City of Kelowna
Regular Council Meeting
AGENDA

Monday, April 10, 2017

1:30 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

This meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes 5 - 7

PM Meeting - April 3, 2017

3. Development Application Reports & Related Bylaws

3.1 Temporary Farm Worker Housing Bylaw Amendments OCP16-0022, TA16-0015, TA16-0016 8 - 70

To amend the Official Community Plan, Zoning Bylaw and Development Applications Procedures Bylaw to provide updates to temporary farm worker housing policy that meets the needs of farmers, which adheres to provincial standards and provides a consistent approach across the Central Okanagan.

3.2 BL11373 (OCP16-0022) - Temporary Farm Worker Housing OCP Amendments 71 - 72

Requires a majority of all members of Council (5)

To give Bylaw No. 11373 first reading in order to amend the 2030 Official Community Plan Bylaw No. 10500 regarding Temporary Farm Worker Housing.

3.3 BL11374 (TA16-0015) - Temporary Farm Worker Housing Amendments 73 - 76

To give Bylaw No. 11374 first reading in order to amend Zoning Bylaw No. 8000 regarding Temporary Farm Worker Housing.

3.4 BL11375 Amendment No. 5 to Development Applications Procedures Bylaw No. 10540 77 - 81

To give Bylaw No. 11375 first, second and third readings in order to accommodate Temporary Farm Worker Housing Amendments.

3.5	**TA16-0007 - Medical Marihuana Amendments**	82 - 88

Amend Zoning Bylaw No.8000 to clarify marihuana related regulations and definitions.

3.6	**BL11376 (TA16-0007) - Medical Marihuana Amendments**	89 - 91

To give Bylaw No. 11376 first reading in order to clarify marihuana related regulations and definitions

3.7	**1225 Hwy 33 W, OCP16-0024 and Z16-0071 - Seventh Day Adventist Church**	92 - 98

To amend the Official Community Plan to change the Future Land Use Designation of the subject property to EDINST – Educational/Major Institutional and to rezone the property from RU1 – Large Lot Housing to P2 – Educational & Minor Institutional.

3.8	**1225 Hwy 33 W, BL11380 (OCP16-0024) - Seventh Day Adventist Church**	99 - 99

Requires a majority of all members of Council (5)
To give Bylaw No. 11380 first reading in order to change the Future Land Use Designation of the subject property to EDINST – Educational/Major Institutional Designation.

3.9	**1225 Hwy 33 W, BL11381 (Z16-0071) - Seventh Day Adventist Church**	100 - 100

To give Bylaw No. 11381 first reading in order to rezone the property from RU1 – Large Lot Housing to P2 – Educational & Minor Institutional.

3.10	**Arab Ct, Appaloosa Rd and Sexsmith Rd, OCP17-0008 - Various Owners**	101 - 114

To consider Official Community Plan amendments to change the Future Land Use of 31 properties that are without ready access to sewer and industrial standard roads.

3.11	**Arab Ct, Appaloosa Rd and Sexsmith Rd, BL11382 (OCP17-0008) - Various Owners**	115 - 117

Requires a majority of all members of Council (5)
To give Bylaw No. 11382 first reading in order to change the Future Land Use of 31 properties that are without ready access to sewer and industrial standard roads.

3.12	**TA16-0014 - CD5 Parking Amendments - ICR Project Inc.**	118 - 161

To consider a Text Amendment to Zoning Bylaw No. 8000 in order to reduce the residential parking rate within the CD5 zone.

3.13	**CD5 - Parking Amendments BL11383 (TA16-0014) - ICR Projects**	162 - 162

To give Bylaw No. 11383 first reading in order to reduce the residential parking rate within the CD5 zone.

3.14 **550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road, 3786 Lakeshore Road, Rezoning Application Z16-0069 - Mission Group** 163 - 224

To consider a rezoning application from RU1 and P3 to C9 and P3 to facilitate the construction of a resort residential high-rise complex.

3.15 **550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road, 3786 Lakeshore Rd BL11384 (Z16-0069) - Aqua Resort Ltd** 225 - 226

To give Bylaw No. 11384 first reading in order to rezone the subject properties to facilitate the construction of a resort residential high-rise complex.

4. **Non-Development Reports & Related Bylaws**

4.1 **Amendment to the Five Year Financial Plan, 2016-2020** 227 - 230

To amend the Five Year Financial Plan as required by the Community Charter so that it includes the authorized transfers and amendments that occurred throughout the year

4.2 **BL11377 - Amendment No. 1 to the Five Year Financial Plan 2016-2020 Bylaw No. 11227** 231 - 232

To give Bylaw No. 11377 first, second and third readings in order to amend the Five Year Financial Plan 2016-2020 Bylaw No. 11227.

4.3 **Amendment No. 1 to Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230** 233 - 234

To reflect actual expenditures included in the 2016 Development Cost Charge Reserve Fund Expenditure Bylaw.

4.4 **BL11378 - Amendment No. 1 to Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230** 235 - 235

To give Bylaw No. 11378 first, second and third readings in order to amend the Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230.

4.5 **Investment of City of Kelowna Funds for 2016** 236 - 245

To provide Council with information summarizing the City of Kelowna's 2016 investment of surplus funds and performance of the portfolio.

4.6 **2017 Tax Distribution Policy** 246 - 266

To establish tax class ratios that will be used in the preparation of the 2017 tax rates.

4.7 **2016/2017 Sidewalk Snow Clearing Pilot Program** 267 - 268

To provide Council with an update on the 2016/2017 pilot program in which additional equipment was leased to increase service levels and improve mobility on sidewalks during winter months.

4.8 **Review of Council Policies Related to Public Works** 269 - 301

To review and update ten Council policies administered by the Public Works Branch.

4.9 **Strategic Biosolids Review Status and Communications Plan** 302 - 331

To inform Council of the status of the Strategic Biosolids Study currently underway and to review the public engagement process proposed to commence in the coming weeks.

5. **Bylaws for Adoption (Non-Development Related)**

5.1 **Portion of Lakeshore Rd, BL11330 - Road Closure Bylaw** 332 - 333

To adopt Bylaw No. 11330 in order to authorize the City to permanently close and remove the highway dedication of a portion of Lakeshore Road.

6. **Mayor and Councillor Items**

7. **Termination**

City of Kelowna
Regular Council Meeting
Minutes

Date:	Monday, April 3, 2017
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh
Members Absent	Councillor Luke Stack
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith*; Parks & Buildings Planning Manager, Robert Parlane*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:30 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Singh

R232/17/04/03 THAT the Minutes of the Regular Meetings of March 27, 2017 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 3989 – 3991 Bluebird Road, OCP16-0003 & Z16-0028 - Urban Options

Staff:
- Displayed a PowerPoint Presentation summarizing the application and providing rationale for non-support and responded to questions from Council.

Birte Decloux, Urban Options Planning & Permits, Owner's Representative
- Displayed a PowerPoint Presentation summarizing the application and reasons for advancing the application to a Public Hearing.
- Believes this area is a transitional space with commercial property to the north and east and multi-family to the south.
- Advised that there is a very good Property Management Company in charge of the property.
- Responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Hodge

R233/17/04/03 THAT Official Community Plan Map Amendment Application No. OCP16-0003 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A Section 1 Township 25 ODYD Plan KAP54767, located at 3989 – 3991 Bluebird Road, Kelowna, BC from the S2RES – Single /Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation, NOT be considered by Council;

AND THAT Rezoning Application No. Z16-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan KAP54767, located at 3989 -3991 Bluebird Road, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing zone NOT be considered by Council.

AND THAT Council directs the applicant to apply for a decommissioning Building Permit for the removal of the two illegal secondary suites from the existing primary dwelling to return the building to the approved Two Dwelling Housing use;

AND FURTHER THAT Council directs the applicant to apply for a decommissioning Building Permit to remove the dwelling unit from the secondary building to return the building to the approved Accessory Residential building use.

Carried

4. Non-Development Reports & Related Bylaws

4.1 Public Art Program Work Plan

Staff:
- Displayed a PowerPoint Presentation summarizing the proposed Public Art Program Work Plan for 2017-2018 and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Hodge

R234/17/04/03 THAT Council receive, for information, the report from the Parks & Building Planning Manager, dated April 3, 2017, with respect to Public Art Program Work Plan;

AND THAT Council endorse the Public Art Program Work Plan as presented in the report from the Parks & Building Planning Manager, dated April 3, 2017.

Carried

5. Mayor and Councillor Items

Councillor DeHart:
- Spoke to her attendance at the first Farmer's Market of the season.
- Commented on the Rockets proceeding onto round two of the playoffs.
- Spoke to her attendance at the Entrepreneurs Club at UBCO last week.

Councillor Singh:
- Spoke to her attendance at the Kelowna Art Gallery for a Metis artist exhibition last Friday and gave kudos to the Curator.
- Spoke to her attendance at the Musjid construction project site.

Councillor Sieben:
- Spoke to his attendance along with Councillor Donn at the Okanagan Mission Middle School ground breaking ceremony last week.

Councillor Gray:
- Will be attending a meet and greet with the Film Commission representative at the end of this week.
- Commented that the Okanagan Innovation Centre will be opening soon.

Councillor Donn:
- Spoke to his attendance along with Councillor Sieben at the Okanagan Mission Middle School ground breaking ceremony last week.

Councillor Given:
- Spoke to the upcoming Athletic Scholarship Breakfast at UBCO.
- Spoke to her attendance at the Regional District Chairs and CAO Conference last week; commented on the Integrity Commission presentation and discussion paper that will be released this week with an opportunity for input from local governments.
- Spoke to her attendance at the Municipal Finance Authority Annual General meeting last week.

Mayor Basran:
- Made reference to the partnership between Kelowna RCMP and Interior Health's newly formed Police and Crisis Team News Conference last week and thanked the Provincial Government for investments in the community.
- Reminder to citizens that the Farmers Market is now open and encouraged the community to shop local.
- Spoke to his attendance at the Maple Fest this past weekend.

6. Termination

This meeting was declared terminated at 3:10 p.m.

Mayor

City Clerk

/acm

Report to Council

Date: April 10, 2017

File: 1210-24

To: City Manager

From: Community Planning and Strategic Investment (TG/MS)

Subject: Temporary Farm Worker Housing Bylaw Amendments OCP16-0022, TA16-0015, TA16-0016

Recommendation:

THAT Official Community Plan Text Amendment Application No. TA16-0022 to amend Kelowna 2030 Official Community Plan Bylaw No. 10500 as outlined in Schedule 'A' attached to the Report from Community Planning and Strategic Investment dated April 10, 2017, be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA16-0015 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'B' attached to the Report from Community Planning and Strategic Investment dated April 10, 2017, be considered by Council;

AND THAT Council receives, for information, the amendments to City of Kelowna Development Application Procedures Bylaw No. 10540 as outlined in Schedule 'C' attached to the Report from the Community Planning and Strategic Investment dated April 10, 2017;

AND THAT Council considers the public process outlined in the Report from Community Planning and Strategic Investment dated April 10, 2017, to be appropriate consultation for the purpose of Section 475 (1) and (3) of the Local Government Act;

AND THAT the Official Community Plan text amending bylaw and Zoning Bylaw text amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Bylaw No. 11375, being Amendment No. TA16-0016 to Development Application Procedures Bylaw No. 10540 be forwarded for reading consideration.

Purpose:

To amend the Official Community Plan, Zoning Bylaw and Development Applications Procedures Bylaw to provide updates to temporary farm worker housing policy that meets the needs of farmers, which adheres to provincial standards and provides a consistent approach across the Central Okanagan.

Background:

Temporary Farm Worker Housing (TFWH) is a challenge faced by a number of BC municipalities due to the growing demand for temporary migrant farm workers. A general lack of labour due to insufficient farm family succession, an aging farm population and farm size have led to a critical shortage of experienced farm labour in much of BC.[1] However, farm worker housing is commonly built on agricultural land in the ALR and typically generates concerns within the immediate neighbourhood or community. These include:

- Potential misuse of farm worker housing (i.e. as rental housing for non-farm uses to generate revenue);
- Loss of agricultural land (i.e. permanent conversion of agricultural land to a residential footprint);
- Changes to the agricultural landscape (i.e. the increased density of people and structures clutters the rural aesthetic quality of the landscape);
- Increased demands on municipal infrastructure; and
- A perceived 'detachment' of the workers having no connection to the community.

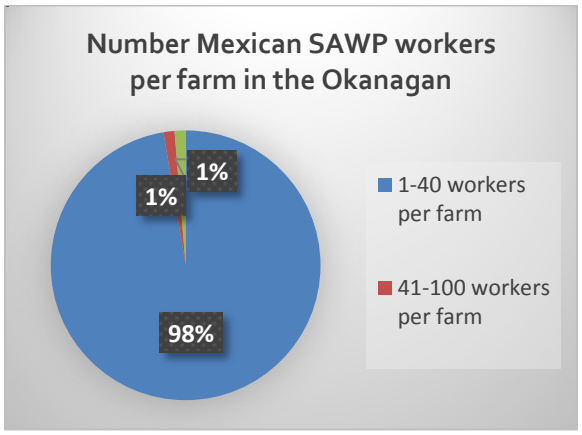
Central Okanagan communities are not immune to these issues, and as a result several challenging applications have been brought forth to house workers on farm land in the past 18 months.

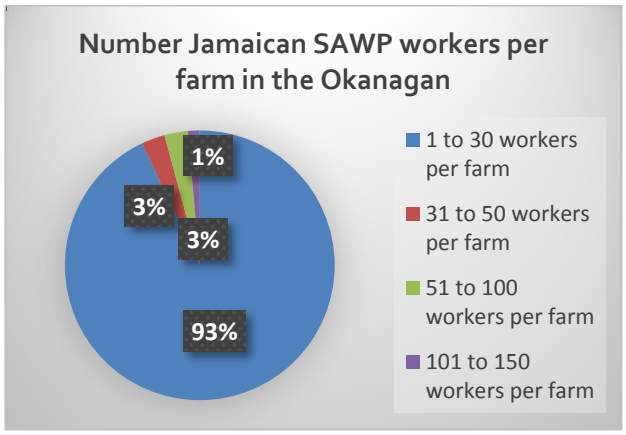
Recognizing that many farm operations have multiple parcels throughout the region, City staff have pursued a regional approach in an effort to provide consistent policies across the Central Okanagan. Starting in late 2015, staff worked together with the Regional District of Central Okanagan, City of West Kelowna, District of Lake Country, the Ministry of Agriculture and the Agriculture Land Commission to review and develop consistent policies for TFWH throughout the region. This "Regional TFWH Working Group" has undergone a robust process in the development of the proposed TFWH as outlined in Schedule D: Temporary Farm Worker Housing Policy Development Process. It should be noted that the District of Peachland declined to participate in the process due to the limited amount of ALR land in their community and TFWH is not expected to become an issue for their community.

Based on data from the Mexican Consultate and Jamaica Liaison Service, in 2016, farmers in the Okanagan hired 2085 Mexican and 707 Jamaican workers through the federal Seasonal Agricultural Workers Program (SAWP)[2]. When examining the distribution of workers, it was discovered that over 93 per cent of Okanagan farms have less than 40 workers per farm as illustrated in Figure 1. Further investigation found that in 2016, only 3 Kelowna farms had more than 40 Mexican SAWP workers, and only 4 Kelowna farms had more than 30 Jamaican SAWP workers.

[1] Ministry of Agriculture, 2009. Regulating Temporary Farm Worker Housing in the ALR, Discussion Paper and Standards.
[2] Personal Communication Consulada General de Mexico en Vancouver SAWP Coordinator and Deputy Chief Liaison Officer, Jamaica Liaison Service

Figure 1: Distribution of SAWP workers per Okanagan Farm





Note: The method for reporting data varies between the Mexican and Jamaican SAWP coordinators.[3]

The proposed OCP amendments (Schedule A, attached), and Zoning Bylaw amendments (Schedule B, attached) take into account the numbers of temporary farm workers per farm in the Okanagan, and have been drafted based on *Ministry of Agriculture's Guide to Bylaw Development in Farming Areas.*[4] The proposed amendments have also been informed through a best practice review of other communities including Abbotsford, Delta, Maple Ridge, Pitt Meadows and Langley. The proposed amendments to the Development Application Procedures Bylaw (Schedule C, attached) outline the process for applying for a Temporary Farm Worker Housing Permit. The policies and regulations have been drafted to address the majority of applications for temporary farm worker housing with the intent of:

- Providing a consistent approach across the region;
- Meeting Council's priority of preserving agricultural land by minimizing the development footprint;
- Providing certainty and predictability for farm operators;
- Establishing a clear process for the application of up to 40 temporary farm workers; and
- Providing Council an opportunity to evaluate and hear from the public for those site specific applications for more than 40 temporary farm workers. These applications would require a site specific zoning amendment and would be required to go through a rezoning process as opposed to the permit process these proposed policies outline (as per Figure 2).

Ministry of Agriculture staff have been involved since the beginning of the process and have provided input and guidance to ensure the proposed policies were consistent with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas as well as advised on necessary requirements to meet as a Farm Bylaw Community (Kelowna is one of four in the province, regulated under Section 553 of the Local Government Act). A letter of support from the Ministry is attached (Schedule F).

The proposed amendments have also been referred to a variety of organizations for their input including:

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[3] Personal Communication Consulada General de Mexico en Vancouver SAWP Coordinator and Deputy Chief Liaison Officer, Jamaica Liaison Service

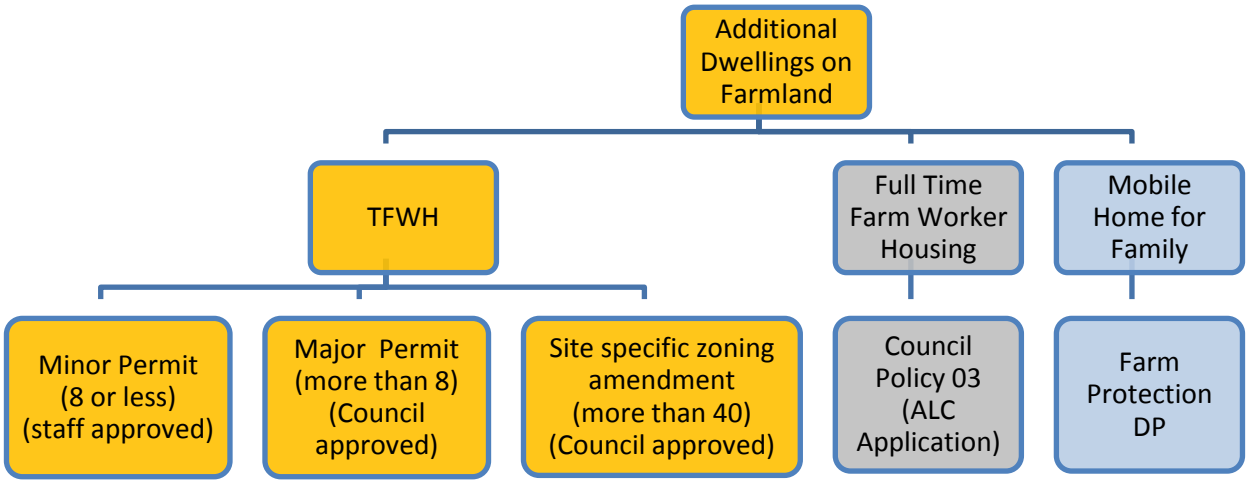
[4] Ministry of Agriculture, 2015. Guide for Bylaw Development in Farming Areas. http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/840000-1_guide_for_bylaw_development_in_farming_areas.pdf

- BC Fruit Growers Association
- BC Cherry Association
- Consulate General of Mexico
- Jamaican Liaison Services
- Agriculture Land Commission
- BC Ministry of Agriculture
- Interior Health
- Central Okanagan Economic Development Commission
- Central Okanagan Food Policy Council
- BC Cattlemen's Association
- BC Grape Growers
- BC Wine Grape Council
- Certified Organics Association of BC
- BC Honey Producers Association

A summary of input received to date is provided in Schedule E: Temporary Farm Worker Housing Policy Input Received.

It should be noted that these proposed amendments only address temporary farm worker housing. Applications for housing family or additional housing for full time farm employees are addressed through separate, established, policies as illustrated in Figure 2:

Figure 2: Application streams for additional dwellings on farmland



Proposed Policy:

The proposed amendments have the following objectives:

- Minimize the footprint on farm land;
- Require the use of existing dwellings within the farm unit as a first option wherever possible;
- Require new TFWH to be temporary structures on non-permanent foundations;
- Address dwellings on all properties within the farm unit which includes leased properties;
- Ensure appropriate buffers to adjacent properties; and
- Measurable (e.g. number of workers, season of use, temporary farm worker housing footprint)

Given the input to date, staff have ensured that the proposed text amendments and policy changes reflect the Ministry of Agriculture's best practices and guidelines, and promote a regulatory environment that provides consistent and predictable regulations to all farm operators. The broader coordination with neighbouring local governments was also an effort to create a regional framework

where such regulations are equal across the board for the purposes of farm business planning. Additionally, the proposed regulations aim to situate temporary farm workers in locations where municipal infrastructure is readily available and where services/amenities are accessible for the workers. Overall, the goal is to support the economic aspects of temporary farm workers adding value to farm activities but to direct the financial investment of the corresponding housing units to locations and forms that preserve the long-term integrity of agricultural land as it relates to the OCP's growth strategy.

The proposed Official Community Plan amendments (Schedule A) introduce policy to:

- Encourage the location of farm help housing within the Permanent Growth Boundary;
- Ensure the TFWH footprint is contiguous with the farm residential footprint or within 50 meters of the road;
- Require all existing dwellings on the farm unit be utilized prior to construction of new dwellings; and
- Require a vegetated buffer to screen the temporary housing from property lines and active farming areas.

The following proposed Zoning Bylaw amendments (Schedule B) translate the policy direction of the OCP into zone regulations and include:

- Definitions for farm residential footprint, farm unit, on-farm processing, temporary farm worker(s), temporary farm worker housing, and temporary farm worker housing footprint;
- Requirements to be met prior to issuance of a permit for TFWH;
- Maximum TFWH footprint size of 0.25 ha;
- The type of TFWH structures allowed; and
- Maximum number of 40 temporary farm workers per farm unit (applications for more than this would require a site specific zoning amendment application).

Amendments to the Development Application Procedures Bylaw (Schedule C) formalizes the process for applicants applying for a Temporary Farm Worker Housing Permits and:

- Outlines procedures for a Temporary Farm Worker Housing Permit Minor Direct for eight or fewer sleeping units in one or more TFW agricultural dwellings which can be approved by City staff if all criteria are met; and
- Outlines procedures for a Temporary Farm Worker Housing Permit Major for all other applications to be reviewed by Council.

In summary, the goals of the proposed policy changes are to:

- Remove constraints to agriculture and improve agricultural viability;
- Support agriculture as part of the agricultural community's future;
- Minimize intrusion of non-agricultural uses into agricultural protection areas;
- Support opportunities for legitimate farm operations to provide adequate dwellings for farm workers; and
- Establish regulations and guidelines that are enforceable.

Next Steps:

Kelowna is one of only four farm bylaw communities in the province, and consequently, once the proposed amendments have received Third Reading by Council, they must be forwarded to the Minister of Agriculture for approval prior to the Final Adoption.

The Regional District of Central Okanagan (RDCO) is undergoing the process concurrently and plans to bring their amendments to the Regional Board for First Reading near the end of April. It should be noted that there are differences between the City of Kelowna and RDCO policies due to the differences in staff resources, current processes and urban/rural interface. The biggest difference noted is that the RDCO has put all of the policy within their Zoning Bylaw, while the City of Kelowna is proposing policy changes in three documents (OCP, Zoning, and Development Application Procedures Bylaw) to allow for flexibility. The overall intent of the amendments, however, remains the same.

The District of Lake Country and City of West Kelowna will consider the proposed policy as part of future reviews of their Zoning Bylaws.

In summary, the proposed regulations are comprehensive, thoughtful and have been arrived at through best practice research and farm operation evaluation. Given the potential negative impacts that housing can have on agricultural land, the proposed regulations and approval streams are deemed the best approach to regulate housing for farm workers and provide a framework that will support farm operators in their efforts to support successful farm operations while at the same time, avoiding unwarranted development from occurring under the pretense of farm help. These recommendations have been supported by both the Agricultural Land Commission and the Ministry of Agriculture (see attached Schedule F and G).

Internal Circulation:
Divisional Director, Community Planning and Real Estate
Community Planning Department Manager
Divisional Director, Communications and Information Services
Divisional Director, Corporate and Protective Services
Building and Permitting Manager
Long Range Planning Manager
Communications Advisor

Legal/Statutory Authority:
Local Government Act Part 14, Division 4 – Official Community Plans
Local Government Act Part 14, Division 4 – Zoning Bylaws

Legal/Statutory Procedural Requirements:
Local Government Act Section 475 specifies that a local government must, during the development, repeal or amendment of an official community plan, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. This consultation is required in addition to a required public hearing.

Existing Policy:
OCP Policy 5.33.1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna

Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.[5]

OCP Policy 5.34.2 Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:

- Agriculture is the principal use on the parcel, and
- The applicant demonstrates that he additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.

Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.[6]

Farm Protection DP Guidelines
Guideline 1.2: On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only.[7]

External Agency/Public Comments:

City of Kelowna staff collaborated with staff from Regional District of Central Okanagan, City of West Kelowna, District of Lake Country, Ministry of Agriculture and Agriculture Land Commission to develop the proposed policies and regulations.

City staff also consulted with the Agricultural Advisory Committee on two occasions (October 2016 and February 2017).

Agricultural Advisory Committee: February 9, 2017

The draft Temporary Farm Worker Housing policies were reviewed by the Agriculture Advisory Committee at the meeting held on February 9, 2017 and the following recommendations were passed:

Moved By Jeff Ricketts/Seconded By Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council lobby the Ministry of Agriculture to reduce the allowable parcel size for temporary farm worker housing from 3.8 hectares to 2.0 hectares in order to reflect what is actually happening in the agriculture industry.

Carried

Moved By Domenic Rampone/Seconded By Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council encourage the Regional District of Central Okanagan and the City of West Kelowna to join Kelowna in

[5] City of Kelowna. Kelowna 2030 Official Community Plan, Chapter 5: Development Process, page 5.35
[6] City of Kelowna. Kelowna 2030 Official Community Plan, Chapter 5: Development Process, page 5.36
[7] City of Kelowna. Kelowna 2030 Official Community Plan, Chapter 15: Farm Protection DP Guidelines, page 15.3

lobbying the Ministry of Agriculture to lowering the minimum parcel size for Temporary Farm Worker Housing from 4.0 ha to 2.0 ha.

Carried

Moved By Domenic Rampone/Seconded By Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council support the draft policies for temporary farm worker housing that meets the needs of farmers, which adheres to provincial standards, in conjunction with a consistent regional approach, as presented by staff on February 9, 2017.

Carried

The application files for the required OCP, Zoning and Development Application Procedure Bylaw amendments have been referred to the following organizations for comment:

- BC Fruit Growers Association
- BC Cherry Association
- Consulate General of Mexico
- Jamaican Liaison Services
- Agriculture Land Commission
- BC Ministry of Agriculture
- Interior Health
- Central Okanagan Economic Development Commission
- Central Okanagan Food Policy Council
- BC Cattlemen's Association
- BC Grape Growers
- BC Wine Grape Council
- Certified Organics Association of BC
- BC Honey Producers Association

Communications Comments:

The requirements for consultation under Section 475 of the Local Government Act have been addressed in the following way:

- March 15, 2017 Official Community Plan webpage on kelowna.ca revised to explain proposed amendments and provide a contact for comments by March 31, 2017
- March 16, 2017 application file was referred to organizations affected (see previous section for list) with request for input by March 29, 2017.
- March 16, 2017 message forwarded to City of Kelowna e-subscribe recipients.
- March 17, 2017 ad placed in Kelowna Daily Courier, with comment deadline of March 31, 2017.
- March 24, 2017 ad placed in Kelowna Daily Courier, with comment deadline of March 31, 2017.

Considerations not applicable to this report:
Financial/Budgetary Considerations:
Personnel Implications:
Alternate Recommendation:

Submitted by:

T. Guidi, Sustainability Coordinator M. Steppuhn, Planner Specialist

Approved for inclusion: DNB/TC

cc:
Divisional Director, Community Planning and Real Estate
Community Planning Department Manager
Divisional Director, Communications and Information Services
Divisional Director, Corporate and Protective Services
Building and Permitting Manager
Long Range Planning Manager
Communications Advisor
Regional District of Central Okanagan, Ron Fralick
City of West Kelowna, Brent Magnan
District of Lake Country, Mark Koch
District of Peachland, Cory Gain

Attachments:

Schedule A:	OCP16-0022 List of Amendments to OCP Bylaw No. 10500 for TFWH
Schedule B:	TA16-0015 List of Amendments to Zoning Bylaw No. 8000 for TFWH
Schedule C:	TA16-0016 List of Amendments to Development Application Procedures Bylaw No. 10540 for TFWH
Schedule D:	Temporary Farm Worker Housing Policy Development Process
Schedule E:	Temporary Farm Worker Housing Policy Input Received
Schedule F:	Ministry of Agriculture Letter of Support and follow up email
Schedule G:	Agriculture Land Commission Letter of Support

City of Kelowna

Temporary Farm Worker Housing

April 10, 2017

Purpose

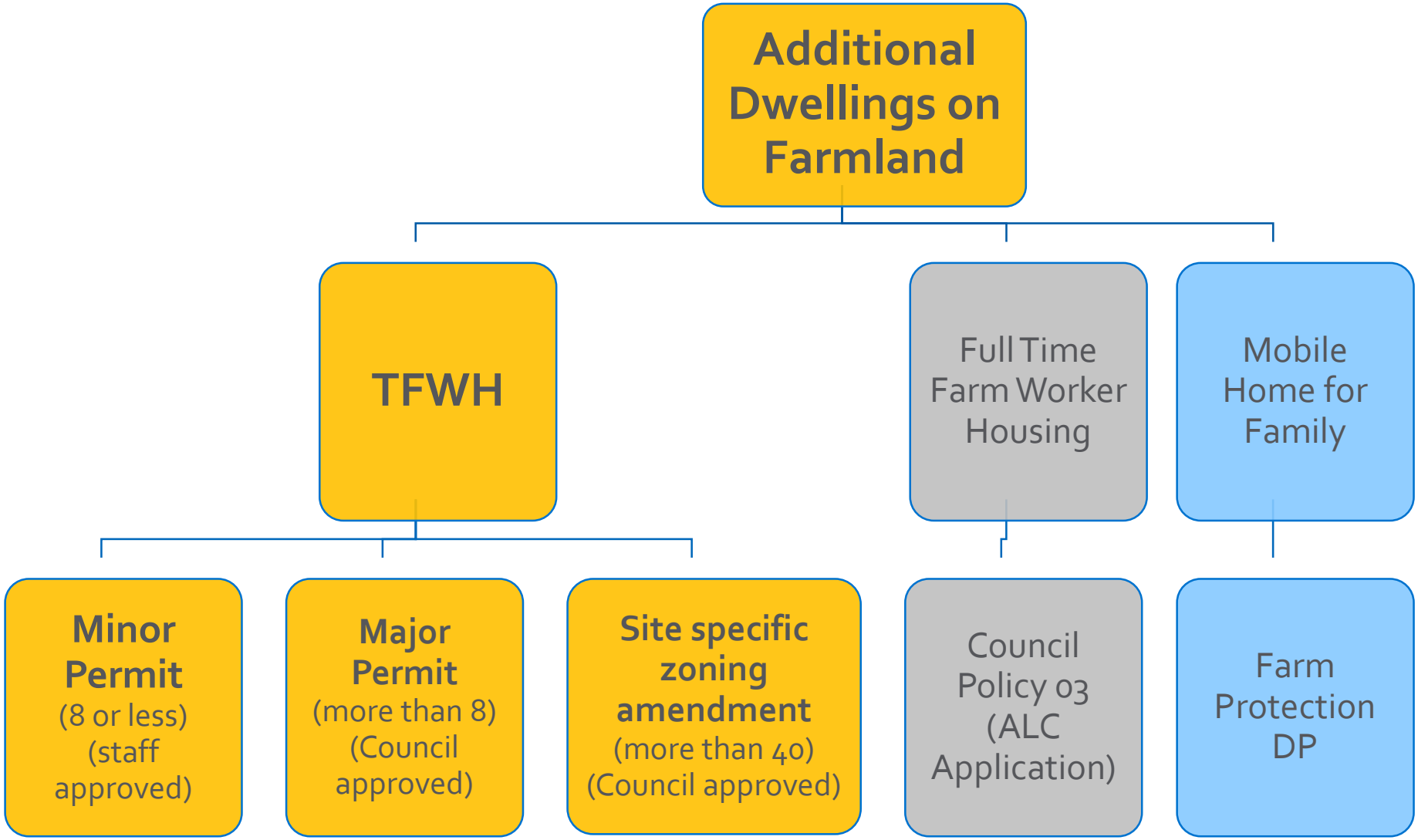
- Provide clear policy and process direction for Temporary Farm Worker Housing
- Respond to the changing needs of the industry
- Provide a consistent regional approach
- Consistent with provincial bylaw standards

Council Priorities and Commitments

- Preserve agricultural land
- Fair but firm
- Responsive customer service
- Planning excellence

Application streams

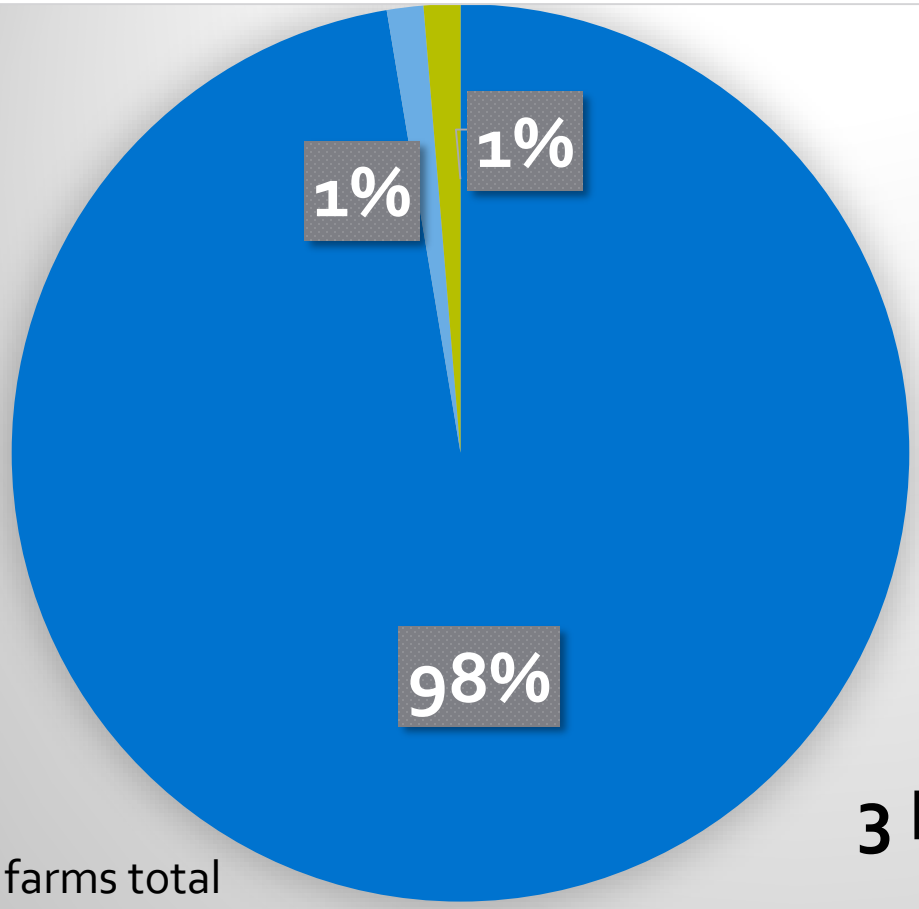
City of Kelowna



Regional approach

- Initiated in late 2015
- Regional TFWH Working Group:
  - City of Kelowna
  - RDCO
  - City of West Kelowna
  - District of Lake Country
  - Ministry of Agriculture
  - Agriculture Land Commission

Mexican SAWP Workers per Farm in the Okanagan, 2016

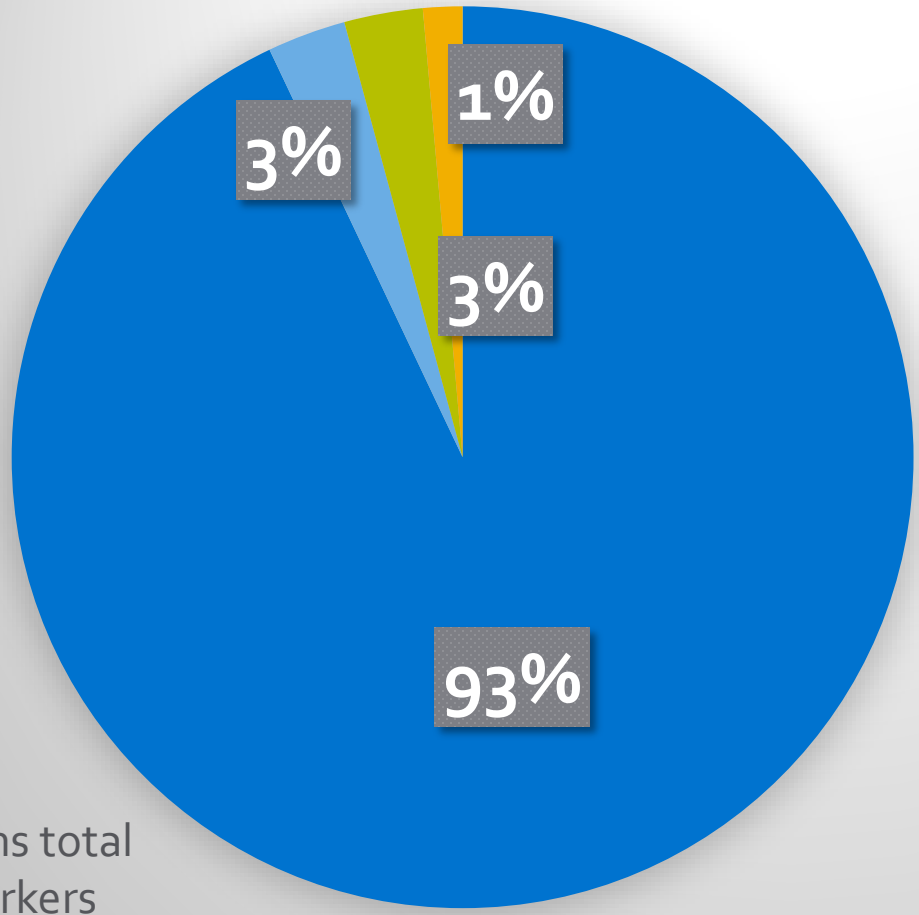


- 1 - 40 workers
- 41 - 100 workers
- more than 101 workers

228 farms total
2085 workers

3 Kelowna farms had more than 40 workers

Jamaican SAWP Workers per Farm in the Okanagan, 2016



- 1 to 30 workers
- 31 to 50 workers
- 51 to 100 workers
- 101 to 150 workers

71 farms total
707 workers

4 Kelowna farms had more than 30 workers

Opportunities for Input

City of Kelowna

TIMELINE	INPUT OPPORTUNITY
Throughout Process	Regional TFWH Working Group
Oct. 13, 2016	1st Application Referral
Oct. 13, 2016	1st AAC Meeting
Oct. 31, 2016	1st Council Meeting
Feb. 9, 2017	2nd AAC Meeting
Feb. 10, 2017	2nd Application Referral
Mar. 6, 2017	2nd Council Meeting
Mar. 15, 2017	3rd Application Referral
Mar. 17 and 24, 2017	Courier ads inviting comments

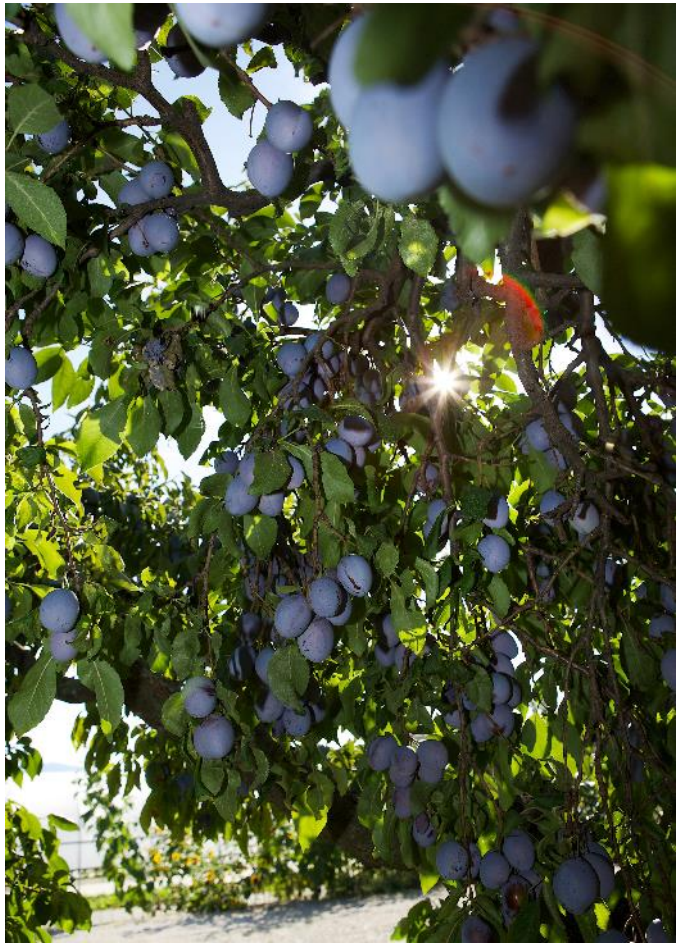
Who we heard from

City of Kelowna

- Agriculture Advisory Committee
- Ministry of Agriculture
- Agriculture Land Commission
- Ministry of Transportation
- Interior Health
- BC Fruit Growers Association
- Jealous Fruit Ltd. / Coral beach Farms
- Central Okanagan Food Policy Council
- 2 residents
- Consulate General of Mexico
- Jamaican Liaison Services
- Season Agriculture Worker Program Inspector
- Radical Action with Migrants in Agriculture

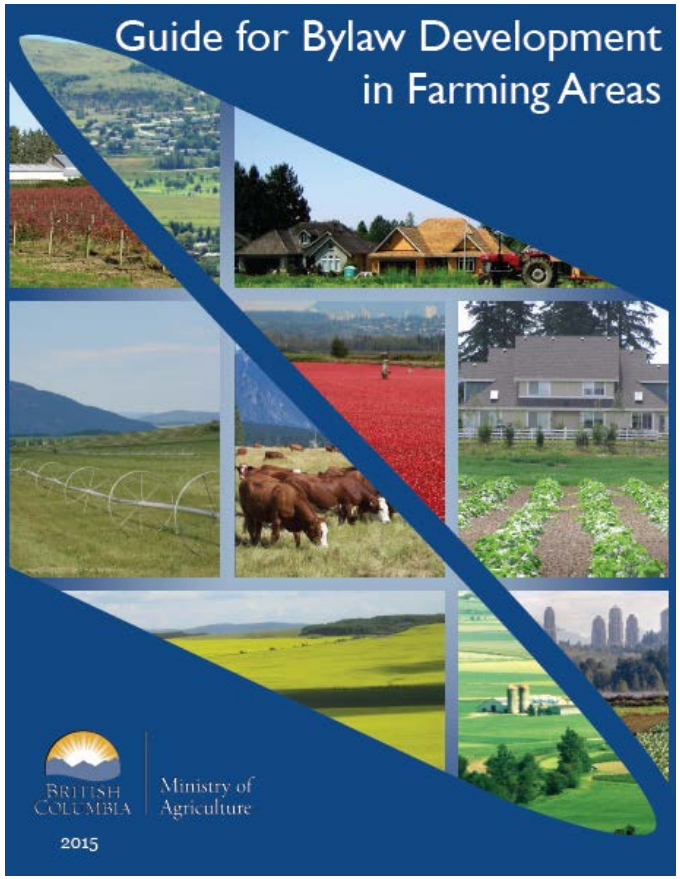
Objectives

- Reduce the footprint on farm
- Use existing dwellings as first option
- New TFWH on non -permanent foundations
- Addresses buffers to adjacent properties
- Minimize the risk of TFWH being used for non-farm purposes



The Policy

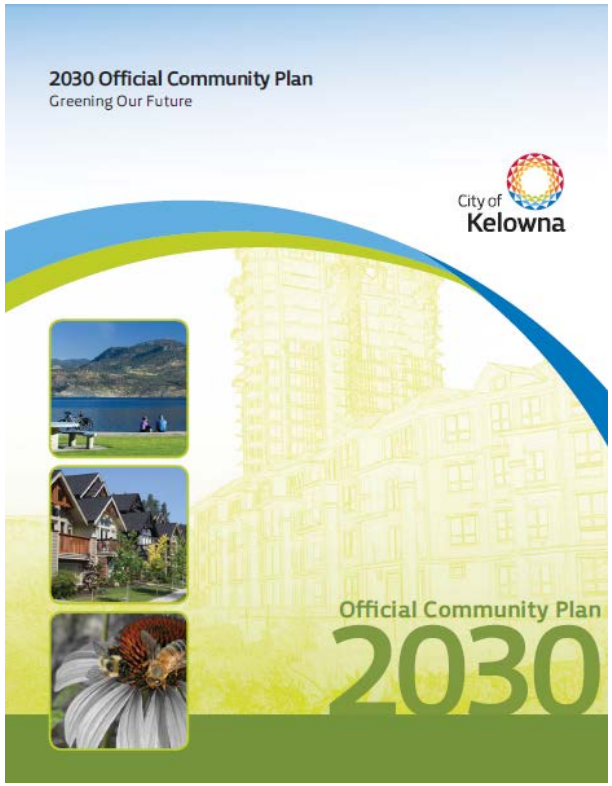
- Consistent with Guide to Bylaw Development in Farming Areas
- Policy changes to:
  - OCP
  - Farm Protection DP Guidelines
  - Zoning Bylaw
  - Development Application Procedures Bylaw



OCP & Farm DP Guidelines Update

City of Kelowna

- As a first option, farm help housing should be located within the PGB
- Design TFWH such that:
  - Use all existing dwellings first
  - Should be contiguous with the residential footprint (homeplating) or within 50 meters of road
  - Vegetated buffer



Zoning Bylaw Update

City of Kelowna

- New definitions
- Farm classification status
- Minimum parcel size 3.8 ha
- TFW need demonstrated through documentation
- Include a communal kitchen
- Occupied 8 months per calendar year during growing, harvesting and pruning periods
- Removal or decommission when vacant for two years

Zoning Bylaw Update:

- TFWH footprint may not exceed 0.20 ha
- Structures to accommodate a maximum of 40 TFW per farm unit
- Farm units with multiple parcels require covenant restricting TFWH on other parcels

Zoning Bylaw Update

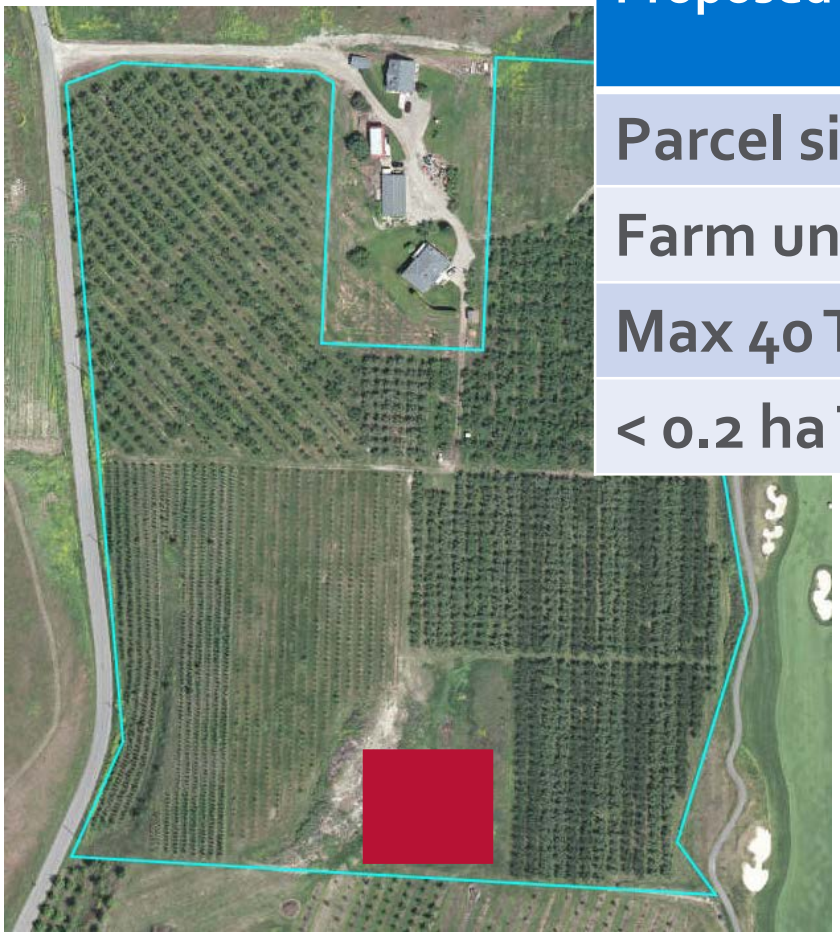
- Farm units with greenhouses and/or on-farm processing can increase by 1 worker per each 1000 m^2 of those structures
- New TFWH structures on non - permanent foundations that can be removed by a vehicle.

Procedures Bylaw Update

City of Kelowna

- TFWH Permit Minor Direct if:
  - Consistent with OCP DP Guidelines
  - Authorizes 8 or fewer sleeping units
  - No variances
- TFWH Permit Major
  - All other applications
- Removed the word "refusal" from "Issuance of TFWH permits"

Example 1



Proposed policy	Application	Meets policy?
Parcel size > 3.8 ha	6.0 ha	Yes
Farm unit > 3.8 ha	48 ha	Yes
Max 40 TFW	40	Yes
< 0.2 ha TFWH footprint	0.2 ha	Yes

Application meets proposed guidelines:

- TFWH Permit Major
- Council review to amend and/or set conditions

Latta
Road
Tower
Ranch Golf
Course
Proposed
TFWH Site
N

Example 2

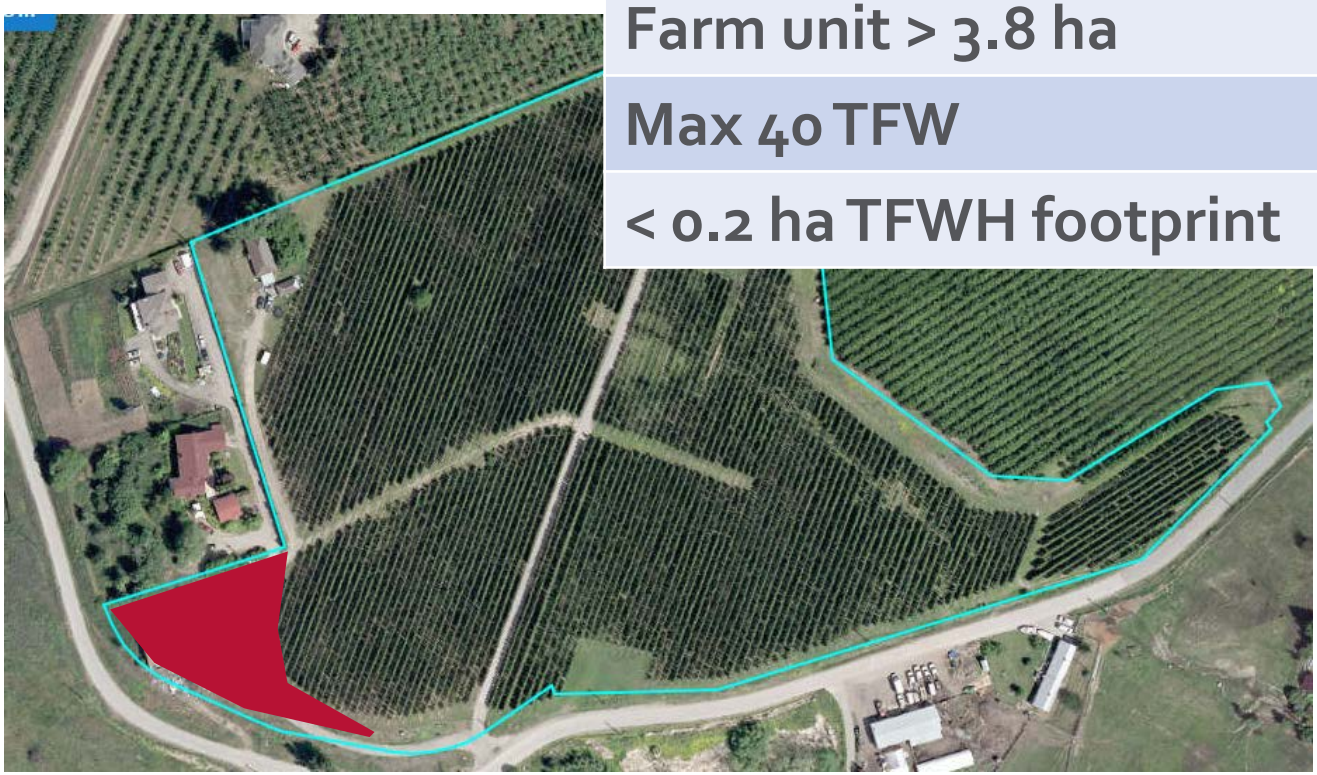
Proposed policy	Application	Meets policy?
Parcel size > 3.8 ha	6.5 ha	Yes
Farm unit > 3.8 ha	unknown	Yes
Max 40 TFW	14	Yes
< 0.2 ha TFWH footprint	0.06	Yes

<u>Application meets proposed guidelines:</u>

- TFWH Permit Major
- Council review to amend and/or set conditions

Example 3

Proposed policy	Application	Meets policy?
Parcel size > 3.8 ha	6.0 ha	Yes
Farm unit > 3.8 ha	77 ha	Yes
Max 40 TFW	60	No
< 0.2 ha TFWH footprint	0.28 ha	No



Applications That Do Not Meet Criteria

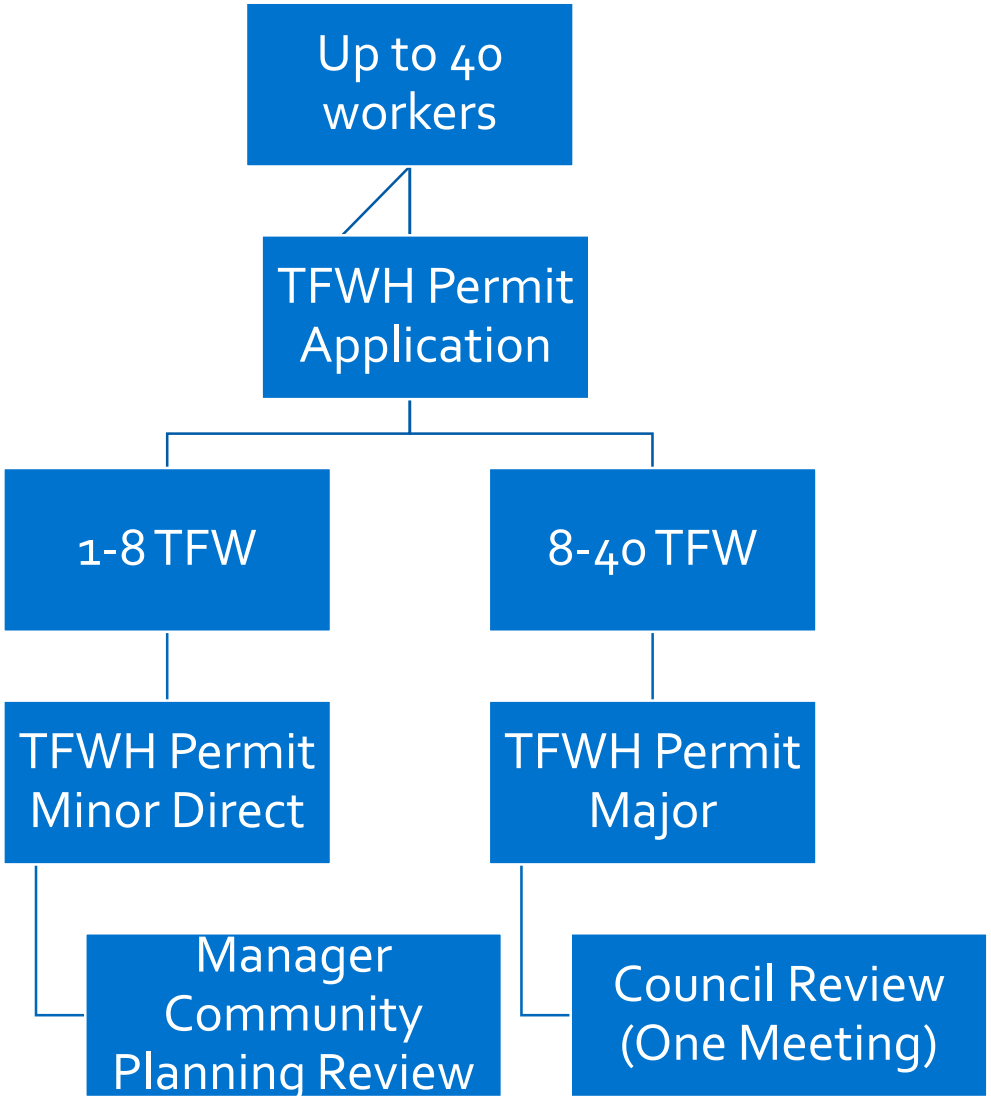
ISSUE: Parcel size less than 3.8 ha

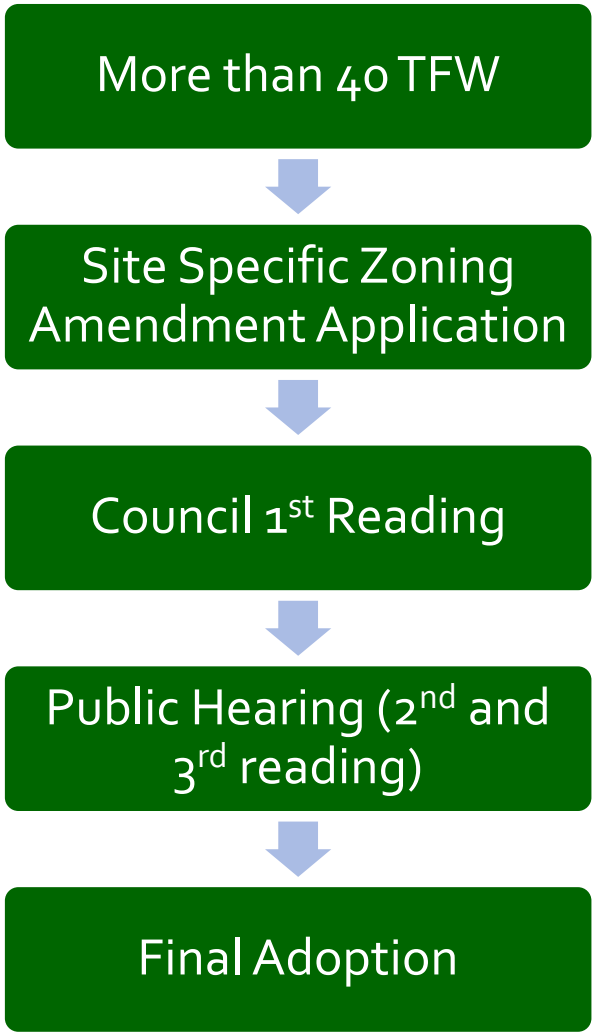
REMEDY: Apply for site specific zoning amendment (require Minister approval)

ISSUE: More than 40 workers per farm unit

REMEDY: Move to urban location or apply for site specific zoning amendment

The Process


Up to 40 workers
TFWH Permit Application
1-8 TFW
8-40 TFW
TFWH Permit Minor Direct
TFWH Permit Major
Manager Community Planning Review
Council Review (One Meeting)


More than 40 TFW
Site Specific Zoning Amendment Application
Council 1st Reading
Public Hearing (2nd and 3rd reading)
Final Adoption

Comparative Process – Rural and Urban

City of Kelowna

Rural Zoning

TFWH >40

- Zone Amendment Application
- Farm Protection Development Permit

Urban Zoning

Multiple Unit Residential >40

- OCP Amendment Application
- Zone Amendment Application
- Form and Character Development Permit
- Variances (Typical in the urban core)

City of Kelowna

Questions?

Development Process

City of Kelowna

2016	Policy Development
Feb 9, 2017	AAC Meeting
March 6 2017	Council Workshop
March 2017	Advertising
April 2017	Initial Consideration
May 2017	Public Hearing Second & Third Readings Minister Approval

Council Approvals

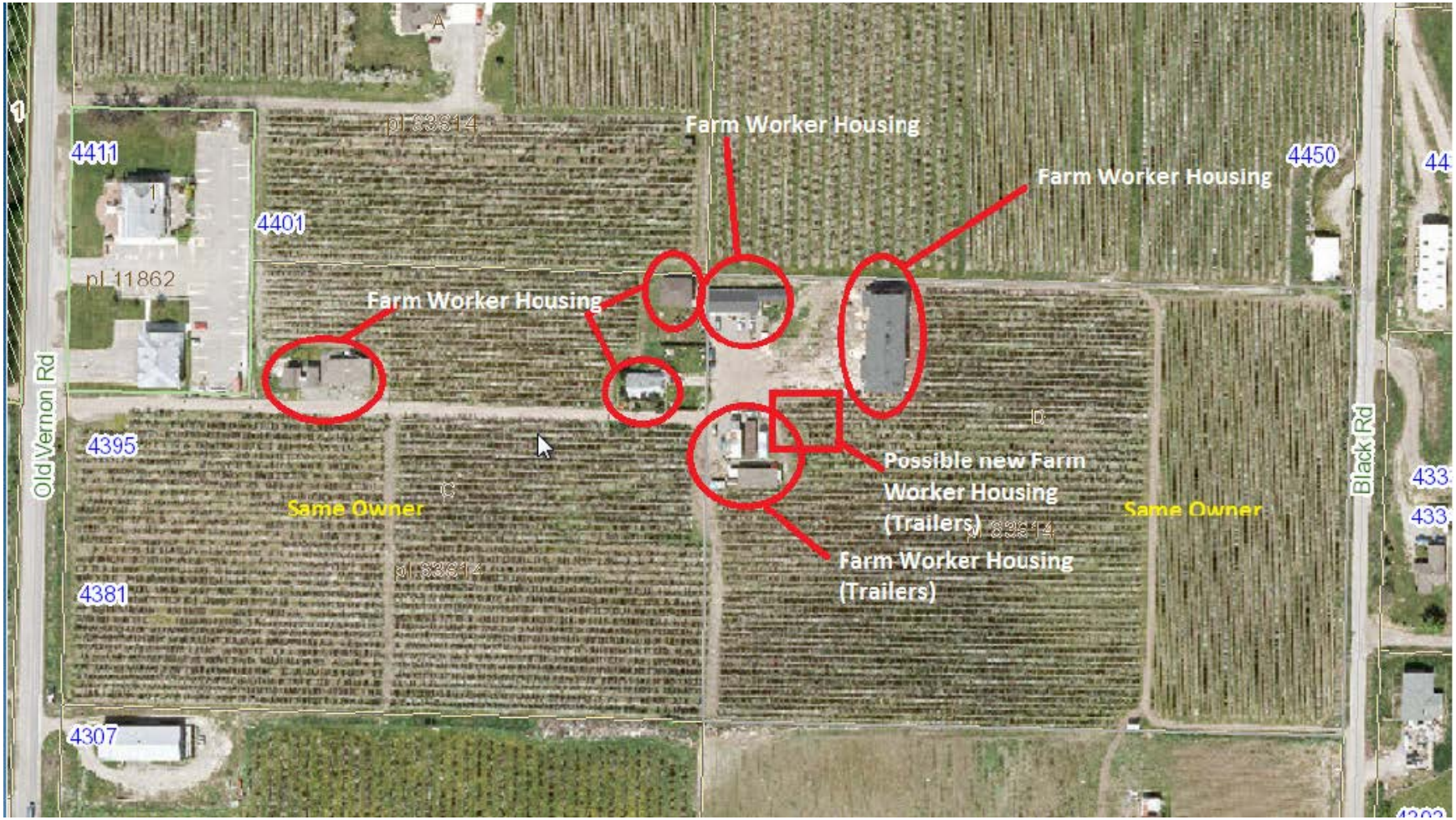
Other Municipal Examples

City of Kelowna

Local Gov't	Min. Farm Unit	Min. Lot Size	Max. workers per operation	Occupancy time limits	Farm Community (Section 553)
Kelowna	**3.8 ha**	**3.8 ha**	**40**	**8 months specified on declaration**	**Yes**
Delta	8 ha	4 ha	42 max	Specified on declaration	Yes
Langley	4 ha	4 ha	10 persons / 4 ha, 40 workers max	April 1 – Nov. 30	Yes
Abbotsford	3.8 ha (A1) 8 ha (A2)	3.8 ha	Not specified	Specified on declaration	Yes
Pitt Meadows	2 ha	2 ha	10 persons / 4 ha, 40 workers max	April 1 – Nov. 30	No
Richmond	8.09 ha	8.09 ha	30 max	10 months in any 12 month period	No

Other example

City of Kelowna



SCHEDULE A – OCP16-0022

OCP16-0022 - DRAFT List of Amendments to Official Community Plan Bylaw No. 10500 for Temporary Farm Worker Housing				
No.	**Section**	**Existing**	**Proposed**	**Explanation**
1	Chapter 5 – Development Processes Revise policy 5.34.2 to replace the words agricultural parcel with farm unit.	Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where: • agriculture is the principal use on the parcel, and • the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary. Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.	Farm Help Housing. As a first option, farm help housing should be located within the Permanent Growth Boundary providing access to amenities for workers. Accommodation for farm help on the same farm unit will be considered only where: • agriculture is the principal use on the parcel, and • the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary. Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.	Replace the words 'agricultural parcel' with 'farm unit' to be consistent with Zoning Bylaw. Add statement to encourage farm help housing to be within Permanent Growth Boundary.
2	Chapter 15 – Farm Protection	1) Any development located on Agricultural Lands before:	1) Any development located on Agricultural Lands before:	Remove agri-tourist accommodation to be consistent

	Development Permit Guidelines Remove agri-tourist accommodation under Properties Affected 1. b. ii.	a. Subdivision of land; b. A Building Permit, Soil Permit, or alteration of land associated with the following uses: i. agri-tourism; ii. agri-tourist accommodation; iii. agricultural dwellings, additional; iv. secondary suite (within an accessory building or structure); v. utility services, minor impact; vi. wineries and cideries; vii. greenhouses and plant nurseries; viii. agricultural and garden stands; ix. temporary farm worker housing.	a. Subdivision of land; b. A Building Permit, Soil Permit, or alteration of land associated with the following uses: i. agri-tourism; ii. agricultural dwellings, additional; iii. secondary suite (within an accessory building or structure); iv. utility services, minor impact; v. wineries and cideries; vi. greenhouses and plant nurseries; vii. agricultural and garden stands; viii. temporary farm worker housing.	with Zoning Bylaw amendment to prohibit the use of Agri-tourist accommodation within the A1 zone. (received third reading at August 23, 2016 Council meeting).
3	Chapter15 – Farm Protection Development Permit Guidelines Add new guideline under 1.7 and label it 1.8		Design temporary farm worker housing such that: • Temporary farm worker housing should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use or demolished, including decommissioning	Addition of policy on where temporary farm worker housing should be located, the type of buffer required as well as using existing dwellings first prior to construction of new temporary farm worker housing.

			the existing septic system, prior to the authorization of a new temporary farm worker housing structure. • Temporary farm worker housing footprint should be contiguous with the residential footprint (i.e. homeplate) and / or within 50 metres of the road. • Temporary farm worker housing should have a minimum 3 metre wide vegetated buffer for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.	

SCHEDULE B – TA16-0015

Zoning Bylaw No. 8000				
List of Amendments to Zoning Bylaw No. 8000 for Temporary Farm Worker Housing				
No.	**Section**	**Existing**	**Proposed**	**Explanation**
1	Replace in Section 2 Interpretation, 2.3 General Definitions	**AGRICULTURAL DWELLINGS, ADDITIONAL** means any **dwelling** on a bona fide agricultural operation that is used to house full-time permanent or seasonal farm workers employed on the same site as the agricultural operation only. This may include but is not limited to single detached houses, **mobile homes**, or bunkhouses.	**AGRICULTURAL DWELLING(S), ADDITIONAL** means any **dwelling** on a bona fide agricultural operation that is used to house full-time permanent or **temporary farm workers** employed on the **farm unit**. This may include but is not limited to single detached houses, **mobile homes**, or bunkhouses.	Replaced the words "on the same site" with **farm unit** so the definition is consistent with **temporary farm worker(s).** Replaced seasonal farm workers with **temporary farm workers** for consistency.
2	Add to Section 2 Interpretation, 2.3 General Definitions		**RESIDENTIAL FOOTPRINT** means the portion of a lot that includes all structures, landscaping, driveways and parking areas associated with the principal **dwelling**, including but not limited to the principal **dwelling, mobile home** for family, **home based business (minor, major and rural)**, accessory structures including garage and storage, recreation areas (including pools and sport courts), and outdoor living areas. Structures not included in the **residential footprint** are **agricultural structures**, including **greenhouses**,	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."

			agricultural and garden stands and those structures associated with the **temporary farm worker housing footprint**.	
3	Add to Section 2 Interpretation, 2.3 General Definitions		**FARM UNIT** means one or more contiguous or non-contiguous parcels, that may be owned, rented or leased, within City limits, which forms and is managed as a single farm.	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."
4	Add to Section 2 Interpretation, 2.3 General Definitions		**ON-FARM PROCESSING** means the undertaking of processes, including mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, and biological treatments on a **farm unit** to: • Prepare value added products from farm products to sell, or • Prepare feed for livestock, poultry, farmed game, located on the farm But excludes on-farm composting, on-farm soil preparation, and on-farm soilless medium production.	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."
5	Add to Section 2 Interpretation, 2.3 General Definitions		**TEMPORARY FARM WORKER(S)** means an individual or individuals who carry out agricultural work on a temporary and seasonal basis on a **farm unit**.	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."

6	Add to Section 2 Interpretation, 2.3 General Definitions		**TEMPORARY FARM WORKER HOUSING (TFWH)** means a dwelling to temporarily accommodate **temporary farm worker(s)**, which is accessory to a **farm unit**, that is used to provide spaces for cooking, sanitary, living and sleeping.	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."
7	Add to Section 2 Interpretation, 2.3 General Definitions		**TEMPORARY FARM WORKER HOUSING (TFWH) FOOTPRINT** means the portion of a lot that includes all structures, driveways and parking areas associated with the **temporary farm worker housing,** including but not limited to structures for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer.	Definition modified from **residential footprint** to distinguish the area used for **temporary farm worker housing**.
8	Add to Section 9 Specific Use Regulations		**9.13 Temporary Farm Worker Housing**	Addition of category to specific use regulations for **temporary farm worker housing**.
9	Add to Section 9 Specific Use Regulations, 9.13 Temporary Farm Worker Housing		9.13.1 The following requirements must be met prior to the issuance of a permit for a **temporary Farm Worker Housing** structure: (a) Farm Classification for the parcel, as determined by the *BC Assessment Act*. (b) Minimum parcel size is 3.8 ha. (c) The need for **temporary farm worker housing** onsite to house **temporary farm workers** must be	Addition of specific use regulations outlining the conditions that must be met for **temporary farm worker housing**.

			demonstrated through documentation such as a contract with the federal government through a migrant worker program, such as the Seasonal Agricultural Worker Program, farm receipts and / or previous employment records, and/or a farm plan prepared by a professional agrologist. (d) New **TFWH** structures shall include a communal kitchen. (e) The **TFWH** shall be occupied only during the **farm u**nit's growing, harvesting and pruning periods. . (f) A statutory declaration must be filed with the City of Kelowna annually, by January 31st, stating that the building will be used only for **TFWH** and specify the time(s) of year when the TFWH will be occupied. The specified period of time may be no greater than eight months of that calendar year. (g) If the temporary farm worker housing is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for temporary	

			farm worker housing, and remove or decommission any existing buildings that had been repurposed for temporary farm worker housing purposes, by December 31st of the second year of vacancy.	
10	Add to Section 9 Specific Use Regulations, 9.13 Temporary Farm Worker Housing		9.13.2 **TFWH** Footprint Size (a) **TFWH footprint** may not exceed 0.20 ha.	Addition of specific use regulations for **temporary farm worker housing footprint** size.
11	Add to Section 9 Specific Use Regulations, 9.13 Temporary Farm Worker Housing		9.13.3 **TEMPORARY FARMWORKER ALLOCATION** (a) **Structure(s)** to accommodate a maximum of forty **temporary farm workers** per **farm unit**. (b) **Farm units** with **greenhouses** and/or **on-farm processing** structures may increase allowable number of workers by 1 worker per each 1000 m2 of **greenhouse** and/or **on-farm processing** structures. (c) Where a **farm unit** comprises of multiple parcels of land, **TFWH** may be clustered on a single parcel, subject to: i. A restrictive covenant be registered on all other parcels of the	Addition of specific use regulations for the number of **temporary farm workers**.

			farm unit restricting the development of further **TFWH** on said parcels, and transferring the allocation of **TFWH** to the parcel being developed with **TFWH**.	
12	Replace in Section 11 Agriculture Zones 11.1.3 Secondary Uses	(a) **agricultural dwellings, additional**	(a) **agricultural dwelling(s), additional**	Update the word to match with revised definition.
13	Add to Section 11 Agriculture Zones 11.1.4 Buildings and Structures Permitted		(f) **TFWH** may be in one of the following structure types: i. Existing **structure** with a Building Permit that was approved at least 2 years prior to **TFWH** application, to be converted into **TFWH**, on the parcel within the **farm unit**. ii. New **TFWH** must be in temporary structures on non-permanent foundations, such that it is designed to be removed by a truck or vehicle. Concrete pads or foundations are not permitted.	Regulations for type of structures permitted for **TFWH**.

SCHEDULE C – TA16-0016

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	**Section**	**Existing Text**	**Proposed Text**	**Explanation**
1	Update wording in section 1.3.7	An application for an **Additional Dwelling for Farm Employee Permit**	An application for a **Temporary Farm Worker Housing Permit**	
2	Add to 1.4 Definitions		**'Community Planning'** means the City of Kelowna's Community Planning Department.	Consistent with re-organization
3	Remove from 1.4 Definitions	**'Land Use Management'** means the **City** of Kelowna's Land Use Management Department;	~~**'Land Use Management'** means the **City** of Kelowna's Land Use Management Department;~~	Consistent with re-organization
4	Replace all instances in Zoning Bylaw	**'Land Use Management'**	**'Community Planning'**	Consistent with re-organization
5	Replace all instances in Zoning Bylaw	**'Director of Land Use Management'**	**'Department Manager, Community Planning'**	Consistent with re-organization. Note: the definition for Department Manager, Community Planning was added during a previous revision, and Director of Land Use Management definition was removed during a previous revision.
6	Remove from Section 1.4.1 Definitions	**'Additional Dwelling for Farm Employee Permit'** means a permit authorized by Section 15(1) of the *Community Charter* for the accommodation of a full-time employee or employees paid to work on a farm operation.	~~**'Additional Dwelling for Farm Employee Permit'** means a permit authorized by Section 15(1) of the *Community Charter* for the accommodation of a full-time employee or employees paid to work on a farm operation.~~	Remove additional dwelling for farm employee permit.
7	Add to Section 1.4.1 Definitions		**'Agricultural Advisory Committee'** means an advisory committee established by **Council**.	No definition in bylaw.

SCHEDULE C – TA16-0016

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	**Section**	**Existing Text**	**Proposed Text**	**Explanation**
8	Add to Section 1.4.1 Definitions		**'Temporary Farm Worker Housing Permit Minor Direct'** means a permit authorized by Section 15 (1) of the Community Charter, issued by the **Department Manager, Community Planning** that applies to development that meets the following criteria: • Is for eight or fewer sleeping units in one or more Temporary farm worker agricultural dwellings; and • Is consistent with the applicable guidelines and policies of the **Official Community Plan** and regulations of the **Zoning Bylaw**.	No definition in bylaw. Wording is consistent with Development Application Fees Bylaw.
9	Section 1.4.1 Definitions		**'Temporary Farm Worker Housing Permit Major'** means a permit authorized by Section 15(1) of the *Community Charter* for the accommodation of an employee(s) paid to work on a farm for less than eight months per calendar year.	No definition in bylaw. Wording is consistent with Development Application Fees Bylaw.
10	Revise 2.1.2 in Section 2.1 Making Application	**2.1.2 Application Requirements and Processing** h) An Application for an **Additional Dwelling for Farm Employee Permit** will be made and processed substantially in accordance with Schedule '9' of this bylaw.	**2.1.2 Application Requirements and Processing** h) An Application for a **Temporary Farm Worker Housing Permit** will be made and processed substantially in accordance with Schedule '9' of this bylaw.	Replace Additional Dwelling for Farm Employee Permit with Temporary Farm Worker Housing Permit
11	Replace wording Section 2.3.4 Delegation of Authority	**2.3.4 Issuance or Refusal of Additional Dwelling for Farm Employee Permits** The powers of **Council** under Section 15(1) of the *Community Charter* to issue, to refuse, to amend and to set conditions for permits for the placement of dwellings for the accommodation of farm help, in	**2.3.4 Issuance of Temporary Farm Worker Housing Permits** The powers of **Council** under Section 15(1) of the *Community Charter* to issue, to amend and to set conditions for permits for the placement of dwellings for the accommodation of Temporary farm workers, in accordance with the *Agricultural Land Commission Act* and Regulations.	Replace Additional Dwelling for Farm Employee Permit with Temporary Farm Worker Housing Permit; remove words 'farm help'; and remove the words "to refuse" as Council cannot refuse

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	**Section**	**Existing Text**	**Proposed Text**	**Explanation**
		accordance with the *Agricultural Land Commission Act* and Regulations.		an application for up to 40 temporary farm workers as Kelowna is a Farm Bylaw community.
12	Add to Section 2.4.2 '(s)' and Renumber '(t) Development Approval Information	s) Any other topic in relation to which the **Director of Land Use Management** considers the proposed activity or development impacts the jurisdiction of the **City**	s) Agricultural impacts, including, but not limited to a soils assessment; t) Any other topic in relation to which the **Department Manager, Community Planning** considers the proposed activity or development impacts the jurisdiction of the **City**.	
13	Rename schedule 9	Schedule '9' Applications for Additional Dwelling for Farm Employee Permits	Schedule '9' Applications for Temporary Farm Worker Housing Permits	
14	Replace Schedule '9' Applications for Additional Dwelling for Farm Employee Permits with Schedule '9' Applications for Permanent Farm Worker Housing Permits	This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed. **1.0 APPLICATION REQUIREMENTS** The following information will be required to accompany an application for an **Additional Dwelling for Farm Employee Permit** under this Bylaw: 1.1 State of Title, printed within ninety (90) days before making application, for all properties subject of the application; 1.2 **Owner**'s Authorization (where required); 1.3 Project Rationale outlining the justification for the additional farm help in relation to the agricultural	This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed. **1.0 TEMPORARY FARM WORKER HOUSING PERMIT MINOR DIRECT** 1.1 **Restriction on Delegation.** As a restriction on Section 2.3.4, the **Department Manager, Community Planning** may only issue or amend **Temporary Farm Worker Housing Permits** that meet the following criteria: • The Permit is consistent with **OCP** DP Guidelines; • The Permit authorizes eight (8) or fewer sleeping units; and • No variances to the **Zoning Bylaw** are required.	Update wording to reflect Permanent Farm Worker Housing Permit

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	**Section**	**Existing Text**	**Proposed Text**	**Explanation**
		activities, including maps, as necessary. **2.0 PROCESSING PROCEDURES** An **Additional Dwelling for Farm Employee Permit** application submitted in accordance with this bylaw will be processed as follows: 2.1 Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant. 2.2 **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only upon a complete submission package. 2.3 **Land Use Management** will refer the application to all applicable **City** departments, government and external agencies. 2.4 **Land Use Management** will evaluate the proposal for compliance with relevant **City** bylaws and policies and relevant provincial regulations, which include but is not limited to **Agricultural Land Reserve** Use, Subdivision and Procedure Regulation. 2.5 Relevant technical comments will be incorporated into a staff report for	Applications not eligible for issuance or amendment by the **Department Manager, Community Planning** must be considered by **Council.** **1.2 Application Requirements** a) The following information listed in Schedule '1' of this bylaw will be required to accompany an application for a **Temporary Farm Worker Housing Permit Minor Direct** under this bylaw: (a) Application Form — (g) Photographs (b) State of Title Certificate — (i) **Site** Plan (c) **Owner's** Authorization form (if applicable) — (j) Floor Plans (d) **Site** Profile or **Site** Profile Waiver — (k) Elevation Drawings (f) Project Rationale — (m) Landscape Plan b) Additional information may be required by the **Department Manager, Community Planning** to evaluate adequately and to issue a Permit, in accordance with Section 2.4 of this bylaw. **1.3 Processing Procedures** A **Temporary Farm Worker Housing Permit Minor Direct** application	

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	**Section**	**Existing Text**	**Proposed Text**	**Explanation**
		consideration by the **Director of Land Use Management**. 2.6 **Land Use Management** will notify the applicant in writing of the decision of the **Director of Land Use Management**. 2.7 If authorized for issuance by the **Director of Land Use Management**, staff will prepare the required **Additional Dwelling for Farm Employee Permit**, related schedules and required covenants for signature.	submitted in accordance with this bylaw will be processed as follows: a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant. b) **Community Planning** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only once a complete package has been submitted. c) **Community Planning** will refer the application to all applicable City departments. d) **Community Planning** will evaluate the proposal for compliance with relevant City bylaws and policies. e) Relevant technical comments will be incorporated into a staff report for consideration by the **Department Manager, Community Planning**. f) **Community Planning** will notify the applicant in writing of the decision of the **Department Manager, Community Planning**. g) If authorized for issuance by the **Department Manager, Community Planning**, staff will prepare the required Permit and related schedules for signature, and obtain	

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	**Section**	**Existing Text**	**Proposed Text**	**Explanation**
			the required Landscape Bonding, pursuant to Section 2.8 of this bylaw. h) Upon sign-off of the Permit by the **Department Manager, Community Planning** and receipt of the related bonding, the Permit will be issued and then registered on the State of Title. **2.0 TEMPORARY FARM WORKER HOUSING PERMIT MAJOR** **2.1 Application Requirements** a) The following information listed in Schedule '1' of this bylaw will be required to accompany an application for a **Temporary Farm Worker Housing Permit Major** under this Bylaw: (a) Application Form — (g) Photographs (b) State of Title Certificate — (i) **Site** Plan (c) **Owner**'s Authorization form (if applicable) — (j) Floor Plans (d) **Site** Profile or **Site** Profile Waiver — (k) Elevation Drawings (f) Project Rationale — (m) Landscape Plan b) Additional information may be required the **Department Manager,**	

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	**Section**	**Existing Text**	**Proposed Text**	**Explanation**
			Community Planning to evaluate adequately and to make a recommendation to **Council** concerning a Permit, in accordance with Section 2.4 of this bylaw. **2.2 Processing Procedures** A **Temporary Farm Worker Housing Permit** application submitted in accordance with this Bylaw will be processed as follows: a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant. b) **Community Planning** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon a complete submission package. c) **Community Planning** will refer the application to all applicable City departments, and government and external agencies. d) **Community Planning** will evaluate the proposal for compliance with relevant City bylaws and policies. e) The applicant will undertake the form(s) of public notification and	

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	**Section**	**Existing Text**	**Proposed Text**	**Explanation**
			consultation required in accordance with Section 4 of this bylaw f) **Community Planning** will prepare a staff report and refer the application to the **Agricultural Advisory Committee**. g) The applicant is encouraged to attend the meeting of the **Agricultural Advisory Committee** at which the Permit application is being reviewed. h) Upon receipt of the recommendation of the **Agricultural Advisory Committee** and the comments of other referral agencies, **Community Planning** staff will prepare a staff report and draft Permit for review by **Council**. i) Staff of the **Office of the City Clerk** will notify the applicant in writing of the decision of **Council**. j) If authorized for issuance by **Council**, **Community Planning** staff will prepare the required Permit and related schedules for signature, and obtain the required Bonding, pursuant to Section 2.8 of this bylaw. Upon sign-off of the Permit by the **Department Manager, Community Planning** and receipt of the related bonding, the Permit will be issued and then registered.	

Schedule D: Temporary Farm Worker Housing Policy Development Process

Date	Action
August 2015	City staff initiates regional approach to updating TFWH policies
September 22, 2015	1st meeting with Regional TFWH Working Group[1]
December 1, 2015	2nd meeting with Regional TFWH Working Group
April 13, 2016	3rd meeting with Regional TFWH Working Group
July 6, 2016	4th meeting with Regional TFWH Working Group
August 29, 2016	City staff receives input from Agriculture Land Commission staff on proposed TFWH policy changes.
October 13, 2016	Proposed policy changes referred to: • Interior Health • Ministry of Agriculture • Agriculture Land Commission • Ministry of Transportation • RDCO • BMID • GEID • SEKID • Rutland Water Works
October 13, 2016	1st AAC workshop with initial proposed policy changes for TFWH
October 31, 2016	1st City Council workshop on initial proposed TFWH policy changes
October – January, 2017	Multiple contacts with BCFGA regarding numbers of TFW and comparison of number of workers between Okanagan and the lower mainland.
November 1, 2016	City staff consult with local construction company that builds TFWH.
November 3, 2016	City staff meet with housing inspector for the federal Season Agriculture Worker Program (SAWP) that inspects the majority of large Central Okanagan farms
November 29, 2016	City staff consults with ALC CEO regarding TFWH bonding in the Lower Mainland
December 6, 2016	5th meeting with Regional TFWH Working Group
January, 2017	City staff contacted the Mexican Consulate and the Jamaican Liaison Services and received documentation on number SAWP workers in the Okanagan.
January 23, 2017	City staff consult with City of Richmond staff regarding TFWH policies
January - February, 2017	Mexican Consulate staff provide documentation comparing TFWH policies in BC, Quebec and Ontario and information about upcoming SAWP informative sessions in BC.
February 9, 2017	2nd AAC Workshop with revised proposed policy changes for TFWH
February 10, 2017	Revised proposed policy changes for TFWH referred for comment to:

[1] The Regional TFWH Working Group consisted of representatives from City of Kelowna, Regional District of Central Okanagan, District of Lake Country, City of West Kelowna, Ministry of Agriculture and Agriculture Land Commission (note ALC only participated in a few sessions). District of Peachland declined to participate in the process due to the limited amount of ALR land in their community and TFWH is not expected to become an issue.

	• Interior Health • Agriculture Land Commission • Ministry of Agriculture • Ministry of Transportation • Regional District of Central Okanagan • City of West Kelowna • District of Lake Country • Black Mountain Irrigation District • Glenmore Ellison Improvement District • Rutland Waterworks • South East Kelowna Irrigation District
February 23, 2017	City staff consult with Ministry of Agriculture staff to confirm information on impacts of site specific zoning amendments in Farm Regulated Communities
February 28, 2017	City staff consult with Ministry of Agriculture staff to confirm parcel size information.
March 6, 2017	2nd City Council Workshop with revised proposed policy changes for TFWH
March 15, 2017	Revised proposed policy changes for TFWH referred for comment to: • BC Fruit Growers Association • BC Cherry Association • Consulate General of Mexico • Jamaican Liaison Services • Agriculture Land Commission • BC Ministry of Agriculture • Interior Health • Central Okanagan Economic Development Commission • Central Okanagan Food Policy Council • BC Cattlemen's Association • BC Grape Growers • BC Wine Grape Council • Certified Organics Association of BC • BC Honey Producers Association
March 17, 2017	Kelowna Daily Courier Advertisement inviting comments on the revised proposed policy for TFWH by March 31.
March 24, 2017	Kelowna Daily Courier Advertisement inviting comments on the revised proposed policy for TFWH by March 31.

Schedule E: Temporary Farm Worker Housing Policy Input Received

Date	Organization	Summary of Input	Notes
August 10, 2016	Radical Action with Migrants in Agriculture (RAMA)	Concerns with violations of SAWP requirements and opportunities for how farmworker housing is regulated.	
September 9, 2016	Ministry of Agriculture	Letter of support for initial proposed TFWH policy acknowledging the consistence with the Minister's Bylaw Standard.	
October 12, 2016	Agriculture Land Commission, Martin Collins Regional Planner	Letter of support for initial proposed TFWH policy and acknowledging consistency with the ALC Act and Regulation. Suggestion to adjust 60-meter road setback to 50-meter road setback.	• TFWH proposed policies revised to 50-meter road setback as per suggestion.
November 10, 2016	Ministry of Agriculture, Gregory Bartle, Land Use Planner	Support the proposed policy with suggestions to: • Development Application Procedures Bylaw and requirements of Right to Farm Regulated Community	• Continued discussions with Ministry of Agriculture to revise the draft policies to ensure consistency with Farm Regulated Community requirements.
December 16, 2016	Ministry of Agriculture, Gregory Bartle, Land Use Planner	Further recommendations for the proposed policy: • Submit bylaws for Minister approval as a Farm Bylaw • Ensure wording in Development Application Procedures Bylaw cannot deny housing for under 40 workers as per the Guide for Bylaw Development in Farming Areas.	• Development Application Procedures Bylaw proposed policy was revised to remove the word "deny"
January 10, 2017	Ministry of Transportation and Infrastructure, Blaine Garrison, Development Technician	No objection to proposed policy subject to all new structures adjacent to provincial highways adhere to the Ministry's standards for structural setbacks, and no direct access to controlled access highways.	

Date	Organization	Summary of Input	Notes
January 20, 2017	Interior Health, Jill Worboys (Public Health Dietician) and Anita Ely (Environmental Health Officer)	Support of proposed policy and outlined the importance that agricultural capacity is a key aspect of local healthy food systems and recommended that applications for TFWH be circulated prior to them prior to issuance of a building permit.	
February 16, 2017	Ministry of Transportation and Infrastructure, Blaine Garrison, Development Technician	Referred to same comments made on January 10, 2017.	
February 24, 2017	Ministry of Agriculture, Gregory Bartle, Land Use Planner	Support of proposed policies with suggestions to: • Revise section 1.2b) of the Development Application Procedures Bylaw regarding authority to "deny" a permit	• Development Application Procedures Bylaw section 1.2b) was revised and the word "deny" removed.
March 15, 2017	BC Fruit Growers Association, Fred Steele, President	Request that the City organize a roundtable with industry, city staff, employee representatives, and BC Ministry of Agriculture staff to review and discuss proposed policy.	
March 28, 2017	David Geen, President Jealous Fruit Ltd. / Coral Beach Farms Ltd.	Concerns with TFWH proposed policy including: • Cap of 40 temporary farm workers per farm unit as they currently staff over 700 people, with housing for 335. • Housing TFW in urban areas as it adds to the length of workers' day • While 90% of farms have less than 40 workers, the remaining 10% of farms produce more • Location of units near a road, suggest use of poorest land	• Proposed policy is under development permit guidelines "temporary farm worker housing footprint should be contiguous with residential footprint

Date	Organization	Summary of Input	Notes
			and/or within 50 meters of the road." This allows for some flexibility.
March 29, 2017	Central Okanagan Food Policy Council	Supportive of TFWH policy, concerns include: • Recommends more detailed standards for zoning (i.e. number of kitchens required for a certain number of workers) • Suggestion of regional housing strategy that provides a variety of housing opportunities off of ALR land • Importance of food system resilience and food self-reliance	• Federal SAWP requirements regulate standards for this
March 30, 2017	Elizabeth Heier, resident	Concerns over TFWH proposed policy including: • Neighbourhood awareness of TFWH applications • Enforcement of proposed regulations	• Council Policy 367 Public Notification and Consultation for Development Application requires neighbourhood consultation for seasonal farm worker housing
March 30, 2017	Bruce Wilson, resident	Concerns over TFWH proposed policy including: • Enforcement of proposed regulations	

BRITISH COLUMBIA

September 9, 2016

File: 0280-20
Ref: 184951

Tracy Guidi
Sustainability Coordinator
City of Kelowna, BC
tguidi@kelowna.ca

RE: Okanagan regional approach to Temporary Farm Worker Housing local government bylaws

Dear Ms. Guidi:

Thank you for providing a final opportunity to review the draft Temporary Farm Worker Housing bylaw provisions dated August 12, 2016 which were prepared by City of Kelowna staff and other Central Okanagan local government staff.

Ministry of Agriculture staff acknowledge the effort involved in co-ordinating a regional approach to temporary farm worker housing and recognize the potential benefits for both local governments and the farming community. Temporary Farm Worker Housing is an important and complex issue involving multiple levels of government which affects farmers, local governments and the public. Ministry staff are encouraged with the initiative being taken by the working group and appreciate having had the opportunity to participate in the formulation of the draft bylaw provisions.

Ministry staff have reviewed the August 12, 2016 version of the draft bylaw provisions and are of the opinion that they are consistent with the intention of the Minister's Bylaw Standard on Temporary Farm Worker Housing. If you have any questions or require any further assistance through the bylaw approval process, please continue to engage with Ministry staff.

Sincerely,

J E M Easton

Joan Easton
Executive Director

pc: Brenda Lennox, Senior Manager, Strengthening Farming Unit, Ministry of Agriculture

Ministry of Agriculture

Mailing Address:
Innovation and Adaptation Services Branch
Ministry of Agriculture
PO Box 9120 Stn Prov Govt
Victoria BC V8W 9B4

Web Address: http://www.gov.bc.ca/agri/

Fri 2/24/2017 9:57 AM

Bartle, Gregory AGRI:EX <Gregory.Bartle@gov.bc.ca>

RE: TA16-0015/TA16-0016/OCP16-0022 - Temporary Farm Worker Housing - RECIRCULATION

To Deb Champion

Cc Skinner, Anne E AGRI:EX; Melanie Steppuhn; Tracy Guidi

Deborah Champion
City of Kelowna

Hi Ms. Champion,

Thank you for the opportunity to provide feedback. It's very encouraging to read in the Committee Report (9 February 2017) that the additional research provided on worker numbers per farm, is in-line with the Ministry's own Bylaw Standard provision on the topic.

Kelowna may wish to further review the proposed text of Section 1.2 b) of the draft Development Applications Procedures Bylaw Amendment to ensure that this delegated authority to issue 'or deny' a Permit is the actual intent, given the regulatory criteria of being a 'Right to Farm regulated' community (B.C. Reg. 187/2001) (Local Government Act Section 481, 552 and 553).

Regards,

Gregory Bartle, Land Use Planner
British Columbia Ministry of Agriculture
Phone: 250.387.9687 Email: Gregory.Bartle@gov.bc.ca

Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 12, 2016

Reply to the attention of Martin Collins
ALC File:

Todd Cashin
Suburban & Rural Planning Manager
City of Kelowna
1435 Water St
Kelowna, BC
V1Y 1J4

Dear Sir:

Re: City of Kelowna Temporary Farm Worker Housing Bylaw Amendments
Zoning Bylaw 8000 and Procedures Bylaw 10540
TA16-0015 and TA16-0016

Thank you for forwarding draft copies of proposed bylaw amendments proposed for the City of Kelowna Bylaws referenced above pertaining to Temporary Farm Worker Housing.

The ALC would like to commend the City for its draft bylaw amendments which attempt to ensure that the proposed Temporary Farm Worker Housing (TFWH) located within the ALR is consistent with the purposes of the Agricultural Land Commission Act and regulation.

The only substantive comment on the amendments is that a 60 meter setback from the road may be excessive for this type of housing, and that instead the rear of the TFWH building be no greater than 50 meters from a road. The ALC commonly recommends that residential structures be located no deeper than 50 meters from the public road to help limit negative impacts on agriculture from long driveways, and residences that are located adjacent to production areas (which are commonly located deeper within the parcel).

Apart from the above, the ALC has no objection to the proposed Temporary Farm Worker Housing amendments proposed for the bylaw(s), finding them to be consistent with the ALC's mandate to preserve agricultural land and encourage farming.

Again thank you for the opportunity to comment. If you have any further questions please contact the undersigned.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Martin Collins, Regional Planner

CITY OF KELOWNA

BYLAW NO. 11373

Official Community Plan Amendment No. OCP16-0022 – Temporary Farm Worker Housing

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

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

1. THAT "*Kelowna 2030* – Official Community Plan Bylaw No. 10500", **Chapter 5 – Development Process, Agricultural Land Use Policies,** Objective 5.34 Preserve productive agricultural land, policy .2 be deleted that reads:

   "Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:
   - agriculture is the principal use on the parcel, and
   - the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.

   Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified."

   And replace it with:

   "Farm Help Housing. As a first option, farm help housing should be located within the Permanent Growth Boundary providing access to amenities for workers. Accommodation for farm help on the same farm unit will be considered only where:
   - agriculture is the principal use on the parcel, and
   - the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that help is deemed necessary.

   Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified."

2. THAT "*Kelowna 2030* – Official Community Plan Bylaw No. 10500", **Chapter 15 – Farm Protection DP Guidelines, Category** be amended by deleting:

"Sec. 919 (c) of the Local Government Act for the protection of farming."

And replace it with the following:

"Sec. 488 (1) (c) of the Local Government Act for the protection of farming."

3. THAT "*Kelowna 2030* – Official Community Plan Bylaw No. 10500", **Chapter 15 – Farm Protection DP Guidelines, Properties Affected** 1. b ii be amended by deleting the reference to "agri-tourist accommodation";

4. THAT "*Kelowna 2030* – Official Community Plan Bylaw No. 10500**", Chapter 15 – Farm Protection DP Guidelines, Guidelines** be amended by adding a new section 1.8 in its appropriate location:

"1.8 Design temporary farm working housing such that:

- Temporary farm worker housing should use all existing dwelligs within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use or demolished including decommissioning the existing septic system, prior to the authorization of a new temporary farm worker housing structure.
- Temporary farm worker housing footprint should be contiguous with the residential footprint (i.e. homeplate) and/or within 50 meters of the road.
- Temporary farm worker housing should have a minimum 3 metre wide vegetated buffer for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.

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

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved by the Ministry of Agriculutre this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

CITY OF KELOWNA

BYLAW NO. 11374
TA16-0015 – Temporary Farm Worker Housing Amendments

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000, **Section 2 – Interpretation, 2.3 General Definitions,** be amended by deleting the definition for **AGRICULTURAL DWELLINGS, ADDITIONAL** that reads:

   "AGRICULTURAL DWELLINGS, ADDITIONAL means any **dwelling** on a bona fide agricultural operation that is used to house full-time permanent or seasonal farm workers employed on the same site as the agricultural operation only. This may include but is not limited to single detached houses, **mobile homes**, or bunkhouses."

   and replace it with a new definition as follows:

   "AGRICULTURAL DWELLING(S), ADDITIONAL means any **dwelling** on a bona fide agricultural operation that is used to house full-time permanent or **temporary farm workers** employed on the **farm unit**. This may include but is not limited to single detached houses, **mobile homes**, or bunkhouses."

2. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 2 – Interpretation, 2.3 General Definitions,** be amended by adding a new definition for:

   a) **FARM UNIT** in its appropriate location that reads:

      "FARM UNIT means one or more contiguous or non-contiguous parcels, that may be owned, rented or leased, within City limits, which forms and is managed as a single farm."

   b) **ON-FARM PROCESSING** in its appropriate location that reads:

      "ON-FARM PROCESSING means the undertaking of processes, including mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, and biological treatments on a **farm unit** to:
      - Prepare value added products from farm products to sell, or
      - Prepare feed for livestock, poultry, farmed game, located on the farm

      But excludes on-farm composting, on-farm soil preparation, and on-farm soilless medium production."

   c) **RESIDENTIAL FOOTPRINT** in its appropriate location that reads:

      "RESIDENTIAL FOOTPRINT means the portion of a lot that includes all structures, landscaping, driveways and parking areas associated with the principal **dwelling**, including but not limited to the principal **dwelling, mobile home** for family, **home based business (minor, major and rural)**, accessory structures including garage and storage, recreation areas (including pools and sport courts), and outdoor living areas. Structures not included in the **residential footprint** are **agricultural structures**, including **greenhouses**, **agricultural and garden stands** and those structures associated with the **temporary farm worker housing footprint**."

d) **TEMPORARY FARM WORKER(S)** in its appropriate location that reads:

"TEMPORARY FARM WORKER(S) means an individual or individuals who carry out agricultural work on a temporary and seasonal basis on a **farm unit**."

e) **TEMPORARY FARM WORKER HOUSING (TFWH)** in its appropriate location that reads:

"TEMPORARY FARM WORKER HOUSING (TFWH) means a dwelling to temporarily accommodate **temporary farm worker(s)**, which is accessory to a **farm unit,** that is used to provide space for cooking, sanitary, living and sleeping."

f) **TEMPORARY FARM WORKER HOUSING (TFWH) FOOTPRINT** in its appropriate location that reads:

"TEMPORARY FARM WORKER HOUSING (TFWH) FOOTPRINT means the portion of a lot that includes all structures, driveways and parking areas associated with the **temporary farm worker housing,** including but not limited to structures for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer."

3. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 9 – Specific Use Regulations,** be amended by adding a new section **9.13 Temporary Farm Worker Housing** as follows:

"9.13 Temporary Farm Worker Housing

9.13.1 The following requirements must be met prior to the issuance of a permit for a **Temporary Farm Worker Housing (TFWH)** structure:

(a) Farm Classification for the parcel, as determined by the *BC Assessment Act*.

(b) Minimum parcel size is 3.8 ha.

(c) The need for **temporary farm worker housing** onsite to house **temporary farm workers** must be demonstrated through documentation such as a contract with the federal government through a migrant worker program, such as the Seasonal Agricultural Worker Program, farm receipts and / or previous employment records, and/or a farm plan prepared by a professional agrologist.

(d) New **TFWH** structures shall include a communal kitchen.

(e) The **TFWH** shall be occupied only during the **farm u**nit's growing, harvesting and pruning periods.

(f) A statutory declaration must be filed with the City of Kelowna annually, by January 31st, stating that the building will be used only for **TFWH** and specify the time(s) of year when the **TFWH** will be occupied. The specified period of time may be no greater than eight months of that calendar year.

(g) If the temporary farm worker housing is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for **temporary farm worker housing**, and remove or decommission any existing buildings that had been repurposed for **temporary farm worker housing** purposes, by December 31st of the second year of vacancy.

9.13.2 **TFWH** Footprint Size

(a) **TFWH footprint** may not exceed 0.20 ha.

9.13.3 **TEMPORARY FARMWORKER ALLOCATION**

(a) **Structure(s)** to accommodate a maximum of forty **temporary farm workers** per **farm unit**.

(b) **Farm units** with **greenhouses** and/or **on-farm processing** structures may increase allowable number of workers by 1 worker per each 1000 m2 of **greenhouse** and/or **on-farm processing** structures.

(c) Where a **farm unit** comprises of multiple parcels of land, **TFWH** may be clustered on a single parcel, subject to:

i. A restrictive covenant be registered on all other parcels of the **farm unit** restricting the development of further **TFWH** on said parcels, and transferring the allocation of **TFWH** to the parcel being developed with **TFWH**."

4. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 11 – Agricultural Zones,** be amended by:

a) Deleting "**agricultural dwellings additional**" in section 11.1.3 Secondary Uses and replacing it with "**agricultural dwelling(s) additional**"; and

b) Adding a new subparagraph (f) to **Section 11.1.4 Buildings and Structures Permitted** that reads:

"f) **TFWH** may be in one of the following structure types:

i. Existing **structure** with a Building Permit that was approved at least 2 years prior to **TFWH** application, to be converted into **TFWH,** on the parcel within the **farm unit**.

ii. New **TFWH** must be in temporary structures on non-permanent foundations, such that it is designed to be removed by a truck or vehicle. Concrete pads or foundations are not permitted."

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

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

_____

(Approving Officer-Ministry of Transportation)

Approved by the Ministry of Agriculutre this

Adopted by the Municipal Council of the City of Kelowna this

_____

Mayor

_____

CITY OF KELOWNA

BYLAW NO. 11375

Amendment No. 5 to Development Applications Procedures Bylaw No. 10540

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Applications Procedures Bylaw No. 10540 be amended as follows:

1. THAT **Section 1 – Introduction**, 1.3 **Scope**, 1.3.7 be deleted that reads "An application for an **Additional Dwelling for Farm Employee Permit"** and replaced with "An application for a **Temporary Farm Worker Housing Permit";**

2. AND THAT **Section 1 – Introduction**, 1.4 **Definitions, 1.4.1** be ameded by:

   a) adding a new definition in its appropriate location for '**Agricultural Advisory Committee**' that reads:

      "'**Agricultural Advisory Committee'** means an advisory committee established by **Council**."

   b) adding a new definition in its appropriate location for '**Community Planning**' that reads:

      'Community Planning' means the City of Kelowna's Community Planning Department.";

   c) adding a new definition in its appropriate location for '**Temporary Farm Worker Housing Permit, Minor Direct**' that reads:

      "'**Temporary Farm Worker Housing Permit Minor Direct'** means a permit authorized by Section 15 (1) of the Community Charter, issued by the **Department Manager, Community Planning** that applies to development that meets the following criteria:
      - Is for eight or fewer sleeping units in one or more Temporary farm worker agricultural dwellings; and
      - Is consistent with the applicable guidelines and policies of the **Official Community Plan** and regulations of the **Zoning Bylaw**."

   d) adding a new definition in its appropriate location for '**Temporary Farm worker Housing Permit, Major Direct**' that reads:

      "'**Temporary Farm Worker Housing Permit Major'** means a permit authorized by Section 15(1) of the *Community Charter* for the accommodation of an employee(s) paid to work on a farm for less than eight months per calendar year."

   e) deleting the definition for "**Additional Dwelling for Farm Employee Permit**" that reads:

      "Additional Dwelling for Farm Employee Permit' means a permit authorized by Section 15(1) of the *Community Charter* for the accommodation of a full-time employee or employees paid to work on a farm operation."

   f) deleting all references to "**Director of Land Use Management**" and replacing it with "**Department Manager, Community Planning**";

g) deleting the definition for '**Land Use Management'** that reads "**Land Use Management'** means the **City** of Kelowna's Land Use Management Department;"

h) deleting all references to '**Land Use Management'** and replacing it with '**Community Planning'**;

3. AND THAT **Section 2 – General Provisions, 2.1 Making Application, 2.1.2 Application Requirements and Processing** (h) be deleted that reads:

"h) An Application for an **Additional Dwelling for Farm Employee Permit** will be made and processed substantially in accordance with Schedule '9' of this bylaw."

And replaced it with:

"h) An Application for a **Temporary Farm Worker Housing Permit** will be made and processed substantially in accordance with Schedule '9' of this bylaw."

4. AND THAT **Section 2 – General Provisions, 2.3 Delegation of Authority, 2.3.4 Issuance or Refusal of Additional Dwelling for Farm Employee Permits** be deleted that reads:

"**2.3.4 Issuance or Refusal of Additional Dwelling for Farm Employee Permits**
The powers of **Council** under Section 15(1) of the *Community Charter* to issue, to refuse, to amend and to set conditions for permits for the placement of dwellings for the accommodation of farm help, in accordance with the *Agricultural Land Commission Act* and Regulations."

And replaced with:

"**2.3.4 Issuance of Temporary Farm Worker Housing Permits**
The powers of **Council** under Section 15(1) of the *Community Charter* to issue, to amend and to set conditions for permits for the placement of dwellings for the accommodation of Temporary farm workers, in accordance with the *Agricultural Land Commission Act* and Regulations."

5. AND THAT **Section 2 – General Provisions, 2.4 Development Approval Information, 2.4.2 (s)** be deleted that reads:

"(s) Any other topic in relation to which the **Director of Land Use Management** considers the proposed activity or development impacts the jurisdiction of the **City."**

And replaced with:

"s) Agricultural impacts, including, but not limited to a soils assessment;

t) Any other topic in relation to which the **Department Manager, Community Planning** considers the proposed activity or development impacts the jurisdiction of the **City**."

6. AND THAT Schedule '9' – Applications for Additional Dwelling for Farm Employee Permits be deleted in its entirety that reads:

"Schedule '9'
Applications for Additional Dwelling for Farm Employee Permits

This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

The following information will be required to accompany an application for an **Additional Dwelling for Farm Employee Permit** under this Bylaw:

1.1 State of Title, printed within ninety (90) days before making application, for all properties subject of the application;

1.2 **Owner**'s Authorization (where required);

1.3 Project Rationale outlining the justification for the additional farm help in relation to the agricultural activities, including maps, as necessary.

2.0 PROCESSING PROCEDURES

An **Additional Dwelling for Farm Employee Permit** application submitted in accordance with this bylaw will be processed as follows:

2.1 Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.

2.2 **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only upon a complete submission package.

2.3 **Land Use Management** will refer the application to all applicable **City** departments, government and external agencies.

2.4 **Land Use Management** will evaluate the proposal for compliance with relevant **City** bylaws and policies and relevant provincial regulations, which include but is not limited to **Agricultural Land Reserve** Use, Subdivision and Procedure Regulation.

2.5 Relevant technical comments will be incorporated into a staff report for consideration by the **Director of Land Use Management**.

2.6 **Land Use Management** will notify the applicant in writing of the decision of the **Director of Land Use Management**.

2.7 If authorized for issuance by the **Director of Land Use Management**, staff will prepare the required **Additional Dwelling for Farm Employee Permit**, related schedules and required covenants for signature."

And replaced with:

"Schedule '9'
Applications for Temporary Farm Worker Housing Permits

This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed.

1.0 TEMPORARY FARM WORKER HOUSING PERMIT MINOR DIRECT

1.1 **Restriction on Delegation.** As a restriction on Section 2.3.4, the **Department Manager, Community Planning** may only issue or amend **Temporary Farm Worker Housing Permits** that meet the following criteria:

- The Permit is consistent with **OCP** DP Guidelines;
- The Permit authorizes eight (8) or fewer sleeping units; and
- No variances to the **Zoning Bylaw** are required.

Applications not eligible for issuance or amendment by the **Department Manager, Community Planning** must be considered by **Council.**

1.2 Application Requirements

a) The following information listed in Schedule '1' of this bylaw will be required to accompany an application for a **Temporary Farm Worker Housing Permit Minor Direct** under this bylaw:

(a) Application Form	(g) Photographs
(b) State of Title Certificate	(i) **Site** Plan
(c) **Owner**'s Authorization form (if applicable)	(j) Floor Plans
(d) **Site** Profile or **Site** Profile Waiver	(k) Elevation Drawings
(f) Project Rationale	(m) Landscape Plan

b) Additional information may be required by the **Department Manager, Community Planning** to evaluate adequately and to issue a Permit, in accordance with Section 2.4 of this bylaw.

1.3 Processing Procedures

A **Temporary Farm Worker Housing Permit Minor Direct** application submitted in accordance with this bylaw will be processed as follows:

a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
b) **Community Planning** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only once a complete package has been submitted.
c) **Community Planning** will refer the application to all applicable City departments.
d) **Community Planning** will evaluate the proposal for compliance with relevant City bylaws and policies.
e) Relevant technical comments will be incorporated into a staff report for consideration by the **Department Manager, Community Planning**.
f) **Community Planning** will notify the applicant in writing of the decision of the **Department Manager, Community Planning**.
g) If authorized for issuance by the **Department Manager, Community Planning**, staff will prepare the required Permit and related schedules for signature, and obtain the required Landscape Bonding, pursuant to Section 2.8 of this bylaw.
h) Upon sign-off of the Permit by the **Department Manager, Community Planning** and receipt of the related bonding, the Permit will be issued and then registered on the State of Title.

2.0TEMPORARY FARM WORKER HOUSING PERMIT MAJOR

2.1 Application Requirements

a) The following information listed in Schedule '1' of this bylaw will be required to accompany an application for a **Temporary Farm Worker Housing Permit Major** under this Bylaw:

(a) Application Form	(g) Photographs
(b) State of Title Certificate	(i) **Site** Plan
(c) **Owner**'s Authorization form (if applicable)	(j) Floor Plans
(d) **Site** Profile or **Site** Profile Waiver	(k) Elevation Drawings
(f) Project Rationale	(m) Landscape Plan

b) Additional information may be required the **Department Manager, Community Planning** to evaluate adequately and to make a recommendation to **Council** concerning a Permit, in accordance with Section 2.4 of this bylaw.

2.2 Processing Procedures

A **Temporary Farm Worker Housing Permit** application submitted in accordance with this Bylaw will be processed as follows:

a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
b) **Community Planning** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon a complete submission package.
c) **Community Planning** will refer the application to all applicable City departments, and government and external agencies.
d) **Community Planning** will evaluate the proposal for compliance with relevant City bylaws and policies.
e) The applicant will undertake the form(s) of public notification and consultation required in accordance with Section 4 of this bylaw
f) **Community Planning** will prepare a staff report and refer the application to the **Agricultural Advisory Committee**.
g) The applicant is encouraged to attend the meeting of the **Agricultural Advisory Committee** at which the Permit application is being reviewed.
h) Upon receipt of the recommendation of the **Agricultural Advisory Committee** and the comments of other referral agencies, **Community Planning** staff will prepare a staff report and draft Permit for review by **Council**.
i) Staff of the **Office of the City Clerk** will notify the applicant in writing of the decision of **Council**.
j) If authorized for issuance by **Council**, **Community Planning** staff will prepare the required Permit and related schedules for signature, and obtain the required Bonding, pursuant to Section 2.8 of this bylaw.

Upon sign-off of the Permit by the **Department Manager, Community Planning** and receipt of the related bonding, the Permit will be issued and then registered."

7. This bylaw may be cited for all purposes as "Bylaw No. 11375, being Amendment No. 5 to Development Applications Procedures Bylaw No. 10540."

8. 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 by the Minister of Agriculture this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

REPORT TO COUNCIL

Date: March 13, 2017

RIM No. 1250-04

To: City Manager

From: Community Planning Department (RS)

Application: TA16-0007 **Owner: N/A**

Applicant: City of Kelowna

Subject: Text Amendment – Zoning Bylaw

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA16-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined Schedule "A" and in the Report from the Community Planning Department dated March 13, 2017 be considered by Council;

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

2.0 Purpose

Amend Zoning Bylaw No.8000 to clarify marihuana related regulations and definitions.

3.0 Community Planning

The proposed Zoning Bylaw amendments are primarily meant to clarify that the storefront retail sale or dispensing of marihuana is not a permitted use in various city zoning categories that may be interpreted to allow such a use. At the present time, Health Canada regulations restrict the retail sale of medical marihuana to internet mail order from a licensed production facility, and other forms of retail sales for medical or recreational use is not lawful in Canada. It is the City's position that its sale is not permitted by any land use category. Furthermore, this would also extend to any storefront (retail) sale of marihuana. Nevertheless, various business ventures have been appearing in Canadian communities that are attempting to retail marihuana and marihuana products. Staff are proposing this set of Zoning Bylaw text amendments in order to add further clarity. It is expected that the federal government will introduce new legislation to regulate the production, use and sale of marijuana, and that the provincial government will also introduce some sort of complementary regulatory régime. When this may occur is unknown at time of writing.

In the background section of this report, staff have provided the recent recommendations of a Federal Government task force on the legalization of marihuana. If implemented, those recommendations will likely result in local governments having some measure of land use and business regulation control over the location of marihuana retail/dispensing. It is staff's goal to raise the level of understanding in the

community as early as possible regarding what type of land use process future business operators may need to pursue if higher levels of government choose to allow local land use control. Staff will be working with neighboring municipalities in the spring of 2017 in an effort to approach future regulation with some common principles.

Staff are also working on a report and workshop for Council to discuss the options for tracking and licensing the small scale production of medical marihuana in a residential context. This report will be brought forward to Council in the spring of 2017. The large scale commercial production of medical marihuana is already a regulated land use in Kelowna's Zoning Bylaw. It is a permitted in the City's I1, I2, I3 and I4 zones.

4.0 Proposal

4.1 Background

During 2016, a Federal Government task force received feedback from a number of different stakeholders, including City Council, on the topic of legalizing marijuana use. While some of the task force direction relates to all Canadians, the report did contain recommendations that will impact municipalities. Those recommendations included:

> *The Task Force heard mixed views on the type of retail outlets that should be permitted. Some advocated for a centralized, government monopoly akin to how most provinces and territories manage alcohol sales while others expressed a preference for a private-enterprise model with cannabis-specific storefronts (e.g., dispensaries) or with those for whom profit is not their principal motive (e.g., compassion clubs). Regardless of the model, participants were generally of the view that there should be some sort of storefront retail market, but they also noted concerns regarding the unchecked proliferation of unregulated dispensaries as they exist today.*
>
> *Additionally, the Task Force heard strong support for prohibiting the co-location of cannabis sales with either alcohol or tobacco. Given the wide use and availability of liquor stores, concerns were raised about product promotion and exposing a larger population to cannabis products should sales be co-located, as well as the impact on cannabis consumers who are trying to avoid alcohol. Many also noted that this approach could help mitigate co-use, given what we heard about the risks of co-use on health and, with alcohol, the exponential effect on impairment. In all of the U.S. states that have legalized cannabis, there is a ban on the co-location of sales of cannabis and alcohol.*
>
> *There was strong support for measures to control the density and location of retail stores. These measures prohibit storefronts from being located near schools, community centres and other public institutions. However, concerns were raised about the "downloading" of these regulatory responsibilities and costs to municipalities.*
>
> *The Task Force recommends that retail sales of cannabis be regulated by provinces and territories in close collaboration with municipalities.*
>
> *<u>The Task Force further recommends that the retail environment include:</u>*
>
> - *No co-location of alcohol or tobacco and cannabis sales, wherever possible. When co-location cannot be avoided, appropriate safeguards must be put in place*

- *Limits on the density and location of storefronts, including appropriate distance from schools, community centres, public parks, etc.*
- *Dedicated storefronts with well-trained, knowledgeable staff*
- *Access via a direct-to-consumer mail-order system*

4.2 Description of Proposed Bylaw Changes

Several businesses have sprung up in Kelowna's commercial areas which appear to be operating or planning to operate in the future as marihuana dispensary type businesses. Staff are concerned that those taking the risk to invest in such a way prior to formal law/policy from the Federal/Provincial governments and regulation from local government may run into future conflict with land use regulations. At the present time, marihuana dispensaries wishing to use "storefront" type model are not legal in Canada.

Staff are recommending that Council endorse changes to the definitions of Health Services - Major, Retail Store – Convenience, Retail Store – General, Retail Store – Health Products and Retail Store - Service Commercial to clearly prohibit the retail sale or dispensing of marihuana. This is not new regulation. Since the retail/storefront sale of marihuana is not currently legal in Canada, staff are simply updating to bylaw in order to provide additional clarity for our Community.

Staff are also proposing to update the definition of "Medical Marihuana Production Facility" in order to ensure that the definition remains up to date with the current Health Canada regulations.

4.3 Proposed Future Policy/Regulatory Direction

Staff are currently working with neighbouring municipalities in an effort to move forward with a coordinated approach to future land use regulation for the retail sale/dispensing of marihuana. The exact model of this approach will depend on the regulatory framework introduced by both Federal and Provincial governments.

The recommended regulatory model will very likely include:

- Special zoning designation (similar to Liquor Primary zoning designation)
- Prohibited areas (potentially Bernard Avenue, Ellis Street Pandosy Street retail commercial corridors)
- Minimum distances from public parks and schools

5.0 Technical Comments

5.1 RCMP

While the Federal Government is considering the legalization of marihuana, it remains against the law to consume or sell except in accordance with Federal regulations.

Report prepared by:

_____

Ryan Smith, Community Planning Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Schedule "A"

TA16-0007 – SCHEDULE "A"

Zoning Bylaw No. 8000			
No.	**Section**	**Existing Text**	**Proposed Text**
1	2.3 – General Definitions	**MEDICAL MARIHUANA PRODUCTION FACILITY** means a facility for the producing, processing, setting, providing, shipping, delivering and destroying of medical marihuana and can include analytical testing in permitted industrial zones and must be licensed under the Health Canada Marihuana for Medical Purposes Regulations (SOR/210 -119).	**MEDICAL MARIHUANA PRODUCTION FACILITY** means a facility for the producing, processing, setting, providing, shipping, delivering and destroying of medical marihuana and can include analytical testing in permitted industrial zones and must be licensed by Health Canada. This **use** does not include the retail sale or dispensing of marihuana.
2	2.3 – General Definitions	**RETAIL STORE – CONVENIENCE** means **development** used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from **business premises** which do not exceed 235 m^2 in **gross floor area**. Typical **uses** include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of	**RETAIL STORE – CONVENIENCE** means **development** used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from **business premises** which do not exceed 235 m^2 in **gross floor area**. Typical **uses** include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This **use** does not include the retail sale or dispensing of marihuana. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of

		personal watercraft or rental of automobiles.	personal watercraft or rental of automobiles.
3	2.3 – General Definitions	**RETAIL STORE, GENERAL** means **premises** where goods, merchandise and other material are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical **uses** include but are not limited to grocery, hardware, pharmaceutical, clothing, appliance and sporting goods stores. This **use** excludes **warehouse sales** and sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring **outdoor storage**.	**RETAIL STORE, GENERAL** means **premises** where goods, merchandise and other material are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical **uses** include but are not limited to grocery, hardware, pharmaceutical, clothing, appliance and sporting goods stores. This **use** excludes **warehouse sales** and sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring **outdoor storage**. This **use** does not include the retail sale or dispensing of marihuana.
4	2.3 – General Definitions	**Retail Stores, Health Products** means a retail outlet where products related to the health industry are sold, rented, custom fitted or repaired. Such uses include but are not limited to pharmacies, health food stores, naturopathic stores, uniform stores. Limited convenience retail is permitted as a secondary use.	**Retail Stores, Health Products** means a retail outlet where products related to the health industry are sold, rented, custom fitted or repaired. Such uses include but are not limited to pharmacies, health food stores, naturopathic stores, uniform stores. Limited convenience retail is permitted as a secondary use. This **use** does not include the retail sale or dispensing of marihuana.
5	2.3 – General Definitions	**RETAIL STORE, SERVICE COMMERCIAL** means **premises** where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical **uses** include but are not limited to sales of automotive parts, and bakeries and	**RETAIL STORE, SERVICE COMMERCIAL** means **premises** where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical **uses** include but are not limited to sales of automotive parts, and bakeries and butchers that process on site. This **use** does not

		butchers that process on site.	include the retail sale or dispensing of marihuana.
6	2.3 – General Definitions	**HEALTH SERVICES, MAJOR** means a **development** used for the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical **uses** include, but are not limited to, medical and dental **offices**, chiropractors, massage therapists and acupuncture clinics, health clinics, and counseling services.	**HEALTH SERVICES, MAJOR** means a **development** used for the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical **uses** include, but are not limited to, medical and dental **offices**, chiropractors, massage therapists and acupuncture clinics, health clinics, and counseling services. This **use** does not include the retail sale or dispensing of marihuana.

CITY OF KELOWNA

BYLAW NO. 11376
TA16-0007 – Medical Marihuana Amendments

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

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

1. THAT **Section 2 – Interpretation, 2.3 General Definitions** be amended by:

   a) deleting the definition for **MEDICAL MARIHUANA PRODUCTION FACILITY** that reads:

   "MEDICAL MARIHUANA PRODUCTION FACILITY means a facility for the producing, processing, setting, providing, shipping, delivering and destroying of medical marihuana and can include analytical testing in permitted industrial zones and must be licensed under the Health Canada Marihuana for Medical Purposes Regulations (SOR/210 -119)."

   And replacing it with:

   "MEDICAL MARIHUANA PRODUCTION FACILITY means a facility for the producing, processing, setting, providing, shipping, delivering and destroying of medical marihuana and can include analytical testing in permitted industrial zones and must be licensed by Health Canada**.** This **use** does not include the retail sale or dispensing of marihuana."

   b) deleting the definition for **RETAIL STORE – CONVENIENCE** that reads:

   "RETAIL STORE – CONVENIENCE means **development** used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from **business premises** which do not exceed 235 m^2 in **gross floor area**. Typical **uses** include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of personal watercraft or rental of automobiles."

   And replacing it with:

   "RETAIL STORE – CONVENIENCE means **development** used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from **business premises** which do not exceed 235 m^2 in **gross floor area**. Typical **uses** include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This **use** does not include the retail sale or dispensing of marihuana. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of personal watercraft or rental of automobiles."

   c) deleting the definition for **RETAIL STORE, GENERAL** that reads:

   "RETAIL STORE, GENERAL means **premises** where goods, merchandise and other material are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical **uses** include but are not

limited to grocery, hardware, pharmaceutical, clothing, appliance and sporting goods stores. This **use** excludes **warehouse sales** and sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring **outdoor storage**."

And replacing it with:

"**RETAIL STORE, GENERAL** means **premises** where goods, merchandise and other material are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical **uses** include but are not limited to grocery, hardware, pharmaceutical, clothing, appliance and sporting goods stores. This **use** excludes **warehouse sales** and sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring **outdoor storage**. This **use** does not include the retail sale or dispensing of marihuana."

d) deleting the definition for **RETAIL STORES, HEALTH PRODUCTS** that reads:

"**RETAIL STORES, HEALTH PRODUCTS** means a retail outlet where products related to the health industry are sold, rented, custom fitted or repaired. Such uses include but are not limited to pharmacies, health food stores, naturopathic stores, uniform stores. Limited convenience retail is permitted as a secondary use."

And replacing it with:

"**RETAIL STORES, HEALTH PRODUCTS** means a retail outlet where products related to the health industry are sold, rented, custom fitted or repaired. Such uses include but are not limited to pharmacies, health food stores, naturopathic stores, uniform stores. Limited convenience retail is permitted as a secondary use. This **use** does not include the retail sale or dispensing of marihuana."

e) deleting the definition for **RETAIL STORE, SERVICE COMMERCIAL** that reads:

"**RETAIL STORE, SERVICE COMMERCIAL** means **premises** where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical **uses** include but are not limited to sales of automotive parts, and bakeries and butchers that process on site."

And replacing it with:

'**RETAIL STORE, SERVICE COMMERCIAL** means **premises** where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical **uses** include but are not limited to sales of automotive parts, and bakeries and butchers that process on site. This **use** does not include the retail sale or dispensing of marihuana."

f) deleting the definition for **HEALTH SERVICES, MAJOR** that reads:

"**HEALTH SERVICES, MAJOR** means a **development** used for the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical **uses** include, but are not limited to, medical and dental **offices**,

chiropractors, massage therapists and acupuncture clinics, health clinics, and counseling services."
And replacing it with:

"HEALTH SERVICES, MAJOR means a **development** used for the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical **uses** include, but are not limited to, medical and dental **offices**, chiropractors, massage therapists and acupuncture clinics, health clinics, and
counseling services. This **use** does not include the retail sale or dispensing of marihuana."

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

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

_____
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this .

_____
Mayor

_____
City Clerk

REPORT TO COUNCIL

Date:	April 10, 2017		
RIM No.	1250-20 & 1250-30		
To:	City Manager		
From:	Community Planning Department (TB)		
Application:	OCP16-0024 & Z16-0071	**Owner:**	Seventh-Day Adventist Church (British Columbia Conference)
Address:	1225 Hwy 33 W	**Applicant:**	Paul Schuster, Novation Design Studio
Subject:	Official Community Plan Amendment, Rezoning		
Existing OCP Designation:	MRL – Multiple Unit Residential (Low Density)		
Proposed OCP Designation:	EDINST – Educational / Major Institutional		
Existing Zone:	RU1 – Large Lot Housing		
Proposed Zone:	P2 – Educational & Minor Institutional		

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0024 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1, Section 22, Township 26, ODYD, Plan EPP64302, located at 1225 Hwy 33 W, Kelowna, BC from the S2RES - Single / Two Unit Residential designation to the EDINST – Educational / Major Institutional designation, be considered by Council;

AND THAT Council considers the Public Notification public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated April 10, 2017;

AND THAT Rezoning Application No. Z16-0071 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 22, Township 26, ODYD, Plan EPP64302, located at 1225 Hwy 33 W, Kelowna, BC from the RU1 – Large Lot Housing zone to the P2 – Educational & Minor Institutional zone 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 FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 23, 2017.

2.0 Purpose

To amend the Official Community Plan to change the Future Land Use Designation of the subject property to EDINST – Educational/Major Institutional and to rezone the property from RU1 – Large Lot Housing to P2 – Educational & Minor Institutional.

3.0 Community Planning

Community Planning recommends support for the proposed Official Community Plan (OCP) Amendment and rezoning as it reflects the actual use of the property which is supportive housing for the Seventh-Day Adventist Church located next door at 130 Gerstmar Road. The application will harmonize the uses onto one consolidated site and is supported by the OCP Policy for Social Sustainability and Housing Availability.

4.0 Proposal

4.1 Background

The Seventh-Day Adventist Church purchased the subject property several years ago with the intent to use the property for additional parking or support buildings for the Church located next door at 130 Gerstmar Road.

4.2 Project Description

The OCP Amendment and Rezoning application would change the subject property from Residential to Institutional. This is reflective of the current use of the property which is for supportive housing for the Seventh-Day Adventist Church at 130 Gerstmar Road. A component of this application is to consolidate the subject property with the church property next door to allow for continued use as supportive housing as well as to allow for future additional parking or other support buildings as needed. This will harmonize the existing uses, and the properties will be consolidated as a function of this application. Access to the property will be restricted to Gerstmar Road, and a 3.5m road dedication on the north of the property will allow for potential future upgrades or widening of Hwy 33 W.

At this time, there are no immediate plans to develop or construct on the subject property other than to repair and renovate the existing dwelling. The OCP Policy on Social Sustainability and Housing Availability supports the provision of different types of housing including providing core housing for those in need and special needs housing.

4.3 Site Context

The subject property is located on the south side of Hwy 33 W between Taylor Road and Gerstmar Road. It is located in a neighbourhood that has a mix of uses including single family, multi-family, and commercial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential

East	P2 – Educational & Minor Institutional	Religious Assembly
South	P2 – Educational & Minor Institutional	Religious Assembly
West	RM3 – Low Density Multiple Housing	Multi-family Residential

Subject Property Map: 1225 Hwy 33 E

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	**P2 ZONE REQUIREMENTS**	**PROPOSAL**
Existing Lot/Subdivision Regulations		
Lot Area	660 m^2	2707.7 m^2
Lot Width	18.0 m	37.9 m
Lot Depth	30.0 m	71.5 m

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Social Sustainability

Housing Availability[1]. Support the provision of housing for all members of the community, including those in core housing need or requiring special needs housing (transitional, age in place, emergency, or shelter).

6.0 Technical Comments

6.1 Development Engineering Department

Please see attached Schedule "A" dated March 23, 2017.

6.2 Ministry of Transportation

Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act, subject to the following conditions:

- No direct access to Highway 33.

7.0 Application Chronology

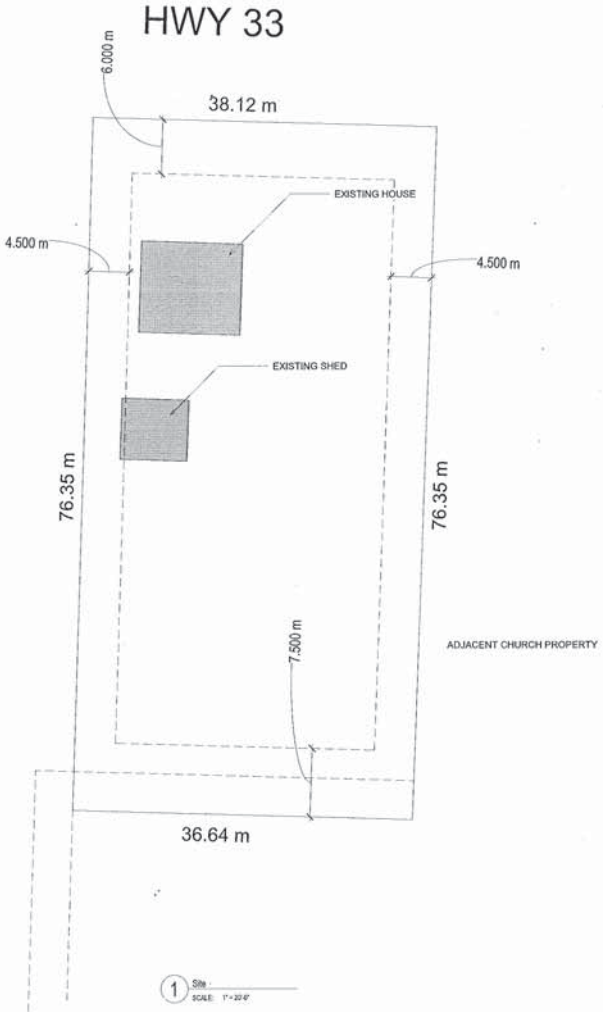
Date of Application Received:	September 30, 2016
Date Public Consultation Completed:	February 6, 2017

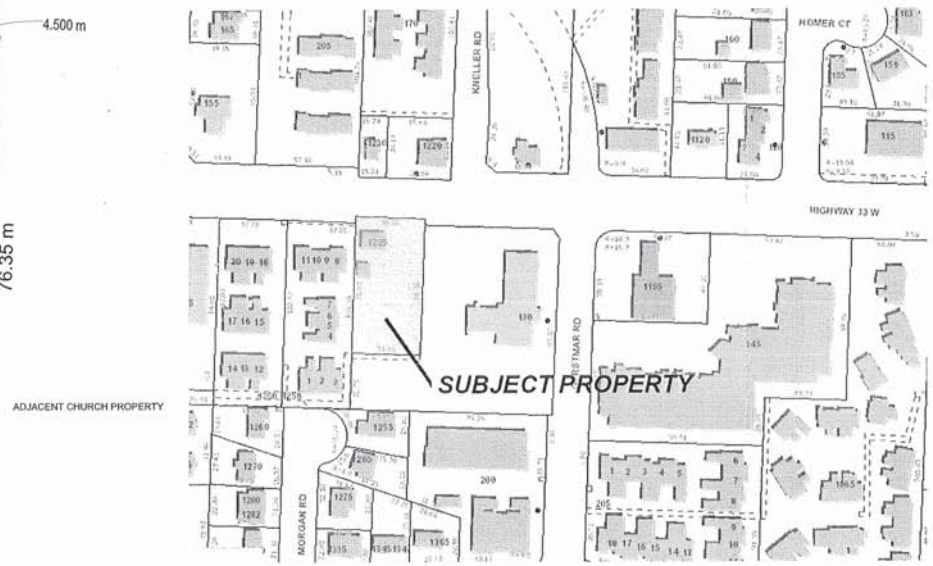
Report Prepared by:	Trisa Brandt, Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion by:	Ryan Smith, Community Planning Department Manager

Attachments:

Site Plan
Schedule "A" Dated January 9, 2017

[1] City of Kelowna Official Community Plan Chapter 10 Policy 10.3.1





Notes:

Date

this document is:

- NOT controlled. Revisions may be made without notice.
- A CONTROLLED document. Revisions will be advised.
- The first issue of the document.
- A complete revision. Remove previous issues from use.
- A partial revision. Remove previous issues of corresponding sheets / pages from use.
- Issued for Construction.

no.	date	description
01	2015/06	ISSUED FOR SUBDIVISION

N

NOVATION DESIGN STUDIO
101 - 1865 DILWORTH DR. SUITE 500
KELOWNA BC V1Y 9T1

project title
Seventh-Day Adventist Church Property

1226 HWY 33 W. Kelowna, BC

project no Misc

drawing title
EXISTING SITE PLAN

designed	PS	scale 1" = 20'-0"
drawn	PS	
checked	PS	

drawing no
A1.02

plotted 2016-03-30 12:35:37 PM

Project File Name and Location: M:\Novation Design Studio\Projects\1818_Rutland Building\Rutland Church Property.rvt

REFERENCE PLAN OF LOTS A AND B SECTION 22 TOWNSHIP 26 ODYD PLAN 12600 EXCEPT PLAN 39705

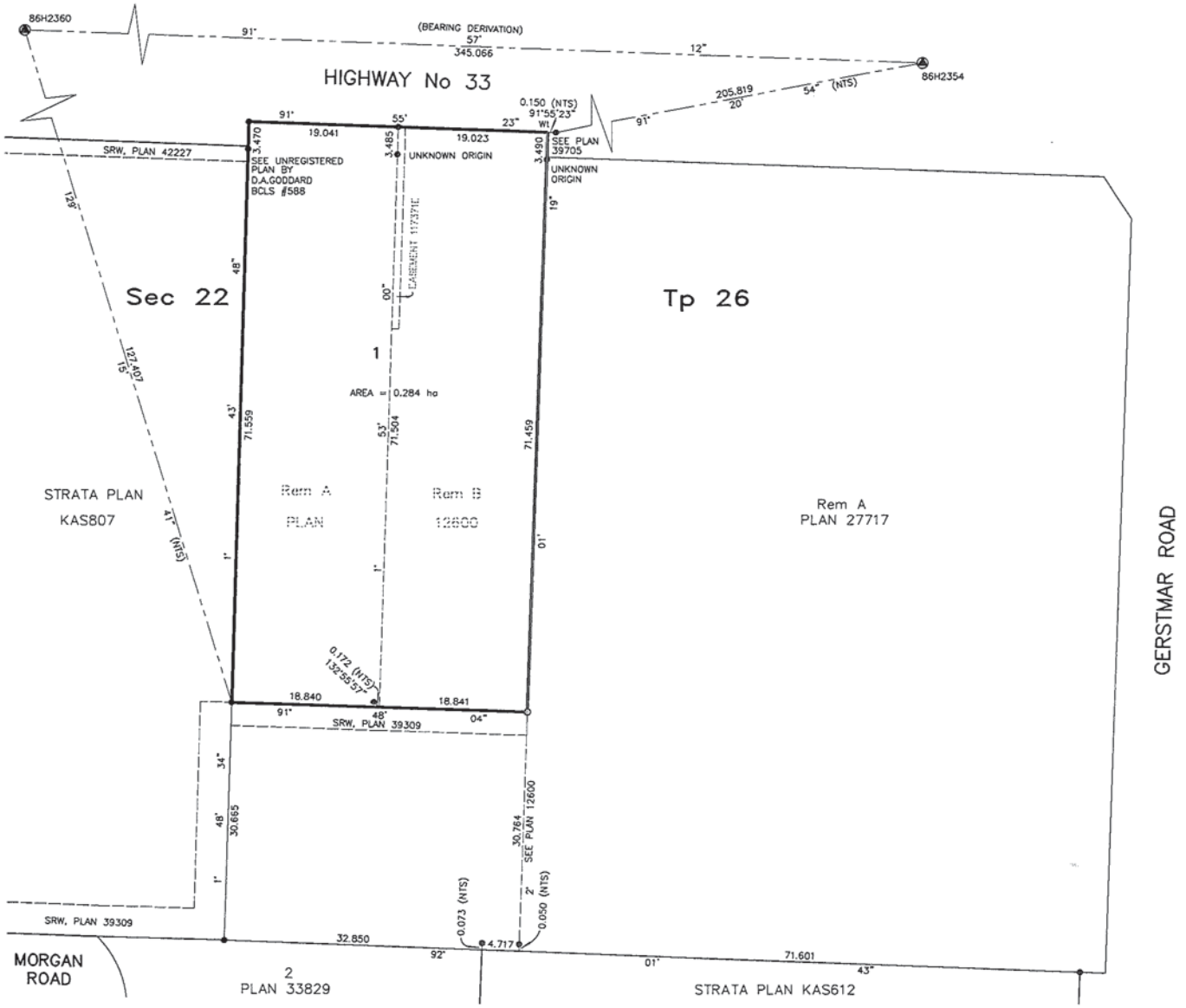
PLAN EPP64302

PURSUANT TO SECTION 100(1)(b) OF THE LAND TITLE ACT

BCGS 82E.083

10 5 0 10 25 50 METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:400



86H2360
DATUM:NAD83(CSRS) 4.0.0.BC.1 UTM ZONE 11
NORTHING: 5529075.226
EASTING: 326712.348
COMBINED FACTOR: 0.9999111
ESTIMATED HORIZONTAL POSITIONAL ACCURACY=0.02m

86H2354
DATUM:NAD83(CSRS) 4.0.0.BC.1 UTM ZONE 11
NORTHING: 5529063.466
EASTING: 327057.182
COMBINED FACTOR: 0.9999091
ESTIMATED HORIZONTAL POSITIONAL ACCURACY=0.02m

LEGEND

INTEGRATED SURVEY AREA NO. 4, CITY OF KELOWNA, NAD83 (CSRS) 4.0.0.BC.1

GRID BEARINGS ARE DERIVED FROM GNSS OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 86H2360 AND 86H2354.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ARE DERIVED FROM THE MASCOT PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL MONUMENTS 86H2360 AND 86H2354.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9999111 WHICH HAS BEEN DERIVED FROM GEODETIC CONTROL MONUMENTS 86H2360 AND 86H2354.

- ⊕ DENOTES CONTROL MONUMENT FOUND
- ● DENOTES STANDARD IRON POST FOUND
- ○ DENOTES STANDARD IRON POST SET

NTS DENOTES NOT TO SCALE

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 30th DAY OF JUNE, 2016
CAMERON HENRY, BCLS 857

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

JOB No: 20625-REF

S:\Shared (Aug 10, 2006)\Job_Files\20600\20625\20625-REF.DWG
DRFTD BY: FL FB/PG: SEE FILE

SCHEDULE A

This forms part of application

OCP16-0024, Z16-0071

Planner Initials TB

City of Kelowna COMMUNITY PLANNING

CITY OF KELOWNA

MEMORANDUM

Date: March 23, 2017 (Revised)

File No.: 216-0071

To: Land Use Management (TB)

From: Development Engineering Manager (SM)

Subject: 1225 Hwy 33 W Plan EPP64302 Lot 1 Zone: **RU1 to P2**

The Development Engineering Branch comments and requirements regarding this application to rezone from RU1 to P2 to allow for Religious Assembly Purposes are as follows:

The Development Engineering Technologist for this project is Jason Ough.

Road Dedication and Subdivision Requirements

(a) The developer is required dedicate 3.65m of fronting property to roadway for Hwy 33 in accordance with Bylaw 7900

(b) Subject Property will be required to be consolidated with 130 Gerstmar Rd.

James Kay

James Kay, P. Eng. .J
Development Engineering Manager

jo

CITY OF KELOWNA

BYLAW NO. 11380

Official Community Plan Amendment No. OCP16-0024 – 1225 Hwy 33 W

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 1, Section 22, Townhsip 26, ODYD, Plan EPP64302, located on Hwy 33 W, Kelowna, B.C., from the S2RES – Single / Two Unit Residential designation to the EDINST – Educational / Major Institutional designation.

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

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11381
Z16-0071 – 1225 Hwy 33 W

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 22, Township 26, ODYD, Plan EPP64302 located on Hwy 33 W, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the P2 – Educational & Minor Institutional zone.

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

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

REPORT TO COUNCIL

Date:	April 10, 2017		
RIM No.	1250-20		
To:	City Manager		
From:	Community Planning Department (RR)		
Application:	OCP17-0008	**Owner:**	Various
Address:	Various Arab and Appaloosa Addresses	**Applicant:**	City of Kelowna
Subject:	Official Community Plan Amendment		
Existing OCP Designation:	IND-L Industrial Limited		
Proposed OCP Designation:	REP – Resource Protection		

1.0 Recommendation

THAT Council waive the requirement of the Development Application Procedures Bylaw 10540 that a defeated bylaw not be reconsidered for 6 months from the date of its defeat;

AND THAT Official Community Plan Map Amendment Application No. OCP16-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of the properties identified in Appendix 'A' attached to the Community Planning report dated April 10, 2017, from the Industrial – Limited (IND-L) designation to the Resource Protection Area (REP) designation be considered by Council;

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

AND THAT Council considers the public processes detailed in the Report from the Community Planning Department dated February 27, 2017, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*.

AND FURTHER THAT Council directs staff to pursue an escalating Bylaw Enforcement process on non-compliant properties in the subject area.

2.0 Purpose

To consider Official Community Plan amendments to change the Future Land Use of 31 properties that are without ready access to sewer and industrial standard roads.

3.0 Community Planning

The land use of the subject properties have been the subject of almost a decade of review and debate. The current Official Community Plan designation of transitional industrial use is not supported by a detailed plan for financing the necessary servicing. Without a clear strategy and vision for neighbourhood buildout, bylaw enforcement had been subsequently curtailed, which allowed unlawful uses to expand unchecked - resulting in the current land use challenges and conflicts that currently exist.

Staff proposed redesignating the properties off of Arab and Appaloosa Roads to Resource Protection, which would restrict the property zoning to A1 – Agriculture. The A1 zone allows a limited suite of businesses, include larger scale home based businesses and agriculture businesses such as nurseries. These uses are seen as an appropriate transition between the industrialized Sexsmith properties and the single family residential properties to the north.

By designating the subject properties for future REP, Council will be sending a clear message that these properties are to house low impact transitional uses. The uses allowed in the zone are ideal transitional uses, with low population densities, low numbers of customers, and minimal traffic generation.

4.0 Proposal

4.1 Background

This is a City initiated amendment prepared at the request of Council, per staff recommendations.

On February 27th, 2017, Council considered the outcome of the public interest survey in establishing a local area servcie over the neighbourhood. Council resolved that:

> *AND THAT Council direct staff to prepare Official Community Plan amendments as identified in the staff report attached as Schedule 'A' regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy.*

The proposed Official Community Plan amendments will redesignate 31 properties from IND-L – Industrial Limited to REP – Resource Protection.

4.2 Project Description

Should Council redesignate the subject properties as 'Resource Protection Area', the lands would remain zoned A1 – Agriculture, and could not be rezoned without an OCP amendment.

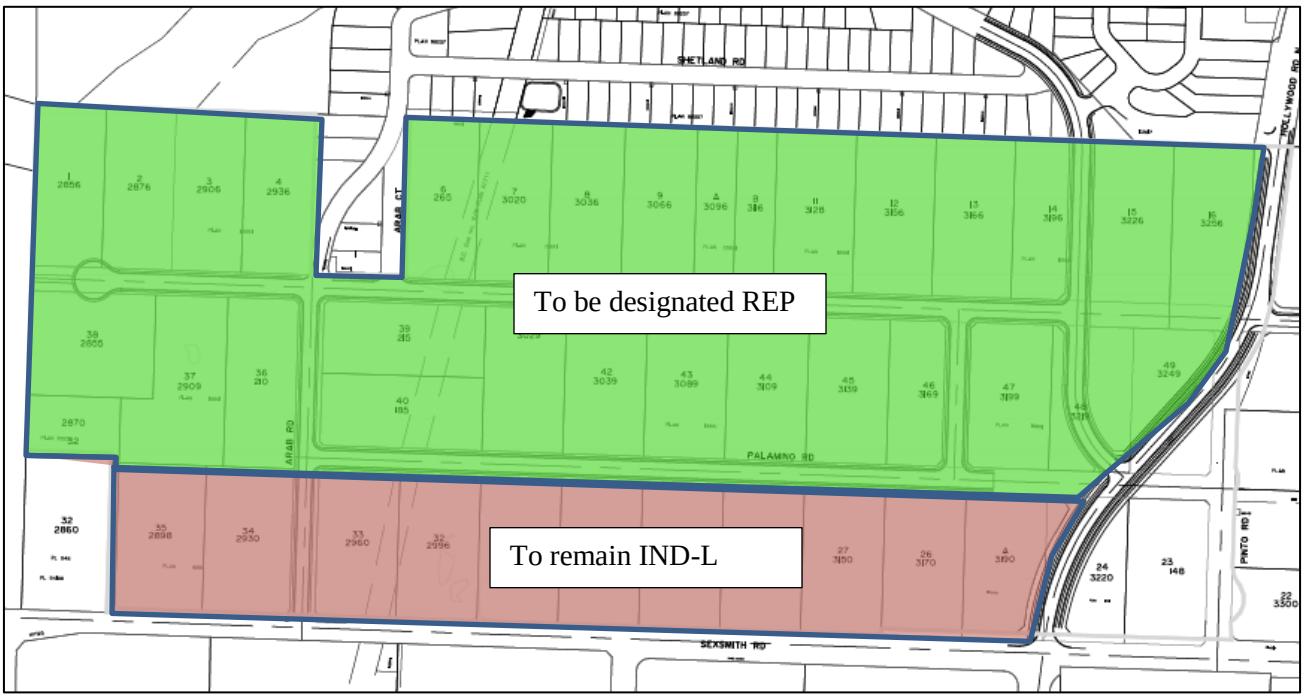
The A1 – Agriculture zone has a number of business and commercial uses appropriate for a transition. Properties in the A1 zone have the right to be developed for agricultural uses, plant nurseries and greenhouses, animal clinics and kennels or stables. As well, owners would have access to the full suite of home based business uses, including the option to have up to two non-resident employees. The A1 zone will allow some commercial activity on the properties, to a scale that is more appropriate for a transition between other uses.

Larger scale businesses would be required to relocate. None of the larger scale businesses in the neighbourhood are currently permitted by zoning. If the properties are redesignated as 'Resource Protection Area', City Bylaw Enforcement staff will commence an escalating bylaw enforcement program to bring land use into bylaw compliance.

4.3 Context

The neighbourhood is made up of agriculturally zoned lots averaging 0.8 ha in area. Many of the properties were being used for light industrial and storage uses, not conforming to zoning restrictions of the day. The intent of the Industrial – Limited designation was to recognize the character of the neighborhood and give owners a path to conformity by allowing properties to be re-zoned for transitional industrial use.

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Resource Protection Area

Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna

will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Report prepared by:

_____

Ryan Roycroft, Planner

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

February 27th Council Report
Subject Properties

APPENDIX A – SUBJECT PROPERTIES

Number	Legal Description	Address
1	LOT 38 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2855 Appaloosa Rd
2	LOT 1 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2856 Appaloosa Rd
3	LOT 2 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2876 Appaloosa Rd
4	LOT 3 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2906 Appaloosa Rd
5	LOT 37 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2909 Appaloosa Rd
6	LOT 4 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2936 Appaloosa Rd
7	LOT 7 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3020 Appaloosa Rd
8	LOT 41 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3029 Appaloosa Rd
9	LOT 8 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3036 Appaloosa Rd
10	LOT 42 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3039 Appaloosa Rd
11	LOT 9 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3066 Appaloosa Rd
12	LOT 43 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3089 Appaloosa Rd
13	LOT A SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 35661	3096 Appaloosa Rd
14	LOT 44 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3109 Appaloosa Rd
15	LOT B SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 35661	3116 Appaloosa Rd
16	LOT 11 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3128 Appaloosa Rd
17	LOT 45 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3139 Appaloosa Rd
18	LOT 12 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3156 Appaloosa Rd
19	LOT 13 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3166 Appaloosa Rd
20	LOT 46 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3169 Appaloosa Rd
21	LOT 14 SECTIONS 2 AND 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3196 Appaloosa Rd
22	LOT 47 SECTIONS 2 AND 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3199 Appaloosa Rd
23	LOT 6 SECTION 3 TOWNSHIP 23 OSOYOOS	265 Arab Ct

	DIVISION YALE DISTRICT PLAN 18861	
24	LOT 40 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	185 Arab Rd
25	LOT 36 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	210 Arab Rd
26	LOT 39 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	215 Arab Rd
27	THAT PART OF LOT 32 SHOWN ON PLAN B5251; SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 546	2870 Sexsmith Rd

Report to Council

Date: February 28, 2017

File: 1250-30

To: City Manager

From: Ryan Roycroft, Community Planning Supervisor

Subject: Arab Appaloosa Public Interest Survey

Recommendation:

THAT Council receive for information the supplementary report from Community Planning dated February 28, 2017, with respect to the establishment of a Local Area Service along Arab and Appaloosa Roads;

AND THAT Council direct staff to follow the future land use and bylaw enforcement strategy as identified in the staff report attached as Schedule 'A';

AND THAT Council direct staff to prepare Official Community Plan amendments as identified in the staff report attached as Schedule 'A' regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy.

Purpose:

To receive the results of the public interest survey conducted in the Arab and Appaloosa neighbourhoods and to obtain Council direction on land use and servicing for the area.

Background/History:

In 2011, Council adopted the City of Kelowna Official Community Plan (OCP). The OCP designated the properties along Arab and Appaloosa Roads as being for future Industrial – Limited use.

The neighbourhood is made up of agriculturally zoned lots averaging 0.8 ha in area. Many of the properties were being used for light industrial and storage uses, not conforming to zoning restrictions of the day. The intent of the Industrial – Limited designation was to recognize the character of the neighborhood and give owners a path to conformity by allowing properties to be re-zoned for transitional industrial use.

2012 Consideration:

In November of 2012, a moratorium was placed on development applications in the area, pending a resolution to servicing and land use concerns.

At the meeting, Council resolved that:

> *THAT Council direct staff to report back with proposed amendments to the I6 – Low-Impact Transitional Industrial Zone to ensure consistency of intent and purpose with the Kelowna 2030 – Official Community Plan;*
>
> *AND THAT Council direct staff to accept no further Rezoning applications to the I6 – Low-Impact Transitional Industrial Zone, pending completion of the proposed amendments to the I6 Zone.*

At a subsequent meeting on December 3, 2012, Council requested that staff "…report back with options for amending the I6 – Low-Impact Transitional Industrial Zone, to ensure consistency of intent and purpose with the Kelowna 2030 – Official Community Plan (OCP)".

2013 Considerations:

At the December 16, 2013 Council Meeting, Council resolved:

> *THAT Council directs staff to follow Option 1 as identified in the Utilities Planning Manager, Bylaw Services Manager & Urban Planning Managers report, dated December 16, 2013 regarding the Arab/Appaloosa Land Use and Servicing Options;*
>
> *AND THAT Council directs staff to bring forward the proposed amendments to the I6 Zone, including a provision for outdoor storage, and to require Development Permits, to ensure consistency with the intent and purpose of the Kelowna 2030 OCP and Industrial-Limited designation;*
>
> *AND THAT Council directs staff to ensure that the fire flow and servicing with respect to the I6 zone be required as per Subdivision, Development & Servicing Bylaw No. 7900;*
>
> *AND THAT Council directs staff to commence bylaw enforcement action against the two (2) most prolific offenders;*
>
> *AND FURTHER THAT Council directs staff to hold a Local Area Service meeting in order to gauge support for a Local Area Service Bylaw and to explain the proposed changes to the I6 zone.*

Options were developed and presented to Council at the March 25, 2013 Council meeting and at this meeting Council resolved:

> *THAT Council receive for information, the supplementary report from the Manager of Urban Land Use dated March 19, 2013, with respect to the Industrial – Limited future land use designation contained in the Kelowna 2030 – Official Community Plan;*
>
> *AND THAT Council direct staff to pursue Land Use Alternative 1, as identified below;*

AND THAT Council direct staff to initiate the process to advance Sanitary Sewer Connection Area #35 to a Specified Sanitary Sewer Service Area;

AND FURTHER THAT Council direct staff to accept no further Rezoning applications for the Arab Appaloosa road area, pending final resolution of land uses for the area.

On May 16, 2013, Council authorized funds necessary to create a pre-design for the water, sewer, and roads, and associated drainage works for the Arab/Appaloosa area.

At the September 30, 2013 Council meeting staff reviewed the Focus Engineering pre-design, the costs of the infrastructure required to meet zoning requirements, and the various service areas, their costs, and the typical and maximum costs that a homeowner on Appaloosa Road would be required to fund if a Local Service Area were adopted.

2015 Servicing Considerations:

At the February 23, 2015 Council meeting, Council directed staff to pursue Bylaw amendments to the Official Community Plan and affirmed its desire to pursue a local service area to build the infrastructure required to rezone to the new I6 designation.

THAT Council receive for information the supplementary report from the Urban Planning Manager dated January 26, 2015, with respect to the Industrial –Limited Future Land Use designation and the land use issues along Arab and Appaloosa Roads;

AND THAT Council direct staff to bring bylaw amendments to the Official Community Plan and Zoning Bylaw amending Industrial development guidelines and policies to Council for consideration after a public open house has been held.

AND FURTHER THAT Council direct staff to conduct a public open house to survey support for a Local Area Service to pay for the extension of Sanitary Sewer Service to lots along Arab and Appaloosa Roads to facilitate industrial development. This consultation will take place after the adoption of the Zoning Bylaw and Official Community Plan amendments.

The OCP amendments were completed in September 2015 and the project was redesigned to accommodate a change in the Clydesdale road design. The designs and costs for the project were completed by a consulting firm and reviewed by the infrastructure division.

2016 Public Interest Survey:

In early 2016 a public open house and survey was completed. Personalized letters were sent out to each home owner that outlined their share of the costs for infrastructure improvements and a description of the opportunity to rezone their property should a local service area be successful. An information sheet about the survey process, background and next steps; specific costs for improvements were identified for each type of improvement; and a self-addressed, self-stamped response form was provided to each household, in order to receive feedback from the residents.

An invitation to a public open house was also provided. Residents had the choice of either submitting their survey at the open house or by mailing in the same. The Open House took place on January 27, 2016 and survey results were finalized on February 19, 2016.

Of the 48 properties that were asked to vote, 29 responded:

59 % for NO for a LAS (roads, drainage, sewer)
41 % for YES

Based on the public interest survey results, on the March 21, 2016 meeting, Council directed staff to prepare Official Community Plan amendments removing the Industrial – Transitional designation from properties in the neighborhood, and re-designating them as Resource Protection.

> *AND THAT Council direct staff to follow the future land use and bylaw enforcement strategy as identified in the Utilities Planning Manager report, dated March 7, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;*
>
> *AND THAT Council direct staff to prepare Official Community Plan amendments as identified in the Utilities Planning Manager report, dated March 21, 2016 regarding the Arab/Appaloosa Land Use and By Enforcement Strategy;*
>
> *AND FURTHER THAT Council direct staff to process Zoning Bylaw Applications submitted for properties designated for Industrial – Transitional Use, and advance any bylaws in progress to Council for consideration and any required public consultation.*

2016 Bylaw Consideration and Enforcement:

Based on previous directives of Council, staff prepared bylaw amendments to the Official Community Plan and completed additional neighborhood correspondence (2 mailouts) indicating the proposed bylaw enforcement strategy. This occurred prior to preparation and consideration of the Official Community Plan amendments considered by Council. Council supported first reading of the bylaw and moved it to a Public Hearing.

At the November 15th, 2016 Public Hearing the proposed Official Community Plan amendment bylaw was defeated by Council, and Council directed staff to propose alternative options for future land use and servicing in the area.

At the November 28th Council meeting Council considered options presented by staff and resolved that:

> *THAT Council receive for information, the supplementary report from the Community Planning Department dated November 28, 2016, with respect to the Industrial – Limited future land use designation for properties along the Arab and Appaloosa Roads;*
>
> *AND THAT Council direct staff to pursue Option 3 as outlined in the report from the Community Planning Department dated November 28, 2016.*

Option 3 included:

- Commission WSP to update LAS costs
- Send all owners in the neighborhood new cost estimates by registered mail
- Hold a public information session
- Provide options for residents to initiate property-owner led Local Area Service
- Provide a final report to Council to either pursue an LAS or recommending Official Community Plan amendments.

Staff held a public meeting on December 14th, 2016, hosting approx. 22 area residents in Council Chambers and giving a presentation on the Local Area Service costs and processes, and responding to questions on land use, zoning and bylaw enforcement.

Additionally, a further public interest survey was conducted to gauge public support for a Local Area Service (LAS) in the neighbourhood. To maximize response, staff sent two survey mail-outs, made surveys available at the Public Meeting, and hand-delivered surveys to all properties.

LAS Survey Results:

The public interest survey closed on January 15th, 2017. Response to the survey was considerably stronger than in January 2016, with 38 of 44 eligible properties responding to the survey (the 45th property is owned by the City of Kelowna).

Properties representing 57 per cent **of the area assessment** support a Local Area Service.

The survey responses were:

- In support of the LAS – 29 votes, 66%
- Opposed to the LAS – 9 votes, 20%
- No response - 7 properties 14%

Based on these responses, the majority of the neighbourhood has indicated support for a Local Area Service, at this stage in the process.

Planning Rationale

Despite the result of the public survey, staff do not recommend a Local Area Service as a means to provide services to the neighbourhood for the purposes of facilitating industrial development.

While staff's recommendation for not support of the LAS is rooted in the appropriate land use for the area, other considerations also come into play. An LAS imposes costs on all property owners, regardless of whether they supported or opposed the LAS, therefore the impacts on non-supporters must be carefully considered.

Each property is responsible for paying their portion of the LAS, payable in either a lump sum or added to the property taxes of the property for 25 years. The average annual levy per property over 25 years will be approximately $7,500, with some levies in excess of $13,000 per year. If paid in lump sum these costs range from $12,500 to more than $180,000. The LAS levy is payable regardless of whether a

resident chooses to re-zone their property or not. Should a property owner not wish to re-zone and redevelop their property, they will nonetheless be subsidizing the required services for those who do.

Municipalities traditionally adhere to the 'developer pay' model of infrastructure servicing, where any expansion of services required for a development is borne by the developer. Using an LAS as a means to extend services for the purpose of facilitating development would be contrary to this model, forcing those residents who don't support industrial development in the neighbourhood to bear the costs of its servicing. These additional costs may become simply unaffordable for some of these residents, and possibly force them to sell their homes.

Between the industrialization of the neighbourhood and the sharp increase in annual property taxes over the long-term by utilizing an LAS levy, non-industrial property owners would be pressured to redevelop or to sell. Essentially, those property owners who are using the property for its intended legal use would be pressured to leave, while those who have been using their properties contrary to zoning would be rewarded by having their neighbours pay for the servicing of their previously illegal uses.

Despite the early indication of support by some area residents, staff recommend that the LAS process not be undertaken, and that instead the future land use of the properties unable to be serviced be amended to a non-industrial designation.

LAS Process

The formal LAS process would be expected to take approximately 6 months to complete. A further 7 months would be required to construct the works if the formal LAS petition passed. The following these steps are envisioned:

- Report to Council, re: formal steps in the LAS process and any financial implications to the City
- Public open house
- Follow-up Report to Council
- Provincial borrowing approval
- Formal petition process
- Council Report re: petition outcome
- Project design and tender package
- Tender award
- Final project costs determined
- Letter to residents on final costs
- Construction

While the neighbourhood has indicated support for the LAS through a public interest survey, the next phase of approval would have to follow a formal petition process, allowing the City to borrow approximately $4.5 million dollars to front end the cost of construction. That $4.5 million would be repaid by the levies added to the property taxes on the 45 properties in the neighbourhood.

Legal/Statutory Authority:

Section 210 of the *Community Charter* gives the municipality the authority to create a Local Area Service.

> **210** (1) A local area service is a municipal service that is to be paid for in whole or in part by a local service tax under section 216 *[local service taxes]*.
>
> (2) The only services that may be provided as local area services are
>
> (a) services that the council considers provide particular benefit to part of the municipality

Legal/Statutory Procedural Requirements:

The Community Charter establishes the Local Area Service process under Sections 211 to 218.

Local Service Areas follow a publically initiated petition process, where residents will have a period of time to submit a certified petition.

For a petition to be sufficient under the Community Charter, at least 50% of affected owners and at least 50% of the total assessed values must approve the local service area.

As part of the LAS process, the petition must provide authorization for a borrowing bylaw which will need to accompany the Local Service Area authorization. This will allow the City to borrow the funds required for the project and collect levies over a 20 year period.

Internal Circulation:

While the review process of development potential and servicing in the Arab Appaloosa area has been spearheaded by Community Planning, the process has been managed by a team consisting of staff from Utilities Planning, Community Planning and Communications. The recommendations presented are those of all of these departments.

Financial/Budgetary Considerations:

No budget has been allocated for the preparation of the Local Area Service bylaws and legal fees associated with their review. Budget will have to be reallocated from projects within the relevant departments or from contingency funds.

Personnel Implications:

Even if the Local Area Service process is led by the community, substantial staff time will be required to develop the Local Area Service bylaws and ensure the process is conducted fairly and transparently. Previous LAS processes have taken approximately six months to roll out, from developing of documents to final notification.

Based on previous LAS processes, an estimated 200 staff hours will be required, involving staff from Utilities Planning, Communications and Community Planning. Staff time will be re-allocated from other workplan items or development file processing.

Alternate Recommendation:

THAT Council receive for information the supplementary report from Community Planning dated February 20, 2017, with respect to the establishment of a Local Area Service along Arab and Appaloosa Roads;

AND THAT Council direct staff to commence the Local Area Service process to create an LAS to provide partial industrial level services to the 45 properties described in the Report from Community Planning.

Considerations not applicable to this report:
Communications Comments:
Existing Policy:
External Agency/Public Comments:

Submitted by:

R Roycroft, Planner

Approved for inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Utilities Planning Manager report, dated March 21, 2016
Local Area Service Estimates

cc:

Divisional Director, Community Planning and Real Estate
Divisional Director, Infrastructure
Divisional Director, Communications and Information Services.
Utility Planning Manager
Policy and Planning Department Manager
Divisional Director, Financial Services

CITY OF KELOWNA

BYLAW NO. 11382

Official Community Plan Amendment No. OCP17-0008 – Arab Court, Appaloosa Road and Sexsmith Road

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of various lots, located on Arab Court, Appaloosa Road and Sexsmith Road, Kelowna, B.C., from the Industrial – Limited (IND-L) designation to the Resource Protection Area (REP) designation as per Schedule '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

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

Schedule A

Legal Description	Address
LOT 38 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2855 Appaloosa Rd
LOT 1 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2856 Appaloosa Rd
LOT 2 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2876 Appaloosa Rd
LOT 3 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2906 Appaloosa Rd
LOT 37 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2909 Appaloosa Rd
LOT 4 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	2936 Appaloosa Rd
LOT 7 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3020 Appaloosa Rd
LOT 41 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3029 Appaloosa Rd
LOT 8 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3036 Appaloosa Rd
LOT 42 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3039 Appaloosa Rd
LOT 9 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3066 Appaloosa Rd
LOT 43 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3089 Appaloosa Rd
LOT A SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 35661	3096 Appaloosa Rd
LOT 44 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3109 Appaloosa Rd
LOT B SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 35661	3116 Appaloosa Rd

LOT 11 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3128 Appaloosa Rd
LOT 45 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3139 Appaloosa Rd
LOT 12 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3156 Appaloosa Rd
LOT 13 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3166 Appaloosa Rd
LOT 46 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3169 Appaloosa Rd
LOT 14 SECTIONS 2 AND 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3196 Appaloosa Rd
LOT 47 SECTIONS 2 AND 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	3199 Appaloosa Rd
LOT 6 SECTION 3 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 18861	265 Arab Ct

REPORT TO COUNCIL

Date:	April 10, 2017		
RIM No.	1250-04		
To:	City Manager		
From:	Community Planning Department (AC)		
Application:	TA16-0014	**Applicant:**	ICR Project Inc. – Leo Mariotto
Subject:	Text Amendment		
Existing Zone:	CD5 – Multi-Purposed Facility zone		

1.0 Recommendation

That Council receives, for information, the report from Community Planning dated January 23, 2017, with regards to a proposed text amendment to change the residential parking rate within the CD5 zone;

AND THAT Text Amendment No. TA16-0014 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in "Schedule A" attached to the Report from Community Planning dated January 23, 2017, be considered by Council;

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

2.0 Purpose

To consider a Text Amendment to Zoning Bylaw No. 8000 in order to reduce the residential parking rate within the CD5 zone.

3.0 Community Planning

Staff support the Text Amendment in order to have consistent parking regulations within the downtown urban centre. The previous Council report outlining Staff's rationale is attached to this report as 'Attachment A'.

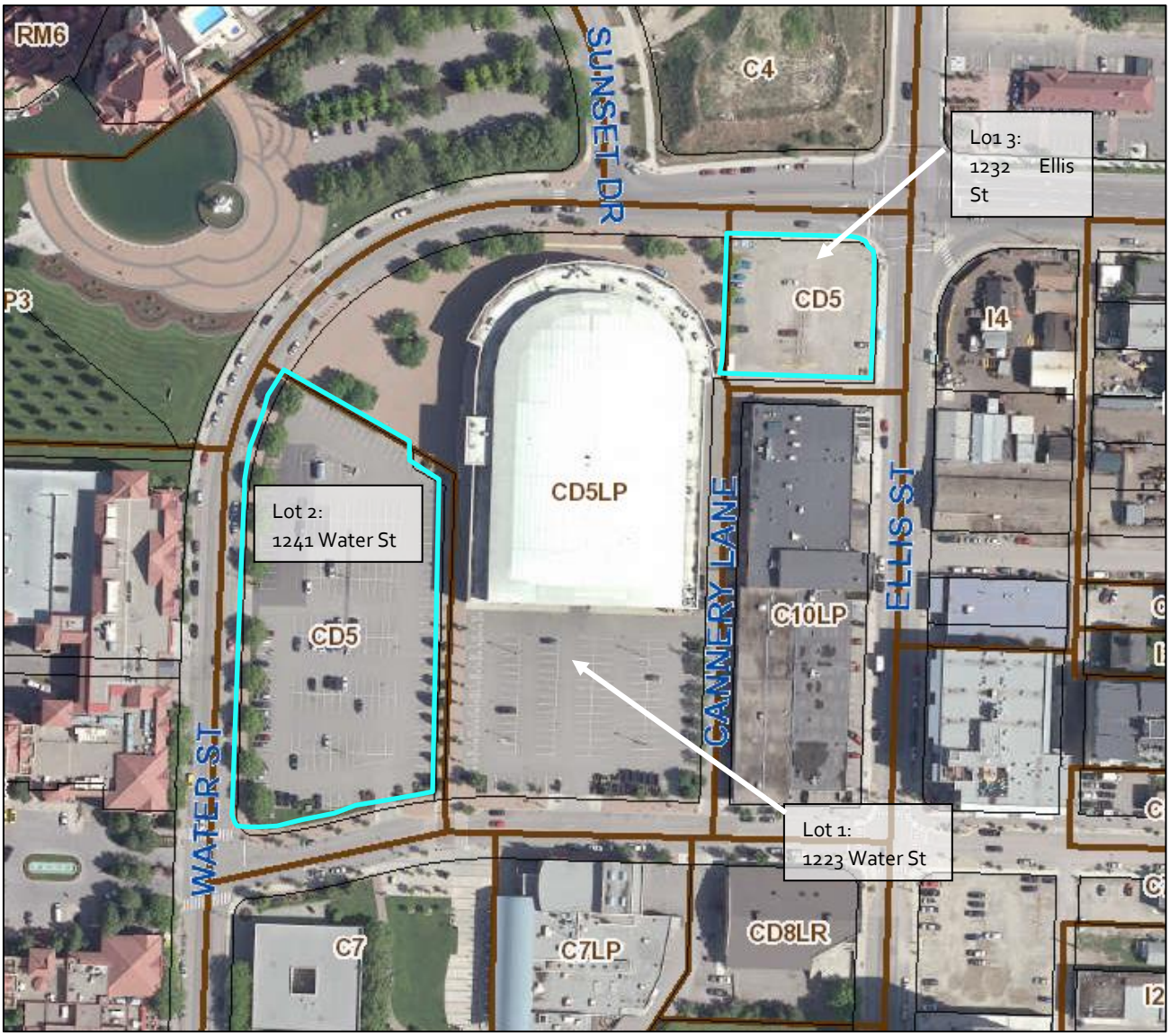
After reviewing the original zoning, subdivision, traffic studies, and Development Permit files related to the OmniCentre (original name for Prospera Place), there was no requirement for RG properties to provide additional parking for the public. The original Oct 14th 1997 report on the arena (Z97-1040, OCP97-029, TA97-007 & DP97-10,082) is attached to this report as background information and is labelled 'Attachment B'.

In accordance with the Multi-Purpose Facility Agreement, the project had to provide no less than 101 parking spaces to service the Commercial and Public Athletic and Recreation Facility (arena). The Original Development Permit for the arena proposed a total of 132 parking spaces on Lot 1 and 243 stalls of 'interim

parking' located on Lot 2. At the time of the original arena approvals, it was anticipated that future development on Lot 2 and Lot 3 would be subject to the parking regulations in the Zoning Bylaw and a Form & Character Development Permit.

In 2001, a few years after the CD5 zone was approved, a series of downtown zoning changes were considered. Specifically, the downtown parking regulations were amended in February 2003. The Text Amendment Council Report (TA01-003) is attached as background information to this report and is labelled 'Attachment C'. The parking requirements went from the standard parking ratio of: one stall per bachelor, 1.25 stalls per 1-bedrooom, 1.5 stalls per 2-bedroom, and 2.0 stalls per 3 or more bedrooms to 1 stall per unit (regardless of the number of bedrooms). The rationale for this reduction was stated in the report.
The amending bylaw only considered the C7 zone and left out the CD5 zone even though the subject properties map included the CD5 lands. Therefore, it would be logical to assume Staff just missed adding the CD5 zone to the parking regulations at the time. Regardless, the same parking rationale in the C7 zone should apply to the CD5 zone and Staff are recommending that the parking regulations be harmonized to have consistency of development regulations within the downtown. Further, Staff are recommending that the RG properties' (Lot 2 & 3) be treated the same as any other development site in the downtown. Lots 2 & 3 were designated as development sites as a part of the original agreement to construct the arena. Staff feel this arrangement should be honoured. It will be up to the City (or RG if they have parking concerns) to address any parking shortfalls to the arena if and when these parcels are developed.

Figure 1: Subject Properties



4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Portray a Positive Image of Kelowna[1]

Downtown. Recognize that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

[1] OCP Chapter 8 Economic Development – Objective 8.9 – Policy 2

Ensure Efficient Land Use
Re-development of Parking Lots[2] Encourage that excess parking areas be used for infill commercial, residential and mixed use buildings.

Parking[3]
Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips and increased use of active modes of transportation.

5.0 Technical Comments

n/a

6.0 Application Chronology

Date of Application Received:	September 21st 2016
Report prepared by:	Adam Cseke, Urban Planner
Reviewed by:	Terry Baron, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Manager

Attachments:
Schedule 'A' Proposed Text Amendment
Attachment 'A' Original TA16-0014 Report
Attachment 'B' Original Arena Rezoning Report
Attachment 'C' Original 2001 Downtown Zoning Bylaw Amendment Report

[2] OCP Chapter 5 Development Process – Objective 5.18 – Policy 1
[3] OCP Chapter 5 Development Process – Objective 5.11

SCHEDULE A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW 8000 – TA16-0014

Zoning Bylaw 8000				
No.	**Section**	**Existing Text**	**Proposed Text**	**Rationale**
1.	Table 8.1 – Parking Schedule Apartment Housing Row Housing Stacked Row Housing	1.0 space per dwelling unit in the C4 and C7 commercial zones;	1.0 space per dwelling unit in the C4, C7, & CD5 zones;	See Report

SCHEDULE A

This forms part of application

TA16-0014

City of Kelowna
COMMUNITY PLANNING

Planner Initials AC

REPORT TO COUNCIL

City of Kelowna

ATTACHMENT A
This forms part of application
TA16-0014
Planner Initials AC
City of Kelowna COMMUNITY PLANNING

Date:	January 23, 2017		
RIM No.	1250-04		
To:	City Manager		
From:	Community Planning Department (AC)		
Application:	TA16-0014	**Applicant:**	ICR Project Inc. – Leo Mariotto
Subject:	Text Amendment		
Existing Zone:	CD5 – Multi-Purposed Facility zone		

1.0 Recommendation

That Council receives, for information, the report from Community Planning dated January 23, 2017, with regards to a proposed text amendment to change the residential parking rate within the CD5 zone;

AND THAT Text Amendment No. TA16-0014 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in "Schedule A" attached to the Report from Community Planning dated January 23, 2017, be considered by Council;

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

2.0 Purpose

To consider a Text Amendment to Zoning Bylaw No. 8000 in order to reduce the residential parking rate within the CD5 zone.

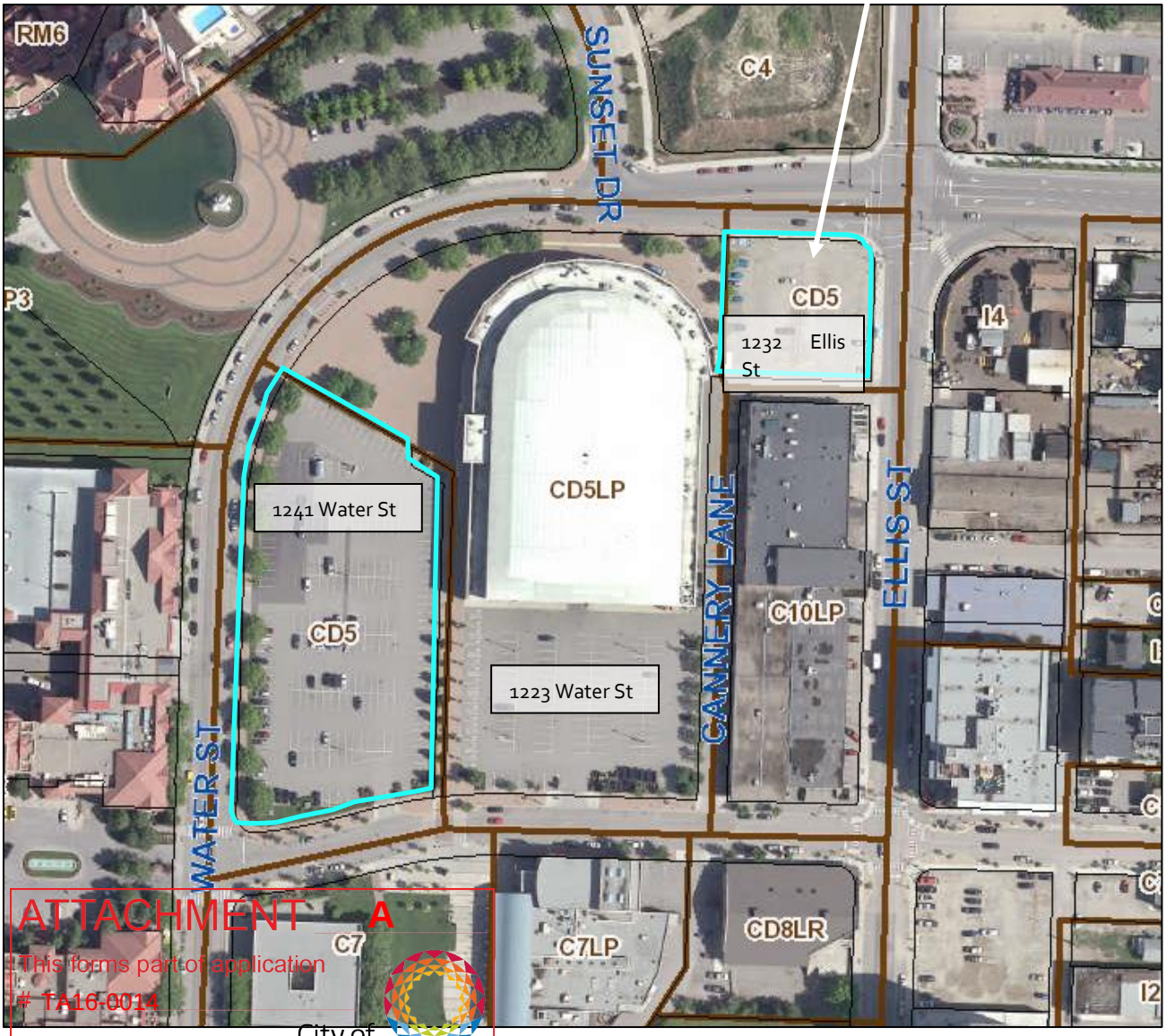
3.0 Community Planning

The proposal is to change the residential parking rate in the CD5 zone to be aligned with the adjacent C7 zone (min. 1 stall per residential dwelling unit). Staff support this change in order to have consistent parking regulations within the downtown urban centre. Given the location of the C5 lands within the Downtown, all parking is anticipated to be located on-site within a structured parking facility and integrated into a larger mixed-use development. Under the C7 parking zone requirements residential units are generally expected to provide one parking stall per unit. The intent of the lower parking requirements to other zones is to encourage people living and working at the building to use alternative modes of transportation. For example, the sites are adjacent to the Cawston Active Transportation Corridor and within walking distance of Queensway Transit Exchange.

The applicant has a preliminary design for 1232 Ellis St (see Image 1). The parking regulation change would affect three properties but only two of those properties are anticipated to be developed by the applicant: 1232 Ellis St & 1241 Water St (see Figure 1). The third property is occupied by Prospera Place. The applicant submitted their request to change the residential parking rates within the CD5 zone on September 21st 2016. As of writing this report the applicant had not submitted an official Development Permit application but Staff are anticipating an application to be submitted shortly.

Image 1: 1232 Ellis St. Preliminary Design

Figure 1: Subject Properties



ATTACHMENT A
This forms part of application
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COMMUNITY PLANNING

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Portray a Positive Image of Kelowna[1]
Downtown. Recognize that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

Ensure Efficient Land Use
Re-development of Parking Lots[2] Encourage that excess parking areas be used for infill commercial, residential and mixed use buildings.

Parking[3]
Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips and increased use of active modes of transportation.

5.0 Technical Comments

n/a

6.0 Application Chronology

Date of Application Received: September 21st 2016

Report prepared by: Adam Cseke, Urban Planner
Reviewed by: Terry Baron, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Manager

Attachments:

Schedule 'A' Proposed Text Amendment
Schedule 'B' Preliminary Drawings for 1232 Ellis St

ATTACHMENT A
This forms part of application
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[1] OCP Chapter 8 Economic Development – Objective 8.9 – Policy 2
[2] OCP Chapter 5 Development Process – Objective 5.18 – Policy 1
[3] OCP Chapter 5 Development Process – Objective 5.11

ATTACHMENT B
This forms part of application
TA16-0014
Planner Initials AC
City of Kelowna
COMMUNITY PLANNING

October 14, 1997
File Nos. (3360-20) **OCP97-029, Z97-1040, TA97-007 and DP97-10,082**

City Administrator

Planning & Development Services Department

REZONING APPLICATION NO. Z97-1040, OCP97-029, TA97-007 and DP97-10,082

OWNER/APPLICANT (REZONING, OCP AND TEXT AMENDMENT): CITY OF KELOWNA (DAVID GRAHAM)

AT: 350, 410 and 450 CAWSTON AVENUE, and 1220 ELLIS STREET

APPLICANT (DEVELOPMENT PERMIT): ICR PROJECTS INC. - R.G. ARENAS (KELOWNA) LTD.

PURPOSE: OFFICIAL COMMUNITY PLAN AMENDMENT, TEXT AMENDMENT, REZONING APPLICATION AND DEVELOPMENT PERMIT APPLICATION TO ALLOW THE DEVELOPMENT OF A COMMERCIAL AND PUBLIC ATHLETIC AND RECREATION FACILITY, COMMERCIAL AND PARKING FACILITIES AND PUBLIC PLAZA AND WALKWAY

EXISTING ZONES: I-6 (CENTRAL INDUSTRIAL) AND C-8 (SERVICE COMMERCIAL)

PROPOSED ZONE: CD-5 (COMPREHENSIVE DEVELOPMENT FIVE) ZONE

REPORT PREPARED BY: R.B. BECK

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Bylaw Nos. 8144, 8145 and 8146 be considered by the Municipal Council;

AND THAT Municipal Council authorize the issuance of Development Permit No. 97-10,082, on lands described as Lots A, B, C, Plan KAP56363, Sec. 25, Twp. 25, O.D.Y.D. and part of Lot D, Plan KAP56363, Sec. 25, Twp. 25, O.D.Y.D., as shown on Map "A" attached to the report of the Planning and Development Services Department dated October 14, 1997, located on Water Street/Cawston Avenue/Ellis Street, Kelowna, B.C., subject to the following terms and conditions:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

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3. Landscaping to be provided on the land be in general accordance with Schedule "C";

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper.

2.0 SUMMARY

The applications are as follows:

1) An Official Community Plan amendment to change the future land use designation of the subject lands from the "Educational/Major Institutional" designation to the "Comprehensive Development Project" designation;
2) An application to rezone the 2.93ha site from the I-6 (Central Industrial) and C-8 (Service Station Commercial) zones to the CD-5 (Comprehensive Development Five) zone to permit the development of a Multi Purpose Facility (including a Commercial and Public Athletic and Recreation Facility, Commercial Uses and Assembly/Eating and Drinking Establishment Uses), Parking facilities and Public Plaza and Walkway, and various secondary uses;
3) A Text Amendment application to add the CD-5 zone and the appropriate minimum lot areas and widths to the zoning bylaw;
4) A Text Amendment application to add the definition of "Family Sports and Entertainment Centre" to the zoning bylaw;
5) Text Amendments to the Subdivision Bylaw to add the required servicing standards for the proposed CD-5 zone;
6) Development Permit application to allow the construction of the commercial and Public Athletic and Recreation Facility, Public Plaza and Walkway, and Commercial and Public Facilities.

The applications are consistent with the objectives of the Strategic Plan, Official Community Plan, and Kelowna Centre Plan.

2.1 Advisory Planning Commission (October 9, 1997)

The applications were reviewed by the Advisory Planning and the following recommendations were passed:

> THAT the Advisory Planning Commission support Official Community Plan Amendment No. 97-029, Text Amendment No. 97-007 and Rezoning Application No. 97-1040 (City of Kelowna Leisure Services - 410, 350, 450 Cawston Avenue and 1220 Ellis Street).
>
> THAT the Advisory Planning Commission support Development Permit Application No. 97-10,082 (ICR Projects Inc. - 410, 350, 450 Cawston Avenue and 1220 Ellis Street) with the following recommendations:

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1. a "Residential Parking Only" area be established within a 15-minute walking distance of the facility;

2. Development of "Park-and-Ride" programmes;

3. Access from the Water Street parking lot be "right in, right out" only;

4. The pedestrian connection to the library and parkade be built in conjunction with this project.

3.0 BACKGROUND

3.1 The Proposal

The applications are for an Official Community Plan amendment, Rezoning application, Text Amendments to the Zoning and Subdivision Bylaws, and Development Permit application to facilitate the development of a Multi Purpose Facility and future development within the CD-5 zone.

The Official Community Plan amendment proposes to change the future land use designation from the "Educational/Major Institutional" designation to the "Comprehensive Development Project" designation.

The rezoning application proposes to change the zoning from the C-8 (Service Station Commercial) and I-6 (Central Industrial) zones to the CD-5 (Comprehensive Development Five) zone. The application proposes to utilize a Comprehensive Development zone to develop the lands because the zoning bylaw does not currently have any zoning which incorporates the blend of permitted uses and development criteria required to permit the development of this project.

An additional Text Amendment is required to add the following definition to the list of uses in the Zoning Bylaw:

> "Family Sports and Entertainment Centre means premises which are used for any or all of the following: sports and related games and activities, simulated sports, video and computer games, interactive games, virtual reality games and attractions, media walls, billiards, amusement machines and vending machines, and ancillary uses such as offices, restaurants and lounges, and retail sales."

The Development Permit application proposes to construct a Multi Purpose Facility consisting of a Commercial and Public Athletic and Recreation Facility (arena), Office space, Concessions, various eating and drinking establishments, commercial and parking facilities.

In addition, the application proposes to construct a Public Plaza and Walkway directly adjacent to the west of the Multi Purpose Facility.

The 10,776m² arena will include the noted 6000 fixed seats, with 300-400 standing seats, and up to 7,500 seats for concerts. The arena can be expanded in the future to accommodate an additional 1,000 seats.

The arena will have two levels and will have a total overall height of approx. 20m, measured from grade to the top of the raised roof structure.

Exterior cladding will consist of Architectural concrete wall panels, incorporating cast-in architectural reveals and details. The main floor will be developed with glazed storefront double glazed windows with anodized aluminum frames.

The appearance of the multi purpose facility will reflect the general intent of the downtown design guidelines. It is expected that the design elements will reflect the rich heritage of Kelowna's past through the architectural design characterized by the strong corners and curvilinear frame fronting Water Street. The richness and articulation of detail will bring alive the care and commitment to urban vitality implied at the scale of the land use plan with its strong relationship to the pedestrian promenade and plaza.

In accordance with the Multi Purpose Facility Agreement, the project will provide not less than 101 parking spaces to service the Commercial and Public Athletic and Recreation Facility (arena). The Development Permit application will propose to develop a total of 132 parking spaces in addition to 243 parking spaces on lot 2.

Further development of Lots 2 and 3 would also be subject to Development Permit applications in the future.

The Planning and Development Services Department supports the proposal and supports the introduction of this use into the Kelowna Centre area. However, it is acknowledged that parking and transportation concerns are key issues which have been raised by residents with respect to previous multi purpose proposals.

The Ward Consulting Group Inc. was commissioned by the City of Kelowna to prepare a report with regard to the potential impact of the Multi Purpose Facility. The study has been analyzed and a summary of the principal findings has been prepared by the City of Kelowna Works and Utilities Department. The summary has listed an outline of the information into three general categories, as follows:

A. The first category of statements provides information of a general nature or on issues which have already been addressed by the application;
B. The second category of statements relate to transportation issues which are intended to be addressed as part of the development during the construction of the project;
C. The third category of statements identifies transportation issues which will require the establishment of an ongoing effort to ensure that traffic and parking issues are managed by a coordinated process involving the operators of the facility (or other major venues) and the City of Kelowna.

ATTACHMENT B
This forms part of application
TA16-0014
Planner Initials AC
City of Kelowna
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A. The first category of statements provides information of a general nature or on issues which have already been addressed by the application.

- There are a total of 430 on-street parking spaces within a 5 minute walk, and 1800 spaces within a 10 minute walk. There are 1270 off-street parking spaces within a 5 minute walk and 2485 within a 10 minute walk. The total amount of on and off-street parking spaces is 1700 within a 5 minute walk, and 4,285 spaces within a 10 minute walk.
- During normal hours on week days, a local fair or show will require 950 spaces, which can be accommodated on street within the walking radius of the facility.
- 200 parking spaces should be provided in close proximity to the site for staff, special guests, celebrities, etc.

Note: The Development Permit application will include approximately 243 parking stalls directly adjacent to the Multi Purpose Facility and will include parking spaces for the handicapped.

- All City owned lots should be available for general public parking in the evenings and on weekends, including the new 480 stall City owned Library Plaza parkade.
- The study concludes that a medium size convention would generate a parking deficiency 590 spaces, while a large convention generate a deficiency of 865 spaces.

B. The second category of statements relate to transportation issues which are intended to be addressed as part of the development during the construction of the project.

- Traffic signals on Water Street, Ellis Street, and Richter Street should be tied together to ensure more efficient traffic flow.

Note: This work is currently being coordinated between the City and Ministry of Transportation and Highways.

- Sidewalks in the general area should be upgraded to the following:
  - Seven meters wide on north side of Cawston Avenue and east side of Water Street (Cawston-Sunset).
  - Four meters in width on south sides of Clement and Cawston, from Water to Ellis Street; also on the west side of Ellis Street, from Clement to Cawston.

- Three meters in width on both sides of the following streets:
  - Water Street from Clement Avenue to Doyle Avenue;
  - Ellis Street from Clement Avenue to Doyle Avenue;
  - Clement Avenue from Water Street to Richter Street; and
  - Cawston Avenue from Water Street to Richter Street.

- The transit routes should be modified to better serve the facility. Since the proposed Queensway Transit exchange is still a 9 minute walk away, a bus shuttle is recommended.
- Both sides of Water Street and Clement Avenue north of Cawston and west of Ellis Street, should be designated "No Parking", passengers pick-up / drop-off only. Also, both sides of Cawston Avenue should be designated as "No Parking" during events. The north side should be designated for regular scheduled buses, or shuttle bus drop-off and pick-up.
- Additional signage should be erected on the street network to direct traffic to the public parking lots.
- The surrounding area should be serviced with wheel chair ramps.

C . The third category of statements identifies transportation issues which will require the establishment of an ongoing effort to ensure that traffic and parking issues are managed by a coordinated process involving the operators of the facility (or other major venues) and the City of Kelowna.

Initiatives which should be considered for implementation:

- Consider the control of pedestrian movements around the facility during events.
- Consider park and ride services for larger events such as hockey games, popular concerts and conventions.
- Whenever possible, consider scheduling of medium or large size conventions so that they do not end between 3:30 and 5:00 p.m. on weekdays. The traffic level of service after late evening events will be no worse than the level of service that occurs in the afternoon weekday peak hour. However, a significant impact will be felt when a medium size (or larger) convention finishes during the afternoon peak hour.
- The City should consider exploring opportunities to provide additional public parking in the vicinity for an interim 2 to 3 year period while TDM programs are implemented.
- A private company should be encouraged to organize and control private lots with 30 or more spaces after normal working hours to accommodate additional parking. And, optionally, to enforce on-street parking.
- Consider signs and enforcement on residential streets within a 15 minute walking radius of the facility to ensure parking remains available to the residents and their guests during events at the Multi Purpose Facility.

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3.2 SITE CONTEXT

The subject site is located in the north block of the Kelowna Centre Plan lands. The adjacent zones and uses are, to the:

North - P-3 (Parks and Public Open Space) Dolphins Water Feature and Parking.
East - C-7 (Service Commercial)various commercial uses
South - I-6 (Central Industrial) Growers Supply Building/potential Arts Center, and Share recycling facility
H-1 (Heritage Industrial) Laurel Building, and P-1(Public Administration, Service and Assembly) Art Gallery
West - Across Water Street, C-6 (Convention Hotel District) Future phases of the Grand Hotel facility and P-3 (Parks and Open Space) Waterfront Park

3.3 CURRENT DEVELOPMENT POLICY

3.3.1 Strategic Plan (1992)

The rezoning of the site to the higher density and range of uses permitted by the CD-5 zone is consistent the Strategic Plan which supports the densification of the Downtown and Urban Town Centre areas.

3.3.2 Official Community Plan (1995)

The applications require an Official Community Plan amendment to change the designation of the subject lands from the "Educational/Major Institutional" designation to the "Comprehensive Development Project" designation.

The proposal is consistent with the overall objectives of the Official Community Plan, which emphasizes densification and redevelopment within the Downtown and Town Centre areas.

3.3.3 Kelowna Centre Plan (1992)

The development of a Multi Purpose Facility is consistent with many of the Land Use Objectives of the Kelowna Centre Plan, as follows:

"Provide for land uses which result in activity beyond business hours; create a vital area which sustains various complementary activities".

"Provide for and efficient use of land by providing for increased densities."

"Provide employment, visitors, and residential market support for the downtown area; complement, rather than detract from the existing downtown core so as to increase the importance of the downtown in the City as a whole. Reinforce the

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downtown core thereby creating a magnet for activity and development in order to counteract the inertia for commercial development along Highway No. 97".

Other land uses for this area, as contemplated by the Kelowna Centre Plan could include a combination of uses such as mixed use commercial development, residential or hotel development.

4.0 TECHNICAL COMMENTS

All technical and servicing issues are to be addressed during the construction of the facility.

5.0 CONCLUSION

The Planning and Development Services Department supports the proposal and recommends approval of the OCP, Text Amendments, Zoning Bylaw amendments, and Development Permit application.

F.B. Pritchard, B. Arch., M.C.P., M.R.A.I.C.
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

Attach.

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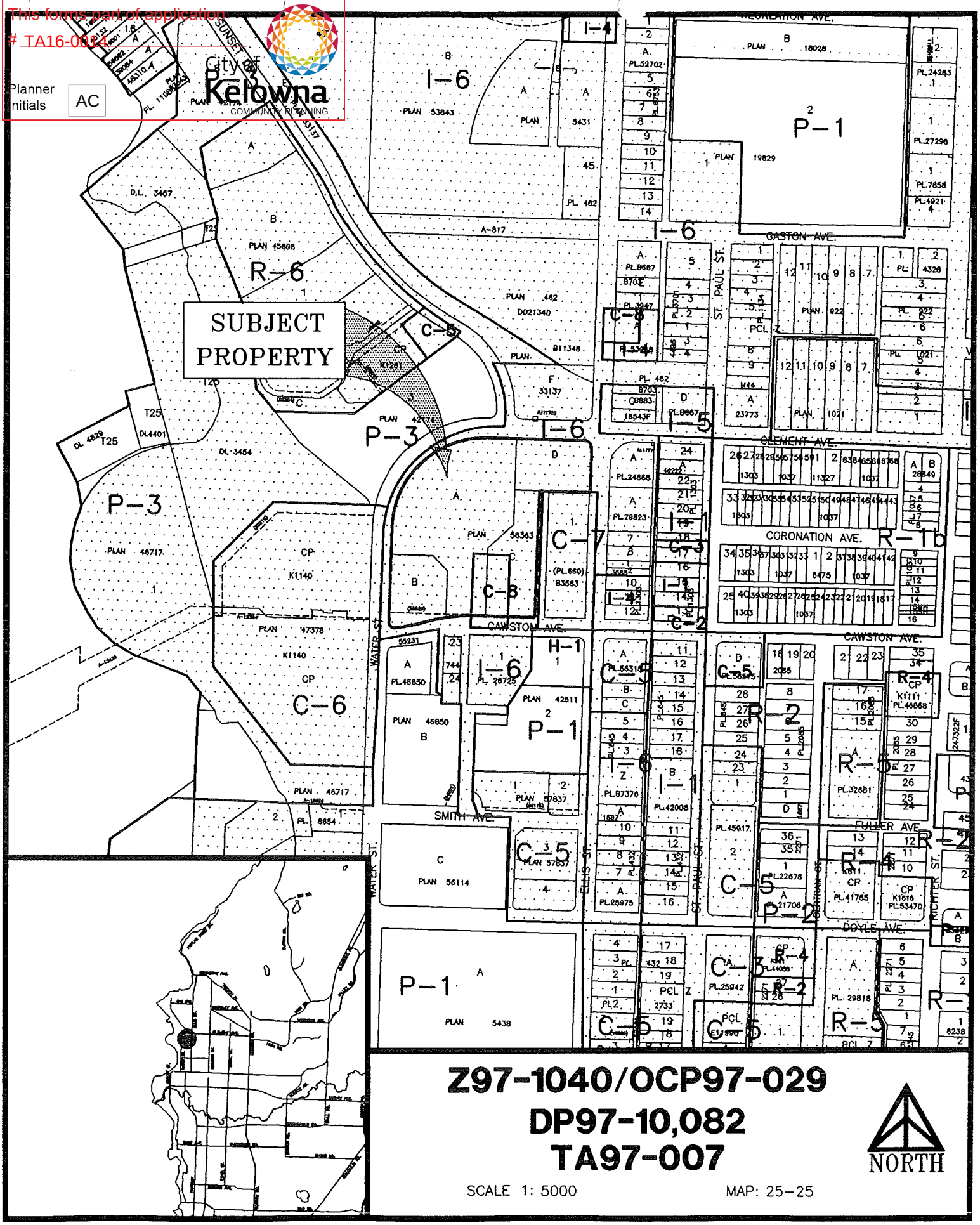

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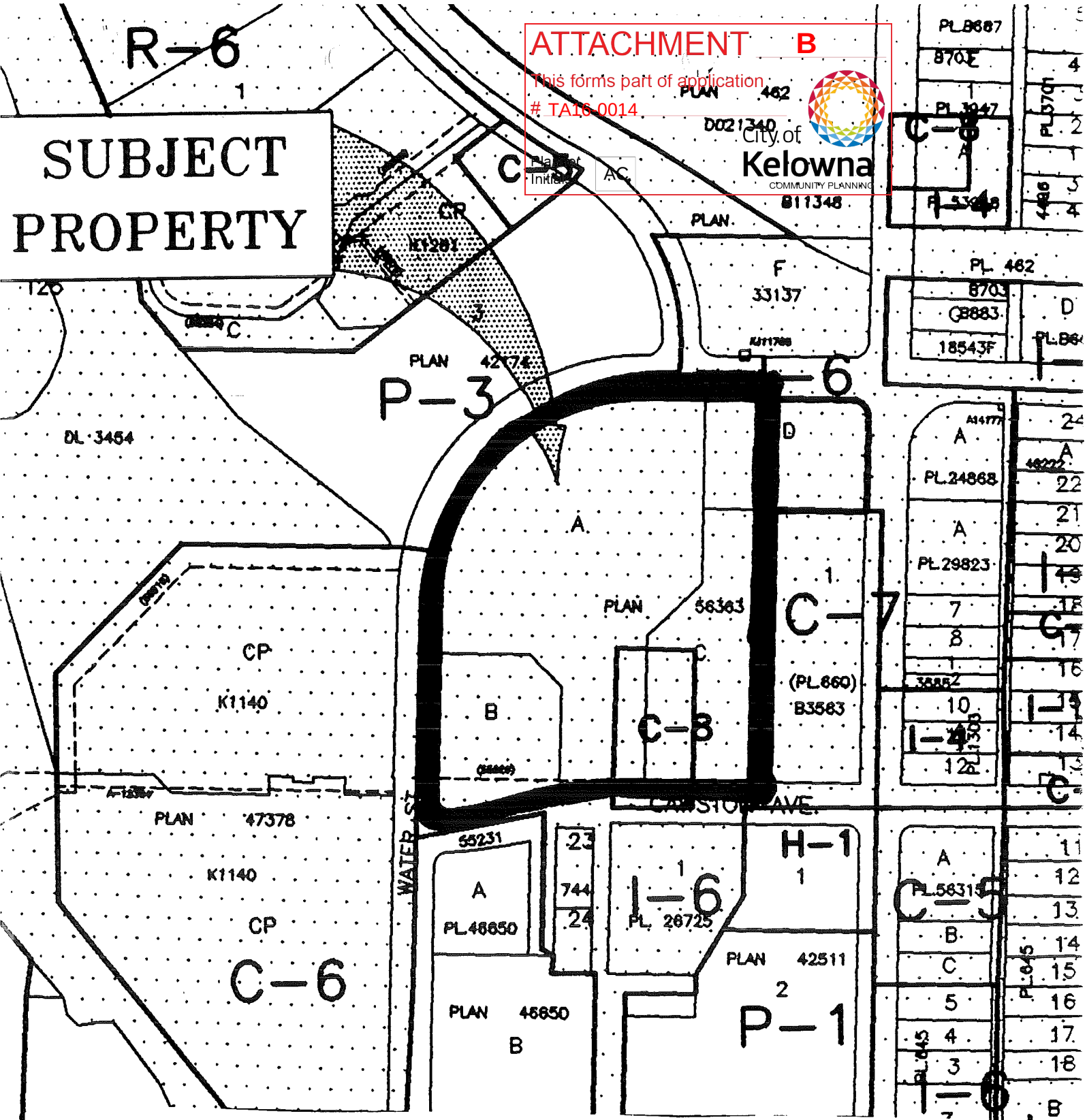

MAP "A"

Showing area of Lots A, B, C, Plan KAP56363, Sec. 25, Twp. 25, O.D.Y.D. and part of Lot D, Plan KAP56363, Sec. 25, Twp. 25, O.D.Y.D. affected by Development Permit DP97-10,082

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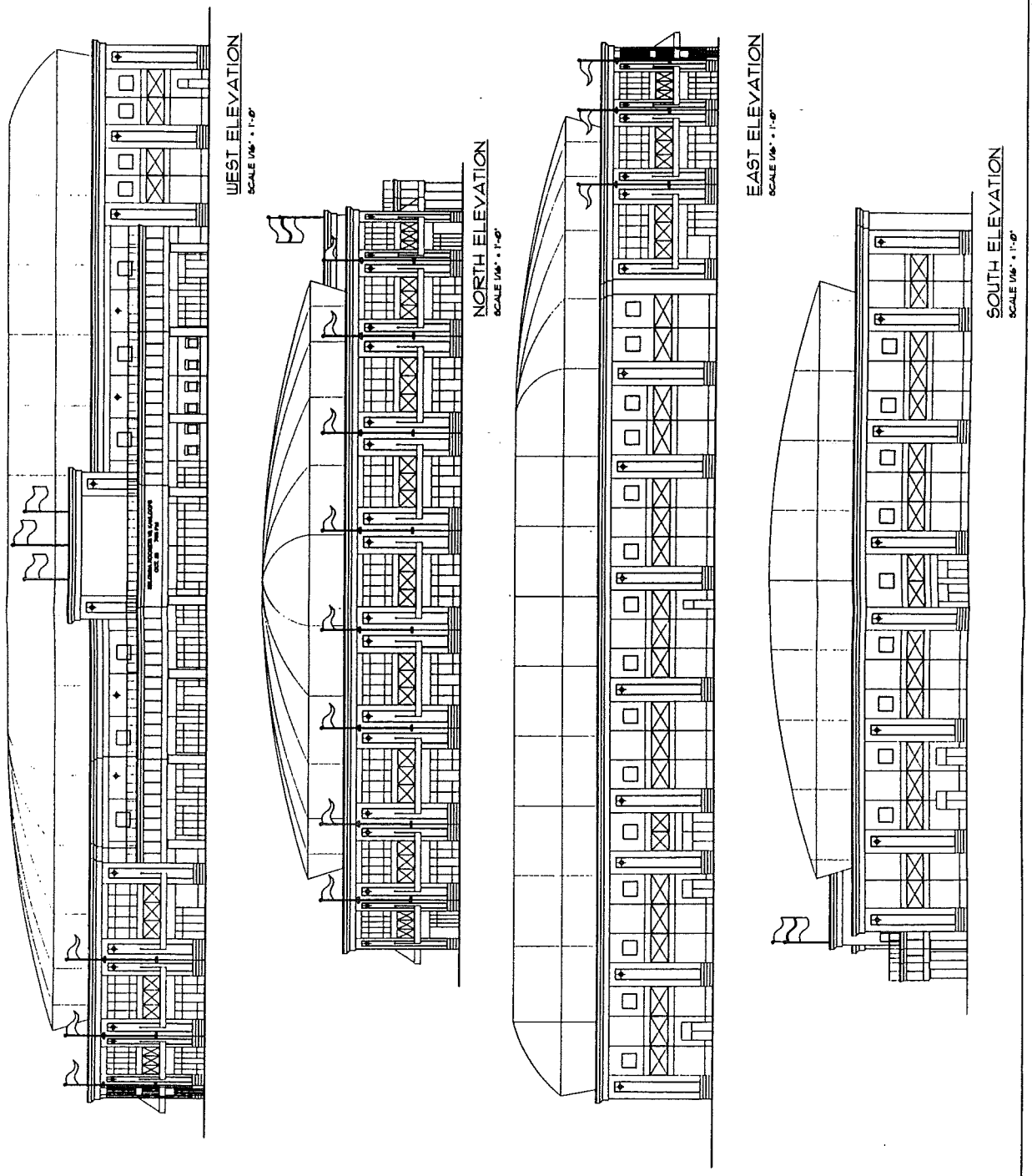
SCHEDULE "B"



SCHEDULE "C"

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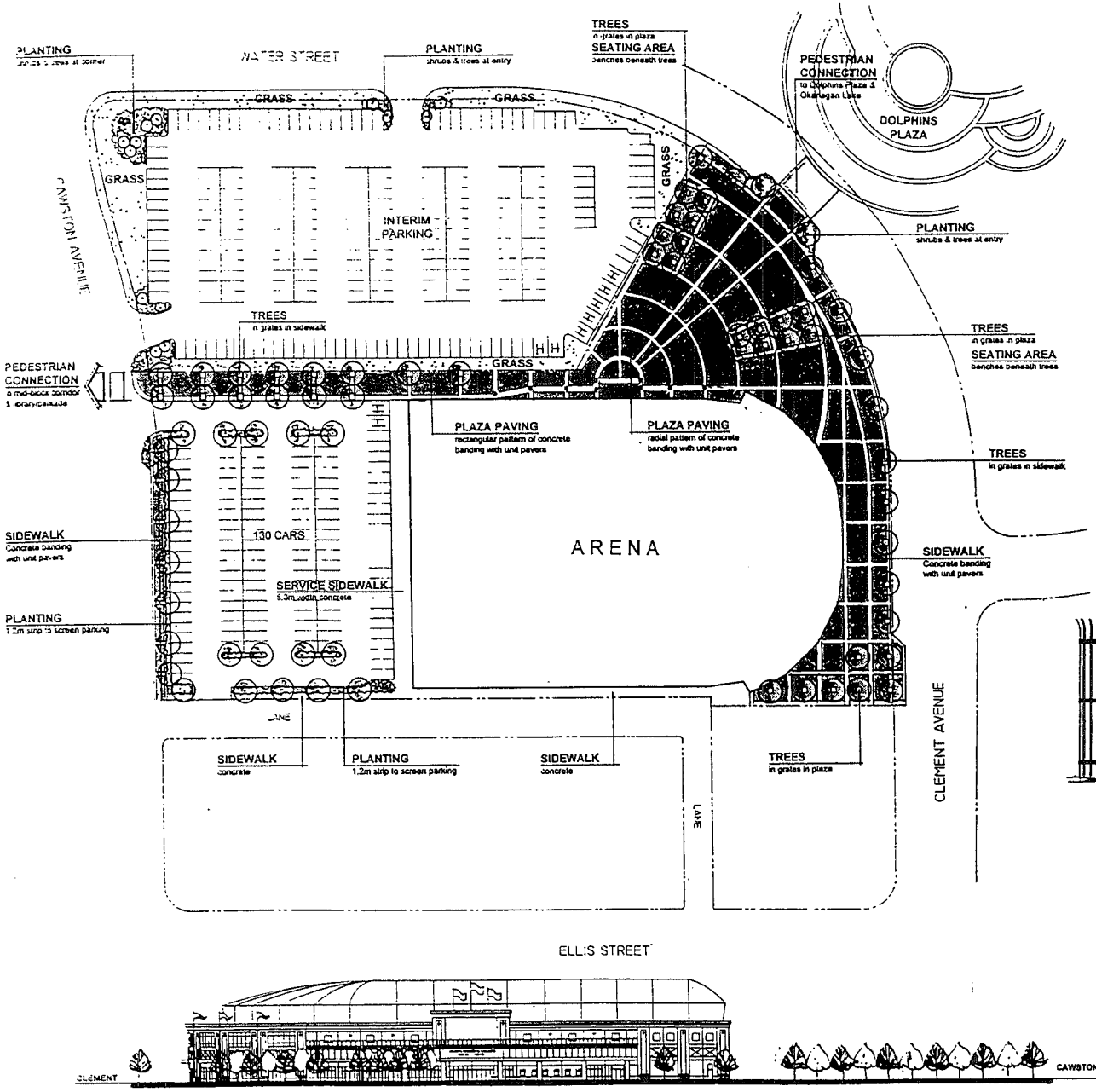


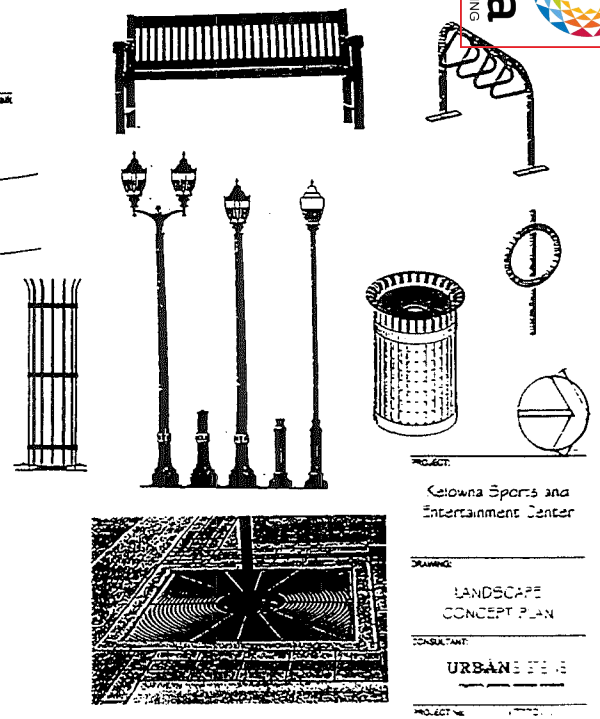
View from Water Street

Plant Material:

LOCATION	TREES
WATER - CLEMENT STREETSCAPE	Maple Trees
CAWSTON STREETSCAPE	Linden Trees
PLAZA	Locust Trees
INTERNAL WALKWAY	Oak Trees
PARKING LOT	Ash Trees
PARKING LOT ENTRIES	Shrubs (roses, mugo pine spirea, burning bush, juniper, etc.)

Notes:

1. All materials and workmanship shall conform to the most recent edition of the "B.C. Landscape Standard" by BCSLA/BCNTA.
2. All landscape areas shall be irrigated by an approved system. Design shall meet requirements of the MMCD.
3. Slope of surfaces to drain away from building and toward swale, catchbasin or curb.
4. Sod shall be as follows:
   - Grass: Level 2 growing medium 150mm min. depth
   - Shrub Beds: Level 2 growing medium 450mm min. depth
   - Trees: Level 3 growing medium 300mm all around
5. Trees shall be of B.C. grade, [illegible] as per the Kelowna Downtown Streetscape Standards.
6. Grass shall be seeded and [illegible] as sod.
7. Shrub beds shall have [illegible] mulch.
8. Street and site furniture, [illegible] shall be as per the Kelowna Downtown Streetscape Standards.



PROJECT:
Kelowna Sports and Entertainment Center

DRAWING:
LANDSCAPE CONCEPT PLAN

CONSULTANT:
URBAN STUDIO

PROJECT No.
SCALE: 500
DATE: October 1997
DWG. No.

L1

SUBMITTED FOR DEVELOPMENT PERMIT

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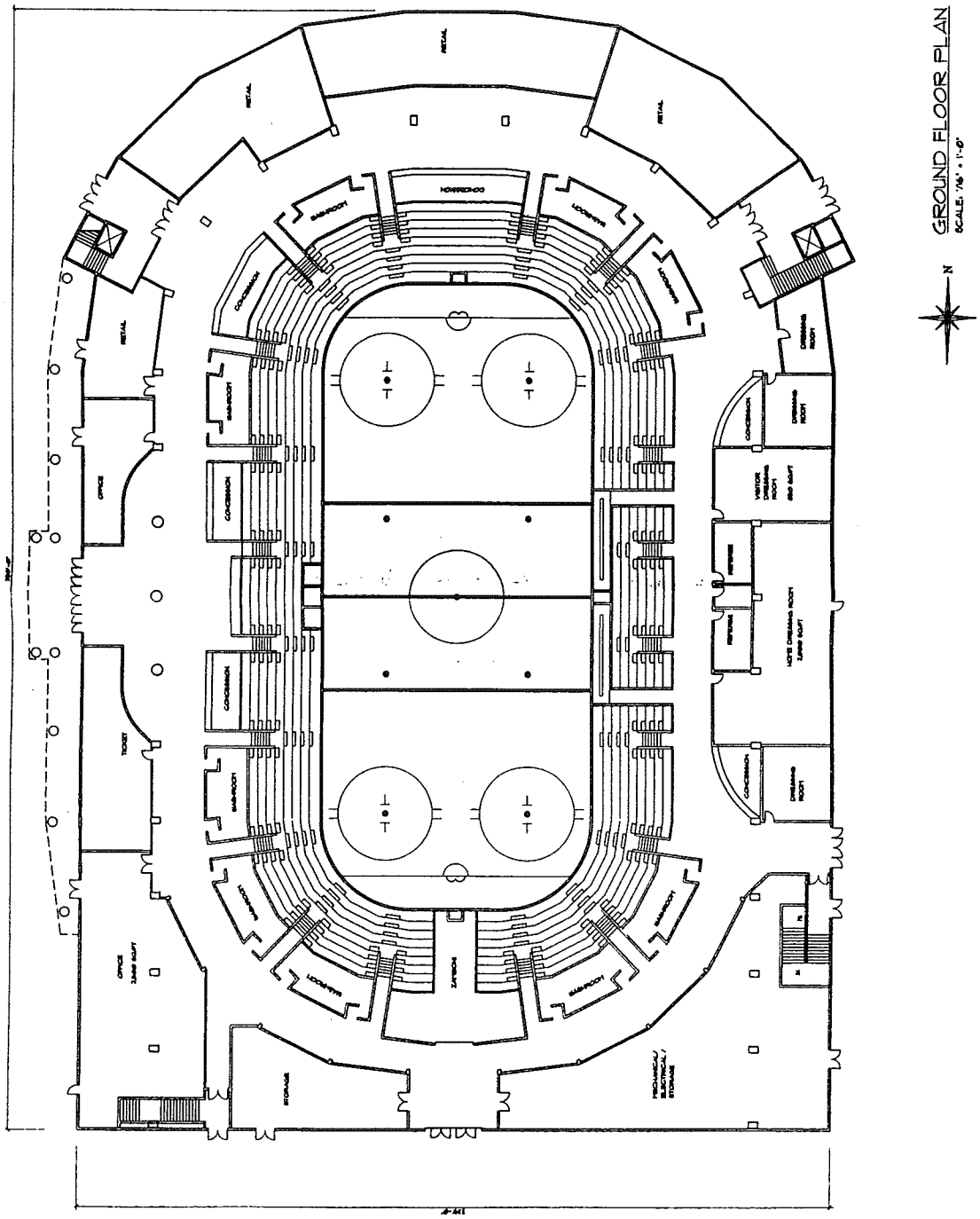

GROUND FLOOR PLAN

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

A DEVELOPMENT BY RG Properties Ltd

KELOWNA SPORTS AND ENTERTAINMENT CENTER

GROUND FLOOR

A-2

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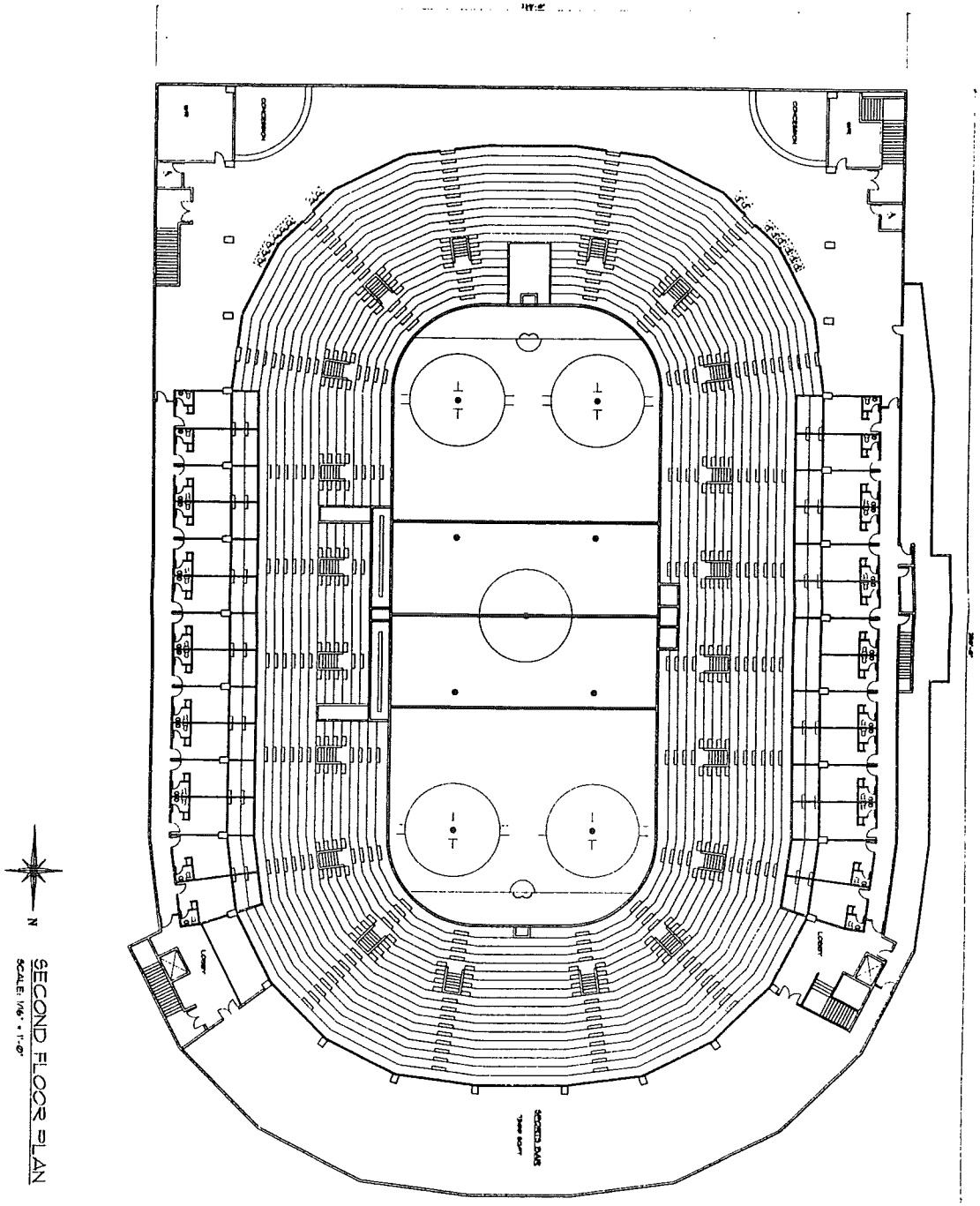

SECOND FLOOR PLAN

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

A DEVELOPMENT BY

RG Properties Ltd.

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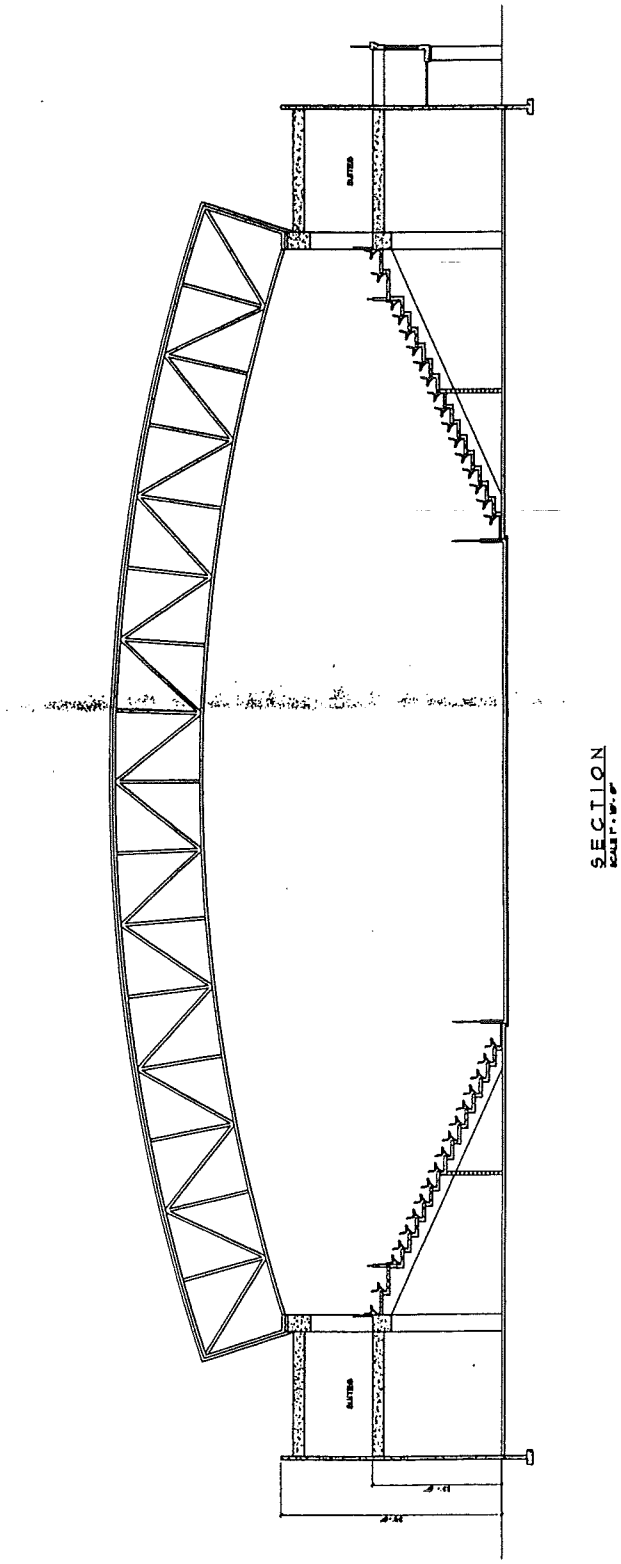
A DEVELOPMENT BY
RG Properties Ltd



CITY OF KELOWNA

MEMORANDUM

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Date: December 10, 2002

File No.: TA01-003

To: City Manager

From: Planning and Development Services

Subject: Revisions to the *City of Kelowna Zoning Bylaw, No. 8000*

RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA01-003 to amend City of Kelowna Zoning Bylaw No. 8000 provisions for the C7 Zone as outlined in the report of Planning and Development Services Department dated December 10, 2002 be considered by Council;

AND THAT Text Amendment TA01-003 be forwarded to a Public Hearing for further consideration.

BACKGROUND

On January 24, 2000, the *Kelowna Downtown Plan* was endorsed by Council. Simultaneous with that endorsement was direction from Council for Planning and Development Services staff to prepare a draft of proposed revisions to the *City of Kelowna Zoning Bylaw N0. 8000* consistent with the *Kelowna Downtown Plan,* for further discussion with the local development industry.

DISCUSSION

Urban Design

The *Kelowna Downtown Plan* encourages increased building heights over a portion of the Plan area. This increase in height is deemed necessary to facilitate new commercial and residential development consistent with the Plan's vision.

However, the Plan also sets out a direction for a pedestrian-oriented environment that will be aesthetically pleasing and provide a high degree of physical comfort. This direction led staff to investigate zoning amendments that would allow increased heights while:

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1. Protecting sunlight access at street level;
2. Mandating building forms that are less likely to generate undesirable wind movements at street level; and
3. Encouraging buildings that contribute to a strong definition of the street as well as have interesting profiles.

Although the current daylighting provisions in the Zoning Bylaw are for the purpose of achieving the above objectives, it was found that the daylighting provisions, when applied to buildings of the proposed height, severely restricted the floor areas of taller buildings. As a result, staff felt that another approach would need to be found.

In response, Planning and Development Services staff investigated various building massings and sunlight angles over different times of the day and year, applied to a number of sites within Downtown. The outcome of this work was the formulation of a preferred building envelope that was less restrictive than the application of the daylighting angle, and was deemed to meet the above criteria.

This preferred envelope has been incorporated into the amendments outlined in Attachment 3. In addition to the proposed amendments that would regulate the building envelope, proposed changes to principal uses, parking and loading, and general regulations are also indicated. (Proposed additions are underlined. Proposed deletions are highlighted with a strikethrough.)

Proposed Changes

The proposed changes are summarized in Attachment 1 and a more complete discussion of the proposed changes is included in Attachment 2. Attachment 3 shows the Zoning Bylaw text amendments that would be required to incorporate the proposed changes.

Stakeholder Consultation

Comments were solicited from the local chapter of the Urban Development Institute in February, 2000 on a preliminary package of proposed changes. As a result of the comments from UDI, one additional change was made to the proposed amendments. This change was to recommend a reduction in the number of loading spaces required for commercial developments in the C7 zone. Staff supported this change, as it was felt to not compromise the intent of the bylaw and would be in the interests of promoting redevelopment within the Central Business District.

The Planning and Development Services Department hosted three focus group sessions with members of the local development industry in June, 2000. The cost implications of requiring a building to step back as it increases in height was noted by some of the participants. Members of the architectural community felt building envelope requirements were not necessary and only serve to compromise quality building design. Generally, however, staff felt the proposed amendments were well-received.

In June 2002, the final package of proposed amendments was forwarded to UDI for formal comment prior to submission to Council for its consideration. Those comments were returned to the Planning Department in a letter dated August 26, 2002.

The letter from UDI states the proposed amendments are “a step in the right direction”. However, the letter goes on to say the proposed amendments need to be much less restrictive in order to encourage development and re-development. The letter says the proposed parking reduction is commendable but insufficient in itself to stimulate development and goes on to recommend a further reduction in the parking and private open space requirements as well as “further incentives” to stimulate Downtown development.

The comments from UDI also address a number of topics, not all of which are directly related to the proposed changes to the C7 zone. These topics include cabaret licenses in the Downtown, the implementation of transportation network initiatives, and possible development in the Kerry Park area.

The comments from UDI are included as Attachment 4. No changes to the proposed amendments were made as a result of the comments received from UDI in its letter dated August 26, 2002.

Economic Assessment

In June 2001, the Planning and Development Services Department engaged G.P. Rollo and Associates to test the implications of the proposed zoning amendments on the economic viability of future projects under the amended C7 zone.

As part of this exercise, Planning staff chose ten sites within the area encompassed by the existing C7 zoning. These sites were chosen as a representative sample of projects in terms of size and location within the study area.

For each concept plan, retail uses were provided at grade, with office and / or residential uses above. Each project was built out to the maximum floor area that would be allowed under the proposed amendments except where this was prevented by parking limitations[1]. To more fully explore the options, different proportions of residential and office uses were examined for some sites, as well as the cost of cash-in-lieu versus on-site parking options. This approach resulted in more than one scenario for some sites. The concept designs then generated the numbers to do the economic analysis, e.g., gross floor areas, off-site costs, DCC’s, etc., conducted by Mr. Rollo.

Based on the economic analysis, Mr. Rollo determined that the C7 amendments, in the short-term, will neither positively nor negatively impact decisions by developers to invest in the study area. Mr. Rollo concluded, “…there is not sufficient demand to create the revenues that are required to support viable new development of the scale being encouraged by the proposed amendments”. Mr. Rollo also concluded “It could take several years and possibly a decade before there will be sufficient demand to warrant the scale of new downtown development envisaged under the proposed C7 changes and the Downtown Plan.”

[1] The study assumed each residential unit would need at least one parking stall on site. Cash-in-lieu for residential was not considered a viable option. Therefore, some buildings with a residential component did not maximize allowable height because the number of units was limited by the amount of on-site parking.

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Mr. Rollo concluded his report saying that the City should proceed with implementation of the proposed C7 amendments: "While downtown development on the scale permitted by the proposed changes…is unlikely to occur for several years, it is recommended that the City adopt the proposed changes. Adoption of the (C7 amendments) will send an important message to property owners, developers and investors, downtown businesses and the public that the City is committed to pursuing the vision of the Downtown Plan."

Mr. Rollo's report has been placed in the Council Reader File. The document is also available to the public through inquiries to the Planning and Development Services Department. The executive summary of Mr. Rollo's report is included with this report as Attachment 5.

SUMMARY

Planning and Development Services submits that the proposed zoning changes will effectively work towards the development of building forms and heights compatible with the *Kelowna Downtown Plan.* Staff acknowledge the measures may be insufficient to spur development under current market conditions and that other actions may need to supplement this initiative. The proposed amendments to the Zoning Bylaw however, are recommended as an important and reasonable way to set the stage for related future actions aimed at stimulating downtown development.

It is therefore recommended that Council amend the *City of Kelowna Zoning Bylaw, No. 8000* as outlined in the Planning and Development Services Department Report of December 10, 2002.

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Andrew Bruce
Current Planning Manager

PJM/pm

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

Attachments

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ATTACHMENT 1:
SUMMARIZED VERSION OF PROPOSED TEXT AMENDMENTS TO ZONING BYLAW NO. 8000

Section 6.1.1 Daylighting Standard

Existing requirement	Proposed	Rationale
Minimum daylighting angle	Building envelope provisions to limit building bulk and regulate a minimum separation of buildings above a height of 15 m.	To maintain the intent of the daylighting provisions but to replace with provisions that are less limiting in terms of the floor areas that can be achieved on the upper floors of taller buildings

Section 8.1/8.2 Parking and Loading

Existing requirement	Proposed	Rationale
Commercial parking- 1.3 stalls per 100 m^2 of GFA	Retain commercial requirements; maintain cash-in-lieu provision	
Residential parking- 1 stall per bachelor dwelling 1.25 stalls per 1 bdm. dwelling 1.5 stalls per 2 bdm. dwelling 2 stalls per 3 or more bdms.	Reduce residential requirement to 1 stall per dwelling regardless of number of bdms.; maintain cash-in-lieu provision	The market for Downtown housing is believed to be households without children; it is expected the majority of these households will be comprised of not more than 2 persons and therefore not likely to have more than 1 vehicle.
Commercial loading- 1 stall per 2800 m^2 for eating and drinking establishments 1 stall per 1900 m^2 for all other commercial uses	Reduce to 1 stall per development	This change made in response to a request from UDI; reduction will help promote development while not compromising the intent of the bylaw.

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Section 14.7.2 Principal Uses

Existing Requirement	Proposed	Rationale
34 commercial uses	Retain existing uses; add apartment housing and public education services; change custom indoor manufacturing to custom indoor manufacturing/artists studio	Addition of apartment housing is consistent with the vision of the Downtown Plan for more residential uses in the area; public education services added at the request of the APC to specifically allow such uses; change in wording to custom indoor manufacturing/ artists studio complies with the recommendations of the *Cultural District Implementation Strategy and Marketing Plan*.

Section 14. 7.3 Secondary Uses

Existing Requirement	Proposed	Rationale
5 secondary uses	Delete apartment housing	Included as a principal use

Section 14.7.3 Subdivision Regulations

Existing Requirement	Proposed	Rationale
Min. lot width- 6 m.	To be retained	
Min. lot depth- 30 m	To be retained	
Min. lot area- 200 m^2	To be retained	

14.7.5 Development Regulations

Existing Requirement	Proposed	Rationale
FAR of 5.0	To eliminate the maximum FAR requirement.	Max. FAR would be 12.0
Max. height- lesser of 6 storeys or 22 m.	To retain 22 m generally; increase to 44 m in specified areas	Increased height is consistent with direction of the Downtown Plan
Min. front yard- 0.0 m	To be retained	
Min. side yard- 0.0 m	To be retained	
Min. rear yard- 0.0 m	To be retained	

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14.7.6 Other

Existing Requirement	Proposed	Rationale
Private open space: 6.0 m^2 min. per bachelor dwelling 10 m^2 min. per 1 bd. unit 15 m^2 min. per more than 1 bd. unit	 To be retained To be retained To be retained	
Separate entrances: Apartment housing is allowed only above the first storey and requires access to grade separate from the commercial uses.	Wording to be deleted	Current requirement is intended to address security of occupants which is not a zoning issue; change also acknowledges that there are technological solutions
Supplemental floor area: Within Areas 1 and 2, a supplemental floor area of 5% can be added to any floor area above 15.0 m in height provided the floor dimensions comply with all other provisions set out in the C7 zone. The supplemental area can only be added to the floor used as the basis for the calculation and shall be based on Gross Floor Area.	Wording to be added	
Minimum commercial component: Except in Area 1, shown on Diagram 2, a mixed use building incorporating residential and other uses shall provide a commercial use on the first floor which must occupy a minimum of 90% of any street frontage and a minimum of 50% of the total floor area.	Wording to be added	

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ATTACHMENT 2: DETAILED DISCUSSION OF PROPOSED AMENDMENTS

Density and Use
Please refer to Diagram A in Attachment 1 for the following discussion.

Within Areas 1 and Area 2, it is proposed the following would apply:

- residential and commercial uses, either singly or in combination as mixed uses (a continuance of the existing provisions),
- residential occupancies could be a principal use (formerly a secondary use)
- a maximum allowable height of 44 metres (an increase from the lesser of 6 storeys or 22 m).

The difference between the two areas is that in Area 1, a minimum area of commercial occupancy at street level (refer to 14.7.6 (c) in Attachment 1) would be required for all buildings.

Within Area 2, a minimum area of commercial occupancy would not be required. Although the proposed amendments would allow a mixed commercial/residential occupancy within Area 2, Area 2 would be the only area where the proposed amendments would allow a building of 100% residential occupancy . These directions come from the *City of Kelowna Downtown Plan, 1999*, pg. 75 (Land Use Designation 2).

For all properties with a C7 zone designation, or without a C7 designation zoned C7 but for which the City would support rezoning to C7, lying outside of Area 1 or Area 2, the following would apply:

- residential and commercial uses, either singly or in combination as mixed uses,
- a maximum allowable height of 22 metres (approximately 6 storeys).

This default area encompasses the streets along Abbott St., within the Downtown Heritage Area, and along either side of Highway 97 from Richter St. to Abbott St. The lower height designation is consistent with OCP directions and with the directions of the Downtown Plan for lower heights within the Heritage Character Area and along the highway corridor.

Building Envelope- Setback Above 15 Metres
Please refer to Diagram B in Attachment 1 for the following discussion.

The proposed amendments maintain the provision in the current Zoning Bylaw for a zero setback in the C7 zone. By allowing buildings to be built immediately adjacent to the property line, this approach promotes a well-defined street edge and promotes strong connections of buildings to the pedestrian realm.

The current bylaw stipulates a maximum height of 6 storeys except where mitigated by the provisions of the daylighting standards set out in the bylaw[2]. The proposed amendments would replace the current daylighting standard as it applies to the C7 zone, by the conditions set out below.

[2] The daylighting standards state that "the regulations shall not restrict the construction of a 4 storey commercial building in the C7 zone."

1. Firstly, the maximum height of a building, without setting back from a property line (including alleys) would be 15 metres (approximately 5 stories). Any portion of a building above this height would have to be set back from the property line by a minimum of 3 metres.

   This provision is intended to:

   a. help assure that any building facing a public street will have human scale.

   b. preclude the creation of extended building planes without a vertical or horizontal setback that have been deemed to deflect winds and accelerate their velocity near ground level.

   c. establish a cornice line/top of wall that would act as a visual transition between any existing adjacent lower buildings, and any portion of a new development above the 15 metre mark.

2. The second provision would require a building to fit within a prescribed line. This line would start at a point 15 metres above the property line adjoining a public street, and incline inward at an angle of 80 degrees (towards the middle of the property; not the street side). This provision is intended to protect an amount of sunlight falling on the north side of Downtown streets.

3. The third setback provision would stipulate that the distance between buildings on adjacent properties be a minimum of 4 metres. This provision is intended to assure that there would be a certain amount of sunlight passing between any portion of two adjacent buildings above a height of 15 metres.[3] This is not such an issue during the summer months, but is more critical during those months when the sun is low in the sky.

Building Envelope- Floor Plate Limits

In addition to the setback requirements, the proposed zoning amendments would also introduce limits on floor plates. Up to a height of 15 metres, no limits on floor areas is proposed. However, above 15 metres in height, the limit on floor areas is being proposed as 676 square metres or approximately 7300 square feet. This maximum floor area is considered by Planning and Development Services to be consistent with other high-rise commercial and residential buildings in Kelowna.

As well, the maximum proposed diagonal dimension is proposed to be 39 metres or approximately 128 feet, and the maximum horizontal dimension of any exterior building face is proposed to be 26 metres, or approximately 85 feet. These provisions are intended to encourage a more square as opposed to elongated building configuration as square buildings will cast less shadow than an elongated building where all other aspects of the building are the same.

Building Envelope- Incremental Floor Areas

The proposed amendments would introduce provisions for additions to floor plates as long as a building met all other provisions of the proposed Zoning Bylaw. This supplement would be a

[3] It is anticipated the BC Building Code and the desire of developers to maintain views for tenants will work in favour of greater separation of buildings above 15 metres, than the minimum set out in the proposed zoning amendment.

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maximum of 5% of the building floor plate, or approximately 34 square metres or 364 square feet per floor. It is proposed the supplemental area could only be added to the floor on which the calculation was based.

The additional floor area provision is intended to maximize a building's floor area without appreciably adding to a building's bulk and shadow. The provision is also intended to encourage interesting building forms.

Other Proposed Changes
Other proposed changes include:

1. A reduction in the number of parking spaces required for residential units.

    - The proposed change would reduce the required number of stalls from 1 stall per bachelor unit, 1.25 stalls per 1 bedroom unit, 1.5 stalls per 2 bedroom unit, and 2 stalls per 3 or more bedroom unit, to 1 stall per unit regardless of the number of bedrooms. The provision for 1 visitor stall for every 7 units would still apply.

    - The market for Downtown housing is believed to be households without children. It is expected the majority of these households will be comprised of not more than 2 persons and therefore not likely to have more than 1 vehicle.

2. A reduction in the number of loading stalls from 1 per 2800 square metres for eating and drinking establishments, hotels, and motels, and 1 stall per 1900 square metres for all other commercial uses, to 1 stall per development regardless of use. Currently there is no requirement for loading bays in conjunction with residential uses, and this is proposed to remain the same.

    - This change was made in response to a request from UDI. Staff feel the proposed reduction would help initiate development while not compromising the intent of the bylaw.

3. The addition of artist's studio as a principal use.

    - It is proposed this term be added jointly to "custom indoor manufacturing" under the list of principal uses. This addition is consistent with the recommendations of the *City of Kelowna Cultural District Implementation and Marketing Plan, 2000*, pg. 50.

4. The addition of "public education services" as a principal use.

    - This proposed addition complies with the recommendation of the Advisory Planning Commission to include this use as per its motion of February 3, 2001.

5. The elimination of the requirement for separate entrances for the commercial and residential components of a mixed use building.

    - Currently, this is a requirement in only the C7 zone. The proposed change is felt by staff to not be critical to the intent of the bylaw. Additionally, its removal would present fewer restrictions to development.

Floor Area Ratio (FAR)
For each proposed project, the maximum FAR would be 12.0

Daylighting Angle
The daylighting angle requirement in the C7 zone would be superseded by the zoning amendments as the daylighting requirement severely restricts the floor area of taller buildings.

Variances to Zoning Provisions
A building could contravene the maximum building envelope as long as there was no increase in density as determined by the maximum FAR. Any exception to the regulations pertaining to the C7 zone, other than for density and use, would be reviewed as a Development Variance Permit application. Variances would continue to be considered on a project-by-project basis.

Any additional area requested by an applicant beyond what would be permitted by the maximum FAR, would only be allowed through a rezoning or a text amendment to the C7 zone.

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ATTACHMENT 3: PROPOSED TEXT AMENDMENTS TO ZONING BYLAW NO. 8000

Section 6 – General Development Regulations

6.1 Daylighting Standards

6.1.1 Daylighting regulations shall apply to every **building** as outlined on the **Diagram 6.1: (Application of Daylighting Standards)** in the RM6, ~~C7,~~ C8, and P1 **zones**, ~~except that daylighting regulations shall not restrict the **construction** of a 4 **storey** commercial **building** in the C7 **zone**~~.

6.1.2 In the case of a **building** more than two **storeys** or 10.0 m in **height**, no part of such **building** above the second **storey** or above 10.0 m shall project above lines extending toward the **building** at right angles from:

(a) all points along the central line of an **adjacent street** and inclined at an angle of 65° to the horizontal;

(b) all points along the centre line of the rear **lane** or the rear boundary line of the **lot** where there is no **lane** and inclined at an angle of 65° to the horizontal; and

(c) all points along the **side lot line** of the **lot** and inclined at an angle of 65° to the horizontal.

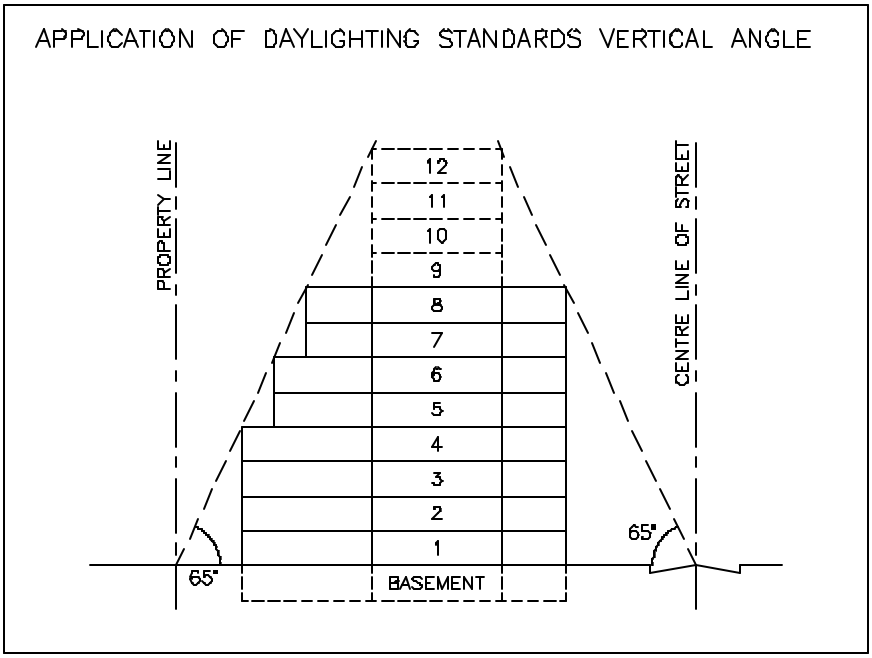

Diagram 6.1: Application of Daylighting Standards

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Section 8 – Parking and Loading

Table 8.1 – Parking Attachment	
*NOTE: GFA = **Gross Floor Area** *NOTE: GLA = **Gross Leasable Floor Area**	
Type of Development (Use)	**Required Parking Spaces**
Residential and Residential Related	
Apartment Hotels	0.5 per **sleeping unit**
Apartment Housing **Row Housing** **Stacked Row Housing**	1 per **bachelor dwelling** unit, plus 1.25 per 1-**bedroom dwelling** unit, plus 1.5 per 2-**bedroom dwelling** unit, plus 2 per 3-or-more **bedroom dwelling** unit 1 per **dwelling unit** in the C7 zone Of the total required spaces above, 1 **parking space** shall be designated visitor parking for every 7 **dwelling** units
Bed and Breakfast Homes	1 per 2 guest rooms, plus spaces required for the corresponding principal **dwelling** unit
Boarding or Lodging Houses	1 per 2 sleeping rooms, plus spaces required for the corresponding principal **dwelling** unit
Group Homes, Major	1 per 3 beds
Group Homes, Minor **Temporary Shelter Services** **Congregate Housing**	1 per principal **dwelling**, plus 1 stall per three bed spaces and 1 per resident staff member, minimum total of not less than 3 spaces
Home Based Business, Major	1 in addition to that required for the principal **dwelling**
Home Based Business, Minor	None in addition to that required for the principal **dwelling**
Home Based Business, Rural	1 in addition to that required for the principal **dwelling**
Mobile Homes in RM7 **zone**	2 per **dwelling** unit, plus 1 space per 7 **dwelling** units as designated visitor parking
Secondary Suites	1 per suite, plus spaces required for the corresponding principal **dwelling** unit
Special Needs Housing	Pursuant to Section 6.9

Single Detached Housing **Semi-Detached Housing** **Single Detached Housing** in a Bareland Strata **Duplex Housing** **Mobile Homes** in RU6 **zone** **Residential Security/Operator Unit**	2 per **dwelling** unit Of the required spaces, 1 per 7 **dwelling** units to be designated visitor parking (included in the total number of spaces to be provided) for bareland strata and strata **developments**

Table 8.2 – Loading Attachment	
Type of Development (Use)	**Required Parking Spaces**
All uses in the C7 Zone Eating and Drinking Establishments **Hotels** **Motels**	1 per development 1 per 2,800 m² GFA
Commercial Uses (except above) and Industrial **Uses**	1 per 1,900 m² GFA
Community, Educational (except below), Recreational and Institutional **Uses**	1 per 2800 m² GFA
School, Elementary	3.0 car **loading spaces** per 100 students, minimum 5; plus 2 bus **loading spaces**
School, Secondary Universities or Colleges	1.5 car **loading spaces** per 100 students, minimum 5; plus 3 bus **loading spaces**
Care Centres, Minor **Care Centres, Intermediate** **Care Centres, Major**	1 car **loading space** 2 car **loading space** 3 car **loading space**

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14.7 C7 – Central Business Commercial

14.7.1 Purpose

The purpose is to designate and preserve land for the orderly **development** of the financial, retail and entertainment, governmental, and cultural core of the **City** which shall provide for high **density** residential ~~**uses**, office **uses**,~~ and **commercial uses**.

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14.7.2 Principal Uses

The **principal uses** in this **zone** are:

amusement arcade, major
apartment housing
apartment hotels
broadcasting studios
business support services
care centres, major
commercial schools
community recreational services
congregate housing
custom indoor manufacturing/artists studio
eating and drinking establishments, minor
eating and drinking establishments, major
emergency and protective services
financial services
funeral services
fleet services
gaming facilities
government services
health services
hotels
household repair services
non-accessory parking
offices
participant recreation services, indoor
personal service establishments
private clubs
private education services
public education services
public libraries and cultural exhibits
public parks
recycled materials drop-off centres
retail stores, convenience
retail stores, general
spectator entertainment establishments
spectator sports establishments
temporary shelter services
used goods stores
utility services, minor impact
wine/beer stores

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14.7.3 Secondary Uses

The **secondary uses** in this **zone** are:

(a) **amusement arcade, minor**
~~**apartment housing**~~
care centres, intermediate
care centres, minor
home based businesses, minor

14.7.4 Subdivision Regulations

(a) The minimum **lot width** is 6.0 m.
(b) The minimum **lot depth** is 30.0 m.
(c) The minimum **lot area** is 200 m².

14.7.5 Development Regulations

~~The maximum **floor area ratio** is 5.0.~~
The maximum **height** is ~~the lesser of~~ 22.0 m ~~or 6 **storeys**~~ except in Area 1 and Area 2 (illustrated on Diagram A). The maximum allowable **height** within Area 1 and Area 2 will be 44.0 m.
The minimum **front yard** is 0.0 m.
The minimum **side yard** is 0.0 m.
The minimum **rear yard** is 0.0 m.
Within Areas 1 and 2, any portion of a building above 15 m in height must be a minimum of 3.0 m. from any property line abutting a **street** (refer to Diagram B).
Within Areas 1 and 2, any portion of a building above 15.0 m in **height** must be a minimum of 4.0 m from any property line abutting another property (refer to Diagram B).
Within Areas 1 and 2, any portion of a building above 15.0 m in **height** must lie within the prescribed line illustrated in Diagram B. This line will start at a geodetic elevation 15.0 m above all property lines adjacent to a **street,** and be inclined at an angle of 80 degrees.
Within Areas 1 and 2, any **floor plate** situated above 15.0 m in **height** cannot exceed 676.0 m^2 (refer to Diagram B).
Within Areas 1 and 2, any portion of the building above 15.0 m in **height** cannot exceed a continuous exterior horizontal dimension of 26.0 m (refer to Diagram B).
Within Areas 1 and 2, any **floor plate** situated above 15.0 m in **height** cannot exceed a diagonal dimension of 39.0 m (refer to Diagram B).

14.7.6 Other Regulations

~~Apartment housing is allowed only above the **first storey** and requires access to grade separate from the **commercial uses**. In the case of elevator equipped **buildings**, **uses** can share elevators provided security measures are in place to restrict access to residential areas.~~

A minimum area of 6.0 m² of **private open space** shall be provided per **bachelor dwelling**, 10.0 m² of **private open space** shall be provided per 1 **bedroom dwelling**, and 15.0 m² of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.

Diagram A

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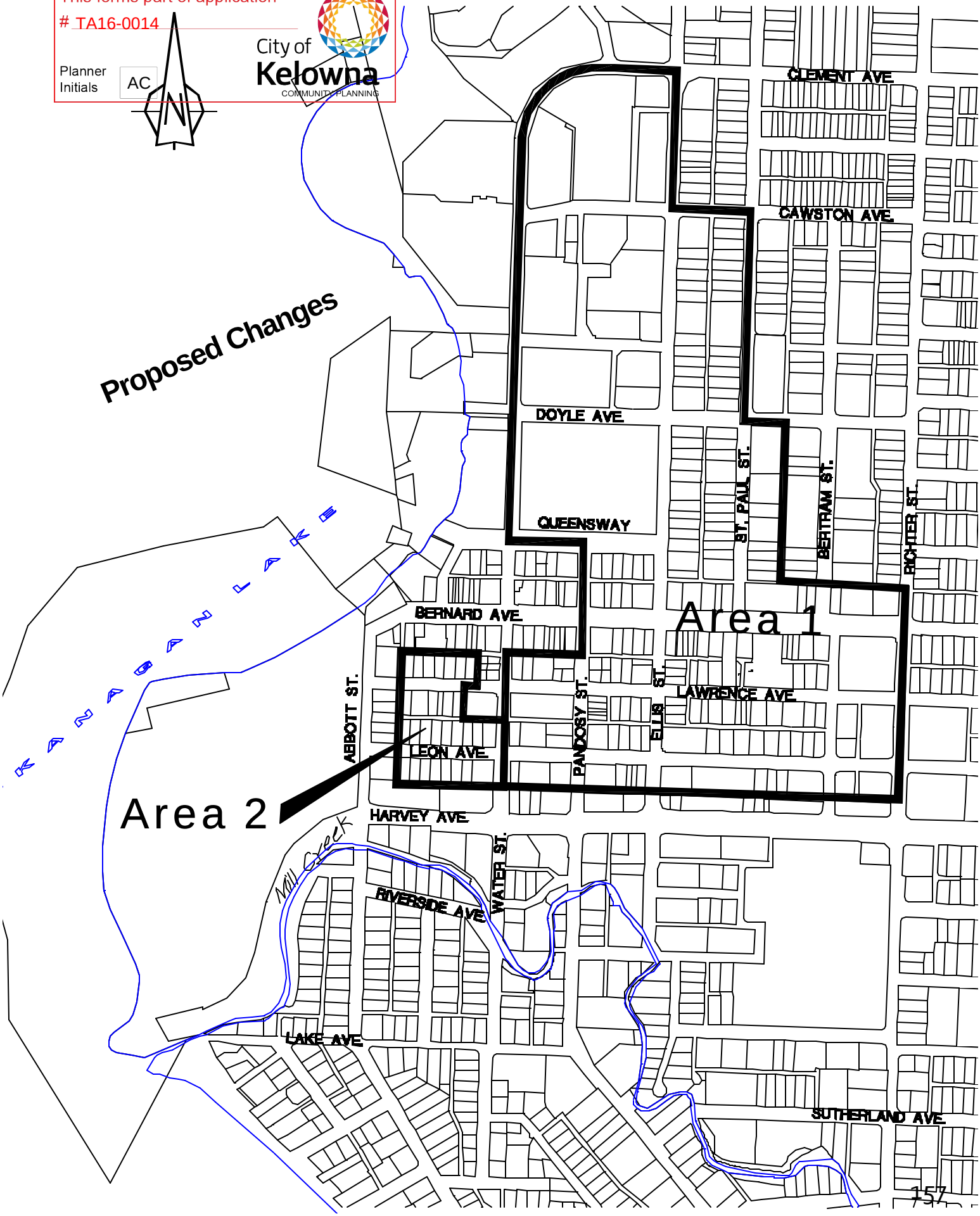

Diagram B

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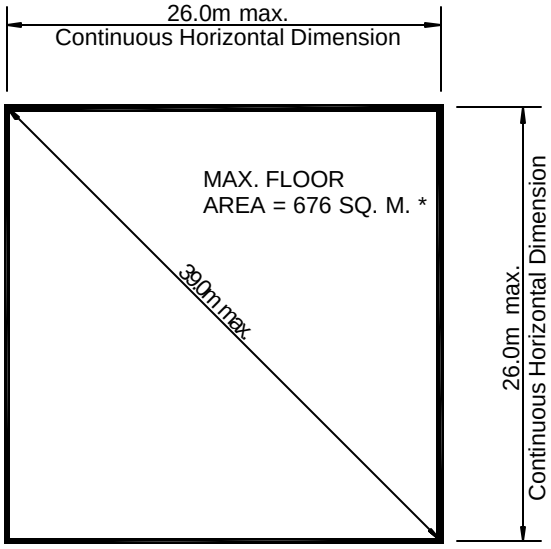
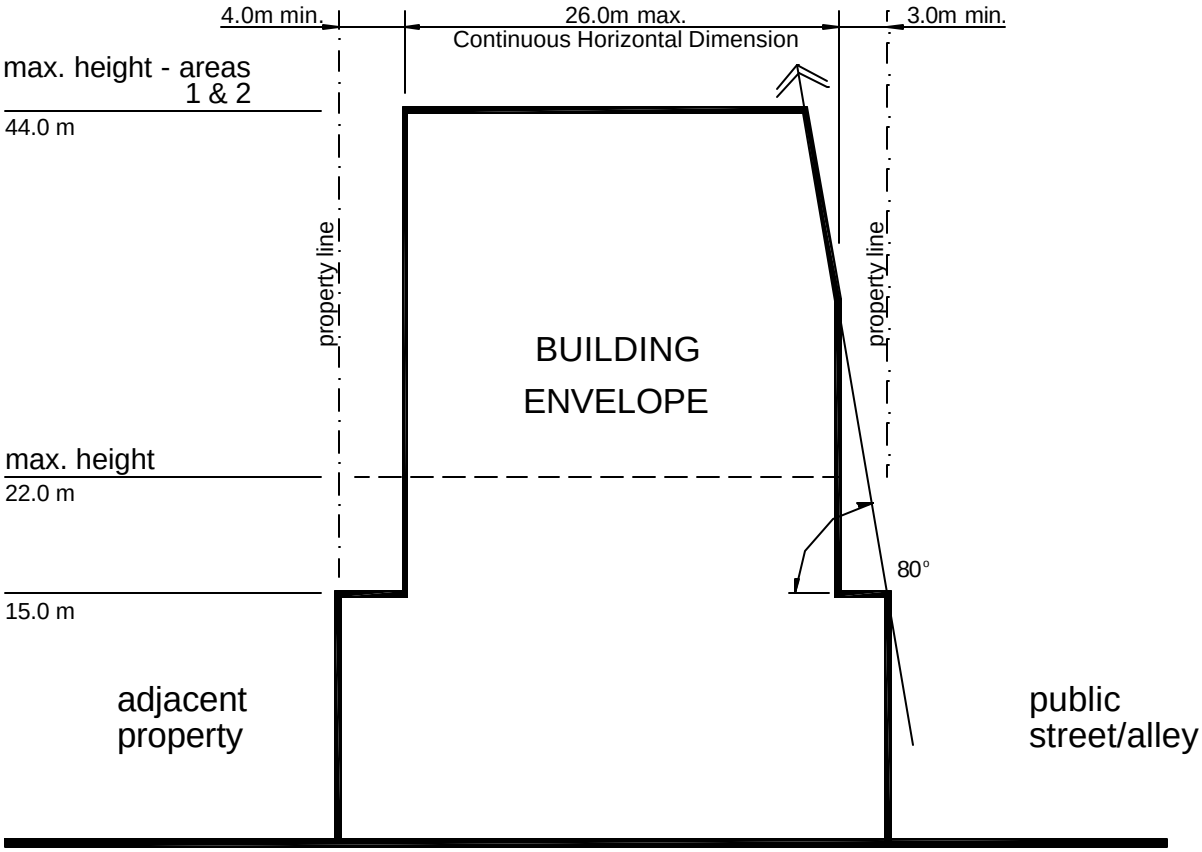


* can have an additional 5% providing all other provisions of bylaw are met

Illustrative Floor Plan @ 15m



Illustrative Building Section

Proposed Changes

Attachment 4: Letter from UDI

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ATTACHMENT 5: EXECUTIVE SUMMARY FROM REPORT BY G.P. ROLLO & ASSOCIATES

The City of Kelowna has retained G. P. Rollo & Associates, Land Economists, to assess the financial impacts of proposed changes to the C-7 Central Business Commercial Zone, to determine the extent to which it will encourage new retail, office and residential development in downtown Kelowna and to suggest revisions to the proposed amendments, where appropriate, to encourage more downtown development.

The following are the highlights of the study:

1. The purpose of the proposed changes is to encourage large scale development as envisaged under Kelowna's Downtown Plan.

2. The package of revised C-7 zoning amendments, by itself, will not stimulate new office, retail or residential development in downtown Kelowna. Rather, the demand for these land uses will be determined by the health of the interior economy; the nature and magnitude of demand for these uses; the impact of competitive developments; and the cost of developing in the downtown versus other areas.

3. There are a number of factors which will interact to limit the potential for significant downtown development over the next several years:

    a. The interior economy is expected to remain weak. This will adversely impact the demand for office space and undermine consumer confidence which in turn will hurt the demand for retail and residential space.

    b. New office development in the downtown will be limited by the competitive impact of Landmark Square, higher costs of developing in downtown Kelowna, low demand and uneconomic rental rates.

    c. The downtown retail market will remain weakened by the declining quality of the downtown, movement of financial institutions to suburban locations, lack of convenient parking, and low or uneconomic rents. Redevelopment of older heritage buildings has more economic potential and will continue to occur.

    d. Residential development will continue on the waterfront and Canada Lands sites. Significant other residential development in the downtown is unlikely to occur for at least a decade. This is attributable to the availability of other more desirable sites and neighborhoods close to downtown, the poorer quality of the downtown as a residential neighborhood, and higher costs of developing in the downtown (water table issues). More affordable low-rise development is likely to occur than high rise development for several years.

4. The financial feasibility of new office, retail and residential development in downtown Kelowna has been assessed through discussions with developers and realtors plus financial analyses of development on ten test sites under the proposed amendments to the C-7 zone.

    a. These discussions and analyses confirm that there is not sufficient demand to create the revenues that are required to support viable new development of the scale being encouraged by the proposed amendments.

b. It could take several years and possibly a decade before there will be sufficient demand to warrant the scale of new downtown development envisaged under the proposed C-7 changes and the Downtown Plan.

5. While downtown development on the scale permitted by the proposed changes to the C-7 zone and envisaged in the Downtown Plan is unlikely to occur for several years, it is recommended that the City adopt the proposed changes. Adoption of the revised C-7 zone will send an important message to property owners, developers and investors, downtown businesses and the public that the City is committed to pursuing the vision of the Downtown Plan.

6. The City should consider other initiatives if it wishes to enhance downtown development potential in the near term.

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CITY OF KELOWNA

BYLAW NO. 11383
TA16-0014 – CD5 – Multi-Purposed Facility Zone

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

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

1. THAT **Section 8 – Parking and Loading, Table 8.1 – Parking Schedule, Apartment Housing, Row Housing, Stacked Row Housing,** under **Stacked Row Housing** be amended by deleting "1.0 space per dwelling unit in the C4 and C7 commercial zones" and replace it with deleting '1.0 space per dwelling unit in the C4 ,C7 and CD5 commercial zones"

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

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

_____
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

REPORT TO COUNCIL

Date:	April 10, 2017		
RIM No.	1250-030		
To:	City Manager		
From:	Community Planning Department (RR)		
Application:	Z16-0069	**Owner:**	Aqua Resort Ltd., City of Kelowna
Address:	550 Truswell Road 3814, 3820, 3828, 3832, 3838 Capozzi Road 3786 Lakeshore Road	**Applicant:**	Mission Group
Subject:	Rezoning Application No. Z16-0069		

Existing OCP Designation:	Tourism Commercial
Existing Zone:	RU1 – Large Lot Residential, C9 – Tourism Commercial, P1 – Major Institutional
Proposed Zone:	C9 – Tourism Commercial, P1 – Major Institutional

1.0 Recommendation

THAT Rezoning Application No. Z16-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

1. Lot 1, Sec. 1 & 12, Twp. 25, Plan 2714 located at 3814 Capozzi Road, Kelowna, BC;
2. Lot 2, Sec. 1, Twp. 25, Plan 2714 located at 3820 Capozzi Road, Kelowna, BC;
3. Lot 3, Sec. 1, Twp 25, Plan 2714 located at 3828 Capozzi, Road, Kelowna, BC;
4. Lot 4, Sec 1, Twp 25, Plan 2714, located at 3832 Capozzi Road, Kelowna, BC;
5. Lot 5, Sec 1, Twp 25, Plan 2714 located at 3838 Capozzi Road, Kelowna, BC; and
6. that portion of Capozzi Road between the southeast property lines of 3814, 3820, 3828, 3832 and 3838 Capozzi Road and the centerline of Capozzi Road, Kelowna, BC;

from the RU1 – Large Lot Residential zone to the C9 – Tourist Commercial zone be considered by Council;

AND THAT Rezoning Application No. Z16-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 5, Sec 12, Twp 25, Plan 2912 located

at 3786 Lakeshore, Kelowna, BC from the P1 –Major Institutional zone to the C9 – Tourism Commercial zone as shown on Map "A" attached to the Report from the Community Planning Department April 3, 2017 be considered by Council;

AND THAT Rezoning Application No. Z16-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 17, Sec 1, Twp 25, Plan 2714 located at 550 Truswell Road, Kelowna, BC from the C9 – Tourist Commercial zone to P1 – Major Institutional zone as shown on Map "A" attached to the Report from the Community Planning Department April 3, 2017 be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated April 3, 2017;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the closure of Capozzi Road along 3814 through 3838 Capozzi Road;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the completion of the land exchange between the applicant and the City of Kelowna;

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

2.0 Purpose

To consider a rezoning application from RU1 and P3 to C9 and P3 to facilitate the construction of a resort residential high-rise complex.

3.0 Community Planning

Staff support the proposed rezoning to c9 – Tourism Commercial and is encouraged by the developer's efforts to assemble and consolidate a large subject property for a comprehensive development. The Official Community Plan designates the properties for future Tourism Commercial use, with a recognition that the area is intended as a resort residential hub. This vision is consistent with the many resort/residential developments within the neighbourhood including Playa-del-Sol, El Dorado, Manteo, Water's Edge and Mission Shores.

Staff and the applicant are continuing to review the project's form and character, with an emphasis on ensuring building mass and design are appropriate for the neighbourhood. The height is considerably greater than what has been previously developed in the neighbourhood though increased building heights have been contemplated in the area, through approved changes to the Manteo Resort and the Hiawatha Park. There may be changes to the design prior to the project advancing to Development Permit.

The design submitted by the applicant is very much a resort style design, with an emphasis on large terraces and private amenity space with the use of three towers on a podium. It is unlike the downtown pin towers or bulkier residential towers, and would be a unique building form for Kelowna, serving a unique function.

Council will have the opportunity to approve the form and character at a later date. The applicant has requested a variance to the height of the towers, but no other variances are currently being proposed.

4.0 Proposal

4.1 Overview and approvals process

This application will be the first in a series of applications whose approval would lead to the development of approximately 350 resort residential units in a series of towers ranging from 13 to 19 storeys in height. Council will also have to consider a road closure bylaw, closing a portion of Capozzi, a land swap, and a Form and Character Development Permit and Development Variance Permit prior to the project proceeding.

4.2 Background

A similar concept was proposed in 2008, with a significantly higher level of density (450 units). The proposal was supported by the City's Advisory Planning Committee. However, the proposal was never advanced to Council. Because the proposal at the time included a marina, the project required provincial approvals. The delay in provincial approvals coupled with the 2008 recession drove the developer to withdraw the application.

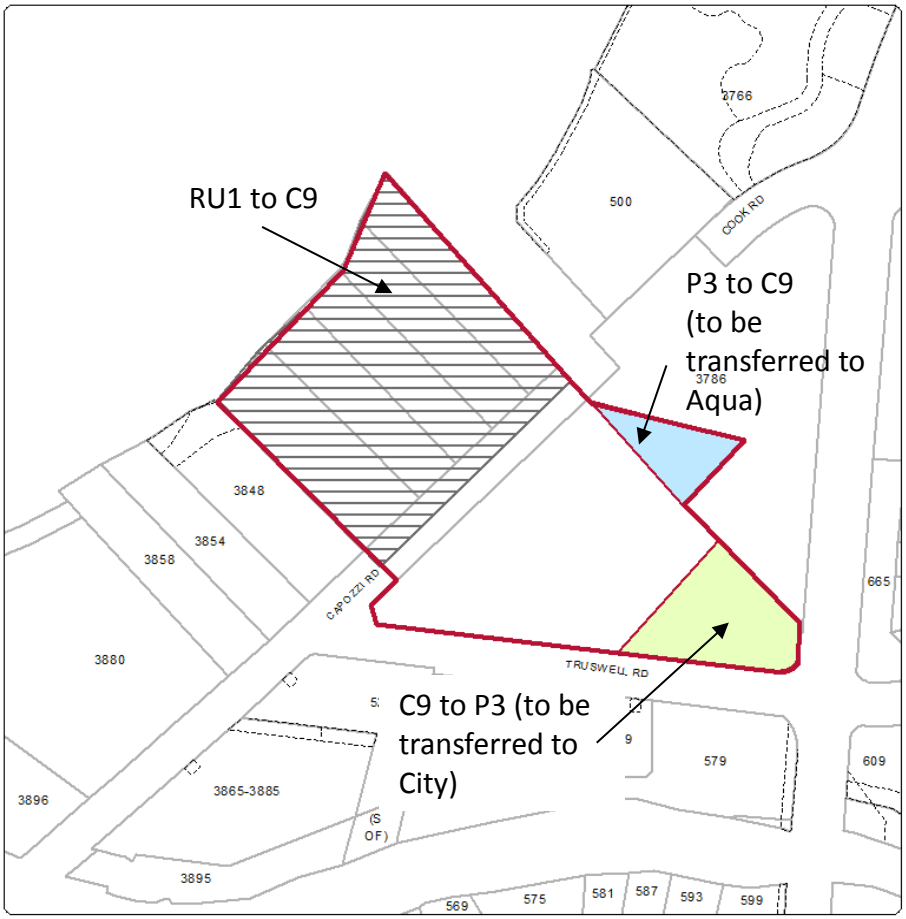
The proposed land swap has been active since 2008, having been reaffirmed by successive councils.

At this time, the properties along the waterfront are being used as single dwelling homes, while the larger lot is being used for a boat storage and valet service.

4.3 Zoning Areas

The applicant has applied to rezone 5 properties from RU1 -Large Lot Housing to C9-Tourism Commercial, to rezone a portion of the neighbouring City parking area to C9 – Tourism Commercial, to rezone a portion of the applicant's property to P3 – Park and Open Space, and to rezone a portion of the road to be closed to C-9 Tourism Commercial.

This rezoning will create a site assembled parcel zoned C9. The City has previously approved a land swap, which would see the developer take ownership of a portion of Capozzi Rd in exchange for the southeastern portion of the site.

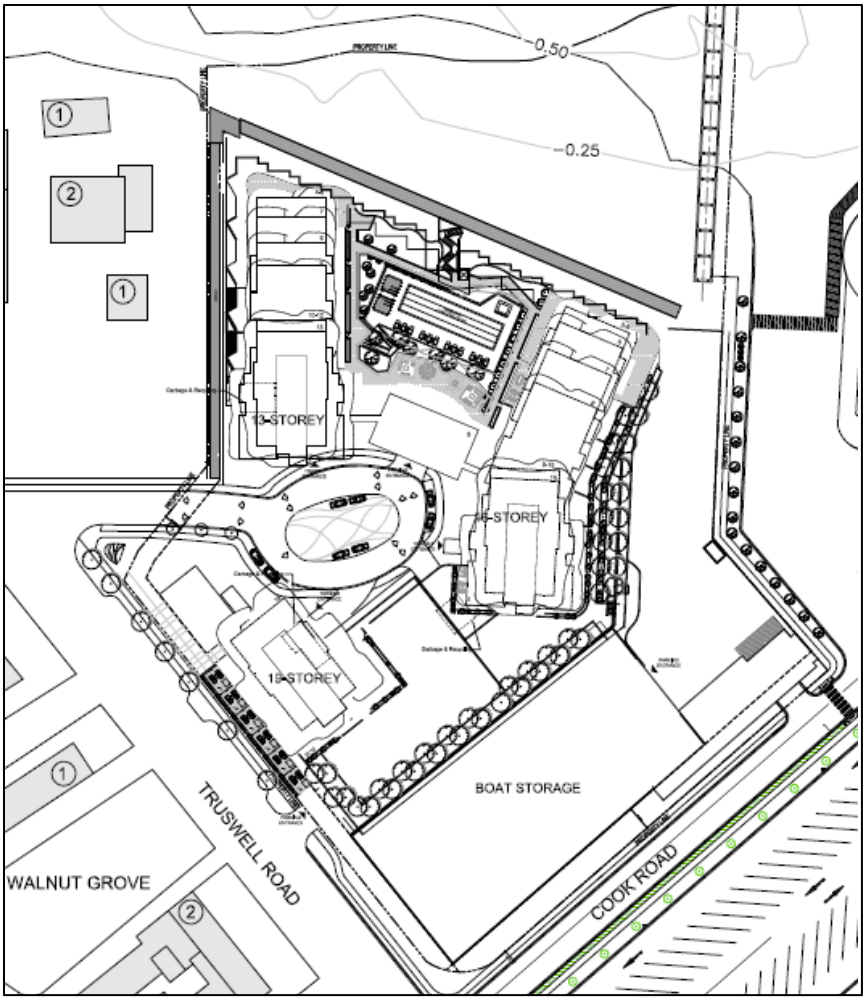


While a portion of Capozzi Road will be closed, the developer will construct a new section of Cook Road. The realigned Cook Road will allow the City to construct a boat trailer parking lot between Lakeshore and Cook.

If Council chooses to rezone the subject properties, the applicant will follow up with a development permit application for a 350 unit resort residential development and associated boat storage.

4.4 Project Description

The proposed development, referred to as "Aqua", will be a 350 unit resort residential complex with three main towers on a parking podium. The project will also include a 4 floor dry-land boat storage facility and a private boat launch.



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The project will consist of three towers, ranging in height from 13 to 19 stories, around a central entry. The main entrance to the site will be off of Truswell Road. The boat storage will be located along the east edge of the site, facing onto the realignment Cook Road.

The Phase 1 tower will be 19 stories in height, with Phase 2 at 16 stories and Phase 3 at 13 stories. The buildings will be located over a 3 storey parking podium partially ringed with townhomes.

There will be a commercial building located on the southwest portion of the side, near the entry to the *porte-cochere* off Truswell Rd. Based on the C9 zone, the commercial building could include retail or food service opportunities.

The 4 storey boat storage will be a major amenity for residents on the site. While the 2008 version of the Aqua project featured a large marina, the 2017 version instead houses boats in dryland storage. The boat valet service would then prepare and launch boats when required from a private boat launch. There would be no marina or moorage associated with the project.

The applicant will provide waterfront access along both side of the project. The access off of Truswell, which will tie to the Mission Creek parking lot, will be a 4.5 m wide boardwalk. The access will be fronted by townhomes, rather than a parkade wall.

Prior to development, the project will require a Council approved Development Permit and a substantial height variance. Approval of the Zoning does not imply approval of the Development Permit, and would not commit Council to approving the DP or variance.

4.5 Official Community Plan

With the exception of a small corner of the parking lot involved in the land swap, the properties are designated for Tourism Commercial. The City has limited lakefront property dedicated for Tourist Commercial use, with a cluster in the subject property's neighbourhood and a cluster in McKinley Beach.

With such a limited bank of lakefront Tourism Commercial, and almost no undeveloped lakefront Tourism Commercial near the downtown core, staff believe that the City needs to maximize the intensity of use of the scarce tourism lands. The Aqua project, which will achieve densities of 130 units per hectare, achieves that goal.

The subject property, as one of the last developable Tourist Commercial properties, has long been seen as a site for a significant building. The South Pandosy / KLO Sector Plan indicates that the site should be encouraged to be developed with a "Landmark Building" as a focal point for the Tourism Commercial node.

4.6 Waterfront

As part of the Natural Environment Development Permit phase, the waterfront and its riparian area will be dedicated to the City. The waterfront is currently occupied by a number of docks supported by retaining structures. The applicant intends to remove all docks and retaining structures and re-naturalise the waterfront with beach and natural vegetation.

The City is currently conducting a study on sand movement in the area to reduce the need for constant dredging at the Cook Street Boat Launch. As part of the Natural Environment Development Permit process, the applicant will be required to work towards any recommendations that come out of the study.

The applicant will construct a public boardwalk along the edge of the Aqua frontage. The boardwalk will either be dedicated to the City or protected in perpetuity by a Statutory Right of Way, as determined by the Natural Environment DP process. Regardless, public access across the boardwalk and between adjoining roads and the waterfront will be preserved and protected.

4.7 Site Context

The site is located in a neighbourhood primarily used for resort and residential uses. To the north are the El-Dorado Hotel and Manteo resorts, while there are residential buildings such as Mission Shores to the south.

There have been several developments proposed at various times in the neighbourhood, including significant projects at Manteo and the nearby Hiawatha park. Previous approvals have contemplated locating tall buildings in the area.

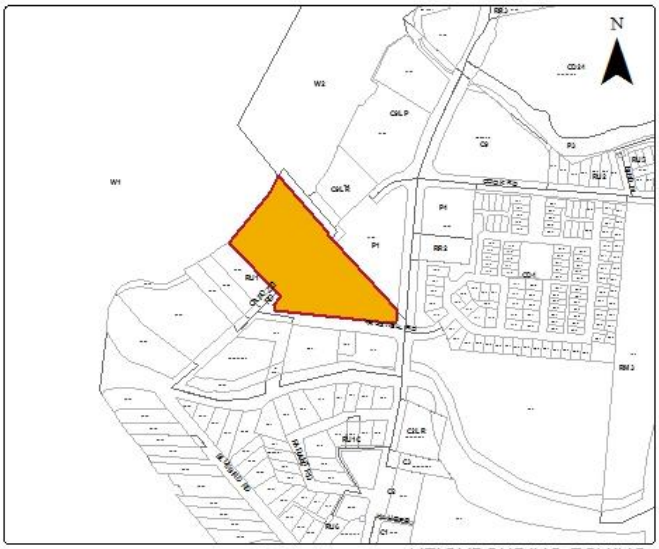
The CD24 zone, intended for the nearby Hiawatha project, allows heights up to 11 storeys. The nearby Manteo was approved to build up to 14 storeys.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9LR – Tourism Commercial Liquor Primary	El Dorado Hotel
East	P1 = Major Institutional	City Parking Lot
South	C9 – Tourism Commercial	Multi Family Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing

Subject Property Map:

CONTEXT



NEIGHBOURING ZONING

SUBJECT PROPERTY

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.[1] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Future Land Use

Mixed Use Tourism (MXT)
Developments that provide for a mix of hotel, apartment hotel, multiple unit residential uses and associated commercial uses intended to service the tourism market. Building densities and height would be consistent with the provisions of the C9, RM3, RM4 and RM5 zones of the Zoning Bylaw.

5.2 South Pandosy / KLO Sector Plan (rescinded)

The South Pandosy / KLO Sector Plan indicated that the property was suited for a landmark tourism commercial development.

6.0 Application Chronology

Date of Application Received:	Oct. 21, 2016
Date of Application Re-submission	Feb. 23, 2017
Date Public Consultation Completed:	August, 2016 and September, 2016

Report prepared by: Ryan Roycroft, Planner

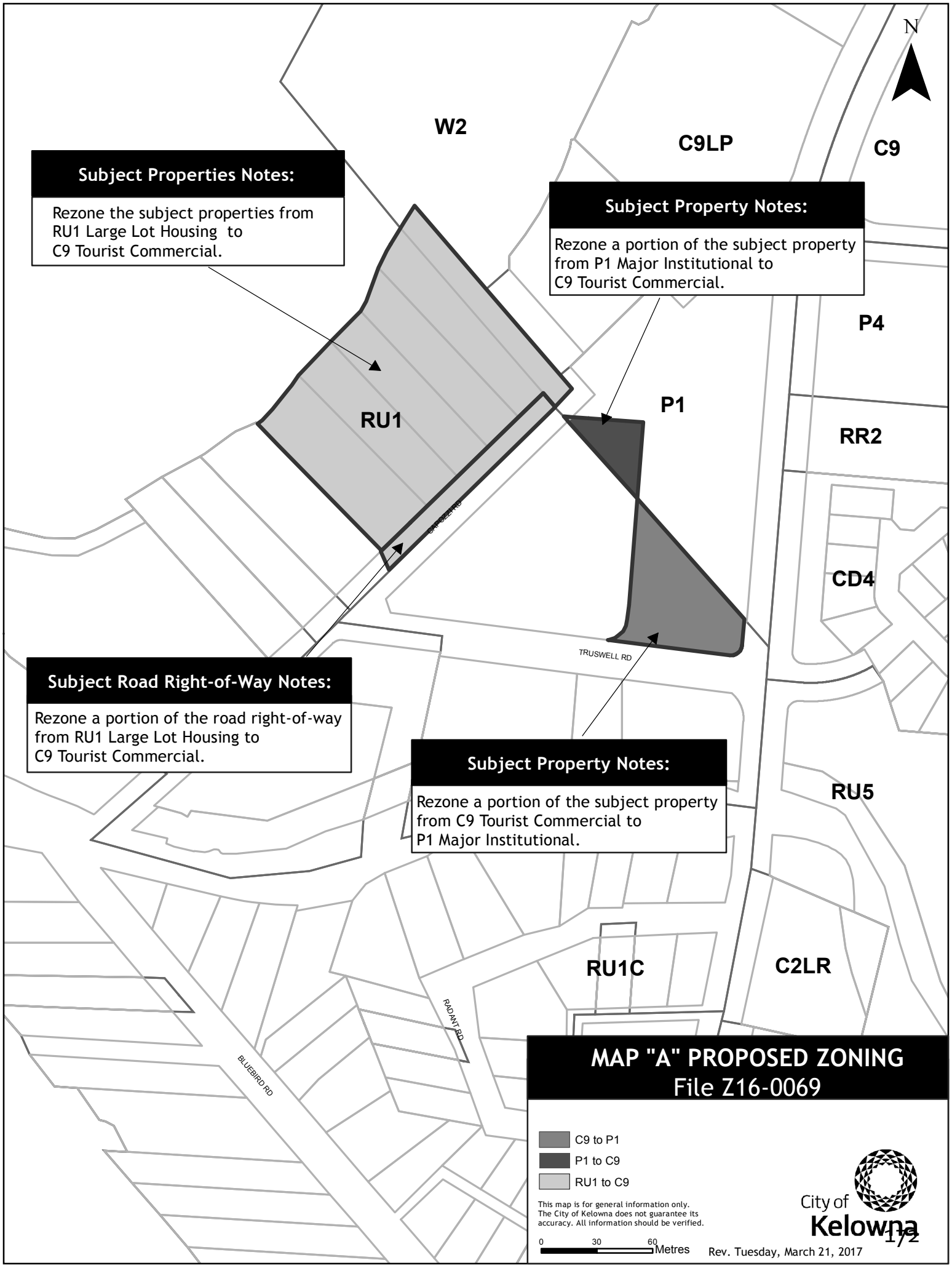
Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Strategic Investments

Attachments:

Applicant's Submission
Development Engineering Memorandum

[1] City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).


N
W2
C9LP
C9
P4
P1
RR2
CD4
RU1
RU5
RU1C
C2LR
TRUSWELL RD
RADANT RD
BLUEBIRD RD
Subject Properties Notes:
Rezone the subject properties from RU1 Large Lot Housing to C9 Tourist Commercial.
Subject Property Notes:
Rezone a portion of the subject property from P1 Major Institutional to C9 Tourist Commercial.
Subject Road Right-of-Way Notes:
Rezone a portion of the road right-of-way from RU1 Large Lot Housing to C9 Tourist Commercial.
Subject Property Notes:
Rezone a portion of the subject property from C9 Tourist Commercial to P1 Major Institutional.
MAP "A" PROPOSED ZONING
File Z16-0069
C9 to P1
P1 to C9
RU1 to C9
This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.
0
30
60
Metres
City of Kelowna
Rev. Tuesday, March 21, 2017

AQUA

Truswell & Capozzi Road
Kelowna, BC

Community Master Plan & Vision Summary

February 2017

MISSION GROUP

Sketch: Waterfront Overview

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APPENDIX

Traffic Management Report
Bunt & Associates Engineering

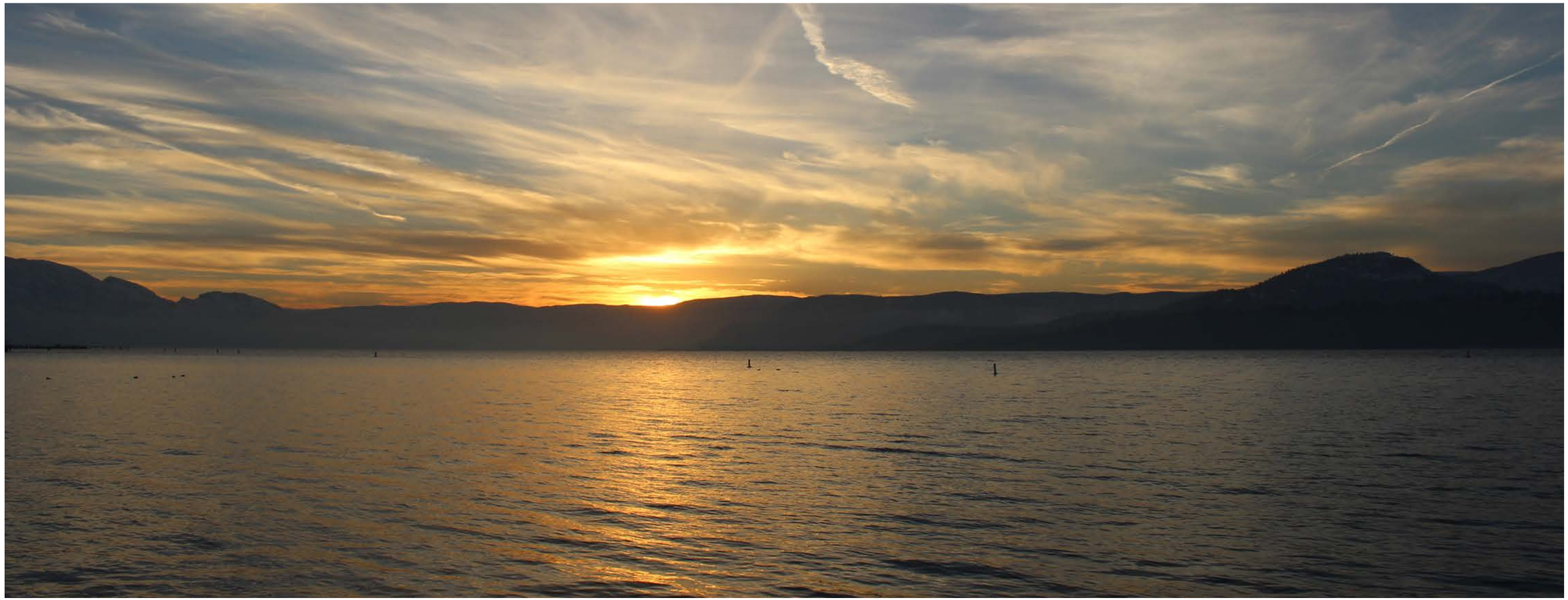
Infrastructure Design Report
WSP/MMM Group

AMV Conceptual Pier Design and Environmental Impact Report
Ecoscapes Environmental Consultants/Water's Edge Engineering

Architect Drawing Set
IBI Group

Landscape Architect Drawing Set
WSP/MMM Group

Okanagan Lake View



Sketch: View at Corner Public Plaza of Capozzi & Truswell Road

1.0 Development Proposal

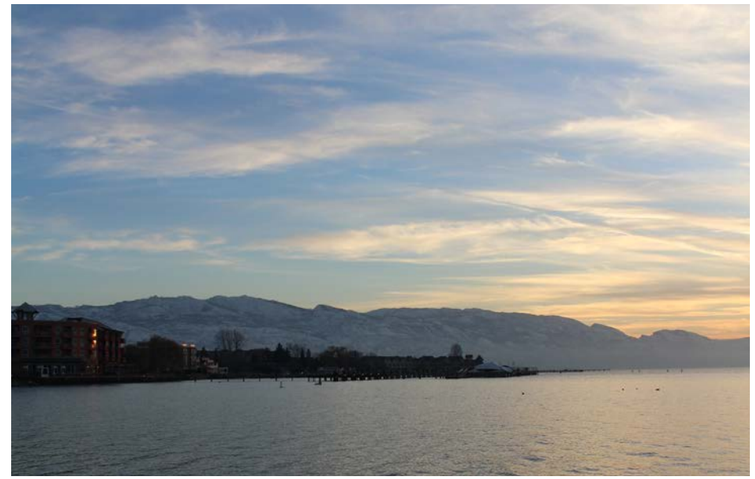
1.1 Introduction

Aqua is a proposed waterfront community situated on 6.25 acres, located in the Cook Road Tourist Commercial Area of Kelowna. The vision for Aqua includes a wide range of public amenities; openness to the water, a flowing landscape plan, public spaces, and places to sit, walk, reflect, gather, and celebrate.

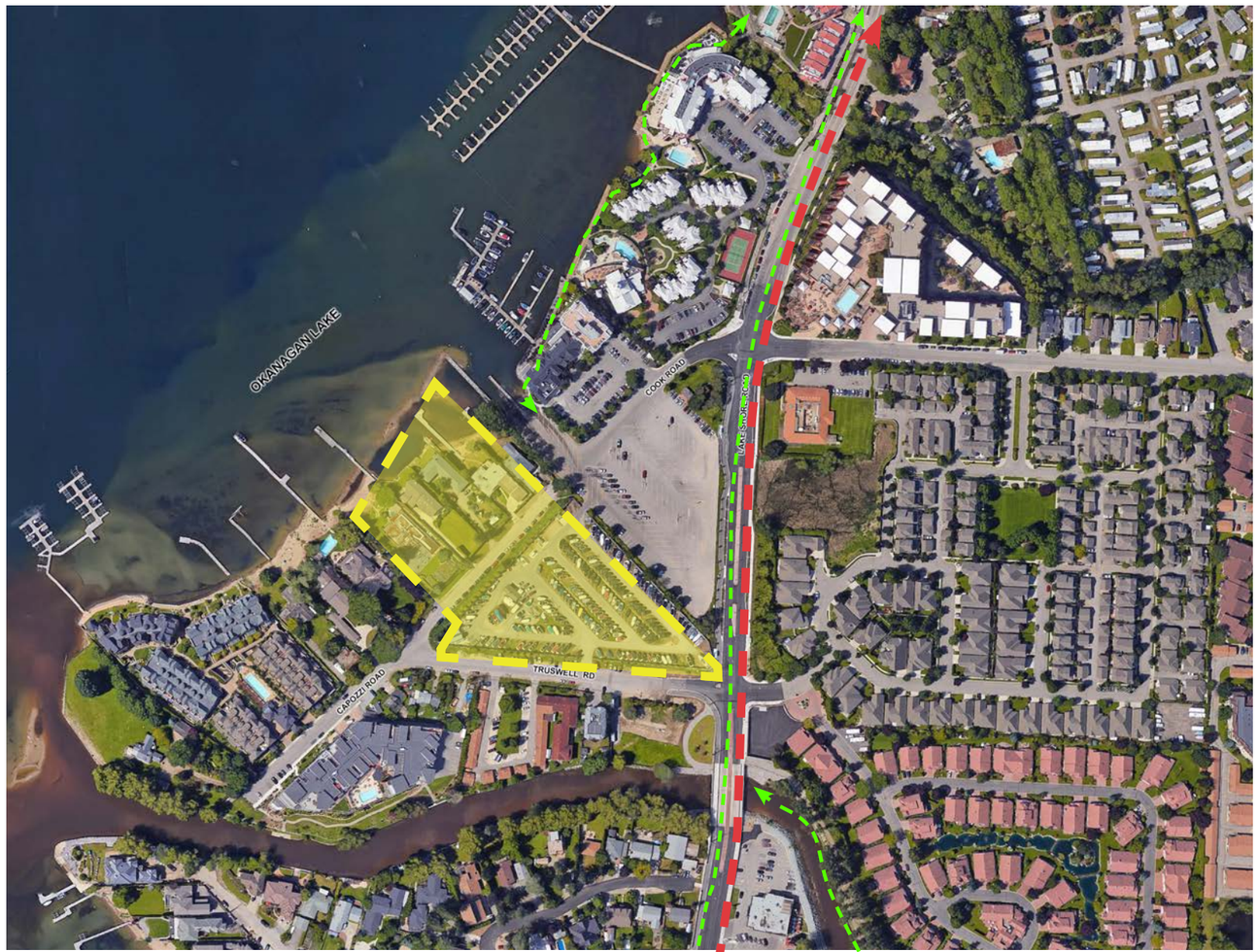
A Dynamic Waterfront Destination

Aqua will help to create a dynamic destination aligned with the City's goals to create a vibrant node of mixed tourist and residential accommodations and uses in the Mission Creek neighbourhood. The development at Aqua will add life and vitality to the existing residential neighborhood by clustering a critical mass of residential homes with local amenities that will enhance the neighborhood and add to the waterfront experience.

Site Context



Site Context



Transit Route

PED / Bikes

Existing Site

1.2 Application Summary

Existing Zoning:

C9 Tourist Commercial (Existing Boat Storage) / RU1 – Large Lot Single Family (Waterfront Lots)

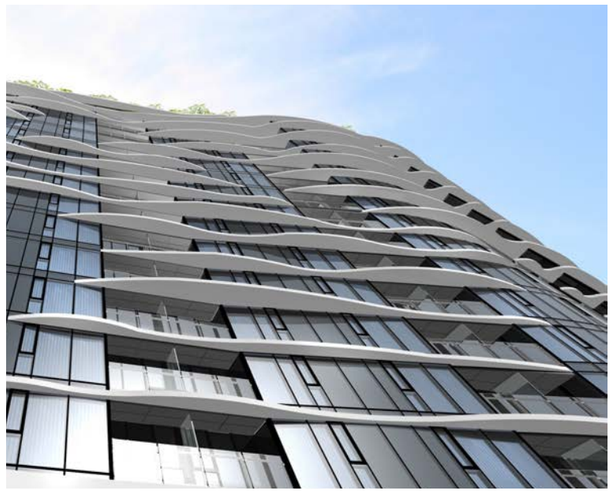
Proposed Zoning:

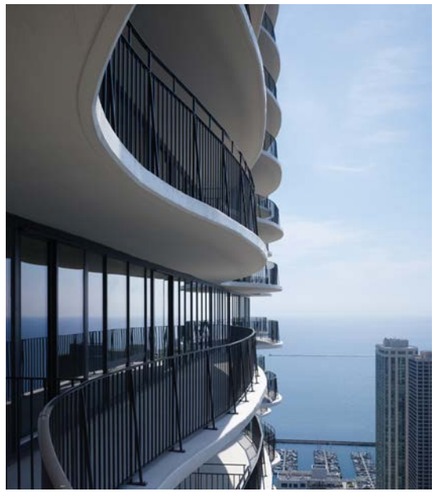
C9 – Tourist Commercial
This zone is supported within the existing OCP designation of "Mixed-Use Tourism" (MXT), which envisions: "developments that provide for a mix of hotel, apartment hotel, multiple unit residential uses and associated commercial uses intended to service the tourism market" (Kelowna 2030 OCP).

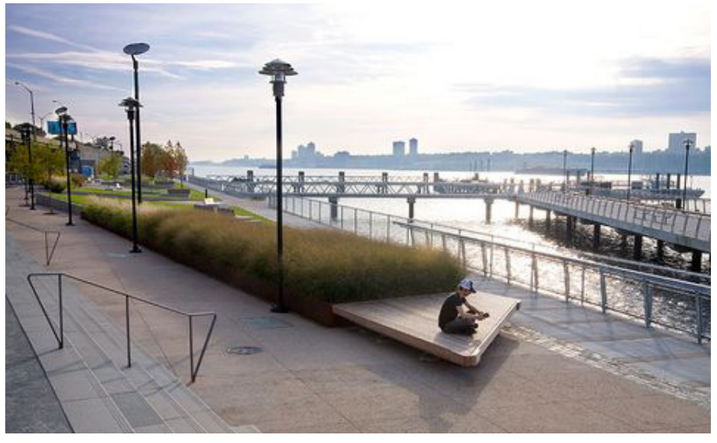
Development Permit & Development Variance Permit

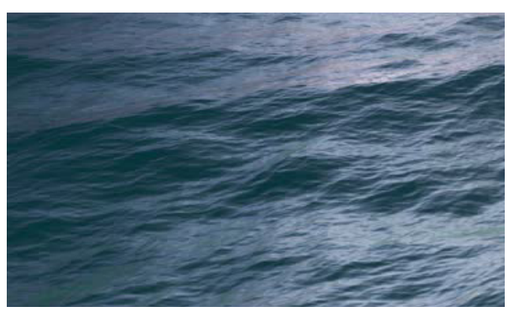
A Development Permit is sought to approve the form & character of the proposed residential community and boat valet operation. Mission Group is also requesting the approval of residential tower heights above the six storey limit currently permitted in the C9 zone. Previous height variances within the Cook Road Tourist Commercial area have been approved where design and community benefits have warranted. The Aqua community is proposed with tower heights between 13 and 19 stories (up to 60m).

Architectural / Landscape Inspiration









1.3 Statement of Development Rationale

With the OCP designation for allowable density in place along the waterfront, Aqua is slated to continue building on the City of Kelowna's vision for this area. Therefore, Mission Group's focus in this application is how to appropriately allocate the prescribed density in a sophisticated form that maintains view corridors through the site. Mission Group and their consultants have worked collaboratively with the City of Kelowna and followed an extensive process of public consultation to develop a masterplan that focuses on the following guiding principles:

A. Built Form

- Permit increase in overall building heights with taller buildings in locations that optimize views through the site
- Balance building height and massing with the impact of overshadowing of adjacent buildings, public spaces, and streets
- Minimize view blockage
- Building height and massing should reinforce, compliment and enhance the visual character of the street, and contribute to enhancing the public realm

B. Character

- Incorporate a visually distinctive and consistent architectural design
- Reinforce a sense of place through increased pedestrian activity along the waterfront
- Treat building exteriors to capture the marine character of the waterfront

C. Community Amenities

- Maximize the public use of the waterfront
- Enhance Mission Creek Greenway connections
- Encourage shoreline enhancements
- Create a more efficient layout and operation of the public parking areas and boat launch staging area

D. Access and Circulation

- Incorporate pedestrian-oriented design
- Provide trail connections to existing pedestrian and Lakeshore bike pathways
- Develop a transportation management plan

E. Sustainability

- Incorporate prevailing innovative green building design and construction
- Utilize native, non-invasive and drought tolerant landscaping
- Explore opportunities to enhance aquatic habitat
- Incorporate Crime Prevention through Environmental Design (CPTED) principals

F. Parking

- Improve off street parking for truck, trailer, and vehicles at the public boat launch
- Incorporate bicycle parking and storage
- Locate parking areas so they do not visually dominate the community

G. Waterfront

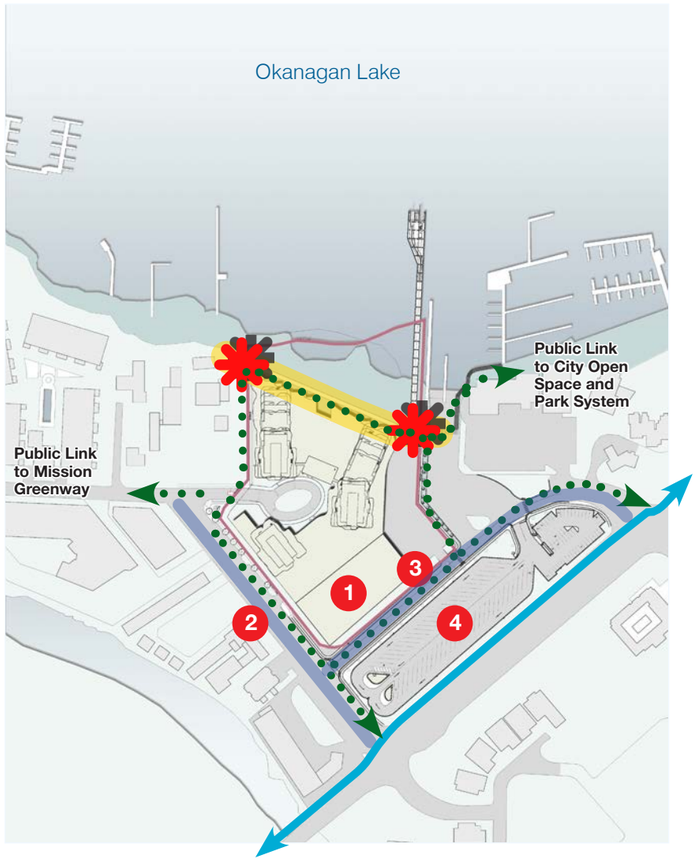
- Create an identifiable neighbourhood focus along the waterfront
- Provide pedestrian walkways and spaces with appropriate landscape elements including outdoor furniture and lighting
- Link the Mission Creek Greenway to the waterfront

Waterfront Boardwalk

Truswell Road Upgrade

Cook Road Upgrade

Public Benefits Diagram



Landmark Elements

Pedestrians Connection

Waterfront Promenade

Existing City Road with Bicycle Lane

1 Expanded Boat Storage in Internal Structure

2 Truswell Road Upgrades

3 Cook Road Extension

4 City Boat Launch Parking Lot Improvements

1.4 Community Benefits & Infrastructure Improvements

Mission Group has been building strong and vibrant communities in Kelowna for well over a decade. Aqua will exemplify the pinnacle of Mission Group's developments to date.

Mission Group is committed to working cooperatively with the City of Kelowna, local residents, regional authorities, and other stakeholders to create an innovative development that is suited to the needs of the community, achieves the highest quality construction, and generates an attractive return for the City, community and for our shareholders.

1. Deliver a high quality public realm

A strong focus on the public realm, internal pathways and building interfaces help to create a range of experiences for users. Dedicated public areas and pathways have been created in response to public input and city comments with an expansion of the public realm. The proposal increases the public pathways from the original rezoning application to provide further connections and interest through a series of pedestrian gathering spaces and pathways through the site.

Attention has been given to ensure pedestrian connections are cohesive with a focus on providing landmark elements and new access points that will open up the waterfront to the public.

2. Environmental

Mission Group is committed to working with the City of Kelowna and community to have a positive environmental impact on this neighborhood. Community benefits include restoration and naturalization of the lakeshore which will improve environmental quality and erosion resistance. In addition, providing expanded boat storage in an internal structure avoids the addition of a marina and provides multiple environmental benefits including maintaining open views to the water.

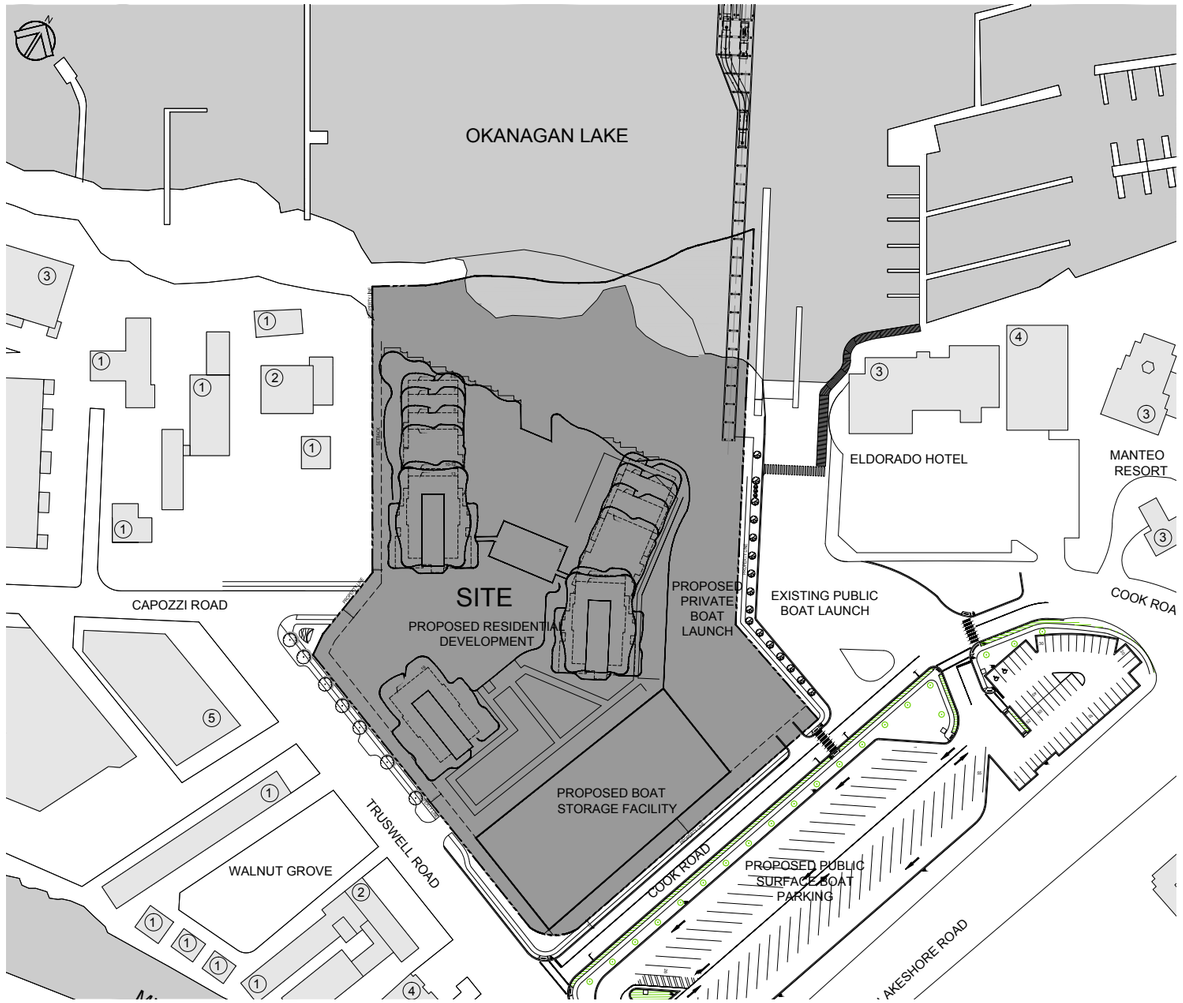
3. Transportation & Infrastructure Improvements

To mitigate current and future traffic and parking concerns, Mission Group is committed to the following transportation improvements to the neighborhood:

- Truswell Road upgrades including sidewalk, lighting, street trees and landscaped boulevard
- Cook Road extension provides alternative access and egress for the neighborhood, as well as adds to the pedestrian and cycling network
- Improved truck, trailer, and vehicle parking with additional landscaping on an improved City Boat Launch parking lot

Context Photos

Context Plan



2.0 Site Context

2.1 Context and Connectivity

Site Connections

The Aqua site is currently bounded by Capozzi Road, Cook Road, Truswell Road, and Lakeshore Road. Lakeshore Road currently exists as a two-lane arterial road that provides north/south connectivity from the site to Highway 97 (Harvey Avenue). In 2014, Lakeshore Road (between Cook Road to Lexington Drive) was reconstructed to provide raised centre medians and multi-use pathways. Truswell Road functions as a two-lane minor collector level facility that connects the existing boat storage area to Lakeshore Road. In the vicinity of the site, Cook Road, functions as a two-lane collector, and provides accessibility to the existing boat launch.

The development of Aqua will also connect to the Mission Creek Greenway Trailhead, located at the intersection of Lakeshore Road and Truswell Road.

2.2 Existing Lot Areas & Development Boundaries

Mission Group and the City of Kelowna have entered into a land exchange agreement that provides a series of mutual benefits. As part of the agreement, Mission Group will construct new public improvements, including:

- Creation of more usable, regular shaped development parcels;
- The extension of Cook Road to Truswell; providing alternative access and egress for the neighbourhood, as well as adding to the pedestrian and cycling network.
- A more efficient layout and operation of the public parking areas and boat launch staging area
- Clear areas for queuing and staging will reduce congestion at the public launch
- Landscaped boulevards along the new Cook Road and surrounding the revised boat launch parking areas.

Sketch: Entry Courtyard & Access to Mews Walk

Sketch: Looking Northwest on Truswell Road

3.0 Urban Design Principles

3.1 Design Principles

A set of design principles have been identified to guide the Aqua lands development.

A development that responds in a formal manner to its existing context
Aqua will create a legible overall form that reinforces its contextual relationship to the marine setting by stepping the waterfront buildings down towards the water while introducing a point tower building form along Cook Street. Building forms will be inspired by the lake front environment. Balconies appear as if eroded by flowing water, providing ample private open space, and creating additional shade. Thematically, the buildings will also reference boat and marine forms with curving 'mast' elements at the building leading edges. Designed to open views through the site and to the lakefront, the proposed building forms recognize adjacent patterns of natural features and their relationship to the water while helping to shape future context.

A Strong Sense of Place
The Aqua Marine Valet building will feature an added landmark element to activate the corner of Cook Road and the Public Boat Launch. This will act as a gateway to the new development while anchoring a vibrant public realm and creation of "place". Serving as an element of arrival, it will open to a series of public pathways that lead directly to the waterfront and around the site, including a delineated landscaped path through the private and public boat launch areas. New public pathways will connect to existing pedestrian and cycling networks thereby creating a high-quality pedestrian experience and enhancing a sense of community. The public realm is further activated with the addition of boutique retail along the southwest corner of Truswell Road. The introduction of a lobby along Truswell, adjacent to retail and townhomes will further animate this active frontage and create a strong sense of place. The development's formal entrance off Capozzi Road, into an internal courtyard Porte Cochere will serve as an additional gateway element that signifies an official arrival at this destination.

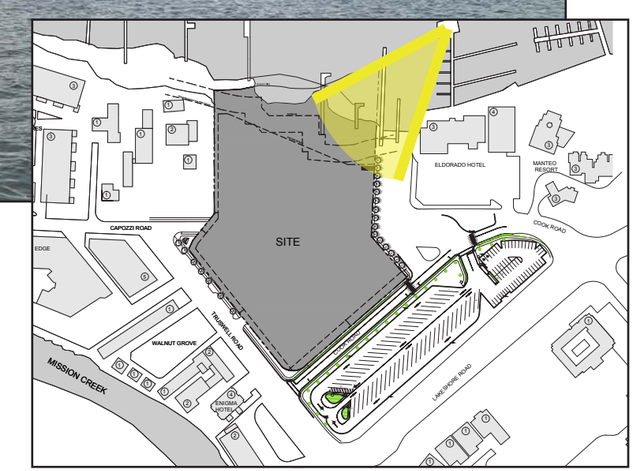
Animated Waterfront
Aqua will engage and animate the public waterfront with appropriate interface considerations with the programming and design of the public realm.

Character Palette
The public realm shall be further developed around three character influences: the natural character inspired by the riparian corridor along the waterfront boardwalk; the village character along the Truswell Road side, and the Marine character of the eastern side that interfaces with the private and public boat launches.

Connected Public Spaces
A series of public pathways will be the central features in organizing the community. These areas will be connected by greenways to create a pedestrian and cyclist friendly neighborhood. Permeable east-west and north-south access through the site and beyond will be maximized.

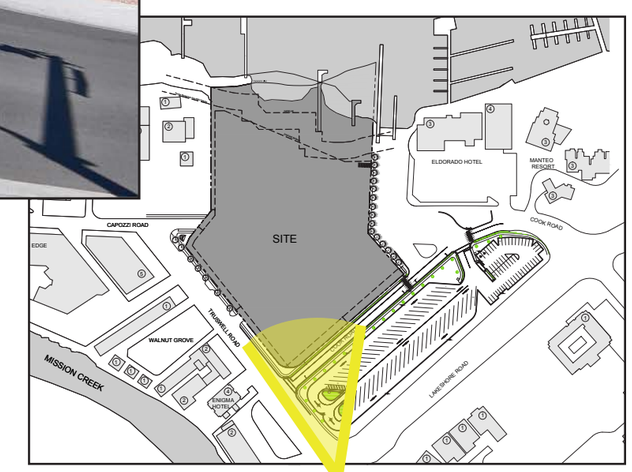
Variety of Form and Detail
The buildings and public realm design will pursue a variety of forms, details, and character expressions to provide interest to this new community.

View E - View from Eldorado Harbour

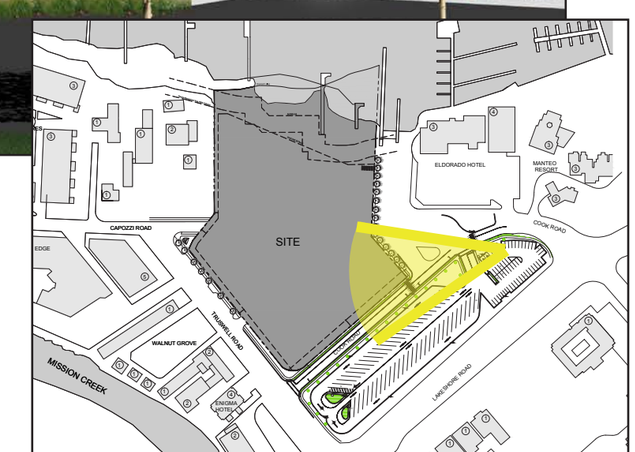


View B - From corner of Lakeshore Road & Truswell

3.2 Views/Orientations

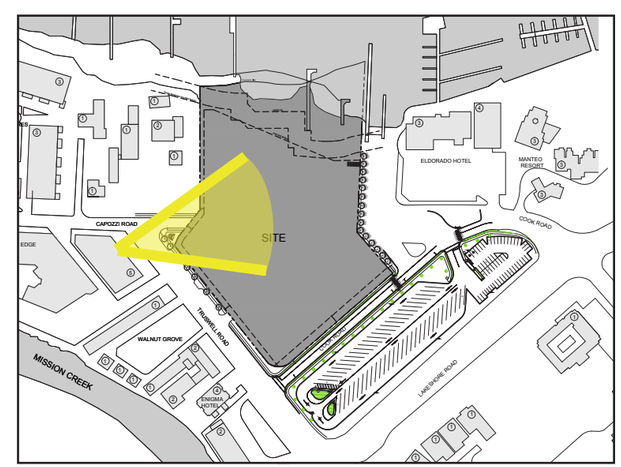


View C - From Cook Road Parking lot

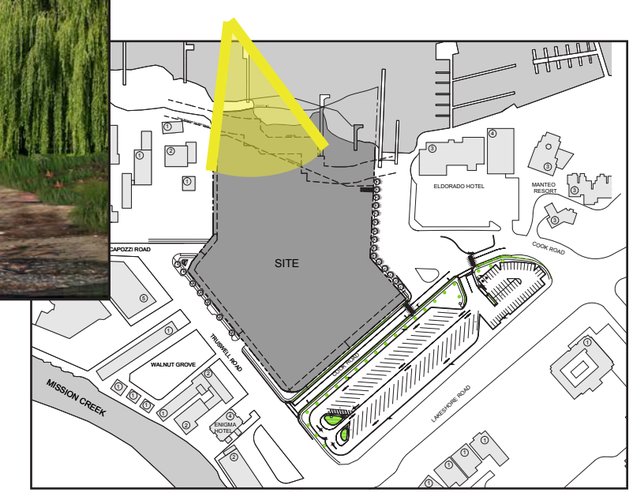


View A - From corner of Capozzi & Truswell

3.2 Views/Orientations



View F - From Water

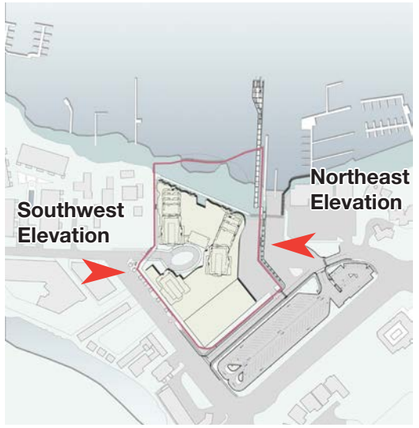


Building Massing Diagrams

3.3 Massing & Height

Aqua will be built under the C9 zone which provides a capacity of approximately 37,100 square meters of floor area (approximately 350 homes). Building heights and layouts are dependent upon how this floor area is distributed across the site. Through the community consultation, a variety of building height options were presented to the community ranging from 12 to 24 stories with feedback indicating preference for the proposed building heights in this application. These building heights provide the following benefits:

- Allow slimmer building forms, avoiding bulkier low rise buildings
- Provide more sunlight and less shadowing on adjacent public areas such as the new waterfront boardwalk and private lands
- Offer better view corridors between buildings
- Create more opportunities for architectural interest in a signature design concept



Rendering: View From corner of Capozzi & Truswell - Looking Entry Courtyard

Rendering: View From corner of Capozzi & Truswell - Looking East

Landscape Illustrative Masterplan

3.4 Illustrative Masterplan

Transportation Network

Pedestrian Route

Multi-use Route - Cycle & Pedestrian

Secondary Vehicle Route

Primary Vehicle Route

PEDESTRIAN ROUTE:
- o Adding full sidewalk and landscaping along extended Cook and Truswell.
- o Dedicated pedestrian path added from Capozzi Road to new lakefront public board-walk

MULTI-USE ROUTE – CYCLE AND PEDESTRIAN:
- o Connections to existing multi-use routes via new Cook Road and improved Truswell Road

SECONDARY VEHICLE ROUTE:
- o Extension of Cook Road to Truswell Road and full upgrade to Truswell Road

Mission Creek Greenway and Waterfront Promenade

Proposed Waterfront Boardwalk

Existing Waterfront Pathway

Future Mission Creek Greenway Extension

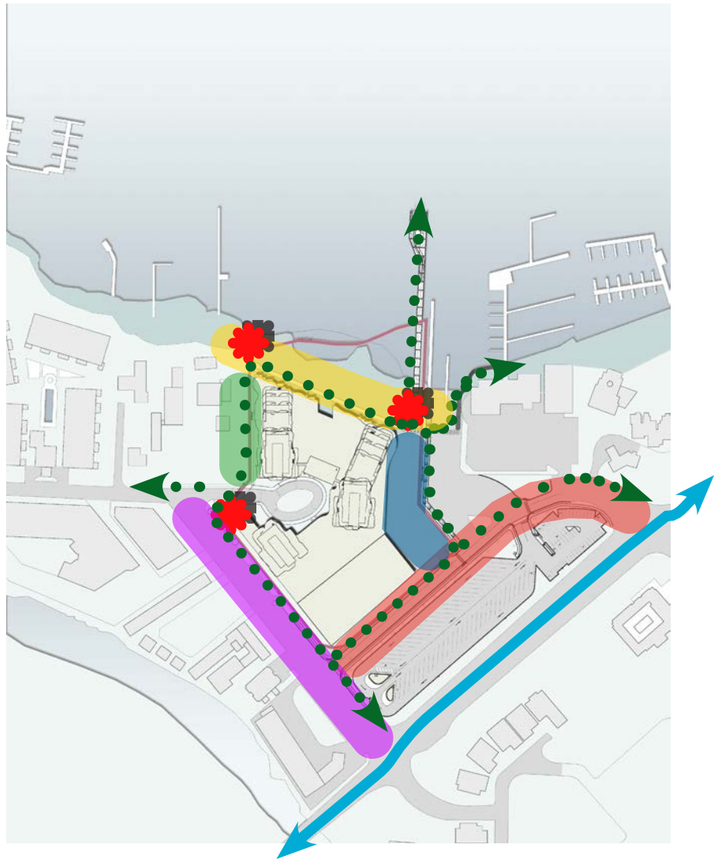
Existing Bicycle Route

4.0 Masterplan Framework

Mission Creek Greenway and Waterfront Promenade

Mission Creek Greenway is one of Kelowna's most used recreational corridors. The Greenway offers a lengthy trail system that traverses through Kelowna's beautiful and diverse landscapes. The waterfront frontage of the Aqua development provides an important greenway connection to this valued community resource, finally connecting Okanagan Lake to the Greenway.

Site Circulation

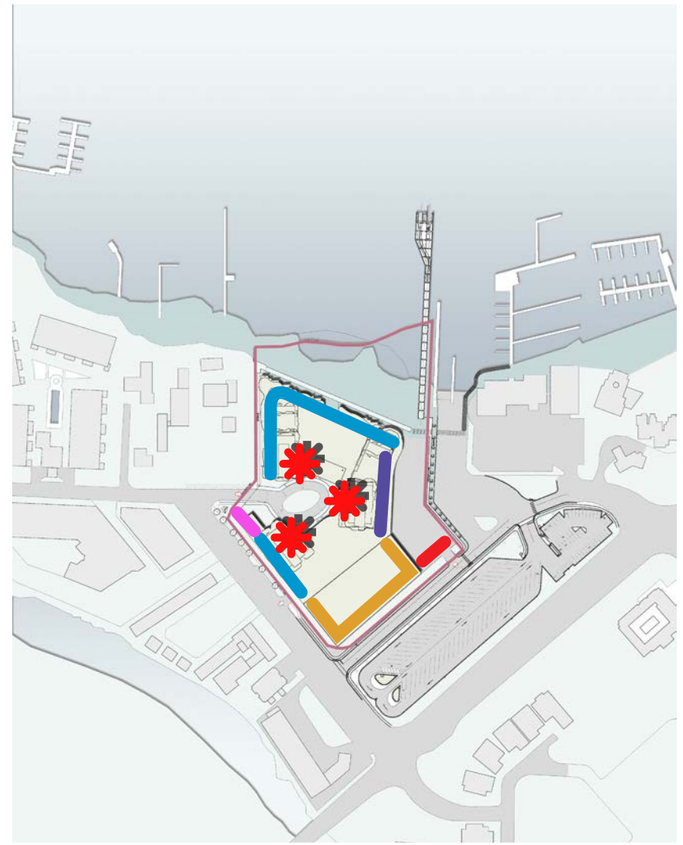


Waterfront Boardwalk
Marine Alley
Mews
Upgrade Truswell Frontage to Lakeshore Road
Cook Road Extension

Existing City Road

Pedestrians Connection

Ground Floor Building Uses Diagram



Residential Lobby
Townhomes
Commercial
Boat Storage
AMV Club House
AMV Operations

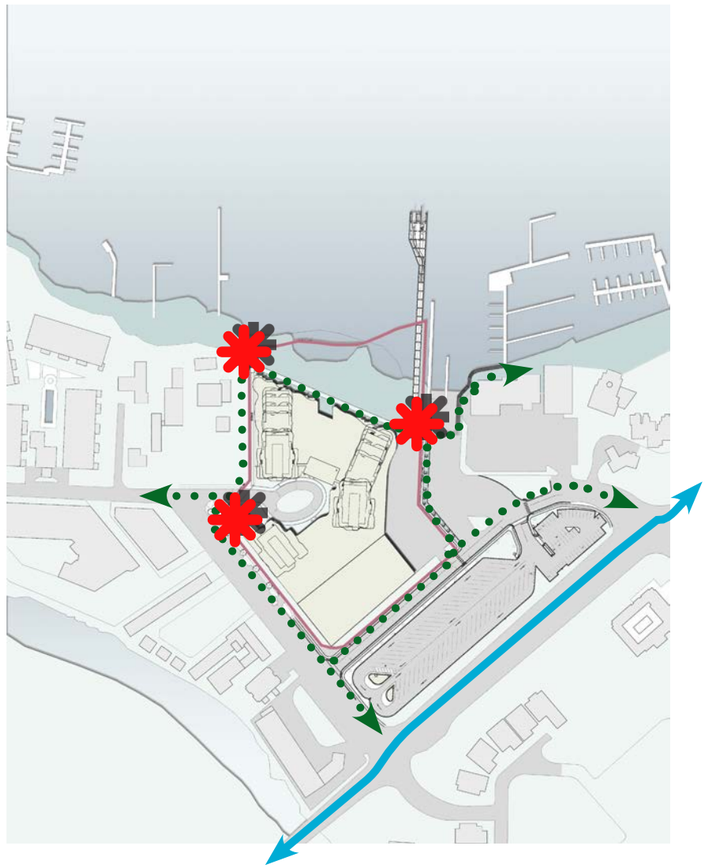
4.1 Permeability & Connectivity

The redevelopment of the Aqua lands will become a hub of connectivity to the lakefront in this dynamic location. The new walkfront boardwalk will be accessed from both the north and south via newly created public pedestrian links. Through thoughtful urban design, the public will be drawn to interact with these spaces, opening up this key location to the rest of the community. Linking Mission Creek Greenway to the lakefront via an upgraded Truswell Road frontage will expand on the existing walkfront pathway north of the Aqua lands that reaches Rotary Beach. Further connectivity is added via the extension of Cook Road to Truswell Road, allowing for improved circulation for all modes of transportation.

4.2 Porosity & Transparency

Various degrees of engagement between ground oriented units and public pathways will correspond to the range of building uses. Ground oriented commercial uses will be relatively porous and transparent offering some degree of security and defensible space from the street. Ground oriented apartments and townhomes will be well fenestrated to allow for "eyes on the street" while the access to individual front doors would be defined by adjoining front patios to create defensible private space, and a comfortable transition between the private and public realms.

Pedestrians/ Cyclists Diagram

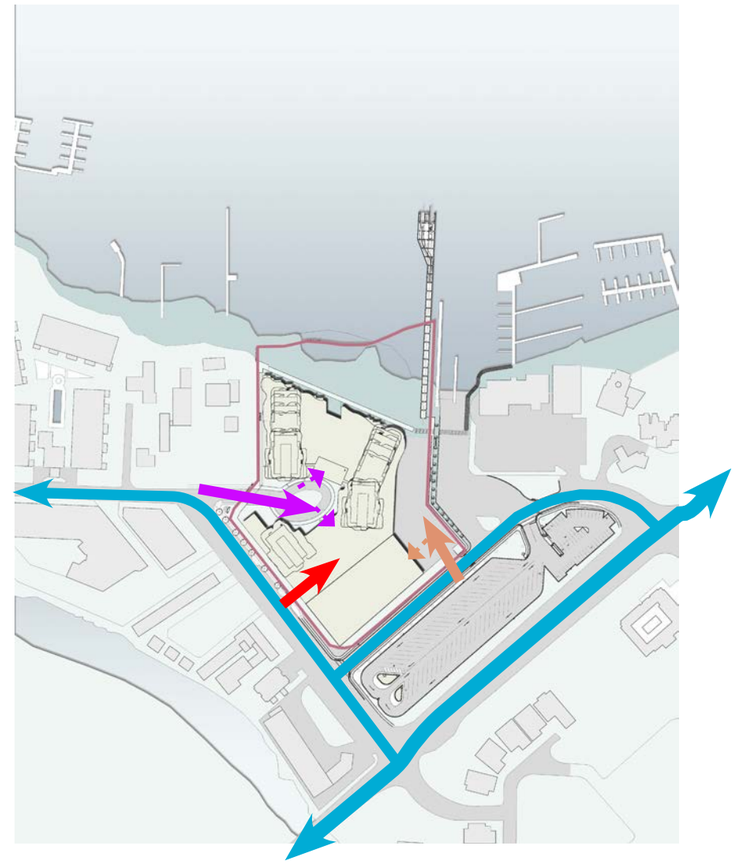


Node

City Bicycle Route

Pedestrians/ Cyclists Connection

Building Access Diagram



City Road

Primary Vehicular Access

Secondary Vehicular Access

Boat Storage and Marina Access

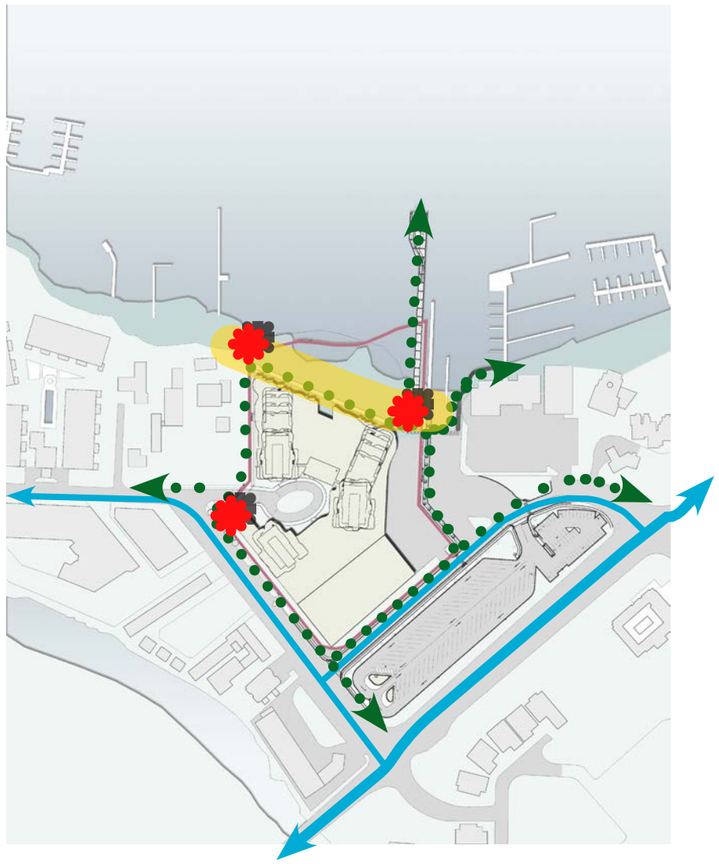
4.3 Pedestrians/Cyclists

A clear hierarchy of mobility modes will influence the design of the pathways with priority placed on pedestrians followed by cyclists to encourage alternatives to driving. The circulation system seeks to maximize pedestrian permeability through private development sites via the pathways and boardwalk.

4.4 Building Access & Parking

Primary vehicular access to the site is from Truswell Road, with secondary access from Capozzi Road. Both access points connect to Cook Road and Lakeshore Road. Primary access to the Boat Storage building and marine access would be along Cook Road. Parking will be accommodated in three levels of above grade parking, located in the podium structure of the buildings. Driveway and lobby entry points are as shown.

Waterfront Boardwalk Access



Waterfront Promenade

City Road

Pedestrians Connection

Public & Private Space Diagram

Public Space

Privately Owned and Public Accessible Space

Private Space

City Road

Pedestrians Connection

4.5 Waterfront Boardwalk Access

A series of north-south pedestrian corridors and pathways will help improve permeability and access to the waterfront. The expanded pedestrian network will loop around the site and provide connections to the existing waterfront boardwalk in front of the Hotel Eldorado through to the Mission Creek Greenway. The new waterfront boardwalk "Waterfront Promenade" will be accessed via a pathway entrance at the northeast corner of Cook Road and the public boat launch, "Marine Alley", as well as through a southwest path the "Mews". This allows for direct visual access to the waterfront; creates a simplified circulatory flow; and allows for direct pedestrian access to the waterfront from a multitude of locations.

4.6 Public & Private Space

A hierarchy of public spaces are proposed to create a transition between private and public spaces. Areas will be defined through the use of planters and planting, elevating private areas above public to improve safety; low fencing and gates where necessary; and windows and doors for private overview of public areas.

The development site is designed with a publicly accessible internal courtyard configuration that is privately owned and maintained. The courtyard is bisected by the southwest Mews that connects to the adjacent streets, and allows greater pedestrian permeability through the development block.

Sketch: View Along Truswell - Typical Street Treatment

4.7 Public Realm Character

The design strategy proposed encourages a public realm expression that celebrates a marine, urban, and natural character for the waterfront. The public realm and pathways use a cohesive palette of materials and design elements throughout to create the sense of a contemporary and contextually meaningful neighborhood precinct, within which a variety of unique spaces can exist.

4.7.1 Character Palette & Distinct Areas

The character of the public realm is inspired by the context of the waterfront and related boating activity, providing deeper meaning and a sense of place to the community. Reinforcing Aqua's connection to its surroundings, the public pathways, semi-public courtyards, and private outdoor spaces are characterized using a palette of marine, urban, and ecological materials and elements that celebrate the contrasting interface between nature, urbanity and the commercial boating activity that is integral to this community.

Marine Character Elements
Aqua celebrates the neighboring marine activity that reinforces the character and authenticity of the boating culture around it. Marine elements can include boating artifacts, decking, pile structures and other marine and nautical detailing that would be used along the foreshore and throughout the public realm.

Urban Character Elements
In contrast to car-based suburban environments, compact walkable urban environments exhibit a greater degree of character and detailing in response to lower travel speeds. Richly textured materials and patterning, greater frequency of fenestration and a range of colours and tones will be designed to provide variation and interest at a walking pace. Specific responses include continuous paving surfaces, planting, lighting, and furnishings that span both pedestrian and vehicular space to slow traffic to reinforce a pedestrian oriented walking environment throughout all areas of the public realm.

Natural Character Elements
Aqua is defined by the marine shoreline fronting onto Okanagan Lake. Strong visual connections to the natural marine environment and the mountains provide a context that Aqua will integrate into both visually and functionally.
Planting choice will be inspired by the naturalized foreshore planting and new riparian areas that aim to restore the shoreline ecosystem. Tree planting, along the pathways and within courtyards and podium roofs create an urban forest that provides greater ecological connectivity with adjacent riparian corridors.

Sketch: Waterfront Overview

4.8 The Waterfront

The Aqua waterfront will be defined by distinct areas that reinforce a strong sense of place within the community. As the heart of the neighborhood, this public realm space will be active and animated by pedestrians, cyclists and the boating community with daily leisure and boating activities and people watching. This precinct is comprised of a number of distinct areas including "Marine Alley", the "Waterfront Promenade", and the entrance to the "Mews".

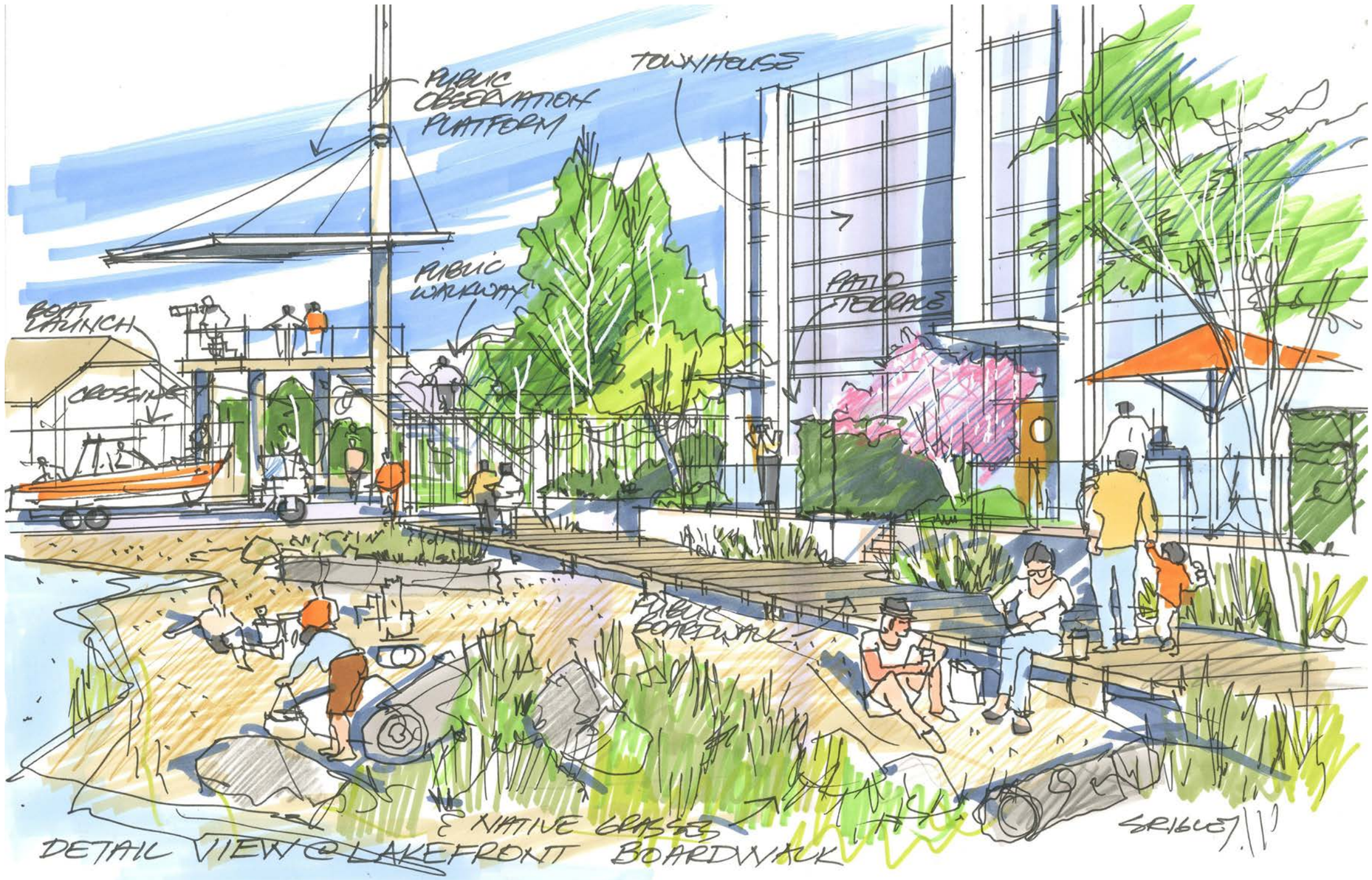
A permeable network of publicly accessible pathways and courtyards connected by the north-south Mews and Marine Alley creates a more intimate series of passive neighbourhood oriented spaces. The Waterfront Promenade defines the foreshore of Aqua featuring a range of active and passive activities and experiences catering to a wide range of user groups and enabling a strong connection with the water's edge.

Rendering: Aqua Marine Valet Entry

4.8.1 "Marine Alley"

The entrance point to Aqua Marine Valet marks the Gateway to the development and provides an opportunity to engage the public through a pedestrian pathway that links directly to the waterfront. "Marine Alley" will allow pedestrians and cyclists to leisurely observe boating activity at the adjacent public and private boat launches on a delineated pathway located along the eastern property boundary. A wooden lookout structure located at the terminus of Marine Alley at the public boat launch pedestrian crossing, will allow public viewing of boat operations from the lake, while offering views to the Lake and surrounding waterfront activities.

Sketch: Lakefront Boardwalk



4.8.2 "Waterfront Promenade"

The publicly accessible waterfront boardwalk runs parallel to the development frontage and is being proposed as a separated and elevated pedestrian walkway with the potential for planting and seating. The construction of this greenway will be completed in two phases to allow public access to the waterfront to occur in Phase I, while enabling the development for the remaining phases to proceed without disruption to public access.

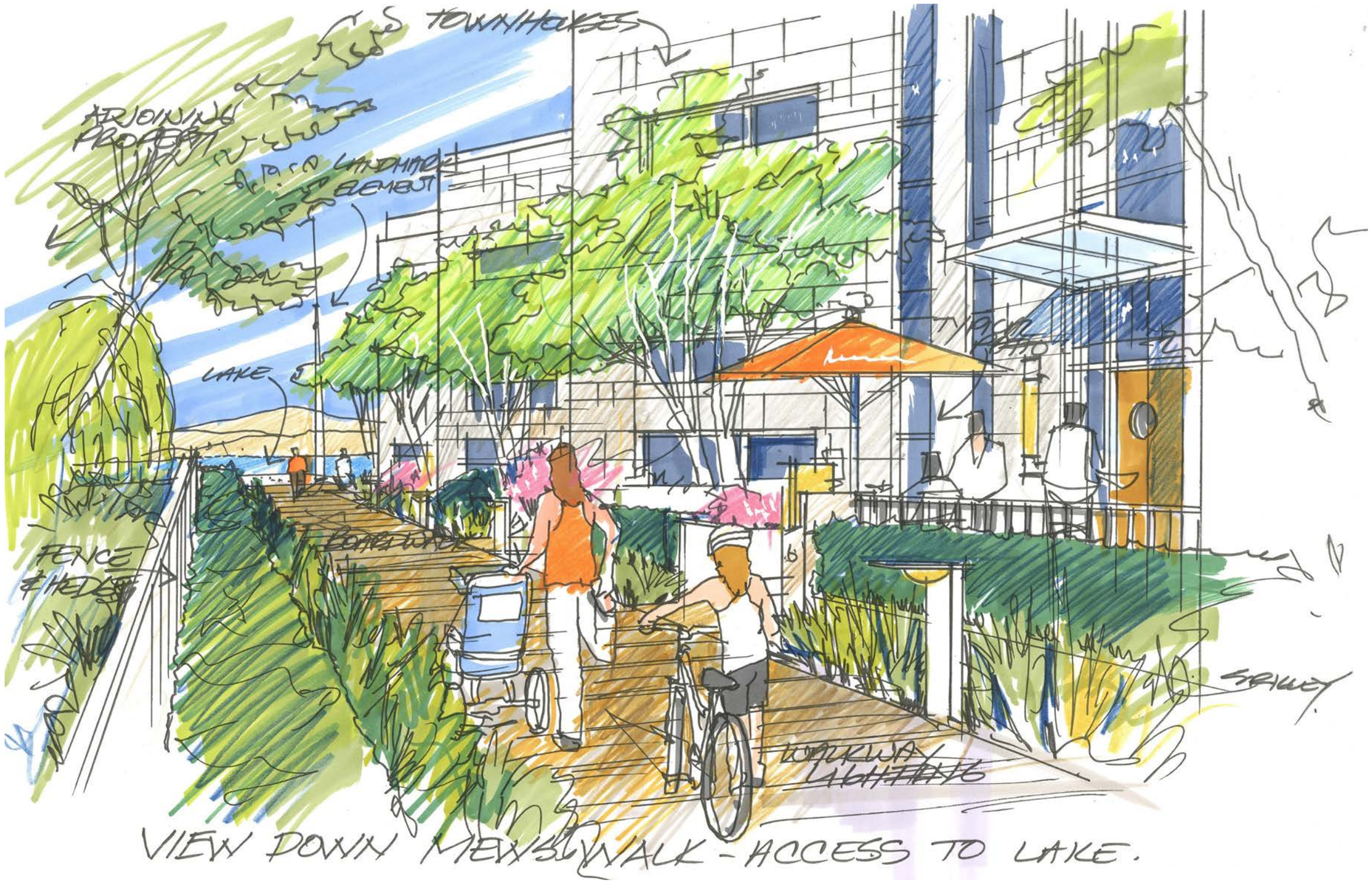
Phase I
In consultation with the City, Phase I will occur during construction of Tower I and will require installation of footings to allow boardwalk placement and the construction of an interim gravel boardwalk with public access.

Section: Waterfront Boardwalk

Phase II/III

In consultation with the City, the "Waterfront Promenade" boardwalk will be constructed and completed to coincide with the completion of Tower III at Aqua. A concrete boardwalk will be constructed and will include landscaping and public realm components.

Sketch: "The Mews" - Public Access to the Waterfront



4.8.3 Courtyards and "Mews"

Courtyards function as passive gathering spaces, neighborhood gathering space, contemplative space, and natural green space. These courtyards also function as internal corridors through neighbourhood blocks providing access to semi-private open spaces, and private residences. Unique in character, with informal plantings, furnishings and a variety of paving materials, the courtyards provide intimate linkages that are pedestrian in scale. Water features and sculptural landscape elements merge with rich indigenous and sustainable planting to create a sequence of visual delights. Furthermore, paved surfaces within courtyards serve as outdoor plaza space that can accommodate intermittent loading access.

Connecting Aqua's waterfront along the southwestern property line, the Mews is a multi-purpose lane that has been expanded to 4.6 metres in width and is accessible to both pedestrians and cyclists. The addition of townhomes along this formalized passage provides a linear green corridor connection between residential development and the water, while setting context for future adjacent development. Residential townhome frontages are furnished with slightly raised patio spaces that create a comfortable grade separation between public and private space. A two-storey material expression is intended to create an intimate scale to this passageway. The terminus of the Mews at the waterfront will be characterized by a pedestrian 'landing', with a proposed pier extension to create a gathering space and viewing platform.

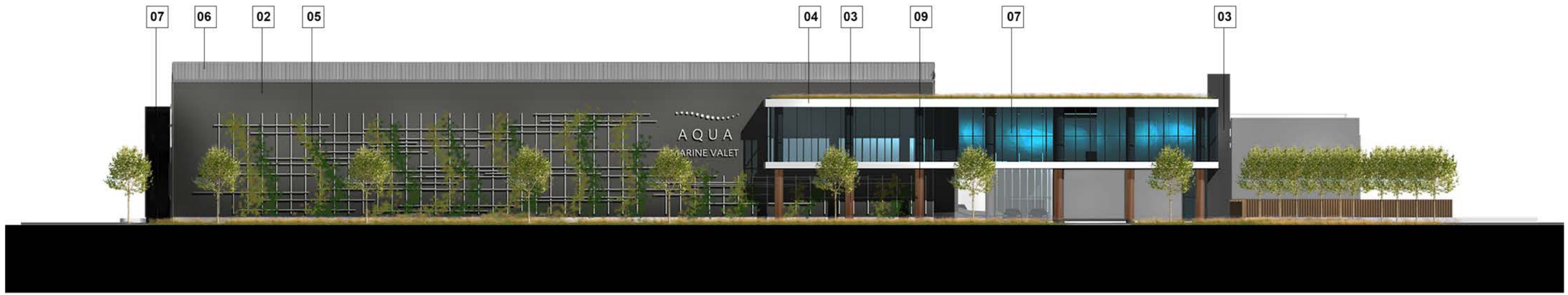
Illustrative Waterfront Boardwalk Plan

4.8.4 Illustrative Waterfront Boardwalk Plan

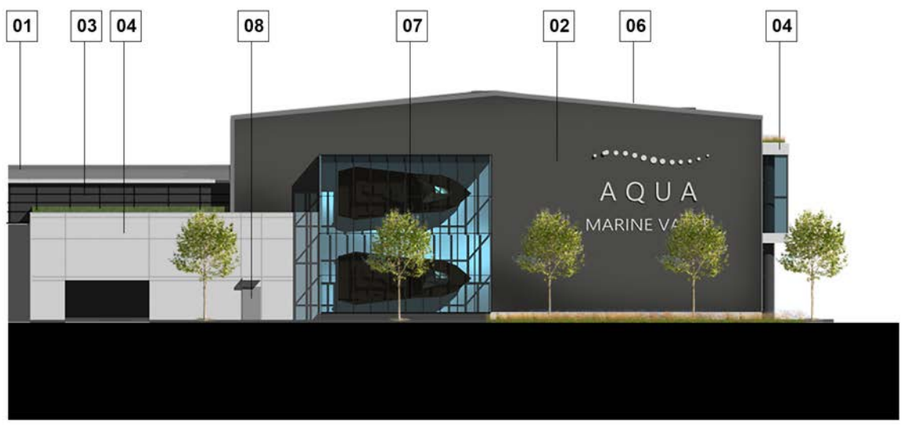
The plan illustrates the potential improvements to the public waterfront boardwalk and associated shoreline improvements that will be undertaken in tandem with the development phasing of Tower III, in consultation with the City of Kelowna.

Elevations: AMV Boat Storage Facility and Clubhouse

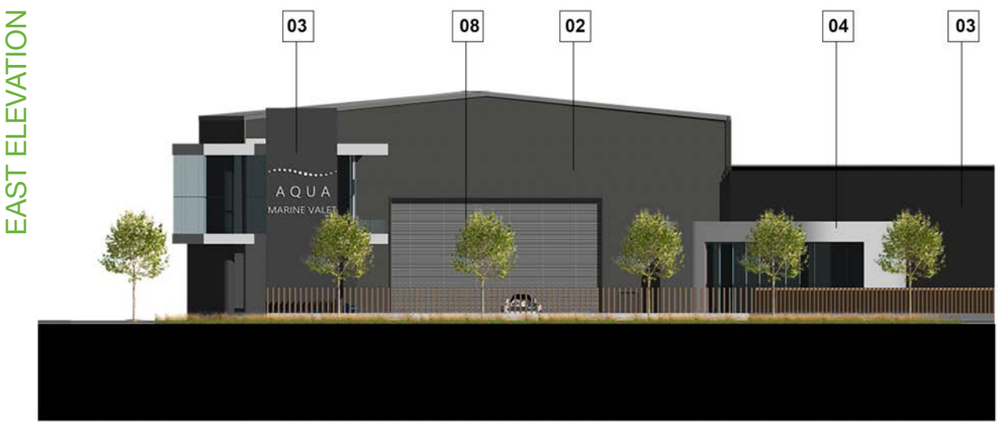
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



01. GLASS AND ALUMINUM GUARDRAILING
02. DARK GRAY HORIZONTAL SIDING
03. DARK GRAY ALUMINUM PANEL
04. WHITE ALUMINUM PANEL
05. SILVER ALUMINUM TRELLIS SYSTEM
06. STANDING SEAM METAL ROOF
07. GLASS AND ALUMINUM WINDOW SYSTEM
08. ALUMINUM DOOR
09. METAL PANEL WOOD TONE

Sketch: View Along Cook Road at Marine Alley

4.9 Aqua Marine Valet (AMV)

4.9.1 Design Elements

Cook Road and Truswell Road form the primary entrances to the Aqua development and both roads are intended to be animated and active streets. The commercial nature of the internal boat storage building requires a prescribed form, however, there are opportunities for this building to become the visual and functional cornerstone of the development. The corner of Cook Road and the public boat launch serves as a public gathering place, a place for socializing and an entrance to the public realm at Aqua. A glazed two-storey extension, interconnected to the northeast corner of the boat building celebrates this entrance and provides interest to the building at a human scale along this street frontage, while adding functional space that can be utilized as amenity or commercial area. The corner of Cook Road and Truswell Road also offers opportunity for a street scale expression with a glazed display element, adding interest along this active frontage. A rich landscape palette will soften the base of the boat building and enhance the pedestrian experience.

4.9.2 Operational Program Parameters

The AMV commercial operation will provide indoor storage in a four-storey form that will replace the existing outdoor boat storage and provide valet service for vehicles, thereby reducing vehicular activity at the water's edge. The rationalized public boat launch parking area and the improved pedestrian safety through the public realm components of this operation, will provide a multitude of public benefits. The absence of a private marina will maintain open views over the lake and provide additional environmental benefits.

4.9.3 Conceptual Design of Pier

The AMV boat storage building will be constructed in Phase I and will include a new private launching pier, subject to Ministry of Environmental approvals.

Sketch: View Down Marine Alley Walk

5.0 Site Design Parameters

5.1 Building Character

The resulting building form has been shaped through the public engagement process as part of the community consultation completed to date.

A tower building form has emerged, resulting in three distinct towers with stepped forms and townhomes that bring architectural variety and interest to this development. The design includes the following principles:

A. STEP-BACK AT UPPER FLOORS
Create a step back at the penthouse and/or sub penthouse levels

B. PODIUM AND WINGS
Keep form to 2-storey expression along the waterfront boardwalk and Cook Road, apart from the separate boat storage building at 4-storeys. Provide stepping over the three-storey parkade podium on the waterfront buildings.

C. PODIUM TREATMENT
Allow for roof access and amenity support areas on the parkade podium.

D. INTERCONNECTING FORMS
Allow for a variety of interconnecting form elements that link between base, middle, and top components.

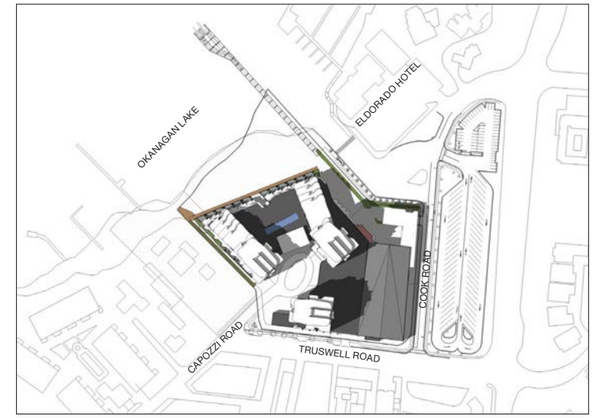
E. BASE EXPRESSION
Create a two and three-level street scale expression exploring different approaches to fenestration, recessed entries, balcony relationships, and materiality all relating to the human scale along street frontages and courtyard exposures.

F. STREET DETAIL
Create a finer grain of detail, together with useable entrance terraces, fencing, signage, canopies, planters, and lightings, etc., at street frontages, appropriate to residential or commercial usage.

5.2 Shadow Study

Summer Solstice (DST) 9:30 am

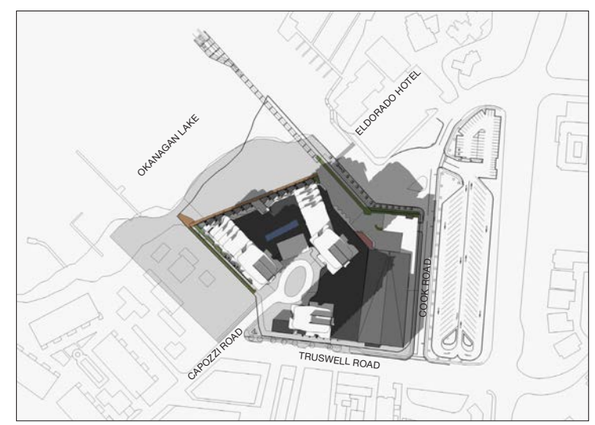
Summer Solstice (DST) 12:30 pm



Summer Solstice (DST) 15:30 pm

Vernal Equinox (DST) 9:30 am

Vernal Equinox (DST) 12:30 pm



Vernal Equinox (DST) 15:30 pm

Rendering: East Elevation

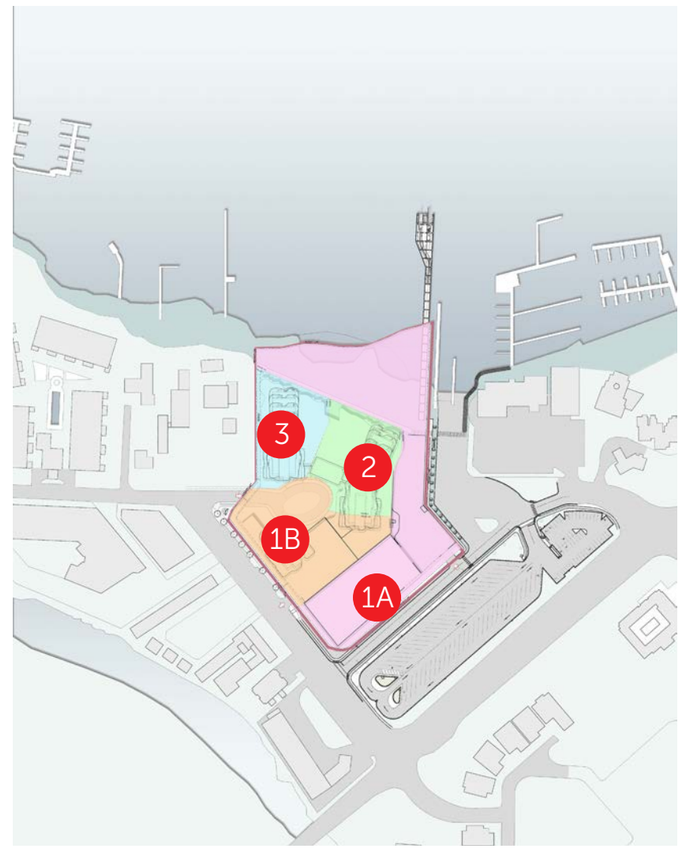
Rendering: South Elevation

5.3 Building Elevations

Rendering: West Elevation

Rendering: North Elevation

Phasing Diagram



PHASE 1A

PHASE 1B

PHASE 2

PHASE 3

6.0 Development Phasing

Aqua will be developed in three phases over an expected 5-7 year build-out. The proposed development area is comprised of two site areas; the Aqua development consolidated parcel and the Aqua Marine Valet subdivided parcel.

6.1 Phase I

- Tower I located on Truswell Road including townhomes and portion of related parkade with entrance off Truswell Road
- Stand alone retail building on Truswell Road
- Aqua Marine Valet Building, Launch Area, and Pier
- 'Interim' Waterfront Boardwalk
- Pedestrian Entrance to waterfront via Cook Road "Marine Alley"

6.2 Phase II

- Tower II (northeast waterfront) including portion of related parkade

6.3 Phase III

- Tower III (southwest waterfront) including waterfront townhomes and portion of remaining parkade
- 'Final' Waterfront Boardwalk "Waterfront Promenade"
- Pedestrian Path along the southwest property line "Mews"
- Completed (inner courtyard) Porte Cochere

Rendering - View from Eldorado Harbour

7.0 Conclusion

Mission Group is honored to be a part of this special site. We believe that Aqua will bring signature architecture and vibrant public spaces to its world-class location, celebrating the lakeside experience. The concrete building forms present a contemporary architectural language, inspired by the lakefront environment.

In short, we are confident that Aqua will serve to reinforce the Capozzi/Truswell area as a hallmark lakefront location – a place in which both residents and tourists alike can appreciate and enjoy.

CITY OF KELOWNA

MEMORANDUM

Date: December 19, 2016
File No.: Z16-0069

To: Community Planning (RR)

From: Development Engineering Manager (SM)

Subject: 550 Truswell, 3814, 3820, 3828, 3832 & 3838 Capozzi Rd - Resort Development

Development Engineering Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

General

a) The proposed resort development triggers a traffic impact assessment (TIA). The City Transportation & Mobility department will review and provide the approval of the TIA. Recommendations from the Traffic Impact Analysis (TIA) will become requirements of rezoning.

1. Domestic Water and Fire Protection

(a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.

(b) It is anticipated that a watermain link will be needed to be maintained between Cook Road (boat launch) and the Capozzi Road, Truswell Road intersection to provide the fire flow requirements to Mission Shores and other developments. If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.

(c) Construct a watermain within the new Cook Road extension to Truswell Road. Install a new service at a location that will service the proposed and future phases. The cost of these works will be included in the road construction cost estimate.

(d) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

(e) A water meter is mandatory for this development and must be installed inside the buildings on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

2. Sanitary Sewer

(a) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing small diameter services and the installation of a new larger service.

(b) The applicant, at his cost, will arrange for the removal of the existing main within the closed road and the installation of new sanitary service as required. The existing 200mm PVC main within Capozzi Rd may be utilized for the proposed development if sufficient in size. Provide a terminal manhole on the main at the new property line boundary of this development.

(c) A downstream flow analysis check is required by a consulting civil engineer to determine the impact of additional flow contributions on the existing pipe system. If it is determined that upgrades to the existing facilities must be made, additional bonding will be required.

3. Storm Drainage

(a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.

(b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of the existing main within the closed road, and the installation of new storm main as required as well as one new overflow service.

(c) Construct a storm sewer main within the new Cook Road extension. The cost of these works will be included in the road construction cost estimate.

(d) Construct a sewer main within the Truswell Road right-of-way. The cost of these works will be included in the road construction cost estimate.

4. Road Improvements

(a) Lakeshore Road fronting this development has been upgraded to a full urban standard therefore no further works are required.

(b) Cook Road extension to Truswell Rd: Construct the new road to a SS-R4 standard (15.0m), modified to include a 1.5m separate sidewalk on both sides, including barrier curb and gutters, piped storm drainage system, street lighting and boulevard landscaping /irrigation, street lights as required Street parking will be limited to one side of the road right-of-way.

(c) Truswell Road fronting this development must be upgraded to a full urban standard (SS-R7) including a concrete sidewalk, barrier curb and gutter, piped storm drainage system including catch basins and manholes, pavement widening, landscaped boulevard including trees with irrigation integrated with the on-site landscaping and irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

(d) Capozzi Road fronting this development must be upgraded to a full urban standard (SS-R7) including a concrete sidewalk, barrier curb and gutter, piped storm drainage system including catch basins and manholes, pavement widening, landscaped boulevard including trees with irrigation integrated with the on-site landscaping and irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

5. Subdivision

By registered plan to provide the following:

(a) Provide easements as may be required including Capozzi Road(onsite) for the Cul De Sac.

(b) Provide a corner rounding at the intersection of Truswell Road and Capozzi Road.

(c) Lot consolidation.

(d) Grant statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

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

b) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

c) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

7. Street Lighting

Street lighting including underground ducts must be installed on all roads fronting on the proposed development.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the city engineering department for review and marked "issued for construction" by the city engineer before construction may begin.

9. Design and Construction

(a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

(b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

(c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

(d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

(e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreements for Works and Services

(a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

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

11. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

(a) Area ground water characteristics.

(b) Site suitability for development, unstable soils, etc.

(c) Drill and / or excavate test holes on the site and install pisometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

(d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

(e) Additional geotechnical survey may be necessary for building foundations, etc.

12. Development Permit and Site Related Issues

Access and Manoeuvrability

(i) A MSU standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan. Indicate on the site plan, the locations of the garbage and recycle bins.

(ii) Perimeter access must comply with the BC Building Code. Fire Truck access designs and proposed hydrant locations will be reviewed by the Fire Protection Officer.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

MEMORANDUM

Date: December 19, 2016

File No.: DVP16-0261

To: Community Planning (RR)

From: Development Engineer Manager (SM)

Subject: 550 Truswell, 3814, 3820, 3828, 3832 & 3838 Capozzi Rd - Resort Development

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

1. To vary the residential building heights in excess of 6 storeys/22.0m does not compromise any municipal services.
2. To vary the boat storage building higher than one storey/6.0m does not compromise any municipal services.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

MEMORANDUM

Date: December 19, 2016

File No.: DP16-0260

To: Community Planning (RR)

From: Development Engineer Manager (SM)

Subject: 550 Truswell, 3814, 3820, 3828, 3832 & 3838 Capozzi Rd - Resort Development

The Development Engineering comments and requirements regarding this Development Permit application are as follows:

1. **General.**

   a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z16-0069.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

BYLAW NO. 11384
Z16-0069 – 550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road and 3786 Lakeshore Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of:

   Lot 1, Sec. 1 & 12, Twp. 25, Plan 2714 located at 3814 Capozzi Road, Kelowna, BC;
   Lot 2, Sec. 1, Twp. 25, Plan 2714 located at 3820 Capozzi Road, Kelowna, BC;
   Lot 3, Sec. 1, Twp 25, Plan 2714 located at 3828 Capozzi, Road, Kelowna, BC;
   Lot 4, Sec 1, Twp 25, Plan 2714, located at 3832 Capozzi Road, Kelowna, BC;
   Lot 5, Sec 1, Twp 25, Plan 2714 located at 3838 Capozzi Road, Kelowna, BC; and
   that portion of Capozzi Road between the southeast property lines of 3814, 3820, 3828, 3832 and 3838 Capozzi Road and the centerline of Capozzi Road, Kelowna, BC;

   from the RU1 – Large Lot Housing zone to the C9 – Tourist Commercial zone as outlined in Schedule A attached to and forming part of this bylaw;

2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 5, Section 12, Township 2, Plan 2912 located on Lakeshore Road, Kelowna, B.C., from the C9 – Tourist Commercial zone to the P1 – Major Institutional zone as outlined in Map A attached to and forming part of this bylaw;

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 time by the Municipal Council this

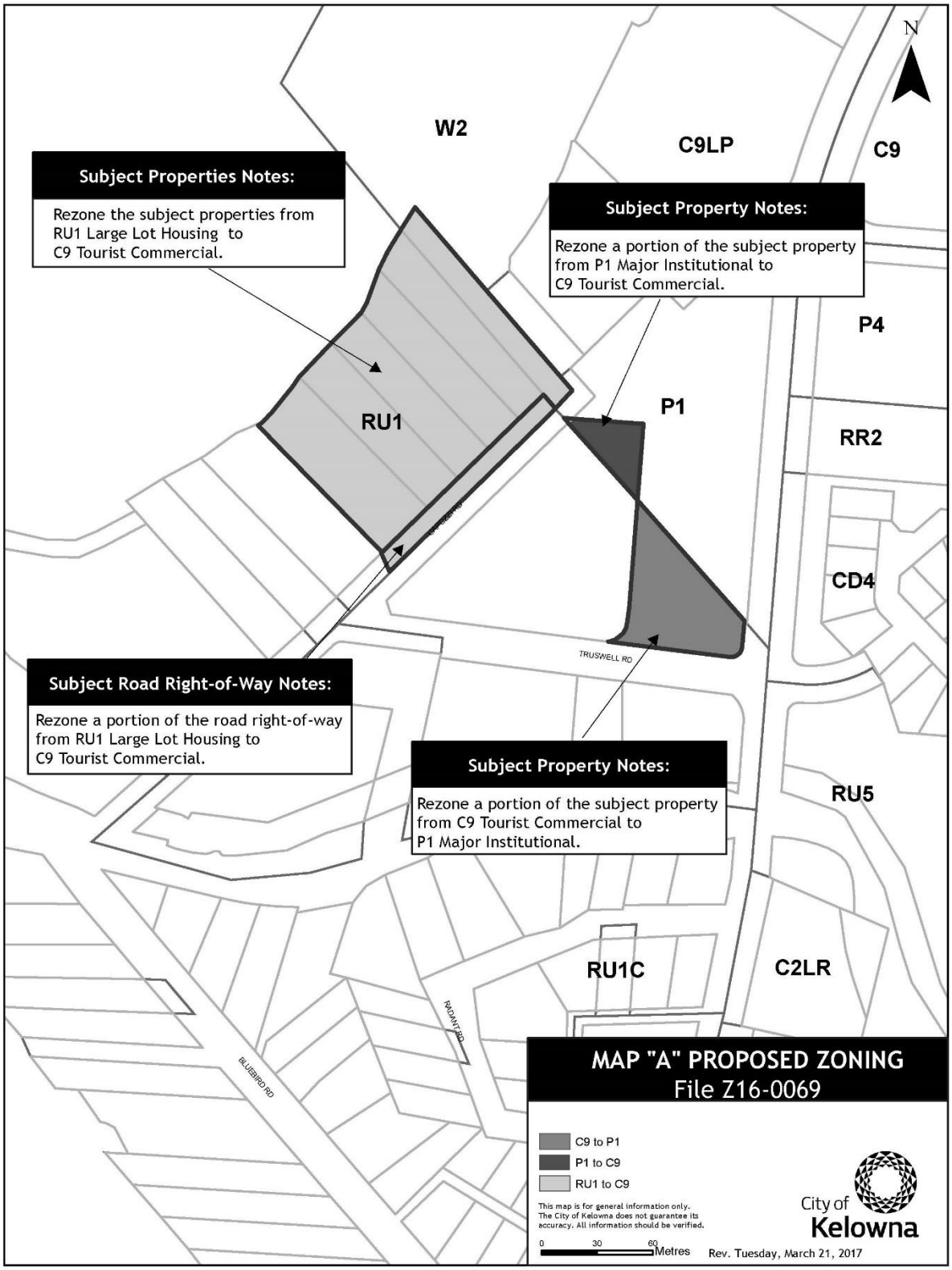
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk


N
W2
C9LP
C9
Subject Properties Notes:
Rezone the subject properties from RU1 Large Lot Housing to C9 Tourist Commercial.
Subject Property Notes:
Rezone a portion of the subject property from P1 Major Institutional to C9 Tourist Commercial.
P4
P1
RU1
RR2
CD4
TRUSWELL RD
Subject Road Right-of-Way Notes:
Rezone a portion of the road right-of-way from RU1 Large Lot Housing to C9 Tourist Commercial.
Subject Property Notes:
Rezone a portion of the subject property from C9 Tourist Commercial to P1 Major Institutional.
RU5
RU1C
C2LR
RADANT RD
BLUEBIRD RD
MAP "A" PROPOSED ZONING
File Z16-0069
C9 to P1
P1 to C9
RU1 to C9
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.
0 30 60 Metres
City of Kelowna
Rev. Tuesday, March 21, 2017

Report to Council

Date: April 10, 2017

File: 0220-20

To: City Manager

From: George L King, Financial Planning Manager

Subject: Amendment #1 to Five Year Financial Plan, 2016-2020

Recommendation:

THAT Council receives, for information, the Report from the Manager, Financial Planning dated April 10, 2017 with respect to amendments to the Five Year Financial Plan 2016-2020 Bylaw

AND THAT Bylaw No. 11377 being Amendment No. 1 to the Five Year Financial Plan 2016-2020 Bylaw No. 11227 be advanced for reading consideration;

Purpose:

To amend the Five Year Financial Plan as required by the Community Charter so that it includes the authorized transfers and amendments that occurred throughout the year.

Background:

The City of Kelowna, in order to comply with section 165(1) of the Community Charter (Financial Management), amends the financial plan to provide for expenditures required after adoption of the Five Year Financial Plan Bylaw. These expenditures, in all cases, do not impact taxation demand but rather result in the shift of funding from one source to another and/or shifts in expenditures within, or from, one municipal purpose area to another.

The amended financial plan is impacted on a departmental basis by contingency fund transfers, disbursements of Other Working Capital and other transfers as permitted under the Budget Amendment Policy #262 and Budget Transfer Policy #261, which are excluded from the analysis below.

The attached Schedule A reflects the following material amendments and transfers that are being brought before Council for the first time:

General Fund

Infrastructure Division:
The Brandt's Creek Drainage Improvement project required further funding due to additional environmental work and the cost to relocate a transformer. Surplus funding from the Dehart/Crawford Road Drainage project of $85,000 was allocated to fund the additional expenditures.

The Lakeshore Rd (Barnaby to Vintage Terrace) project required further funding due to replacement of additional storm drainage piping and drainage inlets and the widening of the bike lane for improved safety. Surplus funding from the Dehart/Crawford Road Drainage project of $100,000 was allocated to fund the additional expenditures.

The Queensway Transit Pavilion no longer has Provincial and Federal funding, so the budget has been reduced by $399,500.

The Transit Operations Centre Improvements project and the Bus Monitoring System project no longer have Federal funding, so the budgets $800,000 and $572,000, respectively, have been eliminated. The grants are now distributed directly to BC Transit and the projects will be completed by BC Transit.

The Rutland Transit 2, Shepherd Road Extension project no longer has Provincial and Federal funding, so the budget of $1,200,000 has been eliminated.

The Sidewalk Network Expansion project received ICBC funding of $10,100. The project required further funding due to extra work required to replace retaining wall and associated costs. Surplus funding from the Alternate Hwy 97 Multi-use Pathway project of $142,125 was allocated to fund the additional expenditures.

Corporate & Protective Services Division:
The BC Gas Legacy interest rate charges by Municipal Finance Authority was reduced resulting in a reduction of interest expense for $321,750.

The Library Plaza Parkade loan was forgiven by Municipal Finance Authority resulting in the elimination of principal and interest expense of $143,555.

Wastewater, Water Funds

The Bernard Avenue Sidewalk project added a water main replacement to the scope of the project as it was determined the future replacement would affect the new sidewalk and bike lane. The water main replacement was expected to be relatively routine but when construction began it was determined the water main had been filled and raised above the original grade which required additional work to meet current standards. Surplus funding from projects Ethel Street - Bernard to Cawston, Abbott Street - Leon to The Sails and Dilworth Drive Water Main Replacement and cancelled projects Clifton Road Water Main Upgrade, Decommissioning of Reservoirs of $271,577 was allocated to fund the additional expenditures.

The Okanagan Blvd-Kingsway to Richter, Alta Vista Road-West section, and Morrison Ave (Richter to Ethel) projects cost estimates were recently completed and were greater than projected. Funding from the cancelled Clifton Road Water Main project of $79,380, $44,630 and $205,820, respectively, was allocated to fund the additional estimated costs.

The Hollywood 7 Sexsmith Sewer project was cancelled as it was determined additional sewer works would not benefit the connection area and would only benefit the developer, so the budget of $225,000 has been eliminated.

Legal/Statutory Authority:

Community Charter section 165.

Considerations not applicable to this report:

Internal Circulation:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

G.L.King, CPA, CMA

Approved for inclusion: Genelle Davidson CPA, CMA, Divisional Director Financial Services

Schedule "A"

Financial Plan 2016 - 2020

	2016 Amended Budget	2016	2017	2018	2019	2020	2021-2030
REVENUE							
PROPERTY VALUE TAX	119,879,430	119,879,430	126,418,833	133,163,297	139,873,658	146,621,819	1,793,646,313
LIBRARY REQUISITION	5,756,024	5,756,024	5,888,413	6,023,846	6,162,394	6,304,130	71,592,421
PARCEL TAXES	3,167,038	3,223,783	3,263,441	3,286,590	3,310,106	3,315,787	34,332,234
FEES AND CHARGES	107,385,474	106,746,093	109,734,726	111,367,172	113,311,918	115,947,582	1,299,290,083
BORROWING PROCEEDS	66,916,680	55,276,560	-	-	-	-	89,000,000
OTHER SOURCES	67,324,164	62,694,808	52,235,708	45,043,983	52,334,027	50,601,845	570,088,175
	370,428,810	353,576,698	297,541,121	298,884,887	314,992,103	322,791,164	3,857,949,226
TRANSFERS BETWEEN FUNDS							
RESERVE FUNDS	2,217,697	3,426,636	2,231,501	2,231,303	2,231,094	1,631,594	13,341,983
DCC FUNDS	14,027,633	13,119,310	19,154,057	21,400,501	21,053,485	31,223,270	163,065,700
SURPLUS/RESERVE ACCOUNTS	88,632,479	102,079,775	56,433,187	57,312,956	36,826,288	56,966,588	264,442,430
	104,877,809	118,625,721	77,818,744	80,944,760	60,110,867	89,821,452	440,850,113
TOTAL REVENUE	475,306,619	472,202,419	375,359,865	379,829,648	375,102,970	412,612,616	4,298,799,338
EXPENDITURES							
MUNICIPAL DEBT							
DEBT INTEREST	11,244,850	11,664,060	12,238,919	12,214,879	8,853,533	7,662,060	66,518,128
DEBT PRINCIPAL	13,452,159	13,498,254	13,391,604	14,699,076	11,565,938	8,463,806	64,128,675
CAPITAL EXPENDITURES	192,305,483	190,827,480	91,589,675	88,270,800	74,820,189	109,768,109	826,484,594
OTHER MUNICIPAL PURPOSES							
GENERAL GOVERNMENT	27,886,673	27,170,244	27,711,268	28,594,708	29,466,037	30,327,549	328,757,898
PLANNING, DEVELOPMENT & BUILDING SERVICES	25,513,089	24,216,452	22,678,943	23,952,392	24,779,277	25,647,455	275,606,795
COMMUNITY SERVICES	80,615,903	79,025,868	79,657,865	81,936,252	84,647,345	87,606,264	1,056,070,646
PROTECTIVE SERVICES	52,174,577	51,283,115	54,584,686	57,528,149	60,542,825	64,195,225	783,164,488
UTILITIES	20,426,365	19,375,599	19,908,841	20,575,440	21,110,667	21,687,027	251,344,398
AIRPORT	12,699,639	12,684,609	12,902,556	13,418,237	13,882,225	14,364,189	172,458,732
	436,318,738	429,745,681	334,664,357	341,189,934	329,668,038	369,721,685	3,824,534,354
TRANSFERS BETWEEN FUNDS							
RESERVE FUNDS	14,673,512	15,626,706	16,693,234	16,761,320	16,693,383	16,613,357	160,787,118
DCC FUNDS		-	-	-	-	-	-
SURPLUS/RESERVE ACCOUNTS	24,314,369	26,830,032	24,002,274	21,878,394	28,741,549	26,277,573	313,477,866
	38,987,881	42,456,738	40,695,509	38,639,714	45,434,932	42,890,930	474,264,985
TOTAL EXPENDITURES	475,306,619	472,202,419	375,359,865	379,829,648	375,102,970	412,612,616	4,298,799,338

CITY OF KELOWNA

BYLAW NO. 11377

Amendment No. 1 to the Five Year Financial Plan 2016-2020 Bylaw No. 11227

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

1. THAT the Five Year Financial Plan 2016-2020 Bylaw No. 11227 be amended by deleting Schedule "A" in its entirety and replacing with them new Schedule "A" as attached to and forming part of this bylaw;

2. This bylaw may be cited for all purposes as Bylaw No. 11377 being "Amendment No. 1 to the Five Year Financial Plan Bylaw, 2016-2020, No. 11227."

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

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

Schedule "A"

Financial Plan 2016 - 2020

	2016 Amended Budget	2016	2017	2018	2019	2020	2021-2030
REVENUE							
PROPERTY VALUE TAX	119,879,430	119,879,430	126,418,833	133,163,297	139,873,658	146,621,819	1,793,646,313
LIBRARY REQUISITION	5,756,024	5,756,024	5,888,413	6,023,846	6,162,394	6,304,130	71,592,421
PARCEL TAXES	3,167,038	3,223,783	3,263,441	3,286,590	3,310,106	3,315,787	34,332,234
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BORROWING PROCEEDS	66,916,680	55,276,560	-	-	-	-	89,000,000
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TOTAL REVENUE	475,306,619	472,202,419	375,359,865	379,829,648	375,102,970	412,612,616	4,298,799,338
EXPENDITURES							
MUNICIPAL DEBT							
DEBT INTEREST	11,244,850	11,664,060	12,238,919	12,214,879	8,853,533	7,662,060	66,518,128
DEBT PRINCIPAL	13,452,159	13,498,254	13,391,604	14,699,076	11,565,938	8,463,806	64,128,675
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OTHER MUNICIPAL PURPOSES							
GENERAL GOVERNMENT	27,886,673	27,170,244	27,711,268	28,594,708	29,466,037	30,327,549	328,757,898
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COMMUNITY SERVICES	80,615,903	79,025,868	79,657,865	81,936,252	84,647,345	87,606,264	1,056,070,646
PROTECTIVE SERVICES	52,174,577	51,283,115	54,584,686	57,528,149	60,542,825	64,195,225	783,164,488
UTILITIES	20,426,365	19,375,599	19,908,841	20,575,440	21,110,667	21,687,027	251,344,398
AIRPORT	12,699,639	12,684,609	12,902,556	13,418,237	13,882,225	14,364,189	172,458,732
	436,318,738	429,745,681	334,664,357	341,189,934	329,668,038	369,721,685	3,824,534,354
TRANSFERS BETWEEN FUNDS							
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DCC FUNDS		-	-	-	-	-	-
SURPLUS/RESERVE ACCOUNTS	24,314,369	26,830,032	24,002,274	21,878,394	28,741,549	26,277,573	313,477,866
	38,987,881	42,456,738	40,695,509	38,639,714	45,434,932	42,890,930	474,264,985
TOTAL EXPENDITURES	475,306,619	472,202,419	375,359,865	379,829,648	375,102,970	412,612,616	4,298,799,338

Report to Council

Date: April 10, 2017

File: 0220-20

To: City Manager

From: George L. King, Financial Planning Manager

Subject: Amendment No. 1 to the 2016 Development Cost Charge Reserve Fund Expenditure Bylaw No. 11230

Recommendation:

THAT Council receives, for information, the Report from the Manager, Financial Planning dated April 10, 2017 with respect to amendments to the Development Cost Charge Reserve Fund Expenditure Bylaw;

AND THAT Bylaw No. 11378 being Amendment No. 1 to the Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230 be advanced for reading consideration;

Purpose:

To reflect actual expenditures included in the 2016 Development Cost Charge Reserve Fund Expenditure Bylaw.

Background:

The City of Kelowna adopts the Five Year Financial Plan in order to comply with section 165(1) of the Community Charter (Financial Management). There are five bylaws adopted at this time: Five Year Financial Plan; Annual Tax Rates; Tax Structure; Sale of City Owned Land Reserve Fund Expenditure Bylaw; and the DCC Reserve Fund Expenditure Bylaw.

As part of the annual financial cycle, a review of financial plan expenditures is conducted. Due to planned expenditures and budget amendments during the year, the original reserve fund expenditure bylaw may need to be changed.

In 2016 the funds expended for Land for Park Purposes increased by $1,050,000 for a total 2016 expenditure of $1,543,024; therefore, an amendment is required. The Road Construction were under expended in 2016, so this total has been reduced for the amount of the parkland over expenditure. However, the overall total Development Cost Charge Reserve Fund expenditure of $14,462,541 remains intact.

This amendment is being presented for Council to approve the changes to the 2016 Development Cost Charge Bylaw since Final budget was approved in May of 2016.

Legal/Statutory Authority:

Community Charter section 165

Considerations not applicable to this report:

Internal Circulation:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

G.L. King, CPA, CMA

Approved for inclusion: Genelle Davidson CPA, CMA, Divisional Director Financial Services

CITY OF KELOWNA

BYLAW NO. 11378

Amendment No.1 to Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230 be amended as follows:

1. THAT section 1 be deleted and replaced with the following:

"1. The sum of Fourteen Million, Four Hundred and Sixty Two Thousand, Five Hundred and Forty One dollars ($ 14,462,541.00) is hereby appropriated from the Development Cost Charge Reserve Fund to be expended in 2016 for the following purposes:

Land for Park Purposes	$ 1,543,024.00
Road Construction	$ 5,295,055.00
Water Mains, Pump Stations & Reservoir Construction	$ 984,749.00
Wastewater Trunks, Plant & Debt Repayment	$ 6,639,713.00
	$ 14,462,541.00"

2. This bylaw may be cited as Bylaw No. 11378 - Amendment No. 1 to Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230.

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: April 10, 2017

File: 0255-01

To: City Manager

From: Melanie Antunes, Acting Budget Supervisor

Subject: Investment of City of Kelowna Funds for 2016

Recommendation:

THAT Council receives, for information, the Report from the Acting Budget Supervisor dated April 10, 2017 with respect to the investment of City of Kelowna funds for 2016.

Purpose:

To provide Council with information summarizing the City of Kelowna's 2016 investment of surplus funds and performance of the portfolio.

Background:

Economic Review

2016 saw the Bank of Canada maintain the overnight interest rate at 0.50% in a continued attempt to re-balance inflation to the Bank of Canada's 2% target rate. By maintaining low interest rates, the Bank of Canada is attempting to discourage saving and stimulate spending. The CPI inflation increased from 1.1% in 2015 to 1.4% in 2016 and continued to rise in the first quarter of 2017.

The Canadian dollar rose in 2016 to close at $0.76 U.S. at the end of December. Forecasts call for the loonie to lose this gain in 2017 if the NAFTA agreement is renegotiated or if oil prices drop. Oil prices saw an increase in 2016 from a January low of $29.78 to a December high of $52.62. Recent forecasts predict prices will remain at this level or drop in 2017 as production expands and oil supplies increase with the higher prices. With the strengthening of the US economy, interest rate divergence may also appear with rates increasing in the US and remaining the same in Canada, which could also lead to weakening of the Canadian dollar. In 2016, the Financial Services Department adopted a U.S. dollar purchasing strategy designed to mitigate the exchange risk through regular planned U.S. currency purchases.

Investment of Surplus Funds

The Investment Policy aligns with current best practices and ensures the continued commitment to provide an optimal blend of investment return and security. The portfolio constraints are in line with best practices and industry standards.

The City of Kelowna continues to utilize a laddered 10-year strategy and balanced approach for investment holdings and duration. The laddered strategy ensures that bonds mature at a smooth and predictable rate, that yields are maximized and that investment income and maturing investments provide ongoing liquidity. This balanced approach results in the City having sufficient levels of income and funding available to meet the Municipalities annual requirements.

Portfolio Performance

As at December 31, 2016 the City of Kelowna Investment Portfolio had a weighted average term to maturity of four and a half years and an average investment quality rating of AAA.

The City has selected 5 market indicators to use as a benchmark to determine how the City's investment portfolio is performing. The benchmarks are compared to the City's average rate of return earned on the entire investment portfolio. These benchmarks are the CPI Index Average, the FTSE TMX Canada 91-Day T-Bill, the median money market return, and the MFA Money Market and Intermediate Funds. In 2016, the City of Kelowna realized an average rate of return greater than the benchmarks in all 5 of these benchmarks.

The Year Ahead

2017 investment objectives include continued monitoring of the U.S. dollar and Canadian economic climate in order to safeguard and accurately position financial assets, and seeking investment opportunities that can increase the City's investment revenues while remaining within Council's investment policy.

Existing Policy: Council Policy Number 316

Considerations not applicable to this report:
Internal Circulation:
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:
Submitted by:

M. Antunes, Acting Budget Supervisor

Approved for inclusion: Genelle Davidson CPA CMA, Divisional Director Financial Services

City of Kelowna

2016 Investment Report

April 10, 2017

Portfolio summary

City of Kelowna

Fund Summary at December 31, 2016	Amount
Long Term Investments	$ 211,689,340
Internally Financed Projects	6,106,414
Short Term Investments	120,393,263
Total Fund Value	**$ 338,189,017**

Compliance report

City of Kelowna

Diversification

Rating	Amount	Percentage	Maximum	Over/(Under)
AAA	227,251,747	68%	100%	(32%)
AA	75,949,472	23%	80%	(57%)
A	28,881,383	8%	60%	(52%)
Grand Total	**332,082,602**	**100%**		

Compliance report

City of Kelowna

Exposure

Rating - Government	%	Max.%	Over/(Under)
AAA	14%	50%	(36%)
AA	25%	40%	(15%)
A	23%	30%	(7%)
Grand Total	**62%**		

Includes bonds from Government of Canada, Provincial and Municipal bonds.

Compliance report

City of Kelowna

Exposure

Rating - Corporation	%	Max.%	Over/(Under)
AAA	7%	40%	(33%)
AA	28%	30%	(2%)
A	3%	20%	(17%)
Grand Total	**38%**		

Includes bonds from commercial banks and Canada Housing Trust.

Performance objectives

City of Kelowna

Average rate of return

Benchmark	Rate	City of Kelowna Average Rate
CPI Index Average	2.10%	2.48%
FTSE TMX Canada 91-Day T-Bill	0.50%	2.48%
Median Money Market Return	0.71%	2.48%
MFA Money Market Fund	0.81%	2.48%
MFA Intermediate Fund	1.28%	2.48%

City of Kelowna

Questions?

For more information, visit **kelowna.ca**.

Report to Council

City of Kelowna

Date: April 10, 2017

File: 0280-40

To: City Manager

From: Matt Friesen, Accountant

Subject: 2017 Tax Distribution Policy

Recommendation:

THAT Council approve a Municipal Tax Distribution Policy as outlined in the Report dated April 10, 2017, for the year 2017 that will result in a modification of the 2016 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

Property Class	2016 Tax Class Ratios	2017 Tax Class Ratios
Residential/Rec/NP/SH	1.0000:1	1.0000:1
Utilities	5.0458:1	5.3182:1
Major Industrial	3.7328:1	5.8019:1
Light Industrial/Business/Other	2.1934:1	2.2967:1
Farm Land	0.1275:1	0.1357:1
Farm Improvements	0.4801:1	0.4810:1

AND THAT Council approve development of 2017 tax rates to reflect the 2017 assessment changes in property market values.

Purpose:

To establish tax class ratios that will be used in the preparation of the 2017 tax rates.

Background:

The 2017 assessment roll is based on market values established on July 1, 2016. The market value change to assessments is outlined in the following table:

Property Class	Market Increase (Decrease)
Residential/Rec/NP/SH	10.93%
Utilities	5.25%
Major Industrial	-28.63%
Light Industrial/Business/Other	5.94%
Farm Land	1.18%
Farm Improvements	10.72%

Under Provincial legislation, Community Charter section 165(3.1), municipalities must set out objectives and policies in relation to the distribution of property value taxes among the property classes. The current Council policy is to modify tax class ratios to provide an effective tax increase that is the same for all classes. Market value changes that result in **uneven changes** between property classes **result in a tax burden shift** to the class experiencing greater market value increases unless tax class ratios are modified to mitigate this shift. Over time, this can lead to changes in the tax ratios of one, or several, property classes if their market change is different from the residential class, which is used as the base.

From 2016 information on municipalities over 75,000 populations, Kelowna has the third lowest Business Class ratio and was one of eight municipalities over 75,000 populations that had a Business class ratio under 3.00. As approved in prior years, in order to remain competitive, the City of Kelowna is ensuring that business and light industry property tax ratios remain below the average of BC municipalities with populations greater than 75,000. A maximum of 3.00 is to be considered for the Light Industrial/Business class ratio and the impacts on the other property classes from this cap (if required) will be reported to Council.

There is a Provincial regulation capping the Utility class multiple at 2.5 times the Business property class ratio; this equates to a maximum of 5.7418 for the current year. The Utility Class ratio remains close to the maximum ratio that can be used and could impact the tax sharing in future years, however the impact would be minimal due to the smaller assessment in that property class.

Impact on Properties Within Each Property Class

It is important to be aware that the tax rates established as a result of new tax class ratios are designed to avoid shifts between property classes; however, the rates established are based on the average market value increase for the entire class or classes.

The establishment of tax class ratios that prevent shifts between classes does not eliminate potential shifts within a property class where a property has experienced a market value change that is greater than the average for that class.

The establishment of modified tax class ratios provides a basis for an equitable distribution of general municipal taxes between classes; however, the establishment of the **required tax rate** will be dependent on the final tax demand as determined by Council during Final Budget deliberations.

Background Information

Background information, attached to this report, provides additional related information on the following topics:

- The B.C. Assessment Authority and the Assessment System
- The Taxation System
- Historical Council Policy - Tax Class Ratios
- The 2017 Revised Assessment Roll

Conclusion

Utilities, Major Industrial, Light Industrial/Business/Other, and Farm Improvement, tax class ratios for 2017 have increased in relation to the residential class. This reflects the market value changes experienced in those classes in comparison to the residential class. The Farm Land tax rate will remain at fifty cents per thousand of assessed value, as set by statute.

Existing Policy:

As included in the Five Year Financial Plan Bylaw:

- Council will annually review and modify tax class ratios to provide an effective tax change that is the same for all classes.

- The impacts on other property classes from administering a ratio cap on the Light Industrial/Business classes will be reported to Council.

- Regularly review and compare the City's relative position in terms of distribution of taxes to other similarly sized municipalities in British Columbia.

Legal/Statutory Authority:
Community Charter section 165(3.1).

Financial/Budgetary Considerations:
The approved tax class ratios will be used to establish the 2017 property tax rates.

Considerations not applicable to this report:

Internal Circulation:
Legal/Statutory Procedural Requirements:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

M. Friesen, Accountant

Approved for inclusion: Genelle Davidson, Divisional Director, Financial Services

BACKGROUND INFORMATION

ASSESSMENT SYSTEM/TAXATION SYSTEM

The B.C. Assessment Authority and the Assessment System

The B.C. Assessment Authority is an independent body created by the Provincial Legislature and is charged with the responsibility of preparing an Assessment Roll for all of the properties in British Columbia.

Taxing authorities, at various levels of government (e.g. Provincial, Municipalities, Regional Districts, Hospitals, School Districts) use the Assessment Roll to assist them with the distribution of the taxes required to operate their corporations.

July 1st is the assessment valuation date for properties listed in the assessment roll.

Although the Assessment Roll preparation is the responsibility of the Assessment Authority, for use by various taxing jurisdictions, B.C. Assessment has nothing to do with the actual levying of taxes, other than for its own operating levy.

The Taxation System

City Council is responsible only for the General Municipal portion of the property taxes appearing on the Kelowna tax bill that is sent to property owners in May of each year. The City of Kelowna is responsible for the billing and collection of taxes levied by other taxing jurisdictions such as the School District, however **City Council has no direct control over these levies.**

The General Municipal tax levy is the City's primary revenue source, which is used to pay for the services that it delivers to its citizens such as fire and police protection, street and parks maintenance, library, new road construction, etc.

The provision of water, sewer and airport services is funded by way of user rates. These costs are not included in the general municipal tax levy.

The Assessment System managed by B.C. Assessment and the Taxation System managed by the City of Kelowna are two separate systems, subject to different Acts of Legislature and meant for two different purposes.

Over the years, the taxation system has changed substantially and has been constantly reviewed and amended by the Province in an attempt to provide a more equitable and understandable method of sharing the taxation requirements within each municipality.

Prior to the present system, which provides the authority for Municipalities to set the tax class ratios, uneven market fluctuations between classes resulted in shifts in the taxation burden from one property class to another.

Tax Class ratios represent the relative tax amounts that each class will pay as a ratio of the residential tax class. For example, if the tax class ratio of the Business to Residential class is 2.50:1, this means that for each dollar of market value the Business Class tax rate will be two and one half times that of the Residential Class.

The ability to establish different tax rates for each class of property means that municipalities can avoid shifts of taxation between classes of property, unless there is a deliberate political decision to do otherwise.

The differential tax rate powers granted to municipalities are not, however, designed to prevent shifts of taxation between properties within a particular class.

Historical Council Policy - Tax Class Ratios

From 1984, when City Council was granted the authority to establish tax class ratios, to 1988, **there was very little market value movement** in the City. As a result, there was no need to adjust the tax class ratios to prevent shifts in the tax burden from one property class to another.

This changed slightly in 1989 and the City chose to modify the tax class ratios at that time to reflect the difference in market movement between the residential class and the business class.

In 1991 there was a more dramatic change in the market values of residential property which necessitated a more significant change in the tax class ratios to ensure that the residential class did not experience a greater percentage tax increase, on average, than other property classes that year.

The following is a historical recap of the tax class ratios which were established from 1991 through to 2017 based on market value shifts that occurred during that period (some years are omitted to condense the information):

Property Class	1985	1991	1997	2003	2009	2012	2013	2014	2015	2016	2017
Residential/ Supportive Housing	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Utilities	2.21	3.00	3.03	3.76	6.15	5.38	5.05	5.03	5.13	5.05	5.32
Major Industry	1.74	2.49	3.20	2.93	3.96	3.12	3.04	3.09	3.48	3.73	5.80
Light Industry/ Business	1.74	2.40	2.02	2.04	2.72	2.19	2.08	2.09	2.13	2.19	2.30

The 2017 Assessment Roll

The following is the 2017 split between market and non-market changes as provided by B.C. Assessment:

	(000's)			
	2016	**2017**	**Market**	**Non-Market**
Res/Rec/NP/SH	22,497,759.1	25,473,517.2	10.93%	2.30%
Utilities	27,301.8	32,809.9	5.25%	14.93%
Major Industrial	27,890.9	21,233.3	(28.63)%	4.76%
Light Ind/Bus/Other	4,296,023.5	4,637,964.3	5.94%	2.02%
Farm Land	21,373.8	21,303.5	1.18%	(1.51)%
Farm Improvements	280,940.3	318,415.4	10.72%	2.62%
Totals	27,151,289.4	30,505,243.6	10.08%	2.27%

The 2017 Assessment Roll includes a total of $616.4 million in non-market change values added and summarized as follows:

	(million's)
Residential/Rec/NP/SH	$517.2
Utilities	4.1
Major Industrial	1.3
Light Industrial/Business & Other	86.8
Farm Land/Farm Improvements	7.0
Total	$616.4

City of Kelowna

2017 TAX DISTRIBUTION POLICY

2017 Tax Distribution Policy

City of Kelowna

PURPOSE

To establish the methodology for "Tax Class Ratios" or distribution of taxation demand among property classes resulting in the 2017 tax rate

2017 Tax Distribution Policy

City of Kelowna

BACKGROUND

Provincial legislation empowers local governments to distribute property taxes among property classes

There are nine property classes within the City of Kelowna:

- Residential
- Utilities
- Supportive Housing
- Major Industrial
- Light Industrial
- Business/Other
- Rec/Non-Profit
- Farm Land
- Farm Improvements

2017 Tax Distribution Policy

City of Kelowna

TAX CLASS RATIO

A multiple of the tax rate in comparison to the residential rate (base rate)

Used to calculate the Municipal Tax Rate for each Property Class

2017 Tax Distribution Policy

City of Kelowna

FIXED SHARE TAX DISTRIBUTION

The "Fixed Share" method has been supported by Council since 1989

Compensates for market shifts between property classes

Provides an effective tax increase that is the same for all property classes

2017 Tax Distribution Policy

City of Kelowna

FIXED SHARE TAX DISTRIBUTION

STEP 1 - CALCULATE ASSESSMENT CHANGE			
Property Class	2016 Assessment Totals	2017 Assessment Totals	Assessment Percentage Change
Res/Rec/NP/SH	22,497.80	25,473.50	13.23%
Utilities	27.30	32.80	20.17%
Major Industrial	27.90	21.20	-23.87%
Light	4,296.00	4,638.00	7.96%
Farm Land	21.40	21.30	-0.33%
Farm Improvements	280.90	318.40	13.34%
	27,151.30	**30,505.20**	**12.35%**
	(In millions)		

2017 Tax Distribution Policy

City of Kelowna

FIXED SHARE TAX DISTRIBUTION

STEP 2 - IDENTIFY REASONS FOR CHANGE			
Property Class	Percentage Change	Non -Market Change	Market Change
Res/Rec/NP/SH	13.23%	2.30%	10.93%
Utilities	20.17%	14.93%	5.25%
Major Industrial Lgt	-23.87%	4.76%	-28.63%
Ind/Business/Other	7.96%	2.02%	5.94%
Farm Land	-0.33%	-1.51%	1.18%
Farm Improvements	13.34%	2.62%	10.72%
	12.35%	**2.27%**	**10.08%**

2017 Tax Distribution Policy

City of Kelowna

FIXED SHARE TAX DISTRIBUTION

Fixed Share method modifies the Tax Class Ratios to account for market change

The effective tax increase is equal among all property classes

STEP 3 - MODIFY THE TAX CLASS RATIOS				
Property Class	Market Change	2016 Tax Class Ratios	2017 Tax Class Ratios *(Modified)*	Effective Tax Increase
Res/Rec/NP/SH	10.93%	1.0000	1.0000	3.86%
Utilities	5.25%	5.0458	5.3182	3.86%
Major Industrial	-28.63%	3.7328	5.8019	3.86%
Lgt Ind/Business/Other	5.94%	2.1934	2.2967	3.86%
Farm Land	1.18%	0.1275	0.1357	1.30%
Farm Improvements	10.72%	0.4801	0.4810	3.86%

Provisional Budget Tax Increase = 3.86%

2017 Tax Distribution Policy

City of Kelowna

Comparison with 2016

Property Class	Market Change		2016 Tax Class Ratios	2017 Tax Class Ratios
Res/Rec/NP/SH	10.93%		1.0000	1.0000
Utilities	5.25%		5.0458	5.3182
Major Industrial	-28.63%		3.7328	5.8019
Lgt Ind/Business/Other	5.94%		2.1934	2.2967
Farm Land	1.18%		0.1275	0.1357
Farm Improvements	10.72%		0.4801	0.4810

Provisional Budget Tax Increase = 3.86%

All Taxing Authorities

City of Kelowna

2016 Tax Class Ratios

PROPERTY CLASS	MUNICIPAL	SCHOOL	BC ASSESSMENT	RDCO & HOSPITAL
Res/Rec/NP/SH	1.00	1.00	1.00	1.00
Utilities	5.05	7.31	9.20	3.50
Supportive Housing	1.00	0.05	0.00	1.00
Major Industrial	3.73	2.92	9.20	3.40
Light Industrial	2.19	2.92	2.90	3.40
Business/Other	2.19	2.92	2.90	2.45
Recreation/Non-	1.00	1.68	1.00	1.00
Farm Land	0.13	3.74	1.00	1.00

2016 RATIOS >75,000

City of Kelowna

Municipality	Business	Utilities	Major Ind.	Light Ind.
Coquitlam	4.46	14.30	10.31	4.53
Vancouver	4.23	19.78	21.71	4.23
Burnaby	4.21	16.48	22.34	4.21
North Vancouver	3.85	18.93	13.44	5.75
Saanich	3.45	8.27	2.45	2.45
Richmond	3.24	18.82	6.57	3.24
Delta	3.15	12.35	9.50	3.02
Victoria	3.05	8.61	3.05	3.05
Langley	3.00	8.86	2.88	2.78
Surrey	2.87	14.14	4.60	2.54
Maple Ridge	2.71	9.14	7.81	2.71
Kamloops	2.56	7.30	13.50	3.95
Nanaimo	2.54	8.34	2.54	2.54
Abbotsford	2.32	7.98	-	2.00
Kelowna	2.19	5.05	3.73	2.19
Prince George	2.10	5.25	5.71	3.38
Chilliwack	1.95	8.15	1.91	1.91
Average	*3.05*			

2017 Tax Distribution Policy

City of Kelowna

FIXED SHARE TAX DISTRIBUTION

Business Tax Class Ratio below cap of 3.00 :1

Business Tax Class Ratio remains below 2016 Provincial Average

Utility Tax Class Ratio below Provincial Cap of 2.5 times Business Tax Class Ratio

2017 Tax Distribution Policy

City of Kelowna

FIXED SHARE TAX DISTRIBUTION

Provides stability and predictability

Provides a basis for an equitable distribution of Municipal taxes between property classes

Property Class	Market Change		2017 Tax Class Ratios	Effective Tax Increase
Res/Rec/NP/SH	10.93%		1.0000	3.86%
Utilities	5.25%		5.3182	3.86%
Major Industrial	-28.63%		5.8019	3.86%
Lgt Ind/Business/Other	5.94%		2.2967	3.86%
Farm Land	1.18%		0.1357	1.30%
Farm Improvements	10.72%		0.4810	3.86%

2017 Tax Distribution Policy

City of Kelowna

QUESTIONS

Report to Council

Date: April 10, 2017

File: 1850-58

To: City Manager

From: Darryl Astofooroff, Public Works Manager

Subject: 2016/2017 Sidewalk Snow Clearing Pilot Program

Recommendation:

That Council receives, for information, the Report from the Public Works Manager dated April 10, 2017 with respect to sidewalk snow clearing 2016/2017 pilot program;

AND THAT Council consider an ongoing budget increase for in-kind sidewalk plowing as part of the 2018 Budget.

Purpose:

To provide Council with an update on the 2016/2017 pilot program in which additional equipment was leased to increase service levels and improve mobility on sidewalks during winter months.

Background:

On April 4, 2016 Council received a report from the Public Works Manager which provided Council with an overview of challenges in keeping sidewalks clear of snow and ice and presented cost options for increased service levels to improve mobility on sidewalks during winter months. Council endorsed a one-year pilot and further approved a one-time Operating request of $150,000 to lease three municipal tractors (sidewalk plows) to fund additional in-kind sidewalk clearing during extraordinary snow events.

This winter, the extra sidewalk plows enabled Roadways Operations to elevate service levels for snow removal on sidewalks on arterial roads and transit routes. Some of these sidewalks were the responsibility of the adjacent property owner and snow removal was provided as an in-kind service to encourage transit use, winter cycling and walking. Sidewalks, cycle tracks and multi-use corridors were cleared of snow in a timelier manner. The additional equipment allowed crews to maintain service levels during heavy storms and during down time for repairs or service. This equipment is also being utilized for spring sweeping of sidewalks and medians. Without these machines during both winter and spring, efficiency would be much lower.

Despite significant snow this winter, the increased service levels resulted in less complaints forwarded to Bylaw Services. Also, a noted decrease in service requests with keywords 'snow' and 'ice' were received this winter compared to 2014/15 which would represent a season with similar snowfall. (826 in 2016/17, over 1200 in 2014/15).

Internal Circulation:
Stephen Fleming – Acting Divisional Director, Corporate & Protective Services
Fred Wollin – Supervisor, Traffic Operations
Jodie Foster – Communications Manager
Greg Wise – Bylaw Services Manager
George King – Financial Planning Manager

Legal/Statutory Authority:
City of Kelowna Traffic Bylaw 8120

Existing Policy:
Council Policy 332 – Snow and Ice Control

Financial/Budgetary Considerations:
Staff will submit as part of the 2018 budget process an ongoing request to cover equipment costs for three additional municipal tractors.

Considerations not applicable to this report:
Legal/Statutory Procedural Requirements:
Personnel Implications:
External Agency/Public Comments:

Submitted by:

Darryl Astofooroff, Public Works Manager

Approved for inclusion: Joe Creron, Deputy City Manager, Operations

cc: Corinne Boback, Legislative Coordinator

Report to Council

Date: April 10, 2017

File: 0530-00

To: City Manager

From: Darryl Astofooroff, Public Works Manager

Subject: Review of Council Policies Related to Public Works

Recommendation:

THAT Council receive for information the April 10, 2017 report of the Public Works Manager, reviewing Council policies related to Public Works;

AND THAT Council Policy No. 07, Road Closure Gate – Field Road, be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 162, Traffic Control – School Zones be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 216, Traffic Control – Special Events be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 245, No Exemption – Garbage Collection Tax Levy be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 252, Culvert Supply and Installation – Ongoing Maintenance be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 321, Ditch Maintenance and Inspection be amended as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 331, Sidewalk and Walkway Maintenance and Inspection be amended as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 332, Snow and Ice Control be amended as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 358, Roadside Memorials be amended as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND FURTHER THAT Council Policy No. 373, Tourist Oriented Destination Signs be amended as outlined in the Report from the Public Works Manager dated April 10, 2017;

Purpose:

To review and update ten Council policies administered by the Public Works Branch.

Background:

As part of a City-wide review of Council policies, the Public Works Branch reviewed ten policies and staff recommend:

- That the following policies be rescinded for the reasons provided:

    - Policy No. 07, Road Closure Gate – Field Road
      This is a private gate and this policy is not required.

    - Policy No. 162, Traffic Control – School Zones
      School zone signs are covered within Traffic Bylaw 8120 and therefore Policy No. 162 is no longer needed.

    - Policy No. 216, Traffic Control – Special Events
      Traffic Control is a requirement of the approval process for special events and Policy No. 216 is no longer needed.

    - Policy No. 245, No Exemption – Garbage Collection Tax Levy
      Key components of garbage collection regulations are within Solid Waste Management Regulation Bylaw No. 10106 and therefore Policy No. 245 is no longer needed.

    - Policy No. 252, Culvert Supply and Installation – Ongoing Maintenance
      Key Policy statements are addressed in Policy 321 Ditch Maintenance and Inspection and therefore Policy No. 252 is no longer needed.

- That the following policies be re-formatted to fit the new City policy template. While some wording has been amended, no revisions have been made to key policy statements:

    - Policy No. 321, Ditch Maintenance and Inspection

    - Policy No. 331, Sidewalk and Walkway Maintenance and Inspection

    - Policy No. 332, Snow and Ice Control

    - Policy No. 358, Roadside Memorials

    - Policy No. 373, Tourist Oriented Destination Signs

Internal Circulation:
Stephen Fleming – Acting Divisional Director, Corporate & Protective Services
Jodie Foster – Community Communications Manager
Stephen Bryans - Roadway Operations Supervisor
Fred Wollin - Traffic Operations Supervisor
Chris Babcock - Event Development Supervisor

Scott Hoekstra - Solid Waste Supervisor
George King – Financial Planning Manager

Existing Policy:
Policy No. 07, Road Closure Gate – Field Road
Policy No. 162, Traffic Control – School Zones
Policy No. 216, Traffic Control – Special Events
Policy No. 245, No Exemption – Garbage Collection Tax Levy
Policy No. 252, Culvert Supply and Installation – Ongoing Maintenance
Policy No. 321, Ditch Maintenance and Inspection
Policy No. 331, Sidewalk and Walkway Maintenance and Inspection
Policy No. 332, Snow and Ice Control
Policy No. 358, Roadside Memorials
Policy No. 373, Tourist Oriented Destination Signs

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

D. Astofooroff, Public Works Manager

Approved for inclusion: Joe Creron, Deputy City Manager, Operations

cc: Corinne Boback, Legislative Coordinator

City of Kelowna
1435 Water Street
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Council Policy

Ditch Maintenance and Inspection

APPROVED November 1, 2004

Contact Department: Public Works

Guiding Principle

Purpose

To establish service levels for re-establishing ditches when they are filled in or obstructed by landowners.

Application

This policy applies to all ditches within city road right-of-way.

Policy Statements

1. The City will conduct and document annual ditch inspections.
2. Where a ditch has been filled in by the existing landowner, since the previous inspection, the City will instruct the landowner to remove the obstruction. If the landowner fails to remove the obstruction within the time allotted by the Public Works Manager or his designate, the City will reinstate the ditch at the property owner's expense.
3. Where the ditch has been filled in by the previous landowner, since the previous inspection, the City will remove the obstruction at the City's expense.

Amendments

RESOLUTION: R375/10/04/26

REPLACING: R1041/04/11/01

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Council Policy

Sidewalk and Walkway Maintenance and Inspection

APPROVED January 9, 2006

Contact Department: Public Works

Guiding Principle

To provide safe passage on city sidewalks and walkways.

Purpose

To establish service levels for the inspection and maintenance of sidewalks and walkways.

Application

This policy applies to all public sidewalks and walkways throughout the city and parks.

Policy Statements

- The City shall conduct annual Inspections of sidewalks and walkways.
- The City shall repair all hazards which meet the criteria in the table below within 6 months following the completion of the annual inspection program.

HAZARD TYPES:	DEFINITIONS:	CRITERIA FOR REPAIR:
1. Cracks or Separations	Crack in sidewalk panel with no deflection	More than 2.5 cm in width
2. Heave or Settlement	Any change in elevations whether it's at a crack or a joint	More than 2.5 cm in height/depth
3. Deflections	Where one or two panels have either heaved or settled with no change in elevation at the joint or crack	More than 5 cm change over 1.5 M
4.Filets	Any section within the sidewalk that is smaller than the neighbouring panels	More than 2.5 cm in height/depth
5. Scaling	Top layer of concrete is failing, leaving the appearance of exposed aggregate	More than 2.5 cm in depth
6. Obstacles	Items such as rebar sticking out of the concrete	More than 2.5 cm in projection/depression

- The City shall not be responsible for any repair/replacement or damage caused to boulevard improvements within road right-of-way while repairing sidewalks and walkways, with the exception of sod. The City is not responsible for damage within the road right-of-way to items such as, but not limited to, trees, shrubs, landscaping, landscaping materials, decorative rock, or irrigation systems.

Amendments

RESOLUTION: R375/10/04/26

REPLACING: R935/06/10/02; R031/06/01/09

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Council Policy

Snow and Ice Control

APPROVED January 9, 2006

Contact Department: Public Works

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.

This policy acts as a guideline for management and operating personnel in the handling of winter maintenance operations.

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.

Policy Statements

- The following definitions apply to snow and ice control activities:
  - Active Transportation Network: Sidewalks adjacent to City owned property, pathways, stairs and walkways
  - Bare Pavement: An asphalt surface with a layer of snow not exceeding two (2) cm in depth
  - Business Districts: Pandosy Town Center & Rutland Town Center
  - Downtown Core: 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 Roads (meets any of the following conditions):
    - All main routes with an average daily traffic volume greater than 15,000
    - All routes with a posted speed limit of 70 km/h or greater
    - Main route from a residential neighborhood
  - Priority 2 Roads (meets any of the following conditions):
    - All secondary routes with an average daily traffic volume greater than 5,000 but less than 15,000
    - 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
    - Bus route (school and transit)
    - School zone
    - Town Centre improvement district
    - Emergency vehicle station
  - Priority 3 Roads (meets any of the following conditions):
    - All remaining roads
    - Lanes which provide the only available access to a property with no available on-street parking
  - Priority 4 Roads
    - All remaining lanes
- Winter maintenance programs will include the following:
  - 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:
    - Street signalized intersections
    - Stop signs
    - Railroad crossings

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    - Street crosswalks
    - Curves
    - Hills
    - School zones
    - Bus stops
    - Straight sections (intermittent sanding)
  - 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.
  - Anti-Icing: Anti-Icing materials may be used to prevent the bond of snow and ice to the asphalt.
  - Roadway Plowing: Snow will be plowed from all arterial, collector and local roadways following the end of a storm to achieve bare pavement.
  - 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.
  - Active Transportation Network: Snow will be plowed within 24 hours of the end of a storm and meet the requirements of Traffic Bylaw #8120. Gravel pathways will not be cleared.
  - 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 #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 #8120.
  - On-street bicycle lanes and road shoulders/boulevards: Snow will not be cleared and may be used for snow storage.
  - 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.
  - Snow Storage Site Management: Snow removed from road right-of-way and parking lots must be hauled to designated snow storage sites.
  - 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.
  - Salt Management: Road salt usage will be reported to Environment Canada annually.

- 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:
  - temperatures before, during and after a storm,
  - duration of the storm,
  - amount of accumulated snow
  - road surface temperature, and
  - weather forecast.

- A 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:
  - Priority 1 Roads: Plowed and sanded or salted within 8 hours of the end of a storm.
  - Priority 2 Roads: Plowed and sanded or salted within 12 hours of the end of a storm.
  - Priority 3 Roads: Plowed and sanded or salted within 48 hours of the end of a storm.
  - Priority 4 Roads: Plowed and sanded or salted during regular working hours.

- 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.
- All media inquiries are to be responded to by the Public Works Manager or his/her designate.

Amendments

RESOLUTION: R944/12/10/22

REPLACING: R375/10/04/26; R955/08/10/27; R936/06/10/02; R031/06/01/09

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Council Policy

Roadside Memorials

APPROVED February 28, 2011

Contact Department: Public Works

Guiding Principle

Demonstrate compassion while ensuring public safety.

Purpose

To provide direction to the public and City staff regarding privately placed roadside memorials within a road right-of-way.

Application

This policy applies to all roadside memorials installed within the City of Kelowna.

Policy Statements

1. Roadside memorials must not:
    - Present a hazard to those using or maintaining the roadway or sidewalk;
    - Encroach onto the paved portion of the roadway or sidewalk;
    - Cause intersection sightline obstructions or cause a significant distraction to motorists.

2. The authority to remove the memorial resides with the Public Works Manager, who may also require removal of the memorial for maintenance, construction or safety purposes. In those circumstances, City Staff will attempt to notify the persons responsible for the memorial.

3. The roadside memorials must be maintained by family or friends of the deceased. If the roadside memorial becomes unsightly and not maintained it will be removed and disposed at the sole discretion of the Public Works Manager.

Amendments

RESOLUTION: R205/11/02/28
REPLACING: NA

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Council Policy

Tourist Oriented Destination Signs

Contact Department: Public Works

Guiding Principle

To foster tourism within the community while ensuring the safety of the travelling public.

Purpose

To minimize sign proliferation on City roadways and avoid driver confusion by:

- Providing clear and consistent Tourist Oriented Destination Signs (TODS) to assist visitors and residents with getting to major attractions within the city.
- Ensuring clear way-finding for tourists in order to optimize business success and to present tourists with clear and consistent directional signage;
- Setting eligibility criteria for tourist attraction operators;
- Formalizing the application process;
- Recovering sign manufacturing, installation, maintenance and administration costs; and
- Integrating with the current provincial signage program

This policy is intended to be consistent with the British Columbia Ministry of Transportation and Infrastructure's Service and Attraction Sign Manual and the Transportation Association of Canada's Manual of Uniform Traffic Control Devices. The current volume of signs at some locations is too high to be effective. The intent is to modify these installations for clarity and consistency with best practices.

Application

For an operation to be eligible for a Tourist Oriented Destination sign, it must meet the following basic criteria:

- Comply with all Federal, Provincial and Municipal regulations.
- Maintain a valid Business License.
- If the attraction is located just outside the Kelowna city limits, but primary access is through Kelowna, consideration may be given to signs within Kelowna city limits.
- Be open to the general public and serve tourists.
- Be accessible by public roads.
- Be a registered stakeholder with Tourism Kelowna and advertise its location, season, hours of operation and contact information in tourism publications.
- Be open at least five days per week for a minimum of 12 consecutive weeks per year. Shorter term openings will only be considered if the attraction is a significant traffic generator and at the discretion of the program administrator.
- Must have regular stated hours of operation, including months of operation.
- Facilities must have appropriate signage on their own property so that they are easily identifiable from the fronting roadway.
- Any eligible facility can only be classified and signed as a single type of attraction. It is possible that not all eligible facilities will be granted signs.

Tourist Oriented Facilities which are eligible for TODS:

Bed & Breakfast

- Bed & Breakfasts are a type of smaller lodging establishment that are signed using a distinctive symbol and meet the following criteria:
- Provide, at a minimum, 3 units for overnight accommodation
- Lockable door for each unit
- Provide at least one meal for guests, typically breakfast

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- Provide at least one dedicated bathroom for guests

Wineries/Breweries/Distilleries

- Registered with BC Wine Institute
- Participant of Kelowna 'Wine Trails' program
- Must produce the product on site
- Must offer tours/tasting on site

Heritage Sites

- Heritage sites include significant heritage sites, typically registered with Heritage BC
- Heritage Site Types:
    - First Nations Heritage Sites
    - Historic/Heritage Villages or Buildings
    - Historic Train Tours
    - Interpretive Centres
    - Museums
    - Provincial Historic Sites

Cultural Attractions

- Cultural Attractions include attractions that express traditions, aesthetics, values and customs passed along from generation to generation
- Cultural Attraction Types:
    - Artisan Demonstration Studio
    - Building of Unusual Construction
    - Live Performing Arts Theatre
    - Outdoor Live Performing Arts Theatre
    - Public Art Gallery

Entertainment Attractions

- Attractions with the main purpose of providing an experience for tourists. These should involve amusement, excitement, fun and/or entertainment. This includes, but is not limited to:
    - Aerial Tramway
    - Casinos
    - Horse Racing
    - Racetracks/Raceways/Speedways
    - Suspension Foot Bridge
    - Theme (Amusement) Park
    - Zip-lining

Natural Attractions

- Natural Attractions are significant geographical, biological, or geological features in the environment, which may include a scenic destination with a combination of natural and man-made features. Destinations must be supported by infrastructure for travelling public (signage, access to public road, adequate parking)
- Natural Attraction Types:
    - Botanical or Display Garden
    - Forest, Wood, or Tree Related
    - Natural Hot or Mineral Spring
    - Significant Public Beach

Educational Attractions

- May be a natural or human-made attraction, whose main purpose is to educate from a social, business/industrial, cultural, scientific, and/or historical perspective, with the intent of providing visitors with the opportunity to acquire knowledge, skills or abilities. Educational attractions must be supported by infrastructure for travelling public (signage, access to road, adequate parking)
- Educational Attraction Types:
    - Fish Hatcheries
    - Hydroelectric Dam Tours

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- Industrial Tours
- Mine Tours
- Regional Zoo
- Colleges and Universities

Agri-Business Attractions

- Agri-Business is an enterprise that combines the natural setting and agricultural products with a tourism experience. This includes a wide spectrum of products and services.
- Agri-Business Types:
  - Cidery
  - Dairy Products
  - Plant Tours
  - Equestrian Centre
  - Farm Tours
  - Fish Farm (Commercial) Tours
  - Honey/Mead Producer

Facilities which are not eligible for TODS:

- General commercial enterprises (including malls, plazas and shops)
- Restaurants, pubs, bars and, nightclubs
- Attractions located within urban centres
- Fruit/vegetable stands
- Cemeteries
- Antique Shops
- Cinemas/Theatres
- Bowling Alleys
- Driving Ranges
- Mini Golf Courses
- Souvenir/Gift Shops
- Public or private Primary, Elementary, Middle and High Schools
- Religious Facilities such as churches and mosques
- Essential Services such as gas, food, hotel/motel lodging
- U-pick operations
- Neighbourhood park facilities
- Subdivisions, neighbourhoods and real estate developments
- Facilities whose primary visitors are invited guests
- Locations already covered by existing way-finding sign programs

Policy Statements

- All signs for tourist attractions on City of Kelowna roadways must be installed under the City of Kelowna TODS program.
- The message conveyed on TOD signs should be consistent with national standards so that they are easily recognized and interpreted.
- Should not be so prolific as to detract from other traffic control devices.
- The TODS system is designed to direct road users, destined for tourist facilities, from provincial highways to local businesses.
- The signs are intended for traffic direction and not for advertising.
- Home-made or unapproved signs are not permitted.

Procedure:

An application for Tourism Oriented Destination Signs on City of Kelowna roadways can be made through the City of Kelowna, Traffic Operations department, located at the City Works Yard or on-line at www.kelowna.ca

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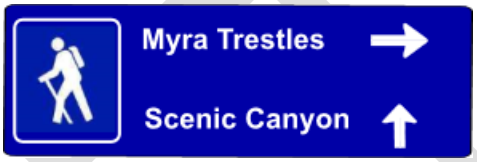
Sign Types and Design:

- Mainline signs - Signs located along provincial highways advising of the direction of local attractions or services (Ministry of Transportation guidelines).
- Trailblazing signs - Signs located along City of Kelowna roadways, guiding tourists from provincial highways, to the attraction.
- Confirmatory Signs - Signs located either after a turn or mid-block to confirm to drivers that they are on the correct route.
- Personalized Signs – Standard trailblazing sign showing attraction/facility name

All sign graphics will be consistent with service and attraction signs specified by the BC Ministry of Transportation and Infrastructure. Signs will be made of retro-reflective sheeting material, with white legend and symbol on a blue background and will show the same colour and shape by night or day. At minimum, signs will contain a symbol and a directional arrow.

With the exception of wineries and golf courses, symbol signs only will be permitted on arterial and major collector roadways - no specific names of attractions on those roads. A personalized sign may be used where a turn off of the arterial or major collector road is required.



Example: Personalized signs will contain the standard symbols along with the destination name, directional arrow and possibly the distance. Logos will not be permitted. Personalized signs will be kept to a minimum and will only be permitted once the route to a single attraction splits from the main route and/or travel onto a minor road is required.

Sign Size:

- Single signs on arterial and major collector classes of roads will be a maximum size of 30cm high x 120cm wide. Where signs will be grouped with other attraction signs on a single panel, there will be a maximum of four attractions per panel.
- Stand-alone signs, for a single attraction, placed along minor collector or local classed roadways will be a maximum size of 30cm high x 90 cm wide. Signs will be grouped with other attraction signs on a single panel. There will be a maximum of four attractions per panel.

Sign Location:

Where space permits, facilities will be signed along one route, which will lead motoring tourists to their destination in a reasonably direct manner. Signs will be limited to locations where a change in direction to the destination is required. Generally, signs for a single facility will not be permitted on multiple routes. Routes will be determined by the Public Works Manager or their designate, in consultation with the business owner/operator.

Tourism signs must not interfere or detract from other traffic control devices or signs. Priority will always be given to traffic signals, regulatory, warning and other signs used for traffic control by the City.

The number of attraction signs approaching an intersection will be limited to a single panel of up to four attractions. A second panel can be considered if it can be located at least 50m away from the first panel. Signs will be mounted on existing infrastructure, wherever possible.

Multiple similar attractions, where signed along a common route, will utilize a single sign until a change in routing is required. For example, multiple golf courses could be directed down an arterial road, from the highway, until the route splits in order to access the different golf courses.

Any variation will be at the discretion of the Public Works Manager or their designate.

Any existing unauthorized signs will be removed by the City of Kelowna and will not be returned to the owner.

Businesses that meet guidelines and wish to participate in the City of Kelowna's TODS Program, once it is at capacity, will be placed on a waiting list until a space becomes available.

Sign Maintenance:

The City of Kelowna will maintain an inventory of signs. The City of Kelowna does not inspect tourism signs on a regular basis. Missing or damaged signs will need to be identified by the sign beneficiary. The City will replace signs where necessary. Repair/replacement costs will be as per the fee schedule.

Fees:

All Fees are identified in Bylaw No. 8120 – City of Kelowna Traffic Bylaw

<u>Amendments</u>

R835/14/11/10

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

Council Policy

Culvert Supply and Installation – Ongoing Maintenance

APPROVED June 22, 1998

RESOLUTION: R375/10/04/26
REPLACING: R1000/00/12/18; R492/98/06/22
DATE OF LAST REVIEW: April 2010

A. CULVERTS FOR EXISTING DITCHES

The property owner is responsible for the supply and installation of culverts adjacent to roads for the purpose of providing access to private property, as required by the Building Permit. Once installed, the culvert will become part of the City's drainage network. All costs relating to the ongoing maintenance or replacement at a later date would be at City's expense. The culvert will be the size and type prescribed by the Roadways Operations Supervisor and installed as per City Standards. If the property owner chooses, the culvert may be supplied and installed by City forces at the property owners expense. The Roadways Operations Supervisor will provide the property owner with an estimate to perform the work. If the property owner chooses to use City forces, the money must be collected in advance of doing the work.

B. CULVERTS FOR RE-ESTABLISHED DITCHES

Where the City deems it necessary to re-establish a ditch adjacent to roads, which has been filled in over past years by persons other than the City, the property owner will be responsible for the supply and installation of a culvert for the purpose of providing access to private property. Once installed, the culvert will become part of the City's drainage network. All costs relating to the ongoing maintenance or replacement at a later date would be at City's expense. The culvert will be the size and type prescribed by the Roadways Operations Supervisor and installed as per City Standards. If the property owner chooses, the culvert may be supplied and installed by City forces at the property owners expense. The Roadways Operations Supervisor will provide the property owner with an estimate to perform the work. If the property owner chooses to use City forces, the money must be collected in advance of doing the work.

If there is a dispute as to whether a ditch ever existed, it will be determined that one did exist if 50 percent or more of the existing driveways along the street in question have culverts.

C. CULVERTS FOR NEWLY ESTABLISHED DITCHES

Where the City deems it necessary to install a new ditch, the City will be responsible for the supply, installation and maintenance of culverts adjacent to roads for the purpose of providing access to private property where there are existing driveways. The culvert will be the size and type prescribed by the Roadways Operations Supervisor and installed as per City Standards.

Any crossing requests received by the City after the ditch has been established will be dealt with as described in Section 1.

If there is a dispute as to if a ditch ever existed, it will be determined one did exist if 50 percent or more of the existing driveways along the street in question have culverts.

D. ADDITIONAL CROSSINGS

Each property will be entitled to one access which conforms to existing City Standards. Upon request, where there is not enough room for off-street parking between the travelled portion of the right-of-way and the ditch, a six metre extension may be approved by the Roads & Equipment Superintendent. The cost of this additional culvert is to be borne by the property owner and could be installed by City forces if the property owner chooses.

Additional driveway accesses may be approved, by the Roads & Equipment Superintendent, for commercial property larger than one acre. The cost of this additional culvert is to be borne by the property owner and could be installed by City forces, at the property owner's expense, if the property owner chooses.

Once installed, the culvert will become part of the City's drainage network. All costs relating to the ongoing maintenance or replacement at a later date would be at City's expense. The culvert will be the size and type prescribed by the Roads & Equipment Superintendent and installed as per City Standards.

REASON FOR POLICY

In the past, property owners were always responsible for the supply, installation and maintenance of a culvert for their driveway access across an open ditch. There was never an official policy in place; this formalizes the new policy.

LEGISLATIVE AUTHORITY

Sec. 542, Local Government Act, Subdivision, Development & Servicing Bylaw No. 7900

PROCEDURE FOR IMPLEMENTATION

The Civic Operations Department will inform applicants for Building Permits of the policy if their driveway access requires a culvert and will refer them to the Roads & Equipment Superintendent. All other requests will be referred to City Yards. The Roadways Operations Supervisor will work with the property owner, as required by the policy.

City of Kelowna
1435 Water Street
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kelowna.ca

Council Policy

Ditch Maintenance and Inspection

APPROVED November 1, 2004

RESOLUTION: R375/10/04/26
REPLACING: R1041/04/11/01
DATE OF LAST REVIEW: April 2010

It is recognized the City has a duty of care in maintaining ditches which make up part of its drainage network.

A. ANNUAL INSPECTIONS

- The City's Roadway Operations Department will be responsible for conducting annual ditch inspections. Annual inspections will be documented.

B. DITCH CLEANING

- Areas found in need of repair or cleaning will be scheduled on a priority basis and work will be performed within the resources available.

C. RE-ESTABLISHING DITCHES

- Where a ditch has been filled in by the existing landowner, since the previous inspection, the City will instruct the landowner to remove the obstruction. If the landowner fails to remove the obstruction within the time allotted by the Roadways Superintendent, a resolution imposing a remedial action will be drafted for Council approval and will be carried out at the property owners expense.
- Where the ditch has been filled in by the previous landowner, since the previous inspection, the City will remove the obstruction at the City's expense, within resource limitations.
- Where the ditch has been filled in by the existing or previous landowner before the implementation of this Policy and there is a demonstrated history of flooding as a result of the obstruction, the City will remove the obstruction, at the City's expense, within resource limitations.
- Where the ditch has been filled in by the existing or previous landowner before the implementation of this Policy, the City will only remove the obstruction if the City believes the obstruction will cause flooding damage to property other than the property who filled in the ditch. The obstruction will be removed at the City's expense, on a priority basis and within resource limitations.
- In cases where the filled in ditch has been landscaped, the City will give notice to the landowner of its intent to remove the obstruction and provide an opportunity for the owner to remove any landscaping that would have to be removed in any event as part of the construction process. Where a landowner neglects or refuses to remove any landscaping or other items within the road right of way, the City will proceed to remove the items.

REASON FOR POLICY

To provide maintenance staff direction on dealing with filled in ditches.

LEGISLATIVE AUTHORITY

Sanitary Sewer/Storm Drain Bylaw

PROCEDURE FOR IMPLEMENTATION

Annual inspection program and service requests.

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

Council Policy

No Exemption Policy – Garbage Collection Tax Levy

APPROVED April 29, 1996

RESOLUTION: R375/10/04/26
REPLACING: R1039/08/11/24; R345/96/04/29
DATE OF LAST REVIEW: April 2010

Under City of Kelowna Solid Waste Management Bylaw No. 10106, every owner of a residential dwelling premise within the garbage collection area shall use the garbage collection system established by the City pursuant to this bylaw and shall pay the rates and fees set out in the Bylaw, except those who have been granted a waiver of service by the City Council.

To date, requests for exemptions have been limited in number but several common themes have emerged as to why a resident does not wish to receive or pay for garbage collection service. Reasons which are not considered adequate for exemption from the mandatory garbage collection service are listed below and are subject to revision by the Kelowna City Council.

A. REASONS FOR WHICH THE CITY COUNCIL WILL NOT GRANT A WAIVER OF SERVICE

1. **Household generates little or "no garbage".**

   It is definitely possible to reduce your waste through smart shopping, composting, and recycling. However, given our modern lifestyles, it seems there is always something to throw out that cannot be re-used, such as toothpaste tubes, broken dishware, and expired light bulbs. Some items cannot be recycled locally but are part of the unavoidable packaging we buy with everyday products, such as peanut butter jars, plastic film wrap, and waxed milk cartons. These items need a proper method of disposal, which means they must somehow get to a local landfill. Without a mandatory service, the City has no way of verifying that this will happen.

   Residents must also realize that most of the collection service costs are incurred by driving the garbage collection route, not by stopping at a specific house to pick up a varying number of garbage containers. Furthermore, one must be aware of the social, legal and environmental benefits of the service such as tidier streets, less traffic, increased responsibility in the management of household garbage, and achievement of waste reduction goals. These benefits outweigh concerns about variations in the level of use.

2. **Residents are way from home for extended periods of time because of job requirements, vacation, and alternate winter residence.**

   This service is similar to others such as sewer, library, and water which have fixed operating costs all year round. Most of the collection service costs are incurred by driving the garbage collection route, not by stopping at a specific house to pick up a varying number of garbage containers. Social, legal and environmental benefits of the service such as tidier streets, less traffic, increased responsibility in the management of household garbage, and achievement of waste reduction goals outweigh concerns about variations in the level of use. Furthermore, occupancy of a dwelling cannot be monitored to ensure abuse of an exemption is not taking place.

3. **Property is a recreational home and is only occupied during the summer.**

   This service is similar to others such as sewer, library, and water which have fixed operating costs all year round. Most of the collection service costs are incurred by driving the garbage collection route, not by stopping at a specific house to pick up a varying number of garbage containers. Social, legal and environmental benefits of the service such as tidier streets, less traffic, increased responsibility in the management of household garbage, and achievement of waste reduction goals outweigh concerns about variations in the level of use. Furthermore, occupancy of a dwelling cannot be monitored to ensure abuse of an exemption is not taking place.

A. REASONS FOR WHICH THE CITY COUNCIL WILL NOT GRANT A WAIVER OF SERVICE (CON'T)

4. **Resident prefers to pay private hauler and have a more flexible service.**

Since the City's contractor will be driving past this home anyway, there is no need to increase truck traffic in a residential neighbourhood. The costs of the program can only be minimized and stabilized if everyone contributes. Private haulers are not necessarily working towards waste reduction goals and therefore, have no interest in limiting or monitoring quantities of waste picked up. This will not be an affordable option due to market conditions resulting from a majority of households being on a separate collection contract.

5. **Property is not easily accessible and owner does not want to bring garbage to a common area for collection.**

Property owners must accept the consequences of choosing a particular location for their home and are solely responsible for making their property accessible. It is also nearly impossible to administer an exemption based on this reason and to verify that the objectives of the garbage collection program are being met. It will reduce vehicle traffic and air pollution even if residents drive their garbage to a public roadway instead of the entire distance to the landfill.

6. **Resident prefers to go to the landfill directly.**

Taking garbage directly to a local landfill is allowable, but a tipping fee is paid at the site. At local landfills, the charge for residential waste is currently $6.00 for loads up to 250 kg. This provides a monetary incentive to reduce garbage but does not meet other objectives of the garbage collection program, such as reducing vehicle traffic associated with garbage disposal and providing a strong correlation between the cost of garbage disposal and the amount of waste being disposed. At $87.40 per annum, (for 26 collections), a weekly collection service is less expensive than 15 trips to the landfill, without even factoring in private vehicle operating costs and the value of the driver's time. As well, there is no way of verifying that garbage not collected as part of the regular service is actually going to the landfill and not being disposed of illegally at a different location.

7. **Resident prefers to take garbage to the dumpster at work.**

Taking garbage to a commercial bin is unacceptable for many reasons. Most significantly, this method of disposal subverts the Regional District's ability to monitor and discourage the creation of garbage in favour of the goals of the Regional Solid Waste Management Plan. There is no direct cost incentive to reduce waste going into a commercial bin, unless you happen to be the owner or renter of that bin. Many business owners and hauling companies have resorted to locking up their bins in order to avoid paying for extra garbage placed there by residents who are not using the traditional residential garbage collection programs. Since the City cannot possibly enforce or verify the legitimacy of residential waste in commercial bins, this means of garbage disposal cannot be considered as a reason for exemption.

8. **Resident is on a fixed or low income.**

Garbage collection service is not different from other mandatory municipal services. At $87.40 per annum for a basic level of service, this service is one of the lowest priced services for garbage collection in North America. Furthermore, regardless of income, waste is still being generated and must get to a local landfill. In some cases, the new service is significantly cheaper than previous options, such as a private hauling service or direct trips to the landfill.

9. **Resident has a physical inability to get garbage to the curb.**

In most cases, the garbage leaves the house by the same manner in which it got inside - through the help of neighbours, friends, or relatives. Higher levels of service and special consideration is available for extreme cases but to-date the demand for this has been limited.

10. **Resident burning waste on property.**

Burning is not an acceptable long-term solution for managing waste. Smoke from open burning has become a significant environmental problem in British Columbia, threatening health and reducing visibility. Under the Provincial Open Burning Smoke Control Regulation, domestic waste is a prohibited material for burning, even if a permit from the Ministry of Forests or the Fire Department has been granted.

A. REASONS FOR WHICH THE CITY COUNCIL WILL NOT GRANT A WAIVER OF SERVICE (CON'T)

11. **Resident is burying waste on property.**

All waste must be disposed of in a manner approved by the Ministry of Environment, Land and Parks. In the Central Okanagan, wastes are only permitted to be buried in an approved landfill.

REVISION OF THIS POLICY IS SUBJECT TO CONSIDERATION BY THE KELOWNA CITY COUNCIL.

REASON FOR POLICY

To provide equitable service levels to each household.

LEGISLATIVE AUTHORITY

Council Resolution.

PROCEDURE FOR IMPLEMENTATION

Applications for waivers where the applicant can demonstrate special circumstances that warrant consideration will be brought by the Community Services Division to Council semi-annually for approval.

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

Council Policy

Road Closure Gate – Field Road

APPROVED June 17, 1986

RESOLUTION: R375/10/04/26
REPLACING: R871/98/11/02; R835/1986/06/17
DATE OF LAST REVIEW: April 2010

THAT the gate on Field Road be closed except when permission to open the gate has been granted by the Transportation Services Manager.

REASON FOR POLICY

For all terrain vehicle control in the Field Road area.

LEGISLATIVE AUTHORITY

Council Resolution.

PROCEDURE FOR IMPLEMENTATION

Requests to open the gate are handled by the Transportation Services Manager.

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

Council Policy

Roadside Memorials

APPROVED February 28, 2011

RESOLUTION: R205/11/02/28
REPLACING: NA
DATE OF LAST REVIEW: February 2011

A. PURPOSE

The City of Kelowna recognizes that roadside memorials are frequently installed by friends and family of persons who have been the victim of a motor vehicle fatality. In some instances the memorial is erected at a location where a crime has been committed and an individual has died. Out of respect for grieving family and friends and in some instances the community, the City of Kelowna will allow the placement of roadside memorials within the road right-of-way at, or near the site.

B. RESTRICTIONS

Roadside memorials must not:

a) present a hazard to those using or maintaining the roadway or sidewalk;

b) encroach onto the paved portion of the roadway or sidewalk,

c) cause intersection sightline obstructions or cause a significant distraction to motorists.

C. REMOVAL OF ROADSIDE MEMORIALS

The authority to remove the memorial resides with the Manager, Transportation Services, who may also require removal of the memorial for maintenance, construction or safety purposes. In those circumstances, City Staff will attempt to notify the persons responsible for the memorial.

The roadside memorials must be maintained by family or friends of the deceased. If the roadside memorial becomes unsightly and not maintained it will be removed and disposed at the sole discretion of the Transportation Services Manager.

D. OTHER OPPORTUNITIES FOR FAMILIES TO CONSIDER

Grieving family and friends have the option to purchase one of the following as a more permanent memorial:

a) a tree planted in a nearby park or at Kelowna Memorial Park Cemetery;

b) a dedicated bench; or

c) for children, a plaque at the Brevity Memorial in Kelowna Memorial Park Cemetery.

For safety and/or maintenance reasons it is unlikely that the memorial tree or bench would be able to be placed immediately at the fatality site. In such cases, an alternate location will need to be selected.

REASON FOR POLICY

To provide direction to the public and City staff regarding privately placed roadside memorials within a road right-of-way.

LEGISLATIVE AUTHORITY

Council Resolution.

PROCEDURE FOR IMPLEMENTATION

Outlined in the policy.

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

Council Policy

Sidewalk and Walkway Maintenance and Inspection

APPROVED January 9, 2006

RESOLUTION: R375/10/04/26
REPLACING: R935/06/10/02; R031/06/01/09
DATE OF LAST REVIEW: April 2010

A. INTRODUCTION

The City of Kelowna has over 400 kilometers of public sidewalks and walkways throughout the City and Parks. Public sidewalks vary in age and condition. The City recognizes that some sidewalk/walkway conditions can create unreasonable hazards for pedestrians and other sidewalk/walkway users.

The City does not have unlimited employee or financial resources and cannot reasonably replace all sidewalk/walkways needing replacement or repair within the same year the sidewalk/walkway is identified as needing repair or replacement. Sidewalk/walkway repair and replacement can be costly. Comprehensive sidewalk/walkway surveys are expensive and require the use of limited City personnel and other resources.

Accordingly, the City and its Transportation Services shall exercise both reasonable discretion and professional judgment in determining if and when sidewalk/walkways need to be repaired or replaced. The City expects that its agents, employees, and officials will exercise reasonable discretion in identifying conditions requiring repair and replacement, in the scheduling of repair and replacement, and in establishing priorities for repair and replacement.

B. SIDEWALK/WALKWAY INSPECTION PROCEDURES

Inspections shall not take place until all the frost is out of the ground, snow has melted and spring sweep completed.

Inspections are to be completed following the sidewalk/walkway inventory sheets for each area.

Inspections will be carried out by a qualified person so as to maintain consistency in the way the inspections are recorded.

Hazards are to be recorded on the field survey form as per the following ratings;

HAZARD TYPES:	DEFENITIONS:	HAZARD RATINGS:
1. Cracks or Separations	Crack in sidewalk panel with no deflection	1. More than 2.5 cm in width 2. 1.25 cm to 2.5 cm in width 3. Less than 1.25 cm in width
2. Heave or Settlement	Any change in elevations whether it's at a crack or a joint	1. More than 2.5 cm in height/depth 2. 1.25 cm to 2.5 cm in height/depth 3. Less than 1.25 cm in height/depth
3. Deflections	Where one or two panels have either heaved or settled with no change in elevation @ the joint or crack	1. More than 5 cm change over 1.5 M 2. 2.5 cm to 5 cm change over 1.5 M 3. Less than 2.5 cm change over 1.5 M

B. SIDEWALK/WALKWAY INSPECTION PROCEDURES (CON'T)

HAZARD TYPES:	DEFENITIONS:	HAZARD RATINGS:
4.Filets	Any section within the sidewalk that is smaller than the neighbouring panels	1. More than 2.5 cm in height/depth 2. 1.25 cm to 2.5 cm in height/depth 3. Less than 1.25 cm in height/depth
5. Scaling	Top layer of concrete is failing, leaving the appearance of exposed aggregate	1. More than 2.5 cm in depth 2. 1.25 cm to 2.5 cm in depth 3. Less than 1.25 cm in depth
6. Obstacles	Items such as rebar sticking out of the concrete	1. More than 2.5 cm in projection/depression 2. 1.25 cm to 2.5 cm in projection/depression 3. Less than 1.25 cm in projection/depression

Upon completion of inspections in an area, the foreman will copy the field survey form and will attach the original to the inventory sheet.

C. SIDEWALK/WALKWAY REPLACEMENT AND REPAIR

The originals of the field survey forms for areas where inspections have been completed are to be given to the concrete crew by the foreman so that scheduled repairs to all hazard level one's can be completed within six months of the completion of all sidewalk/walkway inspections. All level one hazards will be ranked in order of severity, taking into consideration height of trip hazard and location, with the most severe being repaired first. Once the hazard level one's are completed, hazard level two's can be checked and monitored. Repairs can be done on these as resources permit.

HAZARD TYPES:	**HAZARD RATINGS:**	**REPAIR TYPES:**
1. Cracks or Separations	1. More than 2.5 cm in width 2. 1.25 cm to 2.5 cm in width 3. Less than 1.25 cm in width	1. Remove & Replace 2. Fill
2. Heave or Settlement	1. More than 2.5 cm in height/depth 2. 1.25 cm to 2.5 cm in height/depth 3. Less than 1.25 cm in height/depth	1. Remove & Replace 2. Grind 3. Fill
3. Deflections	1. More than 5 cm change over 1.5 M 2. 2.5 cm to 5 cm change over 1.5 M 3. Less than 2.5 cm change over 1.5 M	1. Remove & Replace 2. Grind Joint 3. Mud Jacking

4. Filets	1. More than 5 cm changes over 1.5 M 2. 1.25 cm to 5cm in height/depth 3. Less than 1.25 cm in height/dept	1. Remove & Replace 2. Grind 3. Fill
5. Scaling	1. More than 2.5 cm in depth 2. 1.25 cm to 2.5 cm in depth 3. Less than 1.25 cm in depth	1. Remove & Replace 2. Fill
6. Obstacles	1. More than 2.5 cm in projection/depression 2. 1.25 cm to 2.5 cm in projection/depression 3. Less than 1.25 cm in projection/depression	1. Remove & Replace 2. Grind 3. Fill

D. REPAIR OF DAMAGED PROPERTY

Sidewalk/walkway maintenance operations may cause property damage even under the best of circumstances and care on the part of maintenance crews. The major types of damage are to improvements in the road right-of-way. The City shall repair/replace sod damaged by sidewalk maintenance. Other damage within the public right-of-way is the responsibility of the property owner including, but not limited to, privately owned trees, shrubs, brushes, landscaping materials, decorative rock, and lawn/landscaping irrigation systems.

E. RECORD RETENTION

As the repairs are completed, the date of repair and who did the repair are to be entered on the field survey form in the appropriate column. The form is then to be turned in to the foreman and forwarded to the front office for filing. Records will be kept in accordance with Municipal Officers Association guidelines.

REASON FOR POLICY

To provide maintenance staff direction on dealing with trip hazards.

LEGISLATIVE AUTHORITY

Council Approval.

PROCEDURE FOR IMPLEMENTATION

Annual Inspection program and service requests.

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

Council Policy

Snow and Ice Control

APPROVED January 9, 2006

RESOLUTION: R944/12/10/22
REPLACING: R375/10/04/26; R955/08/10/27; R936/06/10/02; R031/06/01/09
DATE OF LAST REVIEW: October 2012

A. PURPOSE

The purpose of this policy is to set winter snow and ice control standards in order to provide a safe and reliable transportation network while protecting the environment, providing excellent customer/citizen service and managing risk. This Policy applies to 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. This Policy applies from November 1 to March 1. Storms outside this period will not be covered by this Policy and will be responded to as resources are available, given the City's resource limitations.

This Policy will also ensure that roadways are maintained in such a manner as to minimize economic loss to the community, prevent or reduce accident and injury and facilitate the handling of emergencies by the first responders and police services.

B. DEFINITIONS

Active Transportation Network: Sidewalks adjacent to City owned property, pathways, stairs and walkways

Bare Pavement: An asphalt surface with a layer of snow not exceeding two (2) cm in depth

Business Districts: Pandosy Town Center & Rutland Town Center

Downtown Core: 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 Roads (meets any of the following conditions):

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

Priority 2 Roads (meets any of the following conditions):

- All secondary routes with an average daily traffic volume greater than 5,000 but less than 15,000
- 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
- Bus route (school and transit)
- School zone
- Town Centre improvement district
- Emergency vehicle station

Priority 3 Roads (meets any of the following conditions):

- All remaining roads
- Lanes which provide the only available access to a property with no available on-street parking

Priority 4 Roads

- All remaining lanes

C. WINTER MAINTENANCE PROGRAMS

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.

- Street signalized intersections
- Stop signs
- Railroad crossings
- Street crosswalks
- Curves
- Hills
- School zones
- Bus stops
- Straight sections (intermittent sanding)

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.

Anti-Icing: Anti-Icing materials may be used to prevent the bond of snow and ice to the asphalt.

Roadway Plowing: Snow will be plowed from all arterial, collector and local roadways following the end of a storm to achieve bare pavement.

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.

Active Transportation Network: Snow will be plowed within 24 hours of the end of a storm and meet the requirements of Traffic Bylaw #8120. Gravel pathways will not be cleared.

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 #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 #8120.

On-street bicycle lanes and road shoulders/boulevards: Snow will not be cleared and may be used for snow storage.

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.

Snow Storage Site Management: Snow removed from road right-of-way and parking lots must be hauled to designated snow storage sites.

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.

Salt Management: Road salt usage will be reported to Environment Canada annually.

D. SERVICE LEVELS

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:

- temperatures before, during and after a storm,
- duration of the storm,
- amount of accumulated snow,
- road surface temperature, and
- weather forecast.

E. PRIORITY SYSTEM

For the purpose of ice control, snow plowing and snow removal operations, each street within the street network is assigned 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 1 Roads: Plowed and sanded or salted within 8 hours of the end of a storm.
- Priority 2 Roads: Plowed and sanded or salted within 12 hours of the end of a storm.
- Priority 3 Roads: Plowed and sanded or salted within 48 hours of the end of a storm.
- Priority 4 Roads: Plowed and sanded or salted during regular working hours.

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.

F. PUBLIC RELATIONS

All citizen 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.

All media inquiries are to be responded to by the Transportation Services Manager or his/her designate.

REASON FOR POLICY

A guideline for management and operating personnel in the handling of winter maintenance operations.

LEGISLATIVE AUTHORITY

Council Approval.

PROCEDURE FOR IMPLEMENTATION

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

APPROVED @

Council Policy

Tourist Oriented Destination Signs

Contact Department: Civic Operations – Traffic Operations

Policy Statement

Clear and consistent Tourist Oriented Destination Signs (TODS) assist visitors and residents with getting to major attractions within the city. Less roadside sign clutter decreases driver confusion, is easier to understand and maintain and does not compete with other important traffic control devices. This contributes to a safer road network.

Purpose

- To ensure clear way-finding for tourists in order to optimize business success and to present tourists with clear and consistent directional signage;
- Set eligibility criteria for tourist attraction operators;
- Formalize the application process to qualified tourist attraction operators;
- Minimize sign proliferation on City roadways, in order to maintain safety and to avoid driver confusion at all times;
- Recover sign manufacturing, installation, maintenance and administration costs; and
- integrate with the current provincial signage program

The following policy is intended to be consistent with the British Columbia Ministry of Transportation and Infrastructure's '2013 Service and Attraction Sign Manual' and the Transportation Association of Canada's 'Manual of Uniform Traffic Control Devices'. The current volume of signs at some locations is too high to be effective. The intent is to modify these installations for clarity and consistency with best practices.

Background

The City of Kelowna's practice has been to allow attraction signs on the city road network, if the business qualified for the signs under the Provincial Service and Attraction Sign Policy. In 2011, the province changed their policy, advising applicants that they would need to apply to the local road authority first, and if the signage is approved on the local road system, the Ministry of Transportation and Infrastructure (MoTI) would install the supporting signs on the provincial highway.

Tourist Oriented Destination Signs (TODS) are an integral part of our transportation system. The message conveyed on signs should be consistent with national standards so that they are easily recognized and interpreted. TODS benefit tourists and businesses but should not be so prolific as to detract from other traffic control devices. The TODS system is designed to direct road users, destined for tourist facilities, from provincial highways to local businesses. The signs are intended for traffic direction and not for advertising. All signs for tourist attractions on City of Kelowna roadways must be installed under the City of Kelowna TODS program. Home-made or unapproved signs are not permitted.

Procedure

Application

An application for Tourism Oriented Destination Signs on City of Kelowna roadways can be made through the City of Kelowna, Traffic Operations department, located at the City Works Yard or on-line at www.kelowna.ca

Facilities which are eligible for TODS

For an operation to be eligible for signs, it must meet the following basic criteria:

- Comply with all Federal, Provincial and Municipal regulations.
- Maintain a valid Business License.
- If the attraction is located just outside the Kelowna city limits, but primary access is through Kelowna, consideration may be given to signs within Kelowna city limits.
- Be open to the general public and serve tourists.
- Be accessible by public roads.
- Be a registered stakeholder with Tourism Kelowna and advertise its location, season, hours of operation and contact information in tourism publications.
- Be open at least five days per week for a minimum of 12 consecutive weeks per year. Shorter term openings will only be considered if the attraction is a significant traffic generator and at the discretion of the program administrator. Dates should be displayed on the signs e.g. *May to Sept.*
- Must have regular, stated hours of operation.
- Facilities must have appropriate signage on their own property so that they are easily identifiable from the fronting roadway.

Facilities which are not eligible for TODS:

- General commercial enterprises (including malls, plazas and shops)
- Restaurants, pubs, bars and, nightclubs
- Attractions located within urban centres
- Fruit/vegetable stands
- Cemeteries
- Antique Shops
- Cinemas/Theatres
- Bowling Alleys
- Driving Ranges
- Mini Golf Courses
- Souvenir/Gift Shops
- Public or private Primary, Elementary, Middle and High Schools
- Religious Facilities such as churches and mosques
- Essential Services such as gas, food, hotel/motel lodging
- U-pick operations
- Neighbourhood park facilities
- Subdivisions, neighbourhoods and real estate developments
- Facilities who's primary visitors are invited guests
- Locations already covered by existing way-finding sign programs

Eligible Facilities:

Any eligible facility can only be classified and signed as a single type of attraction. It is possible that not all eligible facilities will be granted signs.

Bed & Breakfast

Bed & Breakfasts are a type of smaller lodging establishment that are signed using a distinctive symbol and meet the following criteria:

- Provide, at a minimum, 3 units for overnight accommodation
- Lockable door for each unit
- Provide at least one meal for guests, typically breakfast
- Provide at least one dedicated bathroom for guests

Wineries/Breweries/Distilleries

- Registered with BC Wine Institute
- Participant of Kelowna 'Wine Trails' program
- Must produce the product on site
- Must offer tours/tasting on site

Heritage Sites

Heritage sites include significant heritage sites, typically registered with Heritage BC

Heritage Site Types:

- First Nations Heritage Sites
- Historic/Heritage Villages or Buildings
- Historic Train Tours
- Interpretive Centres
- Museums
- Provincial Historic Sites

Cultural Attractions

Cultural Attractions include attractions that express traditions, aesthetics, values and customs passed along from generation to generation

Cultural Attraction Types:

- Artisan Demonstration Studio
- Building of Unusual Construction
- Live Performing Arts Theatre
- Outdoor Live Performing Arts Theatre
- Public Art Gallery

Entertainment Attractions

Attractions with the main purpose of providing an experience for tourists. These should involve amusement, excitement, fun and/or entertainment. This includes, but is not limited to:

- Aerial Tramway
- Casinos
- Horse Racing
- Racetracks/Raceways/Speedways
- Suspension Foot Bridge
- Theme (Amusement) Park
- Zip-lining

Natural Attractions

Natural Attractions are significant geographical, biological, or geological features in the environment, which may include a scenic destination with a combination of natural and man-made features. Destinations must be supported by infrastructure for travelling public (signage, access to public road, adequate parking)

Natural Attraction Types:

- Botanical or Display Garden
- Forest, Wood, or Tree Related
- Natural Hot or Mineral Spring
- Significant Public Beach

Educational Attractions

May be a natural or human-made attraction, whose main purpose is to educate from a social, business/industrial, cultural, scientific, and/or historical perspective, with the intent of providing visitors with the opportunity to acquire knowledge, skills or abilities. Educational attractions must be supported by infrastructure for travelling public (signage, access to road, adequate parking)

Educational Attraction Types:

- Fish Hatcheries
- Hydroelectric Dam Tours
- Industrial Tours
- Mine Tours
- Regional Zoo
- Colleges and Universities

Agri-Business Attractions

Agri-Business is an enterprise that combines the natural setting and agricultural products with a tourism experience. This includes a wide spectrum of products and services.

Agri-Business Types:

- Cidery
- Dairy Products
- Plant Tours
- Equestrian Centre
- Farm Tours
- Fish Farm (Commercial) Tours
- Honey/Mead Producer

Sign Types and Design:

Mainline signs - Signs located along provincial highways advising of the direction of local attractions or services (Ministry of Transportation guidelines).

Trailblazing signs - Signs located along City of Kelowna roadways, guiding tourists from provincial highways, to the attraction.

Confirmatory Signs - Signs located either after a turn or mid-block to confirm to drivers that they are on the correct route.

Personalized Signs – Standard trailblazing sign showing attraction/facility name

All sign graphics will be consistent with service and attraction signs specified by the BC Ministry of Transportation and Infrastructure. Signs will be made of retro-reflective sheeting material, with white legend and symbol on a blue background and will show the same colour and shape by night or day. At minimum, signs will contain a symbol and a directional arrow.

With the exception of wineries and golf courses, symbol signs only will be permitted on arterial and major collector roadways - no specific names of attractions on those roads. A personalized sign may be used where a turn off of the arterial or major collector road is required.

Example:

Personalized signs will contain the standard symbols along with the destination name, directional arrow and possibly the distance. Logos will not be permitted. Personalized signs will be kept to a minimum and will only be permitted once the route to a single attraction splits from the main route and/or travel onto a minor road is required.

Sign Size:

- Single signs on **arterial and major collector** classes of roads will be a maximum size of 30cm high x 120cm wide. Where signs will be grouped with other attraction signs on a single panel, there will be a maximum of four attractions per panel.
- Stand-alone signs, for a single attraction, placed along **minor collector** or local classed roadways will be a maximum size of 30cm high x 90 cm wide. Signs will be grouped with other attraction signs on a single panel. There will be a maximum of four attractions per panel.

Sign Location:

Where space permits, facilities will be signed along one route, which will lead motoring tourists to their destination in a reasonably direct manner. Signs will be limited to locations where a change in direction to the destination is required. Generally, signs for a single facility will not be permitted on multiple routes. Routes will be determined by the Public Works Manager or their designate, in consultation with the business owner/operator.

Tourism signs must not interfere or detract from other traffic control devices or signs. Priority will always be given to traffic signals, regulatory, warning and other signs used for traffic control by the City.

The number of attraction signs approaching an intersection will be limited to a single panel of up to four attractions. A second panel can be considered if it can be located at least 50m away from the first panel. Signs will be mounted on existing infrastructure, wherever possible.

Multiple similar attractions, where signed along a common route, will utilize a single sign until a change in routing is required. For example, multiple golf courses could be directed down an arterial road, from the highway, until the route splits in order to access the different golf courses.

Any variation will be at the discretion of the Public Works Manager or their designate.

Any existing unauthorized signs will be removed by the City of Kelowna and will not be returned to the owner.

Businesses that meet guidelines and wish to participate in the City of Kelowna's TODS Program, once it is at capacity, will be placed on a waiting list until a space becomes available.

Sign Maintenance

The City of Kelowna will maintain an inventory of signs. The City of Kelowna does not inspect tourism signs on a regular basis. Missing or damaged signs will need to be identified by the sign beneficiary. The City will replace signs where necessary. Repair/replacement costs will be as per the fee schedule.

Fees

All Fees are identified in Bylaw No. 8120 – City of Kelowna Traffic Bylaw

Amendments

R835/14/11/10

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

Council Policy

Traffic Control – School Zones

APPROVED September 2, 1980

RESOLUTION: R375/10/04/26
REPLACING: R-1980/09/02
DATE OF LAST REVIEW: April 2010

THAT the following be adopted as policy related to traffic control through school zones in the City of Kelowna:

1. Only streets with frontage on school property will be considered for school zone signing.
2. "School Ahead" signs (WC-1) shall be erected for the portions of streets fronting all Secondary Schools.
3. "School Ahead" signs (WC-1) with 30 km/h tabs shall be erected for the portion of thru streets fronting all Primary and Elementary Schools.

   "School Ahead" signs shall be erected on the portions of minor streets flanking all Primary and Elementary Schools.

REASON FOR POLICY

To establish a policy related to school zone signage for traffic control through school zones in the City of Kelowna.

LEGISLATIVE AUTHORITY

Community Charter.

PROCEDURE FOR IMPLEMENTATION

Implementation is through the City's Transportation Services Branch.

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

Council Policy

Traffic Control – Special Events

APPROVED September 29, 1992

RESOLUTION: R914/12/05/07
REPLACING: R375/10/04/26; R1039/08/11/27; R1129/92/09/29
DATE OF LAST REVIEW: May 2012

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1. THAT the Municipal Council adopt a Policy of Traffic Control for special events subject to the following terms and conditions:
2. The City will not supply City Traffic Officers for traffic control at special events, except where the City deems it necessary for public safety.
3. Organizers of special events are required to provide at their cost, detailed Traffic Management Plans showing all traffic control devices and locations, as well as traffic control persons and locations. This plan is subject to City approval and is the responsibility of the event organizer to implement as approved by the City. The plan, once approved, is owned by the event organizer.
4. Individuals providing traffic control (Traffic Control Person or TCP) at special events must be a minimum 18 years of age, and must be a certified flagger.
5. On road course marshals that are NOT involved with traffic control must be a minimum of 16 years of age. The role of the course marshal is to man barricades, reinforce crosswalks and provide route information to pedestrians/participants, however, they cannot stop vehicle or redirect vehicular traffic. All marshals must wear retroreflective vests at all times.
6. All TCP's are required to wear a retroreflective vest, poncho or jacket, Anklets and bracelets in accordance with Work Safe BC standards. All required safety clothing must be supplied by the organizers of such an event.
7. Traffic direction within a signalized intersection is only permitted to be done by a Peace Officer appointed under the provision of the Motor Vehicle Act. No other person is permitted to direct traffic in a signalized intersection. All other stopping of traffic, re-routing of traffic and street closures may be done by certified traffic control persons.
8. All Traffic Control devices such as barricades and cones must meet all requirement as laid out in the BC Ministry of Transportation Traffic Control Manual for Work on Roadways, and all barricades associated with any road closures must be manned at all times.
9. All special events requiring Temporary Traffic Control will be entered as a Road Usage Permit at no cost to the permittee.

REASON FOR POLICY

To require organizers of special events to provide their own traffic control, except where the City deems it necessary for public safety, and to ensure that sufficient traffic control methods are arranged for each special event.

LEGISLATIVE AUTHORITY

Council Resolution.

PROCEDURE FOR IMPLEMENTATION

As outlined in policy.

Report to Council

Date: April 10, 2017

File: 1845-04

To: City Manager

From: Utilities Planning Manager

Subject: Strategic Biosolids Review Status and Communications Plan

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Recommendation:

THAT Council receives, for information, the report from the Utilities Planning Manager dated April 10, 2017, with respect to the Strategic Biosolids Review Status and Communications Plan.

Purpose:

To inform Council of the status of the Strategic Biosolids Study currently underway and to review the public engagement process proposed to commence in the coming weeks.

Background:

The cities of Kelowna and Vernon are evaluating options for the economical and environmentally responsible long-term management of wastewater solids. As populations in and around both centres continue to grow, the cities are seeking to identify sustainable ways to manage an increasing supply of wastewater solids.

An important consideration for the planning process are the issues experienced at the Regional Biosolids Composting Facility (RBCF) with:

- odour;
- supply of wood amendment;
- available market for the sale of composted materials;
- processing capacity at the current mix ratios, and;
- constraints for growth or changes to the existing site.

Opus International Consultants (Opus) has been retained as the primary consultant for a strategic review of all available options to process and manage biosolids in order to:

- ensure that any future investments are feasible;
- can be operated efficiently;
- are cost effective, and;
- can mitigate any potential risks and have a sound business case.

As part of the project scope, a public engagement component has been included to review potential options with the public. Once complete, public acceptability feedback will be provided to Council on the, priorities and risk of any potential solution.

Opus has completed a series of feasible options and their possible combinations. A copy of Opus's presentation on the status of the project and proposed engagement strategy has been included with this report (attachment A).

Once staff have obtained public feedback on the options to process and manage biosolids available, staff will present the findings and recommendations to the Biosolids Advisory Committee, and then to Kelowna and City Councils.

Staff expect to complete the community engagement and report by September, 2017.

Internal Circulation:
Communications Supervisor
Utility Services Manager

Considerations not applicable to this report:
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

A. Reeder, Utilities Planning Manager

Approved for inclusion: A. Newcombe, Divisional Director, Infrastructure

Attached: OPUS - Strategic Review of Wastewater Solids Management Presentation

cc: Divisional Director, Communications & Information Services
Divisional Director, Civic Operations

OPUS

Strategic Review of Wastewater Solids Management

Biosolids Advisory Committee

April 4th, 2017

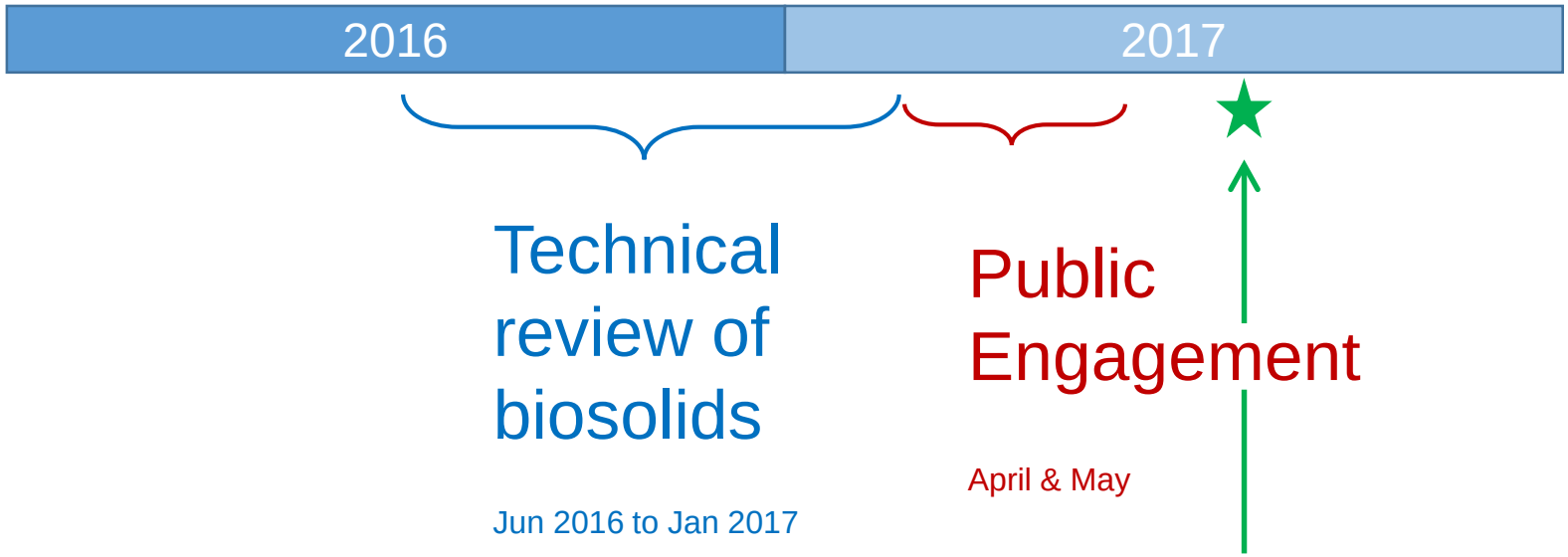
Overview

Summary of Biosolids Management Study

And

Introduction to Public Engagement Plan

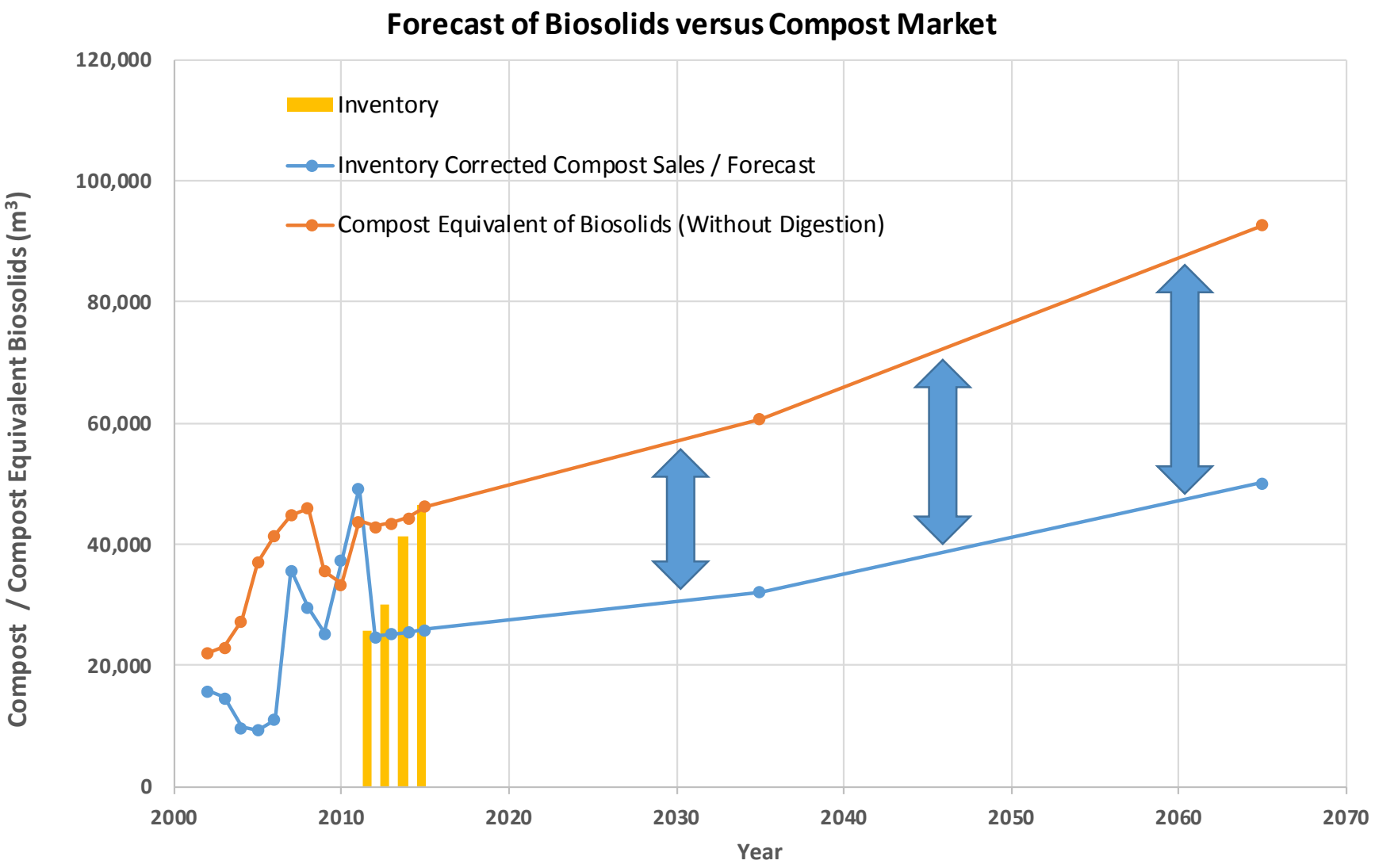
Project Schedule



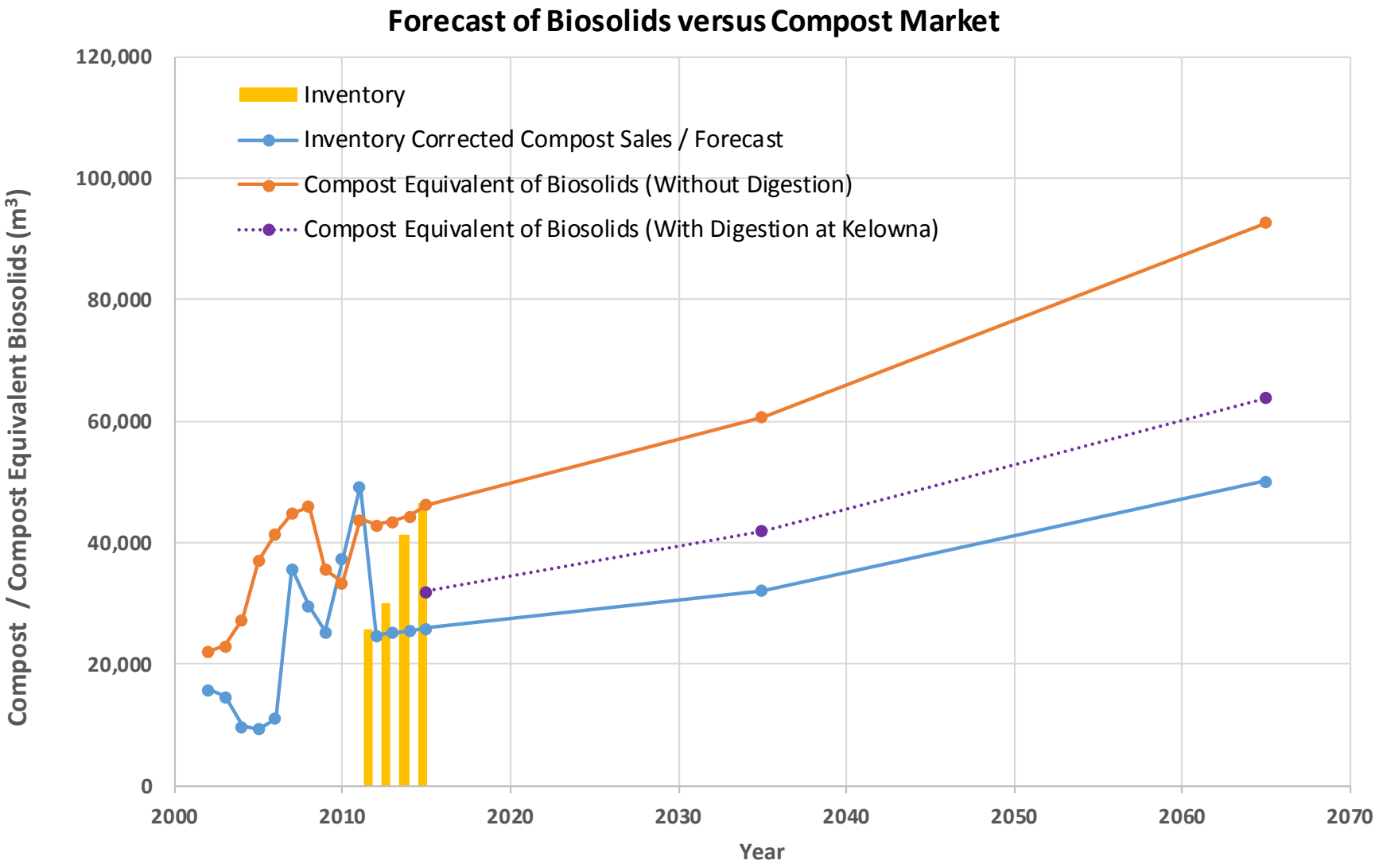
“Why”

- Commonage Facility is near or at capacity
- OgoGrow® inventory is increasing
- Kelowna and Vernon are continuing to grow
- Cities are planning for growth

Market versus Production



Example Result



Project Objective

- Look at ALL Options
- Identify and Assess RISKS
- Present defendable recommendation for next steps

Where We Are At

- Still in the planning/evaluation stages
- All considerations will be undergoing an evaluation process

Biosolids Management Study – Work Plan

TM-1

- Analysis of historical and forecast production;
- Technology Screening; and
- Initial criteria discussion.

Workshop A

TM-2

- Summary of Workshop A;
- Short-list of Options,

TM-3

- Review of **markets** and **risks**.

Public Engagement

we are here

TM-4

Final Evaluation & Recommendation

TM-1 Technology Summary

Management Options Reviewed

- **Pre-treatment –** 4 methods considered
  - Digestion - 45% reduction in mass
  - Thermal drying - 90% reduction in volume
  - Lime stabilization - 0% reduction in mass
  - Chemical (Chlorine Dioxide) - 0% reduction in mass

- **Final Disposal –** 3 methods considered:
  - Compost Sales (i.e. OgoGrow);
  - Land application;
  - Thermal Destruction:
    - Incineration, Gasification, Pyrolysis.

Workshop A

- City of Kelowna Staff
- City of Vernon Staff
- Technology Experts

- Capital & Operating **Costs** for Options
- Review of Market **Risks**

TM-2 Evaluate Options

Wastewater Solids Management

- Five schematics involving a combination of:
  - **3 pre-treatment options**:
    - *Digestion (at Kelowna WWTP only)*
    - *Thermal Drying*
    - *Chemical (BCR) Pre-Treatment*
  - **2 outlet options**:
    - *Land Application*
    - *Composting*

- Technologies Dropped
  - Incineration
  - Gasification
  - Pyrolysis
  - Digestion at Vernon *(to be confirmed)*

Evaluation Criteria

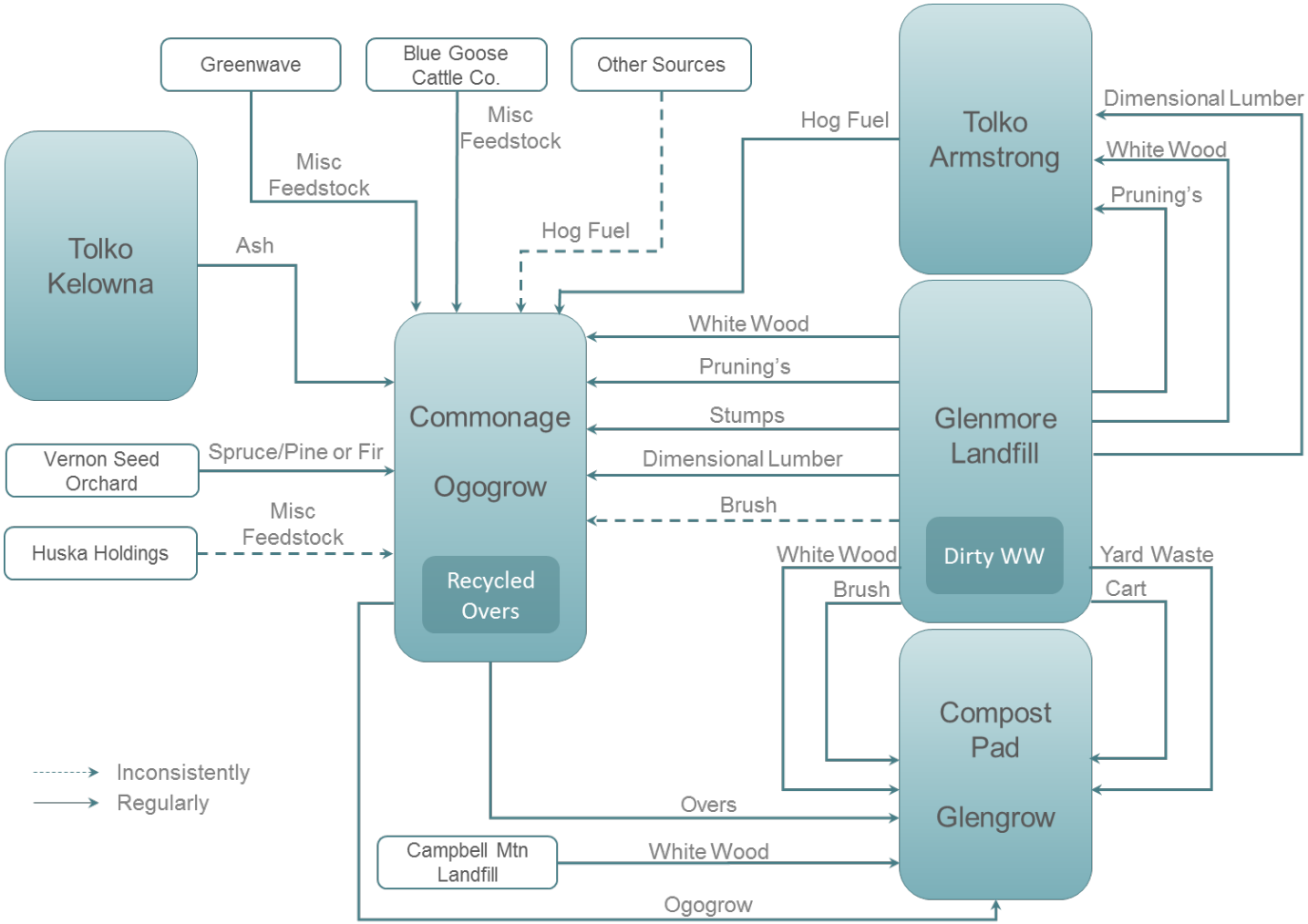
- **17 evaluation criteria were aggregated to 7**

Group	Criteria	
Cost	• Capital • 20 Year Present Worth Operation and Maintenance	• Annual Operation and Maintenance • Total Lifecycle
Environmental	• Air Quality/Odour • Greenhouse Gas Emissions • Soil Quality	• Water Quality • Spillage Potential • Waste Streams
Social	• Public Acceptance and Perception	• Integration and Zoning
Risk	• Markets • Regulatory	• Funding / Economic
Operation	• Operability / Ease of Operation • Synergy Potential • Longevity	• Flexibility • Expandability • Staffing

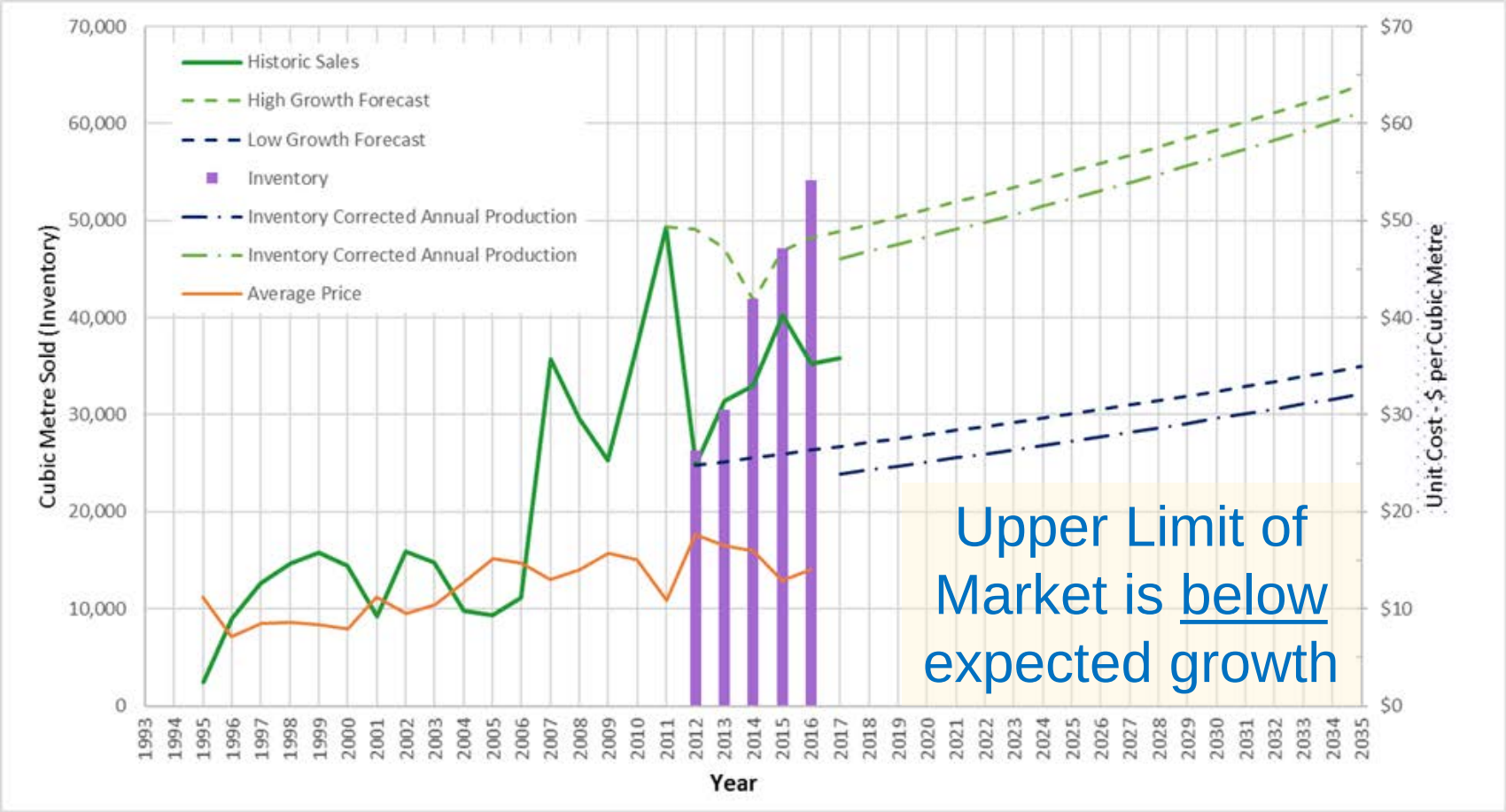
- Odour
- Environmental Quality - Air, Water, and Soil
- **Social (Public Acceptance and Perception)**
- Market Risks - Supply and Demand
- Regulatory and Bylaw Risk
- Environmental Risks
- Operations

TM-3 Market Review

Wood Chip Suppliers



Compost Consumer Market



Soil Amendment Markets

- Examples of beneficial biosolids reuse

Market	Description	Size
Wood Lot	Purpose grown woody debris	150,000 ha
Siviculture	Forestry – 150 km radius	30,000 ha
Soil Reclamation	Mine/Gravel Pits – 200 km radius	100,000 ha
Agriculture	Fertilizer application – 400 km radius	>200,000 ha

Public Engagement

Engagement Plan

- Provide council & Public with Information

- Communication Through:
  - City Websites
  - On-line Survey
  - Media Release
  - Meet directly with Key Stakeholders

Stakeholders

- City of Kelowna Residents
- City of Vernon Residents
- Direct Meetings
  - Residents near Commonage Facility
  - First Nations

Stakeholders - Others

- Okanagan Basin Water Board – Stewardship Council
- Agriculture Advisory Committee
- RDNO
- RDCO
- Fortis BC
- Interior Health
- Ministry of Environment

Feedback and Input

- Input will be summarized in a final report.
- Report back to Kelowna and Vernon Councils

TM-4 Final Evaluation

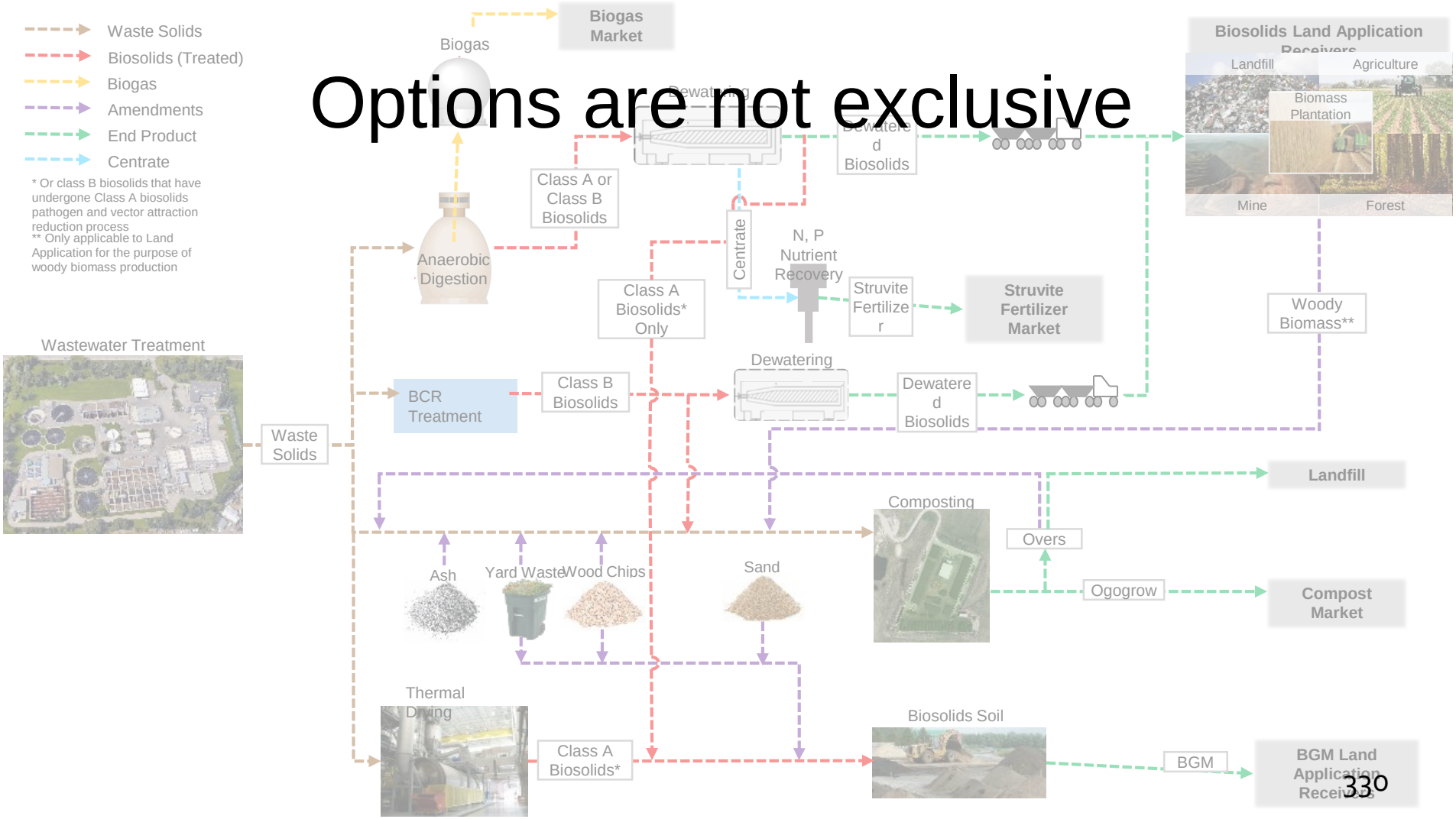
Management Options

- **Summary of Final 5 Options / Combinations**
  - Capital and Operating Costs
  - Triple-bottom-line comparison of 7 Evaluation Criteria
  - Relative Risk Analysis

- **Financial Model**
  - How costs will be shared between Kelowna Vernon

“Roadmap” of Options Considered

Options are not exclusive



Thank You

CITY OF KELOWNA

BYLAW NO. 11330

Road Closure and Removal of Highway Dedication Bylaw (Portion of Lakeshore Road)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on Lakeshore Road

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

1. That portion of highway attached as Schedule "A" comprising 94.7m^2 shown in bold black as Road to be Closed on the Reference Plan prepared by Gary Borne, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.

2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

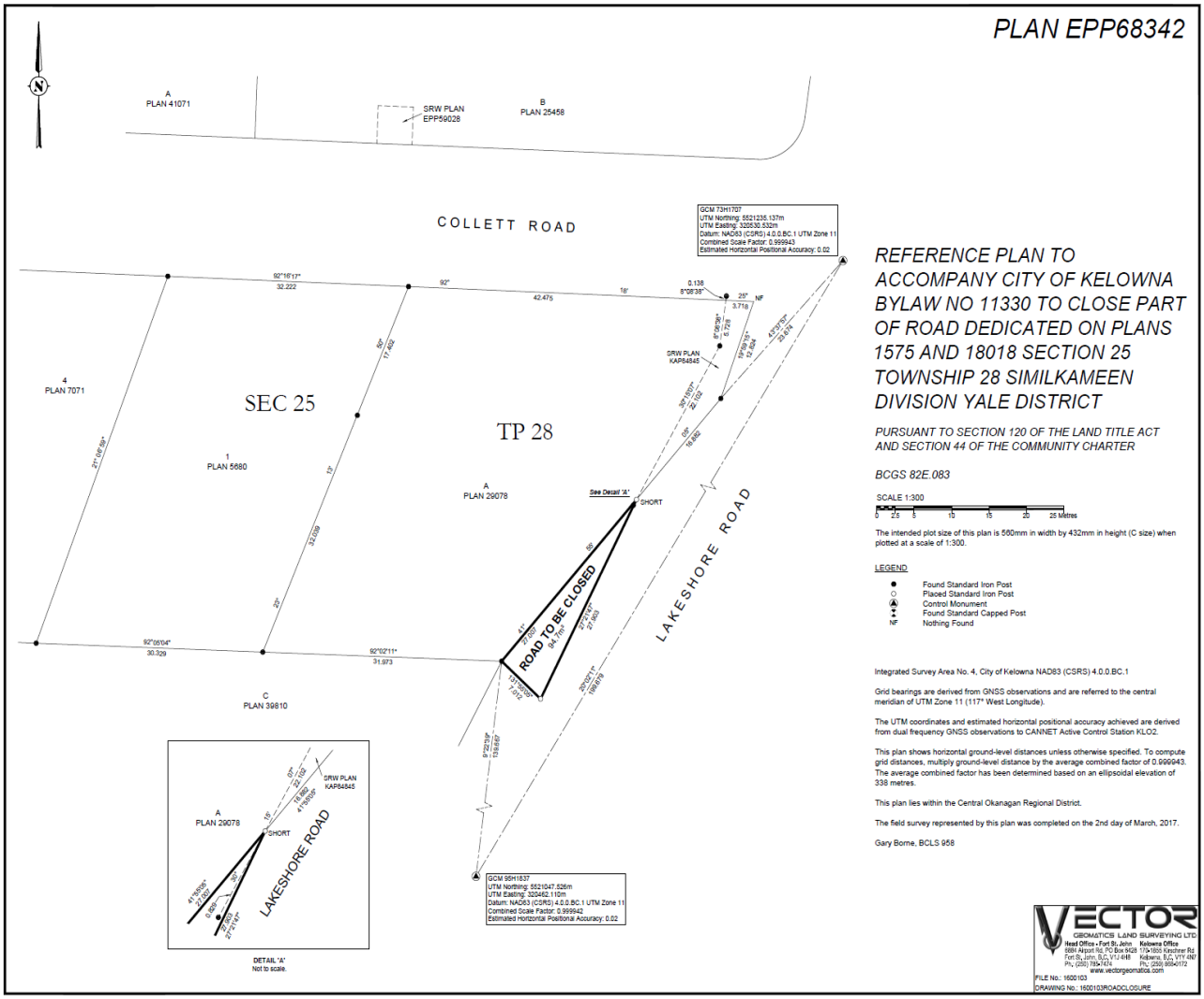
Read a first, second and third time by the Municipal Council this 27th day of March, 2017.

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

Schedule "A"


PLAN EPP68342
A
PLAN 41071
SRW PLAN
EPP59028
B
PLAN 25458
COLLETT ROAD
GCM 73H1707
UTM Northing: 5521235.137m
UTM Easting: 320530.532m
Datum: NAD83 (CSRS) 4.0.0.BC.1 UTM Zone 11
Combined Scale Factor: 0.999943
Estimated Horizontal Positional Accuracy: 0.02
4
PLAN 7071
SEC 25
1
PLAN 5680
TP 28
A
PLAN 29078
See Detail 'A'
SHORT
SRW PLAN
KAP84845
ROAD TO BE CLOSED
LAKESHORE ROAD
C
PLAN 39810
GCM 98H1837
UTM Northing: 5521047.526m
UTM Easting: 320462.110m
Datum: NAD83 (CSRS) 4.0.0.BC.1 UTM Zone 11
Combined Scale Factor: 0.999942
Estimated Horizontal Positional Accuracy: 0.02
DETAIL 'A'
Not to scale.
REFERENCE PLAN TO ACCOMPANY CITY OF KELOWNA BYLAW NO 11330 TO CLOSE PART OF ROAD DEDICATED ON PLANS 1575 AND 18018 SECTION 25 TOWNSHIP 28 SIMILKAMEEN DIVISION YALE DISTRICT
PURSUANT TO SECTION 120 OF THE LAND TITLE ACT AND SECTION 44 OF THE COMMUNITY CHARTER
BCGS 82E.083
SCALE 1:300
0 2.5 5 10 15 20 25 Metres
The intended plot size of this plan is 560mm in width by 432mm in height (C size) when plotted at a scale of 1:300.
LEGEND
Found Standard Iron Post
Placed Standard Iron Post
Control Monument
Found Standard Capped Post
NF Nothing Found
Integrated Survey Area No. 4, City of Kelowna NAD83 (CSRS) 4.0.0.BC.1
Grid bearings are derived from GNSS observations and are referred to the central meridian of UTM Zone 11 (117° West Longitude).
The UTM coordinates and estimated horizontal positional accuracy achieved are derived from dual frequency GNSS observations to CANNET Active Control Station KLO2.
This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distance by the average combined factor of 0.999943. The average combined factor has been determined based on an ellipsoidal elevation of 338 metres.
This plan lies within the Central Okanagan Regional District.
The field survey represented by this plan was completed on the 2nd day of March, 2017.
Gary Borne, BCLS 958
VECTOR
GEOMATICS LAND SURVEYING LTD
Head Office - Fort St. John
Kelowna Office
FILE No.: 1600103
DRAWING No.: 1600103ROADCLOSURE