

City of Kelowna

Regular Council Meeting

AGENDA



Monday, November 1, 2021

1:30 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, seating is limited in Council Chambers. 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 - 11

October 25, 2021

3. Development Application Reports & Related Bylaws

3.1. Powick Rd 1604-1620, Z21-0092 TA21-0016 - Kelowna Hwy 97 - 33 Holding Ltd Inc No BC1003626

12 - 80

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

To NOT support a site-specific text amendment to allow for a retail cannabis sales establishment within 500 metres of another property zoned for retail cannabis sales and within 500 metres of a school and to NOT rezone the subject property from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone.

3.2. Bechard Rd 632 - Z21-0081 (BL12293) - Daniel Emanuel Pastiu and Andria Elizabeth Pastiu

81 - 96

To rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision, and to waive the Public Hearing.

| | | |
|--------------|---|------------------|
| 3.3. | Bechard Rd 632 - BL12293 (Z21-0081) - Daniel Emanuel Pastiu and Andria Elizabeth Pastiu | 97 - 97 |
| | To give Bylaw No. 12293 first reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone. | |
| 3.4. | Clifton Rd 424 - Z21-0073 (BL12294) - Green Scape Holdings Ltd., Inc. No. BC1263511 | 98 - 117 |
| | To rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone to facilitate a two-lot subdivision, and to waive the Public Hearing. | |
| 3.5. | Clifton Rd 424 - BL12294 (Z21-0073) - Green Scape Holdings Ltd., Inc. No. BC1263511 | 118 - 118 |
| | To give Bylaw No. 12294 first reading in order to rezone the subject property from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone. | |
| 3.6. | Bonjou Rd 639 - Z21-0075 (BL12295) - Kevan Kruger and Cary Dawn Kruger | 119 - 132 |
| | To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing. | |
| 3.7. | Bonjou Rd 639 - BL12295 (Z21-0075) - Kevan Kruger and Cary Dawn Kruger | 133 - 133 |
| | To give Bylaw No. 12295 first reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone. | |
| 3.8. | Holland Rd 3090 - Z21-0044 (BL12296) - Rolan L Facette and Karen M Facette | 134 - 151 |
| | To rezone the subject property from the RU1 – Large Lot Housing to the RU6 – Two Dwelling Housing to facilitate a two-lot subdivision, and to waive the Public Hearing. | |
| 3.9. | Holland Rd 3090 - BL12296 (Z21-0044) - Rolan L Facette and Karen M Facette | 152 - 152 |
| | To give Bylaw No. 12296 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. | Sarsons Rd 444 - Z21-0082 (BL12297) - Bruce Trevor Benedict and Ruth Marie Benedict | 153 - 174 |
| | To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing. | |
| 3.11. | Sarsons Rd 444 - BL12297 (Z21-0082) - Bruce Trevor Benedict and Ruth Marie Benedict | 175 - 175 |
| | To give Bylaw No. 12297 first reading in order to rezone the subject property from the RU1 Large Lot Housing zone to the RU2 - Medium Lot Housing zone. | |

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|--------------|---|------------------|
| 3.12. | Wardlaw Ave 602 - Z21-0034 (BL12298) - 1288537 B.C. Ltd., Inc. No. BC1288537 | 176 - 197 |
|--------------|---|------------------|

To rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of multiple dwelling housing, and to waive the public hearing.

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|--------------|---|------------------|
| 3.13. | Wardlaw Ave 602 - BL12298 (Z21-0034) - 1288537 B.C. Ltd., Inc. No. BC1288537 | 198 - 198 |
|--------------|---|------------------|

To give Bylaw No. 12298 first reading in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM3r - Low Density Multiple Housing (Residential Rental Tenure Only) zone.

4. Bylaws for Adoption (Development Related)

| | | |
|-------------|---|------------------|
| 4.1. | Bernard Ave 266 - BL12249 (TA21-0012) - Macarther Ventures Inc.,Inc.No.BCo684166 | 199 - 199 |
|-------------|---|------------------|

To adopt Bylaw No. 12249 to allow for a retail cannabis sales establishment within 500m of other approved retail cannabis establishments and within 150m of City Park and Stuart Park.

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|-------------|--|------------------|
| 4.2. | Bernard Ave 266 - BL12250 (Z21-0039) - Macarther Ventures Inc.,Inc.No.BCo684166 | 200 - 200 |
|-------------|--|------------------|

To adopt Bylaw No. 12250 in order to rezone the subject property from the C7 - Central Business Commercial zone to the C7rcs - Central Business Commercial (Retail Cannabis Sales) zone.

5. Non-Development Reports & Related Bylaws

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|-------------|---|------------------|
| 5.1. | Redefinition of City of Kelowna Boundary | 201 - 204 |
|-------------|---|------------------|

To obtain Council's approval to move forward with the redefinition of the City of Kelowna boundary adjacent to Kelowna International Airport (the Airport).

| | | |
|-------------|--------------------------|------------------|
| 5.2. | Parks Master Plan | 205 - 216 |
|-------------|--------------------------|------------------|

To provide Council with information to the development of a Parks Master Plan: Our Kelowna - As We Play.

| | | |
|-------------|---|------------------|
| 5.3. | Complimentary Saturday Parking - December 2021 | 217 - 219 |
|-------------|---|------------------|

To obtain approval from Council to provide complimentary on-street parking in the downtown area on Saturdays for the month of December 2021.

| | | |
|-------------|---|------------------|
| 5.4. | Water Regulation Bylaw No. 10480 Amendment | 220 - 245 |
|-------------|---|------------------|

To set the 2022 and 2023 water rates for the Kelowna Water Utility.

5.5. BL12281 - Amendment No. 15 to Water Regulation Bylaw No. 10480 246 - 253

To give Bylaw No. 12281 first, second and third reading.

5.6. Community Resiliency Investment (CRI) Program Funding 254 - 260

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

6. Bylaws for Adoption (Non-Development Related)

6.1. BL12290 - City of Kelowna Municipal and Regional District Tax Bylaw 261 - 261

To adopt Bylaw No. 12290.

7. Mayor and Councillor Items

8. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, October 25, 2021
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Brad Sieben and Luke Stack

Members participating remotely Councillors Charlie Hodge, Mohini Singh and Loyal Wooldridge

Members absent Councillor Maxine DeHart

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Planner, Mark Tanner*; Community Planning & Development Manager, Dean Strachan*; Fire Chief, Travis Whiting*; Divisional Director, Partnerships & Investments, Derek Edstrom*; Partnership Manager, Sandra Kochan*; Property Management Manager, JoAnne Adamson*; Infrastructure Operations Department Manager, Ian Wilson*

Staff participating remotely Legislative Coordinator (Confidential), Clint McKenzie
 (* Denotes partial attendance)

1. Call to Order

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

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

In accordance with the most recent Interior Health Restrictions regarding gatherings and events, a maximum of 50 members of the public is permitted to attend Council meetings in-person. Members of the public must remain seated unless invited to address Council.

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

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

(R0958/21/10/25) THAT the Minutes of the Regular Meetings of October 18, 2021 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Kaslo Crt 2117 - Z21-0076 (BL12292) - Kyle Remie Van de Sype and Kathryn Lynn Van de Sype

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Given

(R0959/21/10/25) THAT Rezoning Application No. Z21-0076 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 26, Section 19, Township 26, ODYD, Plan 25943, located at 2117 Kaslo Court, 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 October 25, 2021;

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

Carried

3.2 Kaslo Crt 2117 - BL12292 (Z21-0076) - Kyle Remie Van de Sype and Kathryn Lynn Van de Sype

Moved By Councillor Stack/Seconded By Councillor Sieben

(R0960/21/10/25) THAT Bylaw No. 12292 be read a first time.

Carried

3.3 Supplemental Report - Richter St 2590 - Z21-0040 (BL12282) - Linguo Zhang

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0961/21/10/25) THAT Council receives, for information, the report from the Office of the City Clerk dated October 25, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12282;

AND THAT Rezoning Bylaw No. 12282 be forwarded for further reading consideration.

Carried

3.4 Richter St 2590 - BL12282 (Z21-0040) - Linguo Zhang

Moved By Councillor Sieben/Seconded By Councillor Stack

(R0962/21/10/25) THAT Bylaw No. 12282 be read a second and third time.

Carried

3.5 Mayfair Crt 734 - Z20-0095 (BL12241) - Rezoning Bylaw Rescindment

Moved By Councillor Donn/Seconded By Councillor Singh

(R0963/21/10/25) THAT Council receives, for information, the Report from the Development Planning Department dated October 25, 2021, with respect to Rezoning Application.Z20-0095 for the property located at Lot 18 District Lot 143 Osoyoos Division Yale District Plan 43720 located at 734 Mayfair Court;

AND THAT Bylaw No.12241 be forwarded for rescindment consideration and the file be closed.

Carried

3.6 Mayfair Crt 734 - BL12241 (Z20-0095) - Adam Wladyslaw Zurek

Moved By Councillor Donn/Seconded By Councillor Given

(R0964/21/10/25) THAT Bylaw No. 12241 be rescinded at first, second and third reading and the file be closed.

Carried

3.7 Optic Ct 2175 - DP20-0217 - 1176024 BC Ltd, Inc No BC1176024

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Given

(R0965/21/10/25) THAT Council authorizes the issuance of Development Permit No. DP20-0217 for Lot A District Lot 32 and Section 14 Township 23 Osoyoos Division Yale District Plan EPP110021, located at 2175 Optic 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";
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 THAT issuance of the Development Permit be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

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

Carried

4. Bylaws for Adoption (Development Related)

4.1 McCurdy Rd 320 - BL12215 (Z21-0025) - Gary Martin Lupul

Moved By Councillor Donn/Seconded By Councillor Given

(R0966/21/10/25) THAT Bylaw No. 12215 be amended at third reading by deleting the legal description(s) that read:

- "Lot 1, Section 26, Township 26, ODYD, Plan 2296"

And replace with:

- "Lot A, Section 26, Township 26, ODYD, Plan EPP113017"

Carried

Moved By Councillor Donn/Seconded By Councillor Given

(R0966/21/10/25) THAT Bylaw No. 12215, as amended, be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Lakeshore and June Springs Fire Service Agreement

Staff:

- Introduced the new Assistant Chief, Operations Dwight Seymour and confirmed this agreement has the RDCO paying the City for the provision of the service.

Moved By Councillor Donn/Seconded By Councillor Hodge

(R0967/21/10/25) THAT Council authorizes the City to renew the Fire Service Agreement for Lakeshore Road and June Springs Road with the Regional District of the central Okanagan for a five (5) year term, in the attached contract from the Fire Chief.

AND THAT the Mayor and City Clerk be authorized to execute the Fire Service Agreement for Lakeshore Road and June Springs Road.

Carried

5.2 Country Rhodes (Ellison) Fire Service Agreement

Moved By Councillor Singh/Seconded By Councillor Stack

(R0968/21/10/25) THAT Council authorizes the City to renew the Fire Service Agreement for Country Rhodes (Ellison) with the Regional District of the Central Okanagan (RDCO) for a five (5) year term in the attached contract from the Fire Chief.

AND THAT the Mayor and City Clerk be authorized to execute the Fire Service Agreement for Country Rhodes (Ellison).

Carried

5.3 MRDT Renewal Application and Taxation Bylaw

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0969/21/10/25) THAT Council receives for information the report from the Partnership Office dated October 25, 2021 regarding an application to renew the Municipal and Regional District Tax;

AND THAT Council supports an application to renew the Municipal and Regional District Tax at three per cent;

AND THAT Council authorizes the Division Director, Financial Services, to sign the documents relating to an application to renew the Municipal and Regional District Tax at three per cent;

AND FURTHER THAT Bylaw No. 12290 being the City of Kelowna Municipal and Regional District Tax Bylaw be forwarded for reading consideration.

Carried

5.4 BL12290 - City of Kelowna Municipal and Regional District Tax Bylaw

Moved By Councillor Donn/Seconded By Councillor Given

(R0970/21/10/25) THAT Bylaw No. 12290 be read a first, second and third time.

Carried

5.5 License of Occupation - Kelowna Disc Golf Association

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed Licence of Occupation.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

(R0971/21/10/25) THAT Council approve the City entering into a three (3) year Licenses of Occupation with the Kelowna Disc Golf Association, with the option to renew an additional three (3) year term, in the form attached to the Report of the Manager of Property Management, dated October 25, 2021;

AND THAT the Mayor and City Clerk be authorized to execute all necessary documents pertaining to the agreement.

Carried

5.6 Green Fleet Strategy

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed Green Fleet Strategy policy and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Given

(R0972/21/10/25) THAT Council receive for information the October 25, 2021 report of the Infrastructure Operations Manager regarding a new Green Fleet strategy;

AND THAT Council endorses the recommendations of the Green Fleet Strategy as outlined in the report of the Infrastructure Operations Manager and directs staff to implement the Strategy.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL12279 - Amendment No. 12 to Solid Waste Bylaw No. 10106

Moved By Councillor Donn/Seconded By Councillor Given

(R0973/21/10/25) THAT Bylaw No. 12279 be adopted.

Carried

6.2 BL12285 Amendment No. 30 to the Bylaw Notice Enforcement Bylaw No 10475

Moved By Councillor Donn/Seconded By Councillor Given

(R0974/21/10/25) THAT Bylaw No. 12285 be adopted.

Carried

7. Mayor and Councillor Items

The Mayor read a statement in opposition to conversion therapy and the following recommendation:

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R0975/21/10/25) THAT Council supports the Mayor in sending a letter to the federal government calling for a nationwide ban on conversion therapy

AND THAT Council condemns the practice of conversion therapy within the City of Kelowna;

AND FURTHER THAT Council requests the new federal government reintroduce legislation to Parliament to ban conversion therapy in Canada.

Carried

Councilor Sieben, OCP 2040:

-Advised he will be absent from tomorrow's public hearing on the OCP 2040.
-Asked about options for amendments that are specific to certain properties.

City Manager:

-Confirmed Council can make an amendment post public hearing as long as the amendment does not change use or increase density.

- Council could keep the public hearing open and adopt the bylaw at first reading.
- Council could move the bylaw to third reading and direct site specific changes be brought forward post adoption.

Councillor Wooldridge:

- Attended and congratulated the Okanagan Symphony on their latest performance.

Councillor Hodge:

- Stated how proud he was of this Council and that he is happy to be a part of it.

The Mayor read the Kelowna Pride Week Proclamation.

8. Termination

This meeting was declared terminated at 2:58 pm

Mayor Basran

sf/cm

City Clerk

REPORT TO COUNCIL



Date: November 1, 2021

To: Council

From: City Manager

Department: Development Planning

Application: TA21-0016 Z21-0092 **Owner:** KELOWNA HWY 97 / 33
HOLDING LTD., INC.NO.
BC1003626

Address: 1604-1620 Powick Road **Applicant:** Kootenay Cannabis Ltd.

Subject: Rezoning and Text Amendment Application (Site Specific)

Existing OCP Designation: COMM - Commercial

Existing Zone: C4 – Urban Centre Commercial

Proposed Zone: C4rcs – Urban Centre Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA21-0016 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated November 1, 2021 for Lot 1 District Lot 125 Osoyoos Division Yale District Plan 18724 Except Plans KAP78413 and KAP80632 located at 1604-1620 Powick Road, Kelowna, BC NOT be considered by Council;

AND THAT Rezoning Application No. Z21-0092 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 125 Osoyoos Division Yale District Plan 18724 Except Plans KAP78413 and KAP80632, located at 1604-1620 Powick Road, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone NOT be considered by Council.

2.0 Purpose

To NOT support a site-specific text amendment to allow for a retail cannabis sales establishment within 500 metres of another property zoned for retail cannabis sales and within 500 metres of a school and to NOT rezone the subject property from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone.

3.0 Development Planning

Staff do not recommend support for the proposed site-specific text amendments and rezoning application to allow for a retail cannabis sales establishment on the subject property at 1604-1620 Powick Road. The proposal requires a text amendment to reduce the minimum setback distance of 500 metres between two approved establishments, as a retail cannabis sales establishment is approved at approximately 424 metres away, at 1675-1677 Commerce Avenue. The specific use regulations for cannabis retail sales in Section 9.16.1 of the Zoning Bylaw establish the following:

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

The minimum distance of 500 metres between retail cannabis sales establishments is intended to avoid clustering of multiple stores. The application to reduce the distance between cannabis stores does not meet the intent to limit clustering of this use and there are sufficient number of approved cannabis establishments across the City to serve overall need.

The application also requires a site-specific text amendment to reduce the minimum setback distance of 500 metres from a public middle school. The intent of this regulation was to restrict the proximity of retail cannabis sales establishments to potentially sensitive uses, and user groups. Springvalley Middle School is approximately 337 metres from this property, when measured from closest lot line to closest lot line. The specific use regulations for cannabis retail sales in Section 9.16.4 of the Zoning Bylaw establish the following:

9.16.4 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from any public middle or secondary school, measured from closest lot line to closest lot line

4.0 Proposal

4.1 Background

Since the first retail cannabis sales applications were considered in the Spring of 2019, 20 properties have been fully rezoned with the "rcs" subzone to allow retail cannabis sales as a permitted use. An additional four rezoning applications have been supported by Council and are currently at third reading while outstanding requirements are met prior to Council considering final adoption of the bylaws. At the time of writing, the Liquor and Cannabis Regulation Branch (LCRB) has issued licences to 11 (eleven) of these establishments to allow for legal operation within the City of Kelowna. Several locations and licences have changed ownership over the past two years and licences are taking significant processing time at the LCRB. This has resulted in multiple approved properties not yet opening.

4.2 Project Description

A retail cannabis sales establishment is proposed for one of the commercial units at 1604-1620 Powick Road.

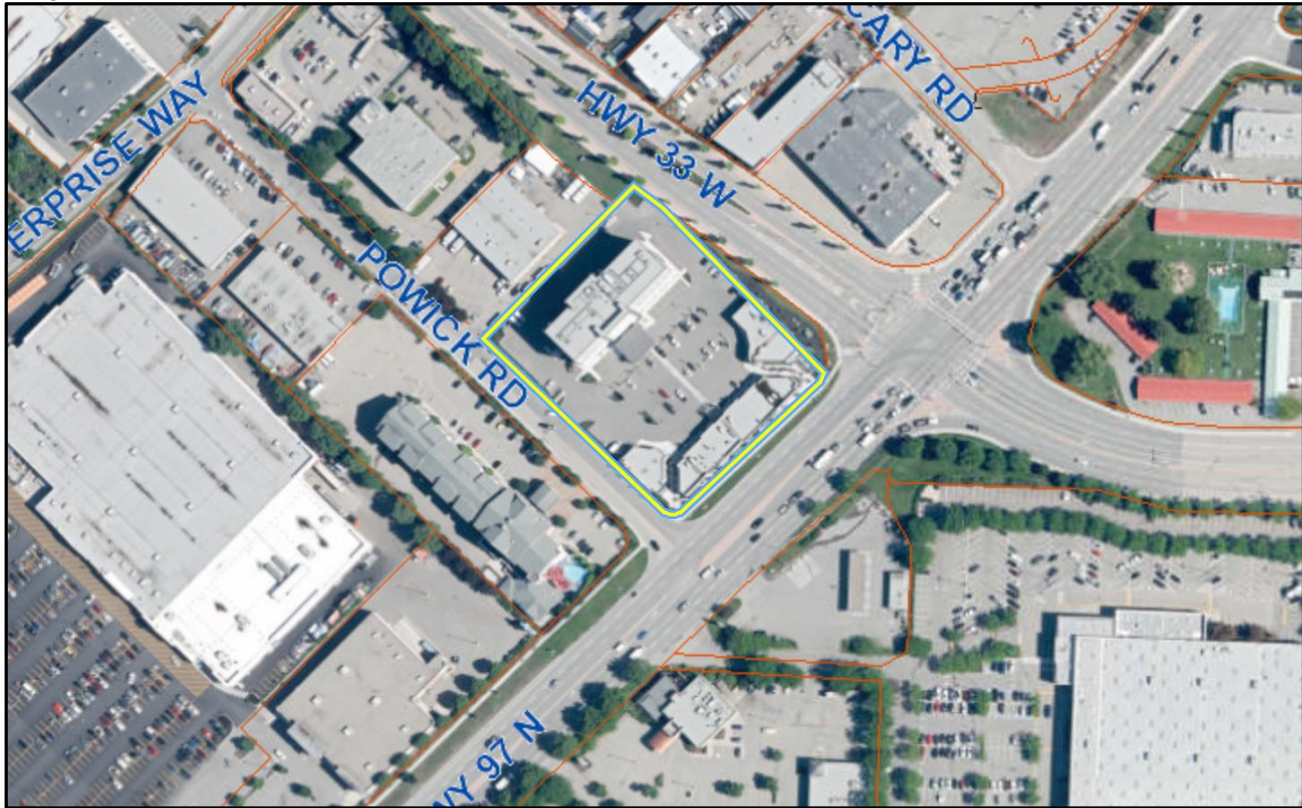
4.3 Site Context

The subject property is located at the corner of Highway 97 N and Highway 33 W. It has been constructed within the last five years, and contains a hotel, several restaurants and other commercial businesses. It's located within the Midtown Urban Centre and has a Walk Score of 73, indicating that it's very walkable.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|------------------------------|-----------------------------------|
| North | C10 – Service Commercial | Warehouse Sales |
| East | C4 – Urban Centre Commercial | Gas Bar |
| South | C4 – Urban Centre Commercial | Hotels |
| West | C10 – Service Commercial | Retail Stores, Service Commercial |

Subject Property Map: 1604-1620 Powick Road



5.0 Technical Comments

5.1 Development Engineering Department

This application does not compromise any municipal infrastructure.

6.0 Application Chronology

Date of Application Accepted: September 9, 2021

Date Public Consultation Completed: October 13, 2021

7.0 Alternate Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA21-0016 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated November 1, 2021 for Lot 1 District Lot 125 Osoyoos Division Yale District Plan 18724 Except Plans KAP78413 and KAP80632 located at 1604-1620 Powick Road, Kelowna, BC be considered by Council;

AND THAT Rezoning Application No. Z21-0092 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 125 Osoyoos Division Yale District Plan 18724 Except Plans KAP78413 and KAP80632, located at 1604-1620 Powick Road, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone be considered by Council;

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

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

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

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

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

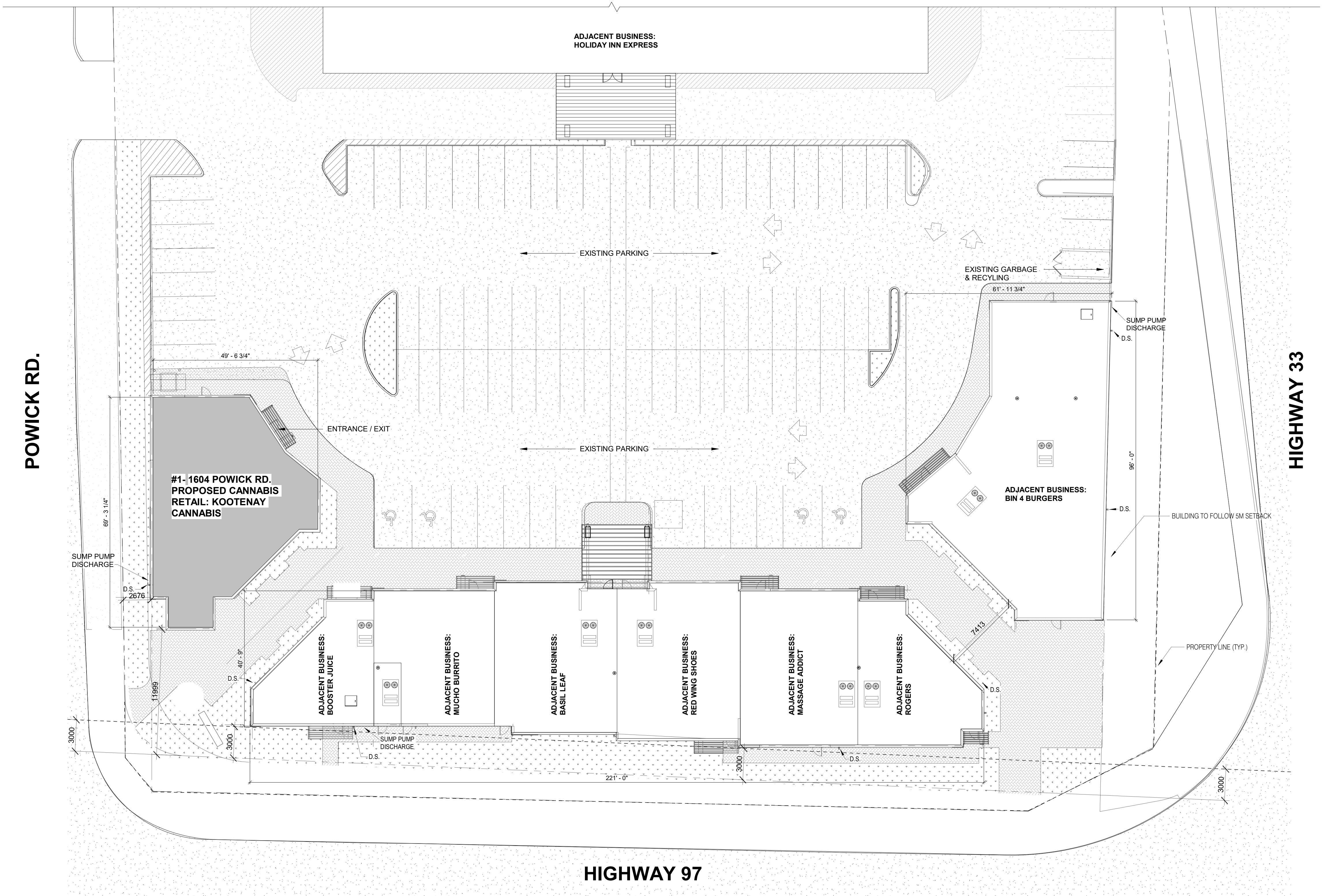
Attachments:

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

Attachment A: Site Plan, Draft Renderings, and Applicant's Letter of Rationale

Schedule A – Proposed Site Specific Text Amendments

| No. | Section | Current Wording | Proposed Wording | Reason for Change | | | | | | | | |
|-----|---|--|---|--|--------------------------|----------------------|-------------------|----|---|-----------------------|---|---|
| 1. | Section 9 - Specific Use Regulations, 9.16 - RETAIL CANNABIS SALES ESTABLISHMENTS | Section 9.16.1 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from another Retail Cannabis Sales Establishment, measured from closest lot line to closest lot line. | 9.16.8 Site Specific Regulations Regulations apply for Retail Cannabis Sales Establishments on a specific basis as follows: <table><tr><th></th><th><i>Legal Description</i></th><th><i>Civic Address</i></th><th><i>Regulation</i></th></tr><tr><td>2.</td><td>Lot 1 District Lot 125 Osoyoos Division Yale District Plan 18724 Except Plans KAP78413 and KAP80632</td><td>1604-1620 Powick Road</td><td>To allow for a retail cannabis sales establishment within 500 metres of an approved retail cannabis sales establishment at 1675-1677 Commerce Avenue and within 500 metres of a public middle school at 350-470 Ziprick Road.</td></tr></table> | | <i>Legal Description</i> | <i>Civic Address</i> | <i>Regulation</i> | 2. | Lot 1 District Lot 125 Osoyoos Division Yale District Plan 18724 Except Plans KAP78413 and KAP80632 | 1604-1620 Powick Road | To allow for a retail cannabis sales establishment within 500 metres of an approved retail cannabis sales establishment at 1675-1677 Commerce Avenue and within 500 metres of a public middle school at 350-470 Ziprick Road. | To allow for a retail cannabis sales establishment within 500 metres of other approved retail cannabis sales establishments in the City Centre Urban Centre |
| | <i>Legal Description</i> | <i>Civic Address</i> | | <i>Regulation</i> | | | | | | | | |
| 2. | Lot 1 District Lot 125 Osoyoos Division Yale District Plan 18724 Except Plans KAP78413 and KAP80632 | 1604-1620 Powick Road | To allow for a retail cannabis sales establishment within 500 metres of an approved retail cannabis sales establishment at 1675-1677 Commerce Avenue and within 500 metres of a public middle school at 350-470 Ziprick Road. | | | | | | | | | |
| 2. | Section 9 - Specific Use Regulations, 9.16 - RETAIL CANNABIS SALES ESTABLISHMENTS | 9.16.4 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from any public middle or secondary school, measured from closest lot line to closest lot line. | | To allow for a retail cannabis sales establishment within 500 metres of a public middle school | | | | | | | | |



1 SITE PLAN
1 : 200

Project:

KOOTENAY CANNABIS
#1 1604 POWICK ROAD
KELOWNA, BC
V1X 7G5

Drawing Title:

SITE PLAN

Project No.

102

Drawing No.

Drawn By

LP

ID00

Side View of Building looking North



Back Side of Building Looking East



Front View of Building looking South West



Side of Building Looking West





AD LUCEM
LAW CORPORATION

Robert W.E. Laurie
Barrister & Solicitor
AD LUCEM LAW CORPORATION
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City of Kelowna Planning Department
1435 Water St.
Kelowna, B.C.,
V1Y – 1J4, Canada

Our ref: (2313 – 002) (Kootenay Cannabis)

July 26, 2021

Dear Sir:

RE: Kootenay Cannabis Ltd. – Letter of Rationale Regarding Development Proposal (Text Amendment Application) re: 1604 Powick Road, Kelowna, B.C., V1X 7G5, Canada (Applicant Property), forming part of the Application Form – Development Proposal (the “Development Application”).

I have been retained to assist Brian Gray of Kootenay Cannabis Ltd. (the “**Applicant**”), with business licensing considerations, specifically the required Text Amendment Development Proposal Application, concerning retail sales from a cannabis sales establishment to be located at 1604 Powick Road, Kelowna, B.C., V1X 7G5, Canada, (the “**Applicant Property**”). Please accept this document as an introduction to Mr. Brian Gray, an overview to Kootenay Cannabis Ltd. while serving as a Letter of Rationale, forming part of the Application Form – Development Proposal (the “**Development Application**”).

The Applicant, Kootenay Cannabis Ltd., has two distancing issues that require Text Amendments as part of the Development Application. The specific distancing metrics as they pertain specifically to this Text Amendment – Development Proposal Application, are summarized as follows:

1. **Distancing from Applicant to a Neighbouring Cannabis Retail:** (i.e. Kootenay Cannabis Ltd., located at 1604 Powick Rd. to Greenery Cannabis Boutique, located at 113-1677 Commerce Ave.

2. **Distancing from Applicant to a Middle School**: (i.e. Kootenay Cannabis Ltd., located at 1604 Powick Rd. to Springvalley Middle School, located at 350 Ziprick Rd).

The Applicant asks that the City of Kelowna consider the site-specific considerations that are unique to the Applicant Property and the Applicant.

The City of Kelowna text amendment proposal process requires a text amendment to the specific use regulations for cannabis retail sales as per Section 9.16.1 and 9.16.4 of the Zoning Bylaw (Specific Use Regulations – Retail Cannabis Sales Establishments) (the “**Zoning Bylaw**”). The Zoning Bylaw (Specific Use Regulations – Retail Cannabis Sales Establishments) at Section 9.16.1 states:

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

Further, the Zoning Bylaw at Section 9.16.4 states:

9.16.4 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from any public middle or secondary school, measured from closest lot line to closest lot line.

Accordingly, the Applicant has distancing considerations (as discussed), requiring a Text Amendment and Development Application. The Applicant is hopeful the City of Kelowna will relax the strict application of Sections 9.16.1 and 9.16.4 of the Zoning Bylaw, establishing a 500-meter (minimum) setback for retail cannabis stores from middle schools and a minimum proximity distance of 500-meters between retail cannabis store locations. Other than the distancing limitations, the Applicant is a well-qualified operator (no police history or licensing infractions) and should be eligible for another cannabis retail license under the municipal and provincial retail regimes.

After consideration of the Applicants position, including the qualities of the operator and the location of the proposed cannabis retail store (and inherent site-specific hardships), the City of Kelowna can achieve the twin cannabis retail policy objectives of (1) declustering and (2) creating a fair and reliable business environment, by granting the Applicant the required Text Amendments forming part of the Application, with a copy appended at Exhibit “U” to this Rationale Letter.

Application Overview

The City of Kelowna by virtue of the administrative principles of natural justice and procedural fairness, has discretion and authority to remedy instances where the strict interpretation of a bylaw, such as Section 9.16.1 and 9.16.4 of the Zoning Bylaw, would represent a site-specific hardship and result in prejudice to the Applicant (i.e. Kootenay Cannabis Ltd).

On or about December 3, 2019, the City of Kelowna adjusted its own policy to allow for a third cannabis store to be located downtown (see “Exhibit D”)¹ Grasshopper Cannabis located at 1632 – 1650 Pandosy St., was granted a text amendment, being located just 412 meters walking distance from another approved site at 547 Bernard Avenue.²

In the case of Grasshopper Cannabis, “Counsellors Mohini Singh, Maxine Dehart, Charlie Hodge, Gail Given and Luke Stack voted in support of the text amendment application. Councillor Stack stated: “I really think the investment into this part of downtown is important and I think having a new facade on that street and a new business investing into the Pandosy/Leon corridor there is a positive move.”

As will be discussed throughout this Rationale Letter for Brian Gray of Kootenay Cannabis Ltd., the arguments for the Applicant in relation to his Development Application are similar in nature (i.e. the twin cannabis retail policy objectives of (1) declustering and (2) creating a fair and reliable business environment).

The Applicant has two distancing issues, requiring a Text Amendment Development Proposal Application.

1. **Distancing from Applicant to a Neighbouring Cannabis Retail:** (i.e. Kootenay Cannabis Ltd., located at 1604 Powick Rd. to Greenery Cannabis Boutique, located at 113-1677 Commerce Ave.)
2. **Distancing from Applicant to a Middle School:** (i.e. Kootenay Cannabis Ltd., located at 1604 Powick Rd. to Springvalley Middle School, located at 350 Ziprick Rd).

The Applicant asks that the City of Kelowna consider the site-specific considerations that are unique to the Applicant Property and to relax a strict application of Section 9.16.1 of the Zoning Bylaw, establishing a 500-meter (minimum) setback for retail cannabis stores and from middle schools, and specific community, recreation and city parks and a minimum proximity distance of 500-meters between retail cannabis store locations. Doing so will render the Applicant as eligible for licensing under both the municipal and provincial retail cannabis licensing regimes, enabling the City of Kelowna to achieve the twin cannabis retail policy objectives of (1) declustering and (2) creating a fair and reliable business environment.

Furthermore, the principles of natural justice and procedural fairness, plus the factors surrounding site-specific hardships, including the inconsistency (and unreliability) of measurements, lot size anomalies, and property line measurement limitations, should be taken into consideration by the City of Kelowna.

¹ <https://www.iheartradio.ca/am-1150/news/kelowna-breaks-policy-to-allow-third-cannabis-store-downtown-1.10311008>

² AM 1150 (News) “Kelowna Breaks Policy to Allow Third Cannabis Store Downtown” by Baille Vickers, dated December 4, 2019. (“Exhibit D”)

Also, the downtown, commercial nature of the property, located in a business corridor off a major thoroughfare, with one of the highest volume intersections in Kelowna, contribute to the unique circumstances of the Applicant.

In conclusion, the City of Kelowna should grant the Applicant the necessary text amendment as required under Section 9.16.1 and 9.16.4 of the Zoning Bylaw.

Summary of Applicable Distances and Measurements

1. Neighbouring Cannabis Retail: Distance and Measurements – Applicant (Kootenay Cannabis) to Greenery Cannabis Boutique:

- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Boundary to Boundary” (Lot Line to Lot Line) = **423.99 meters**; and
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Building to Building” = **572.17 meters**; and.
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Door to Door” = **595.11 meters**; and.
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Google Maps” (route for travelling by foot and car) = **600 meters**.

2. Proximity to Middle School: Distance and Measurements – Applicant (Kootenay Cannabis) to Springvalley Middle School

- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley Middle School (i.e. 350 Ziprick Rd.), measuring “Boundary to Boundary” (Lot Line to Lot Line) = **337.07 meters**; and
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley Middle School (i.e. 350 Ziprick Rd.), measuring “Building to Building” = **432.15 meters**; and
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley Middle School (350 Ziprick Rd), measuring “Door to Door” **523.01 meters**; and
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley Middle School (i.e. 350 Ziprick Rd.), measuring “Google Maps” (route for travelling by foot and car) = **800 meters**.

List of Documents

Appended to and referenced throughout this Rationale Letter forming part of the Development Application, are the following documents, Exhibits and Schedule A” Text Amendments Proposed by the Applicant under Section 9.16.8 of the Zoning Bylaw to be found at “**Exhibit U**”:

1. Section 9 (City of Kelowna Zoning Bylaw 8000 - Specific Use Regulations [See Page 9-21 (9.16 – Retail Cannabis Establishments (Revised May 2021)]. (“**Exhibit A**”).
2. Global News “Kelowna Says No To Provincial Pot Shop” by Megan Turcato, dated February 25, 2020, <https://globalnews.ca/news/6596137/kelowna-no-provincial-pot-shop/> (“**Exhibit B**”)³.
3. Castanet “Room For More Weed: Kelowna council votes to give Cannabis Store A Second Chance” by Kirk Penton, dated October 28, 2019. (“**Exhibit C**”)⁴.
4. AM 1150 (News) “Kelowna Breaks Policy to Allow Third Cannabis Store Downtown” by Baille Vickers, dated December 4, 2019. (“**Exhibit D**”)⁵.
5. Report to Council, City of Kelowna (File 1250-04) dated August 27, 2018 (“**Exhibit E**”).
6. Schedule “D” (forming part of Report to Council). (“**Exhibit F**”).
7. Report to Council, City of Kelowna (Application TA19-0013 and Z19-0100) regarding applicant Grasshopper Cannabis Inc. and dated October 28, 2019. (“**Exhibit G**”).
8. City of Kelowna Regular Council Meeting Minutes, dated October 28, 2019 (“**Exhibit H**”).
9. Interactive Map (City of Kelowna) showing distance from 1604 Powick Road to 113 – 1677 Commerce Ave. (“**Exhibit I**”).
10. Surveyors Map (Vector Geomatics and Land Surveying Ltd.) showing distances from 1604 Powick Road to 113 – 1677 Commerce Ave. and dated April 8, 2021. (“**Exhibit J**”).
11. Google Maps (Screenshot) showing distance from 1604 Powick Road to 113 – 1677 Commerce Ave. (“**Exhibit K**”).
12. Surveyors Map (Vector Geomatics and Land Surveying Ltd.) showing distances from 1604 Powick Road to Springvalley Middle School and dated June 30, 2021. (“**Exhibit L**”).
13. Interactive Map (City of Kelowna) showing distance from 1604 Powick Road to Springvalley Middle School and dated April 26, 2021. (“**Exhibit M**”).

³ <https://globalnews.ca/news/6596137/kelowna-no-provincial-pot-shop/>

⁴ <https://www.castanet.net/news/Kelowna/269210/Kelowna-council-votes-to-give-cannabis-store-a-second-chance>

⁵ <https://www.iheartradio.ca/am-1150/news/kelowna-breaks-policy-to-allow-third-cannabis-store-downtown-1.10311008>

14. Google Maps (Screenshot) showing distance from 1604 Powick Road to Springvalley Middle School and not dated. (“**Exhibit N**”).
15. Letter of Reference to City of Kelowna from Castlegar Sculpturewalk, dated April 1, 2021. (“**Exhibit O**”).
16. Letter of Reference to City of Kelowna from James Camps re: 1604 Powick – Retail Cannabis Store Application, dated May 26, 2021. (“**Exhibit P**”).
17. Letter of Reference to City of Kelowna from Rachelle Matushewski of P.R. Hotels Management Ltd. re: Kootenay Cannabis – Letter of Endorsement, Fairfield by Marriott & Holiday Inn Express, dated March 31, 2021. (“**Exhibit Q**”).
18. Letter of Reference to City of Kelowna from Daniel Ruel, General Manager of Fairfield by Marriott. re: Kootenay Cannabis – Letter of Endorsement, Fairfield by Marriott, dated April 7, 2021. (“**Exhibit R**”).
19. Letter of Reference to City of Kelowna from Steve Carroll, General Manager Holiday Inn Express and Suites. re: Kootenay Cannabis – Letter of Endorsement, Holiday Inn Express dated April 7, 2021. (“**Exhibit S**”).
20. City of Kelowna Application Form (Development Proposal) (“**Exhibit T**”).
21. “Schedule A” Text Amendments Proposed by the Applicant under Section 9.16.8 of the Zoning Bylaw. (“**Exhibit U**”).
22. Letter of Reference from Andrea Ryman of Destination Castlegar dated June 9, 2021, re: Kootenay Cannabis). (“**Exhibit V**”).
23. Letter of Reference from Tammy Verigin-Burk of Castlegar Chamber of Commerce dated July 23, 2021, re: Kootenay Cannabis New Location – Kelowna (Castlegar Chamber of Commerce). (“**Exhibit W**”).

Introduction – Nature of the Application (Section 9.16.1 and 9.16.4 of the Zoning Bylaw)

It is the understanding by Kootenay Cannabis Ltd., (the Applicant) that in the circumstances of their Development Application, the City of Kelowna Development Application process requires a text amendment (the “Text Amendment”) to the specific use regulations for cannabis retail sales as per Section 9.16.1 and Section 9.16.4 of the Zoning Bylaw regarding Specific Use Regulations – Retail Cannabis Sales Establishments) (the “**Zoning Bylaw**”).

The Zoning Bylaw at Section 9.16.1 states:

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

Further, the Zoning Bylaw at Section 9.16.4, dealing with setback minimum distances from public middle school, states:

9.16.4 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from any public middle or secondary school, measured from closest lot line to closest lot line.

Kootenay Cannabis Ltd. supports this endeavour and respects the motives for this zoning requirement, In the circumstances, however, the Applicant maintains that the measuring methodology adopted by the City of Kelowna and a strict application of Sections 9.16.1 and 9.16.4 of the Zoning Bylaw (in the case of the Applicant) is unduly prejudicial, amounting to a site-specific hardship. For more on this analysis, below please see the section of this Rationale Letter entitled “Supplemental Arguments and Distancing Considerations”.

Rationale and Reasoning: 500 Meter Minimum Setback Cannabis Retailers and Middle Schools

It is the understanding of the Applicant (Kootenay Cannabis Ltd.) that the City of Kelowna has land use authority relating to zoning, business licensing, building code, municipal workplace safety and enforcement of regulations around public consumption.⁶ Further, local governments can use land use controls to regulate the location of retail cannabis store in the community through Sections 9.16.1 and 9.16.4 of the Zoning Bylaws.⁷

It is understood by the Applicant that the intention behind establishing minimum setback distances for retail cannabis stores, according to the City of Kelowna, is to help restrict youth access to cannabis and protect young people from promotions or enticements to use cannabis.⁸ I am instructed City of Kelowna

⁶ Report to Council, City of Kelowna (File 1250-04) date August 27, 2018 (“**Exhibit E**”) page 2.

⁷ Ibid Page 2.

⁸ Ibid Page 6.

planning staff in August 2018 established a minimum setback distance of 500 meters for retail cannabis stores from public schools and specific community, recreation and city parks and other cannabis retailers.⁹

As will be discussed later, there is compelling evidence and analysis illustrating the flaws and fallacies of utilizing a 500-meter “property line to property line” method of establishing setback distances from neighbouring cannabis retailers and middle schools.

Historical Considerations – Section 9.16.1 (and 9.16.4) of the Zoning Bylaw

Protection of Youth

It is the understanding of the Applicant that the distance of 500 meters was recommended by city staff on the basis that this buffering zone still allows for businesses to operate throughout many areas of the city, while maintaining a setback from areas where children and youth visit. Accordingly, it is the belief of the City of Kelowna that the 500-meter setback distance metric is consistent with other municipalities in British Columbia, and internationally, where cannabis is legal.¹⁰

Experience from Washington and Colorado

However, jurisdictions such as Washington and Colorado adopted a 300-meter buffer or setback from schools because of the existence of U.S. Federal “Drug Free Zone” laws. As will be discussed below, this distancing metric (adopted by the City of Vancouver and extended by the City of Kelowna) has nothing to do with “land use best practice” as erroneously maintained by the City of Vancouver when that municipality began licensing retail and medical dispensaries in 2015. Applying a 300-meter buffer served as an elimination strategy for the City of Vancouver, under the guise of a regulatory policy until federal cannabis legalization in 2018.

It should be noted that at the time the 1,000-foot buffer zone was being proposed for Colorado’s initial medical cannabis program in 2010, one of the primary reasons for this setback was to avoid the potential risks of federal enforcement. The risk of federal enforcement had nothing to do with municipal land use considerations.

U.S. Federal “Drug Free Zone” Laws (Applicable to Kelowna?)

This is important for the City of Kelowna to appreciate as there was a legitimate concern that permitting medical cannabis dispensaries to open within 1,000 feet of a school could entice the state U.S. Attorney in the state of Colorado to bring enforcement actions as had occurred for years with unregulated cannabis businesses in California that were within 1,000 feet from a school. Fortunately, we do not have these

⁹ Report to Council, City of Kelowna (File 1250-04) dated August 27, 2018 (“**Exhibit E**”) page 2.

¹⁰ Report to Council, City of Kelowna (File 1250-04) dated August 27, 2018 (“**Exhibit E**”) page 6.

types of issues in British Columbia and accordingly the authority of the City of Kelowna should not be restricted or fettered in this manner.

Creation of Fair and Reliable Business Environment

The Applicant is also appraised of the fact the rationale applied by city planners for not recommending text amendments to the Development Application is attributable to policy concerns surrounding clustering and the need for creating a fair and reliable business environment for cannabis sales establishments. Specifically, a minimum proximity distance of 500 meters between retail cannabis store locations has been adopted to avoid the clustering of multiple stores in specific areas, particularly in urban areas.¹¹ As will be discussed, in some instances site-specific hardship arguments by applicants, such as Kootenay Cannabis should be considered as such was the case for the applicants at 1636 – 1652 Pandosy Street location.

Regulatory Regime Similar to Alcohol

In British Columbia, the Provincial Government licenses and oversees the distribution and sale of cannabis subject to federal conditions. The Provincial Cannabis Control and Licensing Act establishes a cannabis retail licensing regime that, according to the City of Kelowna, is similar to the current licensing regime for liquor.¹²

The Liquor Control and Licensing Branch (LCLB) are responsible for licensing non-medical cannabis private stores and monitoring the non-medical cannabis retail sector.¹³ The Applicant notes that the Province will not issue a non-medical cannabis retail license without the support of the City of Kelowna. The intent of the minimum proximity distance is, according to the City of Kelowna, also appropriate and similar to the Provincial Government requirement for a minimum of one kilometer distance between new retail liquor stores.¹⁴ There are flaws in the liquor analysis which should be considered in addition to the site-specific and inconsistency (and unreliability) of measurement arguments, as will be discussed throughout this Rationale Letter.

Unduly Restrictive Regulation of Cannabis (Compared to Alcohol)

Further, despite being regulated in a manner like alcohol, cannabis land use regulation is unduly restrictive when compared to how the City of Kelowna (and Vancouver) regulate alcohol. For more on this analysis, below please see the section of this Rationale Letter entitled “Supplemental Arguments and Distancing Considerations”.

¹¹ Ibid page 6.

¹² Ibid page 3.

¹³ Ibid.

¹⁴ Ibid page 6.

As presented earlier, the City of Kelowna by virtue of the administrative principles of natural justice and procedural fairness, have the discretion and authority to remedy instances where the strict interpretation of a bylaw, such as Section 9.16.1 or 9.16.4 of the Zoning Bylaw, would represent two instances of site-specific hardship requiring a text amendment. Please see “Exhibit U” for the proposed SCHEDULE A - Text Amendments for the Applicant (Kootenay Cannabis Ltd).

Again, the principles of natural justice and procedural fairness, plus the factors surrounding site-specific hardships, including the inconsistency (and unreliability) of measurements, should be taken into consideration in this instance by the City of Kelowna. Accordingly, the City of Kelowna should have no problem granting the Applicant the necessary text amendment necessary under Section 9.16.1 and Section 9.16.4 of the Zoning Bylaw.

Overview of Distances: Site-Specific Hardships and Setback Concerns

Setback Distances Applicable to Kootenay Cannabis Ltd.

The location of the Applicant’s proposed store at the Applicant Property is located at a distance within the requisite 500-meter setback distance to another **cannabis retail store** (Greenery Cannabis Boutique located at 113 – 1677 Commerce Ave.) and a **middle school** (Springvalley Middle School located at 350 Ziprick Rd.), when considering the measurements on a property line to property line or lot line to lot line.

