

# City of Kelowna

## Public Hearing

### AGENDA



Tuesday, August 24, 2021  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

**1. Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items**

**2. Call to Order the Public Hearing - START TIME 6:00 PM - Fraser Rd 605 Leathead Rd 460 - OCP20-0013 Z20-0066 - Supplemental Report Following Neighbourhood Notification**

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at [Kelowna.ca/council](http://Kelowna.ca/council) or by request to the Office of the City Clerk.

For those participating this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on [kelowna.ca](http://kelowna.ca).

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, a maximum of 50 members of the public is permitted to attend Council meetings in-person. Members of the public must remain seated unless invited to address Council. Thank you for your co-operation.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

**3. Individual Bylaw Submissions**

**3.1. START TIME 6:00 PM - Fraser Rd 605 Leathead Rd 460 - OCP20-0013 Z20-0066 - Supplemental Report Following Neighbourhood Notification**

6 - 40

To provide Council with an update on the neighbourhood notification that has occurred for OCP20-0013 and Z20-0066 for 605 Fraser Road and 460 Leathead Road.

4. Termination

5. Call to Order the Regular Meeting

6. Bylaws Considered at Public Hearing

- 6.1. **START TIME 6:00 PM - Leathead Rd 460 and Fraser Rd 605 - BL12129 (OCP20-0013) - 0725353 BC Ltd, 1032308 Alberta Ltd** 41 - 42

**Requires a majority of all members of Council (5).**

To give Bylaw No. 12129 second and third reading in order to change the future land use designation of the subject properties from the S2RES - Single / Two Unit Residential designation to the MRL - Multiple Unit Residential (Low Density) designation.

- 6.2. **START TIME 6:00 PM - Leathead Rd 460 and Fraser Rd 605 - BL12130 (Z20-0066) - 0725353 BC Ltd, 1032308 Alberta Ltd** 43 - 43

To give Bylaw No. 12130 second and third reading in order to rezone the subject properties from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.

7. Termination

8. **Call to Order the Public Hearing - START TIME 6:30 PM - Mantle Crt 1870 Walburn Rd 2903 Gallagher Rd 2975 - OCP21-0005 (BL12258) Z21-0010 (BL12259) - RDCO, David and Laura Geen**

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

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Following the close of the Public Hearing, no further information from the applicant or



members of the public will be accepted by Council.

**9. Individual Bylaw Submissions**

- 9.1. START TIME 6:30 PM - Mantle Crt 1870 Walburn Rd 2903 Gallagher Rd 2975 - OCP21-0005 (BL12258) Z21-0010 (BL12259) - RDCO, David and Laura Geen** 44 - 92

To amend the Official Community Plan designations from PARK – Major Park/Open Space (public) to the REP – Resource Protection designation for a portion of 1870 Mantle Court and 2903 Walburn Road and from REP – Resource Protection to PARK – Major Park/Open Space (public) for a portion 2975 Gallagher Road. Also to rezone from P3 – Parks and Open Space to the A1 – Agriculture zone for a portion of 1870 Mantle Court and 2903 Walburn Road and from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone for a portion of 2975 Gallagher Road to accommodate the enhancement of the Scenic Canyon Regional Park and adjacent agricultural land.

**10. Termination**

**11. Call to Order the Regular Meeting**

**12. Bylaws Considered at Public Hearing**

- 12.1. START TIME 6:30 PM - Mantle Crt 1870 Walburn Rd 2903 Gallagher Rd 2975 - BL12258 (OCP21-0005) - RDCO, David and Laura Geen** 93 - 95

**Requires a majority of all members of Council (5).**

To give Bylaw No. 12258 second and third reading in order to amend the Official Community Plan designation for portions of the subject properties from the PARK – Major Park/Open Space (public) designation to the REP – Resource Protection Area designation and from the REP – Resource Protection Area designation to the PARK – Major Park/Open Space (public) designation.

- 12.2. START TIME 6:30 PM - Mantle Crt 1870 Walburn Rd 2903 Gallagher Rd 2975 - BL12259 (Z21-0010) - RDCO, David and Laura Geen** 96 - 97

To give Bylaw No. 12259 second and third reading in order to rezone portions of the subject properties from the P3 – Parks and Open Space zone to the A1 – Agriculture zone and from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone.

**13. Termination**

**14. Call to Order the Public Hearing - START TIME 6:30 PM - TA21-0009 (BL12263) - Section 13 - Urban Residential Zones - Carriage House Text Amendment - City of Kelowna**

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed

bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at Kelowna.ca/council or by request to the Office of the City Clerk.

For those participating this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, a maximum of 50 members of the public is permitted to attend Council meetings in-person. Members of the public must remain seated unless invited to address Council. Thank you for your co-operation.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

**15. Individual Bylaw Submissions**

- 15.1. START TIME 6:30 PM - TA21-0009 (BL12263) - Section 13 - Urban Residential Zones - Carriage House Text Amendment - City of Kelowna** 98 - 114

To amend the Zoning Bylaw to allow carriage houses as a permitted secondary use on RU1 and RU2 lots that have a sanitary sewer connection within the Urban Core, as defined by Map 5.1 in the Kelowna 2030 - Official Community Plan.

**16. Termination**

**17. Call to Order the Regular Meeting**

**18. Bylaws Considered at Public Hearing**

- 18.1. START TIME 6:30 PM - BL12263 (TA21-0009) - Section 13 - Urban Residential Zones - Carriage House Text Amendment - City of Kelowna** 115 - 118

To give Bylaw No. 12263 second and third reading in order to amend the Zoning Bylaw to allow carriage houses as a permitted secondary use on RU1 and RU2 lots that have a sanitary sewer connection within the Urban Core, as defined by Map 5.1 in the Kelowna 2030 - Official Community Plan.

**19. Termination**

**20. Public Hearing will re-open for McKinley Road Item at 7:30 PM**

**21. Procedure on each Bylaw Submission**

- (a) Brief description of the application by City Staff (Development Planning);
- (b) The applicant has up to 15 minutes to make representation to Council regarding the

project.

(c) The Chair will call for representation from the public participating online as follows:

(i) Any person wishing to make representation during the Hearing will have the opportunity to do so.

(ii) Speakers have up to 5 minutes to share their remarks.

(d) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to participants that the Public Hearing on the Bylaw is closed.

(e) Once the public has had an opportunity to comment, the applicant is given up to 10 minutes to respond to any questions raised.

(f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

Note: Any applicant or member of the public may use electronic visual aids to assist in their presentation or questions. The participant must be able to share their screen to display the item.

# Report to Council



**Date:** August 9, 2021

**To:** Council

**From:** City Manager

**Subject:** Neighbourhood Notification for OCP20-0013 and Z20-0066

**Department:** Development Planning

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## **Recommendation:**

THAT Council receives, for information, the report from the Development Planning Department dated August 9, 2021, with respect to neighbourhood notification for OCP20-0013 and Z20-0066.

AND THAT Bylaws No. 12129 and 12130 be scheduled for consideration at the August 24, 2021 public hearing.

## **Purpose:**

To provide Council with an update on the neighbourhood notification that has occurred for OCP20-0013 and Z20-0066 for 605 Fraser Road and 460 Leathead Road.

## **Background:**

Council gave second and third readings on February 2, 2021 to Official Community Plan Map Amending Bylaw No. 12129 and Rezoning Bylaw No. 12130 for the properties at 605 Fraser Road and 460 Leathead Road. After the Public Hearing for these applications on February 2, 2021 it was discovered that Council Policy No. 367 Public Notification & Consultation for Development Applications was not met in full. On February 22, 2021, Council rescinded 2<sup>nd</sup> and 3<sup>rd</sup> readings and required the applicant to re-engage the neighbourhood in accordance with Council Policy No. 367 prior to sending the applications back to a Public Hearing for consideration.

## *Previous Council Resolution*

<b>Resolution</b>	<b>Date</b>
THAT Council rescind 2nd and 3rd readings given Bylaw 12129 and Bylaw 12130;	February 22, 2021
AND THAT Council send the application for 605 Fraser Rd and 460 Leathead Rd to public hearing;	

AND THAT prior to the public hearing being scheduled, the applicant re-engage the neighbourhood in accordance with Council Policy 367.	
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**Discussion:**

On July 21, 2021 Development Planning Staff received confirmation that the applicant has re-engaged the neighbourhood in accordance with Council Policy No. 367 and submitted a Neighbour Consultation Form. They indicated the requirement was fulfilled by mailing a letter, landscape plan and rendering to all addresses located within a 50 m radius of the subject properties. The consultation form that was received and a copy of the letter that was mailed to neighbours has been included as Attachment A.

**Conclusion:**

The applicant has re-engaged the neighbourhood in accordance with Council Policy No. 367. As such, Development Planning is requesting for the applications for 605 Fraser Rd and 460 Leathead Rd to be sent to public hearing for further consideration.

**Internal Circulation:**

Office of the City Clerk

**Considerations applicable to this report:**

**Existing Policy:** Council Policy No. 367 outlines Public Notification and Consultation requirements for development applications

**Legal/Statutory Procedural Requirements:** All applications made pursuant to the Development Applications Procedures Bylaw No. 10450 are required to meet the requirements identified in Council Policy No. 367 prior to Council initial consideration of an application.

**Considerations not applicable to this report:**

**Legal/Statutory Authority:** N/A

**Financial/Budgetary Considerations:** N/A

**External Agency/Public Comments:** N/A

**Communications Comments:** N/A

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

**Attachments**

Attachment A: Applicant's Neighbour Consultation Form and Letter



# Neighbour Consultation Form (Council Policy No.367)

A summary of neighborhood consultation efforts, feedback and response must be provided to City staff, identifying how the efforts meet the objectives of this Policy. This form must be filled out and submitted to the File Manager a minimum of 20 days prior to initial consideration by Council.

I, Tony Khunkhun, the applicant for Application No. OCP20-0013 Z20-0066  
DP20-153  
 for 16 unit townhouse proposal  
 (brief description of proposal)

at 605 Fraser Rd / 460 Leathead have conducted the required neighbour  
 (address)  
 consultation in accordance with Council Policy No. 367.

- ☐ My parcel is located **outside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 300m radius
- ☐ My parcel is located **inside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 50m radius

I have consulted property owners and occupants by doing the following: \_\_\_\_\_

Mailing to the Neighbors

Please initial the following to confirm it has been included as part of the neighbour consultation:

- ☒ Location of the proposal;
- ☒ Detailed description of the proposal, including the specific changes proposed;
- ☒ Visual rendering and/or site plan of the proposal;
- ☒ Contact information for the applicant or authorized agent;
- ☒ Contact information for the appropriate City department;
- ☒ Identification of available methods for feedback.

Please return this form, along with any feedback, comments, or signatures to the File Manager 20 days prior to the anticipated initial consideration by Council date. On the back of this form please list those addresses that were consulted.



# OCP20-0013 Z20-0066



City of

Kelowna  
DEVELOPMENT PLANNINGPlanner  
Initials

KB

Application # 220-0066	Address	Spoke with Owner & Occupant	Left Package with Owner & Occupant	Date
	605 Fraser Rd			July 14 <sup>th</sup> 2021
	460 Leathead Rd			July 14 <sup>th</sup> 2021
	410 Leathead Rd			
	620 Tartan Rd			
	640 Tartan Rd			
	629 Fraser Rd			
	639 Fraser Rd			
	425 Leathead Rd			
	545 Froelich Rd			
	540 Froelich Rd			
	485 Leathead Rd			
	495 Leathead Rd			
	505 Leathead Rd			
	515 Leathead Rd			
	525 Leathead Rd			
	604 Fraser Rd			
	550 Leathead Rd			
	610 Fraser Rd			
	609 Tossely Ct			
	617 Tossely Ct			
	635 Tossely Ct			
	410 Leathead Rd (2)			
<div> <div></div> <div>Public Hearing - letters mailed July 14<sup>th</sup> 2021</div> </div>				

## Proposed Rezoning

Date: July 7, 2021

Dear Neighbor,

We are proposing to rezone 460 Leathead & 605 Fraser from the RU1 – Large Lot Housing zone to RM3 – Low Density Multiple Housing zone and to amend the Official Community Plan to change the future land use designation from S2RES – Single / Two Unit Residential to MRL – Multiple Unit Residential (Low Density) to facilitate a multiple dwelling housing development on the subject properties. The new proposed zoning will allow for a our 16-unit townhouse development named ‘Tetra’ that will provide affordable homes for families in our community. The target demographics for this development includes young families, first-time homebuyers and people downsizing.

The proposed 16-unit development will compose of four 3 story townhouses. Four of the units will be two bedrooms units while the remaining twelve units will be three-bedroom units. Each unit will contain its own double car garage and bike storage unit. The units will have a modern/contemporary architecture style with high quality, and low maintenance finishing’s.

The proposed development will have access off of both Leathead and Fraser road and will feature backyards with ample landscaping and tree infusions and other outdoor amenities including on-site gardens and fruit trees to promote harmonious living.

RA Quality Homes strives to make affordable homes in our community and look forward to our now fourth project in the Rutland area. We value the input of the nearby residences and therefore invite you to provide any feedback to our Tetra project through phone, email or in-person can be arranged. Below you will find the contact information of RA Quality Homes and the city representative who we are working with closely.

### RA Quality Home Contact Information

Name: Tony Khunkhun  
Phone: 250-317-3253  
Email: tkhunkhun@gmail.com

### City of Kelowna Contact Information

Name: Kimberly Brunet  
Phone: 250-469-8637  
Email: kbrunet@kelowna.ca





OCP20-0013 Z20-0066

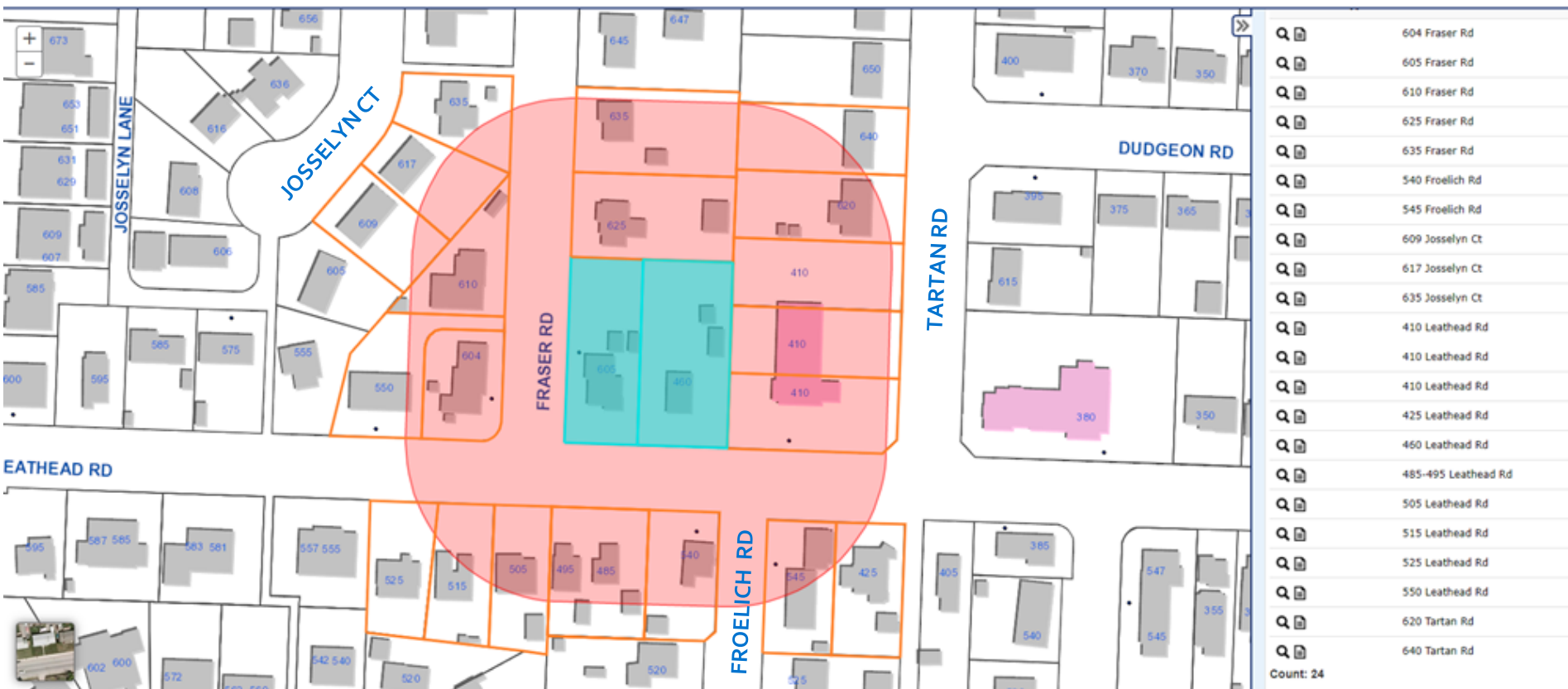
605 Fraser Road

460 Leathead Road

Supplemental Report to Council



# Council Policy No. 367





## *Conclusion of Staff Remarks*

# REPORT TO COUNCIL



**Date:** January 11, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** OCP20-0013 Z20-0066

**Owner:** 1032308 Alberta Ltd.  
Brenda Lou Marie Gibson

**Address:** 460 Leathead Road  
605 Fraser Road

**Applicant:** Blue Vision Design Inc.

**Subject:** Rezoning and Official Community Plan Amendment Applications

**Existing OCP Designation:** S2RES – Single / Two Unit Residential

**Proposed OCP Designation:** MRL – Multiple Unit Residential (Low Density)

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

**Proposed Zone:** RM3 – Low Density Multiple Housing

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0013 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located at 460 Leathead Road, Kelowna, BC and Lot 2 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located at 605 Fraser Road, Kelowna, BC from the S2RES - Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation, be considered by Council;

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

AND THAT Rezoning Application No. Z20-0066 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located at 460 Leathead Road, Kelowna, BC and Lot 2 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located at 605 Fraser Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated January 11, 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 rezone and to amend the Official Community Plan to change the future land use designation of the subject property to facilitate a multiple dwelling housing development.

## **3.0 Development Planning**

Staff recommend support for the Rezoning and Official Community Plan Amendment applications to facilitate the development of a 16-unit row housing development. Staff recognize that this proposal represents an increase in density over the existing zone and OCP Future Land Use designation, however, staff are recommending that low density multi-family housing is a reasonable request for this specific location.

Leathead Road is designated as an arterial road in the Official Community Plan and it functions as a major corridor in Rutland. This road serves as the boundary for the Rutland Urban Centre, with properties across the road to the south being included within the Urban Centre. With Public transit options being available directly on Leathead Road, and the properties being in close proximity to schools, parks and existing commercial areas, Development Planning sees adding increased residential density on these properties to be appropriate.

The applicant completed neighbourhood notification in accordance with Council Policy No. 367. 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**

There is currently existing single dwelling housing on each of the subject properties. These dwellings would be demolished, and the lots would be consolidated to facilitate this development.

### **4.2 Project Description**

This application is proposing a 16-unit row housing development contained within four separate buildings. The unit count includes four two-bedroom units (1 per building) and 12 three-bedroom units (3 per building). Parking requirements are met on-site, through a combination of side by side garages (25%) and tandem garages (75%). Visitor and van accessible parking stalls are also provided.



#### 4.3 Site Context

The subject properties are located on the north side of Leathead Road, at the corner of Fraser Road, in the City's Rutland OCP Sector. The two lots have a combined total lot area of 3,000 m<sup>2</sup>. The surrounding area is characterized by single and two dwelling housing and a religious assembly is located directly to the east. The properties are within the City's Permanent Growth Boundary and have a Walkscore of 50, indicating that some errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
East	P2 – Education and Minor Institutional	Religious Assemblies
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing

#### **Subject Property Map:** 460 Leathead Road and 605 Fraser Road



### 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.

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

## Chapter 5: Development Process

### *Objective 5.22 Ensure context sensitive housing development*

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

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

*Policy .1 Ground-Oriented Housing.* Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

See Schedule A City of Kelowna Memorandum

## **7.0 Application Chronology**

Date of Application Accepted: August 6, 2020  
Date Public Consultation Completed: November 9, 2020

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

### **Attachments:**

Schedule A: City of Kelowna Memorandum  
Attachment A: Draft Site Plan and Rendering  
Attachment B: Applicant's Letter of Rationale

# CITY OF KELOWNA

## MEMORANDUM

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**Date:** September 01, 2020

**File No.:** Z20-0066

**To:** Urban Planning Management (KB)

**From:** Development Engineering Manager (JK)

**Subject:** 605 Fraser Rd and 460 Leathead Rd RU1 to RM3

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The Development Engineering Branch's comments and requirements regarding this application to rezone the subject lots from RU1 – Large Lot Housing to RM3 - Low Density Multiple Housing from are as follows. The Development Technician for this application will be Sarah Kelly (skelly@kelowna.ca).

### 1. GENERAL

- a) This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.
- b) The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- c) These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- d) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

### 2. DOMESTIC WATER AND FIRE PROTECTION

- a) The subject lots are within the Black Mountain Irrigation District (BMID) water supply area. The Developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection(s) and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the Developer.
- b) The Developer's Consulting Mechanical Engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by BMID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. No. 7900. Provide water flow calculations for this development to confirm bylaw conformance (150 L/s for apartments/townhouses). Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

### 3. SANITARY SEWER SYSTEM



- a) Our records indicate that subject lots are currently serviced with a 100-mm diameter sanitary sewer service off Fraser Rd and a 100-mm service off Leathead Rd. 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 each legal lot. The applicant is to arrange for the removal and disconnection of the existing services and the installation of one new larger service (minimum diameter of 150 mm) at the applicant's cost.
- b) All new service connections are to be completed with an inspection chamber (c/w Brooks Box) as per SS-S7.

#### 4. **STORM DRAINAGE**

- a) The property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
  - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii. A detailed Stormwater Management Plan for this subdivision; and,
  - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c) On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*.
- d) As per Bylaw 7900, Schedule 4, Section 3.1.3 *Climate Change*, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- e) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- f) Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.
- g) Identify clearly on a contour map, or lot grading plan, all steep areas (>30 %). Provide cross sections for all steep areas at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- h) If individual lot connections are required, ensure that payment of connection fees has been completed (please provide receipt).
- i) Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while

addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

- j) A complete storm drainage system is to be installed up to north end of the subject lot within Fraser Rd, c/w catch basins, leads, storm main, manholes, any required service connections, and connection to the existing storm main in Leathead Rd. Depending on the proposed design, a latecomer may be able to be registered for the drainage works.

## **5. ROAD IMPROVEMENTS**

- a) The existing condition of the Active Transportation Corridor on Leathead Rd is to be maintained.
- b) A new east-west concrete wheelchair letdown as per City of Vancouver Standard Detail C8.3 is to be installed on the northeast corner of the Fraser-Leathead Rd intersection.
- c) The existing utility pole servicing 460 Leathead Rd is to be removed, with all new additional services being underground.
- d) Fraser Rd is to be fully urbanized to a modified SS-R5 with 1.5-m wide separated sidewalk 0.2 m from property line. The urbanization is to include storm drainage, curb and gutter, utility appurtenance adjustments, fillet paving, streetlights, boulevard landscaping and irrigation, and utility pole relocation (if necessary).

## **6. POWER AND TELECOMMUNICATION SERVICES**

- a) Underground services will be required for all power and telecommunications to the proposed lot.
- b) As per comment 5.c), the existing utility pole servicing 460 Leathead Rd is to be removed.
- c) Streetlights must be installed on all roads. All streetlighting designs are to be approved by the Development Engineering Branch at the same time as other "issued for construction" drawings.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- e) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).
- f) If any road dedication affects lands encumbered by a Utility right-of-way (such as B.C. Gas, etc.) 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 Manager.

## **7. GEOTECHNICAL STUDY**

- a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.
- b) The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
  - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.

- ii. Site suitability for development.
  - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
  - iv. Any special requirements for construction of roads, utilities and building structures.
  - v. Recommendations for items that should be included in a Restrictive Covenant.
  - vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
  - vii. Any items required in other sections of this document.
- c) Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

“Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more than 2 tiers must be designed and constructed under the direction of a qualified professional engineer.”

The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia's *Professional Practice Guidelines for Retaining Wall Design*. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of *Retaining Wall Design Guideline*) and any necessary independent reviews (as per EGBC's *Documented Independent Review of Structural Designs*).

- d) Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.

## **8. ROAD DEDICATION/SUBDIVISION REQUIREMENTS**

- a) A 6.0-m radius corner rounding is to be dedicated on the southwest corner of 605 Fraser Rd.
- b) Lot consolidation will be a requirement of this development.

## **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

Z20-0066 Fraser Rd 605 and Leathead Rd 460 RU1 to RM3

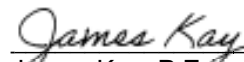
Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

#### **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. CHARGES, FEES, AND SECURITIES**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Street/Traffic Sign Fees: at cost (to be determined after design).
  - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
  - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).
- c) Approved payment methods for Performance Security:
  - i) Personal Cheques < \$5,000
  - ii) Certified Cheque and Bank Draft > \$5,000
  - iii) Minimum Letter of Credit value is \$50,000

  
James Kay, P.Eng.  
Development Engineering Manager

JKH

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**CITY OF KELOWNA**

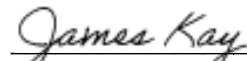
**MEMORANDUM**

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**Date:** September 01, 2020  
**File No.:** OCP20-0013  
**To:** Urban Planning Management (KB)  
**From:** Development Engineering Manager (JK)  
**Subject:** 605 Fraser Rd and 460 Leathead Rd S2RES to MRL

---

The Development Engineering Branch has no comments and requirements associated with this application to amend the Future Land Use from S2RES (Single / Two Unit Residential) to MRL (Multiple Unit Residential Low Density) for the subject lots. All other off-site requirements for the proposed development are addressed in the Development Engineering Memos Z20-0066.

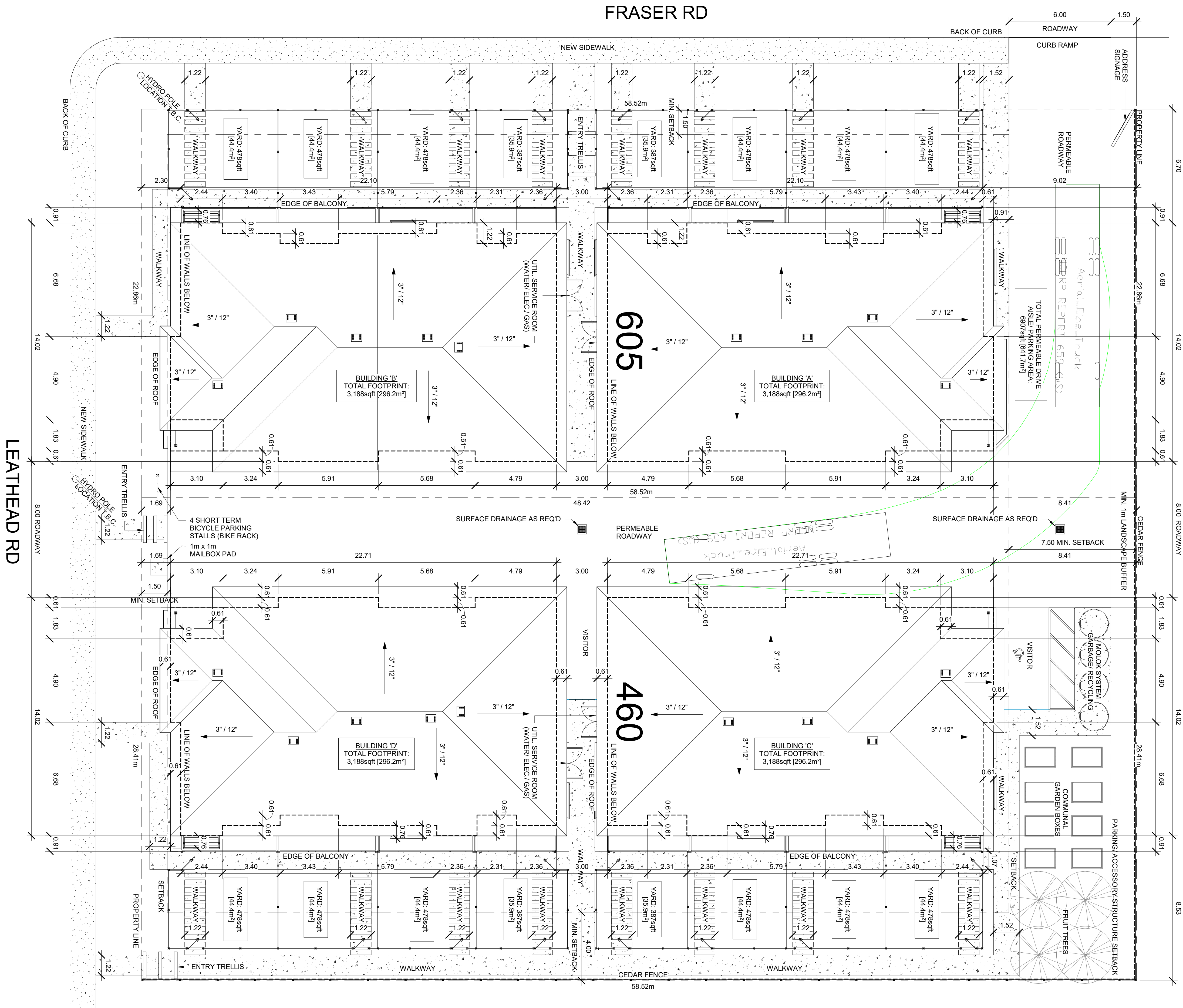


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James Kay, P.Eng.  
Development Engineering Manager

JKH





ADJACENT PROPERTY: ZONE P2

**SHEET NOTES:**  
- LANDSCAPING NOT SHOWN. REFER TO LANDSCAPE ARCHITECT'S DWGS.  
- ALL WALKWAYS TO BE BRUSHED CONCRETE  
- T/O ENTRY SLAB-ON-GRADE= 100'-0" [GEO. T.B.C.]  
- ALL LOT DIMENSIONS & GEODEDIC ELEVATIONS TO BE CONFIRMED BY A SURVEYOR PRIOR TO CONSTRUCTION

ATTACHMENT A

This forms part of application

# OCP20-0013 Z20-0066

Planner  
Initials

KB



Blue Vision Design Inc.  
1486 Wilmot Ave  
Kelowna, BC V1P 1N3  
250.864.6666  
blue.vision@hotmail.com

Issue Schedule		
Issue Number	Description	Date (dd.mm.yy)
9	Development Permit	02.07.20
11	Development Permit	03.11.20

ADJACENT PROPERTY: ZONE RU1

1"=10'-0"  
1"=1'-0"

**BUILDING NOTES**  
**GENERAL ZONING AND SITE INFORMATION**

- CIVIC ADDRESS: 605 FRASER RD & 460 LEATHEAD RD
- LEGAL: PLAN 12434, LOTS 1 & 2
- AUTHORITY: CITY OF KELOWNA
- EXISTING ZONE: RU1 - URBAN RESIDENTIAL 1
- PROPOSED ZONE: RM3- LOW DENSITY MULTIPLE HOUSING

**ZONING RESTRICTIONS**

- MAXIMUM PARCEL COVERAGE: 40% OR 50%\*
- MAXIMUM SITE COVERAGE: 60%\*
- MAXIMUM FLOOR AREA RATIO: 0.80\*\*\*

**NOTES:**

- \* 50% IF PRIVATE OPEN SPACE FOR EACH UNIT CAN BE PROVIDED ON A DECK, PATIO, BALCONY, OR ROOFTOP DECK WHICH EXCEEDS THE BYLAW REQUIREMENTS BY 10%
- \*\* INCREASE TO 65% FOR PERMEABLE DRIVE SURFACES AND PARKING
- \*\*\* WHERE MIN. 75% OF PARKING SPACES AREA SCREENED FROM PUBLIC VIEW

**SETBACKS & SIZE RESTRICTIONS**

- FRONT YARD SETBACK: 4.5m  
1.5m FOR GROUND-ORIENTED HOUSING  
6.0m FOR CARPORT/GARAGE
- REAR YARD SETBACK: 7.5m  
4.5m (COMMON RECREATION BUILDINGS)  
1.5m (ACCESSORY BUILDINGS)
- SIDE YARD SETBACK: 4.0m  
4.5m FOR FLANKING STREET  
1.5m FOR GROUND-ORIENTED HOUSING  
FACING A FLANKING STREET  
6.0m FOR CARPORT/GARAG
- MAX. HEIGHT OF MAIN HOUSE: 10m (3 STOREY)  
4.5m FOR ACCESSORY BUILDINGS
- MIN. SEPARATION BETWEEN BUILDINGS: 3m
- MIN. PRIVATE OPEN SPACE PER DWELLING: 25m<sup>2</sup>

**AREA CALCULATIONS**

- 605 FRASER RD LOT AREA: 14,400sqft [1337.8m<sup>2</sup>]
- 460 LEATHEAD RD LOT AREA: 17,896sqft [1662.6m<sup>2</sup>]
- TOTAL LOT AREA: 32,296sqft [3000.4m<sup>2</sup>]
- MAXIMUM BUILDING SITE COVERAGE: 12,752sqft [1184.7m<sup>2</sup>] (39.5%)
- MAXIMUM SITE COVERAGE (INCL. PERMEABLE DRIVEWAYS & PARKING AREAS): 20,992sqft [1950.2m<sup>2</sup>] (65%)
- PROPOSED TOTAL BUILDING COVERAGE: 12,776sqft [1186.9m<sup>2</sup>] (39.6%)
- PROPOSED TOTAL SITE COVERAGE: 19,987sqft [1856.9m<sup>2</sup>] (61.9%)
- PROPOSED 4-PLEX BUILDING SIZE: 3,188sqft [296.2m<sup>2</sup>]
- MAXIMUM TOTAL NET FLOOR AREA: 25,837sqft [2400.3m<sup>2</sup>] (0.80 FAR)
- PROPOSED TOTAL NET FLOOR AREA: 25,488sqft [2367.9m<sup>2</sup>] (0.79 FAR)
- TOTAL FLOOR AREAS PER UNIT TYPE:
  - UNIT 1: 1333sqft [123.8m<sup>2</sup>]
  - UNIT 2: 1671sqft [155.2m<sup>2</sup>]
  - UNIT 3: 1671sqft [155.2m<sup>2</sup>]
  - UNIT 4: 1819sqft [169.0m<sup>2</sup>]

A1.1



ATTACHMENT

A

This forms part of application

# OCP20-0013 Z20-0066

Planner Initials

KB

City of Kelowna

DEVELOPMENT PLANNING

MULTI-UNIT RESIDENTIAL

605 FRASER RD & 460 LEATHEAD RD

PROPOSED BC STEPCODE: STEP 1

SHEET LIST		
Sheet Number	Sheet Name	Current Revision Date
A0.0	TITLE	03.11.20
A0.1	RENDERS	03.11.20
A0.2	RENDERS	03.11.20
A0.3	RENDERS	03.11.20
A0.4	3D VIEW	03.11.20
A0.5	3D VIEW	03.11.20
A1.0	GENERAL NOTES & SCHEDULES	03.11.20
A1.1	SITE PLAN	03.11.20
A2.0	ELEVATIONS	03.11.20
A2.1	ELEVATIONS	03.11.20
A2.2	ELEVATIONS	03.11.20
A2.3	ELEVATIONS	03.11.20
A3.1	GROUND FLOOR PLAN	03.11.20
A3.2	MAIN FLOOR PLAN	03.11.20
A3.3	UPPER FLOOR PLAN	03.11.20
A3.4	ROOF PLAN	03.11.20

Blue Vision

DESIGN INC.

'BRINGING YOUR VISIONS TO LIFE'

Blue Vision Design Inc.

3448 Cougar Rd

West Kelowna, BC

V4T 2G9

250.864.6666

blue.vision@hotmail.com

Issue Schedule		
Issue Number	Description	Date (dd.mm.yy)
9	Development Permit	02.07.20
11	Development Permit	03.11.20

0725353 BC Ltd.  
P.O. Box 22024 Capri  
P.O.  
Kelowna,BC V1Y 9N9  
PH#: 250.317.3253  
tkhunkhun @gmail.com

Multi-Residential Development

605 Fraser Rd & 460 Leathead Rd  
Kelowna, BC

TITLE	
SCALE: AS NOTED	
DRAWN BY: DS	CHECKED BY: BV
DATE: 03.11.20	PROJECT: 2020-009

A0.0



① 3D Rendering- Leathead & Fraser  
1/4" = 1'-0"



## Rationale Letter

July 02, 2020

To: City of Kelowna Building & Permitting  
1435 Water St  
Kelowna, BC V1Y 1J4  
P: 250.469.8960  
developmentservicesinfo@kelowna.ca

From: Blue Vision Design Inc  
3448 Cougar Rd  
Westbank, BC V4T 2G9  
P: 250.864.6666  
blue.vision@hotmail.com

Subject: Proposal for Re-Zoning, OCP Amendment & Development Permit for (4) 4-plexes @  
605 Fraser rd & 460 Leathead rd.

Dear City of Kelowna,

The subject Property is located at 605 Fraser rd & 460 Leathead rd in Rutland. The properties are currently zones RU1 and the owner wishes to rezone the properties to RM3 to allow for the development of affordable multi-residential townhouses. Re-zoning will provide gentrification to an area central to family-oriented housing and help promote sustainable growth and development. The proposed design creates increase density while maintaining a street scale appropriate to the neighborhood and is a smooth transition from the RM5 designated properties South of this development, across from Leathead rd.

This Application will require a change in the Official Community Plan. The owner has worked closely with the planning department in this regard.

The proposed development consists of 4 – 3 story townhouses along a shared drive aisle with entry off of Fraser rd. We are proposing 4 two bedroom units (1 per building) and 12 three bedroom units (3 per building). All units will have private front yards, two outdoor decks and 2 car garages. All design aspects are to meet the existing zoning regulations of RM3. One handicap accessible visitor parking space and one standard visitor parking space has been provided on site per the zoning requirements.

Garden plots and fruit trees will be located at the North end of the property and available exclusively for the residents' enjoyment and use. This will also promote sustainability on the site. Bike storage is included in each unit with oversized 2 car garages for each unit. This project aims at healthy living for it's occupants and sustainable development in its neighborhood. This encourages harmonious living through these shared amenity spaces. The project will provide privacy fencing and 1 meter of vegetative screening & fencing on the North side of the Property, neighboring an RU1 lot. Below ground garbage & recycling bins (Molok System) is provided for maximum convenience with minimal expose above grade.

**Blue Vision Design Inc.**  
3448 Cougar Rd  
West Kelowna, BC V4T 2G9

P: 250.864.6666  
blue.vision@hotmail.com  
www.bluevisiondesigninc.com



## Rationale Letter

July 02, 2020

While aiming at family living, the design will accommodate a variety of different types of renters, such as students, with a close proximity to bus stops leading to UBCO and nearby shopping and recreation facilities. Nearby schools are ideal for young families as their children may walk to school.

The modern/ contemporary design features of each building have an urban feel that reflect many of the new development styles around Kelowna and throughout the Okanagan and Western Canada. The dark trim, low pitch/ flat rooflines and folding planes give it an appealing architectural design, with plenty of large windows and modern entry doors. All the exterior materials specified are hearty & low maintenance with a lifespan of 25+ years. The mix of warm natural wood tones and cool colors give the development a balanced mix that reflect our seasons here in the Okanagan.

Thank you for your consideration.

Sincerely,



Bradley A. Veenstra, ASCT  
Dated: July 02, 2020



# Tetra

605 Fraser Rd & 460 Leathead Rd

Proposed 16 Unit Towhouse Style Development

Current Zoning- RU1 → Proposed Zoning- RM3

Developer:

**RA Quality Homes**

Designed by:

**Blue Vision Design Inc.**





### Proposed Development:

- 4- 3-storey townhouses (16 Units)
- 4- two bedroom units (1333sqft) and 12- three bedroom units (1671sqft- 1819sqft)
- Double Garage & Bike Storage ea. unit
- Modern/ Contemporary Architecture w/ high quality, low maintenance finishings



Ground oriented multiple dwelling housing is consistent with the Core Area Neighbourhood designation in the draft 2040 OCP. However, a rezoning would still be required from the current single dwelling zones to RM3 once the OCP is adopted. So we were advised by planning to continue on with our current application while the new OCP is adopted by council likely in December, 2021.





### **Proposed Development:**

- Promotes Outdoor & Harmonious Community Living
  - On-Site Gardens & Fruit Trees
- 1m Landscape Buffer & Fencing to the North, for Neighbour's privacy (not shown)
- Undergroud garbage/ recycling collection





### Demographic:

- Young Families- nearby schools
- First-Time Homebuyers
- Downsizing
- Low- Medium Income- Condo Alternative
- Accommodates Student Renters w/ nearby Bus routes to UBCO



Blue Vision Design Inc.





# Existing Site

Blue Vision Design Inc.

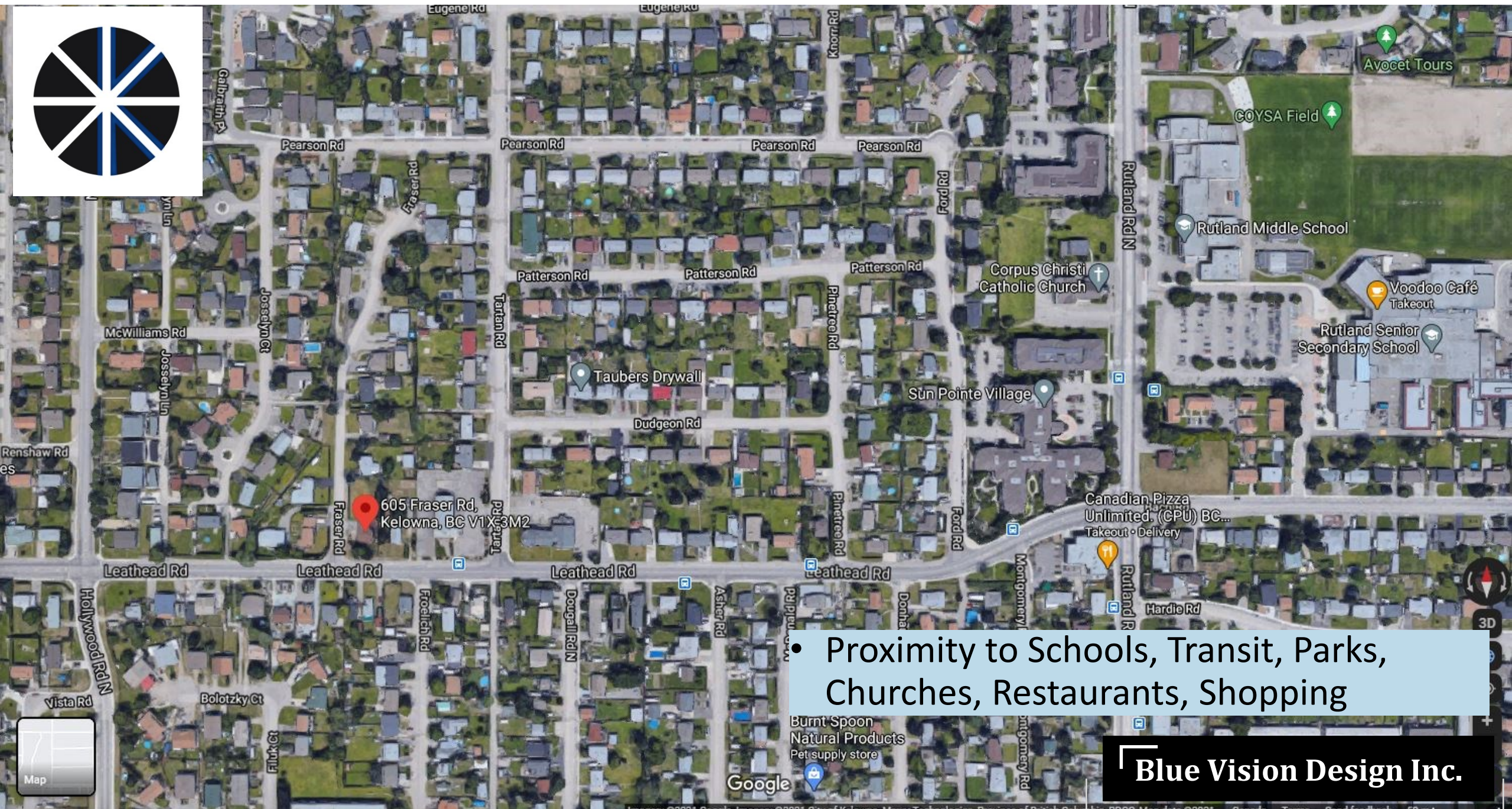




- Current Zoning RU1 → Proposed Zoning RM3

**Blue Vision Design Inc.**

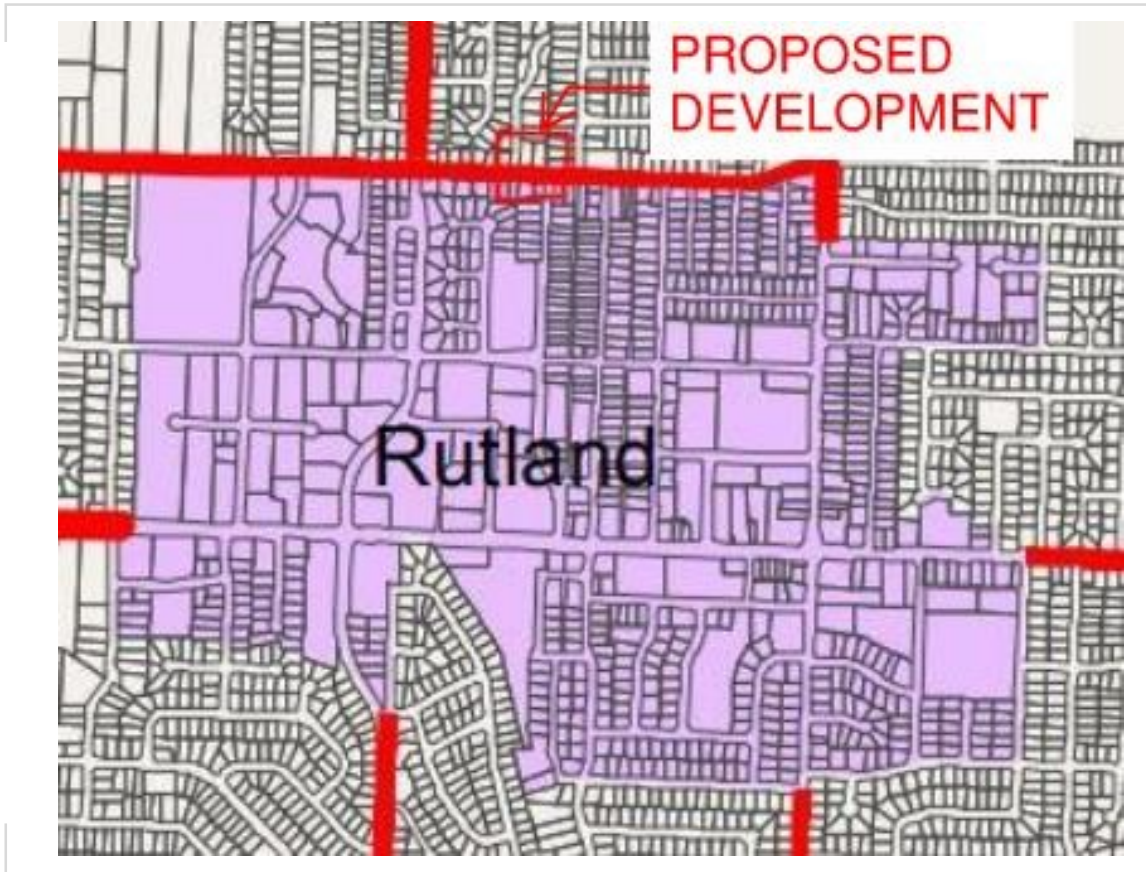
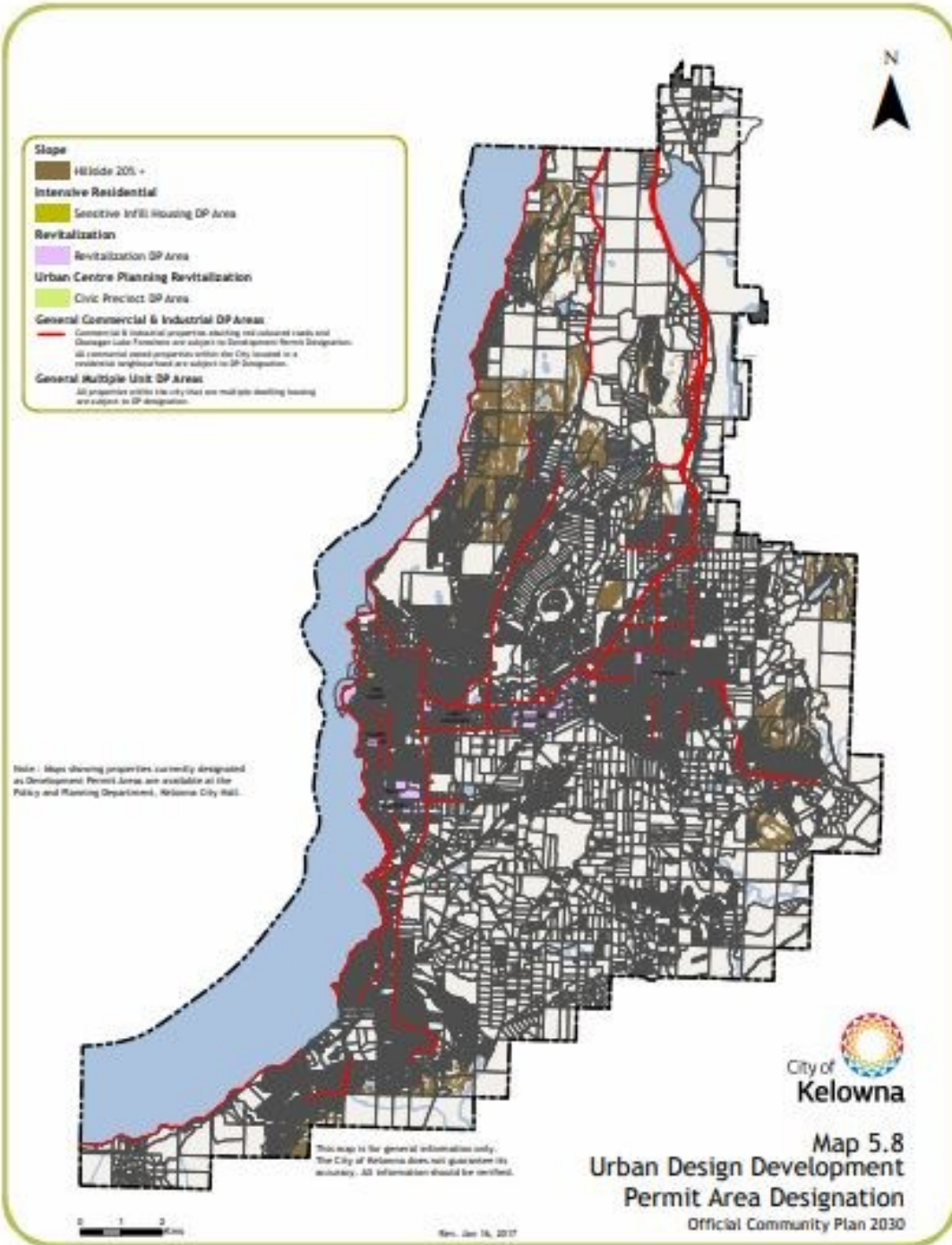




- Proximity to Schools, Transit, Parks, Churches, Restaurants, Shopping

Blue Vision Design Inc.

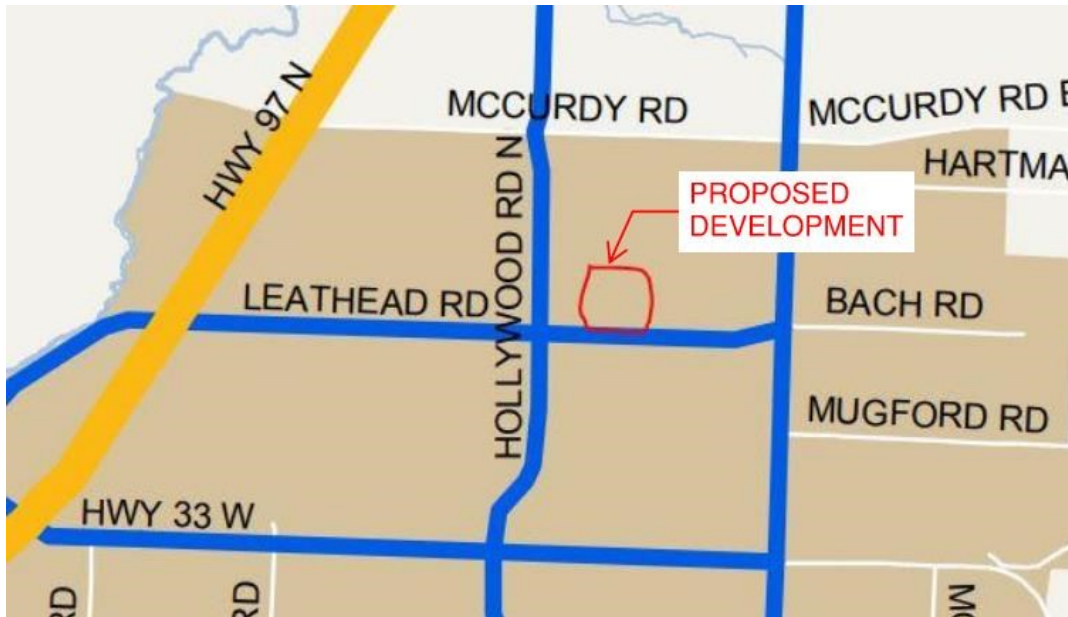
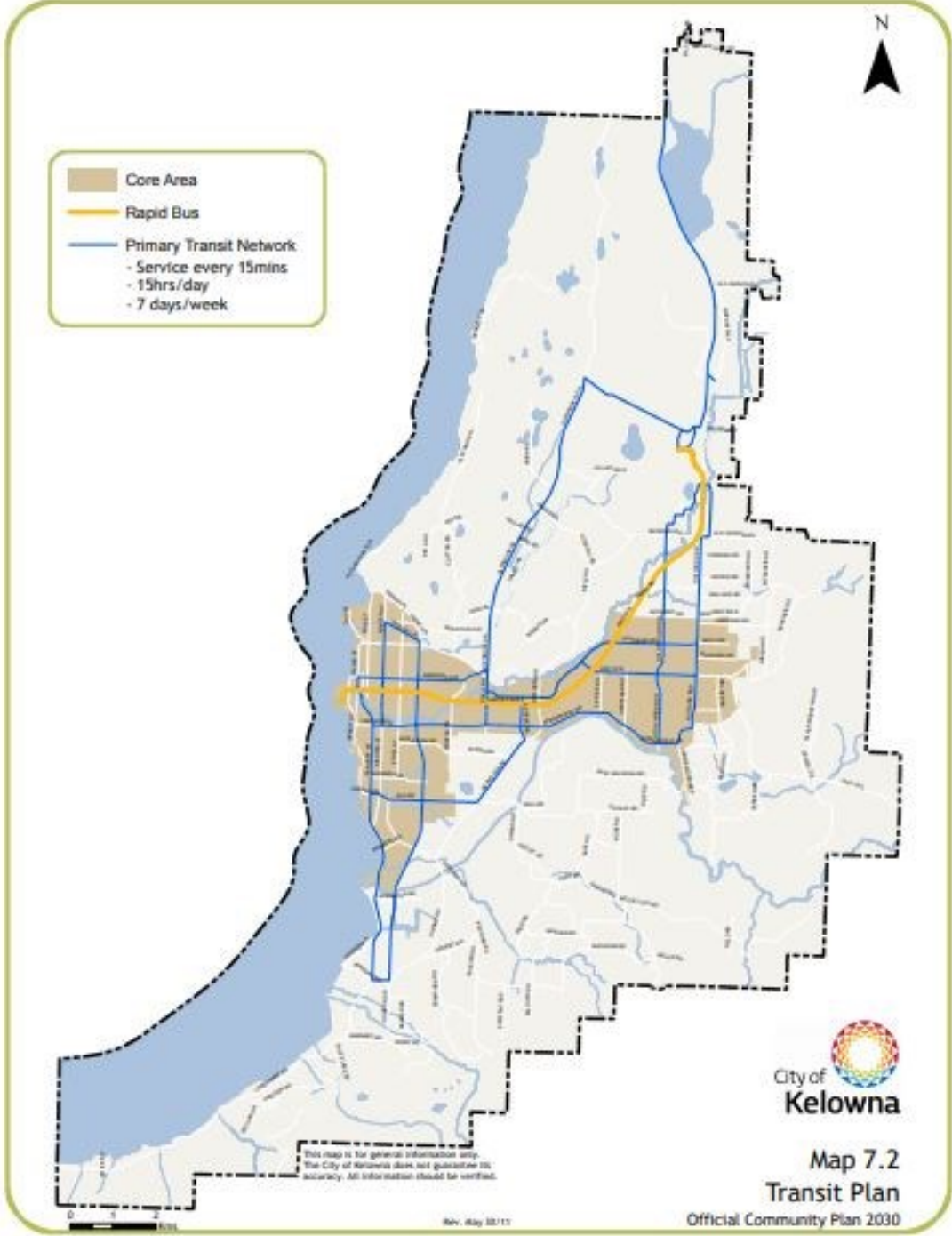




- Bordering the Rutland Revitalization DP Area



**Blue Vision Design Inc.**



- Within the OCP Transit Core Area



Blue Vision Design Inc.



## DEVELOPER INCENTIVES FOR AFFECTED PROPERTY OWNER(S)

The developer has reached out to the most affected property owner at **625 Fraser Rd.** and, of course, has met with other property owners in the area.

After some meetings and email correspondence, the developer has tried to mitigate the concerns of the property owner at **625 Fraser road**. The major concerns identified by this owner were as follows:

1. **Parking & Privacy**
2. **Shading (lack of sunlight)**
3. **Crime/Safety**

### The following proposals were provided to this property owner:

1. Parking & Privacy concern: The developer will provide an additional 6 foot high fence to the front property line because the owners were concerned about parking and privacy. In addition, the developer has offered to provide an additional \$10,000 landscaping allowance to purchase trees or shrubs that may help mitigate privacy issues.
2. Shading concern. I have explained to the owner that the buildings will be far away from his house due to the laneway and the side yard setback. Also 6 large trees will be removed by the developer as well. This means his sunlight exposure will not be affected and in fact will be enhanced.
3. The developer has also offered to remove one tree of the owner that is intruding onto 605 Fraser rd. which is a significant cost to the developer (\$5,000 approximately)
4. Crime & safety concern. There is no evidence that crime will be an issue. In fact, the opposite happens when new dwellings are constructed. The entire development area will be fenced and there are plans for security cameras on all four corners of this development. We are imagining that young families will be occupying these premises

The developer will continue to work with affected property owners should this rezoning application be approved.



**Blue Vision Design Inc.**



# Developer

We have been building and developing properties in the Okanagan for over 25 years. We are a family operation and choose to remain that way. Recently, we have developed 3 affordable townhouse projects in Rutland alone in the last five years working always very closely with City of Kelowna planning department. They have all been extremely successful and they have allowed families affordable home ownership.

## Contact

Tony & Jas Khunkhun

RA Quality Homes Ltd.

Phone: 250-317-3253

Fax: 888-813-9970

Email: [raqualityhomesltd@gmail.com](mailto:raqualityhomesltd@gmail.com)

[www.raqualityhomes.com](http://www.raqualityhomes.com)



# Designer

Blue Vision Design Inc. has been providing custom home, low density multi-family & sustainable energy designs since 2015 in the Okanagan and across British Columbia.



## Certifications & Commitment

- Certified Building Designer through Applied Science Technologists & Technician of BC (ASTTBC)
- Certified Energy Advisor through Natural Resources Canada (NRCAN)
- Certified Passive House Designer (PassiveHouse Canada)
- Member of Canadian Home Builder's Association (CHBA)
- Award Winning Designs
- Focus of Sustainability & Energy Efficiency



**Blue Vision Design Inc.**



# Thank You



Bradley Veenstra, AScT, CEA



+1 250-864-6666



blue.vision@hotmail.com



www.bluevisiondesigninc.com

 Blue Vision Design Inc.

# CITY OF KELOWNA

## BYLAW NO. 12129

### Official Community Plan Amendment No. OCP20-0013 460 Leathead Road and 605 Fraser Road

---

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:
  - a) Lot 1 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located on Leathead Road, Kelowna, B.C.; and
  - b) Lot 2 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located on Fraser Road, Kelowna, B.C.from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 18<sup>th</sup> day of January, 2021.

Considered at a Public Hearing on the 2<sup>nd</sup> day of February, 2021.

Read a second and third time by the Municipal Council this 2<sup>nd</sup> day of February, 2021.

Rescind second and third reading by the Municipal Council on the 22<sup>nd</sup> day of February, 2021.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 12130**  
**Z20-0066**  
**460 Leathead Road and 605 Fraser 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:
  - a) Lot 1 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located on Leathead Road, Kelowna, B.C.; and
  - b) Lot 2 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located on Fraser Road, Kelowna, B.C.from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 18<sup>th</sup> day of January, 2021.

Considered at a Public Hearing on the 2<sup>nd</sup> day of February, 2021.

Read a second and third time by the Municipal Council this 2<sup>nd</sup> day of February, 2021.

Approved under the Transportation Act this 4<sup>th</sup> day of February, 2021.

Audrie Henry

---

(Approving Officer – Ministry of Transportation)

Rescind second and third reading by the Municipal Council on the 22<sup>nd</sup> day of February, 2021.

Considered at a Public Hearing on the

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** August 9, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** OCP21-0005/Z21-0010      **Owners:** Regional District of Central Okanagan, David and Laura Geen

**Address:** 1870 Mantle Court, 2903 Walburn Road, and 2975 Gallagher Road      **Applicant:** Kent-Macpherson, Jordan Hettinga

**Subject:** Official Community Plan Amendment and Rezoning Application

**Existing OCP Designation:** PARK – Major Park/Open Space (public)  
REP – Resource Protection Area

**Proposed OCP Designation:** PARK – Major Park/Open Space (public)  
REP – Resource Protection Area

**Existing Zone:** A1 – Agriculture 1  
P3 – Parks and Open Space

**Proposed Zone:** A1 – Agriculture 1  
P3 – Parks and Open Space

---

## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP21-0005 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 Parcel A, Section 7, Township 27, ODYD, Plan KAP79441 located at 1870 Mantle Court, Kelowna, BC and The South West ¼ of Section 12, Township 26, ODYD, Except Plans 1380, B6800 and 20506 located at 2903 Walburn Road, Kelowna, BC from the PARK - Major Park/Open Space (public) designation to the REP – Resource Protection Area designation, and a portion of Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Road, Kelowna, BC from the REP – Resource Protection Area designation to the PARK - Major Park/Open Space (public) designation as shown on Map "A" attached to the Report from the Development Planning Department dated August 9, 2021 be considered by Council;

AND THAT Rezoning Application No. Z21-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Parcel A, Section 7, Township 27, ODYD, Plan KAP79441 located at 1870 Mantle Court, Kelowna, BC and The South West ¼ of Section 12, Township 26, ODYD, Except Plans 1380, B6800 and 20506 located at 2903 Walburn Road, Kelowna, BC from the P3 – Parks and Open Space zone to the A1 – Agriculture 1 zone and a portion of Lot A, Section 12, Township 26, ODYD,



Plan EPP71625 located at 2975 Gallagher Road, Kelowna, BC from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone as shown on Map “B” attached to the Report from the Development Planning Department dated August 9, 2021 be considered by Council;

AND THAT the Official Community Plan Amendment and Rezoning Bylaws 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 August 9, 2021;

## **2.0 Purpose**

To amend the Official Community Plan designations from PARK – Major Park/Open Space (public) to the REP – Resource Protection designation for a portion of 1870 Mantle Court and 2903 Walburn Road and from REP – Resource Protection to PARK – Major Park/Open Space (public) for a portion 2975 Gallagher Road. Also to rezone from P3 – Parks and Open Space to the A1 – Agriculture zone for a portion of 1870 Mantle Court and 2903 Walburn Road and P3 – Parks and Open Space to the A1 – Agriculture zone for a portion of 2975 Gallagher Road to accommodate the enhancement of the Scenic Canyon Regional Park and adjacent agricultural land.

## **3.0 Development Planning**

Staff recommend support for the proposed Official Community Plan (OCP) and Rezoning amendments to facilitate the land exchange to enhance park and agricultural land between the three properties. The overall proposal is in cooperation with the current landowner, Regional District of Central Okanagan, and the City of Kelowna. The joint effort provides a net benefit to regional park users, environmental conservation, and enhancement of agriculture.

The proposal meets several agricultural objectives of the OCP through expansion of an existing 40-acre farm operation by adding adjacent underutilized lands to be improved for farm production. The Scenic Canyon Regional Park will see a net gain of land of approximately 1.36 ha and have improved legal boundaries for accessibility and trail connections through the regional park.

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 Project Description**

The three subject properties are located in the Black Mountain and South East Kelowna area adjacent to the Mission Creek Canyon and include the Jealous Fruits Cherry agricultural operation. The three subject properties, one owned by the Geen family (61.3 ha) and two by the Regional District of Central Okanagan (9.1 ha and 46.6 ha) are a total of 117 ha acres in size. The proposal is a land exchange which involves the transfer of 8.67 ha of land from the RDCO’s to the Geen family to include in their agricultural operation. In exchange, the RDCO would receive 10.03 ha of land to expand the Scenic Canyon Regional Park and improve trail access. The exchange would also include approximately 0.86 ha of land for a Statutory Right-of-Way for access for maintenance over the private property.

The boundary adjustment will result in three properties, one large parcel owned by the RDCO, and two parcels owned by the Geen family. The subject properties are partially within the Agricultural Land Reserve (ALR). The proposed boundary adjustment subdivision to accommodate the land exchange requires approval from a City Approving Officer. Because the properties are partially within the ALR the subdivision will be considered under Part 2, Section 3 of the ALC Act and Agricultural Land Reserve General Regulation - 57/2020. This provision would allow the Approving Officer to approve the subdivision if it is considered to enhance farming on the agricultural land. Potential house locations on the privately owned land will be located outside of the ALR and within a residential footprint covenant.

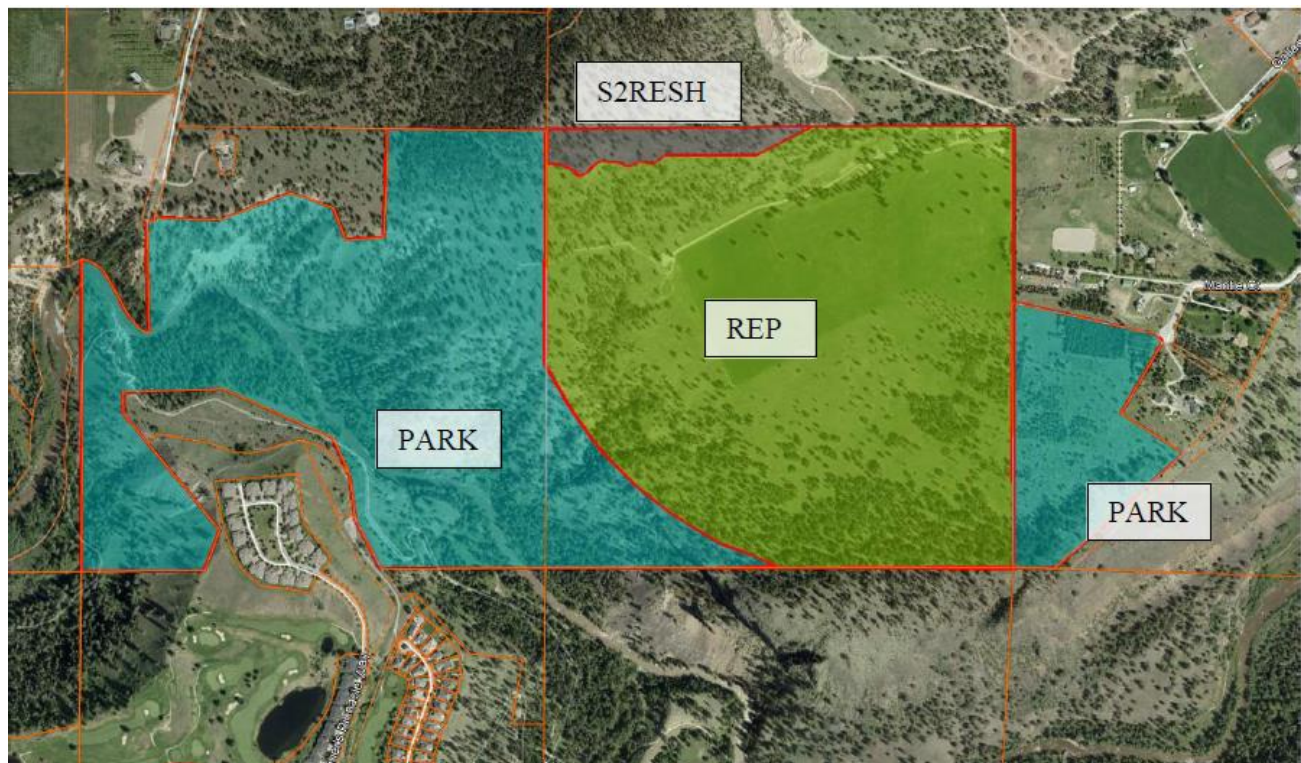
#### 4.2 Site Context

The subject properties are located in the Belgo – Black Mountain and Southeast Kelowna City Sector, and include part of the Mission Creek Canyon. The three properties are accessed from three separate roads, Walburn Road, Mantle Court, and Gallagher Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Rural Residential/Kirschner Mtn
East	A1- Agriculture 1	Rural Residential
South	P3 – Park and Open Space	Scenic Canyon Park
West	A1 – Agriculture 1 /P3 – Park and Open Space	Scenic Canyon Park/Rural Residential

**Subject Property Map:** 2903 Walburn Road/1870 Mantle Court/2975 Gallagher Road (Current OCP)



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 4 – Land Use Designation Definitions

##### **Resource Protection Area**

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

#### Chapter 5 - Development Process

##### **Agricultural Land Use Policies**

##### **Objective 5.33 Protect and enhance local agriculture.**

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

##### **Park Land Use Policies**

##### **Objective 5.14 Provide parks for a diversity of people and a variety of uses.**

##### **Environmental Land Use Policies**

##### **Objective 5.15 Ensure environmental sustainable development.**

**Policy .7 Protection Measures.** Protect and preserve environmental sensitive areas using dedication as a City park or trail where the area complements the goals and objectives of sustainable development.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- Refer to Development Engineering Memo dated February 9, 2021.

## 7.0 Application Chronology

Date of Application Accepted: February 4, 2021

Date Public Consultation Completed: June 30, 2021

**Report prepared by:** Wesley Miles, Planner Specialist

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

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

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

##### **Attachments:**

Schedule A: Development Engineering Memorandum

Attachment A: Site Plan/Rationale

Map A: OCP Amendment  
Map B: Zoning Amendment

**CITY OF KELOWNA**  
**MEMORANDUM**

**Date:** February 9, 2021  
**File No.:** Z21-0010  
**To:** Community Planning (DS)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1870 Mantle Ct & 2903 Walburn Rd  
2975 Gallagher Rd

P3 to A1  
A1 to P3

The Development Engineering Branch has the following comments and requirements associated with this Rezoning application.

**1. General**

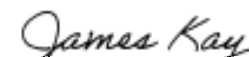
- a. The following requirements are valid for two (2) years from the reference date of this memo or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. The areas of 2975 Gallagher Rd and 2903 Walburn Rd which are within the ALR are subject to review and requirements from the Agricultural Land Commission.
- c. Should the Owner(s) consider developing the subject lot(s) at a future date, the Development Engineering Branch will need to provide additional comments and requirements at the time of official development application circulation.

**2. Storm Drainage**

- a. Any existing easements, covenants, or SRWs registered for storm drainage purposes are to be maintained.

**3. Power and Telecommunication Services**

- a. Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands and private lands.

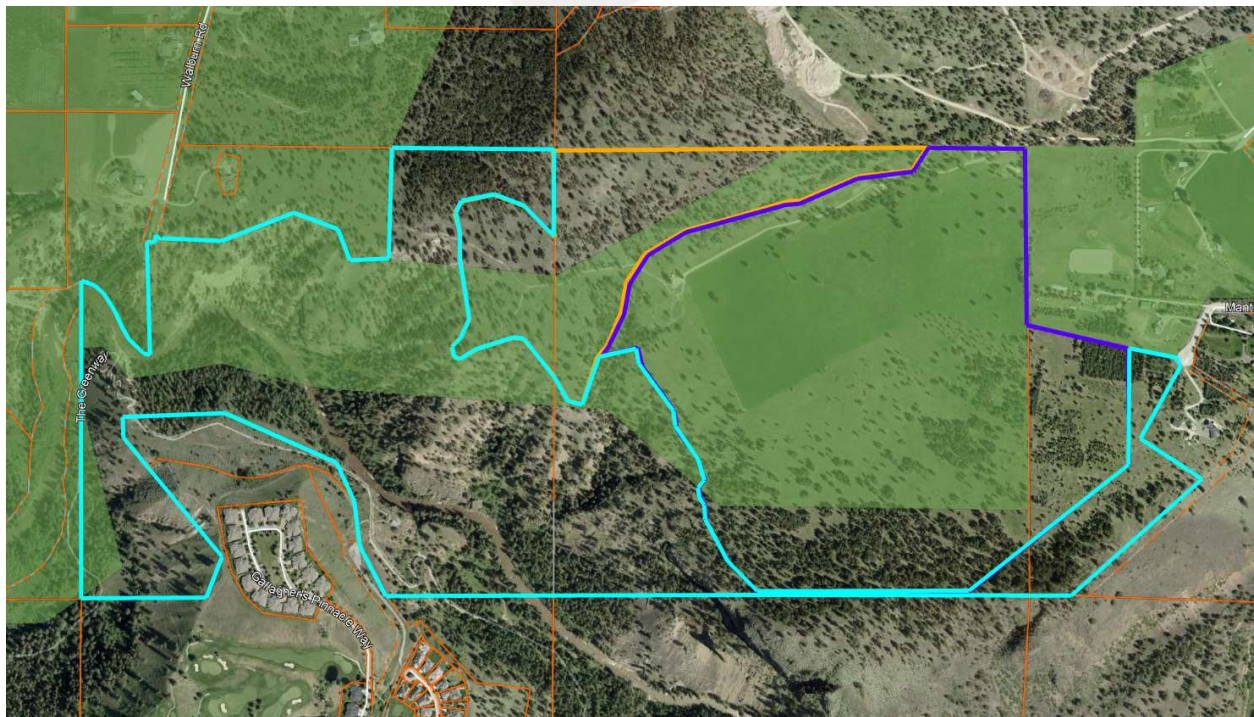
  
James Kay, P. Eng.  
Development Engineering Manager

SK



*RDCO & Jealous Fruits*  
*2903 Walburn Road, 2975 Gallagher Road &*  
*1870 Mantle Court, Kelowna, BC*  
*OCP Amendment, Rezoning*  
*& Technical Subdivision Application*

PREPARED FOR:  
City of Kelowna



**Kent Macpherson**



## ***COVER LETTER***





January 14, 2021

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

**Attention: Ryan Smith, Approving Officer**

**Re: Technical Subdivision Application  
2903 Walburn Road, 2975 Gallagher Road & 1870 Mantle Court, Kelowna  
South West ¼ of Section 12 Township 26 ODYD except Plans 1380 B6800 and  
20506, Lot A Section 12 Township 26 ODYD Plan EPP71625 & Parcel A  
Section 7 Township 27 ODYD Plan KAP79441 1350 & 1370 KLO Road,  
Kelowna – Lot 15, Plan 10710, except Plan KAP79079,**

**Applicant: Regional District of Central Okanagan and Jealous Fruits**

Please accept this letter as our formal request to realign the property lines between three properties at: 2903 Walburn Road, 2975 Gallagher Road, and 1870 Mantle Court. This subdivision will allow for the enhancement of the owner's (Jealous Fruits) overall farm, while simultaneously enhancing Scenic Canyon Regional Park by increasing accessibility and size of the park owned by the Regional District.

Concurrently with the subdivision, we are requesting OCP Amendments and Rezoning's as follows:

2903 Walburn Road:

- OCP Amendment from Major Park & Open Space to Resource Protection Area (3.76 Hectares)
- Rezoning from P3 to A1 (3.76 Hectares)

2975 Gallagher Road:

- OCP Amendment from Resource Protection Area to Major Park & Open Space (4.81 Hectares)
- Rezoning from A1 to P3 (10.03 Hectares)

1870 Mantle Court:

- OCP Amendment from Major Park & Open Space to Resource Protection Area (4.91 Hectares)
- Rezoning from P3 to A1 (4.91 Hectares)

This application follows Policy #12, Section 10 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

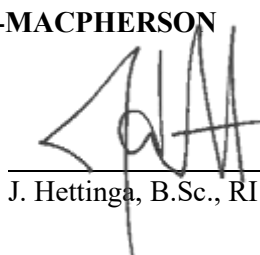
Finally, as part of this application, we would like to identify home sites on each parcel that will remain under private ownership. The homesites have been located in areas with limited agricultural capability, while remaining in strategic locations to oversee the farming opportunity. Both homesites are also located outside of the Agricultural Land Reserve.

If you have any questions pertaining to this application, please do not hesitate to contact me.

Sincerely,

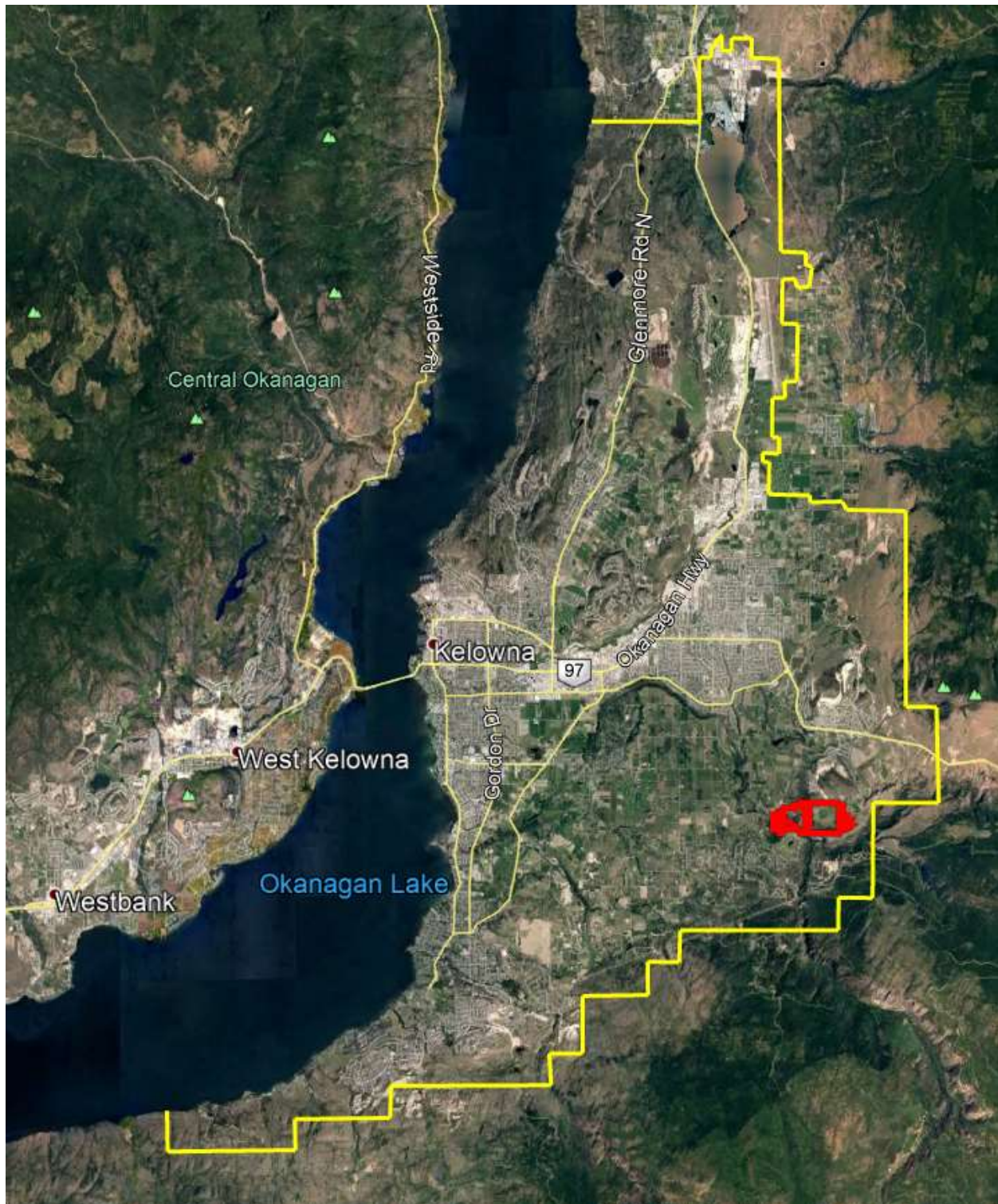
**KENT-MACPHERSON**

Per:

  
J. Hettinga, B.Sc., RI

## PROPERTY LOCATION

 SUBJECT PROPERTIES






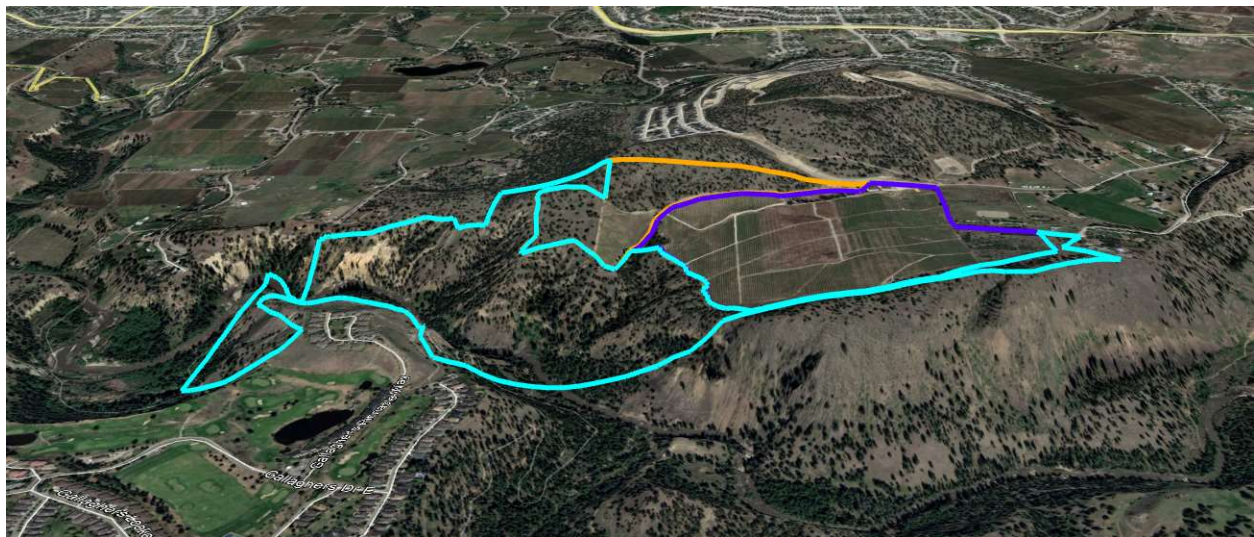
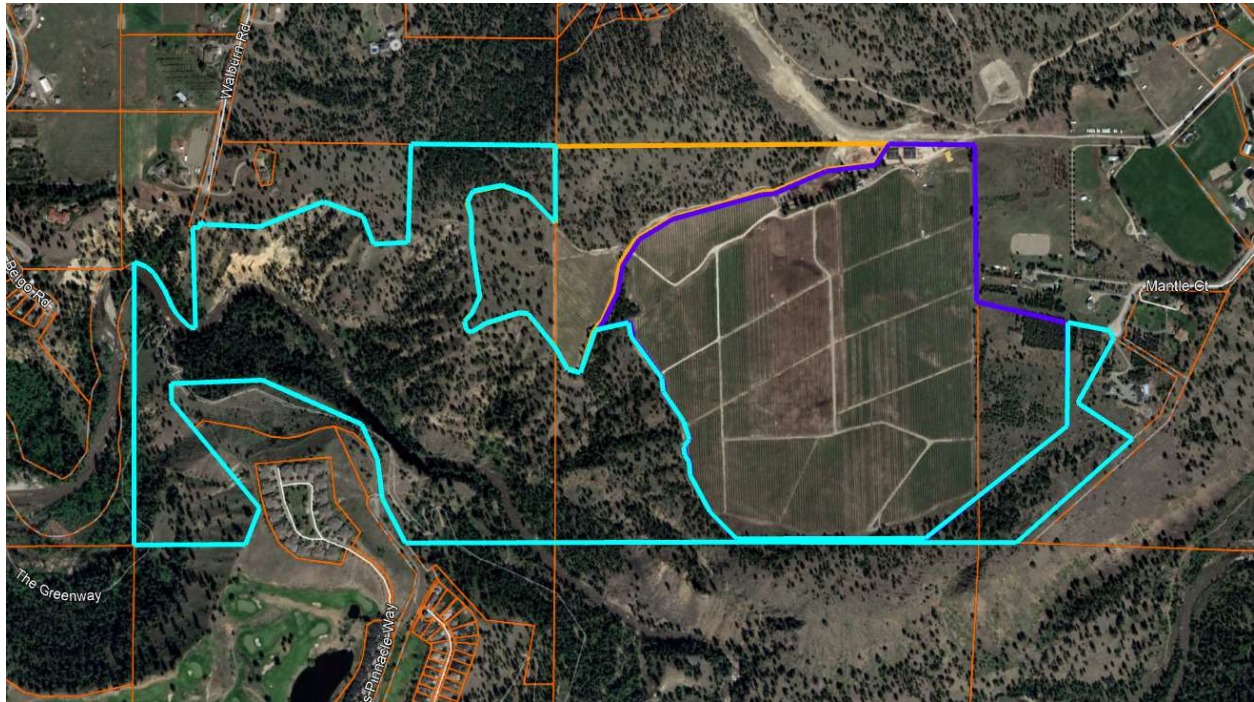
## ***PROPOSED SUBDIVISION***





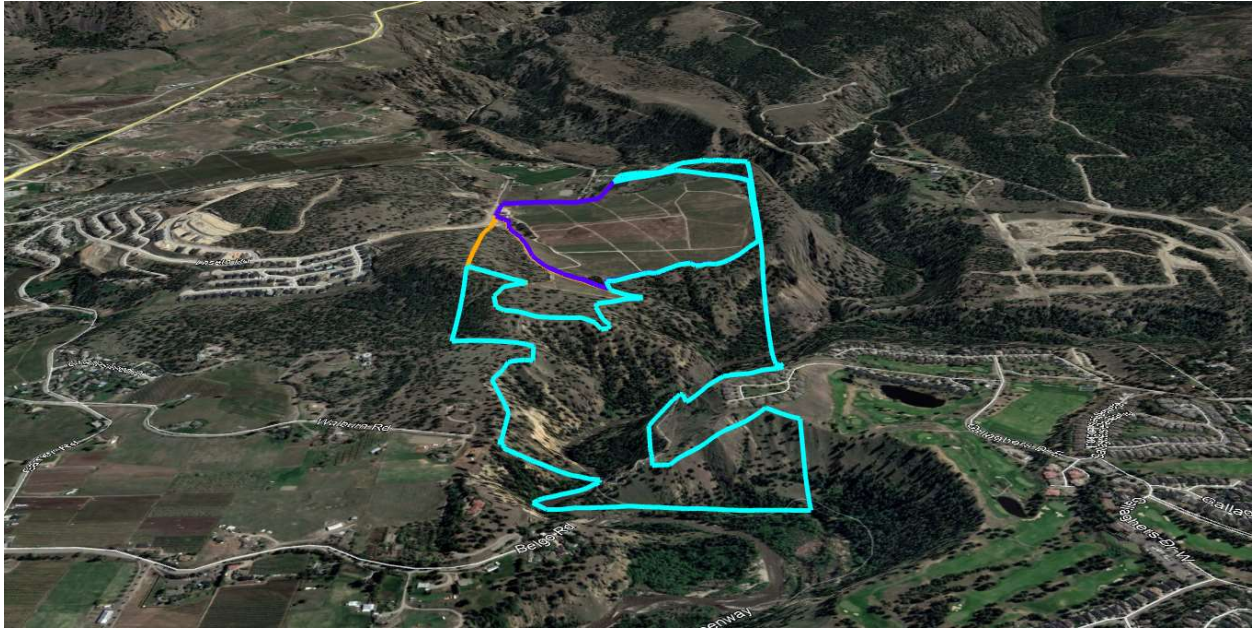
## ***SUBDIVISION***

-  *Jealous Fruits – Parcel 1*
-  *Jealous Fruits – Parcel 2*
-  *RDCO – Parcel 3*

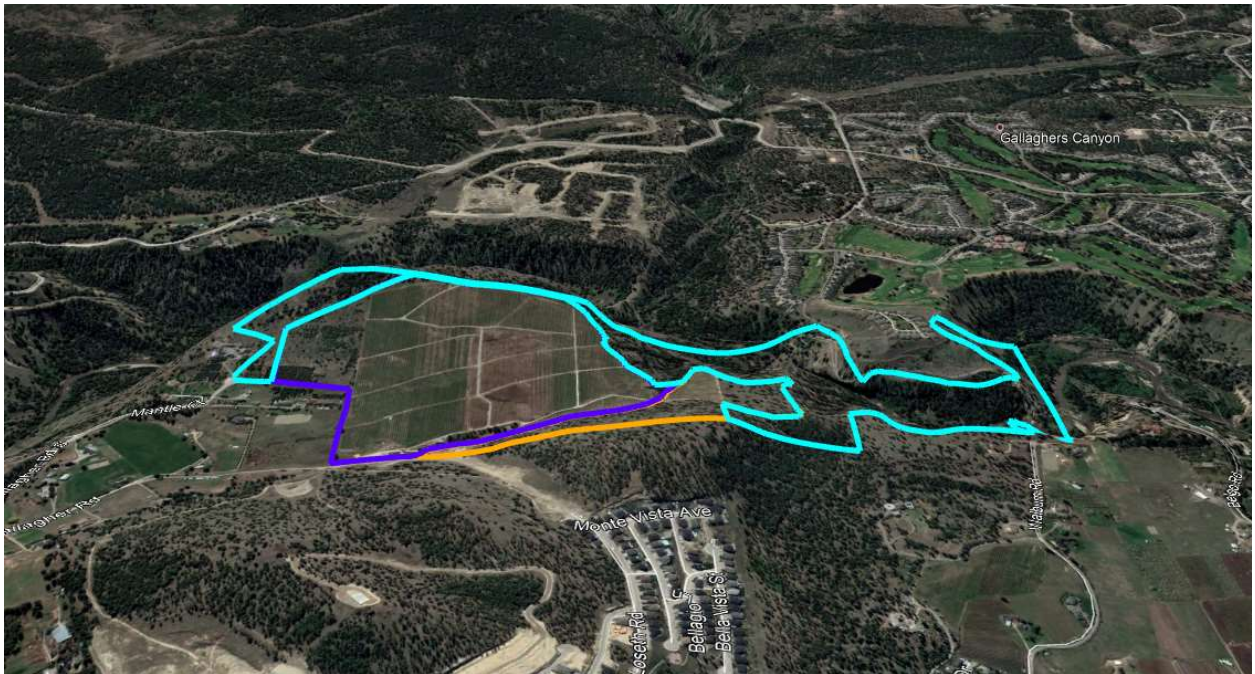


Looking North



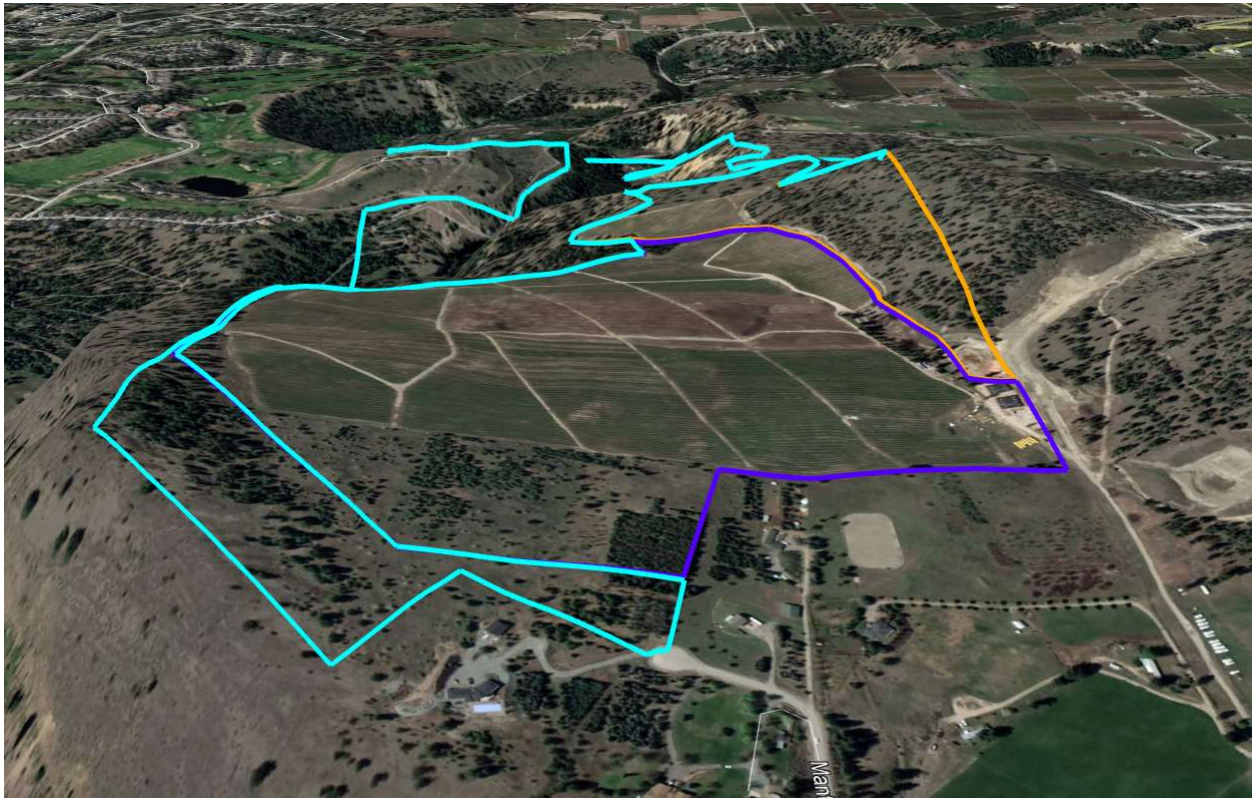


Looking East

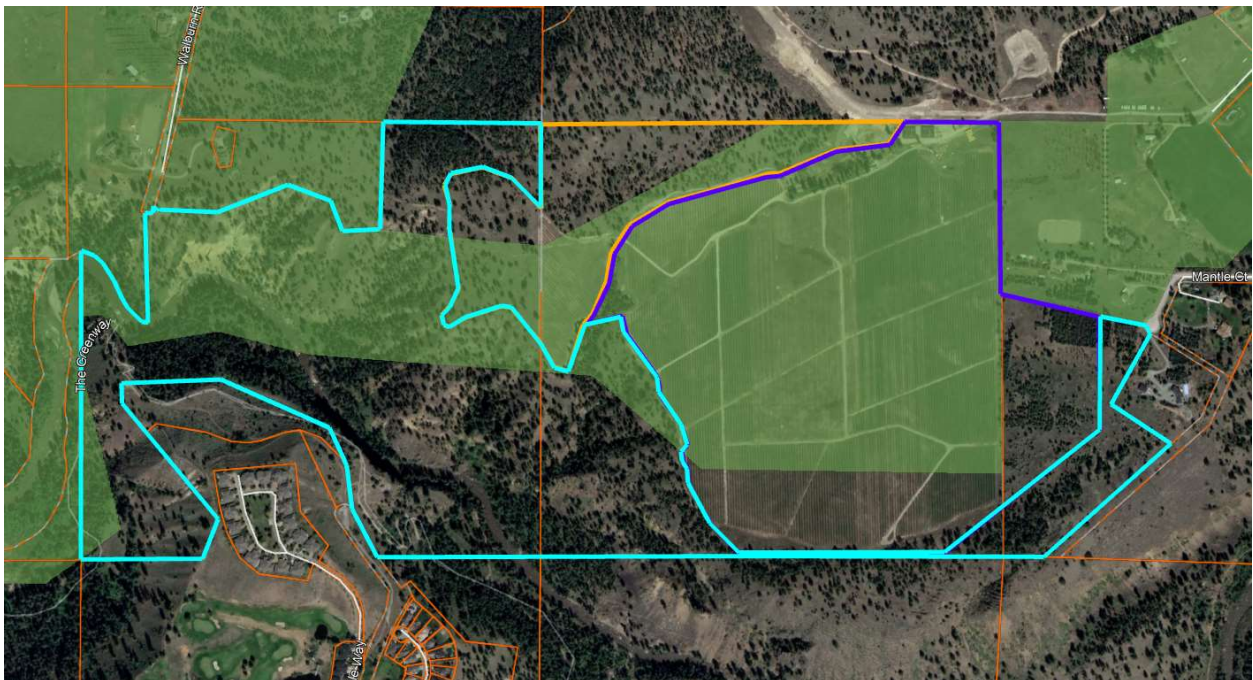


Looking South





Looking West



Subdivision with ALR shown in Green

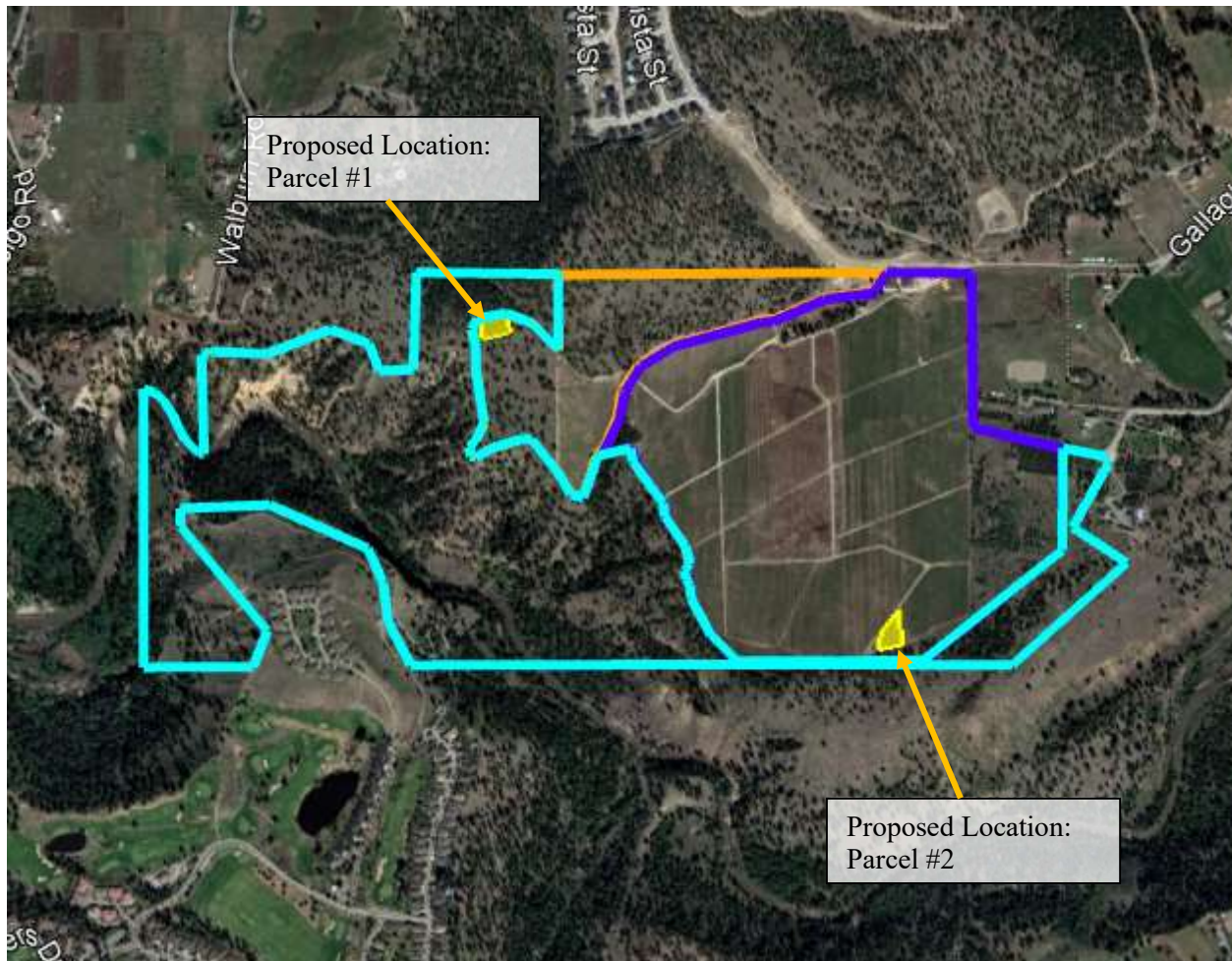


## ***PROPOSED HOMSITE LOCATIONS***



## ***PROPOSED HOMESITES***

 **PROPOSED LOCATIONS**

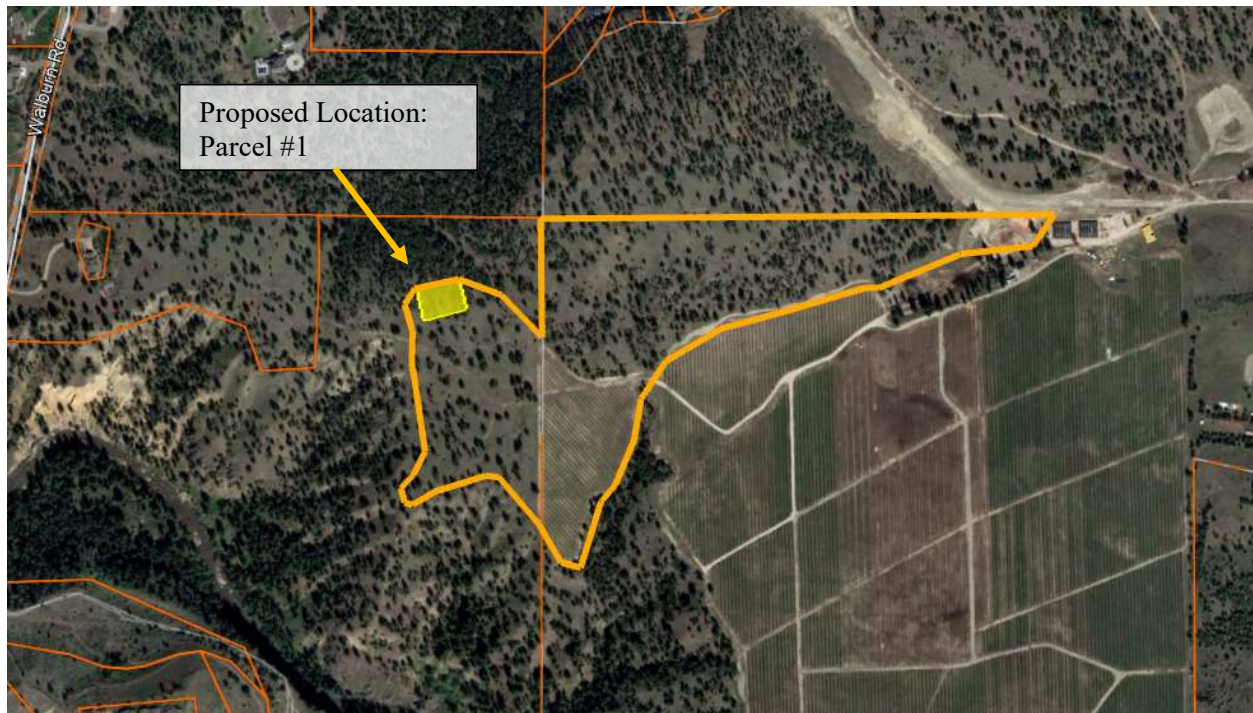




## ***PROPOSED HOMESITE PARCEL #1***



**PROPOSED LOCATION**

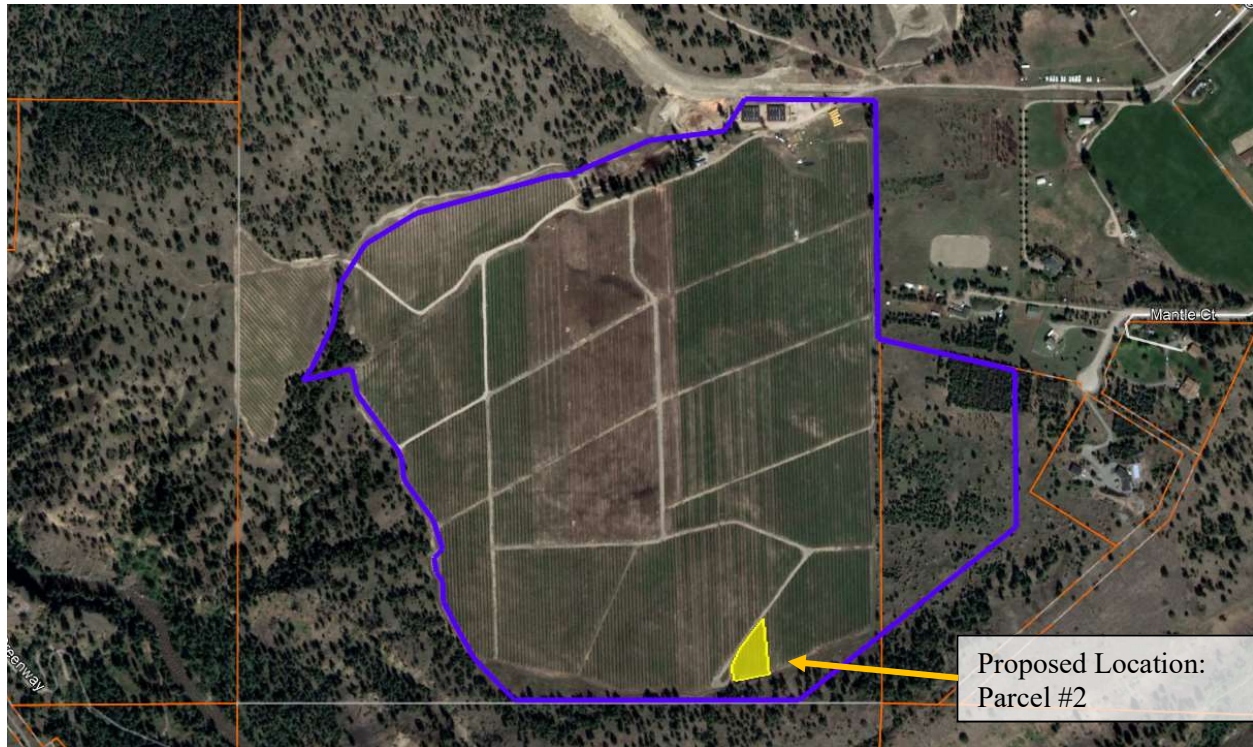




## ***PROPOSED HOMESITE PARCEL #2***



**PROPOSED LOCATION**

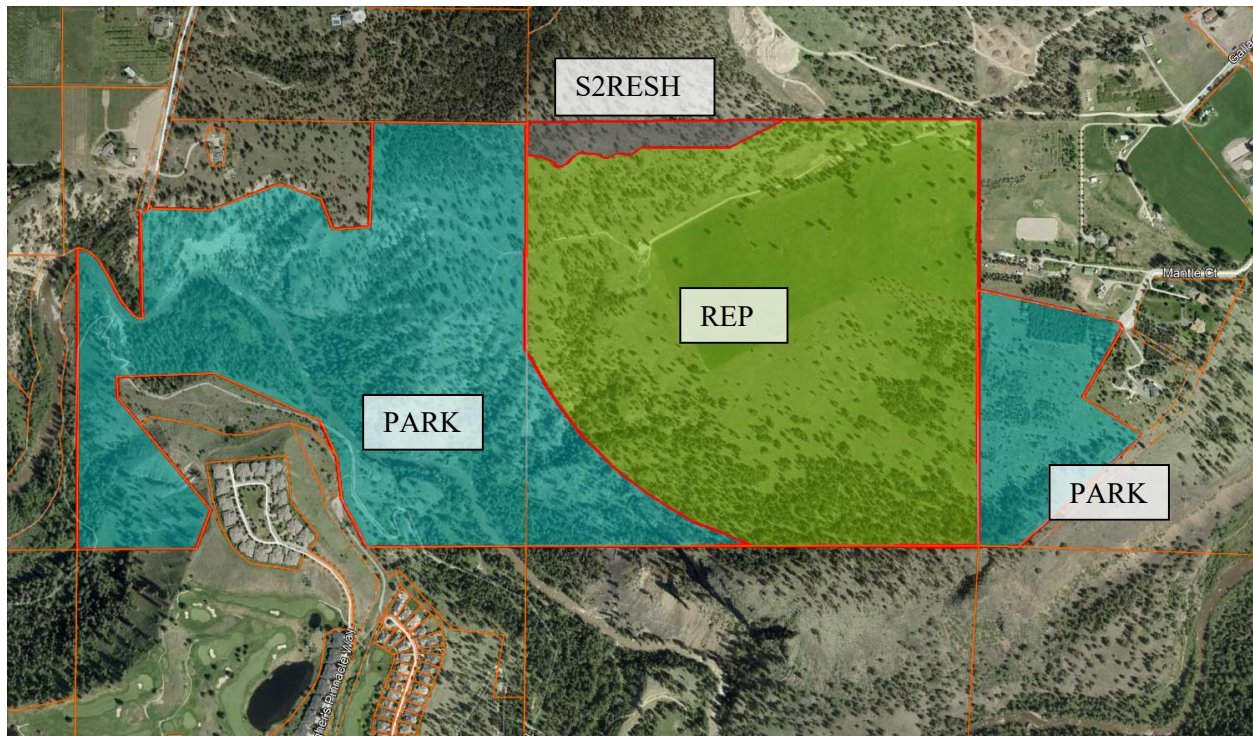


## ***PROPOSED OCP AMENDMENT***

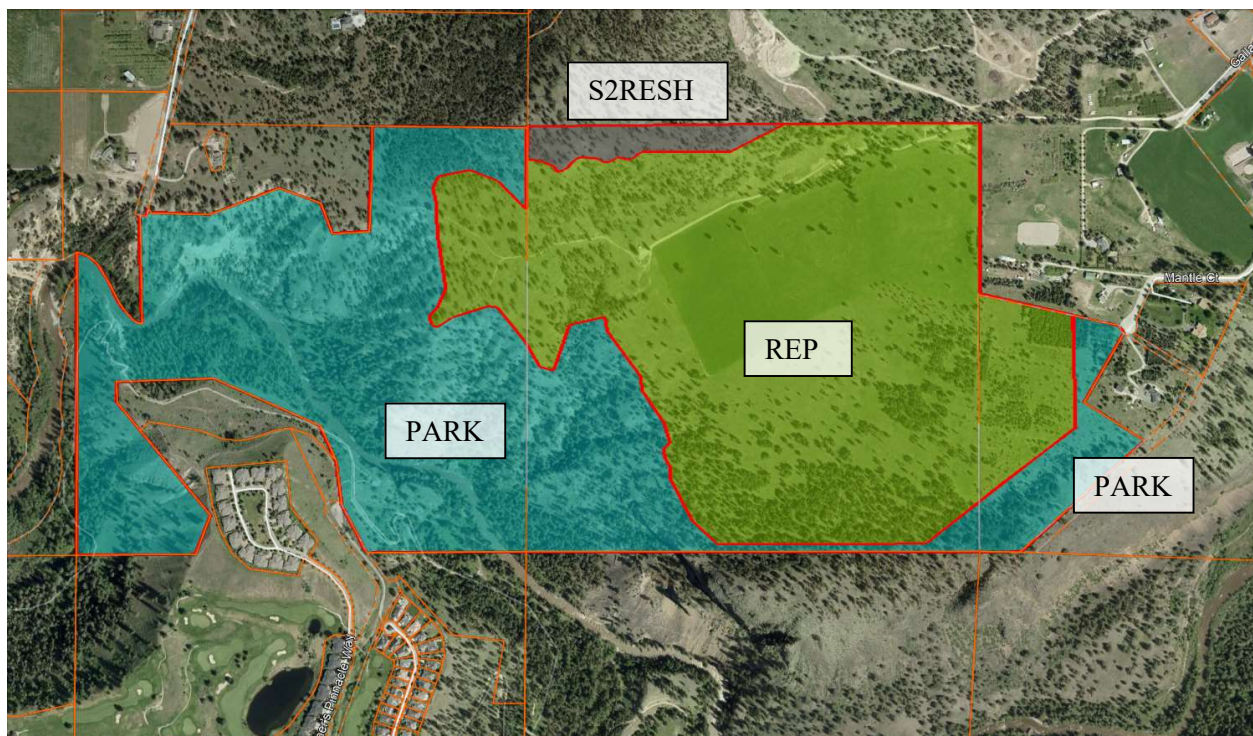




## ***CURRENT OCP***

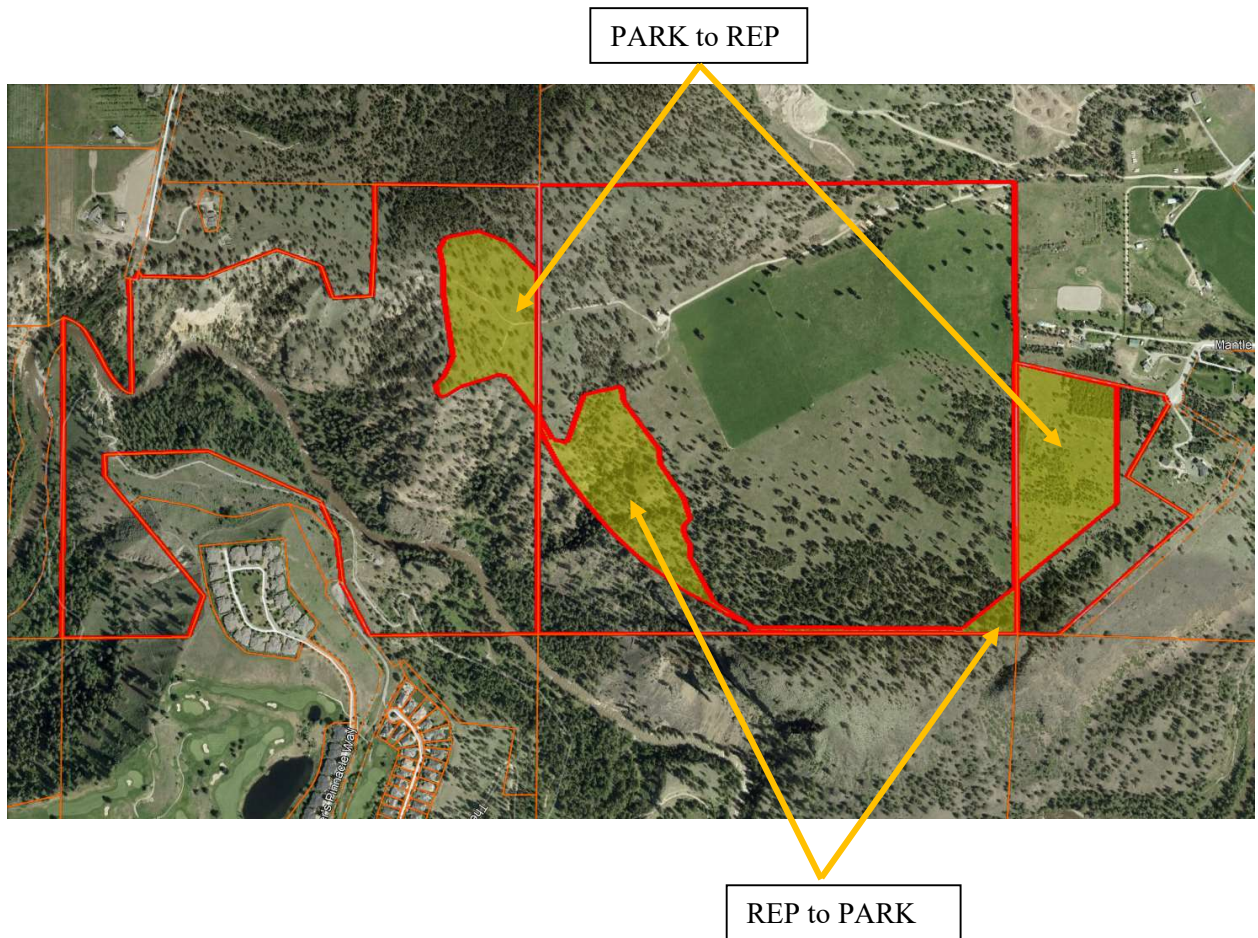


## ***PROPOSED OCP***





## *OCP AMENDMENT AREAS*

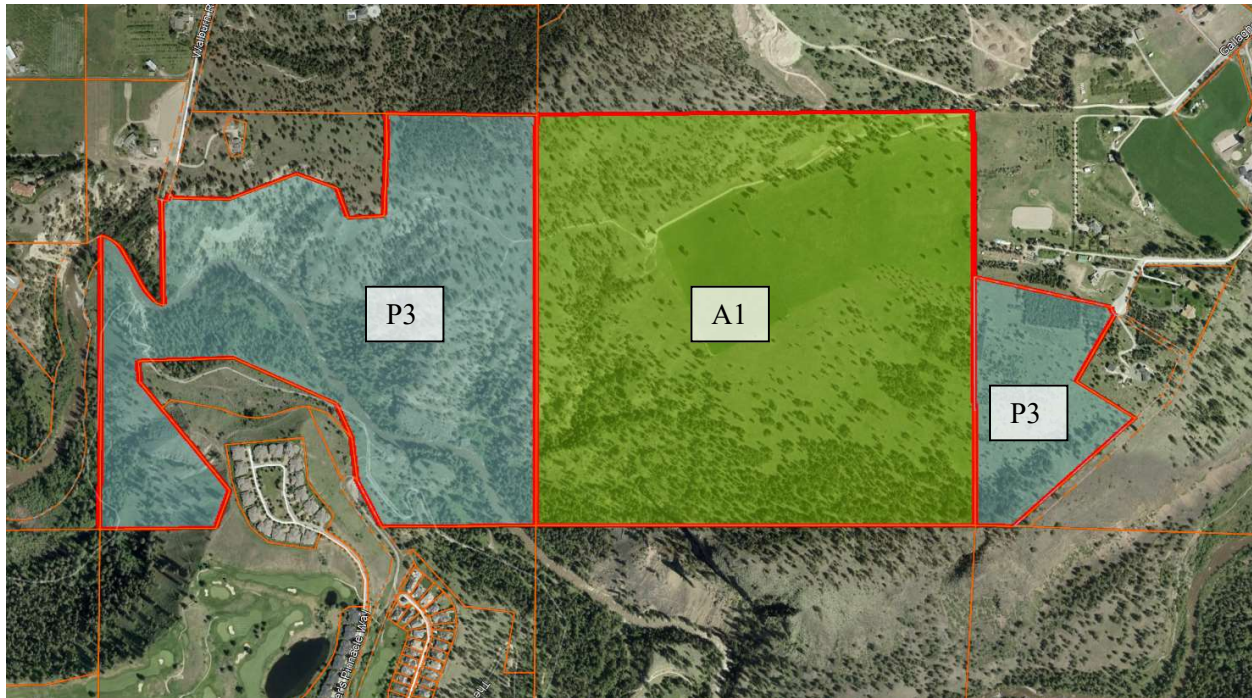


## ***PROPOSED REZONING***

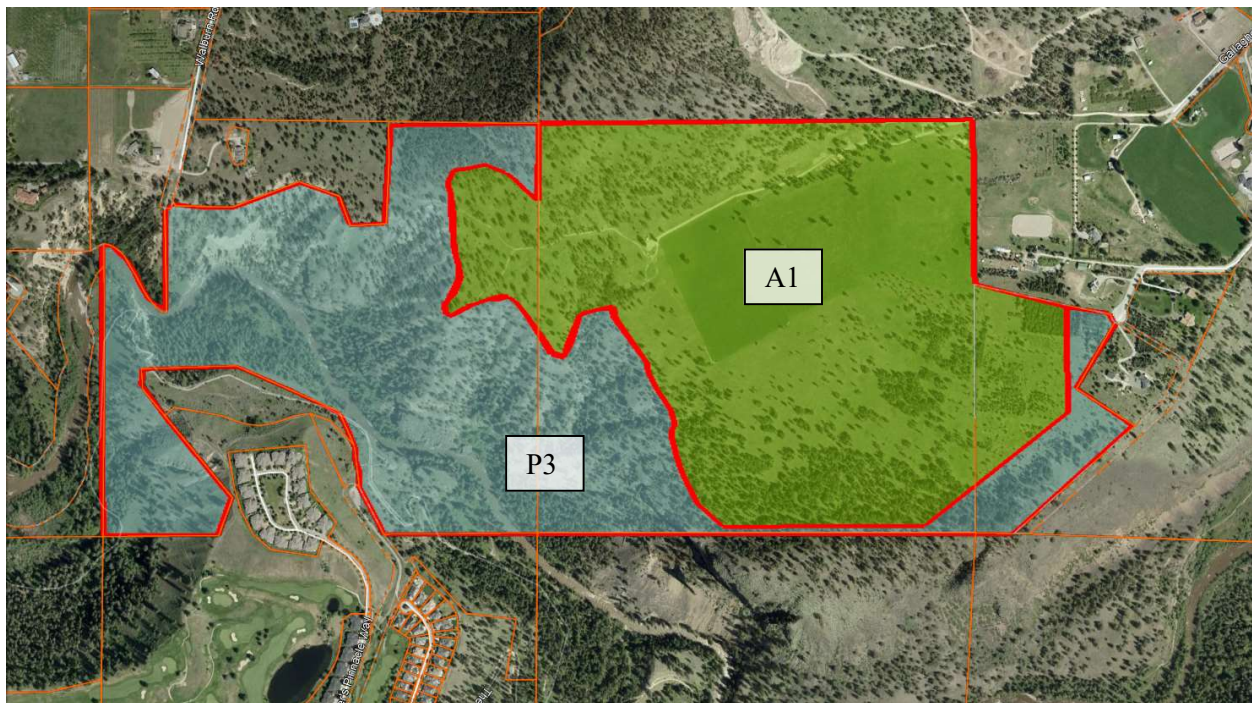




## ***CURRENT ZONING***

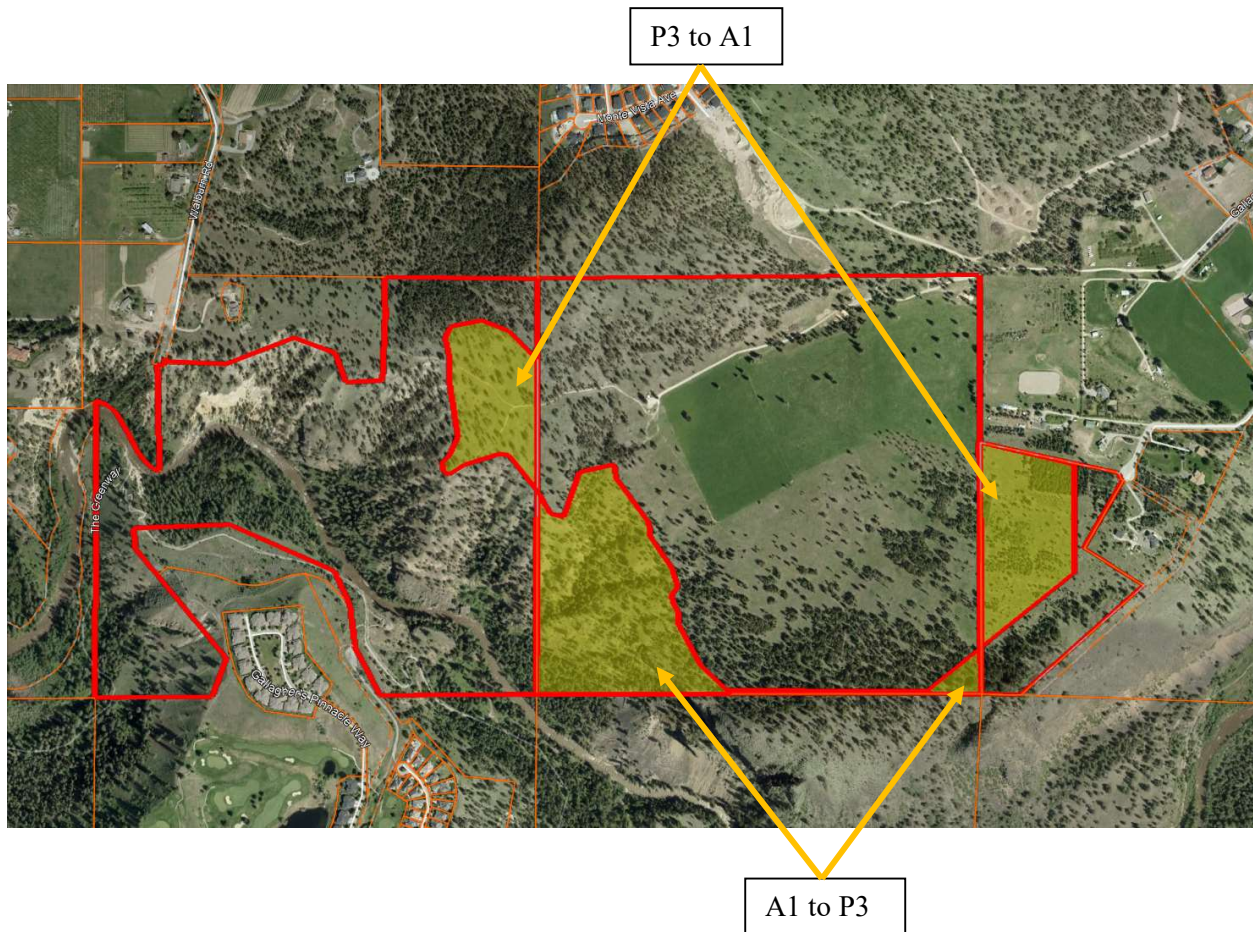


## ***PROPOSED ZONING***





## REZONING AREAS



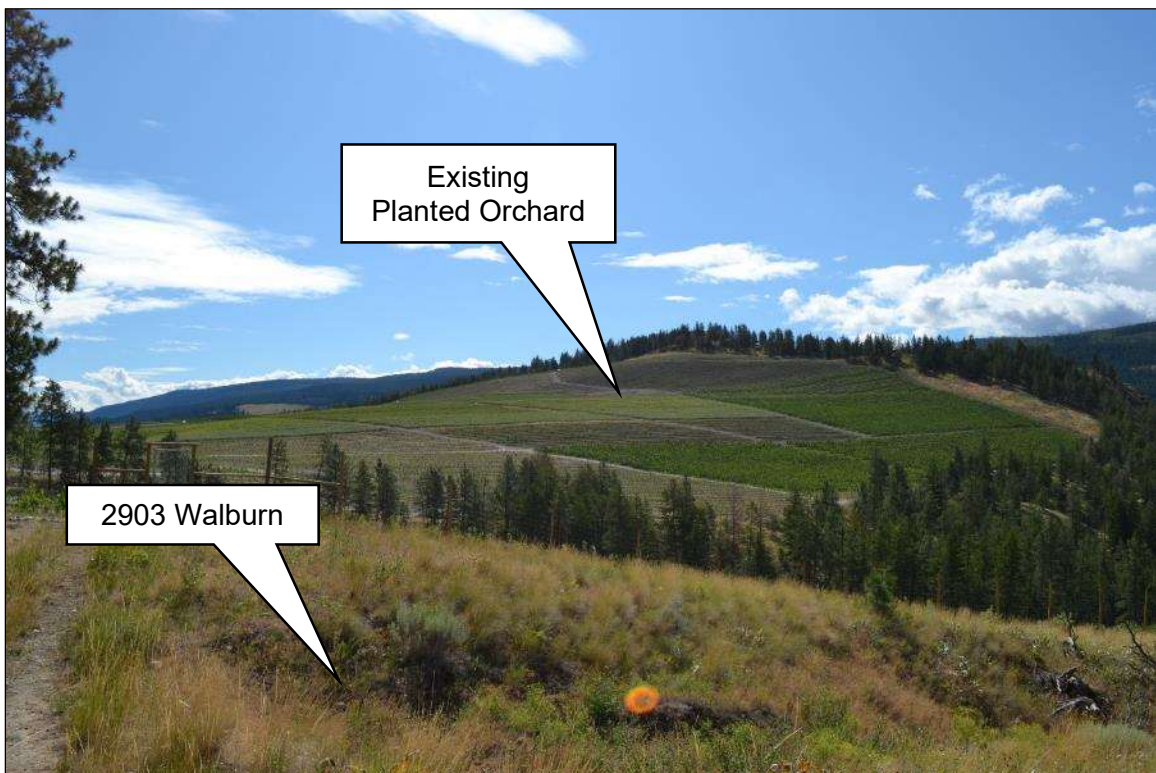


## ***SITE PHOTOGRAPHS***





Typical view of future farm land on 2903 Walburn Road.



Typical view of future farm land on 2903 Walburn Road and 2975 Gallagher Road.





Typical views of 2903 Walburn Road to remain as park.







Typical view of planted orchard on 2975 Gallagher Road (photograph taken April 2020).



Typical views of planted orchard on 2975 Gallagher Road (photographs taken April 2020).





Typical photographs of future park portion of 2975 Gallagher Road (photographs taken April 2020).





Typical photographs of future park area on 2975 Gallagher Road (photographs taken April 2020).







Typical views of future farm on 1870 Mantle Court.



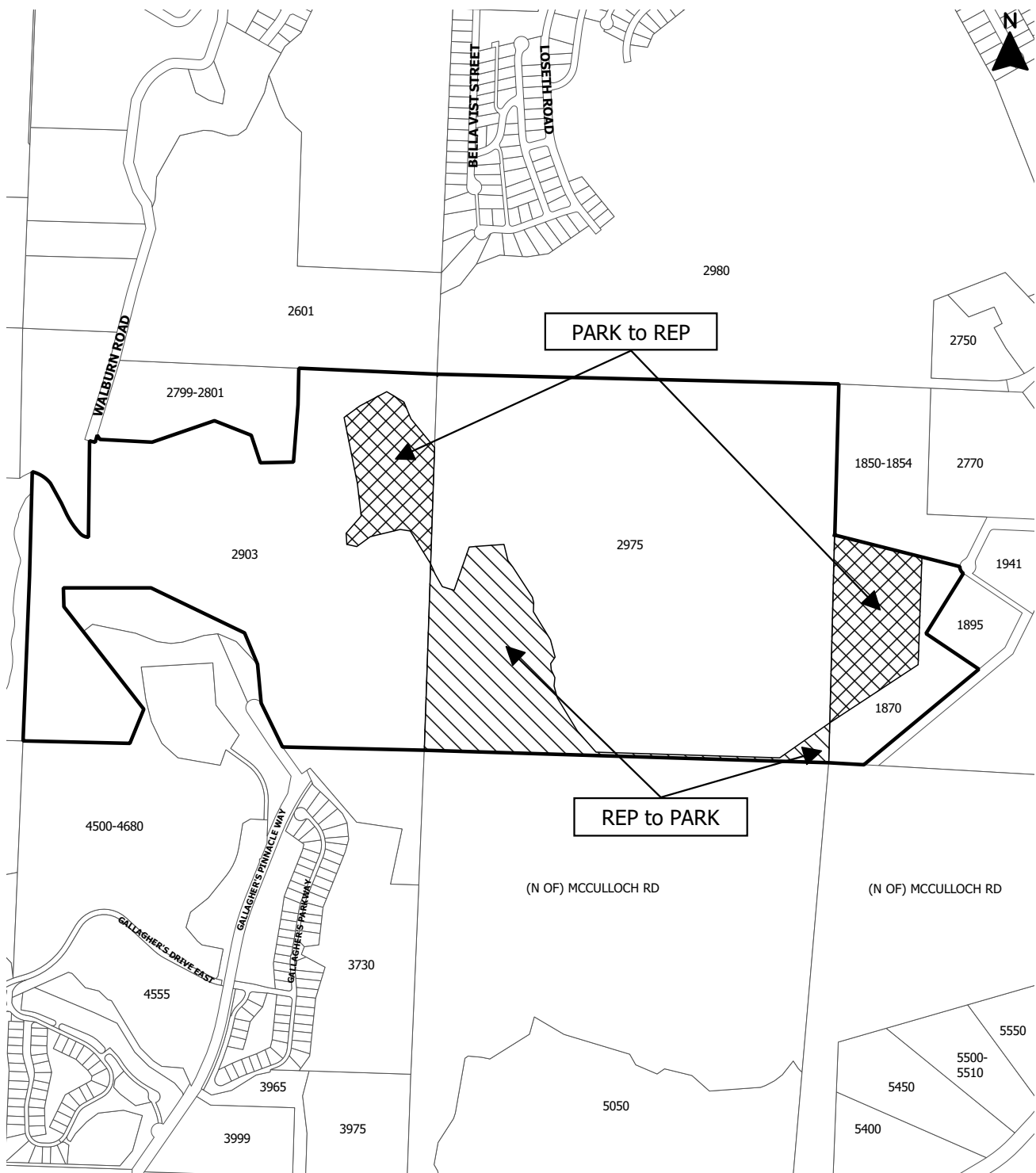







Photograph looking North over 2975 Gallagher Road, toward current easement and future road over adjoining property

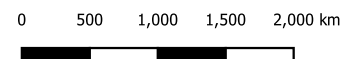


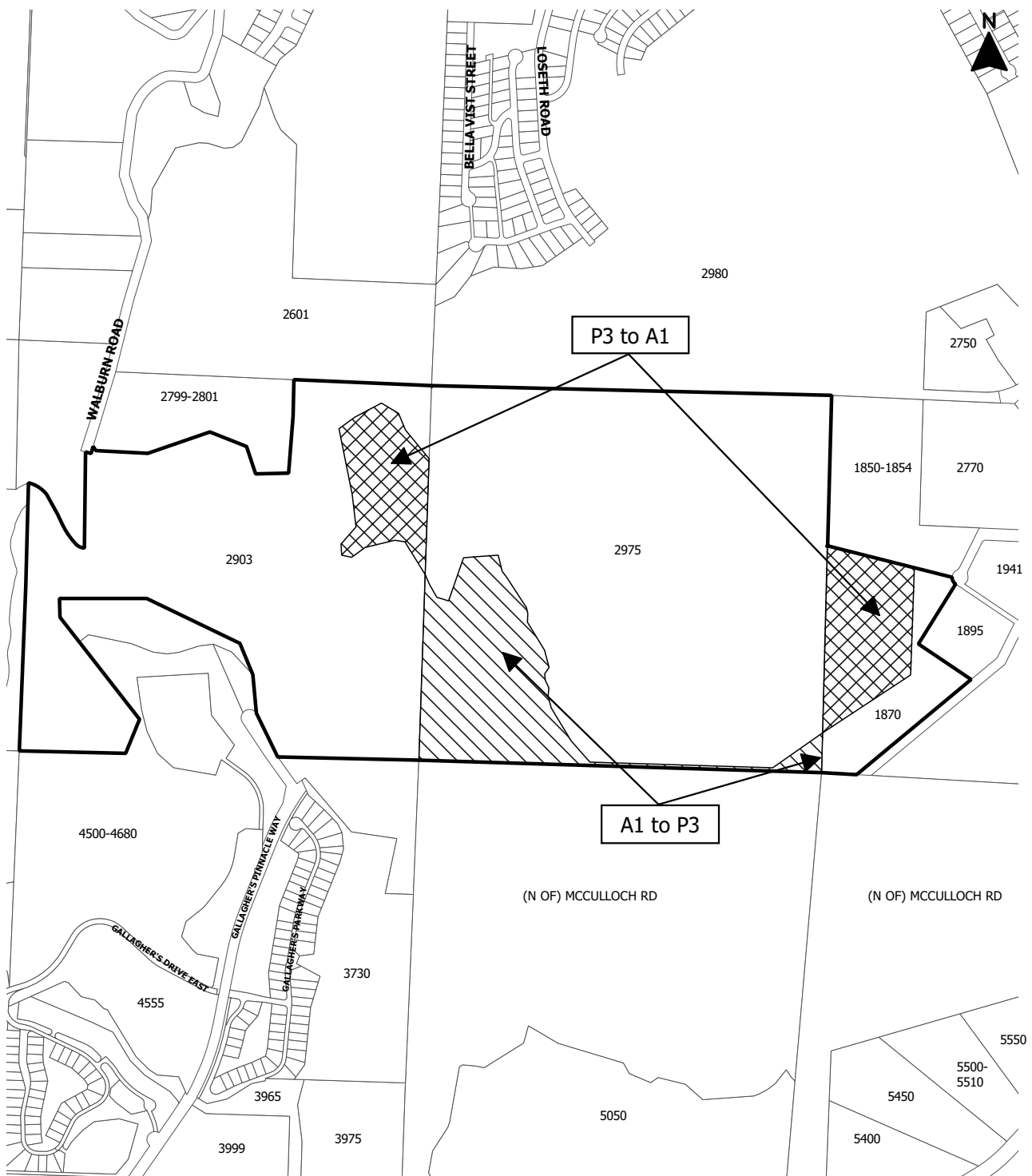







**MAP "A" OCP AMENDMENT**  
File OCP21-0005

-  PARK to Resource Protection Area (REP)
-  Resource Protection Area (REP) to PARK
-  Subject Properties





# **MAP "B" REZONING** File Z21-0010

-  A1 - Agriculture 1 to P3 - Parks and Open Space
-  P3 - Parks and Open Space to A1 - Agriculture 1
-  Subject Properties



0 500 1,000 1,500 2,000 km







# OCP21-0005 & Z21-0010 1870 Mantle, 2903 Walburn and 2975 Gallagher

OCP Amendment & Rezoning Application

# Proposal

- ▶ To amend the Official Community Plan designations from PARK – Major Park/Open Space (public) to the REP – Resource Protection designation for a portion of 1870 Mantle Court and 2903 Walburn Road and from REP – Resource Protection to PARK – Major Park/Open Space (public) for a portion 2975 Gallagher Road.
- ▶ To rezone from P3 – Parks and Open Space to the A1 – Agriculture zone for a portion of 1870 Mantle Court and 2903 Walburn Road and P3 – Parks and Open Space to the A1 – Agriculture zone for a portion of 2975 Gallagher Road to accommodate the enhancement of the Scenic Canyon Regional Park and adjacent agricultural land



# Development Process

Feb 4, 2021

Development Application Submitted

Staff Review & Circulation

June 30, 2021

Public Notification Received

Aug 9, 2021

Initial Consideration

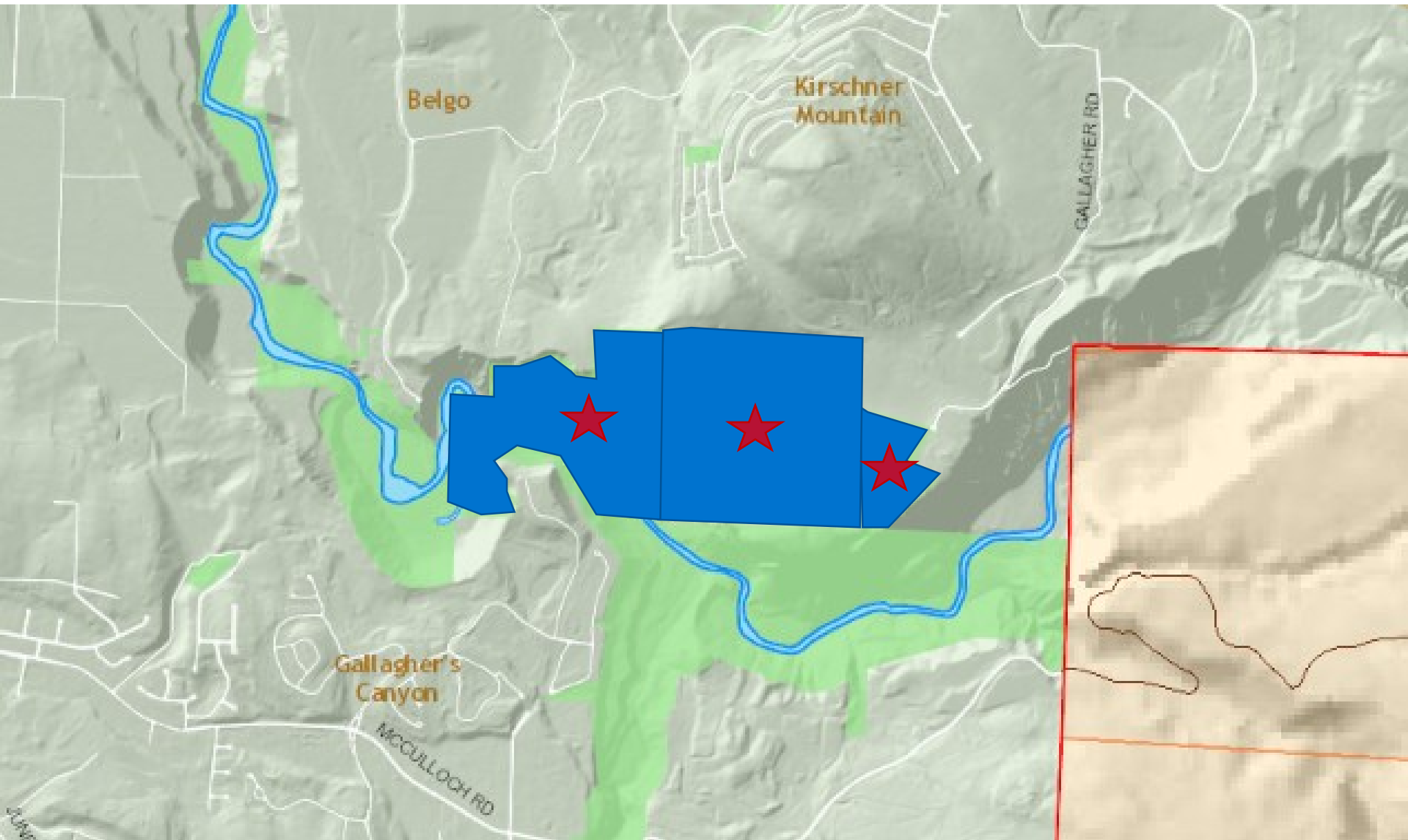
Public Hearing  
Second & Third Readings

Final Reading

Subdivision & Development Permit

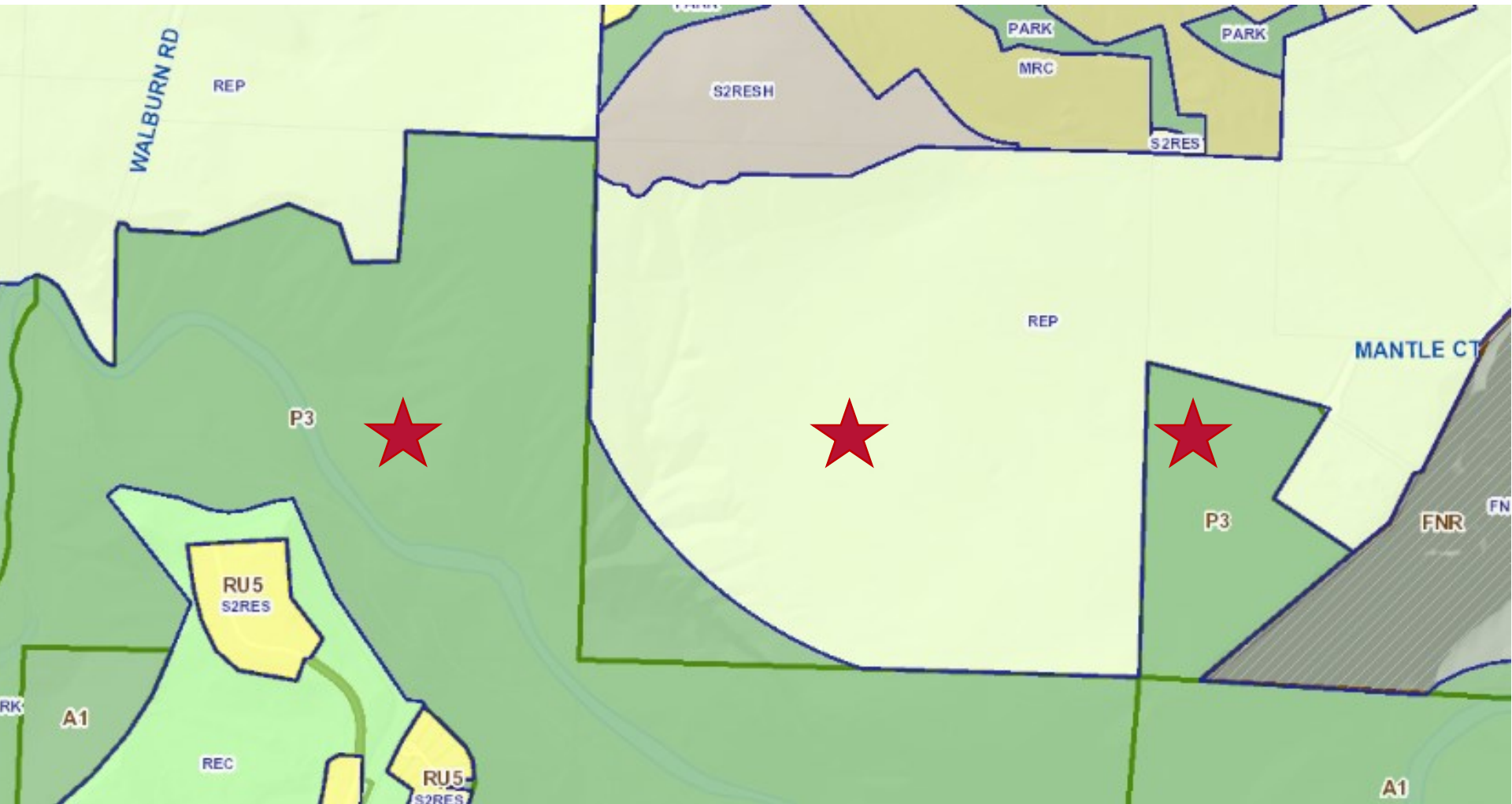
Council  
Approvals

# Context Map

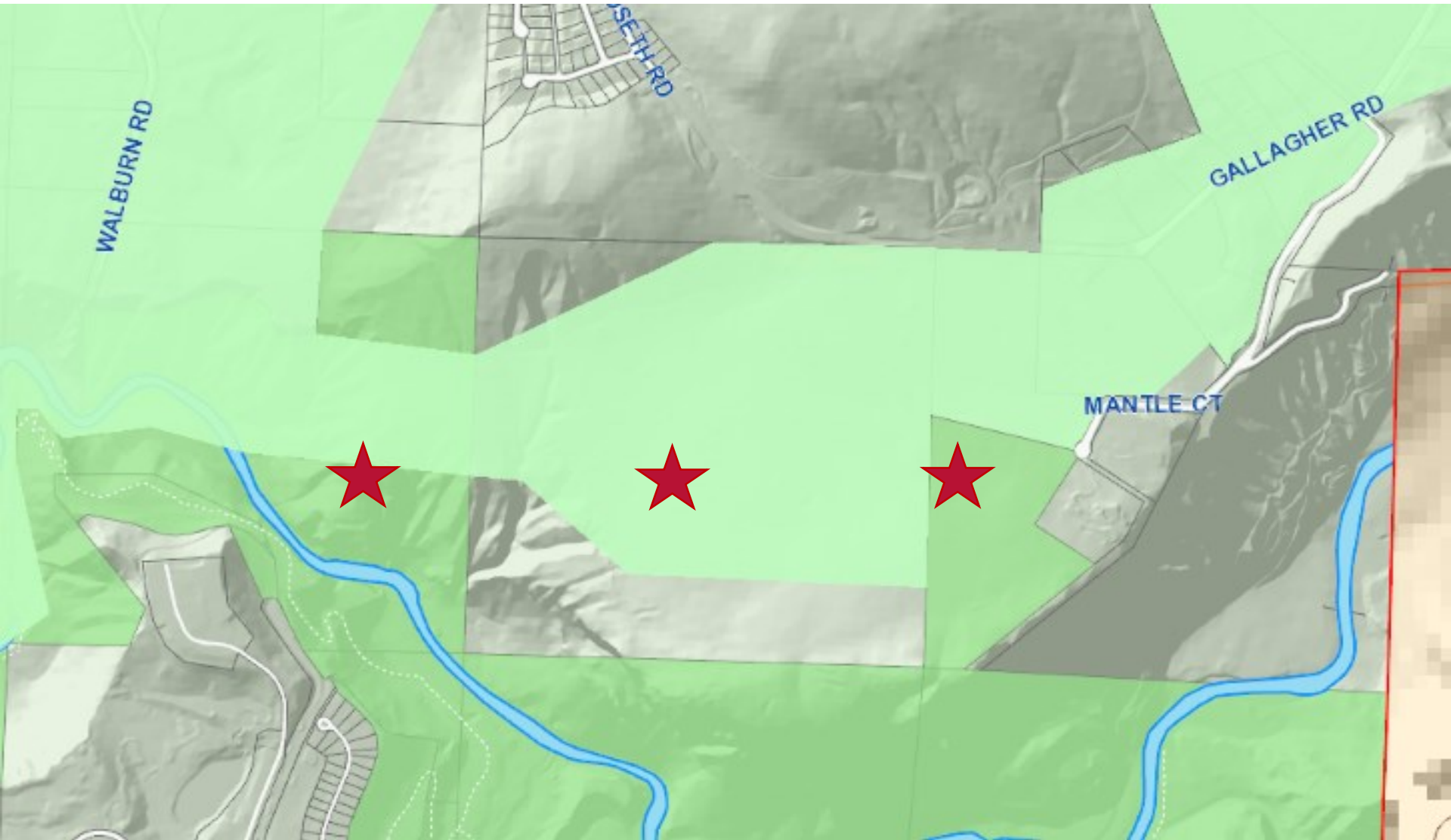




# OCP Future Land Use / Zoning



# Agricultural Land Reserve





# Subject Property Map






# Project Details

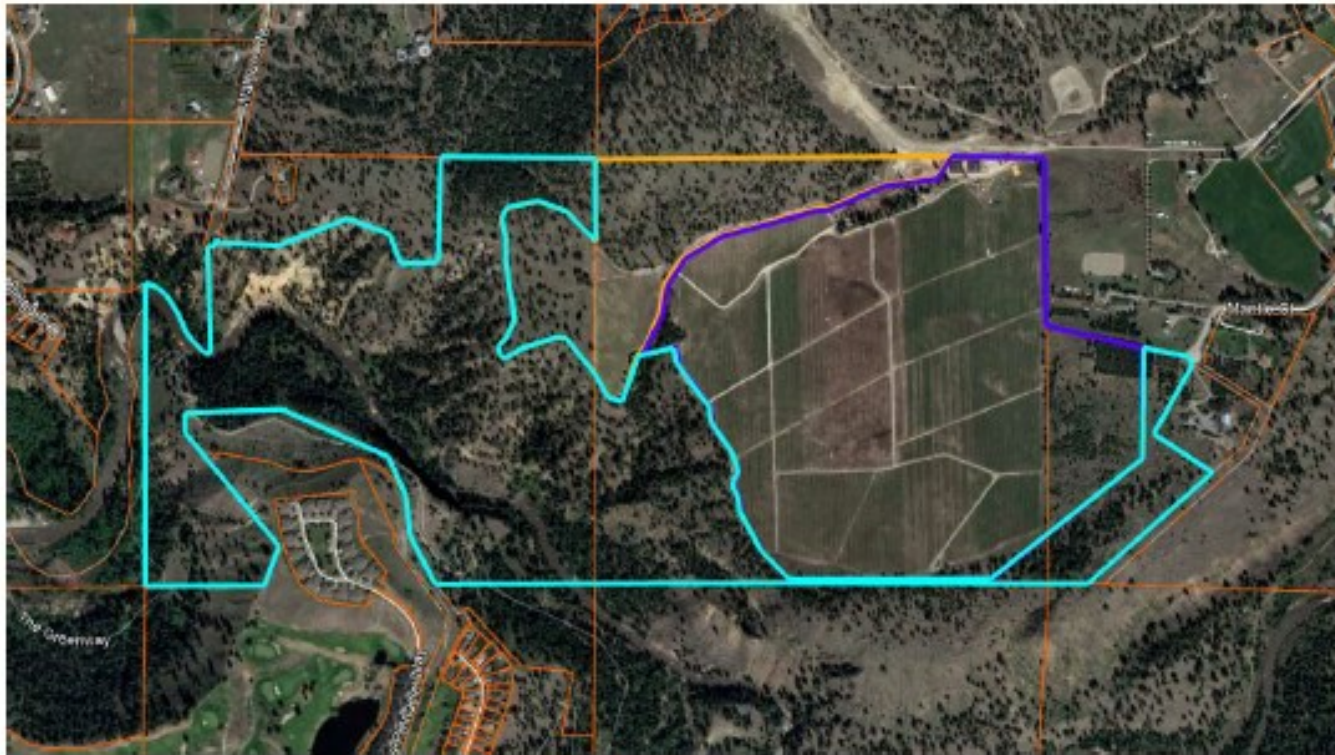
- ▶ Boundary Adjustment between three parcels
  - ▶ Jealous Fruits, Geen Family (transfer of 8.67 ha )
  - ▶ RDCO (transfer of 10.03 ha )
  - ▶ The Scenic Canyon Regional Park will see a net gain of land of approximately 1.36 ha
- ▶ **End Result will be three parcels**
  - ▶ Two parcels owned by the Geen Family and on large parcel owned by the RDCO.



# Proposal Overview – Layout

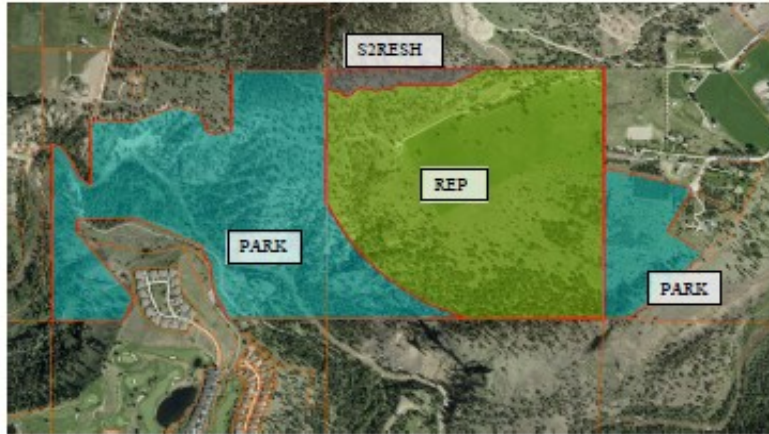
## *SUBDIVISION*

-  *Jealous Fruits – Parcel 1*
-  *Jealous Fruits – Parcel 2*
-  *RDCO – Parcel 3*

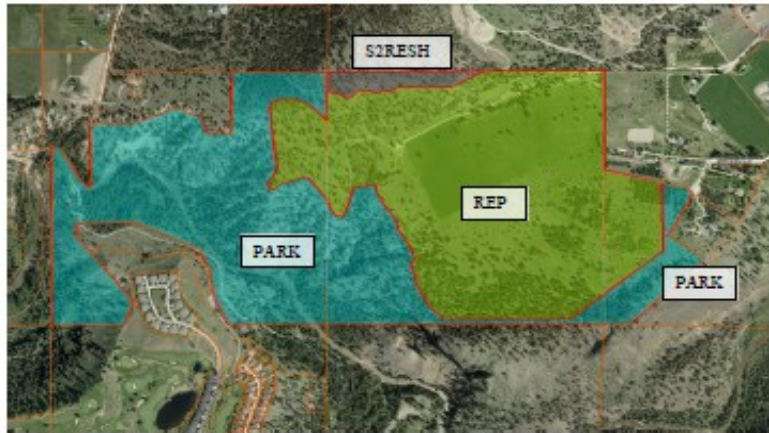


# Proposal Overview - OCP

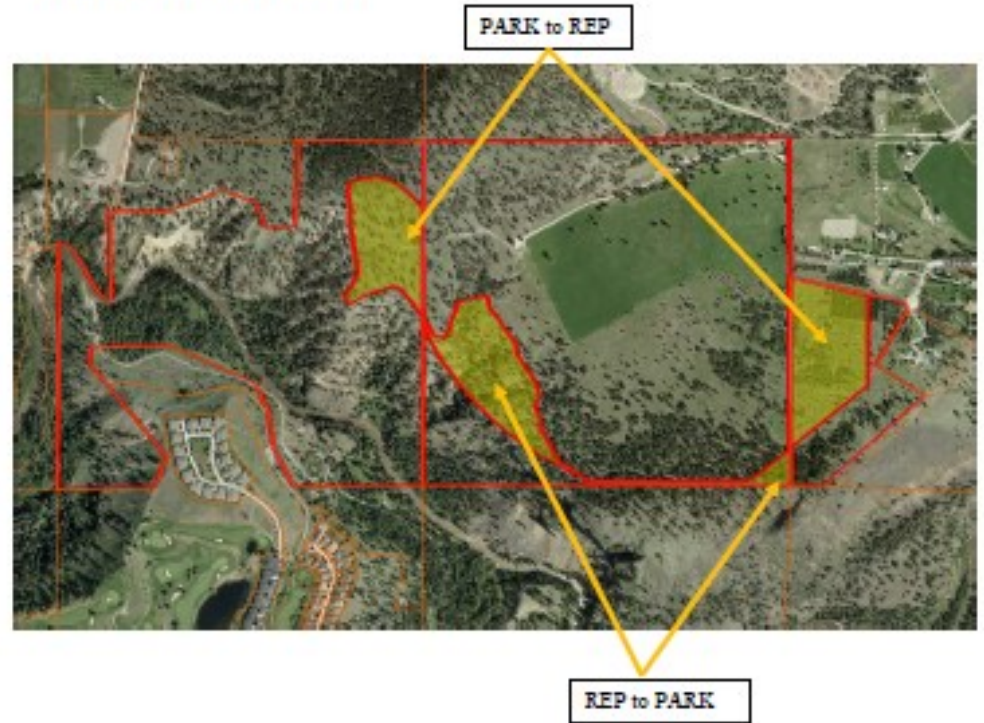
*CURRENT OCP*



*PROPOSED OCP*



*OCP AMENDMENT AREAS*



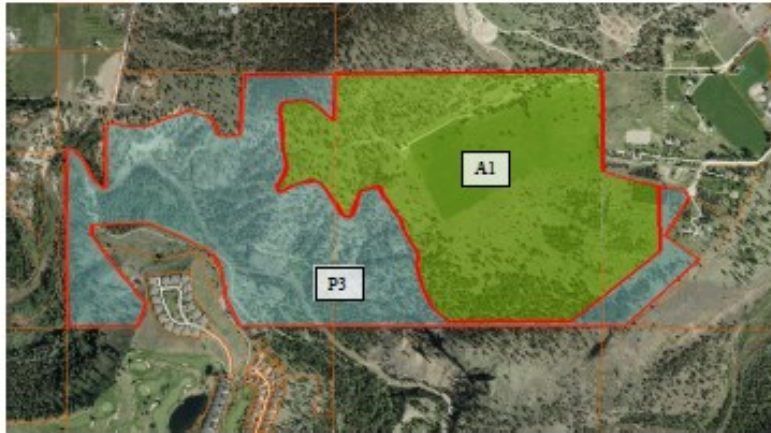


# Proposal Overview - Zoning

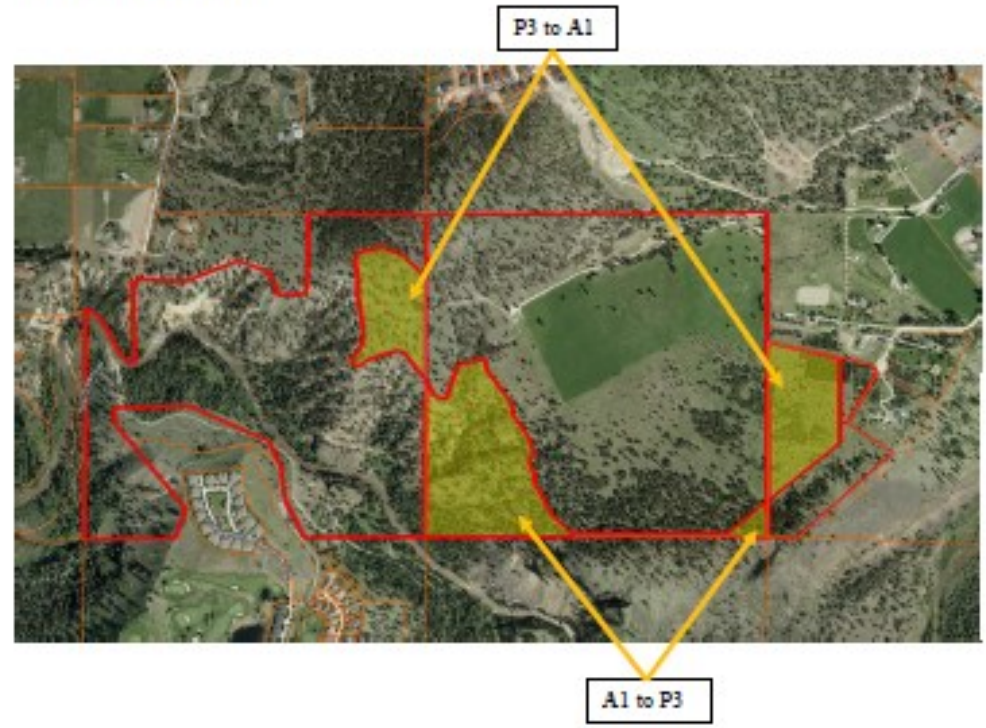
*CURRENT ZONING*



*PROPOSED ZONING*



*REZONING AREAS*



# Development Policy

## Kelowna Official Community Plan



### Chapter 5 - Development Process

#### Agricultural Land Use Policies

**Objective 5.33** Protect and enhance local agriculture.

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

#### Park Land Use Policies

**Objective 5.14** Provide parks for a diversity of people and a variety of uses.

#### Environmental Land Use Policies

**Objective 5.15** Ensure environmental sustainable development.

**Policy .7 Protection Measures.** Protect and preserve environmental sensitive areas using dedication as a City park or trail where the area complements the goals and objectives of sustainable development.



# Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the Official Community Plan and Rezoning Amendment application
  - ▶ Meets agricultural and parks policies and objectives
  - ▶ Expands on an existing large scale farm operation
  - ▶ Improves existing regional park land configuration and trail access
  - ▶ Protects environmentally sensitive areas within the Mission Creek Canyon.



## *Conclusion of Staff Remarks*



# CITY OF KELOWNA

## BYLAW NO. 12258

### Official Community Plan Amendment No. OCP21-0005 1870 Mantle Court, 2903 Walburn Road, and 2975 Gallagher Road

---

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:
  - a) Parcel A, Section 7, Township 27, ODYD, Plan KAP79441, located on Mantle Court, Kelowna, B.C.; and
  - b) The South West ¼ of Section 12, Township 26, ODYD, Except Plans 1380, B6800 and 20506, located on Walburn Road, Kelowna BC.
  - c) Lot A, Section 12, Township 26, ODYD, Plan EPP71625, located on Gallagher Road, Kelowna BC.from the REP – Resource Protection Area and PARK - Major Park/Open Space (public) designations to the PARK - Major Park/Open Space (public) and REP – Resource Protection Area designation as shown on Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 9<sup>th</sup> day of August, 2021.

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

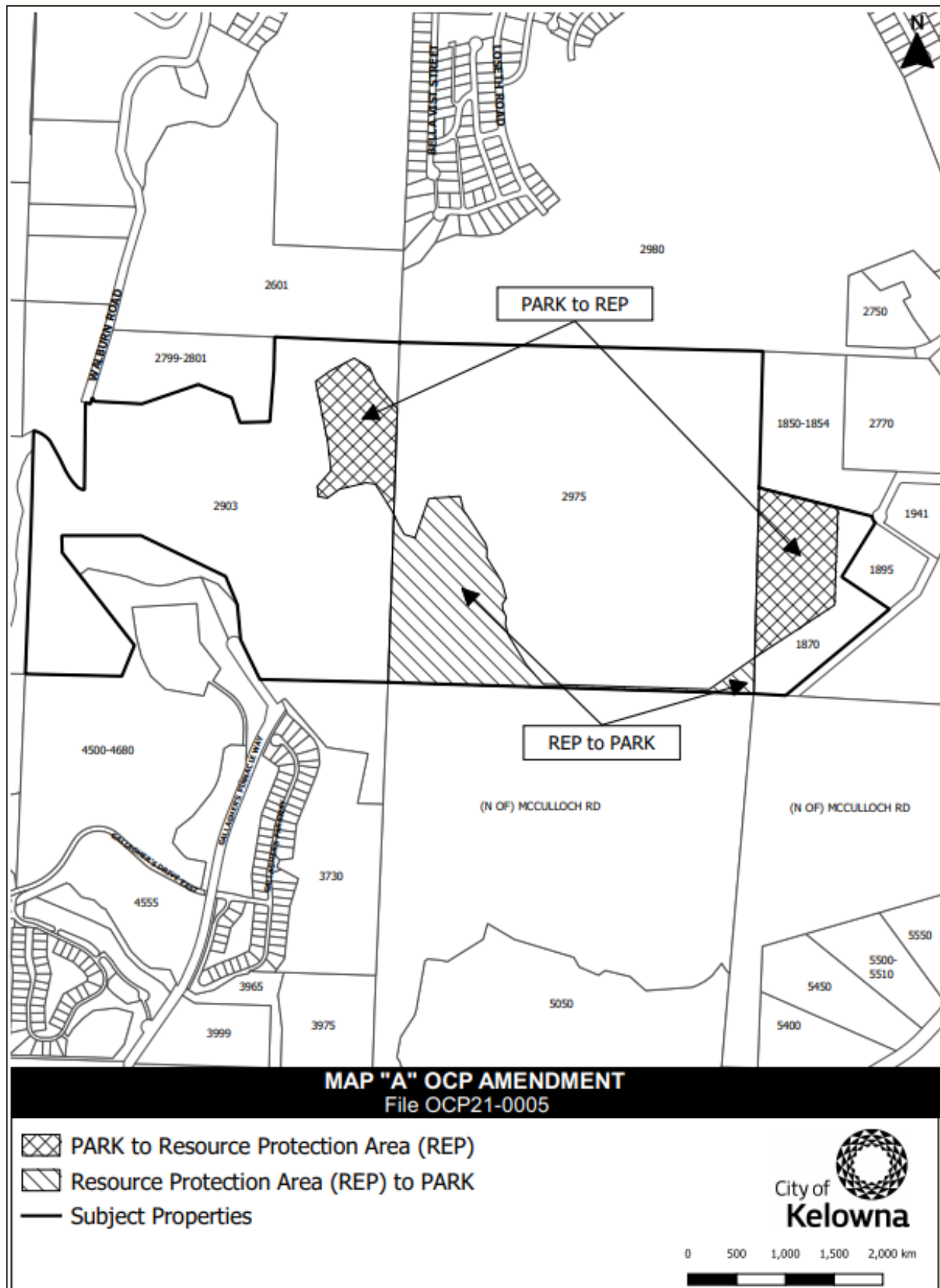
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Mayor

---

City Clerk





# CITY OF KELOWNA

## BYLAW NO. 12259

**Z21-0010**

**1870 Mantle Court, 2903 Walburn Road, 2975 Gallagher 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 portions of:
  - a) Parcel A, Section 7, Township 27, ODYD, Plan KAP79441, located on Mantle Court, Kelowna, B.C.; and
  - b) The South West ¼ of Section 12, Township 26, ODYD, Except Plans 1380, B6800 and 20506, located on Walburn Road, Kelowna BC.
  - c) Lot A, Section 12, Township 26, ODYD, Plan EPP71625, located on Gallagher Road, Kelowna B.from the P<sub>3</sub> – Parks and Open Space and A<sub>1</sub> – Agriculture 1 zones to the A<sub>1</sub> – Agriculture 1 and P<sub>3</sub> – Parks and Open Space zones as shown on Map "B" 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 9<sup>th</sup> day of August, 2021.

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

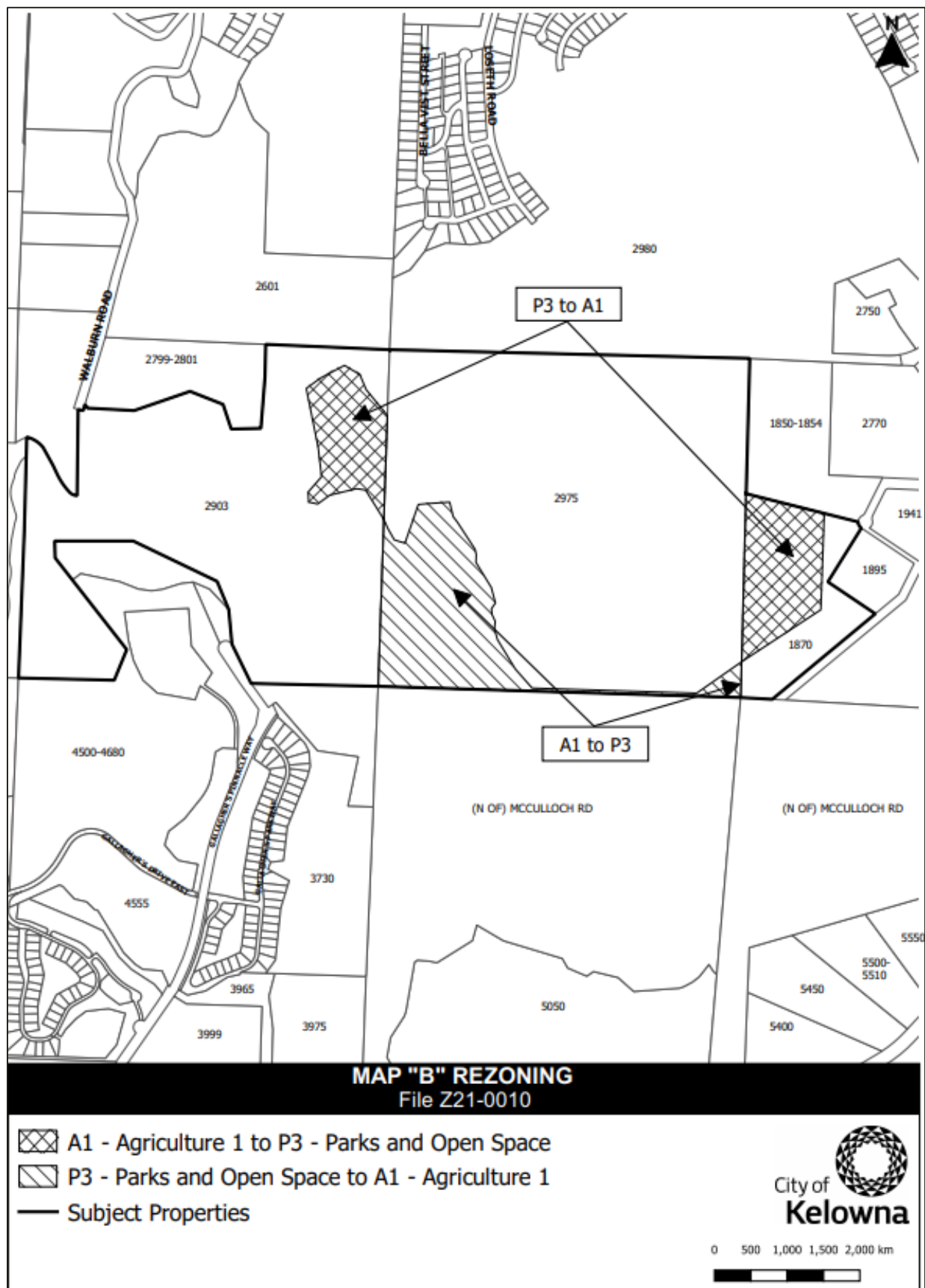
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Mayor

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City Clerk





# REPORT TO COUNCIL



**Date:** August 9, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** TA21-0009

**Owner:** N/A

**Address:** N/A

**Applicant:** City of Kelowna

**Subject:** Text Amendment Application

---

## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA21-0009 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated August 9, 2021 be considered by Council;

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

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

## 2.0 Purpose

To amend the Zoning Bylaw to allow carriage houses as a permitted secondary use on RU1 and RU2 lots that have a sanitary sewer connection within the Urban Core, as defined by Map 5.1 in the Kelowna 2030 - Official Community Plan.

## 3.0 Development Planning

On March 15, 2021 Development Planning presented an Urban Infill Updates Report to Council. One of these proposed changes was the deregulation of carriage houses in the Urban Core area of the City. Carriage houses offer diversity in the infill housing stock and can be designed to fit in well with the existing context of a neighbourhood without negative impacts. Currently, a rezoning application is required for carriage house development and the deregulation will make it easier and more affordable for landowners to pursue a carriage house development on serviced RU1 and RU2 zoned lots that are located within the Urban Core. There are approximately 5,655 RU1 and RU2 zoned properties within the Urban Core with sewer connections



that would be eligible to take advantage of this deregulation, with the majority located in the Rutland and Central City areas.

The City of Kelowna started tracking building permit data for carriage houses in 2002. Since then, 509 building permits have been issued for this purpose City-wide. This is an average of 25 per year, however there is significant variation between years. This year, 2021, although not complete, has the lowest number of applications with nine (issued building permits) so far. 2007 saw the highest number of approved building permits, with 47 total. Since 2016, the number of new carriage homes being built has declined, despite the removal of a development permit requirement around that time. Carriage homes represent a desirable form of infill with generally few negative externalities. Now, in the Urban Core, on serviced RU1 and RU2 lots, carriage house applications rarely receive recommendations of non-support by Staff and/or are denied.

The request to rezone to a carriage house subzone within the Urban Core supports key direction in the Healthy Housing Strategy to promote and protect rental housing, improve housing affordability and build the right supply. Further, Kelowna's Climate Action Plan highlights the need to create compact and complete communities as a way to manage energy and emissions. An increase of carriage houses in the Urban Core helps to achieve this as it allows more residents and workers to be located closer to transit and services, reducing vehicle dependency.

No other Zoning Bylaw regulations relating to carriage houses are proposed to change as part of this amendment. This proposed amendment would see the RU1 – Large Lot Housing and RU2 – Medium Lot Housing zones mirror RU6 – Two Dwelling Housing zoned properties, where carriage houses are currently a permitted secondary use with no rezoning application required. Should a variance to an existing Zoning Bylaw regulation be requested for the construction of a carriage house, such as to height or setbacks, this request would still need to come to Council for consideration. Rezoning applications would still generally be a requirement for properties located outside of the Urban Core Area, unless they are already zoned to allow for a carriage house.

It is the opinion of staff that the proposed Text Amendment for the deregulation of carriage houses on RU1 and RU2 lots that have a sanitary sewer connection within the Urban Core is supported by City policies and would result in overall time and cost savings for Staff, Council and applicants.

#### **4.0 Proposal**

##### **4.1 Background**

Council endorsed the Healthy Housing Strategy on June 25, 2018, with one of the strategy's key directions being to "build the right supply". While progress has been made in championing this direction, such as the implementation of the RU7- Infill zone, there are remaining zoning bylaw amendments that should be actioned to support the overarching goal of achieving a greater variety of infill housing forms. Appendix F: Build the Right Supply of the Healthy Housing Strategy provides "action details" that identify potential zoning bylaw amendments that will aide in expanding the permissiveness of existing infill housing forms. The forthcoming bylaw amendments are aligned with the action details.

Staff are working on a new comprehensive zoning bylaw update however that project will be in development through the coming year. It is anticipated to come forth for Council consideration in coordination with the new OCP 2040. Staff feel there is good merits in bringing forth the proposed zoning regulations changes now in order for this year's development cycle to benefit from the changes and help implement the City's objectives.

## 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

##### Residential Land Use Policies

##### *Objective 5.22 Ensure context sensitive housing development*

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

### 5.2 Healthy Housing Strategy

#### Chapter 3: Key Directions and Recommended Actions

##### *Objective 3.3: Build the Right Supply*

*Direction:* Support a greater variety of infill housing forms *Action:* Increase permissiveness for townhouses, duplexes, carriage homes, small housing, house-plexes and tiny homes.

*Direction:* Create more sensitive infill of lots in existing neighbourhoods *Action:* Complete a review of residential zones in the Zoning Bylaw to determine if regulations can be amended to encourage infill housing.

*Direction:* Encourage universal and accessible *Action:* design City of Kelowna to develop policies in the OCP2040 to encourage housing units to incorporate universal and accessible design, which supports aging in place and people with diverse abilities. Interior Health to provide an opportunity for home health staff to share housing related needs of clients and explore opportunities to support universal and adaptable housing design

*^^because its "adaptable housing" allows people to age in place*

#### Appendix F: Building the right supply

Action details: Allow carriage houses as a permitted use in the RU1 – Large Lot Housing and RU2 – Medium Lot Housing zones.

### 5.3 Community for All: Kelownas All Age's and Abilities Action Plan

#### Recommendations: Healthy Housing

*Objective:* Build on City policies that address housing needs *Action:* Support the development of diverse housing types to meet the variety of housing needs in the community

5.4 Our Kelowna as We Take Action: Kelowna's Community Climate Action Plan

Planning Our Community: Recommended Land Use Actions

*Action #: LU6 Action:* For the 2040 OCP update, re-evaluate a more compact growth strategy that prioritizes development in the Urban Core and dis-incentivizes development in the fringe.

**Report prepared by:** Sadie Chezenko, Student Planner & 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: Proposed Text Amendment TA21-0009



## Schedule A – Proposed Text Amendments to Zoning Bylaw No. 8000

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	13.1.3  <b>Section 13 – Urban Residential Zones, RU1 - Large Lot Housing, Secondary Uses</b>	<p><b>Secondary Uses</b></p> <p>The <b>secondary uses</b> in this <b>zone</b> are:</p> <ul style="list-style-type: none"> <li>(a) <b>bed and breakfast homes</b></li> <li>(b) <b>child care centre, minor</b></li> <li>(c) <b>carriage house</b> (RU1c and RU1hc only)</li> <li>(d) <b>group homes, minor</b></li> <li>(e) <b>home based businesses, major</b></li> <li>(f) <b>home based businesses, minor</b></li> <li>(g) <b>secondary suites</b></li> <li>(h) <b>short term rental accommodation</b> subject to Section 9.17 of this bylaw</li> </ul>	<p><b>Secondary Uses</b></p> <p>The <b>secondary uses</b> in this <b>zone</b> <u>for a lot located outside the Core Area, as defined on Map 5.1 in the City's Official Community Plan are:</u></p> <ul style="list-style-type: none"> <li>(a) <b>bed and breakfast homes</b></li> <li>(b) <b>child care centre, minor</b></li> <li>(c) <b>carriage house</b> (RU1c and RU1hc only)</li> <li>(d) <b>group homes, minor</b></li> <li>(e) <b>home based businesses, major</b></li> <li>(f) <b>home based businesses, minor</b></li> <li>(g) <b>secondary suites</b></li> <li>(h) <b>short term rental accommodation</b> subject to Section 9.17 of this bylaw</li> </ul> <p><u>The <b>secondary uses</b> in this <b>zone</b> for a lot located within the Core Area, as defined on Map 5.1 in the City's Official Community Plan are:</u></p> <ul style="list-style-type: none"> <li><u>(a) <b>bed and breakfast homes</b></u></li> <li><u>(b) <b>child care centre, minor</b></u></li> <li><u>(c) <b>carriage house</b></u></li> <li><u>(d) <b>group homes, minor</b></u></li> <li><u>(e) <b>home based businesses, major</b></u></li> <li><u>(f) <b>home based businesses, minor</b></u></li> <li><u>(g) <b>secondary suites</b></u></li> <li><u>(h) <b>short term rental accommodation</b> subject to Section 9.17 of this bylaw</u></li> </ul>	<p>Removing the requirement for properties to be rezoned to a carriage house subzone within the Core Area</p>

2.	13.1.4(c)  <b>Section 13 – Urban Residential Zones, RU1 - Large Lot Housing Buildings and Structures Permitted</b>	(c) one <b>carriage house</b> (RU1c and RU1hc only)	(c) one <b>carriage house</b> (RU1c and RU1hc <del>only</del> <u>subzone required for any lot located outside the Core Area, as defined on Map 5.1 in the City's Official Community Plan</u> )	Specifying the subzone is only required for any lot located outside of the Core Area
3.	13.1.7(b)  <b>Section 13 – Urban Residential Zones, RU1 - Large Lot Housing, Other Regulations</b>	(b) A “c” notation shown on Schedule “A” as part of the identified <b>zone</b> classification indicates that a <b>secondary use</b> in the form of a <b>carriage house</b> is permitted on the properties so designated, subject to meeting the conditions of <b>use</b> of the <b>zone</b> . A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent <b>zone</b> .	(b) A “c” notation shown on Schedule “A” as part of the identified <b>zone</b> classification indicates that a <b>secondary use</b> in the form of a <b>carriage house</b> is permitted on the properties so designated, subject to meeting the conditions of <b>use</b> of the <b>zone</b> . A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent <b>zone</b> <u>and is required for any lot located outside the Core Area, as defined on Map 5.1 in the City's Official Community Plan</u>	Specifying the subzone is only required for any lot located outside of the Core Area
4.	13.2.3  <b>Section 13 – Urban Residential Zones, RU2 - Medium Lot Housing, Secondary Uses</b>	<b>Secondary Uses</b>  The <b>secondary uses</b> in this <b>zone</b> are: (a) <b>bed and breakfast homes</b> (b) <b>child care centre, minor</b> (c) <b>carriage house</b> (RU2c and RU2hc only) (d) <b>group homes, minor</b> (e) <b>home based businesses, major</b> (f) <b>home based businesses, minor</b> (g) <b>secondary suites</b> (h) <b>short term rental accommodation</b> subject to Section 9.17 of this bylaw	<b>Secondary Uses</b>  The <b>secondary uses</b> in this <b>zone</b> <u>for a lot located outside the Core Area, as defined on Map 5.1 in the City's Official Community Plan</u> are: (a) <b>bed and breakfast homes</b> (b) <b>child care centre, minor</b> (c) <b>carriage house</b> (RU2c and RU2hc only) (d) <b>group homes, minor</b> (e) <b>home based businesses, major</b> (f) <b>home based businesses, minor</b> (g) <b>secondary suites</b>	Removing the requirement for properties to be rezoned to a carriage house subzone within the Core Area

			<p>(h) <b>short term rental accommodation</b> subject to Section 9.17 of this bylaw</p> <p><u>The <b>secondary uses</b> in this <b>zone</b> for a lot located within the Core Area, as defined on Map 5.1 in the City's Official Community Plan are:</u></p> <p><u>(a) <b>bed and breakfast homes</b></u>  <u>(b) <b>child care centre, minor</b></u>  <u>(c) <b>carriage house</b></u>  <u>(d) <b>group homes, minor</b></u>  <u>(e) <b>home based businesses, major</b></u>  <u>(f) <b>home based businesses, minor</b></u>  <u>(g) <b>secondary suites</b></u>  <u>(h) <b>short term rental accommodation</b> subject to Section 9.17 of this bylaw</u></p>	
5.	<p>13.2.4(c)</p> <p><b>Section 13 – Urban Residential Zones, RU2 - Medium Lot Housing, Buildings and Structures Permitted</b></p>	<p>(c) one <b>carriage house</b> (RU2c and RU2hc only)</p>	<p>(c) one <b>carriage house</b> (RU2c and RU2hc <del>only</del> <u>subzone required for any lot located outside the Core Area, as defined on Map 5.1 in the City's Official Community Plan</u>)</p>	<p>Specifying the subzone is only required for any lot located outside of the Core Area</p>
6.	<p>13.2.7(e)</p> <p><b>Section 13 – Urban Residential Zones</b></p>	<p>(e) A "c" notation shown on Schedule "A" as part of the identified <b>zone</b> classification indicates that a <b>secondary use</b> in the form of a <b>carriage house</b> is permitted on the properties so designated, subject to meeting the conditions of <b>use</b> of the <b>zone</b>. A "c" zoning classification on a property</p>	<p>(e) A "c" notation shown on Schedule "A" as part of the identified <b>zone</b> classification indicates that a <b>secondary use</b> in the form of a <b>carriage house</b> is permitted on the properties so designated, subject to meeting the conditions of <b>use</b> of the <b>zone</b>. A "c" zoning classification on a property shall be established by rezoning the subject property to the</p>	<p>Specifying the subzone is only required for any lot located outside of the Core Area</p>



	<b>RU2 - Medium Lot Housing, Other Regulations</b>	shall be established by rezoning the subject property to the "c" version of the parent zone.	"c" version of the parent <b>zone</b> and is required for <u>any lot located outside the Core Area, as defined on Map 5.1 in the City's Official Community Plan</u> ).	
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DRAFT



# TA21-0009

# Multiple Addresses

Text Amendment Application



# Proposal

- ▶ To amend the Zoning Bylaw by allowing carriage houses as a permitted secondary use on RU1 and RU2 lots that have an active sanitary sewer connection within the Urban Core, as defined by Map 5.1 in the Kelowna 2030 - Official Community Plan.



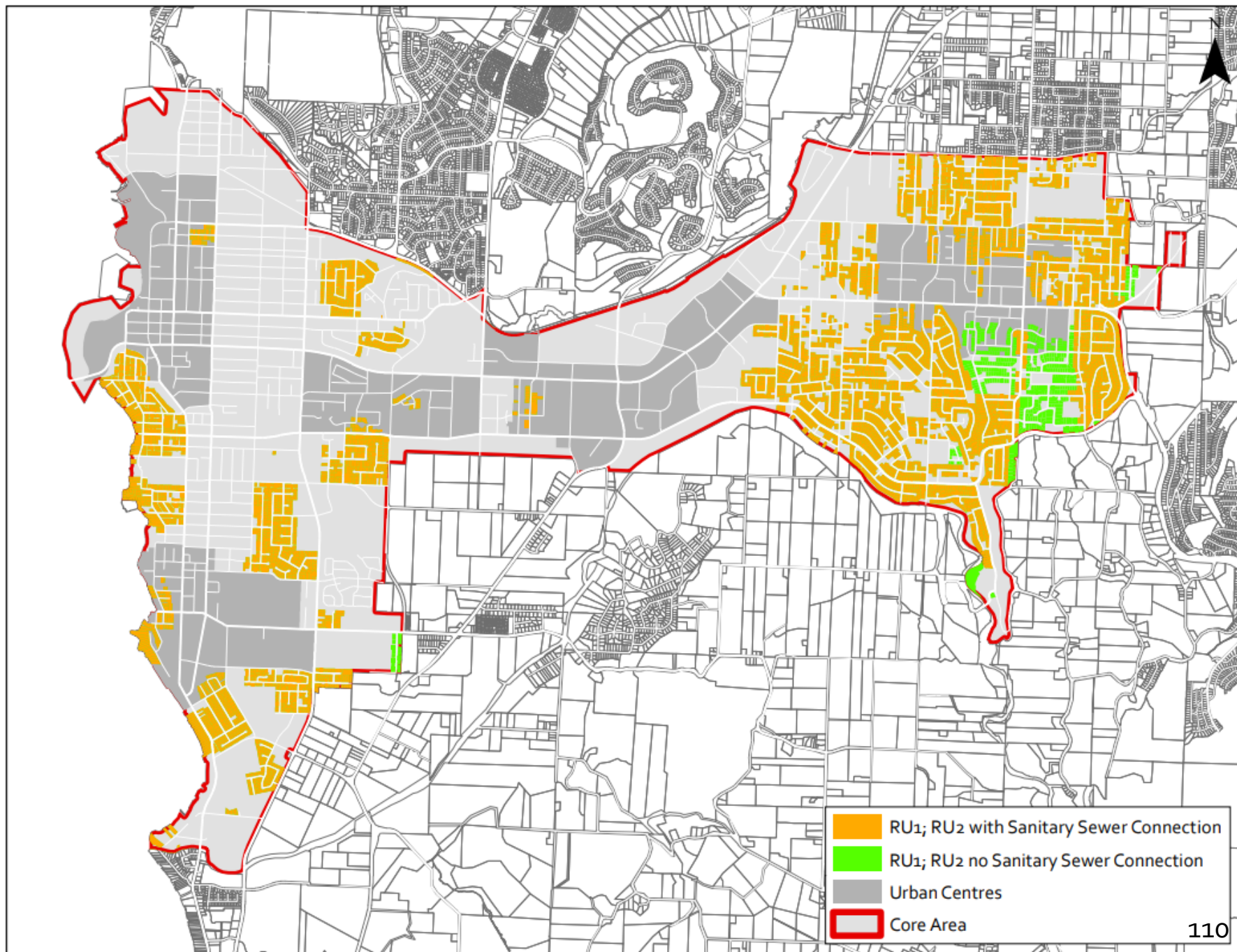
# Background

- ▶ June 2018
  - ▶ Council endorsed the Healthy Housing Strategy
  - ▶ Support expanding the permissiveness of existing infill housing forms
- ▶ March 2021
  - ▶ Direction from Council in 2021 to bring forward a carriage house deregulation option for consideration
- ▶ Approx. 5,655 properties zoned RU1 or RU2 in Core Area with active sanitary connections

# Urban Core Map – 2030 OCP



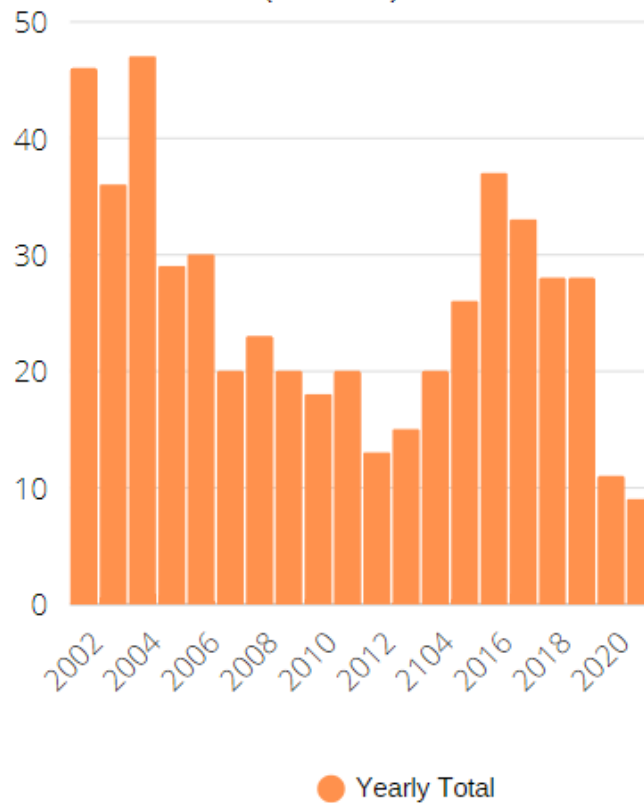
*Boundaries could be slightly different in 2040 Official Community Plan*  
City of **Kelowna**



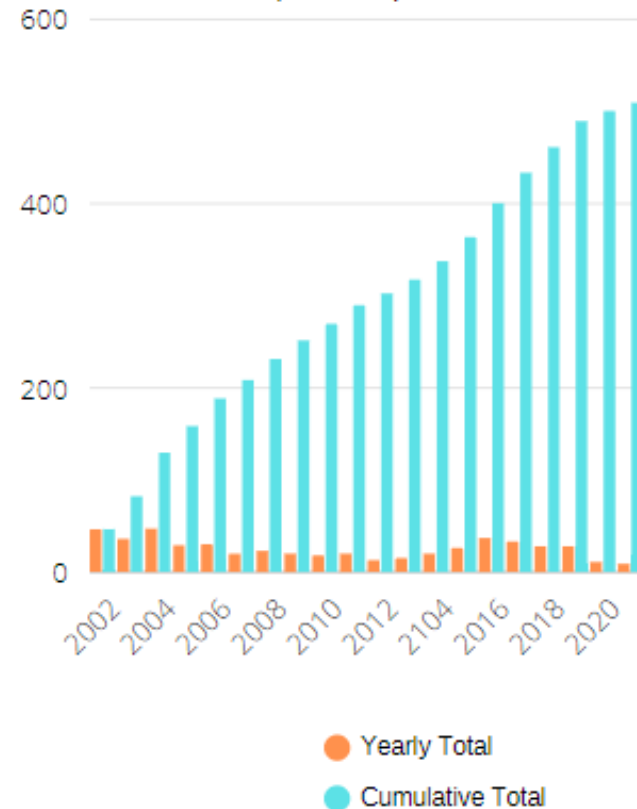


# BP Statistics (2002 -> Present)

Building Permits Issued for  
Carriage Houses  
(2002-2021)



Cumulative BPs Issued for  
Carriage Houses  
(2002-2021)



# Development Policy

- ▶ 2030 Official Community Plan
  - ▶ Support carriage houses and accessory apartments through appropriate zoning regulations.
- ▶ Healthy Housing Strategy
  - ▶ *Objective 3.3: Build the Right Supply*
    - ▶ *Direction:* Support a greater variety of infill housing forms
      - ▶ *Action:* Increase permissiveness for townhouses, duplexes, carriage homes, small housing, house-plexes and tiny homes.
    - ▶ *Direction:* Create more sensitive infill of lots in existing neighbourhoods
      - ▶ *Action:* Complete a review of residential zones in the Zoning Bylaw to determine if regulations can be amended to encourage infill housing.

# Staff Recommendation

- ▶ Staff recommend support for the Text Amendment
  - ▶ Supported by OCP and Healthy Housing Strategy
  - ▶ Facilitates carriage house development in Urban Core
    - ▶ Easier and more affordable for landowners to pursue a carriage house development
  - ▶ Current Zoning Bylaw Regulations still apply and would be enforced at BP
  - ▶ Any Variances to regulations would still come to Council for consideration.





## *Conclusion of Staff Remarks*

# CITY OF KELOWNA

## BYLAW NO. 12263

### TA21-0009

## Section 13 – Urban Residential Zones

### RU1 – Large Lot Housing and RU2 – Medium Lot Housing - Carriage Houses

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 13 – Urban Residential Zones, Section 13.1 RU1 – Large Lot Housing, Section 13.1.3 Secondary Uses** be amended by deleting the following:

“The **secondary uses** in this **zone** are:

- (a) **bed and breakfast homes**
- (b) **child care centre, minor**
- (c) **carriage house (RU1c and RU1hc only)**
- (d) **group homes, minor**
- (e) **home based businesses, major**
- (f) **home based businesses, minor**
- (g) **secondary suites**
- (h) **short term rental accommodation** subject to Section 9.17 of this bylaw”

And replacing it with:

“The **secondary uses** in this **zone** for a lot located outside the Core Area, as defined on Map 5.1 in the City’s Official Community Plan are:

- (a) **bed and breakfast homes**
- (b) **child care centre, minor**
- (c) **carriage house (RU1c and RU1hc only)**
- (d) **group homes, minor**
- (e) **home based businesses, major**
- (f) **home based businesses, minor**
- (g) **secondary suites**
- (h) **short term rental accommodation** subject to Section 9.17 of this bylaw

The **secondary uses** in this **zone** for a lot located with the Core Area, as defined on Map 5.1 in the City’s Official Community Plan are:

- (a) **bed and breakfast homes**
- (b) **child care centre, minor**
- (c) **carriage house**
- (d) **group homes, minor**
- (e) **home based businesses, major**
- (f) **home based businesses, minor**
- (g) **secondary suites**
- (h) **short term rental accommodation** subject to Section 9.17 of this bylaw”

2. AND THAT **Section 13 – Urban Residential Zones, Section 13.1 RU1 – Large Lot Housing, Section 13.1.4(c) Buildings and Structures Permitted** be amended by deleting the following:

“(c) one **carriage house** (RU1c and RU1hc only)”

And replacing it with:

“(c) one **carriage house** (RU1c and RU1hc subzone required for any lot located outside the Core Area, as defined on Map 5.1 in the City’s Official Community Plan)”

3. AND THAT **Section 13 – Urban Residential Zones, Section 13.1 RU1 – Large Lot Housing, Section 13.1.7(b) Other Regulations** be amended by deleting the following:

“A “c” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent **zone**.”

And replacing it with:

“A “c” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent **zone** and is required for any lot located outside the Core Area, as defined on Map 5.1 in the City’s Official Community Plan.”

4. AND THAT **Section 13 – Urban Residential Zones, Section 13.2 RU2 – Medium Lot Housing, Section 13.2.3 Secondary Uses** be amended by deleting the following:

“The **secondary uses** in this **zone** are:

- (a) **bed and breakfast homes**
- (b) **child care centre, minor**
- (c) **carriage house** (RU2c and RU2hc only)
- (d) **group homes, minor**
- (e) **home based businesses, major**
- (f) **home based businesses, minor**
- (g) **secondary suites**
- (h) **short term rental accommodation** subject to Section 9.17 of this bylaw”

And replacing it with:

“The **secondary uses** in this **zone** for a lot located outside the Core Area, as defined on Map 5.1 in the City’s Official Community Plan are:

- (a) **bed and breakfast homes**
- (b) **child care centre, minor**
- (c) **carriage house** (RU2c and RU2hc only)
- (d) **group homes, minor**
- (e) **home based businesses, major**
- (f) **home based businesses, minor**
- (g) **secondary suites**
- (h) **short term rental accommodation** subject to Section 9.17 of this bylaw

The **secondary uses** in this **zone** for lot located within the Core Area, as defined on Map 5.1 in the City’s Official Community Plan are:

- (a) **bed and breakfast homes**



- (b) child care centre, minor
- (c) carriage house
- (d) group homes, minor
- (e) home based businesses, major
- (f) home based businesses, minor
- (g) secondary suites
- (h) short term rental accommodation subject to Section 9.17 of this bylaw"

5. AND THAT **Section 13 – Urban Residential Zones, Section 13.2 RU2 – Medium Lot Housing, Section 13.2.4(c) Buildings and Structures Permitted** be amended by deleting the following:

"(c) one **carriage house** (RU2c and RU2hc only)"

And replacing it with:

"(c) one **carriage house** (RU2c and RU2hc subzone required for any lot located outside the Core Area, as defined on Map 5.1 in the City's Official Community Plan)"

6. AND THAT **Section 13 – Urban Residential Zones, Section 13.2 RU2 – Medium Lot Housing, Section 13.2.7(e) Other Regulations** be amended by deleting the following:

"A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**."

And replacing it with:

"A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone** and is required for any lot located outside the Core Area, as defined on Map 5.1 in the City's Official Community Plan."

7. 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 9<sup>th</sup> day of August, 2021.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk