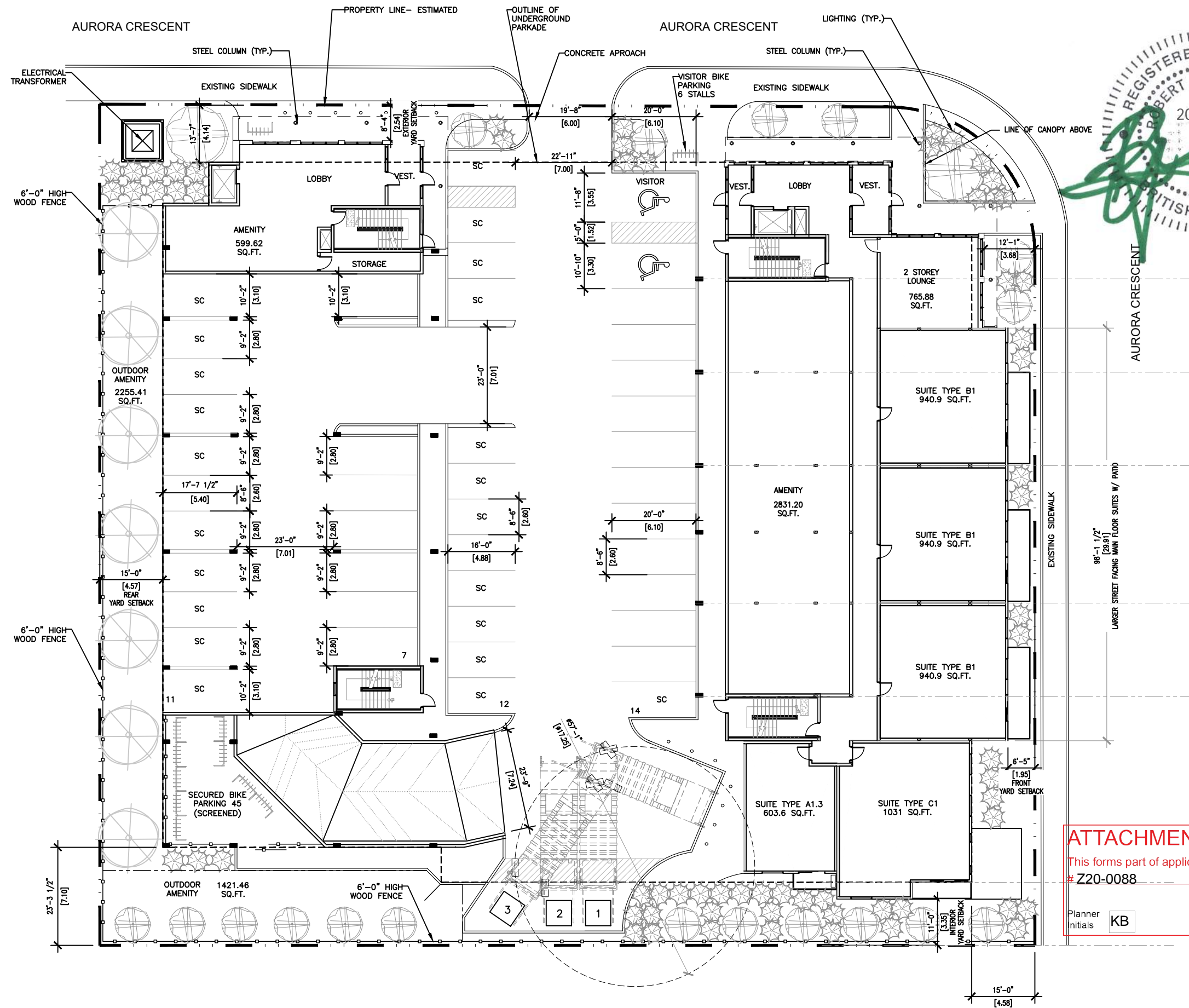




References

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PROPOSED SITE PLAN

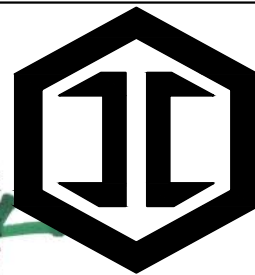
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ATTACHMENT C
This forms part of application
Z20-0088

Planner Initials KB



Ironclad Developments Inc.



IRONCLAD
DEVELOPMENTS INC.


Project Management
General Contracting
Design/ Build

101-57158
Symington Rd.
Springfield, MB.
R2J 4L6

PH:
204-777-1972

info@icdev.ca

Consultant



RJSG
ARCHITECT INC.

ROB J.S. GARVEY, ARCHITECT
MAA, AIBC, LEED AP

201-57158 SYMINGTON RD 20E
SPRINGFIELD, MB R2J 4L6
T: 204.227.9274
E: RGARVEY@A77.CA

DEVELOPMENT DESCRIPTION:

230 AURORA CRESCENT,
KELOWNA, BC

SITE AREA : 4,099.81 Sq.Ft
CURRENT ZONING: C4

PROPOSED UNITS: 104
1 BED = 45 UNITS
2 BED = 53 UNITS
3 BED = 6 UNITS

PARKING REQUIREMENTS:

TOTAL PARKING REQUIRED: 122 STALLS
(INCLUDING VISITOR AND ACCESSIBLE)

TOTAL PARKING PROVIDED: 122 STALLS
SURFACE PARKING: 44 STALLS
UNDERGROUND PARKING: 78 STALLS
SMALL CAR PARKING: 51 STALLS

BIKE PARKING (LONG TERM): 110 STALLS
BIKE PARKING (SHORT TERM): 12 STALLS

0	DEVELOPMENT APPLICATION	20.10.16
REV.	DESCRIPTION OF WORK REVISED	DATE

230 Aurora Crescent;
Kelowna BC;

PROPOSED SITE PLAN
AND MAIN FLOOR PLAN

Project Number: 2004

04-30-2020

Rev Date 09-30-2020

Drawn By J.P.M.

Designed By J.P.M.

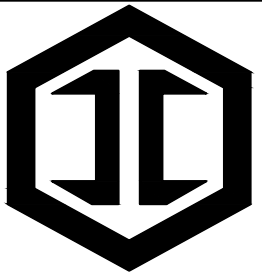
Checked By

ESP-1.0

Scale 108



Ironclad Developments Inc.



IRONCLAD
DEVELOPMENTS INC.


Project Management
General Contracting
Design/ Build

101-57158
Symington Rd.
Springfield, MB.
R2J 4L6

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204-777-1972

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Consultant



ARCHITECTURE 77 INC.

ROB GARVEY
ARCHITECTURE 77 INC.


201-57158 SYMINGTON RD 20E
SPRINGFIELD, MB R2J 4L6
T: 204.227.9274
E: RGARVEY@A77.CA

ATTACHMENT C

This forms part of application
Z20-0088

Planner
Initials

KB



City of
Kelowna
DEVELOPMENT PLANNING

REV.	DESCRIPTION OF WORK REVISED	DATE

230 Aurora Crescent;
Kelowna BC;

RENDERINGS

Project Number: 2004

04-30-2020

Rev Date 09-30-2020

Drawn By J.P.M./D.D.

Designed By J.P.M.

Checked By

ESP-5.1

Scale 1/8" = 1'-0"



Z20-0088

230 Aurora Cres

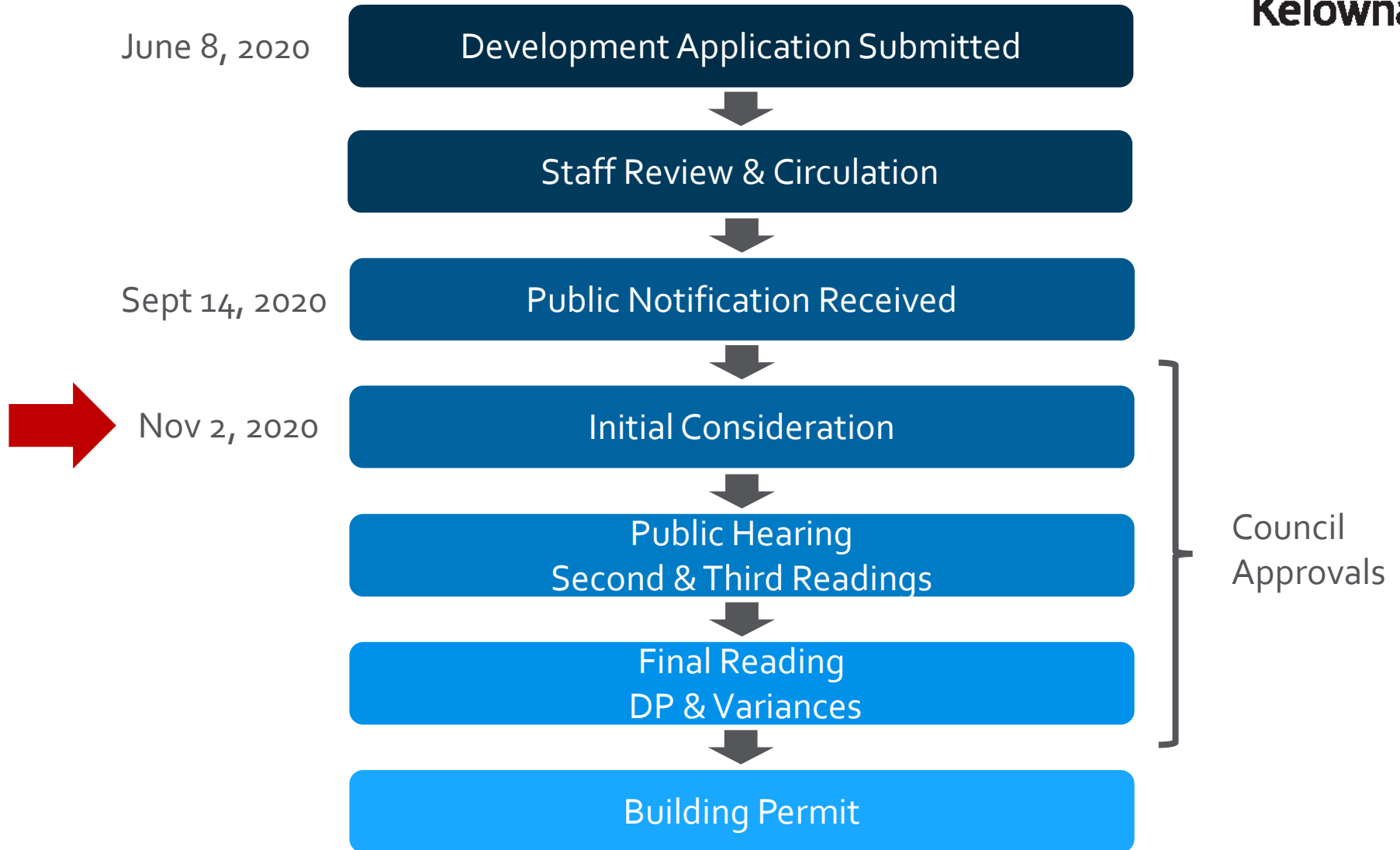
Rezoning Application



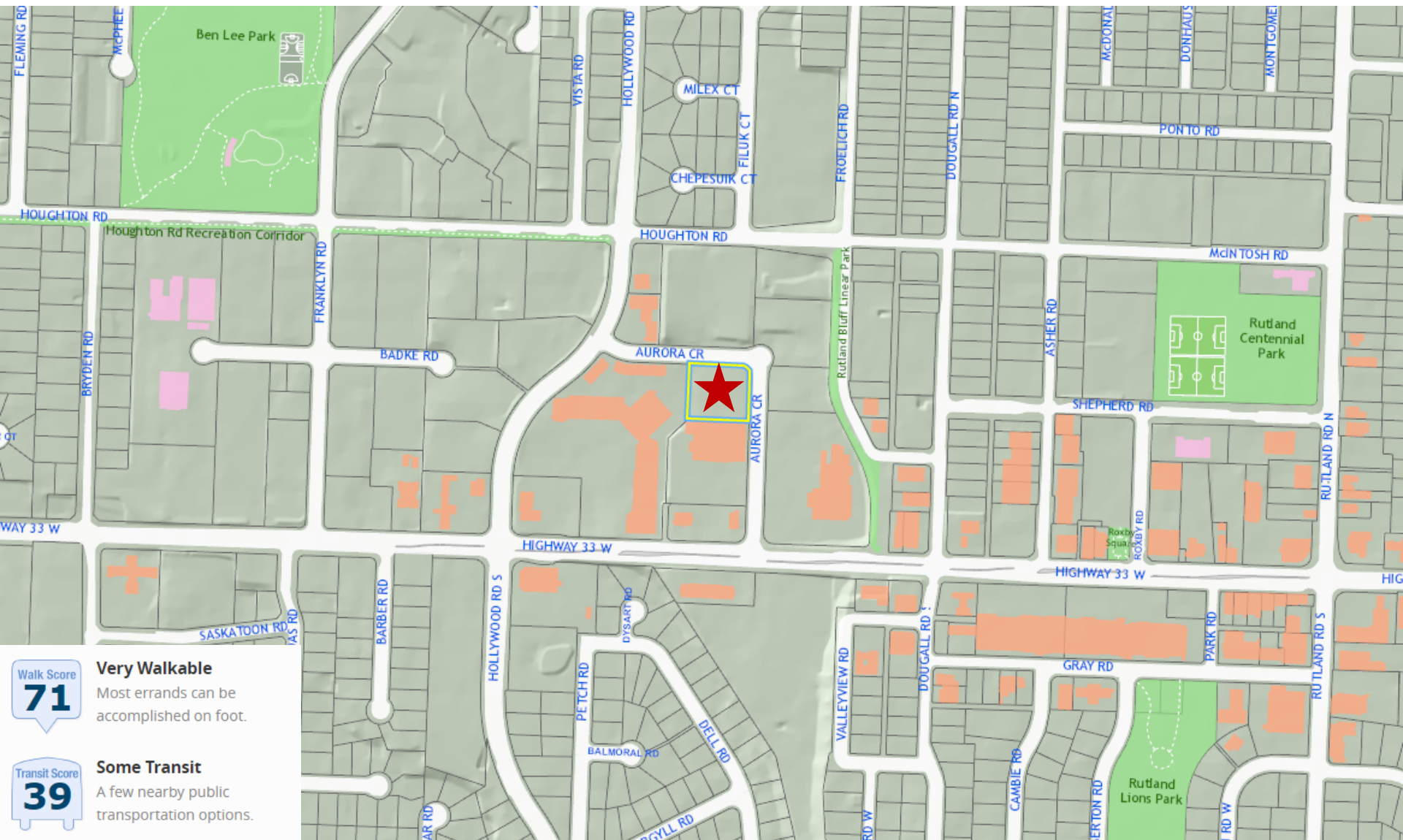
Proposal

- ▶ To rezone the subject property to facilitate the development of a multiple dwelling housing project with the Residential Rental Tenure Only subzone

Development Process



Context Map



Subject Property Map



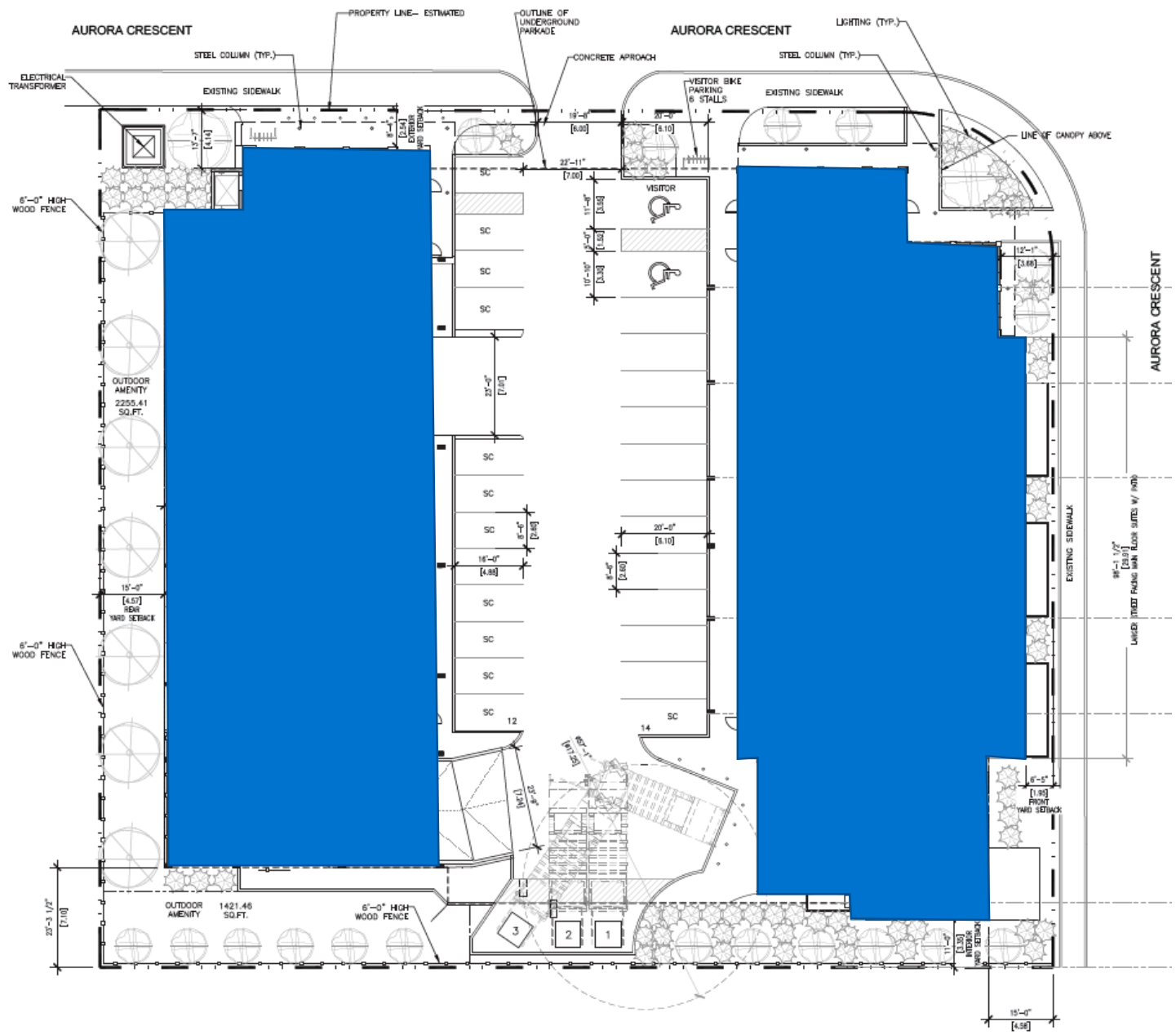
View from Aurora Cres



Project Details

- ▶ Multiple dwelling housing development
 - ▶ Two, six-storey wood frame buildings
 - ▶ 104 dedicated rental units
 - ▶ Mix of one, two and three bedrooms
 - ▶ Surface, ground and underground parking

Draft Site Plan



Draft Rendering



Development Policy

- ▶ Meets the Intent of the Official Community Plan
 - ▶ Support the creation of affordable and safe rental, non-market and/or special needs housing.
 - ▶ Housing Mix
 - ▶ Family Housing
 - ▶ Address Housing Needs of All Residents
- ▶ Promoting and Protecting Rental Housing is a key direction in the Healthy Housing Strategy

Staff Recommendation

- ▶ Staff recommend support for the Rezoning application
 - ▶ The C4r – Urban Centre Commercial (Residential Rental Tenure) zone would ensure this development remains as dedicated rental
 - ▶ Policies in the OCP and Healthy Housing Strategy support a variety of housing and rental housing developments
- ▶ Recommend the Bylaw be forwarded to a Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12116

Z20-0088

230 Aurora 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:

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 KAP46961 located at Aurora Crescent, Kelowna, BC from the C₄ – Urban Centre Commercial zone to the C_{4r} – Urban Centre Commercial (Residential Rental Tenure Only) 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

Report to Council



Date: November 2, 2020
To: Council
From: City Manager
Subject: Water Regulation Bylaw Updates
Department: Utility Services

Recommendation:

THAT Council receives for information, the report from Utility Services dated November 2, 2020, pertaining to the Water Regulation Bylaw updates;

AND THAT Bylaw No. 12110 being Amendment No.12 to Water Regulation Bylaw No. 10480 be forwarded for reading consideration;

AND FURTHER THAT Bylaw No. 12111 being SEKID Bylaws Repeal Bylaw be forwarded for reading consideration.

Purpose:

To enact proposed changes to the Water Regulation Bylaw including administration changes.

Background:

The Water Regulation Bylaw sets out the services provided, the terms and conditions associated with these services and the rates charged for use of the City's water supply and distribution system. Proposed updates to the Bylaw are necessary to:

- Update definitions
- Improve administrative application of the Bylaw
- Respond to customer requirements of the system
- Address separate deficiencies in individual Bylaw clauses
- Approve the rates for each customer class and use category
- Rescind South East Kelowna Irrigation District (SEKID) bylaws that remain in effect.

Council adopted Water Supply Policy 383 on October 28, 2019 which includes the following Policy Statements:

5. The City supports agriculture within the utility service area. 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.

6. Properties classified as Farm under the Assessment Act will be eligible for agricultural water rates.

On June 15, 2020 Council approved the Water Rates and Charges for the Water Utility with the exception of agricultural water rates and passed the following related resolutions:

Ro456/20/06/15 THAT Council receive for information the report from the Utility Services Department, dated June 15, 2020, regarding Water Utility rates for 2021;

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

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

Ro457/20/06/15 THAT Council directs staff to forward the Agriculture water rates to the Agricultural Advisory Committee for their feedback and report back to Council.

On September 28, 2020 Council approved the Water Rates and Charges for Agricultural customers by passing the following resolution:

Ro633/20/09/28 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 this report.

Discussion:

The new Bylaw includes the Water Utility rates as approved in the June 15, and September 28, 2020 reports to Council.

The Bylaw also includes numerous edits and amendments to reflect the City's ownership and operation of a second, non-potable, water system that was formerly owned and operated by the South East Kelowna Irrigation District (SEKID). These changes will allow the City to rescind a number of SEKID bylaws that are currently in place for the operation and revenue collection from that system.

The amendments that reflect operation of the non-potable system are generally consistent with the past operating practices of SEKID. Of note for Council:

1. Services off the non-potable water system that needed to be winterized will be turned on before May 1 and shut off after September 30 of each year. It takes one to two weeks to complete each process and the exact timing will be coordinated by Water Operations staff considering weather and other operational needs.
2. The Allotment system is being maintained for Farm Status (Agricultural) properties, and the volume of water per hectare (based on 685 mm maximum depth of application) before tiered water rates begin is similar to the past method of charges by SEKID. The City will retain the Allotment value on all non-farm former SEKID properties that previously purchased an Allotment in the event that they obtain Farm Status. The City reserves the right to adjust the annual allotment based on anticipated storage and growing conditions.
3. Early in each year staff will evaluate the volume of water available in the upper watershed. If a shortage of water is anticipated staff will recommend to Council that the Allotment of water per hectare be reduced and other water reduction stages be implemented on the non-potable system. This should be a rare event (1 year in 10 or less frequent).
4. If a property has access to the non-potable system, the Agricultural water rate will only be available for non-potable water (Section 6.6.2). This is important to ensure that potable water is not used for farm irrigation if non-potable water is available.

The amending bylaw also includes some other minor administrative amendments.

Conclusion:

It is recommended that Council receive and approve Amending Bylaw No. 12110 to amend Water Regulation Bylaw 10480.

Internal Circulation:

Communications
Revenue Supervisor
Utility Planning Manager

Considerations applicable to this report:

Legal/Statutory Authority:

Community Charter , Section 194

Financial/Budgetary Considerations:

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

Communications Comments:

Water Customers will be notified of the rate changes by mail, through an established Kelowna Integrated Water Project e-newsletter, in the December utility bill, and through the City's website.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

External Agency/Public Comments:

Submitted by:

A. Weremy, Water Operations Manager

Approved for inclusion:

A square box containing a handwritten signature in blue ink, which appears to be 'J. Creron'.

J. Creron, Deputy City Manager

Attachments:

Schedule A

Schedule B

SCHEDULE "A"

Customers shall pay the following **rates** and charges for each water Service Connection with 2021 rates effective for all billing dates on or after January 1, 2021:

1. All properties, excluding:
 - a. Agricultural properties that do not have Access to the Non-Potable System;
 - b. properties in the Beaver Lake Industrial Area; and
 - c. properties in the SEKID Service Area for the duration of the year 2020;

shall pay the following bi-monthly flat rate charge for each Potable Water System Service Connection based on Water Meter size as follows:

Meter Size	Bi-Monthly Flat Charge	
	2020	2021
15 mm (5/8")	\$27.66	\$29.32
20 mm (3/4")	\$33.10	\$29.32
25 mm (1")	\$43.44	\$46.05
37 mm (1½")	\$65.05	\$68.95
50 mm (2")	\$104.83	\$111.12
75 mm (3")	\$343.40	\$364.00
100 mm (4")	\$468.57	\$496.68
150 mm (6")	\$791.53	\$839.02
200 mm (8")	1042.81	\$1105.38

Plus a consumption charge per cubic metre consumed bi-monthly according to the following table:

Customer type - Metered	2020	Jan 1, 2021
Single Family, Single-Family Strata, Agricultural		
First 60 cubic metres	\$0.473	\$0.501
Next 100 cubic metres	\$0.636	\$0.674

Next 90 cubic metres	\$0.964	\$1.022
Balance of Cubic metres	\$1.930	\$2.046
All other Customer types	2020	Jan 1, 2021
Multi-Family Residential Properties – 3 or more dwelling units on a single property	\$0.473	\$0.501
Mixed Use properties	\$0.536	\$0.568
Commercial, Industrial and Institutional	\$0.546	\$0.579
Park Use	\$0.412	\$0.437

2. Beaver Lake Industrial Area Properties

A combined bi-monthly flat rate charge for each Service Connection plus a consumption charge for all properties within the Beaver Lake Industrial Area as follows:

Meter Size	Bi-Monthly Flat Charge	
	2020	2021
15 mm (5/8")	\$22.38	\$24.91
20 mm (3/4")	\$32.63	\$24.91
25 mm (1")	\$43.35	\$44.82
37 mm (1½")	\$91.37	\$86.56
50 mm (2")	\$147.39	\$139.12
75 mm (3")	\$348.50	\$353.17
100 mm (4")	\$565.82	\$549.33
150 mm (6")	\$1192.66	\$1105.05
200 mm (8")	\$1452.04	\$1366.17

Plus a consumption charge of \$0.331 per cubic metre for 2020 and \$0.408 per cubic metre for 2021.

3. Agricultural Properties

Agricultural Properties shall pay the following:

	2021	Units / Comments
Annual Allotment Fee	\$296.30	Per hectare of Allotment per year billed annually.
Agricultural Over Consumption Rates for water use over the designated Allotment:		
Tier A – 0-19.99% over annual Allotment	\$0.30	per cubic metre
Tier B – 20-49.99% over annual Allotment	\$0.60	per cubic metre
Tier C – Over 50% over annual Allotment	\$1.00	per cubic metre

Plus

- Agricultural Customers with only one Service Connection that do not have Access to the Non-Potable System will pay an additional bi-monthly fixed fee of \$66.42 to reflect the cost of domestic water supply including a fixed meter fee, the Water Quality Enhancement Fee and an assumed domestic consumption of 40 cubic metres bi-monthly;
- Agricultural Customers with multiple Service Connections that do not have Access to the Non-Potable System will pay the fees in Section 1 and Section 4 for each Service Connection serving one or more Residential Units in spite of Section 1a.

4. Water Quality Enhancement Reserve Fund Contribution

All properties, excluding Agricultural properties that do not have Access to the Non-Potable System, and Park Use properties, shall pay the following bi-monthly flat rate charge for each Potable Water System Service Connection based on Water Meter size as follows:

Meter Size	Bi-Monthly Flat Charge	
	2020	2021
15 mm (5/8")	\$17.06	\$17.06
20 mm (3/4")	\$17.06	\$17.06
25 mm (1")	\$35.06	\$35.06
37 mm (1½")	\$77.35	\$77.35
50 mm (2")	\$125.21	\$125.21

75 mm (3")	\$293.28	\$293.28
100 mm (4")	\$400.47	\$400.47
150 mm (6")	\$676.39	\$676.39
200 mm (8")	\$891.12	\$891.12

5. Non-Potable Services

All Customers, excluding Agricultural Customers, shall pay a consumption charge of \$0.30 per cubic metre of water used by each Non-Potable System Service Connection:

6. Fire Protection Use

For **Fire Protection Use**, use a bi-monthly flat **rate** charge of \$62.34.

7. Bulk Water Filling Station Use

The cost of a card for use of the **Bulk Water Filling Stations** is \$20.00, non- refundable.

For **Bulk Water Filling Stations**, a consumption charge of \$1.02 per cubic metre of water used.

8. Temporary Use

For Temporary Use of water during construction. The following rates and charges will apply beginning two months after approval of each New Construction Building Permit and end upon the first of either the installation of the Water Meter or the project is deemed substantially complete as defined by the British Columbia Builder's Lien Act on:

Single Family residential properties a flat charge of \$45.47 bi-monthly.

For non-residential properties and Multi-Family Residential properties a bi-monthly flat charge of \$121.26.

For Projects deemed to be complete as defined above and that do not have a Water Meter, then rates will be twenty (20) times the applicable Temporary Use rate.

9. Manual Read fee

Properties that choose to have their meter read manually, where the option to have the meter read remotely has been provided or requested by the City, shall pay a fee of \$40.00 per bi-monthly billing period. These customers acknowledge that in choosing to have their meters read manually there will be no adjustment for the cost of water lost because of a water leak on their property.

10. All Properties in the SEKID Service Area

All Properties, in the SEKID Service Area must pay the following charges until December 31, 2020:

1. Properties classified as Farm under the Assessment Act an annual charge of \$96.30 per acre of Allotment with a minimum fee of \$96.30 per parcel if smaller than 1 acre; or

2. A bi-monthly charge of \$16.05 per acre of Allotment with a minimum fee of \$16.05 per parcel if smaller than 1 acre; and
3. All customers will also pay one of the following charges depending on Customer Type:
 - a) Commercial, Industrial and Institutional Customers that are metered:
 - i. A minimum charge of \$110.30 per service connection;
 - ii. A metered rate of \$0.9537 per cubic metre consumed; and
 - iii. A water upgrade project Fee of \$64.00 per service connection.
 - b) Mobile Home Parks (unmetered):
 - i. A charge of \$110.30 per pad; and
 - ii. A water upgrade project fee of \$64.00 per service connection
 - c) Single Family, Single Family Strata, and Multi-Family Residential:
 - i. A charge of \$110.30 per dwelling unit (excluding secondary suites);
 - ii. A charge of \$55.15 per secondary suite and farm help accommodation units; and
 - iii. A water upgrade project fee of \$64.00 per service connection per dwelling unit except farm help accommodations up to 807 square feet and secondary suites up to 1,000 square feet.

11. Water Integration Project Fee for 2021

Properties in the SEKID Service Area shall pay a fee of \$80.00 per bi-monthly billing period for each Residential Unit beginning January 1, 2021.

SCHEDULE "B"

Water Meter Fees and Service Charges

1. Water Meter Fees

Customers shall pay a **Water Meter** Fee at the time of application for water service as follows:

METER TYPE			
Meter Size	Standard	Turbine	Compound
15 mm (5/8")	\$ 535.14		
20 mm (3/4")	\$ 535.14		
25 mm (1")	\$ 644.77		
37 mm (1.5")		\$1,866.25	\$2,506.53
50 mm (2")		\$2,160.50	\$2,854.41
75 mm (3")		\$2,600.63	\$3,513.35
100 mm (4")		\$4,652.48	\$5,722.98
150 mm (6")		\$8,185.42	\$9,887.69
200 mm (8")		\$13,198.32	
100 mm (4") Fire line	\$12,257.02		
150 mm (6") Fire line	\$16,207.69		
200 mm (8") Fire line	\$23,770.98		

The **Water Meter** Fee for commercial meters includes the following components as applicable to each meter setting: specified meter, companion flanges, strainer, gaskets, bolts, remote reading device and connecting cable all supplied and owned by the **City**.

The **Water Meter** Fee for commercial meters does not include the following: master control valve on service inlet and meter isolation valve downstream of meter, pressure reducing valve(s) (PRV's), pressure gauges, back flow prevention device and bypass piping and bypass valve all to be supplied and owned by the **Property** owner.

The **Water Meter** Fee for residential meters includes the following: **Water Meter**, meter setting fittings, installation of **Water Meter** within a 325 mm copper pipe run, supply of a remote reading device or transmitter and connecting cable all of which will be supplied and owned by the **City**.

2. Service Fees

Customers will pay and will be invoiced on their **City Water Utility** bills for the following service fees:

Service	Fees
Water disconnect (shut-off) or connect (turn-on) during regular office hours	\$ 35.00
Emergency water disconnect (shut-off) or connect (turn-on) during off-hours	\$160.00
Meter Testing Fee	\$50.00

Both the transfer and water turn-on charge will apply if water is turned on and a new account is established.

The Shut-Off and Turn-On fees will apply to the Non-Potable Irrigation supply for each irrigation service connection provided to the customer for requests outside of the normal start up or shutdown period identified by the manager and communicated to the customers.

Regular office hours shall mean the regular operating hours of the **City's** Water Utility Services Branch.

3. Hydrant Use Permit Fee

The fee for each **Hydrant Use Permit** shall be \$60.00 plus \$25.00 per day for each day of Hydrant Permit. The fee for a **Hydrant Use Permit** shall include the costs of providing, installing and removing **Approved Backflow Preventer**.

4. Water Meter Pit Fee

Where permitted or directed by the Manager the fee for the City to supply and install a residential water meter pit for a service size 1 inch or less shall be \$4,500.00.



Water Regulation By-Law Update

November 2, 2020

Overview

- ▶ Water Supply Policy
- ▶ Water Use and Regulations
- ▶ By-Law Revisions and Update
 - ▶ Summary of revisions
 - ▶ Amending By-Law with User Rates
 - ▶ Other Amendments

Water: A Precious Resource



Water Supply Policy

- ▶ In 2019 Council adopted Water Supply Policy 383 which supports agriculture within the Utility service area and directed staff to establish agriculture rates to be competitive in the Okanagan valley.
- ▶ That policy also committed to setting agriculture rates for properties classified as Farm under the Assessment Act.

Water Use Rates



June 2020

In June 2020 Council approved water rates and charges for the Water Utility except agricultural rates.



Sep. 2020

On September 2020 Council approved water rates for agricultural customers

Water Use By-Law

- ▶ The Water Regulation By-Law sets out the services and associated terms and conditions, including rates and charges, for the City's water supply and distribution system
- ▶ By-Law 12110 is Amendment No. 12 to the Water Regulation By-Law 10480

Water Use By-Law

- ▶ The amendments include:
 - ▶ Updated definitions
 - ▶ Improvements to the administration of the By-Law
 - ▶ Changes for customer requirements
 - ▶ Deficiencies in the By-Law
 - ▶ Rescindment of SEKID By-Laws
 - ▶ The approved rates and charges

Water Rates & Charges

- ▶ Schedules A & B:
 - ▶ The Rates and Charges are represented by Customer Classification
 - ▶ Properties are classified either as Farm Status or Non-Farm Status Properties.

Other By-Law Amendments

- ▶ Coordination of the Non-Potable Irrigation Supply System
- ▶ Fee for properties wanting to work outside of schedule



Other By-Law Amendments



- Irrigation Allotments and the annual available storage for agriculture





Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA

BYLAW NO. BL12110

Amendment No. 12 to Water Regulation Bylaw No. 10480

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Water Regulation Bylaw No. 10480 be amended as follows:

1. THAT **WATER REGULATION BYLAW NO. 10480 PART 1 – INTRODUCTION – Section 1.2 Interpretation** be amended by the following:
 - a) Adding the definition “Access to the Non-Potable System” in its appropriate location that reads:

“Access to the Non-Potable System” means a property is located within 20 metres of a Non-Potable Water System supply main.
 - b) Deleting the definition “Agricultural” that reads:

“Agricultural” means land designated as an agricultural land reserve under the Agricultural Land Commission Act, S.B.C. 2002, c. 36 as amended or replaced from time to time and used for the primary production of farm products permitted by the Land Reserve Commission.

And replacing it with:

“Agricultural” means land classified as Farm, as of December 31 of the preceding year, under the Assessment Act, R.S.B.C. 1996, c. 20 as amended or replaced from time to time.
 - c) Adding the definition “Allotment” in its appropriate location that reads:

“Allotment” means the amount of water assigned to a Property by the City for irrigation purposes. The Allotment, expressed in hectares, determines the maximum flow rate and volume available to the Property per year at the base Agricultural rate.
 - d) Deleting the definition “B.C. Building Code” that reads:

“B.C. Building Code” means the British Columbia Building Code 2006 as amended or replaced from time to time.

And replacing it with:

“B.C. Building Code” means the British Columbia Building Code 2018 as amended or replaced from time to time.
 - e) Deleting the definition “City Water Utility” that reads:

“City Water Utility” means the entire network of pipes, pumps, water treatment facilities, reservoirs, valves, hydrants, service lines, meters, and all other appurtenances or facilities that make up the City’s water supply and distribution system.

And replacing it with:

“City Water Utility” means the entire network of assets and all other appurtenances or facilities that make up the City’s Potable and Non-Potable Water Supply systems.

- f) Deleting the definition “Engineered Drip Irrigation” that reads:

“Engineered Drip Irrigation” means a system using irrigation components which consume less than 20 gallons (91 litres) per hour and operate at less than 25 PSI (172 kPa) to deliver water to the root zone of the plant material being irrigated.

And replacing it with:

“Engineered Drip Irrigation” means a system using irrigation components which consume less than 76 litres per hour and operate at less than 175 kPa (25 PSI) to deliver water to the root zone of the plant material being irrigated.

- g) Deleting the definition “Irrigation Controller” that reads:

“Irrigation Controller” means an electric timing device that sends an electric signal for valves to open or close in order to operate an automatic landscape irrigation system, that replenishes water as needed while minimizing excess water use that meets the requirements of this bylaw.

And replacing it with:

“Irrigation Controller” means an electric timing device that sends an electric signal for automatic valves to open or close in order to operate a landscape irrigation system, that replenishes water as needed while minimizing excess water use that meets the requirements of this bylaw.

- h) Adding the definition “Irrigation System” in its appropriate location that reads:

“Irrigation System” means a designed system whereby water can be delivered to plant material using sprinklers and/or other watering devices in a controlled manner.

- i) Adding the definition “Non-Potable Water System” in its appropriate location that reads:

“Non-Potable Water System” means the entire network of pipes, pumps, water disinfection, dams, ditches, reservoirs, valves, hydrants, service lines, meters, and all other appurtenances or facilities that make up the City’s non-potable water supply and distribution system, which does not meet Canadian Drinking Water Quality Guidelines and is not intended for human consumption.

- j) Deleting the definition “Park and Non-ALR Farm Use” that reads:

“Park and Non-ALR Farm Use” means the use of the City’s Water Utility exclusively for irrigating park, public green spaces and land classified as farm under the Assessment Act, R.S.B.C. 1996, c. 20 as amended or replaced from time to time that is not designated as an agricultural land reserve under the Agricultural Land Commission Act;

And replacing it with:

“Park Use” means the use of the City Water Utility exclusively for public parks.

- k) Adding the definition “Potable Water System” in its appropriate location that reads:

“Potable Water System” means the entire network of pipes, pumps, water treatment facilities, reservoirs, valves, hydrants, service lines, meters, and all other appurtenances or facilities that make up the City’s potable water supply and distribution system and is intended to provide water that meets Canadian Drinking Water Quality Guidelines.

- l) Deleting the definition "Public Announcement" that reads:

"Public Announcement" means one or more advertisements or public service announcements in any one of:

- (i) a television or radio broadcast from a station that broadcasts to the City.
- (ii) a newspaper or other publication intended for general circulation, including one that is distributed without charge to the reader, that contains news and advertising, and is distributed with the City at least once per week.

And replacing it with:

"Public Announcement" means one or more advertisements or public service announcements in any one of:

- (i) a television, radio or digital communication from a station that broadcasts to the City.
- (ii) a newspaper or other publication intended for general circulation, including one that is distributed without charge to the reader, that contains news and advertising, and is distributed within the City at least once per week.

- m) Adding the definition "Qualified Landscape Area" in its appropriate location that reads:

"Qualified Landscape Area" means landscape areas that are new or renovated, have an Irrigation System in place, is 100 square meters or larger, and are not exempted per section 4.4.5 of this bylaw.

- n) Adding the definition "Residential Unit" in its appropriate location that reads:

"Residential Unit" shall mean a housing unit for one (1) family consisting of either a detached residence, one (1) self contained suite in a residence, one (1) side of a duplex, or one (1) self contained unit in a building containing three (3) or more such units.

- o) Deleting the definition "Water" that reads:

"Water" used as a noun, means water supplied directly or indirectly by the City of Kelowna Water Utility, whether or not mixed with rain water, gray water or recycled water.

And replacing it with:

"Water" used as a noun, means water supplied directly or indirectly by the City Water Utility, whether or not mixed with rain water, gray water or recycled water.

- p) Deleting the definition "Water Meter" that reads:

"Water Meter" means an apparatus or device used for measuring the volume of water passing through it, and includes any accessories such as a remote reader device and the connecting cable.

And replacing it with:

"Water Meter" means an apparatus or device used for measuring the volume of water passing through it, and includes any accessories such as a data transmitter or remote reader device and the connecting cable.

- q) Deleting the definition "Water Meter Pit" that reads:

"Water Meter Pit" means an enclosure constructed underground, which is used to install a Water Meter or Approved Backflow Preventer and would not be defined as a confined space under the Occupational Health and Safety (OHS) Regulations.

And replacing it with:

“Water Meter Pit” means an enclosure constructed underground, which is used to install a Water Meter and/or Approved Backflow Preventer and would not be defined as a confined space under Occupational Health and Safety (OHS) Regulations.

2. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 2– WATER SERVICE – Section 2.4.4 Construction of Service Connection** be amended by deleting the following:

2.4.4 Despite section 2.4.3, all of the land shown on a strata plan other than a side-by-side duplex shall have only one Service Connection.

And replacing it with:

2.4.4 Despite section 2.4.3, all of the land shown on a strata plan other than a side-by-side duplex shall have only one Service Connection to the Potable Water System.

3. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 2– WATER SERVICE – Section 2.5.1 Construction of Private Service** be amended by deleting the following:

2.5.1 A Property owner is responsible for the installation of a Private Service, at his or her sole cost.

And replacing it with:

2.5.1 A Property owner is responsible for the installation of a Private Service, at the owner’s cost.

4. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 2– WATER SERVICE – Section 2.7 Turn On of Water Supply** be amended by adding in its appropriate location:

2.7.3 Services on the Non-Potable Water System that require winterization will be turned on prior to May 1 and turned off after September 30 of each year.

2.7.4 Property owners of Agricultural Services that have requested either an earlier turn on or late turn off outside the normal turn on/off schedule as determined by the Manager are responsible for the protection of that service from freezing or any other damage at the customer’s cost.

5. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 2– WATER SERVICE – Section 2.8.1 Maintenance of On-site Works** be amended by deleting the following:

2.8.1 Every Property owner shall keep all pipes, stop-cocks and other fixtures on their Property in good order and repair and protected from frost at their own expense, and when any premises is vacated the valve on the inside wall of the premises shall be turned off by the departing Property owner.

And replacing it with:

2.8.1 Every Property owner shall keep all pipes, valves and other fixtures on their Property in good order and repair and protected from frost at their own expense, and when any premises is vacated the stop-cock on the inside wall of the premises shall be turned off by the departing Property owner.

6. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 2– WATER SERVICE – Section 2.9 General Authority on Water Use for City Water Utility** be amended by deleting the following:

2.9.1 The Manager may at such times and for such length of time as is considered necessary or advisable by him or her, restrict or prohibit irrigation, yard and garden sprinklering, car washing and private pool filling to reduce water usage when the Manager considers water to be in short supply and every person shall abide by such restriction or prohibition.

- 2.9.2 The City may from time to time impose restrictions on water use, or change or revoke such restrictions, and in doing so may make the restrictions applicable at specified times or on specified days and may differentiate between classes of customers or areas of the City.

And replacing it with:

- 2.9.1 The Manager may at such times and for such length of time as is considered necessary or advisable by him or her, restrict or prohibit irrigation, yard and garden sprinklering, car washing and private pool filling to reduce water usage when the Manager considers water to be in short supply and every Customer shall abide by such restriction or prohibition.
- 2.9.2 The City may from time to time impose restrictions on water use, or change or revoke such restrictions, and in doing so may make the restrictions applicable at specified times or on specified days and may differentiate between classes of Customers or areas of the City.

7. **AND THAT WATER REGULATION BYLAW NO. 10480 PART 3 – WATER METERS – Section 3.1 Installation of Water Meters** be amended by deleting the following:

- 3.1.1 A Water Meter shall be installed on each Property that receives the supply of water from the City Water Utility.

And replacing it with:

- 3.1.1 A Water Meter shall be installed on each Service Connection that receives the supply of water from the City Water Utility.

8. **AND THAT WATER REGULATION BYLAW NO. 10480 PART 3 – WATER METERS – Section 3.1 Installation of Water Meters** be amended by deleting the following:

- 3.1.6 Every Water Meter Setting and Water Meter Pit shall be installed in accordance with the City's Plumbing Regulation Bylaw.

And replacing it with:

- 3.1.6 Every Water Meter Setting and Water Meter Pit shall be installed in accordance with the City's Plumbing Regulation Bylaw No. 5968 and Subdivision Servicing and Development Bylaw No. 7900.

9. **AND THAT WATER REGULATION BYLAW NO. 10480 PART 4 – WATER QUALITY PROTECTION and water Conservation** be amended by making title all caps.

10. **AND THAT WATER REGULATION BYLAW NO. 10480 PART 4 – WATER QUALITY PROTECTION AND WATER CONSERVATION – Section 4.1.5 Cross Connections** be amended by deleting the following:

- 4.1.5 Any Property with an alternate water source, other than supplied by the City, and is connected to the City water supply shall require an Approved Backflow Preventer to be installed at the expense of the Property owner.

And replacing it with:

- 4.1.5 Any Property that is connected to the City Water Utility and has an alternate water source shall, unless otherwise approved by the Manager, require an Approved Backflow Preventer to be installed at the expense of the Property owner.

11. **AND THAT WATER REGULATION BYLAW NO. 10480 PART 4 – WATER QUALITY PROTECTION AND WATER CONSERVATION – Section 4.3.2 Hydrant Use** be amended by deleting the following:

- g) water tanker truck filling; or
- h) special events.

And replacing it with:

- g) water tanker truck filling;
- h) flow testing ; or
- i) special events.

12. **AND THAT WATER REGULATION BYLAW NO. 10480 PART 4 – WATER QUALITY PROTECTION AND WATER CONSERVATION – Section 4.4 Landscape Water Conservation Report and Irrigation Controller Requirements** be amended by deleting the following:

- 4.4.4 The Manager may refuse to approve the installation of an outdoor landscape irrigation system if the calculations in the Landscape Water Conservation Report show that the Estimated Landscape Water Use exceeds the Landscape Water Budget, or if the Landscape Water Conservation Checklist is not satisfactory. The Manager may accept a Landscape Water Conservation Report in a form alternate to Schedule C in cases of applications for large scale renovated landscape irrigation systems (such as golf courses and schools), provided that the Report calculates to the satisfaction of the manager a minimum 15% reduction in estimated landscape water use compared to pre-renovation conditions.
- 4.4.5 The requirements in section 4.4.1 to 4.4.4 shall not apply to:
 - a) An outdoor landscape irrigation system on Agricultural properties within the ALR where the water being supplied is necessary in order to conduct farm use pursuant to the ALR Use, Subdivision and Procedure Regulation;
 - b) An outdoor landscape irrigation system on farming properties outside of the ALR where water is being supplied for the primary production of farm products.
 - c) An outdoor landscape irrigation system serving a landscape area not greater than 100 square metres.
- 4.4.6 No Property owner shall cause or permit water resulting from an outdoor landscape irrigation system to flow wastefully on to non-irrigated areas, walks, roadways or structures.
- 4.4.7 No Property owner shall install an outdoor irrigation system without an irrigation master shut off valve located outside the building accessible to the City.
- 4.4.8 Every irrigation master shut off valve that is required under this bylaw when closed shall stop the supply of water from the City Water Utility to the outdoor irrigation system and shall be capable of being closed and locked off by the City.

And replacing it with:

- 4.4.4 The Manager may refuse to approve the installation of an outdoor landscape irrigation system if the calculations in the Landscape Water Conservation Report show that the Estimated Landscape Water Use exceeds the Landscape Water Budget, or if the Landscape Water Conservation Checklist is not satisfactory. The Manager may accept a Landscape Water Conservation Report in a form alternate to Schedule C, provided that the Report calculates to the satisfaction of the Manager a minimum 15% reduction in estimated landscape water use compared to pre-renovation conditions.
- 4.4.5 The requirements in section 4.4.1 to 4.4.4 shall not apply to:

- a) An outdoor landscape irrigation system on Agricultural properties where the water being supplied is necessary in order to conduct farm use.
- b) [deleted]
- c) An outdoor landscape irrigation system serving a landscape area not greater than 100 square metres.
- d) An outdoor landscape Irrigation System on school properties.
- e) An outdoor landscape Irrigation System on a golf course.

4.4.6 No Property owner shall cause or permit water resulting from an Irrigation System to flow wastefully on to non-landscape areas, walks, roadways or structures.

4.4.7 No Property owner shall install an outdoor Irrigation System without an irrigation master shut-off valve located outside the building accessible to the City.

4.4.8 Every irrigation master shut off valve that is required under this bylaw when closed shall stop the supply of water from the City Water Utility to the outdoor Irrigation System and shall be capable of being closed by the City.

13. **AND THAT WATER REGULATION BYLAW NO. 10480 PART 6 – CONDITIONS – Section 6.3 Conditions of Water Supply** be amended by deleting the following:

- 6.3.1 Any supply of water by the City is subject to the following conditions, in addition to other conditions in this bylaw:
- 6.3.2 the City is not responsible for the failure of the water supply as a result of any accident or damage to the City Water Utility;
- 6.3.3 the City is not responsible for any excessive water pressure or lack of water pressure;
- 6.3.4 the City is not responsible for any temporary stoppage of the water supply on account of alterations or repairs to the City Water Utility;
- 6.3.5 whether such arises from the negligence of any person in the employ of the City or another person, or through natural deterioration or obsolescence of the City Water Utility or otherwise.

And replacing it with:

- 6.3.1 Any supply of water by the City is subject to the following conditions, in addition to other conditions in this bylaw:
 - (a) the City is not responsible for the failure of the water supply as a result of any accident or damage to the City Water Utility;
 - (b) the City is not responsible for any excessive water pressure or lack of water pressure; and
 - (c) the City is not responsible for any temporary stoppage of the water supply on account of alterations or repairs to the City Water Utility;

whether such arises from the negligence of any person in the employ of the City or another person, or through natural deterioration or obsolescence of the City Water Utility or otherwise.

- 6.3.2 Water supply for Agricultural services shall be limited to a flow rate of two thousand eight hundred (2800) litres per hour per hectare.
- 6.3.3 The volume of water for each hectare of Allotment for Agricultural properties shall be 6,850 cubic metres per hectare per year unless adjusted by Council in accordance with Section 8.3.2. Water use over the designated Allotment will have Agricultural Over Consumption Rates applied.

14. **AND THAT WATER REGULATION BYLAW NO. 10480 PART 6 – CONDITIONS – Section 6.4.2 Shut Off of Water Supply** be amended by deleting the following:

- a) a request to turn off or discontinue water service;
- b) a shortage of water pursuant to section 2.9.1;
- c) maintaining, repairing, renovating, replacing, disinfecting or otherwise operating the City's Water Utility;
- d) non-payment of water Rates and charges under this bylaw;
- e) the period of time for the Temporary Use has expired; and
- f) an emergency that threatens the safety of the City's Water Utility or the public

And replacing it with:

- a) a request to turn off or discontinue water service;
- b) a shortage of water pursuant to section 2.9.1 and section 8.3.2;
- c) maintaining, repairing, renovating, replacing, disinfecting or otherwise operating the City's Water Utility;
- d) non-payment of water Rates and charges under this bylaw;
- e) the period of time for the Temporary Use has expired;
- f) an emergency that threatens the safety of the City's Water Utility or the public; and
- g) winterizing an irrigation Service Connection.

15. **AND THAT WATER REGULATION BYLAW NO. 10480 PART 6 – CONDITIONS – Section 6.5 Notices of Water Shut Off** be amended by deleting the following:

- 6.5.1 Where water supply is to be shut off for reason of non-payment of water Rates and charges or other non-compliance with any provision of this Bylaw the Manager will follow the process outlined in the Utility Billing Customer Care Bylaw No. 8754 as amended.
- 6.5.2 Where water supply is to be shut off for reason of non-compliance with any provision of this Bylaw, except the non-payment of water Rates and charges, the City will give the person affected the opportunity to make representations to Council in respect of such non-compliance.
- 6.5.3 Where water supply is to be shut off for reason of a shortage of water supply pursuant to sections 2.9.1 and 2.9.2, the City will give at least 7 days notice, but no notice will be given where safety of life or Property is at risk.

- 6.5.4 Where water supply is to be shut off for maintenance, repair, renovation, replacement, disinfection or other operation of the Water System, the Manager will give at least two working days notice for scheduled work, but no notice will be given where safety or life or Property is at risk.

And replacing it with:

- 6.5.1 [deleted]

- 6.5.2 Where water supply is to be shut off for reason of non-compliance with any provision of this Bylaw the City will give the Customer affected the opportunity to make representations to Council in respect of such non-compliance.

- 6.5.3 Where water supply is to be shut off for reason of a shortage of water supply pursuant to sections 2.9.1 and 2.9.2, the City will give at least 7 days notice, but no notice will be given where safety of life or Property is at risk.

- 6.5.4 Where water supply is to be shut off for maintenance, repair, renovation, replacement, disinfection or other operation of the Water System, the Manager will give at least two working days notice for scheduled work, but no notice will be given where safety of life, Property or the environment is at risk.

16. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 6 – CONDITIONS** be amended by adding a new **Section 6.6 “Non-Potable Water System”** in its appropriate location that reads:

6.6 Non-Potable Water System

- 6.6.1 The City shall determine the size, extent and accessibility of the Non-Potable Water System.

- 6.6.2 If a Property has Access to the Non-Potable System and the City will allow a Non-Potable Service Connection, then the Agricultural rate shall only apply to the Service Connections connected to the Non-Potable Water System. The Agricultural rate will not apply to any potable water consumed on the property.

- 6.6.3 A Property’s Allotment shall remain with the Property. In the case of subdivision a Property’s Allotment shall be divided between the resulting properties in proportion to the areas of subdivision.

17. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 7 – RATES AND CHARGES – Section 7.1 Water Rates** be amended by adding a new **Sub Section 7.1.2** in its appropriate location that reads:

- 7.1.2 For land shown on a strata plan that receives the supply of water from the **City Water Utility** from the same **Service Connection**, the **City** may send a single invoice covering all **Strata Lots** and common property to the strata corporation. If the rate levied remains unpaid as of December 31 of the billing year, the City may allocate the total volume of water used among the **Strata Lot** owners on the basis of their unit entitlements and type of use, and determine the charges and penalties owing by the owner of each Strata Lot.

18. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 7 – RATES AND CHARGES – Section 7.4 Park and Non-ALR Farm Use** be amended by deleting the entire section that reads:

7.4 Park and Non-ALR Farm Use

- 7.4.1 Upon application to the City, a connection may be permitted to the City Water Utility solely for Park and Non-ALR Farm Use. The Property owner will pay to the City the Rates and charges for such use as set out in Schedule “A” to this bylaw.

19. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 7 – RATES AND CHARGES – Section 7.6 Water Quality Enhancement Reserve Fund Contribution** be amended by deleting the following:

- 7.6.1 Every Customer, except those Customers in the **Beaver Lake Industrial Area**, the **SEKID Service Area**, or **Park and Non ALR Farm Use**, or **Agricultural Property**, shall pay to the City the applicable charges set out in Schedule “A” to this bylaw to be placed in the **Water Quality Enhancement Reserve Fund**.

For land shown on a strata plan that receives the supply of water from the **City Water Utility** from the same **Service Connection**, the City may send a single invoice covering all **Strata Lots** and common property to the strata corporation. If the rate levied remains unpaid as of December 31 of the billing year, the **City** may allocate the total volume of water used among the **Strata Lot** owners on the basis of their unit entitlements and type of use, and determine the charges and penalties owing by the owner of each **Strata Lot**.

And replacing it with:

- 7.6.1 Every Customer shall pay to the City the applicable charges set out in Schedule “A” to this bylaw to be placed in the **Water Quality Enhancement Reserve Fund**.

20. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 7 – RATES AND CHARGES – Section 7.7 Utility Billing Account Set-Up Fee** be amended by deleting the entire section that reads:

7.7 Utility Billing Account Set-Up Fee

- 7.7.1 Upon creation, each new City Utility Billing Account shall include an account set-up fee, as set out in Schedule “B” to this bylaw.

21. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 8 – WATER USE RESTRICTION STAGES – Section 8.1 Declaration of Restriction Stages** be amended by deleting the following:

- 8.1.3 The Manager or City Council may declare that the City has activated a Restrictions Stage 1 through 4 as contained in Schedule E – City of Kelowna Water Use Restriction Stages.
- 8.1.4 If the Manager or City Council makes a declaration under subsection 8.1.3, the Restrictions Stage described in the declaration comes into force in the City thirty-six (36) hours after the Manager or City Council makes a Public Announcement of the declaration.
- 8.1.5 When a Restriction Stage comes into force under this section, any Restriction Stage that had been in force, if any, ceases to be in force.

And replacing it with:

- 8.1.3 The Manager or Council may declare that the City has activated a Restrictions Stage 1 through 4 as contained in Schedule E – City of Kelowna Water Use Restriction Stages.
- 8.1.4 If the Manager or Council makes a declaration under subsection 8.1.3, the Restrictions Stage described in the declaration comes into force in the City twenty four (24) hours after the Manager or Council makes a Public Announcement of the declaration.
- 8.1.5 When a Restriction Stage comes into force under this section, any Restriction Stage that was in force, if any, ceases to be in force.

22. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 8 – WATER USE RESTRICTION STAGES** – be amended by adding a new **Section 8.3 “Adjustment of Allotment”** in its appropriate location that reads:

8.3 Adjustment of Allotment

8.3.1 The City will set the annual Allotment for Agricultural Customers.

8.3.2 If there is anticipated to be a shortage of supply Council:

(a) may declare a reduction in the Allotment for a calendar year; and

(b) may declare that Customers cannot exceed their Allotment and may Shut Off water services in the event that Customers exceed their Allotment.

8.3.3 A Customer may request a reduction in Allotment for a Property and, if granted by the Manager, the annual Allotment Fee will be adjusted accordingly with no other rebates or refunds available for the reduction. A reduction in Allotment will be permanent and shall allow the Allotment to be made available for other Properties.

23. AND THAT **WATER REGULATION BYLAW NO. 10480 PART 9 – PERMITS – Section 9.1 Permits** be amended by deleting the following:

9.1.1 A person may apply to the Manager for a permit authorizing the person to water when Stage 1 Restrictions or Stage 2 Restrictions are in force if the person has installed a new lawn, either by placing sod or turf or by seeding.

And replacing it with:

9.1.1 A Customer may apply to the Manager for a permit authorizing the person to water when Stage 1 Restrictions or Stage 2 Restrictions are in force if the person has installed a new lawn, either by placing sod or turf or by seeding.

24. AND THAT **SCHEDULE "A" Water Rates and Charges**, be deleted in its entirety and replaced with a new **SCHEDULE "A" Water Rates and Charges** as attached to and forming part of this bylaw;

25. AND THAT **SCHEDULE "B" Water Meter Fees and Service Charges**, be deleted in its entirety and replaced with a new **SCHEDULE "B" Water Meter Fees and Service Charges** as attached to and forming part of this bylaw;

26. AND THAT **SCHEDULE "E" City of Kelowna Water Use Restrictions Stages** be amended by replacing all instances of "allocation" with "allotment".

27. This bylaw may be cited for all purposes as "Bylaw No. 12110, being amendment No. 12 to Water Regulation Bylaw No. 10480."

28. 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

SCHEDULE "A"

Customers shall pay the following **rates** and charges for each water Service Connection with 2021 rates effective for all billing dates on or after January 1, 2021:

1. All properties, excluding:
 - a. Agricultural properties that do not have Access to the Non-Potable System;
 - b. properties in the Beaver Lake Industrial Area; and
 - c. properties in the SEKID Service Area for the duration of the year 2020;

shall pay the following bi-monthly flat rate charge for each Potable Water System Service Connection based on Water Meter size as follows:

Meter Size	Bi-Monthly Flat Charge	
	2020	2021
15 mm (5/8")	\$27.66	\$29.32
20 mm (3/4")	\$33.10	\$29.32
25 mm (1")	\$43.44	\$46.05
37 mm (1½")	\$65.05	\$68.95
50 mm (2")	\$104.83	\$111.12
75 mm (3")	\$343.40	\$364.00
100 mm (4")	\$468.57	\$496.68
150 mm (6")	\$791.53	\$839.02
200 mm (8")	1042.81	\$1105.38

Plus a consumption charge per cubic metre consumed bi-monthly according to the following table:

Customer type - Metered	2020	Jan 1, 2021
Single Family, Single-Family Strata, Agricultural		
First 60 cubic metres	\$0.473	\$0.501
Next 100 cubic metres	\$0.636	\$0.674
Next 90 cubic metres	\$0.964	\$1.022
Balance of Cubic metres	\$1.930	\$2.046

All other Customer types	2020	Jan 1, 2021
Multi-Family Residential Properties – 3 or more dwelling units on a single property	\$0.473	\$0.501
Mixed Use properties	\$0.536	\$0.568
Commercial, Industrial and Institutional	\$0.546	\$0.579
Park Use	\$0.412	\$0.437

2. **Beaver Lake Industrial Area Properties**

A combined bi-monthly flat rate charge for each Service Connection plus a consumption charge for all properties within the Beaver Lake Industrial Area as follows:

Meter Size	Bi-Monthly Flat Charge	
	2020	2021
15 mm (5/8")	\$22.38	\$24.91
20 mm (3/4")	\$32.63	\$24.91
25 mm (1")	\$43.35	\$44.82
37 mm (1½")	\$91.37	\$86.56
50 mm (2")	\$147.39	\$139.12
75 mm (3")	\$348.50	\$353.17
100 mm (4")	\$565.82	\$549.33
150 mm (6")	\$1192.66	\$1105.05
200 mm (8")	\$1452.04	\$1366.17

Plus a consumption charge of \$0.331 per cubic metre for 2020 and \$0.408 per cubic metre for 2021.

3. Agricultural Properties

Agricultural Properties shall pay the following:

	2021	Units / Comments
Annual Allotment Fee	\$296.30	Per hectare of Allotment per year billed annually.
Agricultural Over Consumption Rates for water use over the designated Allotment:		
Tier A – 0-19.99% over annual Allotment	\$0.30	per cubic metre
Tier B – 20-49.99% over annual Allotment	\$0.60	per cubic metre
Tier C – Over 50% over annual Allotment	\$1.00	per cubic metre

Plus

- Agricultural Customers with only one Service Connection that do not have Access to the Non-Potable System will pay an additional bi-monthly fixed fee of \$66.42 to reflect the cost of domestic water supply including a fixed meter fee, the Water Quality Enhancement Fee and an assumed domestic consumption of 40 cubic metres bi-monthly;
- Agricultural Customers with multiple Service Connections that do not have Access to the Non-Potable System will pay the fees in Section 1 and Section 4 for each Service Connection serving one or more Residential Units in spite of Section 1a.

4. Water Quality Enhancement Reserve Fund Contribution

All properties, excluding Agricultural properties that do not have Access to the Non-Potable System, and Park Use properties, shall pay the following bi-monthly flat rate charge for each Potable Water System Service Connection based on Water Meter size as follows:

Meter Size	Bi-Monthly Flat Charge	
	2020	2021
15 mm (5/8")	\$17.06	\$17.06
20 mm (3/4")	\$17.06	\$17.06
25 mm (1")	\$35.06	\$35.06
37 mm (1½")	\$77.35	\$77.35
50 mm (2")	\$125.21	\$125.21
75 mm (3")	\$293.28	\$293.28

100 mm (4")	\$400.47	\$400.47
150 mm (6")	\$676.39	\$676.39
200 mm (8")	\$891.12	\$891.12

5. Non-Potable Services

All Customers, excluding Agricultural Customers, shall pay a consumption charge of \$0.30 per cubic metre of water used by each Non-Potable System Service Connection:

6. Fire Protection Use

For **Fire Protection Use**, use a bi-monthly flat **rate** charge of \$62.34.

7. Bulk Water Filling Station Use

The cost of a card for use of the **Bulk Water Filling Stations** is \$20.00, non- refundable.

For **Bulk Water Filling Stations**, a consumption charge of \$1.02 per cubic metre of water used.

8. Temporary Use

For Temporary Use of water during construction. The following rates and charges will apply beginning two months after approval of each New Construction Building Permit and end upon the first of either the installation of the Water Meter or the project is deemed substantially complete as defined by the British Columbia Builder's Lien Act on:

Single Family residential properties a flat charge of \$45.47 bi-monthly.

For non-residential properties and Multi-Family Residential properties a bi-monthly flat charge of \$121.26.

For Projects deemed to be complete as defined above and that do not have a Water Meter, then rates will be twenty (20) times the applicable Temporary Use rate.

9. Manual Read fee

Properties that choose to have their meter read manually, where the option to have the meter read remotely has been provided or requested by the City, shall pay a fee of \$40.00 per bi-monthly billing period. These customers acknowledge that in choosing to have their meters read manually there will be no adjustment for the cost of water lost because of a water leak on their property.

10. All Properties in the SEKID Service Area

All Properties, in the SEKID Service Area must pay the following charges until December 31, 2020:

1. Properties classified as Farm under the Assessment Act an annual charge of \$96.30 per acre of Allotment with a minimum fee of \$96.30 per parcel if smaller than 1 acre; or
2. A bi-monthly charge of \$16.05 per acre of Allotment with a minimum fee of \$16.05 per parcel if smaller than 1 acre; and
3. All customers will also pay one of the following charges depending on Customer Type:
 - a) Commercial, Industrial and Institutional Customers that are metered:

- i. A minimum charge of \$110.30 per service connection;
 - ii. A metered rate of \$0.9537 per cubic metre consumed; and
 - iii. A water upgrade project Fee of \$64.00 per service connection.
- b) Mobile Home Parks (unmetered):
 - i. A charge of \$110.30 per pad; and
 - ii. A water upgrade project fee of \$64.00 per service connection
- c) Single Family, Single Family Strata, and Multi-Family Residential:
 - i. A charge of \$110.30 per dwelling unit (excluding secondary suites);
 - ii. A charge of \$55.15 per secondary suite and farm help accommodation units; and
 - iii. A water upgrade project fee of \$64.00 per service connection per dwelling unit except farm help accommodations up to 807 square feet and secondary suites up to 1,000 square feet.

11. Water Integration Project Fee for 2021

Properties in the SEKID Service Area shall pay a fee of \$80.00 per bi-monthly billing period for each Residential Unit beginning January 1, 2021.

SCHEDULE "B"

Water Meter Fees and Service Charges

1. Water Meter Fees

Customers shall pay a **Water Meter** Fee at the time of application for water service as follows:

METER TYPE			
Meter Size	Standard	Turbine	Compound
15 mm (5/8")	\$ 535.14		
20 mm (3/4")	\$ 535.14		
25 mm (1")	\$ 644.77		
37 mm (1.5")		\$1,866.25	\$2,506.53
50 mm (2")		\$2,160.50	\$2,854.41
75 mm (3")		\$2,600.63	\$3,513.35
100 mm (4")		\$4,652.48	\$5,722.98
150 mm (6")		\$8,185.42	\$9,887.69
200 mm (8")		\$13,198.32	
100 mm (4") Fire line	\$12,257.02		
150 mm (6") Fire line	\$16,207.69		
200 mm (8") Fire line	\$23,770.98		

The **Water Meter** Fee for commercial meters includes the following components as applicable to each meter setting: specified meter, companion flanges, strainer, gaskets, bolts, remote reading device and connecting cable all supplied and owned by the **City**.

The **Water Meter** Fee for commercial meters does not include the following: master control valve on service inlet and meter isolation valve downstream of meter, pressure reducing valve(s) (PRV's), pressure gauges, back flow prevention device and bypass piping and bypass valve all to be supplied and owned by the **Property** owner.

The **Water Meter** Fee for residential meters includes the following: **Water Meter**, meter setting fittings, installation of **Water Meter** within a 325 mm copper pipe run, supply of a remote reading device or transmitter and connecting cable all of which will be supplied and owned by the **City**.

2. Service Fees

Customers will pay and will be invoiced on their **City Water Utility** bills for the following service fees:

Service	Fees
Water disconnect (shut-off) or connect (turn-on) during regular office hours	\$ 35.00
Emergency water disconnect (shut-off) or connect (turn-on) during off-hours	\$160.00
Meter Testing Fee	\$50.00

Both the transfer and water turn-on charge will apply if water is turned on and a new account is established.

The Shut-Off and Turn-On fees will apply to the Non-Potable Irrigation supply for each irrigation service connection provided to the customer for requests outside of the normal start up or shutdown period identified by the manager and communicated to the customers.

Regular office hours shall mean the regular operating hours of the **City's** Water Utility Services Branch.

3. Hydrant Use Permit Fee

The fee for each **Hydrant Use Permit** shall be \$60.00 plus \$25.00 per day for each day of Hydrant Permit. The fee for a **Hydrant Use Permit** shall include the costs of providing, installing and removing **Approved Backflow Preventer**.

4. Water Meter Pit Fee

Where permitted or directed by the Manager the fee for the City to supply and install a residential water meter pit for a service size 1 inch or less shall be \$4,500.00.

CITY OF KELOWNA
BYLAW NO. 12111
SEKID Bylaws Repeal Bylaw

Repealing SEKID Bylaw Nos. 488, 503, 567, 624, 671, 679 and 692

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

1. THAT Trustees of South East Kelowna Irrigation District Commercial and Industrial Water Regulations Bylaw, 1991 Bylaw No. 488, and all amendments thereto, be repealed;
2. THAT Trustees of South East Kelowna Irrigation District Cross Connection Bylaw No. 503, and all amendments thereto, be repealed;
3. THAT Trustees of South East Kelowna Irrigation District Officer Positions Establishment Bylaw No. 567, and all amendments thereto, be repealed;
4. THAT Trustees of South East Kelowna Irrigation District Connection Charge Bylaw No. 624, and all amendments thereto, be repealed;
5. THAT Trustees of South East Kelowna Irrigation District Water Distribution Regulation Bylaw 2014 - Bylaw No. 671, and all amendments thereto, be repealed;
6. THAT Trustees of South East Kelowna Irrigation District Irrigation Water Distribution and Regulation Bylaw No. 679, and all amendments thereto, be repealed;
7. THAT Trustees of South East Kelowna Subdivision Water Regulations Bylaw, 2018 - Bylaw No. 692, and all amendments thereto, be repealed;
8. This bylaw may be cited for all purposes as "SEKID Bylaws Repeal Bylaw No. 12111";
9. This bylaw shall come into full force and effect and is binding on all persons as and from December 31, 2020.

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

Report to Council



Date: November 2, 2020
To: Council
From: City Manager
Subject: Community Resiliency Investment Program Funding 2021
Department: Parks Operations

Recommendation:

THAT Council receives, for information, the November 2, 2020 report from the Parks Operation Department with respect to 2021 Community Resiliency Investment (CRI) Program funding;

AND THAT Council approves staff to apply for a grant from the CRI program to continue to support wildfire fuel mitigation initiatives;

AND FURTHER THAT upon confirmation of the grant award, the 2021 Financial Plan be amended to include the receipt of up to \$150,000 from the Community Resiliency Investment Program.

Purpose:

To seek Council approval towards an application for funding through the Community Resiliency Investment (CRI) Program.

Background:

The City of Kelowna has a well-established Community Wildfire Protection Program. Program priorities are determined by our current *Community Wildfire Protection Plan (CWPP)*.

The CWPP is a document that defines the risk from wildfires in an identified area, identifies measures necessary to mitigate those risks and outlines a plan of action to be implemented.

Many prioritized recommendations of the current CWPP have been, or are being, addressed through operational and external funding. Our primary source of external funding is that of the Community Resiliency Investment (CRI) Program; a provincial initiative intended to reduce the risk and impact of wildfire to communities in B.C. through community funding, supports, and priority fuel management activities within municipal boundaries. In 2019 and 2020, the City of Kelowna received \$100,000 and \$150,000 respectively, to complete activities related to CWPP recommendations.

Completed activities:

- Completion of wildfire fuel mitigation across the eastern parcel of Knox Mountain Park;
- Development of a wildfire fuel mitigation maintenance schedule for previously treated areas;
- Development of a landscaping standard for wildland-urban interface areas that meets FireSmart guidelines (including a requirement for a landscape plan to be included with a development permit application); and
- Amendment of our wildfire development permit process to implement activities and procedure that aligns with the goals of our CWPP.

Ongoing activities:

- An updated Terms of Reference document to be provided to developers and qualified professionals completing the assessments that lists all required elements of a basic wildfire hazard report.

The east Knox Mountain fuel mitigation project had a total cost of \$205,000, while allocation for the latter four activities above was \$45,000.

Discussion:

On October 9th, 2020 staff applied for 2021 CRI Program funding of \$150,000 (2021 maximum award).

Allocation of these funds are to be used for two activities:

- Update our existing CWPP which expires in 2021 (\$30,890).
- Complete fuel mitigation activities at 4295 Field Road (\$119,110).

The update to our existing CWPP will include a conversion to the new format called the Community Wildfire Resiliency Plan (CWRP), which incorporates all successful components from the CWPP template with the seven FireSmart principles. This new format is strongly encouraged through the CRI Program as being more comprehensive and provides opportunity for greater regional resiliency by establishing connection with nearby communities and other agencies.

Fuel mitigation work at 4295 Field Road has been targeted as part of a large landscape-level fuel break project in conjunction with work currently underway by the Ministry of Forests, Lands, Natural Resource Operations & Resource Development. We are seeking funds to treat only the TU1 Municipal portion, detailed on the supporting map. The portion of this area treated in 2014 requires no further intervention at this time. The TU1 area is identified within the CWPP as a priority area for treatment. If this application is successful, work is expected to begin in early 2021.

Conclusion:

Applications for CRI Program funding require a new Council resolution annually.

Internal Circulation:

Communications Advisor
Divisional Director, Planning & Development Services
Financial Planning Manager
Fire Chief

Grants and Special Projects Manager
Infrastructure Operations Manager
Park Services Manager
Urban Forestry Supervisor
Utility Services Manager

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: T. Bergeson, Urban Forestry Technician

Approved for inclusion:

A square box containing a handwritten signature in blue ink, which appears to be "Joe Creron".

Joe Creron, Deputy City Manager - Operations

cc: Kelowna Fire Department

2021 Wildfire Mitigation Program - Field Road

Legend

- TU1_City of Kelowna Fuel Treatment
- TU2_Provincial Crown Fuel Treatment
- Previous Treatment_Provincial Crown
- Previous Treatment_City of Kelowna

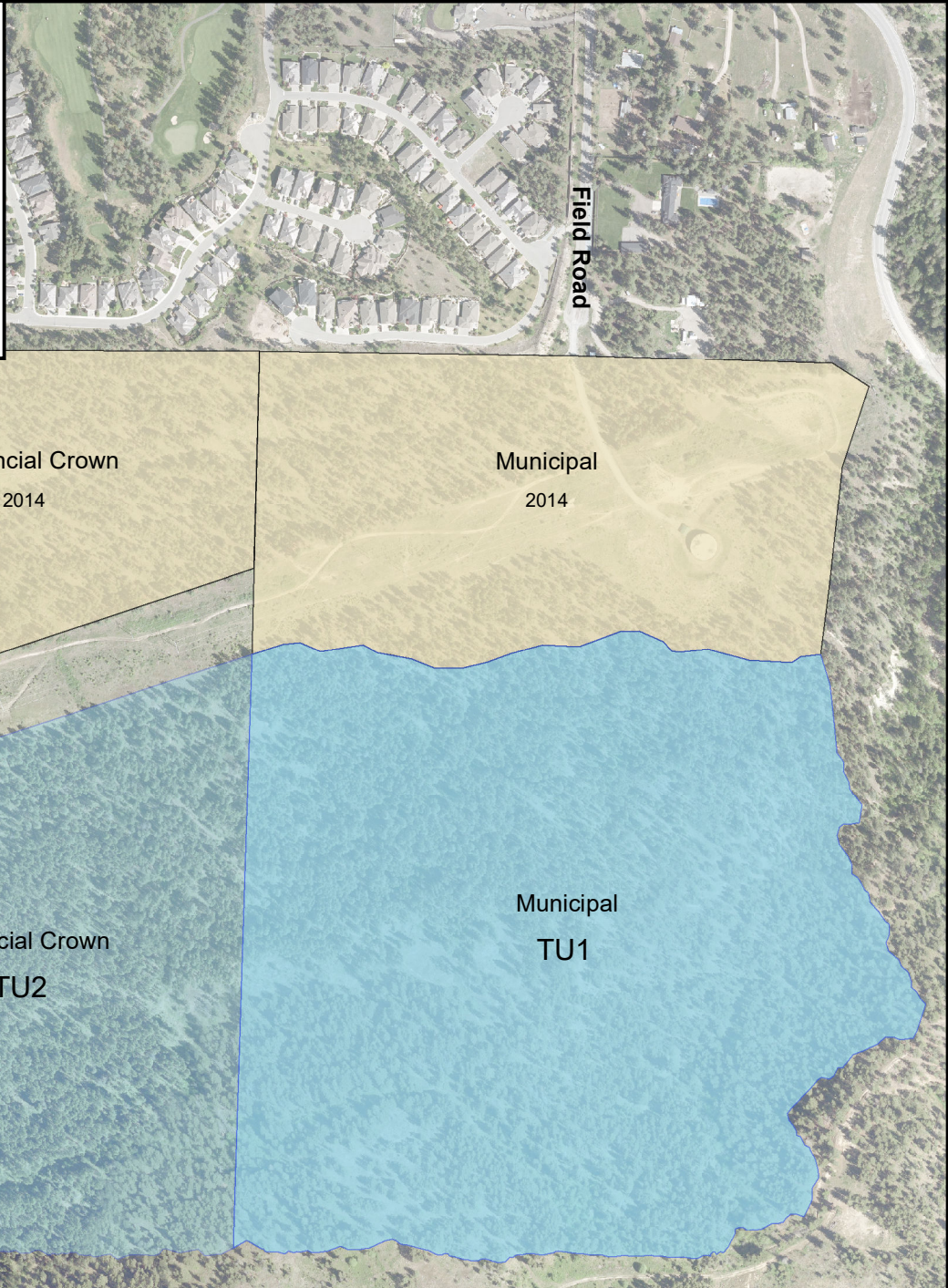
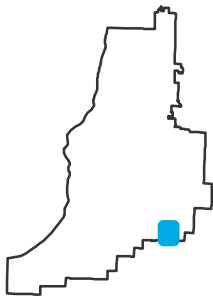
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Meters



City of Kelowna
Park Services
October 8, 2020
Created by: T. Bergeson
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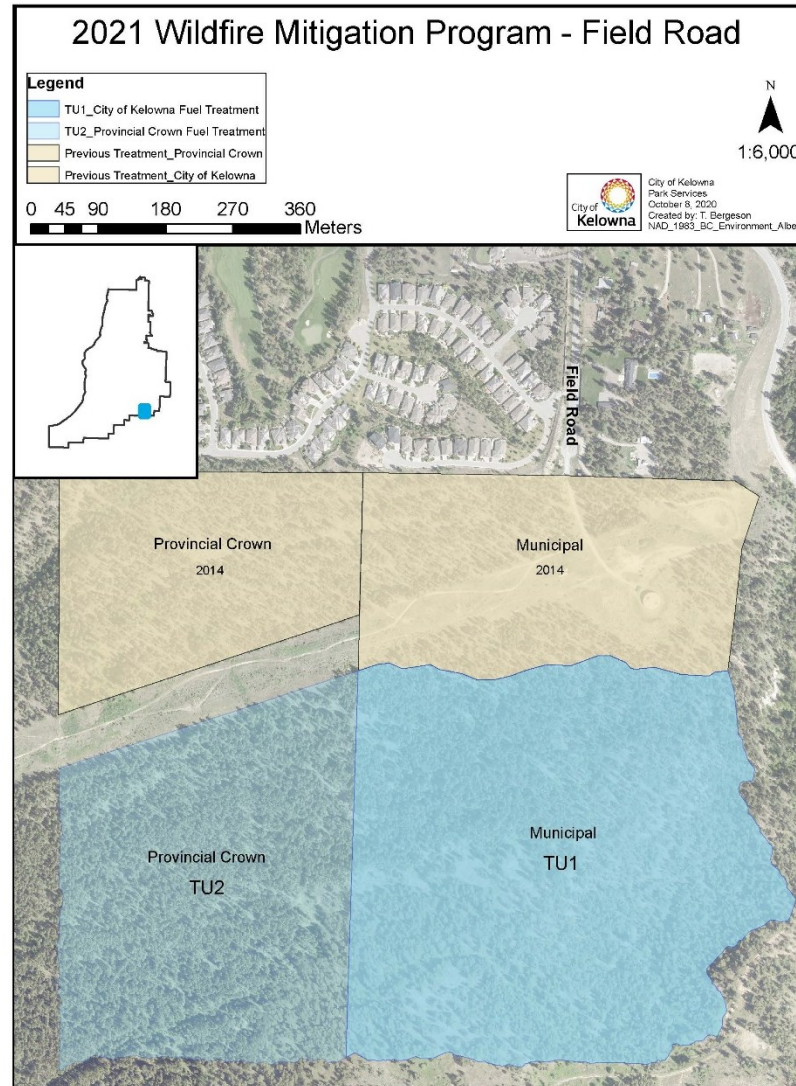




Community Resiliency Investment (CRI) Program Funding

City of Kelowna

2021 CRI Fuel Mitigation



City of Kelowna