The Zoning Bylaw at Section 9.16.1 states:

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

Further, the Zoning Bylaw at Section 9.16.4, dealing with setback minimum distances from public middle school, states:

9.16.4 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from any public middle or secondary school, measured from closest lot line to closest lot line.

Reliability of “Property Line to Property Line” Measurements?

As will be discussed, this measure of distancing analysis based on a “property line to property line” measurement is not the most reliable method of assessment where site-specific hardships can be demonstrated. For more on this analysis on this point, please see below the section of this Rationale Letter entitled “Supplemental Arguments and Distancing Considerations”.

Creation of a Fair, Equal and Consistent Licensing System

Further, it has been argued by staff that by utilizing a unified or fixed buffer metric such as 500-meters for determining setbacks results in a fair, equal and consistent system. Such a result may, as will be argued throughout this Rationale Letter, may amount to site-specific hardship in instances where property lines are unique and the property lots in question. Such is the case with the Applicant, having a 500-meter setback distance to another **cannabis retail store** and a 500-meter setback distance to **middle school**, as will be demonstrated below.

Large and Unusual Lot Sizes

Unlike other applicants requiring a text amendment under the Zoning Bylaws, the Applicant (Kootenay Cannabis), the neighbouring store (Greenery Cannabis Boutique), and the middle school (Springvalley Middle School), each have unusually large lot sizes. This is precisely the situation in which Kootenay Cannabis Ltd. finds itself regarding the City of Kelowna's Development Application process.

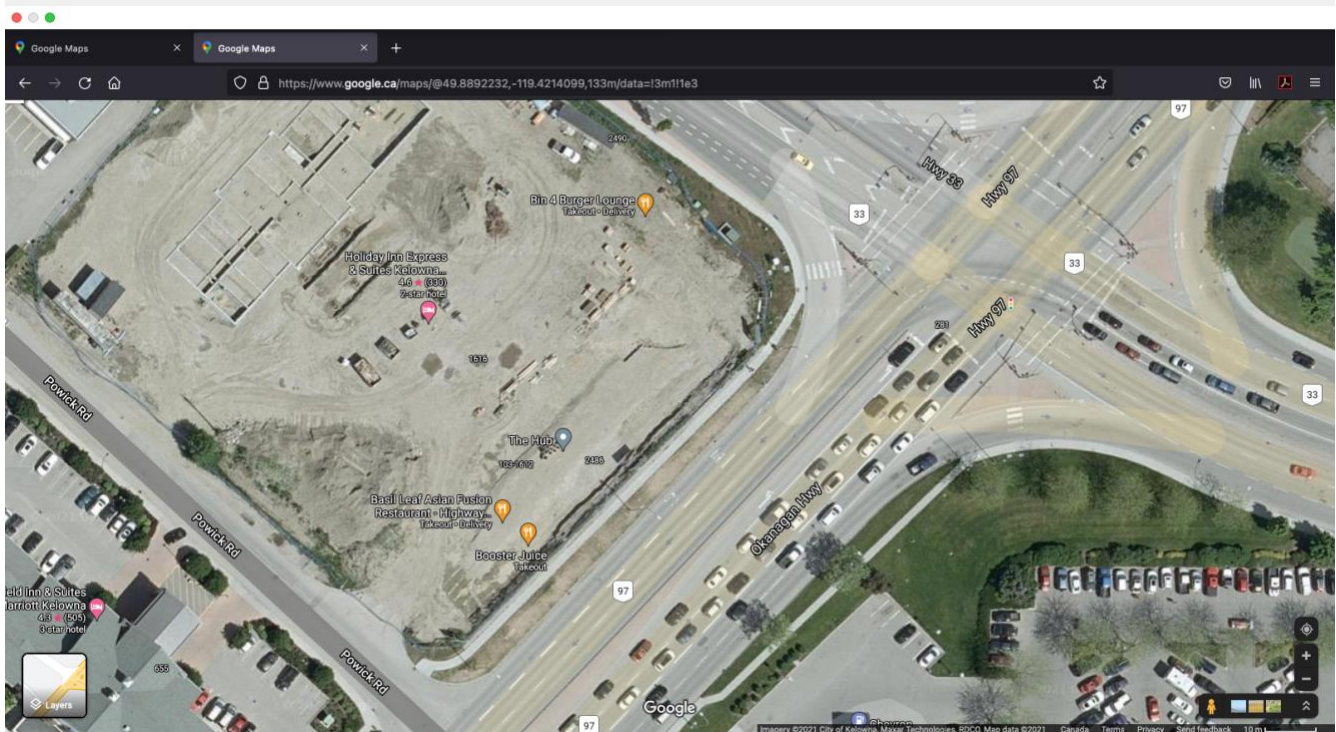


Figure 1. Showing Lot Size of Applicant Property (1604 Powick Road (Source: Google Maps)

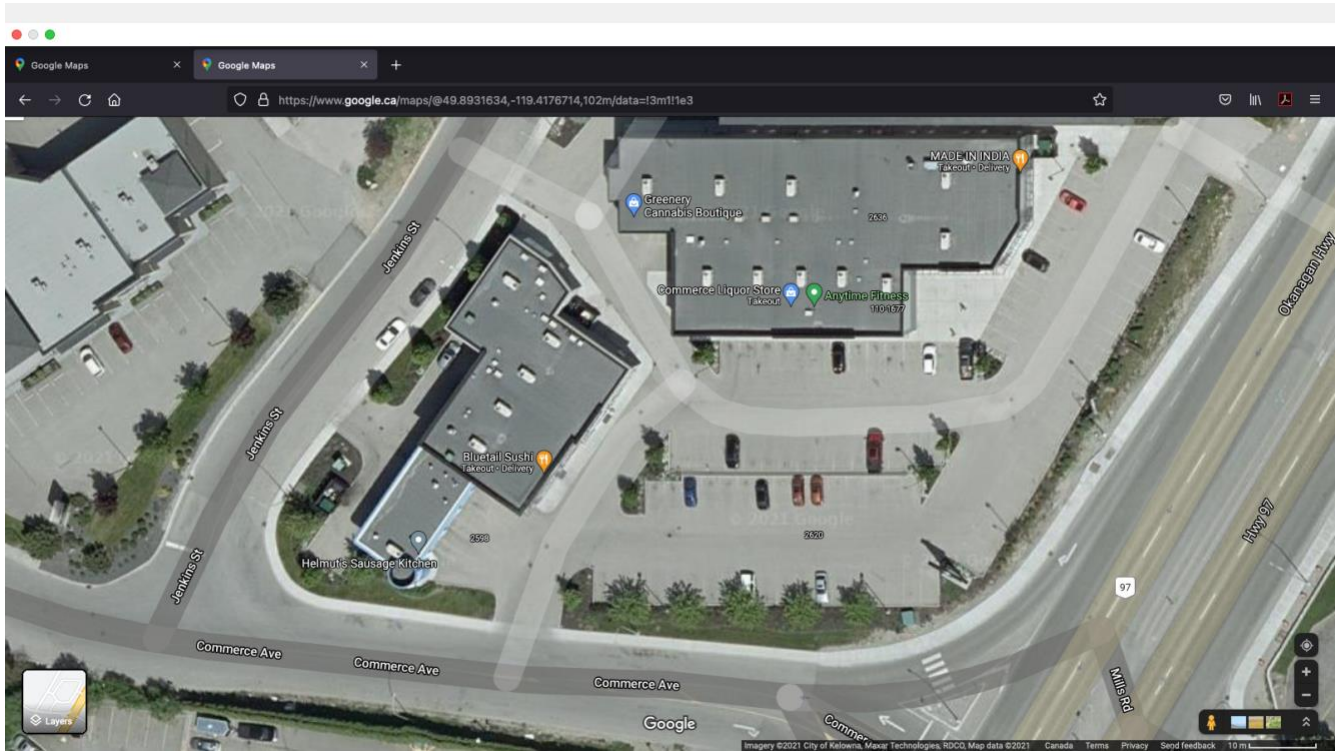


Figure 2. Lot size of Greenery Cannabis Boutique (located at 113 – 1677 Commerce Ave).

As it can be seen from looking at Figures 1 and Figures 2 (above) and compared with “Exhibit J” (Surveyors Map (Vector Geomatics and Land Surveying Ltd.) showing distances from 1604 Powick Road to 113 – 1677 Commerce Ave. and dated April 8, 2021), the lot size for the Applicant and the neighbouring cannabis business are very large. Exhibit J when compared with Figure 1 (above) shows that the storefront is located the bottom righthand corner of the civil lot identified as Rem 1 Plan 18724, showing at least 80 meters from front door of the applicant to Highway 33 W.

Figure 2 (above) is a Google Maps picture of the lot of the neighbouring cannabis business (Greenery Cannabis Boutique) located at 113 – 1677 Commerce Ave, identified as Rem A Plan KAP90858. As can be seen, Greenery Cannabis Boutique is located off Jenkins and Commerce Avenue which is estimated to be 40-meters from the front door to the lot line boundary on Commerce Ave. In fact, Greenery Cannabis Boutique has a lot line closer to Jenkins Street and there are three businesses located between Greenery Cannabis and the lot line boundary located at Commerce Ave. From the Commerce Avenue lot line, Helmu’s Sausage Kitchen (1675 Commerce Ave), Bluetail Sushi and the Commerce Liquor Store share the same lot line as the neighbouring cannabis store despite Greenery Cannabis Boutique store (and front door) being more than 40-meters of the Commerce Ave lot line. Taking these factors into account suggests the Applicant is at an appropriate distance.

Kootenay Cannabis Ltd. – Applicable Distances and Measurements

1. Distance to Another Cannabis Retail Store

The Zoning Bylaw at Section 9.16.1 states:

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

In the case of the Applicant (Kootenay Cannabis Ltd.), their proximity to Greenery Cannabis Boutique, a neighboring cannabis retailer, located at 113 – 1677 Commerce Avenue in Kelowna, is measured at distance of **423.99-meters** from lot line to lot line. Consequently and because of two unusual lot sizes, the applicant is not eligible under the Application Process for falling afoul of Section 9.16.1 of the Zoning Bylaw. The resulting situation arguably amounts to a site-specific hardship. (See Exhibits I and J).

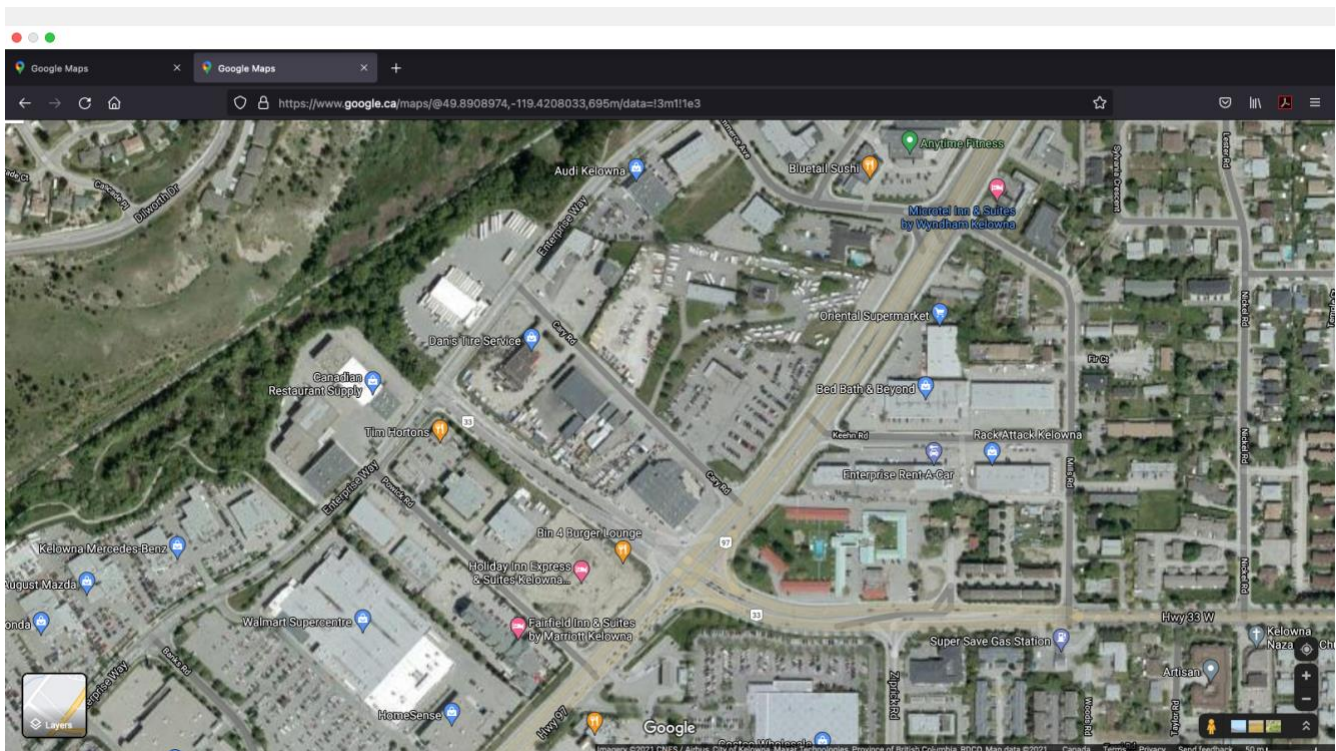


Figure 3. Google Map Satellite Photo Showing physical distance from 1604 Powick Road to Greenery Cannabis Boutique, a neighboring cannabis retailer, located at 113 – 1677 Commerce Avenue in Kelowna (Source: Google Maps)

The Figure 3. Google Map Satellite Photo shows that the proposed Applicant business at 1604 Powick Road is in downtown Kelowna. Reference to the Interactive Map provided at “Exhibit I” (appended to this letter) shows that the physical location of the Applicant (Kootenay Cannabis Ltd.) existing just outside the 500-meter buffer (or setback). Further reference to Exhibit J (see below), Surveyors Map (Vector Geomatics and Land Surveying Ltd.) compares distances from 1604 Powick Road to 113 – 1677 Commerce Ave. and is dated April 8, 2021.

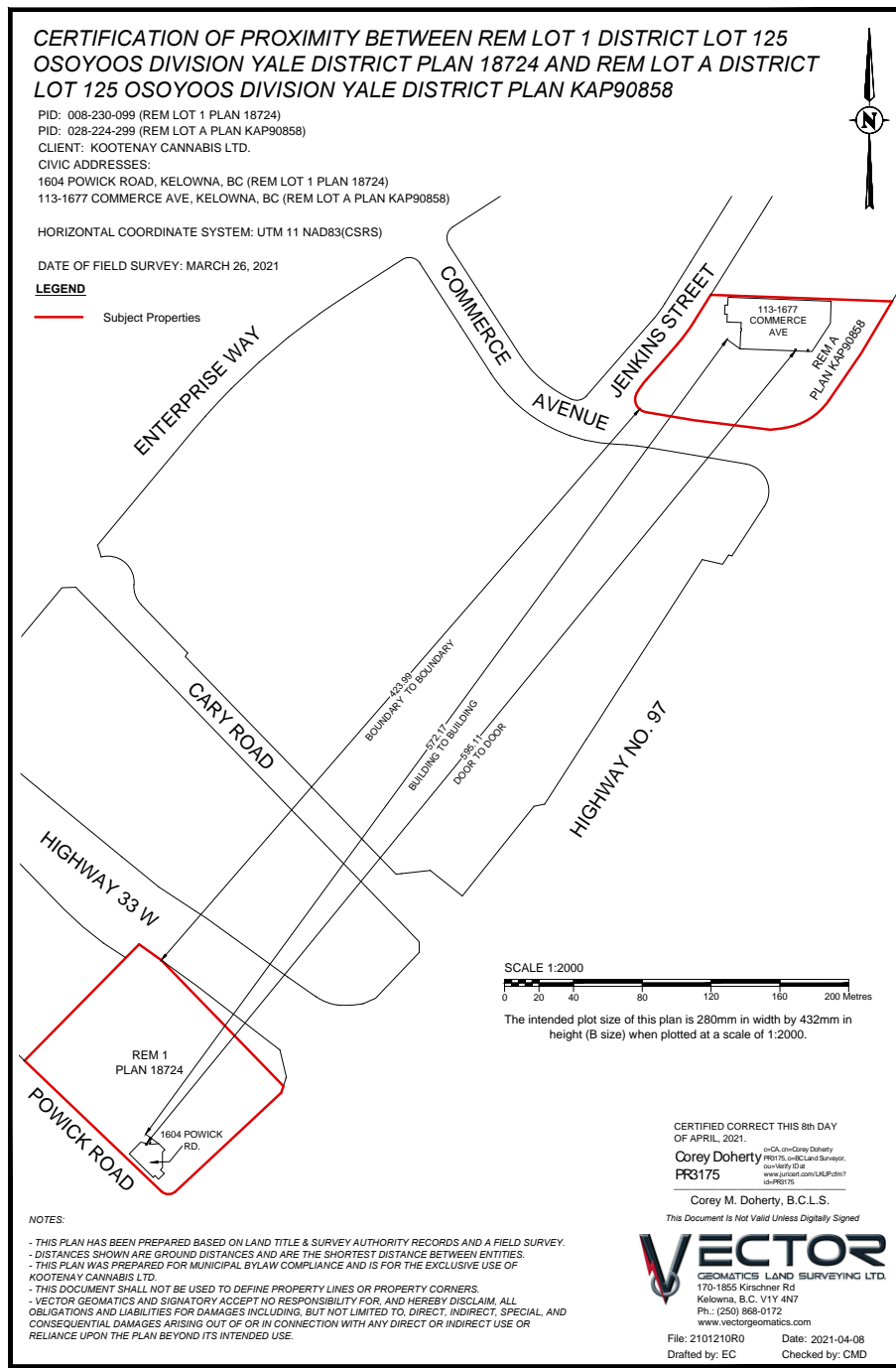


Exhibit J. - Surveyors Map (Vector Geomatics and Land Surveying Ltd.) showing distances from 1604 Powick Road to 113 – 1677 Commerce Ave. and dated April 8, 2021.

The certification of proximity and the distances between the Applicant (Kootenay Cannabis) and neighboring Greenery Cannabis Boutique are measured as follows:

Neighbouring Cannabis Retail: Distance and Measurements – Applicant (Kootenay Cannabis) to Greenery Cannabis Boutique

- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Boundary to Boundary” (Lot Line to Lot Line) = **423.99 meters**; and
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Building to Building” = **572.17 meters**; and.
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Door to Door” = **595.11 meters**; and.
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Google Maps” (route for travelling by foot and car) = **600 meters**.

As can be seen, the Applicant would meet the 500-meter setback requirement if any other measuring methodology, but “lot line to lot line” was adopted and utilized by the City of Kelowna. Where a Building-to-Building measurement is used, the distance from Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.) is 572.17 meters. When measuring the setback distance measuring “Door to Door”, the distance from Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.) is 595.11 meters.

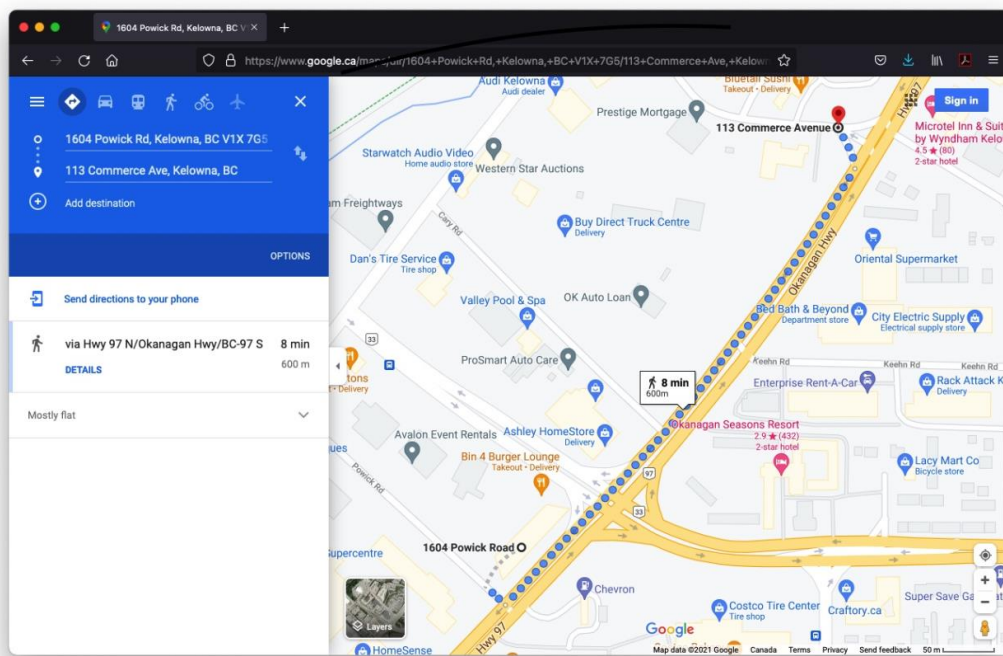


Figure 4. (“Exhibit K”) Google Maps (Screenshot) showing distance from 1604 Powick Road to 113 – 1677 Commerce Ave.

From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring the distance utilizing “Google Maps, the distance is **600 meters**. People do not fly (as crows do) or float through walls, they walk or drive, travelling on established routes. Google Maps measures the distance people actual travel and provides a more accurate measurement considering the route traveled between two distances by foot and car.

Again, Section 9.16.1 of the Zoning Bylaw states that this measurement is to be done lot line to lot line which on that basis means there is actually a setback distance between the two stores (i.e. the Applicant and Greenery Cannabis Boutique located at 113 – 1677 Commerce Avenue) greater than 500 meters. As you can see by considering Figure 6 (below) and Figure 4 (Exhibit K), there is only one major route or thoroughfare between Kootenay Cannabis Ltd. located at 1604 Powick Rd. and Greenery Cannabis Boutique at 113-1677 Commerce Ave.

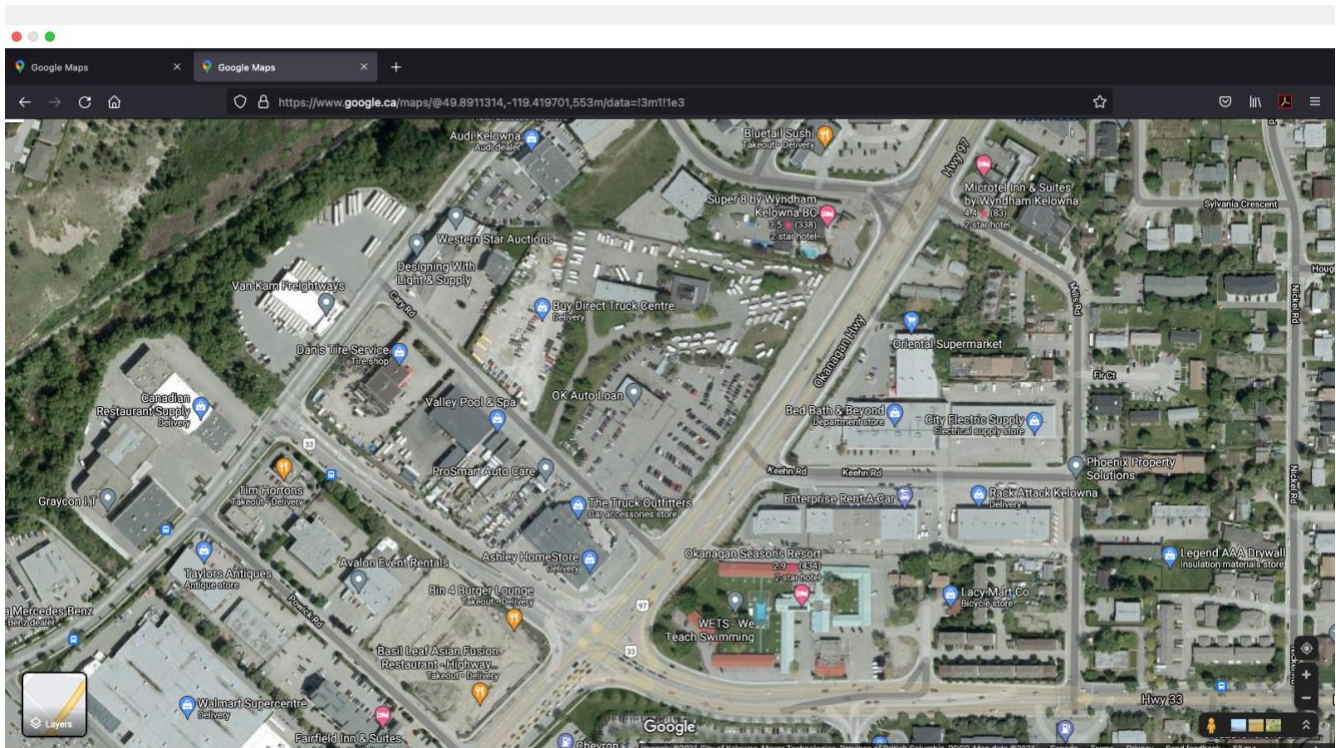


Figure 5. Google Map Satellite Photo Showing physical distance from 1604 Powick Road to Greenery Cannabis Boutique, a neighboring cannabis retailer, located at 113 – 1677 Commerce Avenue in Kelowna (Source: Google Maps)

When applied to the Applicant, “the lot line to lot line” (boundary to boundary) measurement is flawed because of the site-specific characteristics of not just the Applicant property but also the neighboring cannabis retail (Greenery Cannabis Boutique). In this instance there is roughly 80 meters from the front door of 1604 Powick to the property line boundary. This means the property line to property line

Kootenay Cannabis Ltd. (Letter of Rationale) – Development (Text Amendment) Application

measurement of 423.99 meters is flawed or skewed by 80-meters and but for such a large and irregular lot size, the Applicant would meet the set-back requirement, before even considering the distance from the front door to the corresponding property line of the neighboring cannabis retail. See above for the discussion regarding large lot lines at Figures 1 and Figure 2 above.

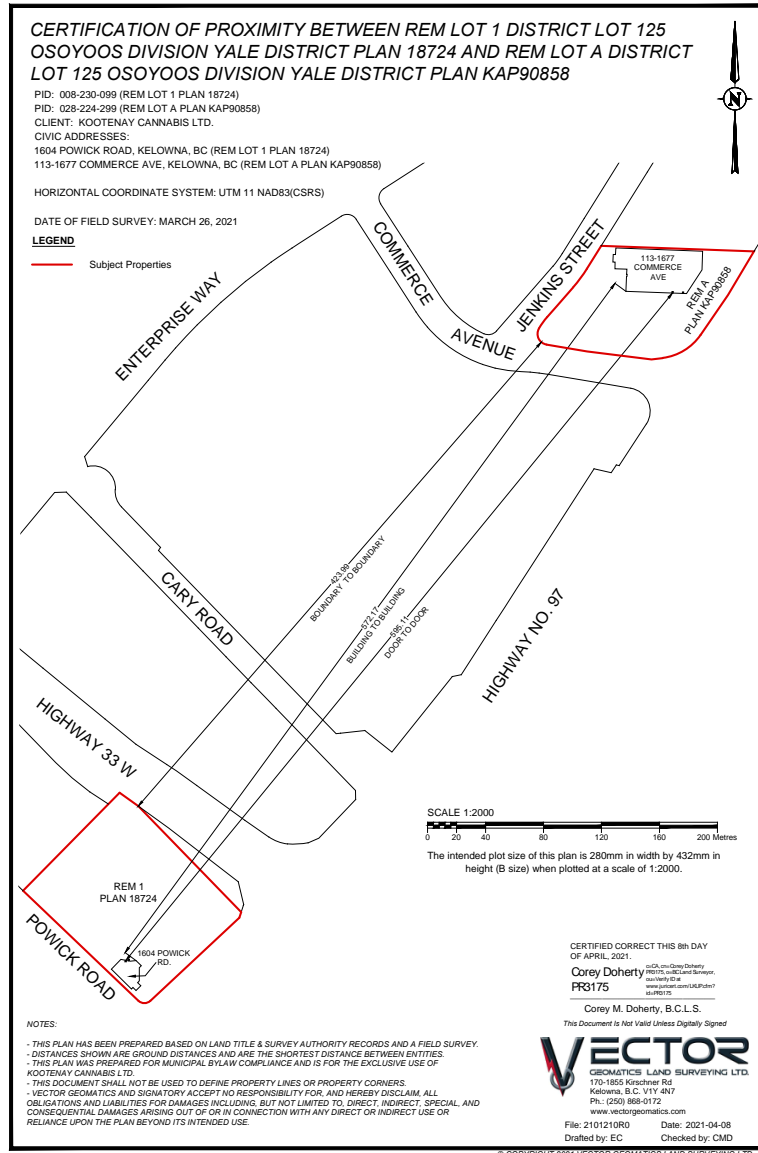


Exhibit J. - Surveyors Map (Vector Geomatics and Land Surveying Ltd.) showing distances from 1604 Powick Road to 113 – 1677 Commerce Ave. and dated April 8, 2021.

An examination of the distance from the front door of Greenery Cannabis Boutique located at 113 – 1677 Commerce Avenue to its corresponding property line, represents 40-meters. Considering or factoring in the 80-meter or 40-meter lot size measurements to the 423.99 property line distance, suggests a site-specific hardship.

With respect to the Applicant and the neighboring cannabis retail store, both locations (i.e. 1604 Powick Rd. and 113-1677 Commerce Ave.), involve large commercial lots which unfortunately skew or frustrate the distancing measurements further. When considering the distancing using GPS and Google Maps, which indicates the route that cars and people would take, by contrast, the result is a site-specific hardship for the Applicant.

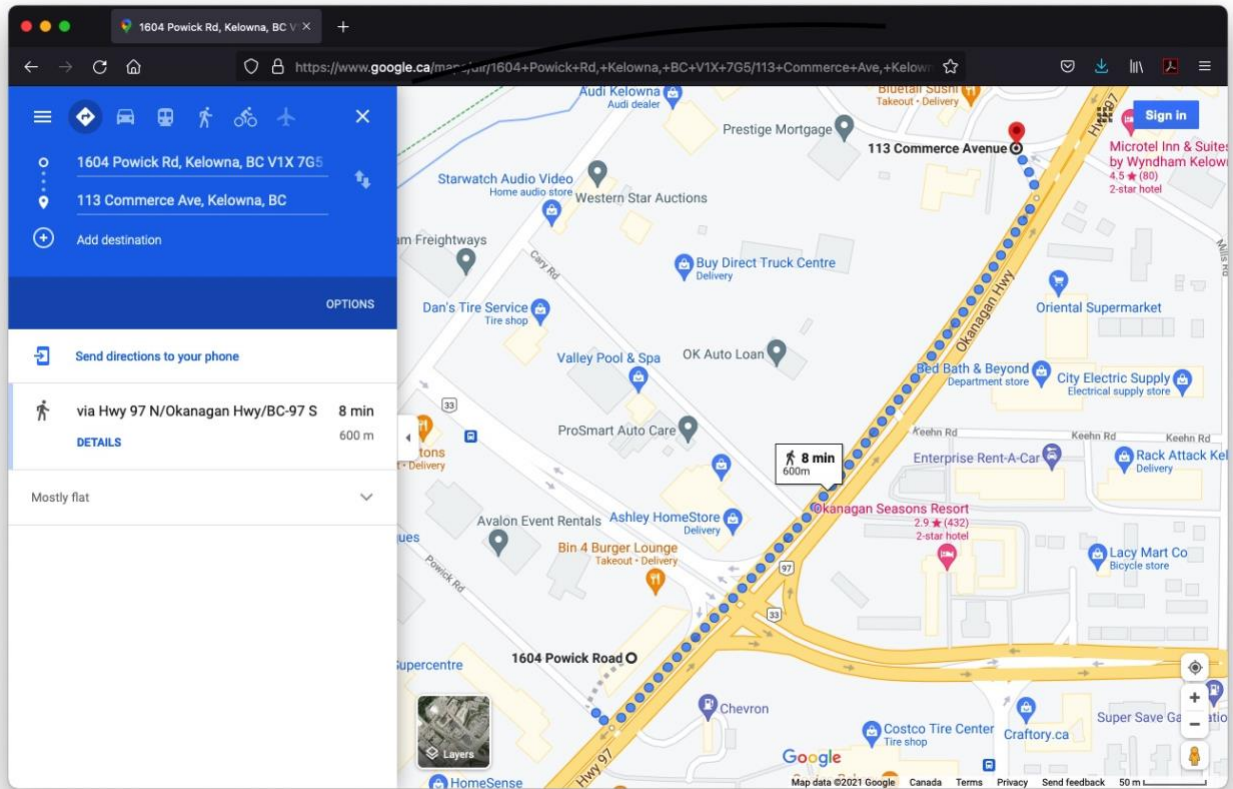


Figure 6. “Exhibit N”: Google Maps. From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Google Maps” (route for travelling by foot and car) = **600 meters**.

According to Google Maps, the distance between Greenery Cannabis Boutique and the Applicant (Kootenay Cannabis) is **600-meters** with a travel time on foot of 8 minutes. The measurement of property line to property line (i.e. lot line to lot line) does not represent a fair measurement. People do not fly or travel distances over geography “as the crow flies”.

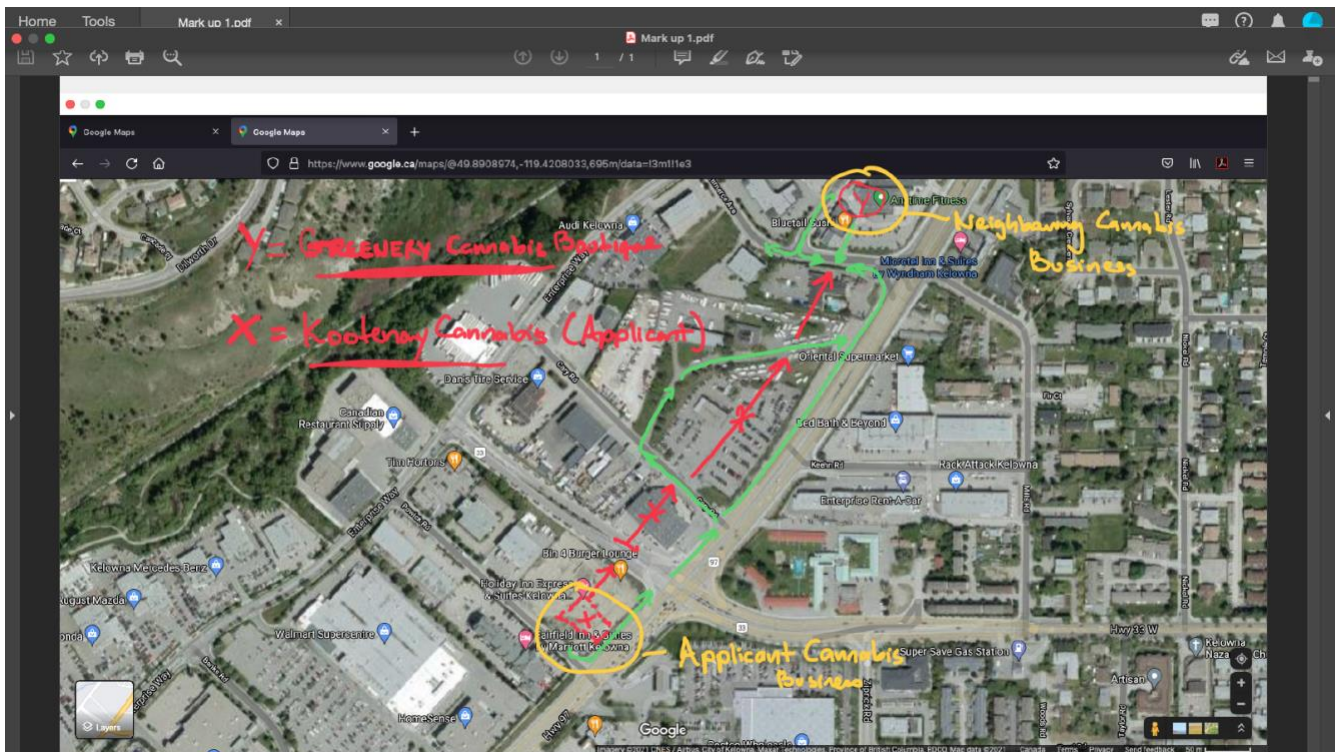


Figure 7. Google Satellite Map. From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Greenery Cannabis Boutique (113-1677 Commerce Ave.), measuring “Google Maps” (route for travelling by foot and car) = 600 meters and no direct access.

Moreover people (including children) cannot walk through walls and are subject to natural boundaries such as roads, subdivisions, and highways, rendering the reliability of this measuring standard as flawed, unfair, unreliable, and prejudicial in instances facing the Applicant. Figure 7. Above illustrates that there is no direct straight-line route. The green arrows indicate the route that one would need to travel from the Applicant cannabis business located at 1604 Powick Rd. to Greenery Cannabis Boutique at 113-1677 Commerce Ave. The red lines indicate there is no direct route or path.

Given the unique circumstances, the City of Kelowna should take the irregular large lot sizes into account and allow the text amendment. The boundary to boundary (lot line to lot line) measurement also does not consider the unique lot shape or the location of the actual business premises within the property.

2. Distancing from Applicant to a Neighbouring Middle School

The Zoning Bylaw at Section 9.16.4, dealing with setback minimum distances from public middle school, states:

9.16.4 Any Retail Cannabis Sales Establishment must be set back a minimum distance of 500 metres from any public middle or secondary school, measured from closest lot line to closest lot line.

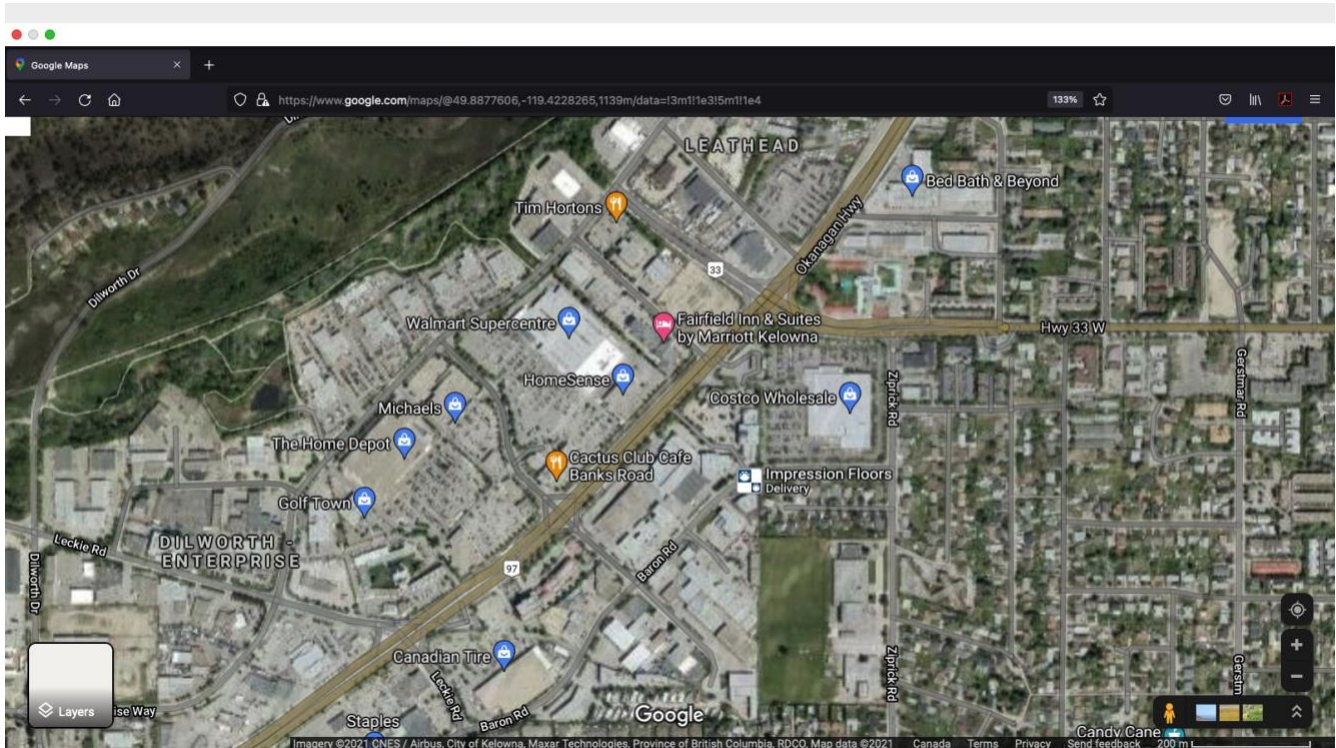


Figure 8. Google Maps (Satellite)

In addition to a neighboring cannabis business, the Applicant is located at distance measured “lot line to line” within the required 500-meter setback from a middle school.

According to measurements provided by the City of Kelowna, the Applicant Kootenay Cannabis Ltd., located at 1604 Powick Rd.) is situated at 337.07 meters from Springvalley Middle School, having an address at 350 Ziprick Rd. This measurement of 337.07-meters is measured “Boundary to Boundary” or Lot Line to Lot Line and is flawed for the reasons set out earlier.

When examining distances, it is important to have regard to the unique or site-specific circumstances of the Applicant and the Applicant Property. In the case of Springvalley Middle School, just as with the proximity of the neighboring cannabis business to the Applicant, the distancing is frustrated because of the large lot size of the school. When considering the distancing using GPS and Google Maps, which indicates the route that cars and people would take, by contrast, the result is a site-specific hardship for the Applicant.

Please see Exhibit L., a Surveyors Map (Vector Geomatics and Land Surveying Ltd.), showing distances from 1604 Powick Road to Springvalley Middle School. Utilizing any measurement methodology other than that which measures the distance people travel reveals limitations. For example, the “door to door”, “building to building” and “boundary to boundary” measurements do not account for any fences, subdivisions, highways or obstructions between the applicant and the middle school. (See Figures 9 and 10 below).

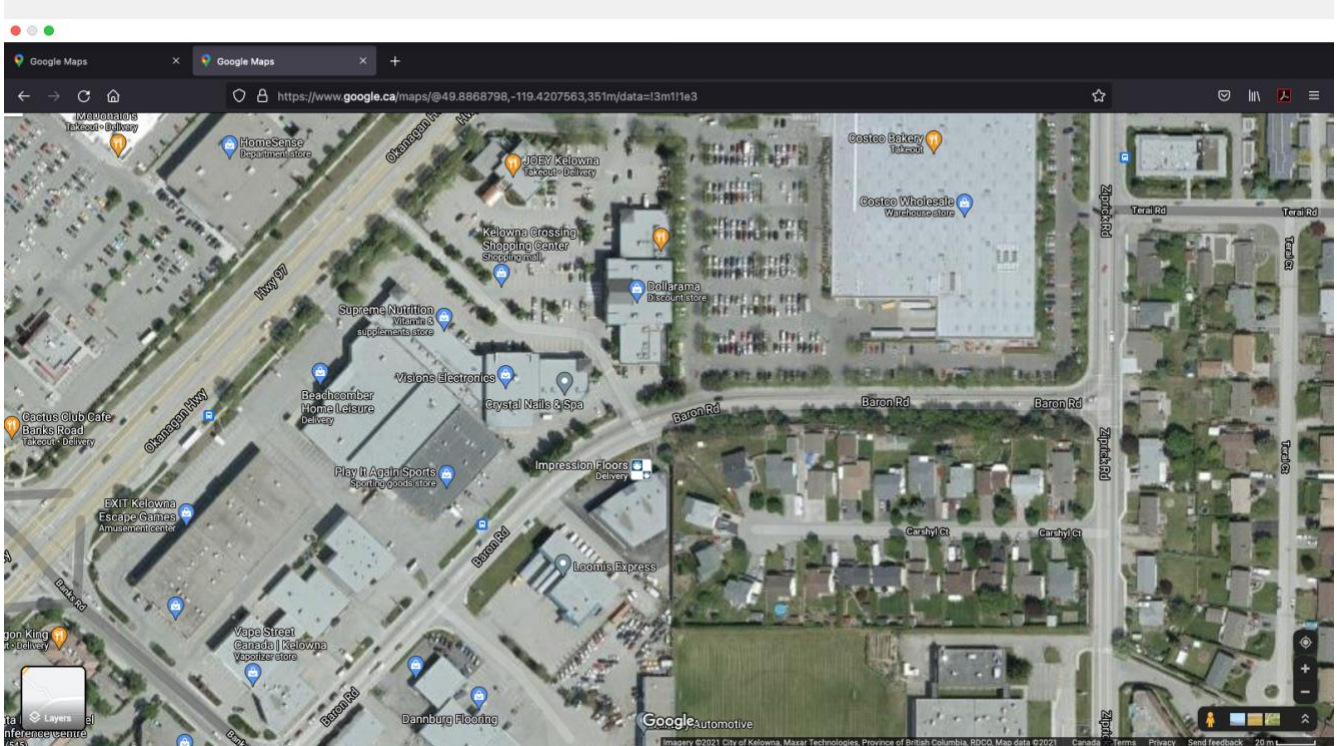


Figure 9. Google Map (Satellite Photo) – Showing fenced in School yard, industrial parks, and residential neighborhood at Carshyl Crt. and Costco parking lot.

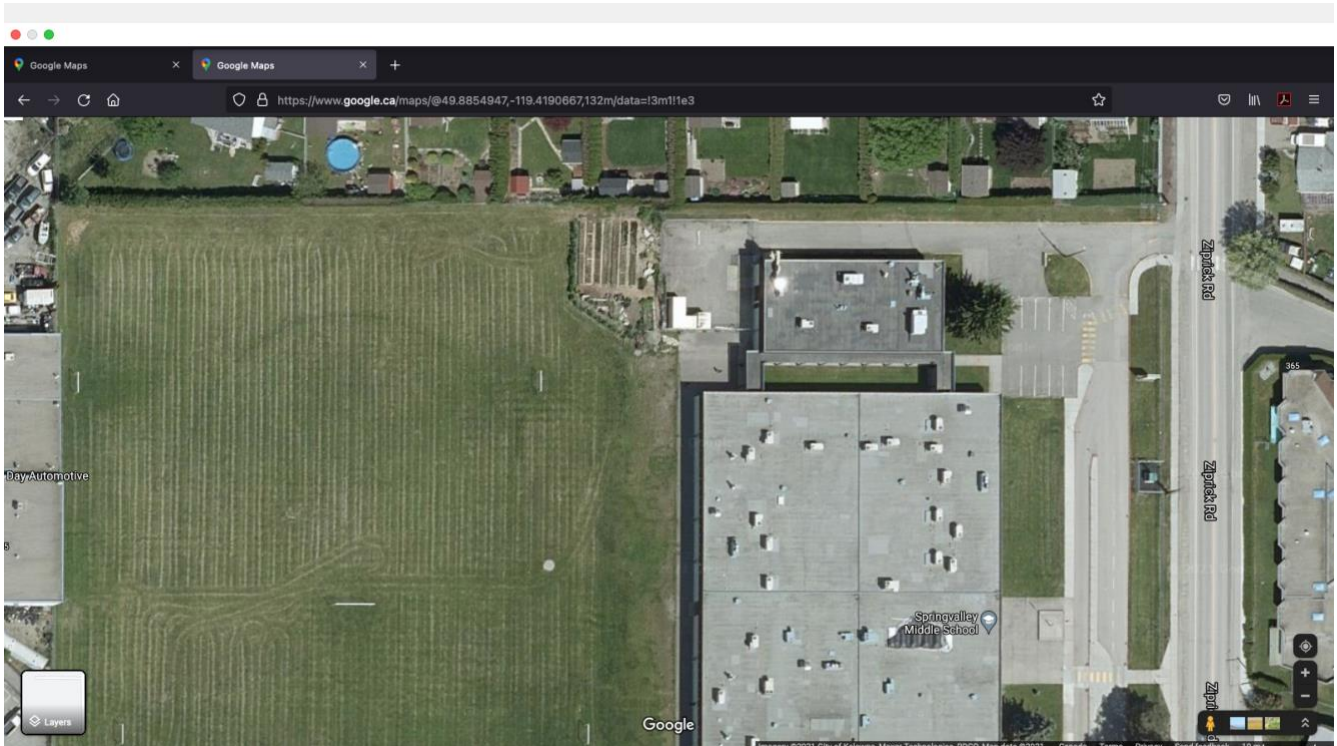


Figure 10. - Google Map (Satellite Photo) – Showing fenced in middle school yard, residential neighborhood at Carshyl Crt. and Costco parking lot.

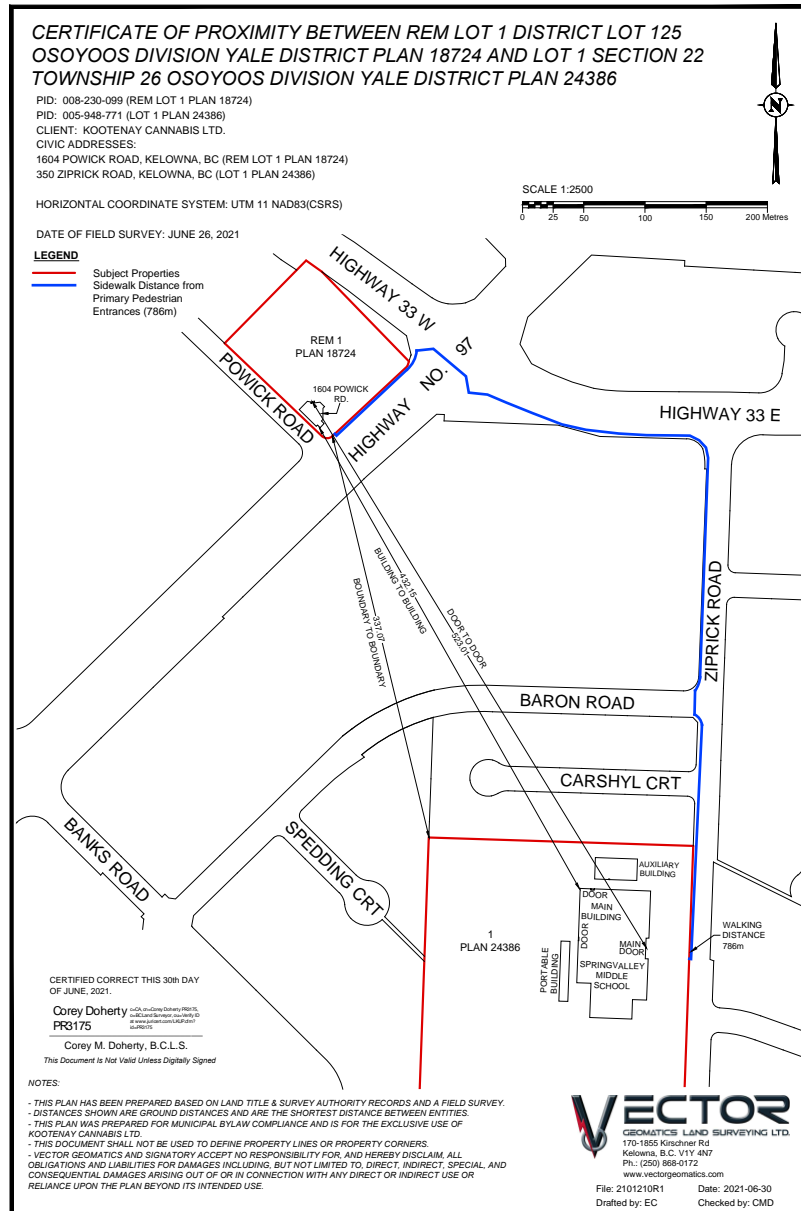


Exhibit L. Surveyors Map (Vector Geomatics and Land Surveying Ltd.) showing distances from 1604 Powick Road to Springvalley Middle School and dated June 30, 2021.

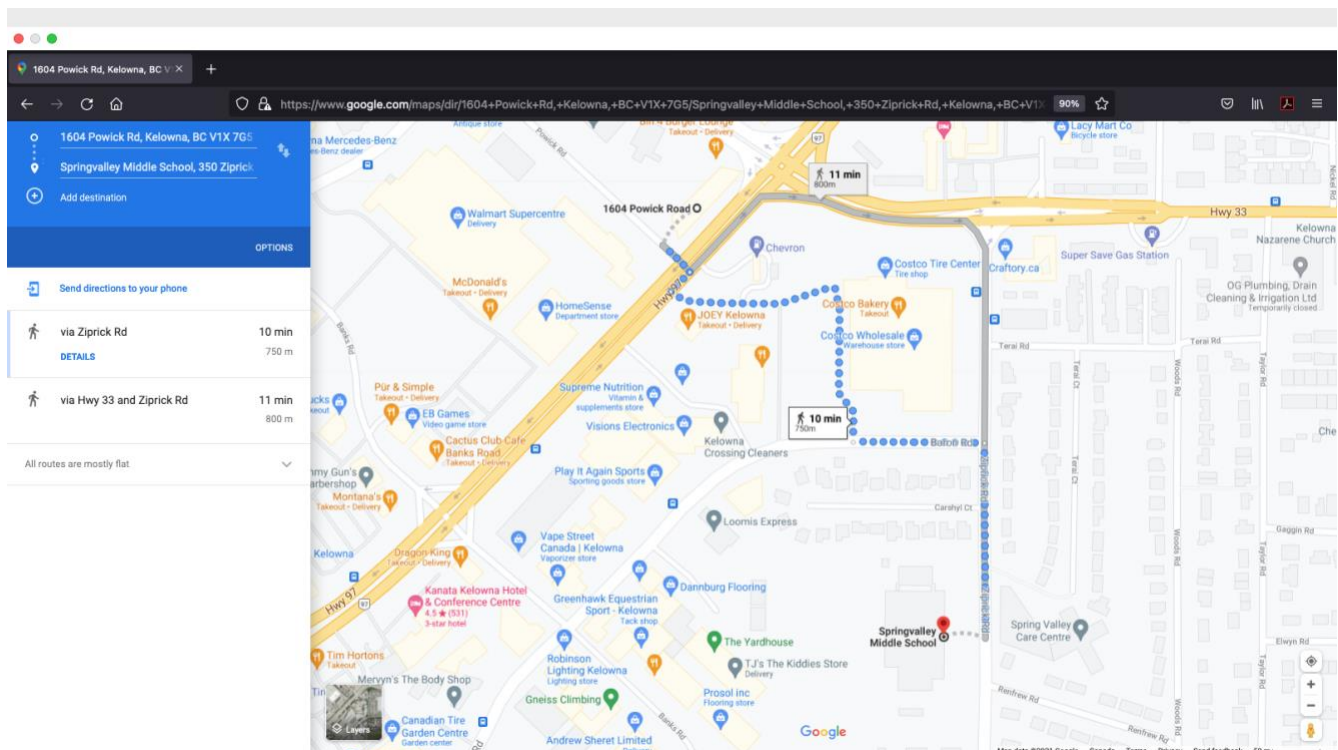
A summary of the distances and the different measurement methodologies for the Applicant in relation to the proximity to Springvalley Middle School in Kelowna are as follows:

1. Proximity to Middle School: Distance and Measurements – Applicant (Kootenay Cannabis) to Springvalley Middle School

Kootenay Cannabis Ltd. (Letter of Rationale) – Development (Text Amendment) Application

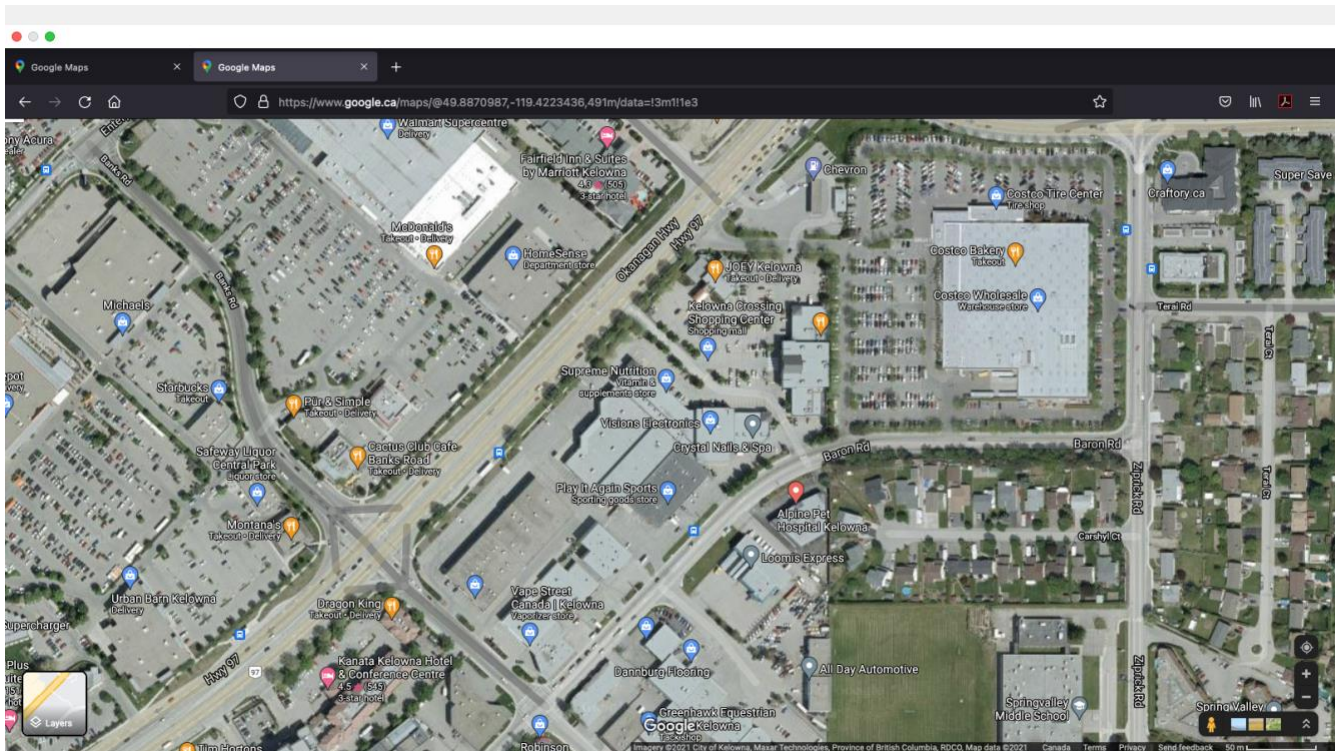
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley Middle School (i.e. 350 Ziprick Rd.), measuring “Boundary to Boundary” (Lot Line to Lot Line) = **337.07 meters**; and
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley Middle School (i.e. 350 Ziprick Rd.), measuring “Building to Building” = **432.15 meters**; and
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley Middle School (350 Ziprick Rd), measuring “Door to Door” **523.01 meters**; and
- From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley Middle School (i.e. 350 Ziprick Rd.), measuring “Google Maps” (route for travelling by foot and car) = **800 meters**.

As can be seen, the Applicant would meet the 500-meter setback requirement if other measuring methodologies, but for “lot line to lot line” was adopted and utilized by the City of Kelowna. Where a Building-to-Building measurement is used, the distance from Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley Middle School (350 Ziprick Rd) is 432.15 meters. The amount is significantly larger than the 330-meter lot line to line measurement. Further, when measuring the setback distance measuring “Door to Door”, the distance from Kootenay Cannabis Ltd. to Springvalley Middle School is 523.01 meters.



“Exhibit N”. Google Maps (Screenshot) showing distance from 1604 Powick Road to Springvalley Middle School.

From Kootenay Cannabis Ltd. (i.e. 1604 Powick Rd.) to Springvalley middle School, measuring the distance utilizing “Google Maps, the distance is **800 meters** (taking 11 mins on foot) via Hwy 33 and Ziprick Rd. Again, people do not fly (as crows do) or float through walls, they walk or drive, travelling on established routes. Google Maps measures the distance people actual travel and provides a more accurate measurement considering the route traveled between two distances by foot and car.



Google Map (Satellite Photo).

Analysis – Inconsistent Measurements and Site-Specific Hardship

The City of Kelowna by virtue of the administrative principles of natural justice and procedural fairness, has discretion and authority to remedy instances where the strict interpretation of a bylaw, such as Section 9.16.1 of the Zoning Bylaw, would represent a site-specific hardship and result in prejudice to the Applicant (i.e. Kootenay Cannabis Ltd.).

These principles of natural justice and procedural fairness, plus the factors surrounding site-specific hardships, including the inconsistency (and unreliability) of measurements, should be taken into consideration in this instance by the City of Kelowna. Accordingly, the City of Kelowna should have no problem granting the Applicant the necessary text amendment necessary under Section 9.16.1 and 9.16.4 of the Zoning Bylaw.

Analysis: Characteristics of the Applicant Premises (Site-Specific Considerations)

Applicant Property – Heavy Commercial Area (Not Appealing to Children)

It should be noted that the Applicant Property at 1604 Powick Road, Kelowna is in a heavy commercial area with many big retail outlets around. These factors make it more likely than not that children, especially unaccompanied minors, will not try and access cannabis retail or be enticed by it. The circumstances and location of Kootenay Cannabis furthers the City of Kelowna policy objectives of protecting young people from promotions or enticements to use cannabis manner. Due to the nature of the businesses around the Applicant and the distance of over 500 meters between the store in question, clustering is not really an issue.

High Volume Traffic and Proximity to Businesses

The Applicant Property is a unit in a standalone general purpose commercial building located near the Holiday Inn across from Costco at one of the highest volume traffic intersections in Kelowna. Other neighbouring retail tenants in proximity to the Applicant Premises include two hotels, and well-known businesses including, Rogers Cellular, Bin 4 Burger Lounge, Booster Juice, Red Wing Shoes, and Mucho Burrito.

Kootenay Cannabis would be a welcomed addition at this location. Kootenay Cannabis' specific location would also lead to fewer cars on the streets and less traffic congestion because patrons of the two hotels directly beside our location would not be driving to purchase cannabis from retailers located further away. Please see letters of reference at "Exhibits O" through to "Exhibit S" as appended to this Letter of Rationale forming a part of the Development Application.

Fair and Reliable Business Environment

The second point city planners consider with respect to the 500-meter (Section 9.16.1 and Section 9.16.4) requirements of the Zoning Bylaw regards the policy objective by the City of Kelowna to create a fair and reliable business environment.

One of the initial purposes of Section 9.16.1 of the Zoning Bylaw was to have positive intentions but as we have seen in the case of Kootenay Cannabis, can have negative or prejudicial results. There are several unintended consequences associated with 500-meter setback requirement, that city planners in Kelowna may not have accounted for (including unusual lot sizes, traffic flows and the consideration of natural barriers (like roads, subdivisions and walls)).

Enhancing Public Health and Safety

With the restrictions on additional business, arguably the bylaw in fact is creating an oligopoly within the cannabis retail industry, allowing only a relatively small number of retailers to keep their prices higher than what the free-market system would dictate. This has a few major negative consequences, the first being that stores who are not directly competing with one another are keeping prices much higher and are inadvertently continuing to allow the black-market to be successful and thrive. The Kootenay

Cannabis sales method of volume over pricing has a direct crippling impact on the black-market, with major successes in encouraging the public to purchase from legal cannabis retailers.

Additionally, the cannabis consumers are the ones directly impacted by this bylaw. With limited stores throughout Kelowna, consumers are forced to pay more for products with less effort needed by retail vendors in terms of offering a high level of service, education and earning the business of their customers.

Unduly Restrictive Land Use and Zoning Assists the Black Market

Lastly, Section 9.16.1 and Section 9.16.4 of the Zoning Bylaw negatively impacts the business community as a whole and can potentially limit the success of other business owners within the community. Limiting the number of stores, especially in a large commercial zone or plaza, limits the opportunity of other businesses within that zone to work with a cannabis retailer and have shared success. There are many groups of people that share the same consumer demographics as the existing retailers within our proposed location.

Kootenay Cannabis benefits from customers being drawn to the restaurants, hotels, etc. within the commercial plaza, but in turn, these businesses benefit from the customers that Kootenay Cannabis will bring in. The local community and neighboring businesses support the Applicant and the proposed cannabis retail location. Please see letters of reference at “Exhibits O” through to “Exhibit S” as appended to this Letter of Rationale forming a part of the Development Application.

About Kootenay Cannabis – Details About the Applicant

Founded By Local Business Graduates, Brian Gray and Mark Yeung

Kootenay Cannabis was founded by business partners Mark Yeung and Brian Gray. Both Mark and Brian hold Bachelor of Business Administration degrees from UBC Okanagan/Okanagan College and spent several years living in Kelowna after graduating.

Brian and Mark come from business backgrounds and have never previously worked on the black-market side of cannabis prior to legalization. The founders have families with children ranging in age from 4 years old to 16 years old. Kootenay Cannabis came about as an opportunity to start a business in the retail cannabis sector very differently than other existing cannabis providers.

Community Engagement and Volunteer Support

The Applicant takes a very active approach to engaging with the community and giving back at every opportunity while ensuring they abide by all regulations the province and federal governments have laid out. The Applicant participates, donates, and volunteers to such events and organizations (including Adopt-A-Road, Castlegar Soup Kitchen, Communities in Bloom and the Castlegar Sculpturewalk).

Please see letters of reference at “Exhibits O” through to “Exhibit W” as appended to this Letter of Rationale forming a part of the Development Application.

If granted the opportunity to open a cannabis retail location in Kelowna, the Applicant would look to actively participate within the city of Kelowna in the same capacity as we have done in Castlegar. The Applicants are open to working with all groups but specifically the Gospel Union Mission and Kelowna Arts are of particular interest.

Financially, the Applicant donates to all the charitable initiatives as previously mentioned and pays staff to volunteer within the communities that Kootenay Cannabis Ltd. stores operate. This is where Kootenay Cannabis starts to differentiate itself from other retail cannabis stores by having a different business model and culture.

Corporate Social Responsibility

In the opinion of Kootenay Cannabis Ltd., no other retail cannabis company participates so passionately within the community of where it operates. Kootenay Cannabis Ltd. has been a catalyst within Castlegar to push other cannabis stores to actively engage in giving back to the community and develop principles of corporate social responsibility and business strategy. Accordingly, these factors should be taken into consideration by the City of Kelowna.

The Applicants pride themselves on being a socially responsible company, which is why Kootenay Cannabis Ltd. joined the Kelowna Chamber of Commerce, without currently having a business. Kootenay Cannabis is excited to hit the ground running and become positive leaders in the community. To the surprise of the Applicant, Kootenay Cannabis is currently the only cannabis retailer who is part of the Chamber of Commerce. It should be noted that a very similar phenomena took place in Castlegar where all the retail cannabis stores in that municipality, are now part of the Castlegar Chamber of Commerce, following the lead of Kootenay Cannabis.

Experienced Operator (Approved Stores in B.C. and Ontario)

Kootenay Cannabis opened its first provincially licensed store in Castlegar, B.C. in 2019 and is a small privately owned corporation with provincially approved stores in Ontario and British Columbia.

With experience in operating legal cannabis stores for the last two years Kootenay Cannabis Ltd. has never had any incidents of selling to minors, regulatory infringements, or police dealings of any kind. Kootenay Cannabis Ltd. staff are diligent in asking for legal identification from anyone looking under the age of 35 and do not let minors into our store even if accompanied by an adult. Their staff are required to go through thorough security checks in addition to a ‘Selling it Right Cannabis Training’ program prior to working in the store.

Providing Quality of Product and Retail Experience

Along with the Applicant's community-first business model, Kootenay Cannabis Ltd. also offer cannabis at much lower price points than their competition. I am instructed the Applicant sells higher quality cannabis for less cost than most dealers on the black-market. The low pricing strategy of Kootenay Cannabis Ltd. has had a direct negative impact on the black-market in the locations where the business operates stores.

Kootenay Cannabis Ltd. has heard from numerous locals that its pricing has closed many black-market dealers and has detrimentally impacted their profits, drawing more customers into our stores. Kootenay Cannabis Ltd. will be a valued contributor to the economy and needs of Kelowna and its citizens. Please see letters of reference at "Exhibits O" through to "Exhibit W" as appended to this Letter of Rationale forming a part of the Development Application.

Final Conclusions and Summary

The City of Kelowna by virtue of the administrative principles of natural justice and procedural fairness, has discretion and authority to remedy instances where the strict interpretation of a bylaw, such as Section 9.16.1 and 9.16.4 of the Zoning Bylaw, would represent a site-specific hardship and result in prejudice to the Applicant (i.e. Kootenay Cannabis Ltd). These principles of natural justice and procedural fairness, plus the factors surrounding site-specific hardships, including the inconsistency (and unreliability) of measurements and lot size anomalies, should be taken into consideration in this instance by the City of Kelowna. Accordingly, the City of Kelowna should grant the Applicant the necessary text amendment as required under Section 9.16.1 and 9.16.4 of the Zoning Bylaw.

The Applicant asks that the City of Kelowna consider the site-specific considerations that are unique to the Applicant Property and to relax a strict application of Section 9.16.1 of the Zoning Bylaw, establishing a 500-meter (minimum) setback for retail cannabis stores from public schools, and specific community, recreation and city parks and a minimum proximity distance of 500-meters between retail cannabis store locations. Doing so will render the Applicant as eligible for licensing under both the municipal and provincial retail cannabis licensing regimes, enabling the City of Kelowna to achieve the twin cannabis retail policy objectives of (1) declustering and (2) creating a fair and reliable business environment.

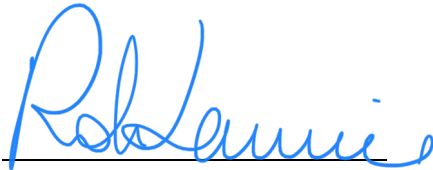
Furthermore, the principles of natural justice and procedural fairness, plus the factors surrounding site-specific hardships, including the inconsistency (and unreliability) of measurements, lot size anomalies, and property line measurement limitations, should be taken into consideration by the City of Kelowna prejudicial distancing considerations and site-specific hardships unique to the Applicant. Also the downtown and commercial nature of the property, located in a business corridor off a major thoroughfare, with one of the high-volume intersections in Kelowna, contribute to the unique circumstances of the Applicant.

Kootenay Cannabis Ltd. (Letter of Rationale) – Development (Text Amendment) Application

In conclusion, the City of Kelowna should grant the Applicant the necessary text amendment as required under Section 9.16.1 and 9.16.4 of the Zoning Bylaw. Should you require further clarification or have any questions regarding this Letter of Rationale in support of the Text Amendment Application from Brian Gray on behalf of Kootenay Cannabis Ltd., please not hesitate to contact me.

Thank you for your attention and consideration.

Sincerely,



Robert W.E. Laurie

President, AD LUCEM LAW CORPORATION

Barrister & Solicitor British Columbia, Solicitor England & Wales

M.A. Juris. (Hons) Oxford (Oxon), B.A. Poli Sci/IR (Hons) UBC.

Encl.

Supplemental Arguments and Distancing Considerations

Please note, the purpose of providing the City of Kelowna with the following Supplemental Arguments are to provide further detail and insights behind distancing considerations and cases of site-specific hardship.

1. 500 Meters is a Arbitrary Measurement

What is an approximate measurement? As discussed, the City of Kelowna with Section 9.16.1 and Section 9.16.4 of the Zoning Bylaws decided on a 500-meter setback measurement, while Vancouver decided on 300-meter buffer system under their respective authority regarding land use.

In Vancouver the number of Cannabis retail outlets doubled each year between 2013 and 2015. In response to this growth, in June 2015, Vancouver council decided to regulate the medical marijuana-related businesses, limiting them to commercial zones and setting out necessary distances from schools, community centres and youth facilities, based on best practice from Colorado and Washington State. The Community Charter accords Council and the City of Kelowna similar powers as discussed earlier.

Unlike Kelowna, the City of Vancouver relies on the License By-law No. 4450 (the “Vancouver License Bylaw”) section 3(1) which states:

“No person shall carry on within the City any business, trade, profession or other occupation without holding a subsisting City license therefor.”

Section 11.28.2 of the Zoning and Development Bylaw No. 3735 (the “Vancouver Zoning Bylaw”) states that:

A Medical Marijuana-related Use is not permitted:

- a. within 300 meters of the nearest property line of a site containing another Medical Marijuana-related use;***
- b. within 300 meters of the nearest property line of a site containing a School – Elementary or Secondary School, Community Centre of Neighborhood House***

On April 21, 2015, the Chief Licensing Inspector and the General Manager of Planning and Development Services produced a Policy Report on Health to Vancouver City Council regarding and entitled the “Regulation of Retail Dealers – Medical Marijuana-Related Uses” (MMRUs).

The MMRU’s have since been replaced by the Cannabis Store Retail Provisions. According to the City of Vancouver report (Regulation of Retail Dealers), the MMRU regulations aimed to achieve a careful

balance between ensuring adequate availability of medical marijuana for those in need with community health, safety, security, aesthetics, equity, and enjoyment of property.

2. Inconsistency of Measurement Methodologies

The strict application of the 300-meter rule as applied in Vancouver effectively rendered 80 to 90 per cent of the 100 existing cannabis retailers ineligible from participating in the MMRU licensing scheme. At Appendix A of the Regulation of Retail Dealers document, there is a table that says: “Best Practice” with respect to “minimum distancing from sensitive uses” and included Washington and Colorado. Specifically, it was stated that:

- *“Washington State requires 1,000 ft (300m) from school, playground, recreation centre, library or game arcade.”*
- *“Colorado requires 1,000 ft (300m) from school, preschool, day care establishment, medical marijuana centre or alcohol or drug treatment facility.”*
- *“City of Vancouver requires 150m between liquor retail and a church, park, school, community centre or neighborhood house.”*

The City of Kelowna and Vancouver maintain their setback or buffering distances are based on “best practice” from Colorado whereby Colorado requires minimum of 1,000ft (300m) between retail marijuana stores. In fact, this concern (the 300m requirement) was realized in January of 2012, before the state passed adult-use legalization later that year, when then U.S. Attorney for the state of Colorado John Walsh sent letters to 23 dispensaries located within 1,000 feet of a school that instructed them to close or relocate within 45 days or face criminal prosecution and asset forfeiture proceedings.¹⁵

A limited number of cannabis retailers that existed before applicable state and local laws were finalized had been permitted to remain within 1,000 feet of a school based their grandfathered status at the local level. The U.S. Attorney clearly explained that this enforcement action was based on the desire to enforce federal Drug-Free Zone Laws. “One of those interests, without question, is protecting drug-free zones around schools,” he said.¹⁶

United States federal law known as “Drug-Free Zone Laws”, passed during the War on Drugs, increase penalties for those caught distributing, possessing with intent to distribute, or manufacturing a controlled substance on or within one thousand feet of a school.¹⁷ Colorado was one of the first states to regulated medical marijuana businesses. As such, legislators were exercising an abundance of caution in an attempt to prevent new establishments from opening within these areas and discourage federal enforcement against the state’s newly established medical cannabis regulatory system.

¹⁵ <https://www.denverpost.com/2012/01/12/feds-colorado-medical-marijuana-dispensaries-within-1000-feet-of-a-school-must-close/>

¹⁶ <https://www.denverpost.com/2012/01/19/u-s-attorney-john-walsh-justifies-federal-crackdown-on-medical-marijuana-shops-2/>

¹⁷ 21 U.S.C. § 860

3. The Problem with “Drug Free Zone” Laws (Applied by the City of Kelowna to Cannabis Retail)

It is important for the City of Kelowna to appreciate that Drug-Free Zone Laws at the state and federal level increase penalties or establish mandatory minimum penalties for those caught distributing, possessing with intent to distribute, or manufacturing illegal drugs within a set distance to schools, playgrounds, housing facilities, youth centers, and other places where children often congregate. The metric of 300 meters (in Vancouver) is less than 500-meters as was adopted in Kelowna. It would appear the twin policy considerations (i.e. declustering and fair business environment) have absolutely nothing to do with “best practice” concerning municipal land use consideration.

These (drug free zone) laws, which differ amongst the states and federal government, were passed during a time in the United States when politicians and prosecutors were concerned with ways to increase penalties for drug related activity. This period, often referred to as the “height of the Drug War”, sought to address the issues of drug addiction by being “tough on crime”. Accordingly, the situation in which the City of Kelowna finds themselves in 2020 is very different than when city staff initially considered the issue.

By the 2009 and 2010 when the state of Colorado was first establishing its state and local medical marijuana regulatory structures, much of the 1980’s drug war concerns had calmed. But these punitive provisions still existed in federal law and similar provisions had previously been enacted at the state level.¹⁸ Although federal and state Drug-Free Zone laws were never designed as business zoning ordinances, their existence influenced legislators to establish greater setback restrictions for medical dispensaries than occurred in the state at the time for liquor stores, bars or other regulated industries.

For minority populations in dense urban areas with a large number of schools, playgrounds, and other sensitive use areas, the negative effects of Drug-Free Zone laws have been particularly burdensome. In fact this has led many US municipalities to reduce their buffering or set back distances to metrics closer to 150-meters. In Connecticut, for example, where the setback restriction for drug-free zones extend to 1,500 feet, over 90% of residents in the City of Bridgeport live within a drug free zone.¹⁹ For the less densely town of Bridgewater, just eight percent of residents lived within these zones.

The results have been devastating for poor minority communities that are more likely to live within urban centers. In Tennessee, Drug-Free Zone laws meant that a first-time offender caught with less than a gram of cocaine with intent to sell can be charged at the same felony level as someone who committed second degree murder. The main difference is that the individual charged with murder would have eligibility for parole while the minor drug offender would face a mandatory minimum sentence.

¹⁸ C.R.S. § 18-18-407 (2)(a)

¹⁹ According to a 2014 study from the Prison Policy Initiative as reported by Pew Charitable Trusts <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/09/15/why-states-are-taking-a-fresh-look-at-drug-free-zones>

According to a former narcotics prosecutor, and current Massachusetts State Senator William Brownsberger, who has studied and reported on this issue, Drug-Free Zone laws have been overly punitive and ineffective.

“Did the presence of school zones move drug dealing away from the schools? The answer to that question is clearly no. It’s not a deterrent. If every place is a school zone, then no place is a school zone.”²⁰ In response to the issues of over-criminalization and density of Drug-Free Zones in urban areas, multiple states have passed reforms to exempt private residences and juvenile defendants. Other states have exempted small quantities of marijuana or established time restrictions so that Drug-Free Zone laws only apply when children are present, according to a briefing paper written published by The Sentencing Project in 2013.²¹

In New Jersey, where a state commission to review criminal sentencing found that 96% of all defendants convicted in drug-free zones in the state were black or Latino, former Governor Jon Corzine signed a law that eliminated mandatory minimum sentences for Drug-Free Zone violations²².

4. Are ‘Drug Free Zone’ Laws “Best Practice” as Applied to the City of Kelowna or Vancouver?

Arguably no. The 300 meters, approximately 1,000-feet, distance requirement as applied by the City of Vancouver, or the 500-meter setback in the case of Kelowna, is not truly a best practice. It should be noted, in the Vancouver instance, the Board of Variance process has been used as an elimination strategy by the Department of License of Planning. The same could be said about the unduly restrictive text amendment procedure and requirements required in Kelowna by virtue of Section 9.16.1 and 9.16.4 of the Zoning Bylaw.

By comparison in both Colorado and Washington, the 1,000-foot setbacks are not a state-wide requirement. As previously mentioned, Washington amended the 1,000-foot setback in 2015 by allowing local governments to establish shorter distance restriction. In Kelowna, by comparison, the 500-meter setback is grossly responsible for the limited number of applications where a text amendment to Section 9.16.1 (and 9.16.4) of the Zoning Bylaw is necessary before (provincial and municipal) licenses will be issued.

In Colorado, HB 1284 permitted local governments to continue licensing existing dispensaries that had been operating within 1,000 feet of sensitive use since before the law passed, and always permitted a local government to pass an ordinance or resolution to vary the distance restrictions or eliminate types of schools or other facilities from the list of sensitive uses. This is unlike the situation in Vancouver or Kelowna.

²⁰ Ibid.

²¹ <https://sentencingproject.org/wp-content/uploads/2015/12/Drug-Free-Zone-Laws.pdf>

²² Ibid.

In Massachusetts, which legalized cannabis for adults 21 years of age and older in 2016, there is a 500-foot setback from pre-existing schools and cities and towns are permitted to adopt local laws that reduce this distance requirement.²³ Kelowna by comparison does have the jurisdiction and discretion to vary the strict application of the bylaw where to do otherwise would amount to a site-specific hardship.

In California, which similarly passed a cannabis legalization initiative in 2016, adopted a 600-foot setback between cannabis businesses and schools, day care centers, and youth centers. But just like in Colorado, Washington, and Massachusetts, (unlike Kelowna) an exemption exists for local jurisdictions to specify a different setback requirement.²⁴ Claiming that a universal 1,000-foot setback from schools and other sensitive use areas at the local level is based on “best practice” from the state-level in Colorado and Washington, or Massachusetts and California, would be incorrect. This is exactly what the City of Vancouver and Kelowna have done. Accordingly, to say Vancouver and Kelowna have adopted best practice from US jurisdictions is not entirely correct. It should be noted that in the case of Vancouver, the adoption of the 300-meter buffering zone for cannabis amounted to an elimination strategy as opposed to a regulatory policy.

Unlike the City of Kelowna and Vancouver, all four states (California, Washington, Colorado and Massachusetts) recognize the need for zoning variability to be established at the local level as urban and rural differences across states can be significant. An actual best practice for setback restrictions from sensitive uses such as schools or child-care centers would be one that appreciates and considers the density and character of each city or town. To some extent the Kelowna provisions address this but do not go far enough with respect to providing mayor and counsel the discretion to avoid site-specific hardships. Large setback restrictions that prevent the majority of cannabis retail within a city from operating act not as best practice for zoning but as de-facto prohibitions. I do not believe the City of Kelowna intended such a result.

5. Site Specific Hardships Are Created by the 300-Meter and 500-Meter Zoning Restrictions.

Despite the better judgement of the City of Vancouver, a 300 meter, or 1,000-foot, standardized setback restrictions for enhanced criminal penalties, as well as those restricting the placement of a licensed medical marijuana dispensary, do not account for the differences in zoning and density between rural and urban areas. Kootenay Cannabis Ltd. with respect to its Kelowna application is caught in the middle of these policy decisions. In an urban area, such as where the Applicant proposes to operate, the density of all activities and sensitive use areas are concentrated.

Schools, parks, daycares, and other areas where children congregate are both more frequent and consolidated. As such, cities often become one large Drug-Free Zone, which is a comparable analogy to Kelowna. Finding a location for regulated cannabis retail to provide convenient access becomes almost

²³ MA ST 94G § 5 (b)(3)

²⁴ CA BUS & PROF § 26054 (b)

impossible, which is the situation created (more or less) by the distancing policies adopted by the City of Kelowna as per Section 9.16.1 of the Zoning Bylaw.

If an individual does not know they are within a Drug-Free Zone (based on 300- or 500-meter distancing) or a physical barrier, such as a building or highway, blocks their way and would place them further than 1,000-feet if walked by a route of direct pedestrian access, the buffer should not apply. In the case of Kelowna, the municipality should be able to remedy instances of site-specific hardship of the type the Applicant is encountering. The City of Kelowna accordingly has set up a system designed to fail from the outset unless issues of site-specific hardship can be addressed where failure to do so would prejudice the applicant (as is the case with Kootenay Cannabis Ltd. at 1604 Powick Rd.).

As has been learnt from the American examples, rural areas and city areas must be zoned in different ways because zoning regulations are tied directly to the character and makeup of the area they regulate. Establishing a uniform statewide restriction for setbacks from schools and other sensitive use areas that does not allow for local variation is inappropriate for both rural and urban areas. A 500meter setback as in the case of Kelowna, could be considered too close to a school in a rural farming community where only an open space separates the two uses.

Conversely, 500-meters buffering could be considered impractical in an urban are where four city blocks and a dozen high-rise buildings block not only direct pedestrian access but also any visibility between the school and dispensary. This is exactly the circumstance confronting Kootenay Cannabis Ltd. as discussed earlier, amounting to site-specific hardship.

For these specific reasons, the state of Colorado permitted local variability and exemptions to the 1,000-foot (300-meter) buffer restriction from schools and other sensitive use areas when it first regulated its existing medical marijuana dispensaries in 2010 with the passage of House Bill 10-1284 (“HB 1284”). As passed, Colorado HB 1284 permitted the local licensing authority of a city or county to vary the distance restrictions or eliminate one or more of the sensitive use designations for the state 1,000-foot setback from schools.²⁵

Why did Vancouver adopt a 300-meter buffer? Because such, according to the City of Vancouver, is “best practice” adopted from Washington and Colorado. As the above suggests, the 300meter buffer adopted by the City of Vancouver as applied against dispensaries is anything but best practice. The same could also be said for the setback approach and 500-meter buffering introduced by the City of Kelowna.

6. Is the 500-meter distancing requirement of Section 9.16.1 and Section 9.16.4 of the Zoning Bylaw unduly restrictive as applies to Kootenay Cannabis Ltd.?

²⁵ HB 1284 section 12-43.3-208 (1)(d)(I)

Yes. Vancouver is the most density-populated city in Canada with 5,493 people per square kilometer.²⁶ Although I am not an expert on Vancouver land-use and geography, prohibiting a Medical Marijuana-Related Use within 300 meters of the nearest property line of another Medical Marijuana-Related Use, school, community center or Neighborhood House, as required by Section 11.28.2 of the Zoning and Development Bylaw No. 3735, limited the number of storefront locations for retail cannabis to such an extent as to put medical patient access in jeopardy. This is certainly the case when considered in the context of Kelowna and Section 9.16.1 and Section 9.16.4 of the Zoning Bylaw in the case of the Applicant.

In Boston Massachusetts, which has a 2016 city population of 672,840 and a nearly identical population density of 5,381 people per square kilometer (comparable to Vancouver more so than Kelowna), city elected officials established a shorter 500-foot setback (152.4 meters) from pre-existing schools. Cannabis is used as a medicine by over two hundred thousand Canadians. If cannabis for medical purposes is not readily accessible in convenient locations throughout the city, patients will continue to obtain their supply from black and grey market actors that may not provide tested and safe cannabis products. It should be noticed that Kelowna and Vancouver regulate liquor with setback distances using a 150-meter distancing requirement.

As the federal and provincial governments continue to modernize their medical and adult-use cannabis laws following the passage of C-45, it is essential that progressive local governments such as Kelowna lead the way to ensure that regulated cannabis establishments have a fighting chance against the existing black market. Without the necessary changes, customers will likely continue to cultivate or purchase from their existing unregulated connections within areas much closer than 500 meters from a school or other sensitive use. Such a consequence is not in line with the City of Kelowna policy considerations dealing with creation of equal and fair system for cannabis retail sales.

7. Is the 500-meter rule or land use requirement unduly restrictive in its application to Kootenay Cannabis Ltd. in Kelowna?

Arguably yes. Instituting a 300-meter setback requirement has been shown in cities like Denver to push cannabis retail into industrial areas that are further from public transportation and more difficult to access generally. This has been the indirect result of the 300meter buffer introduced by the City of Vancouver and to a limited extend, the City of Kelowna with their 500meter setback requirement (Section 9.16.1 and 9.16.4 of the Zoning Bylaw). Although retail cannabis in Canada can be accessed through delivery, the relationship between a patient and the representative at a licensed and legal cannabis operator, such as Kootenay Cannabis Ltd. is valuable for learning about the effects of different products and how to safely consume them.

According to the City of Vancouver's analysis²⁷ there were approximately 19 medical marijuana related retail dealers and compassion clubs with both a development permit and business license at or about June

²⁶ <https://biv.com/article/2017/02/vancouver-has-highest-population-density-canada-ce>

²⁷ <http://vancouver.ca/doing-business/medical-marijuana-related-business-licence.aspx>

2018. Another 21 businesses have a development permit but no business license. But there were also sixty locations operating without City permission and subject to enforcement. Out of approximately 100 dispensaries in Vancouver, 60% were slated for closure at the outset of the introduction of an untenable licensing system introduced by the City of Vancouver (and modified further by the City of Kelowna). In the Kelowna context, there have been significantly less text amendment variations recommended by staff which suggests the 500-meter setback requirement is flawed and unduly restrictive (especially in instances of the Applicant's site-specific hardship).

Land use restrictions and distance requirements directly affect where retail operators can be located because when customers seek to purchase recreational cannabis, they have historically been concerned with quality, selection, convenience, and price (more so than location). Kelowna is no exception to these principals in that land use and setback regulations do and will affect whether retailers will be permitted in dense urban residential areas or nearby transition stations. If requirements are instituted by the City of Kelowna that force retailers, like Kootenay Cannabis Ltd., to be far from the places where current and potential customers can conveniently access, then it is likely that customer will factor this into their decisions as to whether to purchase cannabis from the legal channels or the more convenient black market. This is precisely the situation confronting Kootenay Cannabis Ltd., as discussed earlier.

8. Why have American Jurisdictions Amended or Changed the 300-meter (or 1000 ft Buffer)?

Unlike the City of Vancouver, who has had since 2015 to amend the 300meter buffer (2018 in the case of Kelowna), many states have amended or changed their 1,000-foot Drug Free Zone laws as they pertain to enhanced and or mandatory penalties for drug violations. In many cases these amendments were in response to state justice commissions or studies that shows severely discorporate impacts against minority racial groups.

A Sentencing Project report states that both liberal and conservative status including: Connecticut, Delaware, Indiana, Kentucky, Massachusetts, New Jersey and South Carolina. These states have modified their restrictions in different ways to reduce their scope and punishment. Some states have reduced the distance from 1,000-feet to 300-feet (i.e. 91.4 meters) while others have limited their hours of applicability or required an individual to have knowledge that they were within the restricted area with the intention of selling a controlled substance. 300-meter distances have accordingly been reduced to distances ranging from 90-meters to 150-meters. Compared in this fashion, it would appear the 500-meter setback distancing is unduly restrictive and unnecessary.

For cannabis businesses, in 2015 the State of Washington passed House Bill 2136,²⁸ which amended their adult-use marijuana regulatory initiative I-502 to permit local governments to ease the existing 1,000-foot setback restriction. Washington's initial cannabis legalization law set a 1,000-foot setback restriction for all cannabis businesses and any school, playground, recreation center, childcare center,

²⁸ WA House Bill 2136

public park, public transit center, library, or any game arcade admission not restricted to individuals twenty-one years or older.

This provision was particularly problematic for the City of Seattle, which had very few permissible locations for cannabis businesses to operate. The altered provision allows a local city, county, or town to permit cannabis businesses within 1,000 feet, but not less than 100 feet, of the above sensitive use areas with the exception of schools and playgrounds. The Seattle Mayor’s office responded positively to this change in state law and moved to amend the City’s land use rules to permit cannabis businesses within 500 feet of the permitted sensitive use areas. “The new rule would establish an additional 1,650 acres for retail locations to be sited in Seattle.”²⁹

9. The 500 Meter Buffer or Setback is Arbitrary – Comparison to City of Vancouver Alcohol Regulation

The development of a “best practice” is an iterative process which requires continuous feedback from an evidence-based process which allows an “initial practice” to evolve incrementally into a “best practice”. The best practice for cannabis regulation is not yet developed in Canada as there is limited evidence to support this process. While evidence from other countries can be considered the relevance for the Canadian context has yet to be determined.

Washington and Colorado have an initial practice of requiring dispensaries to have 300-meters distance from schools, parks, community centres, libraries, daycares, and other cannabis stores. This distance from schools is based on historical “drug free zones” in the USA which is a process with is both variable and arbitrary.

Increasingly, drug free zones are being challenged as being more harmful than helpful. The 300-meter distance requirements can also be observed as inconsistent as other locations like the City of Saskatoon, which only require 160 meters. Therefore, the 300-meter distance limitation is an Initial practice, which has not yet had sufficient time and evidence-based feedback to evolve into a best practice.

However, unlike Cannabis, under the Liquor Store Guidelines (in the case of Vancouver):

“No liquor store should be located within 150m of a church, park, elementary or secondary school, community centre or neighborhood house.”

The City of Vancouver indicates in the Regulation of Retail Dealers document that alcohol is a more harmful drug than cannabis. Unlike cannabis, which has a 300meter zoning restriction, liquor retail in Vancouver is subject to a 150-meter zoning guideline. Marijuana or medical cannabis is not sold legally in Colorado or Washington States and is accessible under a recreational model, contrary to United States federal criminal law and the 300meter distancing requirement is based, in part, on the concept known as

²⁹ <http://murray.seattle.gov/mayor-introduces-new-land-use-rules-to-accommodate-upcoming-increase-of-state-licensed-marijuana-stores/>

“Drug-Free Zone Laws” (discussed earlier). Since the inception of COVID-19 retail cannabis, like alcohol, are regarded as an essential service and is discussed below.

Cannabis retail through cannabis retail establishments in Kelowna (despite not being classified as medicinal) offer a potential public health benefit and the extent to which the retailer are beneficial, depends on four factors:

- A) The increased access to individuals who use cannabis as medicine
- B) The presentation of cannabis as a product which is not attractive to youth
- C) The extent that cannabis replaces alcohol
- D) The extent to which cannabis replaces drugs like heroin and cocaine

As discussed earlier, Kootenay Cannabis Ltd. has successfully introduced policies and protocols to ensure the aforementioned four factors continue to guide the Applicant’s administrative and business decision making and community engagement (i.e. corporate social responsibility).

10. Flawed Analysis Surrounding Alcohol Regulation

The World Health Organization ranks alcohol consumption second (behind tobacco) as a causal risk factor for world health burden of disease. The estimated direct health care cost in Canada directly related to alcohol consumption is \$3.3 billion and the direct and indirect cost is \$14 billion (tobacco is \$17 billion). As defined in the Canadian Alcohol and Drug Use Monitoring Survey, alcohol-related harms can occur in the following eight domains: physical health; friendship and social life; financial position; home life and marriage; work, studies or employment opportunities; legal problems; difficulty learning; and housing problems.

Alcohol is currently a commercialized product with recognizable branding and wide public acceptance. While some individuals use alcohol responsibly a percentage of individuals will develop significant physical or behavioral problems associated with alcohol. From a population perspective, outlet density is associated with increased alcohol consumption and related harms, including medical harms, injury, crime, and violence and other drug use by youth (e.g. solvents).

Despite being regulated in a manner similar to alcohol retail, cannabis (medical and recreational access) has been observed in a number of research studies to be an “exit strategy” or a less harmful replacement for drugs, which are more dangerous (i.e. heroin, cocaine). It is important to note that the City of Kelowna recommendations and land use policies concerning cannabis retail establishments were created in 2019 before the arrival of Covid-19.

Since the advent of the Covid-19 pandemic, Canada’s federal government has deemed medical cannabis production “essential” to the country’s critical health-care infrastructure during the COVID-19 pandemic. The designation is intended to assist provinces, municipalities and businesses in their decision making around the types of employees considered essential for the health, safety, security, and economic

well-being of the country. Canada had 370,000 active medical cannabis registrations as of September 2019, plus another 30,000 personal or designated production registrations, making it the largest federally regulated scheme in the world.³⁰

When evaluating the comparative harm of both alcohol and cannabis the research is consistent that alcohol is clearly more harmful than cannabis on all populations (see Nutt, Gable and Van Amsterdam). Understanding the specific nuances for the youth population requires consideration of other factors. Both cannabis and alcohol use in youth occur across a spectrum from beneficial to severely harmful. Many of the factors which predict a problematic relationship with drugs in youth have been explored in reports by the McCreary Centre Society.

Housing instability, suicidality, school disengagement, sexual and physical abuse, mental health diagnosis, physical disability and long-term illness, hunger at bedtime, physical abuse, LGB issues, and early use of alcohol and other drugs are all factors which add to the complexity of the interaction between youth and drug use. Conversely, it is also well established that positive early childhood experiences and environment can be protective against addiction and other harms associated with drugs. Therefore, problematic substance use may be understood as a symptom of underlying biopsychosocial distress, and not a condition caused by simply using drugs.

When examining youth drug use patterns, vulnerable youth populations demonstrate a greater propensity to develop problematic relationships with all substances. Also, the overall number of youth users increases the risk factors in the youth population. Therefore, the City of Kelowna's land use policy goals with youth should be to find a balance which:

- A) regulates cannabis in a manner which is not more restrictive than alcohol as alcohol is more harmful to all populations including youth;
- B) makes cannabis available in a way which is not attractive to youth (see below for details); and
- C) find ways of supporting at risk youth who will demonstrate a wide variety of problematic behaviors.

There is no serious research consideration proposing that alcohol be used as a substitute to more dangerous substances as the wide range of physical and social harms from alcohol are significant. Also, the disinhibiting effect of alcohol is a factor, which links its use to a variety of unhealthy behaviors. Therefore, alcohol will never be seriously considered as a harm reduction replacement for heroin and cocaine and cannabis, if skillfully regulated, may play this role.

Recreational consumers and cannabis medical patients, who need cannabis, should be able to access their medicine or substance of choice at least as easily as they can access alcohol. The 300-meter distance

³⁰ <https://mjbizdaily.com/canada-classifies-medical-cannabis-essential-amid-covid-19-pandemic/>

regulation has proven not protect children as distance from schools (etc) in Vancouver and remains a minor factor compared to the significant factor which is the look of the business and experience of the operator. This is evident in the fact that the dominant public perception is that most existing regular pharmacies are not problematic when viewed by youth in spite of the fact that they sell over the counter medications which can be used in a harmful manner. The primary protective factor which reduces the attraction of youth to cannabis is appearance and signage not location. In Kelowna the setback distancing requirements at 500-meters are significantly larger in comparison to Vancouver (300-meters) and Regina (160-meters).

