

City of Kelowna

Regular Council Meeting

AGENDA



Monday, September 13, 2021

1:30 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

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

In accordance with the most recent Interior Health Restrictions regarding gatherings and events, a maximum of 39 members of the public is permitted to attend Council meetings in-person. Members of the public must remain seated unless invited to address Council.

As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

5 - 15

PM Meeting - August 23, 2021

3. Development Application Reports & Related Bylaws

3.1. Highway 97 N 4690 - A20-0008 - City of Kelowna

16 - 93

The applicant is requesting permission from the Agricultural Land Commission for an "Exclusion" under Section 29(1) of the Agricultural Land Commission Act.

3.2. Takla Rd 4380 - A21-0006 - Lark Farms Inc., In. No. 537531

94 - 112

The applicant is requesting permission from the Agricultural Land Commission for a "Non-Adhering Residential Use Permit" under Section 20.1(2) of the Agricultural Land Commission Act.

3.3. East Kelowna Rd 2981 - A21-0009 - Edithe Kathlien Ross

113 - 142

To consider a staff recommendation to support an application to the Agricultural Land Commission for a Non-Farm Use application to permit a year-round apple and peach bin storage station and a seasonal fruit receiving station.

3.4.	Sherwood Rd 639 - Z21-0067 (BL12264) - Yunfang Gao	143 - 161
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing.	
3.5.	Sherwood Rd 639 - BL12264 (Z21-0067) - Yunfang Gao	162 - 162
	To give Bylaw No. 12264 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.	
3.6.	Fleming Rd 470 - Z21-0027 (BL12273) - 1306876 BC Ltd., Inc. No. BC13066876	163 - 188
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of multiple dwelling housing on the subject property.	
3.7.	Fleming Rd 470 - BL12273 (Z21-0027) - 1306876 BC Ltd., Inc. No. BC13066876	189 - 189
	To give Bylaw No. 12273 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone.	
3.8.	Gerstmar Rd 440 - Z21-0063 (BL12274) - Benjamin Cherney	190 - 207
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the development of a duplex, and to waive the Public Hearing.	
3.9.	Gerstmar Rd 440 - BL12274 (Z21-0063) - Benjamin Cherney	208 - 208
	To give Bylaw No. 12274 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.	
3.10.	Buckhaven Crt 4973 - Z21-0036 (BL12276) - Mair Developments Ltd., Inc. No. BCo753083	209 - 225
	To rezone a portion of the subject property from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone to facilitate an eight-lot residential subdivision, and to waive the Public Hearing.	
3.11.	Buckhaven Crt 4973 - BL12276 (Z21-0036) - Mair Developments Ltd., Inc. No. BCo753083	226 - 227
	To give Bylaw No. 12276 first reading in order to rezone a portion of the subject property from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone.	

3.12.	Radant Rd 575 - Z21-0074 (BL12277) - Lihua Feng	228 - 244
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to accommodate two single-family homes, and to waive the Public Hearing.	
3.13.	Radant Rd 575 - BL12277 (Z21-0074) - Lihua Feng	245 - 245
	To give Bylaw No. 12277 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.	
3.14.	Supplemental Report - Gaspardone Rd 4554 - Z21-0057 (BL12257) - Jeffrey and Ingrid Douziech	246 - 247
	To receive a summary of correspondence for Rezoning Bylaw No. 12257 and to give the bylaw further reading consideration.	
3.15.	Gaspardone Rd 4554 - BL12257 (Z21-0057) - Jeffrey and Ingrid Douziech	248 - 248
	To give Bylaw No. 12257 second and third reading and adopt in order to rezone the subject property from the A1 – Agriculture 1 zone to the RR1c – Rural Residential 1 with Carriage House zone.	
3.16.	Supplemental Report - Paret Pl 681 - Z21-0052 (BL12261) - Derek J. Klask	249 - 250
	To receive a summary of correspondence for Rezoning Bylaw No. 12261 and to give the bylaw further reading consideration.	
3.17.	Paret Pl 681 - BL12261 (Z21-0052) - Derek J. Klask	251 - 251
	To give Bylaw No. 12261 second and third reading and adopt in order to rezone the subject property from the RU1 – Large Lot Housing to the RU1c – Large Lot Housing with Carriage House.	
3.18.	Pandosy St 2340 - BL12056 (Z19-0135) - Rezoning Bylaw Extension Request	252 - 253
	To extend the deadline for adoption of Rezoning Bylaw No. 12056 from July 13, 2021 to July 13, 2022.	
3.19.	Cara Glen Crt 1455 - DP21-0115 - Prime Clifton Homes Inc., Inc. No. A0116073	254 - 287
	To consider a Development Permit to approve the form and character of a residential townhome development on the subject property.	

4. Bylaws for Adoption (Development Related)

- 4.1. South Ridge Dr 5008 - BL12222 (Z21-0049) - Nonis Developments LTD., INC.NO BC0938873** 288 - 288

To amend and adopt Bylaw No. 12222 in order to rezone the subject from the C1 - Local Commercial zone to the C2 - Neighbourhood Commercial zone.

- 4.2. Mantle Crt 1870 Walburn Rd 2903 Gallagher Rd 2975 - BL12258 (OCP21-0005) - RDCO, David and Laura Geen** 289 - 291

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

To adopt Bylaw No. 12258 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.

- 4.3. Mantle Crt 1870 Walburn Rd 2903 Gallagher Rd 2975 - BL12259 (Z21-0010) - RDCO, David and Laura Geen** 292 - 293

To adopt Bylaw No. 12259 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.

5. Non-Development Reports & Related Bylaws

- 5.1. Kelowna International Airport Fees Bylaw Change** 294 - 295

To obtain Council's approval to implement a UBCO Student and Staff Parking fee at Kelowna International Airport (the Airport), effective September 20, 2021.

- 5.2. BL12278 - Amendment No. 37 to Airport Fees Bylaw No. 7982** 296 - 296

To give Bylaw No. 12278 first, second and third reading.

6. Mayor and Councillor Items

7. Termination



**City of Kelowna
Regular Council Meeting
Minutes**

Date:	Monday, August 23, 2021
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Luke Stack and Loyal Wooldridge
Members participating remotely	Councillors Charlie Hodge, Brad Sieben* and Mohini Singh
Members Absent	Councillor Ryan Donn
Staff Present	City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Bylaw Services Manager, Ken Hunter*; Building Inspection & Licensing Manager, Terry Kowal*; Senior Bylaw Enforcement Officer (ret'd), Kurt Szalla*; Divisional Director, Planning & Development Services, Ryan Smith*; Community Planning & Development Manager, Dean Strachan*; Urban Planning Manager, Jocelyn Black*; Planner, Tyler Caswell*
Staff participating remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

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

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

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As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro805/21/08/23 THAT the Minutes of the Regular Meetings of August 9, 2021 be confirmed as circulated.

Carried

3. Remedial Action Order Appeal Process

3.1 Remedial Action Process

Staff:

- Outlined Council's option to confirm, amend, or cancel remedial action requirements from the Council meeting held July 26, 2021.
- Advised that documents received from the property owner's representative were circulated to Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro8o6/21/o8/23 THAT Council receive, for information, the report from the Office of the City Clerk dated August 23, 2021 regarding Remedial Action Order Appeal Process.

Carried

3.2 Appeal Remedial Action - 424 Gibson Road

Janusz Grelecki, Owner, Gibson Road

- Moved to Canada in 1990; this is the first home renovation and did not know the rules of building in Canada.
- Made comment on the lack of action and communication from the City in the last four years.
- Commented that there hadn't been any complaints from neighbours in the last four years either and believed everything was alright with his property.
- Spoke to the progress made on the property over the last several years.
- Made comment that the remedial action requirement came as a surprise.
- Responded to questions from Council.
- Advised that the property can be cleaned up and permit requirements can be met in one year; have spoken to professionals to assist.

Paul Davies, Gibson Road

- Representing the property owner as a neighbour, not legal counsel.
- Advised that he would help the property owner move forward to meet requirements.
- Made comment on the personal background of the property owner as well as the history of the structures on the property.
- Spoke to errors identified in the staff report dated July 26, 2021.
- Commented on the absence of health or safety orders and no communication from the City since 2017.
- Spoke to engineering reports from the City and Elemental Structural Engineers hired by the property owner.
- Requested that requirements be amended to allow 60 days to remove debris and garbage from the site; 120 days to have design work and building permits in place and one year to complete work required through building permits.
- Responded to questions from Council.

Councillor Sieben disconnected from the meeting at 2:11 p.m.

Staff:

- Responded to questions from Council.
- Commented on the newly created Property Standards Compliance Team recently taking over longstanding files.
- Provided history of the efforts to address issues and assist the property owner to bring the property into compliance.
- Spoke to previous building permit applications on the property that had expired.
- Made comment on several unsightly premise complaints on another property on Gibson Road where the property owner was a tenant.

- Spoke to bylaw complaints on the subject property and a bylaw enforcement penalty being paid by the property owner.
- Advised that staff were last at the property in January 2021 and more recently viewed the activity on site.

Councillor Sieben rejoined the meeting virtually at 2:43 p.m.

Moved By Councillor Stack/Seconded By Councillor Singh

Ro807/21/08/23 THAT Council confirms the Remedial Action Requirement dated July 26, 2021;

AND THAT the requirements for work to be completed be upon the date of Council reconsideration;

AND FURTHER THAT under Section 78(5) notice of Council's decision be sent to the persons entitled to notice under Sections 77(1) and 77(2) of the *Community Charter*.

Carried

4. Development Application Reports & Related Bylaws

4.1 Pandosy St 2949, 2955 and Tutt St 2918, 2970 - LUCT20-0011 (BL12260) - Multiple Owners

Staff:

- Provided an update on the land use contract termination process.
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro808/21/08/23 THAT Land Use Contract Termination Application No. LUCT20-0011 to terminate LUC76-1044 from the subject properties identified in 'Schedule A' located on Tutt Street and Pandosy Street, Kelowna, BC, be considered by Council;

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

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

Carried

4.2 Pandosy St 2949, 2955 and Tutt St 2918, 2970 - BL12260 (LUCT20-0011) - Multiple Owners

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro809/21/08/23 THAT Bylaw No. 12260 be read a first time.

Carried

4.3 Gray Rd 350 - LUCT20-0018 (BL12265) - 0897252 BC Ltd., Inc. No. BCo897252

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Wooldridge

Ro810/21/08/23 THAT Land Use Contract Termination Application No. LUCT20-0018 to terminate LUC77-1058 from Lot A Section 23 Township 26 ODYD Plan 28897 located at 350 Gray Road, Kelowna, BC, be considered by Council;

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

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

Carried

4.4 Gray Rd 350 - BL12265 (LUCT20-0018) - o897252 BC Ltd., Inc. No. BCo897252

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro811/21/08/23 THAT Bylaw No. 12265 be read a first time.

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

4.5 Knowles Rd 472 - Z21-0026 (BL12266) - Vision Excavating Ltd., Inc. No. BCo707315

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Given

Ro812/21/08/23 THAT Rezoning Application No. Z21-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 167 ODYD Plan 9341 Except Plans 13481 and 19834, located at 472 Knowles Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding condition of approvals as set out in Schedule "A" attached to the Report from the Development Planning Department dated August 23rd, 2021;

AND THAT final adoption the Rezoning Bylaw be considered subsequent to a Section 219 Covenant being registered on the property limiting the site coverage and future building heights;

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

Carried

4.6 Knowles Rd 472 - BL12266 (Z21-0026) - Vision Excavating Ltd., Inc. No. BCo707315

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro813/21/08/23 THAT Bylaw No. 12226 be read a first time.

Carried

4.7 Cawston Ave 604-626 - OCP21-0020 (BL12267) Z21-0069 (BL12268) - Sole Cawston Developments Ltd., Inc. No. BC1270856

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro814/21/08/23 That Official Community Plan Map Amendment Application No. OCP21-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

- Lot 23, District Lot 139, ODYD, Plan 1037, located at 604 Cawston Avenue, Kelowna, BC;
- Lot 22, District Lot 139, ODYD, Plan 1037, located at 608 Cawston Avenue, Kelowna, BC;
- Lot 21, District Lot 139, ODYD, Plan 1037, located at 612 Cawston Avenue, Kelowna, BC;
- Lot A, District Lot 139, ODYD, Plan EPP49686, located at 626 Cawston Avenue, Kelowna, BC.

from the MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential/Commercial) designation, be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 475 of the *Local Government Act*, as outlined in the Report from the Development Planning Department dated August 23, 2021;

AND THAT Rezoning Application No. Z21-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- Lot 23, District Lot 139, ODYD, Plan 1037, located at 604 Cawston Avenue, Kelowna, BC;
- Lot 22, District Lot 139, ODYD, Plan 1037, located at 608 Cawston Avenue, Kelowna, BC;
- Lot 21, District Lot 139, ODYD, Plan 1037, located at 612 Cawston Avenue, Kelowna, BC;
- Lot A, District Lot 139, ODYD, Plan EPP49686, located at 626 Cawston Avenue, Kelowna, BC.

from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone, be considered by Council;

AND THAT the Official Community Plan Map Amendment Bylaw and 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 identified in Schedule "A" associated to the report from the Development Planning Department dated August 23, 2021;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the legal consolidation of all the lots into one parcel.

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 properties.

Carried

4.8 Cawston Ave 604-626 - BL12267 (OCP21-0020) - Sole Cawston Developments Ltd., Inc. No. BC1270856

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro815/21/08/23 THAT Bylaw No.12267 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

4.9 Cawston Ave 604-626 - BL12268 (Z21-0069) - Sole Cawston Developments Ltd., Inc. No. BC1270856

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro816/21/08/23 THAT Bylaw No. 12268 be read a first time.

Carried

4.10 Springfield Rd 1994 - OCP21-0009 (BL12269) Z21-0035 (BL12270) - 1295991 B.C. Ltd., Inc. No. BC1295991

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor DeHart

Ro817/21/08/23 THAT Official Community Plan Map Amendment Application No. OCP21-0009 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 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road, Kelowna, BC from the SC – Service Commercial designation to the MXR - Mixed Use (Residential / Commercial) designation, be considered by Council;

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

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 475 of the *Local Government Act*, as outlined in the Report from the Development Planning Department dated August 23, 2021;

AND THAT Rezoning Application No. Z21-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road, Kelowna, BC from the C10 – Service Commercial zone to the C4 – Urban Centre Commercial zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated August 23, 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.

Carried

4.11 Springfield Rd 1994 - BL12269 (OCP21-0009) - 1295991 B.C. Ltd., Inc. No. BC1295991

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro818/21/08/23 THAT Bylaw No. 12269 be read a first time.

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

4.12 Springfield Rd 1994 - BL12270 (Z21-0035) - 1295991 B.C. Ltd., Inc. No. BC1295991

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro819/21/08/23 THAT Bylaw No. 12270 be read a first time.

Carried

4.13 Supplemental Report - Trumpeter Rd 494 - Z20-0103 (BL12254) - 1033095 B.C. Ltd., Inc. No. BC1033095

Moved By Councillor DeHart/Seconded By Councillor Given

Ro820/21/08/23 THAT Council receives, for information, the report from the Office of the City Clerk dated August 23, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12254;

AND THAT Rezoning Bylaw No. 12254 be forwarded for further reading consideration.

Carried

4.14 Trumpeter Rd 494 - BL12254 (Z20-0103) - 1033095 B.C. LTD., INC.NO. BC1033095

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro821/21/08/23 THAT Bylaw No. 12254 be read a second and third time.

Carried

4.15 Supplemental Report - Braeloch Rd 385 - Z21-0053 (BL12255) - Michael Christopher Smith and Brigitte Diane Smith

Moved By Councillor DeHart/Seconded By Councillor Hodge

Ro822/21/08/23 THAT Council receives, for information, the report from the Office of the City Clerk dated August 23, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12255;

AND THAT Rezoning Bylaw No. 12255 be forwarded for further reading consideration.

Carried

4.16 Braeloch Rd 384 - BL12255 (Z21-0053) - Michael Christopher Smith and Brigitte Diane Smith

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro823/21/08/23 THAT Bylaw No. 12255 be read a second and third time.

Carried

**4.17 Rutland Rd N 2100 - BL12053 (OCP18-0005) - Reid's Crossing Development. Inc., Inc.
No. BC1165652**

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro824/21/08/23 THAT Bylaw No. 12053 be amended at third reading by deleting the legal descriptions that read:

- Lot A Section 35 Township 26 ODYD Plan EPP56074
- Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072;
- Lot 4 Section 35 Township 26 ODYD Plan 4170;
- Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073

And replacing it with:

- Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro825/21/08/23 THAT Bylaw No. 12053, as amended, be adopted.

Carried

**4.18 Rutland Rd N 2100 - BL12054 (Z18-0019) - Reid's Crossing Development Inc., Inc.
No. BC1165652**

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro826/21/08/23 THAT Bylaw No. 12054 be amended at third reading by deleting the legal descriptions that read:

- Lot A Section 35 Township 26 ODYD Plan EPP56074
- Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072;
- Lot 4 Section 35 Township 26 ODYD Plan 4170;
- Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073

And replacing it with:

- Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro827/21/08/23 THAT Bylaw No. 12054, as amended, be adopted.

Carried

**4.19 Rutland Rd N 2100 - BL12055 (TA18-0011) - Reid's Crossing Development. Inc., Inc.
No. BC1165652**

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro828/21/08/23 THAT Bylaw No. 12055 be amended at third reading by deleting the legal descriptions that read:

- Lot A Section 35 Township 26 ODYD Plan EPP56074
- Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072;
- Lot 4 Section 35 Township 26 ODYD Plan 4170;
- Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073

And replacing it with:

- Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro829/21/08/23 THAT Bylaw No. 120554, as amended, be adopted.

Carried

4.20 Rutland Rd N 2100 - DP18-0243 - Reid's Crossing Development Inc., Inc. No. BC1165652

Staff:

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

Moved By Councillor Given/Seconded By Councillor DeHart

Ro830/21/08/23 THAT Official Community Plan Map Amending Bylaw No. 12053 be amended at third reading to revise the legal description of the subject property from portions of Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073 to portions of Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620;

AND THAT Rezoning Bylaw No. 12054 be amended at third reading to revise the legal description of the subject property from Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP 56073 to Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620;

AND THAT Zoning Bylaw Text Amendment Bylaw No. 12055 be amended at third reading to revise the legal description of the subject property from Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073 to Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620;

AND THAT final adoption of Official Community Plan Map Amending Bylaw No. 12053, Rezoning Bylaw No. 12054 and Zoning Bylaw Text Amendment Bylaw No. 12055 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0243 for Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620, located at 2100 Rutland Road North, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

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

Carried

Councillors Hodge and Wooldridge - Opposed

5. Resolutions

5.1 Draft Resolution - City of Kelowna Tax Sale

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro831/21/08/23 THAT Council designates the Kelowna Community Theatre, 1375 Water St to be the location for the September 27, 2021 City of Kelowna Tax Sale.

Carried

6. Mayor and Councillor Items

Councillor Sieben:

- Commented on the recent Provincial directive for vaccine cards to access non-essential businesses as a way for economic recovery and encouraged citizens to get vaccinated.

Councillor Stack:

- Recognized and expressed appreciation to frontline firefighters working on the White Rock Lake and Mount Law wildfires.

Councillor Wooldridge:

- Expressed sympathy to those who have lost their homes in these wildfires.
- Agreed that vaccinations are key to economic recovery of our personal businesses.

Councillor Given:

- Acknowledged the work of those in the Emergency Operations Centre and the seamless cooperation between jurisdictions.

Mayor Basran:

- Recognized the efforts of those working in the Emergency Operations Centre and Emergency Support Services.
- Reminder of the Public Hearing on August 24, 2021.
- Acknowledged and applauded the Province's announcement today regarding the implementation of BC vaccine cards as a positive step.

City Manager:

- Made comment that staff are working on regulations for electric vehicle charging stations, however, at this point inclusion is voluntary.

7. Termination

This meeting was declared terminated at 3:31 p.m.

Mayor Basran

/acm

Deputy City Clerk

DRAFT

REPORT TO COUNCIL



Date: September 13, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: A20-0008 **Owner:** City of Kelowna

Address: 4690 Highway 97 North **Applicant:** City of Kelowna

Subject: Application to the ALC for "Exclusion"

Existing OCP Designation: IND – Industrial
PARK – Major Park / Open Space (public)
S2RES – Single / Two Unit Residential

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A20-0008 for The South West $\frac{1}{4}$ of Section 11 Township 23 ODYD Except: (1) Those Parts Shown on Plan Attached to DD 1953D (2) Plans 10273, 18883, H764, H16596 And KAP83101 (3) Parcel A (E10197) and The North West $\frac{1}{4}$ of Section 2 Township 23 ODYD Except: (1) Those Parts Shown on Plan Attached to DD1953D (2) Part Described in DD 169668F (3) Plans 12349, H764, H16596, KAP83101 and EPP76079 located at 4690 Highway 97 North, Kelowna, BC for an "Exclusion" under Section 29(1) of the Agricultural Land Commission Act, be supported by Council;

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

2.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission for an "Exclusion" under Section 29(1) of the Agricultural Land Commission Act.

3.0 Development Planning

The City's agricultural policies of the OCP are aimed at protection of agricultural land and supporting the ALR. As identified in Policy 5.33.2, it states that the City of Kelowna will not support ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusions are otherwise consistent with the goals, objectives, and other policies of this OCP. The proposed subject properties have been long identified for future industrial development dating back to the University South Area Structure Plan and the City's 1995 OCP Future Land Use Map. Discussions between the City and ALC staff have

occurred periodically over time which led to the land being purchased by the City in July of 2017 to accommodate a future transportation corridor (Hollywood Road North) and relocation of the BC Transit Regional Transit Facility consistent with the industrial land use intent. These important transportation objectives are noted in OCP Objectives 7.9 and Policies 7.9.2, 3 and 4. An efficient transit facility is an integral component of a healthy transportation network and a new, expanded facilities will help build capacity of the current system increasing the availability and quality of public transit in Kelowna and the region.

The existing transit facility is located on Hardy Road and does not have the necessary land area to increase transit service to meet rising needs of the community. Suitable locations have been explored by City staff, in coordination with BC Transit, both locally and regionally for several years. However, none have been found which met the criteria or operational needs of BC Transit. The subject properties have been identified as a suitable location which could meet the requirements of future transit expansion. Further information and a letter of support from BC Transit is provided and attached as part of this report.

Even though the proposal is considered to meet the policy threshold for exclusion consideration, there remains an impact to agriculture. An extensive evaluation of these impacts has been completed through an Agricultural Impact Assessment and consultation with the City's Agricultural Advisory Committee (AAC). As a result of this process over the past year, the proposal includes additional mitigation and compensation measures aimed at promoting and strengthen agricultural objectives in the community to a total of \$600,000. As fully outlined in Attachment E, these resources would be used for the establishment of an Agricultural Reclamation Fund, a dedicated agricultural planning resource, an agricultural signage program, and enhanced agricultural buffering around the proposed facility.

Staff recommend support for the proposed exclusion application and that it be forwarded onto the Agricultural Land Commission for consideration. Staff have been in close contact with the Agricultural Land Commission regarding the 2040 OCP and this property. In June of this year, staff received correspondence from the ALC executive committee supporting the on-going future land use designation of portions of this property as Industrial.

4.0 Proposal

4.1 Background

The subject properties have been considered for non-agricultural purposes dating back to the University South Area Structure Plan and the City's OCP adopted in 1995. In communication with the ALC a portion of the lands has been identified as challenging for long term agriculture uses and subsequently designated as future industrial. Continued discussions between City and ALC staff have occurred periodically over time which led to the land being purchased by the City in July of 2017 and continued into 2021 with overall land use discussions for the draft 2040 OCP.

The City of Kelowna has had ongoing dialogue with the ALC for the subject property through policy and plan review. The initial review of future land use of the property by the ALC occurred in 1995 at the time of the University South Concept Plan development. At that time, the ALC review indicated support of the future industrial land use designation "provided the OCP text clearly identifies a broad range of uses and specifically encourages uses which might otherwise be targeted to productive farmland in the ALR". Subsequent Agricultural Plan and OCP updates have confirmed the industrial land use designation including the recent 2040 Draft Official Community Plan which was reviewed by the ALC earlier this year.

Carney Pond is also located on the south portion of the property is identified as future parkland and is intended on being conserved for environmental considerations. In addition, a portion of the property, which is hooked across Highway 97 and the ORT, has a large wetland area. It is near Mill Creek and has significant environmental value. The current proposal maintains existing high value environmental areas and future park land associated with Carney Pond and surrounding area.

Regional Transportation

Public transportation service delivery for the City of Kelowna is provided in partnership with BC Transit, the City, and other local governments. The existing transit facility is located on Hardy Road and does not have the necessary land area to increase transit service to meet rising needs of the community. Suitable locations have been explored by City staff, in coordination with BC Transit, both locally and regionally for several years. However, none have been found which met the criteria or operational needs of BC Transit. The subject properties have been identified as a suitable location which could meet the requirements of future transit expansion. Further information and a letter of support from BC Transit is provided and attached as part of this report.

Public Notification

For an exclusion application under Section 29(1) of the Agricultural Land Commission Act., public notification is required prior to making a formal application with the ALC. The required public notification was conducted in June and July of 2020 which included posting of signage, advertisements in local newspapers, and direct notification of adjacent landowners. Public input and feedback have been collected and will form part of the application.

4.2 Project Description

The proposal is to exclude 16.2 ha of land from the Agricultural Land Reserve for the purposes of a future transportation corridor (Hollywood Road North) and relocation of the BC Transit Regional Transit Facility. The extension of Hollywood Road north is identified as a two-lane arterial road in the OCP and is proposed to ultimately connect with John Hindle Drive directly to the north.

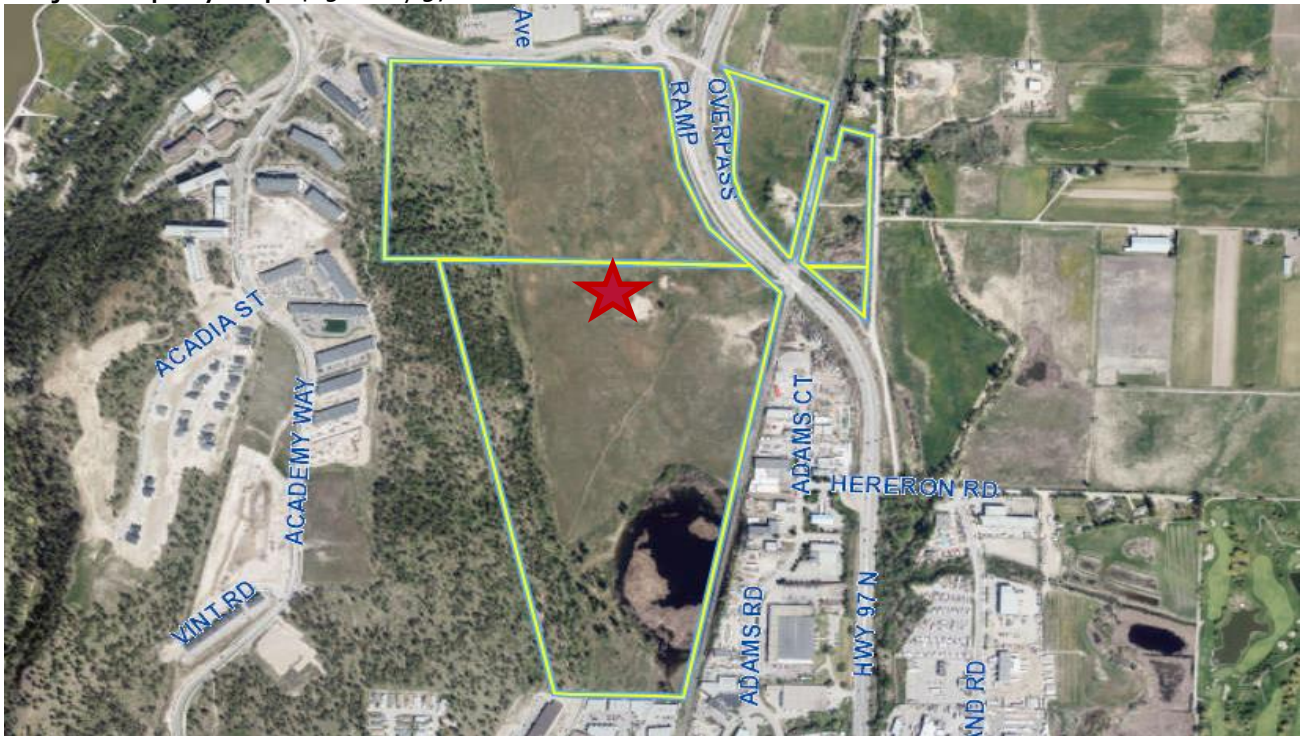
4.3 Site Context

The subject properties are in the Highway 97 City Sector. The Future Land Use is REP – Resource Protection is zoned A1 – Agriculture, is within the Agricultural Land Reserve however is within the Permanent Growth Boundary (PGB). The properties are a total of 72.8 ha in size with the northern property having a portion hooked across Highway 97 and the Okanagan Rail Trail (ORT). The property does currently have hay production onsite as agricultural activity. Zoning and land uses adjacent to the property are as follows:

Table 1: Zoning and Land Use of Adjacent Property

Orientation	Zoning	Land Use
North	CD20 – Comprehensive University Development Zone	John Hindle Drive/UBCO
East	A1 – Agriculture 1 & I2 – General Industrial	Hwy 97/Agriculture/Industrial
South	I2 – General Industrial	Industrial
West	C3L, RM4, RM5, P3, A1	Commercial/Agriculture/Residential

Subject Property Map: 4690 Hwy 97N



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.33 Protect and enhance local agriculture.

Policy .2 ALR Exclusions. The City of Kelowna will not support ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives, and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

Objective 7.9 Ensure efficient and effective transit infrastructure and facilities.

Policy 2. Transit Expansions. Prioritize future transit expansions in accordance with Map 7.2 – Transit Plan

Policy 3. Transit Service. Implement a Primary Transit Network of high-frequency and convenient (including late night service) transit routes to connect Urban Centres and surrounding urbanized central areas as well as institutional and community services such as the hospital, university, college, and recreational facilities.

Policy 4. Base Level Transit Service. Provide a base level of transit service (every 30 minutes) to facilitate convenient access to transit in areas with sufficient population and employment intensity to achieve acceptable performance standards and return on investment.

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 See attached memorandum dated March 22, 2020.

6.2 Ministry of Agriculture

6.2.1 See attached letter dated July 29, 2020

6.3 Interior Health

6.3.1 See attached letter dated July 30, 2020

6.4 Regional District of Central Okanagan

6.4.1 Consider regional and transportation policies of the Regional Growth Bylaw No. 1336 including:

- Support the protection of ALR lands and land uses which are supportive and/or complimentary to agricultural use; and
- Policy 3.2.9.1 of the RGS supports the Sustainable Transportation Partnership of the Central Okanagan as a means of administering, governing and coordinating the delivery of regional transportation planning and services

7.0 Application Chronology

Date of Application Received: July 16, 2020

Date Public Consultation Completed: July, 2020

Agricultural Advisory Committee: August 13, 2020

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on August 13, 2020 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council not support Agricultural Land Reserve Application No. A20-0008 for the property located at 4690 Hwy 97N to allow for an "Exclusion" under Section 29(1) of the Agricultural Land Commission Act.

Anecdotal comments were that the Agricultural Advisory Committee (AAC) have concerns with a more exhaustive search for potential sites needed to be conducted and that the agricultural assessment for the property was underestimated.

Agricultural Advisory Committee: March 11, 2021

Proposed mitigation options related to application A20-0008 was reviewed by the Agricultural Advisory Committee at the meeting held on March 11, 2021 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council not support the mitigation options related to Agricultural Land Reserve Application No. A20-0008 for the property located at 4690 Hwy 97N to allow for an "Exclusion" under Section 29(1) of the Agricultural Land Commission Act.

Anecdotal comments were that the Agricultural Advisory Committee (AAC) have concerns and strongly encourages the City to follow through with their commitments and make all land it owns that is designated and zoned for agriculture useable for agriculture, mitigation efforts presented are not connected to the application, encouraged a full review of the subject property during the current Official Community Plan review, would like to emphasize that support for the application was rejected based on the principle of not wanting to take a large track of land out of the ALR for a municipal infrastructure project.

Agricultural Land Commission Executive Committee: May 26, 2021/June 8, 2021

The Executive Committee confirms the endorsement of the Hollywood Road North extension and the existing designation of 16.2 Ha of the property as Industrial (IND) in the Kelowna 2040 OCP.

Report prepared by:	Wesley Miles, Planner Specialist
Reviewed by:	Dean Strachan, Community Planning and Development Manager
Reviewed by:	Terry Barton, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Development Engineering Memorandum
Attachment B: Site Plan
Attachment C: Referral Comments MoA and IH, July 2020
Attachment D: Agricultural Impact Assessment
Attachment E: Mitigation Compensation Letter – Real Estate Department
Attachment F: BC Transit Letter of Support

CITY OF KELOWNA MEMORANDUM

ATTACHMENT A	
This forms part of application # A20-0008	
Planner Initials	WN
 City of Kelowna COMMUNITY PLANNING	

Date: August 6, 2020
File No.: A20-0008
To: Land Use Planning Manager (WM)
From: Development Engineering Manager (JK)
Subject: Hwy 97 N 4690 Hollywood road extension for BC transit Facility N/W1/4 T23 S2

Development Engineering has the following comments at this point in time with regard to this application for Extension of Hollywood Rd and relocation of BC Transit Regional Transit Facility.

1. Subdivision

- a) Dedicate a road right of way 25.0 meters for Hollywood road from south of lot to north of lot.
Alignment to be approved.
- b) ALC approval required.

a) Domestic water and fire protection.

- a) The property is located within the GEID service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this.
- c) Remove any existing water service connections to the existing property. All new water service connection should be from the new main within Hollywood Roan Road.
- d) Arrange for individual lot connections before submission of the subdivision plan.

2. Sanitary Sewer.

- a) The developer's consulting mechanical engineer will determine the development requirements of this proposed subdivision and establish the service needs. Only one service will be permitted per lot for this subdivision.
- b) This subject parcel is currently not connected with sanitary sewer, a new sanitary main will need to be extended to service facility.

3. Storm Sewer.

- a) This subject parcel is currently not connected with storm sewer, a new storm main will need to be extended to service facility.
- b) Provide an adequately sized drainage system. The Subdivision, Development and Servicing Bylaw requires that a lot be provided with an individual connection; however, 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.
- c) Provide the following drawings:
 - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii. A detailed Stormwater Management Plan for this subdivision; and,

iii. An Erosion and Sediment Control Plan.

4. Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- b) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

5. Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval

- a. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- b. Site suitability for development.
- c. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- d. Any special requirements for construction of roads, utilities and building structures.
- e. Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- f. Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- g. Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- h. Recommendations for items that should be included in a Restrictive Covenant.
- i. Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- j. Any items required in other sections of this document
- k. Recommendations for erosion and sedimentation controls for water and wind.
- l. Recommendations for roof drains and perimeter drains.
- m. Recommendations for construction of detention or infiltration ponds if applicable.

6. Road

- a) Hollywood road will need to extend from South property line end of existing Hollywood road and connected to Hollywood road roundabout to the north. With a connection to future Loughheed rd. Hollywood Road frontage must be upgraded to an active transportation corridor. urban standard

along the full frontage of this proposed development, including curb and gutter, Landscaped and irrigated boulevard, separate sidewalk at property line, piped drainage system with catch basins, manholes, pavement removal and replacement, LED street lights, re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. An estimate for off site works will be required, for bonding purposes, to be submitted by the applicants civil engineering consultant.

- b) A cross section will be provide for this works.

7. 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.

8. Other Engineering Comments


- a. Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b. If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, 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.
- c. Direct the roof drains into on-site rock pits or splash pads

9. Charges and Fees

- a. Fees per the "Development Application Fees Bylaw" include:
 - i. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii. Survey Monument Fee: \$50.00 per newly created lot (GST exempt)
- b. Engineering and Inspection Fee: 3.5% of construction value (plus GST)
- c. A hydrant levy charge of \$250.00 per lot

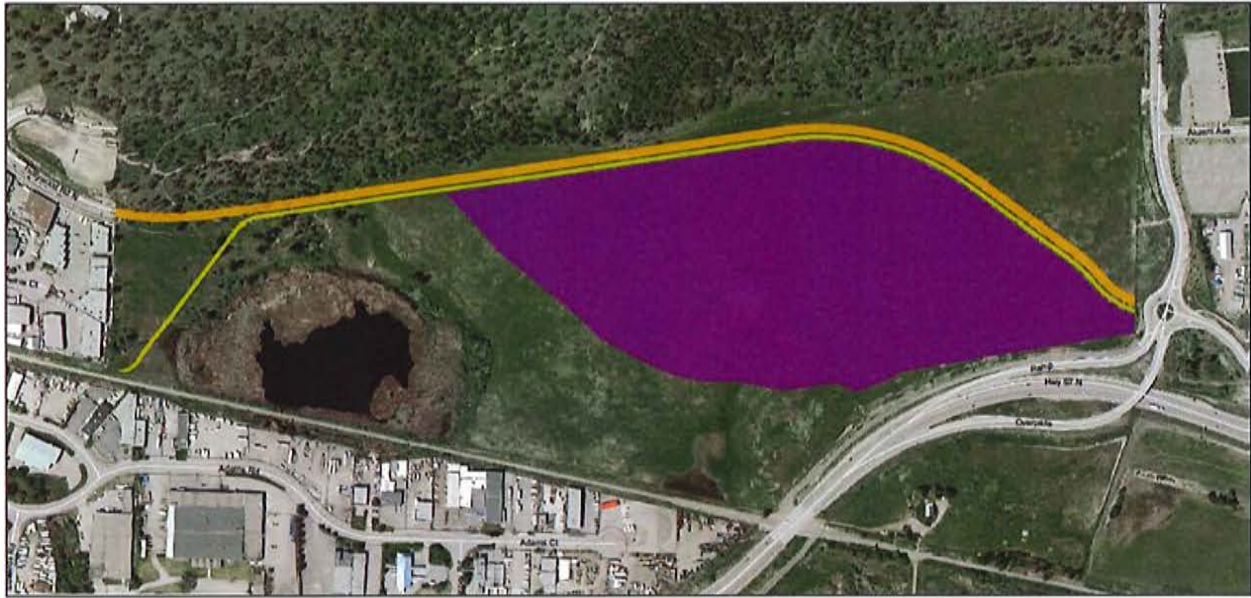
James Kay, P.Eng.
Development Engineering Manager
RO



Proposed exclusion area: 

Planner
Initials

WN



July 30, 2020

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

Dear Wesley Miles,

Re: File no. A20-0008, Hwy 97 N 4690

Thank you for the opportunity to provide comments on this application. It is our understanding the applicant is requesting to exclude land in the ARL to extend Hollywood Road and relocate BC Transit Regional Transit Facility. The following comments are from a population health perspective for your consideration.

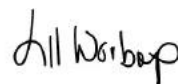
This application for exclusion does not appear to support our local food system or our community's food security. The exclusion will result in the loss of agricultural land and the ability to support food related agriculture. However, Interior Health's Healthy Community program recognizes the historical context for the development of this ALR parcel, and the use of the land aligns with OCP policy which has ALC endorsement. In addition, this application appears to support public transit. Public transit is an integral component of a healthy transportation network and a new transit facility would build capacity of the current transit system increasing the availability and quality of public transit in the Central Okanagan. Actions to mitigate the loss of agriculture land are suggested.

Interior Health is committed to improving the health and wellness of all by working collaboratively with local governments and community partners to create policies and environments that support good health. Please do not hesitate to reach out if you require clarification or have questions.

Sincerely,



Katrina Lehenbauer, MPH
Healthy Communities



Jill Worboys, RD
Healthy Communities



July 29, 2020

File No: A20-0008

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
Via E-mail: planninginfo@kelowna.ca

Dear City of Kelowna,

Re: Hollywood Road extension and relocation of BC Transit Regional Transit facility 4690 Hwy 97 N – A20-0008

Thank you for providing B.C. Ministry of Agriculture staff the opportunity to comment on the proposed exclusion application for the above noted property. We note that the subject property is proposed for a transit exchange and that, the City has discussed the proposed use with the Agricultural Land Commission (ALC) on a number of occasions since 1995; however, the subject property has not been excluded to date from the Agricultural Land Reserve (ALR), and that is the purpose of the current application.

The subject property has agricultural capability, as noted in the Agricultural Impact Assessment report, to support a wide range of crops, particularly with improvements made to the land. We note that a number of mitigation strategies are proposed to compensate for the loss of productive land. We have a concern that the valuation strategy used to determine the value of production lost and therefore the value of the mitigation that should occur may have been based on some broad assumptions that have resulted in an under valuation of the lost production.

First, the value has been based on the current use of the property which is for a single cut of hay. This is a relatively low value use given the soils and capability data suggest that the site could be used for much more intensive forms of agriculture and higher value crops. It is possible that effort to produce higher value crops has not been made precisely because the site has been earmarked for a transit exchange for more than 2 decades. The value of production lost should be based on the potential of the site if it were developed appropriately for agriculture, not based on the result of neglect and lack of effort.

Second, even if the valuation was done for one cut per year of hay production, the methodology used for valuation of the crop appears to have been based a Canadian average, rather than the actual production for this parcel. The Canadian average used does not appear capture the true production and value that would be expected for a hay crop in this region. Based on a realistic average of 2.0 tons for a single cut of non-irrigated hay in the region and a conservative price of

\$200/ton, the value of production for this property is double what was stated in the agrologist report. If there is local information that would suggest that the production for this site is lower than the expected average for the region, it would have been helpful to have that discussed in the report.

If the exclusion proceeds and if the mitigation strategies that are being proposed are based on the valuation of lost production provided in the agrologist report, we recommend reviewing those strategies in light of the additional information we have provided to determine if more or higher value mitigation strategies may be warranted.

Ministry staff also have concerns around the land speculation that often happens around transit exchanges. We recommend that some additional measures such as urban side edge planning and covenanting of the remaining agricultural lands to ensure they remain available for farming be included as part of the planning strategy for the transit exchange should the exclusion be approved.

If you have any questions, please contact me directly at Alison.Fox@gov.bc.ca or 778-666-0566.

Sincerely,



Alison Fox, P.Ag.
Land Use Agrologist
BC Ministry of Agriculture
Alison.Fox@gov.bc.ca
(778) 666-0566



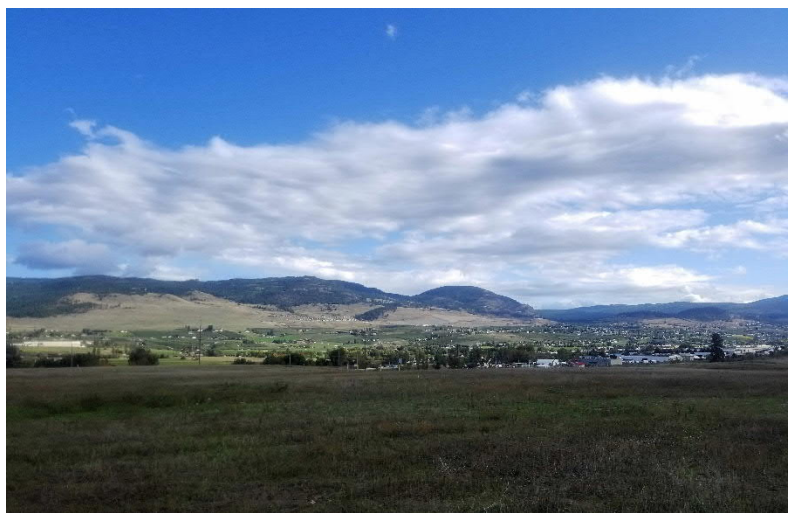
Christina Forbes, P.Ag.
Regional Agrologist
BC Ministry of Agriculture
Christina.Forbes@gov.bc.ca
(250) 309-2478

Email copy: Sara Huber, Regional Planner, ALC Sara.Huber@gov.bc.ca

REPORT

City of Kelowna

Agricultural Impact Assessment Serwa Lands



FEBRUARY 2020

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EXECUTIVE SUMMARY

The City of Kelowna is growing and requires additional transit systems and facilities to move people in environmentally responsible ways, planning to both accommodate growth and preserve agriculture. The City has explored numerous options to accommodate a new transit facility and, based on historical considerations and feasibility, has selected a site located in the Agricultural Land Reserve (ALR). The City is proposing exclusion of the site from the ALR with efforts to mitigate overall impacts on agricultural production in the City to compensate for the exclusion. To fulfill ALR exclusion application requirements, an assessment of agricultural effects and development of mitigation measures for offsetting any negative effects on agriculture are required.

This Agricultural Impact Assessment (AIA) is a review of the proposed facility land and the impacts of the land development as industrial use, as well as a review of the broader area to outline the effective approach to City agricultural planning. The area proposed for exclusion from the ALR is 40 acres (16.2 ha; including access) and currently vacant. The area was previously used for hay production but has been identified by the ALC as an isolated site that is compromised for long-term agriculture because of the UBC Okanagan expansion to the north (Provincial Agricultural Land Commission 1995). The land has minor agricultural capability limitations related to drainage and aridity. The impetus for the exclusion is to accommodate a facility that is not feasible in other areas. The City has reviewed all options at existing transit sites and other industrial sites, and the exclusion cannot be avoided based on the facility design and location. According to the City of Kelowna's Agricultural Plan (2017), approximately 38% (8,600 ha) of the City of Kelowna land area is within the ALR.

The City plans to offset these effects by expanding use and improving production on ALR and non-ALR land in the City boundaries. This will be through soil salvage and placement on existing parcels, and leasing City agricultural property to Young Agrarians and other farmers. Affordable leases of agricultural land promote local farming by acting as incubator farms, i.e. new farmers learning farming practices with reduced financial investment and building capital towards their own land or larger-scale farming.

By expanding the available transit and to facilitate commuter use of transit, the City is working towards reducing traffic congestion on key local and regional transportation corridors. Congestion leads to the need or demand for more and wider roads, which has future potential to impact more viable agricultural land in other areas of the City.

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Figure 6-1	Map of Soil Salvage

1 INTRODUCTION

Associated Environmental Consultants Inc. (Associated) was retained by the City of Kelowna (the City) to complete an Agricultural Impact Assessment (AIA) for a proposed transit maintenance and operations facility, and associated access. The facility is proposed to be located in the Agricultural Land Reserve (ALR), which is a portion of the Serwa Properties at 4690 Highway 97 North (Rem NW 1/4 Sec. 2 TP 23 and Rem. SW 1/4 Sec. 11 TP 23; PID 007-399-766 and 007-399-871; Figure 1-1). From a Provincial regulatory perspective, the City must apply for an exclusion from the ALR through the Agricultural Land Commission (ALC). To fulfill ALR exclusion application requirements, an assessment of agricultural effects as well as mitigation measures for offsetting any negative effects on agriculture are required for projects of this scale. The Agricultural Impact Assessment (AIA) will be used to support an application to the ALC for exclusion of the lands. The entire property is also within the City of Kelowna's Farm Protection Development Permit Area. This requires a Development Permit application to include an AIA. This AIA was completed following the City of Kelowna Agricultural Impact Assessment Terms of Reference published by the City of Kelowna (Appendix A) and the Agricultural Land Commission Act (S.B.C. 2002, c. 36).

1.1 Background Information

There have been discussions about the Serwa Property between the ALC and the City in the past. In 1994 the two parties had a workshop to gain ALC input on an Official Community Plan, and the Serwa Property was discussed (previously Western Canadian Ranching Company Lands, referred to as the "ALR block"). The ALC noted that the 67 hectares of farmable area was seriously compromised for long-term agriculture when the ALC consented to the UBC Okanagan campus development to the north. "The [ALR] block is isolated, so that its exclusion would not be a precedent to other exclusions." They also note that if agriculture is abandoned, the block has potential for more than residential use. For example, playfields could be developed or some parts of the site to industrial development. In the letter response, the ALC consents to the proposed "Concept Development Plan" that designated the Serwa Property for a broad range of uses in the 1994 Official Community Plan, and "specifically encourages uses [of the ALR block] that might otherwise be targeted to productive farmland in the ALR" (Provincial Agricultural Land Commission 1995).

The City plans to expand its public transit network and capacity, with a goal to increase ridership from 4.3 million rides to 16 million rides by 2035. This expansion is to accommodate the projected growth of the City, while reducing road congestion (see Appendix B Potential Future Transportation Network by Associated Engineering 2019). For the City's transit network to expand, a new primary operations and maintenance facility is required (the Project). The existing operation and maintenance facility is beyond capacity, housing 95 or more vehicles on average, when it is intended to hold no more than 70. Due to lack of facility space, many of these vehicles are stored on public right-of-way. The exclusion area has been identified as the most suitable option for the proposed transit operation and maintenance facility based a comprehensive search of potential properties (City-owned and private) by the City's Real Estate Department. Parameters considered include cost, location, property size, and future expansion capability. Expansion of the current facility is not considered feasible and no other viable locations were identified. The Serwa Property was broadly part of the City's infrastructure development planning since OCP planning in the 1990s, and input from the ALC in 1995. In their letter the ALC states that playfields may be suitable for development or some parts of the site for industrial development (Provincial Agricultural Land Commission 1995).

The objective of the AIA is to evaluate the effects of the Project on agricultural lands within and surrounding the Serwa Property, and to identify mitigation options. The assessment includes a high-level review of cumulative effects on agricultural land use in the City of Kelowna. This report provides a summary of the baseline information and an

overview the potential effects on agriculture as a result of ALR exclusion and facility development, the mitigation measures to minimize effects on agriculture, and any residual and cumulative effects.

1.2 Agricultural Impact Assessment Objectives

The requirements for completing an AIA in Kelowna are outlined in the City of Kelowna's Agricultural Impact Assessment Terms of Reference (TOR, Appendix A). The TOR is intended as a general guide for conducting AIAs in the City of Kelowna and does not provide a comprehensive list of requirements. The TOR advises the Qualified Professional completing the AIA to work with City staff to review and confirm a site-specific TOR prior to commencing work. In September 2019, Associated consulted with City staff to discuss AIA requirements. Based on discussions and the TOR, the AIA should:

- Summarize the baseline agricultural conditions;
- Assess the potential effects of the exclusion on agricultural resources in the vicinity;
- Develop a mitigation strategy to avoid or reduce any detrimental effects;
- Determine any residual effects that cannot be reasonably mitigated;
- Identify any cumulative effects of the exclusion; and
- Identify alternatives to the exclusion.



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Map base source: Toporama Web Map Service, Natural Resources Canada.



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FIGURE 1: LOCATION PLAN

City of Kelowna
 Agricultural Impact Assessment for Serwa
 Lands

2 METHODS

The methods used to complete the AIA were based on the City of Kelowna Agricultural Impact Assessment TOR (Appendix A), which included the following tasks:

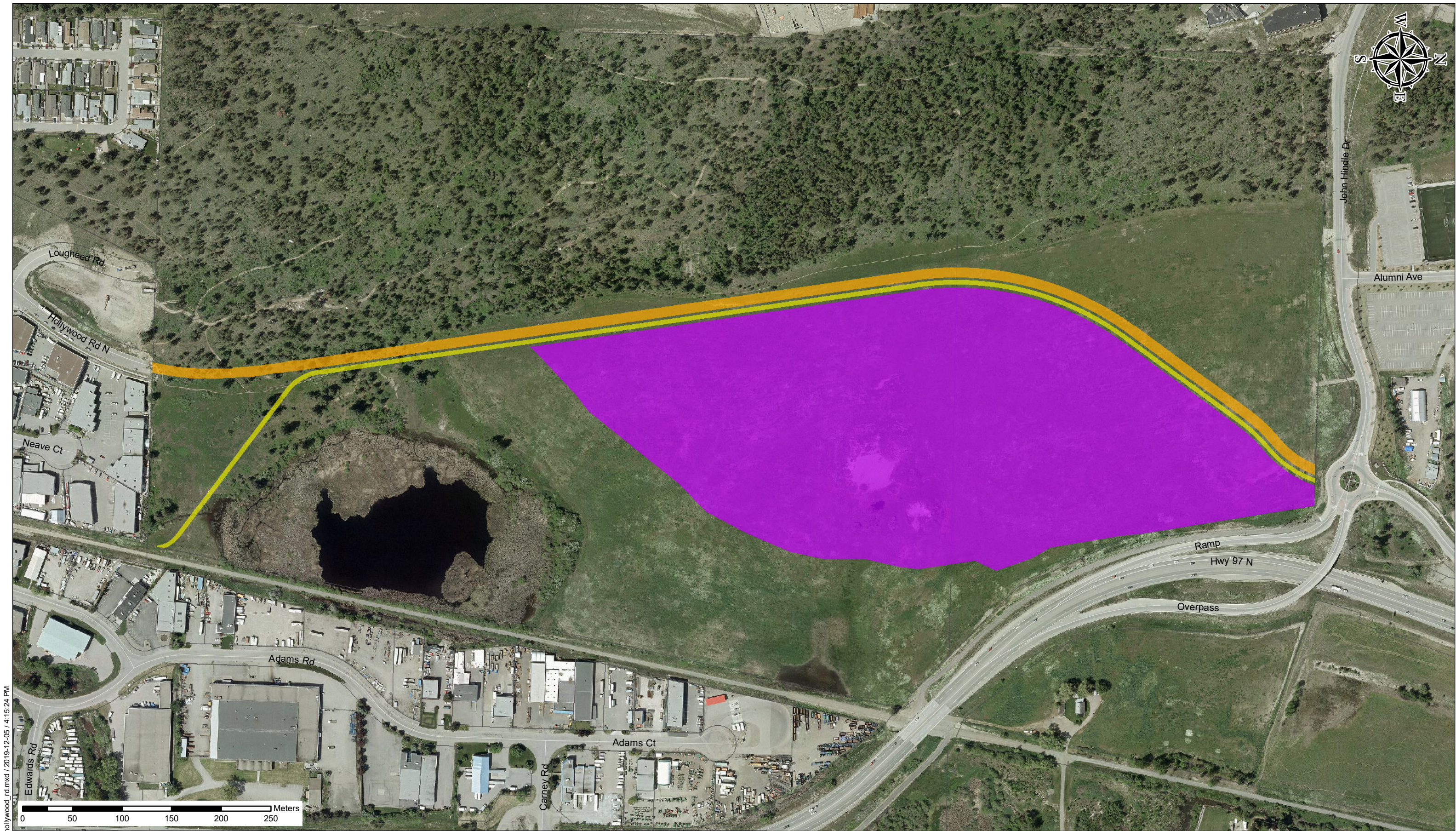
- Review of existing information, including: aerial photographs; soil and land capability maps and reports; City of Kelowna Official Community Plan; City of Kelowna Agricultural Plan; Facts in Focus – 2018 Agricultural and Rural Areas Summary; land use maps and reports; survey and engineering drawings; and agricultural statistics;
- A site visit conducted by Melanie Piorecky, P.Ag. and Megan Ludwig, M.Sc., A.Ag. on September 26, 2019 to verify mapping and gain a better understanding of the propose exclusion area;
- Meetings with City of Kelowna project manager, Graham Hood, planning manager, Laura Bentley, and planning manager, Dean Strachan to discuss the approach to the AIA, potential effects, and mitigation measures;
- Assessment of potential Project effects on agricultural;
- Development of mitigation measures to offset potential effects; and
- Preparation of this report.

An additional site investigation was completed on November 7, 2019, by Megan Ludwig, M.Sc., Soil Scientist with Associated. The second site investigation was to review the soil characteristics for salvageability. This entailed sampling in a grid formation across the entire property, advancing auger test pits every 100m. If a change in soil was observed, then Ms. Ludwig stepped out 3m from the auger hole until the transition was defined. The soil was textured and composite samples taken of areas with suitable characteristics for agricultural use (i.e. not clay). The different soil textures were delineated with a GPS. The samples were submitted to Pacific Soil Analysis Inc. for detailed fertility analysis.

3 EXCLUSION AREA

The proposed exclusion area is located within the ALR on the Serwa Property to the west of Highway 97 in Kelowna, approximately 10 km northeast of downtown and at an elevation of 415 metres above sea level (masl). The Serwa Property is two parcels totalling 57 ha (141 acres). The proposed exclusion area is 16.2 hectares (40 acres; Figure 3-1), which would be for a transit Maintenance and Operations Facility and associated access roads. A portion of the area remaining on the Serwa Property will be left, but potential use is to be determined.

The assessment of cumulative effects on agricultural land focussed on the whole of the City of Kelowna. A wider regional area was also considered, which includes the Central Okanagan.



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- Impact Areas**
- Exclusion Area (14.3 ha.)
 - Hollywood Road (1.3 ha.)

Multi-use pathway (0.6 ha.)

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4 BASELINE CONDITIONS

Following the TOR and discussions, the AIA outlines the existing agricultural conditions in the exclusion area and the Property, specifically of the following:

- Land use
- Agricultural land use and zoning
- Agricultural socio-economic profile
- Climate
- Soil mapping
- Land capability for agriculture
- Drainage, irrigation and water quality
- Farm access and transportation
- Farm infrastructure (farming)

4.1 Land Use

The Serwa Property was purchased by the City of Kelowna in 2017. It comprises vacant parcels that were previously used to produce hay, as well as Carney Pond and surrounding wetland areas. None of the parcels are currently cultivated or used for grazing. The Property is partially fenced, with access from the north along John Hindle Drive. The Property is bordered by a mix of agricultural, commercial, wildlands, and urban areas. Adjacent land use includes:

- North – UBC Okanagan
- West – undeveloped lands
- South – industrial land
- East – Okanagan Rail Trail, commercial land, and forage pasture

Surrounding land use (not directly adjacent) includes residences for UBC Okanagan, single family homes and lots, and agriculture. Agricultural lands in the immediate area are typically small rural residential properties with hobby farms. Large, more extensive agricultural holdings are located southeast of the Property.

4.2 Agricultural Land Reserve and Zoning

The ALR is a provincial zone in which agriculture is recognized as the priority use, where farming is encouraged and non-agricultural uses are controlled. According to the City of Kelowna's Agricultural Plan (2017), approximately 38% (8,600 ha) of the City of Kelowna land area is within the ALR. The proposed exclusion area amounts to less than 0.2% of the total ALR land within the City.

The proposed exclusion area is zoned by the City as A1 Agricultural. A1 zoning allows general agricultural uses; however, not all land in this zone is actively used for agricultural purposes. Areas zoned as A1 have a minimum parcel size of 9.9 acres (4 ha) under the City of Kelowna Zoning Bylaw 8000. Approximately 55% of the city is zoned for agriculture-A1 (City of Kelowna 2017).

4.3 Agricultural Socio-Economic Profile

The soil, topography, and warm climate in the Okanagan Valley make the Central Okanagan one of the most important agricultural centres in the province. In 2016, the total gross farm receipts for the Central Okanagan was \$120 million

with a total gross income of \$100 million (Statistics Canada 2016). Total gross farm receipts increased by approximately 24% between 2011 and 2016. This is primarily due to the growth of the wine industry and cherry exports, as well as the Okanagan's reputation as a world class agri-tourism destination.

Approximately 23,000 ha is farmed in the Central Okanagan (Statistics Canada 2016). Farms in the region produce a variety of crops with apples, cherries, and grapes among the most important commercial crops. Fruits, particularly cherries, are important agricultural exports that provide significant contributions to the agricultural economy in BC.

However, significant population growth and urbanization throughout the Central Okanagan is contributing to increased pressure on agricultural land and availability of water for irrigation. In turn, the increased pressure to urbanize agricultural land is contributing to high land costs, which can act as a deterrent to prospective entrants into the farming industry and long-time farmers from staying in farming. One of the City's main objectives is to protect and enhance agriculture within city limits. Some of the ways the City plans to improve agriculture, as outlined in the Official Community Plan (OCP, City of Kelowna 2011), include:

- Increase the total area zoned as agricultural-rural from 8,592 ha in 2010 to 9,896 ha by 2030;
- Protect ALR land from development and not support exclusions, except in extreme cases;
- Limit development within a Permanent Growth Boundary as to not encroach on agricultural lands;
- Restrict non-farm use activities on agricultural lands that do not benefit surrounding agricultural uses;
- Support inclusions of lands into the ALR;
- Protect farm and farm operations and minimize the impact of urban encroachment, supported by recently adopted bylaws pertaining to farm protection.

4.4 Climate

The closest Environment Canada climate station to the exclusion area is the Kelowna A Station (Climate ID 1123970). This station is located at the Kelowna International Airport, 2 km north of the exclusion area, at an elevation of 430 masl. The climate in Kelowna is characterized by warm, dry summers and mild winters. The normal daily mean January temperatures are -0.2°C (maximum) and -7.4°C (minimum) and daily mean July temperatures are 27.6°C (maximum) and 10.5°C (minimum) (Environment Canada 2015). Mean annual precipitation is 380.5 mm, with 101.8 mm (water equivalent) falling as snow. However, these precipitation volumes are highly variable as a result of climate change implications. In the Okanagan, warmer overall temperatures (annual average temperature increases of 1.6°C by 2020s and 3.1°C by the 2050s) less summer precipitation (an average of 9% less seasonal summer precipitation by 2020s and 14% less by 2050s) is anticipated, which would exacerbate the shortage of water and crop demands (Okanagan Basin Water Board 2019).

Figure 4-1 shows the monthly normal precipitation compared to the estimated potential evapotranspiration (PET), as estimated using the Priestley-Taylor equation (Shuttleworth 1993). Between May and September, the region is characterized by a soil moisture deficit. Therefore, most agricultural operations in Kelowna rely heavily on irrigation during the summer.

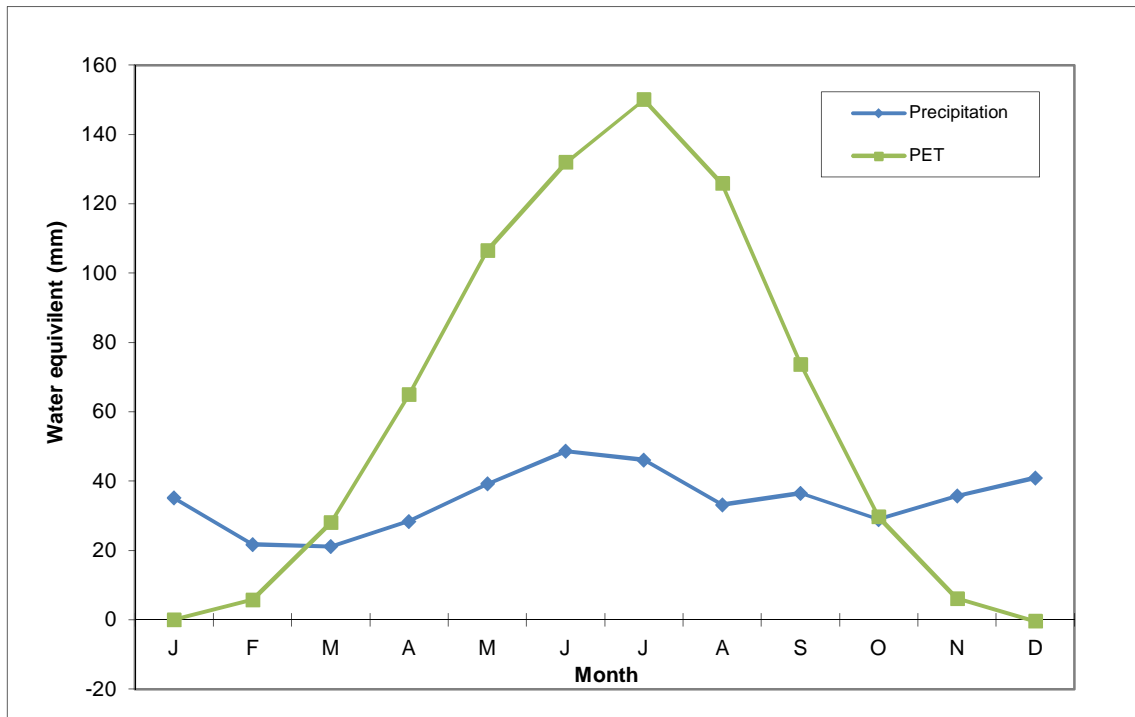


Figure 4-1 Precipitation and Potential Evapotranspiration (PET) at Kelowna International Airport

4.5 Soil Mapping

Soils in the exclusion area and on the Serwa Property have developed on a combination of glaciofluvial and glaciolacustrine surficial materials with a small amount of organic material. Published soil mapping indicates that two soil types (soil series) corresponding to these surficial materials occur in the exclusion area (Province of BC 2019). Soils are mostly composed of Westbank soil series, but also include a small amount of Trout Creek soil series (Table 4-1).

The mapped agricultural capability of the site and soils is described in detail in Section 4.6, and their value for salvage and use on other ALR land is reviewed in Section 6.2. Generally, Trout Creek and Westbank soil series limit crop growth due to their high erodibility and low organic matter content. Both soils series found on the Serwa properties are also described as being poorly drained, which is due to high clay content.

These soils and their locations were verified during the field investigation of the whole Serwa Property. The Westbank soils were classified as a heavy clay, somewhat different from the published mapping, and observed as heavily compacted and altered from previous farming efforts. There is a small area of loamy soils (Trout Creek) near Carney Pond, south of the proposed exclusion area. This is within the riparian setback of the pond (actual setback from pond to be determined based on City of Kelowna guidance).

Table 4-1 Soil Series within the Exclusion Area

Soil Series	Soil Material	Drainage	Classification	Soil Management Group	Approximate Area in Footprint (ha/%)
Westbank	Surface: silty clay loam, clay loam, and clay Subsoils: clay or heavy clay but may become sandy Parent material: fine to mod. fine glaciolacustrine deposits	Mod. well drained, slowly pervious, high water holding capacity	Orthic Gray Luvisol	Glenmore	14.9 / 91%
Trout Creek	Surface: sandy loam Subsoils: sandy or loamy sandy Parent material: coarse glaciofluvial deposits	Well drained, readily pervious, intermediate water holding capacity	Eluviated Eutric Brunisol	Skaha	1.3 / 9%

4.6 Land Capability for Agriculture

In BC, agricultural capability is rated through a classification system known as the Land Capability Classification for Agriculture in British Columbia (Kenk and Cotic 1983). The system describes seven land capability classes for agriculture (Class 1 to Class 7) and is consistent with the system of the Canadian Land Inventory. The highest classification soil (Class 1) has very slight limitations for agriculture; the lowest class (Class 7) has no capability for agriculture (Table 4-2). Along with these classes, the ALC assigns limitations to soils (Table 4-3). In most agricultural regions of BC, two ratings are assigned to a piece of land to reflect the current condition of soils and the condition after management improvements to limitations are implemented (ALC 2013). Improvements typically include drainage systems, irrigation, stone picking, and amendments.

Table 4-2 BC Land Capability Classes for Agriculture

Class	Description
Class 1	Land either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
Class 2	Land has minor limitations that require good ongoing management practices or slightly restricts the range of crops, or both.
Class 3	Land has limitations that require moderately intensive management practices or moderately restricts the range of crops, or both.
Class 4	Land has limitations that require special management practices or severely restricts the range of crops, or both.
Class 5	Land has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
Class 6	Land is non-arable but is capable of producing native and/or uncultivated perennial forage crops.
Class 7	Land has no capability for arable or sustained natural grazing.

Source: ALC 2013

Table 4-3 BC Land Capability Limitations to Agriculture

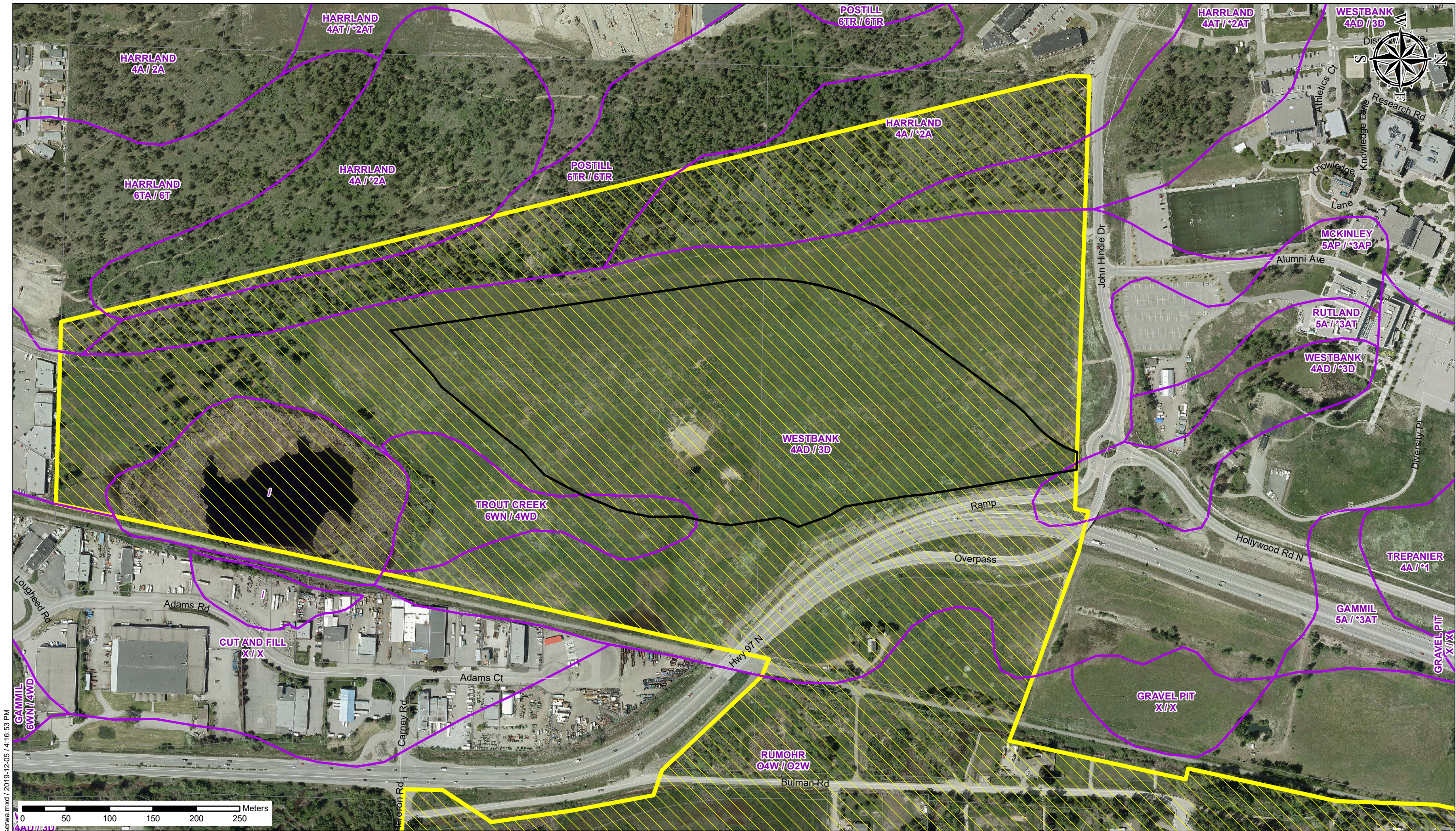
Symbol	Limitation	Major Improvement
W	Water	Drainage Systems
L	Permeability (organic soils)	Unimprovable
D	Soil Structure/permeability	Organic matter additions
N	Salinity	Unimprovable
I	Inundation	Diking
A	Moisture	Irrigation
F	Fertility	Fertilizer addition
T	Topography	Unimprovable

Source: ALC 2013

Based on the review of published agricultural capability and the field investigation, the proposed exclusion area is primarily improved Class 3, with a small portion of Class 6 (Table 4-4; Figure 4-2). The improved land capability is the appropriate indicator of land quality because most of the proposed exclusion area could be irrigated if proper infrastructure was available, and organic matter could be added to the soils to increase drainage. Soils are primarily limited by soil structure (D), but a small portion is also limited by the water table being present within the soil column (W).

Table 4-4 Mapped Agricultural Capability of Proposed Exclusion Area

Soil Type	Unimproved	Improved
Westbank	4AD	3D
Trout Creek	6WD	4WD



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Exclusion area
 ALR boundary

Soil polygons

Decile and dominant agricultural class (normal) with limitations

Decile and dominant agricultural class (improved) with limitations

Soil type

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4.7 Drainage, Irrigation and Water Quality

The exclusion area is located within the Mill Creek watershed. The creek is approximately 36 km long and about two-thirds of the total watershed area is located north/upstream of the exclusion area. Mill Creek starts north of the Serwa Property boundaries, flowing through the Kelowna Airport to the northeast and into the eastern edge of the properties, across the highway from the exclusion area.

The western portion of the Property contains Carney Pond. A portion of the runoff on the property drains directly into Carney Pond, which overflows into a drainage channel that parallels the Rail Trail. This drainage channel ultimately drains into Mill Creek, south of the Property boundaries. The runoff not entering Carney Pond drains directly into the drainage channel.

Groundwater discharge is not an issue in the exclusion area but does occur in the east of the Property, across the highway. This area is a low valley, where the combination of groundwater discharge from the hillside and a high-water table creates drainage difficulties. Difficulties include seasonal flooding and inundation of the soils with water and have been detrimental to agricultural areas around Bulman Road, making them prone to seasonal flooding.

Within the exclusion area, the soils are a combination of well to poorly draining due to a combination of coarse and clay textures. Soils on the eastern portion of the Property, across the highway, are very poorly drained due to saturation from the water table.

Due to the soil moisture deficit between April and October, irrigation is required during the summer. There are currently no water licences issued to the property for irrigation use or irrigation infrastructure.

4.8 Farm Access and Transportation

The transit facility will be accessed by Hollywood Road North. The road will be extended from the southern portion of the Property, where it currently ends, to meet Highway 97 on the northeastern portion of the Property. Hollywood Road will be a two-lane arterial road maintained by the City. Pending approval for exclusion, the road is slated for completion in around 2030.

Until the completion of Hollywood Road, temporary access to the transit facility will be via John Hindle Drive, on the north end of the property. John Hindle Drive is a two-lane arterial road and is maintained by the City.

4.9 Farm Infrastructure (Fencing)

The entire perimeter of the Property has wooden fence posts, but in many places the wire is missing. There is a vehicle gate at the northern end of the Property, with access to John Hindle Drive. No other farm infrastructure is in place.

5 ASSESSMENT OF EFFECTS ON AGRICULTURE

The following effects were assessed as part of the AIA:

- Loss of agricultural land
- Loss of agricultural revenue
- Disruption of drainage, irrigation and water quality
- Farm access and transportation
- Compatibility and property speculation
- Severance or isolation
- Degradation of soils on agricultural land
- Temporary loss of infrastructure

5.1 Loss of Agricultural Land

The Project will result in a loss of 16 hectares of ALR land. The land that would be removed is predominantly rated as Class 4 unimproved land capability ratings, and Class 3 if improved (i.e., land has limitations that require moderately intensive management practices or moderately restricts the range of crops, or both).

No parcels within the proposed exclusion area are currently used for agricultural purposes, although they have been used to produce hay in the past. The City of Kelowna has indicated that these lands have not been farmed since the purchase in 2017.

Any loss of agricultural land is considered an adverse effect on agricultural use because of the importance of preserving high capability agricultural lands within the ALR. It is the mandate of both the City of Kelowna and the RDCO to preserve agricultural land in the ALR to support agricultural viability (City of Kelowna 2011). The ALC, along with municipal governments, generally discourage removal of land from the ALR unless there is a demonstrated net benefit to agriculture through compensation or improvements as a result of non-agricultural development in the ALR.

There will be loss of agricultural land. The mitigation measures to offset the loss of agricultural land are described in Section 6.1.

5.2 Loss of Agricultural Revenue

Where there is permanent land loss and/or soil degradation, farmers may experience lost or reduced revenue due to their smaller land base and/or lower crop yields. Although the exclusion area is no longer farmed, the area was previously farmed for hay; therefore, the area has a permanent loss of potential agricultural revenue. Based on available estimates for Canadian climates, no irrigation, and some soil water retention issues (i.e. clay soils), 100 bales of hay could be cropped from each acre of land. Assuming bales sell for between \$2.00 and \$4.50 each, there is an estimated yearly loss of approximately \$8,000 at minimum, if the land is not farmed (this does not account for capital costs for equipment or fertilizer costs). Due to the lack of irrigation infrastructure, only one annual hay crop is expected in the exclusion area.

There will be loss of agricultural revenue. The mitigation measures to offset the loss of agricultural revenue are described in Section 6.2.

5.3 Disruption of Drainage and Irrigation, and Water Quality Degradation

Development within the exclusion area has the potential to affect drainage in surrounding agricultural areas by disrupting drainage patterns (i.e., reducing infiltration and increasing surface runoff). This has the potential to incrementally increase flooding and saturated soils in adjacent, downslope agricultural areas, which can result in reduced yields, delayed planting in the spring, and harvesting problems. Any changes to drainage patterns or water quality due to development in the exclusion area are not expected to significantly increase flooding or saturated soil conditions, particularly if stormwater best management practices are implemented.

There is no anticipated disruption to existing irrigation from project construction and operation.

There is potential for Project impacts on drainage, irrigation and water quality, but not relative to other farming operations. The mitigation measure are best management practices, listed in Section 6.3.

5.4 Farm Access and Transportation

With the new facility, traffic in the area is expected to increase due to the increase in employee and transit vehicles. This is not anticipated to affect farming access because facility traffic will use main roads and will not block or change access.

There will be no impacts on farm access or transportation to nearby farmed areas; therefore, mitigation measures are not required. For the proposed exclusion area, access to the remaining farmable areas is to be determined and will be facilitated by the City.

5.5 Compatibility and Property Speculation

From an agricultural perspective, the Serwa Property has not been farmed in recent years, and in the meantime the UBC Okanagan campus and roads have expanded to the north and east of the site. There is no machinery storage area or infrastructure; therefore, farm equipment would need to be driven to the site as needed. This is possible but less compatible with the surrounding road use. In a 1995 report, the ALC noted that the farmable area on this property (formerly the Western Canadian Ranching Company Lands) was seriously compromised for long-term agriculture when the ALC consented to the UBC Okanagan campus development to the north. A transit facility is compatible with the busy UBC Okanagan campus and John Hindle Drive, and as discussed in Section 9, the location was only proposed after considerable review.

5.6 Severance or Isolation

The Serwa Property is not connected with other agricultural land, so the exclusion would not result in isolation of the area relative to other properties. "The [ALR] block is isolated, so that its exclusion would not be a precedent to other exclusions" (Provincial Agricultural Commission 1995). The proposed exclusion would isolate the pockets of agricultural land remaining on the Serwa Property. There would a small area to the north west and larger areas to the east and south. The remaining areas equal approximately 41 ha, but a portion of this would be in the Carney Pond and riparian area. The pond cannot be altered to accommodate farming under the Water Sustainability Act and the riparian area would have regulatory and ecological implications.

5.7 Degradation of Soils on Agricultural Land

There are no plans to use adjacent agricultural lands as temporary work or laydown areas during Project construction, because there is adequate space for these activities within the proposed exclusion area (Figure 3-1). There will be no effects on agricultural soils outside the exclusion area. Within the exclusion area, topsoil will be stripped and stockpiled, and the subsoil will be graded to ensure appropriate drainage and limit impacts to the adjacent areas.

Degradation could occur from stripping and stockpiling. The mitigation measures to reduce the potential for degradation of agricultural soils are described in Section 6.4.

5.8 Temporary Loss of Farm Infrastructure (Fencing)

During construction, some of the remaining fences around the exclusion area may need to be removed. Because much of fencing does not have barbed wire anymore, and there are no agricultural lands adjacent to the exclusion area, removal of fencing will not negatively affect agriculture.

There will be no loss of farm infrastructure as the fencing is outside of the Project footprint and in disrepair. However, to offset impacts from the Project on agricultural land, mitigation measures could include installation of fencing on other properties, as described in Section 6.5.

6 MITIGATION STRATEGIES

The following mitigation measures are intended to offset and potentially reduce the effects on agriculture in the proposed exclusion area, as described in Section 5. Because the exclusion area would be completely out of agricultural production, the mitigation measures are to offset or compensate for effects. The effects and mitigation/offset strategies are summarized in Table 6-1.

Table 6-1 Potential effects and mitigation measures

Potential Effects	Mitigation/Offset Strategies
Loss of Agricultural Land	<ul style="list-style-type: none"> • Develop a Topsoil Management and Enhancement Plan to salvage topsoil and direct its use. • Salvage the topsoil that is acceptable by ALC standards for application to other properties in the ALR, or for improvement and sale by local soil producers (see Section 6.2). • Collaborate with the Young Agrarians to cultivate other City-owned properties.
Loss of Agricultural Revenue	<ul style="list-style-type: none"> • Improve the agricultural capability of ALR properties across the highway, and facilitate affordable leases for Young Agrarians and other entry farmers. • Fulfill the newly updated Agricultural Plan which highlights: <ul style="list-style-type: none"> • Ongoing action on compliance and enforcement, agricultural water infrastructure improvements and pricing to sustain agriculture. • Revised A1 zone to better align with ALC regulations and policies. • New OCP policies to strengthen protection of agricultural land.
Disruption of Drainage and Irrigation, Water Quality Degradation	<ul style="list-style-type: none"> • Develop and implement Stormwater Management Plan, Sediment and Erosion Control Plan, and Spill Management Plan • Limit water main construction to off-peak irrigation season
Compatibility and Property Speculation / Fencing	<ul style="list-style-type: none"> • Install/maintain fencing along perimeter of other agricultural properties that could benefit from fencing to keep farm animals in, or deer and people out.
Degradation of Soils on Agricultural Land	<ul style="list-style-type: none"> • Prohibit laydown or temporary work in agricultural zones • Implement erosion and sedimentation control during development • Implement Spill Management Plan

6.1 Loss of Agricultural Land

Agricultural land loss is typically compensated for by adding the same amount of similar or better capacity land into the ALR or improving existing agricultural land. These are both proposed here: lands to be improved to the east of Highway 97. But 1:1 compensation is considered challenging because of the lack of available suitable non-ALR land in Kelowna. Mitigation strategies address offsets to potential losses, including loss of agricultural revenue (Section 6.2); however, as the land is not currently farmed, no farm revenues are being generated.

The City of Kelowna is working to offset the losses of agricultural land and is currently working with the Kelowna Young Agrarians, a group of young and new ecological and organic farmers, to cultivate City-owned lands around

Kelowna. Three sites are currently being proposed to be leased to the Young Agrarians to compensate for the losses from the proposed exclusion:

- 1710 Stafford Road – The 2.4 ha parcel was previously used to grow dry alfalfa. The soils are mapped as Oyama soils, with an agricultural capability of 4A suggesting some limitations in crop production due to aridity (land capability definitions in Table 4-2). Oyama soils are well suited for agricultural crops and are limited only by low soil water and nutrient holding capacities (Wittneben 1986). The Young Agrarians are proposing to convert the land into a productive vegetable garden.
- 1751 Findlay Road – This 2.1 ha parcel is currently naturalized wildlands that could be cleared, tilled, and irrigated to grow crops. It is directly adjacent to 1710 Stafford Road, and is mapped as Oyama soils with an agricultural capability of 4A.
- A portion of the remainder of the Serwa Property parcels, east of Highway 97 on Bullman Road – This land could be used for grazing small livestock, as it is fenced and has hilly terrain.

The City of Kelowna is currently exploring leasing options and how to support the Young Agrarians to create viable agriculture on these lands. The Findlay and Stafford Road properties, totalling 4.5 ha, would benefit from soil and compost placement, and an irrigation source. These and the Bullman Road properties could be leased to the Young Agrarians at a low cost to function as incubator farms.

6.2 Topsoil Salvage

To further offset loss of agricultural land, topsoil will be salvaged in the exclusion area and used to enhance local soil on nearby agricultural lands. Salvaged topsoil would be directed to the compensation sites (1710 Stafford Road, 1751 Findlay Road) and other ALR land in the Central Okanagan. Topsoil from the exclusion area can be used to improve soil fertility on sites with shallow topsoil and poor nutrient status and to improve drainage by lowering the water table (in imperfectly drained areas), thereby increasing crop yields and revenue.

A detailed Topsoil Salvage and Enhancement Strategy can be developed to ensure that topsoils are used with the ALR to enhance low fertility soils. The strategy will include the following requirements:

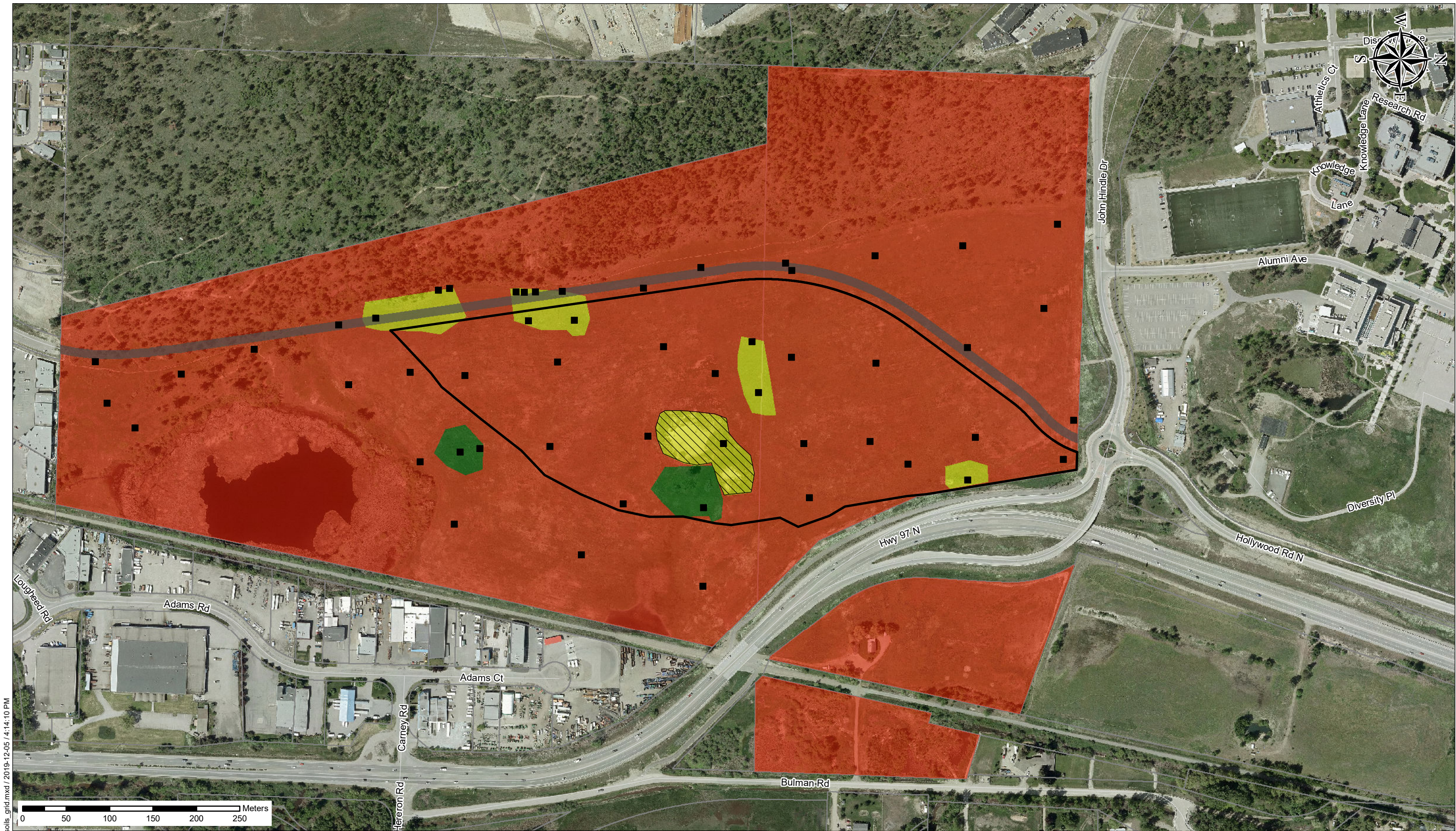
- Handling of topsoils will be minimal to avoid potential soil degradation and should be delivered to agricultural lands as soon as possible (avoid stockpiling if possible).
- Gravelly and non-gravelly salvaged soils will be managed separately.
- Farmers in the vicinity of the exclusion area will be given priority over farmers in other agricultural areas of Kelowna.

Estimates of topsoil salvage volumes are based on the field investigation and soil mapping data. The majority of the soils on the Serwa properties are clay soils, which are considered poor for agricultural capability because of high clay content (ALC 2019). Potential salvage areas are limited to areas where the soils were identified as non-clay material. The total salvageable soil within the proposed exclusion area is approximately 4,800 m³ and does not include a 0.65 ha area of sandy material that was previously placed on the property (Table 6-2, Figure 6-1). The sandy area varies in depth from 3 to 6m deep based a side profile, with an estimated salvage volume of 20,000 m³. This material could be salvaged and used for building substrate or mixed in with the soils that have high clay content for better drainage.

Table 6-2 Soil Salvage Estimates







Soil Quality	Soil Texture	Total Area (Ha)	Area within footprint (ha)	Estimated Volume in footprint (m ³)
Good	Clay Loam, Sandy Clay Loam	0.62	0.4	1,600
Medium	Clay Loam, Sandy Clay	1.91	1.26	3,200
Poor	Clay	54.02	14.34	35,900

Fertility analysis was done on the soils that could potentially be salvaged (Appendix C). These soils are sandy clay loam and sandy clay and clay loam. They generally have low organic matter content and low nitrogen, moderate to low macro and micro nutrients. This will be appropriate for use on agricultural lands, provided it fertility is managed through addition of soil amendments and/or fertilizer.



soils_grd.mxd / 2019-12-05 / 4:14:10 PM



- | | | |
|---|--|--|
|  Exclusion area | Soil salvage areas |  Poor |
|  Soil test pit |  Good | |
|  Stockpiled sand |  Medium | |

PROJECT NO.: 2019-8444
 DATE: December 2019
 DRAWN BY: BdJ

FIGURE 6-1: SOIL SALVAGE MAPPING
 City of Kelowna
 Agricultural Impact Assessment for Serwa Lands
 56

6.3 Loss of Agricultural Revenue

Economic losses can be partly mitigated or offset by improving the agricultural productivity and/or viability of existing farm parcels that are currently underutilized. This includes salvaging topsoil from permanent disturbance areas to be used in areas and working with the Kelowna Young Agrarians to farm other unused properties owned by the City as described in Section 6.1.

In addition, the City of Kelowna has a long history of supporting and promoting agricultural initiatives. Some existing initiatives include:

- Increasing the total area zoned as agricultural-rural;
- Protecting ALR lands from development by not supporting exclusions and limiting urban growth to the Permanent Growth Boundary;
- Protecting ALR lands from urban uses by implementing the Guide to Edge Planning through urban-side Farm Protection Development Permit requirements;
- Promoting local agriculture around the City through advertising; and
- Working closely with ALC staff on compliance and enforcement initiatives.

Continued proactive management to protect and enhance agriculture in the Kelowna area are expected to mitigate losses that result will from the proposed exclusion and have the potential to contribute significantly to agricultural revenue in the Central Okanagan.

6.4 Drainage, Irrigation and Water Quality

To minimize potential effects on drainage, stormwater best management practices will be implemented during and after construction in the exclusion area to ensure that the Project does not adversely affect drainage in the surrounding agricultural area (i.e., result in ponding or standing water or impede flow of water into Carney Pond or Mill Creek). Any water main construction will take into consideration the peak irrigation season to avoid disruption of irrigation. A Stormwater Management Plan will be developed prior to construction.

Additionally, the City of Kelowna will develop an Erosion and Sedimentation Control Plan to ensure that water quality is not affected during construction. In general, standard sediment and erosion control measure will be implemented to reduce the risk of sediments entering watercourses that may be used for irrigation purposes.

As part of facility development, the City of Kelowna will apply a spill and environmental emergency response plan to reflect the planned development on the exclusion area lands.

If best management practices are implemented and followed through construction and operation, no negative effects on water quality as it pertains to agriculture are expected.

6.5 Degradation of Soils on Agricultural Land

The following mitigation measures are intended to reduce the potential for degradation of agricultural soils during construction:

- Temporary laydown areas must not occur on agricultural lands. All temporary laydown areas will be located on non-ALR land or land slated for development.

- Topsoil should be salvaged in construction areas and used in other areas of the ALR, according to the Topsoil Salvage and Enhancement Strategy described in Section 6.1.
- Erosion and sedimentation control strategies should be implemented to avoid or reduce wind and water erosion.
- The City of Kelowna will update their spill and environmental emergency response plans to prevent accidental spills and contamination.
- A qualified professional should be responsible for monitoring soil salvaging activities or any earthworks on agricultural lands to prevent residual disturbance.

If these mitigation measures are implemented, residual adverse effects on soils are not expected.

6.6 Temporary Loss of Farm Infrastructure (Fencing)

The City of Kelowna will replace any fencing that may be impacted as a result of Project construction. Due to the lack of fencing and no adjacent farmlands, mitigation measures will be minimal, as agricultural is not expected to be affected.

7 RESIDUAL AND CUMULATIVE EFFECTS

Residual effects for ALR land loss will remain despite the mitigation strategies outlined in Section 6. Net losses of proposed will total to about 16 ha. However, the mitigation strategies outlined in Section 6 would help to reduce the effects of the lost ALR land. The Findlay and Stafford Road properties proposed for improvement total 4.5 ha.

Cumulative effects measure the potential effects of a project (primarily ALR exclusions) in combination with other past, present and future projects. Cumulative effects assessment considers the effects due to other projects and the thresholds where negative effects outweigh positive effects or create a negative feedback loop.

Exclusion applications in the Okanagan Region, specifically in Kelowna, are not very common, although pressures for non-farm use are on the increase. According to the City of Kelowna website, there are 30 ALR applications within the boundaries of the City. The ALC also reports all applications as part of their annual reporting. A review of the annual reports over the last five years indicates that an average of 9.8 ha (net of inclusions) of land are removed from the ALR annually in the Okanagan Region, which amounts to less than 1/1000th of a percent of the 224,745 ha of ALR land in the Okanagan Region (ALC 2014-2019, Table 7-1).

Table 7-1 Inclusion/Exclusion application approvals by the ALC

Fiscal Year	Inclusion (ha)	Exclusion (ha)	Net (ha)
2014-2015	2	1	1
2015-2016	4	23	-19
2016-2017	3	33	-30
2017-2018	20	0	+20
2018-2019	2	23	-21
Average	6.2	16	-9.8

In addition to the building of the Maintenance and Operation Facility, the City of Kelowna is proposing to develop access up to and around the proposed transit facility. This would be to include future road alignment options for a multi-modal corridor. It would be dependant on ALC approval under a future application. Note that the portion of the Serwa Properties on Bulman Road, east of Highway 97, will be preserved for agriculture as stated in Section 6.1.

Apart from this project, the project team is only aware of one other large-scale exclusion proposed in the Central Okanagan Region. The 6.2 ha parcel located at 2850 McCurdy Road is currently in exclusion application review, but are considering withdrawing their application, removing pressure on the ALR.

Although 16.2 ha is more than the average net loss of 9.8 ha (annually from the ALR), the cumulative effects of the Project are negligible because the exclusion area is not being farmed and there are no water rights and minimal farm infrastructure. The City of Kelowna recognizes that the planned reduction in ALR land to enable development is a concern and commits to the implementation of the mitigation measures and agricultural enhancement strategies described in this report.

8 ALTERNATIVES

The exclusion area (Serwa Property) has been identified as the most suitable option for the proposed transit operation and maintenance facility based on a comprehensive search of potential properties (City-owned and private) by the City's Real Estate Department. Parameters considered include cost, location, property size, and future expansion capability. Expansion of the current facility is not considered feasible. A 2013 Facilities Study commissioned by BC Transit concluded, "The facility on Hardy Street will be unable to sustain continued growth of the transit system in this region [...] as there is no opportunity to expand the site due to adjacent property restrictions, consideration should be made to the eventual construction of either a secondary site, or a single consolidated facility to replace the existing one." BC Transit has reviewed the proposed site and endorsed its size and location. BC Transit's long-term vision incorporates the full use of the 35 acres proposed for exclusion. Based on the long-term requirements identified by BC Transit, no other potential locations were identified by City Staff because they did not meet those requirements. The Serwa Property was broadly part of the City's infrastructure development planning since OCP planning in the 1990s, and input from the ALC in 1995. In their report the ALC states that playfields may be suitable for development or some parts of the site for industrial development (Provincial Agricultural Land Commission 1995).

Transit has tremendous potential to contribute to stronger, more sustainable communities. The need to realize this potential in the Central Okanagan is increasingly important because of factors such as climate change, population growth, increasing traffic congestion, and an aging demographic. For example, today there are over 120,000 registered vehicles in the region, and 90 % of residents commute to work by car. With the regional population increasing from 210,000 today to a forecast 277,000, in 2040, the number of automobile trips will increase in a constrained road network. Transit oriented development supported by a strong multi-modal network and transit demand management measures will reduce the rate at which congestion grows.

Meeting the demands of the forecasted population and traffic growth in the Central Okanagan requires a shift in focus from moving vehicles to moving people. In the past, government at all levels has attempted to build its way out of traffic congestion by expanding the road network, but this has only provided temporary relief. Major investments in expanding the road network to accommodate the private automobile do not align with local, regional and provincial planning aspirations. Without a significant increase in the use of transit and other sustainable modes (e.g., walking and cycling) the increase in daily trips will result in increased congestion on key local and regional transportation corridors. Congestion has negative environmental, social and economic impacts on the community and contributes to higher transit costs.

BC Transit have made a new transit Operations and Maintenance facility in Kelowna a top priority for capital projects under an Investing in Canada Infrastructure Program. A new facility is required because of rapid growth in transit ridership and significant recent expansions including Rapid Bus. The new facility is critical not only to meet today's demand but to accommodate growth over the next 25 years. Federal funding depends upon BC Transit and partner communities having certainty that projects can be successfully delivered within the horizon of the funding program - projects must be substantially completed by Fall 2027.

9 CONCLUSIONS

The City of Kelowna commissioned Associated to complete an Agricultural Impact Assessment (AIA) for the proposed development of an Operations and Maintenance Facility for public transit on the Serwa Property located in the ALR, focussing on a proposed exclusion area. The results of the AIA indicate that the exclusion of ALR land will result in the

loss of approximately 16 ha of Class 3 agricultural lands (improved rating). This land is currently not being farmed and has not been farmed since its purchase in 2017. Any ALR loss is typically compensated for by adding the same amount of similar or better capacity land to the ALR. This compensation is considered challenging because of the lack of suitable non-ALR land. Therefore, other mitigation measures such as topsoil enhancement, farming of other City-owned lands by the young Agrarians, and other initiatives set forth by the City to protect and enhance agriculture will offset the negative effects on agriculture. Furthermore, management practices and careful planning and monitoring during design, construction and operations will ensure that potential negative effects on surrounding agriculture pockets are minimized.

If all of the mitigation measures and strategies, as described in Section 6, are implemented, the residual adverse effects on agriculture are likely to be small. Cumulative effects of the exclusion, in combination with other potential exclusion applications (including the exclusion of the remainder of the Serwa Properties), are negligible because the exclusion area is not being farmed and there is low probability that it will be because it is City-owned, the City does not plan to lease it for farming, and it is not compatible with the adjacent land use (UBC Okanagan, John Hindle Drive, and Highway 97).

The next step will be meetings with the ALC prior to a formal application for exclusion.

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APPENDIX A - KELOWNA AGRICULTURAL IMPACT ASSESSMENT TERMS OF REFERENCE

1. Introduction

The City of Kelowna [Development Application Procedures Bylaw](#) (Bylaw No. 10540) establishes that the Director, Land Use Management may require the applicant to provide information on, and a systematic detailed assessment of, the proposal to assist the City's decision making. As such, an Agricultural Impact Assessment (herein after referred to as the "Assessment") will be required to determine if a development proposal will adversely affect existing and future agricultural activities onsite and/or in the area surrounding the proposed development or change in land use.

An Assessment is not a soils assessment. An Assessment is a comprehensive consideration of the potential for agricultural production in all of its forms; along with a prediction of likely outcomes (both positive and negative) as a result of the proposed development. An Assessment typically includes a soils analysis.

Assessments will normally accompany applications under the [Agricultural Land Commission Act](#) (i.e. exclusion, subdivision, or non-farm use) in addition to applications to amend the City's [Official Community Plan](#) or [Zoning Bylaw](#) where the land is presently zoned for agriculture. Assessments may also be required when seeking approval for residential uses (e.g. Additional Dwelling for Farm Employee or Temporary Farm Worker Housing) on land zoned for agriculture.

2. Selection of Personnel

Assessments are to be prepared and/or coordinated by one or more "Qualified Professionals (QPs)" as necessary. The number and qualifications of individuals involved will be site/context dependent. For this purpose, a "Qualified Professional" is typically a Professional Agrologist (P.Ag.) registered in British Columbia.

Assessments will be prepared, signed and sealed by the QP(s), unless otherwise approved by the Director of Land Use Management. Where information or expertise are required outside of an individuals professional competencies, additional QP(s) will be required. In these cases, the submission must be signed and sealed by each contributor.

Consistent with the BCIA [Code of Ethics](#), QPs must only provide service in areas of their professional competence, and practice within the limits of their training, ability, and experience.

3. Consultation with City Staff

The information contained within these TOR is intended as a general guide only and is not a comprehensive list of requirements. Each Assessment should be site specific and is likely to be unique in the information required. **The QP is therefore advised to work with City staff to review and confirm a site specific TOR prior to commencing work on the Assessment.** In some instances (i.e. smaller developments, or those with little or no perceived impact) it may only be necessary to assess a few of the issues contained herein. In larger or more complex proposals, the applicant may be required to address considerations not identified herein.

Every effort will be made to clarify the requirements in the early phases of each development application. **It is the responsibility of the applicant to confirm the TOR for the Assessment prior to undertaking the Assessment.**

4. Key Policy Considerations

In preparing an Assessment, the QP should consider how the proposal meets or does not meet City policy including, but not limited to the Official Community Plan as follows:

- **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.
 - **ALR Exclusions.** The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusions are otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.
 - **Urban Uses.** Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.
 - **Agri-tourist Accommodation.** Agri-tourist accommodation will only be approved and operated in a manner that supports agricultural production and which limits the impact on agricultural land, City services and the surrounding community.
 - **Non-farm Uses.** Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:
 - are consistent with the Zoning Bylaw and OCP;
 - provide significant benefits to local agriculture;
 - can be accommodated using existing municipal infrastructure;
 - minimize impacts on productive agricultural lands;
 - will not preclude future use of the lands for agriculture;
 - will not harm adjacent farm operations.
 - **Subdivision.** Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.
 - **Housing in Agricultural Areas.** Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).
 - **Farm Help Housing.** Accommodation for farm help on the same agricultural parcel will be considered only where:
 - agriculture is the principal use on the parcel, and
 - the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.
- Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.
- **Homeplating.** Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.
 - **Public Use.** Discourage the use of agricultural lands for public or institutional uses such as schools, parks and churches except as identified in the OCP.
 - **Service Corridors.** Minimize the impact of penetration of road and utility corridors through agricultural lands, utilizing only those lands necessary and to the maximum capacity prior to seeking new corridors. Provision should be made for farm traffic to cross major roads.

5. Professional Standards

- 5.1. One (1) original signed and sealed Assessment must be retained on file (a photocopy signature and seal will not be accepted). The person or corporation who prepared the Assessment must be identified along with the person or corporation who requested and funded the Assessment.
- 5.2. The Assessment must include the following information:

- All personnel working on the project and their contributions.
 - A 1-page biography or C.V. of each professional and technical staff contributing to the results, interpretations and recommendations as an addendum.
 - The level of effort in terms of personnel and time spent on site evaluations must be clearly stated including the time of year and length of site evaluations.
- 5.3. The Assessment must conform to all municipal bylaws and plans, provincial and federal legislation, regulations, standards and best practices.
 - 5.4. Site conditions likely to be absent during the period of evaluation need to be documented and assessed by appropriate alternative methods.
 - 5.5. The Assessment must reflect the site conditions prior to the proposed disturbance and the anticipated site conditions post-development.
 - 5.6. The Assessment must acknowledge off-site developments (both existing and those permitted by current regulations) and the impact these developments may have on the subject property.
 - 5.7. The Assessment should reflect an “Avoid - Mitigate - Compensate” approach to negative impacts. Mitigation should be considered where it has been determined that negative impacts cannot be avoided. Where impacts can neither be avoided or mitigated, QPs should identify appropriate compensation measures to ensure no negative net impacts and ideally a positive net impact.
 - 5.8. The Assessment should account for “cumulative effects”. Cumulative effects are changes that are caused by an action in combination with other past, present and future actions. Cumulative effects assessment considers the effects due to other projects and the thresholds where negative effects outweigh positive effects, or create a feedback loop.
 - 5.9. Methods used in the Assessment must be repeatable and based on agency and/or scientific standards appropriate the landscape being assessed. All data and non-standard methods contributing to the results, interpretations and recommendations contained in the Assessment must be included as appendices.
 - 5.10. Any past Assessments for the subject property or a portion thereof must be identified and their relevance/usefulness in completing this Assessment noted.

6. Basic Assessment Requirements

- 6.1. Briefly outline the history, type and extent of agricultural operations on the subject property (vegetative & crop cover, agricultural buildings, etc.), including recent changes.
- 6.2. Describe the soil types and agricultural capability of the land using best available secondary data (e.g. Canada Land Inventory, Terrestrial Ecosystem Modeling, etc.) for the subject property.
- 6.3. Describe adjacent land uses including the location and description of the type and intensity of surrounding agricultural and non-agricultural land uses.
- 6.4. Describe any non-agricultural land uses and indicate conflicts with existing and potential on-site agriculture. If agriculture is no longer taking place on the subject property and/or area, outline the limiting factor(s) and provide an estimate of barriers, if any, to re-establishing farming on the subject property and/or portion of the subject property under consideration. Current commodity prices and/or input costs should not be used as a barrier to production.

- 6.5. Describe the proposed use and its compatibility, or incompatibility within an agricultural area and potential to cause secondary impacts. A determination of the types and extents of potential impacts that may result from the proposed development should be identified.
- 6.6. Where the principal justification for the proposal is based on soil or land limitations, primary investigation of soils is required. In this case, the QP will ensure that the sample locations and number of pits/samples provides for a representative understanding of the subject property or area being considered.
- 6.7. Identify and describe site and soil improvements completed in the past (e.g. drainage, irrigation, contouring).
- 6.8. Identify and describe future site and soil improvements that are, or may be possible. Provide an estimate of the costs to undertake the improvements and a cost/benefit analysis of each.
- 6.9. Examine possible alternative sites for the intended use that would avoid or lessen agricultural impacts (i.e. urban areas/industrial areas). If no alternative sites can be identified, the Assessment should include a determination of mitigative actions that would be required if the proposal were to proceed (i.e. confining the development to areas with the least productive soils and/or terrain).
- 6.10. Estimate the value in the long term, of the loss of any agricultural production and mitigative measures to offset the loss.
- 6.11. Assess the flexibility of the site for different types of agricultural operations (alternatives). A feasibility & capacity assessment must consider each available opportunity for the following at a minimum:
 - anticipated barriers or constraints;
 - the area potentially affected;
 - the estimated development (capital) costs; and
 - the estimated annual return.
- 6.12. Assess the degree to which the proposal will sever or fragment agricultural land and describe/quantify the impact.
- 6.13. Consider the impact of the proposed use on drainage (on site and neighbouring properties).
- 6.14. Consider the impact of traffic (vehicular, pedestrian and cycling) of the proposed use to determine if proposed traffic volumes will impede farmers moving vehicles between fields and if recreational traffic will be kept out of agricultural land.
- 6.15. Examine and report on what it would take to develop the site for:
 - Crops and by-products that would be new to the site and area;
 - Non-soil based agricultural options (i.e. vegetable or nursery greenhouse, etc.); and
 - Accessory farm uses (i.e. B&B, agri-tourism, on-farm processing, on-farm retail).
- 6.16. Examine and report on alternative financial models for farming and their appropriateness to this site such as:
 - Leasing to other farmers;
 - Joint ownership by two or more farmers;
 - Community supported agriculture;
 - Leased garden plots for urban residents; and
 - Other.

- 6.17. Farm Home Plate - Assessments triggered by site development for residential uses on A1 zoned land should include a recommendation for the suitable location for the farm home plate. The farm home plate must be sited so as not to have a negative effect on the existing agricultural operation or potential for future agricultural operations.
- 6.18. Agricultural Worker Dwellings - Assessments triggered by site development of Agricultural Worker Dwellings (including temporary) should indicate the “need” for the additional dwelling onsite and why farm help cannot be accommodated offsite, along with the net benefit to agriculture.

7. Data Deliverables

- 7.1. Site description including legal description (i.e. lot & plan number, etc.), OCP designation, Zoning category, and Agricultural Land Reserve (ALR) status should be illustrated on the location map or stated at the outset of the assessment. For large parcels, UTM coordinates of the site location where specific works will occur may be required.
- 7.2. Location Map at an appropriate scale (1:20,000) indicating the regional setting. This information should be overlaid on the most current cadastral map.
- 7.3. Site Map(s) at an appropriate scale (minimum 1:200 and maximum 1:5,000) indicating the layout of the project components and activities. This information should be overlaid on the most current cadastral map outlining surrounding property boundaries. Map legends should show clear descriptions of all symbols used as per provincial standards.
- 7.4. Cross sections in sufficient number to demonstrate terrain conditions prior to the proposed site disturbance and intended conditions post-development. A topographic survey must show natural slope contours (at appropriate contour levels e.g. 1 or 5 m) and the post-development contours.
- 7.5. Site Plans/sketches/colour photographs indicating the project location, site features and activities should be indicated with relation to easily identifiable landmarks such as those found on accompanying maps.
- 7.6. Appropriate referencing of all image and data sources, with a clear indication of the date of when the information was obtained.
- 7.7. Final Submission - shall include the following at a minimum:
- 1 colour hard copies.
 - 1 digital copy in .pdf format and unprotected.
 - Maps should be printed on 8-1/2 x 11 or 11 x 17” paper as appropriate and to scale.
 - Where available, digital copies of supporting information should be provided in a format compatible with the ESRI platform (shapefiles) in NAD83 UTM Zone 11.

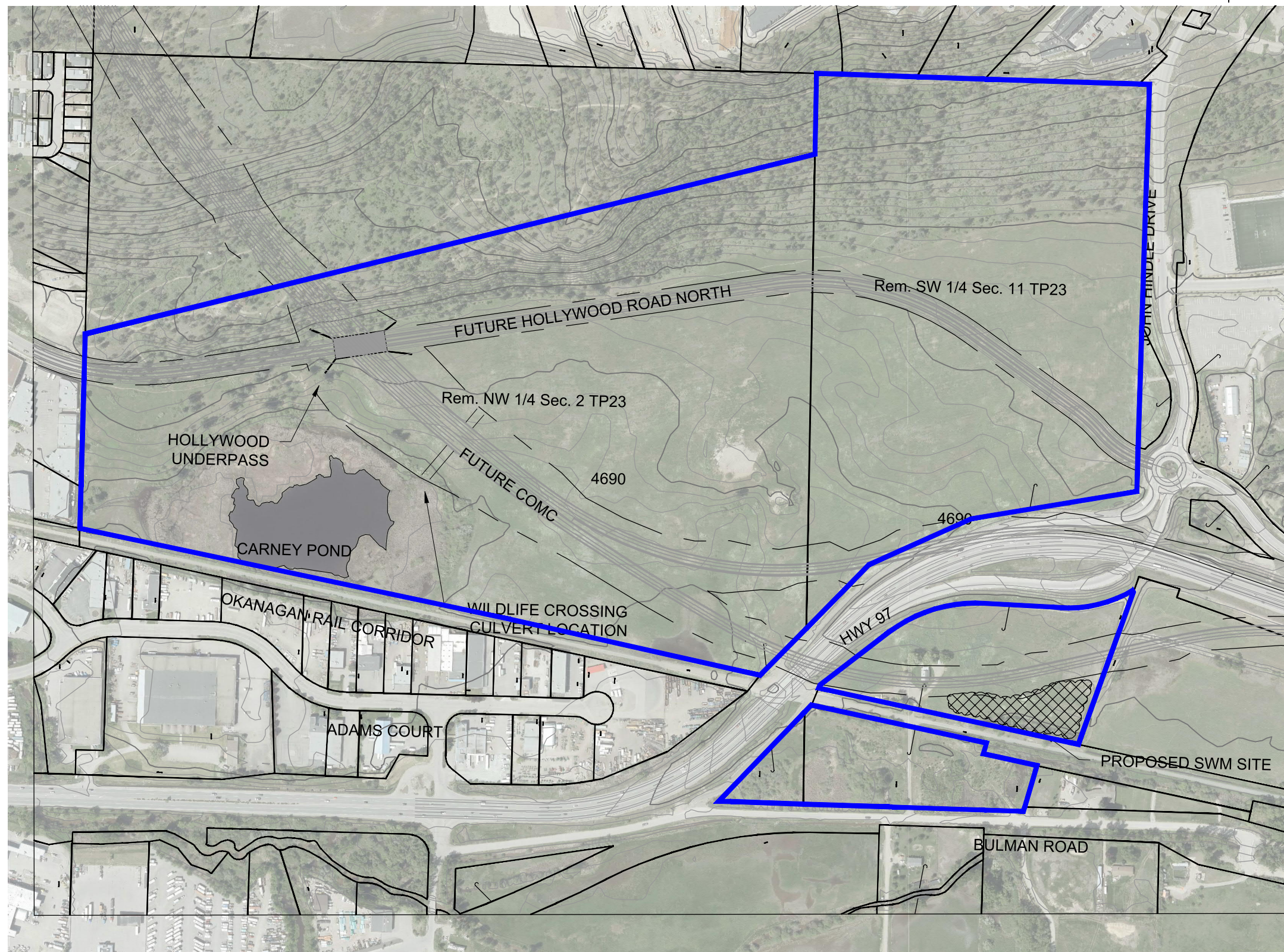
8. Incomplete or Deficient Assessments

If it is determined by the Director, Land Use Management, that an Assessment is incomplete or deficient, the applicant will be notified in writing the nature of deficiencies.

9. Third Party Review

The City of Kelowna reserves the right to seek a third party review of the Assessment submitted. If necessary, the third party reviewer will be a mutually acceptable QP and the cost of the review shared equally among the applicant and municipality.

APPENDIX B - POTENTIAL FUTURE TRANSPORTATION NETWORK



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FOR
INFORMATION
ONLY

AE PROJECT No.	20182464-00
SCALE	1:5000
APPROVED	
DATE	2018DEC20
REV	0
DESCRIPTION	ISSUED FOR INFORMATION

FIGURE No.B-1
CITY OF KELOWNA
FUTURE TRANSPORTATION NETWORK

APPENDIX C - SOIL FERTILITY

PSAI

December 2, 2019

Associated Environmental

(2)

Sample	pH	Est E.C. mmhos cm	Lime Rqmt lbs 1000 sq ft	Total O.M. %	Total N %	C/N	Bray Avail P ppm	Avail K ppm	Avail Ca ppm	Avail Mg ppm	Avail Na ppm	Avail Cu ppm	Avail Zn ppm	Avail Fe ppm	Avail Mn ppm	Avail B ppm
Serwa SCL	7.5	0.44		6.9	0.24	16.7	60	1050	3350	525	39	0.2	5.5	3.5	85	0.2
Serwa SC/CL	6.8	0.18		3.0	0.10	17.4	23	360	1050	205	12	1.4	2.4	12	75	0.1

Nutrient Legend

VL= Very Low

L= Low

M= Moderate

✓ = Adequate

SH= Slightly High

H= High

Unit # 5 - 11720 Voyageur Way, Richmond, B. C.

V6X 3G9

604-273-8226

ATTACHMENT E	
This forms part of application # <u>A20-0008</u>	
Planner Initials	<div>WV</div>
 City of Kelowna <small>COMMUNITY PLANNING</small>	



August 15, 2021

Agricultural Land Commission
201-4940 Canada Way
Burnaby, BC V5G4K6

Attention: Application Review Committee

Re: Exclusion Application @ 4690 Highway 97 N

City of Kelowna File #: A20-0008

ALC File #: 61070

Dear Sir/Madam:

As per previous discussions between City of Kelowna staff and staff at the Agricultural Land Commission, the City is prepared to commit to a number of substantial and innovative initiatives to mitigate the agricultural impacts associated with the proposed exclusion of ALR lands referred to in the file numbers provided above. These include the following:

- Establishing an Agricultural Reclamation Fund that is accessible by farmers to make meaningful improvements in the agricultural viability of their farm properties. These monies could be accessed interest free (or at very low rates) to ensure the fund is self-sustaining. The fund would be administered by an independent body with expertise in this area, such as the Agricultural Advisory Committee. To ensure the success of the fund, the City is proposing an initial contribution of \$250,000.
- Providing additional resources to support the enforcement of municipal and provincial agricultural policies. This support may come in the form of a newly created Agricultural Enforcement Planning position at the City of Kelowna, or a jointly funded Compliance/Enforcement Officer administered by the ALC. The City is prepared to reserve funding in the amount of \$250,000 to dedicate to an initial two-year commitment with respect to this initiative.

- Establishing an Agricultural Signage Program to increase the visibility of agriculture in our community. Total costs associated with this program are anticipated to be in the range of \$60,000.
- Ensuring development of the subject lands exceeds current best practices and sets a new standard in on-site agricultural buffering and mitigation measures. The City is committed to funding an additional \$40,000 (over and above funding existing buffering requirements that may be in effect) to meet this objective.

City of Kelowna staff look forward to continuing discussions with staff at the ALC over the coming months to formalize the initiatives outlined above and to modify them as appropriate for the maximum agricultural benefit of our community.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Säufferer', with a stylized flourish at the end.

Johannes Säufferer
Real Estate Department Manager



April 14, 2020

**Re: Letter of Support for City of Kelowna Application to Agricultural Land Commission
(4690 Hwy 97)**

Dear Sir/Madame

BC Transit, the City of Kelowna, and other local governments are partners in the delivery of public transit in the Kelowna region. The existing leased transit facility on Hardy Rd. in Kelowna is past its capacity and is beyond its useful life. Additionally, buses are parked off-site and maintenance facilities are used beyond their maximum design utilization levels. At this time, the Kelowna Transit System cannot increase transit service to meet community needs.

Recently, the Provincial and Federal governments have announced an unprecedented amount of funding toward transit infrastructure projects and the Province has also confirmed that transit is an essential service in response to COVID-19. This new funding and reaffirmed priority for transit services has created an opportunity for BC Transit and its local government partners to invest in significant transit infrastructure projects, including new transit operations and maintenance facilities.

With support from the BC Transit, the City of Kelowna has undertaken a property search for new facility locations over for the last two years. Outside of property a 4690 Hwy 97, no other properties have become available that meet BC Transit's business needs. For example, a location in West Kelowna was considered and it was an excessive distance between a property and the service delivery area. The cost of "deadhead" would exceed any benefit.

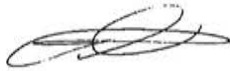
Due to the challenge of securing a suitable location, the City of Kelowna identified an alternate location on 4690 Hwy 97. With forecasted growth in regional transit services, this site is capable of housing an operations and maintenance facility that can service up to 225 buses. This location is adjacent to Highway 97 between downtown Kelowna and UBCO, provides good access to local transit service areas and supports the cost effective delivery transit service.

A new facility will also enable BC Transit to transition the local transit fleet to a new low carbon fleet, with infrastructure that make possible the deployment of battery electric buses and/or other low carbon technologies, thereby further reducing transit's carbon footprint, contributing to improved air quality and reducing bus noise impacts. This type of investment is in alignment with CleanBC's greenhouse gas reduction targets and BC Transit's Low Carbon Fleet Program.

After securing a suitable location for this facility, BC Transit and the local government partners can commence preparing an application for provincial and federal funding under the *Investing in Canada Infrastructure Program* for the construction of this new facility. BC Transit supports the City of Kelowna's application to the Agricultural Land Commission to request a change of "non-farm" use to use the land for public purpose, namely a transit operations and maintenance facility.

BC Transit's support for the City of Kelowna's application is a very high priority for BC Transit as it will significantly enable expansion of transit as well as be integral to BC Transit in transition to a lower carbon fleet. We would be pleased to address any questions you may have related to our support of this application.

Regards,



Levi Timmermans
Director, Infrastructure Management

cc: James Wadsworth, Manager Project Development



A20-0008

4690 Hwy 97N

Application to the ALC for Exclusion

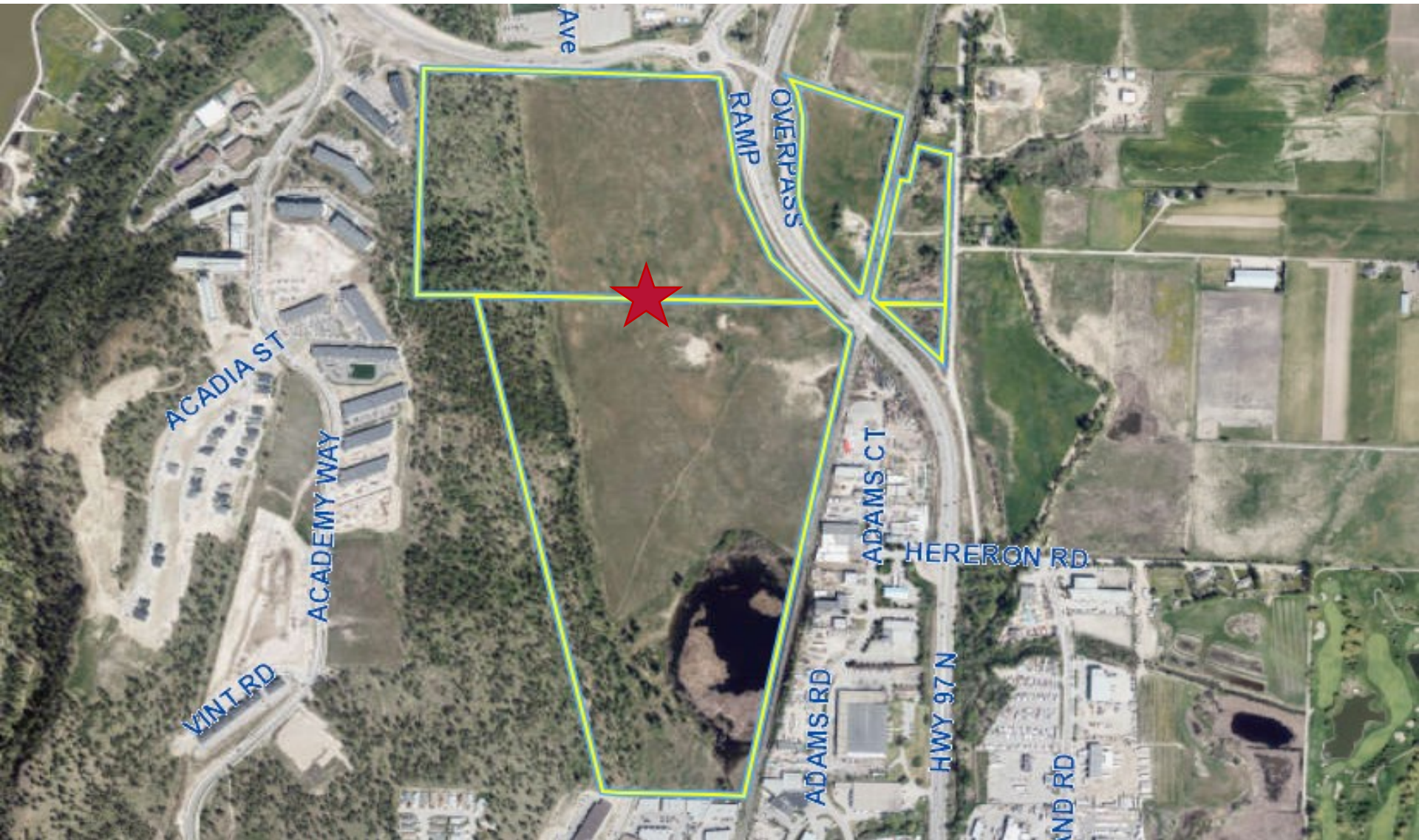
Proposal

- ▶ To consider an application to the ALC for an Exclusion, at 4690 Hwy 97N, for 16.2 ha of land for the purposes of a future transportation corridor (Hollywood Road North) and relocation of the BC Transit Regional Transit Facility.

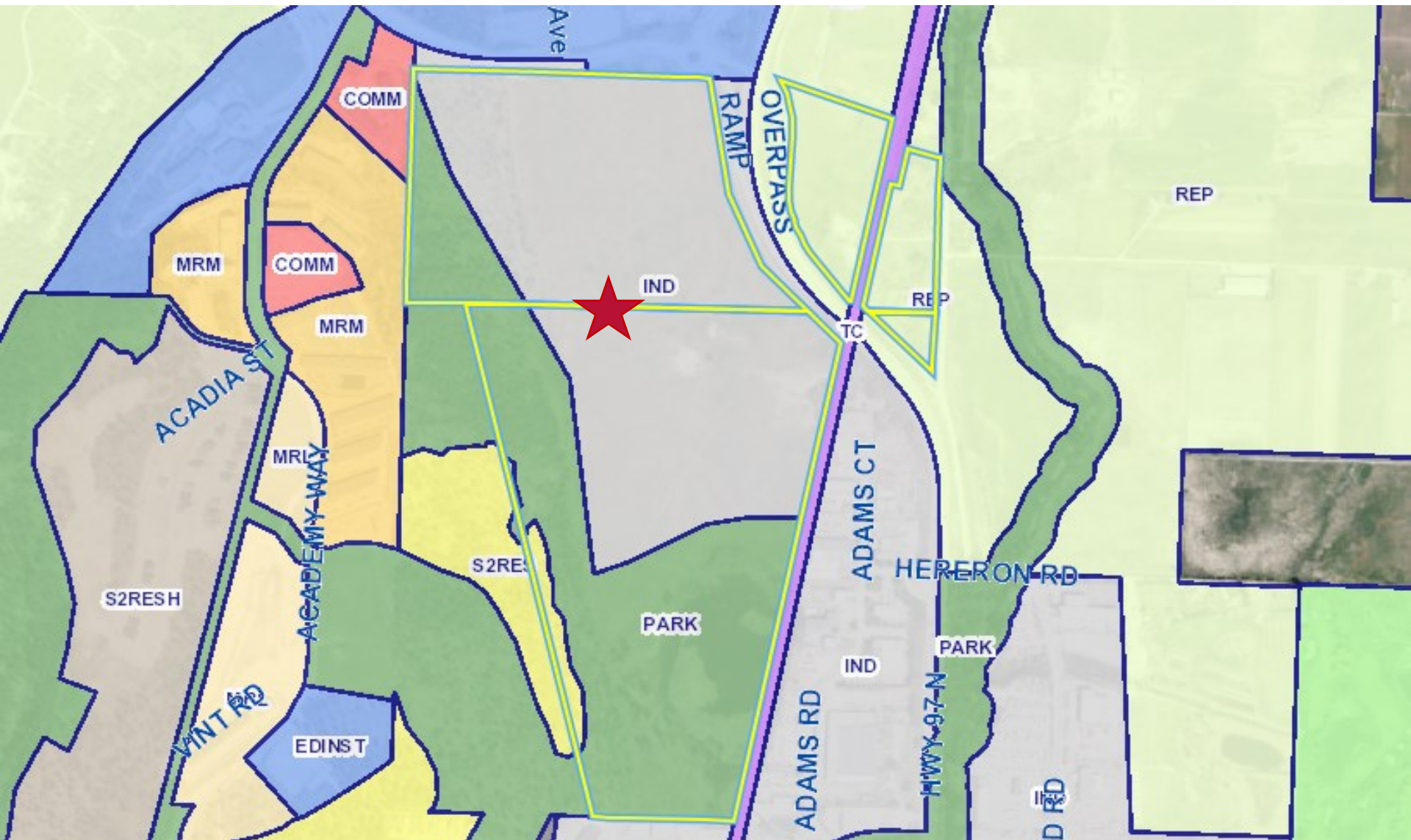
Development Process



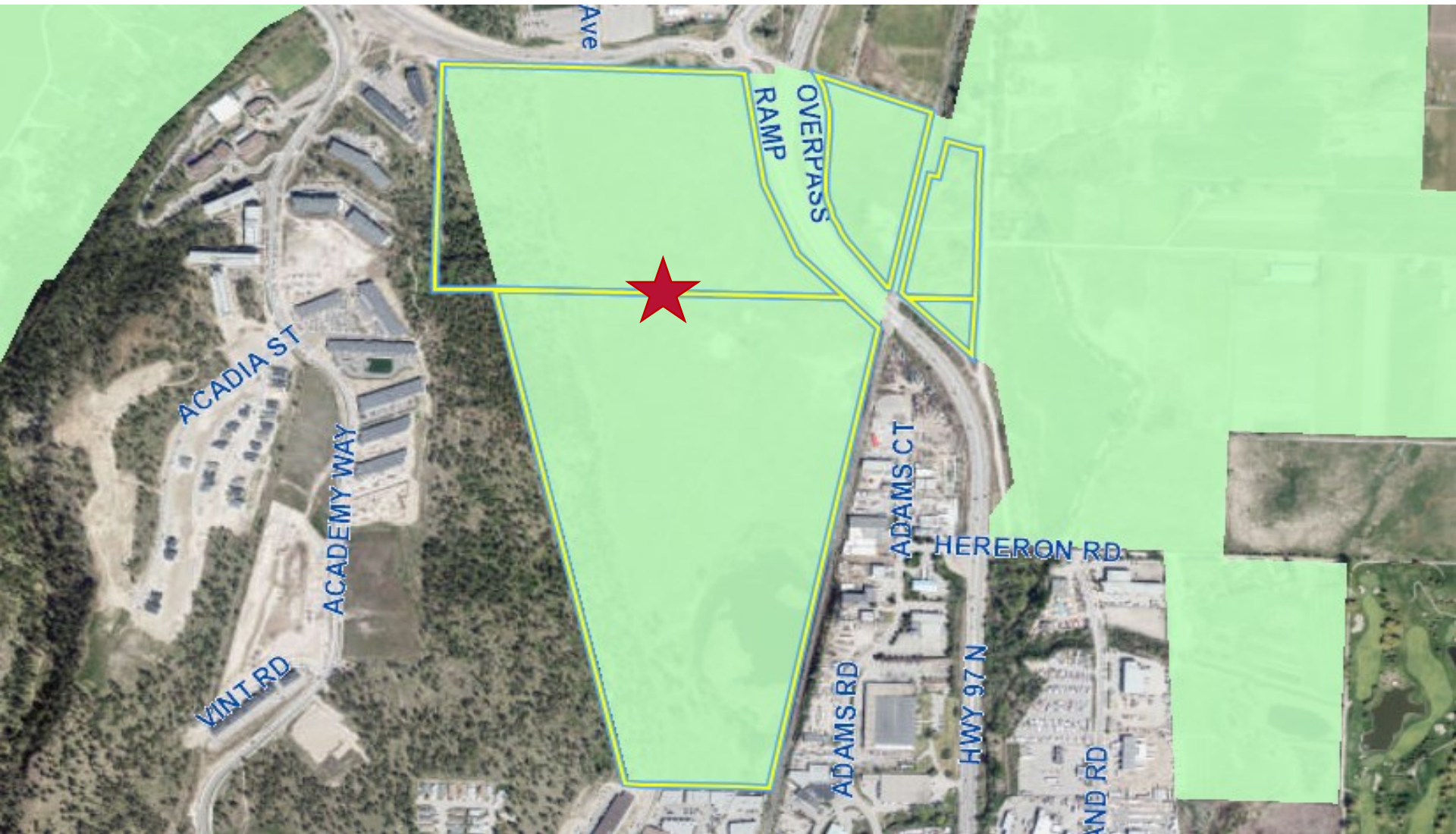
Context Map



OCP Future Land Use / Zoning



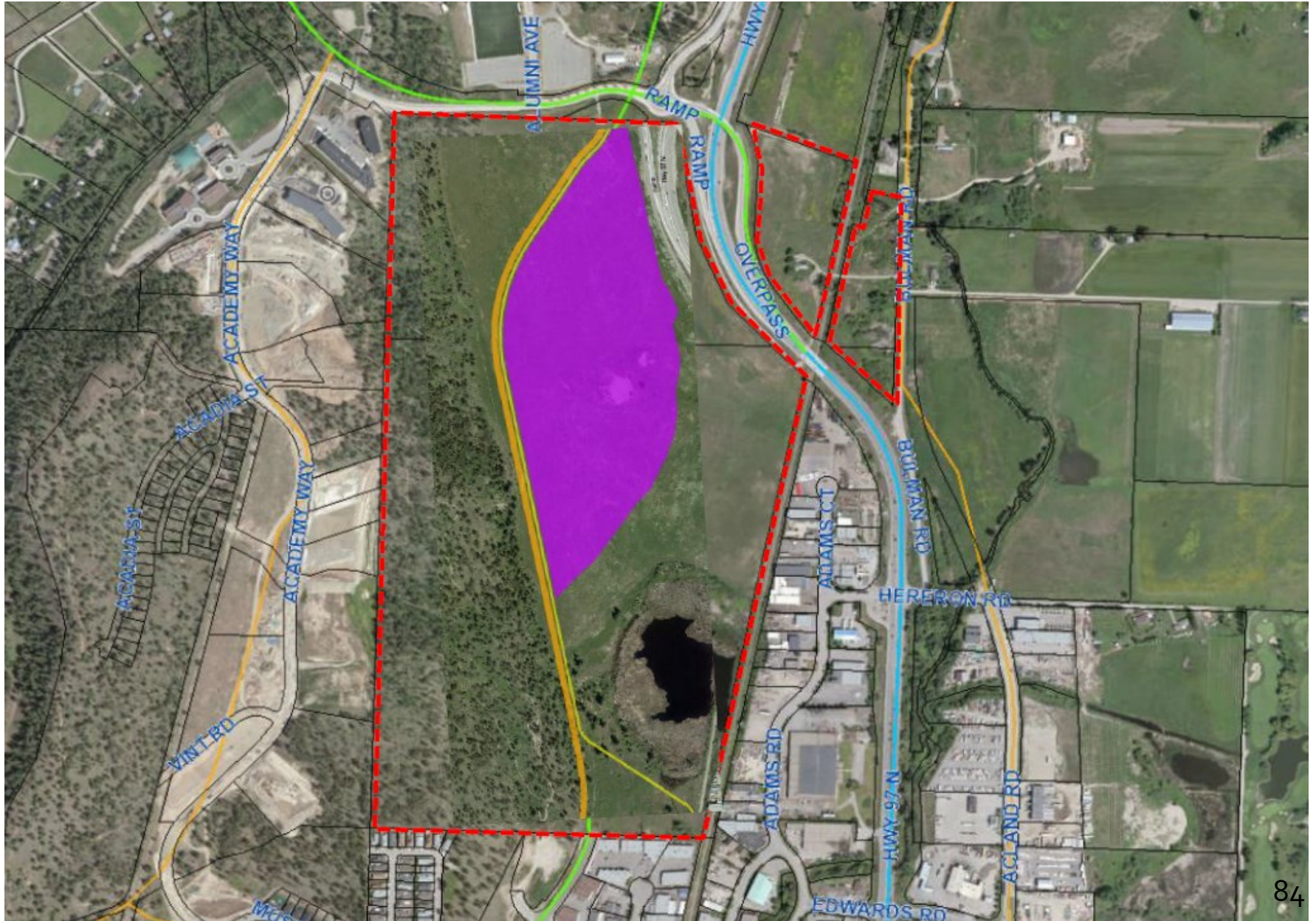
Agricultural Land Reserve



Project Detail Summary

- ▶ Properties are a total of approx. 72.8 ha in size
- ▶ Proposed is to exclude 16.2 ha to accommodate future regional transit facility
- ▶ The current Future Land Use designation is Industrial and has been designated since 1995
- ▶ An Agricultural Impact Assessment has been conducted
- ▶ Initial public consultation has been completed as required by the ALC and will form part of the application.

Proposed Exclusion Area



Policy

- ▶ **OCP Objective/Policies 5.33.1,.2**
- ▶ **OCP Policy 5.33.1** ALR Exclusions. The City of Kelowna will not support ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusions are otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.
- ▶ **Transportation – Objectives 7.9 Ensure efficient and effective transit infrastructure and facilities.**
 - ▶ **OCP Policy 7.9.2,.3,.4**

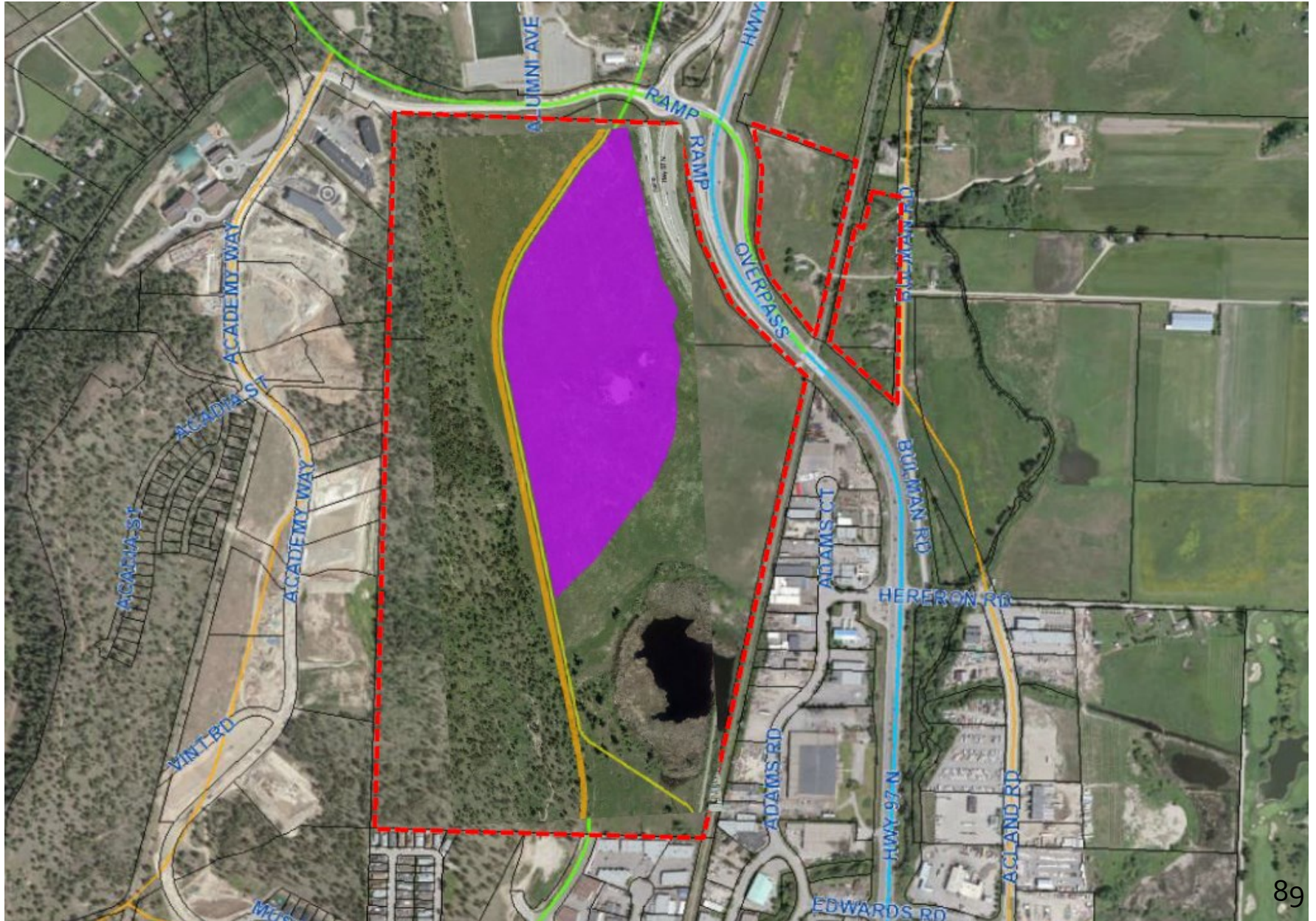
Policy Context

- ▶ 1995 (January) – ALC Resolution supporting University South Concept Development Plan
- ▶ 1995 (June) – City adopted 1st OCP
- ▶ 1997 – University South Area Structure Plan
 - ▶ 1998 – OCP Amendment
- ▶ 1998 – Agricultural Plan Adopted
- ▶ 1998 - 2017 – Consistent OCP Future Land Use
- ▶ 2017 – Agricultural Plan update
- ▶ 2021 – 2040 Draft OCP review support

ASP – ALC Resolution

- ▶ 1995 – Concept Development Plan [ASP] process started:
 - ▶ [The Commission] notes that [the Subject Property] was seriously compromised for long term agriculture when the Commission consented to the University campus development of the property immediately to the north. The [Subject Property] block is isolated, so that its exclusion would not be a precedent to other exclusions.
 - ▶ The Commission further notes that if agriculture is abandoned on [the Subject Property], the site has potential for more than residential uses. For example, it could be used for playfields associated with the University. Some parts of the [Subject Property] could be suited for industrial development.
 - ▶ The Commission consents to the proposed [ASP] designation provided the OCP text clearly identifies a broad range of uses and specifically encourages uses which might otherwise be targeted to productive farmland in the ALR.

Proposed Exclusion Area



Agricultural Impact

- ▶ Agrology
 - ▶ Limited capability & poor access
 - ▶ Historical use
 - ▶ Orphaned parcel
- ▶ Mitigation plan
 - \$250,000 to seed the establishment of an Agricultural Reclamation Fund.
 - \$250,000 to fund an Agricultural Enforcement Planning position for 2 years.
 - \$60,000 to fund an Agricultural Signage
 - \$40,000 for enhanced agricultural buffering and on site improvements to the future transit facility.
 - Partnerships: Young Agrarians

Transit Relocation

- ▶ Location Analysis
 - ▶ 13 sites considered – 8 studied (based on cost)
 - ▶ 'Deadhead' analysis
 - ▶ Non revenue generating operating cost
 - ▶ Many ALR properties
 - ▶ 4690 Highway 97 = 'Best Fit'
- ▶ Funding
- ▶ Stakeholder support

Staff Recommendation

- ▶ Staff recommend that this application be supported by Council.
 - ▶ The proposal aligns with the existing Future Land Use designation of the OCP
 - ▶ Considered to meet a number of overall transportation goals and objectives of the City and region
 - ▶ Considered to meet the policy threshold for consideration of ALR exclusion applications
 - ▶ Significant mitigation measures are proposed to compensate for the impact to agriculture on site and promote agricultural initiatives City wide.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: September 13, 2021

To: Council

From: City Manager

Department: Development Planning

Application: A21-0006

Owner: Lark Farms Inc., Inc. No. 537531

Address: 4380 Takla Road

Applicant: Lark Farms Inc., Andrea
McFadden

Subject: Application to the ALC for Non-Adhering Residential Use Permit

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A21-0006 for Lot 1, Sections 32, Township 29, ODYD Plan KAP74909 located at 4380 Takla Road, Kelowna, BC for a “Non-Adhering Residential Use Permit” under Section 20.1(2) of the Agricultural Land Commission Act, be supported by Council;

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

2.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission for a “Non-Adhering Residential Use Permit” under Section 20.1(2) of the Agricultural Land Commission Act.

3.0 Development Planning

Staff recommend support for the proposed Non-Adhering Residential Use Permit application and that it be forwarded onto the Agricultural Land Commission for consideration. The proposal is to convert the upper floor of the existing building to a second dwelling to allow the extended family to continue to farm the property, while maintaining the operational use to the bottom floor.

The City’s Agriculture Plan, the Official Community Plan and Zoning Bylaw support the conversion of existing dwellings into Temporary Farm Worker Housing if agriculture is the principal use and the owner demonstrates the need for farm employees. In this case the proposal is for an additional residence for farm

use and the family has had significant agricultural operations on the property since the 1950's. Utilizing the existing building reduces potential additional impact to available agricultural land on the property.

4.0 Proposal

4.1 Background

The subject property has been owned and operated by the McFadden family since the 1950's as an apple orchard, vineyard and more recently herbs and aromatic plants. Since 2010 the agricultural operation has focused on herbs and associated plants with the two-level accessory building constructed to aid in the business. The bottom floor has the staff kitchen, herb drying room, storage, and office space. The upper floor has a commercial kitchen and retail space.

4.2 Project Description

The subject property is 3.35 ha in size, is located on Takla Road, near the intersection Saucier Road and in the Southeast Kelowna City Sector. The property is currently being used for the growing and processing of culinary herbs, medicinal and aromatic plants. The current farm building has two floors with the lower level containing the drying room, staff kitchen, office space and storage. Prior to Covid the farm operated an on-site retail store, tours, and workshops. Due the changing circumstances the operation has switched primarily to online commerce and does not require the use of the upper level.

4.3 Site Context

The subject property is located in the City's Southeast Kelowna Sector. The Future Land Use is REP – Resource Protection is zoned A1 – Agriculture and it is within the Agricultural Land Reserve. The property is approximately 8.0 acres in size with its primary access from Takla Road. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Agriculture
East	A1 - Agriculture	Agriculture
South	A1 - Agriculture	Agriculture/Rural Residential
West	A1 - Agriculture	Agriculture

Subject Property Map: 4380 Takla Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The City of Kelowna Official Community Plan (OCP) policy on Farm Help Housing states accommodation for farm help on the same agricultural parcel will be considered only where:

- Agriculture is the principal use on the parcel.
- The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm.
- The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary; and,
- TFWH (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

6.0 Technical Comments

6.1 Development Engineering Department

- Refer to Development Engineering Memo dated May 3, 2021.

7.0 Application Chronology

Date of Application Received: April 4, 2021

Agricultural Advisory Committee: June 10, 2021

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on June 10, 2021 and the following recommendation was passed:

THAT the Agricultural Advisory Committee recommend to Council that Application No. A21-0006 for the non-adhering residential use permit for the conversion of an existing accessory building into a secondary dwelling for farm help, located at 4380 Takla Road, Kelowna, B.C., be supported.

Anecdotal comments were that the Agricultural Advisory Committee (AAC) liked that this application is conserving land by using an existing building. However, the Committee raised concern that in the future and under new ownership another residence may be added and recommended a Restrictive Covenant be put in place to limit any potential future residence.

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

Attachments:

Attachment A – Rationale Letter

Attachment B – Site Plan

Attachment C – Development Engineering Memo

June 3rd, 2021

City of Kelowna Agriculture Committee

Application to convert an existing two storey farm building from a farm building with two levels to a farm building with a residence on the upper level (for immediate family working on the farm) and the lower level to remain for farm use exclusively.

The farm operation has altered since Covid and transitioned to online rather than an on-site agri-tourism operation. Although Covid accelerated this change in the business, it was a planned modification to the business operations as the farm has been adversely impacted by recent fires several times, and in 2018 had begun preparing for the transition to an e-commerce operation – initially planned to occur in 2022.

Currently two families are living in the main residence. The McFaddens are now in their 60's and their daughter and her husband help with the farm operation. There are 3 options available to make this transition and allow this family to continue farming land that has been in their family since the 1950's.

1. Renovate the existing home to accommodate two families.
2. Convert the existing farm building to have a residence on the upper level and continue operations on the lower level.
3. Build a modular home on the property.

Option 2 is the preferred option as it does not require any land to be removed from production and is the least costly of the 3 options. It is on one level and can allow the McFaddens to 'Age-in-Place' in their senior years. It is also a solution that can easily be returned to its original purpose if the farm was sold and another operator wanted to reinstate on-site farm sales.

The application submitted via the ALC portal supplies the information requested by the ALC, in our opinion, this request adheres to the guidelines and requirements of the ALC for family members working on the farm to be permitted a second residence.

I am supplying drawings of the conversion here for the City of Kelowna Agriculture Committee to review.

Please Note: there is an error on the dimensions of the building on the ALC portal (they have been contacted to allow this to be corrected). This existing building size is 60' x 34' - 2040 square feet (on each level) or 189.5 square metres (not 622 square metres as on the ALC portal)

Respectfully submitted,

Andrea & David McFadden

CITY OF KELOWNA

MEMORANDUM

Date: May 3, 2021
File No.: A21-0006
To: Land Use Planning Manager (AK)
From: Development Engineering Manager (JK)
Subject: 4380 `Takla Rd Plan KAP74909 Lot 1 Non-Adhering Residential Use

Development Engineering has the following comments at this point in time with regard to this Application for the proposed Additional Residence for Farm Use.

Potential requirements are provided for information only and are subject to the policies in effect at the time when a formal application is made by the owners.

The requirements for setback and Building Code related issues must be considered. Development Engineering will defer comment on those and other issues to Building & Permitting.

Domestic water and fire protection.

The subject property is within the former service area of South East Kelowna. On-site servicing including the utilisation of existing or proposed services as well as fire protection requirements will be reviewed by Building & Permitting.

Sanitary Sewer.

This subject property is currently not within the City service area. Sanitary sewage is handled by on-site wastewater disposal system(s). The existing on-site system(s) are not shown on the submitted Site Plan. The application will be reviewed by a Licenced Wastewater Practitioner and Building & Permitting.

Access and Parking

Adequate on-site parking shall be provided with an area that will allow vehicles to turn-around and exit the property in a forward direction. The current access driveway at the intersection of Saucier Rd and Takla Rd is contrary to Bylaw 7900 and therefore must be removed.



Ryan O'Sullivan
Development Engineering Manager
JF



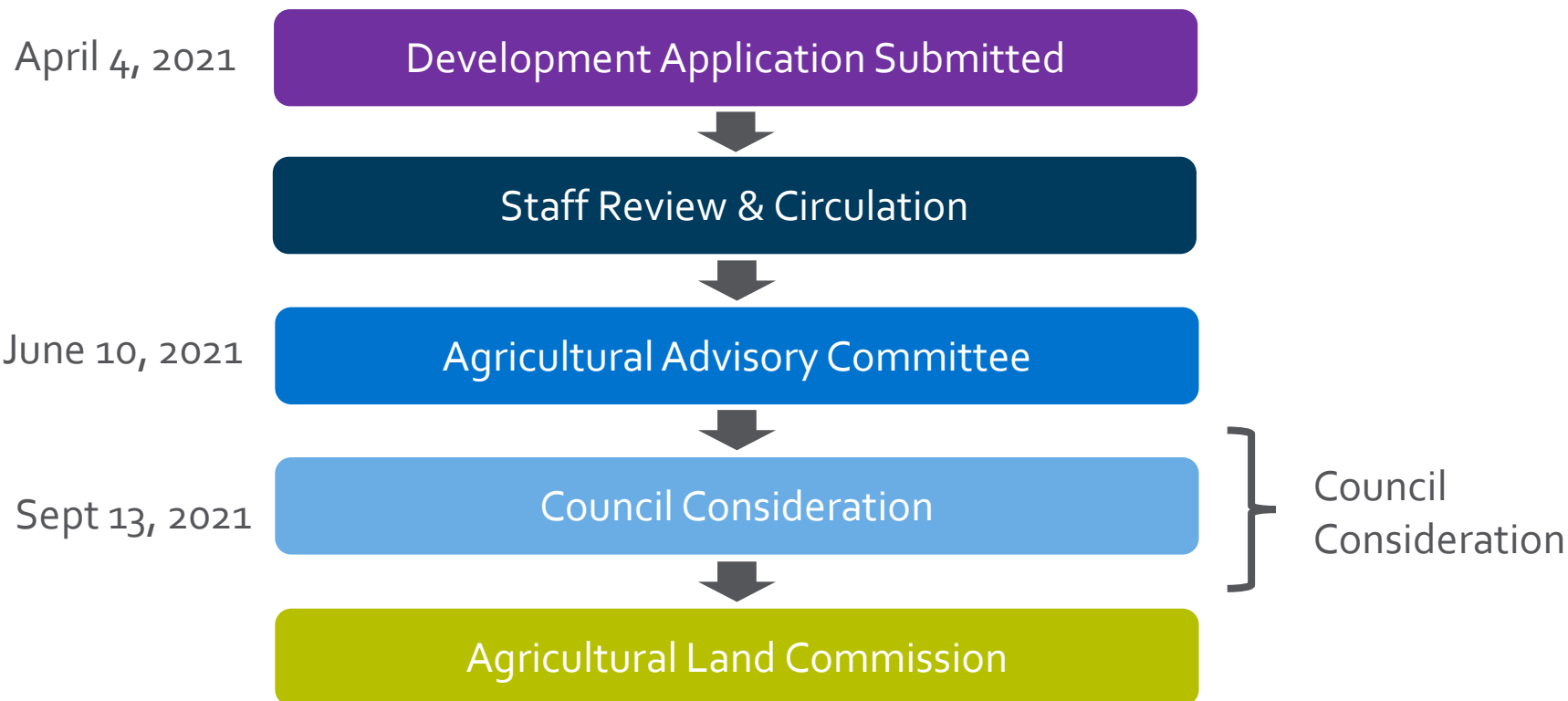
A21-0006 4380 Takla

Application to the ALC for Non-Adhering Residential Use

Proposal

- ▶ To consider an application to the ALC for a Non-Adhering Residential Use, at 4380 Takla Rd, to convert the upper floor of the existing building to a second dwelling.

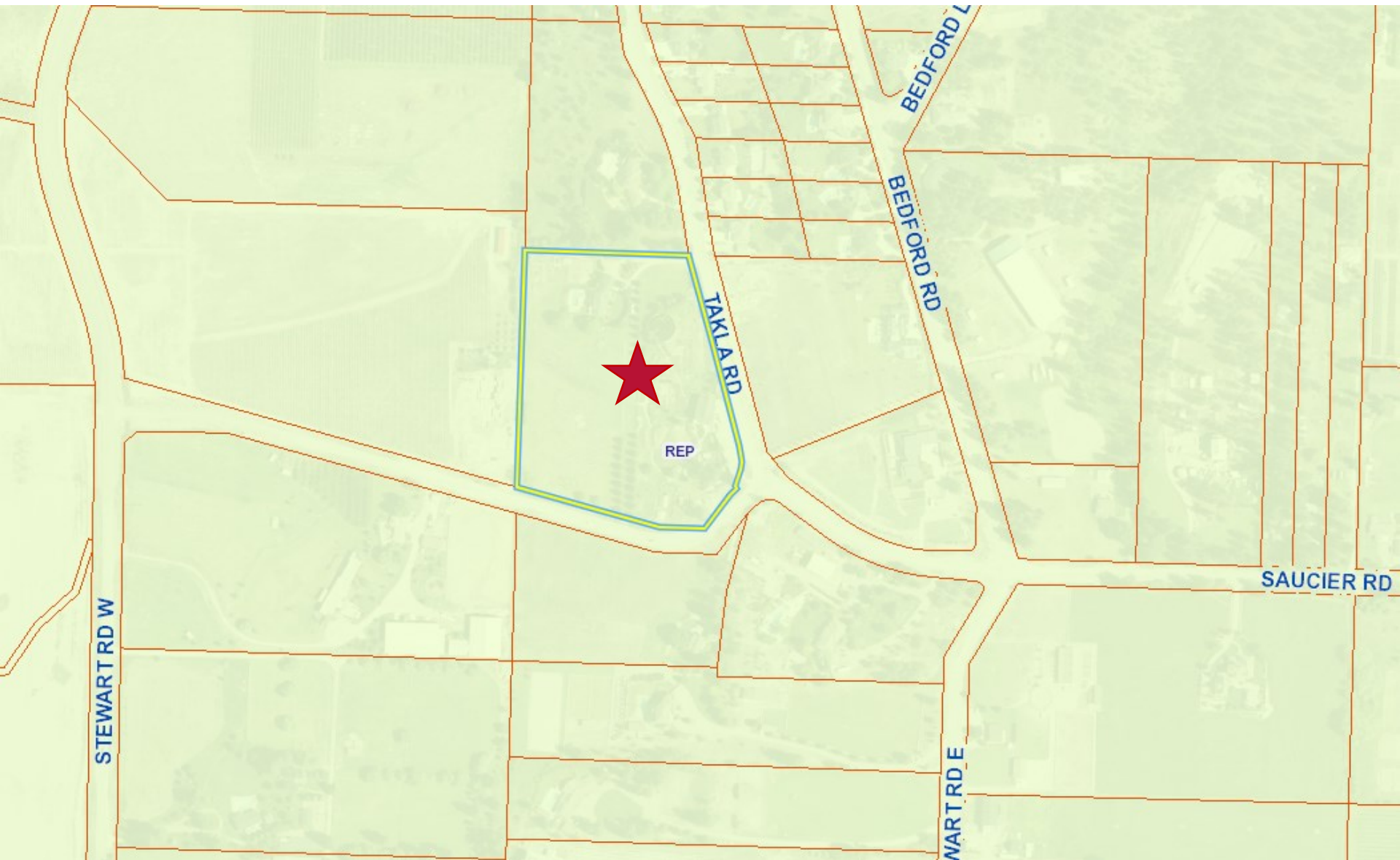
Development Process



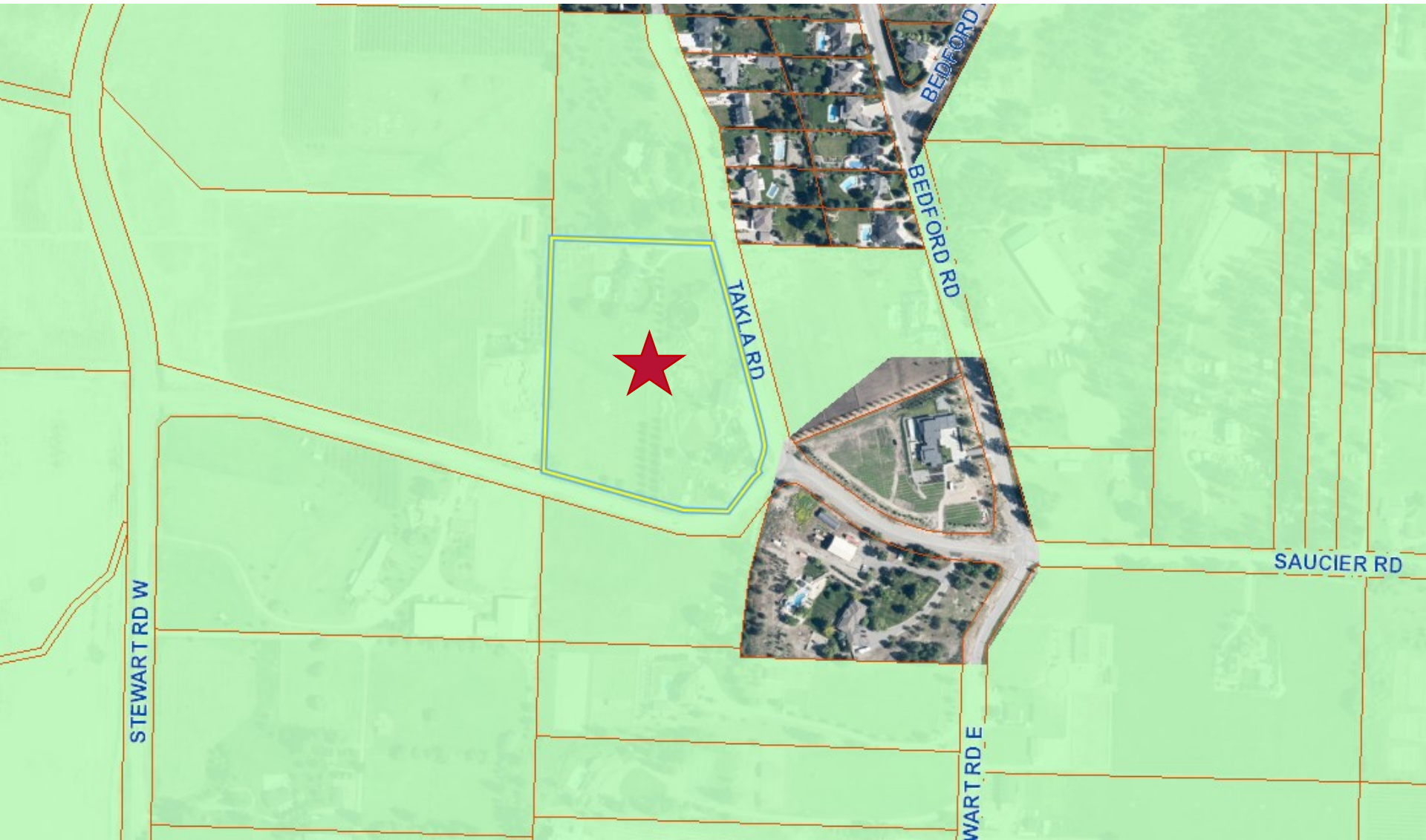
Context Map



OCP Future Land Use / Zoning



Agricultural Land Reserve



Background

- ▶ Owned and operated by the McFadden family since the 1950's
- ▶ Currently used for growing and processing of culinary herbs, and medicinal aromatic plants.
- ▶ Existing accessory building size and use
 - ▶ Two floors, approx. 4040 ft² total
 - ▶ Used for drying room, staff kitchen, office space and storage.

Project/technical details

- ▶ Proposal to convert the upper floor to a dwelling for farm help
- ▶ Covid and farm operations do not require top level of accessory building any longer
- ▶ Maintain agriculture function of the lower level
- ▶ Dwelling would be to accommodate extended family to continue to farm the property

Subject Property Map



OCP Policy

- ▶ The City of Kelowna Official Community Plan (OCP) policy on Farm Help Housing states accommodation for farm help on the same agricultural parcel will be considered only where:
 - ▶ Agriculture is the principal use on the parcel.
 - ▶ The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm.
 - ▶ The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary; and,
 - ▶ TFWH (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

Staff Recommendation

- ▶ Staff recommend that this application be supported by Council.
 - ▶ Agriculture is the principal use
 - ▶ Scale of the farm operation demonstrates need for farm help
 - ▶ Use of the existing building limits impact on farmable lands



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: September 13th, 2021

To: Council

From: City Manager

Department: Development Planning

Application: A21-0009

Owner: Edithe Kathlien Ross

Address: 2981 East Kelowna Road

Applicant: Theresa Ross

Subject: Non-Farm Use Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agriculture Land Reserve Appeal No. A21-0009 for Lot 2 Section 15 Township 26 ODYD Plan 736 located at 2981 East Kelowna Road, Kelowna, BC for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Council;

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

2.0 Purpose

To consider a staff recommendation to support an application to the Agricultural Land Commission for a Non-Farm Use application to permit a year-round apple and peach bin storage station and a seasonal fruit receiving station.

3.0 Development Planning

Staff support the proposed Non-Farm Use application for a year-round apple and peach bin storage station and a seasonal fruit receiving station. The proposal meets the intent of the Zoning Bylaw and the Official Community Plan, and Staff do not anticipate any negative impacts to the neighbouring agricultural properties. The overall proposal will help 15 other growers, and will allow for a centralized location for bin storage and limit the need for other farmers to dedicate spaces for storage to be shipped. Staff believe this is a net benefit for agriculture and food security in the community.

Should the application be supported by Council and approved by the ALC, the applicant will be required to apply for a Building Permit, which would allow for the permanent ATCO trailer, which will be used for an office.

4.0 Proposal

4.1 Project Description

The subject property is 10 acres (4.047ha) in size and is located on East Kelowna Road. The property is currently used to farm apples (gala, spartan, golden delicious, ambrosia, McIntosh and red delicious) and peaches (harrow diamond, Canadian harmony and suncreast). There is currently two single-family homes and a pickers cabin on site.

The non-farm use application is to allow for a year-round apple and peach bin storage, as well as a seasonal fruit receiving station. The owners will be working with Consolidated Fruit Packers (CFP), where they ship the fruit to Osoyoos. This proposed receiving station will be used by 15 other farms in the area, which will be used from September – November. The bin storage will be used year-round, and the application also includes the placement of an ATCO trailer, which will be used as an office, so that bin tags can be printed to track the fruit. The proposal will require roughly 0.75 acre of current orchard land to be removed and gravel to be placed. The fill placement will be roughly 0.1m in depth and have roughly 616m³ in fill. This will be roughly 30 to 40 truckloads.

The ALC allows farm product processing/packing/storing, however, S. 11(2) of the ALR Use Regulation has specific parameters:

11 (2) – The use of agricultural land for storing, packing, preparing, and processing farm products is designated as a farm use and may not be prohibited in section 4 if at least 50% of the farm products is:

- a) produced either on that agricultural land or by an associate to which the owner of the agricultural land belongs, or
- b) feed required for farm use on that agricultural land

Since the proposal is involving 15 other growers, this wouldn't meet the 50% requirement. The application is agricultural-related, but still requires a non-farm use application from the ALC to construct the receiving station and bin storage.

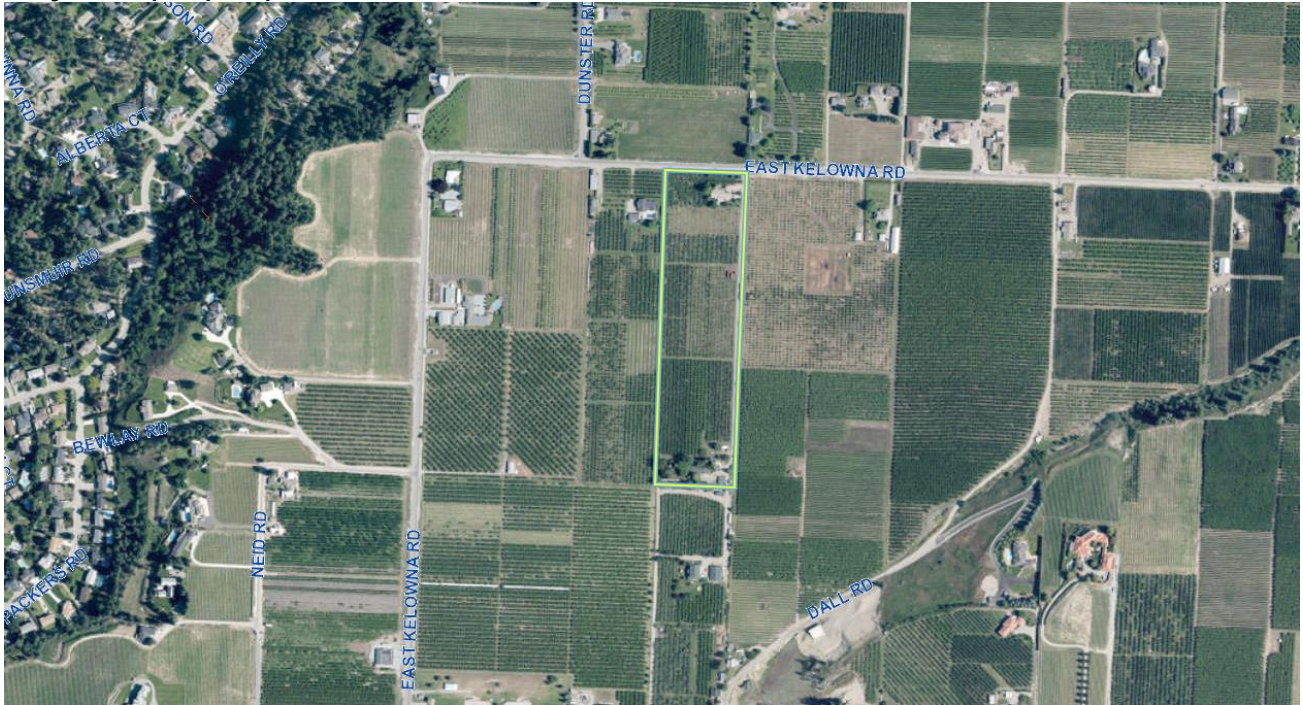
4.2 Site Context

The subject property lies within the Southeast Kelowna OCP Sector. The surrounding area is predominately agricultural lands, all within the Agricultural Land Reserve.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1	Agriculture
West	A1 – Agriculture 1	Agriculture

Subject Property Map: 2981 East Kelowna Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.33 Protect and enhance local agriculture Policy .1 Protect Agricultural Land.

Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- Are consistent with Zoning Bylaw and OCP;
- Provide significant benefits to the local agriculture;
- Can be accommodated using existing municipal infrastructure;
- Minimize impacts on productive agriculture;
- Will not preclude future use of the lands for agriculture;
- Will not harm adjacent farm operation.

6.0 Application Chronology

Date of Application Received: June 14, 2021

Agricultural Advisory Committee: August 12, 2021

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on August 12th, 2021 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommend to Council that Application No. A21-0009 for non-farm use to allow a year round apple and peach bin storage station and seasonal fruit receiving station, located at 2981 East Kelowna Road, Kelowna, B.C., be supported.

Anecdotal comments from the Agricultural Advisory Committee (AAC) are that they have concerns in regard to the future use of the property and would like some kind of safeguard put on this file that if this operation ceases that it reverts back to agriculture production with no housing permitted. The Committee would also want this requirement attached to the property and not ownership in the future.

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A – ALC Non-Farm Use Application

Attachment B – Agrologist Report

Attachment C – Ministry of Agriculture

ATTACHMENT		A
This forms part of application		
# A21-0009		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 63027

Application Status: Under LG Review

Applicant: Edithe Ross

Agent: Theresa Ross

Local Government: City of Kelowna

Local Government Date of Receipt: 04/26/2021

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: site proposal, to use one acre for year round apple and peach bin storage and seasonal fruit receiving station. We will be working with Consolidated Fruit Packers (CFP), based in Osoyoos. They are the packing house we ship our fruit to. We are in need of a receiving station for us and 15 other farmers who also ship their fruit to CFP. The site will be in use from September to November for receiving fruit to be hauled via B-train highway trucks to Osoyoos packing plant. we will need to have 4 to 6 inches of soil taken away and crush put down to facilitate loading the trucks. The Bin Storage will be used year round. We will also need an atco trailer for an office so that bin tags can be printed to track the fruit.

Agent Information

Agent: Theresa Ross

Mailing Address:

2960, McCulloch Road

Kelowna, BC

V1W 4A5

Canada

Primary Phone: (778) 363-3610

Email: kalcider@telus.net

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 001-249-627

Legal Description: lot 2, section 15, township 26, osoyoos division of yale, plan 736

Parcel Area: 4 ha

Civic Address: 2981 East Kelowna Rd

Date of Purchase: 03/24/1943

Farm Classification: Yes

Owners

1. **Name:**

Address:

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

currently farming Apples: gala, spartan, golden delicious, ambrosia, Macintosh, red delicious. Peaches: harrow diamond, canadian harmony, suncrest.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

In 2003 irrigation was upgraded from aluminum pipe to poly urethane pipe with sprinklers and computerized time clock.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

1 main house, 1 secondary house, pickers accommodation, detached garage/workshop, storage building and tractor shed.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: peach farming, hay farming, apple farming

East

Land Use Type: Agricultural/Farm

Specify Activity: Cherry farming

South

Land Use Type: Agricultural/Farm

Specify Activity: apple and peach farming

West

Land Use Type: Agricultural/Farm

Specify Activity: apple and grape farming

Proposal

1. How many hectares are proposed for non-farm use?

0.4 ha

We will also need an atco trailer for an office so that bin tags can be printed to track the fruit.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

our property is centrally located, which makes a shorter round trip for farmers hauling fruit to be shipped to the packing plant. This means less bruising and damaged to fruit. Gives growers better returns and is more efficient.

4. Does the proposal support agriculture in the short or long term? Please explain.

This proposal will allow us and other farmers working with CFP to ship our fruit to the packing house with greater success. A centralized location allows farmers a faster turn around to get fruit to the market in the best condition for a top quality product.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

Yes

Proposal dimensions

Total fill placement area (0.01 ha is 100 m²) *0.1 ha*

Maximum depth of material to be placed as fill *0.1 m*

Volume of material to be placed as fill *616 m³*

Estimated duration of the project. *10 Years*

Describe the type and amount of fill proposed to be placed.

crush 30 to 40 truck loads

Briefly describe the origin and quality of fill.

clean crush haul by Apex Sand and Gravel

Applicant Attachments


- Agent Agreement-Theressa Ross
- Proposal Sketch-63027
- Site Photo-surrounding area
- Certificate of Title-001-249-627

ALC Attachments

None.

Decisions

None.

ATTACHMENT		A
This forms part of application		
# A21-0009		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

May 26/16



Google earth

feet
meters

1000

400



AP(3)

Block # 9 Reds

10 Peaches

11 Gala

12 Ambrosia

13 Goldens

14 Gala

15 Medium Spartan #18 toilet

16 Ambrosia

17 Big Spartan

ATTACHMENT

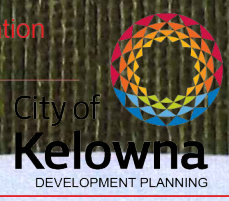
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This forms part of application

A21-0009

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Google earth

feet
meters

2000

800

Google earth

2960 McCulloch Rd

2981 East Kelowna Rd

ATTACHMENT

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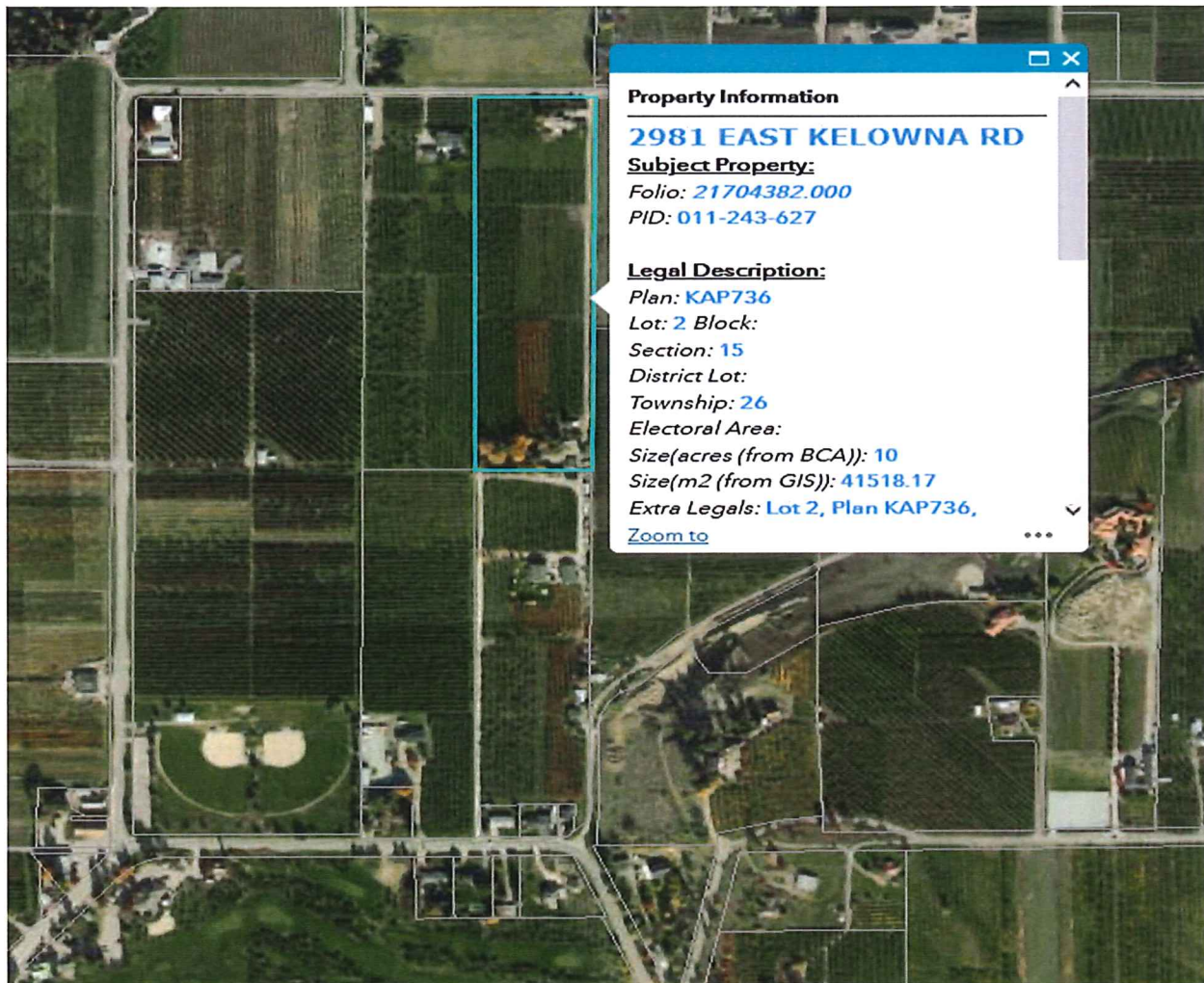
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City of
Kelowna
DEVELOPMENT PLANNING



A Report to Support Non-Farm Use: bin drop.
Dave and Therressa Ross
2960 McCullough Rd and 2981 East Kelowna Road Kelowna, BC

June 7, 2021



Report Prepared by Carl Withler P.Ag.

DBA "Green Spark Consulting"

Kelowna B.C.

ATTACHMENT B

This forms part of application

A21-0009

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City of
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DEVELOPMENT PLANNING



This report has been prepared by a Professional Agrologist at the request of Dave and Therressa Ross in support of their Non-farm use application to the ALC (#63027). Specifically, this request is to remove trees and top soil from approximately .75 acre of current orchard land and place gravel and a small, removable, scale shack on the cleared area to pool loaded bins in a central location prior to loading onto a semi for shipment to the fruit grading and packing facility of Consolidated Fruit Packers (CFP) located in Osoyoos B.C. This proposal creates significant efficiency as it allows one large commercial vehicle to transport fruit rather than multiple smaller owner run trucks on a four hour round trip delivery. Efficiencies are gained through reduced emissions of multiple vehicles making multiple trips and keeps owners on their lands harvesting crops rather than delivering small batches of fruit.

Report outline:

1. Statement of Qualifications.
2. Impact on agricultural lands.
3. Recommendations
4. General Commentary

ATTACHMENT **B**

This forms part of application
A21-0009

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Initials **TC**


City of Kelowna
DEVELOPMENT PLANNING

Statement of Qualifications: as required by the Professional Governance Act of British Columbia, I confirm the following to be a true statement of my qualifications with respect to the information in this report.

The author of this report is a Professional Agrologist (#695) registered and in good standing in the province of British Columbia and has been so for over 30 years. Because of this registration he is bound by a code of ethics, guided by standard and normal practices and uses scientific and field information to come to logical and rational recommendations and decisions.

Specific to this report Mr. Withler has spent 40 years in production agriculture working in every commodity from animal husbandry to tree fruit horticulture in Canada and abroad. During his working career Mr. Withler worked very closely with the Agricultural Land Commission (ALC), Ministry of Agriculture Strengthening Farming program staff and Local Government planners to create and review bylaws related to agricultural production. As well, Mr. Withler is relied on by Farm Industry Review board hearings as a "Knowledgeable Person" and allowed to offer opinion regarding normalized farming practices. Recently, the author retired from the provincial civil service as the Industry Specialist for the Tree fruit and Grape industries and is working as an Environmental Farm planner and replant inspector for the Treefruit Replant program. Mr. Withler is now the lead Agrologist for Green Spark Consulting

Impact on Agricultural Lands: in order to determine the potential impact on agricultural lands a site review in the company of the owner was carried out on May 27, 2021 to review works to date, confirm existing land practices and review basic documentation.

From this review it was confirmed that the area in question is approximately .75 acre in size, allows for easy access to and from the site in large and small vehicles, is secure and flat for easy movement of forklifts, bins and other farm equipment. It is also central to the approximately 15 growers that will pool their bins here for mass shipment to the grading and packing facility.

At the time of review, the site was cleared of topsoil, which remains on site currently and waiting for approval prior to hard surface (crush) fill placement and final grading. No evidence of topsoil removal was noted at time of inspection.

Although this is a “loss” of productive agricultural land, the “loss” is time bound, can be rehabilitated cheaply and easily and most importantly, provides a significant net benefit by marshalling fruit outside the City of Kelowna core, on safe, level ground and within reasonable trucking distance of a grading and packing facility. Any “loss” of productive land is surpassed by the gross benefit to agricultural producers in the South East Kelowna area.



Photo 1: Google Earth image of 2981 East Kelowna road location with application area outlined in yellow.

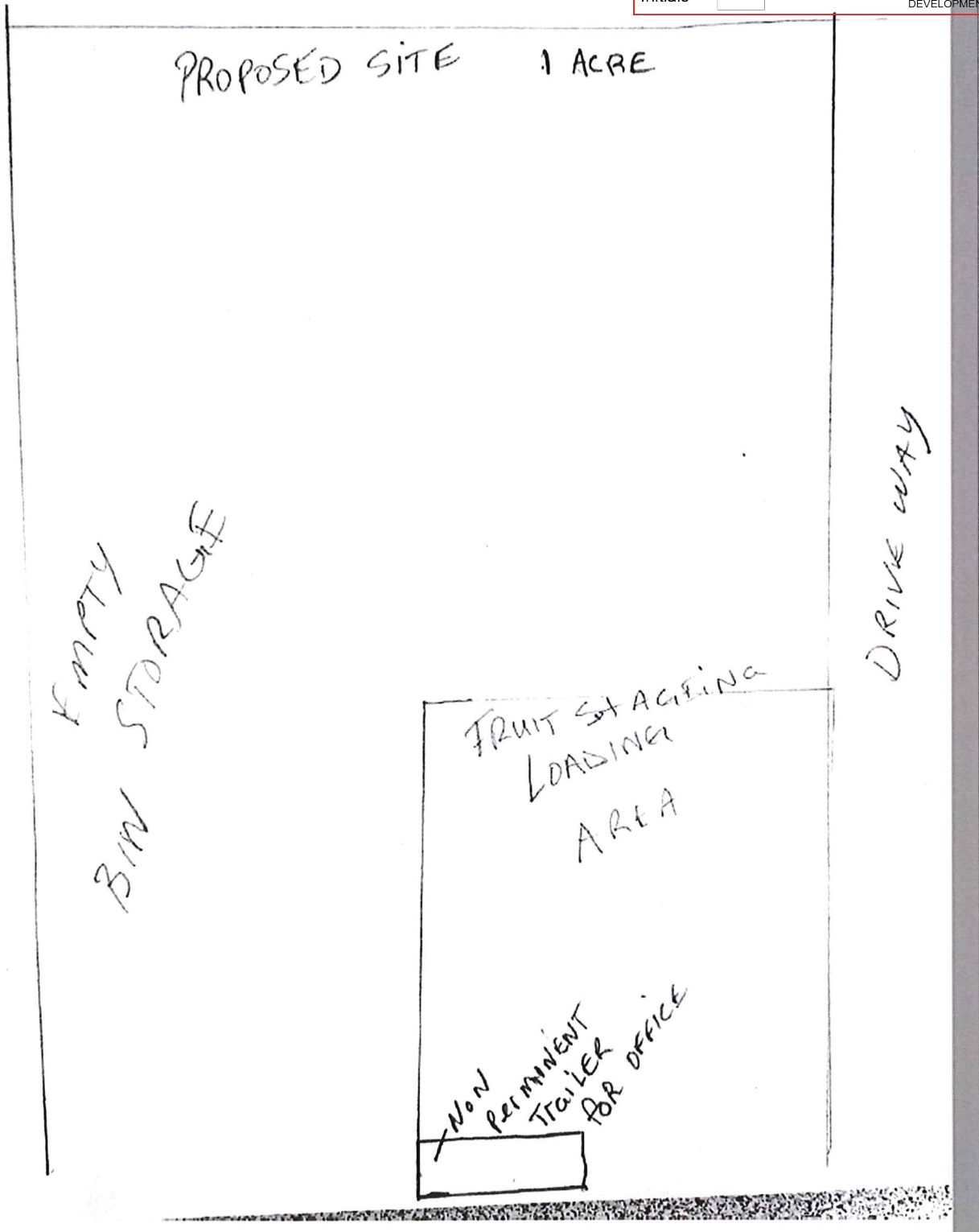


Figure 1; Site map produced by project proponent showing specific layout of scale shack, loading area and bin storage.



Photo 2: area in question looking North; note topsoil surrounding area remains in place. The scale shack will sit approximately where the Cat is now.

Recommendations; In preparing this report, I interviewed the land owners and staff from CFP as well as reviewed lease agreements in place between the two parties. In doing so, I am confident that there is a long term intent by both parties to efficiently and effectively pool and transport fruit for the benefit of approximately 15 growers in the South East Kelowna quadrant. Added, there are provisions in place for breach of lease by either party and specifically, rehabilitation requirements if, and when the lease terminates. The lease is evergreen and it is the intention of both parties for this to continue as part of the farming legacy of the Ross family.

The Ross family are long time orchardists in the Kelowna area having been in the farming community from the early 1900's onwards. They intend to keep farming into the foreseeable future with children, now of succession age and skills, to take over.

Because of this document review, interview process and my specific knowledge of the business model of CFP I would recommend that this application be supported by the City of Kelowna, the

ALC and only generalized conditions (i.e. simple bonding) regarding bonding for site rehabilitation be placed at time of approval. As the intention of this agreement is to be everlasting, the proponent should be allowed to remove the stock piled topsoil currently on site and replace it, if and when, needed.

General Commentary: CFP has made great gains in the last 10 year period in Kelowna and around the world in marketing high quality fruit and produce. With it's business roots in Kelowna, it has built a reputation of treating it's growers fairly and treating them, and their land fairly in exchange for high quality fruit delivered for processing. This agreement between the Ross family and CFP confirms both parties commitment to continued fruit production in the Central Okanagan.

The author of this report remains committed to finalizing a decision regarding this application and should any party require further information he may be reached at 250 870 2137.

Respectfully submitted,



Carl Withler P.Ag. (#695)

ATTACHMENT		B
This forms part of application		
# A21-0009		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>



ATTACHMENT		C
This forms part of application		
# A21-0009		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

June 23, 2021

File No: 0280-30

Local Government File No: A21-0009

Planning Staff

City of Kelowna

Via E-mail: planninginfo@kelowna.ca

Dear City of Kelowna planning staff:

Re: Non-Farm Use, 2981 East Kelowna Road, Parcel Identifier: 001-249-627

Thank you for providing B.C. Ministry of Agriculture, Food and Fisheries staff the opportunity to comment on the subject application. From an agricultural perspective, we offer the following comments on the materials provided:

- The project would utilize approximately one acre of farmland to provide bin storage and a seasonal fruit receiving station.
- No permanent structures are proposed as part of the project.
- Approximately 15 other fruit growers would benefit from the project through efficiencies gained in using the location to pool bins and ship fruit.
- As outlined in the Agrologist's Report future site rehabilitation, if needed, would be relatively simple.
- This use would be beneficial for agriculture and Ministry staff have no objections.

If you have any questions, please contact us directly by email or phone.

Sincerely,

Alison Fox, P.Ag.
Land Use Agrologist
B.C. Ministry of Agriculture,
Food and Fisheries
Alison.Fox@gov.bc.ca
778 666-0566

Chris Zabek, P.Ag.
Regional Agrologist
B.C. Ministry of Agriculture,
Food and Fisheries
Chris.Zabek@gov.bc.ca
250 861-7680

- 2 -

cc. Sara Huber, Regional Planner, ALC, Sara.Huber@gov.bc.ca

ATTACHMENT		C
This forms part of application # A21-0009		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>



A21-0009

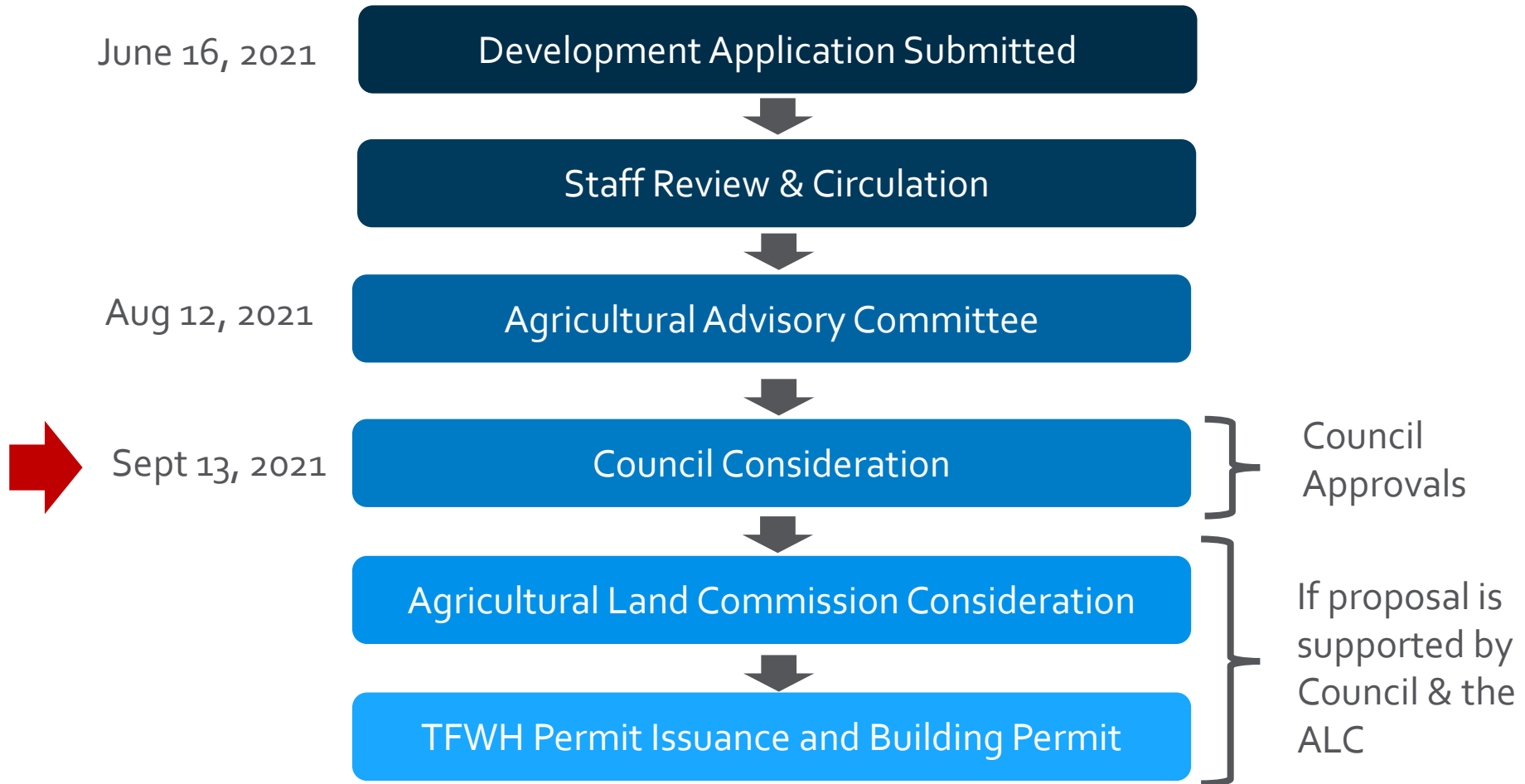
2981 East Kelowna Road

ALR Application for a Non-Farm Use Permit

Proposal

- ▶ To support an application to the Agricultural Land Commission for a Non-Farm Use Permit to allow for a year-round apple and peach bin storage station and seasonal fruit receiving station.

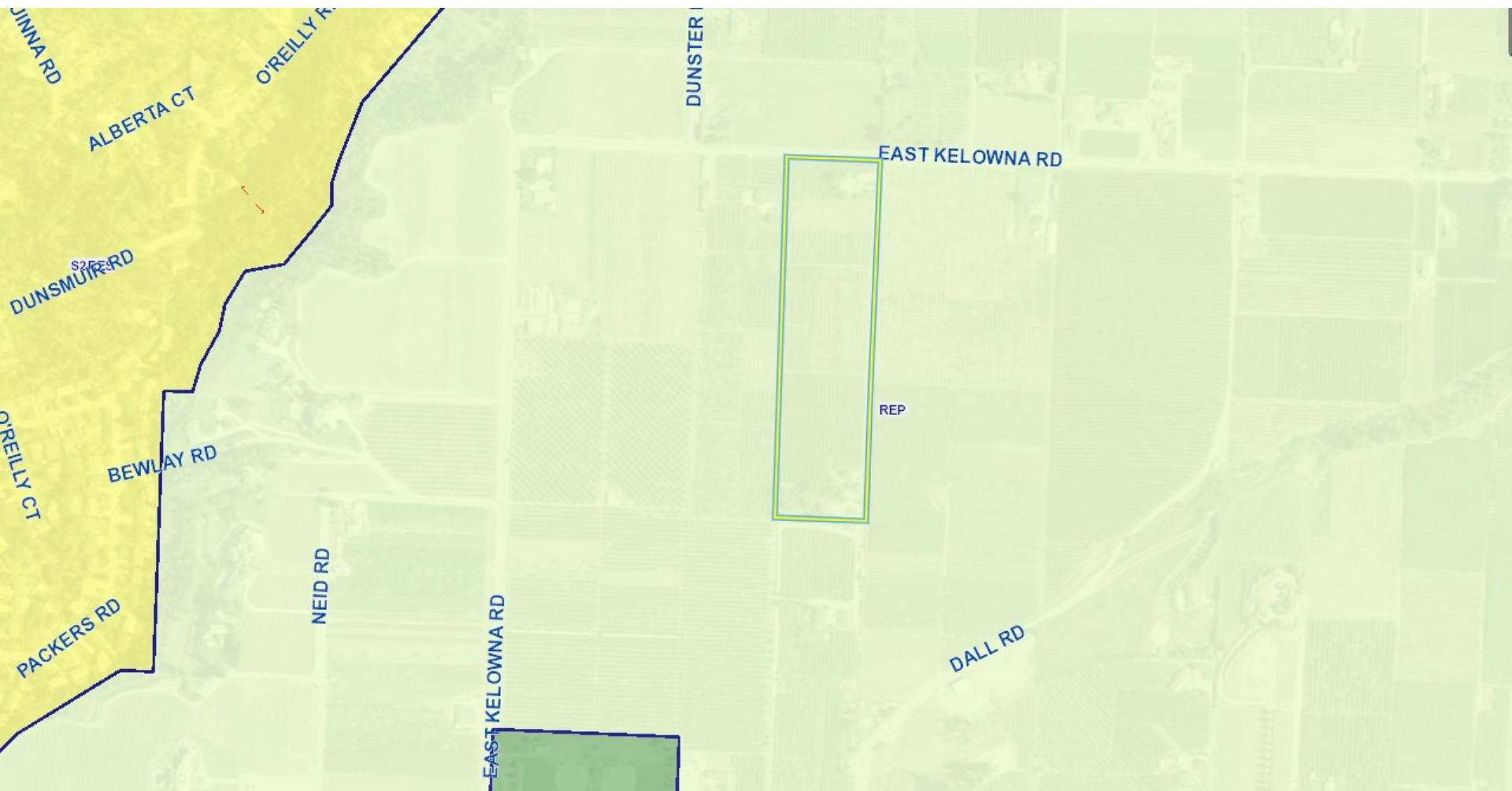
Development Process



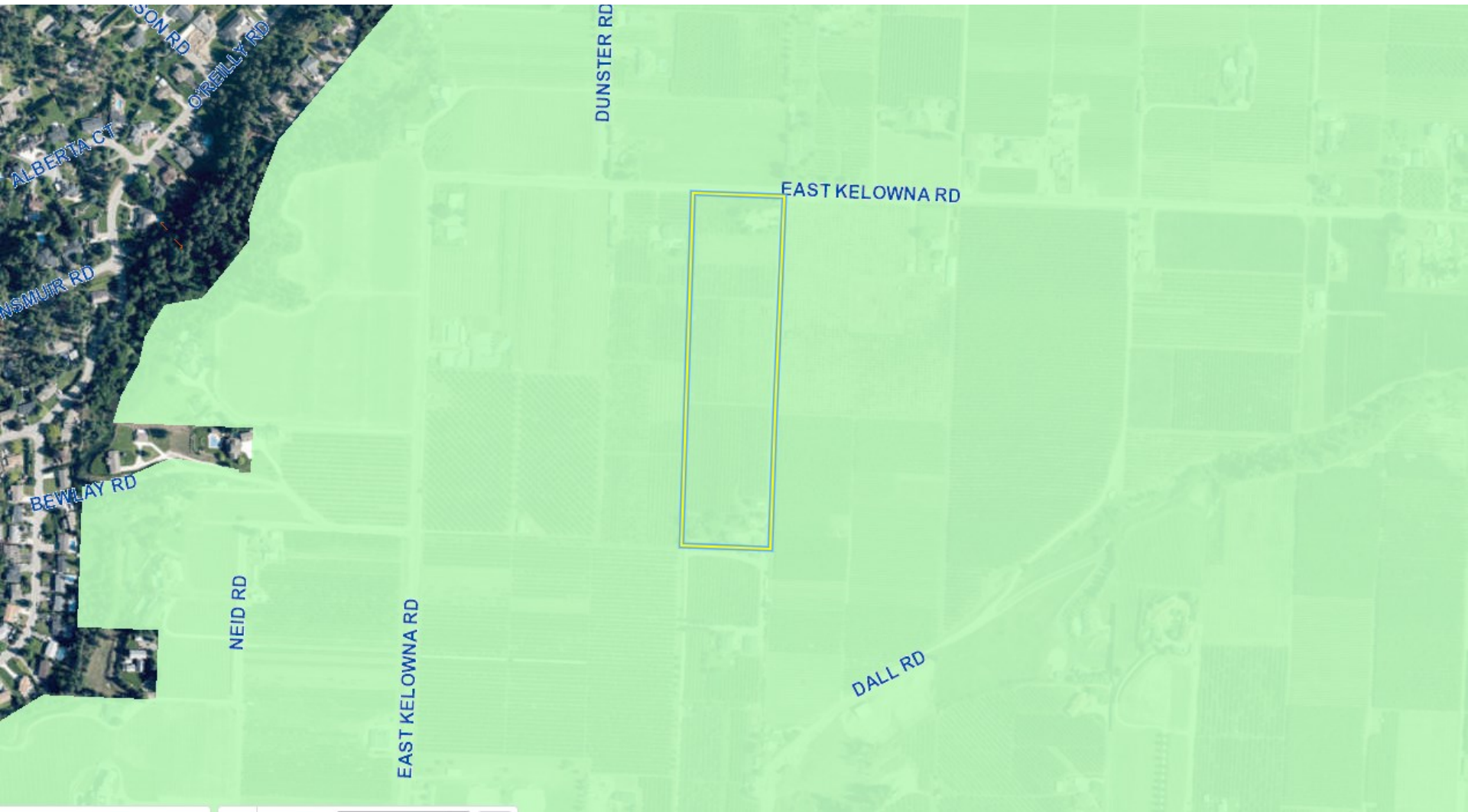
Context Map



OCP Future Land Use / Zoning



Agricultural Land Reserve



Project Details

- ▶ The applicant is seeking approvals allow a year-round apple and peach bin storage, as well as a seasonal fruit receiving station.
- ▶ The receiving area will be used by 15 other farms in the area, which will be used from Sept – Nov.
- ▶ The bin storage will be used year-round.
- ▶ The application will also require an ATCO trailer and will be used as an office.

Project Details

- ▶ The ALC allows farm product processing/packing/storing, however, S. 11(2) of the ALR Use Regulation has specific parameters:
 - ▶ 11 (2) – The use of agricultural land for storing, packing, preparing, and processing farm products is designated as a farm use and may not be prohibited in section 4 if at least 50% of the farm products is:
 - ▶ a) produced either on that agricultural land or by an associate to which the owner of the agricultural land belongs, or
 - ▶ b) feed required for farm use on that agricultural land

Site Plan



Site Plan



AAC Recommendation

- ▶ Application went to the Agricultural Advisory Committee on Aug 12th, 2021;
 - ▶ AAC Recommended that Council support the application.

Staff Recommendation

- ▶ Staff recommend **support** of the proposed Non-Farm Use for bin storage and a seasonal fruit receiving station.
 - ▶ Meets intent of the Zoning Bylaw and the OCP.
 - ▶ No negative impacts to surrounding agricultural.
 - ▶ Net benefit to the agriculture community and food security.
- ▶ Recommend the application be forwarded to ALC for consideration.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: September 13th, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0067

Owner: Yunfang Gao

Address: 639 Sherwood Road

Applicant: Urban Options Planning Corp.

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 358 ODYD Plan 16547, located at 639 Sherwood Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

AND THAT final adoption of the Rezoning Application be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated September 13th, 2021;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing.

3.0 Development Planning

Staff support the proposal to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate a 2-lot subdivision. The subject property has a Future Land Use Designation of S2RES – Single/Two Unit Residential and is within the City’s Permanent Growth Boundary. As such, the proposed zone is consistent with the Official Community Plan’s (OCP) objectives. In addition, both lots meet the minimum dimensions of the RU6 zone.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing is to facilitate a 2-lot subdivision. The property currently has one home, which will be required to be removed as part of the application. The proposed Lot B is the only lot that is large enough to allow two-dwelling housing, while Lot A, is an undersized RU6 lot, so the maximum density is a single-family dwelling and a carriage house.

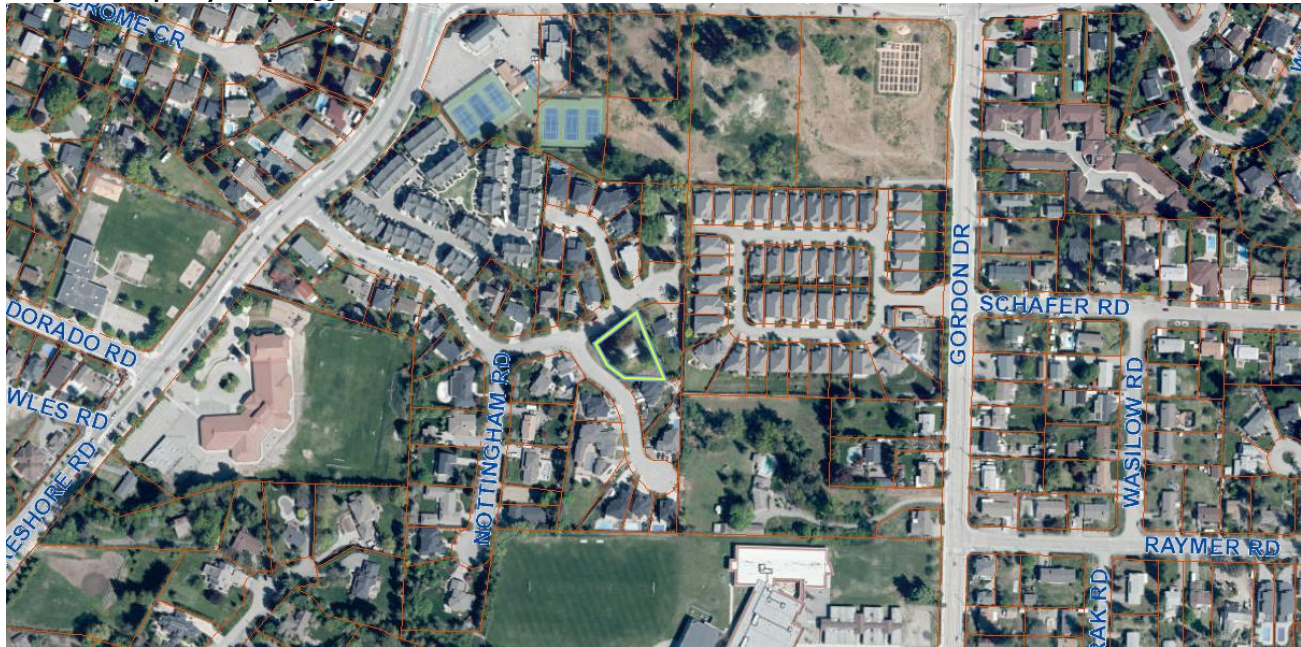
4.2 Site Context

The property is located in the North Mission – Crawford OCP Sector and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily zoned RU1 – Large Lot Housing, RU1c – Large Lot Housing with Carriage House and RU5 – Bareland Strata Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single-Family Dwelling
East	RU1 – Large Lot Housing	Single-Family Dwelling
South	RU1 – Large Lot Housing	Single-Family Dwelling
West	RU1c – Large Lot Housing with Carriage House	Single-Family Dwelling and Carriage House

Subject Property Map: 639 Sherwood 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.

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

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

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 Development Engineering Memo attached dated September 13, 2021

7.0 Application Chronology

Date of Application Received: June 22, 2021

Date Public Consultation Completed: July 13, 2021

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Proposed Subdivision

CITY OF KELOWNA MEMORANDUM

Date: July 7, 2021
File No.: Z21-0067
To: Planning and Development Officer (TC)
From: Development Engineering Manager (RO)
Subject: 639 Sherwood Rd.

SCHEDULE		A
This forms part of application # Z21-0067		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

RU1 to RU6

The Development Engineering Branch has the following comments and requirements associated with this rezoning application to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate a two-lot subdivision. The Development Engineering Technician for this project is Aaron Sangster.

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.

2. Domestic Water and Fire Protection

This property is currently serviced with 19mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant, at their cost, will arrange for the removal and disconnection of the existing services and installation of one new larger service, if necessary.

3. Sanitary Sewer

- a) This property is currently serviced with one 100 mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. The applicant, at their cost, will arrange for the removal and disconnection of the existing services and installation of one new larger service, if necessary.

4. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a stormwater management plan for the site, which meets the requirements of the Subdivision, Development, and Servicing Bylaw No. 7900. The storm water management plan

must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.

5. Electric Power and Telecommunication Services

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

6. Road Improvements / Site Access

- a) Sherwood Rd. must be upgraded to an urban standard along the full frontage of this proposed development, including roll-over curb and gutter, sidewalk, irrigated landscaped boulevard, streetlights, drainage system including catch basins, watermain upgrade, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R7.
- b) Rattenbury Ct. must be upgraded to an urban standard along the full frontage of this proposed development, including roll-over curb and gutter, sidewalk, irrigated landscaped boulevard, streetlights, drainage system including catch basins, watermain upgrade, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R7.

7. Development Permit and Site Related Issues

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Fortis, 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.

8. Geotechnical Report

- a) Although a geotechnical report will not be required at time of rezoning, a report must be provided at the time of Building Permit.
- b) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department 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) Site suitability for development.
- (vi) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- ii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any special requirements for construction of roads, utilities, and building structures.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.
- vii) Recommendations for roof drains and perimeter drains.

9. **Road Dedication**

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

10. **Design and Construction**

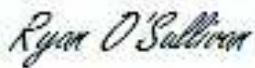
- c) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- d) Engineering drawing submissions 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.
- e) 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).
- f) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- g) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

11. Servicing Agreements for Works and Services

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


12. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).
 - iii) Hydrant levy charge of **\$250.00** (\$250.00 per new lot.)
 - iv) Survey Monument Fee: **\$50.00** (\$50 per newly created lot – GST exempt).



Ryan O'Sullivan
Development Engineering Manager

AS

SCHEDULE		A
This forms part of application # Z21-0067		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

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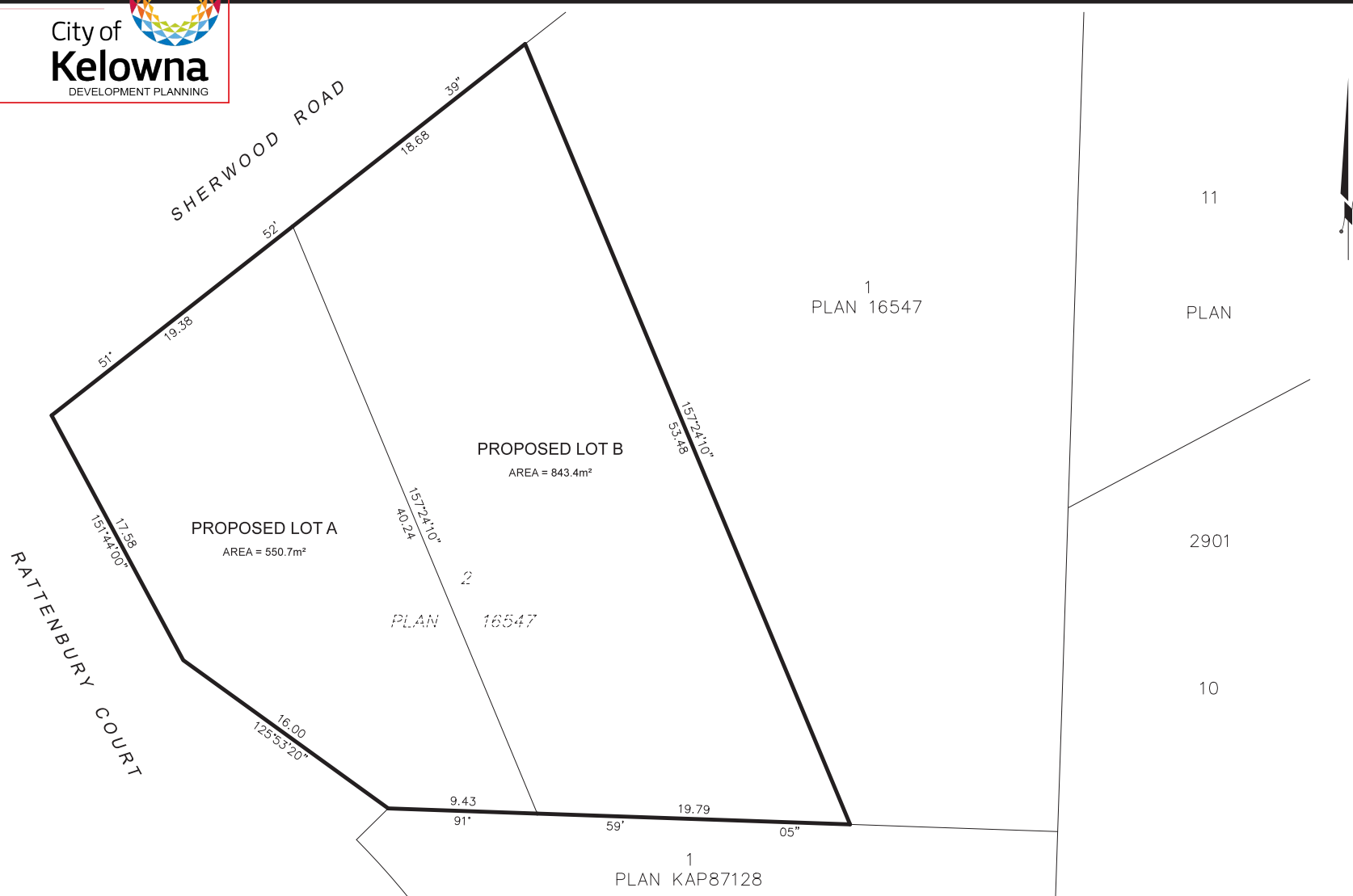
Z21-0067



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials

TC



PROPOSED SUBDIVISION OF LOT 2,
D.L. 358, O.D.Y.D., PLAN 16547
(639 Sherwood Road, Kelowna)

RUNNALLS DENBY
british columbia land surveyors

259A Lawrence Avenue
Kelowna, B.C.
V1Y 6L2

Phone: (250)763-7322
Fax: (250)763-4413
Email: rob@runnallsdenby.com

BOB LIU

SCALE: 1:250 (11" x 17")

DATE: 2021-06-01

DWG: 16105 PSUB

FILE No.:	16105
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Z21-0067

639 Sherwood Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate a 2-lot subdivision.

Development Process

Jun 22nd, 2021

Development Application Submitted

Staff Review & Circulation

July 13th, 2021

Public Notification Received

Sept 13th, 2021

Initial Consideration

Public Hearing
Second & Third Readings

Final Reading

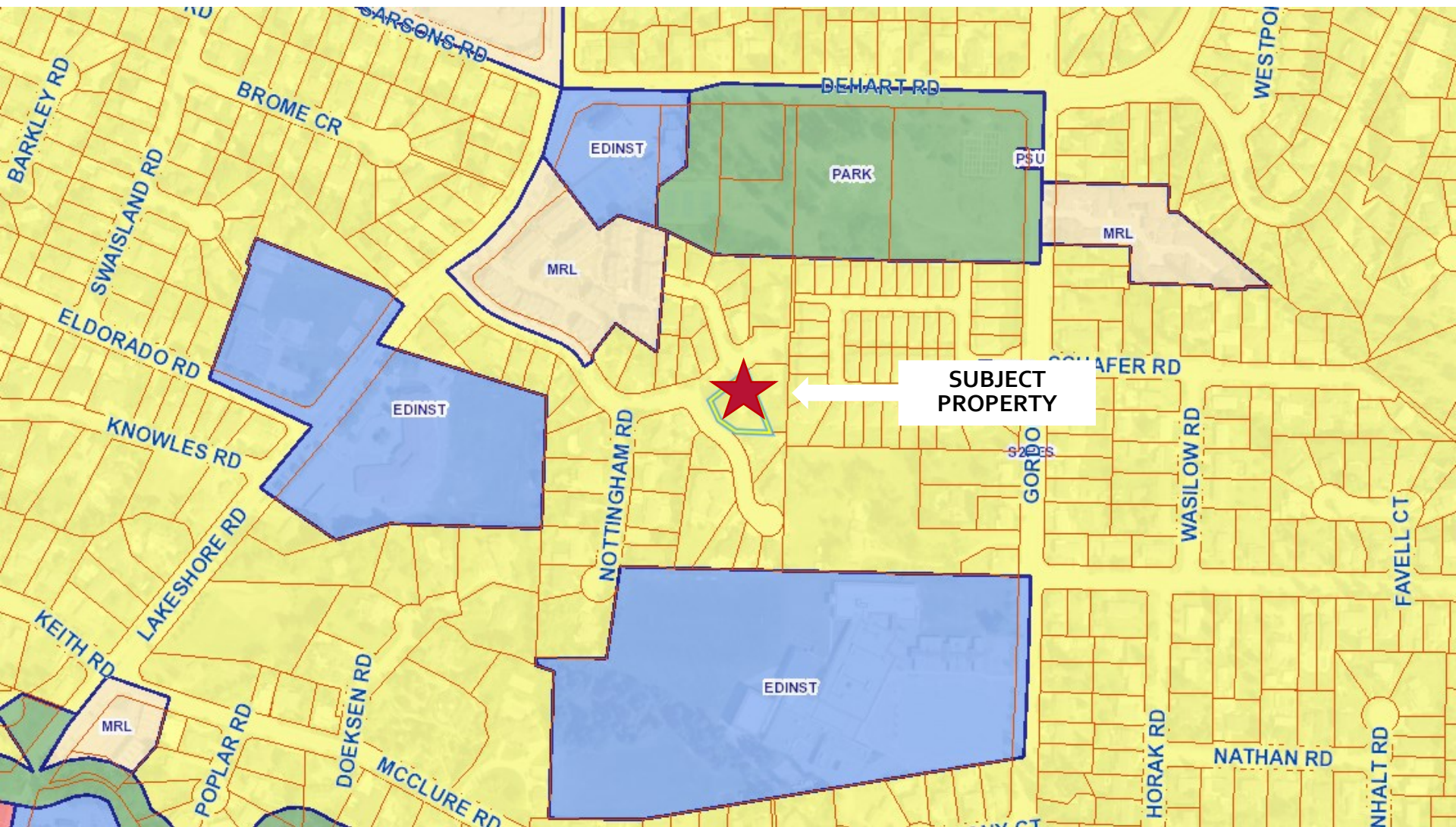
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



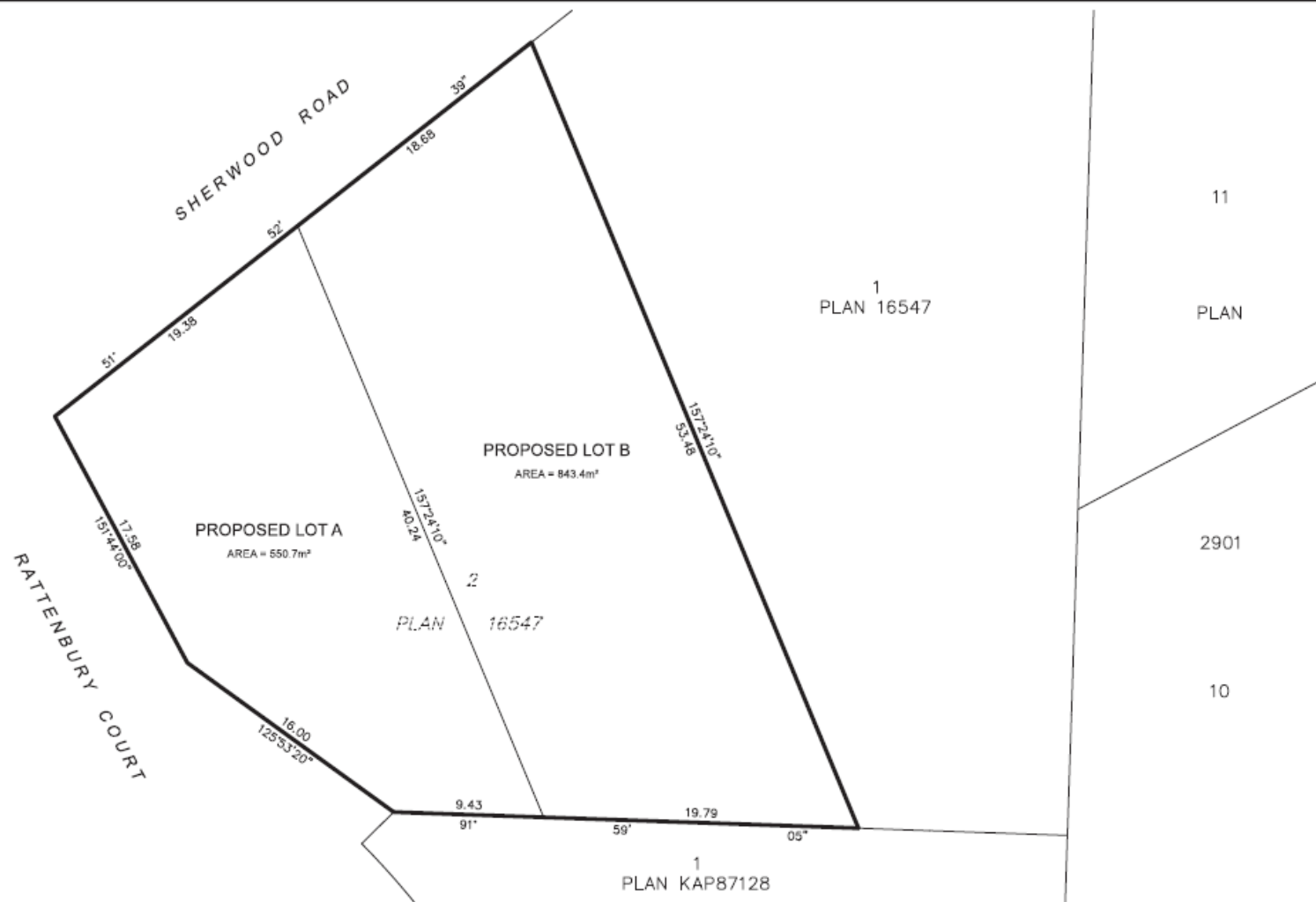
Subject Property Map



Project/technical details

- ▶ Proposed rezoning to RU6 –Two Dwelling Housing will facilitate a 2-lot subdivision.
- ▶ Both lots meet the depth, width and size of the RU6 zone.
- ▶ Only one of the two will be large enough to have two dwellings on them.

Site Plan



Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Within Permanent Growth Boundary
 - ▶ Sensitive Infill

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate a 2-lot subdivision
- ▶ Meets the intent of the Official Community Plan
 - ▶ Urban Infill Policies
 - ▶ Appropriate location for adding residential density
- ▶ Consistent with Zoning Bylaw and the proposed lots meet the size minimums.
- ▶ Recommend the Public Hearing be waived.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12264

Z21-0067

639 Sherwood Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 District Lot 358 ODYD Plan 16547 located on Sherwood Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: September 13, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0027

Owner: 1306876 BC Ltd., Inc. No.
BC1306876

Address: 470 Fleming Road

Applicant: New Town Architecture &
Engineering

Subject: Rezoning Application

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM4 – Transitional Low Density Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C Section 27 Township 26 ODYD Plan KAP79327, located at 470 Fleming Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated September 13, 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 for the subject property.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of multiple dwelling housing on the subject property.

3.0 Development Planning

Staff supports rezoning the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of a 7-unit townhouse project. The application is consistent with the Official Community Plan (OCP) Future Land Use Designation of MRM – Multiple Unit Residential (Medium Density). It meets all of the Zoning Bylaw regulations for the RM4 – Transitional Low Density Housing with no variances required.

The subject property is located in the Rutland neighbourhood to the west of the Rutland Urban Centre near the intersection of Leathead Road and Fleming Road. The parcel has a Walk Score of 44 – Car Dependent (only some errands can be accomplished on foot) and a Bike Score of 88 – Very Bikeable as the site provides easy access to bike routes and Rails with Trails. Additional density in this area is supported through the local amenities including nearby parks, schools and transit.

4.0 Proposal

4.1 Background

The first phase of the project had a Public Hearing and received 2nd & 3rd readings from Council in October of 2017. The development permit was approved by Council in June 2018. The development is now fully constructed and occupied providing 36 rental townhouses to the area.

The subject proposal will become the second phase to the existing townhouse development north of the subject site (500 Fleming Road).

4.2 Project Description

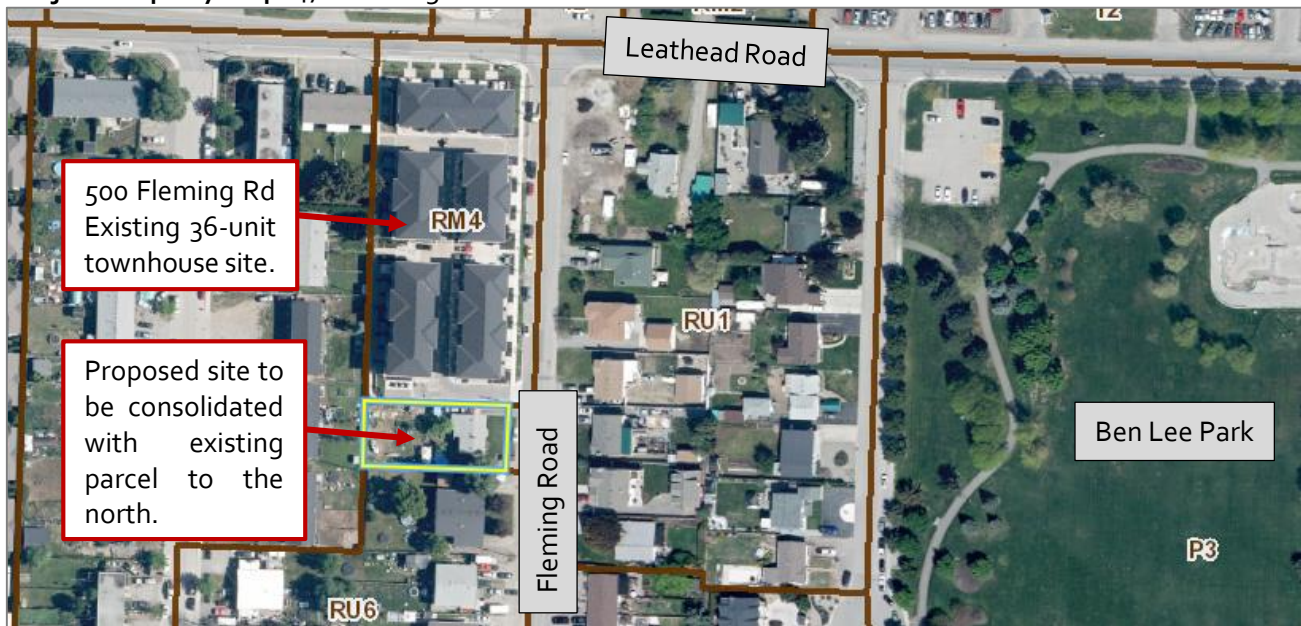
The proposed development consists of one building containing 7-units (1 two-bedroom and 6 three-bedroom units). Each unit has private amenity space in the form of balconies and at-grade patios. All on-site parking requirements have been met and site access is via 500 Fleming Road. Should this proposal be supported by Council, the property would be consolidated with 500 Fleming Road to create one title lot with 43 townhomes (7 proposed, 36 existing).

4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM4 – Transitional Low-Density Housing	Multiple Dwelling Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing RU6 – Two Dwelling Housing	Single & Duplex Housing
West	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing

Subject Property Map: 470 Fleming Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.2 Develop Sustainably.

Complete Communities. Support the development of complete communities with a minimum intensity of approximately 35-40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes. (approx. 114 people / hectare proposed).

Objective 5.3 Focus development to designated growth areas.

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

Objective 5.22 Ensure context sensitive housing development.

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

6.0 Technical Comments

6.1 Development Engineering Department

Refer to Schedule 'A' attached.

7.0 Application Chronology

Date of Application Accepted: March 30, 2021

Date Public Consultation Completed: August 23, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Applicant Rationale

Attachment B: Conceptual Drawing Package

CITY OF KELOWNA
MEMORANDUM

SCHEDULE

A

This forms part of application
Z21-0027

Planner
Initials

LK



Date: April 1, 2021

File No.: Z21-0027

To: Planning and Development Officer (AT)

From: Development Engineering Manager (JK)

Subject: 470 Fleming Rd

RU1 to RM4

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject property from RU1 to RM4. Road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Sarah Kelly.

1. General

- a) 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) 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.
- d) These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).

2. Domestic Water and Fire Protection

- a) The property is located within the Black Mountain Irrigation District service area. The developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b) The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The water system must be capable of supplying the domestic and fire flow demands of the project in accordance with the Subdivision, Development, & Servicing Bylaw No. 7900.



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials

LK

3. Sanitary Sewer

- a) This property is currently serviced with one 100 mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for each legal lot. The applicant, at their cost, will arrange for the removal and disconnection of the existing services and installation of one new larger service, if necessary.

4. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a stormwater management plan for the site, which meets the requirements of the Subdivision, Development, and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.

5. Electric Power and Telecommunication Services

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

6. Road Improvements / Site Access

- a) Fleming Road must be upgraded to an urban standard (SS-R5) along the full frontage of the subject property; including curb and gutter, sidewalk, LED street lighting, landscaped and irrigated boulevard, storm drainage system, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b) Driveway access for this development must via existing access for 500 Fleming Rd as shown on New Town Site Plan drawing submitted with this application.
- c) Ensure visitor parking stall adjacent to Molok garbage containers does not impede garbage pickup.

7. Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department 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) Site suitability for development.
 - (vi) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
-
- ii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iii) Recommendations for items that should be included in a Restrictive Covenant.
 - iv) Any special requirements for construction of roads, utilities, and building structures.
 - v) Any items required in other sections of this document.
 - vi) Recommendations for erosion and sedimentation controls for water and wind.
 - vii) Recommendations for roof drains and perimeter drains.
 - viii) Any items required in other sections of this document.

8. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street Marking/Traffic Sign Fees: at cost (to be determined after design).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST)

James Kay, P.Eng.
Development Engineering Manager

SK

RE: Proposal for Rezoning and DP for: 470 Fleming Road

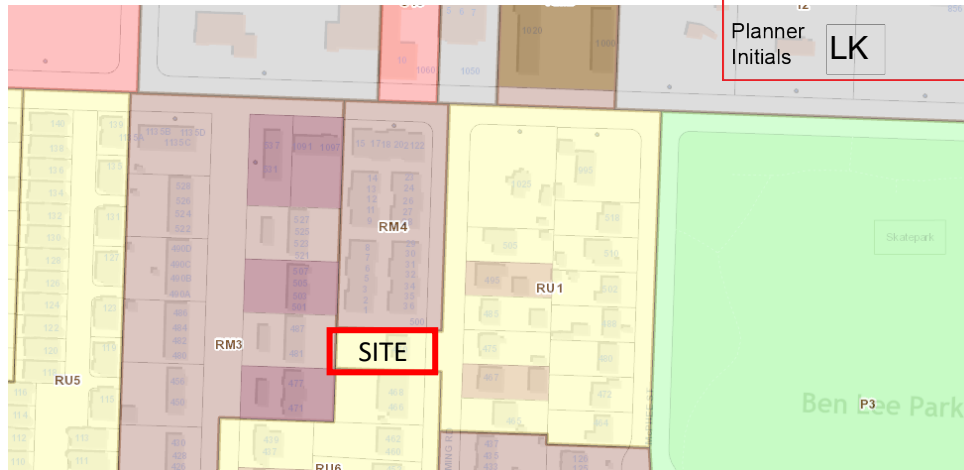
Introduction

This application is for re-zoning and DP to accommodate a 7-unit townhome building located at 470 Fleming Road, Kelowna BC. The subject site is 0.256ac and is located by the corner of Leathead and Fleming Road.



Site Context

The subject site is currently zoned RU1 – Large Lot Housing. This Development Permit application is to facilitate the construction of 1 townhome building, with 7 unit's total. These homes are proposed under the RM4 zone, which is consistent with the OCP. The building is 3 storeys in height. This proposed townhome development is a continuation of the adjacent development at 500 Fleming Road. The subject property will be consolidated with 500 Fleming Road and incorporated into the existing strata. The proposed townhomes align with the City of Kelowna Official Community Plan's goals for a sustainable future by focusing growth in compact, connected, and mixed-use centres and by creating more variety of housing types for Kelowna residents, particularly in the "missing middle".



Form and Character

This development uses a similar design to the adjacent townhomes. All materials, hardie panel and aluminum siding, and colors are the same to ensure that the new townhomes match the existing development. The proposed townhome building takes the same unit plans and exterior façade treatment as the 6-unit townhome buildings on the adjacent property and adds a 7th (custom) unit on the Fleming Road side. A different approach was taken on the 7th unit to ensure it addressed the street on a pedestrian scale. The design emphasizes the corner condition by creating a protruding vertical entrance.

This 7-unit townhome offers six 3 bedroom units and one 2 bedroom unit all with similar types of floor plans. All units provide tandem garage parking on the first level. At-grade entrances face the interior private road except for the unit off Fleming Road which faces the street. Ample outdoor space is provided for each unit at the rear of the property along with an amenity space for all residents to enjoy. Landscaping and outdoor living/recreation are important aspects for this development where each unit has a large patio space with robust landscape screening to ensure privacy as well as sun decks on the second level. Landscape buffer consisting of a 1.8m solid screen fence and various trees/ shrubs will be allocated between the pathway and the Southern boundary to help soften the interface to the existing single-family homes.



**Summary**

The proposed development requires no variances, is consistent with the City's goal for increasing density in existing neighborhoods and complies with the Official Community Plan. The applicant kindly requests support from Staff and Council for this housing project.



ATTACHMENT B

This forms part of application

Z21-0027

Planner
Initials **LK**



ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.

This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.

This drawing must not be scaled.
Verify all dimensions and details prior to commencement of work.
Report all errors and omissions to the Architect.

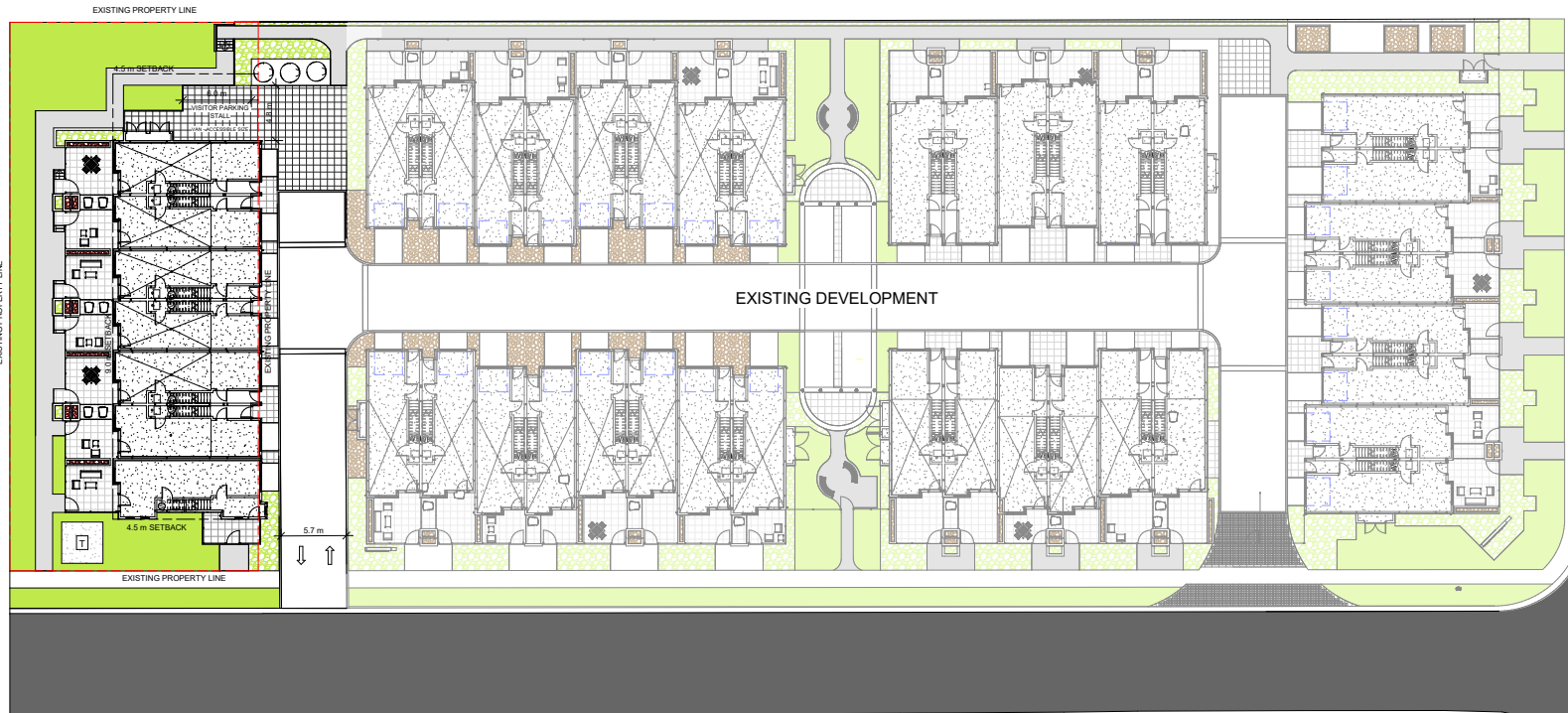


Seal



Revisions

No.	DATE	DESCRIPTION
1	21/01/20	ISSUED FOR I.D.P.
2	21/07/20	REVISED FOR I.P.



1 SITE PLAN
1 : 200

NOT FOR CONSTRUCTION

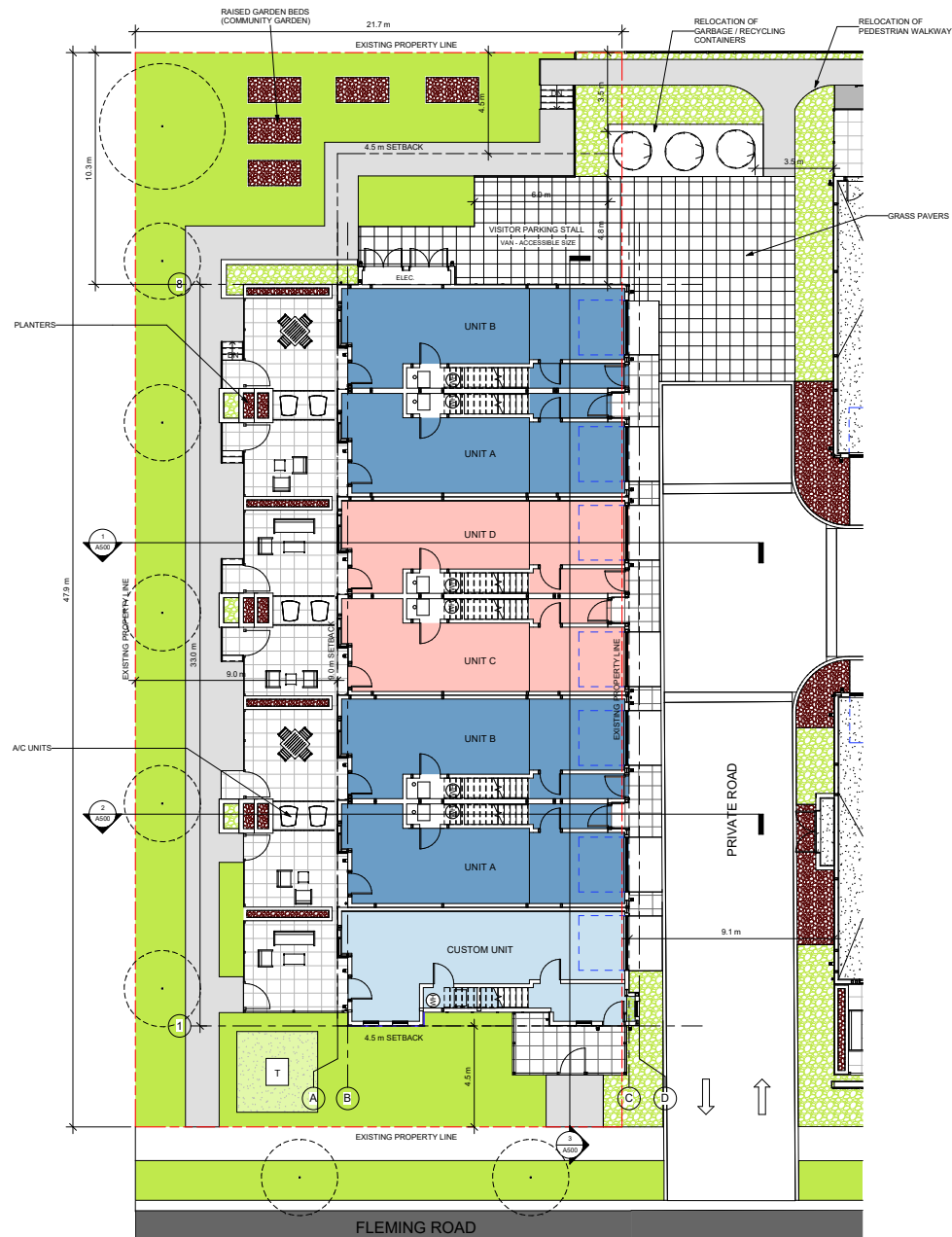
project title
FLEMING TOWNHOMES

project address
**470 FLEMING ROAD
KELOWNA, BC V1X 3Z3**

project no. **4130**
drawing title
SITE PLAN

designed **JR** 1 : 200
drawn **JR / JK**
checked **RY**
drawing no.

A200
printed 7/06/21 11:31:11 AM



ATTACHMENT

This forms part of application

Z21-0027

Planner
Initials

LK

City of
Kelowna
DEVELOPMENT PLANNING

Seal



Revisions		
No.	DATE	DESCRIPTION
1	21/01/20	REVISED EXHIBIT
2	21/07/20	REVISED FOR I/P

NOT FOR CONSTRUCTION

project title
FLEMING TOWNHOMES

project address
**470 FLEMING ROAD
KELOWNA, BC V1Y 3Z3**
project no. 4130

drawing title
**LEVEL 1 FLOOR
PLAN**

designed JH 1:100
drawn JH / JK
checked RY
drawing no.

A301
printed 7/06/21 11:31:32 AM



ATTACHMENT

This forms part of application

Z21-0027

Planner
Initials

LK

City of Kelowna
DEVELOPMENT PLANNING

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.

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Seal



Revisions

[illegible]

NOT FOR CONSTRUCTION

project title
FLEMING TOWNHOMES

project address
**470 FLEMING ROAD
KELOWNA, BC V1X 3Z3**

project no. 4130

drawing title

RENDERS

designed | scale

JR / JK

checked

RY

drawing no. **A404**

plotted 7/26/21 11:31:05 AM



SOUTH EAST CORNER - CLOSE UP

ATTACHMENT
B

This forms part of application
Z21-0027

Planner
Initials

LK

City of
Kelowna

DEVELOPMENT PLANNING

NOT FOR CONSTRUCTION

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.

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This drawing must not be scaled.

Verify all dimensions and details prior to commencement of work.

Report all errors and omissions to the Architect.



Seal



Revisions

No.	DATE	DESCRIPTION
1	2/10/20	ISSUED FOR I.P.

project title
FLEMING TOWNHOMES

project address
**470 FLEMING ROAD
KELOWNA, BC V1Y 3Z3**

project no. **4130**

drawing title
RENDERS

designed: JPL
drawn: JPL / JK
checked: RY

A102

7/06/21 11:31:08 AM



Z21-0027 470 Fleming Road

Rezoning Application



Proposal

- ▶ To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of multiple dwelling housing.

Development Process

Mar 30, 2021

Development Application Accepted

Staff Review & Circulation

Aug 23, 2021

Neighbourhood Consultation

→ Sep 13, 2021

Initial Consideration

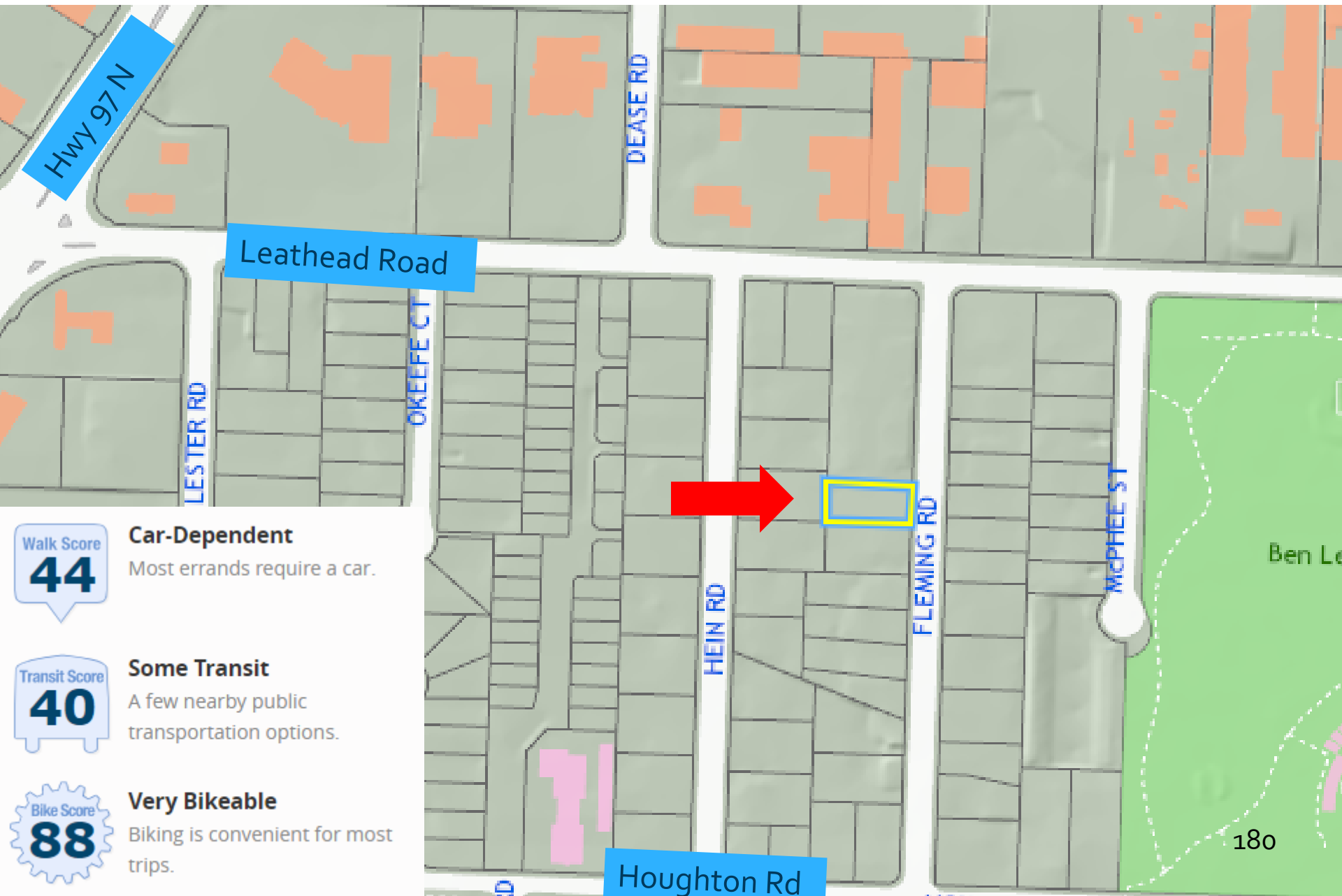
Public Hearing
Second & Third Readings

Final Reading and DP & Variances

Council
Approvals

Building Permit

Context Map



Walk Score
44

Car-Dependent

Most errands require a car.

Transit Score
40

Some Transit

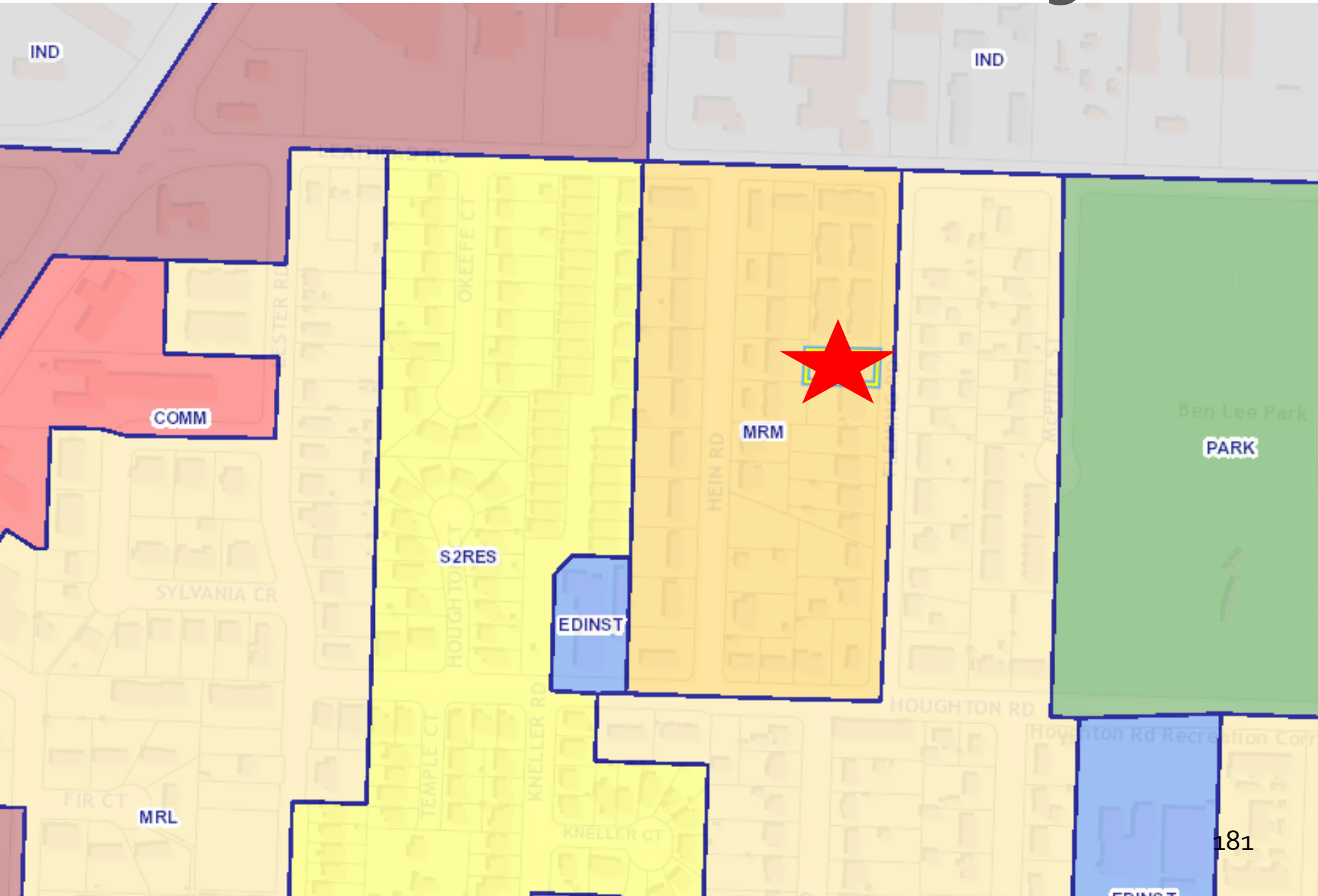
A few nearby public transportation options.

Bike Score
88

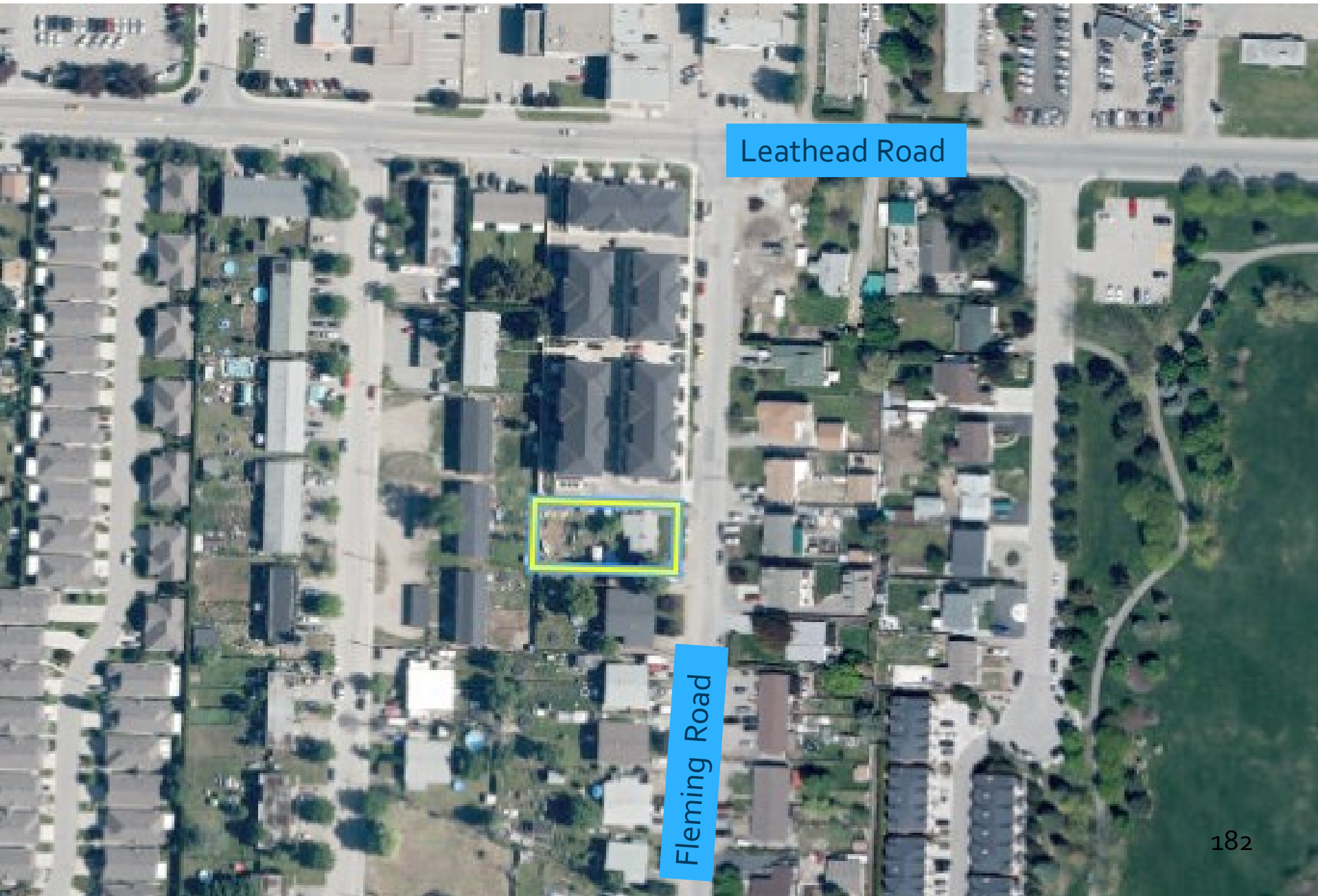
Very Bikeable

Biking is convenient for most trips.

OCP Future Land Use / Zoning



Subject Property Map

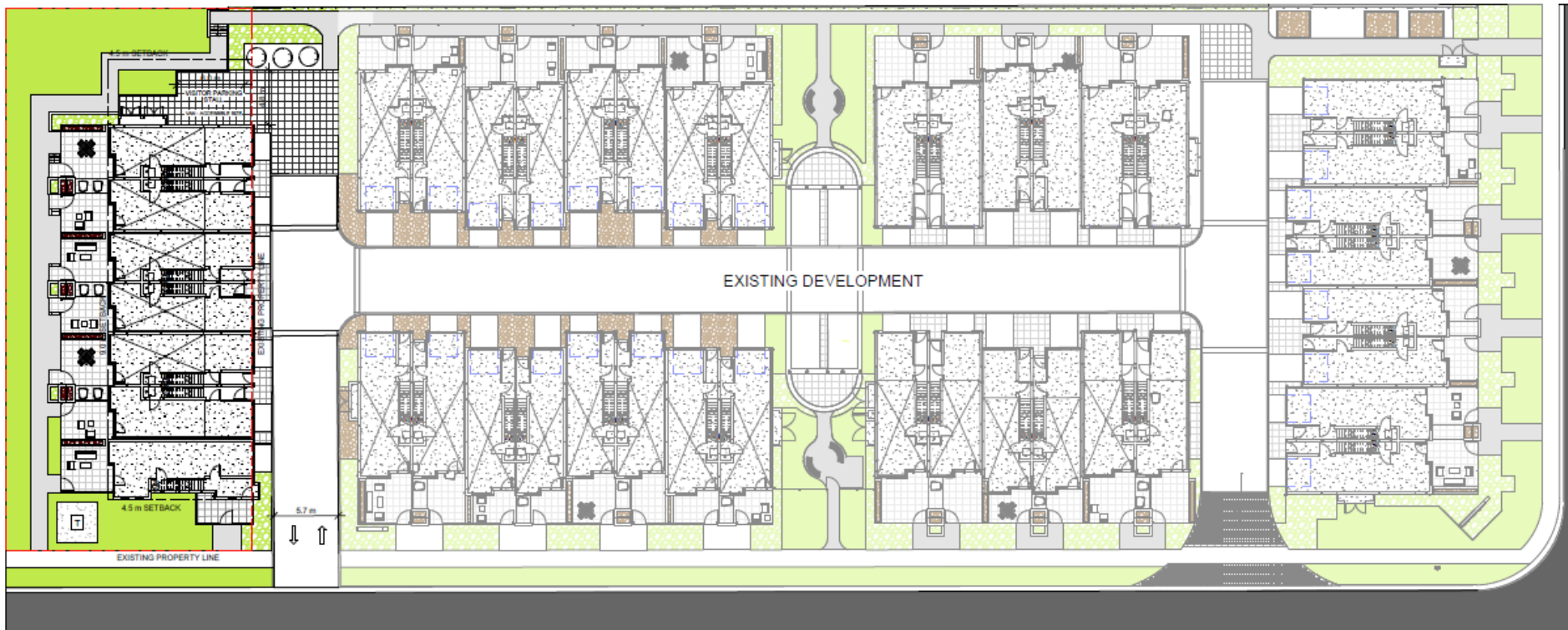
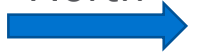


Leathead Road

Fleming Road

Site Plan

North

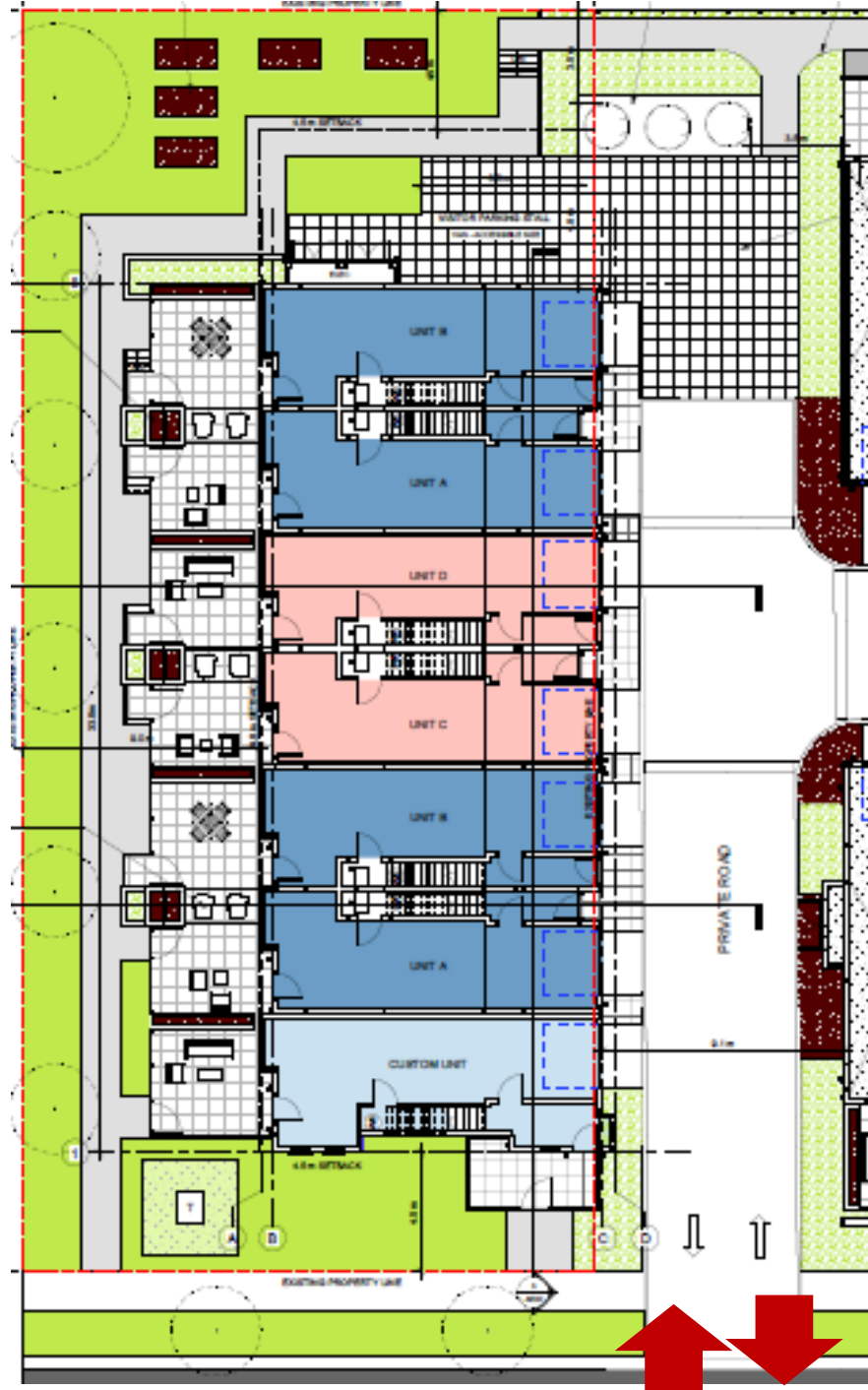


Proposed



Extent of Existing

Site Plan



Proposed Rendering



View from Fleming Road

Development policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ 5.2.4 – Complete Communities
 - ▶ 5.3.2 – Compact Urban Form
 - ▶ 5.23.1 – Ground Oriented Housing
- ▶ Consistent with the Future Land Use → MRM – Multiple Unit Residential (Medium Density)

Staff Recommendation

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



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12273

Z21-0027

470 Fleming Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot C Section 27 Township 26 ODYD Plan KAP79327 located on Fleming Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: September 13, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: Z21-0063

Owner: Benjamin Cherney

Address: 440 Gerstmar Rd

Applicant: NAI Commercial Okanagan Ltd.
– Tony Parmar

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 22, Township 26, ODYD, Plan 29966, located at 440 Gerstmar Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated September 13, 2021;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the development of a duplex, and to waive the Public Hearing.

3.0 Development Planning

Staff supports the proposal to rezone the property to RU6 – Two Dwelling Housing to facilitate the development of a duplex as the subject property is within the Permanent Growth Boundary (PGB) and the proposal aligns with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential.

The proposal is consistent with the OCP as it relates to sensitive infill. The OCP encourages sensitive infill development in existing neighbourhoods close to amenities that limit the impact on the overall neighbourhood character, which this proposal accomplishes. Many properties in the vicinity are zoned RU6.

4.0 Proposal

4.1 Project Description

The proposed rezoning from the RU1 – Large Lot Housing zone to RU6 – Two Dwelling Housing zone will facilitate the development of a duplex on the subject property. The subject property currently contains a single detached dwelling, which will be removed. The subject property is 954.5 m² in size which is above the minimum 700 m² required for a duplex. Driveway access is provided from Gerstmar Road.

4.2 Site Context

The subject property is in the Rutland OCP Sector and is located on Gerstmar Road, near the intersections with Tataryn Road and Elwyn Road. The surrounding area is primarily zoned RU1 – Large Lot Housing and RU6 – Two Dwelling Housing. The Future Land Use Designation of the area is S2RES – Single/Two Unit Residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Housing
East	RU1 – Large Lot Housing	Single Family Housing
South	RU1 – Large Lot Housing	Single Family Housing
West	RU6 – Two Dwelling Housing	Duplex Housing

Subject Property Map: 440 Gerstmar Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

6.0 *Objective 5.22 Ensure context sensitive housing development*

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

7.0 Technical Comments

7.1 Development Engineering Department

- See Schedule A

8.0 Application Chronology

Date of Application Accepted: May 21, 2021
Date Public Consultation Completed: August 20, 2021

Report prepared by: Mark Tanner, 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: Development Engineering Memo

Attachment A: Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: June 14, 2021
File No.: Z21-0063
To: Planning and Development Officer (BW)
From: Development Engineering Manager (RO)
Subject: 440 Gerstmar Rd

SCHEDULE

A

This forms part of application
Z21-0063

Planner
Initials

MT

City of
Kelowna
DEVELOPMENT PLANNING



RU1 to RU6

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone. The Development Technician for this file is Sarah Kelly (skelly@kelowna.ca).

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.

2. DOMESTIC WATER AND FIRE PROTECTION

- a. The property is located within the Rutland Waterworks District service area. The developer is required to make satisfactory arrangements with RWD for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b. The Developer's Consulting Mechanical Engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by RWD are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.
- c. The water system must be capable of supplying the 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 (60 L/s for single & two dwelling residential).

3. SANITARY SEWER SYSTEM

- a. Our records indicate that the subject lot is currently each serviced with a 100-mm diameter sanitary sewer service. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for each legal lot.

- b. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service, complete with an inspection chamber (as per SS-S7 & SS-S9), at the applicants cost.

4. **STORM DRAINAGE**

- a. The developer must engage a consulting civil engineer to provide a stormwater management plan for the site, which meets the requirements of the Subdivision, Development, and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.

5. **ROAD IMPROVEMENTS**


- a. Gerstmar Rd must be upgraded to a full urban standard (SS-R6) along the full frontage of the subject property; including curb and gutter, sidewalk, LED street lighting, landscaped and irrigated boulevard, storm drainage system, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. A one-time cash payment in lieu of construction must be provided by the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$34,999.56**. This does not include cost of upgrading utility services.

6. **POWER AND TELECOMMUNICATION SERVICES**

- a. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.
- b. If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. **GEOTECHNICAL STUDY**

- a. At the time of Building Permit application the applicant is required to provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**
- b. The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department 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.

SCHEDULE		A
This forms part of application		
# Z21-0063		
Planner Initials	MT	 City of Kelowna DEVELOPMENT PLANNING

- 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 and perimeter drains.
- vii. Recommendations for erosion and sedimentation controls for water and wind.
- viii. Any items required in other sections of this document.

8. **ROAD DEDICATION/SUBDIVISION REQUIREMENTS**


- a. Only one driveway access will be permitted with a maximum width of 6 m.

9. **CHARGES AND FEES**

- a. Development Cost Charges (DCC's) are payable.
- b. Cash-in-lieu payment to defer Gerstmar Rd frontage upgrades: \$34,999.56
**Approved payment methods are bank draft or certified cheque.*
- c. Fees per the "Development Application Fees Bylaw" include:
 - i. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii. Engineering and Inspection Fee: 3.5% of frontage upgrades (plus GST), for this development the amount has been determined to be \$1,126.99 + \$56.35 GST for a total of **\$1,183.34**. This is to be provided on a cheque separate to the cash-in-lieu payment for frontage upgrades, and may be in the form of a personal cheque.

Ryan O'Sullivan
Development Engineering Manager

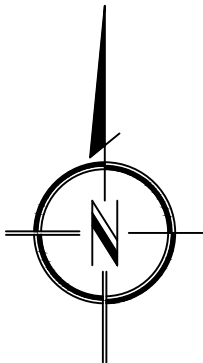
SK

SCHEDULE		A
This forms part of application		
# Z21-0063		
Planner Initials	MT	 City of Kelowna DEVELOPMENT PLANNING

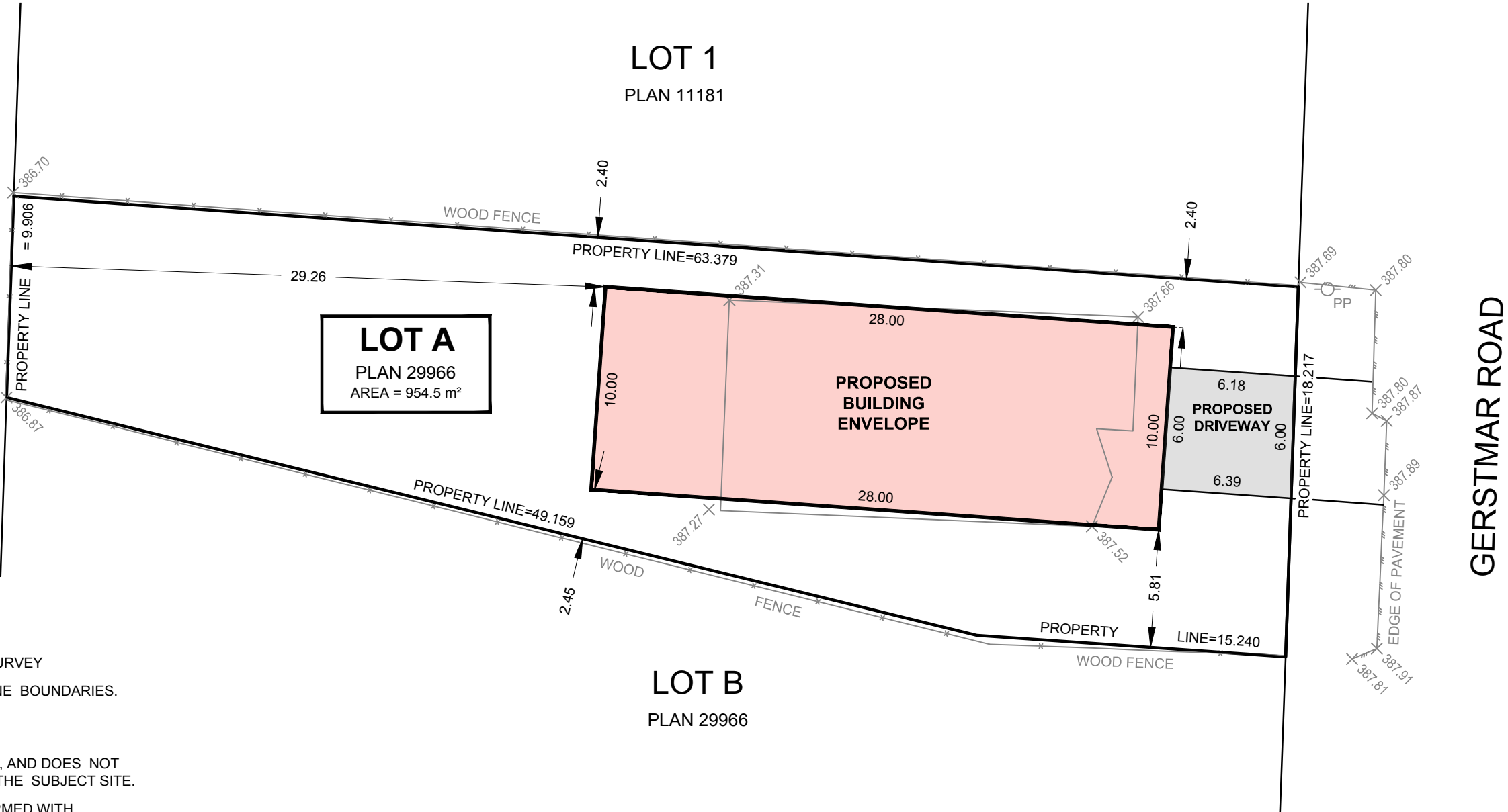
SKETCH SHOWING OUTLINE OF PROPOSED DUPLEX BUILDING ENVELOPE ON LOT A
SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 29966

CITY OF KELOWNA
CIVIC ADDRESS: 440 GERSTMAR ROAD
PID: 004-123-263

SCALE 1:250
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 280mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:250



STRATA
PLAN KAS567



NOTES:
ZONING: RU1 (TO BE REZONED AS RU6)
PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: FIELD SURVEY
OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.
REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.
THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.
FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH BENNETT LAND SURVEYING LTD.

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

FB697 P20-24,31 (PB)

REV. 2

PROPOSED SITE COVERAGE:

LOT "A":	
-BUILDING ENVELOPE	= 280.0m² 29.3%
-DRIVEWAY	= 37.7m² 3.9%
TOTAL	= 317.7m² 33.2%

ELEVATIONS ARE TO CGVD28 GEODETIC DATUM, AND ARE DERIVED FROM DUAL-FREQUENCY GNSS OBSERVATIONS PROCESSED USING THE SMARTNET REAL-TIME NETWORK SERVICE.

THIS PLAN HAS BEEN PREPARED FOR CONSTRUCTION PURPOSES ONLY AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT.

ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE, TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART WITHOUT THE CONSENT OF BENNETT LAND SURVEYING LTD..

BENNETT LAND SURVEYING LTD. ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

ATTACHMENT A
This forms part of application
Z21-0063
Planner Initials MT
City of Kelowna
DEVELOPMENT PLANNING



Z21-0063

440 Gerstmar Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate the development of a duplex.

Development Process

May 21, 2021

Development Application Submitted

Staff Review & Circulation

Aug 20, 2021

Public Notification Received

Sept. 13, 2021

Initial Consideration

Public Hearing (Waived)
Second & Third Readings

Final Reading

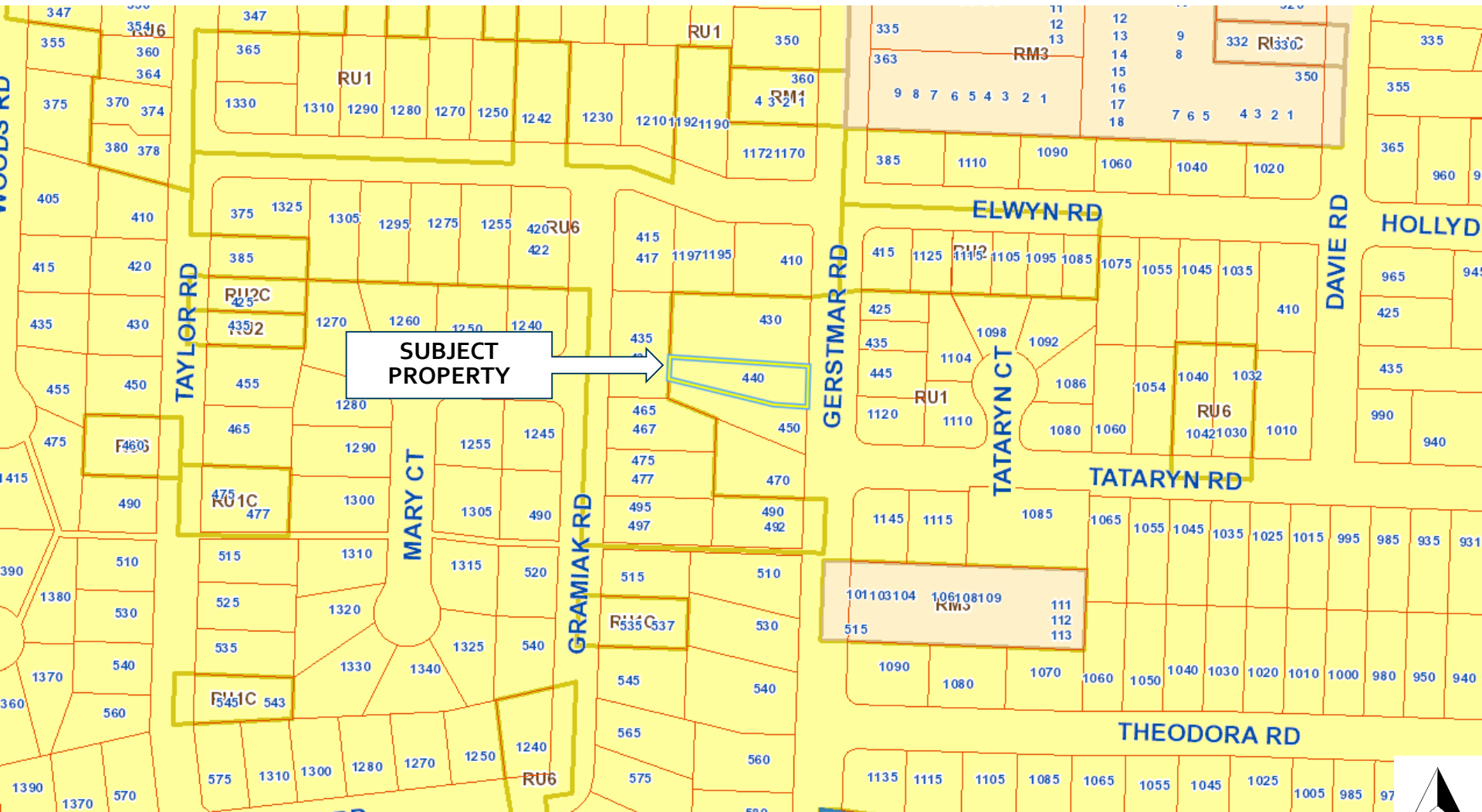
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project details

- ▶ The proposed rezoning from RU1 to RU6 will facilitate the development a duplex on the subject property.
- ▶ The subject property is 954.5 m² in size.
- ▶ The proposed duplex would be required to meet all the Zoning Bylaw Development Regulations.

Conceptual Site Plan

SKETCH SHOWING OUTLINE OF PROPOSED DUPLEX BUILDING ENVELOPE ON LOT A SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 29966

CITY OF KELOWNA
CIVIC ADDRESS: 440 GERSTMAR ROAD
PID: 004-123-263

SCALE 1:250

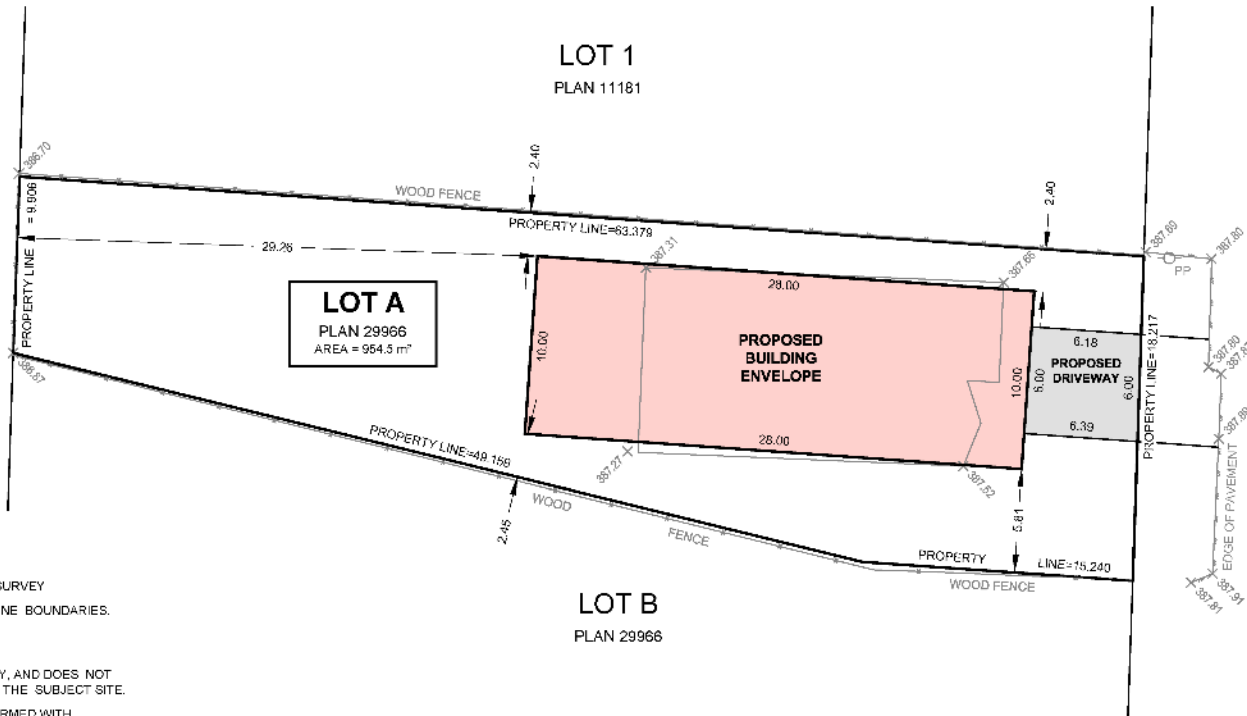


ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN
WIDTH BY 280mm IN HEIGHT (B SIZE) WHEN PLOTTED AT
A SCALE OF 1:250



STRATA
PLAN KAS567



NOTES:

ZONING: RU1 (TO BE REZONED AS RU6)

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: FIELD SURVEY

OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.

REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR
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V1Y 2E8
TEL 250-753-5711
www.bennettsurveys.com

PROPOSED SITE COVERAGE:

LOT "A":

-BUILDING ENVELOPE
-DRIVEWAY

= 280.0m² 29.3%
= 37.7m² 3.9%
TOTAL = 317.7m² 33.2%

ELEVATIONS ARE TO CGVD28 GEODETIC DATUM AND ARE DERIVED
FROM DUAL-FREQUENCY GNSS OBSERVATIONS PROCESSED USING
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FB697 P20-24.31 (PB)

REV. 2

Development Policy

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

Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Meets the intent of the Official Community Plan
 - ▶ Sensitive Infill
 - ▶ Future Land Use Designation of S2RES – Single/Two Unit Residential
- ▶ Recommend the Public Hearing be waived.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12274

Z21-0063

440 Gerstmar Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 22 Township 26 ODYD Plan 29966 located on Gerstmar Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: September 13, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: Z21-0036

Owner: Mair Developments Ltd., Inc.
No. BC0753083

Address: 4973 Buckhaven Crt

Applicant: Mair Developments Ltd. -
Andrew Bruce

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential
S2RESH – Single/Two Unit Residential Hillside
PARK – Major Park / Open Space (public)

Existing Zone: A1 – Agriculture 1

Proposed Zone: RU2 – Medium Lot Housing
A1 – Agriculture 1

1.0 Recommendation

THAT Rezoning Application No. Z21-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 1, Sections 20 and 29, Township 29, SDYD, Plan EPP100536, located at 4973 Buckhaven Court, Kelowna, BC from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone as shown on Map "A" attached to the Report from the Development Planning Department dated September 13, 2021, be considered by Council;

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

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

2.0 Purpose

To rezone a portion of the subject property from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone to facilitate an eight-lot residential subdivision, and to waive the Public Hearing.

3.0 Development Planning

Staff supports the proposal to rezone a portion of the property from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone to facilitate an eight-lot plus remainder subdivision as it is within the Permanent Growth Boundary and the proposal aligns with the Area Structure Plan and Official Community Plan (OCP) Future Land Use designation of S2RES – Single/Two Unit Residential. The proposal conforms to OCP urban infill policies encouraging new development in existing residential areas to be consistent with the existing neighbourhood. The RU2 – Medium Lot Housing zone is consistent with existing lots in the immediate area.

The applicant has submitted plans demonstrating that the proposed subdivision can be achieved in compliance with the RU2 – Medium Lot Housing zone with respect to lot area, width and depth.

4.0 Proposal

4.1 Background

The Neighbourhood 3 ASP for “The Ponds” neighbourhood and related OCP amendments were adopted by Council on April 3, 2007. The Plan envisions a logical pattern of development for Neighbourhood 3 that would result in a high quality, attractive and complete community. The ASP notes that the development concept has been formulated to work harmoniously with the topography and to retain the integrity of water features and their surroundings. The subject portion of the property was specifically identified as being suitable for single/two unit residential development.

4.2 Project Description

The proposed rezoning from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone will facilitate an eight-lot plus remainder subdivision of the subject property. The existing dwelling would be located on the remainder lot. The proposed lots would meet the minimum dimensions of the RU2 zone. A new public road is proposed to be dedicated along the east side of the proposed new lots to provide access to the remainder lot.

4.3 Site Context

The subject property is in the Southwest Mission OCP Sector and is located on Buckhaven Court, between Fawn Run Drive and Steele Road. The surrounding developed areas are zoned RU1 – Large Lot Housing, RU2 – Medium Lot Housing, RU3 – Medium Lot Housing, with surrounding undeveloped lands zoned A1 – Agriculture 1. The Future Land Use Designation of the area is S2RES – Single/Two Unit Residential, S2RESH – Single Two Unit Residential Hillside and PARK – Major Park / Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	S2RES – Single/Two Unit Residential
East	A1 – Agriculture 1	S2RESH – Single/Two Unit Residential Hillside
South	RU3 – Small Lot Housing	S2RES – Single/Two Unit Residential
West	RU2 – Medium Lot Housing	S2RES – Single/Two Unit Residential

Subject Property Map: 4973 Buckhaven Court



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy.1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Lands outside the Permanent Growth Boundary will not be supported for urban or intensive uses with the exception of the extent permitted as per the OCP Future Land Use designations as of initial adoption of OCP Bylaw 10500 or, for Agri-Business designated sites. Land outside of the Permanent Growth Boundary will not be supported for any further parcelization. The Permanent Growth Boundary will not be supported for any further parcelization. The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Objective 5.22 Ensure context sensitive housing development

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

6.0 Technical Comments

6.1 Development Engineering Department

- A subdivision application will require the installation of services and road works. Development Engineering is prepared to defer the requirements of the rezoning to the subdivision stage.

7.0 Application Chronology

Date of Application Received: April 21, 2021

Date Public Consultation Completed: June 11, 2021

Report prepared by: Mark Tanner, Planner II

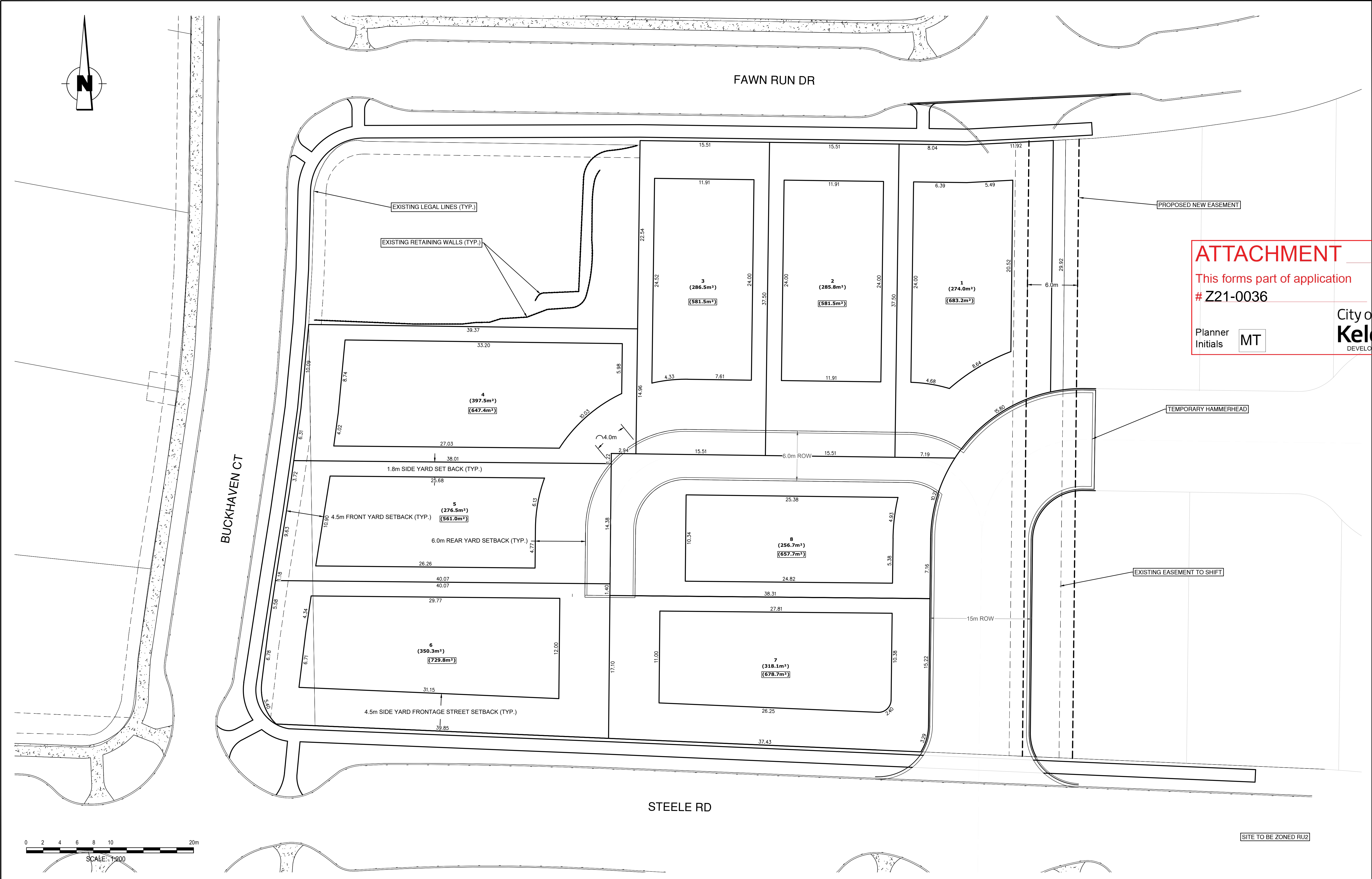
Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

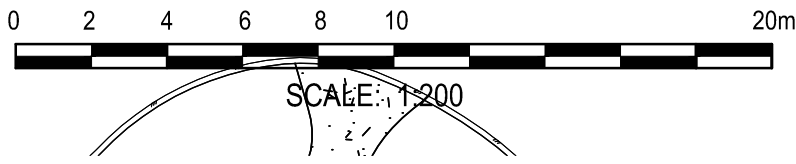
Attachments

Attachment A: Conceptual Drawing



ATTACHMENT A
This forms part of application
Z21-0036

Planner Initials MT



350.0m²	BUILDING PAD AREA
350.0m²	TOTAL LOT AREA



SUITE 700-1631 DICKSON AVENUE
KELOWNA, B.C. V1Y 0B5
T. 250.980.5500, www.wsp.com

A	21/03/26	HH	ISSUED FOR PLR	KK
NO.	YY/MM/DD	BY	REVISION	CH'KD



BASE NS	DESIGN NS
APPROVED	KK
DATE	FEB, 2021
SCALE	H 1:200 V -
SCALE NOT ACCURATE OVER LONG DISTANCES	

THE CITY OF KELOWNA
DESIGN AND CONSTRUCTION
BUCKHAVEN
PARCEL DIMENSION PLAN

DIVISION	CIVIL
DRAWING NO.	REV NO
C100	A

N



MAP "A" ZONING AMENDMENT Z21-0036



A1 - Agriculture 1 to RU2 - Medium Lot Housing

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

0 5 10 20 30 40
Metres

Rev. Thursday, August 26, 2021

City of
Kelowna





Z21-0036

4973 Buckhaven Court

Rezoning Application



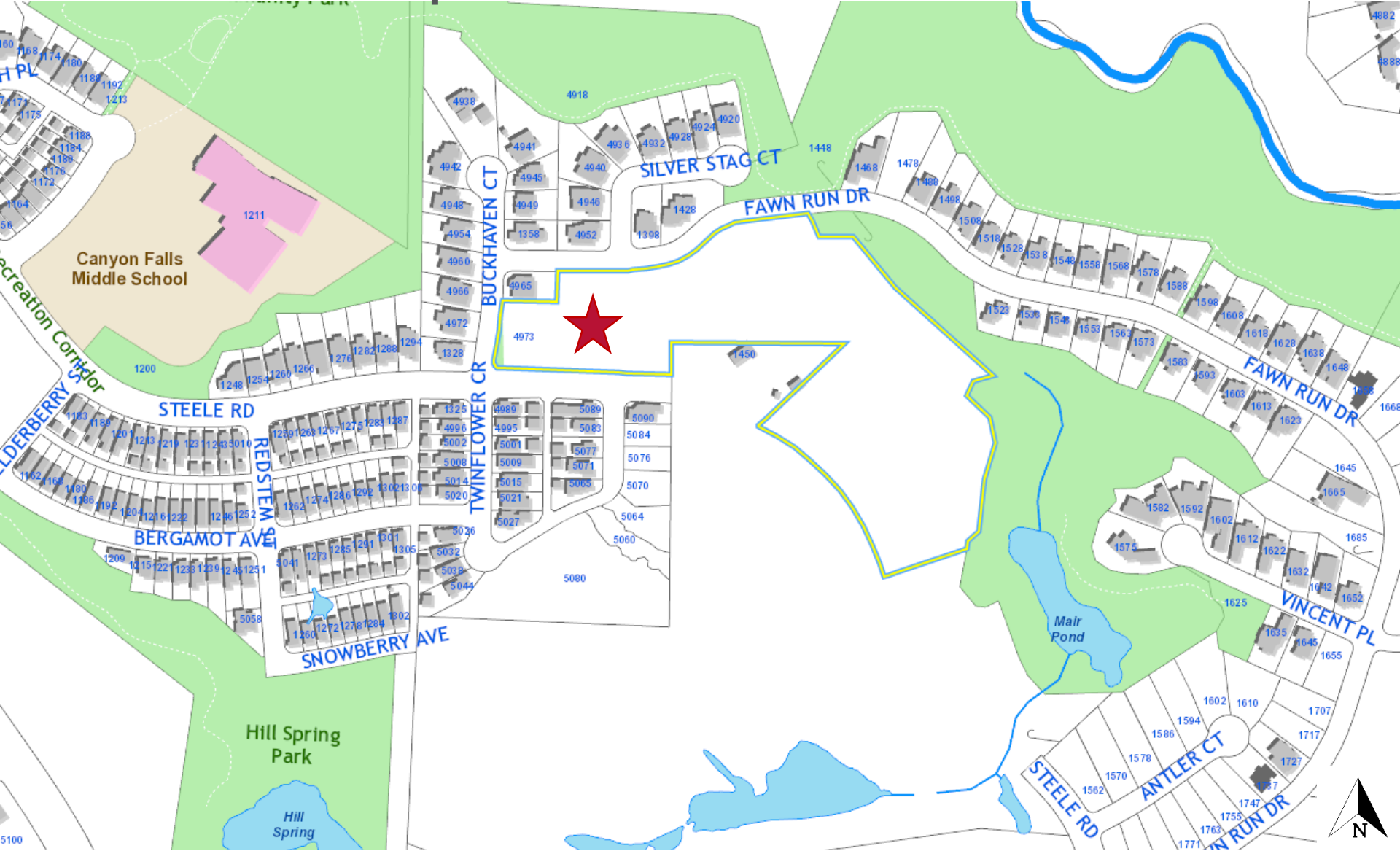
Proposal

- ▶ To rezone the subject property from A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone to facilitate an 8-lot plus remainder subdivision.

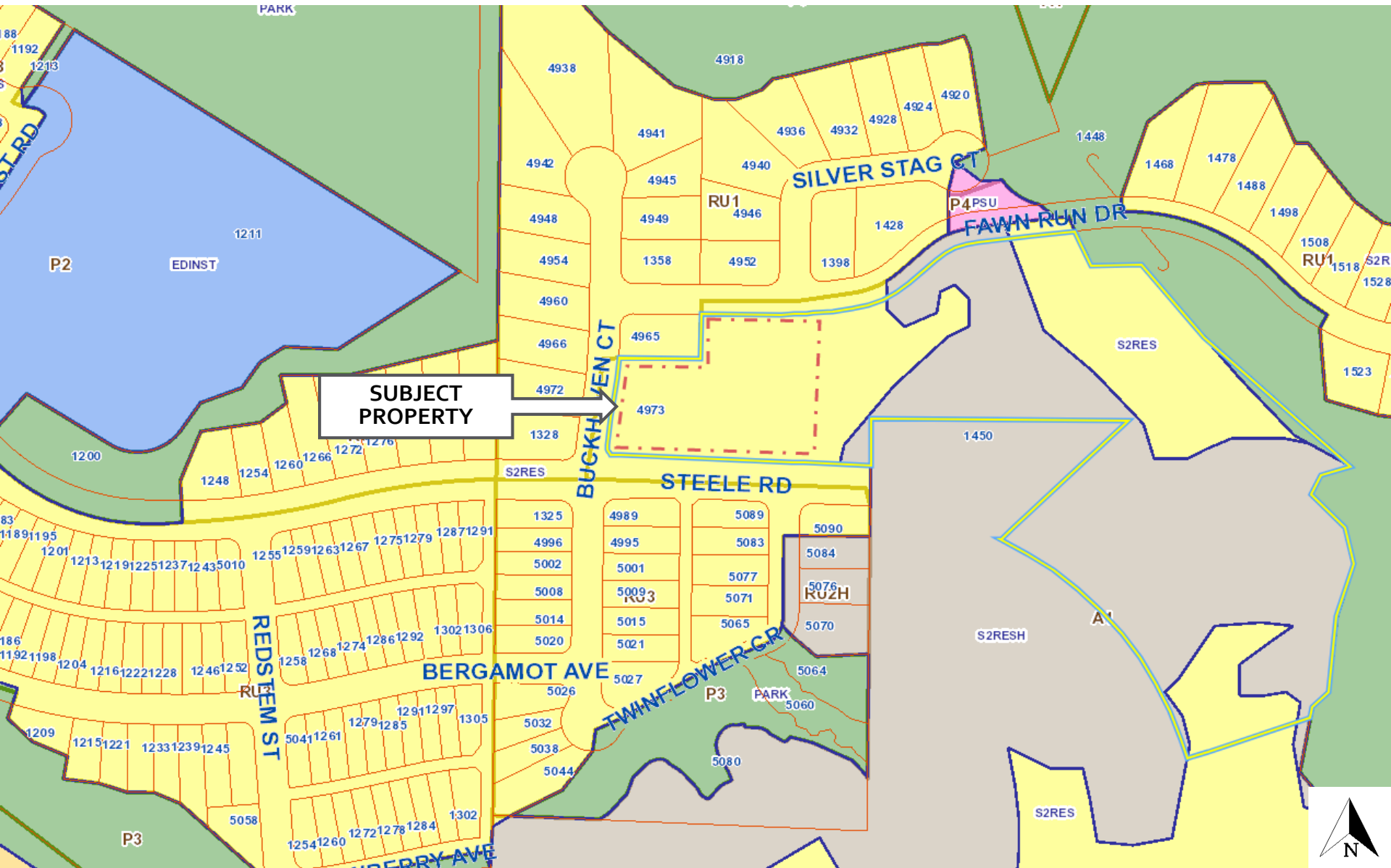
Development Process



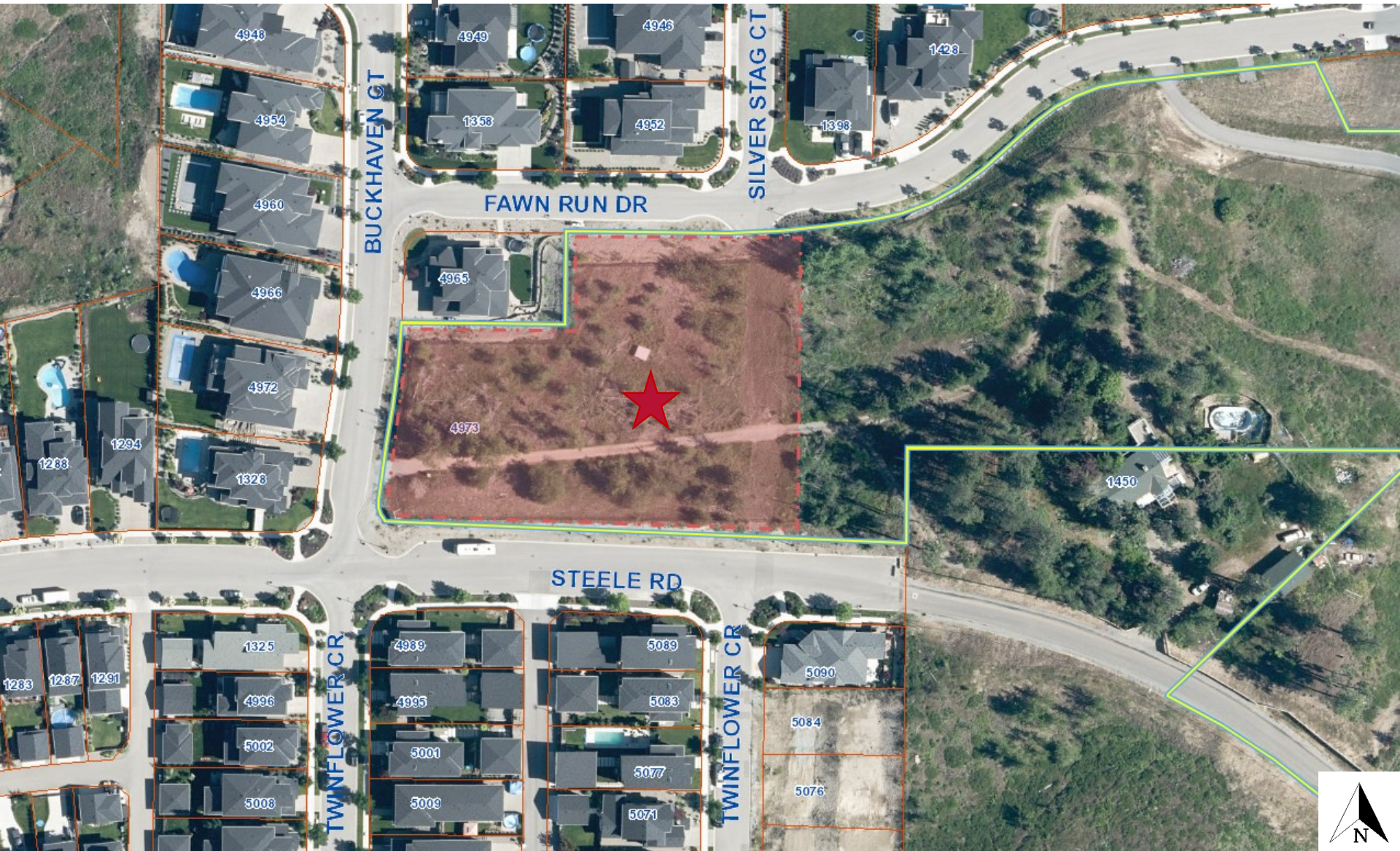
Context Map



OCP Future Land Use / Zoning



Context Map



Project/technical details

- ▶ Proposed rezoning to RU2 - Medium Lot Housing will facilitate an 8-lot plus remainder subdivision.
- ▶ The proposed lots meet the depth, width and size requirements of the RU2 zone.
- ▶ A new public road would be dedicated to provide access to the remainder lot. A private lane would service the new proposed RU2 lots.

[illegible]

DOI: 10.1002/eqm2.1405
 Received 14 July 2020; accepted 14 July 2020; online 14 July 2020
 Published online 14 July 2020 in Wiley Online Library (wileyonlinelibrary.com).
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Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Within Permanent Growth Boundary
 - ▶ Sensitive Infill
- ▶ Consistent with Future Land Use Designation – S2RES

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate an 8-lot plus remainder subdivision
- ▶ Meets the intent of the Official Community Plan
 - ▶ Urban Infill Policies
 - ▶ Appropriate location for adding residential density
- ▶ Recommend the Public Hearing be waived.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12276
Z21-0036
4973 Buckhaven Court

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 portion of Lot 1 Sections 20 and 29 Township 29 SDYD Plan EPP100536 located on Buckhaven Court, Kelowna, BC from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone as per Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

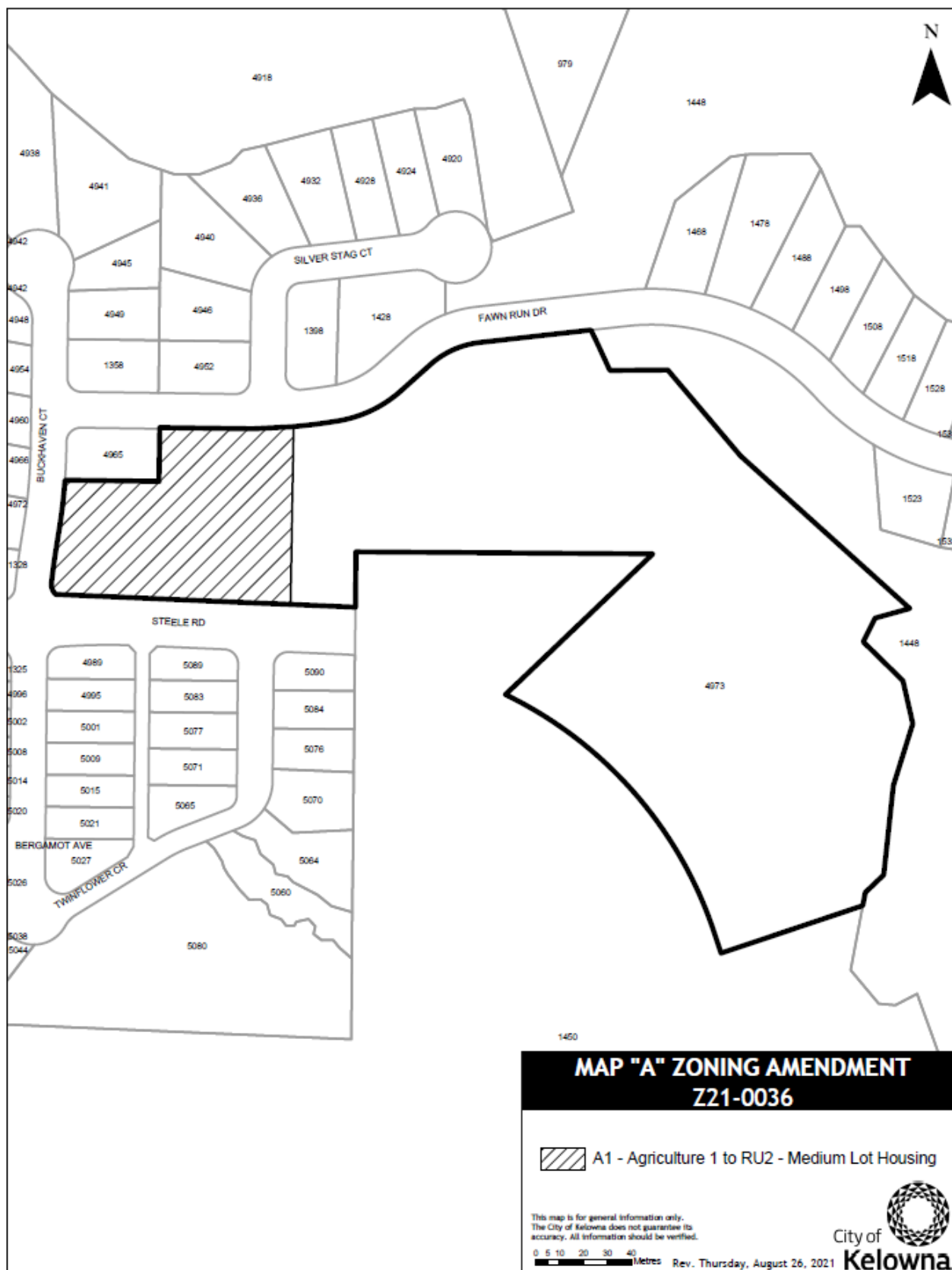
Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: September 13, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0074

Owner: Lihua Feng

Address: 575 Radant Road

Applicant: Urban Options Planning Corp.

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0074 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan 11054, located at 575 Radant Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to accommodate two single-family homes, and to waive the Public Hearing.

3.0 Development Planning

Staff support the proposal to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate a second single-family dwelling. The subject property has a Future Land Use Designation of S2RES – Single/Two Unit Residential and is within the City's Permanent Growth Boundary. As such, the proposed zone is consistent with the Official Community Plan's (OCP) objectives.

4.0 Proposal

4.1 Background

An application (Z18-0063) was brought to Council to rezone 575 Radant to the RU6 zone in November 2018, which received 1st-3rd reading. Since the application is located on Mission Creek there were several covenants that were required such as a no-build covenant. The applicant was unable to get all the covenants signed in time, so the bylaw readings were rescinded. One of the covenants was determined not to be necessary after the bylaw rescindment, so now all the conditions of the rezoning are considered to have been met.

4.2 Project Description

The proposed rezoning from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing is to facilitate a second single-family dwelling. A no-build/no-disturb covenant has been placed on the property to protect the riparian area. The owners will not be permitted to place any permanent structure 15.0m from the top of the bank, which is consistent with the Riparian Management Area. This means the existing structure will likely have to be removed if the owner plans on adding a second dwelling.

4.3 Site Context

The subject property is located within the North Mission – Crawford OCP Sector and is located on Radant Road. Mission Creek runs along the north property line. The subject property has the Future Land Use Designation of S2RES – Single/Two Unit Residential and the surrounding area is primarily S2RES – Single/Two Unit Residential, PARK – Major Park/Open Space (public) and COMM – Commercial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	N/A	Mission Creek
East	RU1 – Large Lot Housing	Single-Family Dwelling
South	RU1 – Large Lot Housing	Single-Family Dwelling
West	RU1 – Large Lot Housing	Single-Family Dwelling

Subject Property Map: 575 Radant 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.

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

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

6.0 Application Chronology

Date of Application Received: July 30th, 2021
Date Public Consultation Completed: August 19th, 2021

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

Attachments:

Attachment A: Site Plan

Attachment B: Applicant's Rationale



REVISION	DATE	DESCRIPTION
----------	------	-------------

TWO DWELLING DEVELOPMENT
575 RADANT ROAD
KELOWNA, BC V1W 1A1
LOT A PLAN KAP11054

SITE PLAN

MARCH 20, 2018

1
— of —
1



City of
Kelowna
DEVELOPMENT PLANNING



July 27, 2021

City of Kelowna
Urban Planning Department
1435 Water Street
Kelowna, BC

Application to Rezone the Property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing at 575 Radant Rd.

Dear Planning Staff,

We would like to rezone the property at 575 Radant Road to the RU6 – Two Dwelling Housing zone with the intention of constructing two new dwellings. The parcel is large enough in area and frontage to meet the minimum RU6 requirements. Due to the shape of the land, placing two dwellings can be done in a sensitive and effective manner where all Zoning Bylaw requirements are met.

Application History

The original Rezoning application at the subject property was submitted on May 16, 2018. The project was assigned File No. Z18-0063. On December 4, 2018, the RU6 Rezoning was granted 3rd Reading. A series of extensions were then granted until May 4, 2021. The Council Report showed the following recommendations:

1.0 Recommendation

THAT Rezoning Application No. Z18-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan 11054, located at 575 Radant Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling 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 Community Planning Department dated November 19, 2018;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a No- Build, No-Disturb Section 219 Restrictive Covenant within the 15.0 m Riparian Management Area of the subject property.

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant requiring demolition of all existing structures

and dwellings, and completion of an Environmental Development Permit prior to any new construction.

We secured the covenants for the 15m RMA with much delay due to requiring bank signatures due to COVID and most banks requiring head office in Toronto to sign off. The challenge came with the highlighted covenant requirement which is unusual for an RU6 property. The bank would NOT sign that covenant, resulting in us not being able to proceed and Planning staff to rescind the bylaw on July 26, 2021. This property was flooded in 2018 and the house was impacted. Stutters was hired to repair and restore the damaged sections of the home bringing it back into habitable compliance. Because it was only interior mitigation it is considered 'repair and maintenance.'

July 2021 Re-Application

After the file Z18-0063 was rescinded, a conversation with the Director of Development Services resolved that the Restrictive Covenant requiring the demolition of all existing structures was an unnecessary hardship. Please see the attached email as part of this application. We were told the application may be resubmitted with no application fees and a 'fast track' to Council.

Property Details

The property is located within the 'Permanent Growth Boundary' and is in an area where infill development is occurring. The area is characterized by mixture of new and old housing stock many with waterfront to either Okanagan Lake or Mission Creek. This property is adjacent to Mission Creek and the dwelling was damaged in the 2018 floods. The landowner is planning to demolish the existing home and build a new dwelling for themselves and stratify the other to sell.

Given the location along Mission Creek it is known that an Environmental Development Permit for the RMA is triggered at the time of Building Permit application. Initial discussion with Corey Davis stated that an environmental biologist has been engaged to complete the Environmental Assessment. It is understood that as the application moves through the process a 'terms of reference' will be provided to meet the City's requirements.

Although the property is within walking distance to local commercial node the walkability score is only 39. Being close to Lakeshore there are opportunities to travel to Downtown Kelowna by bus or along the multi-modal corridor. Recreational opportunities are abundant with beaches, the H2O centre and parks within a few block radius. The request for the RU6 zone is consistent with other properties in the immediate area.

We believe this project creates infill in an area of Kelowna with great potential. For any questions regarding the application, please contact Urban Options Planning Corp. at the undersigned.

Regards,

Urban Options Planning Corp.
By its authorized signatory, Birte Decloux, RPP MCIP

ATTACHMENT		B
This forms part of application		
# Z21-0074		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING



Z21-0074 575 Radant Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing.

Development Process

July 30th, 2021

Development Application Submitted



Staff Review & Circulation



Aug 19th, 2021

Public Notification Received



Sept 13th, 2021

Initial Consideration



Public Hearing
Second & Third Readings



Final Reading
DP & Variances



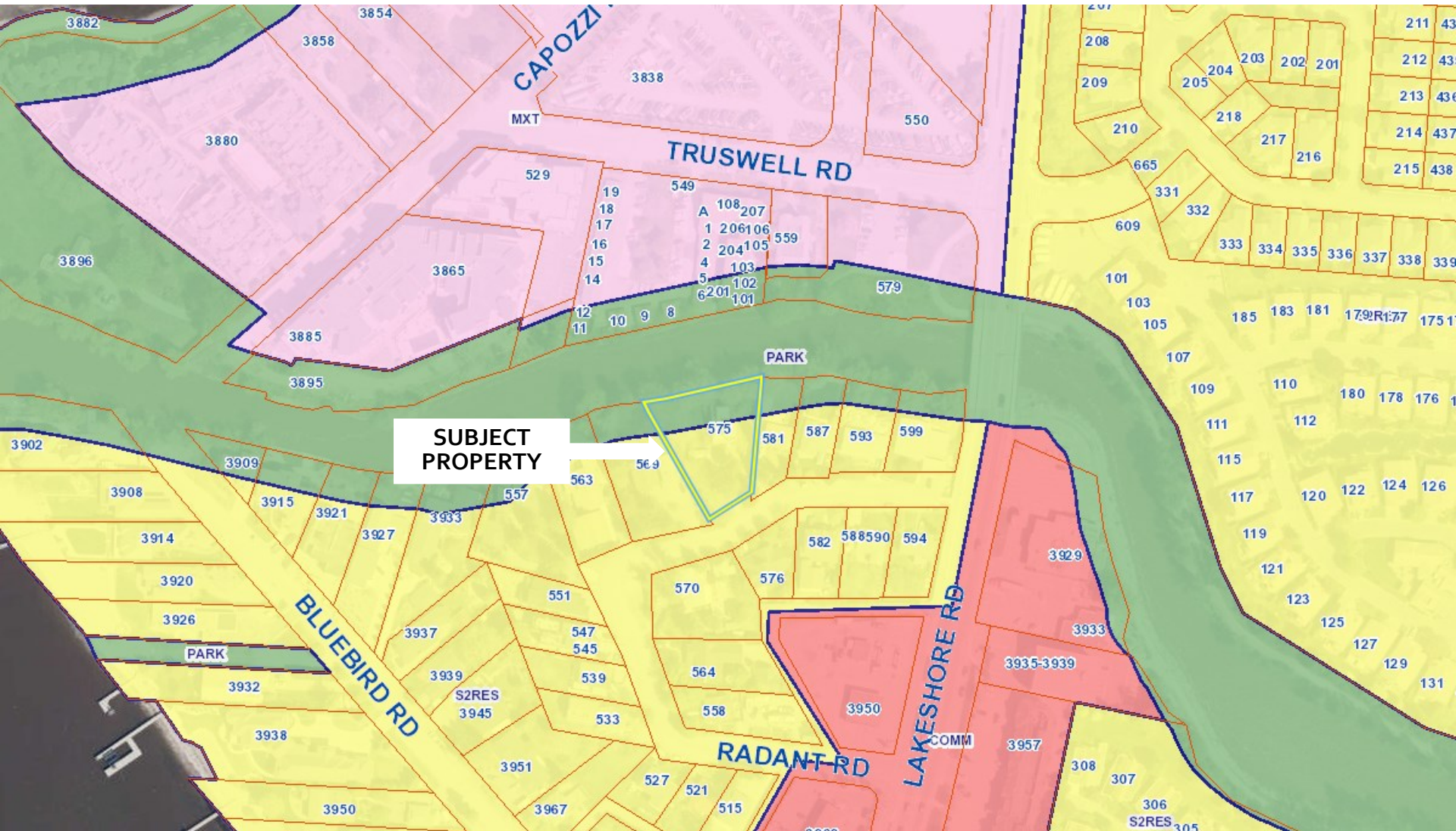
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project details

- ▶ The property is 1,983m² and meets the minimum lot size, width and depth of the RU6 zone.
- ▶ A previous application was submitted on this property that had the bylaws rescinded.
- ▶ All requirements have been fulfilled including Development Engineering requirement.
- ▶ The proposed second-dwelling is proposed to meet all Zoning Bylaw Regulations.

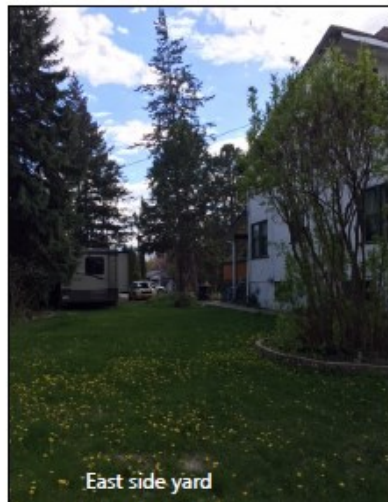
Site Photos



Riparian marker in rear yard



West side yard



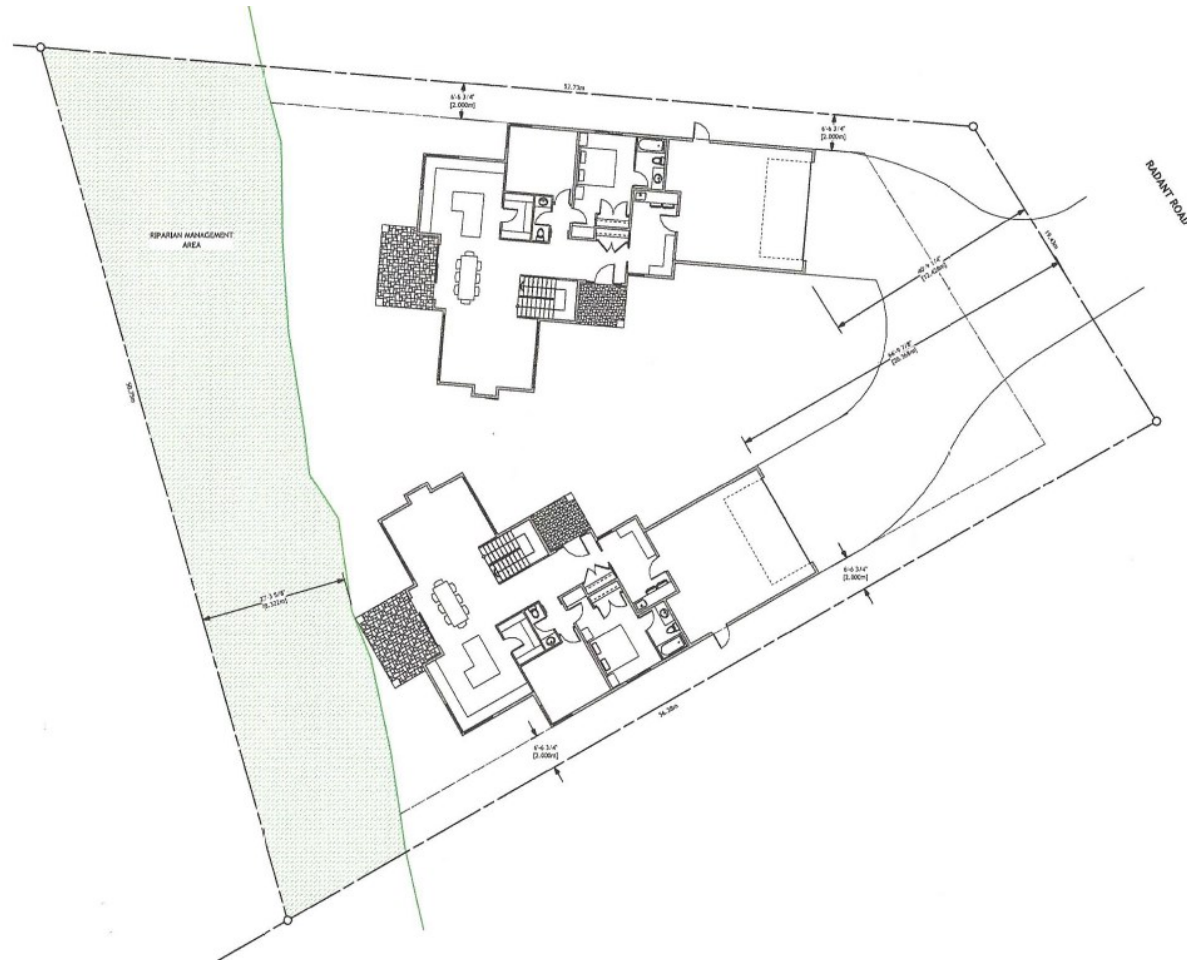
East side yard

side yards of current site



Rear yard

Site Plan



Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Meets the intent of the OCP including Sensitive Infill and the Future Land Use Designation of S2RES – Single/Two Unit Residential



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12277

Z21-0074

575 Radant Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan 11054 located on Radant Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: September 13, 2021

To: Council

From: City Manager

Subject: Rezoning Bylaw No. 12257 for Z21-0057 Summary of Correspondence

Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated September 13, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12257;

AND THAT Rezoning Bylaw No. 12257 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12257 and to give the bylaw further reading consideration.

Background:

On July 12, 2021, Council passed a resolution directing staff to continue to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received at the time of the report to Council. This resolution is in effect until Council decides on a long-term option for electronic Council meetings and public hearings, expected later in 2021.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to continue to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not	July 12, 2021

expected to generate significant public input based on correspondence received at the time of the report to Council until Council decides on a long-term option for electronic Council meetings and public hearings;	
--	--

Discussion:

Rezoning Application Z21-0057 for 4554 Gaspardone Road was brought forward to Council for initial consideration on [August 9, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between August 11, 2021 and August 23, 2021.

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

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12257, located at 4554 Gaspardone Road, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk
cc: Development Planning

CITY OF KELOWNA
BYLAW NO. 12257
Z21-0057
4554 Gaspardone Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8 Section 34 Township 29 ODYD Plan KAP78581 located on Gaspardone Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RR1c – Rural Residential 1 with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Public Hearing waived by the Municipal Council this 9th day of August, 2021.

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: September 13, 2021
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12261 for Z21-0052 Summary of Correspondence
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated September 13, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12261;

AND THAT Rezoning Bylaw No. 12261 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12261 and to give the bylaw further reading consideration.

Background:

On July 12, 2021, Council passed a resolution directing staff to continue to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received at the time of the report to Council. This resolution is in effect until Council decides on a long-term option for electronic Council meetings and public hearings, expected later in 2021.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to continue to recommend that Council waive	July 12, 2021

the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council until Council decides on a long-term option for electronic Council meetings and public hearings;	
--	--

Discussion:

Rezoning Application Z21-0052 for 681 Paret Place was brought forward to Council for initial consideration on [August 9, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between August 11, 2021 and August 23, 2021.

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

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12261, located at 681 Paret Place, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc: Development Planning

CITY OF KELOWNA

BYLAW NO. 12261

Z21-0052

681 Paret Place

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3 District Lot 358 ODYD Plan 26534 located on Paret Place, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Public Hearing waived by the Municipal Council this 9th day of August, 2021.

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: September 13, 2021
To: Council
From: City Manager
Subject: Pandosy St 2340, Z19-0135 Extension Report
Department: Development Planning

Recommendation:

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amendment Bylaw No. 12056, for Lot 2 District Lot 14 ODYD Plan 12868, located at 2340 Pandosy St, Kelowna, BC, be extended from July 13, 2021 to July 13, 2022.

AND THAT Council direct Staff to not accept any further extension requests.

Purpose:

To extend the deadline for adoption of Rezoning Bylaw No. 12056 from July 13, 2021 to July 13, 2022.

Background:

Rezoning Bylaw No. 12056 received second and third readings at the Regular meeting of Council held on July 13, 2020. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements for the Development Engineering Department. The applicant has made progress on the rezoning application and advises they are moving forward to complete these requirements. Staff are recommending that the Planning Department Manager supports extending the deadline for adoption for the Rezoning Bylaw No. 12056 to July 13, 2022.

Subject Property Map: 2340 Pandosy St



Submitted by: L. Moore, Development Services Clerk

Approved for inclusion: Jocelyn Black, Urban Planning Manager

cc: KB

REPORT TO COUNCIL



Date: September 13th 2021

To: Council

From: City Manager

Department: Development Planning (AK)

Application: DP21-0115

Owner: Prime Clifton Homes Inc., Inc.
No. A0116073

Address: 1455 Cara Glen Court

Applicant: Kerkhoff Construction

Subject: Development Permit

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

Existing Zone: RM4 – Transitional Low Density Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP21-0115 for Lot 3 Section 31 Township 26 ODYD Plan EPP100150, located at 1455 Cara Glen Court, Kelowna, BC; subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C"; and
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

2.0 Purpose

To consider a Development Permit to approve the form and character of a residential townhome development on the subject property.

3.0 Development Planning

Staff are recommending support for the proposed Development Permit application. The development proposed consists of thirty-one three-bedroom townhomes and four two-bedroom townhomes. Each of the buildings are similar in form and character and are meant to be developed comprehensively with each other and share amenity space including shared gardens.

The proposed buildings substantially conform to the City's Urban Design Development Permit Area Guidelines. Specifically, architectural elements are aligned from one building to the next, the façades are articulated with indentations and projections, and landscaping is proposed which complements and softens the building's architectural features. The buildings are compliant with Zoning Bylaw regulations including building height and on-site parking.

4.0 Proposal

4.1 Background

The subject site is the location of a recent six lot subdivision application at 510-550 Clifton Road near the intersection of Cara Glen Way and Clifton Road. The subdivision has recently completed and now the applicants are proposing to build 35 Townhomes on one of the lots. The subject site is a single lot that fronts a newly dedicated road named 'Cara Glenn Court'. A portion of the lot also fronts Clifton Road.

4.2 Project Description

If approved the proposal would allow for a total of 35 units which includes 31 three bedroom units, and 4 two-bedroom units. The buildings have a sense of architectural unity and cohesiveness and the design mitigates the perceived mass of the buildings. All of the buildings are proposed to be 3 storeys in height plus roof-top entryways. Each of the units has an attached garage to accommodate parking plus several surface parking spaces are provided on-site.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	900m ²	8900m ²
Min. Lot Width	30m	92m
Min. Lot Depth	30m	89m
Development Regulations		
Max. Floor Area Ratio	.85	0.53
Max. Site Coverage (buildings)	50%	27%
Max. Site Coverage (buildings, parking, driveways)	60%	60%
Max. Height	13m/3 Storeys	12.56/3 Storeys
Min. Front Yard	6.0m	6.0m
Min. Side Yard (south)	2.3m-4.5m	4.5m
Min. Side Yard (north)	2.3m-4.5m	4.5m
Min. Rear Yard	7.5m-9.0m	7.5m
Other Regulations		
Min. Parking Requirements	75 Spaces	75 Spaces (inc. 5 visitor 2 ac)

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)Chapter 5: Development Process*Objective 5.2 Develop Sustainably*

Policy 5.2.3 Complete Suburbs. Support a mix of uses within Kelowna's suburbs, in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City, at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

6.0 **Technical Comments**6.1 Development Engineering Department

- Development Engineering requirements have been addressed as part of subdivision application (S17-0053)

7.0 **Application Chronology**

Date of Application Received: May 19th 2021

Date Public Consultation Completed: n/a

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Draft Development Permit DP21-0115

Schedule A: Site Plan

Schedule B: Building Elevations

Schedule C: Landscape Plan

Development Permit DP21-0115

ATTACHMENT A	
This forms part of application # DP21-0115	
Planner Initials	ak
City of Kelowna DEVELOPMENT PLANNING	



City of
Kelowna

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

1455 Cara Glen Court

and legally known as

Lot 3, Plan EPP100150, Section 31, Township 26

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

Multiple Dwelling Housing

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

Date of Council Decision September 13th 2021

Decision By: COUNCIL

Development Permit Area: Urban Design

Existing Zone: RM₄ – Transitional Low-Density Housing

Future Land Use Designation: MRM – Multiple Unit Residential (Medium Density)

This is NOT a Building Permit.

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

NOTICE

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

Owner: Prime Clifton Homes Ltd.

Applicant: Dan Greenhalgh – Kerkhoff Construction

Planner: Alex Kondor

Terry Barton
Community Planning Department Manager
Planning & Development Services

Date



1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

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

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property owner of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of \$ 220,630.00

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. INDEMNIFICATION

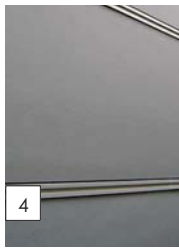
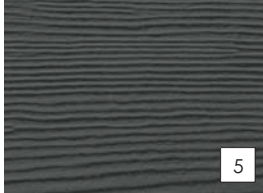
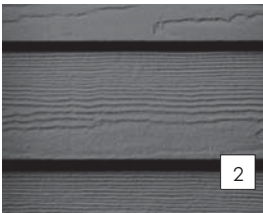
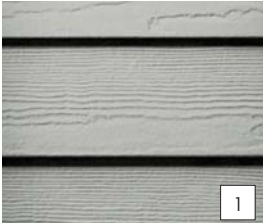
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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

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

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





SCHEDULE

B

This forms part of application

DP21-0115

Planner Initials

AK

City of Kelowna

DEVELOPMENT PLANNING



EXTERIOR FINISH LEGEND	
1	HARDIE PANEL SMOOTH FINISH HARDIE DREAM COLLECTION COL: NANTUCKET #0604 TRIM/REVEAL - LIGHT GREY
2	HARDIE LAP SIDING 5" SMOOTH FINISH HARDIE DREAM COLLECTION COL: MOUNTAIN ASH #0649
3	ACCENT 1: WOODTONE RUSTIC SERIES COL: CARIBOU TRAILS
4	HARDIE PANEL SMOOTH FINISH HARDIE DREAM COLLECTION COL: MOUNTAIN ASH #0649 TRIM/REVEAL - MATCH COLOUR
5	ACCENT 2: HARDIE LAP SIDING 5" SMOOTH FINISH HARDIE DREAM COLLECTION COL: VOLCANO GRAY #0700
6	CULTURED STONE PRO-FIT ALPINE LEDGESTONE COLLECTION COL: BLACK MOUNTAIN
7	ALUMINUM RAILING HORIZONTAL RAILING W/ GLASS COL: MATT BLACK
8	FASCIA BOARD AND SOFFIT HARDIE DREAM COLLECTION COL: VOLCANO GRAY #0700
9	VINYL RESIDENTIAL WINDOWS COL: BLACK WINDOW TRIM: HARDIE TRIM TO MATCH MOUNTAIN ASH
10	WOOD ACCENT COLUMN W/ CONCRETE BASE STAIN GRADE WOOD COL: MATCH CARIBOU TRAILS
11	DECORATIVE SUN CANOPY ACCENT TRELLIS STAIN GRADE WOOD COL: MATCH CARIBOU TRAILS
12	GARAGE DOOR (VARIOUS SIZES) COL: MATT BLACK
13	METAL STANDING SEAM AT SHED ROOF COL: SILVER
14	FLAT ROOF AT ENTRY



BLUE GREEN
ARCHITECTURE INC.

KELOWNA:

#100 - 1353 Ellis Street
Kelowna, BC. V1Y 1Z9
p: 236.420.3550
f: 778.753.1448

KAMLOOPS:

2 - 436 Lorne Street
Kamloops, BC. V2C 1W3
p: 250.374.1112
www.bluegreenarchitecture.com

**PROJECT TITLE: DP LOT 3 1455 CARA GLEN RD
MATERIAL BOARD**

Date 2021.05.05

SCALE: NTS

DWG. REF. NO.:

ISSUED FOR:

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF THE ARCHITECT AND CANNOT BE REPRODUCED OR USED FOR CONSTRUCTION WITHOUT THE ARCHITECT'S PRIOR WRITTEN PERMISSION. THIS DRAWING MUST NOT BE SCALED. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DATUMS AND LEVELS PRIOR TO COMMENCEMENT OF WORK. ANY ERRORS OR OMISSIONS ARE TO BE REPORTED IMMEDIATELY TO THE ARCHITECT.

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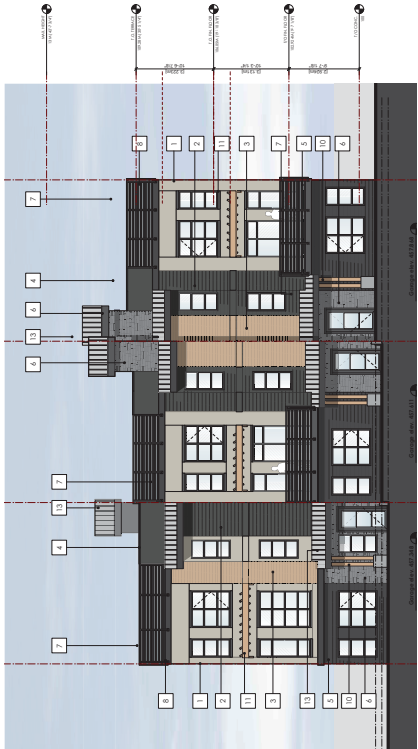
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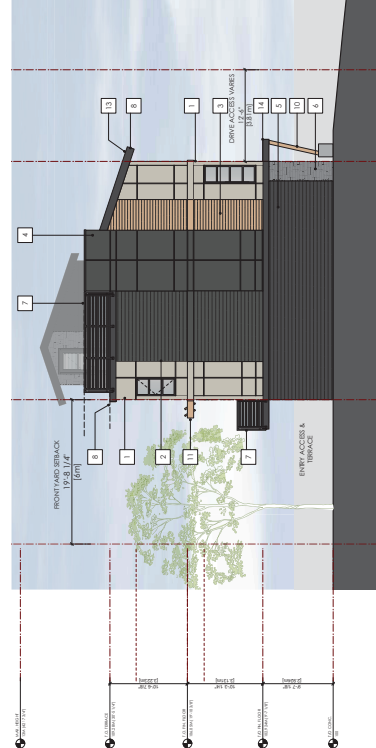
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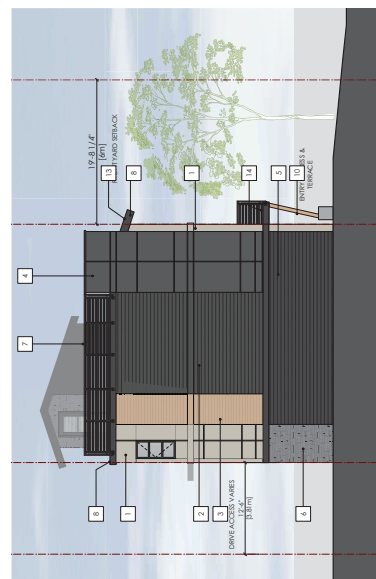
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1. BUILDING ELEVATION - SIDE VIEW
 SCALE: 1/8" = 1'-0"



3. BUILDING ELEVATION - SIDE VIEW
 SCALE: 1/8" = 1'-0"

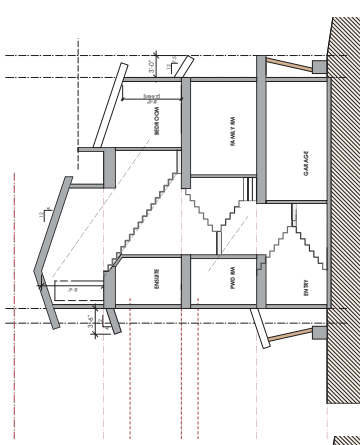


4. BUILDING ELEVATION - NON STREET SIDE
 SCALE: 1/8" = 1'-0"

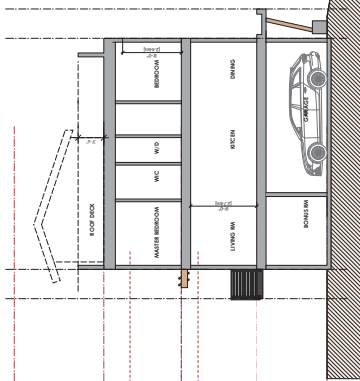
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19	2021.02.15	ISSUED FOR PERMIT	[Name]	[Name]
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SCHEDULE B
 This forms part of application
 # DP21-0115
 Planner Initials: [Initials]

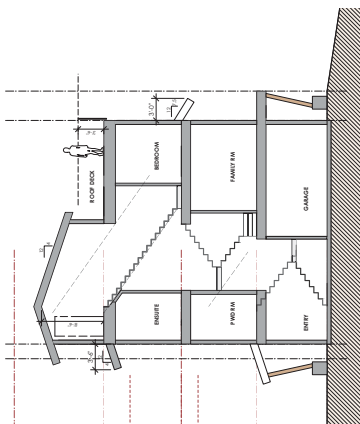
City of Kelowna
 DEVELOPMENT SERVICES



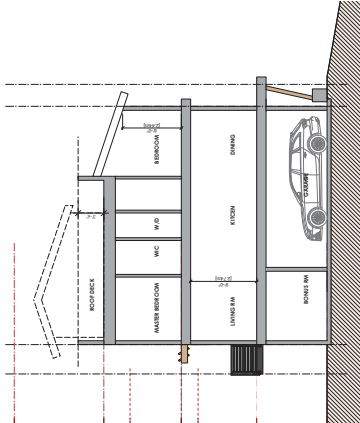
6. BUILDING SECTION - ELEVATION 2
 SCALE: 1/8" = 1'-0"



7. BUILDING SECTION - ELEVATION 3
 SCALE: 1/8" = 1'-0"



8. BUILDING SECTION - ELEVATION 4
 SCALE: 1/8" = 1'-0"



9. BUILDING SECTION - ELEVATION 5
 SCALE: 1/8" = 1'-0"

10. BUILDING SECTION - ELEVATION 6
 SCALE: 1/8" = 1'-0"

11. BUILDING SECTION - ELEVATION 7
 SCALE: 1/8" = 1'-0"

12. BUILDING SECTION - ELEVATION 8
 SCALE: 1/8" = 1'-0"

13. BUILDING SECTION - ELEVATION 9
 SCALE: 1/8" = 1'-0"

14. BUILDING SECTION - ELEVATION 10
 SCALE: 1/8" = 1'-0"

15. BUILDING SECTION - ELEVATION 11
 SCALE: 1/8" = 1'-0"

16. BUILDING SECTION - ELEVATION 12
 SCALE: 1/8" = 1'-0"

17. BUILDING SECTION - ELEVATION 13
 SCALE: 1/8" = 1'-0"

18. BUILDING SECTION - ELEVATION 14
 SCALE: 1/8" = 1'-0"

19. BUILDING SECTION - ELEVATION 15
 SCALE: 1/8" = 1'-0"

20. BUILDING SECTION - ELEVATION 16
 SCALE: 1/8" = 1'-0"

21. BUILDING SECTION - ELEVATION 17
 SCALE: 1/8" = 1'-0"

22. BUILDING SECTION - ELEVATION 18
 SCALE: 1/8" = 1'-0"

23. BUILDING SECTION - ELEVATION 19
 SCALE: 1/8" = 1'-0"

24. BUILDING SECTION - ELEVATION 20
 SCALE: 1/8" = 1'-0"

25. BUILDING SECTION - ELEVATION 21
 SCALE: 1/8" = 1'-0"

26. BUILDING SECTION - ELEVATION 22
 SCALE: 1/8" = 1'-0"

27. BUILDING SECTION - ELEVATION 23
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28. BUILDING SECTION - ELEVATION 24
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29. BUILDING SECTION - ELEVATION 25
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30. BUILDING SECTION - ELEVATION 26
 SCALE: 1/8" = 1'-0"

31. BUILDING SECTION - ELEVATION 27
 SCALE: 1/8" = 1'-0"

32. BUILDING SECTION - ELEVATION 28
 SCALE: 1/8" = 1'-0"

33. BUILDING SECTION - ELEVATION 29
 SCALE: 1/8" = 1'-0"

34. BUILDING SECTION - ELEVATION 30
 SCALE: 1/8" = 1'-0"

35. BUILDING SECTION - ELEVATION 31
 SCALE: 1/8" = 1'-0"

36. BUILDING SECTION - ELEVATION 32
 SCALE: 1/8" = 1'-0"

37. BUILDING SECTION - ELEVATION 33
 SCALE: 1/8" = 1'-0"

38. BUILDING SECTION - ELEVATION 34
 SCALE: 1/8" = 1'-0"

39. BUILDING SECTION - ELEVATION 35
 SCALE: 1/8" = 1'-0"

40. BUILDING SECTION - ELEVATION 36
 SCALE: 1/8" = 1'-0"

41. BUILDING SECTION - ELEVATION 37
 SCALE: 1/8" = 1'-0"

42. BUILDING SECTION - ELEVATION 38
 SCALE: 1/8" = 1'-0"

43. BUILDING SECTION - ELEVATION 39
 SCALE: 1/8" = 1'-0"

44. BUILDING SECTION - ELEVATION 40
 SCALE: 1/8" = 1'-0"

45. BUILDING SECTION - ELEVATION 41
 SCALE: 1/8" = 1'-0"

46. BUILDING SECTION - ELEVATION 42
 SCALE: 1/8" = 1'-0"

47. BUILDING SECTION - ELEVATION 43
 SCALE: 1/8" = 1'-0"

48. BUILDING SECTION - ELEVATION 44
 SCALE: 1/8" = 1'-0"

49. BUILDING SECTION - ELEVATION 45
 SCALE: 1/8" = 1'-0"

50. BUILDING SECTION - ELEVATION 46
 SCALE: 1/8" = 1'-0"

51. BUILDING SECTION - ELEVATION 47
 SCALE: 1/8" = 1'-0"

52. BUILDING SECTION - ELEVATION 48
 SCALE: 1/8" = 1'-0"

53. BUILDING SECTION - ELEVATION 49
 SCALE: 1/8" = 1'-0"

54. BUILDING SECTION - ELEVATION 50
 SCALE: 1/8" = 1'-0"

55. BUILDING SECTION - ELEVATION 51
 SCALE: 1/8" = 1'-0"

56. BUILDING SECTION - ELEVATION 52
 SCALE: 1/8" = 1'-0"

57. BUILDING SECTION - ELEVATION 53
 SCALE: 1/8" = 1'-0"

58. BUILDING SECTION - ELEVATION 54
 SCALE: 1/8" = 1'-0"

59. BUILDING SECTION - ELEVATION 55
 SCALE: 1/8" = 1'-0"

60. BUILDING SECTION - ELEVATION 56
 SCALE: 1/8" = 1'-0"

61. BUILDING SECTION - ELEVATION 57
 SCALE: 1/8" = 1'-0"

62. BUILDING SECTION - ELEVATION 58
 SCALE: 1/8" = 1'-0"

63. BUILDING SECTION - ELEVATION 59
 SCALE: 1/8" = 1'-0"

64. BUILDING SECTION - ELEVATION 60
 SCALE: 1/8" = 1'-0"

65. BUILDING SECTION - ELEVATION 61
 SCALE: 1/8" = 1'-0"

66. BUILDING SECTION - ELEVATION 62
 SCALE: 1/8" = 1'-0"

67. BUILDING SECTION - ELEVATION 63
 SCALE: 1/8" = 1'-0"

68. BUILDING SECTION - ELEVATION 64
 SCALE: 1/8" = 1'-0"

69. BUILDING SECTION - ELEVATION 65
 SCALE: 1/8" = 1'-0"

70. BUILDING SECTION - ELEVATION 66
 SCALE: 1/8" = 1'-0"

71. BUILDING SECTION - ELEVATION 67
 SCALE: 1/8" = 1'-0"

72. BUILDING SECTION - ELEVATION 68
 SCALE: 1/8" = 1'-0"

73. BUILDING SECTION - ELEVATION 69
 SCALE: 1/8" = 1'-0"

74. BUILDING SECTION - ELEVATION 70
 SCALE: 1/8" = 1'-0"

75. BUILDING SECTION - ELEVATION 71
 SCALE: 1/8" = 1'-0"

76. BUILDING SECTION - ELEVATION 72
 SCALE: 1/8" = 1'-0"

77. BUILDING SECTION - ELEVATION 73
 SCALE: 1/8" = 1'-0"

78. BUILDING SECTION - ELEVATION 74
 SCALE: 1/8" = 1'-0"

79. BUILDING SECTION - ELEVATION 75
 SCALE: 1/8" = 1'-0"

80. BUILDING SECTION - ELEVATION 76
 SCALE: 1/8" = 1'-0"

81. BUILDING SECTION - ELEVATION 77
 SCALE: 1/8" = 1'-0"

82. BUILDING SECTION - ELEVATION 78
 SCALE: 1/8" = 1'-0"

83. BUILDING SECTION - ELEVATION 79
 SCALE: 1/8" = 1'-0"

84. BUILDING SECTION - ELEVATION 80
 SCALE: 1/8" = 1'-0"

85. BUILDING SECTION - ELEVATION 81
 SCALE: 1/8" = 1'-0"

86. BUILDING SECTION - ELEVATION 82
 SCALE: 1/8" = 1'-0"

87. BUILDING SECTION - ELEVATION 83
 SCALE: 1/8" = 1'-0"

88. BUILDING SECTION - ELEVATION 84
 SCALE: 1/8" = 1'-0"

89. BUILDING SECTION - ELEVATION 85
 SCALE: 1/8" = 1'-0"

90. BUILDING SECTION - ELEVATION 86
 SCALE: 1/8" = 1'-0"

91. BUILDING SECTION - ELEVATION 87
 SCALE: 1/8" = 1'-0"

92. BUILDING SECTION - ELEVATION 88
 SCALE: 1/8" = 1'-0"

93. BUILDING SECTION - ELEVATION 89
 SCALE: 1/8" = 1'-0"

94. BUILDING SECTION - ELEVATION 90
 SCALE: 1/8" = 1'-0"

95. BUILDING SECTION - ELEVATION 91
 SCALE: 1/8" = 1'-0"

96. BUILDING SECTION - ELEVATION 92
 SCALE: 1/8" = 1'-0"

97. BUILDING SECTION - ELEVATION 93
 SCALE: 1/8" = 1'-0"

98. BUILDING SECTION - ELEVATION 94
 SCALE: 1/8" = 1'-0"

99. BUILDING SECTION - ELEVATION 95
 SCALE: 1/8" = 1'-0"

100. BUILDING SECTION - ELEVATION 96
 SCALE: 1/8" = 1'-0"

101. BUILDING SECTION - ELEVATION 97
 SCALE: 1/8" = 1'-0"

102. BUILDING SECTION - ELEVATION 98
 SCALE: 1/8" = 1'-0"

103. BUILDING SECTION - ELEVATION 99
 SCALE: 1/8" = 1'-0"

104. BUILDING SECTION - ELEVATION 100
 SCALE: 1/8" = 1'-0"

105. BUILDING SECTION - ELEVATION 101
 SCALE: 1/8" = 1'-0"

106. BUILDING SECTION - ELEVATION 102
 SCALE: 1/8" = 1'-0"

107. BUILDING SECTION - ELEVATION 103
 SCALE: 1/8" = 1'-0"

108. BUILDING SECTION - ELEVATION 104
 SCALE: 1/8" = 1'-0"

109. BUILDING SECTION - ELEVATION 105
 SCALE: 1/8" = 1'-0"

110. BUILDING SECTION - ELEVATION 106
 SCALE: 1/8" = 1'-0"

111. BUILDING SECTION - ELEVATION 107
 SCALE: 1/8" = 1'-0"

112. BUILDING SECTION - ELEVATION 108
 SCALE: 1/8" = 1'-0"

113. BUILDING SECTION - ELEVATION 109
 SCALE: 1/8" = 1'-0"

114. BUILDING SECTION - ELEVATION 110
 SCALE: 1/8" = 1'-0"

115. BUILDING SECTION - ELEVATION 111
 SCALE: 1/8" = 1'-0"

116. BUILDING SECTION - ELEVATION 112
 SCALE: 1/8" = 1'-0"

117. BUILDING SECTION - ELEVATION 113
 SCALE: 1/8" = 1'-0"

118. BUILDING SECTION - ELEVATION 114
 SCALE: 1/8" = 1'-0"

119. BUILDING SECTION - ELEVATION 115
 SCALE: 1/8" = 1'-0"

120. BUILDING SECTION - ELEVATION 116
 SCALE: 1/8" = 1'-0"

121. BUILDING SECTION - ELEVATION 117
 SCALE: 1/8" = 1'-0"

122. BUILDING SECTION - ELEVATION 118
 SCALE: 1/8" = 1'-0"

123. BUILDING SECTION - ELEVATION 119
 SCALE: 1/8" = 1'-0"

124. BUILDING SECTION - ELEVATION 120
 SCALE: 1/8" = 1'-0"

125. BUILDING SECTION - ELEVATION 121
 SCALE: 1/8" = 1'-0"

126. BUILDING SECTION - ELEVATION 122
 SCALE: 1/8" = 1'-0"

127. BUILDING SECTION - ELEVATION 123
 SCALE: 1/8" = 1'-0"

128. BUILDING SECTION - ELEVATION 124
 SCALE: 1/8" = 1'-0"

129. BUILDING SECTION - ELEVATION 125
 SCALE: 1/8" = 1'-0"

130. BUILDING SECTION - ELEVATION 126
 SCALE: 1/8" = 1'-0"

131. BUILDING SECTION - ELEVATION 127
 SCALE: 1/8" = 1'-0"

132. BUILDING SECTION - ELEVATION 128
 SCALE: 1/8" = 1'-0"

133. BUILDING SECTION - ELEVATION 129
 SCALE: 1/8" = 1'-0"

134. BUILDING SECTION - ELEVATION 130
 SCALE: 1/8" = 1'-0"

135. BUILDING SECTION - ELEVATION 131
 SCALE: 1/8" = 1'-0"

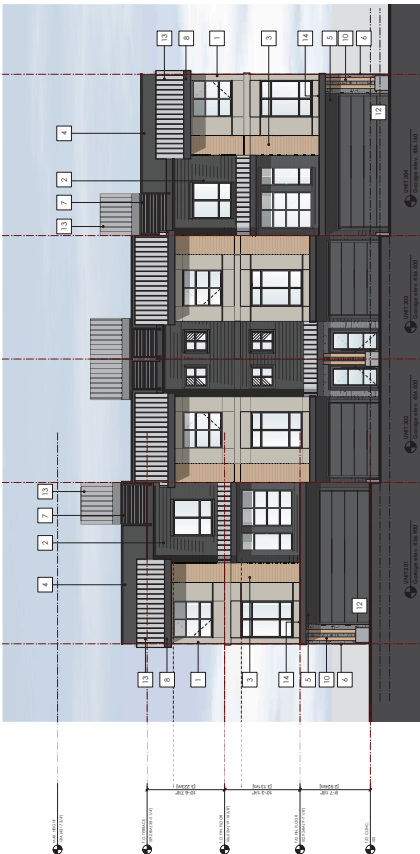
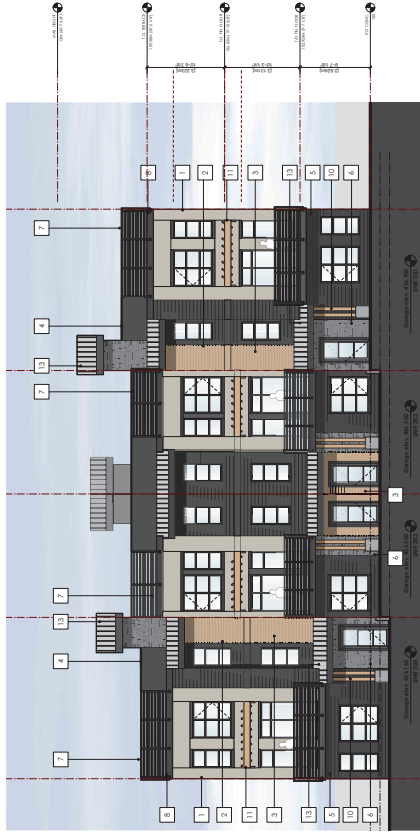
136. BUILDING SECTION - ELEVATION 132
 SCALE: 1/8" = 1'-0"

137. BUILDING SECTION - ELEVATION 133
 SCALE: 1/8" = 1'-0"

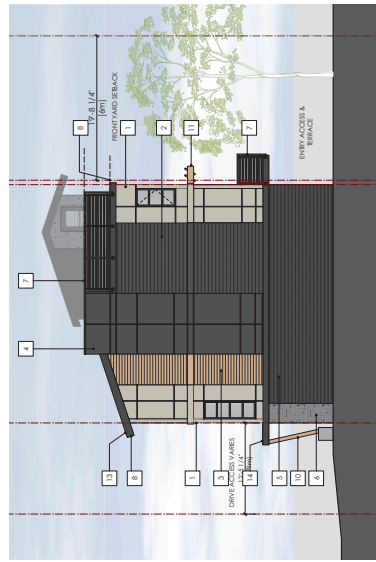
138. BUILDING SECTION - ELEVATION 134
 SCALE: 1/8" = 1'-0"

139. BUILDING SECTION - ELEVATION 135
 SCALE: 1/8" = 1'-0"

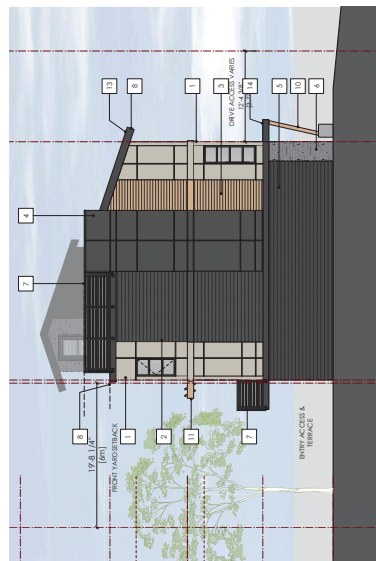
140. BUILDING SECTION - ELEVATION 136



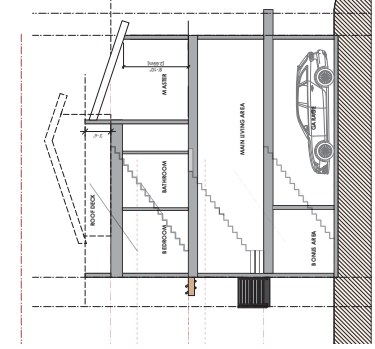
1 BLD 3 LANE ELEVATION
SCALE: 1/8" = 1'-0"



4 BLD 3 SIDE ELEVATION - NON STREET VIEW
SCALE: 1/8" = 1'-0"

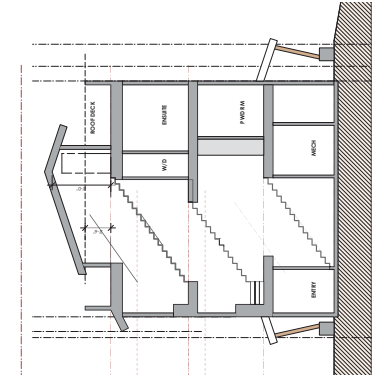


3 BLD 3 SIDE ELEVATION - NON STREET VIEW
SCALE: 1/8" = 1'-0"

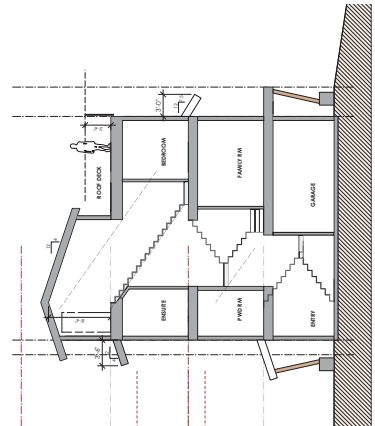


8

BLD 3 SECTION F
SCALE: 1/8" = 1'-0"

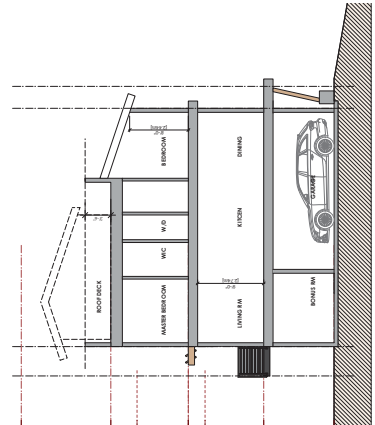


7 BLD 3 SECTION E
SCALE: 1/8" = 1'-0"



6

BLD 3 SECTION P
SCALE: 1/8" = 1'-0"



5 BLD 3 SECTION Q
SCALE: 1/8" = 1'-0"



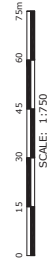
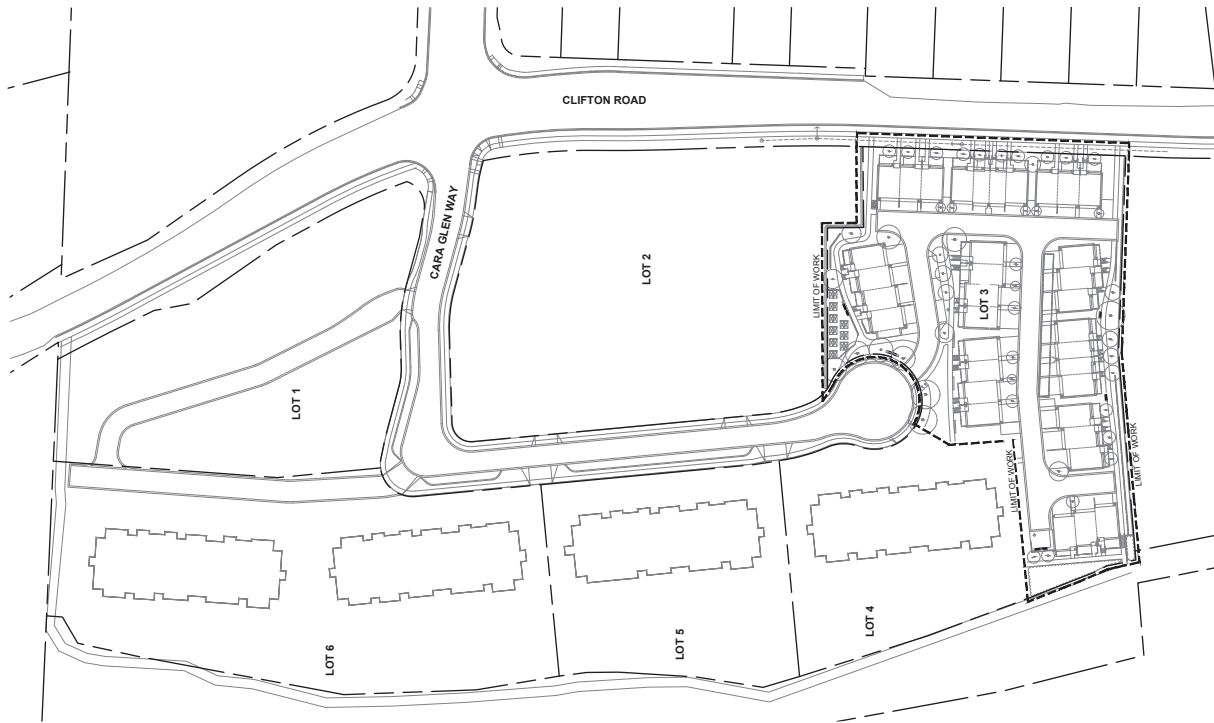
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ORNAMENTAL PLANT LIST:

[illegible]

RESTORATION PLANT LIST:

Biological Name	Common Name	Size	Root
<i>Phlebotaphus indica</i>	Black sagebrush	24" x 10" O.C.	Root
<i>Artemisia tridentata</i>	Big sagebrush	24" x 10" O.C.	Root
<i>Phlebotaphus lewisii</i>	Black sagebrush	24" x 10" O.C.	Root
<i>Symphoricarpos albus</i>	Snowberry	24" x 10" O.C.	Root

Biological Name	Common Name	Size	Root
<i>Eriogonum viviparum</i>	Shore buckwheat	24" x 10" O.C.	Root
<i>Artemisia tridentata</i>	Big sagebrush	24" x 10" O.C.	Root
<i>Plantago patens</i>	Indian wheat	24" x 10" O.C.	Root

Biological Name	Common Name	Size	Root
<i>Ferula odorata</i>	Black licorice	24" x 10" O.C.	Root
<i>Artemisia tridentata</i>	Big sagebrush	24" x 10" O.C.	Root
<i>Juniperus</i>	Juniper	24" x 10" O.C.	Root
<i>Artemisia tridentata</i>	Big sagebrush	24" x 10" O.C.	Root
<i>Artemisia tridentata</i>	Big sagebrush	24" x 10" O.C.	Root

DEVELOPMENT PERMIT NOTES:

- [illegible]

LANDSCAPE DRAWING LIST:

- | | |
|-----|----------------|
| L-0 | COVER PAGE |
| L-1 | LANDSCAPE PLAN |
| L-2 | HYDROZONE PLAN |

**CLIFTON ROAD
LOT 3
KELOWNA, BC**

SCHEDULE C
 This forms part of application
 # DP21-0115
 City of Kelowna
 DEVELOPMENT PLANNING
 Planner Initials **AK**

NOT FOR CONSTRUCTION



CLIFTON ROAD



LEGEND:



SCHEDULE C
This forms part of application
DP21-0115
City of Kelowna
DEVELOPMENT PLANNING
Planner Initials AK

REVISION / ISSUES

NO.	DATE	DESCRIPTION
1	2021-01-15	ISSUED FOR REVIEW
2	2021-01-15	ISSUED FOR REVIEW
3	2021-01-15	ISSUED FOR REVIEW

BENCH
1-4000 Valley Road Kelowna BC V1W 1P1
TEL: 250.860.0701

CLIENT:
KERRHOFF
KELLOWNA, B.C.

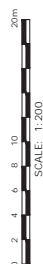
PROJECT:
CLIFTON ROAD
LOT 3
KELLOWNA, B.C.

SHEET TITLE:
HYDROZONE PLAN:
LOT 3

DESIGNER	LS
DRAWN BY	LS & NB
CHECKED BY	NS
PROJECT NO.	PH-000
SCALE	1:200

SHEET NO.

L-2





DP21-0115

1455 Cara Glen Court

Development Permit



Proposal

- ▶ Development Permit to Consider the Form and Character of a proposed 35 Unit Town Home Development at 1455 Cara Glen Court

Development Process

May 19th 2021

Development Application Submitted



Staff Review & Circulation



N/A

Public Notification Received



 Sept 13th 2021

Council Consideration of DP



Council
Approvals



Building Permit

Context Map



Subject Site



Site Plan



Proposed Buildings – North View



Proposed Buildings – South View



Proposed Buildings – Clifton Road



Proposed Buildings – Interior View



City of Kelowna

Staff Recommendation

- ▶ Staff support the proposal:
 - ▶ The proposed buildings substantially conform to the City's Urban Design Development Permit Area Guidelines.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12222
Z21-0049
5008 South Ridge Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 District Lot 1688S SDYD Plan KAP68647 located on South Ridge Drive, Kelowna, B.C., from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 31st day of May, 2021.

Public Hearing waived by the Municipal Council this 31st day of May, 2021.

Read a second and third time by the Municipal Council this 21st day of June, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

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 9th day of August, 2021.

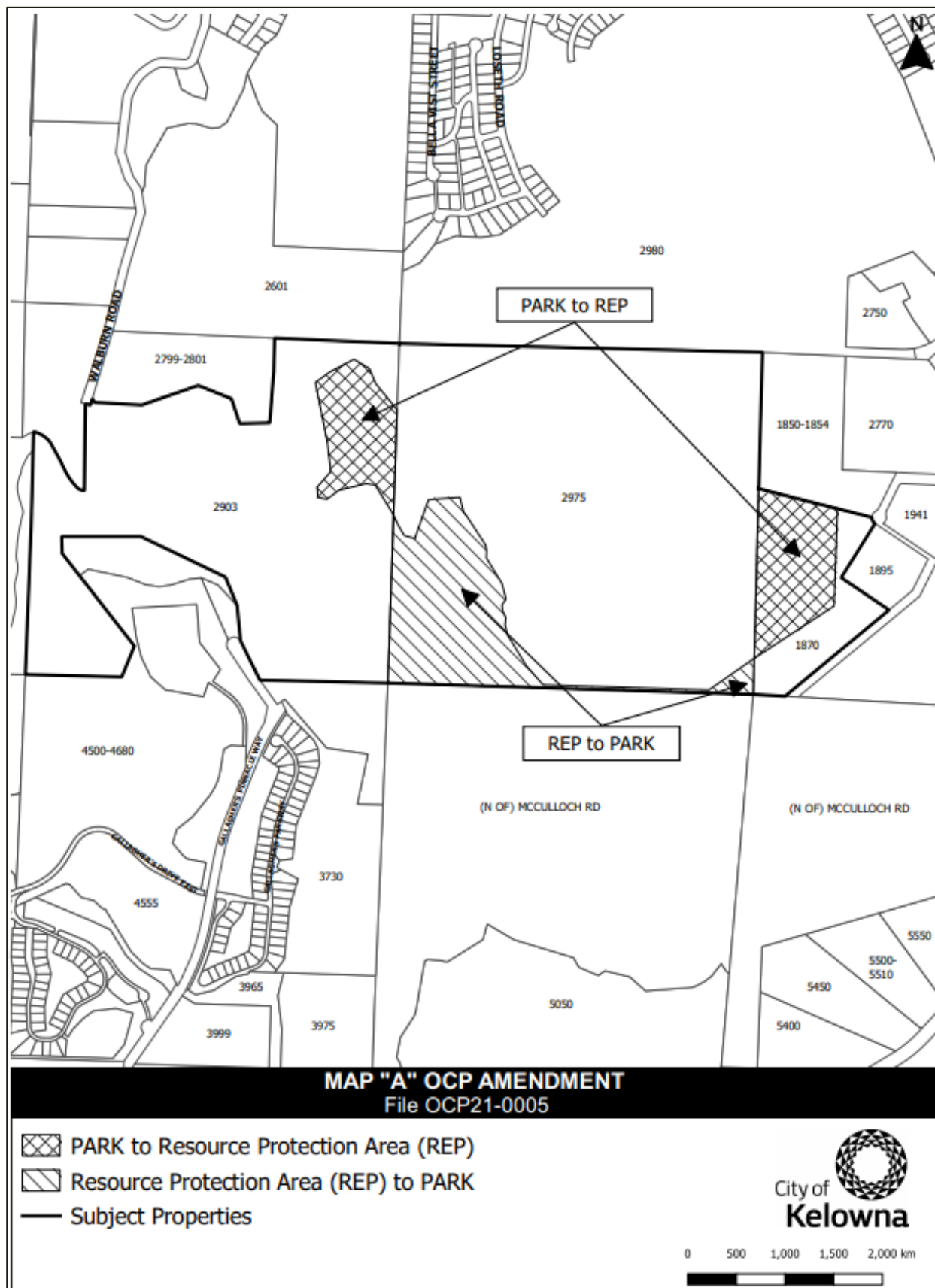
Considered at a Public Hearing on the 24th day of August, 2021.

Read a second and third time by the Municipal Council this 24th day of August, 2021.

Adopted by the Municipal Council of the City of Kelowna this

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 P₃ – Parks and Open Space and A₁ – Agriculture 1 zones to the A₁ – Agriculture 1 and P₃ – 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 9th day of August, 2021.

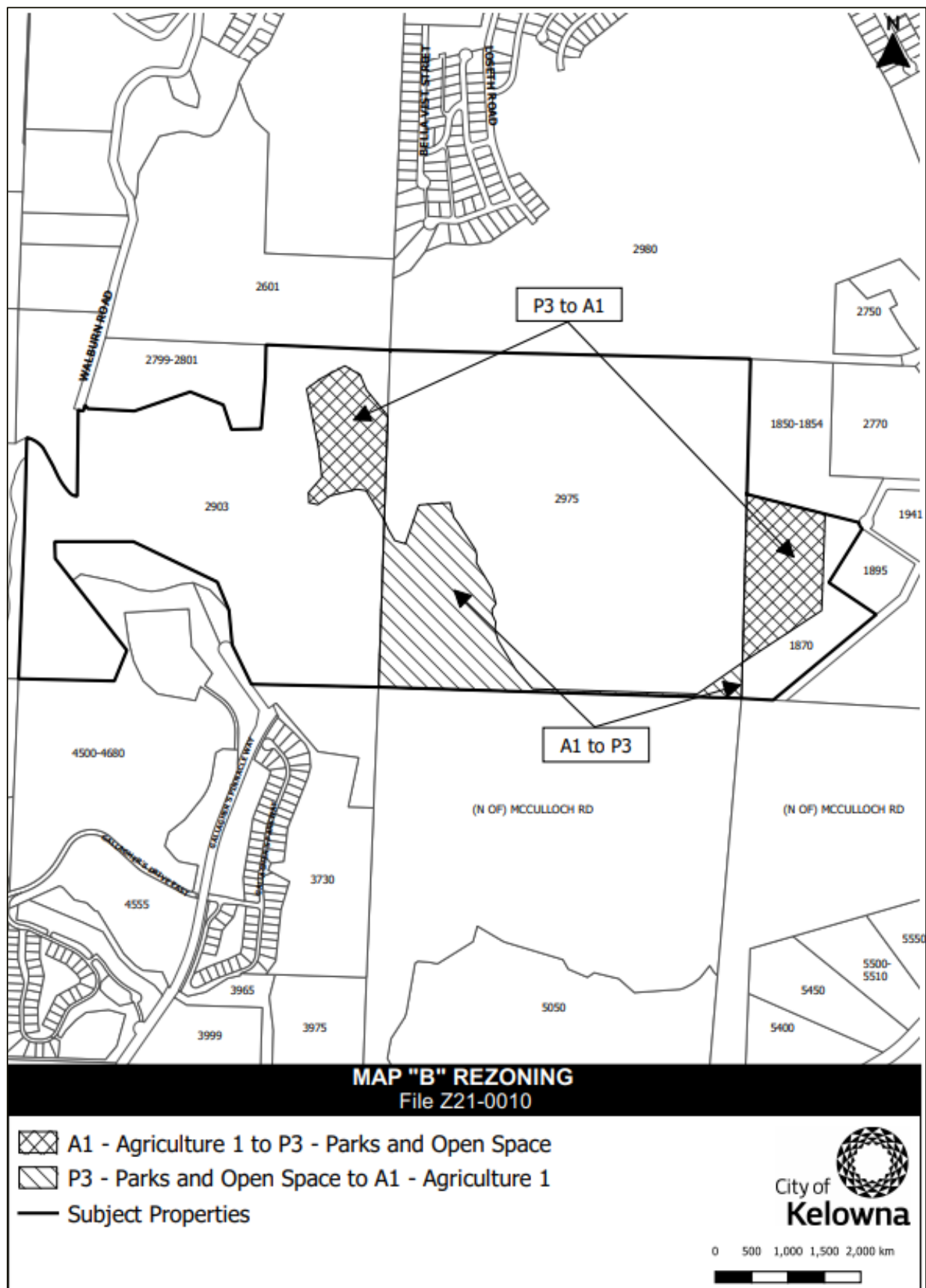
Considered at a Public Hearing on the 24th day of August, 2021.

Read a second and third time by the Municipal Council this 24th day of August, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



Report to Council



Date: September 13, 2021
To: Council
From: City Manager
Subject: Kelowna International Airport Fees Bylaw Amendment
Department: Kelowna International Airport

Recommendation:

THAT COUNCIL receive for information the report of the Kelowna International Airport dated September 13, 2021;

AND FURTHER THAT Bylaw No. 12278 being Amendment No. 37 to the City of Kelowna Airport Fees Bylaw 7982 be advanced for reading consideration.

Purpose:

To obtain Council's approval to implement a UBCO Student and Staff Parking fee at Kelowna International Airport (the Airport), effective September 20, 2021.

Background:

The Airport has the opportunity to partner with the University of British Columbia Okanagan (UBCO) to provide parking to its students and staff attending or working at the school. Bylaw No. 12278 would implement a UBCO Student and Staff non-travel Parking fee that would allow the Airport to enter into this partnership.

Discussion:

Due to the significant, negative impact of COVID-19, the Airport's parking is not being fully utilized. On the other hand, UBCO needs additional parking for its students and staff. By partnering together, UBCO will be able to provide its students and staff with further parking options, and the Airport will be able to diversify its revenue streams. The Airport is recommending that a fee of \$360 per stall per semester be implemented effective September 20, 2021, for individuals going to school or working at UBCO. If approved, a local shuttle would provide service to UBCO for the students and staff.

Conclusion:

The Airport recommends that Bylaw 7982 be amended to include the UBCO Student and Staff Parking fee, effective September 20, 2021.

Financial/Budgetary Considerations:

If approved, the Airport forecasts that this new fee could result in revenues between \$50,000 and \$108,000 in 2021. As the amount of revenues in 2021 are not guaranteed and it's unknown whether this revenue stream will extend beyond 2021, a budget amendment will not be completed until the City is reasonably certain the revenue will be received.

Internal Circulation:

Communications
Financial Services
City Clerk's Office

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

External Agency/Public Comments:

Communications Comments:

Submitted by:

S. Dyrdal, Senior Airport Finance and Corporate Services Manager

Approved for inclusion:

SS

cc:

S. Dyrdal, Senior Airport Finance and Corporate Services Manager
C. Brannagan, Communications Advisor
J. Dueck, Controller
S. Fleming, City Clerk

CITY OF KELOWNA

BYLAW NO. 12278

Amendment No. 37 to Airport Fees Bylaw No. 7982

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Airport Fees Bylaw No. 7982 be amended as follows:

1. THAT **Section 14. AUTOMOBILE PARKING FEES**, 14.1 PARKING LOTS be amended by adding the following:

“ Effective September 20,2021

(f) UBCO Student and Staff \$360.00 per semester or part thereof “
Parking (non-travel)

This bylaw may be cited for all purposes as "Bylaw No. 12278, being Amendment No. 37 to Airport Fees Bylaw No. 7982."

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk