

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, February 7, 2022  
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 face coverings, a mask or face covering must be worn in the gallery of Council Chambers except when presenting to Council.

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

#### 2. Confirmation of Minutes

5 - 11

PM Meeting - January 24, 2022

#### 3. Development Application Reports & Related Bylaws

##### 3.1. Curtis Rd 841 - A21-0005 - Arthur and Linda Scheffler

12 - 35

To support an application to the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to allow up to 2,000 cubic meters of fill on the subject property to reclaim for agriculture, under Section 20.1 (2) of the Agricultural Land Commission Act.

##### 3.2. Swamp Rd 3850 - A21-0008 - Kevin and Joelle Schmidt, Christine Schmidt

36 - 84

To support an application to the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to place up to 23,500 cubic meters of fill on the subject property to reclaim for agriculture, under Section 20.1 (2) of the Agricultural Land Commission Act.

##### 3.3. Hwy 33 W 260-262 - LUCT20-0013 (BL12272) - My Neighbourhood Restaurant Ltd., Inc.No. BC0775737

85 - 98

To proceed with the early termination of Land Use Contract LUC76-11 and to revert the parcel to the underlying C4 – Urban Centre Commercial zone.

<b>3.4.</b>	<b>Hwy 33 W 260-262 - BL12272 (LUCT20-0013) - My Neighbourhood Restaurant Ltd., Inc.No. BC0775737</b>	<b>99 - 99</b>
	To give Bylaw No. 12272 first reading in order to proceed with the early termination of Land Use Contract LUC76-11.	
<b>3.5.</b>	<b>Harvey Ave 1574 - LUCT20-0019 (BL12317) - PMC (Harvey) Holdings Corp., Inc.No. BC0783456</b>	<b>100 - 112</b>
	To proceed with early termination of Land Use Contract LUC78-1021 and to revert the parcel to the underlying zones of C10 – Service Commercial & C3 – Community Commercial.	
<b>3.6.</b>	<b>Harvey Ave 1574 - BL12317 (LUCT20-0019) - PMC (Harvey) Holdings Corp., Inc.No. BC0783456</b>	<b>113 - 113</b>
	To give Bylaw No. 12317 first reading in order to proceed with early termination of Land Use Contract LUC78-1021.	
<b>3.7.</b>	<b>Ambrosi Rd 1820 - Z21-0093 (BL12322) - True North Endeavours Inc., Inc. No. BC0792133</b>	<b>114 - 137</b>
	To rezone the subject property from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone to facilitate the development of a commercial building.	
<b>3.8.</b>	<b>Findlay Rd 1225 - Z21-0088 (BL12323) - Findlay Development Inc, Inc No BC1302254</b>	<b>138 - 157</b>
	To rezone the subject property to facilitate a multiple dwelling housing development.	
<b>3.9.</b>	<b>Knowles Rd 549 - Z21-0104 (BL12324) - Neil Jason Roe and Lynsay Clare Roe</b>	<b>158 - 179</b>
	To rezone a the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a 3-lot residential subdivision.	
<b>3.10.</b>	<b>Rutland Rd 155 -179 - TA21-0017 (BL12325) - ASI CENTRAL GP INC., INC.NO. A0117887</b>	<b>180 - 196</b>
	To amend the Zoning Bylaw with a Site-Specific Text Amendment to allow a maximum density of 2.35 FAR and a maximum height of 8 storeys and 32.0 m for the subject properties.	
<b>3.11.</b>	<b>Rutland Rd 155 -179 - BL12325 (TA21-0017) - ASI CENTRAL GP INC., INC.NO. A0117887</b>	<b>197 - 198</b>
	To give Bylaw No. 12325 first reading in order to increase the maximum density and maximum height in the C4 - Urban Centre Commercial zone for the subject properties.	



<b>3.12.</b>	<b>St Paul St 1310 - Z21-0062 (BL12326) - Vibona Enterprises Ltd. Inc. No BCo458875</b>	<b>199 - 221</b>
	To rezone the subject property from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone to allow for a retail cannabis sales establishment.	
<b>3.13.</b>	<b>St Paul St 1310 - BL12326 (Z21-0062) - Vibona Enterprises Ltd. Inc. No BCo458875</b>	<b>222 - 222</b>
	To give Bylaw No. 12326 first reading in order to rezone the subject property from an I2 - General Industrial zone to the C7rcs - Central Business Commercial (Retail Cannabis Sales) zone.	
<b>3.14.</b>	<b>Supplemental Report - Sumac Rd E 330 - Z21-0103 (BL12319) - Amabell Altes Aguilar and Noel Tecson Aguilar</b>	<b>223 - 224</b>
	To receive a summary of notice of first reading for Rezoning Bylaw No. 12319 and to give the bylaw further reading consideration.	
<b>3.15.</b>	<b>Sumac Rd E - BL12319 (Z21-0103) - Amabell Altes Aguilar and Noelle Tecson Aguilar</b>	<b>225 - 225</b>
	To give Bylaw No. 12319 first, second, third reading and adopt in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.	
<b>3.16.</b>	<b>McCurdy Rd 335 - Z20-0053 (BL12117) - Rescindment of Bylaw Readings</b>	<b>226 - 227</b>
	To rescind all three readings given to Rezoning Bylaw No. 12117 and direct Staff to close the file.	
<b>3.17.</b>	<b>Elliot Ave 535 - Z20-0033 (BL12121) - Bylaw Extension Request</b>	<b>228 - 233</b>
	To extend the deadline for adoption of Rezoning Bylaw No. 12121 to January 12, 2023.	
<b>3.18.</b>	<b>Dougall Rd S 165 - DP21-0139 - Forever Destiny Homes Ltd., Inc. No. 0903896</b>	<b>234 - 273</b>
	To consider the form and character of a mixed-use building.	

#### **4. Bylaws for Adoption (Development Related)**

<b>4.1.</b>	<b>Fordham Rd 4617 - BL12138 (Z21-0013) - James Emil Sharko and Maureen Anne Atrens-Sharko</b>	<b>274 - 274</b>
	To adopt Bylaw No. 12138 in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.	
<b>4.2.</b>	<b>Clifton Rd 424 - BL12294 (Z21-0073) - Green Scape Holdings Ltd., Inc. No. BC1263511</b>	<b>275 - 275</b>
	To adopt Bylaw No. 12294 in order to rezone the subject property from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone.	

<b>5.</b>	<b>Non-Development Reports &amp; Related Bylaws</b>	
<b>5.1.</b>	<b>Regional Housing Strategy – Project Update and Delegation</b>	<b>276 - 297</b>
	To provide Council with an update on the preparation of the Regional Housing Strategy including a delegation from consultant Urban Matters.	
<b>5.2.</b>	<b>Electric Vehicle Readiness Requirements</b>	<b>298 - 322</b>
	To present information and recommendations on EV readiness requirements for all new residential developments as part of forthcoming Kelowna Zoning Bylaw updates.	
<b>5.3.</b>	<b>Kelowna International Airport 2022 Financial Plan Amendment</b>	<b>323 - 343</b>
	To obtain Council approval to amend Kelowna International Airport’s 2022 Financial Plan.	
<b>5.4.</b>	<b>Management and Operations of Municipal Boating Facilities</b>	<b>344 - 365</b>
	To update Council on the Management and Operations of Municipal Boating Facilities.	
<b>5.5.</b>	<b>Road Closure adjacent to Hwy 97</b>	<b>366 - 369</b>
	To close a 263.5 square metre portion of road for consolidation with the adjacent City owned properties.	
<b>5.6.</b>	<b>Road Closure - Portion of Land Adjacent to Hwy 97 N</b>	<b>370 - 371</b>
	To give Bylaw No. 12299 first, second and third reading.	
<b>6.</b>	<b>Bylaws for Adoption (Non-Development Related)</b>	
<b>6.1.</b>	<b>BL12305 - Amendment No. 38 to Sewer System User Bylaw No. 3480</b>	<b>372 - 383</b>
	To adopt Bylaw No. 12305.	
<b>6.2.</b>	<b>BL12316 - Septic Removal Specified Area Reserve Fund</b>	<b>384 - 384</b>
	To adopt Bylaw No. 12316.	
<b>7.</b>	<b>Mayor and Councillor Items</b>	
<b>8.</b>	<b>Termination</b>	



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, January 24, 2022  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Brad Sieben\*, Mohini Singh, Luke Stack and Loyal Wooldridge

Members participating Remotely Councillors Ryan Donn\* and Charlie Hodge

Staff Present City Manager, Doug Gilchrist\*; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith\*; Planner, Tyler Caswell\*; Planner, Jason Issler\*; Planner Specialist, Lydia Korolchuk\*; Strategic Transportation Planning Manager, Mariah VanZerr\*; Transportation Planner, Cameron Noonan\*; Infrastructure Delivery Department Manager, Brian Beach\*; Utility Planning Manager, Rod MacLean\*; Design Technician, Jim Hager\*; Financial Planning Manager, Kevin Hughes\*

Staff participating Remotely Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal\*; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:34 p.m.

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

In accordance with the most recent Provincial Health Officer Order regarding face coverings, a mask or face covering must be worn in the gallery of Council Chambers except when presenting to 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 Wooldridge/Seconded By Councillor Hodge

R0046/22/01/24 THAT the Minutes of the Regular Meetings of January 17, 2022 be confirmed as circulated.

Carried

### 3. Public in Attendance

#### 3.1 Deb Morris, MHSU Network Director, Dr. Paul Carey MHSU Medical Director and Diane Shendruk, VP Clinical Operations

Diane Shendruk, VP Clinical Operations, Dr. Paul Carey MHSU Medical Director

- Displayed a PowerPoint Presentation, re: Understanding the Mental Health Act.
- Identified the following challenges:
  - Substance Use
  - Persistent Mental Health Disorders
  - Homelessness
  - Other chronic health issues
  - Behavioral crises/social disruption
- Spoke to Health Care initiatives and Programs.
- Spoke to the primary role of the Mental Health Act.
- Spoke to involuntary admission and key criteria.
- Responded to questions from Council.

Councillor Donn disconnected from the meeting at 3:04 p.m.

Moved By Councillor Stack/Seconded By Councillor Given

R0047/22/01/24 THAT Council receive, for information, the verbal report of Interior Health Authority dated January 24, 2022.

**Carried**

City Manager left the meeting at 3:13 p.m. with the Divisional Director, Planning & Development Services acting for the City Manager.

### 4. Development Application Reports & Related Bylaws

#### 4.1 Supplemental Report - McCurdy Rd 2755 - Z20-0075 (BL12318) - Prodev GP Ltd and 2137259 Alberta Ltd

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0048/22/01/24 THAT Council receives, for information, the Supplemental Report from the Office of the City Clerk dated January 24, 2022 regarding a Rezoning Bylaw that requires reading consideration;

AND THAT the Rezoning Application Z20-0075, located at 2755 McCurdy Road, Kelowna, BC be forwarded for reading consideration.

**Carried**

#### 4.2 McCurdy Rd 2755 - BL12318 (Z20-0075) - Prodev GP Ltd and 2137259 Alberta Ltd

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0049/22/01/24 THAT Bylaw No. 12318 be read a first time.

**Carried**

#### 4.3 McClure Rd 4628 - OCP22-0001 (BL12320) Z21-0064 (BL12321) - Paul Andrew Mitchell and Ronda Ann Mitchell



Staff:

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

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R0050/22/01/24** THAT Official Community Plan Amendment Application No. OCP22-0001 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of Lot D District Lot 167 and Section 25 Township 28 SDYD Plan KAP53791, located at 4628 McClure Road, Kelowna, BC from the S-RES – Suburban Residential designation to the NAT – Natural Area designation, as shown on Map “A” attached to the Report from the Development Planning Department dated January 24, 2022, be considered by Council;

AND THAT Rezoning Application No. Z21-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot D District Lot 167 and Section 25 Township 28 SDYD Plan KAP53791, located at 4628 McClure Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing and P3 – Parks and Open Space zones, as shown on Map “B” attached to the Report from the Development Planning Department dated January 24, 2022, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Development Planning Department dated January 24, 2022;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of an Environmental Development for the subject property;

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

**Carried**

**4.4 McClure Rd 4628 - BL12320 (OCP22-0001) - Paul Andrew Mitchell and Ronda Ann Mitchell**

Moved By Councillor Singh/Seconded By Councillor Given

**R0051/22/01/24** THAT Bylaw No. 12320 be read a first time;

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

**Carried**

**4.5 McClure Rd 4628 - BL12321 (Z21-0064) - Paul Andrew Mitchell and Ronda Ann Mitchell**

Moved By Councillor Given/Seconded By Councillor Singh

**R0052/22/01/24** THAT Bylaw No. 12321 be read a first time.

**Carried**

**4.6 Sumac Rd E 330 - Z21-0103 (BL12319) - Amabell Altes Aguilar and Noel Tecson Aguilar**

Staff:

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

Moved By Councillor Stack/Seconded By Councillor DeHart

R0053/22/01/24 THAT Rezoning Application No. Z21-0103 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11 Section 35 Township 26 ODYD Plan 24739, located at 330 Sumac Road East, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council.

Carried

#### **4.7 Fleming Rd 470 - BL12273 (Z21-0027) - 1306876 BC Ltd., Inc. No. BC13066876**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0054/22/01/24 THAT Bylaw No. 12273 be adopted.

Carried

#### **4.8 Fleming Rd 470 - DP21-0074 - 1306876 BC Ltd., Inc. No. BC1306876**

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0055/22/01/24 THAT Council authorizes the issuance of Development Permit No. DP21-0074 for Lot C Section 27 Township 26 ODYD Plan KAP79327, located at 470 Fleming Road, 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 Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated January 24, 2022;

AND THAT lot consolidation of 470 and 500 Fleming Road be registered;

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

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

Carried

The meeting recessed at 3:26 p.m.



The meeting reconvened at 3: 42 p.m. with Councillor Donn attending remotely and the City Manager in attendance.

## **5. Non-Development Reports & Related Bylaws**

### **5.1 Annual Report - Airport Director Delegation of Authority 2021**

Staff:

- Presented remotely summarizing the delegated transactions undertaken in 2021 and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Hodge

**R0056/22/01/24** THAT Council receive for information the report from Kelowna International Airport dated January 24, 2022, with respect to the transactions approved by the Airport Director in accordance with the Delegation of Authority to Enter into Agreements Bylaw No. 11961 for the period starting January 1, 2021 and ending December 31, 2021.

**Carried**

### **5.2 Final 2040 Transportation Master Plan**

Staff:

- Displayed a PowerPoint Presentation summarizing the 2040 Transportation Master Plan and demonstrated the new interactive City TMP featured on the City's website and responded to questions from Council.

Councillor Sieben left the meeting at 4:33 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Given

**R0057/22/01/24** THAT Council receives for information, the report from Integrated Transportation dated January 24, 2022, regarding the final 2040 Transportation Master Plan;

AND THAT Council endorses the final version of the 2040 Transportation Master Plan and directs staff to begin implementation.

AND FURTHER THAT Council direct staff to coordinate the 2040 Transportation Master Plan with the climate modeling and resiliency planning currently underway and report back on any gaps and needed actions later this year.

**Carried**

### **5.3 Water Street DCC Force Main Project - Budget Transfers**

Staff:

- Provided reasons for the requested increase in budget for the Water Street DCC Force Main wastewater project.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**R0058/22/01/24** THAT Council receives for information, the report from the Infrastructure Delivery Department dated January 24, 2022, regarding the additional budget required for the Water Street DCC Force Main Project;

AND THAT the 2021 Financial Plan be amended to include the addition of \$477,260 from the Wastewater DCC Reserve and the transfer of \$12,740 from the Pipe Replacement program to

the Water Street DCC Force project as noted in the Financial/Budgetary Considerations section below.

**Carried**

#### **5.4 Sanitary Sewer Connection Area Program Financing Framework and Bylaw Amendments**

Staff:

- Displayed a PowerPoint Presentation outlining the proposed changes to the Sanitary Sewer Connection Area Program and funding and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

R0059/22/01/24 THAT Council receives, for information, the report from Utility Services dated January 24, 2022, with respect to the Sanitary Sewer Connection Area Program Financing Framework and Bylaw Amendments;

AND THAT Bylaw No. 12305 being amendment No. 38 to the Sewerage System User Bylaw No. 3480 be forwarded for reading consideration;

AND THAT Bylaw No. 12316, being the Septic Removal Specified Area Reserve Fund Bylaw, be forwarded for reading consideration;

AND FURTHER THAT Council direct staff to bring forward future amendments to Bylaw No. 11540 to fully adopt the proposed sanitary sewer connection area program financing framework.

**Carried**

#### **5.5 BL12305 - Amendment No. 38 to Sewer System User Bylaw No. 3480**

Moved By Councillor DeHart/Seconded By Councillor Stack

R0060/22/01/24 THAT Bylaw No. 12305 be read a first, second and third time.

**Carried**

#### **5.6 BL12316 - Septic Removal Specified Area Reserve Fund**

Moved By Councillor DeHart/Seconded By Councillor Stack

R0061/22/01/24 THAT Bylaw No. 12316 be read a first, second and third time.

**Carried**

### **6. Mayor and Councillor Items**

Mayor Basran:

- Read a statement recognizing the passing of long time community supporter Ursela Surtees and expressed condolences to her family on behalf of Council.

Councillor Hodge:

- Paid tribute to Ursela Surtees and expressed condolences.

Councillor Wooldridge:

- Provided comments on the Interior Health Authority presentation and discussion from earlier in the meeting.



Councillor Stack:

- Paid tribute to Ursula Surtees and expressed condolences.

**7. Termination**

This meeting was declared terminated at 5:06 pm

\_\_\_\_\_  
Mayor Basran

/acm

\_\_\_\_\_  
City Clerk

DRAFT

# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** A21-0005

**Owner:** Art and Linda Scheffler

**Address:** 841 Curtis Road

**Applicant:** Art Scheffler

**Subject:** Application to the ALC for Non-Farm Use in the ALR for the Placement of Fill

**Existing OCP Designation:** (R-AGR) Rural - Agricultural and Resource

**Existing Zone:** A1 – Agriculture 1

---

## 1.0 Recommendation

THAT Agricultural Land Reserve Application No. A21-0005 for That Part of Lot 11 Shown on Plan B16248 Block 15 Section 3 and 10 Township 23 ODYD Plan 1068, located at 841 Curtis Road, Kelowna, BC for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20.1 (2) of the Agricultural Land Commission Act, be supported by Council.

## 2.0 Purpose

To support an application to the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to allow up to 2,000 cubic meters of fill on the subject property to reclaim for agriculture, under Section 20.1 (2) of the Agricultural Land Commission Act.

## 3.0 Development Planning

Staff recommend support to allow for the previously placed fill to be retained on the subject property. The application proposes to allow for 2000 cubic metres of fill which was placed on the property in 2017, with the intent of enhancing the existing pasture. The fill is supported by a professional agrologist's report and is functioning as productive pasture today. The purpose of the placement of gravel fill was to facilitate "flushing" of salts from the soils in their pasture. The gravel fill material above the existing low-lying areas followed by layers of topsoil placed above the gravel fill to ensure a drained seed bed.

This application is a re-submission of the same application from 2017 (File #A17-0007) which was approved by the AAC and City Council, prior to be cancelled prior to ALC decision. This application is required through continued ALC and City enforcement.

#### 4.0 Proposal

##### 4.1 Background

The subject property was purchased by the owners in 1984. It is currently largely pasture. A dwelling, shop and small accessory buildings are on the southeast corner of the site. The applicants have previously cultivated the pasture resulting in poor plant growth due to high levels of Potassium, Magnesium, Sodium and Sulfate.

##### Project Description

The proposal is to allow for fill and topsoil to remain that was placed in 2017. The soil placement was used to fill in low spots with the goal to regrading and providing better pasture. The agrologist's report is attached.

##### 4.2 Site Context

The subject property is in the North Glenmore, Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 – Agriculture 1 (Maps 1 – 4, below) and is outside of the Permanent Growth Boundary. The property slopes from the south to the north, with a height of land at the south property line of 436.0 metres, sloping to the north property line at 435.0 metres, with a slope over the property which averages approximately 1%. Specifically, adjacent land uses are as follows:

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

##### Subject Property Map: 841 Curtis Road



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

<b>Objective 8.1 Protect and preserve agricultural land and its capability.</b>	
<b>Policy 8.1.1 Protect Agricultural Land</b>	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
<b>Policy 8.1.6 Non Farm Uses</b>	<p>Restrict non-farm uses that do not directly benefit agriculture except where such non-farm uses are otherwise consistent with the goals, objectives and other policies of this OCP. Support non-farm use applications only where approved by the ALC and where the proposed uses:</p> <ul style="list-style-type: none"> <li>• Are consistent with the Zoning Bylaw and the 2040 OCP;</li> <li>• Provide significant benefits to local agriculture;</li> <li>• Do not require the extension of municipal services;</li> <li>• Will not utilize productive agricultural lands;</li> <li>• Will not preclude future use of the lands for agriculture; and</li> <li>• Will not harm adjacent farm operations.</li> </ul>

## 6.0 Application Chronology

Date of Application Received: April 12, 2021  
 Agricultural Advisory Committee: August 12, 2021

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

THAT the Agricultural Advisory Committee recommend to Council that Application No. A21-0005 for non-farm use to place up to 2000 cubic meters of fill to the subject property, located at 841 Curtis Road, Kelowna, B.C., be supported.

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

### **Attachments:**

Attachment A: Agrologist Report

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application # A21-0005		
Planner Initials	<b>SS</b>	 <b>City of Kelowna</b> DEVELOPMENT PLANNING

August 29, 2017

To: Whom it may concern

RE: Gravel Placement

## 1.0 Introduction

Art and Linda Scheffler have asked me to provide a professional report in support of their application to apply gravel fill on their property known as:

That Part of Lot 11, Shown on Plan B16248, Block 15, Sections 3 and 10,  
Township 23, Osoyoos Division, Yale District, Plan 1068, PID 008-590-  
834, at 841 Curtis Road, Kelowna, BC.

The location of the property is shown in Figure 1:

**Figure 1: Location of the Scheffler Property**



## 2.0 Qualifications

I am a licensed Agrologist and have been a full member of the B.C. Institute of Agrologists since 1971 (except 2001-2002). I am a graduate from the University of British Columbia with a Bachelor of Science degree in 1967, specializing in Agriculture Economics, and a Master of Science degree in 1972, specializing in Farm Management. My thesis for my Master's degree was entitled *Resource Allocation for the Median Peace River Farm in British Columbia*

**2533 Copper Ridge Drive, West Kelowna, BC, V4T 2X6,**

**Phone: 250-707-4664, Cell: 250-804-1798, email: [bholtby@shaw.ca](mailto:bholtby@shaw.ca)**



During my years in both public and private practice, Courts and Review Boards have accepted me as an expert regarding farming practices in British Columbia.

I am currently a member of the Environmental Appeal Board and the Forest Appeals Commission. Following these appointments, I have received training in Administrative Law and the Rules of Natural Justice.

The reader should note that I do not act as an agent in the normal use of the term. That is, I have no fiduciary responsibility to the applicant.

Section 3 of the Code of Ethics of the BC Institute of Agrologists includes the paragraph:

- ensure that they provide an objective expert opinion and not an opinion that advocates for their client or employer or a particular partisan position.

### **3.0 The Proposal**

The purpose of the placement of gravel fill is to facilitate “flushing” of salts from the soils in their pasture. Specifically, the low lying area to the North West of the parcel have been identified as containing high levels of Potassium, Magnesium, Sodium and Sulfate. In addition, the pH of the soils as a result of the salts is 8.3, clearly alkaline and not conducive to good plant growth.

These levels were identified in a soils report from Griffin Laboratories Inc. in May, 2002. I know of no remedial action having been taken in the intervening years and therefore feel confident in assuming that these levels still exist.

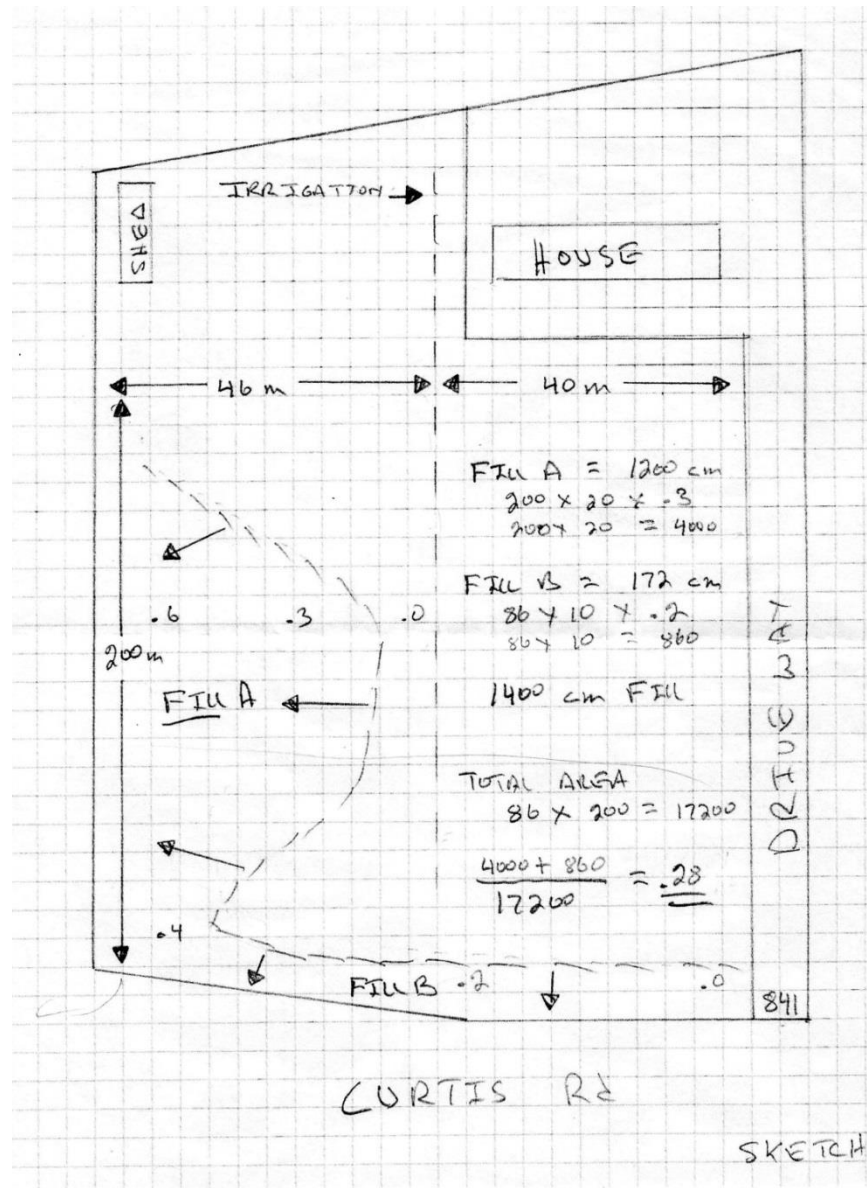
Flushing the salts over time is the known remedy for this action. Normally, the farmer uses tile drainage to remove the salts which are dissolved in the irrigation water. While effective, tile drainage is also expensive. In addition, the Scheffler property contains heavy clays (see Photograph 1) and the ability for water to drain through the clays is suspect. The higher knolls on the property on the south along the driveway do not exhibit the same effect of alkalinity or salt saturation. Water from these knolls will drain along the surface to the lower part of the pasture which is the subject of this proposal.



**Photograph 1: Soil Pit in Area to be Drained**

Mr. Scheffler has provided a sketch map for his property that identifies the area to be drained. These are identified as Fill A or Fill B. This map is shown in Figure 2:

**Figure 2: Sketch Map for the Drainage Plan**



In this case, there are two proposals which, depending on the nature of the gravel fill to be imported, can be effectively and economically used, in my opinion.

If the gravels to be brought into the land contain a large amount of fine material, the best approach in my opinion is to layer the material above the existing low lying area. Layers of topsoil can then be placed above the gravels to ensure a drained seedbed.

This process will allow the flushed water to drain through the now higher ground and will connect to the existing drainage ditch on the property boundary on the north side of the property. This drained water will follow the normal course through the ditch to the lake.

If the gravel material is relatively clean, I would recommend trenching the land in a herring bone pattern with a plow at about a one foot depth and filling the trench with the clean material. This process would be much cheaper to perform since less material is handled. The trenches are best described as “French drains” which are commonly used for water management.

Again, the water will flow to the existing ditch (see Photograph 2) and follow the normal path to the lake.



**Photograph 2: Interception Ditch on North of Parcel**

Improving drainage on a property is considered a “normal farm practice” according to the Farm Industry Review Board.<sup>1</sup>

"normal farm practice" means a practice that is conducted by a farm business in a manner consistent with

(a) proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances, and

---

<sup>1</sup> Section 1, *Farm Practices Protection (Right to Farm) Act*, RSBC 1996,



(b) any standards prescribed by the Lieutenant Governor in Council,  
and includes a practice that makes use of innovative technology in a  
manner consistent with proper advanced farm management practices and  
with any standards prescribed under paragraph (b).

In the decision in *Hall vs Rohrer*, the Panel of FIRB declared that:<sup>2</sup>

We accept that a landowner has the right to improve drainage, subject to  
any applicable land use regulation, to more effectively use his property  
and maximize the profitability of his land.

This decision is contingent on no adverse effect of the drainage improvements on  
neighbouring properties. Given the use of existing ditches, I know of no such adverse  
effects on neighbouring properties.

The plan of Mr. and Mrs. Scheffler can in my opinion, meets the criteria of “normal farm  
practice.”

I will be pleased to answer any questions that may have been raised by my opinion.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'R.G. Holtby', with a long, sweeping horizontal stroke extending to the right.

R.G. (Bob) Holtby, P.Ag.

---

<sup>2</sup> *Hall vs Rohrer*, FIRB Decision, August 26, 2010





10/09/2017





05/09/2017





# A21-0005

## 841 Curtis Rd

ALC Non-Farm Use to Place Fill on the Property



# Proposal

- ▶ To consider an application to the ALC for a Non-farm Use application to allow 2,000 cubic meters of fill to enhance agriculture.

# Development Process

April 12, 2021

Development Application Submitted



May 3, 2021

Staff Review & Circulation



Aug 12, 2021

Agricultural Advisory Committee



Feb. 7, 2022

Council Consideration



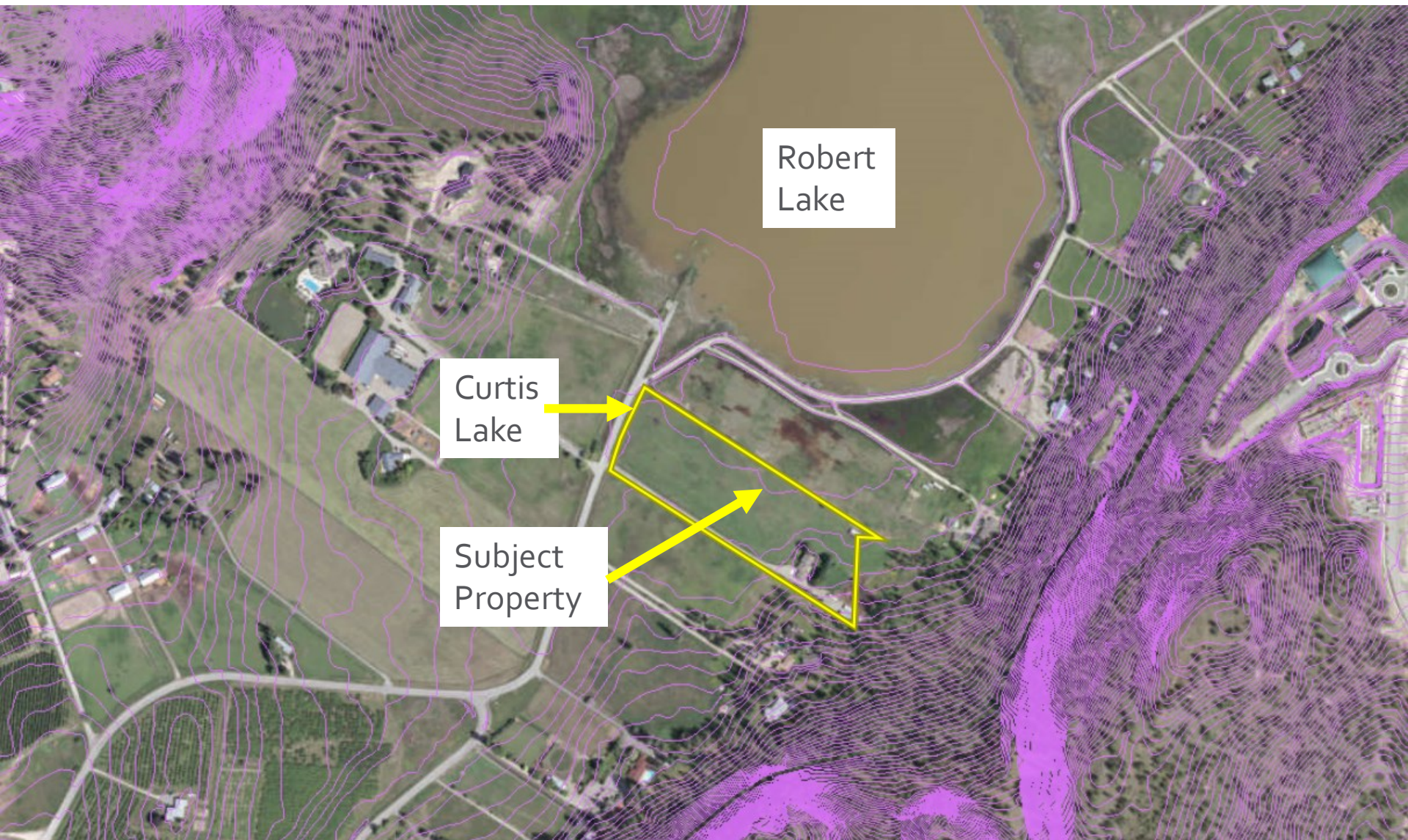
Agricultural Land Commission



Soil Placement Permit (City of Kelowna)

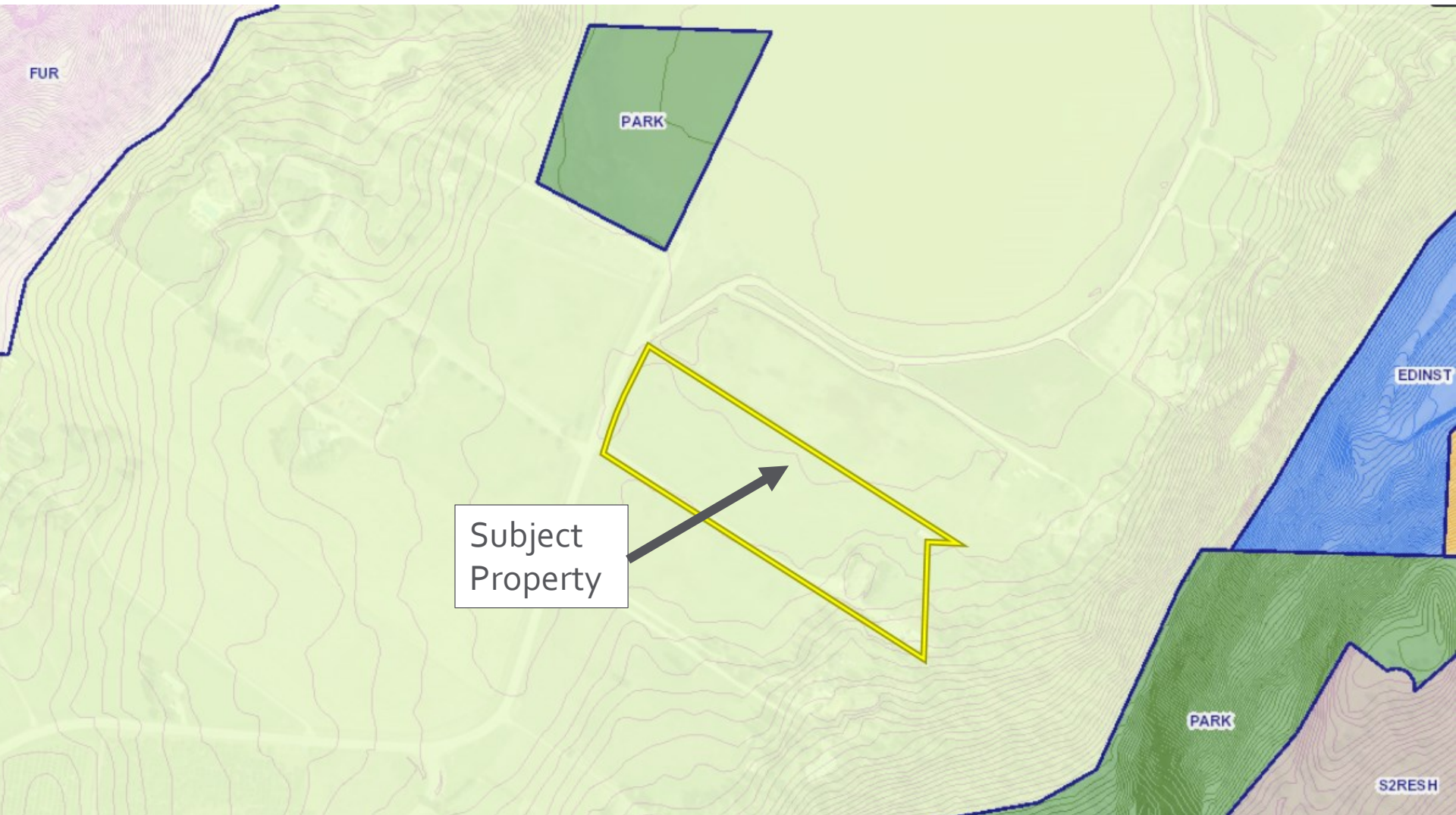


# Context Map



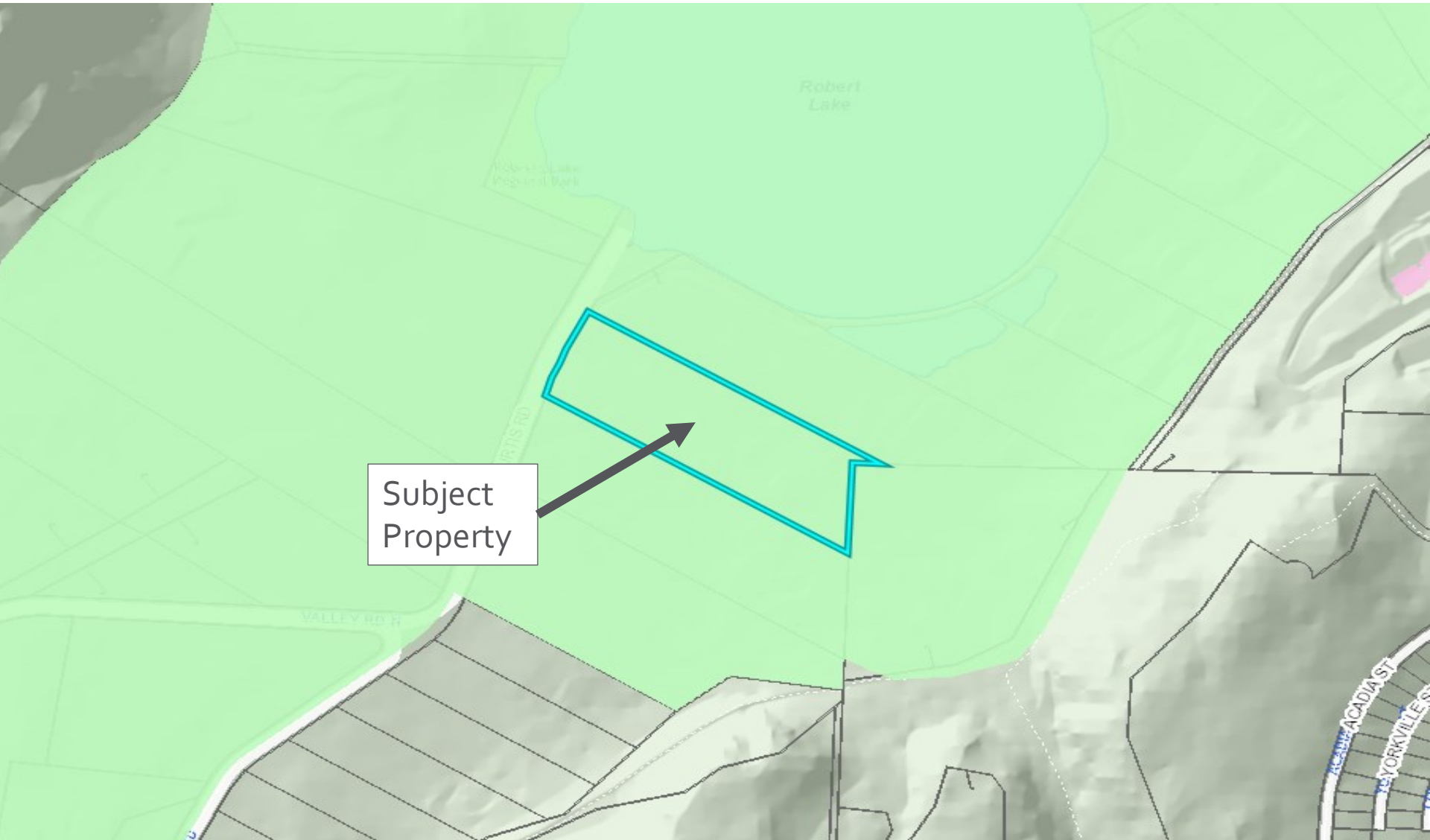


# OCP Future Land Use / Zoning





# Agricultural Land Reserve

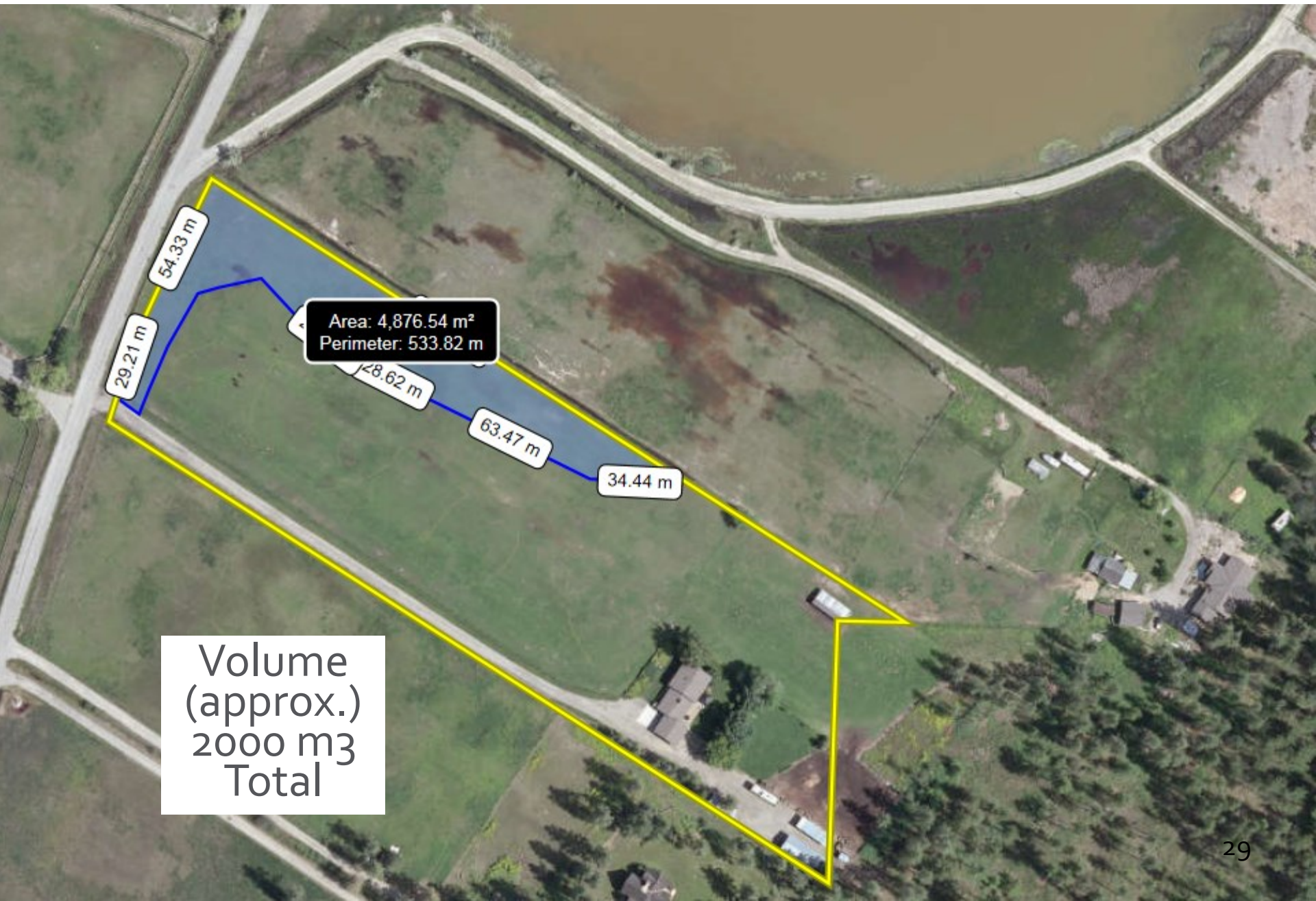


# Subject Property Map





# Site Plan



# Site Photo – Looking North East



# Background

- ▶ Purchased property in 1984
- ▶ Use of land for pasture
- ▶ Issues with high mineral salts (potassium, magnesium, sodium and sulfate)
- ▶ Application part of ongoing enforcement and compliance
- ▶ Fill has been placed since October 2017

# The Project Aligns with OCP Policy:

## ► Policy 8.1.6 Support for Non-Farm Uses only where:

- consistent with Zoning Bylaw and 2040 OCP;
- provide significant benefits to agriculture;
- accommodated using existing infrastructure;
- minimize impacts on agricultural lands;
- will not preclude future use for agriculture; and
- will not harm adjacent farm operations.



# Agricultural Advisory Committee Recommendation

- ▶ THAT the Agricultural Advisory Committee recommend to Council that Application No. 21-0005 for non-farm use to place up to 2,000 cubic meters of fill on the subject property, be supported.

# Staff Recommendation

Staff recommend **support** of the proposed fill application.

- ▶ The purpose of the fill is to ensure a competent root zone for future crops.
- ▶ Fill placement to be guided via an Agrologist's prescription.
- ▶ The fill plan is supported by the AAC.
- ▶ The plan aligns with OCP objectives.





## *Conclusion of Staff Remarks*

# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** A21-0008

**Owner:** Christine Schmidt, Kevin and Joelle Schmidt

**Address:** 3850 Swamp Road

**Applicant:** Kevin Schmidt

**Subject:** Application to the Agricultural Land Commission for Non-Farm Use in the Agricultural Land Reserve for the Placement of Fill

**Existing OCP Designation:** (R-AGR) Rural - Agricultural and Resource, NAT – Natural Areas

**Existing Zone:** A1 – Agriculture 1

---

## 1.0 Recommendation

THAT Agricultural Land Reserve Application No. A21-0008 for Lot K District Lot 168 ODYD Plan 1829 Except Plan EPP21089, located at 3850 Swamp Road, Kelowna, BC for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20.1 (2) of the Agricultural Land Commission Act, be supported by Council.

## 2.0 Purpose

To support an application to the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to place up to 23,500 cubic meters of fill on the subject property to reclaim for agriculture, under Section 20.1 (2) of the Agricultural Land Commission Act.

## 3.0 Development Planning

The applicant is seeking ALC approval to allow for placement of 23,500 cubic meters of fill with the intent of improving the farming capability on the subject property. The proposal is supported by a professional agrologist report to improve the site for agriculture. The purpose of the fill is to raise the land approximately 1.0 meter above the high water table and seasonal flooding prevalent on the site, which will ensure a competent root zone for future crops. Fill placement will also be guided via an Environmental Management Plan to ensure wetland features and groundwater diversion ditches surrounding the property are avoided. Should the ALC approve the Non-Farm Use, the applicant will be required to attain a Soil Deposit Permit from the City of Kelowna.

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on November 18, 2021. The Committee recommends that Council request permission from the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to place up to 23,500 cubic meters of fill on the property to reclaim for agriculture, under Section 20.1 (2) of the Agricultural Land Commission Act.

#### **4.0 Proposal**

##### **4.1 Background**

The subject property has been owned by the Casorso and Schmidt families (who are related), for over one hundred years. Due to the parcel's high water table the site has not been extensively farmed to date. Over the history of owning the parcel, the family has foraged a few pigs and leased the land for hay production. In 2018 the Schmidt family focused on raising the land level through filling to produce crops, such as hops or blueberries, and building a house to raise their family.

In January 2021 a Stop Work Order was issued by the Agricultural Land Commission for unauthorized fill placement on the subject property. Prior to the stop work order being issued, it is believed that 926 loads of fill material were placed on the property, which originated from a construction site at the corner of Cook and Truswell Roads in Kelowna.

##### **4.2 Project Description**

The purpose of the fill is to raise the land approximately 1 meter above the high water table and seasonal flooding prevalent on the site, which will ensure a competent root zone for future crops. Fill placement will be guided via an Agrologist's Prescription to ensure suitable agricultural soils and via an Environmental Management Plan to ensure wetland features and groundwater diversion ditches surrounding the property are avoided.

##### **4.3 Site Context**

The subject property is located in the North Okanagan Mission City Sector near the intersection of Casorso and Swamp roads adjacent to Mission Creek. The parcel is within the Agricultural Land Reserve with a Future Land Use of Rural - Agricultural and Resource (R-AGR) and is zoned A1 – Agriculture 1.

Parcel Summary – 3850 Swamp Road:

Parcel Size: 4.4 ha (10.8 acres)

Elevation: 346 metres above sea level (masl) (approx.)

Zoning and land uses adjacent to the property are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>ALR</b>	<b>Future Land Use</b>
North	A1 – Agriculture 1	Yes	Parks; Rural Agricultural and Resource
South	A1 – Agriculture 1	Yes	Rural Agricultural and Resource
East	A1 – Agriculture 1	Yes	Rural Agricultural and Resource
West	A1 – Agriculture 1	Yes	Rural Agricultural and Resource

**Subject Property Map: 3850 Swamp Road****4.4 Agricultural Land Capability**

The Agricultural Land Capability of the subject property is Class 5, which is generally limited to the production of perennial forage crops and specifically adapted crops (crops such as cranberries suited to unique soil conditions not amenable to a wide range of common crops). Productivity of these suited crops may be high. Class 5 lands can be cultivated and some can be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.

**4.5 Soil Capability**

The Soil Management Handbook for the Okanagan and Similkameen Valley (published by the BC Ministry of Agriculture) categorizes soils having similar agriculturally important characteristics into 'soil management groups' identifies that the vast majority of the property is comprised of Tanaka (TA) soils. Surface and subsurface textures range from sandy loam to silty clay loam, while subsoils are gravels and sand at approximately 50 centimeters and greater in some profiles. The soils are predominately poorly to very poorly drained with minor inclusions of imperfectly drained soils on slightly elevated locations. The topography varies from level and gently undulating.

Tanaka soils are well suited for forage crops. If soils are drained, suited crops would be alfalfa, annual vegetable crops, blueberries, cereals, corn, forage crops, nursery and Christmas trees, pears, raspberries and strawberries.

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

<b>Objective 8.1 Protect and preserve agricultural land and its capability.</b>	
<b>Policy 8.1.1 Protect Agricultural Land</b>	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
<b>Policy 8.1.6 Non Farm Uses</b>	<p>Restrict non-farm uses that do not directly benefit agriculture except where such non-farm uses are otherwise consistent with the goals, objectives and other policies of this OCP. Support non-farm use applications only where approved by the ALC and where the proposed uses:</p> <ul style="list-style-type: none"> <li>• Are consistent with the Zoning Bylaw and the 2040 OCP;</li> <li>• Provide significant benefits to local agriculture;</li> <li>• Do not require the extension of municipal services;</li> <li>• Will not utilize productive agricultural lands;</li> <li>• Will not preclude future use of the lands for agriculture; and</li> <li>• Will not harm adjacent farm operations.</li> </ul>

## 6.0 Application Chronology

Date of Application Received: August 31, 2021  
 Agricultural Advisory Committee: November 18, 2021

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on November 18, 2021 and the following recommendations were passed:

THAT the Committee recommends that Council request permission from the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to place up to 23,500 cubic meters of fill on the property to reclaim for agriculture, under Section 20.1 (2) of the Agricultural Land Commission Act.



**Report prepared by:** Corey Davis, Development Technician - Engineering

**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:**

Agrology Reports

Environmental Management Plan for Fill Placement – 3850 Swamp Road

# Initial Report Regarding Soils and Fill Placed at 3850 Swamp Road

Owner: Kevin Schmidt

March 12, 2021



Report Prepared by Dr. Scott Smith P.Ag. and Carl Withler P.Ag.

Kelowna B.C.

This report has been prepared by Professional Agrologists at the request of the land owner, Mr. Kevin Schmidt, to assist him in confirming that soils placed on his property currently are suitable for fill material in farm development and to support his application to the Agricultural Land Commission (ALC) for permission to retain these soils on site and ultimately continue filling and top dressing his land for farming purpose.

This initial report shall follow the following outline to provide the audience with all site specific information gathered by the authors and recommend a path forward for the land owners.

## Report outline:

1. Site history and context
2. Assessment of fill to date
3. Recommended actions
4. General Commentary
5. Statement of Qualifications.

**Site history and Context:** the property in question has been owned by Casorso/Schmidt family members for over 100 years and because of it's swampy nature and seasonal flooding has not been developed as an intensively farmed parcel to date. Over the history of owning the parcel, the family has foraged a few pigs on the property occasionally and most recently leased the property to an adjacent land owner who wished to cut hay on it. This lease was terminated in 2018 and from that point forward Mr. and Mrs. Schmidt (Casorso family members) have focussed on raising the land level through filling to produce crops, possibly hops or blueberries, and building a house to raise their young family.

It is worth noting that during this historical review, of the property that the fill currently placed without permission on the property is not the first fill to be placed on the property. Ortho image and Google Earth images reviews have confirmed that fill material from the development of the traffic circle and Swamp road drainage improvements have been placed on the property as early as 2009 and possibly earlier. (Refer to photo 1 below)



**Photo 1:** City of Kelowna ortho image dated 2012 showing fill placed on site after development of traffic circle and Swamp road drainage improvement.



As well, it is known by the authors of this report that works carried out by the Mission Creek restoration Initiative and City of Kelowna starting in 2010 had the dykes set back from Mission Creek along the North Western edge of this property with the permission of the ALC. Once the dyke setback project was completed the land was returned to market as improved agricultural lands seeking fill to raise the rooting zone out of the water table. This is the activity that the Schmidt family were undertaking when the current Stop Work order was placed.

**Assessment of Fill to Date:** starting on March 4, 2021 Dr. Scott Smith began investigations into the fill on site attempting to determine its suitability as fill material. This investigation included composite, randomized soil sampling for texturing as well as parent material origin. Added to these basic soil tests literature reviews were completed on previously submitted soil analysis from the stated excavation site as well as on site review at the corner of Cook and Truswell road in Kelowna. Lastly, basic conversations were held with excavation staff, on site at the Cook and Truswell excavation.

After thorough review of the above stated information, it is believed that 926 loads of fill material were placed on 3850 Swamp road from the Truswell excavation and mixed with pre-existing fill material from City of Kelowna road works (traffic circle/Swamp road drainage) creating an approximately 1 m fill on approximately 1/3 of the property. Filling stopped at the placement of the Stop Work orders.

At the writing of this report, investigations into salinity of the placed soils are underway and will be available on March 15<sup>th</sup>, 2021, but from all testing this fill is suitable for agricultural fill. Refer to Appendix 1 for specific commentary. Also attached is the lab results confirming lack of hydrocarbons in the soil placed at 3850 Swamp road.

**Recommended Actions:** assuming soil test results due March 15 do not show salinity problems and the fill on site is suitable for its intended purpose the following actions should be undertaken:

- The owners, or agent, of 3850 Swamp road should make formal application to place fill to the ALC prior to April 1, 2021 as outlined in compliance documentation from ALC staff. This report should be appended to the application with a finalized version of this report based on ALC and City of Kelowna feedback.
- Culverts should be placed at current driveway entrances to prepare for water movement during freshet. This should be done after seeking permission to work on site is granted by ALC staff.
- Should approval be granted from the ALC for existing material to remain on site and further fill material to be added to finish filling clean, tested fill should be secured and



site monitoring applied by a third party to confirm fill limits to February 4, 2021 plans developed by Ferguson Surveying and currently in possession of ALC staff.

- Once filling is complete, top soil should be secured, not more than two texture classes different than the place fill and incorporated to a 6' depth and then top dressed with 4' of soil to initiate framing.
- Upon completion of filling and top dressing the landowner should apply to the city to build a primary farm residence and declare a farm footprint.

**General Commentary:** the author of this report has known the Casorso/Schmidt families for over 17 years and watched the development of Swamp road and various facilities along Swamp road for that same period of time. It is my opinion that the fill placed on 3850 Swamp road was not placed for financial benefit of the land owner or a disregard for ALC and City legal requirements. It is my opinion that this activity took place based on a lack of understanding of the time and administrative efforts required to legally place fill on agricultural properties.

I am of the opinion that if ALC permission to continue filling is granted that there will be fairly rapid farm development and that this land intended for agricultural production will be a contributing part of B.C.'s food sustainability and agricultural gross domestic product.

The authors remain committed to assisting the land owner and ALC staff come to resolution on this issue of mutual concern and are available at either parties request to answer questions or provide follow up information.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Carl Withler', with a stylized, looping flourish at the end.

Carl Withler P.Ag. (#695)

**Appendix 1: Initial Findings of Dr. Scott Smith based on March 4, 2021 site review, soil texturing work and document review.**

To: Carl Withler, P.Ag.

From: Scott Smith, P.Ag.

Date: March 10, 2021

Re: 3850 Swamp Rd fill inspection

On March 4, 2021 I visited the subject parcel at 3850 Swamp Rd. The site has been partially filled with approximately one meter depth of mixed fill. Based on Google imagery, initial filling occurred on the eastern end of the property prior to 2009 and has continued intermittently since that time.

The majority of the most recent fill on the site is of a sandy loam texture with 25 % gravel content. There are also areas of fill that are much finer in texture, likely clay loam with 15 to 20 % gravel content. I sampled both types for laboratory analyses. Both of these materials were calcareous, i.e. they contained free lime as detected in the field by reaction with HCl. As such, both fill materials are alkaline in reaction with pH probably >8.0. This is typical of most unweathered, unconsolidated, soil parent materials in the Okanagan Valley.

I also visited the site of road work along Lakeshore Dr adjacent to the El Dorado resort where the recent fill is thought to have been sourced. It was not possible to determine the exact nature of the source materials, whether they were native to the construction site or had been transported and/or mixed at some point in the past. No one working at the site was able to confirm that they represented the fill material used at Swamp Rd. There was very limited exposure of these materials at the construction site, but two samples were collected. The first was of a very sandy and gravelly material, much coarser than anything observed at the Swamp Rd property, and a second finer material (silty clay loam) that was much more like that observed at Swamp Rd. As with the fill materials observed at the Swamp Rd site, both of these materials were moderately calcareous and alkaline in their reaction.

I have read the laboratory report from CARO labs (Project number 2020-045-2000) with respect to samples submitted by Keltech Environmental from a stockpile of fill at 550 Truswell Rd that was reportedly the source of recent fill for Swamp Rd. The results of analyses indicate that the material was free of any significant contaminants. To my knowledge, no contaminant assessment has been made from the various fill materials *in-situ* at 3850 Swamp Rd.

My observations of soil texture, pH and calcareousness will be confirmed following lab determinations of these properties. One additional property, soil salinity, which was not determined in the field will be tested in the lab. I don't anticipate that any of the samples will be saline, but it is important to check this as even small amounts of salts in the material would negatively affect its suitability as an agricultural subsoil.

Based on my observations on March 9<sup>th</sup> of routine physical and chemical properties of the fill materials deposited at 3850 Swamp Rd, I see nothing that would render these materials unsuitable as agricultural subsoils. I will confirm my conclusions in a final report follow receipt of laboratory results.

## **Statements of Qualifications as Required by the Professional Governance Act of B.C.**

### **C.A. Scott Smith M.Sc. P. Ag. Statement of Qualifications**

Scott Smith is a Professional Agrologist registered and in good standing in the province of British Columbia. Because of this registration he is bound by a code of ethics and guided by standard and normal practices of agrology. His work draws on knowledge and experience gained from working over 45 years in soil science in agricultural and forested environments.

Scott worked for the Research Branch of Agriculture and Agri-Food Canada for 35 years as a soil scientist. During that time, he worked in both Yukon and British Columbia conducting soil surveys and eventually becoming the National Program lead for the Canadian Soil Information Service. He also worked internationally conducting inventory and research in many countries including Russia, Finland, USA, China (Tibet), Argentina as well as the Canadian arctic. He is a member in good standing of the Canadian Society of Soil Science.

During his career Scott authored or co-authored more than 70 research reports and over 100 technical reports. He retired from Agriculture and Agri-Food Canada in 2017 and since that time has provided soil consulting services throughout the Okanagan Valley primarily to the wine industry.

### **C.E. Withler B.Sc. P.Ag-Statement of Qualifications.**

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

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



**Inspection of Soil Fill  
3850 Swamp Road, Kelowna, BC**

Report Prepared for: Carl Withler P.Ag.

Prepared by: Scott Smith P.Ag.

March 15, 2021

## Background

On March 3, 2021, I visited the subject parcel at 3850 Swamp Rd at the request of, and accompanied by, Carl Withler. The site has been partially filled with approximately one meter depth of mixed fill. Based on Google imagery, initial filling occurred on the eastern end of the property prior to 2009 and has continued intermittently since that time.

Two composite soil samples were collected from the Swamp Rd property and two samples were collected from a road construction site approximately 1.5 km due south along Lakeshore Dr adjacent to the El Dorado resort where the recent fill is thought to have been sourced. This report contains analytical results for soil texture, pH, CaCO<sub>3</sub> equivalent concentration and soil salinity for the four soils sampled and revises slightly the assessment of soil properties given in an earlier interim report.

## Results

The results from laboratory analyses are presented in Table 1. The majority of the most recent fill on the site is of a sandy loam texture (sample BC21-02) with a field estimate of 25 % gravel content. There are also areas of fill that are much finer in texture (BC21-01), sandy clay loam with 15 to 20 % estimated gravel content. Both of these materials were calcareous, i.e. they contain free lime as CaCO<sub>3</sub> which had also been detected in the field by reaction with HCl. As such, both fill materials are weakly alkaline in reaction with pH just above neutral. This is typical of most unweathered, unconsolidated, soil parent materials in the Okanagan Valley. Both samples were very weakly saline, probably not enough to affect most field crops if this fill is to act as a subsoil.

Table 1. Soil properties as determined by laboratory analyses for the four soil samples collected. Soil particle size determined by the hydrometer method. Methods for the other analyses available from the report author.

Sample	Description	pH (CaCl <sub>2</sub> )	Texture				CaCO <sub>3</sub> equiv		Salinity (EC)	
			% sand	% silt	% clay	Class	%	Rating	dm/m	Rating
BC21-01	Fine textured fill, Swamp Rd	7.3	46	25	29	Sandy clay loam	8.5	moderately calcareous	2.7	very weakly saline
BC21-02	Composite sample of all fill, Swamp Rd	7.4	57	26	17	Sandy loam	5.5	weakly calcareous	2.3	very weakly saline
B21-03	Grab sample #2, Lakeshore Rd construction site	7.4	68	24	8	Sandy loam	4.5	weakly calcareous	0.5	non saline
BC21-04	Grab sample #1, Lakeshore Rd construction site	7.6	67	24	9	Sandy loam	5	weakly calcareous	0.6	non saline


At the Lakeshore Rd construction site, it was not possible to determine if these suspected source materials were native to the site or had been transported and/or mixed at some point in the past. No one working at the site was able to confirm that they represented the fill material used at Swamp Rd. There was very limited exposure of these materials, but two samples were collected. Both were gravelly, sandy loam texture and somewhat coarser than the fill observed at the Swamp Rd property. The samples (BC21-03, BC21-04) of these materials collected at Lakeshore Rd were moderately calcareous, alkaline in their reaction and completely non-saline.

### Conclusions

I have read the laboratory report from CARO labs (Project number 2020-045-2000) with respect to samples submitted by Keltech Environmental from a stockpile of fill at 550 Truswell Rd that was reportedly the source of recent fill for Swamp Rd. The results of analyses indicate that the material was free of any significant contaminants. To my knowledge, no contaminant assessment has been made from the various fill materials *in-situ* at 3850 Swamp Rd.

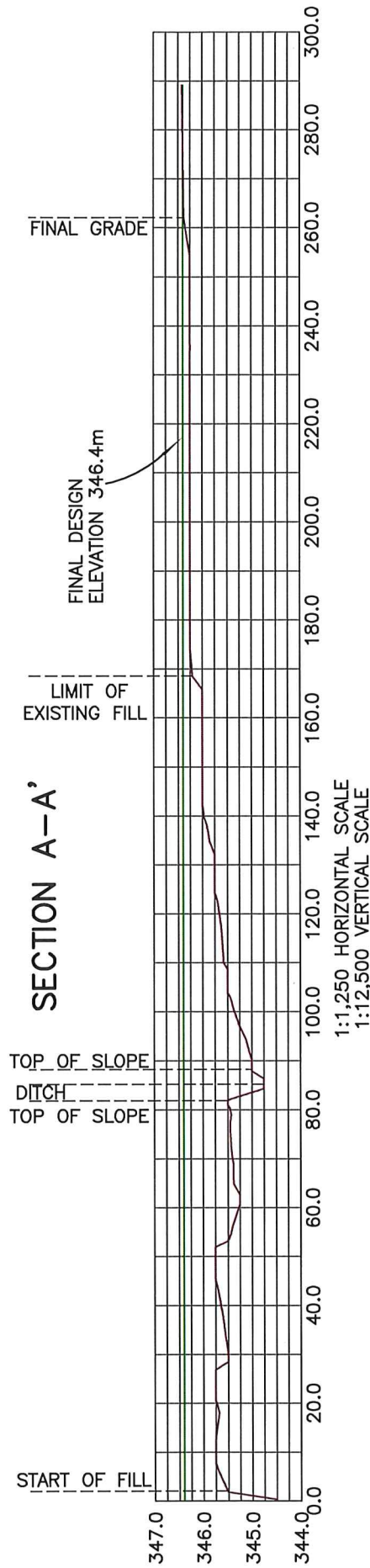
Based on my field observations on March 9<sup>th</sup> and subsequent laboratory analyses of routine physical and chemical properties of the fill materials deposited at 3850 Swamp Rd, I see nothing that would render these materials unsuitable as agricultural subsoils.

Respectfully submitted,



C.A. Scott Smith M.Sc., P. Ag.





NOTE: ELEVATIONS ARE GEODETIC  
— REFERENCED TO CGVD28 DATUM.

PROPOSED GRADE IS APPROXIMATE AND WAS CALCULATED USING THE ELEVATION OF  
THE EXISTING FILL AT THE SOUTH WEST CORNER

CLIENT: SCHMIDT, KEVIN	DATE: FEBRUARY 4, 2021
SCALE: AS SHOWN	FILE: 22470
	DRAWN BY: RD
<b>Ferguson Land Surveying &amp; Geomatics Ltd.</b> BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC PHONE: (250) 763-3115 FAX: (250) 763-0321 © Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.	





August 30, 2021

Project No: 21-3915

3850 Swamp Rd,  
Kelowna, BC  
V1W 4M9

**Attn: Kevin Schmidt**

**Subject: Environmental Management Plan for Fill Placement at 3850 Swamp Road in Kelowna, BC.**

## **1.0 INTRODUCTION**

Ecoscape Environmental Consultants Ltd. (Ecoscape) has been retained by Kevin Schmidt to prepare an Environmental Management Plan (EMP) for the proposed fill placement for erosion control work at 3850 Swamp Road in Kelowna, BC, legally described as Plan KAP1829 Lot K District Lot 168 Except Plan EPP21089 (study area) (**Figure 1**). The study area is zoned as Agriculture 1 (A1) and is found within the Agricultural Land Reserve (ALR). A notice of Unauthorized Removal of Soil or Placement of Fill (File: 160595) was submitted to the client January 14, 2021 (**Appendix A**).

The purpose of this report is to address potential environmental impacts of the proposed work, outline the existing conditions of the study area and provide mitigation measures in accordance with the Agricultural Land Commission (ALC) guidelines for fill placement. This report is to be included with the submission package for Notice of Intent (NOI) for fill placement with the ALC, as well as a Development Permit (DP) with the City of Kelowna (COK) for the proposed work. Because of historical agricultural activity within the study area, the City is willing to allow fill placement with the appropriate permitting in place (as per personal communication with COK Planner, Corey Davis).

This report also provides an assessment of potentially existing terrestrial resource values, the potential for rare and/or endangered species and habitats, and recommendations where appropriate to maintain and/or improve the natural integrity of existing ecological communities.

## **2.0 PROPOSED WORKS**

The proposed works entail the following (**Figure 2**):

- Placement of approximately 23,500 m<sup>3</sup> of fill material, up to 1 m in depth throughout the study area, excepting:
  - A 5m buffer from ditch and wetland features; and

- Within the 50m Riparian Management Area (RMA) of Mission Creek.
- Reseeding of any disturbed area using an agricultural pasture mix.

The focus of this document is to provide an Environmental Management Plan (EMP) to be followed during proposed work, and for submission for a DP with the COK. If the mitigation measures and best management practices presented here are adhered to, this work presents a low risk to aquatic, riparian and terrestrial resource values.

### 3.0 ECOSYSTEMS

Ecoscape Natural Resource Biologist Benjamin Butz, B.Sc., BIT., conducted a visit to the study area on July 20, 2021 to document the existing study area conditions and identify sensitive environmental features. The study area is a series of modified wetlands/ditches and constructed basins under the local name Michaelbrook. The study area is bordered by Mission Creek to the north and west, Swamp Rd to the east, and neighbouring agricultural fields to the south.

The majority of the study area could best be described as a seasonally-flooded field. Located around the area's perimeter are several ditches constructed to divert groundwater, including one such ditch cutting north-to-south through the middle of the study area. The study area shows evidence of historical agricultural activity, including more recent placement of fill within the southeastern portion of the study area.

#### 3.1 Vegetation

Within the portions of the study area that had seen less recent disturbance, vegetation was characterized by *Carex spp.* (sedges) and assorted high-moisture grass species, such as *Phalaris arundinacea* var. *arundinacea* (reed canary grass) (**Photo 1**). Within portions that had seen more recent disturbance in the form of fill placement, vegetation was composed entirely of invasive plant species such as *Chenopodium album* (common lamb's-quarters) (**Photos 2 and 3**). Tall shrubs grow along the study area's ditches.

No plant species-at-risk were observed within the study area; however, a comprehensive floristic survey was not within the scope of this report. While ideally two study area visits would be made for such a survey (one in the spring and one in the summer), due to project timing, only a single study area visit occurred during the summer. Consequently, neither a full species list nor the presence or absence of species-at-risk could be confirmed.

#### 3.2 Wildlife

No wildlife species-at-risk were observed within the study area; however, due to the scope of this assessment, a comprehensive wildlife survey was not possible. Consequently, the presence or absence of species-at-risk could not be confirmed.

#### 4.0 IMPACT ASSESSMENT

Ecoscape has not completed a formal impact statement for this project. It is acknowledged that numerous wildlife species use habitats adjacent to Mission Creek, such as seasonally-flooded fields. However, because this report is focused more specifically on placement of suitable materials for agriculture, a search of the Conservation Data Center (CDC) or BC Species & Ecosystem Explorer is not within its scope.

The proposed works is to occur within the vicinity of Mission Creek. A portion of the property that has been used for agriculture is within the creek's 50 m Riparian Management Area (RMA). Fill placement should take place outside of this RMA. Any encroachment into this RMA must be approved by the City of Kelowna prior to implementation.

It is anticipated that the potential impacts from the proposed works would be considered minimal. Ecoscape anticipates that, with due diligence and the appropriate mitigation measures in place, the risks for adverse environmental impacts to Mission Creek can be appropriately mitigated. Appropriate mitigation and restoration measures should be adhered to in order to protect potential aquatic and terrestrial life.

Ecoscape recognizes that the proposed works could result in the following potential impacts:

- Potential for the establishment of invasive plant species within the environment during disturbance of land within the study area.
- Potential for the release of deleterious substances (e.g., fuel, oil, concrete, hydraulic fluid) to the environment during the proposed works or as a result of improper storage, equipment re-fueling, and/or poorly maintained equipment.
- Disturbance beyond the proposed footprint if not clearly marked or identified before and during construction.

#### 5.0 MITIGATION MEASURES

Recommendations to avoid or minimize the potential impacts that may arise during the proposed construction works are summarized below and based on Best Management Practices (BMPs). BMPs must be adhered to throughout construction. The most relevant best management practices that should be adhered to during the proposed work include:

- Best Management Practices for Amphibian and Reptile Salvages in British Columbia (MFLNRORD 2016).
- Develop with Care Environmental Guidelines for Urban and Rural Land Development (BC MoE 2014a).
- Guidelines for Amphibian and Reptile Conservation during Urban and Rural Land Development in British Columbia (BC MoE 2014b).



## 5.1 Work Timing Windows

### 5.1.1 Nesting Bird Work Windows

Avian nesting periods should be considered to protect nesting birds within and adjacent to the proposed work area.

- Section 6 of the Federal *Migratory Birds Convention Regulation* protects both the nests and eggs of migratory birds. Section 34(a) of the BC *Wildlife Act* protects all birds and their eggs, Section 34(b) protects the nests of eagles, peregrine falcons, gyrfalcons, ospreys, herons or burrowing owls, and Section 34(c) protects the nests of other bird species while they are occupied by a bird or egg. The project area falls within the Northern Okanagan Basin ecodistrict. The avian nesting period for all birds within this ecodistrict is **February 18th to September 12th** (Birds Canada 2021).
- If vegetation clearing activities are required during the identified avian nesting period, pre-clearing nesting surveys may be required by an Environmental Monitor (EM) to identify active nests.
- If active nests are found within the clearing limits, a buffer will be established around the nest until such time that the EM can determine that nest has become inactive. The size of the buffer will depend on the species and nature of the surrounding habitat. Buffer sizes will generally follow provincial BMP guidelines or other accepted protocol (e.g., Environment Canada). In general, a minimum 30 m buffer will be established around songbird nests or other non-sensitive (i.e., not at risk) species.
- Clearing and other construction activities must be conducted within 72 hours following the completion of the pre-clearing nesting surveys. If works are not conducted in that time, the nesting surveys are considered to have expired and a follow-up survey will be completed to ensure that no new nests have been constructed.
- Best management practices relating to raptors and their nests can be found in *Guidelines for Raptor Conservation during Urban and Rural Land Development in BC* (2013).

## 5.2 Fill Placement

- Fill placement must not occur within 5 m of constructed ditches or any other water features.
- Disturbance beyond the identified fill placement footprint must not occur without further assessment.
- Native vegetation, including trees, shrubs, and groundcover, must be retained as much as possible to mitigate the establishment of invasive plants and to maintain the existing ecological value within the study area.



- In the event that land and/or natural vegetation is disturbed or damaged beyond the development footprint area, these areas must be restored and/or replanted with plant material indigenous to the area under the direction of the EM.
- Whenever possible, equipment/machinery used must not be operated or stored within the drip line of trees and equipment must not come into contact with trees outside of the marked limits of disturbance, which could result in physical damage to the bark or limbs.

### 5.3 Erosion and Sediment Control

The following section details the mitigations and recommendations related to erosion and sediment control (ESC) that must be adhered to throughout the duration of the project.

- It is the contractor's responsibility to inspect all mitigation measures daily and additional measures will be installed, maintained, and repaired or replaced as required using a field-fit, adaptive approach.
- Road surfaces adjacent to the project area must be kept clean and free of fine materials. Sediment accumulation upon the road surfaces must be removed (i.e., swept or scraped) on a regular basis and disposed of appropriately.
- The release of silt, sediment, sediment-laden water, or any other deleterious substance into any ditch, watercourse (creek, river, lake, wetland), ravine, or other drainage feature must be prevented at all times. Similarly, there is to be no sediment release into areas of vegetation growth or sensitive areas in levels that would adversely alter growing or hydraulic conditions.
- It is the contractor's responsibility to regularly monitor weather forecasts and adjust ESC measures or proposed construction activities as required based upon the existing conditions of the study area.

### 5.4 Dust Management

Dust generating activities include dust from wheels of vehicles and machinery and stockpiling and movement of soil.

Avoidance, containment, and suppression of dust and dusty processes must be ensured by the following measures:

- Road sweeping/cleaning of entrance and access;
- All material leaving the study area in fully enclosed trailers (tarped);
- Wetting of material prior to disturbance (if appropriate);
- Reduction of speed by vehicles onsite;
- Closing down various or all operations during severe wind events;

- Operator procedures i.e., good housekeeping to keep clean and tidy site;
- Transport management; and
- Additional measures may include cleaning, dampening of haul roads and limiting site speeds, and further onsite restrictions as required.

At all times during operation dust will be monitored by visual assessments.

The site manager is responsible for the operation of the dust management plan and all site operatives will be trained and required to take necessary mitigation action. They will also be required to take preventative action to avoid dust.

## 5.5 Emergency Spill/Response

- Construction debris and stockpiled material must be removed from the site regularly and disposed of appropriately.
- All potential wildlife attractants, including food, beverages, and other strong smelling or perfumed materials must be removed from the site daily.
- Spills of deleterious substances can be prevented through awareness of the potential for negative impact on aquatic habitats and with responsible housekeeping practices onsite. Maintenance of a clean site and the proper use, storage and disposal of deleterious liquids and their containers are important to mitigate the potentially harmful effects of spills and/or leaks.
- Ensure equipment and machinery are in good operating condition, free of leaks, excess oil, and grease. Equipment needs to be pressure/steam-washed prior to use within close proximity of a watercourse.
- Spills occurring on dry land will be contained, scraped and disposed of appropriately. Contaminated material will be stored on tarps and covered to prevent mobilization and will be disposed of in accordance with the *Environmental Management Act*.
- Copies of contact phone numbers for notification of all of the required authorities in the event of a spill/emergency response should be posted and clearly visible at the site.
- Spill containment kits must be kept readily available onsite during construction in case of the accidental release of a deleterious substance to the environment. Any spills of a toxic substance should be immediately reported to the Emergency Management BC 24-hour hotline at **1-800-663-3456**, as well as Ecoscape at **1-250-491-7337**.

## 5.6 Site Cleanup and Restoration

Site cleanup and restoration refers to activities used to return disturbed areas within the study area to a state resembling the original habitat characteristics. Note that protection of existing ecosystems is generally much more efficient than ecosystem enhancement and

restoration following construction. The following recommendations apply to the site cleanup efforts:

- Silt fencing, snow fence and other temporary mitigation features must be removed upon substantial completion of works when the risk of surface erosion and sediment transport has been adequately mitigated with other permanent measures.
- All equipment, supplies, waste, concrete, and other non-biodegradable materials must be removed from the site following the substantial completion of construction activities.
- Weed management and erosion control must occur in all areas of the disturbance footprint.
- Impacts from invasive species include the displacement or competitive exclusion of native species. Prevention of the establishment of invasive species can be achieved by limiting disturbance to soils and native vegetation where possible.
- Ecoscape understands that currently no major restoration has been proposed for the project besides reseeding of any disturbed area with an agricultural grass seed mix. Should further restoration be required, plant species selected should be native to the area and suitable to the growing conditions where the plantings have been proposed.
- The timing of grass seeding is critical to optimize success and it is recommended that seeding should occur in spring ***between April and June*** or fall ***between September and October***. Over-seeding may be required in concurrent growing seasons to obtain adequate coverage and reduce competition by invasive plant species.

## 6.0 ENVIRONMENTAL MONITORING

An environmental monitor (EM) should be retained to document compliance with proposed mitigation measures and to provide guidance during construction works. In the event that greater disturbance occurs due to unforeseen circumstances, the EM should recommend further measures to protect/restore the natural integrity of the site. The EM should be an appropriately Qualified Environmental Professional (QEP).

A pre-construction meeting should be held between the EM and the contractor(s) undertaking the work onsite to ensure a common understanding of the ALC guidelines, mitigation measures and best practices required for the project. The EM will attend other routine meetings, as required.

- It is the contractor's responsibility to provide the EM with a detailed construction schedule and inform the EM of any changes to that schedule.
- The EM will be an approved Qualified Environmental Professional (QEP) authorized to halt construction activities should an incident arise that is causing undue harm (unforeseen or from lack of due care) to terrestrial, aquatic, or riparian resource values.



- A copy of this EMP report describing mitigation measures and BMPs will be kept readily available at the site for reference while the work is being conducted.
- Monitoring reports will be submitted to the COK and ALC in accordance with permitting requirements. A final report will be generated upon the substantial completion of construction works summarizing the project activities and listing any deficiencies noted throughout the works.

## 7.0 CLOSURE

This report has been prepared for the exclusive use of the client and solely for the purpose for which it has been provided with the understanding that all available information on the past, present, and proposed conditions of the site have been disclosed. The client has acknowledged that in order for Ecoscape to properly provide the professional service, Ecoscape is relying upon full disclosure and accuracy of this information. This report should not be interpreted as an endorsement of the proposed works, but as a municipal tool for decision making.

If you have any questions or comments, please contact the undersigned at your convenience.

Respectfully Submitted,  
ECOSCAPE Environmental Consultants Ltd.

Reviewed by:



Benjamin Butz, B.Sc., BIT  
Natural Resource Biologist  
Direct Line: (250) 491-7337 ext.202



Theresa Loewen, M.Sc., P.Ag.  
Agroecologist  
Direct Line: (250) 491-7337 ext.217

Attachments:    Photographs  
                      Figures  
                      Appendix A: Letter from Agricultural Land Commission



## 8.0 REFERENCES

- British Columbia Ministry of Environment (BC MoE). 2014a. Develop with Care Environmental Guidelines for Urban and Rural Land Development. Available: Accessed online: June 23, 2020.  
<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices/develop-with-care>.
- British Columbia Ministry of Environment (BC MoE). 2014b. Guidelines for Amphibian and Reptile Conservation during Urban and Rural Land Development in British Columbia. Available: Accessed online: June 23, 2020.  
[http://www.env.gov.bc.ca/wld/documents/bmp/HerptileBMP\\_complete.pdf](http://www.env.gov.bc.ca/wld/documents/bmp/HerptileBMP_complete.pdf).
- British Columbia Ministry of Forests, Lands, Natural Resources and Rural Development (MFLNRORD) 2016. Best Management Practices for Amphibian and Reptile Salvages in British Columbia. Available: Accessed online: June 23, 2020  
<http://a100.gov.bc.ca/pub/eirs/finishDownloadDocument.do?subdocumentId=10351>.

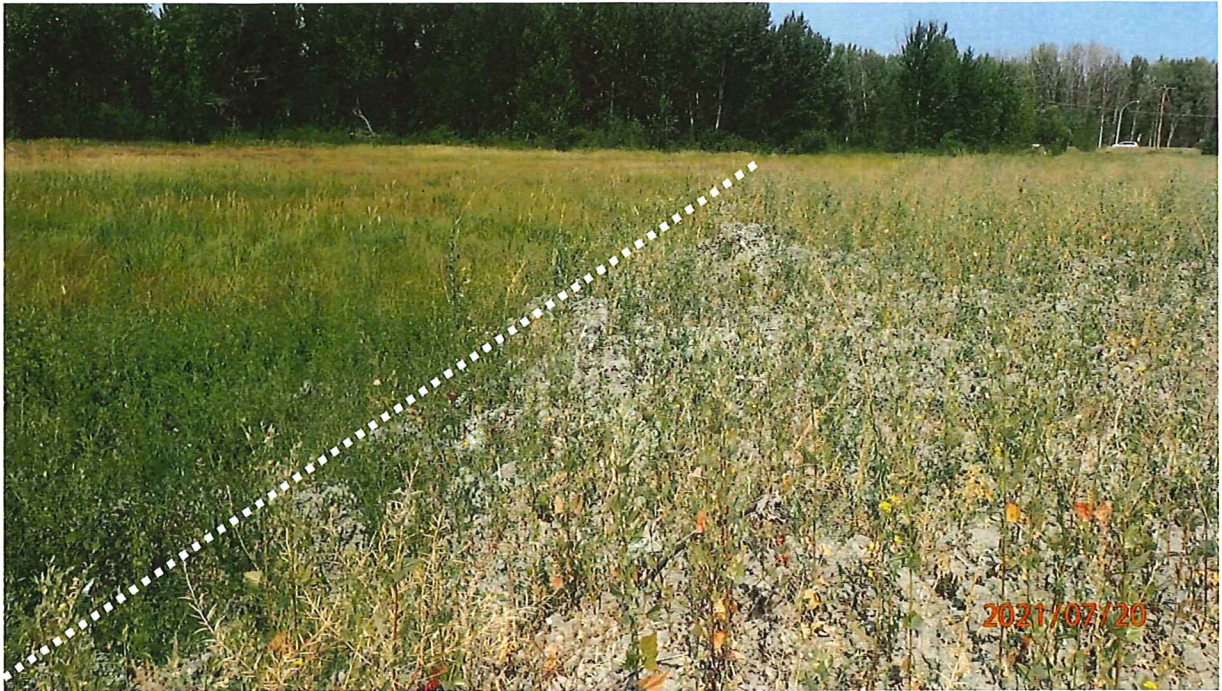


**Photo 1.** View of the study area. Photo facing north. Photo taken July 20, 2021



**Photo 2.** View of the study area and location of previous fill placement. Photo facing northwest. Photo taken July 20, 2021

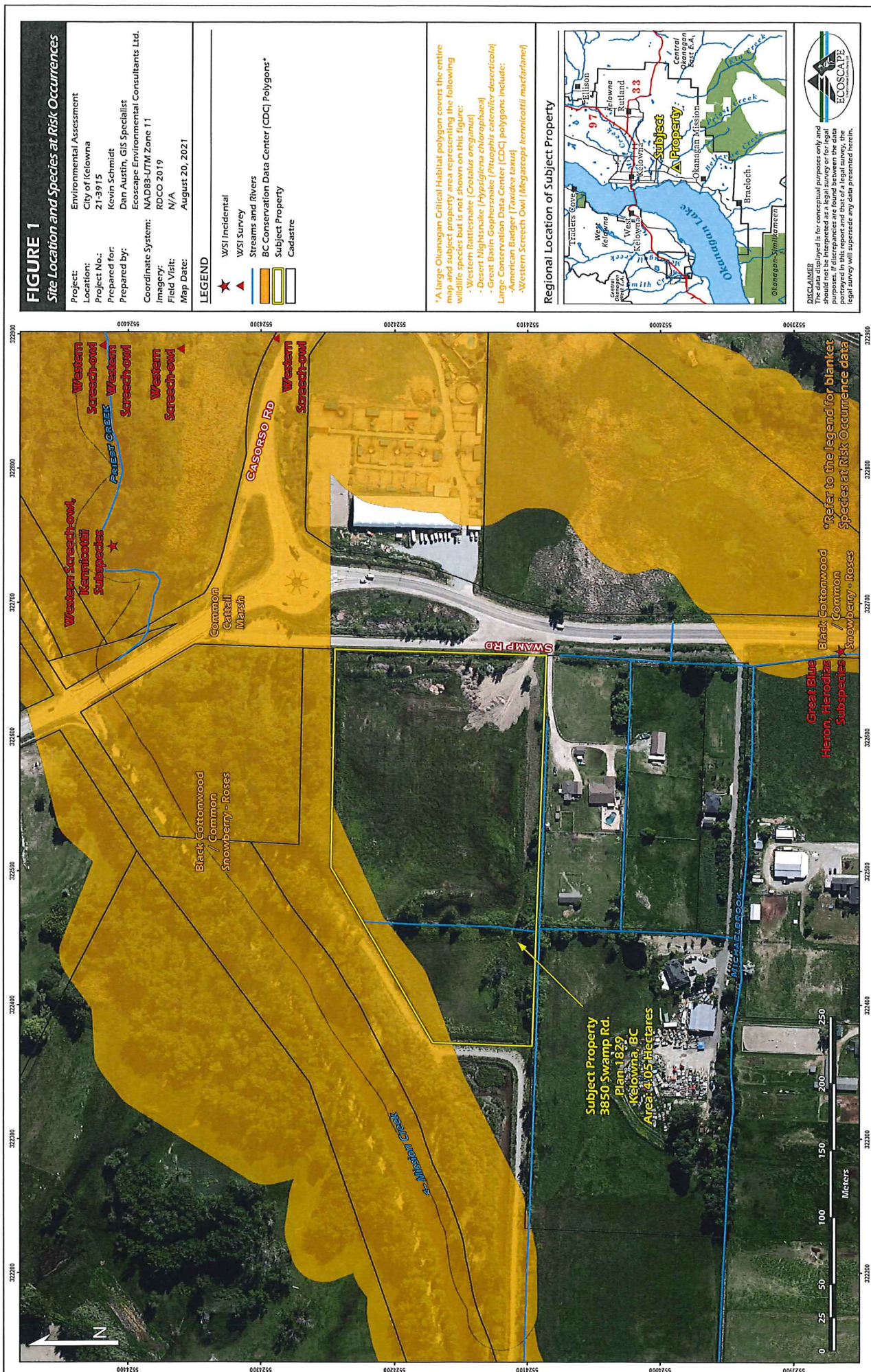




**Photo 3.** View of the study area and the edge of previous fill placement. The dotted white line indicates where the two vegetation communities meet. Photo facing northeast. Photo taken July 20, 2021

## Figures









**FIGURE 2**  
**Proposed Works**

Project: Environmental Assessment  
 Location: City of Kelowna  
 Project No.: 21-3915  
 Prepared for: Kevin Schmidt  
 Prepared by: Dan Austin, GIS Specialist  
 Ecoscape Environmental Consultants Ltd.  
 Coordinate System: NAD83-UTM Zone 11  
 Imagery: RDCO 2019  
 Field Visit: N/A  
 Map Date: August 30, 2021

**LEGEND**

- Mission Creek RMA Setback (50m)
- Ditch
- Mission Creek Top of Bank
- Streams and Rivers
- No Disturb Area and 5m Buffer
- Fill Placement Area
- Subject Property
- Cadastral



**DISCLAIMER**  
 This map was prepared for conceptual purposes only and should not be interpreted as a legal survey or for legal purposes. If discrepancies are found between the data presented herein and the legal survey, the legal survey will supersede any data presented herein.

## **APPENDIX A**

### Letter from Agricultural Land Commission





**Agricultural Land Commission**

201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

January 14, 2021

ALC C&E File: 160595

**REGISTERED MAIL**

CHRISTINE SCHMIDT  
2409 BENVOLIN RD.  
KELOWNA, BC  
V1W 2C9

KEVIN SCHMIDT & JOELLE SCHMIDT  
22 2210 HORIZON DRIVE  
WEST KELOWNA, BC  
V1Z 3L4

Dear Property Owners,

**RE: Unauthorized Removal of Soil or Placement of Fill**

**CIVIC ADDRESS:** 3850 Swamp Road Kelowna BC, V1W 2C9  
**LEGAL:** LOT K DISTRICT LOT 168 OSOYOOS DIVISION YALE DISTRICT PLAN 1829  
EXCEPT PLAN EPP21089  
**PID:** 011-099-895  
**(the "Property")**

This letter serves to inform you that the Agricultural Land Commission (the "ALC") has recently received information that activity is taking place on the Property. The ALC understands that the City of Kelowna has either amended their Stop Work Order that was placed or given permission for the test digs to occur that are necessary to complete reports to the City of Kelowna and the ALC.

On January 14, 2021 an on-site meeting was held by ALC Compliance and Enforcement Supervisor Dave Birchmore with Kris Tasci of Stonewater Environmental. The current activities on the Property were reviewed. The ALC will allow the test digs that are occurring to continue.

The Stop Work Order that was issued by the ALC is still in effect. No further material is to be deposited on the Property at this time. Prohibited materials that have been placed on the Property such as cement and construction waste are allowed to be removed. We understand that asphalt has been removed from the Property.

Commission records indicate that the Property is within the Agricultural Land Reserve ("ALR") and therefore is subject to the *Agricultural Land Commission Act* (the "ALCA") and the *Agricultural Land Reserve Use Regulation* (the "Use Regulation").

Be advised that pursuant to s.20.3 of the *Agricultural Land Commission Act* (the "ALCA"):



**Schmidt – File #160595**

20.3 (1) *A person must not remove soil from or place fill on agricultural land unless one of the following applies:*

*(a) the removal or placement is permitted under section 25 or 45 and the removal or placement is done in accordance with the permission;*

*(b) the removal or placement is permitted under the regulations and the removal or placement is done in accordance with the regulations;*

*(c) the person*

*(i) is an owner of the agricultural land, or has a right of entry, granted under an enactment, to the agricultural land,*

*(ii) first submits to the chief executive officer the prescribed fee and notice of the person's intent, in the form and manner required by the chief executive officer, and*

*(iii) receives approval under subsection (2) (b) and removes the soil or places the fill in accordance with the approval, or is a person to whom subsection (4) applies.*

Be advised that pursuant to s.36(1) of the *Agricultural Land Commission Act*

36 (1) *Except as permitted under subsection (2), the following must not be used as fill on agricultural land:*

*(a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste;*

*(b) asphalt;*

*(c) glass;*

*(d) synthetic polymers;*

*(e) treated wood;*

*(f) unchipped lumber.*

In order to bring the Property into compliance you are required to make an application and apply for a Removal of Soil from ALR land for a non-farm use activity. You have until February 1, 2021 to complete this application.

A lack of timely response to this letter may result in further action which may include the recommendation of a monetary penalty under Section 54 and/or an order to remediate the Property to a suitable agricultural standard under section 52 (1) of the ALCA.

If you have any questions regarding this letter, please contact me at [sara-hart.sodomskey@gov.bc.ca](mailto:sara-hart.sodomskey@gov.bc.ca). I look forward to hearing from you to resolve this matter in a timely fashion.

*This letter does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.*

**Schmidt – File #160595**

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Sodomsky". The signature is fluid and cursive, with the first name "Sara" and last name "Sodomsky" clearly distinguishable.

Sara Sodomsky  
ALC Compliance and Enforcement Officer

Cc: Alex Kondor, Planner Specialist, City of Kelowna



A21-0008

3850 Swamp Rd

ALC Non-Farm Use to Place Fill on the Property



# Proposal

- ▶ To consider an application to the ALC for a Non-farm Use application to place up to 23,500 cubic meters of fill to enhance agriculture.



# Development Process

Aug. 31, 2021

Development Application Submitted



Aug. 31, 2021

Staff Review & Circulation



Nov. 18, 2021

Agricultural Advisory Committee



Feb. 7, 2021

Council Consideration



Agricultural Land Commission



Soil Placement Permit (City of Kelowna)

# Context Map



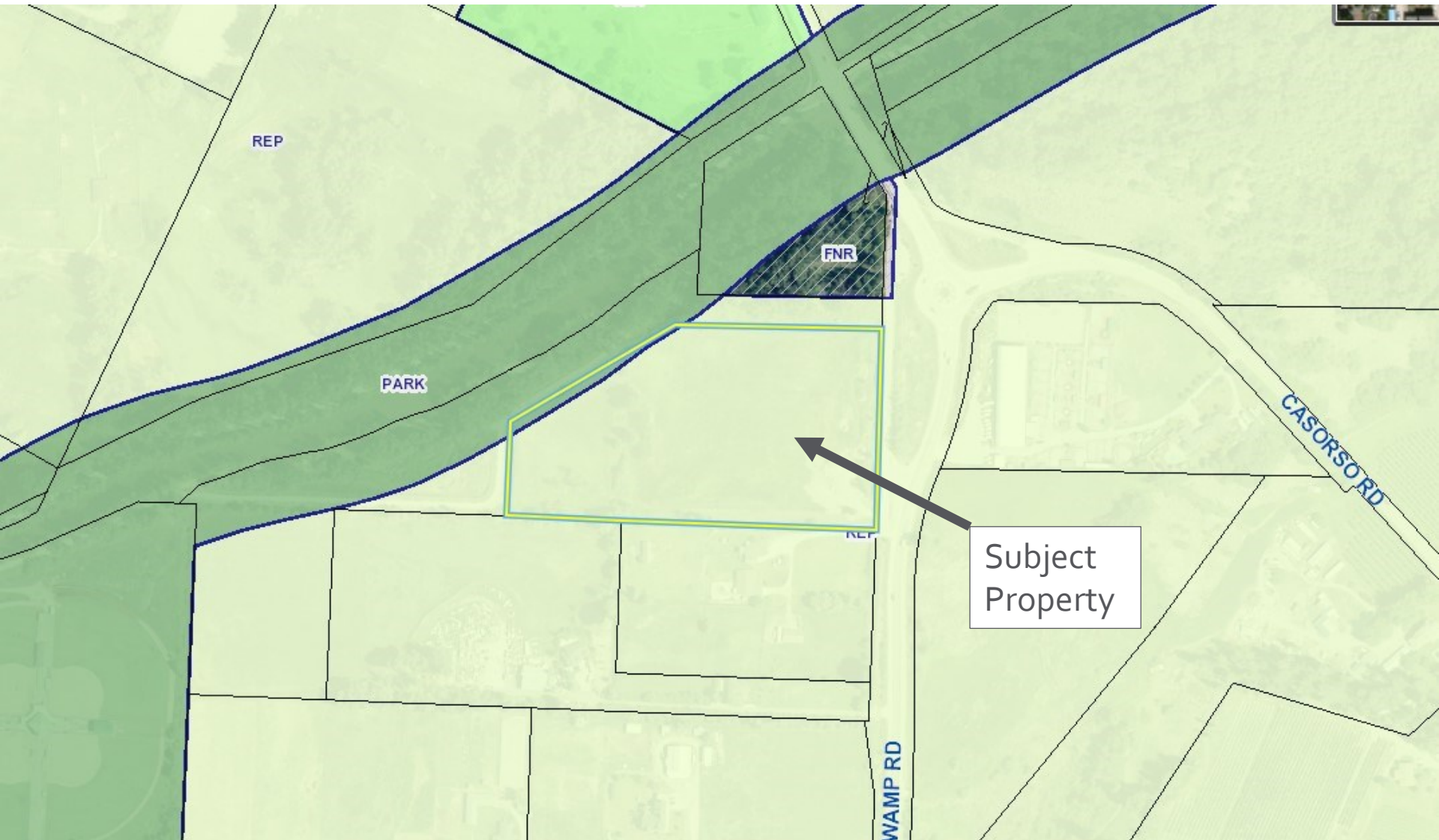


# Subject Property Map



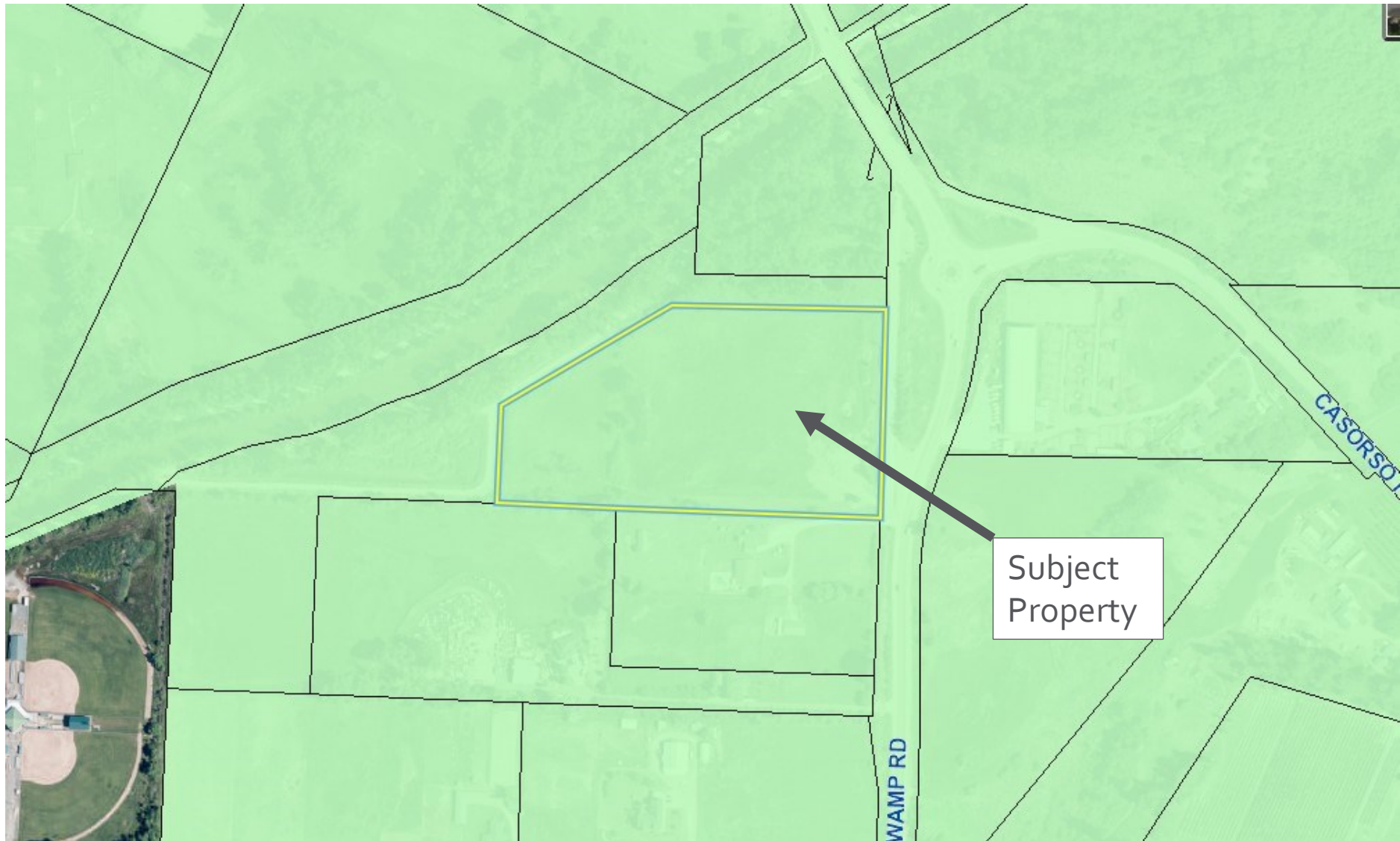


# OCP Future Land Use / Zoning





# Agricultural Land Reserve



# Background

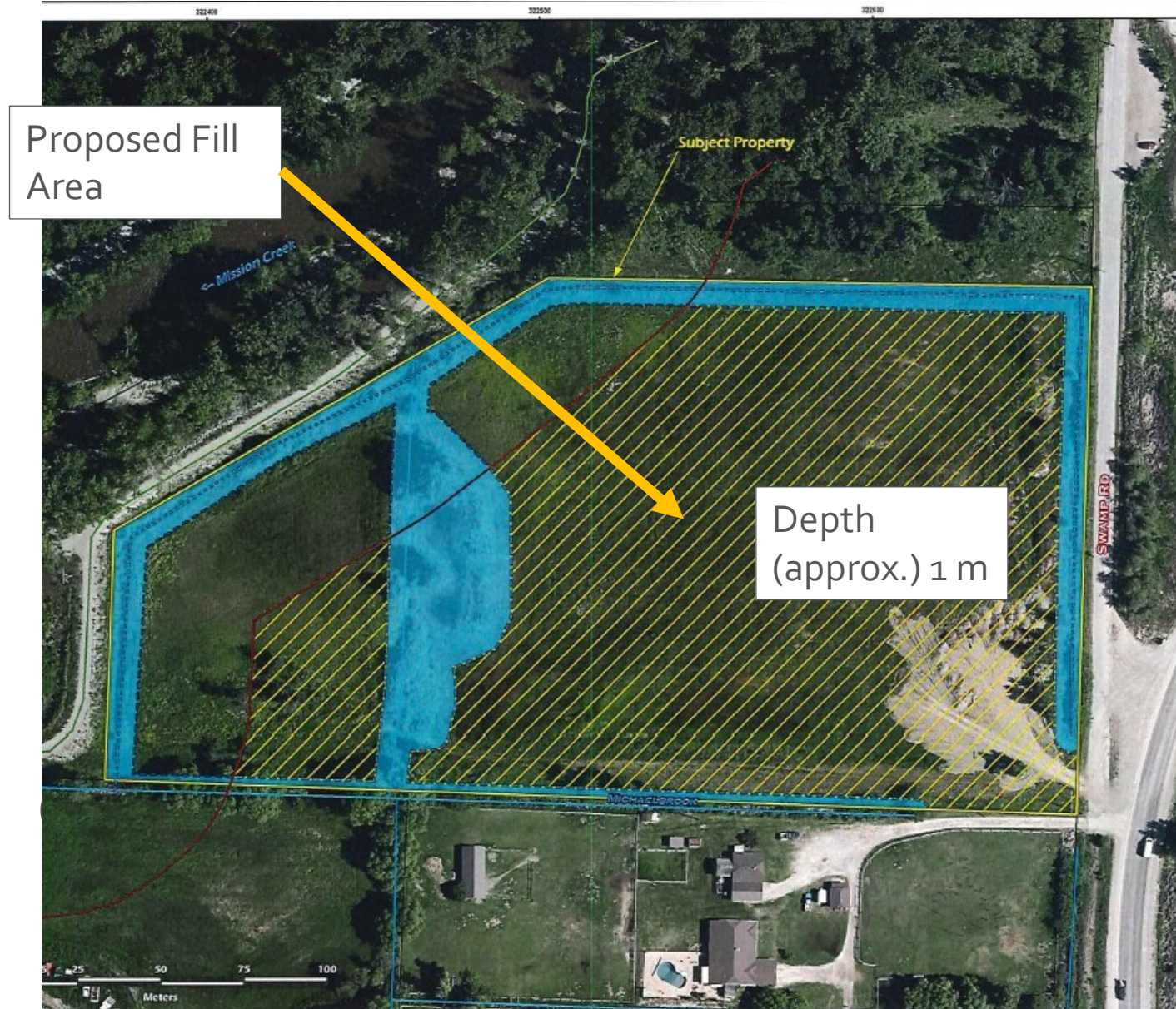
- ▶ Casorso/Schmidt families have owned the property for over a hundred years.
- ▶ Due to the parcel's high-water table the land has not been extensively farmed to date.
- ▶ The land has been used for pigs and hay production in the past.
- ▶ In January 2021 a Stop Work Order was issued by the ALC for unauthorized fill placement.



# Project/technical details

- ▶ Add 23,500 cubic metres of fill to raise the land approximately 1 meter above the high-water table and seasonal flooding.
- ▶ The purpose of the fill is to ensure a competent root zone for future crops.
- ▶ Fill placement to be guided via an Agrologist's prescription.
- ▶ Fill placement to be guided by an Environmental Management Plan to avoid filling groundwater diversion ditches and the wetland on the property.

# Site Plan – Proposed Fill Area





# Site Photo – Southeast Corner Looking West



# The Project Aligns with OCP Policy:

- ▶ Policy 8.1.6 Support for Non-Farm Uses only where:
  - ▶ consistent with Zoning Bylaw and 2040 OCP;
  - ▶ provide significant benefits to agriculture;
  - ▶ accommodated using existing infrastructure;
  - ▶ minimize impacts on agricultural lands;
  - ▶ will not preclude future use for agriculture; and
  - ▶ will not harm adjacent farm operations.



# Agricultural Advisory Committee Recommendation

- ▶ THAT the Committee recommends that Council request permission from the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to place up to 23,500 cubic meters of fill on the property to reclaim for agriculture, under Section 20.1 (2) of the Agricultural Land Commission Act.

# Staff Recommendation

Staff recommend **support** of the proposed fill application.

- ▶ The purpose of the fill is to ensure a competent root zone for future crops.
- ▶ Fill placement to be guided via an Agrologist's prescription.
- ▶ Fill placement to be guided by an Environmental Management Plan to avoid filling groundwater diversion ditches and the wetland on the property.
- ▶ The fill plan is supported by the AAC.
- ▶ The plan aligns with OCP objectives.





## *Conclusion of Staff Remarks*

# REPORT TO COUNCIL



**Date:** February 7<sup>th</sup>, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** LUCT20-0013

**Owner:** My Neighbourhood Restaurant Ltd., Inc. No. BCo775737

**Address:** 260-262 Hwy 33 W

**Applicant:** The City of Kelowna

**Subject:** Land Use Contract Termination

**Existing OCP Designation:** UC – Urban Centre

**Existing Zone:** C4 – Urban Centre Commercial

---

## 1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0013 to terminate LUC76-11 from Lot 2 Section 26 Township 26 ODYD Plan 4338 Except Plan 39372 located at 260-262 Hwy 33 W, Kelowna, BC, be considered by Council;

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

## 2.0 Purpose

To proceed with the early termination of Land Use Contract LUC76-11 and to revert the parcel to the underlying C4 – Urban Centre Commercial zone.

## 3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC76-11 from the subject property. The current LUC affects one property at 260-262 Hwy 33 W and restricts the property to Zoning Bylaw No. 4500's C3 – Community Commercial zone with the ability to also operate a veterinary services, animal hospital and animal beauty parlor including boarding and training of dogs and cats. The underlying zone of C4 – Urban Centre Commercial is appropriate because this property is in the Rutland Urban Centre and the use of food-primary establishment is a principal use within the existing land use.



#### 4.0 Proposal

##### 4.1 Background

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

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

##### 4.2 Notification

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

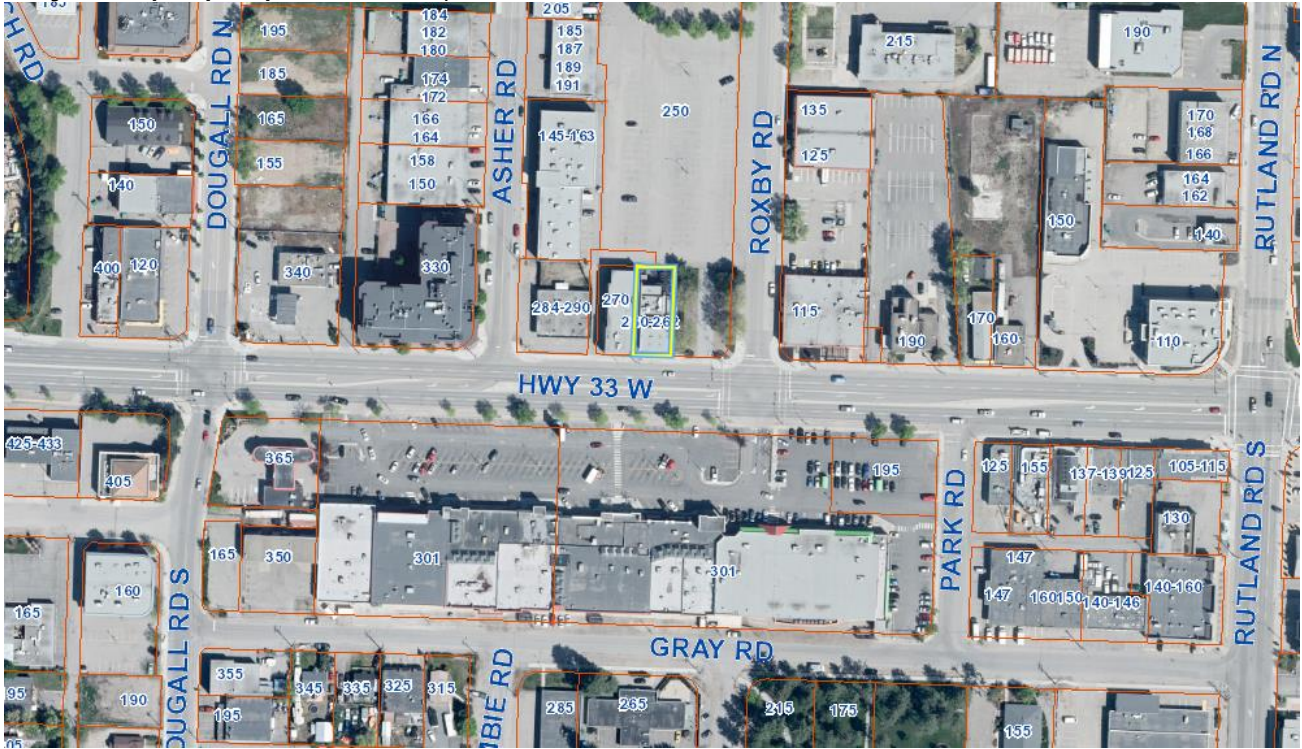
##### 4.3 Site Context

The subject property has a total area of 548.94m<sup>2</sup> and is located on Hwy 33 W. The property has been designated UC – Urban Centre in the Official Community Plan and the surrounding area is also UC.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Parking Lot
East	C4 – Urban Centre Commercial	Public Park
South	Highway 33 W	Highway 33 W
West	C4 – Urban Centre Commercial	Offices

**Subject Property Map: 260-262 Hwy 33 W**



**5.0 Current Development Policies**

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

Council Policy No. 282. Includes the following statement:

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

**5.2 Kelowna Official Community Plan (OCP)**

**Chapter 4: Future Land Use**

Urban Centres (UC) – Urban Centres are the City’s largest activity hubs. They are characterized by the largest concentration of commercial and employment uses in the city, art and cultural services, a mix of high density residential development, and a high quality public realm. They offer the most walkable environments, have the best transit service and the greatest access to active transportation and shared mobility options.

**6.0 Application Chronology**

Date of Application Received:	December 9 <sup>th</sup> , 2020
Date of Owner Notification:	December 18 <sup>th</sup> , 2020 & January 18, 2022



**Report prepared by:** Tyler Caswell, Planner

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

**Reviewed by:** Terry Barton, Development Planning Department Manager

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



# LUCT20-0013

260-262 Hwy 33 W

Land Use Contract Termination





# Proposal

- ▶ To terminate the Land Use Contract (LUC76-11) from the subject property and revert the parcel to the underlying C<sub>4</sub> – Urban Centre Commercial zone.

# Development Process

Dec 9, 2020

LUC Termination Initiated by Staff



Dec 18, 2020 &  
Jan 18, 2022

Owner Notification Completed



Feb 7, 2022

Initial Consideration



Public Hearing (LUCT)  
Second & Third Readings

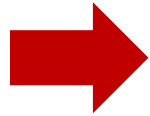


Final Reading



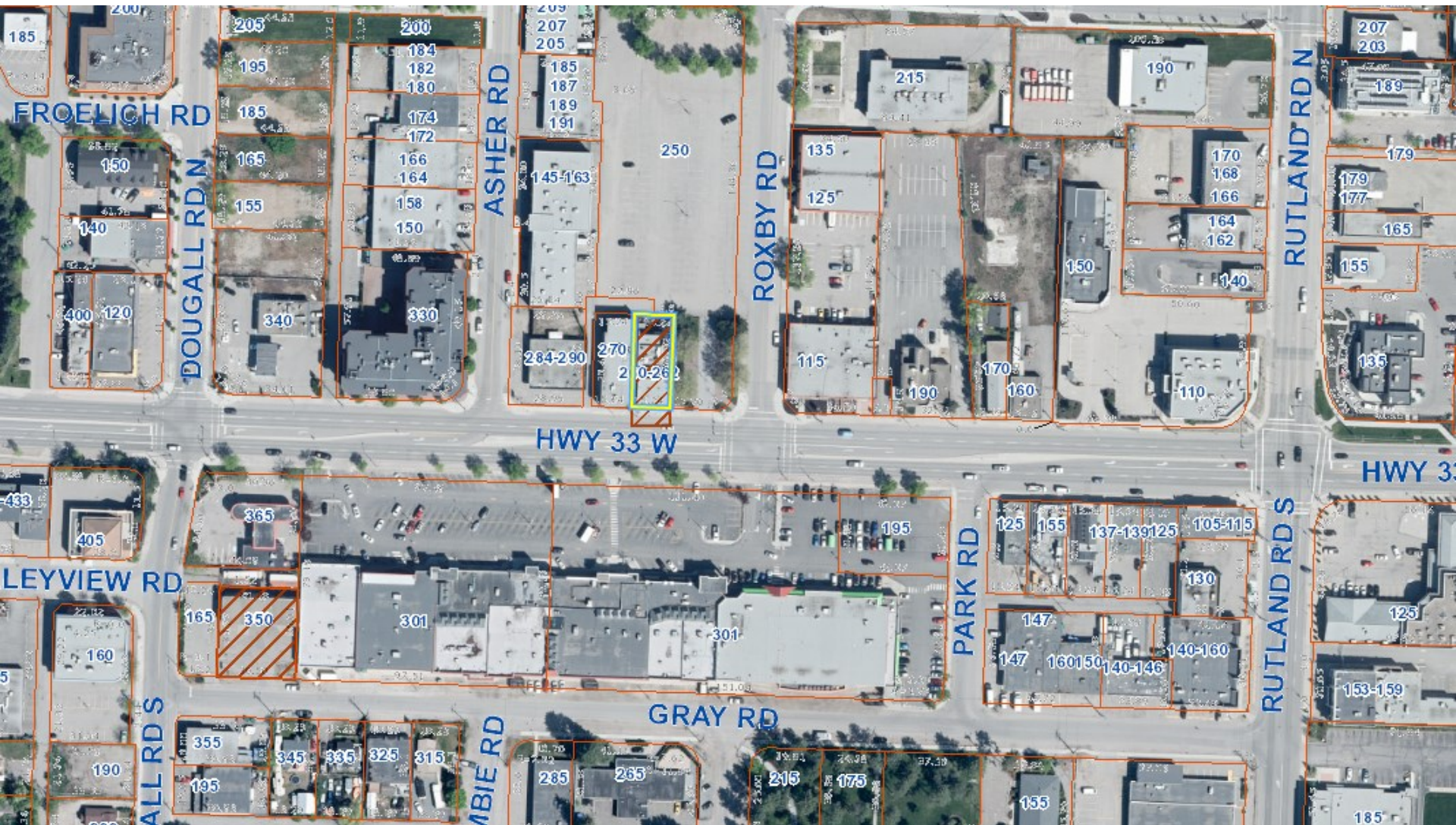
LUC Eliminated (1 year later)

Council  
Approvals

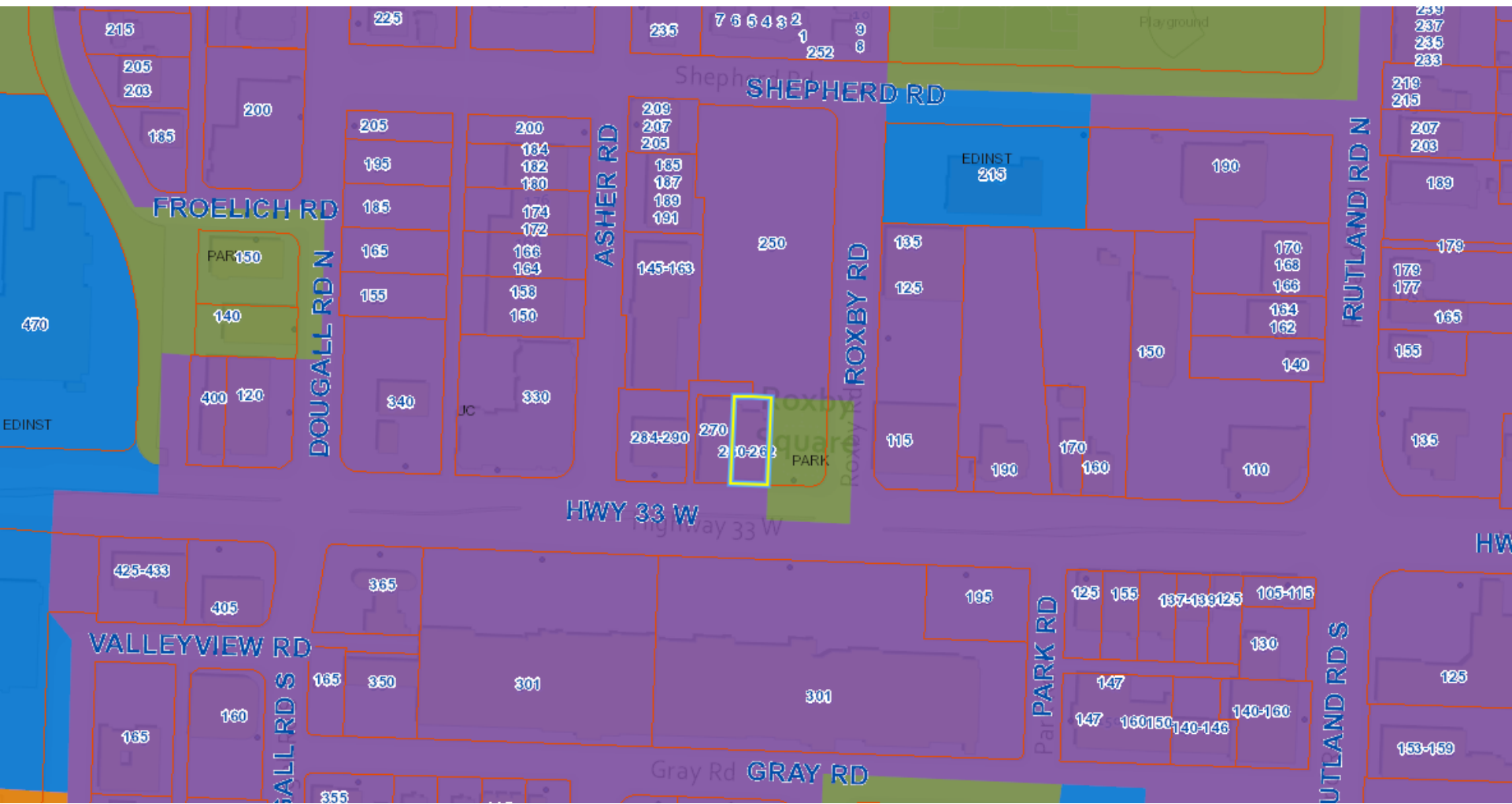




# Context Map



# OCP Future Land Use





# Background

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

# Project Details

- ▶ Staff initiated the termination of LUC76-11.
- ▶ Staff are proposing to revert the parcel back to the C<sub>4</sub> – Urban Centre Commercial zone, as the property is in the Rutland Urban Centre and the existing use is permitted in the zone.
- ▶ If successful, the property will get the full use of current C<sub>4</sub> zone, one year after termination date.



# Public Notification Policy #367

- ▶ Staff sent a letter to the property owner of the Proposed Land Use Contract Termination on December 18<sup>th</sup>, 2020.
  - ▶ A copy of the C<sub>4</sub> zone was included in the letter.
- ▶ Staff also restarted the notification process on January 18<sup>th</sup>, 2022.

# Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
  - ▶ The underlying zone is appropriate for the existing use and the property is in the Rutland Urban Centre.
  - ▶ Province of BC requires all LUC's to be discharged/terminated.





## *Conclusion of Staff Remarks*

**CITY OF KELOWNA**  
**BYLAW NO. 12272**  
**LUCT20-0013**

**Early Termination of Land Use Contract – LUC76-11**  
**260-262 Highway 33 West**

---

WHEREAS a land use contract (the "Land Use Contract LUC76-11) is registered at the Kamloops Land Title Office under the charge number M4165 against lands in the City of Kelowna particularly known and described as Lot 2 Section 26 Township 26 ODYD Plan 4338 Except Plan 39372 (the "Lands"), located on Highway 33 West, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC76-11 Bylaw No. 12272";
2. "Lakeshore Animal Clinic Land Use Contract Authorizing By-Law, 1976, No. 4183" establishing Land Use Contract LUC76-11 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

---

Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** February 7<sup>th</sup>, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** LUCT20-0019

**Owner:** PMC (Harvey) Holdings Corp.,  
Inc.No. BCo783456

**Address:** 1574 Harvey Avenue

**Applicant:** The City of Kelowna

**Subject:** Land Use Contract Termination

**Existing OCP Designation:** C-NHD – Core Area Neighbourhood

**Existing Zone:** C10 – Service Commercial & C3 – Community Commercial

---

## 1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0019 to terminate LUC78-1021 from Lot 3 Section 20 Township 26 ODYD Plan 32159 located at 1574 Harvey Avenue, Kelowna, BC, be considered by Council;

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

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

## 2.0 Purpose

To proceed with early termination of Land Use Contract LUC78-1021 and to revert the parcel to the underlying zones of C10 – Service Commercial & C3 – Community Commercial.

## 3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC78-1021 from the subject property. The LUC affects one property at 1574 Harvey Avenue and restricts the property to the Zoning Bylaw No. 4500's C3 – Community Commercial zone. The underlying zones of C3 – Community Commercial and C10 – Service Commercial are appropriate because the existing fitness and racquet centre is within the C10 portion of the property, while the commercial portion of the site is within the C3 portion. The existing uses fit within the underlying zones.



#### 4.0 Proposal

##### 4.1 Background

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

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

##### 4.2 Notification

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

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

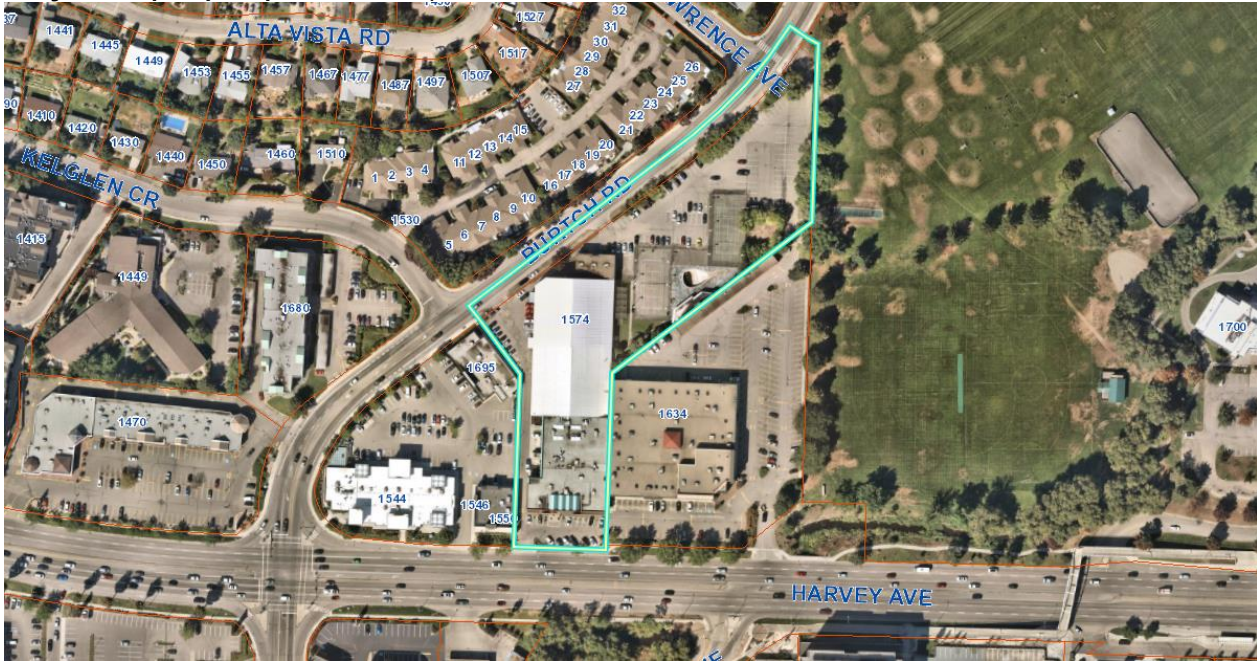
##### 4.3 Site Context

The subject property is located on both Burtch Road and Harvey Avenue. The property has been designated Core Area Neighbourhood in the Official Community Plan, which is largely consistent with the surrounding area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM <sub>3</sub> – Low Density Multiple Housing	Apartment Housing
East	C <sub>3</sub> – Community Commercial & P <sub>1</sub> P – Major Institutional (Liquor Primary)	Service Commercial and Parkinson Rec Centre
South	C <sub>3</sub> – Community Commercial	Service Commercial
West	C <sub>3</sub> – Community Commercial	General Commercial Uses

**Subject Property Map: 1574 Harvey Avenue**



**5.0 Current Development Policies**

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

Council Policy No. 282. Includes the following statement:

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

**6.0 Application Chronology**

Date of Application Received: December 10<sup>th</sup>, 2020

Date Public Consultation Completed: December 18<sup>th</sup>, 2020 & January 10<sup>th</sup>, 2022

**Report prepared by:** Tyler Caswell, Planner

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

**Reviewed by:** Terry Barton, Development Planning Department Manager

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



# LUCT20-0019

1574 Harvey Avenue

Land Use Contract Termination





# Proposal

- ▶ To terminate the Land Use Contract (LUC78-1021) from the subject property and revert the parcel to the underlying C10 – Service Commercial and C3 – Community Commercial zones.

# Development Process

Dec 10, 2020

LUC Termination Initiated by Staff



Dec 18, 2020 &  
Jan 10, 2022

Owner Notification Completed



Feb 7, 2022

Initial Consideration



Public Hearing (LUCT)  
Second & Third Readings

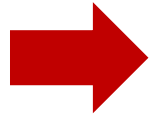


Final Reading

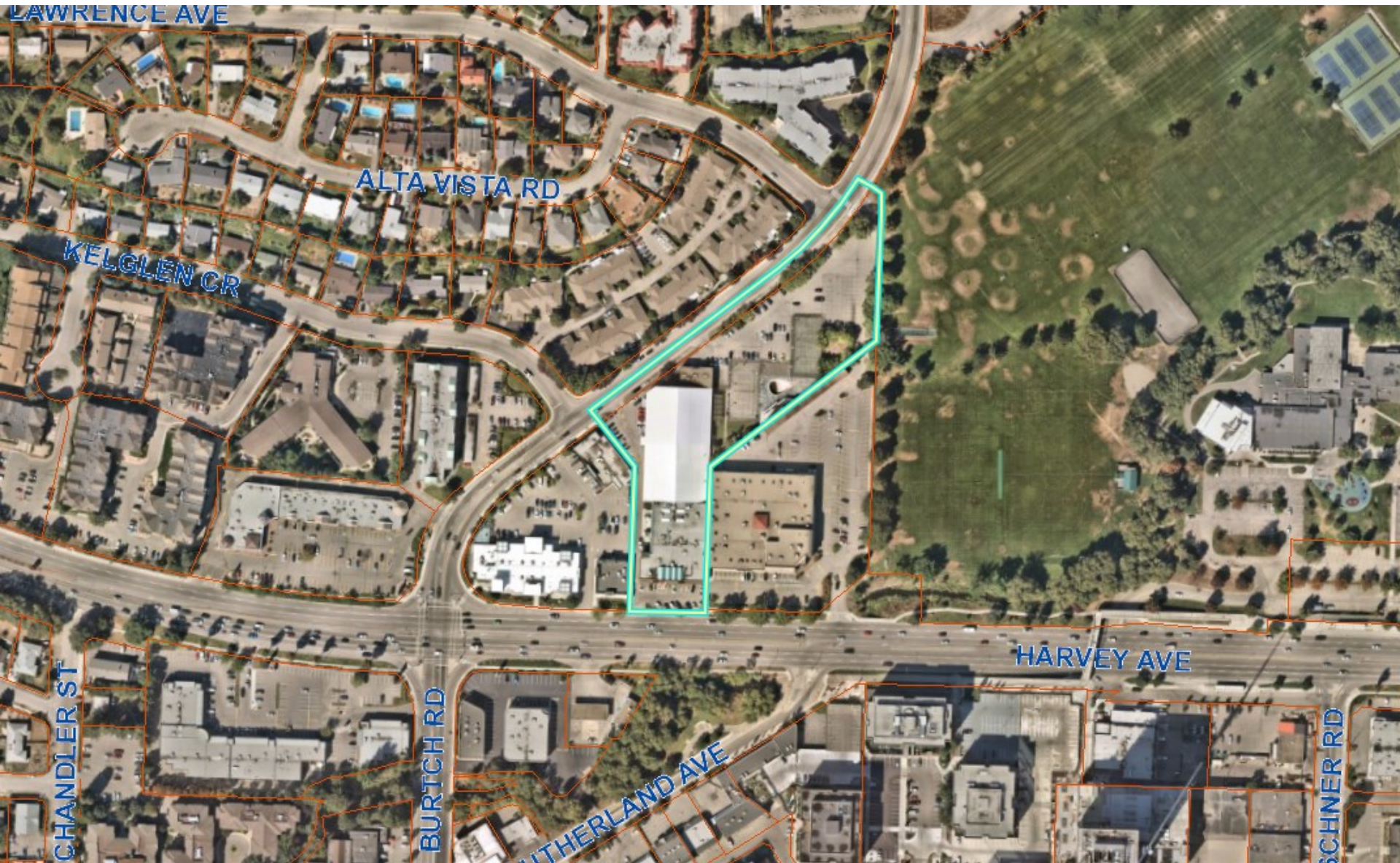


LUC Eliminated (1 year later)

Council  
Approvals

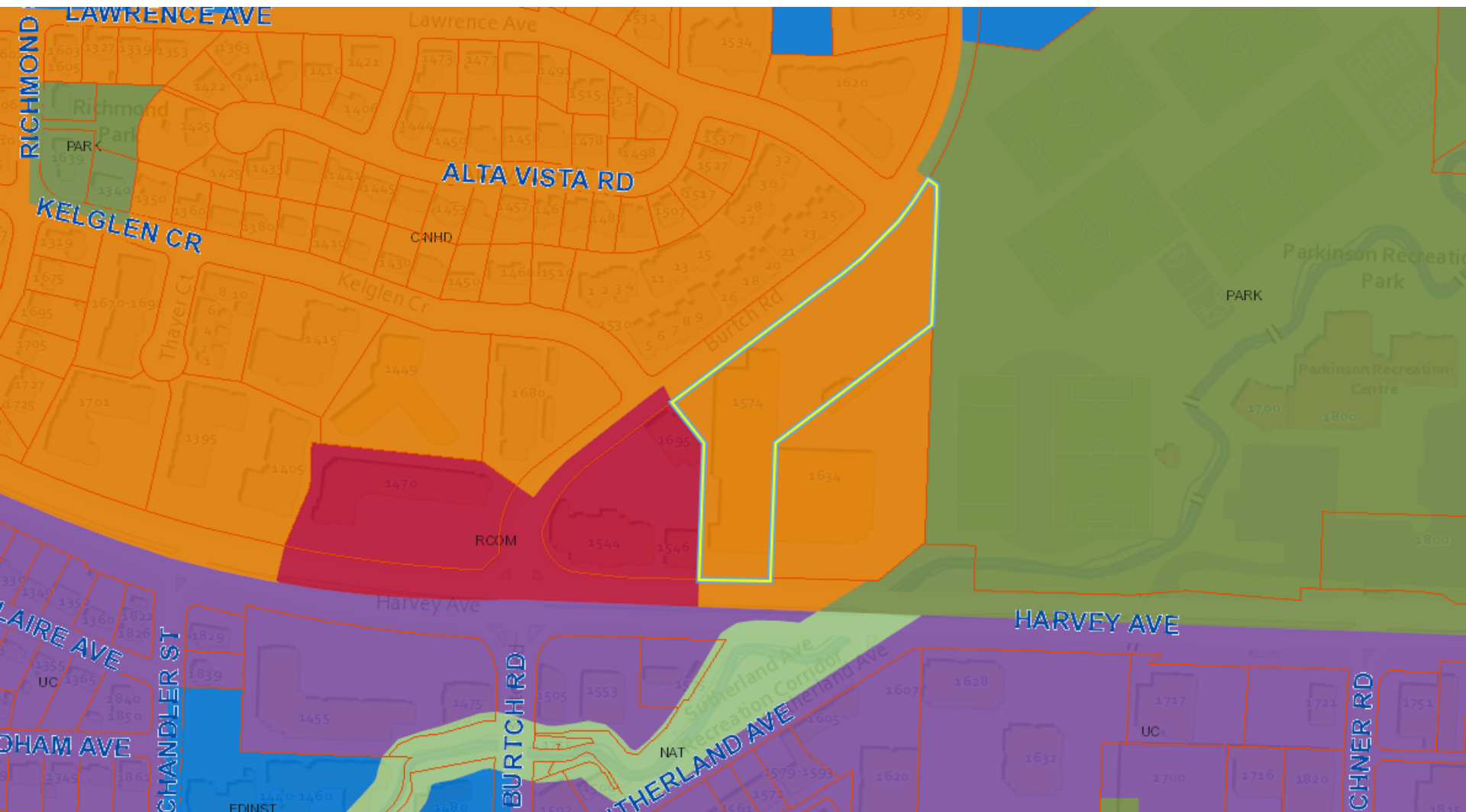


# Context Map





# OCP Future Land Use



# Background

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

# Project Details

- ▶ Staff initiated the termination of LUC78-1021.
- ▶ Staff are proposing to revert the parcel back to the C<sub>3</sub> – Community Commercial and C<sub>10</sub> – Service Commercial zones.
  - ▶ The existing uses are consistent with the underlying zones.
- ▶ If successful, the property will get the full use of current C<sub>4</sub> zone, one year after termination date.



# Public Notification Policy #367

- ▶ Staff sent a letter to the property owner of the Proposed Land Use Contract Termination on December 18<sup>th</sup>, 2020.
  - ▶ A copy of the C3 zone was included in the letter.
- ▶ Staff also restarted the notification process on January 10<sup>th</sup>, 2022.

# Staff Recommendation

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



## *Conclusion of Staff Remarks*



# CITY OF KELOWNA

## BYLAW NO. 12317

LUCT20-0019

### Early Termination of Land Use Contract – LUC78-1021 1574 Harvey Avenue

---

WHEREAS a land use contract (the "Land Use Contract LUC78-1021) is registered at the Kamloops Land Title Office under the charge number N71529 against lands in the City of Kelowna particularly known and described as Lot 3 Section 20 Township 26 ODYD Plan 32159 (the "Lands"), located on Harvey Avenue, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC78-1021 Bylaw No.12317";
2. Land Use Contract Bylaw No. 4653 establishing Land Use Contract LUC78-1021 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

---

Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** Z21-0093

**Owner:** True North Endeavours Inc.,  
Inc. No. BC0792133

**Address:** 1820 Ambrosi Rd

**Applicant:** True North Endeavours Inc. –  
Cameron Worman

**Subject:** Rezoning Application

**Existing OCP Designation:** UC – Urban Centre

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

**Proposed Zone:** C4 – Urban Centre Commercial

---

## 1.0 Recommendation

THAT Rezoning Application No. Z21-0093 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Block 1, District Lot 129, ODYD, Plan 5109, located at 1820 Ambrosi Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone, be considered by Council;

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 February 7, 2022;

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

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

## 2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone to facilitate the development of a commercial building.

## 3.0 Development Planning

Staff supports the proposal to rezone the property to the C<sub>4</sub> – Urban Centre Commercial zone. The proposed zone is consistent with the OCP Future Land Use Designation of Urban Centre. The proposed commercial and office uses are consistent with OCP Policy which encourage office development within Urban Centres and within close proximity to transit. The proposed use is an appropriate transition from the Midtown Urban Centre to the service commercial uses to the east.

#### 4.0 Proposal

##### 4.1 Project Description

The proposed rezoning from the RU<sub>1</sub> – Large Lot Housing zone to the C<sub>4</sub> – Urban Centre Commercial zone will facilitate the development of a 3-storey commercial building on the subject property. The proposed building would have commercial units on the ground floor with offices on the second and third storeys. Parking stalls would be accessed from the adjacent lane.

##### 4.2 Site Context

The subject property is located on the edge of the Midtown Urban Centre on Ambrosi Road, south of Harvey Ave. It is currently vacant and used informally as parking. The surrounding neighbourhood has a mix of uses, including service commercial, offices, and multi-family housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C <sub>10</sub> – Service Commercial	Commercial / Industrial
East	RM <sub>5</sub> – Medium Density Multiple Housing	Townhomes
South	C <sub>5</sub> – Transition Commercial	Commercial
West	C <sub>10</sub> – Service Commercial	Commercial / Industrial

#### Subject Property Map: 1820 Ambrosi Road



#### 5.0 Current Development Policies



5.1 Kelowna Official Community Plan (OCP)

<b>Objective 4.1 Strengthen the Urban Centres as Kelowna's primary hub of activity.</b>	
Policy 4.1.4 Office Development.	Direct large office developments to Urban Centres first, with emphasis on Downtown as a preferred destination. Within Urban Centres, encouraged office development near the Frequent Transit Network, transit stations and exchanges or as guided by an Urban Centre Plan.
	<i>The proposed small-scale office development is within the Midtown Urban Centre and near Harvey Ave which is part of the Frequent Transit Network.</i>
<b>Objective 4.8 Support modest residential development to transition Midtown into a transit-supportive neighbourhood.</b>	
Policy 4.8.3 Midtown Building Heights	Undertake a building heights study as part of an Urban Centre Plan process for the Midtown Urban Centre. Until this process is complete, support development in the Midtown Urban Centre that is generally consistent with the building heights outlined in Map 4.9. Building heights should be highest towards Highway 97, the Frequent Transit Network and transit exchanges, tapering down towards Springfield Road.
	<i>The subject property is identified as 3-storeys in height on Map 4.9. The proposed building is consistent with this height.</i>
<b>Objective 4.9 Transition sensitively to adjacent neighbourhoods and public spaces.</b>	
Policy 4.9.1 Transitioning to Industrial and Service Commercial Uses	Provide transitions between Urban Centres and adjacent industrial or service commercial uses to reduce the impacts of nuisances from those lands and to protect them from speculation for residential and commercial development. Transition approaches may include, but are not limited to: <ul style="list-style-type: none"> <li>• Introducing transitional uses that reduce compatibility concerns, such as offices, and professional and personal services;</li> <li>• Strategically orienting residential and retail commercial uses on the site away from the adjacent industrial and service commercial uses; and</li> <li>• Transitioning to lower densities and heights towards the edge of Urban Centres.</li> </ul>
	<i>The proposed land use of professional offices and retail units provides an appropriate transition to adjacent Service Commercial uses.</i>

6.0 **Technical Comments**6.1 Development Engineering Department

- See Schedule A

7.0 **Application Chronology**

Date of Application Accepted: September 20, 2021

Date Public Consultation Completed: November 4, 2021

Report prepared by: Mark Tanner, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

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

**Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Rationale Letter & Conceptual Drawing Package

## CITY OF KELOWNA

# MEMORANDUM

**Date:** September 24, 2021  
**File No.:** Z21-0093  
**To:** Urban Planning Management (MT)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1820 Ambrosi Rd. RU1 to C4

The Development Engineering Department has the following comments and requirements associated with this rezoning application to rezone the subject property from RU1 – Large Lot Housing to C4 – Urban Centre Commercial. A Development Permit for the form and character of a 3-storey commercial building. The Development Engineering Technologist for this project is Aaron Sangster.


### 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) These Development Engineering comments and requirements are subject to review and or revision for approval by the Ministry of Transportation (MOTI) Infrastructure.
- c) 1856 Ambrosi Rd., the property to the south of this application, has their water service passing through 1820 Ambrosi Rd. This water service must be removed and reconnected in a different alignment that doesn't pass through a private lot to meet current bylaw.

### 2. Domestic Water and Fire Protection

- a) The subject property is currently not serviced. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service per property is permitted for this development. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicants cost.
- b) A water meter is mandatory for this development and must be installed inside the 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 his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.



<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# Z21-0093		
Planner Initials	MT	 City of <b>Kelowna</b> <small>COMMUNITY PLANNING</small>

## 2. Sanitary Sewer

Our records indicate that the property is not currently serviced. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.

## 3. 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.

## 4. Road Improvements

- a) Ambrosi Rd must be upgraded along the full frontage of this proposed development including barrier curb and gutter, drainage system including catch basins and manholes, irrigated landscaped boulevard, and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b) The lane, on both sides, must be upgraded to an urban standard including, drainage system including catch basins, concrete lane letdown, manholes, and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

## 4. Road Dedication and Subdivision Requirements

- a) Grant Statutory Rights of Way if required for utility services.

<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# Z21-0093		
Planner Initials	MT	 City of <b>Kelowna</b> COMMUNITY PLANNING

- 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.
- c) Dedication of 2.44m from the east side of the property along Ambrosi Rd. to align with the property to the south.
- d) Dedication of 0.75m from the west side of the property along the lane. to align with the property to the south.
- e) Dedication of 0.80m from the north side of the property, along the lane to achieve half of the required lane width for a commercial standard of 7.6m.

## 5. **Development Permit and Site Related Issues**

- a) Ambrosi Area Plan policy 235 assessment:
  - a. Commercial -  $2500+2700+2700 = 7900$  sq. ft. = 3.04 EDU
  - b. Total = 3.04 EDU @ \$2,254.39 = **\$6,849.88**

## 6. **Electric Power and Telecommunication Services**

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

## 7. **Design and Construction**

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

## 8. **Servicing Agreement for Works and Services**

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The

<b>SCHEDULE A</b>	
This forms part of application # Z21-0093	
Planner Initials	MT
 <b>City of Kelowna</b> <small>COMMUNITY PLANNING</small>	

applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

## 9. Survey, Monument and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

## 10. Geotechnical Report

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

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

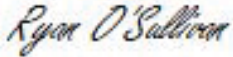
- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Site suitability for development.
- (vi) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- ii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any special requirements for construction of roads, utilities, and building structures.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.



- vii) Recommendations for roof drains and perimeter drains.
- viii) Any items required in other sections of this document.

11. **Charges and Fees**

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



---

Ryan O'Sullivan  
Development Engineering Manager

AS

September 8, 2021

Re: 1820 Ambrosi Road  
Development Permit and Rezoning Rationale Letter



Dear City Staff and Council,

The attached application for 1820 Ambrosi Road proposes a 3-storey commercial building. The main floor consists of just over 2500 sq/ft of commercial/retail space with the upper 2 floors containing slightly over 2700 sq/ft per floor of office space. Each floor is equipped with elevator access. The building is setback from all property lines to allow for onsite parking at grade level accessed from the adjoining laneway on the north and west sides of the site.

We have designed within the OCP designation of commercial and the 3-storeys maximizes the FAR allowable. The height also fits well with the surrounding buildings in the neighborhood.

The exterior will be a mix of painted concrete and stucco, with subtle accents/details of corten metal. To gain as much natural light as possible, the use of large windows on the east, west, and north sides will be used.

We are excited to build a boutique commercial building and bring it to the market for businesses looking to invest in their own premises.

We believe it will be an asset to this area and look forward to the application's approval.

Sincerely,

Cameron Worman  
True North Endeavours Inc.



# 1820 AMBROSI ROAD, KELOWNA, BC

## PROPERTY DESCRIPTION

CMIC: 1820 Ambrosi Road, Kelowna, BC  
LEGAL: KID: 243232, Plan #: KAP5109, Lot#: 3, Block: 1

## ZONING CALCULATIONS:

CURRENT: City of Kelowna RU1 Zoning  
FUTURE LAND USE: COMM  
RE-ZONING: City of Kelowna C4 Zoning

## SITE INFORMATION:

Gross Site Area = 7,970 SF

Allowable Site Coverage =  
F.A.R. =

Allowed  
75% (5,978 SF)  
1.0 (7,970 SF)

Proposed  
41% (3,288 SF)  
1.0 (7,951.8 SF)

UNIT AREA CALCULATIONS			
NAME	LENGTH	WIDTH	AREA
CRU ENTRY 1	46'-9"	30'-6"	1317.4 SF
CRU ENTRY 2	30'-6"	46'-9"	1214.1 SF
OFFICE 1 - SECOND	33'-6"	43'-9"	1205.5 SF
OFFICE 1 - THIRD	33'-6"	43'-9"	1205.7 SF
OFFICE 2 - SECOND	33'-6"	55'-9"	1504.6 SF
OFFICE 2 - THIRD	33'-6"	55'-9"	1504.5 SF
TOTAL			7951.8 SF

Building Height:  
Max. Height =

Allowed:  
15m OR 4 storeys

Proposed:  
11.4m (3 storeys)

Yard setbacks:  
Front yard -  
Side yard -  
Rear yard -

Allowed:  
0.0m  
0.0m  
0.0m

Proposed:  
2.7m  
1.0m/6.3m  
6.6m

Parking Calculations:  
1.3/100m<sup>2</sup> (C4)

Required:  
1.3 x 744m<sup>2</sup>/100 = 9.6

Proposed:  
14

Bicycle  
Offices Long-term  
Offices Short-term  
CRU Long-term  
CRU Short-term  
TOTAL

1 (1 Per 500m<sup>2</sup> of GFA)  
2 (2 Per entrance or 1 per 750m<sup>2</sup>)  
1 (1 Per 500m<sup>2</sup> of GFA)  
4 (2 Per entrance or 1 per 750m<sup>2</sup>)  
8

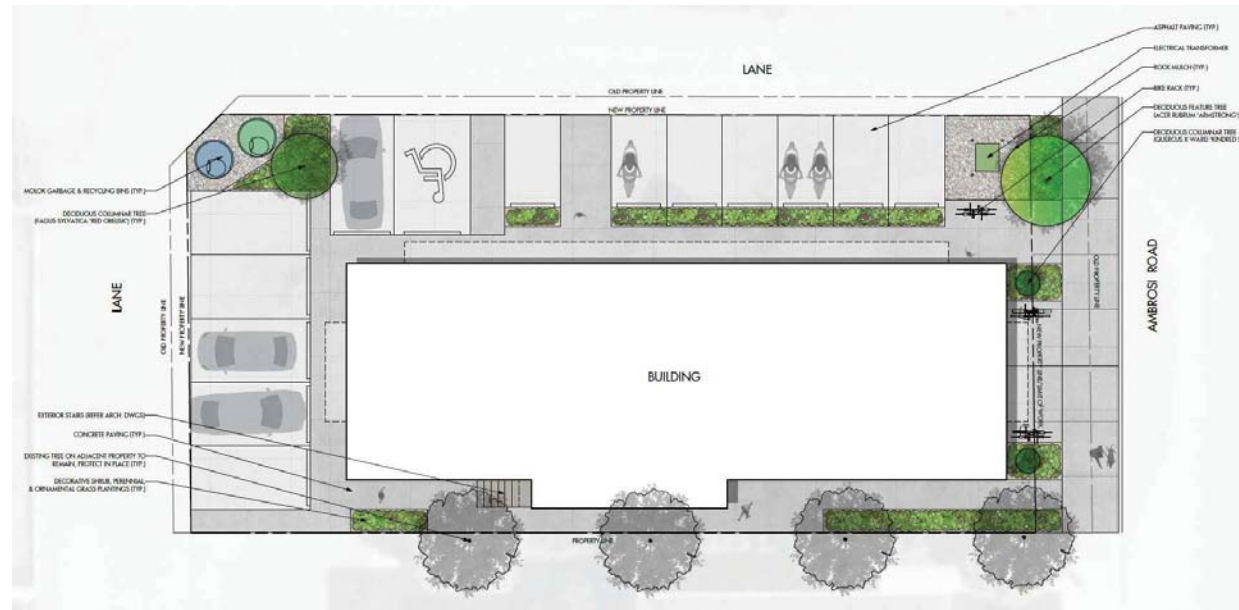
Landscape Buffer for C4 Zoning:  
Required:  
Front yard & Flanking Street -  
Side yard -  
Rear yard -

Proposed:  
3.7m  
0.0m/2.3m  
0.0m

\*\*No landscape buffer required as per Section 7.6.5 of the City of Kelowna Zoning Bylaw

## ARCHITECTURAL DRAWINGS:

A-001 PROJECT INFORMATION  
A-002 SITE PLAN  
A-100 FOUNDATION PLAN  
A-101 ENTRY LEVEL PLAN  
A-102 SECOND LEVEL PLAN  
A-103 THIRD LEVEL PLAN  
A-104 ROOF PLAN  
A-200 ELEVATIONS  
A-201 ELEVATIONS  
A-202 ELEVATIONS



FOR DP



# **CITY OF KELOWNA**

## **BYLAW NO. 12322**

**Z21-0093**

**1820 Ambrosi 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 Block 1 District Lot 129 ODYD Plan 5109 located on Ambrosi Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Approved under the Transportation Act this

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



# Z21-0093 1820 Ambrosi Road

Rezoning Application



# Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to C4 – Urban Centre Commercial to facilitate the development of a commercial building



# Development Process

Sept 20, 2021

Development Application Submitted



Staff Review & Circulation



Nov 4, 2021

Public Notification Received



Feb 7, 2022

Initial Consideration



First, Second & Third Readings



Final Reading  
Development Permit

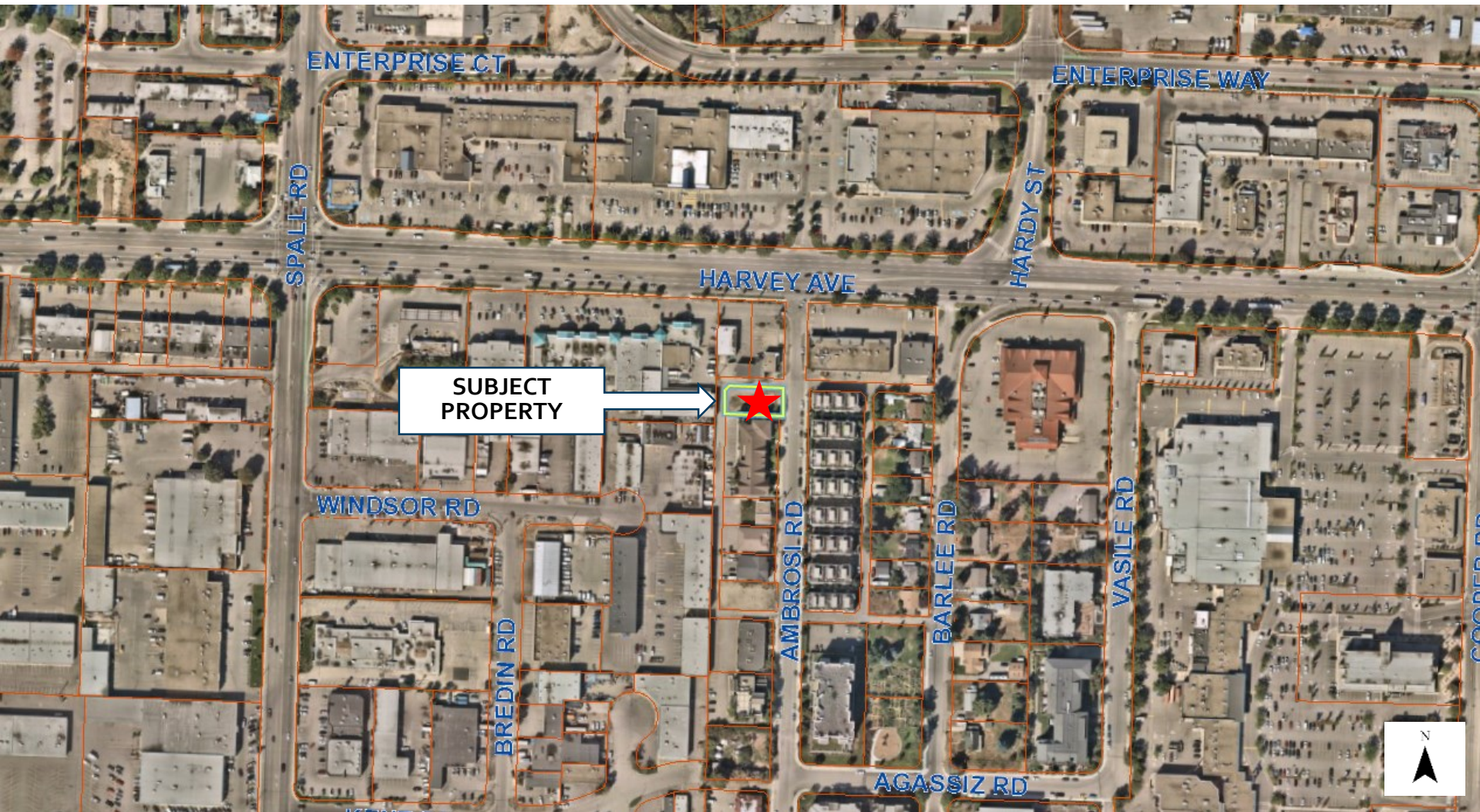


Building Permit

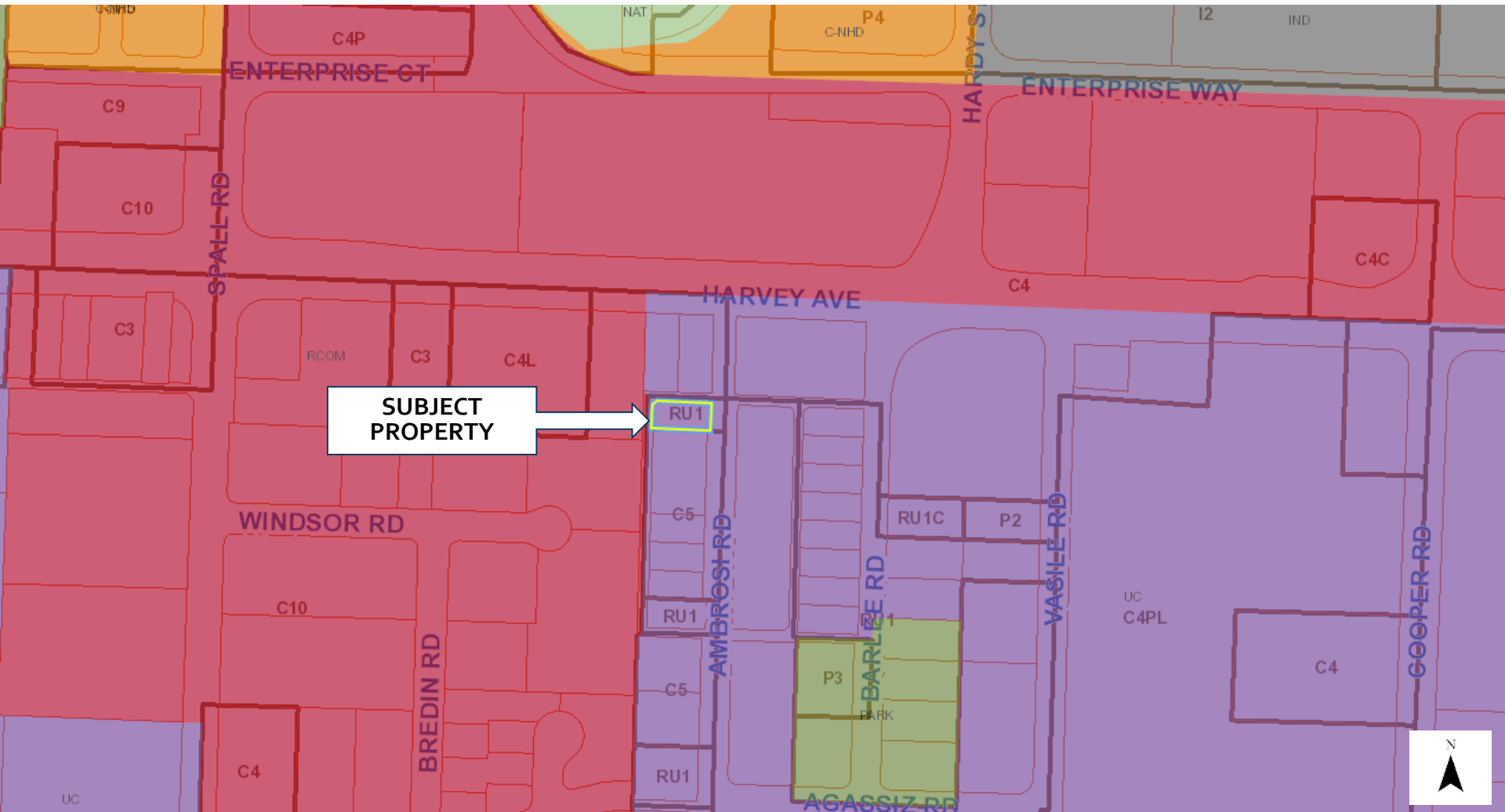
Council  
Approvals



# Context Map



# OCP Future Land Use / Zoning





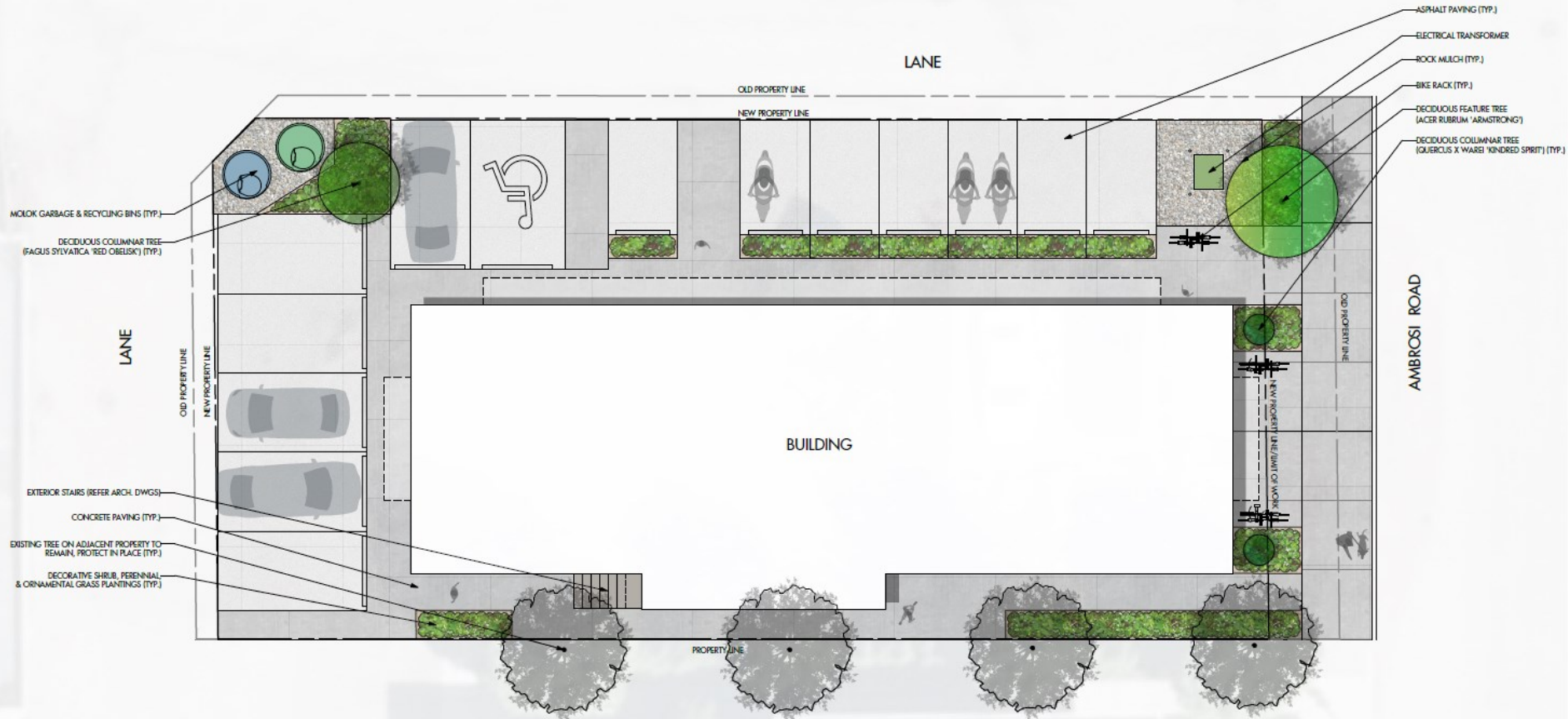
# Subject Property Map



# Project details

- ▶ The proposed rezoning from RU1 – Large Lot Housing to C4 – Urban Centre Commercial will facilitate the development of a commercial building.
- ▶ Proposed 3-storey building with commercial retail units and offices.
- ▶ Parking stalls accessed from the existing lane.

# Conceptual Site Plan





# Rendering



1820 AMBROSI ROAD | Kelowna, BC

Worman Homes | Worman Commercial

City of Kelowna

# Development Policy

- ▶ Meets the intent of Official Community Plan Policies:
  - ▶ Office Development
  - ▶ Midtown Building Heights
  - ▶ Transitioning to Industrial and Service Commercial Uses
  
- ▶ Consistent with Future Land Use: **Urban Centre**

# Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning
  - ▶ Consistent with Future Land Use: **Urban Centre**
  - ▶ Meets the intent of the Official Community Plan





## *Conclusion of Staff Remarks*

# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z21-0088

**Owner:** Findlay Development Inc.,  
Inc.No. BC1302254

**Address:** 1225 Findlay Road

**Applicant:** Lime Architecture Inc.  
Aplin & Martin Consultants Ltd.

**Subject:** Rezoning Application

**Existing OCP Designation:** Suburban - Multiple Unit (S-MU)

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

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

---

## 1.0 Recommendation

THAT Rezoning Application No. Z21-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 35 Township 26 Osoyoos Division Yale District Plan EPP115452, located at 1225 Findlay Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone, be considered by Council;

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 February 7, 2022;

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

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

## 2.0 Purpose

To rezone the subject property to facilitate a multiple dwelling housing development.

### 3.0 Development Planning

Development Planning recommends support for the rezoning application from the current RU1 zone to the RM3 zone. The Future Land Use designation of Suburban Multiple Unit support various forms of single and two family residential, ground oriented multi-unit housing, including house-plexes, row housing and low rise apartments. As such, the proposed RM3 – Low Density Multiple Housing zone is consistent with the Future Land Use designation in the 2040 Official Community Plan.

Development Planning Staff have been working with the applicant to address outstanding concerns regarding the overall site layout and on-site waste and recycling provisions, to encourage greater compliance with Official Community Plan policies. Staff will continue to work with the applicant prior to bringing forward a Development Permit for Council consideration.

### 4.0 Proposal

#### 4.1 Background

The subject property was recently consolidated and contains single dwelling housing. These dwellings would be demolished to facilitate the proposed development.

#### 4.2 Project Description

The application proposes a multiple dwelling housing development, comprised of 20 units and one central drive aisle.

#### 4.3 Site Context

The subject property is located on the east side of Findlay Road, at the intersection of Stremel Road. It's located outside of the Urban Core and has a walk score of 27 indicating that most errands require a car.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
East	RU1 – Large Lot Housing	Vacant Land
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing



**Subject Property Map: 1225 Findlay Road****5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Objective 7.2. Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable.**

Policy 7.2.1. Ground-Oriented Housing.	Consider a range of low density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities.
	<i>The rezoning application facilitates the development of a ground-oriented multiple dwelling housing development, in close proximity to parks and commercial services.</i>

**Objective 7.6. Support a variety of low-density housing.**

Policy 7.6.1. Family-friendly multi-unit housing.	Encourage multi-unit developments near schools to include a variety of unit sizes, including three or more bedrooms.
	<i>The rezoning application facilitates the development of a ground-oriented multiple dwelling housing development, consisting of three-bedroom units, in close proximity to Pearson Road Elementary School.</i>

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

See Schedule A – City of Kelowna Memorandum

## **7.0 Application Chronology**

Date of Application Accepted: September 10, 2021

Date Public Consultation Completed: December 8, 2021

**Report prepared by:** Kimberly Brunet, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

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

### **Attachments:**

Schedule A: City of Kelowna Memorandum

Attachment A: Draft Site Plan

## CITY OF KELOWNA

# MEMORANDUM

---

**Date:** September 14, 2021

**File No.:** Z21-0088

**To:** Planning and Development Officer (KB)

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

**Subject:** 1225,1245 Findlay Rd RU1 to RM3

---

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the property from RU1 to RM3 to facilitate a multiple dwelling housing development. The Development Technician for this file is Sarah Kelly ([skelly@kelowna.ca](mailto:skelly@kelowna.ca)).

### 1. GENERAL

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. 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](mailto:arif.bhatia@canadapost.ca) to obtain further information and to determine suitable location(s) within the development.
- c. Findlay Rd is included in the 2030 DCC Road Network as a future arterial road, Hollywood 4, and will require a road dedication of 5.0m along the full frontage to achieve a 25m. The Developer will also be required to make a cash-in-lieu of immediate construction payment for all frontage works associated with the future arterial road. This cash-in-lieu payment will not include any necessary utility service upgrades.
- d. These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- e. 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 Black Mountain Irrigation District (BMID) service area. The developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.



- b. The Developer's Consulting Mechanical Engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by BMID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.
- c. The water system must be capable of supplying the domestic and fire flow demands of the project in accordance with the Subdivision, Development, & Servicing Bylaw No. 7900. Provide water flow calculations for this development to confirm bylaw conformance (150 L/s for apartments & townhouses).

### 3. **SANITARY SEWER SYSTEM**

- a. Our records indicate that the subject lots are each 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.

### 4. **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.

- 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.

## **5. ROAD IMPROVEMENTS**

- a. Findlay Rd is included in the 20 Year Major Roads Network as a 2-Lane Arterial and must be upgraded to an urban standard (SS-R5) along the full frontage of the subject property. Required upgrades 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 service upgrades must be completed at this time. The City wishes to defer the upgrades to Findlay Rd fronting this development as these works are to be included in the Hollywood 4 DCC road project. Therefore, a cash-in-lieu of immediate construction payment is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$150,416.65** not including utility service cost.

## **6. 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. 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.
- c. Re-locate existing poles and utilities, where necessary including within lanes. Remove aerial trespass(es).

## **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.

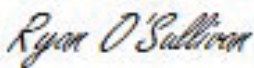
- ii. Site suitability for development.
- iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iv. Any special requirements for construction of roads, utilities, and building structures.
- v. Recommendations for items that should be included 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/SITE ACCESS**

- a. Approximately 5.0m dedication along the entire frontage of Findlay Rd is required to achieve a ROW width of 25.0m.
- b. Only one driveway will be permitted with a maximum width of 6m.
- c. Indicate on the site, the locations of the garbage and recycle bins. Provide turning movements for a MSU vehicle to confirm manoeuvrability on site without requiring reverse movement onto Findlay Rd.

## **9. CHARGES AND FEES**

- a. Development Cost Charges (DCC's) are payable.
- b. Cash-in-lieu payment to defer Clifton Rd frontage upgrades: **\$150,416.65**  
*\*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 \$4,728.10 + \$236.40 GST for a total of **\$4,964.50**. 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



1225 & 1245 Findlay Road, Kelowna, BC

CIVIC: 1225 & 1245 Findlay Road, Kelowna, BC  
LEGAL: 1225: Lot 1, Plan KAP17816, KID 221251  
1245: Lot A, Plan KAP15281, KID 217873

ZONING INFORMATION AND CALCULATIONS:

Current Zoning : RU1  
Proposed Zoning: RM3  
Future Land Use: MRL

SITE INFORMATION:

Gross Site Area=	37,343 ft² (1,011.3 m²)	Required	Proposed
Allowable Building Site Coverage=		50% private outdoor bonus (18,672 ft²)	42% (15,676ft²)
Allowable Total Site Coverage=		65% with permeable bonus (24,273 ft²)	60% (22,406 ft² including permeable pavers)
F.A.R. =		.8 with parking bonus (29,874 ft²)	.79 (1,466SF/UNIT = 29,320 ft²)
Building Height:		Allowed:	Proposed:
Max. Height =		10m (32.8 ft) or 3 storeys	9.8m (32.1 ft)/3 storeys

Yard setbacks:  
Front yard -  
Side yard -  
Rear yard -

Required:	Proposed:
4.5m/1.5 for ground oriented housing	1.5m
4.0m	4.0m
7.5 m	7.5m

Parking Calculations:  
2.0/ 3 bedroom unit=  
Visitor =

Required:	Proposed:
2 X 20 = 40	40 (garage)
.14/unit = 3	3
43	43

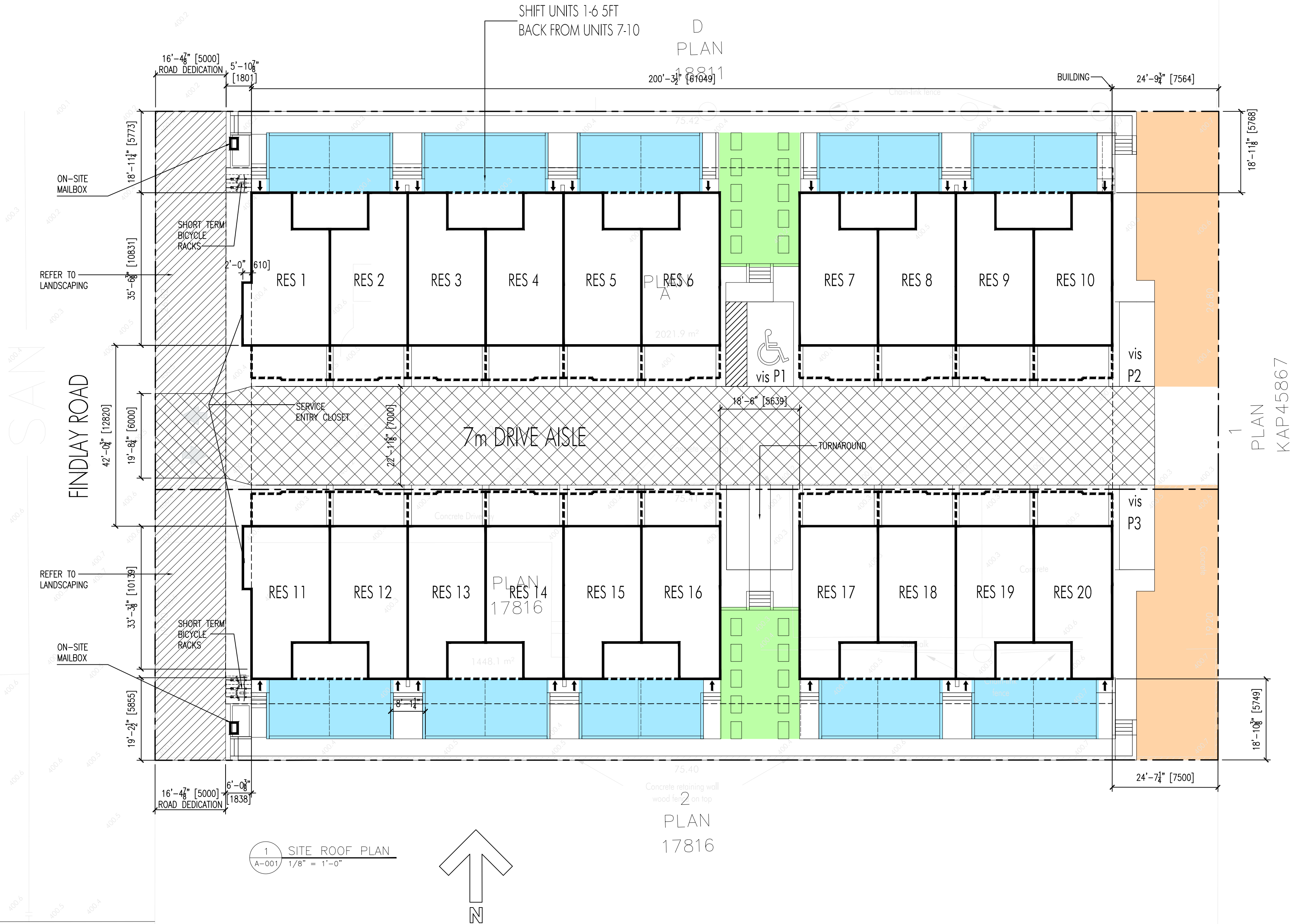
\* Visitor Parking Accessible

Bicycle Storage:  
Long Term:  
Short Term:

Not Required	42 (2/garage)
5	5

LEGEND:

- Community Gardens
- Private Outdoor Space
- Community Amenits Space



ATTACHMENT A

This forms part of application  
# Z21-0088

Planner Initials KB

City of Kelowna  
DEVELOPMENT PLANNING

PHONE: 250-448-7801  
205-1626 Richter Street,  
Kelowna, BC V1Y 2M3  
www.limearchitecture.com

THE NEST  
AT FINDLAY

COPYRIGHT:  
ALL RIGHTS RESERVED

All ideas, designs, drawings and specifications are the exclusive property of LIME Architecture Inc. As instruments of service, they may not be used or reproduced in any manner without the expressed written consent of LIME Architecture Inc. All Contracting Trades shall check and verify all levels, dimensions, data and conditions on the site prior to commencement of any work. Any discrepancies are to be reported immediately to LIME Architecture Inc. Do not Scale any dimensions from this drawing.

All trades are to execute the work in accordance with the current municipality building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - (most recent edition) including all published revisions and addenda. All trades shall assume full responsibility for the locations and protection of all under and above ground utilities, wires and conduit connections, including (but not limited to) water, sewer, gas, hydro and telephone.

Revision No., Date and Description
04.27.21 - FOR CLIENT REVIEW
04.29.21 - FOR REVIEW
05.28.21 - REV FOR CITY PRE-APP
05.31.21 - CITY PRE-APP REV
07.19.21 - FOR DVP REVIEW
08.11.21 - FOR REZONING & DVP
09.01.21 - ADDENDUM NO. 1
11.02.21 - TRS SUPPORT INFO.
11.05.21 - TRS REVISIONS
12.01.21 - PROJECT REVISIONS
12.10.21 - FOR CITY REVIEW
12.20.21 - FOR REVIEW

Plot Date	Drawing No.
20-Dec-21	A-001
PROJECT FINDLAY TOWNHOMES	
DRAWING TITLE SITE PLAN & PROJECT INFO	



FOR REZONING & DVP

**CITY OF KELOWNA**  
**BYLAW NO. 12323**  
**Z21-0088 – 1225 Findlay Road**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 35 Township 26, ODYD, Plan EPP115452 located on Findlay Road, Kelowna, BC from the RU<sub>1</sub> – Large Lot Housing zone to the RM<sub>3</sub> – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Approved under the Transportation Act this

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



Z21-0088

1225 Findlay Road

Rezoning Application





# Proposal

- ▶ To rezone the subject property to facilitate a multiple dwelling housing development.

# Development Process

Sept 10, 2021

Development Application Accepted

Staff Review & Circulation

Dec 8, 2021

Public Notification Received

Feb 7, 2022

Initial Consideration

Notice of First Reading

Final Reading and Development Permit Consideration

Issuance of Building Permits

Council Approvals

# Context Map

Walk Score  
**27**

## Car-Dependent

Most errands require a car.

Transit Score  
**40**

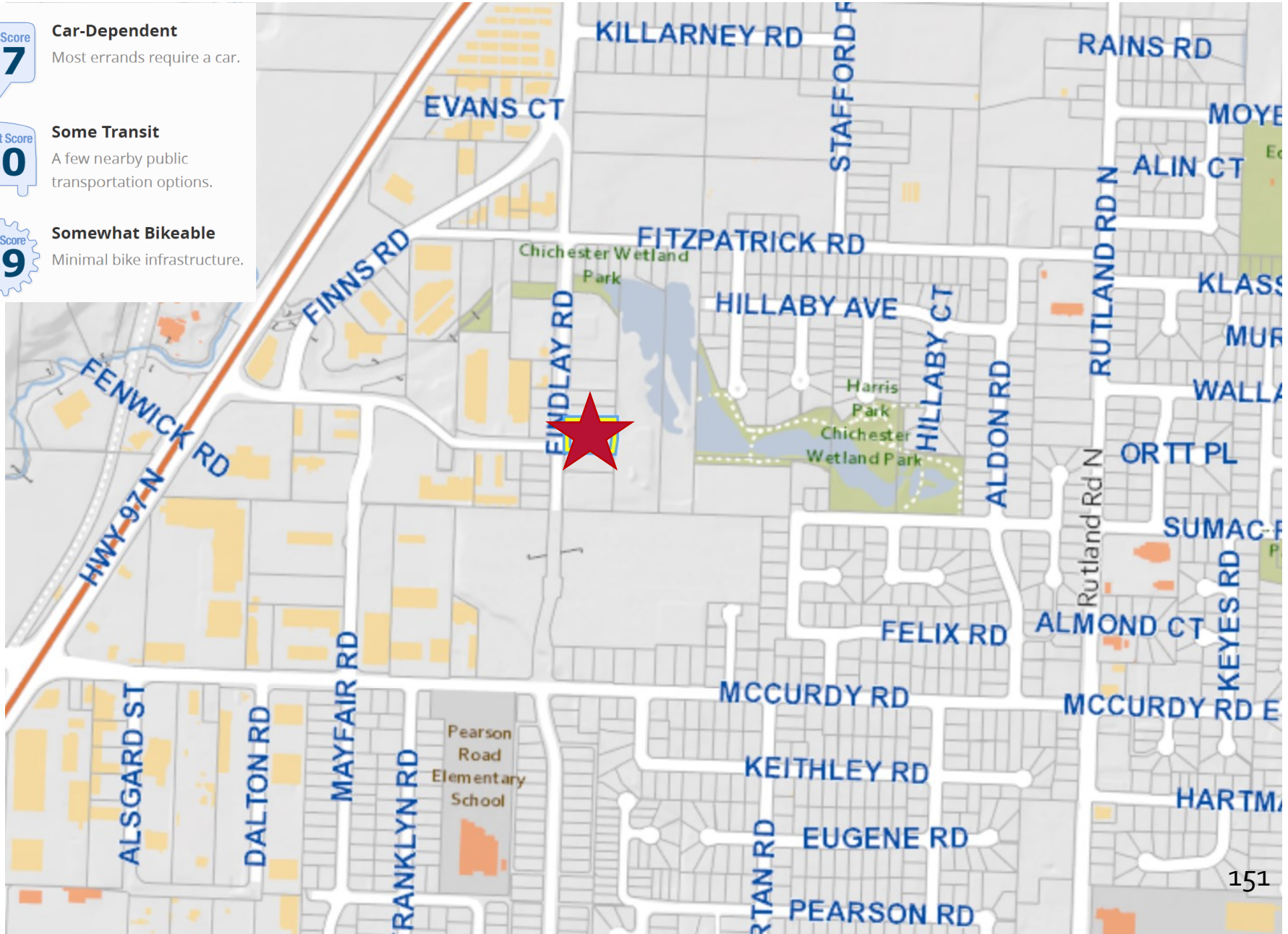
## Some Transit

A few nearby public transportation options.

Bike Score  
**49**

## Somewhat Bikeable

Minimal bike infrastructure.





# Future Land Use Map



# Subject Property Map



# FINDLAY ROAD





# Development Policy

- ▶ Meets the intent of Official Community Plan Suburban Neighbourhood Policies:
  - ▶ Land Use
  - ▶ Housing
- ▶ Consistent with Future Land Use **Suburban - Multiple Unit (S-MU)**

# Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning
  - ▶ Meets the intent of the Official Community Plan
    - ▶ Suburban Neighbourhood Policies
    - ▶ Appropriate location for adding residential density



## *Conclusion of Staff Remarks*



# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** Z21-0104

**Owner:** Neil Jason Roe & Lynsay Clare Roe

**Address:** 549 Knowles Road

**Applicant:** D.E. Pilling & Associates – David Mori

**Subject:** Rezoning Application

**Existing OCP Designation:** S-RES – Suburban Residential

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

**Proposed Zone:** RU2 – Medium Lot Housing

---

## 1.0 Recommendation

THAT Rezoning Application No. Z21-0104 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 167, ODYD, Plan 7438, located at 549 Knowles Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

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 February 7, 2022;

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

## 2.0 Purpose

To rezone a the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a 3-lot residential subdivision.

## 3.0 Development Planning

Staff support the proposal to rezone the property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a 3-lot subdivision as the subject property is within the Permanent Growth Boundary and the proposal aligns with the OCP Future Land Use designation of S-RES – Suburban Residential. S-RES

designated lands are intended to accommodate most of the city's single and two dwelling residential growth. The proposal conforms to OCP suburban neighbourhood policies encouraging ground-oriented housing in suburban residential areas. Properties in the immediate vicinity, including along Knowles Road, are zoned RU2. The applicant has submitted a site plan indicating that the proposed subdivision can be achieved in compliance with the RU2 zone.

#### 4.0 Proposal

##### 4.1 Project Description

The proposed rezoning to RU2 – Medium Lot Housing will facilitate a 3-lot subdivision of the subject property. The proposed lots would meet the minimum dimensions of the RU2 zone.

##### 4.2 Site Context

The property is located in the Lower Mission within the Permanent Growth Boundary. The surrounding areas have a Future Land Use Designation of S-RES – Suburban Residential and are zoned RU1 – Large Lot Housing and RU2 – Medium Lot Housing. The subject property is within 150 m of transit stops on Lakeshore Road and Anne McClymont Elementary School. A commercial node at the Lakeshore Road & Collett Road intersection, Okanagan Mission Community Hall, and Okanagan Mission Secondary School are also nearby.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Housing
East	RU1 – Large Lot Housing	Single Family Housing
South	RU1 – Large Lot Housing	Single Family Housing
West	RU1 – Large Lot Housing	Single Family Housing

**Subject Property Map: 549 Knowles Road**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### **Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable**

Policy 7.2.1 Ground Oriented Housing	Consider a range of low density ground-oriented housing development to improve housing diversity and affordability to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or transportation facilities.  <i>The proposed development is ground-oriented housing in close proximity to a transit stop, a small commercial node, and a school.</i>
--	--

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- See Schedule A

## 7.0 Application Chronology

Date of Application Received: November 16, 2021

Date Public Consultation Completed: December 7, 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: Letter of Rationale & Proposed Subdivision Plan



## CITY OF KELOWNA

# MEMORANDUM

**Date:** November 25, 2021

**File No.:** Z21-0104

**To:** Urban Planning (MT)

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

**Subject:** 549 Knowles Rd. RU1 to RU2

The Development Engineering Department has the following comments and requirements associated to rezoning application to rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing.

The Development Engineering Technologist for this project is Aaron Sangster.

### 1. General

- a. The following requirements are valid for one (1) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

### 2. Road Improvements

- a. Knowles Rd. must be upgraded to an urban standard along the full frontage of this proposed development, including roll-over curb and gutter, 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.

### 3. Domestic Water and Fire Protection

- a. This property is currently serviced with 19mm-diameter water service. The disconnection of the existing small diameter water services and the tie-in of a larger new service can be provided by City forces at the developer's expense. One metered water service will supply the development.
- b. The current water main fronting this property is inadequate and must be replaced to meet bylaw 7900 standards.

### 4. Sanitary Sewer

- a. Our records indicate that these properties are currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be confirmed/installed on the service at the owner's cost.

<b>SCHEDULE A</b>	
This forms part of application # Z21-0104	
Planner Initials	MT
 City of <b>Kelowna</b> COMMUNITY PLANNING	

## **5. Storm Drainage**

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.
- b. On site storm drainage systems for the site will be reviewed and approved by Engineering in accordance with bylaw 7900, when a site servicing design is submitted.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

## **6. Electric Power and Telecommunication Services**

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

## **7. Development Permit and Site Related Issues**

- a. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- b. If any road dedication affects lands encumbered by a Utility right-of-way (such as Fortis, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

## **8. Geotechnical Study**

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

- v. Recommendations for items that should be included in a Restrictive Covenant.
- vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- vii. Any items required in other sections of this document.

Additional geotechnical survey may be necessary for building foundations, etc

## **9. DESIGN AND CONSTRUCTION**

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

## **10. SERVICING AGREEMENT FOR WORKS AND SERVICES**

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

## **11. Charges and Fees**

- (a) Development Cost Charges (DCC's) are payable
- (b) Fees per the "Development Application Fees Bylaw" include:
  - (i) Street/Traffic Sign Fees: at cost if required (to be determined after design).



- (ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- (iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).
- (iv) Hydrant levy charge of **\$250.00** (\$250.00 per new lot.)
- (v) Survey Monument Fee: **\$50.00** (\$50 per newly created lot – GST exempt).



---

Ryan O'Sullivan  
Development Engineering Manager

AS

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # <b>Z21-0104</b>		
Planner Initials	<b>MT</b>	 City of <b>Kelowna</b> COMMUNITY PLANNING

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

November 4<sup>th</sup>, 2021  
File: 2525  
CoK: S21-0025

**Attention: Corey Davis, Development Tech. – Engineering and Environmental  
Coordinator - Development Planning Department**

Dear Mr. Davis,

**549 Knowles Road – Lot B, Plan KAP7438, District Lot 167, ODYD, PID 009-992-341  
Rezoning Application Rationale**

---

D.E. Pilling & Associates Ltd. (Pilling) is supplying this rezoning application rationale on behalf of the property owner, Mr. Jason Roe, for the purposes of rezoning the property to facilitate a 3-lot subdivision.

The existing zoning for the above-mentioned property is currently RU1 – Large Lot Housing with a future land use designation of S2RES – Single/ Two Unit Residential. From previous discussions between the owner and the City of Kelowna, a variance for lot width reduction would not be supported, which would be necessary for the 3-lot subdivision with the current zoning requirements. See below figure for current zoning in the area.

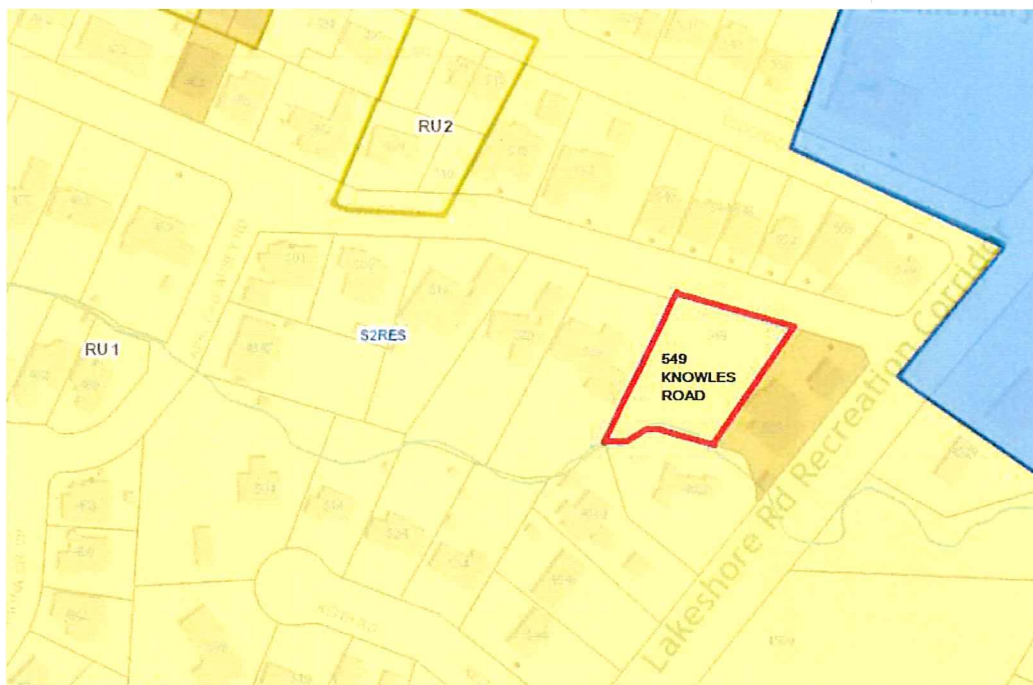


Figure 1: Current Zoning & Future Land Use – from City of Kelowna Map Viewer

This application would be to amend the existing 0.57-acre empty lot with RU1 zoning to RU2 – Medium Lot Housing. The proposed RU2 single family lots are to be compliant with the City of Kelowna Subdivision, Development and Servicing Bylaw #7900 as well as the City of Kelowna Zoning Bylaw #8000.

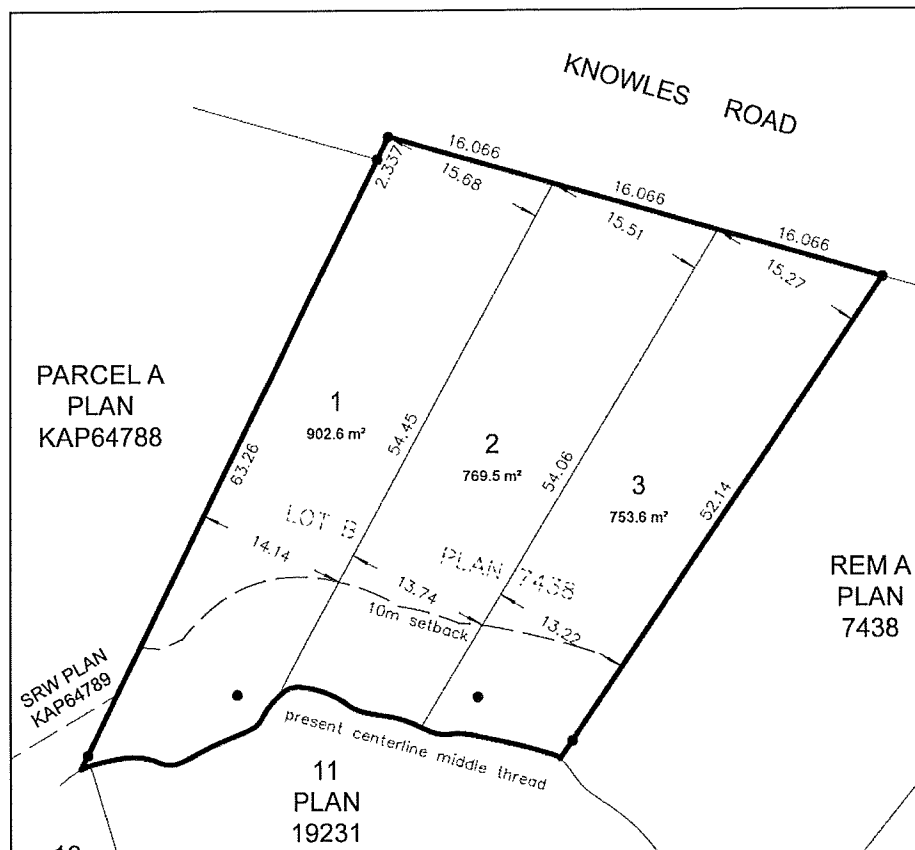


Figure 2: Proposed Subdivision Layout

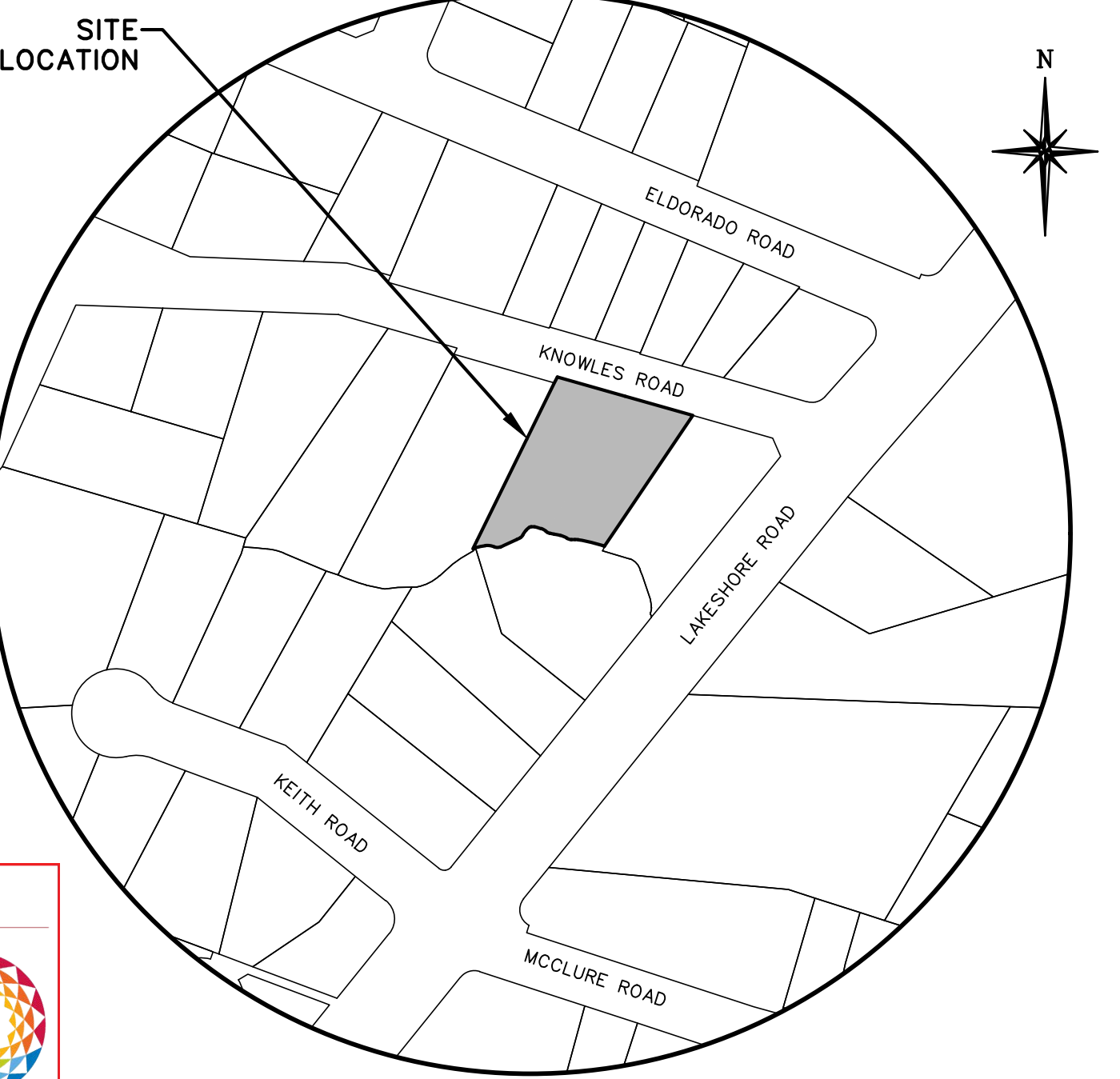
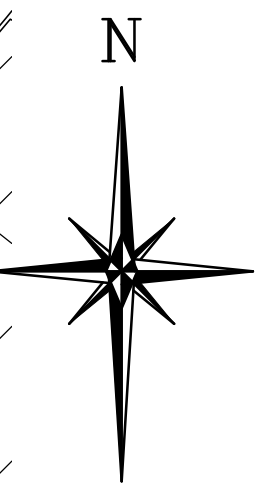
In conclusion, the proposed amendment to the existing zoning of the lots to accommodate the subdivision of the lot into 3-RU2 lots is consistent for the intent of the area for single family housing. Similar developments have been completed and accepted in the area, showing that the feasibility of the rezoning and subdivision would be acceptable.

Sincerely,  
D.E. Pilling & Associates Ltd.

Riley Salter, E.I.T.  
Civil Engineer-in-training  
RS/DM

<b>ATTACHMENT A</b>	
This forms part of application # Z21-0104	
Planner Initials	MT





**CITY OF KELOWNA**  
**BYLAW NO. 12324**  
**Z21-0104 – 549 Knowles 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 B, District Lot 167, ODYD, Plan 7438 located on Knowles 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, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



# Z21-0104

# 549 Knowles Rd

## Rezoning Application





# Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a 3-lot subdivision.

# Development Process

Nov 16, 2021

Development Application Submitted



Staff Review & Circulation



Dec 7, 2021

Public Notification Received



Feb 7, 2022

Initial Consideration



First, Second & Third Readings



Final Reading  
Development Permit

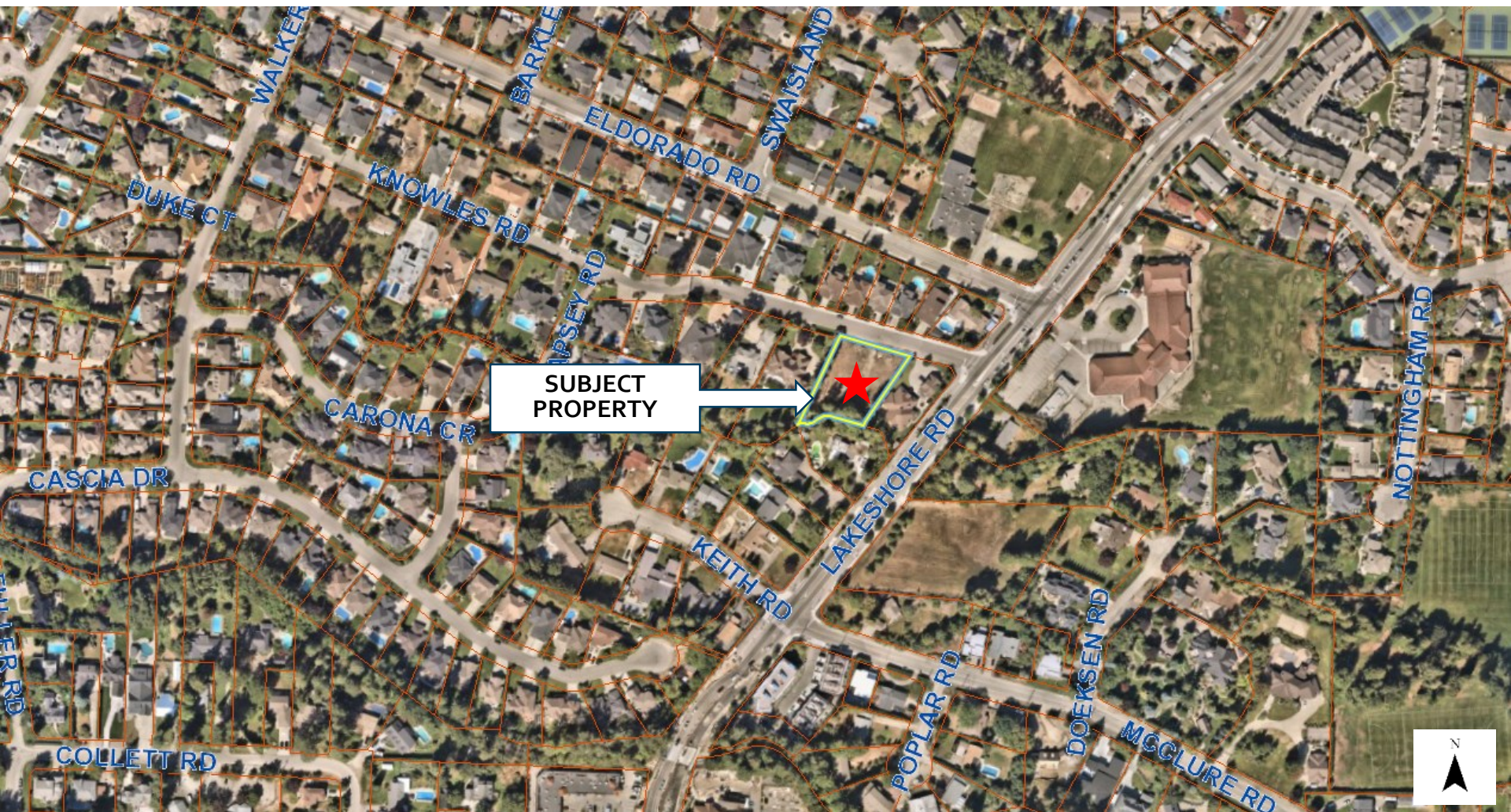


Building Permit

Council  
Approvals

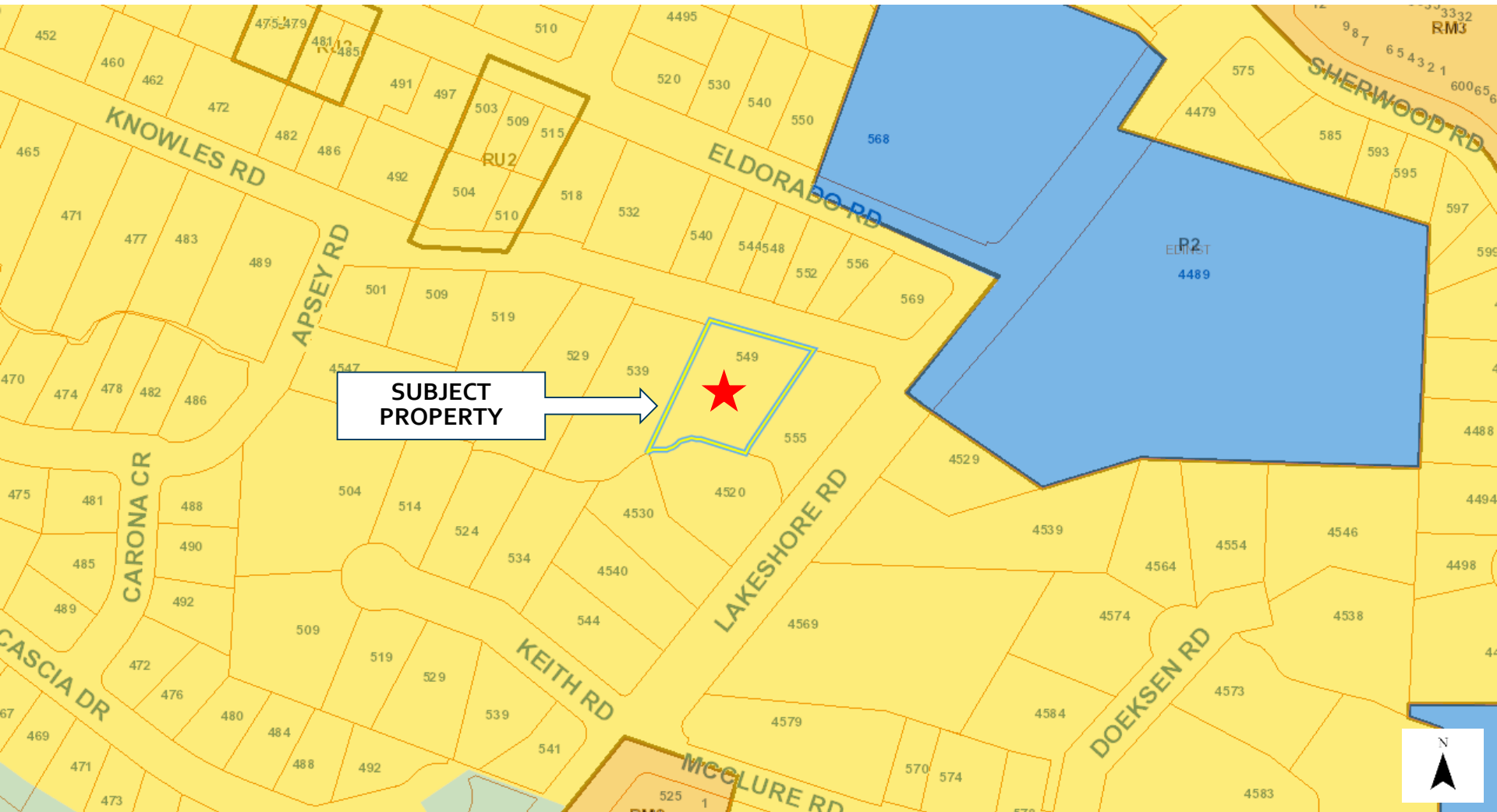


# Context Map





# OCP Future Land Use / Zoning



# Subject Property Map



# Project details

- ▶ The proposed rezoning from RU1 – Large Lot Housing to RU2 – Medium Lot Housing will facilitate a 3-lot subdivision.
- ▶ Each proposed lot would meet the depth and width requirements of the RU2 zone.

	Depth	Width	Area
Proposal	52.14 m to 63.26 m	16.066 m	753.6 m <sup>2</sup> to 902.6 m <sup>2</sup>
RU2 zone	30.0 m	13.0 m	400 m <sup>2</sup>
RU1 zone	30.0 m	16.5 m	550 m <sup>2</sup>



# Site Plan



# Development Policy

- ▶ Meets the intent of Official Community Plan Policies:
  - ▶ Ground-Oriented Housing
  - ▶ Within the Permanent Growth Boundary
  
- ▶ Consistent with Future Land Use **S-RES**

# Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning
  - ▶ Consistent with Future Land Use **S-RES**
  - ▶ Meets the intent of the Official Community Plan





## *Conclusion of Staff Remarks*

# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** TA21-0017

**Owner:** ASI Central GP INC., INC.NO.  
A0117887

**Address:** 155, 165, 175-179 & 179 Rutland Road N

**Applicant:** Arlington Street Investments  
Inc.

**Subject:** Text Amendment Application

**Existing OCP Designation:** UC – Urban Centres

**Existing Zone:** C4 – Urban Centre Commercial

---

## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA21-0017 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated February 7, 2022 for Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956 located at 155, 165, 175-179 and 179 Rutland Rd N be considered by Council;

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

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

## 2.0 Purpose

To amend the Zoning Bylaw with a Site-Specific Text Amendment to allow a maximum density of 2.35 FAR and a maximum height of 8 storeys and 32.0 m for the subject properties.

## 3.0 Development Planning

Staff supports the Text Amendment application to allow a height of 8 storeys and 32.0 m and a maximum density of 2.35 FAR for the subject properties. The proposal is consistent with many policies in the 2040 Official Community Plan (OCP) and the Urban Centres Roadmap. The increase in density at this location is supported by local amenities such as parks, schools, transit, shopping and recreational opportunities in the immediate area.

#### **4.0 Proposal**

##### **4.1 Background**

The subject properties are located on the east side of Rutland Road to the north of Hwy 33E (directly north of the Starbucks). The site is designated as UC – Urban Centre as it is within the Rutland Urban Centre. The project site is located within walking distance of the Shepherd Road transit exchange and near multiple bus stops situated on both Rutland Rd and Hwy 33E and Rutland Road is designated as a Retail Street within the 2040 Official Community Plan.

The proposal consists of four parcels which are zoned C<sub>4</sub> – Urban Centre Commercial. Under the current development regulations, the project would be able to achieve a maximum FAR of 2.08 though meeting bonusing provisions. The C<sub>4</sub> – Urban Centre Commercial development regulations have a base FAR of 1.3 without bonuses and a maximum height of 4 storeys or 15.0 m within the Rutland Urban Centre.

##### **4.2 Project Description**

The applicant is proposing a 98-unit purpose-built rental apartment building in the heart of the Rutland Urban Centre. The multiple properties for this development will be consolidated to a single parcel. The OCP has policy direction for greater heights and densities than what is currently available in the base zoning regulations of C<sub>4</sub>. The OCP provides even greater emphasis when the proposal contains a significant benefit such as affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives. The applicant is proposing a Site-Specific Text Amendment in order to achieve a FAR of 2.35 and a maximum height of 8 storeys and 32.0 m for this site. This density is similar to developments in the same zone in South Pandosy as there is a specific density bonus in that neighbourhood.

As noted, the maximum density that is currently achievable within the Rutland Urban Centre is 2.08 under c<sub>4</sub>. The redevelopment of the site provides at-grade commercial units along Rutland Road. This, along with zero lot lines side setbacks, will help elevate the quality of the urban streetscape experience. Redevelopment of this Retail Street is a long-term goal which is more readily achievable by allowing increased height and density at key locations. As further redevelopment occurs, more pedestrian and cycling infrastructure will be provided as upgrades to Rutland Road.

##### **Site Context**

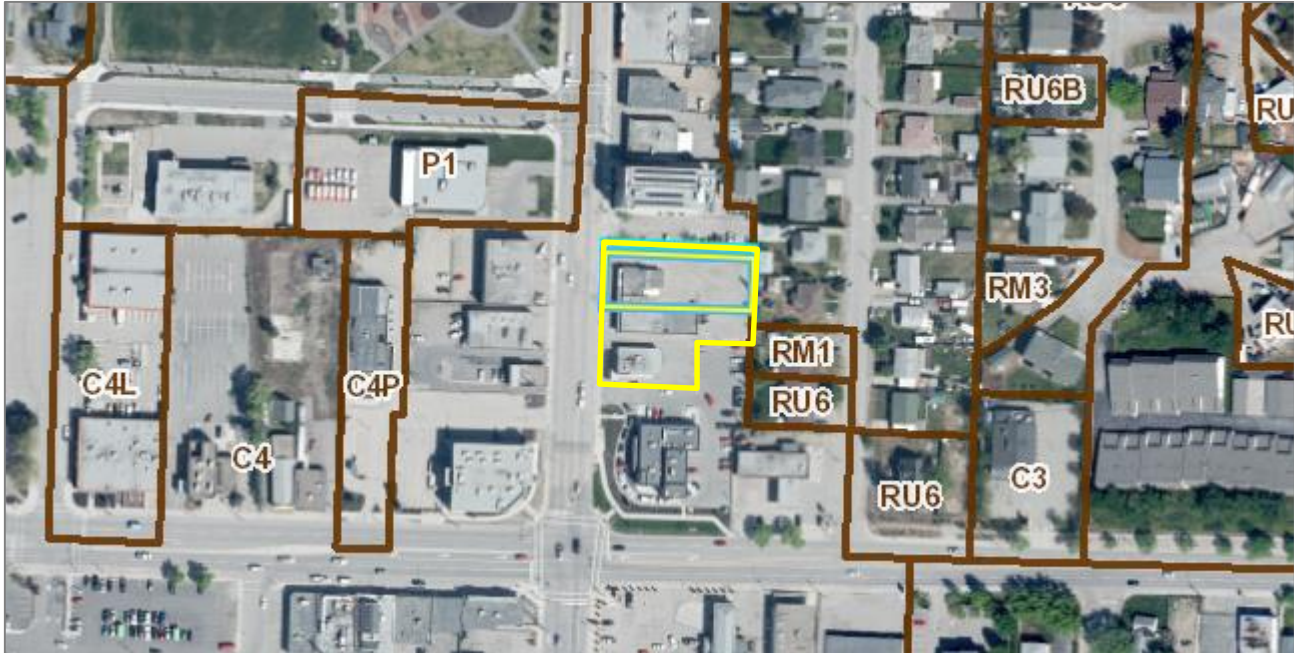
The subject properties are located on the east side of Rutland Road to the north of Hwy 33E. The site is designated as UC – Urban Centre and is within the Rutland Urban Centre. The properties are located within walking distance of the Shepherd Road transit exchange along with bus tops situated on both Rutland Rd and Hwy 33E. Rutland Road is designated as a Retail Street within the 2040 Official Community Plan.



Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Supportive Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	C4 – Urban Centre Commercial	Retail Businesses
West	C4 – Urban Centre Commercial P1 – Major Institutional	Retail Businesses, Canada Post Depot

**Subject Property Map: 155, 167, 175-179 & 179 Rutland Road**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Objective 4.1 Strengthen the Urban Centres as the primary hubs of activity

Policy 4.1.1. Live/Work Balance.	Direct growth in <a href="#">Urban Centres</a> to achieve densities of 150-250 combined residents and jobs per hectare, with a composition of 2:1 residents to jobs or as outlined in an Urban Centre Plan. Refine these density targets as Urban Centre Plans are developed.
	<i>Higher density redevelopment has been slow to occur within the Rutland Urban Centre. Supporting additional height and density at key locations will aide with improving the urban form within the Rutland Urban Centre.</i>
Policy 4.1.3. Urban Centres Roadmap.	Continue to use the Urban Centres Roadmap to provide guidance for growth and development in Urban Centres.
	<i>Refer to 5.2 Urban Centres Roadmap key considerations below.</i>
Policy 4.1.6. High Density Residential Development.	Direct medium and high-density residential development to Urban Centres to provide a greater mix of housing near employment and to maximize use of existing and new infrastructure, services and amenities.

	<i>Supporting more height and density at key locations within the Rutland Urban Centre will be a vehicle for change to help transform the urban centre into an area that delivers a higher quality of life to current and future residents..</i>
<b>Objective 4.7</b> Focus new development in Rutland strategically to create new high-density business and residential hub to support improved services and amenities.	
Policy 4.7.1 Rutland Building Heights.	<p>Undertake a building heights study as part of an Urban Centre Plan process for the Rutland Urban Centre. Until this process is complete, support development in the Rutland Urban Centre that is generally consistent with the building heights outlined in Map 4.7 to accomplish the following:</p> <ul style="list-style-type: none"> <li>• Focusing taller buildings between Shepherd Road, Dougall Road, Rutland Road and Highway 33 to support the viability of Rutland's designated high streets, the Rutland Transit Exchange and Rutland Centennial Park;</li> <li>• Directing more modest heights along the Highway 33 and Rutland Road corridors to support transit use and the viability of commercial uses in those two corridors;</li> <li>• Tapering heights down towards surrounding Core Area Neighbourhoods</li> </ul>
	<i>The subject site does not front directly onto the adjacent Transit Supportive Corridors surrounding the property, however, it is located in a transition area.</i>
Policy 4.7.2 Taller Rutland Buildings.	<p>Prior to the development of a neighbourhood plan for the Rutland Urban Centre, and with due consideration of the objectives of Policy 4.7.1, consider support for development that is higher than the heights outlined in Map 4.7, where the proposal contains significant benefit to Kelowna citizens, including some or a combination of the following:</p> <ul style="list-style-type: none"> <li>• An affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives;</li> <li>• A significant public amenity that supports the fostering of more inclusive and socially connected Urban Centres, such as parks, public spaces, schools, post-secondary institutions or childcare facilities;</li> <li>• Offsite considerations, including enhanced streetscapes, provision of Active Transportation Corridors, tree canopy protection and enhancement, or green infrastructure within the road right of way;</li> <li>• Smaller tower floorplates to mitigate the impact on views and shadowing; and/or</li> <li>• Outstanding and extraordinary architectural design.</li> </ul>
	<i>This purpose-built rental project will add approximately 98 additional rental units to the heart of the Rutland Urban Centre. Additional height and density at this key centrally located property will encourage further redevelopment within the area.</i>

## 5.2 Urban Centres Roadmap

### **Type 2 Mid-Sized Projects – Key Considerations (Pg 38):**

Appropriate occupancies: Achieving moderate to high residential densities on sites designated for mixed-use residential will be fundamental to realizing the goal of dense and livable Urban Centres.

Priorities for Early-Stage Urban Centres (Midtown, Capri-Landmark, Rutland):

- Improve urban form of the area by encouraging multi-storey building with strong relationships to the street.
- Ensure sidewalks and street trees are added through frontage improvements.
- Shift Surface parking to the rear of the site.

**6.o Application Chronology**

Date of Application Accepted: October 1, 2021

Date Public Consultation Completed: December 7, 2021

**Report prepared by:** Lydia Korolchuk, Planner Specialist

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

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

**Attachments:**

Schedule A: Text Amendment



## Schedule A – Proposed Site Specific Text Amendments to Zoning Bylaw No. 8000 TA21-0017

No.	Section	Current Wording	Proposed Wording	Reason for Change						
1.	Section 14-Commercial Zones, 14.4 C4 - Urban Centre Commercial	N/A	<p><b>14.4.7 Site Specific Uses and Regulations</b></p> <p>Uses and regulations apply to the C4 - Urban Centre Commercial on a site-specific basis as follows:</p> <table><tr><th><i>Legal Description</i></th><th><i>Civic Address</i></th><th><i>Regulation</i></th></tr><tr><td>Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.</td><td>155 Rutland Rd N 165 Rutland Rd N 175-179 Rutland Rd N 179 Rutland Rd N</td><td>Notwithstanding Section 14.4.5(a), the maximum floor area ratio is 2.35 and Notwithstanding Section 14.4.5(c), the maximum height is 8 storeys and 32.0 m.</td></tr></table>	<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>	Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.	155 Rutland Rd N 165 Rutland Rd N 175-179 Rutland Rd N 179 Rutland Rd N	Notwithstanding Section 14.4.5(a), the maximum floor area ratio is 2.35 and Notwithstanding Section 14.4.5(c), the maximum height is 8 storeys and 32.0 m.	To allow a maximum density of 2.35 FAR and a maximum height of 8 storeys and 32 m on the subject property.
<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>								
Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.	155 Rutland Rd N 165 Rutland Rd N 175-179 Rutland Rd N 179 Rutland Rd N	Notwithstanding Section 14.4.5(a), the maximum floor area ratio is 2.35 and Notwithstanding Section 14.4.5(c), the maximum height is 8 storeys and 32.0 m.								



# TA21-0017 155, 165, 175-179 & 179 Rutland Road N

Text Amendment Application

# Proposal

- ▶ To consider a site-specific Text Amendment to the Zoning Bylaw to allow a maximum building height of 8 storeys and 32.0 m and to allow a density of 2.35 FAR for the subject properties.



# Development Process

Oct 1, 2021

Development Application Accepted

Staff Review & Circulation

Dec 7, 2021

Neighbourhood Notification

Feb 7, 2022

Initial Consideration

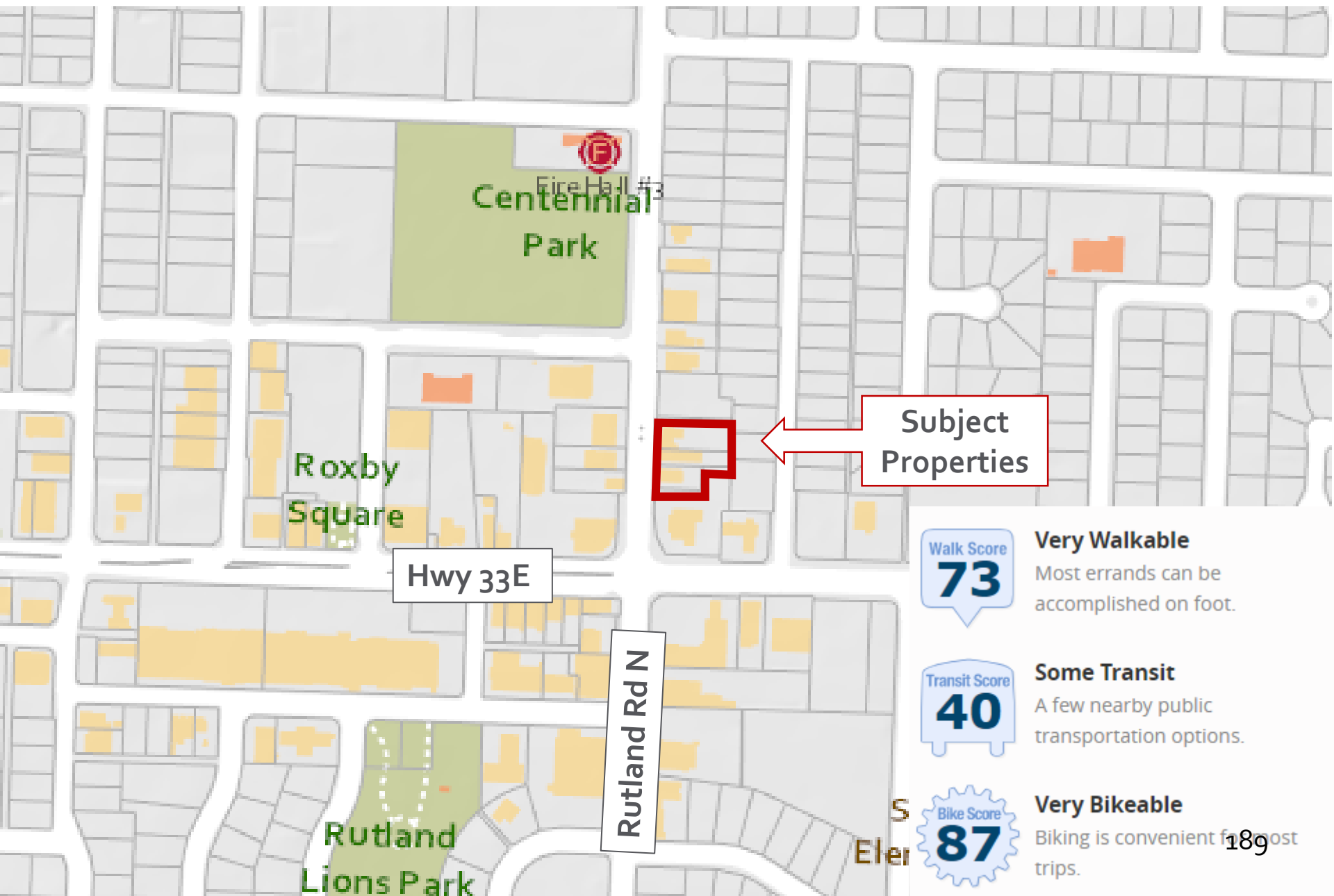
Public Hearing  
Second & Third Readings

Final Reading and DP & Variances

Building Permit

Council  
Approvals

# Context Map



Walk Score  
**73**

**Very Walkable**  
Most errands can be accomplished on foot.

Transit Score  
**40**

**Some Transit**  
A few nearby public transportation options.

Bike Score  
**87**

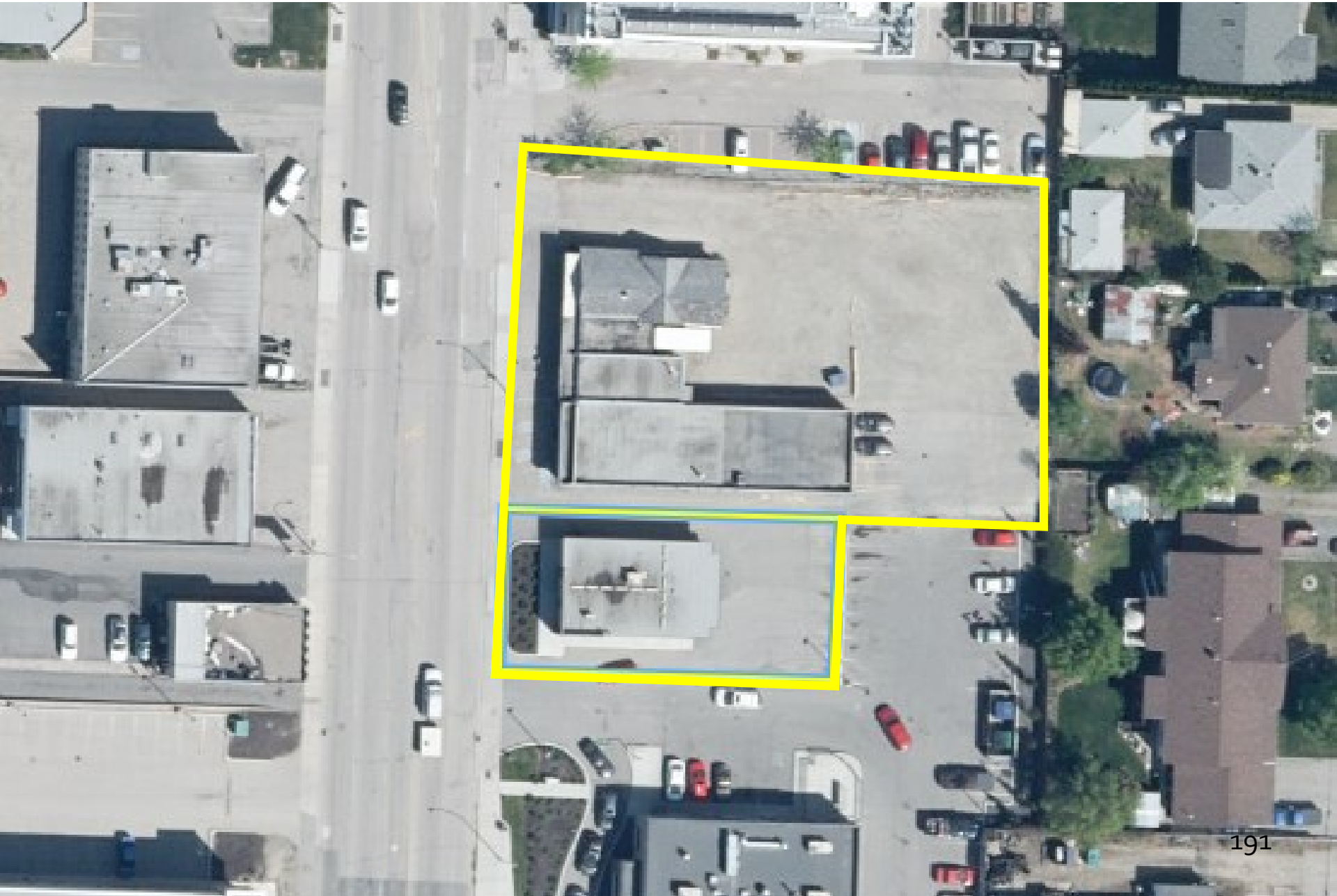
**Very Bikeable**  
Biking is convenient for most trips.

# Future Land Use





# Subject Property Map



# Site Specific Text Amendment

## C<sub>4</sub> – Urban Centre Commercial

- ▶ Height: 4 Storeys and 15.0 m max.
- ▶ Proposing: 8 storeys and 32.0 m
- ▶ Density: Base of 1.3 FAR (to a maximum of 2.35 with bonusing)
- ▶ Maximum density achievable in Rutland Urban Centre is 2.08 FAR
- ▶ Proposing: 2.35 FAR

# Development Policy

- ▶ Consistent with Future Land Use: UC – Urban Centre
- ▶ OCP Urban Centre Policies:
  - ▶ Live/Work Balance:
    - ▶ Direct growth in Urban Centres
  - ▶ Taller Rutland Buildings
    - ▶ Consider higher heights than outlined in Map 4.7, where the proposal contains affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives;
- ▶ Consistent with Key Considerations of the Urban Centres Roadmap:
  - ▶ Achieving moderate to high residential densities is fundamental to realizing the goal of dense, livable Urban Centres.



# Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed site-specific Text Amendment:
  - ▶ Meets many objectives in the OCP and considerations in the Urban Centres Roadmap
- ▶ Recommend the bylaw be forwarded to Public Hearing for further consideration.



## *Conclusion of Staff Remarks*



# CITY OF KELOWNA

## BYLAW NO. 12325

### TA21-0017

## 155, 165, 175-179 & 179 Rutland Road North

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 **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial** be amended by adding in its appropriate location the following:

#### "14.4.7 Site Specific Uses and Regulations

Uses and regulations apply to the C4 - Urban Centre Commercial on a site-specific basis as follows:

	Legal Description	Civic Address	Regulation
1.	Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.	155 Rutland Rd N 165 Rutland Rd N 175-179 Rutland Rd N 179 Rutland Rd N	Notwithstanding Section 14.4.5 (a)2, the maximum floor area ratio is 2.35 and Notwithstanding Section 14.4.5 (c), the maximum height is 8 storeys and 32.0 m.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this



---

Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** Z21-0062

**Owner:** Vibona Enterprises Ltd., Inc.  
No. BCo458875

**Address:** 1310 St Paul St

**Applicant:** Vibona Enterprises Ltd., Inc.  
No. BCo458875

**Subject:** Rezoning Application

**Existing OCP Designation:** UC – Urban Centres

**Existing Zone:** I2 – General Industrial

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

---

## 1.0 Recommendation

THAT Rezoning Application No. Z21-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12 District Lot 139 ODYD Plan 645, located at 1310 St Paul Street, Kelowna, BC from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 7, 2022;

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.

## **2.0 Purpose**

To rezone the subject property from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone to allow for a retail cannabis sales establishment.

## **3.0 Development Planning**

Development Planning Staff are recommending support for the proposed rezoning to the C7rcs – Central Business Commercial (Retail Cannabis Sale) zone to allow for a retail cannabis sales establishment on the subject property as it is consistent with the Official Community Plan (OCP) Future Land Use Designation of UC – Urban Centres.

This application was received prior to the close of the first intake of retail cannabis sales establishment applications as of November 30, 2018, however, the applicant was unable to complete the previous rezoning application (Z19-0024) which expired and was subsequently rescinded. As such the applicant has re-submitted a rezoning application for the same site has come forth for consideration.

The original application was evaluated in accordance with the Council-endorsed Retail Sales Cannabis review process and was selected to move forward with the City's standard rezoning process, established in the Development Application Procedures Bylaw. This application received a score of 71.43, and the overall average score of all applications evaluated with 69.53.

Should Council support the proposed Rezoning Bylaw, the property would be rezoned to a retail cannabis sales subzone, and Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) indicating support for issuance of a non-medical cannabis retail store license for this property.

The application meets Zoning Bylaw No. 8000 and there are no variances being requested. Further, the applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

## **4.0 Proposal**

### **4.1 Background**

The existing building located on-site originally received an approved building permit in the early 1960's as a single-family dwelling. The dwelling was converted into a commercial restaurant named La Petite Maison in 2013 which operated in the building up until 2019. The building has been unoccupied since 2019 when the restaurant's Business License was not renewed. Should Council support the proposed rezoning application a Development Permit application and subsequently a tenant improvement Building Permit application will be required to facilitate the conversion to allow a retail cannabis sales establishment.

### **4.2 Project Description**

The applicant through the rezoning process has explored a number of different development scenarios including redeveloping the entire site versus a tenant improvement-oriented design scope to keep and utilize the existing building on-site. Should the Rezoning application be supported by Council, the applicant will move forward with a Development Permit application.

The applicant is proposing a new paved parking surface situated at the rear of site with all access coming from the lane, complementary site landscaping including new deciduous trees, flowering shrubs and perennials and a new exterior building facade.

#### 4.3 Site Context

The subject property is centrally located within the Downtown Urban Centre on the west side of St Paul Street, just south of Cawston Ave-St Paul St intersection. Sensitive uses that were identified within 150 radius include a Liquor Primary Establishment (1304 Ellis St, 421 Cawston Ave and 1250-1289 Ellis St).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Commercial Retail
East	C7 – Central Business Commercial	Parking Lot
South	I2 – General Industrial	Bottle Depot
West	C7 – Central Business Commercial	Parking lot

#### Subject Property Map: 1310 St Paul Street



#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

#### **Objective 4.4 Reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City.**

Policy 4.4.5 Downtown Street Character	Support development in the Downtown Urban Centre that includes the following characteristics at grade, as outlined in Map 4.2 <ul style="list-style-type: none"> <li>Retail space along Bernard Avenue integrated with a high-quality urban streetscape experience, reinforcing the street as Downtown's high street;</li> </ul>
--	--



	<ul style="list-style-type: none"> <li>• Retail space along designated retail streets to create more dynamic spaces with high levels of pedestrian activity; and</li> <li>• Civic and cultural uses, with supporting retail uses along the Art Walk and portions of Water Street designated as civic streets, in keeping with the directions of the Civic Precinct Plan.</li> </ul> <p><i>St Paul Street is designated as a Retail Street in the 2040 OCP and as such, the development will include urban landscaping treatments, exterior facade upgrades and overall site revitalization that will improve the street interface and enhance pedestrian activity.</i></p>
<b>Objective 4.17 Create urban streets that are attractive to live, work and shop on</b>	
Policy 4.17.2 High Streets	<p>Animate the pedestrian realm by creating high streets and retail streets that are attractive destinations, as outlined in Maps 4.2, 4.4, 4.6, 4.8 and 4.10, attracting people and activity throughout the year</p> <p><i>The proposed development will facilitate a revitalization the subject property while creating a friendlier, and more enhanced pedestrian street interface.</i></p>

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- See Schedule A

## 7.0 Application Chronology

Date of Application Accepted: June 8, 2021  
Date Public Consultation Completed: November 25, 2021

**Report prepared by:** Andrew Ferguson, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

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

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Site Plan

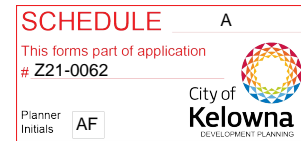
---

# CITY OF KELOWNA

## MEMORANDUM

---

**Date:** January 15, 2021  
**File No.:** Z21-0062  
**To:** Community Planning (AF)  
**From:** Development Engineering Manager (RO)  
**Subject:** 1310 St Paul St



I2 to C7rcs

---

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from I2 to C7rcs to allow for a retail cannabis sales establishment on the subject property

### 1. General

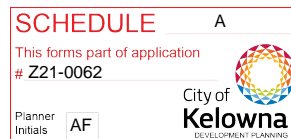
- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

### 2. Domestic Water and Fire Protection

- a. The subject lot is located within the City of Kelowna water supply area. The existing lot is serviced with a 38-mm diameter water service. If necessary, the Applicant, at their cost, will arrange for the removal of the existing service and the installation of one new larger metered water service. Only one service will be permitted 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 commercial zones is 150 L/s. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.

### 3. Sanitary Sewer

- a. Our records indicate that the subject lot is currently serviced with a 100-mm diameter sanitary sewer service. This service will be adequate for this development.
- b. The existing service connection is to be completed with an inspection chamber (c/w Brooks Box) as per SS-S7.



#### 4. Storm Drainage

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal 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 development that is based off the original grading plan of the 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. 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.
- d. 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.

#### 5. Road Improvements

- a. St Paul Street must be upgraded to an urban standard (modified SS-R5) along the full frontage of this proposed development, including barrier curb and gutter, removal and replacement of deteriorated sidewalk, LED streetlighting, drainage system including catch basins, pavement removal and replacement, fillet paving, landscaped and irrigated boulevard, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. The applicant will be required to tie into the existing curb and gutter to the north of the subject lot.
- c. The Lane fronting the property requires asphalt widening to upgrade to a SS-R2 Commercial Lane standard along the full frontage of this proposed development.
- d. Landscaped and irrigated boulevard required with design and inspection by a Qualified Professional registered with the BCSLA and the IIABC. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.
- e. Streetlights must be installed on all public roads. All streetlighting designs are to include photometric calculation demonstrating Bylaw 7900 requirements are met and require approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.

## **6. Road Dedication and Subdivision Requirements**

- a. A road dedication of approximately 0.75 m is required along the entire property line fronting the lane to achieve a 7.6m ROW as per SS-R2 Commercial Lane standard detail.
- b. All access to the development must be from the lane, no access from St. Paul St will be permitted.

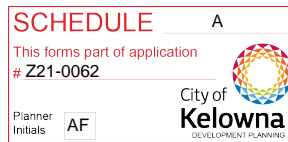
## **7. Electric Power and Telecommunication Services**

- a. All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost
- b. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.

## **8. Geotechnical Study**

- 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.
- 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.





## **9. Design and Construction**

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

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

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

## **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.
  - ii. Engineering and Inspection Fee: 3.5% of construction value (plus GST).

Ryan O'Sullivan  
Development Engineering Manager

SK

ATTACHMENT

A

This forms part of application

# Z21-0062

Planner

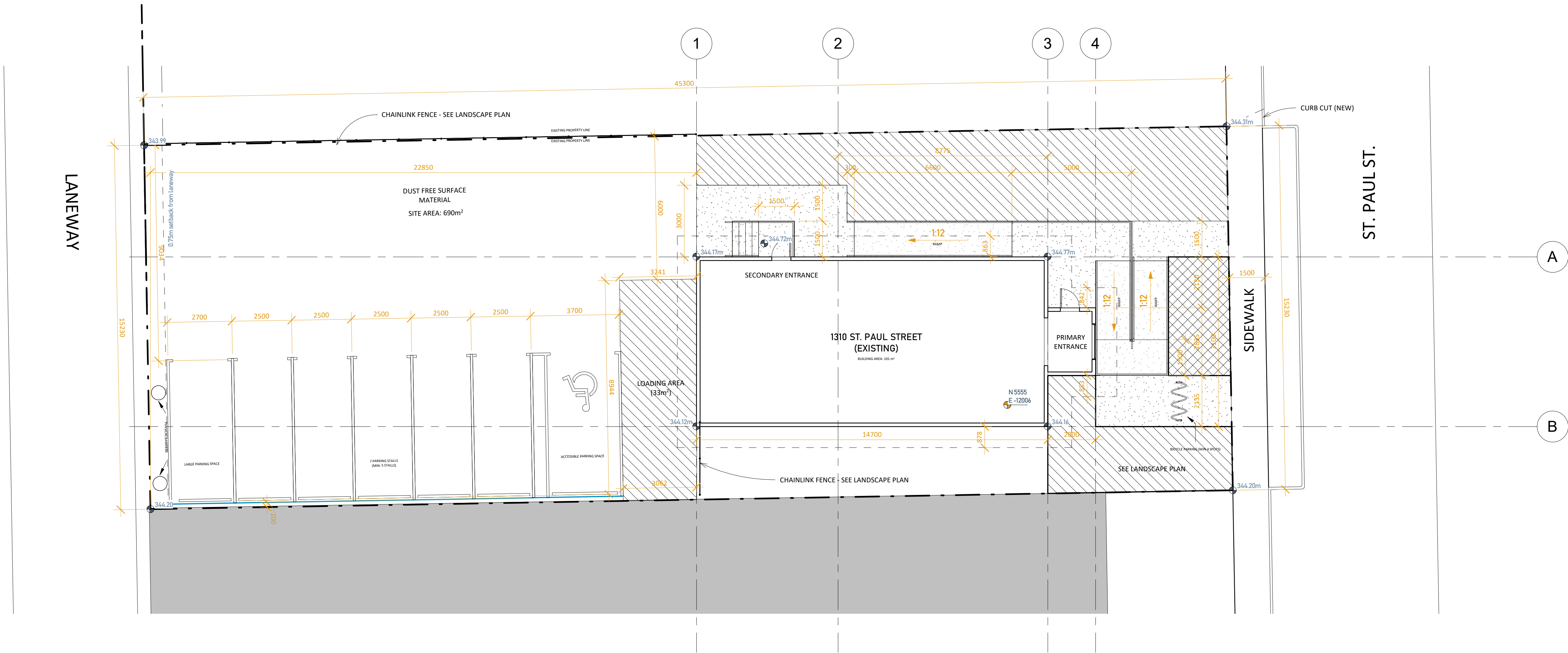
Initials

AF

City of

Kelowna

DEVELOPMENT PLANNING



CLIENT:		VIBONA ENTERPRISES LTD.	
PROJECT:		BUILDING RENOVATION	
TITLE:		SITE PLAN	
DWG NO:		A100	REV: 0
DRAWING SIZE:		A1	MS
SCALE:		1 : 100	DSGN: 207



Z21-0062

1310 St. Paul Street

Rezoning Application



# Proposal

- ▶ To rezone the subject property from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone to allow for a retail cannabis sales establishment.



# Development Process

June 8, 2021

Development Application Accepted



Staff Review & Circulation



Nov 25, 2021

Public Notification Received



Feb 7, 2022

Initial Consideration



Public Hearing  
Second & Third Readings



Final Reading



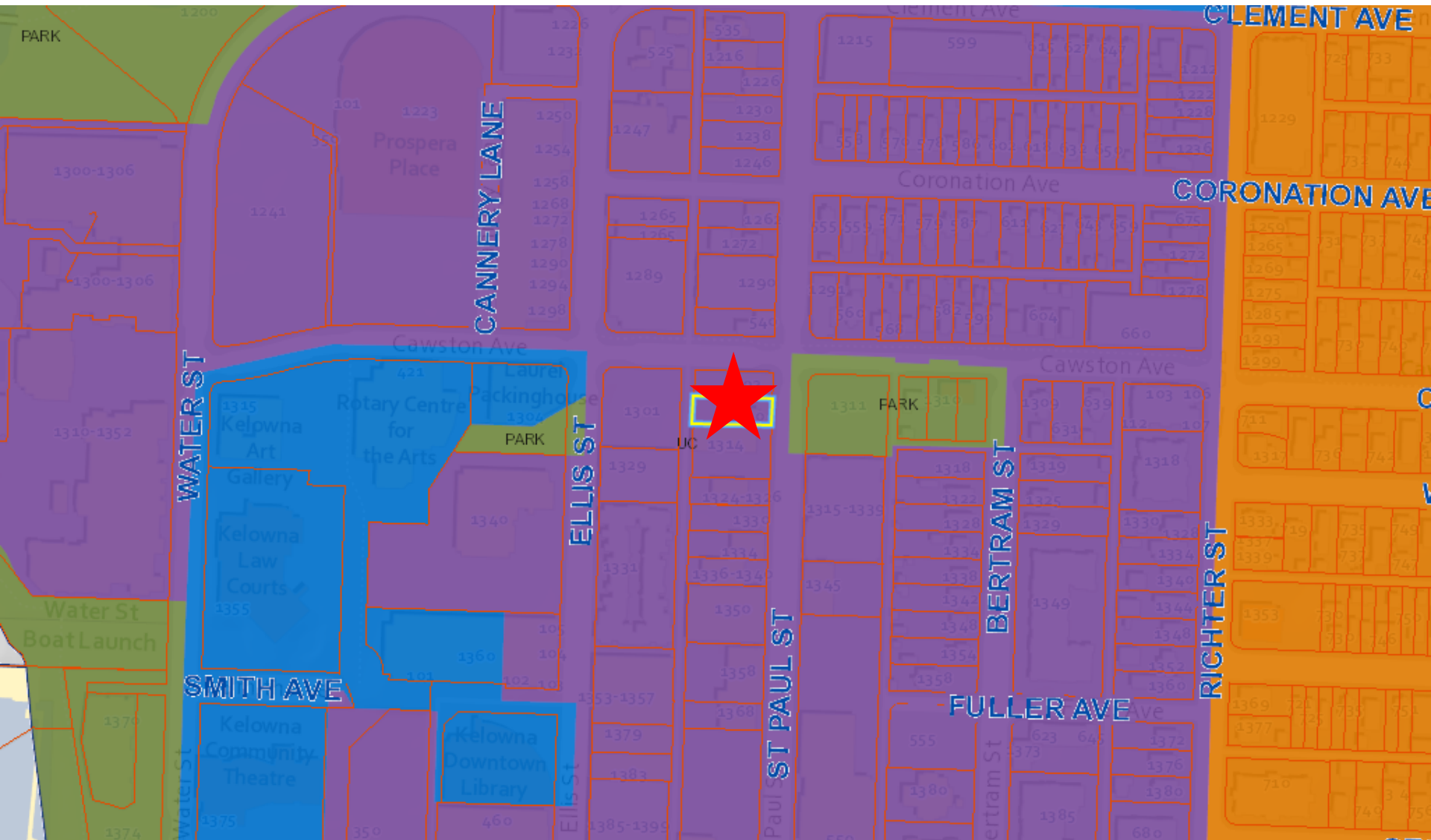
Building Permit

Council  
Approvals

# Context Map



# OCP Future Land Use / Zoning





# Subject Property Map

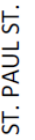




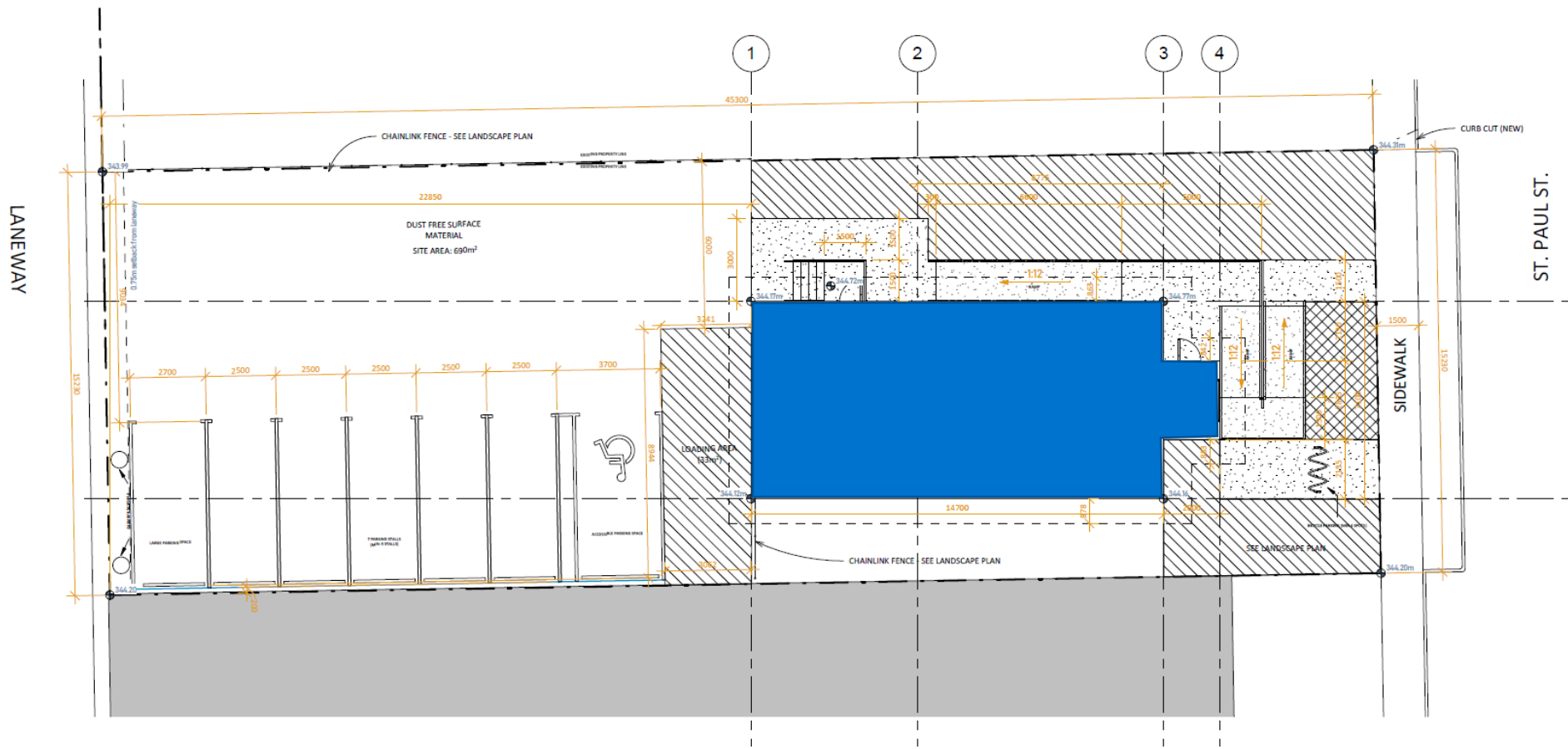
# Project/technical details

- ▶ Rezone property from I2 to C7rcs
  - ▶ Consistent with OCP Future Land Use of UC
- ▶ Site Revitalization
  - ▶ Paved surface parking lot
    - ▶ Existing front access to be removed and ROW restored
    - ▶ Lane access
  - ▶ Complementary site landscaping
  - ▶ New exterior building facade

## LANEWAY



# Site Plan



# Renderings





# Development Policy

## ▶ OCP Urban Centre Policy

### ▶ Downtown Street Character

- ▶ St Paul St designated as Retail Street
- ▶ Creating dynamic spaces
- ▶ Pedestrian Activity

### ▶ High Streets

- ▶ Creating Retail Streets as attractive destinations
- ▶ The proposal will help to revitalize the subject site and subsequently help to create a friendly, enhanced, and active pedestrian streetscape

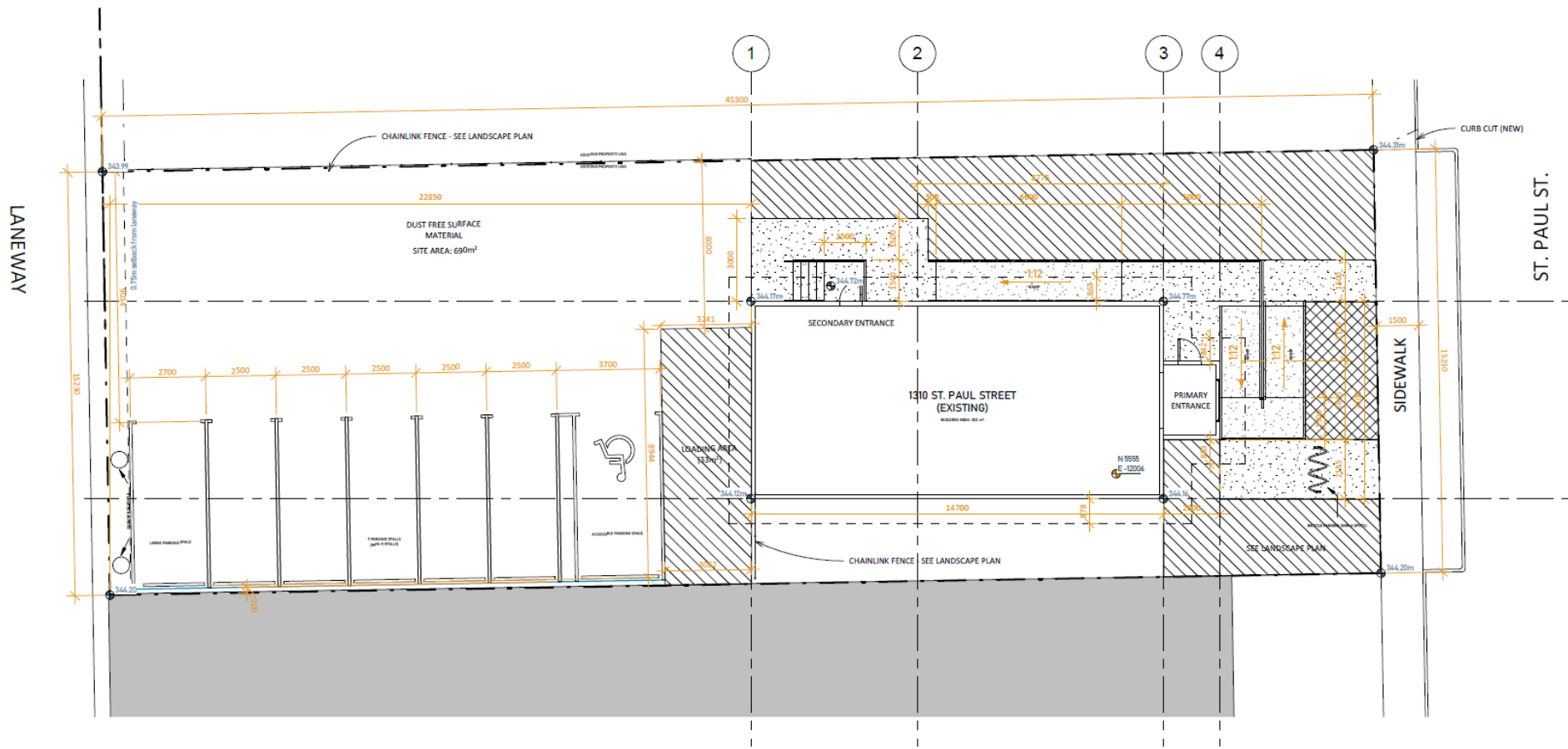
# Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning
  - ▶ Meets the intent of the Official Community Plan
  - ▶ Appropriate location for proposed use



## *Conclusion of Staff Remarks*

# Site Plan





**CITY OF KELOWNA**  
**BYLAW NO. 12326**  
**Z21-0062 – 1310 St Paul Street**

---

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 12 District Lot 139, ODYD, Plan 645 located on St Paul Street, Kelowna, BC from the I2 – General Industrial 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

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

# Report to Council



**Date:** February 7, 2022  
**To:** Council  
**From:** City Manager  
**Subject:** Rezoning Bylaw No. 12319 for Z21-0103 Supplemental Report to Council  
**Department:** Office of the City Clerk

---

## **Recommendation:**

THAT Council receives, for information, the report from the Office of the City Clerk dated February 7, 2022 with respect to Zoning Bylaw No. 12319;

AND THAT Rezoning Bylaw No. 12319 be forwarded for further reading consideration.

## **Purpose:**

To receive a summary of notice of first reading for Rezoning Bylaw No. 12319 and to give the bylaw further reading consideration.

## **Background:**

On November 25, 2021, the Province gave Royal Assent to Bill 26 – 2021, bringing into effect changes to the *Local Government Act*. Zoning bylaws that are consistent with the OCP no longer require a public hearing. The legislative changes remove the statutory requirement for Council to provide an opportunity for the public to be heard or to provide written submissions where a public hearing is not held, and public notice is given before first reading.

Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application & Heritage Procedures Bylaw No. 12310. Bylaw and policy amendments are being prepared based on Council's direction.

## **Discussion:**

Rezoning Application Z21-0103 for 330 Sumac Road East was brought forward to Council for initial consideration on [January 24, 2022](#). Notice of first reading was completed as outlined above.

Rezoning Application Z21-0103 received zero pieces of correspondence through Mayor & Council correspondence.

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

**Conclusion:**

Following notice of first reading, staff are recommending that Council give Rezoning Bylaw No. 12319, located at 330 Sumac Road East, further reading consideration.

**Internal Circulation:**

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

*Local Government Act s. 464(2)*

***Legal/Statutory Procedural Requirements:***

Following the notification period under s. 467 of the *Local Government Act*, Council may choose to:

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

**Considerations not applicable to this report:**

***Existing Policy:***

***Financial/Budgetary Considerations:***

***External Agency/Public Comments:***

***Communications Comments:***

Submitted by: R. Van Huizen, Legislative Technician

**Approved for inclusion:** S. Fleming, City Clerk

cc:

Development Planning

**CITY OF KELOWNA**  
**BYLAW NO. 12319**  
**Z21-0103**  
**330 Sumac Road East**

---

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 11 Section 35 Township 26 ODYD Plan 24739 located on Sumac Road East, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time, second, third time and adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



# REPORT TO COUNCIL



**Date:** February 7, 2021  
**To:** Council  
**From:** City Manager  
**Department:** Development Planning  
**Subject:** Z20-0053 McCurdy Rd 335 Rescindment of Bylaw Reading No. 12117

---

## **Recommendation**

THAT Council receives, for information, the Report from the Development Planning Department dated February 7, 2021 with respect to Rezoning Application No. Z20-0053 for the property located at 335 McCurdy Rd.

AND THAT Bylaw No. 12117 be forwarded for rescindment consideration and the file be closed.

## **Purpose**

To rescind all three readings given to Rezoning Bylaw No. 12117 and direct Staff to close the file.

## **Background:**

Rezoning Bylaw No. 12117 received second and third readings at a Regular meeting of Council held on January 12, 2021. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements of a Development Engineering Memorandum (Schedule "A"), which included a road dedication, prior to final reading by Council.

No measures have been made by the applicant to meet these requirements, and the property has now been sold to a new owner. Given the above, staff are recommending that Council rescind first, second and third readings and direct staff to close the file.

**Subject Property Map: 335 McCurdy Rd**



**Submitted by:** Kimberly Brunet, Planner II

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

# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z20-0033

**Owner:** Robert T. Groholski and  
Michalina J. Groholski

**Address:** 535 Elliot Avenue

**Applicant:** Robert T. Groholski and  
Michalina J. Groholski

**Subject:** Rezoning Extension Application

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

**Existing Zone:** RU6 – Two Dwelling Housing

**Proposed Zone:** RM1 – Four Dwelling Housing

---

## 1.0 Recommendation

THAT in accordance with Development Application and Heritage Procedures Bylaw No. 12310, the deadline for the adoption of Rezoning Bylaw No. 12121, be extended from January 12, 2022 to January 12, 2023.

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

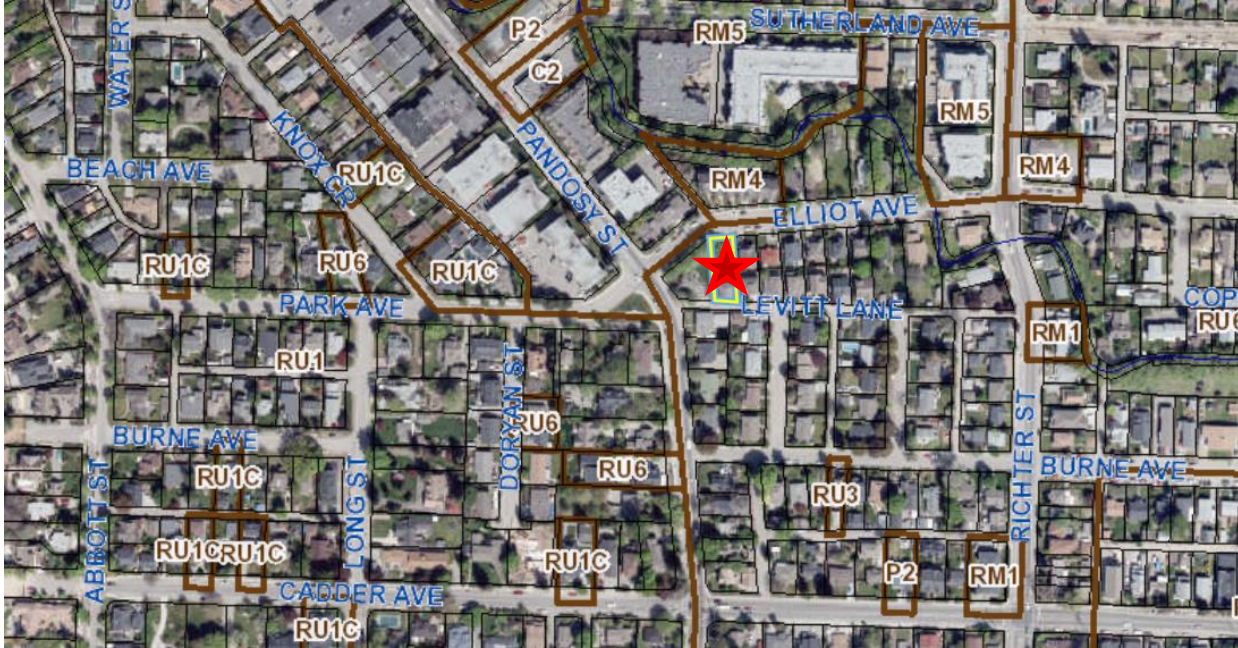
## 2.0 Purpose

To extend the deadline for adoption of Rezoning Bylaw No. 12121 to January 12, 2023.

## 3.0 Development Planning

Rezoning Bylaw No. 12121 received second and third readings at a Regular meeting of Council held on Tuesday, January 12, 2021. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements of the Schedule "A": Development Engineering Memorandum. The applicant has been working with Staff on the development plan for the site and has made progress on the rezoning application, however, has not yet met all of the engineering requirements. Staff are recommending that Council supports extending the deadline for adoption for the Rezoning Bylaw No. 12121 by one year to January 12, 2023.

**Subject Property Map:** 535 Elliot Avenue



**4.0 Application Chronology**

Date of Application Received:	April 16, 2020
Date of Second and Third Readings:	January 12, 2021
Date of Extension Received:	January 6, 2022

<b>Report prepared by:</b>	Barbara B. Crawford, Planner II
<b>Reviewed by and Approved for Inclusion:</b>	Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A – Development Engineering Memorandum



---

# CITY OF KELOWNA

## MEMORANDUM

---

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z20-0033		
Planner Initials	BC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

**Date:** May 6, 2020

**File No.:** Z20-0033

**To:** Community Planning (BC)

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

**Subject:** 535 Elliot Ave.

RU6 to RM1

---

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU6 to RM1. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Aaron Sangster.

### 1. General

- a) The following requirements are valid for one (1) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

### 2. Domestic Water and Fire Protection

- a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility.

### 3. Sanitary Sewer

- a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development.

### 4. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z20-0033		
Planner Initials	BC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

## 5. Electric Power and Telecommunication Services

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

## 6. Road Improvements

- a) Elliot Ave. must be upgraded to a local standard along the full frontage of this proposed development, curb and gutter, sidewalk, irrigated landscaped boulevard, pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R5.
- b) Levitt Lane fronting this development has already been upgraded, and no further upgrades are required at this time.

## 7. Erosion Servicing Control Plan

- a) Provide a detailed ESC Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) The developer must engage a consulting civil engineer to provide an ESC plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900.
- c) Civil consultant is responsible for all inspection and maintenance.
- d) A Security Deposit for ESC Works equal to 3.0% of the Consulting Engineer's opinion of probable costs of civil earthworks and infrastructure will be added to the Servicing Agreement.

## 8. Road Dedication and Subdivision Requirements

- a) Grant Statutory Rights of Way if required for utility services.
- 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.

## 9. Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

- d) A “Consulting Engineering Confirmation Letter” (City document ‘C’) must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City’s Works & Utilities Department. The design drawings must first be “Issued for Construction” by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

## 10. Servicing Agreement for Works and Services

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

## 11. Geotechnical Report

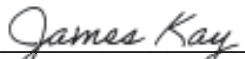
Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer’s report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Recommendations for items that should be included in a Restrictive Covenant.
- (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (vii) Any items required in other sections of this document.

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z20-0033		
Planner Initials	BC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

## 12. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

  
\_\_\_\_\_  
James Kay, P.Eng.  
Development Engineering Manager

AS



# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP21-0139

**Owner:** Forever Destiny Homes Ltd.,  
Inc.No. 0903896

**Address:** 165 Dougall Road South

**Applicant:** New Town Architecture and  
Engineering Inc.

**Subject:** Development Permit Application

**Existing OCP Designation:** UC - Urban Centre

**Existing Zone:** C4 – Urban Centre Commercial

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP21-0139 for Lot 11 Block B Section 23 Township 26 Osoyoos Division Yale District Plan 4740, located at 165 Dougall Road South, 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;
5. Payment-in-lieu of parking be provided for two (2) stalls according to Schedule "A" of Bylaw No. 8125;

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

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

## 2.0 Purpose

To consider the form and character of a mixed-use building.

## 3.0 Development Planning

Development Planning recommends support for the Development Permit application. The proposal is for a low-rise mixed-use building, on a currently vacant lot, that meets Urban Design Guidelines within the 2040 Official Community Plan. Key guidelines include orientating entries, windows and balconies to face the fronting street, providing access to the above ground on-site parking from the lane, and 'maximizing eyes on the street' by avoiding blank walls and providing direct lines of sight from windows and balconies to the sidewalk and adjacent public spaces. The building itself is designed in a contemporary aesthetic, with predominant use of brick, architectural concrete, and stucco.

There are road dedication requirements on three frontages (Dougall Road South, Gray Road and the Public Lane), and Development Planning recognizes the additional considerations this has placed on overall site layout opportunities and development of a functional proposal.

### Payment in Lieu of Parking

This application requests for payment in lieu of parking stalls (for two stalls). Development Planning viewed it as important for the proposal to provide one parking stall for each dwelling unit, which has been accommodated. As the road dedication requirements made accommodating additional required on-site parking challenging, Development Planning recommends support for this Payment in Lieu of Parking request.

## 4.0 Proposal

### 4.1 Background

The subject property is currently vacant and is already zoned C4 – Urban Centre Commercial.

### 4.2 Project Description

This mixed-used development proposal includes one ground floor commercial unit, approximately 804 ft<sup>2</sup> in area, and five residential dwelling units above. Five ground floor parking stalls are contained within the building, screened from public view, and accessed from the lane. The second and third storeys contain five multiple dwelling housing units, which each contain two-bedrooms.

Due to the site constraints and dedication requirements, there is little opportunity for at-grade amenity areas, so the application includes rooftop terraces on the second level, for use by the residents, which exceeds minimum bylaw requirements.

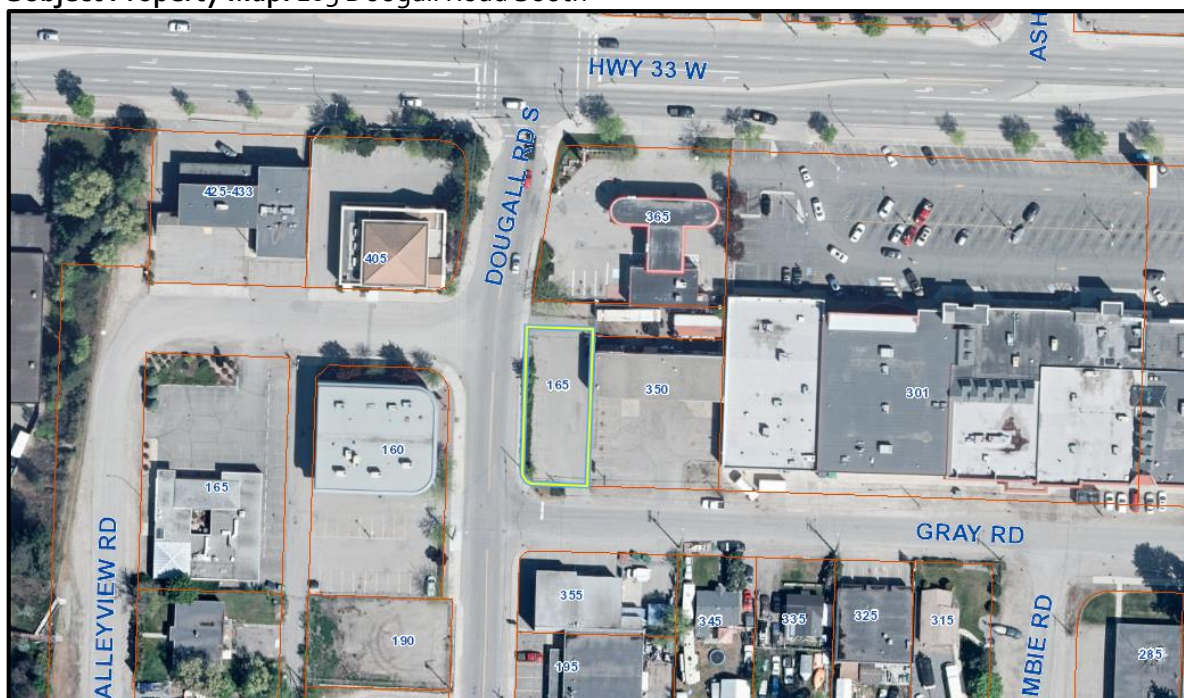
### 4.3 Site Context

The subject property is located at the corner of Dougall Road South and Gray Road, in the Rutland Urban Centre. It's in close proximity to Rutland Lions Park, Rutland Centennial Park and several schools. The Walkscore is 76, indicating that it is very walkable and most errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C <sub>4</sub> – Urban Centre Commercial	Gas Bar
East	C <sub>4</sub> – Urban Centre Commercial	Automotive and equipment repair shops
South	C <sub>4</sub> – Urban Centre Commercial	General Industrial (Glass Store)
West	C <sub>4</sub> – Urban Centre Commercial	Offices

#### Subject Property Map: 165 Dougall Road South



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C <sub>4</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.3	1.3
Max. Site Coverage	75 %	73.8 %
Max. Height	15.0 m / 4 storeys	14.0 m / 4 storeys
Min. Front Yard (south)	0.0 m	3.2 m
Min. Flanking Side Yard (Dougall Rd S)	0.0 m	1.15 m
Min. Side Yard (east)	0.0 m	0.15 m
Min. Rear Yard (north lane)	0.0 m	2.15 m
Other Regulations		
Min. Parking and Loading Requirements	7 stalls	5 stalls <span style="color: red;">●</span>
Min. Bicycle Parking	4 Short term stalls 2 Long term stalls	4 Short term stalls 6 Long term stalls
Min. Private Open Space	75 m <sup>2</sup>	323 m <sup>2</sup>
<span style="color: red;">●</span> Indicates a request for two off-street parking spaces in accordance with the Payment in Lieu of Parking Bylaw No. 8125		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

<b>Objective 4.15. Make Urban Centres safe and enjoyable for walking, biking, transit and shared mobility.</b>	
<b>Policy 4.15.6. Walkable Urban Centres.</b>	Design streets and sidewalks to promote safety and comfort of pedestrians through enhanced public realm treatments, such as curb extensions, median refuge islands, street tree planting, adequate clear space for pedestrians, street furniture, curb-side parking and parkettes.
	<i>Through this application, the fronting portions of Gray Road and Dougall Road South will be upgraded to a full urban standard, with a landscaped and irrigated boulevard.</i>
<b>Objective 4.17. Create urban streets that are attractive to live, work and shop on.</b>	
<b>Policy 4.17.3. Context Sensitive Streets.</b>	Ensure arterial and collector road designs reflect their land use context as walkable urban places that serve as destinations and important public spaces.
	<i>The ground level commercial unit helps promote walkability to the property in the Rutland Urban Centre</i>

<b>Chaper 18 – Form and Character Development Permit Area</b>	
<b>4.1.1 Relationship to the Street</b>	Guideline H. Site and orient buildings so that windows and balconies overlook public streets, parks, walkways, and shared amenity spaces while minimizing views into private residences.
	<i>Balconies and windows of the residential units overlook public streets, with minimal views into any other existing private residences.</i>
<b>4.1.6 Building Articulation, Features &amp; Materials</b>	Guideline C. Use an integrated, consistent range of materials and colors and provide variety by, for example, using accent colors
	<i>The application proposes materials including brick, concrete and stucco, in a way which accents the building design.</i>

## 6.0 Technical Comments

### 6.1 Development Engineering Department

See Attachment B: City of Kelowna Memorandum

## 7.0 Application Chronology

Date of Application Accepted: June 4, 2021

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:**

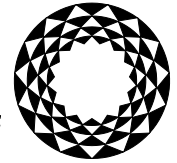
Attachment A: Draft Development Permit No. DP21-0139

Schedule A: Site Plan

Schedule B: Building Elevations and Floorplans

Schedule C: Landscape Plans

Attachment B: City of Kelowna Memorandum



City of  
**Kelowna**

## Development Permit No. DP21-0139

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

**165 Dougall Road South**

and legally known as

**Lot 11 Block B Section 23 Township 26 Osoyoos Division Yale District Plan 4740**

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

**Mixed-use residential and commercial**

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

Date of Council Decision February 7, 2022

Decision By: COUNCIL

Development Permit Area: Form and Character Development Permit Area

Existing Zone: C4 – Urban Centre Commercial

Future Land Use Designation: UC – Urban Centre

**This is NOT a Building Permit.**

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

### NOTICE

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

Owner: Forever Destiny Homes Ltd., Inc. No. 0903896

Applicant: New Town Architecture and Engineering Inc.

Planner: K. Brunet

Terry Barton  
Community Planning Department Manager  
Planning & Development Services

Date

## 1. SCOPE OF APPROVAL

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

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

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

## 2. CONDITIONS OF APPROVAL

- The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- Landscaping to be provided on the land be in accordance with Schedule "C";
- 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
- Payment-in-lieu of parking be provided for two (2) stalls according to Schedule "A" of Bylaw No. 8125;

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

## 3. PERFORMANCE SECURITY

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

- An Irrevocable Letter of Credit **OR** certified cheque in the amount of **\$74,346.84**

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

## 4. PARKING CASH-IN-LIEU BYLAW

Parking Cash-in-Lieu in the amount of **\$19,000.00** required for two (2) stalls as part of the proposed development within the Rutland Urban Centre (Rate of \$9,500.00 per off street parking space).

## 5. INDEMNIFICATION

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

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

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

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



# DOUGALL RD MIXED-USE

REV. ISSUE FOR DP, 2021-11-02

SCHEDULE

A

This forms part of application

# DP21-0139

Planner Initials

KB

City of Kelowna

DEVELOPMENT PLANNING



NOT FOR CONSTRUCTION

**ARCHITECTURAL**  
NEW TOWN ARCHITECTURE & ENGINEERING  
200-1464 ST. PAUL STREET  
KELOWNA, BC V1Y 2E6  
e: roman@newtownservices.net t: (250) 860-8185

A0.00D	COVER PAGE
A0.01D	ZONING & BYLAW
A1.01D	SITE PLAN & LEVEL 1 FLOOR PLAN
A3.01D	LEVEL 2 & 3 FLOOR PLANS
A3.02D	LEVEL 4 FLOOR & ROOF PLAN
A4.01D	BUILDING ELEVATIONS
A4.02D	BUILDING ELEVATIONS
A4.11D	MATERIALS
A9.01D	RENDERINGS

**LANDSCAPE**  
OUTLAND LANDSCAPE ARCHITECTURE  
303-590 KLO ROAD  
KELOWNA, BC V1Y 7S2  
e: fiona@outlanddesign.ca t: (250) 868-9270

**DEVELOPMENT PLANS:**  
L1/2 CONCEPTUAL LANDSCAPE DESIGN  
L2/2 WATER CONSERVATION/IRRIGATION PLAN

**OFFSITE PLAN:**  
L1/2 OFFSITE LANDSCAPE PLAN  
L2/2 OFFSITE IRRIGATION PLAN

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

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

This drawing must not be scaled

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.

**NEW TOWN**  
ARCHITECTURE  
URBAN PLANNING  
CIVIL ENGINEERING  
www.newtownservices.ca

Seal

No.	DATE	DESCRIPTION
1	2021-05-28	ISSUED FOR DP
2	2021-11-02	REV. ISSUE FOR DP

project title

DOUGALL MIXED-USE

project address

165 DOUGALL RD S,  
KELOWNA, BC

project no.

4154

drawing title

COVER PAGE

designed

RY

scale

drawn

RY

checked

RY

drawing no.

A0.00D

plotted

11/02/21 12:57:17 PM







SCHEDULE

A

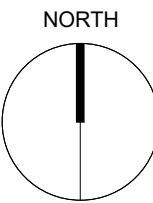
This forms part of application  
# DP21-0139

Planner  
Initials KB



KEYNOTES - SITE

I.D. DESCRIPTION



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

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

This drawing must not be scaled

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.



NEW TOWN  
ARCHITECTURE  
URBAN PLANNING  
CIVIL ENGINEERING  
www.newtownservices.ca

Seal



Revisions

No.	DATE	DESCRIPTION
1	2021-05-28	ISSUED FOR DP
2	2021-11-02	REV. ISSUE FOR DP

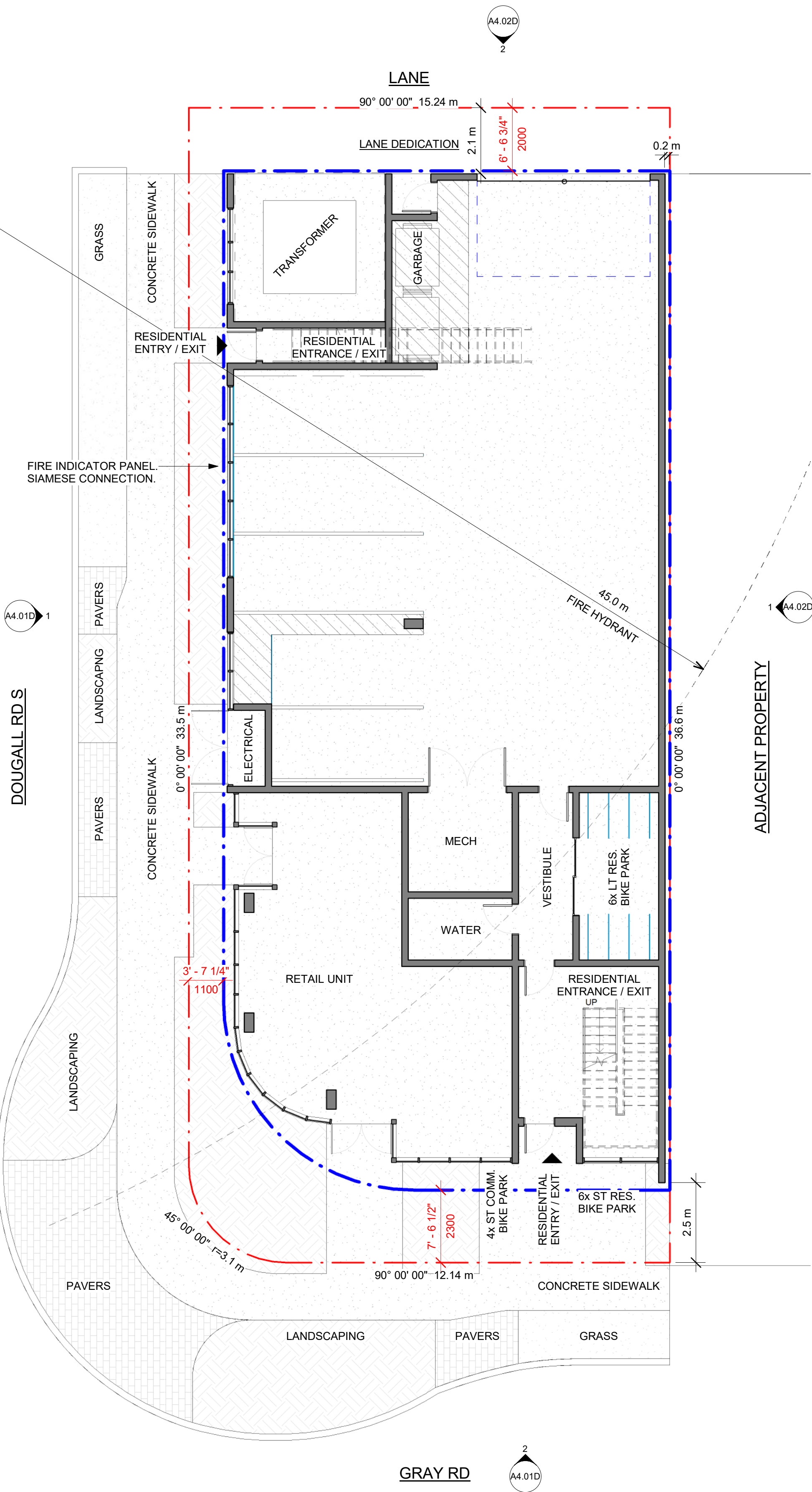
RENTABLE AREA

UNIT	AREA (SF)	AREA (SM)
LEVEL 1 COMMERCIAL	804 SF	74.66 m <sup>2</sup>
LEVEL 2		
RES - UNIT 1	435 SF	40.44 m <sup>2</sup>
RES - UNIT 2	618 SF	57.42 m <sup>2</sup>
RES - UNIT 3	618 SF	57.42 m <sup>2</sup>
RES - UNIT 4	618 SF	57.42 m <sup>2</sup>
RES - UNIT 5	571 SF	53.09 m <sup>2</sup>
LEVEL 3		
RES - UNIT 1	741 SF	68.88 m <sup>2</sup>
RES - UNIT 2	618 SF	57.37 m <sup>2</sup>
RES - UNIT 3	618 SF	57.42 m <sup>2</sup>
RES - UNIT 4	618 SF	57.42 m <sup>2</sup>
RES - UNIT 5	571 SF	53.09 m <sup>2</sup>
LEVEL 4		
RES - UNIT 1	135 SF	12.54 m <sup>2</sup>
RES - UNIT 2	183 SF	17.02 m <sup>2</sup>
RES - UNIT 3	182 SF	16.9 m <sup>2</sup>
RES - UNIT 4	184 SF	17.08 m <sup>2</sup>
RES - UNIT 5	47 SF	4.32 m <sup>2</sup>
Grand total: 16	7562 SF	702.5 m <sup>2</sup>

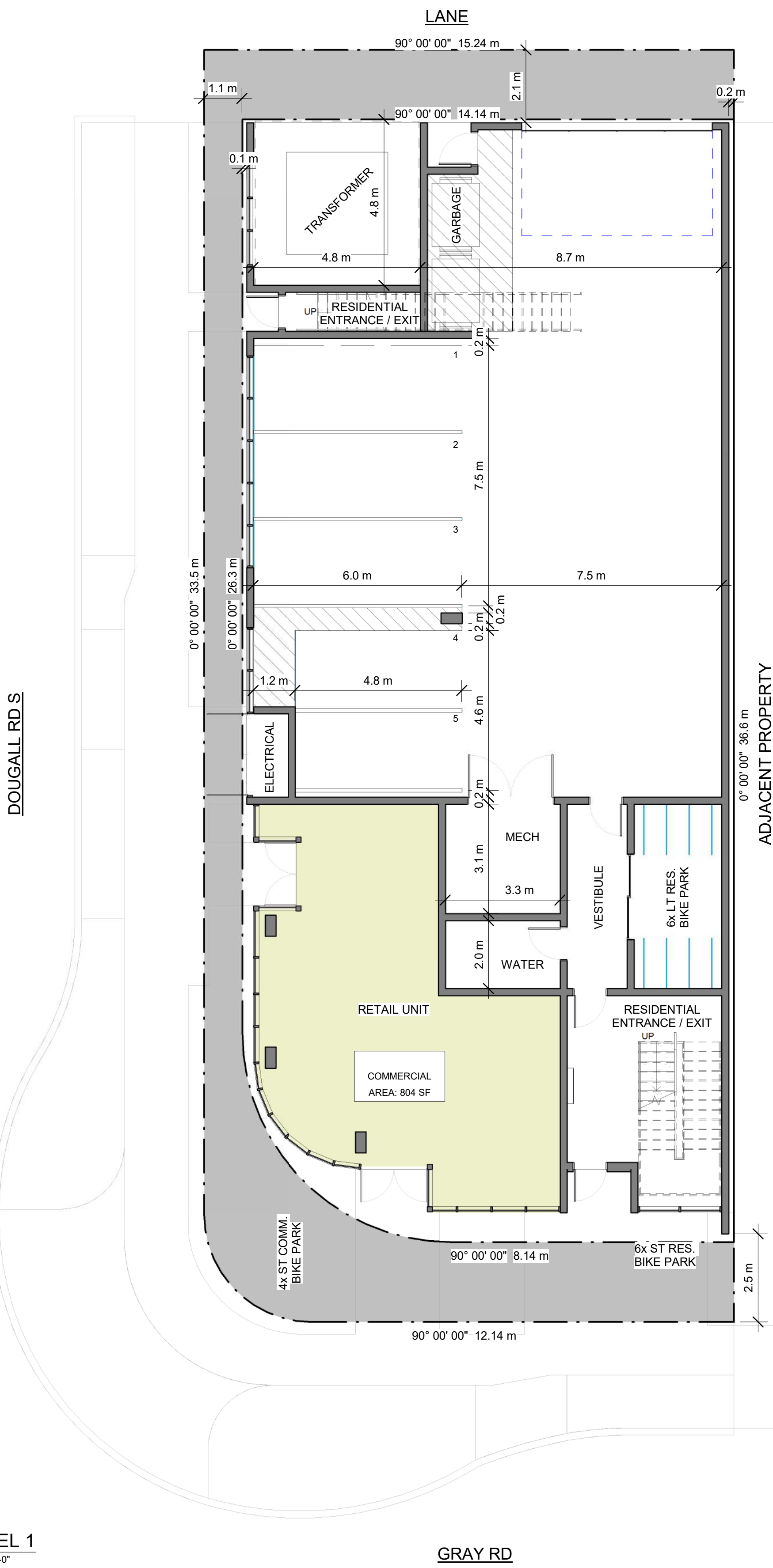
GROSS AREA (UNIT AREA...

UNIT	AREA	AREA (SM)
RES - UNIT 1	1312 SF	121.86 m <sup>2</sup>
RES - UNIT 2	1419 SF	131.81 m <sup>2</sup>
RES - UNIT 3	1418 SF	131.75 m <sup>2</sup>
RES - UNIT 4	1420 SF	131.92 m <sup>2</sup>
RES - UNIT 5	1189 SF	110.5 m <sup>2</sup>
Grand total: 15	6758 SF	627.84 m <sup>2</sup>

NOT FOR CONSTRUCTION



1 SITE PLAN  
1:100



2 LEVEL 1  
1/8" = 1'-0"

project title

DOUGALL MIXED-USE

project address

165 DOUGALL RD S,  
KELOWNA, BC

project no.

4154

file no.

C:\Users\arjun\OneDrive\Projects\DP21-0139\_Dougall\165\_Dougall\_Rd\_S\_101\_DWG.dwg

drawing title

SITE PLAN &  
LEVEL 1 FLOOR  
PLAN

designed

RY

scale

As indicated

drawn

RY

checked

RY

drawing no.

A1.01D

plotted

11/02/21 12:57:20 PM



SCHEDULE

B

This forms part of application  
# DP21-0139

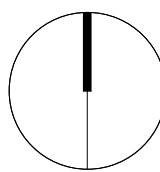
Planner  
Initials KB



KEYNOTES - FLOOR PLAN

I.D. DESCRIPTION

NORTH



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

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

This drawing must not be scaled

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.



NEW TOWN  
ARCHITECTURE  
URBAN PLANNING  
CIVIL ENGINEERING  
www.newtownservices.ca

Seal



Revisions

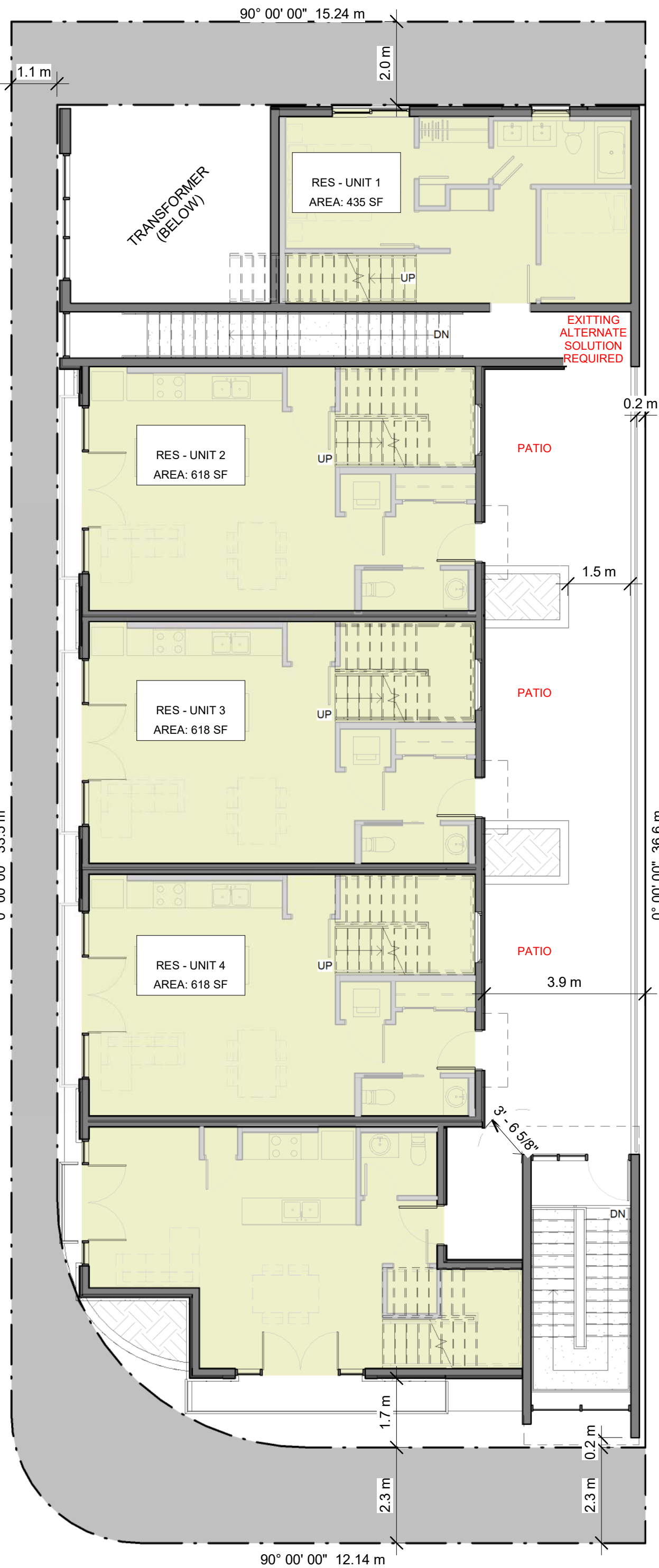
No.	DATE	DESCRIPTION
1	2021-05-28	ISSUED FOR DP
2	2021-11-02	REV. ISSUE FOR DP

RENTABLE AREA

UNIT	AREA (SF)	AREA (SM)
LEVEL 1 COMMERCIAL	804 SF	74.66 m <sup>2</sup>
LEVEL 2		
RES - UNIT 1	435 SF	40.44 m <sup>2</sup>
RES - UNIT 2	618 SF	57.42 m <sup>2</sup>
RES - UNIT 3	618 SF	57.42 m <sup>2</sup>
RES - UNIT 4	618 SF	57.42 m <sup>2</sup>
RES - UNIT 5	571 SF	53.09 m <sup>2</sup>
LEVEL 3		
RES - UNIT 1	741 SF	68.88 m <sup>2</sup>
RES - UNIT 2	618 SF	57.37 m <sup>2</sup>
RES - UNIT 3	618 SF	57.42 m <sup>2</sup>
RES - UNIT 4	618 SF	57.42 m <sup>2</sup>
RES - UNIT 5	571 SF	53.09 m <sup>2</sup>
LEVEL 4		
RES - UNIT 1	135 SF	12.54 m <sup>2</sup>
RES - UNIT 2	183 SF	17.02 m <sup>2</sup>
RES - UNIT 3	182 SF	16.9 m <sup>2</sup>
RES - UNIT 4	184 SF	17.08 m <sup>2</sup>
RES - UNIT 5	47 SF	4.32 m <sup>2</sup>
Grand total: 16	7562 SF	702.5 m <sup>2</sup>

GROSS AREA (UNIT AREA...

UNIT	AREA	AREA (SM)
RES - UNIT 1	1312 SF	121.86 m <sup>2</sup>
RES - UNIT 2	1419 SF	131.81 m <sup>2</sup>
RES - UNIT 3	1418 SF	131.75 m <sup>2</sup>
RES - UNIT 4	1420 SF	131.92 m <sup>2</sup>
RES - UNIT 5	1189 SF	110.5 m <sup>2</sup>
Grand total: 15	6758 SF	627.84 m <sup>2</sup>



1 LEVEL 2  
1/8" = 1'-0"



2 LEVEL 3  
1/8" = 1'-0"

NOT FOR CONSTRUCTION

project title

DOUGALL MIXED-USE

project address

165 DOUGALL RD S,  
KELOWNA, BC

project no.

4154

file no.

C:\Users\miller\OneDrive\p164 - Dougall Mix 3 SF\_DWG.dwg

drawing title

LEVEL 2 & 3  
FLOOR PLANS

designed

RY

scale

1/8" = 1'-0"

drawn

RY

checked

RY

drawing no.

A3.01D

plotted

11/02/21 12:57:21 PM



SCHEDULE

B

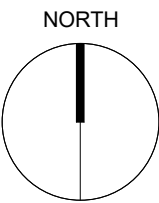
This forms part of application  
# DP21-0139

Planner  
Initials KB



KEYNOTES - FLOOR PLAN

I.D. DESCRIPTION



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

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

This drawing must not be scaled

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.



NEW TOWN  
ARCHITECTURE  
URBAN PLANNING  
CIVIL ENGINEERING  
www.newtownservices.ca

Seal



Revisions

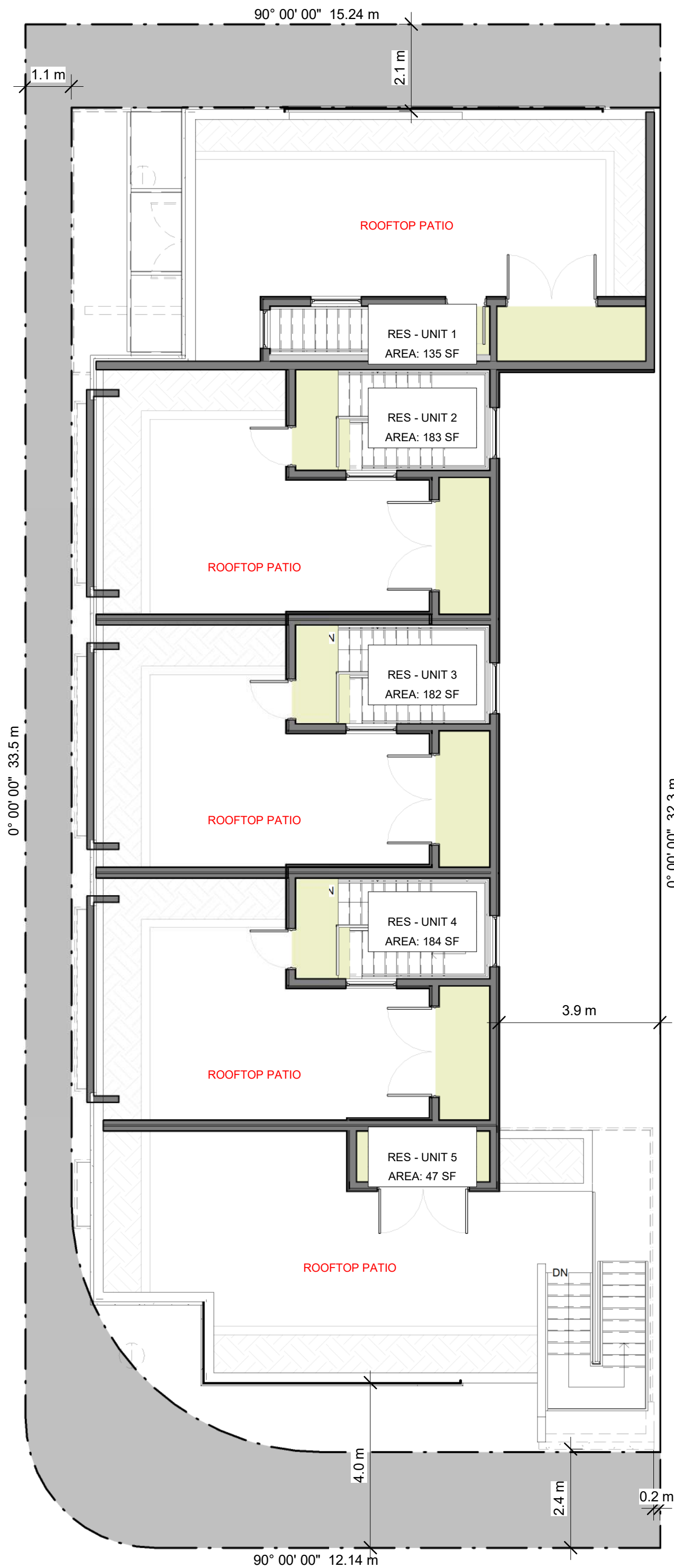
No.	DATE	DESCRIPTION
1	2021-05-28	ISSUED FOR DP
2	2021-11-02	REV. ISSUE FOR DP

RENTABLE AREA

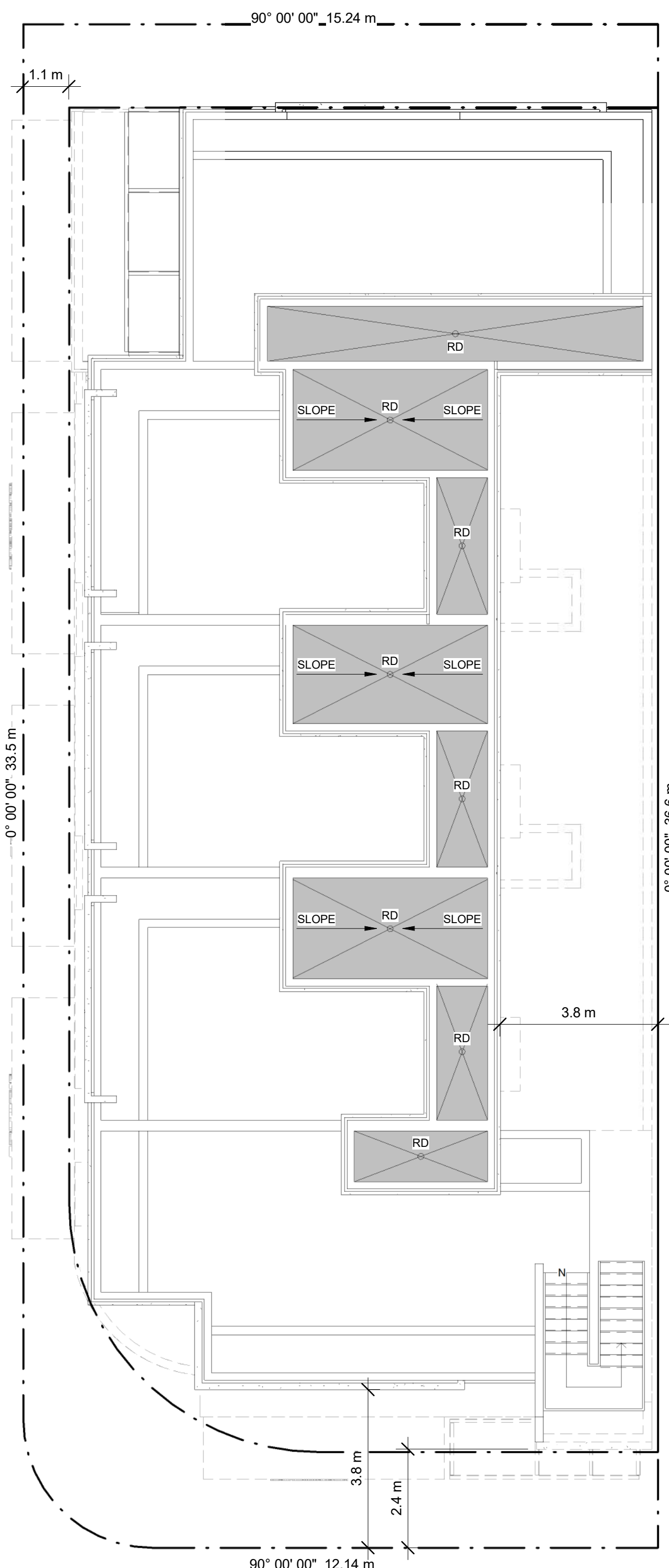
UNIT	AREA (SF)	AREA (SM)
LEVEL 1 COMMERCIAL	804 SF	74.66 m <sup>2</sup>
LEVEL 2		
RES - UNIT 1	435 SF	40.44 m <sup>2</sup>
RES - UNIT 2	618 SF	57.42 m <sup>2</sup>
RES - UNIT 3	618 SF	57.42 m <sup>2</sup>
RES - UNIT 4	618 SF	57.42 m <sup>2</sup>
RES - UNIT 5	571 SF	53.09 m <sup>2</sup>
LEVEL 3		
RES - UNIT 1	741 SF	68.88 m <sup>2</sup>
RES - UNIT 2	618 SF	57.37 m <sup>2</sup>
RES - UNIT 3	618 SF	57.42 m <sup>2</sup>
RES - UNIT 4	618 SF	57.42 m <sup>2</sup>
RES - UNIT 5	571 SF	53.09 m <sup>2</sup>
LEVEL 4		
RES - UNIT 1	135 SF	12.54 m <sup>2</sup>
RES - UNIT 2	183 SF	17.02 m <sup>2</sup>
RES - UNIT 3	182 SF	16.9 m <sup>2</sup>
RES - UNIT 4	184 SF	17.08 m <sup>2</sup>
RES - UNIT 5	47 SF	4.32 m <sup>2</sup>
Grand total: 16	7562 SF	702.5 m <sup>2</sup>

GROSS AREA (UNIT AREA...

UNIT	AREA	AREA (SM)
RES - UNIT 1	1312 SF	121.86 m <sup>2</sup>
RES - UNIT 2	1419 SF	131.81 m <sup>2</sup>
RES - UNIT 3	1418 SF	131.75 m <sup>2</sup>
RES - UNIT 4	1420 SF	131.92 m <sup>2</sup>
RES - UNIT 5	1189 SF	110.5 m <sup>2</sup>
Grand total: 15	6758 SF	627.84 m <sup>2</sup>



1 LEVEL 4  
1/8" = 1'-0"



2 ROOF PLAN  
1/8" = 1'-0"

NOT FOR CONSTRUCTION

project title

DOUGALL MIXED-USE

project address

165 DOUGALL RD S,  
KELOWNA, BC

project no.

4154

file no.

C:\Users\miller\OneDrive\Projects\04 - Dougall\N15\_101\_Data.mxd

drawing title

LEVEL 4 FLOOR  
& ROOF PLAN

designed

RY

scale

1/8" = 1'-0"

drawn

RY

checked

RY

drawing no.

A3.02D

plotted

11/02/21 12:57:23 PM





1 WEST (MAIN ELEVATION)  
A1.01D 3/16" = 1'-0"



2 SOUTH ELEVATION  
A1.01D 3/16" = 1'-0"

SCHEDULE

B

This forms part of application

# DP21-0139

Planner Initials

KB

City of Kelowna

DEVELOPMENT PLANNING

KEYNOTES - ELEVATION

ID DESCRIPTION

MATERIAL LEGEND

1. ARCHITECTURAL CONCRETE
2. BRICK VENEER PANEL
3. STUCCO - COFFEE BROWN
4. BUILT-UP CORNICES / MOLDINGS COLOR - GREY
5. PICKET RAILING
6. STOREFRONT / WINDOWS - ANODIZED ALUMINUM
7. VINYL AWNINGS
8. OVERHEAD GARAGE DOORS - BROWN
9. STEEL CANOPIES

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

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

This drawing must not be scaled

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.



Seal



Revisions

No.	DATE	DESCRIPTION
1	2021-05-28	ISSUED FOR DP
2	2021-11-02	REV. ISSUE FOR DP

NOT FOR CONSTRUCTION

project title

DOUGALL MIXED-USE

project address

165 DOUGALL RD S,  
KELOWNA, BC

project no.

4154

file no.

C:\Users\miller\OneDrive\Projects\0139\_Dougall\165\_Dougall\165\_Dougall.dwg

drawing title

BUILDING  
ELEVATIONS

designed

RY

scale

As indicated

drawn

RY

checked

RY

drawing no.

A4.01D

plotted

11/02/21 12:57:28 PM





1 EAST (REAR ELEVATION)  
A1.01D 3/16" = 1'-0"



2 NORTH ELEVATION  
A1.01D 3/16" = 1'-0"

**SCHEDULE B**

This forms part of application  
# DP21-0139

Planner Initials **KB**

City of Kelowna  
DEVELOPMENT PLANNING

KEYNOTES - ELEVATION	
I.D	DESCRIPTION

- MATERIAL LEGEND**
- ARCHITECTURAL CONCRETE
  - BRICK VENEER PANEL
  - STUCCO - COFFEE BROWN
  - BUILT-UP CORNICES / MOLDINGS  
COLOR - GREY
  - PICKET RAILING
  - STOREFRONT / WINDOWS - ANODIZED  
ALUMINUM
  - VINYL AWNINGS
  - OVERHEAD GARAGE DOORS - BROWN
  - STEEL CANOPIES

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

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

This drawing must not be scaled

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.

**NEW TOWN**  
ARCHITECTURE  
URBAN PLANNING  
CIVIL ENGINEERING  
www.newtownservices.ca

Seal

REGISTERED ARCHITECT  
BRITISH COLUMBIA

Revisions

No.	DATE	DESCRIPTION
1	2021-05-28	ISSUED FOR DP
2	2021-11-02	REV. ISSUE FOR DP

NOT FOR CONSTRUCTION

project title  
**DOUGALL MIXED-USE**

project address  
**165 DOUGALL RD S,  
KELOWNA, BC**

project no. **4154**

drawing title  
**BUILDING  
ELEVATIONS**

designed **RY** scale **As indicated**

drawn **RY**

checked **RY**

drawing no. **A4.02D**

plotted 11/02/21 12:57:30 PM









GREY STREET VIEW - DAY



SOUTH WEST STREET VIEW - NIGHT



NORTH WEST STREET VIEW - DAY



NORTH WEST AERIAL VIEW - DAY

SCHEDULE

B

This forms part of application

# DP21-0139

Planner Initials

KB

City of Kelowna

DEVELOPMENT PLANNING

NOT FOR CONSTRUCTION

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

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

This drawing must not be scaled

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.

NEW TOWN

ARCHITECTURE

URBAN PLANNING

CIVIL ENGINEERING

www.newtownservices.ca

Seal

Revisions		
No.	DATE	DESCRIPTION
1	2021-05-28	ISSUED FOR DP
2	2021-11-02	REV. ISSUE FOR DP

project title

DOUGALL MIXED-USE

project address

165 DOUGALL RD S,  
KELOWNA, BC

project no.

4154

drawing title

RENDERINGS

designed

RY

scale

1 : 10

drawn

RY

checked

RY

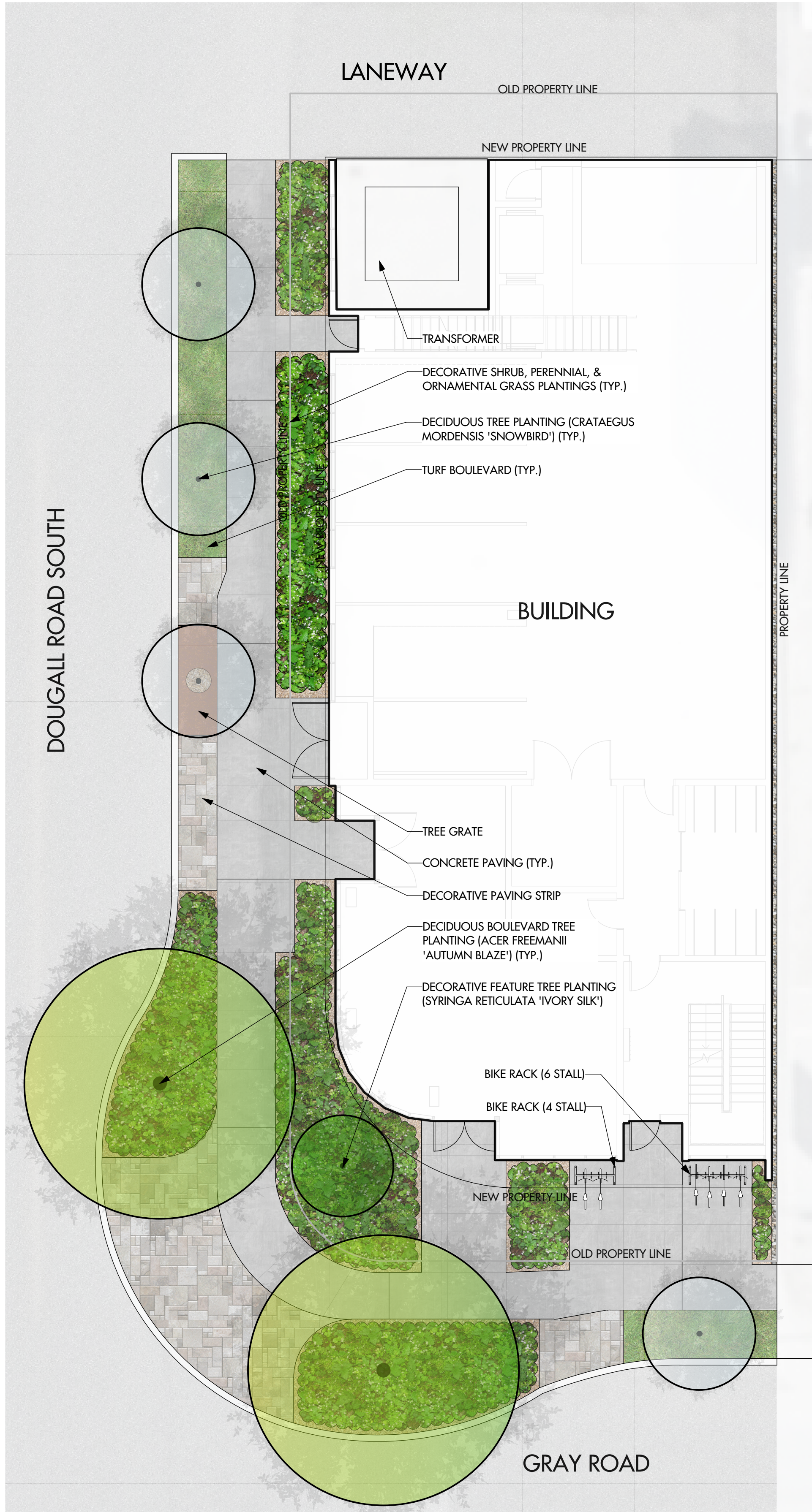
drawing no.

A9.01D

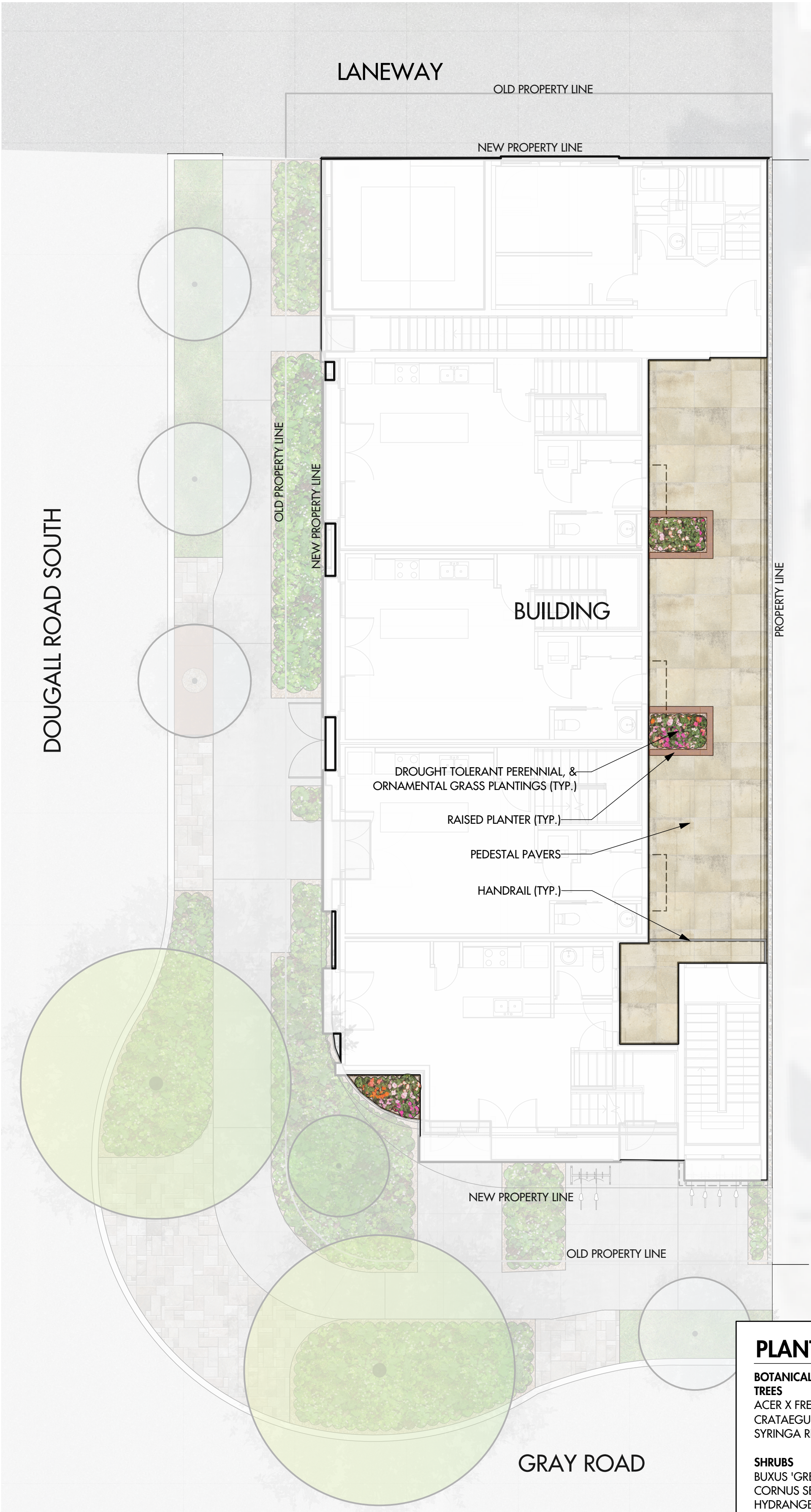
plotted

11/02/21 12:57:33 PM





LEVEL 1



LEVEL 2

SCHEDULE

C

This forms part of application

# DP21-0139

Planner Initials

KB

City of Kelowna

DEVELOPMENT PLANNING

OUTLAND DESIGN

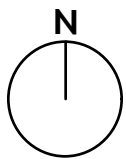
LANDSCAPE ARCHITECTURE

303-590 KLO Road

Kelowna, BC V1Y 7S2

T (250) 868-9270

www.outlanddesign.ca



PROJECT TITLE

**DOUGALL MIXED USE**

**165 DOUGALL ROAD SOUTH**

Kelowna, BC

DRAWING TITLE

**CONCEPTUAL**

**LANDSCAPE PLAN**

ISSUED FOR / REVISION		
1	21.05.26	Review
2	21.10.15	Review
3	21.10.29	Review
4		
5		

PROJECT NO.	21-079
DESIGN BY	KM
DRAWN BY	MC/TR
CHECKED BY	FB
DATE	OCT. 29, 2021
SCALE	1:100
PAGE SIZE	24"x36"

SEAL



DRAWING NUMBER

L1/4

ISSUED FOR REVIEW ONLY

Copyright Reserved. This drawing is the property of Outland Design Landscape Architecture Limited and shall not be reproduced, resold, or tendered without permission.

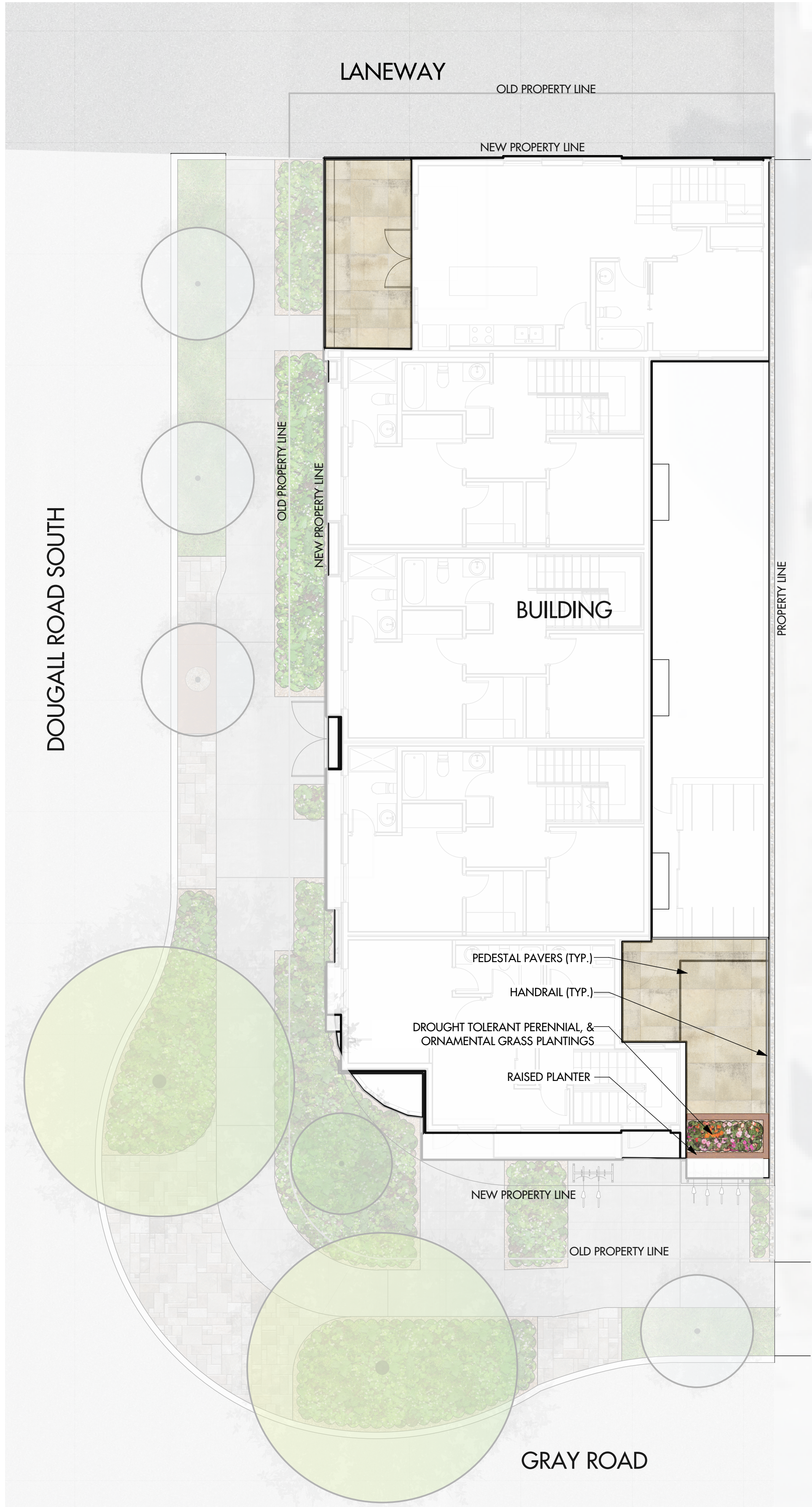
**NOTES**

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED THE CANADIAN NURSERY LANDSCAPE ASSOCIATION STANDARDS. ALL OFFSITE LANDSCAPE WORKS TO MEET CITY OF KELOWNA BYLAW 7900 STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm BLACK WOOD MULCH OR DECORATIVE ROCK MULCH, AS SHOWN IN PLANS. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS IN WOOD MULCH AREAS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 150mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.
6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE, AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

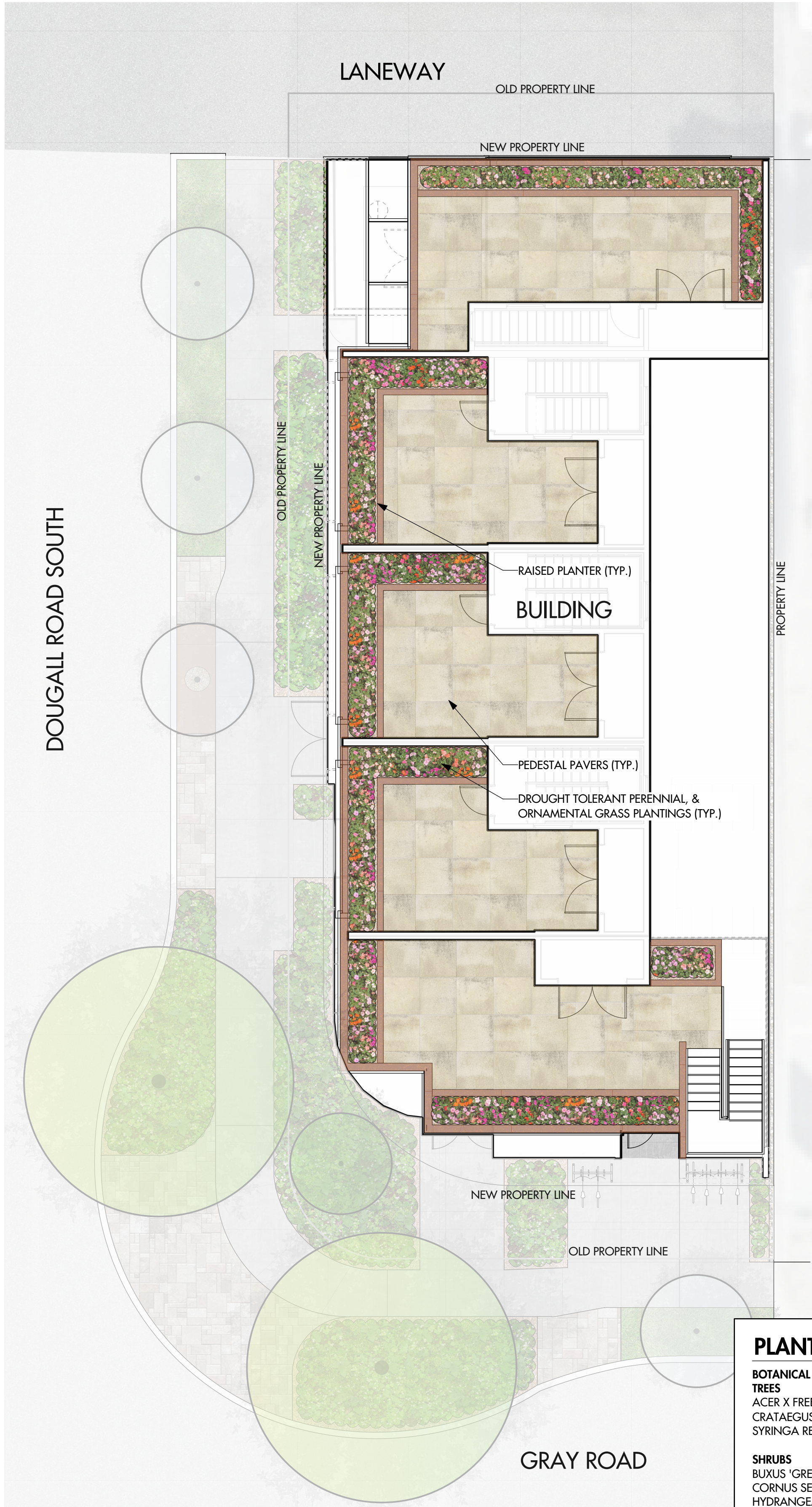
**PLANT LIST**

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
<b>TREES</b>			
ACER X FREEMANII 'AUTUMN BLAZE'	AUTUMN BLAZE MAPLE	2	6cm CAL.
CRATAEGUS MORDENSIS 'SNOWBIRD'	SNOWBIRD HAWTHORN	4	6cm CAL.
SYRINGA RETICULATA 'IVORY SILK'	IVORY SILK TREE LILAC	1	6cm CAL.
<b>SHRUBS</b>			
BUXUS 'GREEN GEM'	GREEN GEM BOXWOOD	6	#02 CONT. /0.9M O.C. SPACING
CORNUS SERICEA 'KELSEY'	KELSEY DOGWOOD	10	#02 CONT. /1.0M O.C. SPACING
HYDRANGEA PANICULATA 'JAN'	LITTLE LIME HYDRANGEA	2	#02 CONT. /1.5M O.C. SPACING
PINUS ABIES 'NIDIFORMIS'	NEST SPRUCE	4	#02 CONT. /1.5M O.C. SPACING
SPIREA BUJMALDA 'ANTHONY WATERER'	ANTHONY WATERER SPIREA	3	#02 CONT. /1.2M O.C. SPACING
<b>PERENNIALS, GRASSES &amp; GROUNDCOVERS</b>			
ACHILLEA MILLEFOLIUM 'SUMMER PASTELS'	SUMMER PASTELS YARROW	25	#01 CONT. /0.9M O.C. SPACING
ARTEMISIA SCHMIDTIANA 'SILVER MOUND'	SILVER MOUND ARTEMISIA	27	#01 CONT. /0.6M O.C. SPACING
HEMEROCALLIS 'RUBY STELLA'	RUBY STELLA DAYLILY	28	#01 CONT. /0.6M O.C. SPACING
PENNISETUM ALOPECUROIDES	FOUNTAIN GRASS	40	#01 CONT. /1.0M O.C. SPACING
SEDUM SPECTABILE 'AUTUMN JOY'	AUTUMN JOY STONECROP	6	#01 CONT. /0.6M O.C. SPACING





LEVEL 3



LEVEL 4

SCHEDULE

C

This forms part of application

# DP21-0139

Planner Initials

KB

City of Kelowna

DEVELOPMENT PLANNING

OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

303-590 KLO Road  
Kelowna, BC V1Y 7S2  
T (250) 868-9270  
www.outlanddesign.ca

PROJECT TITLE  
**DOUGALL MIXED USE**  
**165 DOUGALL ROAD SOUTH**  
  
Kelowna, BC  
  
DRAWING TITLE

**CONCEPTUAL  
LANDSCAPE PLAN**

ISSUED FOR / REVISION		
1	21.05.26	Review
2	21.10.15	Review
3	21.10.29	Review
4		
5		

PROJECT NO.	21-079
DESIGN BY	KM
DRAWN BY	MC/TR
CHECKED BY	FB
DATE	OCT. 29, 2021
SCALE	1:100
PAGE SIZE	24"x36"

SEAL

DRAWING NUMBER

L 2/4

ISSUED FOR REVIEW ONLY  
Copyright Reserved. This drawing is the property of Outland Design  
Landscape Architecture Limited and shall not be reproduced, resold, or  
tendered without permission.

**NOTES**

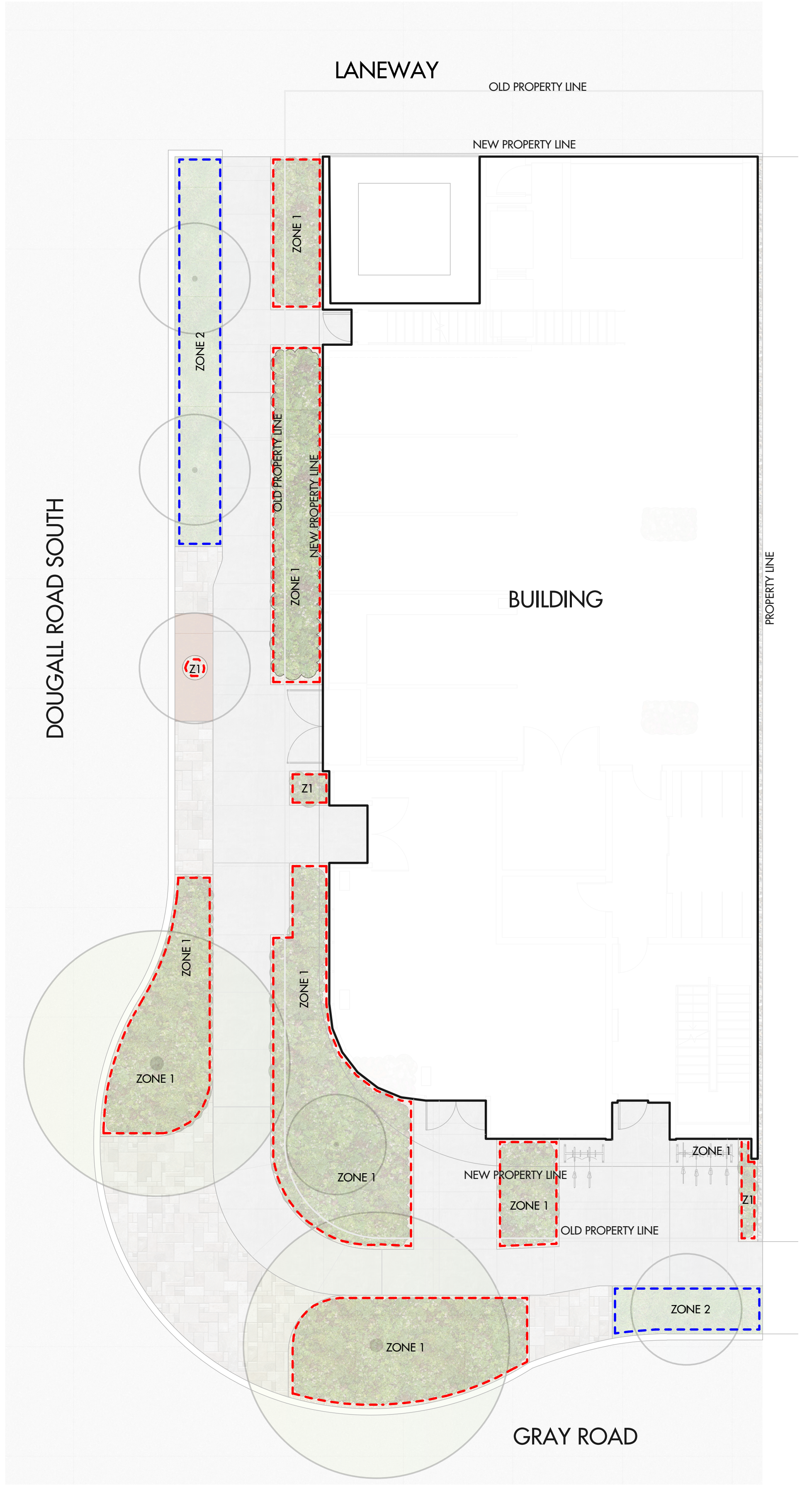
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED THE CANADIAN NURSERY LANDSCAPE ASSOCIATION STANDARDS. ALL OFFSITE LANDSCAPE WORKS TO MEET CITY OF KELOWNA BYLAW 7900 STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm BLACK WOOD MULCH OR DECORATIVE ROCK MULCH, AS SHOWN IN PLANS. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS IN WOOD MULCH AREAS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 150mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.
6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE, AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

**PLANT LIST**

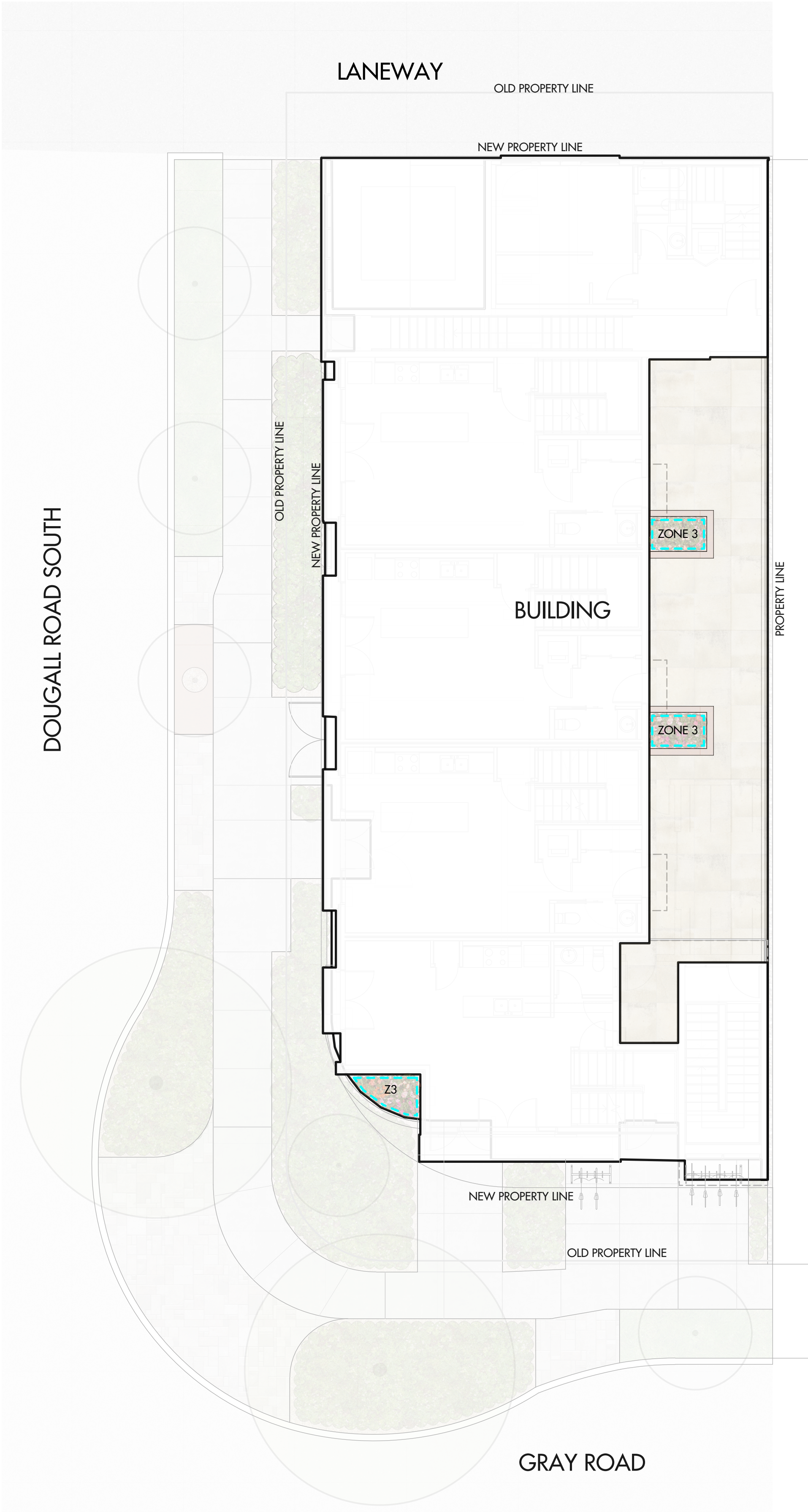
BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
<b>TREES</b>			
ACER X FREEMANII 'AUTUMN BLAZE'	AUTUMN BLAZE MAPLE	2	6cm CAL.
CRATAEGUS MORDENSIS 'SNOWBIRD'	SNOWBIRD HAWTHORN	4	6cm CAL.
SYRINGA RETICULATA 'IVORY SILK'	IVORY SILK TREE LILAC	1	6cm CAL.
<b>SHRUBS</b>			
BUXUS 'GREEN GEM'	GREEN GEM BOXWOOD	6	#02 CONT. /0.9M O.C. SPACING
CORNUS SERICEA 'KELSEY'	KELSEY DOGWOOD	10	#02 CONT. /1.0M O.C. SPACING
HYDRANGEA PANICULATA 'JAN'	LITTLE LIME HYDRANGEA	2	#02 CONT. /1.5M O.C. SPACING
PINUS ABIES 'NIDIFORMIS'	NEST SPRUCE	4	#02 CONT. /1.5M O.C. SPACING
SPIREA BUJMALDA 'ANTHONY WATERER'	ANTHONY WATERER SPIREA	3	#02 CONT. /1.2M O.C. SPACING
<b>PERENNIALS, GRASSES &amp; GROUNDCOVERS</b>			
ACHILLEA MILLEFOLIUM 'SUMMER PASTELS'	SUMMER PASTELS YARROW	25	#01 CONT. /0.9M O.C. SPACING
ARTEMISIA SCHMIDTIANA 'SILVER MOUND'	SILVER MOUND ARTEMISIA	27	#01 CONT. /0.6M O.C. SPACING
HEMEROCALLIS 'RUBY STELLA'	RUBY STELLA DAYLILY	28	#01 CONT. /0.6M O.C. SPACING
PENNISETUM ALOPECUROIDES	FOUNTAIN GRASS	40	#01 CONT. /1.0M O.C. SPACING
SEDUM SPECTABILE 'AUTUMN JOY'	AUTUMN JOY STONECROP	6	#01 CONT. /0.6M O.C. SPACING

252





LEVEL 1



LEVEL 2

SCHEDULE

C

This forms part of application  
# DP21-0139

Planner  
Initials KB



WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 120 cu.m. / year  
ESTIMATED LANDSCAPE WATER USE (WU) = 80 cu.m. / year  
WATER BALANCE = 40 cu.m. / year  
\*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

IRRIGATION NOTES

- 1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION BYLAW NO. 10480 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KELOWNA BYLAW 7900 (PART 6, SCHEDULE 5).
- 2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVEYOR.
- 3. THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
- 4. AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL UTILIZE A MAXIMUM ET VALUE OF 7" / MONTH (KELOWNA JULY ET), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCLIMATE.
- 5. DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION.
- 6. IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
- 7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m /SEC.
- 8. A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

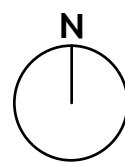
IRRIGATION LEGEND

- ZONE #1: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 116 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES  
ESTIMATED ANNUAL WATER USE: 39 cu.m.
- ZONE #2: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREAS  
TOTAL AREA: 26 sq.m.  
MICROCLIMATE: WESTERN EXPOSURE, PARTIALLY SHADED BY TREES  
ESTIMATED ANNUAL WATER USE: 22 cu.m.
- ZONE #3: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 6 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY THE BUILDING  
ESTIMATED ANNUAL WATER USE: 2 cu.m.
- ZONE #4: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 2 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY THE BUILDING  
ESTIMATED ANNUAL WATER USE: 1 cu.m.
- ZONE #5: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 50 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY THE BUILDING  
ESTIMATED ANNUAL WATER USE: 17 cu.m.



OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

303-590 KLO Road  
Kelowna, BC V1Y 7S2  
T (250) 868-9270  
www.outlanddesign.ca



PROJECT TITLE  
165 DOUGALL ROAD SOUTH

Kelowna, BC

DRAWING TITLE  
WATER CONSERVATION/  
IRRIGATION PLAN

ISSUED FOR / REVISION		
1	21.05.26	Review
2	21.10.15	Review
3	21.10.29	Review
4		
5		

PROJECT NO	21-079
DESIGN BY	KM
DRAWN BY	MC/TR
CHECKED BY	FB
DATE	OCT. 29, 2021
SCALE	1:100
PAGE SIZE	24"x36"

SEAL

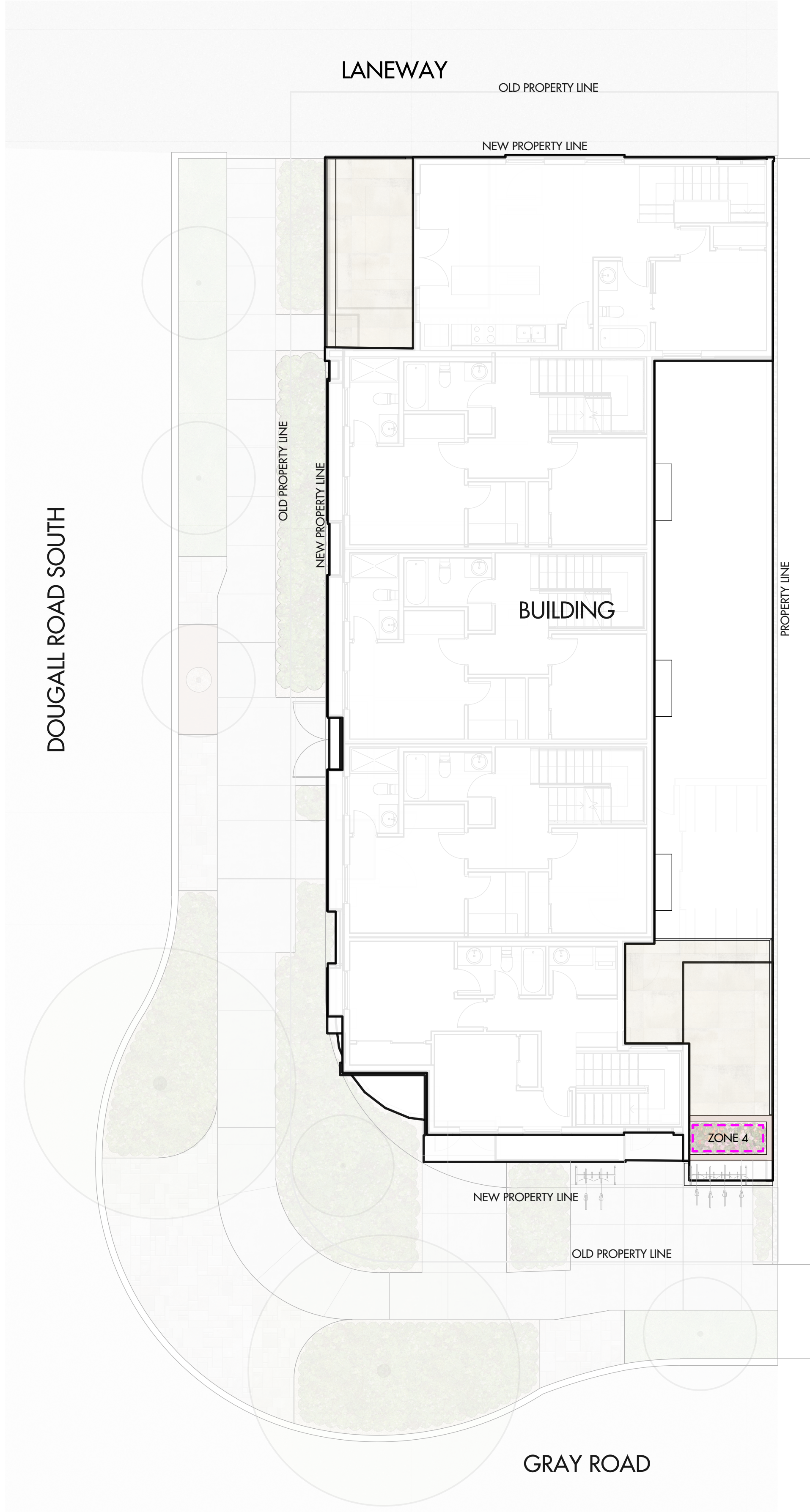


DRAWING NUMBER

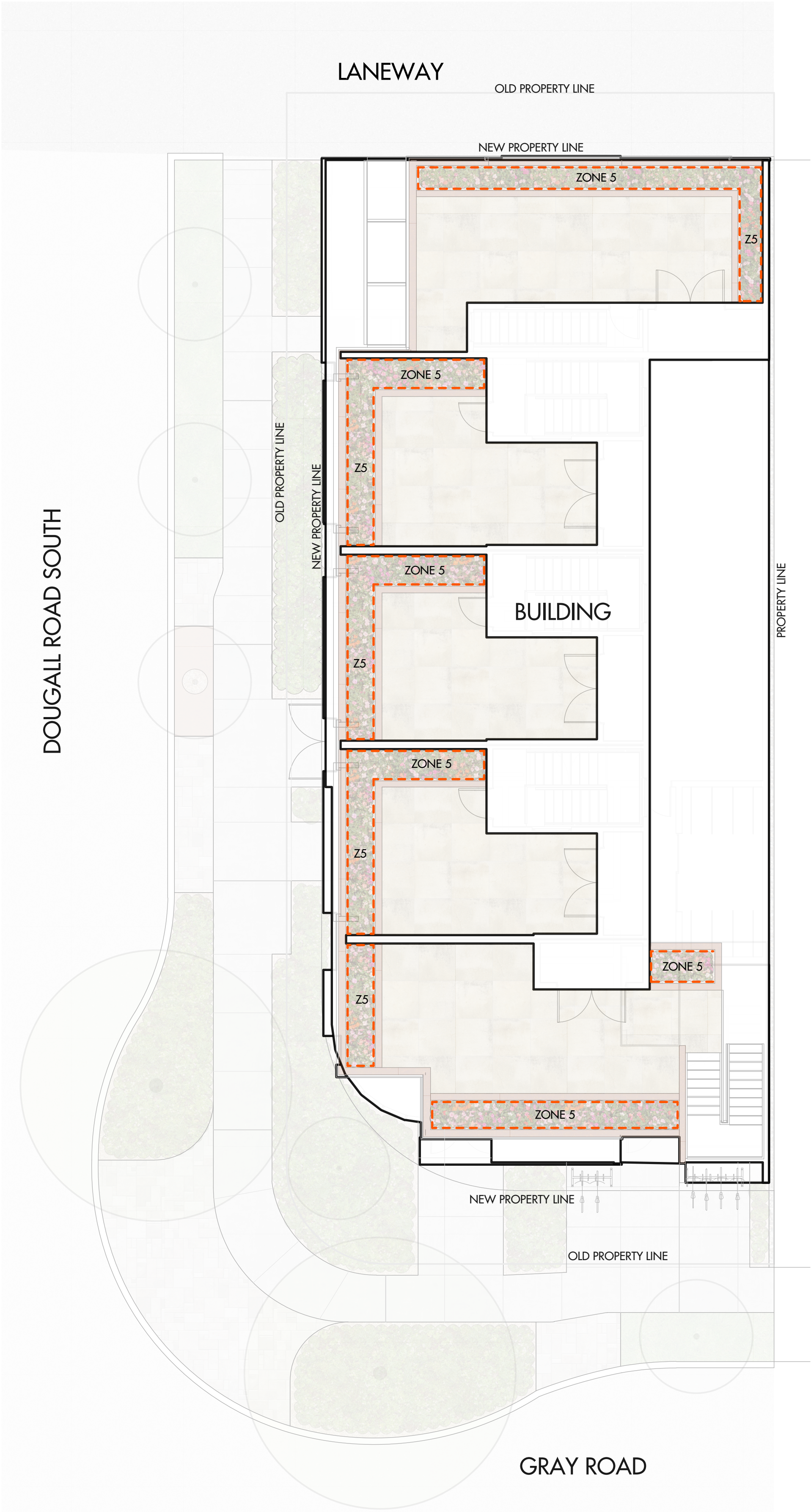
L3/4

ISSUED FOR REVIEW ONLY  
Copyright Reserved. This drawing is the property of Outland Design Landscape Architecture Limited and shall not be reproduced, resold, or tendered without permission.





LEVEL 3



LEVEL 4

SCHEDULE

C

This forms part of application  
# DP21-0139

Planner  
Initials KB



OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

303-590 KLO Road  
Kelowna, BC V1Y 7S2  
T (250) 868-9270  
www.outlanddesign.ca

WATER CONSERVATION CALCULATIONS

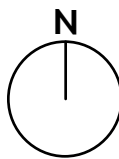
LANDSCAPE MAXIMUM WATER BUDGET (WB) = 120 cu.m. / year  
ESTIMATED LANDSCAPE WATER USE (WU) = 80 cu.m. / year  
WATER BALANCE = 40 cu.m. / year  
\*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

IRRIGATION NOTES

1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION BYLAW NO. 10480 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KELOWNA BYLAW 7900 (PART 6, SCHEDULE 5).
2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVEYOR.
3. THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
4. AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL UTILIZE A MAXIMUM ET VALUE OF 7" / MONTH (KELOWNA JULY ET), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCLIMATE.
5. DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION.
6. IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m /SEC.
8. A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

IRRIGATION LEGEND

- ZONE #1: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 116 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES  
ESTIMATED ANNUAL WATER USE: 39 cu.m.
- ZONE #2: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREAS  
TOTAL AREA: 26 sq.m.  
MICROCLIMATE: WESTERN EXPOSURE, PARTIALLY SHADED BY TREES  
ESTIMATED ANNUAL WATER USE: 22 cu.m.
- ZONE #3: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 6 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY THE BUILDING  
ESTIMATED ANNUAL WATER USE: 2 cu.m.
- ZONE #4: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 2 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY THE BUILDING  
ESTIMATED ANNUAL WATER USE: 1 cu.m.
- ZONE #5: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
TOTAL AREA: 50 sq.m.  
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY THE BUILDING  
ESTIMATED ANNUAL WATER USE: 17 cu.m.



PROJECT TITLE

165 DOUGALL ROAD SOUTH

Kelowna, BC

DRAWING TITLE

WATER CONSERVATION/  
IRRIGATION PLAN

ISSUED FOR / REVISION

1	21.05.26	Review
2	21.10.15	Review
3	21.10.29	Review
4		
5		

PROJECT NO: 21-079  
DESIGN BY: KM  
DRAWN BY: MC/TR  
CHECKED BY: FB  
DATE: OCT. 29, 2021  
SCALE: 1:100  
PAGE SIZE: 24"x36"

SEAL



DRAWING NUMBER

L4/4

ISSUED FOR REVIEW ONLY  
Copyright Reserved. This drawing is the property of Outland Design Landscape Architecture Limited and shall not be reproduced, resold, or tendered without permission.



---

## CITY OF KELOWNA

# MEMORANDUM

---

**Date:** June 21, 2021  
**File No.:** DP21-0139  
**To:** Suburban and Rural Planning (KB)  
**From:** Development Engineering Manager (RO)  
**Subject:** 165 Dougall Rd S Form and Character

---

The Development Engineering Branch has the following requirements related to this Development Permit application for the form and character of a mixed-use building (commercial and five residential units) which will be applicable at time of Building Permit. The Development Technician for this file is Sarah Kelly, ([skelly@kelowna.ca](mailto:skelly@kelowna.ca)).

### 1. General

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- c. This proposed development/subdivision 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](mailto:arif.bhatia@canadapost.ca) to obtain further information and to determine suitable location(s) within the development.
- d. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

### 2. Domestic Water and Fire Protection

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

## 2. Sanitary Sewer System

- a. Our records indicate that the subject lots are currently each serviced with a 150-mm diameter sanitary sewer service off Gray Rd. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs. Only one service is permitted. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.
- b. If existing service is to be utilized, it must be completed with an inspection chamber (c/w Brooks Box) as per SS-S7.

## 3. Storm Drainage

- a. The property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b. The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.
- c. Provide the following drawings:
  - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii. A detailed Stormwater Management Plan for this development that is based off the original grading plan of the 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.
- 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. 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.

#### 4. Road Improvements

- a. Gray Rd must be upgraded to a full urban standard (SS-R5) along the full frontage of the subject property; including curb and gutter, sidewalk, LED street lighting, landscaped and irrigated boulevard, storm drainage system, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. Dougall Rd must be upgraded to a full urban standard (SS-R5) along the full frontage of the subject property; including curb and gutter, sidewalk, LED street lighting, landscaped and irrigated boulevard, storm drainage system, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c. North lane fronting the property must be upgraded to a full commercial lane standard (SS-R2) along the full frontage; including road fillet paving, storm drainage, and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- d. Landscaped and irrigated boulevard required with design and inspection by a Qualified Professional registered with the BCSLA and the IIABC. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.
- e. Streetlights must be installed on all public roads. All streetlighting plans are to include photometric calculations demonstrating Bylaw 7900 requirements are met and approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.

#### 5. Electric Power and Telecommunication Services

- a. The electrical and telecommunication services to this building/property must be installed in an underground duct system, and the building must be connected by an underground service. 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. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.

#### 9. Geotechnical Report

- a. Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:  
**NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**
- b. The Geotechnical report must be submitted 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.
- c. Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

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

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

## 6. **Road Dedication / Subdivision Requirements**

- a. A dedication of approximately 1.6 m along the full frontage of the north lane is required to achieve a 7.6 m commercial laneway as per SS-R2.
- b. A dedication of approximately 1.1 m along the full frontage of the Dougall Rd is required to achieve a 20.0 m road ROW as per SS-R5.
- c. A dedication of approximately 2.3 m along the full frontage of the Gray Rd is required to achieve a 20.0 m road ROW as per SS-R5.
- d. A 6.0 m corner rounding will be required on the south west corner of the subject lot.
- e. Access to this development must be off the lane.

## 7. **Design and Construction**

- a. Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b. Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

- c. Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (Part 5 and Schedule 3).
- d. A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e. Before any construction related to the requirements of this subdivision application

commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

## 8. **Servicing Agreements for Works and Services**

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

## 10. **Charges and Fees**

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



Ryan O'Sullivan  
Development Engineering Manager

SK



# DP21-0139

# 165 Dougall Road South

Development Permit Application

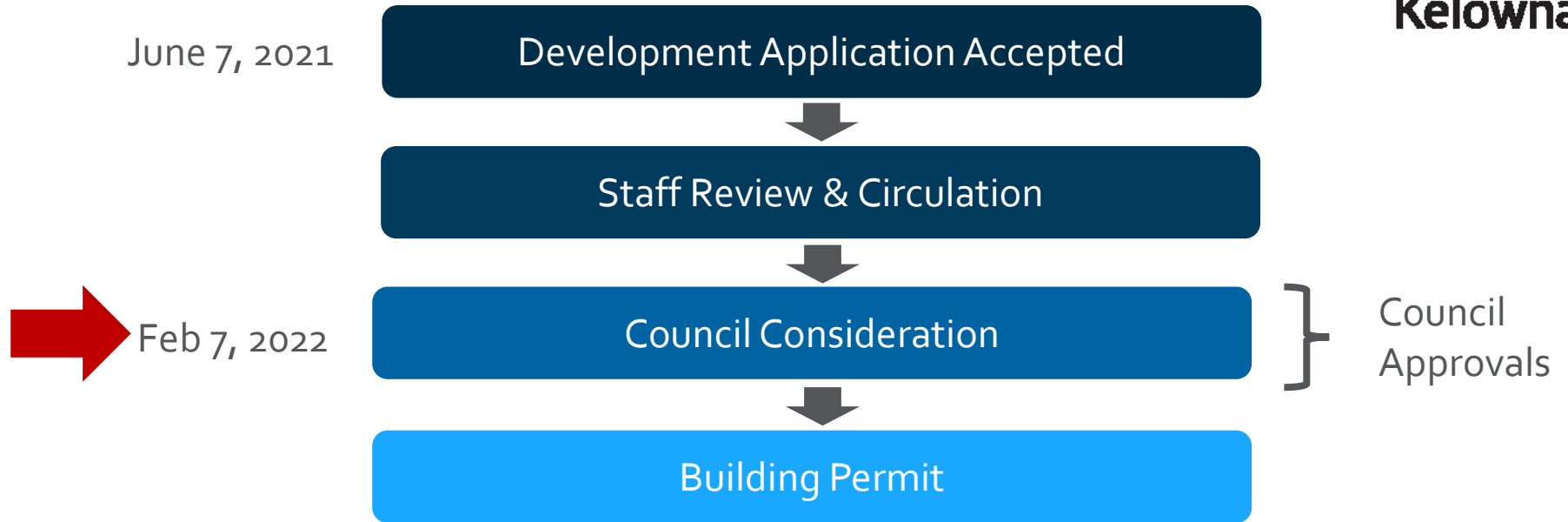


# Proposal

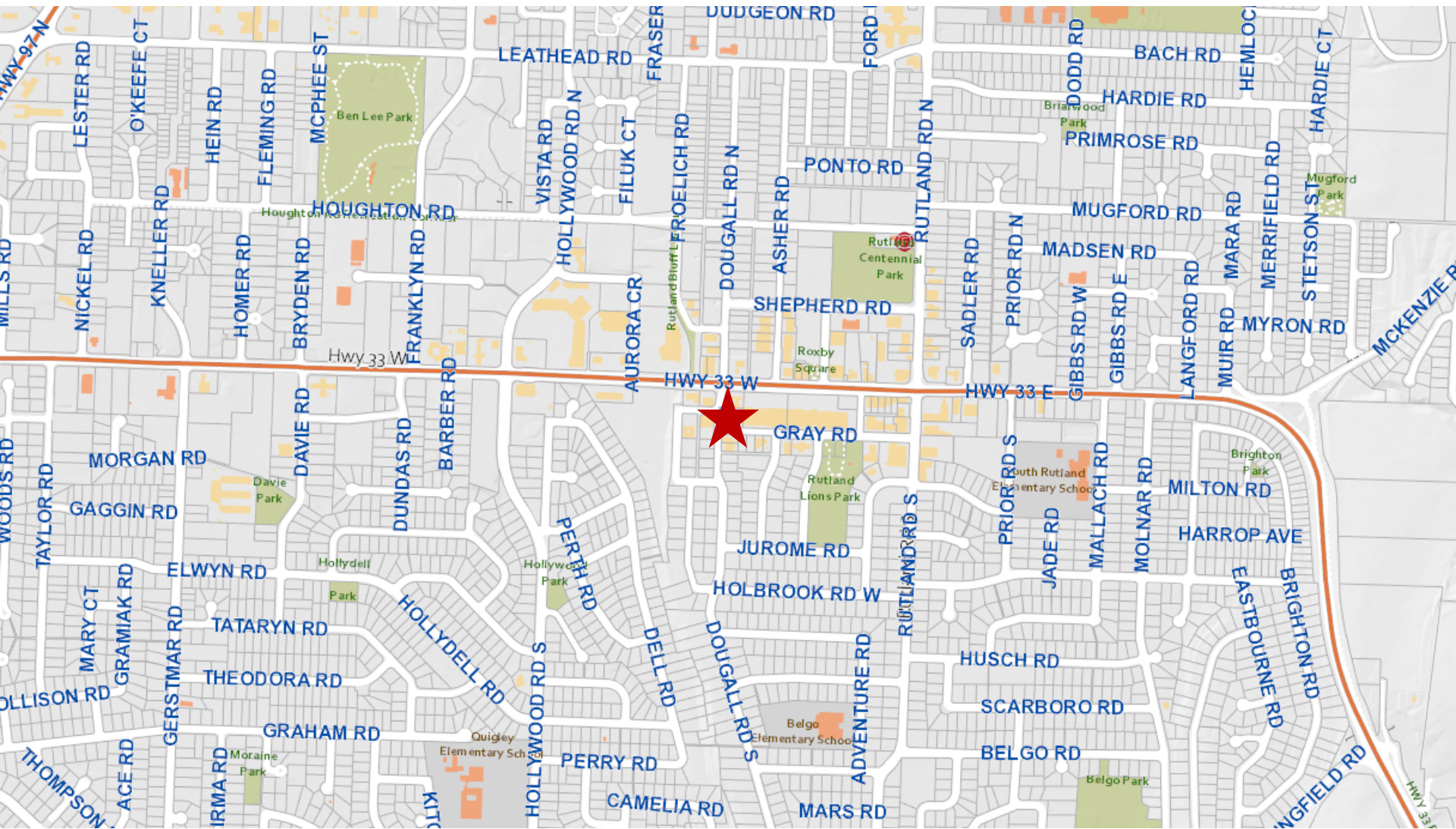
- ▶ To consider a Form and Character Development Permit for a mixed-used building.



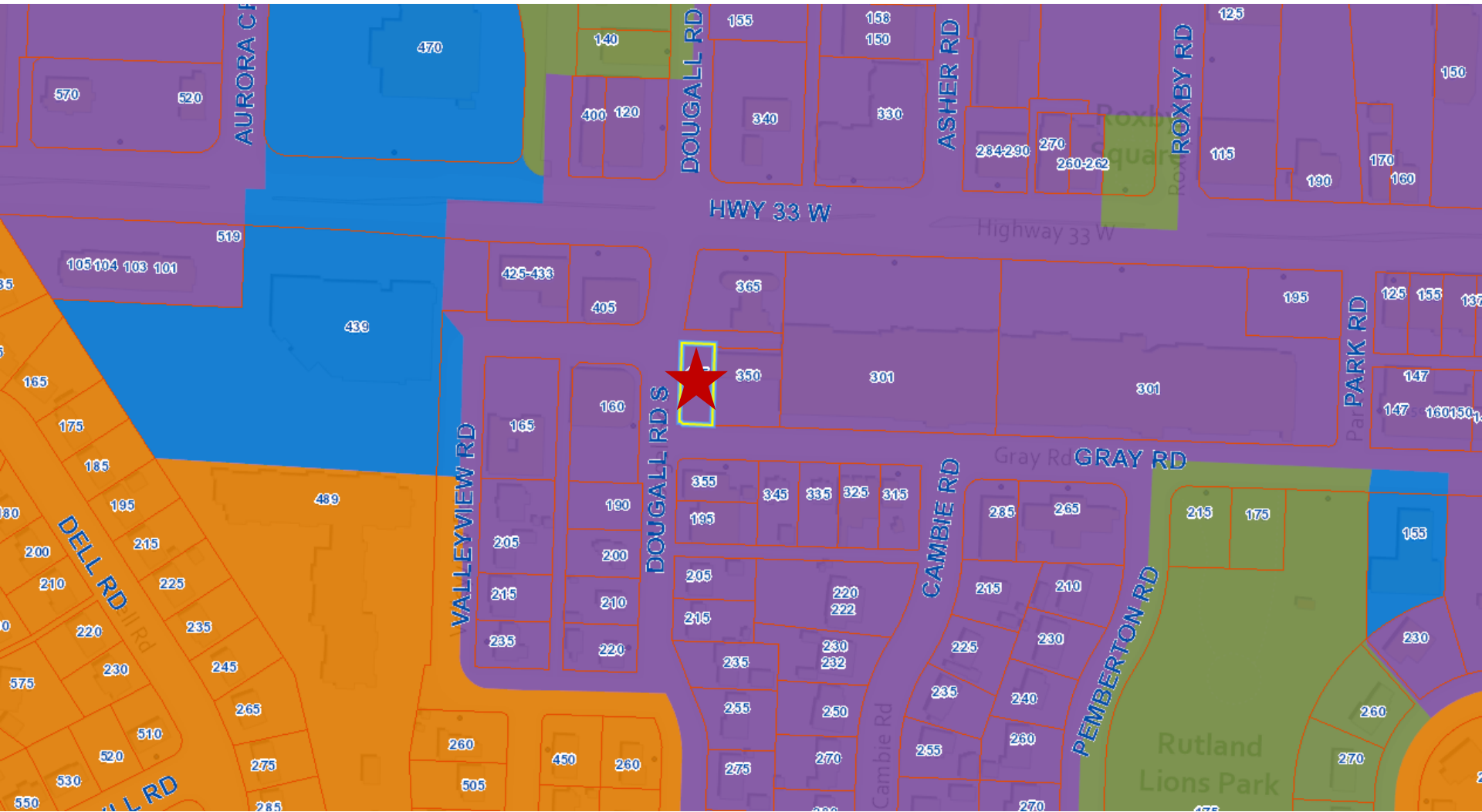
# Development Process



# Context Map



# OCP Future Land Use





# Subject Property Map



City of Kelowna

Walk Score  
**76**

## Very Walkable

Most errands can be accomplished on foot.

Transit Score  
**40**

## Some Transit

A few nearby public transportation options.

Bike Score  
**76**

## Very Bikeable

Biking is convenient for most trips.

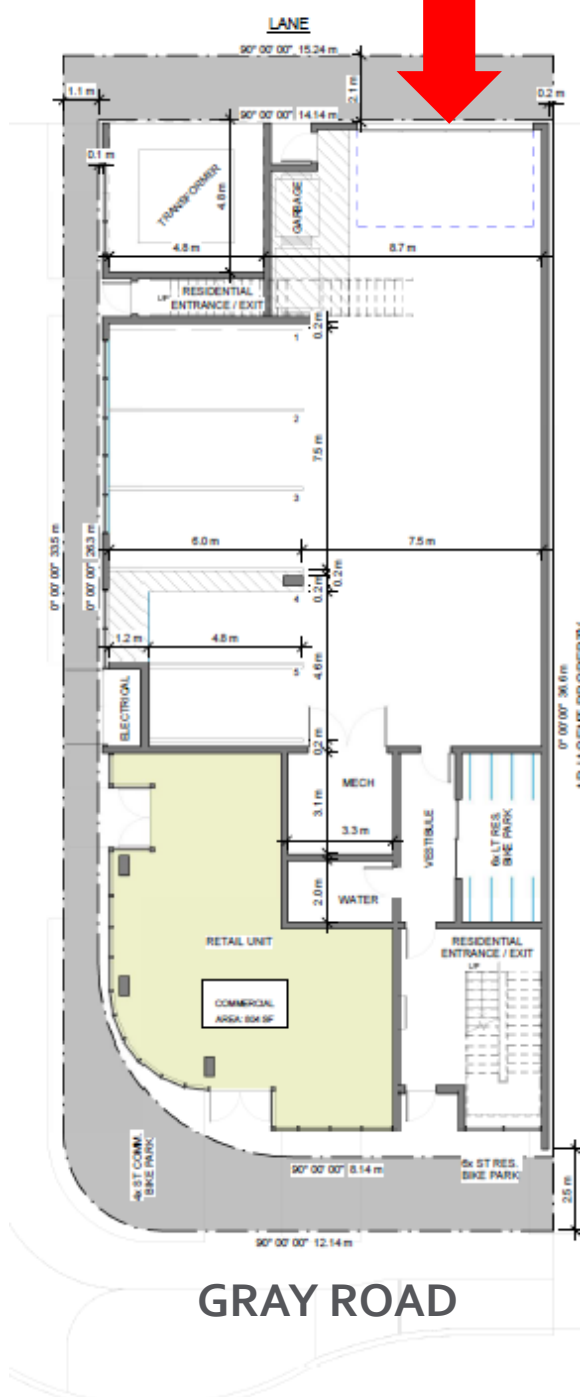
# Project details

- ▶ Mixed-use building
- ▶ Ground floor commercial (804 ft<sup>2</sup>)
- ▶ Five Residential Units on floors 2-4 (Includes Rooftop Patios)
  - ▶ All 2-bedroom units
- ▶ 5 ground level parking stalls (screened from public view)
  - ▶ Request for Payment in Lieu of Parking for two stalls

# Site Plan

DOUGALL ROAD SOUTH

GRAY ROAD





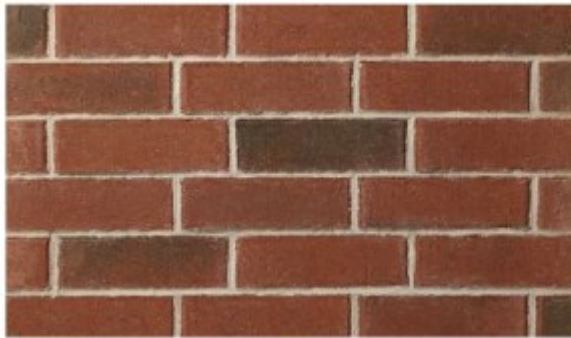
# Rendering – Dougall Rd S



# Elevation – Dougall Rd S

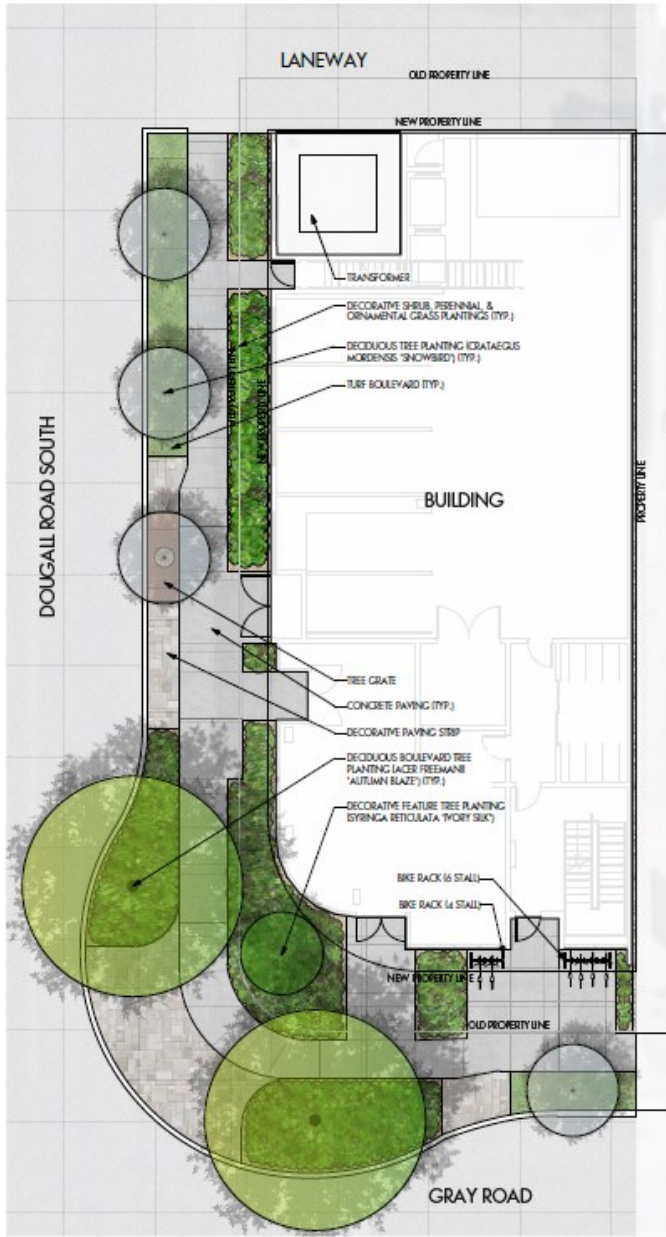


# Elevation – Gray Rd & Materials

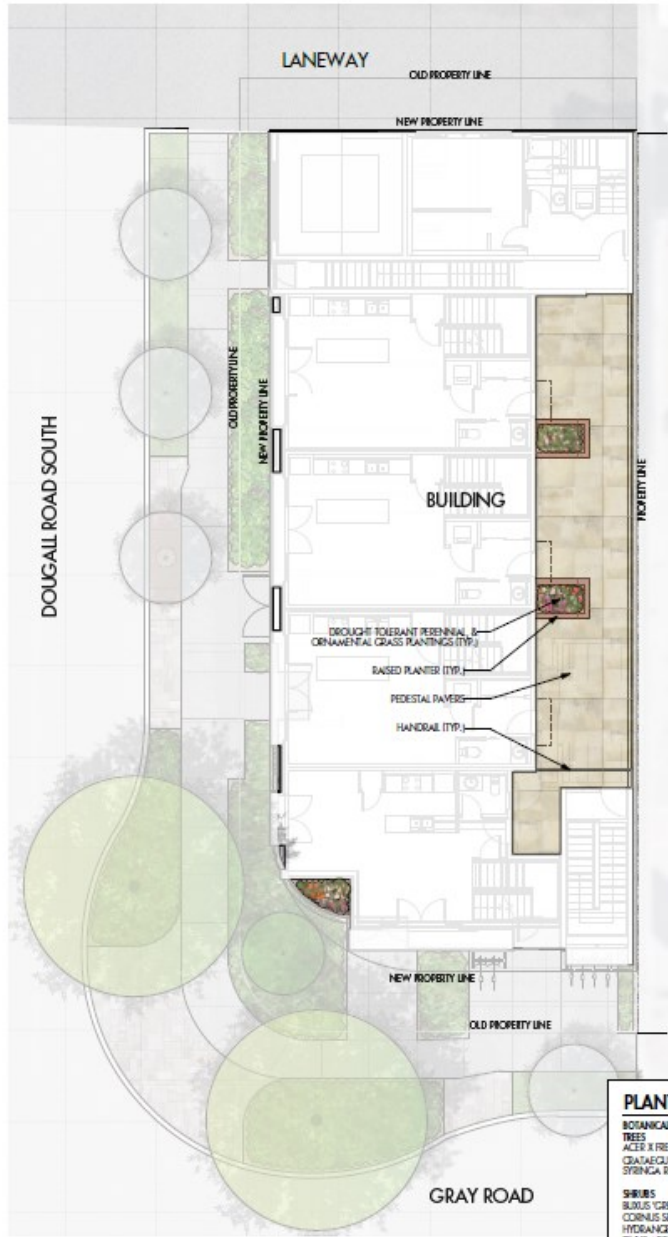




# Landscape Plan



LEVEL 1



LEVEL 2

- PLAN**
- BOTANICAL  
TREES  
ACER X FRIE  
CRATAEGU  
SYRINGA R
- SHRUBS  
BUXUS 120  
CORNUS SI  
HYDRANGE  
PRUNUS ABE  
SPREA RUL
- PERENNIAL  
ACTINIDIA

# Staff Recommendation

- ▶ Staff are recommending support for the Development Permit
  - ▶ Consistent with OCP Urban Design Guidelines
  - ▶ Request for payment in lieu of parking (2 stalls) is appropriate given dedication requirements



## *Conclusion of Staff Remarks*



# **CITY OF KELOWNA**

## **BYLAW NO. 12138**

### **Z21-0013**

### **4617 Fordham 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 12 District Lot 357, ODYD, Plan 17105 located at Fordham 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 10<sup>th</sup> day of May, 2021.

Public Hearing waived by the Municipal Council this 10<sup>th</sup> day of May, 2021.

Read a second and third time by the Municipal Council this 31<sup>st</sup> day of May, 2021.

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

# **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 1<sup>st</sup> day of November, 2021.

Public Hearing waived by the Municipal Council this 1<sup>st</sup> day of November, 2021.

Read a second and third time by the Municipal Council this 22<sup>nd</sup> day of November, 2021.

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

# Report to Council



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Subject:** Regional Housing Strategy – Project Update and Delegation

**Department:** Policy and Planning

---

## **Recommendation:**

THAT Council receives for information the report from the Planner Specialist, dated February 7, 2022 regarding the Regional Housing Strategy.

## **Purpose:**

To provide Council with an update on the preparation of the Regional Housing Strategy including a delegation from consultant Urban Matters.

## **Background:**

On June 23, 2014 the Regional District of Central Okanagan (RDCO) adopted the Regional Growth Strategy (RGS). The RGS is a long-range policy document that provides direction for the coordinated growth of the region amongst its member municipalities and electoral areas. In July 2017, the Regional Growth Strategy Priority Projects Plan was finalized, which comprised a Five-year Action to implement commitments defined in the RGS. A Regional Housing Needs Assessment (HNA) and a Regional Housing Strategy are two of those priority projects. The Regional HNA was completed in 2019, and the RDCO has now initiated a planning process to develop a Regional Housing Strategy (RHS).

## **Discussion:**

The RDCO has retained Urban Matters CCC (a subsidiary of Urban Systems) to develop the Regional Housing Strategy. The process of developing the Strategy is scheduled over the coming months with completion anticipated in early Summer 2022.

The process for developing the RHS is collaborative and includes touchpoints with staff and Councils of all four member municipalities of the RDCO, Westbank First Nation, Okanagan Indian Band, and the public. The Regional Growth Strategy Steering Committee, containing staff representatives from these governments alongside regional stakeholders, is acting as an advisory group to the RHS process. The RDCO Board of Directors will consider final endorsement of the Strategy.



The Regional Housing Strategy is intended to establish a platform for informing a regional approach to housing gaps and anticipated needs that were identified in the Regional Housing Needs Assessment. A Regional Housing Strategy is not expected to direct actions of specific member municipalities, but rather assist in coordination across the region by providing best practice research, identifying across the region similarities and differences in housing needs, and identifying where opportunities for synergies and opportunities for alignment of individual actions might exist.

Specific objectives of the process and resulting plan, as provided by RDCO staff and Urban Matters, are:

- Strengthen Regional Governmental Coordination between RDCO electoral areas and member municipalities;
- Strengthen mechanisms for information sharing and partnership with First Nations, local governments, and non-profit housing providers;
- A coordinated advocacy strategy aligned with Provincial and Federal housing policy to approach higher levels of government for additional Central Okanagan resources and supports
- Develop regional best practices to regulate and protect rental housing stock;
- Regionally assess development processes for opportunities to streamline where possible for affordable housing.

A representative from Urban Matters will provide a presentation to Council that includes background information leading to the Regional Housing Strategy, an overview of the upcoming process, and detailed description of project objectives.

### **Conclusion:**

An update to the City's Healthy Housing Strategy, expected to begin in 2023, will be able to build upon the work being done via the Regional Housing Strategy. Additionally, the Regional Housing Strategy process provides an opportunity for a shared understanding and coordinated strategic response to housing needs at a regional scale. Additional opportunities for the City of Kelowna to provide input on the RHS will be available in late spring. Staff will bring forward further updates on this process to Council as appropriate.

### **Considerations applicable to this report:**

#### ***Existing Policy:***

Kelowna Official Community Plan Bylaw No. 12300:

Policy 9.3.4. Regional Approach to Social Issues: Collaborate with local governments and key stakeholders to support initiatives that address regional issues such as social, childcare, transportation, housing, and food security.

Policy 16.3.3. Regional, Indigenous and Community Partners: Continue to foster relationships and partner with the Regional District of Central Okanagan, Westbank First Nation, Okanagan Indian Band, neighbouring municipalities, post-secondary institutions and other key community partners to effectively deliver on implementation actions.

Policy 16.4.3. Housing Needs Assessments. To ensure that the Growth Strategy continues to support onboarding of a diverse housing supply, undertake housing needs assessments to inform scheduled Official Community Plan updates. Work with the Regional District of Central Okanagan, other municipalities and First Nations to address shared housing objectives

Submitted by:

D. Sturgeon, Planner Specialist

**Approved for inclusion:**



James Moore, Manager of Long Range Planning

cc:

Department Manager, Community Planning

# Regional Housing Strategy Update

COUNCIL PRESENTATION



# AGENDA

- Project overview
- COPAWS Synergies
- Land Use and Policy Mapping
- Recent initiatives
- Emerging housing trends
- Role of government
- Draft Strategy Objectives
- Next steps



# REGIONAL HOUSING STRATEGY

## REGIONAL DISTRICT OF CENTRAL OKANAGAN

RFP# R21-651

SEPTEMBER 2021

CONTACT: NANCY HENDERSON

T: 250-718-8803 | E: [nhenderson@urbansystems.ca](mailto:nhenderson@urbansystems.ca)

304-1353 ELLIS STREET, KELOWNA BC V1Y 1Z9

urban  
matters



NANCY HENDERSON | PROJECT LEAD



MATT THOMSON | SENIOR ADVISOR & CO-LEAD

# REGIONAL HOUSING STRATEGY PROCESS





# COPAWS SYNERGY

---

## CENTRAL OKANAGAN POVERTY AND WELLNESS STRATEGY

- Urban Matters is currently developing a Poverty and Wellness Strategy for the RDCO with a similar timeframe to the Regional Housing Strategy.
- COPAWS and Regional Housing Strategy share numerous stakeholders
- To reduce engagement burnout, and to respect the time of stakeholders which have interest in both strategies, the RHS and COPAWS will endeavor to combine efforts where applicable.
  - Surveys
  - Stakeholder engagement
  - Presentation to member municipalities and First Nations

# REGIONAL LAND USE POLICY AND MAPPING REVIEW

- As per the RDCO Governance & Services Committee resolution on November 22<sup>nd</sup>, 2021, Urban Matters will:
  - Prepare a review of local government and First Nation Community and Official Community Plans with respect to affordable housing policy and residential land use intensification goals and policy in urban centres and along Highway 97 rapid bus corridor and in proximity to transit exchanges.
  - Create a visual representation of generalized future land use designations applicable to these areas via GIS mapping along with summarized affordable housing and centralized development policy highlights
- Presentation of this review to the RDCO Governance & Services Committee is scheduled for March 10<sup>th</sup>, 2022.

# REGIONAL INITIATIVE

- Understanding the local landscape
- Finding the policy gaps
- Identifying synergies
- Regional next steps



- Underway



- Planned for review



- Planned 21/22

Housing Initiative/Policy	Peachland	West Kelowna	Kelowna	Lake Country	Westbank First Nation	Okanagan Indian Band
Housing Strategy		○	✓		✓	
Housing policies in OCP/CCP & Area Plans	✓	✓	✓	✓	✓	✓
Housing form – freehold townhouses	✓	✓	✓	✓	✓	✓
Housing form – small lots	✓	✓	✓	✓	✓	
Housing form – secondary suites inside detached houses	✓	✓	✓	✓	✓	
Housing form – secondary suites outside detached houses	✓	✓	✓	✓	✓	
Amenity zoning for affordable housing (density bonus)	✓			✓		
Facilitating market rental housing – incentives & policies			✓		✓	
Manufactured home park redevelopment policy (tenant assistance)	✓	✓	✓		✓	
Strata conversion policy	✓	✓	✓			
Land for housing	✓		✓		✓	✓
Partnerships to create affordable housing	✓	✓	✓		✓	
Housing reserve fund			✓			
Incentives (e.g., tax exemptions, reduced DCCs)	✓		✓			
Advisory affordable housing committee (or similar)					✓	
Regular monitoring & reporting on progress			✓	✓	○	
Information guides on policies, programs		✓	✓	✓		



# CURRENT MARKET STATUS

---



To afford the median  
posted primary  
market rent for a 2  
bedroom in the RDCO  
requires a household  
income of:

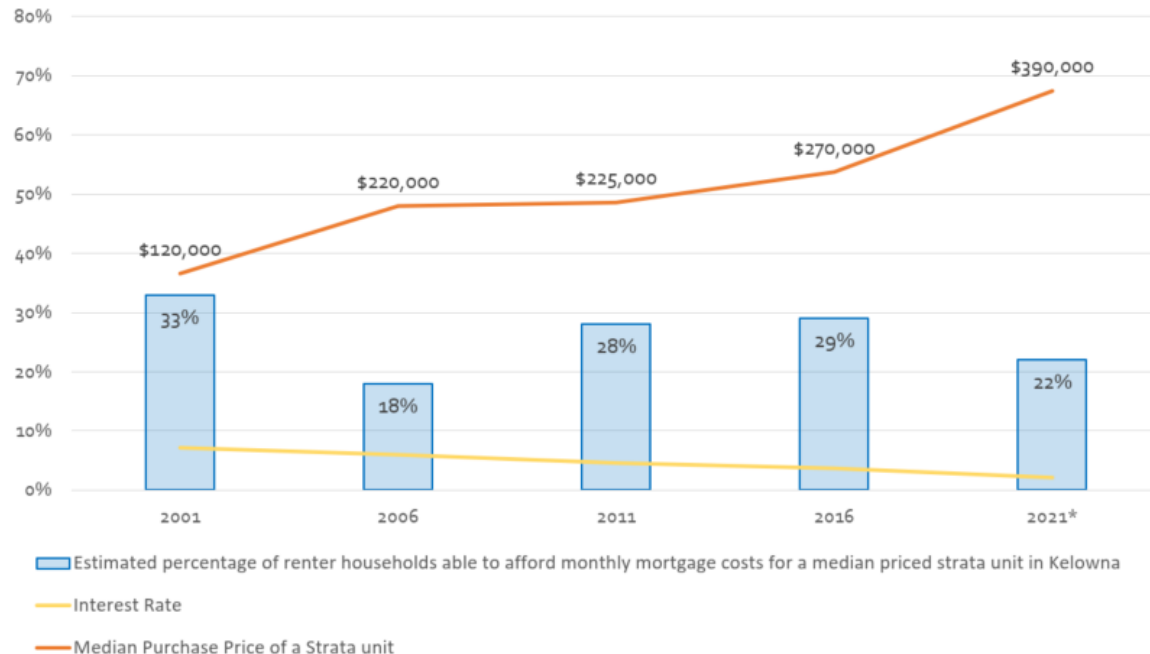
\$75k

Median renter  
household income in  
the RDCO is:

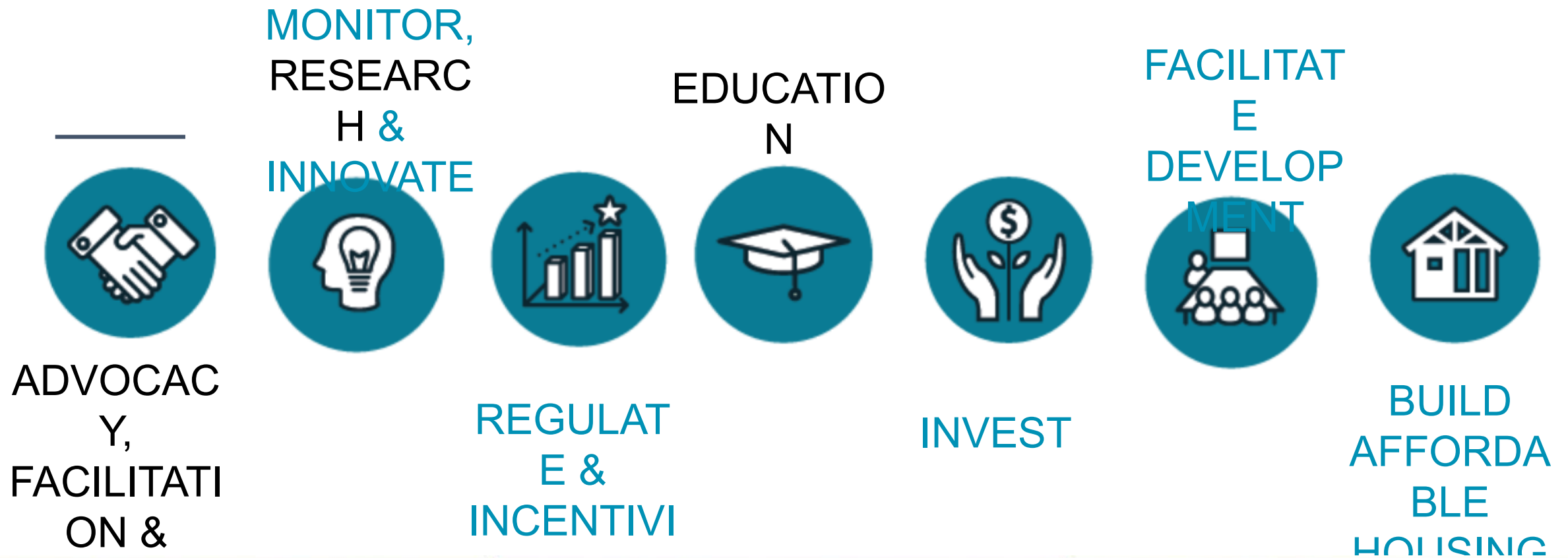
\$50k

# THE AFFORDABILITY GAP

78% of Renters in the Kelowna CMA cannot afford to move into strata homeownership.



Source: Provided by City of Kelowna – multiple data sets



SHIPS

# ROLE OF GOVERNMENT



# ROLE OF GOVERNMENT

---

## THE HOUSING CONTINUUM



# DRAFT OBJECTIVES

---

- Strengthen Regional Governmental Coordination between RDCO electoral areas, member municipalities, and First Nations.
- Strengthen mechanisms for information sharing and partnership with First Nations, local governments, and non-profit housing providers.
- A coordinated advocacy strategy aligned with Provincial and Federal housing policy to approach higher levels of government for additional Central Okanagan resources and supports.
- Develop regional best practices to regulate and protect rental housing stock.
- Regionally assess development processes for opportunities to streamline where possible for affordable housing (i.e. agency referrals).

## Strengthen Regional Governmental Coordination between RDCO electoral areas, member municipalities, and First Nations.

### Purpose:

- Develop mechanisms for coordinated information sharing about housing actions across all RDCO jurisdictions
- Increased communications regarding planning at a staff level

### Examples:

- RGS Steering Committee and Planning Lab meetings with focus on encouraging attainable housing
- Housing Symposium 2022
- Policy coordination





Strengthen mechanisms for information sharing and partnership with First Nations, local governments and non-profit housing providers.

### Purpose:

- To ensure a strong line of communication so that when specific housing issues arise the region is in a better position to act quickly

### Examples:

- Create a web-based portal for regional housing information
- Virtual introduction meetings and networking events
- Housing Symposium 2022
- Ability to convene when needed



A coordinated advocacy strategy aligned with Provincial and Federal housing policy to approach higher levels of government for additional Central Okanagan resources and supports.

### Purpose:

- A collective and coordinated approach will put regional partners in a stronger position when competing for funding

### Examples:

- A coordinated, strategic approach to build awareness and lobby for senior government support and funding for the Central Okanagan
- Align advocacy priorities to senior government mandates
- Advocating for resources and supports for the CMA
  - Coordinated efforts at UBCM
  - Urban Mayors Caucus



Develop regional best practices to regulate and protect rental housing stock.

### Purpose:

- Research and recommend regional best practices for issues such as:
  - Incentive programs for homeowners to develop secondary suites, carriage homes and infill housing;
  - Short-term rental regulation;
  - Implementation of incentives for the development community;
  - Tenant protection policies;
  - Secured Rental Policy.

### Examples:

- Short term rental policy research and best practices
- Draft inclusionary zoning provisions
- Template housing agreements
- Rental Replacement and Tenant Relocation Assistance Policy
- Community Amenity Contributions for attainable housing
- Incentivization programs
- Strategic land acquisition for attainable housing
- Better understanding of the regional land base and how it can be better utilized for attainable housing





Regionally assess  
development  
processes for  
opportunities to  
streamline where  
possible for  
affordable housing

#### Purpose:

- Review of planning processes and procedures at regional and local levels to allow for expedited development application review where appropriate

#### Examples:

- Encourage and support streamlined development processes for non-market housing.
- Share resources to ensuring application guides and processes are clear and detailed to lower the workload of Planning staff
- Regional collaboration with referral agencies to reduce bottle necks in approval process



# NEXT STEPS

---

- Community stakeholder meetings (January/February)
- Local government presentations (February)
- Lived experience interviews (February)
- Community survey (February)
- Regional staff review (February and April)
- RDCO land use policy review (March)
- Draft strategy (March/April)
- Member municipalities and First Nations review of strategy (May/June)
- Regional Housing Symposium (May/June)
- Finalize Strategy (June 2022)

# THANK YOU!



# Report to Council



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Subject:** Electric Vehicle Readiness Requirements for All New Residential Developments

**Department:** Policy and Planning

---

## **Recommendation:**

THAT Council receives, for information, the report from the Policy & Planning Department, dated February 7, 2022 with respect to electric vehicle (EV) readiness requirements for all new residential developments;

AND THAT Council directs staff to include the following EV readiness requirements as part of forthcoming Kelowna Zoning Bylaw updates:

- All new residential developments have a minimum of 1 energized electric vehicle outlet per dwelling unit (capable of providing Level 2 charging)

AND FURTHER THAT Council directs staff to investigate EV charging infrastructure requirements for new institutional, commercial, industrial, and service station developments, and report back with recommendations for these categories.

## **Purpose:**

To present information and recommendations on EV readiness requirements for all new residential developments as part of forthcoming Kelowna Zoning Bylaw updates.

## **Background:**

*Previous Council Resolution*

Resolution	Date
THAT Council receives, for information, the report from Planning and Development Services, with respect to the City of Kelowna Community Electric Vehicle & E-Bike Strategy.	September 27, 2021

<p>AND THAT Council endorse the objectives and recommended actions outlined in the City of Kelowna Community Electric Vehicle &amp; E-Bike Strategy.</p> <p>AND FURTHER THAT Council directs staff to include electric vehicle (EV) charging infrastructure requirements for new residential, institutional, commercial, industrial, and service station developments as outlined in the attached City of Kelowna Community Electric Vehicle &amp; E-Bike Strategy in the forthcoming Kelowna Zoning Bylaw update.</p> <p>AND FURTHER THAT Council directs staff to pursue stakeholder engagement, as part of the Zoning bylaw update engagement, for EV charging infrastructure requirements in new residential, institutional, commercial, industrial, and service station developments.</p>	
--	--

### Discussion:

On September 27, 2021, Council endorsed the City's Community EV & E-Bike Strategy, which outlines various initiatives to accelerate the shift to EVs and E-Bikes to help reduce greenhouse gas (GHG) emissions. To achieve the Strategy's vision of being a city where charging an EV is easy, convenient, and affordable, Council directed staff to *"include electric vehicle (EV) charging infrastructure requirements for new residential, institutional, commercial, industrial, and service station developments"* in the forthcoming Kelowna Zoning Bylaw update.

"EV Readiness" means that a parking space features an energized electrical outlet capable of charging an EV when charging equipment is installed in the future. This report focuses on EV readiness requirements for all new residential development. Requirements for institutional, commercial, industrial sectors and services station EV requirements will be proposed at a future date. Important definitions relevant to this EV Readiness proposal are outlined in Attachment 1.

Recent sales trends show rapidly increasing EV adoption rates in BC, which is bolstered by strong federal and provincial policies. Current federal and provincial policies require 100 per cent of passenger vehicle sales to be zero emissions vehicles (ZEV) by 2035 (nearly all ZEV sales are EVs). BC also has stringent interim EV sales mandates of 26 per cent (by 2026) and 90 per cent (by 2030) in its CleanBC Roadmap to 2030.

BC leads Canadian provinces in EV registrations, where EVs represented 12.3 per cent of overall automobile sales in 2021. In Kelowna, the EV growth trend has been similar. There were 525 EVs registered in the community in 2020, compared to 370 in 2019, 180 in 2018, and 110 in 2017. Kelowna's EV community survey indicated that about one-third of non-EV owners plan to purchase a new vehicle within two years, and another one-third within two to five years. Seventy per cent of non-EV owners identified an EV as their first choice for their next new automobile.

Kelowna's 2021 EV engagement survey estimates that 84 per cent of current EV charging is done at home. 80 per cent of non-EV owners who responded to the survey also envisioned they would primarily charge at home. Results of this survey indicate that charging availability at home will be critical to enable a transition to EVs.

Despite the importance of home charging, retrofitting existing buildings can be legally complicated and costly, especially for multi-family buildings. Swapping parking stalls between EV and non-EV owners can be legally challenging or impossible, depending on the strata designation of parking stalls.

Residents in multi-family buildings also commonly vote against requests for EV charging due to their legal complexity or perceived negative impacts to residents.

Other BC Municipalities have commissioned engineering studies to examine the up-front costs for various EV infrastructure types, including 100 per cent EV ready installations (Table 1). These studies show that costs for 100 per cent EV ready installations in new multi-family construction can range from approximately \$300 to \$3,000 per parking stall, depending on building type, location, and design strategy used. Where electrical loads are shared across numerous EV chargers, which is common practice today through use of an Electric Vehicle Energy Management System (EVEMS – also called “smart charging”), costs are estimated to fall to \$1,600 or less per parking stall regardless of building type. For most types of EV ready installations, retrofitting existing multi-family buildings can cost three or more times that of new construction.

Table 1: Summary of EV Readiness Costs from Available Studies

Engineering Study	Study Focus	Cost per stall (100 per cent EV Ready)		
		Townhouse	Mid Rise	High Rise
City of Richmond	New construction	\$307-\$2655	\$566-\$2448	\$760-\$3023
City of Kamloops	Retrofit		\$931 to \$1,551	
	New construction		>\$3,500	
Plug In BC Program Data	Retrofit only	Approx. \$4,000-\$8,000 (Includes cost of charger, which ranges from \$600-\$1400)		

Costs for EV readiness in new single-family homes will typically be significantly less than multi-family buildings, ranging from \$200-\$500, depending on the site configuration, calculated load, and panel sizing. Retrofit costs can range from \$500-\$1200, or beyond, depending on electrical needs in a home.

### Summary of Stakeholder Engagement:

The City facilitated public engagement on the Community EV & E-Bike Strategy from December 2020 – April 2021, which included public comment on EV readiness initiatives. After public engagement, from September through October 2021, staff collected feedback on the draft zoning bylaw from numerous stakeholder groups, predominantly represented by the development industry. City staff also engaged with FortisBC throughout 2021 on Kelowna’s power supply and electricity grid impacts of EV readiness.

Public comments were consistently supportive of improving access to home charging (Attachment 2). Feedback from development stakeholders varied, with most feedback expressing concern on construction costs and questioning the need for EV readiness at the levels proposed (the draft bylaw proposed 100 per cent EV readiness for multi-family buildings). FortisBC has provided a letter of support for the proposed requirements and suggests there are utility programs and policies in place that can mitigate concerns about their ability to supply additional electricity (Attachment 3).

Based on the feedback heard during the engagement, select changes were made to the proposed EV readiness policies including:

- Reducing EV readiness requirements in multi-family buildings from 100 per cent EV ready (every parking stall) to one EV ready stall per dwelling unit.



- Updating the proposed Zoning Bylaw to remove ambiguity around EV readiness for visitor stalls, which is not required at this time.
- Updating the proposed Zoning Bylaw to clarify that “load-sharing”, through use of EVEMS, will be permitted as a design strategy to reduce electrical load requirements and construction costs.

### Recommended Approach:

In order to address current and future demand for EVs and to support achieving Kelowna’s emissions reduction targets, increased provision of EV charging access is required. As identified through literature review and public consultation, residential charging is the priority policy implementation area. The approach proposed for new residential development was based on balancing the following objectives (Table 2):

- **Minimize upfront costs for builders/developers:** EV charging infrastructure inevitably has a cost; however, Kelowna seeks to balance policies that minimize upfront costs while not pushing these costs onto EV owners/strata in the future.
- **Minimize costs for owners:** Installing EV charging at the time of construction for only a portion of parking or only installing conduit can make system expansion more costly overall.
- **Simple for stratas to administer:** It is difficult for stratas to fairly allocate access to EV charging among a limited number of stalls, and to allow owners to change stalls.
- **Equitable for residents:** Ensure residential charging is available in all residential buildings and locations.
- **Future-proofing:** Kelowna’s EV policies need to be technology neutral, anticipate trends, and accommodate specific charging systems and technologies as they change overtime.

Table 2: Evaluation of various electric vehicle requirement options\*

Policy Option Evaluated	Minimize upfront costs	Minimize retrofit costs	Simple for strata	Equitable for residents	Provides future proofing
Percentage Based Approach (20%)					
Conduit-only Approach					
EV ready, 1 stall per dwelling unit					
EV Charger Installed (all stalls)					

\* Green best meets the criterion; orange moderately meets the criterion; red does not meet the criterion.

Local governments across BC are adopting EV readiness policies to prepare their buildings for future charging needs. As illustrated in Attachment 4, many local governments in BC have already established similar EV readiness requirements to “future proof” newly constructed residential (single family and multi-family) buildings. These requirements mandate either 100 per cent EV readiness (i.e. 100 per cent of parking spaces with an energized electric vehicle outlet capable of Level 2 charging), or 1 EV ready outlet per dwelling, consistent with best practice guidance recommended by PluginBC’s “Residential Electric Vehicle Charging Guide for Local Governments”.

Based on the information provided, and policy evaluation conducted, staff recommends inclusion of the following residential EV readiness requirement, defined in Section 8 (Parking and Loading), through updates to the forthcoming Kelowna Zoning Bylaw (draft definitions and bylaw language are outlined in Attachment 1):

- All new residential developments have a minimum of 1 energized electric vehicle outlet per dwelling unit (capable of providing Level 2 charging)

### **Conclusion:**

EV readiness requirements serve to “future-proof” newly constructed single-family and multi-family buildings, which are expected to last 50 or more years. Further, strong federal and provincial policy is targeting 26 per cent new EV sales in 2026 and 90 per cent by 2030. In anticipation of these trends, many BC jurisdictions have already implemented EV ready policies in recent years, demonstrating the technical and practical feasibility of EV ready initiatives (Attachment 4).

The absence of home charging will be a persistent barrier to increasing EV ownership in Kelowna and a lack of home charging will strongly hinder the City of Kelowna’s ability to reach its GHG emissions reduction targets. Kelowna’s preliminary modelling of current and anticipated policies confirm that a transition to light-duty EVs represents, by far, the most impactful GHG emissions reduction opportunity available from now through 2050. Based on anticipated federal, provincial, and municipal policies, transition to EVs represent 10 per cent of Kelowna’s preliminary modelled emissions reduction in 2030, and nearly 50 percent in 2050.

The legal complexity and high costs associated with multi-family EV charging retrofits suggest that retrofitting existing multi-family buildings – either individual stalls or whole building approaches - are likely to remain challenging into the future and could strongly deter EV ownership. Importantly, EV retrofit challenges in multi-family buildings will be amplified in the coming decades. Kelowna’s 2040 Official Community Plan (OCP) growth projections assume that 76 per cent of new units over the next 20 years will be in the form of multi-family housing. As EVs become more prevalent and Kelowna increases in density, EV charging availability will become an asset that is likely to increase desirability of all homes, with particular importance for multi-family housing types.

### **Internal Circulation:**

Champion of the Environment  
Building Services  
Communications  
Development Engineering  
Development Planning  
Development Services  
Integrated Transportation  
Parking Services

### **Considerations applicable to this report:**

#### ***Existing Policy:***

- OCP 2040
  - OCP Policy 12.1.1 - GHG Emissions Reduction Targets. In partnership with senior governments; local citizens and businesses; non-profits; external agencies; and utility providers; work towards reducing absolute community greenhouse gas emissions below 2007 levels by:
    - 4 per cent below 2007 levels by 2023;
    - 25 per cent below 2007 levels by 2033;
    - 80 per cent below 2007 levels by 2050.
  - Objective 12.7 – Support the transition to emerging low-emission transportation technologies
    - Policy 12.7.1 - Low Carbon Fuels. Support the expansion and use of low carbon fuels (e.g., electricity, hydrogen, etc.) as one way of reducing GHG emissions from the transportation sector.
    - Policy 12.7.2 - Electric Mobility. Provide infrastructure to support and expand electric vehicle (EV) and E-Bike ownership through the following initiatives:
      - Residential charging infrastructure: Ensure access to appropriate EV and e-bike charging infrastructure (such as Level 2 conduits for EVs), in new construction;
- Imagine Kelowna
  - Take action in the face of climate change
- Council Priorities
  - Greenhouse gas emissions are decreasing
- Community Electric Vehicle & E-Bike Strategy
  - Increase access to EV charging on private property
  - Implement EV Ready requirements for new residential developments

### External Agency/Public Comments

The City facilitated public engagement on its EV Strategy from December 2020 – April 2021, which included public comment on EV readiness initiatives. After public engagement, from September through October 2021, staff collected feedback on the draft zoning bylaw from numerous stakeholder groups, predominantly represented by architects and property developers. City staff also engaged with FortisBC on considerations for Kelowna’s power supply and electricity grid impacts.

A summary of stakeholder feedback is provided in Attachment 2. A letter of support for the proposed EV Readiness initiatives from FortisBC is provided in Attachment 3.

Submitted by:

T. Brunner, Community Energy Specialist

Approved for inclusion:



D. Noble-Brandt, Dept. Manager, Policy & Planning

cc:

Champion of the Environment



Community Engagement Supervisor  
Divisional Director, Planning & Development Services  
Development Engineering Manager  
Development Planning Department Manager  
Parking Services Manager  
Permitting Supervisor  
Strategic Transportation Planning Manager  
Sustainability Coordinator

Attachments:

- Attachment 1: Draft Zoning Bylaw Updates for EV Readiness Requirements
- Attachment 2: Summary of Stakeholder Feedback
- Attachment 3: FortisBC EV Readiness Letter of Support
- Attachment 4: Residential EV Readiness Requirements in other BC Jurisdictions

## Attachment 1: Draft Zoning Bylaw Definitions and Updates for EV Readiness Requirements

**ELECTRIC VEHICLE (EV)** means a vehicle that uses electricity for propulsion, and that can use an external source of electricity to charge the vehicle's batteries.

**ELECTRIC VEHICLE ENERGY MANAGEMENT SYSTEM (EVEMS)** sometimes called "load sharing," or "smart charging", and refers to a variety of technologies that allow multiple EVs to charge on the same electrical circuit, reducing electricity needs

**ENERGIZED ELECTRIC VEHICLE OUTLET** means an electrical outlet where electrical current is taken to supply EV charging equipment.

**LEVEL 2 CHARGING** level 2 (AC) charging uses a dedicated 208V or 240V circuit like those used for clothes dryers. Level 2 chargers are generally the preferred option for home charging, providing 15 to 30 km of range per hour of charging. Defined by SAE International's J1772 standard

### 8.2.18 Electric Vehicle Charging Infrastructure Standards

The minimum provision of [energized electric vehicle outlet](#) capable of providing [Level 2 charging](#) to the [parking space](#) for charging an [electric vehicle](#) shall be provided as described in Table 8.2.18:

Table 8.2.18 Required Electric Vehicle Charging Infrastructure	
Land Use	Minimum Number of Energized Electric Vehicle Outlets
Residential (Agricultural, Rural Residential, and Single Family Zones)	1 per <a href="#">dwelling unit</a>
Residential (Multi-family, Commercial, Tourist Commercial, Urban Centre, and Comprehensive Development Zones)	1 per dwelling unit, <a href="#">excluding required visitor parking</a>

- (a) [Energized electric vehicle outlet](#), outlined above shall be labelled for the use of electric vehicle charging.
- (b) [Energized electric vehicle outlets](#) must utilize dedicated electrical circuit(s) or an [electric vehicle energy management system](#)(s) that meet a reasonable performance standard to ensure a sufficient rate of [electric vehicle](#) charging.
- (c) Requirements set out in Table 8.2.18 do not apply to visitor parking spaces

## Attachment 2: Summary of Stakeholder feedback and City Response

Public Stakeholder Comment (summarized)	City Response
Hesitance to buy an EV due to limited or no access to charging at home.	EV ready proposal gives access home charging in new developments and is likely to build capacity that will assist with retrofitting existing buildings.
Existing multi-family buildings are a significant challenge for EV charging.	EV ready proposal likely to build capacity that will assist with retrofitting existing buildings and will future proof newly constructed buildings.
EV drivers want predictable charging experiences, which is why a large proportion of EV owners prefer to charge at home.	EV ready proposal focuses on home charging which is priority for future EV needs.
Non-EV owners envision charging at home most often. Many non-EV owners live in either a multi-unit residential building (MURB) without charging facilities, or they only have access to on-street parking.	EV ready proposal likely to build capacity that will assist with retrofitting existing buildings and will future proof newly constructed buildings.
Developer Stakeholder Comment (summarized)	City Response
Recommend load-sharing (i.e. Electric Vehicle Energy Management Systems) permitted in the adoption of this bylaw	EV ready permits load-sharing as design strategy to reduce costs and electrical loads for EV charging infrastructure.
100% EV readiness not yet required based on current EV uptake	EV ready proposal reduced requirement to 1 EV ready parking space per dwelling unit. Current provincial/federal policy expected to significantly increase EV sales through 2030 and beyond.
Electrical infrastructure concerns: cost and availability	Infrastructure costs will vary by project type, load sharing, and design strategy. Electric Vehicle Energy Management Systems significantly reduce costs. FortisBC supports EV ready initiatives and have policies and programs in place to mitigate impacts (see Attachment 3 for letter of support).
Housing affordability concerns	Design strategies, such as load-sharing, can significantly reduce costs. It is less expensive to design into new build than to retrofit.
Reducing requirement: conduit-only ("rough in requirement")	Conduit does not provide meaningful future-proofing or cost-savings, where retrofit is needed at future date.
Reducing requirement: level 1 charging	Level 1 charging not in alignment with best practice across BC (i.e. insufficient rate of charging for daily driving needs). Dedicated level 1 circuits are similar in cost to load-shared level 2 charging.
Remove EV ready requirements to visitor parking	To clarify in final Bylaw; no EV ready requirements for visitor stalls at this time.



**To: Todd Brunner, MRM – Community Energy Specialist**  
**From: Draydan Power, P.Eng. – Manager, EV Infrastructure & Investment**  
**Date: January 13<sup>th</sup>, 2022**

**Subject: City of Kelowna EV Readiness Proposal Letter of Support**

The City of Kelowna has requested comment from FortisBC (the Company) regarding the adoption of electric vehicles (EV) and the associated electric system impact. FortisBC will always meet the electricity needs of the province and is committed to supporting the installation of EV chargers at all levels: residential, commercial, workplace, fleet, and public fast charging. Increasing the availability of charging infrastructure is an important component of encouraging the adoption of EVs. FortisBC does not believe that mandating EV ready developments will overwhelm our existing infrastructure provided there is good coordination between FortisBC, the City of Kelowna, and the building industry.

The Company has a Long Term Electric Resource Plan that anticipates the increasing EV charging load on the electric system. FortisBC is prepared to invest in the necessary upgrades as they are required. Distribution-level upgrades are typical when connecting new loads and our existing policies are in place to ensure developers are billed fairly for any required upgrades. Larger substation and transmission level upgrades would be identified well in advance of their need as system load growth is continually monitored through forecasting and modelling tools, which include the evolving EV adoption rates.

To further help mitigate system impacts at the residential level, the Company will be piloting an incentive program for customers who are willing to charge their EV at times when overall system load is lower. The expectation of this program will be to mitigate peak demand, meaning less impact on the existing utility infrastructure. For Multi-Unit Residential Buildings, FortisBC recommends using an EV Energy Management System (EVEMS) that will allow for simultaneous charging of multiple EVs while maintaining a predetermined energy demand, allowing FortisBC to accurately model the load in the system and reducing the required electrical infrastructure within the development.

New technologies are also emerging as EV adoption increases such as battery storage systems that allow a battery to draw and store power from the electrical system off peak, such as the middle of the night. The battery storage would then distribute the energy to an EV charger at a normal output during a typical system peak without overloading the distribution system.

FortisBC will continue to adapt to the changing landscape of transportation electrification and is eager to meet with the City of Kelowna if there are further questions or concerns on this topic.

Thank you,

Draydan Power, P.Eng.

#### Attachment 4: EV Readiness Requirements Across BC

Example Municipality (date in effect)	Residential EV Parking Requirement (Single Family Homes and Multi-Family, unless specified)
Vancouver (2018)	100% EV Ready
Burnaby (2018)	100% EV Ready
Surrey (2019)	100% EV Ready
New Westminster (2019)	1 EV Ready per dwelling
City of North Vancouver (2019)	100% EV Ready
District of North Vancouver (2021)	100% EV Ready (no SFH requirement)
Coquitlam (2018)	1 EV Ready per dwelling
Richmond (2017)	100% EV Ready
Port Moody (2019)	100% EV Ready
Squamish (2019)	100% EV Ready
Saanich (2020)	1 EV Ready per dwelling (SFH) / 100% EV Ready (multi-family)
Nelson (2020)	1 EV Ready per dwelling
Langley (2019)	1 EV Ready per dwelling
West Vancouver (2018)	100% EV Ready
Victoria (2020)	100% EV Ready
Kamloops (TBD Q4 2022)	(TBD)



# Electric Vehicle (EV) Readiness Requirements for All New Residential Developments

February 7, 2022





# Purpose

- ▶ To seek Council direction on EV readiness requirements:
  - ▶ All new residential developments have a minimum of 1 energized electric vehicle outlet per dwelling unit (capable of providing Level 2 charging)
  - ▶ Investigate additional EV readiness requirements

# Previous Council Direction

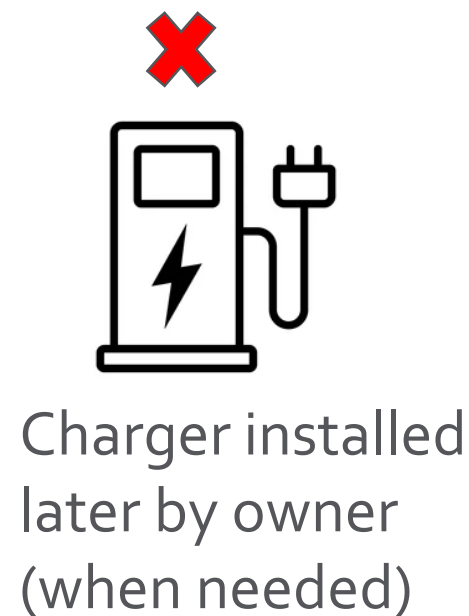
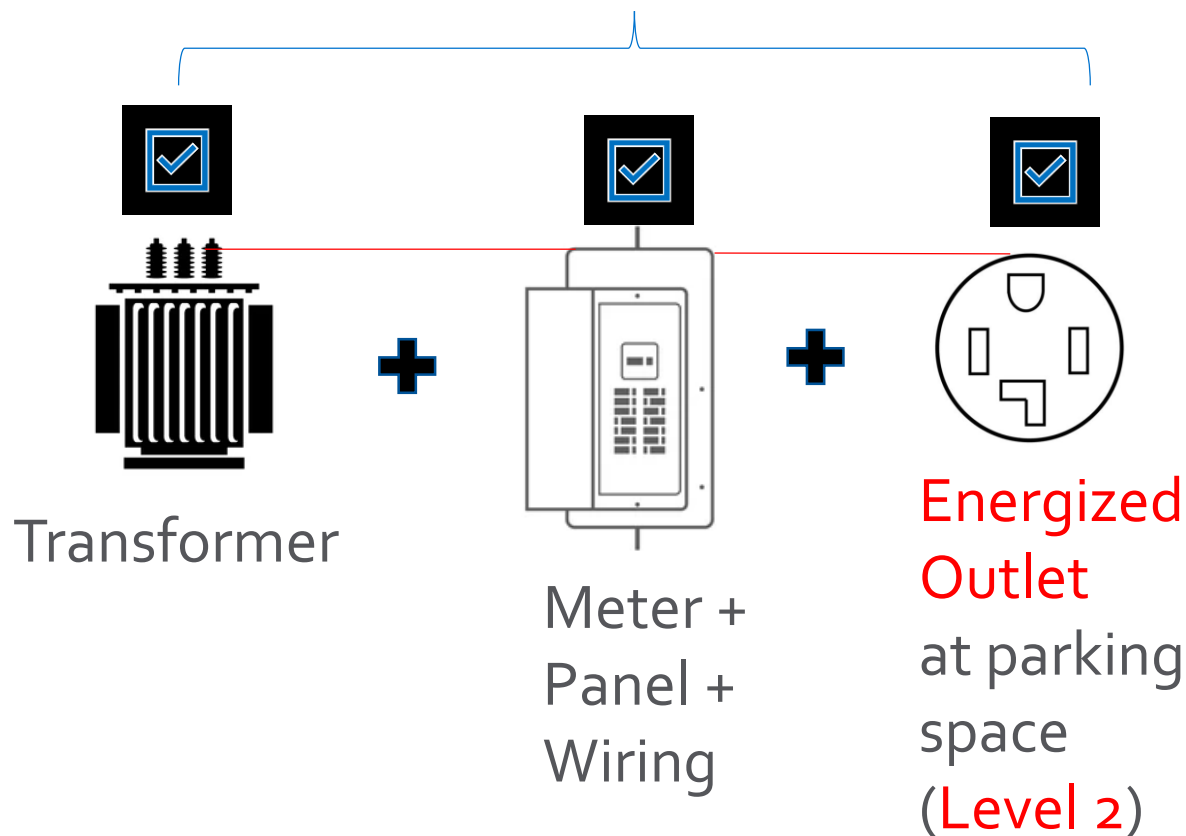
(Sept 27, 2021)

- ▶ Council endorsed the Strategy and directed staff to:
  - ▶ Include electric vehicle (EV) charging requirements in Kelowna Zoning Bylaw
  - ▶ Pursue stakeholder engagement on this issue



# Key Terms

“EV Ready”

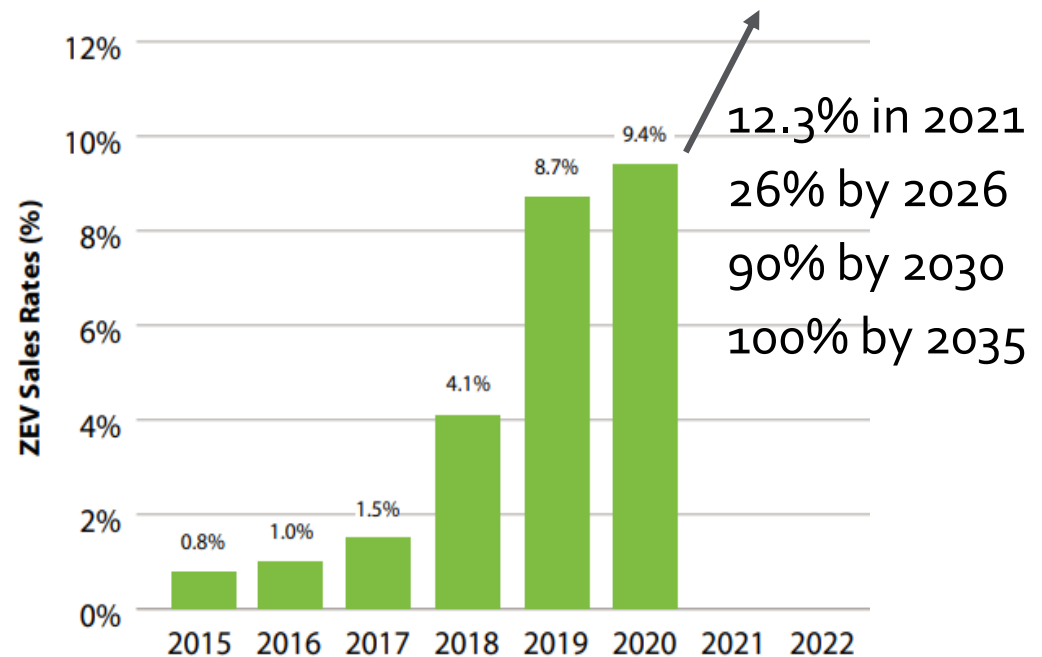




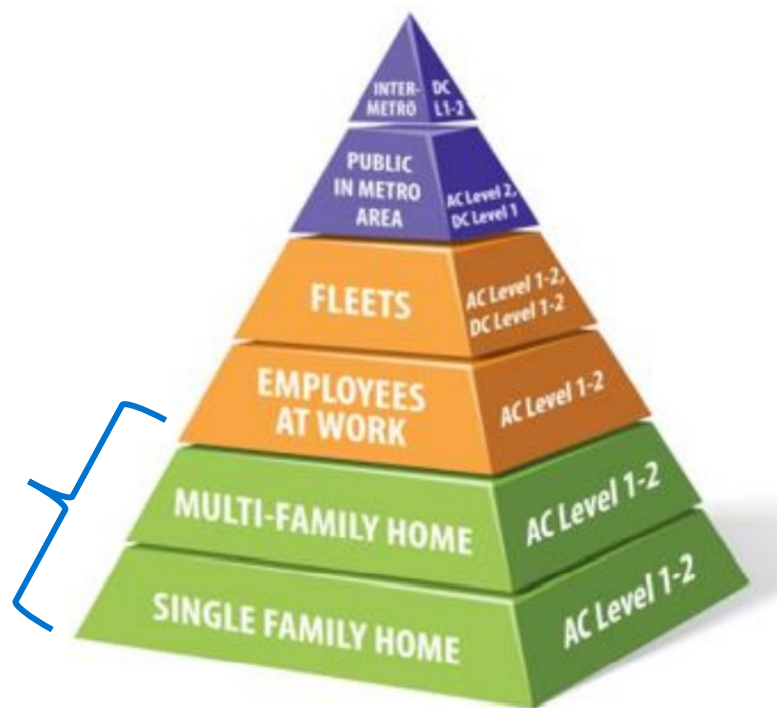
# BC Leading the EV Charge

- ▶ Rapidly increasing EV adoption rates in BC
- ▶ EV ownership in Kelowna nearly tripled between 2018 and 2020
- ▶ Strong federal and provincial EV sales mandates

**British Columbia Light-Duty Vehicle ZEV Sales Rates**

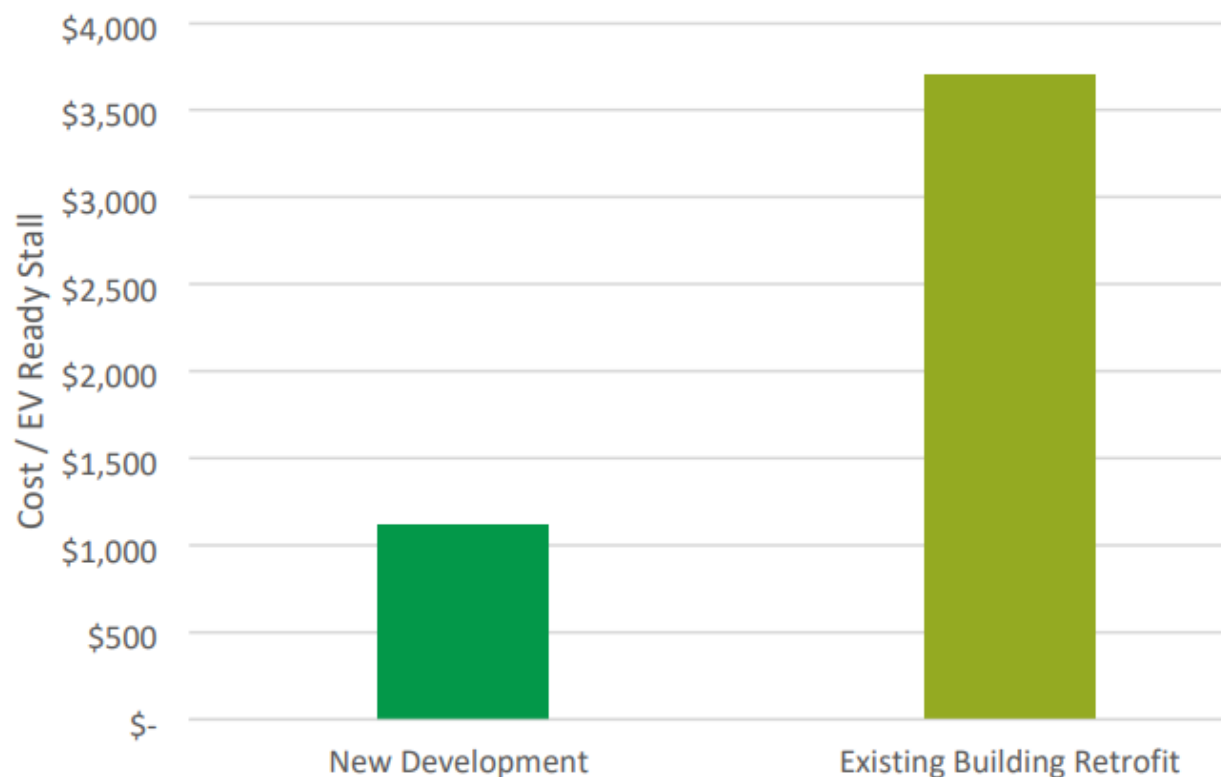


# Charging availability at home critical to enable transition to EVs



# Retrofitting multi-family buildings is costly and complicated

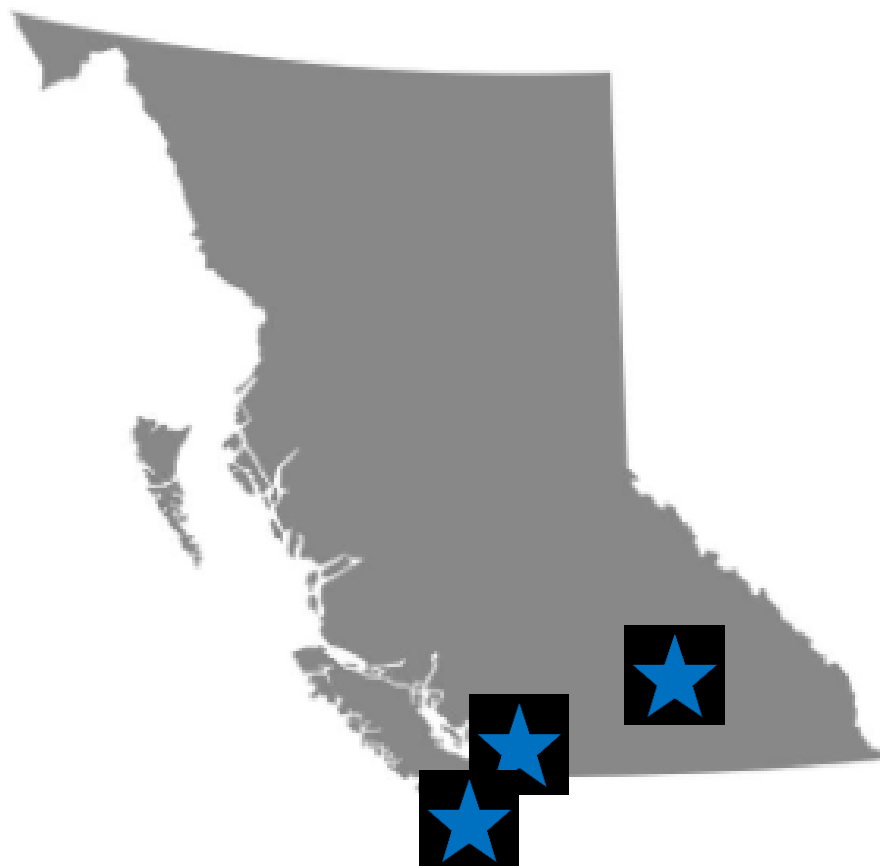
- ▶ Estimated cost at construction: \$930 to \$1,550 per EV-ready stall
- ▶ Cost of retrofit post-construction: three or more times the cost per stall and much more complex



Mid-rise building example (140 units)

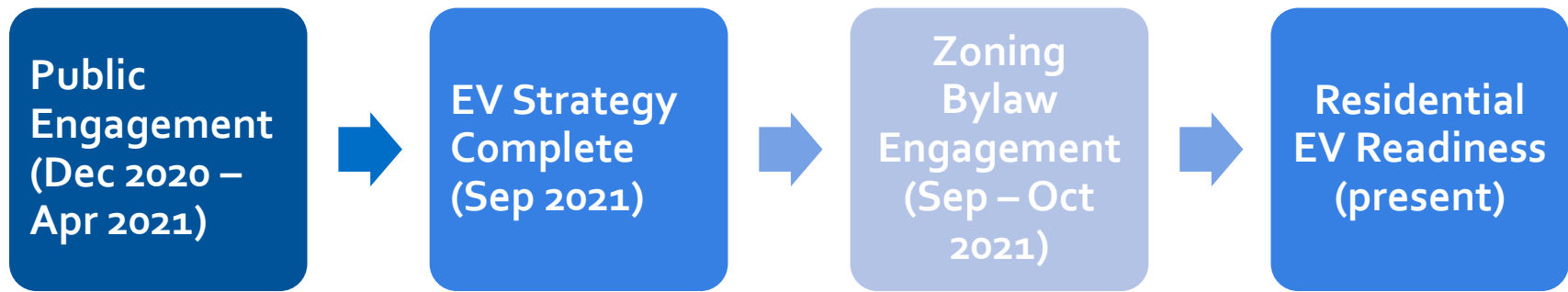


# Many Local Governments in BC Have Adopted EV Readiness



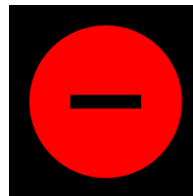
Example Municipality (date in effect)
Vancouver (2018)
Burnaby (2018)
Surrey (2019)
New Westminster (2019)
City of North Vancouver (2019)
District of North Vancouver (2021)
Coquitlam (2018)
Richmond (2017)
Port Moody (2019)
Squamish (2019)
Saanich (2020)
Nelson (2020)
Langley (2019)
West Vancouver (2018)
Victoria (2020)
Kamloops (expected 2022)

# Stakeholder Engagement



## Public Support:

- Predictable charging
- Future-proof new construction; avoids retrofit issues
- Increase EV purchase interest



## Development Industry Concerns:

- Current charging demand
- Increased construction and housing costs
- Electric supply and availability

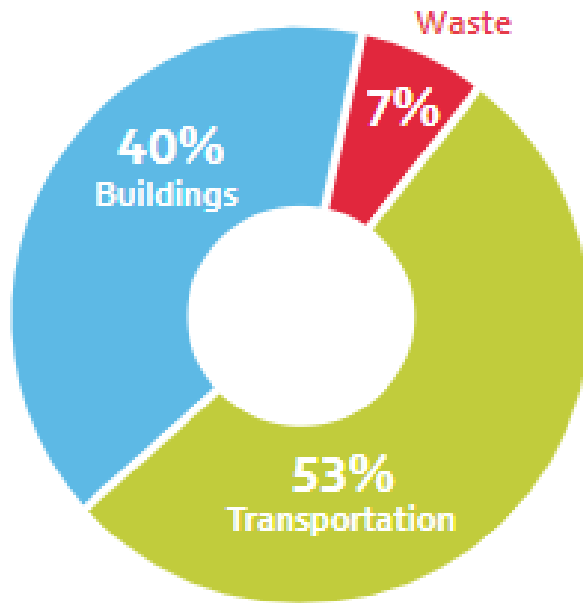
# Policy Evaluation

Policy Option	Minimize upfront costs	Minimize retrofit costs	Simple for strata	Equitable for residents	Provides future proofing
Percentage Approach (20%)	Green	Red	Red	Red	Red
Conduit-only Approach	Green	Red	Red	Red	Orange
EV ready, 1 per dwelling unit	Orange	Green	Green	Green	Green

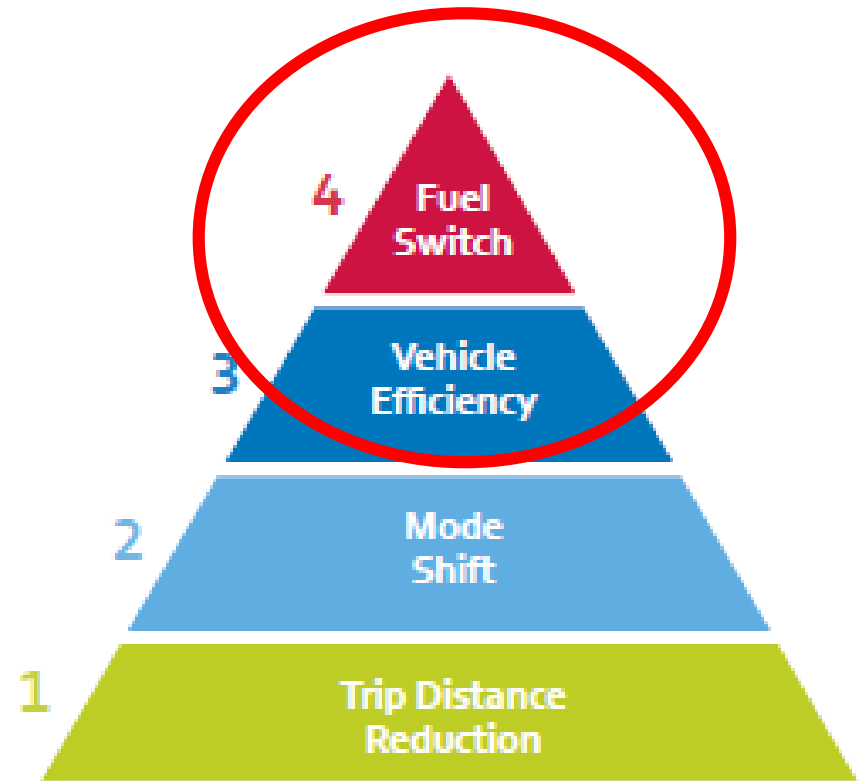
\* Green best meets the criterion; orange moderately meets the criterion; red does not meet the criterion.



# EVs Unlock Significant GHG Reductions



*Kelowna GHG Emissions Profile (2017)*



# Recommendation

- ▶ For all new residential developments, require minimum of 1 energized electric vehicle outlet per dwelling unit
- ▶ Investigate additional EV readiness requirements



“Future-proofing” newly constructed buildings, which can last 50 or more years



Absence of home charging will be a persistent barrier to increasing EV ownership



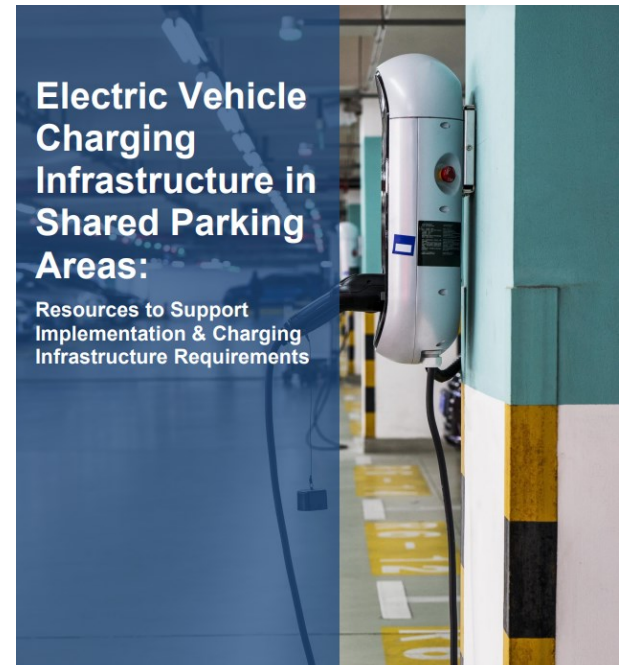
Core municipal tool to enable reaching GHG emissions reduction targets



Charging availability an asset that increases desirability of homes

# Next Steps

- ▶ Develop technical bulletin to accompany zoning bylaw update
- ▶ Develop EV charging infrastructure requirements for new institutional, commercial, industrial, and service station developments
- ▶ Continue implementation of EV Strategy actions



A publication of the City of Richmond with funding support from BC Hydro.





*Questions?*

# Report to Council



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Subject:** Kelowna International Airport 2022 Financial Plan Amendment

**Department:** Kelowna International Airport

---

## **Recommendation:**

THAT Council receives for information the report from Kelowna International Airport dated February 7, 2022, with respect to the amendment of Kelowna International Airport's 2022 Financial Plan;

AND THAT the 2022 Financial Plan be amended to include all costs and proceeds as outlined in the report from Kelowna International Airport dated February 7, 2022;

AND FURTHER THAT the Airport Director be authorized to execute all documents necessary to enter into agreements for the grants as outlined in the report from Kelowna International Airport dated February 7, 2022.

## **Purpose:**

To obtain Council approval to amend Kelowna International Airport's 2022 Financial Plan.

## **Background:**

In 2019, 2,032,019 passengers utilized Kelowna International Airport (the Airport). Due to the impact of the COVID-19 pandemic, 737,447 passengers utilized the Airport in 2020 and 829,804 passengers utilized the Airport in 2021.

As a result of the significant, negative impact that the COVID-19 pandemic has had on the aviation industry, the Federal government announced support through the Airport Critical Infrastructure Program (ACIP). The Airport submitted applications to the ACIP program in 2021.

## **Discussion:**

On January 26, 2022, the Federal government announced that five of the Airport's capital projects would receive funding from the ACIP program, as outlined below.

Description	Amount (\$)	Budget Previously Approved	Budget Amendment Requested
Combined Operations Building (COB)	\$16,300,000	\$0	\$16,300,000
Combined Operations Building Grant	(7,100,000)	0	(7,100,000)
Runway End Safety Area (RESA)	9,200,000	0	9,200,000
Runway End Safety Area Grant	(4,550,000)	0	(4,550,000)
Airport Biosecurity Infrastructure	5,450,000	0	5,450,000
Airport Biosecurity Infrastructure Grant	(2,725,000)	0	(2,725,000)
Terminal Building Roof Replacement	1,618,900	(1,618,900)	0
Terminal Building Roof Replacement Grant	(800,000)	0	(800,000)
Airfield Lighting and Supporting Infrastructure Design	240,000	(225,000)	15,000
Airfield Lighting and Supporting Infrastructure Design Grant	(120,000)	0	(120,000)
<b>TOTAL</b>	<b>\$17,513,900</b>	<b>\$1,843,900</b>	<b>\$15,670,000</b>

All of these projects were included in the City's 10-year Capital Plan presented to Council in 2021, except for the Airport Biosecurity Infrastructure. The ACIP grants will allow the Airport to move these five strategic projects forward for \$15,295,000 less than what they're forecasted to cost. The expenditures will be funded from the Airport Fund and there will be no impact to taxation.

#### **Conclusion:**

The Airport recommends Council approve amending Kelowna International Airport's 2022 Financial Plan as outlined in this report, so five strategic projects can be completed at significant cost savings.

#### **Internal Circulation:**

Communications  
Finance

#### **Considerations applicable to this report:**

##### ***Financial/Budgetary Considerations:***

If approved, Kelowna International Airport's 2022 Financial Plan would be amended to include \$15,295,000 in grants, and \$30,965,000 in capital expenditures. The expenditures will be funded from the Airport Fund and there will be no impact to taxation.

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

##### ***Legal/Statutory Authority:***

##### ***Legal/Statutory Procedural Requirements:***

##### ***Existing Policy:***

##### ***External Agency/Public Comments:***

##### ***Communications Comments:***



Submitted by:

S. Dyrdal, Senior Airport Finance and Corporate Services Manager

**Approved for inclusion:**

SS

cc:

S. Dyrdal, Senior Airport Finance and Corporate Services Manager

T. McQueenie, Airport Corporate Services Manager

J. Dueck, Controller

C. Brannagan, Communications Advisor

# YLW 2022 Financial Plan Amendment

February 7, 2022

# 2022 Financial Plan Amendment

Project	Project Cost (Millions)	ACIP Grant Amount (Millions)
Combined Operations Building	\$16.30	\$7.10
Runway End Safety Area	\$9.20	\$4.55
Airport Biosecurity Infrastructure	\$5.45	\$2.73
Terminal Building Roof Replacement	\$1.60	\$0.80
Airfield Lighting and Supporting Infrastructure Design	\$0.24	\$0.12



# 2022 Financial Plan Amendment

- ▶ Included in the 2022 Financial Plan
  - ▶ Airport Terminal Building Roof Replacement
    - ▶ \$1,618,900 carryover
  - ▶ Airfield Lighting and Supporting Infrastructure Design
    - ▶ \$225,000 approved as a part of the Airport Soaring Beyond 2.5 Million Passengers AIF Program

# 2022 Financial Plan Amendment

- ▶ Budget amendment being requested
  - ▶ Capital expenditures – \$30.965M
    - ▶ COB – \$16.3M
    - ▶ RESA – \$9.2M
    - ▶ Airport Biosecurity – \$5.45M
    - ▶ Airfield Lighting and Supporting Infrastructure Design – \$0.015M
  - ▶ Grants – \$15.3M
    - ▶ COB – \$7.1M
    - ▶ RESA – \$4.55M
    - ▶ Airport Biosecurity – \$2.73M
    - ▶ Roof Replacement – \$0.8M
    - ▶ Airfield Lighting and Supporting Infrastructure Design – \$0.12M



# Combined Operations Building





# Combined Operations Building (\$16.3M)

- ▶ Grant of \$7.1M
- ▶ Purpose of the COB
  - ▶ House all Airport Operations Specialist/Firefighters, Airport Mechanics, and Management
  - ▶ House all equipment used to provide emergency and maintenance services at YLW.



# Combined Operations Building (\$16.3M)

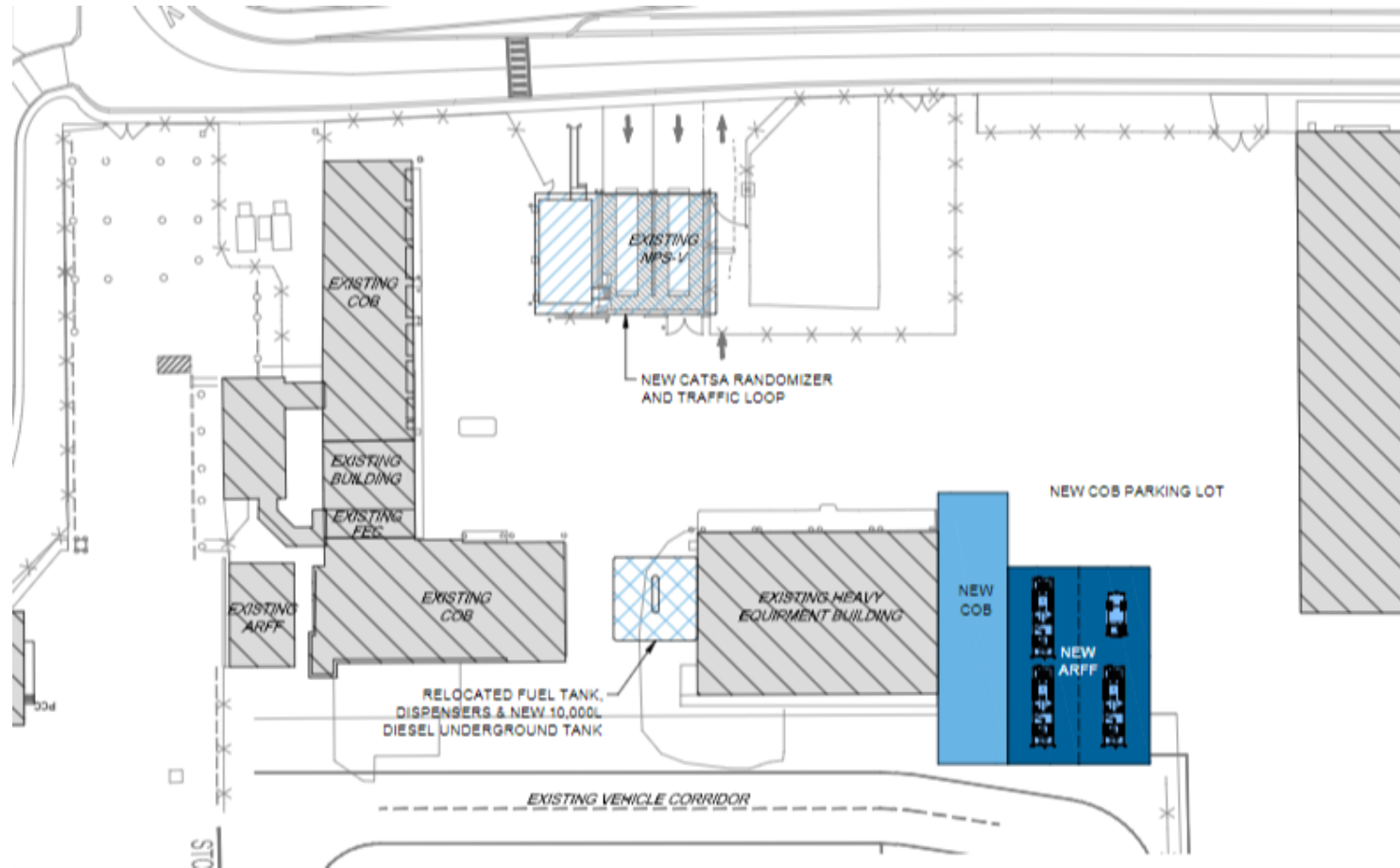
- ▶ Current building
  - ▶ Nearing the end of its useful life
  - ▶ Some sections built in 1960
  - ▶ Other sections have been renovated multiple times
- ▶ Scope of the project
  - ▶ Design, renovate and build the COB
    - ▶ Encompass current building
    - ▶ Incorporate adjacent cargo facility

# Combined Operations Building (\$16.3M)

- ▶ Purpose of the project
  - ▶ Provide infrastructure required for projected resources and fleet plan to 2045
  - ▶ Optimize efficiencies for Aircraft Rescue Fire Fighting (ARFF) and operational responses
    - ▶ More direct access to runway for ARFF vehicles
    - ▶ Maximize visibility to airside surfaces
    - ▶ Addition of an alternate Emergency Coordination Centre
  - ▶ Relocate the facility that houses non-passenger screening for vehicles (NPS-V)
    - ▶ Improve efficient flow of vehicle traffic
    - ▶ Improve operational use of the COB



# Combined Operations Building (\$16.3M)



# Runway End Safety Area

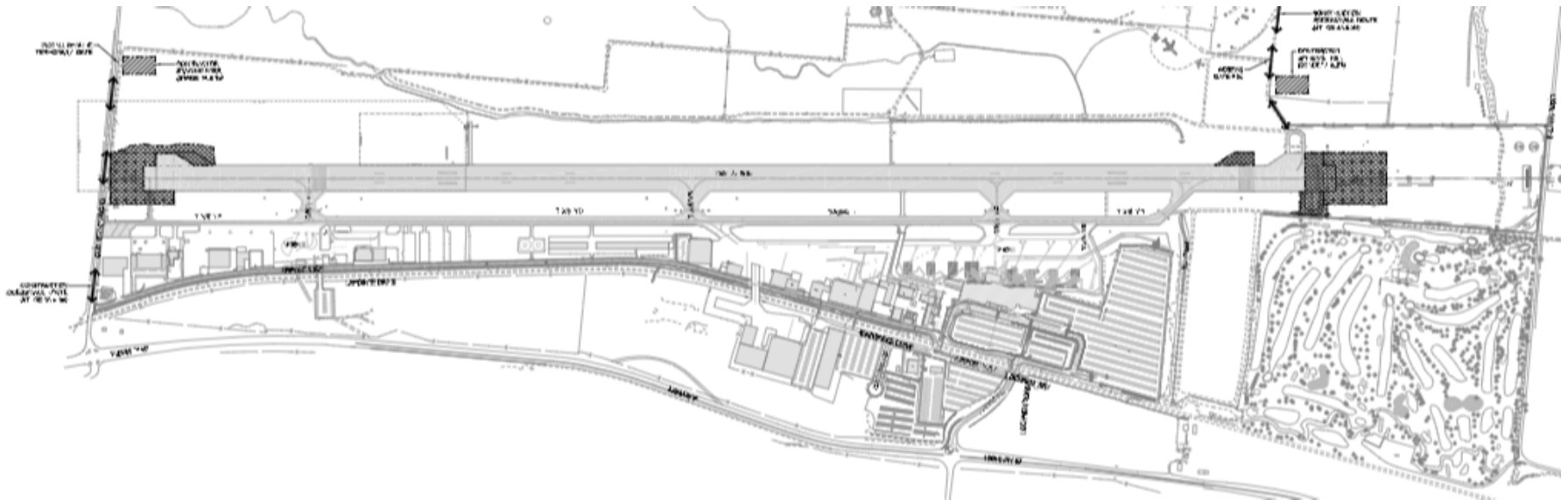


# Runway End Safety Area (\$9.2M)

- ▶ Grant of \$4.55M
- ▶ Regulatory requirement
  - ▶ Further improve safety for planes during take-off and landing
  - ▶ Construction to be complete by January 5, 2025
  - ▶ Will add a runway end safety area of 150 m at the north and south ends of the runway
- ▶ Conceptual design is complete
- ▶ Budget amendment is for design development and construction



# Runway End Safety Area (\$9.2M)





# Airport Biosecurity



# Airport Biosecurity (\$5.45M)

- ▶ Grant of \$2.73M
- ▶ Scope of the project
  - ▶ Infrastructure changes including:
    - ▶ Portable facilities
    - ▶ Flow management
    - ▶ Technology
    - ▶ Baggage relocation
    - ▶ Change to arrivals baggage carousel



# Airport Biosecurity (\$5.45M)

- ▶ Purpose of the project
  - ▶ Allow for establishment of testing and screening facilities
    - ▶ Provide testing on arrival for international passengers
    - ▶ Decreases congestion during peaks
  - ▶ Enhance safety and more efficient flow of passengers
  - ▶ Enable timely, accurate information sharing with passengers and employees
    - ▶ Notifications, testing, screening, and processing of health credentials
  - ▶ Enhanced efficiency for emergency and operational responses to the airport community and passengers

# Airfield Lighting and Supporting Infrastructure Design



# Airfield Lighting and Supporting Infrastructure Design (\$0.24M)

- ▶ Grant of \$0.12M
- ▶ Scope of the project
  - ▶ Complete the design for airfield lighting and supporting infrastructure upgrades
- ▶ Purpose of the project
  - ▶ Further improve airfield safety
- ▶ Current budget approved – \$225k
- ▶ Budget amendment requested – \$15k





*Questions?*

For more information, visit [ylv.kelowna.ca](http://ylv.kelowna.ca).

# Report to Council



**Date:** February 7, 2022  
**To:** Council  
**From:** City Manager  
**Subject:** Management and Operations of Municipal Boating Facilities  
**Department:** Real Estate

---

## **Recommendation:**

THAT Council receives, for information, the report from the Real Estate department dated February 7, 2022, with respect to the Management and Operations of Municipal Boating Facilities.

## **Purpose:**

To update Council on the Management and Operations of Municipal Boating Facilities.

## **Background:**

Okanagan Lake was noted as a very important asset throughout the Imagine Kelowna process and needing to improve public access to the lakefront was one of two priorities noted amongst residents. Preserving the Lake as a shared resource is essential, and residents shared the importance of balancing recreational quality of life opportunities with environmental protection, water quality, and public ownership of the waterfront.

For Staff, the management and operations of the City's three municipal boat launches represent a tangible and practical opportunity to ensure fair and equitable Lake access for residents, visitors, and businesses alike.

The City's three main boat launches are Cook Road, Water Street, and Sutherland Bay. A brief description of each is provided below.

### Cook Road

The Cook Road boat launch is located just north of Mission Creek and adjacent to the Hotel Eldorado. This double launch is primarily used for small recreational boats and has two floating docks. While there are four launching lanes, only three have access to a dock. The boat launch is in a shallow area with a significant pulse of sediment movement from Mission Creek causing accretion and depth issues at the ramp. This currently requires annual dredging, and a long-term solution is being pursued in partnership

with the neighboring development. The parking lot associated with this boat launch has been recently redesigned with formal tie-down and tie-up areas increasing efficiencies of the launch.

### Water Street

The Water Street boat launch is located downtown, adjacent to the Kelowna Yacht Club. It is a double launch and is well utilized by commercial and private vessels. It has three wooden floating docks which allow boats to tie up in any of the four lanes. The launch is in need of significant investment to maintain and improve its functionality for the long term. This is the only location in Kelowna able to accommodate larger boats.

### Sutherland Bay

The Sutherland Bay boat launch is in the north end at the base of Knox Mountain. The launch is undeveloped with only a concrete ramp leading into the water, and there is no dock. The boat launch is shallow and mainly used by locals or people with small watercraft, such as jet skis.

### Launch Activity

In summer 2021, Urban Systems was engaged to analyze the activity of the three boat launches. Their analysis is summarized below.

#### *Estimated Monthly Demand*

Boat launch activity is seasonal and weather dependent. A typical season for boat launches is from the beginning of April to the end of September, with the highest usage in July and August. Figure 1 shows the demand for boat trailer parking at the Cook Road launch, which is a good indicator of launch usage, between 2019 and 2021.

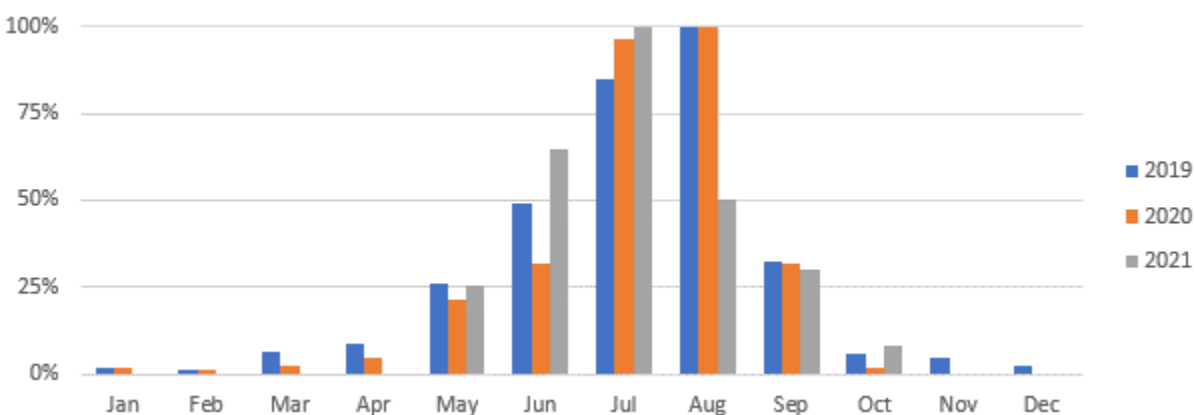


Figure 1: Demand for parking of boat trailers at Cook Rd (2019-2021.)

#### *Peak Hours*

There is no clear peak hour for launch use, as shown below in Figure 2. Boats are typically launched in the morning and afternoon and retrieved in the evening.



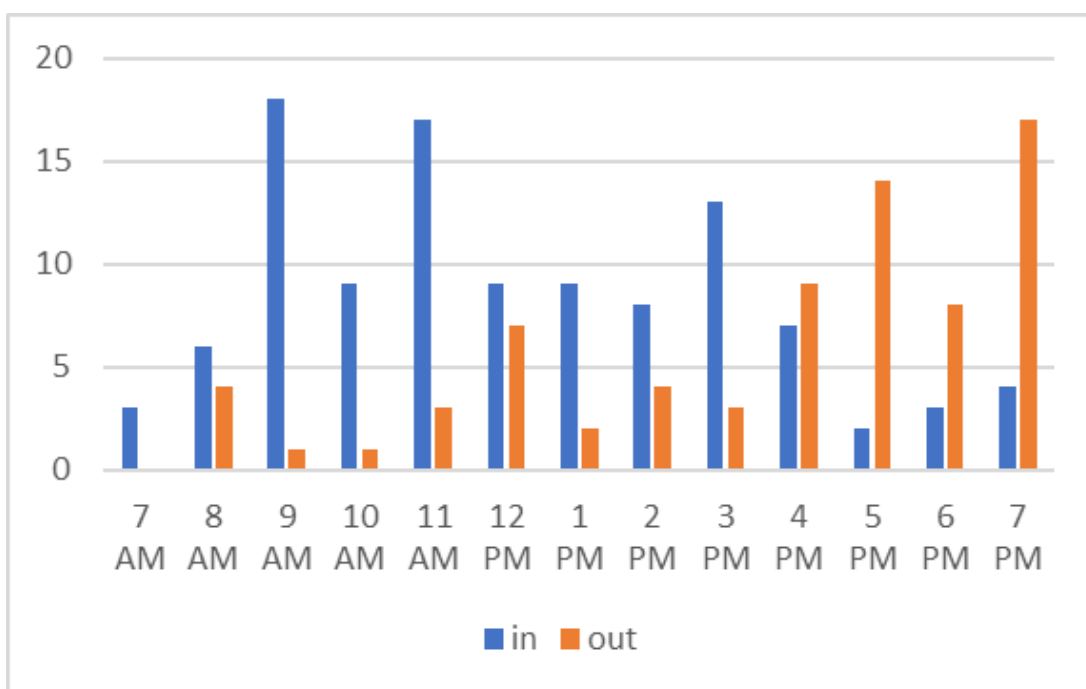


Figure 2: Typical weekend launch use by the hour (Water Street, July 10th, 2021.)

### Estimated Annual Demand

Extrapolating data from onsite observations and parking data, Urban Systems estimated the annual demand for each boat launch (Figure 3). A launch and later retrieval of the boat is noted as two separate instances of using a launch. Demand is highly variable and impacted by weather and local fires. Further, the observed demand in 2021 may be underestimated due to the impacts of the COVID-19 Public Health Orders and local wildfires.

	Cook Road	Water Street	Sutherland Bay
<b>Annual Demand</b>	15,000 – 20,000	10,000 – 15,000	2,000 – 4,000
<b># of Launches Observed at Peak Hour</b>	25	23	10

Figure 3: Estimated annual demand for City boat launches

### Annual Maintenance Expense

The boat launches require significant annual maintenance to ensure they remain functional. Figure 4 shows a summary of the expenses from the past five years, including the dredging of the Cook Road launch.

City Boat Launches – Annual Expenses				
2017	2018	2019	2020	2021
\$133,680	\$99,655	\$234,918	\$196,840	\$181,498

Figure 4: Boat launch annual expense, all 3 boat launches

### Capital Improvements

Staff have determined the floating docks at Cook Road are at their end of life, Water Street docks are past their end of life, and both locations need the wooden docks to be rebuilt. Additionally, in a report dated November 9, 2021, a hydrologic engineer recommended improvements to both concrete ramps to minimize future scouring. As of this report, there has been no assessment of Sutherland Bay. Figure 5 summarizes the estimated pending capital expenses.

Location	Description	Estm. Budget Amount	Sub-total
Water Street	Wooden Floating Docks	\$350,000	
	Ramp Improvements	\$300,000	\$650,000
Cook Rd	Wooden Floating Docks	\$250,000	
	Ramp Improvements	\$250,000	\$500,000
<b>Total Estimated Capital Budget</b>			<b>\$1,150,000</b>

Figure 5: Estimated pending capital expenses

### Discussion:

Public boat launch amenities are used only by specific user types relating to a specific activity. Business use of these public amenities is an additional consideration in determining appropriate capital investment, maintenance and funding models. In addition to companies who sell and maintain boats, there has been a recent increase in businesses that offer valet, dryland boat rental, and boat club services. These companies have monetized the launch use through their businesses.

It is estimated that there are two valet companies, ten dryland boat rental businesses, and three dryland boat clubs utilizing municipal boat launches. It is further estimated these commercial users account for approximately 25% of the total boat launch usage.

Commercial usage of the City's boat launch facilities has resulted in a number of complaints, primarily centered around vehicles and boat trailers left unattended in the boat launch, refueling inappropriately, inexperienced boat drivers and companies using the area to conduct businesses, thereby restricting others' access to the launch. These greatly decrease the efficiency and safety of the boat launches.

Similar to parking, boat launch amenities are used not only by residents, but by visitors, and more so by specific user groups which aligns with management strategies that would indicate a cost-recovery model that doesn't rely on general taxation. Further, business use of public amenities elsewhere, as in parks, requires permits and fees.

In July 2021, the Parks and Public Spaces Bylaw (10680) was amended to address these issues; however, further measures are required to curtail the ongoing pressures anticipated in the 2022 summer season.

### Next Steps

#### Phase I

Staff anticipate returning to Council within the next month to seek Council support for a program that will apply to commercial operators using the municipal launches. This program would be in effect in time for the 2022 boating season.

## Phase II

Urban Systems is currently conducting a holistic and comprehensive operational review and assessment of municipal boating facilities, including stakeholder and public engagement. The result of this review will include a report which will:

- deliver a 15-year plan to guide decision-making about improvements to existing facilities;
- plan for the expansion of facilities’
- analyze daily operations and monetization opportunities;
- suggest overall cost recovery; and,
- prioritize capital improvements in the long-term.

The results of this report will be presented to Council later this year. Staff anticipate that any action items associated with this report would be implemented in time for the 2023 boating season.

### **Existing Policy**

Council’s 2019-2022 priorities identified measures supporting staff’s recommendations, specifically relevant to this report:

- Non-taxation revenue is increasing,
- Infrastructure deficit is reduced, and
- Key sites are proactivity planned.

### **Internal Circulation:**

Communications  
Parking Services  
Bylaw Services  
Building Services  
Parks and Building Planning

### **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:** J. Adamson, Manager, Property Management

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

**Attachments:** 1. Schedule A - PowerPoint





# Management and Operations of Municipal Boating Facilities

February 7, 2022







# Cook Road Launch





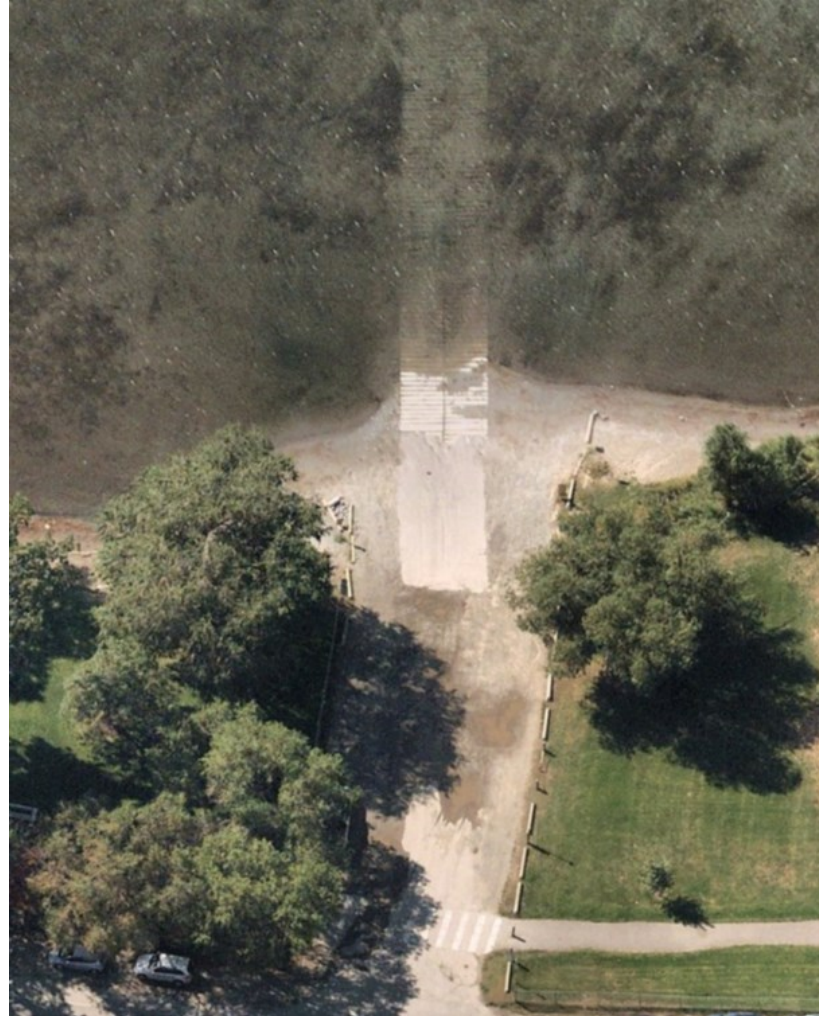
# Cook Road Launch



# Water Street Launch

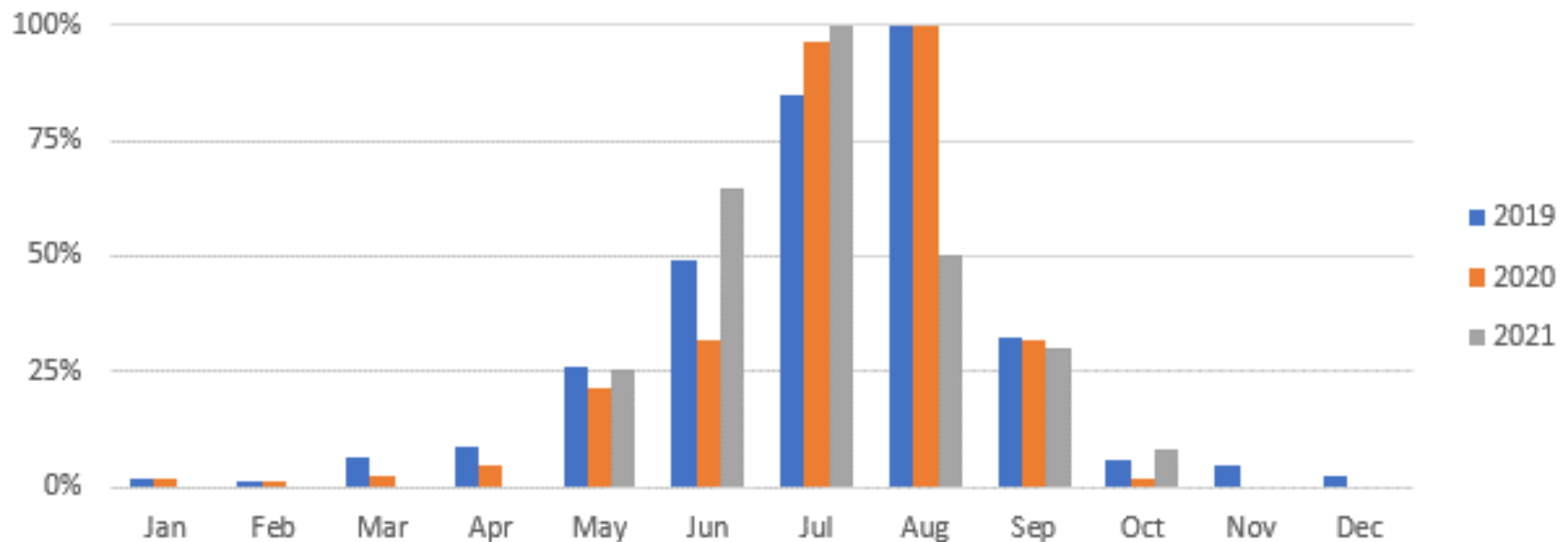


# Sutherland Bay Launch



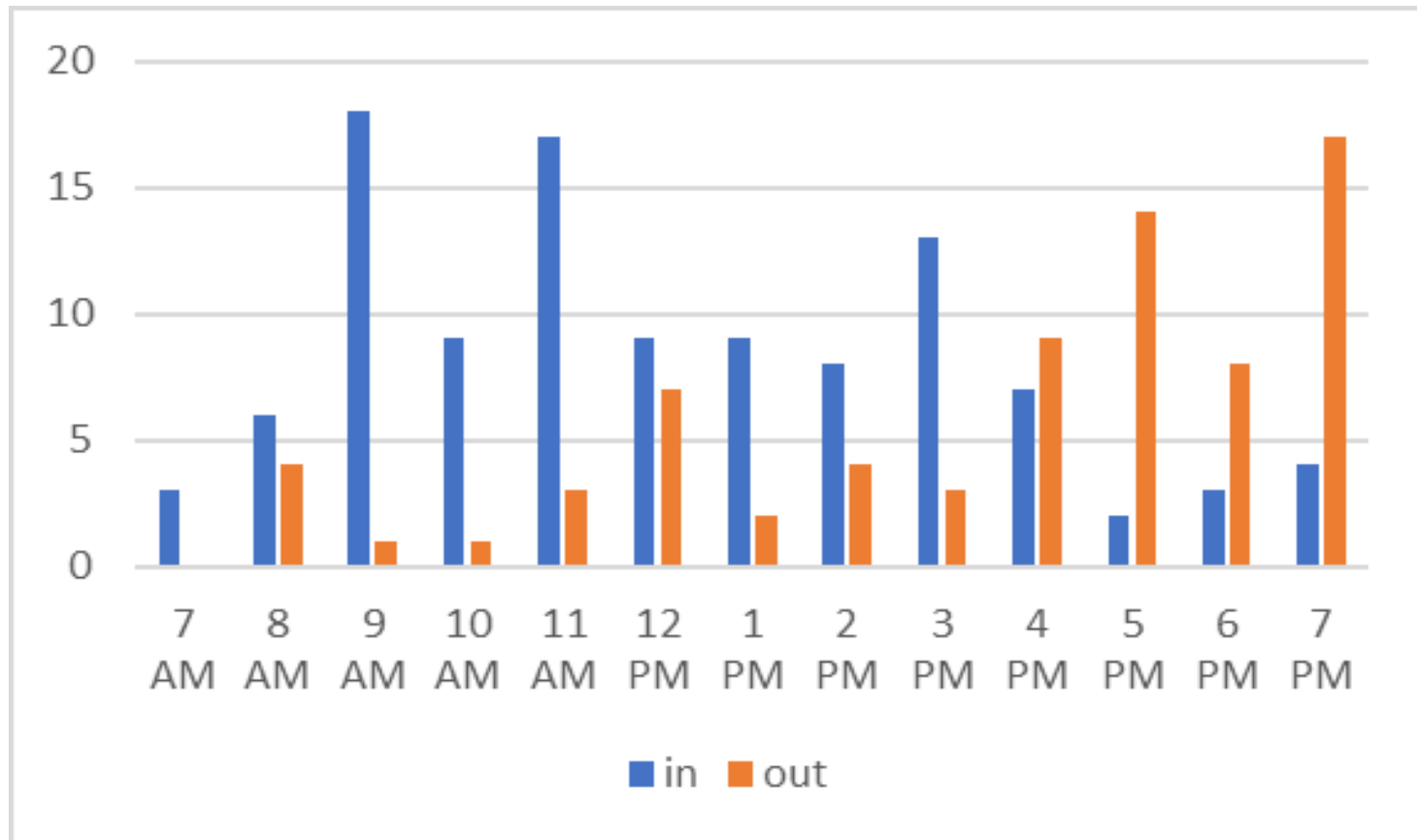


# Estimated Monthly Demand



Demand for parking of boat trailers at Cook Rd (2019-2021.)

# Peak Hours



Typical weekend launch use by hour (Water Street, July 10th 2021.)

# Estimated Annual Demand

	Cook Road	Water Street	Sutherland Bay
Annual Demand	15,000 – 20,000	10,000 – 15,000	2,000 – 4,000
# of Launches Observed at Peak Hour	25	23	10



# Annual Maintenance Expense

Year	Expenses
2017	\$133,680
2018	\$99,655
2019	\$234,918
2020	\$196,840
2021	\$181,498



# Capital Improvements

Location	Description	Estm. Budget Amount	Sub-total
<b>Water Street</b>	Wooden Floating Docks	\$350,000	
	Ramp Improvements	\$300,000	\$650,000
<b>Cook Rd</b>	Wooden Floating Docks	\$250,000	
	Ramp Improvements	\$250,000	\$500,000
<b>Total Estimated Capital Budget</b>			<b>\$1,150,000</b>



## MEET US AT THE DOCK

Just show up to the dock, we'll have your boat in the water fully ready to go



**NO BOATING LICENCE REQUIRED**



Starting at

**\$299**

for ½ day

9am – 1pm  
Rental Only

Will drop off and pick up anywhere in the Central Okanagan!



Types of Companies	Estimated #
Valet	2
Dryland Boat Rental	10
Dryland Boat Club	3

Estimated 25% of launch usage

# Business Use of Public Amenities

- ▶ Public Boat Launch only used by specific users
- ▶ Use aligns with a cost recovery model
- ▶ Business use of public amenities, as in parks, requires permits and fees



# Next Steps

February  
/ March

Staff to present  
program for  
commercial operators

Early  
Summer

Consultant's  
operational review  
and assessment of  
municipal launches to  
be presented to  
Council





Principle 3 Capitalize on Opportunities *"The City has the resources and flexibility to lead innovative solutions, capitalize on opportunities and respond with agility to emerging issues."*

City of Kelowna Land Strategy 2018



## *Questions?*

For more information, visit [kelowna.ca](http://kelowna.ca).

# Report to Council



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Subject:** City of Kelowna – Road Closure adjacent to Hwy 97

**Department:** Real Estate

---

## **Recommendation:**

THAT Council receives, for information, the report from the Real Estate department dated February 7, 2022, recommending that Council adopt the proposed closure of a portion of road south of Lot 1 Plan KAP84828;

AND THAT Bylaw No. 12299, being a proposed road closure of a portion of road south of Lot 1 Plan KAP84828, be given reading consideration.

## **Purpose:**

To close a 263.5 square metre portion of road for consolidation with the adjacent City owned properties.

## **Background:**

As part of the Ministry of Transportation and Infrastructure's (MOTI) agreement with the City of Kelowna, MOTI is returning excess roadway not required as part of the recently completed Highway 97 improvements. In order to facilitate this land return, Real Estate Services is proposing a road closure (shown as Part Road Plan KAP83915) to allow for consolidation of Closed Road Plan EPP114047 and Rem Part 1 Plan KAP 83915. This will allow for one contiguous city-owned parcel on the west side of Highway 97 N between McCurdy Rd and 2720 Hwy 97 N.

## ***Legal/Statutory Authority:***

Section 26 and 40, Community Charter

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

Internal Circulation:

Legal/Statutory Procedural Requirements:

Existing Policy:



Financial/Budgetary Considerations:  
External Agency/Public Comments:  
Communications Comments:

**Submitted by:** B. Walker, Manager, Real Estate Services

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

Attachment: 1. Schedule A – Survey Plan(s)

cc: N. Chapman , Manager, Development Engineering  
T. Barton, Department Manager, Development Planning  
G. Foy, Manager, Transportation Engineering

Your electronic signature is a representation that you are a British Columbia land surveyor and a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250. By electronically signing this document, you are also electronically signing the attached plan under section 168.3 of the act.

1. BC LAND SURVEYOR: (Name, address, phone number)

Surveyor General Certification [For Surveyor General Use Only]

2. PLAN IDENTIFICATION:	Control Number:
Plan Number:	
This original plan number assignment was done under Commission #:	LTO Document Reference:

3. CERTIFICATION:	Form 9	Explanatory Plan	Form 9A
-------------------	--------	------------------	---------

The field survey was completed on: (YYYY/Month/DD) The checklist was filed under ECR#:

The plan was completed and checked on: (YYYY/Month/DD)

I am a British Columbia land surveyor and certify that

this plan was completed and checked on: (YYYY/Month/DD)

that the checklist was filed under ECR#:

and that the plan is correct in accordance with Land Title Office records.

I am a British Columbia land surveyor and certify that the buildings included in this strata plan have not been previously occupied as of (YYYY/Month/DD)	None	Strata Form S
---	------	---------------

None	Strata Form U1	Strata Form U1/U2
------	----------------	-------------------

I am a British Columbia land surveyor and certify that the buildings shown on this strata plan are within the external boundaries of the land that is the subject of the strata plan

Certification Date: (YYYY/Month/DD)

I am a British Columbia land surveyor and certify:

1. That the buildings shown on this strata plan are within the external boundaries of the land that is the subject of the strata plan subject to clause 2 of this endorsement
2. That certain parts of the buildings are not within the external boundaries but appropriate and necessary easements of other interests are registered as set out in section 244 (1)(f) of the Strata Property Act.

Registered Charge Number(s):

Certification Date: (YYYY/Month/DD)

Arterial Highway	I am a British Columbia land surveyor and certify that I am authorized by the Minister of Transportation and Infrastructure under section 44.1 of the Transportation Act to show certain lands identified on this plan dedicated as Arterial Highway.
------------------	---

Remainder Parcel (Airspace)	I am a British Columbia Land Surveyor and certify that no portion of the parcels or dedications created on this plan overlap vertically, that is, lie above or below any portion of the Air Space parcels on Air Space Plan
-----------------------------	---

4. ALTERATION: LTO Document Reference:

This is an alteration to a previous version of this plan identified by control number:

DESCRIPTION OF ALTERATION: SEE SCHEDULE

## PLAN EPP114048

0 20 60 100

The intended plot size of this plan is 560mm in width by 864mm in height (D-size) when plotted at a scale of 1:1000 METRIC.

- Denotes Control Monument Found
- Denotes Standard Iron Post Found
- Denotes Standard Lead Plug Found
- Denotes Standard Iron Post Set
- ▲ Denotes Control Spike

Distances shown are horizontal, ground-level distances, in metres and decimals thereof.

Integrated Survey Area No. 4, City of Kelowna,  
NAD83(CSRS) 4.0.0.BC.1.

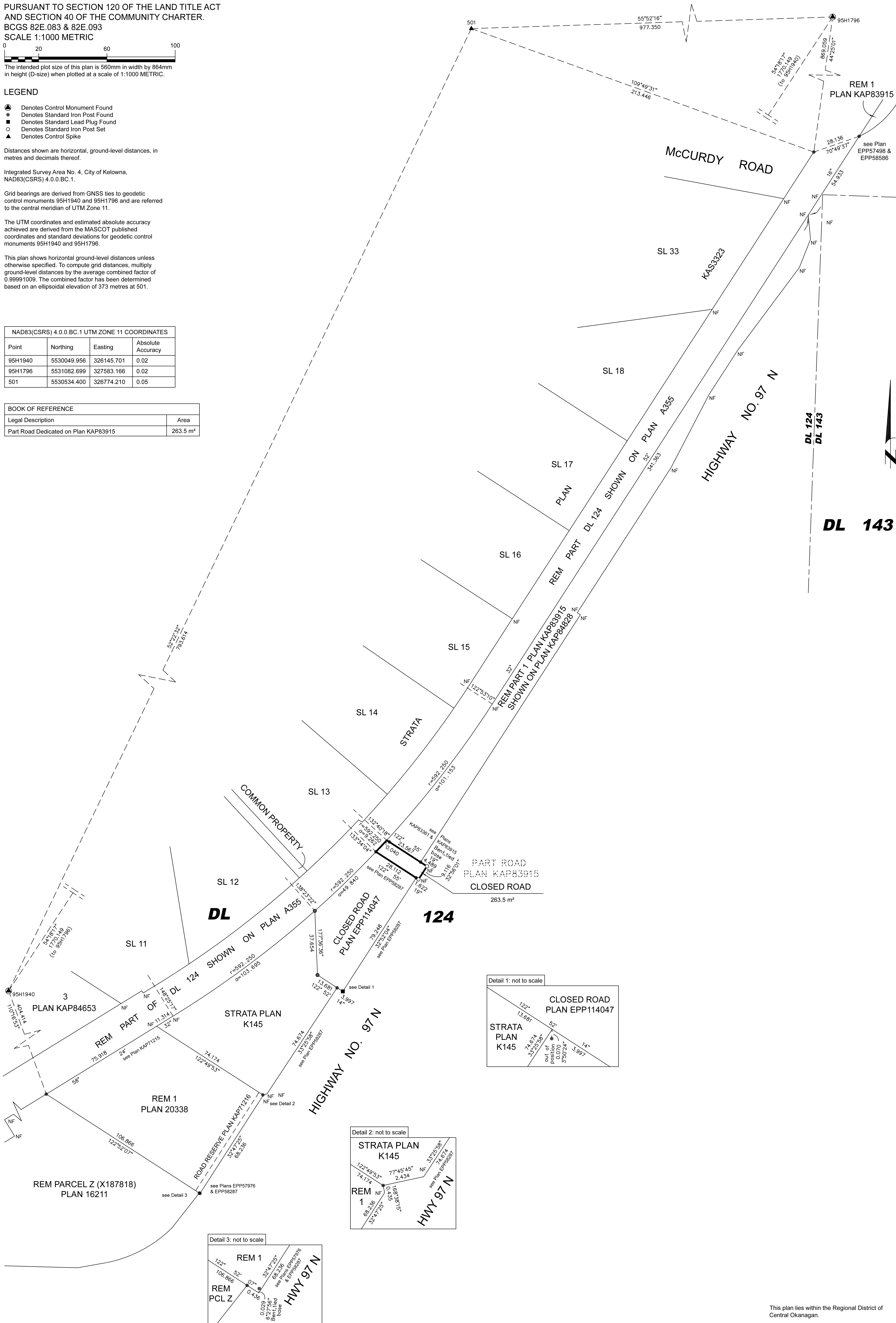
Grid bearings are derived from GNSS ties to geodetic control monuments 95H1940 and 95H1796 and are referred to the central meridian of UTM Zone 11.

The UTM coordinates and estimated absolute accuracy achieved are derived from the MASCOT published coordinates and standard deviations for geodetic control monuments 95H1940 and 95H1796.

This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.99991009. The combined factor has been determined based on an ellipsoidal elevation of 373 metres at 501.

NAD83(CSRS) 4.0.0.BC.1 UTM ZONE 11 COORDINATES			
Point	Northing	Easting	Absolute Accuracy
95H1940	5530049.956	326145.701	0.02
95H1796	5531082.699	327583.166	0.02
501	5530534.400	326774.210	0.05

BOOK OF REFERENCE	
Legal Description	Area
Part Road Dedicated on Plan KAP83915	263.5 m <sup>2</sup>



This plan lies within the Regional District of Central Okanagan.

The field survey represented by this plan was completed on the 27th day of October, 2021.

Rory O'Connell, BCLS #876



# CITY OF KELOWNA

## BYLAW NO. 12299

### **Road Closure and Removal of Highway Dedication Bylaw** **(Portion of Road Adjacent to Highway 97)**

**A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway Adjacent to Highway 97**

---

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

1. That portion of highway attached as Schedule "A" comprising 263.5 m<sup>2</sup> shown in bold black as Road to be Closed on the Reference Plan prepared by Roxy O'Connell, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

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

Approved Pursuant to Section 41(3) of the Community Charter this

---

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

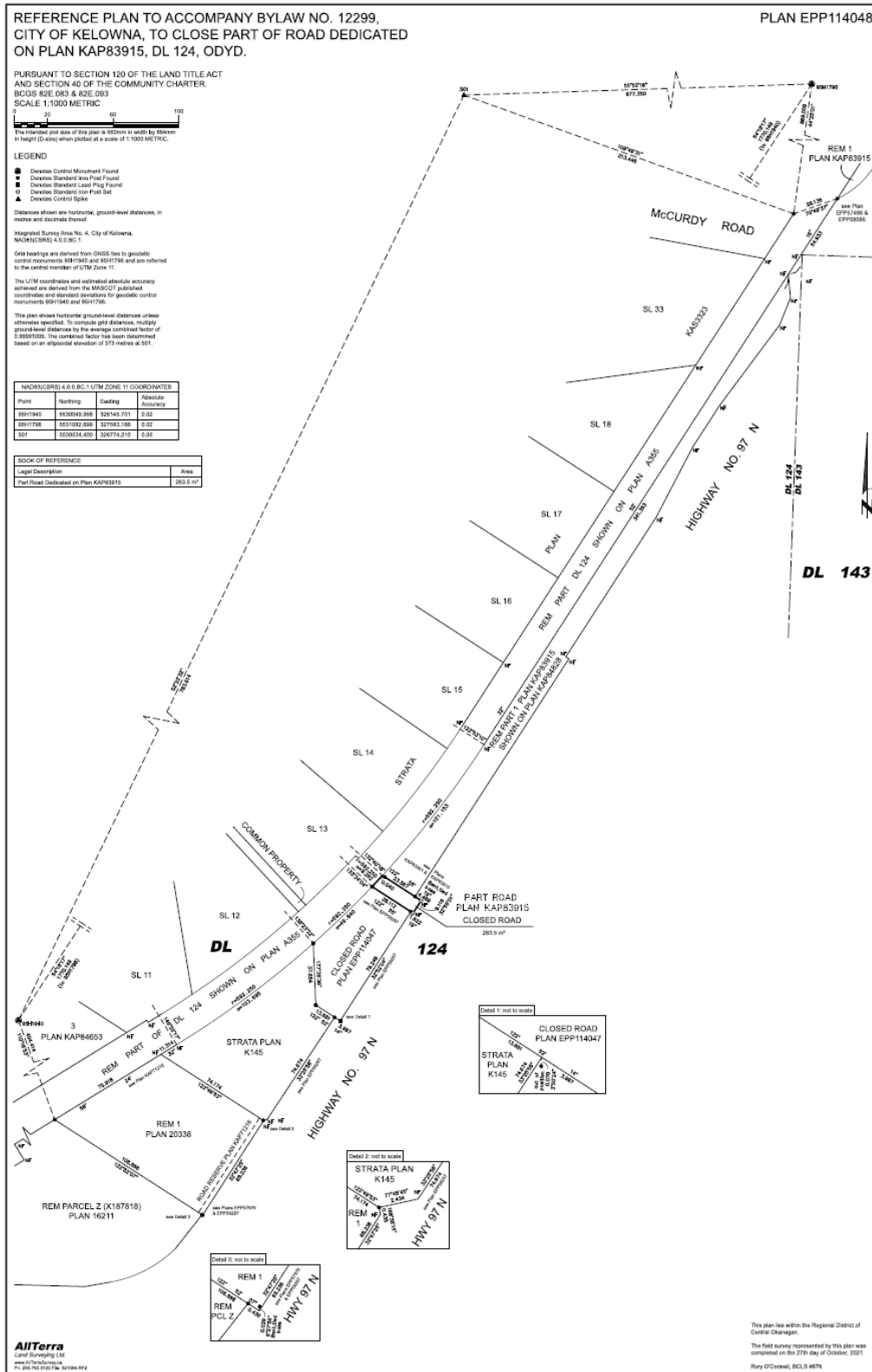
---

Mayor

---

City Clerk

## Schedule "A"



# CITY OF KELOWNA

## BYLAW NO. 12305

### Amendment No. 38 to Sewerage System User Bylaw No. 3480

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Sewerage System User Bylaw No. 3480 be amended as follows:

1. THAT Section 2 DEFINITIONS be amended by:

- a) Deleting all references to “the words” and “the word”;
- b) Adding the following definitions in their appropriate location:

“Septic Removal Specified Area” shall mean those lots identified in Schedule 1 of this bylaw, including lots that have been pre-serviced to reduce the number of private septic systems within the City.

“Septic Removal Specified Area User” shall mean any new user with a connection to the public sewer system in a Septic Removal Specified Area after coming into force of this bylaw, or any existing connection where the use made of the connection is substantially altered by reason of re-development on or after the coming into force of this bylaw.”

2. AND THAT the table in Section 3.(1)(b)(ii) be reformatted to the following:

Water Service Size (in inches) (Exclusive of fire protection use)	Proportionate Area
5/8	1
3/4	1.5
1	2.5
1.5	6
2	10
3	24
4	40

3. AND THAT Section 3.(1)(c) that reads:

“Where a user of the sewerage system does not obtain water from the City of Kelowna Water Works System, then the fee to be paid shall be calculated in accordance with the foregoing as though the water was obtained from the City of Kelowna System.”

be relocated to a new Section 3.(1)(b)(iii);

4. AND THAT the following be added as Section 3.(1)(c):



Septic Removal  
Specified Area User

For those Septic Removal Specified Area Users identified in Schedule 1, the fees outlined in the following table shall apply at the time of connection based on service type:

Service Type	Sewer Development Charge
100-mm residential	\$7,500
150-mm multi-family and/or commercial	\$10,000
Industrial OR larger than 150 mm	\$16,000

5. AND THAT Section 3.(2) be amended by deleting the following that reads:

"PROVIDED always that where an applicant for a sewerage connection has re-developed a site by demolition of existing buildings on the site he shall be allowed a credit of the Sewer Development Charge which would have been paid for the buildings demolished had they been newly connected. In no case shall the allowable credit exceed the Sewer Development Charge to be paid."

And replacing it with the following:

"PROVIDED always that where an applicant for a sewerage connection has re-developed a site by demolition of existing buildings on the site he shall be allowed a credit of the Sewer Development Charge which would have been paid for the buildings demolished had they been newly connected. In no case shall the allowable credit exceed the Sewer Development Charge to be paid. This credit shall not be applied to lots identified in Schedule 1, attached to and forming part of this bylaw, as being within the Septic Removal Specified Area.";

6. AND THAT Section 3.(3) be added as follows:

"Should a lot within the Septic Removal Specified Area be subdivided, consolidated or developed, the Sewer Development Charge shall be based on the existing services prior to development as per Section 3 (1)(c). Any additional costs for replacing, decommissioning, or upgrading existing services shall be borne by the developer.";

7. AND THAT Section 3.(4) be added as follows:

"Should a lot be identified in both the Sewer Connection Charge bylaw and this bylaw, the sewer charges outlined in this bylaw shall supersede.";

8. AND FURTHER THAT "SCHEDULE 1 – SEPTIC REMOVAL SPECIFIED AREA (Sheets 1 - 9)" attached to and forming part of this bylaw, be added.

9. This bylaw may be cited for all purposes as "Bylaw No.12305, being Amendment No. 38 to Sewerage System User to Bylaw No. 3480."

10. This bylaw shall come into full force and effect as of the date of adoption.

Read a first, second and third time by the Municipal Council this 24<sup>th</sup> day of January, 2022.

Adopted by the Municipal Council of the City of Kelowna this

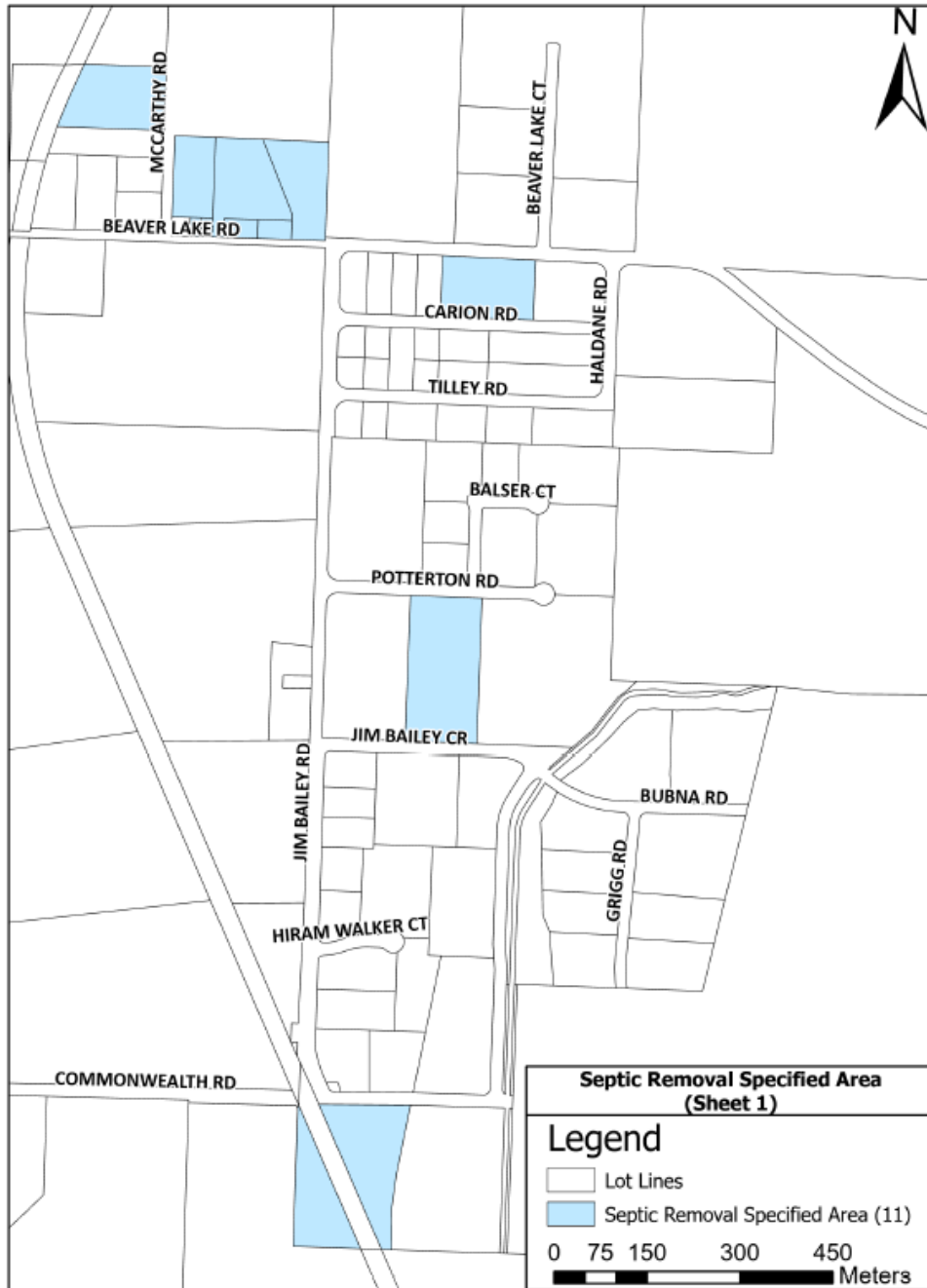
---

Mayor

---

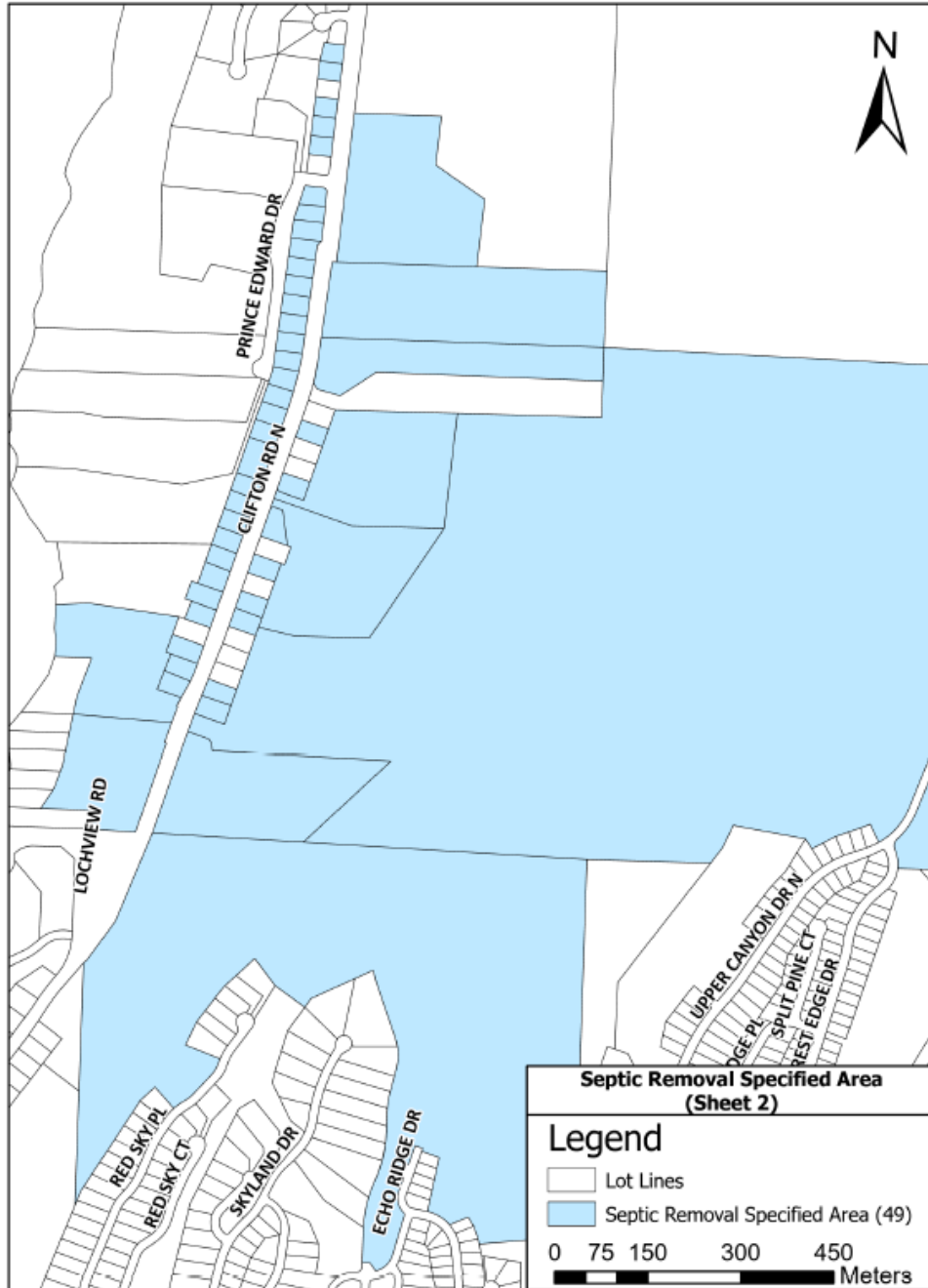
City Clerk

SCHEDULE 1 - SEPTIC REMOVAL  
SPECIFIED AREA





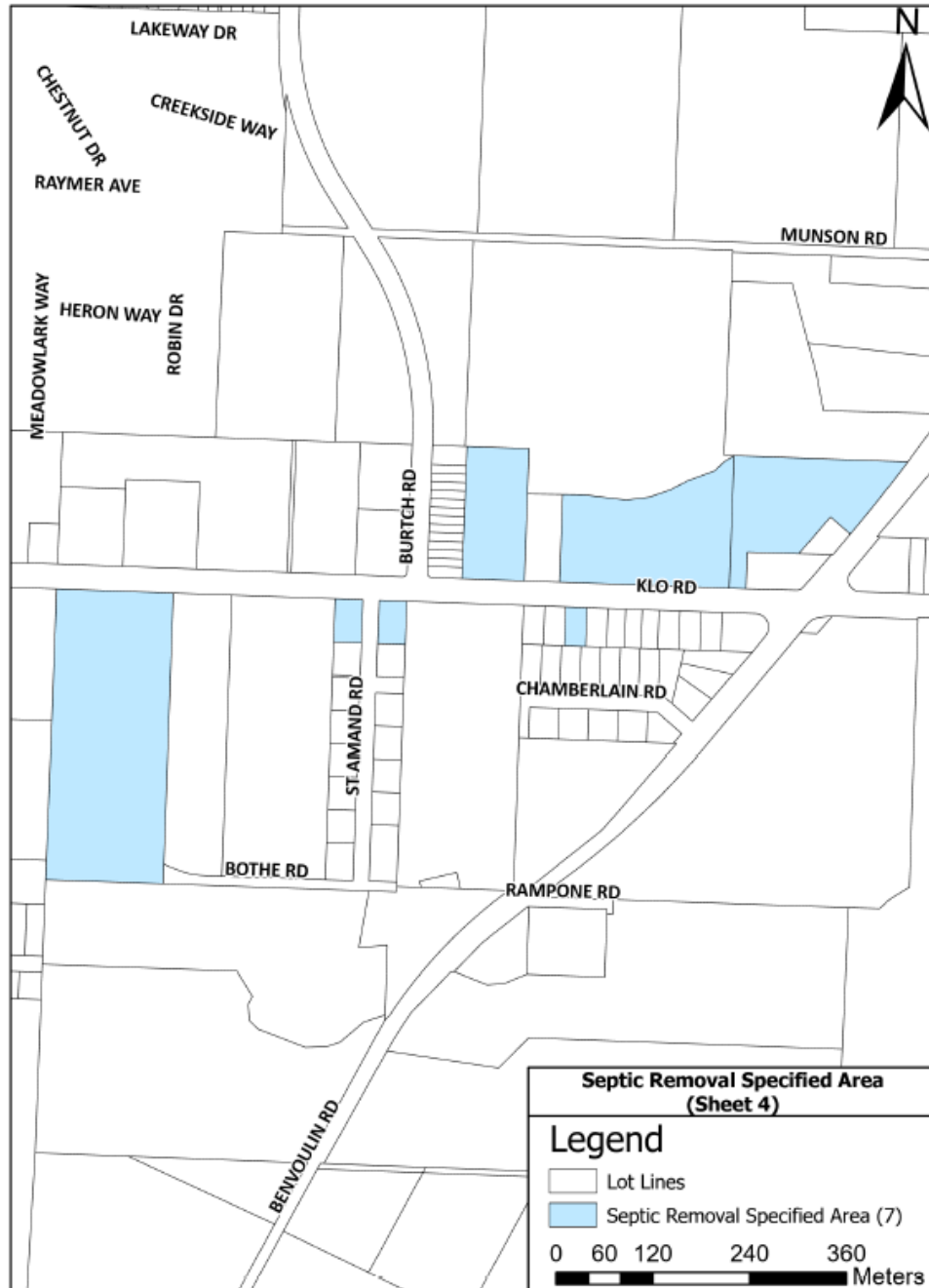
SCHEDULE 1 - SEPTIC REMOVAL  
SPECIFIED AREA



SCHEDULE 1 - SEPTIC REMOVAL  
SPECIFIED AREA

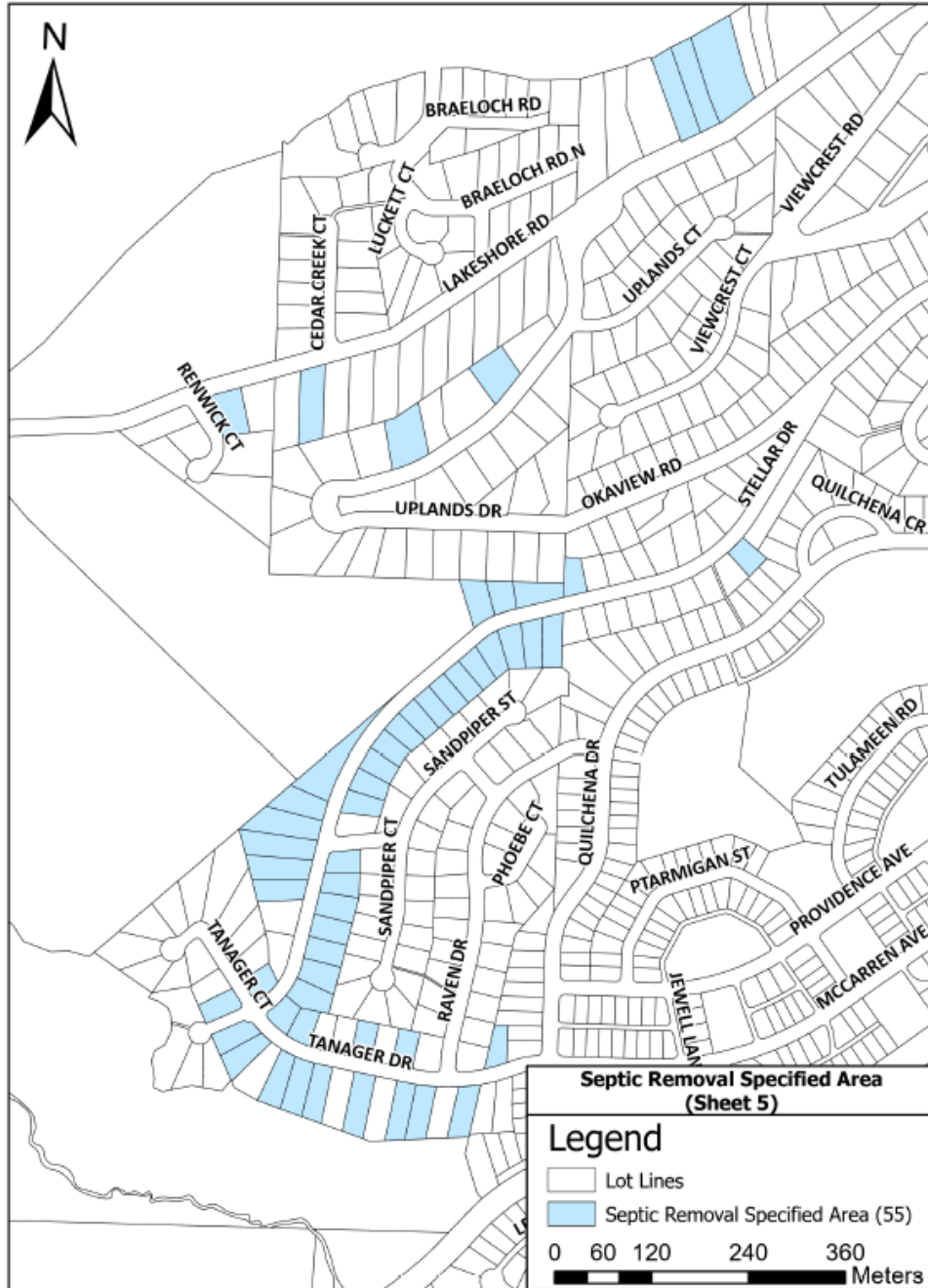


SCHEDULE 1 - SEPTIC REMOVAL  
SPECIFIED AREA

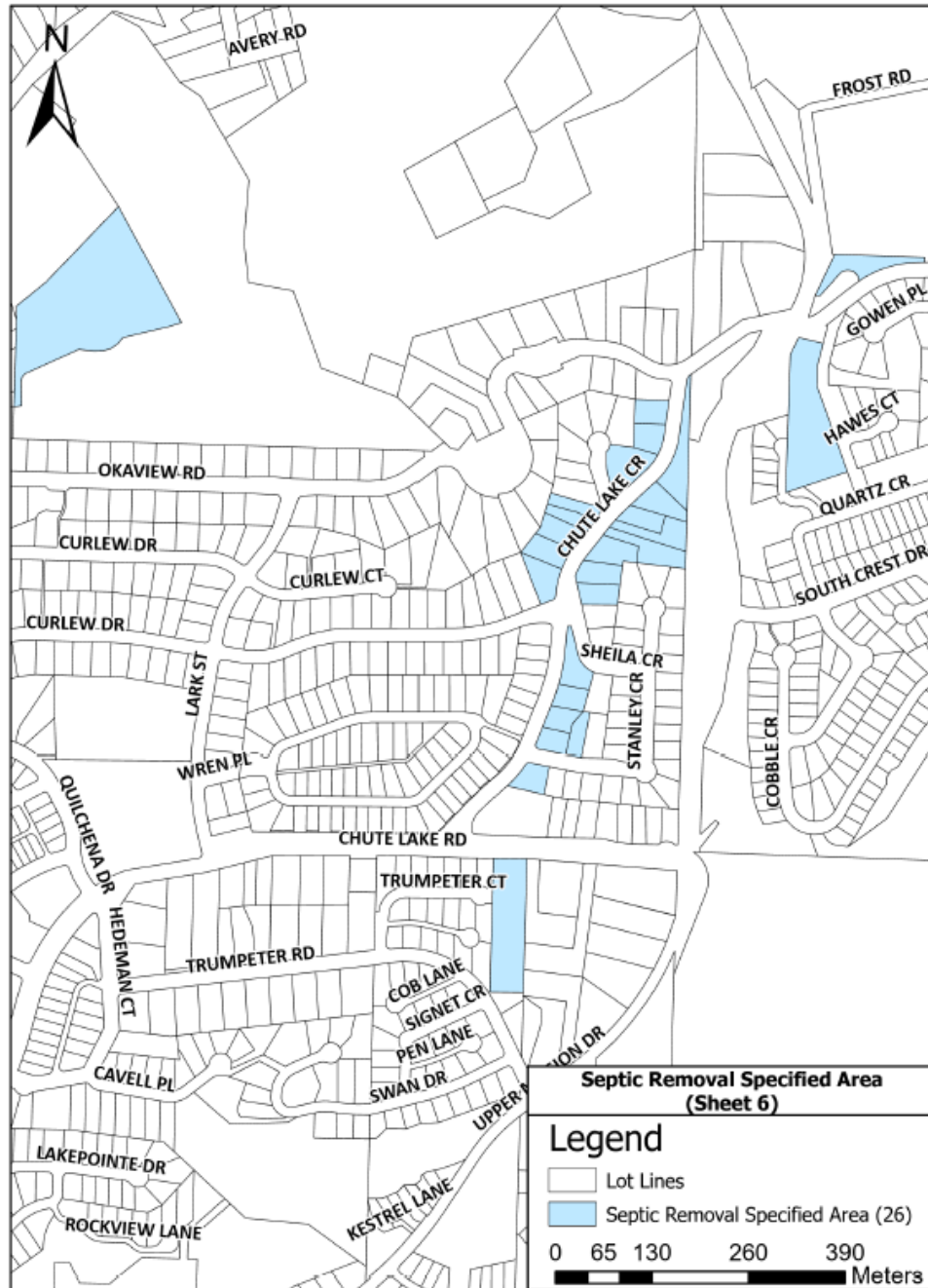




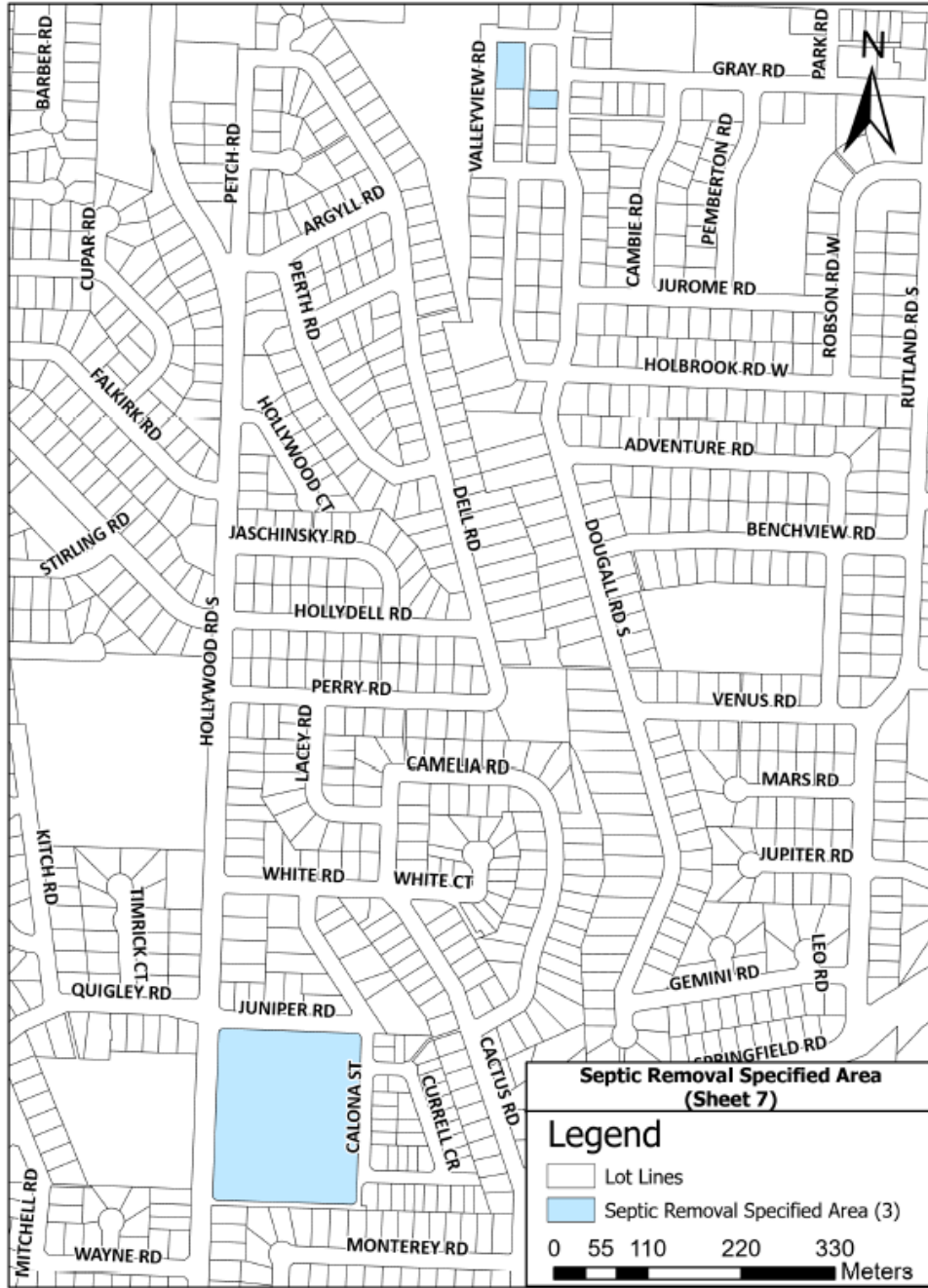
SCHEDULE 1 - SEPTIC REMOVAL  
SPECIFIED AREA



SCHEDULE 1 - SEPTIC REMOVAL  
SPECIFIED AREA

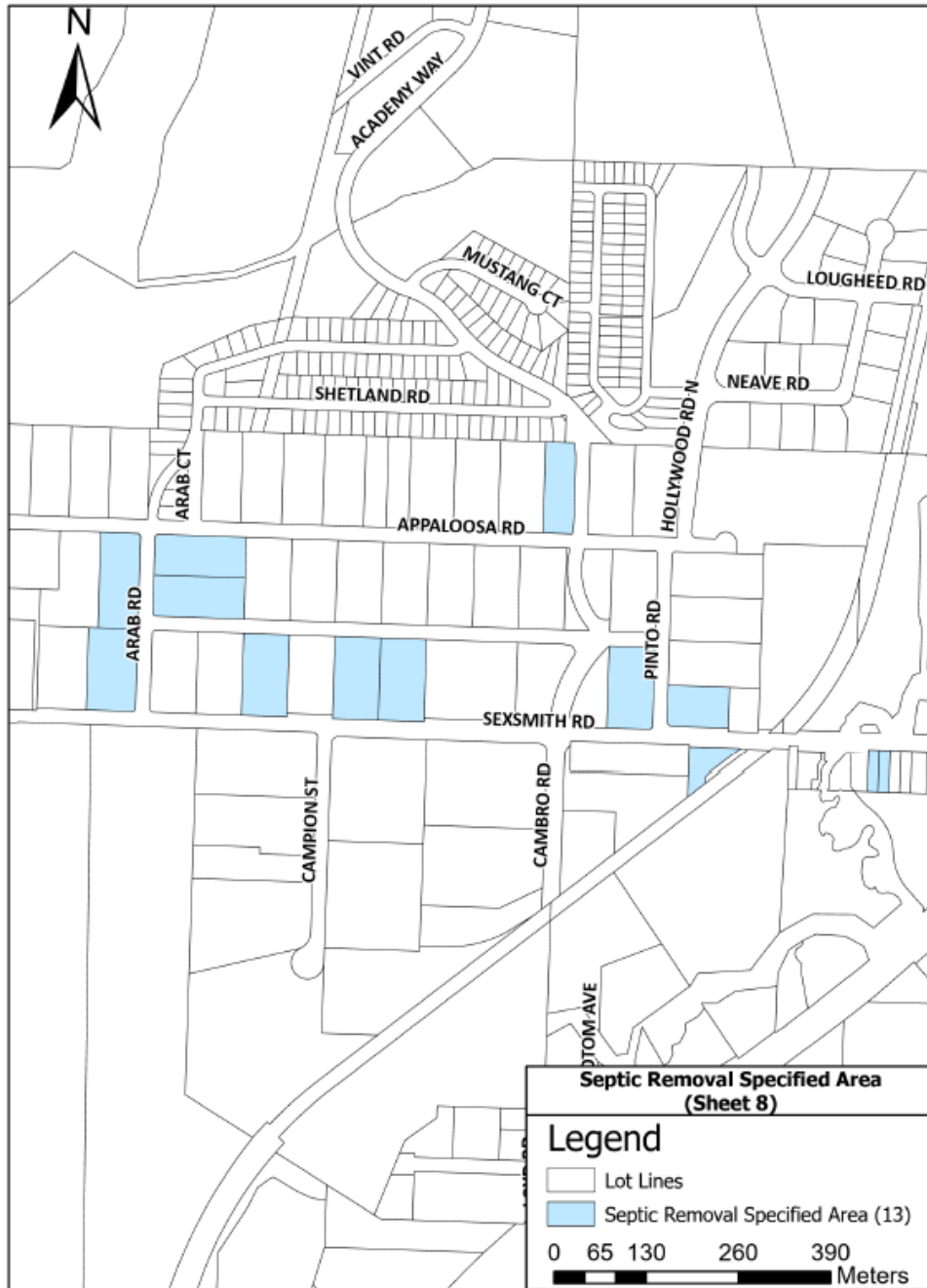


SCHEDULE 1 - SEPTIC REMOVAL  
SPECIFIED AREA





SCHEDULE 1 - SEPTIC REMOVAL  
SPECIFIED AREA



SCHEDULE 1 - SEPTIC REMOVAL  
SPECIFIED AREA



## CITY OF KELOWNA

### Septic Removal Specified Area Reserve Fund Bylaw No. 12316

---

WHEREAS the establishment, maintenance and usage of financial reserves is necessary for management of funds collected for design and construction of sanitary sewer connection areas;

AND WHEREAS current users of the sanitary sewer system will not be subsidizing the financial framework via sewer utility user rates;

AND WHEREAS owners are responsible for costs to connect to the sewer service line (i.e., from building to property line);

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

1. The purpose of this Bylaw is to establish a reserve for the City to hold and manage the funds collected for the design and construction of sanitary sewer connection areas.
2. Except as provided in S. 189 of the *Community Charter*, the only purpose for which funds from the Reserve Fund may be expended is for the provision of funds identified in Section 1 of this bylaw.
3. All monies received pursuant to the reserve, as provided for in the City of Kelowna Sewerage System User Bylaw No. 3480, must be credited to this Reserve Fund.
4. Surplus funds from completed Sewer Connection Areas may be credited to this Reserve Fund.
5. This Bylaw may be cited for all purposes as "Septic Removal Specified Area Reserve Fund Bylaw No. 12316".
6. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 24<sup>th</sup> day of January, 2022.

Adopted by the Municipal Council this

---

Mayor

---

City Clerk