The experience in the Netherlands in regulating cannabis dispensaries (coffee shops) is informative as the Dutch have successfully made cannabis use unattractive to youth which is indicated by the relatively low cannabis utilization by Dutch youth. The look of the coffee shops is mostly discrete and they do not have a dominant effect on neighbourhoods. The Dutch skillfully manage the overall messaging to youth. The information provided to youth is not that cannabis is dangerous or addictive (which will not be believed by youth) but that cannabis use is “boring” and primarily of interest to tourists not locals. We can learn from the lengthy Dutch experience (coffee shops were first opened in 1976) and sell cannabis in a manner which reduces its attraction to youth.

The 500-meter distance from schools is both unnecessary to protect youth (as the look is more important than the distance) and excessive and should be changed to make this process consistent with alcohol regulation.

11. Should retail cannabis be more regulated in Kelowna more restrictively than retail alcohol?

No, cannabis should not be more restrictively regulated than alcohol. When evaluating the relative harms of all drugs (alcohol is a drug) researchers are consistent that the harms of alcohol are consistently greater than the harms of cannabis. This conclusion applies to harms to the individual and harms to others and society as a whole. The harms of all drugs can be categorized as dependency, toxicity, or behavioral concerns. Cannabis has a lower ranking of harm than alcohol on all three factors.

The dependency potential of alcohol is relatively high (withdrawals from alcohol can include seizures, delirium tremens and death). In contrast cannabis has a low dependency potential (withdrawals are non-existent or mild and do not require medical management). Alcohol is more toxic than cannabis in both acute and chronic consumption patterns.

It is possible have a fatal overdose on alcohol but not cannabis. Long-term use of alcohol causes a wide variety of potentially fatal diseases including liver cirrhosis and cancer. Cannabis is not associated with the same toxic consequences. Alcohol is more problematic when considering harms to others and society as a whole, as alcohol is more disinhibiting than cannabis and therefore results in more problematic behaviors (e.g. violence, intoxicated driving, injuries, vomiting in public). Therefore, the extent to which cannabis replaces alcohol is the extent to which a public health benefit will be observed.

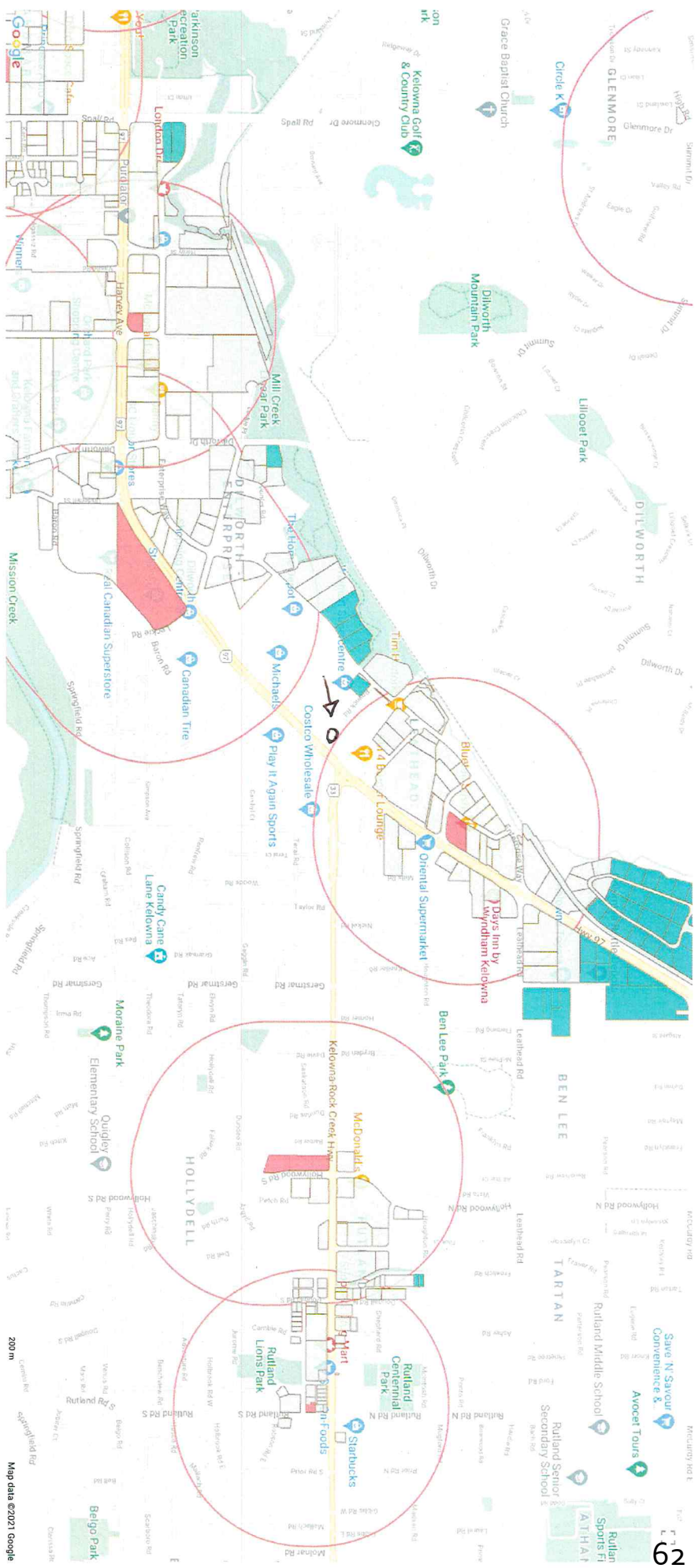
12. When compared with alcohol, is the regulation of cannabis by the City of Kelowna unduly restrictive?

Yes, the 500-meter regulation required by the City of Kelowna is again unduly restrictive. This distance is based on an arbitrary number with no research evidence or best practice documentation which demonstrates its utility. The harms are:

- A) It reduces access to individuals who use cannabis as a medicine; and
- B) It reduces the opportunity to have, to some extent, cannabis replace alcohol, which is more harmful to individuals, families, and communities.

The 500-meter setback for cannabis from schools, parks, community centres, libraries, daycares, and other cannabis stores rule is unduly restrictive for those who use cannabis as a medicine. As discussed earlier, there is a greater case to be made for the medical use of cannabis, than alcohol for opioid substitution and harm reduction. It is important to note that many people (in Kelowna) use cannabis to treat a wide variety of ailments including pain, insomnia, nausea, epilepsy, and cancer. Relatively easy access to their medicine is a reasonable expectation of these individuals.

By comparison to Kelowna, regular pharmacy location regulation in Vancouver does not specify distances from schools, playgrounds etc. The only distance limit mentioned in the City of Vancouver Business Specific policies and guidelines for small pharmacies is 400 meters from another pharmacy. This could, in theory, result in a pharmacy existing on approximately every 4 blocks in commercially zoned areas in Vancouver. This is reasonable as it allows individuals to access traditional medicine within a convenient distance from their homes. It would therefore also be reasonable to zone cannabis dispensaries in a similar manner which would allow for relatively easy access to those who use cannabis as medicine.



CERTIFICATION OF PROXIMITY BETWEEN REM LOT 1 DISTRICT LOT 125
OSOYOOS DIVISION YALE DISTRICT PLAN 18724 AND REM LOT A DISTRICT
LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP90858

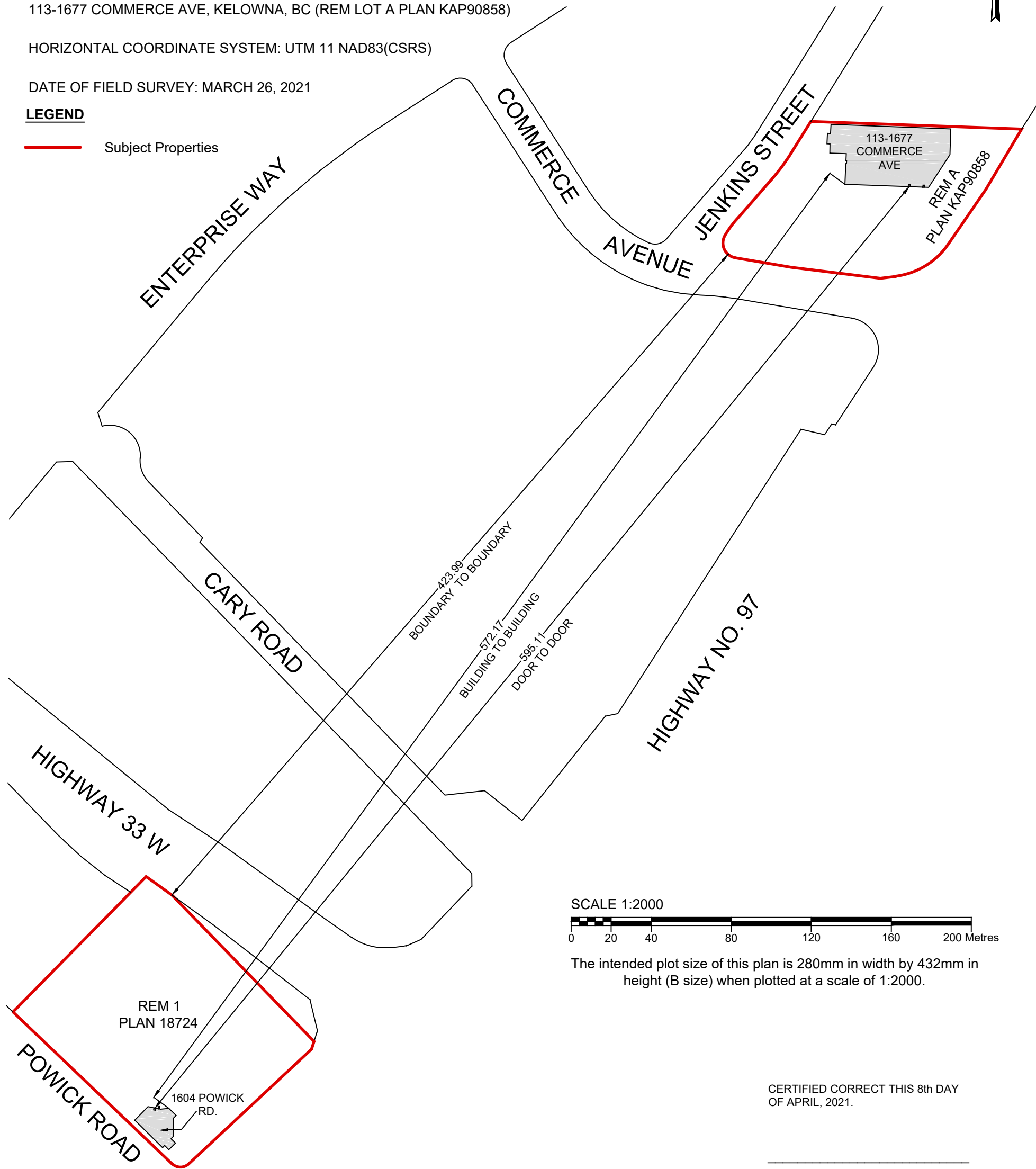
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PID: 028-224-299 (REM LOT A PLAN KAP90858)
CLIENT: KOOTENAY CANNABIS LTD.
CIVIC ADDRESSES:
1604 POWICK ROAD, KELOWNA, BC (REM LOT 1 PLAN 18724)
113-1677 COMMERCE AVE, KELOWNA, BC (REM LOT A PLAN KAP90858)

HORIZONTAL COORDINATE SYSTEM: UTM 11 NAD83(CSRS)

DATE OF FIELD SURVEY: MARCH 26, 2021

LEGEND

Subject Properties



SCALE 1:2000

0 20 40 80 120 160 200 Metres

The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:2000.

CERTIFIED CORRECT THIS 8th DAY
OF APRIL, 2021.

Corey M. Doherty, B.C.L.S.

This Document Is Not Valid Unless Digitally Signed



File: 2101210R0 Date: 2021-04-08
Drafted by: EC Checked by: CMD

NOTES:

- THIS PLAN HAS BEEN PREPARED BASED ON LAND TITLE & SURVEY AUTHORITY RECORDS AND A FIELD SURVEY.
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1604 Powick Rd, Kelowna, BC V1X 7G5

https://www.google.ca/maps/dir/1604+Powick+Rd,+Kelowna,+BC+V1X+7G5/113+Commerce+Ave,+Kelowna

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113 Commerce Ave, Kelowna, BC

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OPTIONS

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via Hwy 97 N/Okanagan Hwy/BC-97 S 8 min
600 m

DETAILS

Mostly flat

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CERTIFICATE OF PROXIMITY BETWEEN REM LOT 1 DISTRICT LOT 125
OSOYOOS DIVISION YALE DISTRICT PLAN 18724 AND LOT 1 SECTION 22
TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 24386

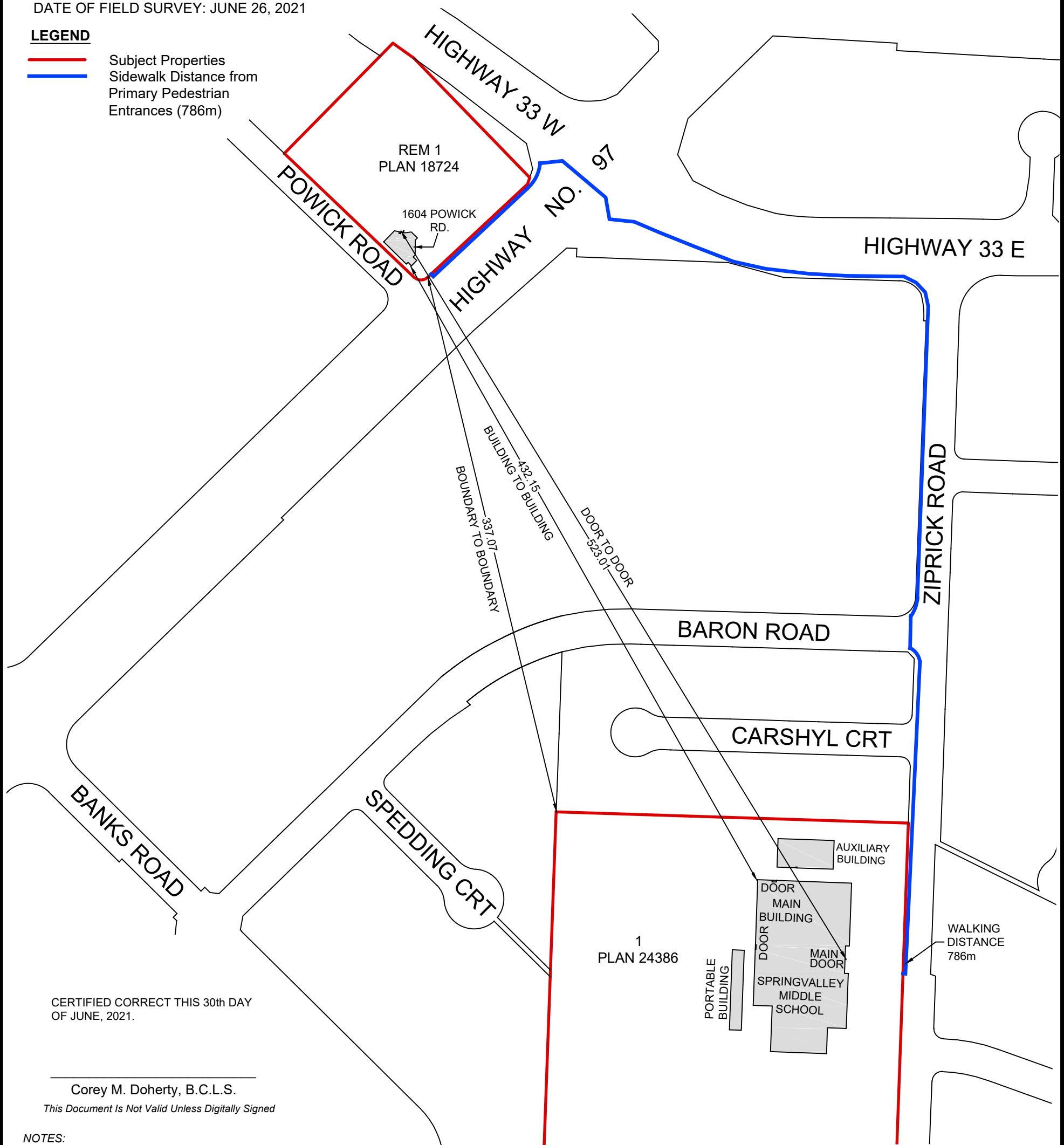
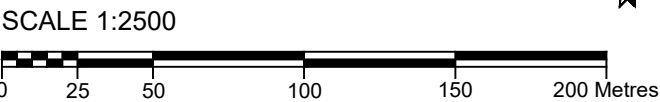
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PID: 005-948-771 (LOT 1 PLAN 24386)
CLIENT: KOOTENAY CANNABIS LTD.
CIVIC ADDRESSES:
1604 POWICK ROAD, KELOWNA, BC (REM LOT 1 PLAN 18724)
350 ZIPRICK ROAD, KELOWNA, BC (LOT 1 PLAN 24386)

HORIZONTAL COORDINATE SYSTEM: UTM 11 NAD83(CSRS)

DATE OF FIELD SURVEY: JUNE 26, 2021

LEGEND

- Subject Properties
- Sidewalk Distance from Primary Pedestrian Entrances (786m)



CERTIFIED CORRECT THIS 30th DAY
OF JUNE, 2021.

Corey M. Doherty, B.C.L.S.

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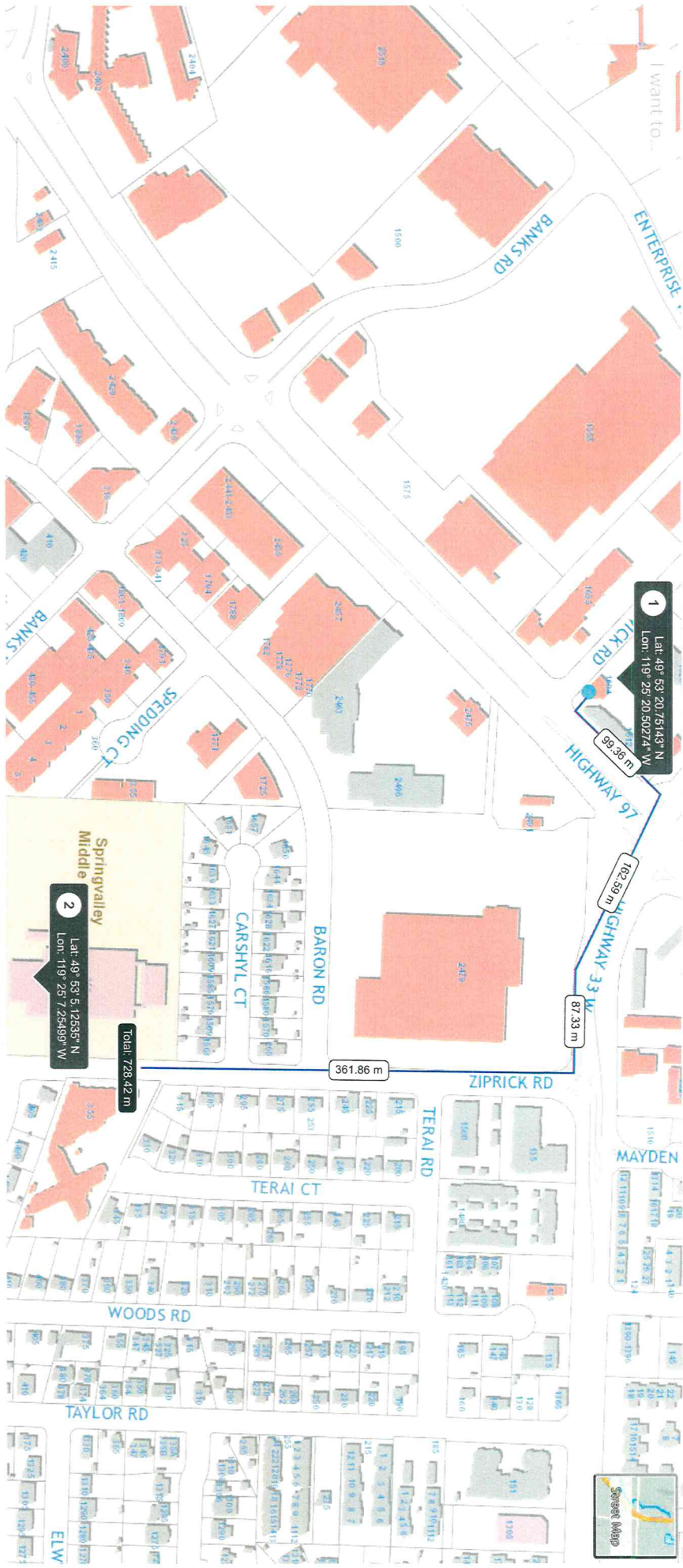


File: 2101210R1 Date: 2021-06-30
Drafted by: EC Checked by: CMD

City of Kelowna

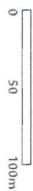
Tools Draw and Measure Identify and Query Tools Disclaimer and Help

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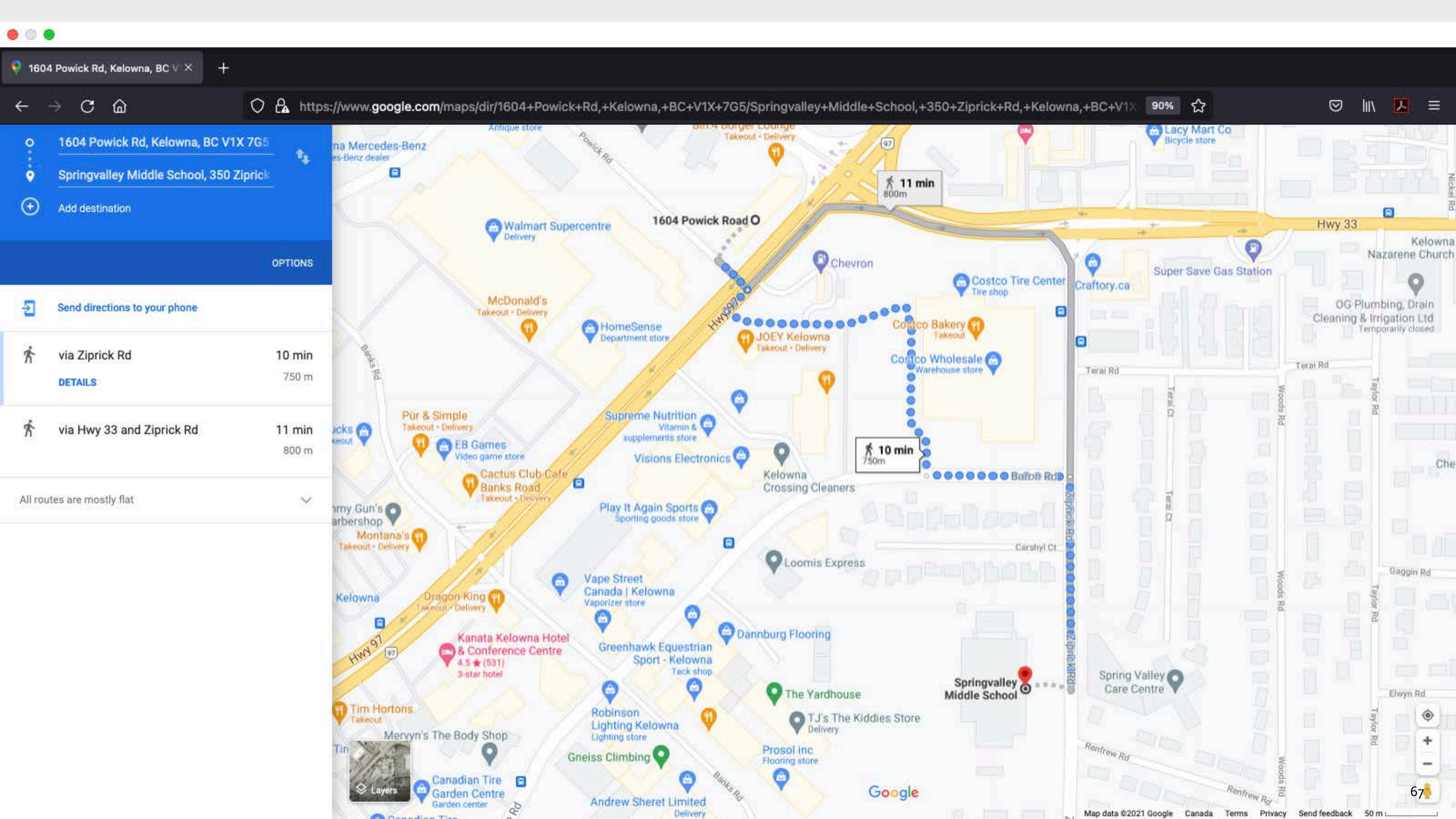


Search...

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Scale 1: 3,000





TA21-0016 Z21-0092 1604-1620 Powick Road

Text Amendment and Rezoning Application



Proposal

- ▶ To consider a site-specific text amendment to allow for a retail cannabis sales establishment within 500 metres of other another property zoned for retail cannabis sales and within 500 metres of a middle or secondary school and to consider an application to rezone the subject property from the C₄ – Urban Centre Commercial zone to the C₄rcs – Urban Commercial (Retail Cannabis Sales) zone.

Development Process

Sept 9, 2021

Development Application Submitted

Staff Review & Circulation

Oct 13, 2021

Public Notification Received

Nov 1, 2021

Initial Consideration

Public Hearing
Second, Third and Final Readings

Council
Approvals

Recommendation sent to LCRB
Building Permit

Context Map

Walk Score
73

Very Walkable

Most errands can be accomplished on foot.

Transit Score
44

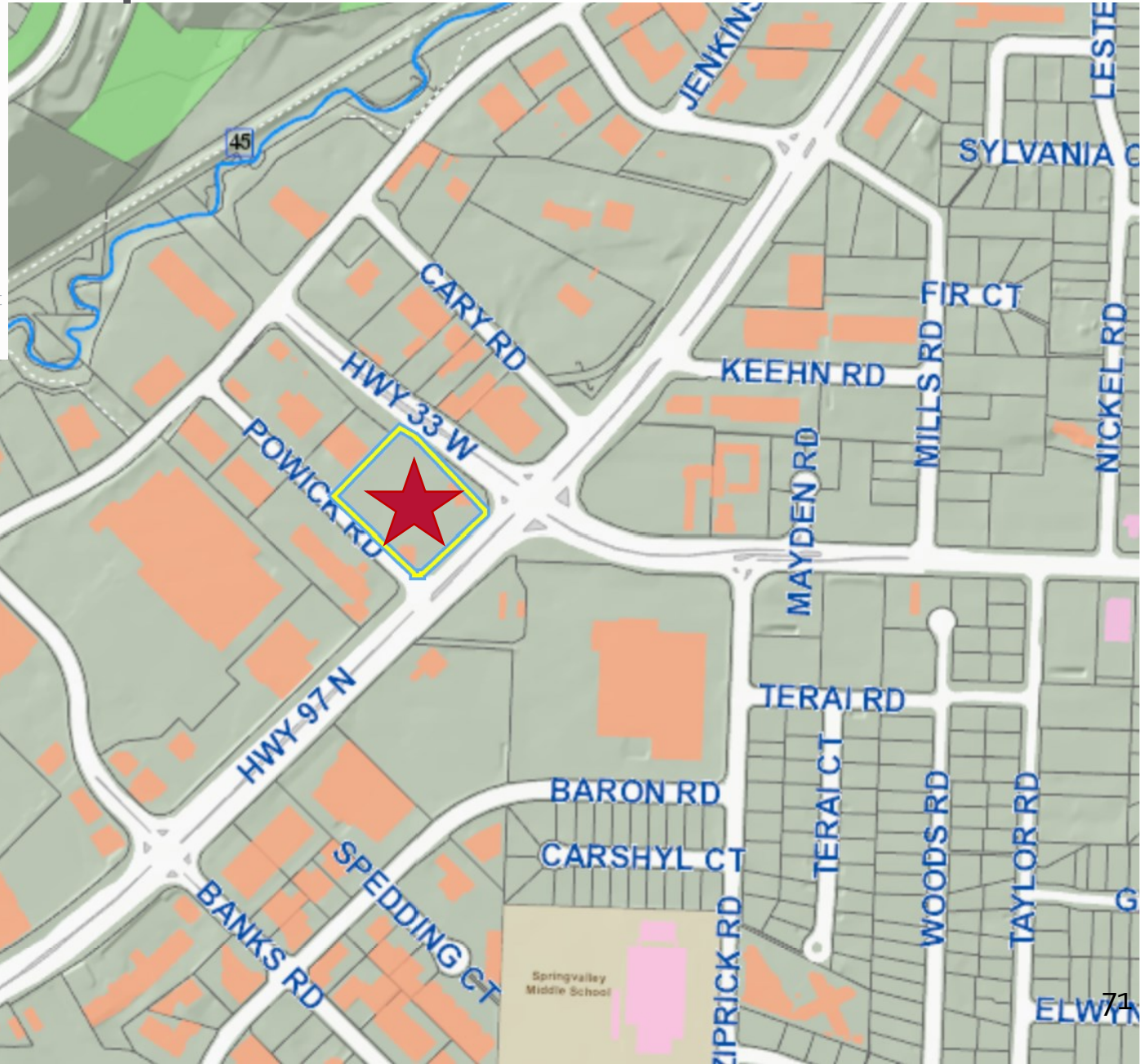
Some Transit

A few nearby public transportation options.

Bike Score
81

Very Bikeable

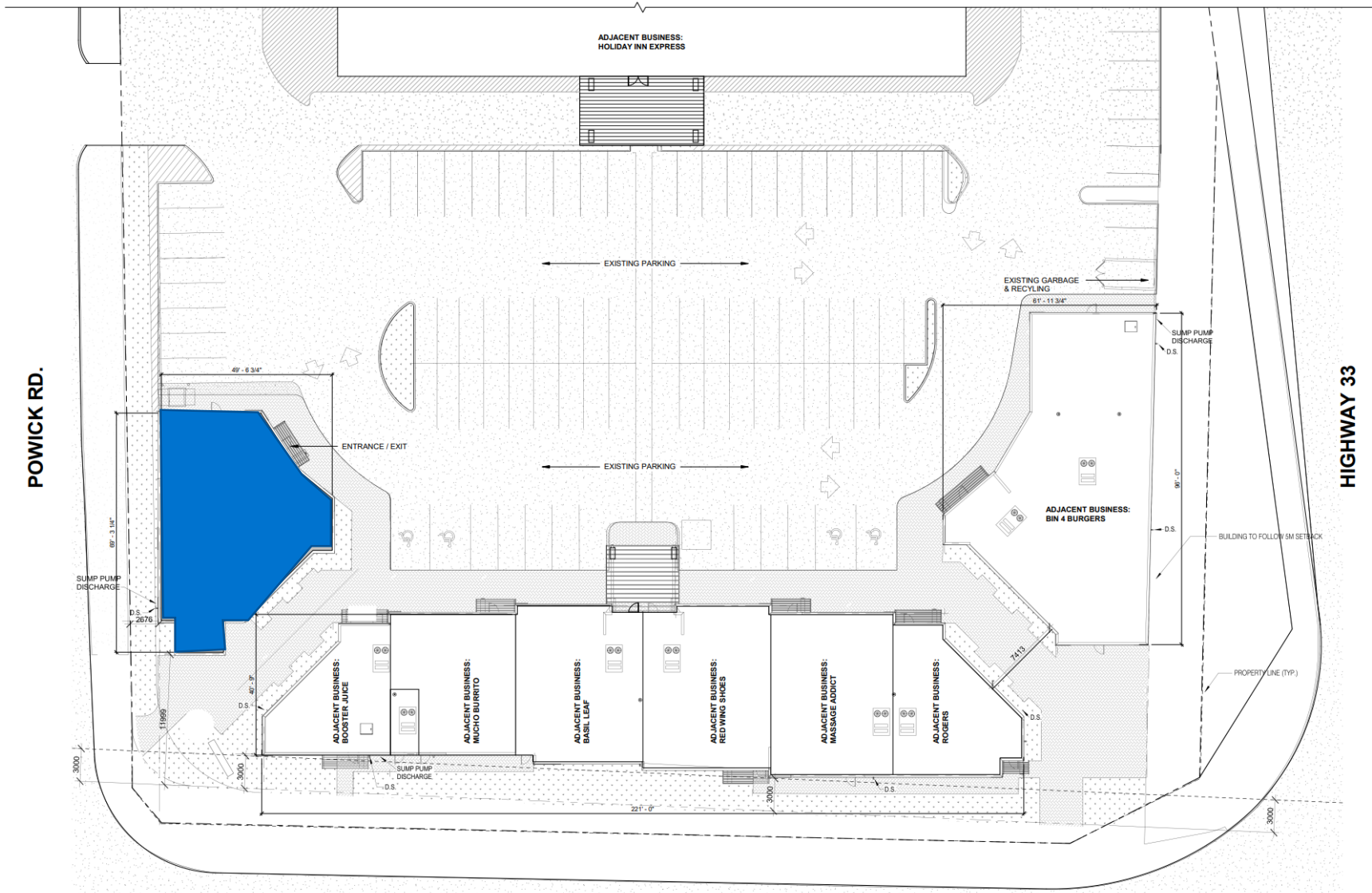
Biking is convenient for most trips.



Subject Property Map



Site Plan



HIGHWAY 97

HIGHWAY 33

POWICK RD.

Street View/Rendering



Signage has been digitally superimposed

Rezoning Application

- ▶ Application to rezone:
 - ▶ From C₄ – Urban Centre Commercial zone
 - ▶ To C₄r_{cs} – Urban Centre Commercial (Retail Cannabis Sales) zone

Text Amendments

- ▶ To facilitate this application, site-specific text amendments are required:
 - ▶ within 500 metres of other retail cannabis sales establishments
 - ▶ 1675-1677 Commerce Avenue (+/- 424 metres)
 - ▶ within 500 metres of a middle or secondary school
 - ▶ (+/- 337 metres)

Text Amendments



Development Planning

- ▶ Text Amendment Applications
 - ▶ 500 m separation between retail cannabis stores
 - ▶ intended to prevent clustering of use
 - ▶ 500 m setback from Middle or Secondary Schools
 - ▶ intended to separate retail cannabis sales from potentially sensitive uses or user groups

Staff Recommendation

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



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: November 1, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: Z21-0081

Owner: Daniel Emanuel Pastiu & Andria
Elizabeth Pastiu

Address: 632 Bechard Road

Applicant: Daniel Pastiu

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 134, ODYD, Plan 30130, located at 632 Bechard Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a 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 RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision, and to waive the Public Hearing.

3.0 Development Planning

Staff supports the proposal to rezone the property to RU2 – Medium Lot Housing to facilitate a two-lot subdivision as the subject property is within the Permanent Growth Boundary (PGB) and the proposal aligns with the 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. The proposed lots meet the minimum dimensions of the RU2 zone and the applicant has demonstrated that the existing house can be retained and the proposed new lot can be developed in accordance with the Zoning Bylaw.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 – Large Lot Housing to RU2 – Medium Lot Housing will facilitate a two-lot subdivision of the subject property. The property currently contains an existing single family dwelling which would be retained on proposed Lot A. Proposed Lot B is vacant. Separate driveway accesses for each lot would be provided from Bechard Road.

4.2 Site Context

The subject property is within the South Pandosy – KLO OCP Sector and is within the Permanent Growth Boundary. The lot is located on Bechard Road between the intersections with Lakeshore Road and Landie Road. The Future Land Use Designation of the area is S2RES – Single/Two Unit Residential. The surrounding area is primarily zoned RU1 – Large Lot Housing, RU2 – Medium Lot Housing and RU6 – Two Dwelling Housing. The property is within 400 m of the South Pandosy Urban Centre and transit stops on Lakeshore Road are within 50 m of the subject property.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|--------------------------|-----------------------|
| North | RU1 – Large Lot Housing | Single Family Housing |
| East | RU2 – Medium Lot Housing | Single Family Housing |
| South | RU1 – Large Lot Housing | Single Family Housing |
| West | RU1 – Large Lot Housing | Single Family Housing |

Subject Property Map: 632 Bechard Road



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

Objective 5.22 Ensure context sensitive housing development

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

6.0 Technical Comments

6.1 Development Engineering Department

- See Schedule A

7.0 Application Chronology

Date of Application Accepted: August 19, 2021

Date Public Consultation Completed: October 7, 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:

Attachment A: Site Plan



Z21-0081

632 Bechard Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing zone to facilitate a 2-lot subdivision.

Development Process

Aug 19, 2021

Development Application Submitted

Staff Review & Circulation

Oct 7, 2021

Public Notification Received

Nov 1, 2021

Initial Consideration

Public Hearing (Waived)
Second & Third Readings

Final Reading

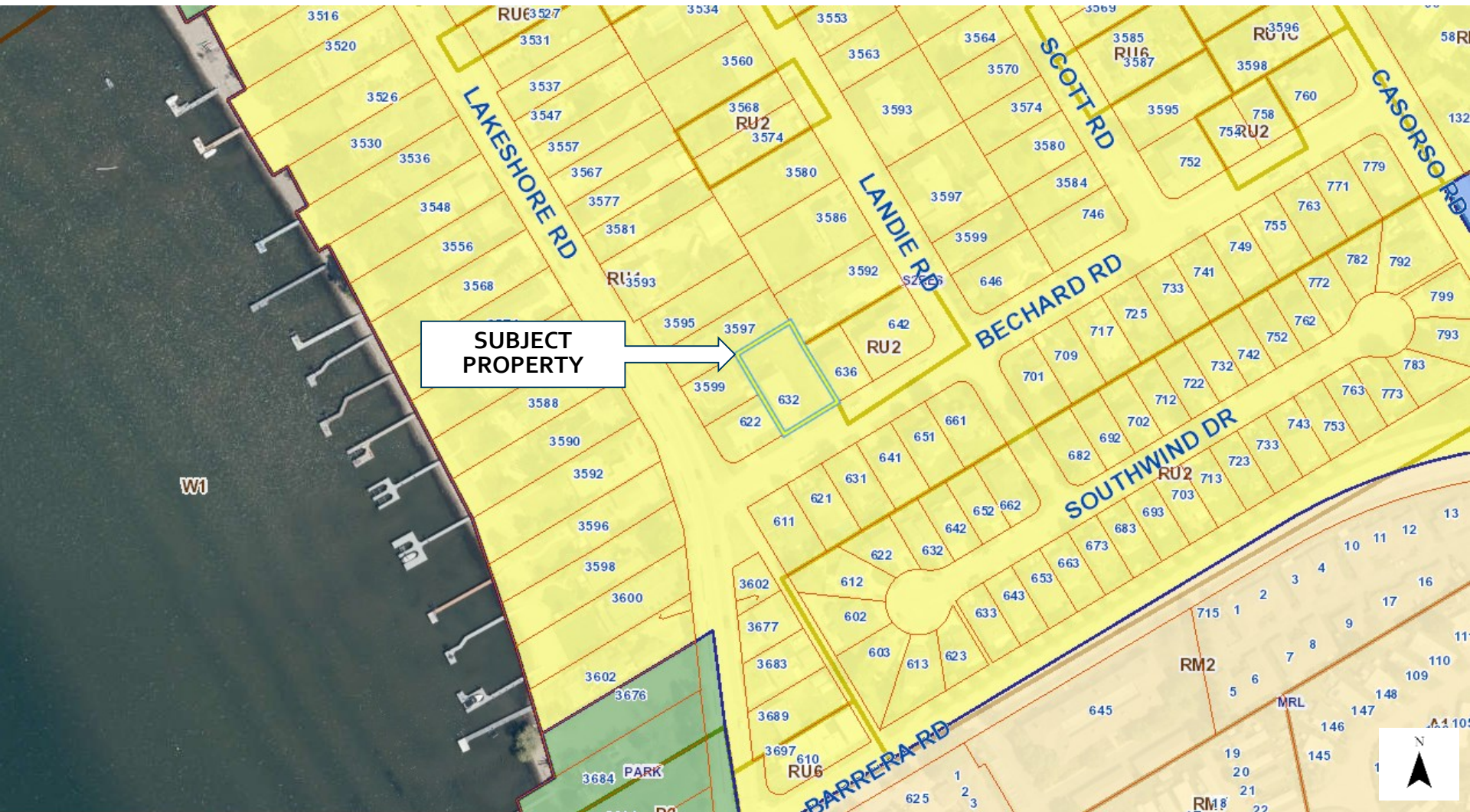
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



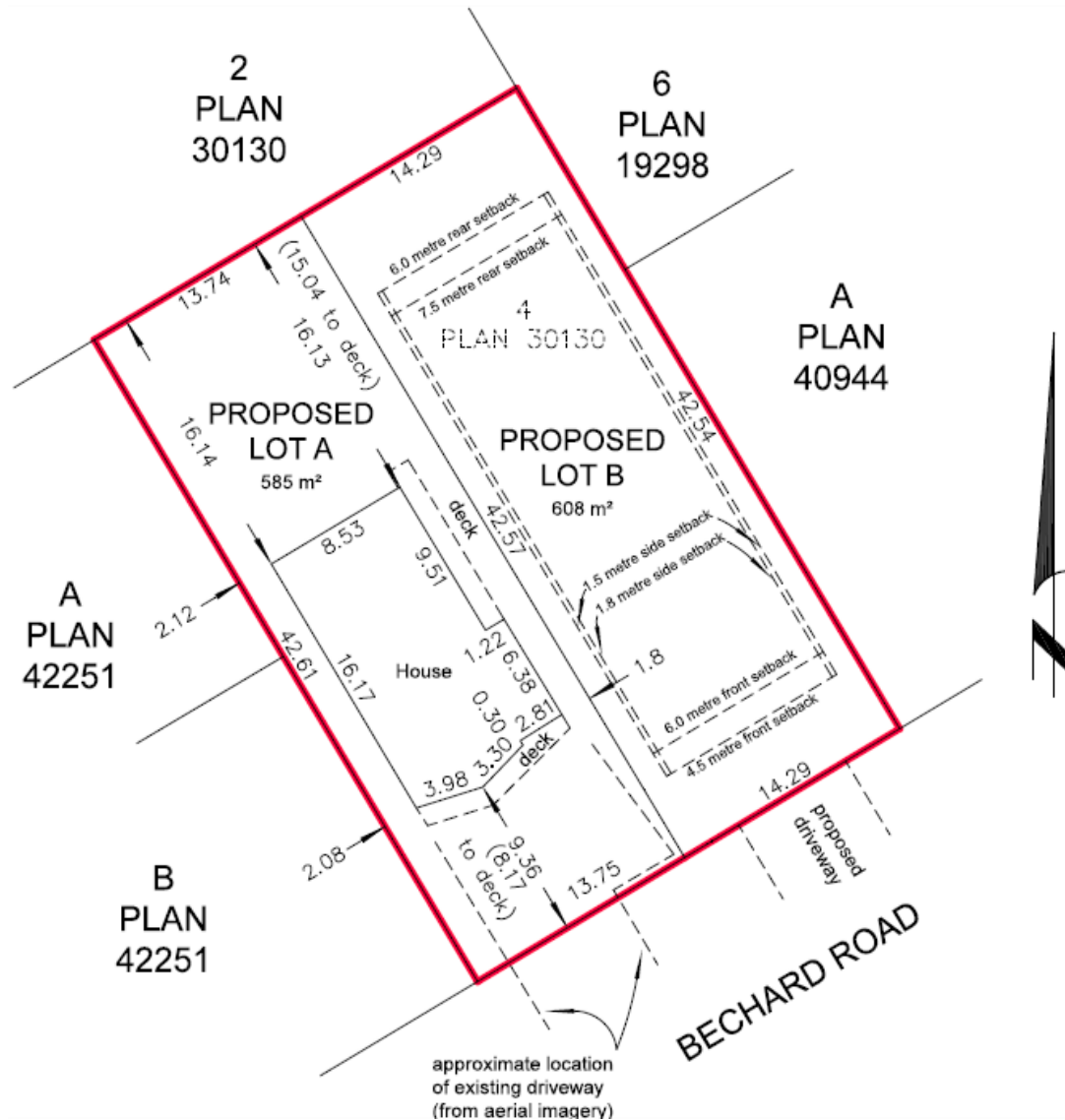
Subject Property Map



Project details

- ▶ The proposed rezoning from RU1 to RU2 will facilitate a 2-lot subdivision of the subject property.
- ▶ Both proposed lots meet the depth, width, and size requirements of the RU2 zone.
- ▶ The existing dwelling is proposed to remain and will meet the setback requirements.

Conceptual Site Plan



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
- ▶ Complies with Zoning Bylaw requirements
- ▶ Recommend the Public Hearing be waived.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12293

Z21-0081

632 Bechard 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 4 District Lot 134, ODYD, Plan 30130 located on Bechard Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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: November 1, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0073

Owner: Green Scape Holdings Ltd., Inc.
No. 1263511

Address: 424 Clifton Road

Applicant: Kent-Macpherson – Jordan
Hettinga

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: A1 – Agriculture 1

Proposed Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Rezoning Application Z21-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, Section 31, Township 26, ODYD, Plan 17113, located at 424 Clifton Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot 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 November 1, 2021;

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

2.0 Purpose

To rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone to facilitate a two-lot subdivision, and to waive the Public Hearing.

3.0 Development Planning

Staff support the proposal to rezone the property from A1 – Agriculture 1 to RU1 – Large Lot Housing to facilitate a two-lot subdivision as it is within the Permanent Growth Boundary and the proposal aligns with the 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 where infrastructure already exists and is consistent with the existing neighbourhood. Properties immediately across Clifton Road are zoned RU1.

The applicant has submitted a site plan indicating that the proposed subdivision can be achieved in compliance with the RU1 zone. The proposed panhandle subdivision complies with Council Policy No. 196 for Panhandle Lots as property has topographical constraints (steep slopes at the rear of the lot) and is adjacent to a public open space (Knox Mountain Park).

4.0 Proposal

4.1 Project Description

The proposed rezoning from A1 – Agriculture 1 to RU1 – Large Lot Housing will facilitate a two-lot subdivision of the subject property. The property contains an existing home which would be retained on a 1423 m² lot with a 6.5 m wide panhandle. The new proposed lot would be 700 m² and vacant. A single shared driveway would provide access to both the existing home and the proposed new lot from Clifton Road.

4.2 Site Context

The property is located in the Glenmore – Clifton – Dilworth OCP Sector and is within the Permanent Growth Boundary (PGB). The surrounding areas have a Future Land Use Designation of S2RES – Single/Two Unit Residential and PARK – Major Park/Open Space and are primarily zoned A1 – Agriculture 1, RU6 – Two Dwelling Housing, RU1 – Large Lot Housing, RR3 – Rural Residential 3 and P3 – Parks and Open Space.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|----------------------------|-----------------------|
| North | A1 – Agriculture 1 | Single Family Housing |
| East | RU1 – Large Lot Housing | Single Family Housing |
| South | RU6 – Two Dwelling Housing | Single Family Housing |
| West | P3 – Parks and Open Space | Knox Mountain Park |

Subject Property Map: 424 Clifton Road



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. 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.

Objective 5.22 Ensure context sensitive housing development

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

6.0 Technical Comments

6.1 Development Engineering Department

- See Schedule A

7.0 Application Chronology

Date of Application Received: July 22, 2021
Date Public Consultation Completed: September 28, 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

Schedule A: Development Engineering Memo
Attachment A: Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: October 22, 2021
File No.: Z21-0073
To: Planning and Development Officer (AK)
From: Development Engineering Manager (RO)
Subject: 424 Clifton Rd A1 to RU1

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the property from the A1 – Agriculture Zone to RU1 – Large Lot Housing.

1. GENERAL

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

2. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject lot is located within the City of Kelowna water supply area. The existing lot is serviced with a 19-mm diameter water service. Only one service will be permitted per legal lot. If required, the Applicant, at their cost, will arrange for the removal of the existing services and the installation of one new larger metered water service per legal lot.
- b. The Developer's Consulting Engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for this development is 60 L/s. If it is determined that upgrades to any existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- c. A Water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The Developer or Building Contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department and prepare the meter setter at their cost.
- d. If the Applicant would like the City to complete the works they can sign a Third-Party Work Order for the cost of the water service upgrades. For estimate inquiries please contact Sarah Kelly, by e-mail skelly@kelowna.ca or phone, 250-469-8783.

3. SANITARY SEWER SYSTEM

- a. Our records indicate that the subject lot is currently 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.
- c. If the Applicant would like the City to complete the works they can sign a Third-Party Work Order for the cost of the water service upgrades. For estimate inquiries please contact Sarah Kelly, by e-mail skelly@kelowna.ca or phone, 250-469-8783.

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.
- b. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.

5. ROAD IMPROVEMENTS

- a. Clifton Rd is included in the 20 Year Major Roads Network as a 2-Lane Arterial and must be upgraded to an urban standard (SS-R16) along the full frontage of the subject property. Required upgrading must include 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. Only the utility servicing must be completed at this time. The City wishes to defer the frontage upgrades along Clifton Rd therefore, 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 **\$29,988.10**. This does not include cost of adding and/or 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.
 - 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

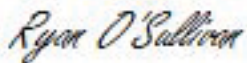
- a. A 3m road dedication will be required along the full frontage of the subject lot to achieve a future SS-R16 2-Lane Arterial 28m ROW.
- b. An shared access easement must be registered for a single driveway to access both lots, only one driveway will be permitted with a maximum width of 6m.

9. CHARGES AND FEES

- a. Development Cost Charges (DCC's) are payable.
- b. Cash-in-lieu payment to defer Clifton Rd frontage upgrades: **\$29,988.10**
**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 \$1,049.58 + \$52.48 GST for a total of **\$1,102.06**. 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

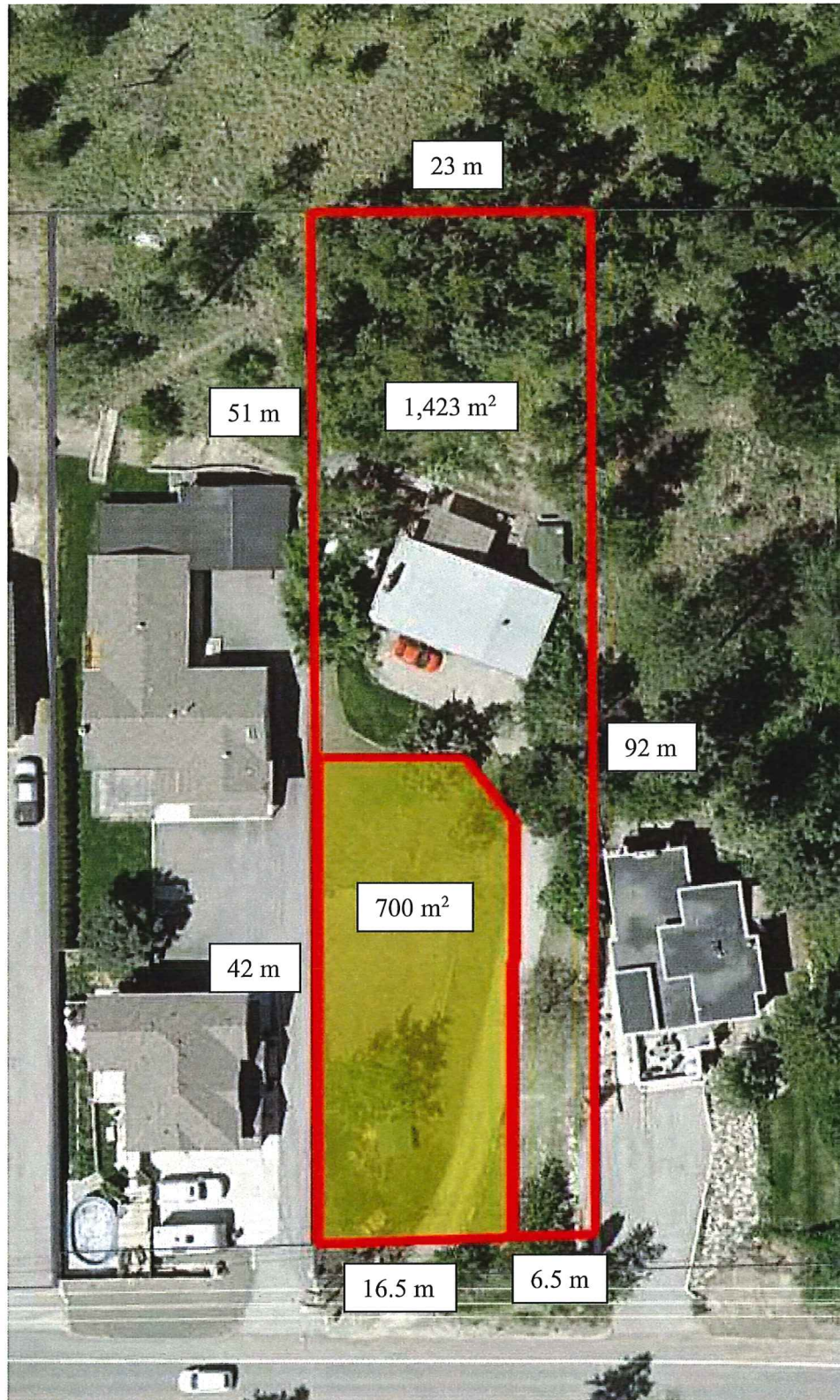
PROPOSED SUBDIVISION

ATTACHMENT A

This forms part of application

Z21-0073

Planner
Initials MT





Z21-0073 424 Clifton Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from A1 – Agriculture 1 to RU1 – Large Lot Housing zone to facilitate a 2-lot subdivision.

Development Process

July 22, 2021

Development Application Submitted

Staff Review & Circulation

Sept 28, 2021

Public Notification Received

Nov 1, 2021

Initial Consideration

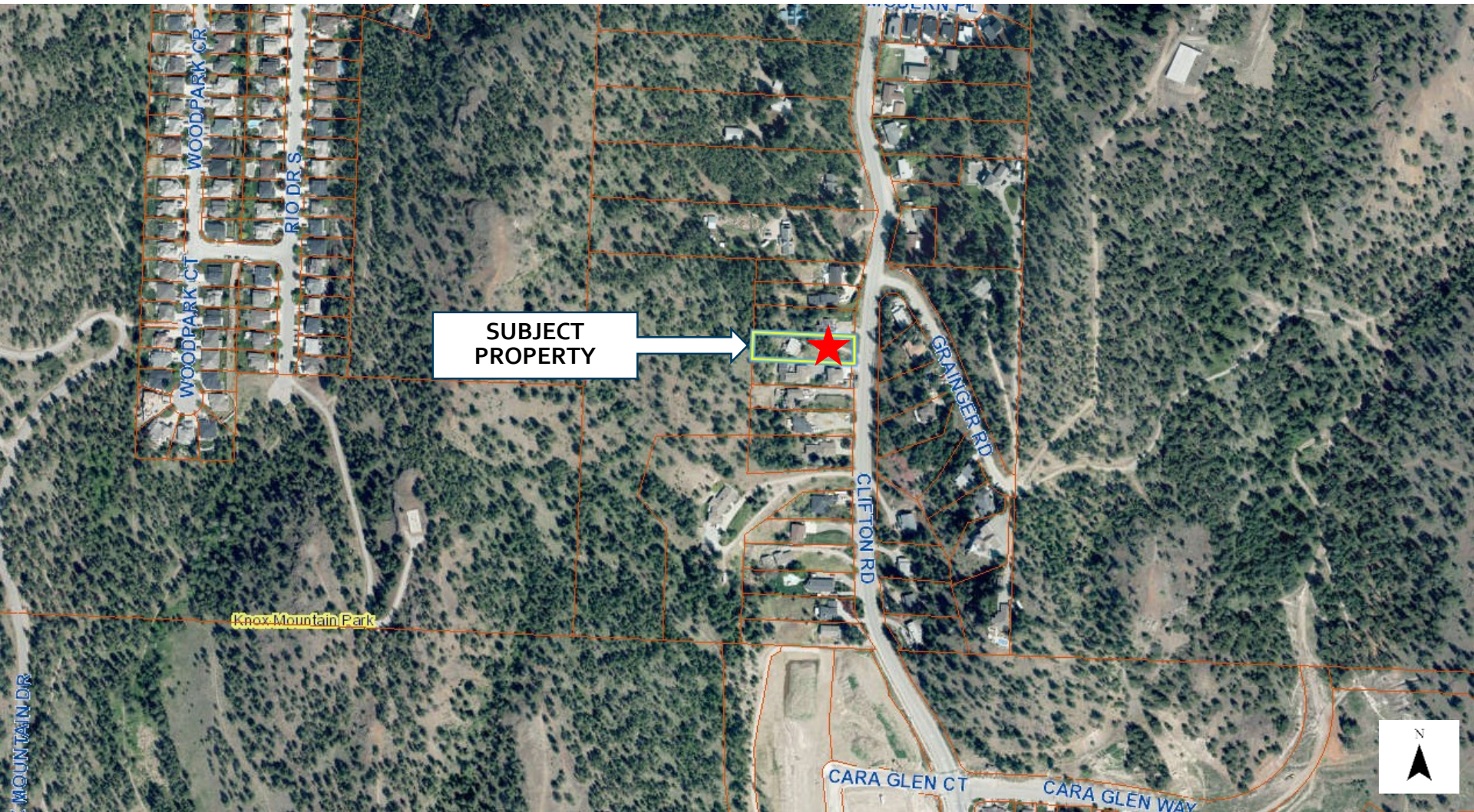
Public Hearing (Waived)
Second & Third Readings

Final Reading

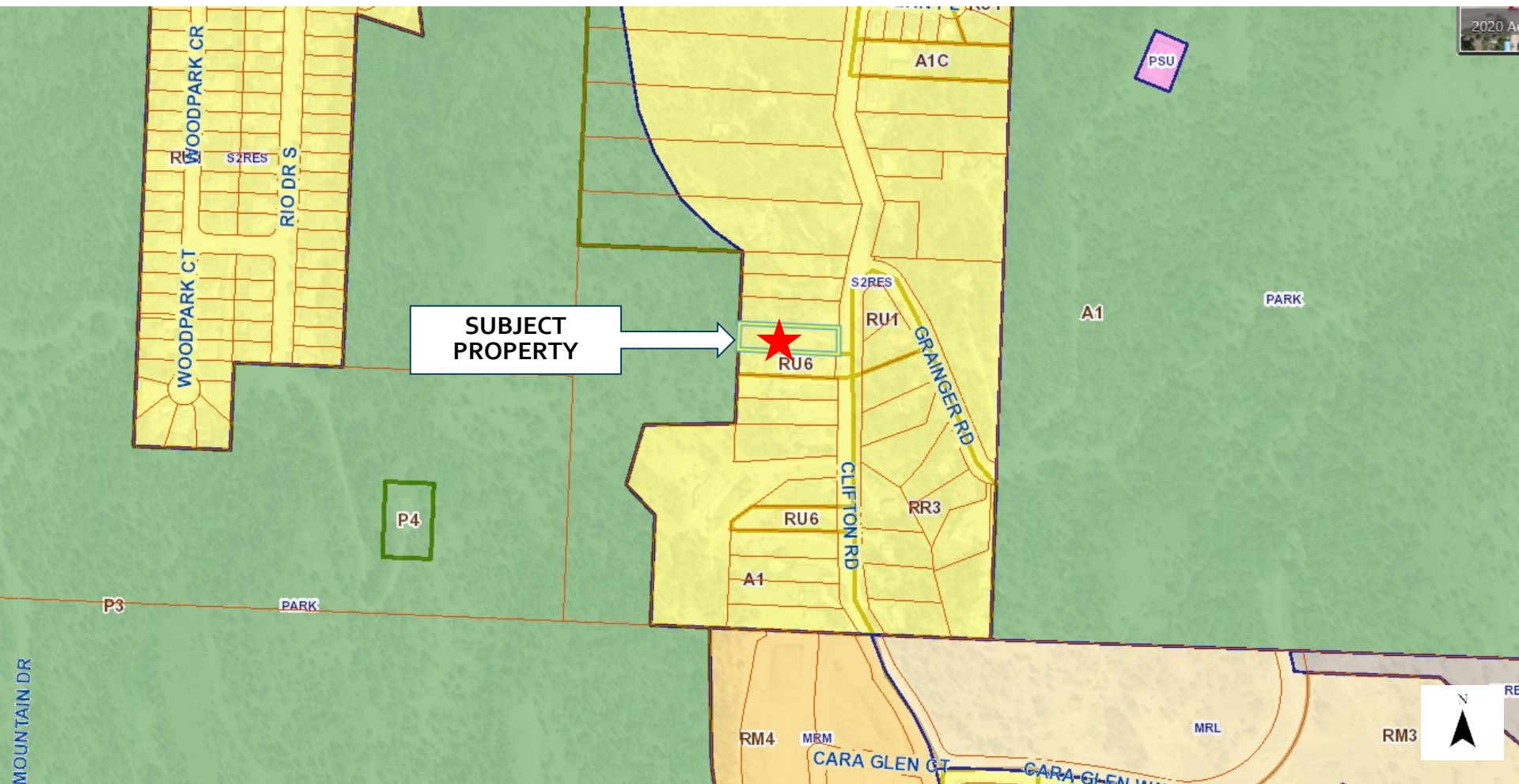
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project details

- ▶ The proposed rezoning from A1 to RU1 will facilitate a 2-lot subdivision of the subject property.
- ▶ Both proposed lots meet the depth, width and size requirements of the RU1 zone.
- ▶ The existing dwelling is proposed to remain. Both lots would be accessed from a single shared driveway.

Conceptual Site Plan



Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Sensitive Infill
 - ▶ Within Permanent Growth Boundary
- ▶ Consistent with Future Land Use **S2RES**
- ▶ Panhandle lot is consistent with Council Policy No. 196 – Panhandle Lots.

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
- ▶ Complies with Zoning Bylaw requirements and Council Policy No. 196 – Panhandle Lots.
- ▶ Recommend the Public Hearing be waived.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12294

Z21-0073

424 Clifton 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 4 Section 31, Township 26, ODYD, Plan 17113 located on Clifton Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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: November 1st, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0075

Owner: Kevan Kruger & Cary Dawn Kruger

Address: 639 Bonjou Road

Applicant: Kevan & Cary Kruger

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 District Lot 357 SDYD Plan 18280, located at 639 Bonjou Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a 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 RU2 – Medium Lot 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 RU2 – Medium Lot Housing to facilitate a 2-lot subdivision. The subject property has the 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 RU2 zone.

4.0 Proposal

4.1 Project Description

The proposed rezoning application from RU1 – Large Lot Housing to RU2 – Medium Lot Housing is to facilitate a 2-lot subdivision. The existing dwelling will remain, and the new home is anticipated to meet all the requirements of the new zone, so no variances are anticipated.

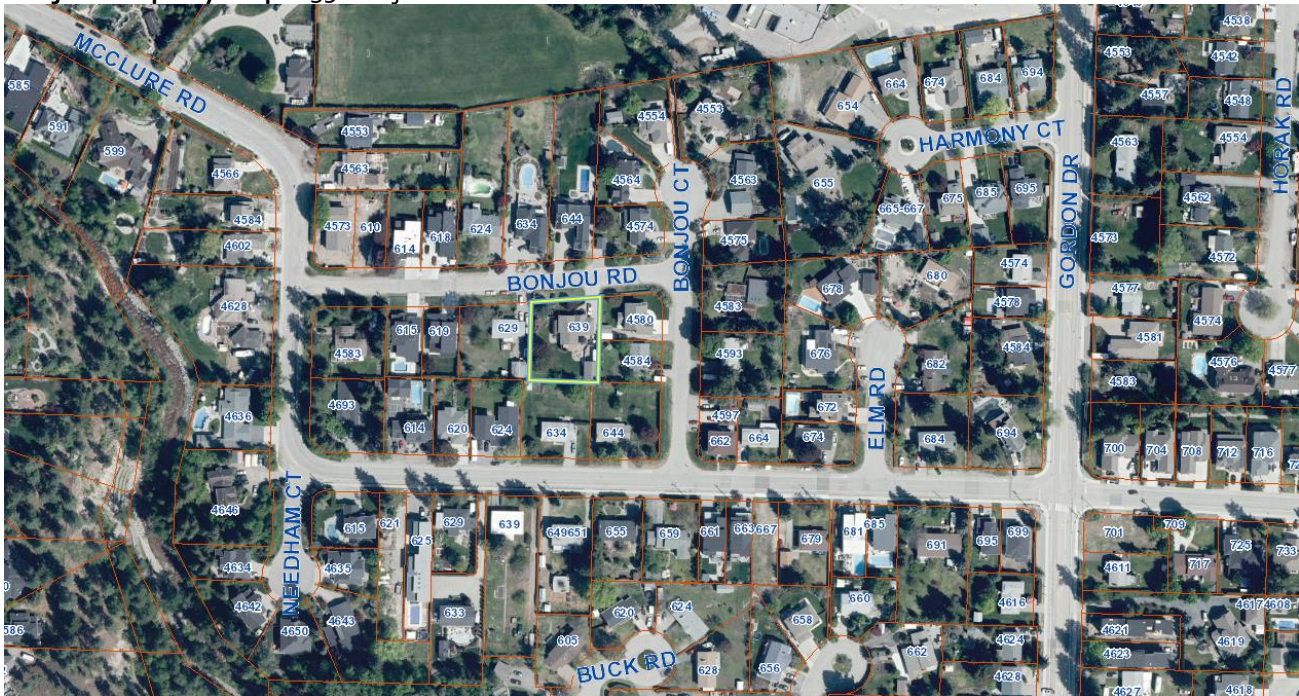
4.2 Site Context

The property is 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, RU2 – Medium Lot Housing and RU6 – Two Dwelling 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 | RU1 – Large Lot Housing | Single-Family Dwelling |

Subject Property Map: 639 Bonjou 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 Department Memo attached dated November 1st, 2021

7.0 **Application Chronology**

Date of Application Received: July 30th, 2021
Date Public Consultation Completed: September 7th, 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:

Attachment A: Proposed Subdivision

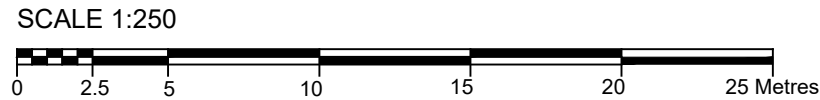
PROPOSED SUBDIVISION PLAN
OF LOT 8 DISTRICT LOT 357
SIMILKAMEEN DIVISION YALE
DISTRICT PLAN 18280

PID: 008-259-909
CLIENT: KEVAN KRUGER
CIVIC ADDRESS: 639 BONJOU ROAD

HORIZONTAL COORDINATE SYSTEM: UTM 11 NAD83(CSRS)
VERTICAL DATUM: CGVD28 (DERIVED FROM CANNET STA BC_KELOWNA)

DATE OF FIELD SURVEY: MAY 6, 2021

REFER TO THE CURRENT STATE OF TITLE FOR CHARGES,
LIENS, AND INTERESTS AFFECTING THIS LAND.



LEGEND

- Subject Property
- Major Contour (1m)
- Minor Contour (0.2m)
- Power Pole
- Tree (dia.)
- Asphalt

ATTACHMENT A

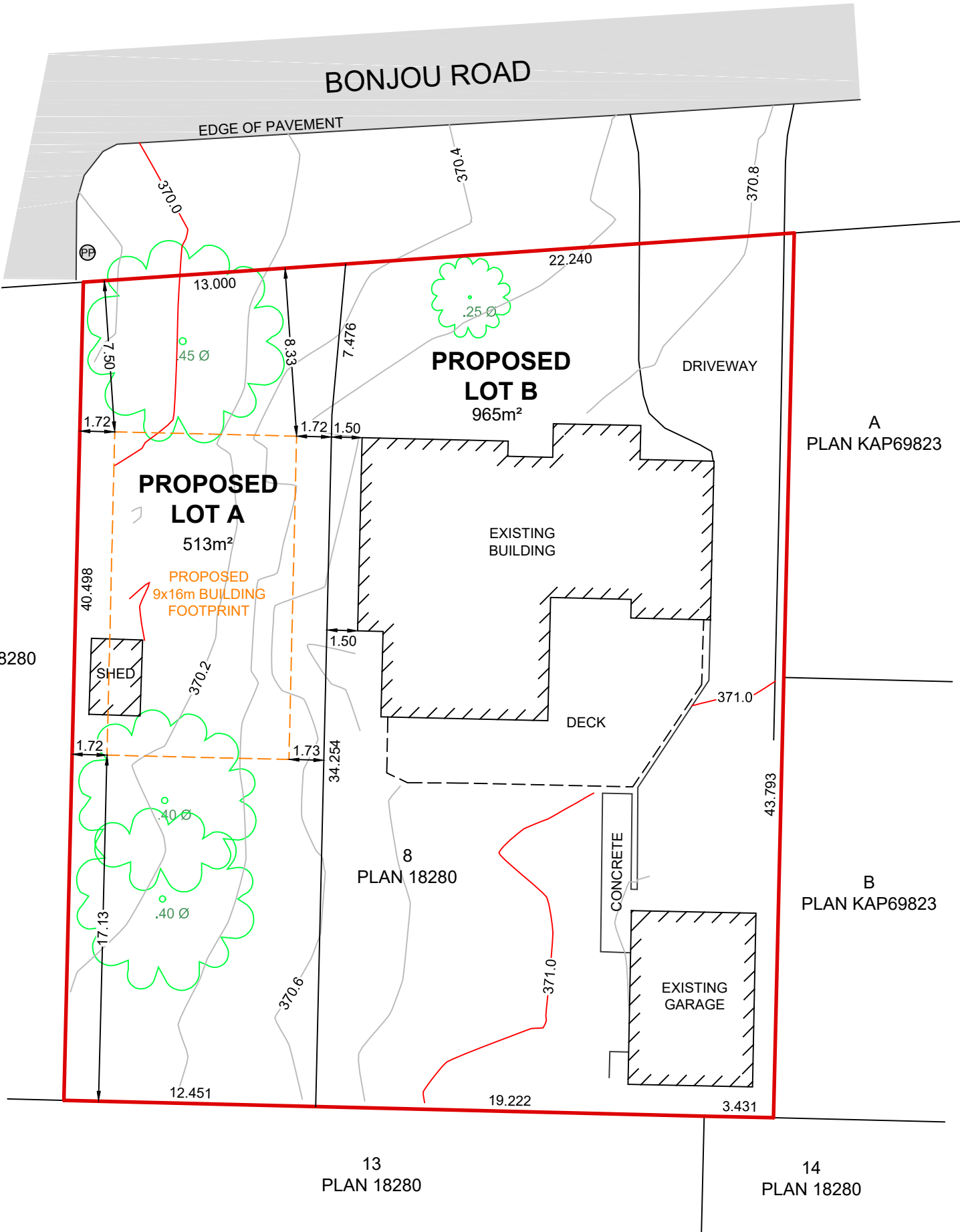
This forms part of application
Z21-0075

Planner Initials TC

City of Kelowna
DEVELOPMENT PLANNING

THIS PLAN WAS PREPARED FOR DESIGN PURPOSES AND IS FOR THE EXCLUSIVE USE
OF OUR CLIENT. BOUNDARIES SHOWN ARE SUBJECT TO CHANGE WITH LEGAL SURVEY.
VECTOR GEOMATICS LAND SURVEYING LTD. ACCEPTS NO RESPONSIBILITY OR
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7
PLAN 18280



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File: 2101242R1 Date: 2021-10-13
Drafted by: MM Checked by: TF



Z21-0075 639 Bonjou Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing, to facilitate a 2-lot subdivision, and to waive the Public Hearing.

Development Process

July 30th, 2021

Development Application Submitted



Staff Review & Circulation



Sept 7th, 2021

Public Notification Received



Nov 1st, 2021

Initial Consideration



Public Hearing
Second & Third Readings



Final Reading
DP & Variances



Building Permit

Council
Approvals

Context Map



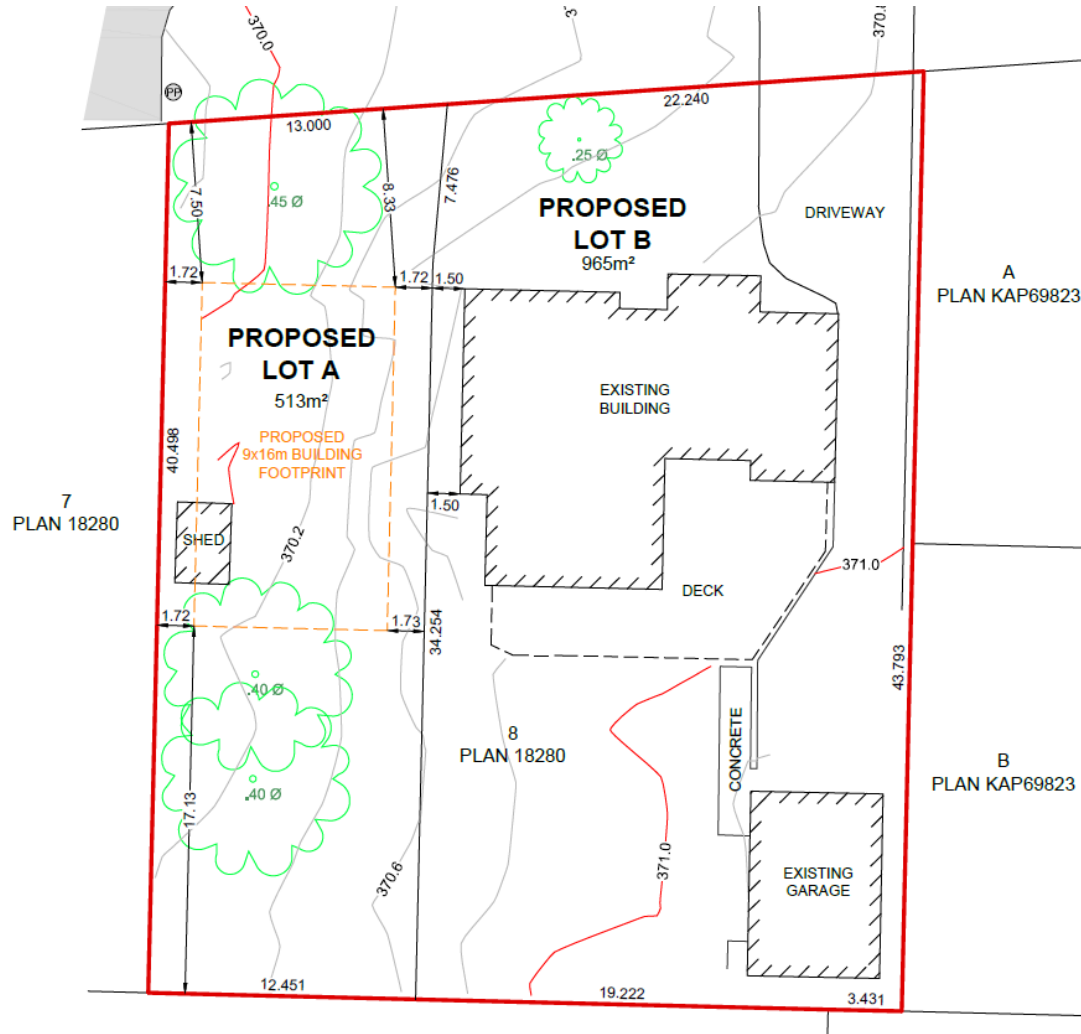
Subject Property Map



Project details

- ▶ The proposal is to facilitate a 2-lot subdivision, which will meet the minimum size, width and depth of the RU2 zone.
- ▶ Existing dwelling will remain, and it will be able to meet the side yard setbacks.
- ▶ The proposed new dwelling is anticipated to meet the Zoning Bylaw.

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. 12295

Z21-0075

639 Bonjou 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 District Lot 357, SDYD, Plan 18280 located on Bonjou Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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: November 1, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0044

Owner: Rolan L Facette and Karen M Facette

Address: 3090 Holland 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. Z21-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3 District Lot 131 ODYD Plan 10710 Except Plan H16127, located at 3090 Holland 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 issuance of a Preliminary Layout Review Letter by the Approving Officer;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing to the RU6 – Two Dwelling Housing to facilitate a two-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 – Medium 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 and the RU6 – Two Dwelling Housing zone is congruous with the surrounding neighbourhood.

4.0 Proposal

4.1 Project Description

The proposed rezoning from the RU1 – Large Lot Housing to the RU6 – Two Dwelling Housing would facilitate a two-lot subdivision. The subject property has the 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. To finalize the subdivision, a Development Variance Permit is required for the rear yard setback from the required 7.5m to 4.8m

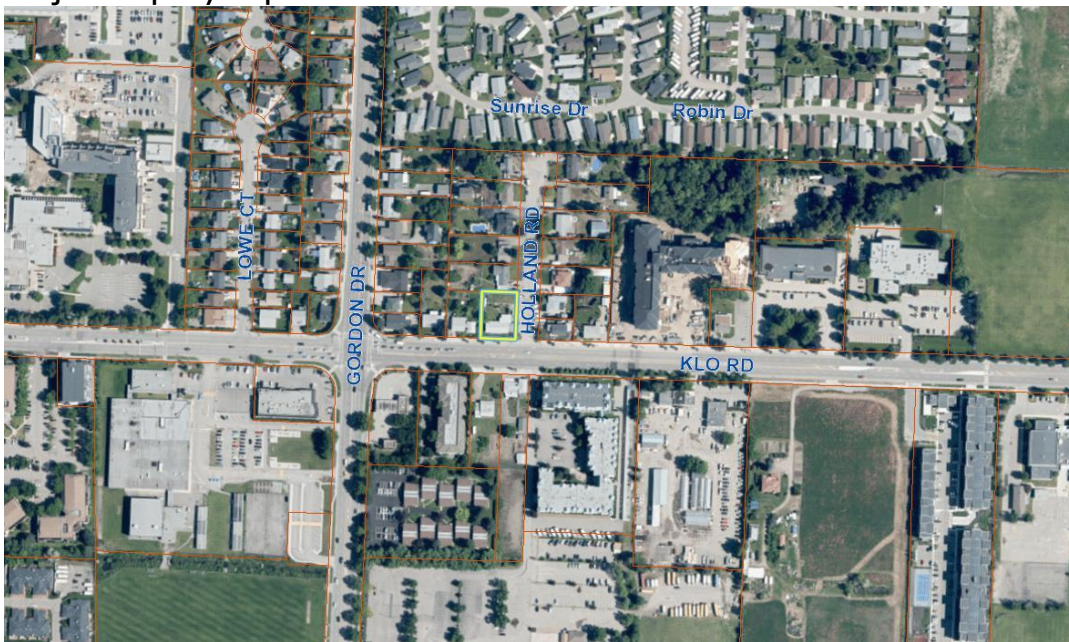
4.2 Site Context

The property is located in the South Pandosy OCP Sector and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily a mix of RU1 – Large Lot Housing, RM1 – Four Dwelling Housing RM4– Medium Lot Housing and A1 – Agriculture 1.

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 | A1 – Agriculture 1 | Agriculture |
| West | RU1- Large Lot Housing | Single Family Dwelling |

Subject Property Map:



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 Attached Development Engineering Memorandum dated March 14, 2021

7.0 **Application Chronology**

Date of Application Received: April 6, 2021

Date Public Consultation Completed: May 3, 2021

Report prepared by: Graham Allison, Planner 1

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

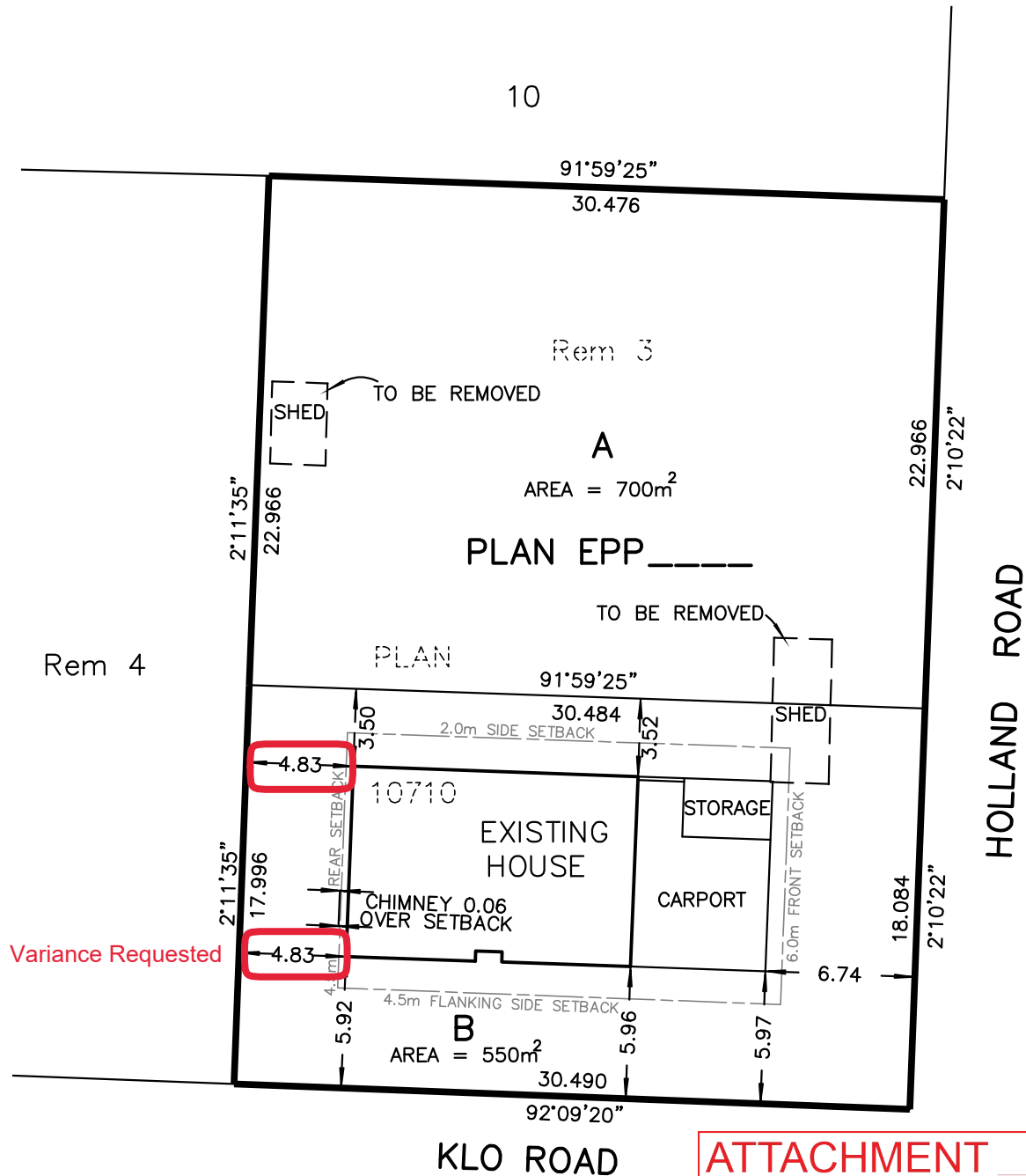
Attachment A: Conceptual Drawing Package

Attachment B: Applicant's Rationale

PROPOSED SUBDIVISION PLAN OF LOT 3 DISTRICT LOT 131 ODYD PLAN 10710 EXCEPT PLAN H16127

PID: 009-538-151

3090 HOLLAND ROAD,
KELOWNA



ATTACHMENT A

This forms part of application

Z21-0044

Planner
Initials

GA

City of
Kelowna
DEVELOPMENT PLANNING



CLIENT: ROLAN FACETTE

DATE: OCTOBER 1, 2020

SCALE: 1:300 METRES

FILE: 22185-rev1

DRAWN BY: FL

Ferguson Land Surveying & Geomatics Ltd.

BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC
PHONE: (250) 763-3115 FAX: (250) 763-0321

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SUBDIVISION PLAN OF LOT 3 DISTRICT LOT 131
ODYD PLAN 10710 EXCEPT PLAN H16127

PLAN EPP106713

BCGS 82E.083

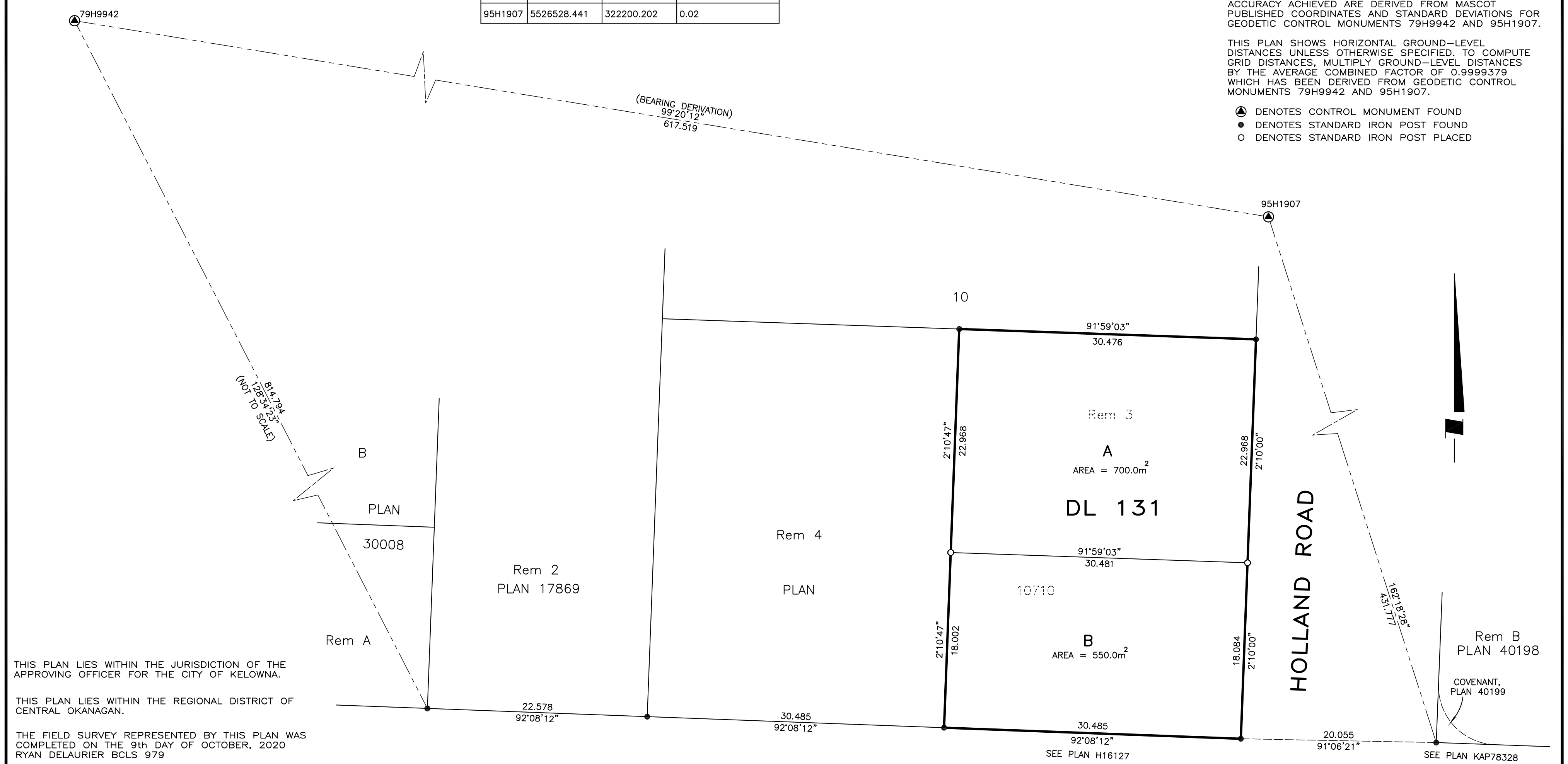


THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:300

TABLE OF GEODETIC CONTROL MONUMENTS

| NAD83(CSRS) 4.0.0.BC.1 UTM ZONE 11 COORDINATES | | | |
|--|-------------|------------|-----------------------------|
| GCM | NORTHING | EASTING | ESTIMATED ABSOLUTE ACCURACY |
| 79H9942 | 5526628.617 | 321590.901 | 0.02 |
| 95H1907 | 5526528.441 | 322200.202 | 0.02 |

- LEGEND
- INTEGRATED SURVEY AREA NO. 4, CITY OF KELOWNA, NAD83 (CSRS) 4.0.0.BC.1
- GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 79H9942 AND 95H1907 AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11.
- THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED FROM MASCOT PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL MONUMENTS 79H9942 AND 95H1907.
- THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9999379 WHICH HAS BEEN DERIVED FROM GEODETIC CONTROL MONUMENTS 79H9942 AND 95H1907.
- DENOTES CONTROL MONUMENT FOUND
 - DENOTES STANDARD IRON POST FOUND
 - DENOTES STANDARD IRON POST PLACED



THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF KELOWNA.

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 9th DAY OF OCTOBER, 2020
RYAN DELAURIER BCLS 979

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



April 6, 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 with an Additional Variance at 3090 Holland Road

Dear Planning Staff,

The purpose of this application is to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing with an additional Variance to the rear yard setback of the existing dwelling. In addition, there is a Subdivision PLR application currently in stream on the subject property for a 2-lot split (S20-0028). The intended result is to have two properties under the RU6 zone. Context photos are provided to show the current configuration of the property.

Rezoning

In the immediate neighbourhood, there are multiple properties which are zoned RU6, including the end of Holland Road and the entire block of Lowe Court and Bouvette Street. The subject property is located within the Permanent Growth Boundary on the KLO Transportation Corridor, which is defined as a “4 Lane Arterial” with a bicycle network and BC Transit bus route. In addition to transportation amenities, we believe the application is beneficial to the community for multiple reasons. Firstly, the application will allow for much needed infill upgrades on a street which has seen limited redevelopment since it was originally constructed. Once the associated subdivision is complete, the northern property will support two dwellings under the RU6 zone due to the lot width and area. On the property to the south, the existing dwelling will remain in place due to recent upgrades by the landowner, therefore it will remain as single-dwelling housing. With regards to amenities, the property is situated near Okanagan College, Kelowna Secondary School, KLO Middle School, Pandosy Urban Center, Munson Pond Park, etc. This property is an ideal location for students or growing families.

| | | |
|--------------------------------|----|---|
| ATTACHMENT | | B |
| This forms part of application | | |
| # Z21-0044 | | |
| Planner Initials | GA |  City of Kelowna DEVELOPMENT PLANNING |
| | | |

Development Variance

A Development Variance Permit application is necessary to address the rear yard of the existing dwelling. Once the property is subdivided, the rear yard (currently a side yard) will become non-conforming. A Variance is sought to legalize the rear yard at 4.82m. Since the southern property will remain as single-dwelling housing with no new construction, it is anticipated that the neighbourhood will not be affected by the Variance.

We believe this project creates positive infill in a growing area of Kelowna. For any questions regarding the application, please contact Urban Options Planning Corp. at 250.575.6707.

Regards,

Birte Decloux, RPP MCIP
Urban Options Planning Corp.



Z21-0044

3090 Holland Road

Rezoning Application



Proposal

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

Development Process

Apr. 6, 2021

Development Application Submitted



Staff Review & Circulation



May. 3, 2021

Public Notification Received



Oct. 25, 2021

Initial Consideration



Nov. 16, 2021

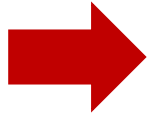
Public Hearing
Second & Third Readings



Final Reading

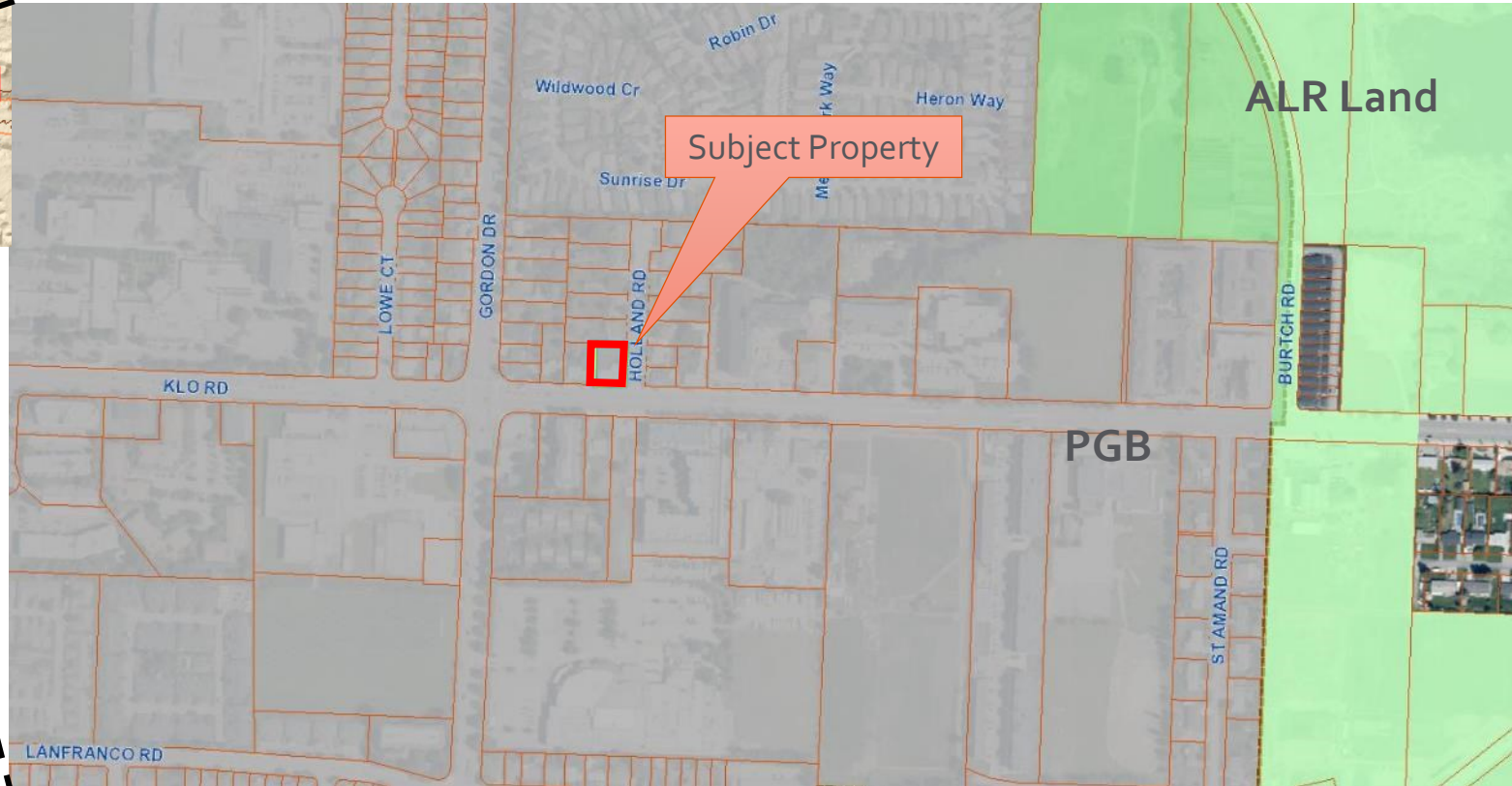
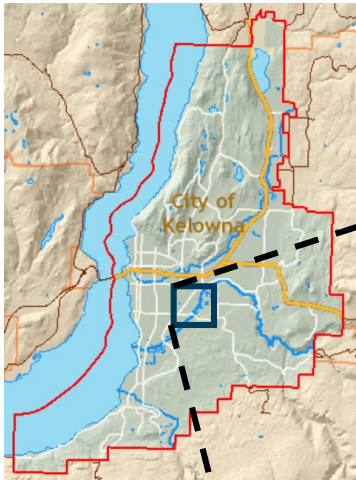


Subdivision

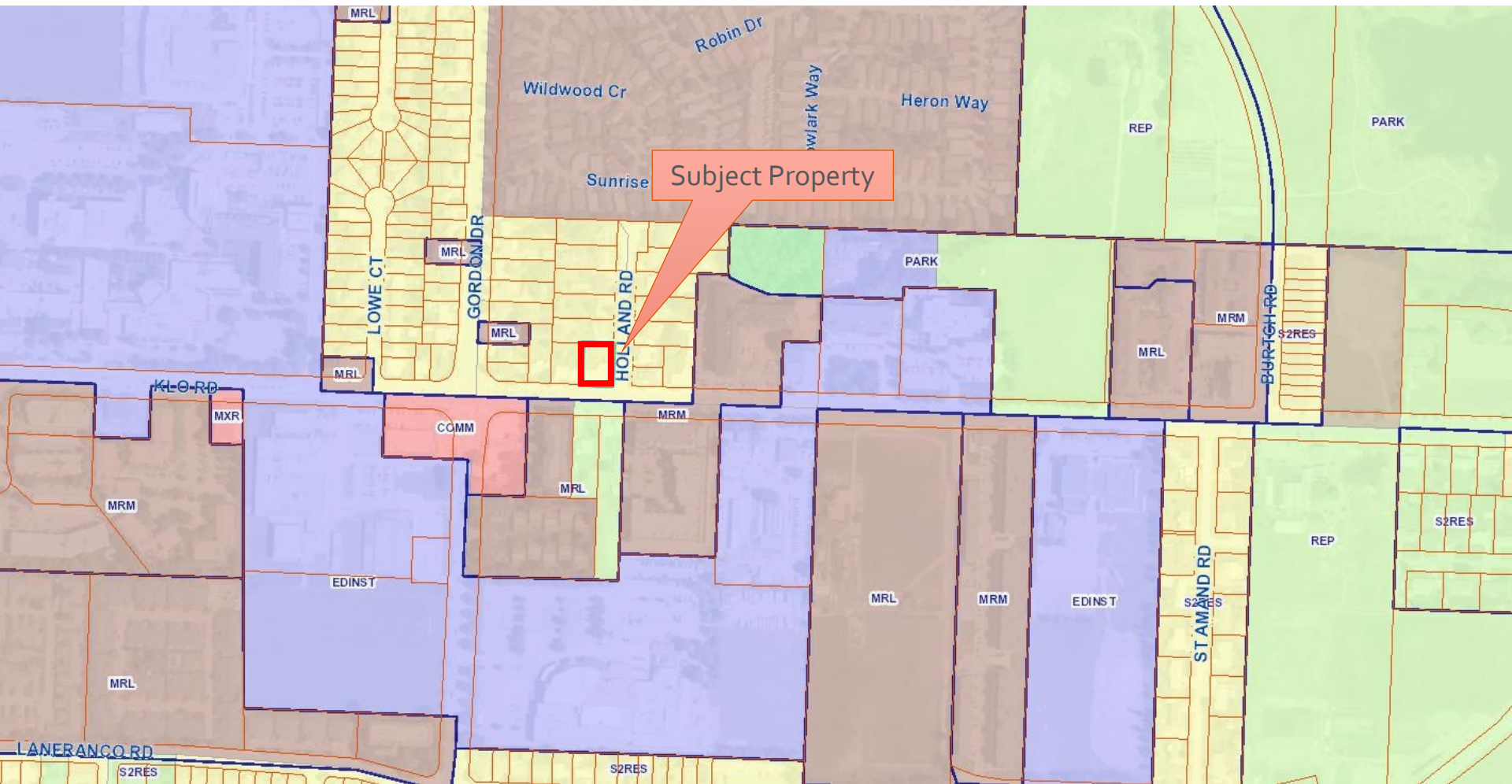


Council
Approvals

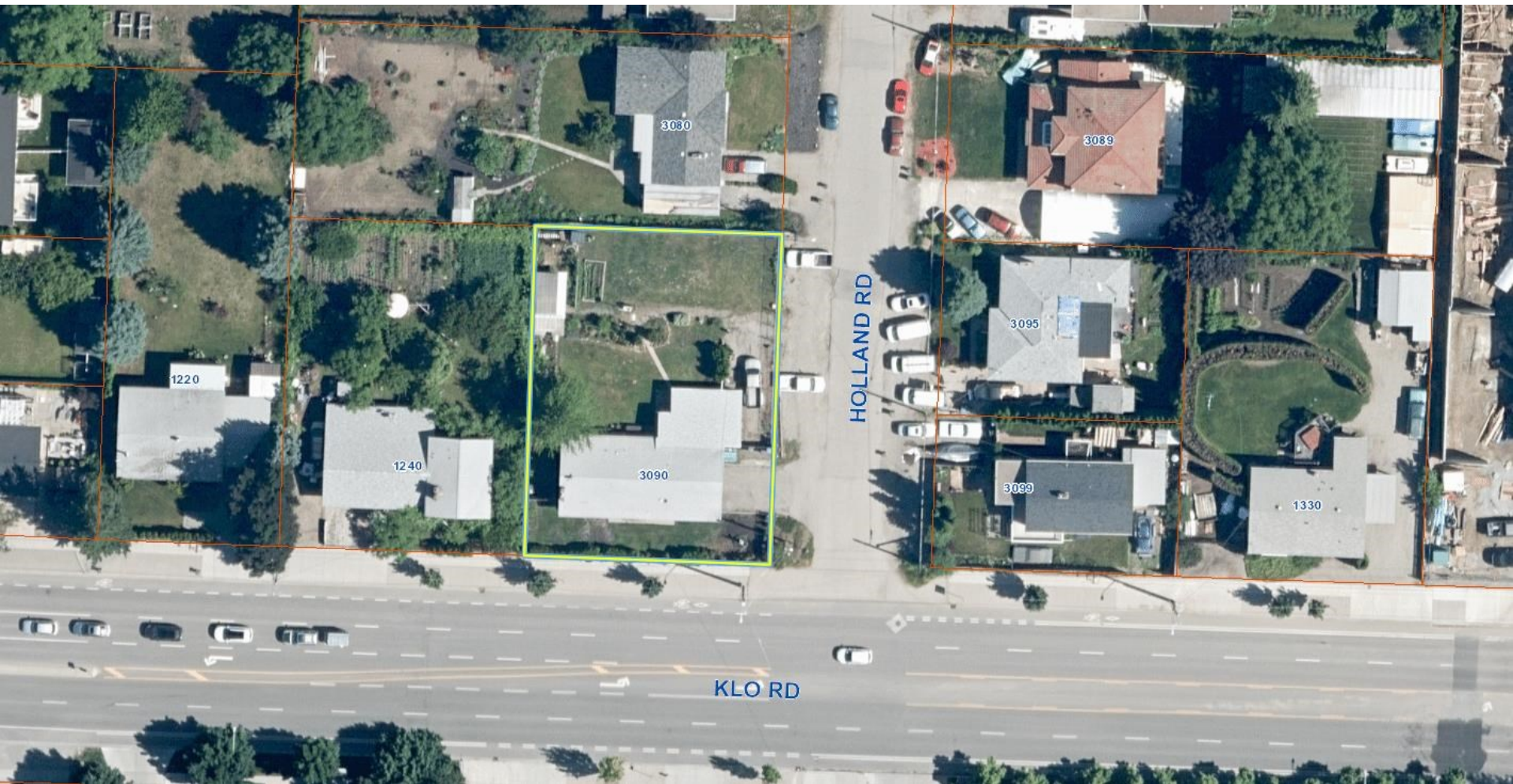
Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project 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.
- ▶ A variance will be required for the rear yard setback on Lot B due to the existing dwelling

PROPOSED SUBDIVISION PLAN OF LOT 3 DISTRICT LOT 131
 ODYD PLAN 10710 EXCEPT PLAN H16127

PID: 009-538-151 3090 HOLLAND ROAD, KELOWNA

10

91°59'25" 30.476

Rem 3

TO BE REMOVED

SLED

A

AREA = 700m²

PLAN EPP

TO BE REMOVED

Rem 4

PLAN

91°59'25" 30.484

2.0m SIDE SETBACK

3.50

4.83

10710

EXISTING HOUSE

CHIMNEY 0.06 OVER SETBACK

STORAGE

CARPORT

8.0m FRONT SETBACK

6.74

18.084

2°10'22"

HOLLAND ROAD

2°11'35" 22.966

2°11'35" 17.996

Variance Requested

4.83

5.92

4.5m FLANKING SIDE SETBACK

30.490

92°09'20"

B

AREA = 550m²

KLO ROAD

CLIENT: ROLAN FACETTE DATE: OCTOBER 1, 2020

SCALE: 1:300 METRES FILE: 22185-rev1 DRAWN BY: FL

Ferguson Land Surveying & Geomatics Ltd.

BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC

PHONE: (250) 763-3115 FAX: (250) 763-0321

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Development Policy

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

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to the RU6 – Two Dwelling Housing:
 - ▶ Consistent with the surrounding neighbourhood uses
 - ▶ Future Land Use designation of S2RES supports the RU6 zone



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12296

Z21-0044

3090 Holland 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 3 District Lot 131, ODYD, Plan 10710 Except Plan H16127 located on Holland 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: November 1st, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0082

Owner: Bruce Trevor Benedict & Ruth Marie Benedict

Address: 444 Sarsons Rd

Applicant: Les Bellamy – Bellamy Homes Inc.

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0082 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 19 District Lot 167 ODYD Plan 8049, located at 444 Sarsons Road, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a 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 RU2 – Medium Lot 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 RU2 – Medium Lot Housing to facilitate a 2-lot subdivision. The subject property has the 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 RU2 zone.

4.0 Proposal

4.1 Project Description

The proposed rezoning application from RU1 – Large Lot Housing to RU2 – Medium Lot Housing is to facilitate a 2-lot subdivision. The existing dwelling will be removed, and both homes are proposed to meet all the requirements of the new zone, so no variances are anticipated.

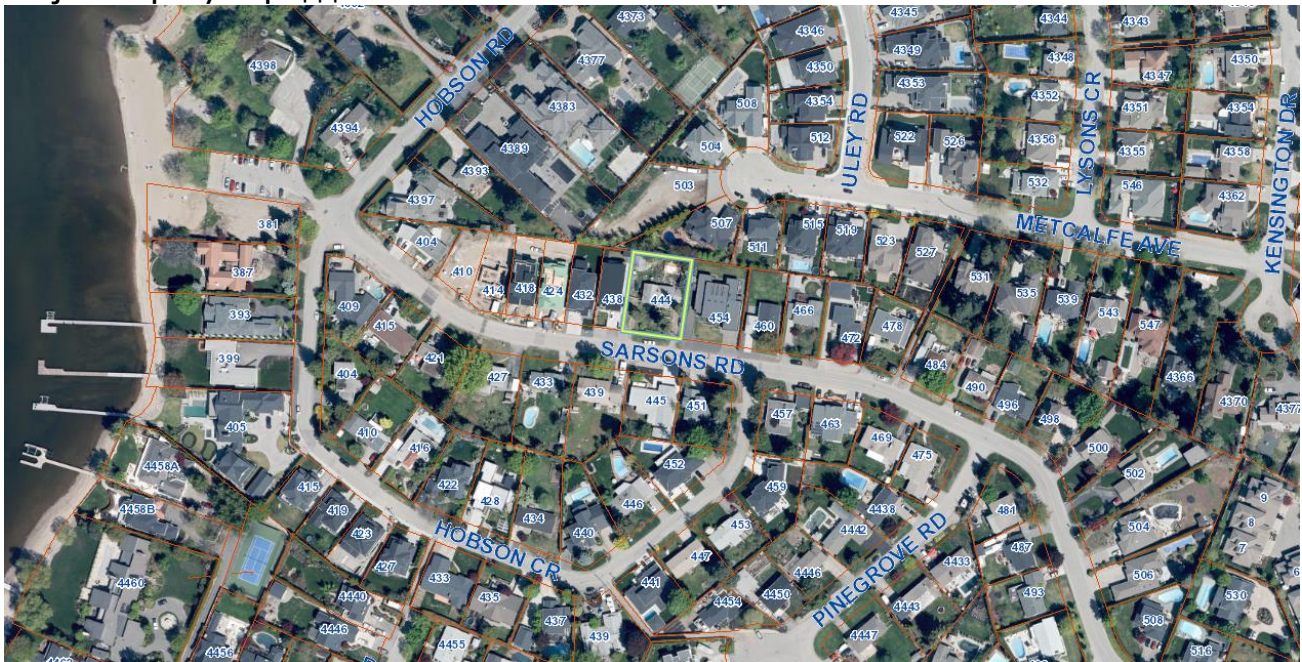
4.2 Site Context

The property is 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 and RU2 – Medium Lot 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 / RU2 – Medium Lot Housing | Single-Family Dwelling(s) |
| West | RU2 – Medium Lot Housing | Single-Family Dwelling |

Subject Property Map: 444 Sarsons Road



4.3 Current Development Policies

4.4 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.

5.0 Technical Comments

5.1 Development Engineering Department

5.1.1 Development Engineering Department Memo attached dated November 1st, 2021

6.0 Application Chronology

Date of Application Accepted: August 18th, 2021

Date Public Consultation Completed: September 9th, 2021

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Conceptual Drawing Package



1

NEIGHBORHOOD LOCATION

SCALE: 1/32" = 1'-0"

NOTES:

- DO NOT SCALE DRAWINGS.
- VERIFY ALL DIMENSIONS.
- REPORT ERRORS OR DISCREPANCIES TO DESIGNER.
- ALL WORK TO CONFORM TO THE APPLICABLE BUILDING CODE.
- THESE DRAWINGS ARE PUBLISHED BY BELLAMY HOME DESIGN. ALL RIGHTS RESERVED INCLUDING RIGHTS OF REPRODUCTION.

| ISSUED | DATE |
|------------------|------|
| PERMIT | - |
| TENDER | - |
| FOR CONSTRUCTION | - |
| REVISION | - |

PROJECT:

444 SARSONS SUBDIVISION

ADDRESS:

CIVIC: 444 SARSONS RD, KELOWNA
LOT: 19
PLAN: 8049

DRAWING TITLE: NEIGHBORHOOD LOCATION

| | |
|-----------|----------|
| SCALE: | AS NOTED |
| DRAWN BY: | L.B. |

SHEET NO.:

C1-01

ATTACHMENT A

This forms part of application
Z21-0082

Planner
Initials

TC

City of
Kelowna
DEVELOPMENT PLANNING



ATTACHMENT
A

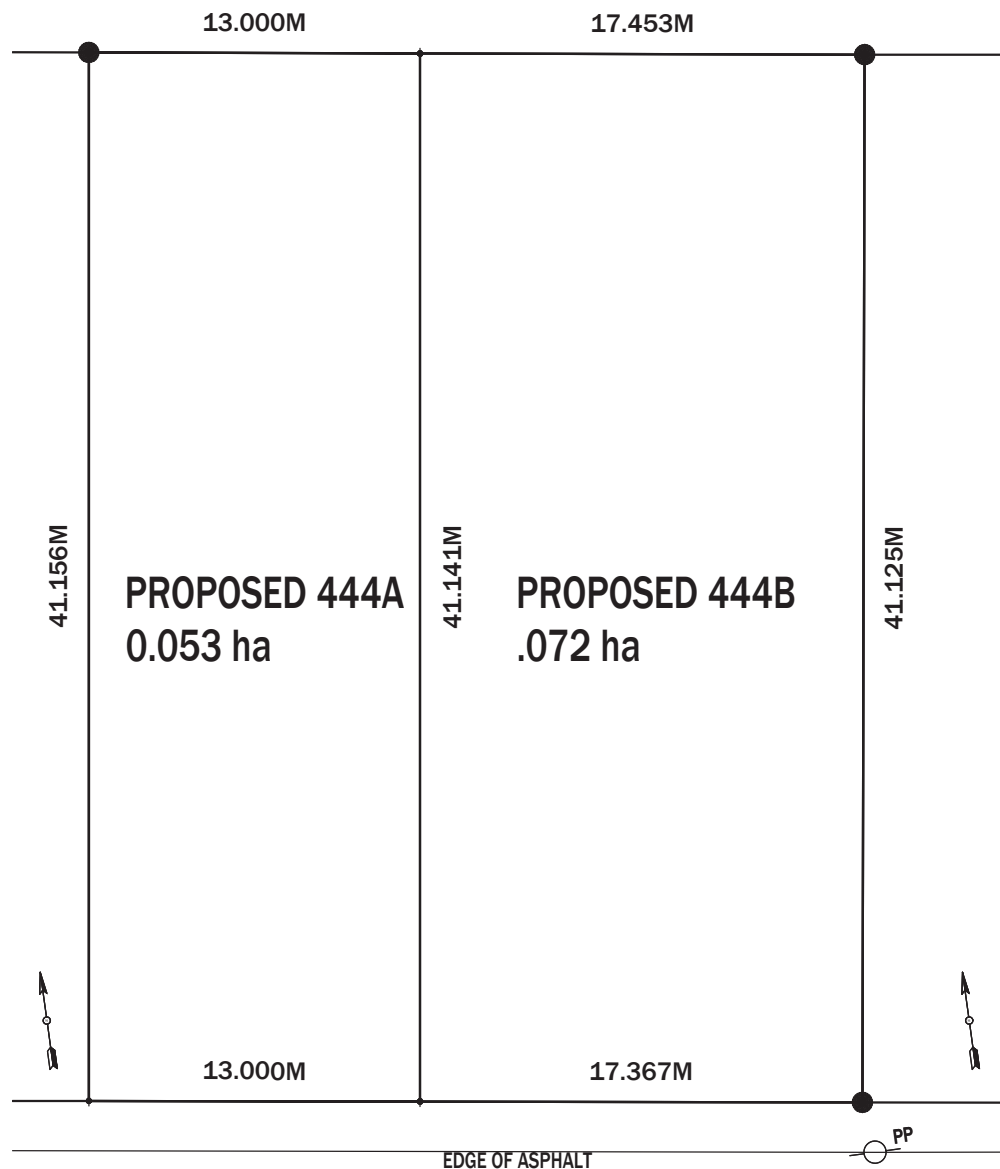
This forms part of application
Z21-0082

Planner Initials

TC



City of
Kelowna
DEVELOPMENT PLANNING



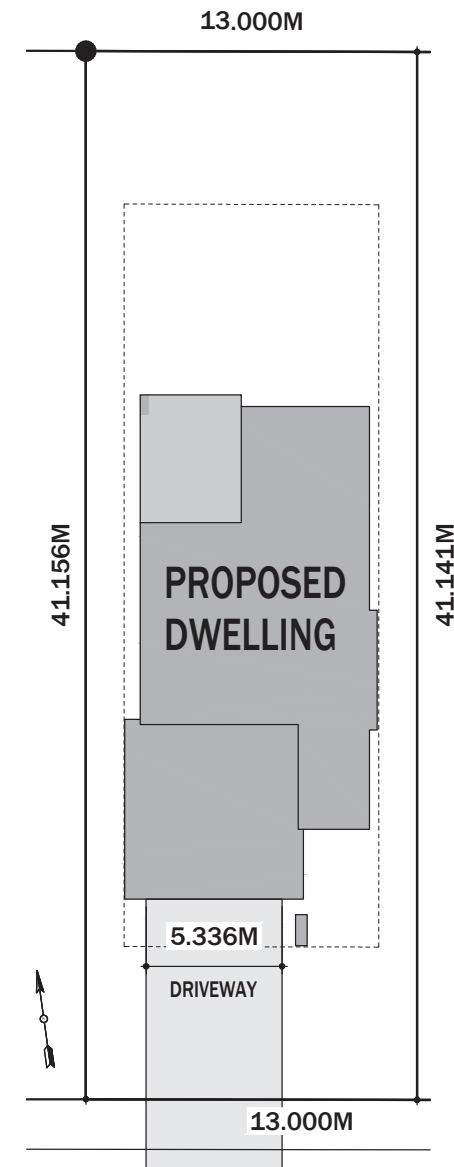
1

PROPOSED LOT SUBDIVISION
SCALE: 1/16" = 1'-0"

| | |
|---|------|
| NOTES: | |
| - DO NOT SCALE DRAWINGS. - VERIFY ALL DIMENSIONS. - REPORT ERRORS OR DISCREPANCIES TO DESIGNER. - ALL WORK TO CONFORM TO THE APPLICABLE BUILDING CODE. - THESE DRAWINGS ARE PUBLISHED BY BELLAMY HOME DESIGN. ALL RIGHTS RESERVED INCLUDING RIGHTS OF REPRODUCTION. | |
| ISSUED | DATE |
| PERMIT | - |
| TENDER | - |
| FOR CONSTRUCTION | - |
| REVISION | - |
| PROJECT: | |
| 444 SARSONS SUBDIVISION | |
| ADDRESS: | |
| CIVIC: 444 SARSONS RD, KELOWNA LOT: 19 PLAN: 8049 | |
| DRAWING TITLE: | |
| SITE PLAN | |
| SCALE: AS NOTED | |
| DRAWN BY: L.B. | |
| SHEET NO.: | |
| C1-02 | |

PROJECT SUMMARY

| | | |
|------------------------------------|------------------------|---|
| LEGAL DESCRIPTION | | |
| CIVIC ADDRESS | | |
| 444A SARSONS RD, KELOWNA | | |
| | PROPOSED | PERMITTED |
| ZONING | RU2 | RU2 |
| STEP CODE | 3 | 3 |
| SETBACKS | | |
| FRONT YARD | 6.0M / 4.5M | 4.5 m except it is 6.0 m to a garage door |
| RIGHT SIDE YARD | 1.5M / 1.8M | 1.5M / 1.8M |
| LEFT SIDE YARD | 1.5M / 1.8M | 1.5M / 1.8M |
| REAR YARD | 6.0M / 7.5M | 6.0M / 7.5M |
| MASSING & COVERAGE | | |
| BUILDING HEIGHT | 9.5M | 9.5M |
| STOREYS | 2 | 2 |
| BUILDING FOOTPRINT | 174.35M ² | |
| SITE COVERAGE | 33% | 40% |
| SITE COVERAGE c/w DRIVEWAY | 40% | 50% |
| PARKING SPACES | 2 | 2 PER UNIT REQUIRED |
| HABITAT FINISHED AREA | | |
| LOWER LEVEL | 965 Ft ² ** | ** Future Development |
| MAIN LEVEL | 1150 Ft ² | |
| SECOND LEVEL | 1400 Ft ² | |
| TOTAL FINISHED HABITAT AREA | | 2550 Ft ² |
| HABITAT UNFINISHED AREA | | 960 Ft ² |
| GARAGE | | |
| PATIO | 533 Ft ² | |
| RAISED DECK | 209 Ft ² | |
| ENTRY | 419 Ft ² | |
| | 38 Ft ² | |



1

444A SITE PLAN

SCALE: 1/16" = 1'-0"

ATTACHMENT A

This forms part of application
Z21-0082

Planner
Initials TC

City of
Kelowna
DEVELOPMENT PLANNING

NOTES:

- DO NOT SCALE DRAWINGS.
- VERIFY ALL DIMENSIONS.
- REPORT ERRORS OR DISCREPANCIES TO DESIGNER.
- ALL WORK TO CONFORM TO THE APPLICABLE BUILDING CODE.
- THESE DRAWINGS ARE PUBLISHED BY BELLAMY HOME DESIGN. ALL RIGHTS RESERVED INCLUDING RIGHTS OF REPRODUCTION.

ISSUED DATE

PERMIT -

TENDER -

FOR CONSTRUCTION -

REVISION -

PROJECT:

**444 SARSONS
SUBDIVISION**

ADDRESS:

CIVIC: 444 SARSONS RD, KEL

LOT: 19

PLAN: 8049

DRAWING TITLE:

444A SITE PLAN

SCALE: AS NOTED

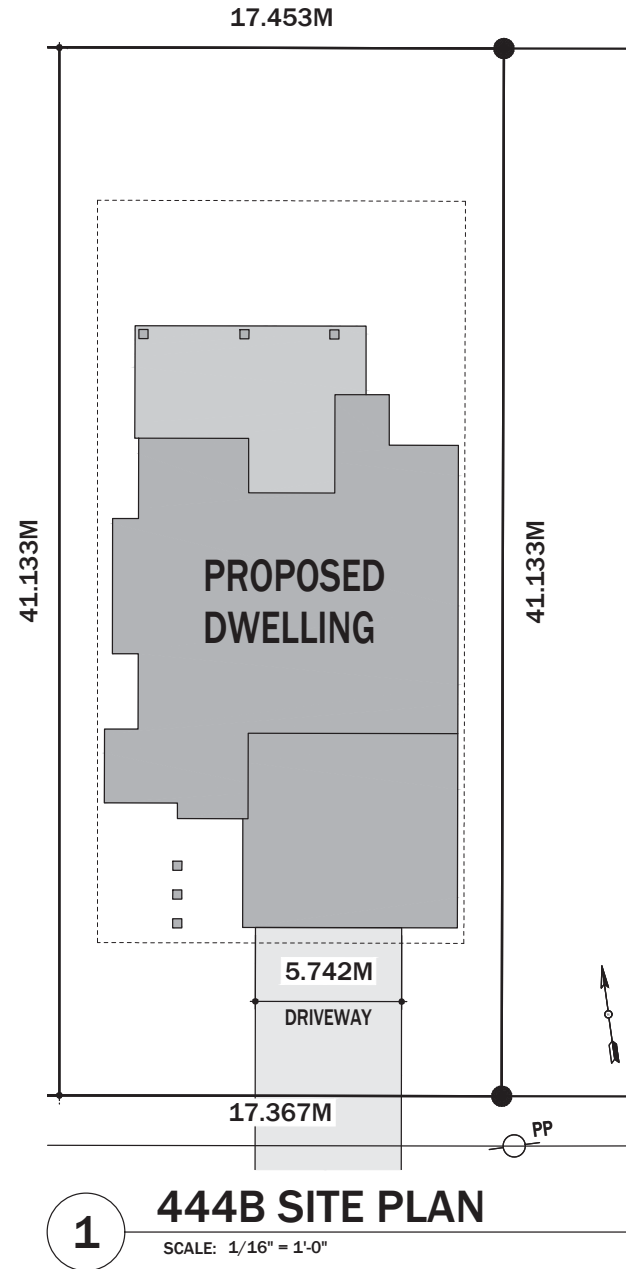
DRAWN BY: L.B.

SHEET NO.:

C1-03

PROJECT SUMMARY

| | | |
|------------------------------------|----------------------|---|
| LEGAL DESCRIPTION | | |
| CIVIC ADDRESS | | |
| 444B SARSON RD, KELOWNA | | |
| | PROPOSED | PERMITTED |
| ZONING | RU2 | RU1 |
| STEP CODE | 3 | 3 |
| SETBACKS | | |
| FRONT YARD | 6.0M / 4.5M | 4.5 m except it is 6.0 m to a garage door |
| RIGHT SIDE YARD | 1.5M / 1.8M | 2.0M - (2.3M 2 STORY) |
| LEFT SIDE YARD | 1.5M / 1.8M | 2.0M - (2.3M 2 STORY) |
| REAR YARD | 6.0M / 7.5M | 7.5M |
| MASSING & COVERAGE | | |
| BUILDING HEIGHT | 9.5M | 9.5M |
| STOREYS | 2 | 2 |
| BUILDING FOOTPRINT | 174.35M ² | |
| SITE COVERAGE | 33% | 40% |
| SITE COVERAGE c/w DRIVEWAY | 40% | 50% |
| PARKING SPACES | 2 | 2 PER UNIT REQUIRED |
| HABITAL FINISHED AREA | | |
| LOWER LEVEL | 1553 Ft ² | |
| MAIN LEVEL | 1716 Ft ² | |
| SECOND LEVEL | 893 Ft ² | |
| TOTAL FINISHED HABITAL AREA | | 4162 Ft ² |
| HABITAL UNFINISHED AREA | | 163 Ft ² |
| GARAGE | | |
| PATIO | 684 Ft ² | |
| RAISED DECK | 482 Ft ² | |
| ENTRY | 303 Ft ² | |
| | 40 Ft ² | |



NOTES:

- DO NOT SCALE DRAWINGS.
- VERIFY ALL DIMENSIONS.
- REPORT ERRORS OR DISCREPANCIES TO DESIGNER.
- ALL WORK TO CONFORM TO THE APPLICABLE BUILDING CODE.
- THESE DRAWINGS ARE PUBLISHED BY BELLAMY HOME DESIGN. ALL RIGHTS RESERVED INCLUDING RIGHTS OF REPRODUCTION.

ISSUED DATE

PERMIT -

TENDER -

FOR CONSTRUCTION -

REVISION -

PROJECT:

**444 SARSONS
SUBDIVISION**

ADDRESS:

CIVIC: 444 SARSONS RD, KEL

LOT: 19

PLAN: 8049

DRAWING TITLE:

444B SITE PLAN

SCALE: AS NOTED

DRAWN BY: L.B.

SHEET NO.:

C1-04

ATTACHMENT

A

This forms part of application
Z21-0082

Planner
Initials TC





ATTACHMENT A

This forms part of application
Z21-0082

Planner
Initials TC

City of
Kelowna
DEVELOPMENT PLANNING

Proposed 444 A Sarsons



Proposed 444 B Sarsons



Proposed 444 A, 444 B Sarsons Rd., Kelowna, BC



Z21-0082

444 Sarsons Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing, to facilitate a 2-lot subdivision, and to waive the Public Hearing.

Development Process

Aug 18th, 2021

Development Application Submitted



Staff Review & Circulation



Sept 9th, 2021

Public Notification Received



Nov 1st, 2021

Initial Consideration



Public Hearing
Second & Third Readings



Final Reading
DP & Variances



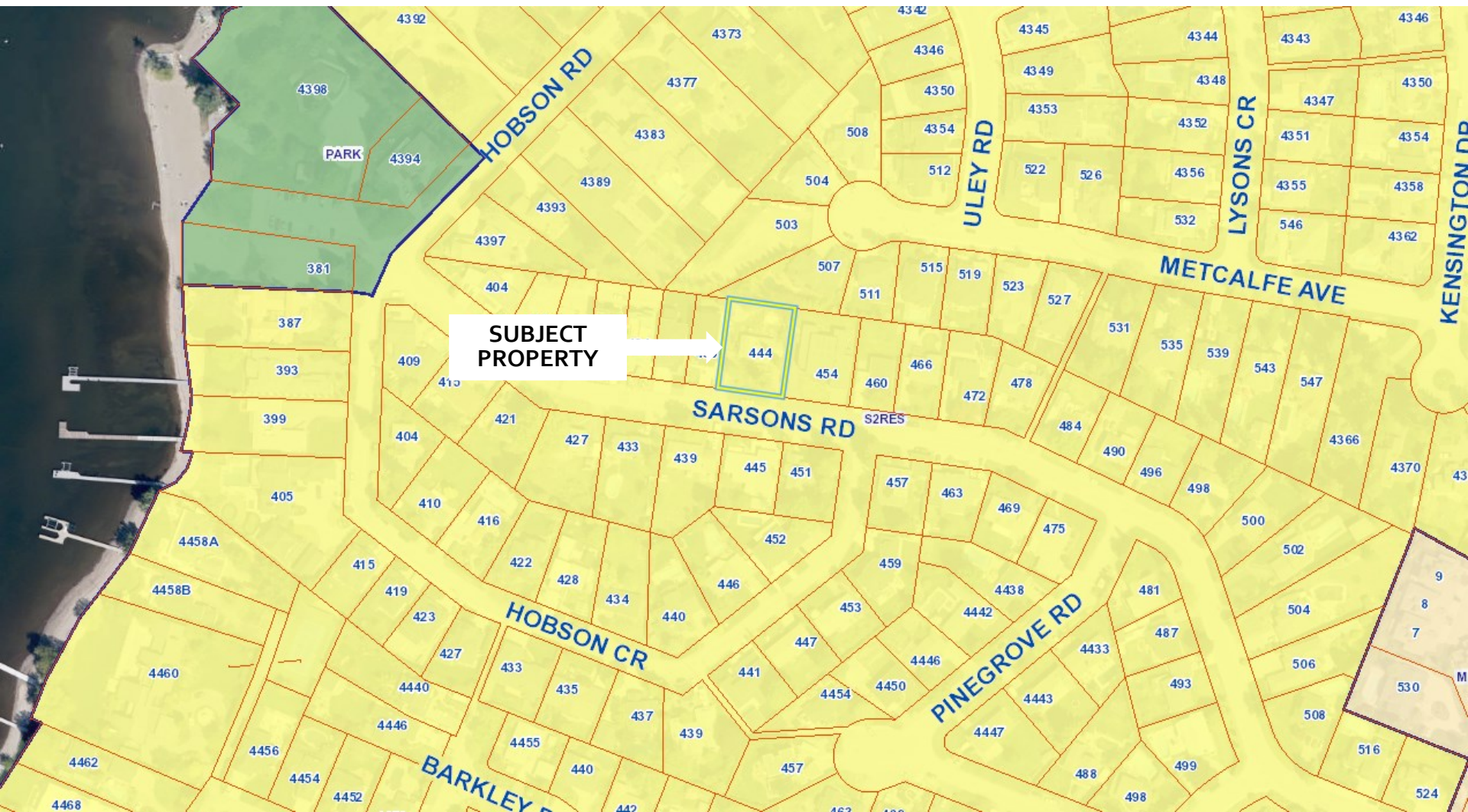
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



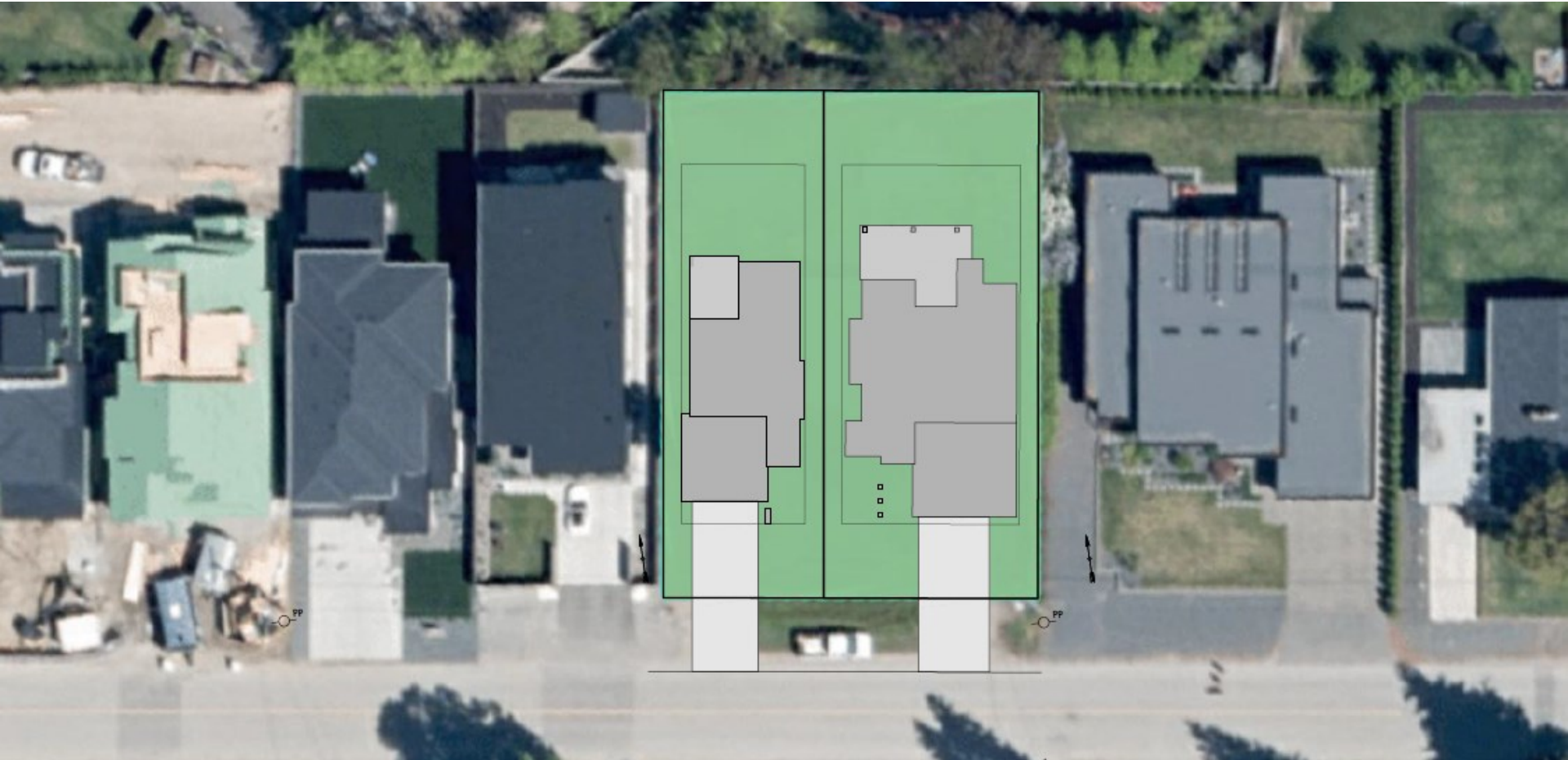
Subject Property Map



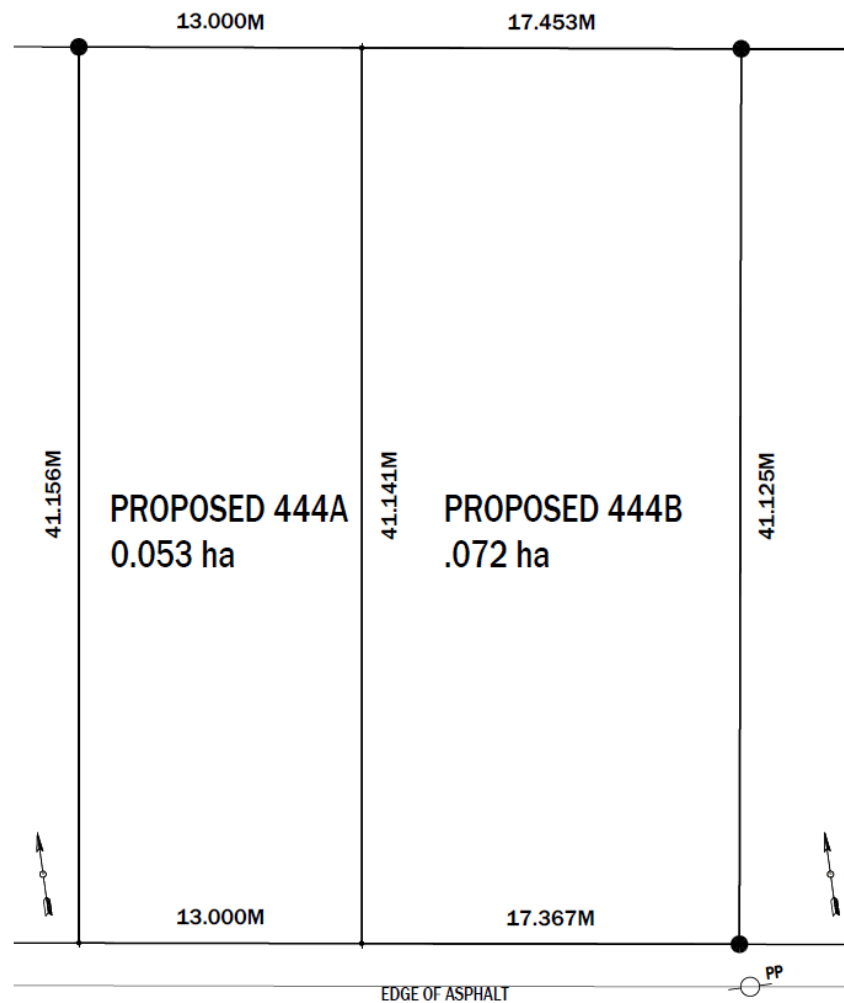
Project details

- ▶ The property is 1,255m² in size.
- ▶ The proposal is to facilitate a 2-lot subdivision, which will meet the minimum size, width and depth of the RU2 zone.
- ▶ Existing dwelling to be removed.
- ▶ The proposed two lots are proposed to meet all Zoning Bylaw Regulations.

Site Plan



Site Plan



Rendering



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. 12297

Z21-0082

444 Sarsons 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 19 District Lot 167, ODYD, Plan 8049 located on Sarsons Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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: November 1, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0034

Owner: 1288537 B.C. LTD., Inc. No.
BC1288537

Address: 602 Wardlaw Ave

Applicant: LIME Architecture Inc.

Subject: Rezoning Application

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

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM3r – Low Density Multiple Housing (Residential Rental Tenure Only)

1.0 Recommendation

THAT Rezoning Application No. Z21-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24 District Lot 14 ODYD Plan 3249, located at 602 Wardlaw Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) 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 November 1st, 2021;

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 RU6 – Two Dwelling Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of multiple dwelling housing, and to waive the public hearing.

3.0 Development Planning

Staff supports the rezoning of the subject property from the RU6 – Two Dwelling Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of a 3-storey 10-unit purpose built rental housing development. The application is consistent with the Official Community Plan (OCP) Future Land Use Designation of MRL – Multiple Unit Residential (Low Density). It meets all the Zoning Bylaw regulations for the RM3 – Low Density Multiple Residential zone with no variances required.

The subject property is located on the other side of the street of the Pandosy Urban Centre on Wardlaw Ave between Pandosy St and Richter St. Given the walking distance to the heart of the Pandosy Urban Centre most errands can be accomplished by foot. The subject property is two blocks East of Kinsmen Park and the Abbott Street Active Transportation Corridor. Additional density in this area has been supported because the local amenities including nearby parks, Okanagan Lake, transit, restaurants and shopping opportunities in the area.

4.0 Proposal

4.1 Project Description

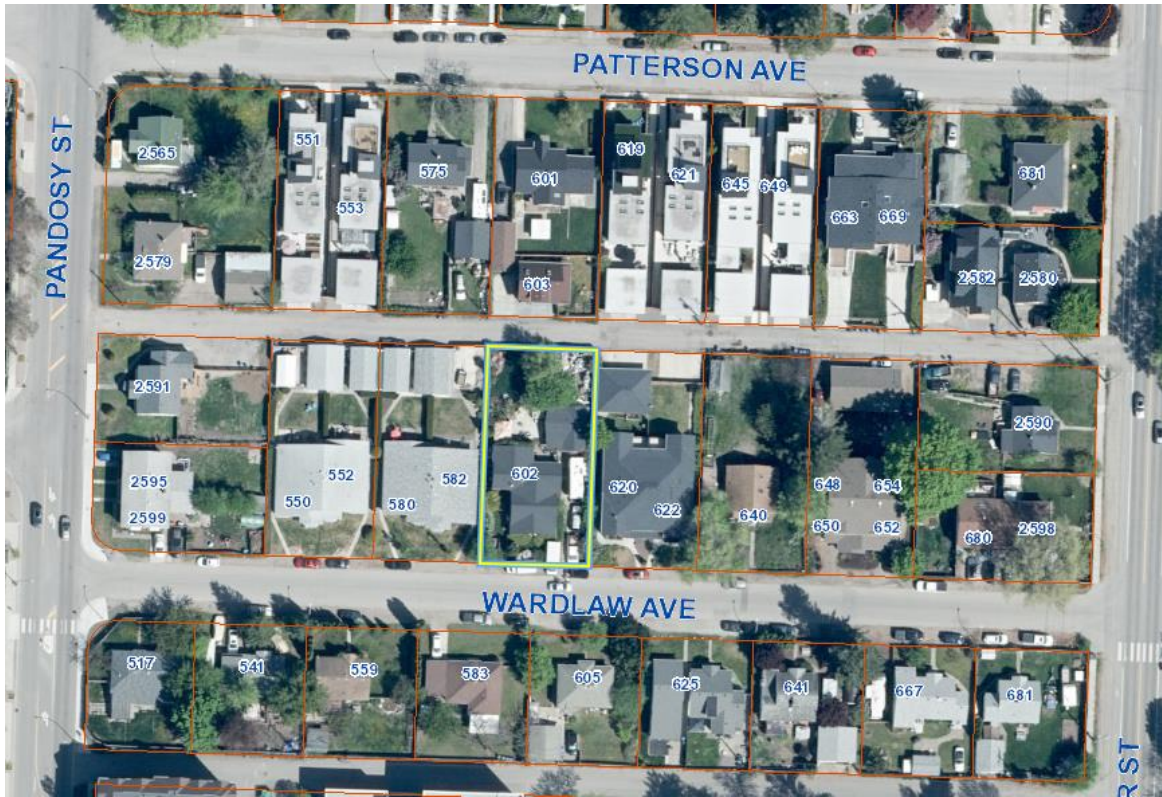
The proposed development consists of a three-storey 10-unit purpose-built rental project. Two floors of residential sit upon the main floor structured parkade with a single street orientated unit. All Zoning Bylaw regulations have been met including parking requirements. The site provides 20 long term parking stalls and 6 short term parking stalls. The development was able to benefit from a parking reduction through the provision of bonus longterm bicycle parking spaces.

4.2 Site Context

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|-----------------------------|----------------------------------|
| North | RU6- Two Dwelling Housing | Single Family with Carriage Home |
| East | RM1 – Four Dwelling Housing | Multi-Family Building |
| South | RU6- Two Dwelling Housing | Single Family Home |
| West | RU6- Two Dwelling Housing | Two Dwelling Housing |

Subject Property Map: 602 Wardlaw Ave



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: April 19, 2021

Date Public Consultation Completed: July 20, 2021

Report prepared by: Jason Issler, Planner I

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Applicant's Project Rationale

Attachment B: Conceptual Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: April 29, 2021
File No.: Z21-0034
To: Planning and Development Officer (AT)
From: Development Engineering Manager (JK)
Subject: 602 Wardlaw Ave.

| | |
|--|----|
| SCHEDULE A | |
| This forms part of application # Z21-0034 | |
| Planner Initials | JL |
|  City of Kelowna DEVELOPMENT PLANNING | |

RU6 to RM3r

The Development Engineering Branch has the following comments and requirements associated with this application To rezone the property from the RU6 – Two Dwelling Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the construction of a 10 unit purpose-built rental apartment. 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. Road Improvements

- a) Wardlaw Ave. must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, irrigated landscaped boulevard, streetlights, drainage system including catch basins, 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 modified SS-R4. Cash-in-lieu instead of immediate construction is required, and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$38,573.48** not including utility service cost.
- b) Development Engineering fee to be **\$1,304.17** (\$1,242.07 + \$62.10 GST)
- c) The lane must be upgraded to a SS-R2 standard. The cash-in-lieu amount in 5.a includes the laneway future upgrades.
- d) All access must be from the lane only as per bylaw 7900.

3. **Domestic Water and Fire Protection**


- a) This property is currently serviced with 13mm-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. Service upgrades can be provided by the City at the applicant's cost (if required). The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Aaron Sangster, by email asangster@kelowna.ca.
- 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.

4. **Sanitary Sewer**

- a) This property is currently serviced with 100mm-diameter sanitary sewer service. Service upgrades can be provided by the City at the applicant's cost (if required). The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Aaron Sangster, by email asangster@kelowna.ca

5. **Storm Drainage**

- a) The property is located within the City of Kelowna drainage service area. 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.
- b) Provide the following drawings:
 - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii. A detailed Stormwater Management Plan for this subdivision; and,
 - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c) On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*.
- d) As per Bylaw 7900, Schedule 4, Section 3.1.3 *Climate Change*, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- e) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- f) Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.

| | | |
|--------------------------------|----|--|
| SCHEDULE | | A |
| This forms part of application | | |
| # Z21-0034 | | |
| Planner Initials | Jl |  City of Kelowna <small>DEVELOPMENT PLANNING</small> |
| | | |

- g) Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

6. 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.
- b) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).
- c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. Road Dedication and Subdivision Requirements


- a) A dedication of 1.37m on Rose Ave. is required to achieve a 15.0m ROW. At this time the City will require a road reserve in place of the dedication.

8. 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.

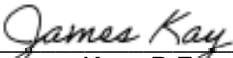
- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic 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.


| | | |
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| SCHEDULE | | A |
| This forms part of application | | |
| # Z21-0034 | | |
| Planner Initials | Jl |  City of Kelowna 183 DEVELOPMENT PLANNING |

- 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.

9. **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.


 James Kay, P.Eng.
 Development Engineering Manager
 AS

| | | |
|--------------------------------|----|--|
| SCHEDULE | | A |
| This forms part of application | | |
| # Z21-0034 | | |
| Planner Initials | JI |  City of Kelowna <small>DEVELOPMENT PLANNING</small> |



Transmittal Page 1 of 3

To: Planning Department
CC: Shaun Tourigny

City of Kelowna
Shaun@napanorth.ca

February 22, 2021

Re: Design Rationale for the Proposed Development of
602 Wardlaw Avenue, Kelowna, BC (The Site)

Dear City of Kelowna Planning Department,

Further to submitted information as it pertains to the DP associated with the proposed Development of 602 Wardlaw Avenue in Kelowna, we offer the following Design Rationale for the project:

Located east of the corner of Pandosy Street and Wardlaw Avenue, 602 Wardlaw Avenue is located on the northern border of Kelowna's South Pandosy neighbourhood. The project location is in close proximity to shopping, personal services, and restaurants allowing most errands from the location to be accomplished by foot and with a BikeScore of 97, the downtown core and surrounding community is easily accessible. Kelowna's South Pandosy area is ideally located for multi-family residential use as the area is experiencing tremendous population growth with low rental availability. Because of its associated high walk score and bike score, the reliance on automobile use is greatly reduced allowing the area to diversify while creating healthy community practices and reducing the residents carbon footprint. The proposed RM3r zone allows for higher density, purpose built rental buildings in a popular area with a historically low rental availability percentage. With the future land use being designated "Multiple Unit Residential – Low Density", the proposed development is in full alignment with the aim of the community now and for many years to come.

The building design includes an easily accessible entry level bachelor unit along the Wardlaw Avenue frontage. To ensure minimal impact to the surrounding homes, a ground level parking area is located at the rear of the property beneath the second level and hidden from view along Wardlaw Avenue with access being off the rear lane. The entry lobby for the remaining 9 residences (10 residences in total) located on the second and third levels is located on the south-east side of the property. The central location of the property influenced an overall design that includes the provision of additional bicycle parking. To ensure rental market diversity, the amount of parking stalls available on site has not been reduced but it is anticipated most residents will use bicycles or walking as means of transportation. The reduction in automobile reliance in conjunction with the higher density infill development of the property contribute to a more sustainable approach to the building design that aligns with the City of Kelowna's Healthy City Strategy and planning initiatives. The design concept for the building includes providing a mix of private outdoor space and a community amenity space on the third level that allows a variety of outdoor options for the occupants of the building.



Transmittal Page 2 of 3

The building form takes inspiration from the surrounding neighbourhood with more classic lines and assembled forms. With energy efficiency in mind, the amount of large, glazed openings has been reduced and, where possible, decks have been utilized to reduce the amount of solar gain during summer months while still allowing for transparent connection between indoor and outdoor spaces. With the use of a regular window and door pattern and a reduction in overall glazing area, the energy efficiency of the building is greatly increased. The human scale of the building at street level is inviting with a majority of the massing above the entry level stepped back from the property line (along Wardlaw Avenue) in order to reduce the impact of the building massing while maintaining a sense of privacy between neighbouring buildings.

The priority to densify precious, developable land within an existing urban centre while ensuring the neighbouring properties were respected resulted in a building that meets the 10m height requirement set out by the proposed RM3r zoning. Achieving 10 residences on the property while being sensitive to the neighbourhood was felt to be important from a location and sustainability standpoint. The result is an attractive infill project that provides needed residential rental units, addresses the human scale while being sensitively designed to reduce impact on neighbouring properties. Additionally, bicycle storage was regarded as an important aspect while ensuring the required parking stalls were still provided in a discrete location. The bicycle storage being easily accessible and secured is a testament to the priority that bicycle storage had in the design of this project. We believe that providing the additional bicycle storage aligns with the City's vision and our own when it comes to healthy, interactive urban living.

The proposed infill development requires no variances which is a testament to the effectiveness of the overall design to meet the zoning requirements for the RM3r zone.

In summary, the rationale for this project is as follows:

- i. Provide a thoughtful, sustainable infill housing solution to a property located near an existing urban centre of Kelowna.
- ii. Provide 10 purpose-built rental units that provide private outdoor amenity spaces for each unit while providing a community amenity space on the third level.
- iii. The proposed development meets the City of Kelowna Parking Bylaw requirements. Specifically, and in conjunction with the additional bicycle storage, the project provides a vehicle parking stall for all 10 residential units plus 1 visitor space and an accessible stall.
- iv. The proposed development results in a building design that is attractive in its design, is inviting and addresses the human scale at ground level and is sensitive to the neighbourhood at large by the way it has been designed and massed on the site.
- v. The proposed development provides the required short term and long-term bicycle storage and provides an additional 6 storage spaces.



Transmittal Page 3 of 3

This proposed development recognizes the City of Kelowna's strategic approach to overall residential growth including better use of precious developable land in accordance with the City's OCP/Future Land Use, Healthy City Strategy and planning initiatives.

We look forward to your supportive comments in response to this Re-zoning and Development Permit application.

Please do not hesitate to contact our office if you have any questions or require additional information in these matters.

Sincerely:

Matt Johnston Architect AIBC, LEED AP
LIME Architecture Inc.



Z21-0034 602 Wardlaw Ave

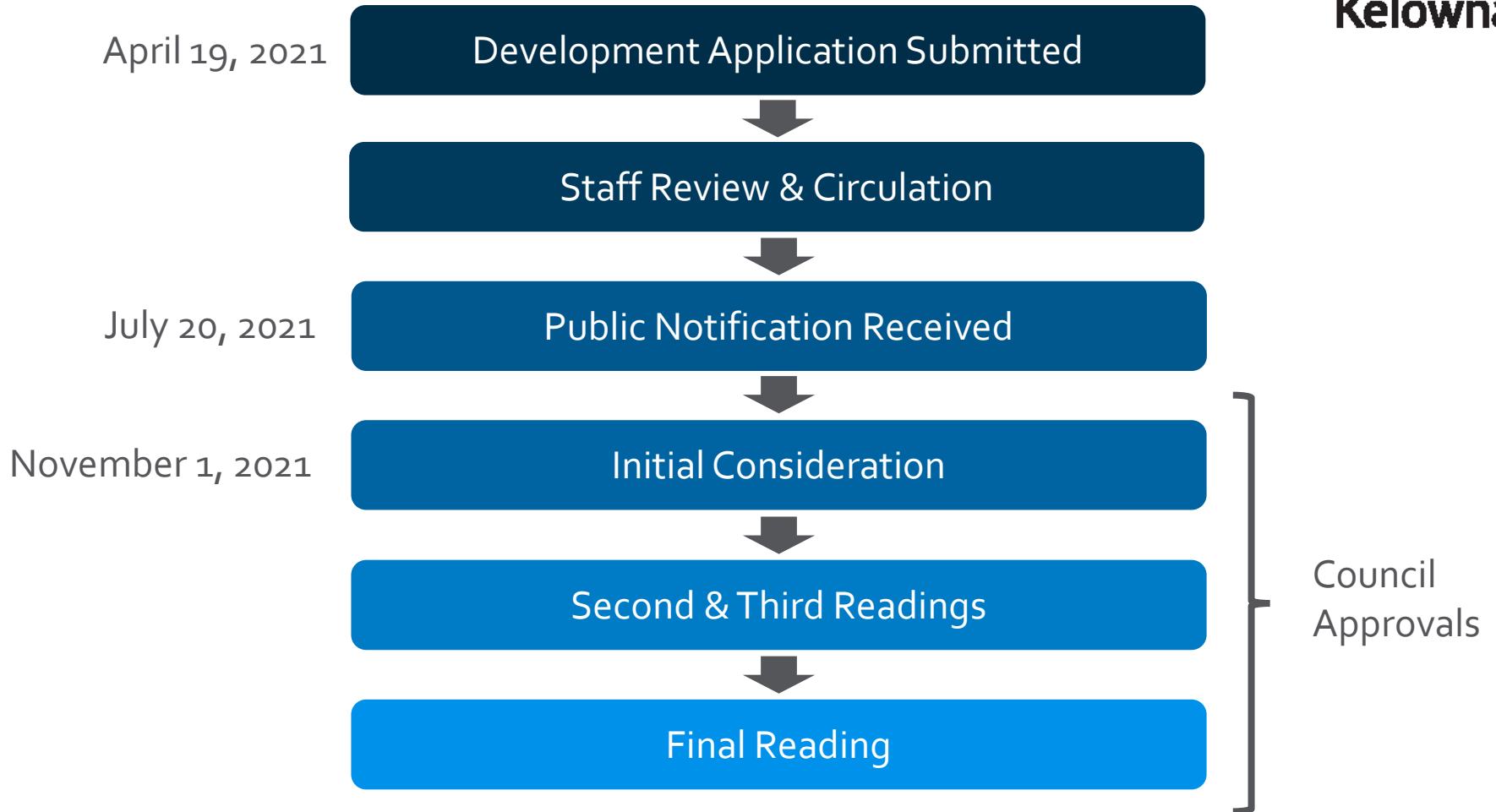
Rezoning Application



Proposal

- ▶ To consider an application to rezone the subject property from the RU6 –Two Dwelling Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of multiple dwelling housing.

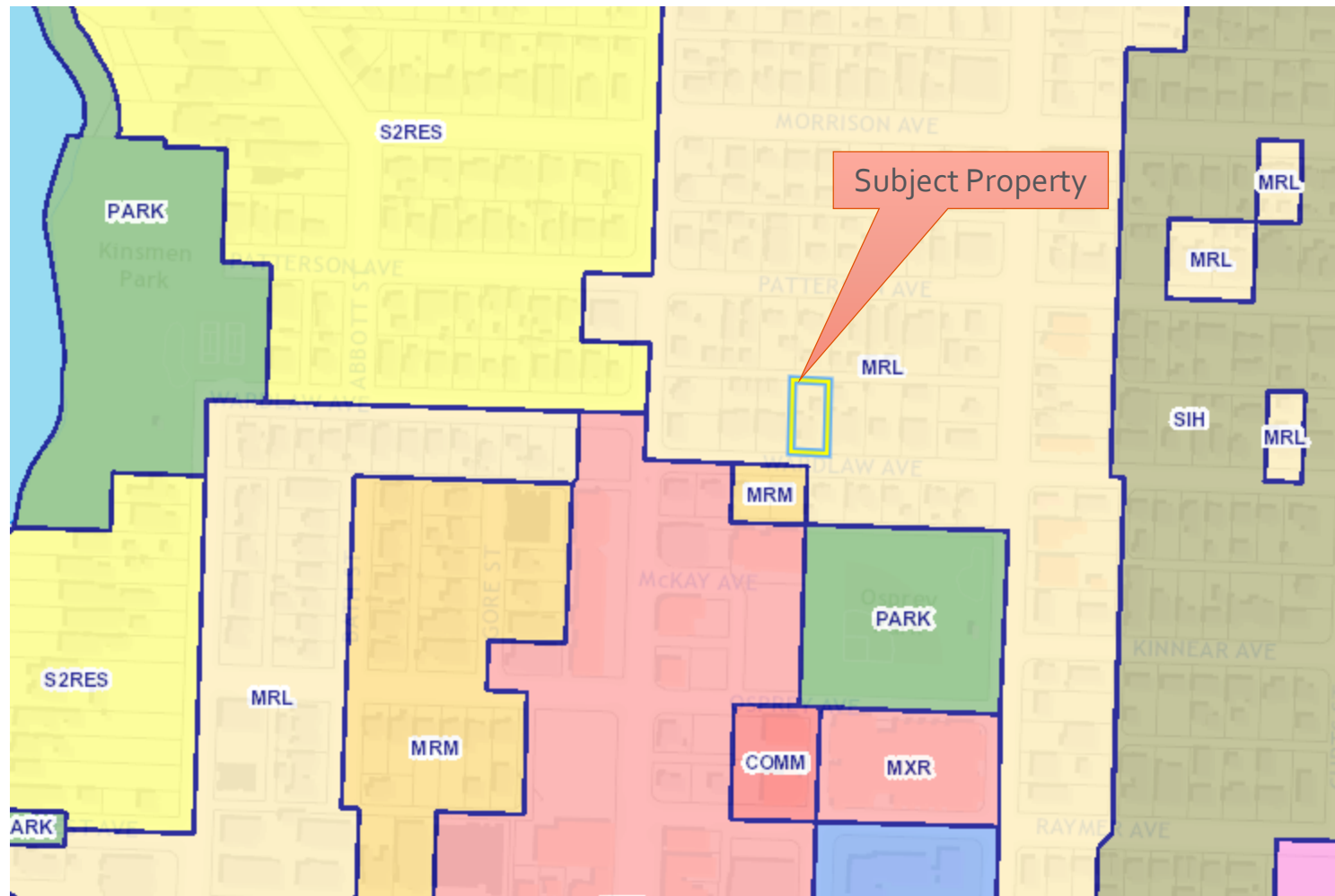
Development Process



Context Map



OCP Future Land Use / Zoning



Subject Property Map



Proposed Rendering and Site Plan



Development Policy

- ▶ Meets the intent of the Official Community Plan Urban Infill Policies:
 - ▶ 5.2.4 - Complete Communities
 - ▶ 5.3.2 – Compact Urban Form
 - ▶ 5.22.1 – Sensitive Infill
- ▶ Consistent with the Future Land Use of MRL – Multiple Unit Residential (Low Density)

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only)
- ▶ Recommend that the Public Hearing be waived



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12298
Z21-0034
602 Wardlaw Avenue

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 24 District Lot 14, ODYD, Plan 3249 located on Wardlaw Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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

CITY OF KELOWNA

BYLAW NO. 12249

TA21-0012

266 Bernard Avenue

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 **Section 9 – Specific Use Regulations, 9.16 RETAIL CANNABIS SALES ESTABLISHMENTS, 9.16.8 Site Specific Regulations** be amended by adding in its appropriate location the following:

“

| | <i>Legal Description</i> | <i>Civic Address</i> | <i>Regulation</i> |
|--|--|-----------------------------|---|
| | Lot 2 District Lot 139 ODYD Plan 4153 | 266 Bernard Avenue | To allow for a retail cannabis sales establishment within 500 metres of other approved retail cannabis sales establishments located at 547-549 Bernard Avenue and 1636-1652 Pandosy Street and within 150 metres of City Park and within 150 metres of Stuart Park. |

”

2. 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 12th day of July, 2021.

Considered at a Public Hearing on the 27th day of July, 2021.

Read a second and third time by the Municipal Council this 27th day of July, 2021.

Approved under the Transportation Act this 3rd day of August, 2021.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12250

Z21-0039

266 Bernard Avenue

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 139 ODYD Plan 4153 located on Bernard Avenue, Kelowna, BC from the C7 – C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) 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 12th day of July, 2021.

Considered at a Public Hearing on the 27th day of July, 2021.

Read a second and third time by the Municipal Council this 27th day of July, 2021.

Approved under the Transportation Act this 3rd day of August, 2021.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: November 1, 2021
To: Council
From: City Manager
Subject: Redefinition of City of Kelowna Boundary
Department: Kelowna International Airport

Recommendation:

THAT COUNCIL receive for information the report of the Kelowna International Airport dated November 1, 2021 with respect to the redefinition of the City of Kelowna boundary;

AND THAT the Mayor, on behalf of Council, forward a letter to the Regional District of Central Okanagan regarding a City of Kelowna boundary redefinition as outlined in the report of the Kelowna International Airport dated November 1, 2021;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents necessary for a City of Kelowna boundary redefinition.

Purpose:

To obtain Council's approval to move forward with the redefinition of the City of Kelowna boundary adjacent to Kelowna International Airport (the Airport).

Background:

In May 2019, the Mayor, on behalf of Council, forwarded a letter to the Regional District of Central Okanagan regarding a City of Kelowna boundary redefinition as outlined in the report of the Airport dated May 6, 2019, and as shown outlined in red in Figure 1, below.

In 2020, the Airport purchased 4150 Old Vernon Road. This house at 4150 Old Vernon Road is currently being rented to a tenant on a month-to-month basis.

Previous Council Resolution

| Resolution | Date |
|---|-------------|
| THAT Council receive for information the report of the Senior Airport Finance and Corporate Services Manager dated May 6, 2019 with respect to the redefinition of the City of Kelowna boundary; | May 6, 2019 |
| AND THAT the Mayor, on behalf of Council, forward a letter to the Regional District of Central Okanagan regarding a City of Kelowna boundary redefinition as outlined in the report of the Senior Airport Finance and Corporate Services Manager; | |
| AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents necessary for a City of Kelowna boundary redefinition. | |

Discussion:

It is now the Airport's recommendation that 4150 Old Vernon Road become a part of the City of Kelowna, so this land can be developed, in combination with the adjacent City owned lands, to provide support services for the Aerospace Campus. This proposed change in boundary would fall under a boundary redefinition.

Conclusion:

It is the Airport's recommendation that 4150 Old Vernon Road become a part of the City of Kelowna.

Internal Circulation:

City Clerk
Real Estate
Financial Services
Communications

Considerations applicable to this report:

Legal/Statutory Procedural Requirements:

In accordance with the *Local Government Act*, the City of Kelowna Council would be required to submit a request to redefine the boundary between the City of Kelowna and the RDCO to the Lieutenant Governor in Council.

Considerations not applicable to this report:

Legal/Statutory Authority:

Existing Policy:

Financial/Budgetary Considerations:
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
T. McQueenie, Corporate Services Manager

Report to Council



Date: November 1, 2021

To: Council

From: City Manager

Subject: *Parks Master Plan: Our Kelowna – As We Play*
First Phase - Plan of Direction and Public Engagement

Department: Parks & Buildings Planning

Recommendation:

THAT Council receives, for information, the report from Parks and Building Planning, dated October 25, 2021, regarding the Parks Master Plan framework.

Purpose:

To provide Council with information to the development of a *Parks Master Plan: Our Kelowna - As We Play*.

Background:

The City of Kelowna is comprised of a diverse mix of topography, ecosystems and cultures. Our parks system also reflects this fact. The large variety of parks and outdoor recreation facilities found within the City have played increasingly important roles in the lives of so many of us. Our parks system possesses a multitude of health benefits, capacity to bring communities together, and the ability to revitalize our relationship with nature. This was especially true during the COVID-19 pandemic as our parks, trails and waterfront became so heavily relied upon.

Our parks system also contributes to Kelowna's unique identity and special sense-of-place by serving as public spaces for social and political interactions to take place. Parks and trails are public spaces within our community where all ages and abilities are welcome to experience outdoor leisure, enjoy physical activity or simply enjoy a respite in nature. Kelowna's unique sense of place is formed through the diversity of parks available in our system, surrounding vistas and stunning viewpoints, and all amenities therein, which people have visited and return to often. Sense-of-place is a key concept associated with good place-making, where park users become attached to spaces in some special way.

Kelowna is experiencing unprecedented growth in population and urban density. This fast growth is putting rising pressure on our parks system to deliver more and better place-making; through our programming, new and upgraded parks, and improved user experiences. Impressions previously captured in *Imagine Kelowna*, our strategic vision for the City, where public input called for great civic gathering places like parks, plazas and urban centres to be catalysts for municipal cohesion and vibrancy.

Public demand and appeal for more attractive, dynamic public parks and open spaces will continue to increase as the City grows. The Parks Master Plan will provide the necessary vision and planning framework to help Council and City staff guide Kelowna's park development over the ensuing decades.

Discussion:

The *Parks Master Plan: Our Kelowna - As We Play*, will consist of three separate phases that together will form one large and comprehensive park planning document. The phases will begin at an overall 'city-wide' scale and next reduce its focus downwards into community parks and end at the neighborhood park scales.

The first phase of the Parks Master Plan will be the ***Plan of Direction*** which includes: our vision statement; development of a wide-ranging set of objectives and goals; establishment of core value frameworks with associated measures of success; as well as a detailed inventory and analysis of the existing parks, open spaces and natural assets found throughout the City.

The second phase will be ***Strategic Moves*** and include: evaluating opportunities, challenges and needs within Kelowna's growing parks system; identification of new trends and absent park amenities or supportive resources; as well as the establishment of guiding success metrics and asset targets. The final phase will be ***Plan Adaption*** and contain: park implementation strategies featuring high-definition plans; related implementation costs; ensuing park policy recommendations; funding priorities and potential partnerships; as well as parks management and operational best practices.

The Parks Master Plan will also be structured to add supplemental appendices for relevant park trends or new topics as they emerge in future years (e.g., dog parks, naturalization, inclusive play, universal design; accessibility, climate resilience, senior age-friendly strategies, etc.).

Public Engagement

For this initial scope of work, an Engagement Plan has been crafted to develop a shared-vision for the future of public parks in Kelowna by listening and expanding the number and diversity of voices providing input on the Parks Master Plan.

The Parks Master Plan's first phase – ***Plan of Direction*** will be focused on reviewing the City's existing parks system, how it is currently being used by the community, and what are priorities for the overall parks system into the future. The public will be engaged to inform them about our master planning process and types of active parks classifications found in Kelowna; capture their broader municipal park interests; confirm all outdoor recreational trends; validate park user demands; and determine appropriate levels of parks operation and maintenance.

Over this Fall, the public will have a variety of options to give input through multiple conversations and using digital-first tool methods such as Kelowna's *Get Involved* engagement hub and include:

- i) On-line citizen surveys or downloadable home version - for families.
- ii) Self-guided discussion booklet - for user groups and sports organizations; and,
- iii) Mounted park signs with a QR code directing users to a 'lite' survey or *Get Involved* webpage.

Additionally, the public will be provided analog engagement options such as:

- iv) In-park posting boards located at four City park locations.
- v) Virtual workshops – two with invited stakeholders and one with City staff; as well as,

At the end of the first phase, the project team will create the overall vision, goals, and objectives for the parks system which will form the overall framework of the Parks Master Plan. The following phases of the project will include more in-depth analysis and engagement at a 'community-wide' scale by investigating the City's five growth areas (City Centre, South Padosy, Capri-Landmark, Rutland, and Midtown); and later, at the 'neighborhood-wide' scale to identify and graphically map gaps, opportunities, and priorities within the parks system.

Next Steps:

A summary of the Parks Master Plan's first phase – *Plan of Direction* will be presented to the Council in 2022. Deliverables will consist of: vision statement; guiding principles and metrics; an existing inventory of parks, open spaces and trails; and summary of engagement activities. Formal approval of said deliverables will allow the project team to advance into the second phase of the Parks Master Plan.

Internal Circulation:

Parks Operations
Active Living & Culture
Community Communications
Infrastructure
Community Planning
Policy & Planning
Real Estate
Partnerships
Active Transportation
Financial Services.

Considerations applicable to this report:

Existing Policy

Imagine Kelowna - identified several visions for the City. Relevant to this report are its principles and goals working together as a system to help the community achieve its vision: Responsible, Smarter, Collaborative, and Connected.

Council Priorities: 2019-2022 - identified six focus areas with measures to transform municipal vision into action. All focus areas are relevant to the Parks Master Plan and this report: Community Safety, Transportation and Mobility, Economic Resiliency, Social and Inclusive, Vibrant Neighborhoods and Environmental Protection.

2040 Official Community Plan (OCP) and Amendments – topics covered by the OCP are fundamental to understanding the complex trends and changes that affect long-term planning for Kelowna, as well as for its public parks system. Topics such as: Compact; Complete Communities; Transportation; Natural Environment; and, A Changing Climate will all influence the future roles, needs and types of our parks.

2040 Transportation Master Plan (TMP) – provides an overview of existing conditions along Kelowna's transportation network for walking, biking, transit and driving, as well as future conditions for these modes out to 2040. The safe and efficient connectivity of people to places is an objective of the TMP. Whereby, our parks host some of the City's most important walking and bicycling routes. The Parks Master Plan will use and work together with the TMP and Imagine Kelowna as its foundation.

Considerations not applicable to this report:

Previous Council resolutions;
Legal/ Statutory Authority;
Legal/ Statutory procedural Requirements;
External Agency/ Public Comments.

Submitted by: S. Johansson, Parks and Open Space Planner, Parks and Buildings

Approved for inclusion: Derek Edstrom, Divisional Director, Partnership & Investments

cc: L. Bentley, Deputy City Clerk,



Our Kelowna: As We Play Parks Master Plan

Presentation: First Phase and Public Engagement

October 25, 2021

Parks Master Plan

- ▶ City Parks System - Background:
 - ▶ Mix of topography, ecosystems & cultures.
 - ▶ Variety of parks & amenities that play important roles in our lives.
 - ▶ As demonstrated during COVID-19 pandemic:
 - reliance on our parks, trails & waterways.
 - ▶ Contributes to Kelowna's unique 'identity' .
 - ▶ Remarkable sense-of-place.
 - ▶ Distinctive four-seasons activities & events.
 - ▶ Regional, national & international tourism draw.



Parks Master Plan

► Purpose:

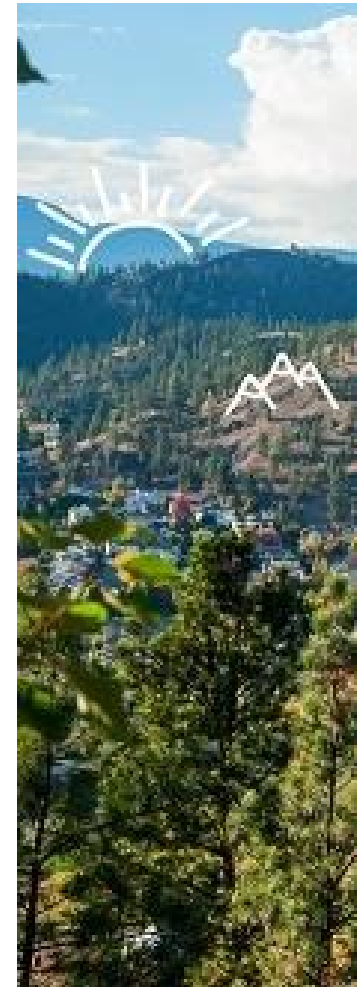
► To serve as a municipal planning framework.

► To help guide Council and City staff:

- Long-term & near-term decisions for park revitalization or redevelopment projects
- Over the next 40 years.

► Plan will include:

- Vision & key principles – w/ success measures.
- Emerging demographics, trends & park amenities.
- User experiences & priorities.
- Site plans & mapping.
- Financial stratagems & partnerships.



Parks Master Plan

▶ Three Phases:

▶ Phase 1 – **Plan of Direction**

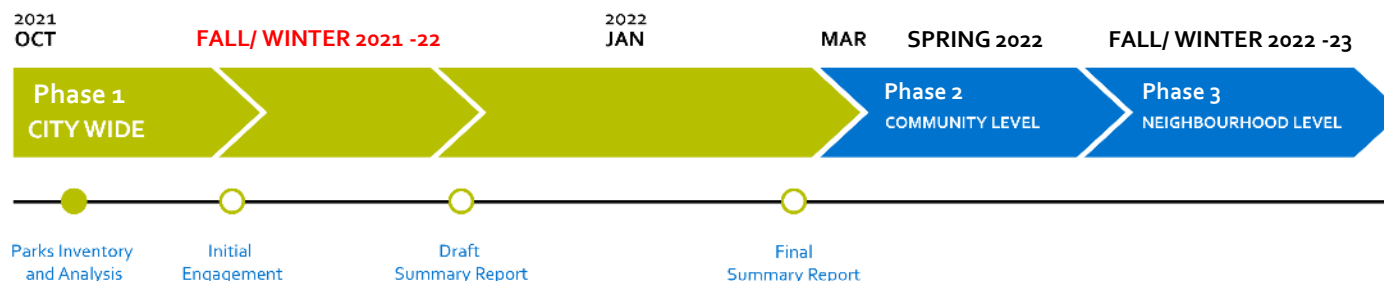
- ▶ 'City-wide' parks analysis & documentation (Fall 2021/ Winter 2022)

▶ Phase 2 – **Strategic Moves**

- ▶ 'Community' parks analysis & documentation (Spring 2022)

▶ Phase 3 – **Plan Adaption**

- ▶ 'Neighbourhood' parks analysis & documentation (Winter 2023)



Parks Master Plan

- ▶ Phase 1 - Public Engagement
 - ▶ Engage community to inform about:
 - ▶ Master-planning process.
 - ▶ Kelowna's active parks classifications.
 - ▶ Capture City park topics & interests.
 - ▶ Learn outdoor recreational trends
 - ▶ Determine user demands.
 - ▶ Establish priorities for the parks system.

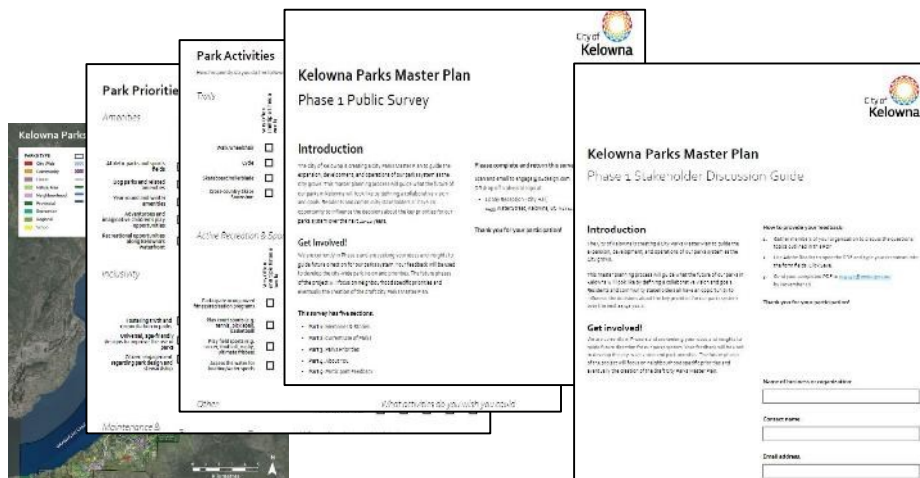


Parks Master Plan

► Phase 1 - Public Engagement

► Digital-first tools & analog options:

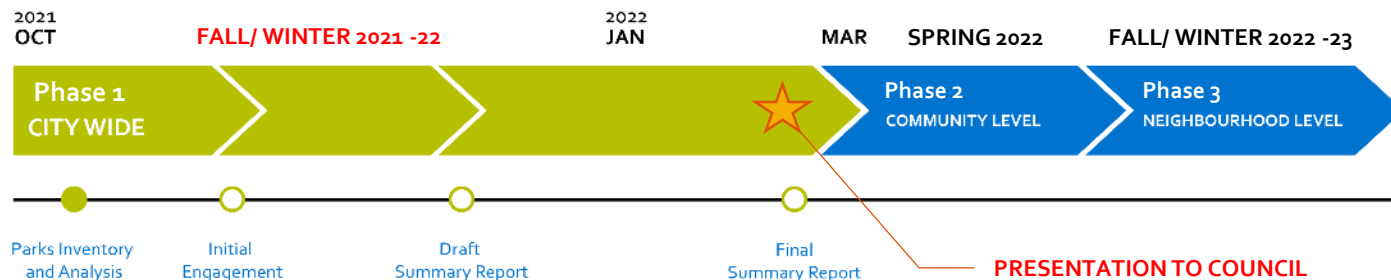
- Kelowna's *Get Involved* hub
- On-line Surveys (citizens)
- Downloadable Home Survey (families)
- Group Discussion Booklet (groups)
- Engagement Signs w/ QR Code
- In-Park Signs & Posting Boards
- Virtual Workshops



Parks Master Plan

► Next Steps:

- Presentation to Council:
 - Early 2022
 - Summary of Parks Master Plan – Phase 1
- Approval to Proceed into Phase 2.





Questions?

For more information, visit kelowna.ca.

Report to Council



Date: November 1, 2021

To: Council

From: City Manager

Subject: Complimentary Saturday On-Street Parking in December 2021

Department: Parking Services

Recommendation:

THAT Council receives, for information, the report from the Parking Services department dated November 1, 2021, with respect to Complimentary Saturday On-Street Parking in December 2021;

AND THAT Council approves waiving on-street parking fees in the Downtown area on the four (4) Saturdays in December 2021.

Purpose:

To obtain approval from Council to provide complimentary on-street parking in the downtown area on Saturdays for the month of December 2021.

Background:

For the past twenty-six (26) years, the City of Kelowna (the "City") has provided complimentary on-street Saturday parking during the month of December in the Downtown area. This has been done as a Christmas promotion, at the request of the Downtown Kelowna Association (the "DKA").

Discussion:

Off-street parking in most downtown areas, City-owned lots and parkades are currently no-charge on Saturdays in December, except for the Water Street boat launch, Police Services parking lot and City Hall parking lot and during special events (that generally occur in the evening). One of the 4 dates requested, December 25th, is a statutory holiday so there would be no charges in effect for on-street parking.

Conclusion:

As per the attached letter ("Schedule A"), the DKA has requested the City's approval for complimentary parking on each Saturday in December 2021. City staff support DKA's request as it aligns with Council's

priorities to create vibrant neighborhoods and increase the economic resiliency of our community. In anticipation of future requests, City staff are exploring the possibility of a corporate sponsor to support potential improvements in future years, such as providing 2 hours of complimentary parking per customer/per day to ensure on-street parking is maintained for short-term customer use.

Considerations applicable to this report:

Financial/Budgetary Considerations:

The total estimated loss of parking revenue as a result of the proposed 3-day complimentary parking promotion (Dec 25th, stat holiday excluded) on the downtown parking reserve is +/- \$18,300¹.

External Agency/Public Comments:

Request letter received from the Executive Director, Downtown Kelowna.

Communications Comments:

Press release will be issued to notify the public.

Considerations not applicable to this report:

Internal Circulation

Legal/Statutory Authority

Legal/Statutory Procedural Requirements

Existing Policy

Submitted by: D. Duncan, Manager, Parking Services

Approved for inclusion: J. Säufferer, Department Manager, Real Estate

Attachment: 1. Schedule A – Request Letter (Downtown Kelowna Association)

cc: cc: T. Wilson, Manager, Media Relations
K. Mead, Manager, Bylaw Services
J. Hamilton, Manager, Sponsorship & Advertising

¹ Average downtown on-street parking revenues in September 2021 were approximately \$6,100 per day

October 18, 2021

Dave Duncan, Parking Operations
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Re: Complimentary Saturday Parking in December in Downtown Kelowna

Please accept this letter as the Downtown Kelowna Association's formal request to grant the annual holiday tradition of offering complimentary Saturday parking in Downtown Kelowna for the month of December 2021.

Local businesses play a vital role in Kelowna's local economy by providing jobs and preserving the Downtown neighbourhood. This is an important value-added initiative for Downtown retailers, services and restaurants during the holiday shopping season. This year, it's even more important as we continue to navigate through COVID-19 issues.

The Downtown Kelowna Association requests public parking charges be waived for Saturday parking in Downtown Kelowna on the street and in City owned lots. Effective on the dates of December 4, December 11, December 18 and December 25, 2021.

The City's consideration and approval on this valued program is greatly appreciated.

Sincerely,



Mark Burley EXECUTIVE DIRECTOR

cc: Councillor Charlie Hodge

Report to Council



Date: November 1, 2021
To: Council
From: City Manager
Subject: Water Rates 2022/2023
Department: Utility Services

Recommendation:

THAT Council receives, for information, the report from the Water Operations Manager dated November 1, 2021 regarding Water Rates for 2022 and 2023;

AND THAT Bylaw No. 12281 being Amendment No. 15 to Water Regulation Bylaw 10480 be forwarded for reading consideration.

Purpose:

To set the 2022 and 2023 water rates for the Kelowna Water Utility.

Background:

The City water utility provides potable water to more than half of the City's population and provides non-potable water for irrigation to customers in southeast Kelowna. The balance of the City is serviced by three Improvement Districts and two dozen smaller water systems. The City's potable water is supplied from Okanagan Lake and fully meets all Canadian Drinking Water Quality Guidelines and Interior Health Authority water quality requirements.

Water Rates are set by Council through Water Regulation Bylaw 10480. Staff recommend that the Water Regulation Bylaw be amended with a new rate schedule for 2022 and 2023 in addition to other amendments to the potable and non-potable water systems operated by the City.

Discussion:

The Finance Division regularly reviews the cost of Utility's operations, maintenance, renewal along with the capital costs and the revenues needed to support a sustainably funded Utility. The analysis includes a pro-forma statement of revenues and expenditures for a 10-year period based on operating budget,

capital requirements and other expenditures. The outcome of the analysis results in the Water Rate Model which is used to predict water rates to support a sustainably funded Utility.

The Water Rate Model includes the following factors in its analysis to account for:

- The age of the Utility's assets and the required renewal rate,
- Rising operating costs with asset age/condition,
- Rising construction costs that typically exceed general inflation (accounts for economic impacts from the pandemic affecting materials and supply chains),
- The age and condition of the added SEKID assets including dams and the non-potable supply system,
- The operating costs of the potable water supply system that increased with the expansion of that system into southeast Kelowna.

In 2021, water consumption rates increased by six per cent. The Water Rate model was adjusted to apply a six percent increase over the next five years. These increases are required to support the Utility and to make progress with its growing and aging infrastructure.

The City of Kelowna Utility added roughly 2,000 potable water customers in southeast Kelowna. Some of these customers have small irrigation system connections to the non-potable system in addition to over 500 agricultural customers using non-potable water for agricultural production. Metering information and consumption data for these customers was available in January 2021 and all customers transitioned to the City's water utility rates. The lack of reliable data prior to 2021 for SEKID customers added a level of uncertainty for the Water Rate Model as earlier data was estimated.

2021 was a very hot and dry year. The "heat dome" period of extreme temperatures and prolonged drought levels led to unusually high-water consumption. Staff are reviewing how this impacts our future consumption projections and how climate change is causing less predictability. Water rates are set based on predicted average consumption rates during average summer weather.

Other utility initiatives that affect the Water Regulation Bylaw are summarized below:

Water Rate Adjustment:

For 2021, Council equalized Tier 3 and Tier 4 rates for properties greater than 1 acre in southeast Kelowna that only had access to the potable water system. This accommodation was to provide time for customers to make changes to their water consumption practices as many of these properties were developed under a different landscaping and water use paradigm. The 2022 and 2023 bylaw rate return Tier 4 rates on a graduated basis such that they will be equal with the rest of the City in 2024.

Beaver Lake Industrial customers also receive transitioning water rates. This was to account for the different rate structure previously reflecting the District of Lake Country which used higher fixed fees and lower consumption rates. The change was to utilize a lower fixed fee and higher consumption charges to increase water conservation practices as well as harmonize rates for industrial water customers across the utility.

The City is committed to adjusting rates over this three-year period to transition Beaver Lake Industrial customers to City industrial customers in 2024.

Meter Reading Technology and Meter Exchange:

In southeast Kelowna new water meters were installed for all potable water customers. Approximately 50 per cent of the non-potable water customers have had their old SEKID era meters renewed and the remaining non-potable customers are targeted for renewal in 2022. These meters are equipped with cell phone technology to transmit meter data. The benefits are near real-time consumption data as well as providing timely information for leak detection. The Utility continues to encourage eligible customers to take advantage of the Eye on Water program to monitor their consumption and help them understand where they can conserve water.

The remaining utility customers are also having their water meters replaced with new meters and reading technology. Since the replacement program began approximately 21% of 16,509 residential customer meters have been switched out. Additionally, 664 of the approximately 4,000 eligible customers are enrolled with the Eye on Water program. Communication is ongoing and will continue with this initiative. The City utility meter upgrade and exchange project is anticipated for completion in 2028.

Water Quality Enhancement Fee (WQEF)

All properties with a potable water connection, excluding Agricultural properties with no access to the non-potable water supply and Park Use Properties, pay the WQEF as a contribution to the future Water Quality Enhancement Reserve Fund. This fund will be important for upcoming water quality upgrades. This bi-monthly flat fee is charged based on meter size. The WQEF was not increased in 2021. For 2022 and 2023 staff recommend an increase to the WQEF by two per cent to reflect inflation.

Southeast Kelowna Water Integration Project Local Area Service Charge

The first phase of the Kelowna Water Integration Project constructed and supplied potable water to southeast Kelowna customers. The cost of the project was funded through Federal and Provincial grants along with the City's share that will be recovered through a Local Area Service charge.

To help cover project costs, southeast Kelowna water utility customers have been paying a project fee, in addition to their bi-monthly and annual fees, since 2018.

Once the project is complete at the end of 2021, staff will prepare the Local Area Service plan and Bylaw for Council consideration. Once implemented, an LAS charge will replace the project fee currently found on customers utility bills. The LAS will be payable annually and appear on southeast Kelowna water utility customers property tax notice starting in 2022.

Golf Course Non-Potable Water Rates

In 2021, Council amended the Water Use Regulation Bylaw to allow all three golf courses in southeast Kelowna using non-potable water to be classified as Agricultural for irrigation. As the irrigation season is ending for 2021, staff will now assess consumption and develop a new water rate for this use classification that will be consistent for all three users while being fair and equitable to all rate payers. Consultation with the affected customers has been initiated and will continue prior to Council's consideration of the report in 2022.

The non-potable water supply system is an older system requiring significant study and investment to ensure its continued operation for our agricultural customers. Staff recommend increasing the per acre allotment fee by six per cent.

Conclusion:

The Water Regulation Bylaw must be updated and amended to allow the water utility to remain sustainably self-funded. Passing rates for 2022 and 2023 allows our customers to know water unit costs and plan accordingly.

Appendix A includes a comparison of water rates showing the Utilities proposed 2022 rates with other utility 2021 rates. The City of Kelowna's Water Utility rates remain competitive with other utilities in the Okanagan Valley. These rates support a sustainable water utility balancing the operation of the treatment and supply of potable and non-potable water sources as well as capital renewal of these systems.

Internal Circulation:

Financial Planning
Communications
Controller
Revenue Services
Utility Planning Manager

Considerations applicable to this report:

Existing Policy: Bylaw No. 10480

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

External Agency/Public Comments:

Submitted by: A Weremy, Water Operations Manager

Approved for inclusion:



K Van Vliet, Acting Director Civic Operations

cc:

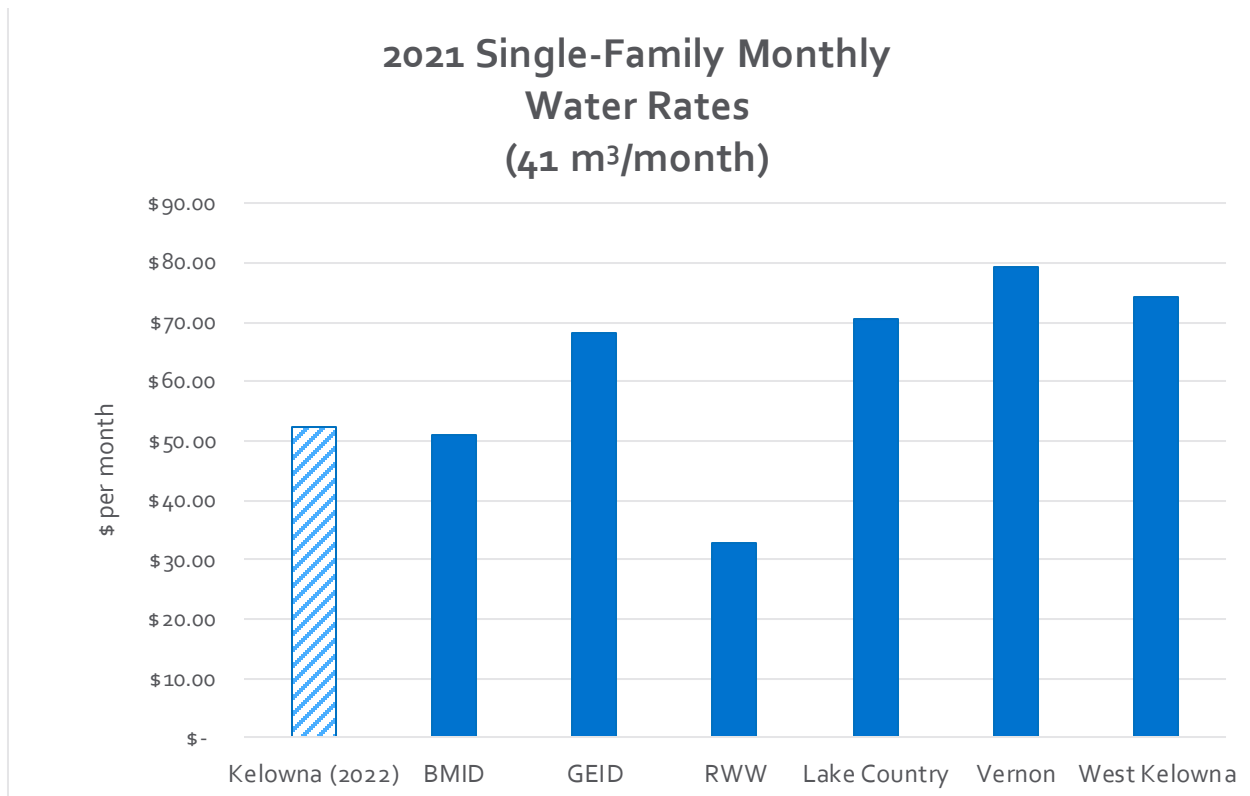
P Gramiak, Revenue Supervisor

Attachments:

Appendix A, B, and C

Proposed Schedule A & B

Appendix A: Comparison of Single-Family Monthly Water Rates



Appendix B: Changes in Water Consumption Rates

| | Consumption Rate - per cubic metre | | |
|--|------------------------------------|-------------|-------------|
| | 2021 | Jan 1, 2022 | Jan 1, 2023 |
| Customer: Single Family, Single-Family Strata, Agricultural | | | |
| First 60 cubic metres | \$0.501 | \$0.531 | \$0.563 |
| Next 100 cubic metres | \$0.674 | \$0.714 | \$0.757 |
| Next 90 cubic metres | \$1.022 | \$1.083 | \$1.148 |
| Balance of cubic metres (Except properties over 1 acrea in size in the southeast Kelowna service area) | \$2.046 | \$2.169 | \$2.299 |
| Balance of cubic metres: properties over 1 acre in size in the southeast Kelowna service area | \$1.022 | \$1.49 | \$1.96 |
| All other Customer types | | | |
| Multi-Family Residential Properties – 3 or more dwelling units on a single property | \$0.501 | \$0.531 | \$0.563 |
| Mixed Use properties | \$0.568 | \$0.602 | \$0.638 |
| Commercial, Industrial and Institutional | \$0.579 | \$0.614 | \$0.651 |
| Park Use | \$0.437 | \$0.463 | \$0.491 |
| Beaver Lake Commercial, Industrial and Institutional | \$0.408 | \$0.502 | \$0.596 |

Agricultural Properties with Farm or Developing Farm Status:

| | Units / Comments | 2021 | 2022 | 2023 |
|---|------------------|----------|----------|----------|
| Annual Allotment Fee: Billed Annually at year end | Per Hectare | \$296.30 | \$314.08 | \$332.92 |
| | Per Acre | \$120.00 | \$127.20 | \$134.83 |
| Agricultural Over Consumption Rates for water use over the designated Allotment: | | | | |
| Tier A – 0-19.99% over annual Allotment | per cubic metre | \$0.30 | \$0.32 | \$0.34 |
| Tier B – 20-49.99% over annual Allotment | per cubic metre | \$0.60 | \$0.64 | \$0.68 |
| Tier C – Over 50% over annual Allotment | per cubic metre | \$1.00 | \$1.06 | \$1.12 |

Appendix C: Summary of Changes to Bylaw 10480 Schedules A & B

Schedule A – Proposed Text Amendments

| No. | Section | Current Wording | Proposed Wording | Reason for Change |
|-----|--|---|--|---|
| 1. | Section 1: All Properties -Meter Size Bi-Monthly Flat Charge | Cost Table | Add Title: <u>Table 1-1</u> Delete 2020 Rate, maintain 2021 Rate and add 2022 and 2023 rates. | Updating table title, 2022 and 2023 rates with increases. |
| 2. | Section 1: Customer Type – Metered: Single Family, Single Family Strata, Agricultural | Cost Table | Add Title: <u>Table 1-2</u> Delete 2020 Rate, maintain 2021 Rate and add 2022 and 2023 rates. | Updating table title, 2022 and 2023 rates with increases. |
| 3. | Section 2: Beaver Lake Industrial Customers | Cost Table | Add Title: <u>Table 2-1</u> Delete 2020 Rate, maintain 2021 Rate and add 2022 and 2023 rates. | Updating table title, 2022 and 2023 rates with increases. |
| 4. | Section 2: Consumption Rate | Cost Table | Add Title: <u>Table 2-2</u> Delete 2020 Rate, maintain 2021 Rate and add 2022 and 2023 rates. | Updating table title, 2022 and 2023 rates with increases. |
| 5. | Section 3: Agricultural Properties | Cost Table | Add Title: <u>Table 3-1</u> Delete 2020 Rate, maintain 2021 Rate and add 2022 and 2023 rates. | Updating table title, 2022 and 2023 rates with increases. |
| 6. | Section 4: Water Quality Enhancement Reserve Fund Contribution | Cost Table | Add Title: <u>Table 4-1</u> Delete 2020 Rate, maintain 2021 Rate and add 2022 and 2023 rates. | Updating table title, 2022 and 2023 rates with increases. |
| 7. | Section 5: Non-Potable Services | All Customers, excluding Agricultural Customers, shall pay a consumption charge of \$0.30 per cubic metre of water use by each Non- Potable System Service Connection. | All Customers, excluding Agricultural Customers, shall pay a consumption charge of \$0.30 \$0.32 per cubic metre in 2022 and \$0.34-per cubic metre of water use by each Non-Potable System Service Connection. | Updated the cost for 2022 and 2023. |
| 8. | Section 6: Fire Protection Use | For Fire protection Use, use a bi-monthly flat rate charge of \$62.34. | For Fire protection Use, use a bi- monthly flat rate charge of \$62.34 \$70.00. | Updated the cost for 2022 and 2023. |
| 9. | Section 7: Bulk Water Filling Station Use | The cost of a card for use of the Bulk Water Filling Stations is \$20.00, non- refundable. For Bulk Water Filling Stations, a | The cost of a card for use of the Bulk Water Filling Stations is \$20.00, non- refundable. For Bulk Water Filling Stations, a consumption charge of \$1.02 \$1.08 per cubic metre of water used. | Updated the cost for 2022 and 2023. |

| | | | | |
|-----|--|--|--|---|
| | | consumption charge of \$1.02 per cubic metre of water used. | | |
| 10. | Section 8: Temporary Use | Single Family residential properties a flat charge of \$45.47 bi-monthly. For non-residential properties and Multi-Family Residential properties a bi-monthly flat charge of \$121.26. | Single Family residential properties a flat charge of \$45.47 \$48.20 bi-monthly. For non-residential properties and Multi-Family Residential properties a bi-monthly flat charge of \$121.26 \$128.54. | Updated the cost for 2022 and 2023. |
| 11. | Section 10: All properties in the SEKID Service Area | All Properties within the SEKID Service Area must pay the following charges until December 31, 2020: | All Properties within the SEKID Service Area must pay the following charges until December 31, 2020: | Deleted Section as this has expired. |
| 12. | Section 11: Water Integration Project Fee for 2021 | Properties in the SEKID Service Area shall pay a fee of \$84.00 per bi-monthly billing period for each Residential Unit until the SEKID Local Area Service Improvement fee is implemented. | Properties in the SEKID Service Area shall pay a fee of \$84.00 per bi-monthly billing period for each Residential Unit until the SEKID Local Area Service Improvement fee is implemented ending December 31, 2021. | Updated section to be able to charge the project fee to the end of 2021 |

Schedule B – Proposed Text Amendments

| No. | Section | Current Wording | Proposed Wording | Reason for Change |
|-----|-----------------------------|-----------------|--|---|
| 1 | Section 1: Water Meter Fees | Cost Table | Add Title: <u>Table 1-1</u> Delete posted rates. | Updating table title, 2022 and 2023 rates with increases. |
| 2 | Section 2: Service Fees | Cost Table | Add Title: <u>Table 1-2</u> Delete posted rates. | Updating table title, 2022 and 2023 rates with increases. |

SCHEDULE "A"

Water Rates and Charges

Customers shall pay the following **rates** and charges for each water Service Connection with 2021 rates effective for all billing dates on or after January 1, 2022:

1. All properties, excluding:
 - a. Agricultural properties that do not have Access to the Non-Potable System.
 - b. properties in the Beaver Lake Industrial Area; and

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

| Meter Size | Bi-Monthly Flat Charge | | |
|----------------|------------------------|-----------|-----------|
| | 2021 | 2022 | 2023 |
| 15 mm (5/8") | \$29.32 | \$31.08 | \$32.94 |
| 20 mm (3/4") | \$29.32 | \$31.08 | \$32.94 |
| 25 mm (1") | \$46.05 | \$48.81 | \$51.74 |
| 37 mm (1 1/2") | \$68.95 | \$73.09 | \$77.48 |
| 50 mm (2") | \$111.12 | \$117.79 | \$124.86 |
| 75 mm (3") | \$364.00 | \$385.84 | \$408.99 |
| 100 mm (4") | \$496.68 | \$526.48 | \$558.07 |
| 150 mm (6") | \$839.02 | \$889.36 | \$942.72 |
| 200 mm (8") | \$1105.38 | \$1171.70 | \$1242.00 |

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

| | Consumption Rate - per cubic metre | | |
|--|------------------------------------|-------------|-------------|
| | 2021 | Jan 1, 2022 | Jan 1, 2023 |
| Customer: Single Family, Single-Family Strata, Agricultural | | | |
| First 60 cubic metres | \$0.501 | \$0.531 | \$0.563 |
| Next 100 cubic metres | \$0.674 | \$0.714 | \$0.757 |
| Next 90 cubic metres | \$1.022 | \$1.083 | \$1.148 |
| Balance of cubic metres (Except properties over 1 acrea in size in the southeast Kelowna service area) | \$2.046 | \$2.169 | \$2.299 |
| Balance of cubic metres: properties over 1 acre in size in the southeast Kelowna service area | \$1.022 | \$1.49 | \$1.96 |

| | | | |
|---|---------|---------|---------|
| | | | |
| All other Customer types | | | |
| Multi-Family Residential Properties – 3 or more dwelling units on a single property | \$0.501 | \$0.531 | \$0.563 |
| Mixed Use properties | \$0.568 | \$0.602 | \$0.638 |
| Commercial, Industrial and Institutional | \$0.579 | \$0.614 | \$0.651 |
| Park Use | \$0.437 | \$0.463 | \$0.491 |

2. Beaver Lake Industrial Area Properties

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

| Metre Size | Bi-Monthly Flat Charge | | |
|----------------|------------------------|-----------|-----------|
| | 2021 | 2022 | 2023 |
| 15 mm (5/8") | \$24.91 | \$27.66 | \$30.80 |
| 20 mm (3/4") | \$24.91 | \$27.66 | \$30.80 |
| 25 mm (1") | \$44.82 | \$46.85 | \$49.79 |
| 37 mm (1 1/2") | \$86.56 | \$82.83 | \$80.65 |
| 50 mm (2") | \$139.12 | \$132.79 | \$129.32 |
| 75 mm (3") | \$353.17 | \$364.66 | \$387.33 |
| 100 mm (4") | \$549.33 | \$542.50 | \$550.78 |
| 150 mm (6") | \$1105.05 | \$1034.58 | \$989.15 |
| 200 mm (8") | \$1366.17 | \$1302.71 | \$1272.85 |

| Consumption Rate - per cubic metre | | | |
|--|---------|-------------|-------------|
| | 2021 | Jan 1, 2022 | Jan 1, 2023 |
| Commercial, Industrial and Institutional | \$0.408 | \$0.502 | \$0.596 |

3. Agricultural Properties

3.1 Agricultural Properties shall pay the following:

| | Units / Comments | 2021 | 2022 | 2023 |
|---|------------------|----------|----------|----------|
| Annual Allotment Fee: Billed Annually at year end | Per Hectare | \$296.30 | \$314.08 | \$332.92 |
| | Per Acre | \$120.00 | \$127.20 | \$134.83 |
| Agricultural Over Consumption Rates for water use over the designated Allotment: | | | | |
| Tier A – 0-19.99% over annual Allotment | per cubic metre | \$0.30 | \$0.32 | \$0.34 |
| Tier B – 20-49.99% over annual Allotment | per cubic metre | \$0.60 | \$0.64 | \$0.68 |
| Tier C – Over 50% over annual Allotment | per cubic metre | \$1.00 | \$1.06 | \$1.12 |

Plus

- a. Agricultural Customers with only one Service Connection that do not have Access to the Non-Potable System will pay an additional bi-monthly fixed fee of \$70.41 to reflect the cost of domestic water supply including a fixed meter fee, the Water Quality Enhancement Fee and an assumed domestic consumption of 40 cubic metres bi-monthly;
- b. Agricultural Customers with multiple Service Connections that do not have Access to the Non-Potable System will pay the fees in Section 1 and Section 4 for each Service Connection serving one or more Residential Units in spite of Section 1a.

3.2 Properties that achieve Farm Class Status as defined by BC Assessment are eligible to request of the Manager that the Agricultural rates in Section 3.1 be applied for the year of development prior to achieving farm status.

4. **Water Quality Enhancement Reserve Fund Contribution**

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

| Meter Size | Bi-Monthly Flat Charge | | |
|----------------|------------------------|----------|----------|
| | 2021 | 2022 | 2023 |
| 15 mm (5/8") | \$17.06 | \$17.40 | \$17.75 |
| 20 mm (3/4") | \$17.06 | \$17.40 | \$17.75 |
| 25 mm (1") | \$35.06 | \$35.76 | \$36.48 |
| 37 mm (1 1/2") | \$77.35 | \$78.90 | \$80.48 |
| 50 mm (2") | \$125.11 | \$127.61 | \$130.26 |
| 75 mm (3") | \$293.28 | \$299.15 | \$305.13 |
| 100 mm (4") | \$400.47 | \$408.48 | \$416.65 |
| 150 mm (6") | \$676.39 | \$689.92 | \$703.72 |
| 200 mm (8") | \$891.12 | \$908.94 | \$927.12 |

5. **Non-Potable Services**

All Customers, excluding Agricultural Customers, shall pay a consumption charge of \$0.32 per cubic metre in 2022 and a charge of \$0.34 per cubic metre of water used by each Non-Potable System Service Connection:

6. **Fire Protection Use**

For **Fire Protection Use**, use a bi-monthly flat **rate** charge of \$70.00.

7. **Bulk Water Filling Station Use**

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

For **Bulk Water Filling Stations**, a consumption charge of \$1.08 per cubic metre of water used.

8. **Temporary Use**

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

Single Family residential properties a flat charge of \$48.20 bi-monthly.

For non-residential properties and Multi-Family Residential properties a bi-monthly flat charge of \$128.54.

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

9. Manual Read fee

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

10. Water Integration Project Fee for 2021

Properties in the SEKID Service Area shall pay a fee of \$84.00 per bi-monthly billing period for each Residential Unit ending December 31, 2021.

SCHEDULE "B"

Water Meter Fees and Service Charges

1. Water Meter Fees

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

2022 Meter Fee Rates:

| Meter Size | Meter Type | | |
|-----------------------|--------------|--------------|--------------|
| | Standard | Turbine | Compound |
| 20 mm (3/4") | \$ 551.19 | | |
| 25 mm (1") | \$ 664.11 | | |
| 37 mm (1 1/2") | | \$ 1,922.24 | \$ 2,581.73 |
| 50 mm (2") | | \$ 2,225.32 | \$ 2,940.04 |
| 75 mm (3") | | \$ 2,678.65 | \$ 3,618.75 |
| 100 mm (4") | | \$ 4,792.05 | \$ 5,894.67 |
| 150 mm (6") | | \$ 8,430.98 | \$ 10,184.32 |
| 200 mm (8") | | \$ 13,594.27 | |
| 100 mm (4") Fire Line | \$ 12,624.73 | | |
| 150 mm (6") Fire Line | \$ 16,693.92 | | |
| 200 mm (8") Fire Line | \$ 24,484.11 | | |

2023 Meter Fee Rates:

| Meter Size | Meter Type | | |
|-----------------------|--------------|--------------|--------------|
| | Standard | Turbine | Compound |
| 20 mm (3/4") | \$ 567.73 | | |
| 25 mm (1") | \$ 684.04 | | |
| 37 mm (1 1/2") | | \$ 1,979.90 | \$ 2,659.18 |
| 50 mm (2") | | \$ 2,292.07 | \$ 3,028.24 |
| 75 mm (3") | | \$ 2,759.01 | \$ 3,727.31 |
| 100 mm (4") | | \$ 4,935.82 | \$ 6,071.51 |
| 150 mm (6") | | \$ 8,683.91 | \$ 10,489.85 |
| 200 mm (8") | | \$ 14,002.10 | |
| 100 mm (4") Fire Line | \$ 13,003.47 | | |
| 150 mm (6") Fire Line | \$ 17,194.74 | | |
| 200 mm (8") Fire Line | \$ 25,218.63 | | |

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

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

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

2. Service Fees

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

| Service | Fees |
|---|----------|
| Water disconnect (shut-off) or connect (turn-on) during regular office hours | \$ 37.00 |
| Emergency water service disconnect (shut-off) or connect (turn-on) during off-hours | \$169.00 |
| Meter Testing Fee | \$50.00 |

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

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

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

3. Hydrant Use Permit Fee

The fee for each **Hydrant Use Permit** shall be \$65.00 plus \$30.00 per day for each day of Hydrant Permit. The fee for a Hydrant Use Permit shall include the costs of providing, installing and removing **Approved Backflow Preventer**.

4. Water Meter Pit Fee

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



Water Rates 2022/2023

November 1, 2021

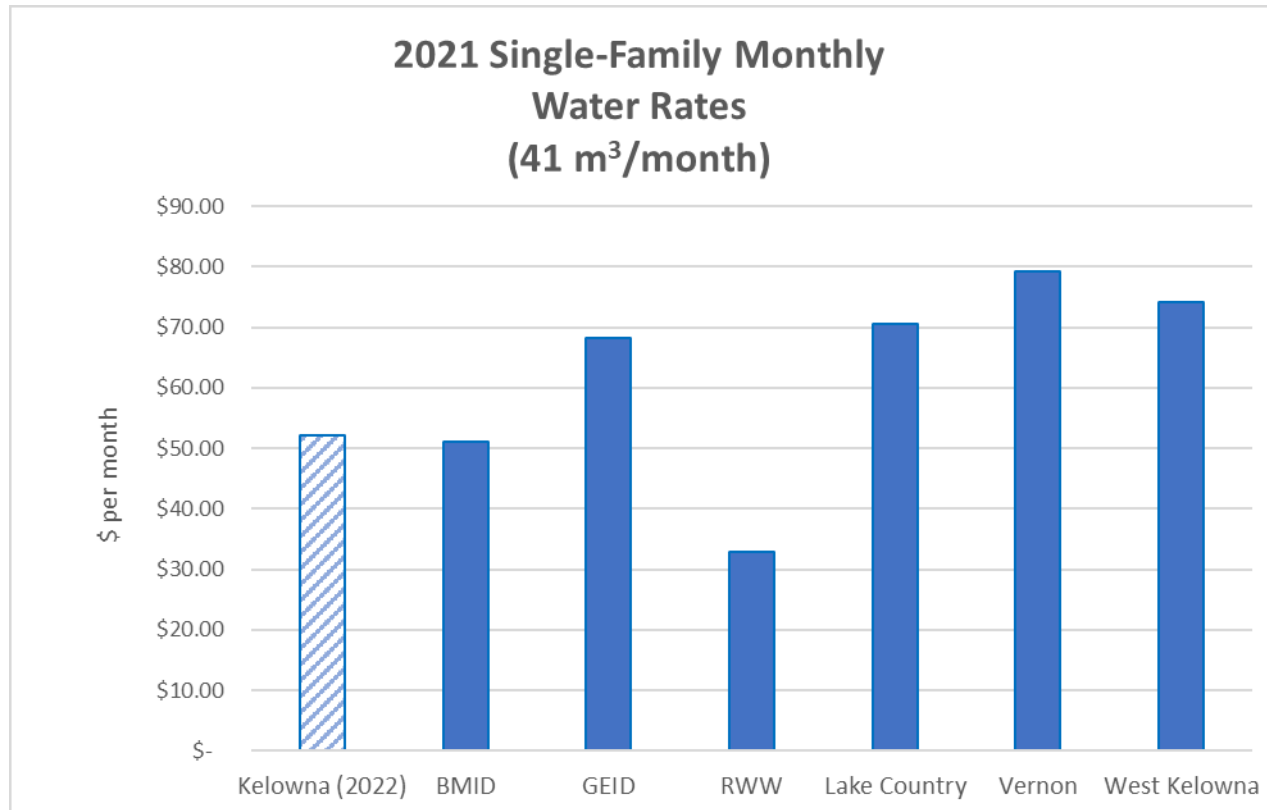
Cost Pressures

- ▶ Asset age and required renewal rates
- ▶ Associated rising operating costs with age
- ▶ Construction inflation typically higher than CPI
- ▶ Added assets (potable and non-potable systems) increasing the infrastructure deficit

General Rate Adjustment

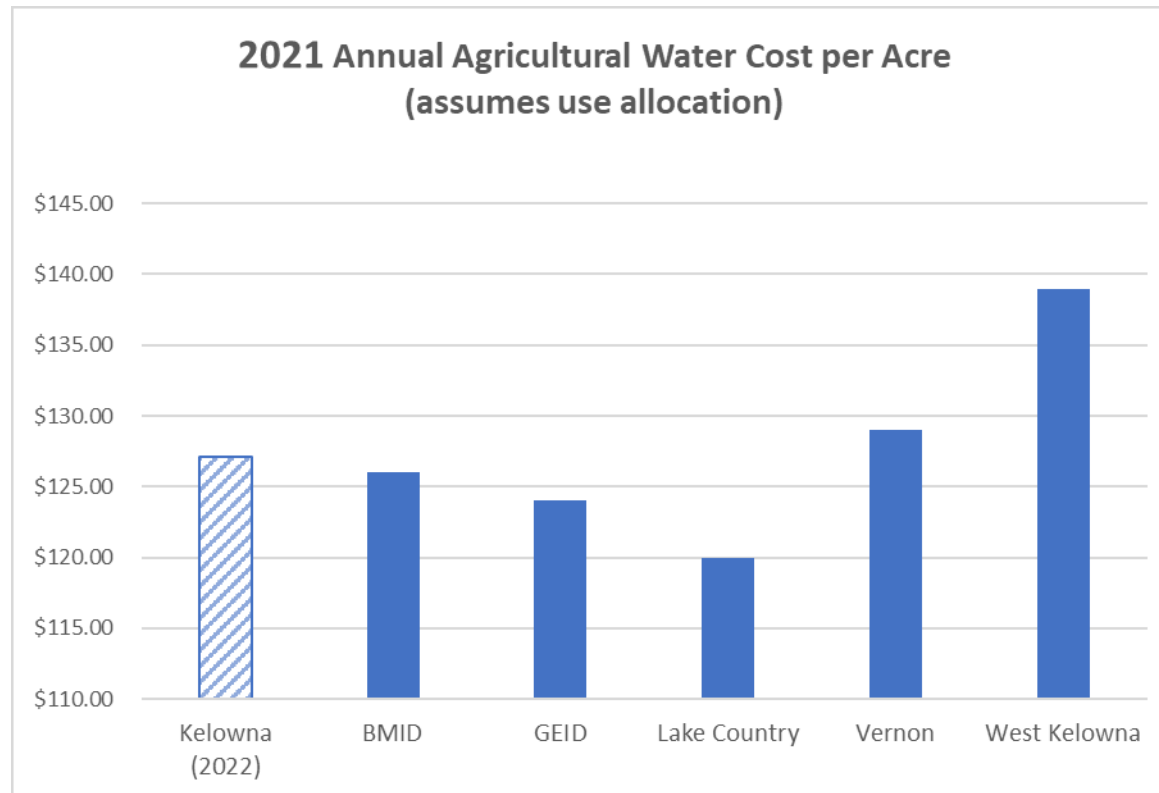
- ▶ Recommend 6% increase for Water rates
- ▶ Recommend 2% increase for Water Quality Enhancement Fee.
- ▶ Rates take effect January 1, 2022

- ▶ Average SFD water cost increase of \$2.39 per month
- ▶ Kelowna water rates are low in comparison with our local area water purveyors

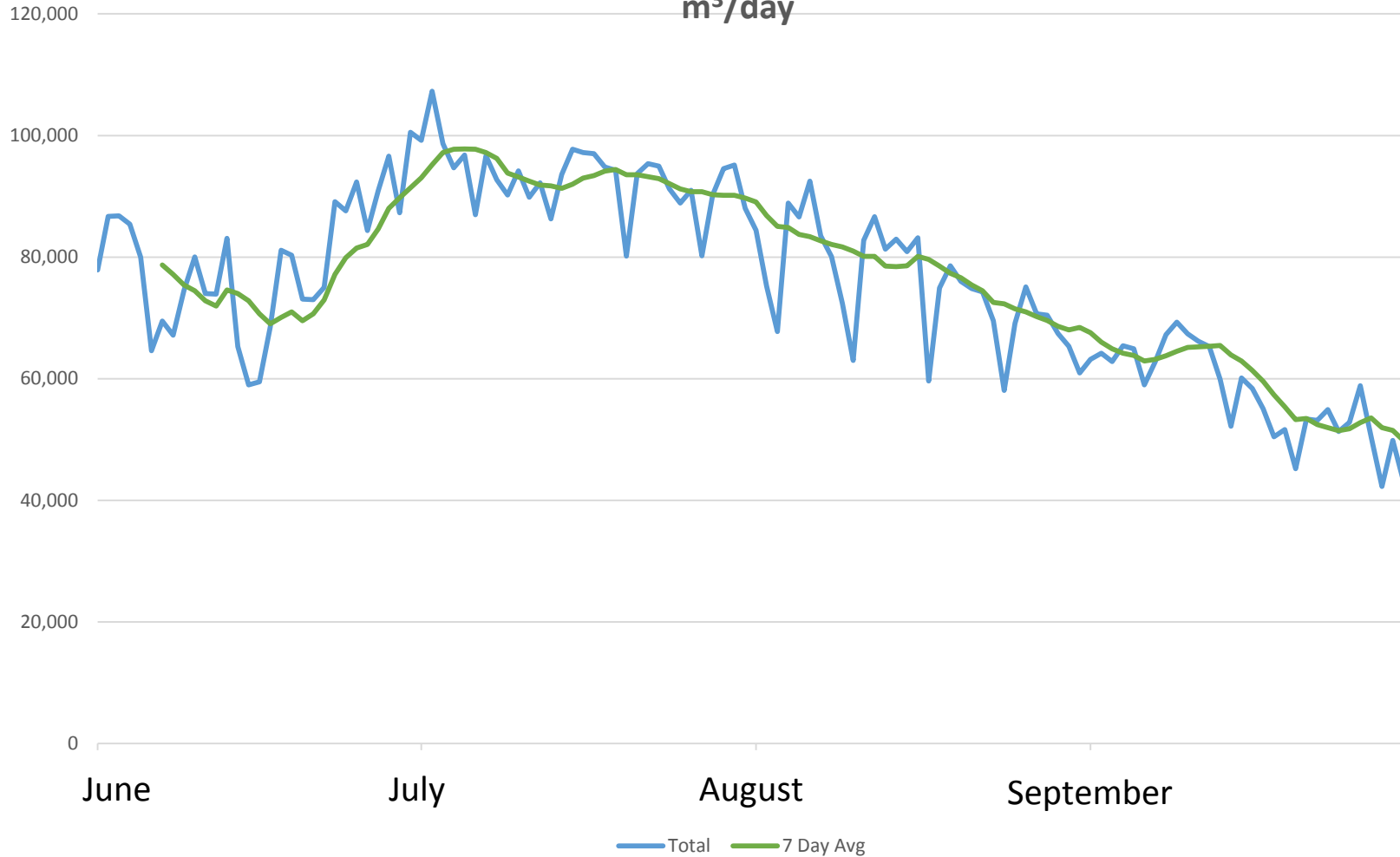


Non-Potable Water Rates

- ▶ Agricultural customers pay \$127.10 in 2022 and \$134.73 in 2023 per acre per year
- ▶ Non-Farm Status pay \$0.32 in 2022 and \$0.34 in 2023 per cubic metre.
 - ▶ Compares with minimum potable tiered rate of \$0.531 rising to \$2.169 per cubic metre



2021 Summer Water Demands m^3/day



Other ongoing initiatives

- ▶ Beaver Lake Industrial customers.
 - ▶ Transitioning to the City Industrial rates over 2022 and 2023

- ▶ SEKID LAS
 - ▶ Project finished
 - ▶ LAS Fee being finalized for 2022 implementation

Other initiatives

- ▶ Golf Course Irrigation Rate
 - ▶ Being developed with the close of irrigation season
 - ▶ Will be brought to Council for consideration

- ▶ Allocation Assessment
 - ▶ Utility Planning working on a separate policy and process to consider additional allocation availability
 - ▶ Until then moratorium on any additional allocations should remain in place



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA

BYLAW NO. 12281

Amendment No. 15 to Water Regulation Bylaw No. 10480

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

1. THAT **SCHEDULE "A" Water Rates and Charges** be deleted in its entirety and be replaced with the **SCHEDULE "A" Water Rates and Charges** attached to and forming part of this bylaw;
2. AND THAT **SCHEDULE "B" Water Meter Fees and Service Charges**, be deleted in its entirety and replaced with a new **SCHEDULE "B" Water Meter Fees and Service Charges** as attached to and forming part of this bylaw;
3. This bylaw may be cited for all purposes as "Bylaw No. 12281, being amendment No. 15 to Water Regulation Bylaw No. 10480."
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

SCHEDULE "A"

Water Rates and Charges

Customers shall pay the following **rates** and charges for each water Service Connection with 2021 rates effective for all billing dates on or after January 1, 2022:

1. All properties, excluding:
 - a. Agricultural properties that do not have Access to the Non-Potable System.
 - b. properties in the Beaver Lake Industrial Area; and

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

| Meter Size | Bi-Monthly Flat Charge | | |
|----------------|------------------------|-----------|-----------|
| | 2021 | 2022 | 2023 |
| 15 mm (5/8") | \$29.32 | \$31.08 | \$32.94 |
| 20 mm (3/4") | \$29.32 | \$31.08 | \$32.94 |
| 25 mm (1") | \$46.05 | \$48.81 | \$51.74 |
| 37 mm (1 1/2") | \$68.95 | \$73.09 | \$77.48 |
| 50 mm (2") | \$111.12 | \$117.79 | \$124.86 |
| 75 mm (3") | \$364.00 | \$385.84 | \$408.99 |
| 100 mm (4") | \$496.68 | \$526.48 | \$558.07 |
| 150 mm (6") | \$839.02 | \$889.36 | \$942.72 |
| 200 mm (8") | \$1105.38 | \$1171.70 | \$1242.00 |

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

| | Consumption Rate - per cubic metre | | |
|--|------------------------------------|-------------|-------------|
| | 2021 | Jan 1, 2022 | Jan 1, 2023 |
| Customer: Single Family, Single-Family Strata, Agricultural | | | |
| First 60 cubic metres | \$0.501 | \$0.531 | \$0.563 |
| Next 100 cubic metres | \$0.674 | \$0.714 | \$0.757 |
| Next 90 cubic metres | \$1.022 | \$1.083 | \$1.148 |
| Balance of cubic metres (Except properties over 1 acrea in size in the southeast Kelowna service area) | \$2.046 | \$2.169 | \$2.299 |
| Balance of cubic metres: properties over 1 acre in size in the southeast Kelowna service area | \$1.022 | \$1.49 | \$1.96 |

| All other Customer types | | | |
|---|---------|---------|---------|
| Multi-Family Residential Properties – 3 or more dwelling units on a single property | \$0.501 | \$0.531 | \$0.563 |
| Mixed Use properties | \$0.568 | \$0.602 | \$0.638 |
| Commercial, Industrial and Institutional | \$0.579 | \$0.614 | \$0.651 |
| Park Use | \$0.437 | \$0.463 | \$0.491 |

2. Beaver Lake Industrial Area Properties

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

| Metre Size | Bi-Monthly Flat Charge | | |
|----------------|------------------------|-----------|-----------|
| | 2021 | 2022 | 2023 |
| 15 mm (5/8") | \$24.91 | \$27.66 | \$30.80 |
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| 25 mm (1") | \$44.82 | \$46.85 | \$49.79 |
| 37 mm (1 1/2") | \$86.56 | \$82.83 | \$80.65 |
| 50 mm (2") | \$139.12 | \$132.79 | \$129.32 |
| 75 mm (3") | \$353.17 | \$364.66 | \$387.33 |
| 100 mm (4") | \$549.33 | \$542.50 | \$550.78 |
| 150 mm (6") | \$1105.05 | \$1034.58 | \$989.15 |
| 200 mm (8") | \$1366.17 | \$1302.71 | \$1272.85 |

| Consumption Rate - per cubic metre | | | |
|--|---------|-------------|-------------|
| | 2021 | Jan 1, 2022 | Jan 1, 2023 |
| Commercial, Industrial and Institutional | \$0.408 | \$0.502 | \$0.596 |

3. Agricultural Properties

3.1 Agricultural Properties shall pay the following:

| | Units / Comments | 2021 | 2022 | 2023 |
|---|------------------|----------|----------|----------|
| Annual Allotment Fee: Billed Annually at year end | Per Hectare | \$296.30 | \$314.08 | \$332.92 |
| | Per Acre | \$120.00 | \$127.20 | \$134.83 |
| Agricultural Over Consumption Rates for water use over the designated Allotment: | | | | |
| Tier A – 0-19.99% over annual Allotment | per cubic metre | \$0.30 | \$0.32 | \$0.34 |
| Tier B – 20-49.99% over annual Allotment | per cubic metre | \$0.60 | \$0.64 | \$0.68 |
| Tier C – Over 50% over annual Allotment | per cubic metre | \$1.00 | \$1.06 | \$1.12 |

Plus

- a. Agricultural Customers with only one Service Connection that do not have Access to the Non-Potable System will pay an additional bi-monthly fixed fee of \$70.41 to reflect the cost of domestic water supply including a fixed meter fee, the Water Quality Enhancement Fee and an assumed domestic consumption of 40 cubic metres bi-monthly;
- b. Agricultural Customers with multiple Service Connections that do not have Access to the Non-Potable System will pay the fees in Section 1 and Section 4 for each Service Connection serving one or more Residential Units in spite of Section 1a.

- 3.2 Properties that achieve Farm Class Status as defined by BC Assessment are eligible to request of the Manager that the Agricultural rates in Section 3.1 be applied for the year of development prior to achieving farm status.

4. Water Quality Enhancement Reserve Fund Contribution

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

| Meter Size | Bi-Monthly Flat Charge | | |
|----------------|------------------------|----------|----------|
| | 2021 | 2022 | 2023 |
| 15 mm (5/8") | \$17.06 | \$17.40 | \$17.75 |
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| 25 mm (1") | \$35.06 | \$35.76 | \$36.48 |
| 37 mm (1 1/2") | \$77.35 | \$78.90 | \$80.48 |
| 50 mm (2") | \$125.11 | \$127.61 | \$130.26 |
| 75 mm (3") | \$293.28 | \$299.15 | \$305.13 |
| 100 mm (4") | \$400.47 | \$408.48 | \$416.65 |
| 150 mm (6") | \$676.39 | \$689.92 | \$703.72 |
| 200 mm (8") | \$891.12 | \$908.94 | \$927.12 |

5. Non-Potable Services

All Customers, excluding Agricultural Customers, shall pay a consumption charge of \$0.32 per cubic metre in 2022 and a charge of \$0.34 per cubic metre of water used by each Non-Potable System Service Connection:

6. Fire Protection Use

For **Fire Protection Use**, use a bi-monthly flat rate charge of \$70.00.

7. Bulk Water Filling Station Use

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

For **Bulk Water Filling Stations**, a consumption charge of \$1.08 per cubic metre of water used.

8. Temporary Use

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

Single Family residential properties a flat charge of \$48.20 bi-monthly.

For non-residential properties and Multi-Family Residential properties a bi-monthly flat charge of \$128.54.

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

9. Manual Read fee

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

10. Water Integration Project Fee for 2021

Properties in the SEKID Service Area shall pay a fee of \$84.00 per bi-monthly billing period for each Residential Unit ending December 31, 2021.

SCHEDULE "B"

Water Meter Fees and Service Charges

1. Water Meter Fees

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

2022 Meter Fee Rates:

| | Meter Type | | |
|-----------------------|--------------|--------------|--------------|
| Meter Size | Standard | Turbine | Compound |
| 20 mm (3/4") | \$ 551.19 | | |
| 25 mm (1") | \$ 664.11 | | |
| 37 mm (1 1/2") | | \$ 1,922.24 | \$ 2,581.73 |
| 50 mm (2") | | \$ 2,225.32 | \$ 2,940.04 |
| 75 mm (3") | | \$ 2,678.65 | \$ 3,618.75 |
| 100 mm (4") | | \$ 4,792.05 | \$ 5,894.67 |
| 150 mm (6") | | \$ 8,430.98 | \$ 10,184.32 |
| 200 mm (8") | | \$ 13,594.27 | |
| 100 mm (4") Fire Line | \$ 12,624.73 | | |
| 150 mm (6") Fire Line | \$ 16,693.92 | | |
| 200 mm (8") Fire Line | \$ 24,484.11 | | |

2023 Meter Fee Rates:

| | Meter Type | | |
|-----------------------|--------------|--------------|--------------|
| Meter Size | Standard | Turbine | Compound |
| 20 mm (3/4") | \$ 567.73 | | |
| 25 mm (1") | \$ 684.04 | | |
| 37 mm (1 1/2") | | \$ 1,979.90 | \$ 2,659.18 |
| 50 mm (2") | | \$ 2,292.07 | \$ 3,028.24 |
| 75 mm (3") | | \$ 2,759.01 | \$ 3,727.31 |
| 100 mm (4") | | \$ 4,935.82 | \$ 6,071.51 |
| 150 mm (6") | | \$ 8,683.91 | \$ 10,489.85 |
| 200 mm (8") | | \$ 14,002.10 | |
| 100 mm (4") Fire Line | \$ 13,003.47 | | |
| 150 mm (6") Fire Line | \$ 17,194.74 | | |
| 200 mm (8") Fire Line | \$ 25,218.63 | | |

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

The **Water Meter** Fee for commercial meters does not include the following: master control valve on service inlet and meter isolation valve downstream of meter, pressure reducing valve(s) (PRV's),

pressure gauges, back flow prevention device and bypass piping and bypass valve all to be supplied and owned by the **Property** owner.

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

2. Service Fees

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

| Service | Fees |
|---|----------|
| Water disconnect (shut-off) or connect (turn-on) during regular office hours | \$ 37.00 |
| Emergency water service disconnect (shut-off) or connect (turn-on) during off-hours | \$169.00 |
| Meter Testing Fee | \$50.00 |

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

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

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

3. Hydrant Use Permit Fee

The fee for each **Hydrant Use Permit** shall be \$65.00 plus \$30.00 per day for each day of Hydrant Permit. The fee for a Hydrant Use Permit shall include the costs of providing, installing and removing **Approved Backflow Preventer**.

4. Water Meter Pit Fee

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

Report to Council



Date: November 1, 2021
To: Council
From: City Manager
Subject: Community Resiliency Investment Program Funding 2022
Department: Parks Services

Recommendation:

THAT Council receives, for information, the November 1, 2021 report from the Urban Forestry Technician with respect to 2022 Community Resiliency Investment (CRI) Program funding;

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

AND THAT Council supports staff to execute all documents necessary to complete the grant, if successful;

AND FURTHER THAT upon confirmation of the grant award, the 2022 Financial Plan be amended to include the receipt of up to \$150,000 from the Community Resiliency Investment Program.

Purpose:

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

Background:

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

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

Many prioritized recommendations of the current CWPP have been, or are being, addressed through operational and external funding. Our primary source of external funding is that of the Community Resiliency Investment (CRI) Program; a provincial initiative intended to reduce the risk and impact of wildfire to communities in BC through community funding, supports, and priority fuel management

activities within municipal boundaries. From 2019 through 2021, the City of Kelowna has received \$350,000 through the CRI Program to complete activities related to CWPP recommendations.

Completed activities:

- Completion of wildfire fuel modification across the eastern portion of Knox Mountain Park (2019) and a parcel at 4295 Field Road (2020) to support a landscape level fuel break on our southern municipal boundary;
- Development of strategic policy and guideline documents to support improved wildfire development permit processes; and
- Development of a new Community Wildfire Resiliency Plan to assess current risk and receive recommendation on priority wildfire mitigation activities through 2026 (in progress, with anticipated presentation to Council in early 2022).

Discussion:

On October 7th, 2021 staff submitted an application for 2022 CRI Program funding of \$149,045 (of a maximum \$150,000). Allocation of these funds are proposed to be used for two activities:

- Develop and facilitate a residential debris chipping program to provide curbside removal of vegetation from FireSmart priority zones around homes in target neighbourhoods.
- Complete a fuel modification project within a small parcel in Knox Mountain Park.

The City has historically prioritized public interface areas for forest fuel treatment in order to reduce risk of wildfire entering municipal boundaries from surrounding forest or moving from natural areas to homes. This was necessary to create defensible perimeters around the city and along large, forested tracts. In the current funding application, the priority has shifted to address hazardous vegetation on private properties, and the ignition risk posed by wildfire ember showers from fires that are not directly adjacent to homes. Proper types and maintenance of landscape vegetation are critical aspects of ensuring homes meet FireSmart® criteria. The residential debris chipping program has been identified as a means to address barriers for citizens in managing or removing highly flammable vegetation, identified as such by FireSmart® BC, from priority zones around their homes. We anticipate targeting eight neighbourhoods in this first year of chipping, based on age and predominant vegetation types in the community.

Fuel modification work in City parks and natural areas will subsequently comprise a smaller portion of the grant funding request in 2022. Staff have identified a parcel within Knox Mountain Park for fuel treatment due to its current state of dense understory and overstory growth and proximity to the Paul's Tomb beach area. The project aims to reduce the amount of forest fuels in this polygon to improve the conditions for suppression efforts in the event of a wildfire. If this application is successful, the fuel modification project is expected to take place in early 2022, with the chipping program to follow from April through July, 2022.

Conclusion:

Staff seeks support in pursuing wildfire mitigation funding through the CRI Program, administered by the Union of BC Municipalities. Applications for CRI Program funding require a new Council resolution annually.

Internal Circulation:

Communications Advisor
Financial Services Supervisor
Fire Chief
Grants and Special Projects Manager
Infrastructure Operations Manager
Landfill & Compost Operations Manager
Park Services Manager
Urban Forestry Supervisor

Considerations applicable to this report:**Considerations not applicable to this report:**

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

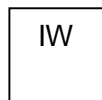
Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: T.Bergeson, Urban Forestry Technician

Approved for inclusion:





Acting Divisional Director, Civic Operations

cc:

Kelowna Fire Department

2022 City of Kelowna Wildfire Mitigation Program

Legend

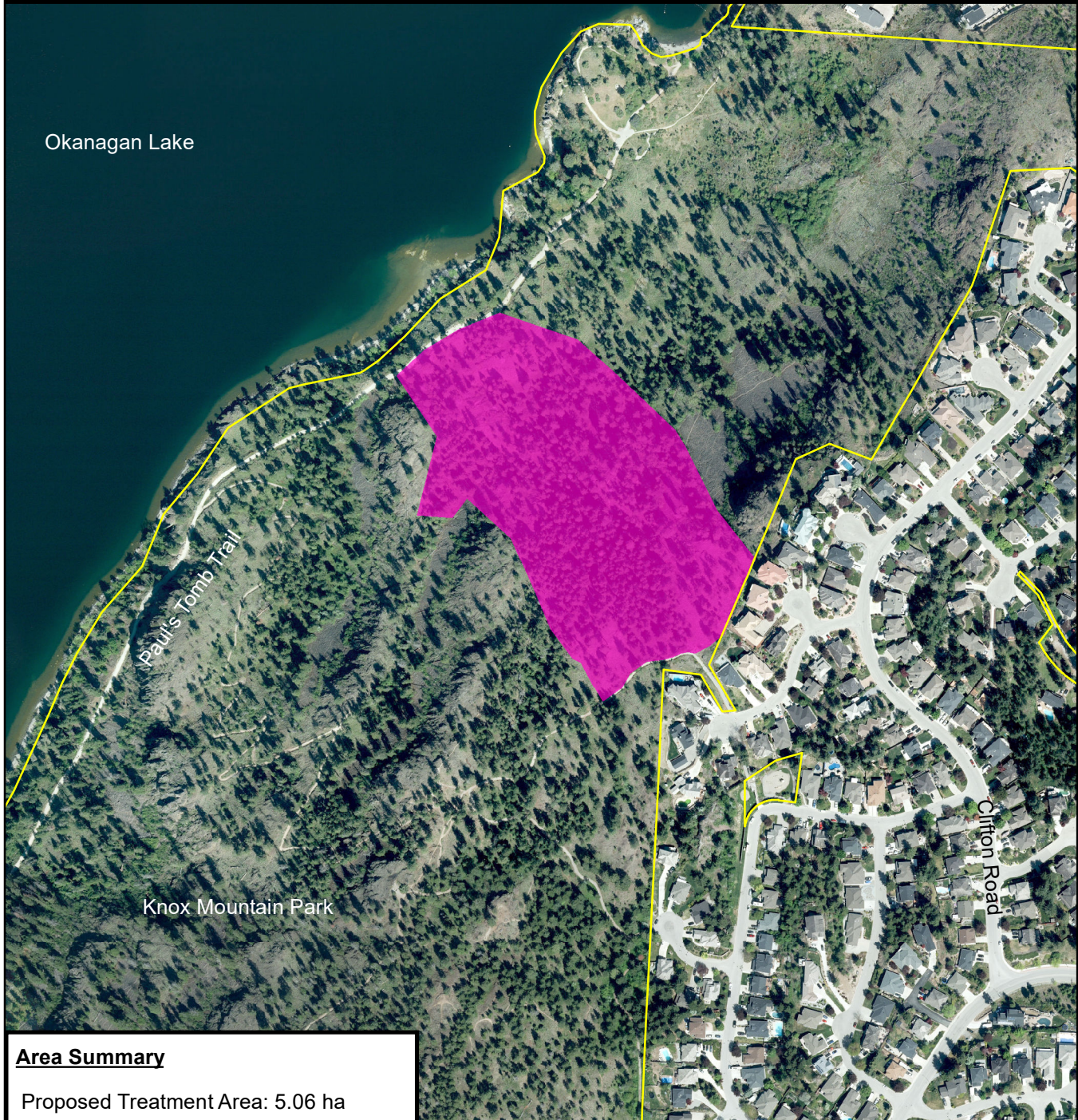
-  Parks
-  2022 Proposed Treatment Area



0 37.5 75 150 225 300
Meters



City of Kelowna
Park Services
October 4, 2021
Created by: T. Bergeson
NAD_1983_BC_Environment_Albers



Area Summary

Proposed Treatment Area: 5.06 ha



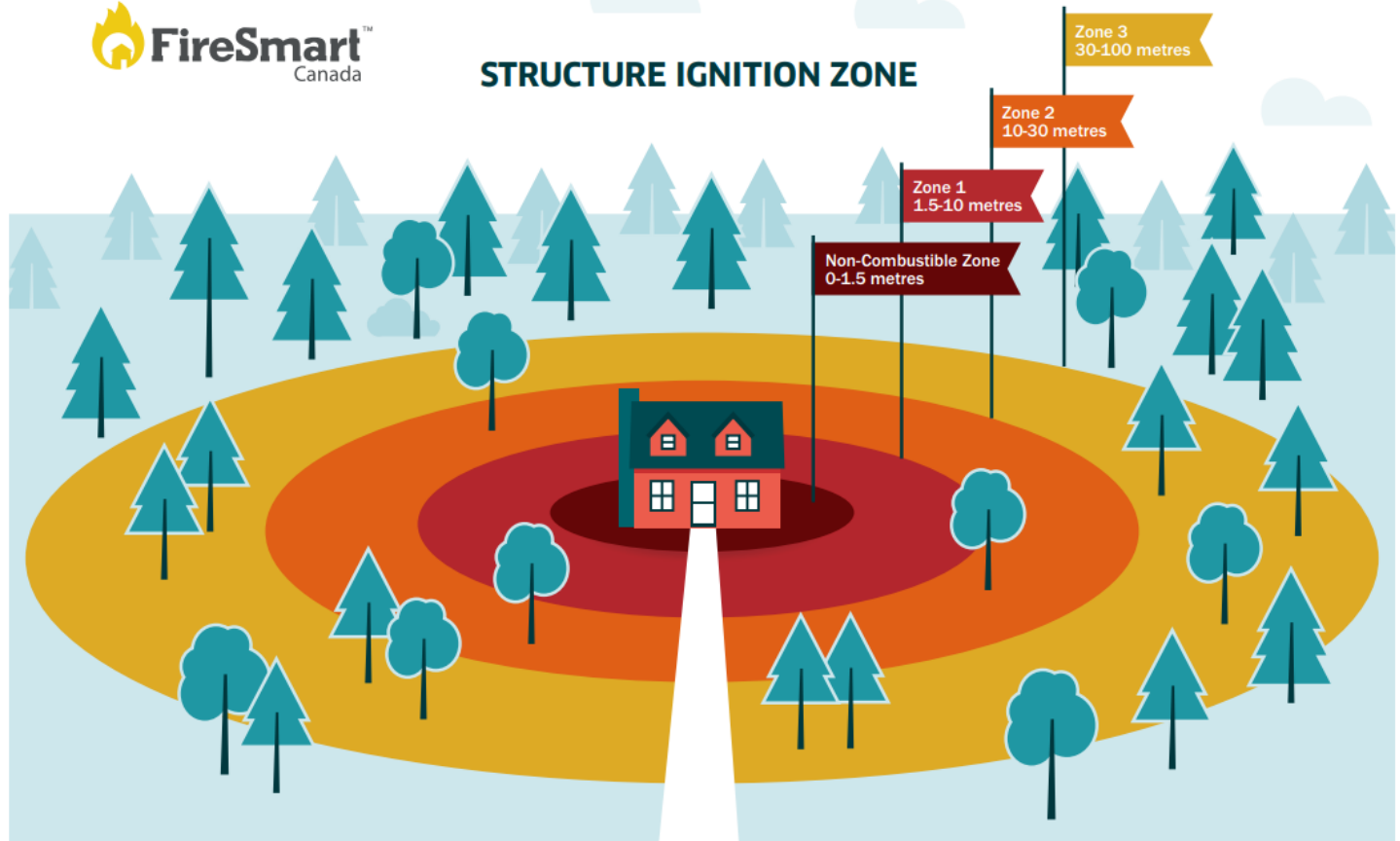
Community Resiliency Investment (CRI) Program Funding

City of Kelowna

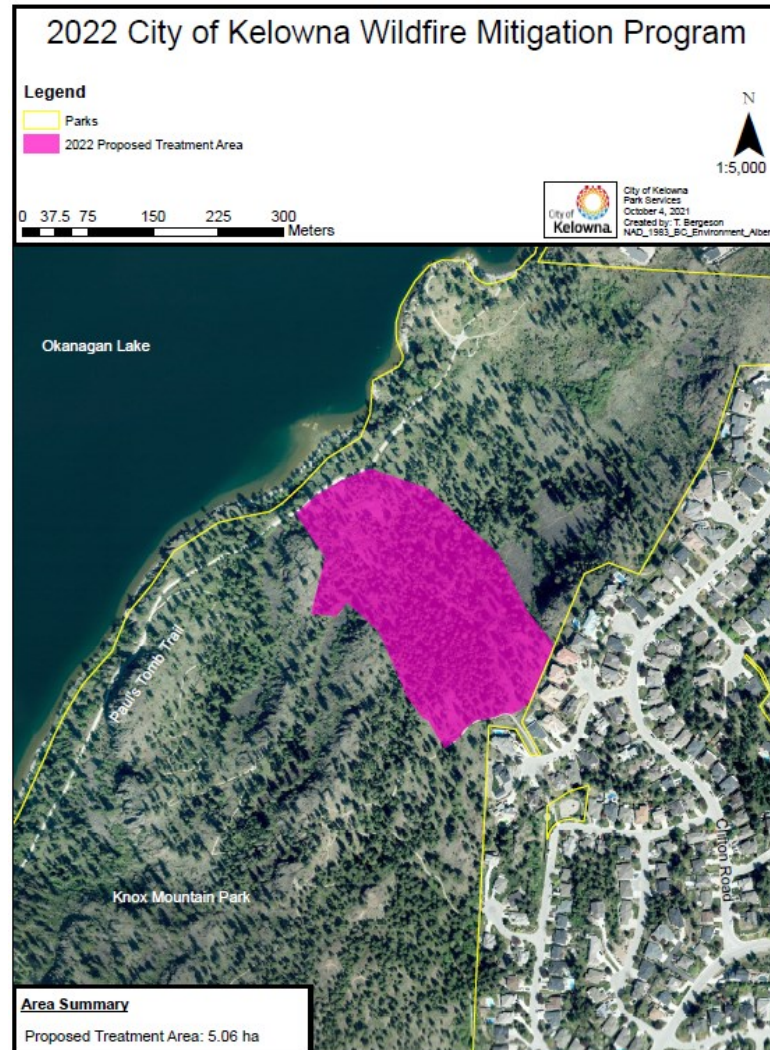
FireSmart® Priority Zones



STRUCTURE IGNITION ZONE



2022 CRI Fuel Mitigation



CITY OF KELOWNA

BYLAW NO. 12290

City of Kelowna Municipal and Regional District Tax Bylaw

A Bylaw for the renewal of the City of Kelowna Municipal and Regional District Tax Bylaw under the provisions of the Provincial Sales Tax Act

WHEREAS the Council of the City of Kelowna wishes to raise revenue for the purposes of financing tourism marketing, programs and projects;

AND WHEREAS under section 240 (2) of the Provincial Sales Tax Act and related regulations, a municipality may request that the Lieutenant Governor in Council make a regulation providing for an additional tax levy, not exceeding three (3) percent on sales of accommodation within the municipality;

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

1. The Lieutenant Governor in Council is hereby requested to make a regulation under section 240(1) of the Provincial Sales Tax Act declaring that effective July 1, 2022, section 123(1) of the said Act applies in respect of accommodation purchased within the City of Kelowna.
2. The tax to be imposed under the provisions of the regulation is requested to be three (3) percent of the purchase price of accommodation.
3. The funds paid to the City of Kelowna under the provisions of the regulation shall be applied to tourism marketing, programs, and projects that are developed and administered by Tourism Kelowna, and to City of Kelowna affordable housing initiatives pursuant to annual Affordable Housing Plans.
4. This bylaw may be cited for all purposes as "City of Kelowna Municipal and Regional District Tax Bylaw No. 12290".
5. The City of Kelowna Additional Hotel Room Tax Bylaw No. 11258, and all amendments thereto, are hereby repealed.
6. This bylaw shall come into full force and effect on July 1, 2022.

Read a first, second and third time by the Municipal Council this 25th day of October, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk