

City of Kelowna

Regular Council Meeting

AGENDA



Monday, June 28, 2021
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.

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

6 - 13

PM Meeting - June 21, 2021

3. Development Application Reports & Related Bylaws

3.1. Bernard Ave 520-526 - TA21-0008 Z21-0024 - GBD Holdings Inc., Inc.No. BC0941235

14 - 37

The Mayor to invite the Applicant, or Applicant's Representative, to participate online.

To consider a staff recommendation to NOT support a site-specific text amendment to allow for a retail cannabis sales establishment within 500 metres of other establishments and within 150 metres of Kasugai Gardens and NOT support an application to rezone the subject property from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone.

- 3.2. Bernard Ave 266 - TA21-0012 Z21-0039 - Macarther Ventures Inc., Inc.No. BCo684166** 38 - 62
- The Mayor to invite the Applicant, or Applicant's Representative, to participate online.**
- To consider a staff recommendation to NOT support a site-specific text amendment to allow for a retail cannabis sales establishment within 500 metres of other establishments and within 150 metres of City Park and 150 metres of Stuart Park and NOT support an application to rezone the subject property from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone.
- 3.3. Enterprise Way, Hunter Ct, Hunter Rd and Leckie Rd - LUCT21-0001 (BL12211) Z21-0038 (BL12212) - Multiple Owners** 63 - 89
- To proceed with the early termination of LUC77-1085 and to rezone the subject properties as identified in 'Schedule A, B & C'.
- 3.4. Enterprise Way, Hunter Ct, Hunter Rd and Leckie Rd - BL12211 (LUCT21-0001) - Multiple Owners** 90 - 93
- To give Bylaw No. 12211 first reading in order to proceed with Early Termination of Land Use Contract LUC77-1085.
- 3.5. Enterprise Way, Hunter Ct, Hunter Rd and Leckie Rd - BL12212 (Z21-0038) - Multiple Owners** 94 - 99
- To give Bylaw No. 12212 first reading in order to rezone the subject properties as identified in the attached Schedules.
- 3.6. Providence Ave 410 - OCP20-0017 (BL12229) TA20-0019 (BL12230) - Kettle Valley Holdings Ltd., Inc.No. 551772** 100 - 147
- To amend the Official Community Plan designation from the EDINST - Educational/Major Institutional to the S2RES – Single/Two Unit Residential and PARK – Major Park/Open Space (public) designations and to consider a Text Amendment application to the Kettle Valley CD-2 zone, for 410 Providence Ave to go from the Kettle Valley CD-2 from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV to accommodate a future subdivision of single family homes.
- 3.7. Providence Ave 410 - BL12229 (OCP20-0017) - Kettle Valley Holdings Ltd., Inc.No. 551772** 148 - 149
- Requires a majority of all members of Council (5)**
- To give Bylaw No. 12229 first reading in order to amend the Official Community Plan designation for the subject property from the EDINST - Educational/Major Institutional to the S2RES – Single/Two Unit Residential and PARK – Major Park/Open Space (public) designations.

3.8.	Providence Ave 410 - BL12230 (TA20-0019) - Kettle Valley Holdings Ltd., Inc.No. 551772	150 - 152
	To give Bylaw No. 12230 first reading to consider a Text Amendment application to the Kettle Valley CD-2 zone, for 410 Providence Ave to go from the Kettle Valley CD-2 from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV.	
3.9.	Finns Rd 663-671 - LUCT20-0012 (BL12234) - Su-Mar Investments Ltd., Inc.No. 154934	153 - 165
	To proceed with the early termination of LUC76-1103 and to revert the parcel to the underlying C2rls – Neighbourhood Commercial (Retail Liquor Sales) zone.	
3.10.	Finns Rd 663-671 - BL12234 (LUCT20-0012) - Su-Mar Investments Ltd., Inc.No. 154934	166 - 166
	To give Bylaw No. 12234 first reading in order to proceed with early termination of Land Use Contract LUC76-1103.	
3.11.	Finns Rd 733 - LUCT20-0020 (BL12235) - 684974 BC Ltd., Inc.No. 684974	167 - 179
	To proceed with the early termination of LUC76-1056 and to revert the parcel to the underlying I2 – General Industrial zone.	
3.12.	Finns Rd 733 - BL12235 (LUCT20-0020) - 684974 BC Ltd., Inc.No. 684974	180 - 180
	To give Bylaw No. 12235 first reading in order to proceed with early termination of Land Use Contract LUC76-1056.	
3.13.	Enterprise Way 2046 and Hardy St 1505 - LUCT20-0017 (BL12237) - Multiple Owners	181 - 193
	To proceed with the early termination of LUC76-1108 and to revert the parcels to the underlying I2 – General Industrial zone.	
3.14.	Enterprise Way 2046 and Hardy St 1505 - BL12237 (LUCT20-0017) - Multiple Owners	194 - 194
	To give Bylaw No. 12237 first reading in order to proceed with early termination of Land Use Contract LUC76-1108.	
3.15.	Sexsmith Rd 3130 - Z21-0058 (BL12238) - 463679 B.C. Ltd., Inc.No. BC0978460	195 - 215
	To consider a rezoning application to rezone the property from the A1 – Agriculture 1 zone to the I6 – Low- Impact Transitional Industrial zone, and to waive the Public Hearing.	
3.16.	Sexsmith Rd 3130 - BL12238 (Z21-0058) - 463679 B.C. Ltd., Inc.No. BC0978460	216 - 216
	To give Bylaw No. 12238 first reading in order to rezone the property from the A1 – Agriculture 1 zone to the I6 – Low- Impact Transitional Industrial zone.	

- 3.17. Hollywood Rd S 1065 - Z21-0048 (BL12239) - Jordan Daniel Kaleta and Chelsea Aleksandra McCutchan** 217 - 234

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, and to waive the Public Hearing.

- 3.18. Hollywood Rd S 1065 - BL12239 (Z21-0048) - Jordan Daniel Kaleta and Chelsea Aleksandra McCutchan** 235 - 235

To give Bylaw No. 12239 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

- 3.19. Sadler Rd 145, Hwy 33 E 180 and 190 - Z18-0117 (BL11957) - Supplemental Report** 236 - 279

To consider an application to rezone the subject properties from the RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone to facilitate the development of Multiple Dwelling Housing.

- 3.20. Heritage Register Removal - 180 Hwy 33 E** 280 - 288

To consider a request to remove the property at 180 Highway 33 East from the Kelowna Heritage Register.

4. Non-Development Reports & Related Bylaws

- 4.1. Amendment No 12 to Development Application Fees Bylaw No 10560 (BL12220)** 289 - 302

To amend the Development Application Fees Bylaw No. 10560 to more transparently include a \$50.00 administration fee.

- 4.2. BL12220 - Amendment No 12 to Development Application Fees Bylaw No 10560** 303 - 304

To give Bylaw No. 12220 first, second and third reading.

- 4.3. 2020 Annual Report and Statement of Financial Information** 305 - 348

To meet legislated reporting requirement for annual financial reporting, showcase City services, programs and projects, and provide contextual information for the data contained in the Statement of Financial Information report.

- 4.4. Southern Interior Bylaw Adjudication Report to Council 2021** 349 - 362

To add the RDNO as a party to the Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement.

- 4.5. Additional Restrictions for Shared E-scooters** 363 - 379

To provide Council with options for additional restrictions for shared e-scooters, including the steps to cancel the e-scooter program, if desired

5. Mayor and Councillor Items

6. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, June 21, 2021
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben and Loyal Wooldridge

Members participating remotely Councillors Charlie Hodge and Mohini Singh

Members Absent Councillor Luke Stack

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Urban Planning Manager, Jocelyn Black*; Controller, Jackie Dueck*; Revenue Supervisor, Patrick Gramiak*; Transit Service Coordinator, Mike Kittmer*; Social Development Manager, Sue Wheeler*

Staff participating remotely Legislative Coordinator (Confidential), Arlene McClelland
 (* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:37 p.m.

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca

Mayor Basran provided remarks recognizing National Indigenous Peoples Day and Truth and Reconciliation Calls to Action.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R0599/21/06/21 THAT the Minutes of the Regular Meetings of June 14, 2021 be confirmed as circulated.

Carried

3. Reports

3.1 Indigenous Relations

City Manager:

- Provided an update on the City's actions to advance Truth and Reconciliation Calls to Action and recommendations for a path forward and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

Ro600/21/06/21 THAT Council receive, for information, the report from the City Manager, dated June 21st, 2021, regarding past, current, and future activities related to Truth and Reconciliation;

AND THAT Council direct staff to allocate resources towards development of a cultural relations program, in part, to advance and build upon the current and past City efforts related to Indigenous relations, as an important step towards meaningful Truth and Reconciliation;

AND THAT Council direct staff to participate in any regional efforts with other local governments, institutions and First Nations, towards implementation of the Truth and Reconciliation recommendations applicable to Local Government;

AND THAT Council support an increase in staff training and enhanced Council orientation, related to aboriginal history and Truth and Reconciliation;

AND FURTHER THAT Council direct staff to report annually on progress to implement Calls to Action associated with the Truth and Reconciliation recommendations that are applicable to Local Government.

Carried

4. Development Application Reports & Related Bylaws

4.1 Burnett St 2251 - Z21-0007 (BL12232) TA21-0006 (BL12233) - Jose Antonio Maciel

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Donn

Ro601/21/06/21 THAT Rezoning Application No. Z21-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16 District Lot 136 ODYD Plan 11811, located at 2251 Burnett Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone, be considered by Council;

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

AND THAT Zoning Bylaw Text Amendment Application No. TA21-0006 to amend City of Kelowna Zoning Bylaw No. 8000 for Lot 16 District Lot 136 ODYD Plan 11811, located at 2251 Burnett Street, as outlined in the Report from the Development Planning Department dated June 21, 2021 be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 21, 2021;

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

Carried

4.2 Burnett St 2251 - BL12232 (Z21-0007) - Jose Antonio Maciel

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro602/21/06/21 THAT Bylaw No. 12232 be read a first time.

Carried

4.3 Burnett St 2251 - BL12233 (TA21-0006) - Jose Antonio Maciel

Moved By Councillor DeHart/Seconded By Councillor Sieben

Ro603/21/06/21 THAT Bylaw No. 12233 be read a first time.

Carried

4.4 Highland Dr N 1653 - Z21-0017 (BL12236) - Shannon Elizabeth Day

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro604/21/06/21 THAT Rezoning Application No. Z21-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4 Section 29 Township 26 ODYD Plan 12634, located at 1653 Highland Drive North, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

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

Carried

4.5 Highland Dr N 1653 - BL12236 (Z21-0017) - Shannon Elizabeth Day

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro605/21/06/21 THAT Bylaw No. 12236 be read a first time.

Carried

4.6 Supplemental Report - Shayler Crt 2890 - Z21-0023 (BL12214) - Erwin Victor Braun and Connie Teresa Braun

Moved By Councillor Donn/Seconded By Councillor Hodge

Ro606/21/06/21 THAT Council receives, for information, the report from the Office of the City Clerk dated June 21, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12214;

AND THAT Rezoning Bylaw No. 12214 be forwarded for further reading consideration.

Carried

4.7 Shayler Ct 2890 - BL12214 (Z21-0023) - Erwin Victor Braun and Connie Teresa Braun

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro607/21/06/21 THAT Bylaw No. 12214 be read a second and third time.

Carried

4.8 Supplemental Report - McCurdy Rd 320 - Z21-0025 (BL12215) - Erica Dawn McAvoy

Moved By Councillor DeHart/Seconded By Councillor Sieben

Ro608/21/06/21 THAT Council receives, for information, the report from the Office of the City Clerk dated June 21, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12215;

AND THAT Rezoning Bylaw No. 12215 be forwarded for further reading consideration.

Carried

4.9 McCurdy Rd 320 - BL12215 (Z21-0025) - Erica Dawn McAvoy

Moved By Councillor DeHart/Seconded By Councillor Sieben

Ro609/21/06/21 THAT Bylaw No. 12215 be read a second and third time.

Carried

4.10 Supplemental Report - South Ridge Dr 5008 - Z21-0049 (BL12222) - Nonis Developments Ltd., Inc. No. BC0938873

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro610/21/06/21 THAT Council receives, for information, the report from the Office of the City Clerk dated June 21, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12222;

AND THAT Rezoning Bylaw No. 12222 be forwarded for further reading consideration.

Carried

4.11 South Ridge Dr 5008 - BL12222 (Z21-0049) - Nonis Developments LTD., INC.NO BC0938873

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro611/21/06/21 THAT Bylaw No. 12222 be read a second and third time.

Carried

4.12 St Paul St 1310 - Z19-0024 (BL11822) - Rescind Rezoning Bylaw

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro612/21/06/21 THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021, with respect to Rezoning Application No. Z19-0024 located at Lot 12 DL 139, ODYD Plan 645, located at 1310 St. Paul Street, Kelowna BC;

AND THAT Bylaw No. 11822 be forwarded for rescindment consideration and the file be closed.

Carried

4.13 St. Paul St 1310 - BL11822 (Z19-0024) - Vibona Enterprises LTD., Inc. No. BCo458875

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro613/21/06/21 THAT first, second and third reading given to Bylaw No. 11822 be rescinded and the file be closed.

Carried

4.14 Sexsmith Rd 3130 - Z18-0049 (BL11832) - Rescind Rezoning Bylaw

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro614/21/06/21 THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021, with respect to Rezoning Application No. Z18-0049 for Lot 28, Section 3, Township 23, ODYD, Plan 18861, located at 3130 Sexsmith Road, Kelowna BC;

AND THAT Bylaw No. 11832 be forwarded for rescindment consideration and the file be closed.

Carried

4.15 Sexsmith Rd 3130 - BL11832 (Z18-0049) - DL Capital Inc., Inc. No. BCo820774

Moved By Councillor Donn/Seconded By Councillor Given

Ro615/21/06/21 THAT first, second and third reading given to Bylaw No. 11832 be rescinded and the file be closed.

Carried

4.16 Ponto Rd 290 - Z19-0063 (BL12021) - Rescind Rezoning Bylaw

Moved By Councillor Given/Seconded By Councillor Donn

Ro616/21/06/21 THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021, with respect to Rezoning Application No. Z19-0063 for the property located at Lot 14 Section 26 Township 26 Plan KAP4414 ODYD 290 Ponto Road Kelowna BC;

AND THAT Bylaw No. 12021 be forwarded for rescindment consideration and the file be closed.

Carried

4.17 Ponto Rd 290 - BL12021 (Z19-0063) - 1135072 B.C. Ltd, Inc. No. BC1135072

Moved By Councillor Donn/Seconded By Councillor Given

Ro617/21/06/21 THAT first, second and third reading given to Bylaw No. 12021 be rescinded and the file be closed.

Carried

4.18 Pandosy St 2565 2579 - Z17-0113 (BL11562) - Rescind Rezoning Bylaw

Moved By Councillor DeHart/Seconded By Councillor Donn

Ro618/21/06/21 THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021 with respect to Rezoning Application No. Z17-0113 located at Lot A, District Lot 14 ODYD Plan EPP82294 located at 2565-2579 Pandosy Street, Kelowna, BC;

AND THAT Bylaw No. 11562 be forwarded for rescindment consideration and the file be closed.

Carried

4.19 Pandosy St 2565 2579 - BL11562 (Z17-0113) - 1018545 BC Ltd

Moved By Councillor Donn/Seconded By Councillor Given

Ro619/21/06/21 THAT first, second and third reading given to Bylaw No. 11562 be rescinded and the file be closed.

Carried

4.20 Cedar Ave 414-420 - Z18-0021 (BL11644) - Rescind Rezoning Bylaw

Moved By Councillor Donn/Seconded By Councillor Given

Ro620/21/06/21 THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021 with respect to Rezoning Application No. Z18-0021 for Lots 2 & 3, District Lot 14, ODYD, Plan 4743 for 414-420 Cedar Avenue, Kelowna BC;

AND THAT Bylaw No. 11644 be forwarded for rescindment consideration and the file be closed.

Carried

4.21 Cedar Ave 414-420 - Z18-0021 (BL11644) - Albert Weisstock

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Ro621/21/06/21 THAT first, second and third reading given to Bylaw No. 11644 be rescinded and the file be closed.

Carried

4.22 Supplemental Report - Sadler Rd 145 and Hwy 33 E 180 and 190 Z18-0117

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro622/21/06/21 THAT Council receives, for information, the report from the Office of the City Clerk dated June 21, 2021 with respect to Rezoning Application Z18-0117 for the property located at 145 Sadler Rd and 180 & 190 Hwy 33 E;

AND THAT Bylaw No. 11957 be forwarded for rescindment of second and third readings.

Carried

4.23 Sadler Rd 145, Hwy 33 E 180 & 190, BL11957 (Z18-0117) - Studio 33 Properties Ltd., Inc No.BC1137489

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Ro623/21/06/21 THAT Bylaw No. 11957 be read a second and third time.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Building and Development Statistics Q1

Staff:

- Displayed a PowerPoint Presentation providing an update on Building and Development Statistics for the first quarter of 2021 and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

Ro624/21/06/21 THAT Council receives, for information, the report from the Planning and Development Services department dated June 21, 2021, with information relating to Planning and Development Statistics.

Carried

5.2 Transit 2021-2022 Annual Operating Agreement

Staff:

- Displayed a PowerPoint Presentation outlining the proposed 2021-2022 Transit Annual Operating Agreement.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

Ro625/21/06/21 THAT Council approve the 2021/2022 Annual Operating Agreement between BC Transit and City of Kelowna for Conventional, Community, and Custom transit;

AND THAT the Mayor and City Clerk be authorized to execute the Annual Operating Agreement between BC Transit and the City of Kelowna covering the period April 1, 2021 to March 31, 2022.

Carried

5.3 Reaching Home – Designated Communities Intermediary Funding Agreement

Moved By Councillor Wooldridge/Seconded By Councillor Singh

Ro626/21/06/21 THAT Council receives for information the report from Active Living & Culture dated June 21, 2021, regarding a Reaching Home – Designated Communities Intermediary Agreement with the Central Okanagan Journey Home Society;

AND THAT Council approves the Intermediary Agreement to accept the Reaching Home – Designated Communities grant funding over the next two years in the amount of \$187,132.00 from the Central Okanagan Foundation on behalf of the Central Okanagan Journey Home Society;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the Agreement;

AND THAT Council supports a \$187,132.00 grant to the Central Okanagan Journey Home Society to support the Society's work to develop and implement a coordinated access system to address homelessness in Kelowna;

AND THAT the Financial Plan be amended to include receiving and granting of \$187,132.00.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 Neptune Rd 1260 - BL12196 - Rental Housing Agreement Bylaw

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Ro627/21/06/21 THAT Bylaw No. 12196 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Singh:

- Recognized and made comment on National Indigenous Peoples Day.

Councillor Given:

- Inquired when Order 192 restricting public attendance at Council meetings may be lifted.

City Clerk:

- Confirmed the Order remains in place for 90 days after the State of Emergency is lifted and that staff will present a report June 28, 2021 outlining various changes regarding Council meetings.

Councillor Donn:

- Made comment on the lack of clarity provincially for outdoor and indoor events as well as the lack of clarity federally as to when tourists are welcomed.

Councillor Wooldridge:

- Thanked the Ki-Lo-Na Friendship Society for organizing the National Indigenous Peoples Day event and spoke to their attendance.
- Spoke to their attendance at the Boyd Autobody charity raffle draw which raised \$56,000 for the Child Advocacy Centre.

Councillor DeHart:

- Encouraged citizens to get vaccinated.

8. Termination

This meeting was declared terminated at 2:44 p.m.

Mayor Basran

/acm

City Clerk

REPORT TO COUNCIL



Date: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: 520-526 Bernard Avenue

Owner: GBD HOLDINGS INC., INC.NO.
BC0941235

Address: Z21-0024 TA21-0008

Applicant: Leaning House Productions Inc.

Subject: Rezoning and Text Amendment Application (Site Specific)

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

Existing Zone: C7 – Central Business Commercial

Proposed Zone: C7rcs – Central Business Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA21-0008 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated June 28, 2021 of all land shown on Strata Plan K12 located at 520-526 Bernard Avenue, Kelowna, BC NOT be considered by Council;

AND THAT Rezoning Application No. Z21-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of all land shown on Strata Plan K12, located at 520-526 Bernard Avenue, Kelowna, BC from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone as shown on Map "A" attached to the Report from the Development Planning Department dated June 28, 2021 NOT be considered by Council.

2.0 Purpose

To consider a staff recommendation to NOT support a site-specific text amendment to allow for a retail cannabis sales establishment within 500 metres of other establishments and within 150 metres of Kasugai Gardens and NOT support an application to rezone the subject property from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone.

3.0 Development Planning

Staff do not recommend support for the proposed site-specific text amendments and rezoning application to allow for a retail cannabis sales establishment on the subject property at 520-526 Bernard Avenue. The proposal requires a text amendment to reduce the minimum setback distance of 500 metres between two approved establishments; 547-549 Bernard Avenue (+/- 63 metres) and 1636-1652 Pandosy Street (+/- 245 metres). The specific use regulations for cannabis retail sales in Section 9.16.1 of the Zoning Bylaw establish the following:

9.16.1 Any retail cannabis sales establishment must be set back a minimum distance of 500 metres from another Retail Cannabis Sales Establishment, measured from closest lot line to closest lot line.

The minimum distance of 500 metres between retail cannabis sales establishments is intended to avoid clustering of multiple stores. The application to reduce the distance between cannabis stores does not meet the intent to limit clustering of this use. Additionally, the proposal is requesting a reduction for two establishments which exacerbates the clustering issue.

The application also requires a site-specific text amendment to reduce the minimum setback distance of 150 metres from Kasugai Gardens (+/- 82 metres). The specific use regulations for cannabis retail sales in Section 9.16.5 of the Zoning Bylaw establish the following:

9.16.5 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 150 metres from the following parks, measured from closest lot line to closest lot line:
g) Kasugai Gardens

Cannabis businesses by nature restricts interaction with the public realm, is not street oriented and is restricted to those over 19 years of age. To comply with regulations from the federal *Cannabis Act* prohibiting display of cannabis or cannabis accessories in a manner that may result in it being seen by a young person, windows are often frosted and stores often have roller shutters for added security. As such, this use will not significantly contribute to or align with the City's public realm objectives for the downtown's main shopping street. Due to a narrow unit frontage, Staff recognize the negative impact of the cannabis use on the public realm may not be as significant.

4.0 Proposal

4.1 Background

Since the first applications were considered in the Spring of 2019, 20 properties have been fully rezoned with the "rcs" subzone to allow retail cannabis sales as a permitted use. Further, an additional two rezoning applications are currently at third reading while outstanding requirements are met prior to Council considering final adoption of the bylaws. At the time of writing, the Liquor and Cannabis Regulation Branch (LCRB) has issued licenses to ten of these establishments to allow for legal operation within the City of Kelowna. Several locations and licences have changed ownership over the past two years and licences are taking significant processing time at the LCRB. This has resulted in multiple approved properties not yet opening.

4.2 Project Description

A retail cannabis sales establishment is proposed in a portion of 526 Bernard Avenue, which is an existing retail store (Hemp City).

4.3 Site Context

The subject property is located on the north side of Bernard Avenue, between Ellis Street and St. Paul Street. It is within the City Centre Urban Centre and is in close proximity to parks and downtown shopping areas.

Subject Property Map: 520-526 Bernard Avenue



5.0 Current Development Policies

Downtown Plan Policies

Policy 28 – Bernard Main Shopping Street. Support Bernard Avenue as the focus on the Downtown’s shopping area.

6.0 Technical Comments

6.1 Development Engineering Department

See Schedule A: City of Kelowna Memorandum

6.2 Parks & Building Planning

Parks & Building Planning does not support the text amendment application proposed to reduce the required distance of a retail cannabis sales establishment from the required 150m to Kasugai Gardens.

7.0 **Application Chronology**

Date of Application Accepted: March 22, 2021
Date Public Consultation Completed: May 7, 2021

8.0 **Alternate Recommendation**

THAT Zoning Bylaw Text Amendment Application No. TA21-0008 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated June 28, 2021 of all land shown on Strata Plan K12 located at 520-526 Bernard Avenue, Kelowna, BC be considered by Council;

AND THAT Rezoning Application No. Z21-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of all land shown on Strata Plan K12, located at 520-526 Bernard Avenue, Kelowna, BC from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone as shown on Map “A” attached to the Report from the Development Planning Department dated June 28, 2021 be considered by Council.

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Development Planning Department dated June 28, 2021;

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

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

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

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

Attachments:

Map "A": 520-526 Bernard Avenue

Schedule A: City of Kelowna Memorandum

Schedule B: Site Specific Amendment to City of Kelowna Zoning Bylaw No. 8000

Attachment A: Applicant's Letter of Rationale and Draft Floorplan



MAP "A" PROPOSED ZONING **File: Z21-0024**



Subject Property

C7 - Central Business Commercial to C7rcs - Central Business Commercial (Retail Cannabis Sales)

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



0 15 30 Metres

Rev. 5/25/2021

19
KB

CITY OF KELOWNA

MEMORANDUM

Date: March 29, 2021

File No.: Z21-0024

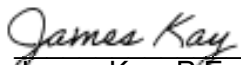
To: Urban Planning (KB)

From: Development Engineering Manager (JK)

Subject: 520-526 Bernard Ave C7 to C7rcs

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

1. This application to rezone from C7 to C7rcs to allow for a retail cannabis sales establishment. On the subject property does not compromise any City of Kelowna municipal infrastructure.
2. Lane to Be dedicated as road reserve at 0.8m see SS-R2 Commercial Lane.
3. The comments included in this Memo are those of the Development Engineering Branch of the City of Kelowna. As the subject property is within the 800-m Ministry of Transportation and Infrastructure (MoTI) HWY 97 buffer, this application is subject to the review, comments, and requirements of MoTI.



James Kay P.Eng.
Development Engineering Manager

RO

Schedule "B" – Proposed Site Specific Text Amendments - TA21-0008

No.	Section	Current Wording	Proposed Wording				Reason for Change
1.	Section 9 - Specific Use Regulations, 9.16 - RETAIL CANNABIS SALES ESTABLISHMENTS	Section 9.16.1 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from another Retail Cannabis Sales Establishment, measured from closest lot line to closest lot line.	9.16.8 Site Specific Regulations Regulations apply for Retail Cannabis Sales Establishments on a specific basis as follows:				To allow for a retail cannabis sales establishment within 500 metres of other approved retail cannabis sales establishments in the City Centre Urban Centre
2.	Section 9 - Specific Use Regulations, 9.16 - RETAIL CANNABIS SALES ESTABLISHMENTS	9.16.5 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 150 metres from the following parks, measured from closest lot line to closest lot line: g) Kasugai Gardens		Legal Description	Civic Address	Regulation	To allow for a retail cannabis sales establishment within 150 metres of Kasugai Gardens
			2	All Land Shown on Strata Plan K12	520-526 Bernard Avenue	To allow for a retail cannabis sales establishment within 500 metres of other approved retail cannabis sales establishments located at 547-549 Bernard Avenue and 1636-1652 Pandosy Street and within 150 metres of Kasugai Gardens	

Lee Schurian
Hemp City
526 Bernard Ave
V1Y 6P1

To Whom it May Concern;

Hemp City is proposing a site specific zoning to allow a licensed and regulated retail cannabis store at 526 Bernard Avenue. Currently Hemp City has a zoning of C7 and we would like to modify the zoning to allow for a Cannabis sub zone. We recognize that Hemp City is located within the 150m boundary from Kasugai Gardens when measured from the back entrance of Molly's Garden Cafe (520 Bernard Avenue) to the corner of the park. However, we would like to request an amendment to this requirement on the grounds that Hemp City is 250 meters from Kasugai, a walled garden, when measured from entrance to entrance (see attached map).

We also recognize that Hemp City is within the 500m boundary that is required between locations that have been awarded a cannabis license. However, three cannabis retail licenses were awarded two years ago and none have yet to start progress. Two have been sold repeatedly and the other has not yet begun proper renovations to open. We feel that this denies our customers, and the downtown residents, the right to access safe and legal cannabis.

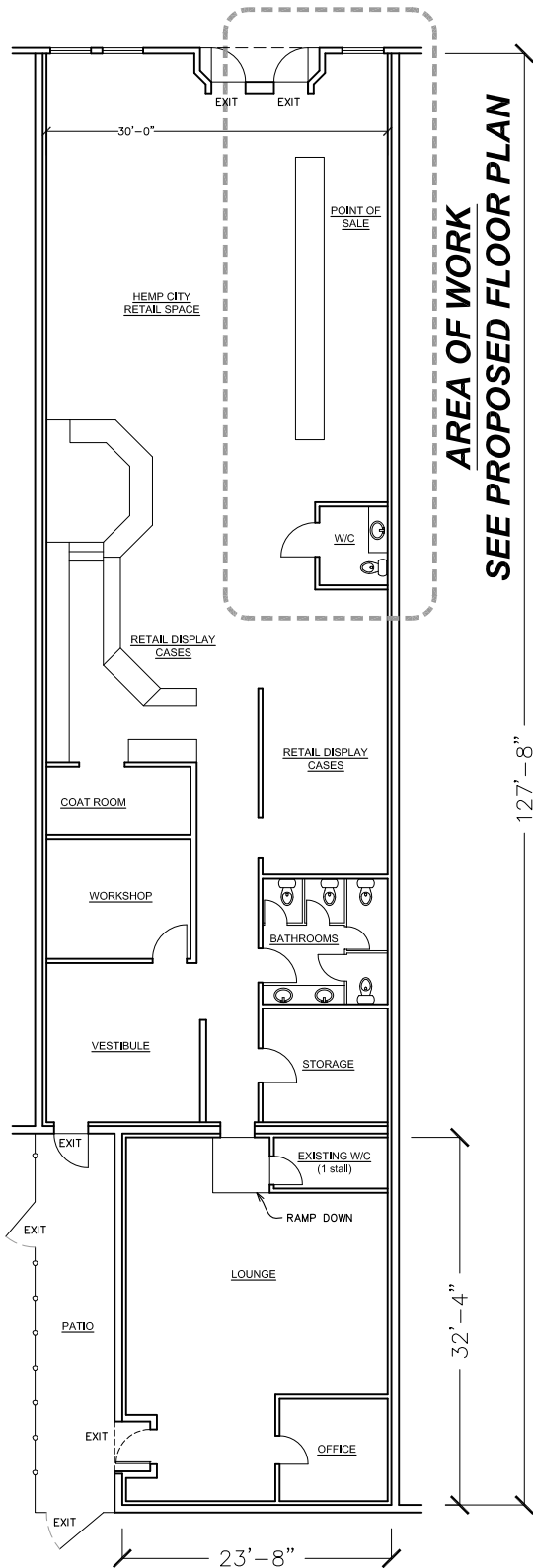
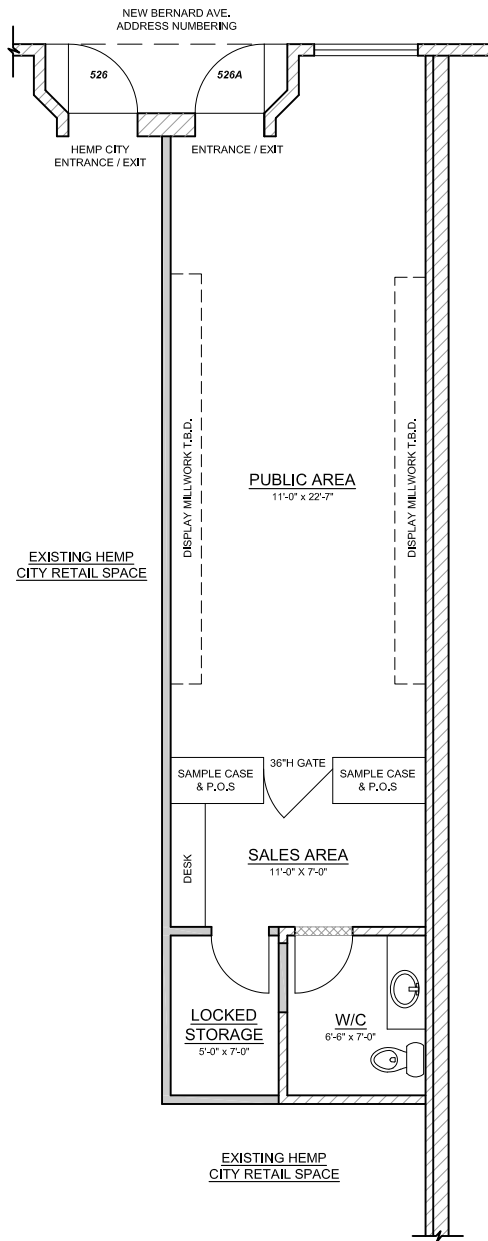
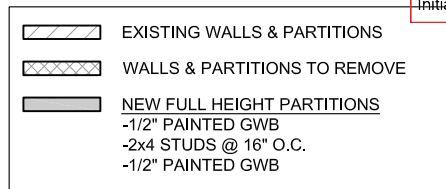
Hemp city has been serving the downtown core and adjacent area for 15+ years, own the building and have consistently contributed to the culture of the downtown core by providing what is now considered an essential service. We have done so alongside other smoking accessory stores and continue to grow and expand. If the other stores finally do open we don't feel there would be a conflict because

more people are moving to Kelowna and high rise construction will provide more clientele for all the businesses involved. Truly, downtown is only getting busier by the day and having a few stores in the area would only create better service and prices.

As well, my family has a deep and rich history of developing businesses that have served Kelowna. My grandfather Doug Mervyn started Mervyn motors and brought the first Volkswagens to the area. He also helped create the valley's first ski resort Big White. My Father Georg Schurian brought Doppelmayr ski lifts to the valley resorts. I believe it is a great honour to be part of Kelowna's business community. I am excited to continue my families legacy by taking part in this development of Kelowna and creating the first operational cannabis retail location in the downtown core.

I have attached a large digital petition and have some written signatures I can drop off in person showing over 1500 signatures of support from our customers and other locals in the area. I feel we would be a great asset to Kelowna and the downtown core.

Thank you for your consideration.
Lee Schurian.
Owner/Operator of Hemp City Kelowna.

Existing Floor Plan
Scale: 1:200Proposed Floor Plan
Scale: 1:100

PROJECT:
526 BERNARD AVENUE -
CANNABIS RETAIL RENOVATION
LOCATION:
KELOWNA, BC

DATE
16-MAR-2021
SCALE
1:200

DRAWING NO.
SK-01c



TA21-0008 Z21-0024 520-526 Bernard Avenue

Text Amendment and Rezoning Application



Proposal

- ▶ To consider a site-specific text amendment to allow for a retail cannabis sales establishment within 500 metres of other establishments and within 150 metres of Kasugai Gardens and to consider an application to rezone the subject property from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone.

Development Process

Mar 22, 2021

Development Application Submitted

Staff Review & Circulation

May 7, 2021

Public Notification Received

June 28, 2021

Initial Consideration

Public Hearing
Second & Third Readings

Final Reading

Recommendation sent to LCRB
Building Permit

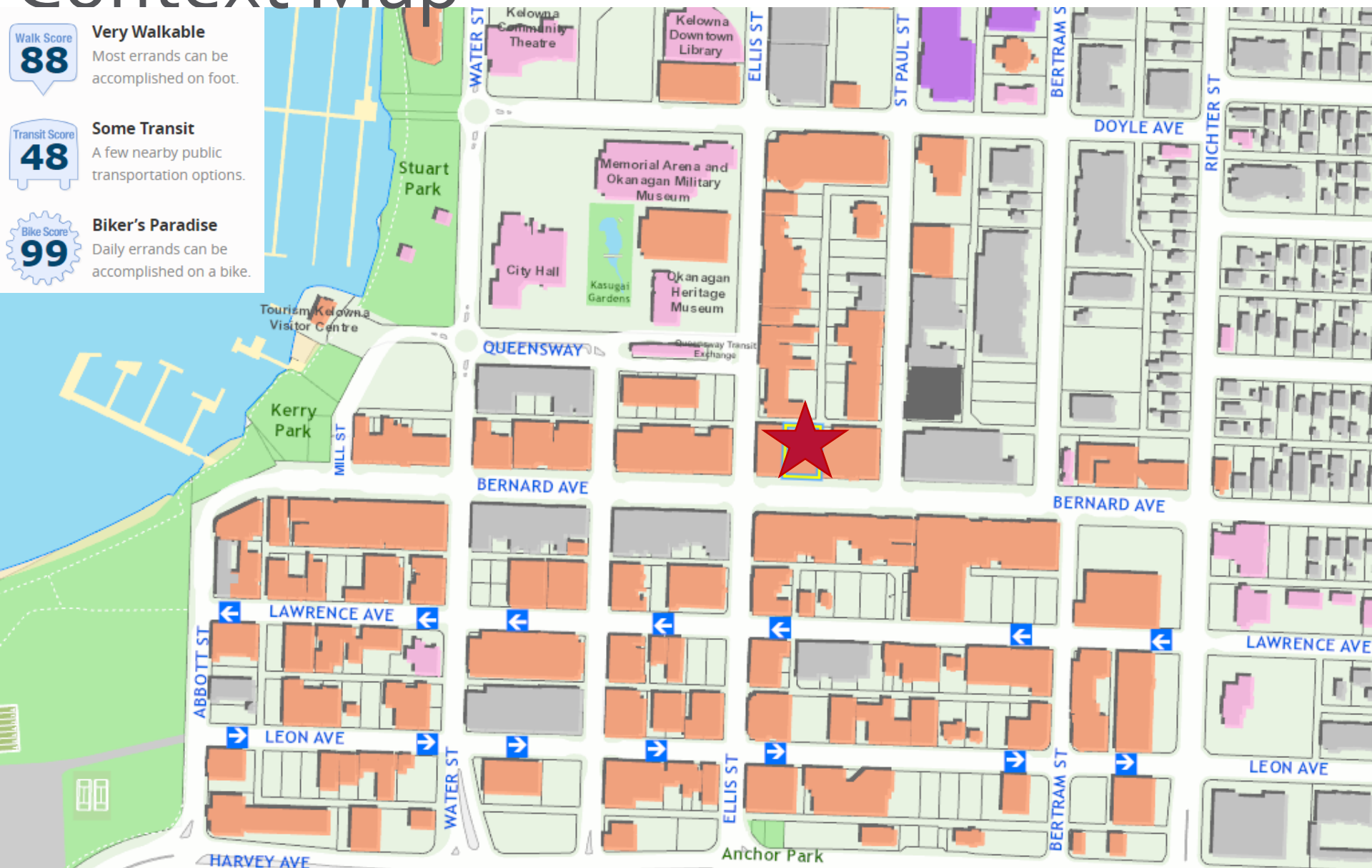
Council
Approvals

Context Map

Walk Score
88
Very Walkable
Most errands can be accomplished on foot.

Transit Score
48
Some Transit
A few nearby public transportation options.

Bike Score
99
Biker's Paradise
Daily errands can be accomplished on a bike.



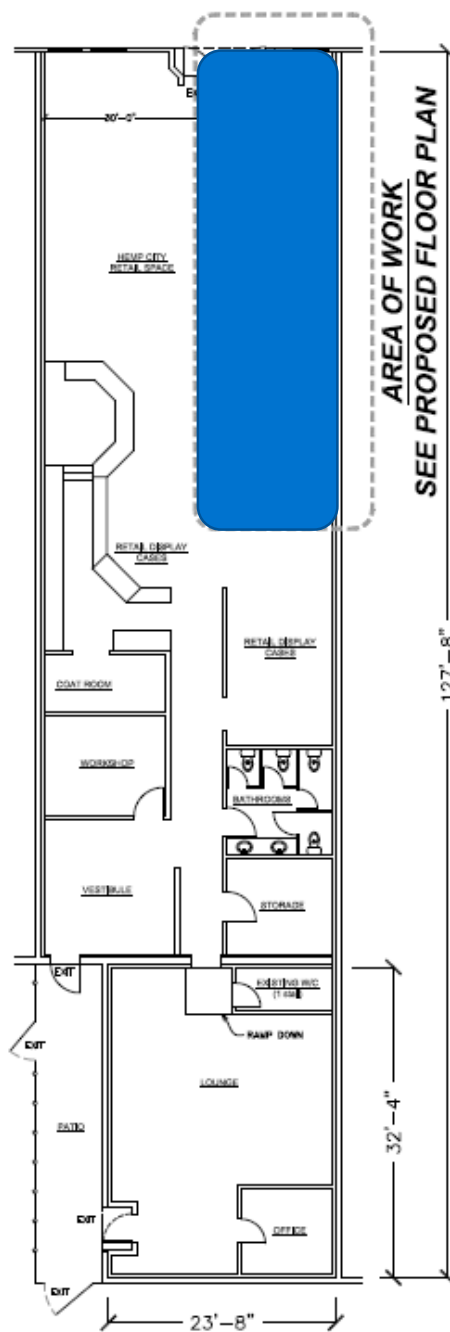
Subject Property Map



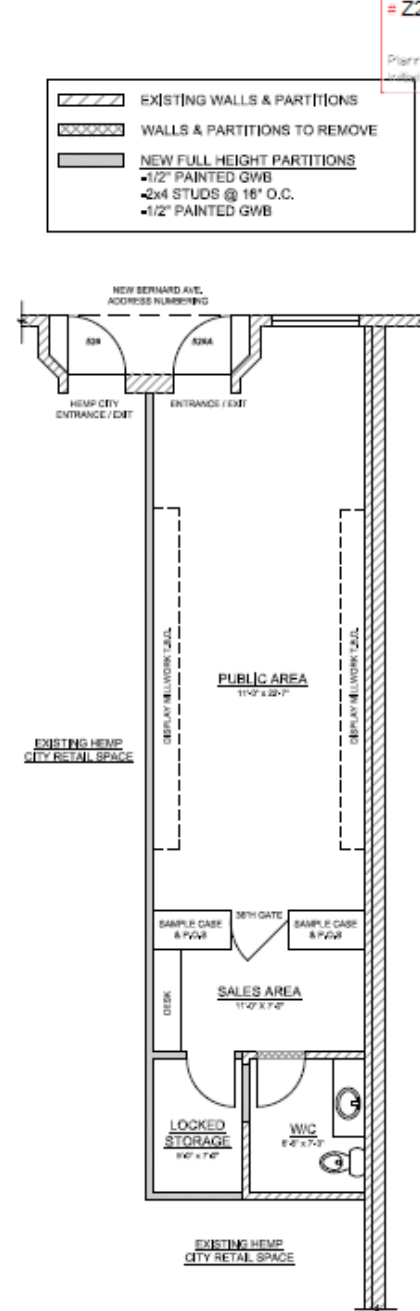
Street View



Floorplan



Existing Floor Plan
Scale: 1:200



Proposed Floor Plan
Scale: 1:100

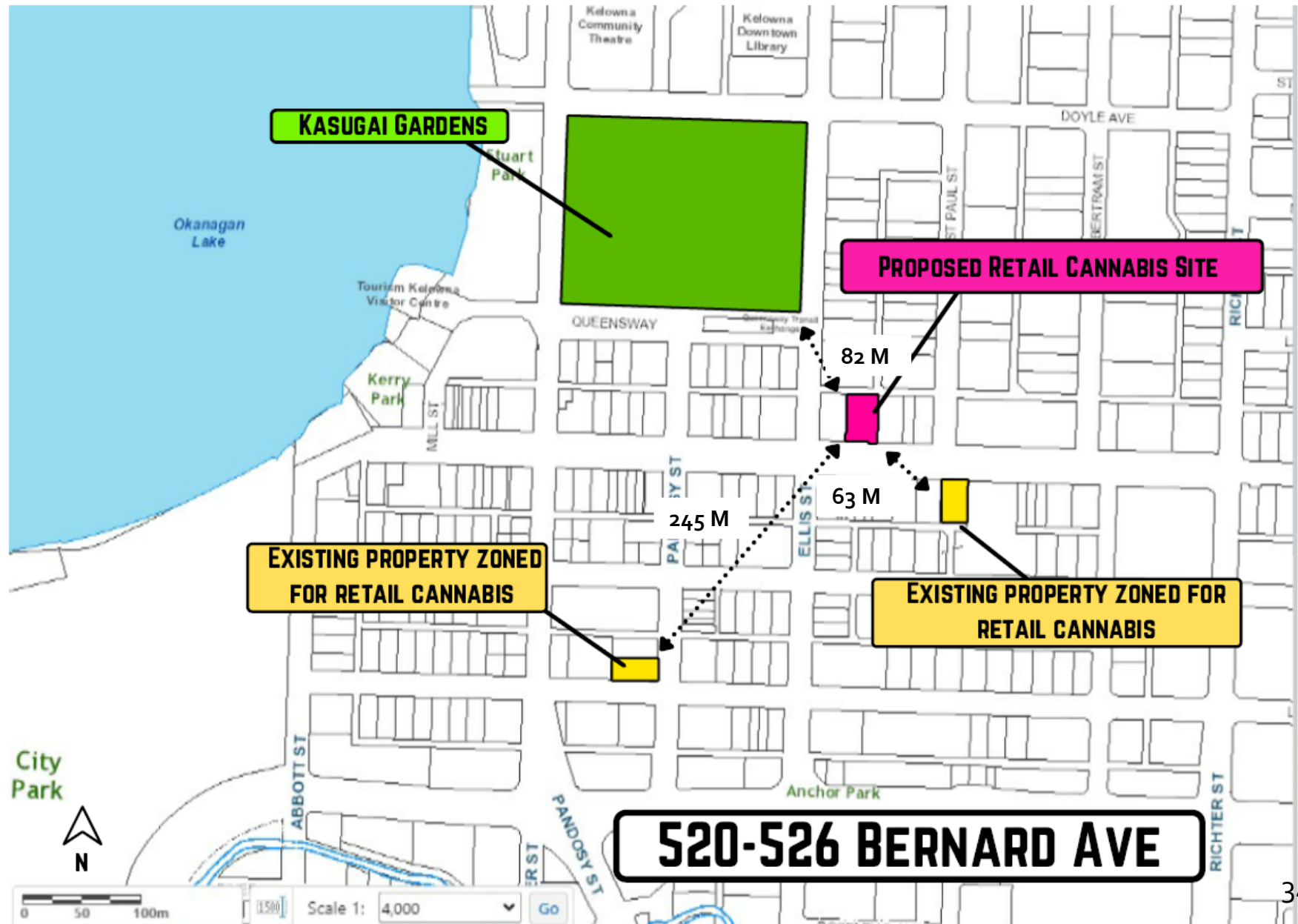
Rezoning Application

- ▶ Application to rezone:
 - ▶ From C7 – Central Business Commercial zone
 - ▶ To C7rcs – Central Business Commercial (Retail Cannabis Sales) zone

Text Amendments

- ▶ To facilitate this application, site-specific text amendments are required:
 - ▶ within 500 metres of other retail cannabis sales establishments
 - ▶ 547-549 Bernard Avenue (+/- 63 metres)
 - ▶ 1636-1652 Pandosy Street (+/- 245 metres)
 - ▶ within 150 metres of Kasugai Gardens
 - ▶ (+/- 82 metres)

Text Amendments



Development Planning

▶ Text Amendment Applications

- ▶ 500 m separation between retail cannabis stores
 - ▶ intended to prevent clustering of use
- ▶ 150 m setback from Kasugai Gardens
 - ▶ Intended to prevent retail cannabis sales close to these civic spaces and other family oriented amenities

▶ Public Realm

- ▶ Stores are internally oriented
- ▶ Downtown Plan Policy to support Bernard Avenue as the focus of the Downtown's shopping area

Staff Recommendation

- ▶ Staff recommend **non-support** of the proposed rezoning and text amendment applications



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0039 TA21-0012

Owner: MACARTHER VENTURES INC.,
INC.NO. BCo684166

Address: 266 Bernard Avenue

Applicant: 0903141 BC LTD. (Krista
Lusted)

Subject: Rezoning and Text Amendment Application (Site Specific)

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

Existing Zone: C7 – Central Business Commercial

Proposed Zone: C7rcs – Central Business Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA21-0012 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated June 28, 2021 for Lot 2 District Lot 139 Osoyoos Division Yale District Plan 4153 located at 266 Bernard Avenue, Kelowna, BC NOT be considered by Council;

AND THAT Rezoning Application No. Z21-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 139 Osoyoos Division Yale District Plan 4153, located at 266 Bernard Avenue, Kelowna, BC from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone NOT be considered by Council.

2.0 Purpose

To consider a staff recommendation to NOT support a site-specific text amendment to allow for a retail cannabis sales establishment within 500 metres of other establishments and within 150 metres of City Park and 150 metres of Stuart Park and NOT support an application to rezone the subject property from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone.

3.0 Development Planning

Staff do not recommend support for the proposed site-specific text amendments and rezoning application to allow for a retail cannabis sales establishment on the subject property at 266 Bernard Avenue. The proposal requires a text amendment to reduce the minimum setback distance of 500 metres between two approved establishments; 1636-1652 Pandosy Street (+/- 234 metres) and 547-549 Bernard Avenue (+/- 410 metres). The specific use regulations for cannabis retail sales in Section 9.16.1 of the Zoning Bylaw establish the following:

9.16.1 Any retail cannabis sales establishment must be set back a minimum distance of 500 metres from another Retail Cannabis Sales Establishment, measured from closest lot line to closest lot line.

The minimum distance of 500 metres between retail cannabis sales establishments is intended to avoid clustering of multiple stores. The application to reduce the distance between cannabis stores does not meet the intent to limit clustering of this use. Additionally, the proposal is requesting a reduction for two establishments which exacerbates the concerns regarding clustering.

The application also requires a site-specific text amendment to reduce the minimum setback distance of 150 metres from Stuart Park (+/-74 metres) and City Park (+/- 140 metres). The specific use regulations for cannabis retail sales in Section 9.16.5 of the Zoning Bylaw establish the following:

9.16.5 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 150 metres from the following parks, measured from closest lot line to closest lot line:

d) City Park; and

s) Stuart Park

Cannabis businesses by nature restricts interaction with the public realm, is not street oriented and is restricted to those over 19 years of age. To comply with regulations from the federal *Cannabis Act* prohibiting display of cannabis or cannabis accessories in a manner that may result in it being seen by a young person, windows are often frosted and stores often have roller shutters for added security. As such, this use will not significantly contribute to or align with the City's public realm objectives for Bernard Ave and the Downtown's shopping area. Due to a narrow lot frontage and limited redevelopment potential without greater land assembly, Staff recognize the negative impact of the cannabis use on the public realm may not be as significant.

4.0 Proposal

4.1 Background

Since the first applications were considered in the Spring of 2019, 20 properties have been fully rezoned with the "rcs" subzone to allow retail cannabis sales as a permitted use. Further, an additional two rezoning applications are currently at third reading while outstanding requirements are met prior to Council considering final adoption of the bylaws. At the time of writing, the Liquor and Cannabis Regulation Branch (LCRB) has issued licences to ten of these establishments to allow for legal operation within the City of Kelowna. Several locations and licences have changed ownership over the past two years and licences are taking significant processing time at the LCRB. This has resulted in multiple approved properties not yet opening.

4.2 Project Description

A retail cannabis sales establishment is proposed at 266 Bernard Avenue, which currently is an existing retail store.

4.3 Site Context

The subject property is located on the north side of Bernard Avenue, between Mill Street and Water Street. It's within the City Centre Urban Centre and is in close proximity to parks and downtown shopping areas.

Subject Property Map: 266 Bernard Avenue



5.0 **Current Development Policies**

Downtown Plan Policies

Policy 28 – Bernard Main Shopping Street. Support Bernard Avenue as the focus on the Downtown's shopping area.

6.0 **Technical Comments**

6.1 Development Engineering Department

See Schedule A: City of Kelowna Memorandum.

7.0 Application Chronology

Date of Application Accepted: April 23, 2021
Date Public Consultation Completed: May 13, 2021

8.0 Alternate Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA21-0012 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated June 28, 2021 for Lot 2 District Lot 139 Osoyoos Division Yale District Plan 4153 located at 266 Bernard Avenue, Kelowna, BC be considered by Council;

AND THAT Rezoning Application No. Z21-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 139 Osoyoos Division Yale District Plan 4153, located at 266 Bernard Avenue, Kelowna, BC from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 28, 2021;

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

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

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

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

Attachments:

Schedule A: City of Kelowna Memorandum

Schedule B: Site Specific Amendment to City of Kelowna Zoning Bylaw No. 8000

Attachment A: Applicant's Letter of Rationale and Draft Rendering

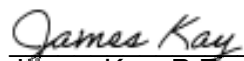
CITY OF KELOWNA

MEMORANDUM

Date: April 29, 2021
File No.: Z21-0039
To: Urban Planning (KB)
From: Development Engineering Manager (JK)
Subject: 266 Bernard Ave C7 to C7rcs

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

1. This application to rezone from C7 to C7rcs to allow for a retail cannabis sales establishment. On the subject property does not compromise any City of Kelowna municipal infrastructure.
2. Lane to be dedicated as road reserve at 0.8m see SS-R2 Commercial Lane.
3. This application is within 335m of another C7rcs.
4. The comments included in this Memo are those of the Development Engineering Branch of the City of Kelowna. As the subject property is within the 800-m Ministry of Transportation and Infrastructure (MoTI) HWY 97 buffer, this application is subject to the review, comments, and requirements of MoTI.


James Kay P.Eng.
Development Engineering Manager

RO

Schedule B – Proposed Site Specific Text Amendments

No.	Section	Current Wording	Proposed Wording				Reason for Change								
1.	Section 9 - Specific Use Regulations, 9.16 - RETAIL CANNABIS SALES ESTABLISHMENTS	Section 9.16.1 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from another Retail Cannabis Sales Establishment, measured from closest lot line to closest lot line.	9.16.8 Site Specific Regulations Regulations apply for Retail Cannabis Sales Establishments on a specific basis as follows: <table><tr><th></th><th>Legal Description</th><th>Civic Address</th><th>Regulation</th></tr><tr><td></td><td>Lot 2 District Lot 139 Osoyoos Division Yale District Plan 4153</td><td>266 Bernard Avenue</td><td>To allow for a retail cannabis sales establishment within 500 metres of other approved retail cannabis sales establishments located at 547-549 Bernard Avenue and 1636-1652 Pandosy Street and within 150 metres of City Park and within 150 metres of Stuart Park.</td></tr></table>					Legal Description	Civic Address	Regulation		Lot 2 District Lot 139 Osoyoos Division Yale District Plan 4153	266 Bernard Avenue	To allow for a retail cannabis sales establishment within 500 metres of other approved retail cannabis sales establishments located at 547-549 Bernard Avenue and 1636-1652 Pandosy Street and within 150 metres of City Park and within 150 metres of Stuart Park.	To allow for a retail cannabis sales establishment within 500 metres of other approved retail cannabis sales establishments in the City Centre Urban Centre
	Legal Description	Civic Address					Regulation								
	Lot 2 District Lot 139 Osoyoos Division Yale District Plan 4153	266 Bernard Avenue					To allow for a retail cannabis sales establishment within 500 metres of other approved retail cannabis sales establishments located at 547-549 Bernard Avenue and 1636-1652 Pandosy Street and within 150 metres of City Park and within 150 metres of Stuart Park.								
2.	Section 9 - Specific Use Regulations, 9.16 - RETAIL CANNABIS SALES ESTABLISHMENTS	9.16.5 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 150 metres from the following parks, measured from closest lot line to closest lot line: d) City Park s) Stuart Park	To allow for a retail cannabis sales establishment within 150 metres of City Park												



April 15, 2021

Attn: Kim Brunet
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

RE: Letter of Rationale

To whom it may concern,

0903141 BC Ltd (DBA: Green Pineapple) of 1432 Bay Ave, Trail BC (PO Box 510 Rossland BC, V0G 1Y0) is applying for a text amendment and the rezoning of 266 Bernard Ave, Kelowna BC, V1Y 6N4 to allow for retail cannabis sales. The site in question is PID: 009-046-011 and it is currently in the C7 commercial zoning.

We, the ownership group of the Green Pineapple holdings, believe that the site is ideal for a retail cannabis location based on several rationalizations that we will outline through this letter.

Background for Context

The writers of this application, Krista Lusted and Peter Angle, are longtime Kelowna residents and were part of the original merit based application process with the City in 2018. They received the highest score for the downtown sector, and despite having top marks for the downtown area, they were included in the lottery that ensued to determine the winning applications. Ultimately, they were unsuccessful, but two other applicants in the downtown sector did receive approval at that time.

In December of 2019, a zoning bylaw and text amendment approval was given for a third downtown location to Grasshopper Cannabis Inc. Since that time, two of the successful downtown applicants have sold off the zoning rights to other companies, and today, three years later, not a single location is currently open and operating. This practice of horse-trading zoning rights has largely contributed to the lack of accessibility of legalized cannabis in the downtown area.

The Path to Today

Being unsuccessful with the application in 2018, Krista then took her cannabis industry corporate knowledge and experience and turned it into an opportunity to consult for other cannabis retail organizations. This led to her accepting the position of General Manager with the responsibilities of launching Hobo, the first retail cannabis store in Kelowna.

Subsequently, in August 2020, a partnership was formed with Pineapple Investments and Krista was appointed as the Director of Operations for Green Pineapple. This position furthered the career goal of developing and operating retail cannabis stores and has led to another chance to pursue the goal of opening a store in downtown Kelowna. It has been made abundantly clear that the intention with the first unsuccessful application and this current one, is to actively open and operate a store that contributes to the long term success of the downtown business community and further the growth of the legalized cannabis industry.

Revenue Impact to the City of Kelowna

Not only does a lack of accessibility to retail cannabis stunt the growth of the legal market, but it also results in a significant loss of tax revenue for the City. These funds would be derived from a portion of the federal cannabis excise tax revenue, of which the provinces and territories have the option to share with their municipalities. According to the Union of BC Municipalities, British Columbia is expected to receive \$50 million in revenue from the excise tax in the fiscal 2020-2021 year.

Bylaw Rezoning and Text Amendment Request - Setback Distance

Bylaw 9.16.1 - *Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from another Retail Cannabis Sales Establishment, measured from closest lot line to closest lot line.*



Proximity to the Site at 1650 Pandosy St - Kairo, a cannabis organization based out of Vancouver, recently purchased the zoning rights and lease as an asset from Grasshopper Cannabis Inc for \$695,000. Kairo indicated at the time of purchase that they still needed to apply for a provincial license, a process which can easily take up to a year and a half.

This approved site is approximately 266m from the proposed site of 266 Bernard Ave, as the crow flies. However, the actual walking distance is over 380m as it is almost four city blocks away, two up and two over.

There is little concern about the proximity from a competitive standpoint because both sites would ultimately serve a completely different customer base. The 1650 Pandosy St location is ideally situated to service the new Ella development and the existing residences across Harvey Ave.

In January of 2021, the City of Kelowna approved the development of three major residential towers on Leon Ave which have been dubbed “Water Street by the Park.” This significant growth in the Leon Ave area provides even further confidence that the downtown core is more than prepared to handle a third retail cannabis location. The timing of the purchase by Kairo in February 2021 of the lease (and therefore zoning rights) indicates their strong confidence in the area to provide support for the significant investment. The location at 1650 Pandosy St, if and when it opens, will service a specific retail sector and will have very localized support.

Approval of a retail cannabis store at 266 Bernard Ave would allow for diversification of the services being offered to tourists and Kelowna residents visiting that end of the downtown sector. With over 350m in distance to 266 Bernard Ave, there is more than enough space between the two sites to offer a competitive yet proper operating distance while avoiding a clustering of stores.

Site at 559 Bernard Ave - This approved site is situated at the opposite end of Bernard Ave from the proposed site of this application, and is an estimated 430m away, well over four city blocks of walking distance between the two locations.

This is one of the originally approved sites for zoning for retail cannabis sales, as determined by the lottery for the downtown area. However, almost immediately following the lottery win in February 2019, the zoning rights to this location were sold as well. Today, with over three years since the zoning approval was given by the City, this location has still not been developed as a retail cannabis establishment. No tenant improvements have been made and there are no signs of a store opening soon, yet this empty space has hindered other retail cannabis locations from developing. However, similar to the Pandosy location, it too will be well supported with the new developments across the street and with the surrounding commercial area if developed.

Social Responsibility

Cannabis has become a quickly accepted part of society, as retailers and consumers demonstrate the social responsibility that comes along with legalization. No greater sign of this was when the Government of Canada declared cannabis an *essential service* with the onslaught of the Covid-19 pandemic. It has been proven that consumers are looking for ethical and trustworthy advice on cannabis products and they want access to a safe and reliable choice.

Increasing Accessibility to Legal Cannabis

The initial rationale for the 500m setback between establishments and the concerns of over saturating the retail cannabis market are easily understood as criteria was developed pre-legalization. The bylaw was intended to prevent a “green mile” from being established, but in Kelowna’s case, the opposite effect has occurred. Multiple sites have been approved for cannabis use, but still have not opened, creating a monopoly on the downtown market and restricting accessibility to consumers while stifling further development opportunities for retail cannabis.

Today, three years after legalization, it is not uncommon to see cannabis stores in very close proximity in several municipalities across BC, some with well under 200m in many cases. For example:

- Kamloops - setback of 100m with a population of 100,000, and 20 cannabis stores currently open, 9 of which are in their downtown city core
- Nelson - no setback, but instead a maximum of 5 stores segmented by area, with a population of 10,500.
- Grand Forks - 100m setback with a potential amendment to reduce to 36m. They currently have 3 stores in the same building, two side by side with one in the back, and their population is 4,000
- New Westminster - setback of 200m with a population of 71,000
- Trail - No setback requirement, 4 stores are currently open with a population of 8,000

This is one of the major concerns with a large 500m setback between retail cannabis establishments. There is no pressure or incentive to open in a timely manner, and many companies in the cannabis industry are prepared to pay exorbitant amounts to gain a zoning monopoly. It is apparent that plenty of time has been given to open and operate these sites. This level of control has impacted smaller independent operators and the future landscape of retail cannabis.

Kelowna Growth and Official Community Plan

Since legalization and the time the original City of Kelowna bylaws were implemented, several major residential developments have emerged with several more on the horizon. This contributes to Kelowna currently being the 4th fastest growing metropolitan city in Canada. This topic was addressed in the recently reviewed Kelowna Official City Plan (OCP) which estimates the municipality’s population to increase by more than 45,000 people between now and 2040. Below is a rendering showing the various future developments in the area.

To recognize this potential and promote quality of life, the OCP created 10 Pillars to Realize Vision, which builds the foundation for the more detailed policy direction. One of those key 10 pillars is “Focus Investment in the (5) Urban Centers”, one of which is the downtown core of Kelowna. The OCP states that for Kelowna to meet the goal of having a vibrant amenity rich downtown, it must have a diversity in sustainable retail options. A legal cannabis store at 266 Bernard Ave will complement that block and aligns with the OCPs key pillars.

This application is unequivocally supported by the property owner, Macarthur Ventures, owned by Mary Clark, and the surrounding community of businesses. To that end, the Downtown Kelowna Association has also been a supporting resource for this application and is prepared to show their support.



Bylaw Rezoning and Text Amendment Request - Proximity to Parks

Bylaw 9.16.5 - Any Retail Cannabis Sales Establishment must be set back a minimum distance of 150 metres from the following parks, measured from closest lot line to closest lot line.



City Park - Proximity from the proposed site is approximately 144m, a mere 6m shy of the minimum distance currently allowed. 144m is more than a reasonably acceptable distance from the park, considering everything that is now known about what the world of legalized cannabis looks like. Since legalization, cannabis has widely been socially accepted with minimal (if any) instances of being a nuisance or causing public harm.

Stuart Park - Proximity to Stuart Park is approximately 74m away. However, it should be noted that this is measured from property line to property line as stipulated in the bylaw requirements. That direct path as the crow flies leads to the back line of 266 Bernard Ave, which is a parking area with no accessibility to the store for customers. The back entrance would only be used for inventory order receiving to prevent cannabis inventory going down Bernard Ave, however, customers must walk around, or drive and park to access the front door. In addition, the pending Westcorp development of the neighboring property will also create a further barrier, but also additional patronage.

For customers to access the retail store from Stuart Park, they must walk 132 m up Water St to access the front of the retail store facing Bernard Ave. In comparison, O'Flannigan's Liquor Store is a mere 61m in proximity to Stuart Park and 68m to Kasugai Park, despite similar concerns of accessibility to minors and general public safety. With the walking/driving route in mind to 266 Bernard Ave, it is a more than reasonably adequate distance in terms of proximity.

Green Pineapple Store Operations

The Green Pineapple is currently operating two stores in the Kootenay area, with six more approved licenses in the region. Through the established partnership and the united goal of operating in Kelowna, there is an ability to reallocate a license through a transfer for the proposed location. The benefit is an expedited process for a quicker-to-market store opening, versus having to go through the very lengthy application process for a new license with the province of BC, with no guarantee of approval.

The Green Pineapple is a trademarked brand, and the store frontage and the interior design was created to ensure it has a strong esthetic appeal for any municipality it operates in. Following the strict security guidelines from the LCRB, neighboring businesses can be assured that all safety requirements will be met and that the store's clean aesthetic will contribute to the downtown as a retail amenity. Included are two attachments, one that shows the brand experience of the Green Pineapple and another of a rendering of the potential storefront.

In addition, all staff must have their worker Security Verification from the Province of BC and pass the Selling Right Course to ensure their ability to safely handle the product and provide sound recommendations to consumers. They are also required to adhere to the Green Pineapple code of conduct, as laid out in the standard operating procedures of the company.

It is anticipated that the store would support up to 10 full time positions with an additional 7 part-time employees, providing a significant employment opportunity for the community.

The Pineapple Investments group works closely with each municipality that they operate in, maintaining strong relationships with their communities and neighboring businesses. This is also true of Peter and Krista, who have had regular communication with City of Kelowna staff, and who have continually endeavored to understand and be professionally involved as regulations and policies evolve. In addition, the group understands that a key part of their success has been through establishing a strong working relationship with the LCRB to ensure that all industry and regulatory standards are not only being met, but are exceeded.

Drawing upon their experience with retail liquor operations, the Green Pineapple ownership group recognizes the critical understanding of the significance and importance of maintaining an operation that is accountable to the regulations as they evolve. If successful in this application, the City of Kelowna can have the confidence that the operation will be in good stewardship, therefore reducing the concerns and issues that may result with inexperienced operators. Green Pineapple, through its maturity in the industry, has the operational experience to navigate the world of legalized cannabis.

Summarizing Statement

As long standing citizens of Kelowna, and prominent members of the business community, we respectfully request that the City consider this application for this site specific zoning amendments. We believe that the ongoing growth of Kelowna provides rationalization to support three cannabis stores in the downtown core, as detailed here.

In summary, the ownership group of Pineapple Investments, believe that the 266 Bernard Ave site is ideal for a retail cannabis location. We look forward to continuing to work with the City and the community through our continued commitment to operate a successful retail store in the downtown core of Kelowna.

Thank you for your consideration.

Sincerely,

Krista Lusted
Director of Operations
250-215-9016
kl@greenpineapple.ca

Attached:

- Green Pineapple Brand Experience
- Storefront Rendering Example





TA21-0012 Z21-0039 266 Bernard Avenue

Text Amendment and Rezoning Application



Proposal

- ▶ To consider a site-specific text amendment to allow for a retail cannabis sales establishment within 500 metres of other establishments and within 150 metres of City Park and 150 metres of Stuart Park and to consider an application to rezone the subject property from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone.

Development Process

April 23, 2021

Development Application Submitted

Staff Review & Circulation

May 13, 2021

Public Notification Received

June 28, 2021

Initial Consideration

Public Hearing
Second & Third Readings

Final Reading

Recommendation sent to LCRB
Building Permit

Council
Approvals

Context Map

Walk Score
90

Walker's Paradise

Daily errands do not require a car.

Transit Score
48

Some Transit

A few nearby public transportation options.

Bike Score
75

Very Bikeable



Subject Property Map



Street View



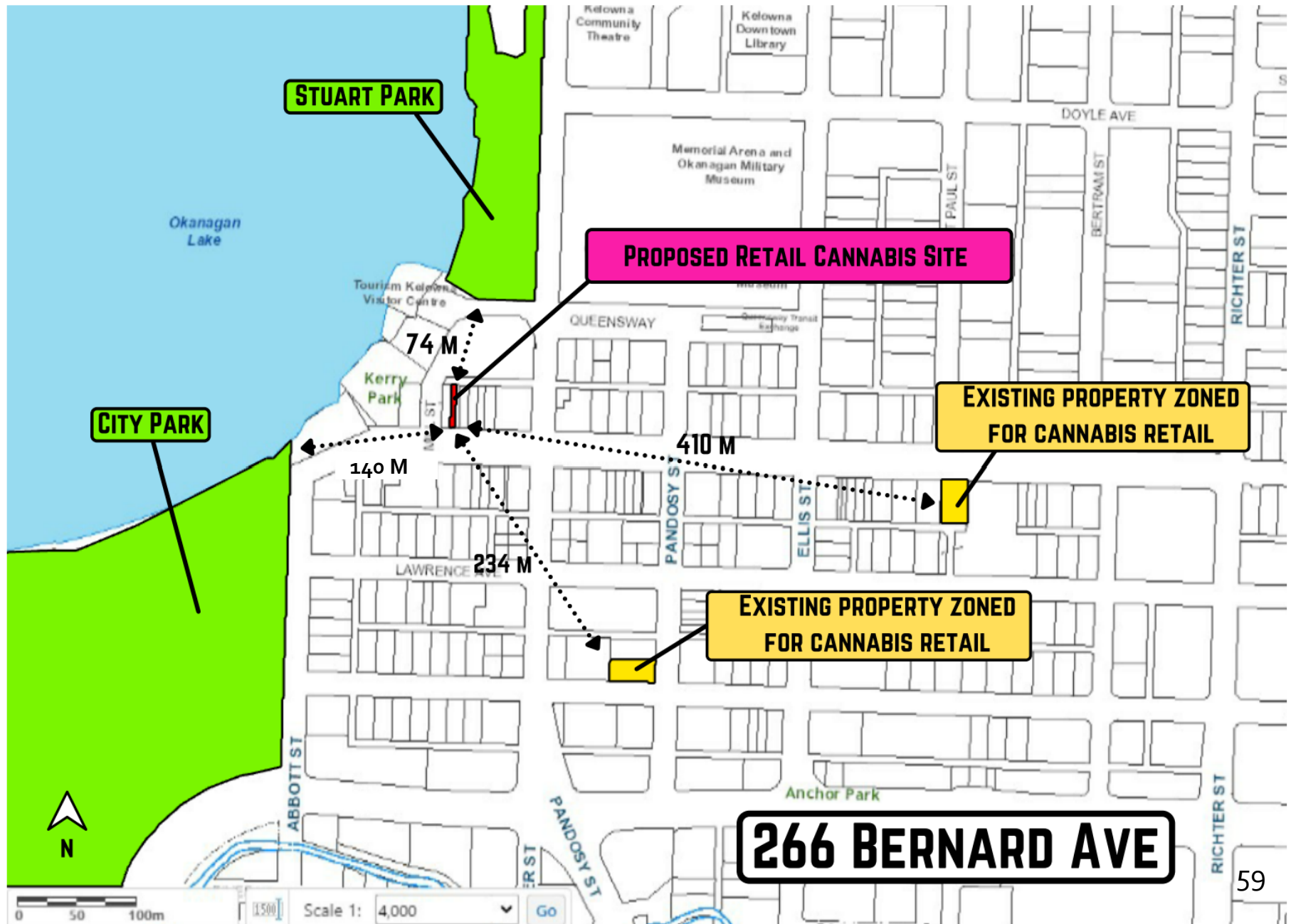
Rezoning Application

- ▶ Application to rezone:
 - ▶ From C7 – Central Business Commercial zone
 - ▶ To C7rcs – Central Business Commercial (Retail Cannabis Sales) zone

Text Amendments

- ▶ To facilitate this application, site-specific text amendments are required:
 - ▶ within 500 metres of other retail cannabis sales establishments
 - ▶ 1636-1652 Pandosy Street (+/- 234 metres)
 - ▶ 547-549 Bernard Avenue (+/- 410 metres)
 - ▶ within 150 metres of City Park
 - ▶ (+/- 140 metres)
 - ▶ within 150 metres of Stuart Park
 - ▶ (+/- 74 metres)

Text Amendments



Development Planning

▶ Text Amendment Applications

- ▶ 500 m separation between retail cannabis stores
 - ▶ intended to prevent clustering of use
- ▶ 150 m setback from City Park and Stuart Park
 - ▶ Intended to prevent retail cannabis sales close to these civic spaces and other family-oriented amenities

▶ Public Realm

- ▶ Stores are internally oriented
- ▶ Downtown Plan Policy to support Bernard Avenue as the focus of the Downtown's shopping area

Staff Recommendation

- ▶ Staff recommend **non-support** of the proposed rezoning and text amendment applications



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT21-0001 Z21-0038

Owner: Multiple Owners

Address: Multiple Addresses

Applicant: The City of Kelowna

Subject: Land Use Contract Termination and Rezoning Application

Existing OCP Designation: SC – Service Commercial and PARK – Major Park/Open Space (public)

Existing Zone: A1 – Agriculture 1 and I1 – Business Industrial

Proposed Zone: C10 – Service Commercial, C3 – Community Commercial, P3 – Parks and Open Space and A1 – Agriculture 1

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT21-0001 to terminate LUC77-1085 from the subject properties identified in Schedule 'A', located on Hunter Road, Hunter Court, Leckie Road and Enterprise Way, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in Schedule 'B', located on Hunter Road, Hunter Court, Leckie Road and Enterprise Way, Kelowna, BC, from the A1 – Agriculture 1 and I1 – Business Industrial zones to the C10 – Service Commercial zone be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in Schedule 'C', located on Hunter Road and Leckie Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the C3 – Community Commercial zone be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 125 ODYD Plan 30395 Except Plan M14878, located at 1455 Dilworth Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Strata Plan KAS483 and Lot 9 District Lot 125 ODYD Plan

31272 Except Plan KAP50559 located at 1415 and 1418-1420 Hunter Court, Kelowna, BC from the A1 – Agriculture 1 zone to the C10 – Service Commercial zone as shown on Map 'A' attached to the Report from the Development Planning Department dated June 28, 2021 be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot A District Lots 125 and 532 ODYD Plan 39897, Lot B District Lots 125 and 532 ODYD Plan 39897, Lot 1 District Lots 125 and 532 ODYD Plan KAP82764 and Lot 2 District Lots 125 and 532 ODYD Plan KAP82764, located at 2303 and 2343 Leckie Road and 2330 and 2350 Enterprise Way, Kelowna, BC from the A1 – Agriculture 1 zone to the C10 – Service Commercial zone as shown on Map 'B' attached to the Report from the Development Planning Department dated June 28, 2021 be considered by Council;

AND THAT the Land Use Contract Termination and 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 Ministry of Transportation and Infrastructure.

2.0 Purpose

To proceed with the early termination of LUC77-1085 and to rezone the subject properties as identified in 'Schedule A, B & C'.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC77-1085 and subsequent Rezoning Application for the subject properties. The Land Use Contract (LUC) affects 20 properties on Hunter Road, Hunter Court, Leckie Road and Enterprise Way, and the underlying zone are not appropriate for the existing uses. Staff are recommending to rezone the properties to C10 – Service Commercial, C3 – Community Commercial and P3 – Parks and Open Space. The proposed zones were based off the allowable uses in the LUC, the existing uses on site and the Future Land Use Designation. The Land Use Contract (LUC77-1085) splits the properties into three areas:

1. The first area is allowed the Development Regulations of Zoning Bylaw 4500's C3 – Community Commercial zone. These properties are at 2280 Leckie Road and 2281 Hunter Road, which Staff are proposing to adopt the current C3 – Community Commercial zone, as this best matches the current uses and the LUC.
2. The second area affects only one property at 2455 Enterprise Way, which is allows the uses of Bylaw 4500's C12 – Sales Lot zone and C3 – Community Commercial zone. Staff are proposing to adopt the C10 – Service Commercial zone, which allows for the uses of automotive sales and meets the Future Land Use Designation.
3. The final area encompasses all other properties, and the LUC, under Zoning Bylaw 4500 allows the uses of the C7 – Service Commercial zone, C8 – Gasoline Service Station Commercial zone, C8a – Self-Service Gasoline Service zone and the C12 – Sales Lot zones. Staff are proposing to adopt the C10 – Service Commercial zone for all of these remaining properties, as this matches the Future Land Use Designation and the uses allowed in the LUC.

There are three properties that have or partially have the Future Land Use Designation of PARK – Major Park/Open Space (public) because they are within the riparian setback area of Mill Creek. The first is a City-

owned property at 1455 Dilworth Drive. Staff are proposing to rezone this property to the P3 – Parks and Open Space zone, as this best meets the use. The other two properties are 1418-1420 Hunter Ct and 1415 Hunter Ct. Staff recommend that only the portion with the Future Land Use Designation of SC be rezoned to C10 and the northern portion to remain A1 (Map A). The reason for this is that this portion of the parcel is within the riparian area of Mill Creek wherein development is prohibited under provincial law. As this portion of the property cannot be further developed, it should not be rezoned.

4.0 Proposal

4.1 Background

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

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

4.2 Notification

Local governments must provide notice to each owner that the termination of Land Use Contract is occurring and must provide notice of what the new development regulations apply to the land. Staff sent the required letter to all affected owners on May 3rd, 2021. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance.

4.3 Site Context

The subject properties are located on Hunter Court, Hunter Road, Enterprise Way and Leckie Road in the Central City OCP Sector. The properties have a Future Land Use Designation of SC – Service Commercial and PARK – Major Park/Open Space (public). The surrounding area primarily has the Future Land Use Designation of SC – Service Commercial, IND – Industrial, PARK – Major Park/Open Space (public) and PSU – Public Services/Utilities.

Subject Property Map: Hunter Road Area



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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

Council Policy No. 282. Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts.

5.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Service Commercial (SC): Developments for the provision of business support services and other commercial uses requiring extensive on-site storage. Building densities would be consistent with the provision of the C10 zone of the Zoning Bylaw.

Major Park/Open Space (public) (PARK): City, District, Community, Neighbourhood and Linear parks. Not all parks required over the next 20 years are indicated on the map, as Neighbourhood parks will be provided at City standards as integral components of new and redevelopment initiatives. A major Recreation Park will be provided in the Glenmore Valley area. Open space indicated at the south end of Ellison Lake is intended as wildlife habitat preservation subject to approval of the appropriate provincial ministry or agency.

6.o Application Chronology

Date of Application Received: April 23rd, 2021
Date of Owner Notification: May 3rd, 2021

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Schedule A: Affected Addresses #1

Schedule B: Affected Addresses #2

Schedule C: Affected Addresses #3

Attachment A: Proposed Rezoning Map

Attachment B: Map 'A' – Proposed Rezoning - Portions Remaining A1

Attachment C: Map 'B' – Proposed Rezoning - Portions Rezoning to C10

SCHEDULE

A

This forms part of application

LUCT21-0001 / Z21-0038



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Schedule A: LUC77-1085

Charge #: P1869

No.	Legal Description	Address	Parcel Identifier	Land Use Contract	Underlying Zone
1	LOT B DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2330 Enterprise Way	011-639-555	LUC77-1085	A1 - Agriculture 1
2	LOT 2 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2350 Enterprise Way	026-935-660	LUC77-1085	A1 - Agriculture 1
3	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2440 Enterprise Way	003-315-134	LUC77-1085	A1 - Agriculture 1
4	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43342	2455 Enterprise Way	016-218-469	LUC77-1085	A1 - Agriculture 1
5	PARCEL A (DD KC2925) DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2490-2496 Enterprise Way	012-764-868	LUC77-1085	A1 - Agriculture 1
6	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1404 Hunter Court	001-595-156	LUC77-1085	A1 - Agriculture 1
7	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1414 Hunter Court	002-355-329	LUC77-1085	A1 - Agriculture 1
8	Common Property	1415 Hunter Court		LUC77-1085	A1 - Agriculture 1
9	STRATA LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	1-1415 Hunter Court	002-226-839	LUC77-1085	A1 - Agriculture 1
10	STRATA LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	2-1415 Hunter Court	002-226-812	LUC77-1085	A1 - Agriculture 1
11	STRATA LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	3-1415 Hunter Court	002-226-804	LUC77-1085	A1 - Agriculture 1

12	STRATA LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	4-1415 Hunter Court	002-226-782	LUC77-1085	A1 - Agriculture 1
13	STRATA LOT 5 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	5-1415 Hunter Court	002-226-758	LUC77-1085	A1 - Agriculture 1
14	STRATA LOT 6 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	6-1415 Hunter Court	002-226-731	LUC77-1085	A1 - Agriculture 1
15	STRATA LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	7-1415 Hunter Court	002-226-723	LUC77-1085	A1 - Agriculture 1
16	STRATA LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	8-1415 Hunter Court	002-226-715	LUC77-1085	A1 - Agriculture 1
17	STRATA LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	9-1415 Hunter Court	002-226-693	LUC77-1085	A1 - Agriculture 1
18	STRATA LOT 10 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	10-1415 Hunter Court	002-226-677	LUC77-1085	A1 - Agriculture 1
19	STRATA LOT 11 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	11-1415 Hunter Court	002-226-669	LUC77-1085	A1 - Agriculture 1

20	STRATA LOT 12 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	12-1415 Hunter Court	002-226-642	LUC77-1085	A1 - Agriculture 1
21	LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272 EXCEPT PLAN KAP50559	1418-1420 Hunter Court	003-756-238	LUC77-1085	A1 - Agriculture 1
22	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 34528	2281 Hunter Road	002-939-266	LUC77-1085	A1 - Agriculture 1
23	LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2300 Hunter Road	003-756-149	LUC77-1085	A1 - Agriculture 1
24	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2320-2322 Hunter Road	003-756-114	LUC77-1085	A1 - Agriculture 1
25	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2323 Hunter Road	002-920-697	LUC77-1085	A1 - Agriculture 1
26	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2330 Hunter Road	003-109-283	LUC77-1085	A1 - Agriculture 1
27	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2333 Hunter Road	002-920-689	LUC77-1085	A1 - Agriculture 1
28	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2340 Hunter Road	003-109-305	LUC77-1085	A1 - Agriculture 1
29	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP67598	2350 Hunter Road	024-882-291	LUC77-1085	I1 – Business Industrial
30	Common Property	2280 Leckie Road		LUC77-1085	A1 - Agriculture 1
31	STRATA LOT B DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	108-2280 Leckie Road	025-006-720	LUC77-1085	A1 - Agriculture 1
32	STRATA LOT A DISTRICT LOTS 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	112-2280 Leckie Road	025-006-703	LUC77-1085	A1 - Agriculture 1

33	STRATA LOT C DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	2280C Leckie Road	025-006-932	LUC77-1085	A1 - Agriculture 1
34	LOT A DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2303 Leckie Road	011-639-512	LUC77-1085	A1 - Agriculture 1
35	LOT 1 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2343 Leckie Road	026-935-651	LUC77-1085	A1 - Agriculture 1

Schedule B: Proposed Rezoning

No.	Legal Description	Address	Parcel Identifier Number	Underlying Zone	Proposed Zone
1	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2440 Enterprise Way	003-315-134	A1 - Agriculture 1	C10 - Service Commercial
2	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43342	2455 Enterprise Way	016-218-469	A1 - Agriculture 1	C10 - Service Commercial
3	PARCEL A (DD KC2925) DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2490-2496 Enterprise Way	012-764-868	A1 - Agriculture 1	C10 - Service Commercial
4	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1404 Hunter Court	001-595-156	A1 - Agriculture 1	C10 - Service Commercial
5	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1414 Hunter Court	002-355-329	A1 - Agriculture 1	C10 - Service Commercial
6	LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2300 Hunter Road	003-756-149	A1 - Agriculture 1	C10 - Service Commercial
7	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2320-2322 Hunter Road	003-756-114	A1 - Agriculture 1	C10 - Service Commercial
8	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2323 Hunter Road	002-920-697	A1 - Agriculture 1	C10 - Service Commercial
9	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2330 Hunter Road	003-109-283	A1 - Agriculture 1	C10 - Service Commercial
10	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2333 Hunter Road	002-920-689	A1 - Agriculture 1	C10 - Service Commercial
11	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2340 Hunter Road	003-109-305	A1 - Agriculture 1	C10 - Service Commercial
12	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP67598	2350 Hunter Road	024-882-291	I1 – Business Industrial	C10 - Service Commercial
13	LOT A DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2303 Leckie Road	011-639-512	A1 - Agriculture 1	C10 - Service Commercial
14	LOT 1 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2343 Leckie Road	026-935-651	A1 - Agriculture 1	C10 - Service Commercial

SCHEDULE

C

This forms part of application

LUCT21-0001 Z21-0038



City of

Kelowna

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Schedule C: Proposed Rezoning

No.	Legal Description	Address	Parcel Identifier Number	Underlying Zone	Proposed Zone
1	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 34528	2281 Hunter Road	002-939-266	A1 - Agriculture 1	C3 - Community Commercial
2	Common Property	2280 Leckie Road		A1 - Agriculture 1	C3 – Community Commercial
3	STRATA LOT B DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	108-2280 Leckie Road	025-006-720	A1 - Agriculture 1	C3 – Community Commercial
4	STRATA LOT A DISTRICT LOTS 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	112-2280 Leckie Road	025-006-703	A1 - Agriculture 1	C3 – Community Commercial
5	STRATA LOT C DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	2280C Leckie Road	025-006-932	A1 - Agriculture 1 -	C3 – Community Commercial

ATTACHMENT

This forms part of application

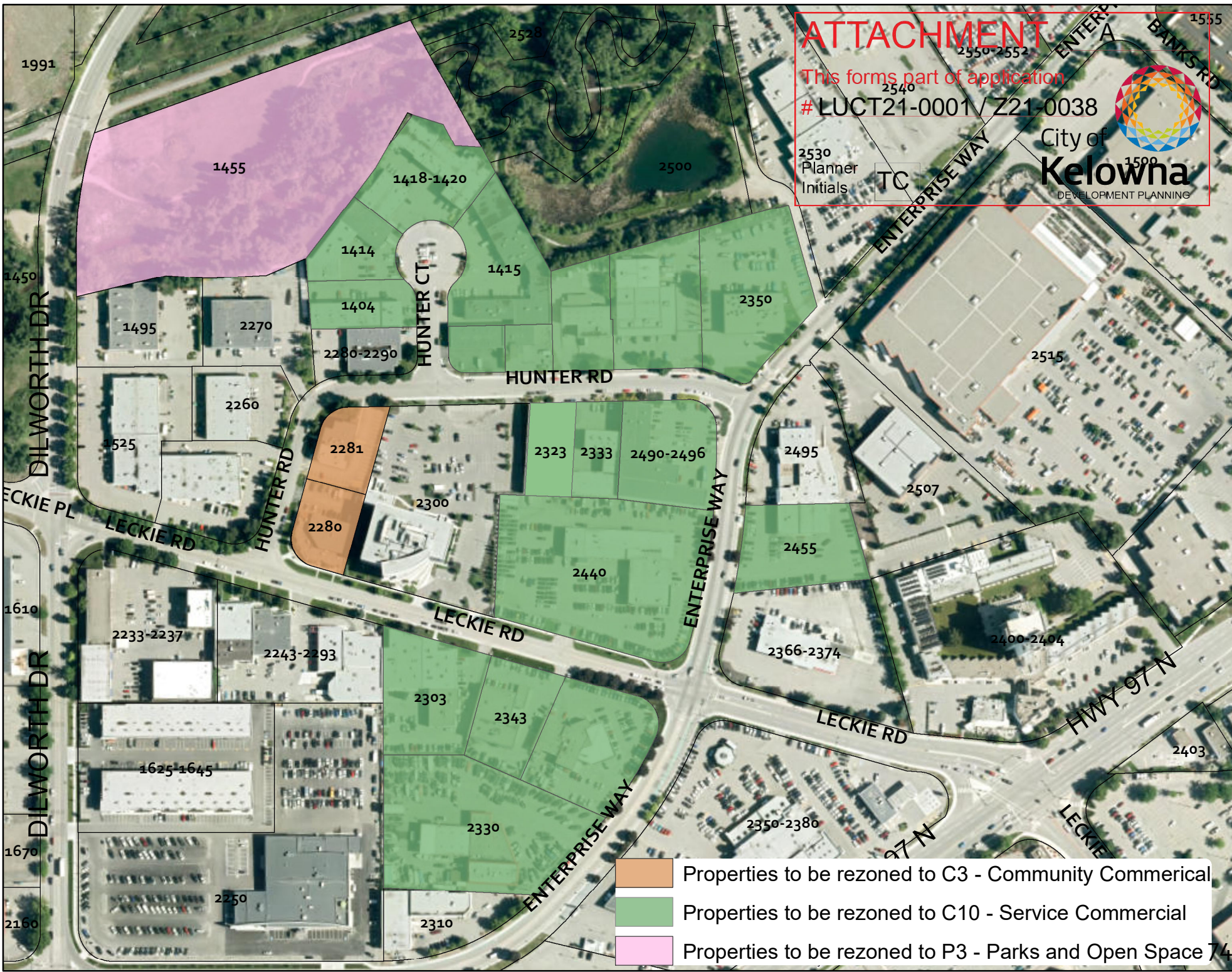
LUCT21-0001 / Z21-0038

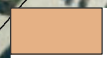


2530
Planner
Initials

TC



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DEVELOPMENT PLANNING



-  Properties to be rezoned to C3 - Community Commerical
-  Properties to be rezoned to C10 - Service Commercial
-  Properties to be rezoned to P3 - Parks and Open Space

(E OF)

2528

Mill Creek



ATTACHMENT

B

This forms part of application

LUCT21-0001 / Z21-0038

Planner
Initials

TC

City of

Kelowna
DEVELOPMENT PLANNING



1455

1418-1420

2500

1414

1404

HUNTER CT

1415

2330

2340

2280-2290

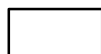
HUNTER RD

MAP "A" Proposed Rezoning

File Z21-0038



A1 - Agriculture 1 to C10 - Service Commercial



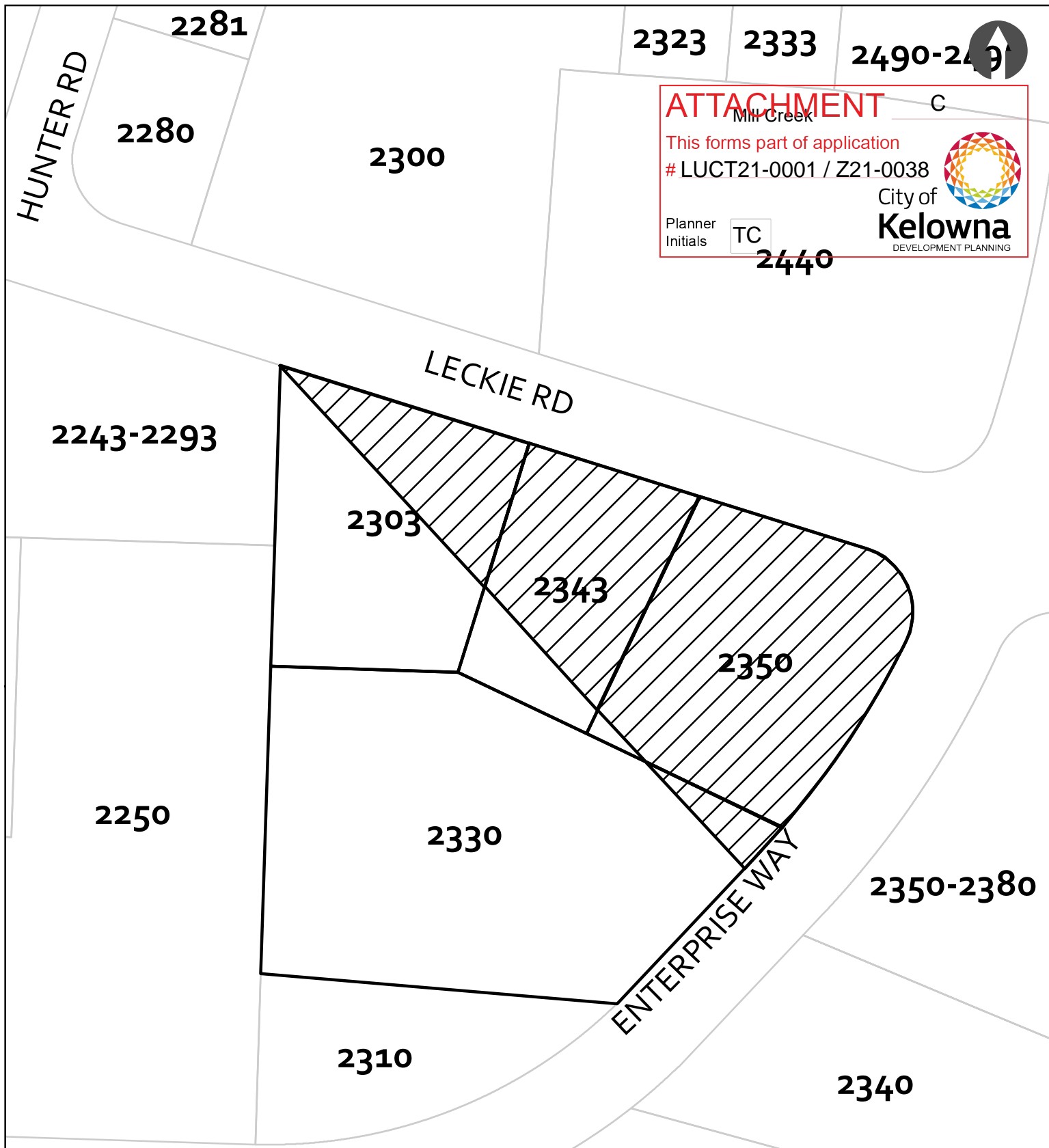
Subject Properties

TC

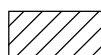
0 20 40 Metres

City of
Kelowna

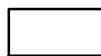
Rev. Thursday, June 3, 2021



MAP "B" Proposed Rezoning
File Z21-0038



A1 - Agriculture 1 to C10 - Service Commercial



Subject Properties

TC

0 25 50 Metres

Rev. Thursday, June 3, 2021



LUCT21-0001 / Z21-0038

Hunter Road Area

Land Use Contract Termination and Rezoning Application



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1114) and to rezone the subject properties to C10 – Service Commercial, C3 – Community Commercial and P3 – Parks and Open Space.

Development Process

April 23, 2021

LUC Termination Initiated by Staff



May 3rd, 2021

Public Notification Completed



June 14, 2021

Initial Consideration



Public Hearing (LUC)
Second & Third Readings



Final Reading



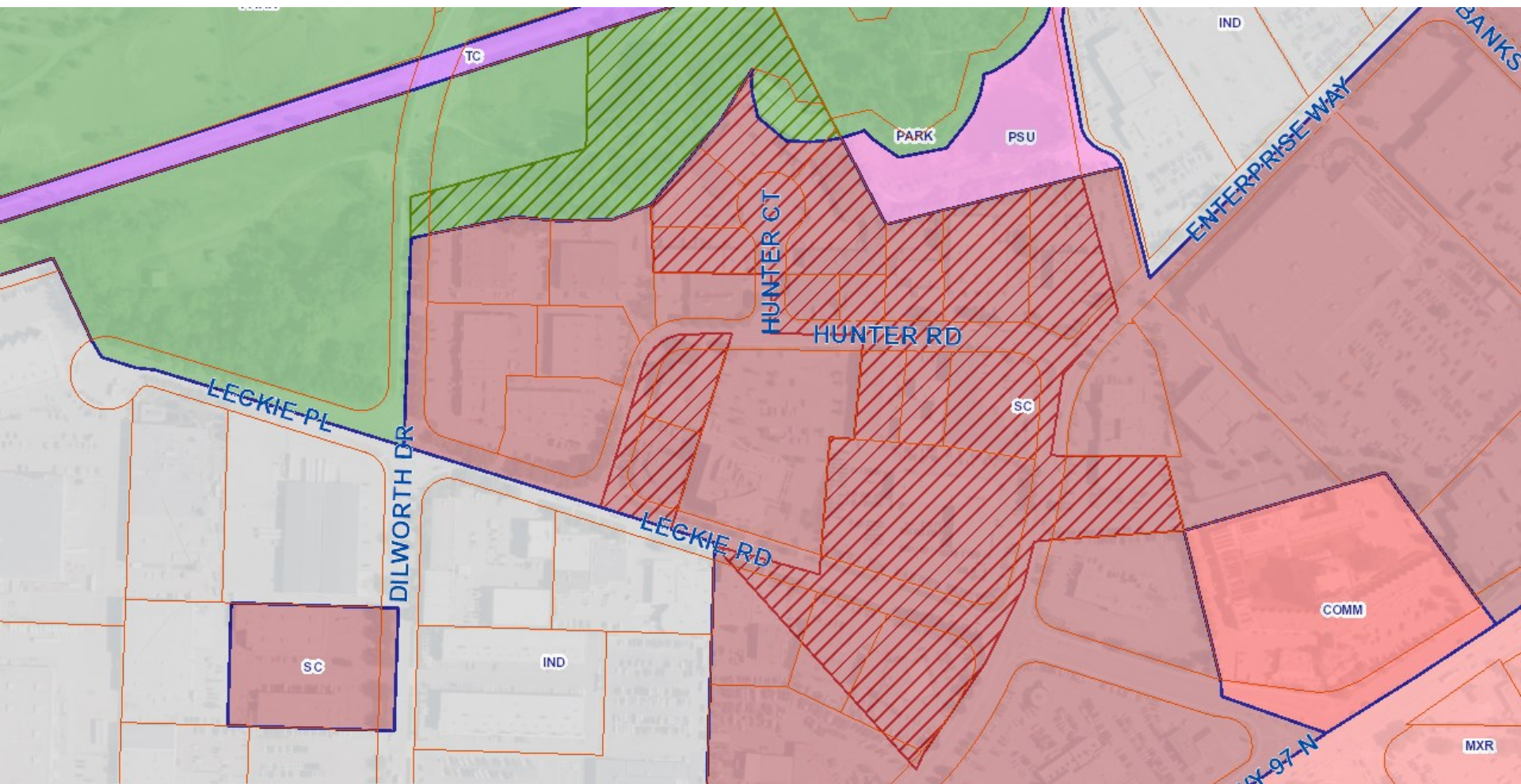
LUC Eliminated (1 year later)

Council
Approvals

Context Map



OCP Future Land Use



Background

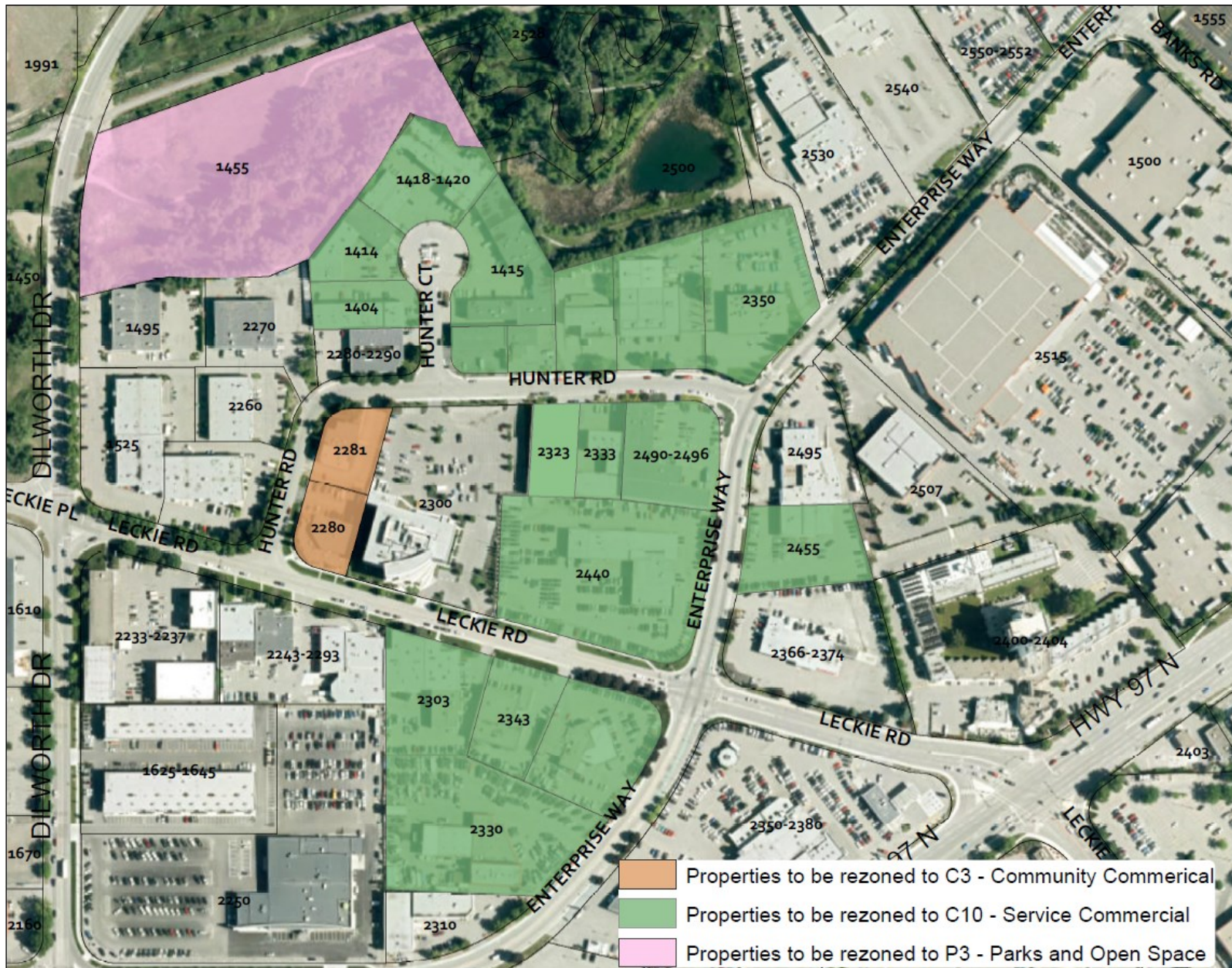
- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate zoning in place by 2022.

Project Details

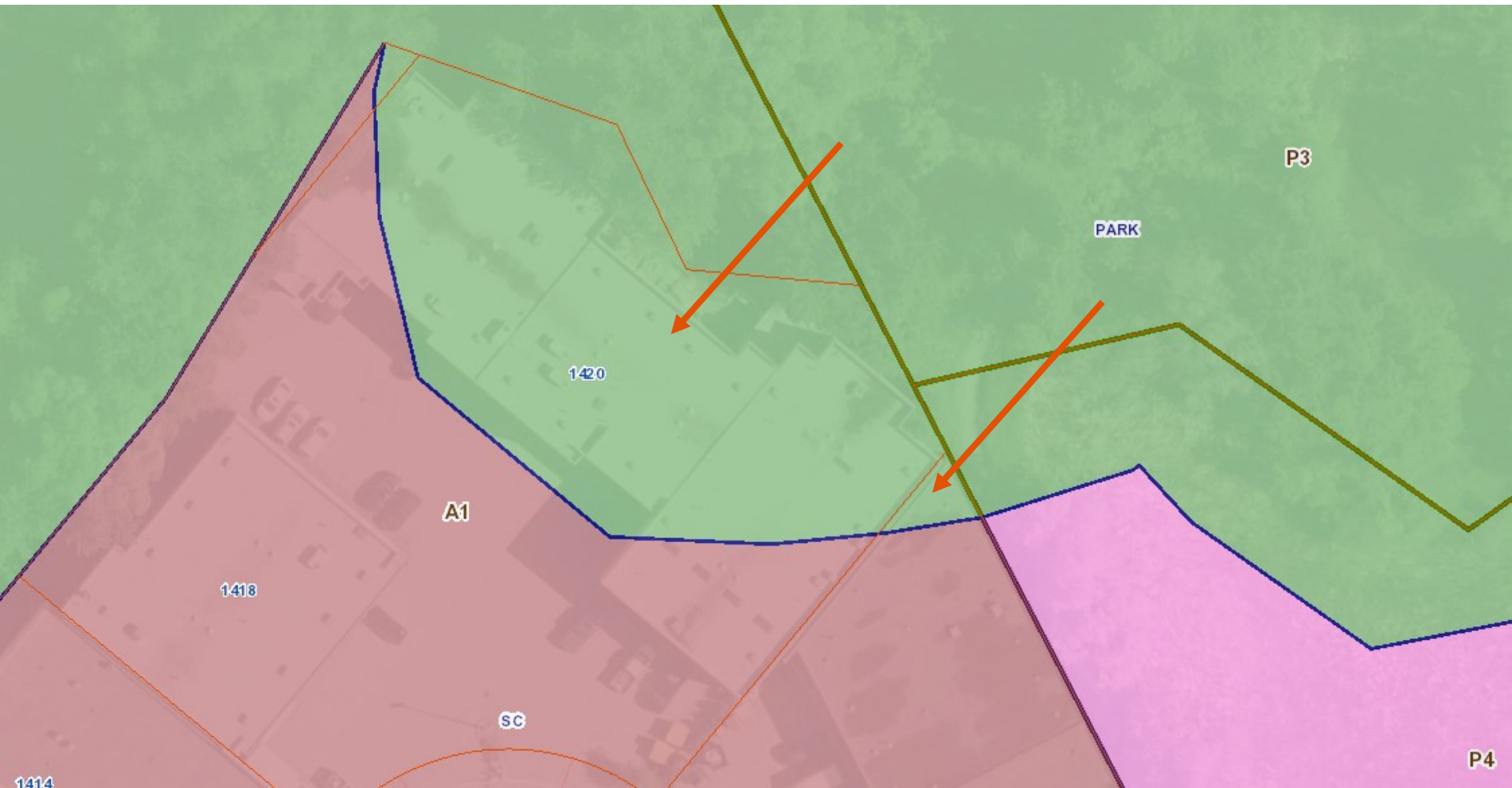
- ▶ City of Kelowna Staff initiated the LUC Termination of the area.
- ▶ 20 properties all to be rezoned to C10 – Service Commercial Zone, C3 – Community Commercial and P3 – Parks and Open Space.
- ▶ If successful, all properties will get full use of the proposed zone, one year after termination date.



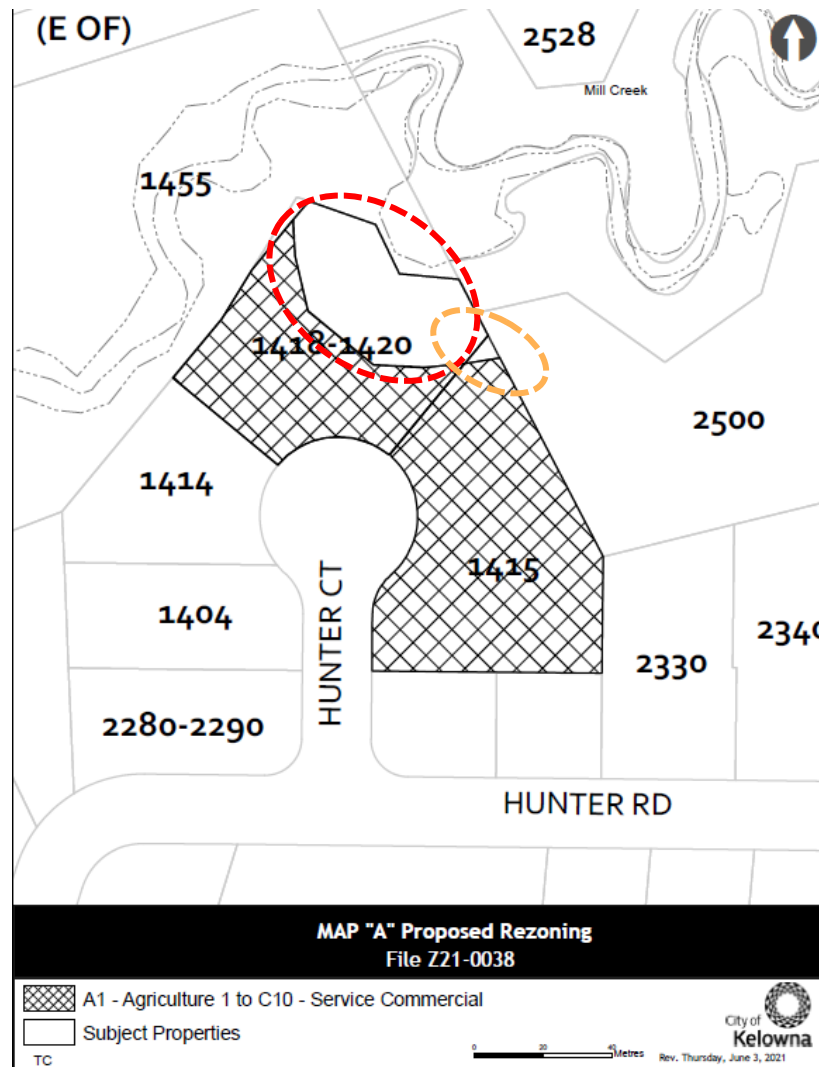
City of
Kelowna



Portions of the Property



Portions of the Property



Public Notification Policy #367

- ▶ Staff sent a letter of Proposed Termination of Land Use Contract to all properties within the LUC Area
 - ▶ Sent on May 3rd, 2021
- ▶ One-year grace period from Council consideration before full uses of proposed zone (as per Zoning Bylaw no. 8000).

Staff Recommendation

- ▶ Staff recommend **support** for the proposed land use contract termination and rezoning application:
 - ▶ The proposed zones match the existing uses and businesses, uses/regulations allowed in LUC and best match the Future Land Use Designation.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12211

LUCT₂₁₋₀₀₀₁

Early Termination of Land Use Contract - LUC₇₇₋₁₀₈₅

Enterprise Way, Hunter Court, Hunter Road and Leckie Road

WHEREAS a land use contract (the "Land Use Contract LUC₇₇₋₁₀₈₅") is registered at the Kamloops Land Title Office under the charge numbers P1869 and all amendments thereto against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Hunter Court, Hunter Road, Leckie Road and Enterprise Way, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Bylaw No. 12211 - Early Termination of Land Use Contract LUC₇₇₋₁₀₈₅";
2. Bylaw No.4655-78 establishing Land Use Contract LUC₇₇₋₁₀₈₅ and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A: LUC77-1085 Charge #: P1869					
No.	Legal Description	Address	Parcel Identifier	Land Use Contract	Underlying Zone
1	LOT B DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2330 Enterprise Way	011-639-555	LUC77-1085	A1 - Agriculture 1
2	LOT 2 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2350 Enterprise Way	026-935-660	LUC77-1085	A1 - Agriculture 1
3	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2440 Enterprise Way	003-315-134	LUC77-1085	A1 - Agriculture 1
4	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43342	2455 Enterprise Way	016-218-469	LUC77-1085	A1 - Agriculture 1
5	PARCEL A (DD KC2925) DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2490-2496 Enterprise Way	012-764-868	LUC77-1085	A1 - Agriculture 1
6	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1404 Hunter Court	001-595-156	LUC77-1085	A1 - Agriculture 1
7	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1414 Hunter Court	002-355-329	LUC77-1085	A1 - Agriculture 1
8	Common Property	1415 Hunter Court		LUC77-1085	A1 - Agriculture 1
9	STRATA LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	1-1415 Hunter Court	002-226-839	LUC77-1085	A1 - Agriculture 1
10	STRATA LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	2-1415 Hunter Court	002-226-812	LUC77-1085	A1 - Agriculture 1
11	STRATA LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	3-1415 Hunter Court	002-226-804	LUC77-1085	A1 - Agriculture 1
12	STRATA LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	4-1415 Hunter Court	002-226-782	LUC77-1085	A1 - Agriculture 1

13	STRATA LOT 5 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	5-1415 Hunter Court	002-226-758	LUC77-1085	A1 - Agriculture 1
14	STRATA LOT 6 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	6-1415 Hunter Court	002-226-731	LUC77-1085	A1 - Agriculture 1
15	STRATA LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	7-1415 Hunter Court	002-226-723	LUC77-1085	A1 - Agriculture 1
16	STRATA LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	8-1415 Hunter Court	002-226-715	LUC77-1085	A1 - Agriculture 1
17	STRATA LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	9-1415 Hunter Court	002-226-693	LUC77-1085	A1 - Agriculture 1
18	STRATA LOT 10 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	10-1415 Hunter Court	002-226-677	LUC77-1085	A1 - Agriculture 1
19	STRATA LOT 11 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	11-1415 Hunter Court	002-226-669	LUC77-1085	A1 - Agriculture 1
20	STRATA LOT 12 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	12-1415 Hunter Court	002-226-642	LUC77-1085	A1 - Agriculture 1
21	LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272 EXCEPT PLAN KAP50559	1418-1420 Hunter Court	003-756-238	LUC77-1085	A1 - Agriculture 1
22	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 34528	2281 Hunter Road	002-939-266	LUC77-1085	A1 - Agriculture 1

23	LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2300 Hunter Road	003-756-149	LUC77-1085	A1 - Agriculture 1
24	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2320-2322 Hunter Road	003-756-114	LUC77-1085	A1 - Agriculture 1
25	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2323 Hunter Road	002-920-697	LUC77-1085	A1 - Agriculture 1
26	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2330 Hunter Road	003-109-283	LUC77-1085	A1 - Agriculture 1
27	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2333 Hunter Road	002-920-689	LUC77-1085	A1 - Agriculture 1
28	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2340 Hunter Road	003-109-305	LUC77-1085	A1 - Agriculture 1
29	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP67598	2350 Hunter Road	024-882-291	LUC77-1085	I1 – Business Industrial
30	Common Property	2280 Leckie Road		LUC77-1085	A1 - Agriculture 1
31	STRATA LOT B DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	108-2280 Leckie Road	025-006-720	LUC77-1085	A1 - Agriculture 1
32	STRATA LOT A DISTRICT LOTS 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	112-2280 Leckie Road	025-006-703	LUC77-1085	A1 - Agriculture 1
33	STRATA LOT C DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	2280C Leckie Road	025-006-932	LUC77-1085	A1 - Agriculture 1
34	LOT A DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2303 Leckie Road	011-639-512	LUC77-1085	A1 - Agriculture 1
35	LOT 1 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2343 Leckie Road	026-935-651	LUC77-1085	A1 - Agriculture 1

CITY OF KELOWNA

BYLAW NO. 12212

Z21-0038

Enterprise Way, Hunter Court, Hunter Road and Leckie 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 parcels outlined in Schedule "B" attached to and forming part of this bylaw located on Hunter Court Hunter Road, Leckie Road and Enterprise Way, Kelowna, BC from the A1 – Agriculture 1 and I1 – Business Industrial zones to the C10 – Service Commercial zones;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of parcels outlined in Schedule "C" attached to and forming part of this bylaw located on Hunter Road and Leckie Road, Kelowna, BC from the A1 – Agriculture 1 zone to the C3 – Community Commercial zone;
3. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 125 ODYD Plan 30395 Except Plan M14878 located on Dilworth Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone;
4. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Strata Plan KAS483 and Lot 9 District Lot 125 ODYD Plan 31272 Except Plan KAP50559 located on Hunter Court, Kelowna, BC, from the A1 – Agriculture 1 zone to the C10 – service Commercial zone as shown on Map "A" attached to and forming part of this bylaw;
5. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot A District Lots 125 and 532 ODYD Plan 39897, Lot B District Lots 125 and 532 ODYD Plan 39897, Lot 1 District Lots 125 and 532 ODYD Plan KAP82764 and Lot 2 District Lots 125 and 532 ODYD Plan KAP82764 located at 2303 and 2343 Leckie Road and 2330 and 2350 Enterprise Way, Kelowna, BC, from the A1 – Agriculture 1 zone to the C10 – service Commercial zone as shown on Map "B" attached to and forming part of this bylaw;
6. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first 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

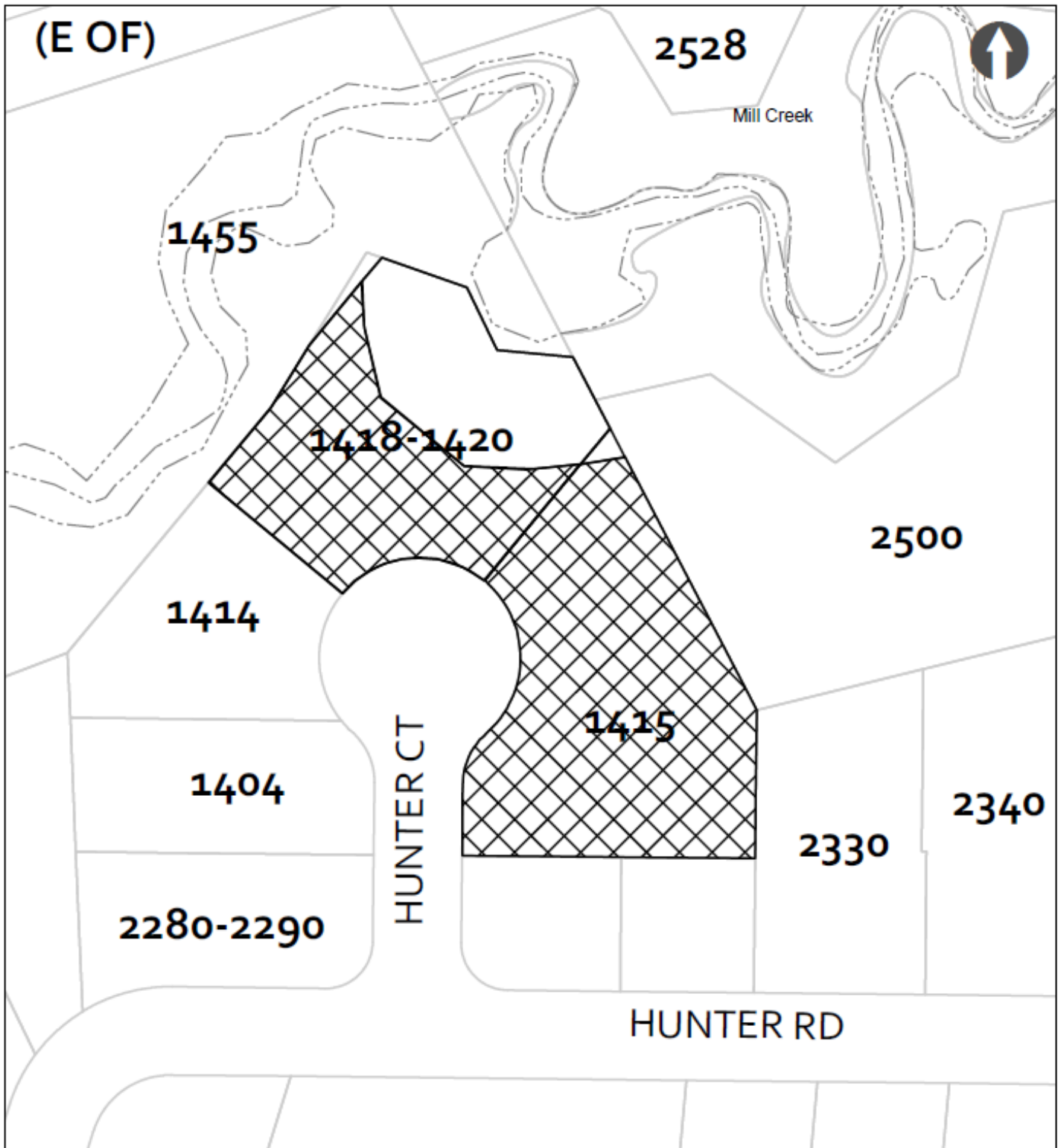
City Clerk

Schedule B: Proposed Rezoning



No.	Legal Description	Address	Parcel Identifier Number	Underlying Zone	Proposed Zone
1	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2440 Enterprise Way	003-315-134	A1 - Agriculture 1	C10 - Service Commercial
2	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43342	2455 Enterprise Way	016-218-469	A1 - Agriculture 1	C10 - Service Commercial
3	PARCEL A (DD KC2925) DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2490-2496 Enterprise Way	012-764-868	A1 - Agriculture 1	C10 - Service Commercial
4	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1404 Hunter Court	001-595-156	A1 - Agriculture 1	C10 - Service Commercial
5	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1414 Hunter Court	002-355-329	A1 - Agriculture 1	C10 - Service Commercial
6	LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2300 Hunter Road	003-756-149	A1 - Agriculture 1	C10 - Service Commercial
7	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2320-2322 Hunter Road	003-756-114	A1 - Agriculture 1	C10 - Service Commercial
8	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2323 Hunter Road	002-920-697	A1 - Agriculture 1	C10 - Service Commercial
9	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2330 Hunter Road	003-109-283	A1 - Agriculture 1	C10 - Service Commercial
10	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2333 Hunter Road	002-920-689	A1 - Agriculture 1	C10 - Service Commercial
11	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2340 Hunter Road	003-109-305	A1 - Agriculture 1	C10 - Service Commercial
12	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP67598	2350 Hunter Road	024-882-291	I1 – Business Industrial	C10 - Service Commercial
13	LOT A DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2303 Leckie Road	011-639-512	A1 - Agriculture 1	C10 - Service Commercial
14	LOT 1 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2343 Leckie Road	026-935-651	A1 - Agriculture 1	C10 - Service Commercial

Schedule C: Proposed Rezoning

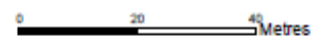
No.	Legal Description	Address	Parcel Identifier Number	Underlying Zone	Proposed Zone
1	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 34528	2281 Hunter Road	002-939-266	A1 - Agriculture 1	C3 - Community Commercial
2	Common Property	2280 Leckie Road		A1 - Agriculture 1	C3 – Community Commercial
3	STRATA LOT B DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	108-2280 Leckie Road	025-006-720	A1 - Agriculture 1	C3 – Community Commercial
4	STRATA LOT A DISTRICT LOTS 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	112-2280 Leckie Road	025-006-703	A1 - Agriculture 1	C3 – Community Commercial
5	STRATA LOT C DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	2280C Leckie Road	025-006-932	A1 - Agriculture 1 -	C3 – Community Commercial



MAP "A" Proposed Rezoning
File Z21-0038

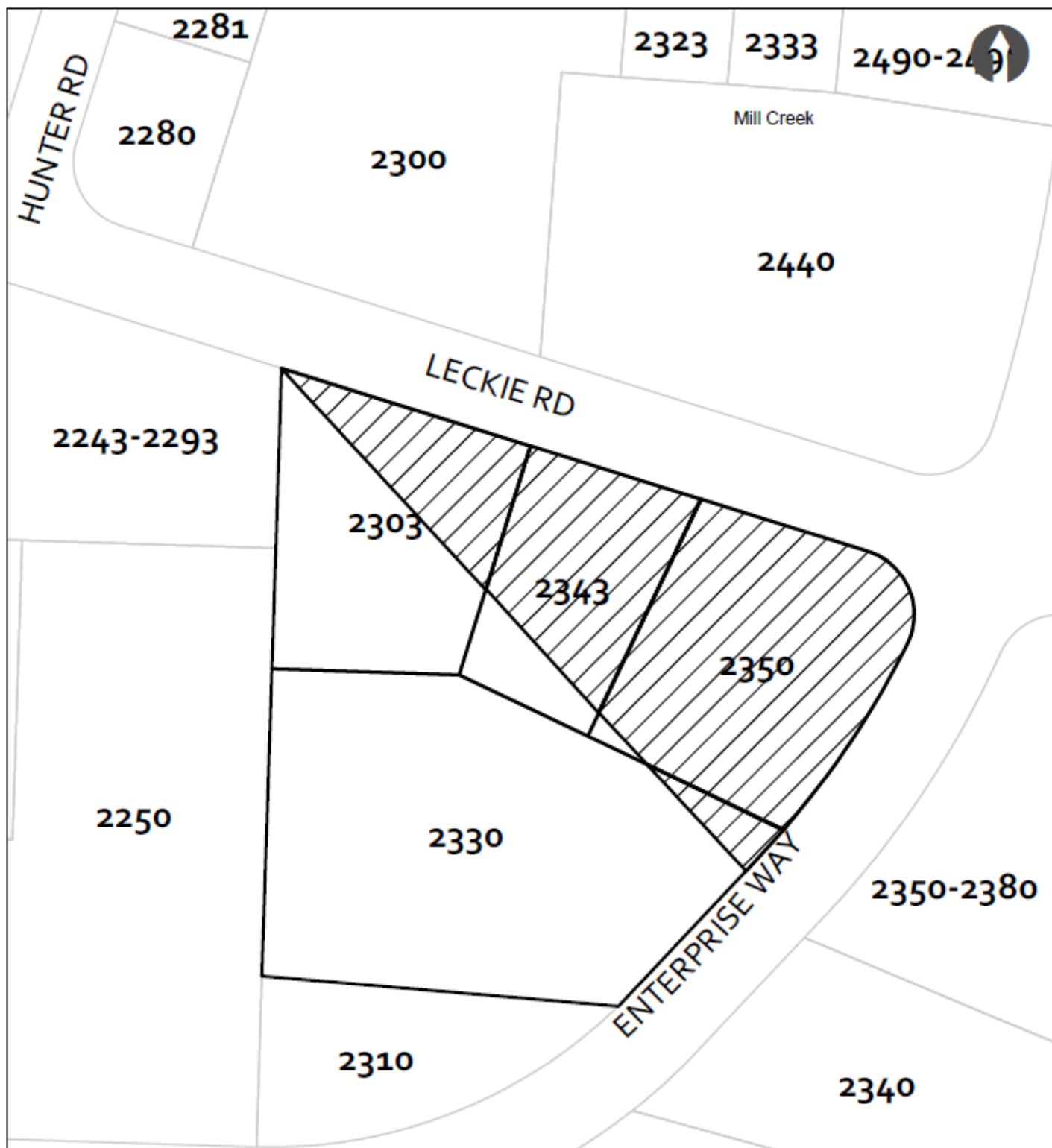
-  A1 - Agriculture 1 to C10 - Service Commercial
-  Subject Properties

TC





Rev. Thursday, June 3, 2021





MAP "B" Proposed Rezoning
File Z21-0038

 A1 - Agriculture 1 to C10 - Service Commercial

 Subject Properties

TC

0 25 50 Metres

Rev. Thursday, June 3, 2021



REPORT TO COUNCIL



Date: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: OCP20-0017/TA20-0019

Owner: Kettle Valley Holdings Ltd., Inc.
No. 551772

Address: 410 Providence Ave

Applicant: EKISTICS Town Planning Inc.,
Paul Fenske

Subject: Official Community Plan and Text Amendment Application

Existing OCP Designation: EDINST - Educational/Major Institutional and PARK - Major Park/Open Space (public)

Proposed OCP Designation: S2RES – Single / Two Unit Residential and PARK – Major Park/Open Space (public)

Existing Zone: Kettle Valley CD-2 Type III, IV, V and VI

Proposed Zone: Kettle Valley CD-2 Type III, IV and V

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0017 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for a portion of Lot 1 Section 23 Township 28 Similkameen Division Yale District Plan KAP85435 located at 410 Providence Avenue, Kelowna, BC from the EDINST – Educational/Major Institutional designation to the S2RES – Single / Two Unit Residential and PARK – Major Park/Open Space (public) designations, as shown on Map “A” attached to the Report from the Development Planning Department dated June 28, 2021 be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA20-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the Kettle Valley Regulating Plan in Section 18 Schedule ‘B’ – CD2 Kettle Valley Comprehensive Residential Development Zone for portions of Lot 1 Section 23 Township 28 Similkameen Division Yale District Plan KAP85435 located at 410 Providence Avenue, Kelowna, BC from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV as identified in Schedule “A” and outlined in the Report from the Development Planning Department dated June 28, 2021 be considered by Council;

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

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending be considered subsequent to the issuance of a Preliminary Layout Review letter by the Subdivision Approving Officer.

2.0 Purpose

To amend the Official Community Plan designation from the EDINST - Educational/Major Institutional to the S2RES – Single/Two Unit Residential and PARK – Major Park/Open Space (public) designations and to consider a Text Amendment application to the Kettle Valley CD-2 zone, for 410 Providence Ave to go from the Kettle Valley CD-2 from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV to accommodate a future subdivision of single family homes.

3.0 Development Planning

Staff are recommending support for the proposed Official Community Plan (OCP) and Text Amendment to accommodate future subdivision and development of park land. The proposal is consistent with the existing residential makeup of the Kettle Valley neighborhood and the development form provides a variety of housing types similar to the existing CD2 Zone.

The proposal offers substantial park dedication and development including a 'Super 8' soccer field as a neighborhood amenity. This also includes expanded park and open space next to the existing Quilchena Park and adjacent to Providence Ave. The proposed 3.5 acres of park will be fully constructed as part of the overall project which meets and exceeds overall parks planning policies and objectives of the OCP.

The site layout utilizes the existing topography, maintains existing view corridors, and is sensitively integrated including adjacent upslope residences. Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

The subject property is primarily designated EDINST - Educational/Major Institutional as it was previously earmarked for a school site dating back to 1996. In November of 2012, School District #23 elected not to pursue their option to purchase the property and in 2015 an agreement was reached to relinquish all further rights of SD23 in the property to Kettle Valley Holdings Ltd.

An OCP and Text Amendment application was made for the property in 2016 and proposed 82 units in a mix of single family and multi-family dwellings. Kettle Valley Comprehensive Residential Development zone allows for a maximum density of 1028 units. The current neighbourhood build-out is well below this maximum by approximately 200 units.

4.2 Project Description

The applicant has applied for a OCP and text amendment to accommodate a future subdivision which will be accessed from two primary accesses points on Quilchena Drive as well as secondary access from Thalia Drive. The current proposal is for 67 single family lots that range in size from 350 m² – 560 m². The subdivision would be accessed by looping municipal road, ending in a cul de sac adjacent to Quilchena Park and laneway access extending out to Thalia Drive.

The site has a large relatively flat portion where most of the units will be located however there is some slopes that run along the south portion of the site. The proposed lots at the top of the slope are designed to be at an elevation to preserve views and limit significant cut or fill slopes or large retaining walls.

Park and Open Space

The proposed park space totals approximately 3.5 acres in size which is about 25% of the total property. The 'Super 8' soccer field is 65m x 50m in size which is about half the length of a full-size soccer field and the existing sports field. The two park open space areas will be connected by a multi-use path greenway to provide connectivity through the site and to the overall park space within Kettle Valley. The existing parking lot in Quilchena Park will service the area for parking and vehicular access.

The site has an existing 64m x 100m sports field which was originally developed by Kettle Valley in partnership with the City and is currently leased to the City for maintenance and operation

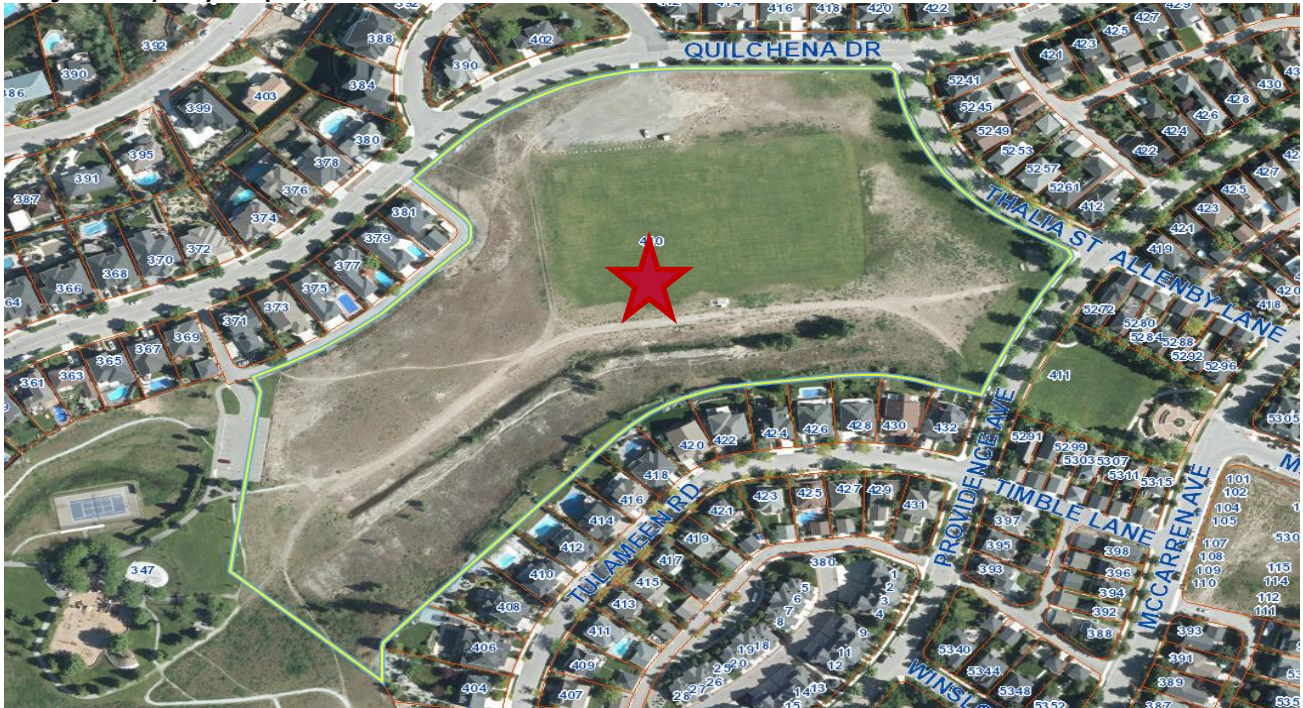
4.3 Site Context

The subject property is located in the South Okanagan Mission City Sector in the heart of the Kettle Valley neighborhood and is approximately 14.11 acres in size. The property has three fronting roads, Providence Ave, Thalia St and Quilchena Dr. The surrounding neighborhood is single family residential and has a number of existing park areas including Quilchena Park and Main Street Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD-2 Kettle Valley CD Zone	Single Family Residential
East	CD-2 Kettle Valley CD Zone	Single Family Residential and Park
South	CD-2 Kettle Valley CD Zone	Single Family Residential
West	CD-2 Kettle Valley CD Zone	Single Family Residential and Park

Subject Property Map: 410 Providence Avenue



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

6.0 Chapter 5: Development Process

7.0 *Objective 5.2 Develop Sustainably*

8.0 *Policy .3 Complete Suburbs.* Support a mix of uses within Kelowna's suburbs, in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City, at appropriate locations, including commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.

9.0 *Policy .5 Integrated Land Use.* Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts

10.0 Technical Comments

10.1 Development Engineering Department

- Refer to Development Engineering Memo dated September 2, 2020

11.0 Application Chronology

Date of Application Received: June 30, 2020

Date Public Consultation Completed: May 13, 2021

Report prepared by: Wesley Miles, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

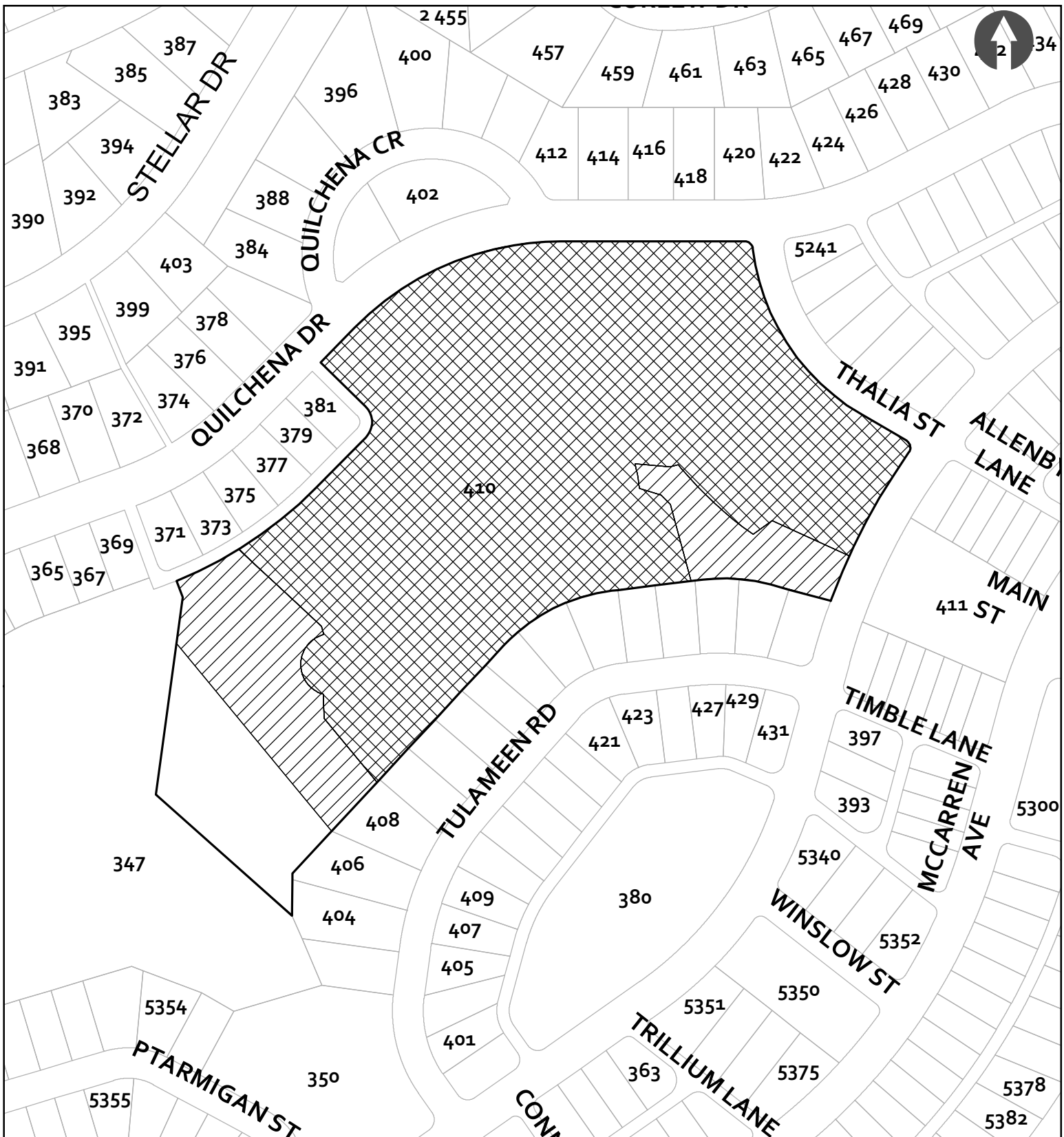
Attachments:

Schedule A: CD2 – Text Amendments




Schedule B: Development Engineering Memo

Attachment A: Conceptual Drawing Package

Map A: OCP Amendment



MAP "A" Proposed OCP Amendment File OCP20-0017

-  EDINST - Educational/Major Institutional to PARK - Major Park/Open Space (public)
-  EDINST - Educational/Major Institutional to S2RES - Single/Two Unit Residential
-  Subject Property

TC

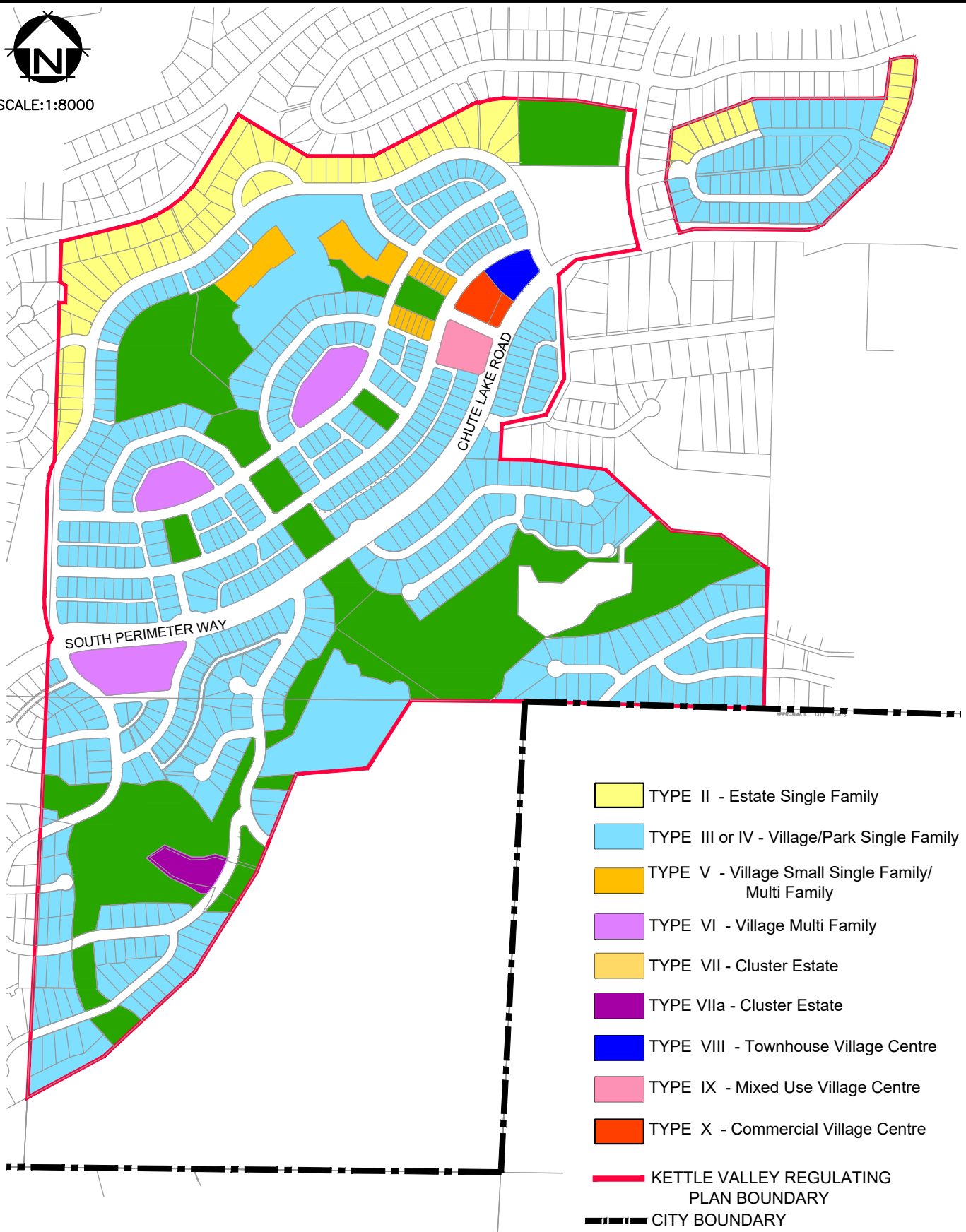
0 45 90 Metres

Rev. Monday, May 31, 2021





SCALE:1:8000



KETTLE VALLEY REGULATING PLAN

UPDATED 06 09 2021

EK-12-018-KVRP

Schedule A – CD2 – Kettle Valley Comprehensive Residential Development - Zoning Bylaw No. 8000 Text Amendments

No.	Section	Relevant Existing	Proposed	Explanation
1.	<p>Schedule 'B' – Comprehensive Development Zones – CD2 – Kettle Valley Comprehensive Residential Development</p> <p>Kettle Valley Regulating Plan – Overview Map</p>	Kettle Valley Regulating Plan – Overview Map (Mar 31/2020)	Kettle Valley Regulating Plan (June 9/2021)	Replace the existing map with the proposed map. To amend the subject property from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV

CITY OF KELOWNA

MEMORANDUM

Date: September 2 2020
File No.: TA20-0019
To: Land Use Management Department (WM)
From: Development Engineering Technologist (JF)
Subject: 410 Providence Ave Quilchina Residential Development Proposed 61 lots S.D.

The Development Engineering Branch comments and requirements regarding this application to Amend the Kettle Valley CD2 Type VI zone to the Kettle Valley CD-2 Type III, IV and V to accommodate a future subdivision

.1) General

- a) Provide a Pre-design report to address all offsite Utility and Transportation servicing including costs.
- b) PRIOR TO FINAL ADOPTION OF THE TEXT AMENDMENT BYLAW, a Predesign Report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Text Amendment Bylaw.
- c) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

.2) Water

- a) The property is located within the City Water service area.
- b) For offsite works a Predesign Report is required complete with costs. Performance security and a Servicing Agreement will be required for offsite works. See comments in the "General" section.
- 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. Provide water calculations for this subdivision to confirm this.

.3) Sanitary Sewer

- a) Provide a downstream sanitary sewer main flow analysis check for the proposed development.

.4) Drainage

- a) A Predesign report is required that addresses how Storm water Management will be dealt with. For offsite works, performance security and a Servicing Agreement will be required prior to rezoning. See comments in the "General" section.

.5) Roads

- a) Design Local roads and Lanes in accordance to City of Kelowna standards.
- b) For all offsite works, design drawings, a construction cost estimate, performance security and a servicing agreement will be required.

.6) Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), 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.**

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- a) Street lights must be installed on all roads.

.8) Other Engineering Comments

- 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) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- c) If any road dedication affects lands encumbered by a Utility right-of-way, please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Engineer.

.9) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Engineering and Inspection Fee: 3.5% of construction value (plus GST).
- c) Water Extended Service Area Latecomers (ESA's):

ESA#	Front ender	Component	Anniversary (rates change)	*Rate/unit \$
14				
Available EDU's 129.5	<i>Kettle Valley</i>	<i>Adams Reservoir</i>	<i>Sept. 29 2020</i>	<i>\$4,477.00</i>

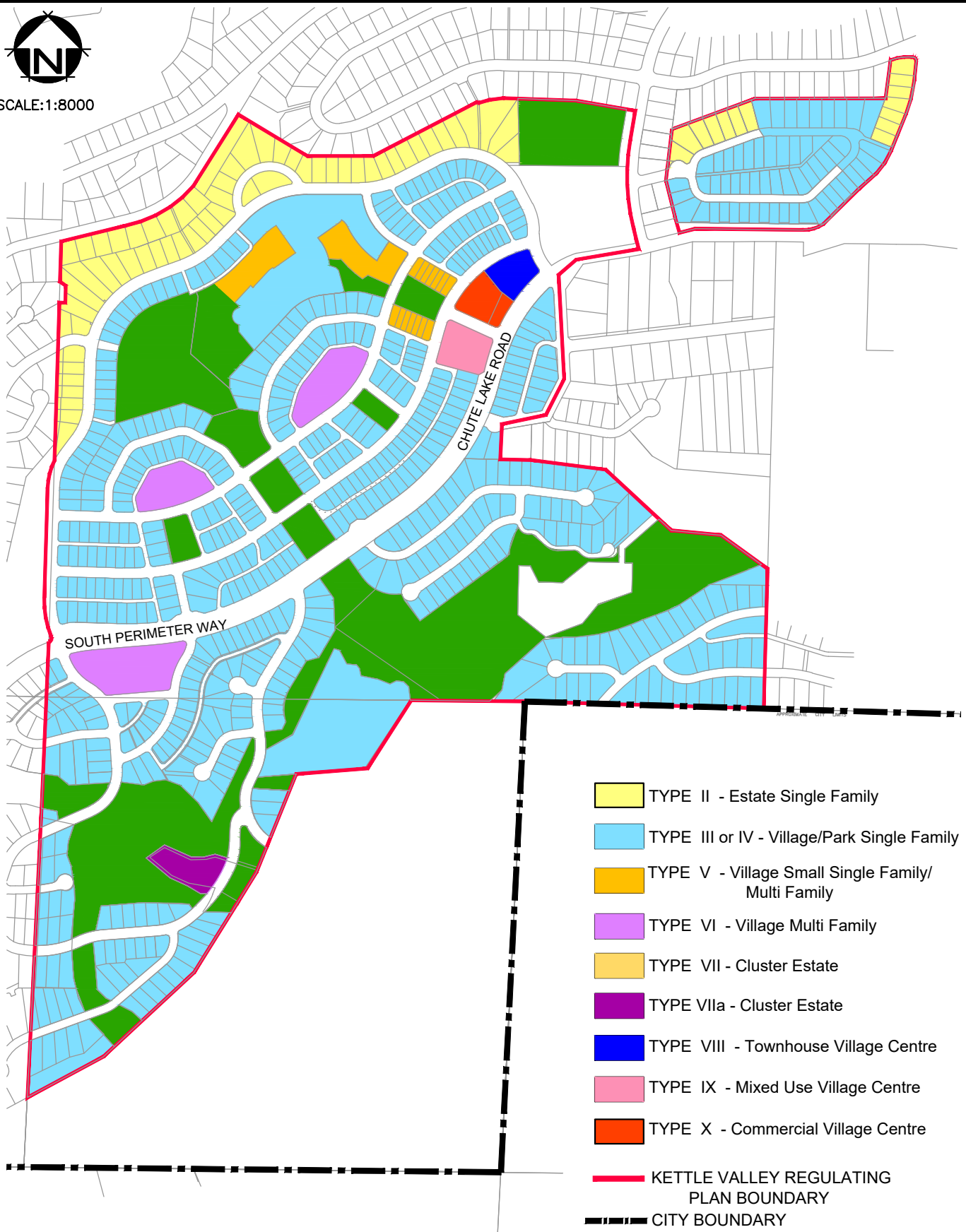
*(these fees are to be confirmed at time of subdivision)



James Kay P.Eng.
Development Engineering Manager
JF



SCALE:1:8000



KETTLE VALLEY REGULATING PLAN

UPDATED 06 09 2021

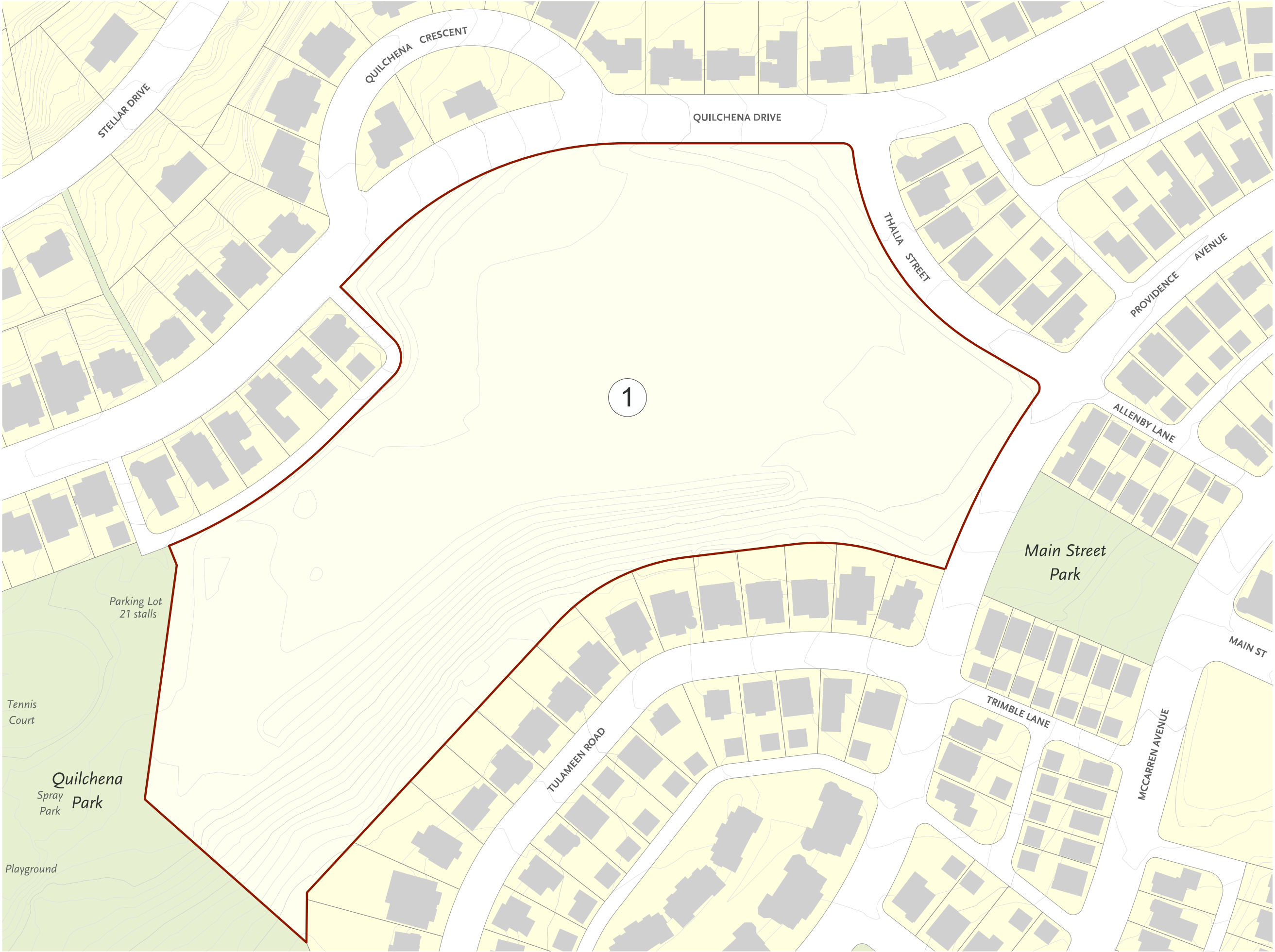
EK-12-018-KVRP



KETTLE VALLEY LEGACY NEIGHBOURHOOD

Zoning Bylaw Text Amendment Application

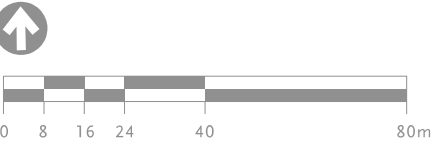
July 2020

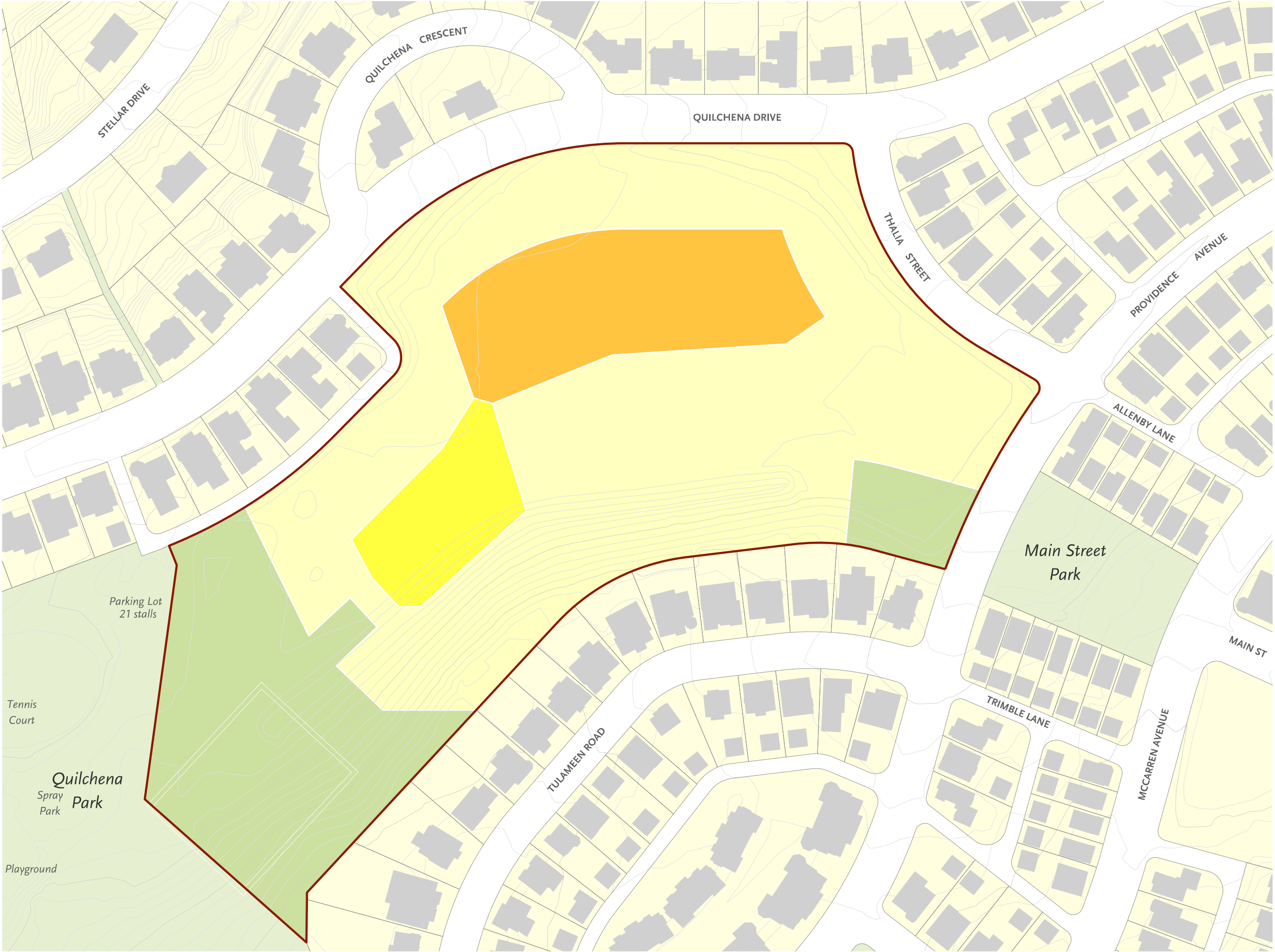


Legacy Neighbourhood
LEGAL PARCEL PLAN

LEGEND JUNE 2020

- Site Boundary 5.71 ha | 14.11 ac
- Legal Property Lines
- 5m Contour
- 1m Contour
- 5m Development Setback
- Existing Homes
- Existing Lots
- Existing Parks
- 1 Lot 1, Section 23, Township 28, Regional District of Central Okanagan, Plan KAP85435



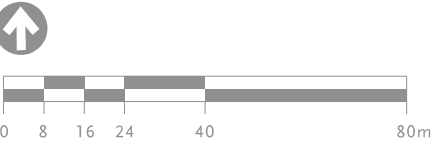


Legacy Neighbourhood
CURRENT CD2 LAND USE

LEGEND JUNE 2020

- Site Boundary 5.71 ha | 14.11 ac
- Legal Property Lines
- 5m Contour
- 1m Contour
- 5m Development Setback
- Existing Homes
- Existing Lots
- Existing Parks

- CD2 ZONE
- Type 3 + 4 | Village/Park Single Family
 - Type 5 | Village Small Single Family/Multi-Family
 - Type 6 | Village Multi-Family
 - Park + Greenway



KETTLE VALLEY'S FINAL PHASE

THE LEGACY NEIGHBOURHOOD

- Having launched the success of Kettle Valley through EKISTICS new urbanist Masterplan in 1994, Kettle Valley has re-engaged EKISTICS to undertake the design of the community's the final phase.
- Through its 25 years, Kettle Valley has won numerous awards including "Best Community in Canada" and remains a landmark community in the Okanagan.
- Kettle Valley has enjoyed great success due to its commitment to the original Masterplan, creating a community that residents are proud to be a part of.
- With Kettle Valley's success, \$1M homes have become common - often pricing out the families Kettle Valley seeks to attract.
- The Legacy Neighbourhood is Kettle Valley's final phase, and provides a opportunity to complete the community with homes for everyone in the heart of Kettle Valley.



AERIAL ANALYSIS

Site Boundary

5.71 ha | 14.11 ac

Legal Property Lines

5m Contour

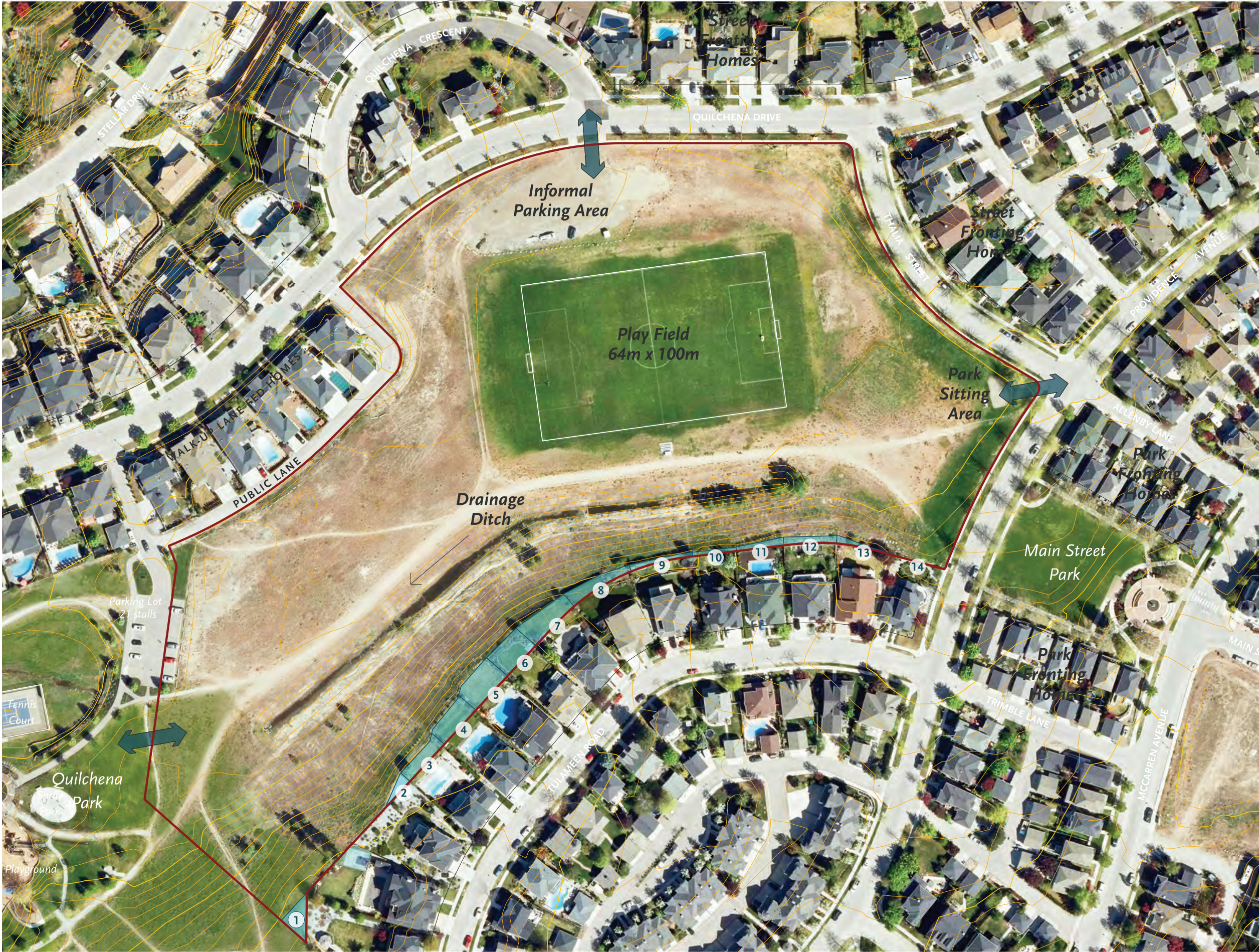
1m Contour

At Grade Access

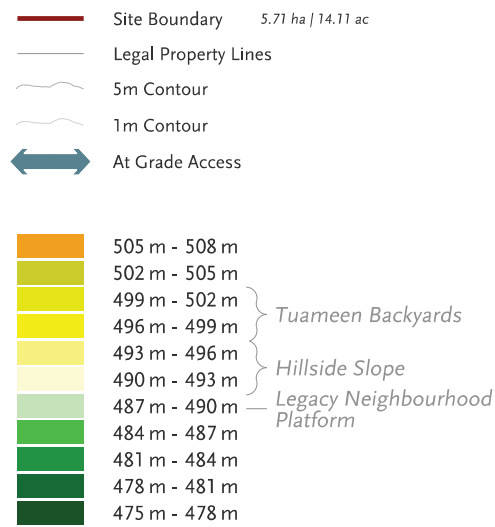
Areas of Encroachment

TULAMEEN ROAD HOMESITE ENCROACHMENT

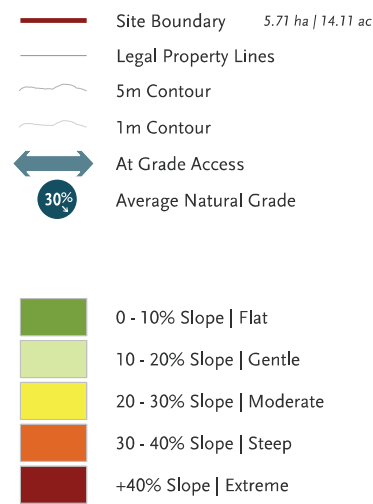
LOT NUMBER	AREA	DEPTH
①	105.34 m ²	5.17 m
②	39.34 m ²	2.53 m
③	108.21 m ²	5.12 m
④	155.34 m ²	8.18 m
⑤	210.80 m ²	11.26 m
⑥	188.20 m ²	11.08 m
⑦	195.75 m ²	8.36 m
⑧	127.94 m ²	5.48 m
⑨	47.15 m ²	1.56 m
⑩	30.29 m ²	1.70 m
⑪	50.10 m ²	2.51 m
⑫	61.98 m ²	2.63 m
⑬	32.43 m ²	0.70 m
⑭	2.17 m ²	0.35 m
TOTAL	1,355.04 m ²	



LANDFORM ANALYSIS

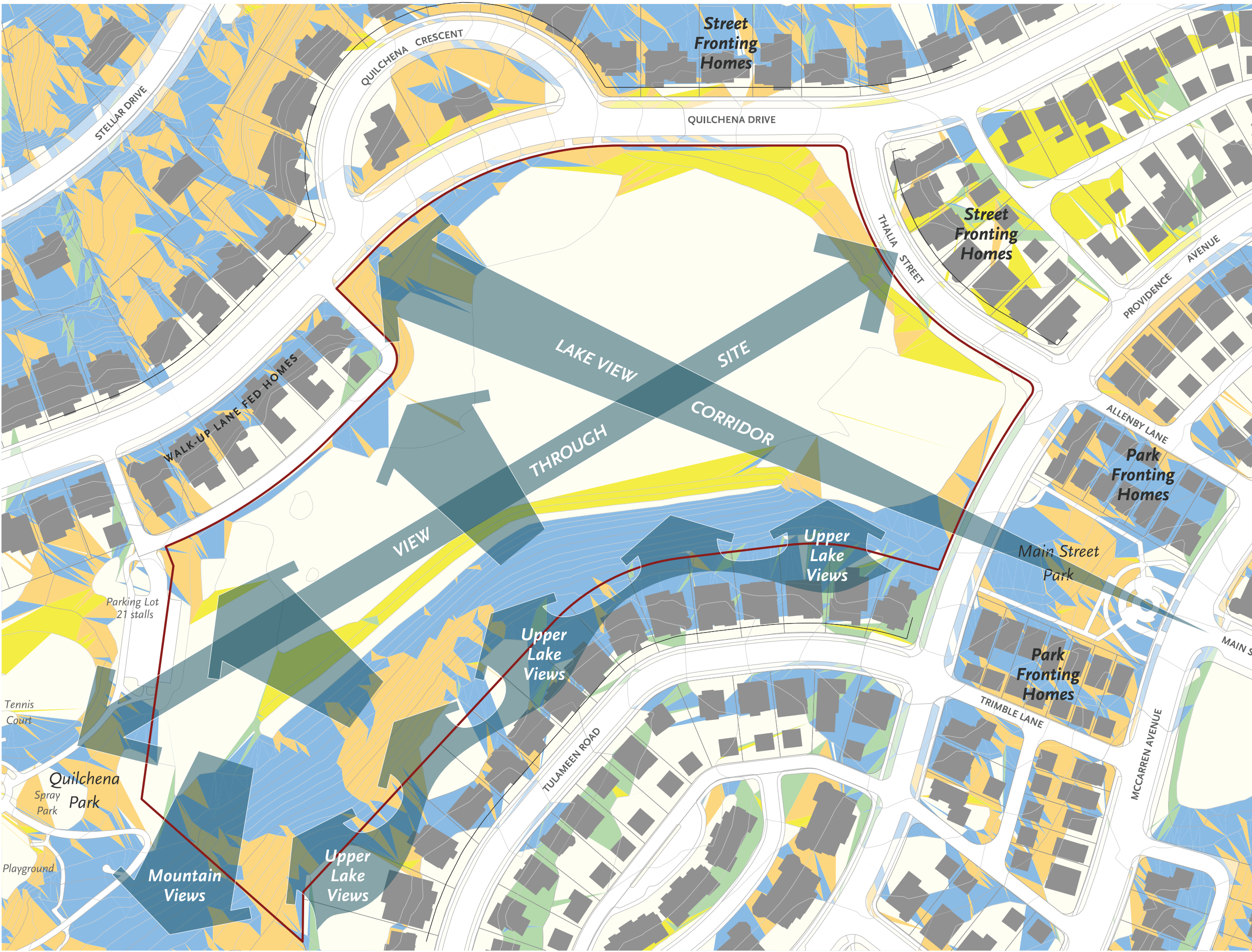
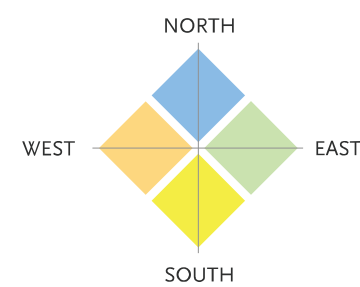


SLOPE ANALYSIS



ASPECT ANALYSIS

- Site Boundary 5.71 ha | 14.11 ac
- Legal Property Lines
- 5m Contour
- 1m Contour
- Significant Views



ILLUSTRATIVE PLAN

- Site Boundary 5.71 ha | 14.11 ac
 - Legal Property Lines
 - 5m Contour
 - 1m Contour
 - 5m Development Setback
 - Existing Homes
 - Existing Lots
 - Existing Parks
- Super 8 Soccer Field adjacent to Quilchena Park
 - Looping Entrance Street with cul-de-sac extension
 - Predominant use of lane-fed homes allows mix of lot sizes
 - Greenway extension to Main Street Park
 - 5m Greenway through site to Quilchena Park to maintain pedestrian flow
 - Expanded Landscaped Boulevard Green with fronting homes
 - Single row of walk-up street access homes retain slopes
 - Existing views preserved with 5m Encroachment Buffer



DEVELOPMENT YIELD PLAN

	Site Boundary	5.71 ha 14.11 ac
	Legal Property Lines	
	5m Contour	
	1m Contour	
	5m Development Setback	
	Existing Homes	
	Existing Lots	
	Existing Parks	
	58% Development Area	3.30 ha 8.15 ac
	25% Park + Greenway	1.42 ha 3.51 ac
	17% Public Road ROW	0.99 ha 2.45 ac
	100%	5.71 ha 14.11 ac
	10m x 35m Lane Access Lots	26
	13m x 35m Lane Access Lots	24
	16m x 35m Lane Access Lots	5
	16m x 35m Street Access Lots	12
		67

- 1 Super 8 Soccer Field adjacent to Quilchena Park
- 2 Looping Entrance Street with cul-de-sac extension
- 3 Predominant use of lane-fed homes allows mix of lot sizes
- 4 Greenway extension to Main Street Park
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- 6 Expanded Landscaped Boulevard Green with fronting homes
- 7 Single row of walk-up street access homes retain slopes
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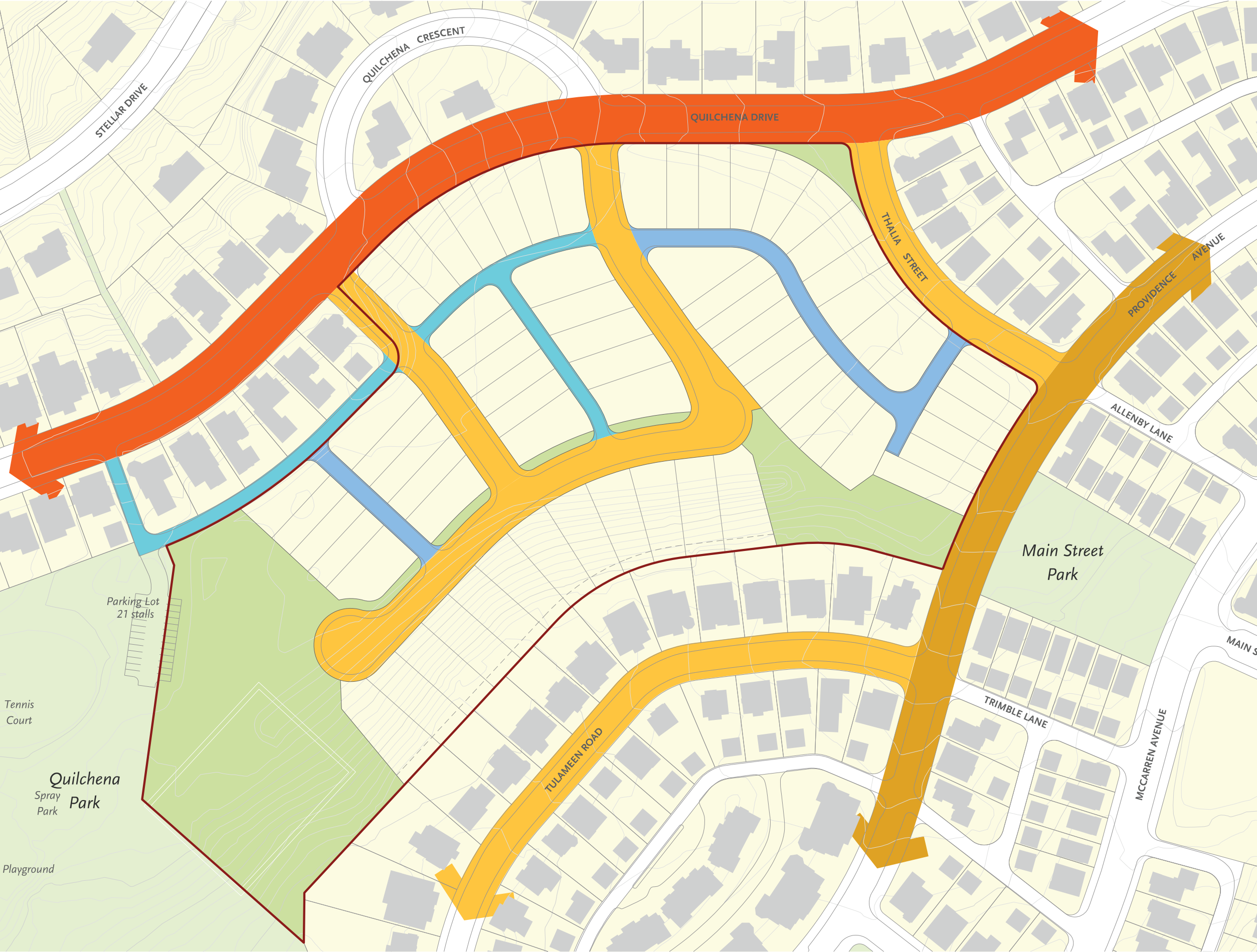
PARKS + TRAILS PLAN

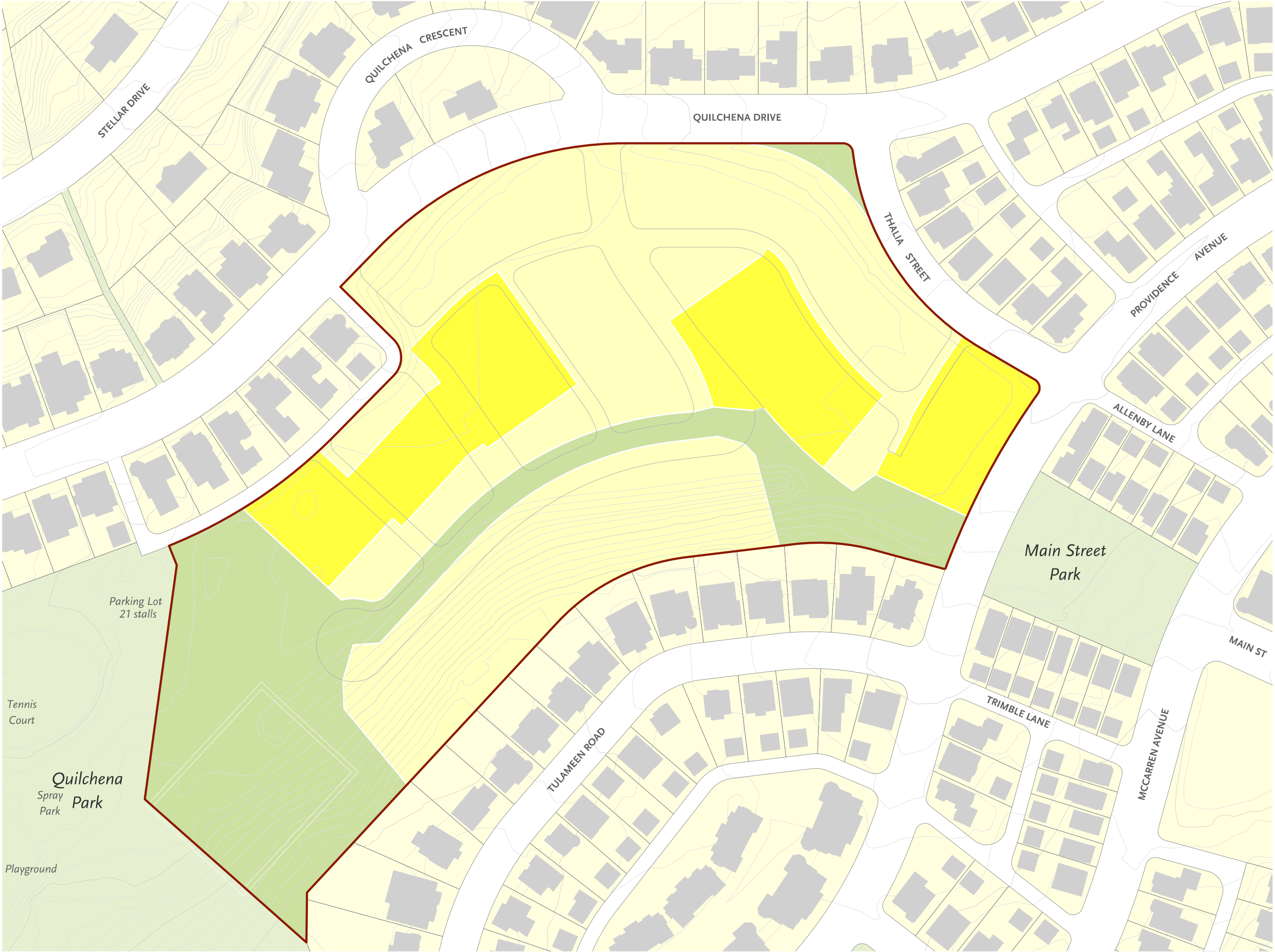
- Site Boundary 5.71 ha | 14.11 ac
- Legal Property Lines
- 5m Contour
- 1m Contour
- 5m Development Setback
- Existing Homes
- Existing Lots
- Existing Parks
- Development Area
- Park + Greenway
- Public Road ROW
- Existing Park Pathway | 2.0m
- Proposed Greenway Path | 2.0m
- Proposed Park Pathway | 1.5m
- Sidewalk | 1.5m



STREET HIERARCHY PLAN

- Site Boundary 5.71 ha | 14.11 ac
 - Legal Property Lines
 - 5m Contour
 - 1m Contour
 - 5m Development Setback
 - Existing Homes
 - Existing Lots
 - Existing Parks
-
- Collector Street | 20.0m
 - Minor Collector Street | 18.0m
 - Local Street | 15.0m
 - Access Lane | 7.5m
 - Lane | 6.0m



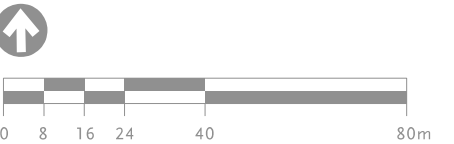


Legacy Neighbourhood
PROPOSED CD2 LAND USE

LEGEND JUNE 2020

- Site Boundary 5.71 ha | 14.11 ac
- Legal Property Lines
- 5m Contour
- 1m Contour
- 5m Development Setback
- Existing Homes
- Existing Lots
- Existing Parks

- CD2 ZONE
- Type 3 + 4 | Village/Park Single Family
 - Type 5 | Village Small Single Family/Multi-Family
 - Park + Greenway



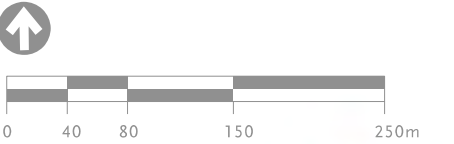


Legacy Neighbourhood
REZONING
ILLUSTRATIVE CONCEPT

LEGEND DECEMBER 2020

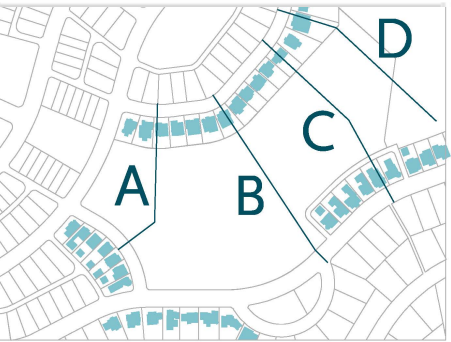
- Site Boundary 5.71 ha | 14.11 ac
- 400m | 5min Radius Walking Distance
- Legal Property Lines
- 5m Contour
- 1m Contour
- 5m Development Setback
- Existing Homes
- Existing Lots
- Existing Parks

- 1 Super 8 Soccer Field adjacent to Quilchena Park
- 2 Looping Entrance Street with cul-de-sac extension
- 3 Predominant use of lane-fed homes allows mix of lot sizes
- 4 Greenway extension to Main Street Park
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- 6 Expanded Landscaped Boulevard Green with fronting homes
- 7 Single row of walk-up street access homes retain slopes
- 8 Existing views preserved with 5m Encroachment Buffer



SITE CROSS SECTIONS

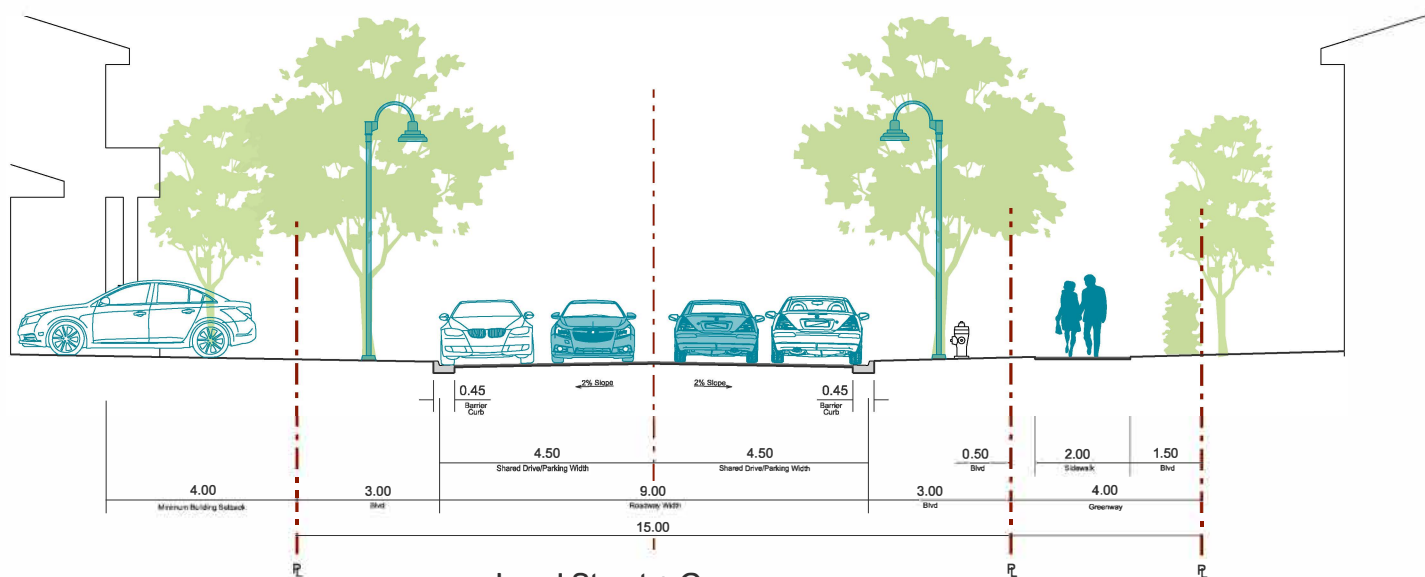
LEGEND OCTOBER 2020



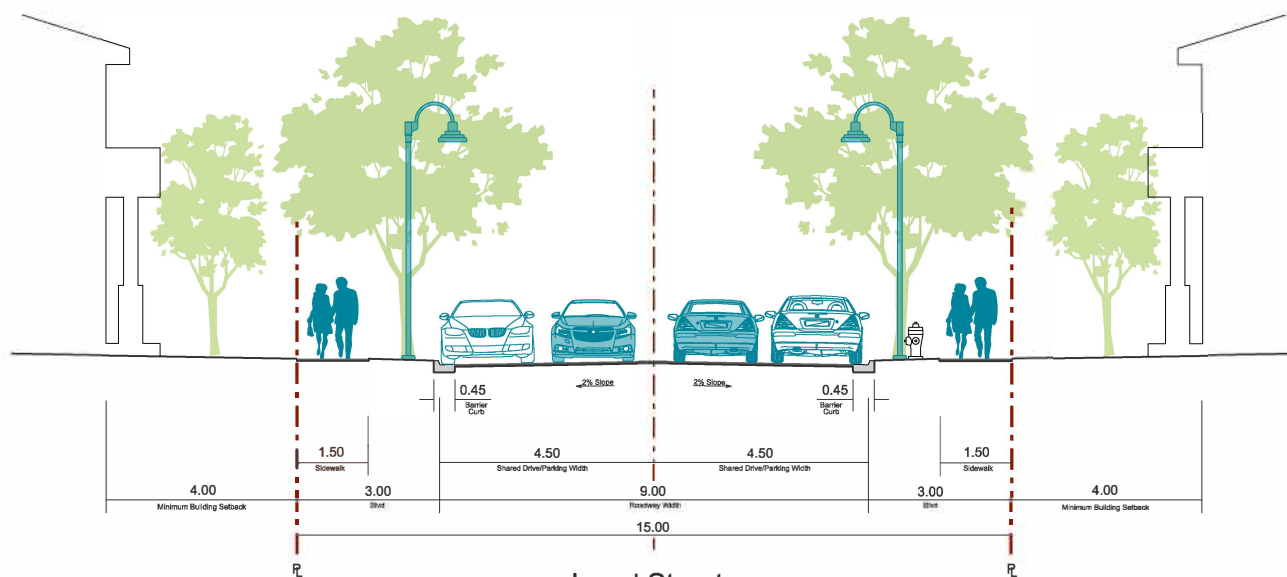
Kettle Valley | Kelowna BC

Existing + Proposed Street Standards

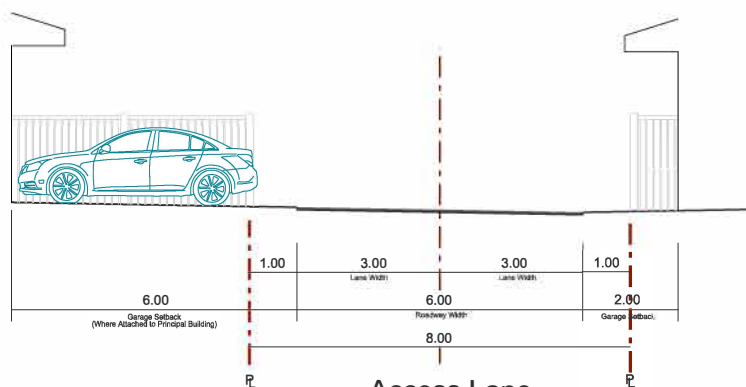
October 2020



Local Street + Greenway



Local Street



Access Lane



OCP20-0017 & TA20-0019 410 Providence Avenue

OCP Amendment & Text Amendment Application

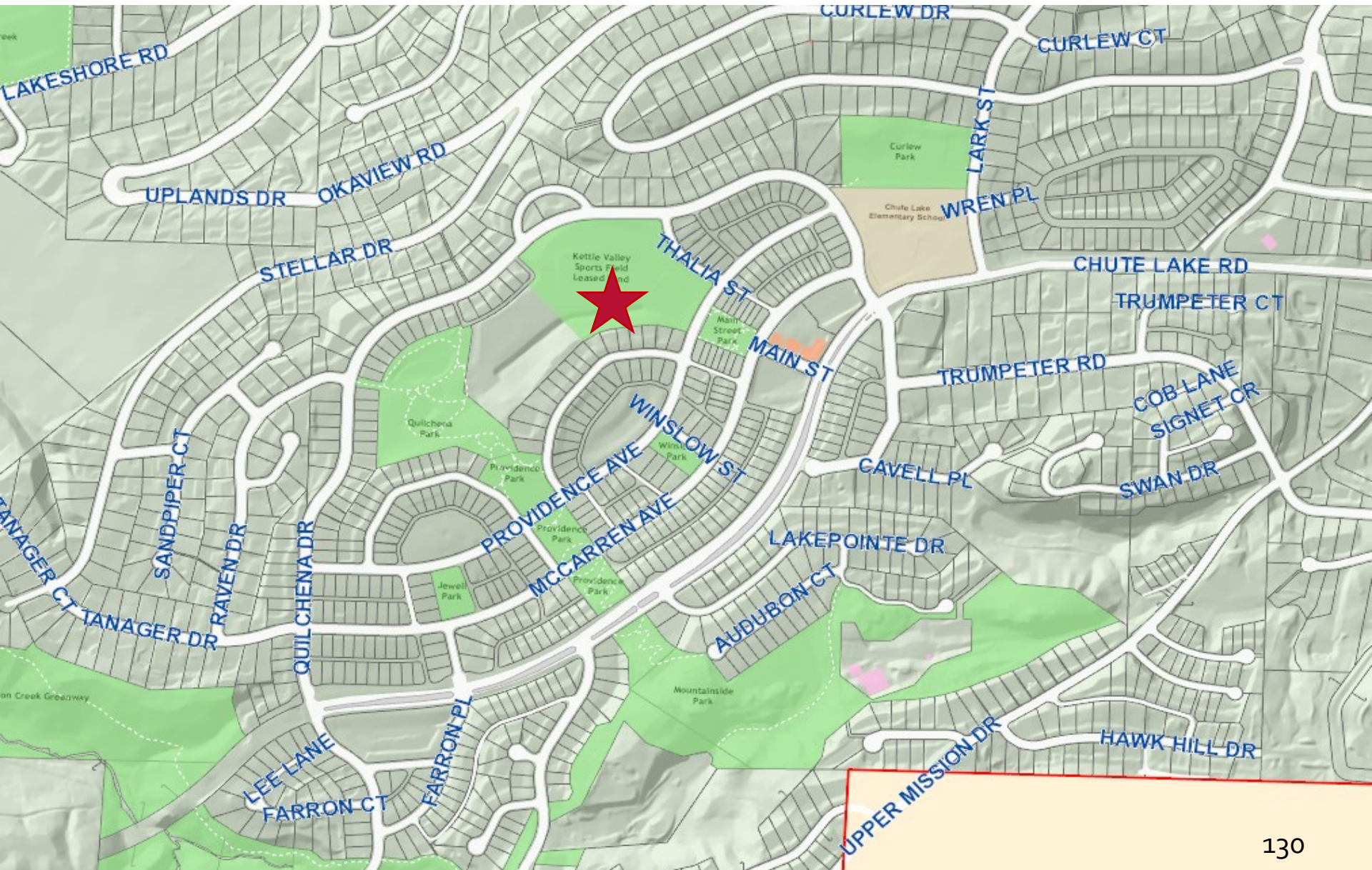
Proposal

- ▶ To amend the Official Community Plan designation from the EDINST - Educational/Major Institutional to the S2RES – Single/Two Unit Residential designations and to consider a Text Amendment application to the Kettle Valley CD-2 zone, for 410 Providence Avenue to go from the Kettle Valley CD-2 Type VI to the Kettle Valley CD-2 Type III, IV and V to accommodate a future subdivision of 67 single family homes

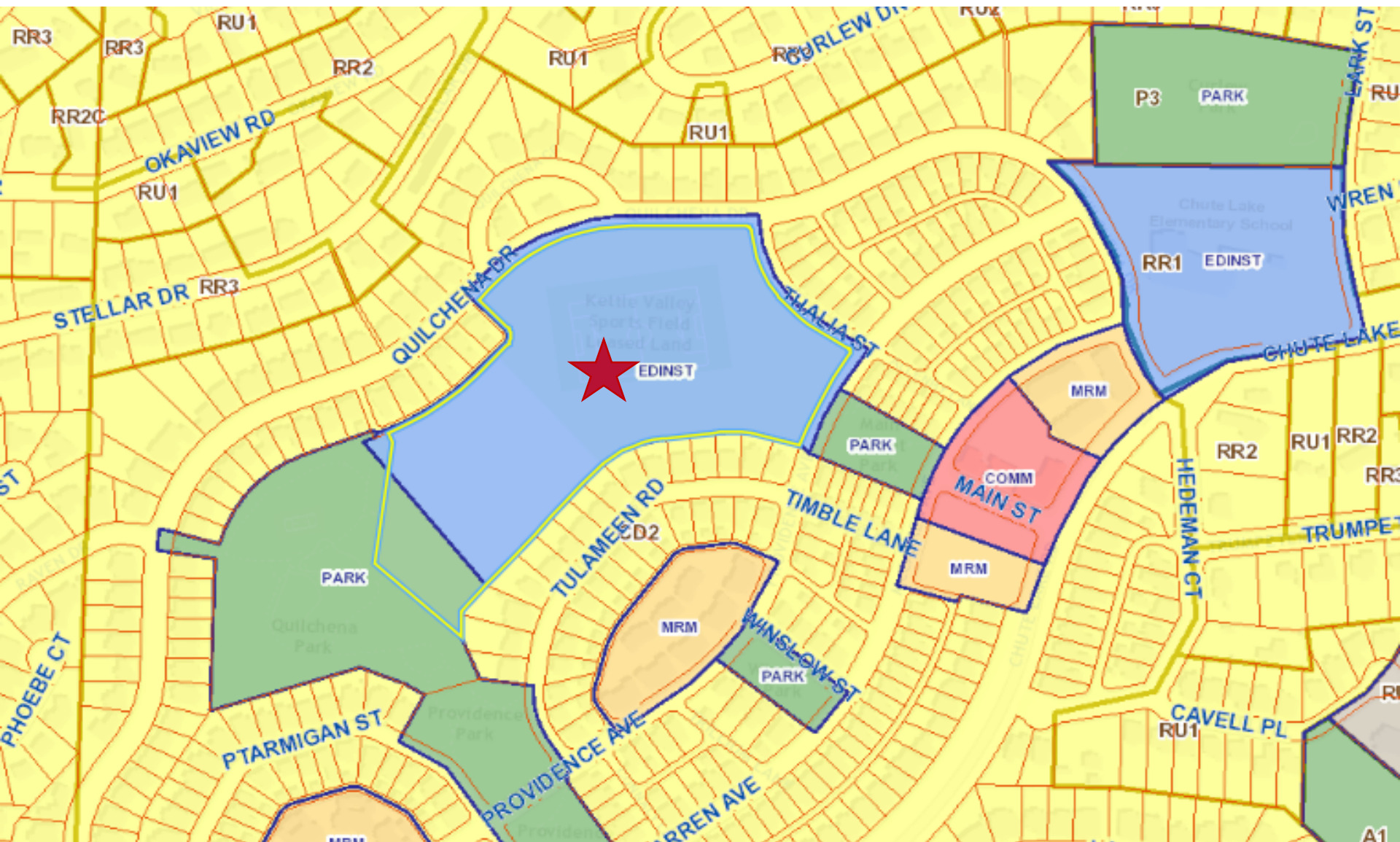
Development Process



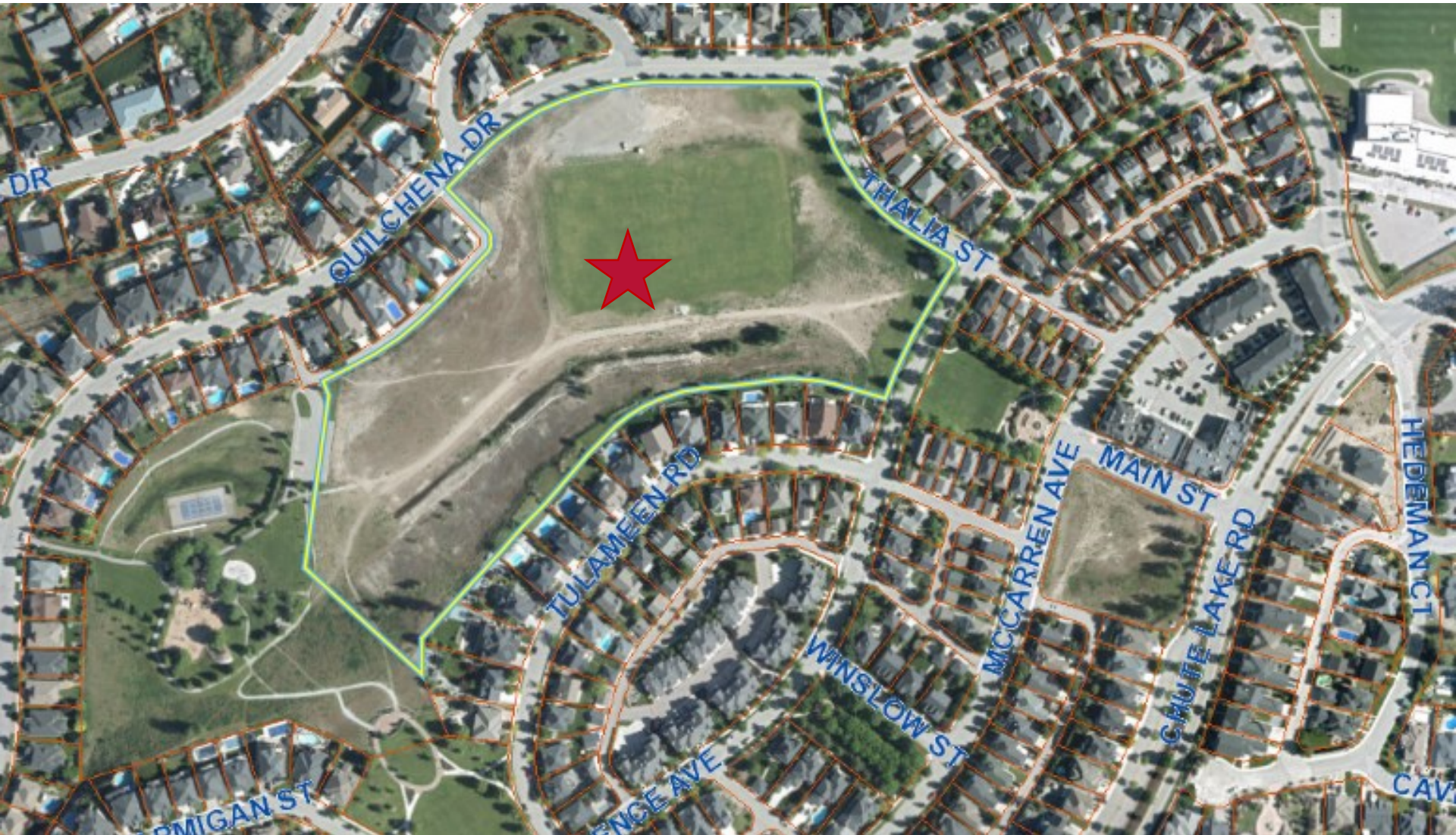
Context Map



OCP Future Land Use / Zoning



Subject Property Map



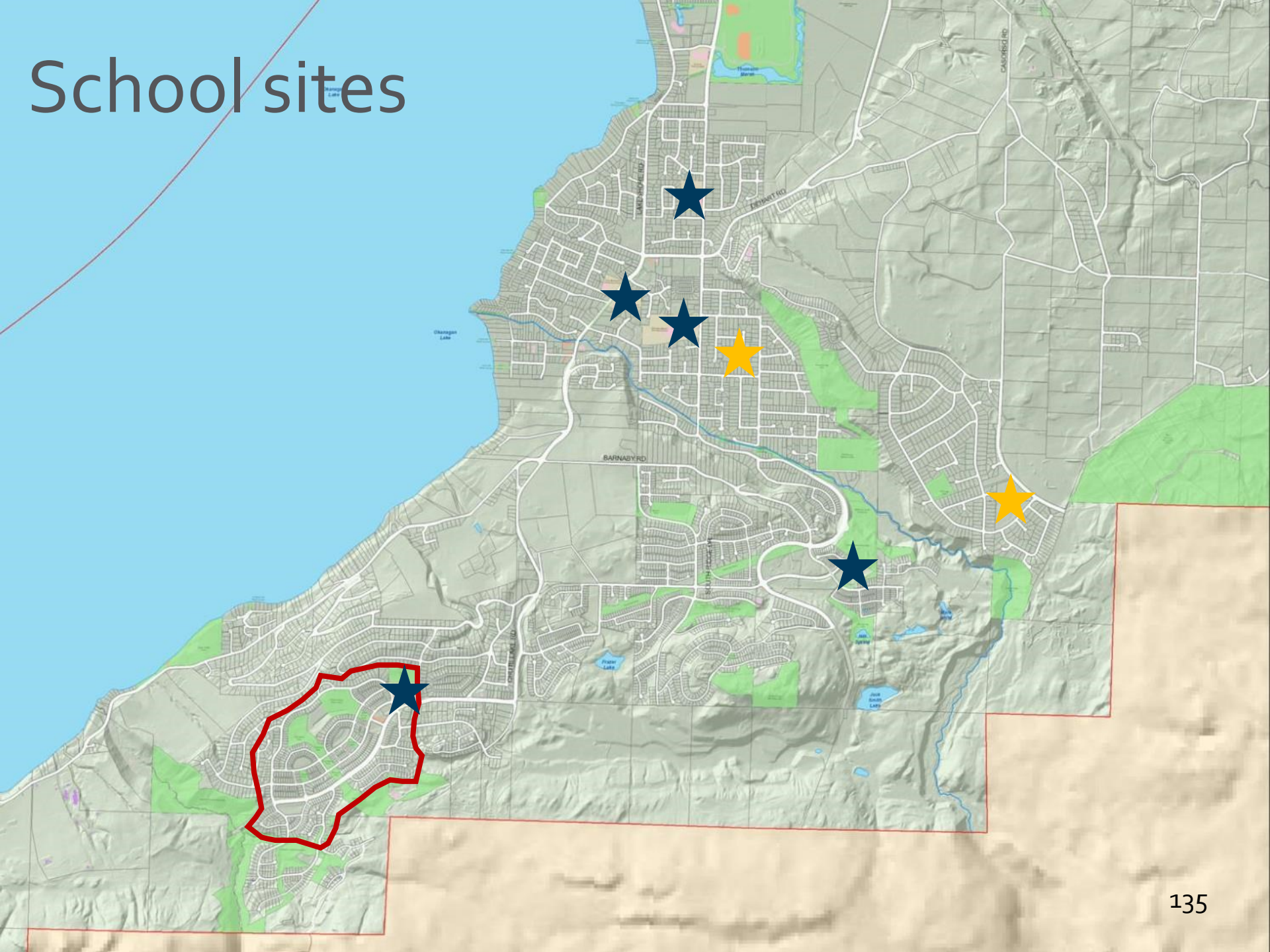
Site Photo



Background

- ▶ Kettle Valley CD Maximum Density
 - ▶ 1028 total units permitted
 - ▶ Approximately 800 constructed
- ▶ Soccer Field
 - ▶ 1998 a partnership between the developer and the City brought about the public soccer field.
- ▶ School District
 - ▶ 2015 an agreement was made with Kettle Valley Ltd to withdraw their option to purchase and relinquish all further rights in the property.
- ▶ 2016 Application
 - ▶ 82 Single Family and Multifamily units
 - ▶ 2.9 acres of parkland and full size soccer field

School sites

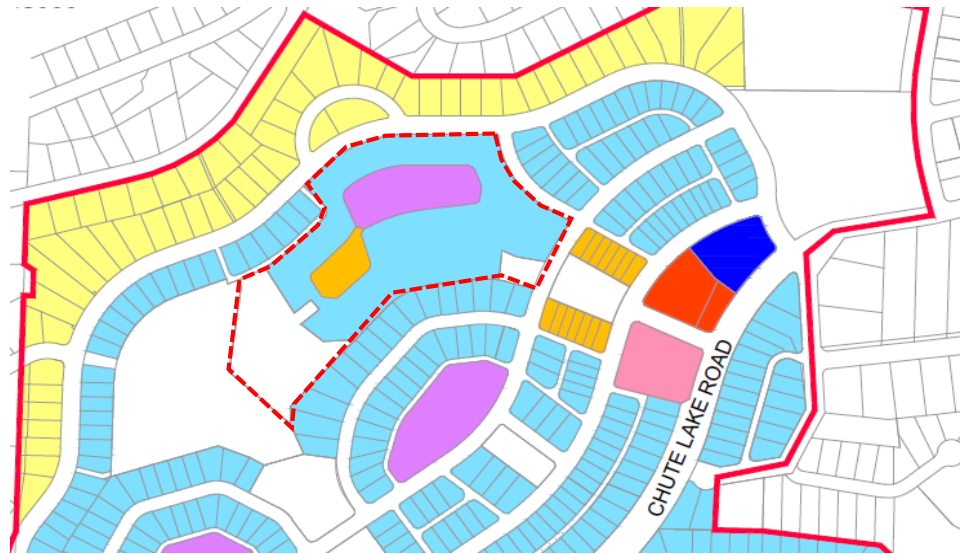


Project Details

- ▶ 67 Single Family Residential Lots
 - ▶ Range in size from 350 m² – 560 m²
 - ▶ 55 lots lane access with garage
 - ▶ 12 lots road fronting
- ▶ Park space totals approximately 3.5 acres in size which is about 25% of the total property
 - ▶ Includes a 65 m x 50 m Super 8 Soccer Field
 - ▶ The two park open space areas will be connected by a multi-use path greenway to provide connectivity
- ▶ No Variances proposed at this time.

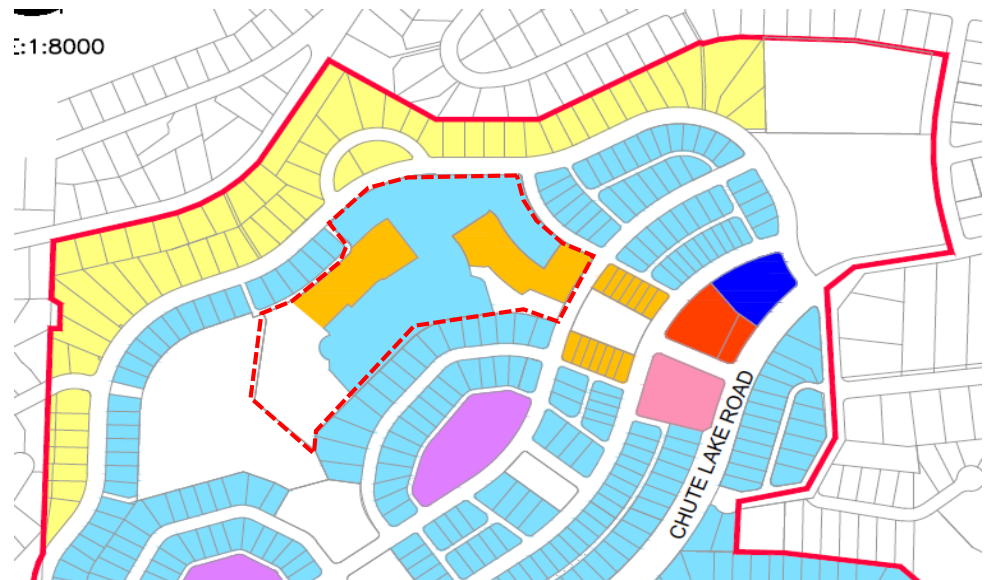
Existing CD2 Land Use

- TYPE III or IV - Village/Park Single Family
- TYPE V - Village Small Single Family/
Multi Family
- TYPE VI - Village Multi Family



Proposed CD2 Land Use

- TYPE III or IV - Village/Park Single Family
- TYPE V - Village Small Single Family/
Multi Family

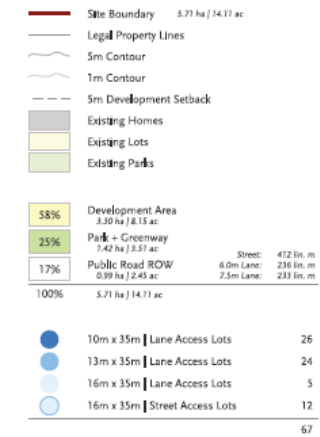


Overview & Conceptual Site Plan



Proposed Subdivision Layout

DEVELOPMENT YIELD PLAN



- 1 Super 8 Soccer Field adjacent to Quilchena Park
- 2 Looping Entrance Street with cul-de-sac extension
- 3 Predominant use of lane-fronted homes allows mix of lot sizes
- 4 Greenway extension to Main Street Park
- 5 5m Greenway through site to Quilchena Park to maintain pedestrian flow
- 6 Expanded Landscaped Boulevard Green with fronting homes
- 7 Single row of walkup street access homes retain slopes
- 8 Existing streets preserved with 5m Encroachment Buffer



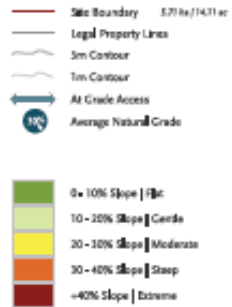
Road Network

STREET HIERARCHY PLAN



Slope Analysis

SLOPE ANALYSIS



Parks and Trail Connections

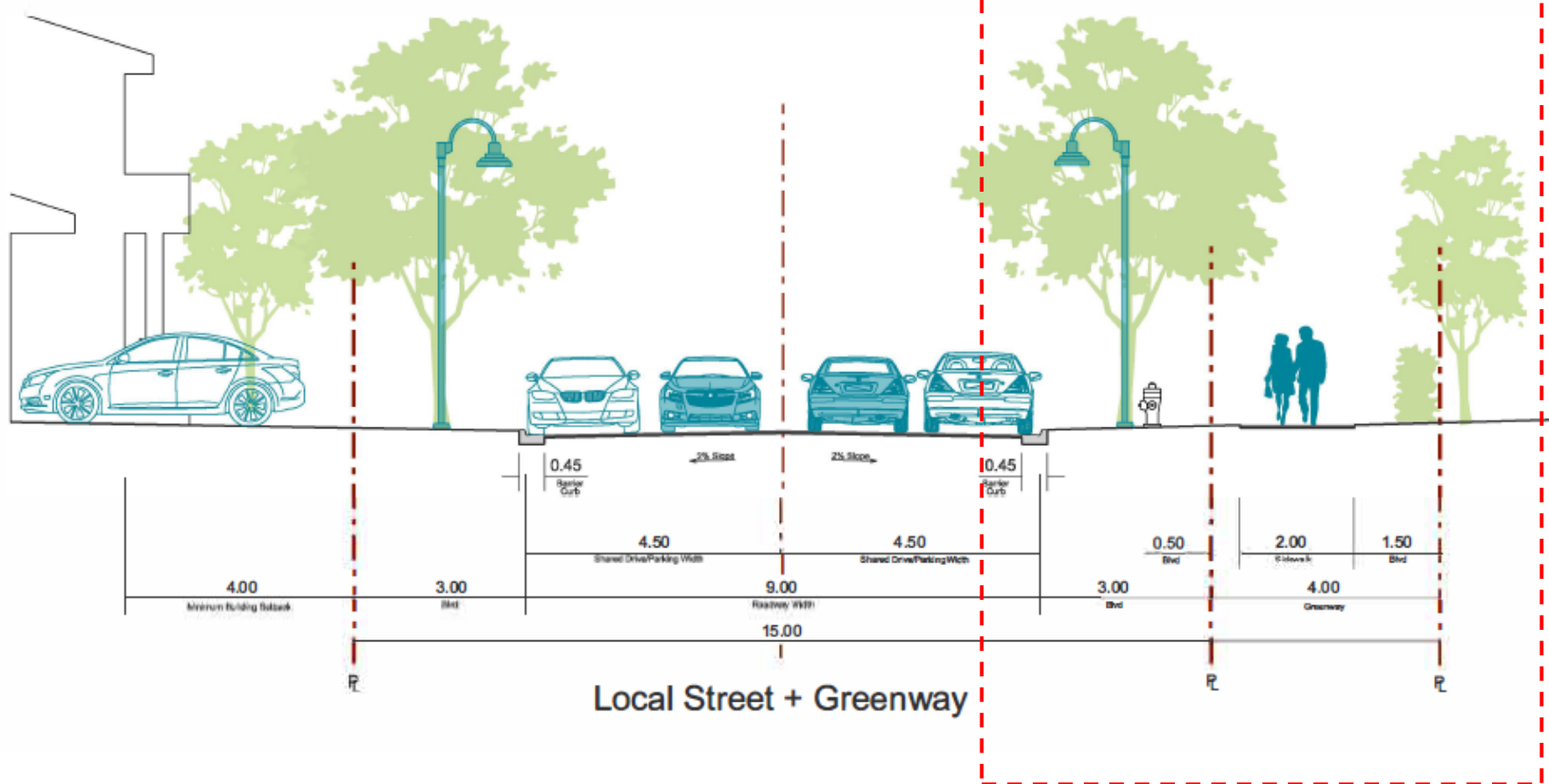
PARKS + TRAILS PLAN



Elevation Cross Sections

Kettle Valley | Kelowna BC Existing + Proposed Street Standards

October 2020

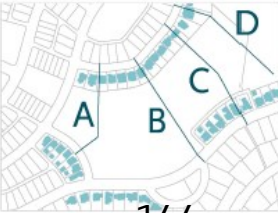
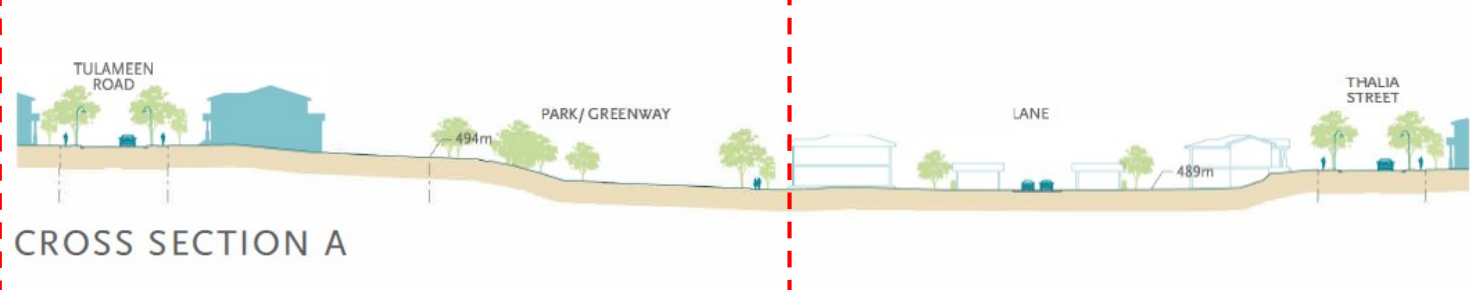
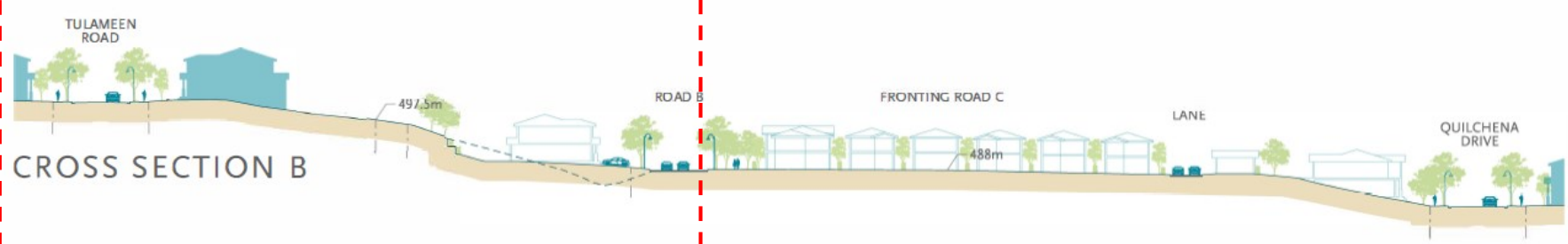
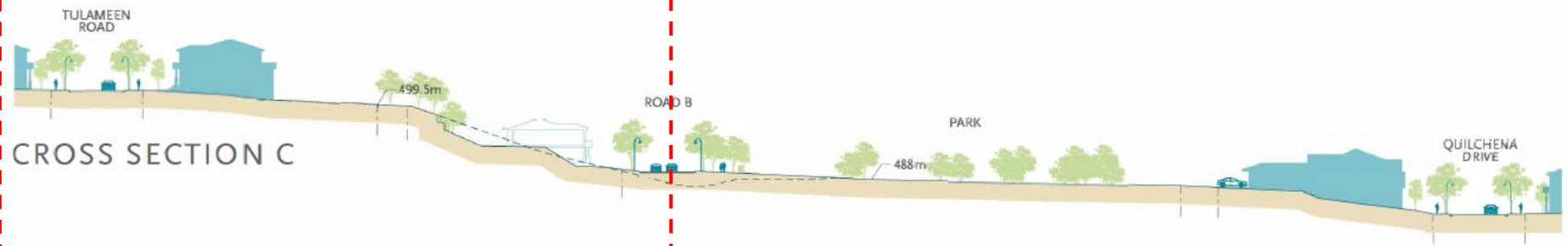
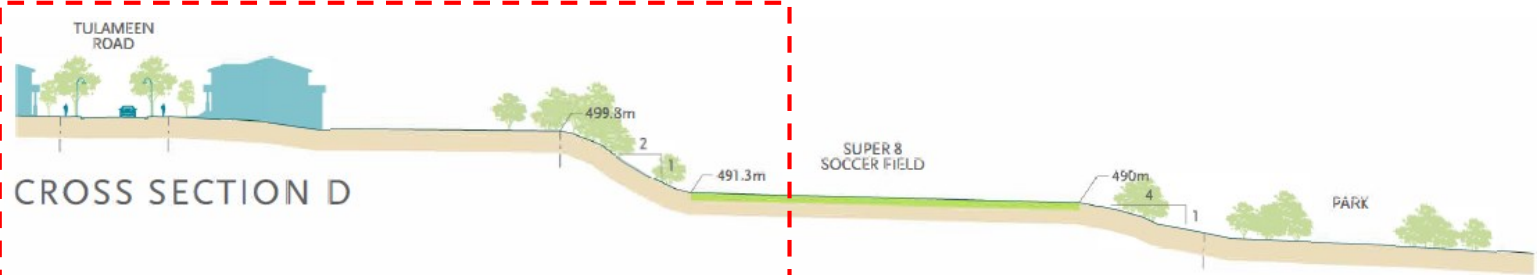


Elevation Cross Sections

KETTLE VALLEY
KELOWNA BC

SITE CROSS SECTIONS

LEGEND OCTOBER 2020



Objective 5.2 Develop Sustainably

- ▶ **Policy .3 Complete Suburbs.** Support a mix of uses within Kelowna's suburbs, in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City, at appropriate locations, including commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.
- ▶ **Policy .5 Integrated Land Use.** Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the Official Community Plan and Text Amendment application
 - ▶ Consistent with existing residential makeup of Kettle Valley
 - ▶ 3.5 acres of developed park land with Super 8 Soccer Field
 - ▶ Site layout using existing topography to maintain view corridors and is sensitively integrated
 - ▶ Within the maximum unit count for the Kettle Valley Comprehensive Development Zone



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12229

Official Community Plan Amendment No. OCP20-0017 410 Providence Avenue

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot 1 Section 23 Township 28 Similkameen Division Yale District Plan KAP85435 located on Providence Avenue, Kelowna, B.C., from the EDINST – Educational/Major Institutional designation to the S2RES – Single / Two Unit Residential and PARK – Major Park/Open Space (public) designations as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

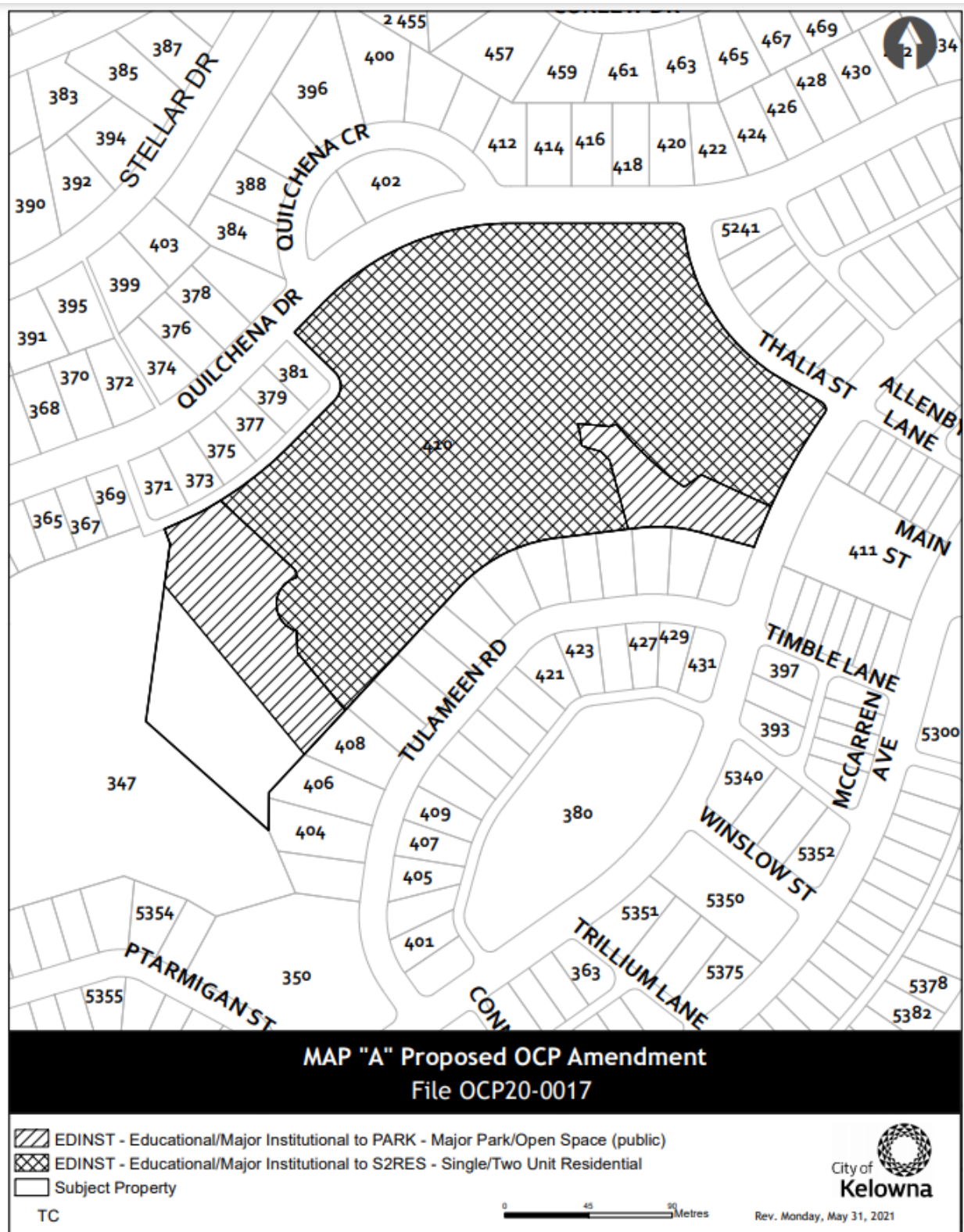
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

BYLAW NO. 12230

TA20-0019

Amendment to the CD2 – Kettle Valley Comprehensive Residential Development

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

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

1. THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD2 – Kettle Valley Comprehensive Residential Development** be amended by deleting the "Kettle Valley Regulating Plan" Overview Map as attached to and forming part of this bylaw as Map A and replacing it with a new "Kettle Valley Regulating Plan" Overview Map as attached to and forming part of this bylaw as Map B.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

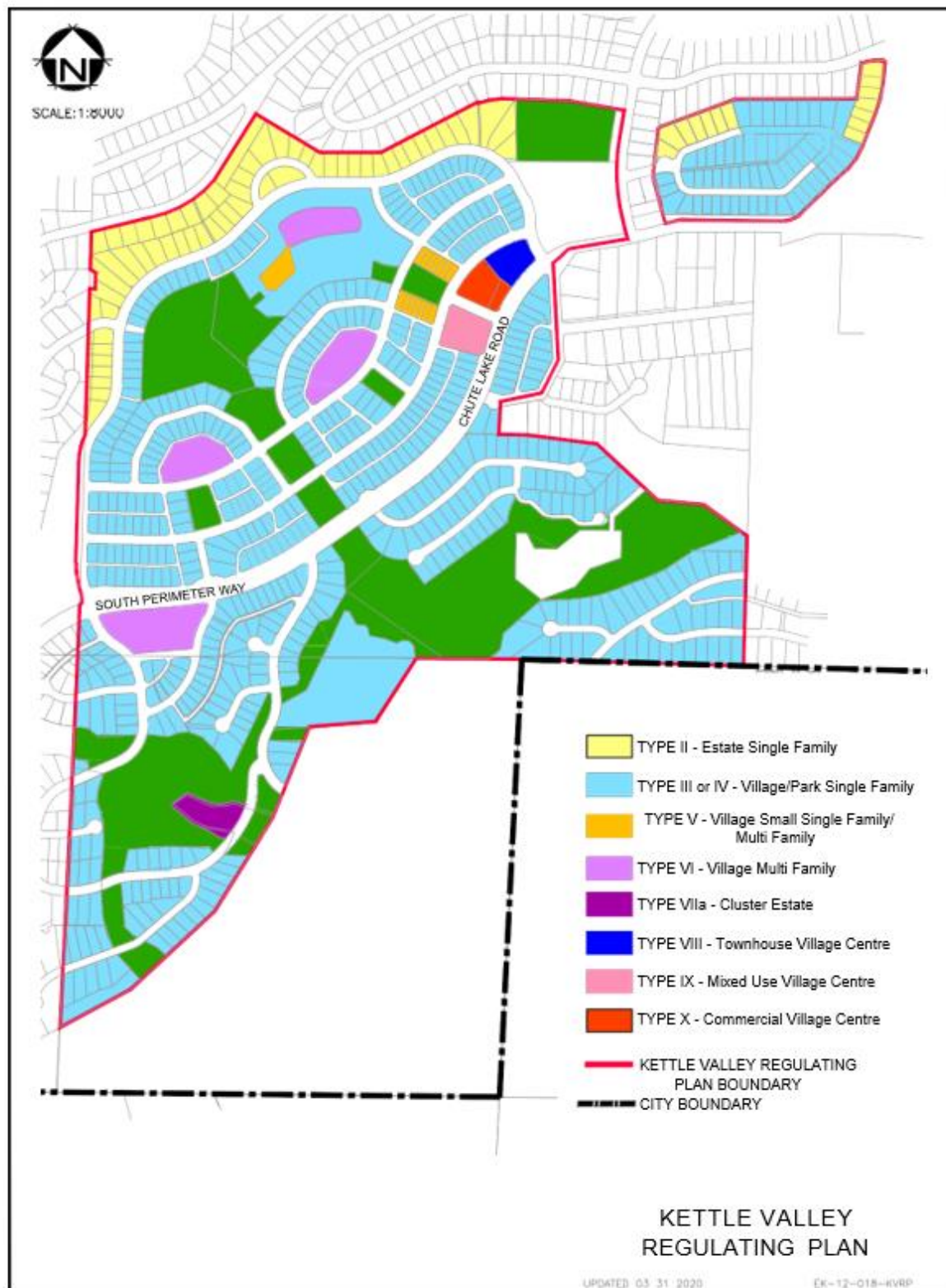
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

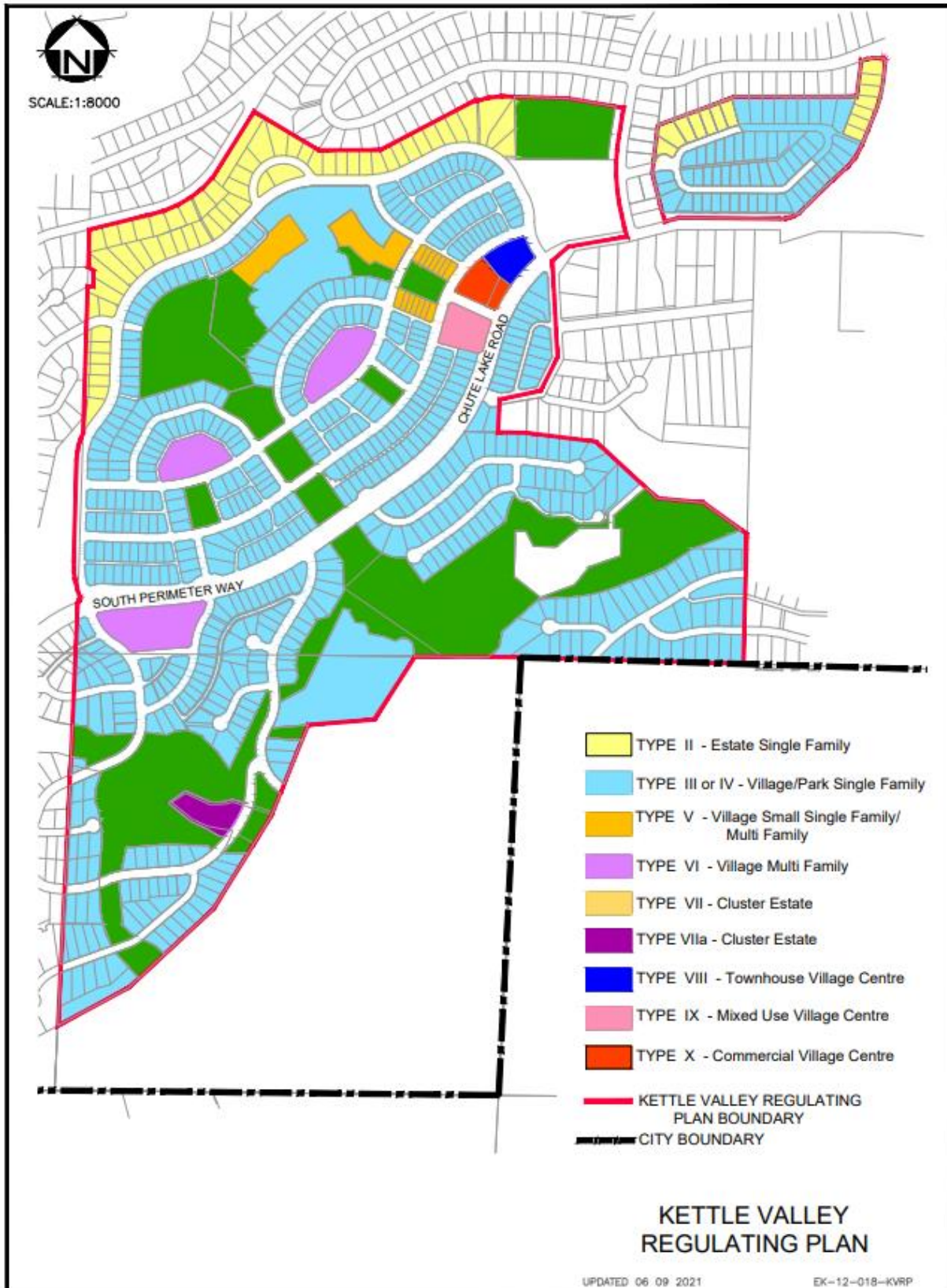
Mayor

City Clerk

MAP A



MAP B



REPORT TO COUNCIL



Date: June 28th, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT20-0012

Owner: Sun-Mar Investments Ltd.,
Inc.No. 154934

Address: 663-671 Finns Road

Applicant: The City of Kelowna

Subject: Land Use Contract Termination

Existing OCP Designation: COMM – Commercial

Existing Zone: C2rls – Neighbourhood Commercial (Retail Liquor Sales)

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0012 to terminate LUC76-1103 from Lot 1 Section 34 Township 26 ODYD Plan 42743, located at 663-671 Finns Road, Kelowna, BC, be considered by Council;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

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

2.0 Purpose

To proceed with the early termination of LUC76-1103 and to revert the parcel to the underlying C2rls – Neighbourhood Commercial (Retail Liquor Sales) zone.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC76-1103 from the subject property. The current LUC affects one property at 663-671 Finns Road and restrict the property to the former Zoning Bylaw no.4500's C-1a – Rural-Local Commercial, as well as automobile alignment shop, sheet metal shop and auto body shop. The Land Use Contract was completed in 1976 because the City of Kelowna annexed lands to the North and created the LUC to allow for the metal fabrication business to continue to operate.

The underlying zone of C2rls – Neighbourhood Commercial (Retail Liquor Sales) is appropriate because it matches the existing use of retail liquor sales and liquor primary business. The LUC allowed for several industrial uses that are no longer active, so a commercial zoning matches both the Future Land Use Designation and the existing uses.

4.0 Proposal

4.1 Background

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

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

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance.

Due to the file being Staff initiated, Staff suggest Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna's boulevard, rather than on the subject property.

4.3 Site Context

The subject property has a total area of roughly 4,100m² and is located on Finns Road, on the intersection with Findlay Road. The property is in the Rutland OCP Sector and has the Future Land Use Designation of COMM – Commercial and the surrounding area is a mix between Commercial, Industrial and Resource Protection.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	General Industrial Uses
East	A1 – Agriculture	Active Agriculture
South	A1 – Agriculture 1	Rural Residential
West	I2 – General Industrial	General Industrial Uses

Subject Property Map: 663-671 Finns Road



5.0 Current Development Policies

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

Council Policy No. 282. Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts.

6.0 Application Chronology

Date of Application Set Up: December 9th, 2020
 Date Public Consultation Completed: December 18th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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



LUCT20-0012

663-671 Finns Road

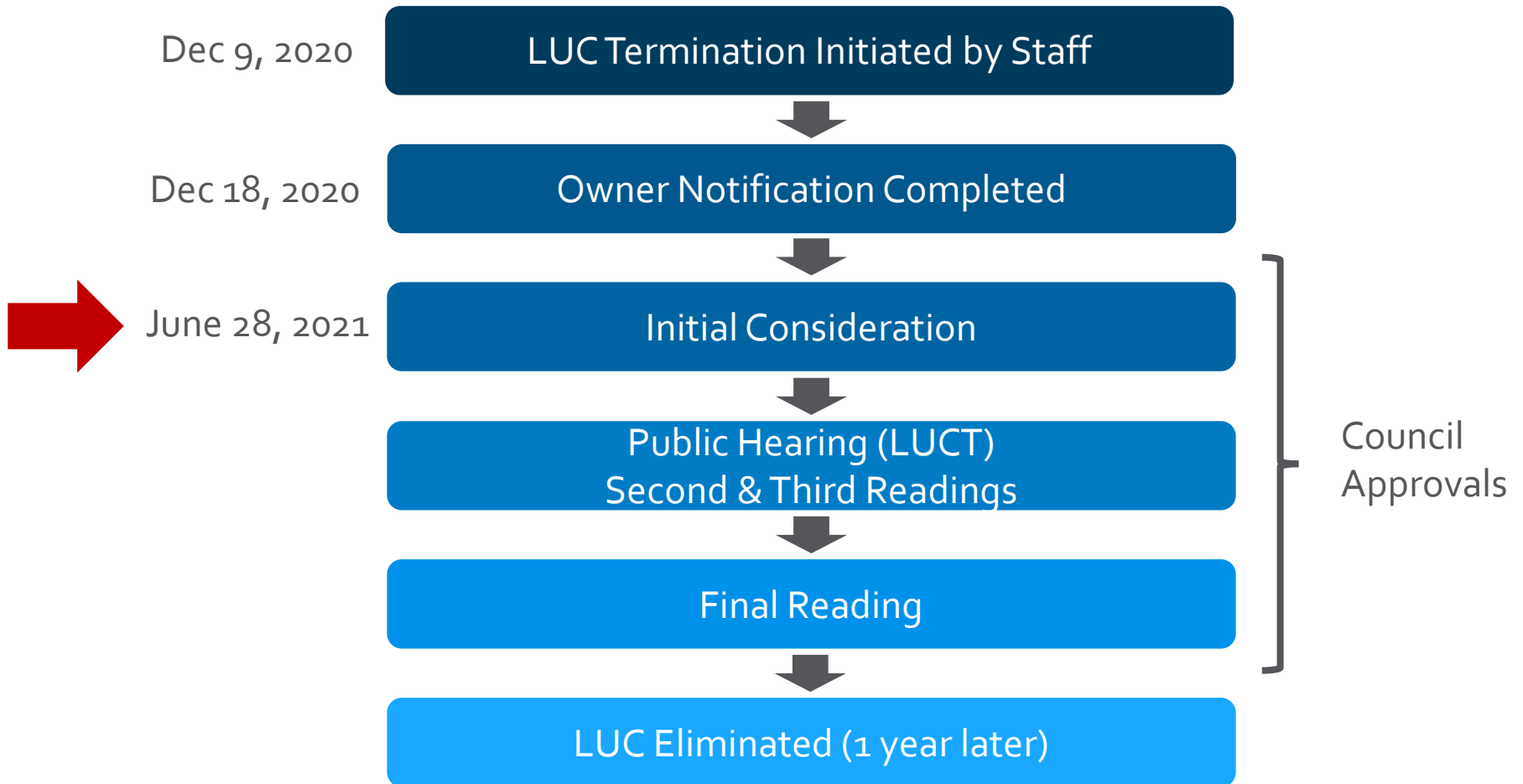
Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1103) from the subject property and revert the parcel to the underlying C2rls – Neighbourhood Commercial (Retail Liquor Sales) zone.

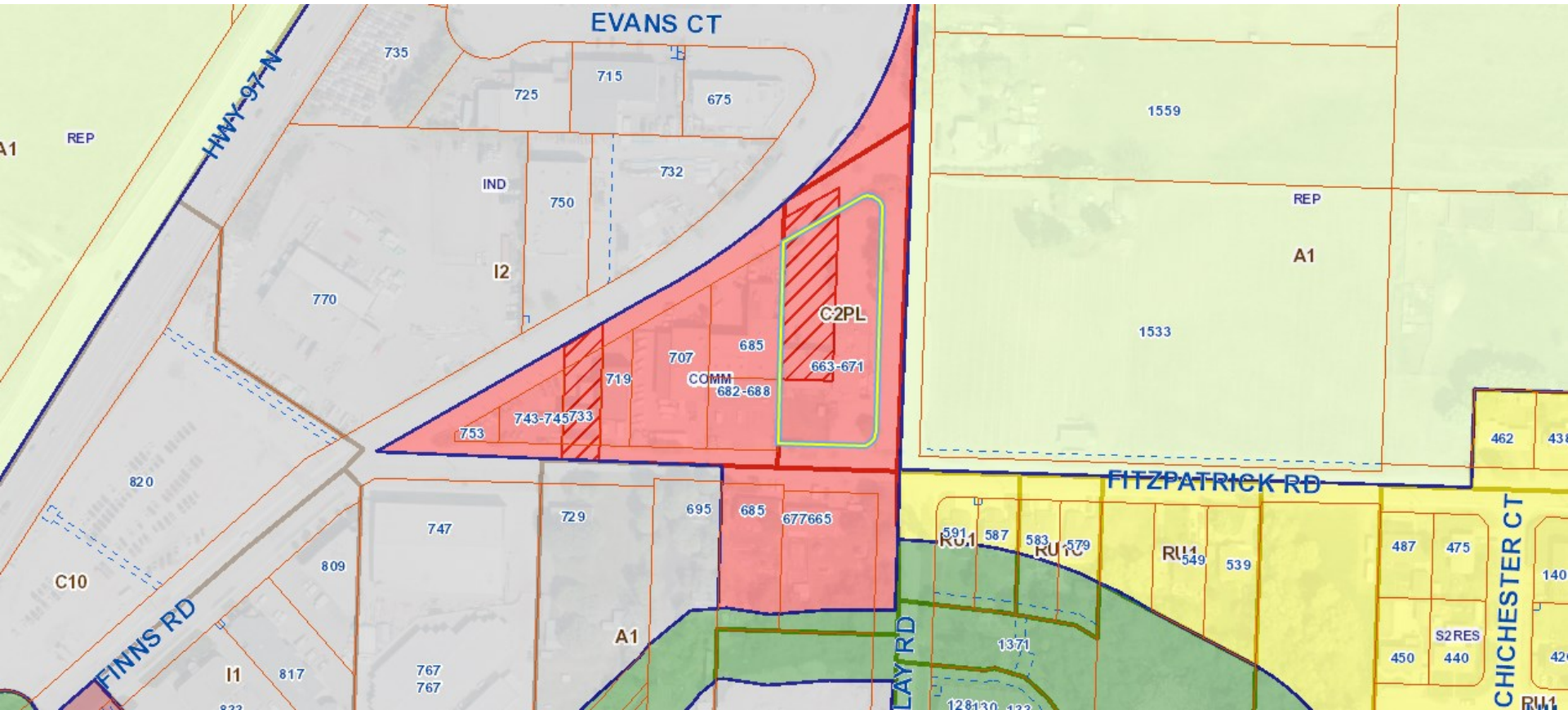
Development Process



Context Map



OCP Future Land Use



Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate zoning in place by 2022.

Project Details

- ▶ Staff initiated the termination of LUC76-1103.
- ▶ Staff are proposing to revert the parcel back to the C2rls – Neighbourhood Commercial zone (Retail Liquor Sales), as it matches the existing uses.
- ▶ If successful, the property will get the full use of current C2rls zone, one year after termination date.

Public Notification Policy #367

- ▶ Staff sent a letter to the property owner of the Proposed Land Use Contract Termination on December 18th, 2020.
 - ▶ A copy of the C2 zone was included in the letter.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The underlying zone is appropriate for the existing uses and it matches the Future Land Use Designation.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12234
LUCT20-0012

Early Termination of Land Use Contract – LUC76-1103
663-671 Finns Road

WHEREAS a land use contract (the "Land Use Contract LUC76-1103) is registered at the Kamloops Land Title Office under the charge number M32025 against lands in the City of Kelowna particularly known and described as Lot 1 Section 34 Township 26 ODYD Plan 42743 (the "Lands"), located on Finns Road, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Bylaw No. 12234 - Early Termination of Land Use Contract LUC76-1103";
2. "By-Law No. 4240-77" establishing Land Use Contract LUC76-1103 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 28th, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT20-0020

Owner: 684974 BC Ltd., Inc.No. 684973

Address: 733 Finns Road

Applicant: The City of Kelowna

Subject: Land Use Contract Termination

Existing OCP Designation: COMM – Commercial

Existing Zone: I2 – General Industrial

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0020 to terminate LUC76-1056 from Lot 2 Section 34 Township 26 ODYD Plan 3389, located at 733 Finns Road, Kelowna, BC, be considered by Council;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

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

2.0 Purpose

To proceed with the early termination of LUC76-1056 and to revert the parcel to the underlying I2 – General Industrial zone.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC76-1056 from the subject property. The current LUC affects one property at 733 Finns Road and restricts the property to the former Zoning Bylaw no. 4500's C1a – Rural Local Commercial zone in addition to a metal fabrication business. The Land Use Contract was completed in 1976 because the City of Kelowna annexed lands to the North and carried out a mass rezoning. The City didn't want to impose economic hardship on the development and created the LUC to allow for the metal fabrication business to continue to operate.

Staff believe the underlying zone of I2 – General Industrial zone is appropriate it allows for the existing uses of storage facility and general industrial uses and also matches the surrounding area.

4.0 Proposal

4.1 Background

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

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

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance.

Due to the file being Staff initiated, Staff suggest Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna's boulevard, rather than on the subject property.

4.3 Site Context

The subject property has a total area of 607m² and is located on Finns Road, near the intersection with Fitzpatrick Road. The property is in the Rutland OCP Sector and has the Future Land Use Designation of COMM – Commercial and the surrounding area is also designated for commercial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Storage and warehousing
East	I2 – General Industrial	Storage and warehousing
South	I2 – General Industrial	Future general industrial uses
West	I2 – General Industrial	Automobile sales

Subject Property Map: 733 Finns Road



5.0 Current Development Policies

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

Council Policy No. 282. Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts.

6.0 Application Chronology

Date of Application Set Up: December 11th, 2020
Date Public Consultation Completed: December 18th, 2020

Report prepared by: Tyler Caswell, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services



LUCT20-0020

733 Finns Road

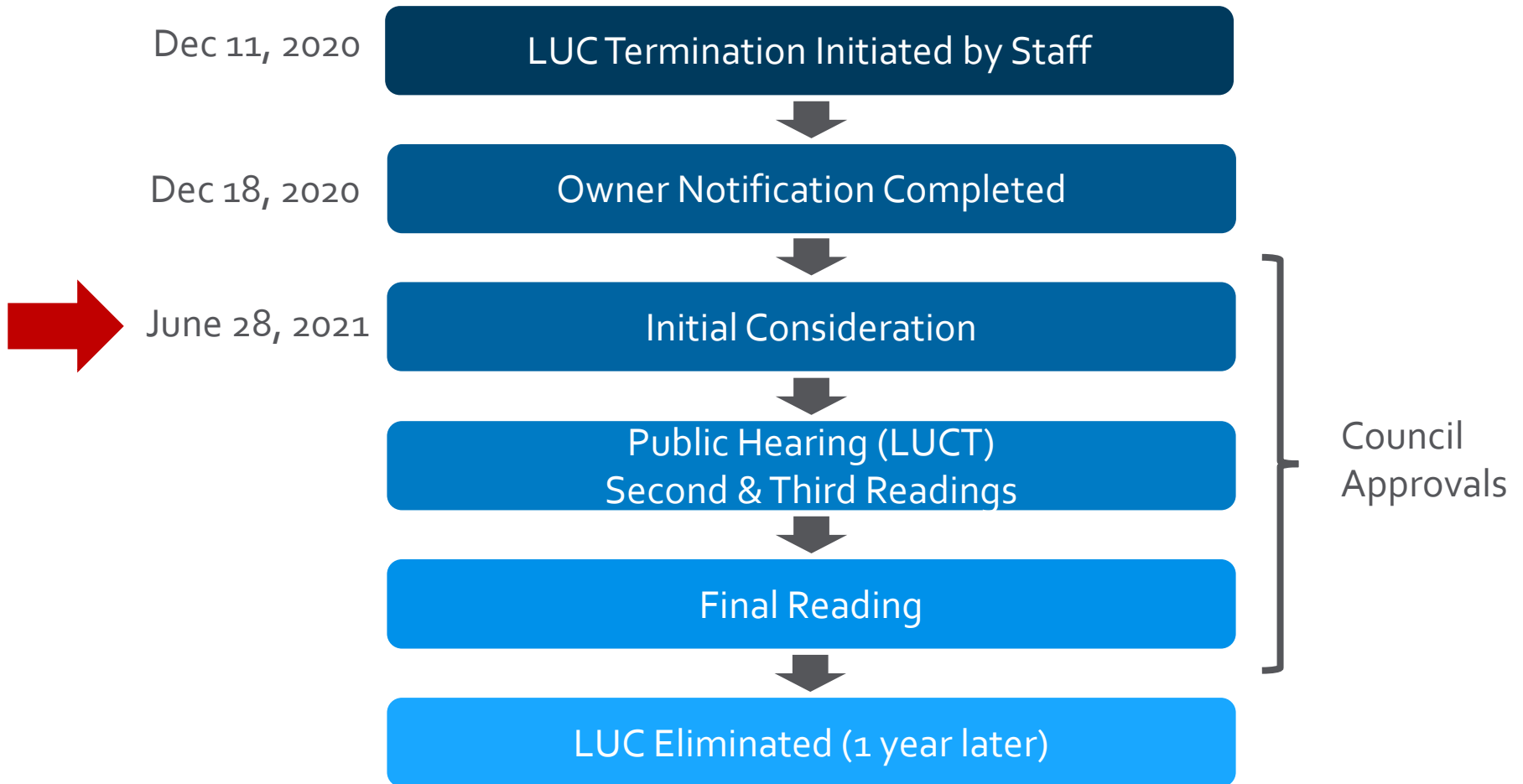
Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1056) from the subject property and revert the parcel to the underlying I2 – General Industrial zone.

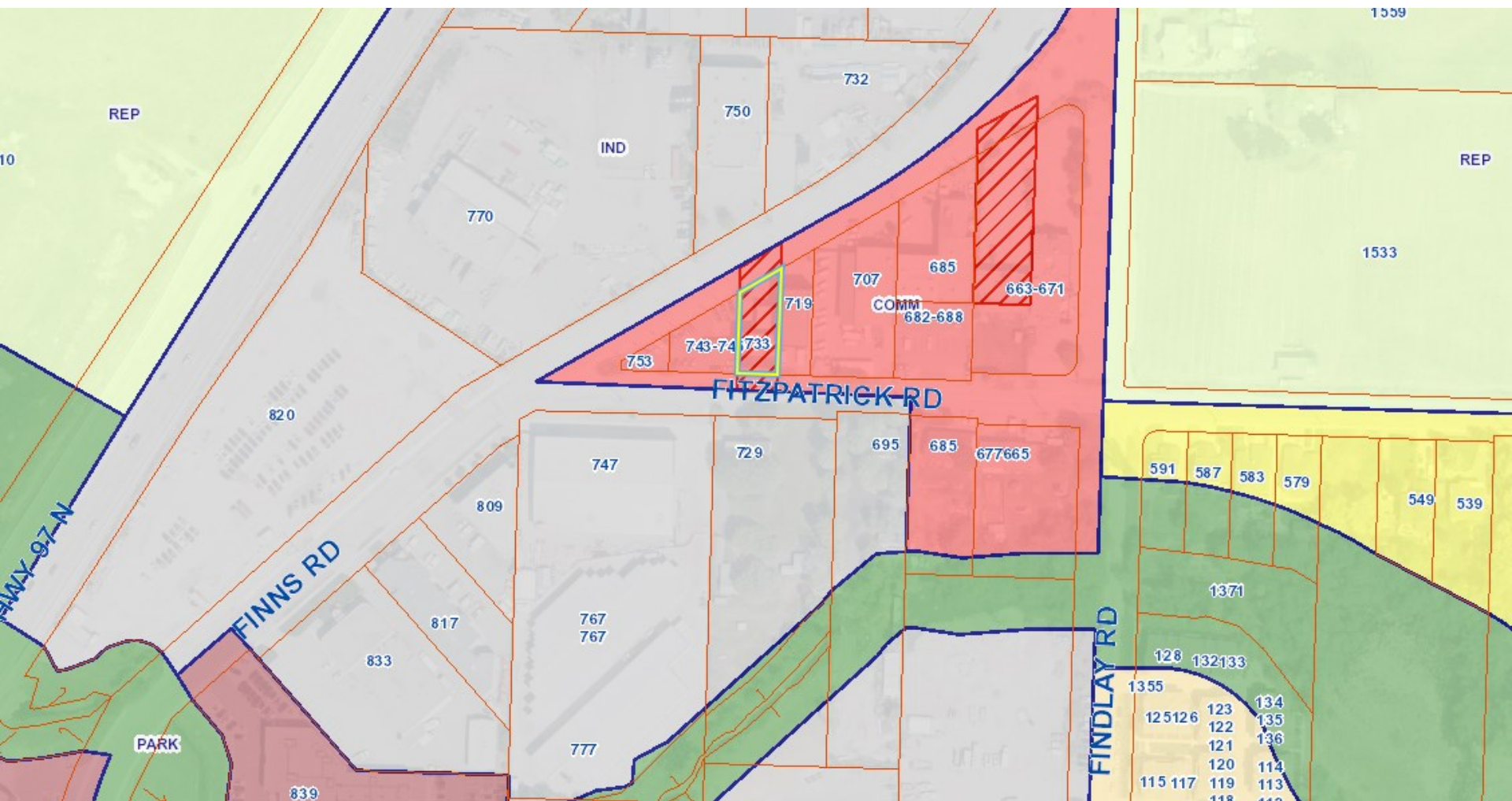
Development Process



Context Map



OCP Future Land Use



Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate zoning in place by 2022.

Project Details

- ▶ Staff initiated the termination of LUC76-1056.
- ▶ Staff are proposing to revert the parcel back to the I2 – General Industrial zone, as it matches the existing uses.
- ▶ If successful, the property will get the full use of current I2 zone, one year after termination date.

Public Notification Policy #367

- ▶ Staff sent a letter to the property owner of the Proposed Land Use Contract Termination on December 18th, 2020.
 - ▶ A copy of the I2 zone was included in the letter.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The underlying zone is appropriate for the existing uses and it matches the surrounding neighbourhood.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12235
LUCT20-0020

Early Termination of Land Use Contract – LUC76-1056
733 Finns Road

WHEREAS a land use contract (the "Land Use Contract LUC76-1103) is registered at the Kamloops Land Title Office under the charge number M68951 against lands in the City of Kelowna particularly known and described as Lot 2 Section 34 Township 26 ODYD Plan 3389 (the "Lands"), located on Finns Road, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Bylaw No. 12235 - Early Termination of Land Use Contract LUC76-1056";
2. "By-Law No. 4403-77" establishing Land Use Contract LUC76-1056 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application:	LUCT20-0017	Owner:	Williams Transfer Ltd., Inc.No. BC0928388 & R 366 Enterprises Ltd., 563501
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Address:	1505 Hardy Street and 2046 Enterprise Way	Applicant:	The City of Kelowna
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Subject: Land Use Contract Termination

Existing OCP Designation: IND - Industrial

Existing Zone: I2 – General Industrial

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0017 to terminate LUC76-1108 from Lot 1 District Lots 127 and 140 ODYD Plan 40360 and Lot 2 District Lots 127 and 140 ODYD Plan 40360, located at 1505 Hardy Street and 2046 Enterprise Way, Kelowna, BC, be considered by Council;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's Boulevard;

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

2.0 Purpose

To proceed with the early termination of LUC76-1108 and to revert the parcels to the underlying I2 – General Industrial zone.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC76-1108 from the subject properties. The current LUC affects two properties at 1505 Hardy Street and 2046 Enterprise Way and restricts the properties to the former Zoning Bylaw 4500's I2 – Industrial zone in addition to a freight terminal, warehouse and automotive servicing garage. Staff believe the underlying

zone of I2 – General Industrial is appropriate, as it allows for the majority of the existing uses and businesses, as well as the Future Land Use Designation of IND – Industrial.

4.0 Proposal

4.1 Background

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

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

4.2 Project Description

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance. Due to the file being Staff initiated, Staff suggest the Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna's boulevard, rather than on the subject property.

4.3 Site Context

The subject properties are located on the corner of Enterprise Way and Hardy Street in the Central City OCP Sector. The Future Land Use of the property is IND - Industrial and the surrounding area is PSU – Public Services/Utilities and MXR – Mixed Use (Commercial/Residential) and COMM – Commercial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Rail Trail
East	I2 – General Industrial	Warehousing & Storage
South	C4 – Urban Centre Commercial	Office
West	P4 – Utilities & C4 – Urban Centre Commercial	Office

Subject Property Map: 1505 Hardy St & 2046 Enterprise Way



5.0 Current Development Policies

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

Council Policy No. 282. Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts.

5.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Industrial (IND): Light and heavy industrial uses as well as Industrial/Business activities and airport related industrial uses. Industrial/business service refers to uses that provide services and support to industrial and business customers. This designation may also include CD Comprehensive Development zoning that provides for industrial uses.

6.0 Application Chronology

Date of Application Received: December 10th, 2020
Date Public Consultation Completed: December 18th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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



LUCT20-0017

1505 Hardy Street & 2046 Enterprise Way

Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1108) from the subject properties and revert the parcels to the underlying I2 – General Industrial zone.

Development Process

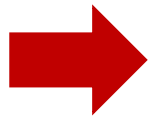
Dec 10, 2020

LUC Termination Initiated by Staff



Dec 18, 2020

Owner Notification Completed



June 28, 2021

Initial Consideration



Public Hearing (LUCT)
Second & Third Readings



Final Reading



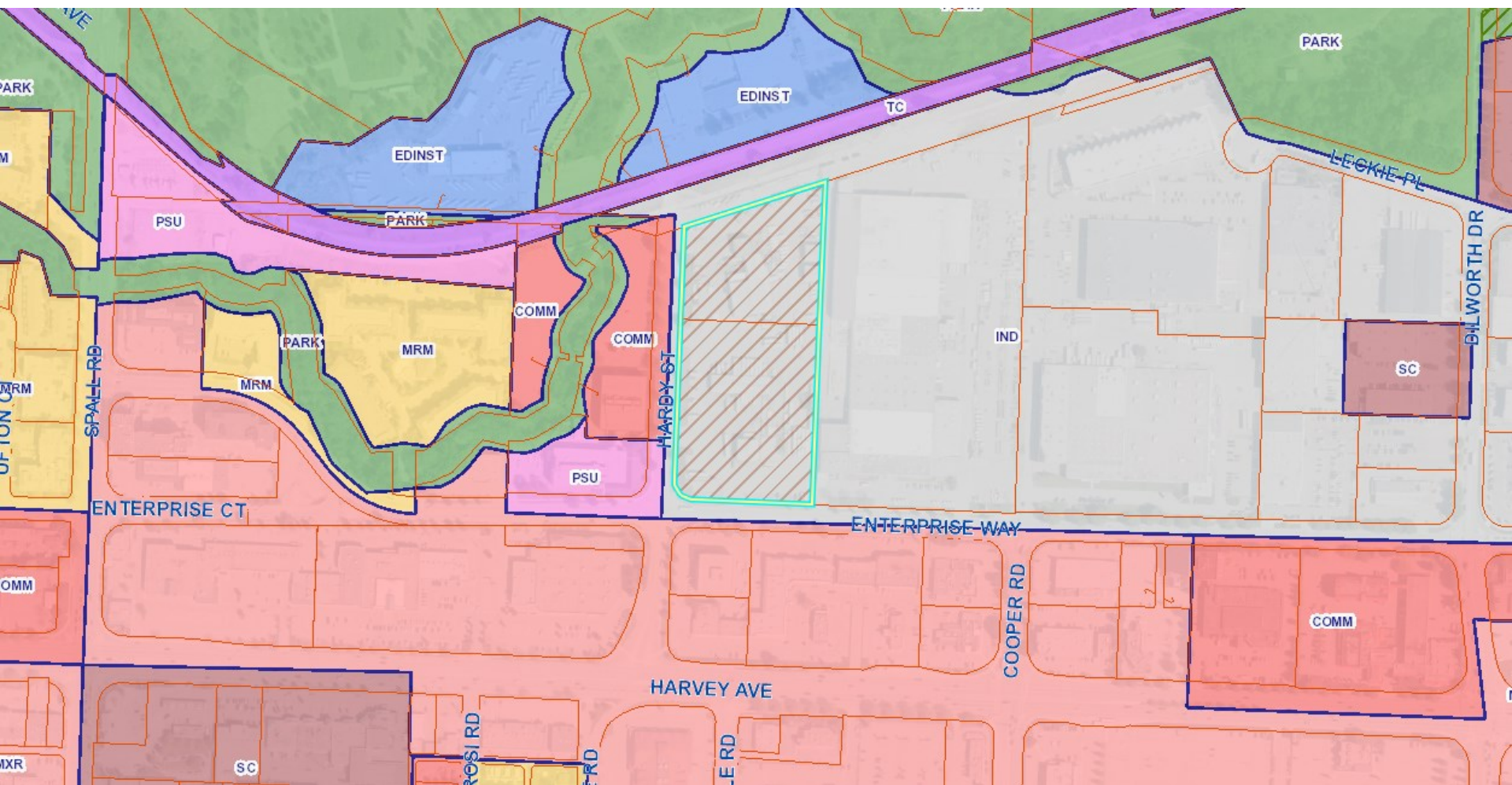
LUC Eliminated (1 year later)

Council
Approvals

Context Map



OCP Future Land Use



Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate zoning in place by 2022.

Project Details

- ▶ Staff initiated the termination of LUC76-1108.
- ▶ Staff are proposing to revert the parcels back to the I2 – General Industrial zone, as it matches the existing uses and Future Land Use Designation.
- ▶ If successful, the property will get the full use of current I2 zone, one year after termination date.

Public Notification Policy #367

- ▶ Staff sent a letter to the property owners of the Proposed Land Use Contract Termination on December 18th, 2020.
 - ▶ A copy of the I2 zone was included in the letter.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The underlying zone is appropriate for the existing uses and it meets the intent of the Future Land Use Designation.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12237
LUCT20-0017

Early Termination of Land Use Contract – LUC76-1108
2046 enterprise Way and 1505 Hard Street

WHEREAS a land use contract (the "Land Use Contract LUC76-1108) is registered at the Kamloops Land Title Office under the charge number M14258 against lands in the City of Kelowna particularly known and described as Lot 2 District Lots 127 and 140 ODYD Plan 40360 and Lot 1 District Lots 127 and 140 ODYD Plan 40360 (the "Lands"), located on Enterprise Way and Hardy Street, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Bylaw No. 12237 - Early Termination of Land Use Contract LUC76-1108";
2. "Canadian Pacific Limited Land Use Contract Authorizing By-Law, No. 4209-77" establishing Land Use Contract LUC76-1108 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0058

Owner: 463679 B.C. LTD., Inc. No.
BC0978460

Address: 3130 Sexsmith Road

Applicant: Protech Consulting

Subject: Rezoning Application

Existing OCP Designation: Industrial – Limited (IND -L)

Existing Zone: A1 – Agriculture 1

Proposed Zone: I6 – Low-Impact Transitional Industrial

1.0 Recommendation

THAT Rezoning Application No. Z21-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 28 Section 3 Township 23 ODYD Plan 18861 Except Plan EPP85268, located at 3130 Sexsmith Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone, be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 28, 2021.

2.0 Purpose

To consider a rezoning application to rezone the property from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone, and to waive the Public Hearing.

3.0 Development Planning

Staff support the rezoning application from the A1 – Agricultural zone to the I6 – Low Impact Transitional Industrial zone. The Official Community Plan (OCP) designates the property as Industrial Limited (IND-L)

which was created for the I6 zone. The Industrial – Limited Future Land Use (IND-L) designation was established in 2011 after public consultation associated with the 2030 OCP review. The IND-L designation and the I6 zone allow for a range of low-impact industrial land uses that are intended to act as a transition between the general industrial areas to the south and east and the rural residential areas to the north and west. The permitted uses, development regulations, screening requirements, parking restrictions, outdoor storage restrictions, and other regulations in the I6 zone are designed to mitigate impact of the industrial uses on nearby residential, rural and agricultural properties in this area.

4.0 Proposal

4.1 Background

An application to rezone the property was originally submitted on May 1, 2018. Initial Consideration of the Rezoning Bylaw was on May 13, 2019 and Public Hearing, 2nd & 3rd readings followed two weeks later, on June 4, 2019.

After the Public Hearing, the subject property was sold to a new owner. During this time, the new owner has met the Development Engineering servicing requirements. This included entering into a service agreement and providing \$222,170.00 security for the upgrades and construction of both Sexsmith and Palomino Roads and the sewer connection for the area. A Technical Subdivision application has been completed for the 5.0 m road dedication along the parcel frontage of Sexsmith Road.

While working to meet these requirements, the new owner inadvertently allowed the Rezoning Bylaw to lapse, as an application requesting a one-year extension of the Rezoning Bylaw was not submitted. Due to this oversight, the previous 2nd and 3rd readings of Bylaw No. 11832 were rescinded and a new application was required.

There are no changes to the application and the new owner wishes to complete the Rezoning of the site in order to bring the existing use into conformity. The owner would like to continue to utilize the site for outdoor storage, which is a principal use allowed within the I6 – Low-Impact Transitional Industrial zone.

4.2 Project Description

The existing tenant will be relocating to a new property. Once this occurs, the current landowner will proceed with the redevelopment of the site. In anticipation of this, a direct development permit has been submitted for staff review and consideration. As the proposal meets the Zoning Bylaw regulations and no variances will be required, the proposal will not come before Council for consideration.

The development regulations, screening requirements, parking and outdoor storage restrictions in the I6 zone are designed to reduce impacts to the nearby residential, rural and agricultural uses in the area.

The parcel owner along with their consultants have been working with Planning Staff to achieve a development plan that balances the provision of sufficient perimeter landscape buffering while maximizing the useable site area for the Outdoor Storage use.

4.3 Site Context

The subject property is located within the Arab/Appaloosa area. The site is designated as Industrial – Limited (IND -L) in the OCP and the parcel is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 -Agriculture	Agricultural/ Industrial/ Residential
East	I6 – Low Impact Transitional Industrial	Industrial
South	I2 – General Industrial	Industrial
West	A1 – Agriculture & I6 – Low Impact Transitional Industrial	Agricultural/ Industrial/ Residential

Subject Property Map: 3130 Sexsmith Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 Development Process Chapter

Objective 5.28 Focus industrial development to areas suitable for industrial use.

Policy 1 – Rezoning to Industrial. Consider allowing land not currently designated as industrial to be supported for an Official Community Plan amendment and subsequent rezoning to allow industrial uses provided that such a rezoning would be consistent with other Official Community Plan policies, provided that available municipal infrastructure can support the use, and provided that the industrial use would be compatible with existing and proposed future surrounding uses. Compatibility issues to consider include, but are not limited to, visual impact, noise, odour, hours of operation, pollution and traffic.

Objective 5.29 Ensure efficient use of industrial land supply

Policy 2 - Secondary Housing in Light Industrial Areas. Consider the limited expansion of housing as a secondary use within industrial buildings in light or transitional industrial areas.

6.o Application Chronology

Date of Application Received:	May 1, 2018
Date of Public Consultation:	April 27, 2018
Date of Initial Consideration by Council:	May 13, 2019
Date of Public Hearing, 2 nd & 3 rd Readings:	June 4, 2019
Date of Rescindment of Bylaw 11832:	June 21, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning & Development Policy Manager


Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo dated May 2nd 2018

Attachment A: Landscape Plan

CITY OF KELOWNA
MEMORANDUM

SCHEDULE	A
This forms part of application # Z21-0058	
Planner Initials	LK
 City of Kelowna DEVELOPMENT PLANNING	

Date: May 2, 2018
File No.: Z18-0049
To: Planning & Development Services Department (TH)
From: Development Engineer Manager (JK)
Subject: 3130 Sexsmith Rd., Lots 30, Plan 18861 A1 – I6

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

1. General

- a) Access to the subject lots must ultimately be achieved off of Palomino Road as Sexsmith Road is designated as a 4 lane arterial and access will be restricted. Until such time that Palomino Road is built, the subject property is granted access onto Sexsmith Road under the condition.

2. Geotechnical Study

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

3. Sanitary Sewer System

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

determined by the following formula: the first 0.36 acres of developed land or portion thereof equals 1 SFE. Thereafter 2.8 SFE's per acre of developed land.

The assessed value is 5.144 Acres is **\$68,415.20**

4. Water Servicing Requirements

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

5. Storm Drainage

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

6. Road Improvements

- a.) The frontage of Sexsmith Road will be upgraded to a full 4 lane arterial urban standard (SS-R9) in accordance with Bylaw 7900, complete with curb and gutter, storm works, sidewalk, fillet paving, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. This construction will be deferred until Sexsmith Road is upgraded to a 4 lane standard and a cash in lieu of construction payment of **\$73,209.38** is required for the combined frontage of the subject property.
- b.) Palomino Road at the rear of the property will be constructed to a full urban Standard (SS-R5) in accordance with Bylaw 7900, complete with curb, gutter, sidewalk, fillet paving, storm drainage works which extends and connects to the municipal system, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. The developer is responsible for contributing for their half of Palomino road for the combined frontage of the subject property. The cash in lieu of construction for these works is **\$80,546.25**

7. Road Dedication and Subdivision Requirements

- (a) The developer is required dedicate 5m of roadway fronting Sexsmith Road to achieve the 4 lane arterial urban standard width in accordance with Bylaw 7900
- (b) Grant Statutory Rights Of Way if required for utility services.
- (c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

8. Power and Telecommunication Services

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

9. **Design and Construction**

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

10. **Servicing Agreements for Works and Services**

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

11. **DCC Credits**

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

12. **Bonding and Levies Summary**

Levies

Sexsmith Road upgrades	\$73,209.38
Palomino Road construction	\$80,546.25
Connection. Area #35	\$68,415.20
Total levies	<u>\$222,170.83</u>

Z18-0049

May 2, 2018

Page 4 of 4

James Kay, P. Eng.
Development Engineering Manager
RO

ATTACHMENT A

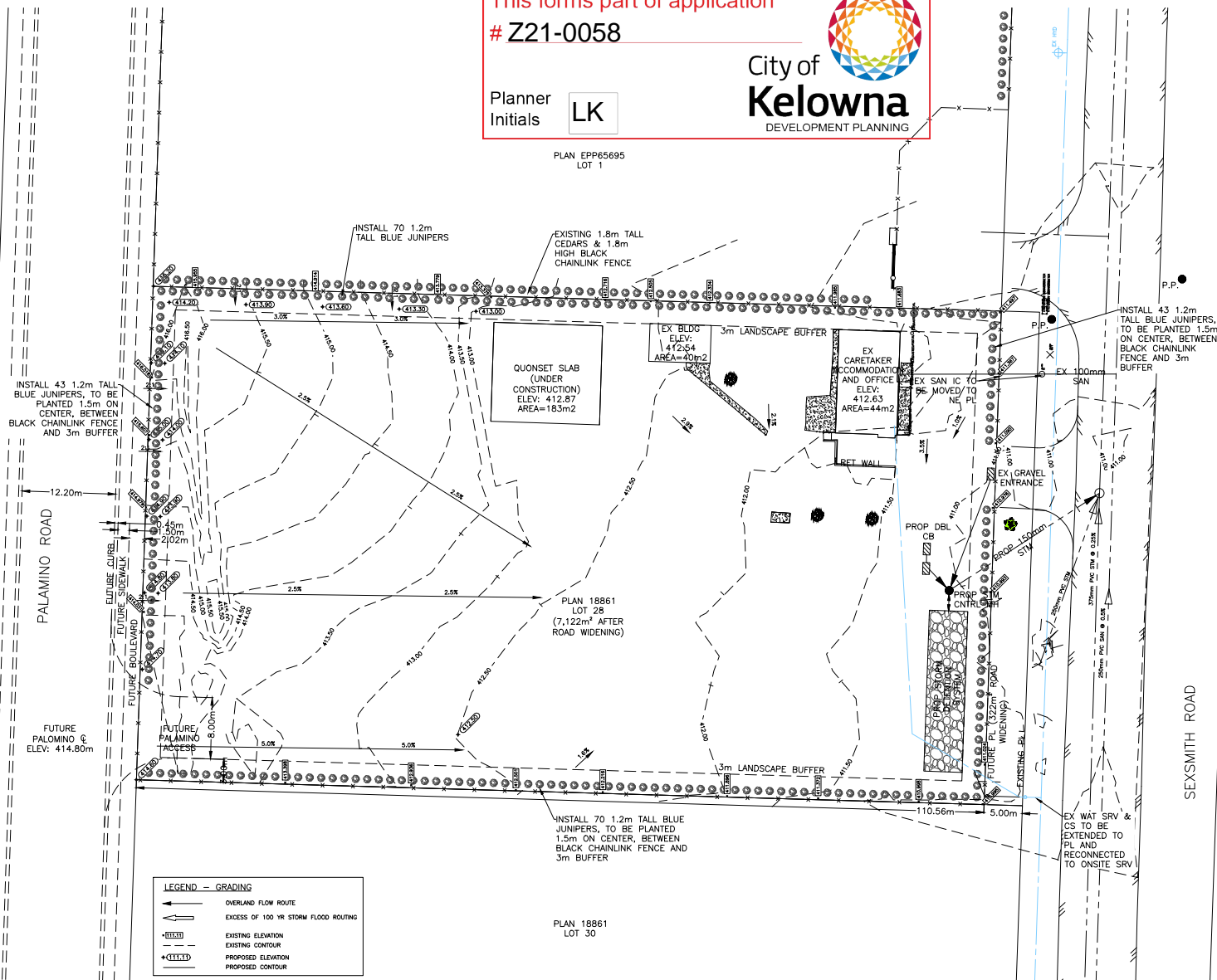
This forms part of application

Z21-0058

Planner
Initials LK



PLAN EPP65695
LOT 1



LEGEND - GRADING

- OVERLAND FLOW ROUTE
- EXCESS OF 100 YR STORM FLOOD ROUTING
- EXISTING ELEVATION
- EXISTING CONTOUR
- PROPOSED ELEVATION
- PROPOSED CONTOUR

LEGEND

- WATER
- SAN. SEWER
- STORM SEWER
- GAS
- U/G UTILITY (ALIGNMENT)
- EX. MANHOLE
- PROP. MANHOLE
- POWER POLE
- LAMP STANDARD
- CATCH BASIN
- HYDRANT
- SURVEY MONUMENT
- WATER CURB STOP
- SANITARY INSPECTION CHAMBER
- TRANSFORMER - POWER
- SERVICE BOX

PROTECH CONSULTING 2012

200 - 1461 St. Paul Street Kelowna B.C. Phone 860-1771 FAX 860-1994

NO.	DATE	BY	REVISION
1	2021.04.15	BOK	ADDED LANDSCAPE BUFFER
2	2018.04.16	BZ	ISSUED FOR DEVELOPMENT PERMIT

BASE 18015 APPROVED DATE APRIL 2018 SCALE 1:250 SCALE NOT ACCURATE OVER LONG DISTANCES	THE CITY OF KELOWNA ENGINEERING DEPARTMENT 3130 SEXSMITH ROAD PRELIMINARY COMPOSITE UTILITY, GRADING & LANDSCAPE PLAN	DIVISION DRAWING NO. 18015-00 REV NO. 1
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Z21-0058

3130 Sexsmith Road

Rezoning Application

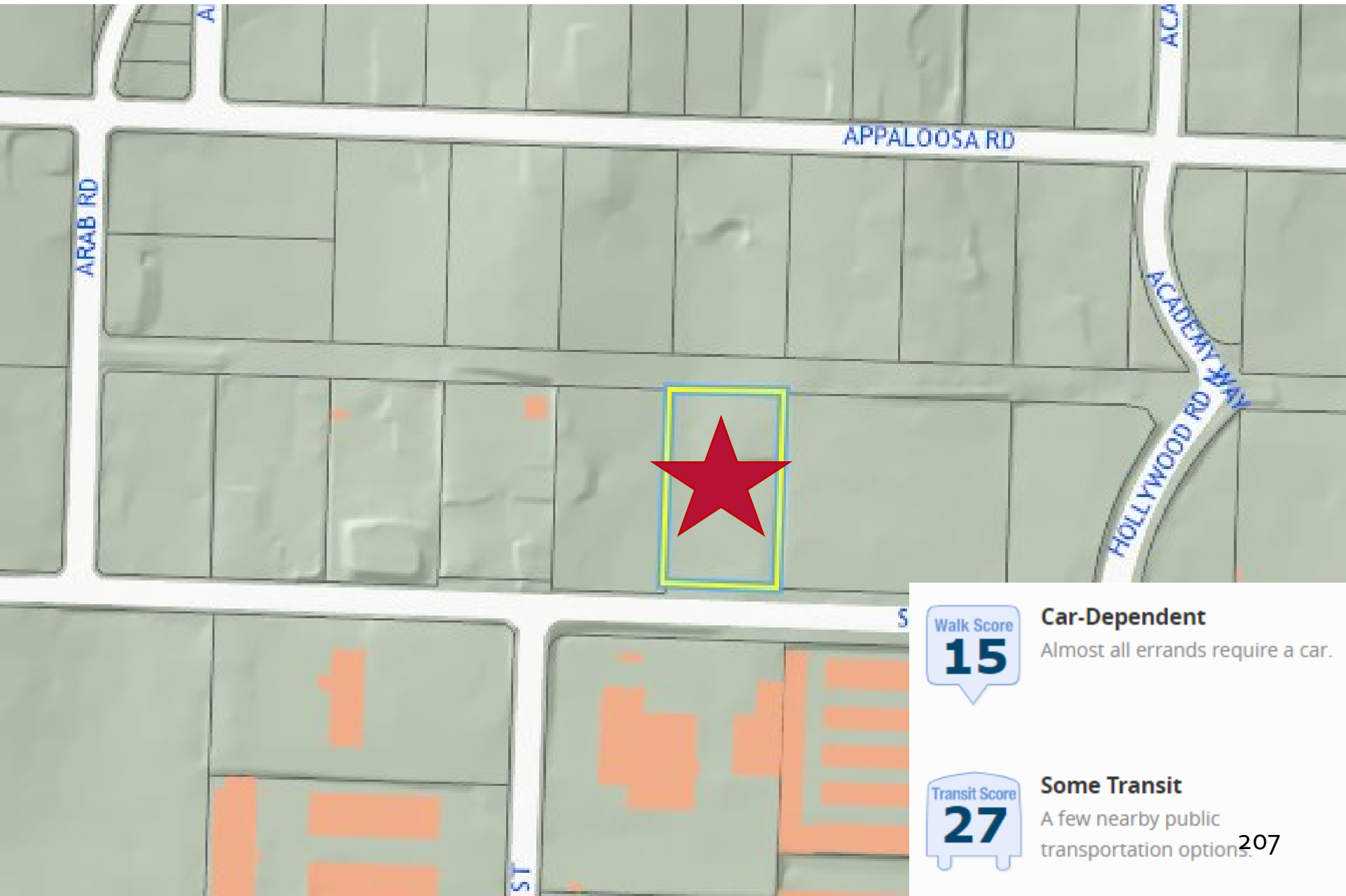
Proposal

- ▶ To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the I6 – Low Impact Transitional Industrial zone.

Development Process



Context Map



Walk Score
15

Car-Dependent

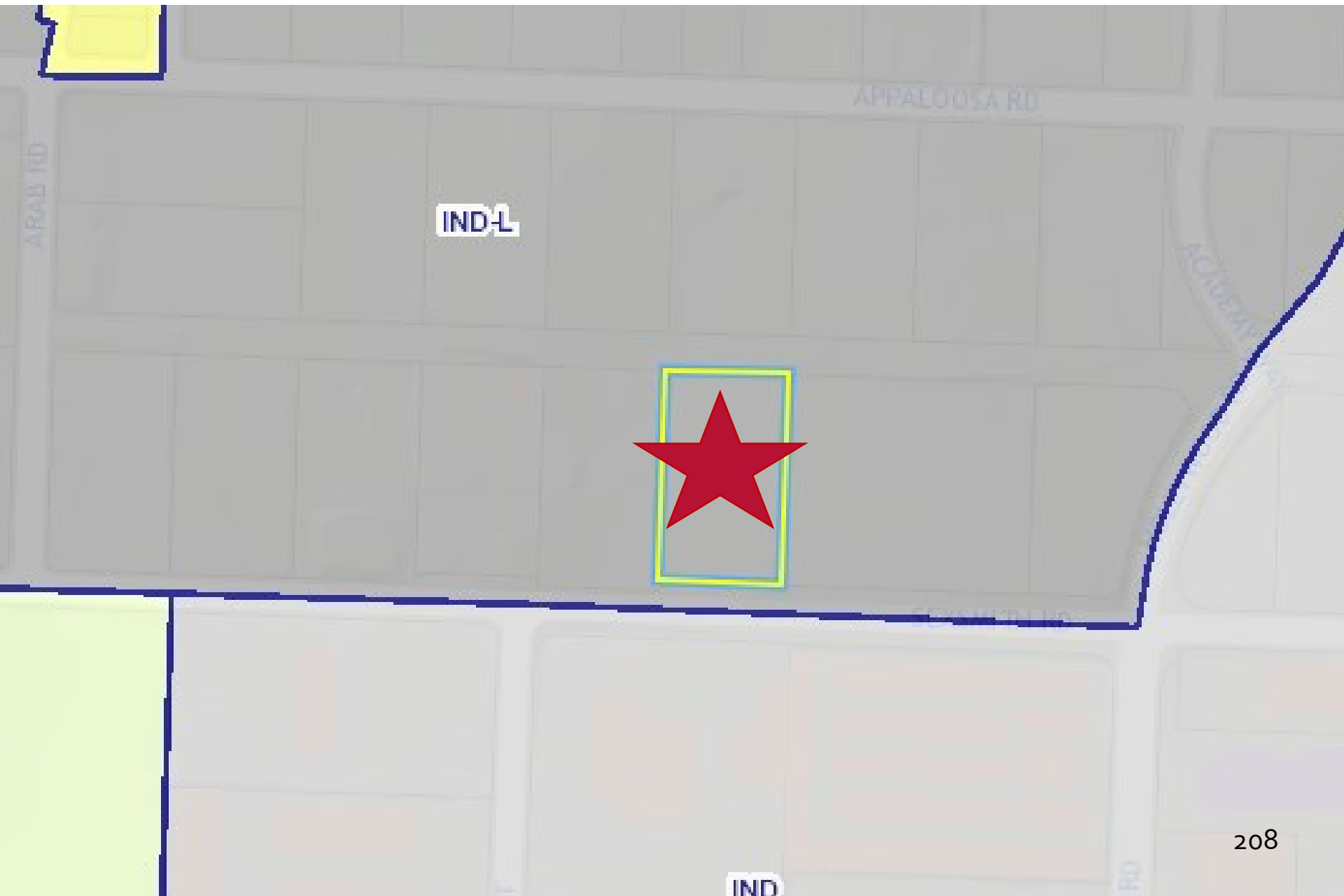
Almost all errands require a car.

Transit Score
27

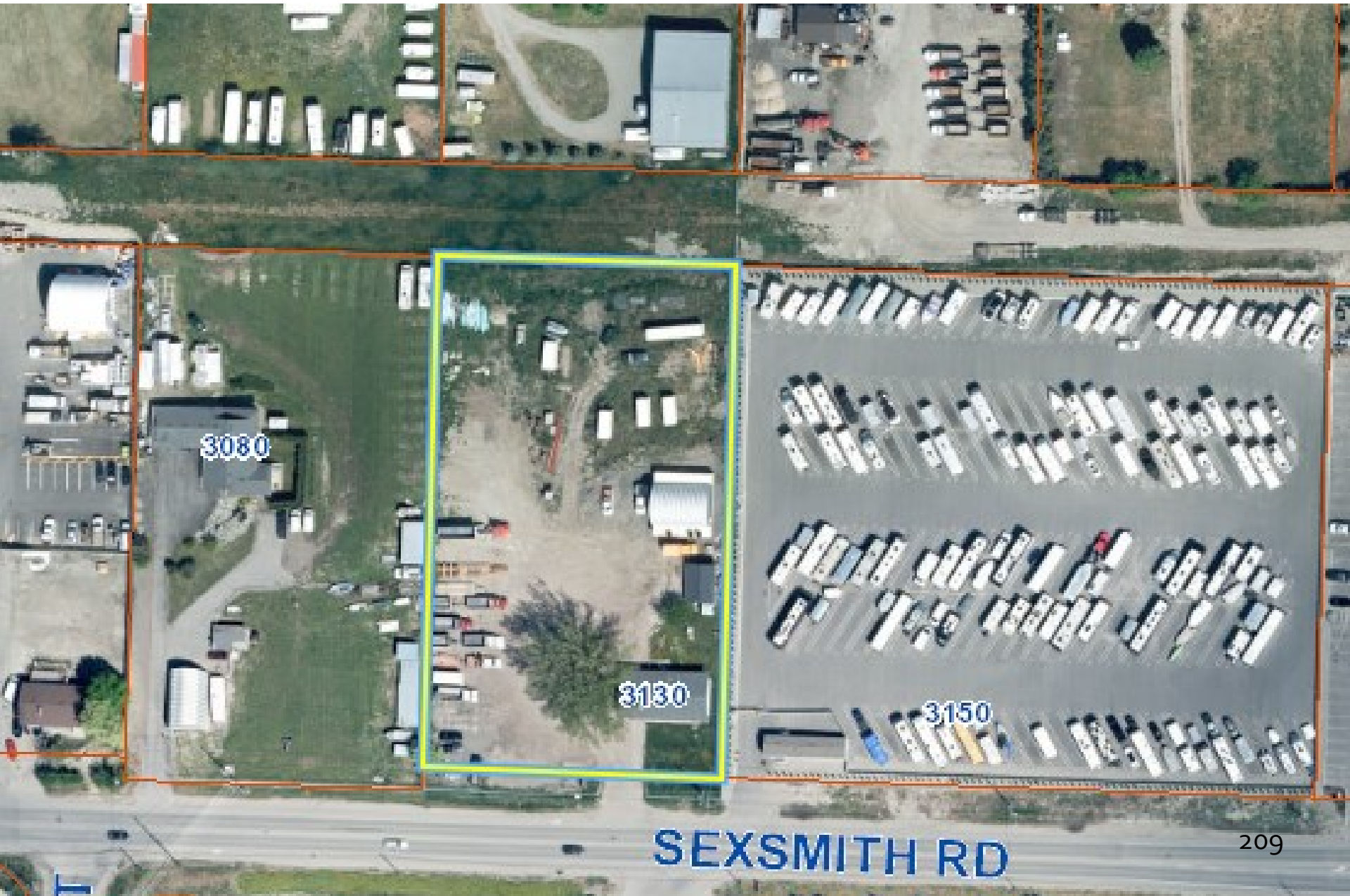
Some Transit

A few nearby public transportation options.

Future Land Use



Subject Property Map



Project Details

- ▶ Gravel surface for outdoor storage
- ▶ Primary site access will be from Sexsmith Rd (with a second access from Palomino Road once constructed).
- ▶ Landscape screening will be added along all property lines (site perimeter).

Development Policy

- ▶ Meets the intent of Official Community Plan Industrial Land Use Policies:
 - ▶ Focus Industrial Development to suitable areas
 - ▶ Industrial Supply Protection
- ▶ Consistent with Future Land Use of Industrial – Limited.

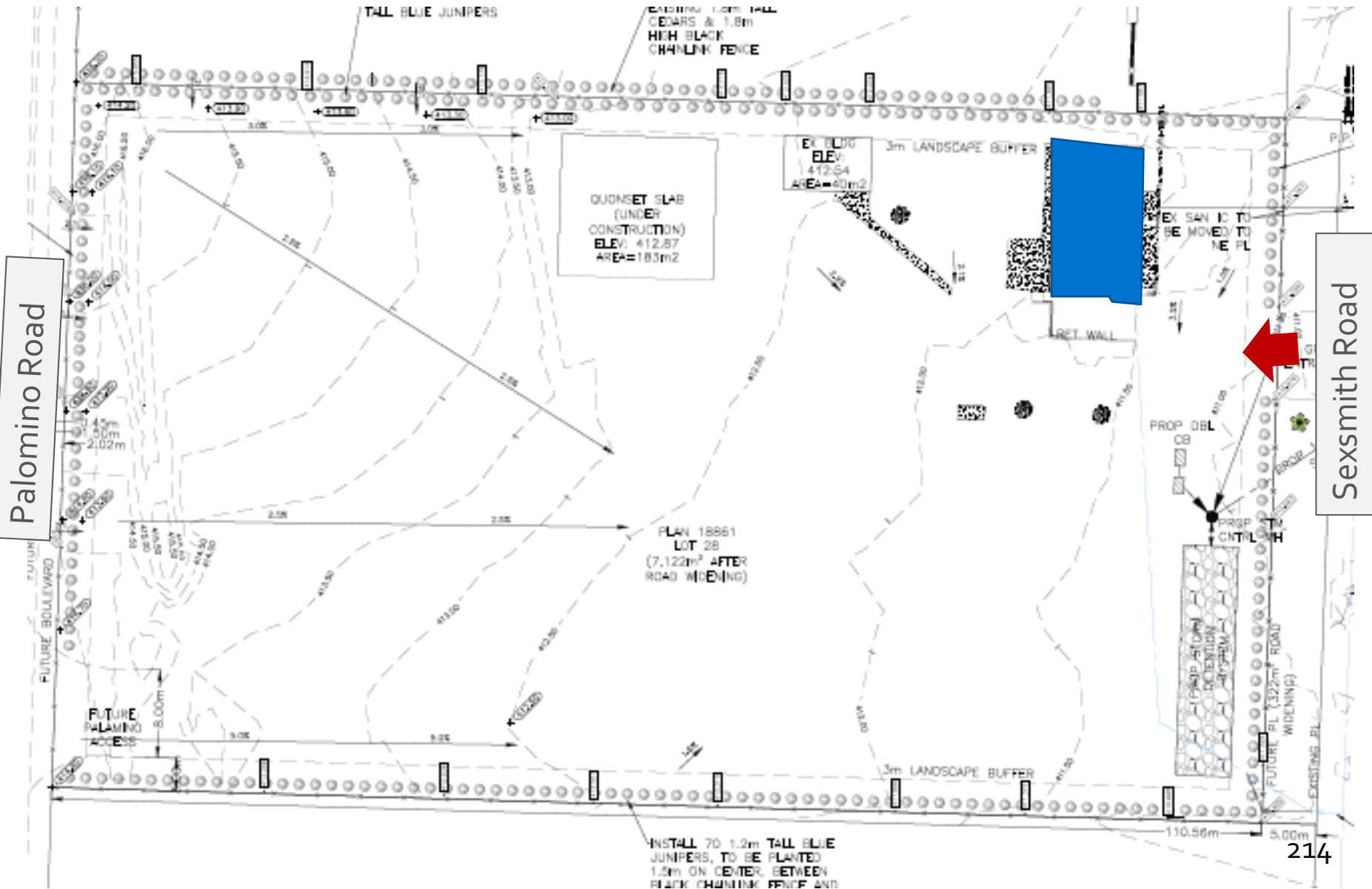
Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning
 - ▶ Meets the intent of the Official Community Plan
 - ▶ Industrial Land Use Policies
 - ▶ Appropriate location for outdoor storage
- ▶ Recommend that Public Hearing be waived



Conclusion of Staff Remarks

Conceptual Landscape Plan



Subject Property Map



CITY OF KELOWNA

BYLAW NO. 12238

Z21-0058

3130 Sexsmith 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 28 Section 3 Township 23 ODYD Plan 18861 Except Plan EPP85268 located on Sexsmith Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 28th, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0048

Owner: Jordan Daniel Kaleta & Chelsea Aleksandra McCutchan

Address: 1065 Hollywood Rd S

Applicant: Jordan Kaleta

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z21-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 23 Township 26 ODYD Plan 25272, located at 1065 Hollywood Road South, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, and to waive the Public Hearing.

3.0 Development Planning

Development Planning support the proposed rezoning from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House. The subject property is within the Permanent Growth Boundary (PGB), is serviced (i.e. sewer) and the plans align with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential. Rezoning the subject property to add the 'c' designation would meet policy objectives including fostering a mix of housing forms and concentrating growth within the PGB.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 to RU1c is to allow the construction of a new three-bedroom, single-storey carriage house in the rear of the property. The carriage house would be accessed from the laneway, and the application has indicated that all three required stalls can be met on-site. The proposal indicates that the carriage house will meet all Zoning Bylaw Regulations without any variances. The subject property is near parks and schools and near transit stops.

4.2 Site Context

The subject property is in the Rutland OCP Sector and the surrounding area is primarily zoned RU1 – Large Lot Housing, RU6 – Two Dwelling Housing and P2 – Education and Minor Institutional. The surrounding area has the Future Land Use Designation of S2RES – Single/Two Unit Residential and EDINST – Educational/Major Institutional.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional	Okanagan Christian School
East	RU1 – Large Lot Housing	Single-Family Dwelling
South	RU1 – Large Lot Housing	Single-Family Dwelling
West	RU6 – Two Dwelling Housing	Semi-Detached Dwellings

Subject Property Map: 1065 Hollywood Road S



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

6.o Application Chronology

Date of Application Accepted: May 4th, 2021
Date Public Consultation Completed: May 12th, 2021

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Conceptual Drawing Package

This forms part of application

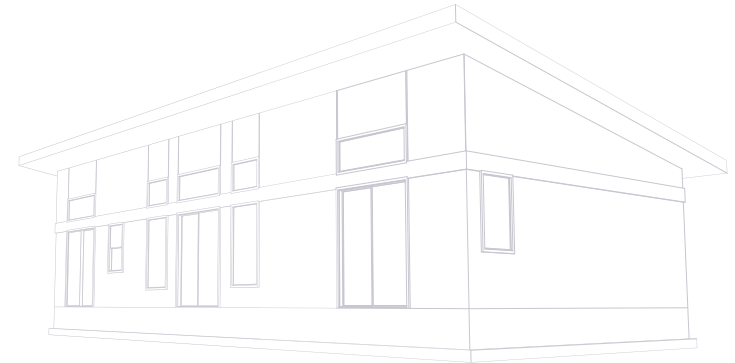
Z21-0048

Planner
Initials

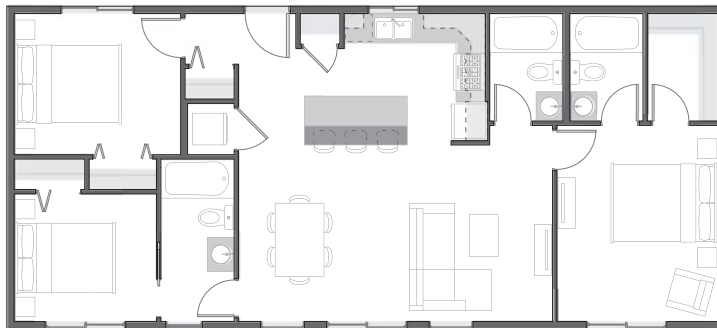
TC

1065 Hollywood Road South

The proposed project is a 3 bedroom, 3 bathroom single story carriage house. It is situated in behind the existing house accessible via the lane (see site plan page).



Proposed Carriage House
(978 square feet)



- A1. Floorplan / Layout
- A2. Detailed Roof Plan
- A3. Foundation Plan / Wall Details
- A4. Elevations / Cross-sections
- A5. Site Plan

General Notes - Architectural:

-These drawings are to be used as a guideline only, and were drafted for the purpose of obtaining a building permit. While accurate, and with every intention to represent real world construction, the level of detail does not express all the facets of the BC building code.
-It is the responsibility of the Contractor / Owner / Builder to ensure quality workmanship, good trade practices, and the proper implementation of all local codes and requirements.
-While every effort has been made to produce a construction quality blueprint, *Love Modest Living* has drawn up plans according to the clients wishes and the designer takes no responsibility or liability to the construction of the project.
-Contractor / Builder is responsible to verify all measurements, roof pitches, and all other pertinent information to satisfy any and all requirements for the city, engineer, and any other entity involved with the building process.





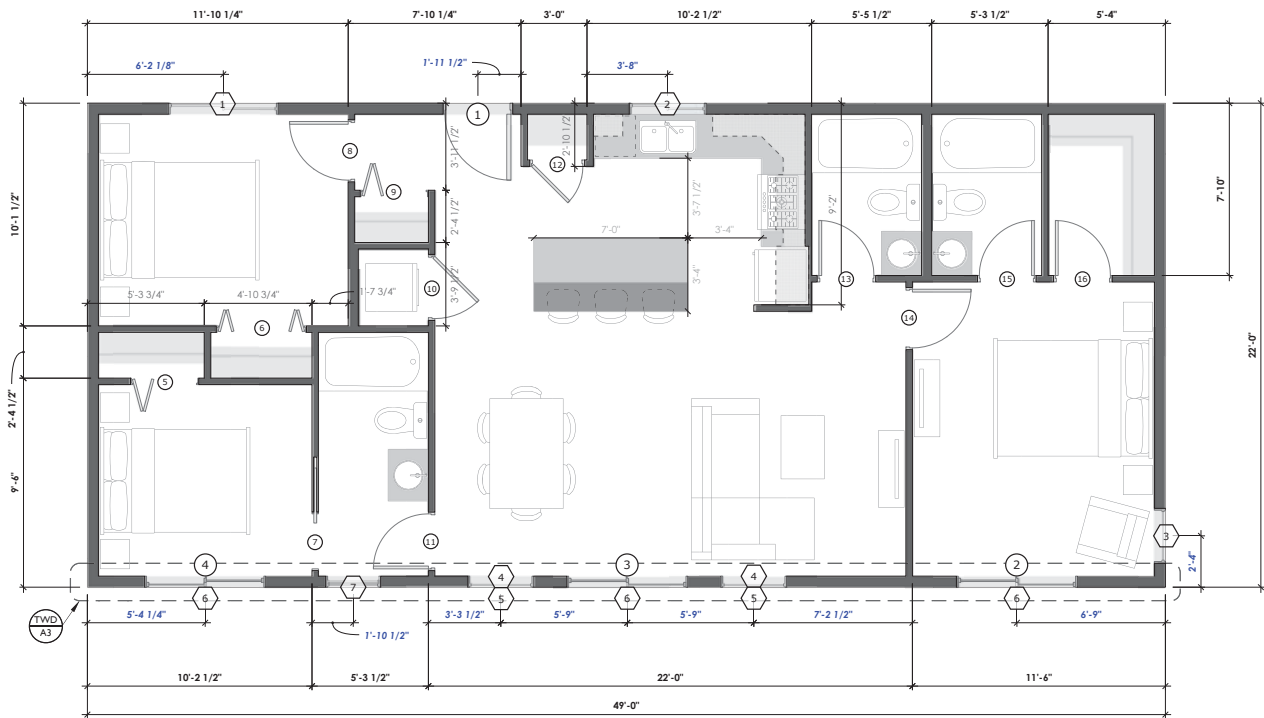
Window Schedule

#	Type	Size	Quantity
1.	slider (R to L)	5-0, 4-0	1
2.	slider (R to L)	3-6, 3-6	1
3.	fixed	2-6, 4-0	1
4.	fixed	3-0, 5-6	2
5.	fixed	3-0, 2-0	2
6.	*fixed	5-6, 2-0	3
7.	**single hung	2-6, 4-0	1

*width to match door below
**privacy glass

Door Schedule

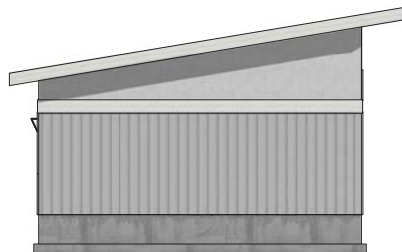
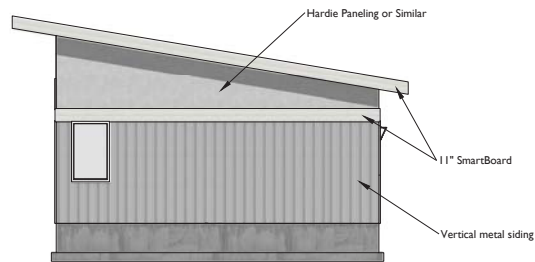
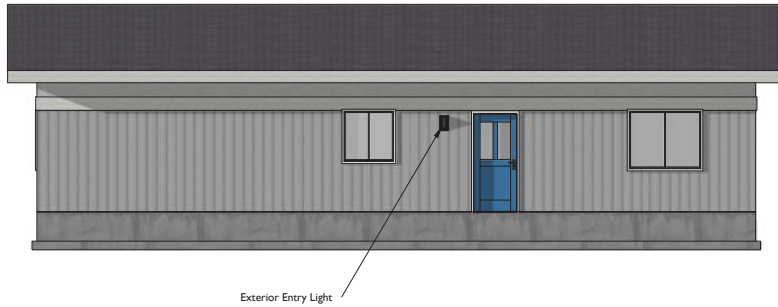
#	Type	Size	Quantity
1.	ext. swing (left)	3-0, 6-8	1
2.	patio slider (R to L)	5-6, 6-8	1
3.	patio slider (R to L)	5-6, 6-8	1
4.	patio slider (L to R)	5-6, 6-8	1
5.	bi-fold	3-0, 6-8	1
6.	bi-fold	4-0, 6-8	1
7.	pocket	2-6, 6-8	1
8.	swing (right)	2-8, 6-8	1
9.	bi-fold	3-0, 6-8	1
10.	swing (left)	2-10, 6-8	1
11.	swing (left)	2-6, 6-8	1
12.	swing (right)	2-4, 6-8	1
13.	swing (left)	2-6, 6-8	1
14.	swing (left)	2-8, 6-8	1
15.	swing (right)	2-6, 6-8	1
16.	swing (left)	2-6, 6-8	1



Scale : 3/8" = 1'-0"

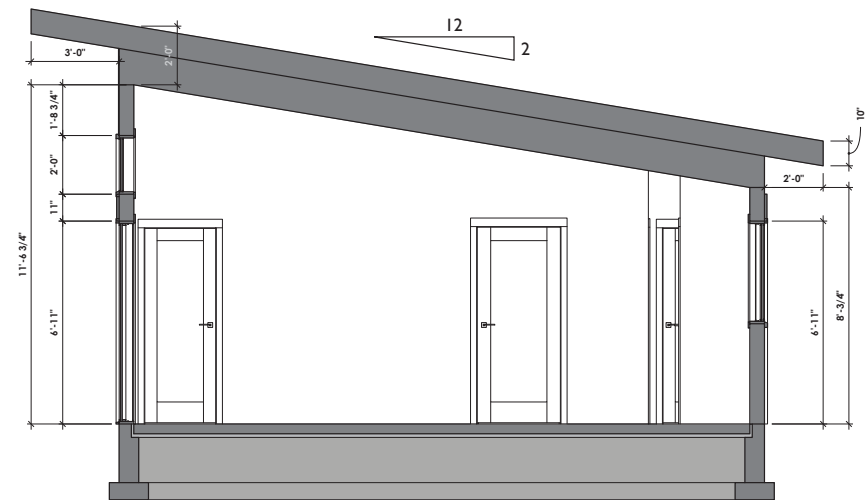
This forms part of application

Z21-0048

Planner
Initials TC

Notes:

- All siding materials shown are conceptual. Final siding choice will be made by the owner based on budget.
- 2/12 pitch roof with 2/12 pitch vault. Engineered trusses drawn 24" deep. Truss manufacturer to decide on required depth.
- All walls (exterior and interior) running North / South are raked to match ceiling vault.
- 4" slab will possibly be heated. Heating / Cooling system yet to be decided.
- Top of windows to line up with top of doors. Adjust accordingly.

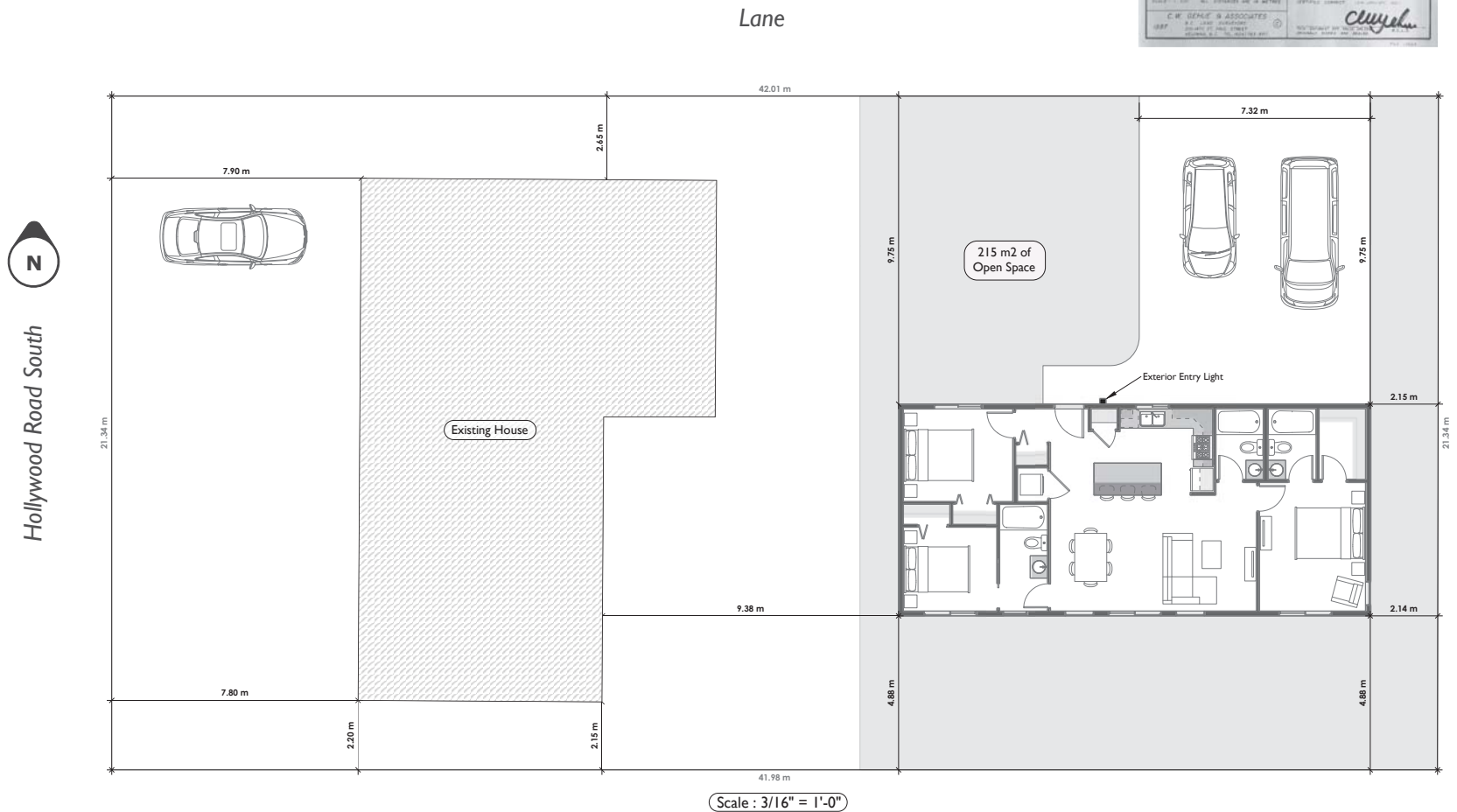
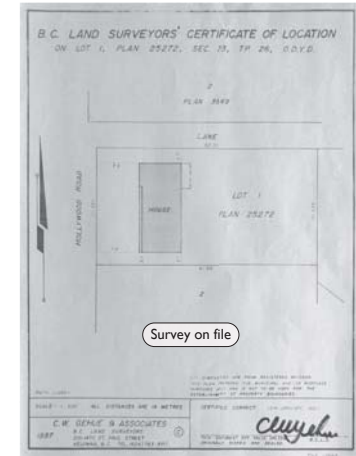


ATTACHMENT A

This forms part of application
Z21-0048

Planner
Initials TC

City of
Kelowna
DEVELOPMENT PLANNING



LOVE MODEST LIVING

DESCRIPTION
Site Plan

a

05



Z21-0048

1065 Hollywood Rd S

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU1C – Large Lot Housing with Carriage House.

Development Process

May 4, 2021

Development Application Submitted

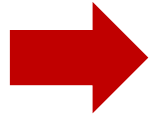


Staff Review & Circulation



May 12, 2021

Public Notification Received



June 28, 2021

Initial Consideration



Public Hearing
Second & Third Readings



Final Reading
DP & Variances



Building Permit

Council
Approvals

SUBJECT PROPERTY

1065

1075

560

550

540

530

510

500

490

480

460

450

440

430

410

1085

580

1095

600

610

1097-1100

605

535

515

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485

475

455

445

437

435

417

415

611

615

625

621

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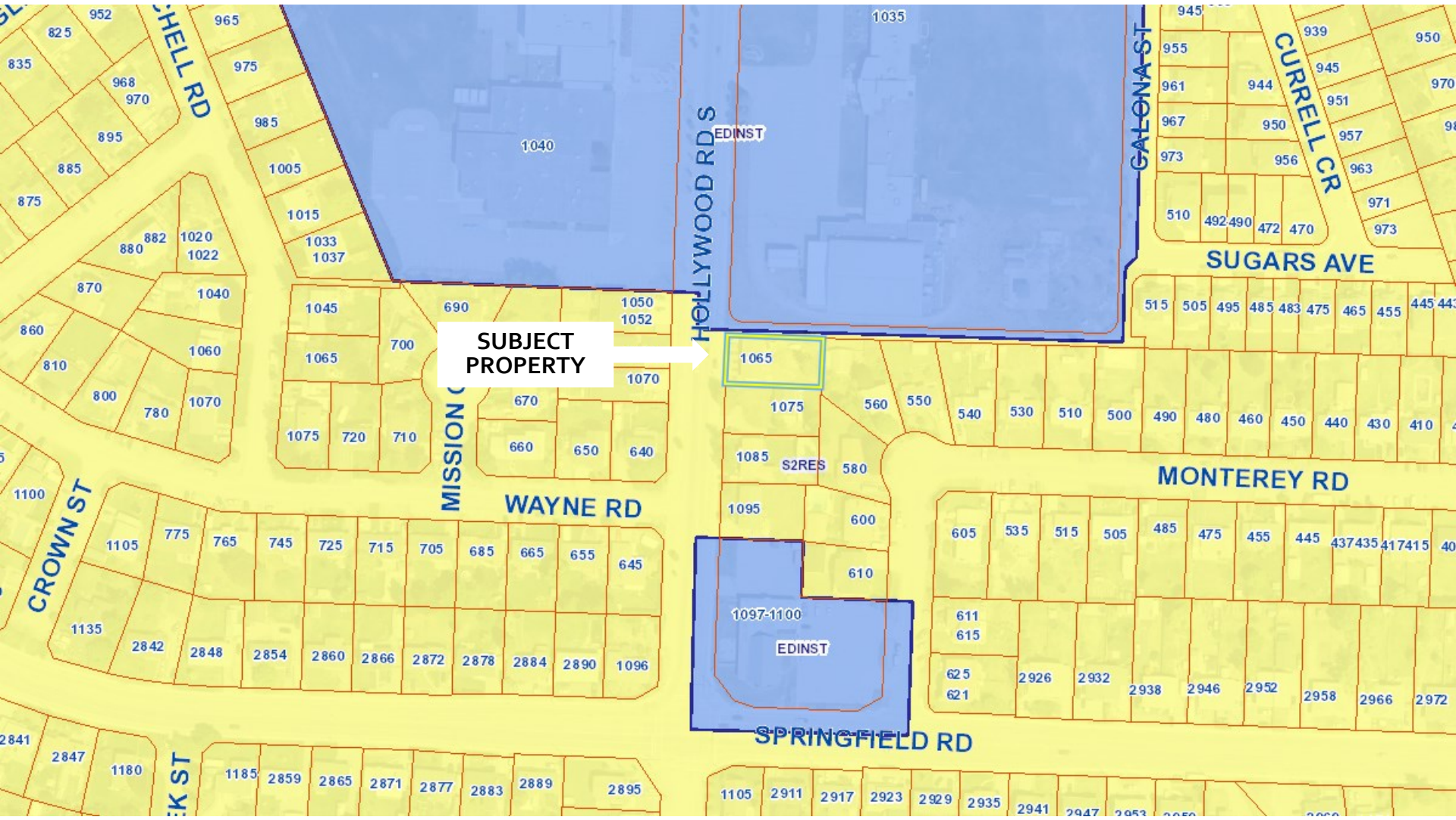
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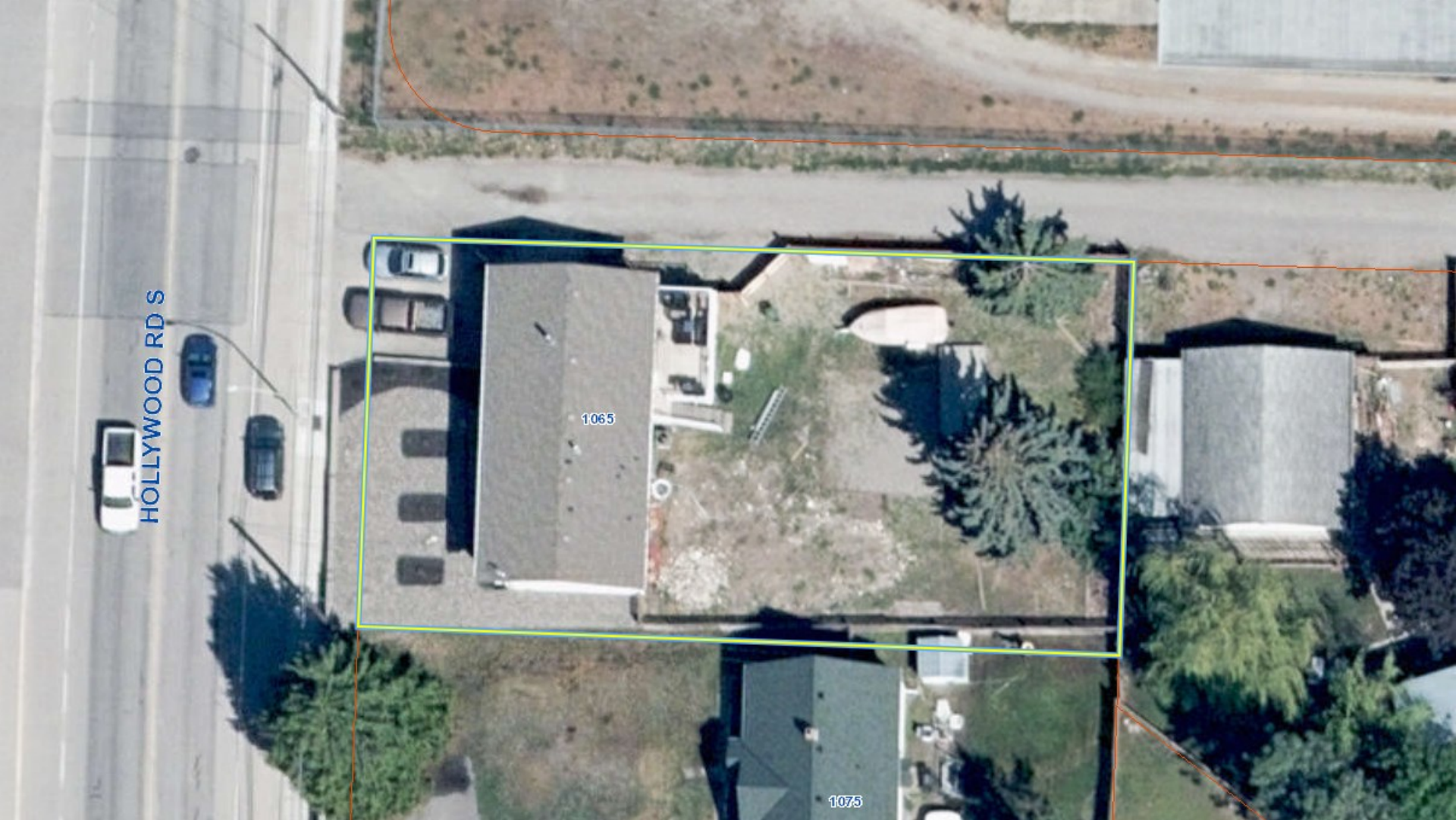
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297

OCP Future Land Use / Zoning



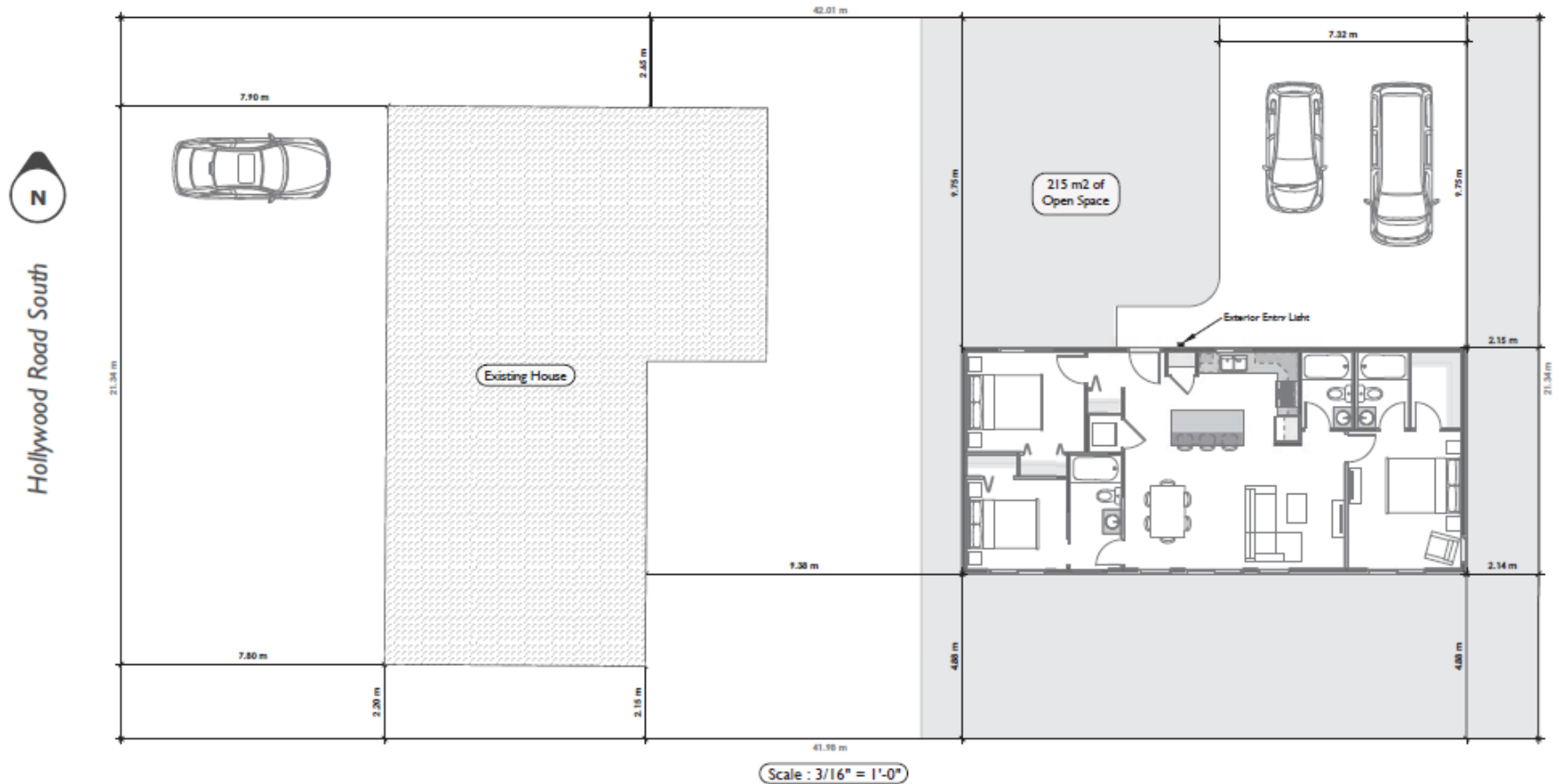
Subject Property Map



Project details

- ▶ The proposed carriage house will be 3-bedroom and one-storey.
- ▶ The carriage house will be accessed from the laneway and will meet the parking minimums.
- ▶ The proposed carriage house will meet all Zoning Bylaw Regulations.

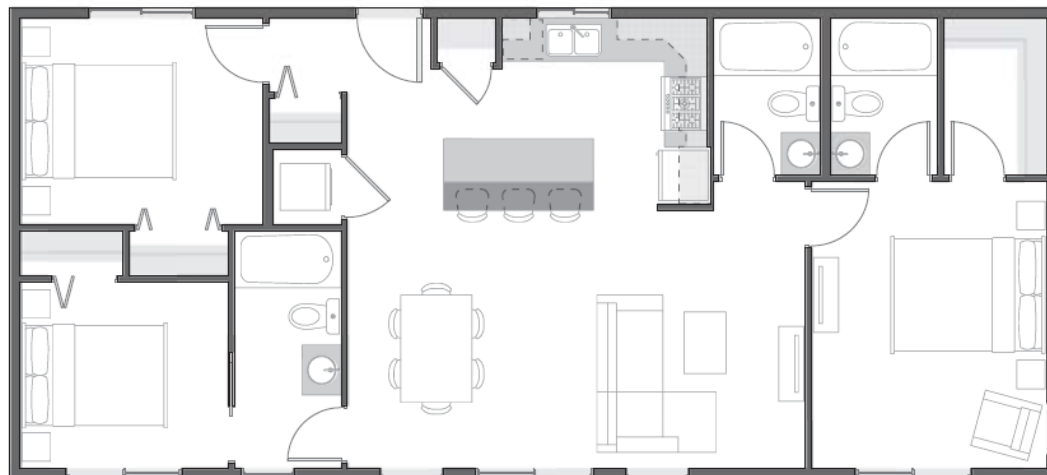
Site Plan



Conceptual Drawings



Exterior Entry Light



Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Aligns with the Official Community Plan and Future Land Use of S2RES.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12239
Z21-0048
1065 Hollywood Road South

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 Section 23 Township 26 ODYD Plan 25272 located on Hollywood Road South, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z18-0117 - Supplemental

Owner: Studio 33 Properties Ltd., Inc.
No. BC1137489

Address: 145 Sadler Rd, 180 & 190 Hwy 33 E.

Applicant: Pacific West Architecture Inc.

Subject: Rezoning Application

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

Existing Zone: RU1 – Large Lot Housing, RU6 – Two Dwelling Housing

Proposed Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Council receives, for information, the supplemental report regarding Rezoning Bylaw No. 11957 from the Development Planning Department dated June 28, 2021;

AND THAT Rezoning Application No. Z18-0117 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1, 2 & 3 Section 26 Township 26 ODYD Plan 10045, located at 180 & 190 Highway 33 East and 145 Sadler Road, Kelowna, BC from the RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 28, 2021;

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 consider an application to rezone the subject properties from the RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone to facilitate the development of Multiple Dwelling Housing.

3.0 Development Planning

Staff are submitting this supplemental report to amend and update information provided to Council with rezoning application Z18-0117. The Rezoning Bylaw No. 11957 received Initial Consideration on November 18, 2019 and 2nd & 3rd readings and Public Hearing were on December 3, 2019.

4.0 Proposal

4.1 Background

The Rezoning application was originally submitted to staff on December 10, 2018. Staff indicated the property was listed on the Kelowna Heritage Registry. As the applicant team was unaware of this, the Rezoning application was paused to allow the owners time to determine how best to move the project forward.

On August 16, 2018, a Heritage Register removal request was presented to the Heritage Advisory Committee (HAC) by Staff on behalf of the owners. The owners enlisted Katie Cummer, a registered heritage professional, to provide a Heritage Assessment and Evaluation of the site located at 180 Hwy 33 E known as Sproule Farm House. The Committee chose not to support the request for removal of the home from the Heritage Registry and urged the project team to find a way to retain and incorporate the Sproule Farm House into the proposed development plans.

Based on direction from HAC, the applicant team developed a proposal to incorporate two facades of the Sproule Farm House into the proposed structure. The rezoning application received Initial Consideration on November 18, 2019 with Public Hearing and 2nd and 3rd readings of the bylaw following on December 3, 2019.

In October of 2020, a house fire damaged the structure beyond repair. Since that time, the applicant has been working with staff to amend the application and to apply to have the property removed from the Kelowna Heritage Register. Due to the scale of proposed changes and the removal of the heritage facades from the proposed development, it was determined that rescinding 2nd and 3rd readings of the Rezoning Bylaw would be necessary, with the intent to bring the proposal back to Public Hearing to allow the public to provide feedback to Council based on the amended proposal.

4.2 Project Description

The project has been amended to remove the two heritage facades that were to be part of the commercial unit located at the south-east corner of the building. The Heritage Consultant will continue to work with the applicant team to determine the best way to document the heritage aspects of the project and to incorporate the storey into the building design. This will likely be through the provision of wall murals and storyboards along the west façade (Sadler Road). Further details around this would be brought forward with the form and character Development Permit, should Council support the Rezoning Bylaw.

The applicant is proposing to construct a 5-storey multi-family development with two commercial units at-grade along Hwy 33 E. Two levels of structured parking (one level below grade) provide 91 parking stalls which are accessed from Sadler Road. A conceptual site plan has been submitted to show the proposed layout of the building and parking arrangement. Staff are currently tracking two variances, one to the

building height and number of storeys and the second to reduce the required setback to the North property line.

Should the Rezoning Application be supported by Council, staff would bring forward the request to remove the property from the Kelowna Heritage Registry should Council support the Rezoning Bylaw.

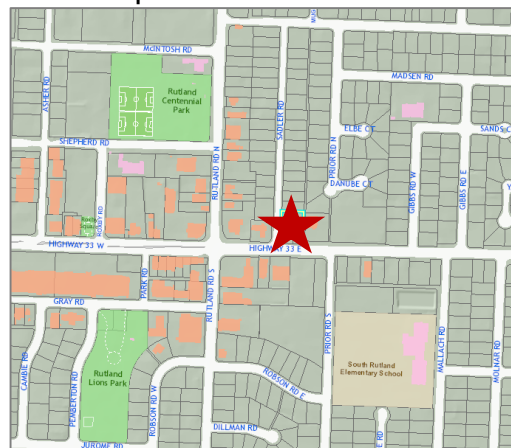
4.3 Site Context

The three subject properties are located within the Rutland Urban Centre at the intersection of Sadler Rd and Hwy 33 E. The project is within the Permanent Growth Boundary and is on City services with water service provided by the Rutland Waterworks District (RWD).

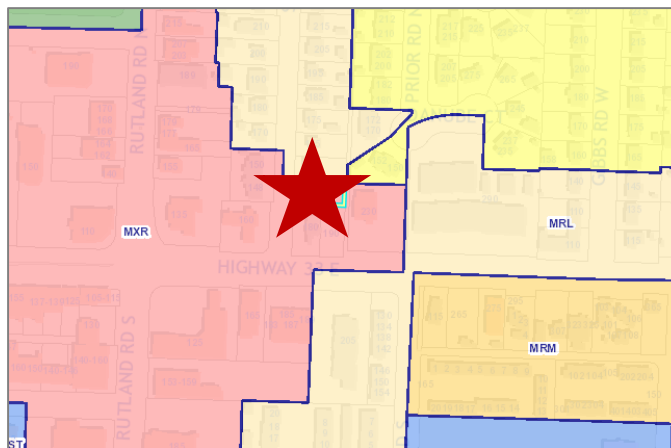
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Dwellings
East	C3 – Community Commercial	Liquor Primary (Post Haus Pub)
South	C4 – Urban Centre Commercial RM3 – Low Density Multiple Housing	Various Commercial Businesses Apartment Housing
West	C4 – Urban Centre Commercial	Automotive Repair Shop

Context Map:



Future Land Use:



Subject Property Map: 145 Sadler Rd, 180 & 190 Hwy 33 E.



5.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

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

Objective 5.22 Ensure context sensitive housing development

Policy .7 Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

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

6.o Application Chronology

Date of Application Received:	December 10, 2018
Date Public Consultation Completed:	October 4, 2019
Date of 2 nd & 3 rd readings & Public Hearing:	December 3, 2019
Date of amended Drawings Received:	April 30, 2021
Date of rescindment of 2 nd & 3 rd readings:	June 28, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Conceptual Drawing Package

Attachment B: Amended Statement of Significance

Attachment C: Proposed Commemoration Plan

Attachment D: Engineer's Field Review Report

CITY OF KELOWNA
MEMORANDUM

SCHEDULE

A

This forms part of application
Z18-0117



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials

LK

Date: Jan 03, 2019

File No.: Z18 - 0117

To: Urban Planning Management (LK)

From: Development Engineering Manager (JK)

Subject: 145 Sadler Rd., 180 190 Hwy 33 E RU1, RU6 to C4

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

The Development Engineering Technologist for this project is Andy Marshall.

1. Domestic Water and Fire Protection

- a) This development is within the service area of the Rutland Water District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs, as well as any costs to decommission existing services are to be paid directly to RWD.
- b) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

2. Sanitary Sewer

Our records indicate that 145 Sadler Rd. is currently serviced with a 100mm-diameter sanitary sewer service and 180 and 190 Hwy 33 E are currently each serviced with a 150mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services not required and the installation of one new larger service if required.

3. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.
- b) On site drainage systems for the site will be reviewed and approved by Engineer when site servicing design is submitted.

4. Road Improvements

- a) Sadler Rd. will require upgrading to an urban standard (SS-R5 modified - to be determined at design) along the full frontage of the subject property which includes curb and gutter, sidewalk, street lighting, landscape boulevard, storm drainage system, pavement removal and replacement and relocation or adjustment of utility appurtenances if required to accommodate upgrading construction. Access shall be from Sadler.
- b) Hwy 33 will require upgrading of sidewalk, boulevard and trees to match existing frontage to the east. Access shall be removed.

5. Subdivision and Dedication

- a) Approximately 2.44m of road dedication is required along the entire frontage of Sadler Road.
- b) Approximately 5.2m of road dedication is required along the entire frontage of Hwy 33.
- c) Corner Rounding of 6m radius is required at the intersection.
- d) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

6. Electric Power and Telecommunication Services

- a) 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.
- b) Re-locate existing utilities, where necessary.

7. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

8. 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 Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs

9. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all offsite 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.

10. Other Engineering Comments

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors as required.


James Kay, P. Eng.
Development Engineering Manager

agm

A

Z18-0117



City of Kelowna
DEVELOPMENT PLANNING

Planner
Initials

LK

CIVIC ADDRESS:
180 HWY 33 E
190 HWY 33 E
145 SADLER RD, KELOWNA, B.C.

LEGAL DESCRIPTION:
LOT 1, 2 AND 3 SECTION 26 TOWNSHIP 26 PDYD PLAN 10045 AND PART OF THAT PART OF SECTION 26
TOWNSHIP 26 ODYD SHOWN ON PLAN EPP91865

A 1.00	COVER PAGE
A 1.01	SITE PLAN AND STATISTICS
A 2.01	UNDERGROUND FLOOR PLAN
A 2.02	GROUND FLOOR PLAN
A 2.03	2ND FLOOR PLAN
A 2.04	3RD & 4TH FLOOR PLAN
A 2.05	5TH FLOOR PLAN
A 2.06	ROOF PLAN
A 3.01	UNIT PLANS
A 3.02	UNIT PLANS
A 3.03	UNIT PLANS
A 4.01	BUILDING ELEVATIONS
A 4.02	BUILDING ELEVATIONS
A 5.01	BUILDING SECTIONS
A 5.02	BUILDING SECTIONS
A 6.01	RENDERINGS
A 6.02	RENDERINGS
A 6.03	3D VIEWS

ARCHITECT
PACIFIC WEST ARCHITECTURE Inc.
1200 West 73rd Ave(Airport Square)
Suite 940, Vancouver B.C. V6P 6G5
Tel: 604-558-3064
Email: info@pwaarchitecture.com
Contact: Patrick Yang

LANDSCAPE ARCHITECT
BENCH SITE DESIGN INC.
4-1562 Water Street, Kelowna B.C. V1Y 1J7
Tel: (250)-808-5113
Contact: Lesley St Godard

CIVIL ENGINEERS
APLIN & MARTIN CONSULTANTS LTD
 1258 Ells St, Kelowna, BC
 Tel: (250)-808-6856
 Email: JGRAFF@APLINMARTIN.COM
 Contact: Josh Graff

SURVEY
FERGUSON LAND SURVEYING &
GEOMATICS LTD.
404-1630 Pandosy St.
Tel: (250)-763-3115
Email: rdelaurier@flsg.ca
Contact: Ryan Delaurier



REVISIONS 1	
ISSUES	DATE
8	
7	
6 REISSUED FOR DP	APR-20-2021
5 REISSUED FOR REZONING AND DP	JAN-07-2020
4 REISSUED FOR REZONING AND DP	OCT-05-2019
3 REISSUED FOR REZONING AND DP	MAY-23-2019
2 REISSUED FOR REZONING AND DP	MAY-01-2018
1 ISSUED FOR REZONING AND DP	FEB-8-2018
PROJECT NUMBER A-125	
DRAWN BY WW	
CHECKED BY PY	
DATE CHECKED	
CONSULTANT	

PROJECT

**MIXED-USE
DEVELOPMENT**

**HWY 33 & SADLER
KELOWNA, B.C.**

DRAWING TITLE

COVER PAGE

DRAWING No.

A1.00



2 SITE PHOTO LOOKING SOUTHEAST



3 SITE PHOTO LOOKING NORTHEAST



4 SITE PHOTO LOOKING NORTH



5 SITE PHOTO LOOKING NORTHWEST



SITE KEY
Scale: 3/32" = 1'-0"

Appendix A

Amended Statement of Significance

Sproul Farm House, 180 Hwy 33 East, Kelowna, BC

March 8, 2021

The following is the Statement of Significance of the Sproul Farm House, originally written by the City of Kelowna Planning Department in 2001, with amendments made by Cummer Heritage Consulting (CHC) to address historical inaccuracies in the original statement.



Fig. 1: View of 180 Hwy 33 East, 2005. (Source: City of Kelowna 2005).

Description

This historic place is the one-and-one-half-storey, wood-frame construction with narrow horizontal wood siding and a medium-pitch cross-gable roof. It is known as the Sproul Farm House, built in 1906, and located at 180 Highway 33 East in Kelowna's Rutland neighbourhood.

Heritage Value

The Sproul Farm House has historical value, cultural value and aesthetic value. The historical value of the Sproul Farm House lies in its being one of the few residences remaining in the area from the early rural period. While the newly-incorporated City of Kelowna was actively growing, the surrounding areas remained rural in character and provided much of the fruit-growing land in the region. At the time of construction and until 1973, Rutland was not yet part of the City of Kelowna.

This building is also valued through its association with the Sproul Family, who were among the early pioneers and orchardists of the Rutland area. The Sproul brothers, Samuel and Robert, illustrate how pioneers converged on the Okanagan in the years around 1900. Typical of the early development of the neighbourhood, in late 1904, they bought part of the young orchard of John Matthew Rutland, in the lower portion of the area today known as Rutland, towards Highway 97. In the 1910s, at the height of the orchard boom, Sam Sproul sold his orchard and residence on the lower Rutland bench and proceeded to develop his 80 acres of raw land on the upper Rutland bench, where the Sproul Farm House is located.

This house was erected sometime around 1906 and built by the prominent local builder M.J. Curts (Michael 'Johnny' Curts). Connecting to its aesthetic value, its form is representative of the straightforward, vernacular farmhouses of the day, one-and-one-half storeys high with a cross-gabled roof and a broad porch facing the street.

Various families lived in the house over the years, connecting to the place's cultural value, particularly its capacity to evoke a way of life or a memory of the past. Specifically, the culture of working-class families, often with multiple children, living in the house and working in the community. The house was built for Lillian Sproul (Robert Sproul's daughter), who married Ernest Dudgeon, a "trainman" according to their wedding certificate. The Dudgeons lived in the house until 1926, when the Graf Family bought it, living there until 1938. Other families that were resident there, included the McLeod's, the Schneider's and the Horning's, among others.

By 1971, the house had been converted to mix-use including commercial use, first as the office of H.R. Funk's excavating firm, illustrating the business development of 'downtown' Rutland. The Funks bought the house and rented out portions of it for commercial and residential purposes into the 21st century.

Character Defining Elements

Key elements that define the heritage character of the Sproul Farm House include its:

- residential form, scale and massing, as expressed by its one-and-one-half-storey height and rectangular plan
- medium-pitched gabled roof with two secondary cross-gables
- street elevation has full-width open porch with repetitive, evenly-spaced painted wood columns
- corbelled brick chimney
- narrow V-joint horizontal wood siding
- wood shingles in upper part of main gables
- ground-level wood bay windows with triangular and elongated leaded glass panes
- one-over-one double-hung wood-sash windows on the upper floor, with plain wood trim



Cummer Heritage Consulting

Katie Cummer, PhD CAHP
639 Moss Street
Victoria, BC, V8V 4N8

March 8, 2021

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

RE: Letter of support for the Sproul Farm House commemoration plan

This letter provides my professional perspective on the heritage commemoration design of the Sproul Farm House and the revised proposed redevelopment of the land it currently occupies at 180 Hwy 33 East. I was the heritage consultant who conducted the re-assessment of the site in July of 2018, presented to the City of Kelowna Heritage Committee in August of 2018 and helped to present the project to Council in December of 2019. Unfortunately, much has happened to the Sproul Farm House since then.

In October 2020, the house was heavily damaged by fire (Fig. 1). As stated at the time by the Kelowna Fire Department Platoon Captain, Kelly Stephens, "the building sustained major fire damage to the exterior and the roof area." And, as outlined by a registered Structural Engineer, Kevin Ma, "the building above the ground is not safe." Even prior to this fire, the house was vandalised and broken into numerous times, with one such incident resulting in its basement being flooded. Sadly, these events have impacted the physical fabric of the farm house and what is now possible to conserve. That being said, this does not alter our commitment to commemorating the Sproul Farm House on site because, of course, a place is so much more than just its physical fabric.



Fig. 1: Southeast corner view of 180 Hwy 33 E, illustrating some of the fire damage. (Source: An, 2020)

The updated design for the proposed redevelopment of 180 Hwy 33 East is as follows (Figs. 2 and 3).



Fig. 2: Rendering of the proposed redevelopment of 180 Hwy 33 East, showing the broader view of the project from the southwest corner. (Source: Pacific West Architecture, 2021)



Fig. 3: Closer view of the rendering of the proposed redevelopment of 180 Hwy 33 East, showing the Sproul Farm House commemorative details. (Source: Pacific West Architecture, 2021)

With this revised design, the Sproul Farm House is to be commemorated in the following ways:

- 1) On its most prominent corner (the southwest corner), a large wall mural will be installed showing the Sproul Farm House in its original orientation and look, with all of its Character Defining Elements (CDEs) intact, including its open porch. Being located on the new development's most prominent corner provides a valuable reminder of the former streetscape and allows for the memory of the house to be foregrounded.
 - a. It is suggested that a community competition be organized to commission various illustrations of the farm house and that the winner be selected to do this wall mural. Additional submissions could also be used to decorate the apartment lobby and as part of the on-site interpretation.
- 2) Although the façades are not usable as originally intended, one of the most prominent features of the house, (the western bay window with its triangular and elongated leaded glass panes), will be used as part of the apartment lobby. Similar to the façade proposal, this will not be a false window, but will be functional providing a view out from the lobby as well as light into the interior space.
 - a. It is recommended that the narrow v-joint horizontal wood siding be preserved as part of this window feature and that any sections that require repair be repaired with the available wood siding from the rest of the house that is in good condition.

- b. As part of the demolition process, any siding or glass panes that are in good condition should be salvaged and stored on site to facilitate any repairs in the future.
 - c. Inside the bay window there will also be a carefully made architectural model of the Sproul Farm House on display, showcasing all of its CDEs (its residential form, gabled roof with secondary cross-gables, full-width open porch, corbelled brick chimney, etc.). This model will be visible from inside the lobby or from outside on the street, allowing any passer-by to better understand and appreciate what formerly occupied this site for over 100 years.
- 3) Further along the western side of the new building, on the other side of the apartment entryway, additional site interpretation will be installed to further promote and commemorate the Sproul Farm House. In this location, interpretative panels will be installed featuring historical photographs, plans and text outlining the history and significance of the Sproul Farm House, based on the Amended Statement of Significance, which more accurately reflects the site's history (see Appendix A).

In addition to the prominent ground level commemoration of the Sproul Farm House, outlined above, some of the design details of the new development also acknowledge and pay tribute to what was on the site previously, particularly through the colour choices:

- a. The light green echoes the current colour of the Sproul Farm House's gables (Fig. 4);
- b. The lighter white/grey of the bulk of the building connects to the current colour of the horizontal wood siding (Fig. 5); and
- c. The blues and wood panelling connect to some of the interior detailing of the Sproul Farm House (Figs. 6 and 7).



Figs. 4 and 5: Fig. 4 (left) shows the southern gable of the Sproul Farm House painted in a light green hue and Fig. 5 (right) shows the western view of the house and its white/grey horizontal wood siding; inspiration for some of the exterior colour choices of the new development. (Source: Cummer, 2019)



Figs. 6 and 7: Fig. 6 (left) shows the interior view of the western bay window with a light blue wall and wood detailing, and Fig. 7 (right) shows an upstairs door with a similar wood and blue accent colour combination, further inspiration for some of the exterior colour choices of the new development. (Source: Cummer, 2019)

Of course, it is disappointing that the Sproul Farm House has been as badly damaged as it has been over the last three years. It is fortunate though that I was able to document the house in December of 2019, before the fire of 2020. These photographs will be used as part of the site's interpretation, in addition to historical materials, including those submitted to me by members of the community with a connection to the place.

The Sproul Farm House is significant for its historical, cultural and aesthetic value. I believe this proposed commemoration plan is the best means possible (in these challenging circumstances) to remember the significance of the Sproul Farm House. For, although the tangible elements of the building have already been lost and will be further removed with its demolition, through this commemorative plan these values can be remembered and celebrated, while also providing much needed additional housing to the area. Even though much of the physical fabric will be gone, the pioneering Sproul Brothers, the builder M.J. Curts and the numerous families who called this house home will not be forgotten.

I will continue to work with the developer team to ensure this heritage place is properly commemorated. This involvement will include drafting and designing the interpretative panels for the on-site interpretation, helping to share the story of this heritage place so that its legacy can continue to be appreciated going forward. I hope this helps to provide some context from a heritage perspective in relation to the commemoration plan of the Sproul Farm House and the proposed redevelopment of 180 Hwy 33 East.

If you have any further questions or would like me to clarify anything, please feel free to contact me by email at kcummer@gmail.com or by phone at (778) 678 1913.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Cummer', with a stylized flourish at the end.

Katie Cummer, PhD CAHP
Principal, Cummer Heritage Consulting (CHC)

References

City of Kelowna. "Heritage Register: Sproul Farm House." No date (n.d.). Online resource: <https://www.kelowna.ca/our-community/arts-culture-heritage/heritage/heritage-register/sproul-farm-house>.

Cummer, Katie. *Heritage Assessment and Evaluation: 180 Hwy 33 E, Kelowna BC*. Victoria, BC: Cummer Heritage Consulting (CHC), 2018.

_____. *Amended Statement of Significance*. Victoria, BC: Cummer Heritage Consulting (CHC), 2020.

Ma, Kevin. *Field Review Report: 180 Highway 33, Kelowna, BC, Canada*. Surrey, BC: GBS Engineering Group Ltd., 2020.

Seymour, Rob. "Old Rutland Farmhouse, Built in 1906, Heavily Damaged by Fire." *The Daily Courier* (Kelowna), October 19, 2020. Online resource: https://www.kelownadailycourier.ca/news/article_de7ad8ac-1227-11eb-93b5-5b2e99ce28c1.html

FIELD REVIEW REPORT

180 Highway 33, Kelowna, BC, CANADA

ATTACHMENT D	
This forms part of application # Z18-0117	
Planner Initials	LK
 City of Kelowna DEVELOPMENT PLANNING	

Prepared for

Louisan Pacific Developments Inc.

Suite 1100, 1200 West 73rd Ave (Airport Square)

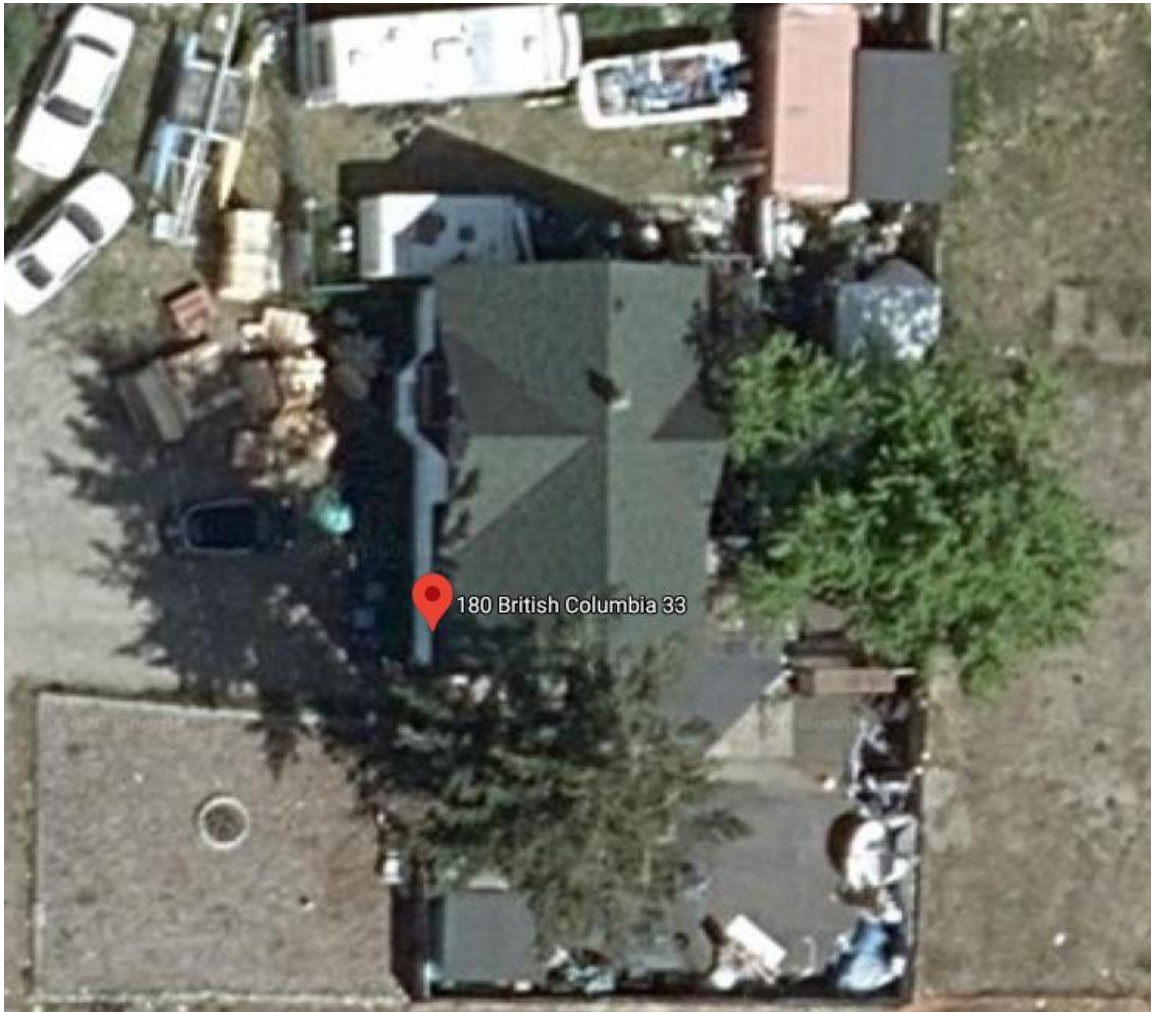
Vancouver B.C. V6P 6G5

Attention to:

Anthony An, President, project manager

Phone: 604-783-4050, aitinc2007@hotmail.com

Date issued: *November 13, 2020*



Birds eye view of the house (from Google Map)

1. Visible observation

As requested, GBS has conducted a filed review on October 23, 2020.

A walk through the outside and inside of the building have been conducted.

Below is a summary of pictures showing the current condition of the building.

1.1 Visible observation



P1: West face (2nd floor)



P2: South face



P3: East-south face



P4: East-south roof



P5: Roof framing around the chimney



P6: Typical rafters



P7: Rafters, ceiling and walls



P8: Framing at Kitchen



P9: Interior door framing



P10: South-east lower roof framing



P11: South-west upper floor



P12: Middle section upper floor



P13: Basement showing main floor framing

2. Discussion and conclusions

Based on the filed observation and in-house review, it was found that

- 1) The primary structure for the existing building was constructed with light-wood framing;

- 2) The roof framing and upper floor framing have significant damage during the fire;
- 3) No visible damages were found in the basement

Based on our field observation and review, we have conclusions below

- A. the building above the ground is not safe for the current occupancy;
- B. the building above the ground is not safe for workers to enter in without a temporary safety method.

I trust it meets your current needs.

Please feel free to contact the writer should you have any further questions.

Kevin Ma, P.Eng, Struct.Eng



Z18-0117 145 Sadler Rd, 180 & 190 Hwy 33E

Rezoning Application

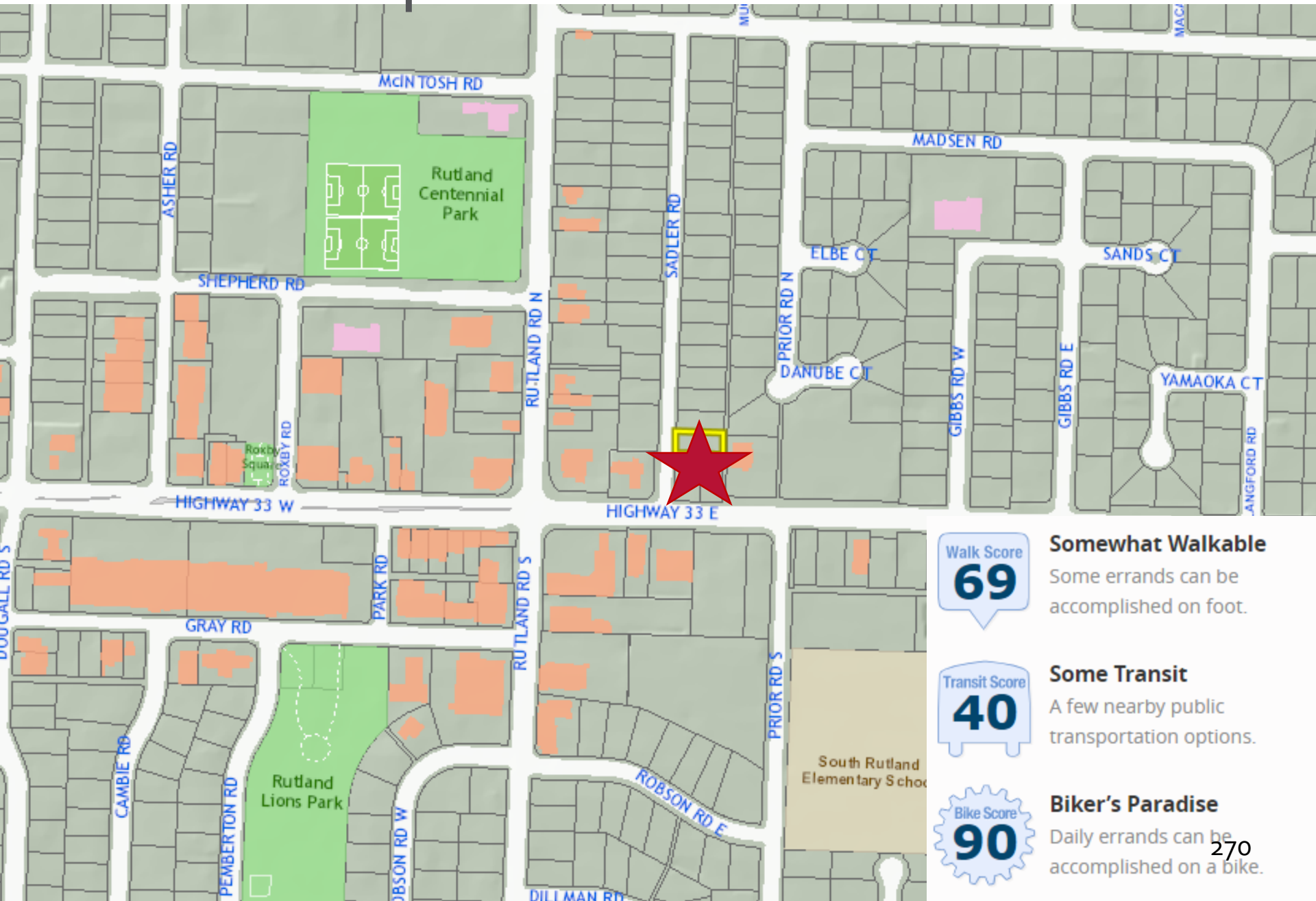
Proposal

- ▶ To consider an application to rezone the subject properties from RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to C4 – Urban Centre Commercial zone to facilitate the development of multiple dwelling housing.

Development Process



Context Map



Walk Score
69

Somewhat Walkable

Some errands can be accomplished on foot.

Transit Score
40

Some Transit

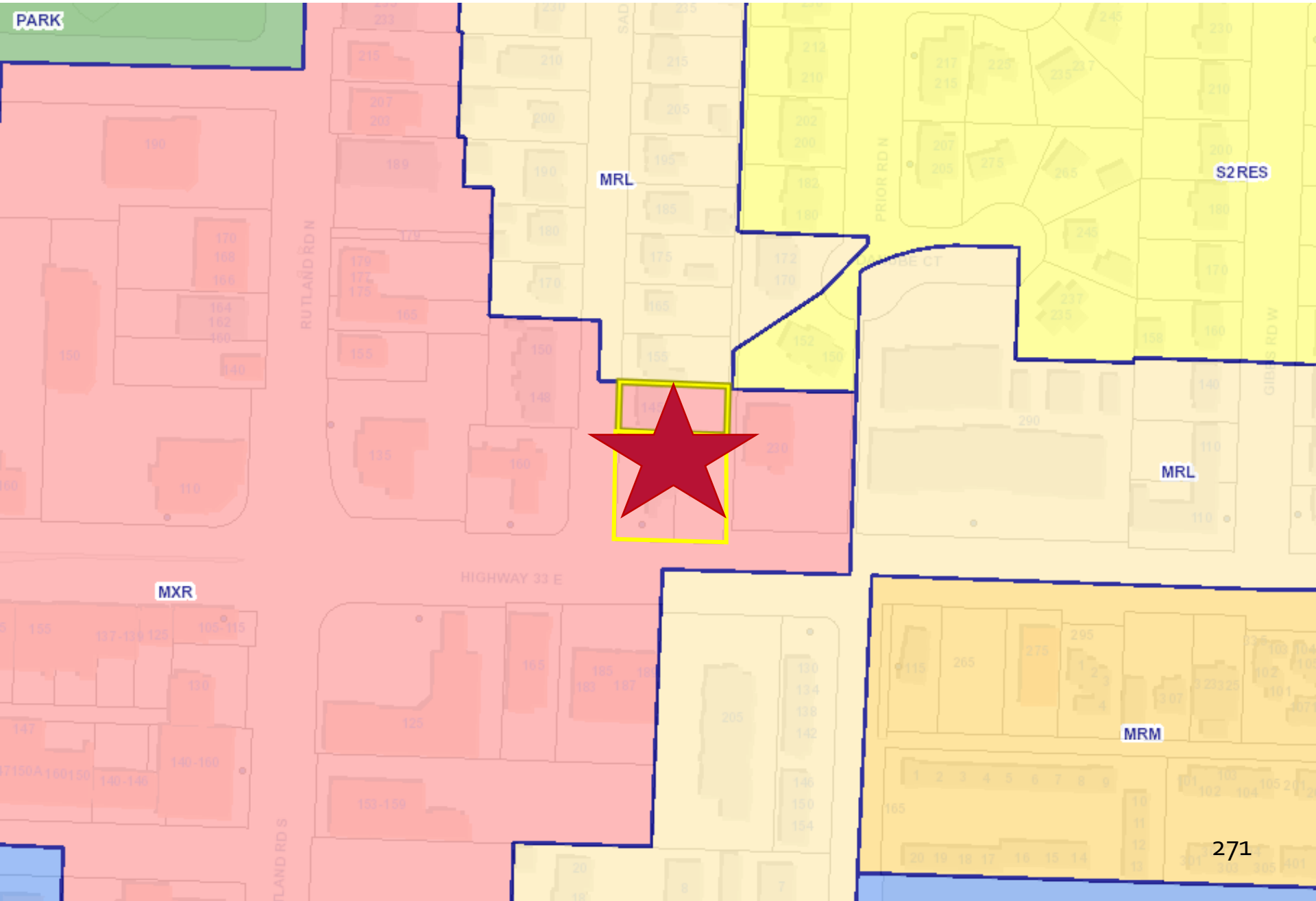
A few nearby public transportation options.

Bike Score
90

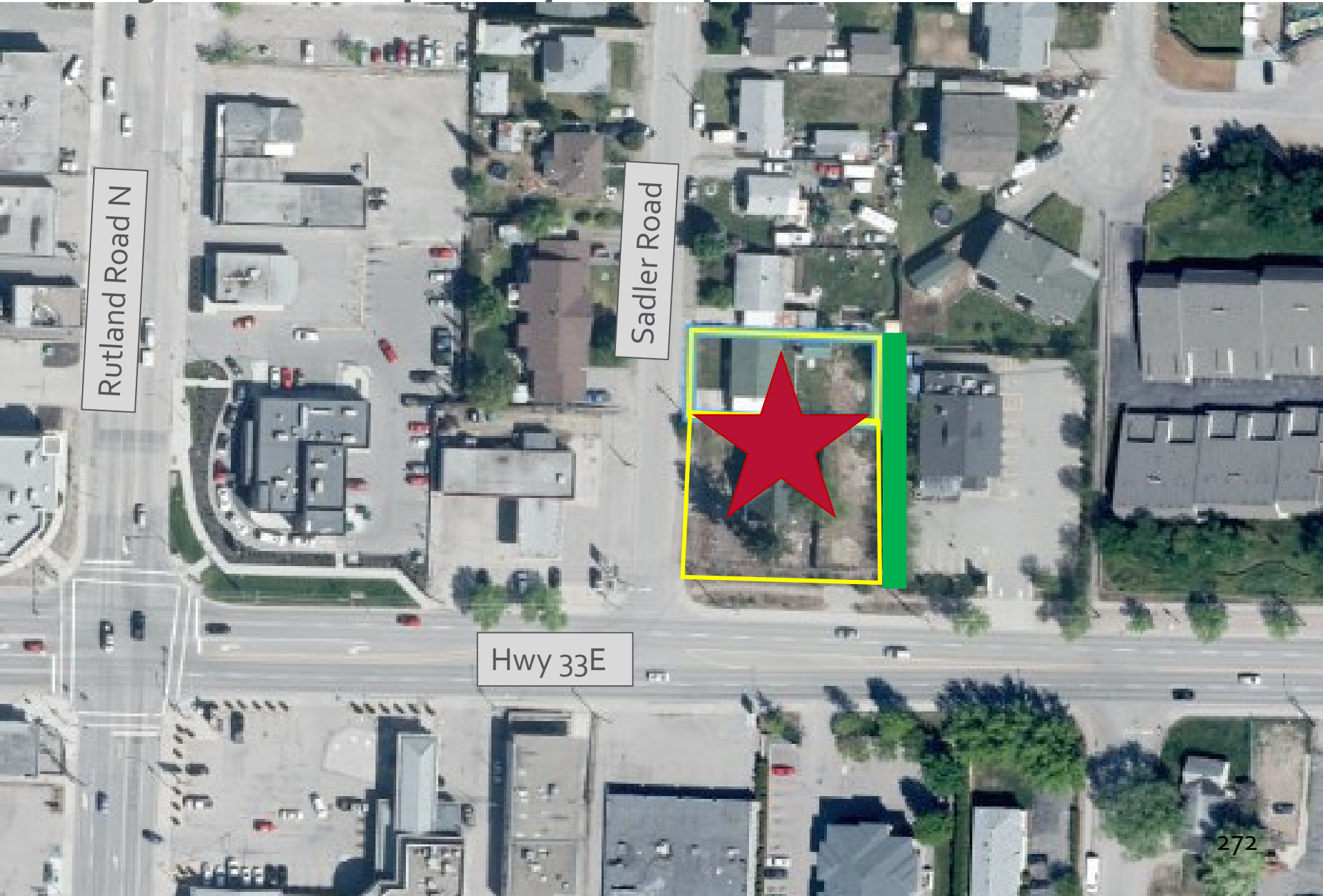
Biker's Paradise

Daily errands can be accomplished on a bike.

Future Land Use



Subject Property Map

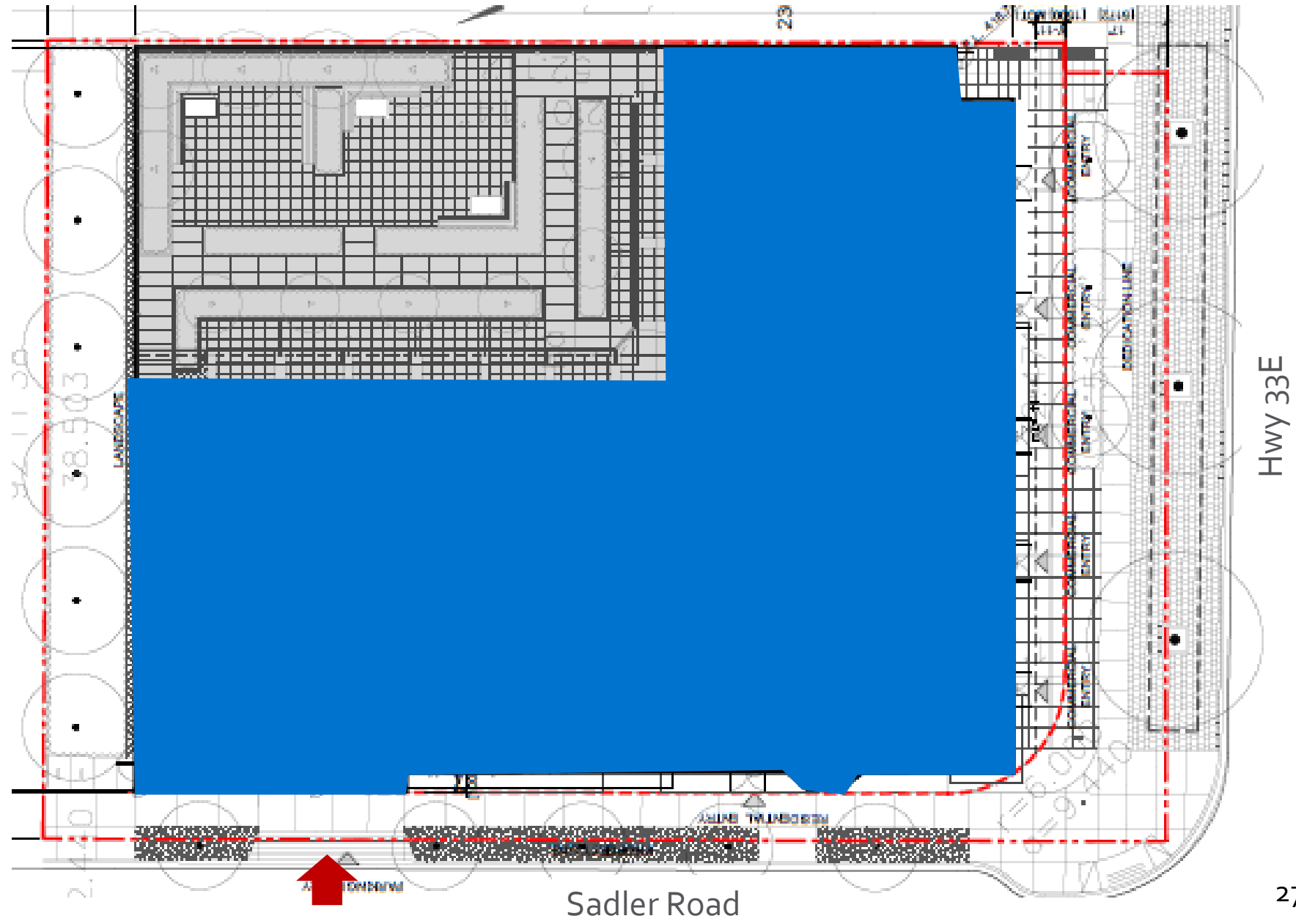




Project Details

- ▶ Changed to proposal:
 - ▶ 2 heritage building facades no longer part of proposal
 - ▶ Unit mix to be increased (less micro-suites, more family-oriented units)
- ▶ 5 storeys mixed use condo building
- ▶ 2 Commercial CRU's (285 m²)
- ▶ Two level parking podium (one buried)
- ▶ 91 parking stalls provided (Cash-in lieu for remainder)
- ▶ Site access from Sadler Road

Conceptual Site Plan



Development Policy

- ▶ OCP Urban Infill Policies:
 - ▶ Contain Urban Growth
 - ▶ Focus growth with compact, connected mixed-use developments in Urban & Village Centres.
 - ▶ Housing Mix
 - ▶ Support a greater mix of housing unit size, form and tenure in multi-unit residential and mixed-use developments.
 - ▶ Walkable location with shops, services and local amenities in close proximity.
 - ▶ Compatibility with surrounding land uses:
 - ▶ Various existing multi-family and commercial developments

Staff Recommendation

- ▶ Staff recommend **support** of the proposed Rezoning:
 - ▶ Meets many objectives in the OCP
- ▶ Recommend the bylaw be forwarded to Public Hearing for further consideration.



Conclusion of Staff Remarks



Report to Council



Date: June 28, 2021

To: Council

From: City Manager

Subject: Heritage Register Removal – 180 Highway 33 East

Department: Policy & Planning

Recommendation:

THAT Council receives, for information, the report from the Policy & Planning Department dated June 28, 2021, with respect to the Kelowna Heritage Register;

AND THAT Council endorse the removal of 180 Highway 33 East from the Kelowna Heritage Register.

Purpose:

To consider a request to remove the property at 180 Highway 33 East from the Kelowna Heritage Register.

Background:

The Kelowna Heritage Register is an official listing of properties within the community that are identified as having heritage value. Over 200 buildings are currently listed on the Heritage Register and each listing includes a Statement of Significance describing the building's historical, architectural and contextual characteristics.

Inclusion of a property on the Heritage Register does not constitute Heritage Designation or any other form of long-term heritage protection. The existing development potential of a property is not restricted and the owner is entitled to develop the property in accordance with the permitted uses, density and other regulations of the property's existing zoning. Buildings can be altered and may even be demolished, though there are withholding provisions that enable Council and staff to explore other development options with the property owner.

The heritage value of 180 Highway 33 East, known as the Sproul House, was primarily due to it being a good example of buildings found in early rural Kelowna. Additionally, the house was associated with the Sproul and Mugford families. E. Mugford was superintendent of the Black Mountain Irrigation District for many years. The property was added to the Kelowna Heritage Register in 2001.

An application was made in 2018 to rezone 180 Hwy 33 E along with two adjacent properties to facilitate a mixed-use development. Initially, the Development Planning Department worked with the

applicant to develop a plan for the property that incorporated the heritage house. Unfortunately, in 2020, the house was heavily damaged in a fire and the structure was deemed unsafe by a structural engineer. The home was also assessed by a heritage professional who determined that, due to the fire as well as multiple break-ins and additional damage, there is now a reduced ability to conserve the house as part of the redevelopment.

The development team has requested that the property be removed from the Heritage Register, but intends to continue working with a heritage professional throughout the redevelopment process. Additionally, the development team intends to commemorate the Sproul house in the new development through a mural, interpretive panels, and design elements, as well as by incorporating a bay window from the original house into the façade of the new development.

The Heritage Advisory Committee (HAC) is not currently in-session, therefore this request was not reviewed by HAC.

1.1 Site Context

The subject property is located in the Rutland Urban Centre on the northwest side of the Highway 33 E / Saddler Rd intersection.



Internal Circulation:

City Clerk
Divisional Director, Planning & Development Services
Development Planning Department Manager

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act, section 954

Legal/Statutory Procedural Requirements:

Heritage Procedures Bylaw, section 9.10 Kelowna Heritage Register

9.1 The registered owner of real property within the City of Kelowna, or an agent authorized in writing, may submit a written request to add a building(s) to or remove a building(s) from the Kelowna Heritage Register pursuant to Section 598 of the Local Government Act.

9.2 Written requests will be reviewed by the Policy & Planning Department on an annual basis, unless special circumstances require otherwise at the discretion of the Policy & Planning Department Manager.

9.3 The Policy & Planning Department will compile background information on the subject building(s) and the request and information will be forwarded to the Heritage Advisory Committee for review.

9.4 The Heritage Advisory Committee will evaluate the historical, architectural and contextual qualities of the subject building(s) and prepare a recommendation regarding the request.

9.5 The recommendation of the Heritage Advisory Committee will be forwarded to Council for consideration.

Existing Policy:

Official Community Plan

Objective 9.2 Identify and conserve heritage resources.

Policy 9.2.1 Heritage Register. Ensure that the Heritage Register is updated on an ongoing basis to reflect the value of built, natural and human landscapes.

Heritage Strategy

Strategy 1 – Preserve and Protect Heritage Resources. Continue to preserve and protect significant heritage resources through the use of protection tools and heritage planning initiatives.

Strategy 5 – Update Heritage Register. Continue to identify the City's significant cultural/natural landscapes, archaeological and built heritage resources.

Considerations not applicable to this report:

Financial/Budgetary Considerations

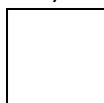
External Agency/Public Comments

Communications Comments

Submitted by:

A. Janousek, Planner II, Policy & Planning

Approved for inclusion:



J. Moore, Long Range Policy & Planning Manager

cc:

City Clerk

Divisional Director, Planning & Development Services

Development Planning Department Manager



Heritage Register Removal 180 Hwy 33 E

June 28, 2021



Kelowna Heritage Registry

- ▶ Listing of properties with heritage value
- ▶ Statement of Significance
- ▶ Incentives for heritage conservation
- ▶ Not long-term protection

180 Hwy 33 E



Subject Property Map



Staff Recommendation

- ▶ THAT Council receives, for information, the report from the Policy and Planning Department dated May 31, 2021, with respect to the Kelowna Heritage Register;
- ▶ AND THAT Council endorse the removal of 180 Hwy 33 E from the Kelowna Heritage Register.



Questions?

For more information, visit kelowna.ca.

REPORT TO COUNCIL



Date: June 28, 2021
To: Council
From: City Manager
Subject: Amendment to Development Application Fees Bylaw No. 10560
Department: Development Planning

Recommendation

THAT Council, receives, for information, the Report from the Development Planning Department dated June 28, 2021 recommending that Council amend the City of Kelowna Development Application Fees Bylaw No. 10560;

AND THAT Bylaw No. 12173 being Amendment No. 12 to the Development Application Fees Bylaw No. 10560 be forwarded for reading consideration.

Purpose

To amend the Development Application Fees Bylaw No. 10560 to more transparently include a \$50.00 administration fee.

Background

Amendment No. 10 to the Development Application Fee Bylaw was adopted on February 24, 2020. This amendment included the addition of a \$50.00 administration fee for the ongoing management/operations of the development applications business system. Once approved, this fee was included as a line in the Development Application Fee Bylaw, however, it was not incorporated in the tables. For greater clarity about the fees being charged and payable for any development applications, Development Planning recommends this fee be incorporated in the tables. For Agricultural Land Commission (ALC) applications these fees are set by the ALC and not subject to annual City of Kelowna increases or document administration fees.

Internal Circulation:

Office of the City Clerk

Considerations applicable to this report:

Legal/Statutory Authority: Authority to impose fees for processing development applications is established in Section 462(1) of the *Local Government Act*.

Financial/Budgetary Considerations: The inclusion of a \$50.00 administration fee was adopted in Amendment No. 10 to the Development Application Fee Bylaw but was not incorporated in the tables of the bylaw at that time.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements: N/A

Existing Policy: N/A

External Agency/Public Comments: N/A

Communications Comments: N/A

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

Attachments:

Schedule A: Draft Development Application Fees Chart

Schedule "A"

Development Application Fees – Table 1

FEES PURSUANT TO ZONING BYLAW NO. 8000 AND LOCAL GOVERNMENT ACT

- All fees and charges include relevant provincial and federal taxes unless otherwise stated.
- Annual fee increases are permitted until this bylaw is further amended or replaced.
- The fees and charges as noted in Schedule A will increase by two percent (2%) on January 1 each year.
- All fees and charges shall be rounded down to the nearest five (5) dollars.
- All applications from 2021 onwards **will** include a \$50.00 administration fee. Applications and fees noted with an asterisk (*) are exempt from the admin fee.

Development Category ¹	2020 Fees	2021 Fees	2022 Fees	2023 Fees
Pre-Application Meeting	One free meeting + \$220/ add'l meeting	One free meeting + \$220/ add'l Meeting	One free meeting + \$230/ add'l Meeting	One free meeting + \$235/ add'l Meeting
Area Structure Plans & Area Redevelopment Plans	\$9,060 base fee + \$85/ ha	\$9,290 base fee + \$85/ ha	\$9,470 base fee + \$90/ ha	\$9,655 base fee + \$90/ ha
OCP Amendments				
Major	\$3,510	\$3,630	\$3,700	\$3,770
Minor	\$1,890	\$1,975	\$2,010	\$2,045
Phased Development Agreement	\$3,020 + City's legal review fees	\$3,130 + City's legal review fees	\$3,190 + City's legal review fees	\$3,250 + City's legal review fees
Zoning Bylaw Amendments				
C for Carriage House	\$935	\$1,000	\$1,015	\$1,030
Bylaw Enforcement – Add C for Carriage House	\$1,890	\$1,975	\$2,100	\$2,045
RU6, RR1, RR2, RR3 & A1	\$1,475	\$1,550	\$1,580	\$1,610
Comprehensive Development Zone	\$3,510	\$3,630	\$3,700	\$3,770
All Other Zones (including RLS, LP and R subzones)	\$1,915	\$2,000	\$2,035	\$2,070
Rezoning Extension	\$485	\$540	\$545	\$550
Retail Cannabis Sales Subzone	\$9880	\$10,130	\$10,350	\$10,550
Text Amendments	\$1,505	\$1,585	\$1,615	\$1,645
Temporary Use Permit	\$1,830	\$1,915	\$1,950	\$1,985
Temporary Use Permit Extension	\$1,830	\$1,915	\$1,950	\$1,985
Development Variance Permit	\$1,540 + \$110/ add'l variance	\$1,620 + \$110/ add'l variance	\$1,650 + \$115/ add'l variance	\$1,680 + \$115/ add'l variance
Urban Design Development Permits				
Major	\$1,745	\$1,825	\$1,860	\$1,895
Minor Direct (Including RU7 Fast Track)	\$960	\$1,025	\$1,035	\$1,050
Natural Environment Development Permits				
Multiple Lot	\$1,475 + \$15/Lot	\$1,550 + \$15/Lot	\$1,580 + \$15/Lot	\$1,610 + \$15/Lot
Single Lot (Council Review)	\$1,745	\$1,825	\$1,860	\$1,895
Single Lot	\$960	\$1,025	\$1,040	\$1,055
Minor Direct	\$245	\$300	\$305	\$310

Temporary Farm Worker Housing Development Permit				
Major	\$745	\$805	\$820	\$835
Minor Direct	\$370	\$425	\$430	\$435
Farm Protection Development Permit				
Major	\$690	\$750	\$760	\$770
Minor Direct	\$445	\$500	\$505	\$510
ALC Applications (In accordance with the Application Fee Table published by the ALC). Amounts below paid to the City of Kelowna.				
Non-Adhering Residential Use *	\$450	\$450	\$450	\$450
Soil Use to Place Fill and/or Remove Soil *	\$750	\$750	\$750	\$750
Non-Farm Use *	\$750	\$750	\$750	\$750
Subdivision *	\$750	\$750	\$750	\$750
Exclusion *	\$750	\$750	\$750	\$750
Heritage Applications				
Major Heritage Alteration Permit	\$1,400	\$1,475	\$1,500	\$1,525
Minor Heritage Alteration Permit	\$745	\$805	\$820	\$835
Heritage Revitalization Agreement	\$1,800	\$1,885	\$1,920	\$1,955
Heritage Conservation Covenant *	Free	Free	Free	Free
Heritage Designation *	Free	Free	Free	Free
Amended Development Permit				
Major (Council consideration)	\$750	\$815	\$830	\$845
Minor (with re-circulation) *	\$590	\$600	\$610	\$620
Minor (without re-circulation) *	\$160	\$160	\$165	\$165
Land Use Contracts				
Discharge *	Free	Free	Free	Free
Amendment *	Free	Free	Free	Free

¹ Refundable Amounts:

- (a) Development fees which are refunded prior to Council consideration are eligible for the cost of the development fee less 50% administrative costs.
- (b) No development fees will be refunded if the application has been submitted to Council.

Liquor Licence Category ²	2020 Fee	2021 Fee	2022 Fee	2023 Fee
Liquor Licence Application (City Clerks receives \$1560 of application fee for Public Notification)				
New Liquor Primary Licence (up to 99 people)	\$2,050	\$2,140	\$2,180	\$2,220
New Liquor Primary Licence (100 people or more)	\$2,310	\$2,405	\$2,450	\$2,495
Change to Existing Licence	\$2,050	\$2,140	\$2,180	\$2,220
Liquor Licence Application (No Council resolution) *	\$60	\$60	\$65	\$65

² These application fees do not include rezoning and/or development permit application fees where required.

Administration Category	2020 Fee	2021 Fee	2022 Fee	2023 Fee
Public Hearing Advertising Re-Advertising (when Public Hearing cancelled by applicant)	\$520 minimum - If maps are required, additional costs will be incurred prior to Public Hearing.	\$570 minimum - If maps are required, additional costs will be incurred prior to Public Hearing.	\$580 minimum - If maps are required, additional costs will be incurred prior to Public Hearing.	\$580 minimum - If maps are required, additional costs will be incurred prior to Public Hearing.
Document Administration Fee ³ *Does not apply to documents forming part of a subdivision application.				
Major (Bylaw)	\$975	\$1,040	\$1,055	\$1,075
Minor (restrictive covenants, utility right-of-ways, road reservation agreements, road exchanges, road closures, servicing agreements, developer-initiated road name changes, quit claim documents excluding land use contracts, written response to inquiry, etc.) *	\$160	\$160	\$165	\$165
Non-Standardized Legal Document Review	\$690 base + \$310 per hour (after 3 hours)	\$750 base + \$310 per hour (after 3 hours)	\$760 base + \$315 per hour (after 3 hours)	\$770 base + \$315 per hour (after 3 hours)
Site Profile Fees *	\$60	\$60	\$65	\$65
Board of Variance Application ⁴	\$1,130	\$1,200	\$1,220	\$1,240
Revitalization Tax Exemption *	\$250	\$250	\$250	\$250

³ Requests for information not available in published form that require research will be charged a fee of \$35.00 per hour.

⁴ Board of Variance application withdrawn prior to preparing the appeal for advertising, and prior to circulation to City staff and Board of Variance members are eligible for a \$200.00 refund.

BL11233, BL11445, BL11981 and BL12173 replaced or amended Table 2:

Schedule "A"

Development Application Fees – Table 2

FEES PURSUANT TO SUBDIVISION, DEVELOPMENT, AND SERVICING BYLAW NO. 7900 AND LAND TITLE ACT

- All fees and charges include relevant provincial and federal taxes unless otherwise stated.
- Annual fee increases are permitted until this bylaw is further amended or replaced.
- The fees and charges as noted in Schedule A will increase by two percent (2%) on January 1 each year with the exception of the Subdivision and Development Engineering Inspections administration fee (3.5%).
- All fees and charges shall be rounded down to the nearest five (5) dollars.
- All applications from 2021 onwards **will** include a \$50.00 administration fee. Applications and fees noted with an asterisk (*) are exempt from the admin fee.

Subdivision Category ⁵	2020 Fee	2021 Fee	2022 Fee	2023 Fee
Fee Simple Subdivision and Bare Land Strata Subdivisions (Preliminary Layout Review) Subdivision where less than 3 new lots are being proposed	\$2,160 base fee	\$2,250 base fee	\$2,290 base fee	\$2,330 base fee
Fee Simple Subdivision and Bare Land Subdivisions (Preliminary Layout Review) Subdivision where 3 or more new lots are being proposed	\$2,160 base fee (lots 1-2) + \$110/ additional lot	\$2,250 base fee (lots 1-2) + \$110/lot additional lot	\$2,290 base fee (lots 1-2) + \$115/lot additional lot	\$2,330 base fee (lots 1-2) + \$115/lot additional lots
Technical Subdivision Approval	\$370	\$425	\$430	\$435
Phased Strata Development *	\$160	\$160	\$165	\$165
Form P	\$320	\$375	\$380	\$385
Preliminary Layout Review (PLR) Renewal and Strata Conversion Renewal	\$270/ year	\$325 / year	\$330 / year	\$335 / year
Subdivision, Bare Land Strata, Phased Strata & Form E Final Re-Approval Fee *	\$160	\$160	\$165	\$165
Building Strata Conversions	\$1,080 + \$110/ unit (over 5 units)	\$1,150 + \$110/ unit (over 5 units)	\$1,170 + \$115/ unit (over 5 units)	\$1,190 + \$115/ unit (over 5 units)
Soil Removal/Deposit Permit	\$270	\$325	\$330	\$335
Overheight Retaining Wall Permit	\$270	\$325	\$330	\$335
Road Renaming Applications	\$540	\$600	\$610	\$620
Restrictive Covenant – review, change or removal	\$540	\$600	\$610	\$620
Airspace Parcel Subdivision	\$16,230	\$16,600	\$16,930	\$17,265
Document Administration Fee * (including, but not limited to, No Build / No Disturb Covenant, Wildfire Covenant, and ALC Conservation Covenant)	\$160	\$160	\$165	\$165

⁵ Subdivision fees are non-refundable

DRAFT



Amendment to Development Application Fees Bylaw No. 10560



Proposal

- ▶ To amend the Development Application Fees Bylaw No. 10560 to more transparently include a \$50.00 administration fee.

Document Administration Fee

- ▶ The addition of this \$50.00 document administration fee was adopted on February 24, 2020 through Amendment No. 10.
 - ▶ Incorporation of this fee in the tables will add clarity and transparency about total fees due

ALC Applications

- ▶ For Agricultural Land Commission (ALC) applications these fees are set by the ALC and not subject to annual City of Kelowna increases or document administration fees.

Further Amendments

- ▶ Fees established through 2023
- ▶ The Fee Bylaw will need to be further amended in 2023, for subsequent years

Staff Recommendation

- ▶ Staff recommend Council **support** the proposed amendments to Development Application Fees Bylaw No. 10560



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12220

Amendment No. 12 to Development Applications Fees Bylaw No. 10560

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Applications Fees Bylaw No. 10560 be amended as follows:

1. THAT **Schedule "A" - DEVELOPMENT APPLICATION FEES –Development Application Fees – Table 1 FEES PURSUANT TO ZONING BYLAW NO. 8000 AND LOCAL GOVERNMENT ACT** be amended by:

- a) Deleting the following:

"All applications from 2021 onwards will include a \$50.00 administration fee. Applications and fees noted with an asterisk (*) are exempt from the admin fee."

Replacing it with:

"All applications from 2021 onwards include a \$50.00 administration fee. Applications and fees noted with an asterisk (*) are exempt from the admin fee."

- b) Deleting the following:

Non-Adhering Residential Use	\$450	\$450	\$450	\$450
Soil Use to Place Fill and/or Remove Soil	\$750	\$750	\$750	\$750
Non-Farm Use	\$750	\$750	\$750	\$750
Subdivision	\$750	\$750	\$750	\$750
Exclusion	\$750	\$750	\$750	\$750

Replacing it with:

Non-Adhering Residential Use*	\$450	\$450	\$450	\$450
Soil Use to Place Fill and/or Remove Soil*	\$750	\$750	\$750	\$750
Non-Farm Use*	\$750	\$750	\$750	\$750
Subdivision*	\$750	\$750	\$750	\$750
Exclusion*	\$750	\$750	\$750	\$750

- c) Adding \$50 to the 2021 Fees, 2022 Fees and 2023 Fees columns except applications and fees noted with an asterick (*).

2. AND THAT **Schedule "A" Development Application Fees – Table 2 FEES PURSUANT TO SUBDIVISION, DEVELOPMENT, AND SERVICING BYLAW NO. 7900 AND LAND TITLE ACT** be amended by:

- a) Deleting the following:

"All applications from 2021 onwards will include a \$50.00 administration fee. Applications and fees noted with an asterisk (*) are exempt from the admin fee."

Replacing it with:

"All applications from 2021 onwards include a \$50.00 administration fee. Applications and fees noted with an asterisk (*) are exempt from the admin fee."

- b) Adding \$50 to the 2021 Fees, 2022 Fees and 2023 Fees columns except applications and fees noted with an asterick (*).
- 3. This bylaw may be cited for all purposes as "Bylaw No. 12220, being Amendment No. 12 to Development Applications Fees Bylaw No.10560."
- 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, 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: June 28, 2021
To: Council
From: City Manager
Subject: 2020 Annual Report and Statement of Financial Information
Department: Financial Services

Recommendation:

THAT Council receives, for information, the 2020 Annual Report for the year ended December 31, 2020.

AND THAT Council receives, for information, the 2020 Statement of Financial Information report that includes: Council Remuneration and Expense Report, Schedule of Remuneration and Expenses paid to or on behalf of each employee, Schedule of Payments to Suppliers of Goods and Services and Schedule of Payments to Suppliers for Grants and Contributions.

Purpose:

To meet legislated reporting requirement for annual financial reporting, showcase City services, programs and projects, and provide contextual information for the data contained in the Statement of Financial Information report.

Background:

Annual reporting of the financial information is mandatory for all municipalities under the *Financial Information Act*. The City's annual report is available online at kelowna.ca/annualreport, with print copies available by request. Each year the City prides itself on producing a report that meets financial requirements, while presenting the information in a way that tells the story behind the numbers.

Discussion:

Public Review

The *Community Charter* requires that the public is informed that the report is available for review two weeks prior to Council's consideration of the annual report. Members of the public were invited (via newspaper advertising, eSubscribe newsletter, online marketing and social media) to review the report, provide feedback and ask questions about the report prior to and at the June 28 Council meeting.

The 2020 Annual Report was published on [kelowna.ca/annual report](https://kelowna.ca/annual-report) on June 11, 2021. As of June 22, the webpage received 164 unique visitors, the digital Annual Report document was opened and viewed 206 times (unique views) and social media posts garnered over 23,000 views (Facebook, Twitter LinkedIn and Instagram posts). In addition, an e-newsletter was sent to 821 subscribers, inviting them to read the report.

Annual Report

On April 29, 2021 the Audit Committee reviewed the City of Kelowna's annual Consolidated Financial Statements for the year ended December 31, 2020; these statements were subsequently approved by Council on May 10, 2021.

The 2020 annual report summarizes the City's financial and non-financial accomplishments for a year that no one saw coming, navigating the ups and downs of a pandemic. With Imagine Kelowna and the 2019 – 2022 Council Priorities as the guide, agility, resilience and strong financial management enabled the City to overcome challenges and serve its residents, businesses and visitors preserving Kelowna as a great place to live, work, play and invest.

The 2020 Citizen Survey reflects high satisfaction with overall quality of life and level and quality of City services, also indicating that the City fosters a community that is inclusive and accepting of all through its services and programs. The majority of citizens (87 per cent) say they feel safe in their community and feel they receive good value for their tax dollars (79 per cent). The survey also looked at the impact of COVID-19 on the community. At the time of survey (September 2020), 48 per cent of respondents noted an increased use of neighbourhood parks, 32 per cent indicated that meeting financial obligations was becoming a challenge and 18 per cent would prefer mandatory or increased mask use to help reduce the spread of COVID-19. Social issues continued to dominate the issue agenda and are citizens' number one priority for investment (79 per cent), with diverse housing options and drinking water coming in as the next top priorities (67 and 65 per cent respectively).

The 2020 Annual Report is structured to highlight and reflect on Council Priorities 2019 – 2022 which in turn, advances the Imagine Kelowna vision, focusing the work we do to become the Kelowna that residents told us they want to see. The annual report discusses what was accomplished in each of the six Council focus areas: Community Safety, Social & Inclusive, Transportation & Mobility, Vibrant Neighbourhoods, Economic Resiliency, and Environmental Protection as well as the three Corporate focus areas: Financial Management, Clear Direction and People.

Tax Exemptions

A report on permissive tax exemptions granted by Council is included in the annual report. The amount reported in this section includes the municipal portion of taxes exempted for the year 2020 as required under the *Community Charter*. A report is also included on Development Cost Charges (DCC) to indicate the activity for charges received, expenditures made and any waivers or reductions for each DCC group.

Statistical Review

Within the annual report, following the audited Consolidated Financial Statements and Notes to the Consolidated Financial Statements, is the Statistical Review, in graphic format, for the years 2016 – 2020.

Statement of Financial Information

The 2020 Council Remuneration and Expenses report, Employee Remuneration and Expenses report, and Schedules of Payments for the provision of goods & services and grants & contributions are prepared annually as part of the *Financial Information Act* reporting requirements.

The 2020 Employee Remuneration report shows an increase of 33 staff earning more than \$75,000 over 2019 – management staff increased by 20, there was no change in IAFF staff and CUPE staff increased by 13.

The overall increase is a result of a combination of a reflection of a growing population, incremental wage increases from collective agreements, and staff hired in the latter part of 2019 reporting a full salary in 2020.

The City provides hundreds of services that require a wide variety of degrees and specialized qualifications. The City must also compete with the public and private sectors to recruit and retain employees who are qualified to fill these positions.

The chart below provides a summary of the changes by employee group:

Remuneration Comparison 2020 - 2019			
>\$75,000	2020 Numbers	2019 Numbers	Change in Numbers
Management	147	127	20
IAFF	124	124	0
CUPE	211	198	13
TOTAL	482	449	33

The total employee remuneration for 2020 increased by 2.1 per cent, or approximately \$1.7 million to \$79.6 million. This increase can be attributed to an average of 2 per cent in wage and salary increases with the remainder the result of increased staffing to ensure continued service levels to a growing city.

The City of Kelowna continues to support the business community through supplier payments. In 2020, the City saw a decrease of \$85.4 million largely due to: the deferral of capital projects and overall spending reductions in response to the pandemic, reductions for one-time payments made in 2019, and reduced transfers to other tax authorities.

Supplier Payment Comparison 2020 – 2019 (\$000s)			
Supplier Payments	2020	2019	Change
>\$25k	\$307,491	\$391,799	(\$84,308)
Less than \$25k	10,674	11,748	(1,074)
TOTAL	\$318,165	\$403,547	(\$85,382)
# of suppliers >\$25k	561	590	(29)

In 2020 the City provided payments to suppliers in the amount \$318 million and the number of suppliers decreased by 29.

Top 10 Suppliers (excl. Other Tax Authorities)	
Supplier's Name	Amount (\$)
Emil Anderson Construction Inc	24,379,865
Young Anderson "In Trust"	16,914,226
Pension Corporation	14,444,525
BC Transit	9,282,507
Acres Enterprises Ltd	6,237,923
Fortis BC	5,797,291
CGL Contracting Ltd	4,899,574
Morneau Shepell Ltd	4,472,161
Environmental 360 Solutions Ltd	3,750,708
Bouygues Energies & Services Canada Ltd	3,425,197

Conclusion:

The 2020 annual report reflects on the City's and community's resiliency, compassion and resolve. Strong financial management saw the City through a uniquely challenging year and successful recovery will require staying true to our financial principles and strategies moving forward. Annual progress reporting on Council Priorities will provide the focus necessary to continue to deliver on the Community's Imagine Kelowna vision.

Internal Circulation:

G. Davidson, Divisional Director Financial Services
 S. Leatherdale, Divisional Director Corporate & Protective Services
 C. Weaden, Divisional Director Corporate Strategic Services

Considerations applicable to this report:

Legal/Statutory Authority:

Community Charter section 98, Annual Municipal Report – requires that the annual report be prepared by June 30 of each year and that it be available for public inspection at the meeting when the Annual Report is to be considered by Council.

Community Charter section 99, Annual Meeting on Report – Council must give notice of the meeting at which the Annual Report is to be considered, in accordance with section 94, and consider the annual report along with any submissions and questions from the public.

Financial Information Act Regulation, Schedule 1, Section 9(2) – requires that a Municipality have the Statement of Financial Information approved by its Council and by the officer assigned responsibility for financial administration under the *Local Government Act*.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: S Little, Corporate Finance Manager

Approved for inclusion:



G. Davidson, Divisional Director Financial Services



2020 Annual Report 2020 Statement of Financial Information





2020 Annual Report



Community Charter

- ▶ Division 5 – Reporting, Sections 98 & 99
- ▶ Presented by June 30th of each year
- ▶ Available for public review 2 weeks prior to Council review

Public Review

- ▶ Online June 11th at kelowna.ca/annualreport
- ▶ Invitation to comment sent via:
 - ▶ Newspaper advertising
 - ▶ Online marketing (e-Newsletter)
 - ▶ Social media (Facebook, Twitter, Instagram & LinkedIn)

Annual Report Video



Annual Report Content

- ▶ Highlights from 2020 aligned with Council Priorities 2019 – 2022
- ▶ Results of the 2020 Citizen Survey
- ▶ Awards and Recognition
- ▶ Audited Consolidated Financial Statements
- ▶ Permissive Tax Exemptions
- ▶ Statistical Review



2020 Statement of Financial Information



Statement of Financial Information

- ▶ Audited Financial Statements
- ▶ Council Remuneration and Expense report
- ▶ Schedule of Remuneration and Expenses
- ▶ Schedule of Payments to Suppliers of Goods and Services
- ▶ Schedule of Payments to Suppliers for Grants and Contributions

Remuneration Comparison 2020 - 2019

Group	# of Employees >75,000		
	2020	2019	Change
Management	147	127	20
IAFF	124	124	0
CUPE	211	198	13
TOTAL	482	449	33

Summary of Supplier Payments (\$000)

Supplier Payments	2020	2019	Change
Greater than \$25,000	\$307,491	\$391,799	(\$84,308)
Less than \$25,000	10,674	11,748	(1,074)
TOTAL	\$318,165	\$403,547	(\$85,382)
# of suppliers > \$25k	561	590	(29)



Questions?

For more information, visit kelowna.ca.

2020 Statement of Financial Information

For the year ended December 31, 2020

Including

Council Remuneration and Expense Report

Schedule of Remuneration and Expenses paid to or on behalf of each employee

Schedule of Payments to Suppliers of Goods and Services

Schedule of Payments to Suppliers for Grants and Contributions

June 2021

CITY OF KELOWNA
Council Remuneration and Expense Report
for the year ended December 31, 2020

Surname	First Name	Taxable Remuneration (\$)	Other Expenses (\$)
Mayor			
Basran	Colin	110,244	9,608
Councillors			
DeHart	Maxine	38,069	-
Donn	Ryan	38,069	394
Given	Gail	38,069	1,028
Hodge	Charles	37,719	-
Sieben	Brad	37,719	357
Singh	Mohini	37,719	-
Stack	Luke	37,719	196
Wooldridge	Loyal	38,069	1,214
Total Council		\$ 413,396	\$ 12,797

CITY OF KELOWNA

Schedule of Remuneration and Expenses paid to or on behalf of each employee
for the year ended December 31, 2020

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Management				
Abrey	B	Infrastructure Systems Manager	110,145	-
Adamson	J	Property Management Manager	82,552	51
Albiston	A	Project Manager	107,493	964
Antunes	M	Budget Supervisor	102,294	-
Astofooroff	D	Public Works Manager	126,820	-
Aylard	P	Senior Project Manager	100,494	2,064
Babcock	C	Event Development Supervisor	79,321	2,350
Barton	T	Development Planning Department Manager	126,292	1,071
Bayat	M	Development Services Director	145,422	-
Beach	B	Infrastructure Delivery Dept Manager	138,839	-
Belgrove	D	Chief - Airport Operations and Fire	87,666	3,971
Bentley	L	Deputy City Clerk	94,494	-
Black	J	Urban Planning Manager	87,182	-
Boehm	A	Intelligent Cities Manager	98,941	40
Brennan	J	Business Services Application Manager	97,726	1,930
Bryans	S	Public Works Manager	98,032	-
Bujara	C	Corporate HR Department Manager	116,574	-
Bushell	S	Project Manager	104,049	1,019
Butt	H	Senior Project Manager	121,615	1,212
Cairney	B	Traffic Signals & Systems Supervisor	102,466	1,780
Campbell	L	Traffic Operations & Technical Support Supervisor	99,682	3,468
Castorf	H	Project Manager	98,253	351
Caul	D	Community Safety Director	126,266	-
Cavanaugh	M	Project Manager	80,415	-
Cavezza	B	HR Programs & Systems Manager	95,153	358
Chan	C	Accounting Operations Manager	102,637	-
Coates	S	Police Services Manager	105,997	322
Corcoran	L	Communications Department Manager	121,476	-
Cornock	C	Crime Prevention Supervisor	87,509	-
Creron	J	Deputy City Manager	206,891	-
Cronquist	S	Deputy Fire Chief	144,697	-
Davidson	G	Divisional Director, Financial Services	182,280	1,087
DeGruchy	J	Senior Project Manager	112,081	-
Dempsey	L	Utility Engineer	93,508	-
Dombowsky	J	Transit and Programs Manager	105,645	-
Douglas	M	Communications Consultant	76,964	-
Drachenberg	N	Airport Safety & Security Manager	118,747	2,140
Dray	T	HR Business Partner	78,776	107
Dreaper	L	Compensation and Benefits Manager	91,143	-
Dueck	J	Controller	115,019	-
Duncan	D	Parking Services Manager	97,016	-
Dyrdal	S	Senior Airport Finance & Corporate Services Manager	104,893	1,610

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Edstrom	D	Divisional Director, Partnerships & Investments	173,181	4,401
Effray	S	Innovation Consultant	78,525	101
Elchitz	P	Senior Airport Operations Manager	129,396	3,178
Emery	W	Procurement Management Supervisor	87,251	-
Fagan	S	Arena Stadium Supervisor	89,821	121
Fine	R	Business and Entrepreneurial Development	137,538	-
Finney	W	Special Programs Coordinator	84,989	-
Fleming	S	City Clerk	126,726	1,045
Follack	S	Deputy Fire Chief	134,833	741
Foy	G	Transportation Engineering Manager	123,557	-
Gabriel	J	Divisional Director, Active Living & Culture	186,678	-
Garcia	B	Solid Waste Supervisor	83,931	1,009
Gatzke	D	Parks and Beaches Supervisor	89,636	990
Gazley	D	Bylaw Services Manager	100,228	-
Geirsdottir	S	Performance Improvement Consultant	78,612	-
Gibbs	A	Senior Project Manager	126,955	-
Gilchrist	D	City Manager	289,128	2,002
Gosselin	M	Wastewater Manager	112,120	1,303
Grills	K	Fleet Services Supervisor	89,428	47
Hall	J	Airport Operations Manager	105,544	2,173
Hamilton	J	Sponsorship & Advertising Manager	85,057	-
Hoekstra	S	Landfill & Compost Operations Manager	98,185	1,508
Hollier	L	Deputy Fire Chief	149,424	613
Hood	G	Strategic Land Development Manager	107,035	-
Hoppe	E	Water Quality & Customer Care Supervisor	89,605	-
Hunsberger	A	Urban Forestry Supervisor	96,622	304
Hunter	K	Bylaw Services Supervisor	107,127	-
Isaak	K	Infrastructure Administration Manager	78,083	-
Ivey	C	Community Theatre Manager	79,094	65
Johnson	A	Building Services Manager	106,037	-
Josefson	S	Safety Advisor	86,148	-
Kam	M	Grants & Special Projects Manager	86,025	151
Kaman-Newton	C	HR Systems Coordinator	79,564	2,041
Kay	J	Development Engineering Manager	123,592	2,157
Kay	K	Community Engagement Supervisor	78,046	-
Kayfish	L	Risk Manager	112,766	-
Keis	T	Civic Operations Finance & Administration Manager	85,699	483
King	G	Administration & Business Services Manager	99,912	-
Kochan	S	Partnership Manager	98,142	-
Kowal	T	Building Inspection & Licensing Manager	108,539	-
Leatherdale	S	Divisional Director, Corporate and Protective Services	181,900	2,078
Li	A	Civic Operations Finance & Admin Service Supervisor	81,324	-
Little	S	Corporate Finance Manager	96,028	1,980
MacLean	R	Utility Planning Manager	117,985	-
McFarlane	J	Asset Manager	84,303	2,011
McGreer	M	Corporate Strategy & Performance, Dept Manager	115,724	-
McWillis	C	Cultural Services Manager	84,826	521
Miles	R	OCP Project Planner	90,798	62

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Moore	J	Long Range Policy Planning Manager	105,577	46
Munchinsky	C	Airport Business Dev and Community Relations Manager	75,351	1,925
Murrell	M	Utilities Network Maintenance Supervisor	96,852	378
Nadasde	W	Utilities Construction Supervisor	101,583	-
Naish	M	HR Business Partner	77,688	432
Netzel	J	Senior Project Manager	113,967	2,670
Newcombe	A	Divisional Director, Infrastructure	179,279	368
Nice	M	Human Resources Services Manager	96,433	1,005
Nicholas	D	Sport & Event Services Manager	97,901	1,657
Noble-Brandt	D	Policy & Planning Department Manager	128,416	62
Olson	M	Real Estate Services Manager	97,010	-
Pabla	J	Information Services Director	126,558	6,916
Parlane	R	Parks & Buildings Planning Manager	109,845	-
Patan	D	Building Inspection & Licensing Manager	90,642	-
Perry	S	Building Services Supervisor	85,156	120
Peters	N	Safety Advisor	95,571	963
Ray	C	Energy Specialist	80,322	-
Reinhart	S	Police Quality Assurance Supervisor	75,861	-
Rideout	A	Client Services Supervisor	87,049	-
Ritchie	G	Senior Airport Development Manager	104,448	14,464
Robertson	S	Project Manager	93,015	479
Rogowski	K	Transportation Engineer Safety and Systems	82,195	525
Samaddar	S	Airport Director	187,290	6,411
Sargeant	S	Senior Transportation Planning Engineer	85,783	-
Saufferer	J	Real Estate Department Manager	122,177	121
Schumacher	A	Revenue Supervisor	89,273	-
Schwarz	D	Solid Waste Supervisor	82,654	-
Shaw	J	Infrastructure Engineering Manager	136,138	343
Siggers	M	Community & Neighbourhood Services Manager	93,767	-
Smith	L	Data Services & Analytics Manager	110,299	-
Smith	R	Divisional Director, Planning & Development Services	164,626	487
Sophonow	T	Sportsfield & Irrigation Supervisor	100,033	-
Soros	A	Fleet Services Manager	98,290	2,139
Stella	M	Airport Emergency and Operational Readiness Manager	94,267	1,293
Stewart	B	Parks Services Manager	120,634	-
Strachan	D	Community Planning & Development Manager	112,732	-
Stuart	B	Water Supply & Pumpstations Supervisor	101,509	-
Thiessen	A	Project Portfolio Manager	124,313	-
Thompson	D	Roadways Construction Supervisor	100,780	-
Tollefson	B	Energy Program Manager	89,431	915
Tompkins	D	Purchasing Manager	98,821	-
Van Vliet	K	Utility Services Manager	131,842	-
VanZerr	M	Strategic Transportation Planning Manager	109,147	-
Villarreal Pacheco	R	Integrated Transportation Department Manager	156,707	370
Watt	K	Police Facility Operations Supervisor	75,918	-
Weaden	C	Divisional Director, Corporate Strategic Services	179,538	-
Weremy	A	Water Operations Manager	113,682	-
Wheeler	S	Social Development Manager	102,444	1,126

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Whiting	T	Fire Chief	166,511	2,448
Williams	C	TRG OP Senior Transportation Planning Engineer	99,456	233
Wilson	C	HR Disability Coordinator	77,017	-
Wilson	I	Infrastructure Operations Department Manager	131,663	-
Wilson	L	Communications Consultant	77,056	-
Wilson	T	Communications Manager	96,616	-
Wise	G	Business License Manager	96,285	-
Wollin	W	Traffic Operations & Technical Support Supervisor	96,151	-
Yakimchuk	J	Airport Project Manager	96,637	-
Firefighters				
Baillie	J	Firefighter	116,163	1,587
Barton	P	Firefighter	108,307	-
Baudais	S	Dispatch Centre Operator	105,419	-
Baumann	R	Firefighter	103,246	-
Beaton	D	Firefighter	99,175	83
Belinski	S	Firefighter	81,477	53
Benson	A	Firefighter	110,091	503
Blanleil	C	Firefighter	78,181	53
Bonkowski	G	Firefighter	110,392	2,121
Brownlee	M	Captain	128,566	53
Campbell	H	Firefighter	86,557	-
Chapman	J	Firefighter	87,186	53
Chartier	S	Dispatch Operator 2	76,163	-
Chasca	D	Captain	126,207	53
Chatham	A	Captain	100,289	-
Christian	J	Firefighter	100,612	1,012
Clarke	S	Captain	134,538	586
Corsi	R	Firefighter	110,457	1,012
Dais	J	Captain	127,711	-
Darchuk	G	Captain	88,336	53
Dion	R	Firefighter	109,458	53
English	R	Firefighter	88,114	53
Enns	C	Firefighter	88,279	53
Enseleit	C	Firefighter	115,363	1,837
Erhardt	A	Firefighter	86,224	-
Euper	R	Fire Inspector II	113,905	46
Fairweather	B	Firefighter	103,251	53
Fenton	L	Firefighter	112,390	53
Freeman	T	Firefighter	79,116	53
Freh	K	Firefighter	101,836	53
Gaschnitz	C	Firefighter	112,826	53
Gaudet	S	Firefighter	89,059	53
Geistlinger	M	Firefighter	79,728	-
Graf	S	Firefighter	110,300	2,388
Green	W	Firefighter	105,699	53
Haines	M	Firefighter	104,728	1,042
Hall	S	Captain	126,759	-

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Hanik	T	Dispatch Centre Operator	100,457	-
Harrison	O	Firefighter	96,673	113
Hawley	M	Fire Inspector II	112,806	-
Heyming	D	Firefighter	81,007	-
Hill	M	Captain	126,256	586
Hogg	D	Firefighter	102,118	53
Jacobson	K	Firefighter	108,331	1,366
Johnson	N	Firefighter	103,009	-
Johnson	P	Fire Prevention Officer	131,419	1,120
Johnston	T	Lieutenant	130,522	1,455
Kakuno	T	Firefighter	100,321	-
Keating	L	Firefighter	114,929	7,374
Kelly	J	Platoon Captain	136,684	53
Kiehlbauch	S	Captain	130,985	53
Kinnear	M	Firefighter	103,379	146
Klonteig	S	Fire Administration Officer I	124,043	-
Kranabetter	M	Captain	125,193	53
Kroschinsky	B	Firefighter	106,945	1,418
Lang	C	Captain	129,346	53
Liebel	D	Firefighter	86,978	53
Light	T	Platoon Captain	138,816	53
MacDonald	C	Firefighter	89,337	-
MacDonald	C	Firefighter	91,032	53
MacKinnon	K	Firefighter	91,304	53
Mamchur	T	Firefighter	107,744	1,366
Martins	J	Firefighter	89,330	252
McCarthy	D	Firefighter	109,876	2,068
McConnell	P	Firefighter	79,376	53
McLaren	T	Firefighter	90,102	-
McNairn	J	Firefighter	102,822	53
Melnyk	T	Captain	118,470	53
Metzger	C	Firefighter	79,570	53
Meyer	S	Firefighter	98,241	1,012
Miller	D	Platoon Captain	137,337	53
Minchin	M	Dispatch Operator 2	77,266	-
Moffat	R	Lieutenant	117,326	586
Moorhouse	M	Firefighter	104,736	-
Mudge	R	Firefighter	104,706	53
Muldoon	B	Firefighter	95,339	113
Murphy	S	Firefighter	89,471	26
Nanci	E	Asst. Fire Training Officer	133,330	100
Neale	S	Firefighter	78,083	53
Ness	J	Firefighter	105,542	53
Nykilchuk	B	Firefighter	108,420	53
Orban	C	Firefighter	115,555	968
Paley	G	Training Officer	138,977	286
Payer	S	Captain	124,520	53
Pellett	R	Firefighter	103,214	1,002

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Pfenning	B	Captain	123,254	586
Picklyk	J	Captain	131,083	53
Prowal	J	Firefighter	94,246	53
Rooks	S	Firefighter	102,768	-
Roshinsky	S	Captain	129,840	191
Rossi	S	Firefighter	104,374	1,738
Rubuliak	C	Firefighter	108,534	53
Sanger	T	Firefighter	114,344	7,850
Schmidt	A	Firefighter	104,449	-
Schraeder	J	Firefighter	110,937	53
Shaw	D	Firefighter	114,116	1,587
Skeldon	R	Captain	129,523	-
Spady	D	Firefighter	80,675	53
Sparks	A	Dispatch Centre Operator	115,339	-
Spragge	T	Dispatch Centre Operator	101,043	-
Springer	J	Dispatch Centre Operator	102,325	-
Stantic	P	Captain	124,269	586
Stephens	K	Platoon Captain	135,954	-
Stewart	C	Firefighter	109,612	53
Stoodley	J	Firefighter	111,378	-
Taylor	N	Firefighter	91,192	83
Telford	G	Firefighter	90,453	53
Twamley	J	Fire Inspector I	102,756	2,181
Volk	M	Captain	131,781	53
Walroth	M	Dispatch Centre Operator	95,049	-
Wentland	J	Firefighter	106,049	53
Weremy	K	Firefighter	115,342	1,617
Wiberg	K	Lieutenant	120,063	836
Wiersma	L	Firefighter	112,222	53
Wilkes	A	Firefighter	91,327	53
Williamson	A	Fire Administration Officer II	83,426	-
Woodworth	M	Firefighter	102,287	53
Wright	J	Firefighter	105,834	1,186
Wudrich	S	Firefighter	121,931	1,587
Young	S	Lieutenant	115,452	836
Zimmermann	C	Captain	122,752	83
Zimmermann	L	Captain	127,404	53
Zimmermann	R	Dispatch Centre Operator	102,799	-
Zol	D	Firefighter	112,483	53
CUPE Staff				
Airth	K	HVAC Technician	79,024	1,615
Alain	C	Water Distribution Operator	75,438	338
Allan	L	Building Insp/ Plan Checker III	84,133	-
Allingham	A	Water Supply Operator II	75,028	45
Ambler	S	Client Support Technician	78,554	-
Anderson	C	Airport Operations Specialist/Firefighter	80,003	429
Asao	K	Accountant	75,625	-

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Aulenback	D	Plumbing, HVAC & Gas Inspector	87,693	775
Backstrom	W	Roadways Foreman	92,003	-
Bakay	K	Senior Wastewater Treatment Operator	84,197	678
Ballan	L	TRG OP: Lic/Bylaw Enforcement Officer	84,563	-
Bancarz	M	Mechanic Lead-Hand	79,514	499
Barrow	S	Millwright	78,949	419
Beitel	C	Pipelayer	85,629	2,728
Bell	R	Business Systems Analyst	95,216	-
Benke	S	Business Systems Analyst	85,524	-
Bevandick	G	Street Lighting Technician	83,991	-
Black	K	Lic/Bylaw Enforcement Officer	94,410	-
Blair	D	Airport Operations Specialist/Firefighter	77,641	-
Blamire	C	Equipment Operator IV	86,845	113
Bosch	W	Parks Foreman	81,343	578
Bourgeau	D	Airport Mechanic	82,010	350
Bouwman	G	Airport Operations Specialist/Firefighter Crew Captain	84,301	135
Bransfield	D	Equipment Operator V	85,435	338
Brooks	S	Senior Wastewater Treatment OP (SA)	78,299	477
Brown	P	Plumbing, HVAC & Gas Inspector	91,005	278
Brydon	L	Lic/Bylaw Enforcement Officer	87,458	75
Bunce	B	Traffic Signals Technician	92,613	1,780
Bundschuh	J	Traffic Signals Technician	95,368	1,780
Cabrera	M	Concrete Finisher	81,716	135
Clarke	J	Airport Operations Specialist/Firefighter	85,612	16
Connor	T	Traffic Signals Technician	94,220	1,796
Cooper	A	Millwright	75,753	-
Crawford	B	Planner II	78,140	525
Cseke	A	Planner Specialist	87,501	95
Dacre	B	Design Technician	103,156	-
Dale	J	Plumbing, HVAC & Gas Inspector	84,245	558
Day	R	Instrument/Electric Technician	86,173	-
Demer	E	Financial Analyst	85,734	-
Demers	D	Control Systems Specialist	78,151	-
DenOuden	M	Parks Foreman	83,595	250
Dexel	D	Senior Wastewater Treatment Op (SA)	79,716	419
Dodaro	K	Survey Coordinator	77,168	236
Duggan	M	Equipment Operator IV	76,466	-
Duncan	J	Mechanic Lead - Hand	81,726	270
Dungate	D	Parks Foreman	82,198	-
Dunlop	D	Client Support Technician	83,148	749
Egely	S	Mechanic	84,626	126
Elliott	D	Airport Operations Specialist/Firefighter	81,805	-
Empey	C	Traffic Signals Technician	94,067	1,796
Enevoldson	D	Environmental Tech II 8Hr	93,388	1,327
Engelsmeier	D	Mechanic	78,468	-
England	K	Lic/Bylaw Enforcement Officer	81,960	-
Enns	D	Water Supply Operator II	76,405	250
Everett	J	Airport Operations Specialist/Firefighter	83,538	-

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Facca	M	Building Insp/ Plan Checker III	85,780	-
Faminoff	M	Financial Analyst	86,215	-
Ferguson	A	Planner II	75,978	95
Filipenko	J	Development Technician	87,399	-
Floor	T	Business Systems Analyst	82,965	-
Francis	D	Hydrant & Valve Mtce Attendant	92,773	979
Fraser	R	Business Systems Analyst	91,567	73
Friesen	M	Financial Analyst	81,530	1,980
Gillmore	P	Equipment Operator IV	84,303	130
Glavin	D	Airport Operations Specialist/Firefighter Crew Captain	88,690	515
Gramiak	P	Financial Analyst	81,966	-
Gregson	C	Financial Analyst	81,931	-
Grills	J	Financial Analyst	89,752	-
Guidi	C	Concrete Finisher	76,197	-
Hager	J	Design Technician	84,618	276
Haley	B	Airport Operations Specialist/Firefighter	78,654	75
Harborne	N	Plumbing, HVAC & Gas Inspector	87,693	-
Hardman	M	Lic/Bylaw Enforcement Officer	82,364	75
Harvie	A	Carpenter II	75,198	-
Heighes	M	Lic/Bylaw Enforcement Officer	80,409	110
Henri	R	Lic/Bylaw Enforcement Officer	96,918	75
Hewitt	J	Communications Advisor	83,598	777
Hildred	R	Senior Wastewater Treatment Op (SA)	77,961	1,215
Hogan	D	Lic/Bylaw Enforcement Officer	91,673	75
Holitzki	K	Water Distribution Operator	82,886	420
Holzer	N	Sr Laboratory Technician	75,691	126
Hopkins	L	Security & Building Tech Lead Hand	103,949	1,465
Hrycan	D	Accountant	76,044	-
Hughes	M	Millwright	75,357	-
Hughes	V	Wastewater Treatment Operator II	79,336	410
Humes	M	WW Treatment Foreman	88,048	252
Hunchak	N	Roadways Foreman	99,875	-
Hunchak	T	Traffic Operations Services Coordinator	87,592	75
Hunt	J	Financial Analyst	83,675	-
Ihaksi	R	Pipelayer	75,889	1,869
Ingvarsson	H	Lic/Bylaw Enforcement Officer	87,787	586
Isfan	S	Community Policing Coordinator	77,764	-
Jackson	R	IE Technician (Current incumbent)	90,302	641
Jamison	P	Equipment Operator IV	77,076	303
Jarvo	J	Business Systems Analyst	86,410	110
Jean	J	Accountant	79,756	-
Jennejohn	R	Design Technician	99,399	19
Jensen	C	Water/or WW Maintenance Foreman	80,815	245
Johnson	K	Roadways Foreman	114,236	-
Jomphe	R	Mechanic	79,912	-
Kapiniak	M	Design Technician	87,951	474
Kaus	P	Gardener I	79,441	668
Kawalle	J	Design Technician	93,227	1,526

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Kehler	R	Network Systems Analyst	91,696	-
Kennedy	K	Financial Analyst	81,974	-
Kirkpatrick	R	Building Insp/ Plan Checker III	85,267	228
Kohout	H	Water/or WW Maintenance Foreman	87,971	1,378
Kokorudz	S	Mechanic	79,225	1,827
Kondor	A	Planner Specialist	85,797	-
Koole	P	Plumbing, HVAC & Gas Inspector	87,712	597
Korolchuk	L	Trg Op - Planner Specialist	78,183	-
Kyle	C	Business Systems Analyst	92,413	110
Laidlaw	R	Equipment Operator IV	89,541	768
Lamothe	M	Design Technician	92,305	-
Lamprecht	H	Wastewater Treatment Operator II	76,730	519
Lange	M	Water Supply Operator II	78,845	-
Lange	S	Senior Wastewater Treatment Op (SA)	76,130	553
Laporte	S	Traffic Technician	80,782	-
Lazarus	M	Financial Analyst	85,471	-
Leduc	T	Business Systems Analyst	101,849	-
Lee	M	Communications Consultant	78,739	-
Leestolz	S	Building Insp/ Plan Checker III	84,640	260
Leslie	C	Financial Analyst	81,754	-
LeVoir	D	Building Insp/ Plan Checker III	92,447	-
Louttit	S	Electrical Technician	80,803	694
MacDougall	J	Community Policing Coordinator	79,936	-
Maier	G	Asset Management Coordinator	85,442	631
Maja	D	Lic/Bylaw Enforcement Officer	98,025	-
Mandryk	R	Control Systems Specialist	76,326	45
March	G	Planner Specialist	78,942	117
Mazar	P	Airport Operations Specialist/Firefighter Crew Captain	91,033	528
McClellan	T	Lic/Bylaw Enforcement Officer	95,070	110
Melrose	J	Utilities Service Person	91,388	1,130
Milan	G	Gardener II	75,272	308
Miles	L	Pipefitter	80,397	423
Miles	W	Planner Specialist	85,691	-
Mintram	K	Equipment Operator III	81,638	275
Moody	C	Cross Connection Coordinator	97,021	-
Mugridge	P	Business Systems Analyst	92,344	42
Mushta	L	Lic/Bylaw Enforcement Officer	85,195	-
Neetz	S	Pipefitter	88,977	1,244
Nelson	T	Plumbing, HVAC & Gas Inspector	87,712	1,390
Nicholas	P	Accountant	75,648	-
Nicoloyannis	E	Airport Operations Specialist/Firefighter	77,818	-
Noonan	C	Transportation Planner	76,100	-
Norman	K	Financial Analyst	89,110	-
O'Hanlon	S	Lic/Bylaw Enforcement Officer	76,994	75
O'Sullivan	R	Development Technician	89,188	-
Oakley	L	Painter II	75,344	-
Petersen	J	Utilities Foreman	94,439	337
Petillion	T	Carpenter II	76,598	275

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Pinoli	J	Mechanic Lead-Hand	83,719	135
Poirier	J	HVAC Technician	78,933	1,410
Pommier	K	CUPE President	97,614	-
Puche	R	Design Technician	89,542	480
Regnier	L	Accountant	78,077	-
Reid	T	Building Insp/ Plan Checker III	85,528	-
Richardson	R	Lic/Bylaw Enforcement Officer	80,102	-
Rolston	A	Parking Operations Coordinator	76,183	-
Rumpel	A	Building Technician	86,609	660
Rutley	W	IE Technician (Current incumbent)	93,493	-
Ryder	T	Business Systems Analyst	95,294	-
Sackmann	J	Traffic Technician	79,175	-
Sangster	A	Development Technician	80,366	-
Saran	S	Water Supply Foreman	95,403	-
Sartori	S	Development Technician	85,528	-
Schellevis	R	Equipment Operator IV	86,880	93
Schlosser	G	Urban Forestry Foreman	80,875	1,053
Schultz	N	Traffic Technician	86,444	-
Schwerdtfeger	A	Concrete Finisher	78,982	-
Scott	W	Senior Bylaw Officer	93,424	150
Semmelink	J	Design Technician	76,801	60
Seneshen	D	Utilities Foreman	92,239	337
Sexton	J	Financial Analyst	83,741	-
Short	J	Lic/Bylaw Enforcement Officer	83,179	75
Smith	C	Airport Operations Specialist/Firefighter Crew Captain	98,179	1,420
Smith	S	Airport Operations Specialist/Firefighter Crew Captain	86,390	-
Soward	R	Planner Specialist	89,983	86
Stauble	R	Business Systems Analyst	92,439	-
Stehle	K	Business Systems Analyst	93,775	110
Steppuhn	M	Park and Landscape Planner	85,412	-
Stevens	M	Building Insp/ Plan Checker III	85,984	-
Stickland	M	Traffic Technician	92,180	-
Stringer	T	Aquatic and Fitness Coordinator	79,979	97
Sukumaran	A	Business Systems Analyst	86,191	749
Swett	N	Network Systems Analyst	85,631	924
Thibeault	A	Planner II	78,406	113
Thind	B	Building Insp/ Plan Checker III	85,294	1,172
Thomas	M	Design Technician	86,582	4,017
Timms	L	Network Systems Analyst	100,854	924
Tomlin	D	Wastewater Electrical Foreman	80,842	625
Torgerson	M	Utilities Foreman	91,061	-
Trotzok	K	Business Systems Analyst	94,781	-
Udala	H	Equipment Operator V	78,251	-
Unruh	N	Accountant	75,165	-
Vaskic	C	Wastewater Electrical Foreman	79,190	1,738
Voth	D	Design Technician	94,214	-
Waddell	T	Acting Manager - Business Service Applications	86,517	-
Wahl	K	Engineering Technical Support Coordinator	97,504	-

Surname	First Initial	Position	Remuneration (\$)	Expenses (\$)
Walker	B	Property Officer Specialist	81,418	50
Walker	S	Project Technician	80,792	-
Wang	K	Business Systems Analyst	91,834	110
Wenker	S	Business Systems Analyst	85,313	110
Whapshare	D	Lic/Bylaw Enforcement Officer	90,991	-
Williams	R	Concrete Finisher	79,767	75
Williamson	B	Police Transport Maintenance Coordinator	79,541	-
Wong	W	Parks Foreman	84,757	229
Yamabe	T	Sewer Equipment Operator	75,082	261
Yew	G	Business Systems Analyst	89,870	-
Zandvliet	B	Network Systems Analyst	98,429	357
Zsoldos	B	Mechanic	78,436	-
Employees less than \$75,000			32,438,890	126,416
Total of all Employees*			\$ 79,594,369	\$ 357,511

* Prepared under the Financial Information Regulation, Schedule 1, Section 6 (2),(3),(4),(5) and (6)

STATEMENT OF SEVERANCE AGREEMENTS**

There were two severance agreements under which payment commenced between the City of Kelowna and its employees during the fiscal year 2020. These agreements represent between 3 and 12 months of salary and benefits.

**Prepared under the Financial Information Regulation, Schedule 1, subsection 6(8)

RECONCILIATION PER SECTION 6 (2) (d)

Total Employees (including council)	\$ 80,007,765
Total per Schedule 2 - Segmented Information: Expenses - Salaries and benefits	\$ 92,474,643
Variance*	\$ 12,466,878

*The variance between the Schedule of Remuneration and Expenses and the Salaries and benefits expenses reported on the consolidated financial statements of the City are due to various factors including:

- + The Remuneration and Expenses schedule is based on actual cash payments made during the fiscal year (including payouts of vacation, gratuity, and overtime banks) whereas the consolidated financial statement figure is determined on an accrual basis; and,
- + The Salaries and benefits includes benefits that are recorded at full cost on the consolidated financial statements and includes items such as employer portions of federal deductions, retirement benefits and medical benefits.

CITY OF KELOWNA
Schedule of Payments to Suppliers of Goods and Services
for the year ended December 31, 2020

Supplier's Name	Amount (\$)
0788688 BC LTD.	160,894
0795236 BC LTD.	82,379
0868791 B.C. LTD. DBA PURE PRESSURE	39,830
0917068 B.C.LTD KELOWNA HYUNDAI	95,906
0983169 BC LTD	73,630
1018456 BC LTD DBA JAXSIN EXCAVATING	32,834
1074470 BC LTD.	89,203
1110720 BC LTD.	118,444
1119422 BC LTD	120,740
1124478 BC LTD.	31,257
1135177 BC LTD	58,748
1139096 BC LTD.	72,014
1156641 BC LTD.	188,699
1215 DEVELOPMENTS INC	173,784
1244855 BC LTD.	44,385
1579754 ALBERTA LTD	162,617
1920 ENTERPRISE WAY MISSION GROUP RENTALS LTD	157,210
2054081 ONTARIO INC. O/A LANDSCAPE EFFECTS GROUP	319,552
3752 INVESTMENTS LTD.	2,121,324
3BP SOLUTIONS INC.	510,922
4224973 CANADA INC	38,288
557969 BC LTD.	118,086
A DIVISION OF JIM PATTISON BROADCAST GROUP LP	33,817
A.G. APPEL ENTERPRISES LTD.	183,799
AARDVARK PAVEMENT MARKING SERVICES	208,366
ACCESS INFORMATION MANAGEMENT OF CANADA ULC	47,935
ACCESSSMT HOLDINGS LTD.	41,248
ACI WORLD	31,940
ACORN RESORTS LP	45,680
ACRES ENTERPRISES LTD.	6,237,923
ACUERE CONSULTING	37,485
ADAPTIVE PROPERTIES LTD.	169,239
ADVANTAGE ASSET TRACKING INC.	171,253
ADVANTAGE MANAGEMENT CONSULTING	27,906
AECOM CANADA LTD	1,644,604
AJ WIENS DEVELOPMENT GROUP LTD.	52,048
ALLAN'S HOSE N' ALL	56,443
ALLNORTH CONSULTANTS LIMITED	732,187
ALLROADS PAVEMENT PRESERVATION LTD.	62,798
ALPINE ABATEMENT LTD	166,008
ALS CANADA LTD	42,698
ALTEC INDUSTRIES LTD.	296,260
AMADEUS AIRPORT IT AMERICAS INC	354,520

ANDREW SHERET LIMITED	69,586
AON CANADA INC. DBA AON REED STENHOUSE INC.	95,550
APPLE CANADA INC.	29,616
AQUA RESORTS LLP	532,944
ARINC INTERNATIONAL OF CANADA, ULC	142,594
ASSA ABLOY ENTRANCE SYSTEMS	56,932
ASSOCIATED ENGINEERING B.C. LTD.	974,815
ASSOCIATED ENVIRONMENTAL CONSULTANTS INC.	66,280
ASSOCIATED FIRE SAFETY EQUIPMENT	147,028
ASTROGRAPHIC INDUSTRIES LTD	27,971
ATLAS POWER SWEEPING LTD.	424,824
AVAARC WELDING LTD	33,810
B & L SECURITY PATROL(1981) LTD.	39,088
BALLET KELOWNA	36,000
BAREFOOT PLANNING LTD.	54,174
BC AIR FILTER LTD.	26,221
BC ASSESSMENT AUTHORITY	2,264,326
BC GENERAL CONTRACTING INC	900,512
BC HYDRO	107,708
BC TRANSIT	9,282,507
BELL MEDIA RADIO GP	29,562
BENCH SITE DESIGN INC.	112,711
BEST BUY.CA # 899	61,331
BEST SERVICE PROS LTD.	245,357
BH SAFETY SERVICES AND CONSULTING LTD	32,993
BIG WHITE SKI RESORT LTD.	51,929
BLACK MOUNTAIN IRRIGATION DISTRICT	103,111
BLENK DEVELOPMENT CORP	40,089
BLUEPOINT CONSTRUCTION LTD	97,315
BONGERS, WARREN	39,664
BOUYGUES ENERGIES & SERVICES CANADA LTD.	3,425,197
BRANTAL CONTRACTING	73,857
BRENNTAG CANADA INC.	289,143
BRICOR MECHANICAL LTD DBA ACE PLUMBING & HEATING	515,763
BRITECH HVAC LTD	63,676
BRON & SONS NURSERY CO	50,308
BURTON MARINE PILE DRIVING INC	29,295
CABIN RESOURCE MANAGEMENT LTD	72,450
CANADA POST	150,233
CANADA SAFETY EQUIPMENT LTD.	229,129
CANADA TICKET INC	29,496
CANADIAN DEWATERING LP	36,705
CANADIAN UNION OF PUBLIC EMPLOYEES	885,333
CAPRI CMW INSURANCE SERVICES LTD.	510,480
CARE SYSTEMS SERVICES LTD.	95,021
CARO ANALYTICAL SERVICES	55,367
CAROLCO DEVELOPMENTS LTD.	40,724
CARPENDALE, RUTH	166,891

CARSCADDEN STOKES MCDONALD ARCHITECTS INC.	143,775
CCL PROJECT MANAGEMENT	99,619
CDW CANADA INC	25,301
CENTRAL OKANAGAN ELIZABETH FRY SOCIETY	30,000
CENTRAL OKANAGAN HERITAGE SOCIETY	51,000
CENTRAL OKANAGAN REGIONAL HOSPITAL	13,116,779
CENTRAL OKANAGAN UNITED WAY	47,616
CENTRALSQUARE CANADA SOFTWARE INC.	384,613
CENTRIFUGES UNLIMITED INC	29,739
CENTRIX CONTROL SOLUTIONS LP - KELOWNA	108,842
CERTIFIED ENSEMBLE SERVICES	36,375
CGL CONTRACTING LTD	4,899,574
CH2M HILL CANADA LIMITED	32,519
CHANCES BULK UNLOADING LTD	251,113
CHARTER TELECOM INC.	223,427
CHASE	29,870
CHECKMATE CABS LTD.	113,187
CINTAS LOCATION 889	113,537
CISCO SYSTEMS CAPITAL CANADA CO.	66,387
CITY OF WEST KELOWNA	440,301
CIVIL X CONTRACTING (BC) LTD	153,824
CLEARTECH INDUSTRIES INC.	112,573
COLBEE HOLDINGS LTD	114,147
COLLIERS MACAULAY NICOLLS INC.	89,775
COMBINED MECHANICAL CONTRACTORS LTD.	40,872
COMMERCIAL TRUCK EQUIPMENT CO	30,573
COMMISSIONAIRES BC	1,702,583
CONSOLIDATED TURF EQUIPMENT (1965) LTD.	129,469
COREY KNORR CONSTRUCTION LTD	100,231
CORIOLIS CONSULTING CORP.	55,284
CORPORATE EXPRESS	121,593
CORSAN, STEVEN	30,371
COWBOY FORESTRY LTD	329,474
CR DIRECT CONTRACTING SERVICES INC	108,896
CREW MARKETING PARTNERS INC	94,122
CURIOSITY ANALYSIS AND CONSULTING CORP	129,948
CURT T. GRIFFITHS LTD	28,768
D & E COMMUNICATIONS	55,574
D & G MECHANICAL (1997) LTD.	108,406
D & L ENVIRONMENTAL LTD.	188,727
DAN FORLIN ENTERPRISES	372,553
DAN'S TIRE SERVICE	35,611
DARKHORSE ANALYTICS INC.	47,859
DASCO STORAGE SOLUTIONS LTD	37,712
DATA GROUP INTERNATIONAL INC	86,911
DAVEY TREE EXPERT CO.	249,754
DEKLEVA, DENNIS	109,030
DELL CANADA INC.	378,522

DELTA GRAND OKANAGAN RESORT	140,921
DESJARDINS CONTRACTING LTD.	155,423
DHALIWAL, JASPAL	147,937
DIAMOND T-RANCH LTD.	1,225,000
DIAMONDFORCE CONSTRUCTION LTD.	30,799
DIG IT CONTRACTING LTD.	52,182
DISABILITY MANAGEMENT INSTITUTE INC.	26,320
DISTRICT OF LAKE COUNTRY	224,059
DOWNTOWN KELOWNA ASSOCIATION	72,363
DRIVING FORCE INC., THE	99,497
EATON INDUSTRIES (CANADA) CO.	61,592
EBB ENVIRONMENTAL CONSULTANTS INC	106,901
ECO-COUNTER	42,733
ECO-EDGE LANDSCAPES	50,515
ECO-KARE INTERNATIONAL LTD.	35,052
ECONOLITE CANADA INC.	152,558
ECORA ENGINEERING & RESOURCE GROUP LTD.	156,998
ECOSCAPE ENVIRONMENTAL CONSULTANTS LTD.	154,561
ELECTRIC MOTOR & PUMP SERVICE LTD.	144,573
ELLA - MISSION GROUP HOMES LTD.	193,703
EMCO CORPORATION	494,586
EMIL ANDERSON CONSTRUCTION INC	24,379,865
ENVIRONICS ANALYTICS GROUP LTD.	26,308
ENVIRONMENTAL 360 SOLUTIONS LTD	3,750,708
ENVIRONMENTAL METAL WORKS	69,677
EQUINOX INDUSTRIES LTD.	25,123
ESCRIBE SOLUTIONS	52,892
ESRI CANADA LIMITED	794,587
EVENT APPROVALS, INC.	31,600
EVERGREEN BUILDING MAINTENANCE INC.	1,017,111
EVOQUA WATER TECHNOLOGIES LTD	229,774
EXCEL METAL FAB. LTD.	34,550
FALCON ENGINEERING LTD.	108,287
FENDER'S AUTOBODY & PAINT LTD	44,796
FESTIVALS KELOWNA SOCIETY	13,400
FHP LAWYERS "IN TRUST"	738,000
FISHER SCIENTIFIC COMPANY	29,692
FLETCHER PAINE ASSOCIATES LTD	161,991
FLOWSYSTEMS DISTRIBUTION INC	100,910
FLYNN CANADA LTD	652,995
FOREMAN EQUIPMENT LTD.	56,000
FOREST HILLS MCKINLEY BEACH DEVELOPMENTS INC	43,001
FOREVER DESTINY HOMES LTD.	84,935
FORTIS BC	5,797,291
FORTIS BC ENERGY INC.	42,534
FORTIS BC INC.	122,795
FORTISBC - NATURAL GAS	404,229
FOUNTAIN TIRE KELOWNA LTD.	52,357

FREDOR HOLDINGS LTD.	141,003
FRENCH, KENNETH AND NOREEN	165,000
FRONTIER POWER PRODUCTS LTD.	25,713
GEARFORCE EQUIPMENT RENTALS, INC.	274,064
GFL ENVIRONMENTAL INC.	145,750
GHD LIMITED	59,139
GIBBCO ENTERPRISES INC	87,243
GIBBCO ENTERPRISES INC.	185,773
GLENMORE-ELLISON IMPROVEMENT DISTRICT	187,049
GLOBAL ROADWAY MAINTENANCE INC.	64,878
GODDARD, MARK W.	30,631
GOLDCLIFF ELECTRIC LTD.	168,671
GOLDER ASSOCIATES LTD.	158,703
GOTRAFFIC MANAGEMENT INC.	1,236,555
GRANICUS	106,266
GRANT THORNTON LLP	74,835
GRAYHAWK INDUSTRIES LTD.	68,538
GREAT WEST EQUIPMENT	943,869
GREYBACK CONSTRUCTION LTD	192,410
GRYPHON ENTERPRISES LTD / JANI-KING OF SOUTHERN BC	31,248
GUILLEVIN INTERNATIONAL CO	607,473
HABITAT SYSTEMS INCORPORATED	70,063
HACH SALES & SERVICE CANADA LP	53,897
HANSCOMB LTD.	46,158
HDR CORPORATION	222,783
HEAD TO HEAD IRRIGATION	344,563
HEMSON CONSULTING LTD	86,691
HIGHMARK EXCAVATING INC	28,316
HOMEWOOD HEALTH INC.	57,337
HORIZON ELECTRIC INC	121,709
HOULE ELECTRIC LTD	341,169
HUB FIRE ENGINES & EQUIPMENT LTD.	705,142
HUMDINGER EQUIPMENT LTD	122,052
HUSKA HOLDINGS LTD.	867,607
HUSKY OIL MARKETING CO	43,756
HYLAND SOFTWARE CANADA ULC	198,067
IBI GROUP	233,900
ICLEAN4U	74,259
ICONIX WATERWORKS LP	991,571
IDEXX LABORATORIES CANADA CORPORATION	81,253
IFIDS.COM INC.	60,895
IG WEALTH MANAGEMENT	80,000
IGI RESOURCES INC	329,124
IMPERIAL PARKING CANADA CORPORATION	844,287
IMS INFRASTRUCTURE MANAGEMENT SERVICES CANADA INC.	131,058
INFO-TECH RESEARCH GROUP INC	34,335
INNOVYZE INC.	26,106
INTELLIGENZ LIMITED	30,296

INTERCITY RECYCLE LTD.	227,155
INTERIOR HEALTH	25,344
INTERIOR LAND RECLAMATION LTD	29,113
INTERIOR PORTABLE RENTALS LTD.	264,765
INTERNATIONAL FLOOD CONTROL CORP	27,742
INTERPROVINCIAL TRAFFI	52,754
INTERPROVINCIAL TRAFFIC SERVICES LTD.	446,500
INTERSTATE ALL BATTERY	35,629
INTERVISTAS CONSULTING INC.	78,691
IPSOS LP	29,138
IRC BUILDING SCIENCES GROUP BC INC.	91,256
IRON MOUNTAIN CANADA OPERATIONS ULC	67,227
ITB ENTERPRISES	35,721
J. E. HOLDINGS INC.	103,613
J.J. MACKAY CANADA LIMITED	539,083
JAMES LAURENCE GROUP INC.	37,226
JIM PATTISON INDUSTRIES DBA JIM PATTISON LEASE	90,059
JOHNSON, LORI DBA DRAGONFLI STUDIO	51,485
JUMPSTART ATHLETICS INC	59,920
JUSTICE INSTITUTE OF B.C.	50,153
K & L HOLDINGS CO. LTD.	54,011
KAL TIRE	67,063
KAL-WEST MECHANICAL	273,167
KBL LOGISTICS LTD.	532,720
KELDON ELECTRIC LTD	352,032
KELOWNA ART GALLERY	679,097
KELOWNA CABS (1981) LTD.	127,397
KELOWNA COMMUNITY FOOD BANK	45,000
KELOWNA COMMUNITY RESOURCES SOCIETY	29,306
KELOWNA GENERAL HOSPITAL FOUNDATION	124,171
KELOWNA LITE KAST (1989)	81,085
KELOWNA MEMORIAL CUP 2020 SOCIETY	90,164
KELOWNA MUSEUMS SOCIETY	804,738
KELOWNA PROFESSIONAL FIREFIGHTERS	352,213
KELOWNA SAND & GRAVEL	31,089
KELOWNA VISUAL AND PERFORMING ARTS CENTRE SOCIETY	389,875
KENTERRA HEAVY EQUIPMENT REPAIR	212,381
KENT-MACPHERSON	43,015
KERKHOFF CONSTRUCTION LTD.	77,930
KEYSTONE PROPERTY MANAGEMENT LTD	59,120
KGH FOUNDATION	36,989
KIMCO CONTROLS LTD.	104,583
KIMMITT WRZESNIEWSKI, IN TRUST	828,110
KING RANCH UNDERGROUND & EXCAVATING LTD	369,005
KINGSTON CONSTRUCTION LTD	496,414
KNOWBE4, INC	29,183
KON KAST PRODUCTS (2005) LTD	101,306
KONE INC.	56,242

KPMG LLP, T4348	26,964
KRUEGER ELECTRICAL LTD.	518,935
KRYSKI, LISA	86,366
KRYSKI, MURRAY	86,366
KTI LIMITED	669,107
KTOWN KLEENUP LTD.	176,970
LAFARGE CANADA INC	26,093
LAFRENTZ ROAD MARKING DBA CANADIAN ROAD BUILDERS INC.	152,612
LAHAWK ENTERPRISES	144,113
LAING ROOFING LTD	210,265
LAND TITLES AND SURVEY AUTHORITY	25,050
LANDFORM ARCHITECTURE LTD	50,042
LANGFAB FABRICATORS LTD	115,136
LIONS GATE CONSULTING INC	31,500
LIONS GATE RISK MANAGEMENT GROUP LTD	41,407
LONG VIEW SYSTEMS CORPORATION	112,461
LYNX BRAND FENCE PRODUCTS (2004) INC.	33,073
MACDONALD REALTY KELOWNA	101,000
MADDEN INDUSTRIAL CRAFTSMEN INC DBA MADDEN FABRICATION/PORTLAND LOO	42,817
MAJORMAKI HOLDINGS LLP	86,083
MAKE STUDIO	95,970
MANULIFE FINANCIAL	84,420
MATIAGO MANAGEMENT SERVICES	33,746
MAXWELL HOUSE DEVELOPMENTS	29,567
MCCUAIG & ASSOCIATES ENGINEERING LTD.	26,295
MCDONALD'S RESTAURANTS OF CANADA LIMITED	2,015,239
MCELHANNEY CONSULTING SERVICES LTD.	127,980
MCFARLANE CONTRACTING LTD.	25,146
MCKINLEY NA LTD. PARTNERSHIP	390,307
MEARL'S MACHINE WORKS LTD	118,315
MEC SYSTEMS INC	30,075
MEDTEQ SOLUTIONS CA LTD	25,319
MELCOR DEVELOPMENTS LTD. DBA BLACK MOUNTAIN GOLF COURSE	41,250
METTLER-TOLEDO INC.	76,028
MICHELIN NORTH AMERICA (CANADA) INC.	71,734
MICROSOFT CANADA INC. DBA MICROSOFT STORE	63,759
MICROSOFT CORPORATION	357,076
MIDSEA ENGINEERING LTD.	139,637
MIDVALLEY SHEET METAL LTD.	195,576
MINISTER OF FINANCE	854,159
MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCES OPERATIONS	40,221
MISSION GROUP	61,671
MISSION GROUP HOMES LTD.	128,005
MK TECHNOLOGIES LTD	134,569
MKS RESOURCES	97,848
MNP LLP	103,383
MODO CO-OPERATIVE	41,206
MODU-LOC FENCE RENTALS LTD	45,920

MONARCH NORTH AMERICA STRUCTURES LTD	38,435
MONERIS	303,488
MORNEAU SHEPELL LTD.	4,472,161
MUNICIPAL INSURANCE ASSOCIATION OF BC	1,421,601
NACHURS ALPINE SOLUTIONS	153,603
NAPA AUTO PARTS	1,878,274
NATIONAL SOCIETY OF HOPE	26,908
NEILSON STRATEGIES INC.	38,588
NEPTUNE TECHNOLOGY GROUP CANADA CO	312,060
NEW WEST GYPSUM RECYCLING (ALBERTA) INC.	285,453
NEXTGEN SYSTEMS GROUP INC	33,012
NEXUS CONSTRUCTION LTD	84,514
NO. 21 GREAT PROJECTS LTD.	71,832
NOR-CAN VENTURES LTD.	105,160
NORTHERN COMPUTER	306,325
NOVA POLE INTERNATIONAL INC.	196,923
NUCLEUS STRATEGIES INC.	32,761
NUFLOORS	29,783
NUTECH SAFETY LTD.	49,591
NUTRIEN AG SOLUTIONS (CANADA)	53,692
OFFICE OF MCFARLANE BIGGAR ARCHITECTS & DESIGNERS	1,134,818
OK EXCAVATING	313,871
OK READY MIX, DIV. OF LEHIGH HANSON MATERIALS LTD	213,217
OKANAGAN ARTISTS ALTERNATIVE ASSOCIATION	27,500
OKANAGAN BOYS & GIRLS CLUB	55,950
OKANAGAN LOCK SERVICE	31,395
OKANAGAN NATION ALLIANCE	30,552
OKANAGAN POWER EQUIPME	26,089
OKANAGAN POWER EQUIPMENT LTD.	33,159
OKANAGAN REGIONAL LIBRARY	8,427,507
OKANAGAN RESTORATION SERVICES LTD.	105,677
OKANAGAN SYMPHONY SOCIETY	62,000
OKANAGAN VALLEY PETROLEUM SERVICES LTD.	124,931
OLYMPIC INTERNATIONAL SALES LTD.	49,005
OMEGA COMMUNICATIONS LTD.	123,485
ONSITE CIVIL EXCAVATING LTD	361,281
OPERA KELOWNA SOCIETY	42,000
ORCHARD FORD SALES LTD.	193,987
ORGANIZED CRIME AGENCY OF BRITISH COLUMBIA	70,590
PACIFIC RIM EQUIPMENT INC	449,019
PACIFIC SPORT OKANAGAN	30,565
PACIFIC WESTERN FIRE PROTECTION LTD.	111,008
PALADIN SECURITY GROUP LTD.	1,366,586
PARSONS INC	92,173
PAUSCH EQUIPMENT LTD	518,560
PAYBYPHONE TECHNOLOGIES INCORPORATED	90,511
PCL CONSTRUCTORS WESTCOAST INC	305,154
PENSION CORPORATION	14,444,525

PEOPLE LIVED EXPERIENCE SOCIETY	120,779
PEOPLE-ADMIN, INC. DBA POWERSCHOOL CANADA ULC	87,702
PIER MAC SAND & GRAVEL LTD	132,114
PJS SYSTEMS INC.	224,108
POLYCRETE RESTORATIONS LTD	433,411
PRAIRIE COAST EQUIPMENT INC	120,077
PRECISE PARKLINK INC.	58,117
PROSOURCE SUPPLY	34,535
PROSPERA PLACE	94,052
PUROLATOR INC.	38,296
PUSHOR MITCHELL LLP "IN TRUST"	1,000,000
QUALITY CHAIN LINK FENCING LTD.	48,549
QUINCAILLERIE RICHELIE	26,559
R & L EXCAVATING	26,550
R&L CONSTRUCTION LTD.	45,918
R.A. MALATEST & ASSOCIATES LTD.	47,749
R.H. STRONG REFRIGERATION DESIGN INC.	54,512
R.J.P. HOLDINGS LTD.	215,250
RAMTECH ENVIRONMENTAL PRODUCTS	46,717
RATE INC. DBA RANDCO TANKS	96,551
READ JONES CHRISTOFFERSEN LTD	61,676
REATON LEASING LTD.	900,000
RECEIVER GENERAL	21,536,537
RECEIVER GENERAL FOR CANADA	30,680,298
REDLINE BOBCAT SERVICES LTD.	232,800
REDPOINT MEDIA GROUP INC.	50,395
REFRIGERATIVE SUPPLY	29,292
REGIONAL DISTRICT OF CENTRAL OKANAGAN	25,035,096
REGIONAL DISTRICT OF NORTH OKANAGAN	83,549
REIMER'S FARM SERVICE LTD.	51,818
RESOLVER INC.	25,986
REYNOLDS MIRTH RICHARDS & FARMER LLP IN TRUST	214,672
RICOH CANADA INC	90,673
RJAMES WESTERN STAR	355,129
ROADWAYS TRAFFIC PRODUCTS LTD	111,138
ROBERTSON'S CLOTHING & SHOES INC.	41,686
ROCKY MOUNTAIN PHOENIX	76,150
ROGERS WIRELESS INC.	318,832
ROLLINS MACHINERY LIMITED	108,147
RONA HOME & GARDEN #61	26,004
RONA INC.	39,553
ROYAL BANK OF CANADA	31,465
ROYAL STAR ENTERPRISES INC.	1,213,424
ROYALE LANDSCAPING LTD	1,814,161
RSB ENGINEERING INC.	40,051
RUNNALLS DENBY BC LAND SURVEYORS	48,927
S.C. RESTORATIONS LTD	41,274
SAFE SOFTWARE INC.	28,000

SAFEWAY #4960	52,684
SAWCHUK DEVELOPMENTS CO. LTD	656,077
SBL CONTRACTORS LTD.	1,673,293
SCHNEIDER, HAROLD	151,471
SCHOOL DISTRICT #23 (CENTRAL OKANAGAN)	815,889
SCHUBEL, HANS F.	78,639
SCHWING - BIOSET	28,894
SCOTIABANK	27,651
SCV CONTRACTORS CORPORATION	344,621
SECTOR MANAGEMENT PLANNING SUPPORT SERVICES	35,595
SECURE-RITE MOBILE STORAGE INC	66,812
SHAW BUSINESS	65,129
SHAW CABLE	38,060
SHERINE INDUSTRIES LTD.	35,858
SHOPPERS DRUG MART	252,664
SHORELINE PILE DRIVING	42,735
SIEMENS CANADA LIMITED	145,145
SIERRA LANDSCAPING LTD	1,331,717
SIMPLE PURSUITS INC.	56,652
SINGLA BROS. HOLDINGS LTD.	358,043
SITEONE LANDSCAPE SUPPLY, LLC	106,862
SKJ HOLDINGS INC.	89,307
SMARKING INC.	31,279
SNC LAVALIN INC.	380,813
SOFTCHOICE LP	172,833
SOLID ROCK VIDEO	48,896
SOLIDCAD	32,928
SOURCE OFFICE FURNISHING	44,322
SPARTAN CONTROLS LTD	31,921
SPECIALTY OVERLOAD SERVICES	29,171
SPROUT SOCIAL	43,008
STANTEC CONSULTING LTD. (SCL)	164,097
STARLAND DEVELOPMENT CO. LTD.	44,323
STEWART MCDANNOLD STUART	55,328
STRETCH CONSTRUCTION LTD.	58,876
STRUTHERS TECHNICAL SOLUTIONS LTD.	83,185
STUDIO F MINUS LTD.	68,513
SUNBELT RENTALS OF CANADA INC	208,036
SUNCOR ENERGY PRODUCTS PARTNERSHIP	1,478,451
SUN-OKA VALLEY TRANSPORT	536,813
SUPER SAVE DISPOSAL INC	94,839
SUTTON ROAD MARKING LTD	159,272
SWIFT DATOO LAW CORPORATION, IN TRUST	2,747,723
SYILX STRONG CONSULTING	32,163
T & A ROCKWORKS INC	154,635
T2 SYSTEMS CANADA INC	80,739
TCC THE CLEANING COMPANY CO LTD	408,153
TEAM EAGLE LTD	170,342

TECHNICAL SAFETY BC	42,593
TELUS COMMUNICATIONS INC	294,424
TELUS MOBILITY	59,787
TERRACOM SYSTEMS LTD	421,919
TERRATECH CONSULTING LTD.	25,268
TETRA TECH CANADA INC.	354,927
THE DISTRICT OF PEACHLAND	60,767
THE EQ DEVELOPMENT GROUP	25,778
THE FLOWR CORP (OKANAGAN) INC	230,702
THE FLOWR GROUP (OKANAGAN) INC	96,816
THE GET GO INC.	81,965
THE HOME DEPOT #7032	33,471
THE OKANAGAN NEWSPAPER GROUP	54,085
THE ROC DOC VENTURES LTD.	41,580
THE SOCIETY OF HOUSING OPPORTUNITIES AND PROGRESSIVE DEVELOPMENT	98,414
THOMAS SCOTT SIGNCRAFT LTD.	27,253
TKI CONSTRUCTION LTD.	982,861
TNC EXCAVATING LTD.	289,438
TOLKO INDUSTRIES LTD	67,834
TOPS OFFICE PRODUCTS LTD. DBA INTERIORS	57,563
TOURISM KELOWNA	2,137,352
TRAYNOR, ROBERT R.	46,256
TRI WEST FENCE & GATE LTD	44,876
TRIBUS SERVICES INC	111,155
TRICOM BUILDING MAINTENANCE	55,343
TRUE CONSULTING GROUP	408,850
TURN-KEY CONTROLS	227,262
U SIX-MISSION GROUP HOMES LLP.	344,857
U-EIGHT MISSION GROUPS HOMES LTD.	220,997
ULINE	30,526
UNIT4 BUSINESS SOFTWARE CORPORATION	207,555
UNITED ROTARY BRUSH CORP. OF CANADA	84,660
UNIVAR CANADA LTD.	163,692
UPTOWN RUTLAND BUSINESS ASSOCIATION	210,304
URBAN MATTERS CCC LTD.	175,465
URBAN SYSTEMS LTD.	720,490
URBANA- THE MISSION GROUP HOMES LTD	66,248
VALLEY CURBING LTD	83,993
VALMONT WEST COAST ENGINEERING	75,040
VAN-KEL IRRIGATION, A DIVISION OF EMCO CORPORATION	103,728
VECTOR GEOMATICS LAND SURVEYING LTD.	32,462
VEOLIA WATER TECHNOLOGIES CANADA INC	36,246
VERTIV CANADA ULC	51,997
VICTOR PROJECTS LTD.	57,668
VIKING-CIVES LTD	44,708
VIMAR EQUIPMENT LTD.	388,480
VWR INTERNATIONAL CO	40,518
WASTE N WATERTech LTD	60,124

WATER RESEARCH FOUNDATION	32,177
WATERKIND CONSULTING SERVICES LTD.	145,932
WATERS EDGE ENGINEERING LTD	31,817
WATERTRAX	29,611
WATT CONSULTING GROUP	32,836
WE CONSULTING & BENEFIT SERVICES LTD. "IN TRUST" FOR CAUS	1,000,061
WELLS FARGO EQUIPMENT FINANCE COMPANY	94,896
WENGER CORPORATION	27,663
WESCO DISTRIBUTION - CANADA INC.	32,292
WEST AVENUE - MISSION GROUP RENTALS LTD.	32,967
WEST COAST MACHINERY LTD DBA WORK TRUCK WEST	31,870
WESTBANK FIRST NATION	164,749
WESTCANA ELECTRIC INC	43,938
WESTERN ROAD DISTRIBUTION INC.	248,586
WESTERN SANDPIPER HOLDINGS LTD.	169,181
WHITEWATER COMPOSITES LTD.	25,030
WIENERS PLUMBING AND IRRIGATION LTD	295,785
WILDEN CONSTRUCTION CORP.	84,800
WILLIAMS MACHINERY LP	140,191
WOLSELEY CANADA INC.	274,470
WOOD WYANT CANADA INC.	36,454
WORKSAFE BC	1,379,125
WSP CANADA GROUP LTD.	1,212,657
WSP CANADA INC.	157,893
XYLEM CANADA COMPANY	91,868
YETI REFRIGERATION INC	321,872
YMCA OF OKANAGAN ASSOCIATION	119,279
YOUNG ANDERSON	763,078
YOUNG ANDERSON "IN TRUST"	16,914,226
ZARR, SCOTT	51,290
Supplier Payments Less Than \$25,000	10,673,875

Total Payments*

318,164,634

*Prepared under the Financial Information Regulation, Schedule 1, Section 7
and the Financial Information Act, section 2

Reconciliation (In thousands of dollars) per Section 7(1)(c)

Total Supplier Payments	\$	318,165
Total per Schedule 2 - Segmented Information:		
Expenses - Total Operating Expenses		287,566
Less:		
Salaries and benefits		(92,470)
Amortization of tangible capital assets		(68,155)
Contributions of tangible capital assets		(2,263)
Grants and External Contributions		(5,032)
Write down of tangible capital assets		(82)
Loss on disposal of tangible capital assets		(819)
Net accrual adjustment		(15,759)
Miscellaneous		(692)
Add:		
Payments made to other Taxing Authorities		89,312
Acquisition of tangible capital assets (less disposals)		91,388
Repayment of long term debt		10,876
Employee portion of benefits remitted on their behalf		10,241
GST ITCs and Rebates		7,467
Cost Recoveries		6,587
	\$	318,165
Variance	\$	-

CITY OF KELOWNA

Schedule of Payments to Suppliers for Grants and Contributions
for the year ended December 31, 2020

Supplier's Name	Amount (\$)
Central Okanagan Foundation	210,000
Central Okanagan Journey Home Society	150,000
Downtown Ambassador Program	70,000
Downtown Kelowna Association	1,067,297
Festivals Kelowna	181,950
Kelowna Art Gallery	477,193
Kelowna Arts Foundation Grants	318,800
Kelowna Museum Association	636,480
Kelowna Visual & Performing Arts	305,300
Miscellaneous Community Service Grants	83,035
Okanagan Boys & Girls Club	436,161
Tourism Kelowna	344,418
YMCA-YWCA of the Central Okanagan	752,164
Total of All Grants and Contributions*	\$ 5,032,798

* Prepared under the Financial Information Regulation, Schedule 1, Section 7(2)

CITY OF KELOWNA
Statement of Financial Information Approval
for the year ended December 31, 2020

The undersigned, as authorized by the Financial Information Regulation, Schedule 1, subsection 9(2), approves all the statements and schedules included in this Statement of Financial Information, produced under the *Financial Information Act*.

Genelle Davidson

Genelle Davidson CPA, CMA
Divisional Director Financial Services

06/16/21

Date

Colin Basran

Colin Basran
Mayor

06/22/21

Date

* Prepared pursuant to the Financial information Regulation, Schedule 1, section 9

Report to Council



Date: June 28, 2021

To: Council

From: City Manager

Subject: Southern Interior Bylaw Adjudication Registry Agreement – Addition of Regional District of North Okanagan (RDNO)

Department: Community Safety Department – Bylaw Services

Recommendation:

THAT Council approves the addition of the Regional District of the North Okanagan (RDNO) to the Southern Interior Bylaw Notice Dispute Registry Agreement Bylaw;

AND THAT the Mayor and City Clerk be authorized to execute the necessary documents to add the RDNO to the Southern Interior Bylaw Notice Dispute Registry Agreement.

Purpose:

To add the RDNO as a party to the Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement.

Background:

In October 2003, the Province of British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw infractions, the *Local Government Bylaw Notice Enforcement Act*.

Prior to the *Local Government Bylaw Notice Enforcement Act* (the Act), there were three main strategies used by local governments to deal with a problem:

1. Seek voluntary compliance;
2. Issue a traffic "offence notice" for various offences seeking voluntary payment of a prescribed fine; or
3. Initiate formal court proceedings by issuing a Municipal Ticket Information (MTI) or swearing an Information and issuing a Summons.

Over the past fifteen years, there have been various calls for bylaw reform with respect to enforcement and prosecution. Calls for reform have come from the Union of British Columbia Municipalities (UBCM), the Hughes Commission on Access to Justice and the Chief Judges' Task Group on Sitting Justices of the Peace. In response to these calls, the Province enacted the *Local Government Bylaw Notice Enforcement Act*.

Under the Act, local governments may establish a local government bylaw dispute adjudication system, more simply known as an adjudication system, which replaces the Provincial Court as the venue for resolving disputes of minor municipal bylaw breaches.

An initiative, led by the City of Kelowna, involving nine Okanagan local governments resulted in the Southern Interior Bylaw Notice Dispute Registry being established in January 2011.

SOUTHERN INTERIOR BYLAW NOTICE ADJUDICATION

The Southern Interior Bylaw Notice Dispute Registry is authorized by the Province to operate as a dispute resolution forum for handling minor bylaw offence ticket disputes. While there is one combined system for all of the participating local governments, each maintains their own bylaws, penalties, and policies with respect to compliance with the bylaws. The Bylaw Notice Dispute Adjudication System allows municipalities to deal with bylaw ticket disputes for minor infractions at the local level more effectively than through the Provincial Court system and offers a more streamlined process for paying and collecting fines.

In British Columbia, anyone wishing to dispute a minor bylaw violation (i.e., parking ticket) prior to 2003 was required to appear in BC Provincial Court; an expensive and time-consuming process for the disputant, the Provincial Court System, and the local municipality. In 2003, the Province enacted the *Local Government Bylaw Notice Enforcement Act* which enables local governments to establish a local bylaw dispute adjudication system.

In 2011, the City of Kelowna initiated the Southern Interior Bylaw Notice Dispute Registry with nine Okanagan local governments; a partnership that, with the addition of the Regional District of North Okanagan, will have expanded to ten.

Central Okanagan Regional District	District of Peachland
City of Penticton	District of Summerland
City of Vernon	Town of Oliver
City of West Kelowna	Town of Enderby
District of Coldstream	Reg. District of Okanagan Similkameen
District of Lake Country	Reg. District of North Okanagan (PENDING)

Recently, the Regional District of North Okanagan applied to the province, received approval, and seeks to be added to this Registry.

The budget for the Southern Interior Bylaw Notice Dispute Registry is cost recovered from all participating agencies, based on their population collected from BC statistics. Costs include eight (8) ½ day and six (6) full day hearings. Other costs include: City of Kelowna Bylaw Officer hearing attendance, Adjudication Coordinator's salary, phone/communications, postage, office supplies, and other contingencies.

Conclusion:

Staff requests that Council approve the addition of the Regional District of North Okanagan to the Southern Interior Bylaw Notice Dispute Registry Agreement Bylaw.

Internal Circulation:

Divisional Director, Corporate & Protective Services
Divisional Director, Financial Services
Community Safety Director
City Clerk

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: D. Gazley, Bylaw Services Manager

Approved for inclusion: S. Leatherdale, Division Director – Corporate & Protective Services

cc:

REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the

Board of Directors

Held on

Wednesday, August 19, 2020

Bylaw Notice Adjudication System

Moved and seconded

That staff be directed to work with Court Services Branch, Ministry of Attorney General to request the Lieutenant Governor in Council of the Province of British Columbia enact a Regulation under Section 29 of the *Local Government Bylaw Notice Enforcement Act*, applying the Act to the Regional District of North Okanagan; and further,

That staff be authorized to take the steps necessary for the Regional District of North Okanagan to become a party to the Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement; and further,

That Mike Moyer be appointed as a Screening Officer to screen all notices prior to proceeding to adjudication, and to represent the Regional District of North Okanagan on the Southern Interior Bylaw Notice Dispute Adjudication Registry's Administrative Committee.

CARRIED

I hereby certify the foregoing to be a true and correct copy of a resolution passed by the Board of Directors at its meeting held August 19, 2020.

Dated at Coldstream, BC this 11th day of May, 2021.



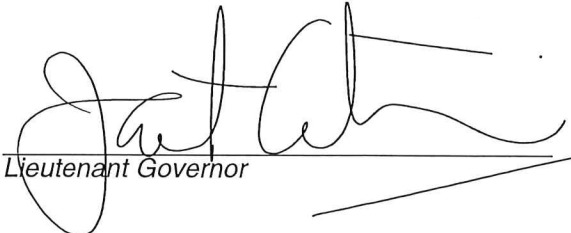
Deputy Corporate Officer
Ashley Bevan

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 080

, Approved and Ordered February 16, 2021


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective February 17, 2021, the Bylaw Notice Enforcement Regulation, B.C. Reg. 175/2004, is amended by adding the following to Schedule 1 as indicated:

Column 1 Date Act Applies	Column 2 Local Government
February 17, 2021	City of Langford
February 17, 2021	District of Lillooet
February 17, 2021	Regional District of North Okanagan
February 17, 2021	Town of Comox
February 17, 2021	Village of Ashcroft
February 17, 2021	Village of Clinton
February 17, 2021	Village of Gold River

DEPOSITED

February 16, 2021

B.C. REG. 36/2021


Attorney General and Minister Responsible for Housing
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Local Government Bylaw Notice Enforcement Act, S.B.C. 2003, c. 60, s. 29

Other: OIC 392/2004

R10485266

**SOUTHERN INTERIOR BYLAW NOTICE DISPUTE ADJUDICATION
REGISTRY AGREEMENT BYLAW**

This Agreement, dated ____ day of _____, 2021

BETWEEN:

CITY OF KELOWNA, 1435 Water Street, Kelowna, British Columbia V1Y 1J4
("Kelowna")

AND:

CITY OF PENTICTON, 171 Main Street, Penticton, British Columbia V2A 5A9
("Penticton")

AND:

CITY OF VERNON, 3400 30th Street, Vernon, British Columbia V1T 5E6
("Vernon")

AND:

DISTRICT OF WEST KELOWNA, 2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6
("West Kelowna")

AND:

DISTRICT OF LAKE COUNTRY, 10150 Bottom Wood Lake Road, Lake Country, British Columbia
V4V 2M1
("Lake Country")

AND:

DISTRICT OF SUMMERLAND, 13211 Henry Avenue, Summerland, British Columbia V0H 1Z0
("Summerland")

AND:

DISTRICT OF PEACHLAND, 5806 Beach Avenue, Peachland, British Columbia V0H 1X7
("Peachland")

AND:

REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN, 101 Martin Street, Penticton, British Columbia
V2A 5J9
("RDOS")

AND:

TOWN OF OLIVER, 35016 97th Street, Oliver, British Columbia V0H 1T0
("Oliver")

AND:

REGIONAL DISTRICT OF CENTRAL OKANAGAN, 1450 KLO Road, Kelowna, British Columbia V1W 3Z4
("RDCO")

AND:

DISTRICT OF COLDSTREAM, 9901 Kalamalka Road, Coldstream, British Columbia V1B 1L6
("Coldstream")

AND:

CITY OF ENDERBY, 619 Cliff Avenue, Enderby, British Columbia V0E 1V0
("Enderby")

AND:

REGIONAL DISTRICT OF NORTH OKANAGAN, 9848 Aberdeen Rd, Coldstream, British Columbia V1B 2K9
("RDNO")

WHEREAS:

- A. The *Local Government Bylaw Enforcement Act* permits local governments to create a bylaw designating certain bylaw contraventions that can be enforced by way of bylaw notice as an alternative to traditional bylaw enforcement mechanisms;
- B. The Act also permits two or more local governments to enter into an agreement, adopted by a bylaw of each local government that is party to it, to provide for the joint administration of a local government bylaw notice dispute adjudication system:
- C. Kelowna, Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, Oliver, RDCO, Coldstream, Enderby and RDNO wish to:
 - a. share the costs and administration of such a system; and
 - b. enter such an agreement to establish such a system, to be called the Southern Interior Bylaw Notice Dispute Adjudication Registry, and to provide for the joint administration of the Registry.

NOW THEREFORE in consideration of the mutual promises contained herein, the Parties agree as follows:

PART I - INTRODUCTORY PROVISIONS

Definitions

- 1. In this Agreement, the following definitions apply:
 - a. "Act" means the Local Government Bylaw Notice Enforcement Act;
 - b. "Adjudication" the process where the disputant and the local government are provided

opportunity to present evidence to the adjudicator who will decide whether he or she is satisfied that the contravention occurred as alleged;

- c. **“Adjudication Fee”** means the sum of \$25.00 payable to each Party for each adjudication scheduled to be conducted by the Registry;
- c. **“Agreement”** means this Agreement;
- d. **“Authorizing Bylaws”** means the bylaws adopted by the Councils/Boards of each the parties authorizing this Agreement;
- f. **“ByLaw Enforcement Officer”** means a person in a class prescribed under section 273 (c) of the *Community Charter* who is designated by a local government as a bylaw enforcement officer;
- g. **“Committee”** means the Southern Interior Bylaw Notice Dispute Adjudication Registry’s Administrative Committee;
- h. **“Contribution Adjustment Amount”** means, for each Party, the amount calculated in accordance with Section 22 herein in any year of the Term;
- i. **“Contributing Parties”** means all of Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, Oliver, RDCO, Coldstream, Enderby and RDNO except Kelowna;
- j. **“Parties”** means all of Kelowna, Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, Oliver, RDCO, Coldstream, Enderby and RDNO;
- k. **“Party”** means any one of Kelowna, Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, Oliver, RDCO, Coldstream, Enderby and RDNO;
- l. **“Registry”** means the Sothern Interior Bylaw Notice Dispute Adjudication Registry established by this Agreement;
- m. **“Revenues”** means any revenue actually received or estimated to be received, as the case may be, by the Registry, excluding Initial Contributions, Contribution Amounts, or Contribution Adjustment Amounts;
- n. **“Terms”** means the term of this Agreement as set out herein;

Establishment of the Registry

- 2. Subject to the Act and to the adoption of the Authorizing Bylaws, the Parties agree that the Registry is hereby established.

PART II - ADMINISTRATION

- 3. The Parties agree to establish the Committee to implement and administer the Registry.
- 4. The Parties agree that authority of the Committee will include but not be limited to:
 - a. preparing operational budgets; and

- b. setting policy as authorized under this Agreement and the Act.

Representation

5. Each of the Parties will appoint one representative to serve on the Committee. The Parties agree that representatives will be paid employees of their respective local governments and will not be remunerated by the Registry.

PART III - ADJUDICATION

Screening Officers

6. The Parties agree that screening of notices prior to proceeding to adjudication will be established as a function of each Party. Screening officers will be appointed by the individual Party administrative committee.

Bylaw Notice Dispute Adjudication Registry

7. The Parties agree that a dispute adjudication system will be established as a function of the Registry, and that disputes will be heard by a bylaw notice dispute adjudicator in the circumstances prescribed in the Act and Authorizing Bylaws.
8. The Parties agree that the Committee will select a roster of adjudicators who may hear and determine disputes from the provincial roster of adjudicators to be established by the Attorney General of the Province of British Columbia.
9. Adjudicators will be assigned to individual disputes in the manner prescribed by any applicable regulation and policy established by the Committee.

PART IV - OPERATIONS

Location

10. The location of the Registry will be the municipal offices of the City of Kelowna, 1435 Water Street, Kelowna, British Columbia V1Y 1J4.

Administrative Services

11. Kelowna will provide and supervise all administrative services required by the Registry, subject to the following:
 - i. the collection of any fees, fines or penalties levied against an unsuccessful party in the dispute adjudication process will be the responsibility of the relevant municipality if not collected by the Registry immediately following the adjudication; and
 - ii. any penalty arising directly out of the bylaw notice itself may be paid to the relevant Party or to the Registry,

and any amounts collected by or paid to the Registry pursuant to 11.i and 11.ii will be credited to the relevant Party's Contribution Adjustment Amount.

Financial Reporting

12. Kelowna will ensure that its Director of Financial Services or the designate will conduct and oversee the financial reporting and record keeping of the Registry based on normal procedure, subject to the requirements outlined herein.

PART V - FINANCIAL PLANNING

Start-up Costs

13. Each Party will be responsible for its own start-up costs.

Budget Year

14. The budget year of the Registry is December 1st to November 30th of each year.

Operating Budget

15. The Parties agree that, no later than September 30th of each year, the Committee will prepare a draft operating budget for the following budget year, setting out in detail the operational funds required by the Registry for the carrying out of its mandate and responsibilities, including
 - a. the estimated operational expenditures for
 - i. office and administration including financial reporting and administrative services;
 - ii. Registry administration travel costs;
 - iii. bylaw dispute adjudicators; and
 - iv. other functions of the Registry;
 - b. the anticipated revenues (if any) of the Registry;
 - e. the difference between estimated revenues and operational expenditures for the Registry; and
 - f. the Contribution Amount required from each of the Parties.

Budget Submissions

16. The Committee will prepare the operating budget in a manner satisfactory to, and in such detail as requested by, the Directors of Finance of each of the Parties, and submit the draft operating budget to the Directors of Finance of each of the Parties each year where required.

Budget Approval and Adjustments

17. The Parties will consider and approve, or recommend amendments to, the Registry's operating budget.
18. The Parties agree that all recommendations by them for adjustments to the Registry's draft operating budget will
 - a. be reasonable and made in good faith; and
 - b. ensure that a reasonable level of service quality can be maintained by the Registry.

Use of Funds

19. The Committee and Kelowna may make only those expenditures during the budget year for the purposes and up to the amounts authorized in the approved operating budget. The Registry (or the Committee or Kelowna on behalf of the Registry) will not incur any other indebtedness or liability, or make any further expenditure, except that:
 - a. Kelowna may make a further reasonable expenditure or contract a further indebtedness or liability that it deems necessary or prudent, subject to a \$1,000 limit; and
 - b. the Committee may
 - i. make a further reasonable expenditure or contract a further indebtedness or liability that it deems necessary or prudent, subject to a \$5,000 limit.
 - ii. re-allocate funds within categories of the operating budget as reasonably required; and
 - iii. make a further expenditure or contract a further indebtedness or liability without limitation if approved in advance by all Parties.

PART VI - COST ALLOCATION

Funding Contributions and Adjustments

20. The Parties agree that costs relating to legal counsel, witnesses, screening officers and bylaw enforcement officers as they pertain to the dispute adjudication process, and to the activities of the Registry more generally, will be borne by the relevant Party which issued the bylaw notice in question and will not be borne by the Registry or by Kelowna on behalf of the Registry.
21. Kelowna will, as soon following the end of a budget year as practical, invoice the parties for their respective Actual Expenditures Contribution where the proportion is calculated on the basis of each Party's population for the budget year in relation to the population of each of the other Parties except the calculation for RDOS and RDCO will exclude incorporated areas.
22. Each of the Contributing Parties will, within 30 days of receipt of its respective Contribution invoice, pay to Kelowna its respective Contribution Amount.

Maintenance of Records

23. The Director of Financial Services of Kelowna will
- a. exercise the duties and powers of the officer responsible for financial administration as provided in the Community Charter, in maintaining the financial records for the Registry on behalf of the Parties;
 - b. ensure that accounting and payroll records of the Registry are properly prepared and maintained, such records to include payroll, accounts payable, cash receipts and disbursements, accounts receivable, general ledger, subsidiary cost ledger, financial statements and reports and supporting documents to the foregoing;
 - c. provide, when possible, any additional financial systems that have been requested by the Committee;
 - d. direct employees and officers of the Registry to the extent necessary to ensure that the systems and procedures established for financial controls are in effect and are in accordance with the Community Charter.

Examination of Records

24. The Director of Finance of any of the Contributing Parties may, acting reasonably with regard to minimizing the administrative burden on the Kelowna, and no more frequently than once in each year of the Term, conduct audits or examinations to obtain information or determine that adequate financial controls are being maintained for the Registry. Kelowna will cooperate with any reasonable request by any of the Contributing Parties or the Contributing Parties' Director of Finance for access to financial records, user statistics and other information of the Registry.

PART VII - GENERAL PROVISIONS

Insurance

25. Kelowna will ensure that the Registry and its activities are covered under Kelowna's general liability policy, and will provide copies of all relevant insurance policies and changes thereto to the Directors of Finance of the Contributing Parties upon request.

Amendments

26. The Parties will, in good faith, negotiate any proposed amendment to this Agreement upon request of any Party, all amendments to be in writing and executed by the Parties.

Dispute Resolution

27. The Parties will submit any dispute arising out of the interpretation or application of this Agreement:
- a. first, to the Committee to resolve the dispute;

- b. second, if the Committee is unable to resolve the dispute within 60 days, to the Chief Administrative Officers of the Parties; and
- c. third, if the Chief Administrative Officers are unable to resolve the dispute within 60 days, to the Inspector of Municipalities, or at the election of the Parties, to a commercial arbitrator appointed by agreement or, failing agreement, appointed pursuant to the *Commercial Arbitration Act*, for final determination, and the determination of the Inspector or arbitrator as applicable will be final and binding upon the Parties.

Term

28. This Agreement comes into effect on June 28, 2021 and continues in effect until December 31, 2024. Any Party may withdraw from this Agreement upon six months' written notice to the other Parties.

IN WITNESS WHEREOF all Parties have executed this Agreement on the date first above written.

THE CITY OF KELOWNA

(Mayor)

(City Clerk)

THE DISTRICT OF SUMMERLAND

(Mayor)

(City Clerk)

THE CITY OF PENTICTON

(Mayor)

(City Clerk)

THE CITY OF VERNON

(Mayor)

(City Clerk)

THE DISTRICT OF WEST KELOWNA

(Mayor)

(City Clerk)

THE DISTRICT OF LAKE COUNTRY

(Mayor)

(City Clerk)

THE REGIONAL DISTRICT OF CENTRAL OKANAGAN

THE DISTRICT OF PEACHLAND

(Mayor)

(City Clerk)

**THE REGIONAL DISTRICT OF OKANAGAN
SIMILKAMEEEN**

(Mayor)

(City Clerk)

THE TOWN OF OLIVER

(Mayor)

(City Clerk)

THE REGIONAL DISTRICT OF NORTH OKANAGAN

(Mayor)

(City Clerk)

(Mayor)

(City Clerk)

THE DISTRICT OF COLDSTREAM

(Mayor)

(City Clerk)

THE CITY OF ENDERBY

(Mayor)

(City Clerk)

Report to Council



Date: June 28, 2021
To: Council
From: City Manager
Subject: Additional Restrictions for Shared E-scooters
Department: Integrated Transportation

Recommendation:

THAT Council receives for information, the report from Integrated Transportation dated June 28, 2021, with regards to additional restrictions for shared e-scooters;

AND THAT Council requires e-scooter permit holders to implement permit changes identified in the Reports from Integrated Transportation dated June 14, 2021 and June 28, 2021 by June 30, 2021;

AND THAT any e-scooter permit holder unable to meet the June 30, 2021 deadline have their permit cancelled with the option to re-apply for an amended permit for the remainder of the 2021-2022 permit period;

AND THAT the number of e-scooters provided be reduced and limited as per the report of Integrated Transportation dated June 28, 2021;

AND THAT the location of e-scooter drop-offs be limited as per the report of Integrated Transportation dated June 28, 2021;

AND THAT shared e-scooters be prohibited on the closed portion of Bernard Avenue and the waterfront walkway from the City Park Underpass to Rotary Marsh;

AND FURTHER THAT the Additional Restrictions on shared-scooter companies identified in the Report from Integrated Transportation dated June 28, 2021 be implemented

Purpose:

To provide Council with options for additional restrictions for shared e-scooters, including the steps to cancel the e-scooter program, if desired.

Background:

On June 14, 2021, Council received a report on the challenges and wins of the e-scooter program and adopted the following resolution:

Resolution	Date
THAT Council direct staff to consider additional program restrictions aimed to achieve better rider compliance and improve public safety; including but not limiting the number of units provided, the location of unit drop off and additional restricted riding areas and report back to Council;	June 14, 2021
AND THAT Council direct staff to report back with the steps associated with cancelling the E-Scooter Permit Program, should that be the desire of Council.	

Discussion: On June 14th, Council directed staff to cease the issuance of any further permits for shared e-scooters in 2021 and to implement 19 recommended actions to improve safety and rider compliance. In addition, Council raised several health, safety and nuisance concerns regarding e-scooter use to date. The recommended actions in this report are designed to address these concerns and would result in 85 per cent fewer scooters throughout the City, including popular tourist areas and downtown in advance of the 2021 summer tourist season. Should Council wish to further regulate e-scooters outside of the permit program or cancel the program until 2022, the steps to do so and alternate recommendations are included at the end of this report.

- Recommended Action #1 - Implement Actions by June 30th: This action recognizes the time sensitivity of Council's concerns and would require the e-scooter companies to implement the recommended actions in both the June 14th report and this report by June 30th, in advance of the tourist season.

Since June 14th, staff have been in discussion with the four e-scooter companies permitted under the Bikeshare (Micromobility) Permit Program and they are aware of the potential new restrictions. Three companies have reported it will take several weeks or more to implement the required changes, and one company has reported they are able to quickly implement the new permit condition requirements. This is due to variations in the equipment and technological capabilities of each company.

Companies that cannot comply by June 30th would have their shared e-scooter permits cancelled, likely resulting in one shared e-scooter company operating as of July 1st. Companies with cancelled permits would have the opportunity to reapply for the 2021 – 22 permit season, once they can demonstrate compliance. The e-scooter companies have been notified that Council may make changes to the permit program or decide to cancel the program.

Recommended Action #2 - Limit the Number of Units Provided: This action would reduce the number of e-scooters for the remaining shared e-scooter company to 150 citywide as of July 1st. Additionally, this action would cap the total number of e-scooters in the city to no more than 700, regardless of how many companies are permitted to operate. Within the overall cap, permitted companies would have the opportunity to compete to increase the number of scooters in their fleet. This is intended to incentivize companies to self-enforce and deliver high-quality service. If

only one scooter company is operating, the maximum number of scooters that could be in the City would be 350.

- Recommended Action #3 - Limit the Locations of Unit Drop Off: Since June 8th, companies have been limited to deploying only 30 per cent of their fleet downtown. This means that the City's permitted company would be allowed to deploy no more than 45 of its 150 total e-scooters downtown as of July 1st. Additionally, this action would add a further 'downtown cap' of no more than 200 e-scooters downtown, regardless of how many companies are permitted to operate. Companies would continue to be required to suspend service downtown between 10:30 pm and 4 am, 7 days per week.
- Recommended Action #4 - Additional Restricted Riding Areas: This action would restrict shared e-scooters on Bernard Avenue during the summer closure, as well as the waterfront walkway from the City Park Underpass to the Rotary Marsh. These areas are currently speed restricted to 13 km/h. This new restriction would mean the throttle on the e-scooter would not function in these areas. Riders would also not be able to end trips within these areas. The ability to detect and restrict e-scooters from these areas would apply only to shared e-scooters; privately owned e-scooters and long-term rental e-scooters do not have this ability. Bylaw amendments are required to prohibit non-permit e-scooters from these areas, and an alternate recommendation is provided for Council consideration.

One potential side effect of restricting shared e-scooters from heavily used routes could be confused riders manually pushing the e-scooters once the throttle disengages, as well as clusters of e-scooters parked at the edges of restricted zones. Preferred parking areas will be installed at the edges of these areas to guard against disorderly parking.

The waterfront walkway from the City Park Underpass to the Rotary Marsh is one of the city's most travelled alternate transportation corridors, providing connectivity across Harvey to popular destinations north and south of the highway. The next north-south alternate transportation corridor that is separated from traffic is Ethel, a full kilometer to the east. A side effect of restricting shared e-scooters from the entire waterfront walkway is that riders will have to shift to adjacent roadways, which do not all have bicycle lanes and are less suitable for people of all ages and abilities.

- Recommended Action # 5 – Additional Restrictions:
 - **Self-Enforcement Reports**: This action would require shared e-scooter companies to submit biweekly self-enforcement reports to city staff itemizing the number of warnings and fines distributed to their riders. This will help promote company enforcement of safe riding behaviours, such as improper parking, double riding, and sidewalk riding, among others.
 - **ID Verification**: The challenge with underage riding is likely related to parents permitting their children to ride e-scooters, as well as underage riders with access to parental credit cards. This action would require ID verification when opening a customer account to help reduce this risk.
 - **Disabling Group Ride Functionality**: Currently one person can unlock multiple e-scooters with one phone. Companies could disable this feature, which may help limit the number of children with parent permission as well as other underage riders that use shared e-scooters.

Conclusion: Kelowna’s shared e-scooter pilot program saw an overwhelming ridership response in a very short time – with demand far outpacing expectations. While this is an indicator of success, it has also brought challenges and disruptions related to bringing transportation more fully into the “shared economy.” The combined impact of the recommended actions in this report and the June 14th report are designed to significantly reduce the number of e-scooters and improve safe riding behaviors in the near term, to help address concerns related to the uncertainty of the 2021 tourist season. Staff will continue to closely monitor the program and work with IH to collect and analyze safety data over the summer. The recommended actions in this report could be revisited alongside a full program evaluation in the fall.

Steps to Cancel the E-Scooter Program

To formally cancel the shared e-scooters services in Kelowna, a resolution would be required from Council. The resolution would cancel the permits issued and require the e-scooter companies to remove their vehicles from the public right-of-way within 14 days. An alternate recommendation is provided below.

The Bikeshare (Micromobility) Permit Program contains specific language that the City may cancel or change the permits conditions at any time. All current operators have been reminded of these terms of the permit and provided notice from the City Clerk that the City may cancel the program or individual permits. Council may, by resolution, cancel the program or individual permits. If so directed by Council, staff will provide formal notice and work with operators to unwind or suspend operations of the currently issued permit holders for shared e-scooters under the Bikeshare (Micromobility) Permit Program.

Alternate Recommendations:

1. THAT Council direct staff to cancel the currently issued permits for shared e-scooters under the Bikeshare (Micromobility) Permit Program by providing written Notice to all current permit holders.
2. THAT Council direct staff to bring forward amendments to the Traffic Bylaw and Parks and Public Spaces Bylaw to prohibit the operation of e-Scooters on the closed portion of Bernard Avenue and the waterfront walkway from the City Park Underpass to the Rotary Marsh

Internal Circulation:

Office of the City Clerk
Communications
Community Safety
Infrastructure
Risk Management

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

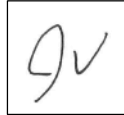
External Agency/Public Comments:

Communications Comments:

Submitted by: M. Worona, Mobility Specialist

Reviewed and Approved by: M. VanZerr, Strategic Transportation Planning Manager

Approved for inclusion:

A square box containing a handwritten signature in black ink. The signature appears to be 'J. Vos'.

J. Vos, Divisional Director, Infrastructure

Attachment 1: Presentation



Additional Restrictions for Shared E-scooters

June 28th 2021



Council Resolution

THAT Council direct staff to consider additional program restrictions aimed to **achieve better rider compliance and improve public safety; including but not limiting the number of units provided, the location of unit drop off and additional restricted riding areas** and report back to Council;

AND THAT Council direct staff to report back with the steps associated with **cancelling the E-Scooter Permit Program, should that be the desire of Council.**

Shared E-Scooter Pilot

- ▶ Overwhelming ridership response over very short time
- ▶ Challenges and disruptions related to bringing transportation into “shared economy”
- ▶ Precautionary approach for summer tourist season



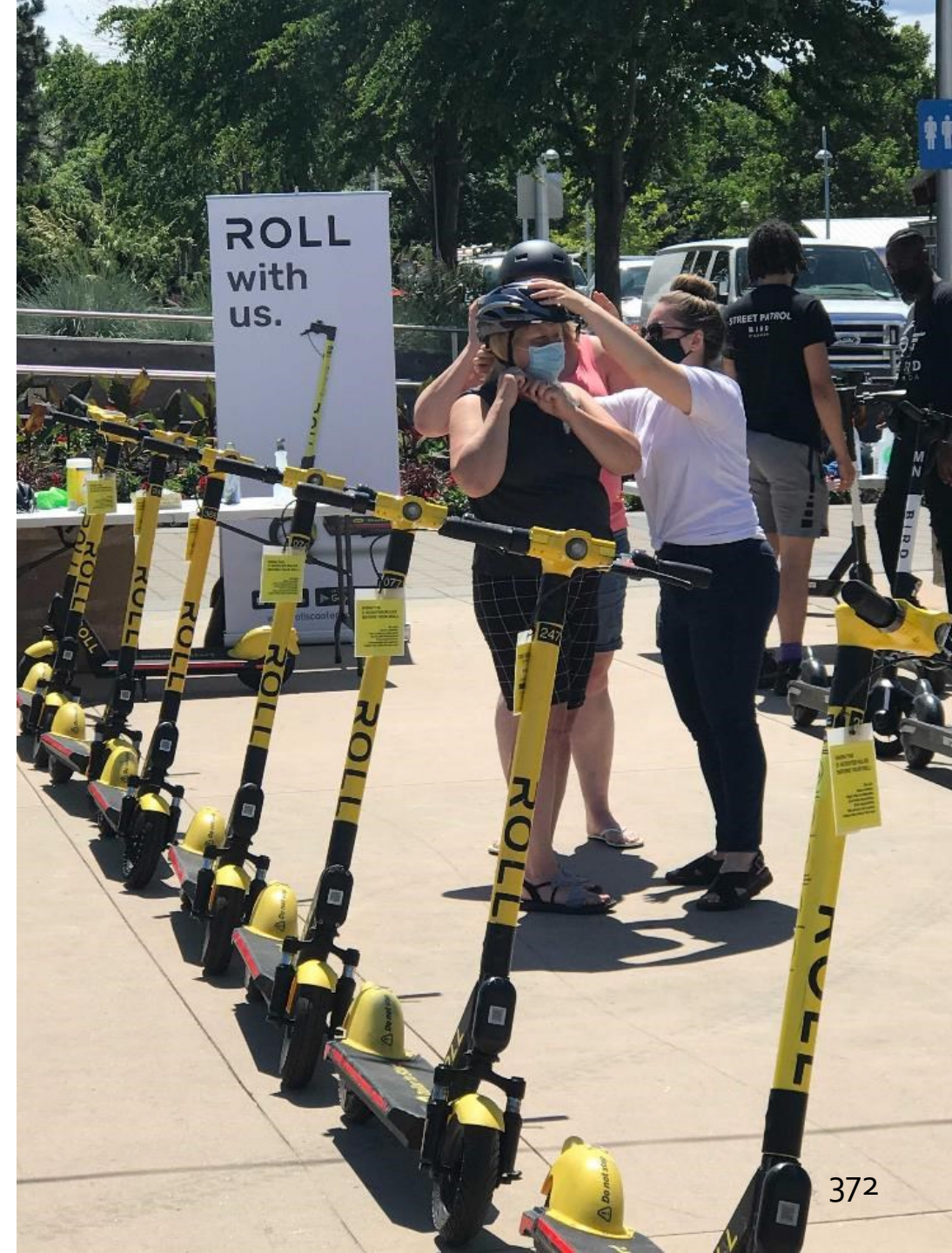
Additional Restrictions - Summary

- ▶ Recommended Actions
 - ▶ 85 % fewer shared e-scooters overall
 - ▶ 92% fewer shared e-scooters in downtown
 - ▶ Additional restricted areas
- ▶ Alternate Recommendations
 - ▶ Cancel shared e-scooter pilot program
 - ▶ Restrict privately owned e-scooters



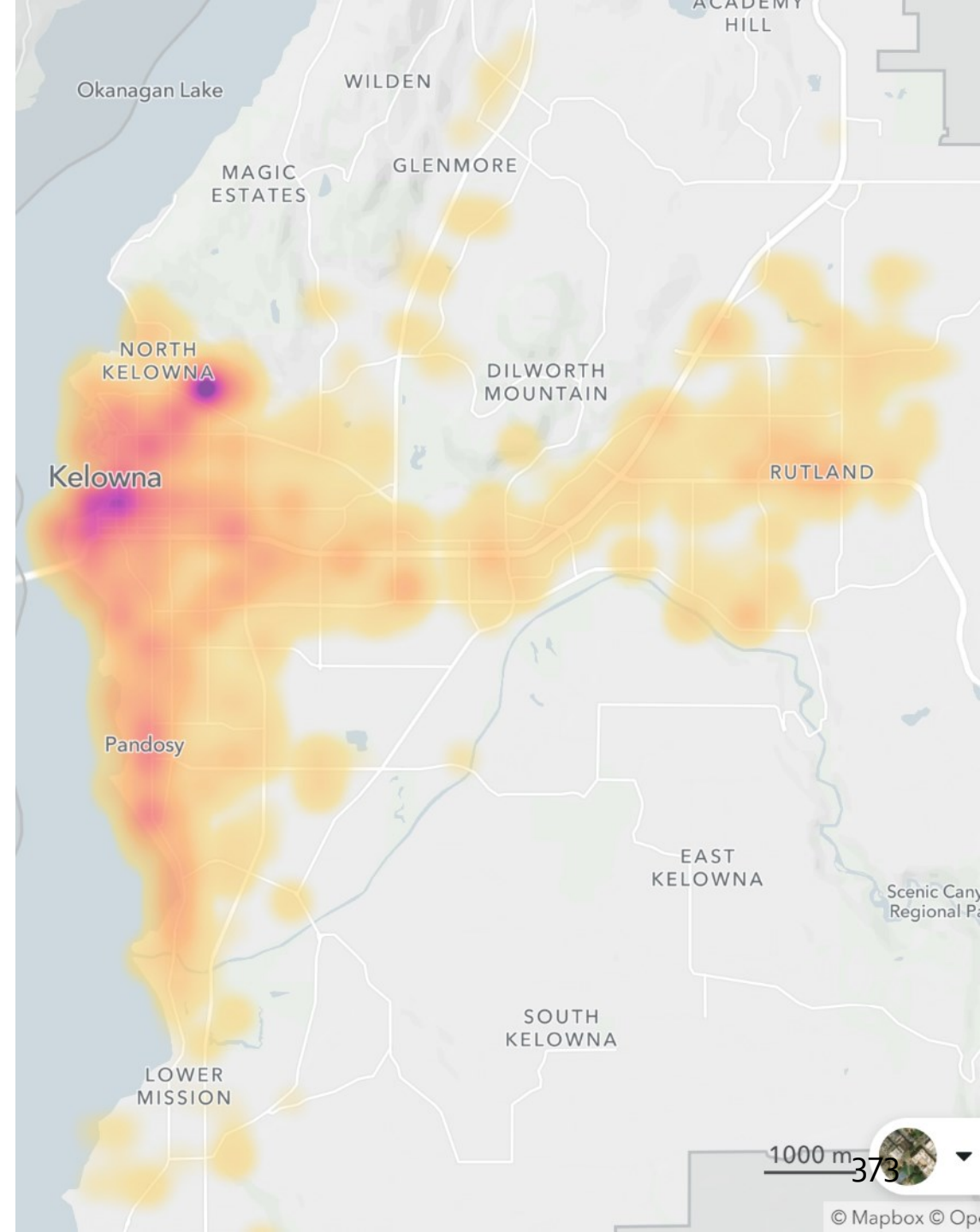
#1 Implement Actions by June 30th

- ▶ Three companies will take several weeks or more to implement the required changes.
- ▶ Companies that cannot comply by June 30th would have their permits cancelled.
- ▶ Operators with permits cancelled could reapply for the 2021 – 22 permit season, once they can demonstrate compliance.



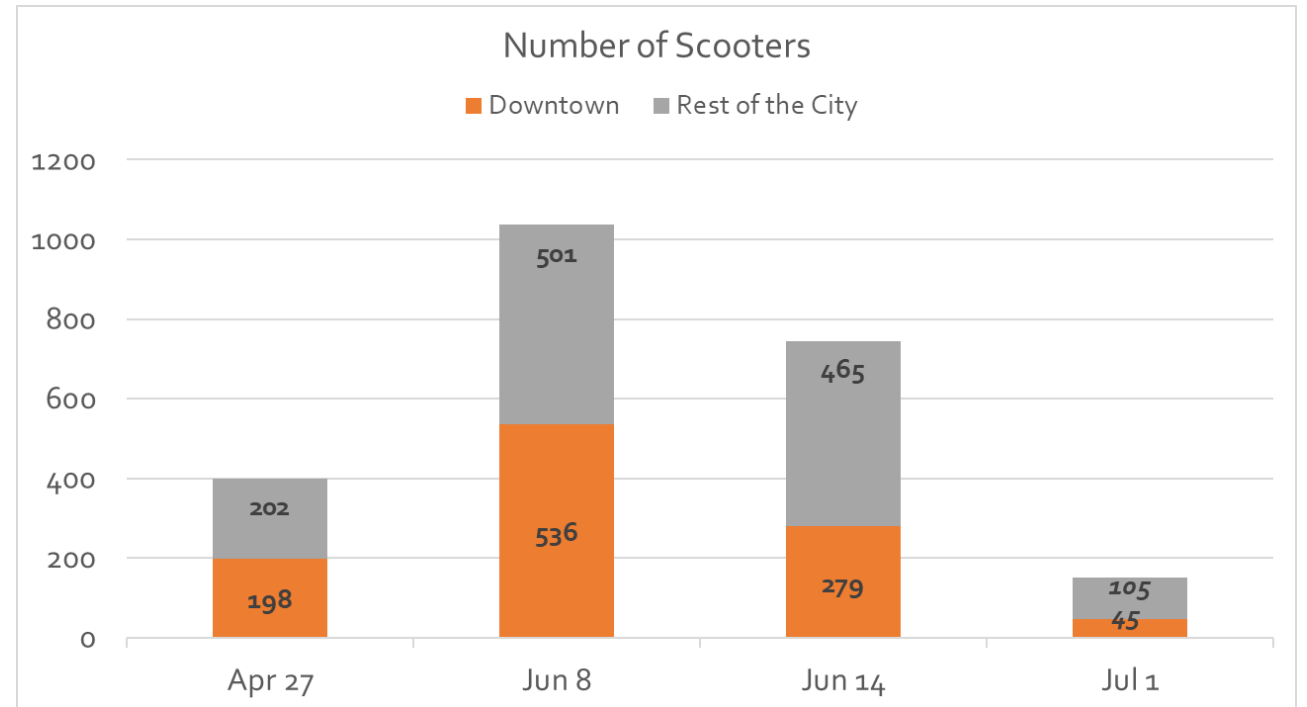
2 Limit the Number of Units

- ▶ **700 scooter fleet cap citywide**
across all companies
- ▶ **~150** citywide as of July 1st
- ▶ Companies incentivized to self-enforce and deliver high quality service



3 Limit the Locations of Units

- ▶ **200 scooter fleet cap downtown** across all companies
- ▶ **~45 downtown** as of July 1st
- ▶ Service suspension downtown would continue
 - ▶ 10:30 pm - 4 am, 7 days a week



Kelowna, BC

Waterfront Walkway and Bernard Closure



Starting **June 30, 2021 at 8:00 AM**, dockless scooter parking will be prohibited and riding will be prohibited.

[↓ SHAPEFILE](#)

[↓ GEOJSON](#)

This is a policy zone created by Kelowna, BC that sets rules for dockless mobility activity within the boundary.



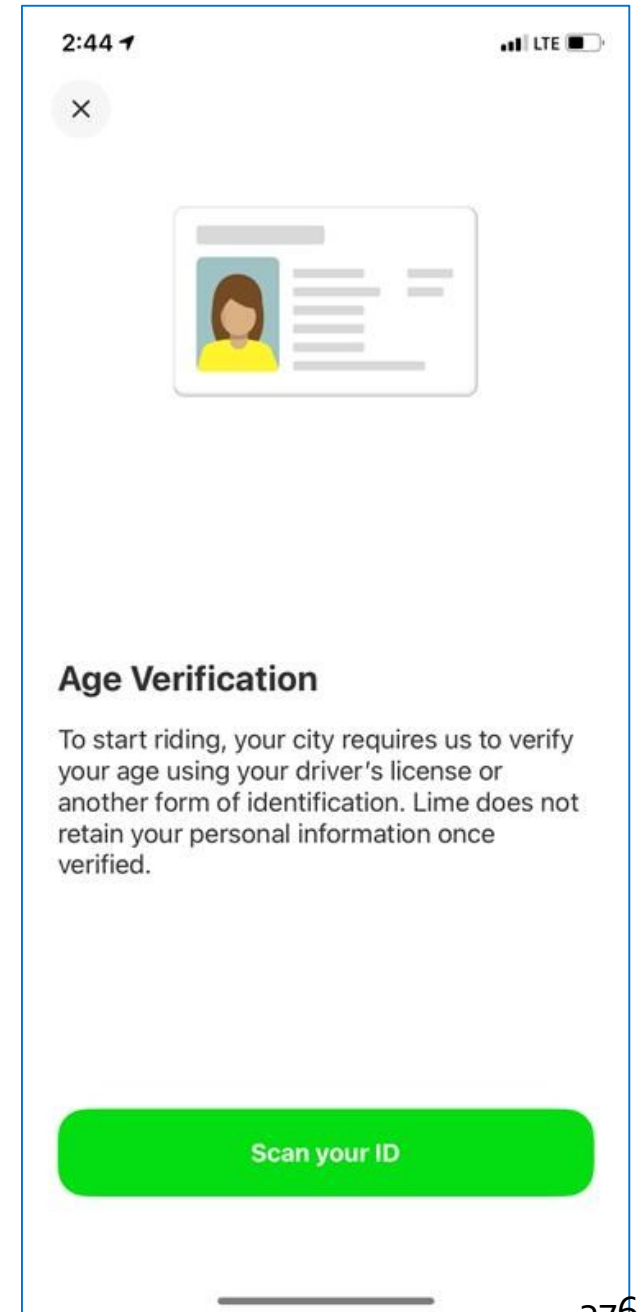
5 Additional Restrictions

▶ Self-Enforcement Reports

- ▶ Require companies to submit biweekly self-enforcement reports itemizing the warnings and fines sent to their riders.

▶ One Phone, One ID, One Scooter

- ▶ Require ID verification and disabling group ride functionality to further eliminate opportunities for underage riding.



Summary

- ▶ Recommended Actions:
 - ▶ Significantly reduce the number of e-scooters
 - ▶ Improve safe riding behaviors
 - ▶ Implemented by June 30th
- ▶ Staff would continue to monitor the program
- ▶ Full program evaluation in the fall



Steps to Cancel the E-Scooter Program

- ▶ Council resolution:
 - ▶ Cancel current permits
 - ▶ Remove vehicles from public right of way
- ▶ City may cancel or change the permit conditions at any time.
- ▶ All current operators have been reminded of these terms





Questions?

For more information, visit kelowna.ca.