

City of Kelowna

Regular Council Meeting

AGENDA



Monday, February 28, 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

4 - 8

PM Meeting - February 14, 2022

3. Reports

3.1. RCMP Officer in Charge 2021 Q4 and Annual Report

9 - 29

To present Council with an update on 2021 Q4, public safety and crime data.

4. Development Application Reports & Related Bylaws

4.1. Treetop Rd 1870 - Z20-0096 (BL12330) - 1870 Treetop Road Development Ltd., Inc.No. BC1265565

30 - 54

To rezone the subject property from the A1 – Agriculture 1 to the RU1h – Large Lot Housing (Hillside Area) to facilitate a 17-lot subdivision.

4.2. Lakeshore Rd 5831 - Z21-0097 (BL12331) - Roger David Scott Goldammer and Venice Diane Goldammer

55 - 74

To rezone the subject property from the A1 – Agriculture 1 & the P4 – Utilities zones to the RR1c – Rural Residential 1 with Carriage House & the P4 – Utilities zones to facilitate the conversion of the existing dwelling into a carriage house and the construction of a new single-family dwelling.

4.3.	Hwy 97 N 2789-2791 - Z20-0098 (BL12168) - Carlyle Holdings Ltd., Inc.No. 273657	75 - 77
	To waive a condition of adoption of Rezoning Bylaw No. 12168, and to forward the Bylaw for adoption.	
4.4.	Hwy 97 N 2789-2791 - BL12168 (Z20-0098) - Carlyle Holdings Ltd., Inc.No. 273657	78 - 78
	To adopt Bylaw No. 12168 in order to rezone the subject property from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone.	
4.5.	Supplemental Report - Ambrosi Rd 1820 - Z21-0093 (BL12322) - True North Endeavours Inc., Inc.No. BCo792133	79 - 80
	To receive a summary of notice of first reading for Rezoning Bylaw No. 12322 and to give the bylaw further reading consideration.	
4.6.	Ambrosi Rd 1820 - BL12322 (Z21-0093) - True North Endeavours Inc., Inc. No. BCo792133	81 - 81
	To give Bylaw No. 12322 first, second and third reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the C4 - Urban Centre Commercial zone.	
4.7.	Supplemental Report - Findlay Rd 1225 - Z21-0088 (BL12323) - Findlay Development Inc., Inc.No. BC1302254	82 - 83
	To receive a summary of notice of first reading for Rezoning Bylaw No. 12323 and to give the bylaw further reading consideration.	
4.8.	Findlay Rd 1225 - BL12323 (Z21-0088) - Findlay Development Inc., Inc.No. BC1302254	84 - 84
	To give Bylaw No. 12323 first, second and third reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.	
4.9.	Supplemental Report - Knowles Rd 549 - Z21-0104 (BL12324) - Neil J. Roe and Lynsay C. Roe	85 - 86
	To receive a summary of notice of first reading for Rezoning Bylaw No. 12324 and to give the bylaw further reading consideration.	
4.10.	Knowles Rd 549 - BL12324 (Z21-0104) - Neil J. Roe & Lyndsay C. Roe	87 - 87
	To give Bylaw No. 12324 first, second and third reading in order to rezone the subject property from the RU1 - Large Lot housing zone to the RU2 - Medium Lot Housing Zone.	

- 4.11. Supplemental Report - Barkley Rd 453 - Z20-0093 (BL12328) - Paul S. Robertson and Patricia A. Heinzelmann** 88 - 89

To receive a summary of notice of first reading for Rezoning Bylaw No. 12328 and to give the bylaw further reading consideration.

- 4.12. Barkley Rd 453 - BL12328 (Z20-0093) - Paul S. Robertson & Patricia A. Heinzelmann** 90 - 90

To give Bylaw No. 12328 first, second and third reading and to 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.

5. Non-Development Reports & Related Bylaws

- 5.1. Arab-Appaloosa Rd Area Development Update and Recommendations** 91 - 116

To provide Council with an update on the Arab/Appaloosa Road area, proposed engineering plan, and project status and process.

- 5.2. Rental Housing Grant Recommendations for 2022** 117 - 119

To consider approval of one rental housing grant for 2022 in accordance with the Rental Housing Grants Council Policy #335.

- 5.3. Municipal Boating Facilities Commercial License** 120 - 140

To amend the Parks and Public Spaces Bylaw, as well as the schedule of penalties in the Notice Enforcement Bylaw, with regards to Municipal Boating Facilities Commercial License.

- 5.4. BL12308 - Amendment No. 5 to Parks and Public Spaces Bylaw No. 10680** 141 - 142

To give Bylaw No. 12308 first, second and third reading.

- 5.5. BL12312 - Amendment No. 31 to the Bylaw Enforcement Bylaw No. 10475** 143 - 144

To give Bylaw No. 12312 first, second and third reading.

- 5.6. ICIP Green Infrastructure Environmental Quality Program - Application – Kelowna Septic System Elimination Project - Okaview** 145 - 147

To consider staff's recommendation to apply for the third program intake of the Investing in Canada Infrastructure Program - Green Infrastructure Environmental Quality Program.

6. Mayor and Councillor Items

7. Termination



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Monday, February 14, 2022
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members participating Remotely Councillor Charlie Hodge*

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Planner, Andrew Ferguson*; Grants & Special Projects Manager, Michelle Kam*; Property Management Manager, Joanne Adamson*

Staff participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

Guest Dr. Phil Barker*, Vice Principal and Associate Vice President, Research and Innovation (Co-Chair)

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:43 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

R0106/22/02/14 THAT the Minutes of the Regular Meetings of February 7, 2022 be confirmed as circulated.

Carried

3. Public in Attendance

3.1 City of Kelowna and University of British Columbia Research Collaboration

City Manager:

- Introduced members of the Research Collaboration Steering Committee present in Council Chambers.
- Displayed a PowerPoint presentation summarizing the pilot projects and research work between the City and UBCO.

Dr. Phil Barker, Vice Principal and Associate Vice President, Research and Innovation (Co-Chair)

- On behalf of UBCO, we are pleased with the collaboration between Universities and Municipalities and look forward to reporting back to Council.

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0107/22/02/14 THAT Council receives for information the report from the City / UBCO Research Collaboration Joint Steering Committee, providing a progress update regarding various collaborative research initiatives.

Carried

4. Development Application Reports & Related Bylaws

4.1 Barkley Road 453 - Z20-0093 - Paul S. Robertson and Patricia A. Heinzelmann

Staff:

- Confirmed the reasons for the rescindment are due to the recent procedural changes made by the Province.

Moved By Councillor Hodge/Seconded By Councillor Donn

R0108/22/02/14 THAT Council receives, for information, the Report from the Development Planning Department dated February 14, 2022, with respect to Rezoning Application No. Z20-0093 for Lot 28 District Lot 167 ODYD Plan 13550, located at 453 Barkley Road, Kelowna BC;

AND THAT Bylaw No. 12256 be forwarded for rescindment consideration.

Carried

4.2 Barkley Rd 453 - BL12256 (Z20-0093) - Paul S. Robertson and Patricia A. Heinzelmann

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0109/22/02/14 THAT first reading of Bylaw No. 12256 be rescinded.

Carried

5. Bylaws for Adoption (Development Related)

5.1 Bernard Ave 520-526 - BL12247 (TA21-0008) - GBD Holdings Inc., Inc. No. BC0941235

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0110/22/02/14 THAT Bylaw No. 12247 be adopted.

Carried

Councillor Sieben – Opposed

5.2 Bernard Ave 520-526 - BL12248 (Z21-0024) - GBD Holdings Inc., Inc. No. BC0941235

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0111/22/02/14 THAT Bylaw No. 12248 be adopted.

Carried
Councillor Sieben - Opposed

6. Non-Development Reports & Related Bylaws

6.1 2021 Planning and Development Statistics - Q4

Staff:

- Displayed a PowerPoint Presentation summarizing the 2021 building and development statistics and responded to questions from Council.

Councillor Hodge disconnected from the meeting at 2:16 p.m.

Councillor Hodge reconnected to the meeting at 2:18 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0112/22/02/14 THAT Council receives, for information, the report from the Planning and Development Services department dated February 14, 2022, with information relating to Planning and Development Statistics;

Carried

6.2 2021 Grant Summary

Staff:

- Displayed a PowerPoint Presentation providing a summary of the 2021 grant activity.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0113/22/02/14 THAT Council receives, for information, the report from the Partnerships Office dated February 14, 2022, with respect to the 2021 Grant Summary.

Carried

6.3 Crown Tenure 2015 Hollywood Rd S

Staff:

- Displayed a PowerPoint Presentation outlining the provincial Crown Land Tenure application and responded to questions from Council.

Councillor Sieben departed the meeting at 2:53 p.m.

Moved By Councillor DeHart/Seconded By Councillor Hodge

R0114/22/02/14 THAT Council receives, for information, the report from the Real Estate Department dated February 14, 2022, with respect to Crown Tenure over 2015 Hollywood Rd S;

AND THAT Council directs staff to apply to the Province of British Columbia for Crown Land Tenure over 2015 Hollywood Rd S;

AND THAT Mayor and Clerk be authorized to execute all documents pertaining to the Crown Land Tenure.

Carried

6.4 Delegation of Authority - Property Management

Staff:

- Displayed a PowerPoint Presentation summarizing the Property Management agreements delegated to staff in 2021 and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0115/22/02/14 THAT Council receive, for information, the report from the Real Estate Department dated February 14, 2022, with respect to the use of the Delegation of Authority to Enter into Leases and Licenses of Occupation (Bylaw No. 11250) in 2021.

Carried

7. Resolutions

7.1 2022 Council Facilities and Site Tour

Staff

- Spoke to the resolutions for the Council Facilities and Site tours.

Moved By Councillor Stack/Seconded By Councillor Singh

R0116/22/02/14 THAT Council schedule Special Council Meetings for Thursday, February 24, 2022 and Friday, February 25, 2022;

AND THAT both Special Meetings be held outside of City Hall;

AND THAT the public not be permitted to attend the Special Meetings in-person due to their location and facility requirements;

AND THAT the February 24, 2022 Special Meeting be held during Council's tour of the following facilities:

West Vancouver Community Centre – 2121 Marine Drive, West Vancouver BC starting at 8:30 am;

Edmonds Community Centre – 7433 Edmonds St. Burnaby, BC starting at 10:30 am;

Minirou Centre for Active Living – 7191 Granville Ave, Richmond BC starting at 1:45 pm; and

Hillcrest Aquatic Centre – 4575 Clancy Loranger Way, Vancouver BC starting at 3:40 pm;

AND THAT the February 25, 2022 Special Meeting be held during Council's tour of the following redevelopment sites:

North Vancouver Shipyards – 1st Street East, North Vancouver starting at 8:30 am; and
Olympic Village – southeast False Creek Vancouver starting at 10:30 am.

Carried

8. Mayor and Councillor Items

Councillor Donn:

- Inquired about the timing of the Rail Trail opening.

City Manager:

- No firm date is available as it depends upon final approval from the Federal Government.

9. **Termination**

This meeting was declared terminated at 3:08 p.m.

Mayor Basran

/acm



City Clerk

DRAFT

Report to Council



Date: February 28, 2022
To: Council
From: City Manager
Subject: 2021 RCMP Update
Department: Kelowna RCMP Detachment

Recommendation:

THAT Council receive, for information, the RCMP Quarterly Update report from the Superintendent, Kelowna RCMP Detachment, dated February 28, 2022.

Purpose:

To present Council with an update on 2021 Q4, public safety and crime data.

Background:

On April 12, 2021, Council approved the Kelowna RCMP Detachment's 2021-2024 Strategic Plan. The Plan, which aligns with Council's community safety priorities, focuses opportunities to achieve measurable differences in public safety outcomes, while maintaining other critically important services including frontline policing, traffic services, drug enforcement, and youth engagement.

Through a comprehensive planning process, four strategic priorities emerged:

- 1) Increase the sense of safety in our public spaces;
- 2) Decrease the risk of property crime;
- 3) Earn the trust of more citizens that have experienced persons crimes; and
- 4) Show up at our best for every citizen.

Summary Analysis:

Comparison of year-over-year changes from 2019 to 2021 indicates:

- Significant increase (33%) in social disorder calls from the downtown area
- Total persons offences increased by ~38%
 - Common assaults, domestic violence, assaults with a weapon, and files related to uttering threats increased each by more than 25%
- Alarming increase in drug overdose files included both fatal and non-fatal, increasing the workload and stress / trauma experienced by our front-line police officers

Comparison of Q4 in 2020 with Q4 in 2021 indicates:

- Significant and concerning increase in all categories of reported persons crimes.
- Commercial and residential break and enters, as well as auto theft increased from 2020 but have not reached pre-pandemic levels.
- Theft from motor vehicles and bike theft trended downwards.
- Increased shoplifting and other property related thefts, such as theft of mail and theft of tools from construction sites.

Kelowna's property crime trends are consistent with those seen throughout the RCMP's South East District. Kelowna experienced a year over year increase in Q4 2021 of 14.6%, compared to the District's increase of 15.8% for the same time period.

Conclusion:

Kelowna is not immune to the trends in persons offences being experienced in other communities across Canada. These trends are concerning although some were anticipated as they relate to the effect that COVID-19 has had on personal, familial and community conditions and routines. Many of these are complex, entrenched issues, requiring a multi-system response. Through initiatives such as Kelowna's Community Safety Plan, Kelowna RCMP remains committed to the development of innovative, long-term approaches that involve social, educational and health sectors.

Similar to persons crimes, reported property offence statistics are trending upwards though they remain below pre-pandemic levels. Theft from motor vehicle and shoplifting numbers, although lower than 2019, are rising and result from a small number of prolific offenders for whom access to adequate care or consequences is limited. The RCMP's Community Safety Unit and Investigative Services are collaborating through a pilot project aimed at expanding capacity to address the increase in property related crimes. Further, the Detachment will continue to build strategic communication's capacity and improve messaging to the public including promotion of the gPM Routine and the importance of securing personal property.

Internal Circulation:

Community Safety Department
Communications Department

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Submitted by: K. Triance, Superintendent, Kelowna RCMP Detachment

Approved for inclusion:



S. Leatherdale, Divisional Director, Corporate & Protective Services

cc: D. Caul, Community Safety Director
S. Coates, Police Services Manager
C. Cornock, Crime Prevention Supervisor

Annual Totalsⁱ

Police Capacity & Response	2019	2020	2021	% Change 2019 to 2020	% Change 2019 to 2021
Total Calls for Service	60274	58972	63888	-2.2% ●	6.0% ●
Disorder calls from downtown area	2297	2344	3052	2.0% ●	32.9% ●
Calls for Service with Mental Health Component	3011	2899	3104	-3.7% ●	3.1% ●
MHA Apprehensions	701	649	599	-7.4% ●	-14.6% ●
Overdose – Non-Fatal (naloxone administration)	39	82	68	110.3% ●	74.4% ●
Overdose – Fatal	18	31	32	72.2% ●	77.8% ●
Drug Overdose Files (fentanyl, illicit, prescription)	64	133	141	107.8% ●	120.3% ●
Total Property Offences	11830	9997	11396	-15.5% ●	-3.7% ●
Auto Theft	559	422	519	-24.5% ●	-7.2% ●
Theft from Motor Vehicle	2813	2181	2336	-22.5% ●	-17.0% ●
Break & Enter – Business	710	524	609	-26.2% ●	-14.2% ●
Shoplifting	1421	1108	1358	-22.0% ●	-4.4% ●
Break & Enter – Residential	356	263	293	-26.1% ●	-17.7% ●
Bike Theft	691	552	521	-20.1% ●	-24.6% ●
Other Theft & Property Crime - total property minus categories above	5280	4947	5760	-6.3% ●	9.1% ●
% of Residences which reported forced entry	28%	30%	24.5%	2% ●	-3.5% ●
% of reports to Crown Counsel receiving charge approval (Kelowna Regional)	Metrics built April 2021		90%	-	-
# of individuals referred to Kelowna Integrated Court	-	-	23 clients, involved in 985 calls for service.	-	Court began 2021

Total Persons Offences	2380	2875	3290	20.8% ●	38.2% ●
Assault (Common)	986	1159	1261	17.5% ●	27.9% ●
Domestic Violence	673	686	884	1.9% ●	Ø
Sex Offences (Sexual Interference, Exploitation, Invite to Sexual Touching, Production/Possession of Child Sexual Abuse Imagery)	56	54	65	-3.6% ●	Ø
Sexual Assault	129	147	159	14.0% ●	Ø
Theft with violence (known as robbery)	84	88	76	4.8% ●	-9.5% ●
Utter Threats	514	674	802	31.1% ●	56.0% ●
Assaults with Weapon	267	333	368	24.7% ●	37.8% ●
Drug Offences					
Trafficking	182	189	84	3.8% ●	-53.8% ●
Traffic					
Traffic Violation Tickets	-	2414	2222	-	
Collision – Non-Fatal	241	178	218	-26.1% ●	-9.5% ●
Collision – Fatal	5	6	8	20.0% ●	60.0% ●

Q4 Comparisons

Police Capacity & Response	2019	2020	2021	Change
	Q4	Q4	Q4	2019 to 2021
Total Calls for Service	14645	13642	15228	4.0% ●
Calls for Service Priority 1-3 Combined	12832	11912	12331	-3.9% ●
Calls for service requiring a police presence per officer	58.33	58.97	61.04	4.7% ●
Caseload (Criminal Code offences, excluding drugs & traffic offences, per authorized strength)	Not avail	21	25	Not avail
Response Time for Priority 1 Calls (mins)	8.6	9.5	8.3	-3.5% ●
Response Time for Priority 2 Calls (mins)	10.7	10.6	10.2	-4.7% ●
Disorder calls from downtown area	555	542	852	53.5% ●
Officer hours assigned to public spaces: Downtown, Rutland & parks	Not avail	Not avail	3816	-

Response time to Priority 1 & 2 calls in Downtown and Rutland Area (mins)*	Not avail	Not avail	Not avail	Not avail
Citizen perceived level of safety in areas including Downtown & Rutland	Bi-Annual	87%	Bi-Annual	-
Calls for Service with Mental Health Component	823	684	674	-18.1% ●
MHA Apprehensions	210	134	114	-45.7% ●
Overdose – Non-Fatal (naloxone administration)	12	19	14	16.7% ●
Overdose – Fatal	13	38	22	69.2% ●
Drug Overdose Files (fentanyl, illicit, prescription)	4	14	7	75.0% ●
Citizen satisfaction with police services (CoK Citizen Survey)	82% in 2020			
% of Priority 1-3 calls receiving status callback within 36 hours **	Not avail	Not avail	Not avail	Not avail
% seats at senior decision-making table held by underrepresented groups	Not avail	50%	67%	-
Detachment participation in unconscious bias training & Indigenous Cultural Safety				148 trained
Detachment participation in crisis debrief supports	-	-	200	-
Detachment participation in mental wellness training			66	

* Mapping data in progress. Building reporting capability

** Data sets not currently available through records system, staff are pursuing options for accessing data in the future.

Q4 Comparisons

	2019	2020	2021	Change
	Q4	Q4	Q4	2019 to 2021
Total Property Offences	2983	2304	2846	-4.6% ●
Auto Theft	136	100	120	-11.8% ●
Theft from Motor Vehicle	741	498	479	-35.4% ●
Break & Enter – Business	244	115	142	-41.8% ●
Shoplifting	320	276	396	23.8% ●
Break & Enter – Residential	94	54	85	-9.6% ●
Bike Theft	128	102	100	-21.9% ●
Other Theft & Property Crime - total property minus categories above	1320	1159	1524	15.5% ●
9PM Routine media impressions	-	-	-	-
# of occurrences where charges were recommended	-	-	84	-
Total Persons Offences	635	662	848	33.5% ●
Assaults (Common Only)	262	265	309	17.9% ●
Domestic Violence	182	105	224	Ø

Sex Offences (Sexual Interference, Exploitation, Invite to Sexual Touching, Production/Possession of Child Sexual Abuse Imagery)	15	11	22	Ø
Sexual Assault	35	26	40	Ø
Theft with violence (known as robbery)	19	19	24	26.3% ●
Utter Threats/Harassment	144	164	196	36.1% ●
Assault with Weapon	65	86	103	58.5% ●
# of Detachment referrals to Victim Services	Not avail		121	-
Detachment participation in 'Start by Believing'				
Detachment participation in Trauma Informed practice	-	-	80% compliance	-
Drug Offences				
Trafficking	25	54	18	-28.0% ●
Traffic				
Traffic Violation Tickets	1322	695	605	-54.2% ●
Collision – Non-Fatal	67	49	45	-32.8% ●
Collision – Fatal	1	2	3	200.0% ●

ⁱ The following includes standardized indicators from the Canadian Police Performance Metrics Framework and measures of the 2021-24 Strategic Plan. All indicators relate to the City of Kelowna and, unless otherwise noted, will be reported on a quarterly basis. (Red is >5% increase, Yellow is <±5%, Green is >5% decrease)



Courtesy

2021 Q4 Report to Kelowna City Council

Presented by: Supt Kara Triance, Officer in Charge, Kelowna Detachment



RCMP STRATEGIC PLAN





**Increase the
sense of safety in
public spaces in
Downtown &
Rutland**

- Community Safety Unit
- Kelowna Integrated Court

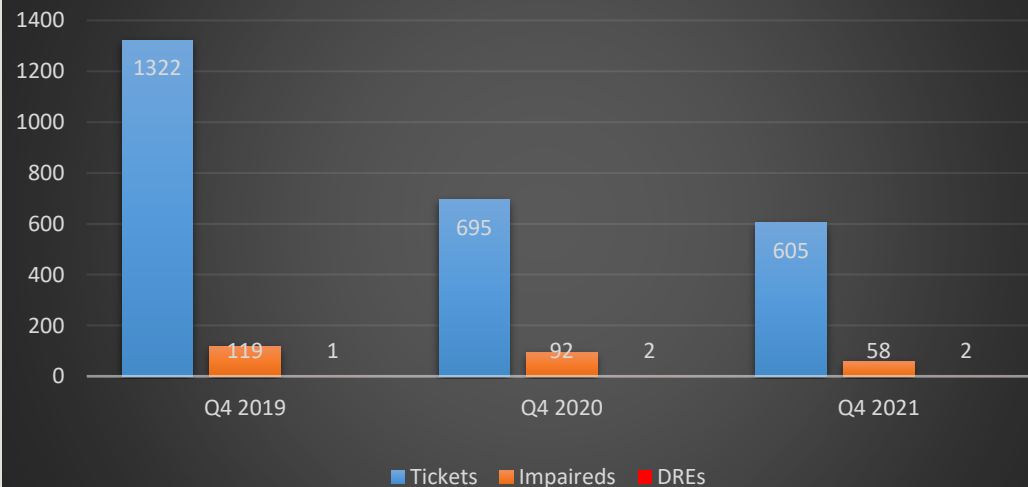




Increase the sense of safety in public spaces in Downtown & Rutland

- Traffic Enforcement
 - School Zone Initiative
 - Christmas Counter-Attack

Q4 Traffic Stats 2019-2021





**Decrease
the risk of
property
crime**

Property Crime Pilot Project

Pilot Project brings
together teams with
specialized skills:

- Surveillance
- Search Warrant Drafting
- Intelligence Gathering
- Proactive mindset

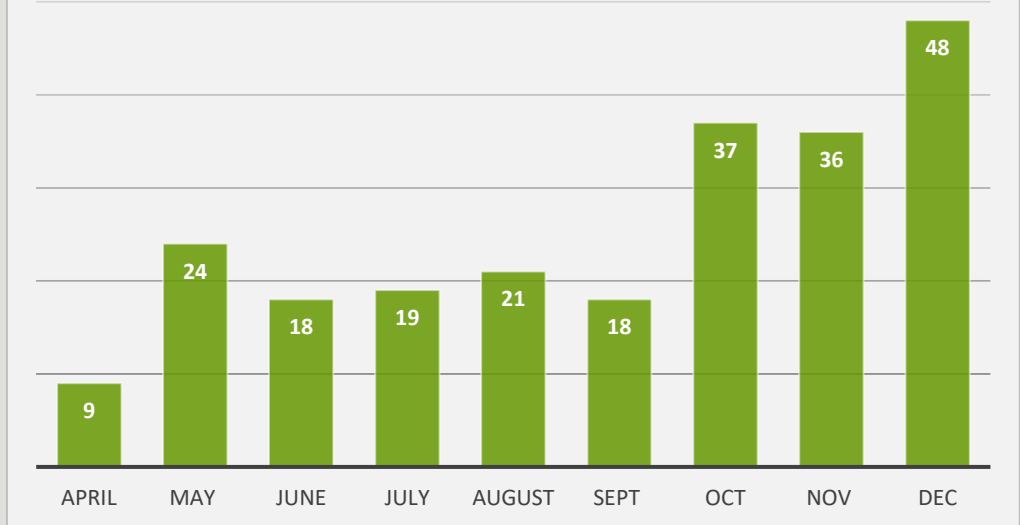




**Earn the trust of
citizens who have
experienced
persons crime**

- Victim Services
- Child Advocacy Centre
- UBCO & Okanagan College partnership

Victim Services Referrals





**Earn the trust of
citizens who have
experienced
persons crime**

- Child Advocacy Centre Referrals
- Kelowna's CAC Leading the Way
 - Embedded Medical Professionals

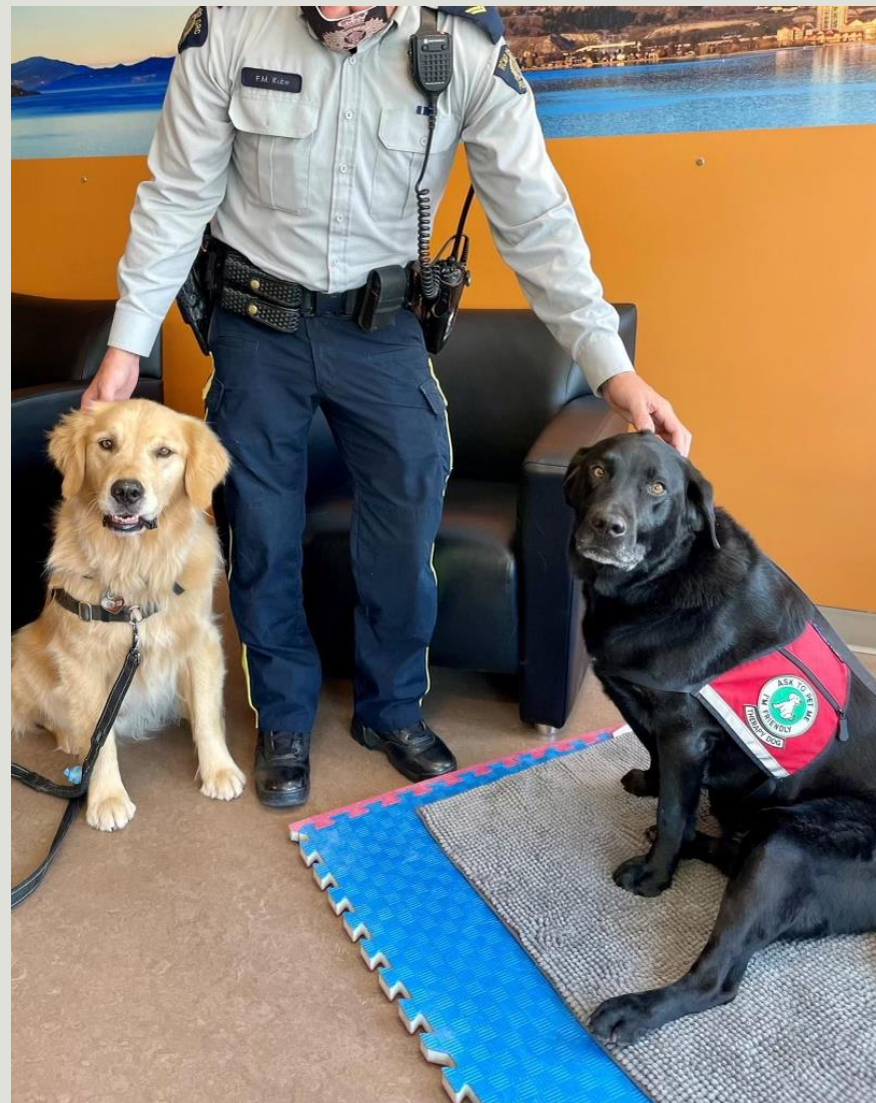




Earn the trust of
citizens who have
experienced
persons crime

Partnerships with Post-Secondary Institutions:

- UBCO
- Okanagan College





Show up at
our best for
every citizen

Collaborations in Community

- Elizabeth Fry Society
- LECoh
- Okanagan Sikh Temple
- Kelowna Community Resources
- Toy Drive





Show up at
our best for
every citizen

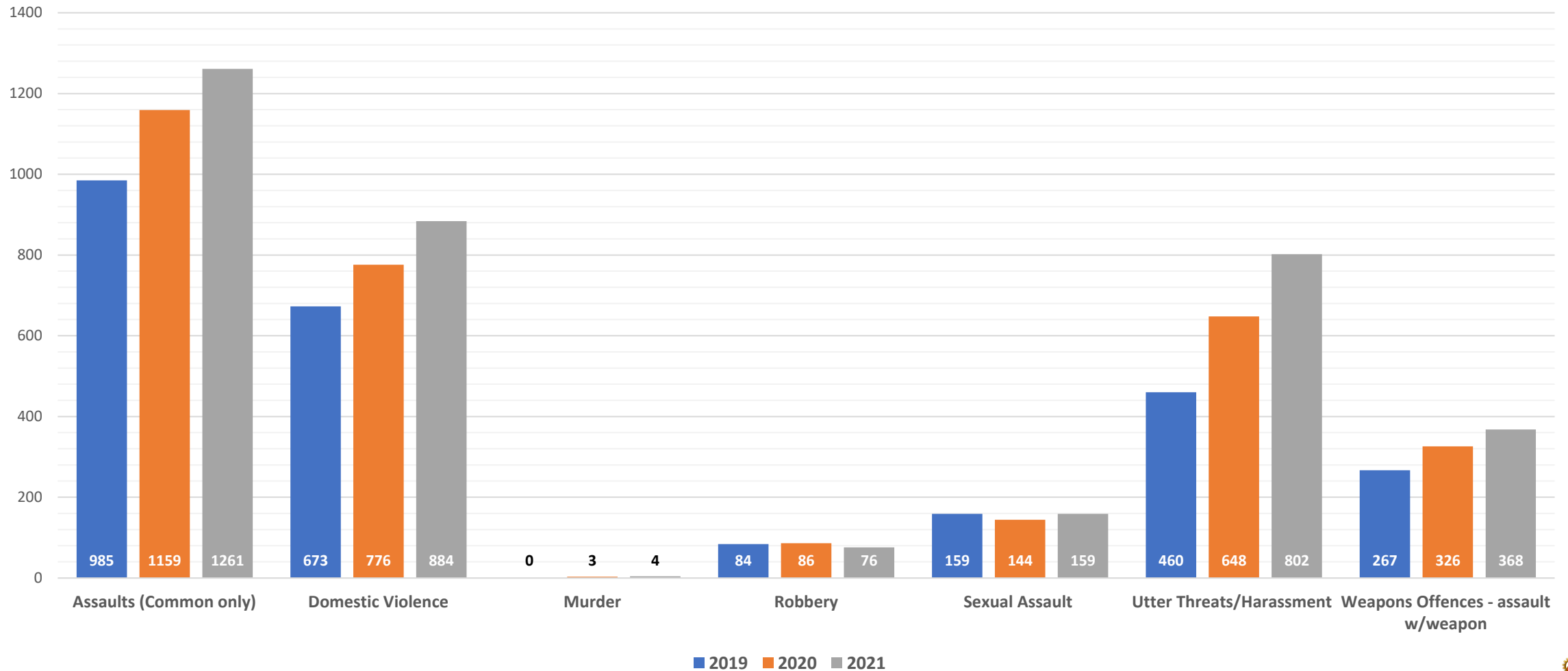
- Training
 - Cultural Awareness
 - Trauma Informed



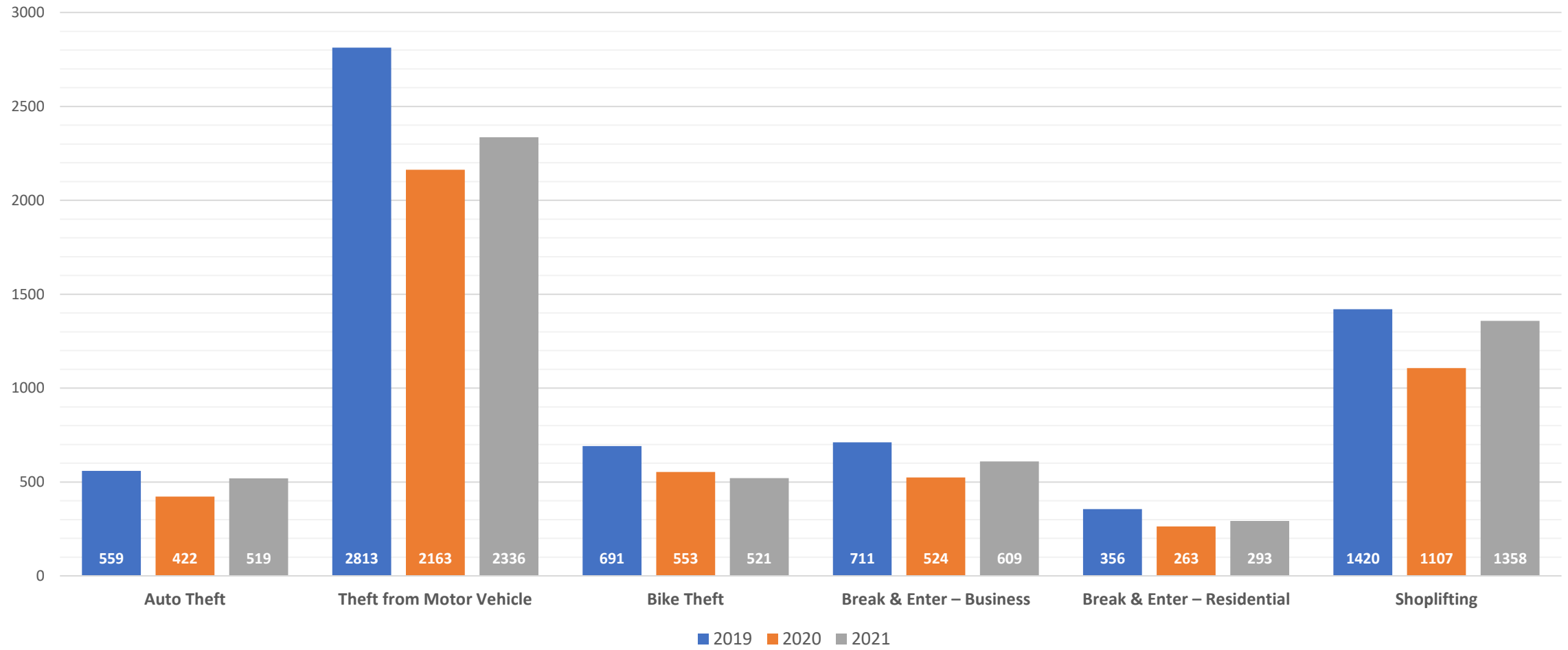
2021 Statistics



Persons Offences 2019-2021



Property Offences 2019 - 2021



Looking Forward

Here to Listen, Here to Serve

- **Data & Analytics: Reporting Out**
- **Effective Service Delivery**
- **Strong Partnerships**
- **Health & Detachment Culture**
- **Enhanced Communications**





Questions

REPORT TO COUNCIL



Date: February 28th, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0096 **Owner:** 1870 Treetop Road
Development Ltd., Inc. No.
BC1265565

Address: 1870 Treetop Road **Applicant:** New Town Architecture and
Engineering Inc.

Subject: Rezoning Application

Existing OCP Designation: S-RES – Suburban Residential

Existing Zone: A1 – Agriculture 1

Proposed Zone: RU1h – Large Lot Housing (Hillside Area)

1.0 Recommendation

THAT Rezoning Application No. Z20-0096 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 19 Township 27 ODYD Plan 33849, located at 1870 Treetop Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) 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 28th, 2022;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Natural Environment Development Permit by the Development Planning Department Manager;

2.0 Purpose

To rezone the subject property from the A1 – Agriculture 1 to the RU1h – Large Lot Housing (Hillside Area) to facilitate a 17-lot subdivision.

3.0 Development Planning

Staff support the proposed rezoning application to RU1h – Large Lot Housing (Hillside Area) to facilitate a 17-lot subdivision. The subject property has the Future Land Use Designation of S-RES – Suburban Residential and is within the Permanent Growth Boundary. As such, the proposed zone is consistent with the Official Community Plan (OCP) objectives. In addition, the proposed lots are consistent with the minimum dimensions of the RU1 zone and can be adequately serviced.

Due to the regulatory complexity of developing land within environmentally sensitive and hillside areas, Staff are recommending final adoption be considered subsequent to issuance of related development permits and a subdivision preliminary layout review (PLR) letter.

If successful, the subdivision offers an important road connection between Treetop Rd and Turnberry Street, but more importantly Black Mountain Drive and Swainson Road.

4.0 Proposal

4.1 Project Description

The proposed rezoning application to RU1h – Large Lot Housing is to facilitate a 17-lot subdivision. The property is currently vacant, and all proposed lots are required to meet the minimum lot sizes of the RU1h zone, so no variances are anticipated.

The rezoning and subdivision is an extension of the residential subdivision and is consistent with the S-RES designated land in between Birkdale Avenue and Treetop Road.

4.2 Site Context

The subject property is in the Belgo-Black Mountain OCP Sector and is within the Permanent Growth Boundary. The surrounding area is primarily zoned A1 – Agriculture 1, RR1 – Rural Residential 1 and RU1h – Large Lot Housing (hillside area).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	RR1 – Rural Residential 1	Single-Family Dwelling (Acreage)
South	RU1h – Large Lot Housing (Hillside Area)	Single-Family Dwelling(s)
West	A1 – Agriculture 1	Agriculture

Subject Property Map: 1870 Treetop 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.</i>

6.0 Technical Comments

6.1.1 Attached Development Engineering Memorandum dated February 28th, 2022.

7.0 Application Chronology

Date of Application Received: November 11th, 2020
 Date Public Consultation Completed: February 8th, 2021 & February 3rd, 2022

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Proposed Subdivision Plan

CITY OF KELOWNA

MEMORANDUM

Date: November 16, 2020
File No.: Z20-0096
To: Suburban and Rural Planning (TC)
From: Development Engineering Manager (JK)
Subject: 1870 Treetop Rd

SCHEDULE		A
This forms part of application # Z20-0096		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

A1 to RU1h

WORKS AND SERVICES REQUIREMENTS

The City's Development Engineering Branch has the following comments and requirements with regard to this application to rezone the subject lot from A1 to RH3 to support the development of a 17-lot subdivision. The Development Engineering Technician for this project is Sarah Kelly (skelly@kelowna.ca). The following Works and Services will be a requirement of this development.

1. GENERAL

- a) This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.
- b) The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

2. DOMESTIC WATER AND FIRE PROTECTION

- a) The subject lot is within the Black Mountain Irrigation District (BMID) water supply area. The Developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection(s) and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the Developer.
- b) The Developer's Consulting Mechanical Engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by BMID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development &


Servicing Bylaw. No. 7900. Provide water flow calculations for this development to confirm bylaw conformance. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

3. **SANITARY SEWER SYSTEM**

- a) The 17 lots proposed to be added to the catchment area of the Treetop Rd Lift station triggers requirement of a lift station operating assessment, which is to be completed by a qualified professional Engineer registered in the Province of British Columbia. The scope of the assessment is to include re-evaluation of the current pump trigger elevations (level bulb set points) with respect to pump cycles, emergency storage volumes, and flow rates. A pump flow test will also be required to ensure the additional expected volume can be accommodated within the pump design curve.
- b) Recommendations are to be provided to the City based on the results of the operating assessment. Any recommended changes to the current lift station configuration will be a requirement of this development.
- c) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- d) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).

4. **STORM DRAINAGE**


- a) The property is located within the City of Kelowna drainage service area. The hillside areas of Kelowna are not suitable for groundwater recharge or disposal of on/offsite drainage via infiltration. Roof or site drainage for this subdivision must discharge directly to the City of Kelowna's storm system. The City will not permit infiltration to ground except for foundation drainage. Each lot shall require a storm system service connection.
- 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.

SCHEDULE		A
This forms part of application # Z20-0096		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

- f) Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.
- g) Identify clearly on a contour map, or lot grading plan, all steep areas (>30 %). Provide cross sections for all steep areas at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- h) If individual lot connections are required, ensure that payment of connection fees has been completed (please provide receipt).
- i) Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

5. ROADS

- a) Provide connection, through Turnberry St, to Birkdale Ave via existing driveway access easement at south west property corner.
- b) Turnberry St is included in the City of Kelowna's 2030 Official Community Plan (OCP) as a Minor Collector and its be designed as a modified SS-H6. Connecting development road should intersect Turnberry St at 90 degrees and must provide adequate site lines.
- c) A three-dimensional sight line and stopping distance analysis will be required to support the proposed Laneway along the south end of property. Ensure the sight and stopping distances are considered as per Bylaw 7900 Schedule 4 Section 4.1 General AND Section 7. Hillside Street Standards TABLE 2 Alignment Design Criteria.
- d) The proposed development includes access from Treetop Rd. As a result, upgrades will be required to the Treetop Rd cul-de-sac. Cross section to be used is modified SS-R17.
- e) Submit a roads plan complete with standard cross section designations from the Bylaw.
- f) Temporary asphalt cul-de-sacs or turn-a-round, will be required at each terminal end of roads that will be extended in the future which provide sufficient turn radius for emergency vehicles, snow removal, and garbage collection. Additional dedication or a Statutory Right-of-Way may be needed.
- g) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the Developer's expense. The developer will sign a third-party work order and pay the cost of traffic sign installation prior to the registration of the subdivision.
- h) Grade the fronting road boulevards in accordance with the standard drawing. Major cut/fill slopes must start at the property lines.
- i) Landscaped boulevards, complete with underground irrigation, are required on proposed roadways. This will be included as a line item in the estimate for the Servicing Agreement performance security. Details and plant selection are to be approved by the City of Kelowna Parks department.

SCHEDULE		A
This forms part of application		
# Z20-0096		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

- j) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles.
- k) Roads 1, 2, and 3 are to be dedicated to the City of Kelowna with a 14.1m wide right of way (SS-H12).
- l) A 6.0 m corner rounding will be required on corner lots of intersecting public roads.
- m) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands and private lands.
- n) Driveway access to 1865, 1940, and 1960 Treetop Rd is to be maintained

6. POWER AND TELECOMMUNICATION SERVICES

- a) Underground services will be required for all power and telecommunications to each lot in the proposed subdivision.
- b) Streetlights must be installed on all roads. All streetlighting designs are to be approved by the Development Engineering Branch at the same time as other "issued for construction" drawings.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Before making application for approval of your subdivision plan, please make arrangements with Fortis for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- e) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).
- f) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- g) If any road dedication affects lands encumbered by a Utility right-of-way (such as B.C. Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

7. GEOTECHNICAL STUDY

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

- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
 - vii. Any items required in other sections of this document.
- c) If any blasting is proposed as part of this subdivision, a Soil Removal and Deposit Application must be made to the City for such works. The proposed blasting work is to comply with Amendment No. 1 to the Soil Removal and Deposit Regulation Bylaw No. 9612, specifically Section 6 PERMIT REQUIREMENTS – (k) and (g).
- d) 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*).

- e) Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.
- f) Any exposed natural rock surface on a lot that has the potential for materials to displace causing a hazardous condition, must be reviewed by a qualified professional engineer with the appropriate and measures undertaken as prescribed by the engineer. For adequate Rockfall Protection adjacent to walls and rock cuts, please consider BC MoTI Supplement to TAC Geometric Design Guide 440, page 440-8, which outlines a ditch bottom width depending on wall height. Sidewalks and utilities should be kept out of this protection area. Additional ROW may be required.

Where walls are on the high side, the City's preference is that the walls remain setback and on private property. Where the walls hold up a public road, the City's preference is that additional dedication be provided, and the walls be owned by the City. Please design any geogrids or tie-backs so that they do not encroach into the required road ROW.

8. DEVELOPMENT PERMIT AND SITE-RELATED ISSUES

- a) All retaining walls are to be contained within privately-owned lots.

9. DESIGN AND CONSTRUCTION

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

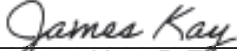
10. SERVICING AGREEMENTS FOR WORKS AND SERVICES

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.
- c) Should it be determined that any Park-related work be included under the scope of the Servicing Agreement, the Development Engineering Branch reserves the right to require a performance security for these works. Note: The Development Engineering Branch's Engineering and Inspection Fee will not include the scope of any Parks-related work.

11. CHARGES, FEES, AND SECURITIES


- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).

- iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



James Kay, P.Eng.
Development Engineering Manager

SK

SCHEDULE		A
This forms part of application		
# Z20-0096		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

A



City of Kelowna
DEVELOPMENT PLANNING



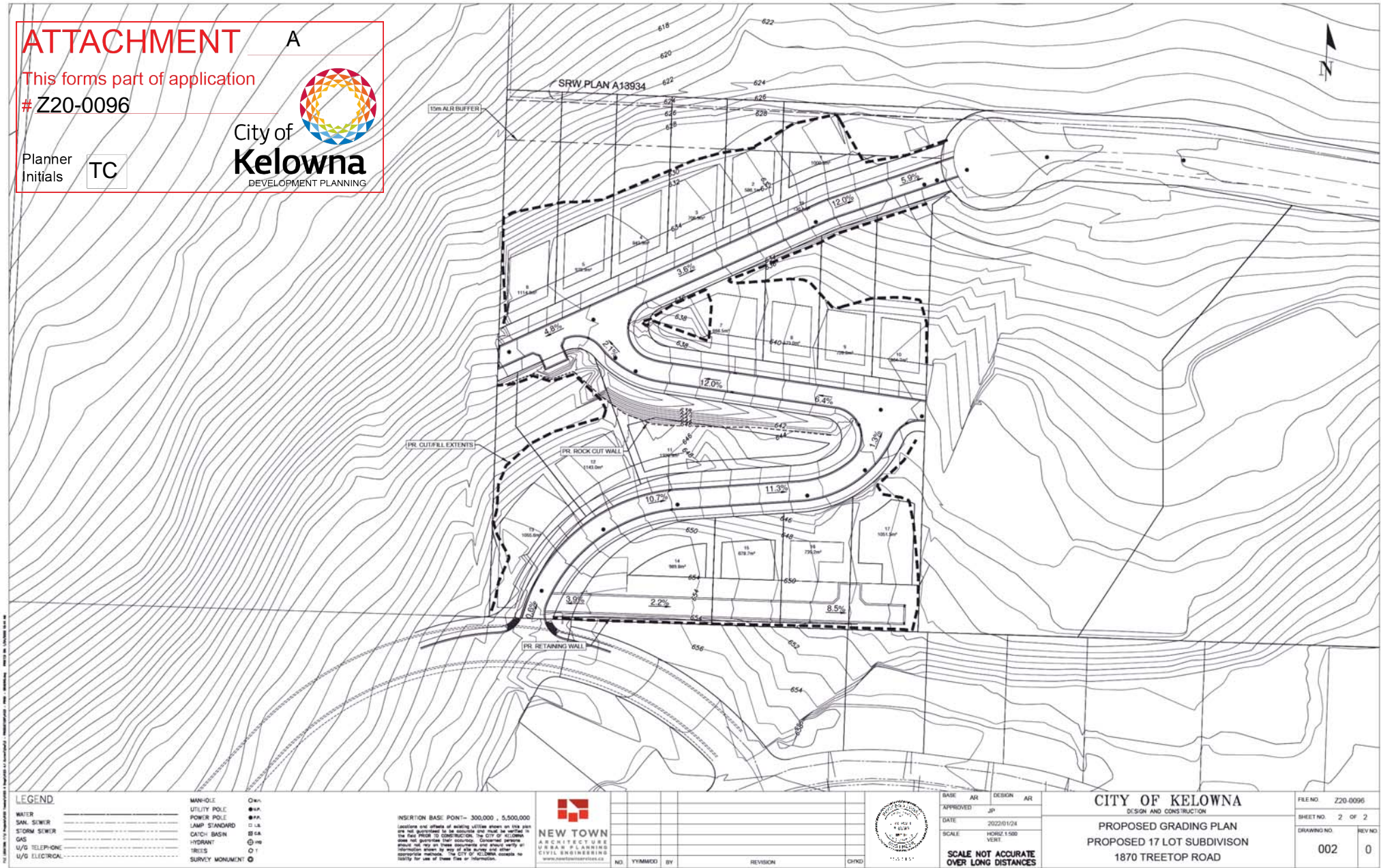
ATTACHMENT A

This forms part of application
Z20-0096

Planner Initials TC



City of Kelowna
DEVELOPMENT PLANNING



CITY OF KELOWNA

BYLAW NO. 12330

Z20-0096

1870 Treetop 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 1 Section 19, Township 27 ODYD, Plan 33849 located on Treetop Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) 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



Z20-0096 1870 Treetop Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from A1 – Agriculture 1 to RU1h – Large Lot Housing (Hillside Area) to facilitate a 17-lot subdivision.

Development Process

Nov 11th, 2020

Development Application Submitted

Staff Review & Circulation

Feb 8th, 2021 &
Feb 3rd, 2022

Public Notification Received

Feb 28th, 2022

Initial Consideration

Final Reading

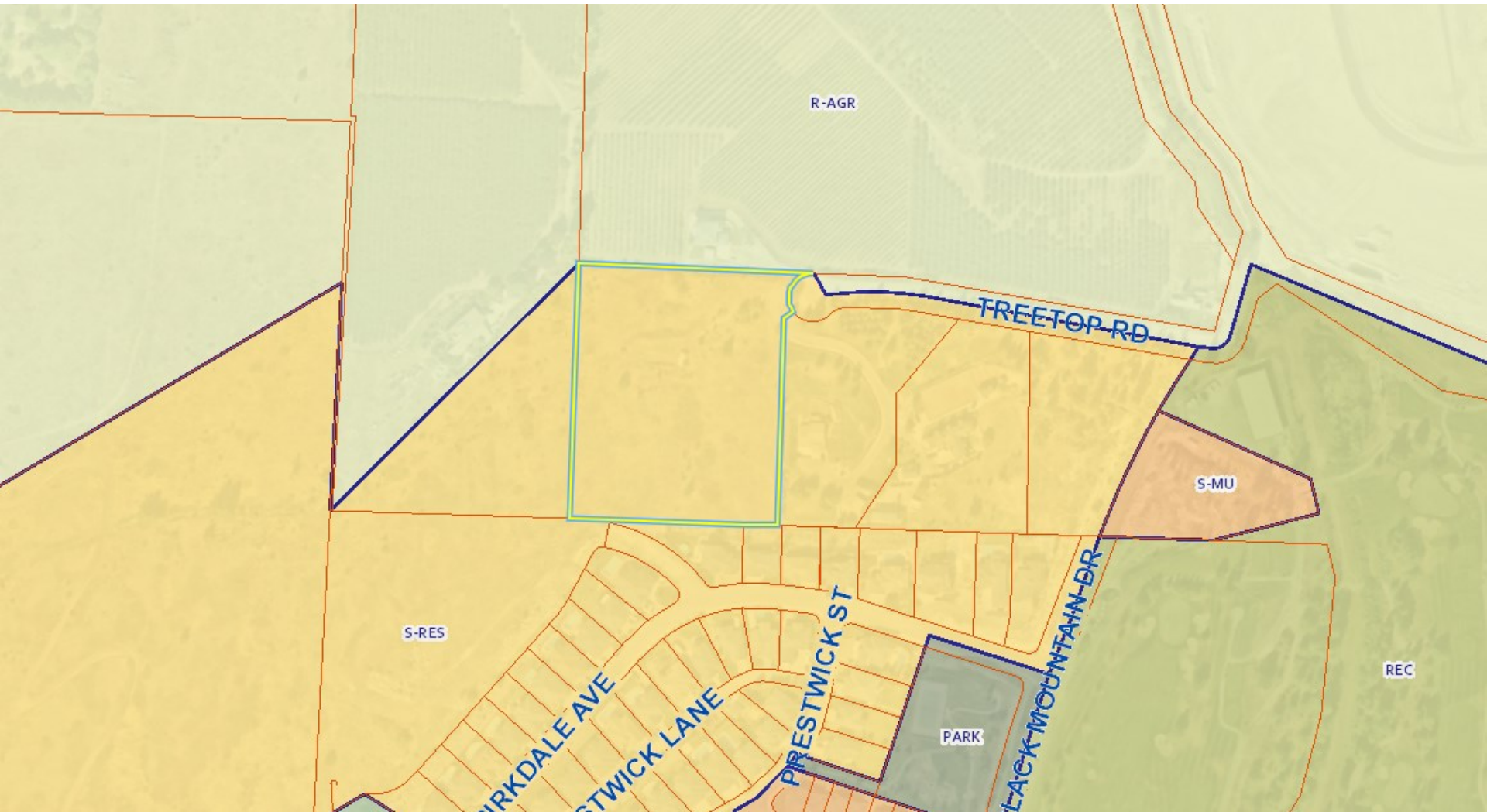
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



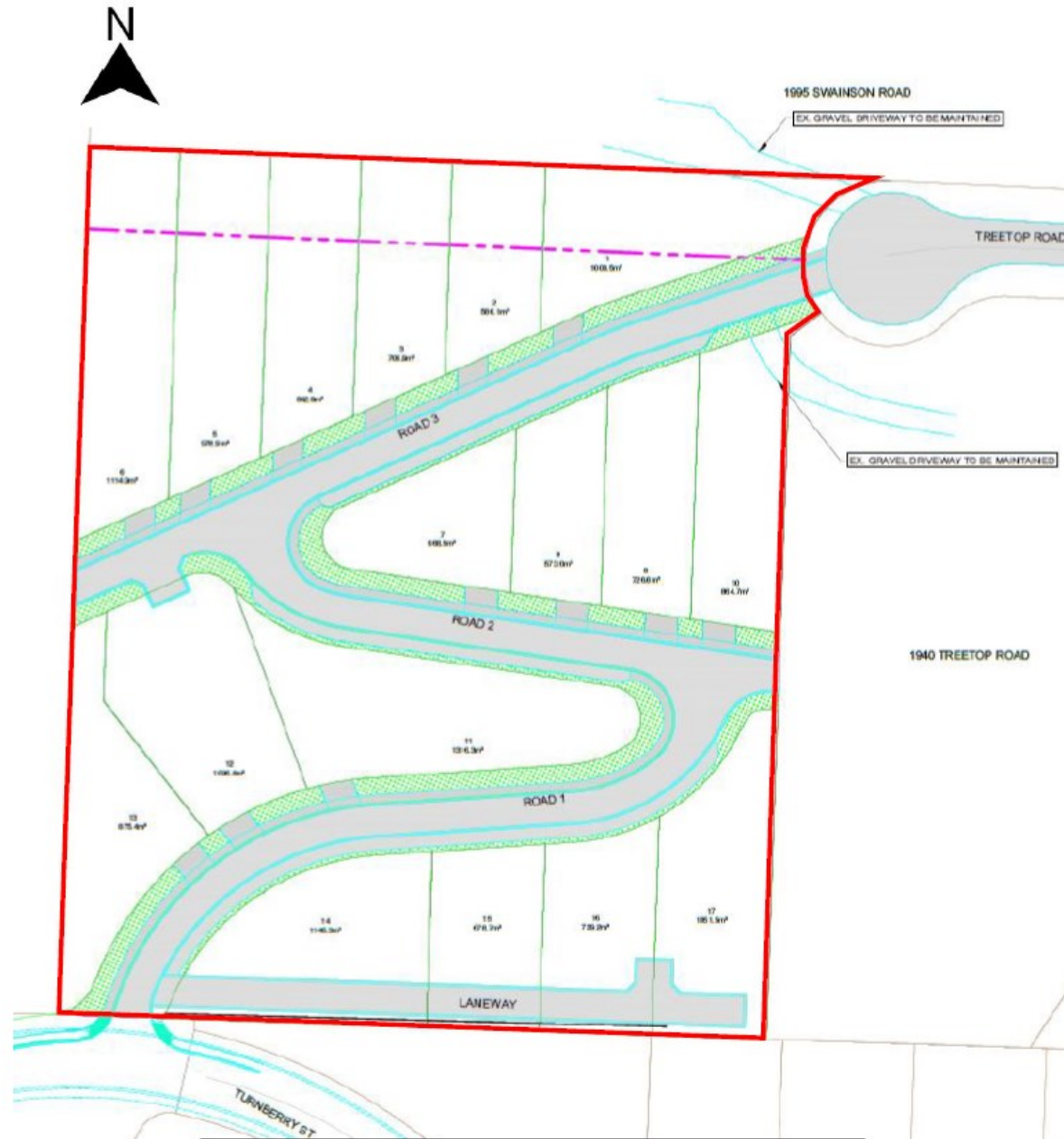
Subject Property Map



Project/technical details

- ▶ Proposed rezoning to RU1h – Large Lot Housing (Hillside Area)
- ▶ All lots meet the depth, width and size of the RU1h zone.
 - ▶ The final adoption of the zone is subsequent to the issuance of a PLR by the Approving Officer.
- ▶ The subdivision offers an important connection between Treetop Road and Turnberry Street.

Site Plan



Development Policy

- ▶ Meets the intent of Official Community Plan Policies including:
 - ▶ Ground-Oriented Housing
 - ▶ Consistent with S-RES Future Land Use Designation.

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate a 17-lot subdivision.
- ▶ Meets the intent of the Official Community Plan and the S-RES Designation.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: February 28th, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0097

Owner: Roger D.S. & Venice D.
Goldammer

Address: 5831 Lakeshore Road

Applicant: Urban Options Planning Corp.

Subject: Rezoning Application

Existing OCP Designation: R-AGR – Rural – Agricultural and Resource

Existing Zone: A1 – Agriculture 1 & P4 – Utilities

Proposed Zone: RR1c – Rural Residential 1 with Carriage House & P4 – Utilities

1.0 Recommendation

THAT Rezoning Application No. Z21-0097 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7 Section 16 Township 28 SDYD Plan 34351, located at 5831 Lakeshore Road, Kelowna, BC from the A1 – Agriculture 1 & P4 – Utilities zone to the RR1 – Rural Residential 1 with Carriage House & P4 – Utilities zones as shown on Map “A” attached to the Report from the Development Planning Department dated February 28th, 2022, be considered by Council;

2.0 Purpose

To rezone the subject property from the A1 – Agriculture 1 & the P4 – Utilities zones to the RR1c – Rural Residential 1 with Carriage House & the P4 – Utilities zones to facilitate the conversion of the existing dwelling into a carriage house and the construction of a new single-family dwelling.

3.0 Development Planning

Staff support the application to rezone the subject property from RR1c – Rural Residential 1 with Carriage House to allow for the conversion of the existing structure into a carriage house and the construction of a new single-family dwelling. The Future Land Use Designation of the property is R-AGR – Rural – Agricultural and Resource, which allows for carriage houses on non-ALR properties that are greater than 1.0ha. The subject property has a small section in the SE corner zoned P4 – Utilities, which is a City of Kelowna utility statutory right-of-way. Staff are proposing to keep this portion P4.

The existing dwelling is single-storey and meets the size, height, and setbacks of the carriage house development regulations. If the application is successful, the building can be converted into a carriage house without any variances.

4.0 Proposal

4.1 Project Description

The application is to rezone to the RR1c zone to convert the accessory building into a carriage house and construct a new single-family dwelling. The proposed carriage house was built in 1999 (BP14111) and converted into a residence in 2002 (BP21674). This structure meets the size, height and setbacks of the carriage house development regulations of the RR1c zone.

The subject property also has an accessory building on-site, which was constructed in 1997 (BP8800) as a four-car garage. Today it operates as a rural home-based business, more specifically a metal fabrication shop. The business uses 72.74m² of the building and will remain after the rezoning.

The proposed new single-family dwelling will be located the SW corner of the property. The foundation of the home was constructed in 2000, however, the owners never went forward with the proposal and the foundation remains. The owners would be required to submit a Building Permit to construct a new single-family dwelling.

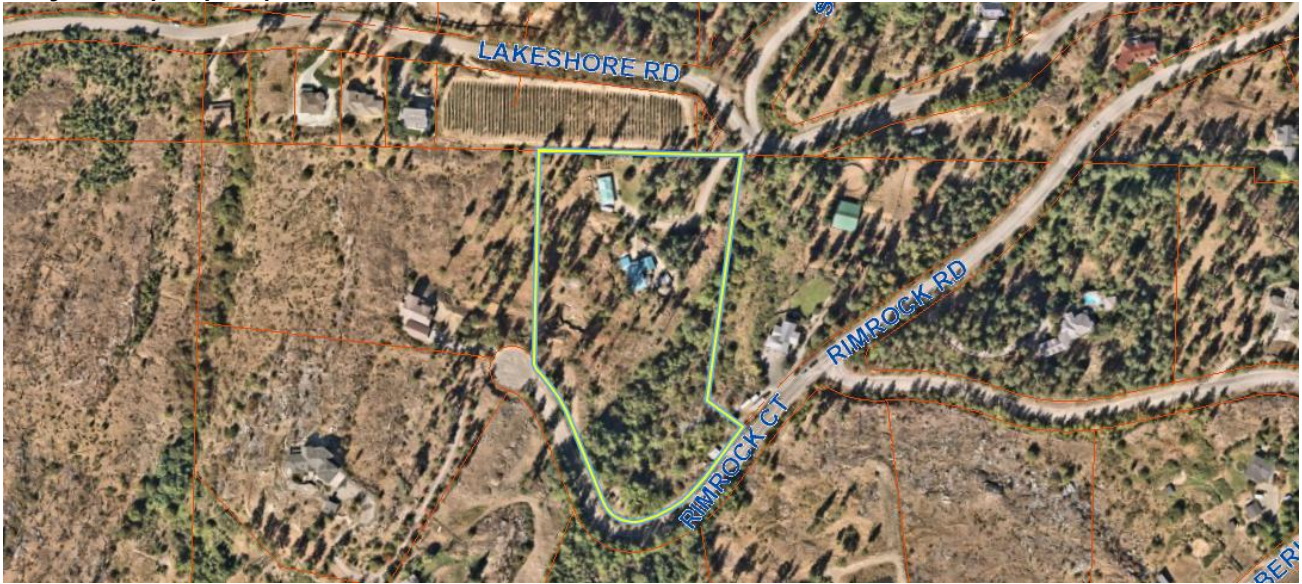
4.2 Site Context

The subject property is in the Southwest Mission OCP Sector, and its surrounding area is primarily zoned A1 – Agriculture 1 and RR1c – Rural Residential 1 with Carriage House. The surrounding Future Land Use Designation is R-AGR – Rural – Agriculture and Resource.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Single-Family Dwelling
South	RR1c – Rural Residential 1 with Carriage House	Single-Family Dwelling & Carriage House
West	A1 – Agriculture 1	Single-Family Dwelling

Subject Property Map: 5831 Lakeshore Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 8.4 Stop urban sprawl into Rural Lands.

Policy 8.4.3 Housing in Agricultural Areas	<p>Carriage houses may be considered on Rural Residential lands where the property is 1.0 hectares or greater and where proposal is consistent with the Farm Projection Guidelines.</p> <p><i>The proposal fits within the overall policy direction due to the size of the subject property.</i></p>
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6.0 Application Chronology

Date of Application Received: June 11th, 2021

Date Public Consultation Completed: October 22nd, 2021

Report prepared by: Tyler Caswell, Planner

Reviewed by: Dean Strachan, Community Planning & Development Manager

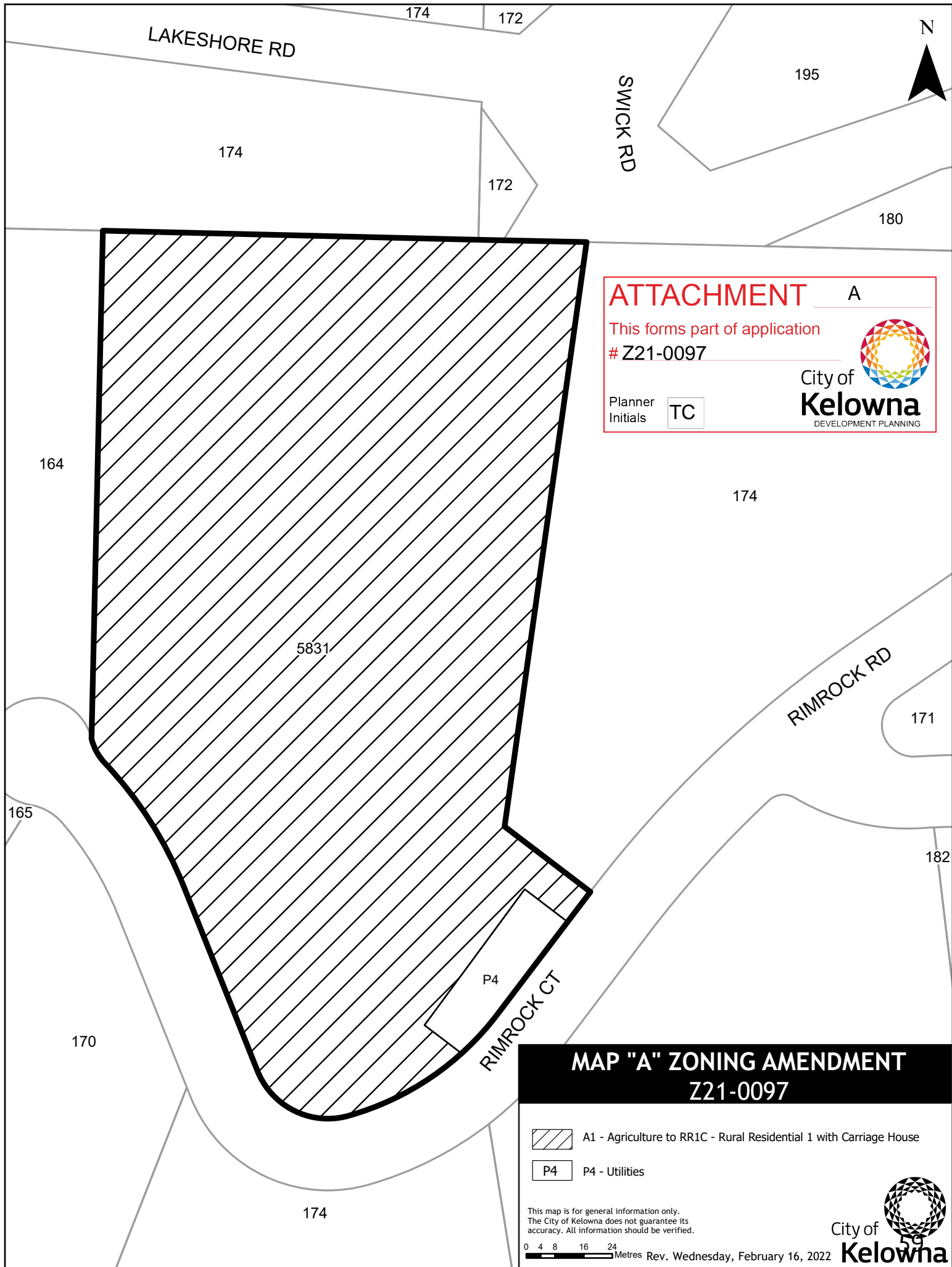
Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Map 'A'

Attachment B: Conceptual Drawing Package




ATTACHMENT **A**

This forms part of application
Z21-0097

Planner Initials **TC**


City of **Kelowna**
DEVELOPMENT PLANNING


MAP "A" ZONING AMENDMENT
Z21-0097

 A1 - Agriculture to RR1C - Rural Residential 1 with Carriage House


P4

 P4 - Utilities

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

 0 4 8 16 24 Metres

Rev. Wednesday, February 16, 2022


City of **Kelowna**

CITY OF KELOWNA
BYLAW NO. 12331
Z21-0097
5831 Lakeshore 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:

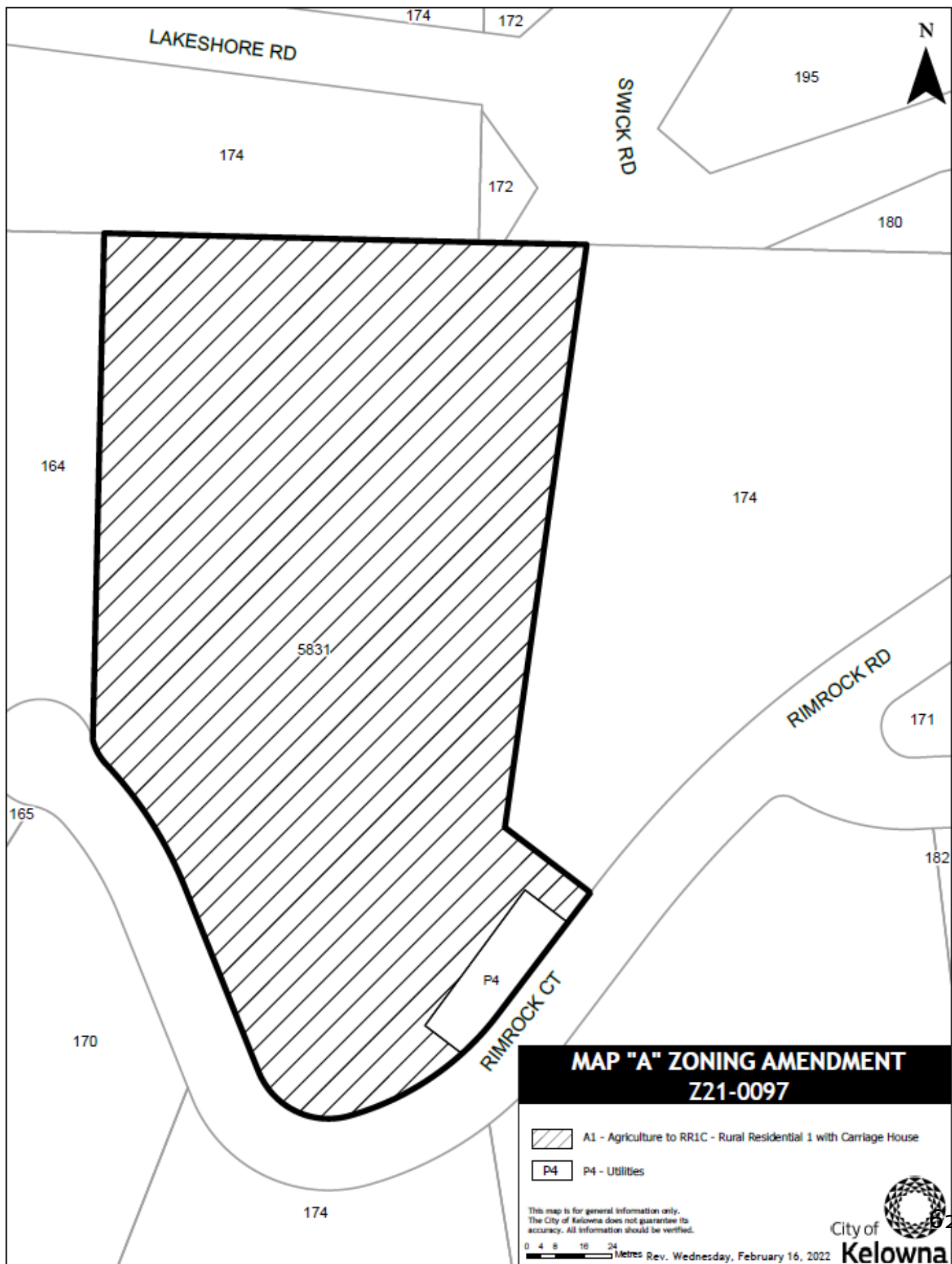
1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7 Section 16, Township 28 SDYD, Plan 34351 located on Lakeshore Road, Kelowna, BC from the A1 – Agriculture 1 and P₄ - Utilities zones to the RR1 – Rural Residential 1 with Carriage House and P₄ - Utilities zones as per Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk





Z21-0097

5831 Lakeshore Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from A1 – Agriculture 1 & P₄ – Utilities zones to the RR1c – Rural Residential 1 with Carriage House & P₄ – Utilities zone to facilitate the conversion of the existing dwelling into a carriage house and the construction of a new single-family dwelling.

Development Process

June 11, 2021

Development Application Submitted

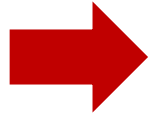


Staff Review & Circulation



Oct 22, 2021

Public Notification Received



Feb 28, 2022

Initial Consideration



First, Second & Third Readings



Final Reading



Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



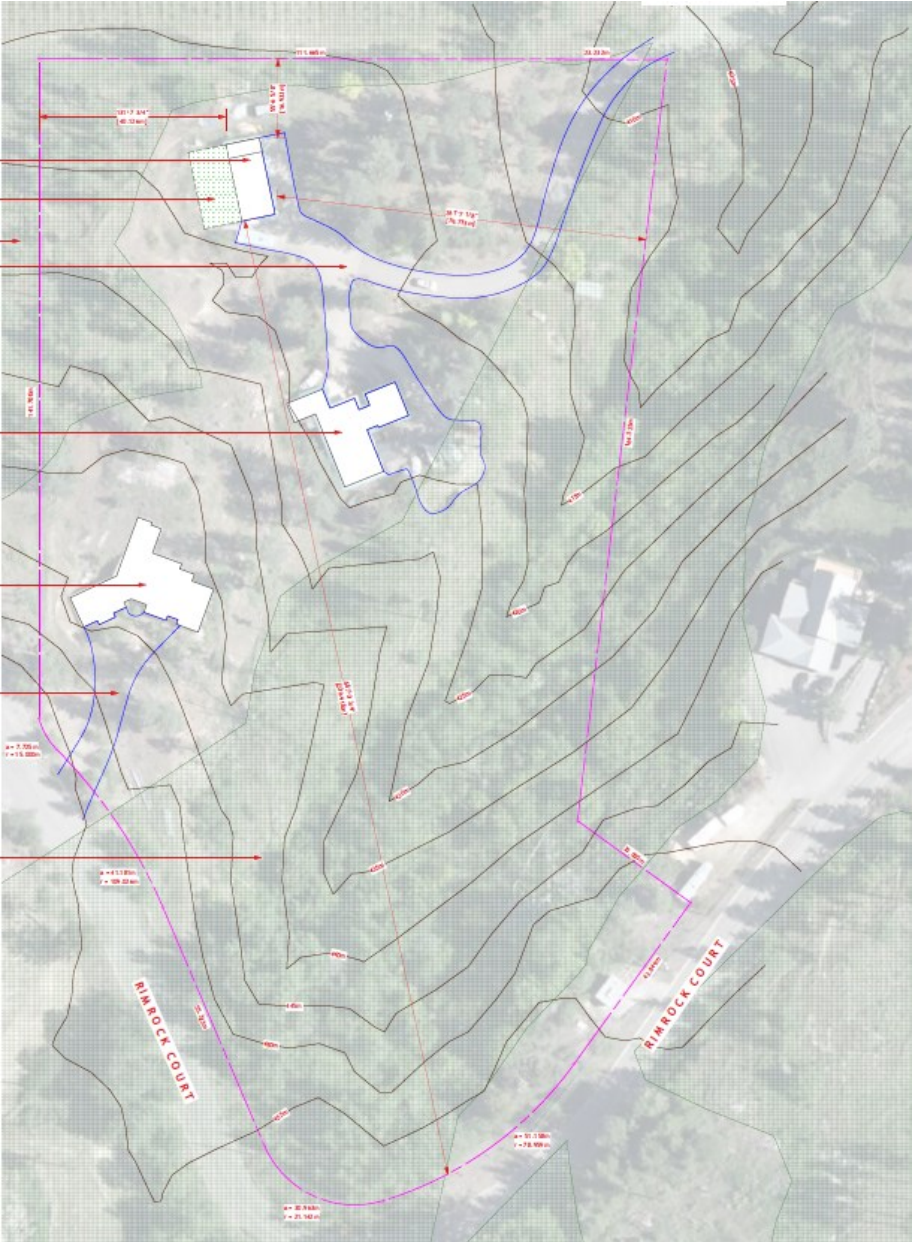
Subject Property Map



Project/technical details

- ▶ The accessory building into a carriage house and construct a new single-family dwelling.
 - ▶ The structure meets the size, height and setbacks of the carriage house regulations.
- ▶ The proposed new dwelling will be located on the SW corner of the property.
- ▶ The existing City of Kelowna right-of-way will remain P₄ – Utilities.

Site Plan



Development Policy

- ▶ Objective 8.4. Stop urban sprawl into Rural Lands.
 - ▶ Policy 8.4.3 Housing in Agricultural Areas.
 - ▶ Carriage houses may be considered on Rural Residential lands where the property is 1.0 hectares or greater and where proposal is consistent with the Farm Projection Guidelines.

Public Notification Policy #367

- ▶ The applicant completed the required notification on October 22nd, 2021.

Staff Recommendation

- ▶ Staff recommend support of the proposed rezoning application.
- ▶ Meets the intent of the Official Community Plan.
- ▶ No variances are required for the conversion of the carriage house.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: February 28, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0098

Owner: Carlyle Holdings Ltd., Inc. No.
273657

Address: 2789-2791 Hwy 97 N

Applicant: Part Nine Designs

Subject: Rezoning Application

Existing OCP Designation: RCOM – Regional Commercial

Existing Zone: C10 – Service Commercial

Proposed Zone: C10rcs – Service Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Council waives the requirement for Schedule A: City of Kelowna Memorandum to be considered in conjunction with Final Adoption of Rezoning Bylaw No. 12168;

AND THAT Final Adoption of Rezoning Bylaw No. 12168 be considered by Council.

2.0 Purpose

To waive a condition of adoption of Rezoning Bylaw No. 12168, and to forward the Bylaw for adoption.

3.0 Development Planning

Rezoning Bylaw No. 12168 received third reading in March 2021. The Schedule A: City of Kelowna Memorandum included a requirement for a road reserve on this lot along the southern property line as a condition of adoption of the bylaw. The applicant has been unable to get the property owner to agree to the road reserve, so has instead proposed a cash in lieu payment as an alternate solution, which the Development Planning and Development Engineering feel is an acceptable compromise in this specific situation. This payment will go towards the future road construction.

This road reserve connection is important to the overall transportation network and the Development Engineering Department will support requiring it at every opportunity in the future.

Subject Property Map: 2789-2791 Hwy 97 N



4.0 Application Chronology

Date of Application Received:	November 19, 2020
Date Public Consultation Completed:	December 8, 2020
Date of Initial Consideration:	February 22, 2021
Date of Public Hearing:	March 16, 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

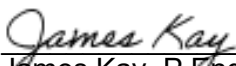
CITY OF KELOWNA

MEMORANDUM

Date: December 11, 2020
File No.: Z20-0098
To: Urban Planning (KB)
From: Development Engineering Manager (JK)
Subject: 2789-2791 Hwy 97 N C10 to C10rcs

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

1. This application to rezone the subject property to C10lp/rcs to allow for a retail cannabis sales establishment on the subject property does not compromise any City of Kelowna municipal infrastructure.
2. 2030 OCP TMP requires a 2-lane major collector. A 10m road reserve must be registered on this lot along the southern property line at this time. At the next building permit or application permit the developer/owner will be required to construct or pay a cash-in-lieu for the portion of road along the southern property line.
3. The comments included in this Memo are those of the Development Engineering Branch of the City of Kelowna. As the subject property is within the 800-m Ministry of Transportation and Infrastructure (MoTI) HWY 97 buffer, this application is subject to the review, comments, and requirements of MoTI.


James Kay P.Eng.
Development Engineering Manager

AS

CITY OF KELOWNA
BYLAW NO. 12168
Z20-0098
2789 – 2791 Highway 97 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 be amended by changing the zoning classification of Lot 60 District Lot 143 Osoyoos Division Yale District Plan 426 Except Plans M327, 10792, A12969, H8110, H18014 and EPP58859 located at Highway 97 North, Kelowna, BC from the C10 – Service Commercial zone to the C10RCS – Service 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 22nd day of February, 2021.

Considered at a Public Hearing on the 16th day of March, 2021.

Read a second and third time by the Municipal Council this 16th day of March, 2021.

Approved under the Transportation Act this 17th day of March, 2021.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: February 28, 2022
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12322 for Z21-0093 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 28, 2022 with respect to Zoning Bylaw No. 12322;

AND THAT Rezoning Bylaw No. 12322 be forwarded for further reading consideration.

Purpose:

To receive a summary of notice of first reading for Rezoning Bylaw No. 12322 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 Z21-0093 for 1820 Ambrosi Road was brought forward to Council for initial consideration on [February 7, 2022](#). Notice of first reading was completed as outlined above.

Rezoning Application Z21-0093 received one piece of correspondence with questions through Development Planning, which staff responded to.

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. 12322, located at 1820 Ambrosi Road, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act*, 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: S. Woods, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc:

Development Planning

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

Report to Council



Date: February 28, 2022
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12323 for Z21-0088 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 28, 2022 with respect to Zoning Bylaw No. 12323;

AND THAT Rezoning Bylaw No. 12323 be forwarded for further reading consideration.

Purpose:

To receive a summary of notice of first reading for Rezoning Bylaw No. 12323 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
Previous Council Resolution

Discussion:

Rezoning Application Z21-0088 for 1225 Findlay Road was brought forward to Council for initial consideration on [February 7, 2022](#). Notice of first reading was completed as outlined above.

Rezoning Application Z21-0088 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. 12323, located at 1225 Findlay Road, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements

Following the notification period under s. 467 of the *Local Government Act*, 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: S. Woods, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc:

Development Planning

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 RU₁ – Large Lot Housing zone to the RM₃ – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, 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 28, 2022
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12324 for Z21-0104 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 28, 2022 with respect to Zoning Bylaw No. 12324;

AND THAT Rezoning Bylaw No. 12324 be forwarded for further reading consideration.

Purpose:

To receive a summary of notice of first reading for Rezoning Bylaw No. 12324 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 Z21-0104 for 549 Knowles Road was brought forward to Council for initial consideration on [February 7, 2022](#). Notice of first reading was completed as outlined above.

Rezoning Application Z21-0104 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. 12324, located at 549 Knowles Road further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act*, 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: S. Woods, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc:

Development Planning

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

Report to Council



Date: February 28, 2022

To: Council

From: City Manager

Subject: Rezoning Bylaw No. 12328 for Z20-0093 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 28, 2022 with respect to Zoning Bylaw No. 12328;

AND THAT Rezoning Bylaw No. 12328 be forwarded for further reading consideration.

Purpose:

To receive a summary of notice of first reading for Rezoning Bylaw No. 12328 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 Z20-0093 for 453 Barkley Road was brought forward to Council for initial consideration on [February 14, 2022](#). Notice of first reading was completed as outlined above.

Rezoning Application Z20-0093 received one letter of concern / opposition 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. 12328, located at 453 Barkley Road, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act*, 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: S. Woods, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc:

Development Planning

CITY OF KELOWNA

BYLAW NO. 12328

Z20-0093

453 Barkley Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 28 District Lot 167 ODYD Plan 13550 located on Barkley Road, 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, 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 28, 2022

To: Council

From: City Manager

Subject: Arab/Appaloosa Road Area Development - Update and Recommendations

Department: Development Planning

Recommendation:

THAT Council receives, for information, the report from the Development Planning Department dated February 28, 2022, with respect to the Arab/Appaloosa Road Area Development Update;

AND THAT Council endorses to the Arab/Appaloosa Road area engineering plan and project process as outlined in the report from the Development Planning Department dated February 28, 2022;

AND FURTHER THAT Council directs staff to renew bylaw enforcement for the Arab/Appaloosa Road area as outlined in the report from the Development Planning Department dated February 28, 2022.

Purpose:

To provide Council with an update on the Arab/Appaloosa Road area, proposed engineering plan, and project status and process.

Background:

The Arab/Appaloosa Road area (subject area; the neighbourhood) has a long-standing and complex planning history. Key historical project milestones, outcomes and directions are outlined below and previous Council resolutions for the subject area is provided in Appendix A.

2012:

- The subject area was designated for future Industrial – Limited use development in the 2030 Official Community Plan (OCP).
- I6 - Low Impact Transitional Industrial zone was added to the City's Zoning Bylaw 8000, to allow for a range of low-impact industrial land uses that are intended to act as a transition between the general industrial areas to the south and east and the rural residential areas to the north and west of the Arab/Appaloosa Road area.
- Many of the properties were being used for light industrial and storage uses, not conforming to zoning restrictions of the day.
- Properties designated Industrial – Limited are permitted to apply to re-zone to the I6 – Low Impact Transitional Industrial

- During rezoning application review process, it was determined that the design and installation of industrial services was both cost prohibitive for individual property owners and difficult due to fragmented ownership.
- Council directed staff not to accept rezoning applications until the servicing issues had been resolved. Staff explored options that would allow a reduced servicing standard; however, the proposed options were not supported by the neighbourhood.

2013:

- Council reaffirmed direction to staff not to accept rezoning applications, and directed staff explore a Local Area Service program (LAS) to achieve the needed upgrades.
- Between 2014 and 2017 staff worked on a LAS program but was not fully supported and accepted by the neighbourhood.

2017:

- Following an April 2017 Public Hearing, Council:
 - i. indicated that they were no longer supportive of the LAS process which would place unwanted costs on some of the residents in the subject area;
 - ii. chose not to re-designate many of the properties in the subject area as Resource Protection area; and,
 - iii. instructed the area property owners to work together on a comprehensive servicing area plan. This plan would see interested parties front end the consulting costs and ultimately, the servicing costs, with the ability to latecomer future developments.
- Council denied two applications for temporary use permit and instructed the applicants to work towards a permanent servicing solution.

2017-2019:

Since Council's 2017 decision, staff have been working on and off with a group of area property owners and a civil engineer to create a comprehensive neighborhood engineering and servicing plan. To move forward with the 2017 outcome, the City suggested the following steps to the area residents:

- i. Hire professional engineering consulting team;
- ii. Consult with City staff to set terms of reference and establish the scope of work to be completed;
- iii. Staff to check-in with the consulting team at critical milestones identified in the terms of reference; and,
- iv. Once the study is completed and endorsed by staff, it will be forwarded to Council for approval through the appropriate processes.

In June 2019, staff met with the civil engineer and several neighbourhood residents to discuss and set the terms of reference and the project scope of work. As per Council, staff informed the area residents that no-one could move forward a rezoning application until an area servicing plan had been created, approved, and bonded for by each applicant.

Current Status:

The property owners in the area intend to pursue a neighbourhood-led land use and servicing plan. This is to facilitate the option for the area residents to submit a collaborated group application to rezone their parcels to I6 - Low Impact Transitional Industrial zone.

Throughout 2020 and 2021, number of property owners in the area formed a neighbourhood group, continued to collaborate with the civil engineer and the City towards a comprehensive servicing solution that meets the City's servicing regulations for industrial development. In August 2021, an area-

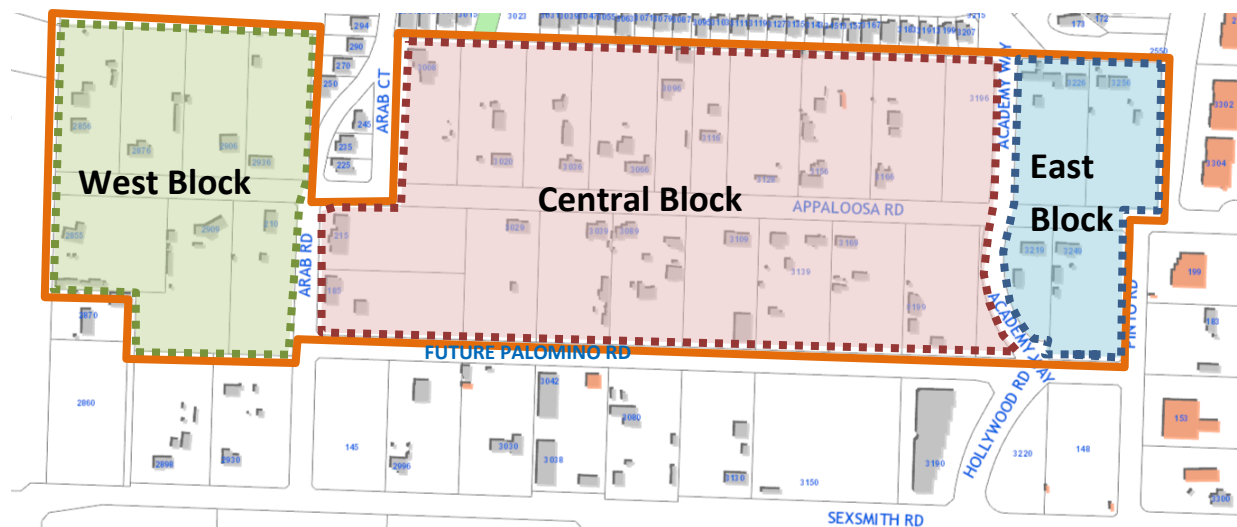
wide engineering and servicing plan was submitted to the City by the consultant which was approved by staff. At the time of this report, the Issued for Construction (IFC) design package submission to the City was pending.

Additionally, members of the neighbourhood group formed a numbered company to facilitate and administer the bonding for the off-site works. A memorandum submitted by the civil engineer (Attachment A) provides a list summary of the properties making up the neighbourhood group who are initiating the servicing agreement for the off-site works, as well a summary of the engineering works that are required for the area. On December 21, 2021, members of the neighbourhood group listed in the memorandum with an instream rezoning application entered a development servicing agreement with the City and bonded for the off-site works.

Project Details and Process:

The subject area is located within the Highway 97 City Sector within the permanent growth boundary. The subject area is bound by Pinto Rd to the east, future Palomino Rd to the south, agriculture lands to the west and residential development to the north, as illustrated by the orange outline in Figure 1.

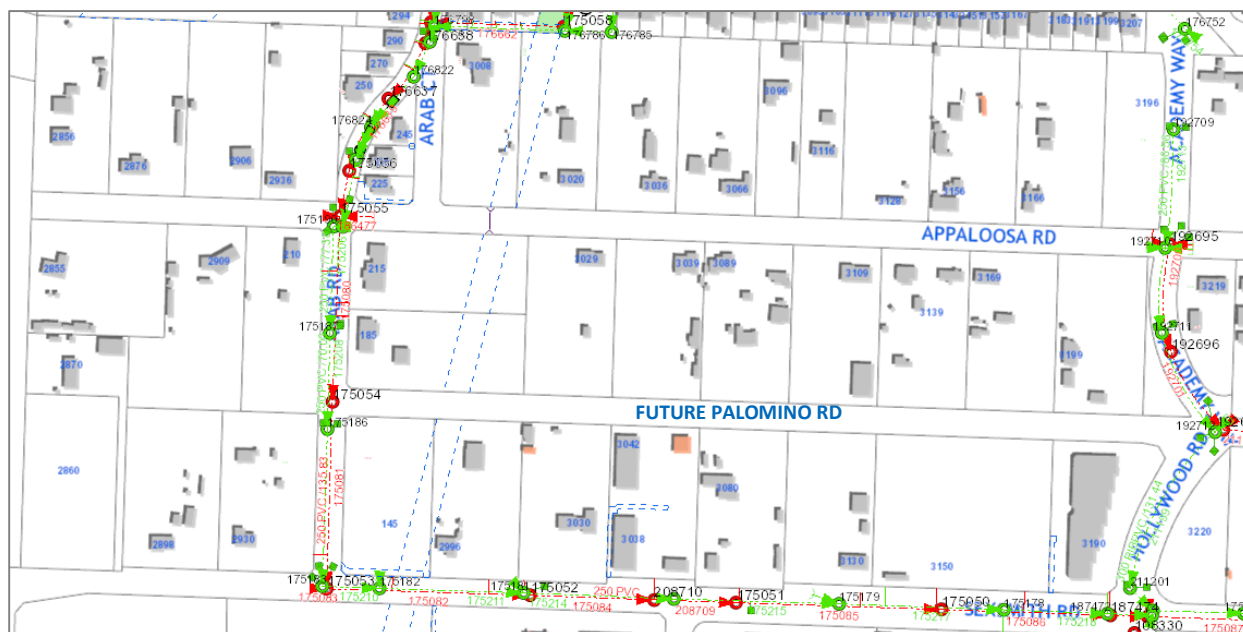
Figure 1: The comprehensive Arab/Appaloosa neighbourhood is illustrated with the orange outline. Note future Palomino Rd located north of Sexsmith Rd, between Arab Rd to the west and Academy Rd to the east. The servicing area breakout structure is illustrated in green (west block), pink (central block) and blue (east block).



The proposed servicing and engineering solution is a comprehensive area-wide design. Due to cost, level of existing and future servicing needs for the area, as well as logistics, the subject area is broken into three servicing blocks – central, east and west blocks as illustrated in Figure 1 in pink, blue and green polygons, respectively. There are sewer and water main connections located at the Arab Rd and Appaloosa Rd intersection, as well as at Academy Way and Appaloosa Rd intersection (Figure 2). As such sewer and water service lines may be extended to any one of the three blocks and the off-site upgrades can be initiated at each block independent of each other. Even though each servicing block

can proceed with off-site upgrades independently, a comprehensive engineering, servicing and costing solution is nonetheless required for a successful outcome of the project.

Figure 2: Existing sewer and water main connections located at Arab Rd and Appaloosa Rd intersection and Academy Way and Appaloosa Rd intersection.



The area has road and utility challenges that necessitates a coordinated solution lead by the area residents. In order to rezone the area from Agriculture to Industrial, the road network in the area requires comprehensive upgrades, and community water and sewer is required to service the new industrial lands.

The cost for off-site requirements for the area properties is estimated to be in excess of three million dollars, which is more than one property owner is likely to be able to manage. The off-site requirements include underground and surface infrastructure for Appaloosa Road and Palomino Road, which need to be completed concurrently. All these works will only be achievable through a comprehensive, area-wide engineering and serving implementation, and a neighbourhood financial solution in the form of cost-sharing so that the entire neighbourhood may proceed. All of this cannot be achieved on a lot-by-lot basis unless the individual lot in the area that is first to submit a rezoning application agrees to take on the entire off-site needs and cost associated with off-site improvements for the area, at that time, then the individual lot may come in alone. Otherwise, approval of one-off rezoning proposal would erode the likelihood of a neighbourhood solution.

To achieve the neighbourhood financial solution, the neighbourhood group is also providing bonding for the frontage improvements of the adjacent properties located between Arab Rd and Academy Way (Central Block) that have not applied for rezoning at this time. Those properties will be subject to late comer fees for the frontage improvements that will be payable to the neighbourhood group upon rezoning. As previously mentioned, on December 21, 2021, members of the neighbourhood group with an instream rezoning application entered a development servicing agreement with the City and bonded

for the off-site works. As such, the active rezoning applications can now be moved forward into the Council process under a coordinated servicing strategy.

Proposed Bylaw Enforcement Strategy:

The neighbourhood is made up of agriculturally zoned lots where many of the properties have historically and currently continue to use the lands for light industrial and storage uses, not conforming to existing zoning regulations. Few property owners in the recent months have altered their parcel from Agriculture to Industrial use without a permit and prior to approval of a rezoning application.

The intent of the Industrial – Limited designation was to recognize the character of the neighborhood and give owners a path to conformity by allowing properties to be re-zoned for transitional industrial use. Given the non-conforming land use and bylaw enforcement history of this area, as well, in order for the area-wide servicing strategy to be successful, staff recommend a bylaw enforcement strategy to be implemented concurrently with the servicing strategy, as following:

- i. Staff will provide a notification letter to the affected residents of the City's intent to enforce its bylaws. The notification will provide information regarding permitted uses and requirements under the existing A1 Zone, permitted uses and requirements under the I6 Zone (should an application for rezoning be successful), current infractions, the rezoning process, and potential penalties for non-compliance. The intent of this information package is to assist residents to become compliant with the City's current bylaws.
- ii. Area residents will have 30 days from the date of notification letter issuance to indicate whether they wish to:
 - a. pursue rezoning, or,
 - b. bring the parcel into current land use compliance, or,
 - c. pursue the relocation of their business.
- iii. Area residents who do not reply or indicate that they wish to pursue either rezoning, land use compliance, or relocation, will have 60-days from the date of notification letter issuance prior to progressive enforcement actions will be implemented.
- iv. Area residents who do respond to the notification letter and indicate that they wish to pursue rezoning, come into land use compliance or to relocate their business will have three-months from the date of the notification letter issuance to comply by their decision prior to progressive enforcement actions will be implemented.

Report prepared by:	Barbara B. Crawford, Planner II
Reviewed by:	Dean Strachan, Community Planning & Development Manager
Reviewed by:	Terry Barton, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Arab/Appaloosa Group - CTQ Memo

Appendix A: Previous Council Resolutions

MEMORANDUM



Date: January 26, 2022

To: **Ryan O'Sullivan**
Development Engineering, City of Kelowna

Project #: 17118

Project Name: Appaloosa Road Neighbourhood

Re: Service Agreement

The Appaloosa Road Neighbourhood Group are applying for rezoning of the following properties from the current A1 designation to the I6 Zone. The Members of the Appaloosa Group have formed a numbered company (1230386 BC Ltd.) to administer the bonding and construction of the Appaloosa Road and Palamino Road off site works as per the completed December 21, 2021 CoK Development Servicing Agreement. The members of the Appaloosa Group, the corresponding lot # and street address, and the status of their applications are as follows:

- Lot 6 – DL Capital Inc. No. BC0820774, Dave and Karen Desjardins - 3008 Appaloosa Rd (formally 265 Arab Crt) – current application in process and is joined to company;
- Lot 8 - Bhupinder Singh and Balwant Kaur Mroke - 3036 Appaloosa Rd – current application in process and is joined to company;
- Lot 11 - 1056175 BC Ltd. No. BC1056175, Darcy Holloway - 3128 Appaloosa Rd – current application in process and is joined to company;
- Lot 12 – Sara Diane and Angus Bruce Aitken (Hotshot Transport) - 3156 Appaloosa Rd – current application in process and is joined to company;
- Lot 14 - Micheal Holzhey. Watermark Developments LTD., Inc. No. 1191800 - 3196 Appaloosa Rd – current application in process and is joined to company;
- Lot 40 – 1046958 BC Ltd., Inc. No. BC1046958, Tony KhunKhun 185 Arab Rd – current application in process and is joined to company;
- Lot 41 - Viking Refrigeration Ltd., Inc. No. BC0495457, Blaire Keller, Dan Hynman - 3029 Appaloosa Rd – current application in process and is joined to company;
- Lot 42 – Suresh Kumar and Babita Khurana - 3039 Appaloosa Rd – current application in process and is joined to company;
- Lot 43 – 1571937 Alberta Ltd. (99%) & Garrett Kristopher Radchenko (1%) - 3089 Appaloosa Rd – current application in process and is joined to company;

- Lot 44 – Mark David and Selma Marilyn Kornell - 3109 Appaloosa Rd – no application, but would like to complete the frontage works as part of the group and is joined to company;
- Lot 45 - Pitura Enterprises - 3139 Appaloosa Rd – current application in process and is joined to company (not currently party to the CoK Development Servicing Agreement); and
- Lot 46 – 1301318 BC Ltd. Inc. No. BC1301318, Ernie Therrien. Therrien Bros Construction - 3169 Appaloosa Rd – current application in process and is joined to company.


The rezoning of the above noted properties triggers the frontage improvements for Appaloosa Road and Palamino Road. Appaloosa Road is proposed to be upgraded from a two-lane rural roadway to a two-lane urban industrial collector including curb and gutter and sidewalks, with utility upgrades including water, sanitary and storm sewer. Palamino Road is currently undeveloped right of way and will be upgraded to a two-lane rural industrial lane with storm sewer. The attached Drawing SK-01 shows the properties included within the Service Agreement and the typical sections for the proposed improvements to Appaloosa Road and Palamino Road.

The Appaloosa Group is also providing bonding for the frontage improvements of the adjacent properties (between Arab Road and Academy Way) that have not applied for rezoning at this time. The following properties will be subject to a late comer for the above noted frontage improvements that will be payable upon rezoning:

- Lot 7 - 3020 Appaloosa Road;
- Lot 9 - 3066 Appaloosa Road;
- Lot 10A - 3096 Appaloosa Road;
- Lot 10B - 3116 Appaloosa Road;
- Lot 13 - 3166 Appaloosa Road;
- Lot 39 - 215 Arab Court; and
- Lot 47 - 3199 Appaloosa Road.


The City of Kelowna has collected Cash in Lieu towards the south half of the Palamino Road improvements from the properties fronting Sexsmith Road that have recently rezoned. The Cash in Lieu funds will also be used towards completion of the full cross section of Palamino Road.

We trust the above addresses the background information in support of the Service Agreement for the Appaloosa Road and Palamino Road improvements and rezoning of the above note subject properties.

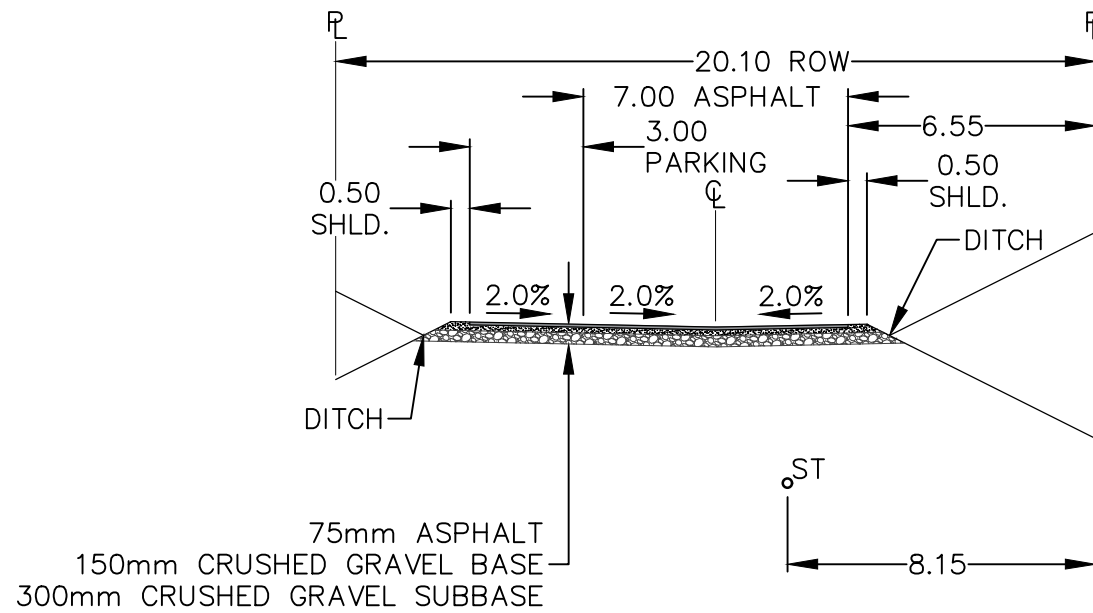
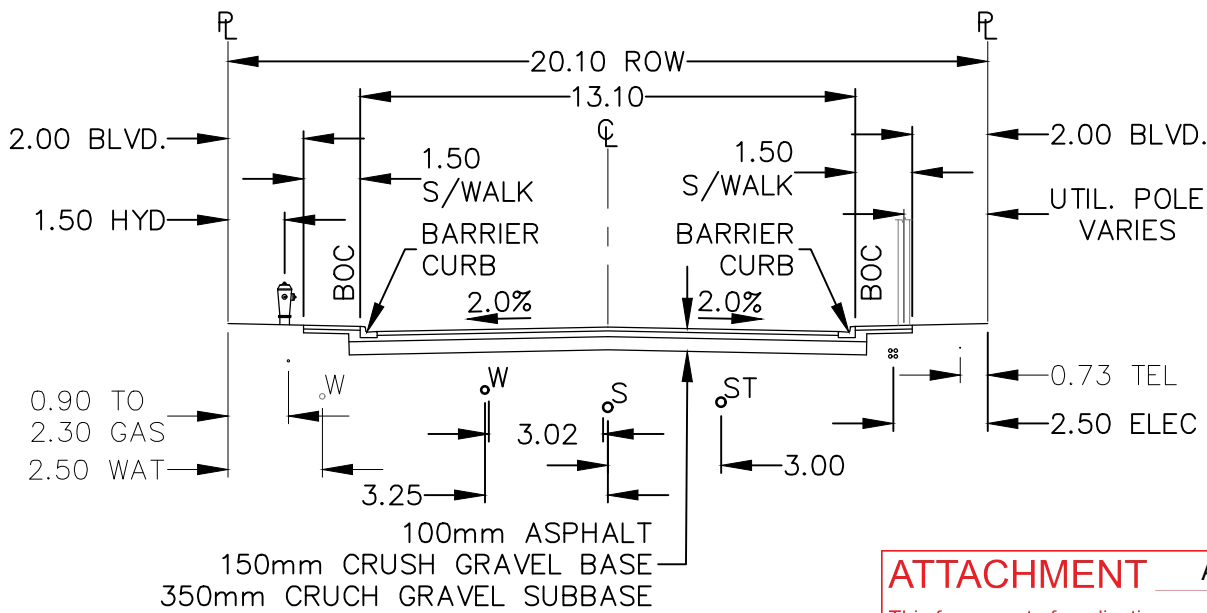
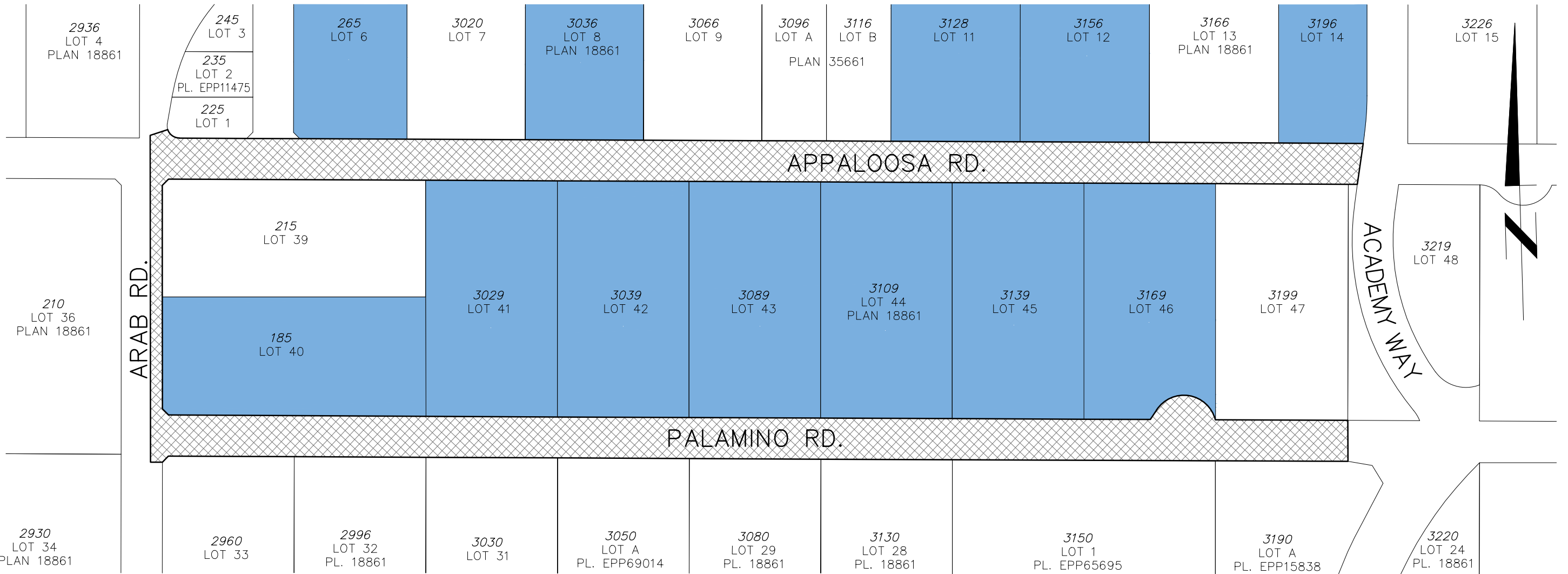


David D. Cullen, P.Eng.
Project Engineer
CTQ Consultants Ltd.

cc: John Hertay, Darcy Holloway – Appaloosa Group

ATTACHMENT		A
This forms part of application		
#		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

L:\General Data\Projects-2017\17118 - Appaloosa Road Neighbourhood Plan\4-CAD\SKETCHES\17118-SK-01.dwg July 21, 2021 Roland Ruegg



INCLUDED IN
SERVICE
AGREEMENT

APPALOOSA RD.
NEIGHBOURHOOD
PROJECT LIMITS
PROJECT No. 17118
DRAWING No. 17118-SK-01
SCALE AS NOTED
July 21, 2021

ATTACHMENT A
This forms part of application
Planner Initials BC
City of Kelowna
DEVELOPMENT PLANNING

Appendix A: Previous Council Resolutions – Arab/Appaloosa Road Area

Resolution	Date
<p>THAT Council receives, for information, the Report from the Manager, Urban Land Use dated November 19, 2012 with respect to the Industrial – Limited future land use designation contained in the Kelowna 2030 Official Community Plan;</p> <p>AND FURTHER THAT Council directs staff to report back with options for amending the I6 – Low Impact Transitional Industrial Zone to ensure consistency of intent and purpose with the Kelowna 2030 Official Community Plan.</p>	December 3, 2012
<p>THAT Council receives, for information, the Supplemental Report from the Manager of Urban Land Use dated March 19, 2013, with respect to the Industrial – Limited future land use designation contained in the Kelowna 2030 Official Community Plan;</p> <p>AND THAT Council directs staff to pursue Land Use Alternative 1, as identified in Report from the Manager of Urban Land Use dated March 19, 2013;</p> <p>AND THAT Council directs staff to initiate the process to advance Sanitary Sewer Connection Area #35 to a Specified Sanitary Sewer Service Area;</p> <p>AND FURTHER THAT Council direct staff NOT to accept further Rezoning applications for the Arab/Appaloosa Road area, pending final resolution of land for the area.</p>	March 25, 2013
<p>THAT Council receives, for information, the Report from Utilities Planning Manager dated September 30, 2013, regarding the Arab/Appaloosa Water, Sewer and Road Pre-design and Public Review;</p> <p>AND THAT Council direct staff to abandon the Local Area Service process required to construct the infrastructure needed to meet the I6 – Low Impact Transitional Zoning as costs are in excess of what will likely be considered reasonable by area property owners;</p> <p>AND FURTHER THAT staff be directed to report back to Council with alternative options for future land uses in the Arab/Appaloosa area.</p>	September 30, 2013
<p>THAT Council receives, for information, the Report from Utilities Planning Manager, Bylaw Services Manager and Urban Planning Manager, dated December 16, 2013 regarding the Arab/Appaloosa Land Use and Servicing Options;</p> <p>AND THAT Council directs staff to follow Option 1 as identified in the Utilities Planning Manager, Bylaw Services Manager and Urban Planning Managers report, dated December 16, 2013 regarding the Arab/Appaloosa Land Use and Servicing Options;</p>	December 16, 2013

<p>AND THAT Council directs staff to bring forward the proposed amendments to the I6 Zone, including a provision for outdoor storage, and to require Development Permits, to ensure consistency with the intent and purpose of the Kelowna 2030 OCP and Industrial-Limited designation;</p> <p>AND THAT Council directs staff to ensure that the fire flow and servicing with respect to the I6 Zone be required as per Subdivision, Development and Servicing Bylaw No. 7900;</p> <p>AND THAT Council directs staff to commence bylaw enforcement action against the two (2) most prolific offenders;</p> <p>AND FURTHER THAT Council directs staff to hold a Local Area Servicing meeting in order to gauge support for a Local Area Servicing Bylaw and to explain the proposed changes to the I6 Zone.</p>	
<p>THAT Official Community Plan Bylaw Text Amendment No. OCP14-0002 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 by amending Map 5.8 as outlined in the Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;</p> <p>AND THAT Official Community Plan Bylaw Text Amendment No. OCP14-0002 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 by adding Section 18 to the Comprehensive Development Permit Guidelines, as outlined in the Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;</p> <p>AND THAT Zoning Bylaw Text Amendment No. TA14-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by amending to I6 – Low Imp Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;</p> <p>AND FURTHER THAT the Official Community Plan Amending Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.</p>	<p>April 13, 2015</p>
<p>THAT Council receives, for information, the report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;</p> <p>AND THAT Council directs staff to follow the Bylaw Enforcement Strategy as identified in the Report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and By Enforcement Strategy;</p> <p>AND THAT Council directs staff to prepare Official Community Plan amendments as identified in the Report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;</p>	<p>March 21, 2016</p>

AND FURTHER THAT Council directs staff to lift the moratorium on accepting rezoning applications in the Arab/Appaloosa area as noted in the Report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy.	
<p>THAT Council receive for information, the supplementary report from the Community Planning Department dated November 28, 2016, with respect to the Industrial – Limited future land use designation for properties along the Arab and Appaloosa Roads;</p> <p>AND FURTHER THAT Council direct staff to pursue Option 3 (Informational Mail-Out and Survey with Public Open House / Meeting) as outlined in the report from the Community Planning Department dated November 28, 2016.</p>	November 28, 2016
<p>THAT Council receive for information the supplementary report from Community Planning dated February 27, 2017, with respect to the establishment of a Local Area Service along Arab and Appaloosa Roads;</p> <p>AND THAT Council direct staff to follow the future land use and bylaw enforcement strategy as identified in the Utilities Planning Manager report, dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;</p> <p>AND FURTHER THAT Council direct staff to prepare Official Community Plan amendments as identified in the Utilities Planning Manager report, dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy.</p>	February 27, 2017
<p>THAT Council waive the requirement of the Development Application Procedures Bylaw 10540 that a defeated bylaw not be reconsidered for 6 months from the date of its defeat;</p> <p>AND THAT Official Community Plan Map Amendment Application No. OCP16-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of the properties identified in Appendix 'A' attached to the Community Planning report dated April 10, 2017, from the Industrial – Limited (IND-L) designation to the Resource Protection Area (REP) designation be considered by Council;</p> <p>AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;</p> <p>AND THAT Council considers the public processes detailed in the Report from the Community Planning Department dated February 27, 2017, to be appropriate consultation for the purpose of Section 475 of the <i>Local Government Act</i>.</p> <p>AND FURTHER THAT Council directs staff to pursue an escalating Bylaw Enforcement process on non-compliant properties in the subject area.</p>	April 25, 2017



Arab/Appaloosa Rd Area Development Update and Recommendations

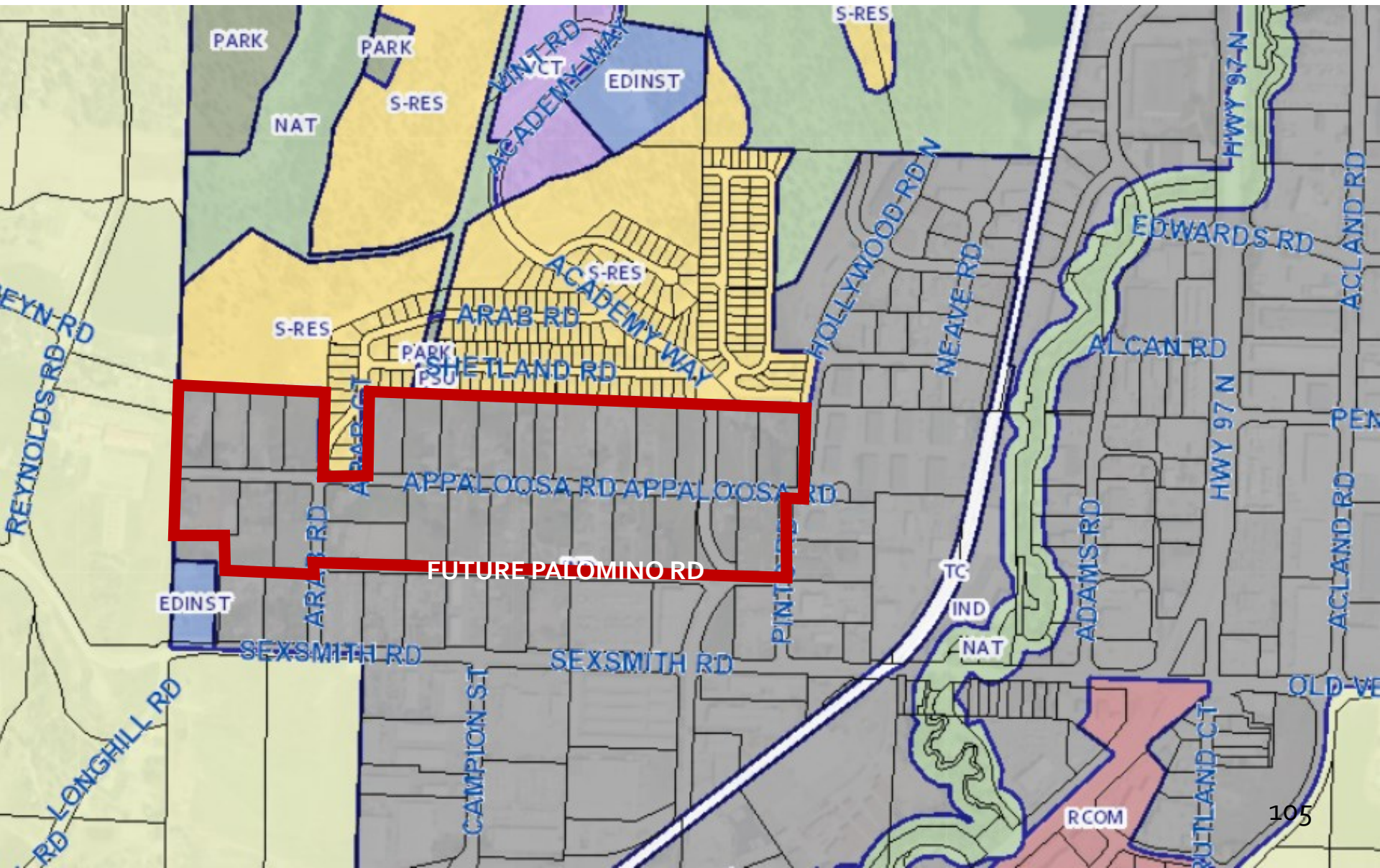
Proposal

- ▶ To provide Council with an update on the Arab/Appaloosa Road area, proposed engineering plan, and project status and process

Project Area



2040 OCP Future Land Use



Background

▶ **2012:**

- ▶ Land use non-conformance
- ▶ I6 – Low Impact Transitional Industrial
- ▶ Design & installation of industrial services were cost prohibitive for individual property owners

▶ **2013-2017:**

- ▶ Local Area Servicing (LAS) program
- ▶ LAS not fully supported & accepted by the area residents

Background

▶ 2017:

- ▶ LAS non-support – unwanted costs on some area residents
- ▶ Did not re-designate area to Resource Protection
- ▶ Comprehensive servicing area plan – front end the consultation and servicing costs with latecomer option

Background

► **2017 - 2019:**

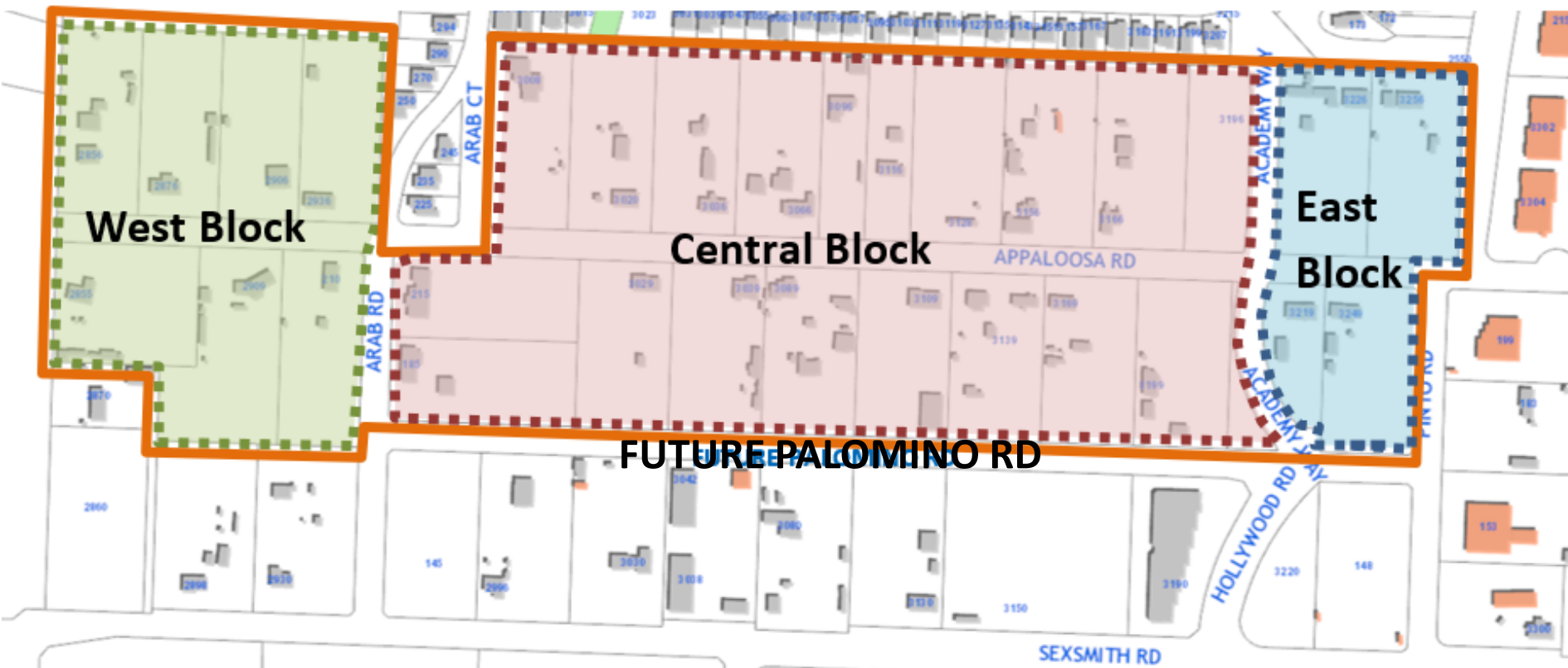
- Engage a professional engineering consultant
- Terms and Reference and Scope of Work
- Consult with City staff at critical milestones
- Comprehensive area-wide engineering solution
- Council review and approval

Current Project Status

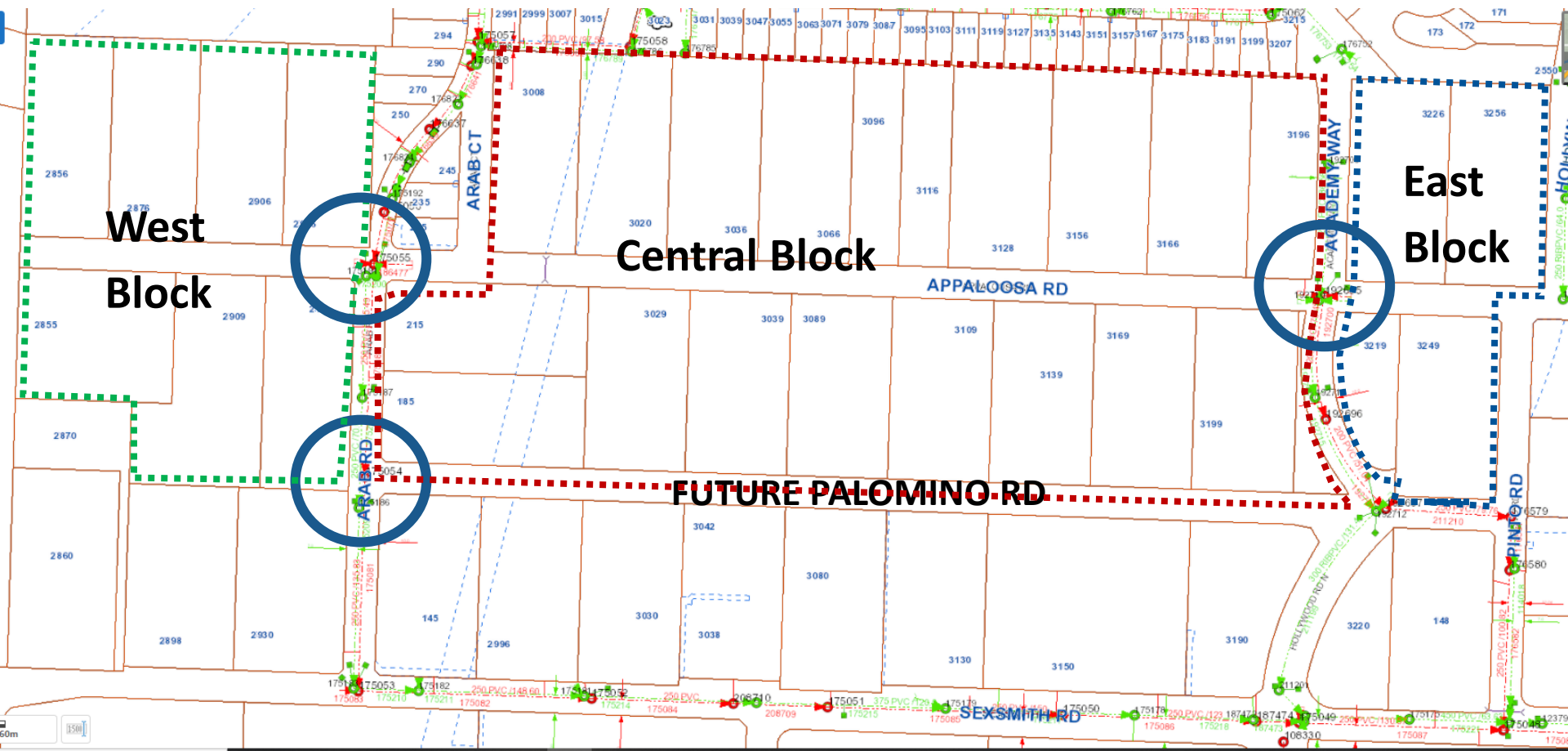
▶2020-Current

- ▶Neighbourhood Group – collaborated group rezoning application
- ▶Aug 2021 – area wide engineering and servicing plan endorsed
- ▶Dec 2021 – development servicing agreement and bond

Project Details and Process



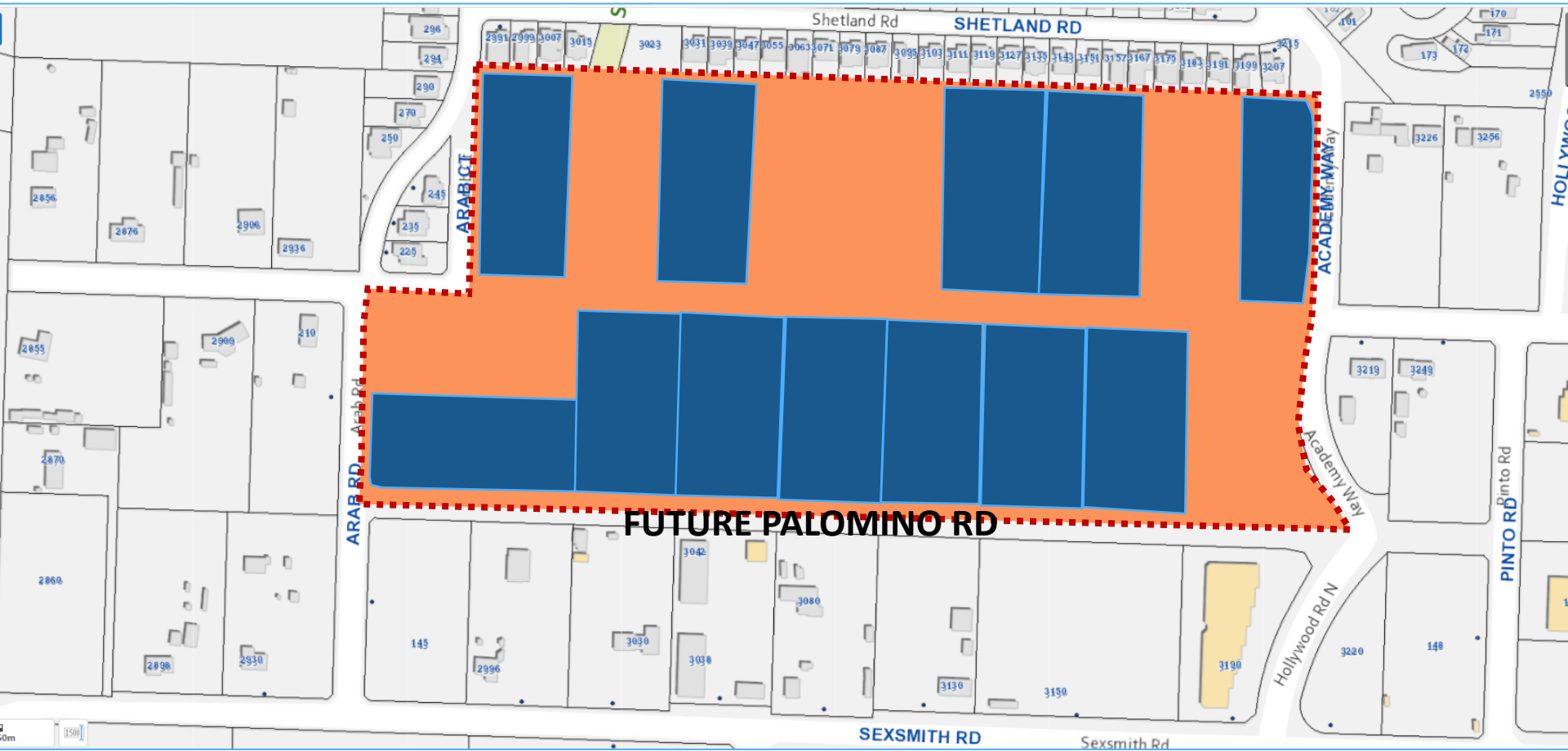
Project Details and Process



Project Details and Process

- ▶ > \$3 Million
- ▶ Off Site Requirements - underground and surface infrastructure for Appaloosa and future Palomino Roads
- ▶ Comprehensive area-wide engineering and servicing implementation
- ▶ Neighbourhood group cost-sharing and rezoning

Rezoning Application & Latecomer



Bylaw Enforcement Strategy

1. Notification Letter

- ▶ Permitted uses & requirements under A1 VS I6 zones
- ▶ Current infractions
- ▶ Rezoning process

2. 30-days from date of Notification Letter issuance

- ▶ Property owner applies for rezoning
- ▶ Bring parcel into current land use compliance

3. 60-days from date of Notification Letter issuance

- ▶ No reply to rezoning or compliance – progressive enforcement
- ▶ Reply to rezoning – 3 months to apply

Staff Recommendation

- ▶ THAT Council endorses to the Arab/Appaloosa Road area engineering plan and project process;
- ▶ AND FURTHER THAT Council directs staff to renew bylaw enforcement for the Arab/Appaloosa Road area



Conclusion of Staff Remarks

Report to Council



Date: February 28, 2022
To: Council
From: City Manager
Subject: Rental Housing Grant Program – Recommendation for 2022
Department: Policy & Planning

Recommendation:

THAT Council receives, for information, the report from the Planner Specialist, dated February 28, 2022 regarding recommendations for the Rental Housing Grant for 2022;

AND THAT Council approves the 2022 Rental Housing Grant in the amount of \$300,000 for 1451 Bertram Street as detailed in the report from the Planner Specialist, dated February 28, 2022, and in accordance with Council Policy No. 335.

Purpose:

To consider approval of one rental housing grant for 2022 in accordance with the Rental Housing Grants Council Policy #335.

Background:

The Rental Housing Grants Program encourages the creation of non-market rental housing in the City by providing up to \$300,000, as approved annually in the City budget, toward eligible projects. Given the recent rise in average rents for available units across the City, continuing low vacancy rates, and the additional pressure put on the rental market due to high housing purchase prices, the provision of non-market housing is becoming more and more important.

The Rental Housing Grants program is one of two financial incentive programs that the City of Kelowna provides for rental housing; the other being the Revitalization Tax Exemption (RTE) Bylaw program. Both support the goals of the Healthy Housing Strategy. Council Policy 335 – Rental Housing Grants Eligibility - establishes the criteria for the Rental Housing Grants program.

Discussion:

There was one application to the Rental Housing Grants program for the 2021 intake. This came from The Provincial Rental Housing Corporation (BC Housing) for the 176 unit building proposed for 1451 Bertram Street. A Development Permit was approved by Council for that project on October 5, 2021 (DP21-0037/DVP21-0038).

To be eligible for the grant program, a project must:

- Be located within the Core Area, Glenmore or University Village Centre,
- Be non-market rental housing units which are owned by a non-profit or operated by a non-profit (with an operating agreement in place).

The project meets these criteria. A total of 80 of the 176 units in the 1451 Bertram project are to be operated as non-market (below market) rentals. BC Housing will be working with a non-profit housing provider to provide these units. The remainder of the units in the building will be operated as market rentals. BC Housing has indicated that a building permit submission is anticipated for later in 2022. Should the project not reach building permit stage in 2022, the applicant has the option of requesting a carry-over for a maximum of one year. Funds not utilized after this time are transferred to the Housing Opportunities Reserve Fund (per Council Policy 335).

Staff recommends that the entire grant amount of \$300,000 be applied to the 1451 Bertram project. The grant is intended to offset the cost of developing affordable rental housing and would be applied against the DCC fees for the non-market component of the project. A preliminary DCC estimate identifies that the recommended grant would cover roughly 16 per cent of DCCs for the non-market units. The grant amount and estimated DCC amounts are summarized in the table below:

Location	Units Supported	Grant Amount	Estimated DCC Fees (80 non-market units)	Total DCCs (96 market + 80 non-market units)
1451 Bertram Street	79 ¹	\$300,000	\$1,835,428	\$3,994,381

Conclusion:

Subject to Council's approval, the grant recipient would be notified by letter of the amount of the grant. The applicant will also be advised of the program requirements: to receive the DCC credit at the time of building permit application confirmation will need to be provided to staff that a long-term (15 years) operating agreement with a non-profit housing provider is in place for the non-market units.

Internal Circulation:

Development Planning
Policy and Planning
Financial Services
Building and Permitting

¹ Non-market unit breakdown is 27 one bedrooms, 35 two bedrooms, 17 three bedrooms, and one studio unit for a total of 80 units. Studio units are not eligible for the Rental Housing Grant; as such the grant amount is based on 79 units.

Considerations applicable to this report:

Legal/Statutory Procedural Requirements:

Housing Opportunities Reserve Fund By-law No. 8593

Existing Policy:

Council Policy 335 – Rental Housing Grants Eligibility

Financial/Budgetary Considerations:

Available funds from the \$300,000 annual budget allowance are proposed to be dispersed based on the following breakdown of unit types and grant amounts:

Unit Type/Grant Amount	Number of units	Grant amount per unit	Totals
1 bedroom (maximum \$2,000)	27	\$1818.18	\$49,090.91
2 bedroom (maximum \$4,000)	35	\$3636.36	\$127,272.73
3 bedroom (maximum \$8,000)	17	\$7272.73	\$123,636.36
Total Budget Allocation to Rental Grants:			\$300,000

Considerations not applicable to this report:

Legal/Statutory Authority:

External Agency/Public Comments:

Communications Comments:

Submitted by: D. Sturgeon, Planner Specialist

Approved for inclusion:



James Moore, Long Range Policy Planning Manager

Report to Council



Date: February 28, 2022
To: Council
From: City Manager
Subject: Municipal Boating Facilities Commercial License
Department: Real Estate

Recommendation:

THAT Council receives, for information, the report on Municipal Boating Facilities Commercial License from the Property Management department dated February 28, 2022;

AND THAT Council gives reading consideration to Bylaw No. 12308 being amendment No. 5 to the Parks and Public Spaces Bylaw No. 10680;

AND THAT Council gives reading consideration to Bylaw No 12312 being amendment No 31 to the Bylaw Notice Enforcement Bylaw No. 10475;

AND FURTHER THAT the 2022 Financial Plan be amended to include the anticipated program fees net of enforcement costs, with the net revenues being contributed to the Municipal Boating Facilities Reserve.

Purpose:

To amend the Parks and Public Spaces Bylaw, as well as the schedule of penalties in the Notice Enforcement Bylaw, with regards to Municipal Boating Facilities Commercial License.

Background:

Previous Council Resolution

On February 7, 2022, Staff received a report regarding the management and operations of municipal boating facilities. The Council resolution associated with this report is provided below.

Resolution	Date
THAT Council receives, for information, the report regarding the Management and Operations of Municipal Boating Facilities from the Real Estate	February 7, 2022

There has been a continuous increase in businesses that offer valet, dryland boat rental, and boat club services. These companies have monetized the use of municipal boat launches through their businesses.

Commercial usage of the City's boat launch facilities has resulted in a number of complaints, primarily centred around vehicles and boat trailers left unattended in the boat launch, and companies using the area to conduct businesses, thereby restricting others' access to the launch. This greatly decreases the efficiency of the boat launches.

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.

Similar to parking, boat launch amenities are used not only by residents, but by visitors, and more so by specific user groups which align 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.

This report summarizes staff's recommendation for an annual commercial boat launch usage fee which would commence in the spring of 2022.

Discussion

The City has established programs permitting approved businesses to operate within parks, such as activity and food concessions, and the revenue generated goes back to the Parks Reserve. Staff recommends creating a similar program where the revenue generated by these fees would fund maintenance and capital expenditures through the Municipal Boating Facilities Reserve.

Businesses benefitting from the use of the boat launches are ones whose income is reliant on them and without boat launches, they would not be able to operate. These businesses are classified as valet, dryland boat rental, and dryland boat club companies. Definitions of these are as follows:

- A *valet company* is defined as a company that derives its income by offering services to launch and retrieve a boat owned by a 3rd party. A valet company typically has on-land storage and brings the boat to the lake upon the request of the 3rd party, numerous times throughout the year.
- A *dryland boat rental* or *boat club company* offers rental or a boat club service but does not have on water moorage. As a result, they utilize the boat launches numerous times throughout the summer.

Proposed Fee

The proposed commercial boat launch user fee is to be reflective of the costs and the percentage of use by commercial users. Given historical operating costs associated with the boat launches, staff recommend an annual maintenance and operating budget of \$250,000. The current capital renewal

estimate is \$1,150,000. Amortized over 10 years, the annual contribution to capital renewal would be \$115,000. Figure 1 illustrates the cost recovery required from commercial users.

Commercial Users – Estimated Boat Launch Operating & Capital Costs	
Annual Maintenance & Operating	\$250,000
10% of Capital Renewal	\$115,000
Total Annual Costs	\$365,000
Percentage of Commercial Use	25%
Cost recovery from Commercial Users	\$91,250

Figure 1: The cost recovery required from commercial users.

In summer 2021, staff conducted a survey to understand the number of companies and how many boats they had in their fleet. Staff learned that the commercial users range in size. A small company may have one or two boats, whereas a large company may have upwards of 15 rentals or 130 valet boats. Therefore, a fee per boat is more appropriate than a fee per company. This methodology also takes into consideration that a company with more boats would be utilizing the boat launch more times.

For valet companies, staff proposes a fee of 10% of the per boat fee, recognizing the valet business model is derived from launching a 3rd party's boat, who could be a resident of Kelowna, and there is no fee for residents launching their own boats.

The City has an existing program for commercial tour operators, who use the docks at the boat launches for dropping off and picking up passengers. Staff are proposing to increase the existing nominal fee to align with the newly proposed fees and ensure that tour operators are also contributing to the cost recovery of the marine facilities.

Figure 2 outlines the proposed fees and anticipated revenue.

Commercial Boat Launch Users – Proposed Fee Schedule			
Description	Est. # of Watercraft	Fee/Watercraft	Total
Dryland Boat Rental	16	\$2,000	\$32,000
Dryland Personal Watercraft Rental	12	\$1,000	\$12,000
Dryland Boat Club	13	\$2,000	\$26,000
Dryland Valet	151	\$200	\$30,200
Watercraft Tour Operators	3	\$2,000	\$6,000
Total			\$106,200

Figure 2: Proposed fees and anticipated revenue

On water moorage is hard to find and if a company finds moorage, they could expect to pay at least \$3,000 for a slip dependent on the size of the boat. This further confirms that the proposed fees are in line with on-water moorage rates.

Program Implementation

Upon approval of the recommendations associated with this report by Council, letters will be sent to previously identified commercial boat launch users businesses, and new businesses will be captured through the business license application process. The Property Management department will issue the commercial boat launch licenses.

Each commercial boat launch user will be required to obtain an annual license for use of the public lands fronting the boat launches. The agreement outlines boat launch rules and regulations and requires the business to register each watercraft and obtain the necessary insurance to operate.

As part of the licensing process, business will be required to:

- provide make, model and license plate number of each delivery vehicle;
- provide make, model and registration number for each boat in the fleet;
- confirm proof of suitable insurance;
- agree to the rules of the boat launch (including waiting for their turn to launch); and
- pay a fee per watercraft.

Oversight of compliance at the launch will be a combined effort from Bylaws, Parking and Property Management utilizing Staff, summer students and technology.

Financial Considerations

Based on the proposed fees, the program is estimated to create revenue of approximately \$106,200 Net contributions to the cost recovery of maintenance and capital expenditures of the launches through the Municipal Boating Facilities Reserve are anticipated to be in the range of \$90,000, as \$10,000 - \$15,000 of revenues collected in 2022 are anticipated to support enhanced enforcement efforts associated with this new program.

Program Revenue Allocation	
Anticipated program fees	\$106,200
Less: enhanced enforcement costs	\$15,000
Est. Contribution to Municipal Boating Facilities Reserve	\$91,250

Figure 3: Program revenue allocation

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.

Conclusion

Staff recommends that Bylaws No. 10680 and No. 10475 be amended to reflect the required changes to permit the Municipal Boating Facilities Commercial License effective upon adoption.

Internal Circulation

Communications
Parking Services
Finance
Bylaw Services

Considerations not applicable to this report

Legal / Statutory Authority
Legal / Statutory Procedural Requirements
Existing Policy
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 – Bylaw Amendments
2. Schedule B – PowerPoint

Schedule A - Bylaw Amendments

1) Proposed Text Amendments

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 4 - Uses	<p>4.7 No Person shall moor or dock a Passenger Ship within a Park or public space, or on or to a City of Kelowna boat launch, dock or moorage facility, or use any of these as a designated location for pick up and drop-off of passengers unless the Person holds a License to Use permit from the City of Kelowna, as attached to and forming part of this bylaw as Schedule C, and:</p> <p>(a) Holds a valid City of Kelowna Business Licence for operation of Passenger Ship;</p> <p>(b) Holds insurance coverage for comprehensive liability for bodily injury and property damage, marina operators liability, marina protection and indemnity, owned and non-owned automobile liability and environmental impairment liability in forms and to limits of insurance coverage acceptable to the City of Kelowna Risk manager or designate, and naming the City of Kelowna as a named insured;</p>	<p>4.7 No Person shall</p> <p>(a) moor or dock a Passenger Ship within a Park or Public Space, or on or to a City of Kelowna boat launch, dock or moorage facility, or use any of these as a designated location for pick-up and drop-off of passengers unless the Person has a permit or license from the City of Kelowna;</p> <p>(b) enter onto a Park or Public Space to offer Watercraft rentals, offer Boat Club Company services or offer Watercraft Valet Company services unless the Person has a license or permit from the City of Kelowna</p>	To simplify the bylaw to reflect the robust annual license agreement for the commercial use of the boating facilities.

		<p>(c) is properly certified by Transport Canada to operate a Passenger Ship; and</p> <p>(d) operates the Passenger Ship under the command of a certified master, as defined by the Canada Shipping Act, R.S.C., c. S-9, as amended from time to time.</p>		
2.	Section 4 - Uses	N/A	<p>4.10 "Provided that all necessary prerequisites of the Community Charter the Local Government Act, other applicable federal and provincial enactments, City bylaws, and City policies have been met, the Manager, Property Management is delegated the authority to issue permits or licences to use designated moorage space for a Passenger Ship and the authority to issue permits or licences for Watercraft rentals, Boat Club Companies or Watercraft Valet Companies to operate in a Park or Public Space, with the following requirements:</p> <p>(a) operators are required to pay the City a fee for the permit or licence in accordance with Schedule C of this Bylaw;</p> <p>(b) the maximum term of a licence to use or operate shall be (1) year; and</p> <p>(c) the Manager, Property Management shall provide a report to Council to be received for information regarding any licences issued pursuant to this Bylaw on an annual basis."</p>	To grant delegation of authority to staff for executing the commercial license agreements.

2) Changes to Schedule C to the Parks and Public Spaces Bylaw No. 10680

Schedule "C" - Licence to Use (For Commercial Passenger Vessels) be deleted in its entirety and replaced with the following:

Schedule C – Boating Facility Commercial Licence Annual Application Fees

Table 1 – Boating Facility Commercial Licence Fee per Watercraft	
Dryland Personal Watercraft Rental	\$ 1,000.00
Dryland Boat Rental	\$ 2,000.00
Boat Club Company	\$ 2,000.00
Watercraft Valet Company	\$ 200.00
Watercraft Tour Operators	\$2,000.00

3) Proposed Amendments to the Bylaw Notice Enforcement Bylaw No 10475

Bylaw	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement
10680	4.7(a)	Using a City dock to pick up passengers without a permit or licence from the City.	\$500.00	\$450.00	\$500.00	Yes
10680	4.7(b)	Using a boat launch for watercraft rental, watercraft valet or watercraft boat club without a permit or licence from the City.	\$500.00	\$450.00	\$500.00	Yes

Municipal Boating Facilities Commercial License

February 28, 2022

2 Hours	4 Hours	8 Hours	Multiday
\$599	\$989	\$1439	\$1249



HALF DAY	\$800	WEEKEND	\$2800
Book Now		Inquire Now	
FULL DAY	\$1500	FULL WEEK	\$8750
Book Now		Inquire Now	

PRICING

Weekday/Weekend (8 Hours) - \$799

Super Air Nautique G21	
Includes 1 Toy	
Half Day (4 hrs)	\$1050.00
Full Day (8 hrs)	\$1,400.00

2HRS	----	\$349 + taxes and fuel (off season)
4HRS	----	\$539 + taxes and fuel
6HRS	----	\$719 + taxes and fuel
8HRS	----	\$875 + taxes and fuel

21' Boat with Wake Tower 10 Person Capacity		
1/2 Day (4 hours - based on availability)	1/2 Day Morning \$499.00 9:30am - 1:30pm 1/2 Day Afternoon \$699.00 2pm - 6pm	
Full Day	\$899.00	

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, for example parks, requires permits and fees



Types of Businesses

- ▶ A ***valet company*** is defined as a company that derives its income by offering services to launch and retrieve a boat owned by a 3rd party. A valet company typically has on-land storage and brings the boat to the lake upon the request of the 3rd party, numerous times through-out the year.
- ▶ A ***dryland boat rental*** or ***boat club company*** offers rental or a boat club service but does not have on water moorage. As a result, they utilize the boat launches numerous times thought the summer.

Cost recovery required from commercial users

Description	
Annual Maintenance & Operating	\$250,000
10% of Capital Renewal	<u>\$115,000</u>
Total Annual Costs	\$365,000
Percentage of Commercial Use	25%
Cost recovery from Commercial Users	\$91,250

Proposed Fee Anticipated Revenue

Description	Est. # of Watercraft	Proposed Fee/Watercraft	Total
Dryland Boat Rental	16	\$2,000	\$32,000
Dryland Personal Watercraft Rental	12	\$1,000	\$12,000
Dryland Boat Club	13	\$2,000	\$26,000
Dryland Valet	151	\$200	\$30,200
Watercraft Tour Operators	3	\$2,000	<u>\$6,000</u>
Total			\$106,200

Project Implementation

- ▶ Awareness
 - ▶ Letter to existing business
 - ▶ Business Licenses will advise new businesses
- ▶ Licensing
 - ▶ Register tow vehicle
 - ▶ Register boats
 - ▶ Insurance
 - ▶ Agree to rules
 - ▶ Fee per boat
- ▶ Oversight

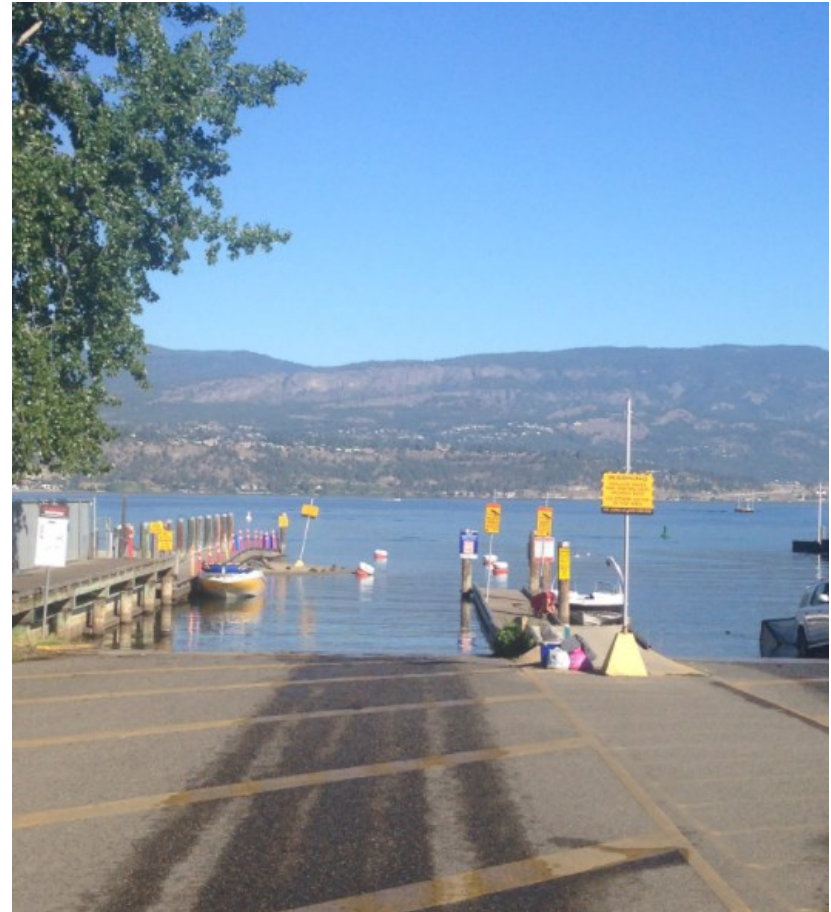
Financial Considerations

The program is estimated to create revenue of approximately \$106,200



Council Priorities

- ▶ Non-taxation revenue is increasing
- ▶ Infrastructure deficit is reduced
- ▶ Key sites are proactively planned.





"The City has the resources and flexibility to lead innovative solutions, capitalize on opportunities and respond with agility to emerging issues."
Land Strategy 2018



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA

BYLAW NO. 12308

Amendment No. 5 to Parks and Public Spaces Bylaw No. 10680

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Parks and Public Spaces Bylaw No.10680 be amended as follows:

1. THAT **Part 2 – DEFINITIONS**, be amended by adding the following in their appropriate location:
Dryland Boat Rental or Boat Club Company means a company that offers boat rental or a boat club service but does not have on water moorage;
Dryland Personal Watercraft Rental means a company that offers personal watercraft rental but does not have on water moorage;
Watercraft Valet Company means a company that offers services to launch and retrieve a **watercraft** owned by a third party;

- 2. THAT **PART 3 – PROHIBITIONS**, be amended by adding “or **Public Space**” wherever the definition **Park** appears alone without “or **Public Space**”;
- 3. AND THAT **PART 4 – USES**, 4.7 be deleted in its entirety as follows:

“No **Person** shall moor or dock a **Passenger Ship** within a **Park** or public space, or on or to a **City** of Kelowna boat launch, dock or moorage facility, or use any of these as a designated location for pick up and drop-off of passengers unless the **Person** holds a License to Use permit from the **City** of Kelowna, as attached to and forming part of this bylaw as Schedule C, and:

- (a) Holds a valid **City** of Kelowna Business Licence for operation of Passenger Ship;
- (b) Holds insurance coverage for comprehensive liability for bodily injury and property damage, marina operators liability, marina protection and indemnity, owned and non-owned automobile liability and environmental impairment liability in forms and to limits of insurance coverage acceptable to the **City** of Kelowna Risk manager or designate, and naming the **City** of Kelowna as a named insured;
- (c) is properly certified by Transport Canada to operate a Passenger Ship; and
- (d) operates the **Passenger Ship** under the command of a certified master, as defined by the Canada Shipping Act, R.S.C., c. S-9, as amended from time to time.”

and replace it with the following:

“No **Person** shall

- (a) moor or dock a **Passenger Ship** within a **Park** or **Public Space**, or on or to a **City** of Kelowna boat launch, dock or moorage facility, or use any of these as a designated location for pick-up and drop-off of passengers unless the **Person** has a permit or license from the **City** of Kelowna;
- (b) enter onto a **Park** or **Public Space** to offer **Watercraft** rentals, offer **Boat Club Company**

services or offer **Watercraft Valet Company** services unless the **Person** has a license or permit from the **City** of Kelowna."

4. AND THAT **PART 4 USES**, 4.10 be added as follows and the section renumbered accordingly:

"Provided that all necessary prerequisites of the Community Charter the Local Government Act, other applicable federal and provincial enactments, City bylaws, and City policies have been met, the Manager, Property Management is delegated the authority to issue permits or licences to use designated moorage space for a **Passenger Ship** and the authority to issue permits or licences for **Watercraft** rentals, **Boat Club Companies** or **Watercraft Valet Companies** to operate in a **Park** or **Public Space**, with the following requirements:

- (a) operators are required to pay the **City** a fee for the permit or licence in accordance with Schedule C of this Bylaw;
- (b) the maximum term of a licence to use or operate shall be (1) year; and
- (c) the Manager, Property Management shall provide a report to Council to be received for information regarding any licences issued pursuant to this Bylaw on an annual basis."

5. AND FURTHER THAT **Schedule "C" - Licence to Use (For Commercial Passenger Vessels)** be deleted in its entirety and replaced with the following:

Schedule C – Boating Facility Commercial Licence Fee per Watercraft	
Dryland Personal Watercraft Rental	\$ 1,000.00
Dryland Boat Rental	\$ 2,000.00
Boat Club Company	\$ 2,000.00
Watercraft Valet Company	\$ 200.00
Watercraft Tour Operators	\$ 2,000.00

6. This bylaw may be cited for all purposes as "Bylaw No. 12308, being Amendment No. 5 to Parks and Public Spaces Bylaw No.10680."
7. This bylaw shall come into full force and effect and is binding on all persons upon 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

CITY OF KELOWNA

BYLAW NO. 12312

Amendment No.31 to the Bylaw Notice Enforcement Bylaw No. 10475

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Bylaw Notice Enforcement Bylaw be amended as follows:

1. THAT **Schedule A, Parks and Public Spaces Bylaw No. 10680** be amended by adding the following in the appropriate location:

“

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance is Shown as "Yes")
10680	4.7(a)	Using a City dock to pick up passengers without a permit or licence from the City.	\$500.00	\$450.00	\$500.00	Yes
10680	4.7(b)	Using a boat launch for watercraft rental, watercraft valet or watercraft boat club without a permit or licence from the City.	\$500.00	\$450.00	\$500.00	Yes

”

This bylaw may be cited for all purposes as "Bylaw No. 12285, being Amendment No. 31 to the Bylaw Notice Enforcement Bylaw No. 10475."

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: February 28, 2022

To: City Council

From: City Manager

Subject: Application - ICIP Green Infrastructure Environmental Quality Program – towards the Kelowna Septic System Elimination Project in Okaview

Department: Utility Planning

Recommendation:

THAT Council receives for information, the report from Utility Planning dated February 28, 2022, with respect to the Application for funding from Investing in Canada Infrastructure Program ICIP Green Infrastructure Environmental Quality Program towards the Kelowna Septic System Elimination Project – Okaview;

AND THAT Council authorizes staff to apply for an ICIP Grant - Kelowna Septic System Elimination Project – Okaview, as outlined in this report;

AND THAT Council authorizes staff to execute the Kelowna Septic System Elimination Grant and provide overall grant management, if the application is successful;

AND THAT the City of Kelowna commits to the City's share of the project, as well as responsibility for cost overruns, from the Sewer Connection Area Reserves;

AND FURTHER THAT the 2022 Financial Plan be amended to include this project at \$2,036,000 with funding of \$1,466,600 from grant funding and the remaining \$569,400 from the Sewer Connection Area Reserve if the application is successful.

Purpose:

To consider staff's recommendation to apply for the third program intake of the Investing in Canada Infrastructure Program - Green Infrastructure Environmental Quality Program.

Background:

Aging septic fields are a continued risk to the quality of water in the Okanagan, and their removal has long been a goal for the City and communities throughout the Okanagan basin. There are approximately 2,000 properties that remain on septic service that have the potential to be connected to the City Wastewater Utility. The City maintains an aggressive policy through its Subdivision and Servicing Bylaw 7900 and Sanitary Service Connection Area Bylaw 11540 to reduce reliance on septic

fields. The policies have been effective on new development, however existing properties on septic have been slow to connect due to high costs and because some systems have no urgent operational need. Property owners often comment that the cost of connecting to the wastewater system is not affordable without grant funding support.

For this grant application, the proposed project will ultimately replace 121 aging or failing septic fields and connect these properties to the wastewater utility. This area was selected based on the size of available grant and the available matching reserves. The targeted Okaview areas have septic systems that were installed between 30 to 40 years ago and are near the end of their service life. The project will involve installing approximately 1,450 metres of sewer mainline, 121 connections to the property line and final connection to the City utility.

The total cost for this sewer installation in the grant application is \$2.036M. The City is applying for a \$1.466M grant from the Investing in Canada Infrastructure Program (ICIP) – Green Infrastructure – Environmental Quality Sub-Stream representing a 73% grant contribution maximum. The funding for the City component leverages available reserves found in existing individual Sewer Connection Area reserves to eliminate septic system use in the Okaview area.

Property owners will be asked to connect once the sewer is constructed but are under no obligation to connect. The City project will provide a stub connection to each property. When owners do choose to connect, they will pay a one-time \$7,500 connection charge and are responsible for their costs on-site to connect from the house to property line as per Sewer System User Bylaw 3480.

As part of the application process, a Council resolution is required indicating support for the current proposed activities and the City's willingness to provide overall grant management.

Internal Circulation:

Budget
Community Planning
Grants & Special Projects
Public Works
Wastewater Utility

Financial/Budgetary Considerations:

The City is requesting a \$1.466M grant from the Investing in Canada Infrastructure Program (ICIP) – Green Infrastructure – Environmental Quality Sub-Stream for the Kelowna Septic System Elimination Project. Sewer Construction Funding, \$570K, will be provided from the existing Okaview Sewer Connection reserves. Any additional funding required for cost overruns is the responsibility of the City and will be required to adhere to the City's Budget Amendment or Budget Transfer Policy.

Considerations not applicable to this report:

Alternate Recommendation:
Communications Comments:
Existing Policy:
External Agency/Public Comments:
Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:
Personnel Implications:

Submitted by: Rod MacLean, P.Eng. Utilities Planning Manager

Approved for inclusion: M. Logan, Infrastructure General Manager

cc: C. Weaden, Divisional Director, Corporate Strategic Services
D. Edstrom, Divisional Director, Partnership & Investments
G. Davidson, Divisional Director, Financial Services
R. Smith, Divisional Director, Planning & Development Services