

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, January 16, 2024
4:00 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 evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2040* - Official Community Plan Bylaw No. 12300 and Zoning Bylaw No. 12375.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at Kelowna.ca/council or by request to the Office of the City Clerk.

For those participating this evening, or who have already submitted letters to Council, a reminder that this Hearing and the 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.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor Stack.

3. Confirmation of Minutes

Tuesday Meeting - November 21, 2023
Tuesday Meeting - November 28, 2023

4. Call to Order the Public Hearing

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5. Individual Bylaw Submissions

- 5.1 START TIME 4:00 PM - Lynrick Rd 1702 - OCP23-0011 (BL12603) Z22-0028 (BL12604) - Varro Developers Inc., Inc.No. BC1285726** 18 - 39

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the S-MU -Suburban Multiple Unit designation to NAT – Natural Areas designation and to rezone portions of the subject property from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone and the P3 – Parks and Open Space zone to facilitate a townhouse development.

6. Termination

7. Call to Order the Regular Meeting

8. Bylaws Considered at Public Hearing

- 8.1 START TIME 4:00 PM - Lynrick Rd 1702 - BL12603 (OCP23-0011) - Varro Developers Inc., Inc.No. BC1285726** 40 - 41

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

To give Bylaw No. 12603 second and third reading in order to change the future land use designation of portions of the subject property from the S-MU -Suburban Multiple Unit designation to NAT – Natural Areas designation.

- 8.2 START TIME 4:00 PM - Lynrick Rd 1702 - BL12604 (Z22-0028) - Varro Developers Inc., Inc.No. BC1285726** 42 - 43

To give Bylaw No. 12604 second and third reading in order to rezone portions of the subject property from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone and the P3 – Parks and Open Space zone.

9. Reminders

10. Termination

11. Procedure on each Bylaw Submission

- a) Brief description of the application by City Staff (Development Planning);
- (b) The applicant has up to 15 minutes to make representations to Council regarding the project.
- (c) The Chair will call for representation from the public participating in person and online as follows:
 - (i) Any person wishing to make representations during the Hearing will have the opportunity to do so.
 - (ii) Speakers have up to 5 minutes to share their remarks.
- (d) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in questions be held open, the Chair shall state to participants the the Public Hearing on the Bylaw is closed.
- (e) Once the public has had an opportunity to comment, the applicant is given up to 10 minutes to respond to any questions raised.
- (f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

Note: Any applicant or member of the public may use electronic visual aids to assist in their presentation or questions. Online participants must be able to share their screen to display the item.



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, November 21, 2023
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart*, Charlie Hodge
Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge*

Members Participating Remotely Councillor Gord Lovegrove

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; City Clerk
Stephen Fleming; Divisional Director, Planning, Climate Action &
Development Services, Ryan Smith; Planner II, Kimberly Brunet; Licensing
and Systems Improvement Supervisor, Graham March

Staff Participating Remotely Legislative Coordinator (Confidential) Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 3:01 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Cannan/Seconded By Councillor Hodge

THAT the Minutes of the Public Hearing and Regular Meeting of October 17, 2023 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 3:04 p.m.

Councillor DeHart declared a conflict of interest as they own units on Sunset Drive that could be rented short term and departed the meeting at 3:06 p.m.

Councillor Wooldridge declared a conflict of interest as they hold a short term rental license and departed the meeting at 3:06 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 3:00 PM - Short-Term Rental Accommodation Regulatory Amendments - TA23-0013 (BL12590) - City of Kelowna

Staff:

- Provided introductory remarks regarding the intent of the bylaw amendments.
- Displayed a PowerPoint presentation summarizing the proposed amendments to the Zoning Bylaw regarding short term rental accommodations.
- Provided background of regulations and the reason for the changes.
- Outlined the proposed changes and provided a summary of the provincial legislation.

The Deputy City Clerk provided comments on the proposed bylaw and decision before Council.

The Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Winston Ben, Chapman Pl.

- Short-term rental owner and operator.
- Support staff proposal
- Commented on the lack of clarity regarding provincial legislation.
- Requested that Council advocate in the provincial process of drafting regulation.
- Requested Kelowna opt out of the Province's principal residence requirement and 3% vacancy rate criteria as it is unfair.
- Spoke to current legislation and requested site-specific variances for existing principal residence buildings to continue.

Marilyn Strong, Kelowna

- Displayed a PowerPoint presentation.
- Operates a short-term rental in their house.
- Requested that Council modify or defer the decision.
- Spoke to who will benefit and who will lose with the changes.
- Suggested modifications to the restrictions and allowing licence applications before the end of 2023.
- Requested Council defer their decision until the Province finalizes its regulations.

Michaela Burn, Wilson Ave.

- Owns and operates a short-term rental in their house.
- Concerned changes will transform legitimate short-term rentals to non-conforming uses.
- Premature to change City regulations until provincial regulations are known.
- Requested a moratorium on new short-term rental licences to allow time to assess the impact of the upcoming legislation.

Mary Nona, Birch Ave

- Removing short-term rentals does not meet any of the City's short term rental principles from 2018/2019.
- Spoke to volunteer work at KGH and Cancer Clinic and hearing from families in attendance not having adequate accommodations.
- Spoke to short-term rentals filling a need in the community.
- Spoke to the recommendations having a negative impact to those supplementing their income with a secondary business.
- Students, fixed term contractors, families to KGH and tourists visiting will be negatively impacted.
- Spoke to lack of equity of the program and need to enforce where needed.

Susanne Young, Belmont Rd.

- Displayed a PowerPoint presentation outlining concern for the recommendation to remove short-term rentals.
- Spoke to the positives of short-term rentals.
- Spoke to challenges of enforcement and compliance.
- Spoke to problem of student accommodation being addressed by short-term rentals as well as travelling nurses and the impact on KGH if they are removed.
- Spoke to staff's previous recommendations in 2018 on short-term rentals.

Mark, Grainger Rd.

- Request that Council defer and modify recommendation based on provincial regulations.

Clayton Robertson, Collinson Ct.

- Spoke to multigenerational approach and not being able to afford rent without help from family as an apprentice electrician.
- Spoke to family experience with renters and damage to rental unit.
- Spoke to coverage provided by rental agencies for AirBnBs.
- Removal of short term rentals is detrimental to the rights of home ownership.
- Costs of developing units escalating and impacting housing availability.
- Spoke to digitalizing and speeding up the process for multifamily developments.
- Short-term rental regulations and the federal government immigration legislation are at odds.
- Short-term rentals help bring more people to Kelowna and a positive accommodation alternative.

Jarod Vastratta, Upper Mission

- Spoke to short-term rentals in his neighbourhood negatively impacting his house including property damage and loud activity.
- Spoke to short-term rentals increasing the cost of housing and contributing to the lack of affordable housing.

Marty Coymen, Belagio Way

- Concerned with the recommendation.
- They will not be changing their rental property to long term rentals.
- Spoke how unaffordable it is to live in Kelowna without a good paying job.
- Spoke to government regulations resulted in the lack of housing options.
- Concerned that those who do not have a licence will not be able to get one.

The meeting recessed at 4:14 p.m.

The meeting reconvened at 4:24 p.m.

The Mayor made remarks regarding the public hearing conduct.

Staff provided comment regarding bed and breakfast use for principle residences.

No name provided, Clifton Rd N.

- Operate a short-term rental.
- Suggested short-term rentals will not be converted to long-term rentals.
- Acknowledged negative operators and experiences of others.
- Supports more enforcement.
- Spoke to a housing crisis and renovations and the concerns with rentals.
- Spoke to short-term rentals being a viable option for students and apprenticing trades people.
- Spoke to the economic benefits of short-term rentals.

Robin, Deans Dr.

- Spoke to being a renter and a full-time registered nurse trying to buy a house and cannot afford anything.

JP Letnick, Steele Rd.

- Spoke to being a realtor and the number of vacant homes and significant inventory on the market with most of them not being used for short-term rentals.
- Spoke to the public confusion between short-term rental licences and bed and breakfast licences.
- Spoke to difficulty removing problematic long-term renters.
- Requested advocacy on provincial legislation.

Paul Smith, Walker Dr.

- Spoke to challenges converting short-term rentals to the long-term in a rental pool.
- Spoke to benefits of short term rentals versus hotel setting for people with disabilities giving them greater flexibility.
- Spoke to affordability of short-term rentals versus traditional hotel/motel accommodation.

Wesley Favro, Enterprise Way

- Requested Council to support the proposed amendments recommendation of staff and reduce short-term rentals in community short term rental restrictions.
- Short-term rentals disrupt social fabric of neighbourhoods and impact affordable housing.

Penny Pearson, Glenwood Ave.

- Supports the proposed text amendment.
- Requested Council looks at the community as a whole and balance between tourism and the need for affordable and available housing.
- Allow existing operators to continue operating short-term rentals.
- Believes some will convert to long-term rentals to have additional income.
- Spoke to approach in Quebec with fines being paid by online platforms that host illegal short-term rentals.

Kris Stewart, Ethel St.

- Spoke to using Air BnB for their carriage house for short-term rentals for several years.
- Will not be converting to long-term rental with their experience with inability to remove problem tenants.
- Owns a travel nurse company and the carriage house is used as a short-term rental for nurses at hospital a couple months at a time.
- Spoke to applications in process should be processed.
- Spoke to legislation being known from province first before Council makes a decision.

Paul Davies, Rutland

- Spoke to requesting Council to defer their decision until provincial legislation is confirmed.
- Operates a short-term rental in his principal residence.
- Referenced Priority for Action on Short Term Rentals published by UBCM.
- Data doesn't support short-term rentals impacting long-term rental market.
- Spoke to correlation versus causation.

Online:

Ben Jollymore, Yates Rd.

- Opinions don't reflect the population of Kelowna.
- Spoke to being an engineer and currently a renter who is not able to afford home ownership in the Kelowna housing market.
- Spoke to the recommendation being one small step in lowering housing costs and expects 50/50 or more of residents in favour of the proposed amendments.
- Shared screen to show Airbnb pricing higher in the off season of February compared with less costly hotels.
- Requested Council support the recommendation to help lowering housing costs and encourage housing options.

Colin Metcalfe, St Paul St.

- Spoke to needing to sell their home if legislation to remove short-term rentals is enacted. Invested in Kelowna because of option for short-term rentals.
- New provincial legislation will harm tourism industry and make hotel stays more expensive.
- Recommend table zoning bylaw change until we know what impact Bill C35 will have.
- Spoke to impact on the economy if no one can afford to visit.

Jordan Kinghorn, Cook Rd.

- Counsel for Playa Del Sol.
- Provided some background to Playa Del Sol being exempt to the proposed amendments.
- Building developed and used for vacation rentals.
- Asked the City to continue to support short-term rentals at Playa del Sol and other resort communities to support tourism and economy
- Advocate to the Province if needed.

Gallery:

Deena Steele, Kelowna

- Short term rental operator. Spoke to concerns of housing affordability.
- Request defeating the bylaw amendments as we need more details from the Province.
- Shared some of the positive impacts of short-term rentals including strong wages for cleaners and support businesses.
- Spoke to the positive impacts of short-term rentals for the film industry and the health industry for practitioners and visiting family members seeking medical care.
- Spoke to clients not being interested in the long term market and would instead opt out to allow executive rentals with 90 day minimum stays.
- Requested Council advocate on community's behalf to the Province regarding support for enforcement for exemptions.

Michael Cesnik, Stockwell Ave.

- Spoke to policy approach to regulating short-term rentals.
- Many options are available to consider via the context of a short-term rental policy.

Tim Layler, Hollywood Dr S.

- Works at a short term property management company.
- Concerned with removing parking restrictions, need offstreet parking so not to impact streets.
- Requested the amendment be reviewed and tabled later so it can be put together in conjunction with incoming provincial legislation.
- Spoke to creating bylaws for tourism designation zoning for principal use properties to be exempt from provincial restrictions.

Mike Pearson, Kelowna

- Spoke to being a renter and being involved with several supportive housing sites.
- Consider age and economic status of those opposing amendments.
- Need for additional housing supply.
- Consider voices not being represented here.
- More affordable housing needed across all demographics.
- Supports proposed amendments.

Patty Little, Pandosy Ave.

- Young family taking on additional jobs to make ends meet.
- Spoke to unaffordability of the market and the need for tenants to make ends meet.
- Have used extra room in house as short-term rental for additional income.
- Many circumstances where removing short-term rental as secondary use will exacerbate housing affordability issue instead of reduce it.
- Consider more specific instead of broad approach.
- Cost of housing and interest rates are the problem.
- Short-term rentals are more affordable for travelling, especially in larger groups.

- Concerned the removal of short term rentals will exacerbate the rental market causing their family to have to consider renting.

Megan Parnell, Glenmore

- Spoke to being a long-term landlord that frequently travels.
- Not opposed to long-term rental solutions.
- Wants a choice in what to do with their property.
- Spoke to monetary order with a problematic long-term tenant and the need to raise rental rates due to expenses for landlords.
- Gather more feedback from long-term tenants and landlords.
- Allow short-term rentals because removing won't increase long-term rental availability.
- Requested advocacy to balance residential tenancy rules to support landlords.

Online:

Maria Shaw, Richter St.

- Supports the recommendation to remove short-term rentals as they affect affordability for everyone.
- Spoke to many posting for jobs at hotels.
- Travelers for work prefer hotels instead of shared accommodation.

Blake Roberts, Kelowna

- Spoke to those short-term rentals legally zoned as principal use.
- Spoke to the need for units as they are assisting home owners pay their taxes.
- Spoke to the financial hardship this will have to many short-term rental owners.
- Told when OCP and zoning changed that non-conforming use provisions apply and short term rentals will continue to be allowed.
- Units put at risk when OCP was changed.
- Online Accommodation Platform tax goes to City of Kelowna for low-income housing.
- City created problem by allowing short-term rentals, need to fix housing problem.
- Spoke to need to work with the Province on amending short-term rentals.

Staff provided comments on impacts of provincial legislation as it may impact purpose built short-term rental properties regardless of City zoning.

Gallery:

Taylor Cameron, Fuller Ave

- A homeowner and realtor, short-term rental operator and landlord.
- Displayed a PowerPoint presentation outlining the provincial registry, city approved licenses, and the need to give local governments stronger tools to enforce short-term rental bylaws.
- Spoke to lacking data evidence that converting to long-term rentals will make units affordable.

Luke Turri, Mission Group Developments

- Submitted correspondence to Council and MLAs.
- New provincial legislation will create unintended consequences for City if exemptions are not provided for principal use buildings.
- Spoke to tourist commercial zoning accommodations being challenged in the peak season if short-term rentals are removed; need a Kelowna-specific solution.
- Advocate to the Province to allow for specific exemptions, especially for tourism commercial, before regulations are developed.

The meeting recessed at 5:57 p.m.

The meeting reconvened at 6:20 p.m.

Online:

Cheryl Spelliscy, Sutherland Ave

- Spoke to having a vacant suite and waiting to the provincial legislation to come out before renting out to potential health care workers and students.
- Spoke to need to continue allowing short term rentals.
- Spoke to timing being unclear between City regulations and provincial legislation.
- Spoke to need to mitigate for resort style communities.

Brad Hallam

- Unable to speak due to technical issues with their microphone. Staff will come back to give another opportunity to speak.

Kyle

- Did not unmute or turn video on. Staff will come back to give another opportunity to speak.

Dana

- Did not unmute or turn video on. Staff will come back to give another opportunity to speak.

Gallery:

Jillian Crowel, Green Rd.

- Realtor who is seeing many units selling that are not to be owner occupied.
- Not in favour of removing short-term rentals.
- Spoke to the history of rentals in Kelowna.

Steve Nicholson, Sunset Dr.

- In favour of short term rentals.
- Spoke to units being set up as tourist accommodations, similar amenities to hotels.
- Spoke to need for options other than hotels.
- Several projects are coming online.

Andre Blanleil, Marina Way

- Resort municipalities not affected by new provincial legislation.
- Kelowna has high tourism draw, concerns for limited tourist accommodation.
- Spoke to a downtown zone needing to be established as a short term rental zone as principal use.
- Owns property in Discovery Bay; spoke to their unit being rented out to students and nurses who need short-term rentals.
- Concerned other problems are being created by trying to solve one issue.
- Hotel stays are not always an affordable option for families.

Derek Weatherhead, Kelowna

- Local realtor, does not operate a short-term rental.
- Spoke to increase in short term rentals and the need for them.
- Housing and helping others gain housing has been important part of their life.
- Citizens being blamed for using properties in certain way instead of government focusing on mechanisms to support housing affordability.
- Commented on previous development applications in outlying areas being denied.
- Removing people's rights without putting units back into housing market.

Online:

Andrew McNeil, Kelglen Cr.

- Spoke to their unit and the rental conditions.
- Want short-term rental in basement suite as mortgage helper.
- Keep short-term rentals as secondary use.
- More affordable than hotel, setup is not conducive to long-term rental.
- Denied short-term rental business licence because of being located in a suite.

- Do not want to entertain long-term rentals and will not open up their residence to long term.

Leanne W., Shanks Rd., Okanagan Vacation Rentals

- Licensed property manager, real estate agent and rental management company.
- Deals with complaints about short-term rentals.
- Spoke to removing opportunity for short-term rentals will negatively impact tourism.
- Some short-term rentals benefit from the blend between tourism and student use.
- Concerned with unemployment that will occur for rental cleaning staff.
- Concerned property values will decrease in those area where short-term rentals are removed.

Brad Hallum

- Does not operate a short-term rental.
- Operates small tour business downtown, most guests book directly through AirBnB and Trip Advisor.
- Concerned about going out of business if short-term rentals are removed.
- Requested follow existing rules and have short-term rentals remain viable options.
- Requested Council to reconsider and allow short-term rentals to remain as an option for visitors to come to Kelowna.

Caio Oliveira, Kelowna

- Sent correspondence.
- Spoke to new provincial rules being driven by issues in Vancouver.
- Spoke to removing short-term rentals being unfair and that owners should not be told what to do with personal property.
- Concerned not everyone will be able to afford owning a house.

No one else came forward in the gallery or online.

Staff responded to questions from Council.

The Deputy City Clerk provided comments on Council's options.

The Mayor provided comments.

There were no further comments.

6. Termination

The Hearing was declared terminated at 7:22 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 7:22 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 3:00 PM - Short-Term Rental Accommodation Regulatory Amendments - BL12590 (TA23-0013) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Webber

THAT Bylaw No. 12590 be read a second and third time.

Moved By Councillor Cannan/Seconded By Councillor Hodge

THAT Council defer consideration of the bylaw until the Province confirms short-term rental regulations.

The original motion was not considered due to deferral.
Staff provided comments on procedural matters.

9. Termination

The meeting was declared terminated at 7:29 p.m.

Mayor Dyas

lb/cm



Deputy City Clerk

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, November 28, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan,, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge
Members Participating Remotely	Councillors Charlie Hodge and Gord Lovegrove
Members Absent	Councillor Maxine DeHart
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Urban Planning Manager, Jocelyn Black; Planner, Barbara Crawford*; Planner Specialist, Adam Cseke*; Planner, Jason Issler*; Legislative Coordinator (Confidential), Rebecca Van Huizen
Staff Participating Remotely	Divisional Director, Planning, Climate Action & Development Services, Ryan Smith; Legislative Coordinator (Confidential) Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 4:00 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:03 p.m.

4. Individual Bylaw Submissions

- 4.1 **STARTTIME 4:00 PM - Ellis St 1175-1177 - HRA22-0001 (BL12588) - Kelowna Train Station Inc., Inc. No. BCo847922**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Perry Freeman, Okanagan Commercial Realty Group, Applicant Participating Remotely and Katherine Robertson, Kasian Architecture, in the Gallery

- Shared a PowerPoint Presentation.
- Provided a brief background regarding the Heritage Revitalization Agreement.
- Provided neighborhood context in relation to the site location.
- Indicated that future development had always been envisioned for the site with pre-load material deposited on the site well over 10 years ago in anticipation of a 3 storey building.
- Commented that the Gingko tree on site would be preserved.
- Made comment that the parking lot will remain gravel and unpaved in anticipation of future development and not offered for use by tenants of the complex.
- Determined that the current HRA was entered into a very long time ago and should be revisited to determine more appropriate uses of the surplus lands.
- Displayed a summary of project statistics between the existing HRA and new HRA.
- Displayed renderings of the proposed buildings and provided rationale for the site design; worked with a Heritage Consultant on the re-design to ensure cohesiveness and centered around the train station asset.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Beverly Kalmakoff, Kelowna Tree Protectors

- Thanked Council and staff for their increasing protection of trees.
- Thanked the Applicant for protecting the Gingko tree on site.
- Raised concerns that the Gingko tree remains protected in its location during construction as this sometimes does not occur.

Will Born, Ellis Street

- Raised safety concerns with the zero setback allowance being very close to the Sport Complex.

Applicant in Response:

- Confirmed the tree report sets out construction protection requirements.
- Regarding zero setback, the BC Building Code requirements address fire safety for adjacent buildings which will be followed.
- Responded to questions from Council.

There were no further comments.

5. Termination

The Hearing was declared terminated at 4:45 p.m.

6. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:45 p.m.

7. Bylaws Considered at Public Hearing

7.1 **START TIME 4:00 PM - Ellis St 1175-1155 - BL12588 (HRA22-0001) - Kelowna Train Station Inc., Inc. No. BC0847922**

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12588 be read a second and third time.

Carried

8. Termination

The meeting was declared terminated at 4:46 p.m.

9. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:46 p.m.

10. Individual Bylaw Submissions

10.1 START TIME 4:00 PM - Amendments to Multiple Sections of Zoning Bylaw - TA23-0010 (BL12594) - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery came forward.

Staff::

- Responded to questions from Council.

There were no further comments.

11. Termination

The Hearing was declared terminated at 5:05 p.m.

12. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 5:05 p.m.

13. Bylaws Considered at Public Hearing

13.1 START TIME 4:00 PM - Amendments to Multiple Sections of Zoning Bylaw - BL12594 (TA23-0010) - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12594 be read second and third time.

Carried

14. Development Permit and Development Variance Permit Reports

14.1 START TIME 4:30 PM - High Rd 1885 and Glenmore Dr 810 - BL12522 (Z21-0060) - Polar Projects Development Group Ltd., Inc. No. 1287251

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12522 be adopted.

Carried

14.2 START TIME 4:30 PM - High Rd 1885 and Glenmore Dr 810 - DP21-0132 DVP21-0133 - Polar Projects Development Group Ltd., Inc. No. 1287251

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Dionne Delesalle, Polar Development Projects, Applicant, Participating Remotely

- Have been working with staff on this application for just over 2 years.
- Spoke to the site context and history of the property.
- Commented that a Certificate of Compliance issued for each lot only allows for surface parking.
- Spoke to the irregular shape of the site that has dictated the site plan and layout.
- Spoke to access and egress on the southern property line and closing the current access off of Glenmore Road; noted that Engineering was supportive of the Glenmore Road closure.
- Spoke to public engagement sessions discussing design form and character and overall density and there were no issues.
- Spoke to building amenities; roof top amenity with outdoor garden space and noted that each unit will have their own private space.
- There is a lot of bike parking and car-share for residents.
- Commented that this proposed building will be built to Step 3 Energy Code.
- Potential build out of the rental apartments would start in 2024 if approved.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery came forward.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council authorizes the issuance of Development Permit No. DP21-0132 and Development Variance Permit No. DVP21-0133 for Lot A Section 29 Township 26 ODYD Plan KAP58828, Lot 2 Section 29 Township 26 ODYD Plan 4101 and That Part Of Road Dedicated On Plan 896 Section 29 Township 26 ODYD Shown As Road To Be Closed On Plan EPP128151 located at, and adjacent to, 1885 High Road and 810 Glenmore Drive, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the variances to the following sections of Zoning Bylaw No. 12375 be granted:

Table 7.2: MF3 – Tree & Landscaping Planting Requirements

To vary the minimum growing medium area from 75% soil based landscaping required to 65% soil based landscaping proposed.

Section 7.2.3(a): Site Layout, Landscaping Standards

To vary a driveway within a landscape area from being permitted to cross the landscape area to being permitted to reduce a portion of the landscape area on the southern property line.

Section 13.5: MF3 – Development Regulations

To vary the minimum building setback from 3.0m required to 0.6m proposed.

AND THAT lot consolidation be completed prior to the issuance of the Development Permit and Development Variance Permit;

AND THAT the applicant be required to complete the above noted conditions of Council’s approval of the Development Permit and Development Variance Permit Applications in order for the permits to be issued;

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

Carried
Councillor Cannan - Opposed

The meeting recessed at 5:46 p.m.

The meeting reconvened at 5:54 p.m.

14.3 START TIME 5:15 PM - Rutland Rd N 155-179 - BL12548 (Z23-0013) - ASI Central GP Inc., Inc. No. A0117887

Moved By Councillor Webber/Seconded By Councillor Stack

THAT Bylaw No. 12548 be amended at third reading by adding "Except Plan EPP119750" to the Legal Description.

Carried

Moved By Councillor Webber/Seconded By Councillor Stack

THAT Bylaw No. 12548, as amended, be adopted.

Carried

14.4 START TIME 5:15 PM - Rutland Rd N 155-179 - DP23-0038 DVP23-0039 - ASI Central GP Inc., Inc. No. A0117887

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Helen Bacharach, Project Architect

- Thanked staff for providing a thorough and competent report.
- Believes the building will animate the Rutland area and will contribute to the streetscape with a brick façade.
- Spoke to the number of rental units to be provided along with underground parking.
- Spoke to the 2 amenity areas indoors and outdoors.
- Spoke to the number of bike storage spaces and confirmed the bike room is on the main floor.
- Commented on the many changes this project has gone through.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery came forward.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

THAT Council authorizes the issuance of Development Permit No. DP23-0038 and Development Variance Permit No. DVP23-0039 for Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920 Except Plan EPP119750, located at 155-179 Rutland Rd N, Kelowna, BC subject to the following:

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

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 14.11, Footnote ²: UC4r – Commercial and Urban Centre Zone Development Regulations
To vary the required minimum side yard for any portion of a building above 16.0 m in height from 4.0 m required to 0.25 m proposed (north side yard).

Section 14.11, Footnote ²: UC4r – Commercial and Urban Centre Zone Development Regulations
To vary the required minimum side yard for any portion of a building above 16.0 m in height from 4.0 m required to 0.13 m proposed (south side yard).

AND THAT the applicant be required to enter into a Car-Share Agreement for a minimum of two years from the date of Building Occupancy as set out in Attachment "C" attached to the Report from the Development Planning Department November 28, 2023;

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

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

Carried

14.5 START TIME 5:15 PM - Supplemental Report - 285 Robson Rd W - (BL12541) Z22-0035 - 1329606 B.C. Ltd., Inc. No. BC1329606

Staff:

- Provided rationale for deferring the requirements of the Development Engineering Memorandum to the time of building permit issuance.

Moved By Councillor Lovegrove/Seconded By Councillor Wooldridge

THAT Council waives the requirement for the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated June 12, 2023 to be considered in conjunction with final adoption of Rezoning Bylaw No. 12541;

AND THAT final adoption of Rezoning Bylaw No. 12541 be considered by Council.

Carried

14.6 START TIME 5:15 PM - Robson Rd W 285 - BL12541 (Z22-0035) - 1329606 B.C. Ltd., Inc. No. BC1329606

Moved By Councillor Stack/Seconded By Councillor Webber

THAT Bylaw No. 12541 be amended at third reading as follows:

Deleting " / 280 Rutland Road South" from the title, and
Deleting "and Rutland Road South".

Carried

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12541, as amended, be adopted.

Carried

14.7 START TIME 5:15 PM - Robson Rd W 285 - DP23-0046 DVP23-0047 - 1329606 B.C. Ltd., Inc. No. BC1329606

Staff:

- Displayed a PowerPoint Presentation summarizing the application..

Sara Johal, Meiklejohn Architects Inc., Applicant

- Displayed a PowerPoint presentation.
- Spoke to the positive feedback from neighbours for incorporating Murals into the building design; working with the Uptown Rutland Business Association to have a local artist paint the murals.
- Spoke to neighbourhood involvement from the beginning of the design phase and the incorporation of their feedback into the design.
- Provided details on the form and character aspect of the proposed building.
- Spoke to the location being perfect for public transit, connectivity to downtown Kelowna and to the UBCO Campus as well as being on a bike path.
- Commented that the adjacent Bus Stop will be enhanced due to this development.
- Spoke to the overall community and neighbourhood support for this project.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery came forward.

Staff::

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Hodge

THAT Council authorizes the issuance of Development Permit No. DP23-0046 and Development Variance Permit No. DVP23-0047 for Lot 1 Section 23 Township 26 ODYD Plan EPP120337, located at 285 Robson Rd W, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

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

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 13.5: MF3 – Multi-Dwelling Zones, Development Regulations

To vary the required minimum flanking side yard from 4.5 m required to 2.1 m proposed.

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

Carried

15. **Reminders - Nil.**

16. **Termination**

The meeting was declared terminated at 6:31 p.m.

Mayor Dyas

/acm

City Clerk

REPORT TO COUNCIL

OCP & REZONING



Date: November 27th, 2023
To: Council
From: City Manager
Address: 1702 Lynrick Road
File No.: OCP23-0011 / Z22-0028

	Existing	Proposed
OCP Future Land Use:	S-MU – Suburban – Multiple Unit & NAT – Natural Areas	S-MU – Suburban – Multiple Unit & NAT – Natural Areas
Zone:	RR1 – Large Lot Rural Residential & P3 – Parks and Open Space	MF2 – Townhouse Housing & P3 – Parks and Open Space

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP23-0011 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of Lot A Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP48482 Except Plan KAP75423, located at 1702 Lynrick Road from the S-MU – Suburban Multiple Unit designation to NAT – Natural Areas designation, as shown on Map “A” attached to the Report from the Development Planning Department dated November 27th, 2023, be considered by Council;

AND THAT Rezoning Application No. Z22-0082 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classifications of Lot A Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP48482 Except Plan KAP75423, located at 1702 Lynrick Road, Kelowna, BC from the RR1 – Large Lot Rural Residential zone to the P3 – Parks and Open Space zone and the MF2 – Townhouse Housing zone as shown on Map “B” attached to the Report from the Development Planning Department dated November 27th, 2023, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment “A” to the Report from the Development Planning Department dated November 27th, 2023;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered subsequent to approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT final adoption of the Official Community Plan Amending Bylaw and Rezoning Bylaw be considered in conjunction with the Development Planning Department Manager’s consideration of a Natural Environment Development Permit for the subject property;

AND FURTHER THAT final adoption of the Official Community Plan Amending Bylaw and Rezoning Bylaw be considered in conjunction with Council’s consideration of a Development Permit for the subject property.

2.0 Purpose

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the S-MU -Suburban Multiple Unit designation to NAT – Natural Areas designation and to rezone portions of the subject property from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone and the P3 – Parks and Open Space zone to facilitate a townhouse development.

3.0 Development Planning

Staff support the proposed Official Community Plan (OCP) Amendment Application from S-MU – Suburban Multiple Unit to NAT – Natural Areas. As part of the application, a large portion of the property is to be dedicated to the City to establish the required 15.0 m Riparian Management Area setback along Gopher Creek, and the addition of a park trail to link the existing Gopher Creek Linear Trail. This requires the OCP Future Land Use Map to be amended to align with the proposed linear corridor. Staff have reviewed this application, and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan.

Staff also support the proposed Rezoning Application from RR1 – Large Lot Rural Residential zone to MF2 – Townhouse Housing zone and P3 – Parks and Open Space. The subject property has a Future Land Use Designation of S-MU – Suburban Multiple Unit and is located near Black Mountain Elementary School and Gopher Creek Linear Park. The MF2 zone allows for a subtle transition in density into the established neighbourhood. The subject property and the surrounding areas have the Future Land Use of S-MU – Suburban Multiple Unit because the proposed Black Mountain Village Centre is situated on the other side of Loseth Road. When the adjacent property is developed, it will offer commercial uses in close proximity to the subject property. The proposed park dedication requires part of the property to be rezoned to P3 to align with the linear park trail.

The proposal meets the intent of the Suburban Neighbourhood policies, which are intended to provide additional ground-oriented housing in a variety of housing typologies in areas that are near small scale commercial services, amenities like schools and parks and educational sites.

Lot Area	Proposed (m ²)
Gross Site Area	9,319.7 m ²
Road Dedication	n/a
Undevelopable Area	3,231.6 m ²
Net Site Area	6,088.1 m ²

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	RU4 – Duplex Housing	Semi-Detached Housing
East	RU1 – Large Lot Housing & RU4 – Duplex Housing	Semi-Detached Housing & Single-Detached Housing
South	P3 – Parks and Open Space	Gopher Creek
West	RR1 – Large Lot Rural Residential	Rural Residential

Subject Property Map: 1702 Lynrick Road



The subject property is located on both Lynrick Road and Loseth Road and has the Future Land Use Designation of S-MU – Suburban Multiple Unit and NAT – Natural Areas. The surrounding area has a mix of RU4 – Duplex Housing, RU1 – Large Lot Housing, RR1 – Large Lot Rural Residential and P3 – Parks and Open Space. The property is adjacent to Gopher Creek Linear Park and is near Black Mountain Elementary School.

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 transportation facilities. <i>The site will be made-up of low-density ground-oriented housing. These units are proposed as three-bedroom townhouses.</i>
Policy 7.2.3. Integrate Nature	Integrate the design of active parks with adjacent natural areas while maintaining individual park standards. Reduce impacts of parks on adjacent natural systems. <i>The proposal includes dedication of land that will become a new park trail and a protected Riparian Management Area of Gopher Creek.</i>
Objective 7.3. Design Suburban Neighbourhoods to be inclusive, safe, and to foster social interaction.	
Policy 7.3.1. Private Open Space	Encourage the development of private open space amenities as part of new multi-unit residential development in Suburban Neighbourhoods. <i>The site proposes the majority of the required amenity space as common amenity space that will be situated throughout the development.</i>

Objective 7.6. Support a variety of low-density housing.	
Policy 7.6.2. Social connections through design.	Encourage design for multi-unit residential buildings that incorporates common spaces that foster social connections, such as gardens, greenspace and children’s play areas.
	<i>The proposal includes common amenity spaces (benches, play areas, picnic tables, etc.) that promote social interactions.</i>

6.o Application Chronology

Application Accepted: April 26th, 2022
 Neighbourhood Notification Summary Received: October 13th, 2023

Report prepared by: Tyler Caswell, Planner II
Reviewed by: Lydia Korolchuk, Acting Planning Supervisor
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:
 Attachment A: Development Engineering Memo
 Map A: OCP Amendment OCP23-0011
 Map B: Zoning Amendment Z22-0028

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

CITY OF KELOWNA

MEMORANDUM

Date: May 24, 2022

File No.: Z22-0028

To: Planning and Development Officer (TC)

From: Development Engineering Manager (NC)

Subject: 1702 Lynrick Rd A1 to RM3


The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject property from the A1 - Agriculture 1 zone to the RM3 - Low-Density Multi-Family zone. The Development Technician for this file is Sarah Kelly (skelly@kelowna.ca).

1. GENERAL

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.
- c. This property is located within the 800m MoTI Highway Buffer therefore, Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- d. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

2. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject lot is located within the Black Mountain Irrigation District (BMID) service area. The developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b. The Developer's Consulting Mechanical Engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by BMID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.

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- c. The water system must be capable of supplying the domestic and fire flow demands of the project in accordance with the Subdivision, Development, & Servicing Bylaw No. 7900. Provide water flow calculations for this development to confirm bylaw conformance (150 L/s for apartments & townhouses).

3. SANITARY SEWER SYSTEM

- a. Our records indicate that the subject lot is currently serviced with a 100-mm diameter sanitary sewer service. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development.
- b. The applicant must arrange for the removal and disconnection of the existing service off a rear yard main to the north of the subject lot. New service connection is to be provided off main within Lynrick Rd. Service must be complete with an inspection chamber and brooks box (as per SS-S7 & SS-S9), at the applicants cost.

4. STORM DRAINAGE

- a. This property is located within an area identified by the City of Kelowna as having poor infiltration conditions. Service connection to the City storm system, complete with onsite detention and flow control, is required for all multi-family land uses. The City will not permit infiltration to ground except for foundation drainage.
- b. The Developer's consulting civil engineer must provide a stormwater management plan for the site, which meets all requirements of the Subdivision, Development, and Servicing Bylaw No. 7900. SWMP must include lot grading plan, minimum basement elevations (MBE), and onsite drainage systems.
- c. Provide the following drawings:
- i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii. A detailed Stormwater Management Plan for this subdivision; and,
 - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- d. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*.
- e. As per Bylaw 7900, Schedule 4, Section 3.1.3 Climate Change, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- f. Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- g. Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.

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

5. **ROAD IMPROVEMENTS**

- a. Loseth Rd is classified in the 2040 OCP as a minor arterial therefore no access will be permitted off Loseth Rd. Required upgrades are to include landscaped and irrigated boulevard, removal of driveway letdown and replacement with sidewalk and barrier curb, and pavement removal, replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. Lynrick Rd is classified in the 2040 OCP as a collector and must be upgraded to an urban standard along the full frontage of the subject property. Required upgrades are to include curb and gutter, sidewalk, extension of storm drainage system, fillet paving, LED street lighting, landscaped and irrigated boulevard, pavement removal, replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c. All Landscape and Irrigation plans require design and inspection by a Qualified Professional registered with the BCSLA and the IABC, are to be included as a line item in the estimate for the Servicing Agreement performance security. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.
- d. Streetlights must be installed on all public roads. All streetlighting plans are to include photometric calculations demonstrating Bylaw 7900 requirements are met and require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.

6. **POWER AND TELECOMMUNICATION SERVICES**

- a. All proposed distribution and service connections are to be installed underground. It is the developer’s responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant’s cost.
- b. If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City’s Development Manager.
- c. Re-locate existing poles and utilities, where necessary including within lanes. Remove aerial trespass(es).

7. **GEOTECHNICAL STUDY**

- a. At time of Building Permit, the Applicant is required to provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:


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- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities, and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains and perimeter drains.
 - vii. Recommendations for erosion and sedimentation controls for water and wind.
 - viii. Any items required in other sections of this document.
- b. Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

- c. If any blasting is proposed as part of this subdivision, a Soil Removal and Deposit Application must be made to the City for such works. The proposed blasting work is to comply with Amendment No. 1 to the Soil Removal and Deposit Regulation Bylaw No. 9612, specifically Section 6 PERMIT REQUIREMENTS – (k) and (g).
- d. Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

“Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more than 2 tiers must be designed and constructed under the direction of a qualified professional engineer.”
- e. The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia's Professional Practice Guidelines for Retaining Wall Design. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of Retaining Wall Design Guideline) and any necessary independent reviews (as per EGBC's Documented Independent Review of Structural Designs).
- f. Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.

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- g. Any exposed natural rock surface on a lot that has the potential for materials to displace causing a hazardous condition, must be reviewed by a qualified professional engineer with the appropriate and measures undertaken as prescribed by the engineer. For adequate Rockfall Protection adjacent to walls and rock cuts, please consider BC MoTI Supplement to TAC Geometric Design Guide 440, page 440-8, which outlines a ditch bottom width depending on wall height. Sidewalks and utilities should be kept out of this protection area. Additional ROW may be required.


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

8. DEVELOPMENT RELATED ISSUES / SITE ACCESS

- a. All access to development must be from Lynrick Rd. Only one driveway will be permitted with a maximum width of 6m.
- b. Indicate on the site, the locations of the garbage and recycle bins. Provide turning movements for a HSU vehicle to confirm manoeuvrability on site without requiring reverse movement onto Lynrick Rd.
- c. All existing easements and covenants must be maintained. Application must be made to the City's Real Estate Services Department for any easements registered in favour of the City that the Developer would like to request release of. Easements and/or covenants will only be released if, upon internal City review, they are deemed no longer necessary.

9. DESIGN AND CONSTRUCTION

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

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10. SERVICING AGREEMENT FOR WORKS AND SERVICES


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

11. CHARGES, FEES, AND SECURITIES

- a. Development Cost Charges (DCC's) are payable.
- b. Fees per the "Development Application Fees Bylaw" include:
 - i. Street Marking/Traffic Sign Fees: at cost (to be determined after design).
 - ii. Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - iii. Survey Monument Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv. Engineering and Inspection Fee: 3.5% of frontage upgrades (plus GST).


 Nelson Chapman, P.Eng.
 Development Engineering Manager

SK

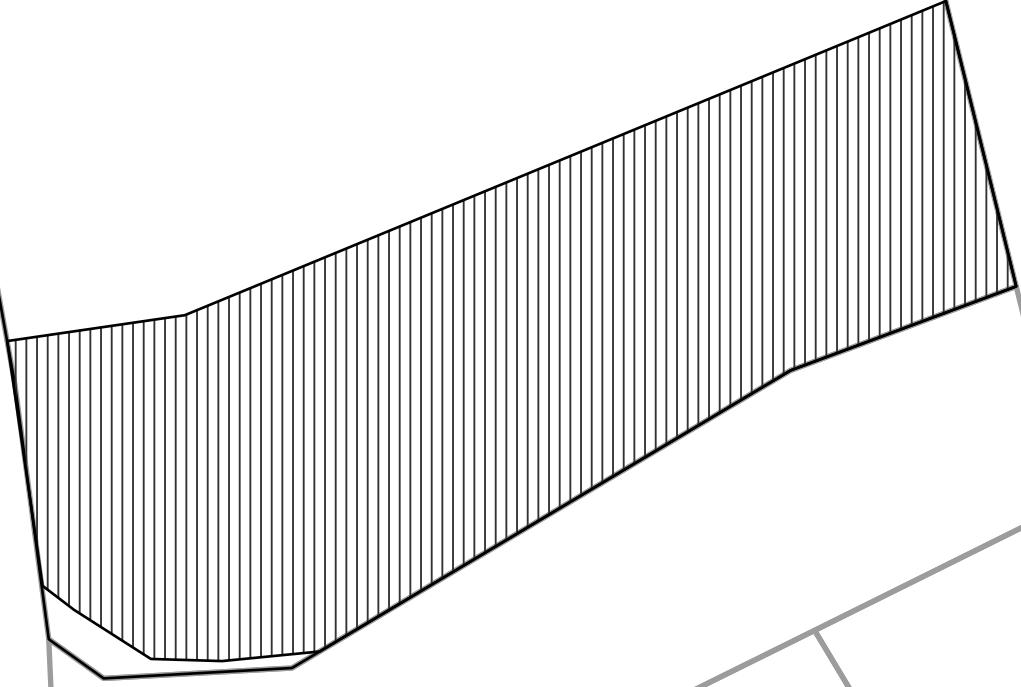
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ATTACHMENT Map A
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OCP23-0011 Z22-0028
Planner Initials TC
City of Kelowna
DEVELOPMENT PLANNING





LYNRICK RD

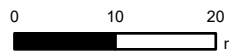
1702



**MAP "A" OCP AMENDMENT
OCP23-0011**

-  Suburban Multiple Unit (S-MU) to Natural Area (NAT)
-  Subject Property

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



Rev. Tuesday, November 7, 2023



ATTACHMENT

Map B

This forms part of application

OCP23-0011 Z22-0028



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials **TC**



LYNRICK RD

1702

MAP "B" ZONING AMENDMENT Z22-0028

- Large Lot Rural Residential (RR1) to Parks and Open Space (P3)
- Large Lot Rural Residential (RR1) to Townhouse Housing (MF2)
- Subject Property

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Rev. Tuesday, November 7, 2023





City of
Kelowna

OCP23-0011 / Z22-0028 1702 Lynrick Road

OCP Amendment & Rezoning Applications

Purpose

- ▶ To amend the Official Community Plan to change the future land use designation of portions of the subject property from the S-MU – Suburban Multiple Unit designation to NAT – Natural Areas and to rezone the subject property from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone and the P3 – Parks and Open Space zone to facilitate a townhouse development.

Development Process



Apr 26, 2022

Development Application Submitted



Staff Review & Circulation

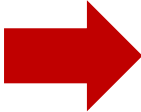


Oct 13, 2023

Public Notification Received



Initial Consideration



Nov 27, 2023

Public Hearing



Final Reading & DP



Building Permit



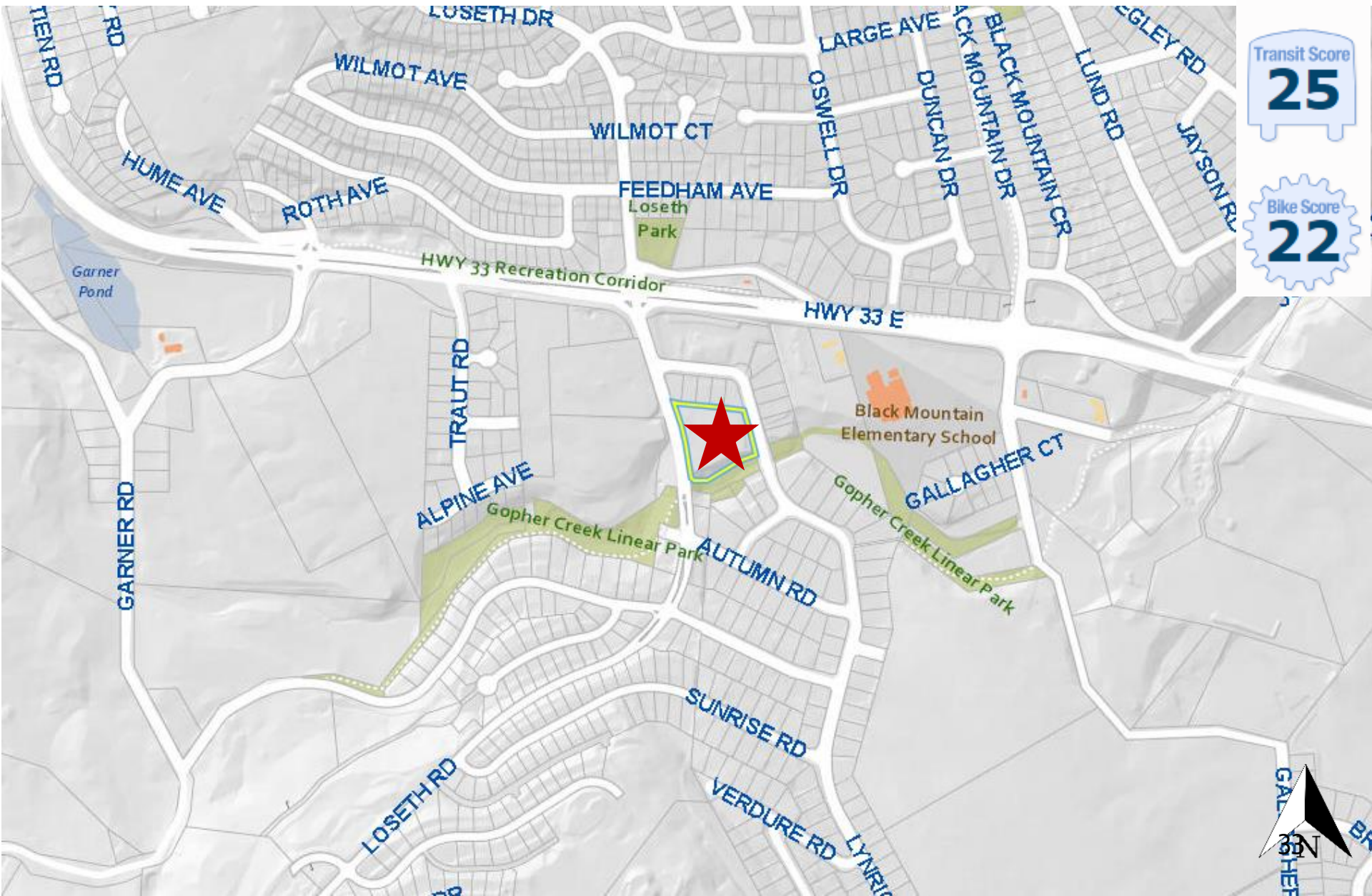
Council Approvals

Context Map

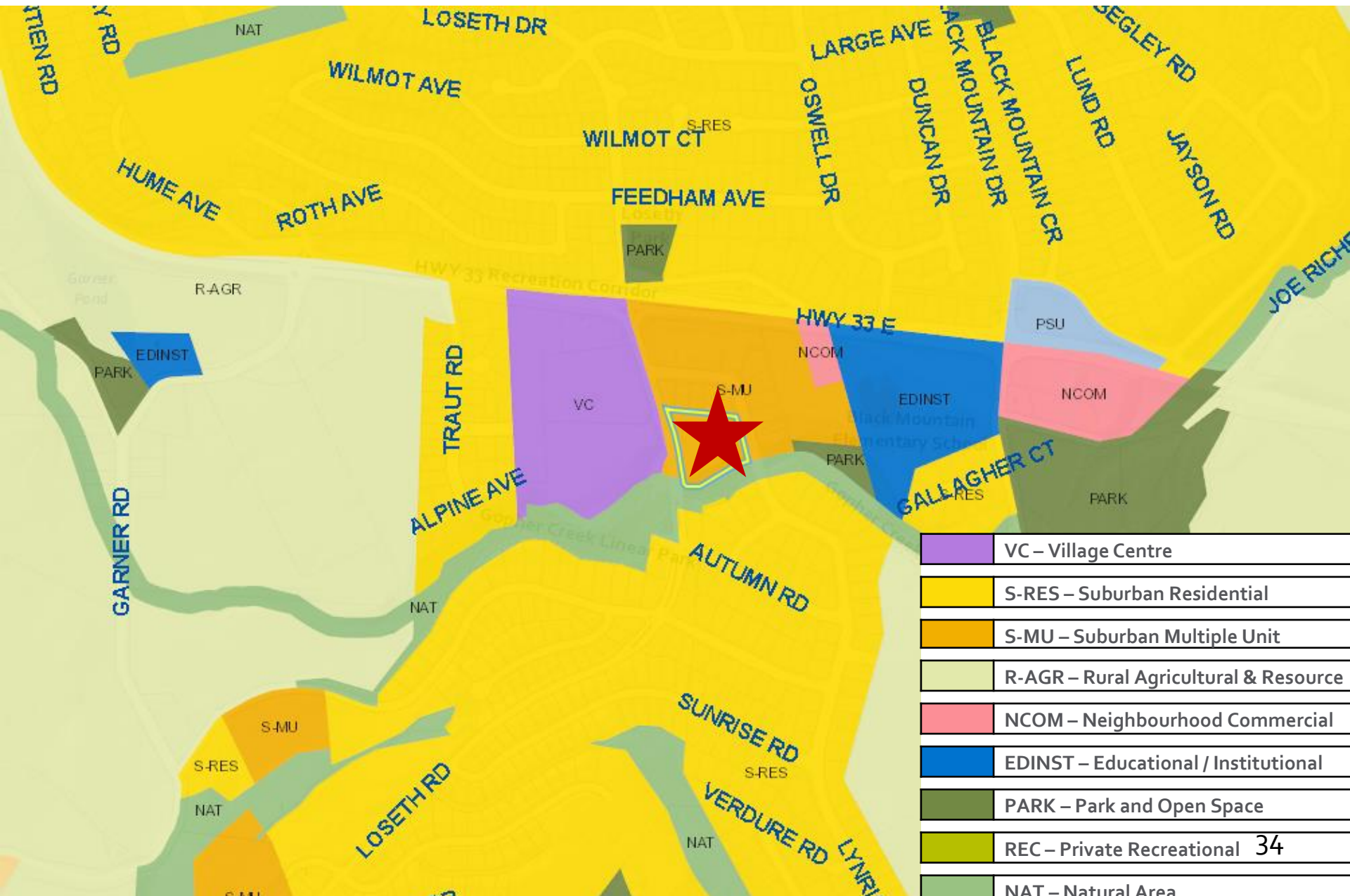
Walk Score
36










Transit Score
25

Bike Score
22



OCP Future Land Use



	VC – Village Centre
	S-RES – Suburban Residential
	S-MU – Suburban Multiple Unit
	R-AGR – Rural Agricultural & Resource
	NCOM – Neighbourhood Commercial
	EDINST – Educational / Institutional
	PARK – Park and Open Space
	REC – Private Recreational
	NAT – Natural Area

Subject Property Map



Project Details

- ▶ The property has Future Land Use Designation of S-MU – Suburban Multiple Unit.
- ▶ The property is in close proximity to Black Mountain Elementary School.
- ▶ The proposal requires land dedication to establish the Gopher Creek RMA and a linear park trail.
- ▶ The Rezoning to the MF2 is to facilitate a townhouse development.
 - ▶ 38 3-bedroom units;
 - ▶ If successful, a Development Permit is to follow.

OCP Amendment



OCP Objectives & Policies

- ▶ Policy 7.2.1. Ground-Oriented Housing
 - ▶ The site will be made up of low-density ground-oriented housing.
- ▶ Policy 7.2.3 Integrate Nature
 - ▶ The proposal includes land dedication to add a new park trail and protect Gopher Creek.
- ▶ Policy 7.3.1 Private Open Space.
 - ▶ The proposal is to add common amenity space throughout the site.

Staff Recommendation

- ▶ Staff recommend **support** for the proposed OCP Amendment and Rezoning as:
 - ▶ The OCP Amendment is triggered due to land dedication.
 - ▶ The land will extend the Gopher Creek linear trail corridor and protect the riparian area of Gopher Creek.
 - ▶ The zone is consistent with S-MU – Suburban Multiple Unit.
 - ▶ The proposal provides ground-oriented housing near the future Village Centre and Black Mountain Elementary School

CITY OF KELOWNA

BYLAW NO. 12603

Official Community Plan Amendment No. OCP23-0011 1702 Lyrnick Road

A bylaw to amend the "*Kelowna 2040* – Official Community Plan Bylaw No. 12300".

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

1. THAT Map 3.1 – **Future Land Use** of "*Kelowna 2040* – Official Community Plan Bylaw No. 12300" be amended by changing the Future Land Use designation of a portion of Lot A Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP48482 Except Plan KAP75423 located on Lyrnick Road, Kelowna, BC from the S-MU – Suburban – Multiple Unit designation to the NAT – Natural Areas designation as shown on Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 27th day of November, 2023.

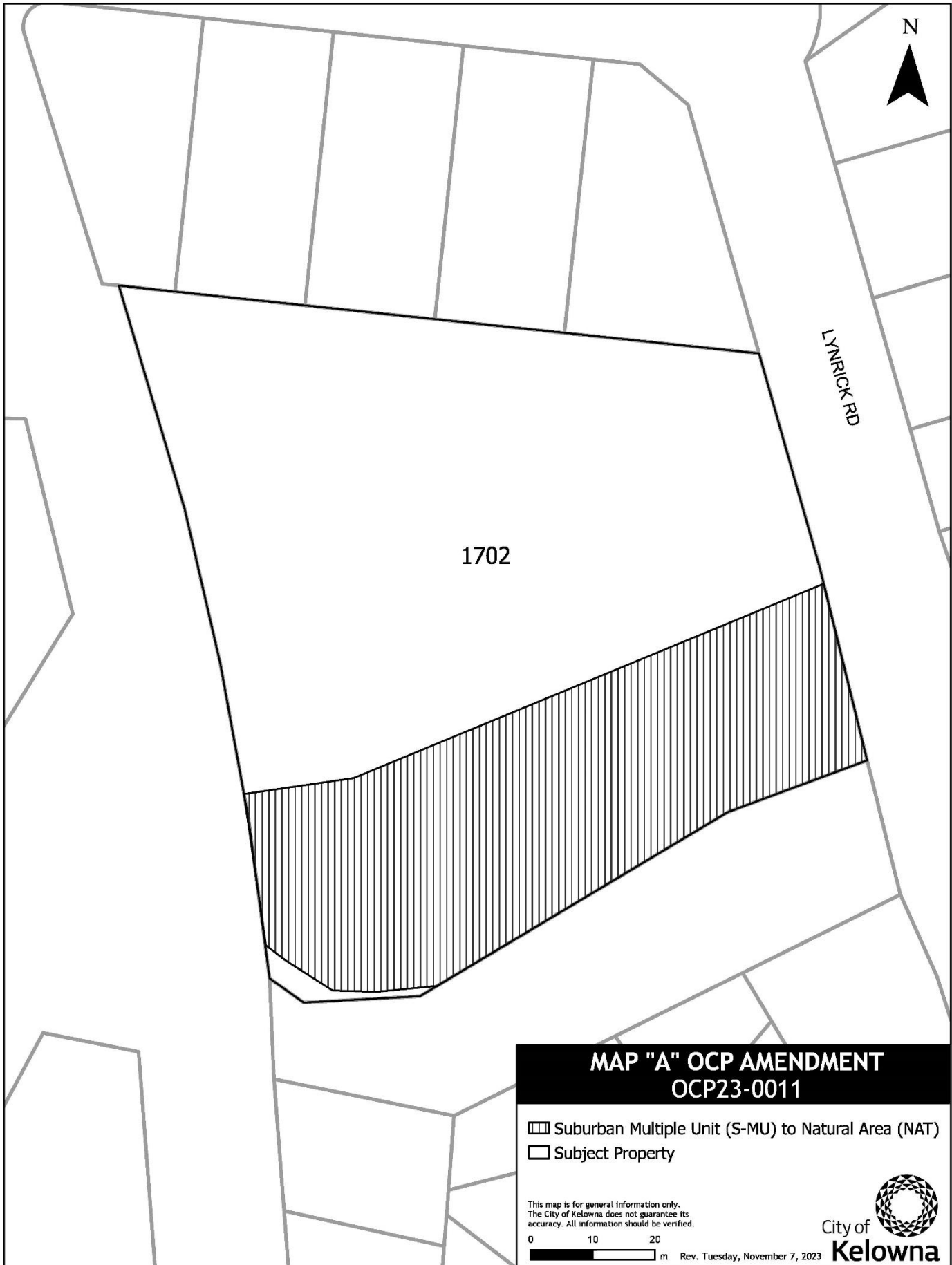
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

BYLAW NO. 12604

Z22-0028

1702 Lynrick 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 portions of Lot A Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP48482 Except Plan KAP75423 located on Lynrick Road, Kelowna, BC from the RR1 – Large Lot Rural Residential zone to the P3 – Parks and Open Space zone and the MF2 – Townhouse Housing zone as shown on Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 27th day of November, 2023.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

