

City of Kelowna
Regular Council Meeting
AGENDA



Monday, July 28, 2014
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 feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

6 - 20

Regular PM Meeting - July 14, 2014

3. Public in Attendance

3.1 Gold Quill Award of Excellence, IABC re: City of Kelowna - My Downtown: Bernard Avenue Revitalization Community Engagement

Presentation of Award from the International Association of Business Communicators (IABC) for Communication Management in a Government Communication Program.

4. Development Application Reports & Related Bylaws

4.1 Rezoning Application No. Z14-0013 - 290 & 310 Lochview Road, Randall & Stacie Mosicki and Rodney & Deborah Stryda

21 - 38

Mayor to invite the Applicant, or Applicant's Representative, to come forward.
To consider a staff recommendation NOT to rezone the properites from the A1 - Agriculture 1 zone to the RR1 - Rural Residential zone.

4.2 Agricultural Land Reserve Appeal Application No. A14-0006 - 342 Valley Road, Adolph & Janet Hait and Clarence Rode

39 - 60

Mayor to invite the Applicant, or Applicant's Representative, to come forward.
To consider a staff recommendation NOT to support an application to the Agricultural Land Commission (ALC) for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act. The

subdivision is more specifically a “Homesite Severance” request as per ALC Policy #11 - Homesite Severance on ALR Lands.

- 4.3 Rezoning Application No. Z14-0017 - 815 Juniper Road, Brad Ferrell 61 - 80

The applicant is requesting permission to rezone a portion of the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate a two lot subdivision.

- 4.3.1 Bylaw No. 10989 (Z14-0017) - 815 Juniper Road, Brad Ferrell 81 - 82

To give Bylaw No. 10989 first reading.

- 4.4 Rezoning Application No. Z14-0018 - 1781 Capistrano Drive, Mahesh Raj Tripathi 83 - 91

To rezone the subject property to RU1 – Large Lot Housing zone to allow a secondary suite.

- 4.4.1 Bylaw No. 10987 (Z14-0018) - 1781 Capistrano Drive, Mehesh Raj Tripathi 92 - 92

To give Bylaw No. 10987 first reading.

- 4.5 Rezoning Application No. Z14-0024 - 505 Doyle Avenue, Interior Health Authority 93 - 110

To rezone a portion of the subject property from the C4 - Urban Centre Commercial zone to the C7 - Central Business Commercial zone.

- 4.5.1 Bylaw No. 10991 (Z14-0024) - 505 Doyle Avenue, Interior Health Authority 111 - 112

To give Bylaw No. 10991 first reading.

- 4.6 Rezoning Application No. Z10-0044, Extension Request - 120 Homer Road, Nathan Morden 113 - 116

To extend the date for adoption of Zone Amending Bylaw No. 10403 from June 20, 2014 to August 12, 2014.

5. Bylaws for Adoption (Development Related)

- 5.1 Bylaw No. 10914 (OCP13-0020) - 1055 Frost Road, No. 21 Great Projects Ltd. & City of Kelowna 117 - 118

Requires a majority of all Members of Council.

To adopt Bylaw No. 10914 in order to change the Future Land Use designation of the subject property from the Multiple Unit Residential - Low Density and Single/Two Unit Residential designations to the Single/Two Unit Residential designation.

5.2	Bylaw No. 10915 (Z13-0043) - 1055 Frost Road, No. 21 Great Projects Ltd. & City of Kelowna	119 - 120
	To adopt Bylaw No. 10915 in order to rezone the subject property from the A1 - Agriculture 1 and RU1h - Large Lot Housing (Hillside) zones to the RU3 - Small Lot Housing zone.	
5.3	Bylaw No. 10972 (Z14-0014) - 890 Mayfair Road, Henry & Ingrid Jenzen	121 - 121
	To adopt Bylaw No. 10972 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.	
6. Non-Development Reports & Related Bylaws		
6.1	Quarterly Report Update	122 - 137
	To provide Council with an update of the City's activities for the second quarter of 2014.	
6.2	Revitalization Tax Exemption Agreement - 552-554 Leon Avenue	138 - 149
	The applicant is applying to enter into a Revitalization Tax Exemption Agreement in accordance with Revitalization Tax Exemption Program Bylaw No. 9561.	
6.3	Revitalization Tax Exemption Agreement - 1155 Brookside Avenue	150 - 160
	The applicant is applying to enter into a Revitalization Tax Exemption Agreement in accordance with Revitalization Tax Exemption Program Bylaw No. 9561.	
6.4	Fascieux Creek Restoration Improvements	161 - 164
	To provide in kind assistance to the Green Parent Committee and School District 23 in order to restore habitat over a portion of Fascieux Creek in front of the KLO Middle school. The City of Kelowna will obtain a right of way over Fascieux Creek in exchange for this assistance.	
6.5	SEKID Boundary Inclusion for 4050 Casorso Road	165 - 170
	To respond to a request for boundary modification by the South East Kelowna Irrigation District.	
6.6	Rescind Ownership Housing Agreements	171 - 175
	To direct staff to rescind all existing ownership Housing Agreements.	
6.6.1	Bylaw No. 10873 - A Bylaw to Rescind Ownership Housing Agreement Bylaw Nos. 9525, 9694, 9713, 9737, 9834, 9884, 10182, 10183 & 10601	176 - 177

To give Bylaw No. 10873 first, second and third readings.

- 6.7 **Amendment of Sister Cities Policy** 178 - 187
To seek Council approval of revisions to Policy 355 pertaining to Sister City relationships.
- 6.8 **Service Collaboration Agreement with Alliied Health** 188 - 203
To provide Council with an overview of the expanded collaboration between the City and Allied Health that will further bridge the connection between health care and community programming. The focus of this collaboration is to support individuals' self management of their health.
- 6.9 **Ben Lee Park - Playground Improvement Project** 204 - 209
For Council to support the renovation and retrofit of the playground at Ben Lee Park in order to submit for the 2014 Enabling Accessibility in Communities Grant.
- 6.10 **Ellis Street Corridor Plan** 210 - 231
To receive Council endorsement for the Ellis Street Corridor Plan as the basis for the implementation of road cross sections and coordination of streetscape elements along Ellis Street from Bernard Avenue to the Library Parkade.
7. **Bylaws for Adoption (Non-Development Related)**
- 7.1 **Bylaw No. 10936 - Road Closure Bylaw, Portion of 1908 Henkel Road** 232 - 233
Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.
To adopt Bylaw No. 10936 in order to authorize the City to permanently close and remove the highway dedication of a portion of highway on 1908 Henkel Road.
- 7.2 **Bylaw No. 10982 - Amendment No. 1 to City of Kelowna Election Sign Bylaw No. 10411** 234 - 234
To adopt Bylaw No. 10982 in order to amend City of Kelowna Election Sign Bylaw No. 10411.
- 7.3 **Bylaw No. 10983 - Amendment No. 1 to Heritage Building Tax Exemption Bylaw No. 10966** 235 - 241
To adopt Bylaw No. 10983 in order to amend Heritage Building Tax Exemption Bylaw No. 10966.
- 7.4 **Bylaw No. 10988 - A Bylaw to Rescind Ownership Housing Agreement Authorization Bylaw No. 10163** 242 - 242
To adopt Bylaw No. 10988 in order to authorize the discharge of a Housing

Agreement for Affordable Housing registered on 695 Webster Road.

8. Mayor and Councillor Items
9. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, July 14, 2014
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present: Deputy Mayor Maxine DeHart and Councillors Colin Basran, Andre Blanleil*, Gail Given, Robert Hobson, Luke Stack and Gerry Zimmermann

Members Absent: Mayor Walter Gray and Councillor Mohini Singh

Staff Present: Acting City Manager, Rob Mayne; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham*; Manager, Urban Planning, Ryan Smith*; Manager, Development Engineering, Steve Muenz*
 Manager, Subdivision, Agriculture & Environment Services, Todd Cashin*; Manager, Policy & Planning, Danielle Noble-Brandt*;
 Manager, Long Range Policy Planning, Gary Stephen*; Manager, Sport & Event Development, Don Backmeyer*; Community Recreation Coordinator, Chris Babcock*; Supervisor, Urban Planning, Lindsey Ganczar*; and Council Recording Secretary, Tania Tishenko

(*denotes partial attendance)

1. Call to Order

Deputy Mayor DeHart called the meeting to order at 1:34 pm.

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

2. Confirmation of Minutes

Moved By Councillor Hobson/Seconded By Councillor Basran

R484/14/07/14 THAT the Minutes of the Regular PM Meeting of June 23, 2014 be confirmed as circulated.

Carried

3. Public in Attendance

3.1. Miss Kelowna Lady of the Lake Society, re: Miss Kelowna Report

Lady of the Lake Leah Sorge & Princess Elizabeth Hardy

- Provided Council with a verbal report of their year representing Kelowna.

4. Development Application Reports & Related Bylaws

4.1. Rezoning Application No. Z14-0019 - 260 Ponto Avenue, Alexander Ryan Tull

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.

Moved By Councillor Hobson/Seconded By Councillor Zimmermann

R485/14/07/14 That Rezoning Application No. Z14-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 17, Section 26, Township 26, ODYD, Plan 4414, located on 260 Ponto Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the RM1 - Four Dwelling 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 requirements Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be subsequent to approval of the Ministry of Transportation and Infrastructure.

Carried

4.1.1. Bylaw No. 10979 (Z14-0019) - 260 Ponto Avenue, Alexander Ryan Tull

Moved By Councillor Zimmermann/Seconded By Councillor Stack

R486/14/07/14 THAT Bylaw No. 10979 be read a first time.

Carried

4.2. Text Amendment Application No. TA14-0007 - Amendment to Carriage House and Accessory Building Regulations

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

R487/14/07/14 THAT Zoning Bylaw Text Amendment No. TA14-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by amending Section 2 - Interpretation, Section 6.5 Accessory Development, Section 6.6 Height and Grade, Section 9.5b Carriage House Regulations, and Section 13 (RR1 - Rural Residential 1, RR2 - Rural Residential 2, RR3 - Rural Residential 3, RU1 - Large Lot Housing, RU2 - Medium Lot Housing, RU6 - Two Dwelling Housing) as outlined in the report from Urban Planning dated June 27th 2014, be considered by Council;

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

Carried

4.2.1. Bylaw No. 10986 (TA14-0007) - Amendments to Carriage House and Accessory Building Regulations

Moved By Councillor Stack/Seconded By Councillor Zimmermann

R488/14/07/14 THAT Bylaw No. 10986 be read a first time.

Carried

4.3. Official Community Plan Bylaw Amendment Application No. OCP11-0011, Rezoning Application No. Z11-0069 & Text Amendment Application No. TA11-0010 - 2755 McCurdy Road, PRODEV GP Ltd. & 1378310 Alberta Ltd.

Councillor Blanche declared a conflict of interest as an immediate family member owns property adjacent to subject property and left the meeting at 2:08 pm.

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.

Moved By Councillor Hobson/Seconded By Councillor Basran

R489/14/07/14 THAT Official Community Plan Bylaw Amendment No. OCP11-0011 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of portions of Lot 1, District Lots 124 & 415, ODYD, Plan KAP84653 located at 2755 McCurdy Road, Kelowna, BC from the REP - Resource Protection Area and PARK - Major Park & Open Space designations to the S2RES - Single/Two Unit Residential, MRL - Multiple Unit Residential (low density), REP - Resource Protection Area and PARK - Major Park & Open Space designations, as shown on Map "A" attached to the Report from the Urban Planning Department dated July 2, 2014, be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the Report of the Land Use Management Department dated April 28, 2014;

AND THAT Rezoning Application No. Z11-0069 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1, District Lots 124 & 415, ODYD, Plan KAP84653 located at 2755 McCurdy Road, Kelowna, BC from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space, RH3 - Hillside Cluster Housing and RHM4 - Hillside Cluster Multiple Housing, and A1 - Agriculture 1 zones, as shown on Map "B" attached to the Report from the Urban Planning Department dated July 2, 2014, be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA11-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 to add a new zone, RHM4 - Hillside Cluster Multiple Housing, as outlined in the report from the Urban Planning department dated July 2, 2014, be considered by Council;

AND THAT Bylaw No. 10886 authorizing a Housing Agreement between the City of Kelowna, PRODEV GP LTD., Inc. No. A87135 and 1378310 ALBERTA LTD., Inc. No. A77231, which requires the owners to designate 17 dwelling units for purpose-built rental housing on Lot 1, District Lots 124 & 415, ODYD, Plan KAP84653 located at 2755 McCurdy Road, Kelowna, BC, be forwarded for reading consideration;

AND THAT the Official Community Plan Bylaw Amendment Bylaw, Zone Amending Bylaw, Text Amendment Bylaw, and Housing Agreement Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and the Ministry of Transportation being completed to their satisfaction;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration on title of a Section 219 Restrictive Covenant requiring the provision of 17 rental housing units;

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

Carried

4.3.1. Bylaw No. 10875 (OCP11-0011) - 2755 McCurdy Road - PRODEV GP Ltd. & 1378310 Alberta Ltd.

Moved By Councillor Given/Seconded By Councillor Zimmermann

R490/14/07/14 THAT Bylaw No. 10875 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

4.3.2. Bylaw No. 10876 (TA11-0010) - Amendment to City of Kelowna Zoning Bylaw No. 8000, RHM4 - Hillside Cluster Multiple Cluster Housing Zone

Moved By Councillor Zimmermann/Seconded By Councillor Given

R491/14/07/14 THAT Bylaw No. 10876 be read a first time.

Carried

4.3.3. Bylaw No. 10877 (Z11-0069) - 2755 McCurdy Road, PRODEV GP Ltd. & 1378310 Alberta Ltd.

Moved By Councillor Stack/Seconded By Councillor Given

R492/14/07/14 THAT Bylaw No. 10877 be read a first time.

Carried

4.3.4. Bylaw No. 10886 - Housing Agreement - PRODEV GP Ltd. & 1378310 Alberta Ltd.

Moved By Councillor Given/Seconded By Councillor Stack

R493/14/07/14 THAT Bylaw No. 10886 be read a first, second and third time.

Carried

Councillor Blanleil rejoined the meeting at 2:31pm.

4.4. Development Permit Application No. DP13-0115 - 1544-1550 Harvey Avenue, Jabs Construction Ltd.

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

R494/14/07/14 THAT Council authorizes the issuance of Development Permit No. DP13-0115 for Lot A, Section 20, Township 26, ODYD, Plan EPP 35751 located at 1544-1550 Harvey Avenue, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The Ministry of Transportation and Infrastructure requirements to be satisfied prior to the issuance of the Development Permit;

5. Development Engineering requirements to be satisfied prior to the issuance of the Building Permit;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit application, in order for the permit to be issued.

Carried

4.5. Official Community Plan Bylaw Amendment Application No. OCP10-0008 & Rezoning Application No. Z10-0040, Extension Request - 2149, 2159, 2169, 2179 & 2189 Pandosy Street, John & Alana Marrington

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.

Moved By Councillor Zimmermann/Seconded By Councillor Basran

R495/14/07/14 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Official Community Plan Amending Bylaw No. 10440 and Zone Amending Bylaw No. 10439, for Lots 1, 2, and 3, District Lot 14, Osoyoos Division Yale District, Plan 3216 and Lots 1 and 2, District Lot 14, Osoyoos Division Yale District Plan 5973 located on 2149, 2159, 2169, 2179, and 2189 Pandosy Street, Kelowna, BC, be extended from July 10, 2014 to July 10, 2015.

Carried

4.6. Rezoning Application No. Z13-0030 - (S of), 823 & 890-950 Academy Way, Watermark Developments Ltd., City of Kelowna & Aberdeen Hall Senior School Society

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.

Moved By Councillor Hobson/Seconded By Councillor Blanleil

R496/14/07/14 THAT Rezoning Application No. Z13-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

1. Part of the North East ¼ of Section 3 Township 23 ODYD Except Plans EPP33993 and EPP36884 located at 823 Academy Way;
2. Part of Lot A Section 3 Township 23 ODYD Plan EPP33993 "see plan as to limited access", located (S of) Academy Way; and

3. Part of Lot C Section 3 Township 23 ODYD Plan EPP33993 “see plan as to limited access”, located (S of) Academy Way; and

from the A1 - Agriculture 1 to P3 - Parks and Open Space, P3 - Parks and Open Space to A1 - Agriculture 1, RM5 - Medium Density Multiple Housing to A1 - Agriculture 1, RM5 - Medium Density Multiple Housing to P3 Parks and Open Space, P3 - Parks and Open Space to RM5 - Medium Density Multiple Housing, A1 - Agriculture 1 to RM5 - Medium Density Multiple Housing as shown Map “A1” attached to the report of Subdivision, Agriculture & Environment Services, dated June 26th, 2014, be considered by Council;

AND THAT Rezoning Application No. Z13-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

1. Part of Lot 1 Sections 3 and 10 Township 23 ODYD Plan EPP38015 (limited access as to part formerly Lot B Plan EPP33993) located at 890-950 Academy Way;
2. Part of Lot A Section 3 Township 23 ODYD Plan EPP33993 “see plan as to limited access”, located (S of) Academy Way; and
3. Part of Lot C Section 3 Township 23 ODYD Plan EPP33993 “see plan as to limited access”, located (S of) Academy Way; and

from the A1 - Agriculture 1 to P3 - Parks and Open Space and P3 - Parks and Open Space to A1 - Agriculture 1 as shown Map “A2” attached to the report of Subdivision, Agriculture & Environment Services, dated June 26th, 2014, be considered by Council;

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

Carried

- 4.6.1. Bylaw No. 10984 (Z13-0030) - (S of), 823 & 890-950 Academy Way, Watermark Developments Ltd., City of Kelowna & Aberdeen Hall Senior School Society

Moved By Councillor Stack/Seconded By Councillor Given

R497/14/07/14 THAT Bylaw No. 10984 be read a first time.

Carried

4.7. Official Community Plan Bylaw Amendment Application No. OCP14-0014 & Text Amendment Application No. TA14-0010 - Various addresses in the Hospital Area, City of Kelowna

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.

Moved By Councillor Hobson/Seconded By Councillor Basran

R498/14/07/14 THAT Official Community Plan Bylaw Amendment No. OCP14-0014 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of the subject properties identified in Attachment 1 from the S2RES - Single / Two Unit Residential designation to the HLTH - Health District designation, as shown on Map #1 attached to the Report of the Policy & Planning Department dated July 14, 2014, be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP14-0014 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 1 District Lot 14 ODYD Plan KAP3451, located on 2303 Abbott Street, Kelowna, BC from the S2RES - Single / Two Unit Residential designation to the EDINST - Educational / Major Institutional designation, as shown on Map #1 attached to the Report of the Policy & Planning Department dated July 14, 2014, be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP14-0014 to amend Map 5.8 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by adding the Revitalization Development Permit Area Designation to the subject properties identified in Attachment 1 as shown on Map #2 attached to the Report of the Policy & Planning Department dated July 14, 2014, be considered by Council;

AND THAT Official Community Plan Bylaw No. OCP14-0014 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500, by revising the definition of 'Health District' as outlined in the Report of the Policy & Planning Department dated July 14, 2014, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA14-0010 to amend City of Kelowna Zoning Bylaw No. 8000, by adding the Health District 3 - Health Services Transitional zone in Section 17; adding definitions for Health Services, Major, Supportive Housing, Minor, and Supportive Housing, Major in Section 2, adding a new Level 2 landscape buffer in Section 7, and revising Table 8.1 - Parking Schedule to include Health Services, Major and Minor in Section 8 as outlined in the Report of the Policy & Planning Department dated July 14, 2014, be considered by Council;

AND THAT Amendment No. 21 to Sign Bylaw No. 8235 be forwarded for reading consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the Report of the Policy & Planning Department dated July 14, 2014;

AND FURTHER THAT the Official Community Plan Bylaw Amendment Bylaw and the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

4.7.1. Bylaw No. 10980 (OCP14-0014) - Amendment to Chapter 4, Future Land Use for a new Health District (HLTH) Designation

Moved By Councillor Given/Seconded By Councillor Stack

R499/14/07/14 THAT Bylaw No. 10980 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

4.7.2. Bylaw No. 10981 (TA14-0010) - City of Kelowna, Adding a new HD3 - Health Services Zone to Section 17 - Health District Zone

Moved By Councillor Blanleil/Seconded By Councillor Basran

R500/14/07/14 THAT Bylaw No. 10981 be read a first time.

Carried

4.7.3. Bylaw No. 10985 - Amendment No. 21 to City of Kelowna Sign Bylaw No. 8235

Moved By Councillor Blanleil/Seconded By Councillor Basran

R501/14/07/14 THAT Bylaw No. 10985 be read a first, second and third time.

Carried

5. Bylaws for Adoption (Development Related)

5.1. Bylaw No. 10973 (Z14-0015) - 2248 Abbott Street, Susan Jane Bennett

Moved By Councillor Blanleil/Seconded By Councillor Basran

R502/14/07/14 THAT Bylaw No. 10973 be adopted.

Carried

5.2. Bylaw No. 10755 (Z11-0082) - 4165 Wallace Hill Road, Bernard & Christine Rinas

Councillor Blanleil declared a conflict of interest as an immediate family member lives nearby the property and left the meeting at 3:00 pm.

Moved By Councillor Blanleil/Seconded By Councillor Basran

R503/14/07/14 THAT Bylaw No. 10755 be adopted.

Carried

Councillor Blanleil rejoined the meeting at 3:01 pm.

6. Non-Development Reports & Related Bylaws

6.1. Copeland House - Heritage Tax Exemption (Final)

Moved By Councillor Hobson/Seconded By Councillor Given

R504/14/07/14 THAT Council receives for information the report from the Department Manager of Policy and Planning dated July 14, 2014 regarding the Heritage Building Tax Incentive Agreement for the Copeland House at 784 Elliot Avenue;

AND THAT Bylaw No. 10983, being Amendment No. 1 to the Heritage Building Tax Exemption Bylaw No. 10966 - 784 Elliot Avenue be forwarded for reading consideration;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the revised Heritage Building Tax Exemption Agreement.

Carried

6.1.1. Bylaw No. 10983 - Amendment No. 1 to Heritage Building Tax Exemption Bylaw No. 10966

Moved By Councillor Blanleil/Seconded By Councillor Basran

R505/14/07/14 THAT Bylaw No. 10983 be read a first, second and third time.

Carried

6.2. Housing Agreement Discharge - 695 Webster Road

Moved By Councillor Zimmermann/Seconded By Councillor Given

R506/14/07/14 THAT Council receives, for information, the Report from the Urban Planning Manager dated June 14, 2014 with respect to the Housing Agreement between the City of Kelowna and 0823250 BC Ltd. and Verlaan Investments Inc. for the property located at 695 Webster Road, Kelowna, BC;

AND THAT Bylaw No. 10988, a Bylaw to Rescind Ownership Housing Agreement Authorization Bylaw No. 10163, be forwarded for reading consideration.

Carried

6.2.1. Bylaw No. 10988 - A Bylaw to Rescind Ownership Housing Agreement Authorization Bylaw No. 10163

Moved By Councillor Hobson/Seconded By Councillor Basran

R507/14/07/14 THAT Bylaw No. 10988 be read a first, second and third time.

Carried

6.3. Mission Softball Playground Project

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R508/14/07/14 THAT Council approves funding up to a maximum of \$25,000 from the Sportsfield Reserve Fund for the purchase and installation of a children's playground at the Kinsmen Softball Complex;

AND THAT Council approves funding of \$14,328.30 from the Mission Recreation Park Softball Facility Reserve Fund for the purchase and installation of a children's playground at the Kinsmen Softball Complex;

AND THAT Council amends Council Policy 326 - Sports Field Reserve Funds as outlined in the report;

AND FURTHER THAT the 2014 Financial Plan be amended to accommodate these expenditures.

Carried

6.4. Road Closure - Portion of 1908 Henkel Road

Staff:

- Confirmed pedestrian access from Henkel Road to public path along Glenmore Road will be maintained.

Moved By Councillor Hobson/Seconded By Councillor Basran

R509/14/07/14 THAT Council receives the Report from the Manager, Real Estate Services dated July 14, 2014, recommending that Council adopt the proposed road closure of a portion of land adjacent to 1908 Henkel Road;

AND THAT Bylaw No. 10936, being proposed road closure of a portion of land adjacent to 1908 Henkel Road, be given reading consideration.

Carried

6.4.1. Bylaw No. 10936 - Road Closure Bylaw, Portion of 1908 Henkel Road

Moved By Councillor Hobson/Seconded By Councillor Basran

R510/14/07/14 THAT Bylaw No. 10936 be read a first, second and third time.

Carried

6.5. Amendment to Election Sign Bylaw No. 10411

Staff:

- Provided a synopsis of the amendment
- Responded to questions from Council.

Moved By Councillor Zimmermann/Seconded By Councillor Stack

R511/14/07/14 THAT Council receives for information the Report from the City Clerk, dated July 14, 2014 regarding an amendment to the Election Sign Bylaw;

AND THAT Bylaw No. 10982 being Amendment No. 1 to the City of Kelowna Election Sign Bylaw No. 10411 be forwarded for reading consideration.

Carried

6.5.1. Bylaw No. 10982 - Amendment No. 1 to City of Kelowna Election Sign Bylaw No. 10411

Moved By Councillor Hobson/Seconded By Councillor Basran

R512/14/07/14 THAT Bylaw No. 10982 be read a first, second and third time.

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1. Bylaw No. 10925 - 2014 General Local Government Election Bylaw

Moved By Councillor Hobson/Seconded By Councillor Basran

R513/14/07/14 THAT Bylaw No. 10925 be adopted.

Carried

7.2. Bylaw No. 10970 - Automated Voting Machines General Local Elections and Other Voting Bylaw

Moved By Councillor Basran/Seconded By Councillor Hobson

R514/14/07/14 THAT Bylaw No. 10970 be adopted.

Carried

8. Mayor and Councillor Items

Councillor Blanleil:

- Raised a question regarding the naming of Swamp Road and whether the road named after the Risso family is located appropriately. Acting City Manager agreed to have staff report back.

Councillor Hobson:

- Raised a concern regarding the dilapidated condition of the derelict hotel on Harvey Avenue near Spall. Acting City Manager agreed to have staff report back.

9. Termination

The meeting was declared terminated at 3:34 pm.

Deputy Mayor

/tt



City Clerk

DRAFT

(See Map 1 below). Please note that Lochview Road is a private road that provides access to fifteen (15) lots via an access easement and the road currently does not meet City standards.

The lots were subdivided in 1989 prior to the implementation of City Council’s Panhandle Lot Policy¹ and therefore the existing configuration is considered to be “grand-fathered”.



According to Council Policy, legal road frontage to the proposed lots would not be permitted via a panhandle. The policy clearly states that a panhandle in a residential subdivision must provide physical access (e.g. a driveway). The proposed configuration of the 5 lot subdivision is contrary to this policy as it identifies 3 panhandle lots fronting on Prince Edward Drive, none of which can provide physical access through the panhandle to the proposed lots (due to steep topography).

The policy also stipulates that the Approving Officer must exercise independent judgement when evaluating panhandle lot proposals. The singular purpose of a panhandle lot is to provide safe ingress and egress from a public roadway.

Furthermore, Section 944 of the Local Government Act² provides that if a parcel being created by subdivision, the minimum frontage “must be the greater of

- (i) 10% of the perimeter of that parcel; or
- (ii) The minimum frontage that the local government has established under a bylaw.”

The minimum lot width in the RR1 zone is 40 metres. The Act also identifies that the Approving Officer must evaluate if there are any other means of conventional subdivision, whether independently or together with abutting properties.

¹ Council Policy 196 (Panhandle Lot Policy) adopted March 18th, 1991

² Section 944 of the LGA

Access

As submitted, the proposal clearly does not meet the above mentioned Local Government Act requirements. The proposed frontage does not meet the required minimum lot width (40m) under the RR1 subdivision regulations.

In addition to the above regulations, is the question of physical access to the site. The developer is proposing physical access to three of the five lots via a private access easement on Lochview Road without dedicating and upgrading the existing private road.

The Subdivision Approving Officer and Development Engineering Manager have both indicated that the dedication and construction of Lochview Road to a hillside standard is required to allow the subject properties to be subdivided. The dedication and subsequent construction will provide the necessary frontage and access in compliance with current regulations while maintaining public interest and meeting the long term objectives of the OCP.

The applicant has indicated that the dedication and construction of this section of Lochview Road from Clifton Road to the subject properties would be cost prohibitive for the proposed subdivision. The applicant also indicated that getting support from 100% of the easement title holders may be extremely challenging.

To date, the Approving Officer has advised the applicant that the proposed configuration does not comply with the provisions of the Land Title Act³ regulations, Council Policy or the Subdivision, Development & Servicing Bylaw and therefore approval cannot be granted based on the current subdivision proposal.

Staff have indicated that the current OCP designation for the Lochview area does allow for more density and that sanitary sewer will be available in the near future given that the North Clifton ASP has received positive support from Council. As staff understand it, a rezoning and subdivision application for the first two phases of the North Clifton ASP will be submitted in the second half of 2014.

Variances

As proposed, the subdivision will also require two (2) variances: a variance for the road width (e.g. to permit a narrower Prince Edward Drive) and a variance to allow physical access to three (3) of the proposed five lots utilizing the existing Lochview Road (via private easement).

The first variance is to reduce the Prince Edward Drive extension width from 10.5m to 7.5m. The rationale provided by the applicant is that a narrower road width will reduce retaining requirements and thereby reduce construction costs for the proposed extension. The applicant also indicated that the 7.5m width is sufficient to accommodate the limited municipal services proposed which do not include municipal sewer.

However, the road width variance is not supported by either the Subdivision Approving Officer or the City of Kelowna Engineer. The Development Engineering Branch states that any road extension must meet the full hillside standard (e.g. SS-H13), including the construction of curb and gutter and storm drainage system including catch basins and drywells, street lights, and adjustment and/or re-location of existing utility poles to accommodate this construction.

³ Section 86 (1) (c) of the Land Title Act

Development Engineering staff further indicate that once sewer becomes available in the area, it will be very difficult to provide a sanitary service within the reduced road standard.

Furthermore, the City's Subdivision Approving Officer cannot approve a subdivision unless it meets the requirements of the Subdivision, Development & Servicing Bylaw⁴ which regulates and prescribes minimum standards for the dimensions, locations, alignment and gradient of a road⁵. The need for significant retaining on the Prince Edward Drive extension (if completed in accordance with City standards) further reinforces staff position that the existing Lochview Road would be the preferred future access for the subdivision.

The second variance requested is to permit physical access to three of the proposed five lots via the Lochview Road access easement. This variance request is truly not a variance to any of the City of Kelowna Bylaws as this decision falls within the authority and judgement of the Approving Officer. The Approving Officer has previously clearly communicated a decision on this issue.

It is worth reiterating that the two parent parcels are accessed via Lochview Road which is a private road and currently does not meet City standards. Further, Lochview Road provides access to an additional thirteen (13) lots via an access easement. To date, the applicant has not provided any supporting documentation regarding the easement amendment. However, the applicant has indicated that getting all existing easement users to support additional lots to the easement could be a challenge.

Therefore, staff opinion is that providing access to a lot via a private easement road poses a significant risk to the City. The total length of the private road is significant, is not maintained by the City of Kelowna and there are no other access options for these properties.

Future Development

The Single/Two Unit Residential Future Land Use designation recognizes that servicing of the lots would be feasible within the current time frame of the OCP. To consider a rural residential zone and subsequent subdivision as proposed could compromise the potential for the area to redevelop to a hillside standard when servicing is available.

The North Clifton ASP and associated development will bring municipal services to this area and will therefore provide the adequate infrastructure to urbanize this area in the future. With a minimum parcel size of 1 ha and given that the properties are not serviced by a community sewer system, the addition of three septic systems in a steep area above Okanagan Lake poses an unnecessary environmental risk that could easily be mitigated with proper servicing.

Given the above, staff recommend that Lochview Road must be dedicated and constructed to a hillside standard in order to provide safe access to the neighbourhood. Furthermore, staff feel that cluster housing would be the most appropriate development standard given the challenging topography, while achieving reasonable densities and will reduce potential negative effects on future development potential in the area. The development of large rural lots without proper municipal services will not achieve the objectives identified in the OCP.

Therefore, staff feel that this application is premature and could compromise the future development potential of this area including complicating the development of the properties directly north of the site and compounding an existing compromised road access.

⁴ Bylaw No. 7900 - Subdivision, Development & Servicing Bylaw

⁵ Section 87 of the Land Title Act and Section 938 of the Local Government Act

4.0 Proposal

4.1 Background

The applicant approached the City of Kelowna in 2008 and again in 2012 with a subdivision inquiry for the subject properties. At the time, City staff were concerned that the proposal would orphan some of the surrounding properties and thereby reduce the future development potential in the area.

City staff requested that the applicant prepare a simplified Area Redevelopment Plan that identified which properties could be included and how the area would be serviced and safely accessed. The plan that was provided to staff was essentially the existing proposal which, in the opinion of staff, did not provide sufficient information for the area.

Subsequently, staff provided feedback to the submitted plan and identified alternatives for a subdivision that met City bylaws and that could be supported by City staff. The applicant then indicated the suggestions provided by staff were not acceptable given the construction and dedication costs associated with Lochview Road and the existing access easement. The applicant also indicated that obtaining support from all users of the access easement to dedicate Lochview could be very challenging.

The Subdivision Approving Officer advised that the proposed subdivision (as shown in this report) would not be supported and provided the City's rationale which formed the staff position as identified above. However, the applicant requested that the application be forwarded to City Council as submitted.

It must be noted that the request to move forward with this proposal would circumvent the authority of the Subdivision Approving Officer and City Engineer. Staff strongly recommend that this application not be supported.

4.2 Project Description

The applicant is proposing to amend the zoning classification of the subject properties in order to facilitate a 5 lot subdivision. It must also be noted that the proposed subdivision layout will require a variance to the Subdivision and Servicing Bylaw and an Environmental/Hazardous Development permit.

The subject properties are located in the Glenmore-Clifton-Dilworth Sector of the City in a predominantly single family neighbourhood. Adjacent land uses are as follows:

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agricultural	Resource Protection
East	RR3 - Rural Residential	Single Two Unit Residential
South	A1- Agricultural	Resource Protection
West	P4 - Utilities	Resource Protection
	W1 - Okanagan Lake	Resource Protection

Subject Property Map: 290 and 310 Lochview Road



4.3 Current Development Policies

4.4 Kelowna Official Community Plan (OCP)

Ensure context sensitive housing development

Panhandle Lots. Prohibit lakefront panhandle lots unless such are in the public interest (e.g. allow the City to secure foreshore dedication).

Cluster Housing. Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- a. Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- b. Facilitate creative and flexible site design that is sensitive to the land’s natural features and adaptive to the natural topography;
- c. Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- d. Promote overall cost savings on infrastructure installation and maintenance; and
- e. Provide opportunities for social interaction, walking and hiking in open space areas.

Land Use Designation Definitions

Single / Two Unit Residential - Hillside (S2RESH)

Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, and those complementary uses (i.e. minor care centres, minor public services / utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. This designation applies to suburban hillside areas where slopes are over 20%. Subdivisions on hillsides over 20% slope will be required to rezone to a hillside zone.

Technical Comments

4.5 Kelowna Fire Department

The properties on Lochview Rd are not easily accessible by a fire truck - the road is too narrow - a 6 metre minimum paved road is required with no parking signs. Should there be any vehicles on the road, it is not passable by an emergency vehicle. The road also exceeds the 1 in 12 grade in many areas to the northwest. The road does not allow for emergency vehicle turn around. Fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 60ltr/sec flow. Address for each lot shall be visible from the roadway.

4.6 Development Engineering Department

See attached Development Engineering Memorandum for full list of Works & Services requirements. The following is a summary of the required works and services for this rezoning application:

- Extend, dedicate and construct Prince Edward Road to a full hillside standard;
- Dedicate and construct Lochview Road to a full hillside standard;
- All proposed works and servicing shall be in accordance with Bylaw 7900;
- Legal frontage to be provided for all proposed lots;
- A hydro-geotechnical report is required; and
- Adequately sized water, sewer and drainage systems must be provided.

4.7 IPLAN - Parks and Public Spaces

The City has adopted policy to extend a linear park corridor north of the existing Lochview Trail (As per the Linear Park Master Plan Waterfront Walkway # 136 - Class 5 Narrow multi-use) and therefore will require the securing of a linear park corridor through these properties as a condition of rezoning. The Applicant needs to prove out an alignment based on City of Kelowna Trail Standards.

4.8 Application Chronology

Date of Application Received:	April 9, 2014
Referral Comments Received:	May 20, 2014
Date of Public Notification Received:	June 6, 2014

5.0 Alternate Recommendation

THAT Rezoning Application No. Z14-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3 Section 7&8 Township 23 ODYD Plan 41162 and Lot 4 Sections 7&8 Township 23 ODYD Plan 41162 from the A1 - Agricultural 1 to the RR1 - Rural Residential 1 zone as shown on Map "A" attached to the report of Subdivision, Agriculture & Environment Services, dated April 16, 2014, be considered by Council subject to the construction and dedication of Lochview Road.

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 considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Report prepared by:

Damien Burggraeve, Land Use Planner

Reviewed by: Shelley Gambacort, Subdivision, Agriculture & Environment Director

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

Attachments:

- Subject Property Map
- Site Plan - Proposed Subdivision Layout
- Development Engineering Memorandum
- Public Notification - Letter and Summary

CITY OF KELOWNA

MEMORANDUM

Date: May 9 , 2014
File No.: S14-0015
To: Planning and Development Officer (DB)
From: Development Engineering Manager
Subject: Subdivision Application – PLR Requirements

LOCATION:	290, 310 Lochview Road	PROPOSED ZONE: RR1
APPLICANT:	Randall Mosicki	
LEGAL:	Lots 3, 4 Sections 7, 8, TP 23 ODYD Plan 41162	

WORKS AND SERVICES REQUIREMENTS

The City's Development Services Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan.

The Development Engineering Technologist for this project is John Filipenko. ASCT Provide the Consulting Engineer with a copy of the PLR, which details the Subdivision requirements.

The following Works & Services are required for this subdivision:

.1) General

- a) Rezoning approval should concur with subdivision approval.
- b) All proposed works and servicing shall be in accordance with the Subdivision, Development & Servicing Bylaw 7900
- c) The submitted drawings in support of this application indicate that legal frontage will be provided to all proposed lots from the proposed extension of Prince Edward Drive.
- d) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 (250-763-3558 ext. 2008) to obtain further information and to determine suitable location(s) within the development.
- e) Provide easements and cross access as required.

- f) This subdivision should require a Wildland Fire Hazard Assessment and completion of associated mitigation work. The area shown as Open Space and referred to above should be included in this fire assessment.

.2) Geotechnical Report

- (a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.
The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (ii) Site suitability for development.
 - (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (iv) Any special requirements for construction of roads, utilities and building structures.
 - (v) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
 - (vi) Identify slopes greater than 30%.
 - ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
 - iii) Recommendations for items that should be included in a Restrictive Covenant.
 - iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
 - v) Any items required in other sections of this document.

.3) Water

- a) The property is located within the City of Kelowna service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw.
- c) The Consulting Engineer must ensure that adequate hydrant coverage is provided in accordance with the Standard Hydrant Distribution table in the F.U.S. Guidelines.

.4) Sanitary Sewer

- a) The subject properties are not within the City of Kelowna service area.
- b) Sanitary sewage is to be handled by an on-site sewage disposal system for each lot subject to approval of the Public Health Officer in accordance with the Subdivision, Development and Servicing Bylaw Schedule 4 "Sanitary" Section 2.18. :
 - i) The native soil in the area intended for the septic field must percolate at a rate less than or equal to 30 minutes/inch (30 min./25 mm), There must be a minimum depth of 1.2 m of permeable native soil in the area intended for the absorption field, The field area consists of the primary septic field area and a reserve field area.
 - ii) The intended field area must be located on a slope less than (flatter than) or equal to 30%, and The intended field area must be located to provide a minimum of 15 m setback from any cut, embankment slopes or retaining walls.
- c) Preliminary approval by the Public Health Officer is required for each individual lot, prior to subdivision approval. Please contact the Public Health Officer and provide written confirmation that these requirements can be met.
- d) All proposed lots shall be a minimum of one Hectare in size
- e) A restrictive covenant in favour of the City of Kelowna may be required to the effect that septic tank effluent disposal fields must be located within envelopes satisfactory to the Public Health Officer. A paragraph setting down that the covenant is not to be discharged without the written approval of the Public Health Officer must be included in the wording of the covenant. The subdivision plan must be endorsed to the effect that a covenant is to be registered. This covenant must be registered as a priority charge. Ensure that the plan attached to the covenant has been endorsed by the Public Health Officer prior to submission of the subdivision plan for final approval.

.5) Drainage

- a) Provide an adequately sized drainage system complete with catchbasins and drywells. For on-site disposal of drainage water, a hydro-geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
 - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and,
 - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- e) Where ditches are provided they must be adequately lined and protected for the design flows.
- f) On the Lot Grading Plan show how driveway drainage will be treated.
- g) Road drainage cannot be directed to rock pits that are on private property.

.6) Roads

- a) It will be necessary to extend Prince Edward Drive. Dedicate and construct to a full hillside standard (SS-H13) including the construction of curb and gutter and storm drainage system including catch basins and drywells, street lights, and adjustment and/or re-location of existing utility poles and appurtenance to accommodate this construction.
- b) On Prince Edward Drive, dedicate and construct a hillside standard, paved cul-de-sac complete with curb and gutter, storm drainage system, reflective no-post barriers and street light at the termines of road at proposed Lot 4.
- c) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles.
- d) Lochview Road is presently a private access road. The dedication and construction of Lochview Road from Clifton Road through to the north end of the subject properties complete with a 12m radius cul de sac turnaround at the north end of the road, the exact location of the turnaround can be determined as part of a formal application process.

Construction of Lochview Road to be to a hillside urban local road in accordance with City standard SS-H14 (modified). The required dedication will be based on the limits required to accommodate the fill and cut slopes.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.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 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Services 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 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 required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3% of construction value (plus GST).

Steve Muenz, P.Eng.
Development Engineering Manager

JF

HELLO.....

- PLEASE SEE REVISIONS
TO MY LETTER TO YOU...
- SORRY FOR THE
INCONVENIENCE! :)

June 4, 20146

Dear Neighbors of Clifton Road, Lochview Road

Re: Neighborhood consultation, rezone/subdivision application, Lot 3 310 Lochview Road & Lot 4 290 Lochview Road Kelowna.

We, Randy and Stacie Mosicki of 310 Lochview Road and on behalf our neighbor Rod And Debbie Syryda of 290 Lochview road have submitted application to the city of Kelowna for rezoning/subdivision of our lands.

Existing and Proposed Zoning

Currently our properties are zoned A1. The parcels are approximately 3.5ha each in size. The proposed Rezoning/subdivision will create 3 new lots of (1 ha ea) . This means there will be a total of 5 lots (3 new lots and two remaining/existing lots where our homes are now built). The proposed zoning is RR1 which permits the development with septic sewer disposal. The proposed new lots have undergone environmental, geotechnical, and septic field reviews. ✕

DRAWINGS, PLAN AND SECTION

Please see included plan drawing showing the proposed 3 new lots from the two existing lots. Please also see the section view showing elevations of the building sites of the new proposed lots in relation to the elevation of Clifton Road and existing homes. As you will see, the section elevations indicate the proposed new building sites are considerably lower than the homes on the West side of Clifton Road. There will be no or minimal blockage of views.

CONTACT INFORMATION- CITY OF KELOWNA

Damien Burggrave, deputy approving officer
City of Kelowna
t- 250 469-8473
f- 250 862-3314 ✕
dburggraeve@kelowna.ca

CONTACT INFORMATION OF APPLICANTS

Please do not hesitate to contact us, we are happy to provide you with any information that we can in order to answer any of your concerns/questions.

Randy Mosicki
310 Lochview Road
Kelowna BC
rmosicki@shaw.ca

Rod & Debbie Syryda
290 Lochview Road
Kelowna BC
dsyryda@gmail.com

REPORT TO COUNCIL



Date: July 28, 2014
RIM No. 1210-21
To: City Manager
From: Subdivision, Agriculture & Environment Services (MS)
Application: A14-0006
Owners: Adolph Hait
Janet M. Hait
Clarence R. Rode
Address: 342 Valley Rd North
Applicant: Brad Farrell
Subject: 2014 07 28 Report A14-0006 342 Valley Rd
Existing OCP Designation: Resource Protection Area
Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve appeal A14-0006 for Lot 19, Block 5, Section 4, TWP 23, ODYD Plan 896 Except Plans 22059 and H8323 located at 342 Valley Road North for a subdivision of agricultural land in the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

2.0 Purpose

To consider a staff recommendation NOT to support an application to the Agricultural Land Commission (ALC) for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act. The subdivision is more specifically a "Homesite Severance" request as per ALC Policy #11 - Homesite Severance on ALR Lands.

3.0 Subdivision, Agriculture & Environment Services

The application request is for a homesite severance, for which the owner's qualify, in that they purchased the property prior to December 21, 1971. The ALC policy # 11 states:

Persons making use of this policy should understand clearly that:

- a. *no one has an automatic right to a "homesite severance";*
- b. *the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria;*

- c. *a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel. (Refer to Policy #11, attached, and Section 5.3, below).*

The owner has requested a homesite of 0.32 ha (0.78 ac) subdivision that includes a number of structures including the existing dwelling with an attached garage and an accessory implement shed building (Map A, attached). The owner's proposed lot depth is 80 m, for the primary purpose of including the implement shed at the rear of the property.

Staff notes that the 3 adjacent residential lots facing Valley Road North have a lot depth of 48 m. The applicant, who intends to purchase the remainder agricultural parcel, has offered the owner an agreement to lease the use of the implement shed back to the owner, for \$1, for as long as the current owner has the property.

In consideration of the above, staff have put forward an Alternative Layout, (Map B, attached) for the homesite, whereby the lot width is approximately 48 metres long, and will line up with the adjacent residential lots facing Valley Road North. With this alternative, the current owners would have use of the implement shed for as long as they own the property.

One consideration of the Alternative Layout is that a septic field access and maintenance easement will be required on the agricultural remainder, as a septic line is present on the proposed agricultural parcel remainder. The owner has indicated that there is a depth of 2.4 metres (8') of gravel in the existing field throughout. However, in accordance with the recommendation of the Agricultural Advisory Committee, staff recommends that an easement that would allow for expansion of the septic field be planned for, should it be required.

While the parcel does not meet the 1.0 hectare minimum parcel size for properties serviced by a septic system, homesite severances are the only exception available to the City which is made in the interests of preserving agricultural land.

4.0 Proposal

4.1 Project Description/Proposal

The applicants are seeking a two lot subdivision for the purpose of a homesite severance. The owners purchased the subject property in 1971 and therefore qualify for consideration for a homesite severance.

The homesite is located in the southeast corner of the property. The remainder of the property is currently farmed for hay. The remainder parcel would be 2.9 ha (7.18 ac) if the subdivision is permitted as proposed.

The City of Kelowna holds a 0.47 ha (1.17 ac) parcel that straddles the property. This was held as unconstructed road right of way, but is no longer required. The potential purchaser of the property has had discussions with the City of Kelowna Real Estate Services with the intention of purchasing the parcel, for amalgamation back into the remainder, linking the two sections that are currently hooked. The return of unnecessary road right of way parcels such as this to productive farmland, was part of the initiative proposed by the City of Kelowna, as part of the Glenmore Recreation Park's non-farm use application.

An alternate subdivision configuration (Map B) is proposed by staff that incorporates the benefits as noted below. The Alternative Layout:

- matches the lot depth of the neighbouring residential properties along Valley Road North;
- reduces the 'edge effect' requiring agricultural buffering in the long term;
- makes a square corner on the farm parcel which will be easier to harvest;
- increases the area of the farm parcel;
- retains the farm implement shed on the farm parcel, reducing the need for additional structures for the farm in the future; and
- creates a more defined line for the agricultural properties.

The alternate homesite parcel configuration (Map B) includes the house and most of the vegetable garden, whereby the rear property line is consistent with the other residential rear property lines which front along Valley Road North. With the alternate configuration, one line of the septic field will be on the remainder property, and an easement, complete with the ability to maintain the septic field as required, will be registered on the remainder parcel.

In the alternate configuration, the implement shed stays with the farm remainder. Note that in the alternate option, the vegetation buffer will not be installed while the current owner owns the homesite parcel, due to the need to access the implement shed which would be leased in this scenario. As a condition of the subdivision, a covenant that requires the installation of a buffer to the Agricultural Land Commission standards will be required once the current owner no longer owns the homesite parcel, and the lease to the implement shed is no longer required. The buffer will need to go outside of the septic field easement, on the agricultural parcel.

4.2 Site Context

The subject property is located in the North Glenmore Sector of the City. It is surrounded by agricultural, rural residential and park uses. The property is within the ALR. It is outside the Permanent Growth Boundary according to the Official Community Plan (Figures 1 through 3, below).

Parcel Summary:

Parcel Size: 3.22 ha (7.97 ac)
 Elevation: 434 - 427 metres above sea level (masl)

4.3 Zoning of Adjacent Property

Table 1. Zoning of Adjacent Property

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	A1 - Agriculture 1	Agriculture / Park with Playing Fields
East	A1 - Agriculture 1	Rural Residential
South	RR3 - Rural Residential / A1 - Agricultural	Rural Residential / Road Reserve (no longer required for the Glenmore Bypass)
West	A1 - Agriculture 1	Agriculture

Figure 1 - Subject Property

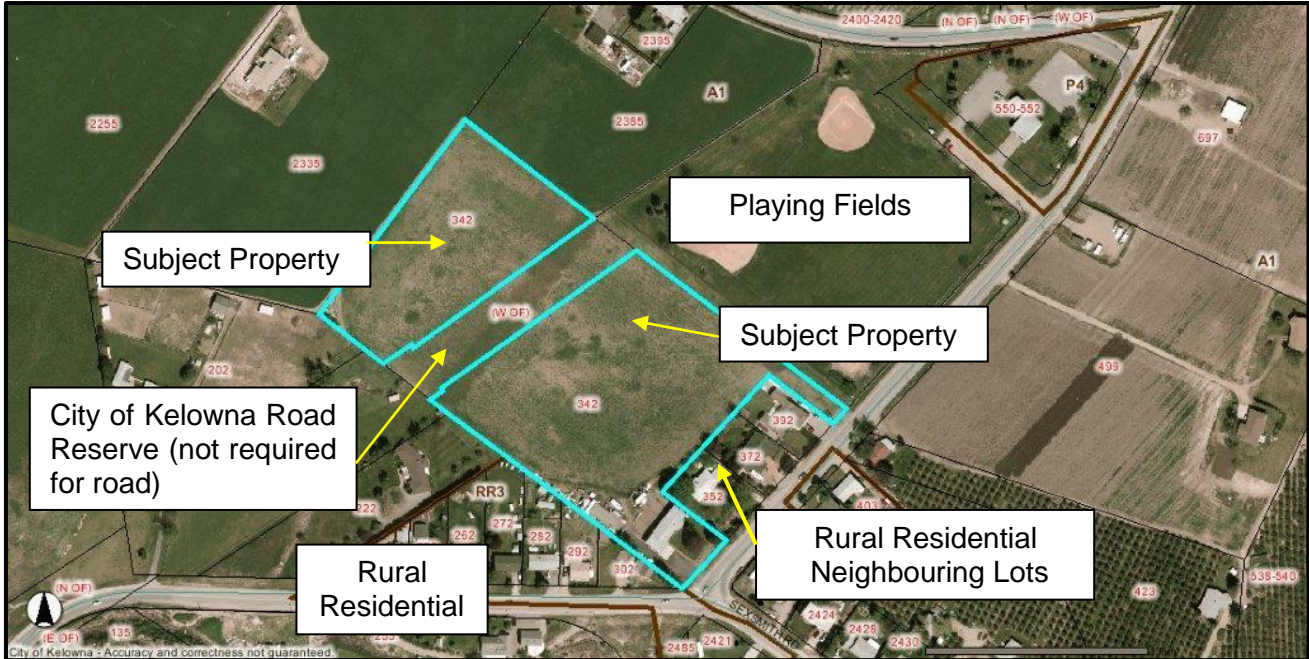


Figure 2 - Agricultural Land Reserve

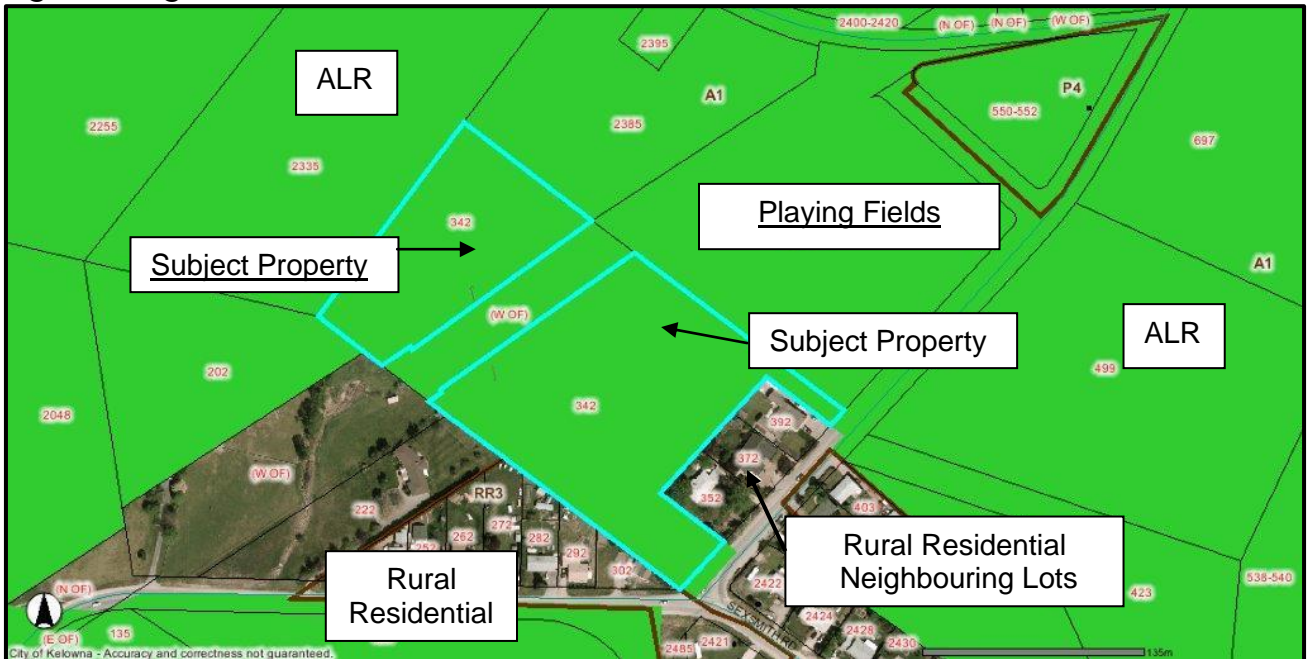
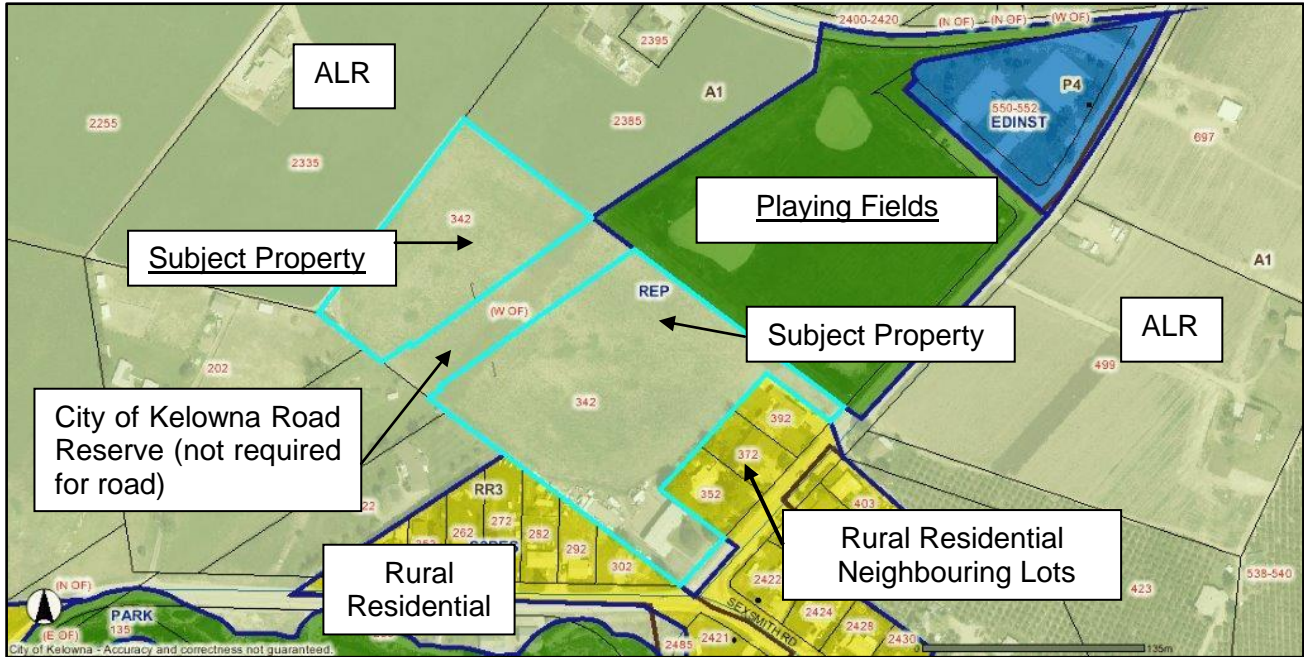


Figure 3 - Future Land Use



4.4 Subdivision and Development Criteria

For the homesite parcel (Map A, attached), the lot area would be 3200 m², with an 80 metre depth and a 40 metre width.

For the Alternative Layout homesite parcel (Map B, attached), the lot area would be 1900 m², with a 48 metre depth and 40 metre width, which would be in alignment with the size and depth of the three neighbouring residents. Two of the neighbouring properties have 30 metre widths, and one has a 35 metre width.

An easement would be required for the Alternative Layout to service and maintain the existing septic field, of which one septic line would be on the remainder parcel in the alternate homesite configuration.

Subdivision and development criteria for the remainder Agricultural A1 zone parcel is outlined in Table 2, below.

Table 2: Subdivision Criteria - Farm Remainder Parcel

CRITERIA	A1 (Agricultural) ZONE REQUIREMENTS
Subdivision Regulations	
Minimum Lot Area	4.0 hectare (2.0 hectare within the ALR)
Minimum Lot Width	40.0 m
Minimum Rear Yard	10.0 m except it is 3.0 m for accessory buildings
Maximum Site Coverage	10% for residential development
No variances are required for the A1 remainder parcel	

5.0 POLICY AND REGULATION

5.1 Kelowna 2030 Official Community Plan (OCP)

Protect and enhance local agriculture¹.

Policy 5.33.8 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

Policy 5.33.9 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

Preserve productive agricultural land².

Policy 5.34.3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

5.2 City of Kelowna Agriculture Plan

ALR Application Criteria³

Urban - Rural/Agricultural Boundary Policies⁴

Homesite Severance - Continue to support the concept of homesite severance, consistent with Agricultural Land Commission Policy #025/78 [11]⁵.

5.3 Agricultural Land Commission Policy #11- Homesite Severance on ALR Lands

Persons making use of this policy should understand clearly that⁶:

- a. no one has an automatic right to a "homesite severance";*
- b. the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria;*
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel.*

4. There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission must therefore exercise its discretion to refuse the "homesite severance".

5. The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel.

¹ City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

² City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

³ City of Kelowna Agriculture Plan (1998); p. 130.

⁴ City of Kelowna Agriculture Plan (1998); p. 131.

⁵ City of Kelowna Agriculture Plan (1998); p. 85.

⁶ Agricultural Land Commission - Policy #11 - Homesite Severance on ALR Lands (http://www.alc.gov.bc.ca/legislation/policies/Pol11-03_homesite-severance.htm)

Where, in the Commission's opinion, the "remainder" is of an unacceptable size or configuration from an agricultural perspective, there are three options:

- a) the Commission may deny the "homesite severance";*
- b) the Commission may require that the "remainder" be consolidated with an adjacent parcel; or*
- c) the Commission may require the registration of a covenant against the title of the "remainder" and such a covenant may prohibit the construction of dwellings.*

6.0 Technical Comments

6.1 Development Engineering Department

Development Engineering has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of subdivision application submission if the Agricultural Land Commission agrees to allow the homesite severance of the subject property within the Agricultural Land Reserve. (See attached Memo for potential subdivision requirements provided at this time for information only).

6.2 Building and Permitting Department

It appears that the existing accessory buildings have had work done without permit. We require that the Building Inspector and Plumbing & Gas inspector walk thru the property to ensure that all work done without permits is identified so the owner can get compliance for the property.

6.3 Ministry of Agriculture

The Ministry of Agriculture recommends a 'Noise, Odour and Dust' conservation covenant be placed on the homesite parcel to protect the farm remainder, as well as Level 1 fencing and a landscaped buffer.

Upon discussion with the Ministry, they have agreed that, should the Alternate Layout be preferred by the ALC, in lieu of a fence and landscaping at subdivision, a Section 219 Restrictive Covenant should be put on the homesite parcel, for the fence and landscaping to be installed on the homesite parcel when the original owner sells the property. The line of the fence should run along the proposed easement for the septic field.

6.4 Glenmore Ellison Irrigation District

Refer to attached letter.

6.5 Interior Health

Refer to attached letter.

7.0 Application Chronology

Date of Application Received: June 19, 2014

Agricultural Advisory Committee June 26, 2014

The application was heard by the Agricultural Advisory Committee, for which the Alternative Layout was voted on, and supported unanimously. Minutes from the meeting are included below.

MOVED BY Pierre Calissi/SECONDED BY Yvonne Herbison

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Appeal Application No. A14-0006 for the property located at 342 Valley Road North, Kelowna, BC for an application to the Agricultural Land Commission under Section 21(2) of the *Agricultural Land Commission Act* for a "Subdivision of Agricultural Land Reserve" within the Agricultural Land Reserve to allow a homesite severance, as noted in Map B, on the subject property.

CARRIED

ANECDOTAL COMMENT:

The Agricultural Advisory Committee recommends that there needs to be a bigger easement for future septic field extension. It is important to have sufficient area to rebuild if the field fails. Support the idea of the owner having access to buildings and recommends appropriate legal advice be obtained to ensure continued use of the building.

8.0 Alternate Recommendation

THAT Agricultural Land Reserve appeal A14-0006 for Lot 19, Block 5, Section 4, TWP 23, ODYD Plan 896 Except Plans 22059 and H8323 located at 342 Valley Road North for a subdivision of agricultural land in the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, Alternative Layout as per 'Map B' be supported by Municipal Council;

AND THAT the Municipal Council directs staff to forward the subject application to the Agricultural Land Commission for consideration.

Melanie Steppuhn, Land Use Planner

Approved for Inclusion



S. Gambacort, Subdivision, Agriculture & Environment

Attachments:

Photos (3 pages)

Subject property Map

ALR Map

Map A - Proposed Homesite Severance Subdivision

Map B - Proposed Homesite Severance Subdivision - Alternate Recommendation

Letter of Rationale - B. Farrell

Development Engineering Branch Memo

Response Summary - Ministry of Agriculture

Glenmore Ellison Irrigation District (3 pages)

Interior Health Letter

PHOTOS

Photo 1. Residence to Remain on Homesite Parcel



Photo 2. Implement Shed looking West



Photo 3. Garden and Septic Field Location with Hay Field in Background

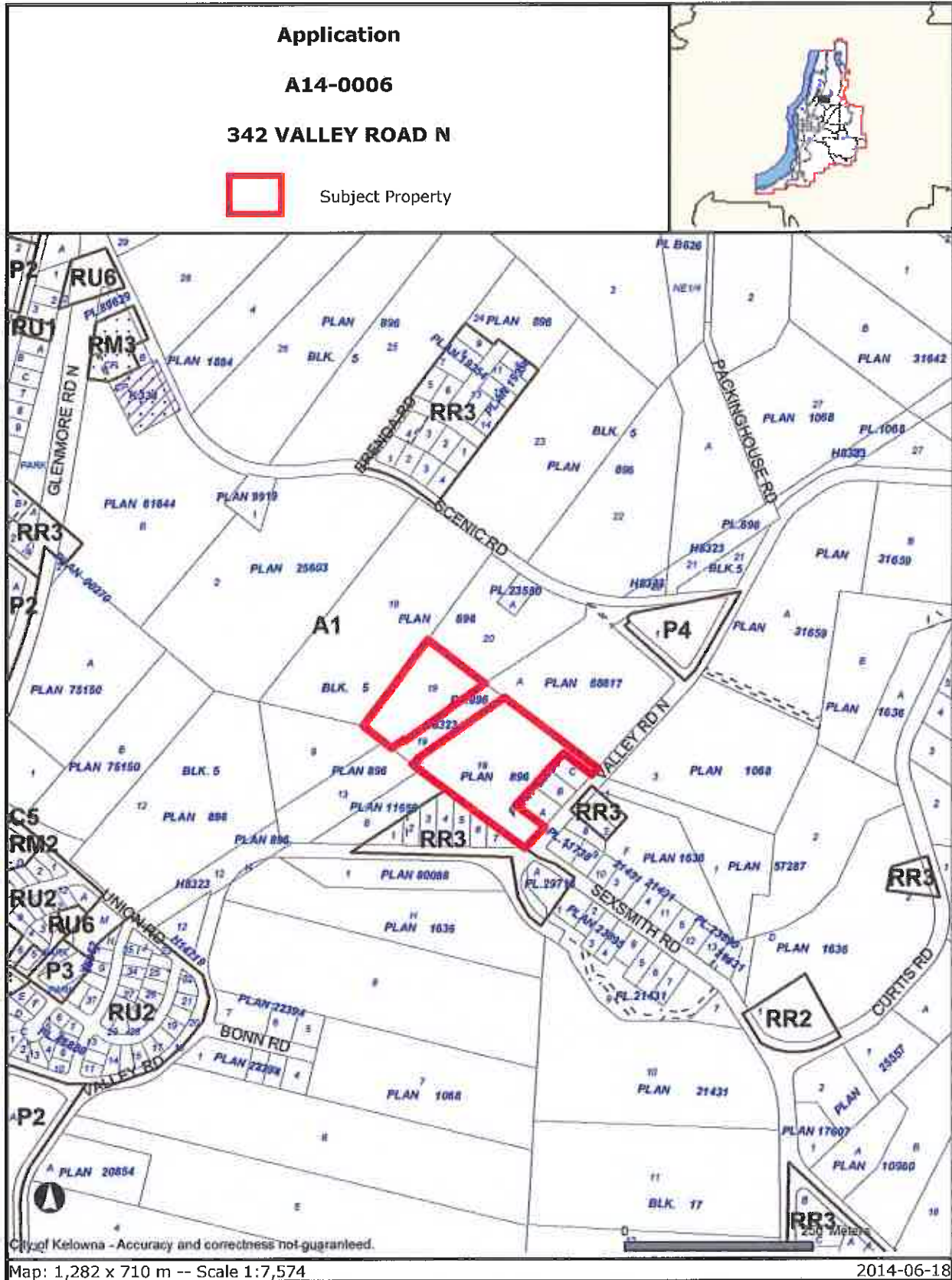


Photo 4: Recreational Vehicle Storage

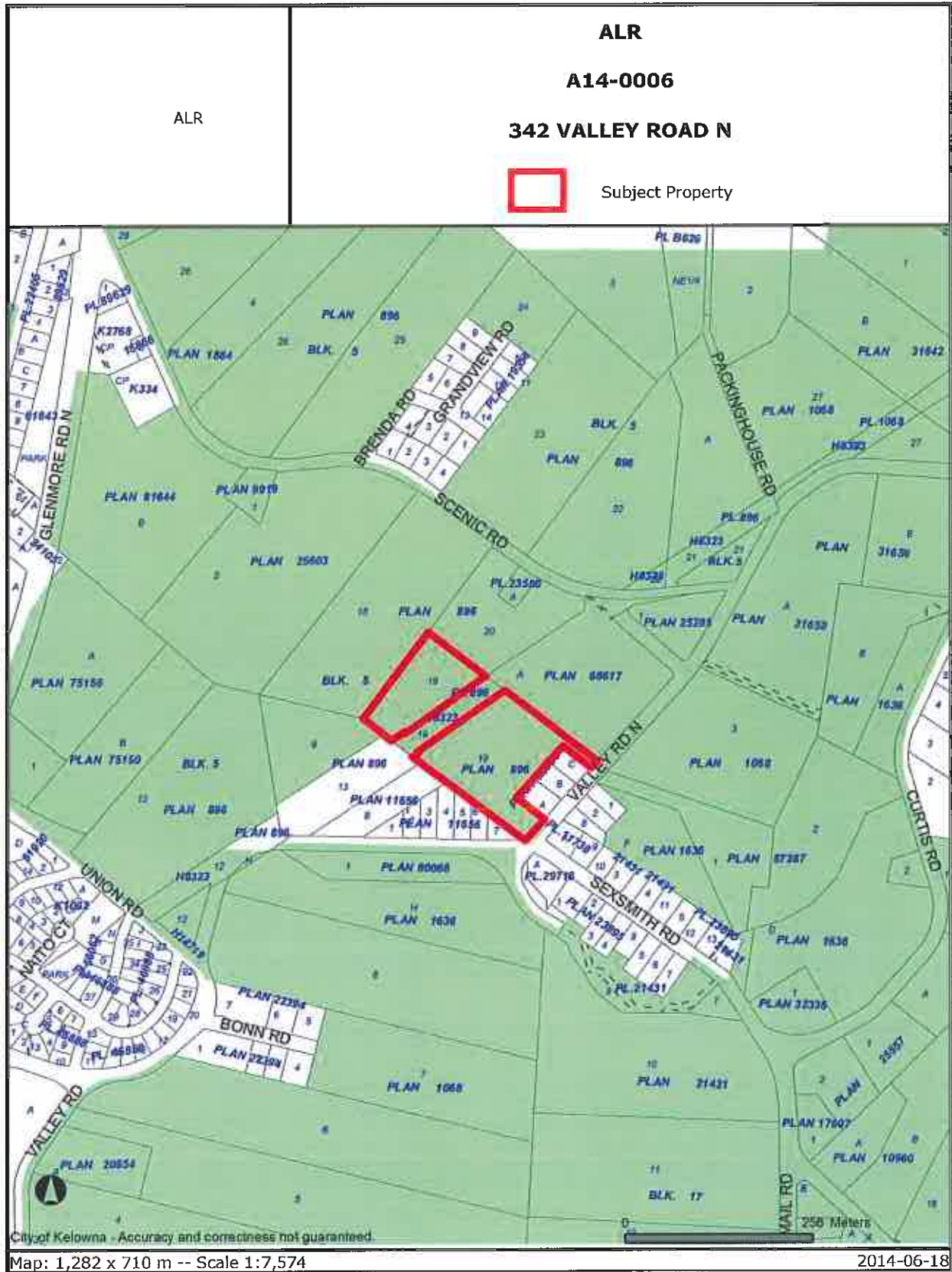


Photo 5: Farm Implement Shed looking south





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



Map A - Proposed Homesite Severance Subdivision (Applicant Proposal)



Map B - Proposed Homesite Severance Subdivision - Alternate Layout (AAC and Staff Recommendation)

Appraisal West Real Estate Corp.

Real Estate Appraisers & Consultants
Phone: (250) 861-3101
Fax: (250) 979-0094
Email: appraisalwest@shaw.ca
Web: <http://www.appraisalwest.com>
201-1909 Bredin Road,
Kelowna, B.C., V1Y 9T1



June 12, 2014

City of Kelowna
Land Use Management
1435 Water Street
Kelowna, BC V1Y 1J4

Re: Home Site Severance Application; 342 Valley Road North, Kelowna BC

The applicants, Adolph (Al) Hait, his wife Janet Hait and her brother Clarence Rode, owners of the subject property wish to apply for a home site severance. The owners inherited the property from the original owners, Janet and Clarence's parents. The Hait's have lived and actively farmed the property since 1961. Al is now 86 years and he and his wife are in good health. They are still farming the property, growing a large garden and Al continues to work on his vehicles and hobbies in his detached workshop. The Hait's would like to slow down and retire from farming but would like to stay on their property and continue to enjoy their homesite. They desire to do a homesite severance and keep their garden with septic field below it and detached garage as Al and his son will continue to use it. The Hait's use the area beside the detached garage to maneuver their RV into the covered storage. They would like to stay in their home and sell the remaining acreage and use the proceeds, to retire.

The owners have accepted an offer to purchase the severed acreage portion of the property. Once the title has passed ownership, the new owners plan to negotiate with the city for purchase of the easement which have already been discussed with the City of Kelowna Real Estate Department. Assuming purchase of the easement, the proposed plans for the subject are in keeping with the spirit and desire of the ALR to be a productive food source for the future and preserve farm lands. Proposed is a greenhouse and gardens which would grow organic food, the remainder to be seeded as alpha hay as it is currently, along with improvements of a single family dwelling. Attached is a map with the proposed configuration and photographs of the current improvements.

Sincerely,

APPRAISAL WEST REAL ESTATE CORP.

A handwritten signature in cursive script that reads "Brad Farrell".

Brad Farrell, CRA

CITY OF KELOWNA
MEMORANDUM

Date: July 2, 2014
File No.: A14-0006
To: Land Use Management (BD)
From: Development Engineering Manager (SM)
Subject: 342 Valley Rd N Proposed Homesite Severance

The Development Engineering comments regarding this application are as follows:

Development Engineering has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of subdivision application submission when the Agricultural Land Commission agrees to allow the homesite severance of the subject property within the Agricultural Land Reserve.

Potential requirement associated with the homesite severance are provided for information only and are subject to the policies in effect at the time when a formal application could be made by the owners.

1. Miscellaneous.
 - a) Right of way requirements and access will require further review.
 - b) The existing road reserve that traverses the property is no longer required by the city. Please contact Mr. Graham Hood, Manager of Real Estate Services.

2. Domestic water and fire protection.
 - a) The property is located within the Glenmore Ellison Improvement District service area.
 - b) The applicant is required to make satisfactory arrangements with the GEID for servicing requirements. All charges for service connection and upgrading costs are to be paid directly to the GEID.

3. Sanitary Sewer.
 - a) This subject parcel is currently not within the City service area.



Steve Muenz, P.Eng.
Development Engineering Manager

JF

RESPONSE SUMMARY

Bylaw Referral : Subdivision (Hait, A&J)

Approval Recommended for
Reasons Outlined Below

X Interests Unaffected by Bylaw

Approval Recommended Subject to
Conditions Below

Approval Not Recommended
Due to Reasons Outlined Below

This application appears to be a "Homesite Severance " within the Agricultural Land Reserve and the jurisdiction of the Agricultural Land Commission to make.

Should this Homesite Severance be approved the Ministry asks that a standard "noise, odour and dust" covenant be placed on the created parcel and that Level 1 fencing and landscaping be a condition to deter access from severed parcel to the remnant farm parcel.

Should you have questions or concerns regarding this response please call me at 250 861 7229.

Signature: Carl Withler P.Ag.

Signed By: _____

Agency: Ministry of Agriculture

Title: Regional Agrologist.

Date: June 24th , 2014



Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca
Website: www.glenmoreellison.com

Fax: 250-763-5688

Phone: 250-763-6506

June 20, 2014

City of Kelowna
Community Planning & Real Estate Division
1435 Water St.
Kelowna, BC V1Y 1J4

Attn: Deb Champion (via email: dchampion@kelowna.ca)

Re: Proposed Subdivision of Lot 19, Block 5, Plan 896
342 Valley Rd., North
City File: A14-0006

Thank you for contacting Glenmore-Ellison Improvement District (GEID) regarding a subdivision application for Lot 19, Block 5, Plan 896. GEID has reviewed the proposed subdivision and has the following comments:

1. Background

We understand that the applicant plans to subdivide one existing property into two new parcels. Currently, GEID assesses the property with 7.93 acres of "A" grade (Farm Status) and there is one residence on the property.

The proposed subdivision will create two lots to permit a homesite severance of the existing residence and approximately 0.78 acres at the southeast corner of the lot while the remainder lot will be reduced to 7.15 acres.

Highway Right-of-Way H8323 bisects the property and comprises approximately 1.19 acres. Although the ROW area has no water availability and annual property/irrigation taxes have not been paid for it, the current owner of 342 Valley Rd. N. has been farming the ROW. Upon subdivision of the property, no further farming is permitted on ROW H8323 until regrade fees have been paid. Under Capital Expenditure Charge Bylaw #135, the regrade fee is \$7,200/hectare however the rate in force at time of application will apply.

2. Capital Expenditure Charges

Capital Expenditure Charges (CECs) are applicable according to the bylaw in force at time of application. According to Bylaw #135, \$4,800.00 are payable upon subdivision and will permit the construction of one single family residence on the remainder property.

3. Water Availability

The residence is currently supplied with water from one domestic service which is located on Valley Rd North fronting the area proposed for the homesite severance. The remaining property is supplied with water from an irrigation service at the panhandle (driveway area) of the proposed remainder lot. A new 19 mm domestic

service for the remainder lot is required as a result of this subdivision and would also be installed in the panhandle area. A deposit of \$1,750.00 is required for GEID forces to undertake this installation, with final costs billed to the applicant upon completion of the work.

The waterline supplying the property does not run the full extent of the lot. Subdivision Servicing Bylaw #146 requires the installation of watermain along the full frontage of the land being subdivided unless the lands beyond the subdivided lands are incapable for further subdivision. GEID has reviewed the project and does not require any waterline extension as part of this subdivision.

As provided in Water Regulation Bylaw #147, no water may be used on any property other than that property for which tolls and taxes have been paid. Therefore, upon subdivision, no water from one property may flow onto the adjoining property. All watering, including any outside irrigation between the properties must be kept separate.

4. Irrigation Dole Valve and Meter

The irrigation connection on the existing property is fitted with an irrigation meter. According to the June 12th letter from Appraisal West which accompanies the application, we understand that there is an intention to apply to the City to purchase Hwy. ROW H8323. If this ROW is purchased and amalgamated into the remainder lot, and if the owner wishes to irrigate the area, regrade must be purchased. Any dole valve/meter adjustments, as a result of the purchase of regrade will be required, with all costs borne by the applicant.

Notwithstanding the purchase of H8323, adjustments to the dole valve/meter at the irrigation connection of the remainder property are required at time of subdivision. A deposit of \$300.00 is payable for the adjustment. If GEID is also required to adjust the dole valve/meter after H8323 is purchased, an additional deposit of \$300.00 is payable to GEID.

5. Fire Hydrants

Currently there is a fire hydrant near the corner of Valley Rd. North and Sexsmith Rd; the fire hydrant spacing should be reviewed by the Kelowna Fire Department.

6. New Account Fee

As provided in Miscellaneous Bylaw #149, a \$20.00 fee is applicable for each newly developed unit to be registered at Land Title Office. For the subject application, a fee of \$40.00 applies.

7. Development Application Fee

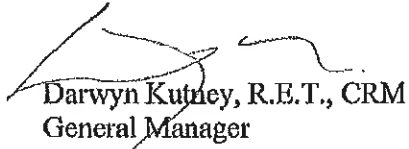
Under Bylaw #149, a \$150.00 fee applies to each referral for subdivision, rezoning or development permit applications.

Proposed Subdivision of Lot 19, Block 5, Plan 896
City File A14-0006

Upon receipt of the above fees, GEID will be in a position to issue a water letter for the subject subdivision. If you have any comments please call me at (250) 763-6506.

Sincerely

**GLENMORE-ELLISON
IMPROVEMENT DISTRICT**



Darwyn Kutney, R.E.T., CRM
General Manager

c.c. GEID Projects Coordinator



Interior Health

July 3, 2014

Melanie Steppuhn, BES, BCLA
Community Planning & Real Estate
1435 Water Street
Kelowna, BC V1Y 1J4

Dear Ms. Steppuhn,

RE: Application for Subdivision in the ALR: file # A14-0006, 342 Valley Road, Kelowna, BC

This is a letter of comment re: City Council's consideration of Application for Subdivision per above.

Interior Health has an interest in community design and planning as the built environment can support access to healthy food and promote food security. Community food security exists "when all citizens obtain a safe, personally acceptable, nutritious diet through a sustainable food system that maximizes healthy choices, community self-reliance and equal access for everyone" (Hamm & Bellows, 2003). There are many positive health outcomes for a community that is food secure. Healthy eating can prevent and control a number of chronic health conditions, including type 2 diabetes, heart disease, and some forms of cancer. In the interest of food security, and the ability of our citizens to access nutritious and safe food, we suggest the consideration of the following:

- The proposed plan for this ALR subdivision and subsequent sale, which includes a greenhouse and organic food production, appears to support local food security.

On behalf of the Food Security and Community Nutrition Programs, I appreciate the opportunity to provide comment on the aforementioned application.

Kind regards,

Jill Worboys, RD
Community Nutritionist
Community Integrated Health Services

Bus: (250) 868-7733
Fax: (250) 868-7809
Email: jill.worboys@interiorhealth.ca
Web: interiorhealth.ca

INTERIOR HEALTH
Promotion and Prevention, CIHS
1340 Ellis Street
Kelowna, BC, V1Y 9N1

REPORT TO COUNCIL



Date: 7/7/2014
RIM No. 1250-30
To: City Manager
From: Subdivision, Agriculture & Environment Department (DB)
Application: Z14-0017 **Owners:** Comfortcrafted Homes Inc.,
Inc. No. BC0723458
Address: 815 Juniper Rd (Formerly 535 White Rd) **Applicant:** Brad Ferrell
Subject: To Rezone a portion of the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone to facilitate a two lot subdivision
Existing OCP Designation: S2RES - Single/Two Unit Residential
Existing Zone: RU1- Large Lot Housing
Proposed Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z14-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 7, Section 23, Township 26, ODYD, Plan 16489, located on 815 Juniper Road, from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone as shown on Map "A" attached to the report of Subdivision, Agriculture & Environment Department, dated July 7, 2014, 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 considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

The applicant is requesting permission to rezone a portion of the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone to facilitate a two lot subdivision.

3.0 Subdivision, Agriculture and Environment Services

The subject property is located within the Rutland Sector of Kelowna. It is designated as a S2RES - Single/Two Unit Residential in the Official Community Plan and as such the application to rezone a portion of the property to RU6 to facilitate a 2 lot subdivision is in compliance with the designated future land use. In addition, the OCP generally supports the densification of neighborhoods through appropriate infill development such as the use of two dwelling housing.

Both proposed lots meet the zoning criteria for the RU1 - Large Lot Housing zone and the RU6 - Two Dwelling Housing zone. The proposed RU1 lot will be approximately 609 m² (minimum required is 550m²) and the proposed RU6 lot will be approximately 716m² (minimum required is 700m²). The property is serviced by the City of Kelowna sanitary sewer and Rutland Water Works water.

A comprehensive "Form and Character" Development Permit will be required for the development of the proposed RU6 lot to ensure the dwellings are sensitively integrated in the existing establish neighborhood.

Based on current City policy and services available, City staff supports this application.

4.0 Proposal

4.1 Background / Project Description

The applicant has removed the single family dwelling that was sitting on the parent parcel and is in the process of building a new single family dwelling on proposed lot A as shown on the attached subdivision plan.

The proposed RU1 - Large Lot Housing lot will be approximately 609 m². This lot is irregular in shape (reverse pie lot) with a depth of 30.6m and a width of approximately 25m at the front yard setback and 17.3m at the rear yard setback. The proposed RU6-Two Dwelling Housing lot will be approximately 716m² with a depth of 40m, and with of 18.1m (As shown on the attached subdivision plan). The applicant is proposing to construct a duplex on the proposed RU6 - Two Dwelling Housing lot.

4.2 Site Context

The subject property is located in the Rutland Sector of Kelowna (see Map 1 - Subject Property, below). The property is relatively flat fluctuating by less than one metre in elevation.

The surrounding area is characterized by single family dwellings.

Parcel Summary:

Parcel Size: 1324 m² (0.57 ac)
Elevation: 400 masl
Gradient: approximately 1-2%

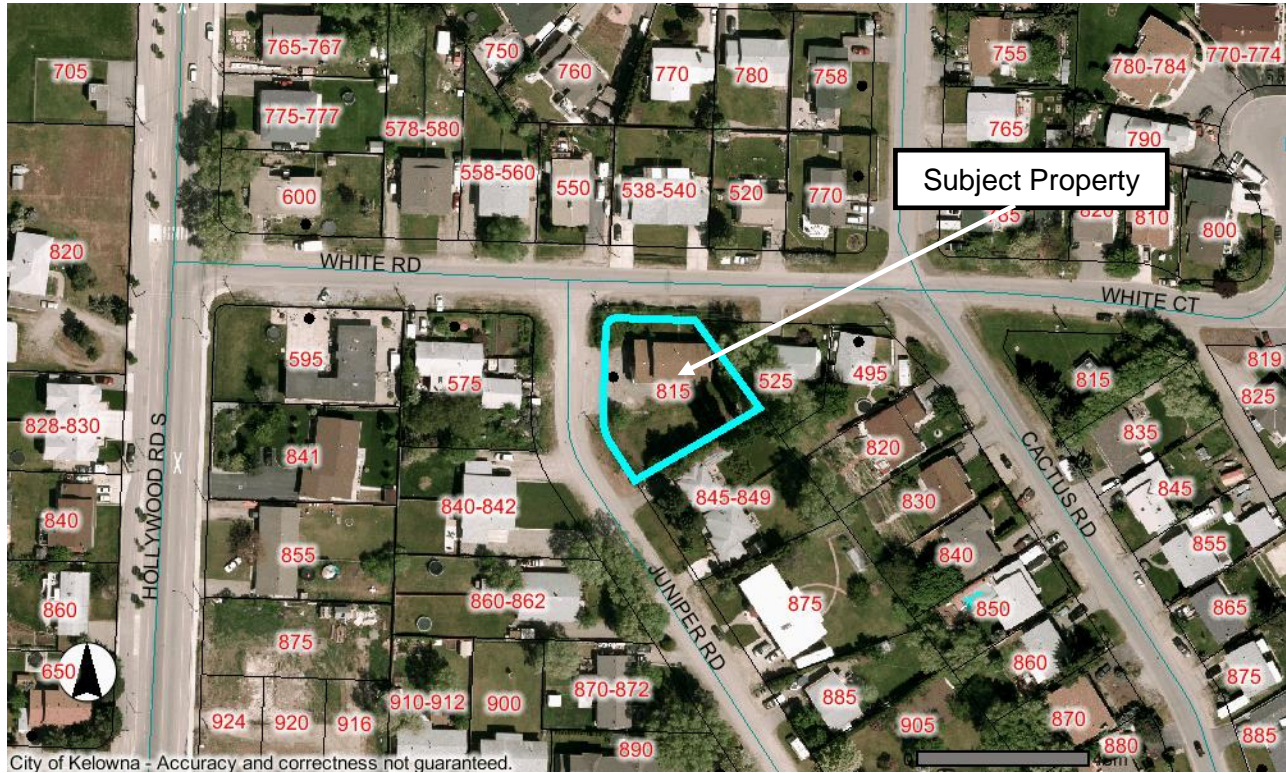
4.4 Zoning of Adjacent Property

Zoning for adjacent properties is outlined in the following table:

Table 1: Zoning of Adjacent Property

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU6 - Two Dwelling Housing	Two Dwelling Housing
East	RU1 - Large Lot Housing	Single Family Dwelling
South	RU6 - Two Dwelling Housing	Two Dwelling Housing
West	RU1 - Large Lot Housing	Single Family Dwelling

Map 1: Subject Property - 815 Juniper Rd (Formerly 535 White Rd)



5.0 Technical Comments

Table 1: RU1 Zoning Criteria

CRITERIA	RU1 - LARGE LOT HOUSING - ZONE REQUIREMENTS
Subdivision Regulations	
Minimum Lot Area	550 m ²
Minimum Lot Width	16.5 m
Minimum Lot Depth	30.0 m
Minimum Front Yard	4.5 m (6.0 m from a garage or carport)
Minimum Side Yard	2.0 m (for up to 1 ½ storey portion of building) 2.3 m (for up to 2 ½ storey portion of building)
Minimum Rear Yard	7.5 m (for up to 2 ½ storey portion of building)
Maximum Site Coverage	40% (50% including driveways and parking areas)

Table 1: RU6 Zoning Criteria

CRITERIA	RU6 - TWO DWELLING HOUSING - ZONE REQUIREMENTS
Subdivision Regulations	
Minimum Lot Area	700 m ² (800m ² for corner lot)
Minimum Lot Width	18.0 m
Minimum Lot Depth	30.0 m
Minimum Front Yard	4.5 m (6.0 m from a garage or carport)
Minimum Side Yard	2.0 m (for up to 1 ½ storey portion of building) 2.3 m (for up to 2 ½ storey portion of building)
Minimum Rear Yard	6.0 m (for up to 1 ½ storey portion of building) 7.5 m (for up to 2 ½ storey portion of building)
Maximum Site Coverage	40% (50% including driveways and parking areas)

6.0 Current Development Policies

Current development policies that relate to the application are included in the section below.

6.1 Kelowna 2020 - Official Community Plan - General Policies¹

Focus development to designated growth areas

Compact Urban Form. 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 per ha 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 in particular and existing areas as per the provisions of the Generalized Future Land Use Map.

Ensure context sensitive housing development²

Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

7.0 Technical Comments

7.1 Development Services

See Attachment

7.2 Shaw Cable / Telus

Shaw Cable approves Rezoning Application for 815 Juniper Road. Owner / developer to supply and install an underground conduit system per Shaw Cable drawings and specifications.

¹ City of Kelowna Official Community Plan - Development Process; p. 5.3

² City of Kelowna Official Community Plan - Development Process; p. 5.27

8.0 Application Chronology

Date of Application Received:	April 29, 2014
Agency Comments Received:	May 30, 2014
Public Consultation Summary Received:	June 18, 2014

Report prepared by:

Damien Burggraeve, RPP, MCIP

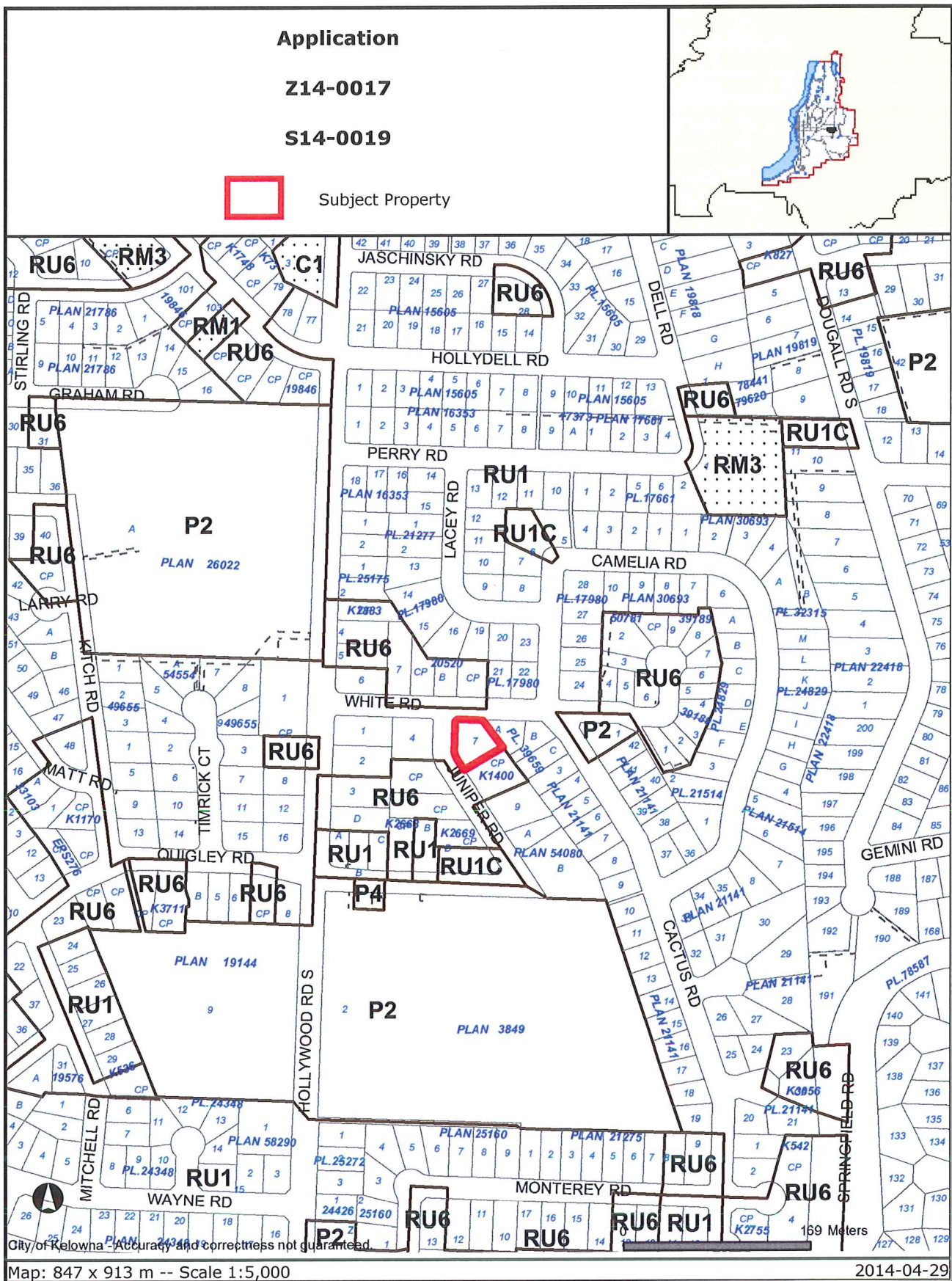
Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map
Map A - Proposed Rezoning
Site Plan - Proposed Subdivision Layout
Development Engineering Memorandum
Public Notification - Letter and Summary



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



CACTUS RD

550

538-540

520

770

RU6

WHITE RD

RU1

525

495

Subject Property Notes:

Rezone a portion of the subject property from RU1 Large Lot Housing to RU6 Two Dwelling Housing.

535

820

JUNIPER RD

845-849

830

RU6

840





840-842

860-862

870-872

MAP "A" PROPOSED ZONING

File #Z14-0017

-  RU1 to RU6
-  Subject Property
-  Zoning
-  Legal Parcel

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



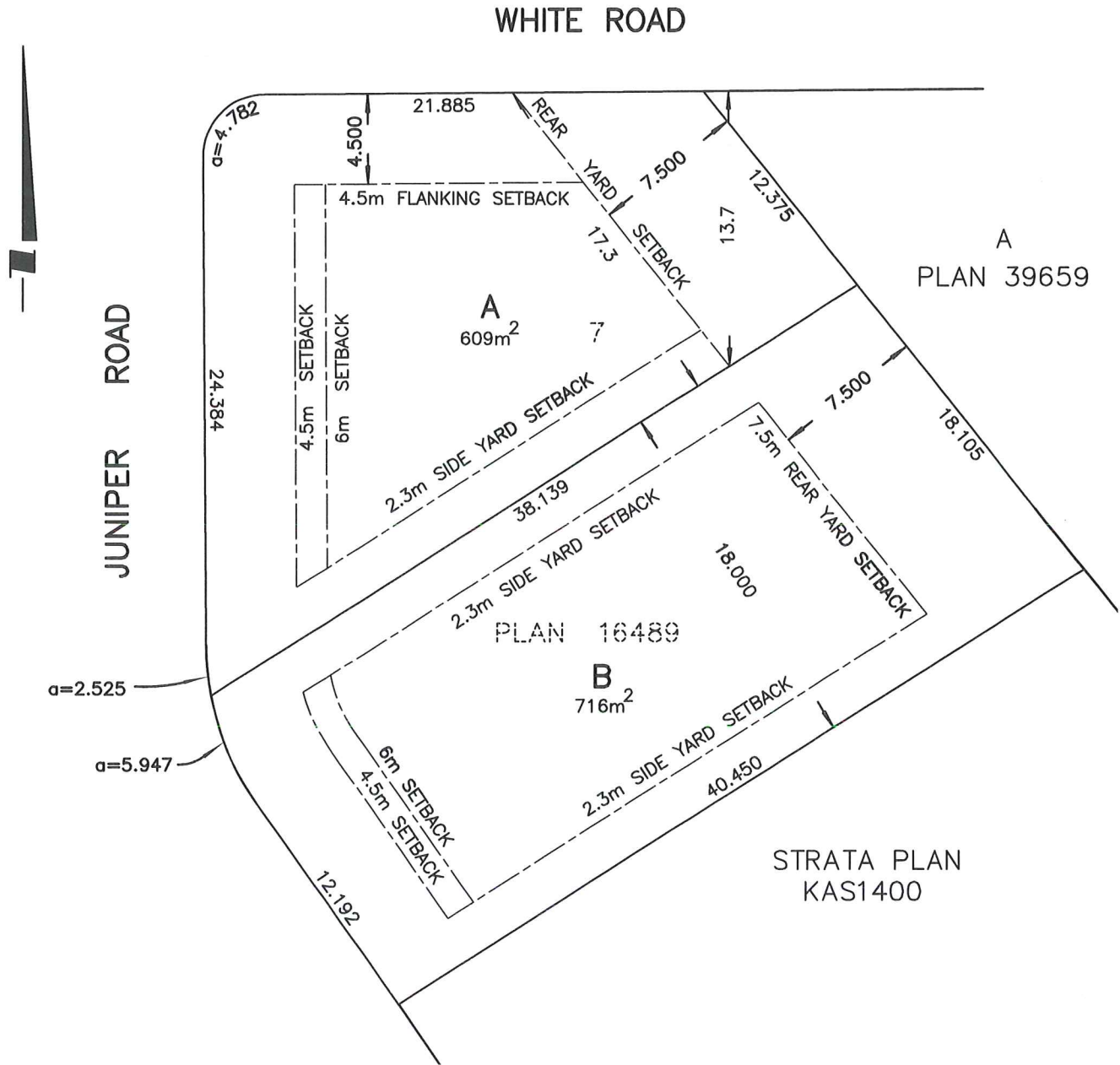
Rev. Jun 09, 2014



PLAN OF PROPOSED SUBDIVISION OF LOT 7 SECTION 23 TOWNSHIP 26 ODYD PLAN 16489

PID: 008-597-472

535 WHITE ROAD



CLIENT: COMFORT CRAFTED HOMES		DATE: FEBRUARY 14, 2014
SCALE: 1:300 METRES	FILE: 19818	DRAWN BY: CF
Ferguson Land Surveying & Geomatics Ltd.		
BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC		
PHONE: (250) 763-3115 FAX: (250) 763-0321		
© Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.		

CITY OF KELOWNA

MEMORANDUM

Date: May 27, 2014
File No.: Z14-0017
To: Planning & Development Services Department (BD)
From: Development Engineer Manager (SM)
Subject: 535 White Road – Lot 7, Plan 16489, Sec. 23, Twp. 26, ODYD

The Development Engineering comments and requirements regarding this application to rezone a portion of the property from RU-1 to RU-6 are as follows:

1. Subdivision

- a) Provide easements as required

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the proposed building site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays and the recommendation for construction over the decommissioned sewage disposal field.

3. Domestic water and fire protection.

- a) This development is within the service area of the Rutland Waterworks District (RWWD). The developer is required to make satisfactory arrangements with the RWWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

- b) Current City policies require two (2) water services for the proposed RU-6 lot

4. Sanitary Sewer.

- a) The Specified Area #23 charges will have to be cash commuted in accordance with the City of Kelowna current policies, the charges are **1.4 SFE** for the RU6 lot and **1 SFE** for each of the RU1s lot for a total of **2.4 SFE**. 1.4 SFE was cash commuted in 2008; therefore only one SFE is triggered by the proposed development.

.../2

- b) The current pay-out charge is **\$6,686.46** for the outstanding SFE (valid until April 30, 2015)

5. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

6. Road improvements.

- a) White Road must be upgraded to a full urban standard (SS-R3) including sidewalk, curb and gutter, piped storm drainage system, fillet pavement, boulevard grading street lights, and adjustment and/or re-location of existing utility appurtenances, if required, to accommodate this construction. The cost of this frontage upgrade is estimated at **\$17,200.00** and is inclusive of a bonding escalation.
- b) Juniper Road must be upgraded to a full urban standard (SS-R3) including sidewalk, curb and gutter, piped storm drainage system, fillet pavement, boulevard grading street lights, and adjustment and/or re-location of existing utility appurtenances, if required, to accommodate this construction. The cost of this frontage upgrade is estimated at **\$24,700.00** and is inclusive of a bonding escalation.

7. Engineering.

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.

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 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must

.../3

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 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. Bonding and Levies Summary.

a) Performance security

White Road frontage upgrade	\$17,200.00
Juniper Road frontage upgrade	\$24,700.00
Total frontage upgrades	<u>\$41,900.00</u>

Note that the applicant is not required to do the construction. The construction can be deferred and the City will initiate the work later at its own construction schedule, the cost would be reduced to **\$28,900.00**. (\$10,900.00 and \$18,000 respectively) and the 3% Engineering & Admin. fee would be waived.

b) levies

Specified Area # 23 charges (1 SFE)	<u>\$6,686.46</u> (valid until April 30, 2015)
-------------------------------------	--

Steve Muenz, P.Eng.
Development Engineering Manager

B²

Hi,

Our names are Brad & Robin Farrell. We have purchased 815 Juniper Road and are proposing to rezone part of the property (south side) from RU1 to Ru6 and subdivide into two lots in order to build a house with a legal suite and a strata titled duplex. Part of the rezoning process and stipulated by the City of Kelowna is to tell the neighbours what we are doing.

The exterior of the house will be neutral colors, 1 storey grade level entry with a legal basement suite.

The exterior of the duplex will be neutral colors, 1 1/2 to 2 storey in design with a partially inground basement.

To give you a little information on us. Brad was born in Kelowna, graduated from Rutland Senior Secondary and lived in Rutland for 20 years. We therefore look forward to enhancing this neighbourhood.

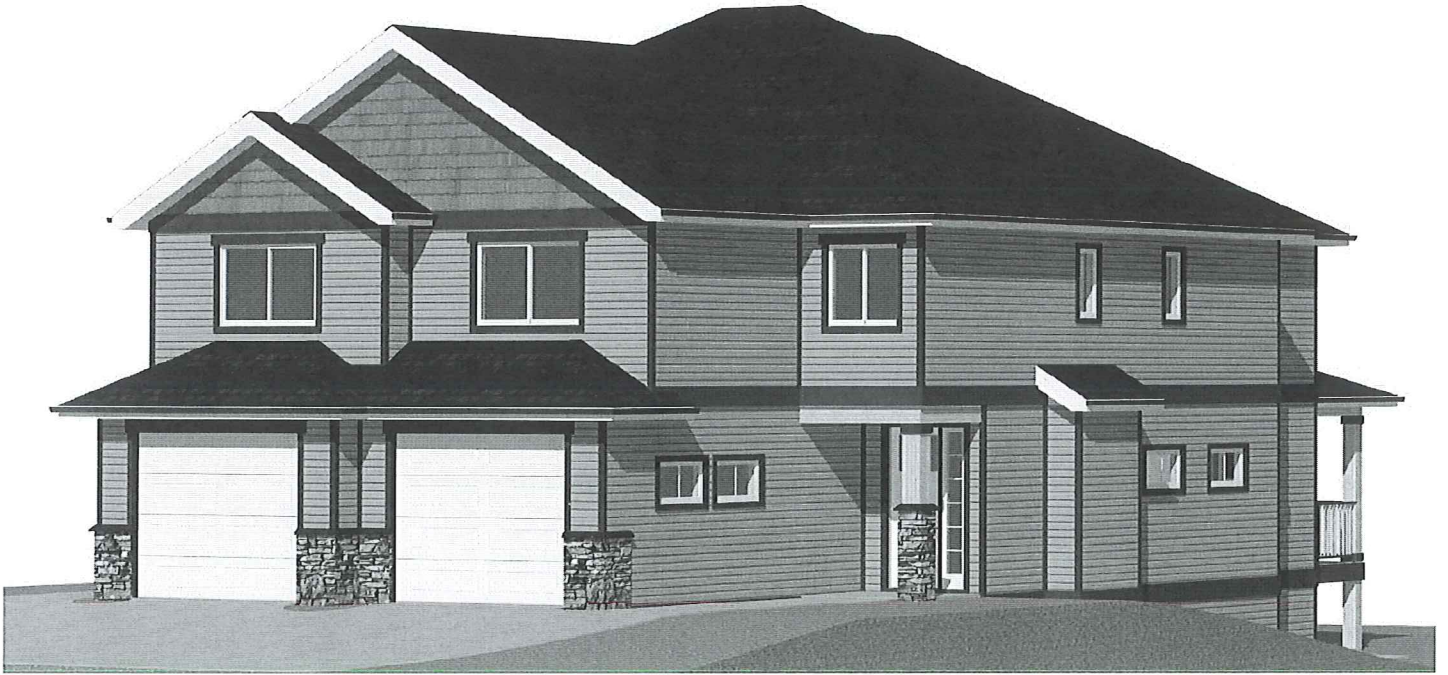
We have are providing the front elevations for the house and the duplex to provide an indication of what each will look like.

Image of proposed house



Image of proposed Duplex

RENDERING

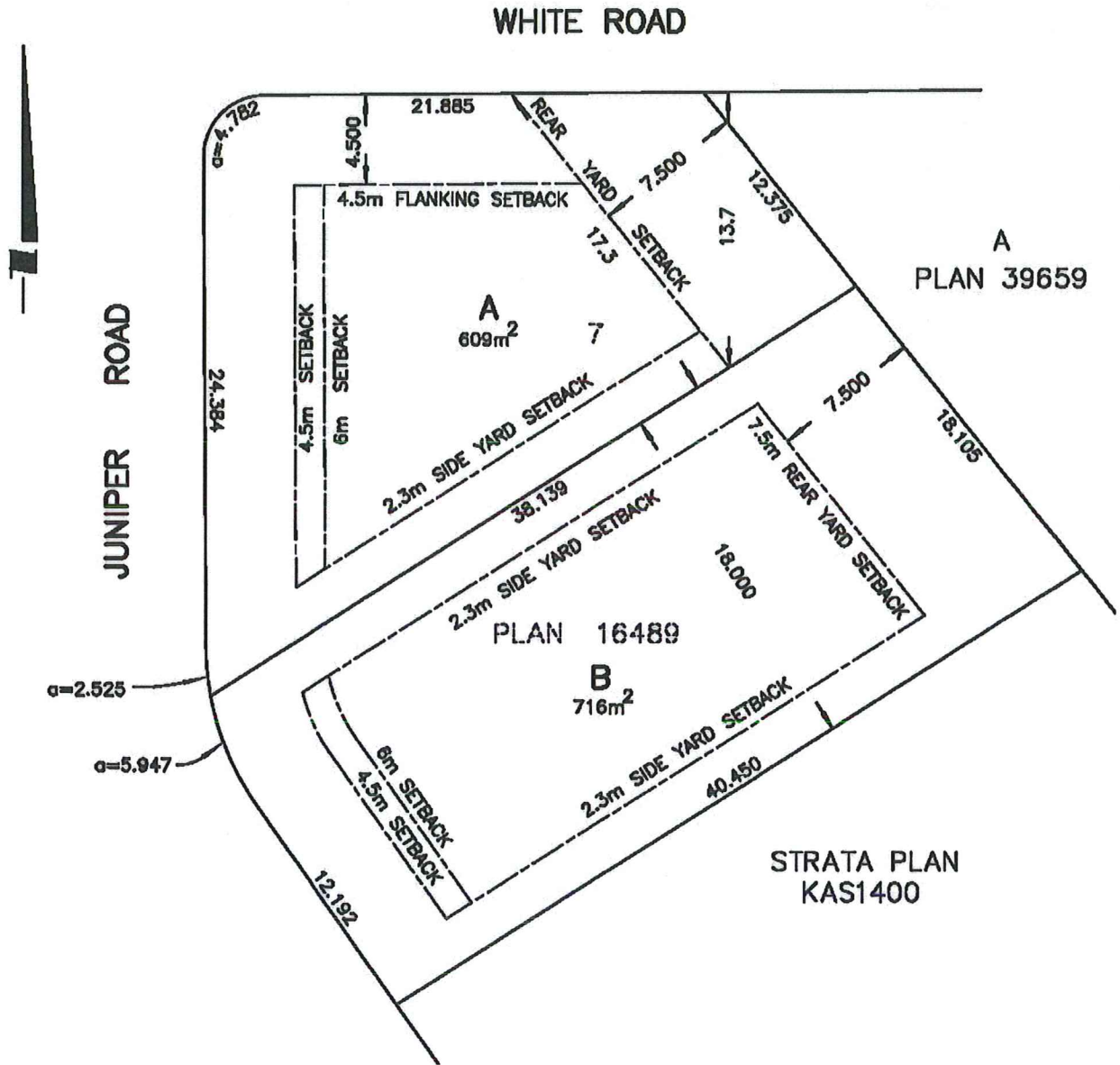


Aerial Photograph (Subject property highlighted in blue)

PLAN OF PROPOSED SUBDIVISION OF LOT 7
SECTION 23 TOWNSHIP 26 ODYD PLAN 16489

FID: 008-597-472

535 WHITE ROAD



CLIENT: COMFORT CRAFTED HOMES	DATE: FEBRUARY 14, 2014
SCALE: 1:300 METRES	FILE: 19818
DRAWN BY: CF	
Ferguson Land Surveying & Geomatics Ltd.	
BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC	
PHONE: (250) 763-3115 FAX: (250) 763-0321	
© Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.	

I hope the enclosed information gives you an idea of what we are proposing for this property. We look forward to enhancing the neighbourhood.

If you have any questions, please don't hesitate to call us at 250-860-8821 or Damien Buggraeve at the City of Kelowna 250-763-6011.

Thanks Brad & Robin Farrell

Sorry you weren't home when we came by to discuss our rezoning proposal for 535 White Road. If you have any questions, please don't hesitate to call me. I am leaving you a description of our proposal for this property.

Summary - Brad & Robin Farrell are proposing to rezone from RU1 to Ru6 in order to build a house with a legal suite and a strata titled duplex in keeping with other RU6 properties in the immediate subject neighbourhood. The City asks that we tell the neighbours what we are doing. The exterior of both will be neutral colors, the duplex a 1 1/2 to 2 storey in design with a partially inground basement, and the house a 1 storey with a legal suite. Are you OK with acknowledging that we showed these documents to you and discussed this with you?

() No one comfortable giving info. (*) All given info package.*

Address	Owner Name	Owner Tel #	Signature
870	Thressa Stadel	did not sign	
845	Juniper		
849	Juniper	Marjorie Graf	Marjorie Graf
875	Juniper	① ^{not home} left package ② Not home	
525	White	① NOT HOME LEFT PACKAGE ② NOT HOME	
862	Juniper	① NOT HOME LEFT PACKAGE ② NOT HOME	
860	Juniper	① NOT HOME/PACKAGE ② WENT OVER PACKAGE GAINED SIG.	Paul W. Dard
842	Juniper	① NOT HOME PACKAGE ② NOT HOME	
840	Juniper	① NOT HOME LEFT PACKAGE ② NOT HOME	
575	White Road	① DISCUSSED PACKAGE	Mentel Serham did not sign.
578	White	① NOT HOME ② NOT HOME	
560	White	① WENT OVER PACKAGE	Zack LORN did not sign
550	White	① NOT HOME LEFT PACKAGE ② NOT HOME	
540	White Rd.	① Not home LEFT PACKAGE ② Not home	

CITY OF KELOWNA
BYLAW NO. 10989
Z14-0017 - Comfortcrafted Homes Inc., Inc. No. BC0723458
815 Juniper 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 a portion of Lot 7, Section 23, Township 26, ODYD, Plan 16489 located on 815 Juniper Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone as per Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

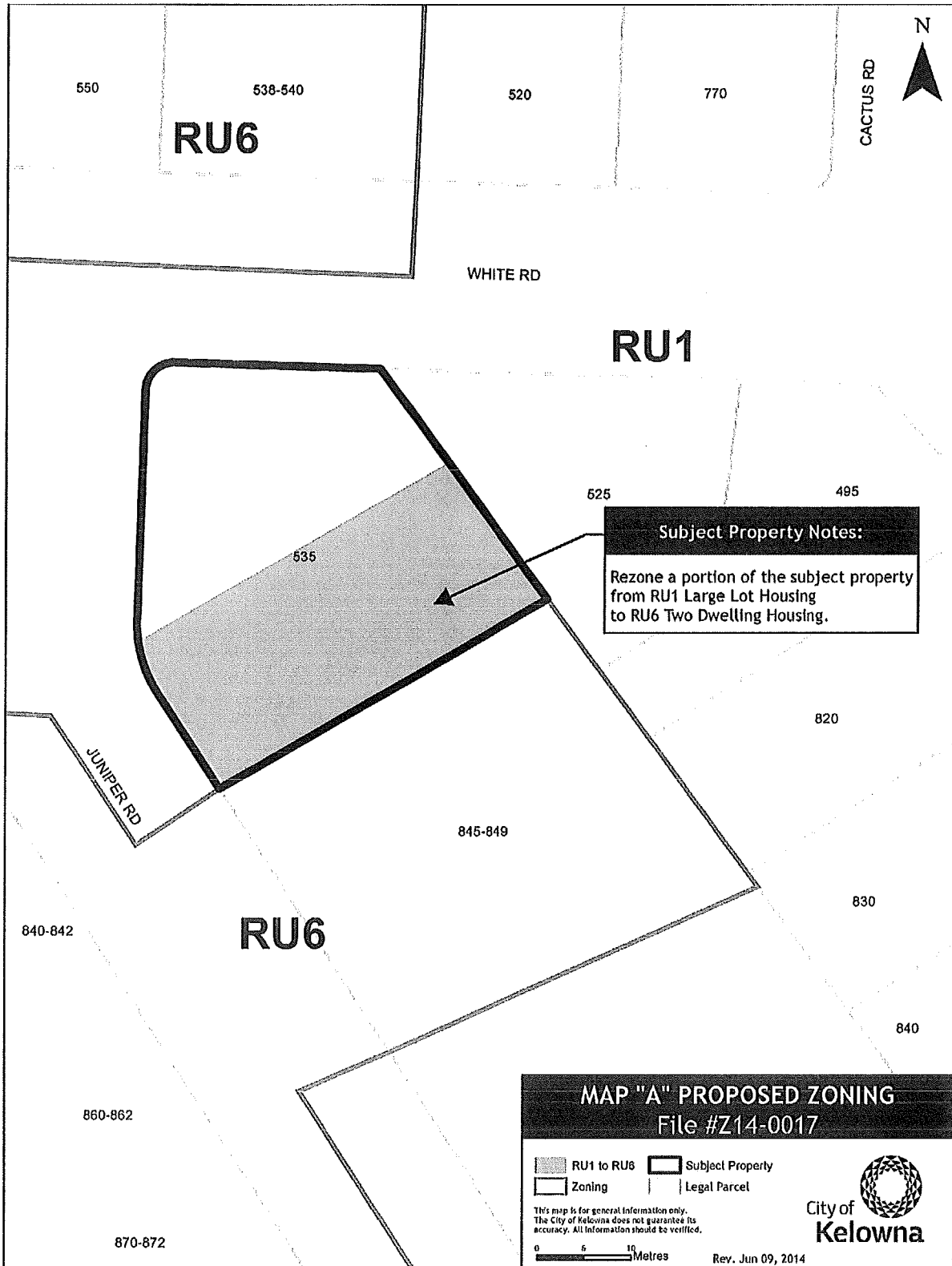
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: 7/7/2014

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AC)

Application: Z14-0018

Owner: Mahesh Raj Tripathi

Address: 1781 Capistrano Dr.

Applicant: Steven Ulliac

Subject: Rezoning Application

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

Existing Zone: CD-6

Proposed Zone: RU1 - Large Lot Housing

1.0 Recommendation

That Rezoning Application No. Z14-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 on Lot 28, Section 15, Township 23, ODYD, Plan KAP83551, located on 1781 Capistrano Drive, Kelowna, BC from the CD6 - Comprehensive Residential Golf Resort to RU1 - Large Lot Housing zone be considered by Council;

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

2.0 Purpose

To rezone the subject property to RU1 - Large Lot Housing zone to allow a secondary suite.

3.0 Urban Planning Department

Staff are supportive of the proposed rezoning to allow a secondary suite on the subject property as it is consistent with the policies and designation of the Official Community Plan (OCP). The Quail Ridge area was developed under a comprehensive development zone (CD6) which attempted to coordinate residential and commercial uses in association with a golf course. The CD-6 zone also applies to Tower Ranch and Gallaghers Canyon. The original purpose of the CD-6 zone was to set up a zone which mimicked the underlying zones (RU1, RM3, RM5, C-2, C-9, P-3) but retained an overall density limit to match the infrastructure capacity (water and sewer). Quail Ridge has been built to capacity with the exception of a six lot subdivision currently being processed and the southernmost knoll (designed MRL and is anticipated to have 110 residential units). The Development Engineering Branch has stated that permitting secondary suites in single family dwellings would not impact the infrastructure capacity within Quail Ridge and Tower Ranch areas. However, the overall density limit outlined in the CD-6 zone still needs to be

addressed. Any secondary suites permitted within the CD-6 zone would go beyond the density limit and would not be permitted unless the secondary suite owner acquired one of the allocated units to the southernmost MRL designated knoll. A rezoning is necessary to the RU-1 Large Lot Housing zone as this would remove the subject property from the overall density calculation.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours as described in the attached *Schedule 'A'*. The neighbourhood consultation occurred on two separate dates: May 7, 2014 and May 26, 2014. The residents spoken with fell into 1 of 4 groups:

1. No objection and signed the canvassing form
2. Would not sign the canvassing form, but would not oppose during a council meeting
3. Opposed, unsure if they would participate at council to voice their concern.
4. Not home on both dates

4.0 Proposal

4.1 Project Description

The subject property presently contains a vacant buildable lot. The applicant wishes to simply be permitted to have a secondary suite and will adhere to all the requirements within the zoning bylaw.

4.2 Site Context

The subject property and all the surrounding properties are zoned CD-6. The subject property is approximately 1,050 m² in area.

Subject Property Map: 1781 Capistrano Dr.



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max Height	9.5 m or 2 ½ storeys	Less than 9.5 m & 2 ½ stories
Min Front Yard	4.5 m	4.5 m
Min Side Yard (n)	2.0 m	2.0 m
Min Side Yard (s)	2.0 m	2.0 m
Min Rear Yard	7.5 m	30.4 m
Max Site coverage of buildings	40 %	9 %
Max Site coverage of buildings, driveways & parking	50 %	<50 %
Subdivision Regulations		
Lot Area	550 m ²	1,050 m ²
Lot Width	16.5 m	18.4 m
Lot Depth	30.0 m	54.6 m
Other Regulations		
Min Parking Requirements	3 stalls	3 stalls
Min Private Open Space	30 m ² / dwelling unit	Greater than 30 m ² / dwelling 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.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

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 Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).

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

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

- Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the main dwelling.
- Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 06, so provide size of ducts and fire separation details at time of Building Permit Applications.
- The Building Code only allows for a secondary suite to be 40% of the main residence to a maximum of 90 sq. meters.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Engineering Department

- See Attached.

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met. Ensure proper addressing off of Abbott Street.

7.0 Application Chronology

Date of Application Received: May 8th 2014
Date of Public Consultation Received: May 27th 2014

Report prepared by:

Adam Cseke, Planner I

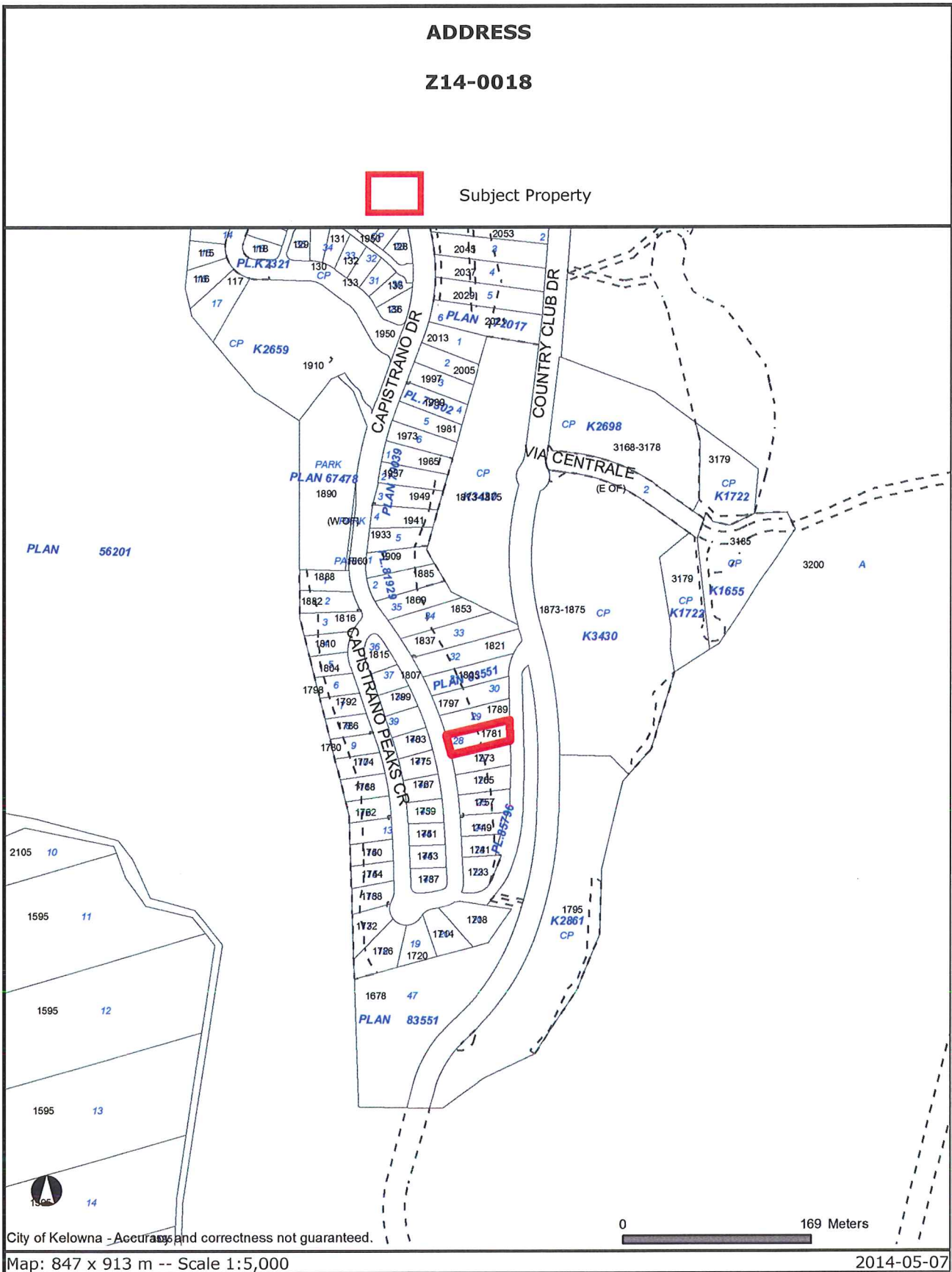
Reviewed & Approved for Inclusion:



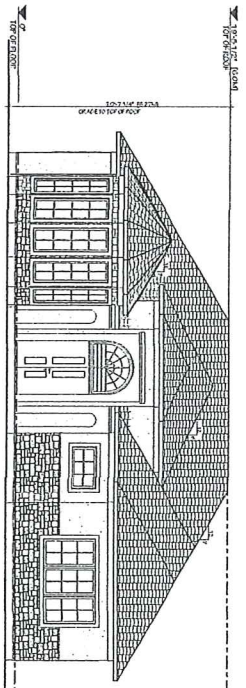
Ryan Smith, Urban Planning Manager

Attachments:

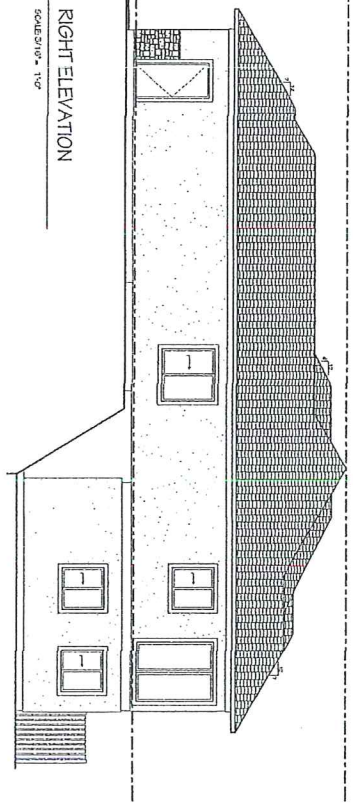
Site Plan / Landscape Plan
Colour Board
Conceptual Elevations
Development Engineering Comments



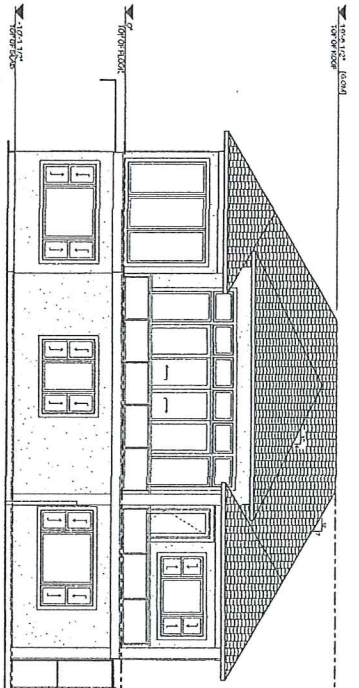
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



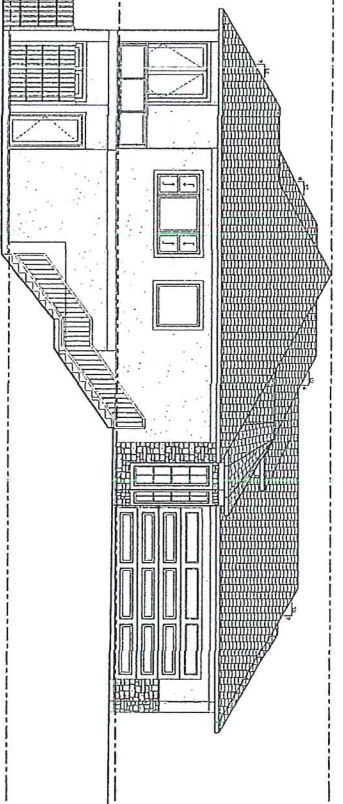
1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



3 BACK ELEVATION
SCALE: 1/8" = 1'-0"



4 LEFT ELEVATION
SCALE: 1/8" = 1'-0"

TRIPATHI RESIDENCE

CLIENT: MAHESH & NEEMA
 SITE: LOT 28, PEAKS OF THE CAPISTRANO
 DATE: APRIL 30, 2014
 SCALE: AS NOTED

LARSEN DESIGN + DRAFTING INC.
 12501 N. 77th Avenue, Suite 101
 Phoenix, AZ 85024

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE SCHEDULES AND SPECIFICATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND UTILITIES BEFORE COMMENCING WORK.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL ADJACENT PROPERTIES AND UTILITIES DURING THE COURSE OF CONSTRUCTION.

REVISIONS

#	DATE	DESCRIPTION
1	05/23/2014	ISSUE FOR PERMITTING
2		
3		
4		
5		
6		
7		
8		
9		
10		

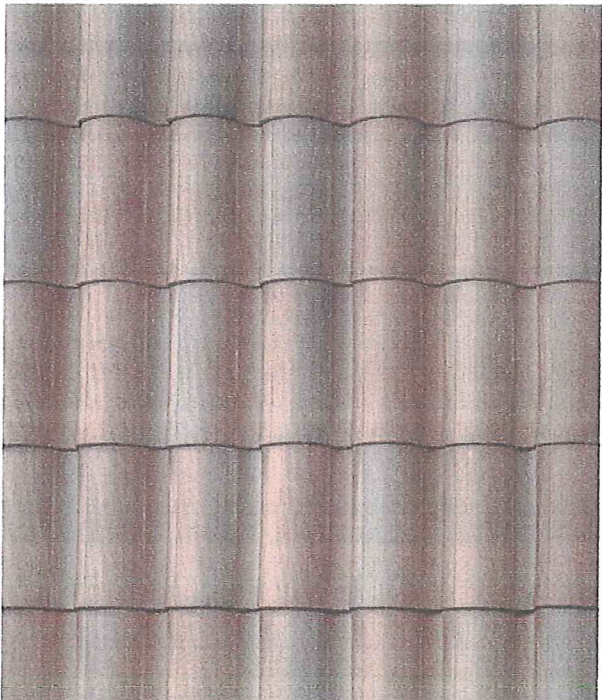
ELEVATIONS

2.0

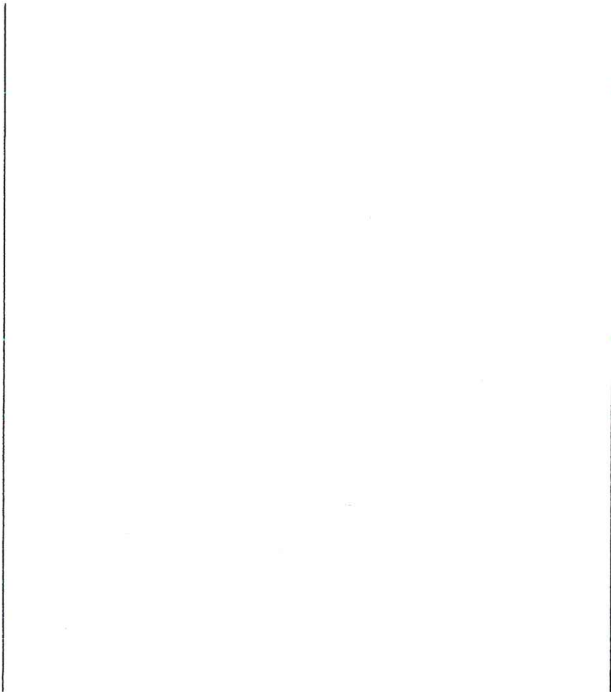
COLOUR BOARD



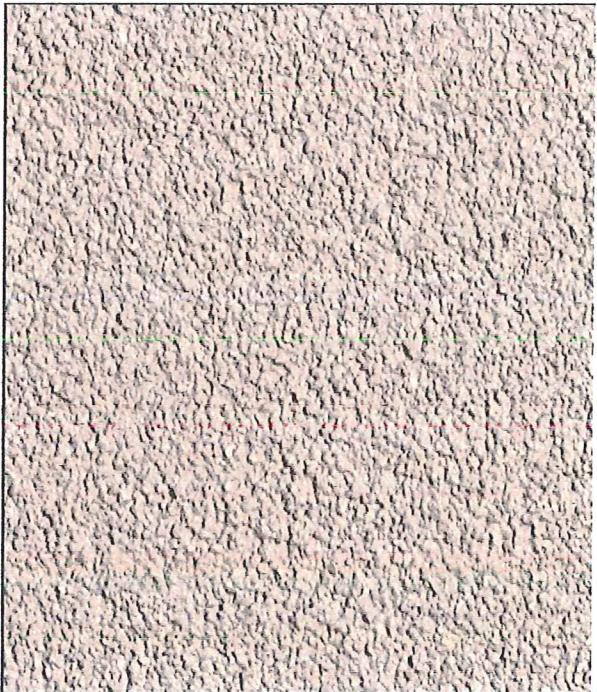
STONE: COUNTRY LEDGESTONE



ROOF: RUSTIC MADERA



TRIM WORK: WHITE



STUCCO: MOCHA

CITY OF KELOWNA
MEMORANDUM

Date: May 28, 2014
File No.: Z14-0018
To: Urban Planning (AC)
From: Development Engineering Manager (SM)
Subject: 1781 Capistrano Dr. lot 28 plan 83551, Section 15, Township 23, ODYD

Development Engineering Services comments and requirements pertaining to this zone amending application are as follows:

.1) Water

The property is located within the Glenmore Ellison Improvement District (GEID) service area.

.2) Sanitary Sewer

There is a limited downstream capacity at the Hwy 97 lift station. It is the City's plan to eliminate the lift station in the near future to accommodate wastewater flows from the airport and the Hiram Walker industrial area, this therefore eliminate the capacity limitation. The creation of suites within the Quail Ridge Area will not have a major impact on the downstream capacity at this point in time.

.3) General

The creation of suites within the Quail Ridge area will have some impact on the overall Municipal infrastructure; however, it will not be any different than the impact created by the suites currently allowed within the RU1 zone.

Steve Muenz, P. Eng.
Development Engineering Manager

B²

CITY OF KELOWNA
BYLAW NO. 10987
Z14-0018 - Mahesh Raj Tripathi
1781 Capistrano Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 28, Section 15, Township 23, ODYD, Plan KAP83551 located on 1781 Capistrano Drive, Kelowna, B.C., from the CD6 - Comprehensive Residential Golf Resort zone to the RU1 - Large Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

2.0 Purpose

To amend the Zoning Bylaw No. 8000 to remove the C4 zone from the subject parcel and add the C7 zone to the entire parcel.

3.0 Urban Planning

Urban Planning supports the proposed rezoning for the subject parcel. When the site was consolidated in Spring 2013, it maintained the existing zones from each parcel and this current application is required simply to establish a single consistent land use zone for the parcel.

4.0 Proposal

4.1 Background

This rezoning application is related to Interior Health Authority's proposed *Kelowna Community Health and Services Centre* office development.

4.2 Project Description

Rezoning

The applicant is proposing to rezone the portion of the site that is currently C4 to C7 in order to establish one land use zone on site. The intent of the C7 zone is to allow for the development of the financial, retail and entertainment, governmental and cultural core of the downtown. The C7 zone allows for higher density and building height than the C4 zone which is appropriate for the downtown core.

Office Building

The proposed development affiliated with this application is a five storey office building. A development variance permit (DVP) application with project details will be brought forward to Council for consideration should the bylaw associated with this application receive 3rd reading and the applicant fulfils the outstanding technical conditions.

4.3 Public Consultation

As per Council Policy No. 367, the applicant is only required to consult with their neighbours within a 50m radius. However, in anticipation of their DVP application, the applicant hosted a Public Information Session.

The session was held on Wednesday, July 9, 2014 from 4pm - 7pm at the Laurel Packinghouse. In preparation for the session, the applicant contacted the neighbouring owners and tenants through three avenues:

1. Registered mail to the legal owners of the neighbouring parcels of land;
2. Emails and phone calls to those for whom they had contact information, specifically
 - a. The owner of 1405 St. Paul Street.
 - b. The owner of 1420 St. Paul Street.
 - c. The strata council president of The Madison at 1395 Ellis Street; and
 - d. The owner/developer of The Monaco site at St. Paul and Ellis.
3. Hand delivery to all businesses within the 50m radius.

Approximately 20 people attended the public information session (not including representatives from the City, IHA or the development team).

Comments noted during the event, and provided on comment cards, were generally positive and supportive of the project. The most commonly repeated or shared comments were:

- General support of the design, scale, and massing of the building
- Concern over the lack of parking in the general area - however, not specifically with respect to the building
- Concern over traffic in the general area - however, not specifically with respect to the building
- Concern that the security around the building and control of those who come to the building to use its services is handled carefully to avoid street level issues
- Street level animation through retail uses, carefully treated elevations and points of entry to the building.

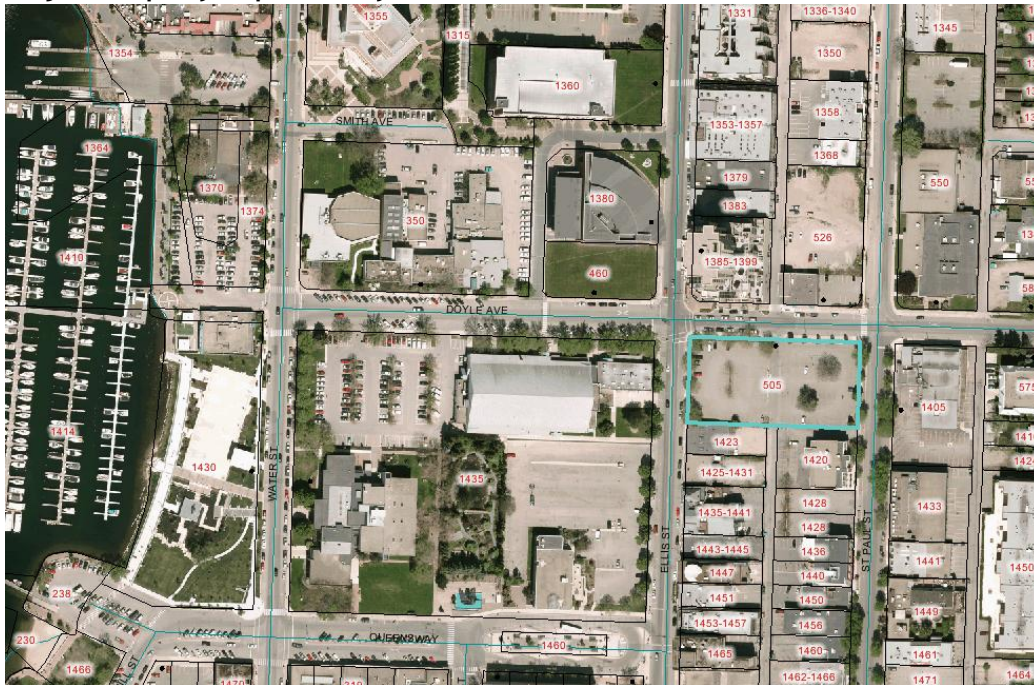
4.4 Site Context

The subject property is located at the southeast corner of Doyle Avenue and Ellis Street. Neighbouring the site is The Madison and location of the approved development permit for The Monaco to the north, Memorial Arena to the west, and commercial uses to the east and south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 - Central Business Commercial	MXR - Mixed Use (Residential / Commercial)
West	P1 - Major Institutional, C7 - Central Business Commercial	EDINST - Educational / Institutional
East	C4 - Urban Centre Commercial	MXR - Mixed Use (Residential / Commercial)
South	C4 - Urban Centre Commercial, C7 - Central Business Commercial	MXR - Mixed Use (Residential / Commercial)

Subject Property Map: 505 Doyle Avenue



Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	200m ²	4701m ²
Min. Lot Width	6.0m	96.74m
Min. Lot Depth	30.0m	48.76m

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.

Downtown Development.² Support rezoning to C7 use in the downtown Urban Centre area only where properties are surrounded on a minimum of 3 sides by existing C7 zoning. The intent of this policy is to support intensification within the existing core areas of Downtown.

Retention of Commercial Land.³ In order to ensure that the City’s commercial land supply is not eroded, where the OCP Bylaw 10500 indicated a commercial land use designation for the

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

² City of Kelowna Official Community Plan, Policy 5.3.4 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.24.2 (Development Process Chapter).

property, the expectation would be that there be no net loss of commercial space on the site as a result of the redevelopment to include other uses.

Office Building Location.⁴ Encourage office buildings providing more than 929 m² of useable space to locate in the City Centre or the Town Centres. This policy does not include offices integral to business park / industrial uses and “corporate offices” allowable under relevant industrial zones.

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 is 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.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - The code analysis is also to address the interconnected floor space per the prescriptive requirements of the code or an alternative solution needs to be accepted by the Chief Building Inspector in lieu
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building 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.

6.2 Bylaw Services

- No comments received.

6.3 Development Engineering Department

- See attached memorandum dated June 9, 2014.

⁴ City of Kelowna Official Community Plan, Policy 5.25.2 (Development Process Chapter).

6.4 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- A visible address must be posted as per City of Kelowna By-Laws.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available. Ensure that isolation valves are at an acceptable level as per the COK Bylaw 10760.
- 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 or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- Fire Department access is to be met as per BCBC 3.2.5.6
- Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A - 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14.
- Fire Stairwells to be marked clearly (including roof access) as per Fire Department requirements. This would be standardized and approved by the Kelowna Fire Department (KFD).
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - please ensure this is possible and that the FD connection is clearly marked and visible from the street.

6.5 FortisBC - Electric

- There are primary distribution facilities both on and offsite which provide service to the neighbourhood including the downtown business district as well as the cultural district. FortisBC Inc. is currently working with the City of Kelowna and the Interior Health Authority towards the relocation of both on and offsite facilities to accommodate this development. The applicant is responsible for costs associated with any change to the existing service and servicing the proposed development, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

6.6 Infrastructure Planning

- Applicant to provide more detail on the streetscape planting and paving and to work with Infrastructure Planning in the selection of plant material, paving material and site furniture.

- Street trees to match what has been planted across Doyle Avenue.

6.7 Ministry of Transportation

- See attached email dated July 16, 2014.

6.8 Telus

- Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

7.0 Application Chronology

Date of Application Received: May 8, 2014

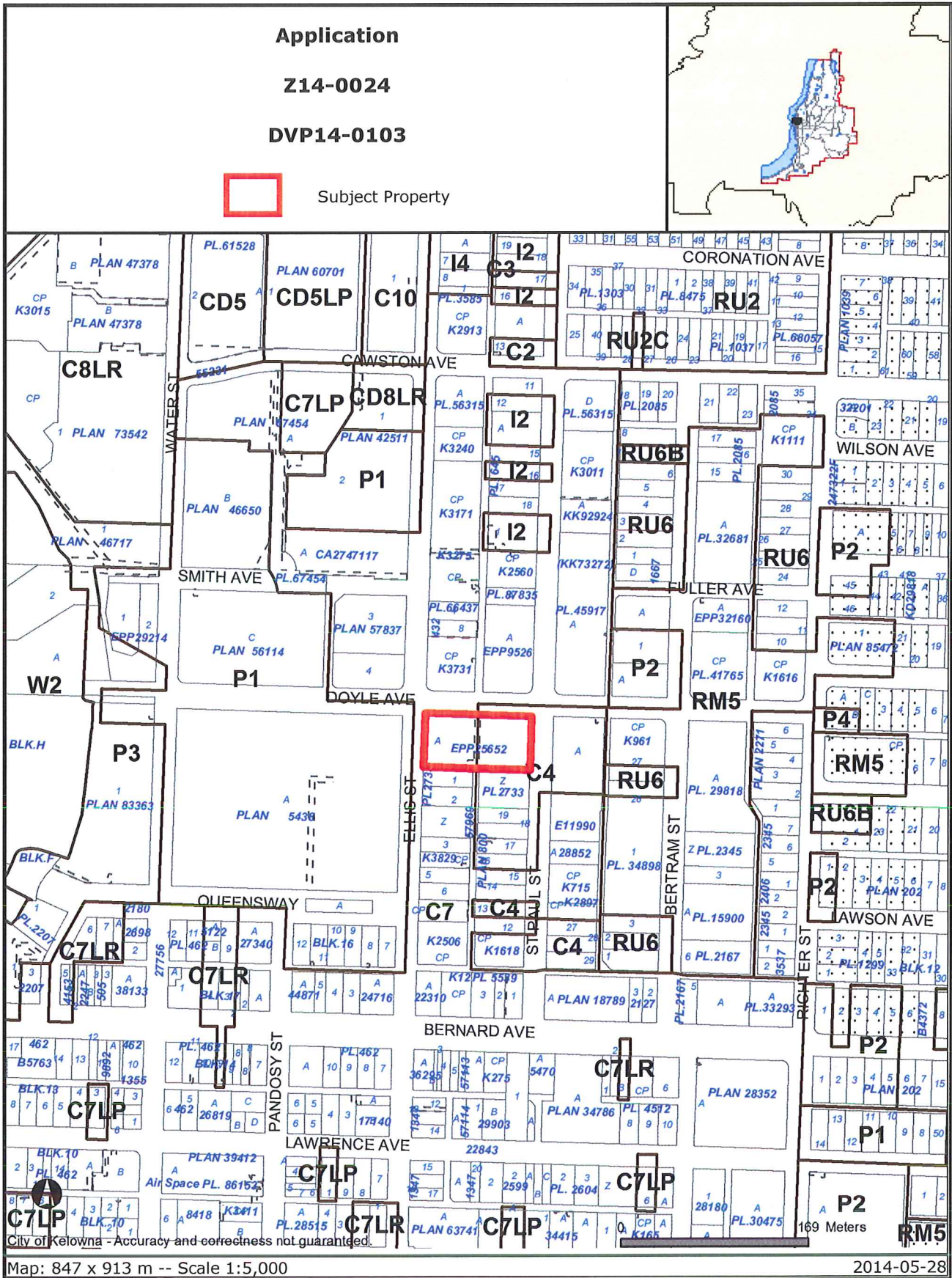
Report prepared by:

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion: Ryan Smith, Urban Planning Manager

Attachments:

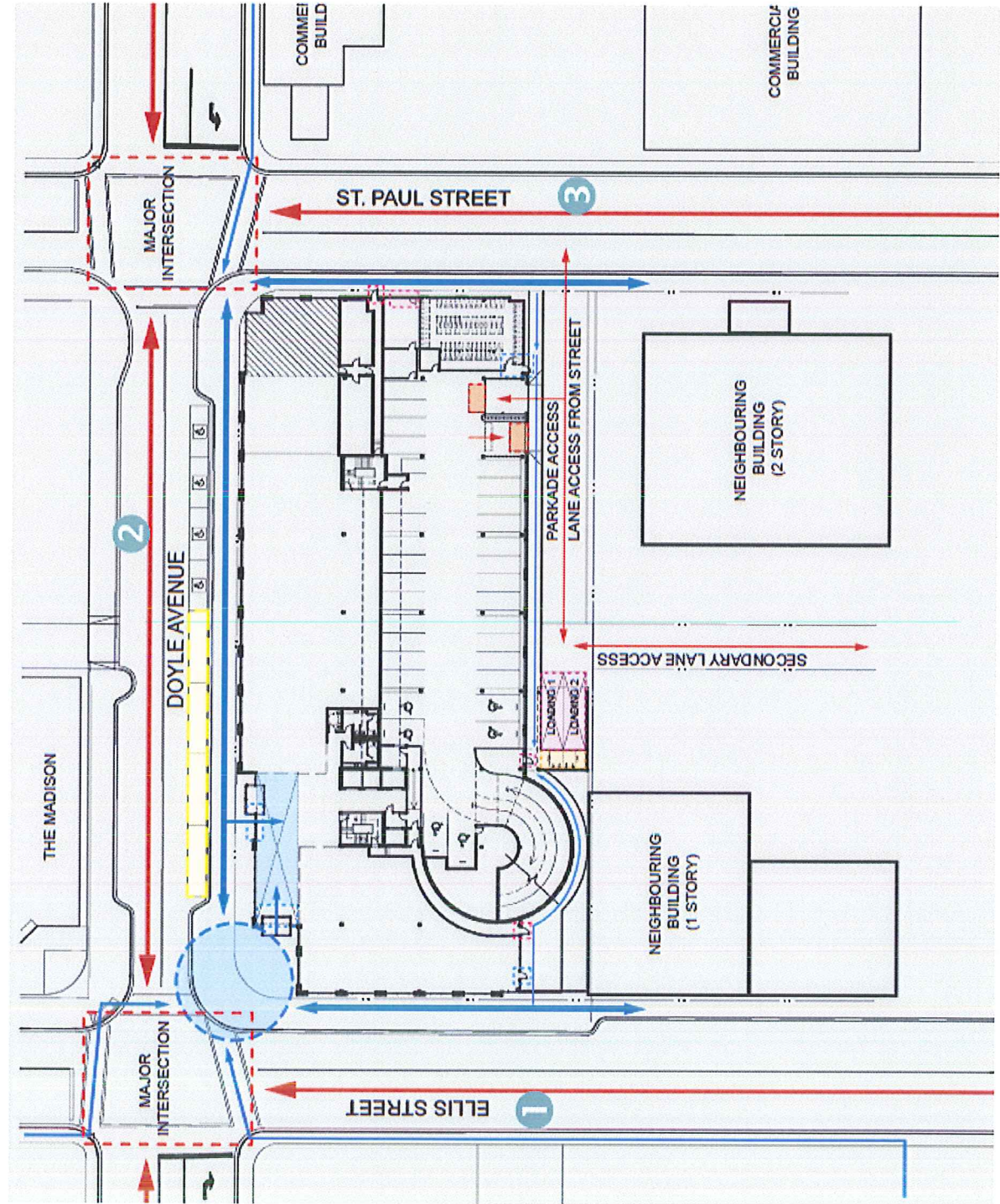
Map "A"
Conceptual Site Plan
Conceptual Elevations
Development Engineering Memorandum
Ministry of Transportation Email



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

ite Plan

le a site plan (1:500) showing location of facility (including Full Build-Out), roadways, pathways, fire fighting access, post-disaster provisions, green space, vehicle parking, and services elements.



Roadways

The site is delineated by roadways on three sides and a large laneway. The successful treatment of these urban edges is critical to the building and extended community. Each street has its own character and pedestrian patterns in both type and quantities. The sidewalk design responds to the specifics of each road differently, but using a cohesive system through a series of parts that are equally beautiful and functional, and tailored to the needs of each situation.

1 Ellis Street is the primary commercial street front of the site and creates the main 'visual' connection to the City. It carries an increasing traffic load of residential, commercial, car traffic, balanced by a declining industrial traffic, such as logging and transport trucks for Tolko, Suncoast, and other industrial operations. Pedestrian-safety is a priority on Ellis Street, as it has two lanes of northbound traffic and a curb-side parking. The roadway is protected by a row of columnar Ash trees that also creates a high visual interest. Trees are framed by alternating pair benches and bollards that create a welcoming, green environment. Multiple benefits including: a buffer from vehicles, that provides visual interest, as well as beauty while and provides habitat for wildlife.

2 Doyle Avenue is the primary access and drop off at the project's northern boundary. On Doyle Avenue, a series of trees, benches, bollards and planters are used to create zones. The flush planters are set back one metre from the curb to allow unencumbered vehicle door access anywhere along the roadway. The Doyle Avenue frontage provides the opportunity for a continuous, deep canopy that provides weather protection for people waiting at the designated pick-up and drop-off zone. The canopy has building mounted area lights and drain canopies to keep the area safe and dry, throughout the day and at any time of the year.

3 St. Paul Street is a quiet street with the least traffic volume. The pedestrian crossing at St. Paul Street and Doyle Avenue is paved using a similar, but downscaled, system of planters and bollards, to safely direct pedestrian traffic through the points of crossing. This St. Paul Street sidewalk will be a typical city standard and fronted with curbside metered parking. Again, a system of trees, planters and bollards (less intensively developed) is planned for these locations. There are two small planter opportunities along the building edge to help soften the building edge, provide opportunities for groundwater infiltration and to beautify the landscape.

Elevations and site sections

7 elevations and site sections sufficient to illustrate design aesthetics, materials and major features, including proposed exterior color schemes.



Building Elevations North
The north elevation facing Doyle Avenue.



Building Elevations East
The east elevation facing St. Paul Street.



Building Elevations South

The south elevation shows the second floor and fifth floor seen to the west.



Building Elevations West

The west elevation facing Ellis Street.

CITY OF KELOWNA
MEMORANDUM

Date: June 9, 2014
File No.: Z14-0024

To: Urban Planning (LG)

From: Development Engineering Manager

Subject: 505 Doyle Ave

IHA Building

Development Engineering has the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. These comments may be revised once building design is completed.

The Development Engineering Technologist for this project is Sergio Sartori.

1. Domestic Water and Fire Protection

- (a) The existing lots are serviced with a small diameter water service for irrigation. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing services and the installation of a fire hydrant and one new larger metered water service.
- (c) The estimated cost of this construction for bonding purposes is **\$25,000.00**. If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- (d) The existing 250mm diameter AC watermain on St Paul Street fronting this development is within 3.96m of the property line. Soil compaction of the development site will impact the integrating of this watermain. It is likely that this watermain fronting this development will need replacing. The estimated cost of Watermain replacement for bonding purposes is **\$40,000.00**. Should the integrity of the Watermain on Doyle Avenue also be impacted, additional bonding for it's replacement will be required.
- (e) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.
- (f) Site servicing issues will be further reviewed and comments related to site servicing and hydrant spacing will be addressed when a detailed site plan is received.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. The previously existing lots are connected with a small diameter sewer service. The applicant, at his cost, will arrange for the installation of one new larger service, as well as the capping of all existing unused services at the mains. Only one service will be permitted for this development. The estimated cost for construction for bonding purposes is **\$10,000.00**
- (b) A flow analysis check by the developer's consulting civil engineer will be required to determine the impact of the projected flow contributions to the existing sanitary sewer system and establish if there is sufficient capacity to support the proposed development needs. If it is determined that upgrades to the existing sanitary sewer system must be made, additional bonding will be required.

3. Storm Drainage

- (a) It will be necessary for the applicant to relocate the piped storm drainage collection system in the rear lane including the installation of a catch-basin and manhole. The cost of these works is included in the road upgrading cost estimates.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. 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 on-site drainage system may be connected to an existing or proposed drainage system with an overflow service. The estimated cost for providing an overflow service for bonding purposes is **\$ 10,000.00**.

4. Transportation

- a) The proposed development triggers the requirement for a Traffic Impact Study. Recommendations from the Traffic Impact Assessment (TIA) and City of Kelowna Transportation & Mobility will become requirements of this application.
- b) Prior to commencing the TIA, the developer's traffic consultant will meet with staff from the City of Kelowna to agree on the terms of reference for the study.
- c) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOT) Infrastructure Branch.

5. Road Improvements

- (a) Ellis Street fronting this development site is urbanized but the existing curb and sidewalk is in a deteriorated state. The upgrades will require curb, gutter and sidewalk removal and reconstruction, boulevard streetscape as well as the re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

The developer shall use the similar vocabulary of streetscape elements as that was used for the Madison frontage (Doyle Avenue). Although the materials and pattern need not be identical, the general character shall be replicated through use of the same surface colors, benches, bollards, and the curb let-down details which is part of the Doyle and Ellis Intersection Concept. Contact the City Planning Specialist, Pat McCormick @ pmccormick@kelowna.ca for further input on the streetscape/public art design and concept.

The estimated cost of the road improvements for bonding purposes is **\$35,000.00**. If it is determined that additional road reconstruction is required, additional bonding will be required. Soil compaction of the development site will impact the integrating of the frontage roads. The decommissioning of existing services and installation of new services will also require road cuts. The extent of pavement restoration will be at the discretion of the City Development Engineer.

- (b) Doyle Avenue fronting this development site is urbanized but the existing curb and sidewalk is in a deteriorated state. The upgrades will require curb, gutter and sidewalk removal and reconstruction, boulevard streetscape and possible traffic signal upgrades as well as the re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

The developer shall use the similar vocabulary of streetscape elements as that was used for the Madison frontage (Doyle Avenue). Although the materials and pattern need not be identical, the general character shall be replicated through use of the same surface colors, benches, bollards, and the curb let-down details which is part of the Doyle and Ellis Intersection Concept. Contact the City Planning Specialist, Pat McCormick @ pmccormick@kelowna.ca for further input on the streetscape/public art design and concept.

Urban Braille shall be incorporated into the streetscape frontage. The applicant is encouraged to use the resources of The Canadian National Institute for the Blind (CNIB). Contact: Walter.Stancec@cnib.ca

The estimated cost of the road improvements and anticipated reconstruction, for bonding purposes is **\$125,000.00**. If it is determined that additional road reconstruction is required, additional bonding will be required. Soil compaction of the development site will impact the integrating of the frontage roads.

The decommissioning of existing services and installation of new services will also require road cuts. The extent of pavement restoration will be at the discretion of the City Development Engineer.

- (c) St. Paul Street fronting this development must be upgraded to a full urban standard including a new sidewalk, curb and gutter, storm drainage system including catch basin modifications, boulevard landscaping, pavement replacement and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

The developer shall use the same vocabulary of streetscape elements as that used for the Madison frontages (Ellis Street and Doyle Avenue). Although the pattern need not be identical, the general character can be replicated through use of surface materials, benches, bollards and vegetation.

The estimated cost of the road improvements and reconstruction, for bonding purposes is **\$35,000.00**. Soil compaction of the development site will impact the integrating of the frontage roads. The decommissioning of existing services and installation of new services will also require road cuts. The extent of pavement restoration will be at the discretion of the City Development Engineer.

- (d) Lane thru this development site will require relocation to St Paul St and reconstruction to a paved commercial standard including the extension of the piped drainage system. The estimated cost of this construction for bonding purposes is **\$35,000.00**

6. Road Dedication and Subdivision Requirements

- (a) Dedicate a 7.6m width lane to a commercial standard.
- (b) Dedicate 1.5m width along Doyle Ave for ~40m from Ellis St east for the addition of a left turn lane on Doyle Ave at Ellis Street.
- (c) Dedicate 6.0m radius corner rounding at the Doyle Ave & Ellis Street corner.
- (d) Dedicate 6.0m radius corner rounding at the Doyle Ave & St. Paul St corner.
- (e) Grant statutory rights-of-way if required for utility services.

7. Electric Power and Telecommunication Services

- (a) The development site is within the Urban Town Center. Electrical and telecommunication services to this site as well as the local distribution wiring must be installed in an underground duct system. The existing building and the proposed new 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.

8. Street Lighting

- (a) Street lights are installed on St Paul Street, Ellis St and Doyle Ave fronting the proposed development. Re-location or adjustments to the existing street lighting system may be required to accommodate the streetscape and/or road upgrading construction.

9. Engineering

- (a) Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.
- (b) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (c) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (d) 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.

10. Geotechnical Report

- (a) As a requirement of this application and / or prior to issue of a building permit, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:
- (b) Area ground water characteristics.
- (c) Site suitability for development; i.e. unstable soils, etc.
- (d) Drill and/or excavate test holes on the site and install pisometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (e) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

11. Survey Monuments and Iron Pins

- (a) If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

12. Bonding and Levy Summary

(a) <u>Bonding</u>	
Watermain and servicing	\$ 65,000.00
Sanitary Mains and servicing	\$ 10,000.00
Storm Mains and servicing	\$ 10,000.00
Ellis Street frontage	\$ 35,000.00
St. Paul Street Rd frontage	\$ 35,000.00
Doyle Avenue frontage	\$ 125,000.00
Lane upgrading	\$ 35,000.00

Total Bonding **\$315,000.00**

If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.

If it is determined that additional reconstruction of works including; roads, utilities, services, etc, must be made as a result of soil compaction, additional bonding will be required.

If it is determined that additional upgrades are required as a result of the recommendations of the TIA, additional bonding will be required.


NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format. The owner must also enter into a servicing agreement in a form provided by the City.

13. Administration Fee

An administration fee will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration fee is calculated as (3% of Total Off-Site Construction Cost plus GST). This fee will be confirmed once all requirements are known and appropriate construction cost and administration fee can be calculated.

14. Development Variance Permit and Site Related Issues

- (a) The developer must provide a location for screened garbage bins on the site that is accessible to an SU-9 standard-size garbage truck.
- (b) The site access and egress design to be from the lane as well as the parking lot configuration must be submitted for approval to the City Development Engineering Department before issuance of the development permit. This is required to guarantee that the requirements and the limitations of access and egress required by the City have been addressed to the City's satisfaction.
- (c) The 8m x 8m sight line triangle for visibility at the site intersection corners and laneway entrance are referenced from the face of curb which may have little to no affect on the proposed building structure. Development Engineering can review proposals with some flexibility to achieve an adequate sightline triangle.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

Lindsey Ganczar

From: Lochhead, Lynda D TRAN:EX [Lynda.Lochhead@gov.bc.ca]
Sent: Wednesday, July 16, 2014 8:34 AM
To: Lochhead, Lynda D TRAN:EX
Subject: FW: Interior Health TIA Draft Report - Bunt & Associates Ellis Street Parkade Mar 6 Submission

From: Clifford, Robyn M TRAN:EX
Sent: Wednesday, March 26, 2014 2:21 PM
To: Brian Oliveira; Andrew Gibbs
Cc: Babineau, John TRAN:EX; Siddiqui, Faisal TRAN:EX
Subject: FW: Interior Health TIA Draft Report - Bunt & Associates Ellis Street Parkade Mar 6 Submission

Our file: 2013-02060

Brian and Andrew:

In response to the revised TIA dated Feb. 21/14 and Synchro files, please see the following Ministry comments:

3.7 Highway 97 EBL Mitigation

- Existing storage appears to be 60m and not 72m as mentioned in the report. Storage is measured along the length of the painted white line and not to the end of the taper.
- Therefore the 95th percentile queue length reported in Table 3.17 of 84.7 m requires approximately 25 metres of additional storage.
- Abbot and Water Capacity
 - Confirm with the City that their intention is to promote access to downtown from Abbot and Water.
 - It is not encouraged to assume there is other capacity at nearby intersections without accurately modelling them to confirm.
 - The Abbot model attached with the report does not consider the corridor as coordinated (“abbot and Hwy AM”) and therefore does not use the existing cycle lengths. The Plus 400 model does use a 120s cycle length.
 - Both models are built using imperial measurements.
 - That being said, the values stated in Table 3.18 do not reflect the true conditions on the highway and therefore should not be reported to accommodate as many as 400 additional vehicles in the AM peak. The comment below the table mentions a 150s cycle length was used which is not the case.
 - The title of Table 3.18 should be Eastbound to Northbound...

3.7.2 Southbound to Eastbound LT Movement

- does the City accept the increased queue lengths and delays accessing the highway at Ellis? Is the plan to reduce this through a general mode shift appropriate?

With that being said, the additional storage capacity for Highway 97 EBL is likely greater than 15m. This would likely reduce the WBL storage at Water to less than the minimum 30m. I strongly suggest that the WBL at Water be removed and this EBL storage be maximized. This aligns with the Ministry's and City's overall corridor objectives.

The above comments will need to be addressed, including the required extension of the left turn bay on Highway 97.

Please call if you have any questions in this regard.

Yours truly,

CITY OF KELOWNA
BYLAW NO. 10991
Z14-0024 - Interior Health Authority
505 Doyle Avenue

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 a portion of Lot A, District Lot 139, ODYD, Plan EPP 25652 located on 505 Doyle Avenue, Kelowna, B.C., from the C4 - Urban Centre Commercial zone to the C7 - Central Business Commercial zone as per Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

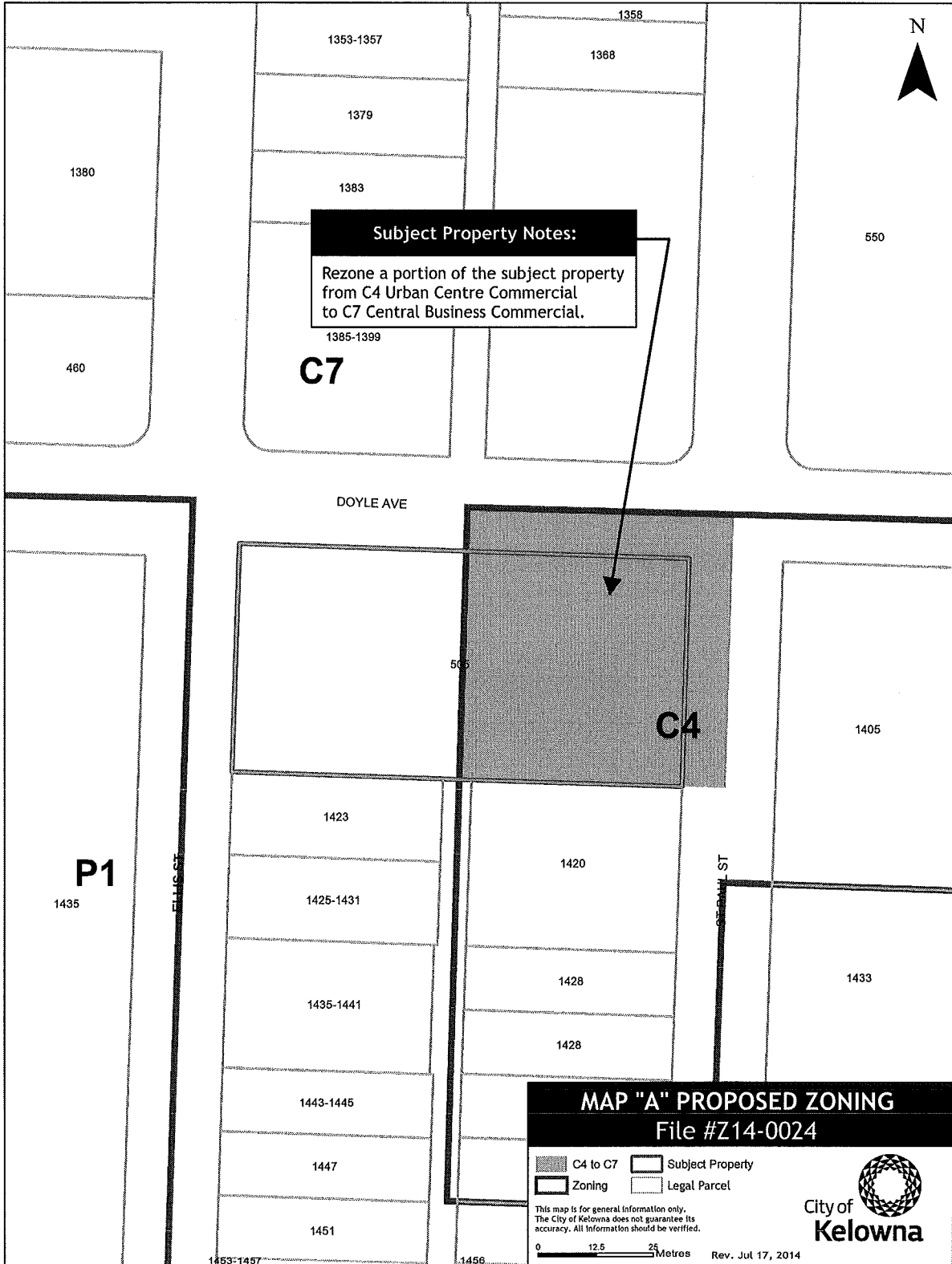
Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: July 15, 2014
RIM No. 1250-30
To: City Manager
From: Urban Planning, Community Planning & Real Estate (AC)
Application: Z10-0044 **Owner:** Nathan Morden
Address: 120 Homer Road **Applicant:** Nathan Morden
Subject: 2014 07 28 Extension Report Z10-0044 120 Homer Rd
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RM1 - Four Dwelling Housing

1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10403 (Z10-0044) to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plan 39705, located at 120 Homer Road, Kelowna BC, be extended to August 12th 2014.

2.0 Purpose

To extend the date for adoption of Zone Amending Bylaw No. 10403 from June 20, 2014 to August 12, 2014.

3.0 Background

An addition to the original dwelling was approved through a Building Permit issued in 2005, which added approximately 2600ft² of floor area. The property has an open Bylaw Enforcement file regarding illegal dwelling units.

The property is currently zoned RU1 - Large Lot Housing, however, there are three illegal units in the single-family dwelling. The original dwelling has a three-bedroom unit located in the basement. The addition approved in 2005 allowed for a three-car garage with living space behind and above, however, these additional spaces have been converted into a one-bedroom and a three-bedroom unit respectively. In total, the property contains four separate dwelling units. The property was sold to a new owner in 2011-2012 who has been attempting to resolve the outstanding legal issues ever since.

3.1 Site Context

The subject property is located on the north side of Hwy 33 W near Gerstmar Road and west of the Rutland Urban Centre boundary. Specifically, the adjacent zones and uses are:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Housing
East	RM3 - Low Density Multiple Housing	Townhomes
South	RM4 - Transitional Low Density Housing C1 - Local Commercial	Apartment Complex Gas Bar
West	P2 - Educational & Major Institutional	Religious Assembly

4.3 Site Location Map

Subject property: 120 Homer Road



4.0 Urban Planning

Section 2.12.1 of Procedure Bylaw No. 10540 states that:

In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:

- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;
- b) Any bylaw that has not received final adoption will be of no force and effect;

- c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of **Council** a motion to rescind all readings of the bylaw associated with that Amendment application.

Section 2.12.2 of the Procedure Bylaw makes provision that upon written request by the applicant prior to the lapse of the application, Council may extend the deadline for a period of twelve (12) months by passing a resolution to that affect.

By-Law No. 10403 received second and third readings on September 21st, 2010 after the Public Hearing held on the same date. In a report dated October 5th, 2012, Staff noted that any further extension requests would not be supported as this application was originally generated through a Bylaw Enforcement action and prolonged non-compliance would not be permitted. However, last year the applicant began to pay the required fees (BMID water fees) in order to move the application forward. Staff then recommended a further 12 month extension to March 21, 2014.

Staff recommended a further two month extension to June 20, 2014 in order for the applicant to complete the remaining condition (Building Permit Application and Code Compliance Report). The applicant had numerous discussions with the building department regarding the value of building code compliance work and the outstanding illegal work. The applicant and the building department were able to come to an agreement which completed the final conditions on June 19th 2014.

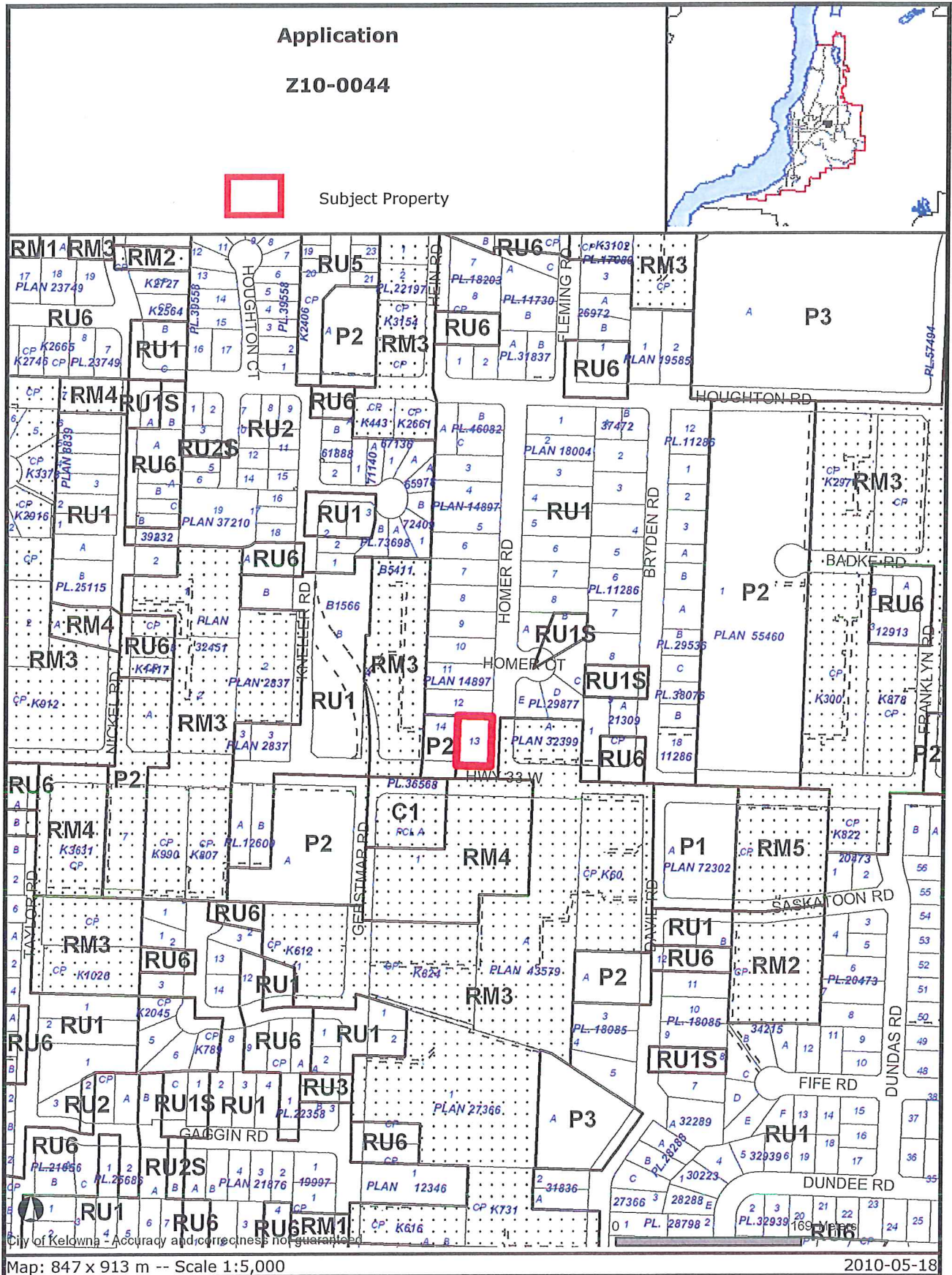
The applicant paid their outstanding development engineering fees on April 9, 2014. A Development Variance Permit, required to legalize the existing building footprint, had been placed on hold until the zoning conditions were met. It may now be considered by Council.

If the extension request is denied by Council, Staff will then bring forward a rescinding bylaw to Council as soon as possible. However, Staff supports the extension.

Report prepared by:

Adam Cseke, Planner

Reviewed by: Lindsey Ganczar, Urban Planning Supervisor
Approved for Inclusion: Ryan Smith, Urban Planning Manager



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

CITY OF KELOWNA

BYLAW NO. 10914

**Official Community Plan Amendment No. OCP13 - 0020
No. 21 Great Projects Ltd / City of Kelowna
1155 Frost Road**

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 - Official Community Plan Bylaw No. 10500" be amended by changing part of the Generalized Future Land Use designation of Lot A, D.L. 579, SDYD, Plan EPP9618 Except Plans EPP9638, EPP15721, EPP18670, EPP20408, EPP22118, and EPP33403 located at 1055 Frost Road from Multiple Unit Residential - Low Density to Single / Two Unit Residential as shown on Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this Monday, February 17, 2014.

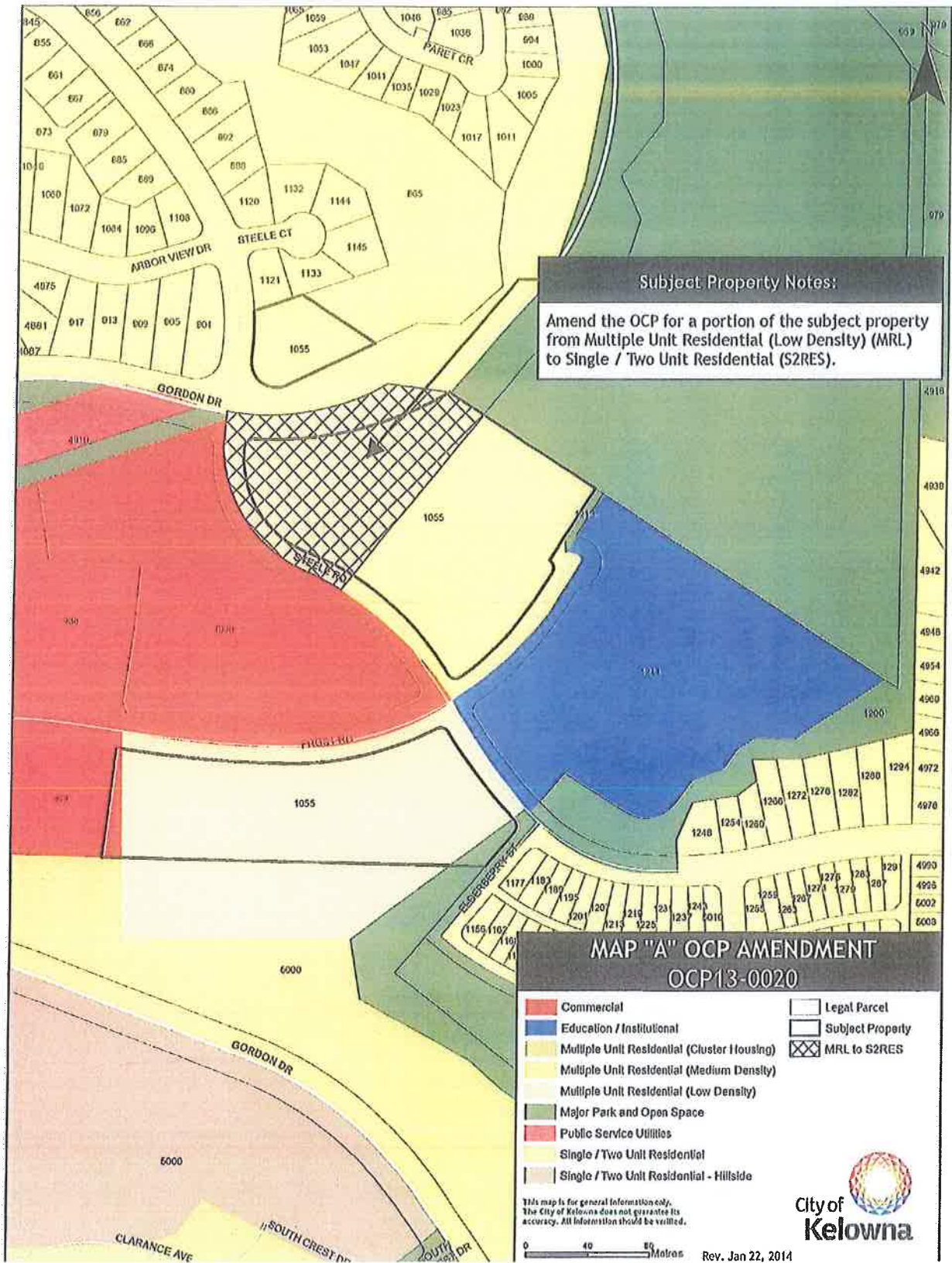
Considered at a Public Hearing on the 4th day of March. 2014.

Read a second and third time by the Municipal Council this 4th day of March. 2014.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



Subject Property Notes:
 Amend the OCP for a portion of the subject property from Multiple Unit Residential (Low Density) (MRL) to Single / Two Unit Residential (S2RES).

**MAP "A" OCP AMENDMENT
 OCP13-0020**

- | | |
|---|------------------|
| Commercial | Legal Parcel |
| Education / Institutional | Subject Property |
| Multiple Unit Residential (Cluster Housing) | MRL to S2RES |
| Multiple Unit Residential (Medium Density) | |
| Multiple Unit Residential (Low Density) | |
| Major Park and Open Space | |
| Public Service Utilities | |
| Single / Two Unit Residential | |
| Single / Two Unit Residential - Hillside | |

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

0 40 80 Metres Rev. Jan 22, 2014



CITY OF KELOWNA
BYLAW NO. 10915
Z13-0043 - No.21 Great Projects Ltd./ City of Kelowna
1055 Frost 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, D.L. 579, SDYD, Plan EPP9618 Except Plans EPP9638, EPP15721, EPP18670, EPP20408, EPP22118, and EPP33403, located on 1055 Frost Road, Kelowna, B.C., to rezone portions of the subject property from the A1 - Agriculture 1 and the RU1h - Large Lot Housing (Hillside) zone to the RU3 - Small Lot Housing zone as shown on Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this Monday, February 17, 2014.

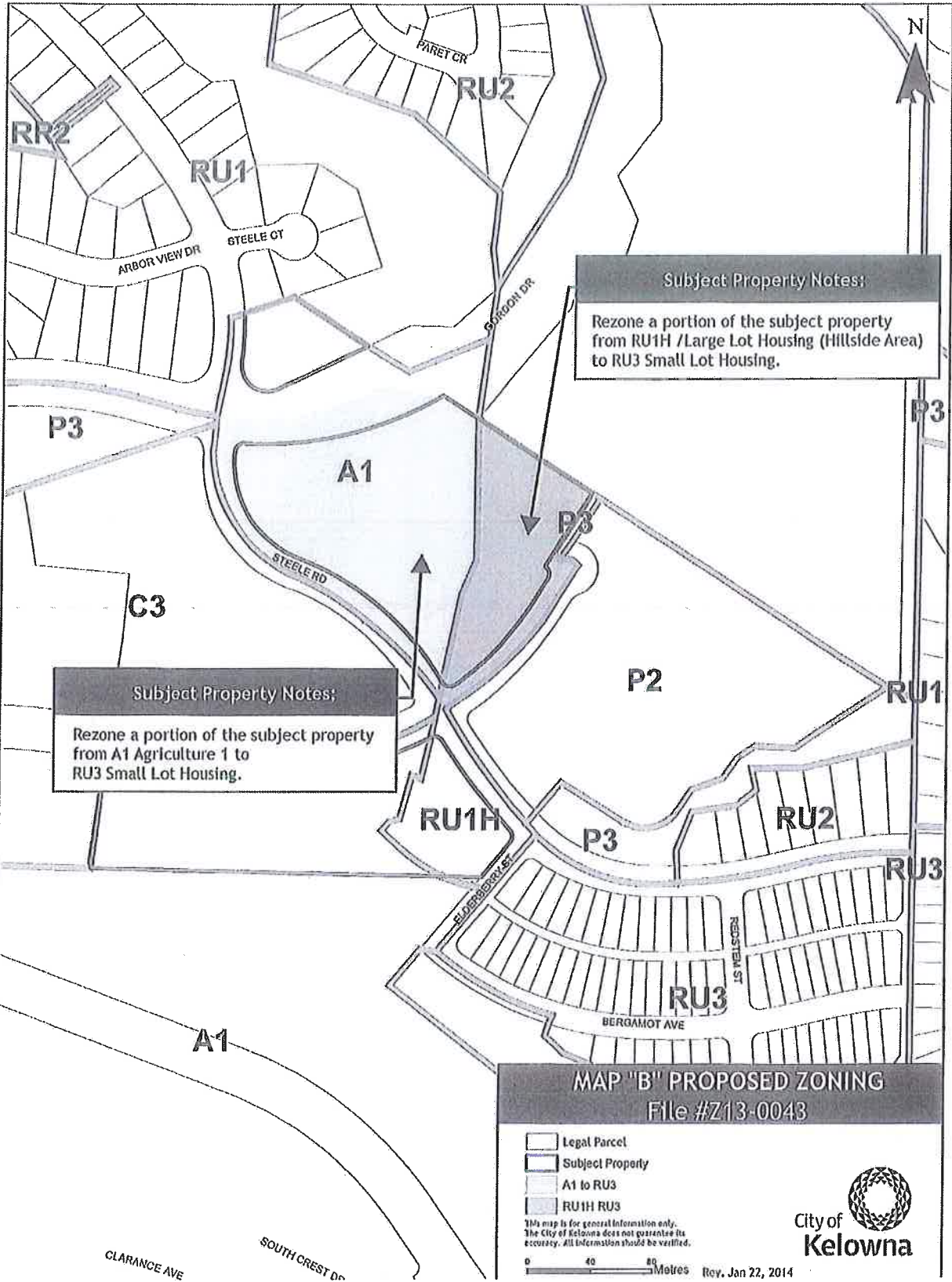
Considered at a Public Hearing on the 4th day of March, 2014.

Read a second and third time by the Municipal Council this 4th day of March, 2014.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 10972
Z14-0014 - Henry & Ingrid Jenzen
890 Mayfair Avenue

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 9, District Lot 143, ODYD, Plan 24833 located on Mayfair Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 9th day of June, 2014.

Considered at a Public Hearing on the 24th day of June, 2014.

Read a second and third time by the Municipal Council this 24th day of June, 2014.

Approved under the Transportation Act on this 21st day of July, 2014.

Lynda Lochhead
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: July 23, 2014
File: 0165-30
To: City Manager
From: Deputy City Manager
Subject: Quarterly Report Update

Report Prepared by: Summer Efray, Marketing & Communications Advisor

Recommendation:

THAT Council receives, for information, the Quarterly Report from the Deputy City Manager, dated July 23, 2014.

Purpose:

To provide Council with an update of the City's activities for the second quarter of 2014.

Background:

The attached PowerPoint presentation provides a brief summary of some key activities undertaken in the last quarter by the corporation.

The content of the presentation continues to evolve and staff welcomes Council's suggestions in ensuring the report is both informative and timely for our community. All contributors and contributing departments are not expected to attend the Council presentation, however if Council has specific questions that require a staff member attend the meeting, it is requested that the City Clerk be advised in advance of the meeting.

Internal Circulation:

Presentation distributed to Divisional Directors.

Considerations not applicable to this report:

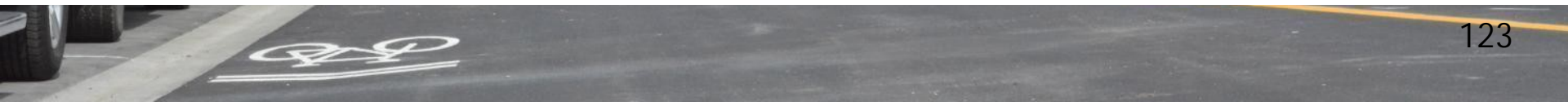
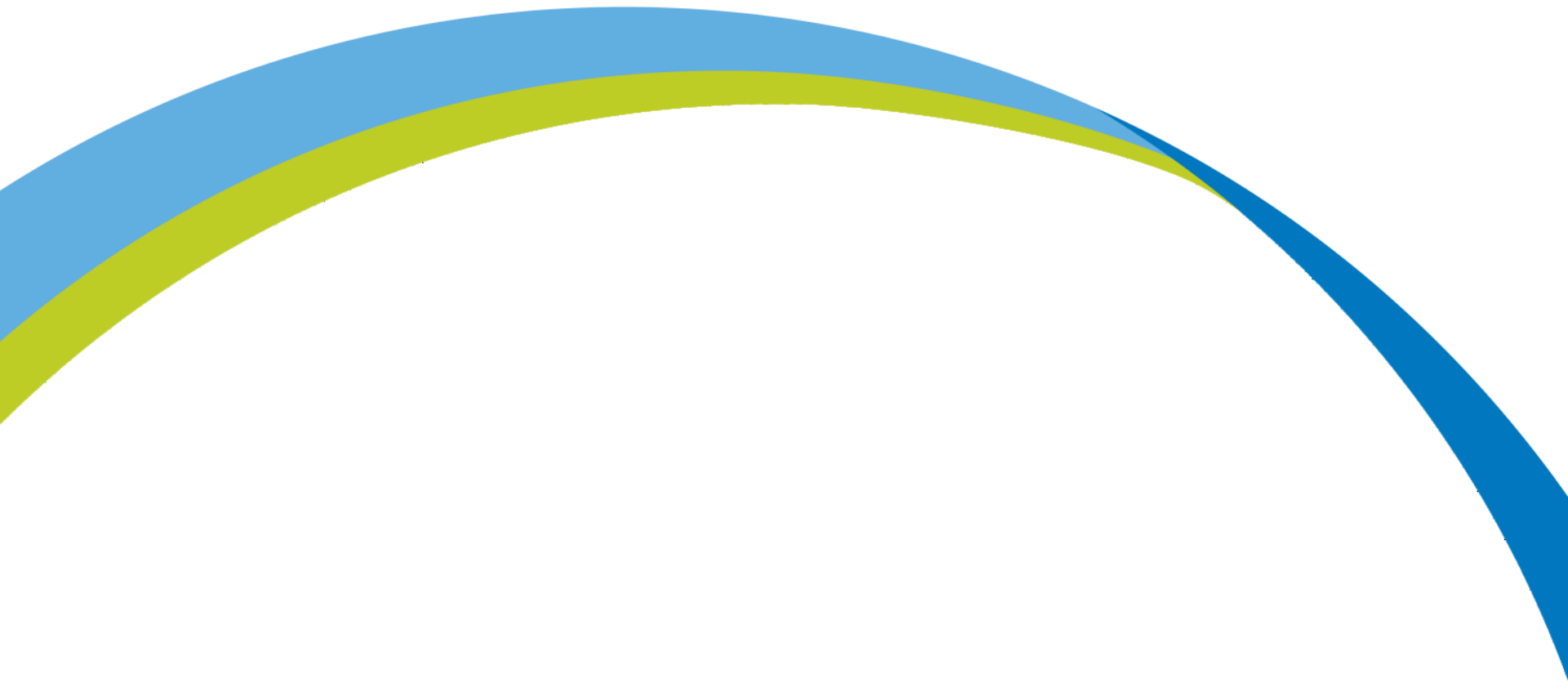
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:

Submitted by:

Paul Macklem, Deputy City Manager

QUARTERLY REPORT

Quarter 2 - July 2014



GROW OUR ECONOMY

- ▶ Creative City Summit
 - ▶ Winning host city
 - ▶ Oct. 27-29, 2015
 - ▶ 110+ municipalities
 - ▶ cultural policy, planning & service delivery



GROW OUR ECONOMY

	2012	2013	2014
Building Permits 2 nd quarter YTD	\$128.98m	\$153.73m	\$159.52m*

- ▶ Highest construction value* since 2010
- ▶ 170 permits for single-family
- ▶ 408 development applications
- ▶ 71 rural and 87 urban planning applications
- ▶ 152 new lots approved
- ▶ International Showcase of Best Practices



GROW OUR ECONOMY

▶ Kelowna International Airport (YLW)

▶ Daily service added:

- ▶ Fort McMurray
- ▶ San Francisco

▶ Passenger numbers



Month	2013	2014	Difference (%)
April	111,346	122,064	9.63
May	113,976	121,418	6.53
June	117,104	124,274	6.12

ENHANCE CITIZENS' QUALITY OF LIFE

▶ Get connected

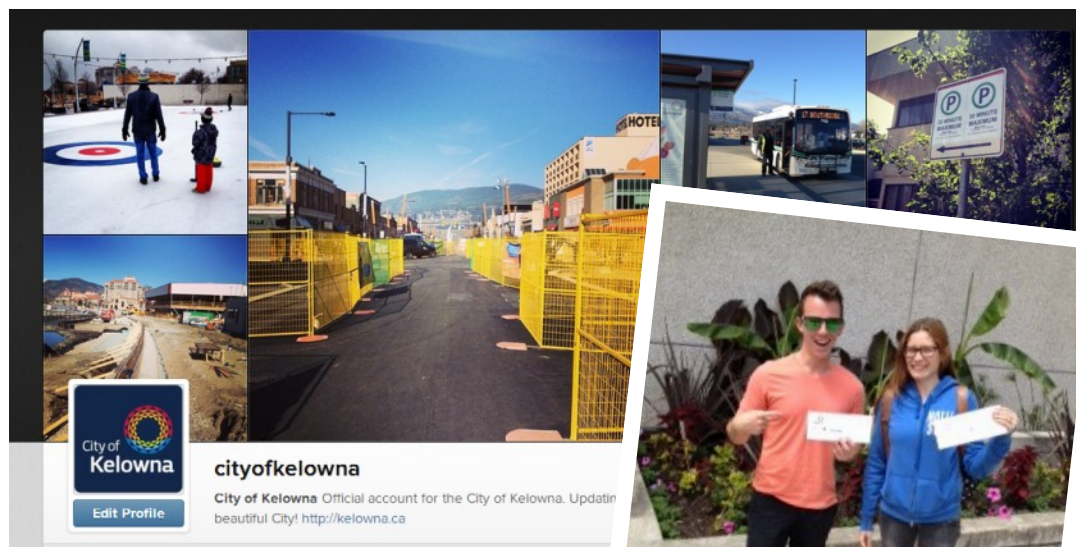
▶ kelowna.ca
▶ 418,400+ visits

▶ e-Subscribe
▶ 20,000+ subscribers

▶ Instagram
▶ 400+ followers

▶ Facebook
▶ 1,820+ fans

▶ Twitter
▶ 9,630+ fans



ENHANCE CITIZENS' QUALITY OF LIFE

- ▶ Kelowna Fire Department
 - ▶ MASAS deployed
 - ▶ West Kelowna flooding support
 - ▶ New McKinley fire truck
 - ▶ Calgary Fire Chief presentation



	2013 Q2	2014 Q2
Kelowna Responses	2,454	2,283
Fire related responses	446	402

ENHANCE CITIZENS' QUALITY OF LIFE

- ▶ Central Okanagan Emergency Operations on social media
 - ▶ Facebook: [facebook.com/CORDemergency](https://www.facebook.com/CORDemergency)
 - ▶ Twitter: [@CO_Emerg](https://twitter.com/CO_Emerg)

Kelowna | Lake Country | Peachland | Regional District of Central Okanagan | West Kelowna | Westbank First Nation

Visit [cordemergency.ca](https://www.cordemergency.ca) to sign-up for emergency updates



ENHANCE CITIZENS' QUALITY OF LIFE

- ▶ Active transportation
 - ▶ BC Transit workshop
 - ▶ Bike Rodeos
 - ▶ Bike to Work Week
- ▶ Environmental conservation
 - ▶ 316 Adopt-a-stream volunteer hours
 - ▶ 88 Yellow Fish Road drains painted
 - ▶ 350 NeighbourWoods trees bought
 - ▶ 1,500 seedling planted
 - ▶ 1 more Okanagan Car Share (OGO) car



ENHANCE CITIZENS' QUALITY OF LIFE

- ▶ Strong neighbourhood project
- ▶ Hockey Night in Canada's Play on!
- ▶ Inaugural Cherry Blossom Triathlon
- ▶ 30+ outdoor events
- ▶ Wibit in City Park
- ▶ City-lead events
- ▶ Pandosy Waterfront



FOCUS ON RESULTS

- ▶ Project-related community engagement
 - ▶ In person
 - ▶ 344 face-to-face
 - ▶ 144 feedback forms/surveys
 - ▶ Online
 - ▶ Social media
 - ▶ Getinvolved.kelowna.ca
- ▶ Public Engagement Program
- ▶ Gold Quill Award of Excellence



FOCUS ON RESULTS

▶ Service Requests

▶ Top 5 this quarter

1. Parking - General Violation
2. Park Issue
3. Street Sweeping
4. Unsightly Premise
5. Trees - Public



Public requests	2013	2014
Q1	4,127	3,881
Q2	5,641	5,839

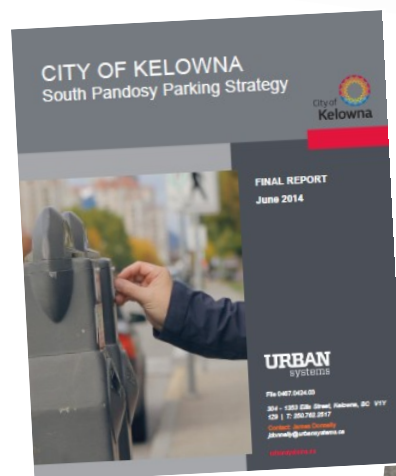
DELIVER ON OUR PLAN

- ▶ Bernard Ave. revitalized
- ▶ Apex Trail restoration
- ▶ Lakeshore Road bridge
- ▶ Queensway improvements



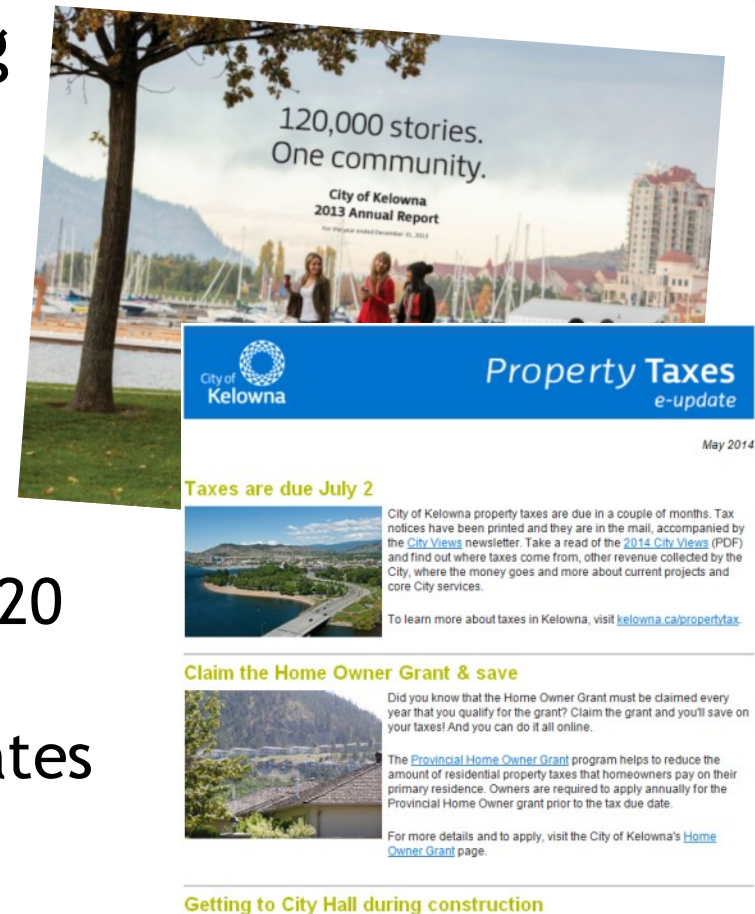
DELIVER ON OUR PLAN

- ▶ Our Rutland
- ▶ New landfill entrance
- ▶ Hospital Area Plan
- ▶ South Pandosy Parking Management Plan
- ▶ Water System Asset Management Plan



PROACTIVE & PRAGMATIC LEADERSHIP

- ▶ Award for Financial Reporting
- ▶ 2013 Annual Report online at kelowna.ca/annualreport
- ▶ Five-year Financial Plan adopted
 - ▶ 2.49% tax rate set
- ▶ 52,000 tax notices
 - ▶ 50%+ taxes collected by June 20
 - ▶ 9,700+ payments at cashiers
 - ▶ Launched property tax e-updates



2014 SECOND QUARTER REPORT

- ▶ For other ways to get connected with the City, visit kelowna.ca/connect

Report to Council



Date: 7/28/2014
File: 1220-02
To: City Manager
From: Urban Planning Manager (AW)
Subject: 552-554 Leon Avenue - Revitalization Tax Exemption Agreement
Report Prepared by: Alec Warrender

Recommendation:

THAT Council approves the City of Kelowna entering into Revitalization Tax Exemption Agreement with 0871089 B.C. LTD., INC.NO. BC0871089 for Lot A District Lot 139 ODYD Plan 34415, located on 552-554 Leon Avenue, Kelowna BC, in the form attached to the report from Land Use Management dated July 28th, 2014;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Revitalization Tax Exemption Agreement

Purpose:

The applicant is applying to enter into a Revitalization Tax Exemption Agreement in accordance with Revitalization Tax Exemption Program Bylaw No. 9561.

Background:

The subject property is designated as Mixed Use (Residential / Commercial) in the OCP and as such the proposed 5 storey commercial development is in compliance and was approved by Council.

A Development Permit for the project was recently approved by Council under DP11-0144. The property contained a single family dwelling for a number of years, which is not the highest and best use of this Urban Centre location. Staff considers the redevelopment of Urban Centre properties to a higher and better use a positive step towards achieving the livability goals established in the 2030 OCP. Aided by the Revitalization Tax Exemption Agreement, the proposed redevelopment of an underutilized property will further support revitalization of the Downtown Urban Centre.

As the project is located within Revitalization Tax Exemption Area 2 of the Downtown Urban Centre it qualifies for a tax exemption equal to 50% of the municipal portion of property tax

calculated in relation to the increase in assessed value of improvements on the property resulting from the construction or alterations outlined in DP11-0144. In any case this shall not be more than the incremental increase in the assessed value of improvements on the Parcel between the year before the commencement of construction of the Project, and the year following the issuance of the Tax Exemption Certificate (and not exempt from any local service tax). The Tax exemption will be valid for the years of 2016-2025.

Internal Circulation:

Revenue Manager, Financial Services

Existing Policy:

Revitalization Tax Exemption Program Bylaw No. 9561

Financial/Budgetary Considerations:

The As the project is located within Revitalization Tax Exemption Area 2 of the Downtown Urban Centre it qualifies for a tax exemption equal to 50% Revitalization Tax Exemption. The Tax exemption will be for the 2016-2025 taxation years

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

R. Smith, Urban Planning Manager

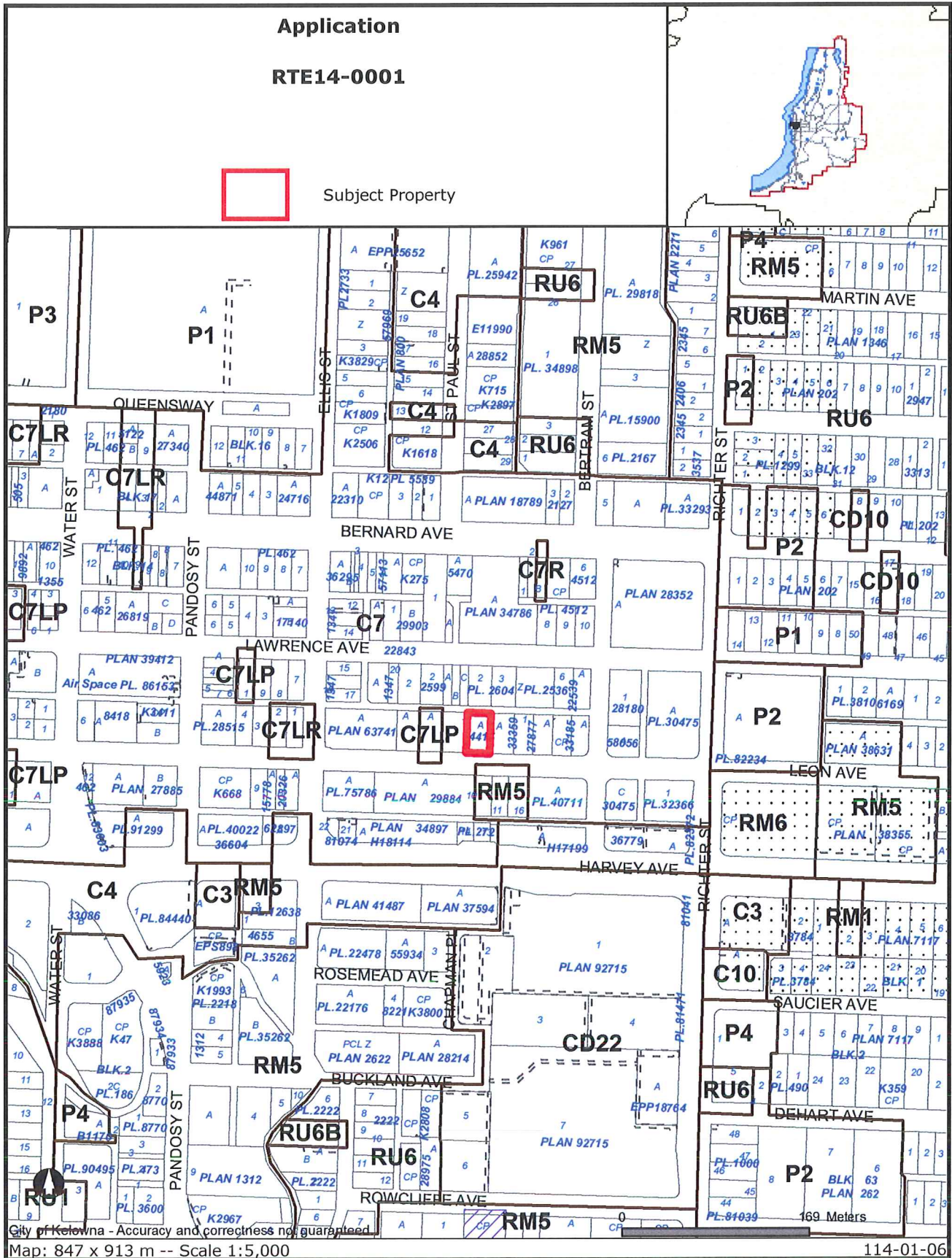
Approved for inclusion:



DG - Community Planning & Real Estate Divisional Director

Attachments:

cc: Matt Friesen, Revenue Branch



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the ___ day of _____, 20__ is

BETWEEN:

0871089 B.C. LTD., INC.NO. BC0871089
114 - 1856 AMBROSI ROAD
KELOWNA, B.C.
V1Y 4R9

(the "Owner")

AND:

CITY OF KELOWNA
1435 Water Street,
Kelowna, B.C.
V1Y 1J4

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Kelowna at 552-554 Leon Avenue legally described as Lot A District Lot 139 ODYD Plan 34415 (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 the designation of areas which include the Parcel as a revitalization area; and
- C. The Owner proposes to construct new improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

1. **The Project** - the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
 - a. Add 5 storeys (Approximately 28,780ft²) of commercial space to the Downtown Urban Centre;
 - b. Redevelop properties to a higher and better use within the Downtown Urban Centre;
 - c. The proposal as submitted meets the intent of the 2030 OCP Design Guidelines

2. **Operation and Maintenance of the Project** - throughout the term of this agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
3. **Revitalization Amount** - Refers to the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the property resulting from the construction or alterations as outlined in section 1 of this agreement;
4. **Revitalization Tax Exemption** - subject to fulfilment of the conditions set out in this agreement and in "City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561", the City shall issue a revitalization tax exemption certificate (the "Tax Exemption Certificate") to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the "Tax Exemption") for the calendar year(s) set out in this agreement.
5. **Conditions** - the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
 - a. The Owner has already obtained a Building Permit;
 - b. The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "A" and the Project must be officially opened for use as Commercial Space (the "Exempt Use") and for no other use, by no later than December 30th, 2014;
 - c. The Owner must submit a copy of the Occupancy Permit and Revitalization Tax Exemption Agreement to the City of Kelowna's Revenue Branch before the City will issue the Tax Exemption Certificate.
 - d. The completed Project must substantially satisfy the performance criteria set out in Appendix "B" hereto, as determined by the City's Urban Planning Manager or designate, in their sole discretion, acting reasonably.
6. **Calculation of Calculation of Revitalization Tax Exemption** - the amount of the Tax Exemption shall be equal to:

50% of the Revitalization Amount on the Parcel which can be attributed to a commercial land use;
7. **Term of Tax Exemption** - provided the requirements of this agreement, and of the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561, are met the Tax Exemption shall be for the taxation years 2016 to 2025, inclusive.
8. **Compliance with Laws** - the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.

9. **Effect of Stratification** - if the Owner stratifies the Parcel or the Project under the *Strata Property Act*, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
- a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - b. for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1;

so long as, where a Housing Agreement exists in relation to the Parcel or the Project which limits ability to stratify, the Housing Agreement is still complied with.

10. **Cancellation** - the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
- a. on the written request of the Owner; or
 - b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.

If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will remit to the City an amount equal to the value of any Tax Exemption received after the cancellation of the Tax Exemption Certificate.

11. **No Refund** - for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
12. **Notices** - any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:
- a. in the case of a notice to the City, at:

THE CITY OF KELOWNA
1435 Water Street,
Kelowna, B.C.
V1Y 1J4

Attention: Urban Planning Department

- b. in the case of a notice to the Owner, at:

0871089 B.C. LTD., INC.NO. BC0871089
114 - 1856 AMBROSI ROAD
KELOWNA, B.C.
V1Y 4R9

Attention: Bob Guy

Email: bob@troikagroup.ca

Or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

13. **No Assignment** - the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.
14. **Severance** - if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.
15. **Interpretation** - wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
16. **Further Assurances** - the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.
17. **Waiver** - waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
18. **Powers Preserved** - this agreement does not:
 - a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
19. **Reference** - every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
20. **Enurement** - this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.
21. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration
22. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:
 - a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and

- a. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.
23. The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF KELOWNA by
Its authorized signatories:

Mayor

City Clerk

Executed by: **0871089 B.C. LTD., INC.NO. BC0871089**
by its Authorized signatories:



Appendix "A": Plans and Specifications
Appendix "B": Performance Criteria

Schedule "C"

Tax Exemption Certificate

In accordance with the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 (the "Bylaw"), and in accordance with a Revitalization Tax Exemption Agreement dated for reference the ____ day of _____, 20__ (the "Agreement") entered into between the City of Kelowna (the "City") and Evergreen Lands Limited, Inc. No. BC0382754 (the "Owner"), the registered owner(s) of Lot A Section 19 Township 26 ODYD Plan EPP31674 (the "Parcel):

This certificate certifies that the Parcel is subject to a Revitalization Tax Exemption, for each of the taxation years 2016 to 2025 inclusive, equal to:

1. 50% of the Revitalization Amount attributed to Building Permit No _____ between 2012 (the calendar year before the commencement of construction of the project) and 2015 (the calendar year in which the Revitalization Tax Exemption Certificate is issued) which can be attributed to a commercial land use;

Any construction of a new improvement or alteration of an existing improvement, on the Parcel described above, undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration;

The maximum Revitalization Tax Exemption authorized must not exceed the increase in the assessed value of improvements on the property resulting from the construction or alterations attributed to Building Permit No 45401 & 45402 between 2012 and 2015 (the calendar year in which the Revitalization Tax Exemption Certificate is issued);

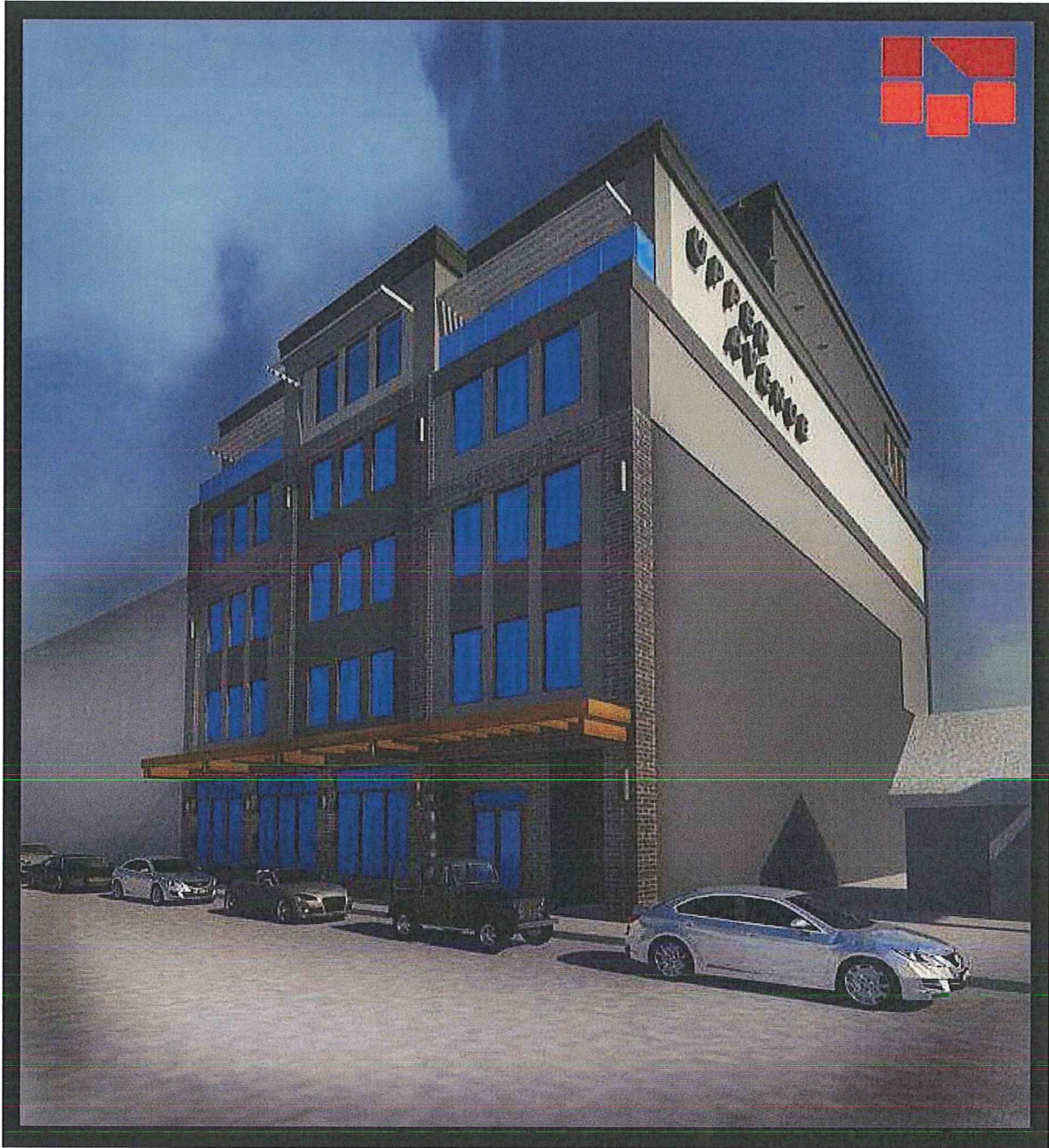
The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

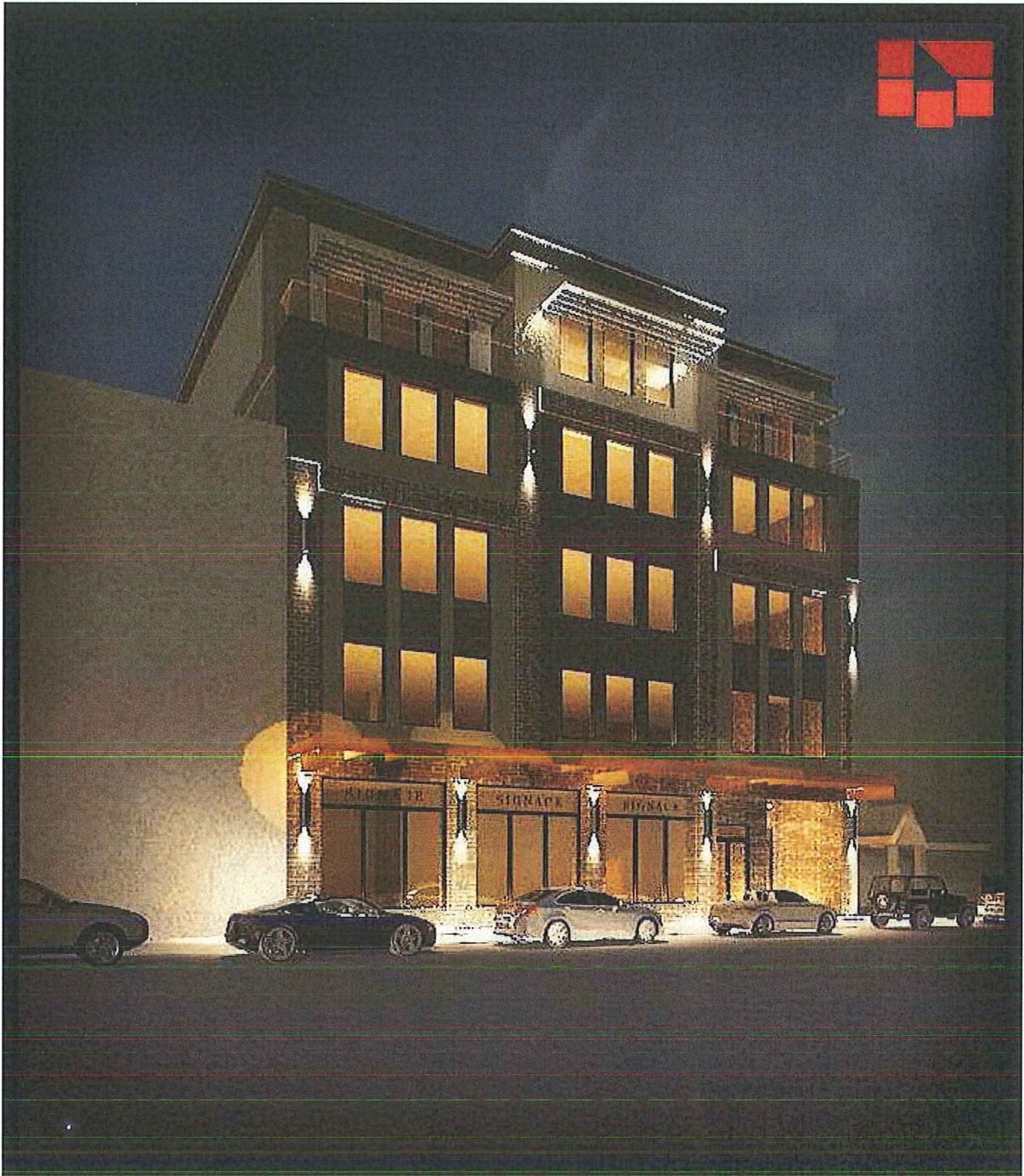
The Revitalization Tax Exemption is provided under the following conditions:

1. The Owner does not breach any term, condition or provision of, and performs all obligations set out in, the Agreement and the Bylaw;
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent;
4. The Exempt Use (as defined in the Agreement) of the Project is not discontinued;

If any of these conditions are not met then the Council of the City of Kelowna may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the Parcel, or a successor in title to the Owner as the case may be, shall remit to the City an amount equal to the value of the exemption received after the date of the cancellation of the certificate.

Appendix "A" - Plans and Specifications for the Project





Appendix “B” - Performance Criteria for the Project

The project is seen to meet the objectives and supporting policies of the Official Community Plan (OCP). The subject property is located within an area that is evolving as a business district within the Downtown Urban Centre. This block is ready to transition and redevelopment is strongly supported (including eligibility for property tax incentives). As such, Staff support the redevelopment of the subject property, which is currently occupied by a single family dwelling. The proposed development places a clear emphasis on human scale buildings that feature a strong relationship to Leon Avenue. The finishes are of a high quality, featuring textured stucco. These elevations maintain strong pedestrian orientation, with main building entrances facing the street. Such design elements serve to activate these building frontages with heightened levels of pedestrian activity. The project is centrally located and has convenient access to transit and various amenities. The proposed commercial building will provide newer office space in an area targeted for revitalization. Specific Performance Criteria are as follows:

- The streetscape presence is positive, with a well-detailed facade, varied materials, appropriate siting, and complementary landscaping features.
- High quality materials are proposed throughout.
- A 5-storey office building is proposed for the subject property
- The ground floor provides approximately 1315ft² of commercial space, creating an active use along Leon Avenue.
- A common space on each floor incorporates dedicated bicycle storage, elevator, stairwell, washroom and service areas.
- Above the fifth storey, a portion of the roof is proposed as a landscaped terrace, complete with kitchen and seating areas, to be used as common area for building occupants.
- Access to under-building vehicular parking is via the rear lane.
- As part of this process the applicant has provided a landscape plan and the associated bonding for the landscaping improvements.

Report to Council



Date: 7/28/2014
File: 1220-02
To: City Manager
From: Urban Planning Manager (AW)
Subject: 1155 Brookside Avenue - Revitalization Tax Exemption Agreement
Report Prepared by: Alec Warrender

Recommendation:

THAT Council approves the City of Kelowna entering into Revitalization Tax Exemption Agreement with Evergreen Lands Limited, Inc. No. BC0382754 for Lot A Section 19 Township 26 ODYD Plan EPP31674, located at 1155 Brookside Avenue Kelowna BC, in the form attached to the report from Land Use Management dated July 28th, 2014;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Revitalization Tax Exemption Agreement

Purpose:

The applicant is applying to enter into a Revitalization Tax Exemption Agreement in accordance with Revitalization Tax Exemption Program Bylaw No. 9561.

Background:

The subject property is designated as Multiple Unit Residential - low density in the OCP and as such the proposed 72 unit purposed built rental townhouse project is in compliance and was approved by Council. The applicant has already entered into a Housing Agreement to secure the units for a period of 10 years to guarantee the retention of the rental units.

A Development Permit for the project was recently approved by Council under DP12-0212. The subject property has recently been consolidated but had had been used for single family housing for a number of years. Staff considers the redevelopment of this nature within the urban centre a positive step towards achieving the livability goals as established in the 2030 OCP. The proposal as submitted also meets the intent of the 2030 OCP Design Guidelines. The project is centrally located and has convenient access to transit and various amenities. The project will provide newer rental apartment housing stock.

As the project is a purpose built rental development, the rental project qualifies for a tax exemption equal to 100% of the municipal portion of property tax calculated in relation to the increase in assessed value of improvements on the property resulting from the construction or alterations outlined in DP12-0212. In any case this shall not be more than the incremental increase in the assessed value of improvements on the Parcel between the year before the commencement of construction of the Project, and the year following the issuance of the Tax Exemption Certificate (and not exempt from any local service tax). The Tax exemption will be valid for the years of 2016-2025.

Internal Circulation:

Revenue Manager, Financial Services

Existing Policy:

Revitalization Tax Exemption Program Bylaw No. 9561

Financial/Budgetary Considerations:

The rental housing project qualifies for the 100% Revitalization Tax Exemption given that the vacancy rate is less than 3% for 2014. The Tax exemption will be for the 2016-2025 taxation years

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

R. Smith, Urban Planning Manager

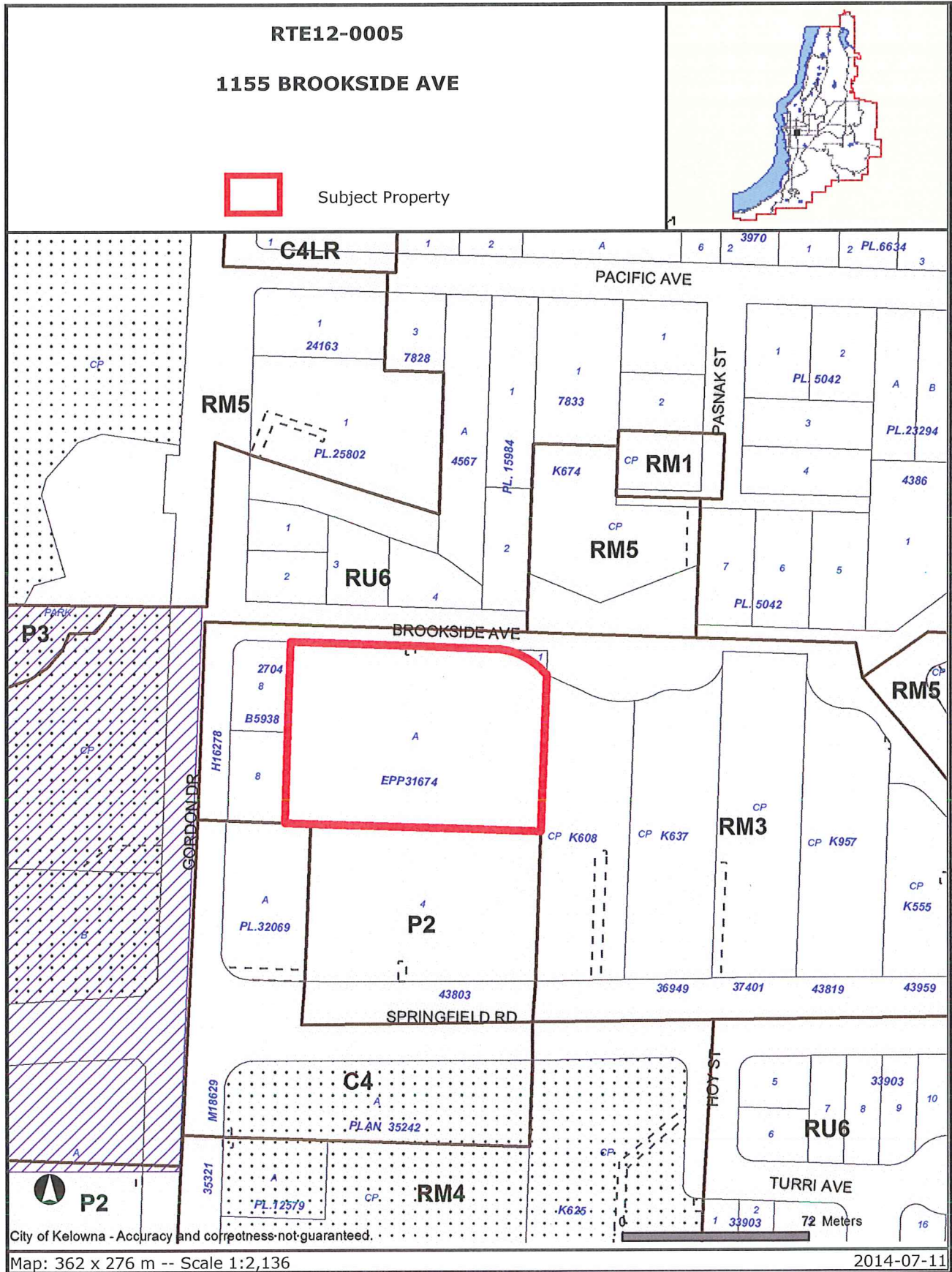
Approved for inclusion:



DG - Community Planning & Real Estate Divisional Director

Attachments:

cc: Matt Friesen, Revenue Branch



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 362 x 276 m -- Scale 1:2,136

2014-07-11

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the 8th day of July, 2014 is

BETWEEN:

Evergreen Lands Limited, Inc. No. BC0382754
102 - 1370 Ridgeway Drive,
Kelowna, B.C. V1Y 9V3

(the "Owner")

AND:

CITY OF KELOWNA
1435 Water Street,
Kelowna, B.C.
V1Y 1J4

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Kelowna at 1155 Brookside Avenue legally described as Lot A Section 19 Township 26 ODYD Plan EPP31674 (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 the designation of areas which include the Parcel as a revitalization area; and
- C. The Owner proposes to construct new improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

- 1. **The Project** - the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
 - a. Introduce 70 units of rental housing;
 - b. Redevelop properties to a higher and better use within the Capri / Landmark Urban Centre;
 - c. The proposal as submitted meets the intent of the 2030 OCP Design Guidelines;

2. **Operation and Maintenance of the Project** - throughout the term of this agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
3. **Revitalization Amount** - Refers to the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the property resulting from the construction or alterations as outlined in section 1 of this agreement;
4. **Revitalization Tax Exemption** - subject to fulfilment of the conditions set out in this agreement and in "City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561", the City shall issue a revitalization tax exemption certificate (the "Tax Exemption Certificate") to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the "Tax Exemption") for the calendar year(s) set out in this agreement.
5. **Conditions** - the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
 - a. The Owner has already obtained a Building Permit;
 - b. The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "A" and the Project must be officially opened for use as Rental Housing (the "Exempt Use") and for no other use, by no later than December 30th, 2014;
 - c. The Owner must submit a copy of the Occupancy Permit and Revitalization Tax Exemption Agreement to the City of Kelowna's Revenue Branch before the City will issue the Tax Exemption Certificate.
 - d. The completed Project must substantially satisfy the performance criteria set out in Appendix "B" hereto, as determined by the City's Urban Planning Manager or designate, in their sole discretion, acting reasonably.
6. **Calculation of Calculation of Revitalization Tax Exemption** - the amount of the Tax Exemption shall be equal to:

For Purpose-Built Rental Housing Projects throughout the City, 100% of the Revitalization Amount on the Parcel where the project is subject to a Housing Agreement (for up to 10 years) and is in compliance with the OCP Future Land Use designation as at May 30, 2011.
7. **Term of Tax Exemption** - provided the requirements of this agreement, and of the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561, are met the Tax Exemption shall be for the taxation years 2016 to 2025, inclusive.
8. **Compliance with Laws** - the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.



9. **Effect of Stratification** - if the Owner stratifies the Parcel or the Project under the *Strata Property Act*, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
- a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - b. for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1;

so long as, where a Housing Agreement exists in relation to the Parcel or the Project which limits ability to stratify, the Housing Agreement is still complied with.

10. **Cancellation** - the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
- a. on the written request of the Owner; or
 - b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.

If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will remit to the City an amount equal to the value of any Tax Exemption received after the cancellation of the Tax Exemption Certificate.

11. **No Refund** - for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
12. **Notices** - any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

- a. in the case of a notice to the City, at:

THE CITY OF KELOWNA
1435 Water Street,
Kelowna, B.C.
V1Y 1J4

Attention: Urban Planning Department

- b. in the case of a notice to the Owner, at:

Evergreen Lands Limited, Inc. No. BC0382754
102 - 1370 Ridgeway Drive,
Kelowna, B.C. V1Y 9V3

Attention: Ken Webster



Or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

13. **No Assignment** - the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.
14. **Severance** - if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.
15. **Interpretation** - wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
16. **Further Assurances** - the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.
17. **Waiver** - waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
18. **Powers Preserved** - this agreement does not:
 - a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
19. **Reference** - every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
20. **Enurement** - this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.
21. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration
22. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:
 - a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
 - a. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.



23. The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF KELOWNA by
Its authorized signatories:

Mayor

City Clerk

Executed by: **Evergreen Lands Limited, Inc. No. BC0382754**
by its Authorized signatories:



Name: Ken Webster

Appendix "A": Plans and Specifications
Appendix "B": Performance Criteria

Schedule "C"

Tax Exemption Certificate

In accordance with the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 (the "Bylaw"), and in accordance with a Revitalization Tax Exemption Agreement dated for reference the ___ day of _____, 20__ (the "Agreement") entered into between the City of Kelowna (the "City") and Evergreen Lands Limited, Inc. No. BC0382754 (the "Owner"), the registered owner(s) of Lot A Section 19 Township 26 ODYD Plan EPP31674 (the "Parcel):

This certificate certifies that the Parcel is subject to a Revitalization Tax Exemption, for each of the taxation years 2016 to 2025 inclusive, equal to:

1. Purpose-Built Rental Housing Project, 100% of the Revitalization Amount attributed to Building Permit No _____ between 2012 and 2015.

Any construction of a new improvement or alteration of an existing improvement, on the Parcel described above, undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration;

The maximum Revitalization Tax Exemption authorized must not exceed the increase in the assessed value of improvements on the property resulting from the construction or alterations attributed to Building Permit No 45401 & 45402 between 2012 and 2015 (the calendar year in which the Revitalization Tax Exemption Certificate is issued);

The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

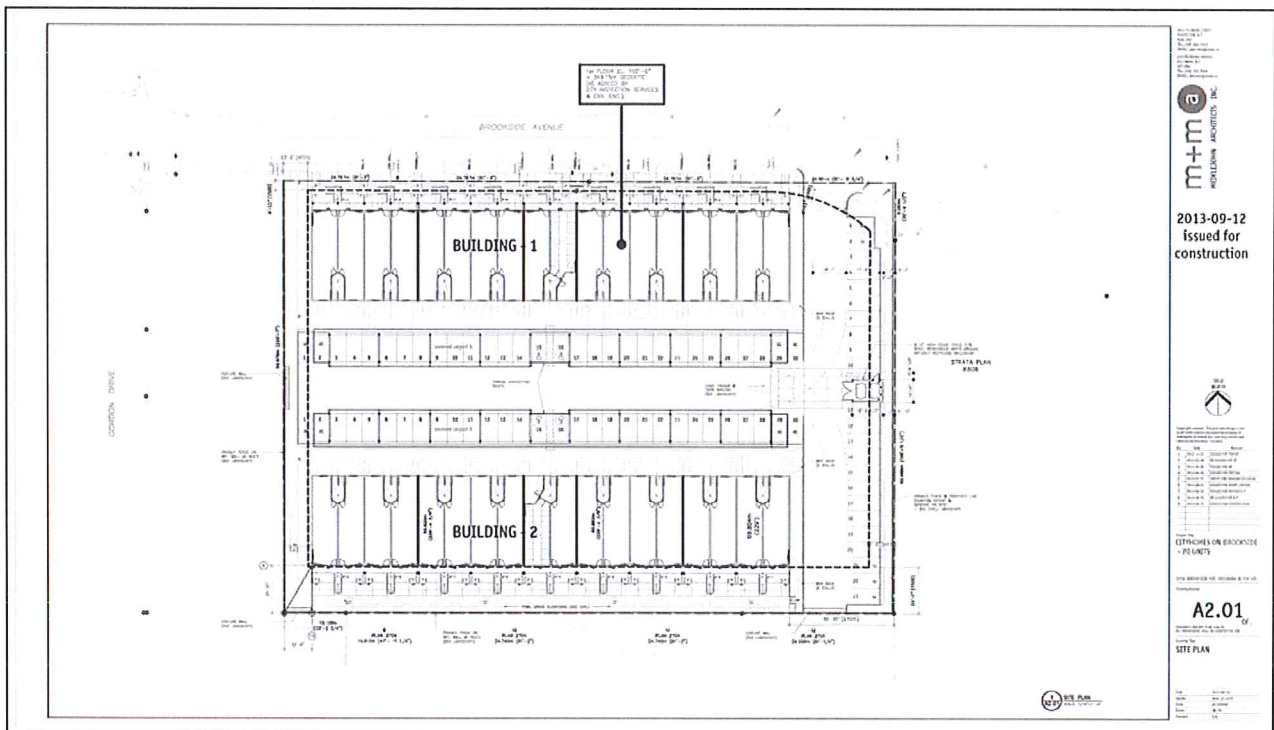
The Revitalization Tax Exemption is provided under the following conditions:

1. The Owner does not breach any term, condition or provision of, and performs all obligations set out in, the Agreement and the Bylaw;
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent;
4. The Exempt Use (as defined in the Agreement) of the Project is not discontinued;

If any of these conditions are not met then the Council of the City of Kelowna may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the Parcel, or a successor in title to the Owner as the case may be, shall remit to the City an amount equal to the value of the exemption received after the date of the cancellation of the certificate.



Appendix "A" - Plans and Specifications for the Project



Appendix "B" - Performance Criteria for the Project

The subject property has accommodated single family dwellings for a number of years. Staff consider the redevelopment to higher densities in line with the OCP Future Land Use designation in an Urban Centre a positive step towards achieving the livability goals as established in the 2030 OCP. The proposal as submitted also meets the intent of the 2030 OCP Design Guidelines. The project is centrally located and has convenient access to transit and various amenities. The rental housing project will provide newer rental apartment housing stock. Specific Performance Criteria are as follows:

- The streetscape presence is positive, with a well-detailed facade, varied materials, appropriate siting, and complementary landscaping features.
- High quality materials are proposed throughout.
- The new three storey proposal will include 70 rental housing units.



Report to Council



Date: 7/28/2014
File: 1890-90
To: City Manager
From: Manager, Utilities Planning
Subject: Fascieux Creek Restoration Improvements

Recommendation:

THAT Council receives for information, the report from the Utilities Planning Manager, dated July 28th, 2014 with respect to Fascieux Creek Restoration;

AND THAT the following fees be waived for the Green Parent Committee for the purposes of restoring a portion of Fascieux Creek:

1. Development permit application fee
2. 60 cubic metres of Ogo compost
3. Landfill tipping fees for up to 1,650 cubic metres of material

Purpose:

To provide in kind assistance to the Green Parent Committee and School District 23 in order to restore habitat over a portion of Fascieux Creek in front of the KLO Middle school. The City of Kelowna will obtain a right of way over Fascieux Creek in exchange for this assistance.

Background:

Staff have been working with the KLO Middle School Green Parent Committee in order to improve the habitat along a portion of Fascieux Creek fronting a portion of the KLO Middle School. The Green Parent Committee is volunteer group who has obtained \$80,000 in grant funding in order to remove an existing culvert and restore the Creek similar to a predevelopment condition. The volunteer group has been largely made up of members from the Parent Advisory Committee and Teachers from the KLO Middle School.

In exchange for the City's in kind donation, the School District Board has resolved at the February 26, 2014 Board meeting:

THAT staff be directed to work with the City of Kelowna to develop a Statutory Right of Way for the redevelopment creek bed

The City needs to obtain right of ways in order to maintain creek channels and to protect the public from flood risks. The portion of Fascieux Creek that fronts the KLO Middle School is owned by School District 23 and does not reside within Crown Lands. The City will survey and

register a Statutory Right Away over the restored lands once the restoration project is complete.

With the in kind donations from the City, the Green Parent Committee will have all of the funds in place necessary to restore approximately 150 metres of Fascieux Creek, phase 1, Schedule A. Should Council agree to the in kind donation, it is expected that the phase one of the project will be completed prior to September 30, 2014.

Financial Budget/ Considerations:

The aforementioned waiver of fees is only expected to reduce potential revenue as follows. Any costs for providing the in kind donations are expected to be very minor:

- The development permit fee for works along a creek is valued at \$1000
- 60 cubic metres of Ogo compost is valued at \$983

The 1,650 cubic meters of material requested for disposal at the landfill will be primarily made up soil and 100 cubic meters of concrete culvert. We currently receive clean fill for free at the landfill as we use this material for landfill cover. We charge \$25 per metric tonne for concrete. 100 cubic meters of material has an approximate value of \$3,600.

Internal Circulation:

Kevin Van Vliet, Utilities Services Manager
Todd Cashin, Subdivision, Agriculture, and Environmental Services Manager
Darryl Astofooroff, Public Works Manager

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

A. Reeder, Manager of Utilities Services

Approved for inclusion:



John Vos, Infrastructure Divisional Director

Attachments: Schedule A

cc: Public Works Manager
Subdivision, Agriculture, and Environmental Services Manager
Utilities Services Manager

Schedule A

Existing Fascieux Creek - Subject Area



Proposed Fascieux Creek Restoration:



Report to Council



Date: 7/21/2014
File: 5600-14
To: City Manager
From: Kevin Van Vliet, Utility Services Manager
Subject: SEKID Boundary Inclusion for 4050 Casorso Road

Recommendation:

THAT Council approve the request by the South East Kelowna Irrigation District (SEKID) to amend its water service area boundaries to include 4050 Casorso Road as outlined in the report of the Utility Services Manager dated July 21, 2014

Purpose:

To respond to a request for boundary modification by the South East Kelowna Irrigation District

Background:

The South East Kelowna Irrigation District (SEKID) has received a petition for the inclusion of lands within their boundary as follows:

- Lands legally described Township 26 Section 5, S/W quarter; - 4050 Casorso Road; Roman Catholic Bishop of Nelson.

The lands in question fall within the SEKIDS overall water service supply area. A copy of the request and petition is attached to this report.

Council approval is required for all district boundary amendments to meet the requirements of the Ministry of Community Services which oversees the SEKID.

Considerations not applicable to this report:

Internal Circulation
Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Existing Policy
Financial/Budgetary Considerations
Personnel Implications
External Agency/Public Comments
Communications Comments
Alternate Recommendation

Submitted by:

Kevin Van Vliet, Utility Services Manager

Approved for inclusion:

Attachments:
Request from South East Kelowna Irrigation District

cc: Infrastructure Planning



South East Kelowna Irrigation District

P.O. Box 28064 RPO East Kelowna
Kelowna, B.C.
V1W 4A6

Office: 3235 Gulley Road
Phone: (250) 861-4200
Fax: (250) 861-4213
Email: info@sekid.ca
Web: www.sekid.ca

May 21, 2014

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

Attention: Kevin Van Vliet

Dear Kevin:

**Re: BOUNDARY INCLUSION – The Roman Catholic Bishop of Nelson
S/W ¼ Sec 5 Twp 26 ODYD PLAN1247, PID# 013-576-828 – 4050 Casorso rd**

The South East Kelowna Irrigation District has received a request from Ted Matte to include the land legally described as **S/W ¼ Sec 5 Twp 26 ODYD PLAN1247** within the South East Kelowna Irrigation District irrigation boundaries. A copy of the signed Petition is enclosed for your reference.

We formally request the City of Kelowna's support to amend our boundaries to include this parcel of land. Please provide written confirmation in support of this boundary inclusion so that we may petition the Ministry of Community Services to amend our boundaries.

If you have any further questions, contact me at (250) 861-4200

Sincerely,

SOUTH EAST KELOWNA IRRIGATION DISTRICT

Darlene McKnight
Secretary/Treasurer

Encl.

cc: Mr. Ted Matte

Z:\Darlene NT\Word Documents\2007\L_City re inclusion of Lot 1 Plan 52409.doc

250-763-5222

Ted Matte

PLAN 92331 B
4020

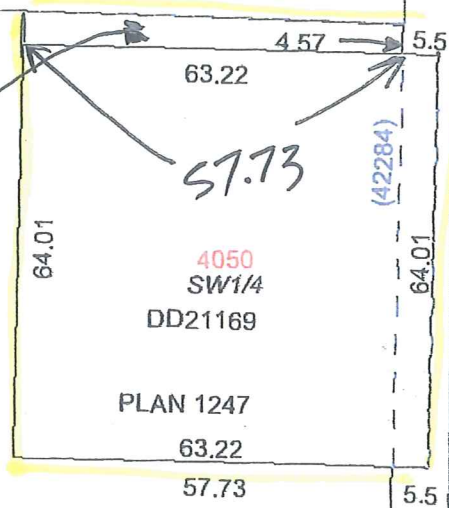
226.68 (46366)

179.37

CASORSO RD

250.42

263.8m²
2839.8ft²



1670
B



City of Kelowna - Accuracy and correctness not guaranteed.

This map is for general information onl

0130-01
RECEIVED
APR - 8 2014

PETITION TO AMEND AN IMPROVEMENT DISTRICT BOUNDARY

I (we) the undersigned owner(s) of land more particularly described below, hereby petition the Lieutenant Governor in Council on the matter of amending the boundary of the South East Kelowna Irrigation District under Section 734 of the *Local Government Act* to include my (our) tract of land described as:

DD 21169
Lot s/w 44 Sec 5 Township 26 ODYD Plan 1247
4050 CASORSD LD.

Registered Owner (s) Please Print R.C. Bishop of Nelson

Signature (s) Jan Corweir Witness: Mr. Alan Shain
April 4, 2014 Date: April 4, 2014

The Trustees of the **South East Kelowna Irrigation District** hereby agree to request the Lieutenant Governor in Council amend the Letters Patent for the South East Kelowna Irrigation District to **include** the above named property into its boundary.

Brian Wright
Chairman: Brian Wright

Doug Owram
Trustee: Doug Owram

Christine Dendy
Trustee: Christine Dendy

John Christie
Trustee: John Christie

Dan Newbold
Trustee: Dan Newbold

Dated this 24 day of APR 2014

TITLE SEARCH PRINT

2014-05-22, 09:51:02

Requestor: darlene@sekid.ca

Folio/File Reference:

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Title Issued Under	SECTION 172 LAND TITLE ACT
Land Title District Land Title Office	KAMLOOPS KAMLOOPS
Title Number From Title Number	148191 AFB 12/338/24942A
Application Received	1951-05-03
Application Entered	1989-04-20
Registered Owner in Fee Simple Registered Owner/Mailing Address:	THE ROMAN CATHOLIC BISHOP OF NELSON NELSON, B.
Taxation Authority	CITY OF KELOWNA
Description of Land Parcel Identifier: Legal Description:	013-576-828 THAT PART OF THE SOUTH WEST 1/4 OF SECTION 5 SHOWN ON PLAN ATTACHED TO D.D. 21169 1/2; TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT
Legal Notations	SUBJECT TO CEMETERIES ACT DF. H19183
Charges, Liens and Interests Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:	STATUTORY RIGHT OF WAY KD2161 1990-01-09 11:23 BRITISH COLUMBIA TELEPHONE COMPANY INCORPORATION NO. 1801A PART SHOWN ON PLAN 42284 WITH ANCILLARY RIGHTS OVER THE REMAINDER
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE

Report to Council



Date: July 28, 2014
Rim No. 0505-35
To: City Manager
From: James Moore, Long Range Policy Planning Manager
Subject: 2014-07-28 Report - Rescind Ownership Housing Agreements

Recommendation:

THAT Council, receives for information, the report from the Policy and Planning Department, dated July 28, 2014 with respect to rescinding all existing ownership Housing Agreements Authorization Bylaws;

AND FURTHER THAT Bylaw No. 10873, being a Bylaw to Rescind Housing Agreement Authorization Bylaw Nos. 9525, 9694, 9713, 9737, 9834, 9884, 10182, 10183 and 10601, be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to proceed with the discharge of the housing agreements from the title of the properties identified in Bylaws 9525, 9694, 9713, 9737, 9834, 9884, 10182, 01083 and 10601.

Purpose:

To direct staff to rescind all existing ownership Housing Agreements.

Background:

Housing agreements secure commitments from developers to provide affordable housing that has been offered through the application approval processes. Housing agreements are built on the premise of a "win-win" arrangement - a developer gains the ability to build more units on a site than would otherwise be possible and in return, the city obtains affordable housing.

The City has several types of housing agreements:

1. Rental agreements
 - affordable rental,
 - purpose built, &
 - affordable rental in an owner/stratified building;
2. Affordable owner agreements that provide for affordable rental or owner dwellings;
(*the subject of this report*)

3. Special needs housing agreements;
4. Agreements for non-market¹/subsidized housing;
5. An agreement for families with members in health care (respite housing); and
6. A seniors' housing agreement.

The above-noted housing agreements were all approved by Council (by by-law) and subsequently signed off by the developer/owner and the City.

Ownership Housing Agreements:

Starting in 2005, ownership housing agreements were put in place to secure a few affordable dwellings within a building in return for an increase in density or in exchange for support for an OCP amendment to facilitate an up-zoning. Currently there are ten active ownership Housing Agreements with a total of 38 affordable units, including 3 units that were never constructed.

Ownership Housing Agreements set a maximum price at which a property can be sold in order to preserve the affordability of the housing unit for a particular class of purchasers.

In 2005, the Kelowna homebuyer's market did not offer much choice for households with a combined income at or below the median income level for a Kelowna family. Historically, there was Council direction that affordable homes guaranteed by housing agreements should remain as a housing resource for as long as possible, particularly given the fact that they were originally secured as a developer's commitment to generate some affordable housing in return for increased density. In 2012, Council decided that no new ownership housing agreements would be executed; however, existing ownership housing agreements would continue to be administered.

Since then, the market has shifted and it is not difficult to find a re-sale stratified dwelling at or below the City's starter home price of \$209,902. In the past two years, three requests from property owners to amend their ownership housing agreement to allow rentals have been approved by Council. Moreover, in the past couple of years a number of other issues and areas of concern for City staff, developers and housing occupants with regards to ownership housing agreements have arisen:

- Administration and monitoring issues with respect to documenting qualified buyers and confirming owner occupancy outweigh the benefits;
- The federal and provincial government agencies, including BC Housing and Canada Mortgage and Housing have presented considerable resistance to ownership housing agreements due to the fact that they affect the title of the property;
- Not all owners and developers are receptive to the agreements. Many see them as a barrier to selling dwellings;
- The housing market has shifted nearly 180° since 2006 (e.g.: ownership supply has increased for homes below the City's starter home price); and
- Owners and developers sometimes see the agreements as infringing on their property and housing market rights.

¹ Non-market housing receives subsidies in order to reach the housing needs of lower income households, while market housing is built by the private sector without significant government subsidies.

While the affordable ownership units served their purpose a few years ago when the average cost for a stratified dwelling was far above the City's starter home price, the three rental modification requests from property owners have indicated that no longer seems to be the case and that there is no longer a business case for the ownership housing agreements.

As a property owner for a unit with an existing ownership Housing Agreement, the repeal of the Housing Agreement Bylaws will:

- Remove the requirement to sell the unit at the maximum Affordable Starter Home Price. The maximum Affordable Starter Home Price for 2013:

\$222,434 (non-strata titled, single ownership dwelling)

\$209,902 (strata titled dwelling)

\$200,336 (manufactured home with pad rental, additional)

- Remove the Ownership Affordability requirement.

Ownership affordability: the income level at which home ownership is possible (based on the median income level). The median income for a two or more person Kelowna household is \$66,843 (2013) - updated annually using the BC Consumer Price Index.

The recommendation to eliminate agreements applies only to ownership housing. It is suggested that the three types of rental agreements (affordable rental, purpose built, & affordable rental in an owner/stratified building), special needs housing agreements, non-market/subsidized housing agreements, the agreement for families with members in health care (respite housing) and the one agreement for seniors' housing be retained.

Staff are recommending that the bylaws for all ownership agreements, including the three ownership agreements that now allow rentals, be rescinded and the agreements be discharged from the respective titles.

Next Steps:

The owners of 695 Webster Road (Bylaw 10163) are pursuing their own bylaw repeal process due to time constraints regarding the pending sale of the housing units.

The cost to discharge the ownership housing agreement from the title of the specified units is \$29.10 per discharge. Given that the owners of 695 Webster Road are taking care of their 7 units to discharge, which leaves 31 units for the City to process. The cost for those 31 units would be approximately \$902.

The ownership housing agreements did not always specify which units were encumbered by the agreement. In those cases the agreement was registered against the parent parcel and when the property was strata-titled, the housing agreement was subsequently registered on all the units in the project, not just the required units. The additional cost to discharge the housing agreements on those additional units would be approximately \$6400.00 at \$29.10 per unit.

Given that those units were never supposed to be encumbered the City would not enforce the agreement. Staff are not recommending that the City take on the responsibility for discharging the agreements from those units, however we have no objection should individual property owners seek to discharge the agreement from their titles if necessary.

It will be necessary to have the owners of the specified units sign a release form to allow the City to discharge the housing agreements. It will take time to confirm the current property owners via a title search, send them a letter and the release form to return with a signature before staff can process the discharge through the Land Titles office.

Internal Circulation:

Divisional Director - Community Planning & Real Estate
City Clerk
Urban Planning Manager

Legal/Statutory Authority:

Local Government Act Section 905:

A housing agreement under section 905 of the Local Government Act (LGA) is the only tool available to the City to ensure that affordable housing commitments are kept. Under Section 905(2) of the LGA: "*A housing agreement may include terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement...*"

Legal/Statutory Procedural Requirements

Bylaw 10873 can be given 3 readings and could be adopted (4th reading) at the subsequent Council meeting. This process would not require a Public Hearing.

External Agency/Public Comments

The City has previously sent letters to all the specific unit property owners to ascertain their opinion on the potential to rescind the ownership housing agreements. There was very limited response, but of the few that did respond, they were supportive of the proposed bylaw rescission. It seems highly unlikely that any of the property owners would object.

Existing Policy:

Official Community Plan

Objective 5.9 - Support the creation of affordable and safe rental, non-market and/or special needs housing.

Financial/Budgetary Considerations:

Administrative costs associated with ownership housing agreements relate primarily to staff time (see "Personnel Implications") and legal expenses.

At present, significant changes to housing agreements can generate up to \$5,000 in legal fees. A minor legal review of an agreement is approximately \$200 - \$300, based on filed information. This cost is not recovered from the applicant.

Personnel Implications:

Housing agreements can require significant staff time due to administrative complexities and change requests. Complexities happen when the property owner wants changes to housing agreements and legal consultation is involved. These situations can take months to resolve and many hours of staff time in the three different departments (Urban Planning, Policy and Planning and City Clerk's Office).

Considerations not applicable to this report:

Communications Comments
Alternate Recommendation

Submitted by:

James Moore, Long Range Policy Planning Manager

Approved for inclusion:



Danielle Noble-Brandt, Department Manager, Policy and Planning

cc: Divisional Director - Community Planning & Real Estate
City Clerk
Urban Planning Manager

CITY OF KELOWNA

BYLAW NO. 10873

A Bylaw to Rescind Ownership Housing Agreement Authorization Bylaw Nos. 9525, 9694, 9713, 9737, 9834, 9884, 10182, 10183 and 10601

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

1. THAT Housing Agreement Authorization Bylaw No. 9525 - Ziprick Place BC Ltd Inc. and all amendments thereto, be rescinded for the land known as Lot 1, Section 22, Township 26, ODYD, Plan KAP50112 Except Plan KAP78236 located at 135 Ziprick Road;
2. AND THAT Housing Agreement Authorization Bylaw No. 9694 - Invue Developments Corporation and all amendments thereto, be rescinded for the land known as Lot A, District Lot 129, Plan 30261 located at 2040 Springfield Road;
3. AND THAT Housing Agreement Authorization Bylaw No. 9713 - 0701849 BC Ltd and all amendments thereto, be rescinded for the land known as Lot 2, District Lot 138, ODYD, Plan 3809 located at 1094 Lawson Road;
4. AND THAT Housing Agreement Authorization Bylaw No. 9737 - Rancar Services Ltd and all amendments thereto, be rescinded for the land known as Lot A, Section 6, Township 26, ODYD, Plan 24498 located at 644 Lequime Road;
5. AND THAT Housing Agreement Authorization Bylaw No. 9834 - Adla Ventures Ltd and all amendments thereto, be rescinded for the land known as Lot 6, Section 22, Township 26, ODYD, Plan 3576 located at 515 Gerstmar Road;
6. AND THAT Housing Agreement Authorization Bylaw No. 9884 - 1314694 Alberta Ltd and all amendments thereto, be rescinded for the lands known as Lots 6, 7 and 8, District Lot 129, ODYD, Plan 14187 located at 1923, 1937 and 1979 Ambrosi Road and Lot A, District Lot 129, ODYD, Plan 34047 located at 1926 Barlee Road;
7. AND THAT Housing Agreement Authorization Bylaw No. 10182 - Rohit Communities Kelowna Ltd., Inc. No. BC0763831 and all amendments thereto, be rescinded for the lands known as Strata Lots 12, 13, 30, 31, 48 and 49, Section 22, Township 26, ODYD, Strata Plan KAS3631 located at 151 Taylor Road;
8. AND THAT Housing Agreement Authorization Bylaw No. 10183 - Mode Properties Ltd., Inc. No. BC0788187 and all amendments thereto, be rescinded for the lands known as Strata Lots 38, 39, 40, 41 and 62, District Lot 141, ODYD, Plan KAS3658 located at 1550 Dickson Avenue;
9. AND THAT Housing Agreement Authorization Bylaw No. 10601 - 0911176 BC Ltd and all amendments thereto, be rescinded for the land known as Lot 3, Section 30, Township 24, ODYD, Plan 10537 located at 1170 Brant Avenue;
10. This bylaw may be cited for all purposes as "Bylaw No. 10873 being A Bylaw to Rescind Ownership Housing Agreement Authorization Bylaw Nos. 9525, 9694, 9713, 9737, 9834, 9884, 10182, 10183 and 10601."

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

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: July 28, 2014
File: 0705-61
To: City Manager
From: Sandra Kochan, Cultural Services Manager and
Lorna Gunn, Grants and Partnerships Manager
Subject: Amendment of Sister Cities Policy

Recommendation:

THAT Council receives for information the report dated July 28, 2014 from the Cultural Services Manager and the Grants and Partnerships Manager recommending revisions to Council Policy 355 pertaining to Sister City relationships;

AND THAT Council Policy No. 355, being Sister City Funding, be revised as outlined in the report from the Cultural Services Manager and the Grants and Partnerships Manager dated July 28, 2014;

AND FURTHER THAT the Cultural Services Manager is authorized to execute Sponsor Agreements with the Kelowna Kasugai Sister City Association and the Kelowna Veendam Sister City Association pursuant to revised Policy 355.

Purpose:

To seek Council approval of revisions to Policy 355 pertaining to Sister City relationships.

Background:

Early in 2012, Council directed staff to 'develop a Sister City Council Policy that includes options for types of relationships and criteria for evaluating sister city requests.'

Since that time, staff have:

- a) Informed Council about the status of sister city relationships between the City of Kelowna and Kasugai (Japan), Veendam (The Netherlands) and District of Senanga (Zambia);
- b) Received direction from Council to end the relationship with the District of Senanga;
- c) Conducted research into approaches used by other jurisdictions to create and manage sister city relationships including:
 - Sister City International
 - City of Abbotsford
 - City of Calgary
 - City of Minneapolis

City of London

- d) Briefed Council on possible policy options; and
- e) Reviewed policy options with the local Kasugai and Veendam Sister City organizations.

Staff recommend that existing Policy 355 being 'Sister City Funding' be revised. The proposed revised policy is attached as Appendix A.

Policy revisions address the following:

- They provide basic principles and criteria to assess whether a new Sister City relationship will be beneficial. The principles reflect the multi-faceted nature of Sister City relationships, and the criteria assist in assessment of Sister City proposals. Not all relationships or exchanges between communities will meet the Sister City criteria. Some types of relationships may, for example, be best handled through academic or economic development linkages rather than a sister city relationship which assumes a more holistic range of connection. The formation of new Sister City relationships pursuant to the revised policy will likely be quite rare and would be warranted only when there are multiple, rather than single, opportunities for genuine exchange and benefit.
- Even though each Sister City relationship has its own unique history and character, the policy creates a consistent framework within which these relationships function.
- The policy provides an objective, transparent process for the establishment of a Sister City relationship. Citizens wishing to bring forward ideas for Sister City relationships will benefit from clear information about the proposal process and the information required to obtain Council approval.
- Communications and accountability between the City and local Sister City organizations will be improved through more clarity about roles and responsibilities. Improved reporting will mean that more and better information about the benefits and impact of Sister City relationships will be shared with the community.
- Staff liaison through Cultural Services will assist Sister City organizations in building more connections with the cultural community and fostering unique opportunities such as this year's Asian Heritage Month performance by the Okanagan Symphony featuring musicians from Kasugai.

Internal Circulation:

Director, Active Living & Culture
Advisor, Community Communications
City Clerk

Existing Policy:

Council Policy 355 - Sister City Funding

Financial/Budgetary Considerations:

Two separate base budget allocations have been provided through Council contingency to support Sister City activities:

- a) Through current Policy 355, operating support of \$2,500 annually with carryovers - used for expenses related to hosting Sister City delegations when they come to Kelowna, and to purchase gifts to be given by Kelowna delegations when they visit sister cities. The Policy specifically provides that these funds will not be used for any travel expenses; and

- b) Also through current Policy 355, grant expense of \$7,500 annually - originally intended to be equally divided between the Kasugai, Veendam and Senanga organizations. These funds were to be matched by the organizations, and used to support their administrative functions and projects.

The revised policy provides for a continuation of these funding arrangements with an option for any Sister City organization to apply for a larger Arts, Culture & Heritage grant in any given year.

If a larger grant is awarded, the organization may forego its base budget allocation for that year if the purpose of the grant funding duplicates the purpose of base budget support. In this event the organization would be eligible to have base budget support reinstated in the following year.

Access to an increased grant may enable special arts, culture and heritage initiatives such as exhibitions, performances or artist exchanges which may not be possible within current base budget funding.

The current base budget allocation includes \$2,500 annually to support a Sister City relationship with the District of Senanga (Zambia). This relationship has been discontinued. Staff recommend that the \$2,500 remain within the base budget allocation for Sister Cities in order to support:

- Any new Sister City relationships which may be approved by Council pursuant to the revised policy; or
- If recommended by Cultural Services and approved by Council, additional support for special initiatives of the Kasugai or Veendam Sister City organizations. Recommendations will be based on the nature of the initiative, the proposed use of the funds, demonstrated matching of the funds through other sources and financial need.

Personnel Implications:

Currently the Grants and Partnerships Manager is the liaison with local sister city organizations and Council appointees.

Upon approval of the revised Sister City Policy, responsibility for the Policy and liaison will move to the Cultural Services Branch.

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Communications Comments: Alternate Recommendation
External Agency/Public Comments

Submitted by:

S. Kochan, Cultural Services Manager and L. Gunn, Grants & Partnerships Manager

Approved for inclusion:



Jim Gabriel, Director, Active Living & Culture

cc: Director, Active Living & Culture
Advisor, Community Communications
City Clerk



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

Council Policy

Sister Cities

APPROVED

@

Contact Department: Cultural Services

Policy Statement

The City of Kelowna will consider the establishment of Sister City relationships with other municipalities that have potential benefits to the City of Kelowna and the broader community through cultural, educational, recreational and economic activities and opportunities.

Purpose

The purpose of this policy is to establish guidelines within which Sister City relationships with other municipalities may be established and maintained. A Sister City relationship is intentionally created by two or more city governments through a formal agreement.

Background

Sister City relationships between communities can foster a range of cultural, educational, recreational and economic benefits and opportunities. Council may, through application of the criteria and procedures in this policy, receive, review and decline or approve proposals for the establishment of new Sister City relationships. The policy also provides for management of the relationships once established, through liaison, reporting and Sponsorship Agreements with local organizations primarily responsible for Sister City activities. The policy recognizes current Sister City relationships with Kasugai (Japan) and Veendam (The Netherlands), provides for continuing support of their activities, and specifies how the new policy will apply to them.

Definitions

Sponsor organization: A local organization that will manage the Sister City relationship. The organization must be based in the City of Kelowna and either designated as a non-profit society or have a fiscal agency that meets the same criteria.

Sister City: A city that has entered into a formal relationship with the City of Kelowna through a Sister City Agreement.

Sister City Committee: A Committee of the sponsor organization organized to manage the Sister City relationship.

Sister City Agreement: A memorandum of understanding between Kelowna and another city outlining the terms of the Sister City relationship.

Sponsor Agreement: A memorandum of understanding between the City of Kelowna and a sponsor organization outlining the requirements for managing the Sister City relationships.

Procedure

The "Sister City" model is based on community to community relationships. These relationships will be built on the following principles:

Similarity – there are identifiable similarities or mutual interest between the City of Kelowna and the proposed Sister City.

Exchange – there is potential for cultural, educational, recreational and/or economic exchange.

Reciprocity – As a Sister City there are reciprocal benefits and opportunities for both parties to develop relationships through cultural, educational, recreational and economic activities.

Community driven – there is active leadership, involvement and support by the community, through an existing organization or business, to both establish and maintain the relationship.

Strategic Benefit – the short-term and long-term benefits of the relationship outweigh the public costs of entering into or maintaining the relationship.

Exclusivity & Proximity – the City of Kelowna does not have a Sister City relationship with any other municipality in the same country or within close proximity of a proposed Sister City location

Stability – the country in which the Sister City is situated has a stable political climate as determined by the Department of Foreign Affairs and International Trade (DFAIT). <http://travel.gc.ca/news-warnings/warnings>

a. Criteria

1. Sister City relationships may only be established by resolution of Council of the City of Kelowna. Council has the discretion to accept or reject proposals and its decision will be final.
2. City Council may also consider the number of existing Sister City relationships already in place and may determine at any time that no further Sister City relationships will be established.
3. The following criteria will be applied in reviewing a proposal to establish a Sister City relationship:
 - The proposed relationship reflects the principles of similarity, exchange, reciprocity, strategic benefit, exclusivity and stability expressed in this policy
 - There is active leadership, involvement and support by the community in the proposed Sister City
 - There is a lead sponsoring organization in each City which has the capacity to fulfill the responsibilities within the Sister City relationship including:
 - Provision of regular committee meeting minutes and annual work plans, budgets and reports to municipal officials.
 - Representation at official and community events and celebrations.
 - Facilitation of exchange visits between the two cities at least once every 5 years.
 - Provision of volunteer and financial resources to support the relationship.
 - Establishment of an active working Committee which is inclusive and reflective of its host community and has provided for ongoing recruitment.

b. The Proposal Process

4. Prior to initial consideration by Council the Sponsor Organization must submit to the Cultural Services Branch of the City of Kelowna a detailed written proposal including the following information:
 - Name of Municipality and Country of the proposed Sister City;
 - Demographic profile of the proposed Sister City;
 - Description of the short and long term benefits to both cities including identifiable similarities and mutual interest;
 - Summary of the Sponsor Organization's activities to date;
 - A three-year work plan projected from the date of City Council preliminary approval, including arrangements for formalizing the relationship;
 - Budget for the work plan with identified funding sources including a detailed fundraising plan to ensure that the Sponsor Organization is financially self-sufficient;
 - Description of the proposed Sister City's expectations for the relationship with Kelowna;
 - Letters of commitment from members of the Sponsor Organization supporting the intent to become active members of the Sister City Committee;
 - List of at least 10 Kelowna residents interested in becoming members of the Sponsor Organization indicating their intention to participate in the sister city relationship. The list will include address, phone number and e-mail address for each person;
 - If the request is coming from outside Kelowna to Mayor and Council then a letter of invitation is required from the Mayor of the proposed sister city and the Sponsor Organization; and
 - Letters of collaboration from businesses, educational institutions or other parties.

5. Upon receipt of a proposal, City staff will review the proposal against the principles and criteria in this policy and provide recommendations to City Council.
- c. **Establishment Process**
6. If the Sister City relationship has been recommended by Cultural Services staff and given approval to proceed by City Council, the following actions will be taken:
 - a) The proponent will be notified in writing;
 - b) A formal letter of interest will be forwarded from the Mayor of Kelowna to the Mayor of the proposed Sister City;
 - c) A Sister City Agreement is developed with the Sister City for an initial term of three (3) years with provision for renewal; and
 - d) A Sponsor Agreement is developed with the Sponsor Organization in Kelowna for an initial term of three (3) years with provision for renewal (sample attached). Based on the proposal, staff recommendations and Council direction, the Sponsor Agreement may or may not provide for financial support from the City for the Sponsor Organization's sister city activities.
7. The final agreements will be presented to Council to formally establish the Sister City relationship and a formal signing ceremony is arranged by City staff.
8. All Sister City relationships, including new relationships approved pursuant to this Policy, and relationships in existence at the time this Policy is approved, may benefit from ongoing base budget allocated specifically for expenses associated with:
 - a) Kelowna hosting visiting delegations from Sister Cities; and
 - b) Purchase of gifts to be given by City of Kelowna Council members when visiting Sister City hosts.

This budget is not to be used for travel expenses. Expenditures from this budget must be approved by Council.
9. At least 6 months prior to the expiry of the initial three (3) year term, an assessment will be undertaken by Cultural Services staff and representatives from the Sponsor Organization to determine whether the goals and objectives of the relationship have been met. If the assessment is favourable and all parties wish to continue the relationship, the Sponsor Organization will provide a formal request for renewal, specifying its preferred renewal period, supported by a workplan for the renewal period.
10. If the assessment is unfavourable or if Council deems it necessary for any reason, the Sister City relationship may be ended at the expiry of the initial three (3) year term upon direction from City Council. In this event, all privileges and obligations associated with the Sponsor Agreement and the Sister City Agreement will be at an end.
- d. **Application of this Policy to existing Sister City relationships**
11. The Kelowna Kasugai Sister City Association (KKSCA) and the Kelowna Veendam Sister City Association (KVSCA) may continue to submit an annual letter of request to the City for allocated ongoing base budget provided that:
 - a) The request is received no later than December 1 of the year preceding the budget year;
 - b) The request is supported by financial statements and any other documentation requested by the City, demonstrating that the Association has raised sufficient funds to match or exceed the amount of funding requested from the City; and
 - c) If the request for base budget exceeds \$2,500, Council approval is required and will be based on the proposed use of the funds, demonstrated matching of the funds through other sources, and financial need.
12. For 2015 and all subsequent budget years, any Sister City Association wishing to obtain funding from the City of Kelowna exceeding the allocated ongoing base budget will be required to submit an application for funding through a City of Kelowna grant program. In order to be eligible for application-based grants, the applicant must meet the criteria in the program guidelines, which may include a requirement to forego base budget funding in the year of the application.
13. Sections 6(d), 8 and 9 of this Policy will apply to the KKSCA and the KVSCA effective upon adoption of this Policy, and both Associations will be required to enter into a Sponsor Agreement.

Amendments

R944/10/10/04



THIS AGREEMENT IS USED PURSUANT
TO SISTER CITY POLICY 355

This agreement dated (insert)

Sponsor Agreement

between

City of Kelowna (The City)

1435 Water Street, Kelowna, BC V1Y 1J4

Attention: Cultural Services Manager

and

(sponsor organization) (The Sponsor)

(address)

Attention: (name)

Whereas:

The Sponsor has submitted a proposal to the City for the establishment of a Sister City relationship with (city) pursuant to Council Policy 355 (Sister City Policy); and

The City has, by Council resolution xxx on (date) approved the establishment of a Sister City relationship with (city) (the Sister City);

This agreement sets out the roles and responsibilities of the City and the Sponsor in fulfilling the objectives of the Sister City Policy and the Sister City relationship with (city).

1. The term of this agreement will be three (3) years commencing (date) and ending (date).
2. This Agreement may be renewed for an additional period of up to five (5) years, pursuant to the Sister City Policy.
3. This Agreement can be amended at any time by written agreement of the City and the Sponsor.
4. The Sponsor, as the lead organization responsible for the Sister City relationship, will fulfill the role of ambassador of international goodwill for the benefit of the City by:
 - a) creating cultural, educational, recreational and economic programs and activities which develop and promote interest in the Sister City and benefit the City of Kelowna;
 - b) assisting City officials when meeting with their counterparts from the Sister City and organizing local cross-cultural events;
 - c) providing representation at official and community events and celebrations;
 - d) facilitating and fundraising for exchange visits between the City and the Sister City at least once every three (3) years;
 - e) providing volunteer and financial resources to support and fund the Sister City relationship;
 - f) responding to requests for information regarding the Sister City and the activities within the Sister City relationship; and
 - g) establishing an active working Committee which is inclusive and reflective of the City of Kelowna and which has provided for ongoing recruitment.
5. The Sponsor will, in administering the Sister City relationship:
 - a) provide documentation to the City verifying that the Sponsor is a registered British Columbia Society in good financial standing and that it has the authority, by resolution of its directors, to enter into this agreement;
 - b) demonstrate proof of insurance, satisfactory to the City;

- c) abide by all applicable by-laws, statutes, ordinances, and regulations of any governmental agency having jurisdiction over the activities of the Sponsor;
- d) not assign or transfer any interest in this agreement or the Sister City relationship without the prior written consent of the City;
- e) not alter its Constitution and/or Bylaws without prior approval of the City, such approval not to be unreasonably withheld;
- f) indemnify and hold harmless the City and its personnel from all actions, proceedings, losses, expenses, and costs arising out of, or in any way connected with the Sponsor's activities, any breach or default by the Sponsor under this agreement, or any wrongful act, omission, or negligence of the Sponsor;
- g) seek approval from the City prior to issuing any communication with the public, including any media organization, with regard to the Sister City relationship;
- h) acknowledge the financial assistance of the City of Kelowna on all communications and promotional materials relating to the Sister City relationship, such as programmes, brochures, posters, advertisements, websites, news releases and signs; and
- i) provide regular reports and requested information to the City of Kelowna in a prescribed format including Committee meeting minutes and annual work plans, budgets and reports to City of Kelowna Council and Cultural Services staff.

6. The City will:

- a) receive an annual report from the Sponsor as Public in Attendance at a regular council meeting;
- b) in discussion with the Sponsor, complete an annual review of the Sponsor's annual work plans, budgets, reports and information to identify particular achievements and possible areas for improvement in the fulfillment of the Sponsor Agreement; and
- c) provide annual matching funding to the Sponsor in accordance with Council Policy 355 (attached); and
- d) in accordance with Council Policy 355, the City may consider an annual grant application from the Sponsor such application(s) to be adjudicated in accordance with the program guidelines. Grants are awarded on an annual basis, based on the merits of the application and the program criteria. Applicants must re-apply each year. Continued funding is not guaranteed. Depending on the nature of the application and the program guidelines, application-based grant funding may be in addition to, or an alternative to, the annual matching funding specified above in section 6(c).

7. If the Sponsor violates or fails to comply with any provisions of this agreement, the City may provide fair notice to the Sponsor of default. If the default is not rectified to the City's satisfaction within the time specified in the City's notice, city staff will recommend to City Council that this agreement be terminated.

8. In the event that this agreement expires at the end of the term and is not renewed, or is terminated by the City prior to the end of the term, the City may:

- a) Seek a new Sponsor to support the Sister City relationship; or
- b) Terminate the Sister City Relationship with (city).

We agree to the terms and conditions outlined in this Agreement.

On behalf of the Sponsor Organization

Print Name:

Date

On behalf of the City of Kelowna

Print Name:

Date

Report to Council



Date: July 23, 2014
Rim No. 0610
To: City Manager
From: Louise Roberts, Community & Neighbourhood Services Manager
Subject: Service Collaboration Between the City of Kelowna and Allied Health

Recommendation:

THAT Council receives, for information, the report from the Community & Neighbourhood Services Manager dated July 23, 2014, regarding the expanded service collaboration between the City of Kelowna and Allied Health.

Purpose:

To provide Council with an overview of the expanded collaboration between the City and Allied Health that will further bridge the connection between health care and community programming. The focus of this collaboration is to support individuals' self management of their health.

Background:

For the past few years health authorities and recreation providers, nationally and provincially, have been focusing their attention on exploring ways to collaborate on issues related to health, particularly chronic disease prevention and management.

In the fall of 2013 the City and Allied Health began delivering a collaborative pilot program, "Breathe Well Respiratory Exercise Program". This program is designed especially for people with mild Chronic Obstructive Pulmonary Disease (COPD) and other respiratory conditions. The "Breathe Well Respiratory Exercise Program", which is delivered out of the Parkinson Recreation Centre, provides individuals with onsite supervision (1 day per week) by a physiotherapist provided by Allied Health, plus access to the facility to exercise on their own, outside of the time when the physiotherapist is present. To participate in the program individuals are required to purchase a 6 month facility pass and register for the program through the City of Kelowna.

The intent of the program is to encourage individual's self management of their health condition and provide them with the support they needed to bridge the gap between acute care services and community services.

2014 Expanded Services

Based on the success of this program model, Allied Health and the City began to explore how to expand this service model to other target groups. The expanded collaboration focused on the development of 5 streams of health programs (respiratory, orthopedic, neurologic, frail elderly, cardiac) and the provision of a liaison therapist situated at Parkinson Recreation Centre to connect individuals with City programs and services.

Active Living & Culture's 2014 fall "Health Programming" will reflect this new direction.

- Existing health programs have been reviewed and modified with the support of Allied Health staff and are now identified under the "Move For Your Health" section in our Program and Activity Guide.
- Programs offered will support the identified streams.
- Nine different 'Move for Your Health' programs will be offered out of three City facilities, which equates to approximately 26 classes per week.
- An Allied Health staff that will function as a liaison therapist will be situated 1.5 to 2.5 hours per day, Monday through Friday, out of Parkinson Recreation Centre to act as a navigator. They will meet one-on-one with the general public and assist them in connecting to the appropriate City programs and services.
- This free service will be promoted by Allied Health as part of their clients' care plans but it will also be accessible to any member of the public.
- A prescription for exercise has been created in conjunction with the local Division of Family Practice that will direct patients to these programs and service.

Through the development of this initiative key roles and responsibilities include:

- Allied Health will provide staff, at no cost to the City, whose role will include:
 - bridging the gap between acute care services and community services
 - promoting individuals' participation in community programs and services
 - supporting individuals' placement and retention in community services
 - supporting the City's health programming; development, planning, quality control and consultations
- City will provided space, at no cost to Allied Health, for their staff to meet with the public and will coordinate the delivery of the community based health programs.

A key component that contributed to the feasibility of this initiative was the specialized training City fitness instructors received over the past three years through grant funding from the Interior Health Authority. This funding also provided the resources needed for the development and delivery of several pilot health programs. These pilot programs are the foundation on which the "Move for Your Health" programs have been built.

The benefits to the community from this collaboration are:

- Increase services that support sustained behavior changes to improve and maintain individuals' health
- Increase community capacity to support individuals' ability to self manage their health
- Increase ability for individuals to self manage their health at a community level

- Increase awareness of City programs, services and facilities
- Decrease burden on acute care services

This initiative leverages services in an innovative way to achieve each organizations objective and meet community needs. The collaboration focuses on enhancing citizens' quality of life by addressing a need for community level programs and services that support individuals' ability to self manage their health.

Internal Circulation:

Director, Active Living & Culture; Communication Advisor

External Agency/Public Comments:

Staff has worked directly with representatives from Allied Health and the Division of Family Practice regarding this collaboration and agreement.

Communications Comments:

A news release in cooperation with Allied Health will be created to inform the public about the benefits of this collaboration and this information will also be featured on our website.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

Alternate Recommendation:

Submitted by:

L. Roberts, Community & Neighbourhood Services Manager

Approved for inclusion: Jim Gabriel, Divisional Director, Active Living & Culture

Attachments:

1. PowerPoint presentation
2. Health Section of the Fall 2014 Program & Activity Guide

Cc: Divisional Director, Communications & Information Services

Health Programs

Arthritis Society-Self Management Program

Instructor: Arthritis Society

Location: Rutland Activity Centre, Multi-Purpose Room

The Arthritis Self-Management Program which was developed at Stanford University is designed to give you the tools and knowledge you need to take control of your arthritis and/or fibromyalgia. Offering training and practical advice, this research-based program enhances your understanding of arthritis and empowers you to take a more active role in managing it. This free six week program is delivered by the Arthritis Society, BC and Yukon Division trained instructors. There is however a \$25 fee for the program resource material 'Arthritis Helpbook' which participants will receive at the first class. Bursaries are available for those with limited incomes through the Arthritis Society to cover the cost of the resource material.

Age: 16Y and up

138065 M 1:00 PM-3:00 PM Oct 27-Dec 1 Fee: \$25

Chronic Pain Management Workshop

Instructor: Arthritis Society Facilitators

Location: Rutland Activity Centre, Multi-Purpose Room

The Chronic Pain Management Workshop will improve your knowledge of pain management, introduce different methods of handling pain and will encourage you to take an active role in reducing the impact of arthritis on your life. You will learn techniques to deal with joint and muscle pain, and how to manage stress and fatigue. This free two hour workshop is delivered by the Arthritis Society, BC and Yukon Division trained instructors.

Age: 18Y and up

138031 M 1:00 PM-3:00 PM Oct 20 Fee: \$0

Move for Your Health

These programs were developed in conjunction with the Interior Health Authority. Programs are led by certified fitness instructors who have completed additional training such as "Osteofit", "Get up and Go!", "Keep on Moving" and "Arthritis Fitness." "Move for Your Health" exercise programs are designed for individuals with or at risk of chronic health conditions as well as the general public. All of the programs are structured to provide a safe exercise option as they adhere to the following guidelines:

- Offers a minimum 30 minute class with appropriate warm up and cool down
- Includes a variety of fitness components including cardiovascular, strength, flexibility, balance, agility and coordination
- Provides multiple methods to monitor intensity during exercise and encourages daily aerobic exercise
- Has a documented emergency plan with telephone access to EMS
- Has the availability of an AED with appropriate instructor training

Breathe Well Respiratory Exercise Program

Instructor: Simone Manfredi

Location: Parkinson Recreation Centre, Weightroom

This fitness class is designed especially for people with mild COPD and other respiratory conditions. People with moderate to severe COPD should attend KGH rehab program prior to enrolling in this class. This 6 week program will include supervision one day per week by a physiotherapist plus unlimited access to gym facilities to exercise on your own. Please check with your doctor before registering for this program. A health history form will be given to all registrants and must be completed and brought to the first session. **Participants must have a Facility Access Pass or general six month Facility Pass.** No class Nov 11. ***There will be a three and six month check-in scheduled.

Age: 19Y and up

138543 Tu 2:00 PM-2:45 PM Sep 2-Dec 16 Fee: \$0

Fitness Maintenance Program

Instructor: Logan Garland

Location: Parkinson Recreation Centre, Weightroom

This program is an opportunity for any individuals who are looking for a supervised environment to participate in moderate levels of physical activity. Class is for people with chronic illness such as arthritis, heart disease, inflammation, dementia etc, but is also good for the general population. Focuses on cardio, strength, flexibility, balance and functional fitness, helps with movements that are used in daily activities such as sitting, standing, reaching and bending. For greatest benefits participants should register for twice a week. No class Oct 13.

Age: 19Y and up

138541	M	1:00 PM-2:00 PM	Sep 15-Dec 1	Fee: \$51.70
138542	Th	1:00 PM-2:00 PM	Sep 18-Dec 4	Fee: \$56.40

Functional Fitness

Instructor: Nikki Blanleil

Location: Parkinson Recreation Centre, Orchard Room

This class is designed to meet the needs of participants who may be new to formal exercise, want a gentle balanced workout, those returning to exercise post rehab following surgery or other medical event. Functional fitness exercise programs focus on strength, endurance, balance and flexibility to improve activities of daily living. Individuals with chronic illnesses will benefit from this program as well as the general population. Conditions that may benefit from these classes include joint replacement; deconditioning related to medical illness; neurological events such as mild stroke or head injury; neurological diagnosis. Please speak to your physician should you have any concerns about your suitability for a program.

Age: 15Y and up

139029	F	12:00 PM-1:00 PM	Sep 5-Nov 14	Fee: \$60.50
139030	W	4:30 PM-5:30 PM	Sep 10-Nov 12	Fee: \$55
139031	Th	3:30 PM-4:30 PM	Sep 11-Oct 30	Fee: \$44
139032	Th	3:30 PM-4:30 PM	Nov 6-Dec 11	Fee: \$33

Strength & Flexibility

This class is suitable for individuals with arthritis, those recovering from injury or illness, as well as the general population. Classes will be self-paced and participants may exercise while seated in a chair and/or standing with a chair to provide support as needed. Conditions that may benefit from these classes include joint replacement and deconditioning related to medical illness. Please speak to your physician should you have any concerns about your suitability for a program.

Age: 18Y and up

Instructor: Kami Johnson

Location: Okanagan Mission Activity Centre

137876	W	2:30 PM-3:30 PM	Sep 10-Oct 29	Fee: \$44
137877	W	2:30 PM-3:30 PM	Nov 5-Dec 17	Fee: \$38.50

Instructor: Tracy Taylor

Location: Rutland Activity Centre, Multi Purpose Room/Meeting Room 1

139040	W	11:30 AM-12:30 PM	Sep 24-Nov 26	Fee: \$55
--------	---	-------------------	---------------	-----------

Instructor: TBA

Location: Parkinson Recreation Centre, MacIntosh Room

139096	M	3:15 PM-4:15 PM	Sep 8-Nov 24	Fee: \$66
139098	Tu	3:45 PM-4:45 PM	Sep 23-Nov 25	Fee: \$55
139099	W	3:15 PM-4:15 PM	Sep 10-Nov 26	Fee: \$66
139097	Th	3:15 PM-4:15 PM	Sep 18-Nov 20	Fee: \$55

Get Up & Go!

Get up and Go! Provides an entry level exercise program for seniors at high risk of falls, those with balance and mobility impairments, those using mobility aids (canes, walkers, and wheelchairs). Taught by fitness leaders who are certified in Osteofit and Get up & Go! The program is designed specifically for people with osteoporosis and low bone density who have been inactive and are looking for an introductory exercise program. It is a safe exercise program specially designed to improve balance and coordination as well as functional ability, independence and quality of life. This inclusive class is suitable for people who have broken their hip or other bones. This program is appropriate for participants with Parkinson's Disease, Multiple Sclerosis, Arthritis and joint pain and inflammation as well as the general population. No Seniors discount. No class Oct 13.

Age: 40Y and up

Instructor: Kami Johnson

Location: Okanagan Mission Activity Centre

137878	M	3:15 PM-4:15 PM	Sep 8-Oct 27	Fee: \$38.50
137879	M	3:15 PM-4:15 PM	Nov 3-Dec 15	Fee: \$38.50

Instructor: TBA

Location: Parkinson Activity Centre, Main Hall

138840	W, F	3:30 PM-4:30 PM	Sep 10-Oct 3	Fee: \$44
138999	W, F	3:30 PM-4:30 PM	Oct 8-31	Fee: \$44
139070	W, F	3:30 PM-4:30 PM	Nov 5-28	Fee: \$44

Instructor: Tracy Taylor

Location: Rutland Activity Centre, Multi Purpose Room/Meeting Room 1

138844	W, F	10:15 AM-11:15 AM	Sep 24-Oct 24	Fee: \$55
139017	W, F	10:15 AM-11:15 AM	Oct 29-Nov 28	Fee: \$55

Instructor: TBA

Location: Parkinson Recreation Centre, MacIntosh Room

139066	M	11:45 AM-12:45 PM	Sep 15-Dec 1	Fee: \$60.50
139067	Th	11:45 AM-12:45 PM	Sep 18-Nov 27	Fee: \$60.50

Aqua Arthritis

Aqua Arthritis is a pool-based, recreational program for people with arthritis. The buoyancy of the water can help decrease pain and or stiffness and help maintain or improve joint flexibility. This class focuses on relieving stiffness, restoring or maintaining joint range of motion and muscle strength, improving posture and increasing endurance to perform daily tasks. Additional benefits of this class are improved coordination, balance and general well being. Classes are led by fitness professionals who are certified by the Arthritis Society as Aqua Arthritis instructors.

138567	W	1:15 PM-1:45 PM	Sep 10-Oct 22	Fee: \$23.63
138568	W	1:15 PM-1:45 PM	Oct 29-Dec 10	Fee: \$23.63

Osteofit

Instructor: TBA

Location: Parkinson Recreation Centre, MacIntosh Room

Research shows that exercise helps to build your muscles, improve your mobility and balance and reduces your risk of falls and fractures. OSTEOFIT has been designed specifically for people with osteoporosis and low bone density who have been inactive and are looking for an introductory exercise program. OSTEOFIT is safe for individuals who have had spinal fractures or who have broken their hip or other bones. It is safe and gentle enough not to cause pain or injury even if you are unused to exercise. Taught by fitness leaders who are certified in Osteofit. This program is appropriate for participants with Osteoporosis, Parkinson's Disease as well as the general population.

Age: 19Y and up

139051 Tu, Th 10:30 AM-11:30 AM Oct 7-Nov 27 Fee: \$82.50

Minds in Motion

Instructor: Nikki Blanleil

Location: Parkinson Recreation Centre, MacIntosh Room

Minds in Motion is designed for people diagnosed Alzheimer's Disease or another dementia and their caregiver. Enjoy light exercise conducted by a certified fitness instructor, followed by activities or games and social time in a relaxed atmosphere. Light refreshments will be provided. In partnership with Alzheimer Society of B.C. Note: Fitness portion is 45 minutes. Fee is per couple. No class Oct 13.

Age: 15Y and up

138564	M	1:00 PM-3:00 PM	Sep 8-Oct 27	Fee: \$35
138565	M	1:00 PM-3:00 PM	Nov 3-Dec 15	Fee: \$35

Aqua

Location: Parkinson Recreation Centre, Pool

This class is based on the "Move for your Health" fitness model and will focus on maintaining and enhancing mobility. Comprised of easy gentle movement such as shallow water walking, strength sets using water resistance followed by gentle stretching.

Age: 14Y and up

138569	M	1:15 PM-2:00 PM	Sep 8-Oct 20	Fee: \$30.38
138570	F	1:15 PM-2:00 PM	Sep 12-Oct 24	Fee: \$35.44
138571	M	1:15 PM-2:00 PM	Oct 27-Dec 8	Fee: \$35.44
138572	F	1:15 PM-2:00 PM	Oct 31-Dec 12	Fee: \$35.44

SENIORS

Active Living for the Older Adult

Senior Centre Locations:

Parkinson Senior Centre Society,
1700 Parkinson Way, Phone: 250 762-4108

Rutland Senior Centre Society,
765 Dodd Road, Phone: 250 765-3723

Okanagan Mission Senior Centre Society,
4398 Hobson Road, Phone: 250 764-7642

The City of Kelowna, Active Living & Culture is pleased to be able to assist with the delivery of service to seniors in the Kelowna area through its' Service Delivery Agreements with the three Societies. These agreements provide the Societies access to three municipal recreation facilities from which they can offer a wide variety of recreational and educational programs to enhance their quality of life.

The Active Living Guide for Older Adults is available with a complete list of activities and programs offered at all three Centres, as well as community information pertaining to the older adult.

The Active Living Guide for Older Adults also available online. Go to kelowna.ca/recreation and scroll down to **Senior Services**.

SERVICE COLLABORATION

Between the City of Kelowna and Allied Health



Innovative Solutions for Meeting Community Needs

A new approach
to health.



Patient Flow, Through IHA Physiotherapy

1. KGH: post op or serious event.
2. Home Care: for those that need treatment in their home.
3. Outpatient Dept. for those that need hands on treatment, but can get out of their home.
4. Community based programs: Progress people towards this category as soon as is appropriate, as 'health care" becomes health.



Breathe Well Respiratory Exercise Program



- 2013 Pilot program
- Designed for mild COPD & other respiratory conditions
- Physiotherapist on-site
- Bridge gap between acute care service and community services

2014 Expanded Services



Programs & Services that support
individuals' self management of their health

Allied Health Liaison Therapists



- ▶ Bridging the gap between acute care services and community services
- ▶ Supporting and promoting participation in community services

Act as Navigators

Available to the public:

Monday & Tuesday & Friday
9-10:30 AM

Wednesday
2:30-4 PM

Thursday
12:30-2 PM



Ways to Access This Free Service

- care plan
- directed by physician
- just show up

MEDICAL CENTER

NAME _____ AGE _____
ADDRESS _____ DATE _____

Rx

SIGNATURE

LABEL

REFILL 0 1 2 3 4 5 PRN NR

“Move For Your Health” Programs



9 programs - 3 locations - 26 classes /week

Benefits to the Community



- ▶ Increased services & support
- ▶ Increased ability for individuals to manage their health

A Collaboration Focused on Enhancing Citizens' Quality of Life.



Providing programs & services
that support individuals' ability to self manage
their health.

Report to Council



Date: 7/21/2014
File: 1840-10
To: City Manager
From: Terry Barton, Parks and Building Planning Manager
Subject: Ben Lee Park - Playground Improvement Project

Recommendation:

THAT Council receives, for information the Report from the Parks and Building Planning Manager dated July 21, 2014, with respect to the 2014 Enabling Accessibility Fund for improvements to the Ben Lee playground;

AND THAT Council supports the City submitting an application to the Employment and Social Development Canada (ESDC) for the Enabling Accessibility in Communities Grant as outlined in the Report from the Parks and Building Planning Manager dated July 21, 2014;

AND THAT Council approves \$50,000 in funding from the Parks Purchasing & Development Reserve for the Ben Lee Park - Playground Improvement Project, pending the award of the Enabling Accessibility in Communities Grant to the City;

AND FURTHER THAT the 2014 Financial Plan be amended in order to provide this funding.

Purpose:

For Council to support the renovation and retrofit of the playground at Ben Lee Park in order to submit for the 2014 Enabling Accessibility in Communities Grant. A Council Resolution is a condition of the grant application.

Background:

ESDC has announced a grant opportunity for renovation, retrofitting or constructing community facilities that improve accessibility and participation for people with disabilities.

The grant includes the following conditions;

- The project will facilitate and improve accessibility for people with disabilities;
- The delivery of the project must have a maximum duration of 52 weeks;
- The total amount of funding requested from ESDC must not exceed \$50,000;

- Contributions equal to or greater than 35% of the total eligible cost of the project must be provided by the applicant or other sources. The assessment criteria states that additional points are given to projects where the applicant is exceeding the mandatory 35% contribution;
- All funded activities are to be completed within 12 months of the anticipated grant approval (1 November 2014); and
- Applicants must demonstrate community support for their project.

Staff have reviewed a number of project opportunities throughout the City and have determined that improvements and upgrades to promote inclusive play and accessibility at the Ben Lee playground are the best fit to meet the criteria of the grant.

Upgrades to the existing playground would include;

- Resurfacing the existing engineered wood fibre playground surface with a poured in place rubberized surface to make the entire playground area accessible for all users;
- The addition of inclusive play equipment to complement the existing playground; and
- Improvements to the existing walkways to promote accessibility to all new and existing playground features.

Playground Resurfacing

One of the elements that define an accessible playground is the surface material. Smooth, compact surfaces are required throughout the entire playground to allow access not only for wheelchairs, but for users with a range of mobility challenges.

The proposed rubber surfacing is more accessible for persons with mobility issues than the existing engineered wood fibre playground surfacing, which also requires regular maintenance to remain compact and to meet the safety requirements for fall zones. The existing playground is also adjacent to the childrens spray park, creating maintenance issues as the wood chips regularly need to be swept off of walkways and the water park area.

The proposed rubberized surface is the same product used for the playground at the Parkinson Recreation centre, where it popular and has proven to be durable and easy to maintain. It has also received positive feedback for providing a fun and inclusive environment for all users.

Playground Equipment

The project would also include the installation of musical therapy instruments, based on their appeal to all ages and abilities and the opportunity at Ben Lee Park to promote an inclusive play environment. The playground equipment will include a variety of instruments and help to complement the existing play equipment.

Internal Circulation:

Amy Nyhof, Landscape Design Technician
 Lorna Rowland, Landscape Design Technician
 Lorna Gunn, Grants & Partnerships Manager
 Genelle Davidson, Financial Services Director

Financial/Budgetary Considerations:

The estimated cost of the project is \$100,000. Costing was determined based on quotes received from 3 suppliers and includes staff administration costs and a 5% contingency. The City is requesting \$50,000 from ESDC and \$50,000 from R079, Parks Purchase and Development Reserve. If the grant application is approved the 2014 Financial Plan will be amended.

External Agency/Public Comments:

A letter of support was provided by Starbright Children's Development Centre an organization that provides programming and support for families with children with special needs.

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Personnel Implications:
Alternate Recommendation:
Communications Comments:

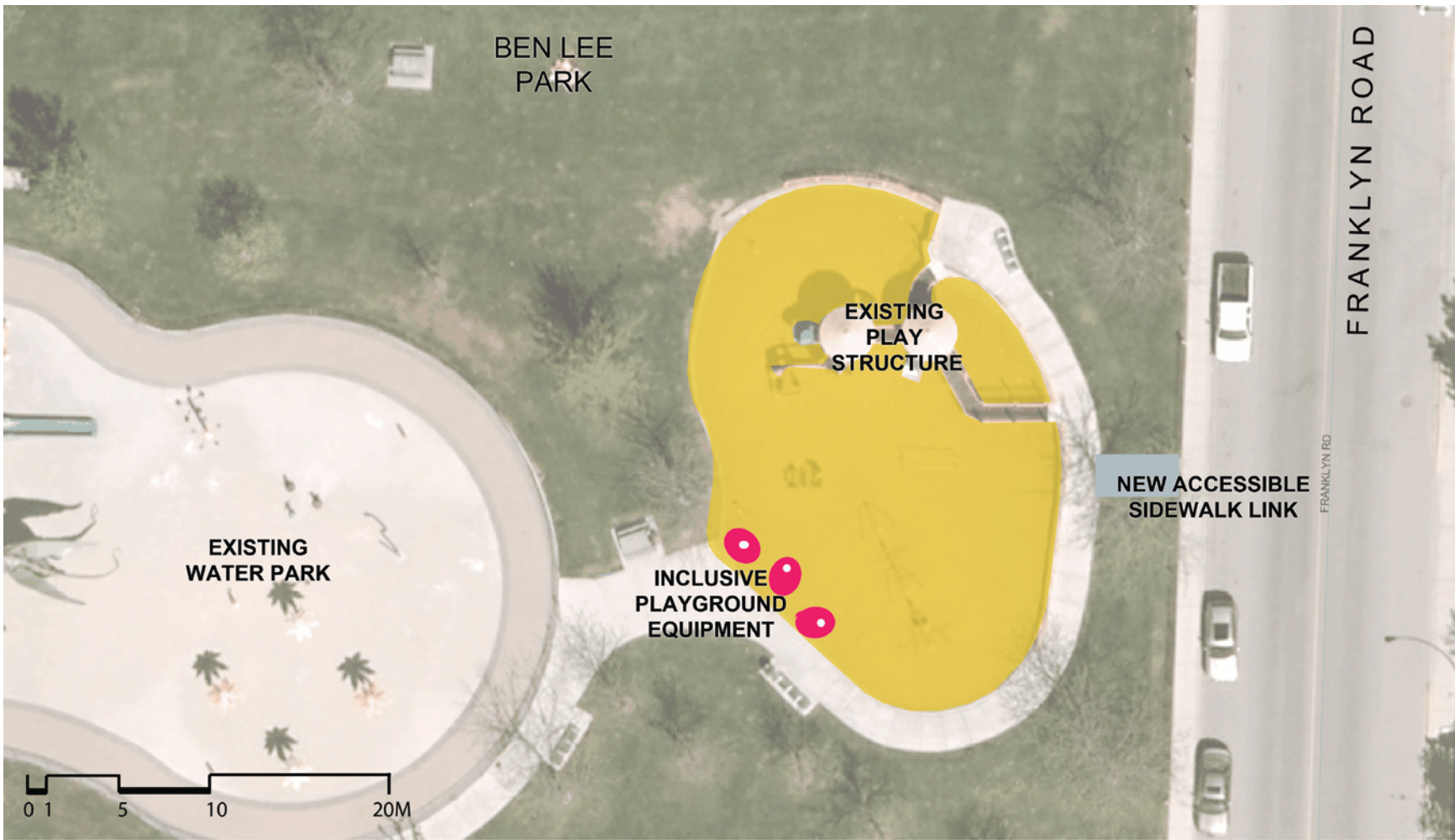
Submitted by: T. Barton, Parks and Building Planning Manager

Approved for inclusion: J. Vos, Infrastructure Divisional Director

Attachments:

- Ben Lee Park - Playground Improvement Project Concept Plan
- Proposed Inclusive Play Instruments
- Letter of Support, Starbright Children's Development Centre

cc:
Parks Services Manager
Park & Building Projects Manager
Grants & Partnerships Manager
Financial Services Director



PREPARED FOR PLANNING PURPOSES ONLY

BEN LEE PARK -PLAYGROUND IMPROVEMENT PROJECT CONCEPT PLAN



BEN LEE PARK -PLAYGROUND IMPROVEMENT PROJECT
PROPOSED INCLUSIVE PLAY INSTRUMENTS



Children's Development Centre

July 17, 2014

Enabling Accessibility Fund
Employment and Social Development Canada
Government of Canada

Dear Sir or Madam:

This letter is in support of the City of Kelowna's efforts in upgrading the Ben Lee playground to include activities and supports for children with physical limitations. Our Centre supports children with developmental disabilities and their families from birth to school entry. Our therapists, clinicians, and consultants are acutely aware of the adaptive needs within the environment that are necessary for children to have access to recreation facilities. For a city to take such steps to ensure that all children, regardless of ability, are able to access public facilities focused on children is most commendable and we are in full support.

Playground equipment for the typical child is neither the height nor the width required by children with physical limitations. It also is not constructed with the safety considerations needed when children have difficulties in mobility, strength, or physical reflexes. Without playgrounds that have areas and equipment that provide a safe experience, children with physical limitations are unable to access the same recreational experiences that other children do.

Thank you for your emphasis on inclusivity for children through the monies dedicated to this Fund. It speaks highly of the importance placed on the value of all children.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rhonda L. Nelson".

Rhonda L. Nelson, PhD
Executive Director

Report to Council



Date: 7/23/2014
File: 1840-54
To: City Manager
From: Planner Specialist, Urban Design
Subject: Ellis Street Corridor Plan

Recommendation:

THAT Council receives, for information, the Report of the Planner Specialist, Urban Design dated July 23, 2014 with respect to the Ellis Street Corridor Plan;

AND THAT Council endorse the Ellis Street Corridor Plan as a template for road alignments and as the basis for coordination of streetscape elements within the Subject Area as identified in the report of the Planner Specialist, Urban Design dated July 28, 2014.

Purpose:

To receive Council endorsement for the Ellis Street Corridor Plan as the basis for the implementation of road cross sections and coordination of streetscape elements along Ellis Street from Bernard Avenue to the Library Parkade.

Background:

Several properties along Ellis Street are expected to be developed in the near future. These include:

- 1360 Ellis Street - an addition to the Library Parkade;
- 460 Doyle Avenue - the Innovation Centre;
- 505 Doyle Avenue - a new building for Interior Health Authority;
- 1435 Water Street - the Ellis Street Parkade; and
- 1460 Ellis Street - the west end of the Queensway transit station.

Two of these developments are expected to generate an increase in vehicle traffic in the area. These developments are the new IHA building and the Innovation Centre.

The Library Parkade addition and the new Ellis Street parkade are responses to the parking requirements associated with the proposed developments. Additionally, changes to the Queensway transit station will be implemented to accommodate revised bus routes using the Ellis Street corridor. The result of these changes is pressure on the road right-of-way to accommodate a number of new left-turn lanes.

The Ellis Street Corridor Plan has therefore been prepared to coordinate design and implementation of road-related infrastructure. Additionally, it is intended to provide high-

level direction with regard to future streetscaping opportunities and to help coordinate frontage improvements along Ellis Street in the near-term for the properties identified above. To this end, Golder and Associates of Kelowna was hired to prepare a plan for a length of Ellis Street from Bernard Avenue to the north property line of the Library Parkade (Attachments A, B, C, and D).

The Subject Area was limited to the segment of Ellis Street expected to see a significant amount of development in the near future. Noting that Ellis Street from Harvey Avenue to Clement Avenue was identified in the 2012 My Downtown! plan as a prime retail corridor (http://www.kelowna.ca/CityPage/Docs/PDFs/%5CStrategic%20Planning%5CDowntown_Plan/2012-02-28_Downtown_Plan_Report_FINAL.pdf; pg. 41), and that properties along the street, in addition to the ones identified herein are expected to develop over the longer term, the components of the Plan could be extended beyond the Subject Area on a site-by-site or a block-by-block basis.

Highlights of the proposed plan include:

- 1) A road cross section that includes one vehicle lane and one bicycle lane in each direction.
- 2) New left-turn lanes at the Ellis Street/Doyle Avenue intersection, at the Bernard Avenue/Ellis street intersection, and one in the northbound lane to serve the new Ellis Street Parkade.
- 3) New sidewalks complete with curb and gutter. The sidewalks would be made of sawcut concrete for its durability but also because sawcut concrete is a relatively smooth surface. Being free of troweled joints, it is a surface best suited to individuals with mobility restrictions, e.g., those with wheelchairs or walking aids. Sidewalk widths vary in response to the changing curb alignments, from a minimum of 2.1 metres to about 3.6 metres (including boulevard). Where the road cross section allows, additional sidewalk width has been allocated to the east side of the street. The rationale for this allocation is that the east side of the street is primarily commercial occupancies at street level which could most benefit from the street features, e.g., trees, benches, etc. that the additional sidewalk width allows. The properties along the west side of the street, with the exception of the Scotiabank property, the Federal Building site, and the Interior Health site, are owned by the City of Kelowna. It is expected that additional sidewalk width on the west side could be obtained through building setbacks in conjunction with future development of the City-owned sites and through negotiation with the other property owners at such time as those sites are developed.
- 4) Urban Braille to assist individuals with visual impairments by incorporating visual and tactile cues into the streetscape. It is intended that the Urban Braille initiative that began with the frontage improvements to the Madison and successfully continued with the Bernard Avenue Revitalization be a key part of streetscape works within the Subject Area. Key components include:
 - a. tactile warning strips located at each intersection to alert visually-restricted pedestrians that they have reached an intersection. Inserts into the sidewalk along the curbs would be bright yellow and patterned with raised discs. The high-contrast coloured warning strips would be particularly beneficial to those who make up the largest group among the visually impaired, those with some

degree of sight. For individuals who are completely without vision, the textured surface would be easy to detect with a white cane or underfoot.

- b. an inlay of pavers running continuously along each block, providing a “shoreline”. Like the warning strips, the shorelines, by virtue of their contrasting colour and surface finish, would provide a visual and tactile cue that the visually-restricted individual is within the pedestrian zone and moving in the right direction.
 - c. strategically-placed bollards. Two bollards at each corner of the intersection, situated behind the warning strip, would align with the outside edge of the respective crosswalks, i.e., the edge farthest from the centre of the intersection. Once visually-impaired pedestrians using canes detect the warning strip, they would be able to follow the strip to the bollard. There, they would be able to read the name of the facing street and the cardinal direction engraved in Braille on the top of the bollard. As the base of the custom-designed bollards would be rectangular in shape, visually-impaired pedestrians would also be able to place the heel of a foot against the base and align themselves to enter the crosswalk. Push buttons to activate the audible signal would also be mounted on the bollards.
- 5) Mid-block crosswalks as indicated in Attachment A. Curb bulbs would be constructed in conjunction with these crosswalks, thereby reducing the crossing width for pedestrians, as well as providing an opportunity for more landscaping and street hardware, e.g., benches, bike racks, etc.
 - 6) Street Trees
Trees would be planted in beds along with other vegetation. Where planting beds are not practical, e.g., would restrict egress from parked vehicles, soil trenches would run below the sidewalk. Trenches would be exposed to the surface where trees are located and grates would be placed around the trees. Street trees would be *Acer rubrum* ‘Northwood’ (Northwood Maple), recommended by Parks staff for their hardiness and fall colour. The grate specified would be *Elemental*, the design of which was funded by the Public Art Program in 2000;
 - 7) Street furniture and hardware
Street furniture and hardware would be standard specifications, i.e., would not be custom designed or fabricated. Locations would be determined at the detail design phase.

The Madison Frontage

The Madison (1385 Ellis Street) was constructed in 2008/2009. Frontage improvements completed in conjunction with the project are not proposed to be affected with the exception of a limited portion of the curb bulb on the north-east corner of the Doyle Avenue/Ellis Street intersection. The curb bulb will be modified to accommodate a new left turn lane for vehicles westbound on Doyle Avenue turning southbound on Ellis Street.

Outdoor Seating

There are currently two outdoor seating areas within the Subject Area. These seating areas will remain active under the terms of the City’s *Sidewalk Café Extension Program* (<http://www.kelowna.ca/CM/Page980.aspx>). Any future outdoor seating areas would be allowed according to the terms of the Program.

Where outdoor seating areas are located next to a place of business, business owners would be responsible for maintaining continuity of the Urban Braille shoreline where the sidewalk detours around the seating area.

On-Street Parking

The plan would result in the loss of 22 on-street, metered parking spaces. The reduction in on-street parking is primarily due to the need to provide enough roadway width to accommodate the new left-turn lanes.

Implementation

Pending Council's consideration of staff's recommendations, the Corridor Plan would be implemented over the longer term in conjunction with the development of all properties along Ellis Street. In the near term, it would be implemented through the frontage improvements to the properties identified above as well as in conjunction with construction of the curb bulbs associated with the crosswalk at Smith Avenue Street (Attachment E). Funding for completion of other sections adjoining City-owned properties would be considered as part of future capital budget discussions. These would be the sections in front of the Library, Memorial Arena, and the Okanagan Heritage Museum as indicated in Attachment E. The new frontages would follow the curb alignments and the vocabulary of streetscape elements set out in the report of the Planner Specialist, Urban Design dated July 28, 2014.

In addition to the curb alignments, the left turn lanes at the Doyle Avenue intersection, as well as the bicycle lanes in the blocks north of Doyle Avenue would be implemented in late 2015 to coincide with the openings of the Library Parkade addition and the Innovation Centre. The left-turn lanes and the bicycle lanes would be implemented in 2016 to coincide with the openings of the IHA building and the Ellis Street Parkade. Other than some adjustments of storm water catch basin and streetlight locations, no underground or above ground utilities are expected to be impacted by the new curb alignments.

Next Steps

Pending Council's consideration of the recommendations in the Report of the Planner Specialist, Urban Design dated July 28, 2014, the Corridor Plan would form the basis for coordination of streetscape improvements among the developments identified above.

External Agency/Public Comments:

The proposed changes were presented to the DKA Board in April, 2014. The Plan was also reviewed by the Accessibility Advisory Committee at its January, 2014 meeting.

Financial Considerations:

It is anticipated that the cost of frontage improvements completed according to the proposed Plan would be slightly higher than the cost of improvements currently required by the Subdivision, Development, and Servicing Bylaw. The premium would be for sawcut concrete sidewalks including an Urban Braille shoreline, and if a development was located at an intersection, bollards and tactile warning strips. It is noted that Urban Braille within urban centres is being considered for inclusion in the Subdivision, Development, and Servicing Bylaw which is currently under review.

Where sufficient sidewalk width is available, provision of trees, complete with irrigation and sufficient soil volumes is required by the Bylaw. Other components such as tree grates, street furniture and hardware, and planting beds are not required by the Subdivision, Development, and Servicing Bylaw. With respect to the IHA Building and the Innovation Centre, these components could be achieved through negotiation with the respective applicants.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

Communications Comments:

Alternate Recommendation:

Internal Circulation:

Communications & Information Services Divisional Director

Culture Services Manager

Parks Services Manager

Transportation Planning Manager

Urban Planning Manager

Development Services Manager

Submitted by:

P. McCormick, Planner Specialist, Urban Design

Approved for inclusion:

J. Vos, General Manager, Infrastructure

Attachments: A: 2014-28-07

B: 2014-28-07

C: 2014-28-07

D: 2014-28-07

E: 2014-28-07

cc: Active Living & Culture Divisional Director
Civic Operations Divisional Director
Communications & Information Services Divisional Director
Community Planning & Real Estate Divisional Director
Design & Construction Services Divisional Director



Bernard Avenue to Memorial Arena



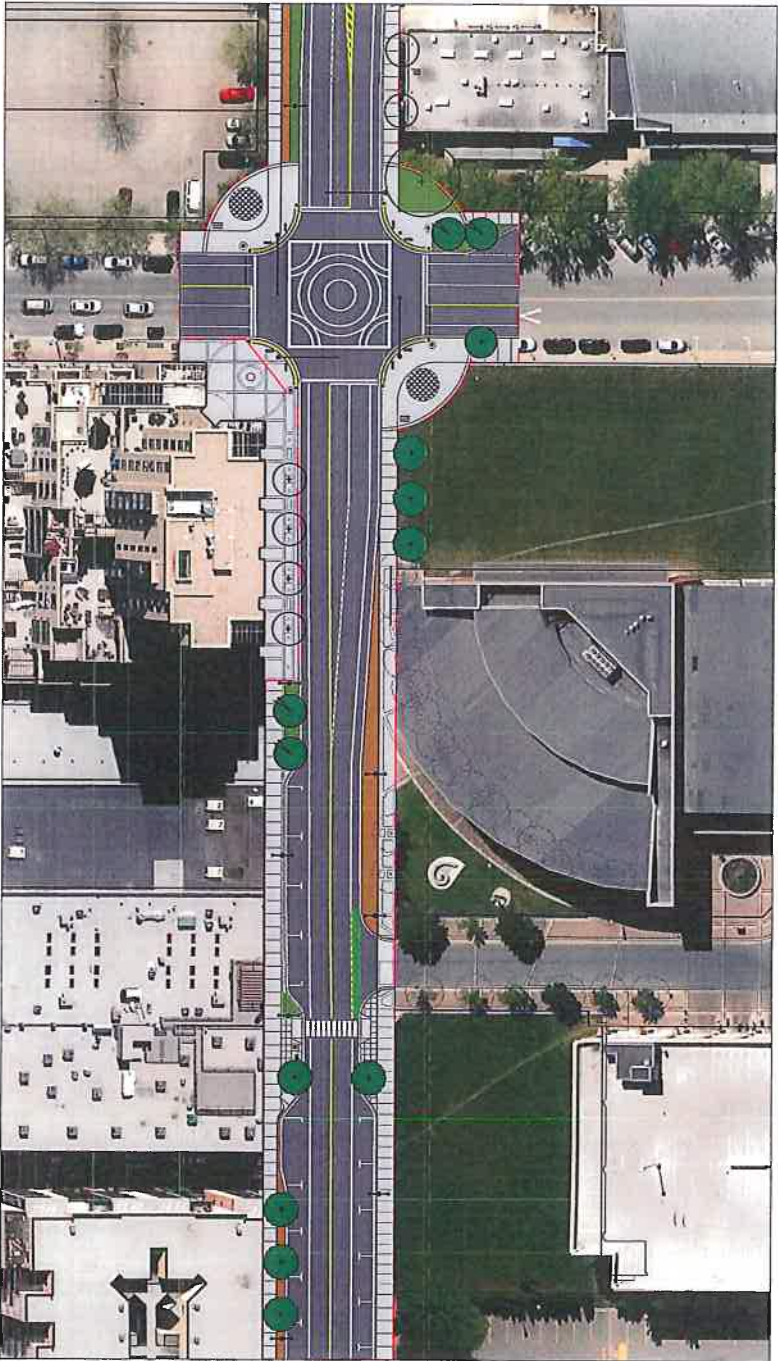
Memorial Arena to Library Parkade



Bernard Avenue to Queensway Avenue



Queensway Avenue to Doyle Avenue

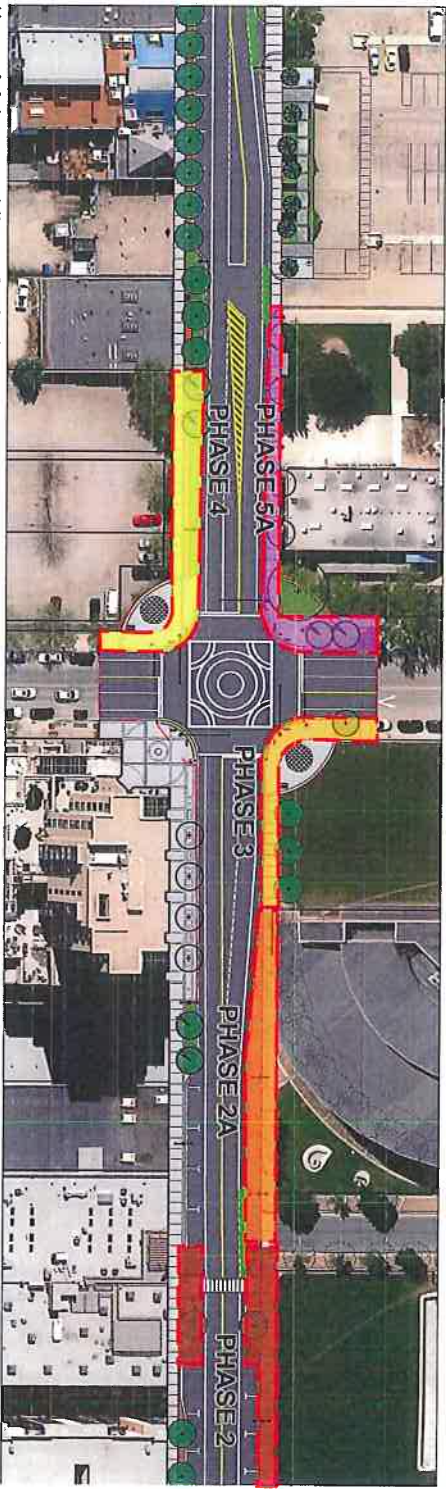


Doyle Avenue to Library Parkade

2014-28-07 Attachment E



Bernard Avenue to Memorial Avenue



Memorial Arena to Library Parkade

ELLIS STREET CORRIDOR PLAN



BACKGROUND

- ▶ Proposed developments
 - Library Parkade addition
 - Innovation Centre
 - IHA Building
 - Ellis Street Parkade
 - Queensway transit station
- ▶ Downtown Plan (2012)

OBJECTIVES

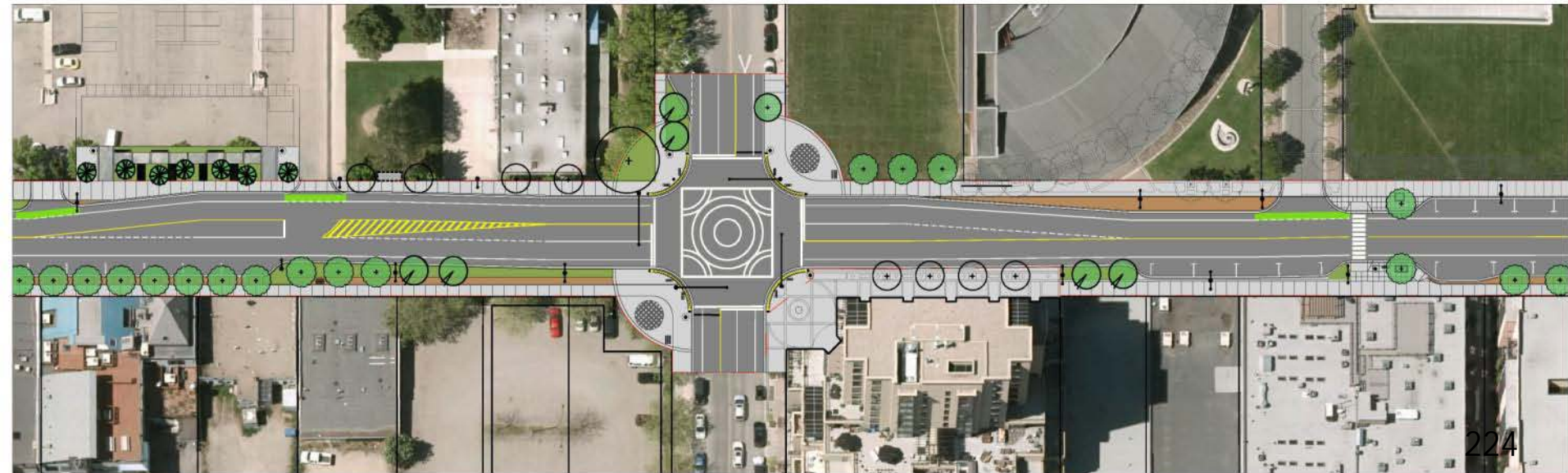
- ▶ Establish curb locations and road cross-sections
- ▶ Coordinate streetscape elements for future frontage improvements

HIGHLIGHTS

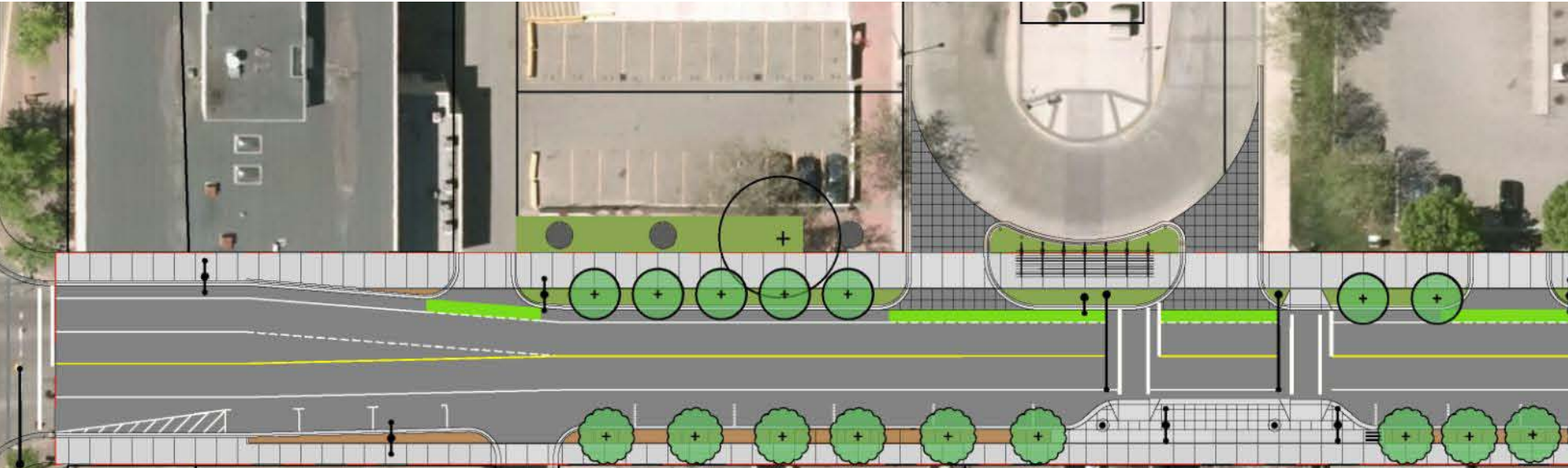
- 1) Vehicle and bicycle lanes
- 2) Left-turn lanes
- 3) New sidewalks
- 4) Urban Braille
- 5) Mid-block crosswalks
- 6) Street trees
- 7) Street furnishings & hardware



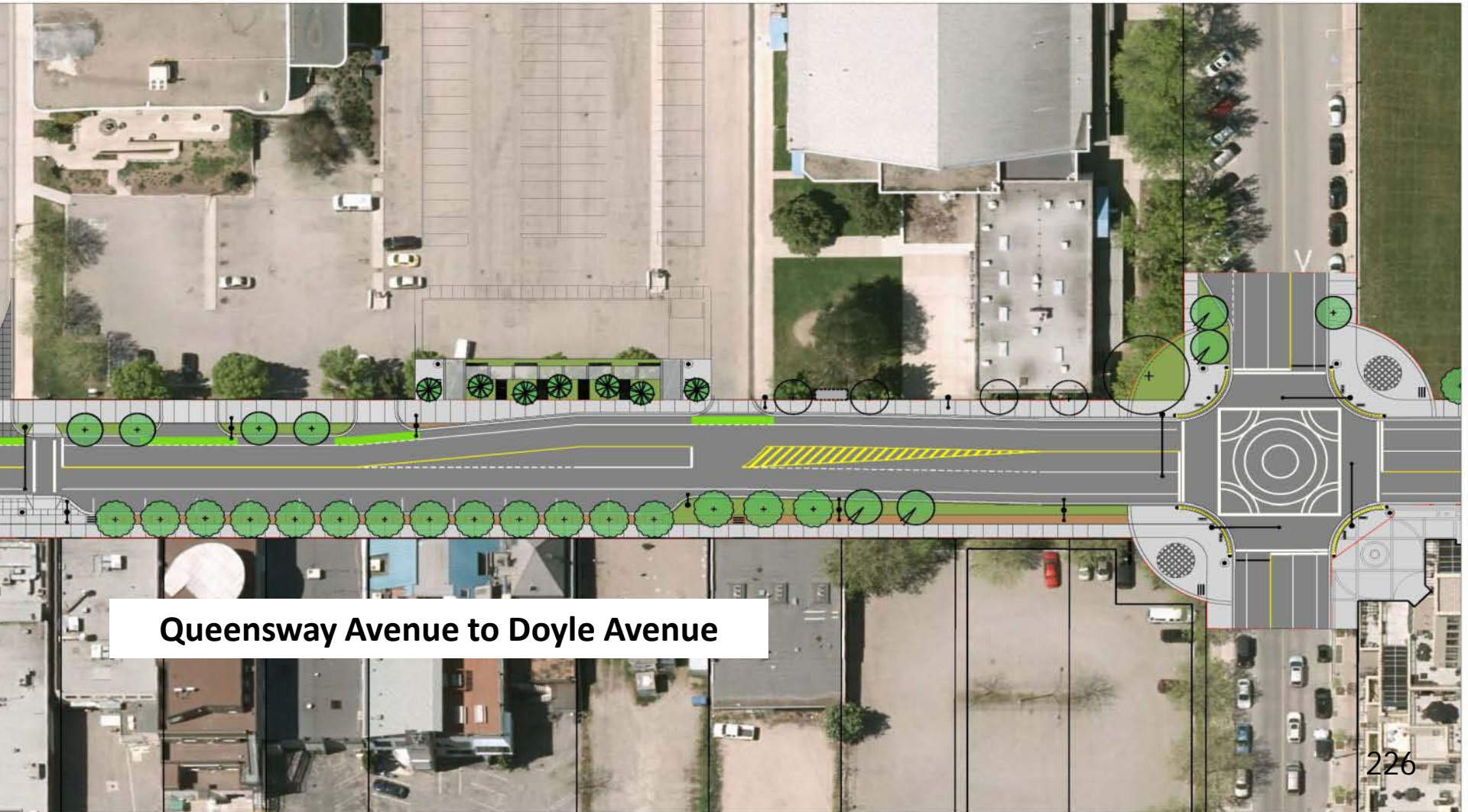
Bernard Avenue to Memorial Arena



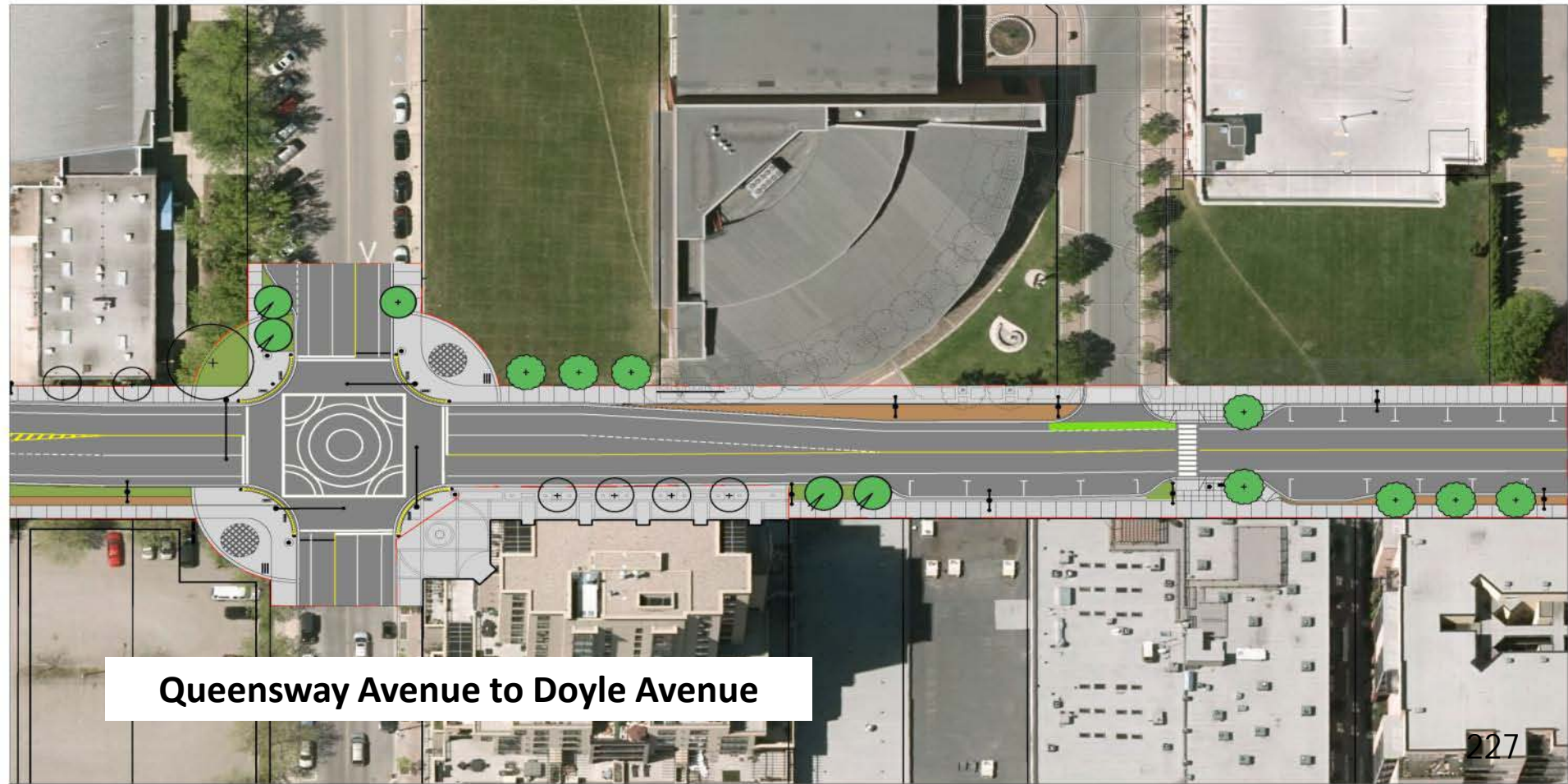
Memorial Arena to Library Parkade



Bernard Avenue to Queensway Avenue



Queensway Avenue to Doyle Avenue



Queensway Avenue to Doyle Avenue



Bollard with rectangular base

Tactile warning strip for visually-impaired individuals

Saw-cut concrete is wheelchair friendly

Sidewalk has gentle slope down to pavement edge with rollover curb for strollers and mobility aids.



The top of each bollard has the name of the facing street and the address range in conventional text and in Braille.

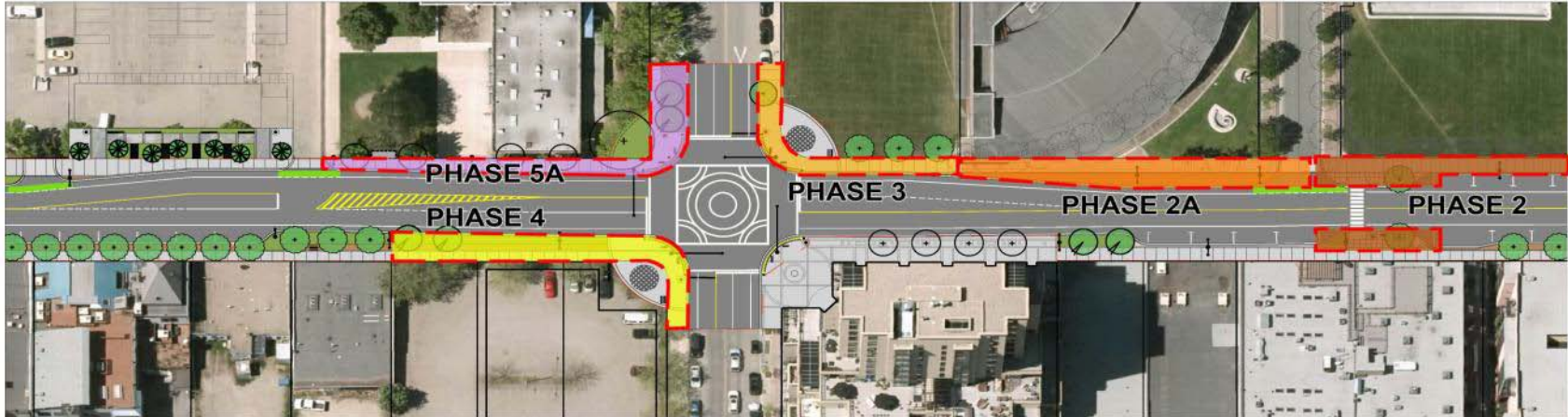


IMPLEMENTATION

2014-28-07 Attachment E



Bernard Avenue to Memorial Avenue



Memorial Arena to Library Parkade

ELLIS STREET CORRIDOR PLAN



CITY OF KELOWNA

BYLAW NO. 10936

Road Closure and Removal of Highway Dedication Bylaw (Portion of 1908 Henkel Road)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on 1908 Henkel Road

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

1. That portion of road attached as Schedule "A" comprising 899.0 m² shown in bold black as Closed Road on the Reference Plan prepared by Henk Van Gorp. and completed on 29th day of May 2014, 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 and to affix the Corporate Seal of the said City thereto.

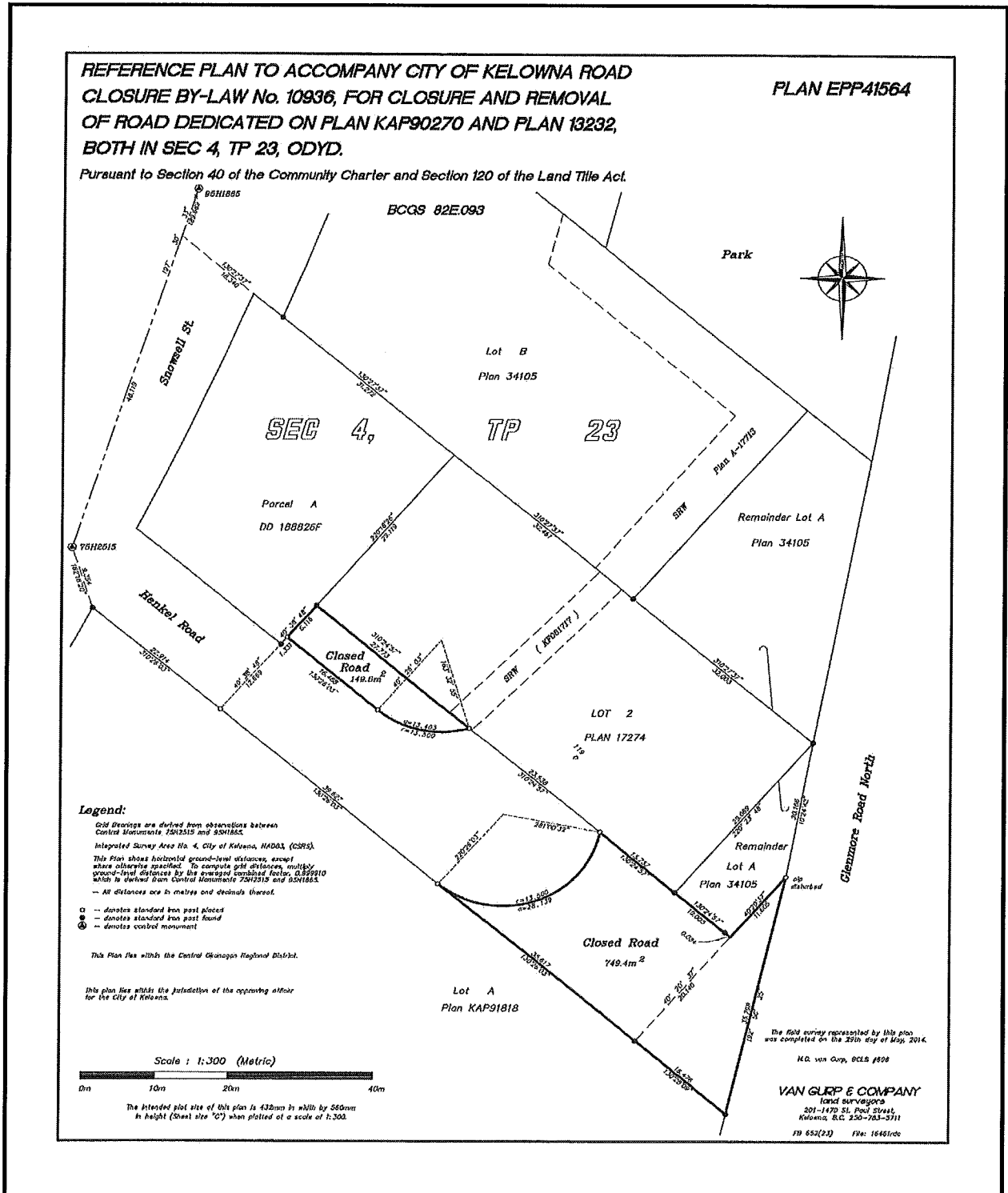
Read a first, second and third time by the Municipal Council this 14th day of July, 2014.

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

Mayor

City Clerk

Schedule "A"



CITY OF KELOWNA

BYLAW NO. 10982

Amendment No. 1 to City of Kelowna Election Sign Bylaw No. 10411

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Election Sign Bylaw No. 10411 be amended as follows:

1. THAT SECTION 2 - SIGNS - 2.1 Exemptions from Permits, 2.1.1 (a) be amended by deleting:

“a) election signs on public or private property each with a maximum sign area of 1.50 m² and a maximum height of 1.8 m, subject to their removal within four (4) days following the election;”

And replacing it with:

“a) election signs on public or private property to a maximum of 2 signs per frontage, each with a maximum sign area of 1.50 m² and a maximum height of 1.8 m, subject to their removal within four (4) days following the election;”
2. This bylaw may be cited for all purposes as "Bylaw No. 10982, being Amendment No. 1 to Election Sign Bylaw No. 10411."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 14th day of July, 2014.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10983

Amendment No. 1 to Heritage Building Tax Exemption Bylaw - 784 Elliot Ave No. 10966

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna heritage Building Tax Exemption Bylaw No. 10966 be amended as follows:

1. THAT Schedule A be deleted in its entirety and replaced with a new Schedule A as attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Bylaw No. 10983, being Amendment No. 1 to Heritage Building Tax Exemption Bylaw No. 10966."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 14th day of July, 2014.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Heritage Building Tax Exemption Agreement

THIS AGREEMENT made this ___ day of _____, 20__

BETWEEN:

CITY OF KELOWNA
1435 Water Street
Kelowna, BC V1Y 1J4

(hereafter "the City")

OF THE FIRST PART

AND:

0874309 BC Ltd., Inc. No. BC00874309
(Jackie Gorton)
9 - 3151 Lakeshore Rd.
Suite 318
Kelowna, BC. V1W 3S9

(hereafter "the Applicant")

OF THE SECOND PART

WHEREAS

- A. The City as a municipality under section 225 of the *Community Charter* SBC 2003, c. 26 is authorized to enter into an agreement with an owner of property respecting the provision of a tax exemption that is eligible for such exemption.
- B. The Applicant owns property at 784 Elliot Ave. in Kelowna (the "Property") which is the subject of a heritage revitalization agreement.
- C. The Applicant has submitted a proposal for the development of the Property, that complies with City Council's Heritage Tax Incentive Program Policy No. 318 (the "Policy").
- D. The City has determined that the eligible costs (as defined in the Policy) in connection with the restoration of the Property are \$452,841.28. The Policy provides that the maximum tax incentive to an owner is 75% of the eligible costs, which, in the case of this Property, is \$339,630.96.

NOW THEREFORE IN CONSIDERATION OF THE MUTUAL PREMISES AND AGREEMENTS CONTAINED HEREIN THE CITY AND APPLICANT AGREE AS FOLLOWS:

1. **Maximum Tax Exemption** - The maximum amount of the Tax Exemption available in respect of the Property is \$339,630.96. The Tax Exemption is applicable only in respect of the municipal property tax imposed pursuant to section 197(1)(a) of the *Community Charter*.
2. **Term of Exemption** - The term of the Heritage Building Tax Exemption is 10 years, commencing the calendar year following the Applicant's submission of a Comprehensive Heritage Tax Exemption application (the "Application"). The Application must be submitted no later than July 15 of the calendar year preceding the year in which the first installment of the Tax Exemption is applied. The Application may not be submitted before final inspection and approval by the City of the restoration work. For greater certainty, the term of the Tax Exemption is not extended as a result of any breach of the agreement or the Applicant losing its entitlement to the Tax Exemption.
3. **Compliance with Heritage Revitalization Agreement** - The granting of the Tax Exemption under this agreement is subject to the Applicant complying with all provisions of the Heritage Revitalization Agreement ("HRA"), being Schedule A to Bylaw No. 10840, including that construction on the Property must comply with the schedules to Bylaw No. 10840, and all criteria specified in section 3 of the Policy.
4. **Annual Application** - The Applicant must submit a Heritage Tax Exemption Annual Renewal application (the "Annual Application") no later than July 15th of the calendar year in which the Tax Exemption will be applied, confirming that the Applicant is in current compliance with the provisions of section 3 herein.
5. **Certification of Eligible Costs** - Following completion of the restoration of the Property in accordance with the HRA, the Applicant must submit to the City a

certification (the "Certification") of the costs of the Property restoration project, based on the final inspection and approval of the City, from either a public accountant or professional quantity surveyor. If the final costs are less than the original estimate, the Tax Exemption will be reduced to reflect the lesser amount. Should the final costs exceed the original estimate; the original exemption approved by Council will apply unless the applicant wishes to return to Council to alter the amount.

6. **Calculation of Annual Tax Exemption** – The amount of the Tax Exemption is based on the total assessed value of land and improvements to the heritage buildings as outlined in the Heritage Revitalization Agreement Bylaw No. 10840. This Tax Exemption amount will be applied equally over a term of 10 years. After the term has ended, the property shall be fully taxable.

If the annual tax exemption over 10 years is less than the total of the approved exemption, the Financial Services Department will review the assessed value on the property on an annual basis in order to adjust the tax incentive to works towards achieving the 75% of the project's eligible cost.

7. **Payment to City** - In the event of a failure to comply with the terms of the HRA during a calendar year in which the Property has received a Tax Exemption, the Applicant must pay to the City an amount equal to the Tax Exemption provided in that calendar year. The requirement for payment under this section applies in addition to any disentitlement to a Tax Exemption in subsequent years by reason of failure to comply with the HRA.
8. **No Refund** – For greater certainty, under no circumstances will the Applicant be entitled under or pursuant to this agreement or under or pursuant to the revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
9. **Condition Precedent of Bylaw Adoption** – This agreement shall only take effect if the Council of the City adopts a bylaw pursuant to section 225(3) of the

Community Charter in relation to the Property. This agreement will only take effect in the first calendar year if the bylaw came into force on or before October 31 in the preceding year. If the bylaw comes into force after October 31, this agreement takes effect in the second calendar year following the year in which the bylaw comes into effect.

10. **Notices.** Any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Property, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

- (a) in the case of a notice to the City, at:

CITY OF KELOWNA
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Lynn Walter, Revenue Manager

Facsimile: 250-862-3391

- (b) in the case of a notice to the Applicant, at:

0874309 BC Ltd., Inc. No. BC00874309
9 - 3151 Lakeshore Rd.
Suite 318
Kelowna, BC. V1W 3S9

Attention: Jackie Gorton

Email: tangotipple@gmail.com

or at such other address or addresses as the party to whom such notice or other writing is to be given shall have last notified the party giving the same in the manner provided in this section.

Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is given unless that day is not a Business Day, in which case the notice shall be deemed to have been given and

received on the next day that is a Business Day. In this section, "Business Day" means any day other than Saturday, Sunday, any statutory holiday in the Province of British Columbia or any day on which banks generally are not open for business in Vancouver, British Columbia.

11. **No Assignment** – The Applicant may not assign its interest in this Agreement except to a subsequent owner in fee simple of the Property.
12. **Severance** - If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.
13. **Interpretation** - Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so required.
14. **Further Assurances** - The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
15. **Waiver** - Waiver by the City of a default by the Property Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
16. **Powers Preserved** - This Agreement does not
 - (a) affect or limit the discretion, rights or powers of the City under any enactment (as defined in the *Interpretation Act*, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Property;
 - (b) affect or limit any enactment relating to the use or subdivision of the Property, or
 - (c) relieve the Applicant from complying with any enactment, including in

relation to the use or subdivision of the Property, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges application fees, user fees or other rates, levies and charges payable under any bylaw of the City.

- 17. **References** - Every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
- 18. **Enurement** - This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.


IN WITNESS WHEREOF the parties have executed the agreement as of the day and year first written above:

CITY OF KELOWNA by its authorized signatories:

, MAYOR

, CITY CLERK

by its authorized signatories:

 _____

Authorized Signatory

Authorized Signatory

CITY OF KELOWNA

BYLAW NO. 10988

**A Bylaw to Rescind Ownership Housing Agreement
Authorization Bylaw No. 10163**

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

1. THAT Housing Agreement Authorization Bylaw No. 10163 - 0823250 BC Ltd Inc and all amendments thereto, be rescinded for the land known as Block 35, Section 26, Township 26, ODYD, Plan 264, Except (1) Plans B991, B4202 and B4348, (2) Parcel A on Plan CG 157 located on 695 Webster Road;
2. This bylaw may be cited for all purposes as "Bylaw No. 10988 being A Bylaw to Rescind Ownership Housing Agreement Authorization Bylaw No. 10163."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 14th day of July, 2014.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk