

City of Kelowna

Regular Council Meeting

AGENDA



Monday, June 19, 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

4 - 12

PM Meeting - June 12, 2017

3. Public in Attendance

3.1 Memorandum of Understanding – City of Kelowna / Okanagan College

13 - 21

To inform Council of the ongoing relationship between the City of Kelowna and Okanagan College and to obtain approval to execute a Memorandum of Understanding that reinforces the value of ongoing collaboration between the parties.

3.2 Rotary Centre for the Arts

22 - 37

Annual presentation to Council by Patrick LeBlanc, General Manager

4. Development Application Reports & Related Bylaws

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

38 - 91

To amend the Official Community Plan, Zoning Bylaw and Development Application Procedures Bylaw to provide updates to temporary farm worker housing policy, regulation and procedures.

4.2 BL11373 (OCP16-0022) - Temporary Farm Worker Housing OCP Amendments

92 - 94

Requires a majority of all members of Council (5)

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

4.3	BL11374 (TA16-0015) - Temporary Farm Worker Housing Amendments	95 - 98
	To amend Bylaw No. 11374 at first reading in order to amend Zoning Bylaw No. 8000 regarding Temporary Farm Worker Housing.	
4.4	BL11375 Amendment No. 5 to Development Applications Procedures Bylaw No. 10540	99 - 103
	To amend Bylaw No. 11375 at third reading in order to accommodate Temporary Farm Worker Housing Amendments.	
4.5	170 & 230 Nickel Road - Z17-0039 - 554764 BC Ltd	104 - 122
	To consider a rezoning application on the subject property from the RU1 - Large Lot Housing Zone to the RM3 – Low Density Multiple Housing Zone.	
4.6	170 & 230 Nickel Road, Z17-0039 (BL11429) - 554764 BC Ltd	123 - 123
	To give Bylaw No. 11429 first reading in order to rezone the subject property from RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.	
4.7	1287 & 1297 Findlay Road - Z16-0083 - 0725353 BC Ltd Inc.	124 - 144
	To rezone the subject property to facilitate the development of row housing.	
4.8	1287 & 1297 Findlay Road - Z16-0083 (BL11430) - 0725353 BC Ltd Inc	145 - 145
	To give Bylaw No. 11430 first reading in order to rezone the subject property from RU1 - Large Lot Housing Zone to the RM3 - Low Density Multiple Housing zone.	
4.9	888 Finns Rd, DP17-0071 - Faction Architecture Inc.	146 - 166
	To consider the form and character of a proposed new automobile dealership.	
5.	Non-Development Reports & Related Bylaws	
5.1	1745 Chapman Rental Housing – Funding Request	167 - 169
	To receive an update on the status of the Revitalization Tax Exemption for 1745 Chapman Place and to receive council direction to cover the 2017 municipal taxation costs.	
5.2	Road Closure & Sale Agreement – Portion of Lane adjacent to 508 Sutherland	170 - 172
	To dispose of a 63.4 square meter portion of excess road (laneway) adjacent to 508 Sutherland Avenue for consolidation with the adjacent property.	
5.3	Proposed Road Closure for a Portion of Sutherland Ave	173 - 174
	To give Bylaw No. 11362 first, second and third readings in order to permanently close a portion of Sutherland Road.	

6. Mayor and Councillor Items

7. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, June 12, 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, Luke Stack*

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith*; Planner, Adam Cseke*; Urban Planning Manager, Terry Barton*; Planner Specialist, Melanie Steppuhn*; Acting Fire Chief, Lou Wilde*; Senior Projects Manager, Andrew Gibbs*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:33 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 Donn

R448/17/06/12 THAT the Minutes of the Regular Meetings of May 29, 2017 be confirmed as circulated.

Carried

Councillor Stack joined the meeting at 1:34 p.m.

3. Public in Attendance

3.1 Festivals Kelowna

Renata Mills, Executive Director, Festivals Kelowna and Ed Laverock, Board President

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

4. Development Application Reports & Related Bylaws

4.1 300 & 310 Dougall Rd N, Z17-0014 - Nadeem Hussain

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Sing

R449/17/06/12 THAT Rezoning Application No. Z17-0014 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 20 Section 26 Township 26 ODYD Plan 5494 and Lot 21 Section 26 Township 26 ODYD Plan 5494, located at 300 Dougall Road and 310 Dougall Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 28, 2017;

AND THAT Council directs Staff as part of the Development Engineering Memorandum requirements to provide an enhanced boulevard treatment along Dougall Road and McIntosh Road to match existing enhancements recently provided along both road frontages. This shall include: decorative sidewalk treatment (including coloured concrete & coloured brick, boulevard planters, benches, and light standards) as set out in Schedule "B";

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

AND 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 properties.

Carried

4.2 300 & 310 Dougall Rd N, BL11413 (Z17-0014) - Nadeem Hussain

Moved By Councillor Gray/Seconded By Councillor Hodge

R450/17/06/12 THAT Bylaw No. 11413 be read a first time.

Carried

4.3 1420 Inkar Rd, Z17-0008 - Bruno and Christine Cloutier

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Hodge

R451/17/06/12 THAT Rezoning Application No. Z17-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 19, Township 26, ODYD,

Plan 23622, located at 1420 Inkar Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

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

AND FURTHER 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 June 12, 2017.

Carried

4.4 1420 Inkar Rd, BL11420 (Z17-0008) - Bruno and Christine Cloutier

Moved By Councillor Given/Seconded By Councillor Hodge

R452/17/06/12 THAT Bylaw No. 11420 be read a first time.

Carried

4.5 1187 Sunset Dr, Z16-0077 - Sunset Drive Properties Ltd

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Given

R453/17/06/12 THAT Rezoning Application No. Z16-0077 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 139, ODYD Plan KAP76304, located at 1187 Sunset Dr, Kelowna, BC from the C4 – Urban Centre Commercial Zone to the C7 – Central Business Commercial Zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the following:

To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated May 29th 2017.
Discharge the restrictive land use covenant (LA11939) from Title.

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.

Carried

4.6 1187 Sunset Dr, BL11423 (Z16-0077) - Sunset Drive Properties Ltd

Moved By Councillor Given/Seconded By Councillor Hodge

R454/17/06/12 THAT Bylaw No. 11423 be read a first time.

Carried

4.7 4975 Buckhaven Ct, OCP16-0017 and Z16-0058 - Vincent and Pamela Blaskovich

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Given

R455/17/06/12 THAT Official Community Plan Map Amendment Application No. OCP16-0017 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot A Sections 20 and 29 Township 29 SDYD Plan KAP44335 Except Plans KAP92565, EPP23066, EPP31364 and EPP51781, located at 4975 Buckhaven Court, Kelowna, BC, from the:

MRC – Multiple Unit Residential (Cluster Housing) designation to the PARK – Major Park and Open Space designation;
from the MRC – Multiple Unit Residential (Cluster Housing) designation to the S2RESH – Single / Two Unit Residential – Hillside designation;
from the PARK – Major Park and Open Space designation to the S2RESH – Single / Two Unit Residential – Hillside designation; and
from the S2RESH – Single / Two Unit Residential – Hillside designation to the PARK – Major Park and Open Space designation
as shown on Map “A” attached to the Report from the Community Planning Department dated June 12, 2017, 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 Hearing public process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated June 12, 2017;

AND THAT Rezoning Application No. Z16-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot A Sections 20 and 29 Township 29 SDYD Plan KAP44335 Except Plans KAP92565, EPP23066, EPP31364 and EPP51781, located at 4975 Buckhaven Court, Kelowna, BC, from the:

A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone;
from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone;
from the A1 – Agriculture 1 zone to the RH1 – Hillside Large Lot Residential zone; and
from the P3 – Parks and Open Space zone to the RU1h – Large Lot Housing (Hillside Area) zone
as shown on Map “B” attached to the Report from the Community Planning Department dated June 12, 2017, be considered by Council;

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

Carried

Councillor Hodge – Opposed

4.8 4975 Buckhaven Ct, BL11424 (OCP16-0017) - Vincent and Pamela Blaskovich

Moved By Councillor Gray/Seconded By Councillor Donn

R456/17/06/12 THAT Bylaw No. 11424 be read a first time;

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

Carried

4.9 4975 Buckhaven Ct, BL11425 (Z16-0058) - Vincent and Pamela Blaskovich

Moved By Councillor Hodge/Seconded By Councillor Given

R457/17/06/12 THAT Bylaw No. 11425 be read a first time.

Carried

4.10 2673 Gore St, TA17-0009 and Z17-0025 - Stanley Tessmer

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Gray

R458/17/06/12 THAT Text Amendment Application No. TA17-0009 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated June 12th 2017 to change the definition of Multiple Dwelling Housing from five units or greater to three units or greater as per Schedule "A", be considered by Council;

AND THAT Rezoning Application No. Z17-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of *Lot 11, District Lot 14, ODYD, Plan 7927*, located at 2673 Gore St, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone, be considered by Council;

AND THAT the Zone Amending Bylaw & the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the Zone Amending Bylaw & the Text Amendment Bylaw be subsequent to the following:

To the outstanding conditions identified in Schedule "B" associated with the report from the Community Planning Department dated June 12th, 2017.

AND FURTHER THAT, subsequent to fourth reading of the above bylaw, a Development Permit and Development Variance Permit will be required as outlined in the report from the Community Planning Department dated June 12, 2017.

Carried

4.11 2673 Gore St, BL11426 (TA17-0009) - Multiple Dwelling Housing Amendments

Moved By Councillor Gray/Seconded By Councillor Donn

R459/17/06/12 THAT Bylaw No. 11426 be read a first time.

Carried

4.12 2673 Gore St, BL11427 (Z17-0025) - Stanley Tessmar

Moved By Councillor Singh/Seconded By Councillor DeHart

R460/17/06/12 THAT Bylaw No. 11427 be read a first time.

Carried

4.13 437 Bay Ave, TA17-0007 - Carbon Capture Mini Storage

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Sieben

R461/17/06/12 THAT Zoning Bylaw Text Amendment No. TA17-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by amending principle uses to include commercial storage as outlined in Schedule "A" of the report from the Urban Planning Department dated June 12, 2017, be considered by Council.

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

THAT Zoning Bylaw Text Amendment No. TA17-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by amending principle uses to include commercial storage as outlined in Schedule "A" of the report from the Urban Planning Department dated June 12, 2017, be considered by Council.

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

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.

Carried

4.14 437 Bay Ave, BL11428 (TA17-0007) - Carbon Capture Mini Storage

Moved By Councillor Singh/Seconded By Councillor DeHart

R462/17/06/12 THAT Bylaw No. 11428 be read a first time.

Carried

4.15 1360 Belaire Ave, BL11421 (Z17-0023) - Gurpreet Pannu

Moved By Councillor Sieben/Seconded By Councillor Singh

R463/17/06/12 THAT Bylaw No. 11421 be read a first time.

Carried

Mayor Basran, Councillors Gray and Stack – Opposed

4.16 2446 Harvard Rd, Z17-0011 (BL11422) - Wayne and Denise Henney

Moved By Councillor Singh/Seconded By Councillor DeHart

R464/17/06/12 THAT Bylaw No. 11422 be read a first time.

Carried

5. Bylaws for Adoption (Development Related)

5.1 4491 Nottingham Road, BL11400 (Z17-0004) - Christine Reimann

Moved By Councillor Gray/Seconded By Councillor Donn

R465/17/06/12 THAT Bylaw No. 11400 be adopted.

Carried

5.2 4629 Lakeshore Rd, BL11408 (HRA17-0001) - City of Kelowna and JEM HTB Properties Inc.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R466/17/06/12 THAT Bylaw No. 11408 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

6.1 Country Rhodes (Ellison) Fire Service Agreement

Councillor Donn declared a conflict of interest as he lives in the Country Rhodes development and departed the meeting at 3:27 p.m.

Staff:

- Provided a brief overview of the Country Rhodes Fire Services agreement.

Moved By Councillor Given/Seconded By Councillor Singh

R467/17/06/12 THAT Council authorizes the City to renew the Fire Service Agreement for Country Rhodes (Ellison) with the Regional District of Central Okanagan for a five (5) year term, in the form attached to the Report from the Acting Fire Chief dated June 12, 2017.

AND THAT the Mayor and City Clerk be authorized to execute the Fire Service Agreement for Country Rhodes (Ellison).

Carried

Councillor Donn rejoined the meeting at 3:28 pm

6.2 Lakeshore Road and June Springs Road Fire Service Agreement

Staff:

- Provided a brief overview of the Lakeshore Road and June Springs Road Fire Services agreement.

Moved By Councillor Sieben/Seconded By Councillor Gray

R468/17/06/12 THAT Council authorizes the City to renew the Fire Service Agreement for Lakeshore Road and June Springs Road with the Regional District of Central Okanagan for a five (5) year term, in the form attached to the Report from the Acting Fire Chief dated June 12, 2017.

AND THAT the Mayor and City Clerk be authorized to execute the Fire Service Agreement for Lakeshore Road and June Springs Road.

Carried

6.3 Okanagan Rail Trail – Status Report

Staff:

- Provided an update on the Okanagan Rail Trail project and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Donn

R469/17/06/12 THAT Council receives, for information, the report from the Director, Strategic Investments, dated June 12, 2017, with respect to an update on the Okanagan Rail Trail;

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1 Portion of Watt Rd, BL11370 - Road Closure Bylaw

The Mayor invited anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

No one from the Gallery came forward.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R470/17/06/12 THAT Bylaw No. 11370 be adopted.

Carried

8. Mayor and Councillor Items

Councillor DeHart:

- Spoke to her attendance at the Kelowna Museums 50th Anniversary event.
- Spoke to her attendance at the annual Sail Past event at the Yacht Club.
- Spoke to her attendance at the Cedar Creek Estate Winery's 30th Anniversary event.
- Golf BC Championships at Gallagher's Canyon all this week.

Councillor Singh:

- Kudos to the Grandmother's for Africa group that organized the Stride to Turn the Tide Run/Walk event.
- Spoke to her attendance at the Cedar Creek Estate Winery's 30th Anniversary event.

Councillor Gray:

- Spoke to her attendance along with Councillor Donn at the FCM Conference in Ottawa last week.
- The Okanagan Basin Water Board met with the Department of Fisheries and Oceans regarding zebra mussels.
- Will be representing the Mayor at the Catholics Women's League of Canada 70th Provincial Conference on June 15th.
- The Kelowna Chamber of Commerce ConneX event will take place at the Manteo Resort on June 15th.

Councillor Donn:

- Spoke to his attendance along with Councillor Gray at the FCM Conference last week and thanked our two local MP's for sharing their knowledge on how the federal government operates.
- Acknowledged the 1650 UBCO graduates this year.
- Thanks to the Kelowna City Bank who will perform on Canada Day.

Mayor Basran:

- Thanked the current and previous Museum Directors.
- Spoke to the great success of the 9th Annual Metabridge Conference.

- Provided an update on the flooding situation and reminded residents the lake is at record high levels and to continue protecting their properties.
- The ECO is working on a recovery plan as soon as the water recedes.
- Reminder that Kelowna is still open for business and that there are many things to do in Kelowna and encouraged the community to support local businesses.

Councilor Stack:

- Commented on the number of items being brought forward on upcoming Public Hearing agendas and suggested an earlier start time.
- URBA is hosting a Business Expo on Thursday, June 15th from 4:30 to 7:30 p.m. at Roxby Square.

9. Termination

This meeting was declared terminated at 3:50 p.m.

Mayor



City Clerk

/acm

Report to Council



Date: June 19, 2017
File: 1120-01
To: City Manager
From: Doug Gilchrist, Division Director - Community Planning & Strategic Investment
Subject: Memorandum of Understanding - City of Kelowna / Okanagan College

Recommendation:

THAT Council receives, for information, the report from the Divisional Director, Community Planning & Strategic Investment regarding a Memorandum of Understanding ("MOU") between the City and Okanagan College, dated June 19, 2017;

AND THAT Council approve the City entering an MOU between the City and Okanagan College, in the form attached to the report of the Divisional Director, Community Planning & Strategic Investments, dated June 19, 2017;

AND THAT Council authorize the Mayor and City Clerk to execute the MOU, attached to the report of the Divisional Director, Community Planning & Strategic Investments dated June 19, 2017.

Purpose:

To inform Council of the ongoing relationship between the City of Kelowna and Okanagan College and to obtain approval to execute an MOU that reinforces the value of ongoing collaboration between the parties.

Background:

The City of Kelowna and Okanagan College have a strong history of working together in the interests of citizens and students. Together, many great initiatives have been brought forward that positively influence the; livability, sustainability and economic vibrancy of Kelowna and the Region.

The objective of the proposed MOU is to enhance the relationship between the parties and to recognize the value of coordinating our efforts. The MOU will solidify this acknowledgement and help guide future staff, faculty, Boards and Councils as collaborative and innovative initiatives advance.

Specific areas of collaboration identified in the MOU include:

- Applied research, Learning and Innovation
- Land Use, Infrastructure and Campus Planning
- Community Involvement and Volunteerism
- Operations, programming and services
- Sustainability practices/programs

The MOU is a non-binding agreement between the parties that will live on indefinitely and be managed by designated liaisons from the City and Okanagan College. The MOU will be reviewed every five years and the liaisons will report out to the respective bodies as appropriate.

Communications Comments:

The MOU acknowledges that the parties agree to work together on public communications related to the MOU itself as well as any joint initiatives as appropriate.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Submitted by: D. Gilchrist, Divisional Director - Community Planning & Strategic Investment

Attachments: 1. Schedule A - MOU

cc: S. Leatherdale, Divisional Director, Human Resource & Corporate Performance
A. Newcombe, Divisional Director - Infrastructure
J. Creron, Divisional Director - Operations
J. Gabriel, Divisional Director - Active Living & Culture
C. Weaden, Divisional Director - Corporate Strategic Services
G. Davidson, Divisional Director - Financial Services
S. Fleming, Acting Divisional Director - Corporate & Protective Services

MEMORANDUM OF UNDERSTANDING STRATEGIC COLLABORATION

This Memorandum of Understanding is dated for reference the June 6, 2017

BETWEEN:

City of Kelowna
1435 Water Street
Kelowna, BC, V1J 1J4
www.kelowna.ca

("City")

AND:

Okanagan College
1000 KLO Road
Kelowna, BC, V1Y 4X8
www.okanagan.bc.ca

("College")

WHEREAS:

The City of Kelowna, holds a Corporate Vision to be the best mid-sized city in North America through the development of a safe, vibrant and sustainable community.

Okanagan College has four campuses that serve the Okanagan region in Penticton, Kelowna, Vernon and Salmon Arm. The College mission is to transform lives and communities. The College engages, leads and serves through a high quality educational experience for its learners; an environment that supports employees and encourages personal and professional growth and collaborative relationships that are responsive to its communities.

The City and the College (the "Parties") recognize the value of collaboration and wish to work closely together in identifying and pursuing opportunities that benefit both parties, positively influence regional economic development and contribute to creating a livable, prosperous and sustainable region today and in the future.

THEREFORE the Parties have chosen to enter into this Memorandum of Understanding ("MOU") to build on their existing working relationship and to provide a foundation to collaboratively explore and undertake a variety of joint initiatives.

Not Legally Binding

1. The MOU is not a legally binding document. It is intended to guide the Parties in their efforts to identify and pursue opportunities for collaboration.
2. Individual joint initiatives that are identified by the Parties pursuant to this MOU may be developed and implemented through separate agreements, contracts or other mechanisms.

Shared Commitment

3. Each of the Parties is an autonomous public body with its own statutory authorities, mandate and jurisdiction.
4. Individual autonomy notwithstanding, the Parties share a commitment to support the advancement of one another's shared goals and objectives.
5. The Parties understand that the success of the MOU will be determined by each Party's commitment to the spirit of collaboration and innovation on which the MOU is founded.
6. There will open and on-going communications between the Parties.

6.1 The College will maintain a Regional Advisory Committee for the Central Okanagan and reserve a seat on the Committee for a City representative.

6.2 The on-going and active support of City Council and the College's Board of Governors along with the City's City Manager and the College's President is considered essential to the success of the joint effort.

6.3 The Parties will each appoint a College – City liaison person and a back-up liaison person to; fulfill, to the degree possible, the objectives of the MOU, including but not limited to consulting with staff, Council and the Board as necessary (the "Liaison(s)").

6.3.1 The City Liaison as of the date of the MOU is: The Director of Planning & Strategic Investment. The back-up City Liaison is the Director of Business and Entrepreneurial Development.

6.3.2 The College Liaison as of the date of the MOU is: The Regional Dean, Central Okanagan. The backup Liaison is the Director of Continuing Studies and Corporate Development.

Effect of the MOU

7. The MOU provides a framework for undertaking joint initiatives by the Parties; it does not restrict either Party from engaging in separate initiatives or agreements that might be related to the scope of the MOU.

Scope of Activities

8. The MOU identifies five (5) areas within which opportunities for collaboration can be identified and pursued:
 - Applied research, Learning and Innovation
 - Land Use, Infrastructure and Campus Planning
 - Community Involvement and Volunteerism
 - Operations, Programming and Services
 - Sustainability Practices/Programs
- 8.1. The Parties will endeavour to develop opportunities for continued engagement of faculty, staff and students through various programs and services, applied research, and innovation including those that leverage funding from external partners including the federal and provincial governments.
- 8.2. The Parties acknowledge the mutual benefits associated with joint planning and will endeavour to collaborate and coordinate their related planning projects (e.g.: campus plans, neighbourhood / precinct plans, community plans, infrastructure master plans, zoning, etc.) to achieve the best collective outcomes.
- 8.3. The Parties recognize the value of engaging the community to assist with the delivery of programs and services, policy development and general feedback. Volunteerism is a means of building community that the Parties embrace. The College students, staff and faculty total over 9,000 people and City staff total nearly 1,000 people, both with wide ranging skills and abilities, which could be utilized to enhance community participation and volunteerism in the region. The Parties will endeavor to seek out mutually beneficial opportunities to expand the level of community participation and volunteerism.
- 8.4. The Parties will seek opportunities to enhance community safety through clarity of roles and responsibilities (e.g. RCMP/Security/Bylaw/building permits/emergency planning), effective communication protocols, efficient

use of College and City resources, and collaborative initiatives that support the sharing of resources and expertise in community safety education, training, and emergency response.

- 8.5. The Parties will endeavor to identify sustainability issues/initiatives that may benefit from a coordinated, unified or collaborative effort. These may include, but are not limited to; transportation initiatives, economic development opportunities, and sustainable construction leadership.

Term

9. This MOU will remain in effect unless terminated by either of the Parties by providing six (6) months notice in writing to the other Party.
10. Termination of this MOU does not cancel any agreement signed by the Parties in respect of a specific initiative and for greater certainty, cancellation of a separate contract or agreement must be pursued in accordance with the terms of such contract or agreement.

Communications

11. The Parties agree to work together to develop public announcements and other messaging related to the MOU as well as specific joint initiatives that may be pursued by the Parties to promote the success of mutually beneficial endeavours.
 - 11.1. The Parties will advise one another of planned public speaking events regarding the collaborative relationship and/or joint initiatives pursuant to this MOU.
 - 11.2. The Parties will develop and implement simple, efficient and consistent protocols to facilitate and govern their collaborative efforts pursuant to this MOU.
 - 11.3. The Liaisons will report as required to their respective Boards and Councils on the status of the MOU and associated joint initiatives.

General

12. Each Party is responsible for funding its own participation in any related body or activity that is established or undertaken to assist in the implementation of the Strategic Collaboration and this MOU.
13. The Parties understand and expressly agree that the content of this MOU, unless otherwise stated, is not confidential and may be distributed to and shared with others.

14. This MOU does not grant either Party the right to use any of the other Party's intellectual property, including without limitation logos or trademarks.
15. If issues arise concerning the interpretation or application of this MOU, the Parties shall, through discussions, resolve the matters to their mutual satisfaction.
16. Each Party acknowledges and respects any limitations and obligations the other Party may have related to:
 - the *Freedom of Information and Protection of Privacy Act*;
 - any other applicable laws; and
 - Internal policies.
17. The Parties will endeavour to formally review the MOU every five years, or more frequently as may be reasonably requested by either Party.

Attachments

18. The MOU has one attachment: Attachment 1 - Joint Initiatives Summary.
 - 18.1. The Joint Initiatives Summary provides a summary of joint initiatives, past and current.
 - 18.2. The Parties acknowledge their interest in updating, from time to time, the Joint Initiatives Summary to document the richness of the relationship captured in the MOU.

IN WITNESS WHEREOF the Parties have hereunto affixed their signatures:

Jim Hamilton
President
Okanagan College

Colin Basran
Mayor
City of Kelowna

ATTACHMENT 1

JOINT INITIATIVES SUMMARY (last updated May 2017)

Priorities	Joint Areas of Interest and Activities
Applied research, Learning and Innovation	<ul style="list-style-type: none"> • Student practicum, work and cooperative placements • Workshops, forums and seminars • Guest speakers, lectures • Applied Research projects such as the Wilden Living Lab Training and certifications
Land Use, Infrastructure & Campus Planning	<ul style="list-style-type: none"> • Transit and Statutory right of way • Transit – lease agreement • Energy agreement between the College and the Kelowna Waste Water Treatment plant • Transportation Infrastructure • Campus Planning • Infrastructure Development • Sustainable development • Facility use Kelowna Airport
Community Involvement and Volunteerism	<ul style="list-style-type: none"> • Event Collaboration • Arts & Culture • Volunteerism and Canada 150 grant • Recreation and sport development • Student and staff community volunteers
Operations & Risk Management	<ul style="list-style-type: none"> • Grounds maintenance • Security • Transportation and parking • Emergency Preparedness and Response • Safety education • RCMP, Bylaw enforcement, hazmat and fire safety • Shared technical expertise: engineering, technology, counselling, medical • Efficient and effective Building Permits & Approvals processes. • Risk management
Sustainability	<ul style="list-style-type: none"> • Sustainable construction leadership and initiatives • Conference, workshops and events • Community economic development • Educational programs and services • Labour market information



2017 Annual Report

Mission Statement

To celebrate, nurture, and promote
the Arts through diversity,
entertainment, and education.

Vision Statement

To be the heart of Kelowna's Arts &
Cultural experience.

2016-2017 Season



THE GREAT
GATSBY



*The Comic
Strippers*



Songs of the
Southern Belles



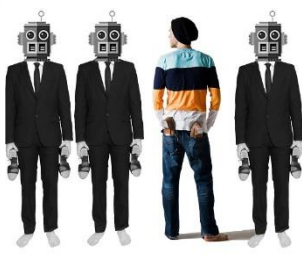
Delhi 2 Dublin



Yeti



Sarah Hagen



LOVE.Be.Best.Free



Leela Gilday



JOE TRIO



Rock of Ages

133 performers • 110 local performers • 6,500 in attendance

Community Programs



heART Fit



Drum Circle



Jazz Jam



Salsa
Thursdays



First Thursdays



School of Blues



Adult Tap



Tea at High
Noon

Collaborating with Community Groups



All Bodies Dance



Creative Aging



SUGAR PLU BALL with Okanagan Pride Society & Okanagan Young Professionals



New Vintage Theatre & Theatre Kelowna Society

Resident Artists



Films



Hobnails and
Hemp Rope



With This Ring

Everyone Plays Here!



240,000 visits



+4% increase over last year



22,700 tickets sold



+13% increase over last year

2,600 Rentals & 14,258 Rental Hours



Our Partners



a place of mind

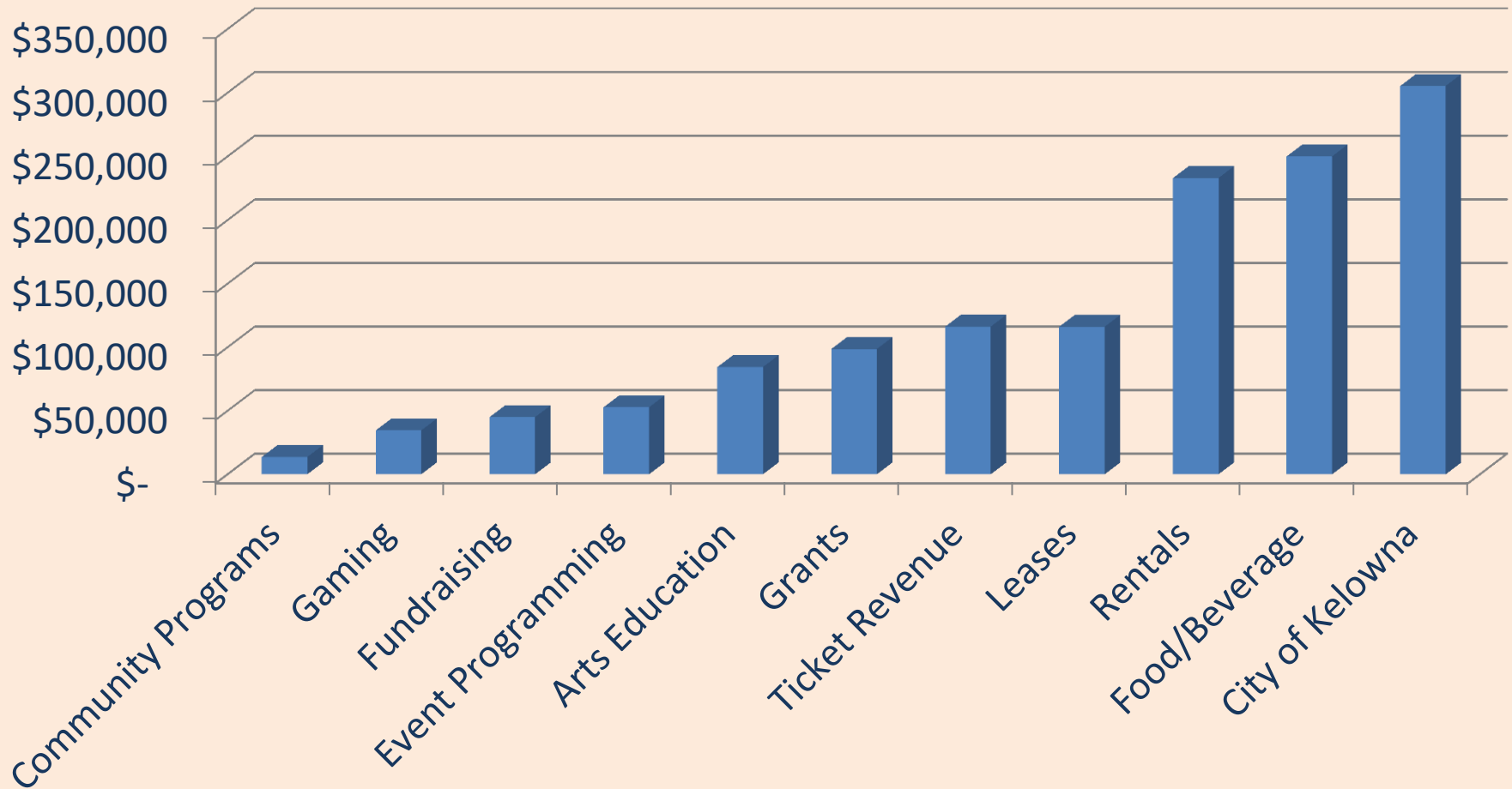


FACILITY PARTNER



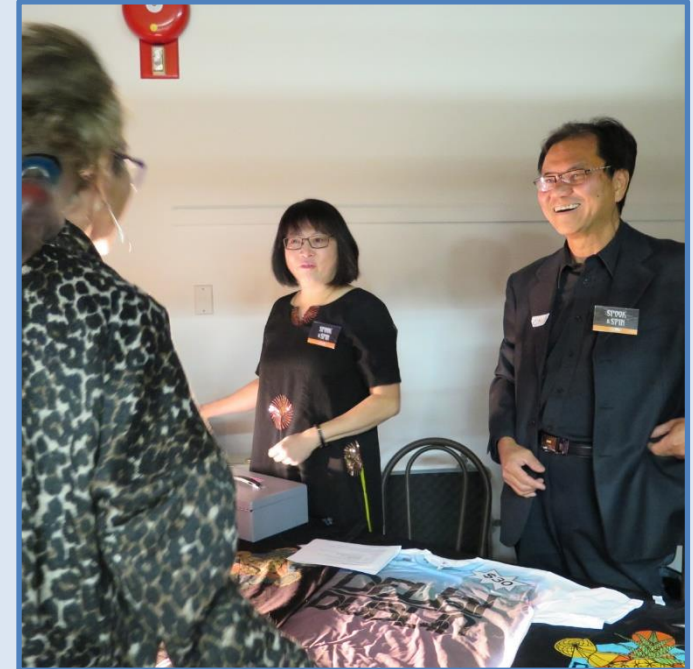
The Rotary Centre for the Arts

Annual Revenue



Annual Revenue \$1,200,200 • 26% from City of Kelowna

80 Volunteers & 10 Board Members
3,032 volunteer hours = \$41,000+



R C A S T A F F



11 Full-Time Employees



18 Part-Time Employees



25 Contract Instructors



\$697,000 Payroll

Our New Digital Reader Board



Sneak Peek!



Digging Roots



Campground with
Lucas Myers



Embodiment III



Music of Heavens with
Orchid Ensemble

THANK YOU



Report to Council



Date: June 19, 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 Council receives, for information, the Report from Community Planning and Strategic Investment dated June 19, 2017 to amend the Official Community Plan Bylaw No. 10500, Zoning Bylaw No. 8000 and the Development Application Procedures Bylaw No. 10540;

AND THAT Council amend at first reading TA16-0022 Temporary Farm Worker Housing Official Community Plan Amending Bylaw No. 11373 as per Schedule 'A';

AND THAT Council amend at first reading TA16-0015 Temporary Farm Worker Housing Zoning Amendment Bylaw No. 11374 as per Schedule 'B';

AND THAT Council considers the public process outlined in the Report from Community Planning and Strategic Investment dated June 19, 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 Council amend at third reading Bylaw No. 11375 being Amendment No. 5 to Development Applications Procedures Bylaw No. 10540 as per Schedule 'C'.

Purpose:

To amend the Official Community Plan, Zoning Bylaw and Development Application Procedures Bylaw to provide updates to temporary farm worker housing policy, regulation and procedures.

Background:

Council provided first reading for bylaw amendments on temporary farm worker housing at the April 10, 2017 meeting. Following the May 2 Public Hearing, however, Council deferred 2nd and 3rd reading and directed staff to bring back the proposal to a Monday afternoon meeting with amendments based on input heard at the public hearing (R334/17/105/02).

Farm worker housing is commonly built on agriculture land in the ALR and typically generates concerns with 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.

Following the Public Hearing, staff have met with the BC Fruit Growers Association to discuss their concerns and examined opportunities to revise the proposed amendments to meet the BCFGA's four main concerns as outlined in Table 1.

Further, over the past month, staff have met with the Ministry of Agriculture on several occasions to discuss options to meet the concerns of the BCFGA as well as to ensure the proposed revisions remain consistent with the Ministry's "Guide for Bylaw Development in Farming Areas."

Table 1: BCFGA Concerns

BCFGA Concern	How it was addressed
Definition of farm unit	The definition for farm unit remains intact as per direction from the Ministry of Agriculture, however, policy has been revised to allow farms to have TFWH in each City sector (i.e. to allow more than one TFWH location per farmer).
Public hearing threshold	A site specific zoning amendment and associated public hearing would only be required for TFWH applications for structures to accommodate more than 40 temporary farm workers on parcels up to 8 hectares; and for TFWH applications for structures to accommodate more than 60 temporary farm workers on parcels eight hectares or more in each City sector. Allowing TFWH in each city sector provides more opportunities to locate TFWH across the City before requiring a site specific zoning amendment.
Annual term of occupation	Annual occupation has increased from eight months to ten months.
Placement of temporary farmworker housing	A clause has been added to allow location to "maximize agricultural potential and limit negative impacts on the farm parcel" with the intent of ensuring that location is sited to minimize the impact on agricultural productivity.

In response to balancing industry concerns, the public and Ministry of Agriculture interests, the amended proposal of OCP amendments (Schedule A, attached), Zoning Bylaw amendments (Schedule B, attached) and Development Application Procedures Bylaw amendments (Schedule C, attached) provide a balanced approach that will meet the needs of both industry and other interests. Staff have endeavored to provide a policy framework that promotes certainty for farmers while acknowledging the land use implications and aim to minimize conflicts with broader community issues. Table 1 provides a summary of the revisions made since the May 2 Public Hearing.

Table 2 – Changes to Draft Temporary Farm Worker Housing Policy since May 2 Public Hearing

Bylaw	Initial Draft Policy	Revised Draft Policy	Comments
Official Community Plan	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 footprint should be contiguous with the residential footprint (i.e. homeplate) and/or within 50 metres of the road <i>and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.</i>	Provides the ability to locate TFWH on a parcel such to maximize agricultural potential.
Zoning Bylaw	On-farm processing means the undertaking of processes, including mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, and biological treatments on a farm unit to: <ul style="list-style-type: none"> • 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.	On-farm processing means the undertaking of processes, including <i>grading, packing,</i> mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, and biological treatments on a farm unit to: <ul style="list-style-type: none"> • 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.	Added the terms “grading” and “packing” to reflect the processing that happens on many Kelowna orchards.
	9.13.1 (b) Minimum parcel size is 3.8 ha	9.13.1 (b) Minimum <i>farm unit</i> size is 3.8 ha	Allows for smaller farms to utilize TFWH if their total farm unit is at least 3.8 ha.

Bylaw	Initial Draft Policy	Revised Draft Policy	Comments
Zoning Bylaw con't	9.13.1 (f) A statutory declaration must be filed with the City of Kelowna annually, by January 31 st , 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 per calendar year.	9.13.1 (f) A statutory declaration must be filed with the City of Kelowna annually, by January 31 st , 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 <i>no greater than ten months per calendar year.</i>	Amended from eight months to ten months as per input from the BCFGA.
	9.13.2 (a) TFWH footprint may not exceed 0.20 ha.	9.13.2 (a) TFWH footprint may not exceed 0.20 ha for structure(s) to accommodate a maximum of forty temporary farm workers and may not exceed 0.30 ha for structure(s) to accommodate a maximum of sixty temporary farm workers .	Increased TFWH footprint size to be proportional with increase in maximum TFWH.
	<p>9.13.3</p> <p>(a) Structure(s) to accommodate a maximum of forty temporary farm workers per farm unit.</p> <p>(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.</p> <p>(c) Where a farm unit comprises of multiple parcels of land, TFWH may be clustered on a single parcel, subject to:</p> <p>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</p>	<p>9.13.3</p> <p>(a) Structure(s) to accommodate a maximum of <i>forty temporary farm workers per each city sector as identified on Official Community Plan Map 5.4 for parcels up to eight hectares. For parcels eight hectares or more, structure(s) to accommodate a maximum of sixty temporary farm workers per each city sector as identified on Official Community Plan Map 5.4.</i></p> <p>(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.</p> <p>(c) Where a farm unit comprises multiple parcels of land, a restrictive</p>	Increased structures to accommodate a maximum sixty TFW for those parcels 8 ha or more. Proposal allows for structure(s) in each City sector (Schedule F) to minimize neighbourhood impacts. The City sector map was chosen for the geographical boundaries for ease of staff administration and certainty for farm operators.

Bylaw	Initial Draft Policy	Revised Draft Policy	Comments
	allocation of TFWH to the parcel being developed with TFWH .	<i>covenant shall be registered on all farm unit parcels within the same sector of the temporary farm worker housing as identified on Official Community Plan Map 5.4 restricting the development of further TFWH on said parcels within that sector.</i>	
Development Application Procedures Bylaw	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: <ul style="list-style-type: none"> • 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. 	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: <ul style="list-style-type: none"> • Is for eight or fewer sleeping units in one or more Temporary farm worker agricultural dwellings for the accommodation of an employee(s) paid to work for no greater than 10 months per calendar year; and • Is consistent with the applicable guidelines and policies of the Official Community Plan and regulations of the Zoning Bylaw. 	Amended to reflect the changes to the Zoning Bylaw which allows up to 10 months of occupation by temporary farm workers.
	'Temporary Farm Worker Housing Permit Major' means a permit authorized by Section 15(1) of the <i>Community Charter</i> for the accommodation of an employee(s) paid to work on a farm for less than eight months per calendar year	'Temporary Farm Worker Housing Permit Major' means a permit authorized by Section 15(1) of the <i>Community Charter</i> for the accommodation of an employee(s) paid to work on a farm for no greater than ten months per calendar year.	Amended to reflect the changes to the Zoning Bylaw which allows up to 10 months of occupation by temporary farm workers.

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 Final Adoption.

Summary:

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 farm housing for farm workers and provide a framework that will support farm operators for a wide variety of farm operations at different scales of economies while at the same time, avoid unwarranted development from occurring under the pretense of farm help.

The discussions with industry and resulting amendments represent a softened approach to reflect the agricultural industry needs, but also aim to provide the necessary land use, compatibility and servicing analysis to ensure they fit within each city sector with minimal impact.

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.¹

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

¹ City of Kelowna. Kelowna 2030 Official Community Plan, Chapter 5: Development Process, page 5.35

- 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.²

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 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.³

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).

Since the April 10 Council meeting on TFWH, City staff have met with representatives from the BC Fruit Growers Association on three occasions (April 26, May 9, and May 24) and met with Ministry of Agriculture (via phone) on five occasions (May 3, 18, 25, 31 and June 2).

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.
- April 21, 2017 ad placed in Kelowna Daily Courier, with Public Hearing and comment opportunities.
- May 2, 2017 Public Hearing

Submitted by:

T. Guidi, Sustainability Coordinator

M. Steppuhn, Planner Specialist

² City of Kelowna. Kelowna 2030 Official Community Plan, Chapter 5: Development Process, page 5.36

³ City of Kelowna. Kelowna 2030 Official Community Plan, Chapter 15: Farm Protection DP Guidelines, page 15.3

Approved for inclusion:



Danielle Noble-Brandt, Dept. Manager, Policy & Planning
Todd Cashin, Suburban and Rural Planning Manager

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: OCP Map 5.4 City Sector Map

SCHEDULE A - OCP16-0022

OCP16-0022 - DRAFT				
List of Amendments to Official Community Plan Bylaw No. 10500 for Temporary Farm Worker Housing				
Note: yellow highlights indicate revised text since May 2 Public Hearing				
No.	Section	Existing	Proposed	Explanation
1	Chapter 5 – Development Processes Revise policy 5.34.2 to replace the words agricultural parcel with farm unit.	<p>Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>	<p>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.</p>

SCHEDULE A - OCP16-0022

2	<p>Chapter 15 – Farm Protection Development Permit Guidelines</p> <p>Remove agri-tourist accommodation under Properties Affected 1. b. ii.</p>	<p>1) Any development located on Agricultural Lands before:</p> <p>a. Subdivision of land;</p> <p>b. A Building Permit, Soil Permit, or alteration of land associated with the following uses:</p> <p>i. agri-tourism;</p> <p>ii. agri-tourist accommodation;</p> <p>iii. agricultural dwellings, additional;</p> <p>iv. secondary suite (within an accessory building or structure);</p> <p>v. utility services, minor impact;</p> <p>vi. wineries and cideries;</p> <p>vii. greenhouses and plant nurseries;</p> <p>viii. agricultural and garden stands;</p> <p>ix. temporary farm worker housing.</p>	<p>1) Any development located on Agricultural Lands before:</p> <p>a. Subdivision of land;</p> <p>b. A Building Permit, Soil Permit, or alteration of land associated with the following uses:</p> <p>i. agri-tourism;</p> <p>ii. agricultural dwellings, additional;</p> <p>iii. secondary suite (within an accessory building or structure);</p> <p>iv. utility services, minor impact;</p> <p>v. wineries and cideries;</p> <p>vi. greenhouses and plant nurseries;</p> <p>vii. agricultural and garden stands;</p> <p>viii. temporary farm worker housing.</p>	<p>Remove agri-tourist accommodation to be consistent 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).</p>
3	<p>Chapter 15 – Farm Protection Development Permit Guidelines</p> <p>Add new guideline under 1.7 and label it 1.8</p>		<p>Design temporary farm worker housing such that:</p> <ul style="list-style-type: none"> • 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 the existing 	<p>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.</p>

SCHEDULE A - OCP16-0022

			<p>septic system, prior to the authorization of a new temporary farm worker housing structure.</p> <ul style="list-style-type: none">• Temporary farm worker housing footprint should be contiguous with the residential footprint (i.e. homeplate) and / or within 50 metres of the road and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.• 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.	
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SCHEDULE B - TA16-0015

Zoning Bylaw No. 8000				
List of Amendments to Zoning Bylaw No. 8000 for Temporary Farm Worker Housing				
Note: yellow highlights indicate revised text since May 2 Public Hearing				
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, agricultural and garden stands and	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."

SCHEDULE B - TA16-0015

			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		<p>ON-FARM PROCESSING means the undertaking of processes, including grading, packing, mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, and biological treatments on a farm unit to:</p> <ul style="list-style-type: none"> • Prepare value added products from farm products to sell, or • Prepare feed for livestock, poultry, farmed game, located on the farm <p>But excludes on-farm composting, on-farm soil preparation, and on-farm soilless medium production.</p>	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,		TEMPORARY FARM WORKER HOUSING (TFWH) means a	Introduction of a new definition consistent with Ministry of

SCHEDULE B - TA16-0015

	2.3 General Definitions		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.	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		<p>9.13.1 The following requirements must be met prior to the issuance of a permit for a Temporary Farm Worker Housing (TFWH) structure:</p> <p>(a) Farm Classification for the parcel, as determined by the <i>BC Assessment Act</i>.</p> <p>(b) Minimum farm unit size is 3.8 ha.</p> <p>(c) The need for temporary farm worker housing onsite to house temporary farm workers must be demonstrated through documentation such as a</p>	Addition of specific use regulations outlining the conditions that must be met for temporary farm worker housing .

SCHEDULE B - TA16-0015

			<p>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.</p> <p>(d) New TFWH structures shall include a communal kitchen.</p> <p>(e) The TFWH shall be occupied only during the farm unit's growing, harvesting and pruning periods. .</p> <p>(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 ten months of that calendar year.</p> <p>(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</p>	
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SCHEDULE B - TA16-0015

			worker housing purposes, by December 31 st of the second year of vacancy.	
10	Add to Section 9 Specific Use Regulations, 9.13 Temporary Farm Worker Housing		<p>9.13.2 TFWH Footprint Size</p> <p>(a) TFWH footprint may not exceed 0.20 ha for structure(s) to accommodate a maximum of forty temporary farmworkers and may not exceed 0.30 ha for structure(s) to accommodate a maximum of sixty temporary farm workers.</p>	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		<p>9.13.3 TEMPORARY FARMWORKER ALLOCATION</p> <p>(a) Structure(s) to accommodate a maximum of forty temporary farm workers per each city sector as identified on Official Community Plan Map 5.4 for parcels up to eight hectares. For parcels eight hectares or more, structure(s) to accommodate a maximum of sixty temporary farm workers per each city sector as identified on Official Community Plan Map 5.4.</p> <p>(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.</p>	Addition of specific use regulations for the number of temporary farm workers .

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			(c) Where a farm unit comprises multiple parcels of land, a restrictive covenant shall be registered on all farm unit parcels within the same sector of the temporary farm worker housing as identified on Official Community Plan Map 5.4 restricting the development of further TFWH on said parcels within that sector.	
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 .

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Procedures Bylaw No. 10540 - DRAFT

List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing

Note: **yellow highlights** indicate revised text since May 2 Public Hearing

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 <i>Community Charter</i> 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 <i>Community Charter</i> 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.

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Procedures Bylaw No. 10540 - DRAFT

List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing

Note: yellow highlights indicate revised text since May 2 Public Hearing

No.	Section	Existing Text	Proposed Text	Explanation
8	Add to Section 1.4.1 Definitions		<p>'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:</p> <ul style="list-style-type: none"> Is for eight or fewer sleeping units in one or more Temporary farm worker agricultural dwellings for the accommodation of an employee(s) paid to work for no greater than 10 months per calendar year; 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 <i>Community Charter</i> for the accommodation of an employee(s) paid to work on a farm for no greater than ten 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 'g' 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 'g' 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 <i>Community Charter</i> to issue, to refuse, to amend and to set conditions for permits for the	2.3.4 Issuance of Temporary Farm Worker Housing Permits The powers of Council under Section 15(1) of the <i>Community Charter</i> to issue, to amend and to set conditions for permits for the placement of dwellings	Replace Additional Dwelling for Farm Employee Permit with Temporary Farm Worker Housing Permit; remove

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Procedures Bylaw No. 10540 - DRAFT

List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing

Note: yellow highlights indicate revised text since May 2 Public Hearing

No.	Section	Existing Text	Proposed Text	Explanation
		placement of dwellings for the accommodation of farm help, in accordance with the <i>Agricultural Land Commission Act</i> and Regulations.	for the accommodation of Temporary farm workers, in accordance with the <i>Agricultural Land Commission Act</i> and Regulations.	words 'farm help'; and remove the words "to refuse" as Council cannot refuse 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 'g' Applications for Additional Dwelling for Farm Employee Permits	Schedule 'g' Applications for Temporary Farm Worker Housing Permits	
14	Replace Schedule 'g' Applications for Additional Dwelling for Farm Employee Permits with Schedule 'g' 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	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 OC P DP Guidelines; • The Permit authorizes eight (8) or fewer	Update wording to reflect Permanent Farm Worker Housing Permit

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Procedures Bylaw No. 10540 - DRAFT

List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing

Note: yellow highlights indicate revised text since May 2 Public Hearing

No.	Section	Existing Text	Proposed Text	Explanation										
		<p>relation to the agricultural activities, including maps, as necessary.</p> <p>2.0 PROCESSING PROCEDURES An Additional Dwelling for Farm Employee Permit application submitted in accordance with this bylaw will be processed as follows:</p> <p>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.</p> <p>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.</p> <p>2.3 Land Use Management will refer the application to all applicable City departments, government and external agencies.</p> <p>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.</p> <p>2.5 Relevant technical comments will be incorporated into a staff report for</p>	<p>sleeping units; and</p> <ul style="list-style-type: none">No variances to the Zoning Bylaw are required. <p>Applications not eligible for issuance or amendment by the Department Manager, Community Planning must be considered by Council.</p> <p>1.2 Application Requirements</p> <p>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:</p> <table><tr><td>(a) Application Form</td><td>(g) Photographs</td></tr><tr><td>(b) State of Title Certificate</td><td>(i) Site Plan</td></tr><tr><td>(c) Owner's Authorization form (if applicable)</td><td>(j) Floor Plans</td></tr><tr><td>(d) Site Profile or Site Profile Waiver</td><td>(k) Elevation Drawings</td></tr><tr><td>(f) Project Rationale</td><td>(m) Landscape Plan</td></tr></table> <p>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.</p>	(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	
(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													

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Procedures Bylaw No. 10540 - DRAFT

List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing

Note: yellow highlights indicate revised text since May 2 Public Hearing

No.	Section	Existing Text	Proposed Text	Explanation
		<p>consideration by the Director of Land Use Management.</p> <p>2.6 Land Use Management will notify the applicant in writing of the decision of the Director of Land Use Management.</p> <p>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.</p>	<p>1.3 Processing Procedures A Temporary Farm Worker Housing Permit Minor Direct application submitted in accordance with this bylaw will be processed as follows:</p> <p>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.</p> <p>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.</p> <p>c) Community Planning will refer the application to all applicable City departments.</p> <p>d) Community Planning will evaluate the proposal for compliance with relevant City bylaws and policies.</p> <p>e) Relevant technical comments will be incorporated into a staff report for consideration by the Department Manager, Community Planning.</p> <p>f) Community Planning will notify the applicant in writing of the decision of the Department Manager, Community Planning.</p> <p>g) If authorized for issuance by the</p>	

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Procedures Bylaw No. 10540 - DRAFT

List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing

Note: yellow highlights indicate revised text since May 2 Public Hearing

No.	Section	Existing Text	Proposed Text	Explanation										
			<p>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.</p> <p>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.</p> <p>2.0 TEMPORARY FARM WORKER HOUSING PERMIT MAJOR</p> <p>2.1 Application Requirements</p> <p>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:</p> <table><tr><td>(a) Application Form</td><td>(g) Photographs</td></tr><tr><td>(b) State of Title Certificate</td><td>(i) Site Plan</td></tr><tr><td>(c) Owner's Authorization form (if applicable)</td><td>(j) Floor Plans</td></tr><tr><td>(d) Site Profile or Site Profile Waiver</td><td>(k) Elevation Drawings</td></tr><tr><td>(f) Project Rationale</td><td>(m) Landscape Plan</td></tr></table>	(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	
(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													

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Procedures Bylaw No. 10540 - DRAFT

List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing

Note: yellow highlights indicate revised text since May 2 Public Hearing

No.	Section	Existing Text	Proposed Text	Explanation
			<p>b) Additional information may be required by 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.</p> <p>2.2 Processing Procedures A Temporary Farm Worker Housing Permit application submitted in accordance with this Bylaw will be processed as follows:</p> <p>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.</p> <p>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.</p> <p>c) Community Planning will refer the application to all applicable City departments, and government and external agencies.</p> <p>d) Community Planning will evaluate the proposal for compliance with relevant City bylaws and policies.</p>	

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Procedures Bylaw No. 10540 - DRAFT

List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing

Note: yellow highlights indicate revised text since May 2 Public Hearing

No.	Section	Existing Text	Proposed Text	Explanation
			<p>e) The applicant will undertake the form(s) of public notification and consultation required in accordance with Section 4 of this bylaw</p> <p>f) Community Planning will prepare a staff report and refer the application to the Agricultural Advisory Committee.</p> <p>g) The applicant is encouraged to attend the meeting of the Agricultural Advisory Committee at which the Permit application is being reviewed.</p> <p>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.</p> <p>i) Staff of the Office of the City Clerk will notify the applicant in writing of the decision of Council.</p> <p>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.</p> <p>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.</p>	

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	1 st meeting with Regional TFWH Working Group ¹
December 1, 2015	2 nd meeting with Regional TFWH Working Group
April 13, 2016	3 rd meeting with Regional TFWH Working Group
July 6, 2016	4 th 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: <ul style="list-style-type: none"> • Interior Health • Ministry of Agriculture • Agriculture Land Commission • Ministry of Transportation • RDCO • BMID • GEID • SEKID • Rutland Water Works
October 13, 2016	1 st AAC workshop with initial proposed policy changes for TFWH
October 31, 2016	1 st 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	5 th 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	2 nd 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.

Date	Action
	<ul style="list-style-type: none"> • 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	2 nd City Council Workshop with revised proposed policy changes for TFWH
March 15, 2017	Revised proposed policy changes for TFWH referred for comment to: <ul style="list-style-type: none"> • 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.
<i>Process for policy development after report and amendments submitted to Council for April 10 meeting (highlighted in grey)</i>	
April 10, 2017	Council consideration of amendments. Council gives first reading and file proceeds to May 2 nd Public Hearing.
April 21, 2017	Kelowna Daily Courier Advertisement for Public Hearing
April 26, 2017	Meeting with BC Fruit Growers Association to discuss concerns
May 2, 2017	Public Hearing

Date	Action
May 3, 2017	Follow up with Ministry of Agriculture regarding farm unit definition after concerns raised at Public Hearing
May 9, 2017	Meeting with BC Fruit Growers Association to discuss concerns and future direction.
May 18, 2017	Phone meeting with Ministry of Agriculture regarding farm unit definition and minimum parcel size versus minimum farm unit size.
May 24, 2017	Meeting with BC Fruit Growers Association to discuss proposed policy.
May 25, 2017	Phone meeting with Ministry of Agriculture regarding farm unit and options to allow TFWH in each City sector.
May 26, 2017	Email input from BC Fruit Growers Association advising that they met with Ministry of Agriculture and that TFWH developments separated by some distance (placing them in different neighbourhoods, for example) could be considered.
May 31, 2017	Phone meeting with Ministry of Agriculture regarding farm unit and options to allow TFWH in each City sector as well as maximum TFW allowed per parcel.
June 1, 2017	Email input from Ministry of Agriculture to outlining that they feel that the proposed wording for a sector approach meets the needs of industry and balances other interests.
June 2, 2017	Phone meeting with Ministry of Agriculture to understand the technical aspects of allowing TFWH in City sectors.

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.	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> Development Application Procedures Bylaw and requirements of Right to Farm Regulated Community 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.	

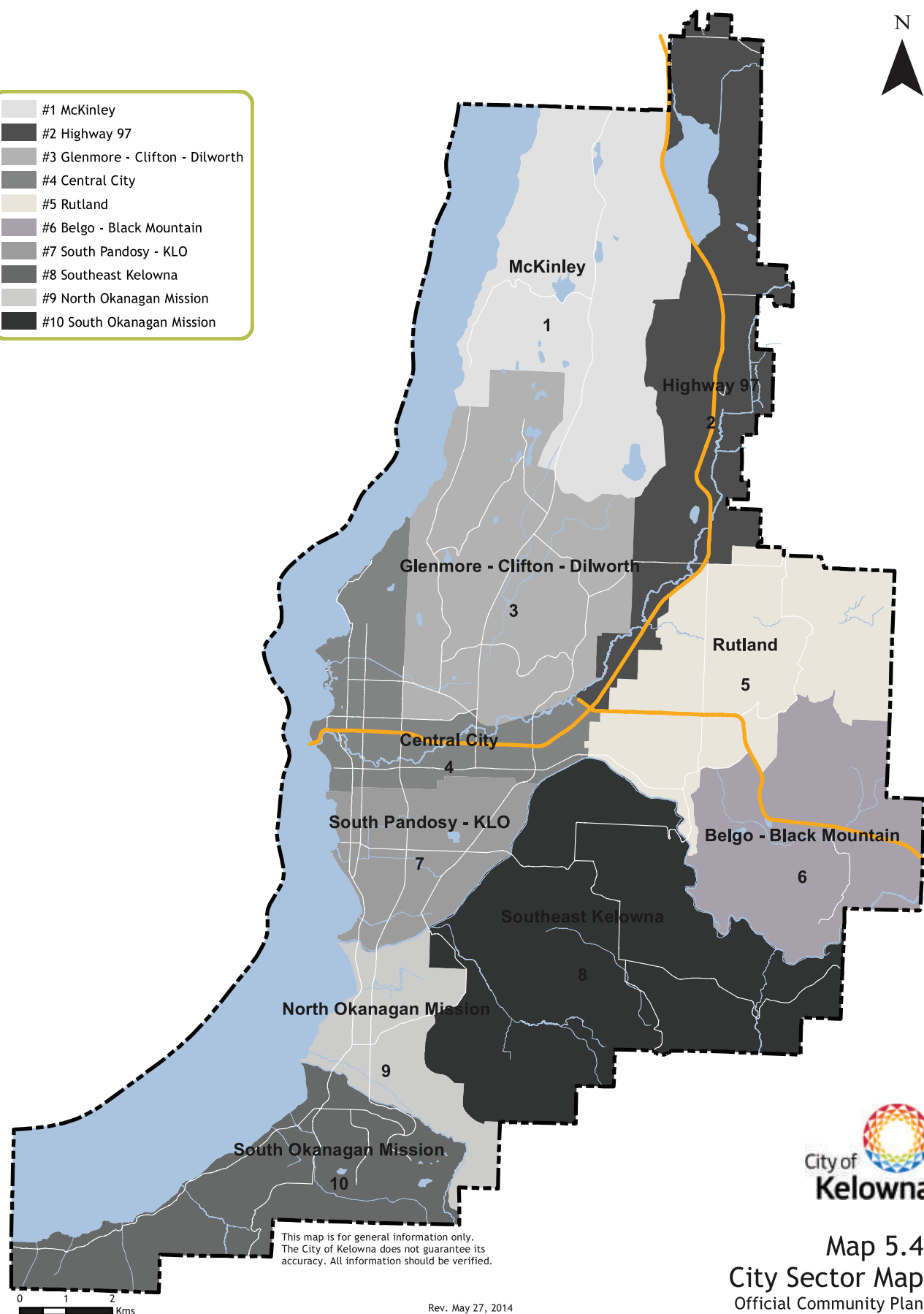
Date	Organization	Summary of Input	Notes
January 20, 2017	Interior Health, Jill Worboys (Public Health Dietician) and Anita Ely (Environmental Health Officer)	Support of proposed policy and outlined the importance that agricultural capacity is a key aspect of local healthy food systems and recommended 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: <ul style="list-style-type: none"> Revise section 1.2b) of the Development Application Procedures Bylaw regarding authority to “deny” a permit 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Federal SAWP requirements regulate standards for this
March 30, 2017	Elizabeth Heier, resident	Concerns over TFWH proposed policy including: <ul style="list-style-type: none"> • Neighbourhood awareness of TFWH applications • Enforcement of proposed regulations 	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • Enforcement of proposed regulations 	
<i>Input received after report and amendments submitted to Council for April 10 meeting (highlighted in grey)</i>			
April, 6, 2017	BC Fruit Growers Association	Concerns with consultation and not being referred on bylaw amendments.	<ul style="list-style-type: none"> • Referral sent to BCFGA on March 15 to both President and General Manager
April 7, 2017	BC Fruit Growers Association	Concerns over length of consultation time. Request for delegation at April 10 Council meeting.	
April 7, 2017	ALC	Letter of support for proposed amendments	
April 26, 2017	BC Fruit Growers Association	Meeting with staff regarding concerns on proposed amendments.	
Written input received for May 2,	Lynn Lashuk	Concerns over consultation period, minimum parcel size too small, maximum number of workers not related to farm size, maximum use per year is too short, housing footprint size not related to farm	

Date	Organization	Summary of Input	Notes
2017 Public Hearing		size, requirement to be within 50 meter of road, ON Farm Processing definition incomplete.	
	BC Fruit Growers Association	4 main concerns: 1. Definition of farm unit, should be contiguous only. 2. Public hearing threshold is too low, it should be 60 3. Annual term of occupation should be 10 months 4. TFWH should be allowed on poorest farmland	
	UDI	Support for approach to TFWH to go through a process similar to any other multi-family developer.	
	Norm and Tasha Melnichuk	Concerns over structures for 140 TFWH next to their property. The number is too many due to noise, proximity to neighbouring property, fire protection, water, access and property value.	
	Elizabeth Heier	Support for proposed amendments but concerns over enforcement of regulations.	
May 3, 2017	Ministry of Agriculture	Discussion on farm unit definition.	Ministry of Agriculture advised to keep the definition as outlined in the Guide for Bylaw Development in Farming Areas.
May 9, 2017	Meeting with BC Fruit Growers to discuss concerns and future direction.	Reviewed four main concerns as outlined in Public Hearing.	Informed the BCFGA that Ministry of Agriculture strongly advises to keep farm unit definition as outlined in the Guide for Bylaw Development in Farming Areas.
May 18, 2017	Ministry of Agriculture	Further discussion on farm unit definition and minimum parcel size versus minimum farm unit size.	Update 3.8 minimum parcel size requirement to 3.8 minimum farm unit size.
May 24	BC Fruit Growers Association	Discuss proposed revisions to policy.	

Date	Organization	Summary of Input	Notes
May 25	Ministry of Agriculture	Discussion on farm unit and options to allow TFWH in each City sector.	
May 26	BC Fruit Growers Association	Advised that they met with Ministry of Agriculture and that TFWH developments separated by some distance (placing them in different neighbourhoods, for example) could be considered.	
May 31	Ministry of Agriculture	Discussion on farm unit and options to allow TFWH in each City sector as well as maximum TFW allowed per parcel.	
June 1	Ministry of Agriculture	The proposed wording for the sector approach meets the needs of industry and balances other interests	
June 2	Ministry of Agriculture	Meeting to understand technical aspects of allowing TFWH in multiple City sectors	

- #1 McKinley
- #2 Highway 97
- #3 Glenmore - Clifton - Dilworth
- #4 Central City
- #5 Rutland
- #6 Belgo - Black Mountain
- #7 South Pandosy - KLO
- #8 Southeast Kelowna
- #9 North Okanagan Mission
- #10 South Okanagan Mission





Temporary Farm Worker Housing

June 19, 2017

Purpose

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



Council Priorities and Commitments

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



Opportunities for Input

TIMELINE	INPUT OPPORTUNITY
Throughout Process	Regional TFWH Working Group
Oct. 13, 2016	1 st Application Referral
Oct. 13, 2016	1 st AAC Meeting
Oct. 31, 2016	1 st Council Meeting
Feb. 9, 2017	2 nd AAC Meeting
Feb. 10, 2017	2 nd Application Referral
Mar. 6, 2017	2 nd Council Meeting
Mar. 15, 2017	3 rd Application Referral
Mar. 17 and 24, 2017	Courier ads inviting comments
April 21, 2017	Courier ads about Public Hearing
May 2	Public Hearing

Who we heard from

- ▶ Agriculture Advisory Committee
- ▶ Ministry of Agriculture
- ▶ Agriculture Land Commission
- ▶ Ministry of Transportation
- ▶ Interior Health
- ▶ BC Fruit Growers Association
- ▶ Orchardists
- ▶ Central Okanagan Food Policy Council
- ▶ Residents
- ▶ Consulate General of Mexico
- ▶ Jamaican Liaison Services
- ▶ Seasonal Agriculture Worker Program Inspector
- ▶ Radical Action with Migrants in Agriculture

Since First Reading

- ▶ BC Fruit Growers:
 - ▶ 3 in person meetings
 - ▶ 3 emails
- ▶ Ministry of Agriculture:
 - ▶ 5 phone meetings
 - ▶ 3 emails
- ▶ Other input (written and verbal) as part of Public Hearing process



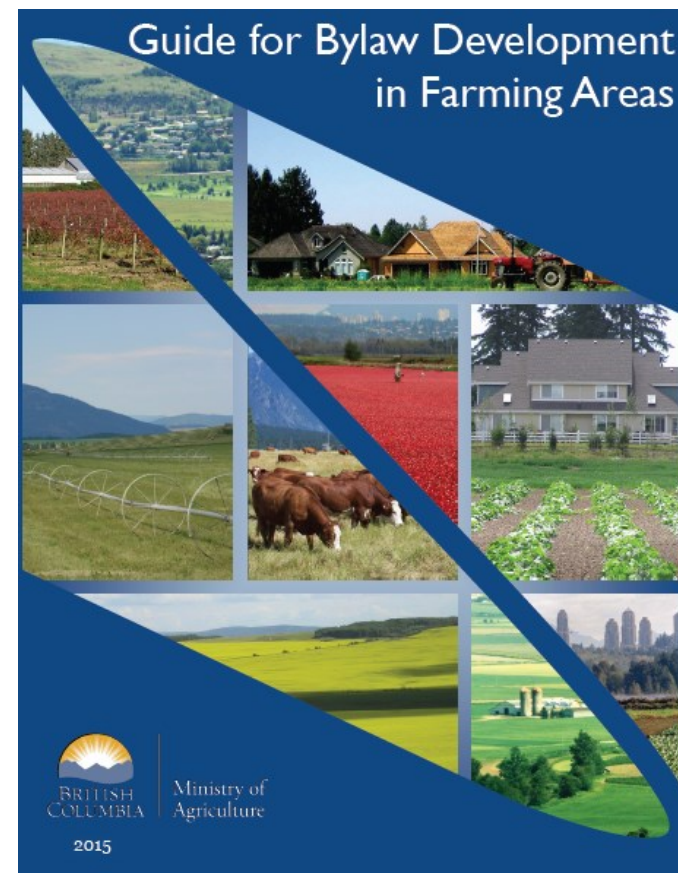
Objectives

- ▶ 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 changes since First Reading

	Initial Policy	Revised Policy

Zoning changes since First Reading

	Initial Policy	Revised Policy
1.	On-farm processing means the undertaking of processes including	Added “grading and packing”
2.	Minimum parcel size is 3.8ha	Minimum farm unit size is 3.8 ha
3.	Building will be occupied no longer than 8 months	Building will be occupied no longer than 10 months

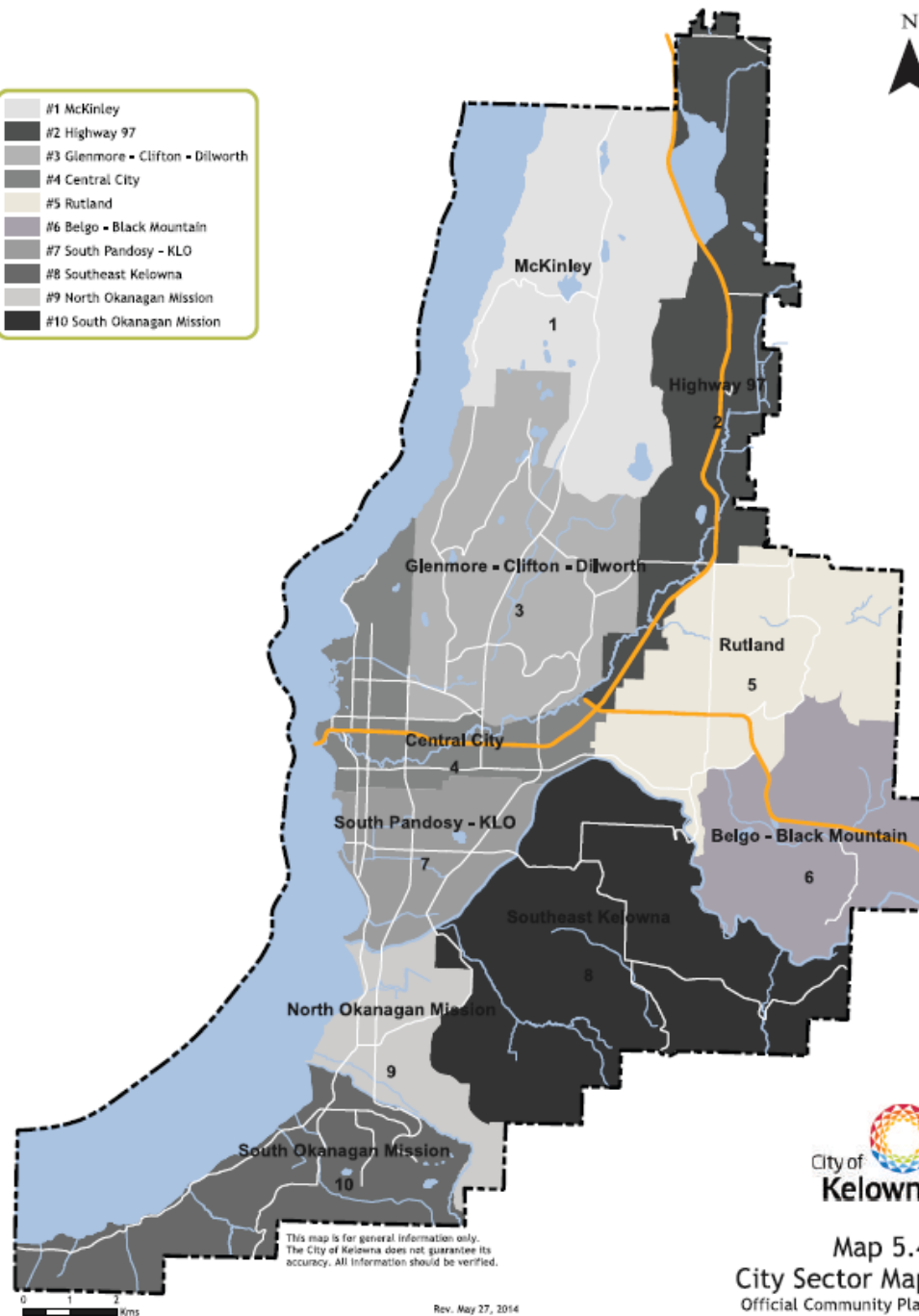
Zoning changes since First Reading con't

	Initial Policy	Revised Policy
4.	Structure(s) to accommodate a maximum of 40 TFW per farm unit	Structures to accommodate: <ul style="list-style-type: none">• 40 TFW per each sector for parcels up to 8 ha• 60 TFW per each sector for parcels over 8 ha
5.	TFWH footprint may not exceed 0.20 ha	May not exceed 0.20 ha for structures to accommodate up to 40 TFW, and not exceed 0.30 ha for structures to accommodate 60 TFW

Zoning changes since First Reading con't

	Initial Policy	Revised Policy
6.	Restrictive covenant registered on all other parcels of the farm unit restricting further TFWH.	Restrictive covenant registered on all other parcels within the same sector restricting further TFWH.

- #1 McKinley
- #2 Highway 97
- #3 Glenmore - Clifton - Dilworth
- #4 Central City
- #5 Rutland
- #6 Belgo - Black Mountain
- #7 South Pandosy - KLO
- #8 Southeast Kelowna
- #9 North Okanagan Mission
- #10 South Okanagan Mission



Map 5.4
City Sector Map
Official Community Plan

Development Application Procedures Bylaw changes since First Reading

	Initial Policy	Revised Policy
1.	Temporary Farm Working Housing Permit Minor Direct....	Added “for accommodation of an employee to work for no greater than 10 months per calendar year”
2.	Temporary Farm Working Housing Permit Major...for less than 8 months per calendar year.	Changed to “for no greater than 10 months per calendar year”

Addressing Industry Concerns

	Concern	How it was addressed
1.	'Contiguous' in the farm unit definition	Definition remains intact but now allow TFW in all sectors
2.	Public Hearing Threshold	<ul style="list-style-type: none"> • 40 for parcels less than 8 ha • 60 for parcels 8 ha or more • TFWH allowed in multiple sectors
3.	8 month occupation	Revised to 10 month occupation
4.	Location of TFWH	Added located to "maximize agricultural potential and limit negative impacts"



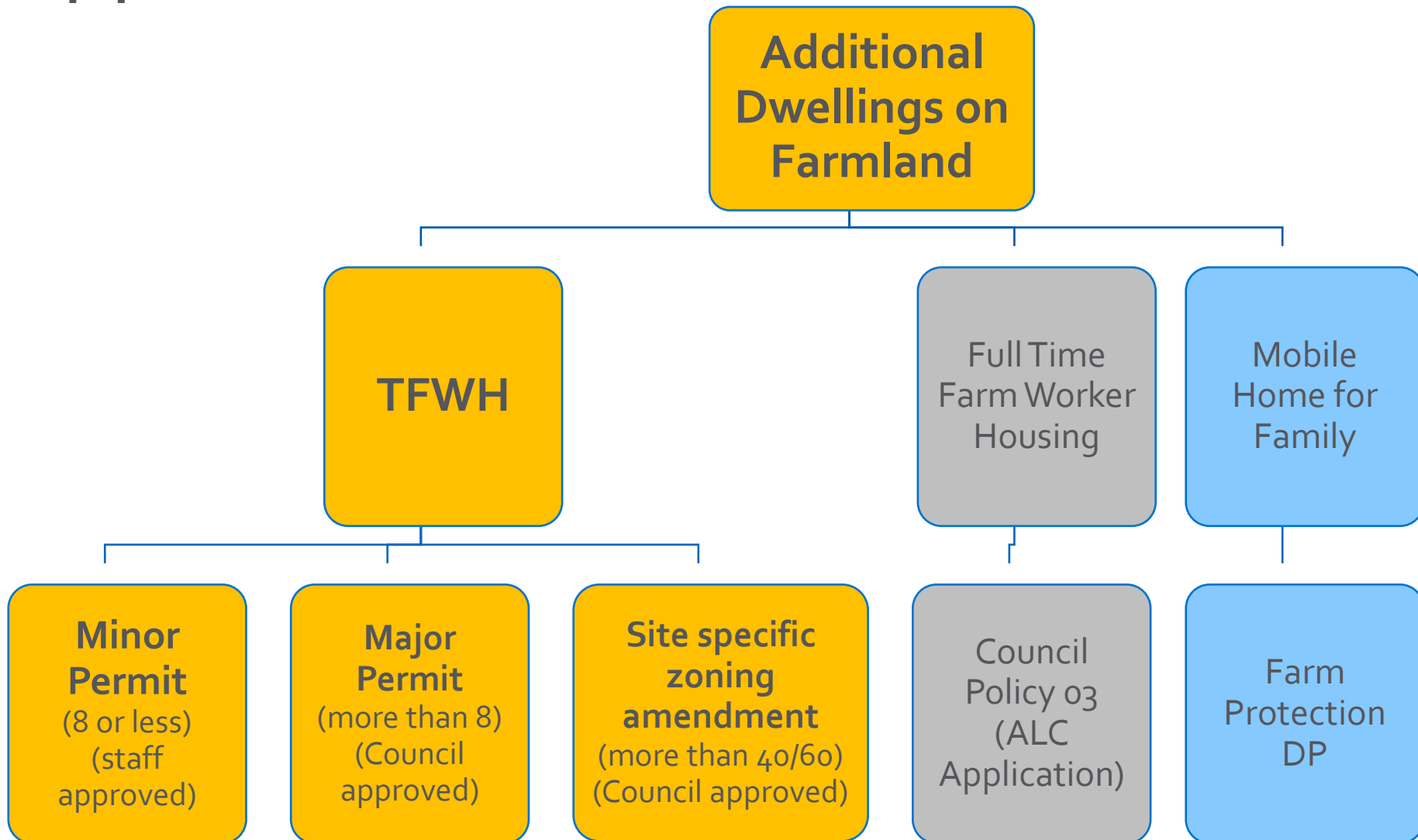
Questions?



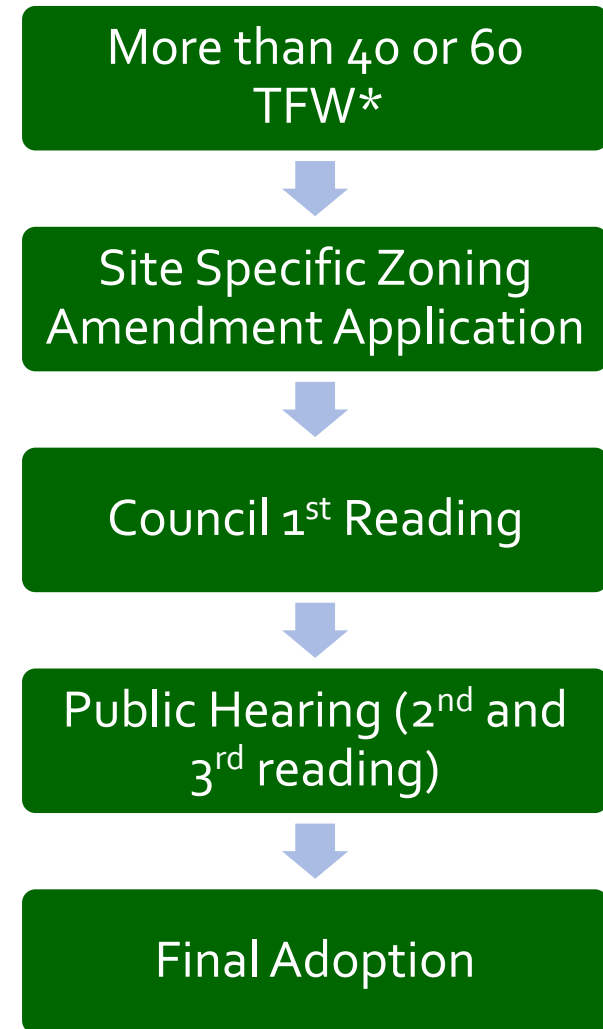
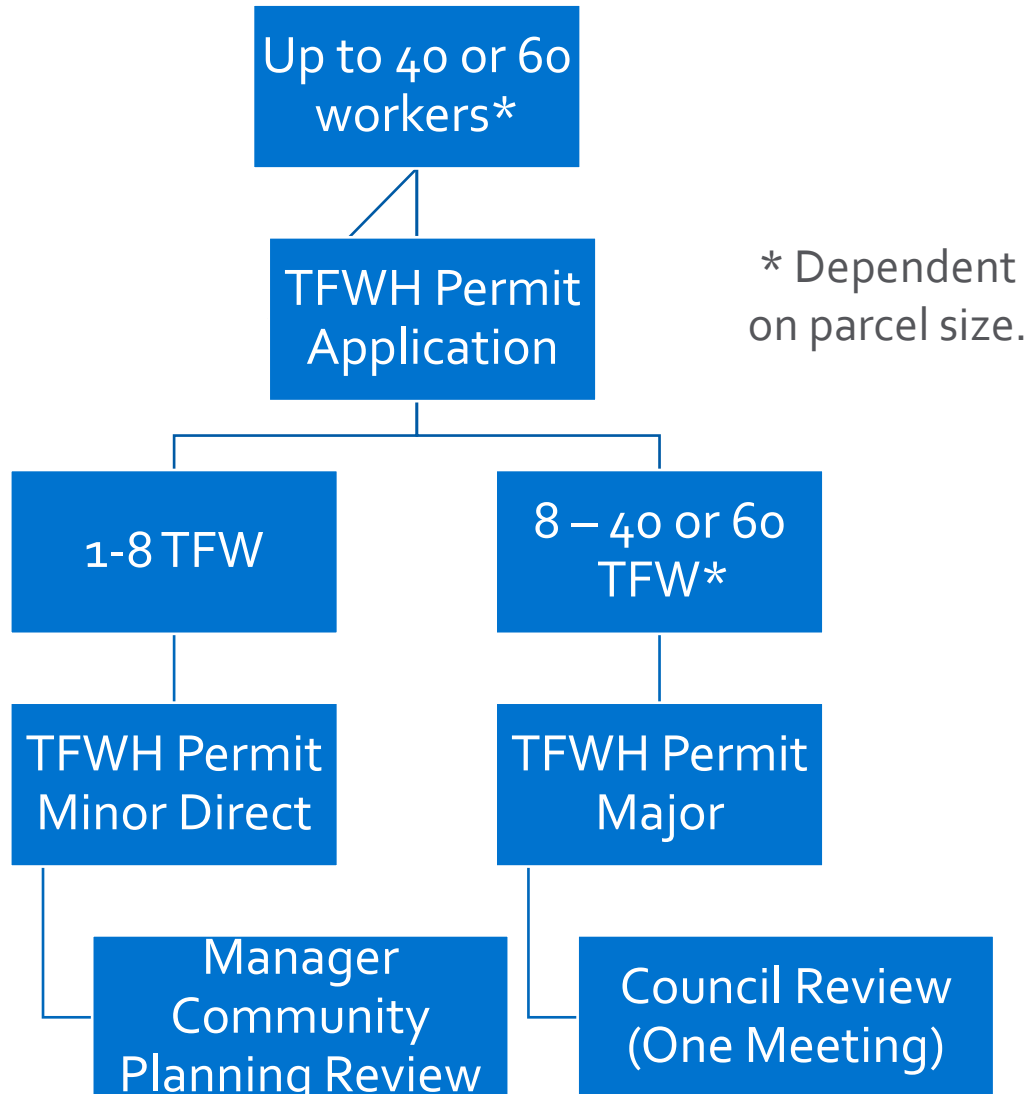
Other Municipal Examples

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 (A ₁) 8 ha (A ₂)	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

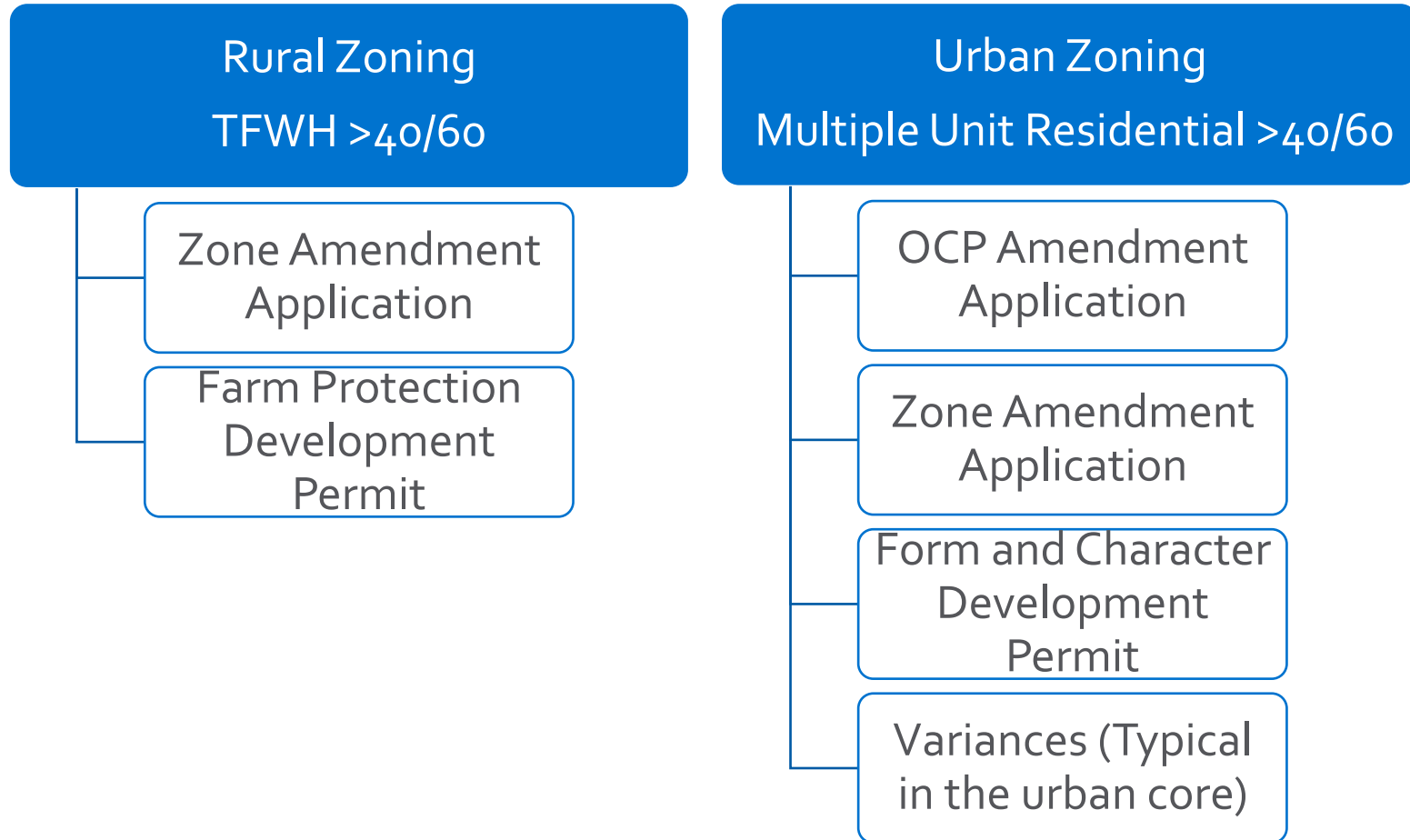
Application streams



The Process



Comparative Process – Rural and Urban



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" and renumber subsequent sub-paragraphs;

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 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 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 and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.
- 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 10th day of April, 2017.

Considered at a Public Hearing on the 2nd day of May, 2017.

Amended at first reading by the Municipal Council this

Re-considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved by the Ministry of Agriculture 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 grading, packing, 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 farm unit 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 unit'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 ten 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 for **structure(s)** to accommodate a maximum of forty **temporary farmworkers** and may not exceed 0.30 ha for **structure(s)** to accommodate a maximum of sixty **temporary farm workers**."

9.13.3 **TEMPORARY FARMWORKER ALLOCATION**

- (a) **Structure(s)** to accommodate a maximum of **forty temporary farm workers** per each city sector as identified on **Official Community Plan Map 5.4** for parcels up to eight hectares. For parcels eight hectares or more, **structure(s)** to accommodate a maximum of sixty **temporary farm workers** per each city sector as identified on **Official Community Plan Map 5.4**.
- (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 multiple parcels of land, a restrictive covenant shall be registered on all **farm unit** parcels within the same sector of the **temporary farm worker housing** as identified on **Official Community Plan Map 5.4** restricting the development of further **TFWH** on said parcels within that sector.

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 10th day of April, 2017.

Considered at a Public Hearing on the 2nd day of May, 2017.

Amended at first reading by the Municipal Council this

Re-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 Agriculture this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

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 amended 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 for the accommodation of an employee(s) paid to work for no greater than 10 months per calendar year; 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 no greater than ten 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 'g' of this bylaw."
- And replaced with:
- "h) An Application for a **Temporary Farm Worker Housing Permit** will be made and processed substantially in accordance with Schedule 'g' 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 'g' – Applications for Additional Dwelling for Farm Employee Permits be deleted in its entirety that reads:

"Schedule 'g'

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 'g' 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.

2.0 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, 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 10th day of April, 2017.

Amended at third reading 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: June 12, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: Z17-0039 **Owner:** 554764 BC Ltd.

Address: 170 & 230 Nickel Rd **Applicant:** James Zeleznik

Subject: Rezoning Application

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

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z17-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 27, Township 26, ODYD, Plan 25115, located at 230 Nickel Rd, Kelowna, BC, and Lot B, Section 27, Township 26, ODYD, Plan 25115 Except Plan KAP65522, located at 170 Nickel Rd, Kelowna, BC from the RU1 – Large Lot Housing Zone to the RM3 – Low Density Multiple Housing Zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the following:

To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated May 29th 2017.

AND FURTHER THAT, subsequent to forth reading of the above bylaw, a Development Permit will be required as outlined in the report from the Community Planning Department date June 12, 2017.

2.0 Purpose

To consider a rezoning application on the subject property from the RU1 – Large Lot Housing Zone to the RM3 – Low Density Multiple Housing Zone.

3.0 Community Planning

Staff support the rezoning from the RU1 zone to the RM3 zone. The Official Community Plan (OCP) designates the property as MRL – Multiple Unit Residential (Low Density) and encourages townhouse style development on the subject properties.

If the rezoning is successful, Staff will bring forth a form and character development permit to Council for the proposed project for consideration. Currently, Staff are not tracking any variances with the current proposal. The applicant's current landscape and site plan will need to be amended prior to Development Permit to comply with the engineering requirements (See attached memorandum dated May 29, 2017). A 3.0 metre walkway dedication has been identified as a requirement at the north end of the property to provide pedestrian connectivity between Nickel Road and Mills Road.

4.0 Proposal

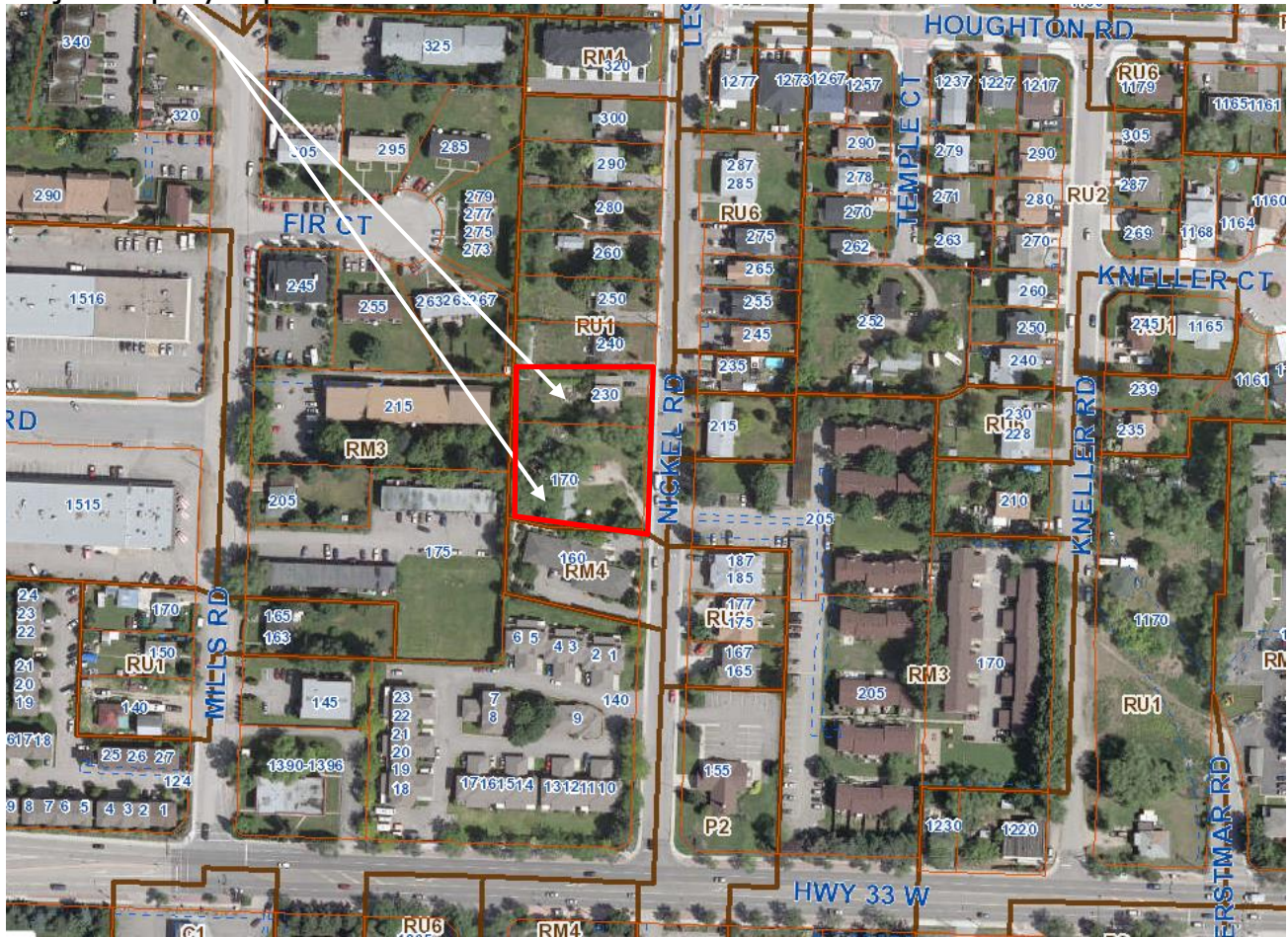
4.1 Project Description

The applicant wishes to consolidate the two subject properties and rezone to the RM3 zone to allow for the development of a rental townhouse project. The townhouse row fronting Nickel Rd is proposed to have seven 2-bedroom units. The back row is proposed to have eight 3-bedroom units. The central parking area is proposed to have 2 parking spaces per unit. All units will have 'front' and 'back' doors such that parking area and outdoor private patios and yards may be directly accessed.

4.2 Site Context

The subject property is Rutland between Houghton Road and Highway 33. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU1 – Large Lot Housing RU6 – Two Dwelling Housing RM3 – Low Density Multiple Housing	Residential
South	RM4 – Transitional Low Density Housing RM3 – Low Density Multiple Housing	Residential
West	RM3 – Low Density Multiple Housing	Residential

Subject Property Map: 170 & 230 Nickel Rd**4.3 Zoning Analysis Table**

The zoning analysis is included in the table below:

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	10.0 m / 3 storeys	7.5 m / 2 storeys
Front Yard (east)	6.0m	4.5m
Side Yard (north)	4.0m	4.5m
Side Yard (south)	4.0m (principal) 1.5m (accessory)	4.6m (principal) 1.5m (accessory)
Rear Yard (west)	7.5m	7.5m
Site coverage of buildings	40%	29%
Site coverage of buildings, driveways & parking	60%	59%

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
FAR	0.75 Max	0.74
Parking Regulations		
Minimum Parking Requirements	37 stalls	40 stalls
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: tbd Medium Size: tbd Small Size: tbd
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 0 bikes Class 2: 0 bikes	Class 1: 0 bikes Class 2: 12 bikes
Private Open Space	25 m ² / unit	25 m ² / unit

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.

Residential Land Use Policies.²

- Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.
- Ensure context sensitive housing development.

6.0 Technical Comments

6.1 Building & Permitting Department

No comment on rezoning.

6.2 Development Engineering Department

See attached memorandum dated May 29, 2017.

6.3 Fire Department

No comment on rezoning.

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Objective 5.22 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received: April 21st 2017
Date Public Notification Completed: May 1st 2017

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

Attachments:

ATTACHMENT 'A' Development Engineering Memo dated May 29th 2017
Initial Architectural Drawing Package

CITY OF KELOWNA

MEMORANDUM

ATTACHMENT A

Date: May 29, 2017
File No.: Z17-0039
To: Urban Planning Management (AC)
From: Development Engineering Manager (SM)
Subject: 170 & 230 Nickel Road

This forms part of application
Z17-0039

Planner
Initials



RU1 to RM3

The Development Engineering Department has the following comments and requirements associated with this rezoning application from RU1 to RM3 to facilitate a townhouse development. 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 Jason Ough

1. General

- a) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI).

2. Domestic Water and Fire Protection

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs, as well as any costs to decommission existing services are to be paid directly to BMID.
- b) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

3. Sanitary Sewer

The subject properties are currently serviced with two 100mm sanitary services, at 170 and 230 Nickel Road. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service if necessary.

4. Storm Drainage

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. The applicant, at his cost, will arrange the installation of one overflow service if required

5. **Road Improvements**

- a) There is some curb, gutter and pavement missing from the frontage of the subject properties. The applicant must have a civil engineering consultant submit a design for the completion of urbanization for Nickel Road along the full frontage of the subject properties; including curb and gutter, sidewalk, LED street lighting, landscaped boulevard, storm drainage system, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. An estimate for public side works will be required, for bonding purposes, to be submitted by the applicants civil engineering consultant.

6. **Road Dedication and Subdivision Requirements**

- a) The subject properties are required to be consolidated as part of this development project.
- b) The applicant is required to dedicate 3m along the north property line of 230 Nickel Road for construction of a walkway to connect Nickel Rd to Fir Ct.
- c) Grant statutory rights-of-way if required for utility services.

7. **Electric Power and Telecommunication Services**

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

8. **Design and Construction**

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

9. **Servicing Agreements for Works and Services**

- a) A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

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

10. Other Engineering Comments

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

11. Geotechnical Report

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.**
- Overall site suitability for development.
 - Presence of ground water and/or springs.
 - Presence of fill areas.
 - Presence of swelling clays.
 - Presence of sulphates.
 - Potential site erosion.
 - Provide specific requirements for footings and foundation construction.
 - Provide specific construction design sections for roads and utilities over and above the City's current construction standards

12. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Only on drive access (6m width maximum) will be permitted for this development.
- (ii) All turning movements including garbage pick-up must be contained onsite.

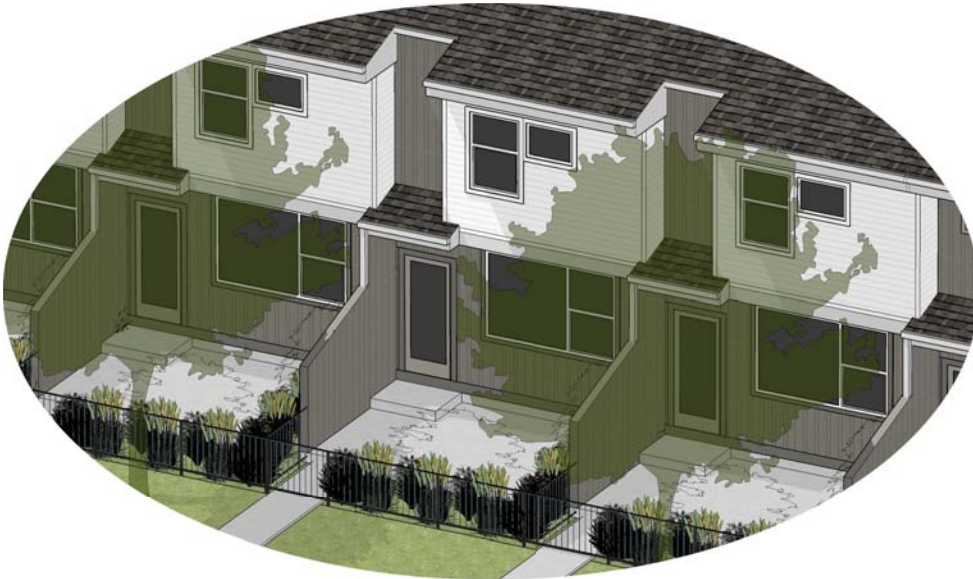
Steve Muenz, P. Eng.
Development Engineering Manager
jo

ATTACHMENT		A
This forms part of application		
# Z17-0039		
Planner Initials	<input type="text"/>	 City of Kelowna <small>COMMUNITY PLANNING</small>

The subject properties are located at 170 & 230 Nickel Rd. in Rutland. The properties are currently zoned RU1. The Owner wishes to consolidate and rezone these properties to RM3 to allow for the development of rental row housing. A development with two, 2 storey blocks of row houses each side of a central parking plaza is proposed.



The row fronting Nickel Rd will provide seven, 2 *bedroom* units with two, 2 *bedroom + den* units at either end. These units will have unfinished basements for unit equipment (furnace/ HWT/ HRV) and tenant storage. The back row will provide 8, 3 *bedroom* units with two, 3 *bedroom + den* units at either end. These units will have basements finished to provide a bedroom, rec room, and washroom and will include unit equipment (furnace/ HWT/ HRV). The central parking area will allow 2 parking spaces per unit. All units will have 'front' and 'back' doors such that parking area and outdoor private patios and yards may be directly accessed.



Detail view of east elevation showing 'front' door access to Nickel street and private patios.



Detail view of west elevation showing 'back' door access to private patios and yards



Detail view of Interior (parking plaza) showing access to private patios and parking

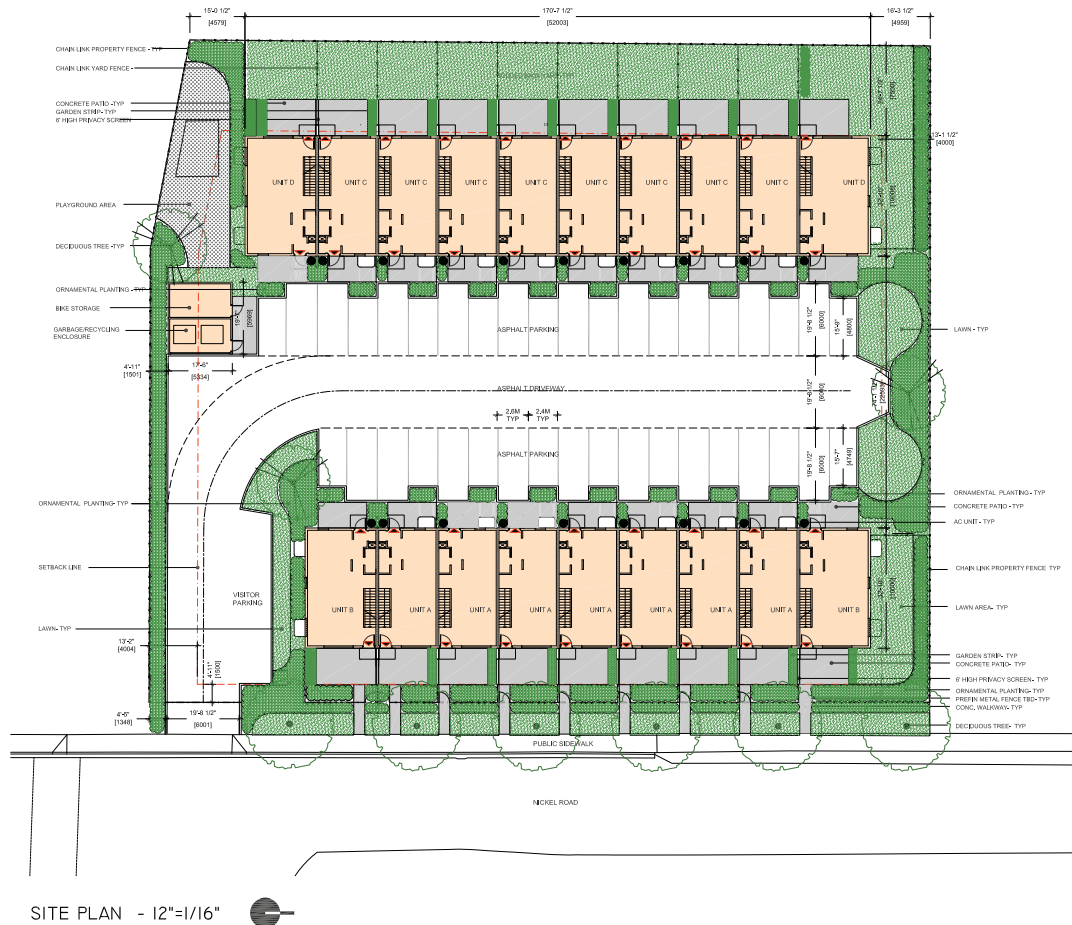
The block of rows will be broken vertically and horizontally to provide human scale, shading, weather protection and visual interest. The scale and material selection- 'hardi' board & batten with 'hardi' horizontal lap siding - are selected for their durability and as acknowledgement of the residential setting of the development.



East/West Elevation Detail showing breaks in vertical & horizontal planes. Materials accentuate the breaks and provide additional human scale



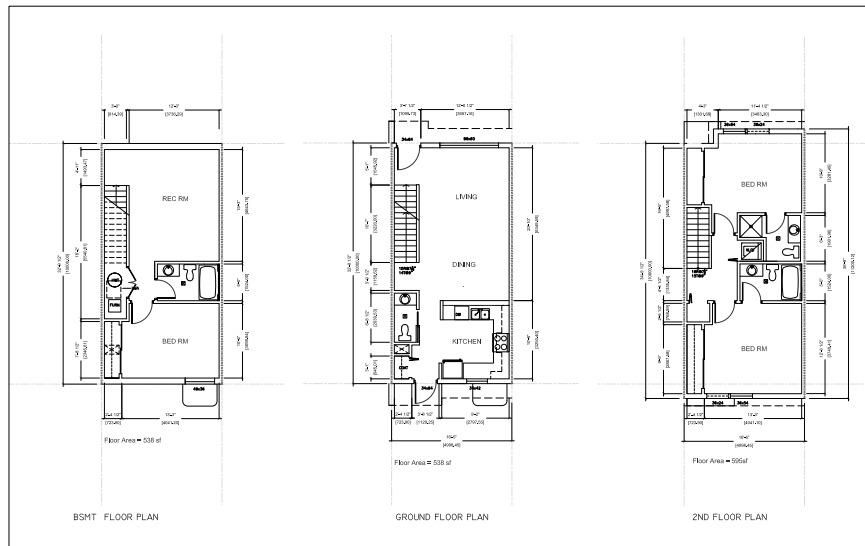
Interior (parking plaza) elevation detail showing breaks in vertical & horizontal planes. Materials accentuate the breaks and provide additional human scale



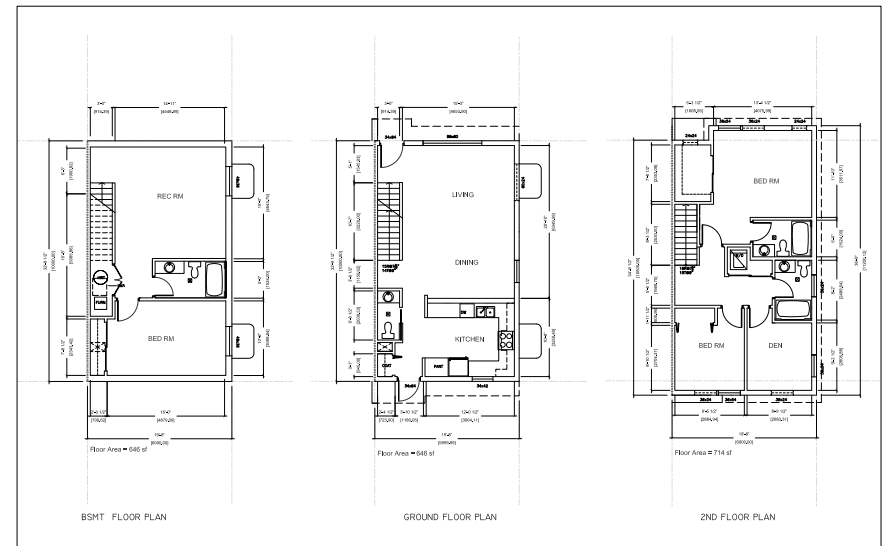
SITE AXONOMETRIC - NTS



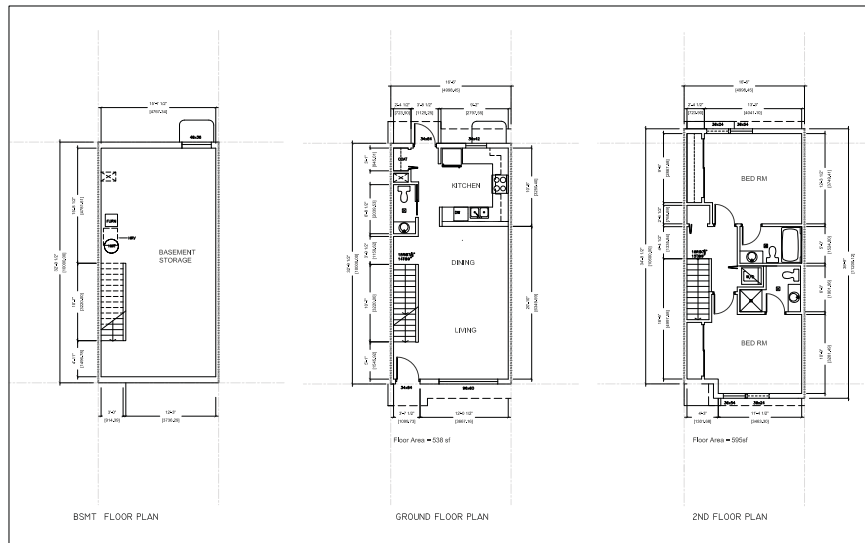
SITE CONTEXT PLAN - NTS



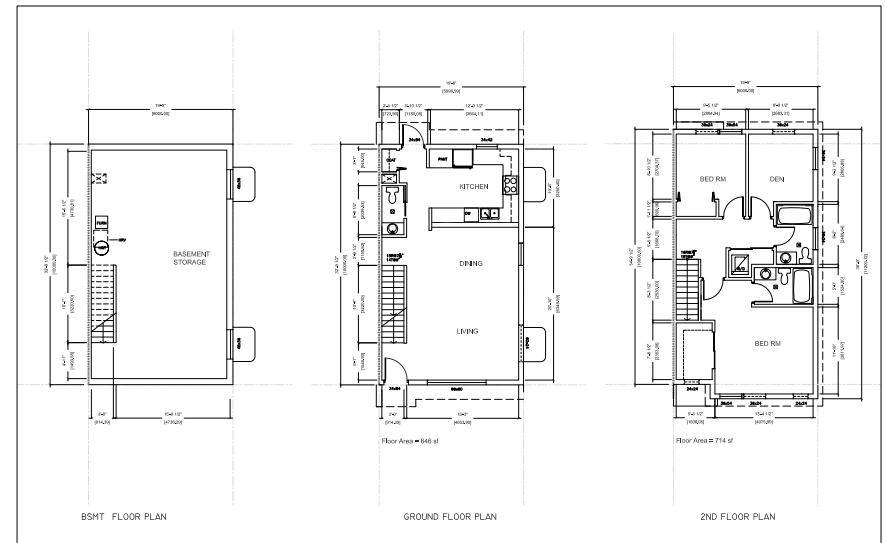
UNIT TYPE C - 3 BED, 3.5 BATH



UNIT TYPE D - 3 BED + DEN, 3.5 BATH



UNIT TYPE A - 2 BED, 1.5 BATH



UNIT TYPE B - 2 BED + DEN, 2.5 BATH

West Elevation



'IKO' Cambridge Shingle
Colour: Dual Black

North Elevation

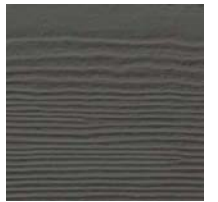


'Hardie' Fascia & Detail Panel
Colour: Pearl Gray



'Hardie' Horizontal Siding & Trim
Colour: Artic White

East Elevation



'Hardie' Board & Batten
Colour: Rich Espresso

South Elevation



East Interior
Elevation



'IKO' Cambridge Shingle
Colour: Dual Black

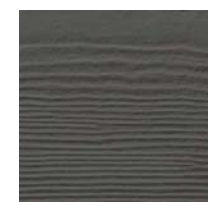


'Hardie' Fascia & Detail Panel
Colour: Pearl Gray



'Hardie' Horizontal Siding & Trim
Colour: Artic White

West Interior
Elevation



'Hardie' Board & Batten
Colour: Rich Espresso

West /East
Elevation Detail



Interior
Elevation Detail





LEGEND:

	LAWN AREA
	ORNAMENTAL SHRUBS, GRASSES, & PERENNIALS
	VEGETABLE & HERB GARDEN, PLANTED BY HOMEOWNER
	CONCRETE PAVING FINISH: BROOM
	CRUSH GRANULAR WALKWAY
	PROPOSED FENCE HT. VARIES
	EXISTING FENCE

NOTES:

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE LATEST EDITION OF THE CANADIAN LANDSCAPE STANDARDS, PUBLISHED BY THE C.N.L.A. AND THE C.S.L.A. AS WELL AS THE CITY OF KELOWNA LANDSCAPE STANDARDS.
2. THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM CITY OF KELOWNA FORM AND CHARACTER REQUIREMENTS.
3. PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANTING SELECTIONS MAY VARY DEPENDING UPON AVAILABILITY AT THE TIME OF CONSTRUCTION.
4. TREES SHALL BE INSTALLED IN DEFINED OIL PITS OR PLANTING BED AREAS. ADEQUATE SOIL VOLUME SHALL BE PROVIDED BASED ON THE SPECIFIED TREE SPECIES AND LOCATION.
5. SHRUB BEDS TO HAVE COMPOSTED, PRE-APPROVED, MULCH, DEPTH 75mm.
6. ORNAMENTAL SHRUBS, GRASSES, AND PERENNIALS TO BE PLACED WITHIN DEFINED PLANTING BEDS. ALL PLANTING BEDS SHALL HAVE MIN. OF 450mm (18") IMPORTED GROWING MEDIUM AND 75mm (3") OF COMPOSTED MULCH R APPROVED EQUAL.
7. MAINTENANCE EDGE AREAS SHALL HAVE A MIN. DEPTH OF 100mm (3") OF DECORATIVE ROUND ROCK. LANDSCAPE FABRIC SHALL BE NILEX 4545 OR APPROVED EQUAL.
8. TURF AREAS SHALL BE ECO TURF FARMS, (O MART BLEND SOD WITH A MIN. OF 150mm (6") IMPORTED GROWING MEDIUM.
9. A HIGH EFFICIENCY IRRIGATION SYSTEM SHALL BE INSTALLED FOR ALL ORNAMENTAL LANDSCAPE AREAS, AND SHALL CONFORM TO THE CITY OF KELOWNA'S IRRIGATION STANDARDS IN BYLAW 7900.

PLANT LIST:

TREES			
BOTANICAL NAME	COMMON NAME	PLANT SIZE	SPACING
<i>Acer x freemanii</i> 'Jeffersred'	Autumn blaze red maple	B&B, 5cm Cal	As Shown
<i>Cercidiphyllum japonicum</i>	Katsura tree	B&B, 5cm Cal	As Shown
SHRUBS			
BOTANICAL NAME	COMMON NAME	PLANT SIZE	SPACING
<i>Forsythia x intermedia</i> 'Lynwood Gold'	Lynwood gold forsythia	#2 Pot	2.0m O.C.
<i>Maehoria aquifolium</i>	Oregon grape	#2 Pot	1.5m O.C.
<i>Philadelphus lewisii</i>	Mock orange	#2 Pot	1.5m O.C.
PERENNIALS			
BOTANICAL NAME	COMMON NAME	PLANT SIZE	SPACING
<i>Artemisia schmidtiana</i> 'Silver Mound'	Silver Mound Sage	#1 Pot	0.6m O.C.
<i>Echinacea paradoxa</i>	Yellow coneflower	#1 Pot	0.6m O.C.
<i>Gaillardia aristata</i>	Indian Blanket Flower	#1 Pot	0.5m O.C.
<i>Hesperis matronalis</i> 'Gloria'	Common Gervillia	#1 Pot	0.5m O.C.
<i>Perovskia atriplicifolia</i> 'Little Spire'	Dwarf Russian Sage	#1 Pot	0.6m O.C.
<i>Nepeta racemosa</i> 'Walker's Low'	Catmint	#1 Pot	0.9m O.C.
GRASSES			
BOTANICAL NAME	COMMON NAME	PLANT SIZE	SPACING
<i>Deschampsia caespitosa</i> 'Bronzeschiele'	Bronze veiled hair grass	#1 Pot	0.6m O.C.
<i>Miscanthus sinensis</i> 'Adagio'	Dwarf maiden grass	#1 Pot	0.6m O.C.
GROUND COVER			
BOTANICAL NAME	COMMON NAME	PLANT SIZE	SPACING
<i>Sedum spurius</i> 'Fuldagut'	Fuldagut stonecrop	#1 Pot	0.5m O.C.

Revision Issue

Issued for DP Apr 3 02

Issued for review Mar 15 01

DESCRIPTION DATE NO.

Sarah L. Dickie
Landscape Designer
(250) 300-4286
sarahldickie@gmail.com

PROJECT

Nickel Road
Townhomes
Kelowna BC

SHEET TITLE

Landscape Plan

Design by: Sarah L. Dickie

Project Number: 17010

Date: Mar 2017

Scale: 3/32" = 1'

SHEET NUMBER

L-1.0

Estimate of Probable Cost

Project Name: Nickel Road Townhomes

Project No.: 17-010

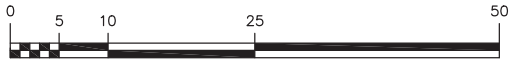
Date: April 3, 2017

No.	ITEM	UNIT	QTY	COST	PRICE
1.0	GROWING MEDIUM				
1.1	Tree growing medium - 1 m3 tree pit	m3	9	\$45	\$405
1.2	Shrub growing medium - 0.45m depth	m3	218	\$45	\$9,801
1.3	Lawn growing medium - 0.15m depth	m3	79	\$45	\$3,571
				1.0 Total	\$13,777
2.0	MULCH				
2.1	Shrub bed mulch - 0.075m depth	m3	36	\$40	\$1,452
				2.0 Total	\$1,452
3.0	TREES				
3.1	Deciduous trees - 5cm Cal.	ea.	9	\$150	\$1,350
				3.0 Total	\$1,350
4.0	SHRUBS GRASSES & PERENNIALS				
4.1	Plant - #2 pot	ea.	23	\$15	\$345
4.2	Plant - #1 pot	ea.	3	\$8	\$24
				4.0 Total	\$369
5.0	IRRIGATION				
5.1	Drip irrigation system (head, pipe, valve)	ea.	1	\$1,500	\$1,500
5.2	Controller	ea.	1	\$200	\$200
5.3	Point of connection	ea.	1	\$400	\$400
				5.0 Total	\$2,100
6.0	FENCING				
6.1	Perimeter fencing - Ht. 1.8m	l.m.	115	\$40	\$4,600
6.2	Nickel Rd fencing - Ht. 1.2m	l.m.	50	\$65	\$3,250
6.3	Screening between units - Ht. 1.2m	l.m.	73	\$65	\$4,745
				6.0 Total	\$12,595
7.0	LANDSCAPE STRUCTURES				
7.1	Play structure	ea.	1	\$20,000	\$20,000
				7.0 Total	\$20,000
				TOTAL	\$51,643
				(15%) CONTINGENCY	\$7,746
				GRAND TOTAL	\$59,389

* See corresponding development permit drawings L-1 Issued April 3, 2017

SITE PLAN SHOWING LOT A, SEC 27, TP 26, ODYD,
PLAN 25115 AND LOT B, SEC 27, TP 26, ODYD, PLAN
25115 EXCEPT PLAN KAP65522.

SCALE 1:500 METRIC



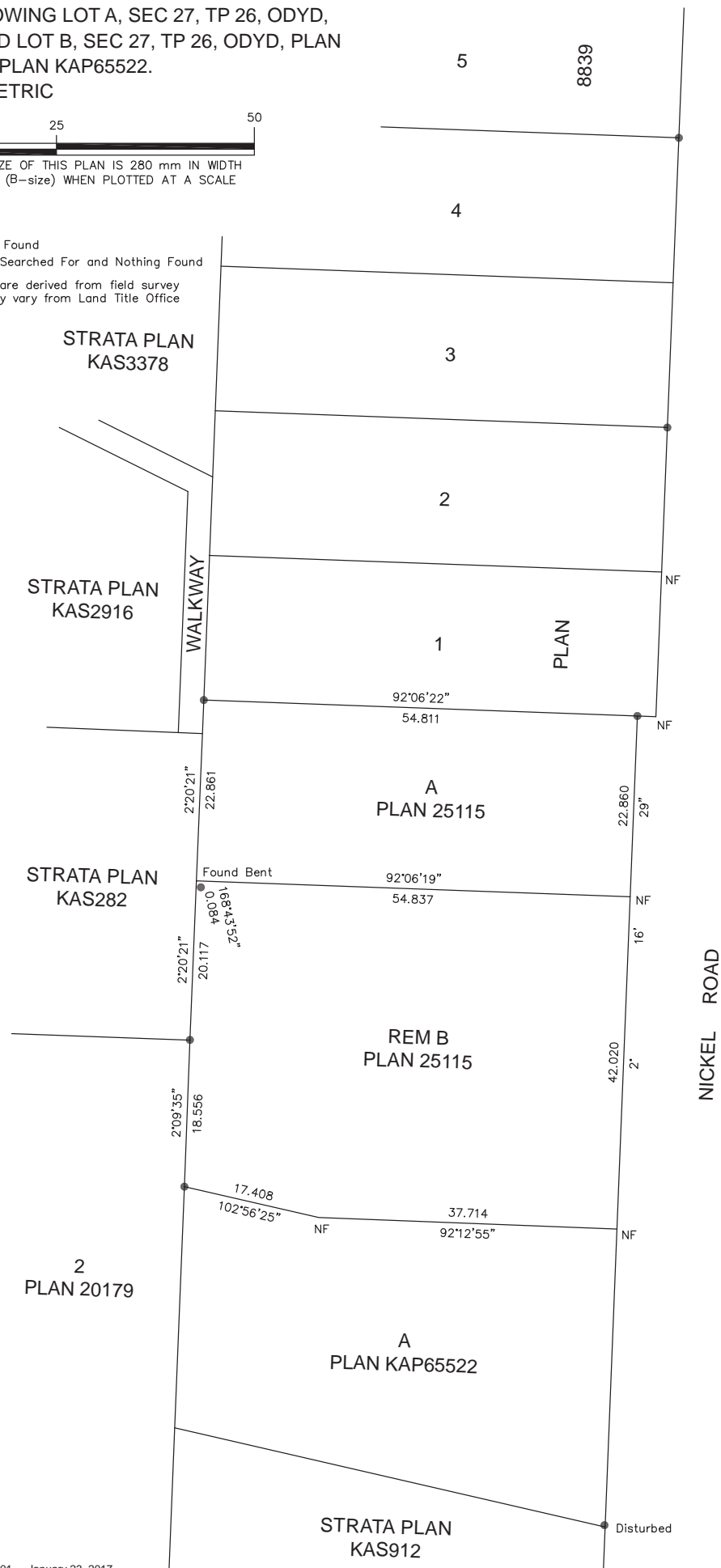
THE INTENDED PLOT SIZE OF THIS PLAN IS 280 mm IN WIDTH
BY 432 mm IN HEIGHT (B-size) WHEN PLOTTED AT A SCALE
OF 1:500 METRIC.

LEGEND

● Standard Iron Post Found

NF—Denotes Iron Post Searched For and Nothing Found

Lot dimensions shown are derived from field survey
measurements and may vary from Land Title Office
records.



AllTerra
Land Surveying Ltd.

www.AllTerraSurvey.ca
Ph: 250.762.0122 File: 317001 January 23, 2017

CITY OF KELOWNA
BYLAW NO. 11429
Z17-0039 – 170 & 230 Nickel Rd

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 27 Township 26 ODYD Plan 25115 Except Plan KAP65522 located on Nickel Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first 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: June 19, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TB)

Application: Z16-0083

Owner: 0725353 BC Ltd Inc. No.
BC0725353

Address: 1287 & 1297 Findlay Road

Applicant: Patrick McCusker

Subject: Rezoning Application

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

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z16-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 35 Township 26 ODYD Plan 18811, located at 1297 Findlay Road, Kelowna, BC, and Lot B Section 35 Township 26 ODYD Plan 18811, located at 1287 Findlay Road, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone, be considered by Council;

AND THAT 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 June 19, 2017;

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 rezone the subject property to facilitate the development of row housing.

3.0 Community Planning

Community Planning supports the proposed rezoning from RU1 – Large Lot Housing to RM3 – Low Density Multiple Housing to facilitate the development of row housing. The rezoning is consistent with the Official Community Plan Future Land Use Designation of MRL – Multiple Unit Residential (Low Density). The proposed development will feature 20 three-bedroom units which is a type of housing that is currently in demand.

4.0 Proposal

4.1 Background

The subject properties each have a single family dwelling on the property that will be demolished or moved to facilitate this redevelopment.

4.2 Project Description

The proposed rezoning from RU1 – Large Lot Housing to RM3 – Low Density Multiple Housing will facilitate the redevelopment of the subject properties to allow for row housing to be constructed. The Official Community Plan Future Land Use Designation is MRL – Multiple Unit Residential (Low Density) which is consistent with this application. The proposal meets the OCP Guideline of Compact Urban Form, by increasing density where infrastructure and services already exist. A 5.0 m road dedication will be required along Findlay Road for the future Hollywood Road extension and the two properties will be consolidated as a function of this rezoning.

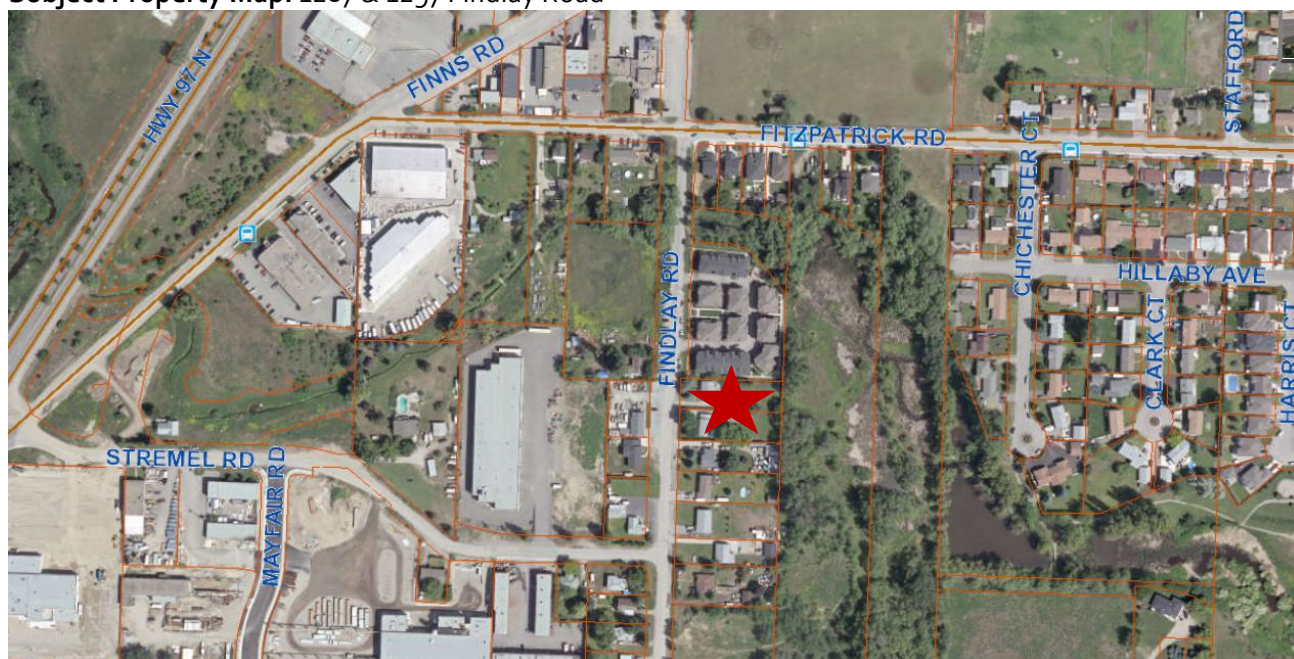
The proposed complex will feature 20 three-bedroom units accessed from a common driveway which is a type of housing that is currently in low supply. Each unit has parking for two vehicles either in a tandem or double garage. Visitor parking is provided at grade on the site, and one variance is requested to allow visitor parking in the rear yard setback. Each unit has a ground-oriented entrance off the rear of the units that is accessed from a common walkway, and the end units have an entrance facing the public street.

4.3 Site Context

The subject properties are located in Rutland in an area where redevelopment is supported. They are located within walking distance to Bus Route Number 10, and they back onto Chichester Wetland Park. The properties have a walk score of 37, meaning it is a car dependent neighbourhood.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 – Low Density Multiple Housing	Multi-family Housing
East	P3 – Parks & Open Space	Chichester Wetland Park
South	RU1 – Large Lot Housing	Single Family Dwelling
West	I1 – Business Industrial	Industrial

Subject Property Map: 1287 & 1297 Findlay Road**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	900 m ²	3480 m ²
Lot Width	30.0 m	45.6 m
Lot Depth	30.0 m	75.4 m
Development Regulations		
Floor Area Ratio	0.8	.79
Site Coverage (Buildings)	40%	40%
Site Coverage (Buildings, Driveways, and Parking)	60%	59.7%
Height	10.0 m / 3 storeys	9.0 m / 3 storeys
Front Yard	1.5 m	1.5 m
Side Yard (south)	4.0 m	4.0 m
Side Yard (north)	4.0 m	4.0 m
Rear Yard	7.5 m	7.5 m
Other Regulations		
Minimum Parking Requirements	40 stalls	40 stalls plus 6 visitor stalls
Private Open Space	25 m ² per unit (500m ²)	>25 m ² per unit (522m ²)
Setback to Parking (rear)	1.5 m	0.0 m ❶
❶ Indicates a requested variance to reduce the rear yard setback to parking from 1.5m required to 0.0m proposed.		

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.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit may be required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
- Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- Spatial calculation should be provided for the building face adjacent to the property line.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development Permit application.
- We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- Fire resistance ratings are required for units, garages and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.

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

- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

6.2 Development Engineering Department

Please see attached Schedule "A" dated January 18, 2017.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. New hydrants on this property shall be operational prior to the start of construction and shall be deemed a private hydrant.
- All buildings shall be addressed off of the street it is accessed from. One main address off of Findlay access for the complex and unit numbers for the strata.
- Fire Department access is to be met as per BCBC 3.2.5. if the road is over 90 metres long, a turn-around facility shall be constructed.
- If this is a gated complex, an approved Fire Department steel lock box acceptable to the fire dept. is required by the fire department entrance and shall be flush mounted
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met

6.4 FortisBC Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Findlay Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- Otherwise, FBC(E) has no concerns with this circulation.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.5 Ministry of Transportation

- Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act.

7.0 Application Chronology

Date of Application Received: November 16
Date Public Consultation Completed: March 3, 2017
Date of Revised Plans Received: May 30, 2017

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

Attachments:

Site Plan
Floor Plans
Conceptual Elevations
Landscape Plan
Schedule "A" from Development Engineering dated January 18, 2017

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DWG. No.	DRAWING NAME
DP 0.01	COVER SHEET
DP 1.01	PLAN - SITE



An aerial photograph of a residential and commercial area in Findlay, Ohio. The map is overlaid with orange dashed lines indicating property boundaries. A red rectangle highlights a specific lot, with a red arrow pointing to it and the word "SITE" written vertically next to the arrow. The lot numbers within the red-shaded area are 157 and 158. Surrounding lots are numbered, including 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 94

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DP 3.203
ELEVATIONS - BUILDING 03 AND 04

DP 3.104
ELEVATIONS - BUILDING 03 AND 04

DP 3.11
COLOURED ELEVATIONS (BLDGS 1 AND 2)

DP 3.12
COLOURED ELEVATIONS (BLDGS 1 AND 2)

DP 3.21
ELEVATIONS - SITE

DP 4.01
SECTIONS - BUILDING

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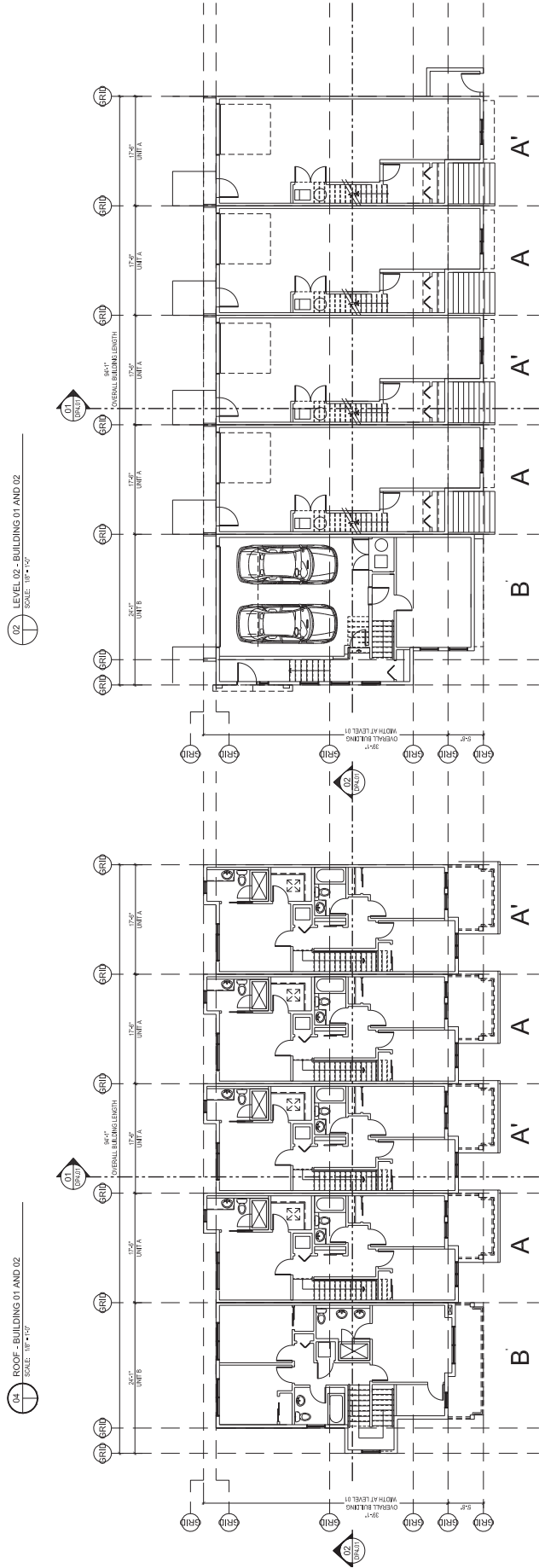
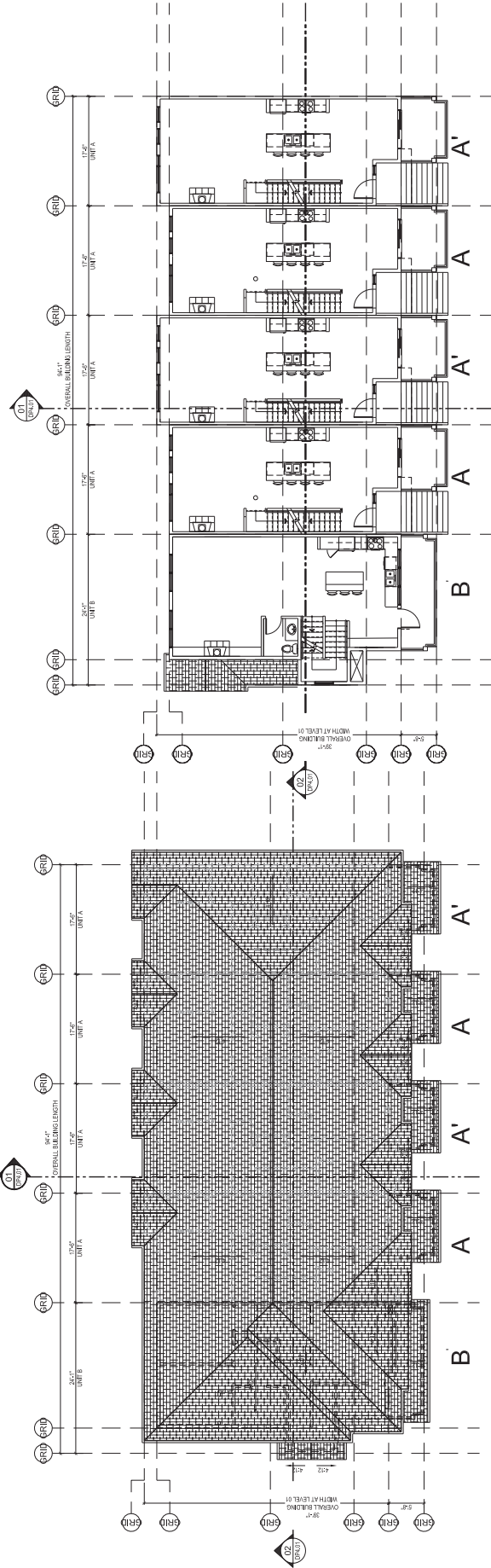
Diagram illustrating the layout of four buildings (01, 02, 03, 04) and their respective floor plans. The buildings are arranged in a 2x2 grid, separated by dashed lines. Each building is represented by a 2x2 grid of cells.

- Building 01:** Top-left cell is 'B', other three cells are 'A'.
- Building 02:** Top-left cell is 'B', other three cells are 'A'.
- Building 03:** Top-left cell is 'A', other three cells are 'B'.
- Building 04:** Top-left cell is 'A', other three cells are 'B'.

130

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Sheet



FOOTPRINT AREA (FOR SITE COVERAGE CALCULATIONS): 3778.8 SQ. FT.

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PROJECT: FINDLAY ROAD
 MULTIFAMILY

PROJECT NO.: 3352

BLOCK PLANS
 BUILDING 01 AND 02

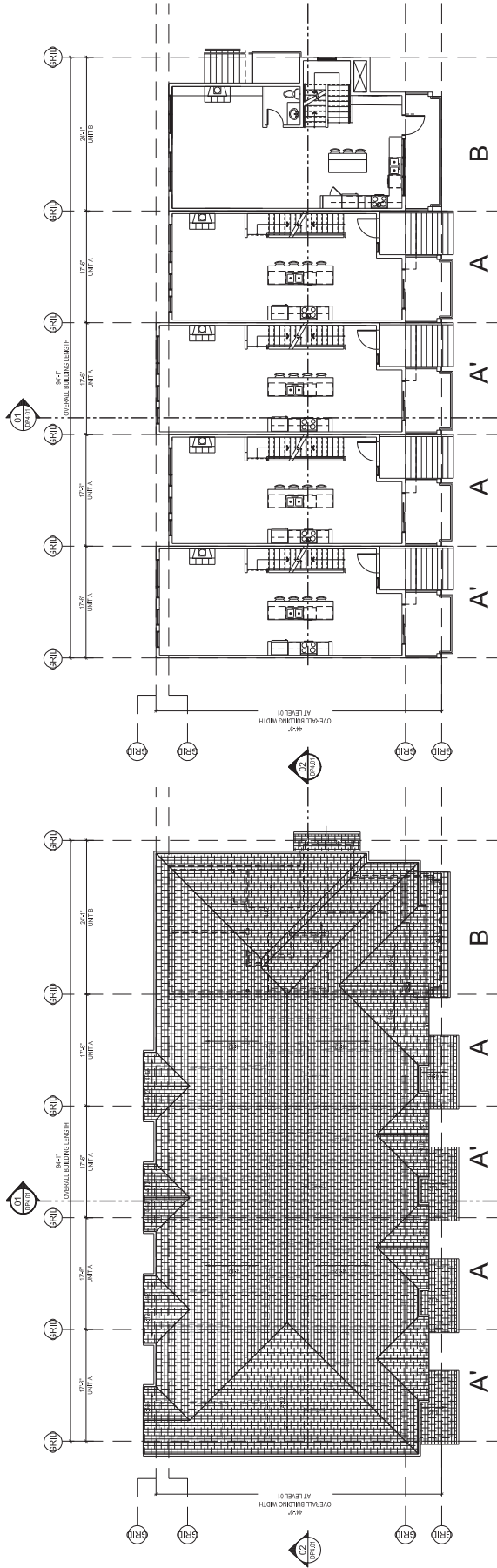
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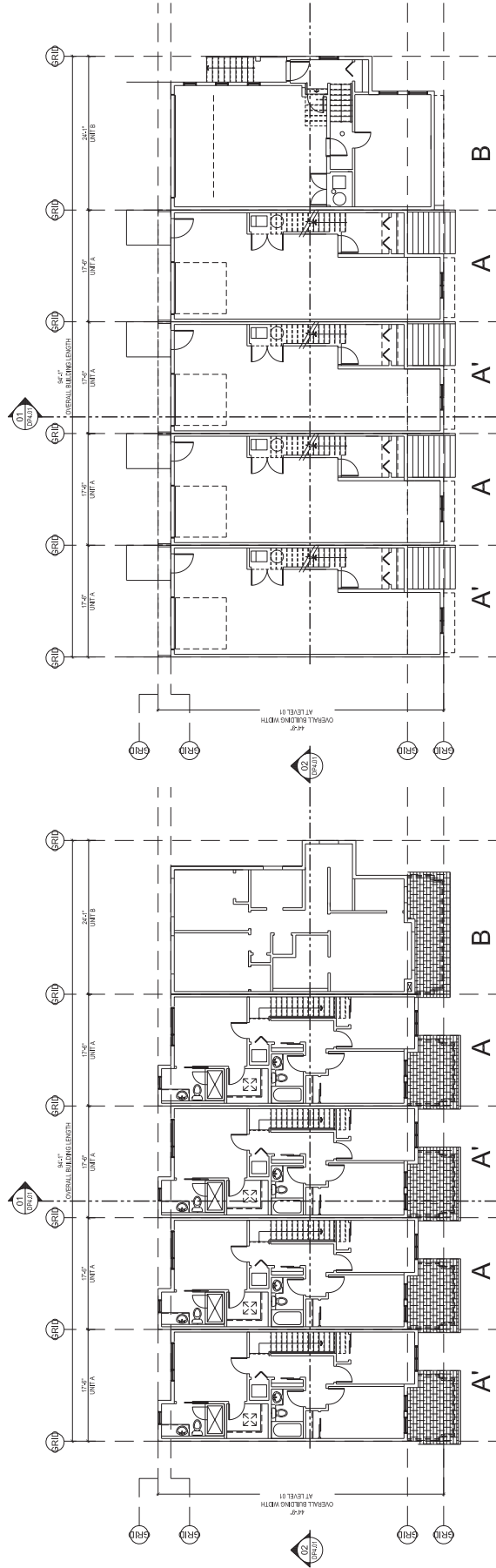
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 10. The building is shown in its approximate location on the site.

Sheet



02 LEVEL 02 - BUILDING 03 AND 04
 SCALE: 1/8" = 1'-0"

04 ROOF - BUILDING 03 AND 04
 SCALE: 1/8" = 1'-0"



03 LEVEL 03 - BUILDING 03 AND 04
 SCALE: 1/8" = 1'-0"

04 LEVEL 04 - BUILDING 03 AND 04
 SCALE: 1/8" = 1'-0"

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Revisions

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PROJECT NO. 3352

OWNER: BIR

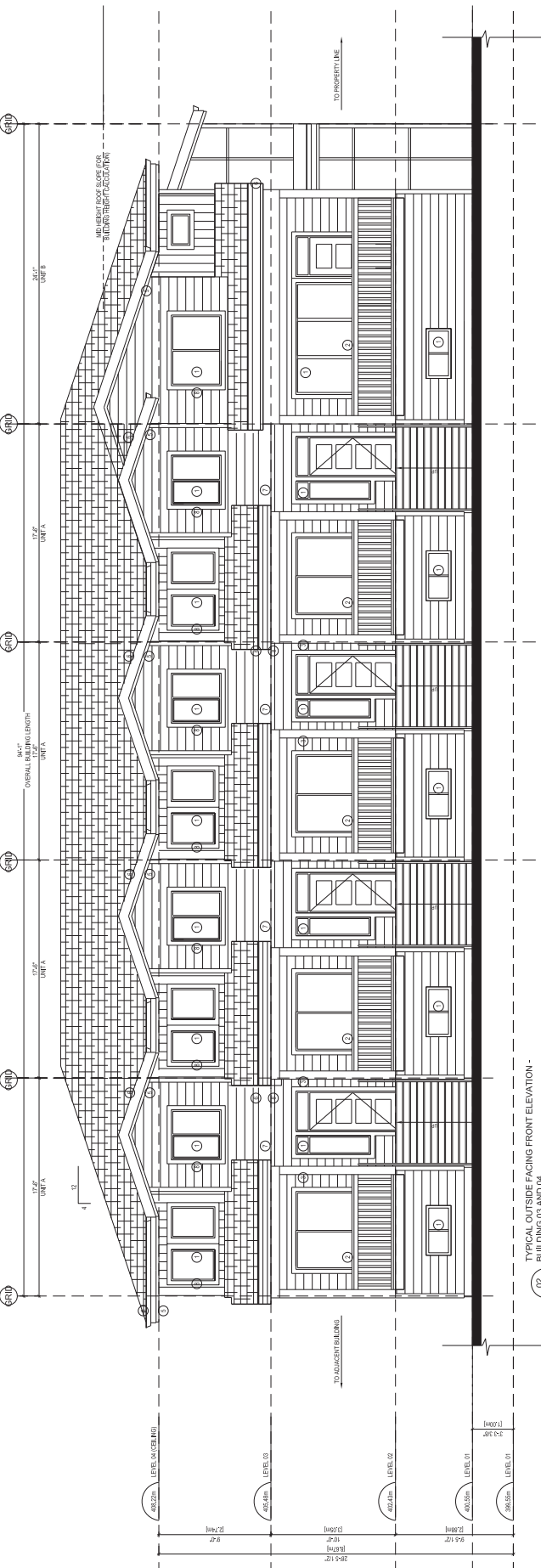
BLOCK PLANS
 BUILDING 03 AND 04

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BY	JB
CHECKED	PNC
DATE	05/25/2017

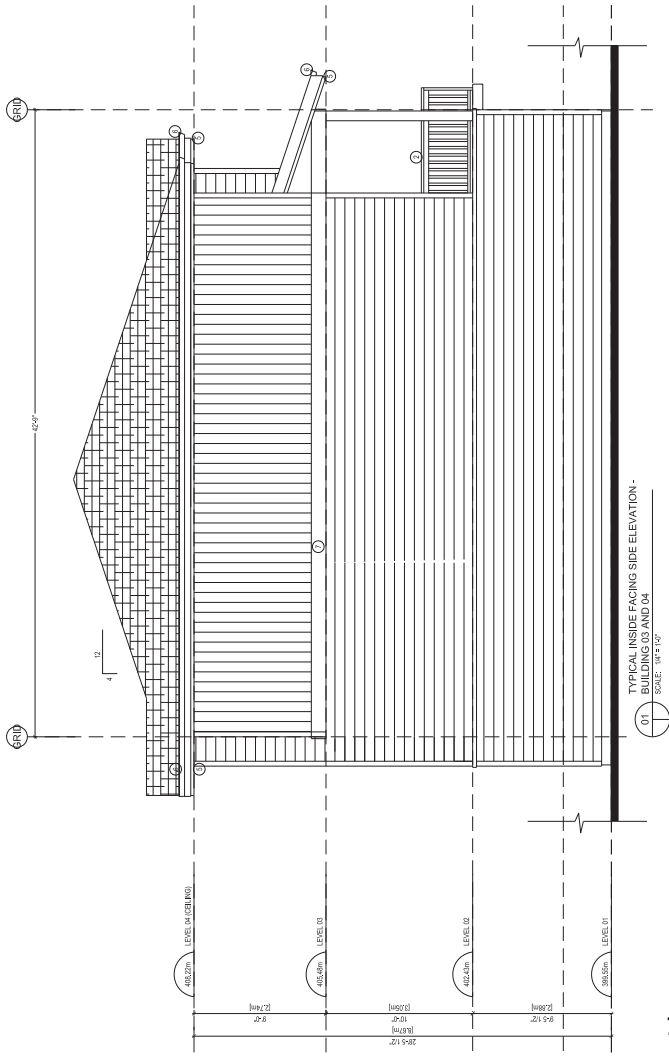
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Sheet



02 TYPICAL OUTSIDE FRONT ELEVATION -
 BUILDING 03 AND 04
 SCALE: 1/4" = 1'-0"



01 TYPICAL INSIDE SIDE ELEVATION -
 BUILDING 03 AND 04
 SCALE: 1/4" = 1'-0"

01 2017.03.01 Released for GP
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 05 2017.03.01 Released for GP
 06 2017.03.01 Released for GP
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PROJECT: FINDLAY ROAD
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PROJECT NO. 3352

DATE: 05/25/2017

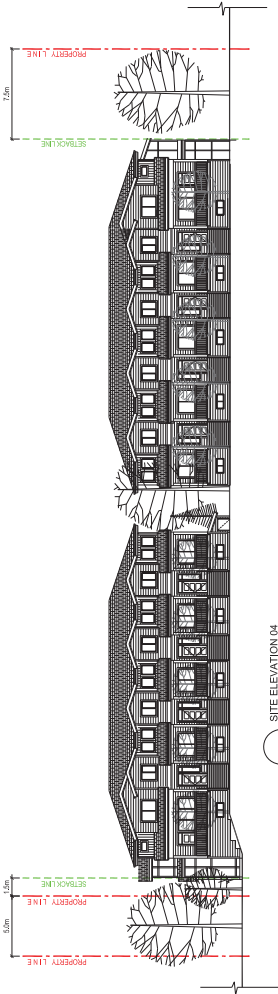
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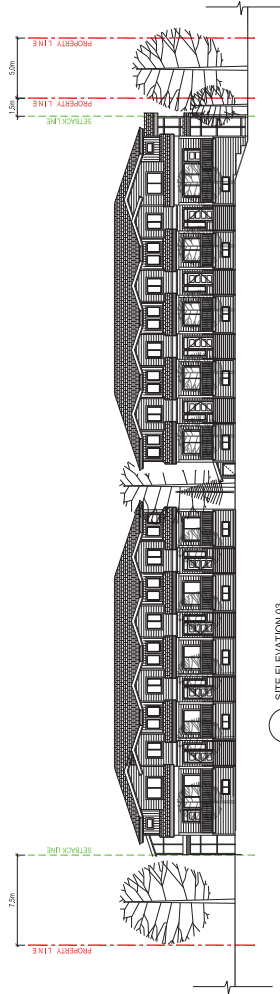
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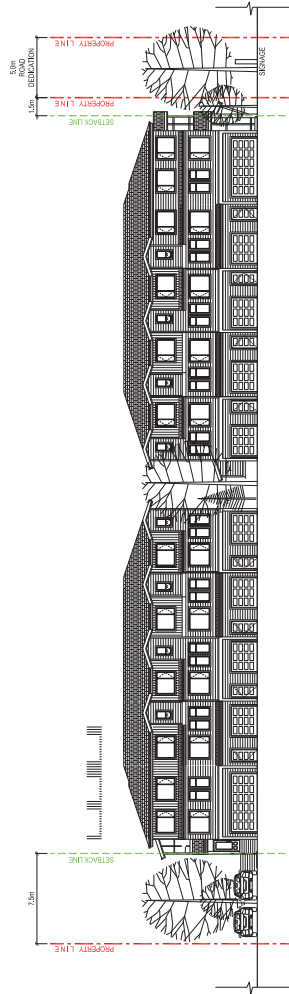
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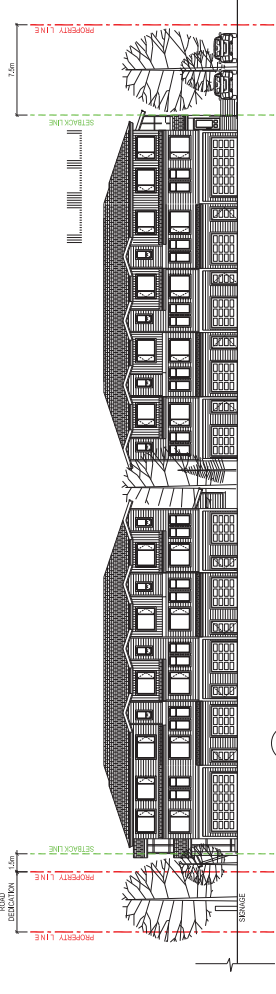
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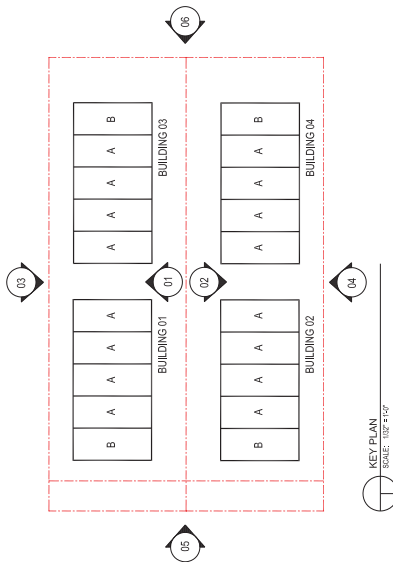
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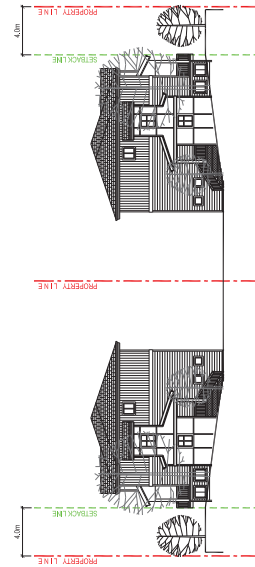
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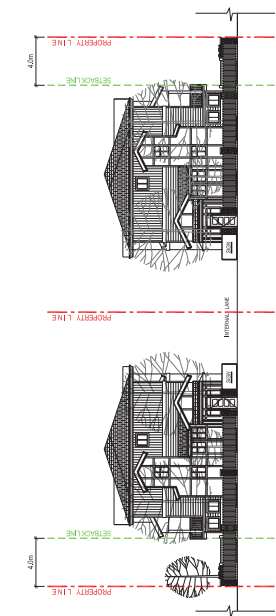
SITE ELEVATION 01
SCALE: 1/8" = 1'-0"



KEY PLAN
SCALE: 1/8" = 1'-0"



SITE ELEVATION 06
SCALE: 1/8" = 1'-0"



SITE ELEVATION 05
SCALE: 1/8" = 1'-0"

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PROJECT: DP
 FINDLAY ROAD
 MULTIFAMILY

PROJECT NO. 3352

DRAWING SHEET
 ELEVATIONS - SITE

DATE	11/19/17
BY	JB
CHECKED	PNC
DATE	11/19/17

DP3.21
 May 29, 2017 04:45 PM



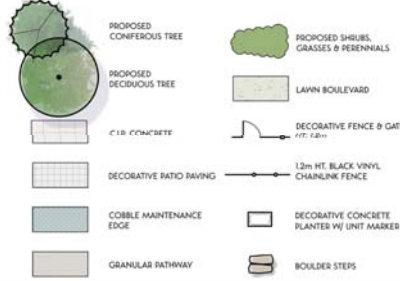
DEVELOPMENT PERMIT NOTES:

- G** PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE LATEST EDITION OF THE B.C. LANDSCAPE STANDARDS, PUBLISHED BY B.C.L.N.A. AND C.S.L.A. AS WELL AS THE CITY OF KELLOWNA LANDSCAPE STANDARDS IN BYLAWS 70-98 AND 70-99.
- H** THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM CITY OF KELLOWNA FORM AND CHARACTER REQUIREMENTS.
- I** ALL PLANTING SPECIFICATIONS SHALL BE BASED ON THE FINAL PLANTING SPECIFICATIONS MAY VARY FROM THOSE PROVIDED HEREIN DUE TO CHANGES IN SITE CONDITIONS OR OTHER FACTORS. ANY SUCH VARIATIONS MUST BE APPROVED BY THE CITY ENGINEER BEFORE IMPLEMENTATION.
- J** SOIL VOLUME SHALL BE PROVIDED BASED ON THE SPECIFIED TREE SPECIES AND LOCATION. ORNAMENTAL SHRUB, GRASS AND PERENNIAL CULTURES ARE TO BE PLACED WITHIN DEFINED PLANTING BEDS. PLANTING BEDS SHALL BE A MINIMUM OF 1.0m (3'6") WIDE FOR IMPORTED GROUND COVER AND 2.0m (6'6") OF COMPOSTED MULCH OR APPROVED EQUIV.
- K** DECORATIVE ROCK BEDS SHALL HAVE A MIN. OF 75mm (3") OF 50mm DIA. DECORATIVE GRAVEL. DECORATIVE ROCK BEDS SHALL BE A MINIMUM OF 100mm (4") DEEP. DECORATIVE ROCK BEDS SHALL BE FILL WITH LANDSCAPE FABRIC SHALL BE NILEX #45 OR APPROVED EQUIV.
- L** TURF GRASS SHALL BE LOW WATER USE NO. 1 PREMIUM SOD WITH A MIN. OF 50mm (2")
- M** A HIGH EFFICIENCY IRRIGATION SYSTEM SHALL BE INSTALLED FOR ALL ORNAMENTAL LANDSCAPES AND SHALL CONFORM TO THE CITY OF KELLOWNA'S IRRIGATION STANDARDS IN

PLANT LIST:

[illegible]

LEGEND:



LANDSCAPE BOULDERS

CONCRETE RETAINING WALL

BUILDING/GARAGE ENTRANCE
LV1

BUILDING ENTRANCE
LV2

▲ BUILDING/GARAGE ENTRANCE
LV1

△ BUILDING ENTRANCE
LV2

NOT

NOT FOR CONSTRUCTION



REVISIONS / REASON	
6	DEC 81/08 RE-ISSUED FOR DP
5	SEP 78/07 ISSUED FOR DP
4	SEP 78/08 ISSUED FOR REVIEW
3	SEP 78/10 ISSUED FOR REVIEW
2	AUG 81/16 ISSUED FOR REVIEW
1	JUN 78/07 ISSUED FOR REVIEW
NO. DATE	DESIGNATION



BENCH
SITE DESIGN

CLIENT:
0725353 BC LTD.
KELOWNA, B.C.

PROJECT:
1297 FINDLAY ROAD
KELOWNA, B.C.

SHEET TITLE
LAND
PLAN

DESIGN BY	DR
DRAWN BY	DR
CHECKED BY	DR
PROJECT NO.	16-024
SCALE	1:125

SHEET NO.

L-1



CITY OF KELOWNA

MEMORANDUM

Date: January 18, 2017
File No.: Z16-0083
To: Urban Planning Management (TB)
From: Development Engineering Manager (SM)
Subject: 1287 and 1297 Findlay Road RU1 to RM3

The Development Engineering Department has the following comments and requirements associated with this rezoning application for the properties at 1287 and 1297 Findlay Road to accommodate development of a 20-unit townhome complex. The road and utility upgrading requirements outlined in this report will be requirements of this development.

The Development Engineering Technologist for this project is Jason Ough

1. **General**

These Development Engineering comments and requirements are subject to review and or revision for approval by the Ministry of Transportation (MOTI) Infrastructure.

2. **Domestic Water and Fire Protection**

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs, as well as any costs to decommission existing services are to be paid directly to BMID.
- b) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

3. **Sanitary Sewer**

- a) The subject property is currently within the sanitary Sewer Specified Area # 20 and is serviced by the municipal sanitary sewer collection system. The developer will be responsible to cash commute the specified area charges for this development. The charge is currently set at \$ 2,458.33 per Equivalent Dwelling Unit (EDU). The total charge is \$24,583.30 (20 x 0.50 = 10 EDU x \$ 2,458.33).
- b) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost. Contact Jason Ough (250 469 4519) for service work estimate.

4. **Storm Drainage**

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.
- b) The subject development must include the design of a piped drainage system for Findlay Road fronting the subject lots and the lane, including road improvement construction. The cost of the work is included in the road design calculations.

5. **Road Improvements**

- a) Findlay Road is identified in the 2030 OCP Transportation Servicing Plan as the future Hollywood Road active transportation corridor.
- b) Findlay Road must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. Estimate provided as cash in lieu levy for frontage improvements.

6. **Subdivision and Dedication**

- a) The developer is required to consolidate the two subject properties.
- b) Dedicate 5m width along the full frontage of Findlay Road to match the property line north of 1297 Findlay Road.
- c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

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

- a) Direct the roof drains into on-site rock pits or splash pads.
- b) An 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.

8. **Electric Power and Telecommunication Services**

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



respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.


9. Bonding and Levy Summary

a)	<u>Cash in Lieu:</u> future road improvement project	
	Storm Drainage	\$ 9,238.00
	Roadway Frontage Improvements	\$ 8,970.00
	Sidewalk	\$ 5,750.00
	Curb and gutter	\$ 4,600.00
	Boulevard Landscape	\$ 2,300.00
	Street Lighting	\$ 1,553.00
	Total frontage improvement Levy:	<u>\$ 32,411.00</u>
b)	<u>Sewer Specified Area # 20 fee:</u>	<u>\$ 24,583.30</u>

10. 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 piezometers 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.


Steve Muenz, P. Eng.
Development Engineering Manager

jo

CITY OF KELOWNA
BYLAW NO. 11430
Z16-0083 – 1287 & 1297 Findlay Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 35 Township 26 ODYD Plan 18811 located on Findlay Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first 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: June 19, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (EW)

Application: DP17-0071

Owner: McBeetle Holdings Ltd., Inc.No.
A0090058

Address: 888 Finns Rd

Applicant: Faction Architecture Inc.

Subject: Development Permit

Existing OCP Designation: Park – Major Park/Open Space/
SC – Service Commercial

Existing Zone: P3 – Parks and Open Space/
C10 – Service Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0071 for Lot A Section 34 Township 26 ODYD Plan EPP53299 Except Plan EPP64798, located at 888 Finns Rd, Kelowna, BC subject to the following:

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

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

2.0 Purpose

To consider the form and character of a proposed new automobile dealership.

3.0 Community Planning

Staff recommend that the Development Permit be authorized by Council. The project fits into the context of the existing area and is consistent with the neighbouring development pattern of automotive dealerships. The developments have provided the City the opportunity to better realign the road network in the area. The proposed building and its site layout complies with the relevant Official Community Plan (OCP) Urban Design Guidelines and is consistent with zoning regulations with no variances required.

4.0 Proposal

4.1 Background

The subject property is a hooked parcel across Finns Road. A concurrent subdivision application has been submitted to the City to subdivide the recently approved Porsche dealership from the subject application's Jaguar, Land Rover, and Volvo dealership.

4.2 Project Description

The applicant is proposing the construction of a new two storey automotive dealership for Jaguar, Land Rover, and Volvo. The three different tenants will have separate showrooms but will share a common service centre and staff area. Customer and inventory parking is located on the larger, northern portion of the subject property with over-flow and employee parking provided on the smaller, southern portion of the property. The proposed building materials are primarily contemporary grey metal panelling with clear and blue glazing.

4.3 Site Context

The subject property is located in the Highway 97 city sector, east of Highway 97 and north of Stremel Rd. The subject property is intersected by Francis Brook and is protected by a previous parkland dedication.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I1 – General Industrial	General Industrial
East	I2 – General Industrial Ru1 – Large Lot Housing	General Industrial Residential
South	I2 – General Industrial	Industrial vehicle and equipment services
West	P3 – Parks and Open Space	Francis Brook

Subject Property Map: 888 Finns Rd



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C10 ZONE REQUIREMENTS	PROPOSAL
Subdivision Regulations		
Lot Area	1000 m ²	8335 m ²
Lot Width	40.0 m	>40 m
Lot Depth	30.0 m	>30 m
Development Regulations		
Floor Area Ratio	0.65	0.32
Site Coverage	60%	26%
Height	12.0m/ 3 storeys	9.14m/ 2 storeys
Front Yard	2.0m	27m
Side Yard (north)	0.0m	1.7m
Side Yard (south)	0.0m	8.5m
Rear Yard	0.0m	27m
Other Regulations		
Minimum Parking Requirements	58 stalls	67 stalls
Bicycle Parking	Class I: 2 Class II: 16	Class I: 2 Class II: 16
Loading Space	2 spaces	2 spaces

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Comprehensive Development Permit Guidelines¹

- Emulate desirable form and character of nearby buildings;
- Utilize landscaping treatments to further soften the mass of building form (e.g. strategic placement of trees, shades and vines, trellis and arbours, along with surface materials such as pavers).
- Exterior building materials should be selected for their functional and aesthetic quality, and should exhibit qualities of workmanship, durability, longevity and ease of maintenance.
- Provide visually prominent, accessible, and recognizable entrances through attention to location, details, proportions, materials, and lighting that act to personalize or lend identity to a building.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- This building may be required to be sprinklered throughout. It appears that this building has three major occupancies as per the Building Code (BCBC 12). Any proposed deviance from this requirement of BCBC 12 requires an approved alternate solution report to be submitted and approved by the architect of record prior to the release of the Development Permit.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces. This building may be designed to low, which may affect the form and character of the building.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a. The British Columbia Building Code (BCBC 2012) may define this development as two separate buildings with possibly three separate major occupancies (D & E in building 1 and D & F2 in building #2). If a firewall is to be utilized, a complete building code analysis would be required to be reviewed prior to complete comments (at time of building permit application) being provided for the spatial separation between the two buildings. Fire shutters would be a requirement and hooked to the fire alarm system to allow for the unprotected openings between buildings and a goomm High non-combustible fire wall must be constructed to separate the two structures. A goomm high firewall parapet will affect the form and character of the building(s).
 - b. The exits from the building do not appear to meet minimum code requirements (number of exits, travel distance, etc). The code analysis is to contain a plan showing

¹ Chapter 14 Section A. Comprehensive Development Permit Area Guidelines

travel distances along with a code compliance analysis for the, 2nd floor and rated stairwell exits. This can be submitted at time of building permit application, but additional exterior doors may be required depending on the code analysis, which may affect the form and character of the building(s).

- c. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - d. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - e. Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings. Screening of this equipment may be required and should be addressed as part of the Development permit.
- Size and location of all signage to be clearly defined as part of the development permit
 - Fire resistance ratings are required for storage, janitor and/or garbage enclosure and tire storage room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located. Refer to fire department bylaws for placement of exterior garbage containers in relation to the building.
 - Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation are being applied to this structure

6.2 Development Engineering Department

- All off-site infrastructure and service upgrades are addressed in file S17-0028.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template at Kelowna.ca
- Should a hydrant be required on this property it shall be operational prior to the start of construction and shall be deemed a private hydrant - 150 L/Sec required
- This building shall be addressed off of the street it is accessed from - Porsche has the same address
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- Fire Department access is to be met as per BCBC 3.2.5.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met for communications

- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 4.5M of a fire hydrant - unobstructed.
- Ensure FD connection is clearly marked and visible from the street
- Sprinkler zone valves shall be accessible as per fire prevention bylaw (10760) - no higher than 7 feet.
- Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage
- Upon completion, an owner's certificate and copy of NFPA 25 shall be provided for the sprinkler system.
- Upon completion, a certificate is required to verify CANULC 561 Compliance

7.0 Application Chronology

Date of Application Received: March 9, 2017

Report prepared by: Emily Williamson, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft DP17-0071

Schedule 'A' – Site Plan, Floor Plans, and Circulation Comments Letter

Schedule 'B' – Elevations and Material Board

Schedule 'C' – Landscape Plan

DEVELOPMENT PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT NO. DP17-0071

Issued To: McBeetle Holdings Ltd., Inc.No. A0090058
Site Address: 888 Finns Rd
Legal Description: Lot A Section 34 Township 26 ODYD Plan EPP53299 Except Plan EPP64798
Zoning Classification: P3 – Parks and Open Space/ C10 – Service Commercial
Development Permit Area: Comprehensive Commercial

SCOPE OF APPROVAL

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

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

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

1. TERMS AND CONDITIONS

THAT Development Permit No. DP17-0071 for Lot A Section 34 Township 26 ODYD Plan EPP53299 Except Plan EPP64798, located at 888 Finns Rd, Kelowna, BC to allow the construction of an automobile dealership be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

2. PERFORMANCE SECURITY

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

- a) A Certified Cheque in the amount of \$_____ OR
- b) An Irrevocable Letter of Credit in the amount of \$_____.

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

3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

4. Indemnification

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

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017.

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

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



McBEETLE HOLDINGS LTD.
KELOWNA JLR-VOLVO
888 FINNS ROAD
16-006
DEVELOPMENT PERMIT
2017-03-07

DP ARCHITECTURAL DRAWING LIST	
Sheet Number	Sheet Name
DP0.1	CONTEXT ZONING PLAN/PROJECT STATISTICS
DP0.2	CONTEXT PHOTOS
DP1.1	VICINITY & OVERALL SITE PLAN
DP2.1	MAIN FLOOR PLAN
DP2.2	SECOND FLOOR PLAN
DP2.3	ROOF PLAN
DP4.1	EXTERIOR ELEVATIONS
DP6.0	MATERIAL BOARD

DP CIVIL DRAWING LIST	
Sheet Number	Sheet Name
C1.02	GRADING PLAN

DP LANDSCAPE DRAWING LIST	
Sheet Number	Sheet Name
L-1	LANDSCAPE CONCEPT

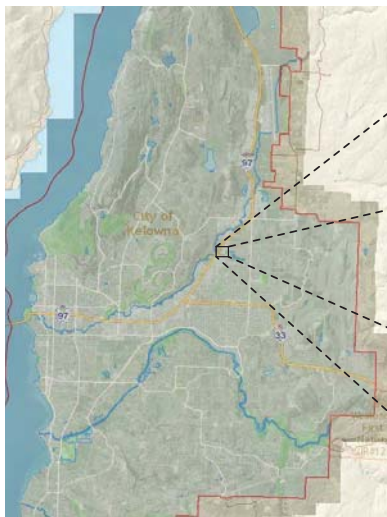
SCHEDULE
A

This forms part of application
DP17-0071

Planner Initials

EW

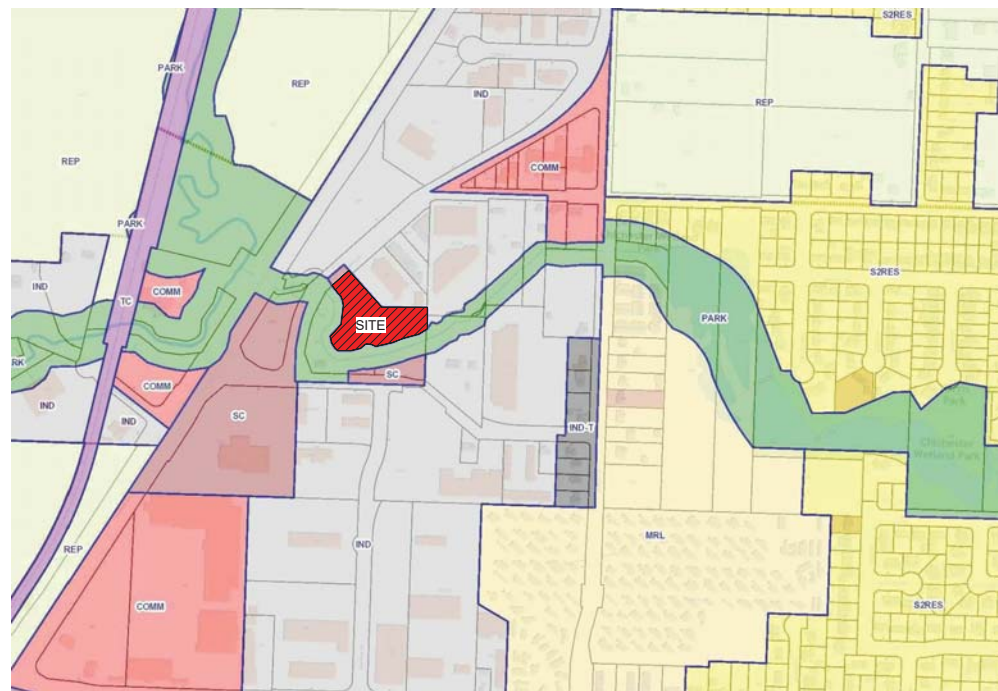
City of Kelowna
COMMUNITY PLANNING



MAP OF CITY OF KELOWNA
SCALE: NTS



SUBJECT LAND & CONTEXT PLAN
SCALE: NTS



CITY OF KELOWNA OCP - FUTURE LAND USE
SCALE: NTS



- Legend**
- Future Land Use Text
 - Future Land Use
 - Agri-Business
 - Commercial
 - Educational/Major Institutional
 - First Nations Reserve
 - Future Urban Reserve
 - Health District
 - Industrial
 - Industrial - Limited
 - Industrial - Transitional
 - Multiple Unit Residential - Cluster Housing
 - Multiple Unit Residential (High Density)
 - Multiple Unit Residential (Medium Density)
 - Multiple Unit Residential (Low Density)
 - Mixed Use (Residential / Commercial)
 - Mixed Use Tourism
 - Major Park/Open Space (public)
 - Public Service/Utilities
 - Private Recreation
 - Resource Protection Area
 - Service Commercial
 - Single / Two Unit Residential - Hillside
 - Sensitive Infill Housing
 - Transportation Corridor
 - Secondary Suites
 - Area Structure Plan
 - Permanent Growth Boundary

PRELIMINARY PROJECT INFORMATION										
PROJECT:	KELOWNA JLR-VOLVO									
CLIENT:	MOBETILE HOLDINGS LTD									
PROJECT NO:	16-008									
CIVIC ADDRESS:	888 FINES ROAD									
LEGAL ADDRESS:	LOT 11, SECTION 34, TOWNSHIP 26, QUID PLAN 208									
CURRENT ZONING:	C19									
PROPOSED USED:	AUTOMOTIVE DEALERSHIP									
ISSUED FOR:	DEVELOPMENT PERMIT									
SUMMARY (ZONING ANALYSIS TABLE)										
SITE DETAILS										
SITE AREA:	MINIMUM				PROPOSED					
	(sqm)	(sqft)	(ac)	(sqm)	(sqft)	(ac)	(sqm)	(sqft)	(ac)	
	5000	13450	1.15	2,008	4,320	1.0	4,320.01	9283.61	1.0	
SITE WIDTH:	MINIMUM				PROPOSED					
	(m)	(ft)		(m)	(ft)				(ft)	
	30	98.4	1.0		REGULAR + 30m					
SITE DEPTH:	MINIMUM				PROPOSED					
	(m)	(ft)		(m)	(ft)				(ft)	
	30	98.4	1.0		REGULAR + 30m					
SITE COVERAGE (area)	MINIMUM				PROPOSED					
	(sqm)	(sqft)		(sqm)	(sqft)					
	BUILDINGS	165	354	1.0	2,149.37	4,635.09	23.145.09			
BUILDING SITE COVERAGE (percentage)					MAXIMUM	PROPOSED				
	BUILDINGS				60%	11	25.5%			
DEVELOPMENT INFORMATION										
BUILDING GROSS FLOOR AREA					PROPOSED					
	(sqm)	(sqft)		(sqm)	(sqft)					
				44	476.4	1.0	2835			
FLOOR AREA RATIO:					MAXIMUM	PROPOSED				
					0.85	1.0	0.316			
BUILDING HEIGHT (storeys)					MAXIMUM	PROPOSED				
					3	2				
BUILDING HEIGHT:					MAXIMUM	PROPOSED				
	(m)	(ft)		(m)	(ft)					
	12	39	1.0	9.14	30					
BUILDING SETBACKS (from property line)					REQUIRED	PROPOSED				
	(m)	(ft)		(m)	(ft)		(m)	(ft)		
FRONT	(m)	(ft)		2	6.5	1.0	27	86.6		
SIDE	(m)	(ft)		0	0.0	1.0	1.7	5.6		
SIDE	(m)	(ft)		0	0.0	1.0	8.5 (w/wn)	27.9		
REAR	(m)	(ft)		0	0.0	1.0	27	86.6		
PARKING SPACES				USE	REQUIRED	PROPOSED				
				AUTOMOBILE REPAIR SHOPS - 2 PER SERVICE BAY (15)	22	11				
				SHOWROOM + SALES & SERVICE - 2 PER 100 sqm (1:1000.7 sq)	35	11				
				TOTAL	57	17	44	87		
				TRANSITORY PARKING NOT INCLUDED IN CALCULATIONS						
LOADING SPACES				COMMERICAL AND INDUSTRIAL USE - 1 PER 1000 sqm (1:1000.7 sq)	2	11	2			
BICYCLE PARKING					REQUIRED	PROPOSED				
				CLASS 1 - 1 PER 10 EMPLOYEES (20 EMPLOYEES MAX.)	2	11	2			
				CLASS 2 - 0.60 PER 100 sqm (1:1000.7 sq)	16	11	16			

SCHEDULE A

This forms part of application
DP17-0071

Planner Initials EW

City of Kelowna
COMMUNITY PLANNING

NO.	DATE	DESCRIPTION
1	2016-10-25	CLIENT REVIEW
2	2017-01-23	CLIENT REVIEW
3	2017-03-07	DEVELOPMENT PERMIT
4		
5		
6		
7		
8		
9		

PROJECT
KELOWNA
JLR-VOLVO

DRAWING DESCRIPTION
CONTEXT ZONING
PLAN/PROJECT
STATISTICS

PROJECT NO.: 16-008	DRAWING NO.: DP0.1
PLOT SCALE: 1/2" = 1'-0"	
DATE ISSUED:	
REVIEWED:	



A VIEW FROM INTERSECTION OF STREMEL RD. AND FINNS RD. LOOKING NORTH EAST



B VIEW FROM INTERSECTION OF STREMEL RD. AND FINNS RD. LOOKING NORTH



C VIEW FROM INTERSECTION OF STREMEL RD. AND FINNS RD. LOOKING EAST



D VIEW FROM THE SOUTH EAST CORNER OF THE SITE LOOKING NORTH WEST



E VIEW FROM FINNS RD. LOOKING EAST



F VIEW FROM THE NORTH WEST CORNER OF THE SITE LOOKING SOUTH EAST



G VIEW FROM STREMEL ROAD LOOKING WEST AT FUTURE PORSCHE LOCATION



KEYPLAN
SCALE: MTS



H ADJACENT PROPERTY ALONG FINNS



I VIEW FROM STREMEL ROAD LOOKING SOUTH TOWARD ADJACENT PROPERTY



J VIEW OF PROPERTY ON STREMEL ROAD FACING WEST



K VIEW FROM FINNS ROAD LOOKING EAST TOWARD ADJACENT PROPERTY

SCHEDULE
This forms part of application
DP17-0071

Planner
Initials EW



City of
Kelowna
COMMUNITY PLANNING

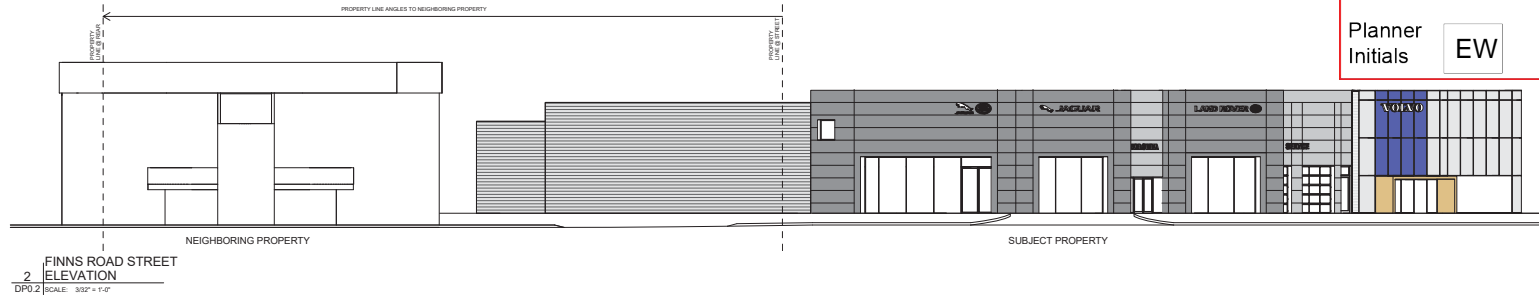
REVISIONS		
NO.	DATE	DESCRIPTION
1	2017-01-07	CLIENT REVIEW
2	2017-01-07	CLIENT REVIEW
3	2017-01-07	CLIENT REVIEW
4	2017-01-07	CLIENT REVIEW
5	2017-01-07	CLIENT REVIEW
6	2017-01-07	CLIENT REVIEW
7	2017-01-07	CLIENT REVIEW
8	2017-01-07	CLIENT REVIEW

PROJECT
KELOWNA
JLR-VOLVO

DRAWING DESCRIPTION

CONTEXT PHOTOS

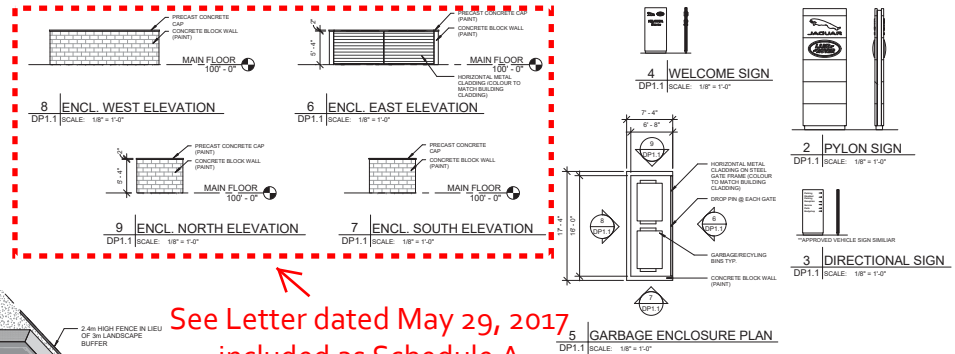
PROJECT NO.: 16-001	DRAWING NO.: DP0.2
PLOT SCALE: As indicated	
DATE ISSUED: 2017-01-07	
REVIEWED: BY: [Signature]	



FINNS ROAD STREET
ELEVATION
2
DP0.2 SCALE: 3/32" = 1'-0"

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DRAWINGS ARE NOT TO BE SCALED. Confirm all dimensions on site. Any apparent discrepancies in the drawings shall be brought to the architect's attention with time being of the essence.

NOTES



See Letter dated May 29, 2017
included as Schedule A

Separate approval for
pedestrian bridge
required. Not included in
DP17-0071.

SCHEDULE A

This forms part of application
DP17-0071

Planner
Initials **EW**

City of
Kelowna
COMMUNITY PLANNING



STREML ROAD

SCALE:

NO.	DATE	DESCRIPTION
1	2015-10-23	CLIENT REVIEW
2	2017-01-23	CLIENT REVIEW
3	2017-03-07	DEVELOPMENT PERMIT
4		
5		
6		
7		
8		
9		

CONSULTANTS:

PROJECT
**KELOWNA
JLR-VOLVO**

DRAWING DESCRIPTION
**VICINITY &
OVERALL SITE
PLAN**

PROJECT NO.: 16-008
DRAWING NO.:
DATE ISSUED: 2017-03-07
REVIEWED: BY: [Signature]
DATE: 2017-03-07

DP1.1

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

May 29, 2017

Re: 888 Finns Rd. – Circulation comments (DP17-0071)

Dear Emily,



In response to the circulation comments received May 23, 2017 please refer to the following:

Building & Permitting Department

We have reviewed the Mill Creek flood plain bylaw and it appears that this site is not within the bylaw area.

Signage was indicated in the package submitted, but a separate signage permit will be applied for once finalized.

The balance of these comments do not affect the form and character and will be addressed through the building permit process.

Fire Department

The new addressing this will be updated upon completion of the current subdivision application.

The garbage enclosure will be revised to be 2.0m high and moved east to meet the 3m clearance requirement. The relocation of the enclosure will not compromise the circulation or parking stalls indicated. We agree that you should red line this on the submission and we will follow up on our issued for construction drawings.

The balance of these comments will be addressed through the building permit process.

If you have any questions please feel free to contact me. We look forward to the submission of your report to council.

Sincerely,

Neil Bolton
Manager, Projects
Faction Architecture Inc.

DEVELOPMENT MANAGEMENT

ARCHITECTURE

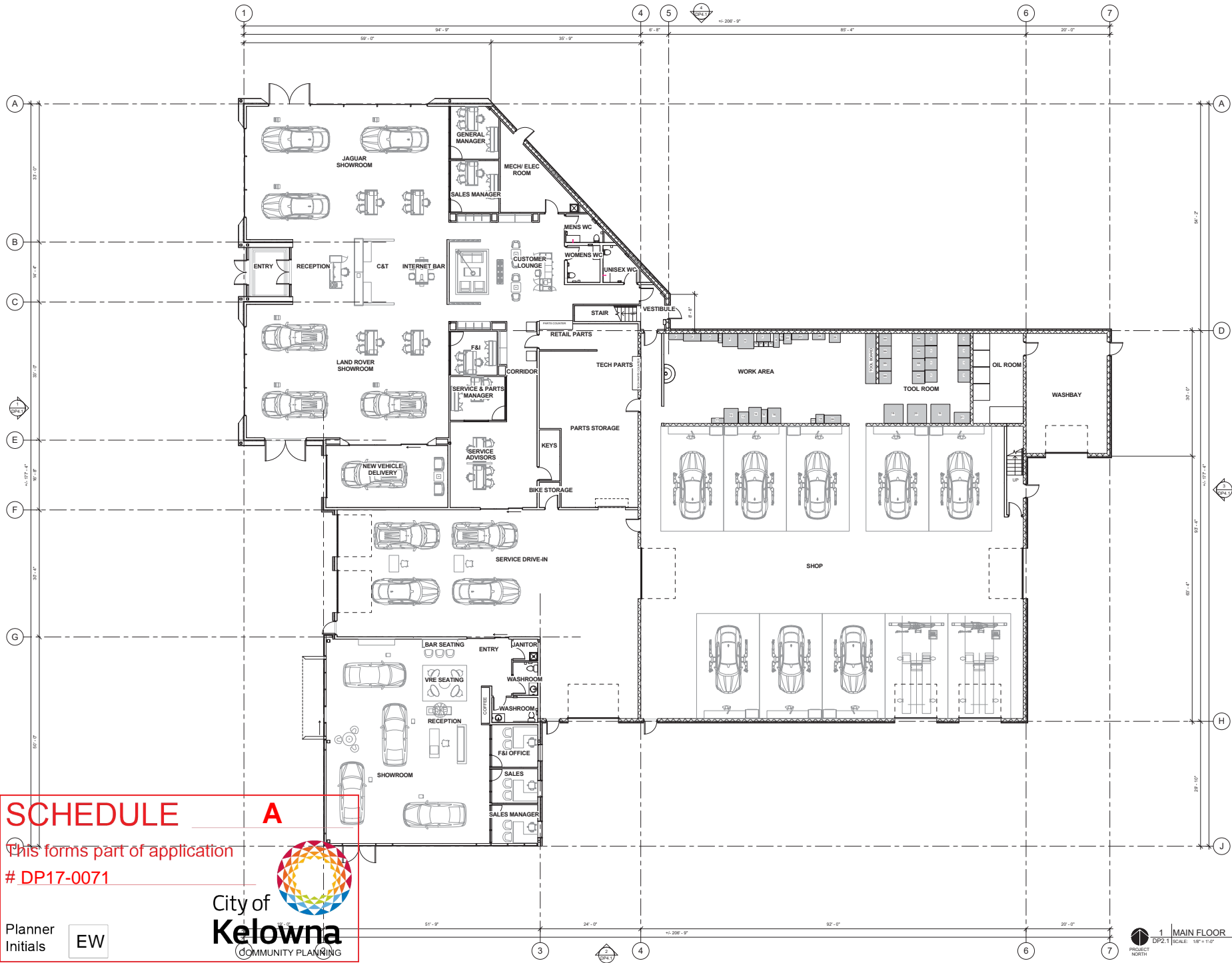
CONSTRUCTION

AIBC Certificate of Practice - Faction Architecture Inc.

Timothy J. McLennan Architect AIBC

T 250-980-4510 F 250-764-2116 201-3935 Lakeshore Rd, Kelowna BC V1W 1V3

www.factionprojects.com



SCHEDULE

A

This forms part of application
DP17-0071

Planner
Initials

EW

City of Kelowna
COMMUNITY PLANNING

REAL:

ISSUED FOR		
NO	DATE	DESCRIPTION
	2016-12-23	CLIENT REVIEW
	2017-01-23	CLIENT REVIEW
	2017-03-07	DEVELOPMENT PERMIT

CONSULTANTS:

PROJECT:

KELOWNA
ILR-VOLVO

DRAWING DESCRIPTION:

MAIN FLOOR PLAN

PROJECT NO.:

15-006

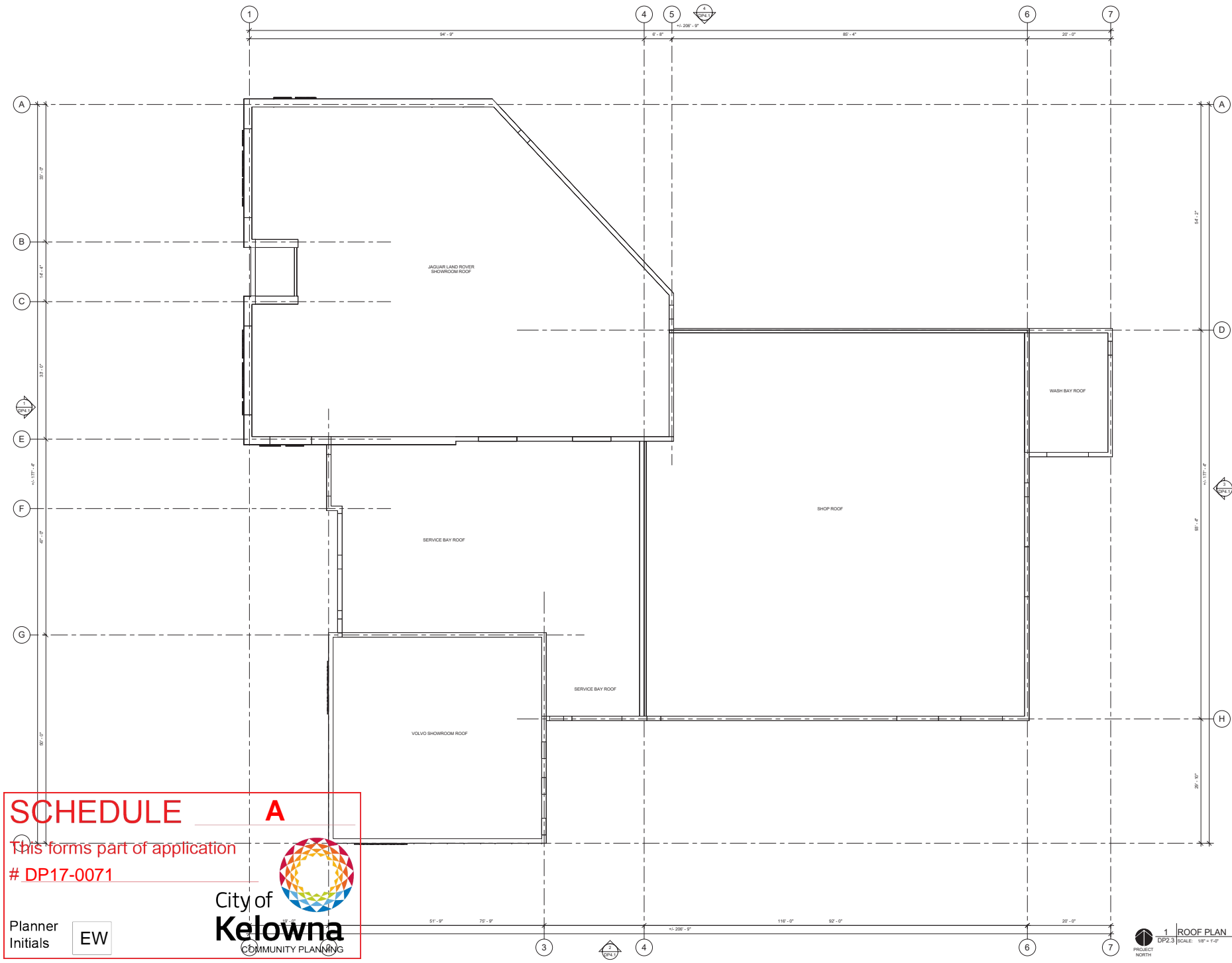
LOT SCALE: 1/8" = 1'-0"

DATE ISSUED: 2017-03-07

REVIEWED: _____ BY: _____

DP2.1

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dimensions on site. Any apparent discrepancies in the
Drawings shall be brought to the Architect's attention with time
being of the essence.
NOTES



SCHEDULE A

This forms part of application
DP17-0071

Planner Initials **EW**

City of Kelowna
COMMUNITY PLANNING

SCALE:

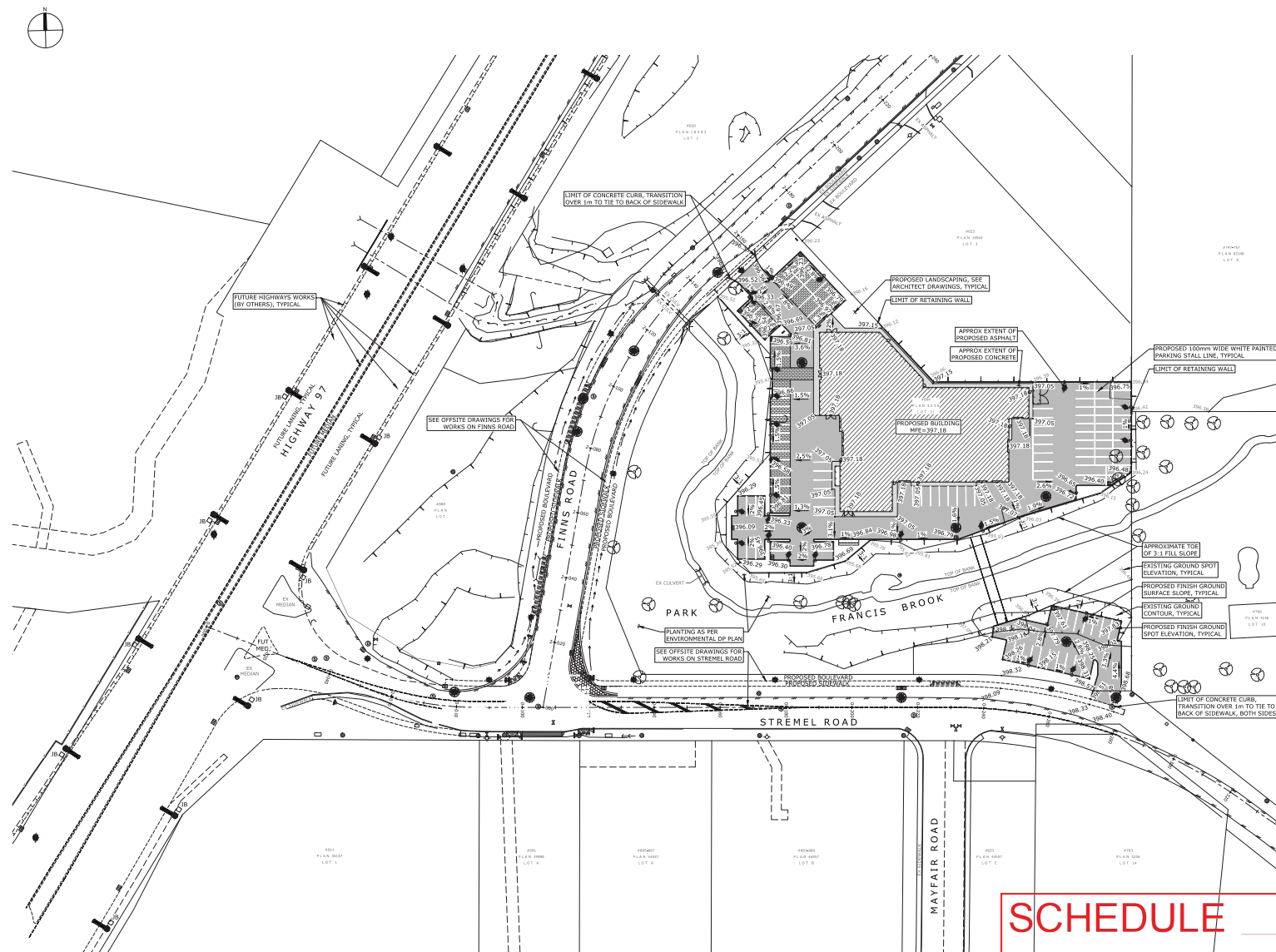
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2	2017-05-23	CLIENT REVIEW
3	2017-05-07	DEVELOPMENT PERMIT

CONSULTANTS:

PROJECT:
**KELOWNA
JLR-VOLVO**

DRAWING DESCRIPTION:
ROOF PLAN

PROJECT NO.: 16-008	DRAWING NO.: DP2.3
DATE ISSUED: 2017-05-07	DATE REVIEWED: 2017-05-07
PROJECT: NORTH	PROJECT: NORTH



DP17-0071

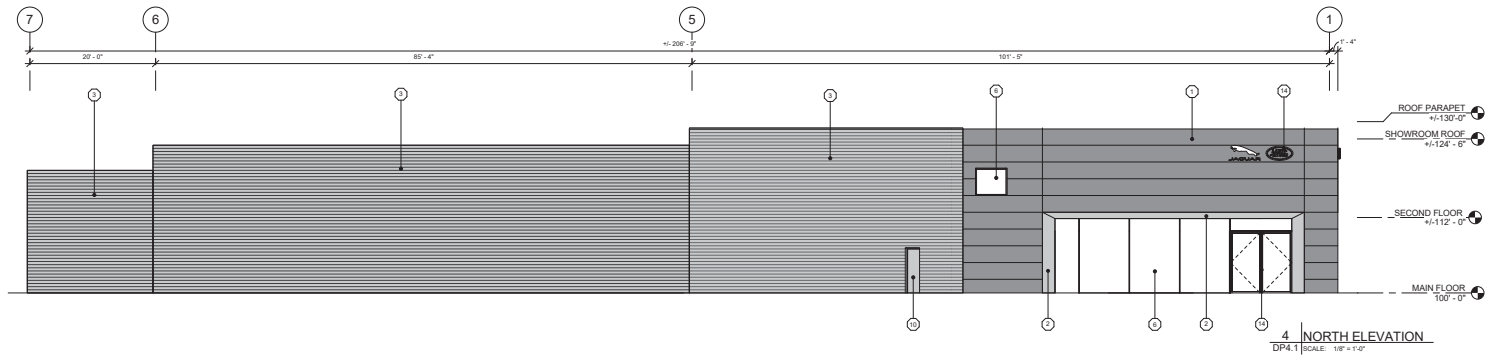
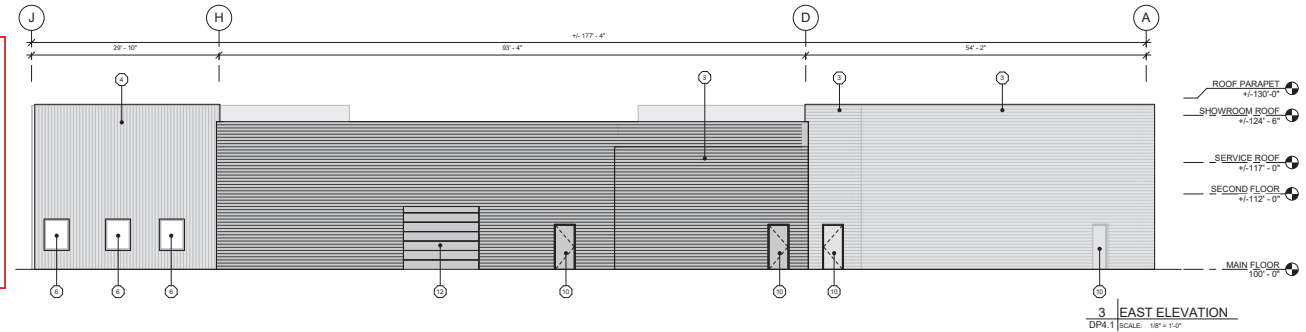
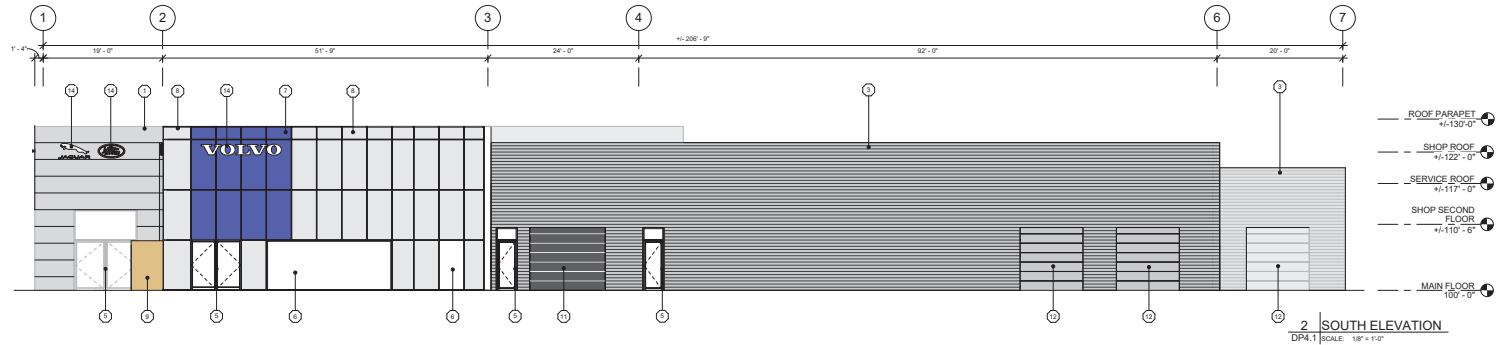
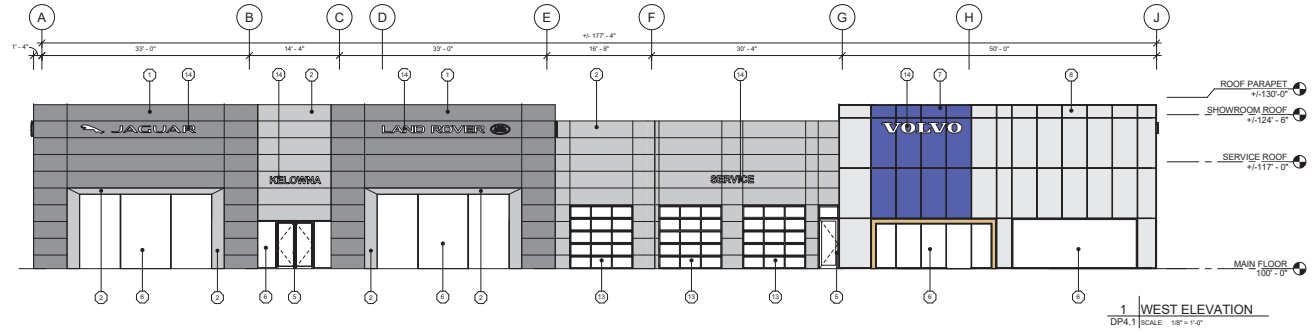
Planner
Initials

EW

City of Kelowna
COMMUNITY PLANNING

EXTERIOR FINISH LEGEND

- 1 METAL PANEL - GREY
- 2 METAL PANEL - LIGHT GREY
- 3 HORIZONTAL METAL CLADDING - LIGHT GREY
- 4 VERTICAL METAL CLADDING - LIGHT GREY
- 5 GLAZING FRAME - CLEAR ANODIZED
- 6 CLEAR GLAZING
- 7 BLUE GLAZING
- 8 TRANSLUCENT WHITE GLAZING
- 9 COMPOSITE WOOD CLADDING
- 10 MAIN DOOR - LIGHT GREY
- 11 OVERHEAD DOOR - GLASS - BLACK
- 12 OVERHEAD DOOR - LIGHT GREY
- 13 OVERHEAD DOOR - GLASS/ALUMINUM - CLEAR ANODIZED
- 14 POTENTIAL SIGNAGE LOCATIONS



SCHEDULE

B

This forms part of application
DP17-0071

Planner
Initials **EW**



SCALE:

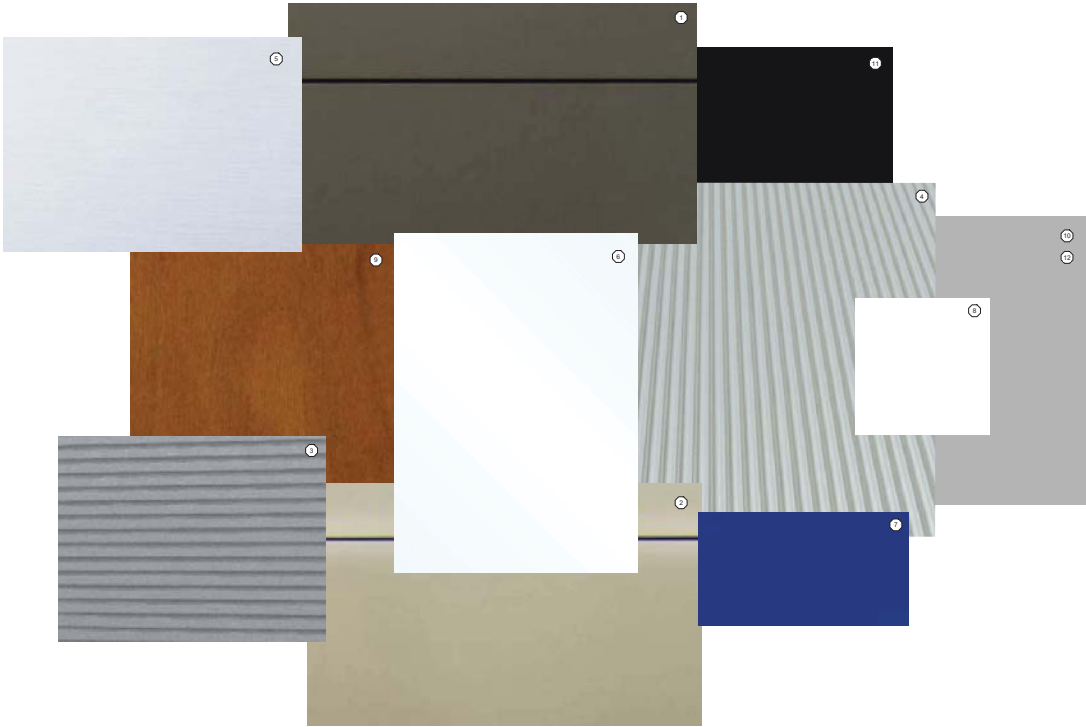
NO.	DATE	DESCRIPTION
1	2017-03-07	DEVELOPMENT PERMIT

CONSULTANTS:

PROJECT
**KELOWNA
JLR-VOLVO**

DRAWING DESCRIPTION
EXTERIOR ELEVATIONS

PROJECT NO.: 16-008	DRAWING NO.: DP4.1
PLAT SCALE: As indicated	
DATE ISSUED: 2017-03-07	
REVISED: 2017-03-07	



EXTERIOR FINISH LEGEND	
1	METAL PANEL - GREY
2	METAL PANEL - LIGHT GREY
3	HORIZONTAL METAL CLADDING - LIGHT GREY
4	VERTICAL METAL CLADDING - LIGHT GREY
5	GLAZING FRAME - CLEAR ANODIZED
6	CLEAR GLAZING
7	BLUE GLAZING
8	TRANSLUCENT WHITE GLAZING
9	COMPOSITE WOOD CLADDING
10	MAN DOOR - LIGHT GREY
11	OVERHEAD DOOR - GLASS - BLACK
12	OVERHEAD DOOR - LIGHT GREY
13	OVERHEAD DOOR - GLASS/ALUMINUM - CLEAR ANODIZED
14	POTENTIAL SIGNAGE LOCATIONS

1 COLOUR BOARD
DP6.0 SCALE: 1/2" = 1'-0"

SEAL:

ISSUED FOR		
NO	DATE	DESCRIPTION
1	2017-03-07	DEVELOPMENT PERMIT

CONSULTANTS:

SCHEDULE

B

This forms part of application

DP17-0071

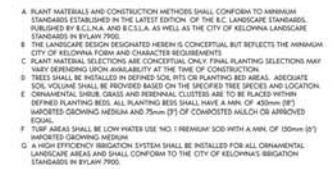
Planner Initials

EW

City of Kelowna

COMMUNITY PLANNING

PROJECT		KELOWNA JLR-VOLVO
DRAWING DESCRIPTION		
MATERIAL BOARD		
PROJECT NO.: 16-009	DRAWING NO.: DP6.0	
PLOT SCALE: 1/2" = 1'-0"		
DATE ISSUED: 2017-03-07		
REVISED: 2017-03-07		



166

Report to Council



Date: June 19, 2017
File: 1220-02
To: City Manager
From: Ross Soward, Planner Specialist
Subject: 1745 Chapman Rental Housing – Funding Request

Recommendation:

THAT Council receives, for information, the report from the Planner Specialist, dated June 19, 2017, regarding the status of the Revitalization Tax Exemption at 1745 Chapman Place.

THAT Council approves the request for 2017 tax revenue to be used to cover tax exemption costs for 2017 as described in the report from the Planner Specialist, dated June 19, 2017.

AND THAT Council directs staff to bring forward amendments to the definitions section of the Revitalization Tax Exemption Program Bylaw, as described in the report from the Planner Specialist, dated June 19, 2017.

Purpose:

To receive an update on the status of the Revitalization Tax Exemption for 1745 Chapman Place and to receive council direction to cover the 2017 municipal taxation costs.

Background:

The Revitalization Tax Exemption (RTE) Bylaw was created to provide incentives for investment and development in the city's Downtown and Rutland urban centres. Subsequently, the bylaw was amended in 2012 to provide exemptions for rental housing projects. The RTE Bylaw allows eligible developments to receive a ten-year exemption from the municipal portion of property taxes on the incremental value of improvements (i.e.: the difference between assessed value pre-development and assessed value post-development).

On October 24, 2016 Council approved a 10-year Revitalization Tax Exemption Agreement with Ki-Low-Na Friendship Society for rental housing in accordance with Revitalization Tax Exemption Program Bylaw No. 9561. The 86-unit affordable rental housing project at 1745 Chapman Place is a partnership with BC Housing. Ki-Low-Na Friendship Society's partnership with BC Housing requires that the units be stratified to allow for BC Housing to purchase equity in the rental housing project. This equity purchase is a way to improve the non-profit housing provider's financing and enhance affordability of rental rates. BC Housing has confirmed that this approach is a new strategy they are utilizing in affordable rental projects.

Staff recently discovered that the process of stratifying units to facilitate BC Housing equity is interpreted by the British Columbia Assessment Authority (BCAA) as being in conflict with the City of Kelowna's Revitalization Tax Exemption Bylaw. Specifically, the definition of *purpose-built rental housing* specifically states "dwelling units that are intended for rental housing and does not include buildings that are stratified". The result of this BCAA interpretation is that the Ki-Low-Na project has been assessed for approximately \$17,000 in municipal property taxes, despite the Revitalization Tax Exemption Agreement.

Moving forward, staff are recommending that the definition of purpose-built rental housing be amended in the Revitalization Tax Exemption Program Bylaw to ensure this approach of stratifying units to transfer ownership to BC Housing does not conflict with the definition of purpose-built rental housing in the future.

As an interim measure staff are recommending that \$17,000 of the 2017 tax revenue be allocated to ensure that Ki-Low-Na Friendship Society receives the exemption for the 2017 tax year as per its agreement with the City of Kelowna. This allocation of funding would only be for the 2017 tax year with the full revitalization tax exemption being secured for the next 9 years once the definition for purpose-built rental housing is amended. For all intents and purposes, all 86 units of the Ki-Low-Na Friendship Society housing project are being operated as affordable rental units in the spirit of the bylaw; however, the financing approach used by BC Housing has created this temporary issue for 2017.

Internal Circulation:

Revenue Supervisor, Financial Services
Divisional Director, Community Planning & Real Estate
Manager, Long Range Policy Planning

Legal/Statutory Authority:

Revitalization Tax Exemption Program Bylaw No. 9561, 2006
Community Charter, Division, Section 226

Legal/Statutory Procedural Requirements:

The Revitalization Tax Exemption Bylaw No. 9561 supports municipal tax incentives for purpose-built rental housing when the vacancy rate for rental housing is at three per cent or lower.

Existing Policy:

Official Community Plan Bylaw No. 10500

Revitalization Tax Exemption Program Bylaw No. 9561 Policy 5.1.3

Submitted by: R. Soward, Planner Specialist

Approved for inclusion: J. Moore, Manager of Long Range Policy Planning

cc: G. Davidson, Director, Financial Services
A. Schumacher, Revenue Supervisor, Financial Services

Report to Council



Date: 6/19/2017
File: 1125-50-038
To: City Manager
From: J. Säufferer, Manager, Real Estate Services
Subject: Road Closure & Sale Agreement – Portion of Lane adjacent to 508 Sutherland
Report Prepared by: B. Walker, Property Officer

Recommendation:

THAT Council receives, for information, the Report from the Manager, Real Estate Services dated June 19, 2017, recommending that Council adopt the proposed closure of a portion of road adjacent to 508 Sutherland Avenue;

AND THAT Bylaw No. 11362, being proposed road closure of a portion of land adjacent 508 Sutherland Avenue, be given reading consideration;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the relevant road closure and sale transaction.

Purpose:

To dispose of a 63.4 square meter portion of excess road (laneway) adjacent to 508 Sutherland Avenue for consolidation with the adjacent property.

Background:

The proposed road closure (shown as "Closed Lane" on the attached Schedule 'A') has been deemed excess to municipal needs, and will be transferred to and consolidated with the adjacent property at 508 Sutherland Avenue.

Internal Circulation:

Manager, Urban Planning Mobility
Manager, Development Engineering
Manager, Integrated Transportation Department
Department Manager, Community Planning

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

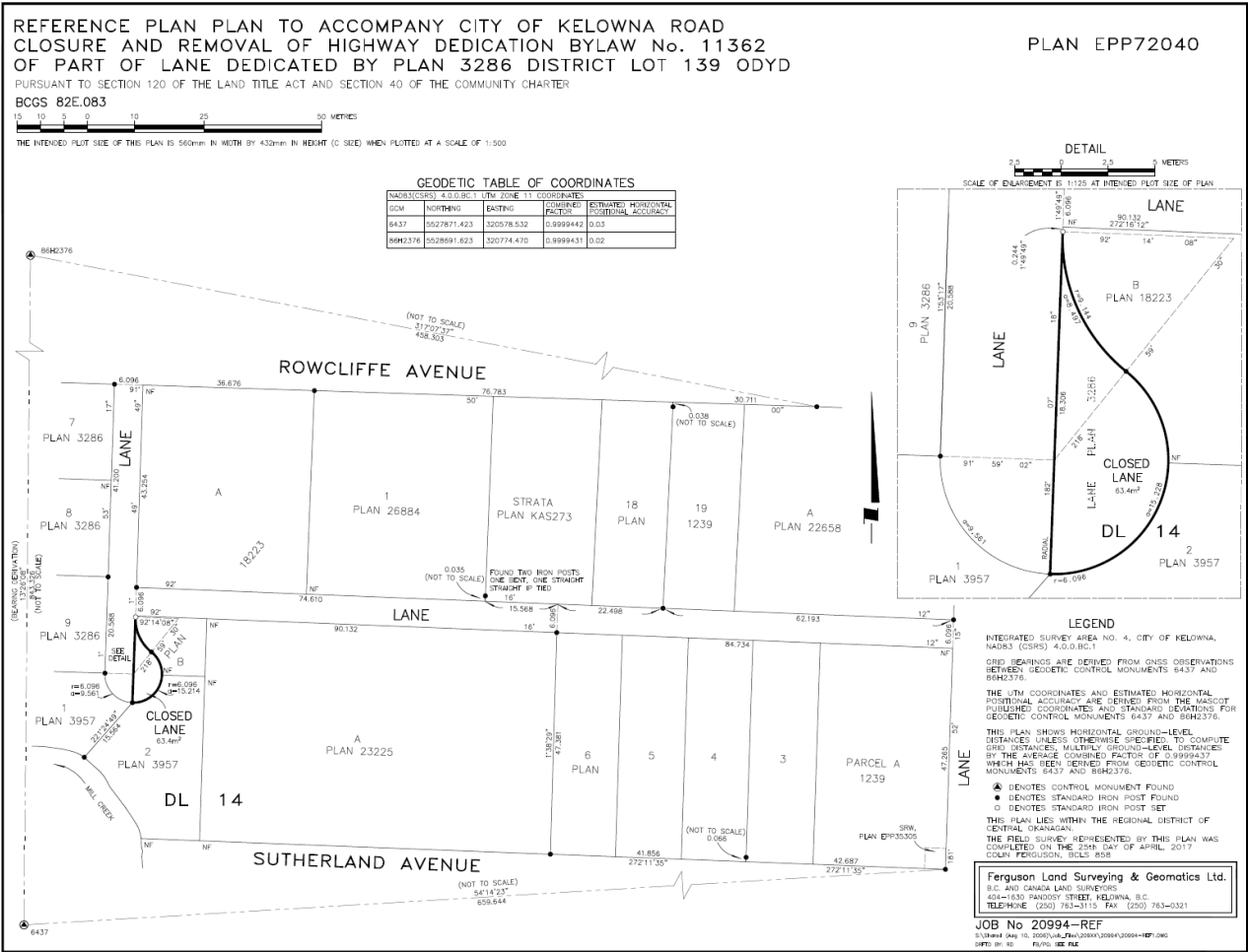
Submitted by: J. Säufferer, Manager, Real Estate Services

Approved for inclusion: D. Edstrom, Director, Real Estate

Attachments: Schedule A – Survey Plan

cc: T. Barton, Urban Planning Manager
J. Kay, Development Engineering Manager
R. Villarreal Pacheco, Manager, Integrated Transportation Department Manager
R. Smith, Community Planning Department Manager

Schedule A



CITY OF KELOWNA

BYLAW NO. 11362

Road Closure and Removal of Highway Dedication Bylaw (Portion of Sutherland Avenue)

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 Sutherland Avenue

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 63.4m² shown in bold black as Closed Lane on the Reference Plan prepared by Colin Ferguson, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

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

Approved Pursuant to Section 41(3) of the Community Charter this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

