

City of Kelowna
Regular Council Meeting
AGENDA



Monday, September 11, 2023
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.

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 - 9

PM Meeting - August 28, 2023

3. Development Application Reports & Related Bylaws

3.1 Wallace Rd 122 - Z23-0044 (BL12581) - Dhanbir Singh Nain and Gurdeep Kaur Patara

10 - 23

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone to facilitate a two-lot subdivision.

3.2 Rezoning Bylaws Supplemental Report to Council

24 - 25

To receive a summary of notice of first reading for Rezoning Bylaws No. 12569, 12570, 12571 and 12576 and to give the bylaws further reading consideration.

3.3 Rezoning Applications

To give first, second and third reading to rezoning applications.

The following bylaws will be read together unless Council wants to separate one of the bylaws.

3.3.1 Mayfair Rd 870-872 - BL12569 (Z23-0032) - Brian Banman and Megan Banman

26 - 26

To give Bylaw No. 12569 first, second and third reading in order to rezone the subject property from the RU4 – Duplex Housing zone to the MF1 – Infill Housing zone.

3.3.2	Horak Rd 4519 - BL12570 (Z23-0030) - 2457853 Alberta Ltd.	27 - 27
	To give Bylaw No. 12570 first, second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone.	
3.3.3	Gordon Dr 1459, 1467, Lawson Ave 1104-1130, Aspen Ct 1488 - BL12571 (Z23-0022) - HPG Development Ltd., Inc.No. BCo897381	28 - 28
	To give Bylaw No. 12571 first, second and third reading in order to rezone the subject properties from the RU4 – Duplex Housing zone to the MF3r – Apartment Housing with Rental Only zone.	
3.3.4	Holbrook Rd E 350 - BL12576 (Z23-0028) - Mariia Myts and Pavlo Myts	29 - 29
	To give Bylaw No. 12576 first, second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1cc – Large Lot Housing with Child Care Centre, Major zone.	
4.	Bylaws for Adoption (Development Related)	
4.1	Lakeshore Rd 5127 - BL12533 (Z23-0003) - Rajinder Singh Bajwa and Babaljit Kaur Bajwa	30 - 30
	To adopt Bylaw No. 12533 in order to rezone the subject property from the RR2 – Small Lot Rural Residential zone to the RU1 – Large Lot Housing zone.	
5.	Non-Development Reports & Related Bylaws	
5.1	Snow Route and Sidewalk Snow and Ice Bylaw Amendments	31 - 59
	To provide Council with a proposed update to Traffic Bylaw No. 8120.	
5.2	BL12553 - Amendment No. 43 to Traffic Bylaw No. 8120	60 - 61
	To give Bylaw No. 12553 first, second and third reading.	
5.3	Housing Needs Assessment Results and Next Steps	62 - 102
	To receive the results of the 2021-2031 Housing Needs Assessment.	
5.4	Urban Centre Planning Framework	103 - 120
	To provide Council with an update on Urban Centre Planning initiatives between 2023 and 2026.	

5.5	Code of Conduct Policy	121 - 139
	To adopt a Code of Conduct Policy that sets expectations for Council members to follow in fulfilling their duties and responsibilities as elected officials and to revise and adopt supporting policies	
5.6	Lobbyist Registry and Interaction with Developers Policies	140 - 155
	To establish a Lobbyist Registry Policy and Council Interaction with Developers Policy.	
6.	Resolutions	
6.1	UBCM Grant Application	156 - 159
7.	Bylaws for Adoption (Non-Development Related)	
7.1	BL12489 - Amendment No. 4 to Soil Removal and Deposit Bylaw No. 9612	160 - 164
	To adopt Bylaw No. 12489.	
7.2	BL12578 - Amendment No. 40 to Airport Fees Bylaw No. 7982	165 - 165
	To adopt Bylaw No. 12578.	
8.	Mayor and Councillor Items	
9.	Termination	



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, August 28, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas*, Councillors Maxine DeHart, Gord Lovegrove, Mohini Singh, Luke Stack*, Rick Webber and Loyal Wooldridge
Members Participating Remotely	Councillors Ron Cannan and Charlie Hodge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Urban Planning Manager, Jocelyn Black*; Divisional Director, Planning & Development Services, Ryan Smith*; Planner, Sara Skabowski*; Director, Finance and Corporate Services, Shayne Dyrdal*; Divisional Director Financial Services, Joe Sass*; Controller, Matt Friesen*; Financial Analyst, Janelle Harrison*; Financial Planning Manager, Melanie Antunes*; General Manager, Infrastructure, Mac Logan*; Senior Project Manager, Scott Bushell*; Transportation Engineering Manager, Gordon Foy*; Legislative Technician, Natasha Beauchamp; Legislative Technician, Lillian Klaamas
Staff Participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 1:31 p.m.

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

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 and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Lovegrove/Seconded By Councillor Webber

THAT the Minutes of the Regular Meetings of August 14, 2023 be confirmed as circulated.

Carried

Mayor Dyas read a statement regarding the recent wildfire emergency.

3. Reports

3.1 Alternative Approval Process Extension

City Clerk:

- Recommended an extension to the deadline for submitting AAP forms and provided reasons for the proposed October 13, 2023 deadline.

Moved By Councillor Lovegrove/Seconded By Councillor Stack

THAT Council receive, for information, the Report from the City Clerk dated August 28, 2023 with respect to extending the deadline for submission of Alternate Approval Process Response Forms for the redevelopment of the Parkinson Recreation Centre, the construction of the Glenmore Activity Centre, the construction of the Mission Activity Centre and the redevelopment of the Rutland Sports fields;

AND THAT Council extend the deadline for receipt of elector responses from 4 pm Friday, September 15, 2023 to 4 pm Friday, October 13, 2023;

AND FURTHER THAT Council establish the elector response form as either the original response form attached to the report from the Office of the City Clerk dated July 24, 2023 or the elector response in the form attached to the report from the Office of the City Clerk dated August 28, 2023 regarding Alternative Approval Process Deadline Extension.

Carried

4. Development Application Reports & Related Bylaws

4.1 Holbrook Rd E 350 - Z23-0028 (BL12576) - Mariia Myts and Pavlo Myts

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Hodge

THAT Rezoning Application No. Z23-0028 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 5 Section 23 Township 26 ODYD Plan 17975 located at 350 Holbrook Rd E, Kelowna, BC from the RU₁ – Large Lot Housing zone to the RU_{1cc} – Large Lot Housing with Child Care Centre, Major zone be considered by Council;

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

Carried

4.2 Rezoning Bylaws Supplemental Report to Council

City Clerk:

- Provided rationale for deferring further consideration of the three applications until the Monday, September 11, 2023 afternoon Council meeting.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council receives, for information, the report from the Office of the City Clerk dated August 28, 2023 with respect to three rezoning applications;

AND THAT Council defer reading consideration of Rezoning Bylaws No. 12569, 12570 and 12571 to the September 11, 2023 afternoon Council meeting.

Carried

5. Bylaws for Adoption (Development Related)

- 5.1 Buckhaven Ct 4973 Steele Rd 1450 - BL12549 (Z23-0020) - Mair Developments Ltd., Inc. No. BC0753083**

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Bylaw No. 12549 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

- 6.1 Kelowna International Airport 2023 Financial Plan and Bylaw Amendment**

Staff:

- Displayed a PowerPoint Presentation outlining the proposed amendments to the Airport Fees Bylaw and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Council receives for information the report from Kelowna International Airport dated August 28, 2023, with respect to the amendment of the City of Kelowna 2023 Financial Plan and Bylaw amendment;

AND THAT the 2023 Financial Plan be amended to include \$17,500,000 in capital costs associated with the Air Terminal Building Expansion as outlined in the report from Kelowna International Airport dated August 28, 2023;

AND FURTHER THAT Bylaw No. 12578 being Amendment No. 40 to the City of Kelowna Airport Fees Bylaw 7982 be advanced for reading consideration.

Carried

- 6.2 BL12578 - Amendment No. 40 to Airport Fees Bylaw No. 7982**

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Bylaw No. 12578 be read a first, second and third time.

Carried

- 6.3 Callahan Construction Company Ltd. - Extension to Sublease**

Staff:

- Displayed a PowerPoint Presentation providing details of the proposed sublease and responded to questions from Council.

Moved By Councillor Webber/Seconded By Councillor DeHart

THAT Council receives for information the report from Kelowna International Airport and Real Estate dated August 28, 2023, with respect to the extension of the Sublease with Callahan Construction Company Ltd.;

AND THAT Council approves the five (5)-year extension to the Sublease with Callahan Construction Company Ltd. attached as Appendix A to the report of the Kelowna International Airport and Real Estate dated August 28, 2023;

AND FURTHER THAT the Real Estate Manager be authorized to execute all documents necessary to complete the transaction.

Carried

6.4 Second Quarter 2023 Financial Performance

Staff:

- Displayed a PowerPoint Presentation summarizing the second quarter 2023 Financial activity.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

THAT Council receives, for information, the Second Quarter 2023 Financial Performance Report;

AND THAT the 2023 Financial Plan be amended to include the budget redeployment of \$1.5M from surplus investment income to the City's Housing Opportunities Reserve Fund to facilitate the timely acquisition of lands necessary to meet the most urgent housing needs of our community.

Carried

The meeting recessed at 2:29 p.m.

The meeting reconvened at 2:34 p.m.

6.5 Bertram Street Multiuse Overpass – Project Update

Staff:

- Displayed a PowerPoint Presentation summarizing the Bertram Street Multiuse Overpass agreement, history of the project to date, rationale for proceeding and responded to questions from Council.

Moved By Councillor Cannan/Seconded By Councillor Lovegrove

THAT Council defer further consideration of Bertram Street Multiuse Overpass Project Update for staff to meet with MOTI to reconsider alternative measures and grants to fund a pedestrian overpass over Harvey Avenue/Hwy 97 plus identify other ways to move vehicles more efficiently on the Hwy 97 corridor from Abbot Street to Richter Street.

Defeated

Mayor Dyas, Councillors DeHart, Singh, Stack and Wooldridge - Opposed

Moved By Councillor Wooldridge/Seconded By Councillor Stack

THAT Council receives for information the report from Infrastructure Delivery dated August 28, 2023, regarding the Bertram Street Multiuse Overpass project;

AND THAT Council approves the addition of \$500,000 of funding to the Bertram Street Multiuse Overpass project;

AND THAT Council approves the reallocation of \$500,000 of existing funding from the following transportation projects:

\$59,880 from Road Safety Improvements Program - Clement / Spall Concept Design
 \$40,000 from the Neighbourhood Traffic Calming Program - WestRidge / Parkview
 \$30,030 from Clement 1 DCC (St. Paul – Graham) – Ellis / Clement
 \$100,000 from Road Safety Improvements Program - KLO / Richter NB Smart Right
 \$68,400 from Okanagan Rail Trail – Connection to Waterfront Park Pathway
 \$79,400 from Houghton 1 DCC (Nickel – Rails with Trails), ATC
 \$122,290 from Houghton 2 DCC (Hollywood – Mugford), ATC

AND THAT Council support staff to allocate \$7,209,300 from the Growing Communities Fund, addressed through a subsequent report;

AND THAT Council support staff to manage tasks to amend the 2023 Financial Plan for these changes.

Carried

Councillors Cannan, Hodge, Lovegrove and Webber - Opposed

7. Bylaws for Adoption (Non-Development Related)

7.1 BL12550 - Road Closure - Adjacent to 2105 Glenmore Road

The City Clerk invited anyone in the public gallery who deems themselves affected by the proposed road closure to come forward; no one came forward.

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12550 be adopted.

Carried

7.2 BL12552 - Development Application Fees Bylaw

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12552 be adopted.

Carried

7.3 BL12561 - Revitalization Tax Exemption Bylaw

Councillor Stack declared a perceived conflict of interest due to previous employer having contracts with people who have applied for housing agreements and departed the meeting at 3:38 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Bylaw No. 12561 be adopted.

Carried

Councillor Stack returned to the meeting at 3:39 p.m.

Mayor Dyas left the meeting at 3:39 p.m. and Deputy Mayor Singh took the Chair.

8. Mayor and Councillor Items

Councillor Cannan:

- Asked questions regarding the Alternative Approval Process deadline extension that were answered by the City Manager and City Clerk.

Councillor Wooldridge:

- Provided comments on the recent wildfire emergency.

9. Termination

This meeting was declared terminated at 3:45 p.m.

Mayor Dyas

sf/acm



City Clerk

DRAFT

REPORT TO COUNCIL REZONING



Date: September 11, 2023
To: Council
From: City Manager
Address: 122 Wallace Rd
File No.: Z23-0044

	Existing	Proposed
OCP Future Land Use:	S-RES – Suburban Residential	S-RES – Suburban Residential
Zone:	RU1 – Large Lot Housing	RU4 – Duplex Housing

1.0 Recommendation

THAT Rezoning Application No. Z23-0044 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of LOT B SECTION 35 TOWNSHIP 26 ODYD PLAN 32407, located at 122 Wallace Rd, Kelowna BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment “A” attached to the Report from the Development Planning Department dated September 11, 2023;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone to facilitate a two-lot subdivision.

3.0 Development Planning

Development Planning Staff support the proposed rezoning application to the RU4 – Duplex Housing zone to facilitate a two-lot subdivision. The proposal meets the purpose of the 2040 Official Community Plan (OCP) Future Land Use Designation of S-RES – Suburban Residential, which speaks to the accommodation of single and two dwelling growth. The property is connected to City sanitary sewer and is within the Permanent Growth Boundary (PGB). As such, the proposed zone is consistent with the Official Community Plan’s (OCP) objectives.

Lot Area	Proposed (m ²)
Gross Site Area	1716.5 m ²
Road Dedication	201.1 m ²
Net Site Area	1515.4 m ²

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Dwelling
East	RU1_ Large Lot Housing	Single Detached Dwelling
South	RU1 – Large Lot Housing	Single Detached Dwelling
West	MF2 – Townhouse Housing	Townhouses

Subject Property Map: 122 Wallace Rd



The subject property is a corner lot located at Rutland Rd N and Wallace Rd. The property is in close proximity to transit stops along Rutland Rd N.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2. Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable.	
Policy 7.2.1 Ground Oriented Housing	Consider a range of low density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities.
	<i>The proposed rezoning would provide additional ground-oriented dwellings that contribute to diverse and affordable housing within suburban communities.</i>

6.o Application Chronology

Application Accepted: July 6, 2023
Neighbourhood Notification Summary Received: August 11, 2023

Report prepared by: Alissa Cook, Planner I
Reviewed by: Lydia Korolchuk, Planner Specialist
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Development Engineering Memo

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.

ATTACHMENT **A**

This forms part of application

Z23-0044

Planner
Initials

AC



CITY OF KELOWNA MEMORANDUM

Date: July 19, 2023
File No.: Z23-0044
To: Urban Planning (AC)
From: Development Engineering Manager (NC)
Subject: 122 Wallace Rd RU1 to RU4

The Development Engineering Department has the following requirements associated with this application to rezone the subject property from RU1 – Large Lot Housing to RU4 – Duplex Housing to facilitate a two-lot subdivision.

Works and Services, attributable at time of Subdivision, are contained in the Development Engineering memo under file S23-0038.

The Development Engineering Technician for this file is Sarah Kelly (skelly@kelowna.ca).

1. **GENERAL**

- a. The following comments and requirements are valid for a period of one (1) year 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 modify some or all items in this memo if an application for Building Permit is not made within this time.

2. **PROPERTY-SPECIFIC REQUIREMENTS**

- a. A road dedication of approximately 5.5m along the entire frontage of Rutland Rd N is required to achieve a ROW width of 30 m in accordance with Typical Section SS-R9 (modified) and OCP Functional Road Classification objectives.
- b. Road dedication at the corner of Rutland Rd N and Wallace Rd is required as necessary to maintain corner rounding of 6.0 m radius.
- c. A Section 219 Restrictive Covenant must be placed on title restricting the Required Fire Flow (as calculated by the Fire Underwriters Survey: Water Supply for Public Fire Protection in Canada, 2020) for any buildings on the site to a maximum of 90 L/s.

A Sangster on behalf of

Nelson Chapman, P.Eng.
Development Engineering Manager

SK

CITY OF KELOWNA

BYLAW NO. 12581

Z23-0044

122 Wallace Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot B Section 35 Township 26 ODYD Plan 32407 located on Wallace Road, Kelowna, BC from the RU₁ – Large Lot Housing zone to the RU₄ – Duplex 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



City of
Kelowna

Z23-0044 122 Wallace Rd

Rezoning Application

Purpose

- ▶ To rezone the subject property from RU₁ – Large Lot Housing to RU₄ – Duplex Housing to facilitate a two-lot subdivision.

Development Process

July 6, 2023

Development Application Submitted



Staff Review & Circulation



Aug 11, 2023

Public Notification Received



Sep 11, 2023

Initial Consideration



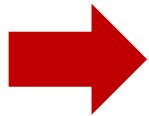
Reading Consideration



Final Reading



Building Permit



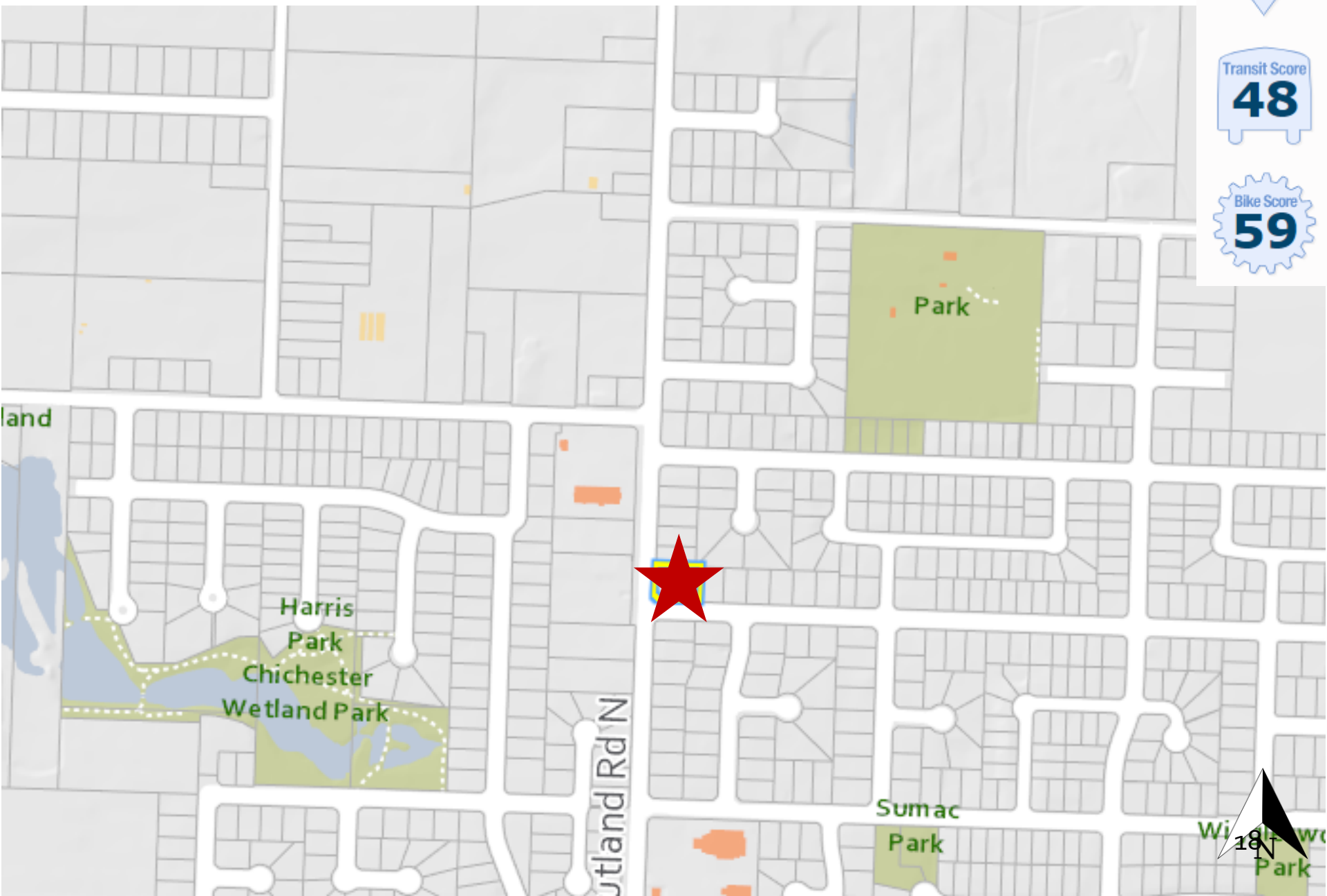
Council
Approvals

Context Map

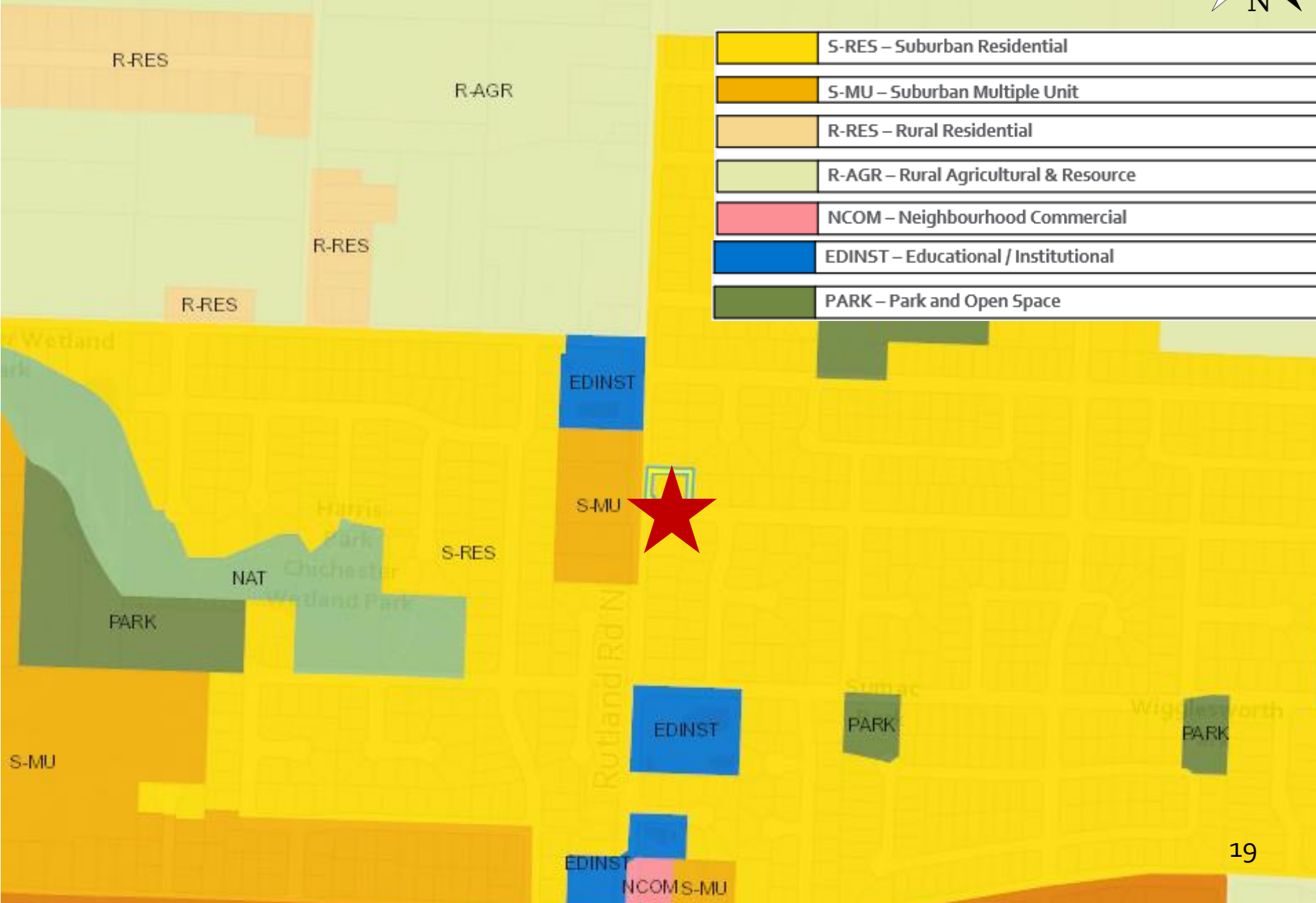
Walk Score
39

Transit Score
48

Bike Score
59



OCP Future Land Use



Subject Property Map



Project Details

- ▶ S-RES – Suburban Residential
- ▶ Close proximity to transit stops along Rutland Rd N
- ▶ Close proximity to Edith Gray Park and Sumac Park

OCP Objectives & Policies

- ▶ Policy 7.2.1: Ground Oriented Housing
 - ▶ Consider a range of low-density ground-oriented housing development to improve housing diversity.

Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
 - ▶ OCP Future Land Use S-RES
 - ▶ OCP Objectives in Chapter 7 Suburban Residential
 - ▶ Ground Oriented
 - ▶ Low Density

Report to Council



Date: September 11, 2023
To: Council
From: City Manager
Department: Office of the City Clerk
Subject: Rezoning Bylaws Supplemental Report to Council

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated September 11, 2023 with respect to four rezoning applications;

AND THAT Rezoning Bylaws No. 12569, 12570, 12571 and 12576 be forwarded for further reading consideration.

Purpose:

To receive a summary of notice of first reading for Rezoning Bylaws No. 12569, 12570, 12571 and 12576 and to give the bylaws further reading consideration.

Background:

Zoning bylaws that are consistent with the OCP do not require a public hearing. Public notice is given before first reading with signage on the subject property, newspaper advertisements, and mailouts in accordance with the Local Government Act and Development Application & Heritage Procedures Bylaw No. 12310.

Discussion:

The four Rezoning Applications were brought forward to Council for initial consideration on August 14, 2023 and August, 28, 2023. Notice of first reading was completed as outlined above. Council deferred reading consideration for Bylaws No. 12569, 12570 and 12571 on August 28 and notices were resent.

Correspondence was received since initial consideration as per the following table:

Address	Application	Bylaw	Recommended Readings	Date of Initial Consideration	Correspondence Received
870-872 Mayfair Rd	Z23-0032	12569	1 st , 2 nd , 3 rd	August 14	1 - opposition
4519 Horak Rd	Z23-0030	12570	1 st , 2 nd , 3 rd	August 14	2 - opposition
1459, 1467 Gordon Dr, 1104-1130 Lawson Ave, 1488 Aspen Ct	Z23-0022	12571	1 st , 2 nd , 3 rd	August 14	4 - concern 7 - support
350 Holbrook Rd E	Z23-0028	12576	1 st , 2 nd , 3 rd	August 28	1 - support

These applications were brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaws.

Conclusion:

Following notice of first reading, staff are recommending that Council give Rezoning Bylaws No. 12569, 12570, 12571 and 12576 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: L Klaamas, Legislative Technician

Approved for inclusion: S Fleming, City Clerk

cc: Development Planning

CITY OF KELOWNA
BYLAW NO. 12569
Z23-0032
870-872 Mayfair Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 7 District Lot 143 ODYD Plan 24833 located on Mayfair Road, Kelowna, BC from the RU4 – Duplex Housing zone to the MF1 – Infill 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

CITY OF KELOWNA

BYLAW NO. 12570

Z23-0030

4519 Horak Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 1 District Lot 358 ODYD Plan 17432 located on Horak Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex 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

CITY OF KELOWNA

BYLAW NO. 12571

Z23-0022

**1459 & 1467 Gordon Drive, 1104 - 1130 Lawson Avenue &
1488 Aspen Court**

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of:
 - a. Lot 7 District Lot 137 ODYD Plan 14393 located on Gordon Drive, Kelowna, BC;
 - b. Lot 8 District Lot 137 ODYD Plan 14393 located on Gordon Drive, Kelowna, BC;
 - c. Lot 9 District Lot 137 ODYD Plan 14393 located on Lawson Avenue, Kelowna, BC;
 - d. Lot 10 District Lot 137 ODYD Plan 14393 located on Lawson Avenue, Kelowna, BC;
 - e. Lot 11 District Lot 137 ODYD Plan 14393 located on Aspen Court, Kelowna, BC;from the RU₄ – Duplex Housing zone to the MF_{3r} – Apartment Housing with Rental Only zone.

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

Read a first, 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

CITY OF KELOWNA

BYLAW NO. 12576

Z23-0028

350 Holbrook Road E

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 5 Section 23 Township 26 ODYD Plan 17975 located on Holbrook Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1cc – Large Lot Housing with Child Care Centre, Major 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

CITY OF KELOWNA
BYLAW NO. 12533
Z23-0003
5127 Lakeshore Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 2 Section 23 Township 28 SDYD Plan 8976, located on Lakeshore Road, Kelowna, BC from the RR2 – Small Lot Rural Residential zone to the RU1 – Large Lot Housing zone.

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

Read a first, second and third time by the Municipal Council this 19th day of June, 2023.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: September 11, 2023
To: Council
From: Infrastructure Operations
Subject: Snow Route and Sidewalk Snow and Ice Bylaw Amendments

Recommendation:

THAT Council, receives, for information, the Report from the Infrastructure Operations dated August 28, 2023 regarding amendments to Traffic Bylaw No. 8120 and Council Policy No. 332;

AND THAT Bylaw No. 12553, being Amendment No. 43 to Traffic Bylaw No. 8120, be forwarded for reading consideration;

AND THAT Council Policy No. 332, being Snow and Ice Control, be revised as outlined in the report from Infrastructure Operations dated September 11, 2023.

Purpose:

To provide Council with a proposed update to Traffic Bylaw No. 8120 which includes delegating approval of exemptions for snow, ice or rubbish from sidewalks to a staff member and identifying Snow Route Parking Ban Areas in Council Policy. To provide Council with a proposed Council Policy amendment to include existing and proposed boundary adjustments to the snow route areas.

Background:

Council Policy No.332 – Snow and Ice Control

Establishes winter snow and ice control service standards to provide a safe and reliable transportation network while protecting the environment, providing excellent customer service/citizen service, and managing risk. The policy is proposed to be amended to include snow routes.

Item 1 - “Snow Routes” are designated areas that are typically more challenging for snow removal due to elevation, road width, numerous cul-de-sacs, etc. Within a designated snow route, an on-street parking ban may be issued during significant periods of snow fall. The first snow routes in Kelowna were created in 2015 and have since been expanded to additional areas of the City. Snow routes have proven to be an effective method for ensuring that priority routes are cleared effectively in an efficient, cost-effective, and safe manner. Since the original routes were created, urban growth has occurred in hillside developments. Public acceptance of Snow Routes has also been favorable, and staff are recommending that routes are expanded into additional areas.

In an ongoing effort to improve winter mobility service, staff have compiled the following recommended modifications to the existing snow route areas as per Schedule A:

1. The addition of the Quail Ridge snow route area to accommodate public requests.
2. A minor boundary adjustment to Magic Estates, Wilden, and North Clifton to include developments on the North end.
3. Boundary adjustment to the existing Black Mountain snow route area to include developments north of the existing boundary.

Additional signage will be installed within the proposed new neighborhoods. There will be a limited operational cost impact which will be managed within existing budgets as a result of operational efficiencies. Existing snow removal budget to fund the one-time signage and installation costs

Item 2 – The sidewalks exempt list consists of addresses and lengths of sidewalks that are exempt from Bylaw 8120 section 2.5.1 based on factors currently not identified within the Bylaw. The Infrastructure Operations Department has identified a need to properly define a process for obtaining exemption from section 2.5.1 and create a method to proactively update the exemption list. This change will allow administration to update the exempt list as developments occur, reducing the amount of time sidewalks are serviced when they no longer qualify under the exemption criteria.

Conclusion:

In an ongoing effort to improve service, staff have compiled the following recommended modifications to the Traffic Bylaw and existing Council Policy No. 332:

1. Amend Traffic Bylaw to;
 - a. Delegate approval of snow, ice, or rubbish exemptions from sidewalks to a staff member.
 - b. Adjust snow route parking ban areas to be identified in Council Policy No. 332 rather than in the Bylaw.
2. Amend Council Policy No. 332 to;
 - a. Include snow route parking areas.
 - b. Amend the existing snow route parking areas.

Communications Comments:

Residents on new Snow Routes will be notified prior to the program implementation and neighbourhood signage installation. The notification will include the ability for residents to sign up for Snow Route updates through the City's eSubscribe system. The snow and ice administration policy will be added to the City of Kelowna's website (Schedule A).

Internal Circulation:

City Clerk
Supervisor, Traffic Operations
Community Communications Manager
Bylaw Services Manager
Budget Supervisor

Legal/Statutory Authority:

Community Charter, s. 154
City of Kelowna Traffic Bylaw 8120

Existing Policy:

Council Policy 332 – Snow and Ice Control

Financial/Budgetary Considerations:

Limited budgetary impact, which will be managed within the existing snow and ice control budget.
Moving the sidewalk exempt list to an administrative policy is anticipated to have no impact to budget.

Considerations not applicable to this report:

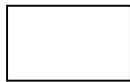
Legal/Statutory Procedural Requirements:

Personnel Implications:

External Agency/Public Comments:

Submitted by: Geert Bos, Department Manager Infrastructure Operations

Approved for inclusion:



Mac Logan, General Manager Infrastructure

Attachments

Proposed Council Policy 332

Schedule A – proposed snow route modifications

Sidewalk Snow and Ice Exemption – Administration Policy

Sidewalk Snow and Ice Exemption – Web Location



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Snow and Ice Control

ESTABLISHED January 9, 2006

Contact Department: Infrastructure Operations

Guiding Principle

Roadways are maintained to prevent or reduce accidents and injury, facilitate the handling of emergencies by the first responders and police services and minimize economic loss to the community.

Purpose

To establish winter snow and ice control service standards in order to provide a safe and reliable transportation network while protecting the environment, providing excellent customer service/citizen service and managing risk.

Application

This policy applies from November 01 to March 01 and includes all streets under the jurisdiction of the City of Kelowna, and those areas contained within City road right of way, City statutory right of ways and Section 4 roads.

This Policy does not apply to any City park land.

Definitions

“Active Transportation Network” means sidewalks adjacent to City owned property, pathways, stairs and walkways.

“Bare Pavement” means an asphalt surface with a layer of snow not exceeding two (2) cm in depth.

“Business Districts” means Pandosy Town Center & Rutland Town Center.

“Downtown Core” means the area encompassed between Harvey Avenue, Doyle Avenue, Abbott Street and Richter Street, as well as the area encompassed by Doyle Avenue, Clement Avenue, Water Street and Ellis Street.

“Priority 1 Road” meets any of the following conditions:

- a) All main routes with an average daily traffic volume greater than 15,000,
- b) All routes with a posted speed limit of 70 km/h or greater, or
- c) Main route from a residential neighborhood.

“Priority 2 Road” meets any of the following conditions:

- a) All secondary routes with an average daily traffic volume greater than 5,000 but less than 15,000,
- b) All roads with a grade greater than 10 per cent or an average daily traffic volume greater than 300 with a grade over five (5) per cent,
- c) Bus route (school and transit),
- d) School zone,
- e) Town Centre improvement district, or
- f) Emergency vehicle station.

“Priority 3 Road” meets any of the following conditions:

- a) All remaining roads, or
- b) Lanes which provide the only available access to a property with no available on-street parking.

“Priority 4 Road” means all remaining lanes.

Policy Statements

1. Winter maintenance programs will include the following:
 - a) Roadway Sanding and Salting: City crews and/or contractors will be on duty from November 1 to March 1. Sanding and/or salting operations shall continue until service levels have been attained. Sanding will only take place at the following locations:
 - i. Street signalized intersections

- ii. Stop signs
 - iii. Railroad crossings
 - iv. Street crosswalks
 - v. Curves
 - vi. Hills
 - vii. School zones
 - viii. Bus stops
 - ix. Straight sections (intermittent sanding)
 - b) Salting operations shall be undertaken in the downtown core and all Priority 1 Roads. When salting, the entire length of road will be treated. Intermittent salting may take place on Priority 2, 3 and 4 Roads.
 - c) Anti-Icing: Anti-Icing materials may be used to prevent the bond of snow and ice to the asphalt.
 - d) Roadway Plowing: Snow will be plowed from all arterial, collector and local roadways following the end of a storm to achieve bare pavement.
 - e) Snow Removal: Snow will be removed from the downtown core, designated business districts; City owned and operated parking lots, bus stops and school drop off zones as required.
 - f) Active Transportation Network: Snow will be plowed within 24 hours of the end of a storm and meet the requirements of Traffic Bylaw No. 8120. Gravel pathways will not be cleared.
 - g) Sidewalks: Property owners are required to clear snow from sidewalks adjacent to their property (frontage and flankage) within 24 hours of the end of a storm to meet the requirements of Traffic Bylaw No. 8120, section 2.5.1. The City will be responsible for maintaining the sidewalks listed under the exemption to section 2.5.1 of Traffic Bylaw No. 8120.
 - h) On-street bicycle lanes and road shoulders/boulevards: Snow will not be cleared and may be used for snow storage.
 - i) Transit Facilities: Snow will be cleared from all sidewalks, ramps, stairs and bus platforms at transit facilities within 24 hours of the end of the storm. Snow will be cleared from all transit zone pads within 48 hours of the end of the storm.
 - j) Snow Storage Site Management: Snow removed from road right-of-way and parking lots must be hauled to designated snow storage sites.
 - k) Parking Lot Clearing: City owned and operated parking lots will be cleared within 24 hours of the end of the storm where we receive a snowfall of five (5) cm or more. Parking Lots will be plowed to bare pavement.
 - l) Salt Management: Road salt usage will be reported to Environment Canada annually.
2. Service levels including how, when and where the City sands, salts and plows streets and the active transportation network depends on the City Council approved priority system, as well as other factors, which may include the:
- a) temperatures before, during and after a storm,
 - b) duration of the storm,
 - c) amount of accumulated snow,
 - d) road surface temperature, and
 - e) weather forecast.
3. Priority system for the purpose of ice control, snow plowing, and snow removal operations, assigns each street within the City to one of four priority classifications. When necessary the order of priority for the provision of the required services may be altered. The street priority classification will be reassessed annually and revisions made if required. Priority 2-4 roads will not be serviced until service levels of Priority 1 roads are achieved. If another storm occurs prior to completion of Priority 2-4 roads, attention will again shift to Priority 1 roads. The four priority classifications are as follows:
- a) Priority 1 Roads: Plowed and sanded or salted within 8 hours of the end of a storm.
 - b) Priority 2 Roads: Plowed and sanded or salted within 12 hours of the end of a storm.
 - c) Priority 3 Roads: Plowed and sanded or salted within 48 hours of the end of a storm.
 - d) Priority 4 Roads: Plowed and sanded or salted during regular working hours.

4. Snow Route Parking Ban Area is regulated by Traffic Bylaw No. 8120 and the designated areas are identified in the schedules attached to and forming a part of this Policy.
5. Public Inquiries will be responded to by the City Works Yard during normal work hours and the Kelowna Fire Hall after hours, on weekends and holidays. Complaints of an emergency nature are to be transmitted to appropriate field personnel for action.
6. All media inquiries are to be responded to by the Infrastructure Operations Department Manager or his/her designate.

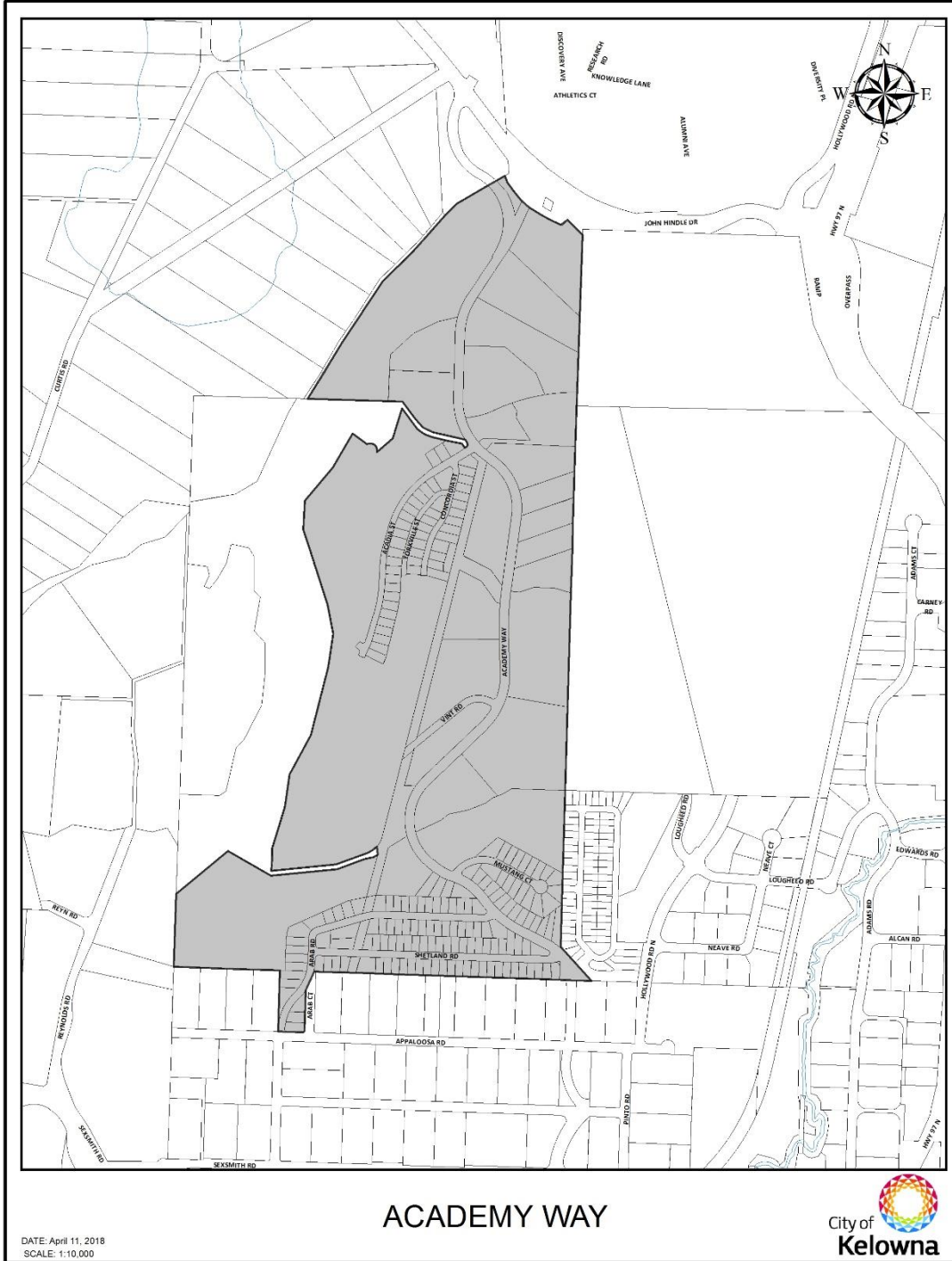
Amendments

Resolution:

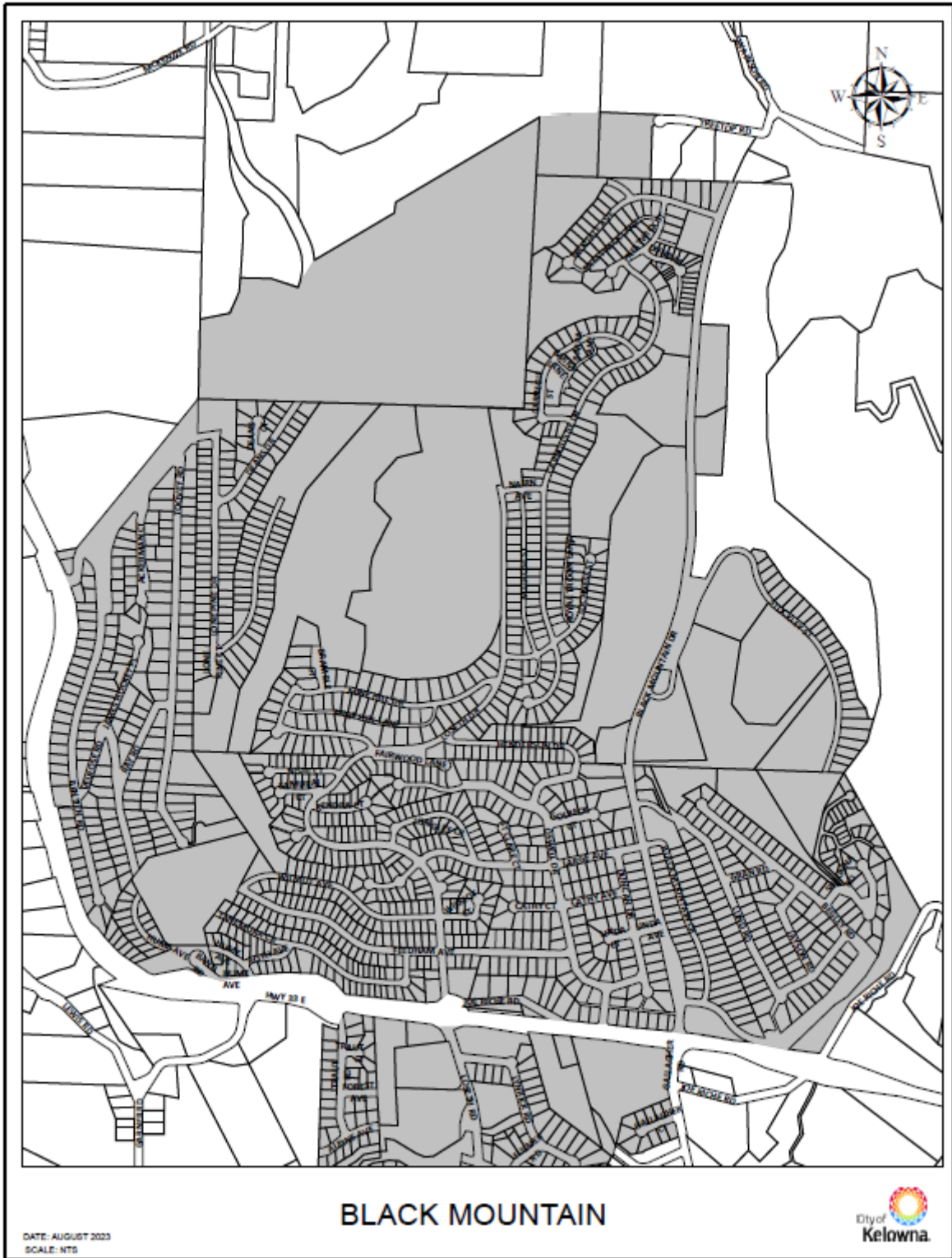
Replacing: R268/17/04/10; R944/12/10/22; R375/10/04/26; R955/08/10/27; R936/06/10/02; R031/06/01/09;

DRAFT

SCHEDULE 'A'



Schedule 'B'



BLACK MOUNTAIN

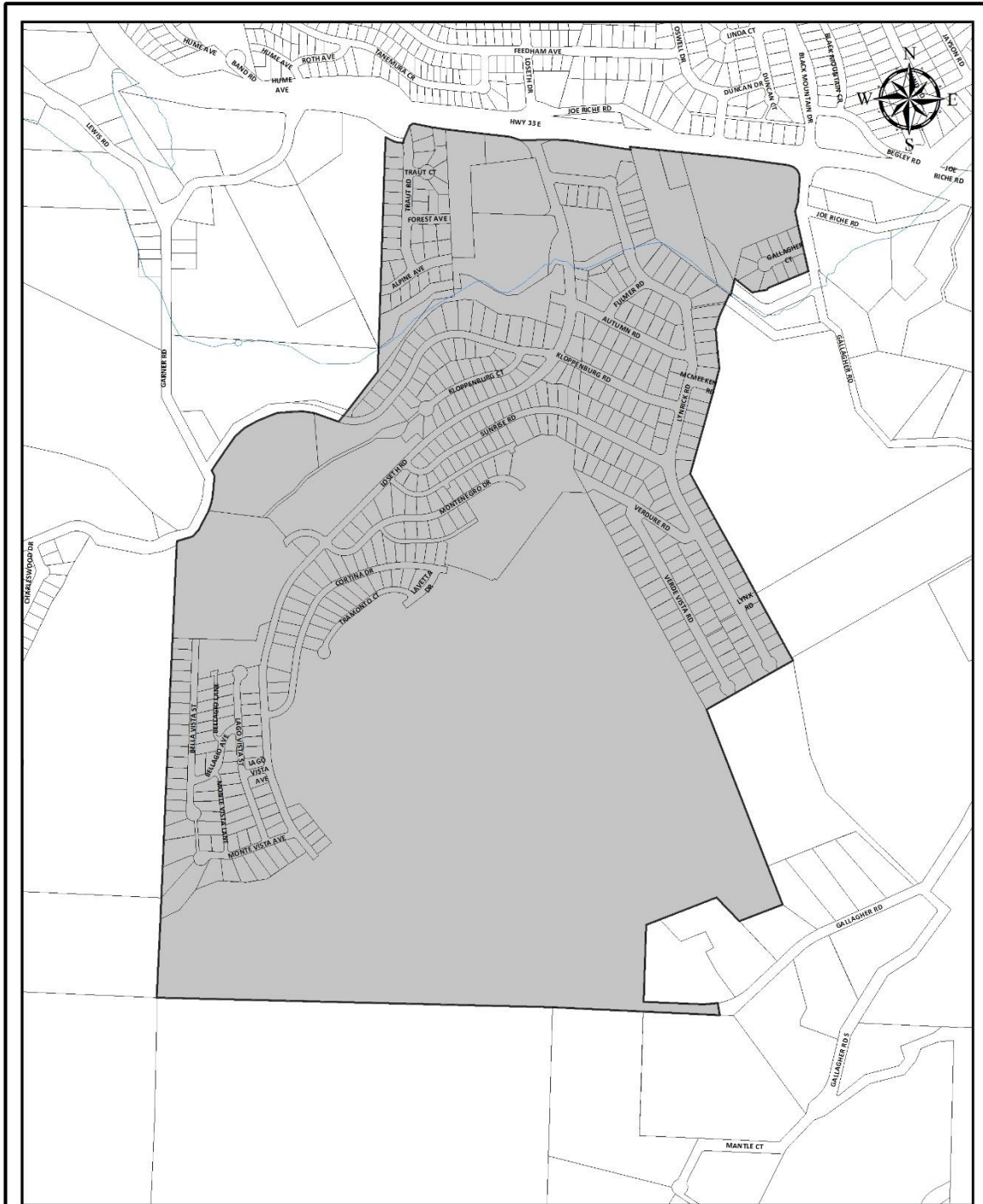
DATE: AUGUST 2023
SCALE: NTS



SCHEDULE 'C'



Schedule 'D'



KIRSCHNER MOUNTAIN

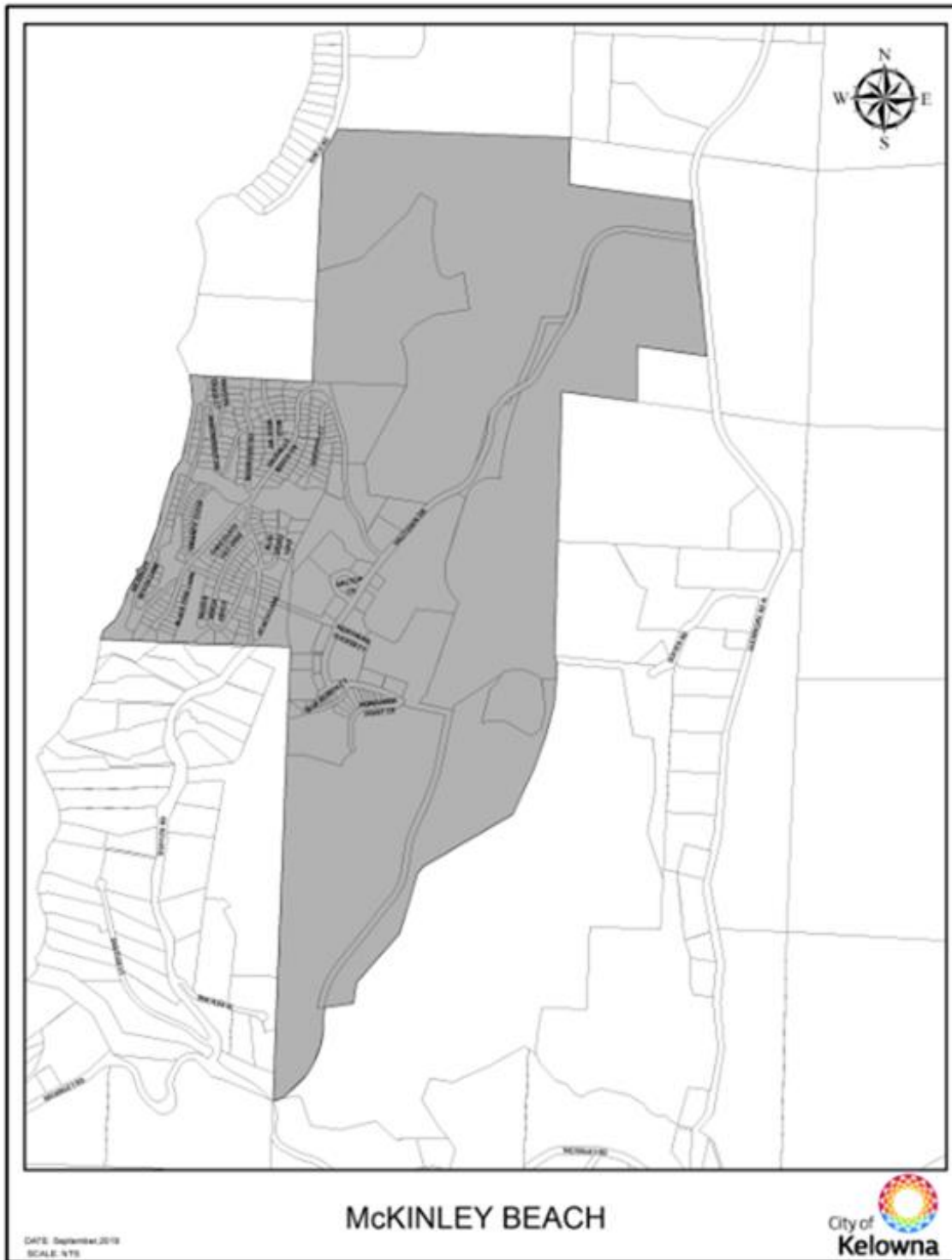
DATE: April 11, 2018
SCALE: 1:10,000



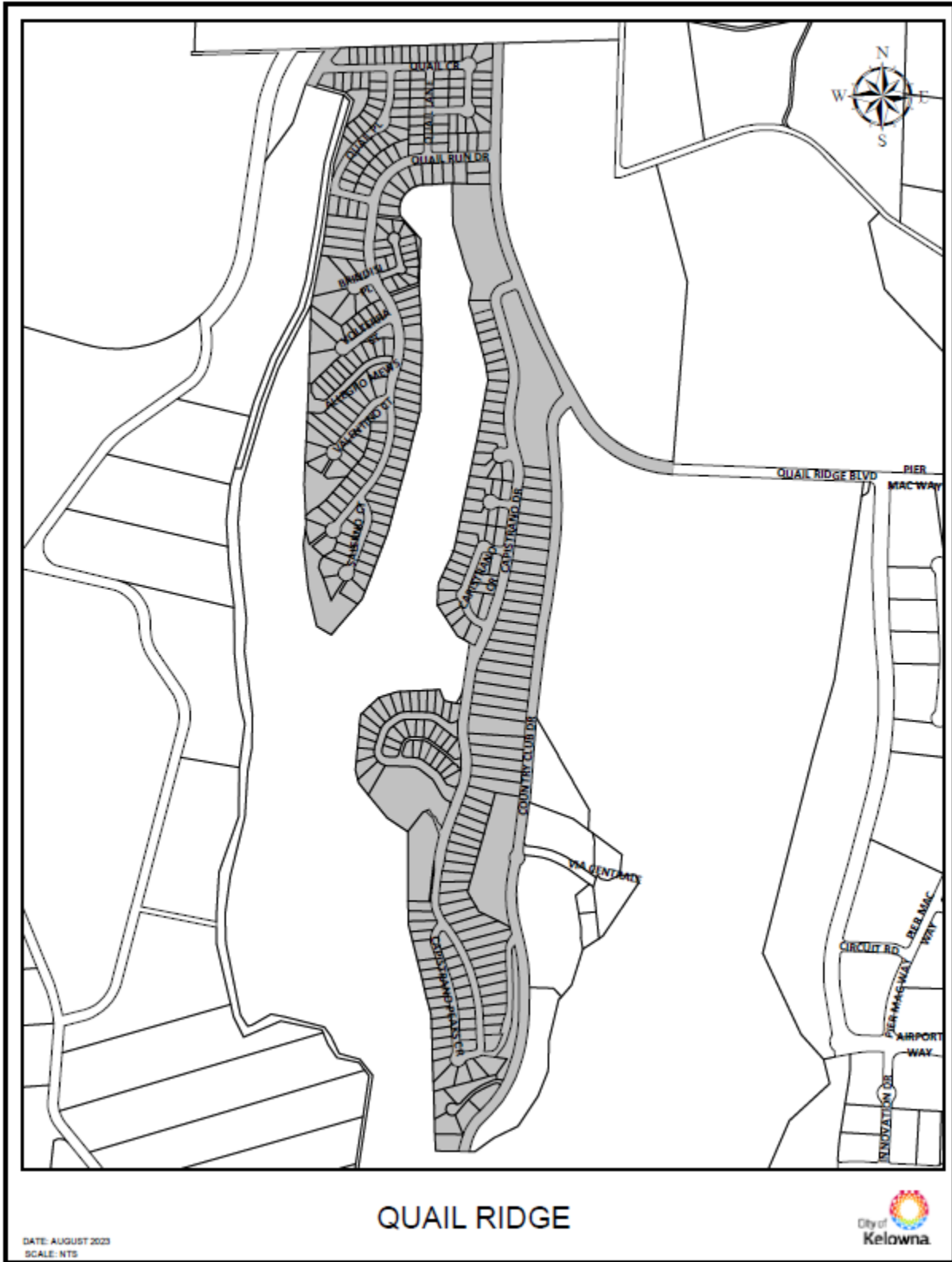
Schedule 'E'



Schedule 'F'



Schedule 'G'



Schedule 'H'



DATE: FEBRUARY 2023
SCALE: NTS

SOUTH MISSION



If the Sidewalk Snow and Ice Exemption Administrative Policy is approved it will require a new location which is accessible to the public, suppliers and consultants. The proposed location would be located in the City of Kelowna webpage located under the *City Services* page, refer to the image below.

[City of Kelowna](#)

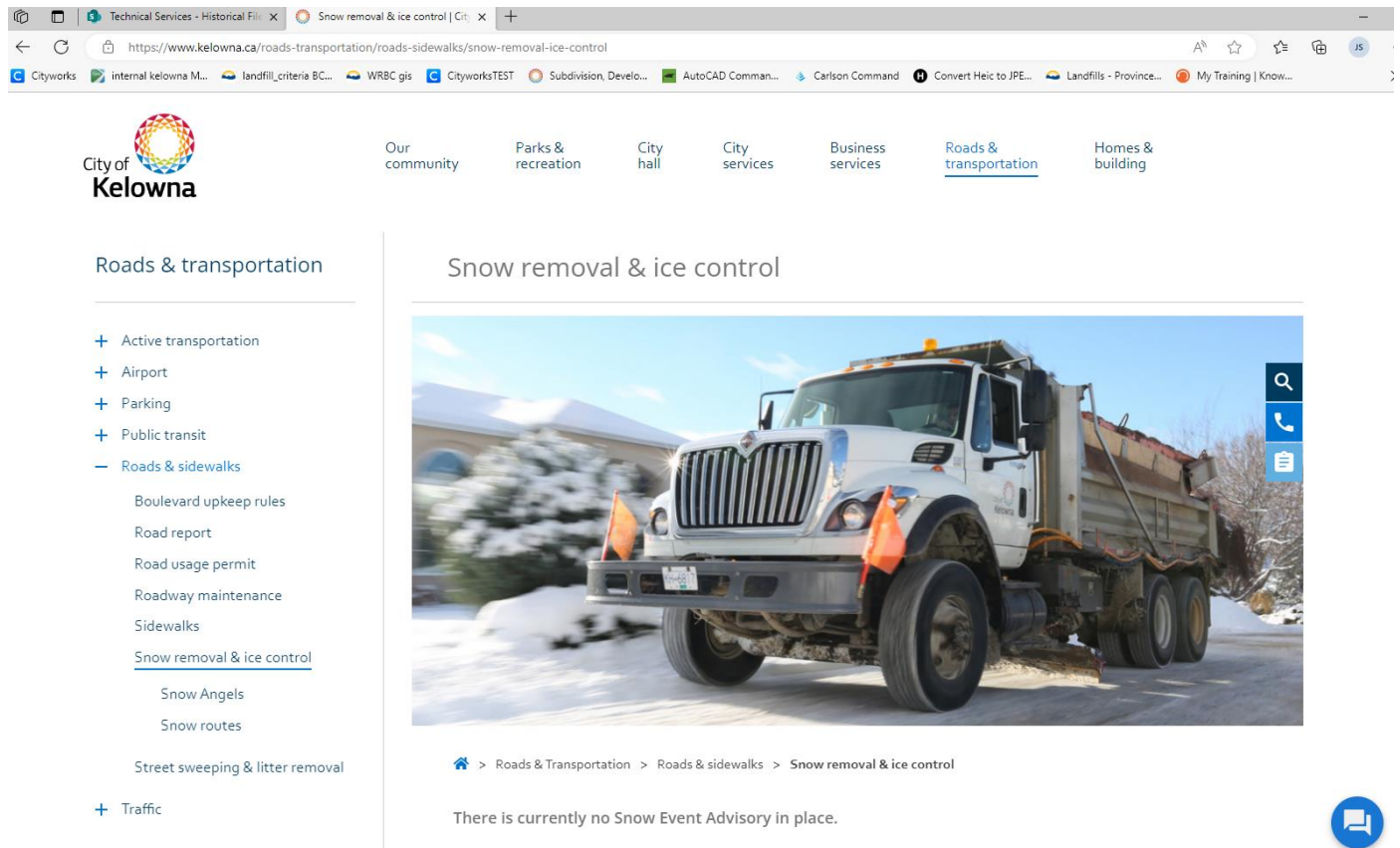


Figure 1 – link to Sidewalk Snow and Ice Exemption admin policy below snow routes

The following is an example of the proposed page and the information contained.

Sidewalk Snow and Ice Exemption – Administrative Policy

Sidewalk clearing during inclement weather is covered in the bylaws and property owners are responsible for ensuring sidewalks fronting their property are cleared of snow and ice. Please see applicable bylaw for details on property owner/tenant responsibilities.

The Sidewalk Snow and Ice Exemption Administrative policy covers unusual circumstances where sidewalks are exempt from the the standard bylaw and as a result the City clears them of snow and ice. For details on what criteria makes a sidewalk exempt please see the link below.

[Sidewalk Snow and Ice Exemption – Administrative Policy](#)

Sidewalk Snow and Ice Exemption List

A comprehensive list of sidewalks currently exempt from snow removal requirements can be found at the link below.

[Sidewalk Snow and Ice Exemption List – Appendix C](#)

Request Sidewalk Review

Any resident wishing to have a review completed of the sidewalk along their property may send in a request and it will be reviewed during the semi-annual review. A link to the application and evaluation criteria can be found below.

[Sidewalk Snow and Ice Exemption Form and Criteria– Appendix A and B](#)

PURPOSE

To define the requirements for sidewalk snow and ice exemptions and provide a document that supports the Bylaws regarding Sidewalk clearing during inclement weather. The bylaw currently states that property owners are responsible for ensuring sidewalks along their property are cleared of snow, ice and rubbish.

POLICY SCOPE

Snow and ice removal for sidewalks is outlined in the Traffic Bylaw No. 8120. The Sidewalk Snow and Ice Exemption Administrative policy covers the process for applying for exemption and lists specific locations and lengths of sidewalk that have been assigned exemption to snow and ice removal. Only sidewalks listed in The Sidewalk Snow and Ice Exemption List (**Appendix B**) are exempt.

ADMINISTRATION GUIDELINE

The Roadways Operations Manager through consultation with staff shall update and maintain the exemption list. The exemption list will be reviewed and updated by the Roadways Operations Manager on a semi-annual basis, or as deemed necessary.

REVIEW PROCESS

A property owner requesting a property be added to the Sidewalk Snow and Ice Exemption list must complete and submit a Sidewalk Snow and Ice Exemption Form to the Roadways Operation Manager (**Appendix A**). Each property requires a separate application. Requests are only reviewed if complete in full. Incomplete or partial submissions will be rejected.

1. The Sidewalk Snow and Ice Exemption request form (**Appendix A**) may be submitted online as a service request with the subject line; Roadways Misc, Sidewalk Snow Exemption Application.
2. Upon completion of the final decision, notification of approval or rejection will be sent to the owner and others as determined by city staff. If rejected, the notification outlining the decision will include a reason the request was not accepted.
3. Notification will be provided to any properties that have been removed/added to the exemption list. A three month grace period will be provided to those that have been removed.

Should an application be rejected, the owner may resubmit their real property for review after two years provided that the demographics or supporting information has changed. Any comments or concerns with the decision should be addressed to the Manager in writing.

Once the exemption has been approved and the notification sent to the owner, a copy of the Approval letter will also be sent to appropriate City staff to amend the Sidewalk Snow and Ice Exemption List.

Maintenance of the Sidewalk Snow and Ice Exemption List:

The City of Kelowna reserves the right to remove or add any real property on the list at any given time if it no longer meets the sidewalk snow and ice exemption criteria. Notice will be provided as per Item three of the review process.

Effective Date	Revised Date	Approved by	Signature
April 3 rd , 2023		Roadways Operations Manager	



Sidewalk Snow and Ice Exemption Administrative Policy

SIDEWALK SNOW AND ICE EXEMPTION FORM - APPENDIX "A"

TO:

Sidewalk Snow and Ice Exemption Review
1495 Hardy Street
City of Kelowna, BC, V1Y 7W9

FROM: _____ DATE: _____

PHONE NUMBER: _____ EMAIL: _____

ADDRESS OF REAL PROPERTY EXEMPTION IS REQUESTED FOR:

REASON FOR EXEMPTION REQUEST:

Sidewalk Snow and Ice Exemption Administrative Policy

SIDEWALK SNOW AND ICE EXEMPTION LIST APPENDIX "B"

Street Location	From	To	SIDE	METERS
CANTINA CT	SOUTH RIDGE DR	705 CANTINA CT.	N	145
CHUTE LAKE RD	MAIN ST	QUILCHENA DR	N	123
CHUTE LAKE RD	LARK ST	CHUTE LAKE CR	N	309
CHUTE LAKE RD	OAKAVIEW RD	SOUTH CREST DR	W	480
CHUTE LAKE RD	SOUTH CREST DR	Back of 503 Stanley Cr.	W	325
CHUTE LAKE RD	5128 CHUTE LAKE RD.	CHUTE LAKE CR	S	260
CHUTE LAKE RD	CHUTE LAKE CR	QUILCHENA	N	456
CHUTE LAKE RD	MAIN ST	W. END	N	70
FROST RD	WESTEND OF PARK	SOUTHRIDGE DR.	S	248
FROST RD	SOUTH RIDGE DR	EAST END OF ROAD	S	450
GORDON DR	STEELE	FROST RD	N	548
BARNABY RD	from 590	west end	N	279
HEDEMAN CT	TRUMPETER RD	CHUTE LAKE RD	S	99.5
LARK ST	5185 LARK ST.	CHUTE LAKE RD.	W	221
QUILCHENA DR	MCCARREN AVE	CHUTE LAKE RD	E	44.1
SOUTH RIDGE DR	CANTINA CT	SOUTH CREST DR	E	264
SOUTH RIDGE DR	SOUTH CREST DR	FROST RD	W	81
SOUTHRIDGE DR	CANTINA CT	5157 SOUTHRIDGE DR	E	220
SOUTHRIDGE DR	ARBOURVIEW	BARNABY	W	785
STEELE RD	BARNABY RD	809 STEELE RD	S	211
STELLAR DR	TANAGER DR	GROUSE AVE	E	236.2
STELLAR DR	OKAVIEW DR	403 STELLAR	W	220
UPLANDS DR	LAKESHORE RD	UPLANDS CT	S	152
CANYON FALLS CT	EAST END OF ROAD	CANYON RIDGE CR	W	119

Sidewalk Snow and Ice Exemption Administrative Policy

CRAWFORD RD	STEWART RD W	CRAWFORD CT	S	70
CRAWFORD RD	CRAWFORD CT	PARKRIDGE DR	S	158.8
CRAWFORD RD	CRAWFORD CT	PARKRIDGE DR	S	52.7
GORDON DR	PARET RD	STEELE RD.	W	1130
GORDON DR	#892 PARET RD	STEELE RD.	W	714
LAKESHORE RD	KEITH	COLLETT	W	77
LAKESHORE RD	COLLETT	VINTAGE TERRACE CT	E	130
LAKESHORE RD	VINTAGE TERRACE	CRIGHTON RD	E	413
LAKESHORE RD	CRIGHTON	BARNABY	E	250
STEWART RD W	EAST END OF ROAD	WESTRIDGE DR	W	200
STEWART RD W	WESTRIDGE DR	LARKRIDGE CT	W	324
STEWART RD W	LARKRIDGE CT	CRAWFORD RD	W	664
VARNEY CT	WEST END OF ROAD	RAYMER RD	E	153
WESTPOINT DR	LOT 1	#910	N	410
WESTPOINT DR	WESTPOINT RESERV	#765	S	220
WESTRIDGE DR	STEWART RD W	CANYON RIDGE CR	N	63
WESTRIDGE DR	CANYON RIDGE CR	MID RIDGE CT	N	123
WESTRIDGE DR	MID RIDGE CT	CANYON RIDGE CR	N	115
WESTRIDGE DR	CANYON RIDGE CR	PARKRIDGE DR	N	115
BARRERA RD	CASORSO RD	LAKESHORE RD	N	333
GORDON DR	OLD MEADOWS RD	LEQUIME RD	E	375
GORDON DR	LEQUIME RD	LEXINGTON DR	E	434.5
GORDON DR	LEXINGTON DR	COOK RD	E	130.8
GORDON DR	COOK RD	CASORSO RD	E	740
GORDON DR	CASORSO RD	3379 GORDON RD	E	570
DOYLE AVE	ELLIS ST	ST PAUL ST	S	102
ELLIS ST	ALLEY	LAWRENCE AVE	W	42
ELLIS ST	DOYLE AVE CITY LOT	DOYLE AVE	E	49
ELLIS ST	QUEENSWAY	MEMORIAL ARENA	W	98
LAWRENCE AVE	CITY LOT	ELLIS ST	S	32
QUEENSWAY	MUSEUM	ELLIS ST	N	83

Sidewalk Snow and Ice Exemption Administrative Policy

ST PAUL ST	DOYLE CITY LOT	DOYLE AVE	W	60
ELLIS ST	CLEMENT AVE	GASTON AVE	W	204
ELLIS ST	GASTON AVE	INDUSTRIAL AVE	W	67.8
ORCHARD DR	PARK	north end	W	159
CLEMENT DR	CERISE RD	GORDON DR	N	449
CLEMENT DR	HIGH RD	CERISE RD	N	346
CLEMENT DR	SPALL RD	HIGH RD	N	968
CLIFTON	MAGIC DR	RIO DR	W	619
GLENVIEW	CERISE	HILLCREST	S	155
RIO DR S	MAGIC DR	CLIFTON RD	W	260
DRYSDALE BLVD	KANE RD	WHITMAN RD	W	105
DRYSDALE BLVD	VERNA CT	CROSS	W	239
GLENMORE RD	DALLAS RD	CROSS RD	E	642
GLENMORE RD	CROSS RD	UNION RD	E	543
GLENMORE RD	UNION RD	SCENIC RD	E	716
GLENMORE RD	SCENIC RD	SNOWCELL RD N	E	202
LONG RIDGE DR	STILL POND PL	BIG ROCK CT	E	942.1
SPALL RD	ENTERPRISE WAY	BERNARD AVE	W	495
SUMMIT DR	GLENMORE DR	VALLEY RD	S	182.5
SUTTON CR	SOUTH END OF ROAD	DRYSDALE BLVD	E	240
UNION RD	WYNDHAM CR	VERNA CT	S	91.5
UNION RD	MILLARD	LONG RIDGE	E	673
UNION RD	EDGEHILL AVE	TERRACE HILL	W	498
UNION RD	TERRACE HILL	TUCKER CR	W	175
UNION RD	VALLEY RD	west end	S	52
VALLEY RD	ST ANDREWS DR	GOLFVIEW RD	W	246
VALLEY RD	GOLFVIEW RD	SUMMIT DR	W	94
VALLEY RD	SUMMIT DR	PALMER RD	W	294
VALLEY RD	PALMER RD	SHERRYDALE CR	W	546
VALLEY RD	SHERRYDALE CR	YATES RD	W	98.7
VALLEY RD	KANE RD	CROSS RD	W	831.3

Sidewalk Snow and Ice Exemption Administrative Policy

VALLEY RD	CROSS RD	DRYSDALE BLVD	W	373.3
VALLEY RD	DRYSDALE BLVD	UNION RD	N	245.9
CASCADE PL	1036	1008	W	160
CHILCOTIN CR	2090 CHILCOTIN CR	past park entrance	W	108
CHRISTINA PL	MONASHEE PEAKS	975	W	120
DENALI DR	SUMMIT DR	DENALI CT	E	479
DENALI DR	DENALI CT	NORTH END OF ROAD	E	439.7
DILWORTH DR	LECKIE RD	OMINECA PL	W	715
DILWORTH DR	OMINECA PL	CASCADE PL	W	384
DILWORTH DR	CASCADE PL	SUMMIT DR	W	714
DILWORTH DR	SUMMIT DR	CASSIAR RD	W	338
RIFLE RD	CASSIAR RD	SILVER PL	W	582.5
SELKIRK DR	LILLOOET CR	FAIRMONT AVE	W	530
SELKIRK DR	LILLOOET CR	FAIRMONT AVE	W	115
SKEENA DR	SKEENA CT	SUMMIT DR	E	300
SUMMIT DR	DENALI DR	CHILCOTIN CR	N	449
SUMMIT DR	DENALI DR	CHILCOTIN CR	S	450
SUMMIT DR	VALLEY RD	DENALI DR	S	734.2
SUMMIT DR	CHILCOTIN CR	CHILCOTIN CR	S	171
SUMMIT DR	CHILCOTIN CR	SKEENA DR	S	415
SUMMIT DR	SKEENA DR	LILLOOET CR	S	245
SUMMIT DR	LILLOOET CR	PURCELL DR	S	100
SUMMIT DR	PURCELL DR	NAHANNI PL	S	195
SUMMIT DR	NAHANNI PL	DILWORTH DR	N	6
SUMMIT DR	NAHANNI PL	DILWORTH DR	S	291
MCINTOSH RD	FIRE HALL	RUTLAND RD N	S	93
RUTLAND RD N	SOUTH OF FIRE HALL	MCINTOSH RD	W	37
GRAY RD	HEALTH UNIT	PEMBERTON RD	N	93
SPRINGFIELD RD	HOLLYWOOD RD S	NEPTUNE RD	S	487
MCCURDY RD E	CRAIG RD	GIBSON RD.	N	1353
MCCURDY RD E	GIBSON RD.	LATTA RD.	N	419

Sidewalk Snow and Ice Exemption Administrative Policy

MCCURDY RD E	LATTA RD.	MCKENZIE RD.	N	213
MCCURDY RD E	MCKENZIE RD.	DAY RD	N	559
MCKENZIE RD	HWY 33 ACCESS LANE	ELPASO RD	N	490
ELPASO RD	MCKENZIE RD	EAST END OF ROAD	N	90
OLD VERNON RD	ACLAND RD	ARGUS RD	N	84
BLACKMOUNTIAN DR	LUND RD.	STOCKLEY ST.	E	263
BLACKMOUNTIAN DR	STOCKLEY ST.	BIRKDALE AVE	E	1189
STOCKLEY ST.	BLACKMOUNTAIN DR	SOUTH END	N/E	1076
HWY 33	GARNER RD	TRAUT RD	S	201
HWY 33	TRAUT RD	LOSETH RD	S	260
HWY 33	LOSETH RD	1759 HWY 33	S	191
JAMES HOCKEY PL	VELROSE RD	NORTH END OF ROAD	E	220
KLOPPENBURG RD.	KLOPPENBURG CT.	GARNER RD	S	43
LOSETH RD	AUTUMN RD	LYNRICK RD	E	245
LOSETH RD	KLOPPENBURG RD	SUNRISE RD	S	375
LOSETH RD	MONTENEGRO DR	LOGA VISTA AVE	E	719.6
COUNTRY CLUB DR	SOUTH END OF ROAD	QUAIL RIDGE BLVD	W	909
COUNTRY CLUB DR	COUNTRY CLUB DR	SOUTH END OF RD	W	759
QUAIL RIDGE BLVD	COUNTRY CLUB DR	AIRPORT WAY	W	880
BENVOULIN RD	COOPER RD	SPRINGFIELD RD	W	525
RAYMER AVE	793	1165	S	711
CARTER RD.	MCCULLOCH RD	EASTWOOD DR.		84.00
EASTWOOD DR	MCCULLOCH RD	LAKEVALE PL	E	31
MCCULLOCH RD	MOHONIA DR.	3950 MCCULLOCH	N	397
KLO RD	SPIERS RD	HALL RD	N	125
KLO RD	SPIERS RD	HALL RD	S	30.5
TOTAL EXEMPT				47724.2



City of
Kelowna

Snow and Ice Control – Policy Update

September 11th, 2023

Snow and Ice Control



Policy guidance for Snow & Ice Control in Kelowna comes from two primary sources.

- Bylaw 8120 / Traffic Bylaw
- Council Policy 332 / Snow and Ice Control

Council Policy 8120

What is Bylaw 8120?

- ▶ Bylaw 8120 currently contains the list of sidewalks that are exempt from snow and ice control
 - ▶ Exemption based on grade, access, location, etc.

Challenges

- ▶ With development happening there are a lot of ongoing changes required to keep this list up to date
- ▶ Currently Council approval required for each change

Recommendations

- ▶ Removing section from Bylaw 8120 to an admin Policy to allow for bi-annual updates of exempt inventory



Council Policy 332

What is Bylaw 332?

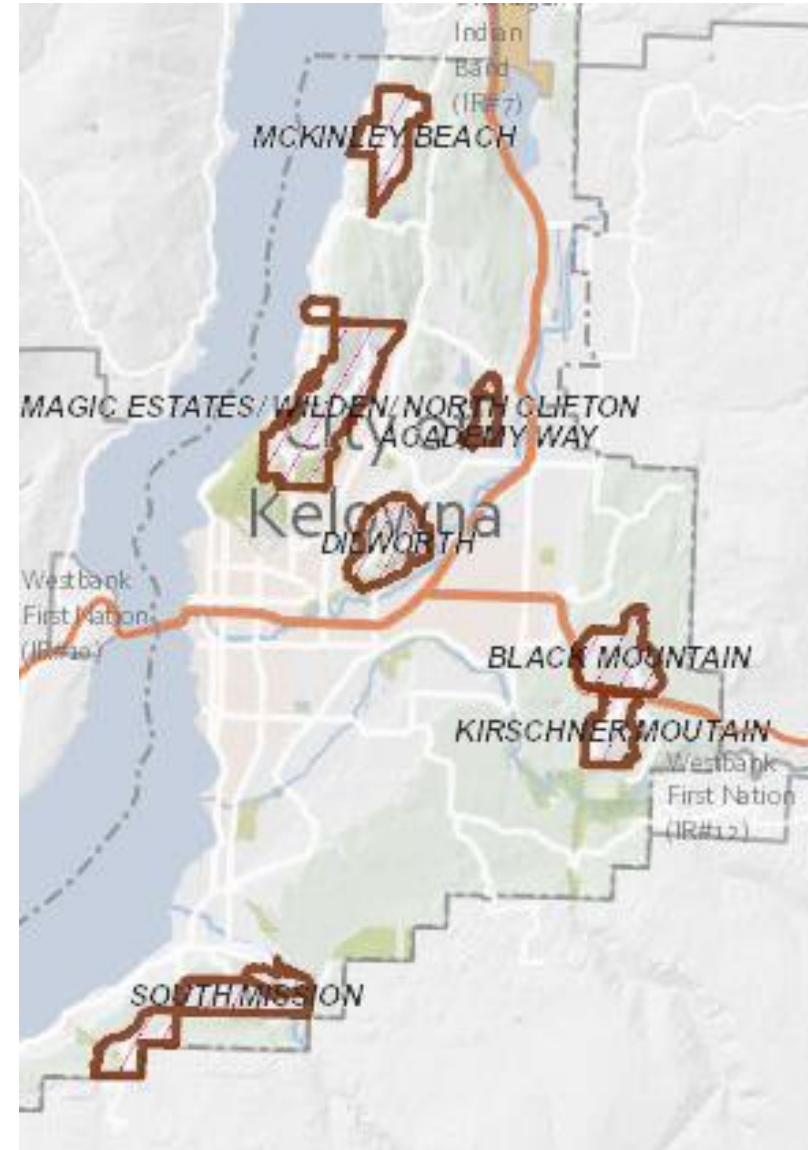
- ▶ Bylaw that governs service levels for winter maintenance across diverse pieces of city owned infrastructure

Why its important?

- ▶ Snow routes are integral part of our snow response during sustained events
- ▶ Snow routes are subject to parking bans

Recommendations

- ▶ Including snow routes to council Policy 332 to maintain touchpoints with council
- ▶ Expansion of snow routes by adding the Quail ridge neighborhood to the snow policy
- ▶ New complement consists of 7 snow routes





Questions?

For more information, visit kelowna.ca.



CITY OF KELOWNA

BYLAW NO. 12553

Amendment No. 43 to Traffic Bylaw No. 8120

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. THAT **Part 1 – Introduction, 1.4.1** be amended by
 - 1.1. Adding the following definition:

“Roadways Operations Manager means the person appointed as such and includes their lawful designate(s).”

2. THAT **Part 2 – General Regulations, 2.5.1** be amended by
 - 2.1. Deleting Subsection 2.5.1 in its entirety and replacing Subsection 2.5.1. with the following:

“Sidewalks. Owners or Occupiers of real property shall remove snow, ice, or rubbish from the sidewalk and walkways bordering (whether directly adjacent to, or separated by a boulevard, landscaping, or other portion of either the property or the road) on the real property owned or occupied by them within 24 hours of the accumulation of such snow, ice or rubbish.

2.5.1(a) Owners or occupiers of real property may be exempt from removing such snow, ice or rubbish from a sidewalk along stretches of road bordering real property if an application is made and approved pursuant to this bylaw.

2.5.1(b) Pursuant to Section 154(1) of the *Community Charter*, Council delegates to the Roadways Operations Manager the duties and powers of Council to approve an exemption to Subsection 2.5.1 of this bylaw.

2.5.1(c) The exemption to Subsection 2.5.1 may be approved if it complies with one or more of the following criteria:

 - i. there is a grade difference of 3 meters or greater between the real property and the adjacent sidewalk,
 - ii. the real property is owned by the City of Kelowna,
 - iii. the real property is located within the Agricultural Land Reserve, or
 - iv. other site constraints as determined by the Roadways Operations Manager.

2.5.1(d) An application made pursuant to this Subsection will be made to the Roadways Operations Manager in writing by the owner(s) of the land that is subject to the application, or by a person authorized by the owner(s).

2.5.1(e) An application made pursuant to this Subsection will be submitted to the City on the prescribed application form approved by the Roadways Operations Manager.

2.5.1(f) The following information is required for an application pursuant to this Subsection:

 - i. Application form,
 - ii. Real property civic address and legal description,
 - iii. Exemption rationale, and
 - iv. Owner’s Authorization Form (if applicable).”

3. THAT **Part 2 – General Regulations, 2.5.4** be amended by
 - 3.1. Deleting Subsection 2.5.4 in its entirety and replacing Subsection 2.5.4 with the following:
"Snow Route Parking Ban Area. No vehicles will be parked on highways within the designated areas identified in Council Policy No. 332 after 24 hours of the City declaring the parking ban."
4. This bylaw may be cited as "Bylaw No. 12553, being Amendment No. 43 to Traffic Bylaw No. 8120."
5. This bylaw comes into 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: September 11, 2023
To: Council
From: City Manager
Subject: Housing Needs Assessment Results and Next Steps
Department: Policy & Planning

Recommendation:

THAT Council receives, for information, the report from the Policy & Planning Department, dated September 11, 2023, regarding the results of the Housing Needs Assessment.

Purpose:

To receive the results of the 2021-2031 Housing Needs Assessment.

Background:

Improving access to housing that meets people’s needs is a priority across Canada, and is especially urgent in fast-growing, high cost of living urban areas like Kelowna. As such, housing has been as identified as a focus area by Kelowna City Council and by community members in the 2022 Citizen Survey.

The Housing Need Assessment (HNA) is a report that identifies current and future housing needs (out to 2031) in Kelowna. To prepare the HNA, quantitative and qualitative data – including demographic, economic, and housing data – was collected, analyzed, and reported on. Supported by funding from the Union of British Columbia Municipalities, the HNA provides information about how much and which types of housing are needed today and into the future.

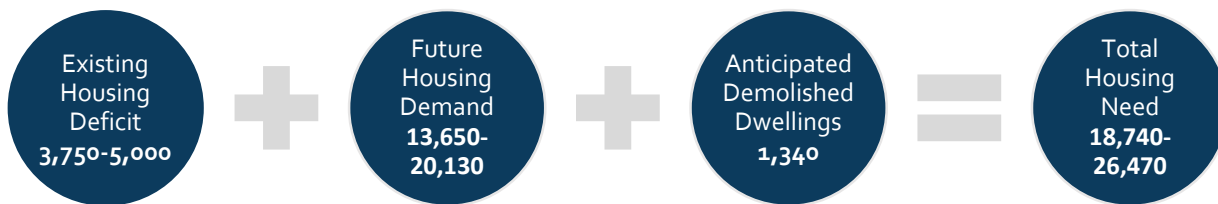
Reporting regularly on housing needs is a legislated requirement. As of 2019, all local governments in British Columbia are required to complete housing needs reports every five years, as per the *Local Government Act*.

This HNA does not provide recommendations about how to meet the identified housing needs; recommendations will be established in an updated City of Kelowna Housing Strategy. The HNA will provide a strong foundation of updated housing information and data prior to developing the Housing Strategy.

Discussion:

The HNA conducted a comprehensive quantitative and qualitative analysis of the community's housing needs today and to 2031. The full report is available [online](#). The HNA opens by providing a robust outline of the city's current housing context. Within this context, the HNA explores current housing challenges at a new depth, layering on an understanding of the city's existing deficit of housing – that is, the number of new homes that would be required to meet the housing needs of our residents today.

The HNA then provides detailed estimates of future housing need to 2031. These results are combined with the existing housing deficit to create the HNA's estimates of total housing need.



Beyond these overall total estimates, the HNA analysis has arrived at several key conclusions, including areas of strength that we can build on, and areas where renewed focus and commitment will be required over the coming years. These 10 Key Findings are summarized below:

1. Low income renters and priority groups are disproportionately affected by challenges across the Housing Wheelhouse; housing affordability and availability are key drivers of homelessness
2. Kelowna's population has grown faster than expected, placing further pressure on housing affordability; this trend is likely to continue
3. Kelowna's existing housing deficit is 3,750 – 5,000 homes; these are homes that are needed for existing residents even before future growth is considered
4. An additional 13,650-20,130 homes are needed to meet future housing demand by 2031; about 50 per cent more than expected
5. We have demonstrated that the City can approve housing quickly enough to meet community need; however, the pace of housing construction needs to increase
6. Kelowna has a major shortage of subsidized rental housing; we need a tenfold increase in the delivery of subsidized rental housing annually, requiring unprecedented collaboration and partnership
7. Approximately two thirds of subsidized housing that is needed could be accommodated on existing public and non-profit lands
8. Additional supportive housing is needed, and emergency shelter housing will be necessary at least in the short-term
9. A historic amount of market rental housing has been built since 2016, with more on the way; we need to keep up the pace considering nearly half of new households will be renters
10. Overall ownership housing construction is on-track; further action is required to increase the diversity of housing types and price points

Setting Housing Targets

The HNA uses its estimates of housing need as a basis for setting housing targets. These targets – called Housing System Targets – provide minimum levels of housing development to meet community need to 2031. Housing System Targets are not for the City alone to achieve. They are the culmination of the effort of all of the sectors involved in the delivery of housing. Housing System Targets provide the data-driven, high-level targets for the system to achieve as a whole. They are intended to work in tandem with more detailed targets that will be developed for specific housing programs through an update to the Housing Strategy.

Housing System Targets	
Target Measures	Annual Target
Ownership Units	950-1,360
Market Rental Units	440-600
Vacancy Rate (%)	3-5
Subsidized Rental Units	450-640
Supportive Housing Units	50-150

Accomplishing these housing targets is a joint responsibility, with roles for all levels of government, non-profit organizations, private industry, and other groups. Significant changes across the housing system are required to meet the housing targets outlined in this HNA, and particularly to meet community needs related to the affordability of housing. Additionally, accomplishing these targets will require ongoing monitoring and reporting, and will be achieved in alignment with an updated Housing Strategy.

The City is expecting to work towards these targets with support from the federal government through the Housing Accelerator Fund, and initiatives taken by the City will also be in alignment with housing changes occurring at the provincial level through the Homes for People action plan.

Conclusion:

Kelowna's housing system is facing complex challenges, and improving access to housing that meets people's needs is a priority for the City. To address housing issues – such as low vacancy rates, rising housing costs, and increasing instances of homelessness – it is critical to understand the current state of housing in Kelowna, as well as how much and which types of housing are needed today and into the future. This Housing Needs Assessment (HNA) was developed to provide this information in advance of an updated Housing Strategy, and to support other corporate priorities and policy objectives.

Additionally, the HNA also satisfies provincial legislative requirements and was developed in anticipation of some of the changes recently announced by the province around housing targets. For the first time, the HNA includes express Housing System Targets that will help guide housing policy and decision making for the next several years.

The key findings of the HNA are diverse and touch every part of the housing system. Some reinforce the City's current efforts, while others will challenge the way we approach our role in the housing system. A critical focus will need to be on dramatically increasing the rate of subsidized rental construction to meet the growing need for affordable housing and to address the housing needs of priority populations. This

increase – to a rate not before seen in Kelowna – will be the single largest challenge for the upcoming Housing Strategy to meet.

Meeting the housing needs of our community in the midst of a housing crisis is no small feat. One thing is clear: to make real progress, every partner in the housing system will need to step forward and increase their efforts to meet this crisis. The upcoming Housing Strategy update will be a vital opportunity to bring the entire housing sector together to develop the tools needed to meet these targets. Fortunately, the 2040 Official Community Plan sets a supportive long-term planning framework to accommodate new housing growth sustainably.

Our housing crisis will not disappear overnight. But, by monitoring and reporting on our targets regularly, we will be able to see how our community's efforts are progressing, and where further action is needed.

Internal Circulation:

Social Development Department
Real Estate Department
Partnerships Department
Development Planning Department
Development Services Department
Communications

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act, Part 14, Division 22 Housing Needs Reports

Legal/Statutory Procedural Requirements:

Local Government Act, Part 14, Division 22 Housing Needs Reports, Sections 585.2 to 585.41

Existing Policy:

Our Homes Today and Tomorrow: Housing Needs Assessment, 2017

Healthy Housing Strategy, 2018

2040 Official Community Plan Bylaw

Imagine Kelowna

External Agency/Public Comments:

A report summarizing the public and community partner engagement is attached as an appendix to the Housing Needs Assessment.

Considerations not applicable to this report:

Financial/Budgetary Considerations

Submitted by:

A. Janousek, Planner II

Approved for inclusion:

J. Moore, Infill & Housing Policy Manager

Attachments:

Appendix A – 2021-2031 Housing Needs Assessment Executive Summary

The full Housing Needs Assessment report is available on the [City's website](#).

HOUSING NEEDS ASSESSMENT

2021-2031

*The City of Kelowna is located on the traditional, ancestral,
unceded territory of the syilx/Okanagan people*

Kelowna's Housing Need



Qualitative Engagement:

Qualitative research methods were employed, providing a **well-rounded perspective** on the housing needs within Kelowna

71
Total individuals were engaged in the process



- 34** People with lived experience
- 34** Local organizations and groups
- 3** Other

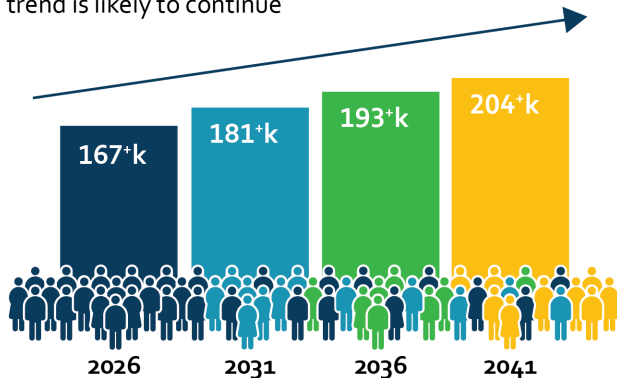
Total Housing Need Determination:

Total housing need was determined by analyzing Kelowna's current context, the **existing deficit** of housing, and the future demand for housing



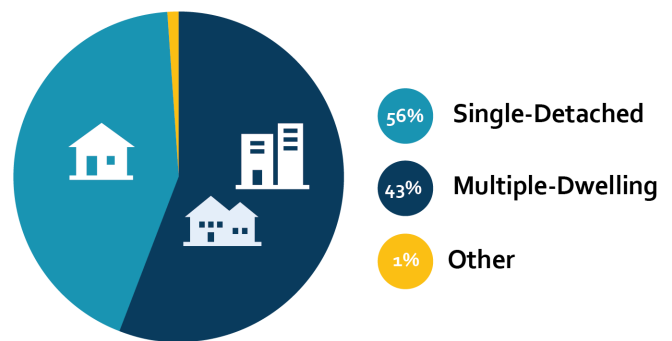
Anticipated Population:

Kelowna's population has **grown faster** than expected, placing further pressure on housing affordability; this trend is likely to continue



Housing Stock:

Households are getting smaller, and Kelowna's housing stock has shifted towards **more multi-family housing**



Data Analysis:

To complete this housing needs assessment, **thousands of data points were analyzed from diverse sources**, including Statistics Canada, The Central Okanagan Journey Home Society, Canada Mortgage and Housing Corporation, The City of Kelowna, as well as home sales and rental market data.

Income and Affordability:

Kelowna's median household income in 2021 was \$83,000, with a **notable discrepancy** between homeowners (\$100,000) and renters (\$60,800)



This gap, combined with a 2022 median rent of \$1,390 and median home sales price of \$745,000, underscores the challenges of housing affordability in the area.



Subsidized Rental Gap:

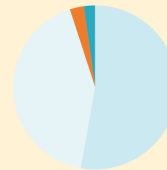
The City is approving adequate levels of ownership and market rental housing, but there's a significant **shortfall of subsidized rental housing**.



Ownership & Market Rental:
Adequate levels Approved



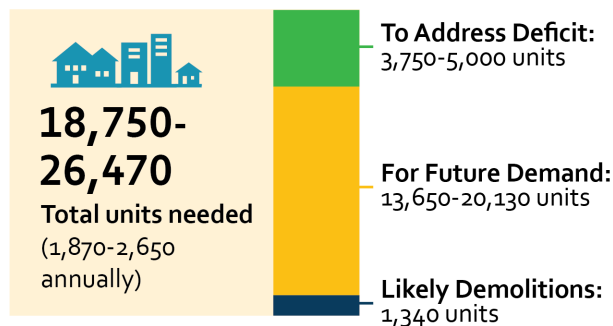
Subsidized Rental:
Major Gap



- 53% Market Rental
- 43% Ownership
- 3% Subsidized Rental
- 2% Supportive Housing

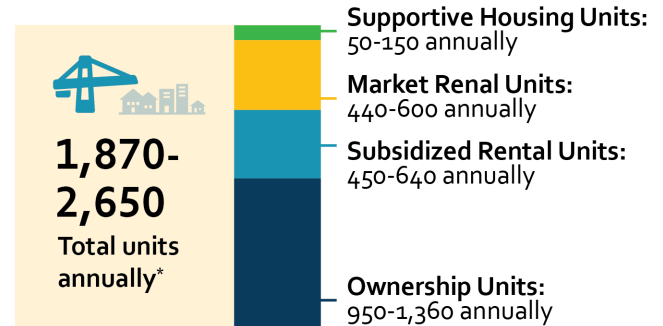
Overall Housing Unit Needs (2021-2031):

Kelowna **requires a substantial number** of new housing units over the next decade to address existing deficits, future demand, and potential demolitions



Annual Housing System Targets (2021-2031):

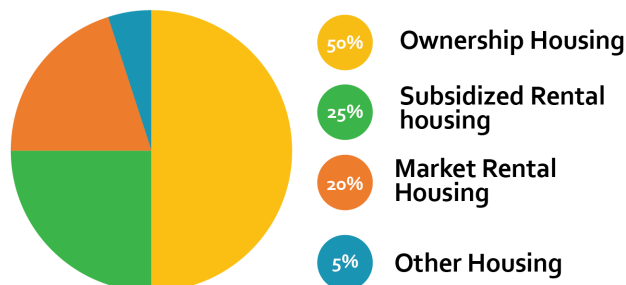
Each year from 2021 to 2031, Kelowna has specific targets for various **housing categories** to meet the community's diverse and evolving needs



**With a target rental vacancy rate of 3-5%*

Meeting Housing Need:

To address the diverse housing requirements in Kelowna, a **balanced approach** is being proposed that encompasses various types of housing



Disproportionate Housing Needs

Currently, some priority groups face greater challenges in housing, including:

- One-Person Households
- Indigenous-Led Households
- Women-Led Households
- Female Lone Parent Households
- Renters Aged 65+



City of
Kelowna

City of Kelowna, 2023

ACKNOWLEDGMENTS

CitySpaces Consulting

rennie advisory services

Central Okanagan Journey Home Society

Contributions from community members, subject matter experts,
those with lived experience, public / private / non-profit organizations
that participated in the engagement sessions

The City of Kelowna would also like to thank Union of BC
Municipalities for their financial support of this HNA

EXECUTIVE SUMMARY

Kelowna's housing system is facing complex challenges, and improving access to housing that meets people's needs is a priority for the City. Increasing pressure on the City's housing system is expected to continue as the population grows. The most challenging impacts will be felt by those with the lowest incomes and least resources including priority groups such as seniors, refugees, people with disabilities, and female-led lone parent households.

This Housing Needs Assessment (HNA) provides a comprehensive analysis of the current state of housing in Kelowna, as well as how much and which types of housing are needed today and in the future. The aim of this analysis is to provide a rigorous and reliable base of information to ground future housing policies, strategies, and actions. Unlike previous HNAs, this document takes the next step in addressing our housing challenges by identifying Housing System Targets.

There are 10 key findings from this Housing Needs Assessment:

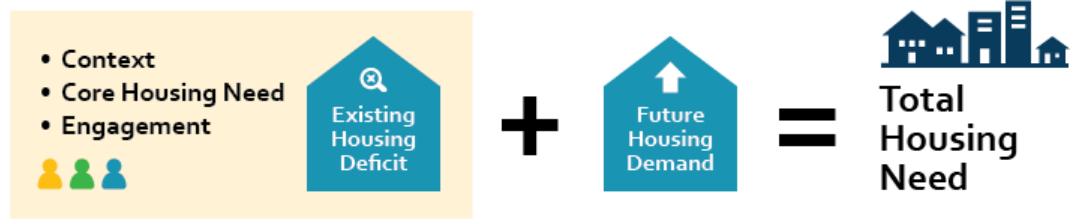
1. Low income renters and priority groups are disproportionately affected by challenges across the Housing Wheelhouse; housing affordability and availability are key drivers of homelessness
2. Kelowna's population has grown faster than expected, placing further pressure on housing affordability; this trend is likely to continue
3. Kelowna's existing housing deficit is 3,750 – 5,000 homes; these are homes that are needed for existing residents even before future growth is considered
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8. Additional supportive housing is needed, and emergency shelter housing will be necessary at least in the short-term
9. A historic amount of market rental housing has been built since 2016, with more on the way; we need to keep up the pace considering nearly half of new households will be renters
10. The overall level of ownership housing construction is on-track; further action is required to increase the diversity of housing types and price points

Total housing need

Overall, ongoing delivery of housing is critical to meeting housing needs from 2021-2031. Without an adequate overall supply of housing, the community's housing challenges will persist or worsen. Highlights of total housing need from 2021-2031 are listed below:

Kelowna has an existing housing deficit of 3,750-5,000 units

- An additional 13,650-20,130 units are needed from 2021-2031 to accommodate for future growth
- 1,340 units are expected to be demolished from 2021-2031 as redevelopment occurs
- **In total, at least 18,750-26,470 housing units are estimated to be needed from 2021-2031 (1,870 – 2,650 units annually)**



From an overall unit count perspective, the City of Kelowna is approving new housing (tracked by the issuance of building permits) at a level that is in alignment with total housing need. That said, the on-the-ground delivery of new housing (tracked by the issuance of occupancy permits) has been at lower-than-adequate levels. To address Kelowna's existing housing deficit and meet future demand, housing should be delivered as outlined in the table below. A brief description of the situation in each segment of the wheelhouse follows.

Wheelhouse Segment ¹	Proportion Needed	Proportion In-stream	Units Needed 2021-2031	Units Built 2018-2021	Anticipated Income of Residents ²
Ownership	50%	42%	950-1,360/year (9,500-13,630 total)	1,160/year	80% or more of median income
Market Rental	20%	53%	440-600/year (4,360-6,000 total)	580/year	80% or more of median income
Subsidized Rental	25%	2%	450-640/year (4,530-6,430 total)	45/year	Less than 80% of median income
Supportive Housing	5%	3%	50-150/year (500-1,500 total)	45/year	Less than 80% of median income

¹ See section 1.5.1 for more information about the Housing Wheelhouse.

² Compared to Kelowna's median income.

Subsidized rental housing

Based on current market rates, very low, low, and moderate income households are challenged to find market rental housing that is affordable. These households' needs would be best met through subsidized rental housing; however, there is currently a major gap in subsidized rental housing being delivered in Kelowna. That said, there is significant public land capacity to deliver more subsidized rental housing in Kelowna through collaboration and partnerships.

Supportive housing

Supportive housing is only needed by a small portion of Kelowna's population, but it is critically important to ensuring that our housing system works for all community members. Supportive housing is particularly important for residents with complex, intersecting health and social needs, and can assist people who are experiencing homelessness access housing that they can maintain. To be effective, supportive housing must align with residents' needs rather than a one-size-fits-all approach.

Emergency shelter housing

If housing needs are met across the housing wheelhouse, emergency shelter housing would only be needed for occasional, temporary situations. However, because housing takes years to build and there is a large existing housing deficit today, it is likely that there will be ongoing need for emergency shelter housing, particularly in the short term. Current shelter availability has been unable to keep pace with the number of people experiencing homelessness.

Market rental housing

Affordability challenges are driving a shift towards rental housing in Kelowna. Approximately 48 per cent of future housing demand is expected to be for rental housing. The demand for rental housing is being reflected in the housing being approved in Kelowna, with adequate levels of market rental housing being constructed in recent years. Of note, there appears to be a lack of larger rental units – approximately 25 per cent of future demand for rental housing will be for three-plus person households, but less than 10 per cent of the rental stock delivered in recent years was three-plus bedroom units.

Ownership housing

Based on recent occupancy permit volume, the City is on track with the level of ownership housing that is being delivered. This HNA identified several considerations to help ensure that the ownership housing being delivered is in close alignment with the needs of Kelowna residents including:

- Smaller units suitable for one and two person households are in demand, and there is a gap in three plus bedroom housing suitable for families with children.
- Missing middle housing is still missing– most smaller units are in apartments and most larger units are single dwelling homes. Additional housing options, including house-plexes and townhouses, would help provide more attainable forms of ownership housing.

Setting targets

The current lack of housing options at affordable prices in Kelowna makes it challenging for people to move through the housing wheelhouse as their needs change. A bottleneck in one area of the wheelhouse has ripple effects through all the other wheelhouse segments. For example, the shortage of subsidized rental housing is increasing the prevalence and risk of homelessness. In turn, this may increase demand for supportive housing and emergency shelter housing. Similarly, increasing home sales prices push homeownership out of reach and residents are therefore renting for longer, causing market rental rates to rise.

Better aligning the housing being delivered with housing needs outlined in this HNA will allow Kelowna's housing system to function more effectively and provide housing that works for all community members. This HNA establishes bold Housing System Targets to ensure that progress can be tracked and policy changes can be made accordingly:

Housing System Targets

Target Measures	Annual Target
Ownership Units	950-1,360
Market Rental Units	440-600
Vacancy Rate (%)	3-5
Subsidized Rental Units	450-640
Supportive Housing Units	50-150

Accomplishing these Housing System Targets is a joint responsibility, with roles for all levels of government, non-profit organizations, private industry, and other groups. Significant changes across the housing system are required to meet the Housing System Targets outlined in this HNA, particularly regarding housing affordability. Accomplishing the Housing System Targets will also require ongoing monitoring and reporting, and will be achieved in alignment with an updated Housing Strategy. This will be completed to reinforce the growth strategy objectives as established in the recently updated 2040 OCP.

Next steps & final Reflections

For many residents, the results of this HNA will confirm what they already feel intuitively: Kelowna is facing a housing crisis and residents, businesses, and institutions are experiencing the impacts daily. Meeting the housing needs of our community in the face of these challenges is no small feat. One thing is clear: to make real progress, every partner in the housing system will need to step forward and redouble their efforts to meet this crisis. The upcoming Housing Strategy update will be a vital opportunity to bring the entire housing sector together to develop the tools needed to meet these targets.

Decisions made today regarding housing will not be fully realized for years – potentially decades – down the road, but by responding to current challenges with urgency, it is possible to shift Kelowna's housing system towards one that is in stronger alignment with the housing needs of current and future residents. In many ways, there has never been a better time for action on housing than now.



City of
Kelowna

Housing Needs Assessment

2021-2031

Purpose

1.

- Provide data on current and future housing need in Kelowna

2.

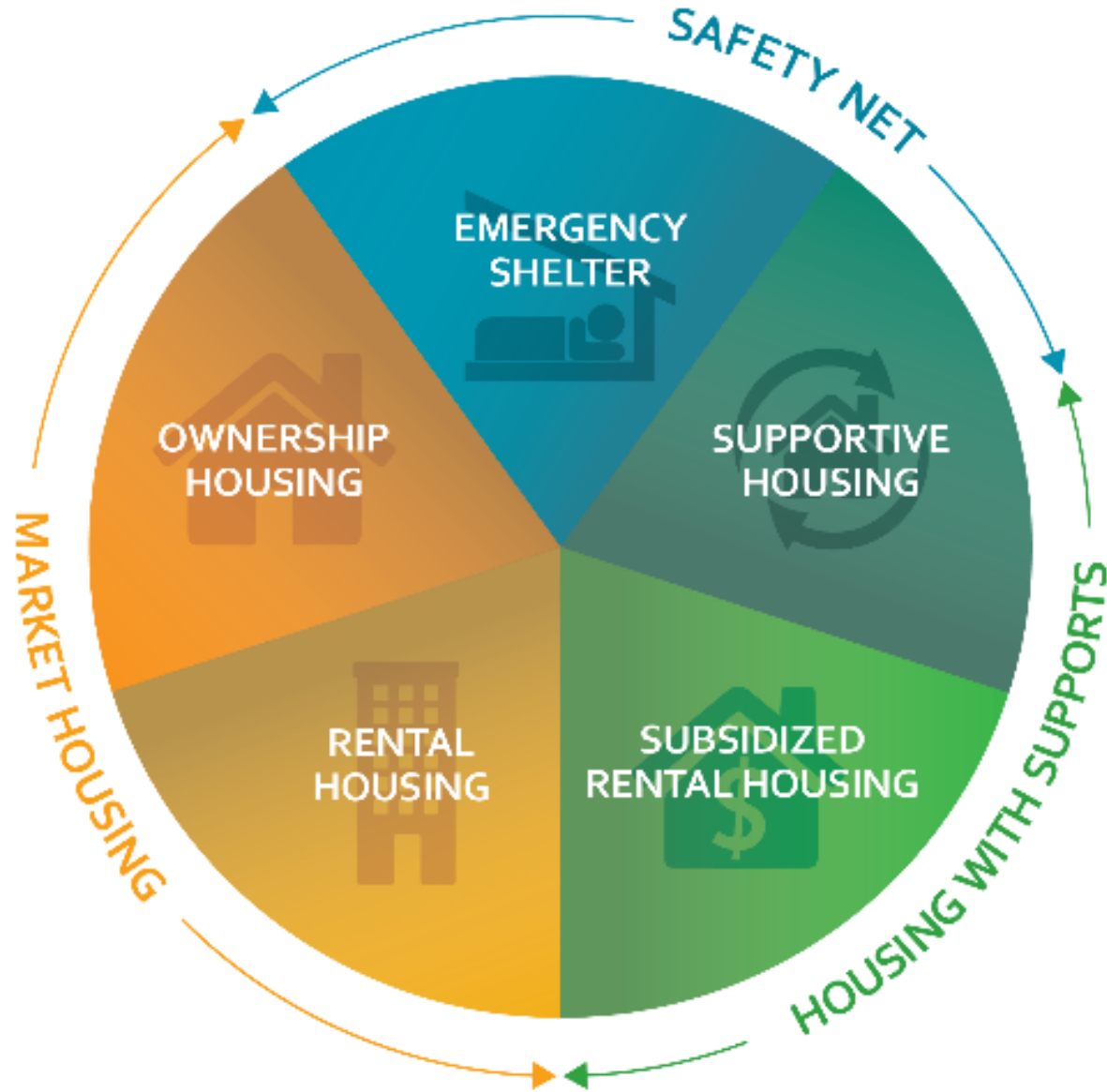
- Improve understanding and decision-making related to housing

3.

- Meet provincial requirements for reporting on housing need

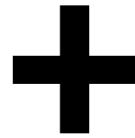
This report provides foundational data, but is not an action plan. Solutions to Kelowna's housing challenges will be established in an upcoming Housing Strategy.

Approach



Approach

- Context
- Core Housing Need
- Engagement



**Total
Housing
Need** to 2031

A photograph of a woman and a young girl walking away from the camera on a gravel path. The woman is wearing a multi-layered, ruffled dress in shades of purple, pink, and brown, and has a colorful striped bag slung over her shoulder. The girl is wearing a blue and white checkered dress. The background shows a body of water and green foliage. A semi-transparent dark blue box is overlaid on the center of the image, containing text.

Key Finding 1

Low income renters and priority groups are disproportionately affected by challenges across the Housing Wheelhouse; housing affordability and availability are key drivers of homelessness.

Priority Groups

- ▶ People with low or fixed incomes
- ▶ One person households
- ▶ Indigenous-led households
- ▶ Women-led households and female lone parent households
- ▶ Senior renters
- ▶ Temporary foreign workers
- ▶ Students
- ▶ Newcomers and refugees
- ▶ People with disabilities
- ▶ 2SLGBTQ+ community members

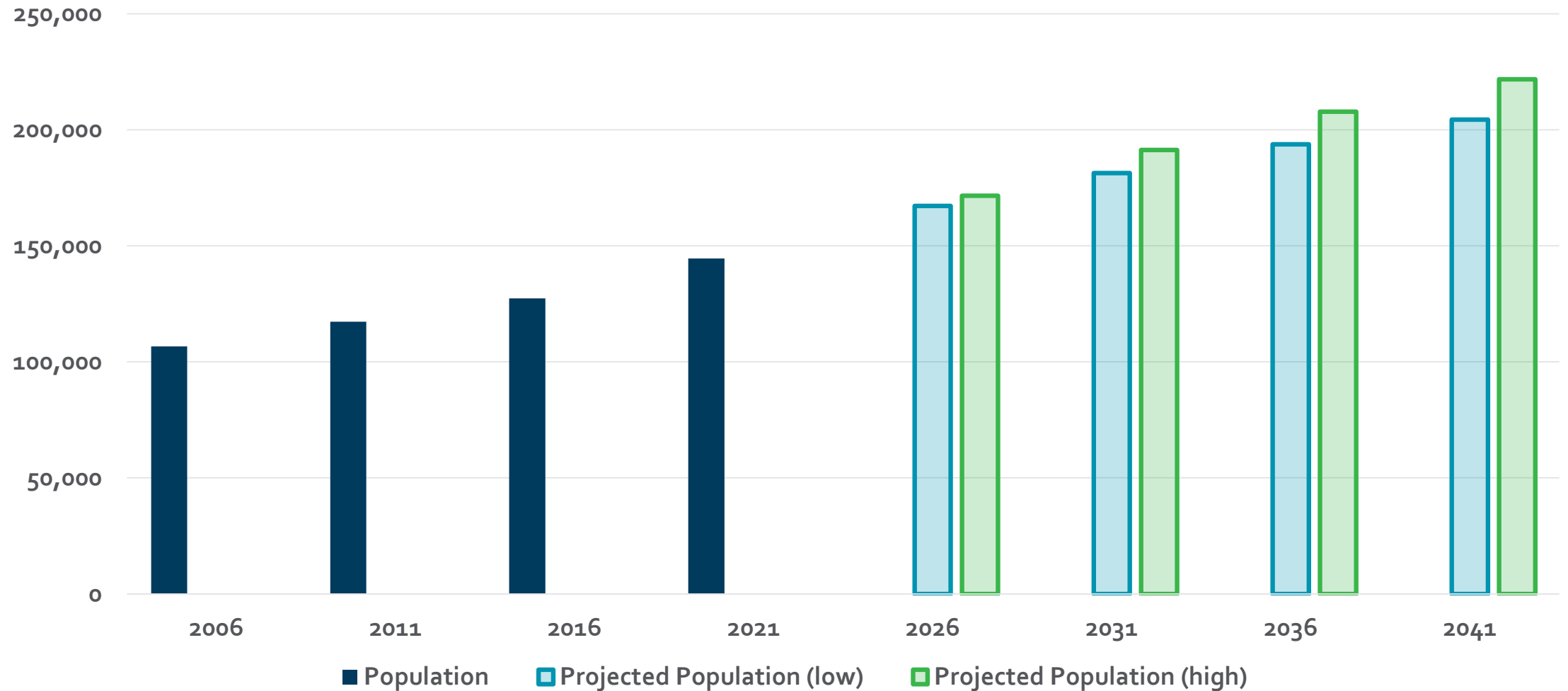




Key Finding 2

Kelowna's population has grown faster than expected, placing further pressure on housing affordability; this trend is likely to continue.

Kelowna's population is growing quickly, and this is expected to continue.



In addition to population growth, Kelowna is experiencing rising home prices and increasing market rental rates.

from 2018 to 2022...



**Median home sales price
increased 55% from
\$475,000 to \$735,000**



**Median monthly rent
increased 32% from
\$1,050 to \$1,390**

Key Finding 3

Kelowna's existing housing deficit is 3,750 – 5,000 homes; these are homes that are needed for existing residents even before future growth is considered.

Key Finding 4

An additional 13,650-20,130 homes are needed to meet future housing demand by 2031; up to about 50 per cent more than expected.

An estimated 1,870– 2,650 housing units are needed annually to address the existing housing deficit and future housing need.

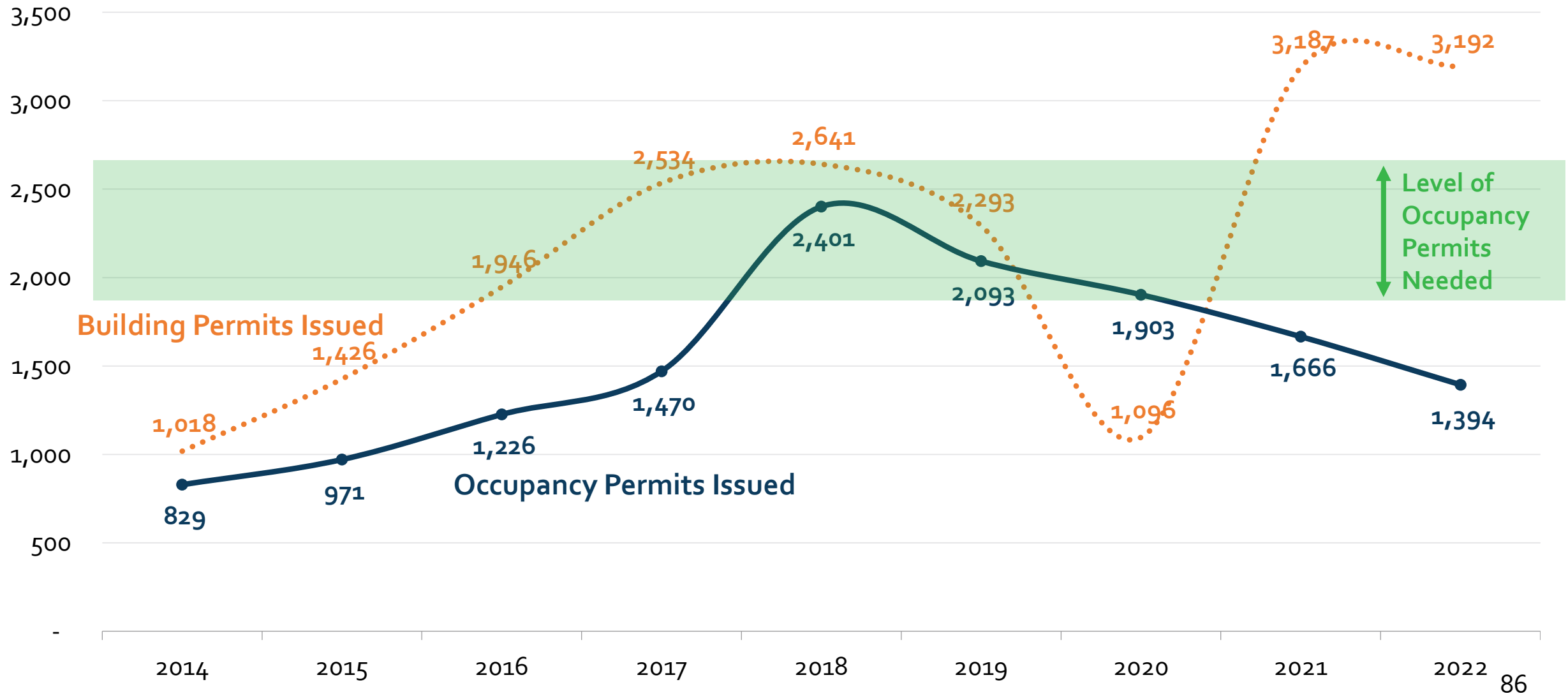




Key Finding 5

We have demonstrated that the City can approve housing quickly enough to meet community need; however, the pace of housing construction needs to increase.

Building permits are on-track but occupancy permits need to increase to 1,870-2,650 annually.



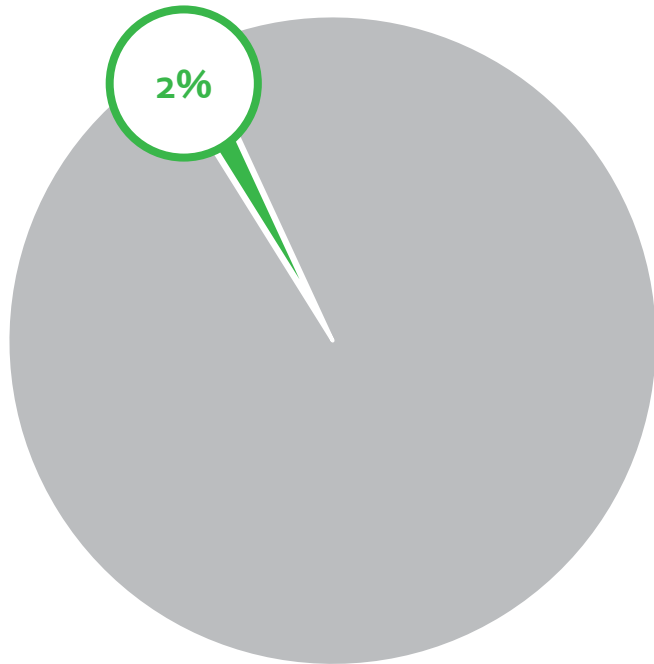


Key Finding 6

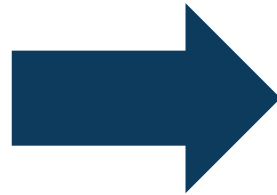
Kelowna has a major shortage of subsidized rental housing; we need a tenfold increase in the delivery of subsidized rental housing annually, requiring unprecedented collaboration and partnership.

There is a significant gap in the level of subsidized rental housing being delivered...

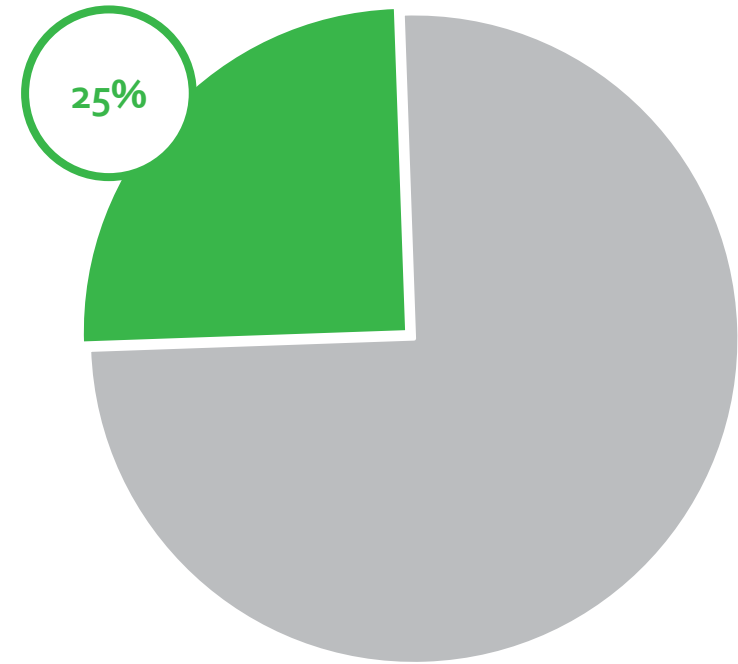
HOUSING IN-STREAM



■ Subsidized Rental Housing ■ Other Housing



HOUSING NEEDED



■ Subsidized Rental Housing ■ Other Housing

...and it is disproportionately affecting those in our community with the lowest incomes and the least amount of resources.

"I don't really need supportive housing, just lower-class housing... I need housing to be able to get a job, but I can't get housing without a job, and income assistance is too low to afford even a shared room... You need 1 to 3 jobs just to survive."

– Person With Lived Experience Interview



Key Finding 7

Approximately two thirds of subsidized rental housing that is needed could be accommodated on existing public and non-profit lands.



Subsidized rental housing is challenging to deliver, requiring collaboration and partnership, but there is significant land capacity within the city.

- ▶ Through unlocking this land, it is estimated that a majority of the current and future need for subsidized rental housing could be addressed
- ▶ This will require creative thinking, deep collaboration, and new partnerships to move projects forward

The background image shows a park scene with a playground in the foreground, a bus parked nearby, and a hillside with houses in the distance. A semi-transparent dark blue box is overlaid on the image, containing the text.

Key Finding 8

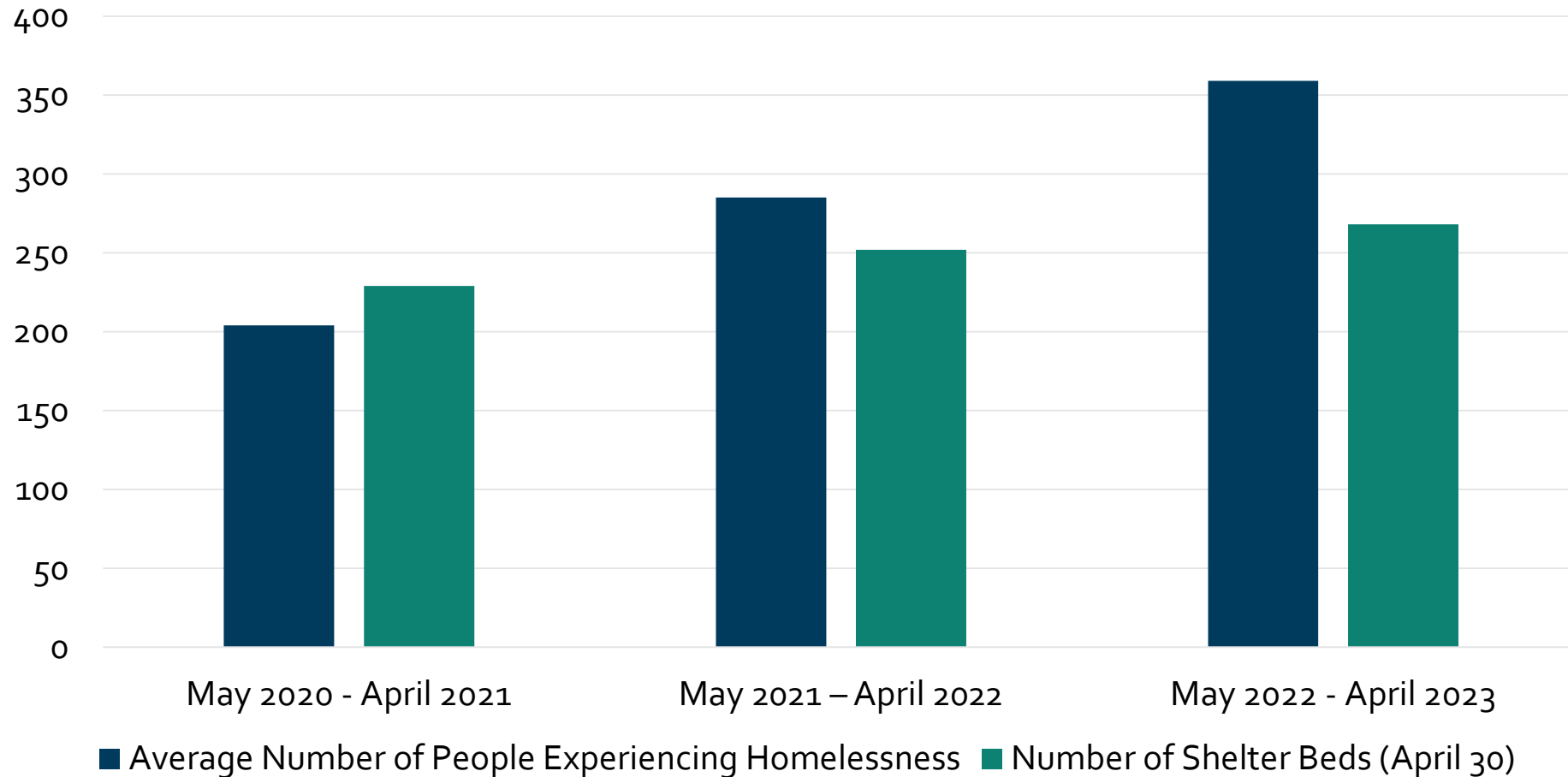
Additional supportive housing is needed, and emergency shelter housing will be necessary at least in the short-term.

Adequate levels of supportive housing, tailored to residents' needs, can help people who are experiencing homelessness move into housing that they are able to maintain...

"[We] need to connect people with the housing that works for them – we have one model of supportive housing, and it really doesn't work in many situations – and if it doesn't meet people's needs then they refuse and they get put to the bottom of the list."

– Non-Profit Sector Workshop

...but currently there is not enough supportive housing in Kelowna, contributing to the need for emergency shelter housing, which is over-capacity.

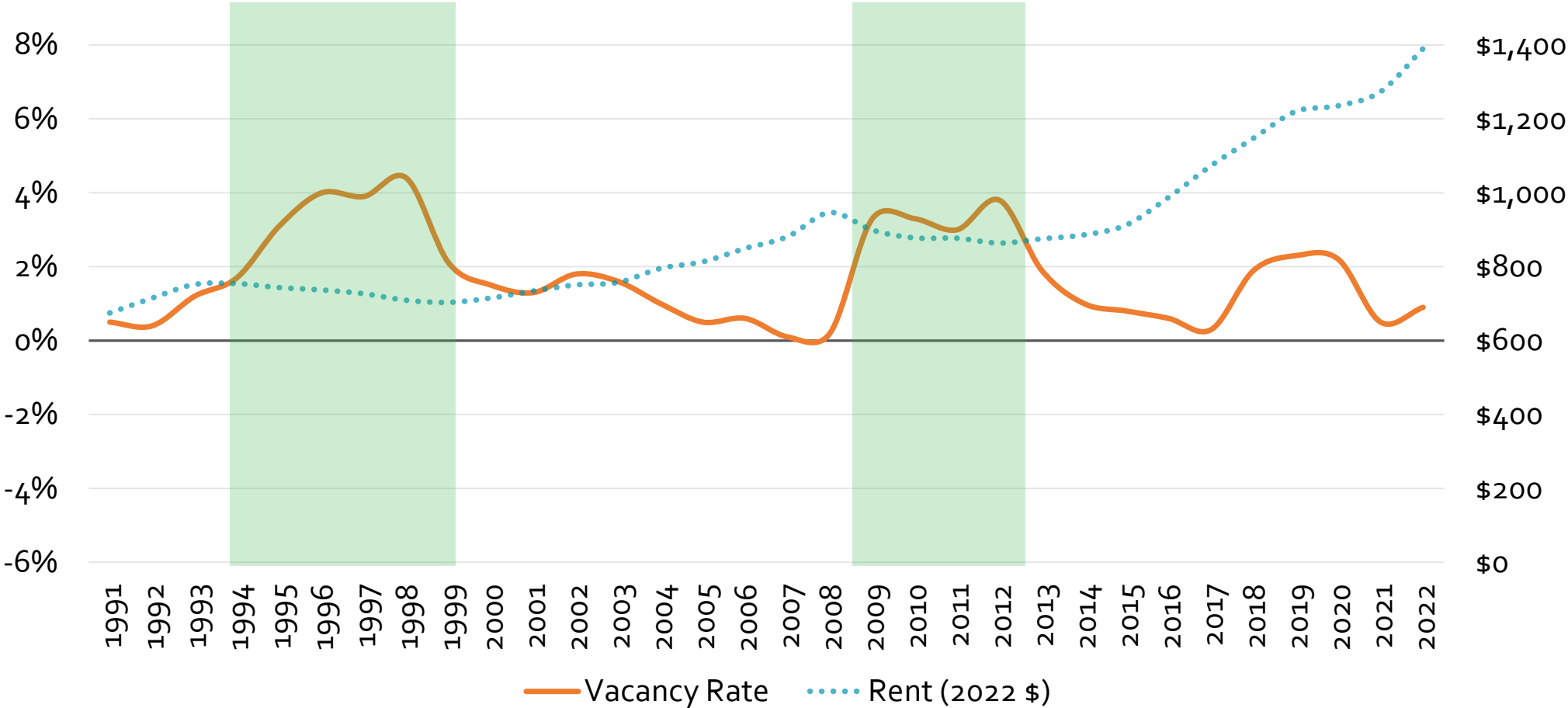




Key Finding 9

A historic amount of market rental housing has been built since 2016, with more on the way; we need to keep up the pace considering nearly half of new households will be renters.

Ongoing delivery is needed to provide balance in the rental market.



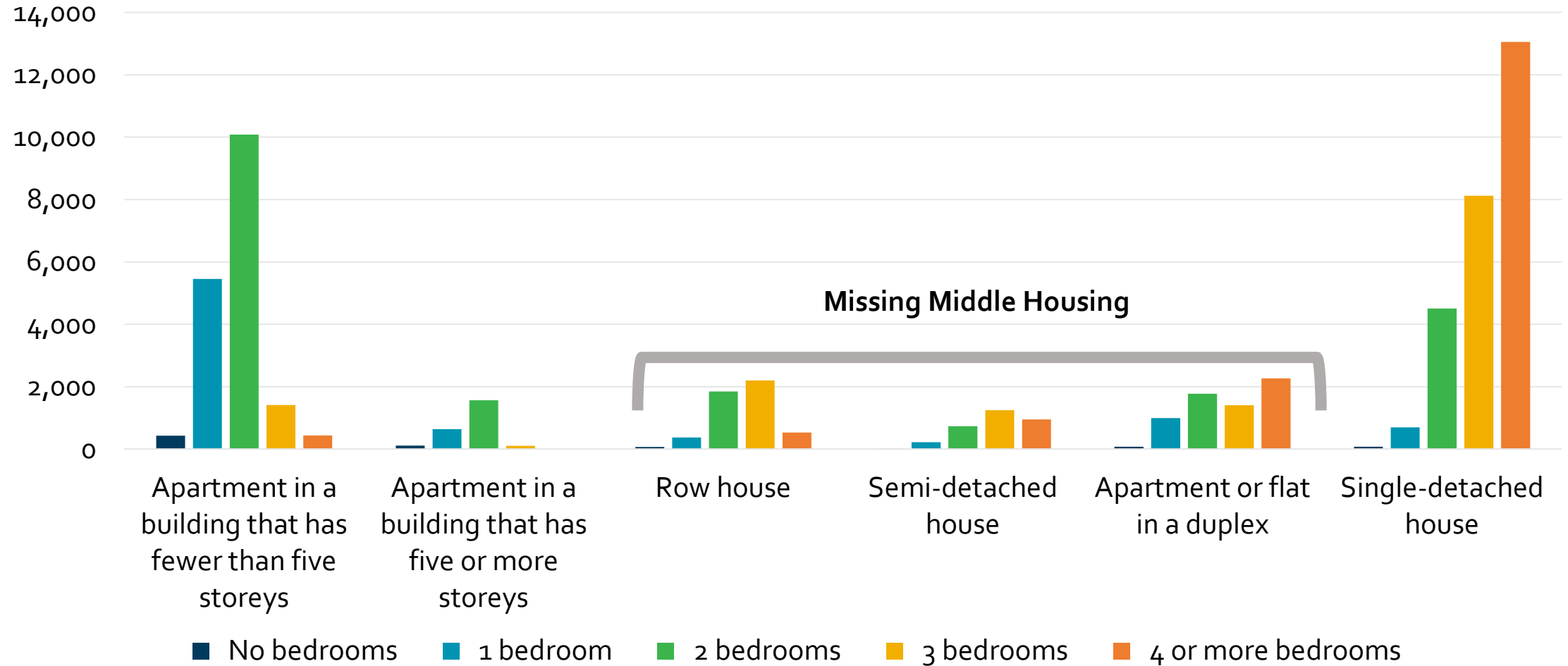
Periods with higher vacancy rates and more stable rents



Key Finding 10

The overall level of ownership housing construction is on-track; further action is required to increase the diversity of housing types and price points.

Missing middle housing is still missing.





Conclusions

- ▶ Access to housing is a pillar of a healthy community
- ▶ The City is on track in some areas: ongoing delivery of ownership and market rental housing is critical
- ▶ Significant challenges remain, particularly for subsidized rental housing

Targets

This HNA takes a bold approach and sets housing targets, acknowledging that achieving some targets may require ambitious efforts and major changes to existing systems.

Housing System Targets		
Housing Need	Annual Target	Total Need (2021-2031)
Total Units	1,870-2,650	18,740-26,470
Ownership Units	950-1,360	9,500-13,630
Market Rental Units	440-600	4,360-6,000
Vacancy Rate (%)	3-5	n/a
Subsidized Rental Units	450-640	4,530-6,430
Supportive Housing Units	50-150	500-1,500

Next steps

- ▶ Housing Strategy
- ▶ Ongoing monitoring
- ▶ Housing Accelerator Fund
- ▶ Provincial changes
- ▶ Neighbourhood and Urban Centre planning





Questions?

For more information, visit kelowna.ca.

Report to Council



Date: September 11, 2023
To: Council
From: City Manager
Subject: Urban Centre Planning Framework
Department: Policy & Planning

Recommendation:

THAT Council receive the report dated September 11, 2023 regarding the Urban Centre Planning Framework, for information.

Purpose:

To provide Council with an update on Urban Centre Planning initiatives between 2023 and 2026.

Background:

The 2040 Official Community Plan (OCP) identifies the development of Urban Centre Plans as implementation actions to provide more detailed policy guidance for those neighbourhoods. Urban Centre Planning efforts have proven to be costly and resource consumptive processes. Staff have also found that the rapid pace of change in Kelowna has meant that portions of the plans often date themselves quickly.

Discussion:

This report introduces a new framework to deliver these plans in a more efficient and responsive manner. Under this scenario, Urban Centre planning efforts moving forward would focus first on developing a refreshed and updated comprehensive data inventory of all five Urban Centres, to create a continually updated decision-making 'dashboard', followed by the development of targeted action plans for each one.

Nearly 50% of future residential growth is targeted in Urban Centres, and they are signaled to grow as the largest employment and activity hubs in Kelowna. For Urban Centres to be successful, they need to include the ingredients that provide a high quality of life for residents and solidify them as attractive places to visit and work. These ingredients include a variety of public and private amenities, local shops and services, transportation options, and job opportunities. While the OCP provides the high-level guidance for these elements, Urban Centre Plans are intended to build on the direction outlined in the OCP to provide more detailed guidance to achieve this success.

Undertaking Urban Centre Plans can be a time and resource intensive process, meaning careful consideration must be made in how those plans are scoped and delivered. Staff have been evaluating

ways to make the planning process for Urban Centres more efficient and responsive, with consideration of the following context:

Kelowna and our Urban Centres are growing quickly and in a changing context, as outlined in the 2022 OCP / TMP Progress Report, the 2022 Community Trends Report and the 2023 Housing Needs Assessment;

- City growth management was identified as a secondary area for improvement in the 2022 Citizen Survey;
- Council has adopted their 2023-2026 priorities, which include affordable housing, transportation and climate and environment;
- Upcoming planning initiatives, such as the Pandosy/Richter Corridor Study and Downtown Transportation Review will be examining a longer-term understanding of the mobility needs to support population and employment growth beyond 2040; and
- The 2040 OCP and Zoning Bylaw have recently landed a robust policy and regulatory framework for Urban Centres.

Proposed Urban Centre Planning Framework

In keeping with the context outlined above, Urban Centre planning would be undertaken in two stages:

- A new “Urban Centres Dashboard”, to provide more *immediate guidance* for the City and other community and government partners to inform decision making; and
- “Urban Centre Action Plans” which focus on the *implementation* of identified actions for a specific Urban Centre.

Urban Centres Dashboard. The Urban Centres Dashboard would be an online, interactive, data-driven mapping tool that would provide *immediate* guidance for decision making on land use, transportation and infrastructure projects in Urban Centres and, in some cases, Transit Supportive Corridors ahead of more detailed Urban Centre planning work. This Dashboard would draw from existing policy documents, the new Zoning Bylaw, ModelCity and updated data to address several questions to be considered in decision making in Urban Centres such as:

- What are the major strengths, opportunities and challenges that characterize each Urban Centre?
- Are we meeting our unit, density and employment targets? Do we need to update those targets?
- How do we balance our residential growth with continued employment growth?
- What new transportation or infrastructure considerations are needed to support our growing Urban Centres?
- Are there any key livability ingredients, such as community services, food access, or greenery, that are missing in our Urban Centres ?
- How can we shape Urban Centre growth to be more climate resilient and environmentally sensitive?

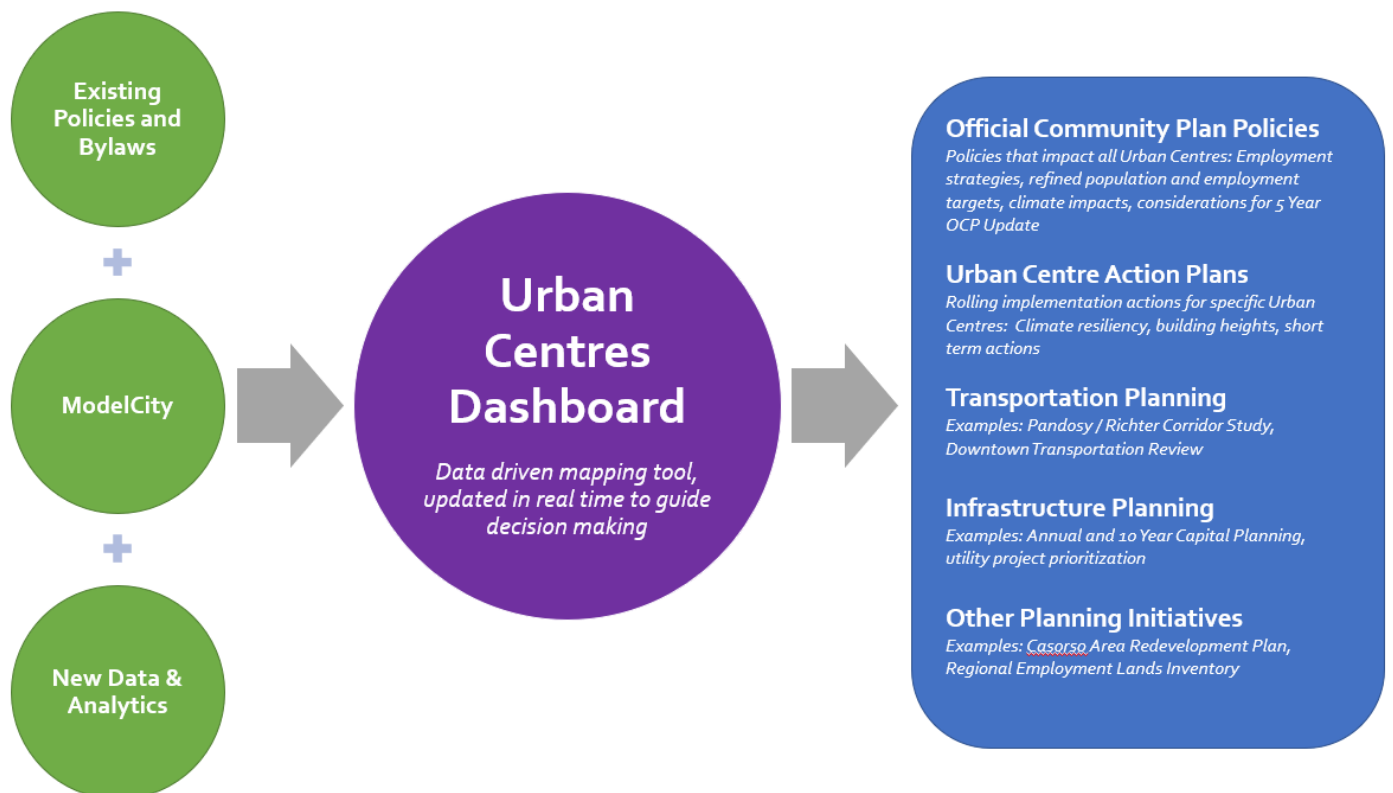
The initial findings of this work will be provided to Council in the 2023 Community Trends Report, which will focus on how our Urban Centres have evolved in recent years and what is emerging on the horizon. This will be followed with a policy and priority review of Urban Centre policies to respond to that report.

Importantly, while that Community Trends Report and the Urban Centres policy and priority review will provide a guidance for the Urban Centres at a point in time, the Urban Centres Dashboard itself will not be a static document. Rather it will be continuously updated in real time to reflect development activity, new statistical data, or new City policies and projects, making it a much more valuable tool for decision making in times of rapid change.

Examples of how the Urban Centres Dashboard would guide upcoming planning initiatives include, but not limited to:

- Pandosy / Richter Corridor Study, Downtown Transportation Review (City of Kelowna): Population and employment data for the Downtown and Pandosy Urban Centres that project beyond 2040 would inform longer-term travel demand for these two planning initiatives.
- Regional Employment Lands Inventory (Regional District of Central Okanagan): More robust job and commercial space targets and policy considerations would inform discussions on office and retail employment in our Urban Centres.
- Casorso Area Redevelopment Plan (should Council authorize the ARP process): Refreshed population and employment projections identified early in this process would inform technical analysis and scoping for this planning work.
- Urban Centre Action Plans (City of Kelowna): The Urban Centre Dashboard would accelerate the development of Urban Centre Action Plans (outlined later in this report) by completing what would normally be early-stage work for each Urban Centre Plan all at once.

Figure 1: Urban Centres Dashboard



Urban Centre Action Plans. While the Urban Centres Dashboard, along with the accompanying Community Trends Report and policy review, will provide a broader context for all Urban Centres, dedicated planning exercises tailored to each specific Urban Centre are still needed. Building on the fundamentals of the Urban Centres Dashboard, Urban Centre Plans would be repurposed as Urban Centre *Action Plans*. These action plans would act as focused implementation plans for each Urban Centre that could be updated more regularly, responding to changing contexts. The plans would address topics that include, but are not limited to:

- Identification of any updates needed to policy and regulation in key documents like the OCP and the Zoning Bylaw;
- Needed transportation service and infrastructure improvements, including capital projects;
- Actions needed on topics like climate resiliency, tree canopy expansion, parks planning, equity and inclusion, and others;
- Refined land use direction, including Core Area lands adjacent to the Urban Centre, building heights and adjacent Transit Supportive Corridors;
- Short-term actions the City, residents’ associations and other community partners can take to improve quality of life in the Urban Centre.

The scale of each Urban Centre Action Plan would depend on the context of the Urban Centre itself, with some plans being smaller and more targeted to specific implementation actions while others may take a more comprehensive look at topics like land use or even incorporate larger study areas. One Urban Centre Action Plan may be initiated during development of the Urban Centres Dashboard depending on the findings of earlier phases. More details on approaches to subsequent Urban Centre Action Plans would come alongside future reports later in this process.

Project Process and Phasing

The process outlined in this report would take place between the remainder of 2023 through to the end of 2026 (see Figure 2).

Figure 2: Project Process and Phasing



Conclusion:

Planning processes need to serve their communities as they grow and change. As Kelowna’s transformation continues and its context shifts, our approach to Urban Centre planning will modernize to reflect our changing context. The framework outlined in this report will deliver a planning process that makes more efficient use of staff time and resources, leverages tools like ModelCity to make data-driven decisions and provides the opportunities to engage with residents and community partners to discuss the futures of Urban Centres.

Internal Circulation:

- Integrated Transportation
- Development Planning
- Development Engineering
- Communications
- Climate Action & Environment
- Parks & Buildings Planning
- Real Estate

Considerations applicable to this report:

Existing Policy:

The 2040 Official Community Plan identifies the creation of Urban Centre Plans for Pandosy and Rutland as short-term implementation actions. A Midtown Urban Centre Plan is identified as a long-term implementation action.

The Urban Centres framework outlined in this report would further advance Council’s 2023-2026 priorities, particularly:

- *Affordable Housing:* Urban Centre planning advances and streamlines processes to accelerate housing in the areas where 50% of future housing units are targeted.
- *Transportation:* The Urban Centres Dashboard will inform upcoming transportation projects.
- *Climate and Environment:* Urban Centre planning will explore opportunities to make our Urban Centres low-emission and more resilient to the effects of climate change.

Financial/Budgetary Considerations:

The City has applied for \$149,500 of grant funding from the Complete Communities Program, administered by the Union of BC Municipalities (UBCM) to assist with this process. Should the application be successful, the 2023 Financial Plan would be amended to include the receipt of funds. These funds would supplement the \$75,000 of annual funding for Urban Centre Planning identified in the Policy and Planning base budget. Should the City not be successful in the Complete Communities Grant application, staff would explore options to continue Urban Centre planning work, with possible 2024 budget considerations.

Submitted by:

R. Miles, Long Range Policy & Planning Manager

Approved for inclusion:



D. Noble-Brandt, Department Manager of Policy & Planning

An aerial photograph of a city waterfront. In the foreground, there are several modern high-rise apartment buildings with glass facades. A large marina filled with sailboats is situated in the middle ground. A bridge spans across a wide body of water in the background. The city is surrounded by lush green hills and mountains under a blue sky with scattered clouds.

Urban Centres Framework

September 11, 2023

Our Changing Context



**GROWTH
MANAGEMENT
EXPECTATIONS**



COUNCIL PRIORITIES



**UPCOMING PLANS
AND INITIATIVES**



**NEW POLICY AND
REGULATORY
FRAMEWORKS**



How can Urban Centre planning be more efficient and responsive to this changing context?



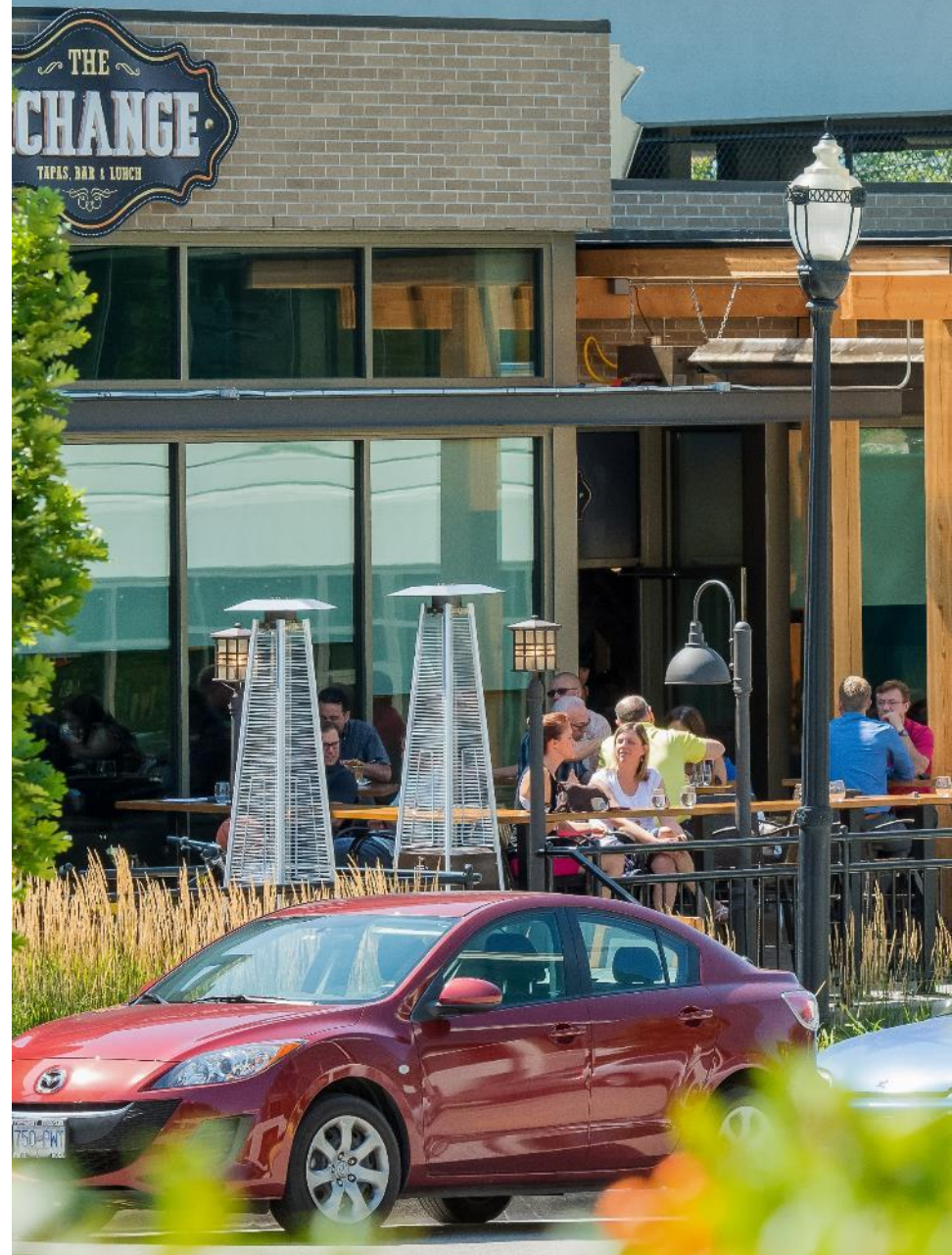
Kelowna's Urban Centres

- ▶ Almost 50% of future residential development
- ▶ Employment and activity nodes
- ▶ Connected by transit and Active Transportation Corridors
- ▶ Identified for future planning work

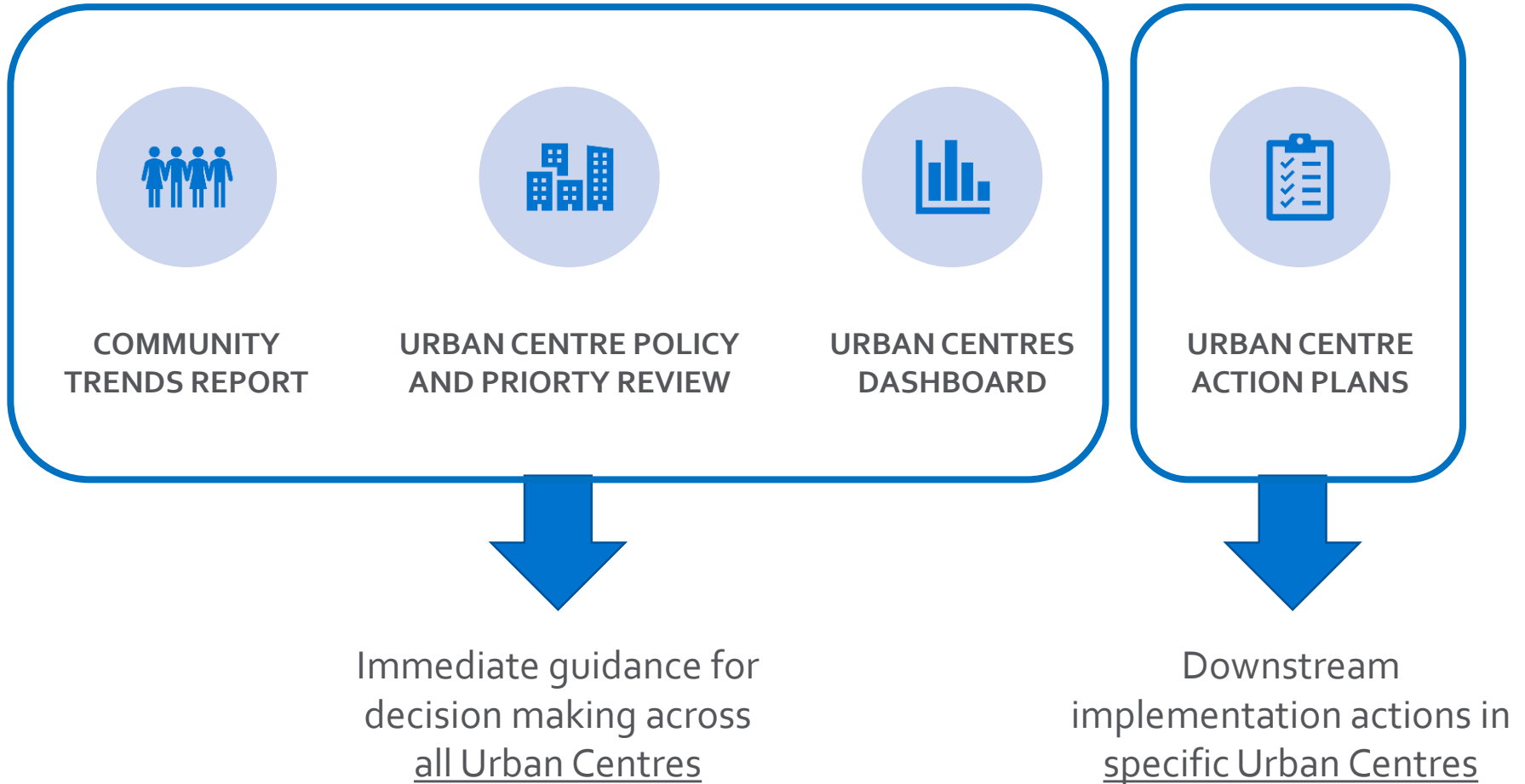


Urban Centre Plans

- ▶ More detailed policy guidance for Urban Centres
- ▶ Address land use, transportation, infrastructure, amenities
- ▶ Time and resource intensive process
- ▶ Three Urban Centre Plans identified in the next ten years



Urban Centres Framework



Project Process and Phasing

Phase 1: Urban Centres Today (Fall 2023 – Spring 2024)

- Urban Centre population and employment projections beyond 2040
- Commercial / retail analysis and needs assessment
- Data sharing with concurrent plans and projects
- Community partner engagement
- **Report to Council**: Community Trends Report - Urban Centres

Phase 2: Urban Centres Tomorrow (Spring – Fall 2024)

- Creation of Urban Centre Dashboard tool
- Development of Urban Centre implementation actions
- **Reports to Council**: Dashboard Launch, Urban Centre Policy & Priority Review

Phase 3: Urban Centre Action Plans (Summer 2024 – Fall 2026)

- Development of Urban Centre Action Plans (detailed work plan to be provided in 2024)

Next Community Trends Report

- ▶ Pulse check on our Urban Centres
- ▶ Updated population and employment estimates
- ▶ Assessment of strengths, opportunities and challenges
- ▶ Consideration of Council's Priorities
- ▶ Will inform policy and priority review and dashboard

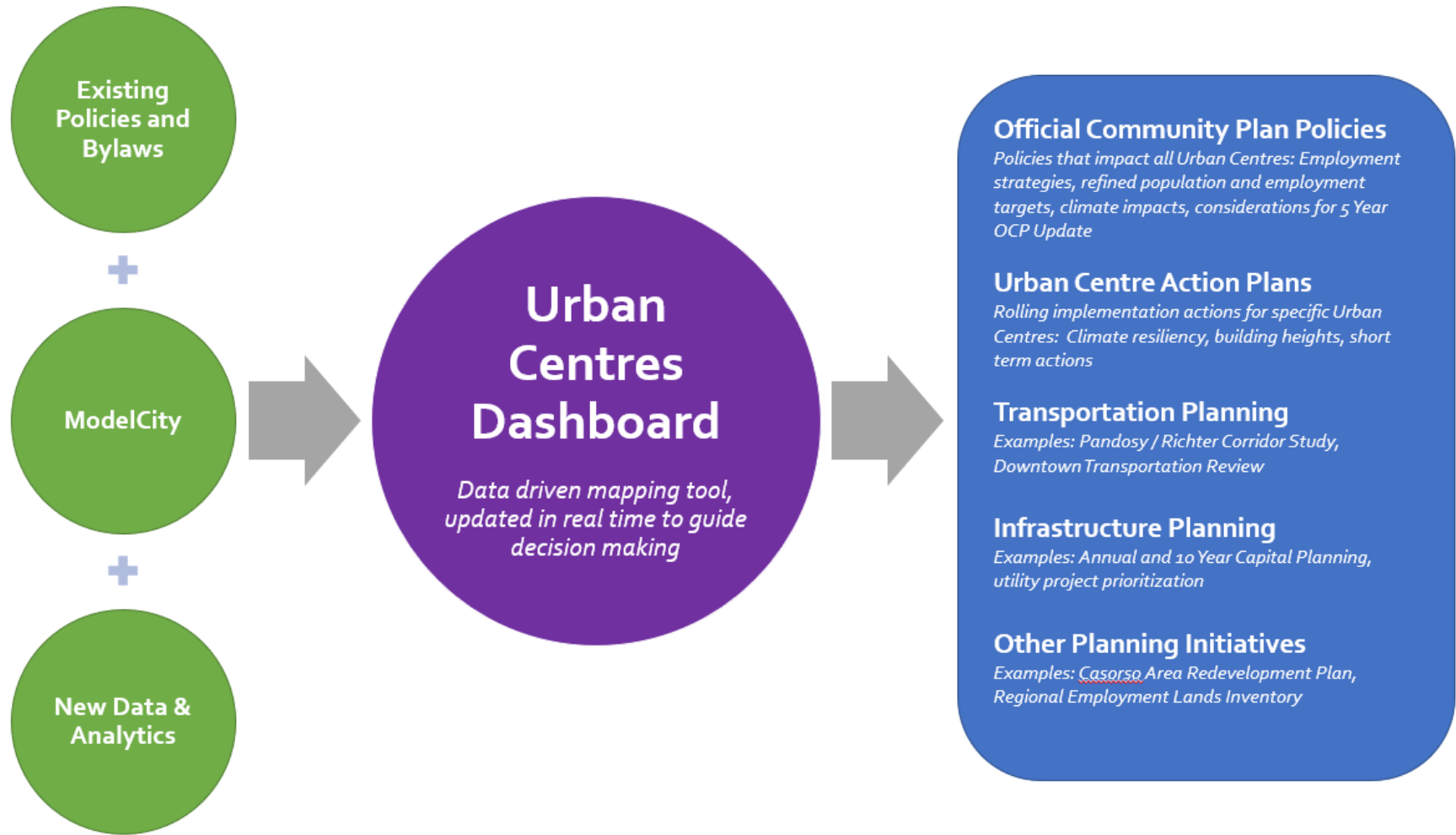


Urban Centre Policy & Priority Review

- ▶ Implementation actions that advance all Urban Centres
- ▶ Consider amendments to bylaws, policies, and regulations
- ▶ Prioritization of upcoming projects and initiatives
- ▶ Identification of new projects and initiatives

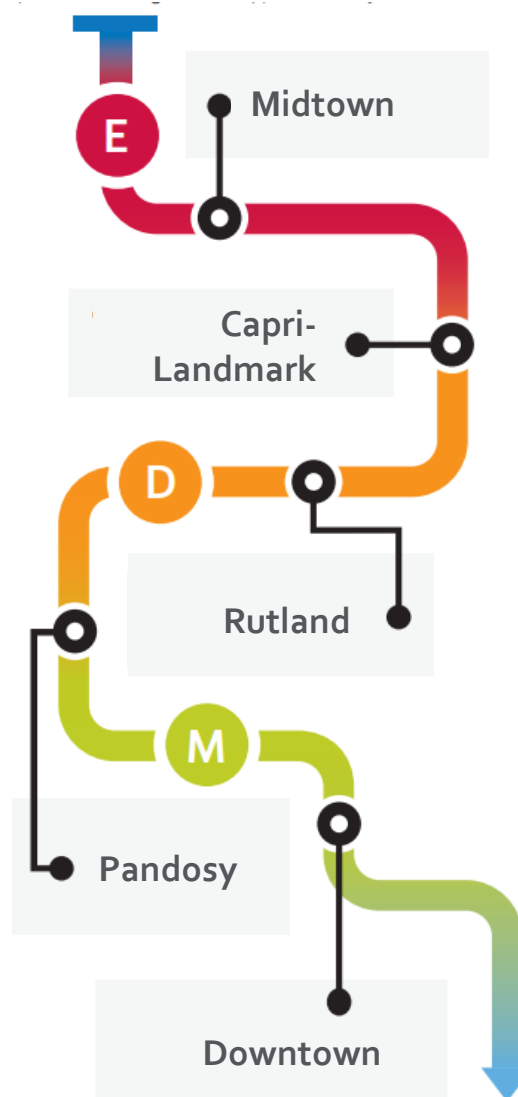


Urban Centres Dashboard



Urban Centre Action Plans

- ▶ Scaled to meet the needs of each Urban Centre
- ▶ Updates to policy and regulation
- ▶ Refined direction for key topics and Council priorities
- ▶ Short-term actions that improve quality of life



Early

Urban centres in their nascent stage of development may hardly be recognizable as distinct centres. They may simply be significant concentrations of employment.

Developing

Urban centres showing clear signs of becoming vibrant and engaging places. While there may be significant progress yet to be made, both public and private investments are beginning to transform the urban centre.

Mature

Mature urban centres have achieved high standards in many, if not most, of the key elements of what makes great urban centres. They demonstrate many of the hallmarks of what people associate with the term "downtown"

Urban Centres Framework

- ▶ Refreshed guidance for Urban Centres sooner
- ▶ Data updated in real time to inform future decision making
- ▶ Targeted Urban Centre planning still takes place



An aerial photograph of a city waterfront. In the foreground, there is a dense urban area with various buildings, including several tall, modern high-rise apartment or office buildings. A large marina filled with numerous sailboats is situated along the water's edge. A bridge spans across the water in the middle ground. The background features a range of rugged, forested mountains under a blue sky with scattered white clouds.

Urban Centres Framework

September 11, 2023

Report to Council



Date: September 11, 2023
To: Council
From: City Manager
Subject: Code of Conduct Policy
Department: Office of the City Clerk

Recommendation:

THAT Council adopts Council Policy No. 388, being Code of Conduct, as outlined in the report from the Office of the City Clerk dated September 11, 2023;

AND THAT Council Policy No. 313, being Conflict of Interest, be revised as outlined in the report from the Office of the City Clerk dated September 11, 2023;

AND THAT Council adopts Council Policy No. 389, being Council Disclosure of Gifts and Personal Benefits, as outlined in the report from the Office of the City Clerk dated September 11, 2023.

Purpose:

To adopt a Code of Conduct Policy that sets expectations for Council members to follow in fulfilling their duties and responsibilities as elected officials and to revise and adopt supporting policies.

Background:

Staff presented Code of Conduct considerations to Council on March 13, 2023. This met the new legislative requirement to consider establishing a Code of Conduct within six months of the first regular meeting in this Council term. Following Council’s direction, staff presented more detailed options and content on June 5, 2023. Staff have since amended the draft Code of Conduct based on Council’s input during that meeting. This report summarizes the attached Code of Conduct Council Policy, which is recommended for adoption along with supporting policies regarding conflict of interest and disclosure of gifts and personal benefits.

Previous Council Resolution

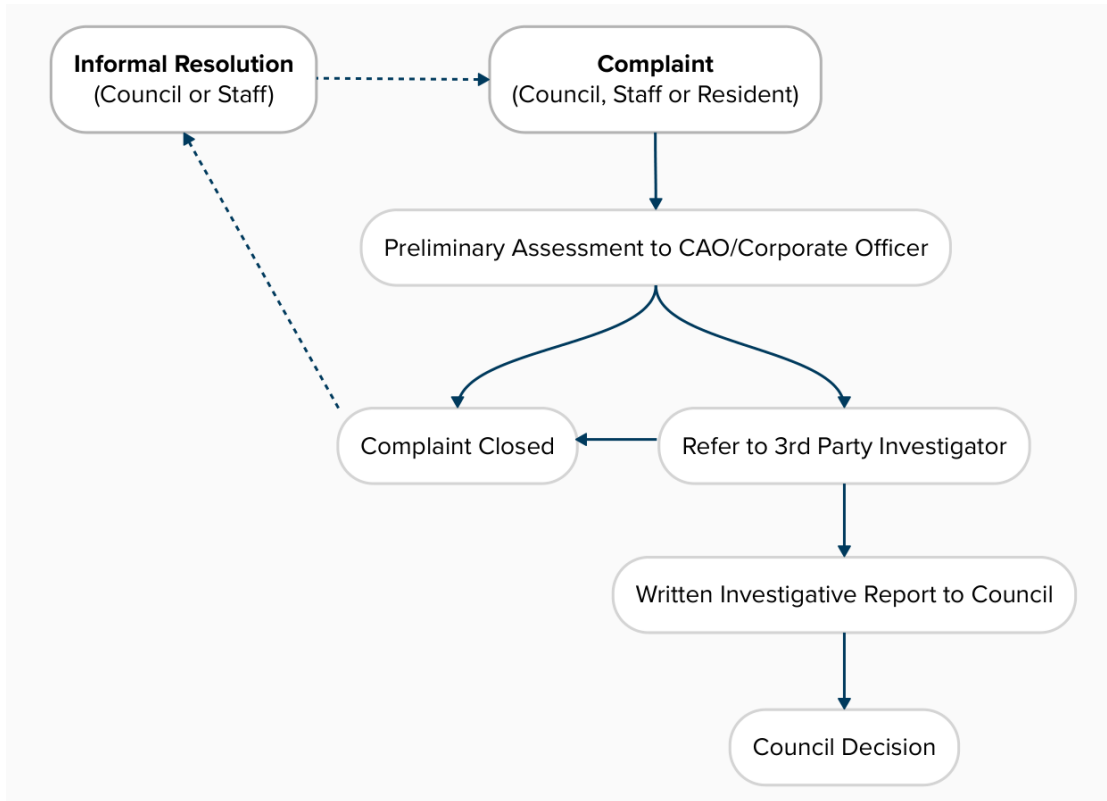
Resolution	Date
THAT Council receives, for information, the report from the Office of the City Clerk dated June 5, 2023 with respect to Council Code of Conduct options; AND THAT Council directs staff to bring back amendments to the Code of Conduct based on Council input.	June 5, 2023

Discussion:

The Code of Conduct Policy sets shared expectations for how Council members conduct themselves while carrying out their duties and responsibilities. The Code reflects core values of honesty, integrity, respect, transparency, collaboration, and accountability that residents expect Council members to uphold. Similar to workplace policies that apply to staff, responsible Council conduct supports good governance and promotes behaviour that is ethical, respectful, effective, and efficient.

The Code outlines principles covering general conduct, interactions with staff, interactions with the public, meeting conduct, use of public resources, and leave of absence. Supporting policies for conflict of interest and gifts were revised and developed, respectively, to provide additional clarity to provisions in the legislation and the Code of Conduct. The Code also establishes procedures for complaints and investigations.

The Code of Conduct is intended to be self-enforcing. Informal resolution is the primary means of resolving concerns between Council members as it is more effective, faster, more collaborative, and more efficient than a formal complaint and investigation process. When a formal complaint is submitted and an investigation warranted, a third-party investigator will lead that process and provide a report and recommendations to Council. The Code provides several options for remedies to be commensurate with the breach, to be determined by Council following rules of procedural fairness. The diagram below shows the steps in the complaint and resolution processes.



Conclusion:

Staff recommend Council adopt the Code of Conduct Policy and the accompanying revisions to the Conflict of Interest Policy and Council Disclosure of Gifts and Personal Benefits Policy. As a whole, these policies set common guidance and expectations for Council and promote respectful, effective, accountable, and transparent governance.

Considerations applicable to this report:

Existing Policy:

[Council Policy No. 313 Conflict of Interest](#)

Financial/Budgetary Considerations:

Budget will be provided for preliminary assessments conducted by the City Solicitor and investigations conducted by a third party investigator.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

Council Policy

Code of Conduct

ESTABLISHED September 11, 2023



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Contact Department: Office of the City Clerk

Guiding Principle

The Residents of the City of Kelowna are entitled to have a fair, ethical and accountable municipal Council that acts in the public interest, conducting its business with integrity and in a fair, honest and open manner.

The public expects that Council Members will adhere to the highest standards of professional conduct. Honesty, integrity, respect, transparency, leadership, collaboration, and accountability are the core ethical values reflected in this Code. Council Members are expected to perform their functions of office faithfully and to the best of their knowledge and ability, in accordance with these core ethical values.

The provisions of this Policy are to be interpreted broadly and in a manner that is consistent with the Community Charter.

The intention of Council in enacting this Code is not to stifle Council Members or to limit their ability to fully perform the governmental and advocacy functions that their position entails, with all the vigour, flair and freedom that is typical of a well-functioning democratic institution, but instead to guide Council Members to undertake those functions in a manner that accords with sound ethical principles.

Purpose

This Policy sets out the expectations Council Members are to follow in fulfilling their duties and responsibilities as elected officials.

Application

This Code applies to all Council Members, inclusive of their actions in their capacity as members of various boards, committees, and other discretionary appointments.

In this Policy:

“**Chief Administrative Officer (CAO)**” means the City Manager or their designate;

“**Corporate Officer**” means the person appointed as such by Council, or their designate;

“**Council Member**” means the Mayor and Councillors for the City of Kelowna;

“**FIPPA**” means the Freedom of Information and Protection of Privacy Act (British Columbia);

“**Investigator**” means the investigator appointed in section 30;

“**Resident**” means any person who would be eligible to vote in a municipal election in the City of Kelowna, along with any person holding a valid and subsisting business licence issued by the City of Kelowna; and

“**Staff**” means an officer or employee of the City of Kelowna, but does not include contractors.

Policy Statements

Part 1 – Conduct

Comply with all Laws

1. Council Members will comply with all applicable federal, provincial and municipal laws in the performance of their public duties, including but not limited to:
 - a) the *Community Charter*;
 - b) the *Local Government Act*;
 - c) FIPPA;
 - d) the *Financial Disclosure Act*; and
 - e) bylaws, policies, and procedures of the City.

General Conduct

2. Council Members will not engage with others, including Residents, Staff, Committee Members and other Council Members, in a manner that is abusive, bullying, intimidating or derogatory.
3. Council Members will not use their office to attempt to gain personal benefits for themselves, their family members or their friends.

Interactions with Staff

4. Council Members will direct questions and inquiries regarding departmental issues in accordance with protocols established by the City Manager and will only contact Staff directly to seek administrative clarity.
5. Council Members will not interfere with, hinder, or obstruct Staff in the exercise or performance of their roles, responsibilities, powers, duties, or functions, nor will they impair the ability of municipal officers or Staff to implement Council policy decisions in accordance with section 153 of the Community Charter.
6. Council Members will not request or require that Staff undertake personal or private work for or on behalf of a Council Member.
7. Council Members will not request or require that Staff engage in political activities, or subject them to reprisal of any kind for refusing to engage in such activities.

Interactions with the Public and Advocacy

8. To promote respect and integrity for Council decision-making, Council Members will accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council.
9. Council Members will refrain from making any disparaging comments about other Council Members or members of staff.
10. The Mayor is the designated spokesperson for the City on Council matters. Council Members will represent the official policies or positions of Council to the best of their ability when designated as a delegate of Council. When presenting their individual opinions and positions, Council Members will explicitly state that it is their own personal view and that they do not represent Council or the City in those views.

Conduct of Meetings

11. Council Members will prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Council Members will not interrupt other speakers, make personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of a meeting.
12. Council Members will not interact or communicate with members of the public during open or closed Council meetings about matters being considered at that meeting via email, text or other social media applications.

Conflict of Interest

13. Council Members will act in accordance with sections 100 to 104 of the Community Charter and Council Policy No. 313 regarding conflict of interest and influence.

Gifts

14. Council Members will act in accordance with sections 105 and 106 of the Community Charter and Council Policy No. 389 Council Disclosure of Gifts and Personal Benefits.

Use and Security of Public Resources

15. Council Members will not use City public resources such as Staff time, equipment, technology, supplies, facilities, branding or other property for private gain, personal purposes, or election-related purposes.
16. Council Members will not undertake federal, provincial or municipal election campaign related activities at City Hall or on other premises owned by the City.
17. Council members will maintain the security of municipal property, including online security, and will complete corporate cybersecurity training as provided by the City.

Leave of Absence

18. A Council Member who is running for elected office outside of a local government election should consider requesting a leave of absence from Council once the writ is dropped for that election to avoid conflicts of interest or perceived conflicts of interest.
19. A Council Member who is running for nomination or for elected office outside of a local government election will not act as Deputy Mayor. The Mayor may appoint another Council Member as Deputy Mayor until the later of general voting day of that election or the end of the Deputy Mayor's scheduled term.

20. A Council Member who is running for nomination or for elected office outside of a local government election will not represent Council on internal or external committees, task forces, or agencies. The Mayor may appoint another Council Member to represent Council until after general voting day of that election.

Part 2 – Investigation, Compliance And Enforcement

Implementation

21. This Code is intended to be self-enforcing and becomes most effective when Council Members are thoroughly familiar with it and embrace its provisions. For this reason, this Code will be provided as information to candidates for Council.

Informal Resolution

22. If a Council Member believes that they have observed another Council Member engaging in conduct that would breach this Policy, they must attempt to resolve the complaint directly with the other Council Member, if possible, prior to submitting a complaint under section 25.
23. If a Staff member believes that they have observed a Council Member engaging in conduct that would breach this Policy, and they wish to file a complaint, they must approach the CAO and the Corporate Officer on a confidential basis and inform the CAO and Corporate Officer of the alleged breach.
24. Upon receipt of the confidential information in section 23, the CAO and the Corporate Officer may:
 - a) determine that no breach has occurred and inform the Staff member of that determination;
 - b) attempt to address the alleged breach with the Council Member and, if the circumstances warrant, the Staff member; or
 - c) request that Staff member file a complaint in accordance with sections 25 and 26.

Complaint Procedure

25. Subject to sections 22 to 24, a Council Member, Staff member or Resident may submit a complaint to the CAO and Corporate Officer. Alternatively, if the complainant is the CAO or Corporate Officer or the complaint involves the CAO or Corporate Officer, the complaint may be submitted to the other position alone.
26. A complaint must be in writing, must be submitted within 30 days of the alleged breach (or within 30 days of notification to the CAO and Corporate Officer under section 23, if applicable), and must include, with sufficient detail:
 - a) the name of the complainant;
 - b) the name of the respondent Council Member(s);
 - c) the conduct that the complainant alleges was in breach of the Code;
 - d) the date of the alleged conduct;
 - e) the parts of the Code the alleged conduct breached;
 - f) the basis for the complainant's knowledge of the conduct; and
 - g) if a complaint is submitted by a Council Member, whether the Council Member attempted to resolve the complaint informally under section 22.
27. A complaint that does not comply with all of the requirements of section 26 may be accepted if the CAO and Corporate Officer determine that there has been substantial compliance or if the circumstances otherwise warrant acceptance.
28. A complaint submitted outside the time limits set out in section 26 must be rejected, except that the CAO and Corporate Officer may grant an extension of up to 30 further days if the circumstances of the complaint are sufficiently serious.
29. In an election year, complaints submitted from the first day of the nomination period to the general voting day must be accepted and held in abeyance until after the new Council has taken office. At that time, complaints will only proceed if they relate to a Council Member who was re-elected in that election year. For certainty, if the Council Member who is the subject of the complaint is not re-elected, the complaint must be rejected. The same provision applies to a Council Member who is running in a federal or provincial election beginning at the time the writ is dropped. If the Council Member who is the subject of the complaint resigns from Council following the election, the complaint must be rejected.

Preliminary Assessment

30. On receipt of a complaint, the CAO and Corporate Officer will conduct a preliminary assessment of the complaint or forward the complaint to the City's Solicitor to conduct a preliminary assessment. If the CAO, Corporate Officer or Solicitor determines that any of the following circumstances apply, then they must notify the complainant and respondent Council Member in writing that the complaint will be closed, stating the reason(s) for the closure:
 - a) the complaint is not with respect to a breach of this Policy;
 - b) the complaint is frivolous, vexatious, or not made in good faith;

- c) the complaint would be more appropriately addressed through another process;
- d) the complaint was not in compliance with sections 25 and 26, and the respondent Council Member will be prejudiced by the complainant's failure to comply;
- e) the complainant wishes to withdraw the complaint, and it would be appropriate to allow the complaint to be withdrawn;
- f) the complaint was submitted by a Council Member, and the Council Member ought to have first attempted to resolve the complaint informally under section 22; or
- g) there are no possible grounds on which to conclude that a violation of this Policy has occurred.

Referral to Third-Party Investigator

- 31. If the CAO, Corporate Officer or Solicitor determines that the complaint should be accepted for investigation, they will refer the complaint to a neutral and independent third-party Investigator of their choosing to conduct an investigation and they will notify the complainant and respondent Council Member of the referral.
- 32. The Investigator will have all of the same ability to dismiss a complaint on a preliminary basis as set out in section 30.
- 33. An Investigator, once retained, may only be dismissed for cause.

Criminal Conduct

- 34. If, at any stage in the complaint procedure, the CAO, Corporate Officer, Solicitor or Investigator determines that there are reasonable grounds to believe that there has been a contravention of the Criminal Code, or learns that there is an ongoing police investigation into the conduct that gave rise to the complaint, then they must immediately refer the matter to the appropriate authorities and suspend any investigation into the complaint until any resulting police investigation and charge have been finally disposed of, and will report the suspension to Council, the complainant, and the respondent Council Member.
- 35. For certainty, a complaint must be suspended while the respondent is on a mandatory leave of absence under section 109.3(1) of the Community Charter, and may be re-commenced only once the mandatory leave of absence ends pursuant to section 109.3(1)(b) of the Community Charter.

Formal Resolution

- 36. Once retained, the Investigator will deliver the complaint to the respondent Council Member, along with a request that the respondent Council Member provide a written response to the complaint, together with any submissions that the respondent Council Member chooses to make, within 10 days.
- 37. The Investigator may, at their discretion, deliver the respondent Council Member's written response and submissions to the complainant and request a reply in writing within 10 days.
- 38. The Investigator may:
 - a) speak to anyone relevant to the complaint;
 - b) request disclosure of documents relevant to the complaint;
 - c) access any record in the custody or control of the City, within the meaning of FIPPA, with the exception of records subject to solicitor-client privilege; and
 - d) extend the timelines established in sections 36 and 37, at their discretion.
- 39. The Investigator has discretion to conduct the investigation as they see fit, but must ensure that the investigation complies with the rules of procedural fairness and natural justice required in the circumstances of the complaint.

Adjudication and Reporting

- 40. The Investigator must conclude the investigation and make a determination regarding the alleged breach within 90 days of referral under section 31, unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the complainant and respondent Council Member of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days at a time on provision of written notice to the complainant and respondent Council Member.
- 41. If, after reviewing all the material information, the Investigator determines that a Council Member did not violate this Policy, then the Investigator will:
 - a) prepare a written investigation report providing reasons for their determination, which will include a determination of whether the complaint was submitted frivolously, vexatiously or in bad faith; and
 - b) deliver a copy of the investigation report to the complainant, respondent Council Member, and Council.
- 42. If, after reviewing all the material information, the Investigator determines that a Council Member did violate this Policy, then the Investigator will:

- a) prepare a written investigation report providing reasons for their determination, which must include:
 - i. a summary of the factual findings of the Investigator;
 - ii. an application of the Policy, and any other applicable law, to the facts;
 - iii. a recommendation of the appropriate sanction, subject to subsection (iv); and
 - iv. if applicable, a determination of whether the respondent Council Member took all reasonable steps to avoid the breach or whether the breach was trivial, inadvertent or due to an error in judgment made in good faith, in which case the Investigator may recommend that no sanction be imposed;
- b) deliver a copy of the investigation report to the respondent Council Member; and
- c) 48 hours after the delivery of the investigation report to the respondent Council Member, deliver a copy of the investigation report to Council.

Final Determination by Council

43. Council must, within 45 days of the Investigator's delivery of the investigation report, decide on the appropriate measures, if any, that are warranted by a breach of this Policy;
44. Prior to making any decision regarding the findings and recommendations set out in the investigation report, the respondent Council Member must be provided with an opportunity, either in person or in writing, to comment to Council on the Investigator's determinations and recommendations.
45. While an investigation report may be considered in a closed meeting, if the circumstances warrant, when Council deliberates and votes on the Investigator's recommendation, it will generally do so in an open meeting.
46. Within 30 days of Council's final decision about an investigation, it must, subject to the City's obligations under FIPPA, release to the public the investigation report, or a summary thereof, along with a summary of Council's decision.

Remedies

47. Remedies that may be imposed by Council for a violation of this Policy include the following:
 - a) a letter of reprimand from Council, addressed to the respondent Council Member;
 - b) a request from the Council that the respondent Council Member issue a letter of apology;
 - c) the publication of the letters contemplated in subsections (a) and (b), along with the respondent Council Member's response, if any;
 - d) directions to the CAO and Corporate Officer regarding the method of providing documents that contain confidential information to the respondent Council Member;
 - e) a recommendation that the respondent Council Member attend specific training or counselling;
 - f) limitations on access to certain City facilities;
 - g) prohibition from representing the City at events and/or attending conferences;
 - h) suspension or removal of the respondent Council Member from the Deputy Mayor rotation;
 - i) a temporary reduction in remuneration;
 - j) public censure of the respondent Council Member; or
 - k) any other sanction recommended by the Investigator, so long as that sanction is within the authority of Council.
48. Council must consider the following factors when determining whether to impose a sanction on a Council Member:
 - a) the degree and nature of the conduct;
 - b) whether the contravention was a single or repeated act;
 - c) whether the Council Member knowingly contravened the Code;
 - d) whether the Council Member took steps to mitigate or remedy the contravention;
 - e) the Council Member's history of other contraventions; and
 - f) if applicable, the Investigator's finding that the respondent Council Member took all reasonable steps to avoid the breach, or that the breach was trivial or done inadvertently or because of an error in judgment.

Confidentiality of Investigation

49. The CAO, Corporate Officer, Solicitor and Investigator must make all reasonable efforts to process and investigate complaints in a confidential manner.

50. The Investigator and every person acting under the Investigator's instructions must preserve confidentiality with respect to all matters that come into the Investigator's knowledge in the course of any investigation or complaint, except as otherwise required by law.

Obstruction and Frivolous and Vexatious Complaints

51. No Council Member, Staff or Resident will obstruct the Investigator, Solicitor, CAO or Corporate Officer in relation to the administration of this Policy or the investigation of a complaint. Without limitation, the following will constitute obstruction:
 - a) uttering of threats against any person involved in the complaint;
 - b) destruction of relevant records or documents; and
 - c) refusal to cooperate with the Investigator.
52. A person who is found to have obstructed the Investigator, CAO, Corporate Officer, or Solicitor or any individual covered by this Policy who makes a complaint that is subsequently found to have been made in a deliberately frivolous, vexatious or malicious manner, or otherwise made in bad faith, will be subject to appropriate disciplinary action, which may include, but is not limited to:
 - a) in the case of Council Members, sanctions and remedies as described in this Policy;
 - b) in the case of Staff, disciplinary action or termination of employment for just cause, as applicable;
 - c) in the case of any complainant, prohibition from filing complaints under this Code for a specified period of time.

Reimbursement of Costs

53. A Council Member may make a request to Council for reimbursement of the costs of legal advice and representation in responding to the formal complaint process outlined in this Policy. If appropriate, after considering all of the circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:
 - a) the Council Member has not previously been found to have breached the Code; and
 - b) the amount claimed does not exceed \$10,000.

Amendments

Resolution:
Replacing:



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Conflict of Interest

ESTABLISHED April 19, 2004

Contact Department: Office of the City Clerk

Guiding Principle

The *Community Charter*, Section 100, establishes the responsibility of disclosing a conflict of interest and how a Council member will conduct themselves when a declaration has been made. Sections 101 to 104 place restrictions on the participation of a Council member if in conflict and detail exceptions from conflict restrictions.

It is the personal responsibility of each Council member to be aware in good faith of their conflicts of interest and to make the decision to declare them and to conduct themselves in accordance with that legislation. When a Council member is deemed to be in a conflict of interest, they will participate in the matter only to the extent of stating their reason for being in a conflict and then withdraw from the meeting without further commentary.

Purpose

To establish guidance to provide clarity on conflict of interest processes established in the *Community Charter*.

Application

This policy applies to members of Council.

Policy Statements

1. If a question as to a possible conflict of interest of a Council member is raised to the City Manager by someone other than that particular Council member, the City Manager will:
 - a) notify the member in writing as soon as possible;
 - b) consult with the member in question; and
 - c) determine whether it is in the City's best interest to seek legal advice as to the possible conflict of interest from the City's legal service provider.
2. The City Manager must maintain the confidentiality of a third party raising a question as to a possible conflict of interest, unless the third party has granted written permission to release their identity.
3. A Council member may at any time obtain their own legal advice as to a possible conflict of interest from their own legal advisor.
4. If legal advice is sought by a Council member from their own legal advisor as to a possible conflict of interest, the cost of such advice must be paid for by the member and the solicitor-client privilege pertaining to that advice is the member's.
5. If legal advice is sought by the City Manager from the City's legal service provider as to a possible conflict of interest, the cost of such advice must be paid for by the City and the solicitor-client privilege pertaining to that advice is the City's.

Amendments

Resolution:

Replacing: R375/10/04/26; R365/04/04/19



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Council Disclosure of Gifts and Personal Benefits

ESTABLISHED September 11, 2023

Contact Department: Office of the City Clerk

Guiding Principle

Open and transparent government.

Purpose

To assist members of Council in interpreting and complying with the legislated restrictions on accepting gifts, and the public disclosure requirements of those gifts lawfully received.

Application

This Policy applies to members of Council.

Policy Statements

1. It is the personal responsibility of each Council member for being aware, in good faith, of the legislated restrictions on accepting a gift or personal benefit (hereafter "gift") and the disclosure requirements for those gifts that may be lawfully accepted.
2. A Council member may not accept a ticket, to any event, concert, show, performance, opening, membership, etc. for which a member of the public has to pay an admission fee to enter or participate, for any amount less than the cost to the public for the same ticket, unless the event, etc. meets the one of the criteria in Section 3, below.
3. Protocol or social obligations that normally accompany the responsibilities of office where a Council member may accept a gift include but are not restricted to:
 - a) A gift of an individual nature from visiting Royalty, Sister City dignitaries, senior level of government officials, Cabinet members, First Nations, or other local governments;
 - b) A token gift presented for speaking on behalf of the City to a recognized group or organization;
 - c) A token gift presented at an open Council meeting by a society, group or organization, etc. presenting under "Public in Attendance";
 - d) A delegate gift available to all registered delegates attending a Council authorized conference;
 - e) One (1) admission to an event subject to an issued City of Kelowna Outdoor Event Permit;
 - f) One (1) admission to an event put on by an Arts or Cultural organization that receives funding from the City of Kelowna.
4. For certainty, nothing in this Policy requires a Council member to accept a gift identified in Section 3, above, and it is the personal choice of each Council member whether to accept such a gift or not. Council members are responsible for any Canada Revenue Agency requirements regarding declaring gifts received as an elected official.
5. A Council member must file a Gift Disclosure Statement Form, as attached to and forming part of this Policy, with the City Clerk within twenty-one (21) days of receipt of those gifts meeting the disclosure requirements of the Community Charter.
6. Completed Gift Disclosure Statement Forms will be available for public inspection at the Office of the City Clerk, City Hall.

Amendments

Resolution:

Replacing:

Gift Disclosure Statement Form

I, _____ (full name) hereby disclose that I have received a gift that meets the Community Charter disclosure requirements, the details of which are:

Nature of the Gift or Benefit	Source*	Date(s) Received	Circumstances under which the gift or benefit was given

Note: * - If the gift is from a corporation, the disclosure must indicate the full names and addresses of at least two individuals who are directors of the corporation

I hereby declare that to the best of my knowledge the information contained herein is correct

Dated this _____ day of _____, 20____ Signature of Council Member _____

Received this _____ day of _____, 20____ Signature of City Clerk _____



City of
Kelowna

Code of Conduct

September 11, 2023

Guiding Principles & Purpose

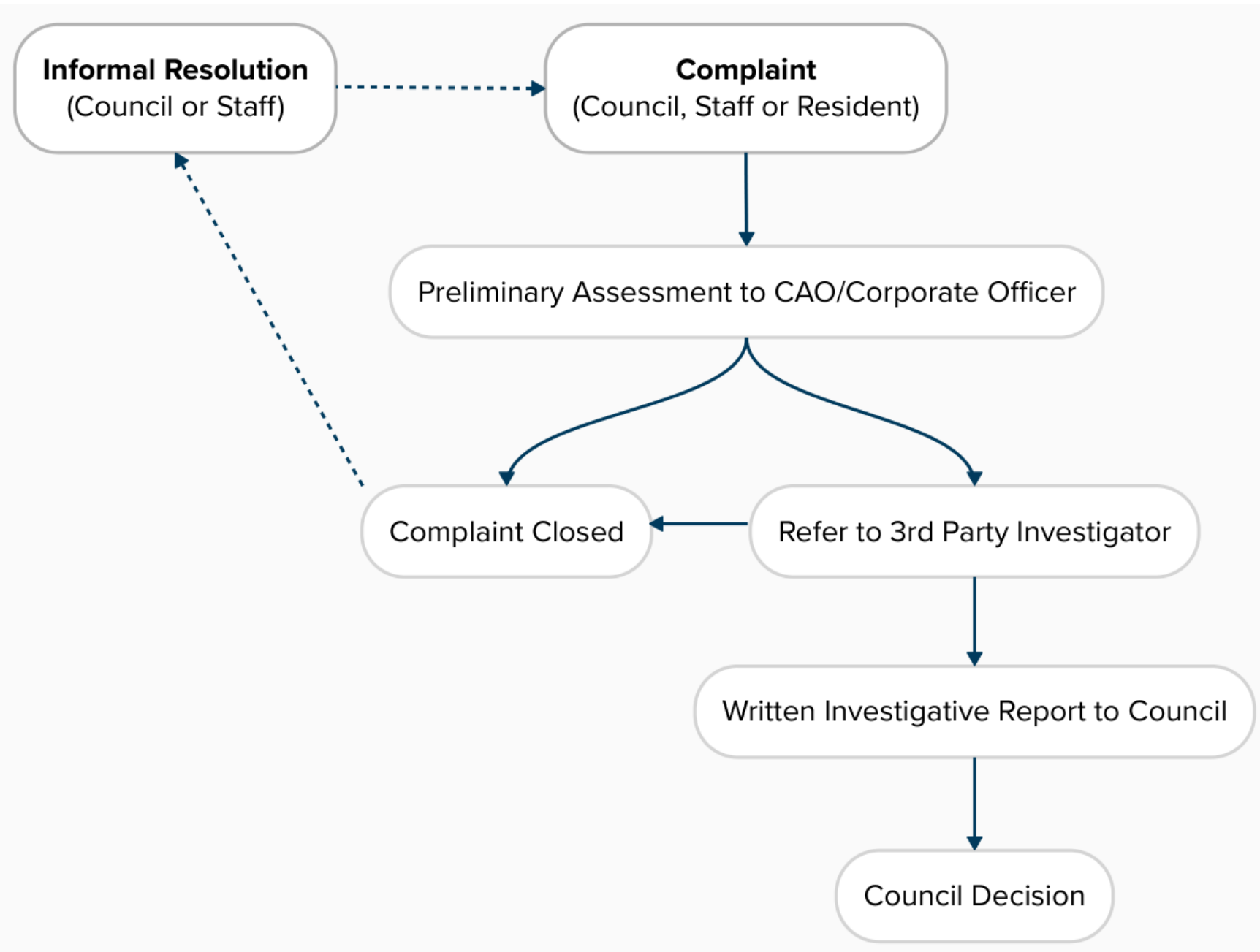
- ▶ Support public expectations of adhering to high standards of professional conduct
- ▶ Promote good governance
- ▶ Core ethical values: honesty, integrity, respect, transparency, leadership, collaboration, accountability
- ▶ Expectations for Council members in fulfilling duties & responsibilities as elected officials

Code of Conduct

- ▶ Similar intent as workplace policies that apply to staff
- ▶ Principles cover:
 - ▶ General conduct (sections 1-3)
 - ▶ Interactions with staff (sections 4-7)
 - ▶ Interactions with the public (sections 8-10)
 - ▶ Meeting conduct (sections 11-12)
 - ▶ Conflict of interest & gifts (sections 13-14)
 - ▶ Use of public resources (sections 15-17)
 - ▶ Leave of absence (sections 18-20)

Complaints & Resolution

- ▶ Informal resolution is primary means of addressing concerns
- ▶ Complaint procedure if no resolution through informal process
 - ▶ Preliminary review by CAO and Corporate Officer or City Solicitor
 - ▶ Forwarded to third-party Investigator if accepted for investigation
- ▶ Report & recommendations to Council following investigation
 - ▶ Options for remedies based on several factors



Recommendation

- ▶ Adopt Code of Conduct Policy
- ▶ Adopt revised Conflict of Interest Policy (new format)
- ▶ Adopt Council Disclosure of Gifts and Personal Benefits Policy



Questions?

For more information, visit kelowna.ca.

Report to Council



Date: September 11, 2023
To: Council
From: City Manager
Subject: Lobbyist Registry & Interaction with Developers Policies
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated September 11, 2023, with respect to the Lobbyist Registry Policy;

AND THAT Council adopts Council Policy No. 390, being Lobbyist Registry, as outlined in the report from the Office of the City Clerk dated September 11, 2023;

AND FURTHER THAT Council adopts Council Policy No. 391, being Council Interaction with Developers, as outlined in the report from the Office of the City Clerk dated September 11, 2023.

Purpose:

To establish a Lobbyist Registry Policy and Council Interaction with Developers Policy.

Background:

Following a review of options, Council directed staff to prepare policies to establish a Lobbyist Registry that applies broadly to those attempting to influence a decision of Council, with progressive enforcement provisions to encourage compliance.

Previous Council Resolution

Resolution	Date
<p>THAT Council receives, for information, the report from the Office of the City Clerk dated June 5, 2023, with respect to options for a lobbyist registry;</p> <p>AND THAT Council directs staff to prepare the necessary bylaws and policies to implement a Lobbyist Registry in accordance with Option 2 with enhanced</p>	<p>June 12, 2023</p>

progressive enforcement as described in the report from the Office of the City Clerk dated June 5, 2023.	
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Discussion:

A Lobbyist Registry supports transparency and accountability around Council decision-making through registration and disclosure requirements for those seeking to influence a Council decision. Those engaging in these lobbying activities are required to register with the City, and the Registry will be published for the public to access. The Policy and associated processes are designed to promote transparency without creating significant barriers to accessing members of Council.

The Lobbyist Registry Council Policy applies to individuals or groups, whether paid or unpaid, who communicate with a member of Council in an attempt to influence a decision of Council. Other elected officials and public sector staff acting in their official capacity are exempt from the Policy. Activities like submitting written correspondence to all of Council or participating in a public process like a public hearing are not considered lobbying since they are part of the public record.

When the Policy applies, lobbyists must register with the City within 5 days of communicating with a member of Council. An online form will make it easy to provide the required information, including name and contact information, business or organization, the initial date of the communication, and the topic(s).

The Office of the City Clerk is responsible for maintaining and publishing the Lobbyist Registry. It will be updated regularly and available to view online and in-person at City Hall. Staff will develop resources to support a user-friendly experience for both those registering and those viewing the Registry.

Progressive enforcement will be used to support compliance with the Lobbyist Registry Policy and will include the following mechanisms:

1. Contacting the lobbyist informing them of the Registry requirements and giving them an opportunity to register.
2. Providing Council with a list of individuals or groups who are not in compliance with the requirements after being contacted to register. Council is not obligated to meet with individuals or groups and may choose not to engage with those who are not in compliance.
3. If the applicant of a development application is not in compliance with Lobbyist Registry requirements, Council will not consider their development application until they comply.

Council Interaction with Developers Policy

Property owners and applicants seeking Council approvals for a development application often engage with members of Council regarding their proposed development. Council may choose to meet with applicants at various stages in the development process. Documented guidance for these types of interactions supports a fair and transparent process that follows relevant legislation and procedures. It offers clear and consistent direction for Council and gives applicants and the public a better understanding of expectations.

The Council Interaction with Developers Policy provides guidance to Council on considerations when interacting with developers. These include reserving decisions for Council meetings, appropriate locations for meetings, and seeking information from staff ahead of time. Additional guidelines for

specific stages of an application clarify interactions regarding a permit application when an associated bylaw is at third reading and receiving summaries of public consultation.

Staff recommend Council adopt the Council Interaction with Developers Policy alongside the Lobbyist Registry Policy.

Conclusion:

The Lobbyist Registry and Council Interaction with Developers Council Policies support increased transparency in decision-making through disclosure practices and guidelines. The requirements of each Policy are designed to be simple and easy to follow to encourage compliance, limit barriers to accessing elected officials, and create a common set of expectations for Council, lobbyists, developers, and the public. The Policies work together to achieve these objectives. Implementation will include online options to register and access the Lobbyist Registry along with resources to support awareness and compliance with the Lobbyist Registry Policy.

Considerations applicable to this report:

Financial/Budgetary Considerations:

Staff from the Office of the City Clerk will administer the Lobbyist Registry using existing resources. The need for additional resources to support this and other initiatives will be monitored.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

cc:

R. Smith, Divisional Director, Planning, Climate Sustainability & Development Services



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Lobbyist Registry

ESTABLISHED September 11, 2023

Contact Department: Office of the City Clerk

Guiding Principle

A Lobbyist Registry promotes transparency by establishing registration and disclosure requirements for those seeking to influence a decision of Council. The public can access information about who is attempting to influence Council about development applications and other matters within the City's jurisdiction.

Purpose

To establish requirements for individuals and organizations to register with the City when communicating with members of Council for the purpose of influencing a Council decision and to establish appropriate disclosure provisions for the City to make that information available to the public. The Policy defines applicable lobbying activities, sets parameters for registering, and provides for public access to the Registry.

Application

Apart from the exemptions listed below, the Policy applies to all lobbyists engaging in lobbying of a Council member.

Definitions:

"Lobby" means to communicate verbally or in writing, or to meet with an elected official for the purpose of influencing a decision of Council.

"Lobbyist" means an individual, whether paid or voluntary, who lobbies an elected official regarding a matter within Council's jurisdiction. The lobbyist may represent individual interests or represent an organization, whether employed by that organization or on behalf of a different organization.

"Council member" means a member of Council of the City of Kelowna.

"City Clerk" means the person appointed as such by Council and includes their lawful designate.

"City" means the City of Kelowna.

Exemptions:

1. This policy does not apply to any of the following when acting in their official capacity:
 - a) Members of the Senate or House of Commons of Canada or their staff;
 - b) Members of the legislative assembly of a province or territory or their staff;
 - c) Employees of the government of Canada or of the government of a province or territory;
 - d) Members of a municipal council, regional district board, improvement district board, school district board, or other local government authority, or their staff; or
 - e) Employees of a municipality, regional district, improvement district, school district, or other local government authority.
2. This policy does not apply to a verbal or written communication:
 - a) Sent to all of Council through Mayor & Council correspondence;
 - b) Made as part of a Council meeting, public hearing, committee meeting, or similar proceeding where it is part of the public record;
 - c) Regarding a matter that is outside of the City's jurisdiction; or
 - d) Made in response to a written request from a Council member or the City of Kelowna for comment on a matter that would otherwise fall under the definition of lobby.

Policy Statements

1. A lobbyist must register with the City within 5 days of lobbying a Council member.

- a) The City Clerk may determine the appropriate form for registering.
 - b) A separate registration must be filed for each topic.
 - c) Each registration is considered active for six months, after which a new registration must be filed for lobbying activities.
2. Each registration must include the following information, as applicable:
 - a) Name;
 - b) Contact information;
 - c) Business or organization name;
 - d) Initial date of lobbying for that registration;
 - e) Topic of lobbying; and
 - f) Any other information deemed necessary by the City Clerk.
 3. The City Clerk will establish and maintain a registry with a record of all registrations submitted under this Policy.
 - a) The City Clerk may authorize persons in the Office of the City Clerk to perform any of the City Clerk's duties identified in this Policy.
 - b) The City Clerk may determine the appropriate form for the registry.
 - c) The Lobbyist Registry will be available for public inspection in the manner determined by the City Clerk.
 4. Registrations that are incomplete or do not otherwise comply with this Policy may not be accepted.
 - a) The City Clerk will make reasonable efforts to contact individuals whose registrations are not accepted.
 - b) The City Clerk will inform them of the reasons and provide them with an opportunity to file another registration.
 5. Those who are subject to the Policy and do not comply will be subject to progressive enforcement, including, but not limited to:
 - a) The City Clerk may contact the individual informing them of their obligations under this Policy and offering the opportunity to come into compliance within 5 days.
 - b) The City Clerk may inform Council of individuals or groups who are not in compliance with the Policy. A Council member may choose not to communicate with an individual or group until they are in compliance.
 - c) For development applications, if the subject property owner, applicant, or their representative is not in compliance with this Policy in relation to that application, Council may not consider their development application until they are in compliance.

Amendments

Resolution:
Replacing:



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Council Interaction with Developers

ESTABLISHED September 11, 2023

Contact Department: Office of the City Clerk

Guiding Principles

The *Community Charter* recognizes a municipal council as a governing body that is democratically elected, autonomous, responsible and accountable. Every Council member has responsibilities, including considering the well-being and interests of the community as a whole.

Council engages with community members in relation to a broad range of matters. Developers seek access to Council members to discuss development applications; the community expects these interactions to be transparent and in the public interest.

Purpose

To establish guidance for a Council member on interacting with a developer regarding a development application or prospective development application to protect the integrity of the decision-making process.

Application

This policy applies to a Council member at all stages of the development application process, regardless of whether a development application has or has not been submitted.

This policy does not apply to a Council meeting or public hearing, as regulated by Council Procedure Bylaw No. 9200, the *Community Charter* and the *Local Government Act*.

Definitions

Developer means a property owner or applicant, including their agent or representative, seeking a development application approval or a prospective development application approval. It includes a lobbyist acting on behalf of a developer.

Development application means applications within the scope of the Development Application and Heritage Procedures Bylaw No. 12310.

Interaction means an engagement regarding a development application matter, including meeting face-to-face, virtually, or by telephone. It does not include social obligations that are normally part of a Council member's typical responsibilities.

Lobbyist has the same definition as in Council Policy No. 390 Lobbyist Registry.

Policy Statements

1) General Interaction Guidelines

- a) A Council member should be aware of other applicable legislation, bylaws and policies including the following:
 - i) *Community Charter*;
 - ii) Council Policy No. 390 Lobbyist Registry; and
 - iii) Council Policy No. 313 Conflict of Interest.
- b) A Council member must approach all decision matters with an open mind and reserve decisions for a Council meeting once all information has been presented.
- c) A Council member should avoid being perceived as being too familiar with a developer.
- d) A Council member is not required to meet, correspond or otherwise interact with a developer.
- e) A Council member may ask another Council member to participate in an interaction with a developer.
- f) The maximum number of Council members in attendance for an interaction with a developer must be less than the number of members that makes a quorum of Council.
- g) A face-to-face interaction with a Council member may take place within City Hall or at the property that is the subject of a development application.

- h) A Council member must receive approval from the Mayor and the City Manager prior to attending an interaction with City staff and a developer.
 - i) A Council member may request information from staff regarding a development application or subject property prior to an interaction with a developer.
 - j) When having an interaction with a developer, a Council member should state that:
 - i) any opinions expressed are personal and do not represent the views of Council, except for a fact that has been resolved by Council;
 - ii) a decision will only be made after all relevant material has been prepared and considered at a Council meeting; and
 - iii) any materials provided or records created are subject to the *Freedom of Information and Protection of Privacy Act*.
- 2) Interaction Guidelines for Stages of the Development Application Process**
- a) A Council member may have an interaction with a developer regarding a development application or a prospective development application, except:
 - i) a Council member must not correspond or interact with a developer or a member of the public regarding a development application after the conclusion of a Public Hearing and before the relevant bylaw is adopted.
 - ii) a Council member may have an interaction with a developer about a Development Permit application or Development Variance Permit application that is associated with an Official Community Plan or Zoning Bylaw amendment application after the conclusion of a Public Hearing and before the relevant bylaw is adopted provided information shared in the interaction does not address land use, density or other zoning considerations.
 - b) A Council member may discuss what is publicly known about a prospective development application with the general public.
 - c) A Council member should not attend a public information session. Council will receive a summary of the public consultation in the report to Council, as referenced in Council Policy No. 367 Public Notification & Consultation for Development Applications.

Amendments

Resolution:
Replacing:



City of
Kelowna

Lobbyist Registry & Council Interaction with Developers

September 11, 2023

Lobbyist Registry

- ▶ Registration & disclosure requirements
- ▶ Applies to those seeking to influence a Council decision
- ▶ Supports transparency & accountability in decision-making

Application

- ▶ Individuals or groups
- ▶ Paid or unpaid
- ▶ Communicating with a Council member to influence a Council decision
- ▶ Exemptions:
 - ▶ Other elected officials and public sector staff acting in official capacity
 - ▶ Written correspondence to all of Council
 - ▶ Participating in a public hearing

Procedures

- ▶ Lobbyist registers online within 5 days of communicating with Council member
 - ▶ Name & contact information
 - ▶ Business or organization
 - ▶ Initial date of communication
 - ▶ Topic(s)
- ▶ Office of the City Clerk maintains & publishes the Registry
 - ▶ Available online & in-person at City Hall

Compliance

- ▶ Progressive enforcement to support compliance
- ▶ Contact lobbyist informing them of requirements
- ▶ Providing Council with list of those not in compliance
- ▶ If applicant of development application is not in compliance, Council will not consider the application

Council Interaction With Developers

- ▶ Guidance supports a fair & transparent process following legislation & procedures
- ▶ Clear expectations for applicants, the public & Council

Considerations

- ▶ Reserving decisions for Council meetings
- ▶ Appropriate locations for meetings
- ▶ Seeking information from staff ahead of time

Conclusion

- ▶ Policies support each other in promoting transparency, accountability & a common set of expectations
- ▶ Recommend Council adopt both policies
- ▶ Staff will implement the Lobbyist Registry
 - ▶ Online form
 - ▶ User guidelines



Questions?

For more information, visit kelowna.ca.

DRAFT RESOLUTION

Re: Application for 2023 UBCM Grant

THAT Council approves the Regional District of Central Okanagan to apply for, receive and manage the 2023 UBCM CEPF Public Notification and Evacuation Route Planning grant funds on behalf of the City of Kelowna.

BACKGROUND:

To support the Regional District of Central Okanagan in applying for Community Emergency Preparedness funds via the Public Notification and Evacuation Route Planning funding stream.

The RDCO is applying for funding for all stakeholders as a joint project to; Identify Planning Notification and Evacuation Route Planning framework for all Stakeholders.

Evacuation Route Planning will identify available routes, their capacity, and methods of how to evacuate using different modes of transportation.

Notification systems will identify the strategies, policies and/or processes for public alerting using current systems and identify areas requiring alternative methods of emergency alerting. Templates for notification and emergency alerting messaging wording specific to each community with limited access options.

Develop hazard-specific preparedness information guides for distribution in high-risk areas in preparation for hazard seasons.

Date: September 11, 2023

August 22, 2023

Sandra Follack, Emergency Program Coordinator
Regional District of Central Okanagan
1450 KLO Road
Kelowna, BC V1W 3Z4

Reference: AP8031

RE: 2023 CEPF Public Notification and Evacuation Route Planning – Approval in Principle

Dear Ms. Follack,

Thank you for submitting an application, revised August 8, 2023, under the Community Emergency Preparedness Fund for the 2023 Public Notification and Evacuation Route Planning funding stream.

I am pleased to inform you that the Evaluation Committee have recommended your project, *Public Notification & Evacuation Route Planning*, be approved in principle for partial funding.

Please note that the following proposed activities were not approved for funding and the approved grant amount has been reduced accordingly.

- *Develop hazard-specific preparedness information guides for distribution in high-risk areas in preparation for hazard seasons* - \$11,236.00.

Pending satisfactory receipt of the following items, your application will be eligible for approval of a grant in the amount of \$146,947.00:

- A Board resolution from the RDCO, indicating support for the current proposed activities and willingness to provide overall grant management, is required to be submitted.
- Council and Band Council resolutions from all partnering applicants (Kelowna, West Kelowna, Peachland, Lake Country, Westbank First Nation) that clearly states their approval for the primary applicant to apply for, receive, and manage the grant funding on their behalves.

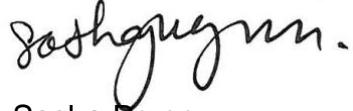
The outstanding application requirements are required to be submitted within 30 days and no later than September 22, 2023 in order for your application to be fully approved in part.

On behalf of the Evaluation Committee, I would like to congratulate you for responding to this opportunity to support emergency preparedness and resiliency in your community.

The Community Emergency Preparedness Fund is funded by the Province of BC

If you have any questions, please contact 250-952-9177 or cepf@ubcm.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Sasha Pryn". The signature is written in a cursive, flowing style.

Sasha Pryn
Program Officer



Corporate Services

1450 K.L.O. Road
Kelowna, B.C. V1W 3Z4
Telephone: (250) 763-4918
rdco.com

REGIONAL DISTRICT OF CENTRAL OKANAGAN

CERTIFIED RESOLUTION

THAT the Regional Board supports a submission of an application under the 2023 UBCM Community Emergency Preparedness Fund for \$156,600 to complete a Public Notification & Evacuation Route Planning Framework.

CARRIED

I, Karen Needham, Corporate Officer of the Regional District of Central Okanagan, do hereby certify that the above is a true and correct copy of a resolution adopted by the Regional Board at its Regular meeting held the 18th day of May 2023.

Dated at Kelowna, B.C.
this 24th day of August 2023

Karen Needham
EUX52G

Digitally signed by Karen
Needham EUX52G
Date: 2023.08.24 11:15:14 -07'00'

Karen Needham
Corporate Officer

CITY OF KELOWNA

BYLAW NO. 12489

Amendment No. 4 to Soil Removal and Deposit Regulation Bylaw No. 9612

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Soil Removal and Deposit Regulation Bylaw No. 9612 be amended as follows:

1. THAT the following be added before the opening statement "WHEREAS Section 8(3)(m) of the Community Charter" as follows:

WHEREAS Section 8 (3) (h) of the Community Charter. 2003, c.26 provides that Council for the City of Kelowna may, by bylaw:

 - a) regulate, prohibit and impose requirements in the protection and enhancement of the well-being of its community in relation to the matters referred to in Section 64 [nuisances, disturbances and other objectionable situations]
2. AND THAT **Section 1. TITLE, 1.1** be amended by deleting "and Deposit" and replace with "Deposit and Improvement";
3. AND THAT **Section 2. APPLICABILITY, 2.4** be removed in its entirety as follows:

"2.4 The following Schedules are attached to and form part of this Bylaw as follows:
 - a) Schedule "A" - Application
 - b) Schedule "B" - Permit";
4. AND THAT **Section 3. DEFINITIONS**, be amended by adding the following definition in its appropriate location:

"**Soil Improvement**" or "**Improvement**" means the use of construction equipment or tools to manipulate or improve the characteristics or engineering properties of **soil** in a manner that is able to generate noise or vibrations sufficient to be disruptive to the public or damaging to nearby structures or infrastructure, and which may include but not be limited to **soil** compaction, ground densification, rock hammering, or pile driving.";
5. AND THAT **Section 4. RESTRICTIONS, 4.2** be added as follows:

"4.2 Except as otherwise permitted in this Bylaw, no person shall undertake any **soil improvement** activities on any **land** within the **City** until a **Permit** for such **soil improvement** is approved by the **Subdivision Approving Officer** pursuant to the provisions of this Bylaw.";
6. AND THAT **Section 5. EXEMPTIONS FROM PERMIT REQUIREMENT, 5.2** be added as follows:

"5.2 Notwithstanding Section 4, A **Permit** is not required where **soil improvement** activities:
 - a) Do not generate noise or vibration that is disruptive to the public, and
 - b) Are not occurring within 30m of any structures or **City** Infrastructure and the risk of damage to adjacent structures or **City** infrastructure, in the opinion of a **Qualified Professional** and the **Subdivision Approving Officer**, is negligible.";

7. AND THAT Section 6. **PERMIT REQUIREMENTS**, 6.1 be amended by deleting it in its entirety and replacing with the following:

"6.1 REQUIRED INFORMATION

- 6.1.1** Unless a requirement is waived by the **Subdivision Approving Officer**, every application for a **Permit to deposit or remove soil** shall include detailed plans, data and specifications, in a satisfactory form, and the application shall contain (but not limited to) information with respect to the following matters:
- (a) A complete application form as amended by the **City** from time to time.
 - (b) The legal description of the property including the name and address of the registered **owner**.
 - (c) Description of the type of **soil** or other material and the purpose for which the **soil** is to be **removed** or the **soil** or other material is to be **deposited**.
 - (d) A plot plan clearly identifying the area of **land** from which the **soil** is sought to be **removed** and **deposited** including all pertinent topographic features, including existing buildings, structures, **watercourses** and tree cover.
 - (e) A site grading plan including the proposed slopes which will be maintained upon project completion of the **soil deposit or removal**.
 - (f) The methods proposed to control the erosion of the banks after the **removal** or the **deposit**.
 - (g) The proposed methods of drainage control for the site during and after the **deposit** or **removal** operation.
 - (h) The proposed methods of access to the site during the **deposit** or **removal** operation, the proposed truck route for moving the **soil** and the frequency of trucking operations.
 - (i) The proposed methods of noise and dust control during the **deposit** or **removal** operation.
 - (j) Outline of the proposed grading and rehabilitation of the proposed **soil removal** or **soil** and other material **deposit** on site during and upon completion of the proposed **soil removal** or **soil** and other material **deposit** operation, showing the correlation with the grades and vegetation cover of all adjacent **lands**.
 - (k) Copies of any **permits** and approvals of Federal or Provincial authorities required by statute or regulation in connection with the proposed **soil removal** or **soil** and other material **deposit** operation.
 - (l) Where **Blasting** is proposed the following shall apply:
 - 1. **Blasting** shall adhere to WorkSafe BC Regulations and Requirements;
 - 2. **Blasting** shall follow the recommendations for community notification and monitoring contained within the Best Practices Guide for Urban **Blasting** Operations produced by the Western Canada Chapter of the International Society of Explosives Engineers;

3. **Permit** Application submission to include:
 - a. Plan of the area to be blasted including separation distances from adjacent **lands** and buildings;
 - b. Blasters contact information;
 - c. Proof of WorkSafe BC certification;
 - d. Proof of insurance;
 - e. Proposed Community Notification Plan and copies of proposed notices; and
 - f. Blast Monitoring Plan including submission of monitoring results to the **City**.

6.1.2 Unless a requirement is waived by the **Subdivision Approving Officer**, every application for a **Permit for soil improvement** shall include a complete application form, as amended by the **City** from time to time, and a report prepared by a **Qualified Professional** containing:

- (a) The legal description of the property including the name and address of the registered **owner**;
- (b) **Soil** analysis (including properties of the **soil**) and borehole logs;
- (c) A site plan showing the extent of proposed works, the zone of influence for the **soil improvement** technique(s) proposed, the surveyed location of any structures or **City** infrastructure that are within the zone of influence of the **soil improvement** activities;
- (d) Appropriate values for acceptable vibration and settlement thresholds for structures and infrastructure within the zone of influence;
- (e) Expected impacts to nearby structures or **City** infrastructure from the **soil improvement** activities, including the quantitative predicted settlement and/or vibration expected, and recommended measures to mitigate impacts;
- (f) A Monitoring Program for vibrations, dust, and noise, including the number and location of gauges, interpretation of results, the frequency of measurement and reporting, triggering points, and proposed actions if prescribed limits are exceeded;
- (g) Proposed Community Notification Plan and copies of proposed notices; and
- (h) Contractors contact information, proof of WorkSafe BC certification, and proof of insurance coverage.”;

8. AND THAT **Section 6. PERMIT REQUIREMENTS, 6.2 (g)** be amended by adding “or **Soil Improvement**,” after “**Blasting**” and deleting “may be required”;

9. AND THAT **Section 6. PERMIT REQUIREMENTS, 6.2 (h)** be added as follows:

“For **Blasting** or **Soil Improvement**, a pre-work survey of nearby buildings and infrastructure, as well as monitoring at sites specified by the **Subdivision Approving Officer**.”;

10. AND THAT **Section 6. PERMIT REQUIREMENTS, 6.4** be amended by deleting “**removal or deposit**” and replacing it with “**removal, deposit, or improvement**”;

11. AND THAT **Section 6. PERMIT REQUIREMENTS, 6.5 (a)** be amended by deleting all references to “**removal or deposit**” and replacing them with “**removal, deposit, or improvement of soil**”;

12. AND THAT **Section 6. PERMIT REQUIREMENTS, 6.5 (c)** be amended by deleting “**deposit or removal**” and replacing it with “**deposit, removal, or improvement**”;
13. AND THAT **Section 6. PERMIT REQUIREMENTS, 6.5 (g)** be amended by deleting “**removal or deposit**” and replacing it with “**removal, deposit, or improvement**”;
14. AND THAT **Section 6. PERMIT REQUIREMENTS, 6.6** be amended by deleting “or material **deposit**” and replacing it with “**deposit, or improvement**”;
15. AND THAT **Section 6. PERMIT REQUIREMENTS, 6.7** be amended by adding “or **improvement**” after the word “**deposit**”;
16. AND THAT **Section 7. ENFORCEMENT, 7.1 (c)** be amended by deleting it in its entirety as follows:

“any person engaged in the **soil removal or deposit** operation or either of them, a notice of such breach. Every person receiving such notice shall forthwith cease and desist from all **soil removal or material deposit** operations, and every **owner** or occupier of **land** upon receiving a notice of a breach shall thereupon cease to permit any further **removal of soil or deposit** of soil or other material from or upon the **land**s, until such breach is remedied to the satisfaction of the **City**.”

and replace with

“any person engaged in the **soil removal, deposit, or improvement** operation or either of them, a notice of such breach. Every person receiving such notice shall forthwith cease and desist from all **soil removal, deposit, or improvement** operations, and every **owner** or occupier of **land** upon receiving a notice of a breach shall thereupon cease to permit any further **removal, deposit, or improvement of soil** or other material from or upon the **land**s, until such breach is remedied to the satisfaction of the **City**.”;

17. AND THAT **Section 7. ENFORCEMENT, 7.6, 7.7 and 7.8** be added as follows:

7.6 No Duty of Care

This bylaw does not create a duty of care on the **City, Council** members, the Approving Officer, the Building Inspector, the **City** Engineer, or employees or agents of the **City** with respect to:

- (i) the review of, verification of, or reliance on information received for the issuance of a **Permit** under this Bylaw;
- (ii) the issuance of a **Permit** under this Bylaw;
- (iii) the inspection of, or failure to inspect, work to **Deposit, Remove, or Improve Soil**; or
- (iv) the enforcement, or failure to enforce the Local Government Act, Land Title Act, or the provisions of this Bylaw.

7.7 No Cause of Action

Neither a failure to administer or enforce, nor incomplete or inadequate administration or enforcement of the Local Government Act, Land Title Act, or the provisions of this Bylaw, nor any error, omission or other neglect in relation to any matter set out in Section 7.6 of this Bylaw will give rise to a cause of action in favour of any person including the **Owner**.

7.8 No Warranty or Representation

A review, or failure to review, by the **Subdivision Approving Officer** of technical information, specification requirements, design and construction drawings, and supporting documents provided as a condition of issuing a **Permit**, will not, in any way, constitute a representation,

warranty or statement that the undertaking of work to **Deposit, Remove, or Improve Soil** complies with the standards as set out in this Bylaw, WorkSafe BC regulations, or safe practice, and no person, including the **Owner**, will rely on such review or failure to review as establishing compliance with this Bylaw, other applicable regulations, or safe practice.

The issuance by the **Subdivision Approving Officer** of a **Permit** will not, in any way, constitute a representation, warranty, or statement that the undertaking of work to **Deposit, Remove, or Improve Soil** in accordance with the conditions of the **Permit** may be completed in accordance with the provisions of this Bylaw, other applicable regulations, or safe practice.

Site visits made by the **Subdivision Approving Officer, City Engineer, Council members**, or any other officer, employee, or agent of the **City**, or the failure to make such site visits, will not, in any way, constitute a representation, warranty, or statement that work to **Deposit, Remove, or Improve Soil** has been undertaken or completed in accordance with this Bylaw, other applicable regulations, or safe practice.”;

18. AND THAT **Schedule A “Application for Soil Deposit or Removal Permit Bylaw No. 9612”** be deleted in its entirety;
19. AND FURTHER THAT **Schedule B “Soil Deposit and Removal Permit (Bylaw No. 9612)”** be deleted in its entirety.
20. This bylaw may be cited for all purposes as "Bylaw No.12489 being Amendment No. 4 to Soil Removal and Deposit Regulation Bylaw No.9612."
21. 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 10th day of July, 2023.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

Airport Fees Bylaw No. 12578

Amendment No. 40 to Airport Fees Bylaw No. 7982

WHEREAS the Community Charter, Section 194, allows Council to impose a fee payable in respect of a municipal service, the use of municipal property, or the exercise of authority to regulate, prohibit or impose requirements.

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the Airport Fees Bylaw No. 7982 be amended as follows:

1. THAT **Section 22. Airport Improvement Fees** be amended as follows:

1.1. Subsection 22.1 be deleted in its entirety and replaced with the following:

"FOR SIGNATORY AIR CARRIERS TO THE AIRPORT IMPROVEMENT FEE (AIF) MEMORANDUM OF AGREEMENT OR AIF AGREEMENT

A fee per departing passenger, less the handling fee provided for in the AIF Memorandum of Agreement or AIF Agreement is as follows:

For travel	Fee per departing passenger
March 1, 2020 to December 31, 2024	\$25.00
January 1, 2025 on	Up to \$28.00

"

1.2. Subsection 22.2 be deleted in its entirety and replaced with the following:

"FOR NON-SIGNATORY AIR CARRIERS

For travel	Fee per departing passenger
March 1, 2020 to December 31, 2024	\$25.00
January 1, 2025 on	Up to \$28.00

"

2. This bylaw may be cited as "Bylaw No. 12578, being Amendment No. 40 to Airport Fees Bylaw No. 7982".

3. 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 28th day of August, 2023.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk