City of Kelowna Regular Council Meeting AGENDA



Monday, March 4, 2013 1:30 pm Council Chamber City Hall, 1435 Water Street

			Pages
1.	This i	o Order meeting is open to the public and all respresentations to Council form part of ublic record. A live audio feed is being broadcast and recorded by CastaNet and ayed broadcast is shown on Shaw Cable.	
2.		rmation of Minutes ar PM Meeting - February 18, 2013	4 - 18
	Regul	ar PM Meeting - February 25, 2013	
3.	Publi	c in Attendance	
	3.1	Okanagan Symphony Orchestra - Annual Report	19 - 46
		To update Council on the activities of the Okanagan Symphony Orchestra.	
4.	Development Application Reports & Related Bylaws		
	4.1	Agricultural Land Reserve Appeal Application No. A13-0001 - 2702 Glenmore Road North	47 - 62
		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 under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve to

allow an additional dwelling (mobile home).

4.2 Agricultur Road			ural Land Reserve Appeal Application No. A13-0002 - 355-357 Valley			
		Mayor to invite the Applicant, or Applicant's Representative, to come forward.				
		Agricul Commis allow a	sider a staff recommendation NOT to support an application to the tural Land Commission under Section 20(3) of the Agricultural Land ssion Act for a non-farm use within the Agricultural Land Reserve to additional dwelling with four dwelling units (i.e. fourplex) contained the dwelling.			
	4.3	The apple to RM4 redeve	ng Application No. Z13-0001 - 674 Old Meadows Road plication seeks to rezone the subject property from A1 - Agriculture 1 - Transitional Low Density Housing, to facilitate the comprehensive elopment of the site for row house and duplex development ximately 108 units). Bylaw No. 10815 (Z13-0001) - 674 Old Meadows Road To give Bylaw No. 10815 first reading.	82 - 93 94 - 94		
	4.4	Bylaw No. 10447 (Z10-0094) - 3190 Sexsmith Road To adopt Bylaw No. 10447.		95 - 95		
		4.4.1	Development Permit Application No. DP12-0210 - 3190 Sexsmith Road To consider a Development Permit application to evaluate the form and character of the conversion of the existing site development to a transitional industrial use.	96 - 106		
5. Non-Development Reports & Related Bylaws		ent Reports & Related Bylaws				
	5.1	The Cit	cal Utility Restructuring Opportunity: Land Disposition Notice Process y is to give notice of the proposed disposition of the interests in land from the sale of the City's electrical utility assets to FortisBC Inc.	107 - 138		
	5.2	This recomple contain the Dov	Strategy Implementation Update port serves to update Council (as per service request) on the work sted, or underway, resulting from the twenty-five recommendations and in the City's Housing Strategy. It also relates to the Action Plan for wntown Plan in terms of housing incentives and policies to enhance the nic health of the Downtown.	139 - 151		
	5.3	The exc	ed Road Closure - Adjacent to and bisecting 760 and 840 Curtis Road cess closed road is to be consolidated with the adjacent properties at d 840 Curtis Road.	152 - 154		

5.3.1	Bylaw No. 10811 - Road Closure Bylaw - Portion of Road adjacent to	155 - 156
	and bisecting 760 and 840 Curtis Road	
	To give Bylaw No. 10811 first, second and third readings.	

- 6. Bylaws for Adoption (Non-Development Related)
 - 6.1 Bylaw No. 10654 Amendment No. 1 to Development Applications Procedures
 Bylaw No. 10540 Adoption Report
 To consider adoption of Bylaw No. 10654 being Amendment No. 1 to
 Development Applications Procedures Bylaw No. 10540.
 - 6.2 Bylaw No. 10749- Amendment No. 2 to Development Applications Fees Bylaw
 No. 10560 Adoption Report
 To consider adoption of Bylaw No. 10749 being Amendment No. 2to
 Development Applications Fees Bylaw No. 10560.
 - Bylaw No. 10805 Road Closure and Removal of Highway Dedication A
 Portion of Land Adjacent to 384 Glenwood Ave Adoption Report
 Mayor to invite anyone in the public gallery who deems themselves affected
 by the proposed road closure to come forward.

 To consider adoption of Bylaw No. 10805 being Road Closure and Removal of
 Highway Dedication A Portion of Land Adjacent to 384 Glenwood Ave.
- 7. Mayor and Councillor Items
- 8. Termination



City of Kelowna Regular Council Meeting Minutes

Date:

Monday, February 18, 2013

Time:

1:30 pm

Location:

Council Chamber

City Hall, 1435 Water Street

Council Members

Present:

Mayor Walter Gray, Councillors Colin Basran, Maxine DeHart, Gail

Given, Mohini Singh, Luke Stack, and Gerry Zimmermann

Council Members

Absent:

Councillors Andre Blanleil and Robert Hobson

Staff Present:

Acting City Manager, Rob Mayne; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble*; Community Planning Manager, Theresa Eichler*; Manager, Environment & Land Use, Todd Cashin*; Acting Subdivision Approval Manager, Damien Burggraeve*; Sustainability Coordinator, Tracy Guidi*; Manager, Park Services, Ian Wilson*; Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 1:32 p.m.

Mayor Gray 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 Given/Seconded By: Councillor DeHart

R083/13/02/18 THAT the Minutes of the Regular PM Meetings of January 14, 2013, January 21, 2013, January 28, 2103 and February 4, 2013, the Minutes of the Chauffeur's Permit Appeal of January 15, 2013 and the Special Committee-of-the-Whole Meeting of January 22, 2013 be confirmed as circulated.

Carried

3. Public in Attendance

3.1. Central Okanagan Heritage Society - Heritage Week Update

Janice Henry, Executive Director, Central Okanagan Heritage Society:
- Displayed a PowerPoint presentation and responded to questions from Council.

3.2. City of Kelowna Heritage Grants Program - Annual Report

Peter Chataway, Committee Member, City of Kelowna Heritage Grants Program Committee:
- Displayed a PowerPoint presentation and responded to questions from Council.

Moved By: Councillor Stack/Seconded By: Councillor Singh

R084/13/02/18 THAT Council directs staff to increase the funding for the City of Kelowna Heritage Grants Program from \$30,000.00 to \$35,000.00, as a priority 1 or 2, in the 2014 Budget.

Carried

- 4. Development Application Reports & Related Bylaws
 - 4.1. Official Community Plan Amendment Application No. OCP12-0009 & Rezoning Application No. Z12-0055 2980 Gallagher Road

Staff:

- Provided an overview of the application and responded to questions from Council.

Moved By: Councillor Basran/Seconded By: Councillor Zimmermann

R085/13/02/18 THAT Official Community Plan Bylaw Amendment No. OCP12-0009 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of portions Lot 1, Sections 12 and 13, Township 26, and Sections 7 and 18, Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, and KAP88598, located on 2980 Gallagher Road, Kelowna, BC from the Multiple Unit Residential (Low Density) designation to the Major Park and Open Space (public) designation, from the Multiple Unit Residential (Low Density) designation to the Single / Two Unit Residential designation to the Major Park and Open Space (public) designation, from the Single / Two Unit Residential designation to the Single / Two Unit Residential - Hillside designation, from the Single / Two Unit Residential - Hillside designation to the Major Park and Open Space (public) designation, from the Single / Two Unit Residential - Hillside designation to the Multiple Unit Residential (Low Density) designation, from the Single / Two Unit Residential - Hillside designation to the Multiple Unit Residential (Low Density) designation to the Multiple Unit Residential (Low Density) designation, from the Major Park and Open Space (public) designation to the Multiple Unit Residential (Low Density) designation, from the Major Park and Open Space (public) designation, from the Major Park and Open Space (public) designation to the Single / Two Unit Residential designation to the Multiple Unit Residential (Low Density) designation, from the Major Park and Open Space (public) designation to the Single / Two Unit Residential designation on Map "A" attached to the Report of Land Use Management Department dated January 23, 2013, be considered by Council;

AND THAT Council considers the neighbour consultation 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 January 23, 2013;

AND THAT Rezoning Application No. Z12-0055 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Sections 12 and 13, Township 26, and Sections 7 and 18, Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, and KAP88598, located on 2980 Gallagher Road, Kelowna, BC, from the P3 - Parks and Open Space and A1 - Agriculture 1 zones to the RU1h - Large Lot Housing (Hillside Area) zone as shown on Map "B" attached to the Report of the Land Use Management Department dated January 23, 2013, be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of Development Permits for the subject property;

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

Carried

4.1.1. Bylaw No. 10806 (OCP12-0009) - 2980 Gallagher Road

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R086/13/02/18 THAT Bylaw No. 10806 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

4.1.2. Bylaw No. 10807 (Z12-0055) - 2980 Gallagher Road

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R087/13/02/18 THAT Bylaw No. 10807 be read a first time.

Carried

5. Non-Development Reports & Related Bylaws

5.1. Development Application Fees Bylaw Amendment

Staff:

Provided an overview of the proposed amendments.

Moved By: Councillor Given/Seconded By: Councillor Singh

R088/13/02/18 THAT Council receives, for information, the report from the Land Use Management Department dated January 4, 2013 with respect to amending Development Application Fee Bylaw No. 10560;

AND THAT Council gives reading consideration to Bylaw No. 10749 being Amendment No. 2 to the Development Application Fee Bylaw No. 10560.

Carried

5.1.1. Bylaw No. 10749 - Amendment No. 2 to Development Application Fees Bylaw No. 10560

Moved By: Councillor Given/Seconded By: Councillor Stack

R089/13/02/18 THAT Bylaw No. 10749 be read a first, second and third time.

Carried

5.2. Development Application - Public Notification and Consultation Procedures & Miscellaneous Amendments to the Development Application Procedures Bylaw

Staff:

 Provided an overview of the proposed amendments and responded to questions from Council.

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

R090/13/02/18 THAT Council receives, for information, the Report from the Land Use Management Department dated February 8, 2013 with respect to amending City of Kelowna Development Application Procedures Bylaw No. 10540 by revising the public notification and consultation requirements;

AND THAT Bylaw No. 10654, being Amendment No. 1 to Development Application Procedures Bylaw No. 10540 be forwarded for reading consideration;

AND THAT Council adopts Council Policy No. 367, being Development Application - Public Notification and Consultation Procedures, as outlined in the Report of the Land Use Management Department dated February 8, 2013;

AND FURTHER THAT Council directs staff to report back on the effectiveness of the new public consultation strategies within one (1) year of implementation.

Carried

5.2.1. Bylaw No. 10654 - Amendment No. 1 to Development Application Procedures Bylaw No. 10540

Moved By: Councillor Stack/Seconded By: Councillor Given

R091/13/02/18 THAT Bylaw No. 10654 be read a first, second and third time.

Carried

5.3. Beach Water Quality Update and Recommendation to SILGA

Staff:

- Provided the rationale for the SILGA Resolution.
- Provided an overview of the proposed legislative changes.

Moved By: Councillor DeHart/Seconded By: Councillor Singh

<u>R092/13/02/18</u> THAT Council receives, for information, the Report from the Manager, Park Services dated February 6, 2013 regarding beach water quality update and recommendation to the Southern Interior Local Government Association;

AND THAT Council directs staff to forward the Resolution outlined in the Report of the Manager, Park Services dated February 6, 2013 to the Southern Interior Local Government Association;

AND FURTHER THAT Council directs senior staff to write letters to the local health authority, as well as the Provincial and Federal governments expressing concern with proposed changes to the beach water quality sampling procedures.

Carried

5.4. 2013 Federation of Canadian Municipalities Sustainable Community Award

Mayor Gray:

- Advised that he attended the 2013 Federation of Canadian Municipalities Sustainable Community Awards in Windsor, Ontario earlier in February, where is accepted an award on behalf of the City of Kelowna.

Staff:

- Confirmed that the City of Kelowna received the 2013 Federation of Canadian Municipalities Sustainable Community Award in the Energy Category for the City's Community Climate Action Plan and Corporate Energy and Emissions Plan.

Moved By: Councillor DeHart/Seconded By: Councillor Singh

<u>R093/13/02/18</u> THAT Council receives, for information, the report from the Sustainability Coordinator, dated February 5, 2013, with respect to the 2013 Federation of Canadian Municipalities Sustainable Community Award.

Carried

5.5. Proposed Renaming of a Section of Horn Crescent to Tungsten Court

Staff:

- Provided the rationale for the change of name from Horn Crescent to Tungsten Court.

Moved By: Councillor Basran/Seconded By: Councillor Zimmermann

R094/13/02/18 THAT Council receives, for information, the Report from the Deputy Subdivision Approving Officer dated January 24, 2013 recommending the renaming of a section of Horn Crescent to Tungsten Court as shown on Map "A" as attached to and forming part of the Report from the Development Services Department dated January 24, 2013;

AND THAT Council gives reading consideration to Bylaw No. 10799 being "Renaming of a portion of Horn Crescent to Tungsten Court Road Name Change Bylaw".

<u>Carried</u>

5.5.1. Bylaw No. 10799 - A Bylaw to Rename Horn Crescent to Tungsten Court

Moved By: Councillor Singh/Seconded By: Councillor Basran

R095/13/02/18 THAT Bylaw No. 10799 be read a first, second and third time.

<u>Carried</u>

5.6. Proposed Renaming of a Section of Upper Canyon Drive to Upper Canyon Drive North

Staff:

Provided the rationale for the change of name from Upper Canyon Drive to Upper Canyon Drive North.

Moved By: Councillor Given/Seconded By: Councillor DeHart

R096/13/02/18 THAT Council receives, for information, the Report from the Deputy Subdivision Approving officer dated January 28, 2013 recommending the renaming of a section of Upper Canyon Drive to Upper Canyon Drive N as shown on Map "A" as attached to and forming part of the Report from the Development Services Department dated January 28, 2013;

AND THAT Council gives reading consideration to Bylaw No. 10803 being "Renaming of a portion of Upper Canyon Drive to Upper Canyon Drive N Road Name Change Bylaw".

Carried

5.6.1. Bylaw No. 10803 - A Bylaw to Rename a portion of Upper Canyon Drive to Upper Canyon Drive North

Moved By: Councillor Singh/Seconded By: Councillor Basran

R097/13/02/18 THAT Bylaw No. 10803 be read a first, second and third time.

Carried

5.7. Proposed Road Closure - Lane Adjacent to 384 Glenwood Avenue

Moved By: Councillor Singh/Seconded By: Councillor Zimmermann

R098/13/02/18 THAT Council receives for information, the Report from the Manager, Real Estate Services dated February 8, 2013, recommending that Council adopt the proposed road closure of a portion of land adjacent to 384 Glenwood Avenue;

AND THAT Bylaw No. 10805, being proposed road closure of a portion of land adjacent to 384 Glenwood Avenue, be given reading consideration.

Carried

5.7.1. Bylaw No. 10805 - Road Closure Bylaw - Portion of lane adjacent to 384 Glenwood Avenue

Moved By: Councillor Singh/Seconded By: Councillor Basran

R099/13/02/18 THAT Bylaw No. 10805 be read a first, second and third time.

Carried

- 6. Bylaws for Adoption (Non-Development Related)
 - 6.1. Bylaw No. 10797 Amendment No. 1 to Parks and Public Spaces Bylaw No. 10680 Adoption Report

Moved By: Councillor Singh/Seconded By: Councillor Basran

<u>R100/13/02/18</u> THAT Bylaw No. 10797, being Amendment No. 1 to Parks and Public Spaces Bylaw No. 10680 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Stack:

- Provided an overview of the events he attended as Deputy Mayor over the past 2 weeks.

7.1 Councillor Stack - SILGA Resolution - Motorcycle & Boat Noise

Councillor Stack:

- Spoke to and provided background information for a proposed SILGA Resolution regarding excess motorcycle and boat noise.

Moved By: Councillor Stack/Seconded By: Councillor Singh

<u>R101/13/02/18</u> THAT Council directs staff to forward the following Resolution to the Southern Interior Local Government Association:

WHEREAS motorcycle noise and motor boat noise is often excessive as a result of modification of muffler and baffler exhaust systems even though modifications to increase noise levels are prohibited under the *Motor Vehicle Act*;

AND WHEREAS standards of noise emission have been established by the Society of Automotive Engineers, the standard has been reviewed, evaluated and supported by the Canadian Motorcycle and Moped Industry Council and Transport Canada. The proposed levels are 92 dB(A) when engine is at idle and 96 dB(A) when engine is at 2000 rpm. These levels are slightly higher than the 91 dB(A) level established by the regulation to the *Provincial Motor Vehicle Act*;

THEREFORE BE IT RESOLVED THAT Police Officers be provided the legislative tools so they can enforce the *Motor Vehicle Act* prohibiting noise in excess of 92 dB(A) at engine idle and 96 dB(A) at 2000 rpm.

Carried

7. Mayor and Councillor Items

Councillor Basran:

- Advised that a fund raising event for the Gospel Mission, the Coldest Night of the Year Walk, will be held on February 23, 2013.

Mayor Gray:

- Advised that the Order of BC nomination period is open until March 1, 2013 and that anyone in the community to nominate a person for the Order.

- Spoke to the Ballet Kelowna financial situation and the Board of Directors' decision to fold operations after this season.

8.	Term	iin	ation
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This meeting was declared terminated at 3:15 p.m.

Mayor City Clerk

/slh



City of Kelowna Regular Council Meeting Minutes

Date:

Monday, February 25, 2013

Time:

1:30 pm

Location:

Council Chamber

City Hall, 1435 Water Street

Council Members

Present:

Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and

Gerry Zimmermann

Staff Present:

Acting City Manager, John Vos; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble*; Manager, Property Management, Ron Forbes*; Manager, Cultural Services, Sandra Kochan*; Community Planning Manager, Theresa Eichler*; Director, Design & Construction, Bill Berry*; Sustainability Coordinator, Tracy Guidi*; Manager, Capital Assets & Investments, Joel Shaw*; Property Officer, Tammy Abrahamson*; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 1:37 p.m.

Mayor Gray 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.

Mayor Gray noted that a RCMP Press Conference is being held on the Lower Mainland regarding the recent arrests in the Jonathan Bacon murder.

2. Committee Reports

2.1. Member Appointments - Grants Committee (Central Okanagan Foundation)

Moved By: Councillor Hobson/Seconded By: Councillor Singh

<u>R105/13/02/25</u> THAT Council appoints Charisse Daley and Rob Mabey as members of the Grant Committee.

Carried

3. Development Application Reports & Related Bylaws

3.1. Rezoning Application No. Z12-0068 and Text Amendment Application No. TA13-0002 - 1121, 1131, 1141 & 1151 Brookside Avenue

Staff:

- Provided an overview of the Text Amendment and Rezoning Applications and responded to questions from Council.

Moved By: Councillor Hobson/Seconded By: Councillor Stack

R106/13/02/25 THAT Rezoning Application No. Z12-0068 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside Avenue, Kelowna, BC, from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA13-0002 to amend the RM3 zone in City of Kelowna Zoning Bylaw No. 8000 to increase the base density to an FAR of 0.75, reduce the under building / covered parking bonus to 0.05 FAR and adding a 0.1 FAR bonus for projects located within Urban Centres as defined by Map 5.3 in the 2030 OCP as outlined in Schedule "A" of the report of the Land Use Management Department dated February 8th, 2013 be considered by Council;

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

AND THAT Bylaw No. 10800 authorizing a Housing Agreement between the City of Kelowna and Evergreen Lands Limited, Inc. No. 382754, which requires the owner to provide 68 purpose built rental units for a period of ten years on Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside Avenue, Kelowna, BC, be forwarded for reading consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the execution of the Housing Agreement;

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;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the submission of a plan of subdivision to consolidate the properties into one title;

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

Carried

3.1.1. Bylaw No. 10808 (TA13-0002) - Amendment to the City of Kelowna Zoning Bylaw No. 8000 - RM3 - Low Density Multiple Housing Zone

City Clerk:

- Confirmed that Section 1(a) of Bylaw No. 10808 should read that the FAR "...may be increased by 0.05" rather than "...may be increased to 0.05"
- Confirmed that the Bylaw will be corrected for first reading with this change.

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R107/13/02/25 THAT Bylaw No. 10804 be read a first time.

Carried

3.1.2. Bylaw No. 10809 (Z12-0068) - 1121, 1131, 1141 and 1151 Brookside Avenue

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R108/13/02/25 THAT Bylaw No. 10808 be read a first time.

Carried

3.1.3. Bylaw No. 10800 - Housing Agreement - 1121, 1131, 1141 and 1151 Brookside Avenue

Moved By: Councillor Given/Seconded By: Councillor Singh

R109/13/02/25 THAT Bylaw No. 10800 be read a first, second and third time.

Carried

3.2. Text Amendment Application No. TA12-0012 - Text Amendment to Zoning Bylaw for Care Centre and Housing Agreement Updates

Staff:

Provided an overview of the Text Amendments and responded to questions from Council.

Moved By: Councillor Basran/Seconded By: Councillor Hobson

R110/13/02/25 THAT Zoning Bylaw Text Amendment No. TA12-0012 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report of the Land Use Management Department dated January 31, 2013, be considered by Council;

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

Carried

3.2.1. Bylaw No. 10804 (TA12-0012) - Amendment to the City of Kelowna Zoning Bylaw No. 8000 - Care Centre Text Amendments

Moved By: Councillor Stack/Seconded By: Councillor Given

R111/13/02/25 THAT Bylaw No. 10804 be read a first time.

Carried

3.3. Official Community Plan Text Amendment Application No. OCP12-0014 - 3762-3766 and 3756 Lakeshore Road

Staff:

- Provided an overview of the Official Community Plan Amendment Application and responded to questions from Council;

Council:

- Inquired whether or not the public walkway will be continuous.

- Requested the rationale for providing more parking stalls than is required by the City's bylaws.

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

<u>R112/13/02/25</u> THAT Official Community Plan Bylaw Amendment No. OCP12-0014 for a Text Amendment to OCP Objective 5.5, Policy .1, Building Height to exclude the development proposed at Lot A, District Lot 134 and Section 6, Township 26, ODYD, Plan KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762-3766 Lakeshore Road from the 'Elsewhere Building Height' policy in order to permit one 10 storey and one 12 storey apartment hotel where the height maximum is 6 storeys;

AND THAT Council considers the Advisory Planning Commission 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 February 8, 2013;

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

Carried

3.3.1. Bylaw No. 10810 (OCP12-0014) - 3762-3766 and 3756 Lakeshore Road

Moved By: Councillor Blanleil/Seconded By: Councillor Basran

R113/13/02/25 THAT Bylaw No. 10810 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. Non-Development Reports & Related Bylaws
 - 4.1. 2013 Professional Arts Operating Grants

Mayor Gray advised that Agenda Item No. 4.1 will be deferred until later on the Agenda.

4.2. Climate Action Revenue Incentive Reporting Requirements

Staff:

- Provided an overview of the Climate Action Revenue Incentive Program.

Moved By: Councillor Hobson/Seconded By: Councillor DeHart

R114/13/02/25 THAT Council receives, for information, the report from the Sustainability Coordinator and Capital Assets and Investment Manager, dated February 12, 2013, with respect to the Climate Action Revenue Incentive Program reporting requirements.

Carried

4.3. Award of the 2013 Asphalt Mill & Fill Contract

Staff:

- Provided the rationale for awarding the Contract to Emil Anderson Construction.

Moved By: Councillor Zimmermann/Seconded By: Councillor Stack

R115/13/02/25 THAT Council awards the 2013 Asphalt Mill & Fill Contract (T13-009) to Emil Anderson Construction Ltd. for the amount of \$712,661 plus applicable taxes.

<u>Carried</u>

4.1. 2013 Professional Arts Operating Grants

Staff:

- Provided an overview of the 2013 Professional Arts Operating Grants and responded to questions from Council.

Moved By: Councillor Singh/Seconded By: Councillor Basran

R116/13/02/25 THAT Council receives, for information, the report dated February 15, 2013 from the Cultural Services Manager;

AND THAT Council approves 2013 Professional Arts Operating Grants as recommended in the report dated February 15, 2013 from the Cultural Services Manager, for the following organizations:

- \$25,000 to the Okanagan Artists Alternative Association (operating as Alternator Centre for Contemporary Art); and
 - \$55,000 to the Okanagan Symphony Society;

AND THAT Council authorizes payment of the amount of \$15,000 to the Okanagan Artists Alternative Association in recognition of the \$10,000 advance already provided to the Association;

AND FURTHER THAT Council directs staff to report back with information and recommendations regarding 2013 funding for the Kelowna Ballet Society and any balance of funding remaining in the Professional Arts Operating Grant program for 2013.

<u>Carried</u>

4.4. Bernard Avenue Sidewalk Program

Staff:

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

Council:

- Provided comments with respect to additional financial incentives to encourage high quality sidewalk applications based on investment.

City Clerk:

- Clarified Council's intent regarding the proposed amendments to the fee schedule.

Moved By: Councillor Hobson/Seconded By: Councillor Blanleil

R117/13/02/25 THAT Council receives, for information, the Report from the Manager, Property Management, dated February 20, 2013, regarding the Bernard Avenue Sidewalk Program Policy;

AND THAT Council endorses, in principle, the Bernard Avenue Sidewalk Program Policy as attached to the Report of the Manager, Property Management dated February 20, 2013;

AND THAT Council endorses, in principle, the revised proposed fee schedule that provides a second year of free rent for all participants;

AND FURTHER THAT Council directs staff to refer the revised proposed fee schedule to the Downtown Kelowna Association for comment and report back to Council.

Carried

4.4.1. Bylaw No. 10814 - Amendment No. 22 to Traffic Bylaw No. 8120

As Council requested amendments to the fee schedule, Council did not give any reading consideration to Bylaw No. 10814.

- 5. Bylaws for Adoption (Non-Development Related)
 - 5.1. Bylaw No. 10799 A Bylaw to Rename Horn Crescent to Tungsten Court Adoption Report

Moved By: Councillor Hobson/Seconded By: Councillor Singh

R118/13/02/25 THAT Bylaw No. 10799, being A Bylaw to Rename Horn Crescent to Tungsten Court be adopted.

<u>Carried</u>

5.2. Bylaw No. 10803 - A Bylaw to Rename a Portion of Upper Canyon Drive to Upper Canyon Drive North - Adoption Report

Moved By: Councillor Singh/Seconded By: Councillor Hobson

<u>R119/13/02/25</u> THAT Bylaw No. 10803, being A Bylaw to Rename a Portion of Upper Canyon Drive to Upper Canyon Drive North be adopted.

Carried

6. Mayor and Councillor Items

Councillor Given:

- Advised that Wednesday, February 27, 2013 is Anti-Bullying Day.

Councillor DeHart:

- Advised that she has been approached by a member of the public regarding whether the City is acknowledging the 10th Anniversary of the Okanagan Mountain Park Fire event.

- Advised that another member of the public directly impacted by the Fire would prefer not to commemorate the event.

Councillor Hobson:

- Advised that he will be speaking to the Clifton Residents Association at their upcoming Annual General Meeting and requested a list of potential topics from the City Manager.
- Referred to recent correspondence that was received regarding Vacation Rentals.

Mayor Gray:

- Commented on the successful tour of the Bernard Avenue Heritage Homes held during Heritage Week.
- Raised comments regarding today's RCMP Press Conference held on the Lower Mainland regarding the recent arrest in the Jonathan Bacon murder.

Acting City Manager:

- Advised that the Stuart Park ice rink will be closing for the season on Thursday, February 28, 2013.
- Advised that street sweeping is underway, weather permitting.

7. Termination

This meeting was declared terminated at 3:12 p.m.

	low Hain
Mayor	Eity Clerk
/slh	



OKANAGAN SYMPHONY ORCHESTRA

see it ... hear it ... love it ...

2012/2013 Season



Growing with the Valley 1959 – 2012 53 Years

Showcasing Local Talent



Alexandra Babbel, Strauss: Four Last Songs October, 2012

Okanagan Symphony Chorus

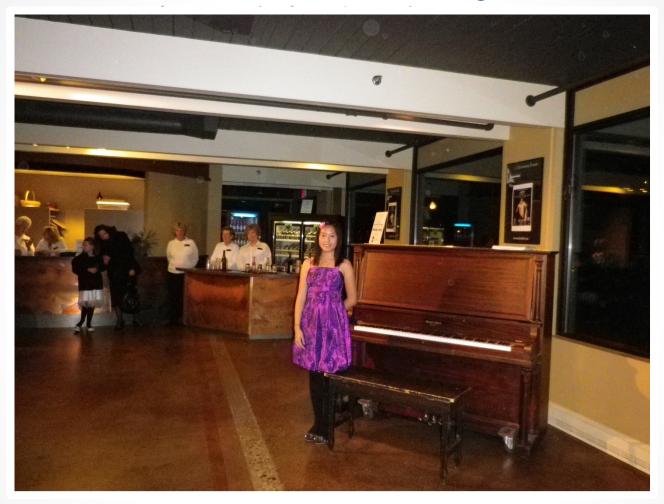


Okanagan Symphony Orchestra & Chorus Last Night of the Proms, coming up in May, 2013

Youth Development

- Okanagan Youth Chorus 200 members
- Debut: Christmas Special, 2012
- Youth Symphony Okanagan 72 players
- Orchestra Complement and season doubled
- a result of new partnership with OSO
- Side-by side concert with OSO, January, 2013
- Family Matinee: Peter and the Wolf
- In collaboration with Bumbershoot Children's Theatre, February, 2013

Musicians in the Making



In the lobby ½ hour before nearly every concert

Youth Symphony of the Okanagan



Mentoring Young Talent



ColleenVenables, Finalist, 2012 Menuhin Competition Beijing

Mentoring Young Talent



Melissa Wilmot, Violin Soloist , February, 2012 Graduate, Glenn Gould School

Committed to Collaboration



Peter and the Wolf with Bumbershoot Children's Theatre February, 2013

Rhonda Draper & How Canada Came To Be



Grand Collaboration with 300 students from Glenore Elementary, Public Performance 7pm April 22 tickets \$10 Call OSO 250 763-7544

Education



Pre-concert Chats

Workshops & Masterclasses



Guy Few with Valley wide trumpet Master Class

Canadian Artists

Arnold Choi



Soloist, Elgar Cello Concerto, November, 2012 Winner, Canada Council Instrument Bank Competition

Roger Cole, Oboe



Soloist, Strauss Oboe Concert march, 2013

Dawn Mussellam, Soprano



Last Night at the Proms, May, 2013

2013 2014 A Season of Highlights

- October: Spirits Triumphant
- Dale Barltrop, Concertmaster, Vancouver Symphony
- Joseph Johnson, Principal Cello, Toronto Symphony
- November: Constellations:
- 25th anniversary of Youth Symphony Okanagan
- World premier from Imant Raminsh, YSO founder
- Colleen Venables, Violin Soloist
- YSO and OSO, Side by Side

2013 2014 continued

- Christmas Special: Handel's Messiah
- with stellar Canadian Soloists. Four performances including Sing-along Saturday, December 21 in Kelowna
- January: Romance in Vienna
- Soloists from UBC Opera Ensemble
- February: Poised for Flight
- Jan Lisiecki, Piano

Jan Lisiecki, Piano



Mozart Piano Concert No. 9, February, 2014

2013 2014 continued

- March: Symphonic Slam with Shane
- Shane Koyczan, Slam Poet
- An altogether innovative new type of program featuring two brand new commissioned works for Shane and Orchestra, powerful and unique.
- April: Dynamic Duo
- Featuring Guy Few, Trumpet and Piano
- Nadina Mackie Jackson, Bassoon
- Dazzling virtuosity will abound

Shane Koyczan



Guy Few Nadina Mackie Jackson



Dynamic Due, March, 2014

2013 2014

- May: Asian Celebration
- Susanne Hou, Violin
- Ensemble Liberta of Kasugai, Japan
- Taiko Drummers
- In honour of Asian Heritage Month

Susanne Hou



Butterlfy Lovers, May, 2014

Always presenting an amazing variety of music



Supported by Hard-working Volunteers





REPORT TO COUNCIL



Date: February 21, 2013

RIM No. 1210-21

To: City Manager

From: Land Use Management, Community Sustainability (GS)

Application: A13-0001 **Owner:** Robert Johnson

Address: 2702 Glenmore Rd N Applicant: James (Jim) Simkins

Subject: Non-farm use application (ALC)

Existing OCP Designation: Resource Protection Area

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve appeal A13-0001 for Lot A, Sections 21 and 28, Township 23, Osoyoos Division Yale District Plan 5353, Except Plans B7114, 17921, 18046, 19773, 22105, 23083, 29083 and KAP78846 located at 2702 Glenmore Road N for a "Non-Farm Use" under Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

AND THAT Council forward the subject application to the Agricultural Land Commission (ALC).

2.0 Purpose

To obtain approval from the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve to allow an additional dwelling (mobile home).

3.0 Land Use Management

While the subject property is quite large relatively speaking (24.5 ha), little agricultural production is currently taking place to support the request. The existing beekeeping use results from a lease and therefore does not contribute to labour requirements on the farm. The owner/applicant are proposing Christmas tree production for retail sale, however, an established operation is typically necessary to warrant farm help. Further, while the proposed kennel and breeding facility do have relevance to the non-farm use application, the kennel is not a decision point in and of itself.

The applicant (Mr. Simkins) is currently breeding dogs on the property, but the existing facilities to house the animals are inadequate. The Farm Practices Protection (Right to Farm) Act specifically notes that a "Farm Operation" does not include "breeding pets or operating a

kennel¹". The ALR Use, Subdivision & Procedure Regulation is somewhat contrary allowing for "breeding pets or operating a kennel or boarding facility" as a "Permitted Use for land in an agricultural land reserve²".

As is, the subject property does not appear to warrant farm help accommodation. Further, the applicant, while apparently related (unconfirmed) to the current owner (uncle-nephew) is not classified as "Immediate Family", a blood relationship which would allow for a Mobile Home (see attached ALC policy). Based on the above, the City has no policy or planning rationale to support the additional dwelling which appears to have been illegally placed without permits.

The above being said, the subject property is relatively large, and the parcel only partially contained within the ALR boundary (see Map 2 below). The ALC may give consideration for allowing the non-farm use on the subject property in exchange for some, or all of the remainder being included into the ALR³. Assuming that the ALC finds the ALR Inclusion to be a net benefit and allows the use, the owner/applicant would then require rezoning to the A1c - Agriculture 1 with Carriage House zone. In this event, Land Use staff would be supportive of the rezoning.

4.0 Proposal

4.1 Background

At present a single detached dwelling, a mobile home and a series of accessory buildings are located on this large agricultural parcel. The original "home plate" was developed near the southeast property boundary and contains the single detached dwelling (Map 3 below). Some time between 2003 and 2006 (as determined through airphotos) a mobile home was placed on the subject property outside the existing "home plate", approximately 120 metres from the main dwelling (see Map 4 below).

The additional dwelling was discovered by Building & Permitting staff who were asked to attend the site to investigate an unlicensed dog kennel and breeding facility. It appears that none of the necessary approvals were obtained [approval for additional dwelling (i.e. farm help, or immediate family), or Building Permits] prior to the placement of the dwelling. The lack of ALC or City approval necessitates this application in an effort to legalize the structure and use.

The owner notes that in addition to the unlicensed dog kennel and breeding facility there was formerly a greenhouse operation (unconfirmed) on the subject property, which was closed in 2012. In addition to the kennel, the owner currently leases out a relatively small portion of the subject property to a beekeeper.

4.2 Project Description

The applicant and owner are seeking to have the existing mobile authorized to remain on the parcel. The request to have the mobile legalized is being made on a combination of compassionate grounds (the owner is 85 years old and lives alone) and for farm help purposes. Legalizing this existing use is necessary for the owner/applicant to obtain Building Permits for a proposed dog kennel.

The owner suggests that they will operate a Christmas tree nursery on a portion of the subject property and wish to build and operate a kennel (day care) and agility training course for dogs.

¹ Farm Practices Protection (Right to Farm) Act. Part 1 - Definitions 1(m). Retrieved January 17, 2013 from http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96131_01.

² ALR Use, Subdivision & Procedure Regulation. Part 2 - Permitted Uses 3(1)(h). Retrieved January 17, 2013 from http://www.alc.gov.bc.ca/legislation/Reg/ALR Use-Subd-Proc Reg.htm.

³ The ALR Inclusion would likely be contingent on an Agricultural Assessment which confirms that the currently non-ALR land has

The ALR Inclusion would likely be contingent on an Agricultural Assessment which confirms that the currently non-ALR land has agricultural suitability and is justifiably included in the ALR.

4.3 Site Context

The subject property is located west of Glenmore Road North, north of McKinley Road and borders the northeast edge of McKinley Reservoir in the McKinley Sector. The area is designated as Hazardous Condition Development Permit Area given the steep slopes and the wildland fire interface. The site area is ~24.54 hectares (60.6 acres) and the site elevation varies between 480 m (in the south) and 550 m (in the north).

Map 1: Subject Property - 2702 Glenmore Road North



Not all of the subject property is within the ALR (see Map 2 below) with approximately 8.3 ha out of the ALR, some of which is mapped as improvable to Class 2/3.

Map 2: ALR Boundaries



The soils in this area are quite varied from the north to the south. Much of the land (representing approximately 84% of the site area) is improvable to Class 2 or 3 which reflects "Prime" agricultural land. The remainder is thought to be improvable to Class 5 and 6 or "Secondary" agricultural land according to the land inventory (see attached CLI).

Map 3: 2003 Orthophoto (No Mobile Home)



Map 4: 2003 Orthophoto (With Mobile Home and Secondary Home Plate)



Zoning and land uses adjacent to the property are as follows:

Direction	Zoning	ALR	Land Use
North	P3 - Parks & Open Space A1 - Agriculture 1	Yes	Agricultural Rural residential
South	P4 - Utilities	No	McKinley Reservoir GEID Works Yard
East	A1 - Agriculture 1	Yes	Glenmore Road/Agricultural
West	P3 - Parks & Open Space	Yes	Agricultural

5.0 Current Development Policies

5.1 2030 Official Community Plan: Greening Our Future

The subject property has a future land use designation of Resource Protection Area and relevant policies are included below:

Objective 5.33 Protect and enhance local agriculture⁴.

Policy. 1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Objective 5.34 Preserve productive agricultural land⁵.

Policy .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 <u>City of Kelowna Agriculture Plan</u>

ALR Application Criteria⁶

⁴ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

⁵ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

5.3 Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

6.0 Technical Comments (N/A)

7.0 Application Chronology

Agricultural Advisory Committee February 7, 2013

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on February 7, 2013 and the following recommendations were passed:

MOVED BY Yvonne Herbison/SECONDED BY Pierre Calissi

THAT the Agricultural Advisory Committee <u>NOT</u> support Application No. A13-0001 for 2702 Glenmore Road N, to obtain approval from the Agricultural Land Commission (ALC) for a non-farm use within the Agricultural Land Reserve to allow an additional dwelling (mobile home).

CARRIED

8.0 Alternate Recommendation

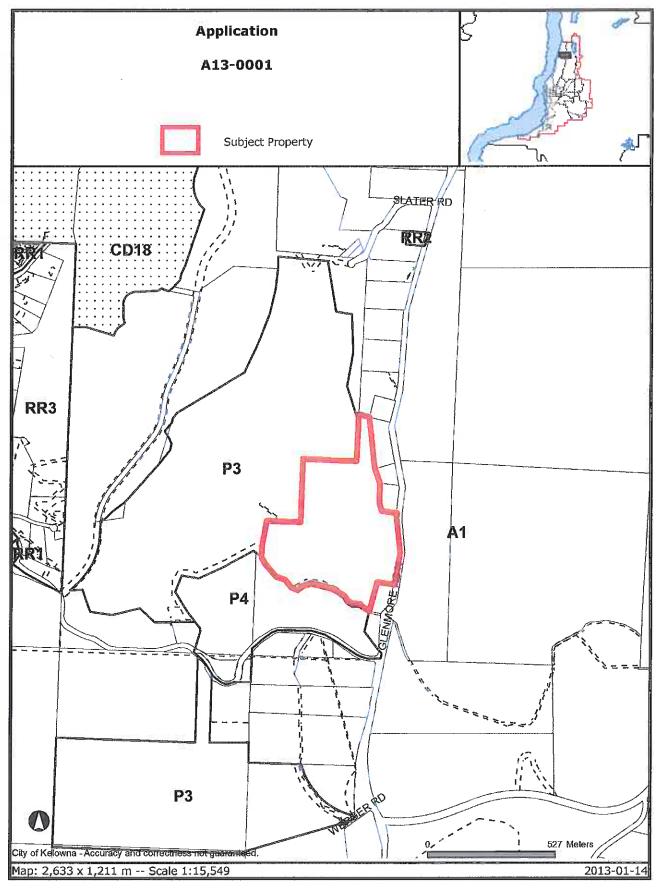
THAT Agricultural Land Reserve appeal A13-0001 for Lot A, Sections 21 and 28, Township 23, Osoyoos Division Yale District Plan 5353, Except Plans B7114, 17921, 18046, 19773, 22105, 23083, 29083 and KAP78846 located at 2702 Glenmore Road N for a "Non-Farm Use" under Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Council forward the subject application to the Agricultural Land Commission (ALC).

Report prepared by:

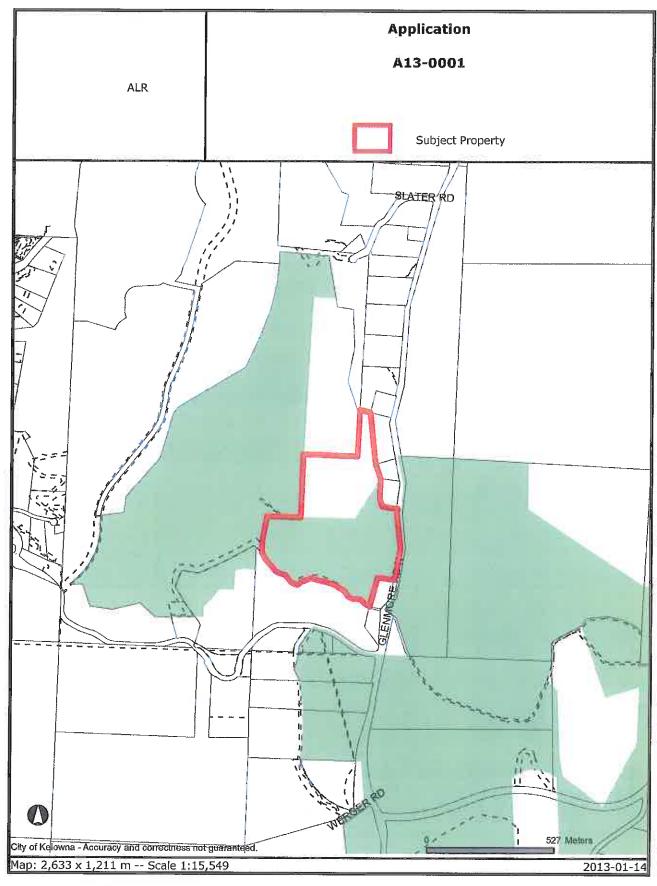
Greg Sauer, Environment & Land Use Planner				
Reviewed by:	Todd Cashin, Manager, Environment & Land Use			
Approved for Inclusion	Doug Gilchrist, Acting General Manager, Community Sustainability			
Attachments:				
Subject property/zoning map & ALR Map (2 pages)				
Landowner Rationale (1 page)				
AAC Minutes (2 pages)				
Soil Classification and Land	. , , , ,			
Agricultural Capability Legends (1 page)				
ALC Policy #8 Permitted Use	es In The ALR: Residential Use (2 pages)			

⁶ City of Kelowna Agriculture Plan (1998); p. 130.



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.

Im simbins moved here in 2005 to help my wife & I with the work around this farm. My wife diet in 2007 go fin Alps me more as I am 85 gears old-the lives in a mobile home træiler about 500 feet from my home. We are going to build a dog kennell for day care for dogs. Also an agility, course for for dogs. Ingram apieress uses part of my property to raise bees and for over wintering bees. Since I closed the Greenhouse business in 2012,

we are going to start raising christman transfor sole,

2702 GLENMORE RD N

Lof A, Plan 5353, Section 28&21, Township 23, Osoyoos Div of Yale Land District, Except Plan B7114 17921 18046 19773 22105 23083 29083 KAP78846 PID: 010-316-141

AGRICULTURAL ADVISORY COMMITTEE

Minutes of the Open Meeting

Date: Thursday, February 7, 2013

Time: 6:00 p.m.

Location: Council Chambers, City Hall, Kelowna

In attendance:

Leo Gebert (Chair), Pierre Calissi (Vice Chair), Yvonne Herbison (A), Bob Hrasko

Regrets:

Gordon Sandhu, John Janmaat, Arthur (Gill) Green, Pete Spencer, Edward Schiller (A)

Staff:

Environment & Land Use Planner II, Greg Sauer Environment & Land Use Manager, Todd Cashin

Recording Secretary:

Arlene McClelland

(*Denotes partial attendance)

1. CALL TO ORDER

The Chair called the meeting to order at 6:03 p.m.

Opening Remarks by the Chairperson regarding Conduct of the Meeting were read.

The Chair noted additions to the Agenda to be discussed under New Business.

2. APPLICATIONS FOR CONSIDERATION

ITEM 1 A13-0001

2702 Glenmore Road

The applicant is requesting permission from the Agricultural Land Commission (ALC) under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve to allow an additional dwelling (mobile home).

Applicant: James (Jim) Simkins

Owner: Robert Johnson

Staff:

- The applicant is requesting permission from the ALC for a non-farm use within the ALR to allow for an additional dwelling on the subject property.

The subject property is located west of Glenmore Road North, north of McKinley Road and borders the northeast edge of McKinley Reservoir in the McKinley Sector.

- The soils in this area are quite varied from north to south with much of the land classified as improvable to Class 2 or 3 which reflects Prime agricultural land. The remainder is thought to be improvable to Class 5 and 6 or Secondary agricultural land according to the land inventory. At present a large portion in the north of the subject property accounting for approximately 8.3 ha is not within the ALR.

 Presently a single detached dwelling, a mobile home and a series of accessory buildings are located on this large agricultural parcel. The original home plate was developed near the southeast property boundary and contains the single detached dwelling. Sometime between 2003 and 2006 a mobile home was placed on the subject property without the necessary approvals for farm help accommodation or Building Permits prior to the placement.

The lack of ALC or City approval necessitates this application to legalize the structure and use. The applicant and owner are seeking to have the existing mobile authorized to

remain on the parcel.

 The request to have the mobile legalized is being made on a combination of compassionate grounds as the owner is 85 years old and lives alone and for farm help purposes.

The owner suggests that they intend to operate a Christmas tree nursery on a portion of the subject property. Another goal is to build and operate a dog kennel and agility training course but legalizing this existing use must happen first.

The owner also leases out a portion of the subject property to Ingram Apiaries for

beekeeping purpose.

- Staff is soliciting an AAC recommendation with respect to the request to legalize the existing mobile home on compassionate and farm help grounds as a Non-Farm Use.

The Applicant is present.

Applicant: James (Jim) Simkins

- Aging family members asked if I could move onto the property to help with farming.

- A trailer was moved onto the property and when we inquired with City Hall if a permit was required was told the only permit required would be for electrical. There is a septic field in place and it had been inspected years ago.
- Cattle had previously been farmed on the property then a greenhouse business which no longer exists.

Part of the property is being leased for beekeeping.

- The owner (Mr. Johnson) also wanted assistance with planting/maintaining trees for the tree farm.
- A goal would be to start a dog kennel business. Applicant notes that he has spoken to the RCMP and would like to host dog agility training for them.

Available to answer any questions.

AAC/Staff/Applicant Discussion:

- AAC member inquired if there is any evidence of septic fields. Staff noted that based on no site visit there have been no building permits from a sewage practitioner or the public health officer. The Applicant advised that years ago the septic was done through the Regional District and that is why there is uncertainty. Staff noted that the years where the mobile home showed up (2003 2006) the land was within the City of Kelowna's jurisdiction.
- AAC member questioned if there is any record showing that there was a mobile home on the property previously. The Applicant advised that he's uncertain of the year but many years ago his grandparents moved into a smaller trailer on the property for approximately 3 months then moved out to be closer to town.
- AAC member advised the Applicant of their mandate which is to determine if an application is of benefit to agriculture.

There were no further comments.

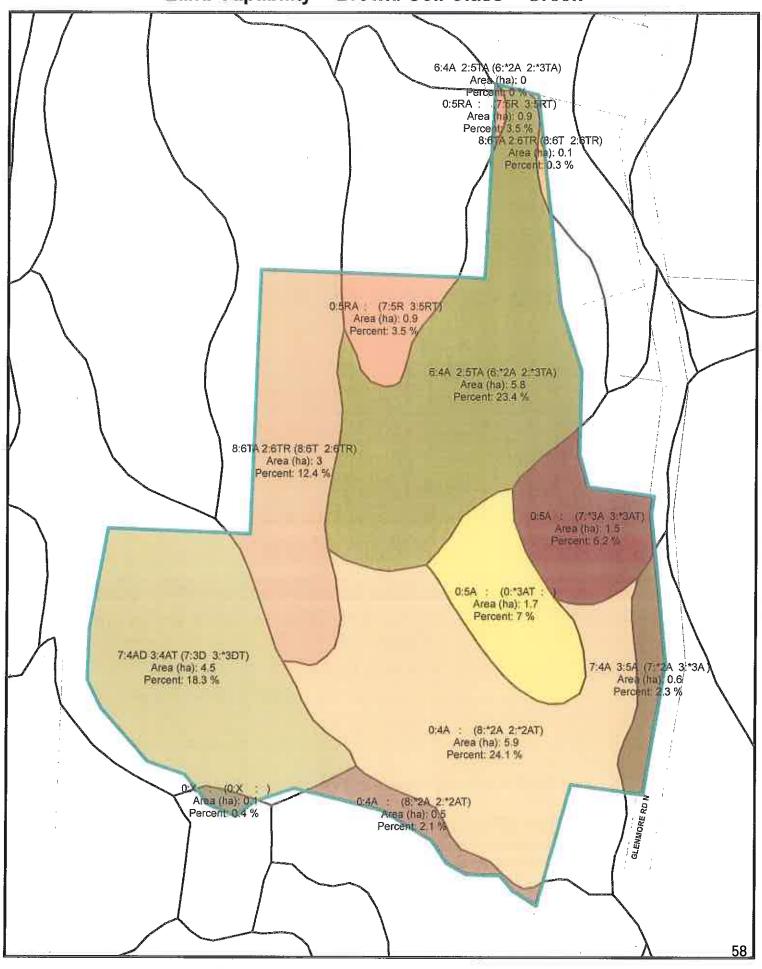
RECOMMENDATION (ITEM 1)

MOVED BY Yvonne Herbison/SECONDED BY Pierre Calissi

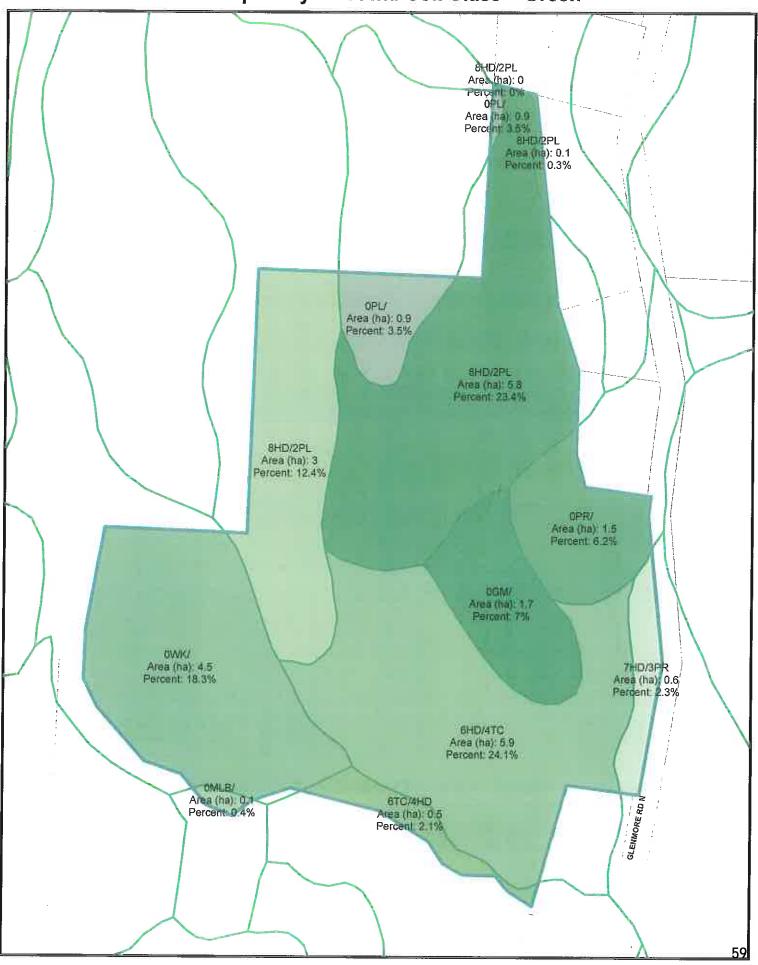
THAT the Agricultural Advisory Committee <u>NOT</u> support Application No. A13-0001 for 2702 Glenmore Road N, to obtain approval from the Agricultural Land Commission (ALC) for a non-farm use within the Agricultural Land Reserve to allow an additional dwelling (mobile home).

CARRIED

Land Capability = Brown/ Soil Class Green



Land Capability = Brown/ Soil Class - Green



Agricultural Capability Classes

- Land in this Class has no or only very slight limitations that restrict its use for the production of common agricultural crops. Land in

 Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of filed crops.
- Land in this Class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which do not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.
- Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
 - Land in this Class has limitations that require special management practices or severely restrict the range of crops, or both. Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop
- 4 failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
 - Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated filed crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.
- Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 land s can be improved by draining, diking and/or irrigation.
- Land in this Class has no capability for arable agriculture or sustained natural grazing. All classified areas not included in Classes 1 to
 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but does not provide natural sustained grazing for domestic livestock due to unsuited natural vegetation. Also included are rock land, other non-soil areas, and small water bodies not shown on the maps. Some unimproved Class 7 land can be improved by draining, diking, irrigation, and/or levelling.

Agricultural Capability Subclasses

M&A	Soil moisture deficiency	N	Salinity	
C	Adverse climate (excluding precipitation)	P	Stoniness	
D	Undesirable soil structure	R	Shallow soil over bedrock and/or bedrock outcroppings	
E	Erosion	T	Topography	
F	Low fertility	W	Excess water (groundwater)	
1	Inundation (flooding by streams, etc.)	S&X	Cumulative and minor adverse conditions	

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Policy #8 March 2003

PERMITTED USES IN THE ALR: RESIDENTIAL USE

This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation", Section 3 (1) (b)

Section 3 (1) "the following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw:

- (b) for each parcel,
 - (i) one secondary suite within a single family dwelling, and
 - (ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;

Section 1 (1) "immediate family" means, with respect to an owner, the owner's

- (a) parents, grandparents and great grandparents,
- (b) spouse, parents of spouse and stepparents of spouse,
- (c) brothers and sisters, and
- (d) children or stepchildren, grandchildren and great grandchildren;

INTERPRETATION:

The Regulation permits a secondary suite for residential purposes, wholly contained within a single family dwelling, on a parcel in the ALR. The secondary suite use is not limited as to who occupies the suite. The Regulation also provides for one manufactured home, in addition to a dwelling, on a parcel in the ALR, but only for use by the property owner's immediate family. The maximum width of manufactured or mobile home allowed is 9 metres, which provides for what is commonly known as a 'double-wide'. The Commission may make an exception to the width requirement in the Peace and Northern Rockies Regional Districts to provide for a 'double wide' up to the industry standard width (10 metres).

The Regulation defines "immediate family" as noted above. If the manufactured home is no longer occupied by immediate family of the property owner, it is no longer a permitted use in the ALR and must be removed from the parcel or, if it remains, not used for residential purposes.

It should be noted that Section 18 (a) (ii) of the *Agricultural Land Commission Act* provides for one residence per parcel of land, and more than one residence where "the additional residences are necessary for farm use." See Commission Policy "Additional Residences for Farm Use".

Related uses that are not permitted in the Act or Regulation for residential use require application to and approval from the Commission.

Where a zoning bylaw is in place, this use must be specifically permitted by the bylaw.

TERMS:

Secondary suite — means an area set aside for residential use, within the footprint of a single family dwelling, and secondary or ancillary to the residential use of that single family dwelling.

Manufactured home — means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.

REPORT TO COUNCIL



Date: February 19, 2013

RIM No. 1210-21

To: City Manager

From: Land Use Management, Community Sustainability (GS)

Tony Bajaj

Joginder Virdi

Application: A13-0002 **Owner:** Suresh Khurana

Subhash Bajaj Sunita Sood

Address: 355 - 357 Valley Rd Applicant: Tony Bajaj

Subject: Non-farm use application (ALC)

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve appeal A13-0002 for Lot 7, Block 9, Section 33, Township 26, Osoyoos Division Yale District, Plan 896, Except Plan B3900, located at 355 - 357 Valley Road for a "Non-Farm Use" pursuant to Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

AND THAT Council NOT forward the subject application to the Agricultural Land Commission for consideration;

AND FURTHER THAT Council direct staff to enter into a Compliance Agreement with the owners to bring the subject property into compliance prior to July 1, 2013.

2.0 Purpose

To obtain approval from the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve to allow an additional dwelling with four dwelling units (i.e. fourplex) contained within the dwelling.

3.0 Land Use Management

Over the past few decades many requests for additional dwelling(s) have been made by owners of agricultural land. Requests were approved to help ensure the ongoing viability of the farm operation where staff determined that the dwelling for agricultural workers could be justified. However, in the absence of strict compliance and enforcement measures, farm help housing has

a tendency to become general rental housing over time¹. The conversion of these farm help dwellings to general rental housing is known to impact the viability of farming and sets a precedent in the agricultural community².

Records show that the former owners were granted permission in 1982 to add a dwelling and subsequently allowed to create a suite for farm workers for what was at that time a functioning orchard. The subject property has not hosted an orchard for an extended period of time. With the orchard removed and replaced with a much lower value (and considerably less labour intensive) crop in the form of hay (currently leased out) there is no legitimate need for farm worker housing. The use of the housing has not however reflected these changes and has been used illegally for extended durations (i.e. since prior to 2004) and on multiple occasions³.

Given that the two extra suites were created without Building Permits and the use illegal, the dwelling represents a potential source of liability for the owners. Life safety issues typically addressed through building permits (e.g. fire separations, access/egress, fire/smoke alarms) have not been reviewed. Further, the City has no knowledge that the septic system was sized to meet the demand of four households.

While not directly relevant to the illegal use of the farm help dwelling, the principal dwelling is also not owner occupied or occupied by farm help. The rented principal dwelling was recently discovered to house a marijuana grow operation. The operation was shut down by the RCMP and the home rendered uninhabitable in October, with violations on re-entry also noted.

City staff agree with the AAC that the ideal scenario is the use of the farm help dwelling as intended as this implies active production of higher value crops. However, a large investment into agriculture would need to be made with significantly intensified operations (e.g. ground crops). The farm help dwelling is intended to provide farm worker housing beyond the principal dwelling, which is also expected to house at least one individual fully engaged in the farm operations. No plan is currently in place that would see a return to agricultural production beyond the production of hay (under lease).

Given that the use of the second home is wholly illegal, is detrimental to agriculture and could pose risks to the safety of the occupants, staff suggest immediate action to bring the use of the property back into conformance with City and Provincial requirements. It is recommended that Council not forward this application to the ALC⁴. Forwarding the application for ALC consideration is only expected to delay the inevitable.

Rather, staff are seeking Council support to enter into a Compliance Agreement with the landowners effective immediately. A draft Compliance Agreement is attached for Council's consideration. The Compliance Agreement would define the terms for notifying existing tenants and provide sufficient time to relocate, recognizing that these households will be most significantly impacted by compliance and enforcement actions.

¹ General rental housing is not a permitted use in the ALR, or on land zoned by the City for agricultural use. The exception is for legally created secondary suites within a principal dwelling, or in a carriage house with permission from the ALC and subsequent to the property being rezoned to the A1c - Agriculture with Carriage House zone.

² This is particularly true if the rental income acts as a deterrent to agriculture. In addition, additional dwellings occupy arable farm land and their presence leads to increased valuation for farm properties.

³ Staff have no way of knowing the full extent of how many years the home has been rented illegally.

⁴ Land Use staff are unable to support the necessary changes, even on a temporary (e.g. 1-2 year) basis. Further, in the highly unlikely event that the ALC permitted the "Non-Farm Use" in the ALR for rental housing not related to agriculture, the use would still not conform with the City's zoning. The City would then be faced with a subdivision (in the ALR), Official Community Plan amendment (Resource Protection Area -> Multiple Unit Residential (Low Density)) and rezoning (from A1- Agriculture to RM1 - Four Dwelling Housing).

4.0 Proposal

4.1 Background

Prior to 1982 the ~5 ha agricultural subject property contained a single family dwelling consistent with permitted uses in the zone. Records show that in 1981 the owners applied for and were granted permission (1982) to move a second dwelling onto the subject property with a stated intention of housing an orchard manager and other farm help. This too is consistent with the zoning bylaw. The then owner signed an affidavit with the City of Kelowna stating that:

"the semi-detached dwelling placed on the subject lands will not be rented or leased out, but will be used solely by the families of full-time agricultural workers on the site and to accommodate seasonal agricultural labourers employed on the site".

Later in 1982 the owner applied to create a 720 ft² suite within the dwelling for farm labourers, which was also authorized by City permits.

Based on approvals granted, a second dwelling for full-time farm workers and their family, in addition to a suite within that second dwelling, also for full-time farm workers or seasonal labourers employed on the site are permitted.

In 1993 City staff received a public complaint that the moved on dwelling (near Valley Rd) was converted to a fourplex and was being rented out. Bylaw Enforcement staff conducted an investigation and discovered that the home had been converted to a fourplex and that none of the units were being inhabited by farm workers. Correspondence shows that Bylaw staff dealt with the then owner over the course of 1993 to obtain compliance.

Between the years 1995 and 2000 (based on airphoto interpretation), the orchard which provided the justification for farm worker housing was removed. It appears that the orchard was replaced with hay production. According to the current owners, the subject property is currently under contract for hay production and the lease is not set to expire for two years.

City staff were notified in mid-April, 2012 that the farm help dwelling had again been converted from a single dwelling with a suite, to a fourplex. Upon further investigation Bylaw staff were able to determine that the dwelling was not being occupied by farm laborers. Rather, all four units were being rented out to the general public. The current owners appear to have purchased the property in 2004 and have advised⁵ that the dwelling had once again been converted to a fourplex by the time they purchased the property.

The applicants were notified of their options in mid-June which included: 1) bring the dwelling into compliance (i.e. occupied by farm workers only); 2) decommission, remove, or demolish the dwelling; or 3) apply for a "Non-Farm Use" in the ALR.

In addition to the non-conforming use of the second dwelling, staff are also aware of problems with the principal dwelling. The principal dwelling too was being rented out and RCMP shut down an illegal marijuana grow operation in mid-October, 2012. This dwelling is currently unoccupied.

4.2 Project Description

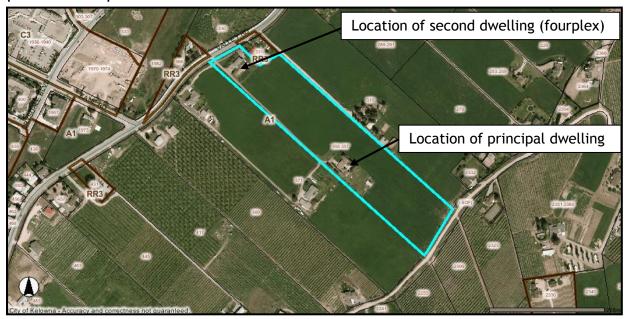
The owner/applicants are seeking to have the existing dwelling authorized to remain on the parcel as a rental property with four units contained within. The request to have the home remain is not supported by justification except that the home has apparently been rented for years and the ongoing income is needed by the owners.

⁵ As noted at the February 7, 2013 AAC meeting.

4.3 Site Context

The subject property is located east of Valley Road between Kane Road and Longhill Road and in the Glenmore-Clifton-Dilworth Sector. The site area is ~4.96 hectares (12.3 acres) and the site elevation varies between 401 m (in the northwest) and 443 m (in the southeast).

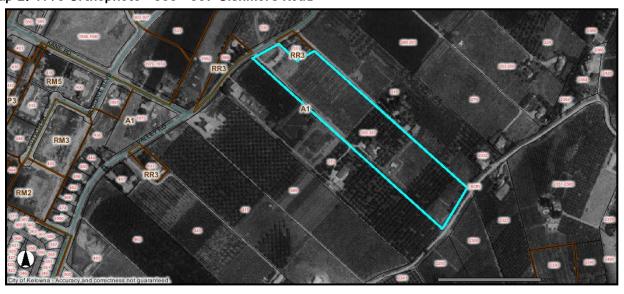
Map 1: 2012 Orthophoto - 355 - 357 Glenmore Road



The soils in this area are relatively good and in some places excellent. Approximately 44% of the subject property has Class 1 agricultural capability with no limitations while approximately 52.5% is Class 3 (with undesirable soil structure) and the remaining ~3% being Class 2 (with topography). Classes 1 to 3 reflect "Prime" agricultural land. The 2nd dwelling which the applicants are seeking to have legalized is within an area of Class 3.

As illustrated in Map 2, the subject property was formerly an orchard, though the orchard appears to have been removed between 1995 and 2000.

Map 2: 1995 Orthophoto - 355 - 357 Glenmore Road



Zoning and land uses adjacent to the property are as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agricultural/Residence
South	A1 - Agriculture 1	Yes	Agricultural/Residence(s)
East	A1 - Agriculture 1	Yes	Agricultural/Flume Trail
West	A1 - Agriculture 1 RR3 - Rural Residential	No	Valley Road/Agricultural/ Residence Residence

5.0 Current Development Policies

5.1 2030 Official Community Plan: Greening Our Future

The subject property has a future land use designation of Resource Protection Area and relevant policies are included below:

Objective 5.33 Protect and enhance local agriculture⁶.

Policy. 1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Objective 5.34 Preserve productive agricultural land⁷.

Policy .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.

⁶ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

⁷ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

5.2 <u>City of Kelowna Agriculture Plan</u>

ALR Application Criteria⁸

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

6.0 Technical Comments

6.1 Bylaw Services

Bylaw Services have two open Service Requests on the subject property. The first is for the second dwelling (fourplex) located near Valley Road. City staff were notified of the possibility that the dwelling had been converted to a fourplex and that the units were not being used for farm help in mid-April. Owners were advised in June of options which included an ALC appeal.

The second Service Request pertains to a marijuana grow operation that was discovered in the original principal dwelling (located approximately 300 metres east of Valley Road) by RCMP officers in mid-October. The dwelling is currently uninhabited and requires building permits to be issued once remediation (e.g. mould removal) has taken place.

6.2 Building & Permitting

An illegal fourplex in a single family dwelling presents a number of Building Code challenges including:

- the need to upgrade the water system with all units plumbed to a separate mechanical room;
- separate heating systems in each unit;
- fire separations must meet the requirements for this type of building;
- sewer system must be upgraded or confirmed to meet multifamily dwelling requirements;
- code analysis by a registered professional.

All outstanding DCCs would also need to be paid prior to Building Permit issuance.

7.0 Application Chronology

Date Application Received: January 21, 2013

Agricultural Advisory Committee: February 7, 2013

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on February 7 and the following recommendations were passed:

MOVED BY Pierre Calissi/SECONDED BY Bob Hrasko

THAT the Agricultural Advisory Committee NOT support Application No. A13-0002 for 355-357 Valley Road, to obtain approval from the Agricultural Land Commission (ALC) for a non-farm use within the Agricultural Land Reserve to allow an additional dwelling with four dwelling units contained within the dwelling (fourplex).

CARRIED

-

⁸ City of Kelowna Agriculture Plan (1998); p. 130.

ANECDOTAL COMMENT:

The Agricultural Advisory Committee does not support the use of the dwelling for rental purposes. However, the AAC does support farm help dwellings where the need exists. The AAC encourages the use of the property for agricultural production which could support the need for farm workers as originally intended, as opposed to decommissioning, demolition, or removal.

8.0 Alternate Recommendation

Agricultural Capability Legends (1 page)

Draft Compliance Agreement (1 page)

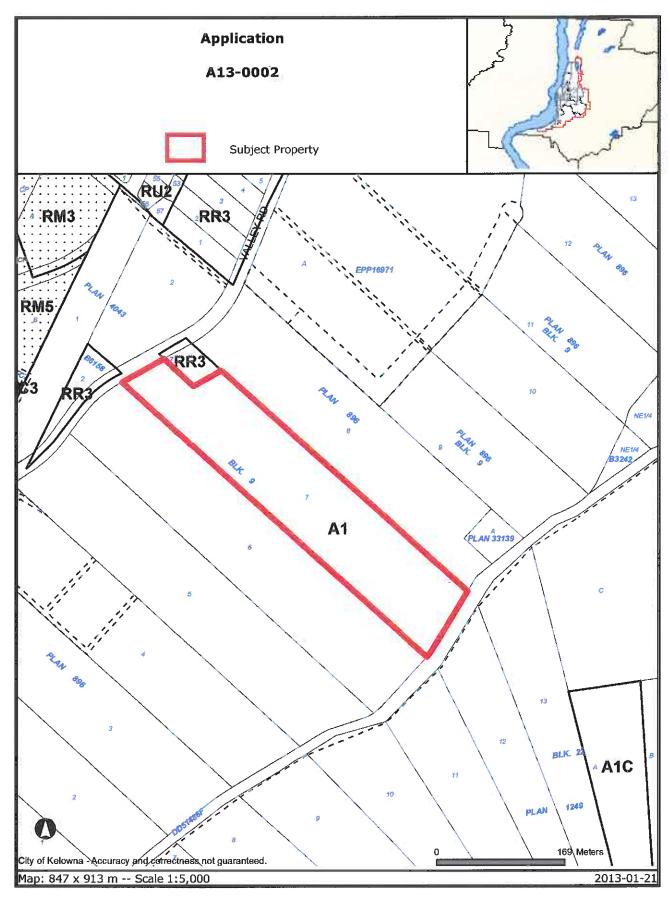
ALC Policy #8 Permitted Uses In The ALR: Residential Use (2 pages)

AAC Minutes (2 pages)

THAT Agricultural Land Reserve appeal A13-0002 for Lot 7, Block 9, Section 33, Township 26, Osoyoos Division Yale District Plan 896, Except B3900, located at 355 - 357 Valley Road for a "Non-Farm Use" under Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

AND THAT Council forward the subject application to the Agricultural Land Commission (ALC).

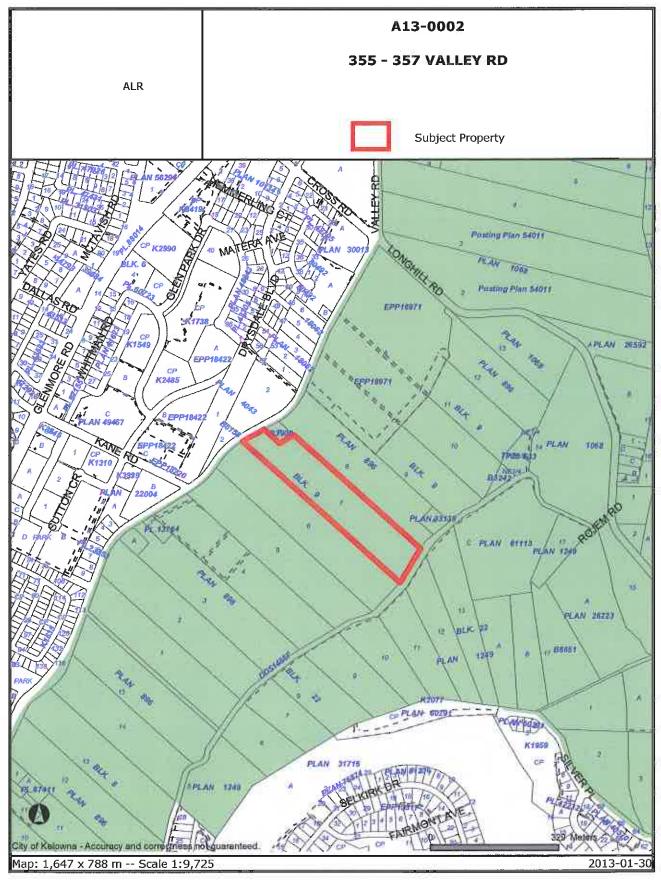
Report prepared by:	
Greg Sauer, Environment 8	Land Use Planner
Reviewed by:	Todd Cashin, Manager, Environment & Land Use
Approved for Inclusion	Doug Gilchrist, Acting General Manager, Community Sustainability
Attachments:	
Subject property/zoning m Landowner Application (2 Soil Classification and Land	pages)



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.

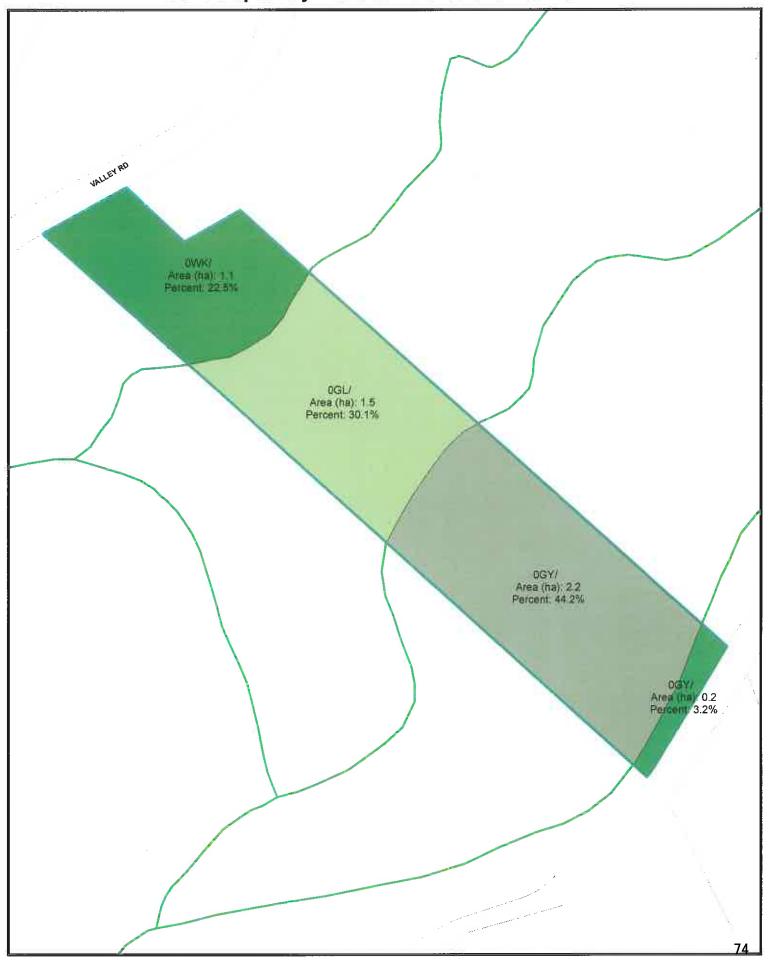
Map Output



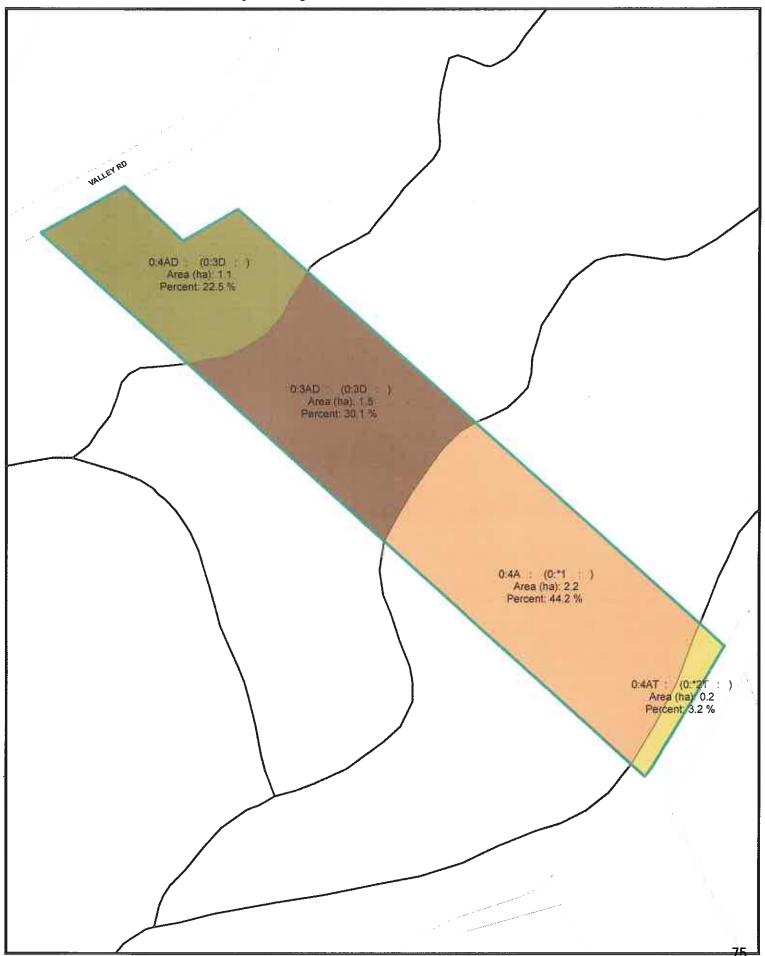
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.

The City of Kelowna does not guarantee its accuracy. All information should be verified.

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



Agricultural Capability Classes

- Land in this Class has no or only very slight limitations that restrict its use for the production of common agricultural crops. Land in

 Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of filed crops.
- Land in this Class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which do not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.
- Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
 - Land in this Class has limitations that require special management practices or severely restrict the range of crops, or both. Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop
- 4 failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
- Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops.

 Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated filed crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.
- Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 land s can be improved by draining, diking and/or irrigation.
- Land in this Class has no capability for arable agriculture or sustained natural grazing. All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but does not provide natural sustained grazing for domestic livestock due to unsuited natural vegetation. Also included are rock land, other non-soil areas, and small water bodies not shown on the maps. Some unimproved Class 7 land can be improved by draining, diking, irrigation, and/or levelling.

Agricultural Capability Subclasses

M & A	Soil moisture deficiency	N	Salinity
С	Adverse climate (excluding precipitation)	P	Stoniness
D	Undesirable soil structure	R	Shallow soil over bedrock and/or bedrock outcroppings
E	Erosion	T	Topography
F	Low fertility	W	Excess water (groundwater)
l	Inundation (flooding by streams, etc.)	S & X	Cumulative and minor adverse conditions

ITEM 2 A13-0002

355 - 357 Valley Road

The applicant is requesting permission from the Agricultural Land Commission (ALC) under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve to allow an additional dwelling with four dwelling units contained within the dwelling.

Applicant: Tony Bajaj

Owners: Tony Bajaj, Joginder Virdi, Suresh Khurana, Subhash Bajaj, Sunita Sood

Staff:

- The applicant is requesting permission from the ALC for a non-farm use within the ALR to allow an additional dwelling with four dwelling units contained within the dwelling.

- The subject property is located east of Valley Road between Kane Road to the south and Longhill Road to the north. The site area is 4.96 hectares or 12.3 acres and the site elevation varies between 401 m in the northwest along Valley Road and 443 m in the southeast.

- The soils in this area are relatively good and in some places excellent. Approximately 44% of the subject property has Class 1 agricultural capability with no limitations while approximately 52.5% is Class 3 and the remaining 3% being Class 2. The second dwelling which the applicants are seeking to have legalized is within an area of Class 3.

- The former owners applied for and were granted permission in 1982 to move a second dwelling onto the subject property for farm help. A secondary suite was later permitted within the dwelling to accommodate additional farm help. The subject property was formerly an orchard, though the orchard appears to have been removed between 1995 and 2000 after the farm help accommodations were permitted.

- A public complaint was lodged in 1993 that the farm help dwelling located near Valley Road had been converted to a fourplex and was being rented. Bylaw Enforcement staff conducted an investigation and learned that the home had been converted to a fourplex and that none of the units were being inhabited by farm workers as per the agreement between the City and then landowner. Correspondence shows that Bylaw Enforcement dealt with the then owner over the course of 1993 to obtain compliance.

 The current owner/applicants have since purchased the subject property and the farm help dwelling has been converted back to a fourplex.

- The applicants are now seeking to have the existing dwelling authorized to remain on the parcel as a rental property with four units contained within.

 A fourplex for rentals is not a permitted use in the ALR, nor the A1-Agriculture zone. In addition to a non-farm use the subject property would require approval for subdivision in the ALR which would be followed by rezoning to a multi-family zone and subdivision.

Applicant: Tony Bajaj

- When the property was purchased a lot of money was spent to bring the building back to rental standards.
- The property was purchased in 2004 and we had been told that the property was grandfathered as a fourplex because the previous owner owned it for so long.
- The intention and future plan is to put in an Orchard once an existing lease of the land (for hay) expires in 2 years.
- Available to answer further questions.

AAC/Staff/Applicant Discussion:

- AAC member commented that the purpose of the building was to house farm workers not for rental purposes.
- The Applicant commented that it's difficult to rent to farmers for six months and then the building sits empty for six months.
- Staff noted the history of the property and that two dwelling units were approved and an affidavit signed that it would be used solely for temporary or full-time farm help and not for rental purposes.

- AAC member advised the Applicant of their mandate which is to determine if an application is of benefit to agriculture and this application is not.

There were no further comments.

RECOMMENDATION (ITEM 2)

MOVED BY Pierre Calissi/SECONDED BY Bob Hrasko

THAT the Agricultural Advisory Committee NOT support Application No. A13-0002 for 355-357 Valley Road, to obtain approval from the Agricultural Land Commission (ALC) for a non-farm use within the Agricultural Land Reserve to allow an additional dwelling with four dwelling units contained within the dwelling (fourplex).

CARRIED

ANECDOTAL COMMENT:

The Agricultural Advisory Committee does not support the use of the dwelling for rental purposes. However, the AAC does support farm help dwellings where the need exists. The AAC encourages the use of the property for agricultural production which could support the need for farm workers as originally intended, as opposed to decommissioning, demolition, or removal.

ITEM 3 A13-0003

2025 Springfield Road/2120 Cooper Road

To exclude two properties with a combined area of 9.85 ha (24.35 ac) from the Agricultural Land Reserve (ALR). The exclusion is requested to facilitate the creation of a mixed use (i.e. retail commercial, residential, office) development.

Applicant: Kent-McPherson (Rod Cook)

Owner: McIntosh Properties

Staff:

- The applicant is requesting permission from the Agricultural Land Commission (ALC) to exclude two properties with a combined area of 9.85 ha or 24.35 acres from the Agricultural Land Reserve (ALR).

- The subject property is located on the south side of Springfield Road between Spall and Cooper Roads. The subject property is located within the Central City Sector of the City in close proximity to two Urban Centres. Zoning and adjacent land uses are quite diverse with the properties to the north containing commercial, utility to the west, multifamily residential and institutional to the east and agriculture to the south.

The Springfield Road parcel is the smaller of the two with an approximate area of 3.8 ha while the Cooper Road property is approximately 6 hectares in size. The subject properties are located just outside of the area designated as the Permanent Growth Boundary in the Official Community Plan.

- An Agricultural Capability Assessment was recently prepared for the two subject properties. The Assessment also concludes that the land is capable of producing a wide array of crops.

 The owners are proposing a mixed use development with medium density residential and commercial, retail and office uses.

In terms of buffering remainder agricultural land to the south from urban impacts a new public road is proposed to extend west from Cooper Road paralleling the southern property line along the entire parcel. In addition to the roadway a solid fence is proposed along the entire southern boundary in addition to a landscaped buffer. The proponents have proposed a couple of buffer treatments but are open to suggestions. While it is not clear on the illustration the proposal is for the buffering to be provided on the subject properties and not the remaining agricultural lands. Copyright © 2003: Agricultural Land Commission, Burnaby, British Columbia, Canada

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Policy #8 March 2003

PERMITTED USES IN THE ALR: RESIDENTIAL USE

This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation", Section 3 (1) (b)

- Section 3 (1) "the following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw:
 - (b) for each parcel,
 - (i) one secondary suite within a single family dwelling, and
 - (ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;
- Section 1 (1) "immediate family" means, with respect to an owner, the owner's
 - (a) parents, grandparents and great grandparents,
 - (b) spouse, parents of spouse and stepparents of spouse,
 - (c) brothers and sisters, and
 - (d) children or stepchildren, grandchildren and great grandchildren;

INTERPRETATION:

The Regulation permits a secondary suite for residential purposes, wholly contained within a single family dwelling, on a parcel in the ALR. The secondary suite use is not limited as to who occupies the suite. The Regulation also provides for one manufactured home, in addition to a dwelling, on a parcel in the ALR, but only for use by the property owner's immediate family. The maximum width of manufactured or mobile home allowed is 9 metres, which provides for what is commonly known as a 'double-wide'. The Commission may make an exception to the width requirement in the Peace and Northern Rockies Regional Districts to provide for a 'double wide' up to the industry standard width (10 metres).

The Regulation defines "immediate family" as noted above. If the manufactured home is no longer occupied by immediate family of the property owner, it is no longer a permitted use in the ALR and must be removed from the parcel or, if it remains, not used for residential purposes.

It should be noted that Section 18 (a) (ii) of the *Agricultural Land Commission Act* provides for one residence per parcel of land, and more than one residence where "the additional residences are necessary for farm use." See Commission Policy "Additional Residences for Farm Use".

Related uses that are not permitted in the Act or Regulation for residential use require application to and approval from the Commission.

Where a zoning bylaw is in place, this use must be specifically permitted by the bylaw.

TERMS:

Secondary suite — means an area set aside for residential use, within the footprint of a single family dwelling, and secondary or ancillary to the residential use of that single family dwelling.

Manufactured home — means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.



COMPLIANCE AGREEMENT

DISPUTE ADJUDICATION SYSTEM BYLAW NO. 10475

I, Tony Bajaj, listed with Joginder Virdi, Suresh Khurana and Subhash Bajaj as joint registered property owners of 355 - 357 Valley Road, Kelowna, B.C., acknowledge receipt of Bylaw Notice No's. KN0004483, and wish to enter into this Compliance Agreement whereby we agree to fulfill the conditions below, in exchange for a reduced penalty.

Specifically, we agree to pay the reduced penalty of \$250.00 on or before February 28th, 2013. We further agree to comply with the following terms and conditions of this Agreement:

- 1. On or about January 21st, 2013, a Development Application A13-0002 was issued to obtain permission from the Agricultural Land Commission (ALC) to legalize an existing non-farm use. The non-farm use relates to a home converted to a four-plex and approved for farm help accommodation only at 355 357 Valley Road, Kelowna, B.C.
- 2. If the Agricultural Land Commission and/or the City of Kelowna Council does not support rezoning, we will obtain, a <u>Demolition</u> or <u>Decommissioning Permit</u> from the City of Kelowna Building Inspection Department conforming to the A-1 Agriculture 1, Principal and/or Secondary uses permitted within the Zoning Bylaw 8000, Section 11.1.
- 3. On or before March 31st, 2013, if rezoning was not supported, we will ensure the tenant(s) living within the converted four-plex located at 355 357 Valley Road, Kelowna, B.C., have received notice to vacate the premises on or before May 31st, 2013 as listed in the prohibition of the City of Kelowna Zoning Bylaw 8000, Section 4.3.7(g).
- 4. On or before June 14th, 2013, if demolition or decommissioning is required, we will complete any required renovations and/or removal of facilities as directed by the building inspector, call for a final inspection and ensure the permit for 355 357 Valley Road, Kelowna, B.C., is finalized and closed.
- 5. We understand that if the building or any part thereof is decommissioned, the decommissioned area can only be used as an accessory building or structure and <u>not</u> to be rented or occupied as a dwelling unit pursuant to the Zoning Bylaw 8000, Section 4.3.7(g).

We understand that this Agreement is binding upon us for one year from the date of this Agreement,

I also understand that if we breach a term of this Agreement, or fail to observe or perform the above terms and conditions, the Screening Officer may rescind this Agreement. I understand that if this Agreement is rescinded, we will have 14 calendar days to dispute the Screening Officer's decision by contacting the Registry and requesting an Adjudication Hearing. If we do not dispute this decision in that time, the full penalty stated in the Bylaw Notice(s) of \$ 500.00 will be immediately due and payable and subject to all fees and penalties as if the Bylaw Notice was not disputed.

Signature of Bylaw Notice Recipient	Signature of Screening Officer	
Date	Date	
	Signature of Bylaw Enforcement Officer	

Compliance Agreement to be signed at Bylaw Services 101 - 653 Harvey Avenue, Kelowna, B.C. V1Y 6C7

REPORT TO COUNCIL



Date: February 15, 2013

RIM No. 1250-30

To: City Manager

From: Land Use Management, Community Sustainability (AR)

Mission Group Old Meadows

Application: Z13-0001 **Owner:** G.P. Ltd., Inc. No.

BC0954893

Address: 674 Old Meadows Road Applicant: The Mission Group

Subject: Rezoning Application

Existing OCP Designation: Multiple Unit Residential (Medium Density)

Existing Zone: A1 - Agriculture 1

Proposed Zone: RM4 - Transitional Low Density Housing

1.0 Recommendation

THAT Rezoning Application No. Z13-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the fractional south west ¼ of Section 6, Township 26, ODYD exclusive of District Lot 358, ODYD except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) part described in D.D. 190710F, located at 674 Old Meadows Road, Kelowna, BC from the A1 zone to the RM4 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 considered in conjunction with Council's consideration of a Development Permit for Form and Character and a Natural Environment Development Permit for the subject property;

AND THAT final adoption of the zone amending bylaw be considered subject to the applicant demonstrating that a no disturb/no build Section 219 Restrictive Covenant in favour of the City of Kelowna has been registered under the Land Title Act against the title of the subject property to preserve the Riparian Management Area, measuring 15 m upland from the top of bank of Thompson Brook;

AND THAT final adoption of the zone amending bylaw be considered subject to the applicant demonstrating that a Section 219 Restrictive Covenant in favour of the City of Kelowna has been registered under the Land Title Act against the title of the subject property to ensure no

vehicular access to the subject property on Gordon Drive;

AND FURTHER 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 application seeks to rezone the subject property from A1 - Agriculture 1 to RM4 - Transitional Low Density Housing, to facilitate the comprehensive redevelopment of the site for row house and duplex development (approximately 108 units).

3.0 Land Use Management

Land Use Management staff is supportive of the proposal, as it is seen to meet the objectives and supporting policies of the Official Community Plan (OCP). The RM4 - Transitional Low Density Housing zone is consistent with the Multiple Unit Residential (Medium Density) (MRM) land use designation, and facilitates a form of housing that transitions well from Gordon Drive (4-lane arterial) to the surrounding established single-family community to the west and south. The subject site is located along the Gordon Drive bus route, and within walking distance of Ecole de l'Anse-au-sable and Dorothea Walker Elementary School, as well as the Capital News Centre, the H₂O Adventure and Fitness Centre, and Mission Creek Recreational Park.

Consistent with OCP guidelines for Riparian Management Areas (RMA), the proposal includes a 15 m setback measured upland from the top of bank of Thomson Brook, for the protection of the associated riparian habitat. Prior to final adoption, a no disturb/no build Section 219 Restrictive Covenant will be required to be registered on title, as well as submission of a Natural Environment Development Permit Application to oversee the protection and restoration of this environmentally sensitive area.

A Development Permit Application for Form and Character will also be required prior to final adoption of a zone amending bylaw. The Comprehensive Urban Design Guidelines will apply to proposed development on the site, and a detailed design review will be undertaken upon receipt of the application. Of primary consideration will be provision of a strong built form orientation and presence along the street frontages, notably the interface between Gordon Drive and the façade treatment of the proposed row-end dwelling units, and accommodation of resident pedestrian mobility.

4.0 Proposal

4.1 Project Description

The purpose of this application is to rezone the subject property from A1 - Agriculture 1 to RM4 - Transitional Low Density Housing to allow the site to be comprehensively developed with ground-oriented row house and duplex development. The development will consist of approximately 108 dwelling units, comprised of 42 two-bedroom units and 66 three-bedroom units, and provided in 22 two- and three-storey buildings. Unit parking is proposed to be provided in a combination of individual garages and carports, with visitor parking provided at surface in a few locations on the site. Vehicular access will be provided from Old Meadows Road, with a controlled emergency access on Gordon Road. A semi-circular private road will provide internal vehicular circulation within the site.

The proposal contemplates a generally continuous edge of street-fronting units with main entries and porches along the Old Meadows Road frontage, creating a strong pedestrian orientation. An improved interface along the Gordon Drive frontage is anticipated, with provision of street-facing

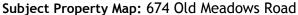
entries for the abutting, row-end units; several gateway points enabling direct access to public sidewalk; and drive aisles screened from view by landscape features. A 15 m setback measured from the top of bank of Thompson Brook is provided at the north end of the site for protection of the associated riparian area.

4.2 Site Context

This 2.27 ha site is a located at the northeast corner of Old Meadows Road and Gordon Road, with a future land use designation of Multi Unit Residential (Medium Density). Thomson Brook borders the northern property line of the subject property, with the Ecole de l'Anse-au-sable located further beyond. The surrounding area to the west and south is characterized by established single-family development. Across Gordon Drive to the east are agricultural lands located in the Agricultural Land Reserve (ALR), as well as the Thomson Marsh to the north and the Capital News Centre, the H_2O Adventure and Fitness Centre, and Mission Creek Recreational Park beyond.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use	
North	P3 - Parks & Open Space	Thomson Brook	
ואטו נוו	P2 - Educational & Minor Institutional	School (École de l'Anse-au-sable)	
East	A1 - Agricultural 1 Agricultural		
South	RU1 - Large Lot Housing	Single Family Peridential	
South	RU2 - Medium Lot Housing	Single Family Residential	
West RU1 - Large Lot Housing Single Fami		Single Family Residential	





The conceptual proposal compares to the proposed RM4 zone requirements as follows:

Zoning Analysis Table			
CRITERIA	RM-4 ZONE REQUIREMENTS	PROPOSAL	
	Existing Lot/Subdivision Regulations		
Lot Area	900 m ²	22,663 m² (2.27 ha)	
Lot Width	30 m	Approx. 110 m	
Lot Depth	30 m	Approx. 160 m	
	Development Regulations		
Floor Area Ratio	0.65, with max. 0.20 bonus	Approx. 0.615	
Site Coverage (buildings)	50%	Approx. 33%	
Site Coverage (buildings, driveways, parking areas)	60%	Approx. 48%	
Height	Lesser of 13 m or 3 storeys	Max. 13 m or 3 storeys	
Front Yard	4.5 m (if 2 storeys or less)	Min. 4.5 m	
Side Yard (east)	4.5 m (flanking street)	Min. 4.5 m	
Side Yard (west)	4.5 m (if more than 2 storeys)	Min. 4.5 m	
Rear Yard	7.5 m (if 2 storeys or less)	Min. 7.5 m	
Other Regulations			
Min. Parking Requirements	195 spaces	223 spaces	
Bicycle Parking	Class 1: 0.5/unit; Class 2: 0.1/unit	Will meet requirement	
Visitor Parking	16 spaces	Will meet requirement	
Private Open Space 25 m ² per unit		Min. 25 m² per unit	

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Future Land Use (Chapter 4)

Multiple Unit Residential (Medium Density) (MRM): Townhouses, garden apartments, and apartment buildings. Complementary uses (i.e., care centres, minor public services/utilities, and neighbourhood parks) which are integral components of urban neighbourhoods would also be permitted. Building densities would be consistent with the provisions of the RM4 - Transitional Low Density Housing and RM5 - Medium Density Multiple Housing zones of the Zoning Bylaw and may include CD Comprehensive Development zoning for similar densities or land uses.

Development Process (Chapter 5)

Policy 5.3.2 - 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 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.

Policy 5.23.1 - Ground-Oriented Housing. Encourage all multi-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms to provide a family housing choice within multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

Comprehensive Development Permit Objectives (Chapter 14):

Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;

- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).
- Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.
- Reduce outdoor water use in new or renovated landscape areas in the Cit by a target of 30%, when compared to 2007.

6.0 Technical Comments

6.1 Building & Permitting Department

- Demolition Permits required for any structures prior to them being taken down.
- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction.
- This property falls within an area that may have a high ground water table. Minimum building elevations are required to be established prior to the release of the Development Permit. These buildings may be designed to low (basements), which may affect the form and character of the buildings.
- A code analysis may be required for the structures at time of building permit applications. No drawings showing layouts, elevations or cross sections were provided at this time to review.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See attached Memorandum.

6.3 Fire Department

- Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900.
- The Subdivision Bylaw requires a minimum of 150 ltr/sec flow.
- The access road is to be a minimum of 6 m in width with no parking signs provided along the roadway.
- Additional comments will be required at the building permit applications.

6.4 Environment & Land Use Branch

- The Environment & Land Use Branch recommends that the riparian area of Thompson Brook be protected via a no build/no disturb Section 219 Restrictive Covenant to be registered under the Land Title Act against the title of the subject property. The Riparian Management/No Disturb Covenant area is all the land within the property measured 15 meters upland from the top of bank of Thompson Brook.
- It is recommended that the Thompson Brook Riparian Management Area be defined and protected along its boundary with a black 4 foot high chain link fence.
- It is recommended that the Thompson Brook Riparian Management Area undergo riparian restoration/enhancement. The Riparian enhancement plan will include removal of all weeds and planting of a mixture of native trees, shrubs and grasses. The riparian restoration plan must be signed off by a Registered Professional Biologist and authorized by the City of Kelowna. A 5 year riparian restoration maintenance plan must accompany the riparian restoration plan (the maintenance plan takes into account annual weeding, fertilizing, watering and replanting/reseeding of the restoration site).
- It is recommended that rezoning be contingent upon the City of Kelowna Environment & Land Use Branch issuing an authorized Natural Environment Development Permit prior to final adoption.

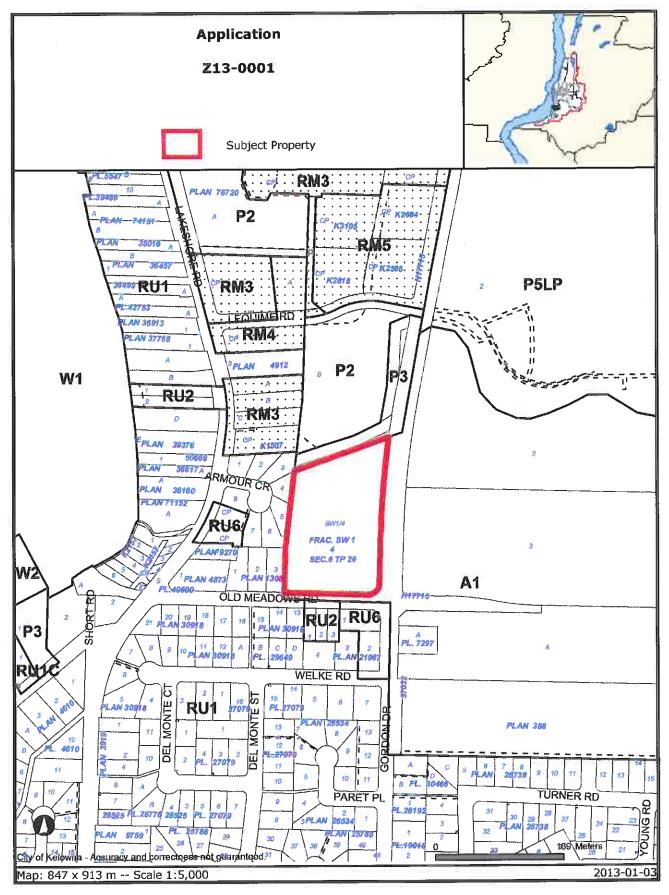
It is important to note that the recommendations above are consistent with the guidelines within Chapter 12 of the OCP.

6.5 Interior Health Authority

Development Engineering Memorandum

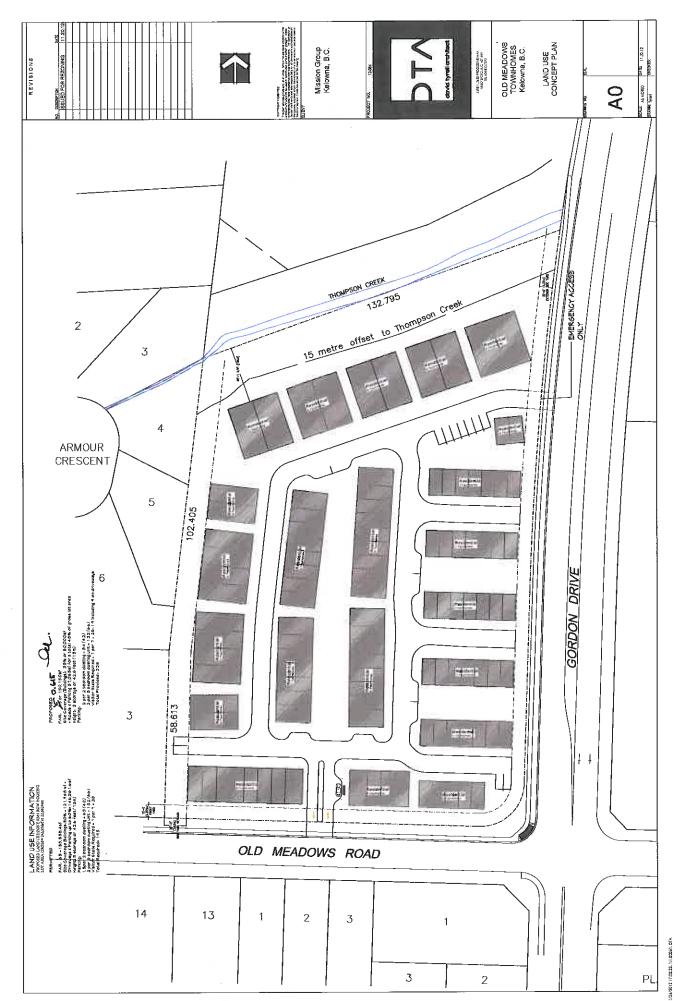
This application will create approximately 108 homes within a neighbourhood that is within walking distance of schools and recreation opportunities. From a health perspective creating environments were the healthy choice is the easy choice will improve health outcomes by offering easy opportunities for people to engage in physical activity. Physical inactivity is directly related to the increasing prevalence of chronic diseases such as diabetes, cardiovascular disease and some cancers. Interior Health is in support of this application.

7.0 Application Chronology Date of Application Received: January 1, 2013 Report prepared by: Abigail Riley, Land Use Planner Reviewed by: Danielle Noble, Manager, Urban Land Use Approved for Inclusion Doug Gilchrist, Acting General Manager, Community Sustainability Attachments: Subject Property Map Land Use Concept Plan



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

MEMORANDUM

Date:

February 13, 2013

File No.:

Z13-0001

To:

Land Use Management Department (AR)

From:

Development Engineering Manager

Subject:

674 Old Meadows Road - Lot SW1/4, Plan T26 S6 REVISED

A1 to RM4

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

- a) The subject property is currently serviced with two water services (50mm & 37mm). 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. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the disconnection of existing services and the installation of a new service.
- b) The area has two hydrants 190m apart which exceeds the Bylaw for multi-family developments. A second hydrant will be required at the west end of the proposed development and the existing 150mm. A.C. main in Old Meadows Road for the full development frontage should be replaced with a 200mm PVC main.

2. Sanitary Sewer

The subject property is currently serviced with three 100mm sanitary services. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.

The property is located in Sewer Specified Area No. 17 and therefore; all units (factored for multi family to 0.7) to be created will be subject to the debt charges for this service. The applicant must pay-out the outstanding financial obligation for each unit. The previous owner has previously cash commuted 1 EDUs therefore the new units must be paid. Sewer Specified Area fee is \$136.42 and is valid until March 31, 2013.

3. Storm Drainage

a) The subject property is not currently serviced. 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.

4. <u>Transportation</u>

a) The proposed development traffic flows and the Transportation Servicing Plan indicates the need for a traffic signal at the intersection of Gordon Drive and Old Meadows Road. The traffic signal should be constructed in conjunction with the Gordon Drive upgrading enhancing traffic and pedestrian safety at this intersection.

5. Road Improvements

- (a) Old Meadows Road must be upgraded to an urban standard (SS-R5) along the full frontage of this proposed development, including curb and gutter, monolithic sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- (b) Gordon Drive must be upgraded to an urban standard (SS-R9) along the full frontage of this proposed development, including curb and gutter, separate sidewalk, drainage system including catch basins, manholes, landscaped boulevard and pavement fillet, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- (c) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- (d) Landscaped boulevards, complete with underground irrigation, is required on Gordon Drive.
- (e) Driveway access is not permitted onto Gordon Drive. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from the development site.

6. <u>Electric Power and Telecommunication Services and Street Lights</u>

- 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) Streetlights must be installed on all roads.
- c) 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.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

7. 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 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.

8. Servicing Agreements for Works and Services

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

9. Other Engineering Comments

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- (b) If any road dedication affects lands encumbered by a Utility right-of-way (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.

10. Geotechnical Report

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.
 - Overall site suitability for development.
 - Presence of ground water and/or springs.

- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

11. Development Permit and Site Related Issues

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing an oil separator and ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (b) Access and Manoeuvrability
 - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.

12. Charges and Fees

- (a) Development Cost Charges (DCC's) are payable.
- (b) Fees per the "Development Application Fees Bylaw" include:
 - (i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - (ii) Survey Monument, Replacement Fee: \$1,200.00 (HGST exempt) only if disturbed.
 - (iii) Engineering and Inspection Fee: 3% of construction value (plus HST).
 - (iv) Latecomer Processing Fee: \$1,000.00 (plus HST) per agreement (no charge for 1 day agreements), if applicable.

Sewer Specified Area No 17. Total payment amount required is \$10,271.86 (\$136.42/unit x 0.7 x (108 units-1 unit credit). Valid until March 31, 2013. Payment of this fee can be deferred for the rezoning of the property, but must be paid prior to issuance of the Development Permit once the unit count has been confirmed.

Steve Muerz, P. Eng.

Development Engineering Manager

SS

CITY OF KELOWNA

BYLAW NO. 10815 Z13-0001 - Mission Group Old Meadows G.P. Ltd. Inc. No. BC0954893 674 Old Meadows 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 The Fractional South West ¼ of Section 6, Township 26, ODYD, Exclusive of District Lot 358, ODYD, Except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) Part Described in D.D. 190710F, located on Old Meadows Road, Kelowna, B.C., from the A1 Agriculture 1 zone to the RM4 Transitional Low Density 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

CITY OF KELOWNA

BYLAW NO. 10447 Z10-0094 - 567752 B.C. Ltd. - 3190 Sexsmith 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 25, Sections 2 and 3, Township 23, ODYD, Plan 18861 located on Sexsmith Road, Kelowna, B.C., from the the A1 Agriculture 1 zone to the I6 Low-Impact Transitional Industrial 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 1st day of November, 2010.

Considered at a Public Hearing on the 16th day of November, 2010.

Read a second and third time by the Municipal Council this 16th day of November, 2010.

Approved under the Transportation Act this 23rd day of November, 2010.

<u>Lynda Lochhead</u> (Approving Officer-Ministry of Transportation)	
Adopted by the Municipal Council of the City of	Kelowna this
	Mayor
	City Clerk

REPORT TO COUNCIL

Date: February 4, 2013

RIM No. 0940-40

To: City Manager

From: Land Use Management, Community Sustainability (PMc)

567752 BC Ltd.

Application: DP12-0210 Owner:

Address: 3190 Sexsmith Rd. Applicant: Protech Consultants Ltd.

City of

Kelow

Subject: Development Permit

Existing OCP Designation: Industrial

Industrial - Limited

Existing Zone: A1 - Agriculture 1

Proposed Zone: 16 - Low-Impact Transitional Industrial

1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10447 be considered by Council;

AND THAT Council authorized the issuance of Development Permit No. DP12-0210 for Lot A, Section 2 & 3, O.D.Y.D., Plan EPP15838, Located on 3190 Sexsmith Road, 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 applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

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.

2.0 Purpose

To consider a Development Permit application to evaluate the form and character of the conversion of the existing site development to a transitional industrial use.

3.0 Land Use Management

The land use management department is looking at this site conversion to a transitional industrial use as an interim use of the property until such time as there is a more comprehensive redevelopment of the site. At the time of crafting and adopting the I6 - Low Impact Transitional Industrial zone, design guidelines were embedded within the zone to create a base expectation of how properties would transition from rural residential uses to ones that accommodate industrial activities. Landscape buffering, building site design, noise and light attenuation, etc were incorporated into criteria to be evaluated when pursuing the zone.

As this is the first property in the area to be formally rezoned to 16, there are expectations as to how this property sets a precedence for the neighborhood. However, this property will be repurposing the house and the on-site buildings as an interim measure for the industrial uses. Therefore, there are limited opportunities to upgrade the buildings to meet the original intent of the design guidelines as it would require a considerable investment in retrofitting the buildings to meet the aesthetic goals of this area. Upon a more comprehensive investment in expanding the industrial uses, a new Development Permit would evaluate the form and character of the site and building design.

4.0 Proposal

4.1 Background

In 2009, the applicant started the process to introduce the I6 - Low Impact Transitional Industrial zone and to concurrently rezone a number of properties along Sexsmith Road to the new proposed I6 zone. The subject property was further complicated by negotiations with the City of Kelowna to purchase a portion of the property to the east that was surplus to the City after securing right of way for the proposed Hollywood Road extension north of Sexsmith Road.

4.2 Project Description

The subject property was reconfigured by dedication of required road widening along Sexsmith Road, and the addition of land to the north-east corner of the property that was purchased from the City of Kelowna. The property is currently occupied by a building that was previously used as a dwelling as well as an accessory building.

The former dwelling is being converted into an office for the owner's business and the yard is being used for shop and on-site storage. The frontage facing Sexsmith Road is being enhanced by modest landscaping along the road frontage. The remainder of the property is being fenced with an opaque fence to buffer the industrial uses from the neighbouring properties, which are still zoned for A1 - Agriculture 1 uses.

The site plan provided shows gravel parking in front of the shop and storage area, as well as security lighting that is oriented away from the neighbouring dwellings. It is anticipated that the site will be redeveloped with a comprehensive plan in the future.

4.3 Site Context

The subject property is located on the north side of Sexsmith Road, west of the future extension of Hollywood Road.

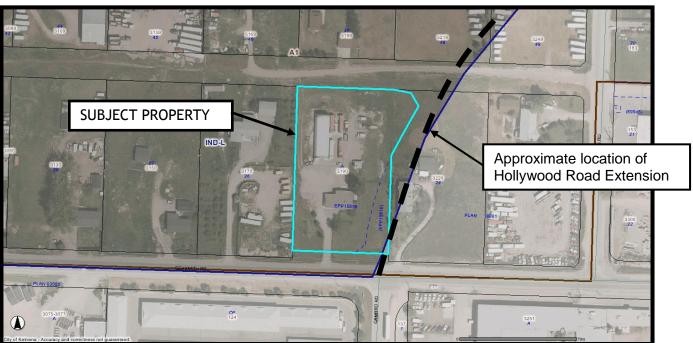
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Single unit residential,
East	A1 - Agriculture 1	Single unit residential,
South	12 - General Industrial	Commercial Storage
West	A1 - Agriculture 1	Single unit residential,

Subject Property Map:

3190 Sexsmith

Road



The application compares with the requirements of Zoning Bylaw 8000 as follows;

Zoning Analysis Table					
CRITERIA	I6 ZONE REQUIREMENTS	PROPOSAL			
	Existing Lot/Subdivision Regulations				
Lot Area	3500 m ²	7616 m ²			
Lot Width	40 m	58.9 m			
Lot Depth	50 m	110 m			
Development Regulations					
Floor Area Ratio	Max FAR = 1.0	0.08			
Height	3 storeys or 14.0 m	9.5 m			
Front Yard	9.0 m to garage or carport	29.5 m			

Side Yard (west)	3.0 m residential buildings 0.0 m industrial buildings except 3.0 m industrial buildings adjacent to residential land use	12.5 m	
Side Yard (east)	3.0 m residential buildings 0.0 m industrial buildings except 3.0 m industrial buildings adjacent to residential land use	30 m	
Rear Yard	7.5 m residential buildings 0.0 m industrial buildings	18.5 m	
Other Regulations			
Minimum Parking Requirements	2.0 stalls per 100m2 GFA 9 stalls required	12 stalls provided	
Bicycle Parking	03. per 100 m2 GFA	2 required	
Loading Space	1 stall per 1900 m²	1 stall required	

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The property is designated as a "Comprehensive Development Permit Area".

Comprehensive Design Guidelines

Context

- Align architectural features (e.g. window rhythm, cornice lines) to create visual continuity with neighbouring buildings;
- Design developments with multiple buildings such that there is a sense of architectural unity or cohesiveness.

Human Scale

- Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;
- Incorporate windows with vertical proportions. Horizontal glazed areas should be divided into vertically proportioned windows separated by mullions or building structure;

Pedestrian access, provision for cyclists, circulation, vehicles and loading

- Promote the use of alternative modes of transportation in site design (e.g. prominent bicycle racks for convenience and security, orient building entrances to pedestrian areas);
- Ensure pedestrian circulation is convenient, safe, and clearly identifiable to drivers and pedestrians;
- Incorporate visible and secure bicycle parking in a priority location with the construction of all new parkades and parking lots;
- Parking lots should have shade trees planted at 1 tree per 4 parking stalls.

5.2 I6 - Low-Impact Transitional Industrial Zone Development Regulations

Building massing and design

a) Buildings shall be oriented to prominently address the street and shall include street-facing, human-scale elements including windows and identifiable pedestrian entrance

doors. Glazing on the principal façade should amount to not less than 30% of the total façade.

- b) Façade design should incorporate elements and style from commercial and/or residential buildings, as opposed to purely industrial/utilitarian design.
- c) Front façade design should promote no more than a two storey presence. Higher portions of the building should be set back and finished with different colour(s) and/or material(s) that the first two storeys.
- d) Where new industrial development is occurring adjacent to residential uses, window openings shall be placed to reduce the opportunity for overlook and should be offset in plan from residential windows.
- e) Unfinished concrete block shall not be used as an exterior building material for principal facades or when the façade faces a residential land use.
- f) Rooftop screening of mechanical and electrical equipment shall be provided using materials consistent with the treatment of principal facades.
- g) When loading doors occur on street facing facades they shall be set back from the main building plane and articulated in a manner that compliments the building façade.
- h) Signage shall be limited to discrete sign band areas on the building and/or low level free standing signage areas incorporated into the front yard landscaping. Large areas of signage shall not dominate the front façade of the building.

Light, noise, dust, odour and emissions

- a) Energy efficient light sources (e.g. LED) and energy sources (e.g. solar) are encouraged.
- b) All lighting shall be oriented such that it faces into the site, is downward directional, and is constructed at the lowest elevation practical for the intended application so as to minimize light trespass onto neighbouring properties.
- c) All activities resulting in dust, odour, noise or other emissions must take place inside a structure designed to contain said emission. Building ventilation must adequately remove/filter the emission (e.g. dust or odour) and not simply expel it from the building.
- d) Tall, broadcast or flood light sources are not permitted.
- e) Outdoor paging or sound broadcast systems are not permitted.

Landscaping, buffering and parking

- a) Parking within the front yard shall be limited to customer and visitor parking only; all other parking should be provided elsewhere on site.
- b) Permeable or alternate paving surface treatments are encouraged for light duty parking areas (e.g. customer or visitor parking). Swales and bio-filtering are encouraged to be incorporated into landscaping adjacent to parking areas in order to aid storm water infiltration.
- c) Landscape materials shall be drought tolerant and appropriate for the Okanagan climate. Rain water capture and re-use for irrigation is encouraged.
- d) Fencing (in addition to landscaping) shall be installed on all property boundaries adjacent to residential use. All installed fencing shall be opaque except for decorative fencing in a front yard.
- e) Where new industrial development is occurring adjacent to residential land uses, the interface shall be site planned, designed, and landscaped to promote privacy for the residential land use.

Outdoor storage and display

- a) Outdoor storage ancillary to a permitted use is not permitted in the front yard, or within the minimum side and rear yard setbacks (but may be accommodated in the side and rear yards when located beyond the minimum setback).
- b) All outdoor storage shall be screened from view of any street or adjoining property utilizing opaque fencing and landscaping materials which are consistent with the overall site development.
- c) Outdoor storage shall be consolidated into a single area per lot.
- d) Outdoor storage ancillary to a permitted use shall not exceed in area the building area used by the business on the property to perform its operations.
- e) There shall be no outdoor storage of toxic, noxious, explosive, odorous or radioactive materials.
- f) Materials in outdoor storage shall be associated with the principal use located on the site, and there shall be no outdoor storage of unrelated materials.
- g) Illumination of outdoor storage areas shall be such that light falling onto abutting properties is minimized.
- h) Outdoor display or sales, or non-accessory parking, shall not encroach into landscaped areas.
- i) Equipment or vehicles in an outdoor display or sales, or non-accessory parking, shall not be in a state of disrepair.
- j) Lighting of outdoor display areas shall not include broadcast light fixtures but rather directional lighting specific to the display items.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits if applicable.
- 2 Building permit(s) are required for conversion of the house to an office building.
- 3 Permits and Civil Engineering for the parking areas / hard surfacing are required prior to rezoning
- 4 Upgrades to the water service supply to the lot and structures maybe required.
- 5 Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

The Works & utilities Department comments and requirements regarding this Development Permit application are as follows:

1. General.

Requirements addressed in Development Engineering report under file Z10-0094 must be satisfied prior to issuing this development permit.

2. Geotechnical Study.

The layout plan submitted in support of this application indicates that the existing structures will remain on the property without any additional building. The geotechnical report is no longer a requirement of this application. A Geotechnical report will be required for any further building permit application.

- 3. Access.
- a) The reciprocal driveway access agreement with the property to the west is problematic in light of the fact that there are no guaranties that a covenant will be registered on the adjacent property. In addition the access will ultimately to the subject property be provided from Palomino Road and the access onto Sexsmith Road can only be considered temporary. The reciprocal access agreement is not required for this application
- b) The site plan must indicate the location of the future potential access from Palomino Road.

6.3 <u>Fire Department</u>

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 225ltr/sec flow. Additional comments will be required when detailed plans are submitted for the building permit application.

7.0 Application Chronology

Date of Application Received:

Date Revised Site Plan Received:

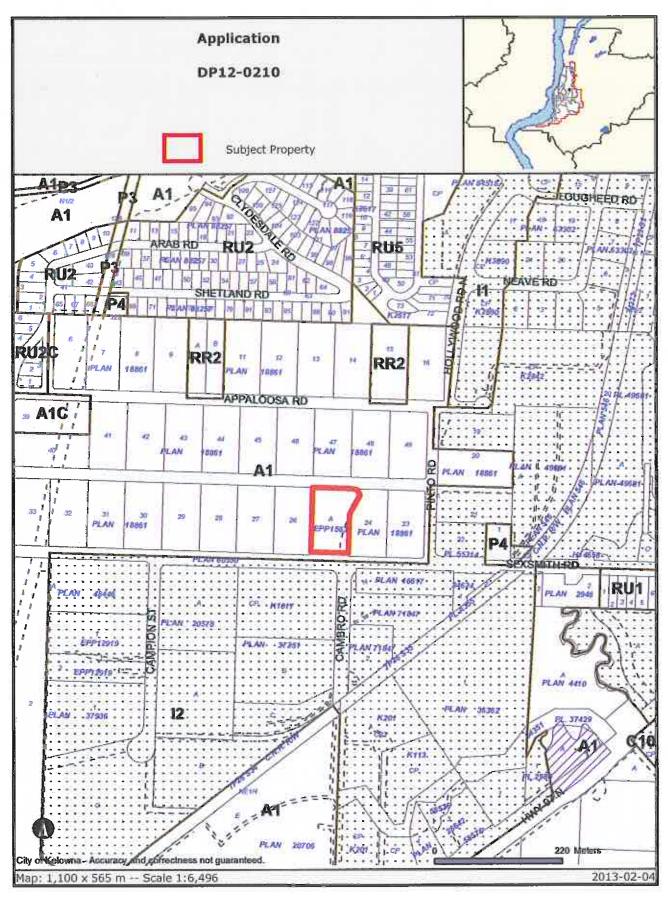
Date of Payment for Development Engineering:

November 22, 2012

December 14, 2012

February 25, 2013

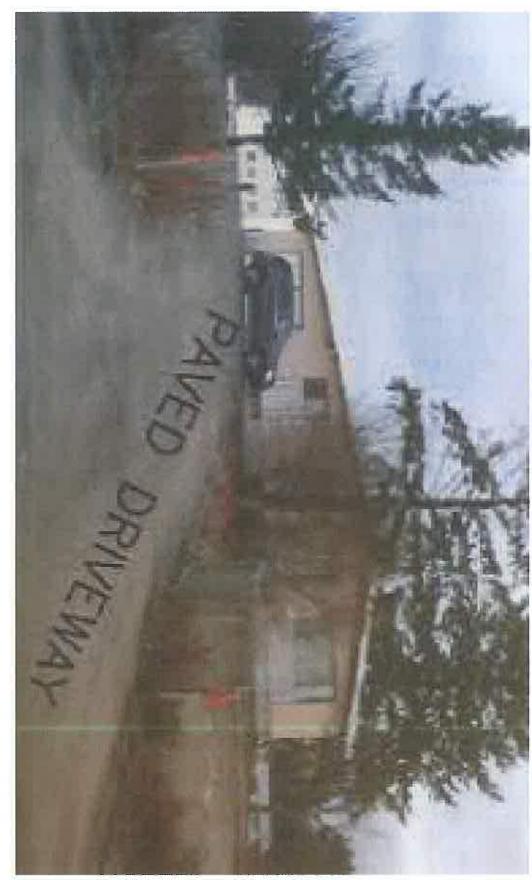
Report prepared by:	
Paul McVey, Land Use Plan	ner
Reviewed by: Approved for Inclusion:	Danielle Noble, Manager, Urban Land Use Doug Gilchrist, Acting G. M., Community Sustainability
Attachments: Location Map Site Plan	
Applicant Response letter a	and photos



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.

Front elevation of converted dwelling



SCHEDULE "B" | 422
This forms part of development
Permit # DP12-02-10

Rear elevation of converted dwelling



SCHEDULE "B" LOF 1.

This forms part of development

Permit # DP17-0210



Permit # OP12-02 (O SCHEDULE "C"

LOT A PLAN EPP15838 DP APPLICATION 3109 SEXSMITH ROAD

SCALE 1;500

This forms part of developme Permit # DP12-0210

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SCHEDULE "A"

DTars SCARLET SENTINEL MAPLES CTPL AUSTRIAN PINES

PC PYRAMIDALIS CEDARS

Report to Council

Date: February 27, 2013

File: 1325-10

To: City Manager

From: D. Edstrom, Acting Director, Real Estate & Building Services

Subject: Electrical Utility Restructuring Opportunity: Land Disposition Notice Process

Kelowr

Recommendation:

THAT Council receives, for information, the Report from the Acting Director, Real Estate & Building Services dated February 27, 2013, regarding the Electrical Utility Restructuring Opportunity: Land Disposition Notice Process;

AND THAT Council directs staff that notices be given of the proposed disposition of the interests in land arising from the sale of the City's electrical utility assets by the City of Kelowna to FortisBC Inc., under that Asset Purchase Agreement in general accordance with the Land Notice Process;

AND FURTHER THAT Council directs staff that following the Land Notice Process, and without limiting any prior resolutions of Council, the Mayor and City Clerk are authorized to execute all documents necessary to complete the transaction.

Purpose:

The City is to give notice of the proposed disposition of the interests in land arising from the sale of the City's electrical utility assets to FortisBC Inc.

Background:

After achieving the approval of the electors through an Alternative Approval Process, the City of Kelowna authorized the execution of the Asset Purchase Agreement dated 30th day of October, 2012 (the "Purchase Agreement").

The Purchase Agreement provides for the sale of the City of Kelowna electrical assets (the "COK Assets" as defined in the Purchase Agreement) to FortisBC Inc. (the "Purchaser").

Under the Purchase Agreement, certain interests in land are included in the COK Assets held by the City of Kelowna, which are to be disposed of to the Purchaser (the "Proposed Dispositions"). Subject to proceeding with the closing of the Purchase Agreement, and subject to the completion of the notice process contemplated under sections 26 and 94 of the *Community Charter* (the "Land Notice Process").

The two parcels of land and the numerous electrical only Statutory Right of Ways are listed on the attached Notice of Land Disposition (Schedule 'A"), all to be transferred as part of the closing under the Purchase Agreement.

The terms of transfer for the Statutory Right of Way charges will reflect terms in the existing Purchase Agreement, although the precise terms of that grant of transfer and agreement have not yet concluded with the Purchaser, but are of an administrative nature and will be concluded by staff.

There are, in addition to the Statutory Right of Ways to be transferred, proposed limited non exclusive licenses for use of other City of Kelowna Statutory Right of Ways and some other City of Kelowna lands to accommodate the Purchaser's use of its electrical utility assets, lists and terms for such licenses are now being finalized. Further details can be provided when Council makes its final determination that it will proceed with the transaction under the Purchase Agreement.

This transaction with FortisBC Inc. is expected to complete by the end of March.

In light of the above, the Real Estate & Building Services department request Council's support in this matter.

Internal Circulation:

City Clerk Director, Financial Services Director, Civic Operations Director, Communications

Legal/Statutory Authority:

Sections 26 and 94 of the Community Charter

Legal/Statutory Procedural Requirements:

Notice requirements are set by Section 94 of the Community Charter.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Subm	itted by:		
D. Ed	strom, Acting Director		
Real	Estate Services & Build	ing Ser	vices
Appr	oved for inclusion:		J. Vos, General Manager, Community Services
cc:	S. Fleming, City Cler K. Grayston, Directo J. Creron, Director, C. Weaden, Director	r, Finar Civic O	perations

R. Mayne, Acting General Manager, Corporate Sustainability

Schedule 'A'

NOTICE OF DISPOSITION OF REAL PROPERTY INTERESTS BEING DISPOSED OF BY CITY OF KELOWNA TO FORTISBC INC.

The City of Kelowna hereby gives notice of its intention that the following City of Kelowna interests in land, as described here and below, are to be transferred to and acquired by FortisBC Inc., as part of the sale by the City of Kelowna of all its electrical utility assets, under a Purchase Agreement between the City of Kelowna and FortisBC Inc. The sale and acquisition of these interests is subject to approval by the BC Utilities Commission, and to the City of Kelowna and FortisBC proceeding with the closing under that Purchase Agreement. The Purchase Agreement includes the sale of real property interests forming part of the electrical utility, all as included in the overall sales price of \$55 million to be paid to the City of Kelowna for its electrical utility assets.

The City of Kelowna disposition to FortisBC Inc. under that Purchase Agreement will include transfer of title to the following two parcels of freehold land, including improvements, and transfer of all of the City of Kelowna's following statutory right of way charges. The statutory right of way charges to be transferred to FortisBC Inc., allow for electrical utility works only, together with related access to the works within the affected parcels of land containing that charge. The statutory rights of way already exist and are charges against the titled lands, as described below. (All the City's electrical utility assets in these statutory rights of way are also included as part of the Purchase Agreement).

Part 1: Nature of Interest: Fee simple title for the following real property to be transferred to FortisBC Inc.:

CIVIC ADDRESS	Legal Description of Affected Property
1000 Richter Street (Power pole stg.)	PID 006-057-861 Lot 1 District Lot 139 Osoyoos Division Yale District Plan 24283
1008 Richter Street (Substation)	PID 006-057-870 Lot 2 District Lot 139 Osoyoos Division Yale District Plan 24283

Part 2: Nature of Interest: Statutory Right of Way ("SRW") charges to be transferred to FortisBC Inc.:

(Note: "CP" means "Common Property" of the referenced strata plans).

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
457 WEST AVE	LB272187	CP KAS3606
101-457 WEST AVE	LB272187	PID 027-787-885 STRATA LOT 1 DL 14 ODYD STRATA PLAN KAS3606
102-457 WEST AVE	LB272187	PID 027-787-893 STRATA LOT 2 DL 14 ODYD STRATA PLAN KAS3606
103-457 WEST AVE	LB272187	PID 027-787-907 STRATA LOT 3 DL 14 ODYD STRATA PLAN KAS3606

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
104-457 WEST AVE	LB272187	PID 027-787-915
		STRATA LOT 4 DL 14 ODYD STRATA PLAN KAS3606
105-457 WEST AVE	LB272187	PID 027-787-923
		STRATA LOT 5 DL 14 ODYD STRATA PLAN KAS3606
106-457 WEST AVE	LB272187	PID 027-787-931
		STRATA LOT 6 DL 14 ODYD STRATA PLAN KAS3606
107-457 WEST AVE	LB272187	PID 027-787-940
		STRATA LOT 7 DL 14 ODYD STRATA PLAN KAS3606
108-457 WEST AVE	LB272187	PID 027-787-958
		STRATA LOT 8 DL 14 ODYD STRATA PLAN KAS3606
109-457 WEST AVE	LB272187	PID 027-787-966
		STRATA LOT 9 DL 14 ODYD STRATA PLAN KAS3606
110-457 WEST AVE	LB272187	PID 027-787-974
		STRATA LOT 10 DL 14 ODYD STRATA PLAN KAS3606
111-457 WEST AVE	LB272187	PID 027-787-982
		STRATA LOT 11 DL 14 ODYD STRATA PLAN KAS3606
201-457 WEST AVE	LB272187	PID 027-787-991
TOTAL TIEST TITE		STRATA LOT 12 DL 14 ODYD STRATA PLAN KAS3606
202-457 WEST AVE	LB272187	PID 027-788-008
		STRATA LOT 13 DL 14 ODYD STRATA PLAN KAS3606
203-457 WEST AVE	LB272187	PID 027-788-016
		STRATA LOT 14 DL 14 ODYD STRATA PLAN KAS3606
204-457 WEST AVE	LB272187	PID 027-788-024
201 107 ((201 11) 2	2272107	STRATA LOT 15 DL 14 ODYD STRATA PLAN KAS3606
205-457 WEST AVE	LB272187	PID 027-788-032
200 107 ((201 11)2	2272107	STRATA LOT 16 DL 14 ODYD STRATA PLAN KAS3606
206-457 WEST AVE	LB272187	PID 027-788-041
ZOU-TOI VILIDI AVE	22.210.	STRATA LOT 17 DL 14 ODYD STRATA PLAN KAS3606
207-457 WEST AVE	LB272187	PID 027-788-059
	20272107	STRATA LOT 18 DL 14 ODYD STRATA PLAN KAS3606
208-457 WEST AVE	LB272187	PID 027-788-067
	LD2/210/	STRATA LOT 19 DL 14 ODYD STRATA PLAN KAS3606
301457 WEST AVE	LB272187	PID 027-788-075
	102/210/	STRATA LOT 20 DL 14 ODYD STRATA PLAN KAS3606
302-457 WEST AVE	LB272187	PID 027-788-083
	LD2/210/	STRATA LOT 21 DL 14 ODYD STRATA PLAN KAS3606
303-457 WEST AVE	LB272187	PID 027-788-091
	LD2/210/	STRATA LOT 22 DL 14 ODYD STRATA PLAN KAS3606
	I D272107	
304-457 WEST AVE	LB272187	PID 027-788-105 STRATA LOT 23 DL 14 ODYD STRATA PLAN KAS3606
		STRATA LUI 23 DL 14 UDID STRATA FLAN RASSOUO

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
305-457 WEST AVE	LB272187	PID 027-788-113
		STRATA LOT 24 DL 14 ODYD STRATA PLAN KAS3606
306-457 WEST AVE	LB272187	PID 027-788-121
		STRATA LOT 25 DL 14 ODYD STRATA PLAN KAS3606
307-457 WEST AVE	LB272187	PID 027-788-130
**************************************	7.7.4.40-	STRATA LOT 26 DL 14 ODYD STRATA PLAN KAS3606
308-457 WEST AVE	LB272187	PID 027-788-148
404 455 \$55000 4550	1 DAMA10M	STRATA LOT 27 DL 14 ODYD STRATA PLAN KAS3606
401-457 WEST AVE	LB272187	PID 027-788-156 STRATA LOT 28 DL 14 ODYD STRATA PLAN KAS3606
402 457 WEST AVE	I D272107	
402-457 WEST AVE	LB272187	PID 027-788-164 STRATA LOT 29 DL 14 ODYD STRATA PLAN KAS3606
403-457 WEST AVE	LB272187	PID 027-788-172
403-45/ WEST AVE	LB2/218/	STRATA LOT 30 DL 14 ODYD STRATA PLAN KAS3606
404-457 WEST AVE	LB272187	PID 027-788-181
404-437 WEST AVE	LB2/210/	STRATA LOT 31 DL 14 ODYD STRATA PLAN KAS3606
405-457 WEST AVE	LB272187	PID 027-788-199
405-457 WEST MVE	LB2/210/	STRATA LOT 32 DL 14 ODYD STRATA PLAN KAS3606
406-457 WEST AVE	LB272187	PID 027-788-202
		STRATA LOT 33 DL 14 ODYD STRATA PLAN KAS3606
407-457 WEST AVE	LB272187	PID 027-788-211
		STRATA LOT 34 DL 14 ODYD STRATA PLAN KAS3606
408-457 WEST AVE	LB272187	PID 027-788-229
		STRATA LOT 35 DL 14 ODYD STRATA PLAN KAS3606
409-457 WEST AVE	LB272187	PID 027-788-237
		STRATA LOT 36 DL 14 ODYD STRATA PLAN KAS3606
3000 - 3002 PANDOSY	LB412871	PID 028-216-270
		LOT A DISTRICT LOT 14 AND SECTION 13 TOWNSHIP 25
		ODYD PLAN KAP 90796 EXCEPT AIR SPACE PLAN EPP17953
	LB412871	PID 028-902-009
	LD7120/1	AIR SPACE PARCEL A SECTION 13 TWP 25 AND DL 14
		ODYD AIR SPACE PLAN EPP17953
436 CEDAR	LB441327	CP KAS3871
434 CEDAR	LB441327	PID 028-590-741
		STRATA LOT 1 DL 14 ODYD STRATA PLAN KAS3871
201-436 CEDAR	LB441327	PID 028-590-759
		STRATA LOT 2 DL 14 ODYD STRATA PLAN KAS3871

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
202-436 CEDAR	LB441327	PID 028-590-767
		STRATA LOT 3 DL 14 ODYD STRATA PLAN KAS3871
301-436 CEDAR	LB441327	PID 028-590-775 STRATA LOT 4 DL 14 ODYD STRATA PLAN KAS3871
302-436 CEDAR	LB441327	PID 028-590-783
302-430 CLD/IR	110441327	STRATA LOT 5 DL 14 ODYD STRATA PLAN KAS3871
303-436 CEDAR	LB441327	PID 028-590-791
		STRATA LOT 6 DL 14 ODYD STRATA PLAN KAS3871
304-436 CEDAR	LB441327	PID 028-590-805
		STRATA LOT 7 DL 14 ODYD STRATA PLAN KAS3871
401-436 CEDAR	LB441327	PID 028-590-813
		STRATA LOT 8 DL 14 ODYD STRATA PLAN KAS3871
402-436 CEDAR	LB441327	PID 028-590-821
		STRATA LOT 9 DL 14 ODYD STRATA PLAN KAS3871
2691 GORE	LB412417	CP EPS150
2689 GORE	LB412417	PID 028-435-150
		STRATA LOT 1 DL 14 ODYD STRATA PLAN EPS150
2691 GORE	LB412417	PID 028-435-168
		STRATA LOT 2 DL 14 ODYD STRATA PLAN EPS150
2693 GORE	LB412417	PID 028-435-176
		STRATA LOT 3 DL 14 ODYD STRATA PLAN EPS150
480 OSPREY	LB412417	PID 028-435-184
		STRATA LOT 4 DL 14 ODYD STRATA PLAN EPS150
202 – 484 OSPREY	LB412417	PID 028-435-192
		STRATA LOT 5 DL 14 ODYD STRATA PLAN EPS150
202 – 484 OSPREY	LB412417	PID 028-435-206
		STRATA LOT 6 DL 14 ODYD STRATA PLAN EPS150
201 – 484 OSPREY	LB412417	PID 028-435-214
		STRATA LOT 7 DL 14 ODYD STRATA PLAN EPS150
2268 PANDOSY	CA2396492	PID 028-857-232
		LOT A DISTRICT LOT 14 OSOYOOS DIVISION YALE DISTRICT PLAN EPP18664
2268 PANDOSY	LB356411	PID 028-857-232
	LB352378	LOT A DISTRICT LOT 14 OSOYOOS DIVISION YALE DISTRICT PLAN EPP18664
	LB356411	PID 028-465-911
	LB352378	AIR SPACE PARCEL A DISTRICT LOT 14 ODYD AIR SPACE PLAN KAP91784

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
2251 ABBOTT	KM50116	PID 023-956-631 LOT A DISTRICT LOT 14 ODYD PLAN KAP60581 EXCEPT 67528
2268 PANDOSY	KM50116	PID 028-857-232 LOT A DISTRICT LOT 14 ODYD PLAN EPP18664
	KM50116	PID 028-465-911 AIR SPACE PARCEL A DISTRICT LOT 14 ODYD AIR SPACE PLAN KAP91784
835 GRENFELL	D34358	CP EPS216
	D34358	CP KAS 2517
805 GRENFELL	D34358	PID 003-931-137
		LOT 10 DISTRICT LOT 136 ODYD PLAN 9138
817 GRENFELL	D34358	PID 009-736-298
		LOT 11 DISTRICT LOT 136 ODYD PLAN 9138
825 GRENFELL	D34358	PID 008-072-621
		LOT 12 DISTRICT LOT 136 ODYD PLAN 9138
841 GRENFELL	D34358	PID 009-736-387
		LOT 14 DISTRICT LOT 136 ODYD PLAN 9138
851 GRENFELL	D34358	PID 003-263-410
OFF ODENIES I	D24250	LOT 15 DISTRICT LOT 136 ODYD PLAN 9138
857 GRENFELL	D34358	PID 009-736-425 LOT 16 DISTRICT LOT 136 ODYD PLAN 9138
867 GRENFELL	D34358	PID 009-736-441
our GRENTELL	D34336	LOT 17 DISTRICT LOT 136 ODYD PLAN 9138
570 LEVITT	KW174544	CP KAS2765
570 LEVITT	KW174544	PID 026-200-813
.,,	12// 2/ 10 11	STRATA LOT 1 DISTRICT LOT 14 ODYD KAS2765
579 ELLIOT	KW174544	PID 026-200-821
		STRATA LOT 2 DISTRICT LOT 14 ODYD KAS2765
2124 PANDOSY	KW162558	CP KAS3144
5 – 2124 PANDOSY	KW162558	PID 026-923-181
		STRATA LOT 1 DISTRICT LOT 14 ODYD KAS3144
2 – 2124 PANDOSY	KW162558	PID 026-923-190
		STRATA LOT 2 DISTRICT LOT 14 ODYD KAS3144
1 – 2124 PANDOSY	KW162558	PID 026-923-203
		STRATA LOT 3 DISTRICT LOT 14 ODYD KAS3144
4 – 2124 PANDOSY	KW162558	PID 026-923-211
		STRATA LOT 4 DISTRICT LOT 14 ODYD KAS3144
3 – 2124 PANDOSY	KW162558	PID 026-923-220
		STRATA LOT 5 DISTRICT LOT 14 ODYD KAS3144

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
865 GLENWOOD	92449E	PID 003-997-936
		LOT A SECTION 19 TOWNSHIP 26 ODYD PLAN 30334
2180 ETHEL	92449E	PID 003-997-952
		LOT B SECTION 26 TOWNSHIP 26 DISTRICT LOT 136 ODYD PLAN 30334
580 LEVITT	KW174545	CP KAS2795
589 ELLIOT	KW174545	PID 026-247-488
		STRATA LOT 1 DISTRICT LOT 14 ODYD STRATA PLAN KAS2795
580 LEVITT	KW174545	PID 026-247-496
		STRATA LOT 2 DISTRICT LOT 14 ODYD STRATA PLAN KAS2795
1737 PANDOSY	LB488022	CP EPS898
1 – 1737 PANDOSY	LB488022	PID 028-892-992
		STRATA LOT 1 DISTRICT LOT 14 ODYD EPS898
2 – 1737 PANDOSY	LB488022	PID 028-893-000
		STRATA LOT 2 DISTRICT LOT 14 ODYD EPS898
3 – 1737 PANDOSY	LB488022	PID 028-893-018
		STRATA LOT 3 DISTRICT LOT 14 ODYD EPS898
1737 PANDOSY	LB488022	PID 028-815-106
		LOT 1 DISTRICT LOT 139 ODYD PLAN EPP18304 EXCEPT STRATA PLAN EPS898 PHASE 1
1800 RICHTER	LB501047	PID 028-871-570
		LOT A DISTRICT LOTS 14 AND 139 ODYD PLAN EPP18764
653 HARVEY AVE	LB501047	PID 028-791-631
		LOT 1 DISTRICT LOT 139 ODYD PLAN KAP92715
1745 CHAPMAN	LB501047	PID 028-791-649
		LOT 2 DISTRICT LOT 139 ODYD PLAN KAP92715
1775 CHAPMAN	LB501047	PID 028-791-657
		LOT 3 DISTRICT LOT 139 ODYD PLAN KAP92715
1770 RICHTER	LB501047	PID 028-791-665
		LOT 4 DISTRICT LOT 139 ODYD PLAN KAP92715
555 BUCKLAND	LB501047	PID 028-791-673
		LOT 5 DISTRICT LOT 139 ODYD PLAN KAP92715
550 ROWCLIFFE	LB501047	PID 028-791-801
		LOT 6 DISTRICT LOT 139 ODYD PLAN KAP92715
1850 RICHTER	LB501047	PID 028-791-819
		LOT 7 DISTRICT LOT 139 ODYD PLAN KAP92715
797 LEON AVE	X196775	CP KAS960

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
102 – 797 LEON AVE	X196775	PID 017-514-711 STRATA LOT 1 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
101 - 797 LEON AVE	X196775	PID 017-514-720 STRATA LOT 2 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
103 – 797 LEON AVE	X196775	PID 017-514-738 STRATA LOT 3 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
105 – 797 LEON AVE	X196775	PID 017-514-746 STRATA LOT 4 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
106 – 797 LEON AVE	X196775	PID 017-514-754 STRATA LOT 5 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
104 – 797 LEON AVE	X196775	PID 017-514-762 STRATA LOT 6 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
202 – 797 LEON AVE	X196775	PID 017-514-771 STRATA LOT 7 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
201 – 797 LEON AVE	X196775	PID 017-514-789 STRATA LOT 8 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
203 – 797 LEON AVE	X196775	PID 017-514-797 STRATA LOT 9 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
205 – 797 LEON AVE	X196775	PID 017-514-801 STRATA LOT 10 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
207 – 797 LEON AVE	X196775	PID 017-514-819 STRATA LOT 11 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
209 – 797 LEON AVE	X196775	PID 017-514-827 STRATA LOT 12 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
208 – 797 LEON AVE	X196775	PID 017-514-835 STRATA LOT 13 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
206 – 797 LEON AVE	X196775	PID 017-514-843 STRATA LOT 14 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
204 – 797 LEON AVE	X196775	PID 017-514-851 STRATA LOT 15 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
302 – 797 LEON AVE	X196775	PID 017-514-860 STRATA LOT 16 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
301 – 797 LEON AVE	X196775	PID 017-514-878 STRATA LOT 17 DISTRICT LOT 138 ODYD STRATA PLAN KAS960

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
303 – 797 LEON AVE	X196775	PID 017-514-886
		STRATA LOT 18 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
308 – 797 LEON AVE	X196775	PID 017-514-924
		STRATA LOT 22 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
306 – 797 LEON AVE	X196775	PID 017-514-932
		STRATA LOT 23 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
304 – 797 LEON AVE	X196775	PID 017-514-941
		STRATA LOT 24 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
401 – 797 LEON AVE	X196775	PID 017-514-967
		STRATA LOT 26 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
405 – 797 LEON AVE	X196775	PID 017-514-983
		STRATA LOT 28 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
407 – 797 LEON AVE	X196775	PID 017-514-991
		STRATA LOT 29 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
406 – 797 LEON AVE	X196775	PID 017-515-025
		STRATA LOT 32 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
404 – 797 LEON AVE	X196775	PID 017-515-033
		STRATA LOT 33 DISTRICT LOT 138 ODYD STRATA PLAN KAS960
1385-1399 ELLIS ST	LB348501	CP KAS3731
1385 ELLIS ST	LB348501	PID 028-077-474
		STRATA LOT 1 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1389 ELLIS ST	LB348501	PID 028-077-482
		STRATA LOT 2 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1391 ELLIS ST	LB348501	PID 028-077-491
		STRATA LOT 3 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1393 ELLIS ST	LB348501	PID 028-077-504
		STRATA LOT 4 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1399 ELLIS ST	LB348501	PID 028-077-512
		STRATA LOT 5 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
504 DOYLE AVE	LB348501	PID 028-077-521
		STRATA LOT 6 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
506 DOYLE AVE	LB348501	PID 028-077-539
		STRATA LOT 7 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
508 DOYLE AVE	LB348501	PID 028-077-547 STRATA LOT 8 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
401 – 1395 ELLIS ST	LB348501	PID 028-077-555 STRATA LOT 9 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
402 – 1395 ELLIS ST	LB348501	PID 028-077-563 STRATA LOT 10 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
403 – 1395 ELLIS ST	LB348501	PID 028-077-571 STRATA LOT 11 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
404 – 1395 ELLIS ST	LB348501	PID 028-077-580 STRATA LOT 12 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
405 – 1395 ELLIS ST	LB348501	PID 028-077-598 STRATA LOT 13 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
406 – 1395 ELLIS ST	LB348501	PID 028-077-601 STRATA LOT 14 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
407 – 1395 ELLIS ST	LB348501	PID 028-077-610 STRATA LOT 15 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
408 – 1395 ELLIS ST	LB348501	PID 028-077-628 STRATA LOT 16 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
409 – 1395 ELLIS ST	LB348501	PID 028-077-636 STRATA LOT 17 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
502 – 1395 ELLIS ST	LB348501	PID 028-077-644 STRATA LOT 18 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
503 – 1395 ELLIS ST	LB348501	PID 028-077-652 STRATA LOT 19 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
504 – 1395 ELLIS ST	LB348501	PID 028-077-661 STRATA LOT 20 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
505 – 1395 ELLIS ST	LB348501	PID 028-077-679 STRATA LOT 21 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
506 – 1395 ELLIS ST	LB348501	PID 028-077-687 STRATA LOT 22 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
507 – 1395 ELLIS ST	LB348501	PID 028-077-695 STRATA LOT 23 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
508 – 1395 ELLIS ST	LB348501	PID 028-077-709 STRATA LOT 24 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
601 – 1395 ELLIS ST	LB348501	PID 028-077-717 STRATA LOT 25 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
602 – 1395 ELLIS ST	LB348501	PID 028-077-725 STRATA LOT 26 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
603 – 1395 ELLIS ST	LB348501	PID 028-077-733 STRATA LOT 27 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
604 – 1395 ELLIS ST	LB348501	PID 028-077-741 STRATA LOT 28 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
605 – 1395 ELLIS ST	LB348501	PID 028-077-750 STRATA LOT 29 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
606 – 1395 ELLIS ST	LB348501	PID 028-077-768 STRATA LOT 30 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
607 – 1395 ELLIS ST	LB348501	PID 028-077-776 STRATA LOT 31 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
608 – 1395 ELLIS ST	LB348501	PID 028-077-784 STRATA LOT 32 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
701 – 1395 ELLIS ST	LB348501	PID 028-077-792 STRATA LOT 33 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
702 – 1395 ELLIS ST	LB348501	PID 028-077-806 STRATA LOT 34 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
703 – 1395 ELLIS ST	LB348501	PID 028-077-814 STRATA LOT 35 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
704 – 1395 ELLIS ST	LB348501	PID 028-077-822 STRATA LOT 36 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
705 – 1395 ELLIS ST	LB348501	PID 028-077-831 STRATA LOT 37 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
706 – 1395 ELLIS ST	LB348501	PID 028-077-849 STRATA LOT 38 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
801 – 1395 ELLIS ST	LB348501	PID 028-077-857 STRATA LOT 39 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
802 – 1395 ELLIS ST	LB348501	PID 028-077-865 STRATA LOT 40 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
803 – 1395 ELLIS ST	LB348501	PID 028-077-873 STRATA LOT 41 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
804 – 1395 ELLIS ST	LB348501	PID 028-077-881 STRATA LOT 42 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
901 – 1395 ELLIS ST	LB348501	PID 028-077-890 STRATA LOT 43 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
902 – 1395 ELLIS ST	LB348501	PID 028-077-903 STRATA LOT 44 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
903 – 1395 ELLIS ST	LB348501	PID 028-077-911 STRATA LOT 45 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
904 – 1395 ELLIS ST	LB348501	PID 028-077-920 STRATA LOT 46 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1001 – 1395 ELLIS ST	LB348501	PID 028-077-938 STRATA LOT 47 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1002 – 1395 ELLIS ST	LB348501	PID 028-077-946 STRATA LOT 48 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1003 – 1395 ELLIS ST	LB348501	PID 028-077-954 STRATA LOT 49 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
1004 – 1395 ELLIS ST	LB348501	PID 028-077-962 STRATA LOT 50 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1101 – 1395 ELLIS ST	LB348501	PID 028-077-971 STRATA LOT 51 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1102 – 1395 ELLIS ST	LB348501	PID 028-077-989 STRATA LOT 52 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1103 – 1395 ELLIS ST	LB348501	PID 028-077-997 STRATA LOT 53 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1104 – 1395 ELLIS ST	LB348501	PID 028-078-004 STRATA LOT 54 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1201 – 1395 ELLIS ST	LB348501	PID 028-078-012 STRATA LOT 55 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1202 – 1395 ELLIS ST	LB348501	PID 028-078-021 STRATA LOT 56 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1203 – 1395 ELLIS ST	LB348501	PID 028-078-039 STRATA LOT 57 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1301 – 1395 ELLIS ST	LB348501	PID 028-078-047 STRATA LOT 58 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1302 – 1395 ELLIS ST	LB348501	PID 028-078-055 STRATA LOT 59 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1401 – 1395 ELLIS ST	LB348501	PID 028-078-063 STRATA LOT 60 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1402 – 1395 ELLIS ST	LB348501	PID 028-078-071 STRATA LOT 61 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1501 – 1395 ELLIS ST	LB348501	PID 028-078-080 STRATA LOT 62 DISTRICT LOT 139 ODYD STRATA PLAN KAS3731
1447-1449 ELLIS	LB413956	CP KAS3829
101 - 1447 ELLIS	LB413956	PID 028-351-177 STRATA LOT 1 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
102 – 1447 ELLIS	LB413956	PID 028-351-185 STRATA LOT 2 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
201 – 1447 ELLIS	LB413956	PID 028-351-193 STRATA LOT 3 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
202 – 1447 ELLIS	LB413956	PID 028-351-207 STRATA LOT 4 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
203 – 1447 ELLIS	LB413956	PID 028-351-215 STRATA LOT 5 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
204 – 1447 ELLIS	LB413956	PID 028-351-223 STRATA LOT 6 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
301 – 1447 ELLIS	LB413956	PID 028-351-231 STRATA LOT 7 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
302 – 1447 ELLIS	LB413956	PID 028-351-240 STRATA LOT 8 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
303 – 1447 ELLIS	LB413956	PID 028-351-258 STRATA LOT 9 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
304 – 1447 ELLIS	LB413956	PID 028-351-266 STRATA LOT 10 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
401- 1447 ELLIS	LB413956	PID 028-351-274 STRATA LOT 11 DISTRICT LOT 139 ODYD STRATA PLAN KAS3829
1810 GORDON DRIVE	CA2644475	PID 028-874-315 LOT 1 DISTRICT LOT 138 ODYD PLAN EPP19088
1810-1824 GORDON	CA2644475 CA2644477	PID 028-874-323 LOT 2 DISTRICT LOT 138 ODYD PLAN EPP19088
1510 KELGLEN	T56267	PID 001-555-987 LOT A SECTION 20 TOWNSHIP 26 ODYD PLAN 35405
1537 LAWN (FIRST SRW)	T56267	PID 008-199-612 LOT 4 SECTION 20 ODYD PLAN 38503
1507 ALTA VISTA	T56267	PID 008-199-655 LOT 7 SECTION 20 ODYD PLAN 38503
1487 ALTA VISTA	T56267	PID 008-199-698 LOT 9 SECTION 20 ODYD PLAN 38503

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
1477 ALTA VISTA	T56267	PID 008-199-710 LOT 10 SECTION 20 ODYD PLAN 38503
1537 LAWN (2 ND SRW)	V55871	PID 008-199-612
155/ LAWN (2 SKW)	V556/1	LOT 4 SECTION 20 ODYD PLAN 38503
1507 ALTA VISTA	V55871	PID 008-199-655
		LOT 7 SECTION 20 ODYD PLAN 38503
1487 ALTA VISTA	V55871	PID 008-199-698
		LOT 9 SECTION 20 ODYD PLAN 38503
1477 ALTA VISTA	V55871	PID 008-199-710
		LOT 10 SECTION 20 ODYD PLAN 38503
Near 1125 BERNARD AVE	KW96801	CP KAS2739
104 - 1125 BERNARD	KW96801	PID 026-154-471
AVE		STRATA LOT 1 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
201 - 1125 BERNARD AVE	KW96801	PID 026-154-498
		STRATA LOT 2 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
206 - 1125 BERNARD AVE	KW96801	PID 026-154-501
		STRATA LOT 3 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
205 - 1125 BERNARD AVE	KW96801	PID 026-154-510
		STRATA LOT 4 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
203 - 1125 BERNARD AVE	KW96801	PID 026-154-528
		STRATA LOT 5 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
204 - 1125 BERNARD AVE	KW96801	PID 026-154-536
		STRATA LOT 6 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
301 - 1125 BERNARD AVE	KW96801	PID 026-154-544
		STRATA LOT 7 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
306 - 1125 BERNARD AVE	KW96801	PID 026-154-552
		STRATA LOT 8 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
302 - 1125 BERNARD AVE	KW96801	PID 026-154-561
		STRATA LOT 9 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
305 - 1125 BERNARD AVE	KW96801	PID 026-154-579
		STRATA LOT 10 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
303 - 1125 BERNARD AVE	KW96801	PID 026-154-587 STRATA LOT 11 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
304 - 1125 BERNARD AVE	KW96801	PID 026-154-595 STRATA LOT 12 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
401 - 1125 BERNARD AVE	KW96801	PID 026-154-609 STRATA LOT 13 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
406 - 1125 BERNARD AVE	KW96801	PID 026-154-617 STRATA LOT 14 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
402 - 1125 BERNARD AVE	KW96801	PID 026-154-625 STRATA LOT 15 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
405 - 1125 BERNARD AVE	KW96801	PID 026-154-633 STRATA LOT 16 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
403 - 1125 BERNARD AVE	KW96801	PID 026-154-641 STRATA LOT 17 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
404 - 1125 BERNARD AVE	KW96801	PID 026-154-650 STRATA LOT 18 DISTRICT LOT 137 ODYD STRATA PLAN KAS2739
1315 – 1339 ST. PAUL	KX124470	CP KAS3011
1339 ST. PAUL ST	KX124470	PID 026-661-063 STRATA LOT 1 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
1333 ST. PAUL ST	KX124470	PID 026-661-071 STRATA LOT 2 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
1321 ST. PAUL ST	KX124470	PID 026-661-080 STRATA LOT 3 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
1315 ST. PAUL ST	KX124470	PID 026-661-098 STRATA LOT 4 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
101 - 1327 ST. PAUL ST	KX124470	PID 026-661-101 STRATA LOT 5 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
102 – 1327 ST. PAUL ST	KX124470	PID 026-661-110 STRATA LOT 6 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
103 – 1327 ST. PAUL ST	KX124470	PID 026-661-128 STRATA LOT 7 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
104 – 1327 ST. PAUL ST	KX124470	PID 026-661-136 STRATA LOT 8 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
105 – 1327 ST. PAUL ST	KX124470	PID 026-661-144 STRATA LOT 9 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
106 – 1327 ST. PAUL ST	KX124470	PID 026-661-152 STRATA LOT 10 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
107 – 1327 ST. PAUL ST	KX124470	PID 026-661-161 STRATA LOT 11 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
108 – 1327 ST. PAUL ST	KX124470	PID 026-661-179 STRATA LOT 12 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
109 – 1327 ST. PAUL ST	KX124470	PID 026-661-187 STRATA LOT 13 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
110 – 1327 ST. PAUL ST	KX124470	PID 026-661-195 STRATA LOT 14 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
111 – 1327 ST. PAUL ST	KX124470	PID 026-661-209 STRATA LOT 15 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
112 – 1327 ST. PAUL ST	KX124470	PID 026-661-217 STRATA LOT 16 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
113 – 1327 ST. PAUL ST	KX124470	PID 026-661-225 STRATA LOT 17 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
201 – 1327 ST. PAUL ST	KX124470	PID 026-661-233 STRATA LOT 18 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
202 – 1327 ST. PAUL ST	KX124470	PID 026-661-241 STRATA LOT 19 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
203 – 1327 ST. PAUL ST	KX124470	PID 026-661-250 STRATA LOT 20 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
204 – 1327 ST. PAUL ST	KX124470	PID 026-661-268 STRATA LOT 21 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
205 – 1327 ST. PAUL ST	KX124470	PID 026-661-276 STRATA LOT 22 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
206 – 1327 ST. PAUL ST	KX124470	PID 026-661-284 STRATA LOT 23 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
207 – 1327 ST. PAUL ST	KX124470	PID 026-661-292 STRATA LOT 24 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
208 – 1327 ST. PAUL ST	KX124470	PID 026-661-306 STRATA LOT 25 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
209 – 1327 ST. PAUL ST	KX124470	PID 026-661-314 STRATA LOT 26 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
210 – 1327 ST. PAUL ST	KX124470	PID 026-661-322 STRATA LOT 27 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
211 – 1327 ST. PAUL ST	KX124470	PID 026-661-331 STRATA LOT 28 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
212 – 1327 ST. PAUL ST	KX124470	PID 026-661-349 STRATA LOT 29 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
213 – 1327 ST. PAUL ST	KX124470	PID 026-661-357 STRATA LOT 30 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
301 – 1327 ST. PAUL ST	KX124470	PID 026-661-365 STRATA LOT 31 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
302 – 1327 ST. PAUL ST	KX124470	PID 026-661-373 STRATA LOT 32 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
303 – 1327 ST. PAUL ST	KX124470	PID 026-661-381 STRATA LOT 33 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
304 – 1327 ST. PAUL ST	KX124470	PID 026-661-390 STRATA LOT 34 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
305 – 1327 ST. PAUL ST	KX124470	PID 026-661-403 STRATA LOT 35 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
306 – 1327 ST. PAUL ST	KX124470	PID 026-661-411 STRATA LOT 36 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
307 – 1327 ST. PAUL ST	KX124470	PID 026-661-420 STRATA LOT 37 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
308 – 1327 ST. PAUL ST	KX124470	PID 026-661-438 STRATA LOT 38 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
309 – 1327 ST. PAUL ST	KX124470	PID 026-661-446 STRATA LOT 39 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
310 – 1327 ST. PAUL ST	KX124470	PID 026-661-454 STRATA LOT 40 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
311 – 1327 ST. PAUL ST	KX124470	PID 026-661-462 STRATA LOT 41 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
312 – 1327 ST. PAUL ST	KX124470	PID 026-661-471 STRATA LOT 42 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
313 – 1327 ST. PAUL ST	KX124470	PID 026-661-489 STRATA LOT 43 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
401 – 1327 ST. PAUL ST	KX124470	PID 026-661-497 STRATA LOT 44 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
402 – 1327 ST. PAUL ST	KX124470	PID 026-661-501 STRATA LOT 45 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
403 – 1327 ST. PAUL ST	KX124470	PID 026-661-519 STRATA LOT 46 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
404 – 1327 ST. PAUL ST	KX124470	PID 026-661-527 STRATA LOT 47 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
405 – 1327 ST. PAUL ST	KX124470	PID 026-661-535 STRATA LOT 48 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
406 – 1327 ST. PAUL ST	KX124470	PID 026-661-543 STRATA LOT 49 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
407 – 1327 ST. PAUL ST	KX124470	PID 026-661-551 STRATA LOT 50 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
408 – 1327 ST. PAUL ST	KX124470	PID 026-661-560 STRATA LOT 51 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
409 – 1327 ST. PAUL ST	KX124470	PID 026-661-578 STRATA LOT 52 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
410 – 1327 ST. PAUL ST	KX124470	PID 026-661-586 STRATA LOT 53 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
411 – 1327 ST. PAUL ST	KX124470	PID 026-661-594 STRATA LOT 54 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
412 – 1327 ST. PAUL ST	KX124470	PID 026-661-608 STRATA LOT 55 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
413 – 1327 ST. PAUL ST	KX124470	PID 026-661-616 STRATA LOT 56 DISTRICT LOT 139 ODYD STRATA PLAN KAS3011
100 – 1357 ELLIS ST	LB239921	PID 027-881-962 STRATA LOT 15 DISTRICT LOT 139 ODYD STRATA PLAN KAS3275
101 - 1357 ELLIS ST	LB239921	PID 027-881-971 STRATA LOT 16 DISTRICT LOT 139 ODYD STRATA PLAN KAS3275
102- 1357 ELLIS ST	LB239921	PID 027-881-989 STRATA LOT 17 DISTRICT LOT 139 ODYD STRATA PLAN KAS3275
203 - 1353 ELLIS ST	LB239921	PID 027-881-997 STRATA LOT 18 DISTRICT LOT 139 ODYD STRATA PLAN KAS3275
204 - 1353 ELLIS ST	LB239921	PID 027-882-004 STRATA LOT 19 DISTRICT LOT 139 ODYD STRATA PLAN KAS3275
204 - 1353 ELLIS ST	LB239921	PID 027-882-012 STRATA LOT 20 DISTRICT LOT 139 ODYD STRATA PLAN KAS3275

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
206 - 1353 ELLIS ST	LB239921	PID 027-882-021 STRATA LOT 21 DISTRICT LOT 139 ODYD STRATA PLAN KAS3275
304 - 1353 ELLIS ST	LB239921	PID 027-882-039 STRATA LOT 22 DISTRICT LOT 139 ODYD STRATA PLAN KAS3275
425 BAY	KW120471	PID 025-012-592 LOT 1 DISTRICT LOT 139 ODYD PLAN KAP68693
437 BAY	KW120471	PID 025-013-343 LOT 2 DISTRICT LOT 139 ODYD PLAN KAP68693
437 BAY	KW120471	PID 025-013-343 LOT 2 DISTRICT LOT 139 ODYD PLAN KAP68693
1030-1040 WEDDELL	KT19906	PID 026-272-857 LOT 2 SECTION 30 TOWNSHIP 26 ODYD PLAN KAP77986
1015 CROWLEY	KT19906	PID 025-020-331 LOT B SECTION 30 TOWNSHIP 26 ODYD PLAN KAP68918
1095 ETHEL AVE	LB480018	PID 010-322-973 LOT 1 BLOCK 5 SECTION 30 TOWNSHIP 26 ODYD PLAN 5452
NO CIVIC FOUND	LB480018	PID 010-322-981 LOT 2 BLOCK 5 SECTION 30 TOWNSHIP 26 ODYD PLAN 5452
1358 GLENVIEW	LB395865	CP KAS3808
1203 GLENVIEW	LB395865	PID 028-275-411 STRATA LOT 1 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1195 GLENVIEW	LB395865	PID 028-275-420 STRATA LOT 2 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1187 GLENVIEW CRT	LB395865	PID 028-275-438 STRATA LOT 3 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1179 GLENVIEW CRT	LB395865	PID 028-275-446 STRATA LOT 4 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1171 GLENVIEW	LB395865	PID 028-275-454 STRATA LOT 5 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1163 GLENVIEW CRT	LB395865	PID 028-275-462 STRATA LOT 6 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
1155 GLENVIEW	LB395865	PID 028-275-471 STRATA LOT 7 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1147 GLENVIEW CRT	LB395865	PID 028-275-489 STRATA LOT 8 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1139 GLENVIEW	LB395865	PID 028-275-497 STRATA LOT 9 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1131 GLENVIEW CRT	LB395865	PID 028-275-501 STRATA LOT 10 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1123 GLENVIEW CT	LB395865	PID 028-275-519 STRATA LOT 11 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1114 GLENVIEW	LB395865	PID 028-275-535 STRATA LOT 13 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1106 GLENVIEW	LB395865	PID 028-275-543 STRATA LOT 14 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1102 GLENVIEW CRT	LB395865	PID 028-275-551 STRATA LOT 15 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1098 GLENVIEW CRT	LB395865	PID 028-275-560 STRATA LOTS 16 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1094 GLENVIEW	LB395865	PID 028-275-578 STRATA LOT 17 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1095 GLENVIEW	LB395865	PID 028-275-586 STRATA LOT 18 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1099 GLENVIEW	LB395865	PID 028-275-594 STRATA LOT 19 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1103 GLENVIEW	LB395865	PID 028-275-608 STRATA LOT 20 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1111 GLENVIEW	LB395865	PID 028-275-616 STRATA LOT 21 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
1119 GLENVIEW CRT	LB395865	PID 028-275-624 STRATA LOTS 22 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1116 LAMBERT LANE	LB395865	PID 028-275-632 STRATA LOT 23 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1112 LAMBERT LANE	LB395865	PID 028-275-641 STRATA LOT 24 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1108 LAMBERT LANE	LB395865	PID 028-275-659 STRATA LOT 25 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1104 LAMBERT LANE	LB395865	PID 028-275-667 STRATA LOT 26 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1120 LAMBERT LANE	LB395865	PID 028-275-675 STRATA LOT 27 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1130 LAMBERT LANE	LB395865	PID 028-275-683 STRATA LOT 28 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1138 LAMBERT LANE	LB395865	PID 028-275-691 STRATA LOT 29 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1146 LAMBERT	LB395865	PID 028-275-705 STRATA LOT 30 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1154 LAMBERT	LB395865	PID 028-275-713 STRATA LOT 31 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1162 LAMBERT LANE	LB395865	PID 028-275-721 STRATA LOT 32 SECTION 30 TOWNSHIP 30 26 ODYD STRATA PLAN KAS3808
1170 LAMBERT	LB395865	PID 028-275-730 STRATA LOT 33 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1178 LAMBERT	LB395865	PID 028-275-748 STRATA LOT 34 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3808
1305 GLENVIEW	LA121372	CP KAS3510
1305 GLENVIEW AVE	LA121372	PID 027-600-505 STRATA LOT 1 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3510

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
1243 CERISE DR	LA121372	PID 027-600-513 STRATA LOT 2 SECTION 30 TOWNSHIP 26 ODYD STRATA PLAN KAS3510
1323 GLENVIEW	LA121372	PID 026-813-670 LOT 2 SECTION 30 TOWNSHIP 26 ODYD PLAN KAP81798
1377GLENVIEW AVE	LA121372	PID 026-813-700 LOT 5 SECTION 30 TOWNSHIP 26 ODYD PLAN KAP81798
1395 GLENVIEW AVE	LA121372	PID 026-813-718 LOT 6 SECTION 30 TOWNSHIP 26 ODYD PLAN KAP81798
1137 CERISE	KC95521	PID 015-155-871 LOT 1 SECTION 30 TOWNSHIP 26 ODYD PLAN 42068
1162 KOBY CRT	KC95521	PID 015-155-943 LOT 7 SECTION 30 TOWNSHIP 26 ODYD PLAN 42068
1945 GOLFVIEW	X2642 ASSIGNMENT OF C557	PID 008-414-769 LOT 1 SECTIONS 29 TOWNSHIP 26 ODYD PLAN 17315
1975 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 003-287-432 LOT 2 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
905 EAGLE DR	X2642 ASSIGNMENT OF C557	PID 008-414-777 LOT 3 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
1995 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 008-414-793 LOT 4 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
2005 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 008-414-807 LOT 5 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
2015 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 008-414-815 LOT 6 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
2025 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 002-806-096 LOT 7 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
2035 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 008-414-840 LOT 8 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
2045 GOLFVIEW	X2642 ASSIGNMENT OF C557	PID 008-414-858 LOT 9 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
2055 GOLFVIEW	X2642 ASSIGNMENT OF C557	PID 008-414-866 LOT 10 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
2065 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 008-414-874 LOT 11 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
1990 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 008-414-971 LOT 18 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
1980 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 008-415-013 LOT 19 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
1970 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 003-372-618 LOT 20 SECTION 29 TOWNSHIP 26 ODYD PLAN 17315
1955 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 003-106-667 LOT A SECTION 29 TOWNSHIP 26 ODYD PLAN 33685
893 VALLEY RD	X2642 ASSIGNMENT OF C557	PID 007-922-337 LOT A SECTION 29 TOWNSHIP 26 ODYD PLAN 20019
1940 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 007-922-370 LOT C SECTION 29 TOWNSHIP 26 ODYD PLAN 20019
1950 GOLFVIEW DR	X2642 ASSIGNMENT OF C557	PID 004-437-195 LOT D SECTION 29 TOWNSHIP 26 ODYD PLAN 20019
705 TRADITIONS	LA140418	PID 027-939-898 LOT A SECTION 29 AND 32 TOWNSHIP 26 ODYD PLAN KAP89178
707 TRADITIONS	LA140418	PID 027-939-936 LOT B SECTION 29 AND 32 TOWNSHIP 26 ODYD PLAN KAP89178
711 TRADITIONS CRES	LA140418	PID 027-939-944 LOT C SECTION 29 TOWNSHIP 26 ODYD PLAN KAP89178
711 TRADITIONS	LA140418	PID 027-939-952 LOT D SECTION 29 TOWNSHIP 26 ODYD PLAN KAP89178
707 BOYNTON PL	LA140418	PID 026-850-249 LOT 1 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
723 BOYNTON PL	LA140418	PID 026-850-265 LOT 4 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
756 TRADITIONS CRES	LA140418	PID 026-850-303 LOT 7 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
748 TRADITIONS	LA140418	PID 026-850-311 Lot 8 SECTION 30 TOWNSHIP 26 ODYD PLAN KAP82131

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
744 TRADITIONS	LA140418	PID 026-850-320 LOT 9 SECTION 29 AND 30 TOWNSHIP 26 ODYD PLAN KAP82131
738 TRADITIONS CRES	LA140418	PID 026-850-338 LOT 10 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
732 TRADITIONS	LA140418	PID 026-850-346 LOT 11 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
726 TRADITIONS	LA140418	PID 026-850-354 LOT 12 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
720 TRADITIONS	LA140418	PID 026-850-362 LOT 13 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
714 TRADITIONS	LA140418	PID 026-850-371 LOT 14 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
708 TRADITIONS CRES	LA140418	PID 026-850-389 LOT 15 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
702 TRADITIONS	LA140418	PID 027-850-397 LOT 16 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
725 TRADITIONS CRES	LA140418	PID 026-850-401 LOT 17 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
721 TRADITIONS CRES	LA140418	PID 026-850-419 LOT 18 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
717 TRADITIONS	LA140418	PID 026-850-427 LOT 19 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
701 TRADITIONS	LA140418	PID 026-850-435 LOT 20 SECTION 29 AND 32 TOWNSHIP 26 ODYD PLAN KAP82131
703 TRADITIONS CRES	LA140418	PID 026-850-443 LOT 21 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP82131
747 TRADITIONS	LA140418 LB247082	PID 027-491-501 LOT 3 SECTION 29 AND 30 TOWNSHIP 26 ODYD PLAN KAP86281
729 TRADITIONS	LA140418	PID 027-491-536 LOT 6 SECTION 29 TOWNSHIP 26 ODYD PLAN KAP86281
1737 MARKHAM	KX39175	PID 026-156-792 LOT 3 SECTION 32 TOWNSHIP 26 ODYD PLAN KAP77140
1742 MARKHAM	KX39175	PID 026-156-806 LOT 4 SECTION 32 TOWNSHIP 26 ODYD PLAN KAP77140
1758 MARKHAM	KX39175	PID 026-156-822 LOT 6 SECTIONS 29 AND 32 TOWNSHIP 26 ODYD PLAN KAP77140

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
1766 MARKHAM	KX39175	PID 026-156-831 LOT 7 SECTIONS 29 AND 32 TOWNSHIP 26 ODYD PLAN KAP77140
540-560 WEST AVE	LB355560	CP EPS125
1035 BERNARD AVE	LB285919 CA2540852	CP KAS326
2055 ETHEL	T48152	CP KAS356
3000 RICHTER	S51479	CP KAS386
1490B GORDON	LB111879 S74500	CP KAS472
1449 ST PAUL	C33229	CP KAS715
1636 LEASIDE AVE	122384E	CP KAS1222
1468-1476 ST PAUL	J35201	CP KAS1618
1390 DILWOOD	KT131092	CP KAS2424
1965 PANDOSY	KW109666	CP KAS2680
1025-1027 TRENCH	KT19906	CP KAS3048
1331 ELLIS	LA171490	CP KAS3171
446 WEST AVE	LB230390	CP KAS3190
1353-1357 ELLIS	LB167121 LB239921	CP KAS3275
1636 LEASIDE AVE	122384E	CP KAS 3318
1132-1160 BERNARD AVE	LB476474	CP KAS3399
700 MARTIN AVE	LB432224	CP KAS3543
1580 ELLIS ST	LB472632	PID 012-358-070 LOT 3 BLOCK 15 DISTRICT LOT 139 ODYD PLAN 462
1558 ELLIS	LB472632 KH112508	PID 002-220-032 LOT A DISTRICT LOT 139 ODYD PLAN 17140
2955 PANDOSY	LB414680	PID 028-050-398 LOT A DISTRICT LOT 14 ODYD PLAN KAP 89863
2970 TUTT	LB414680	PID 028-050-401 LOT B DISTRICT LOT 14 ODYD PLAN KAP89863
420 CEDAR	LB455329	PID 010-437-819 LOT 2 BLOCK 2 DISTRICT LOT 14 ODYD PLAN 4743
2900 PANDOSY	LB415117	PID 024-016-403 LOT 1 DISTRICT LOT 14 ODYD PLAN KAP 60851
2949 PANDOSY	KL27010	PID 001-464-451 LOT 1 DISTRICT LOT 14 ODYD PLAN 35105

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
657 RAYMER	LB497192	PID 009-788-841
		LOT A DISTRICT LOT 135 ODYD PL 8662
2668 ABBOTT	LB271939	PID 008-988-005 LOT 1 DISTRICT LOT 14 ODYD PLAN 14499
2169 PANDOSY	KR29934	PID 002-465-051 LOT 3 DISTRICT LOT 14 ODYD PLAN 3216
1- 2410 ABBOTT	LB272062	PID 027-399-656 STRATA LOT 3 DISTRICT LOT 14 ODYD STRATA PLAN KAS3395
2035 ETHEL	LB351911	PID 027-170-721 LOT 1 SECTION 19 TOWNSHIP 26 ODYD PLAN KAP84590
1920 RICHTER	LB55050	PID 002-467-739 LOT A DISTRICT LOT 14 ODYD PLAN 36052
2121 ETHEL	KK4344	PID 017-777-305 LOT A SECTION 19 TOWNSHIP 26 ODYD PLAN KAP47149
2090 GORDON	KM47177	PID 018-979-394 LOT A SECTION 19 TOWNSHIP 26 ODYD PLAN KAP53297
1991 ETHEL ST	LB224179	PID 027-170-730 LOT 2 DISTRICT LOT 138 AND SECTION 19 TOWNSHIP 26 ODYD PLAN KAP84590
255 LAKE AVE.	KX14933	PID 012-494-224 THAT PART OF LOT 28 BLOCK 5 OUTLINED RED ON PLAN B3957 DISTRICT LOT 14 ODYD PLAN 348
460 BUCKLEY	LB394504	PID 001-675-451 LOT B DISTRICT LOTS 14 AND 1148 ODYD PLAN 35262
330 BOYCE CR	LB383348	PID 027-913-783 LOT 1 DL 139 ODYD PLAN KAP89060
435 HARVEY	LB456720	PID 002-889-285 LOT A DISTRICT LOT 139 ODYD PLAN 35149
1660 PANDOSY	Q3701	PID 004-695-631 LOT B DISTRICT LOT 139 ODYD PLAN 27885
1630 WATER	LB476477	PID 012-357-022 N HALF LOT 1 BLOCK 10 DISTRICT LOT 139 ODYD PLAN
	2 LEGALS	462 PID 012-357-049 N HALF LOT 2 BLOCK 10 DISTRICT LOT 139 ODYD PLAN 462
1616 WATER	LB360142	PID 028-927-362 LOT B DL 139 ODYD PLAN EPP22523
1635 ABBOTT	KJ88654	PID 007-906-471 LOT A DISTRICT LOT 139 ODYD PLAN 20350

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
238 LEON	KK27683	PID 009-107-762
		LOT 7 BLOCK 10 DISTRICT LOT 139 ODYD PLAN 462
347 LEON	N18167	PID 004-695-615
		LOT A DISTRICT LOT 139 ODYD PLAN 27885
1688 BERTRAM ST	LB465814	PID 003-883-094
		LOT A DISTRICT LOT 139 ODYD PLAN 36595
772 SUTHERLAND AVE	LB469717	PID 011-799-404
		LOT 13 DL 138 ODYD PLAN 1000
634 HARVEY	LB108909	PID 004-316-525
		LOT A DISTRICT LOT 139 ODYD PLAN 36779 EXCEPT PLAN KAP 82372
242-246 LAWRENCE	KJ102522	PID 012-357-235
AVE	13102322	LOT 7 BLOCK 13 DISTRICT LOT 139 ODYD PLAN 462
1436 ST PAUL ST	LB462852	PID 012-101-630
		LOT 7 BLOCK 17 DISTRICT LOT 139 ODYD PLAN 800
471 QUEENSWAY	KT61384	PID 012-358-509
		LOT 11 BLOCK 16 DISTRICT LOT 139 ODYD PLAN 462
234 LAWRENCE AVE	KH10075	PID 012-357-251
		LOT 8 BLOCK 13 DISTRICT LOT 139 ODYD PLAN 462
327 BERNARD AVE	LB363642	PID 012-357-651
		LOT 11 BLOCK 14 DISTRICT LOT 139 ODYD PLAN 462
350 DOYLE AVE	LB485502	PID 023-297-255
. —		LOT C DISTRICT LOT 139 ODYD PLAN KAP56114
1415 ELLIS ST	LB370111	PID 004-348-290
		LOT 2 DISTRICT LOT 139 ODYD PLAN 432
1414-1430 WATER ST	LB367910	PID 027-009-092
	LB480015	LOT 1 DISTRICT LOT 139 ODYD PLAN KAP83363
516 LAWRENCE	W33664	PID 003-019-888
		LOT A DISTRICT LOT 139 ODYD PLAN 34041
865 BERNARD	LB366497	PID 028-629-205
	LB473918	LOT 1 DISTRICT LOT 138 ODYD PLAN KAP92254
697 BERNARD AVE	P3500	PID 004-566-203
		LOT A DISTRICT LOT 139 ODYD PLAN 28352
1610 GORDON	LB491014	CP STRATA PLAN KAS728
1740 GORDON	KJ93366	PID 023-135-930
		LOT A DISTRICT LOT 138 ODYD PLAN KAP55098
1780 GORDON	V52259	PID 002-859-904
		LOT 1 DISTRICT LOT 138 ODYD PLAN 34186
1415 KELGLEN	KK5079	PID 017-485-827
		LOT 3 DISTRICT LOT 137 ODYD PLAN KAP45837

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
1309 BERNARD AVE	X247346	PID 008-735-255 LOT A DISTRICT LOT 137 ODYD PLAN 16013
142435 41 4	773.6.484.8.6	
1434 Martin Ave.	KM47176	PID 010-916-466 Lot 1 DL 138 ODYD Plan 3163
1212 LAWSON AVE	LB436013	PID 008-745-811
	22 100010	LOT 23 DISTRICT LOT 137 ODYD PLAN 15718
1700-1800 PARKINSON	LB416563	PID 006-285-368
WAY		LOT 2 SECTION 20 TOWNSHIP 26 ODYD PLAN 23634
1370 RIDGEWAY	LB413580	PID 027-523-004
		LOT B SECTIONS 20 AND 29 TOWNSHIP 26 PLAN KAP86673
902 MANHATTAN	LB366640	PID 005-211-271
		LOT 1 DISTRICT LOT 9 ODYD PLAN 37370
1177 ELLIS	LB436839	PID 024-929-409
		LOT A DISTRICT LOT 139 ODYD PLAN KAP68238
1250-1298 ELLIS	KV54022	PID 012-173-673
		LOT 1 DISTRICT LOT 139 ODYD PLAN 660
540 CAWSTON	J56288	PID 011-653-426
	KN35752	LOT 13 DISTRICT LOT 139 ODYD PLAN 1303
1155 ELLIS	LB384417	PID 019-107-897
		LOT A DISTRICT LOT 139 ODYD PLAN KAP53948 EXCEPT KAP89727
1355 WATER	KJ36804	PID 017-674-760
		LOT B DISTRICT LOT 139 ODYD PLAN KAP46650
1200 WATER	LB471474	PID 015-265-196
		LOT 3 DISTRICT LOT 139 AND 3454 ODYD PLAN 42174
1080-1090 RICHTER	S93820	PID 003-523-608
		LOT 1 DISTRICT LOT 139 ODYD PLAN 7858
663 RECREATION	LB427793	PID 026-057-981
		LOT B DISTRICT LOT 139 ODYD PLAN KAP76448
975 CROWLEY	KT88296	PID 025-020-315
		LOT A SECTION 30 TOWNSHIP 26 PLAN KAP68918
1043 RICHTER	LB437706	PID 028-105-184
		PARCEL B (BEING CONSOLIDATION OF LOTS 41 AND 42, SEE LB356341) SECTION 30 TOWNSHIP 26 ODYD PLAN 1014
1090 GORDON	KC70994	PID 008-741-689
		AMENDED LOT A (DD E6961) SECTION 30 TOWNSHIP 26 ODYD PLAN 15931
910 PITCAIRN COURT	E14332	PID 007-937-989 LOT 7 SECTION 29 TOWNSHIP 26 ODYD PLAN 19847

CIVIC ADDRESS	SRW CHARGE NUMBER(S) OF SRW BEING TRANSFERRED	LEGAL DESCRIPTION OF Affected Parcel of Land Containing that SRW Charge
1297 GLENMORE	KM58288	PID 024-482-137
		LOT 1 DISRIRCT LOT 140 AND SECTION 29 TOWSNHIP 26 ODYD PLAN KAP64220
1277 GORDON	LB469719	PID 027-631-150
		LOT 1 DISTRICT LOT 137 ODYD PLAN KAP87374
1236 CLEMENT	LB111022	PID 003-959-074
		LOT A SECTION 30 TOWNSHIP 26 ODYD PLAN 30476
1323 BARTLETT	LB472633	PID 008-474-630
		LOT 21 DISTRICT LOT 137 ODYD PLAN 17047
1590 BLONDEAU	D16928	PID 008-147-434
		LOT 15 SECTION 29 TOWNSHIP 26 ODYD PLAN 19021
471 QUEENSWAY	KT61384	PID 012-358-452
		LOT 8 BLOCK 16 DISTRICT LOT 139 ODYD PLAN 462

Report to Council



Date: February 21, 2013

Rim No. 1200-40

To: City Manager

From: Theresa Eichler, Community Planning Manager

Subject: Housing Strategy Implementation Update

Recommendation:

THAT Council receive the report from the Community Planning Manager, dated February 21, 2013, titled "Housing Strategy Implementation Update", for information.

Purpose:

This report serves to update Council (as per service request) on the work completed, or underway, resulting from the twenty-five recommendations contained in the City's Housing Strategy. It also relates to the Action Plan for the Downtown Plan in terms of housing incentives and policies to enhance the economic health of the Downtown.

Background:

Policies used in many municipalities impose requirements on new development in order to realize new affordable housing supply. The City of Kelowna Housing Strategy presented a different approach of working with the development community to provide incentives for desired forms of housing, particularly rental housing, but also for the new forms of housing that conform to City policies. In a sense, partnerships are formed with developers for rental housing through housing agreements in return for rental housing grant and potential revitalization tax exemptions (more on this will be outlined in this report).

The <u>Housing Strategy</u> was originally approved by Council in November, 2011. Since then, there have been other housing workshops with Council; one in March of 2012, outlining the Strategy's recommendations and rationale behind them; and several on specific housing initiatives; secondary suites being one of them.

The Housing Strategy provides 25 housing related recommendations. A 2012 year-end review of these recommendations confirmed that about half are complete¹. A brief update on the various components of the recommendations will be provided in this report.

Housing Incentives:

Financial:

As a result of the research and consultation conducted for the Housing Strategy, purpose-built rental housing was agreed to be the most immediate need. Nationwide, since the 1970s, rental housing has not been attractive to build due to the lack of profitability. This form of housing cannot be built by private industry without anticipating negligible profit, or even loss, for the first ten years. This makes it very difficult to finance² new rental housing supply. However, at least 30 % of all households rent, and that number is expected to increase due to factors like retirement, aging and less desirability of home ownership by younger generations (e.g. Generation Y)³. For immediate housing wins, the Housing Strategy recommended expanding the rental grants program to private, purpose-built rental housing⁴ and changing the revitalization tax exemption program⁵ to include purpose-built rental housing that is consistent with the OCP.

As a condition of receiving a rental housing grant, a housing agreement must be signed that secures the building as rental for a minimum of ten years, prior to any request for release of the notice of the agreement. Repayment of the grant received is a condition of lifting of the agreement notice (s. 4.4 and 4.5 of the Housing Opportunities Reserve Fund By-law 8593). Returned funds go to the City's Housing Opportunities Reserve Fund (HORF).⁶

The tax exemption applies to the municipal portion of taxation on the new building comprising purpose built rental housing for a maximum of 10 years (secured through a housing agreement), and does not have to be repaid. These incentives were set in place in 2012 through pertinent amendments to bylaws and policies.

Results:

Four rental housing grant applications were received in 2012 for a total of ninety-four new rental dwellings and were approved by Council for rental housing grants on January 21st, 2013. Three of the applications were by developers for a total of eighty -six rental dwellings and the fourth application was for 8 low income family town homes by Ki Low Na Friendship Society. This compares to a total of 96 dwellings that received these grants from 2007-2011. Prior to 2012, only rent-restricted and subsidized rental housing qualified.

Two of the proposals were purpose-built rental housing and these also applied for the revitalization tax exemption.

Process:

¹ Either in use and operational, or nearing the end of the policy amendment process.

² Based on interviews with rental housing builders, developers and lenders conducted by contracted staff in 2010/2011.

³ Some claim that a higher percentage of rental housing is a sign of a healthy economy (e.g. <u>Richard Florida refers to 45%</u>). Encouraging the creation of additional rental housing stock is also timely in terms of activity in the new housing market. However the opportunity to attract more construction in this area is anticipated to be short term

⁴ Defined in the OCP as rental buildings with 5 or more strictly rental dwellings; this is considered affordable housing because rent increases are controlled under the Residential Tenancy Act.

⁵ Through council policy and bylaw changes

⁶ The extension of rental grants to purpose-built rental housing was intended to respond to requests from the development community to defer development cost charges.

Another form of incentive was to reduce process. Council addressed one of these Housing Strategy directions when it discontinued the Advisory Planning Commission in 2011. Staff is also currently determining ways to reduce the length of internal review processes as a Council priority.

Further process reduction is discussed later in this report.

Policy Updates:

Official Community Plan (OCP)

Several new policies were recommended for inclusion in the Official Community Plan. All of these were intended to increase the diversity of Kelowna's housing options. Most of these were added to the OCP in 2012 (see *Existing Policy* section of this report).

New Dwelling Forms to be Included in the Zoning By-law

Several Housing Strategy recommendations proposed introducing additional housing forms to the Zoning Bylaw to reach a broader range of need. Policy direction is now in place in Chapter 5 of the OCP (see policy references later in this report) to support such uses and the City will work to encourage development that conforms to the OCP and features the new housing forms.

Secondary Suites (within a principal dwelling):

Council directed Staff to pursue an amendment to the Zoning Bylaw to allow secondary suites, within a principal dwelling as a permitted use, throughout most areas of the city. This resulted in a comprehensive amendment to the Zoning Bylaw which was undertaken by Land Use Management (LUM) staff over the course of several months in 2012. Recommendations from the Housing Strategy were more moderate on the expansion of secondary suite options. In addition, Staff have implemented several other related recommendations through amendments to the Zoning Bylaw (recommendations 7, 14, & 17).

Fee-Simple Townhouses:

In 2012, Staff began research on fee-simple townhouses, a ground- oriented (non-strata) housing form suited to families, as an alternative to single detached housing. The Zoning By-law would need to be amended to allow for fee simple townhouses with individual public road frontage and lots.

Staff is bringing forward changes to the RM2, RM3 and RM4 zones that will introduce fee simple townhousing to the Zoning Bylaw. This should be before Council for review within the first Quarter.

Six-Storey Wood-Framed Buildings:

Staff had proposed that C4 - Urban Centre Commercial - zone be amended to allow for an increase in building height from four storeys to six storeys to accommodate housing within six-storey, wood-framed buildings as a "soft start" to this building form, consistent with the Housing Strategy. Six (and five) storey wood frame construction was promoted by the Province as more affordable. Prior to recent changes to the Building Code, wood frame construction was limited to four storeys. A five storey wood frame building consisting of subsidized and market rental housing for seniors was built at 2105 Benvoulin by the means of a height variance in 2009. However there is little activity in the private building sector.

Work on bringing forward the text amendment to the Zoning Bylaw is almost complete. Consistent with the C4 zone, these buildings would be mixed use with commercial uses on the ground floor and apartments above. Staff has confirmed that wood frame construction above a concrete podium in a mixed use building is supported by the BC Building Code. It is noted that construction materials cannot be regulated through zoning regulations. There has been interest by developers in this form of housing and Staff anticipate that there may be a development in 2013 that features this type of construction

Accessory Apartments:

Accessory apartments⁷ would serve as a source of rental housing for students, singles and people needing some assistance, including people with disabilities and seniors, and can also serve as mortgage helpers. When under 29 m² (312 sq. ft,), there is no development cost charge for new dwellings (provincial law). For this reason, 29 m² would be the maximum recommended size of these units. These could be provided within stratified townhouses, fee-simple townhouses or stratified apartment buildings. Staff is encouraging the development community to introduce this housing form. Upon receipt of an application, a text amendment will be made to introduce the use to the Zoning Bylaw.

Courtyard Housing:

In the first quarter of 2013, staff is conducting research on zoning regulations needed to allow courtyard housing. Courtyard housing is a form of ground- oriented housing that would allow existing lots that have an area of 900 m^2 or more to develop or redevelop higher density housing that resembles town housing with open space in the centre of the development. It would be suited to inner city neighbourhoods for redevelopment. Courtyard housing would be attractive to families.

Staff determined that there are more than 1,000 properties large enough (900 m² or over) and designated for multiple unit residential housing in the OCP. This information is available to Staff and can be used to help encourage developers to submit proposals that would introduce the use to be added as a text amendment to the Zoning Bylaw.

Ongoing Housing Actions:

Some of the recommendations of the Housing Strategy refer to actions that are ongoing and that the City already does, or would do. These include:

- Working on housing partnerships, including with BC Housing and Canada Mortgage and Housing Corporation (CMHC). Examples include Pleasantvale Homes and the Central Green sites for rental housing;
- Monitoring industrial transition areas;
 - At the request of Council, Staff are working on monitoring and revising the use of the 16
 Low-Impact Transitional Industrial zone.
- Annual review of funding for the Housing Opportunities Reserve Fund.

Housing Recommendations that are Outstanding:

A few of the recommendations from the Housing Strategy remain to be addressed. These are described below:

Public Hearing (Process):

Recommendation 22 of the Housing Strategy was to waive public hearings for affordable rental housing and fee simple town-housing if they conform to the OCP. Council is authorized to waive the public hearing by the Local Government Act (LGA -s. 890(4)) for *any* rezonings that conform to the OCP. Council Policy 307 provides guidance to allow this for commercial, industrial or mixed use developments. Clerks and Land Use Management are working on a revision to expand this policy to be broader in scope. In Council housing workshops, the consensus was to only consider waiving of public hearings on a case by case basis. A test case may be brought to Council in the first quarter of 2013.

Parking:

Several of the housing recommendations dealt with parking⁸, including: reducing parking requirements in the Urban Core; introducing time limits for on-street parking to reduce impact on residential neighbourhoods, and parking requirements for secondary suites. Smaller parking spaces and regulations are also being explored in the first quarter of 2013, primarily for the Core Area. These

⁷ Rental units within stratified apartments or townhouses.

⁸ Parking spaces are a cost to providing housing as well as a common issue raised by neighbours related to new housing.

actions would need to be incorporated as part of the City's Parking Master Plan which Community Services Staff indicated is scheduled for completion in the fourth quarter of 2013.

Other Housing Updates:

Web-Based Information:

A review of 2012 service requests⁹ in Policy and Planning showed that 33% were related to housing and of these 77% were about affordable housing. To enable consistent response to these requests, staff created a <u>Housing Resources Bulletin</u>, which is available electronically and in handout format, to provide information on subsidized housing and rent subsidies¹⁰.

In addition, staff have provided a <u>city web page for housing</u>¹¹ (under Residents/City Planning/Housing in Kelowna), making the City's web-based information on housing more accessible and user-friendly. The new page provides links to sub-pages on specific housing issues, like affordable housing, for more detailed information on these areas. The housing pages appear to be well-used: 2012 web page statistics show about 6,600 visits to the pre-existing, affordable housing page, and half that amount for the new housing page and sub-pages that were added in June (about 450-550 visits per month for both).

Internal Circulation:

Director of Land Use Management
Director of Real Estate & Building Services
City Clerk
Director of Finance
Director of Communications

Legal/Statutory Authority:

Local Government Act (LGA) 890 (1) (4), Community Charter

Legal/Statutory Procedural Requirements:

Housing Opportunities Reserve Fund By-law 8593 Revitalization Tax Exemption By-law 9561

Existing Policy: (see attachment)

Official Community Plan (OCP)

Chapter 5 - Development Process

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

Policy 5.9.1 Conversion of Rental Dwellings

Objective 5.22 Ensure context sensitive housing development. 12

Policy 5.22.7 Healthy Communities

Policy 5.22.8 Embracing Diversity

Policy 5.22.9 Neighbourhood Impact

Policy 5.22.10 Adaptable Housing

Policy 5.22.11 Housing Mix

Policy 5.22.12 Secondary Suites and Accessory Apartments

Policy 5.22.13 Family Housing

Policy 5.29.2 Secondary Housing in Light Industrial Areas.

Other Policies:

⁹ Closed SRs.

¹⁰ Most of these are provided provincially through <u>BC Housing</u>. ¹¹ <u>http://www.kelowna.ca/CM/Page317.aspx</u>

¹¹ http://www.kelowna.ca/CM/Page317.aspx

¹² For complete wording of these policies, see the attachment.

Rental Grants Policy 335

Financial/Budgetary Considerations: Existing budget has served housing actions for 2013.
Personnel Implications: None
Communications Comments:
Considerations not applicable to this report: Alternate Recommendation: External Agency/Public Comments:
Submitted by:
T. Eichler, Community Planning Manager
Approved for inclusion:
S. Gambacort, Acting Director of Policy and Planning.
cc: Director of Land Use Management Director of Real Estate & Building Services City Clerk Director of Finance Director of Communications

New OCP Housing Policies Related to the Housing Strategy

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

Policy .1 Conversion of Rental Dwellings. Consider allowing conversions of rental buildings with four units or more only when the vacancy rate reported in the annual CMHC Rental Market Survey for Kelowna is 3% or higher.

Objective 5.22 Ensure context sensitive housing development.

Policy .7 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.

Policy .8 Embracing Diversity. Increase understanding of various forms of housing needs and styles toward increasing acceptance of housing meeting the needs of diverse populations by encouraging applicants to undertake early and on-going consultation relating to their project, including provision of support material where appropriate.

Policy .9 Neighbourhood Impact. When considering an OCP Amendment, the City will seek information with respect to the impact on land values related to the likelihood that other properties in the immediate neighbourhood will remain or develop as indicated in the OCP.

Policy .10 Adaptable Housing. Encourage the use of adaptable design to increase flexibility of housing by referring developers to adaptable design guidelines.

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Policy .12 Secondary Suites and Accessory Apartments. Support secondary suites and accessory apartments through appropriate zoning regulations.

Policy .13 Family Housing. Support housing alternatives for families when single detached housing is too costly, including features that are important to families such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighborhood characteristics (e.g.: location and amenities).

Objective 5.29 Ensure efficient use of industrial land supply.

Policy .2 Secondary Housing in Light Industrial Areas. Consider the limited expansion of housing as a secondary use within industrial buildings in light or transitional industrial areas.



HOUSING STRATEGY - UPDATE

March 4, 2013



SECONDARY SUITES - KELOWNA EXAMPLES







ACCESSORY APARTMENTS











FEE-SIMPLE TOWNHOUSES





Vancouver



Vancouver

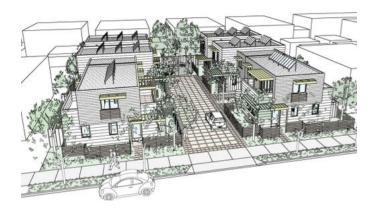
Langford



COURTYARD HOUSING



Los Angeles



Portland



Portland



HOUSING STRATEGY - "NEW" HOUSING

FORMS



Courtyard housing



A CONTROL OF THE STATE OF THE S

Fee-Simple Townhouses



Secondary Suites



Accessory Apartments



Report to Council

Date: February 25, 2013

Rim No. 1125-51-004-001 and 1125-51-004-003

To: City Manager

From: J. Hettinga, Manager, Real Estate Services

Subject: Proposed Road Closure - Adjacent to and bisecting 760 and 840 Curtis Road

Kelowr

Recommendation:

THAT Council receives for information, the Report from the Manager, Real Estate Services dated February 25, 2013, recommending that Council adopt the proposed road closure of a portion of land adjacent to and bisecting 760 and 840 Curtis Road (Schedule 'A');

AND THAT Bylaw No. 10811, being proposed road closure of a portion of land adjacent to and bisecting 760 and 840 Curtis Road, be given reading consideration.

Purpose:

The excess closed road is to be consolidated with the adjacent properties at 760 and 840 Curtis Road.

Background:

As a condition of the Agricultural Land Commissions' approval of the Glenmore Recreational Park being located in the ALR, the old Glenmore bypass is to be closed and consolidated with existing agricultural properties. The City sees no future ownership requirement of the road located adjacent to and bisecting 760 and 840 Curtis Road (the "Properties").

Legal/Statutory Authority:

Section 26 and 40, Community Charter

Considerations not applicable to this report:

Internal Circulation:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

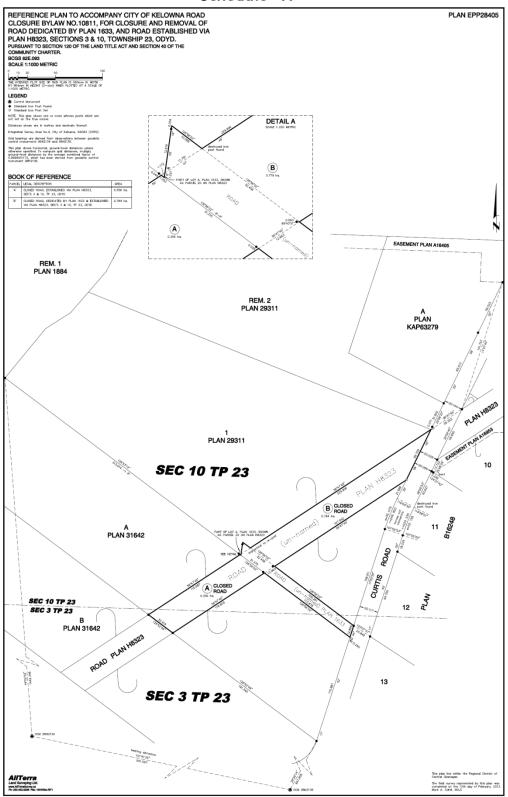
Page 2 of 3 Pages							
In light of the above, the support of this road closure.	Real Est	ate 8	Building	Services	department	request	Council's
Submitted by:							
J. Hettinga, Manager Real Estate Services							

Martin Johansen for D. Edstrom, Acting Director, Real Estate & Building Services

City Manager February 25, 2013

Approved for inclusion:

Schedule "A"



CITY OF KELOWNA BYLAW NO. 10811

Road Closure and Removal of Highway Dedication Bylaw (Portion of Curtis 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 Curtis Road

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

- 1. That portion of highway attached as Schedule "A" comprising 1.14 Ha (11,400 m²⁾ shown in bold black as Closed Road A and Closed Road B on the Reference Plan EPP28405 prepared by Mark Cahill B.C.L.S., and completed on 15th day of February, 2013, is hereby stopped up and closed to traffic and the highway dedication removed.
- 2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

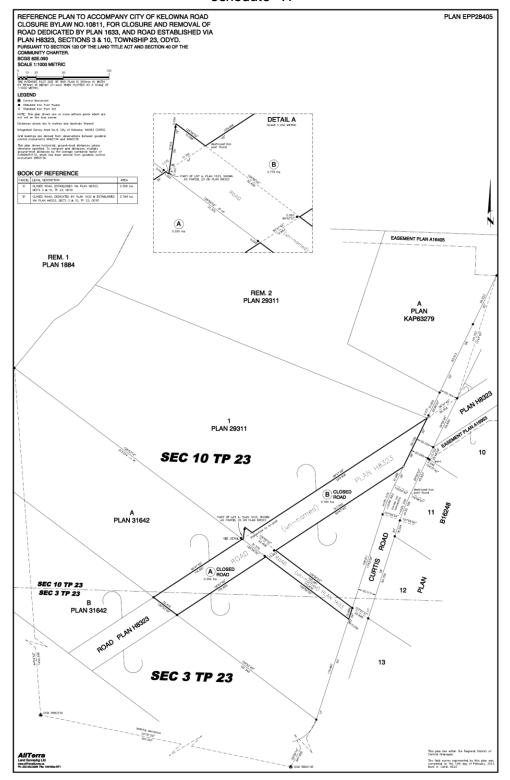
Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor
 City Clerk

Bylaw No. 10811 - Page 2

Schedule "A"



Report to Council



Date: February 25, 2013

Rim No. 0600-10

To: City Manager

From: City Clerk

Subject: Adoption Report - BL10654 - Amendment No. 1 to Development Applications

Procedures Bylaw No. 10540

Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Bylaw No. 10654 being Amendment No. 1 to Development Applications Procedures Bylaw No. 10540 be adopted.

Purpose:

To consider adoption of BL10654 being Amendment No. 1 to Development Applications Procedures Bylaw No. 10540.

Background:

Bylaw No. 10654 received first three readings by Council on Monday, February 18, 2012. A copy of the Bylaw is attached. All legislative requirements have been met.

Submitted by:

S. Fleming, City Clerk

CITY OF KELOWNA BYLAW NO. 10654

Amendment No. 1 to Development Application Procedures Bylaw No. 10540

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

1. THAT **SECTION1** - **INTRODUCTION**, **1.4 Definitions**, 1.4.1 be amended by deleting the definition for 'Advisory Planning Commission' that reads:

"Advisory Planning Commission' means an advisory commission established by Council pursuant to Section 898 of the *Local Government Act* and operating in accordance with the Advisory Planning Commission Bylaw No. 8546, as amended or replaced from time to time."

- 2. AND THAT "2 GENERAL PROVISIONS" be amended as follows:
 - a) deleting in its entirety the heading "2 GENERAL PROVISIONS" and replacing it with "SECTION 2 GENERAL PROVISIONS";
 - b) deleting **2.3 DELEGATION OF AUTHORITY**, **2.3.5 Development Permits** subparagraph (b) that reads:
 - "Amendments to **Development Permits** that deal with form and character involving design modifications, having no bearing or impact on the form and character relating to location, setback, height, shape, size, floor area or parcel coverage of a building or structure."

And replace it with:

- "Amendments to **Development Permits** that are limited to minor design modifications that do not alter the overall form and character of development, and that do not reduce minimum setbacks, or increase height or density."
- c) deleting in **2.12 LAPSE OF APPLICATION**, **2.12.2**, the words "six (6)" after the words "may extend the deadline for a period of" and replacing it with "twelve (12)".
- 3. AND THAT "3 APPLICATION FEES" heading be deleted in its entirety and replaced with "SECTION 3 APPLICATION FEES";

4. AND THAT "4 PUBLIC NOTIFICATION & CONSULTATION" be deleted in its entirety that reads:

"4 PUBLIC NOTIFICATION & CONSULTATION

4.1 PUBLIC NOTIFICATION

4.1.1 Giving Notice

- a) In accordance with the *Local Government Act*, the **City** will mail or otherwise deliver individual notices to all **Owners** and tenants of the subject property for which an application is being made, and all **Owners** and tenants of all other properties within a distance of not less than 50 metres measured from the boundaries of any subject property to which the application pertains, advising of:
 - A scheduled Public Hearing for an Official Community Plan, Zoning Bylaw amendment, Phased Development Agreement, or Land Use Contract Discharge or Amendment;
 - A scheduled Council meeting for considering a Development Variance Permit; or
 - A scheduled **Council** meeting for considering a **Temporary Use Permit**.
- b) The notification outlined in Sub-Section 4.1.1(a) is not required if 10 or more parcels owned by 10 or more persons are subject of the application.
- c) Individual notices will be mailed or otherwise delivered not less than ten (10) days prior to Council consideration of a Temporary Use Permit or Development Variance Permit, and not less than ten (10) days prior to the holding of a Public Hearing for an Official Community Plan or Zoning Bylaw amendment, or a Land Use Contract discharge or amendment.

4.1.2 Posting a Development Notice Sign

Except for **Development Permit** and **Phased Development Agreement** applications, and Amendment Applications involving ten (10) or more parcels owned by ten (10) or more persons, an applicant under this bylaw must, at his or her cost, erect a Development Notice Sign on that parcel of land which is the subject of the application, in accordance with the following:

a) <u>Timing:</u>

Development Notice Signs will be posted a minimum of ten (10) days prior to the **Advisory Planning Commission** meeting date at which the application is being considered, and a minimum of ten (10) days prior to the **Council** meeting date at which the application will be considered.

b) Location:

All Development Notice Signs will be placed on a property that is subject to an application pursuant to this bylaw so that they are clearly visible from the street, approximately three (3) metres inside the property line.

c) Number

One sign is required for each 100 metres of road frontage provided that no more than three (3) signs are required for any one **Site**.

d) Sign Content

The sign(s) will include the following information, as applicable to the application:

- Present and proposed Zone of the property;
- The City's development application file number;
- Any requested variances of City bylaws;
- A brief description of the proposal;
- The date(s) of relevant Advisory Planning Commission meetings, Public Hearing, Council meeting at which the application is to be considered, or the final date for receipt of public input if the Public Hearing has been waived: and
- Any additional information the Director of Land Use Management may require.

e) Sign Installation:

Development Notice Signs will be located in a manner which does not interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of withstanding wind and weather.

f) Sign Purchase:

Development Notice Signs will be purchased from the **City** at the applicant's expense for the fee described in the **Development Application Fees Bylaw**.

g) Sign Removal:

Development Notice Signs must remain in place until the conclusion of the Public Hearing, until Council has considered the Development Variance Permit or Temporary Use Permit, as applicable, until Council has adopted the amending bylaw if the Public Hearing has been waived, or until the development application has been abandoned. Development notice signs must be removed within seven days of the conclusion of a Public Hearing.

h) Statutory Declaration Required:

The applicant must provide the **Director of Land Use Management** with a Statutory Declaration in the approved format confirming that all Development Notice Signs required by this Bylaw have been installed on the subject property before the application will be considered at an **Advisory Planning Commission** meeting, a **Public Hearing** or a regular meeting of **Council**.

i) <u>Failure to Post:</u>

Failure to post the required Development Notice Sign(s) in accordance with this bylaw will result in the postponement of consideration of the application by the **Advisory Planning Commission** or **Council**. All costs incurred by the **City** for public notification as a result of such postponement will be the responsibility of the applicant.

4.2 PUBLIC INFORMATION MEETINGS

4.2.1 Public Information Meeting Requirement

- a) A Public Information Meeting must be held prior to **Council** consideration of an application to amend the **OCP**, in order to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the regular application referral and **Public Hearing** processes, where any of the following criteria are met:
- The OCP amendment would result in a significant land use change, this
 includes, but not limited to, a change from agriculture to residential
 use, from commercial to industrial use, from residential to institutional,
 or a two increment increase in land use designation for residential uses;
 or
- The **OCP** amendment involves more than 10 hectares of land; or
- The **OCP** amendment involves the proposed creation of more than 30 parcels or housing units.
- b) For all development applications not subject to Section 4.2.1(a), **Council** encourages a Public Information Meeting to be held prior to consideration by **Council**.

4.2.2 Public Information Meeting Standards

If a Public Information Meeting is required, it is the applicant's responsibility to arrange and conduct the meeting to the satisfaction of the **City**, and according to the following guidelines:

- a) The location, time and duration of a Public Information Meeting shall be set in accordance with the intent to provide a reasonable opportunity for the public to access information and to inquire thoroughly about the proposal. Where possible, the meeting should be held in the area most impacted by the proposal.
- b) Prior to initial consideration by **Council**, the applicant shall submit to **City** staff a report summarizing the Public Information Meeting and providing, at a minimum, responses to the following questions:
- Where was the meeting held?
- At what time and for what duration was the meeting held?
- How many people attended the meeting?
- How was the meeting advertised?
- How were surrounding property owners notified of the meeting?
- What information was provided at the meeting?

4.3 AGENCY REFERRAL PROCESS

- 4.3.1 When dealing with an application under this bylaw, the Land Use Management Department will develop a referral list of agencies, organizations or levels of government to which the amendment must be sent for review and comment.
- 4.3.2 Each agency, organization or level of government will be given thirty (30) days, from receipt of the referral, to provide any comments. If after thirty (30) working days the agency, organization or level of government has not notified the **City** in writing about their concerns, the agency, organization or level of government is considered to have no concern."

And replacing it with:

SECTION 4 - PUBLIC NOTIFICATION & CONSULTATION

4.1 PUBLIC NOTIFICATION & CONSULTATION REQUIREMENT

All applications made pursuant to the Bylaw will undertake the forms of public notification required by this section. Consultation requirements as identified in Council Policy No. 367 must be held prior to Council initial consideration of an application.

4.2 PUBLIC NOTIFICATION

4.2.1 Giving Notice

- a) In accordance with the *Local Government Act*, the **City** will mail or otherwise deliver individual notices to all **Owners** and tenants of the subject property for which an application is being made, and all **Owners** and tenants of all other properties within a distance of not less than 50 metres measured from the boundaries of any subject property to which the application pertains, advising of:
 - A scheduled Public Hearing for an Official Community Plan,
 Zoning Bylaw amendment, Phased Development Agreement, or
 Land Use Contract Discharge or Amendment;
 - A scheduled Council meeting for considering a Development Variance Permit; or
 - A scheduled Council meeting for considering a Temporary Use Permit.
- b) The notification outlined in Sub-Section 4.1.1(a) is not required if 10 or more parcels owned by 10 or more persons are subject of the application.
- c) Individual notices will be mailed or otherwise delivered not less than ten (10) days prior to Council consideration of a Temporary Use Permit or Development Variance Permit, and not less than ten (10) days prior to the holding of a Public Hearing for an Official Community Plan or Zoning Bylaw amendment, or a Land Use Contract discharge or amendment.

4.2.2 Posting a Development Notice Sign

Except for Development Permit, Additional Dwelling for Farm Employee Permit and Phased Development Agreement applications, and Amendment Applications involving ten (10) or more parcels owned by ten (10) or more persons, an applicant under this bylaw must, at his or her cost, erect a Development Notice Sign on that parcel of land which is the subject of the application, in accordance with the following:

a) Timing:

For applications that require a statutory Public Hearing, Development Notice Signs will be posted a minimum of ten (10) days prior to the Public Hearing for the application. For all other applications, Development Notice Signs will be posted a minimum of ten (10) days prior to the Council meeting at which the application is scheduled for consideration.

Development Notice Signs must remain in place until the conclusion of the Public Hearing, until Council has considered the Development Variance Permit or Temporary Use Permit, as applicable, until Council has adopted the amending bylaw if the Public Hearing has been waived, or until the development application has been abandoned. Development notice signs must be removed within seven (7) days of the conclusion of a Public Hearing.

b) Location:

All Development Notice Signs will be placed on a property that is subject to an application pursuant to this bylaw so that they are clearly visible from the street, approximately three (3) metres inside the property line.

c) <u>Number</u>

One sign is required for each 100 metres of road frontage provided that no more than three (3) signs are required for any one **Site**.

d) Sign Content

The sign(s) will include the following information, as applicable to the application:

- Present and proposed Zone of the property;
- The **City**'s development application file number;
- Any requested variances of City bylaws;
- A brief description of the proposal;
- The date(s) of the relevant Public Hearing and/or Council meeting at which the application is to be considered, or the final date for receipt of public input if the Public Hearing has been waived; and
- Any additional information the Director of Land Use Management may require.

e) Sign Installation:

Development Notice Signs will be located in a manner which does not interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of withstanding wind and weather.

f) Sign Purchase:

Development Notice Signs will be purchased from the **City** at the applicant's expense for the fee described in the **Development Application Fees Bylaw**.

g) Photographic Evidence Required:

The applicant must provide the **Director of Land Use Management** with photographic evidence confirming that all Development Notice Signs required by this Bylaw have been installed on the subject property before the application will be considered at a **Public Hearing** or a regular meeting of **Council**.

h) Failure to Post:

Failure to post the required Development Notice Sign(s) in accordance with this bylaw will result in the postponement of consideration of the application by **Council**. All costs incurred by the **City** for public notification as a result of such postponement will be the responsibility of the applicant.

4.3 AGENCY REFERRAL PROCESS

- 4.3.1 When dealing with an application under this bylaw, the Land Use Management Department will develop a referral list of agencies, organizations or levels of government to which the amendment must be sent for review and comment.
- 4.3.2 Each agency, organization or level of government will be given a minimum of fifteen (15) working days from receipt of the referral to provide any comments. If after a minimum of fifteen (15) working days the agency, organization or level of government has not notified the **City** in writing about their concerns, the agency, organization or level of government is considered to have no concern."
- 5. AND THAT Schedule '2' Application to Amend an Official Community Plan Bylaw or a Zoning Bylaw, 2.0 PROCESSING PROCEDURE, 2.4 to 2.15 inclusive be deleted in its entirety that reads:
 - "2.4 Land Use Management will evaluate the proposal for compliance with relevant City bylaws and policies.
 - 2.5 Council or the Director of Land Use Management may request that an applicant advertise and host a Public Information Meeting or open house at their own expense in accordance with the requirements of Section 4.2 of this bylaw.

- 2.6 Land Use Management will prepare a staff report and refer the application to the relevant Council Committee(s).
- 2.7 The applicant will install a Development Notice Sign in accordance with Section 4.1.2 of this Bylaw.
- 2.8 The applicant is encouraged to attend the meeting of the relevant Council Committee(s) at which the amendment application is being considered.
- 2.9 Upon receipt of the recommendation of the Council Committee, Land Use Management will prepare a staff report, including technical agency comments for consideration by Council.
- 2.10 The applicant is encouraged to attend the Council meeting at which the amendment application will be considered.
- 2.11 The applicant will update or install a Development Notice Sign as necessary and in accordance with Section 4.1.2 of this bylaw.
- 2.12 If Council decides to proceed with the amendment application, an amending bylaw will be given first reading (including the placement of conditions, where appropriate). Council may alternatively decide to refer, table or deny the application.
- 2.13 Should the amending bylaw receive first reading, a Public Hearing, if required, will be held to allow the public to comment on the application. Notice of a Public Hearing will be given pursuant to the Local Government Act.
- 2.14 Following the Public Hearing, Council will consider the amendment bylaw and may proceed with second and third readings, refer, table or deny the application. Upon third reading, an amendment bylaw may need to be sent to relevant provincial ministry(s) for approval before proceeding to adoption.
- 2.15 Once the applicant has adequately addressed all of the outstanding conditions identified (if any), Council will consider the adoption of the bylaw(s), subject to Section 2.2.1(b).
- 2.16 Following reading consideration, the Office of the City Clerk will notify the applicant in writing of the decision of Council."

And replacing it with:

- "2.4 Land Use Management will evaluate the proposal for compliance with relevant City bylaws and policies.
- 2.5 The applicant will undertake the form(s) of public notification and consultation required in accordance with Section 4 of this Bylaw.
- 2.6 Land Use Management will prepare a staff report and refer the application to the relevant Council Committee(s).

- 2.7 The applicant is encouraged to attend the meeting of the relevant Council Committee(s) at which the amendment application is being considered.
- 2.8 Upon receipt of the recommendation of the Council Committee, Land Use Management will prepare a staff report, including technical agency comments for consideration by Council.
- 2.9 The applicant is encouraged to attend the Council meeting at which the amendment application will be considered.
- 2.10 If Council decides to proceed with the amendment application, an amending bylaw will be given first reading (including the placement of conditions, where appropriate). Council may alternatively decide to refer, table or deny the application.
- 2.11 Should the amending bylaw receive first reading, a Public Hearing, if required, will be held to allow the public to comment on the application. Notice of a Public Hearing will be given pursuant to the Local Government Act.
- 2.12 Following the Public Hearing, Council will consider the amendment bylaw and may proceed with second and third readings, refer, table or deny the application. Upon third reading, an amendment bylaw may need to be sent to relevant provincial ministry(s) for approval before proceeding to adoption.
- 2.13 Once the applicant has adequately addressed all of the outstanding conditions identified (if any), Council will consider the adoption of the bylaw(s), subject to Section 2.2.1(b).
- 2.14 Following reading consideration, the Office of the City Clerk will notify the applicant in writing of the decision of Council."
- 6. AND THAT Schedule '3' Development Permit Applications, 1.0 URBAN DESIGN & FARM PROTECTION DEVELOPMENT PERMITS be amended as follows:
 - a) deleting the words "or amend" after the words "the **Director of Land Use Management** may only issue" under 1.1.1 Restriction on Delegation;
 - b) deleting the bullet under 1.1.1 Restriction on Delegation, sub-paragraph (a) that reads:
 - "The proposed development is not directly adjacent to or abutting residential developments; and"

And replacing it with the following:

- "The proposed development does not impact adjacent or abutting residential developments; and"
- c) deleting the words "An internal staff" before the words "design review will consider the merits of the proposal." And replacing it with "Where applicable, a staff" in sub-paragraph d. under 1.1.2 Processing Procedures;

- d) deleting the words "An internal staff" before the words design review will consider the merits of the proposal." And replacing it with "Where applicable, a staff" in 1.2 URBAN DESIGN & FARM PROTECTION COUNCIL DEVELOPMENT PERMITS, 1.2.2 Processing Procedure, sub-paragraph d.;
- 7. AND THAT Schedule '4' Application for a Development Variance Permit, 2.0 PROCESSING PROCEDURE, Sections 2.4 to 2.11 inclusive be deleted that reads:
 - "2.4 Land Use Management will evaluate the proposal for compliance with relevant City bylaws and policies.
 - 2.5 **Land Use Management** will prepare a staff report and refer the application to the relevant Council Committee(s). Where the variance is deemed to be minor in nature by the **Director of Land Use Management**, and where confirmation from affected neighbours supporting the variance has been received, the application is not required to be forwarded to Council Committee(s).
 - 2.6 Where an application requires Council Committee review, the applicant will post a Development Notice Sign, and **City** Staff will give notice in accordance with Section 4.1.2 of this bylaw.
 - 2.7 The applicant is encouraged to attend the meeting of the Council Committee at which the application is being considered.
 - 2.8 Upon receipt of the recommendation of the relevant Council Committee and the comments of other referral agencies, Land Use Management staff will prepare a staff report and draft Development Variance Permit for consideration by Council.
 - 2.9 The Office of the **City Clerk** will notify the applicant in writing of the decision of **Council**.
 - 2.10 If authorized for issuance by the **Council**, **Land Use Management** staff will prepare the required **Development Variance Permit** and related schedules for signature, and obtain the required Bonding (if any), pursuant to Section 2.8 of this bylaw.
 - 2.11 Upon sign-off of the **Development Permit** by the **Director of Land Use Management** and receipt of the related bonding, the DP will be issued and then registered against the title of the property(s) at the Land Title Office."

And replaced with:

- "2.4 Land Use Management will evaluate the proposal for compliance with relevant City bylaws and policies.
- 2.5 The applicant will undertake the form(s) of public notification and consultation required in accordance with Section 4 of this Bylaw.

- 2.6 **Land Use Management** will prepare a staff report and refer the application to the relevant Council Committee(s).
- 2.7 The applicant is encouraged to attend the meeting of the Council Committee at which the application is being considered.
- 2.8 Upon receipt of the comments of other referral agencies, Land Use Management staff will prepare a staff report and draft Development Variance Permit for consideration by Council.
- 2.9 The Office of the **City Clerk** will notify the applicant in writing of the decision of **Council**.
- 2.10 If authorized for issuance by the **Council**, **Land Use Management** staff will prepare the required **Development Variance Permit** and related schedules for signature, and obtain the required Bonding (if any), pursuant to Section 2.8 of this bylaw.
- 2.11 Upon sign-off of the **Development Variance Permit** by the **Director of Land Use Management** and receipt of the related bonding, the Development Variance
 Permit will be issued and then registered against the title of the property(s) at
 the Land Title Office."
- 8. AND THAT Schedule '5' Applications for a Temporary Use Permit, 2.0 PROCESSING PROCEDURE be amended as follows:
 - a) section 2.3 be deleted in its entirety that reads:
 - "Council and the Director of Land Use Management may request that an applicant advertise and host a Public Information Meeting or open house at their own expense in accordance with the requirements of Section 4.2 of this bylaw."

And replaced with:

"The applicant will undertake the form(s) of public notification and consultation required in accordance with Section 4 of this Bylaw."

- b) sections 2.6 to 2.14 be deleted in their entirety that reads:
 - "2.6 The applicant will install a Development Notice Sign in accordance with Section 4.1.2 of this bylaw.
 - 2.7 The applicant is encouraged to attend the meeting of the relevant Council Committee(s) at which the application is being considered.
 - 2.8 Upon receipt of the recommendation of the Council Committee(s), Land Use Management staff will prepare a staff report, including technical agency comments for consideration by Council.
 - 2.9 The applicant will update or install a Development Notice Sign as necessary and in accordance with Section 4.1.2 of this Bylaw.

- 2.10 The recommendation of the appropriate Council Committee(s) will be incorporated into a staff report for **Council** consideration and will be accompanied by a draft of the Permit.
- 2.11 The applicant is encouraged to attend the **Council** meeting at which the application will be considered.
- 2.12 **Council** will consider the staff report and may grant the requested permit, or may refer, table, direct back to the appropriate Council Committee(s), or deny the application.
- 2.13 The Office of the City Clerk will notify the applicant in writing of the decision of **Council**.
- 2.14 If a Permit is granted by **Council**, a Notice of Permit will be signed and sealed by the **Director of Land Use Management** and registered against the title of the property(s) at the Land Title Office."

And replaced with:

- "2.6 The applicant is encouraged to attend the meeting of the relevant Council Committee(s) at which the application is being considered.
- 2.7 Upon receipt of the recommendation of the Council Committee(s), Land Use Management staff will prepare a staff report, including technical agency comments for consideration by Council.
- 2.8 The applicant is encouraged to attend the **Council** meeting at which the application will be considered.
- 2.9 **Council** will consider the staff report and may grant the requested permit, or may refer, table, direct back to the appropriate Council Committee(s), or deny the application.
- 2.10 The Office of the City Clerk will notify the applicant in writing of the decision of **Council**.
- 2.11 If a Permit is granted by **Council**, a Notice of Permit will be signed and sealed by the **Director of Land Use Management** and registered against the title of the property(s) at the Land Title Office."
- 9. AND THAT Schedule '6' Applications to Modify, Vary, Amend or Discharge a Land Use Contract, be amended as follows:
 - a) Deleting in its entirety, 1.0 APPLICATIONS TO MODIFY OR TO VARY A LAND USE CONTRACT BY DEVELOPMENT PERMIT, 1.2 Notification the following:

"Applications under this section will be subject to the notification requirements of Section 4.1.1 of this bylaw."

And replacing it with:

"Applications under this section will be subject to the notification and consultation requirements established for the category of "DVP Minor", pursuant to Council Policy No. 367."

- b) 2.0 APPLICATIONS TO MODIFY OR TO VARY A LAND USE CONTRACT BY DEVELOPMENT VARIANCE PERMIT be amended by:
 - a) deleting **2.2 Notifcation** in its entirety the following:

"Applications under this section will be subject to the notification requirements of Section 4.1.1 of this bylaw."

And replacing it with:

"Applications under this section will be subject to the notification and consultation requirements established for the category of "Development Variance Permit Minor", pursuant to Council Policy No. 367."

b) deleting 3.0 APPLICATIONS TO AMEND OR TO DISCHARGE A LAND USE CONTRACT BY BYLAW, 3.2 Notification and Consultation in its entirety that reads:

"Applications under this section will be subject to the notification and consultation requirements of Sections 4.1.1 and 4.1.2 of this bylaw."

And replacing it with:

- "Applications under this section will be subject to the notification and consultation requirements established for the category of "Zoning Minor", pursuant to Council Policy No. 367."
- 10. This bylaw may be cited as 'Bylaw No. 10654, being Amendment No. 1 to Development Application Procedures Bylaw No. 10540.
- 11. This bylaw shall come into full force and effect and be binding on all persons on the date of adoption.

Read a first, second and third time by the Municipal Council this 18th day of February, 2013.

Adopted by the Municipal Council of the City of Kelowna this

 Mayor
City Clerk

Report to Council



Date: February 25, 2013

Rim No. 0600-10

To: City Manager

From: City Clerk

Subject: Adoption Report - BL10749- Amendment No. 2 to Development Applications

Fees Bylaw No. 10560

Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Bylaw No. 10749 being Amendment No. 2 to Development Applications Fees Bylaw No. 10560 be adopted.

Purpose:

To consider adoption of BL10749 being Amendment No. 2to Development Applications Fees Bylaw No. 10560.

Background:

Bylaw No. 10749 received first three readings by Council on Monday, February 18, 2012. A copy of the Bylaw is attached. All legislative requirements have been met.

Submitted by:

S. Fleming, City Clerk

CITY OF KELOWNA BYLAW NO. 10749

Amendment No. 2 to Development Application Fees Bylaw No. 10560

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Application Fees Bylaw No. 10560 be amended as follows:

- 1. THAT the **DEVELOPMENT APPLICATION FEES TABLE 1** be deleted in its entirty and replaced with a new **DEVELOPMENT APPLICATION FEES TABLE 1** as attached to and forming part of this bylaw as Schedule "A";
- 2. THAT THE DEVELOPMENT APPLICATION FEES TABLE 2 FEES PURSUANT TO SUBDIVISION, DEVELOPMENT, AND SERVICING BYLAW NO. 7900 AND LAND TITLE ACT be amended by:
 - a) Changing "(5-10 Lots)" under the **Application Fee** column to read "(6-10 Lots)";
 - b) Inserting above the Document Execution Fee line the following:

Restrictive Covenant - Review, change or removal	\$500.00
Airspace Parcel Subdivision	\$15,000.00

- 3. This bylaw may be cited as 'Bylaw No. 10749, being Amendment No. 2 to Development Application Fees Bylaw No. 10560.
- 4. This bylaw shall come into full force and effect and be binding on all persons on the date of adoption.

Read a first, second and third time by the Municipal Council this 18th day of February, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor
 City Clerk

BL10749 - Page 2 Development Application Fees - Table 1

Development Category	Application Fee ¹
Area Structure Plans & Area Redevelopment Plans	\$5,500.00 base fee + \$75.00/ha
OCP Amendments	\$3,262.00
oci Amendments	\$3,202.00
Phased Development Agreement	\$3,262.00 + City's Legal Review Fees
Zoning Amendments	, , , , , , , , , , , , , , , , , , ,
"C" for Carriage House	\$694.00
Bylaw Enforcement - Add 'C' for Carriage House	\$964.00
Add "t" Designation for Agri-Tourist Accommodation	\$636.00
RU6, RR & A1	\$1,386.00
Text Amendments	\$1,386.00
Comprehensive Development Zone	\$3,262.00
All Other Zones	\$1,779.00
Urban Design Development Permits	,
Major (Council Reviewed) Development Permit	\$1,386.00
Minor Direct Development Permit	\$694.00
Natural Environment Development Permits	Ç07 1.00
Council Review - Natural Environment Development Permit	\$1,386.00
Major Direct Natural Environment Development Permit	\$694.00
Minor Direct Natural Environment Development Permit	\$150.00
Seasonal Farm Worker Housing Permit	\$130.00
Council Review - Seasonal Farm Worker Housing Permit	\$694.00
Direct Temporary Farm Worker Housing Permit	\$150.00
	\$150.00
Farm Protection Development Permit	
Development Variance Permit	\$694.00 + \$100.00 per Variance
Development Application Renewal Fee	\$150.00
Pre-Application Meeting (2 Free Meetings)	\$150.00
Non-Standardized Legal Document Review	\$500.00 Base + \$300.00 per hour (after
	the first 3 hours)
Development Applicaton Amendments (Applicant Initiated)	
Major Amendments Requiring Recirculation	\$636.00
Minor Amendments to Approved Development Permits	\$100.00
Public Hearing Advertising / Public Hearing Re-Advertising (hearing cancelled by applicant)	\$500.00 Minimum. If maps are required for advertising, additional costs will be incurred prior to Public Hearing
Land Use Contracts	
Discharge	\$0.00
Amendments	\$3,262.00
Temporary Use Permit	\$1,779.00
Heritage	
Heritage Revitalization Agreement	\$1,779.00
Heritage Alteration Permit (Variances associated with project)	\$1,388.00 + \$100.00 per Variance
Heritage Alteration Permit - Director & Council approval	\$694.00
Heritage Conservation Covenant	\$150.00
Heritage Designation	\$150.00

¹ Refundable Amounts:

BL10749 - Page 3

- (a) Development Fees which are refunded prior to Land Use Management Department report to Council for consideration are eligible for the cost of the Development Fee <u>less</u> 50% administrative costs.
- (b) No development fees will be refunded if the application has been submitted to Council.
- (c) Subdivision fees are non-refundable.
- (d) Board of Variance Fees for appeals withdrawn prior to the Secretary preparing the appeal for advertising and circulation to City staff and Board of Variance members are eligible for a \$200.00 refund.
- ² An application fee for heritage designation will not be required if processed in conjunction with a Heritage Revitalization Agreement.

Category	Application Fee
ALR Applications (City retains \$250.00 of permit fees)	
Subdivision/Non-Farming	\$600.00
Application for Exclusion	\$600.00
Board of Variance Application	\$578.00

Document Administration Fee ⁴ (Restrictive covenants, utility right-of-ways, road reservation agreements, road exchanges, road closures, servicing agreements, developer initiated road name changes, quit claim documents excluding land use contracts, written response to inquiry etc.) (Not applicable for documents forming part of a subdivision application)	\$150.00
Land Title Office Registration	\$50.00
Site Profile Fees	\$50.00

Category	Application Fee
Liquor License Applications Requiring Public Meeting ⁵	
New Liquor Primary License (100 persons or greater)	\$700.00 + \$1,500.00 for notification
New Liquor Primary License (less than 100 persons)	\$450.00 + \$1,500.00 for notification
Change to Existing License	\$450.00 + \$1,500.00 for notification
Liquor License Applications (No Council Resolution)	\$50.00

⁴ Requests for information not available in published form requiring research will be charged a fee of \$30.00 per hour.

⁵ This application fee does not eliminate the need to pay for rezoning and/or development permit application fees where required.

Report to Council



Date: February 25, 2013

File: 0600-10

To: City Manager

From: City Clerk

Subject: BL10805 - Road Closure and Removal of Highway Dedication - A Portion of Land

Adjacent to 384 Glenwood Ave

Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Council provides an opportunity for public input on the proposed road closure for BL10805 - Road Closure and Removal of Highway Dedication - A Portion of Land Adjacent to 384 Glenwood Ave

AND THAT Bylaw No. 10805, being Road Closure and Removal of Highway Dedication - A Portion of Land Adjacent to 384 Glenwood Ave be adopted.

Purpose:

To consider adoption of Bylaw No. 10805 being Road Closure and Removal of Highway Dedication - A Portion of Land Adjacent to 384 Glenwood Ave.

Background:

Bylaw No. 10805 received first three readings by Council on Monday, February 18, 2013. A copy of the Bylaw is attached. The following conditions of adoption have been met:

- 1. Newspaper Advertisements placed in local newspaper on February 22 and March 1, 2013 with the March 3, 2013 adoption date;
- 2. Posted on Public Notice Board;

Following an opportunity for the public to provide input at the March 4, 2013 meeting of Council, the bylaw may be considered for adoption. Registration at the Land Titles Office will proceed after the bylaw is adopted.

Submitted by:

S. Fleming, City Clerk

CITY OF KELOWNA BYLAW NO. 10805

Road Closure and Removal of Highway Dedication Bylaw (Portion of 384 Glenwood Avenue)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of Glenwood Avenue

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

- 1. That portion of highway attached as Schedule "A" comprising 144.2 m² shown in bold black as Closed Road on the Reference Plan EPP24213 prepared by Doug Goddard and completed on 17 day of September, 2012, 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.
- 3. City of Kelowna Road Closure and Removal of Highway Dedication Bylaw Portion of 384 Glenwood Avenue Bylaw No. 10762 and all amendments thereto, are hereby repealed.

Read a first, second and third time by the Municipal Council this 18th day of February, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor
City Clerk

Bylaw No. 10805 - Page 2

Schedule "A"

