

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, November 10, 2014

1:30 pm

Council Chamber

City Hall, 1435 Water Street

Pages

#### 1. Call to Order

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

#### 2. Confirmation of Minutes

6 - 10

Regular PM Meeting - November 3, 2014

#### 3. Development Application Reports & Related Bylaws

##### 3.1 Official Community Plan Bylaw Amendment Application No. OCP14-0019 & Rezoning Application No. Z14-0036 - (W of) Mountainside Drive, Cedar Creek Developments Ltd.

11 - 22

To consider an Official Community Plan Amendment and Rezoning application to amend the Future Land Use designation and rezone portions of the subject property to accommodate the development of a single family residential subdivision.

##### 3.1.1 Bylaw No. 11027 (OCP14-0019) - (W of) Mountainside Drive, Cedar Creek Developments Ltd.

23 - 24

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

To give Bylaw No. 11027 first reading in order to change the future land use designations of the subject property from the Single/Two Unit Residential designation to the Single/Two Unit Residential - Hillside and the Major Park/Open Space designations and from the Major Park and Open Space designation to the Single/Two Unit Residential - Hillside designation.

##### 3.1.2 Bylaw No. 11028 (Z14-0036) - (W of) Mountainside Drive, Cedar Creek Developments Ltd.

25 - 26

To give Bylaw No. 11028 first reading in order to rezone the subject property from the RU4 - Low Density Cluster Housing zone to the RU1h - Large Lot Housing (Hillside Area), P3 - Parks and Open Space and CD2 - Kettle Valley Comprehensive Residential Development zones and from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone.

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|-----|--|---------|
| 3.2 | Official Community Plan Bylaw Amendment Application No. OCP14-0021 and Rezoning Application No. Z14-0041 - 5505 Chute Lake Road, Calcan Investments Ltd. | 27 - 42 |
|-----|--|---------|

The applicant is proposing to amend the Official Community Plan Future Land Use Designation and to rezone a portion of the subject property in order to accommodate the development of a single family strata subdivision.

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|-------|--|---------|
| 3.2.1 | Bylaw No. 11029 (OCP14-0021) - 5505 Chute Lake Road, Calcan Investments Ltd. | 43 - 45 |
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**Requires a majority of all members of Council (5).**

To give Bylaw No. 11029 first reading in order to change the future land use designation of part of the subject property from the Major Park & Open Space designation to the Single/Two Unit Residential Hillside designation; from the Single/Two Unit Residential designation to the Major Park & Open Space designation; from the Multiple Unit Residential (Cluster Housing) designation to the Single/Two Unit Residential - Hillside designation; from the Multiple Unit Residential (Cluster Housing) designation to the Major Park & Open Space designation; from the Single/Two Unit Residential designation to the Single/Two Unit Residential Hillside designation.

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| 3.2.2 | Bylaw No. 11030 (Z14-0041) - 5505 Chute Lake Road, Calcan Investments Ltd. | 46 - 49 |
|-------|--|---------|

To give Bylaw No. 11030 first reading in order to rezone part of the subject property from the P3 - Parks and Open Space zone to the RH1 - Hillside Large Lot Residential zone; from the RH1 - Hillside Large Lot Residential zone to the P3 - Parks and Open Space; from the RH3 - Hillside Cluster Housing zone to the RH1 - Hillside Large Lot Residential zone; from the RH3 - Hillside Cluster Housing zone to the P3 - Parks and Open Space zone and from the RH1 - Hillside Large Lot Residential zone to the RH3 - Hillside Cluster Housing zone.

- |     |   |         |
|-----|---|---------|
| 3.3 | Official Community Plan Bylaw Amendment Application No. OCP14-0015 - 1501 & 1511 Tower Ranch Drive and 2160 Tower Ranch Boulevard | 50 - 67 |
|-----|---|---------|

To amend Map 4.1 – Generalized Future Land Use in the 2030 Official Community Plan for a portion of the Tower Ranch Development.

- |       |   |         |
|-------|---|---------|
| 3.3.1 | Bylaw No. 11031 (OCP14-0015) - 1501 & 1511 Tower Ranch Drive and 2160 Tower Ranch Boulevard, Parkbridge Lifestyle Communities Inc., City of Kelowna & 0977415 BC Ltd. | 68 - 74 |
|-------|---|---------|



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

To give Bylaw No. 11031 first reading in order to change the future land use designation of a portion of the subject properties from MRL – Multiple Unit Residential (Low Density) to S2RES – Single/Two Unit Residential; PARK - Park and Open Space (public) to S2RES – Single / Two Unit Residential; S2RESH – Single/Two Unit Residential- Hillside to MRL – Multiple Unit Residential (Low Density); S2RESH – Single/Two Unit Residential- Hillside to PARK – Major Park and Open Space (public); and PARK – Park and Open Space (public) to S2RESH – Single / Two Unit Residential – Hillside; from S2RES – Single/Two Unit Residential to PARK - Park and Open Space (public); from PARK – Park and Open Space (public) to S2RES – Single/Two Unit Residential; from S2RES – Single/Two Unit Residential to S2RESH - Single/Two Unit Residential - Hillside; from S2RESH - Single/Two Unit Residential – Hillside to S2RESH - Single/Two Unit Residential; and from REC - Private Recreation (private) to S2RESH - Single/Two Unit Residential - Hillside; from S2RESH - Single/Two Unit Residential - Hillside to PARK - Major Park and Open Space (public); from S2RESH - Single/Two Unit Residential - Hillside to- PSU - Public Services / Utilities; from Private Recreation (private) to- PSU - Public Services / Utilities; and from PARK - Major Park and Open Space (public) to S2RESH - Single/Two Unit Residential - Hillside; and from PARK - Major Park and Open Space (public) to S2RES - Single/Two Unit Residential; and from Public Service Utilities (PSU) to Single/Two Unit Residential - Hillside (S2RESH); and from Resource Protection Area (REP) to Single/Two Unit Residential - Hillside (S2RESH).

- 3.4      Official Community Plan Bylaw Amendment Application No. OCP14-0011 and Rezoning Application No. Z14-0026 - 1280 Glenmore Drive, 561655 BC Ltd.      75 - 99

To rezone the portion of the subject property facing Glenmore Drive to RM2 – Low Density Row Housing in order to develop a freehold five unit townhouse and keep the remainder of the subject property facing Mountainview Street as RU1 – Large Lot Housing.

- 3.4.1      Bylaw No. 11032 (OCP14-0011) - 1280 Glenmore Drive, 561655 BC Ltd.      100 - 101

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

To give Bylaw No. 11032 first reading in order to change the future land use designation of a portion of the subject property from the MRL - Multiple Residential Low Density designation to the S2RES - Single/Two Unit Residential designation.

- 3.4.2      Bylaw No. 11033 (Z14-0026) - 1280 Glenmore Road, 561655 BC Ltd.      102 - 103

To give Bylaw No. 11033 first reading in order to rezone a portion of the subject property from the RU1 - Large Lot Housing zone to the

RM2 - Low Density Row Housing zone.

- 3.5 Official Community Plan Bylaw Amendment Application No. OCP12-0013 and Rezoning Application No. Z12-0054, Extension Request - 551 Glenwood Avenue, John & Alana Marrington 104 - 106

To extend the date for adoption of the OCP Amending Bylaw No. 10772 and Zone Amending Bylaw No. 10773 from November 13, 2014 to November 13, 2015.

4. Non-Development Reports & Related Bylaws

- 4.1 Canyon Creek Partnering Agreement - 5050 McCulloch Road 107 - 169

To obtain Council support for the Canyon Creek Partnering Agreement.

- 4.2 Amended Tourism Signage 170 - 183

To update Council Policy 373 - Tourism Oriented Destination Signs (TODS) such that wineries and golf course names are permissible on tourist destination signs and amend the associated fee schedule within Traffic Bylaw No. 8120.

- 4.2.1 Bylaw No. 11034 - Amendment No. 25 to Traffic Bylaw No. 8120 184 - 184

To give Bylaw No. 11034 first, second and third readings in order to amend Schedule 'A', Part 6, Tourist Oriented Destination Sign, of Traffic Bylaw No. 8120

- 4.3 Community Sport Delivery Program 185 - 207

To seek Council approval to re-allocate legacy funding from the 2008 BC Summer Games, currently used for the Sport Education Grant, to create a Community Sport Delivery Program.

- 4.4 Amendment No. 4 to Water Regulation Bylaw No. 10480 208 - 211

To seek Council's approval to amend the Water Regulation Bylaw to adjust the Water Meter fees and to remove two Utility Billing sections that are no longer required within this bylaw.

- 4.4.1 Bylaw No. 11022 - Amendment No. 4 to Water Regulation Bylaw No. 10480 212 - 213

To give Bylaw No. 11022 first, second and third readings in order to amend Water Regulation Bylaw No. 10480.

- 4.5 Airport License Agreement - Fortis 214 - 230

To allow Fortis BC Inc. the necessary authority to construct and maintain their electrical works at the Airport through a License Agreement.

5. Mayor and Councillor Items

## 6. Termination



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, November 3, 2014  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blaneil, Maxine DeHart\*, Gail Given, Robert Hobson, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Mohini Singh

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Supervisor, Lindsey Ganczar\*; Planner, Adam Cseke\*; Manager, Long Range Policy Planning, James Moore\*; Sustainability Coordinator, Tracy Guidi\*; Manager, Property Management, John Saufferer\*; Planner Specialist, Pat McCormick\*; Park & Landscape Planner, Barb Davidson\*; and Council Services Coordinator, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 1:33 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 Stack/Seconded By Councillor Hobson

**R791/14/11/03** THAT the Minutes of the Regular PM Meeting of October 27, 2014 be confirmed as circulated.

Carried

## 3. Development Application Reports & Related Bylaws

**3.1. Rezoning Application No. Z14-0044 - 1250-1298 Ellis Street, Whitworth Holdings Ltd.**

Staff:

- Displayed a Power Point Presentation summarizing the application before Council.

Moved By Councillor Given/Seconded By Councillor Hobson

**R792/14/11/03** THAT Rezoning Application No. Z14-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the property legally know as Lot 1, District Lot 139, ODYD, Plan 660, located on 1250 - 1298 Ellis St., Kelowna, BC from the C10 - Service Commercial zone to C10lp - Service Commercial (Liquor Primary) zone be considered by Council;

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

Carried

**3.1.1. Bylaw No. 11025 (Z14-0044) - 1250-1298 Ellis Street, Whitworth Holdings Ltd.**

Moved By Councillor Given/Seconded By Councillor Stack

**R793/14/11/03** THAT Bylaw No. 11025 be read a first time.

Carried

City Clerk:

- Advised that the application will be forwarded to the December 9, 2014 Public Hearing.

**3.2. Text Amendment No. TA14-0019 - Proposed Zoning Bylaw Text Amendment, C3, C6 and C10 Zones**

Staff:

- Displayed a Power Point Presentation summarizing the application before Council.

Moved By Councillor Hobson/Seconded By Councillor Zimmermann

**R794/14/11/03** THAT Zoning Bylaw Text Amendment No. TA14-0019 to amend City of Kelowna Zoning Bylaw No. 8000 by amending Section 14.10.2 C10 - Service Commercial zone, Section 14.6.2 C6 - Regional Commercial, and Section 14.3.2 C3 - Community Commercial, as outlined in Schedule 'A' attached to the Report of the Urban Planning Department dated September 22, 2014, 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. 11026 (TA14-0019) - Breweries and Distilleries, Minor in C3, C6 and C10 Zones**

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R795/14/11/03 THAT Bylaw No. 11026 be read a first time.

Carried

City Clerk:

- Advised that the application will be forwarded to the December 9, 2014 Public Hearing.

**4. Bylaws for Adoption (Development Related)**

**4.1. Bylaw No. 10997 (TA14-0016) - Amendments to Health District Zone in City of Kelowna Zoning Bylaw No. 8000**

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R796/14/11/03 THAT Bylaw No. 10997 be adopted.

Carried

**4.2. Bylaw No. 11007 (OCP14-0012) - 1650 KLO Road, Danco Developments Ltd.**

Moved By Councillor Hobson/Seconded By Councillor Basran

R797/14/11/03 THAT Bylaw No. 11007 be adopted.

Carried

**4.3. Bylaw No. 11008 (Z14-0025) - 1650 KLO Road, Danco Developments Ltd.**

Moved By Councillor Basran/Seconded By Councillor Blanleil

R798/14/11/03 THAT Bylaw No. 11008 be adopted.

Carried

**4.4. Bylaw No. 11013 (TA14-0018) - Amendments to the Zoning Bylaw No. 8000 - Section 16 - Public & Institutional Zones**

Moved By Councillor Blanleil/Seconded By Councillor Basran

R799/14/11/03 THAT Bylaw No. 11013 be adopted.

Carried

**4.5. Bylaw No. 11021 (Z14-0035) - 2271 Harvey Avenue, Orchard Park Shopping Centre Holdings Ltd.**

Moved By Councillor Stack/Seconded By Councillor Given

R800/14/11/03 THAT Bylaw No. 11021 be adopted.

Carried

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

**5.1. 2014 Community Trends Report**

Staff:

- Displayed a Power Point Presentation summarizing the community trends.
- Responded to questions from Council.
- Advised that the next Official Community Plan review is scheduled for 2017 and confirmed that there will be opportunities for community involvement throughout the review process.

Moved By Councillor Given/Seconded By Councillor Basran

R801/14/11/03 THAT Council receives, for information, the report from the Long Range Policy Planning Manager dated October 17, 2014, with respect to Kelowna's 2014 Community Trends Report.

Carried

**5.2. 2015 Rental Housing Grants**

Staff:

- Provided an overview of the 2015 Rental Housing Grants process.

Moved By Councillor Stack/Seconded By Councillor Given

R802/14/11/03 THAT Council receives the report from the Department Manager, Policy and Planning dated October 22, 2014 regarding a Rental Housing Grant Recommendation for 2015;

AND THAT Council approves the 2015 Rental Housing Grants as identified in the report from the Department Manager, Policy and Planning dated October 22, 2014, in accordance with the Housing Opportunities Reserve Fund Bylaw No. 8593 and Council Policy No. 335, Rental Housing.

Carried

**5.3. Westcorp Hotel - License of Occupation**

Councillor DeHart declared a conflict of interest as she is employed in the hotel/motel industry and left the meeting at 2:06 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the License of Occupation and responded to questions from Council.



Moved By Councillor Zimmermann/Seconded By Councillor Hobson

**R803/14/11/03** THAT Council approve the City entering into a fifteen (15) year License of Occupation with 1324632 Alberta Inc. ("Westcorp Hotel"), with the option to renew for three additional 15-year terms, in the form attached as Schedule A to the Report of the Manager, Property Management, dated November 3, 2014;

AND THAT the Mayor and City Clerk be authorized to execute the agreement.

Carried

Councillor DeHart rejoined the meeting at 2:09 p.m.

#### **5.4. City Park Concept Plan**

Staff:

- Distributed a large-scale sketch of the proposed City Park Concept Plan to Council.
- Displayed a PowerPoint Presentation summarizing the Concept Plan.
- Responded to questions from Council.

Moved By Councillor Hobson/Seconded By Councillor Basran

**R804/14/11/03** THAT Council receives, for information, the Report of the Urban Design Planner dated October 29, 2014 with respect to the City Park Concept Plan;

AND THAT Council endorses the City Park Concept Plan as a guide to investment in the Park over the next ten years;

AND FURTHER THAT pending Council's consideration of the proposed Concept Plan, staff be directed to complete an assessment of current Park facilities and report back to Council in conjunction with the next update to the 10-year Capital Plan, including a recommended phasing plan and cost estimate of upgrades to the Park.

Carried

#### **6. Mayor and Councillor Items**

Mayor Gray:

- Made comment regarding the success of the Skate Canada event recently held in Kelowna.

#### **7. Termination**

This meeting was declared terminated at 2:58 p.m.

\_\_\_\_\_  
Mayor

/slh



\_\_\_\_\_  
City Clerk



# REPORT TO COUNCIL



**Date:** November 10, 2014

**RIM No.** 1250-30

**To:** City Manager

**From:** Subdivision, Agriculture & Environment, Community Planning & Real Estate (LB)

**Application:** OCP14-0019 / Z14-0036      **Owner:** Cedar Creek Developments Ltd.

**Address:** (W of) Mountainside Drive      **Applicant:** Dave Lange

**Subject:** Official Community Plan Amendment and Rezoning Application

**Existing OCP Designation:** S2RES - Single / Two Unit Residential  
PARK - Major Park / Open Space (public)

**Proposed OCP Designation:** S2RESH - Single / Two Unit Residential - Hillside  
PARK - Major Park / Open Space (public)

**Existing Zone:** RU4 - Low Density Cluster Housing  
P3 - Parks and Open Space

**Proposed Zone:** RU1h - Large Lot Housing (Hillside Area)  
P3 - Parks and Open Space  
CD2 - Kettle Valley Comprehensive Residential Development

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## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP14-0019 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of part of the Northwest ¼ of Section 14, Township 28, SDYD, Except Plans KAP89467, KAP89468, KAP89849, EPP35362, EPP33759, EPP35140 and EPP38359, located (W of) Mountainside Drive, Kelowna, BC from the Single / Two Unit Residential designation to the Single / Two Unit Residential - Hillside and Major Park / Open Space designations, and from the Major Park / Open Space designation to the Single / Two Unit Residential - Hillside designation, as shown on Map "A" attached to the Report of the Subdivision, Agriculture & Environment Department, dated November 10, 2014, be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Subdivision, Agriculture & Environment Services, dated November 10, 2014;

AND THAT Rezoning Application No. Z14-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of the Northwest ¼ of Section 14, Township 28, SDYD, Except Plans KAP89467, KAP89468, KAP89849, EPP35362, EPP33759, EPP35140 and EPP38359, located (W of) Mountainside Drive, Kelowna, BC from the RU4 - Low Density Cluster Housing zone to the RU1h - Large Lot Housing (Hillside Area), P3 - Parks and Open Space and CD2

- Kettle Valley Comprehensive Residential Development zones, and from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone, as shown on Map "B" attached to the Report of the Subdivision, Agriculture & Environment Department, dated November 10, 2014, 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 subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

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.

## **2.0 Purpose**

To consider an Official Community Plan Amendment and Rezoning application to amend the Future Land Use designation and rezone portions of the subject property to accommodate the development of a single family residential subdivision.

## **3.0 Subdivision, Agriculture & Environment**

Staff are supportive of the proposal to amend the Future Land Use designations and rezone portions of the subject property for Phase 3 of The Creeks development. The applicant has submitted a preliminary subdivision layout for review and this application is intended to align the OCP designations and zoning with the proposed lot layout and the environmental conditions in the area. The overall proposal is in general accordance with the previous submissions for The Creeks development.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by contacting the representative for The Highlands at Kettle Valley, which is the only landowner in the consultation area. No concerns were identified during this consultation.

### OCP Amendments

The applicant is proposing to amend the OCP Future Land Use designation on a portion of the subject property from S2RES - Single / Two Unit Residential to S2RESH - Single / Two Unit Residential - Hillside. This amendment reflects the area's hillside conditions and is in keeping with the Future Land Use designation of adjacent residential developments. A small portion of the subject property is proposed to change from S2RES - Single / Two Unit Residential to PARK - Major Park and Open Space, which accounts for the actual top of bank for Lebanon Creek and will connect with the existing PARK - Major Park and Open Space designation to the west. A portion of the property designated PARK - Major Park and Open Space is proposed to be amended to the S2RESH - Single / Two Unit Residential - Hillside designation to align with the proposed lot layout and the top of bank for Lebanon Creek.

### Rezoning

The applicant is seeking approval to rezone a portion of the subject property from RU4 - Low Density Cluster Housing to RU1h - Large Lot Housing (Hillside Area). The type of development will be integrated with the adjacent developments while remaining sensitive to the property's hillside features. Rezoning from RU4 - Low Density Cluster Housing to P3 - Parks and Open Space is proposed on a small portion of the subject property to align with the proposed OCP designation that incorporates the top of bank for Lebanon Creek. Another portion of the subject property is proposed to change from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing

(Hillside Area) zone to reflect the proposed subdivision layout and the actual top of bank location. In addition, a small portion of the property is proposed to be rezoned from RU4 - Low Density Cluster Housing to CD2 - Kettle Valley Comprehensive Residential Development to complete the lot consolidation in the adjacent Kettle Valley development.

#### 4.0 Proposal

##### 4.1 Project Description

The Creeks is a single family residential development in the southwest portion of the City, adjacent to Kettle Valley. Phase 1 is located north of Cedar Creek along Farron Court, and Phase 2 is south of Cedar Creek along Mountainside Drive and Angler Court. Phase 3 will be developed on the subject portion of the property, immediately south of Phase 2, and represents the final phase of residential development at The Creeks. This area will connect to Phase 2 of The Creeks and The Highlands at Kettle Valley currently under development to the north and east, respectively.

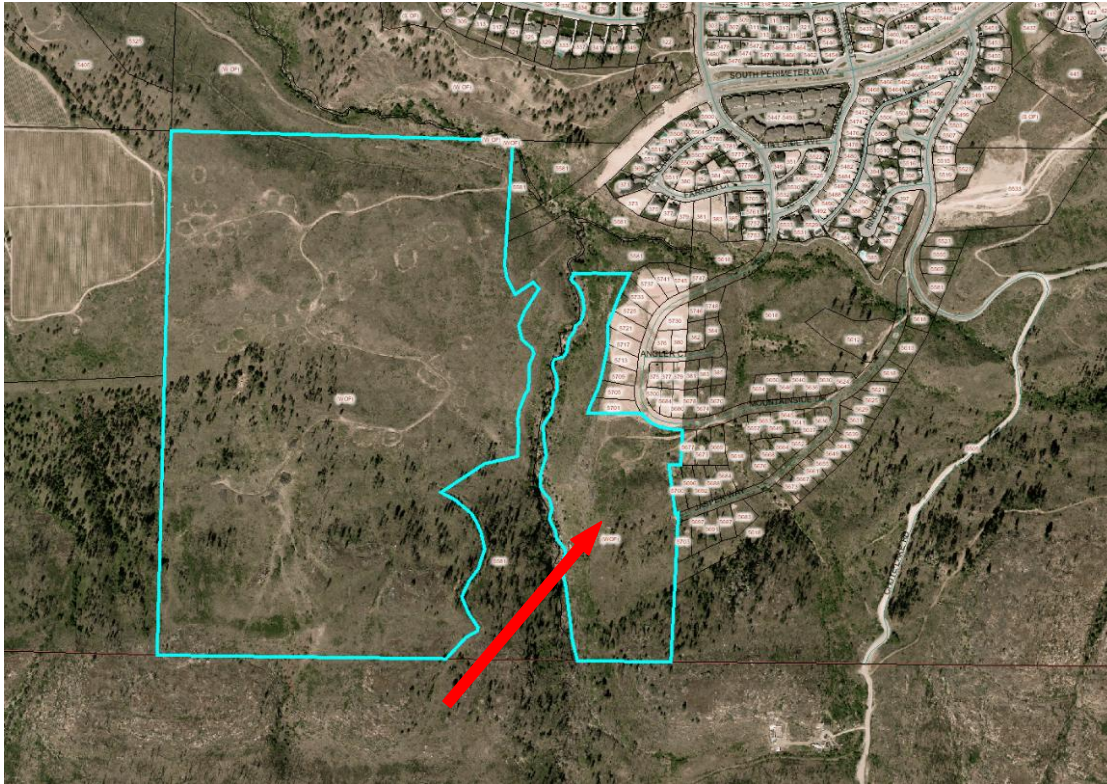
##### 4.2 Site Context

The subject portion of the property is located in the City's Southwest Mission Sector, south of The Creeks Phase 2 development and west of The Highlands at Kettle Valley. The remainder of the subject property extends west of Lebanon Creek and south to the City boundary.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning  | Land Use   |
|-------------|---|--|
| North       | RU1h - Large Lot Housing (Hillside Area)                  | The Creeks Phase 2 (Single family dwellings)             |
| East        | CD2 - Kettle Valley Comprehensive Residential Development | The Highlands at Kettle Valley (Single family dwellings) |
| South       | P3 - Parks and Open Space                                 | Open space   |
| West        | P3 - Parks and Open Space                                 | Open space, Lebanon Creek                                |

**Subject Property Map: (W of) Mountainside Drive**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Future Land Use

**Single / Two Unit Residential - Hillside (S2RESH).**<sup>1</sup> Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, and those complementary uses (i.e. minor care centres, minor public services / utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. This designation applies to suburban hillside areas where slopes are over 20%. Subdivisions on hillsides over 20% slope will be required to rezone to a hillside zone.

#### Development Process

**Environmentally Sensitive Area Linkages.**<sup>2</sup> Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

**Sensitive Infill.**<sup>3</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

<sup>1</sup> City of Kelowna Official Community Plan, Future Land Use Chapter.

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.15.3 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

- See attached memorandum, dated October 9, 2014.

## **7.0 Application Chronology**

Date of Application Received: September 4, 2014  
Date Public Consultation Received: October 23, 2014

**Report prepared by:**

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Laura Bentley, Planner

**Approved for Inclusion:**



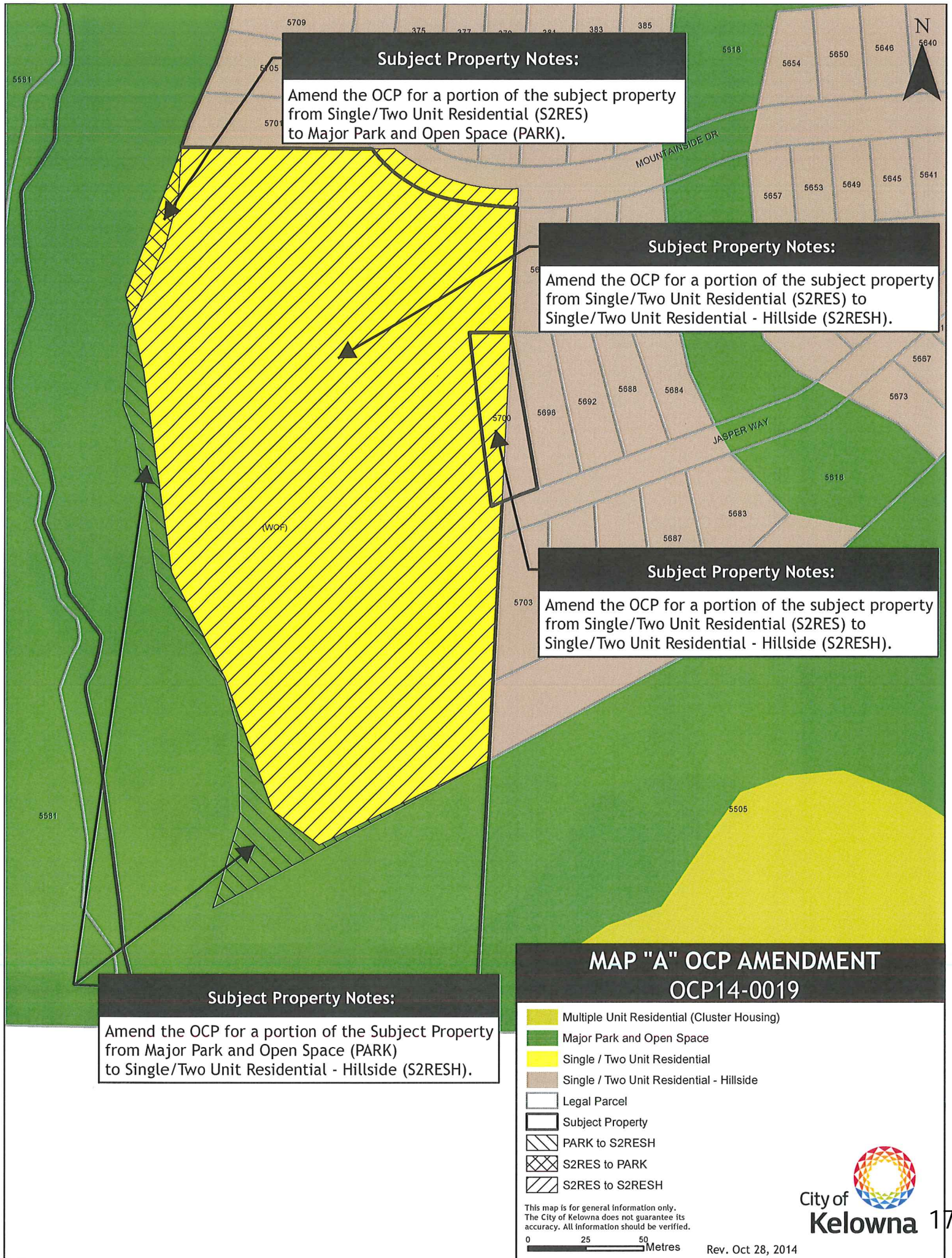
Shelley Gambacort, Director, Subdivision, Agriculture & Environment

### **Attachments:**

Subject Property Map  
Map "A"  
Map "B"  
Development Engineering Memorandum









**Subject Property Notes:**

Rezone a portion of the subject property from RU4 Low Density Cluster Housing to P3 Parks and Open Space.

MOUNTAINSIDE DR

CD2

RU4

**Subject Property Notes:**

Rezone a portion of the subject property from RU4 Low Density Cluster Housing to CD2 Kettle Valley Comprehensive Residential Development.

**Subject Property Notes:**

Rezone a portion of the subject property from RU4 Low Density Cluster Housing to RU1H Large Lot Housing (Hillside Area).

P3

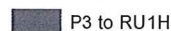


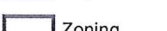


RH1

**Subject Property Notes:**

Rezone a portion of the subject property from P3 Parks and Open Space to RU1H Large Lot Housing (Hillside Area).

**MAP "B" PROPOSED ZONING**

File #Z14-0036

|  |             |   |              |
|--|-------------|---|--------------|
|  | P3 to RU1H  |  | Legal Parcel |
|  | RU4 to CD2  |  | Zoning       |
|  | RU4 to P3   |   |              |
|  | RU4 to RU1H |   |              |

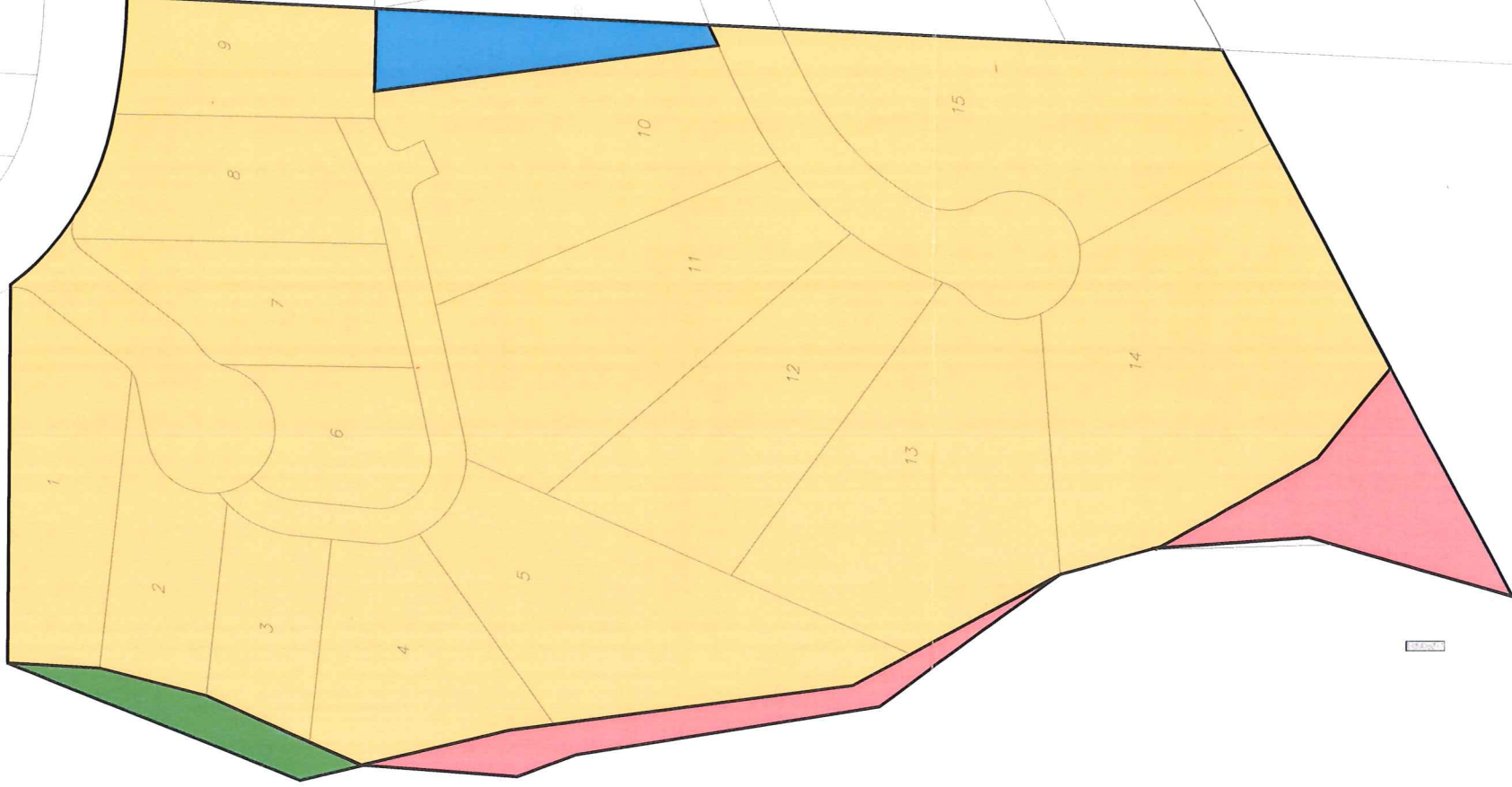
This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.

0 25 50 Metres

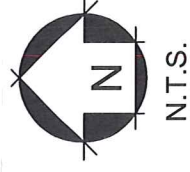
Rev. Oct 28, 2014



NW 1/4 SEC. 14



- FROM RU4 TO RU1H
- FROM P3 TO RU1H
- FROM RU4 TO P3
- FROM RU4 TO CD2



## THE CREEKS PROPOSED REZONING



ECORA ENGINEERING LTD.  
579 Lawrence Ave, KELOWNA, B.C. V1Y 6L8  
TEL/FAX: 250.469.9757

EK-12-014-RZ

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**CITY OF KELOWNA**  
**MEMORANDUM**

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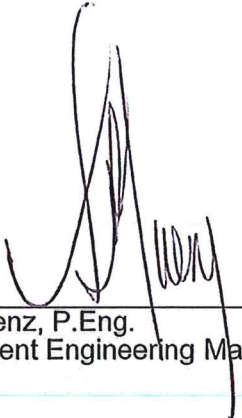
**Date:** October 9, 2014  
**File No.:** OCP14-0019  
**To:** Land Use Management Department (DB)  
**From:** Development Engineering Manager (SM)  
**Subject:** West of Mountainside Dr Plan 89467, 89468 Cedar Creek Developments

---

The Development Engineering Branch comments and requirements regarding this application to adjust zoning boundaries to compliment adjacent land use and make adjustments to meet the refined surveying of top of banks and setbacks are as follows:

**General**

- a) Refer to our comments under file OCP08-0017.
- b) This application will not compromise our serving requirements and will not trigger any additional offsite upgrades.



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Steve Muenz, P.Eng.  
Development Engineering Manager

JF

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**CITY OF KELOWNA**  
**MEMORANDUM**

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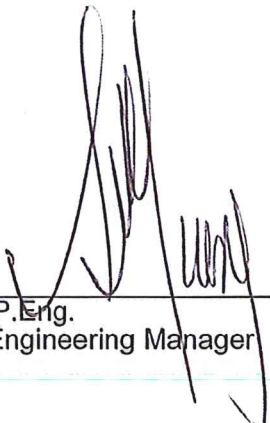
**Date:** October 9, 2014  
**File No.:** Z14-0036  
**To:** Land Use Management Department (DB)  
**From:** Development Engineering Manager (SM)  
**Subject:** West of Mountainside Dr Plan 89467, 89468 Cedar Creek Developments

---

The Development Engineering Branch comments and requirements regarding this application to adjust zoning boundaries to compliment adjacent land use and make adjustments to meet the refined surveying of top of banks and setbacks are as follows:

**General**

- a) Refer to our comments under file Z07-0083.
- b) This application will not compromise our serving requirements and will not trigger any additional offsite upgrades.

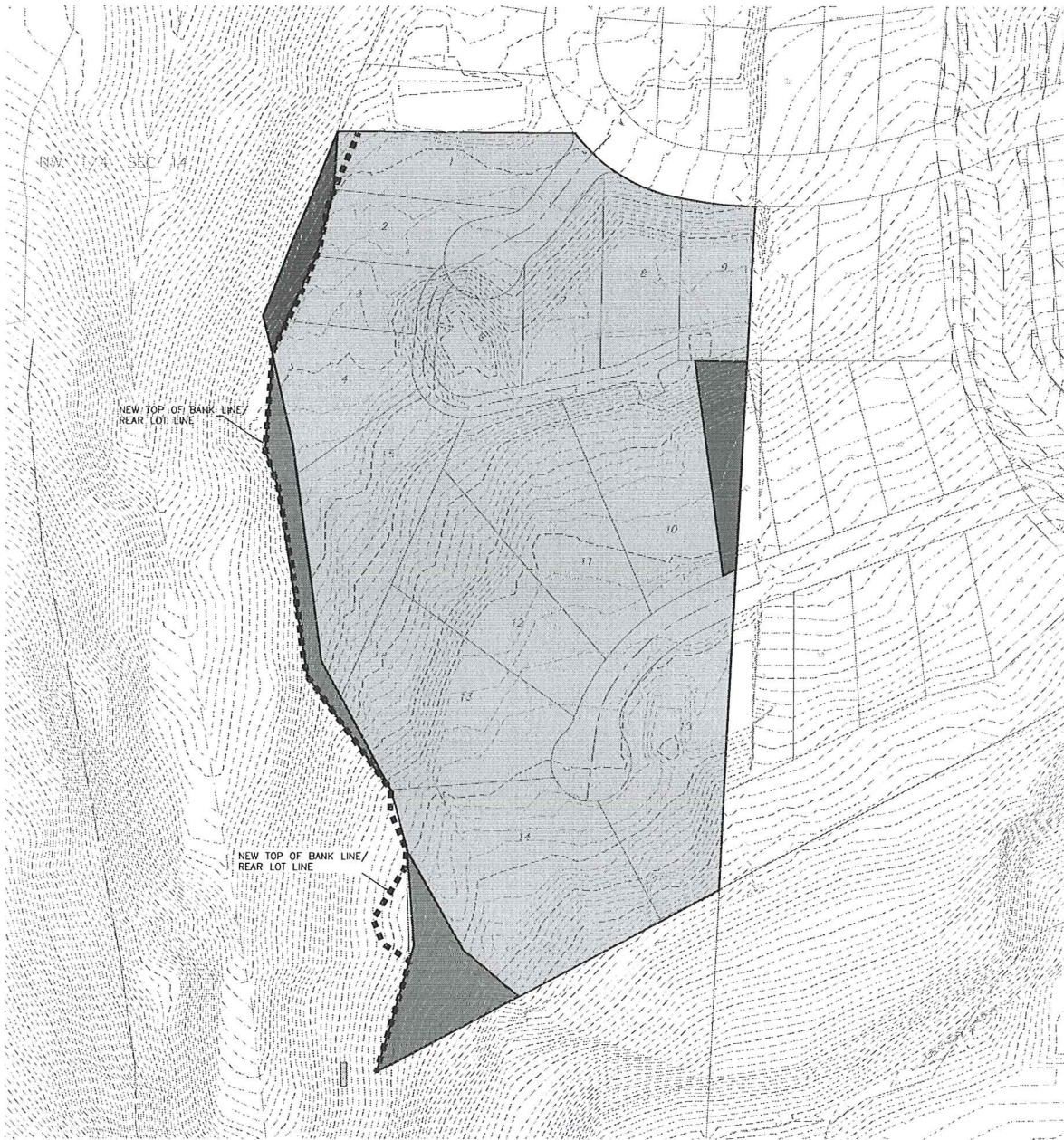






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Steve Muenz, P.Eng.  
Development Engineering Manager

JF





-  FROM RU4 TO RU1H
-  FROM P3 TO RU1H
-  FROM RU4 TO P3
-  FROM RU4 TO CD2



ECORA ENGINEERING LTD.  
579 Lawrence Ave., KELOWNA, B.C. V1Y 6L8  
TEL: 250.469.9757 [www.ecora.co](http://www.ecora.co)

## THE CREEKS PROPOSED REZONING

REVISED 10 07 14

EK-12-014-RZ

# CITY OF KELOWNA

## BYLAW NO. 11027

### Official Community Plan Amendment No. OCP14-0019 Cedar Creek Developments Ltd. (W OF) Mountainside Drive

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of part of the Northwest ¼ of Section 14, Township 28, SDYD, Except Plans KAP89467, KAP89468, KAP89849, EPP35362, EPP33759, EPP35140 and EPP38359, located on Mountainside Drive, Kelowna, B.C., from the S2RES - Single/Two Unit Residential designation to the S2RESH - Single/Two Unit Residential - Hillside designation and the PARK - Major Park/Open Space designation and from the PARK - Major Park and Open Space designation to the S2RESH - Single/Two Unit Residential - Hillside designation as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

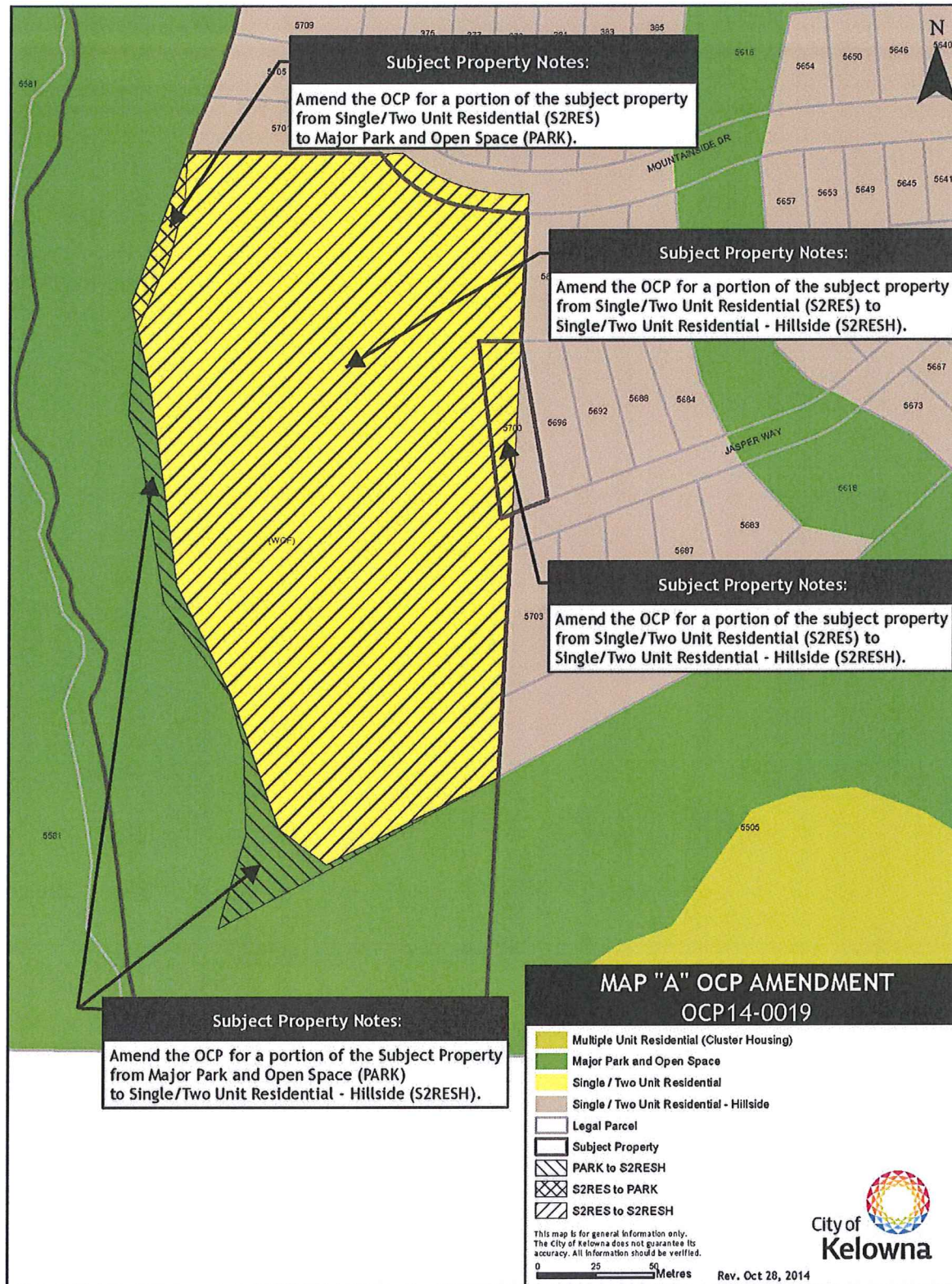
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Mayor

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City Clerk





**CITY OF KELOWNA**  
**BYLAW NO. 11028**  
**Z14-0036 - Cedar Creek Developments Ltd.**  
**(W OF) Mountainside Drive**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of the Northwest ¼ of Section 14, Township 28, SDYD, Except Plans KAP89467, KAP89468, KAP89849, EPP35362, EPP33759, EPP35140 and EPP38359 located on Mountainside Drive, Kelowna, B.C., from the RU4 - Low Density Cluster Housing zone to the RU1h - Large Lot Housing (Hillside Area) zone, the P3 - Parks and Open Space zone and the CD2 - Kettle Valley Comprehensive Residential Development zone and from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone as per Map "B" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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

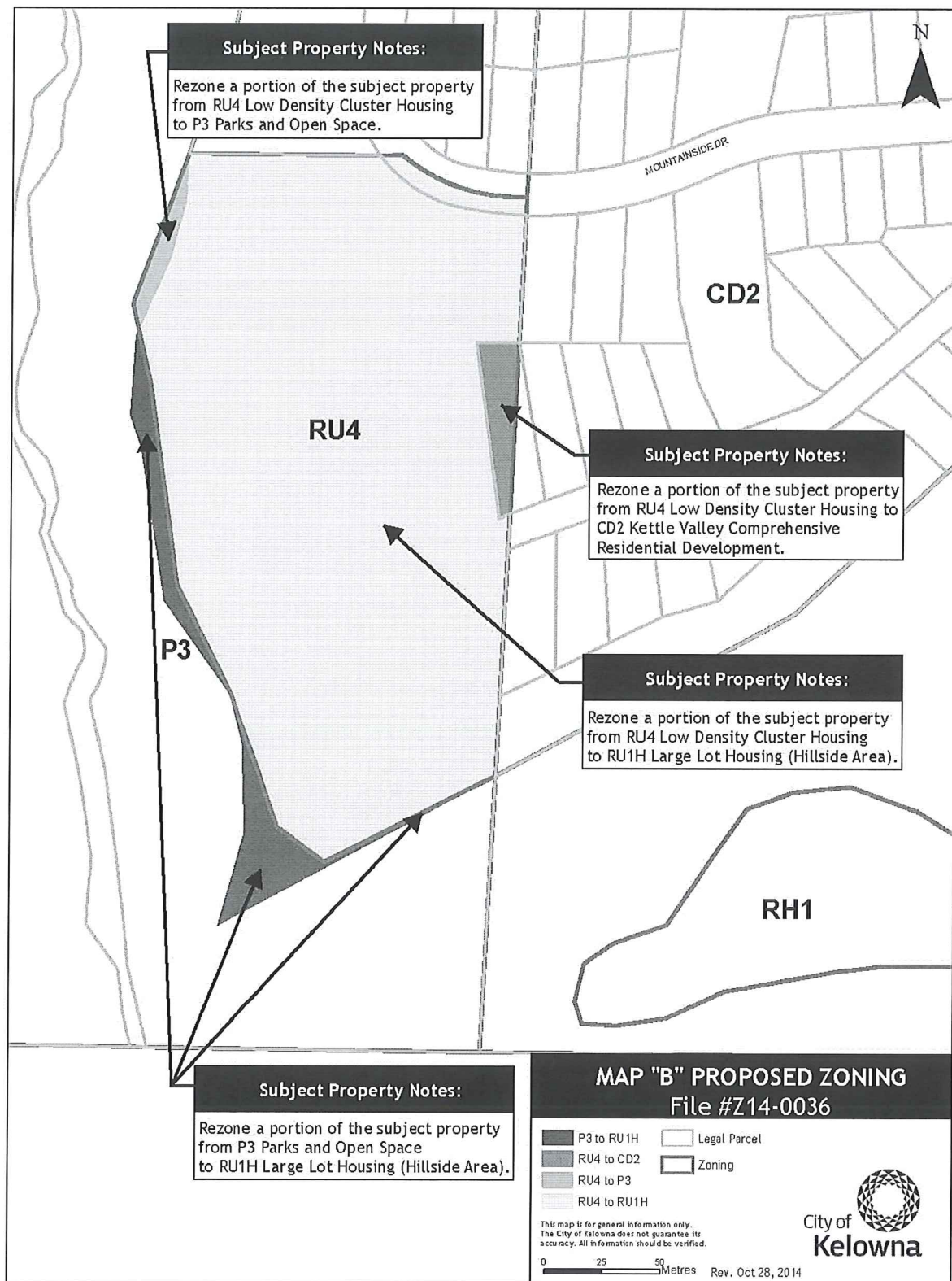
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Mayor

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City Clerk







# REPORT TO COUNCIL



**Date:** October 29, 2014

**RIM No.** 1250-30

**To:** City Manager

**From:** Subdivision, Agriculture & Environment Department, Community Planning and Real Estate (DB)

**Application:** OCP14-0021/ Z14-0041      **Owner:** Calcan Investment Inc.

**Address:** 5505 Chute Lake Road      **Applicant:** Calcan Investment Inc.

**Subject:** Report Z14-0041 OCP14-0021

**Existing OCP Designation:** Multiple Unit Residential - Cluster Housing / Single / Two Unit Residential, Single / Two Unit Residential - Hillside / Major Park & Open Space

**Proposed OCP Designation:** Multiple Unit Residential - Cluster Housing / Single / Two Unit Residential - Hillside / Major Park & Open Space

**Existing Zones:** P3- Parks and Open Spaces, RH1- RH3

**Proposed Zones:** RH1 - Hillside Large Lot residential, RH3 - Hillside Cluster Housing, P3- Parks and Open Spaces

---

## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP14-0021 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of part of the North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304 located at 5505 Chute Lake Road from the Major Park & Open Space (PARK) to Single/Two Unit Residential Hillside (S2RESH), from Single/Two Unit Residential (S2RES) to Major Park & Open Space (PARK), from Multiple Unit Residential (Cluster Housing) (MRC) to Single/Two Unit Residential - Hillside (S2RESH), from Multiple Unit Residential (Cluster Housing) (MRC) to Major Park and Open Space (PARK) and from Single/Two Unit Residential (S2RES) to Single/Two Unit Residential - Hillside (S2RESH) as shown Map "A1" and MAP "A2" attached to the report of Subdivision, Agriculture & Environment Department, dated October 29, 2014 be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Subdivision, Agriculture & Environment Department, dated October 29, 2014;

AND THAT Rezoning Application No. Z14-0041 to amend the City of Kelowna Zoning Bylaw No.

8000 by changing the zoning classification of part of the North East ¼, section 14, Township 28, SDYD, Except Plan KAP57304 located at 5505 Chute Lake Road from the P3 -Parks and Open Spaces to RH1 - Hillside Large Lot Residential, from RH1 - Hillside Large Lot Residential to P3 - Parks and Open Spaces, from RH3 - Hillside Cluster Housing to RH1 - Hillside Large Lot Residential, from RH3 - Hillside Cluster Housing to P3 - Parks and Open Space and from RH1 - Hillside Large Lot Residential to RH3 - Hillside Cluster Housing, as shown Map "B1", Map "B2" and Map "B3" attached to the report of Subdivision, Agriculture & Environment Department, dated October 29, 2014, be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment 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 subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the City of Kelowna's Subdivision Approving Officer.

## **2.0 Purpose**

The applicant is proposing to amend the Official Community Plan Future Land Use Designation and to rezone a portion of the subject property in order to accommodate the development of a single family strata subdivision as discussed above.

## **3.0 Subdivision, Agriculture and Environment Department comments**

The applicant is proposing to develop a new 16 large-lot bareland strata residential neighborhood adjacent to the Creeks and the Village of Kettle Valley. The applicant is requesting approval to amend the OCP future land use designation and rezone portions of the "Trestle Ridge" property (formerly known as Calcan). Upon discussions between the developer and City of Kelowna Parks staff, it was determined that the narrow sliver of land located between the future Upper Mission Drive alignment and the proposed Strata road (Road A as shown on the attached plan), currently designated as Major Park & Open Space Area in OCP, will not be required as part of the City of Kelowna Parks network. Park staff advised that they are not interested in acquiring that narrow strip of land for open space given the associated maintenance challenges and costs.

Subsequently, the developer has expressed interest in amending the OCP designation and zoning for that section of land to expand the proposed bareland strata lot sizes (no increase in the number of lots). The developer's vision is to hook the strata lots across the proposed strata road in order to provide the potential for accessory buildings.

Some of the 16 strata lots (depending on topography) will offer this unique opportunity to store additional cars, recreational vehicles and boats within a detached structure that would complement the quality and style of the principle building. The applicant will be pursuing a Development Variance Permit to enlarge the maximum area for an accessory building on the hooked area of strata lots (south of the strata road) to 140m<sup>2</sup> (from the 90m<sup>2</sup> maximum allowed under zoning bylaw 8000). The proposed accessory buildings would also allow for additional recreational and entertainment space above the garage. The recreational and entertainment space above the garage could include game rooms, personal exercise/yoga studios, indoor sport courts (i.e. squash), wine cellars, media rooms, libraries, sunrooms and conservatories, etc...

Staff expressed concerns with the potential for conversion of these accessory buildings into carriage houses. In order to alleviate staff concerns, the applicant is proposing to register a section 219 covenant against all titles in the development prohibiting suites within the accessory buildings.

Staff realize that this project is unique and will be a first in the Okanagan. However, given the somewhat isolated and hidden location, Staff generally support the proposal and feel the location will be an excellent trial for this type of development.

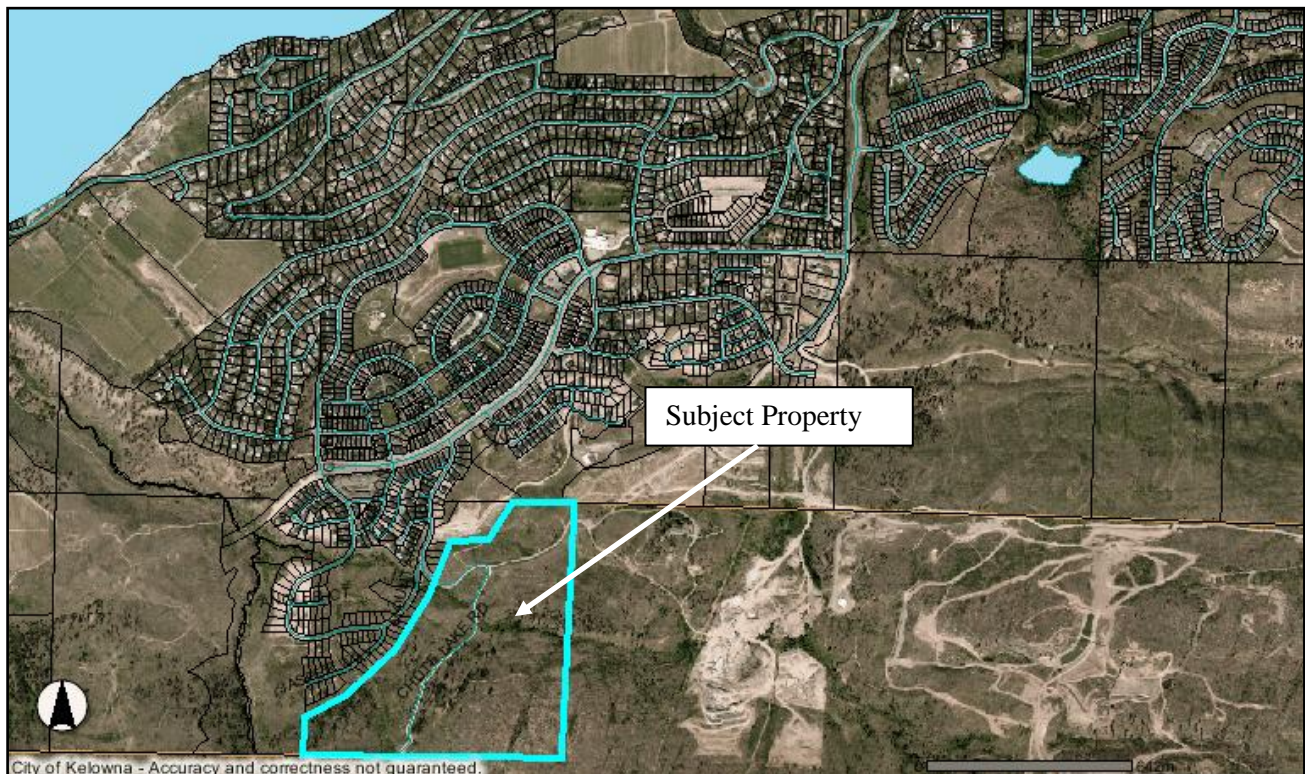
## 4.0 Proposal

### 4.1 Project Description

The applicant is proposing to amend the Official Community Plan Future Land Use Designation and to rezone a portion of the subject property in order to accommodate the development of a single family strata subdivision as discussed above.

### 4.2 Site Context

#### Subject Properties Map:



The subject property is located at the Northwest of town in a predominantly single family neighbourhood. Adjacent land uses are as follows:

| Orientation | Zoning  | Land Use              |
|-------------|---|-----------------------|
| North       | P3 - Parks and Open Space                           | Resource Protection   |
| East        | Outside of city boundary                            | Undeveloped           |
| South       | Outside of city boundary                            | Undeveloped           |
| West        | CD2 - Kettle Valley Comprehensive Development Zones | Single Family Housing |

### 3.0 Current Development Policies

#### 3.1 Kelowna Official Community Plan (OCP)

##### Future Land Use

**Single/Two Unit Residential (S2RES)<sup>1</sup>:** Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Nonresidential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

### 5.0 Technical Comments

#### Development Engineering Department

Attached.

#### Infrastructure Planning and parks

1. All parkland to be dedicated to the City at time of subdivision as titled property with P3 zoning.
2. No disturbance to parkland is permissible except as authorized by the City of Kelowna.
3. Vertical barrier curbs within the roadway to be provided along all park road frontages.
4. Applicant to provide fencing plan to delineate private / public interface and prevent encroachment and trespass.
5. SROW for public access required over strata road through / adjacent to parkland.
6. Sidewalk to be constructed along Chute Lake Road to connect proposed off-road Cedar Creek Linear Park with the existing section of trail that has already been constructed to the north on the Kettle Valley properties.
7. Pedestrian Crossing to be provided across Upper Mission Drive to connect both section of Cedar Creek Linear Park.

<sup>1</sup> City of Kelowna Official Community Plan - Future Land Use Chapter.

7. Emergency Access route must be located in such a way that it does not cross over Lebanon Creek Watercourse or encroach into the Lebanon Creek riparian management area.
8. Any stormwater detention facilities should be located outside of titled parkland.

#### **Application Chronology**

|                               |                    |
|-------------------------------|--------------------|
| Date of Application Received: | September 17, 2014 |
| Public Notification Received: | October 22, 2014   |

#### **Report prepared by:**

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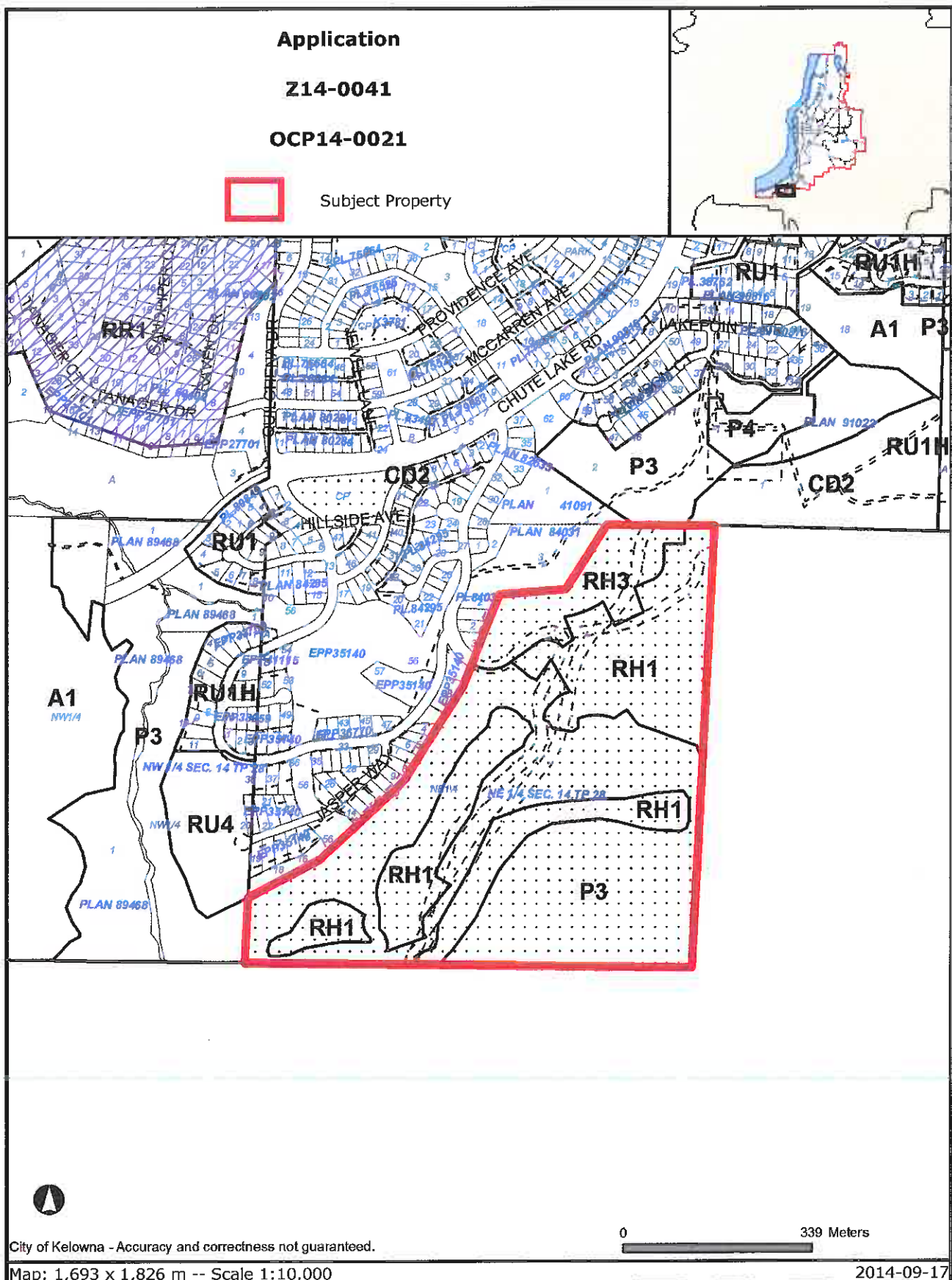
Damien Burggraave, Land Use Planner

**Approved for Inclusion:** ☐ Shelley Gambacort, Subdivision, Agriculture & Environment

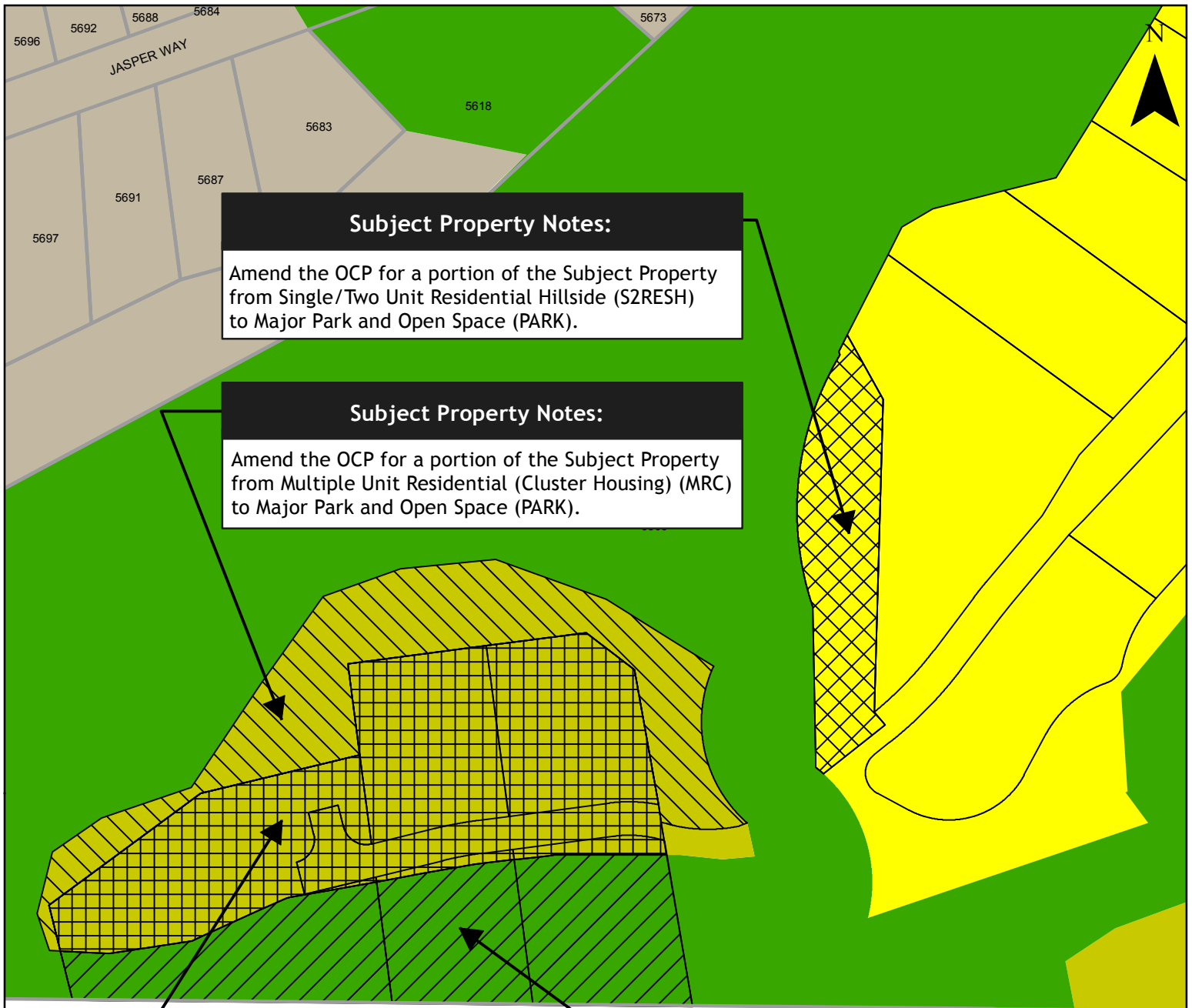
#### **Attachments:**

Map A  
Map B  
Subject Property Map  
Subdivision Layout  
Development Engineering Requirements  
Public Consultation





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.



**Subject Property Notes:**

Amend the OCP for a portion of the Subject Property from Single/Two Unit Residential Hillside (S2RESH) to Major Park and Open Space (PARK).

**Subject Property Notes:**

Amend the OCP for a portion of the Subject Property from Multiple Unit Residential (Cluster Housing) (MRC) to Major Park and Open Space (PARK).

**Subject Property Notes:**

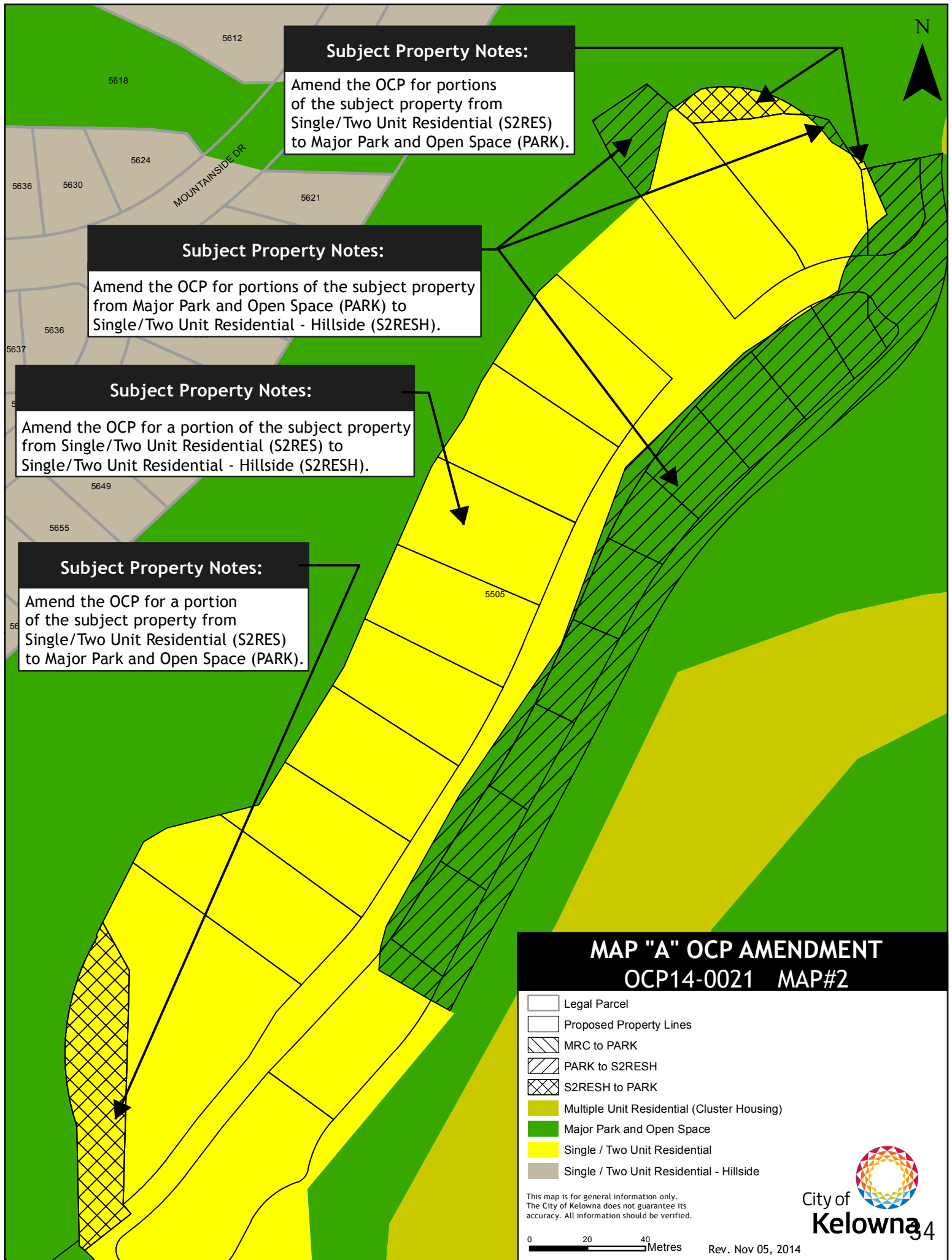
Amend the OCP for a portion of the Subject Property from Multiple Unit Residential (Cluster Housing) (MRC) to Single/Two Unit Residential - Hillside (S2RESH).

**Subject Property Notes:**

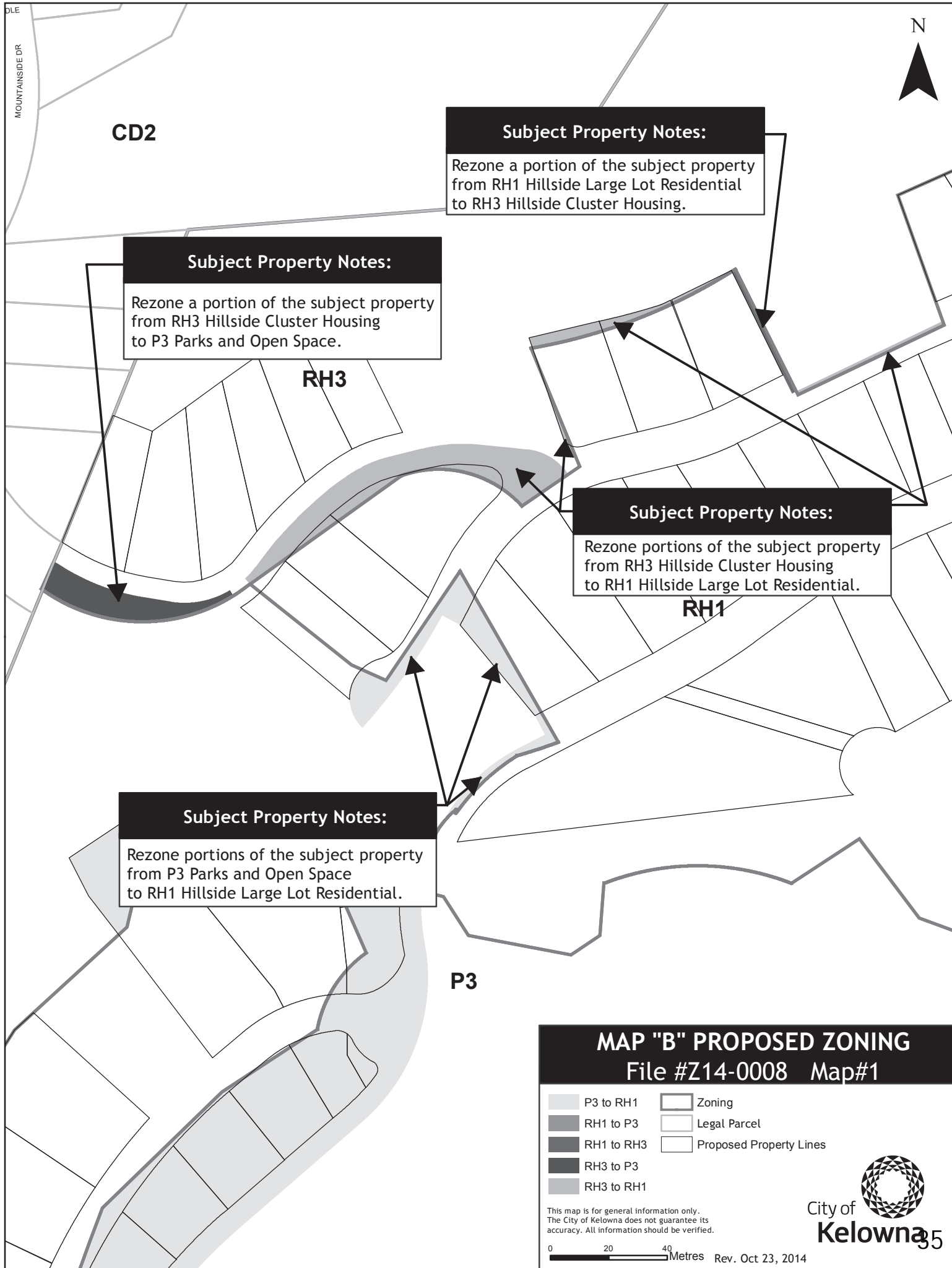
Amend the OCP for a portion of the Subject Property from Major Park and Open Space (PARK) to Single/Two Unit Residential - Hillside (S2RESH).

## MAP "A" OCP AMENDMENT OCP14-0021 MAP#1

- Proposed Property Lines
- MRC to PARK
- MRC to S2RESH
- PARK to S2RESH
- S2RESH to PARK
- Multiple Unit Residential (Cluster Housing)
- Major Park and Open Space
- Single / Two Unit Residential
- Single / Two Unit Residential - Hillside







N

**Subject Property Notes:**

Rezone portions of the subject property from RH1 Hillside Large Lot Residential to P3 Parks and Open Space.

**Subject Property Notes:**

Rezone portions of the subject property from P3 Parks and Open Space to RH1 Hillside Large Lot Residential.

CD2

MOUNTAINSIDE DR

P3

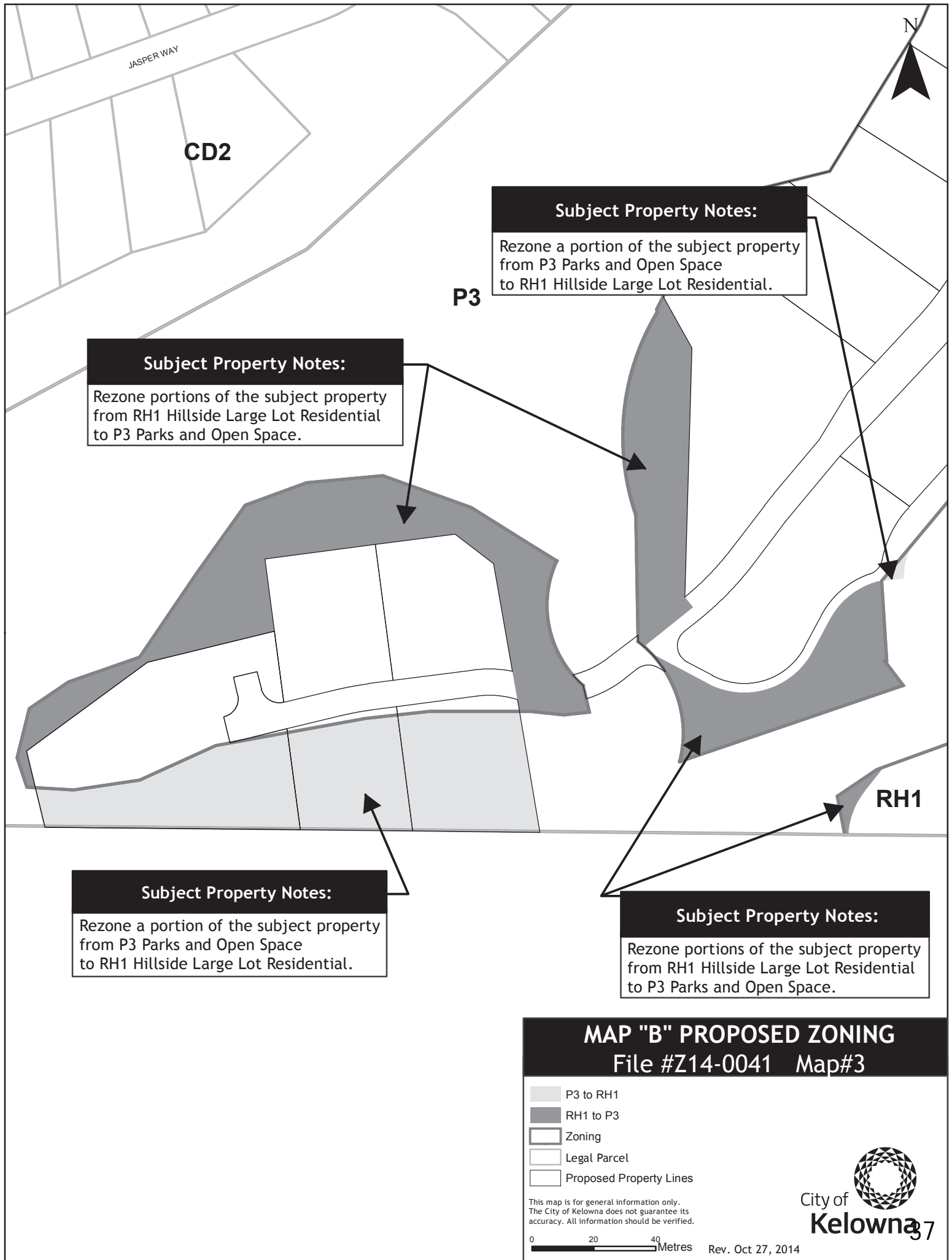
RH1

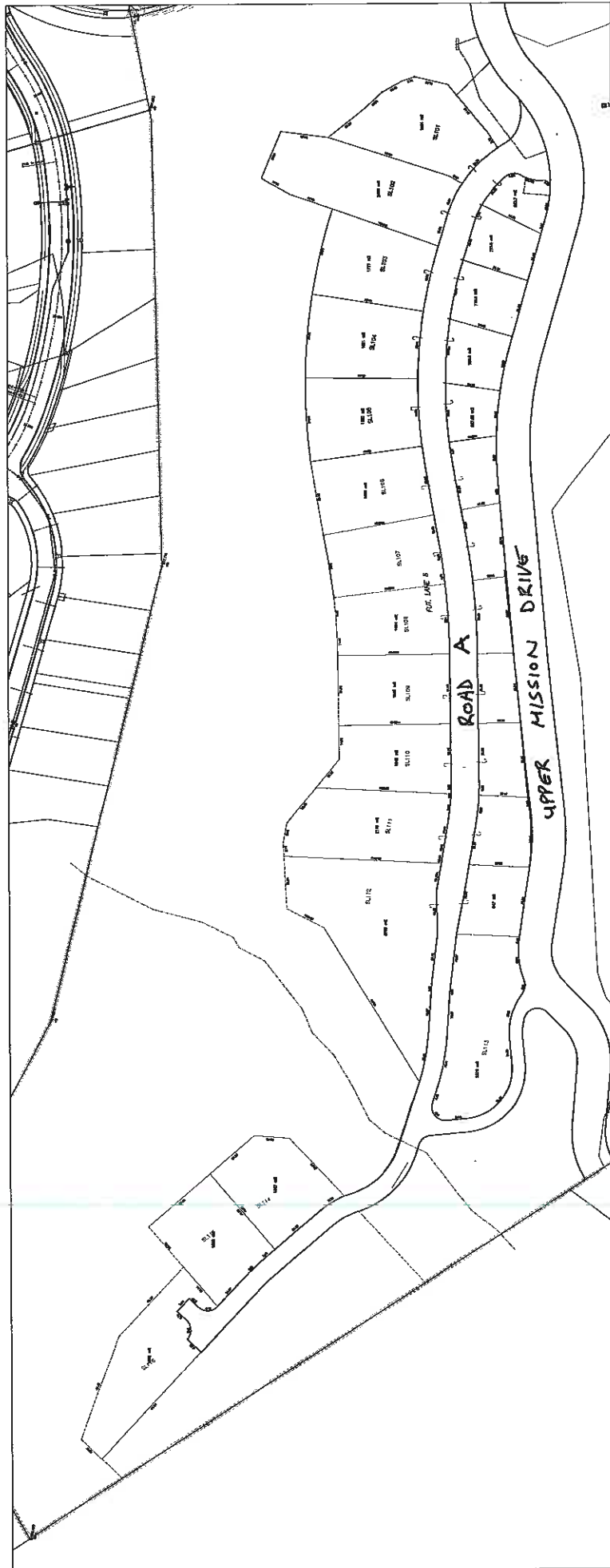
**MAP "B" PROPOSED ZONING**  
File #Z14-0041 Map#2

- P3 to RH1
- RH1 to P3
- Zoning
- Legal Parcel
- Proposed Property Lines

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

0 15 30 Metres Rev. Oct 23, 2014







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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** October 16, 2014  
**File No.:** Z14-0041  
**To:** Urban Planning (DB)  
**From:** Development Engineer Manager (SM)  
**Subject:** 5505 Chute Lake Rd

---

The Development Engineering comments and requirements regarding this OCP amendment application are as follows:

**1. General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file S14-0034.

\_\_\_\_\_  
Steve Muenz, P. Eng.  
Development Engineering Manager

SS

## Calcan / Trestle Ridge Phase 1 – Proposed RH1 Hillside Large Lot Residential Development

Calcan Investments Inc. is proposing to refine the existing Future Land Use Designation and Zoning of the first phase of their Trestle Ridge Neighborhood at 5505 Chute lake Road in Kelowna (see context plan attached). Zoning for the neighbourhood was adopted by Council earlier this year. However refinement to the zoning boundary is being proposed to a small portion of the property adjacent to the southernmost portion future Upper Mission Drive that the Parks Department deems not desirable and has declined dedication as park. As a result, Calcan Investments is proposing to consolidate this area into a proposed single family strata site where future residents will be maintain the area. In addition to the above, adjustments to the current Future Land Use Plan and Zoning Plans are being proposed to increase Park and Major Open Space dedication adjacent to creek corridors. Finally a small adjustment from RH3 to RH1 is being proposed as a result of a refinement to a road alignment.

The Site Context, Proposed Future Land Use and Rezoning plans are attached indicating the adjustments proposed.

You will be provided with a personal visitation to discuss and comment these changes directly but should you wish to contact us with further thoughts, please feel free to contact us directly at:

Dave Lange, Land Manager - Trestle Ridge

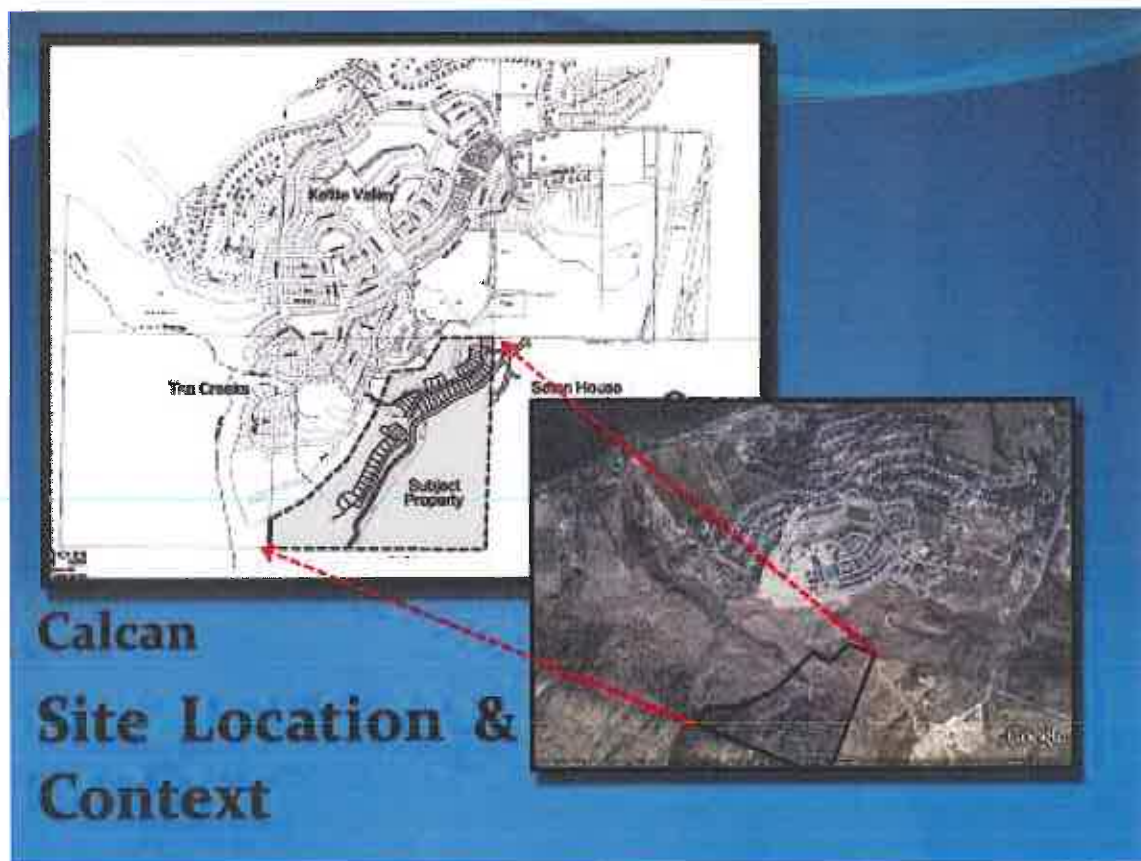
Office: (250) 764-4694      Mobile: (250) 863-7887

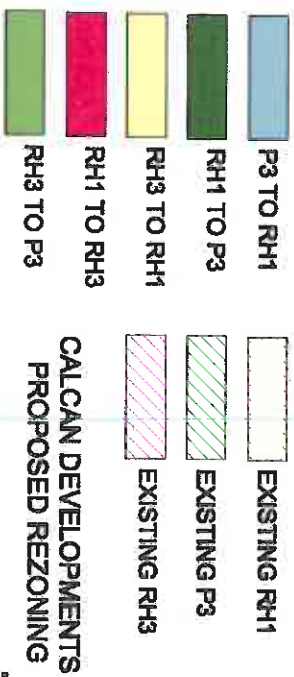
Or, provide us with your comments at: [dave@trestleridge.ca](mailto:dave@trestleridge.ca)

Damien Burggraeve, City of Kelowna Community Planning

(250) 469-8473

[dburggraeve@kelowna.ca](mailto:dburggraeve@kelowna.ca)









# CITY OF KELOWNA

## BYLAW NO. 11029

### Official Community Plan Amendment No. OCP14-0021 - Calcan Investments Inc. 5505 Chute Lake Road

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of part of The North East ¼ , Section 14, Township 28, SDYD, Except Plan KAP57304, located on Chute Lake Road, Kelowna, B.C., from the PARK - Major Park & Open Space Designation to the S2RESH - Single/Two Unit Residential Hillside Designation, from the S2RES - Single/Two Unit Residential Designation to the PARK - Major Park & Open Space Designation, from the MRC - Multiple Unit Residential (Cluster Housing) Designation to the S2RESH - Single/Two Unit Residential - Hillside Designation, from the MRC - Multiple Unit Residential (Cluster Housing) Designation to the PARK - Major Park and Open Space Designation and from the S2RES - Single/Two Unit Residential Designation to the S2RESH - Single/Two Unit Residential - Hillside Designation as shown Map "A" #1 and Map "A" #2 attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

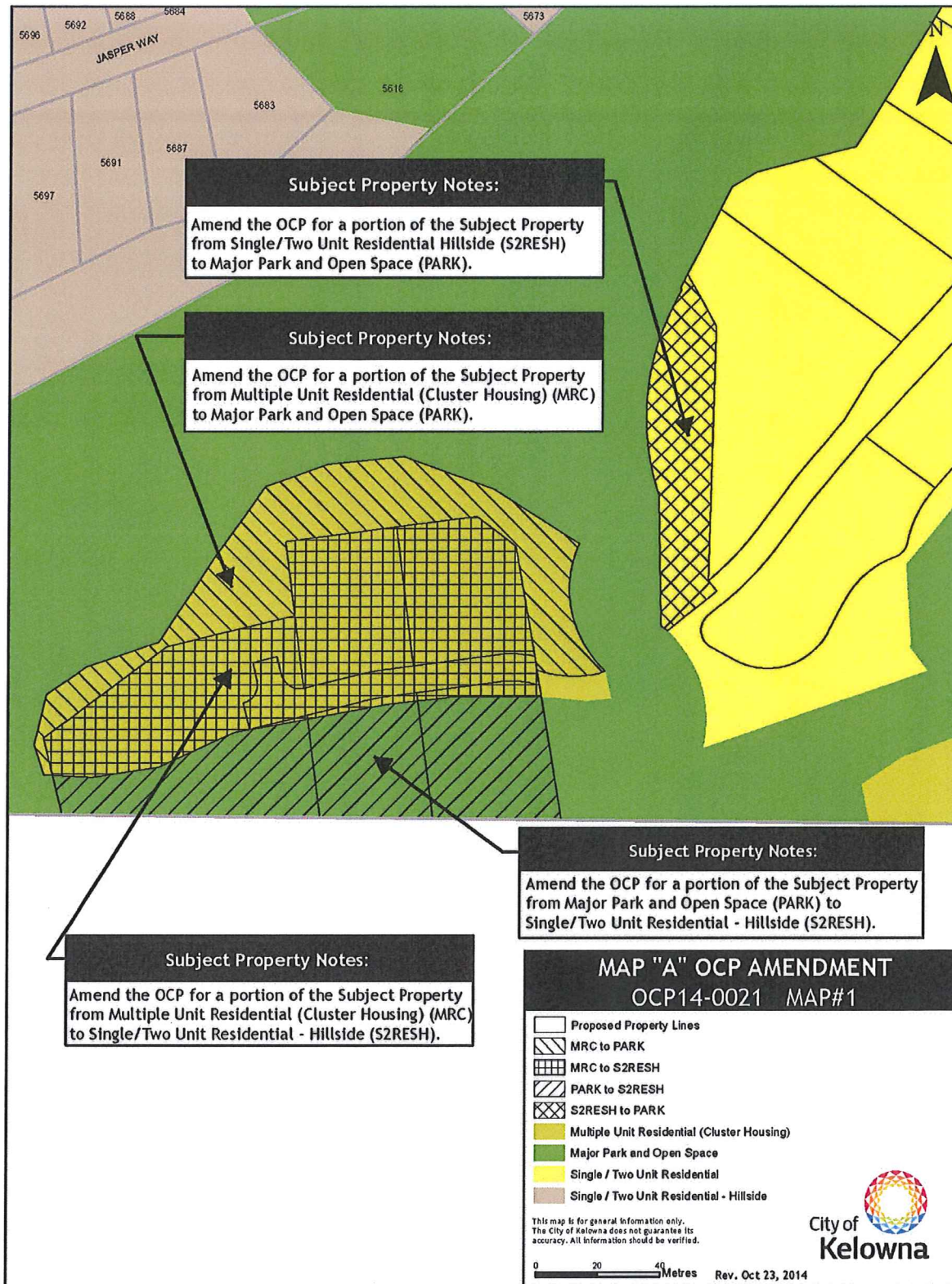
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Mayor

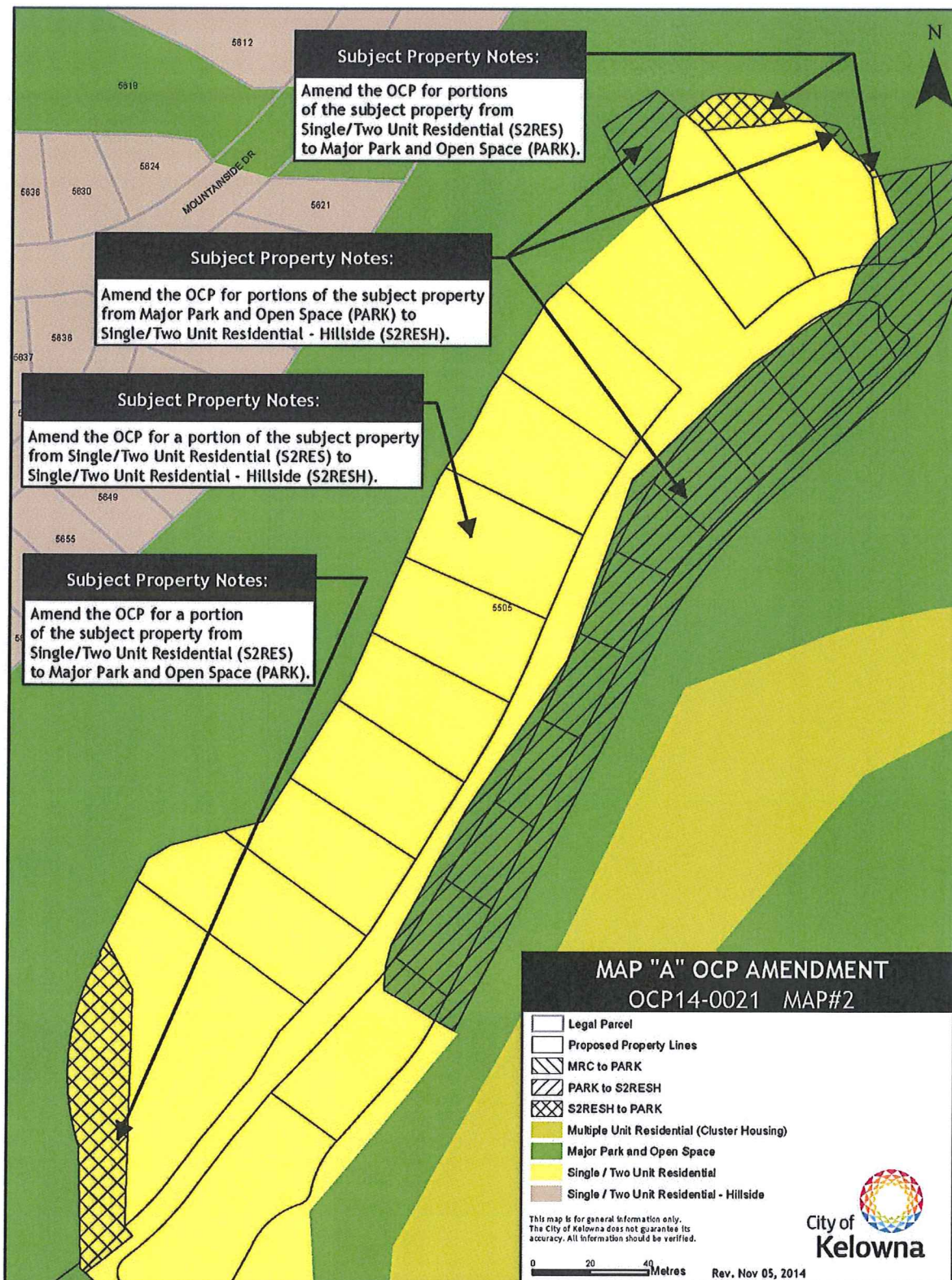
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City Clerk









**CITY OF KELOWNA**  
**BYLAW NO. 11030**  
**Z14-0041 - Calcan Investments Ltd.**  
**5505 Chute Lake 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 a part of the North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304, located on Chute Lake Road, Kelowna, B.C., from the the P3 -Parks and Open Space zone to the RH1 - Hillside Large Lot Residential zone, from the RH1 - Hillside Large Lot Residential zone to the P3 - Parks and Open Space zone, from RH3 - Hillside Cluster Housing zone to the RH1 - Hillside Large Lot Residential zone, from the RH3 - Hillside Cluster Housing zone to the P3 - Parks and Open Space zone and from the RH1 - Hillside Large Lot Residential zone to the RH3 - Hillside Cluster Housing zone as per Map "B" #1, Map "B" #2 and Map "B" #3 attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

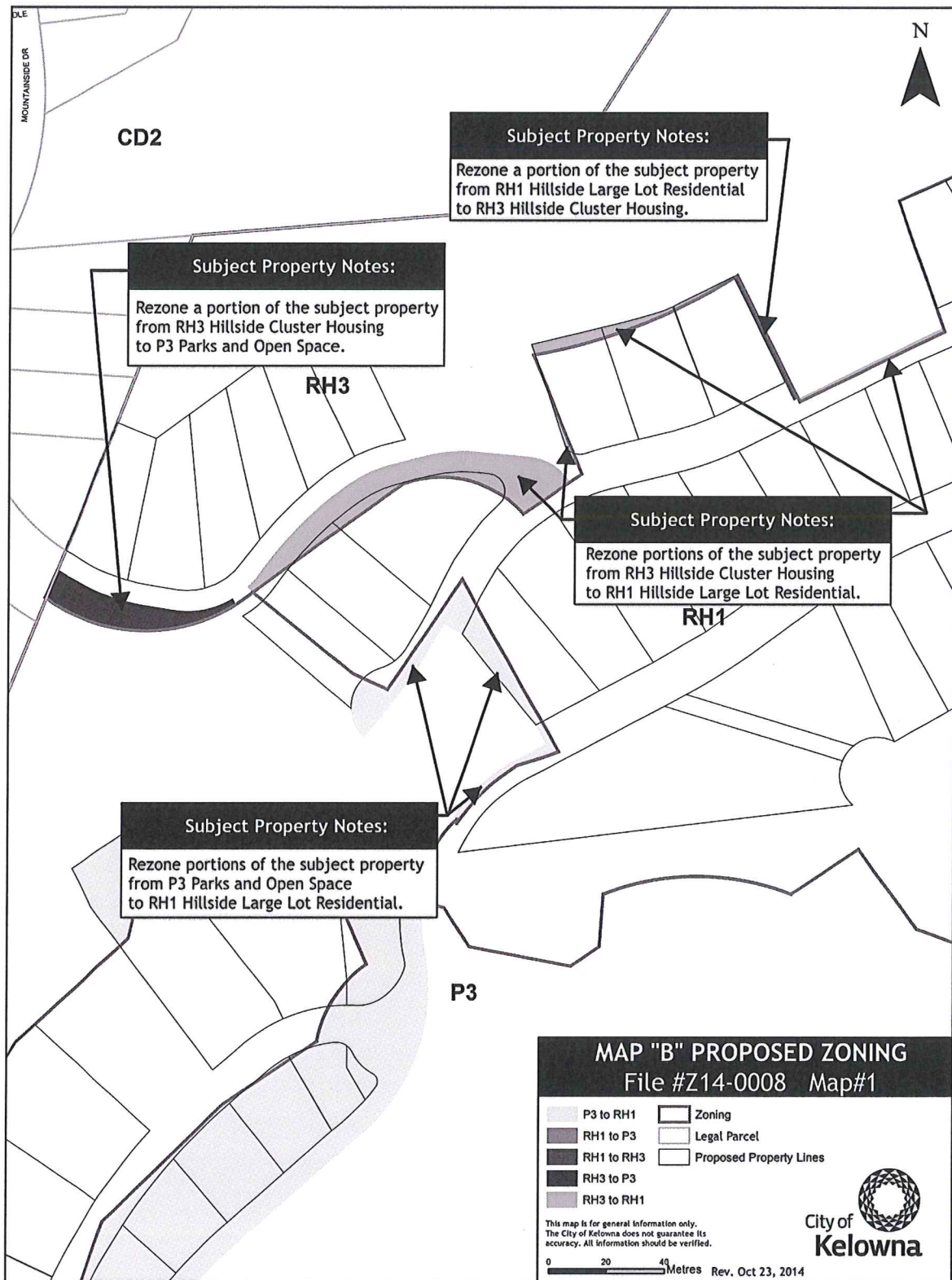
Read a second and third time by the Municipal Council this

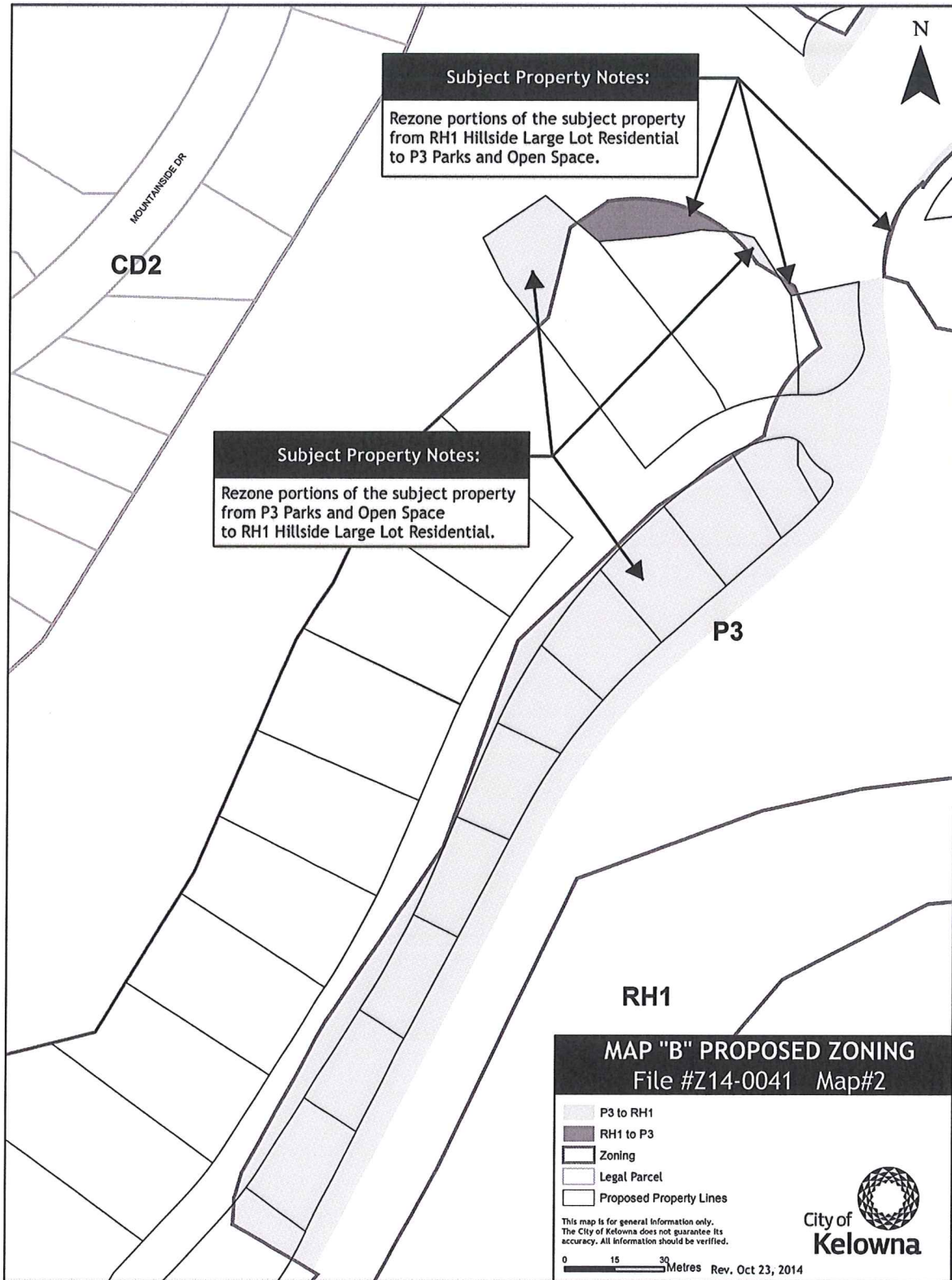
Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

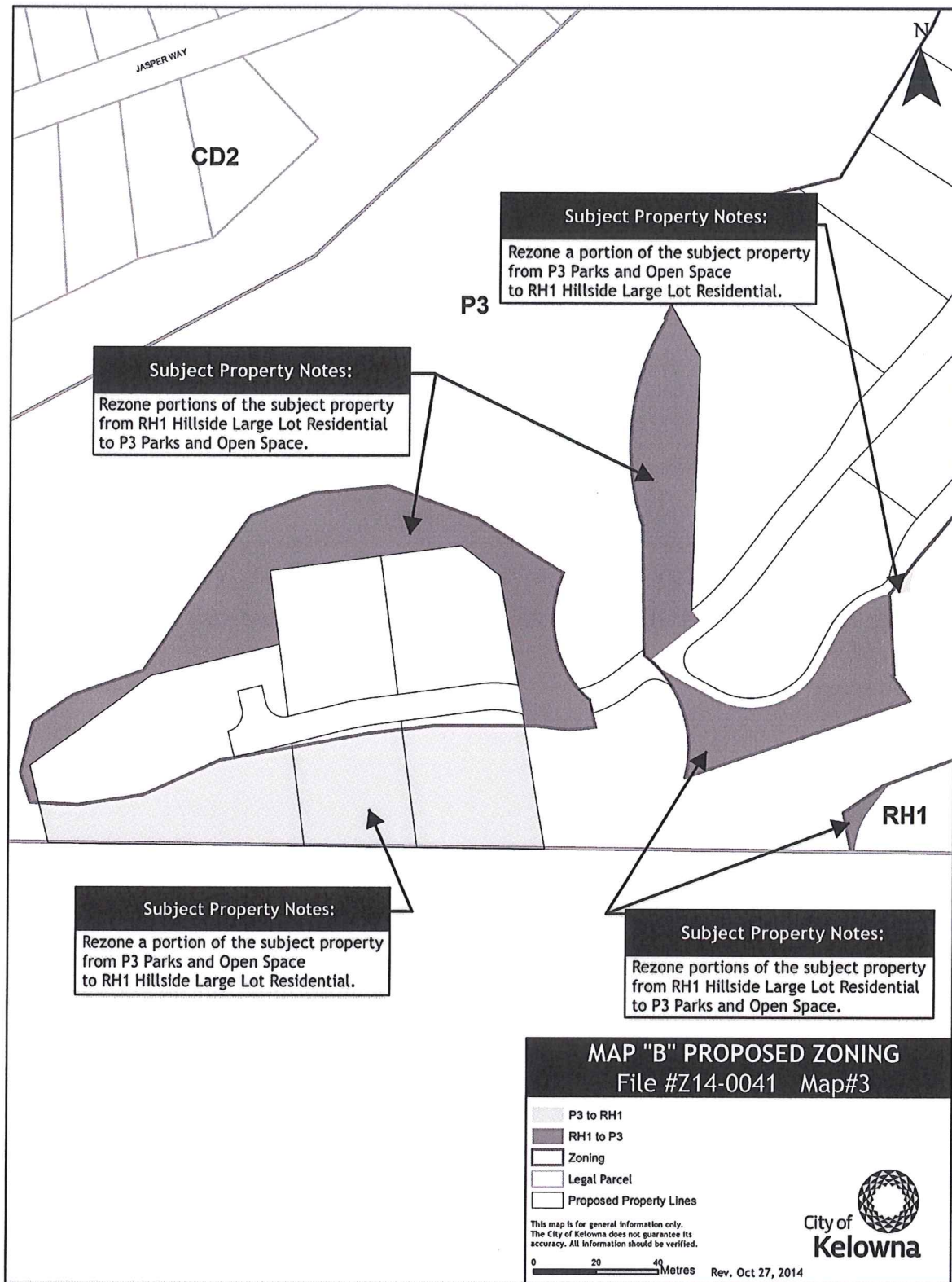
\_\_\_\_\_  
City Clerk











# REPORT TO COUNCIL



**Date:** 11/10/2014

**RIM No.** 1250-20

**To:** City Manager

**From:** Subdivision, Agriculture & Environment Services (MS)

**Application:** OCP14-0015  
**Owners:** Parkbridge Lifestyle Communities Inc.  
City of Kelowna  
0977415 B.C. LTD.,  
INC. No. BC0977415

**Addresses:** 1511 Tower Ranch Drive  
2160 Tower Ranch Boulevard  
1501 Tower Ranch Drive  
**Applicants:** MMM Group  
City of Kelowna

**Subject:** OCP Amendment

**Existing OCP Designation:** MRL - Multiple Unit Residential (Low Density)  
S2RES - Single / Two Unit Residential  
S2RESH - Single / Two Unit Residential - Hillside  
PARK - Major Park and Open Space (public)

**Proposed OCP Designation:** S2RES - Single / Two Unit Residential  
S2RESH - Single / Two Unit Residential - Hillside  
MRL - Multiple Unit Residential (Low Density)  
PARK - Major Park and Open Space (public)  
PSU - Public Services / Utilities

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## 1.0 Recommendation

THAT OCP Bylaw Amendment No. OCP14-00015 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by amending Map 4.1 - Generalized Future Land Use to change a portion of Lot 3, Plan KAP80993, Section 31, TWP 27, ODYD, located at 1511 Tower Ranch Drive, from MRL - Multiple Unit Residential (Low Density) to S2RES - Single/Two Unit Residential; PARK - Park and Open Space (public) to S2RES - Single / Two Unit Residential; S2RESH - Single/Two Unit Residential- Hillside to MRL - Multiple Unit Residential (Low Density); S2RESH - Single/Two Unit Residential- Hillside to PARK - Major Park and Open Space (public); and PARK - Park and Open Space (public) to S2RESH - Single / Two Unit Residential - Hillside; from S2RES - Single/Two Unit Residential to PARK - Park and Open Space (public); from PARK - Park and Open Space (public) to S2RES - Single/Two Unit Residential; from S2RES - Single/Two Unit Residential to S2RESH - Single/Two Unit Residential - Hillside; from S2RESH - Single/Two Unit Residential - Hillside to S2RESH - Single/Two Unit Residential, in accordance with Map "A - #3" and Map "A - #4" attached to the Staff Report dated November 10, 2014, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP14-00015 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by amending Map 4.1 - Generalized Future Land Use to change a portion of

Lot 4, Plan KAP80993, Section 31, TWP 27, ODYD, located at 2160 Tower Ranch Boulevard, from S2RESH - Single/Two Unit Residential - Hillside to REC - Private Recreation (private); from REC - Private Recreation (private) to S2RESH - Single/Two Unit Residential - Hillside; from S2RESH - Single/Two Unit Residential - Hillside to PARK - Major Park and Open Space (public); from S2RESH - Single/Two Unit Residential - Hillside to- PSU - Public Services / Utilities; from Private Recreation (private) to- PSU - Public Services / Utilities; in accordance with Map "A - #1" and Map "A - #2" attached to the Staff Report dated November 10, 2014, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP14-00015 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by amending Map 4.1 - Generalized Future Land Use to change a portion of Lot 5 KAP80993, Section 31, TWP 27, ODYD, located at 1501 Tower Ranch Drive, from PARK - Major Park and Open Space (public) to S2RESH - Single/Two Unit Residential - Hillside; and from PARK - Major Park and Open Space (public) to S2RES - Single/Two Unit Residential, in accordance with Map "A - #4" attached to the Staff Report dated November 10, 2014, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP14-00015 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by amending Map 4.1 - Generalized Future Land Use to change a portion of part of Tower Ranch Drive, located south of 1511 Tower Ranch Drive, being approximately 520 m<sup>2</sup>, from Public Service Utilities (PSU) to Single/Two Unit Residential - Hillside (S2RESH); and from Resource Protection Area (REP) to Single/Two Unit Residential - Hillside (S2RESH), in accordance with Map "A - #5" attached to the Staff Report dated November 10, 2014, be considered by Council;

AND THAT Council considers the public process outlined in the Staff Report dated November 10, 2014 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

AND THAT the OCP Amending Bylaw be forwarded to a Public Hearing;

AND FURTHER THAT Council direct staff to provide notice to owners of the subject properties, and owners of the immediately adjacent properties designated S2RES - Single/Two Unit Residential, A-1 Agriculture 1 and CD6 - Comprehensive Residential Golf Course, as identified on Map "A".

## **2.0 Purpose**

To amend Map 4.1 - Generalized Future Land Use in the 2030 Official Community Plan for a portion of the Tower Ranch Development.

## **3.0 Subdivision, Agriculture & Environment**

The Subdivision, Agriculture & Environment department have been working with the applicant to avoid and mitigate impacts to the natural environment and hazardous condition areas. Of note with respect to the OCP Amendment are two areas:

- Proposed property transfers and OCP Amendments to divide the Tower Ranch Lot 3 property from Tower Ranch Mountain Park along the centre line of Industry Brook; and
- The proposed OCP amendment from S2RESH - Single / Two Unit Residential to PARK - Major Park and Open Space (Public) along the southwest portion of Lot 3 along Industry Brook, including a knoll of natural bluebunch wheatgrass / Idaho fescue grassland as well as an aspen copse along Industry Brook.

The applicant will be required to acquire a Natural Environment / Hazardous Conditions Development Permit at each phase of development for the area. A No-Build / No-Disturb Restrictive Covenant will be required prior to subdivision for natural and hazardous condition areas.

The existing Official Community Plan land use designations were prepared as a response to conceptual planning conducted by a previous owner and developer. The applicant has brought forth a revised concept for 1511 Tower Ranch Drive and 2160 Tower Ranch Boulevard. Staff have worked with the applicant to accommodate the new concept plan as well as achieve objectives of the Official Community Plan, including:

- Public space
- Retention of natural areas
- Linear Parks
- Pedestrian linkages

Staff notes that the amendment adjusts the future land use along the boundary of the City owned Tower Ranch Mountain Park to align with the centre line of Industry Brook. To this end, the lands to the south of Industry Brook are proposed to be amended to PARK - Major Park and Open Space (public), while the lands to the north of Industry Brook are proposed to be designated as to S2RESH - Single/Two Unit Residential - Hillside, and S2RES - Single/Two Unit Residential. Staff notes that these are minor adjustments to the PARK designation, and are proposed as the centre line of the creek is a logical the boundary between of the land uses.

## **4.0 Proposal**

### **4.1 Background**

At the time of current OCP (approved in May 2011), the subject properties were owned by a previous developer. The configuration of future land use designations was designed in accordance with their concept plan.

In 2012, Tower Ranch Lots 3, 4 and 6 were purchased by Parksbridge Lifestyle Communities Inc. (Parksbridge). Parksbridge develop communities based on a life lease concept, whereby the owner developer maintains ownership and management through the life of the development. The future land use was planned by a previous developer, and Parksbridge has an interest in amending the configuration of the future land uses to better suit their concept and target market. The proposed OCP Amendment has been designed in accordance with their concept plan, as well as geotechnical and environmental assessments.

The Agricultural Land Commission allowed the golf course and associated development within Tower Ranch through a number of resolutions, the most recent of which was Resolution #498/2006.

### **4.2 Project Description**

The amendment relocates an area of MRL - Multiple Unit Residential (Low Density) from the north of Lot 3 to the centre of Lot 3. In addition, the amendment includes changing an area of S2RESH - Single / Two Unit Residential - Hillside to PSU - Public Services / Utilities, in order to accommodate an existing Black Mountain Irrigation District (BMID) reservoir.

It also includes moving a single area of PARK - Major Park and Open Space (PARK) from Lot 3 to two smaller areas of PARK on Lot 4. In addition, a portion of riparian area along Industry Brook



has been designated PARK, which includes an aspen grove, as well as knoll of intact indigenous grassland and a significant veteran ponderosa pine.

Staff have worked with the applicant to relocate the PARK - Major Park and Open Space areas for the development.

See Map A, attached.

#### 4.3 Site Context

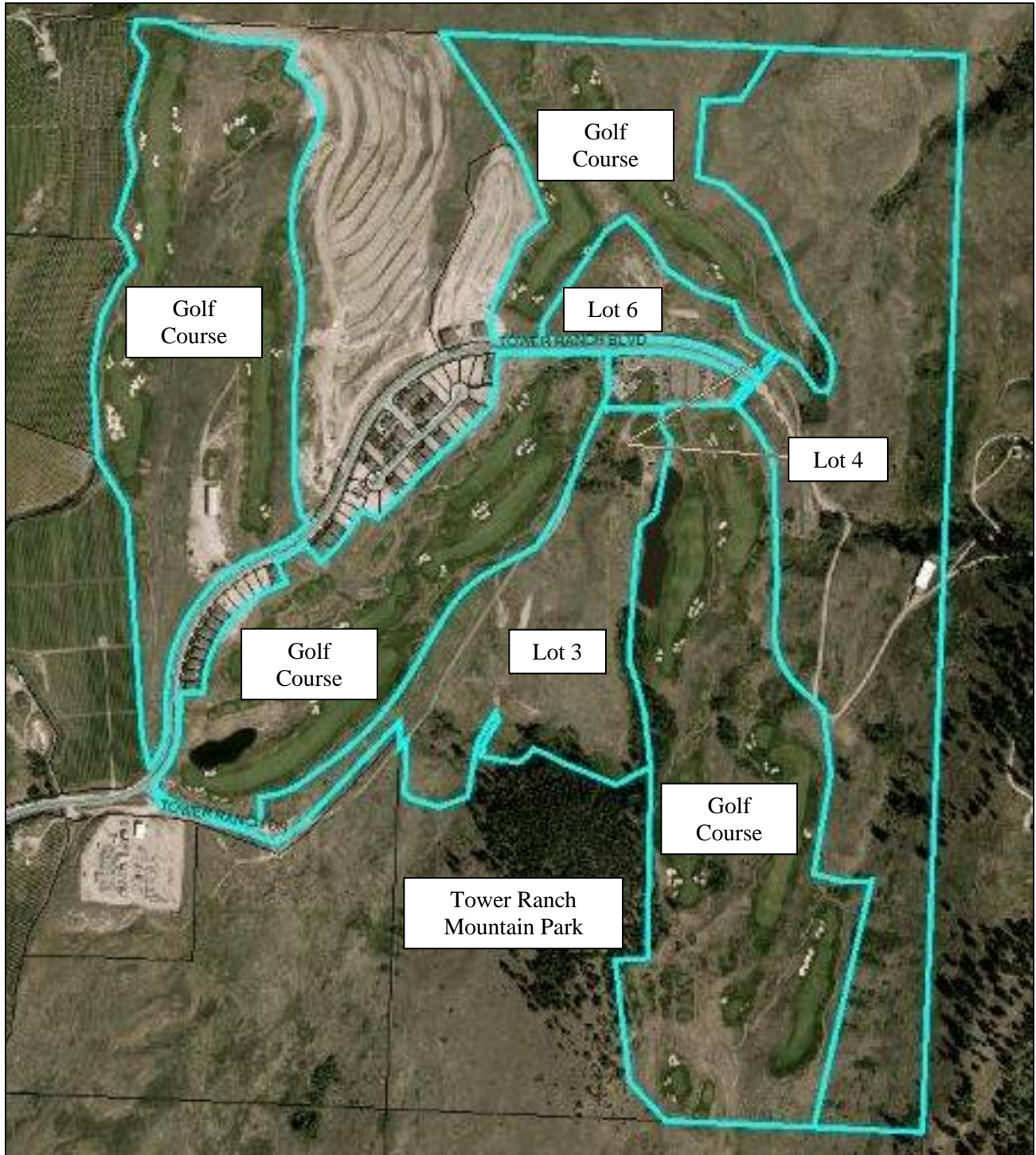
The site is located on the upper McCurdy Bench in the Rutland Sector. Agricultural properties within the Regional District of the Central Okanagan (RDCO) lie to the east of Lot 4. The Tower Ranch Golf Course lies in between Lots 3 and 4 and to the west of Lot 3 and the north of Lot 6. The Clubhouse property is a strata lot to which Parksbridge is a part of, and lies in between Lots 3 and Lot 6.

Tower Ranch Mountain Park lies to the south of Lot 3. Residential properties are further to the west and line Tower Ranch Boulevard and Split Rail Place, and more residences are being developed to the north of Tower Ranch Boulevard.

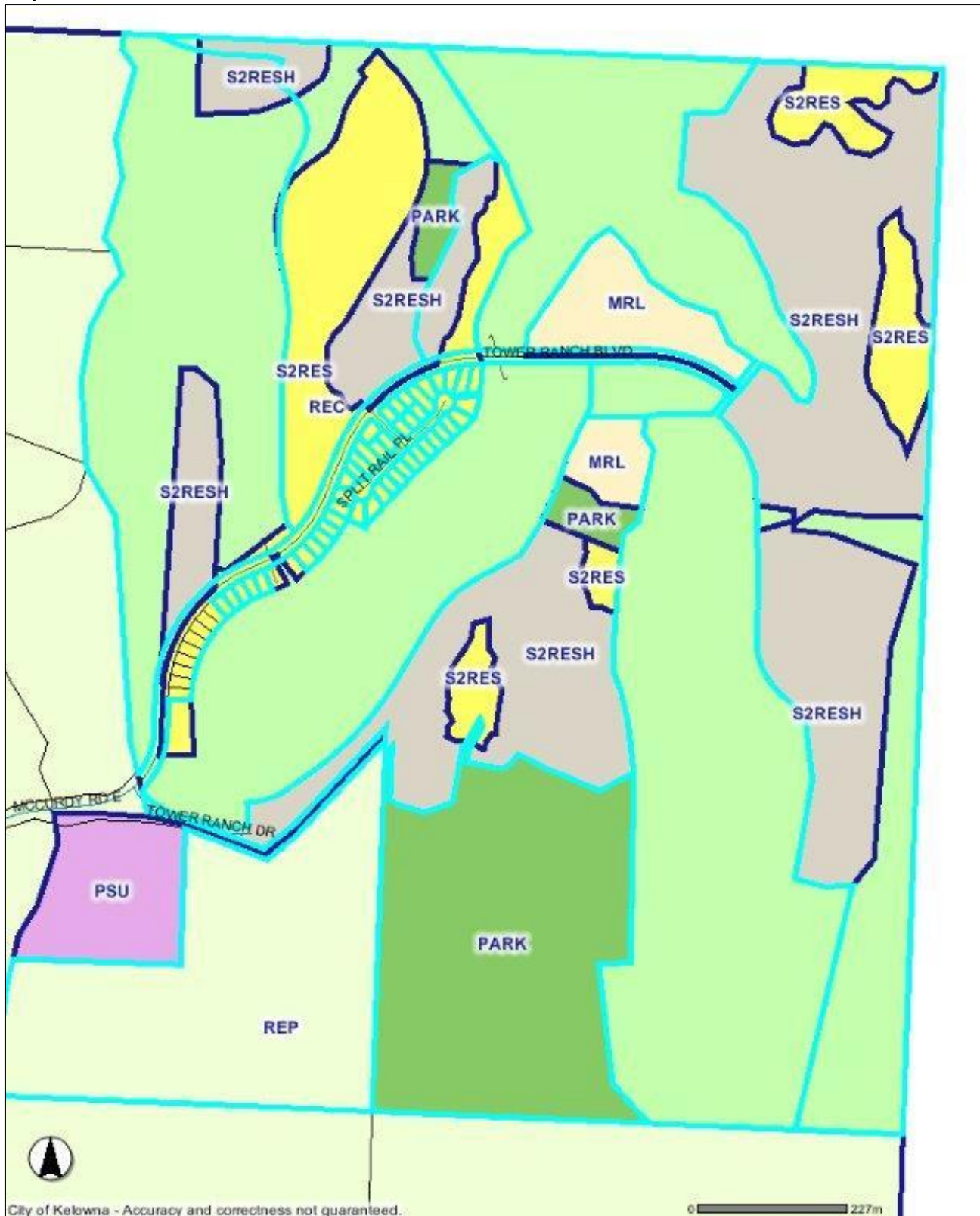
Specifically, adjacent land uses are as follows:

| Orientation | Zoning  | Land Use   |
|-------------|---|--|
| North       | CD6 - Comprehensive Residential Golf Course /<br>CD6 LP - Comprehensive Residential Golf Course<br>(Liquor Primary) | Golf Course / Clubhouse                              |
| East        | CD6 - Comprehensive Residential Golf Course   | Golf Course  |
| South       | A1 - Agriculture 1 / P3 - Park & Open Space   | Rural Residential / Park / Hydro<br>Transfer Station |
| West        | CD6 - Comprehensive Residential Golf Course   | Golf Course  |

Map 1. Tower Ranch Subject Area



Map 2. Tower Ranch - Current Future Land Use



## 5.0 Public Notification

The applicant has undertaken public notification / consultation. This has included delivering a letter, including a map of the proposed OCP Amendments to the residents and property owners along Tower Ranch Boulevard and Split Rail Place. (See attached letter, map and notification area).

## 6.0 Current Development Policies

### 6.1 Kelowna OCP 2030 Bylaw 10500

#### Development Process

**Steep Slopes.**<sup>1</sup> Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

**Cluster Housing.**<sup>2</sup> Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

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

**Ground-Oriented Housing.**<sup>3</sup> Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets.

**Pedestrian Connectivity.**<sup>4</sup> Improve the permeability of strata developments by ensuring that active transportation connections are facilitated where possible.

**Design for People and Nature.**<sup>5</sup> Structure new neighbourhoods around parks, pedestrian and bike routes, open spaces, and environmental areas, rather than around roadways and cars.

## 7.0 Legal / Statutory Authority

Local Government Act Part 26: Division 2 - Official Community Plans, Sections 875-882

## 8.0 Legal / Statutory Procedural Requirements

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

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>5</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).



Local Government Act Section 882(3) specifies that after First Reading (and prior to Public Hearing) of an OCP bylaw the local government must, in sequence, consider the plan in conjunction with its financial plan and waste management plan applicable. The local government must also refer the plan to the Agricultural Land Commission (ALC) for comment if the plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act. **The proposed amendment affects lands under the Resolution # 498/2006.**

Local Government Act Section 879(1) specifies that a local government must, during the development, repeal or amendment of an OCP, provide one or more opportunities it considers appropriate for consultation with persons, organizations, and authorities it considers will be affected. This consultation is in addition to the required Public Hearing.

The Local Government Act Section 879(1) requirement for consultation will be addressed through a letter mail-out to all property owners within the affected area (see Map "A") notifying of the proposed change in designation, and with contact information for the File Manager to field any inquiries and comments. This will be done in accordance with Council Policy #367 - Public Notification & Consultation for Development Applications.

## 9.0 Technical Comments

The OCP amendment was circulated to Building & Permitting, Development Engineering Branch, Infrastructure Planning - Parks & Public Spaces, the Black Mountain Irrigation District, and Policy & Planning. The responses received are below.

### 9.1 Building & Permitting Department

No comments.

### 9.2 Development Engineering Department

This application has no requirements, and does not trigger any off-site upgrades.

### 9.3 Infrastructure Planning - Parks & Public Spaces

Infrastructure Planning - Parks & Public Spaces, have worked with the applicant to achieve the relocation of the designated PARK space from Lot 3 to two locations on Lot 4 (see Map 'A') as well as add a portion of PARK along the Industry Brook riparian area, also capturing a grassland knoll.

### 9.4 Irrigation District

No comments received.

### 9.5 Policy & Planning

There are no significant departures from the current FLU. Therefore, this application is consistent with the intent of the current OCP.

## 10.0 Application Chronology

Date of Application Received: January 16, 2014

Revised OCP Amendment Map (Rev. 1) Received: September 9, 2014

|  |                    |
|--|--------------------|
| Application Complete:                                    | September 9, 2014  |
| Revised OCP Amendment Map (Rev. 2) Received:             | September 24, 2014 |
| Revised OCP Amendment Map (Rev. 2) Circulation Complete: | October 13, 2014   |

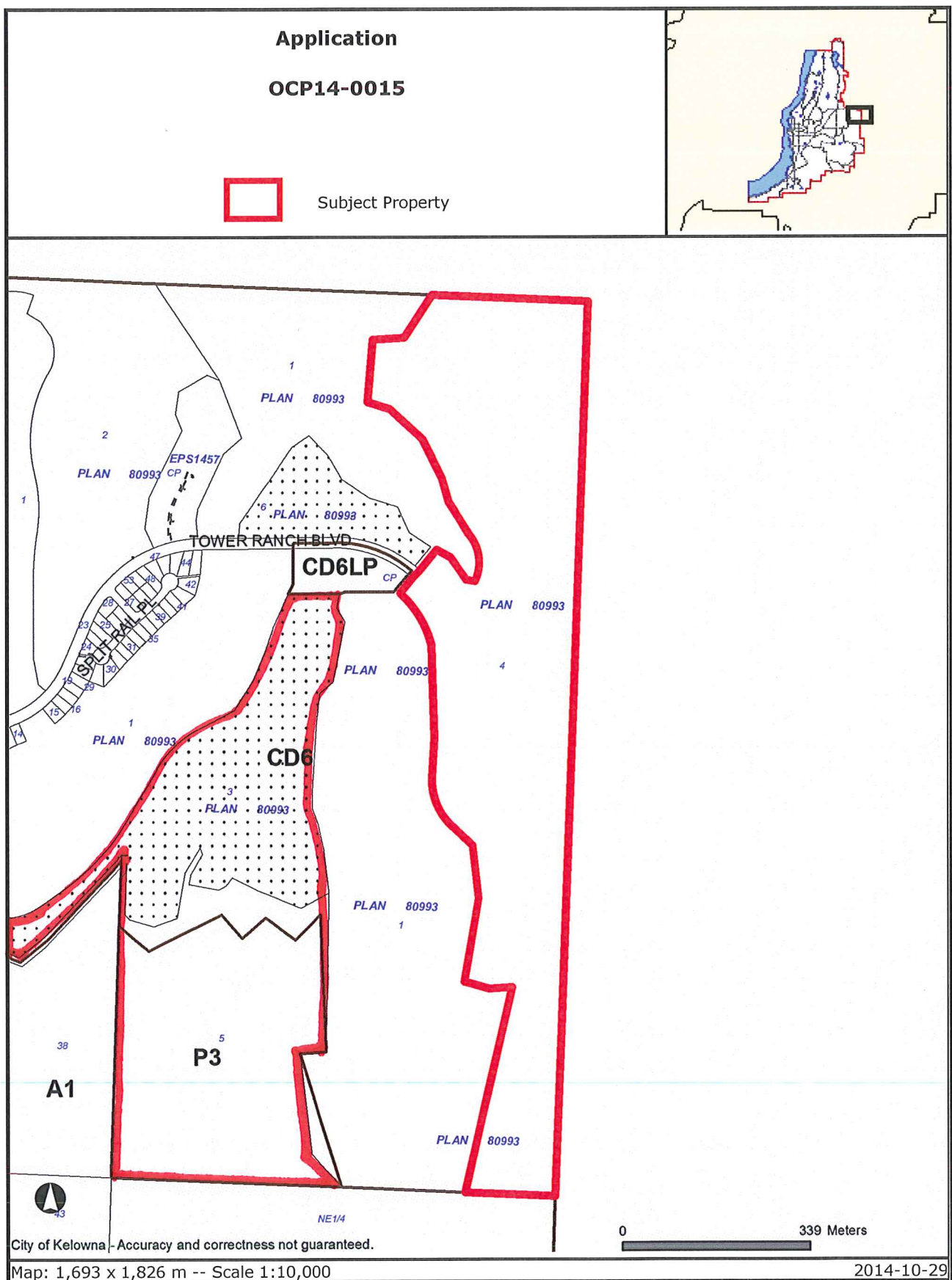
**Report prepared by:**

Melanie Steppuhn, Land Use Planner

**Approved for Inclusion:** ☐ Todd Cashin, Manager, Land Use Management

**Attachments:**

Map "A" OCP Amendment  
Public Notification Letter  
Public Notification OCP Map  
Public Notification Distribution Area



*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.*





### Subject Property Notes:

Amend the OCP for a portion of the subject property from Single/Two Unit Residential - Hillside (S2RESH) to Major Park and Open Space (PARK).

### Subject Property Notes:

Amend the OCP for portions of the subject property from Single/Two Unit Residential - Hillside (S2RESH) to Private Recreational (REC).

## MAP "A" OCP AMENDMENT OCP14-0015 Map# 1

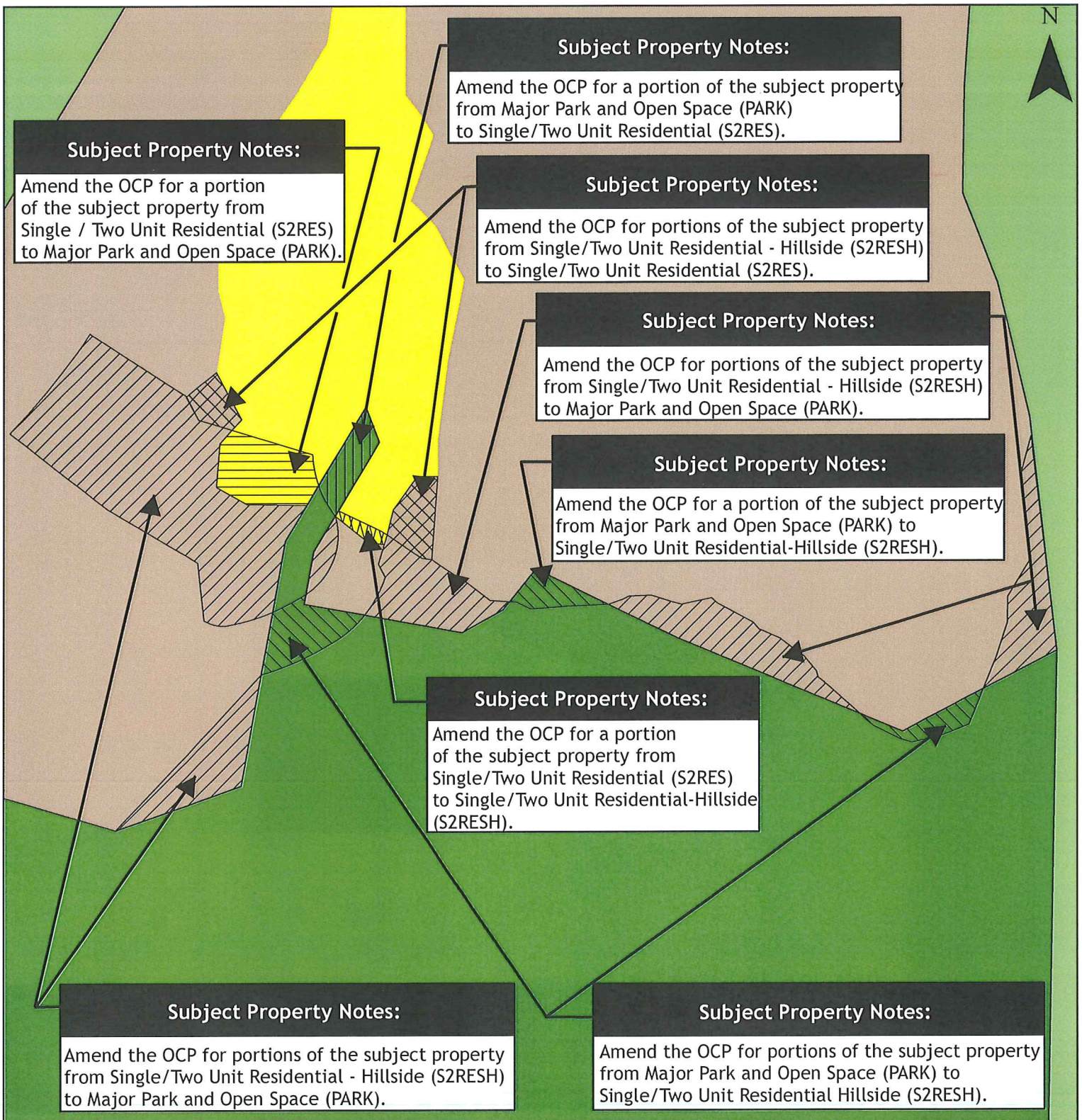
- |  |                |
|--|----------------|
| Multiple Unit Residential (Low Density)  | S2RESH to PARK |
| Private Recreational                     | S2RESH to REC  |
| Single / Two Unit Residential            | Legal Parcel   |
| Single / Two Unit Residential - Hillside |                |

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

0 25 50 Metres

Rev. Oct 28, 2014





## MAP "A" OCP AMENDMENT

### OCP14-0015 Map# 4

|                 |  |
|-----------------|--|
| PARK to S2RES   | Major Park and Open Space                |
| PARK to S2RESH  | Private Recreational                     |
| S2RES to PARK   | Single / Two Unit Residential            |
| S2RES to S2RESH | Single / Two Unit Residential - Hillside |
| S2RESH to PARK  | Legal Parcel                             |
| S2RESH to S2RES |  |

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

0 20 40 Metres

Rev. Oct 29, 2014

**City of Kelowna**

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N



**Subject Property Notes:**

Amend the OCP for portions of the subject property from Private Recreational (REC) to Single/Two Unit Residential - Hillside (S2RESH).

**Subject Property Notes:**

Amend the OCP for a portion of the subject property from Single/Two Unit Residential - Hillside (S2RESH) to Private Recreational (REC).

**Subject Property Notes:**

Amend the OCP for a portion of the subject property from Single/Two Unit Residential - Hillside (S2RESH) to Major Park and Open Space (PARK).

**Subject Property Notes:**

Amend the OCP for a portion of the subject property from Single/Two Unit Residential - Hillside (S2RESH) to Public Service Utilities (PSU).

**Subject Property Notes:**

Amend the OCP for a portion of the subject property from Single/Two Unit Residential - Hillside (S2RESH) to Private Recreational (REC).

**Subject Property Notes:**

Amend the OCP for a portion of the subject property from Private Recreational (REC) to Public Service Utilities (PSU).

**MAP "A" OCP AMENDMENT  
OCP14-0015 Map# 2**

|  |                |  |  |
|--|----------------|--|--|
|  | REC to PSU     |  | Private Recreational                     |
|  | REC to S2RESH  |  | Single / Two Unit Residential - Hillside |
|  | S2RESH to PARK |  | Legal Parcel                             |
|  | S2RESH to PSU  |  |  |
|  | S2RESH to REC  |  |  |

This map is for general information only.  
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accuracy. All information should be verified.

0 20 40 Metres

Rev. Oct 29, 2014





**Subject Property Notes:**




Amend the OCP for a portion of the road right of way from Resource Protection (REP) to Single/Two Unit Residential - Hillside (S2RESH).

**Subject Property Notes:**

Amend the OCP for a portion of the road right of way from Public Service Utilities (PSU) to Single/Two Unit Residential - Hillside (S2RESH).

**MAP "A" OCP AMENDMENT**  
**OCP14-0015 Map# 5**

-  Major Park and Open Space
-  Public Service Utilities
-  Private Recreational
-  Resource Protection
-  Single / Two Unit Residential
-  Single / Two Unit Residential - Hillside

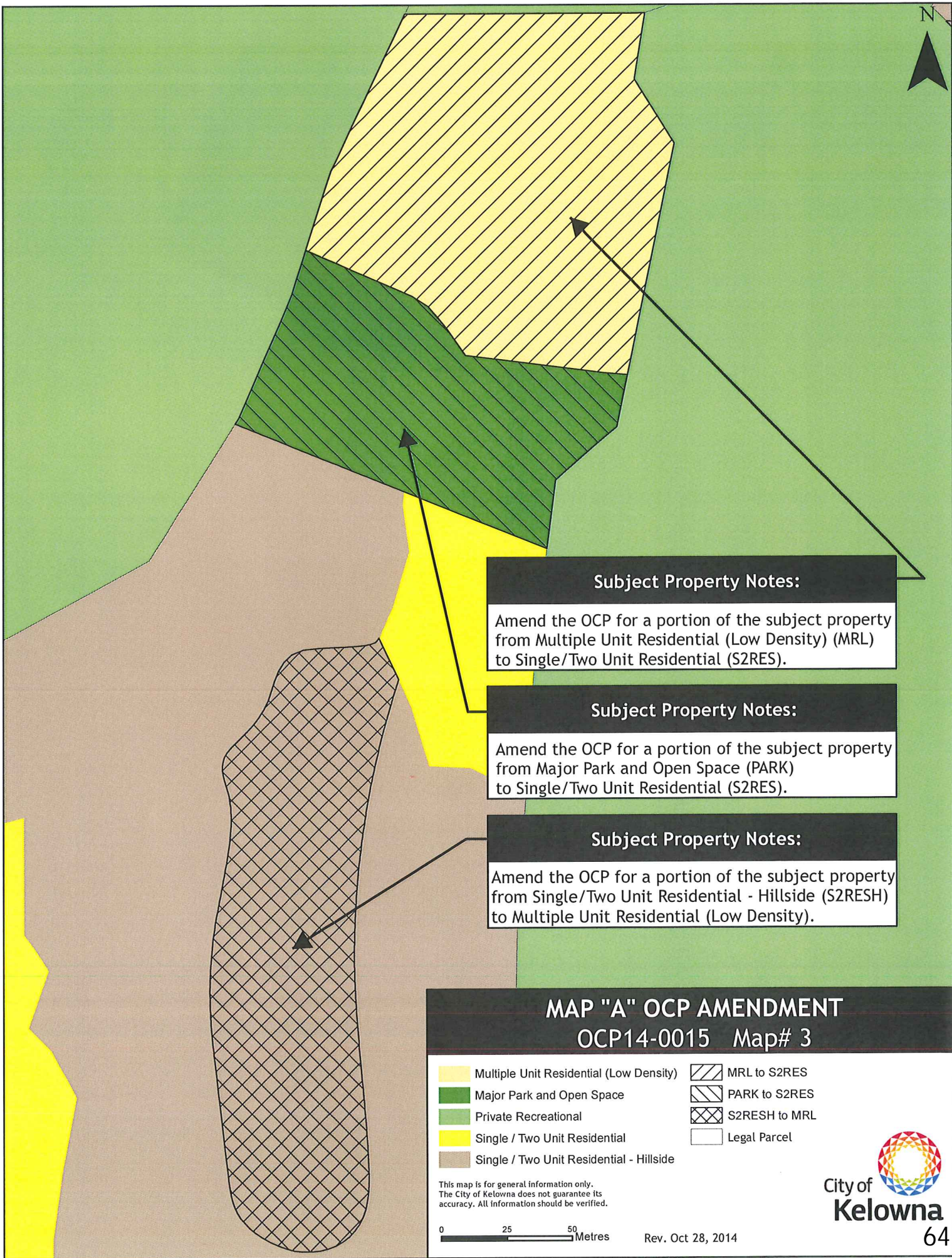
-  Legal Parcel
-  PSU to S2RESH
-  REP to S2RESH

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

0 25 50 Metres

Rev. Oct 29, 2014





**Subject Property Notes:**

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

**Subject Property Notes:**

Amend the OCP for a portion of the subject property from Major Park and Open Space (PARK) to Single/Two Unit Residential (S2RES).

**Subject Property Notes:**

Amend the OCP for a portion of the subject property from Single/Two Unit Residential - Hillside (S2RESH) to Multiple Unit Residential (Low Density).

**MAP "A" OCP AMENDMENT  
OCP14-0015 Map# 3**

- |  |               |
|--|---------------|
| Multiple Unit Residential (Low Density)  | MRL to S2RES  |
| Major Park and Open Space                | PARK to S2RES |
| Private Recreational                     | S2RESH to MRL |
| Single / Two Unit Residential            | Legal Parcel  |
| Single / Two Unit Residential - Hillside |               |

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

0 25 50 Metres

Rev. Oct 28, 2014



October 28, 2014

Dear Resident / Landowner,

**Re: Official Community Plan Map Amendment**

Parkbridge Lifestyle Communities Inc. (Parkbridge) has submitted an application to the City of Kelowna to amend the Official Community Plan, Bylaw No. 10500 (OCP) map. The subject application is deemed a 'minor' OCP amendment. The application proposes to shift the OCP's Future Land Use classifications to facilitate a single family housing development on lands legally described as:

Lot 3, Section 31, Township 27, Osoyoos Division Yale District, Plan KAP80993

Lot 4, Section 31, Township 27, Osoyoos Division Yale District, Plan KAP80993

Note, the Future Land Use classification, as designated within the City of Kelowna's OCP, will not be changed or intensified, but rather relocated. In addition, the amendment seeks to better communicate the location of the 'Public Service Utility' and 'Private Recreational' future land use.

A map visually identifying the location of Lot 3 and the proposed OCP map changes can be found on the reverse page. For comparison purposes, the City of Kelowna's current OCP Future Land Use map can be found on the City of Kelowna website at the following address:

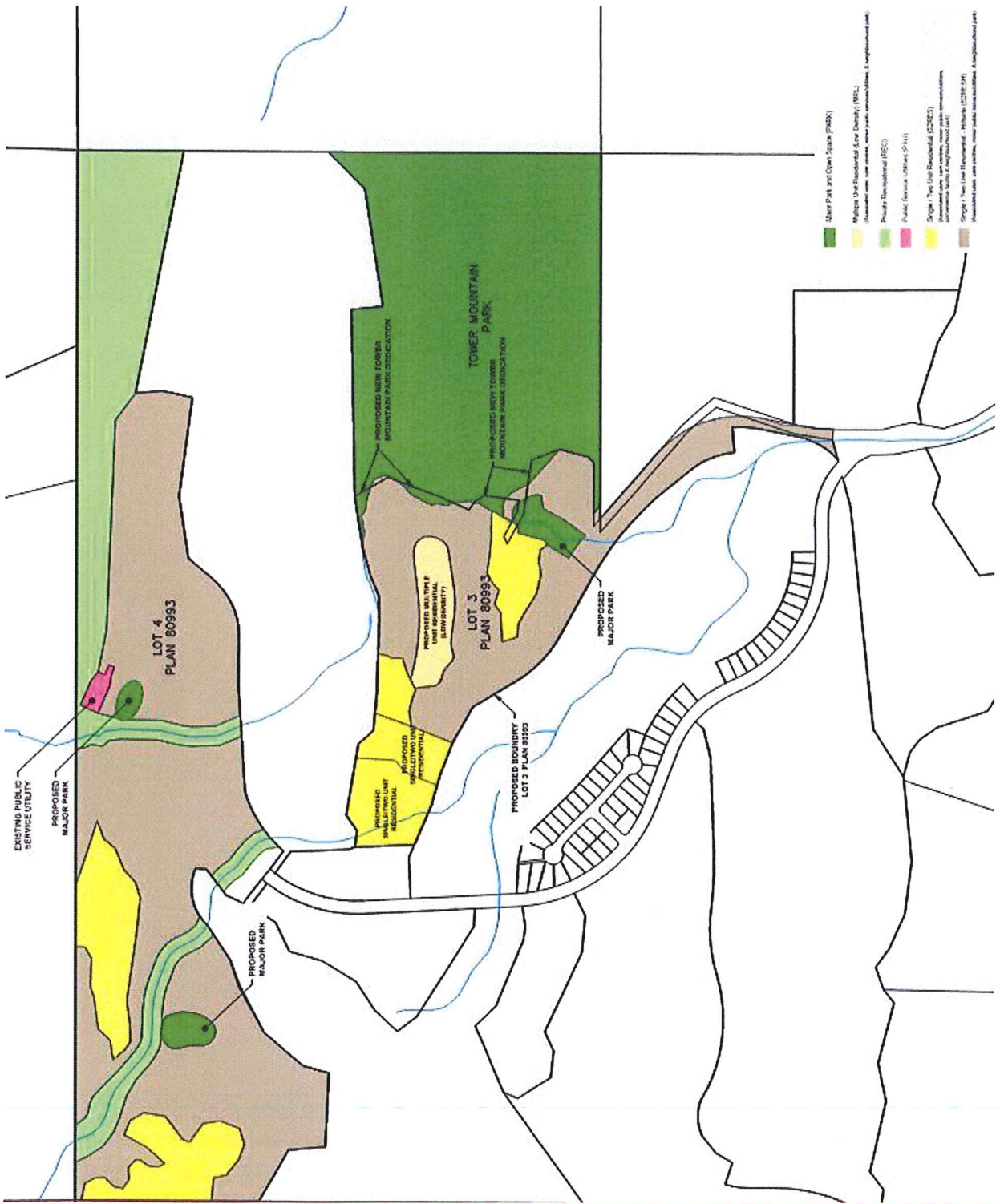
<http://www.kelowna.ca/CityPage/Docs/PDFs/%5CBylaws%5COfficial%20Community%20Plan%202030%20Bylaw%20No.%2010500/Map%204.1%20Generalized%20Future%20Land%20Use.pdf>

Should you have any questions regarding this application, please feel free to contact:

Parkbridge's agent:  
MMM Group Limited  
Davin A. Shillong, MCIP, RPP  
Project Manager  
[ShillongD@mmm.ca](mailto:ShillongD@mmm.ca)

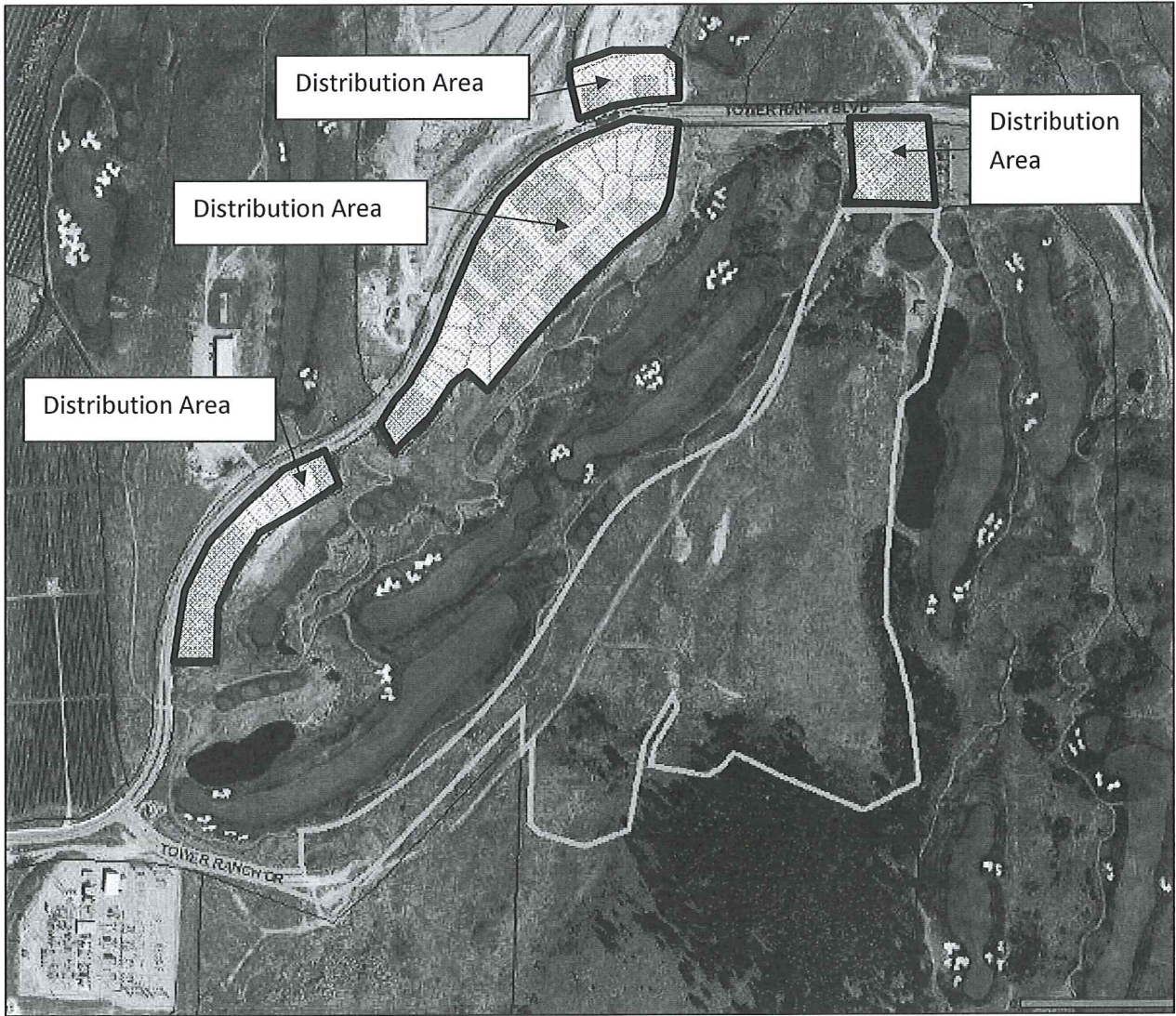
or

City of Kelowna:  
Melanie Steppuhn  
Land Use Planner  
[MSteppuhn@kelowna.ca](mailto:MSteppuhn@kelowna.ca)





Distribution Map - Public Notification



# CITY OF KELOWNA

## BYLAW NO. 11031

**Official Community Plan Amendment No. OCP14-0015  
Parkbridge Lifestyle Communities Inc., City of Kelowna and 0977415  
BC Ltd.  
1511 Tower Ranch Drive, 2160 Tower Ranch Boulevard and 1501  
Tower Ranch Drive**

---

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Lot 3, Section 31, Township 27, ODYD, Plan KAP80993, located on Tower Ranch Drive, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the S2RES - Single/Two Unit Residential designation; from the PARK - Park and Open Space (public) designation to the S2RES - Single / Two Unit Residential designation; from the S2RESH - Single/Two Unit Residential- Hillside designation to the MRL - Multiple Unit Residential (Low Density) designation; from the S2RESH - Single/Two Unit Residential- Hillside designation to the PARK - Major Park and Open Space (public) designation; from the PARK - Park and Open Space (public) designation to the S2RESH - Single / Two Unit Residential - Hillside designation; from the S2RES - Single/Two Unit Residential designation to the PARK - Park and Open Space (public) designation; from the PARK - Park and Open Space (public) designation to the S2RES - Single/Two Unit Residential designation; from the S2RES - Single/Two Unit Residential designation to the S2RESH - Single/Two Unit Residential - Hillside designation; and from the S2RESH - Single/Two Unit Residential - Hillside designation to the S2RESH - Single/Two Unit Residential designation, as per Map "A" #3 and Map "A" #4 attached to and forming part of this bylaw;
2. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Lot 4, Section 31, Township 27, ODYD, Plan KAP80993, located on Tower Ranch Boulevard, Kelowna, B.C., from the S2RESH - Single/Two Unit Residential - Hillside designation to the REC - Private Recreation (private) designation; from the REC - Private Recreation (private) designation to the S2RESH - Single/Two Unit Residential - Hillside designation; from the S2RESH - Single/Two Unit Residential - Hillside designation to the PARK - Major Park and Open Space (public) designation; from the S2RESH - Single/Two Unit Residential - Hillside designation to the PSU - Public Services / Utilities designation; from the REC - Private Recreation (private) designation to the PSU - Public Services / Utilities designation as per Map "A" #1 and Map "A" #2 attached to and forming part of this bylaw;



3. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of “*Kelowna 2030* - Official Community Plan Bylaw No. 10500” be amended by changing the Generalized Future Land Use designation of a portion of Lot 5, Section 31, Township 27, ODYD, Pkan KAP80993, located on Tower Ranch Drive, Kelowna, B.C., from the PARK - Major Park and Open Space (public) designation to the S2RESH - Single/Two Unit Residential - Hillside designation; and from the PARK - Major Park and Open Space (public) designation to the S2RES - Single/Two Unit Residential designation as per Map “A” #4 attached to and forming part of this bylaw;
4. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of “*Kelowna 2030* - Official Community Plan Bylaw No. 10500” be amended by changing the Generalized Future Land Use designation of a portion of part of Tower Ranch Drive, located south of 1511 Tower Ranch Drive, being approximately 520 m<sup>2</sup>, from the PSU - Public Service Utilities designation to the S2RESH - Single/Two Unit Residential - Hillside designation; and from the REP - Resource Protection Area designation to the S2RESH - Single/Two Unit Residential - Hillside designation, as per Map “A” #5 attached to and forming part of this bylaw;
5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

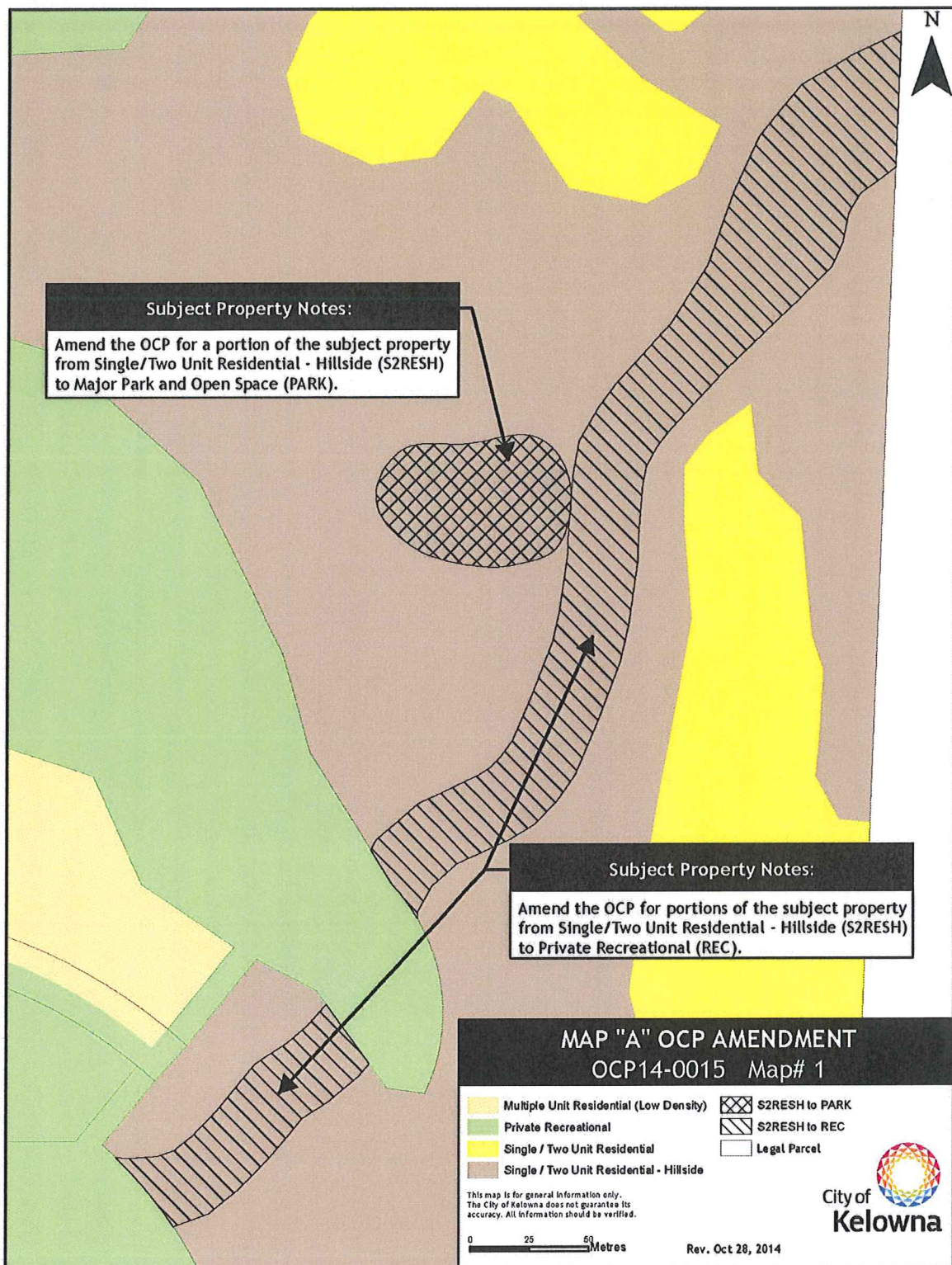
Adopted by the Municipal Council of the City of Kelowna this

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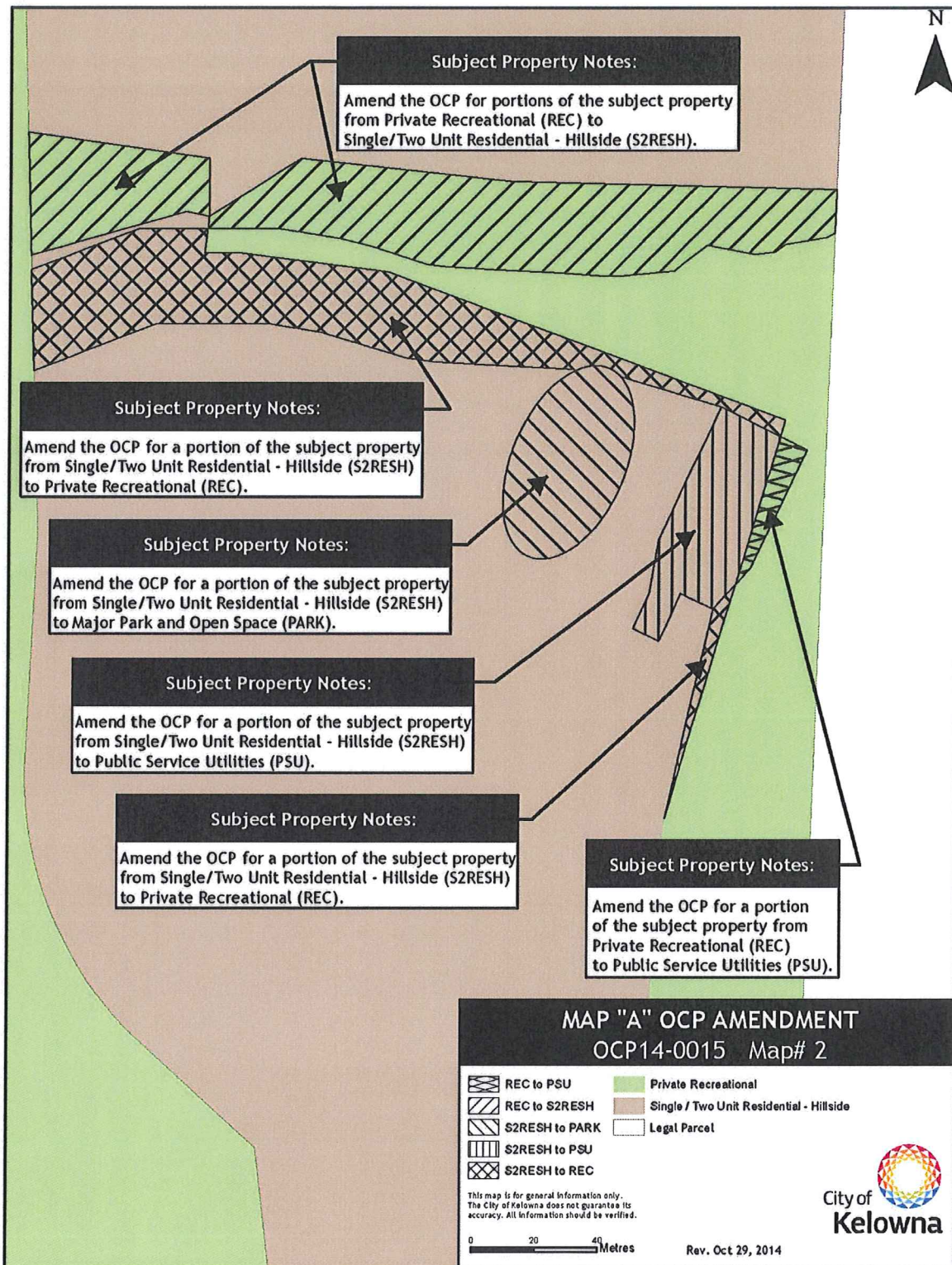
Mayor

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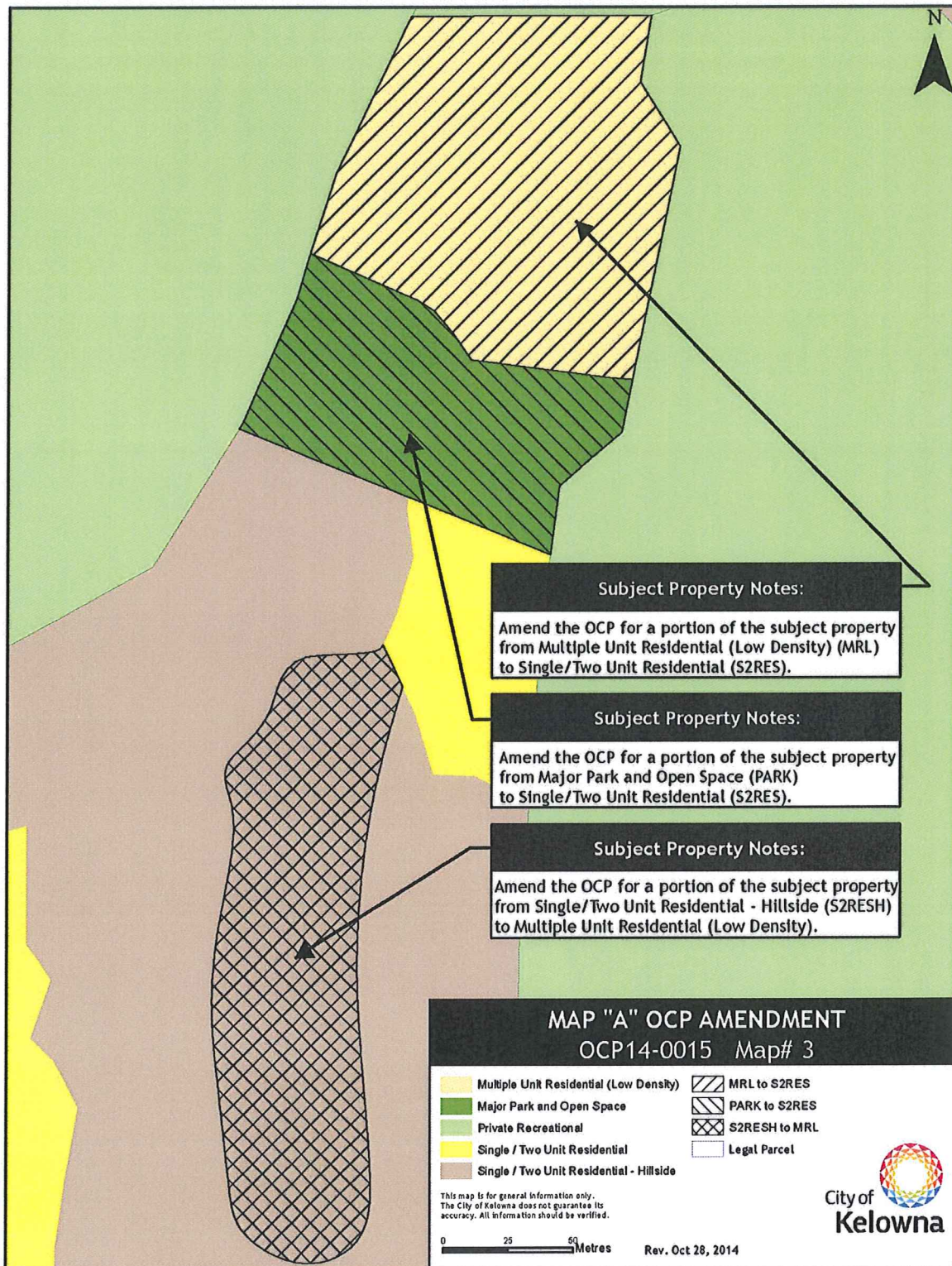
City Clerk



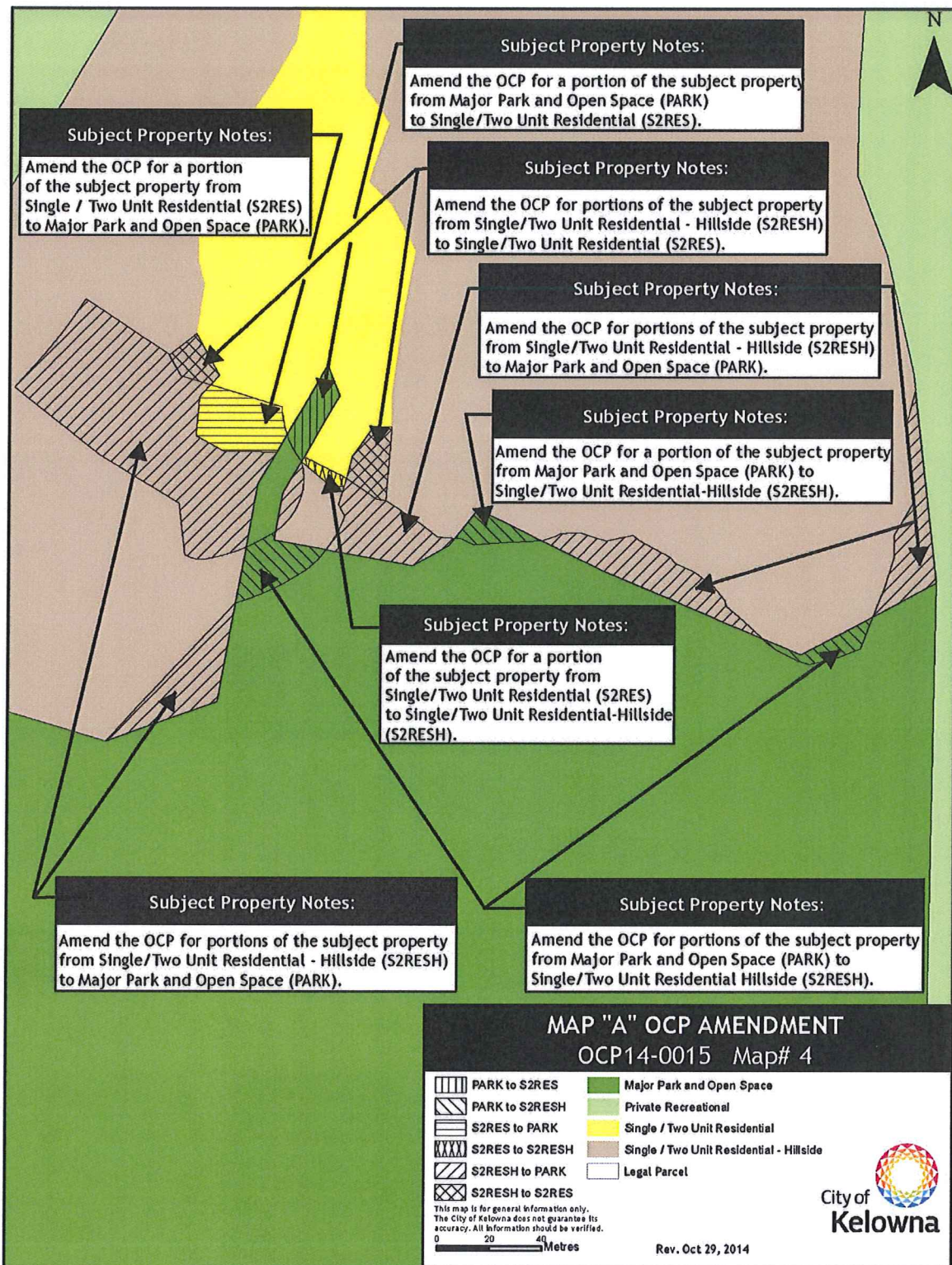




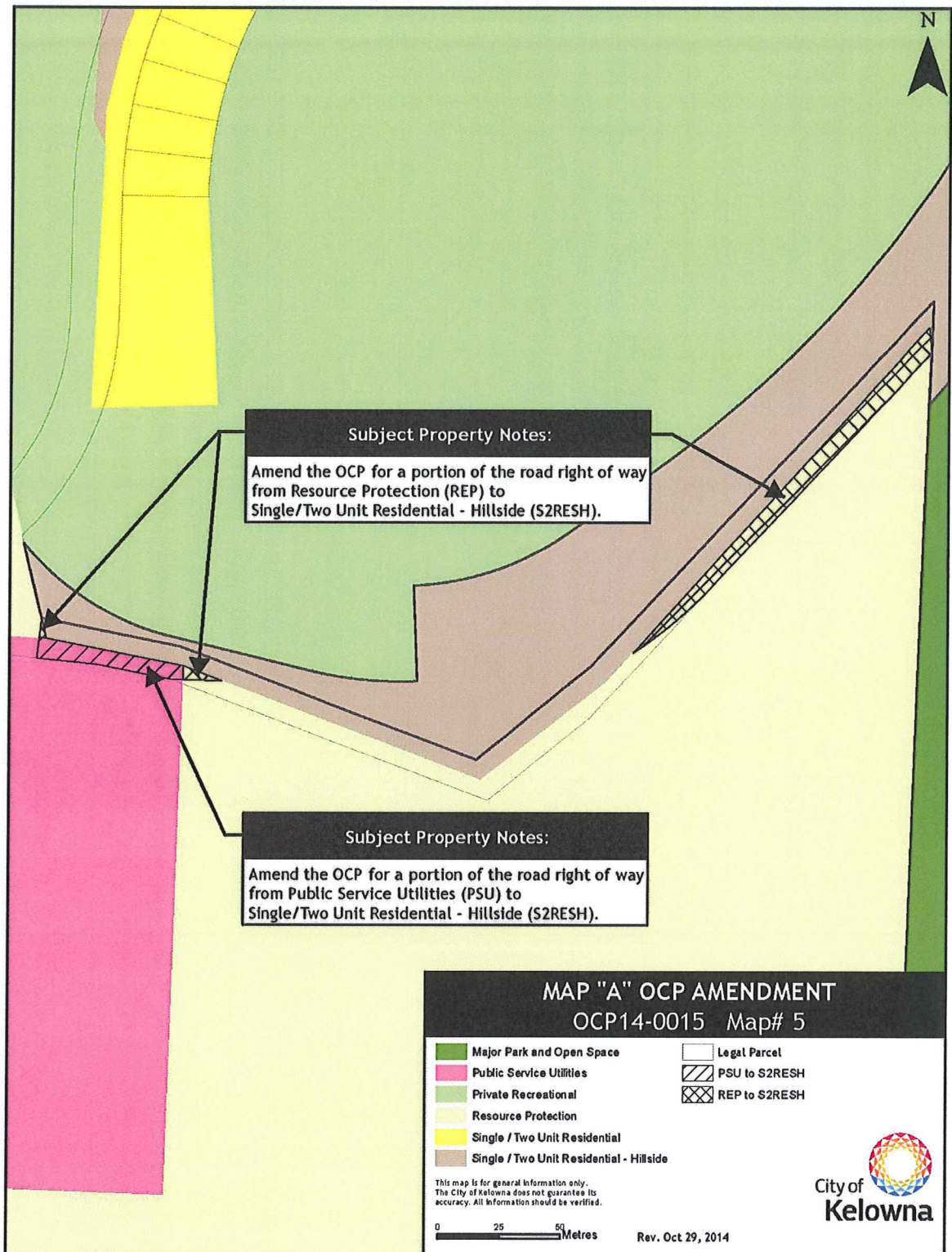














# REPORT TO COUNCIL



**Date:** 10/27/2014  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (AC)  
**Application:** OCP14-0011  
Z14-0026  
**Owner:** 561655 BC LTD., INC. NO.  
BC0561655  
**Address:** 1280 Glenmore Dr  
**Applicant:** Randy Therrien  
**Subject:** Rezoning Application  
**Existing OCP Designation:** MRL - Multiple Unit Residential, Low-Density  
**Proposed OCP Designation** S2RES - Single / Two Unit Residential  
**Existing Zone:** RU1 - Large Lot Housing  
**Proposed Zone:** RM2 - Low Density Row Housing

---

## 1.0 Recommendation

THAT Official Community Plan amendment application No. OCP14-0011 to amend the City of Kelowna Official Community Plan Bylaw No. 10500 by changing the OCP classification of a portion of Lot 1, Section 29, Township 26, ODYD, Plan 29608, located on 1280 Glenmore Drive, Kelowna, BC from the MRL - Multiple Residential Low Density designation to the S2RES - Single / Two Unit Residential designation as shown on Map "A" attached to the report from Urban Planning Department dated October 27<sup>th</sup> 2014, be considered by Council;

AND THAT Rezoning Application No. Z14-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 1, Section 29, Township 26, ODYD, Plan 29608, located on 1280 Glenmore Drive, Kelowna, BC from the RU1 - Large Lot Housing zone to the RM2 - Low Density Row Housing zone as shown on Map "B" attached to the report from Urban Planning Department dated October 27<sup>th</sup> 2014, be considered by Council;

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

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

1. Requirements of Development Engineering Branch being completed to their satisfaction;
2. Subdivision delineating the five RM2 lots;
3. Dedicate a lane right-of-way and install a lane access to Mountainview Street;

4. A Party Wall Agreement is registered on title;
5. AND FURTHER THAT a Section 219 Building Use covenant be registered on each of the nine parcels restricting each parcel to one dwelling unit in order to prevent any additional dwelling units to be developed within each townhome.

## 2.0 Purpose

To rezone the portion of the subject property facing Glenmore Drive to RM2 - Low Density Row Housing in order to develop a freehold five unit townhouse and keep the remainder of the subject property facing Mountainview Street as RU1 - Large Lot Housing.

## 3.0 Urban Planning

Staff support the proposed rezoning to allow a freehold five unit townhouse development on the subject property in conjunction with two single family dwellings. Although inconsistent with the Official Community Plan, this proposal was the compromised result of two public hearings as directed by Council.

## 4.0 Proposal

### 4.1 Background

At the Council meeting on October 22<sup>nd</sup> 2014 Council directed Staff and the applicant in regards to what form of development would be acceptable in this area which was a five unit townhouse facing Glenmore Drive and two single family dwellings with a lane connecting through to Mountainview street. The OCP amendment is necessary as single family development does not fit the MRL designation therefore requiring a less dense land use designation on the portion of the lot facing Mountainview Street.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours as described in the attached *Schedule 'A'*.

### 4.2 Project Description

The subject property currently contains one single detached dwelling that will be demolished and is proposed to be replaced with a five unit townhouse development on the eastern portion of the subject property. The western portion of the subject property is proposed to be developed according to the RU1 zone which will only permit two single family dwellings once the lane is provided.

### 4.3 Site Context

The site area is approximately 1,942 m<sup>2</sup> and is located within a well established residential neighbourhood. The Kelowna Golf and Country Club is located to the east directly across Glenmore Drive. The subject property is designated MRL (Multiple Residential - Low Density) and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

| Orientation | Zoning  | Land Use    |
|-------------|---|-------------|
| North       | RU1 - Large Lot Housing<br>RU2 - Medium Lot Housing | Residential |
| East        | P3LP - Parks and Open Space (Liquor Primary)        | Golf Course |
| South       | RU1 - Large Lot Housing                             | Residential |
| West        | RU1 - Large Lot Housing                             | Residential |

## Subject Property Map: 1280 Glenmore Drive



## 4.4 Zoning Analysis Table

| Zoning Analysis Table                           |  |  |
|---|--|--|
| CRITERIA  | RM2 ZONE REQUIREMENTS                                    | PROPOSAL                                       |
| Development Regulations                         |  |  |
|   | Principal Bldg   | Principal Bldg                                 |
| Height  | 9.5 m (2.5 storeys) To the midpoint of the roof          | 9.5 m (2.5 stories) to the Peak                |
| Front Yard                                      | 4.5 m  | > 4.5 m  |
| Side Yard                                       | 4.0 m  | 4.0 m  |
| Flanking Side Yard                              | 0.0 m with party wall agreement                          | 0.0 m with party wall agreement                |
| Rear Yard                                       | n/a  | n/a  |
|   | 6.0 m for 1 or 1 ½ storeys<br>7.5 m for 2 or 2 ½ storeys | 7.5 m  |
| Site coverage of buildings                      | 50 %   | 35.9 %   |
| Site coverage of buildings, driveways & parking | 55 %   | 46.8 %   |
| Other Regulations                               |  |  |
| Minimum Parking Requirements                    | 2 / dwelling unit = 10 parking stalls                    | 10   |
| Private Open Space                              | 25 m <sup>2</sup> / dwelling unit                        | Greater than 25 m <sup>2</sup> / dwelling unit |



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

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

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

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.
- The original set of drawings clearly showed this as a 4 plex, the current basement floor plan is easily converted to the original 4 plex arrangement with little effort.

### 6.2 Development Engineering Department

- See attached

### 6.3 Fire Department

- No concerns with the concept but a lane cannot be considered as access for the fire department. There appears to be no access from the front on Glenmore.

## 7.0 Application Chronology

|                                |                            |
|--------------------------------|----------------------------|
| Date of Application Received:  | June 5 <sup>th</sup> 2014  |
| Date of Public consultation:   | July 7 <sup>th</sup> 2014  |
| Date of First Public Hearing:  | Sept 26 <sup>th</sup> 2014 |
| Date of Second Public Hearing: | Oct 22 <sup>nd</sup> 2014  |

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

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

**Report prepared by:**

---

Adam Cseke, Planner

**Reviewed by:**

☐

Ryan Smith, Urban Planning Manager

**Approved for Inclusion:**

☐

Doug Gilchrist, Community Planning & Real Estate Div. Dir.

**Attachments:**

Map "A"

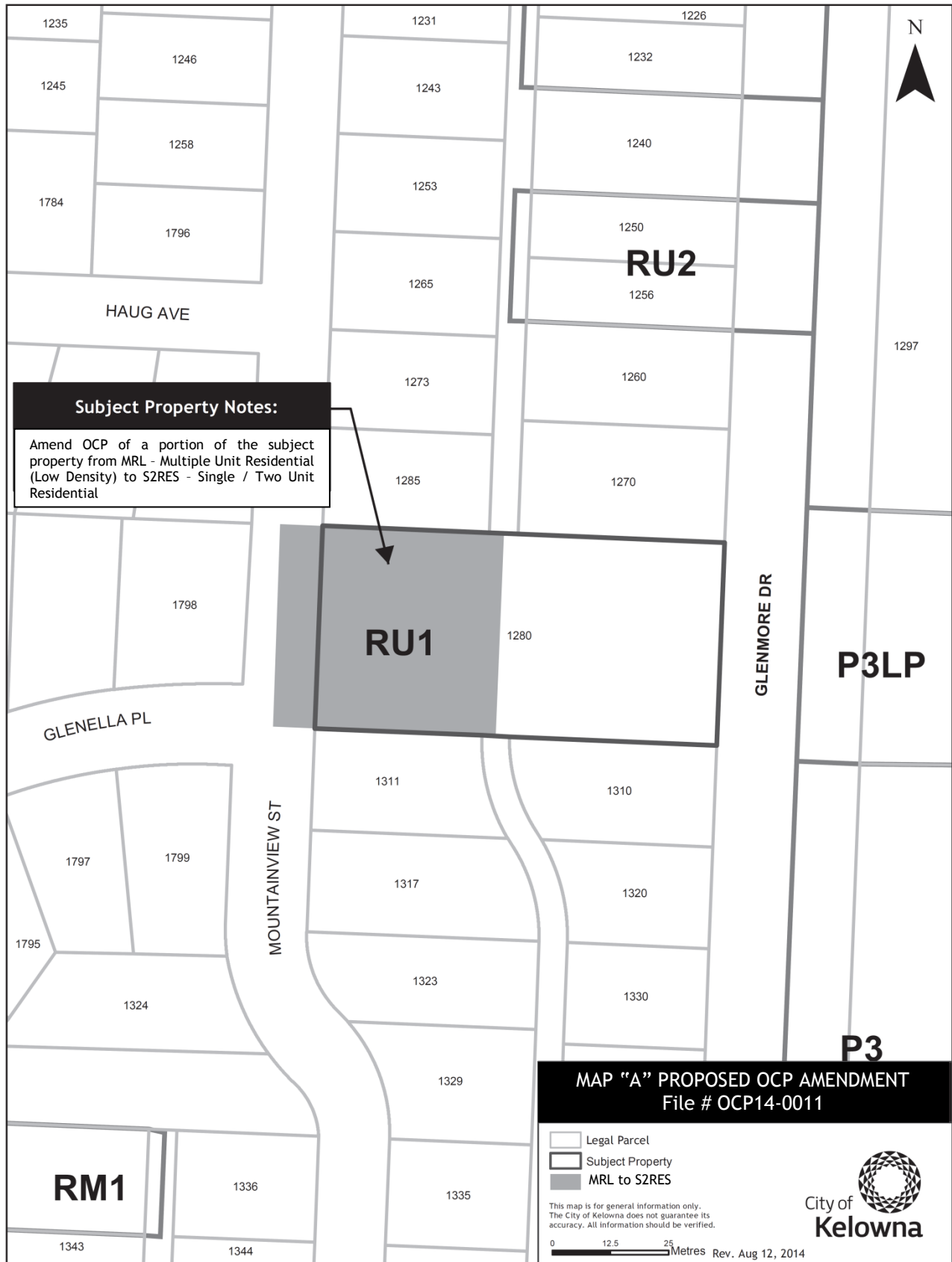
Map "B"

Site Plan / Landscape Plan

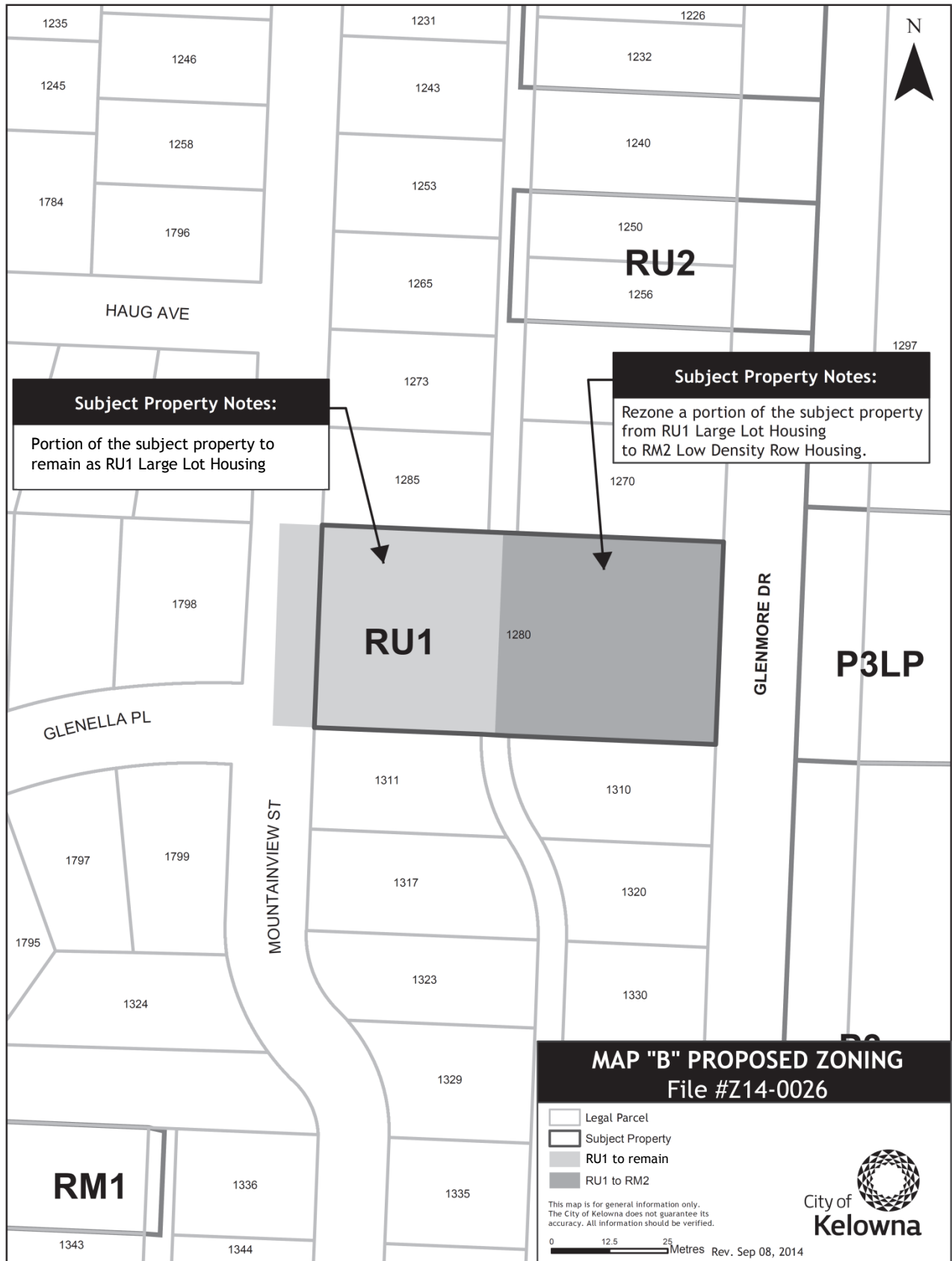
Colour Board

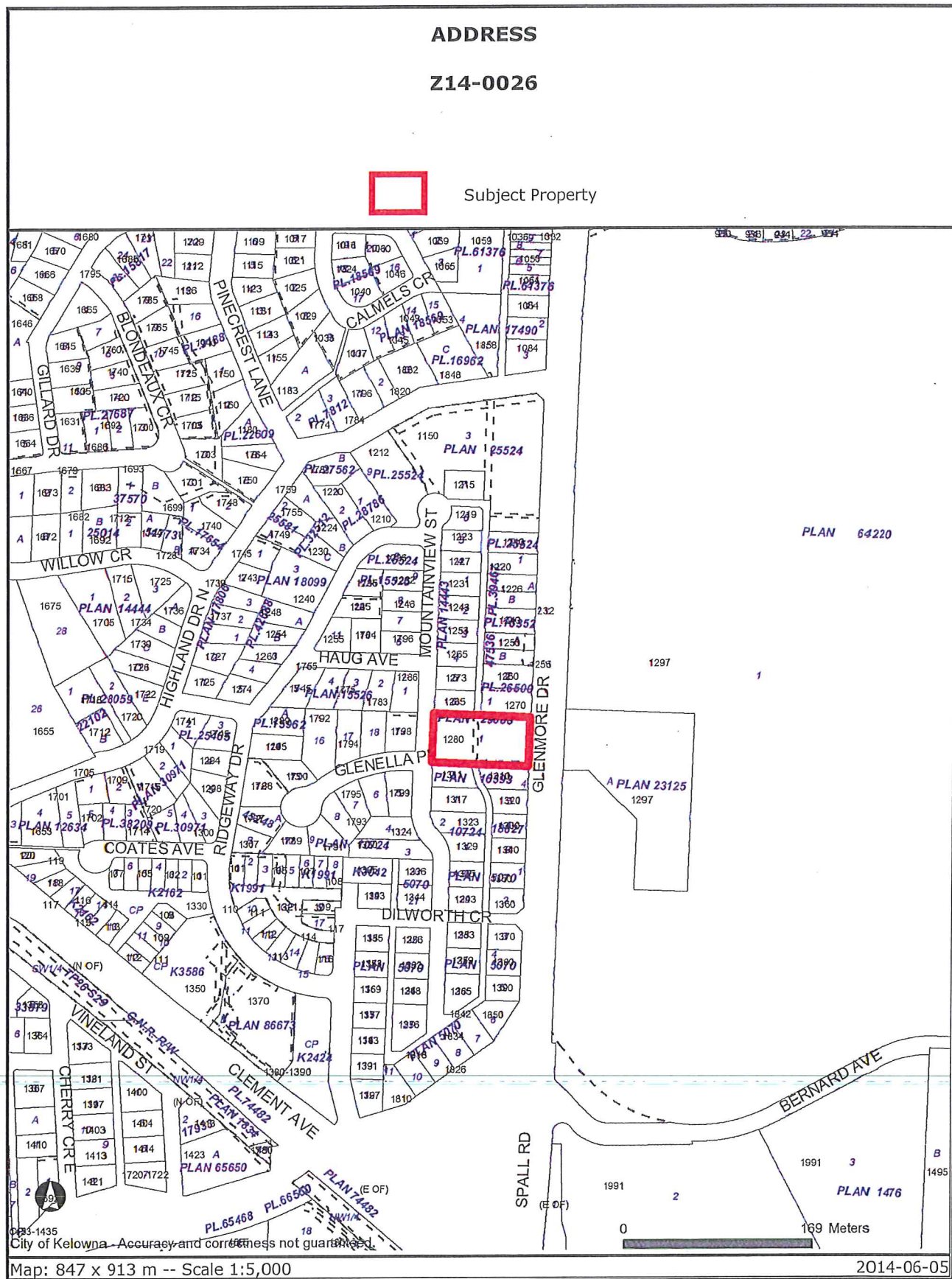
Conceptual Elevations

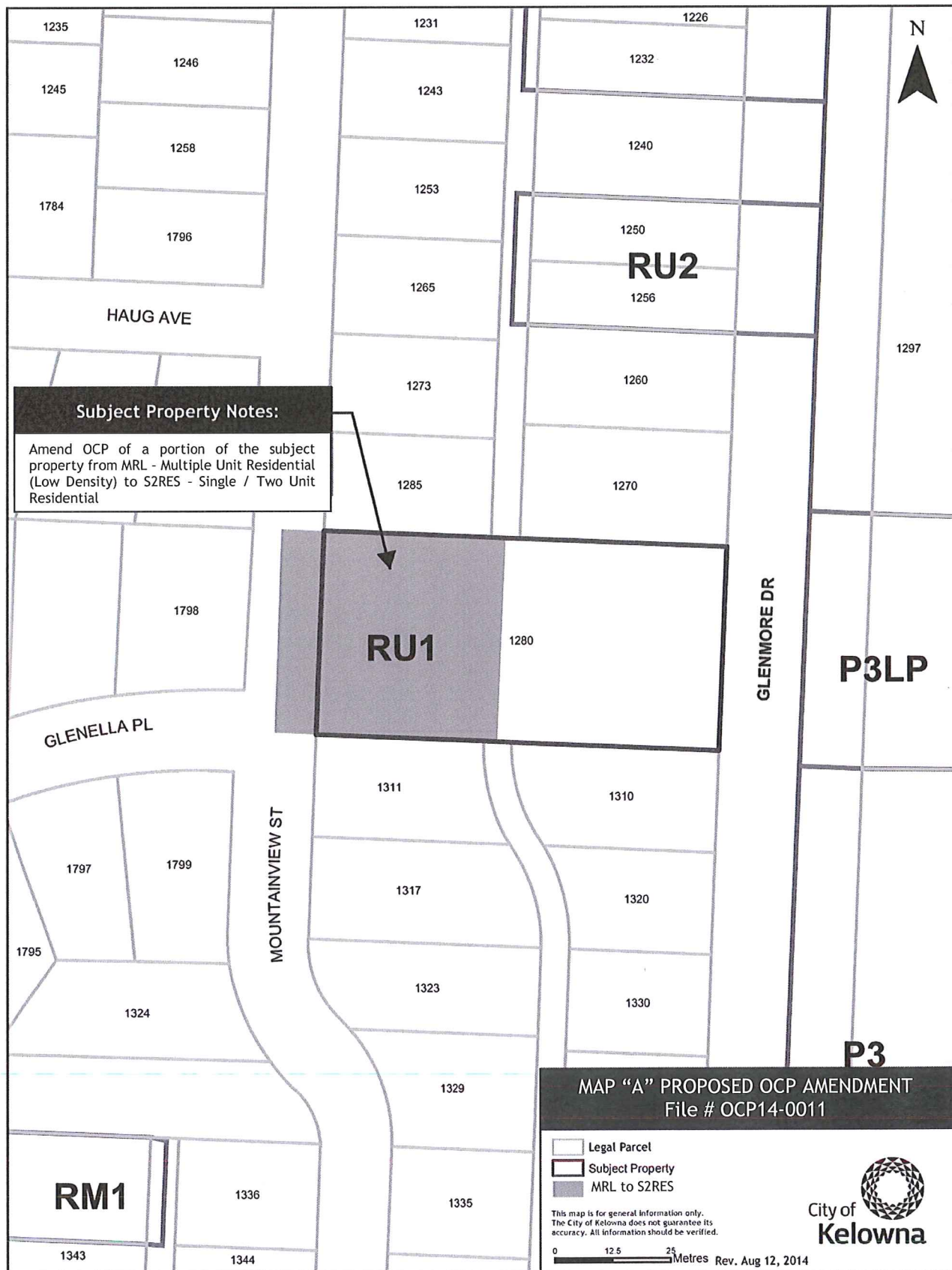
Development Engineering Comments



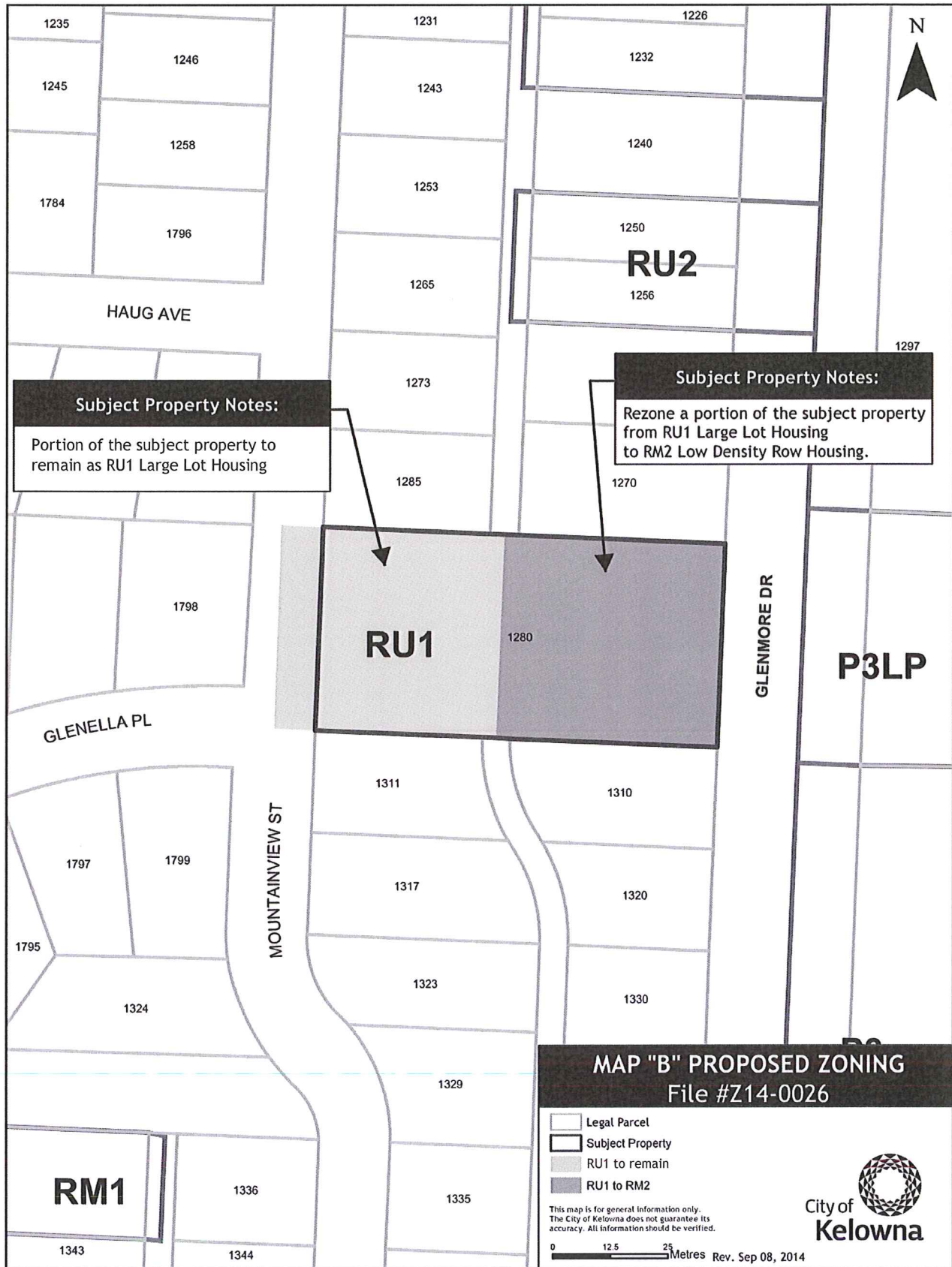












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## CITY OF KELOWNA

# MEMORANDUM

---

**Date:** July 2, 2014  
**File No.:** Z14-0026

**To:** Urban Planning (AC)

**From:** Development Engineering Manager (SM)

**Subject:** 1280 Glenmore Drive

RU1 to RM2

---

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

The Development Engineering Technologist for this project is Sergio Sartori

General

- a) Requirements of the subdivision application no. S14-0023 must be satisfied before bylaw adoption.
- b) Provide easements as may be required.

1. Domestic Water and Fire Protection

- (a) The existing lot is serviced with two (2) 19mm diameter water service. The developer's consulting 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.
- (b) If it is determined that upgrades to the remaining water/hydrant distribution system must be made to achieve the required fire flows, additional bonding will be required.

2. Sanitary Sewer

- (a) The existing lot is serviced with two (2) 100mm diameter sanitary services. The developer's consulting engineer will confirm the requirements of this proposed development. Only one service will be permitted for this development.

3. Storm Drainage

- (a) The property is located within the City of Kelowna drainage service area. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.

- (b) The development is required to contain and dispose of site generated storm drainage on the site by installing a ground recharge system designed by the consulting civil engineer. The existing lot does not presently have a storm drainage service.

4. Road Improvements

- (a) Glenmore Drive is upgraded to a full urban standard including curb & gutter, sidewalk; therefore no further upgrades are required with the exception of the driveway access removal. Access will be from the lane.
- b) Lane must be constructed and paved to the City standard SS-R2.

5. Subdivision

By registered plan to provide the following:

- (a) Dedicate a 6m lane thru the site as part of subdivision application S14-0023.
- (b) Grant statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

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

7. Street Lighting

Street lighting including underground ducts have been installed on all roads fronting on the proposed development but must be reviewed to determine if current standards have been met.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the city engineering department for review and marked "issued for construction" by the city engineer before construction may begin.

9. Design and Construction

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).



- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreements for Works and Services

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

11. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

---

Steve Muenz, P. Eng.  
Development Engineering Manager  
SS



- Notes



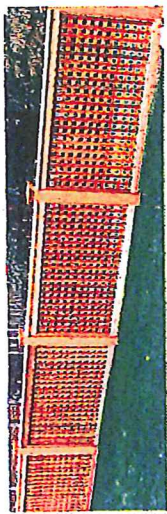
SHRUBS. GRASSES. PERENNIALS. MIN. # 2 POT



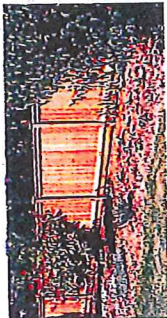
RED GRASS  
LAVENDER  
BLUE FESCUE  
BLUE OAT GRASS  
DAYLILY  
RUDBECKIA  
ROSE  
OREGON GRAPE  
BARBERRY  
ROSE OF SHARON  
DWARF BURNING BUSH

1280 GLENMORE ROAD

# Conceptual Landscapes



1.2M HT FENCE  
BETWEEN FRONT YARDS



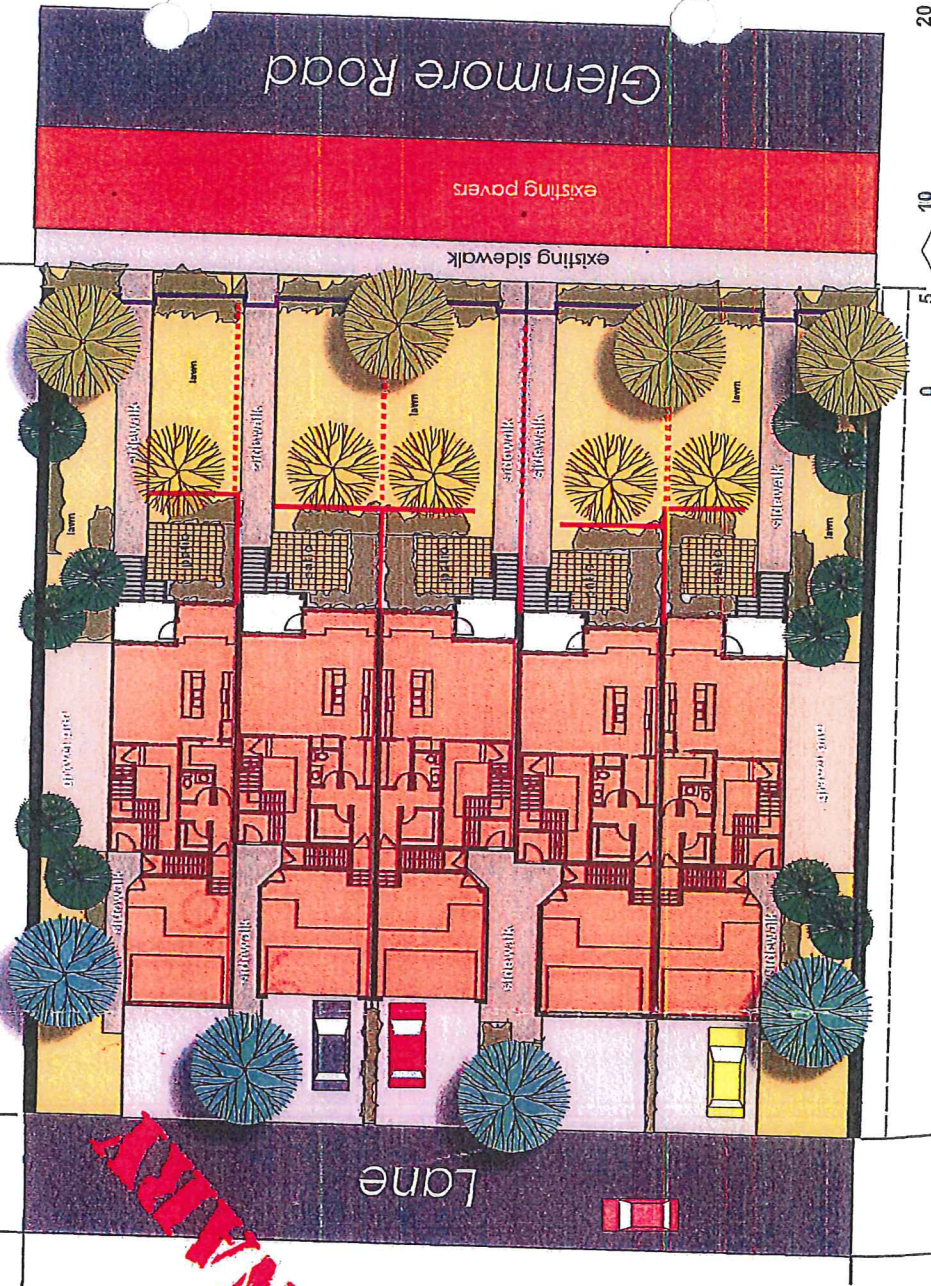
1.0M HT GIDEYARD SCREEN FENCE  
ALONG NORTH AND SOUTH PROPERTY LINES.



1.1M HT SCREEN FENCE  
ADJACENT FRONT PATIOS



1.6M HT FRONT FENCE



# Glenmore Road

existing sidewalk

lane



ENGINEERING PLANNING URBAN DESIGN





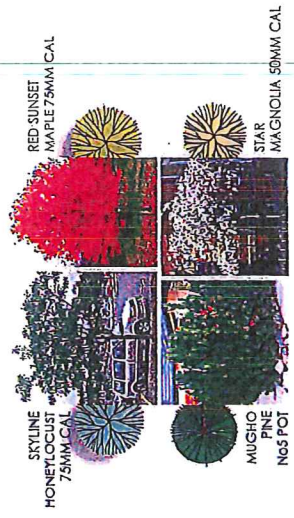
# 1280 GLENMORE ROAD - PROPOSED DEVELOPMENT AND NEIGHBOURHOOD CONTEXT Conceptual Landscape Plan CIO

ENGINEERING PLANNING URBAN DESIGN

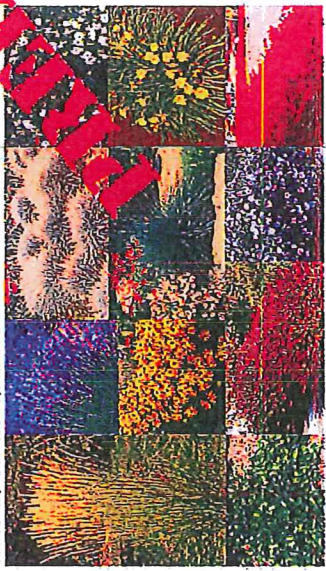


1. All plants, material and planting practices to conform to the BCMA '9C Landscape Standard' - 7th Edition
2. Contractor to provide a warranty and maintenance period of 1 year on all plants and materials. Plants and materials that fail before end of the warranty period shall be replaced by the contractor.
3. Contractor to verify the location of all existing utilities on the site.
4. All planting areas to receive 450mm of topsoil.
5. All planting beds to be crowned with 1 in 10 slope to avoid flat appearance.
6. Prior to delivery to site, a representative sample and test results of topsoil should be made available to the consultant for approval.
7. No plant species substitution will be accepted without the written consent of the consultant.
8. All planting beds to receive 75 mm depth of Ogo - Grow mulch.

Notes



SHRUBS, GRASSES, PERENNIALS MIN # 2 POT



REED GRASS  
LAVENDER  
BLUE FESCUE  
DAYLILY  
RUBBECKIA  
ROSE  
OREGON GRAPE  
BARBERRY  
ROSE OF SHARON  
DWARF BURNING BUSH



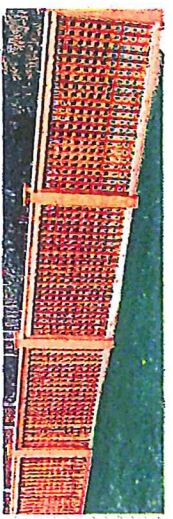
1.8M HT FRONT FENCE  
ALONG GLENMORE



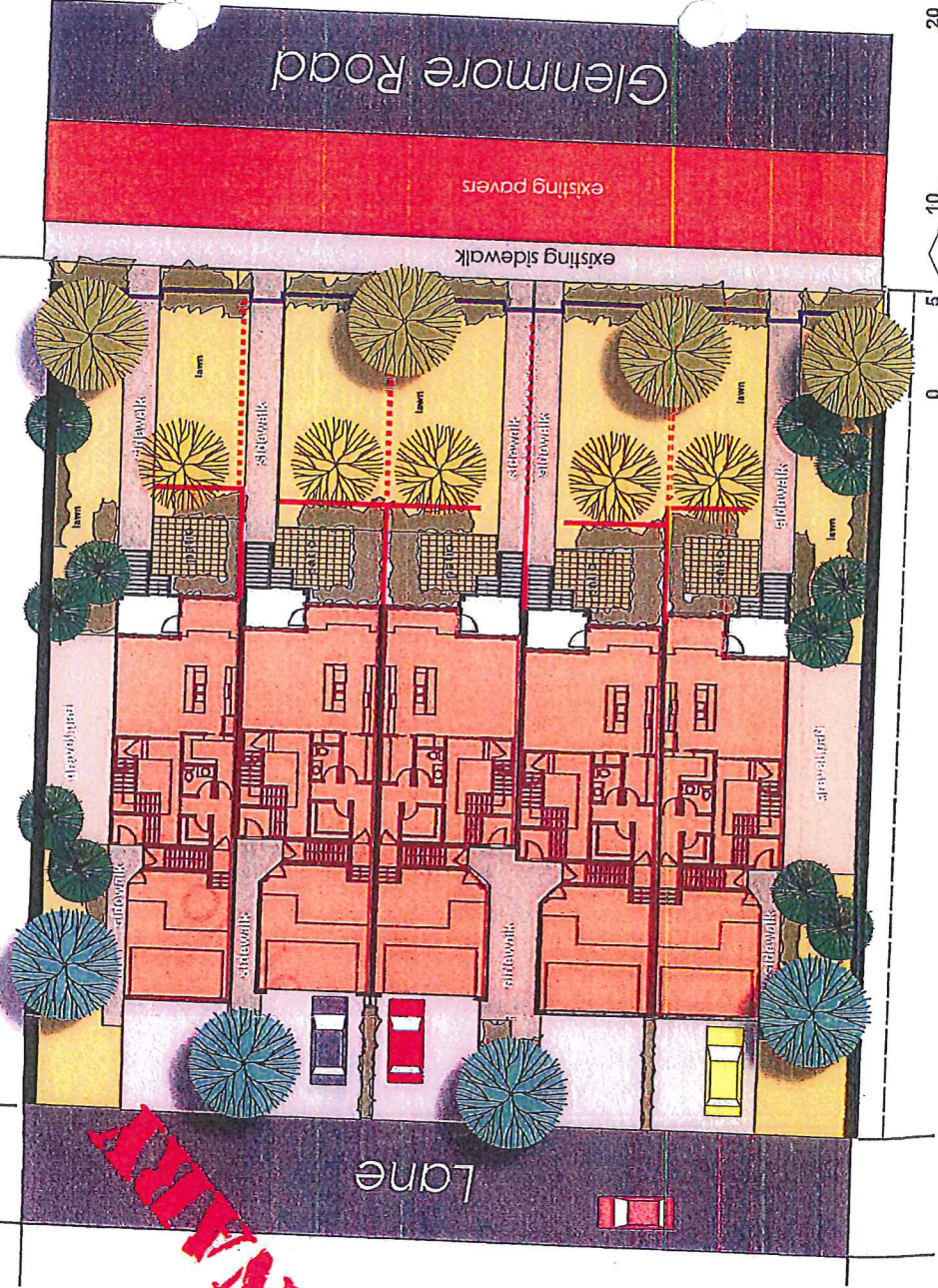
1.0M HT SCREEN FENCE  
ADJACENT FRONT PATIOS



1.8M HT SIDEYARD SCREEN FENCE  
ALONG NORTH AND SOUTH PROPERTY LINES



1.2M HT FENCE  
BETWEEN FRONT YARDS



ENTERTAINING PLANNING URBAN DESIGN

1280 GLENMORE ROAD

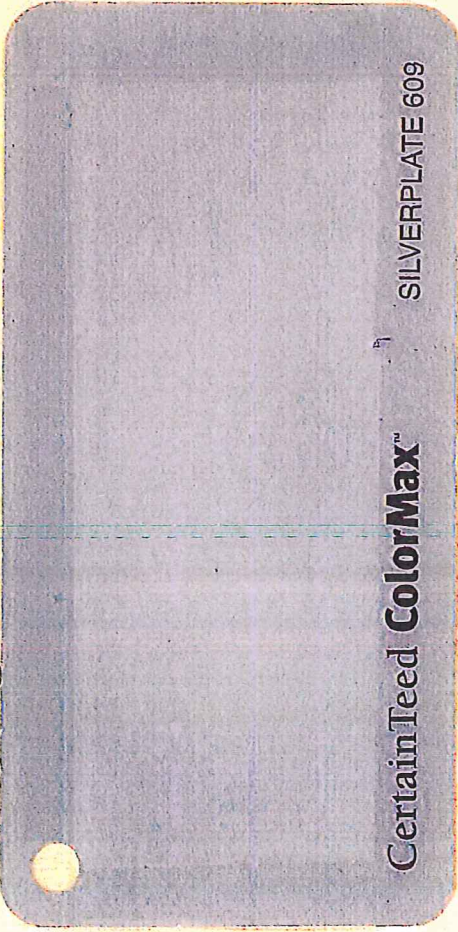
# Conceptual Landscape Plan



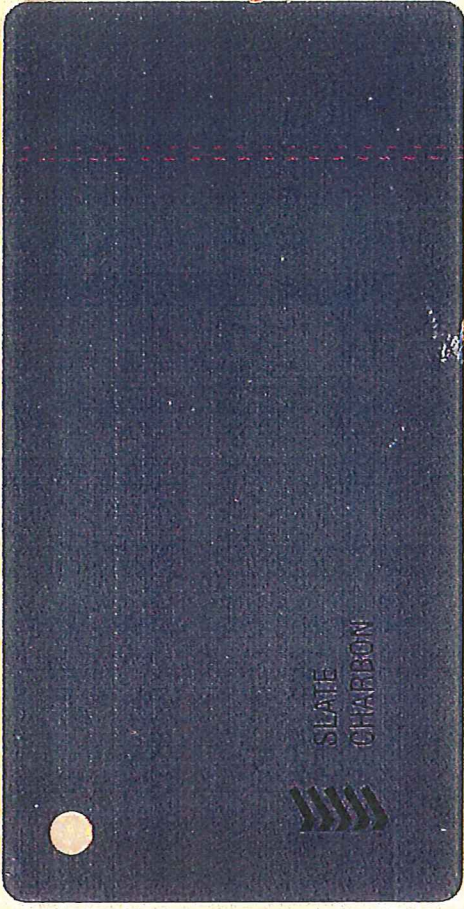
1280 GLENMORE DRIVE

- MULTI FAMILY PROJECT

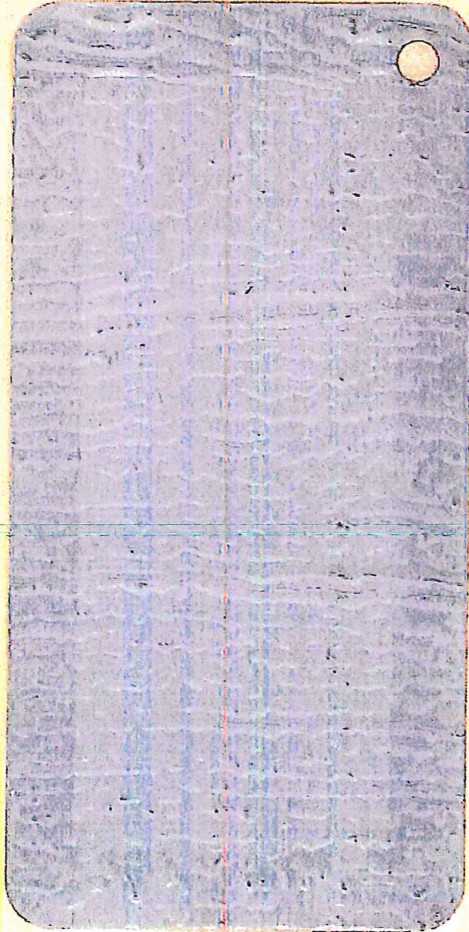
Main Siding Colour



Smart Trim  
Corner/Window Trim - Cable Ends Soffits/Ceatings  
Downspouts.



Garage Door Colour & material

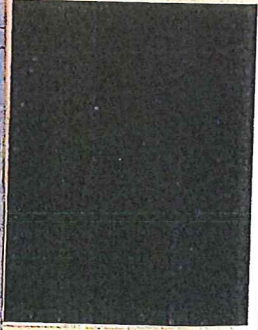


Placement  
AS per Plans



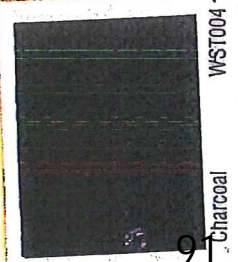
ELDORADO STONE

Stacked Stone



Onyx Black

Wood Brackets  
& Details - Cedar  
Weather one Semi  
transparent stain.

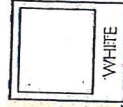


Charcoal

Roofing  
Shingles.



VINYL

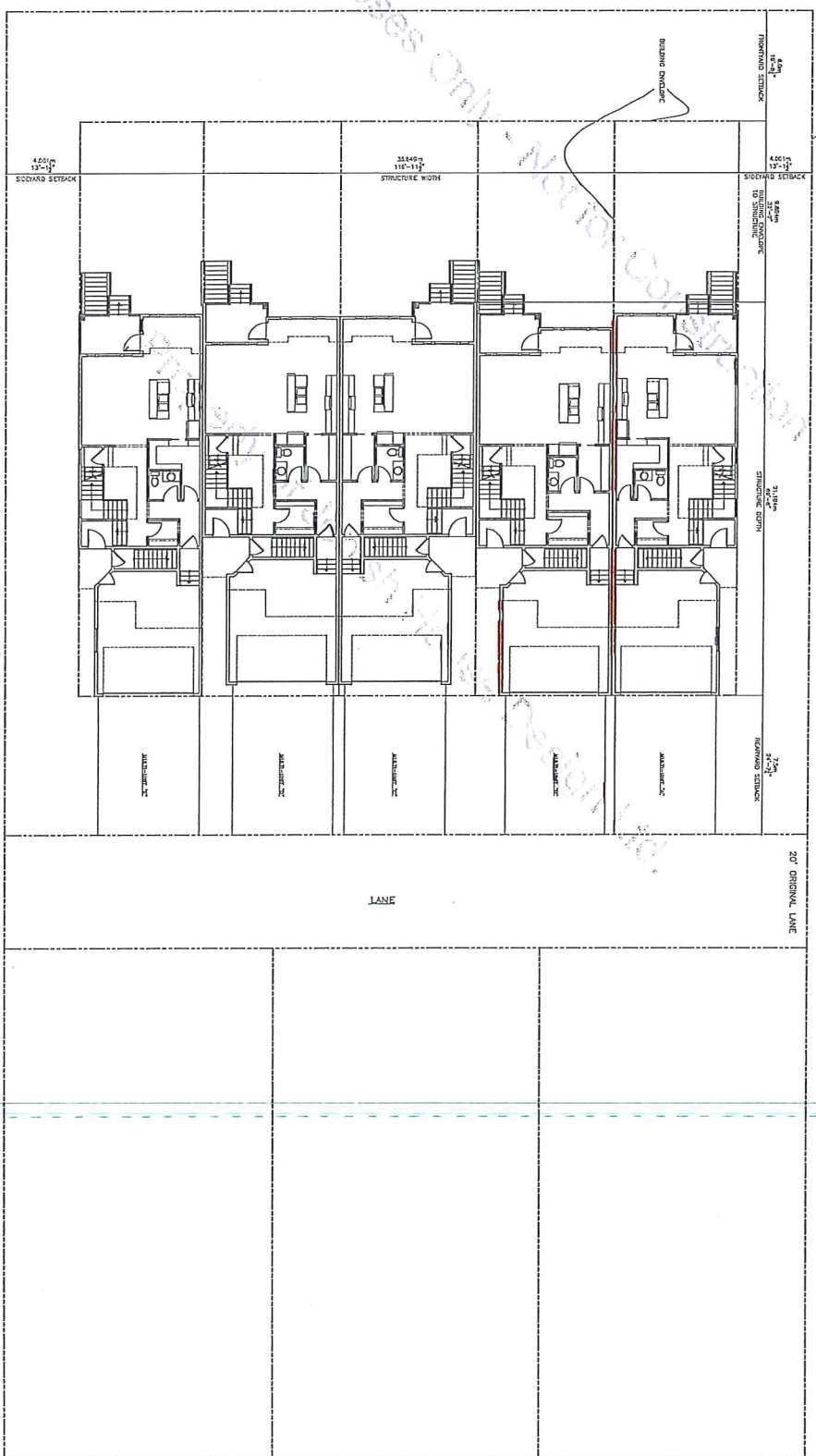


WHITE

Black River Stacked Stone



For Approval Purposes Only - Not for Construction



# REVISED PLANS

JUL 15 2014

CITY OF KELOWNA  
Land Use Management

| REVISION | DATE     | BY | CHKD |
|----------|----------|----|------|
| 1        | JUL 2014 |    |      |
| 2        |          |    |      |
| 3        |          |    |      |
| 4        |          |    |      |
| 5        |          |    |      |
| 6        |          |    |      |
| 7        |          |    |      |
| 8        |          |    |      |
| 9        |          |    |      |
| 10       |          |    |      |



**JENISH HOUSE DESIGN LIMITED**

1460-6700  
333-151 GLENVIEW, B.C.  
V2Y 1A4, CAN. TEL 781  
(779) 733-8332  
TEL. FIVE 1-800-458-4113



JUL 15 2014

**CITY OF KELOWNA**  
**Land Use Management**

AREA = 849.5 SQ. FT.  
8'-0 3/4" CEILING HEIGHT

AREA = 880.1 SQ. FT.  
8'-0 3/4" CEILING HEIGHT

MULTI-UNIT DEV.  
LOWER FLOOR PLAN

**Floor Plan A (Left):**

- Great Room: 11'-0" x 11'-0"
- Kitchen: 10'-0" x 8'-0"
- Dining: 8'-0" x 11'-0"
- Covered Deck: 20' x 20'
- Bathroom: 5' x 7'
- Entry: 4' x 6'
- Double Garage: 21'-0" x 10'-0"

**Floor Plan B (Right):**

- Great Room: 13'-0" x 11'-0"
- Kitchen: 10'-0" x 8'-0"
- Dining: 11'-0" x 10'-0"
- Covered Deck: 20' x 20'
- Bathroom: 5' x 7'
- Entry: 4' x 6'
- Double Garage: 21'-0" x 10'-0"

JUL 15 2014

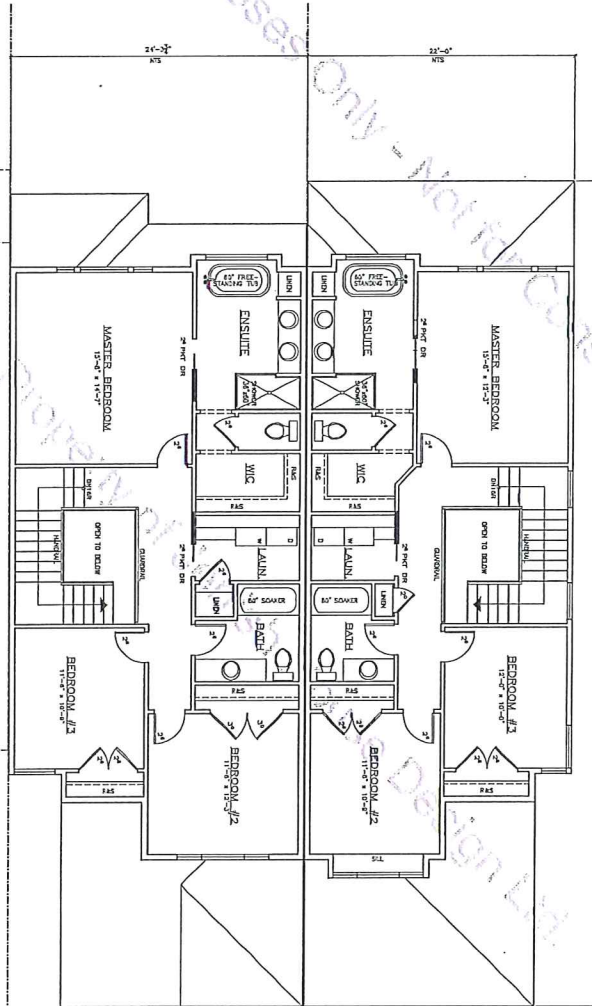
MULTI-UNIT DEV.  
MAIN FLOOR PLAN

AREA = 940.5 SQ. FT.  
GARAGE AREA = 442 SQ. FT.  
9'-0 3/4" CEILING HEIGHT

AREA = 953.1 SQ. FT.  
GARAGE AREA = 442 SQ. FT.  
9'-0 3/4" CEILING HEIGHT

HEAD OFFICE:  
223-151 CONVERGAL DRIVE  
KELLOGG, B.C., V1K 7W2  
(778) 753-8222  
TOLL FREE 1-855-458-8222

For Approval Purposes Only - Not for Construction



UNIT "A" - END UNIT  
SECOND FLOOR PLAN  
AREA = 998.7 SQ. FT.  
8'-0 3/4" CEILING HEIGHT

UNIT "B" - INTERIOR UNIT  
SECOND FLOOR PLAN  
AREA = 1080.1 SQ. FT.  
8'-0 3/4" CEILING HEIGHT

# REVISED PLANS

JUL 15 2014

CITY OF KELOWNA  
Land Use Management

MULTI-UNIT DEV.  
SECOND FLOOR PLAN

| REVISION | DATE     | BY  | APP |
|----------|----------|-----|-----|
| 1        | 07/15/14 | JHD | JHD |
| 2        | 07/15/14 | JHD | JHD |
| 3        | 07/15/14 | JHD | JHD |

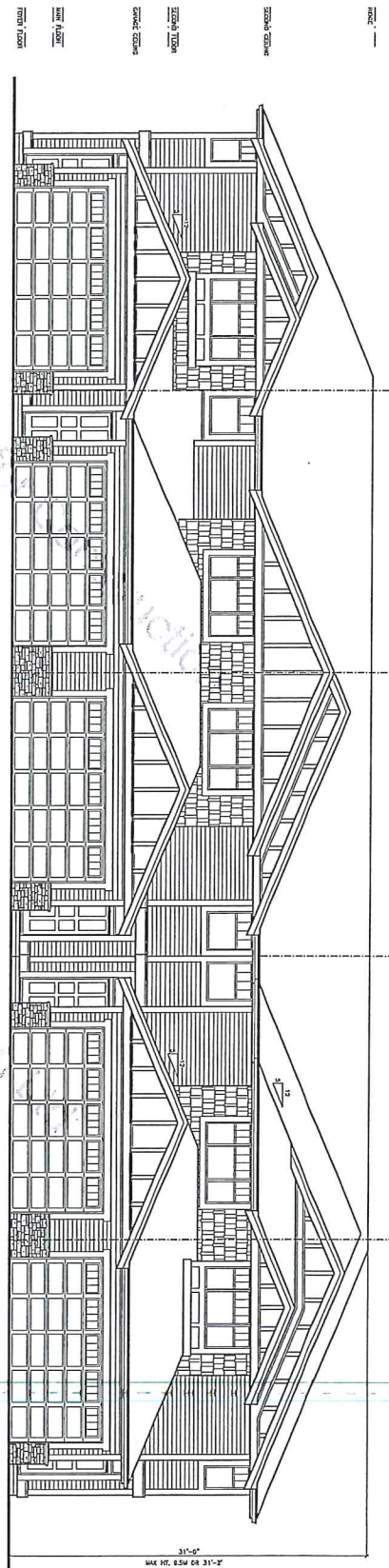
NOT TO SCALE  
FOR APPROVAL PURPOSES ONLY  
NOT FOR CONSTRUCTION



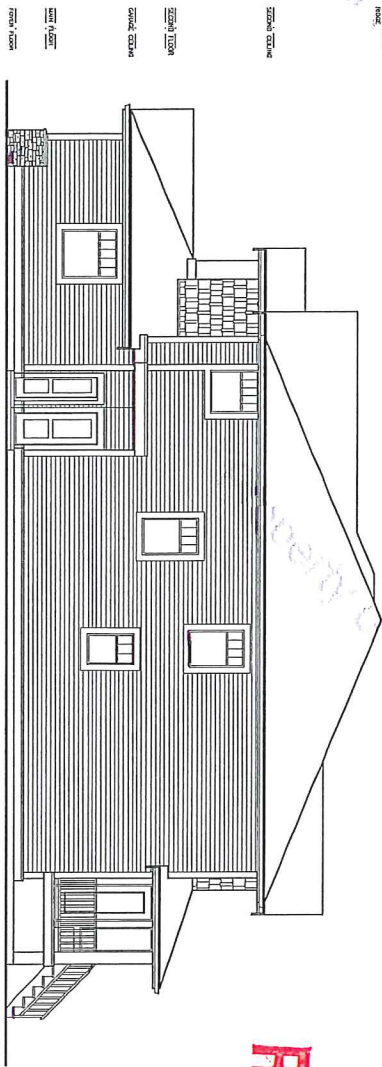
**JENISH HOUSE DESIGN LIMITED**

HEAD OFFICE:  
233-111 BUCHANAN BLVD  
KELOWNA, B.C. V1P 1V2  
(778) 733-1232  
TOLL FREE 1-888-452-8321





FRONT ELEVATION

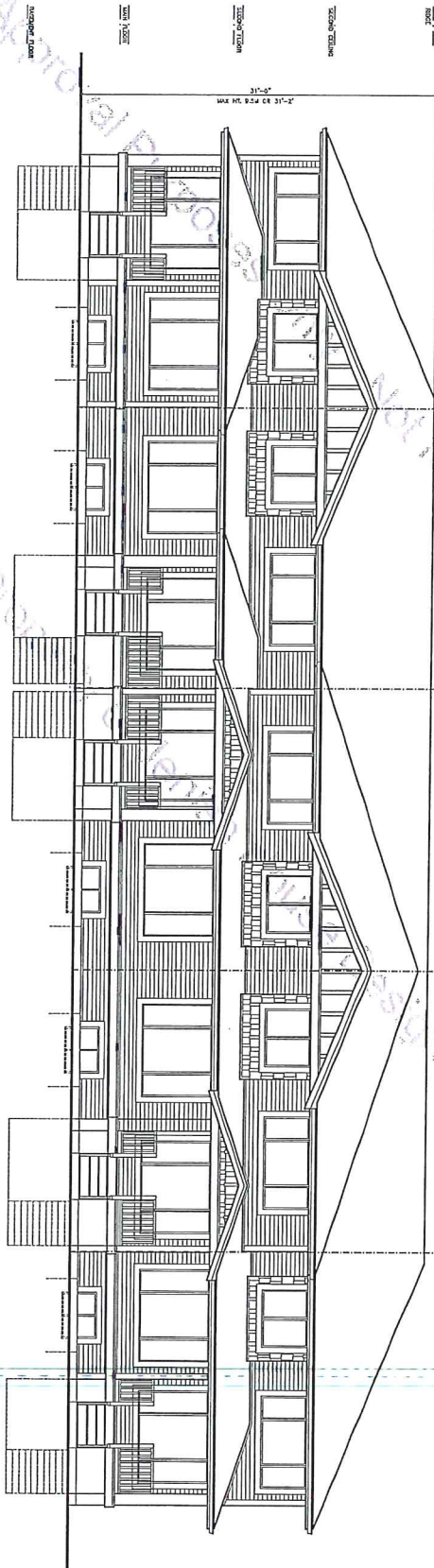


SIDE ELEVATION

**REVISED**  
**JUL 15 2014**  
**CITY OF KELOWNA**  
**Land Use Management**

MULTI FAMILY

REAR ELEVATION



REVISED PLANS

JUL 15 2014

MULTI FAMILY

CITY OF

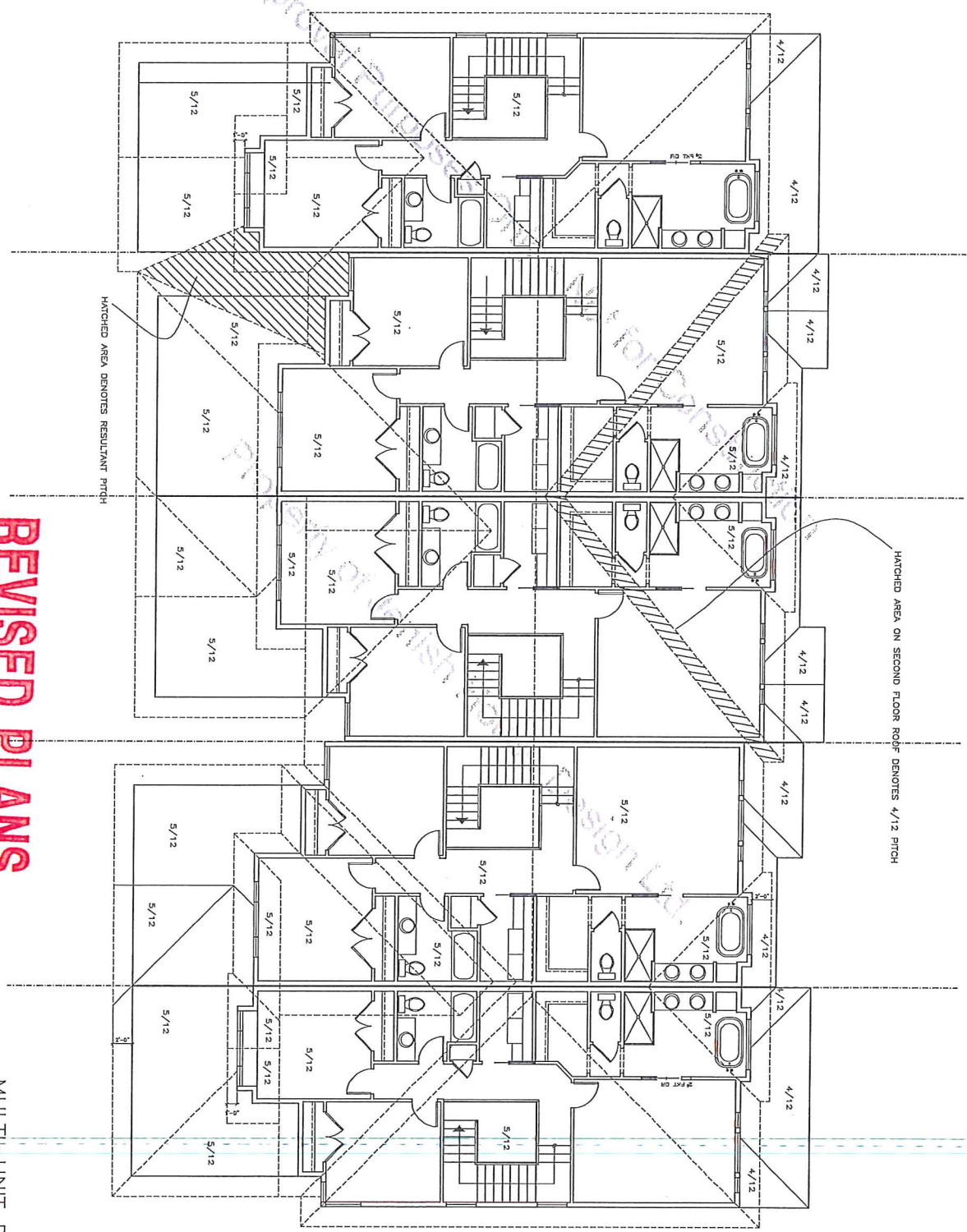
Land Use Planning

JENISH HOUSE DESIGN LIMITED



1510 CITY OF  
201-111 EDWARDS DRIVE  
KITCHEN, ONT. L3H 4T6  
(718) 220-4122  
TOLL FREE 1-800-456-4122

For Approval Only



# REVISED PLANS

JUL 15 2014

CITY OF KELOWNA  
Land Use Management

MULTI-UNIT DEV.  
ROOF LAYOUT

|           |          |    |         |
|-----------|----------|----|---------|
| REVISIONS | DATE     | BY | REASON  |
| 1         | 07/15/14 | JD | REVISED |
| 2         | 07/15/14 | JD | REVISED |
| 3         | 07/15/14 | JD | REVISED |
| 4         | 07/15/14 | JD | REVISED |
| 5         | 07/15/14 | JD | REVISED |
| 6         | 07/15/14 | JD | REVISED |
| 7         | 07/15/14 | JD | REVISED |
| 8         | 07/15/14 | JD | REVISED |
| 9         | 07/15/14 | JD | REVISED |
| 10        | 07/15/14 | JD | REVISED |



**JENISH HOUSE DESIGN LIMITED**

HEAD OFFICE:  
303-101 CONVENT RD. S.W.  
KELOWNA, B.C. V1Y 7Y5  
(250) 868-4111  
FAX: (250) 868-4112



PLAN OF PROPOSED SUBDIVISION OF LOT 1 SECTION 29  
TOWNSHIP 26 ODYD. PLAN 29608

SCALE: 1:400 METRES



1280 GLENMORE DRIVE  
PID: 004-249-437



DATE: MAY 12, 2014

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

JOB No 19875-PROP-SUB

S:\Shared (Aug 10, 2009)\Job\_Files\19875\19875-PROP-SUB.DWG  
INSTR: DT: GP

# CITY OF KELOWNA

## BYLAW NO. 11032

### Official Community Plan Amendment No. OCP14-0011 - 561655 BC Ltd. 1280 Glenmore Drive

---

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Lot 1, Section 29, Township 26, ODYD, Plan 29608, located on Glenmore Drive, Kelowna, B.C., from the MRL - Multiple Residential Low Density designation to the S2RES - Single/Two Unit Residential designation as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

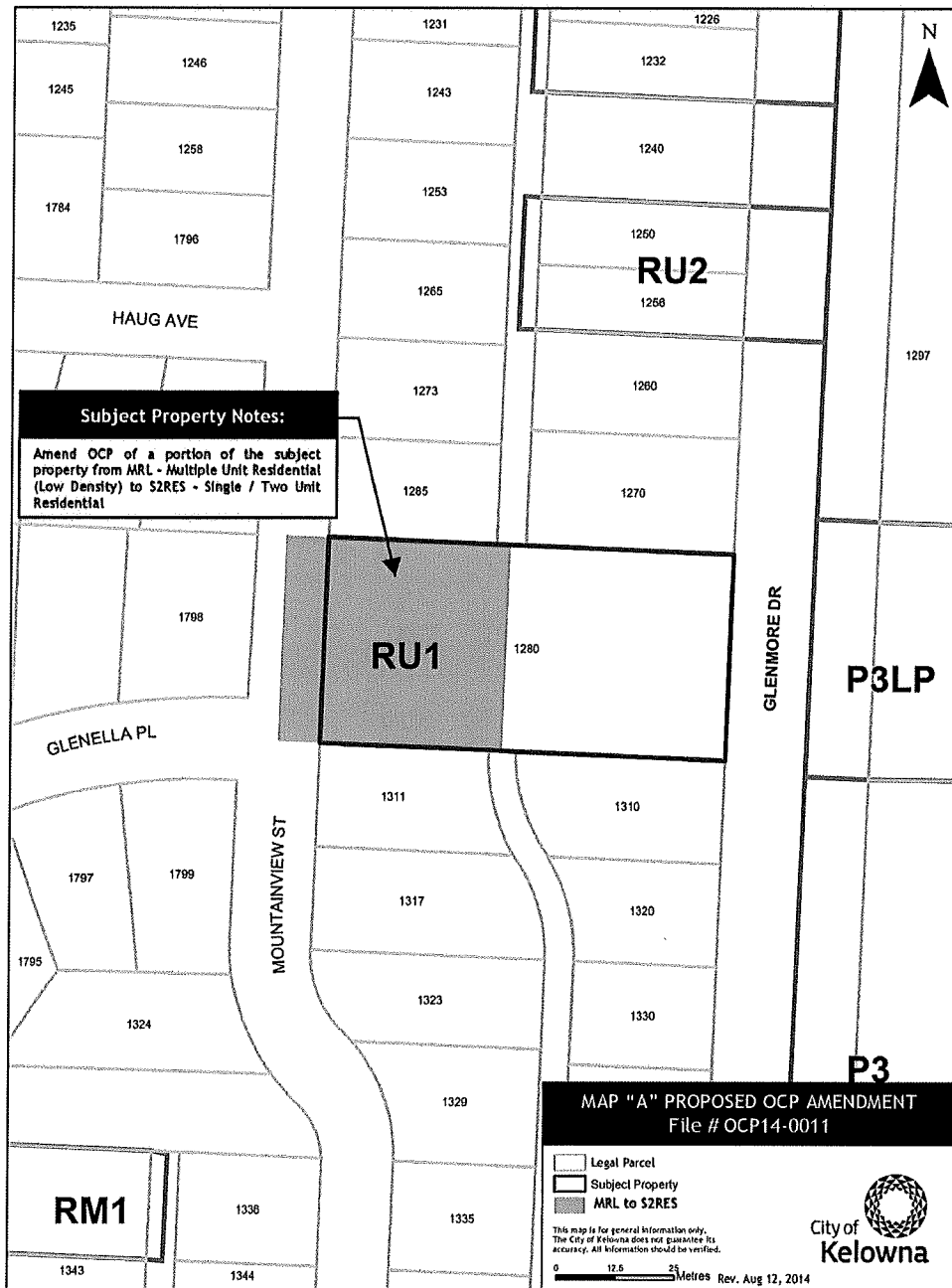
Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk





**CITY OF KELOWNA**  
**BYLAW NO. 11033**  
**Z14-0026 - 561655 BC Ltd.**  
**1280 Glenmore Drive**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 1, Section 29, Township 26, ODYD, Plan 29608, located on Glenmore Drive, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM2 - Low Density Row Housing zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

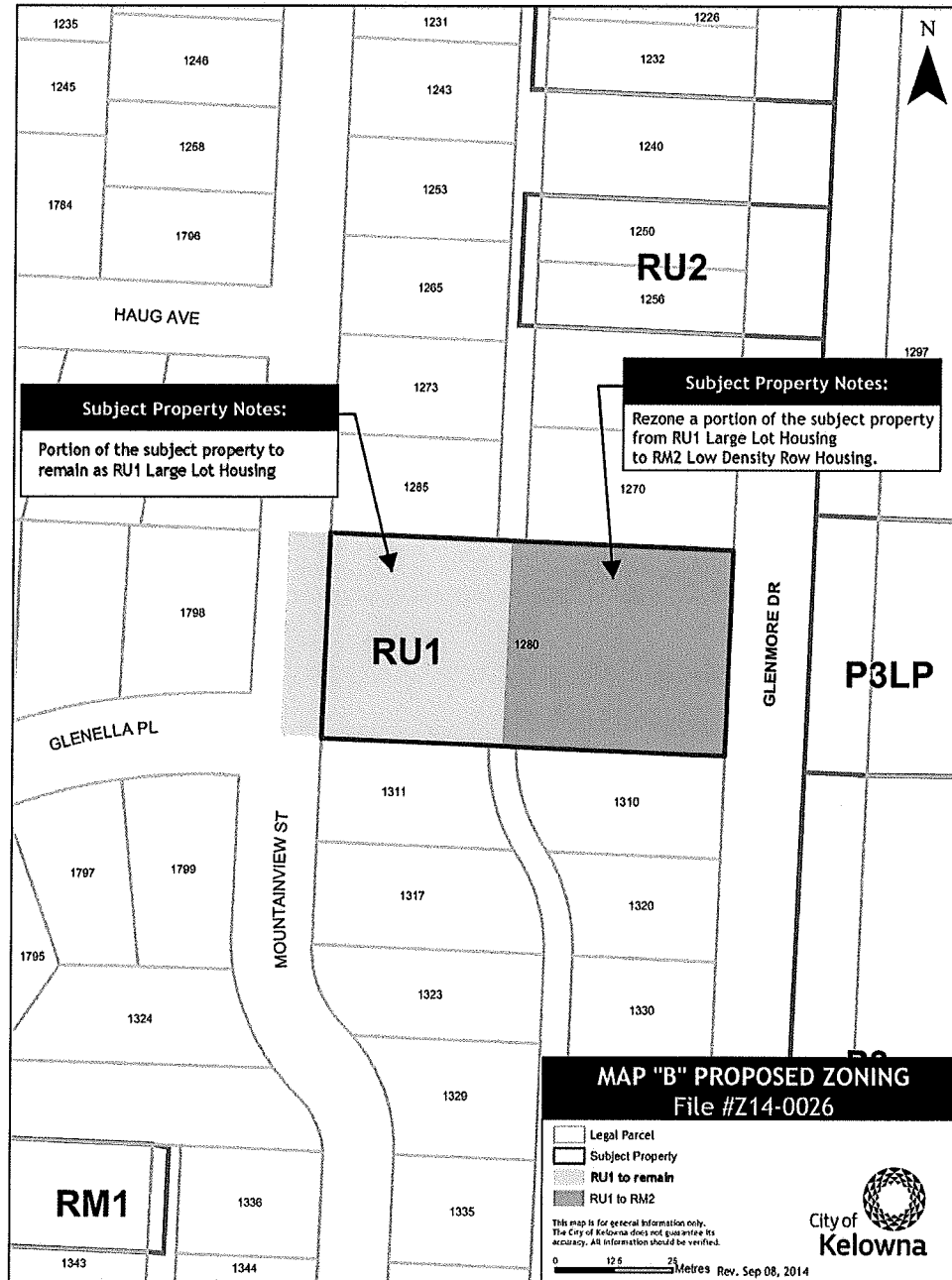
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** November 10, 2014

**RIM No.** 1250-30

**To:** City Manager

**From:** Urban Planning, Community Planning and Real Estate (LB)

**Application:** OCP12-0013/Z12-0054      **Owner:** John Ross Marrington  
Alana Vera Marrington

**Address:** 551 Glenwood Avenue      **Applicant:** Garry Tomporowski Architect Ltd.

**Subject:** OCP Amendment & Rezoning Application, Extension Request

**Existing Zone:** RU6 - Two Dwelling Housing

**Proposed Zone:** HD2 - Hospital and Health Support Services

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## 1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Official Community Plan Amending Bylaw No. 10772 and Zone Amending Bylaw No. 10773, for Lot 2, D.L. 14, ODYD, Plan 1251 located on 551 Glenwood Avenue, Kelowna, BC, be extended from November 13, 2014 to November 13, 2015;

AND THAT Council direct staff not to accept any further extension requests.

## 2.0 Purpose

To consider a final extension to facilitate the rezoning of the subject property from the RU6 - Two Dwelling Housing zone to the HD2 - Hospital and Health Support Services zone to allow the applicant one more year to address the technical implications of this project, including consolidating the subject property with 2149, 2159, 2169, 2179 & 2189 Pandosy Street, relocating the lane to the east side of the subject property, and entering into a Servicing Agreement for the offsite upgrades associated with the proposed development.

## 3.0 Urban Planning

Section 2.12.1 of Procedure Bylaw No. 10540 states that:

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



- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;
- b) Any bylaw that has not received final adoption will be of no force and effect;
- c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of **Council** a motion to rescind all readings of the bylaw associated with that Amendment application.

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

By-Laws No. 10772 & 10773 received second and third readings on November 13, 2012 after the Public Hearing held on the same date, and a twelve (12) month extension until November 13, 2014 was granted on December 2, 2013. The applicant wishes to have this application remain open for an additional twelve (12) months to complete the conditions of adoption. The applicant recently submitted a Subdivision application for the lot consolidation and road dedication, which is currently under review. Council adopted the road closure for the lane adjacent to the subject property on October 20, 2014, pending final approval by Subdivision. Given the recent activity on the application, a final extension to November 13, 2015 is supported.

**Report prepared by:**

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Laura Bentley, Planner

**Reviewed by:**

☐

Lindsey Ganczar, Supervisor, Urban Planning

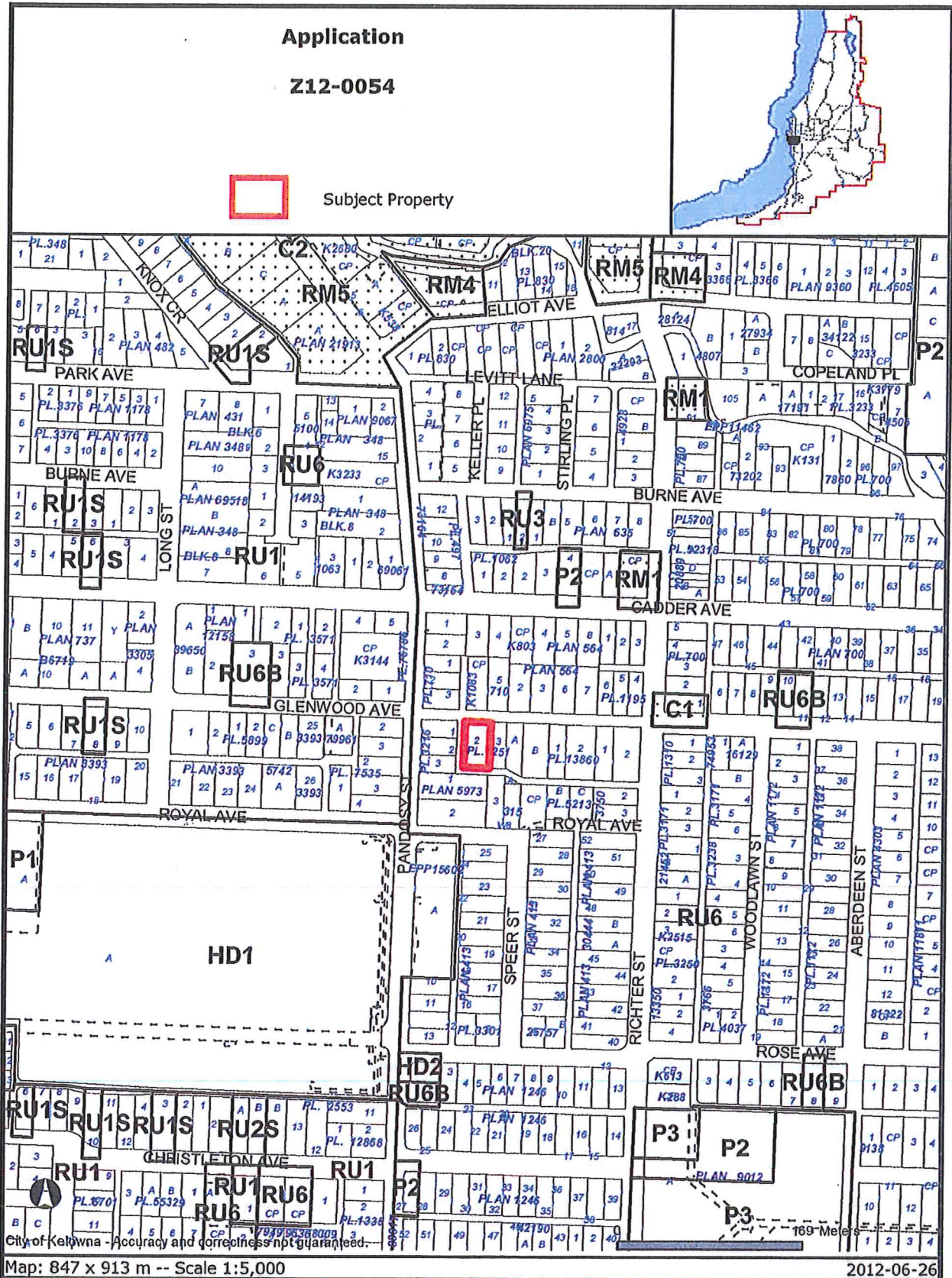
**Approved for Inclusion:**

☐

Doug Gilchrist, Divisional Director, Community Planning and Real Estate

**Attachments:**

Subject Property Map



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.

# Report to Council



**Date:** October 24, 2014

**File:** 0505-50

**To:** City Manager

**From:** Jim Paterson, Executive Director of Business Development

**Subject:** Canyon Creek Partnering Agreement in accordance with Section 21 of the Community Charter - 5050 McCulloch Road - Canyon Creek Owners

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## **Recommendation:**

THAT Council authorizes the City to enter into a Partnering Agreement with Seadrift Properties Ltd., Dlanor Developments Ltd., Otto Babichuk, Jomada Ventures Corp., Newport Investments Ltd., 244584 Alberta Ltd., 537584 Alberta Inc., Cher-Ken Holdings Ltd., MJC Development Corporation, Joric Holdings Ltd. and 407904 BC Ltd. in the form attached to the report of the Executive Director of Business Development, dated October 24, 2014;

AND THAT in accordance with Section 21 of the *Community Charter*, the Mayor and City Clerk be authorized to execute the Partnering Agreement;

AND FURTHER THAT the costs associated with the front ending of the proposed works be referred to the 2015 Capital Budget process.

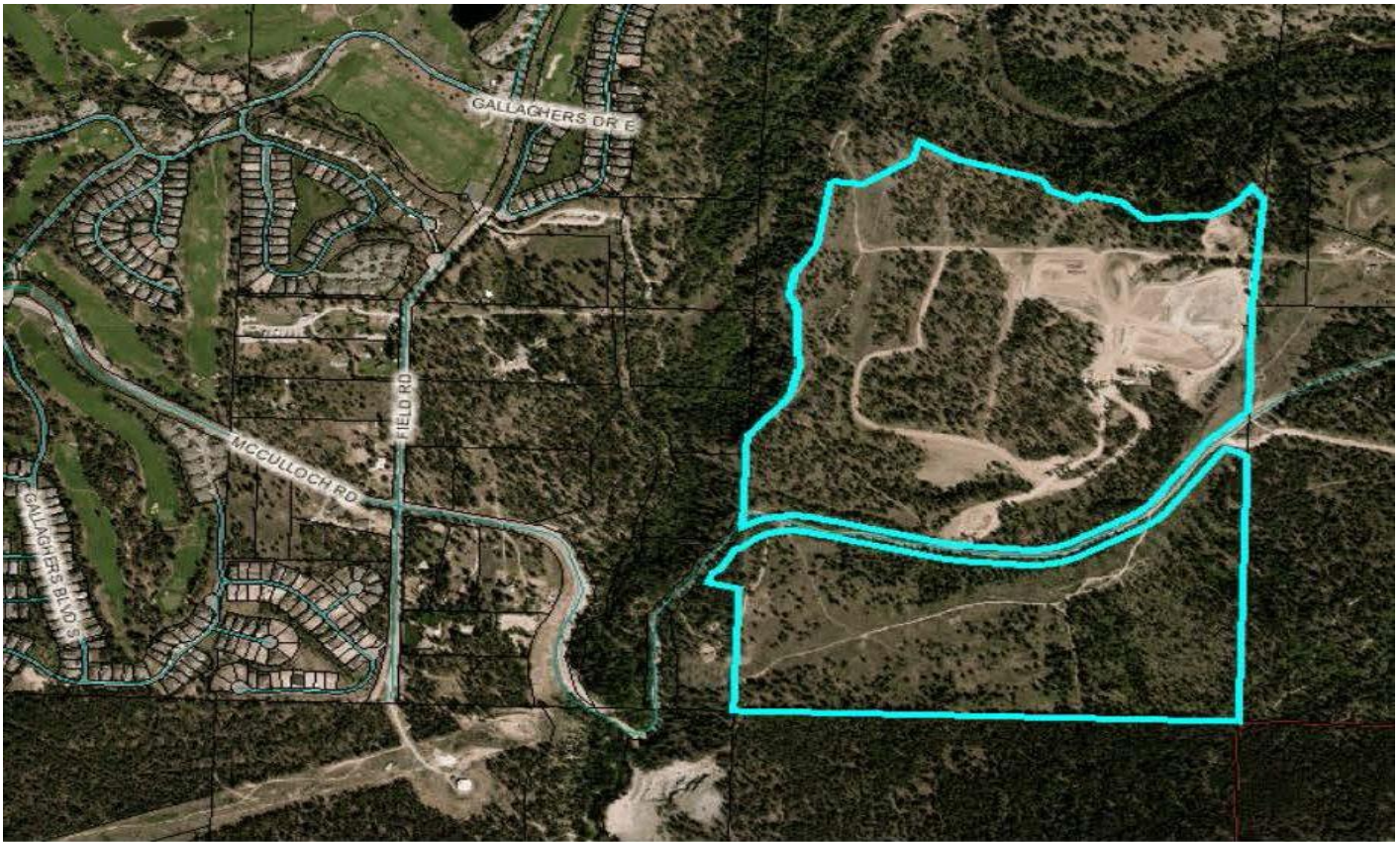
## **Purpose:**

To obtain Council support for the Canyon Creek Partnering Agreement as herein attached.

## **Background:**

The approximate 74 ha (183 acre) Canyon Creek property is located on McCulloch Road at the south-easterly boundary of the city limits, east of Gallagher's Canyon Golf Resort, in the South East Kelowna sector of the city as shown outlined below.





In 2010, Council authorized a Partnering Agreement with the Owners of the proposed Canyon Creek development. The city proceeded with McCulloch Road improvements, the cost of which including interest was secured through a mortgage on the Canyon Creek property. In March of 2014, full payment in the amount of \$1,626,768.50 was received by the City from the Owners thereby fulfilling the requirements of the first Partnering Agreement.

As a part of the approval for the Canyon Creek development, the developer is required, among other matters, to replace the existing McCulloch Road Bridge (over KLO Creek) and upgrade the approach works. This bridge replacement and road upgrade will not only benefit the development, but will also provide an improved and safer access for citizens and tourists along McCulloch Road travelling to the Myra Canyon trestles.

While acknowledging that they remain firmly committed to the Canyon Creek development, the Owners are not in a position to proceed with the development or to initiate the capital works at this time. Staff are, however, recommending that these bridge works be completed as soon as possible.

In order to commence these bridge improvements in advance of the development, the Owners and staff have prepared a second 'Partnering Agreement' which allows the city to proceed with front ending of the costs of the bridge works, while the Owners provide the repayment security through an alternate means other than bonding or a letter of credit.



McCulloch Road Bridge looking NW



McCulloch Road looking SE of Bridge



Staff and the Owners have therefore initiated the attached Partnering Agreement pursuant to Section 21 of the Community Charter. Through a Partnering Agreement (by which a service is provided on behalf of a municipality), the city may provide assistance to a business which will allow this important bridge to be replaced when required as opposed to when the developer is ready to proceed.

The Partnering Agreement provides the city with the security normally provided through bonding by the granting to the city of a first mortgage against the subject property. There is mutual benefit associated with the city execution of the Partnering Agreement as follows:

Benefits to Canyon Creek:

- ▶ More of the development's servicing requirements are completed with no immediate capital outlay
- ▶ Improved ability to sell the development/lots
- ▶ Infrastructure requirements may be more costly in the future

Benefits to City:

- ▶ Bridge is reaching its functional life
- ▶ Bridge and approach are too narrow for existing traffic
- ▶ Bridge has weight restrictions
- ▶ Route to Myra Canyon Trestles will be made much safer
- ▶ Design of new bridge accommodates cyclists
- ▶ City receives full repayment and interest for the construction and project management work

As a requirement of the Partnering Agreement, the Owners shall, within thirty (30) days of the approval of this Agreement, grant to the city a mortgage valued at \$900,000, to be registered as a first financial charge against the title of the lands securing the payment to the city inclusive of:

- a. the reimbursement of costs associated with the replacement of the McCulloch Road Bridge as defined within the Agreement (estimated by Ecora Engineering Consultant at \$742,500 including contingency);
- b. the City Development Engineering Fee estimated at \$21,000; and
- c. interest payable on a) and b) above based upon a four (4) year term at four percent (4%) interest (estimated at \$122,160).

In exchange, the Partnering Agreement allows the Owners to defer the repayment of the cost of the bridge upgrade until the earlier of:

- a. that date upon which the Owners commence construction of the development, or
- b. until June 30, 2019

at which time the Owners must satisfy their financial obligation to the city.

Staff have confirmed that the mortgage on the subject lands provides ample security to the city for the reimbursement of the cost of the bridge replacement. The Owners also have a 'no build' covenant under section 219 of the *Land Title Act* registered upon their lands until all servicing requirements of the Preliminary Layout Review (PLR) letters have been met to the satisfaction of the city's subdivision approving officer. As a part of this agreement, staff have also appended copies of the PLR letters to the Partnering Agreement for ease of administration.

Given the civic objectives that are being met as a result of the bridge replacement and approach works, staff are recommending support for the execution of the Partnering Agreement.

Subject to Council authorization and the Owner achieving the requirements of the Partnering Agreement within the stated thirty (30) day timeframe, staff plan to tender and award the McCulloch Road Bridge replacement and approach works in the spring of 2015 in order to improve the use and the safety of McCulloch Road accessing the Myra Canyon trestles. Staff have included the budget for the proposed works within the 2015 Capital Budget for Council consideration.

**Internal Circulation:**

John Vos, Corporate Business Ventures Director  
Alan Newcombe, Infrastructure Division Director  
Steve Muenz, Manager Development Engineering  
Shelley Gambacort, Subdivision, Agriculture & Environment Director  
Ryan Smith, Urban Planning Manager

**Legal/Statutory Authority:**

Section 21 of the Community Charter

**Legal/Statutory Procedural Requirements:**

Pursuant to Section 21 of the Community Charter, notice to provide assistance was published in the Cap News on October 31 and November 7, 2014.

**Financial/Budgetary Considerations:**

Proposed for 2015 Capital Budget



**Considerations not applicable to this report:**

Existing Policy:

Personnel Implications:

External Agency/Public Comments:

Community & Media Relations Comments:

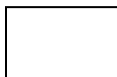
Alternate Recommendation:

Submitted by:

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J. Paterson  
Executive Director of Business Development

Approved for Inclusion



Paul Macklem, Deputy City Manager

cc: Genelle Davidson, Financial Services Director  
Doug Gilchrist, Community Planning & Real Estate Division Director

**Key Messages:**

- This is the 2<sup>nd</sup> proposed Partnering Agreement with the Canyon Creek Ownership group.
- The first Partnering Agreement was concluded in the spring of 2014 with the City receiving full payment of approximately \$1.627 M from Canyon Creek to reimburse the City for expropriated lands and McCulloch Road improvements including interest.
- This Agreement allows the city to proceed with front ending of the costs of the bridge replacement, while the Owners provide the repayment security through a mortgage on their property.
- The bridge replacement will offer improved safety and access to the Myra Canyons Trestles.

**File Chronology:**

Application Received: March 15, 2004

APC: April 27, 2004

Rezoning Report forwarded to Council not supporting rezoning application: September 27, 2004

Council supported rezoning and gave 1<sup>st</sup> Reading: October 4, 2004

Public Hearing: November 2, 2004

2<sup>nd</sup> & 3<sup>rd</sup> Reading: November 2, 2004

Rezoning Application on hold: February 3, 2005 (pending servicing conditions being met)

*Application did not proceed as applicant had file on hold pending resolution of the financial obligations of servicing requirements.*

Partnering Agreement to address the Servicing Requirements for the rezoning application, as executed by applicant, forwarded to our office from City Solicitor: July 7, 2010

Z04-0020 Partnering Agreement Canyon Creek 2010 Council Report.docx

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**APPENDIX A PARTNERING AGREEMENT**

**OWNERS:**

Otto Babichuk  
c/o 11523 - 100 Avenue  
Edmonton, AB T5K 0J8

Jomada Ventures Corp.  
592 KLO Road  
Kelowna, BC V1Y 7S2

Newport Investments Ltd.  
5503 - 174 Street  
Edmonton, AB T6M 1E2

244584 Alberta Ltd.  
312 Wolf Ridge Pt. NW  
Edmonton, AB T5T 5R7

537584 Alberta Inc.  
45 Glenmeadow Crescent  
St. Albert, AB T8N 3A2

Cher-Ken Holdings Ltd.  
Box 69, RR #4  
Edmonton, AB T5E 5S7

MJC Development Corporation  
19 Lancaster Crescent  
St. Albert, AB T8N 2N9

Joric Holdings Ltd.  
Box 8 Site 220, RR#2  
St. Albert, AB T5T 5R7

Seadrift Properties Ltd.  
803 Wheeler Road West  
Edmonton, AB T6M 2E5

Dlanor Developments Ltd.  
17515 - 106A Avenue  
Edmonton, AB T5S 1M7

407904 BC Ltd.  
799 Young Road  
Kelowna, BC V1W 2K7

**SCHEDULE 'A'**  
**PRELIMINARY LAYOUT REVIEW CORRESPONDENCE**



January 13, 2010

File#: S04-0026

Smartplans Ltd  
4480 Walker Rd  
Kelowna BC  
V1W 1Z6

Dear Michael Brown:

Re: Subdivision of 4858 & 5050 McCulloch Road - Lot 2A Plan 1247 & Lot E ½ T26 S1

---

Your application for an extension of my Preliminary Layout Review letter for the above described property is acknowledged. Please be advised that I hereby grant a 180-day extension from June 22, 2010 which is to be in accordance with my Preliminary Layout Review letter dated December 22, 2004, and any subsequent correspondence.

Attached please find Invoice # 106951 for your extension fee of \$400.00.

If you have any questions regarding the above, please contact Damien Burggraeve at 469-8473.

Prior to submitting an application for subdivision approval please contact this office for up to date Application Fees and Development Cost Charges.

Yours truly,

Ryan Smith  
Subdivision Approving Officer

RS/dc

Community Services  
1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250 469-8626  
FAX 250 862-3320  
kelowna.ca

January 20, 2009

*Note: This should have been  
Jan 20, 2010*



Grant Maddock  
Protech Consultants Ltd.  
200 – 1449 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Sir:

Re: Subdivision of East ½ of Sec. 1, Twp. 26, ODYD except Plan KAP48126; and Lot 2A, Sec. 1, Twp. 26, ODYD, Plan 1247 – Our File: S04-0026 McCulloch Road

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Please be advised that the Preliminary Layout Review letter dated December 22, 2004 and amended on January 31, 2006 is hereby amended in the following manner:

Item 3.1 of PLR letter dated December 22, 2004 is deleted and replaced with the following:

3. The layout is to be in general accordance with the attached revised sketch (Protech plan dated February 2008, Drawing No.6045-DPA2 Revision No.1). This revised sketch amends your submission by:

Delete:

- ~~.1 — Showing the required park land dedication 10m back from the top of bank for both Mission Creek and KLO Creek as shown outlined in green on the attached sketch. The top-of-bank will have to be verified by a mutual site visit.~~

Add:

- .1 KLO Creek Side:
- a) 5m Park Maintenance Right of Way measured from top-of-bank
  - b) 10m No-Disturb Area measured from top-of-bank
  - c) 15m Geotechnical setback measured from top of bank
  - d) Fence to be constructed along top-of-bank boundary between Lot 7 and the sanitary treatment plant located adjacent to Lot 27
  - e) Dedication of lands below top-of-bank to City of Kelowna

Mission Creek Side:

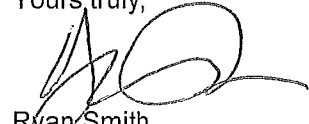
- a) 10m No-Disturb Area measured from top-of-bank
- b) 15m Geotechnical setback from established top-of-bank
- c) 10m No disturb setback from top-of-bank. \*Note covenant extends below top-of-bank in many areas as shown on the attached plan marked "Schedule A"
- d) Development Permits may be required for lots 60, 61 and 62
- e) Lots 57 to 62 will require individual Geotechnical consideration to determine safe building setbacks and grading/drainage requirements.
- f) Dedication of lands below top-of-bank to City of Kelowna

This PLR Amendment Letter is intended only to modify the provisions of the original PLR dated December 22, 2004 item 3.1.

Please note that Development Cost Charges for this project will be re-calculated at the time of application for final subdivision but they will be based on the rates of the day. It should also be noted that site grading should not occur without prior written authorization from the City of Kelowna Land Use Management Branch and Development Services Division.

If you have any questions regarding the above, please contact me at 250-469-8426 or [rsmith@kelowna.ca](mailto:rsmith@kelowna.ca) of this office.

Yours truly,

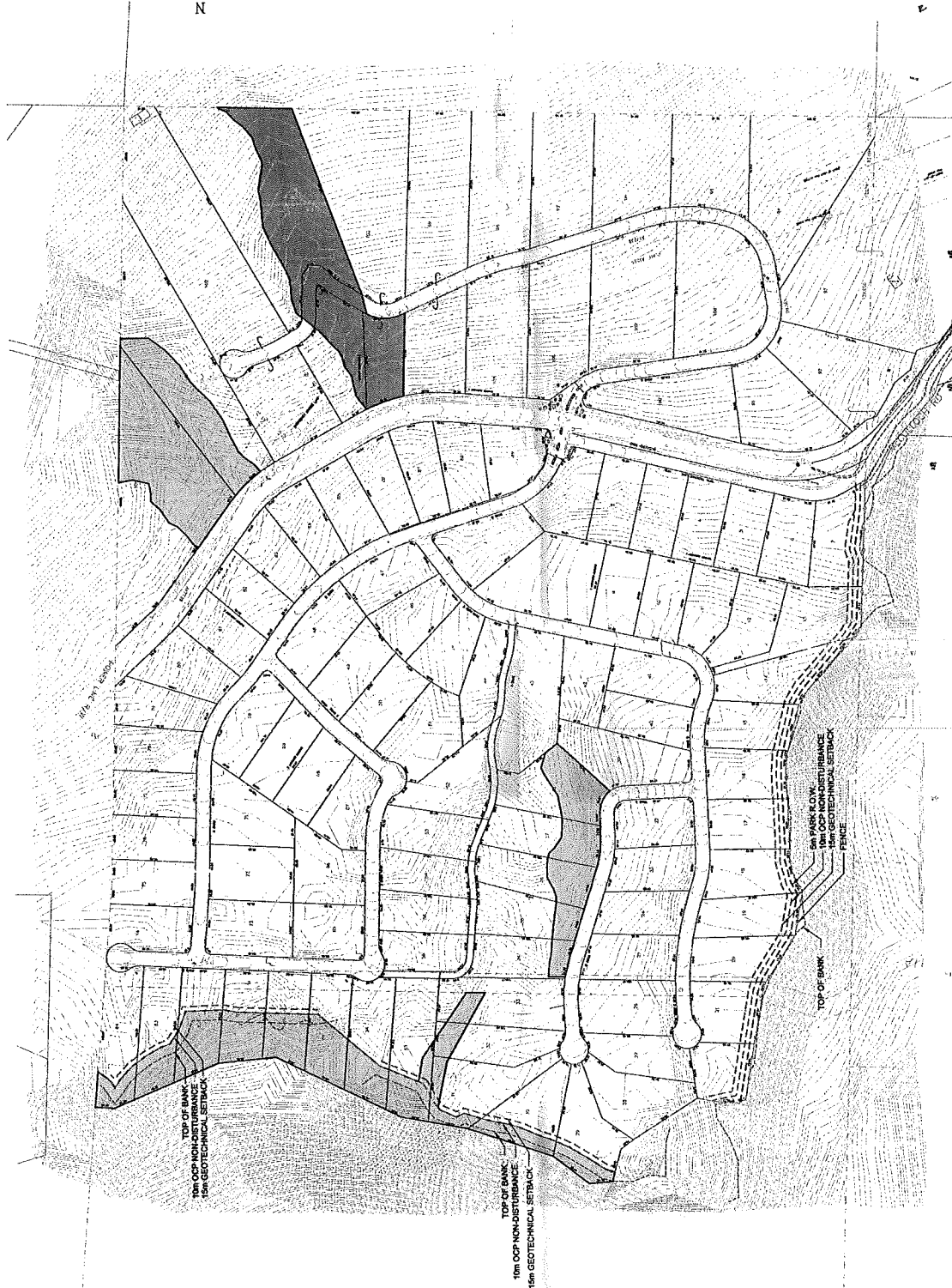
A handwritten signature in black ink, appearing to read 'RS' or 'AS', written over a horizontal line.

Ryan Smith  
Subdivision Approving Officer

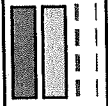
RS/rs

cc: Development Engineering Manager  
Director of Land Use Management





|   |  |  |  |  |  |                          |                |
|---|--|--|--|--|--|--------------------------|----------------|
| <b>PROTECH CONSULTANTS LTD.</b><br>200 - 1448 St. Paul Street, Kelowna B.C. Phone: 450-1771 Fax: 450-1894 |  | DRAWN: [ ]<br>DESIGN: [ ]<br>APPROVED: [ ]<br>DATE: [ ]<br>SCALE: [ ]<br>SHEET: [ ] OF [ ] |  | THE CITY OF KELOWNA<br>ENGINEERING DEPARTMENT<br>CANYON CREEK<br>PROPOSED DPA, ENVIRONMENTAL COVENANTS AND NON BUILD AREAS |  | DRAWING NO.<br>6045-DPA2 | SHEET NO.<br>1 |
|   |  | REGION: [ ]<br>DATE: [ ]<br>NO. [ ]<br>DATE: [ ]<br>NO. [ ]                                |  | DIVISION: [ ]<br>SCALE: 1:2,000<br>SHEET: [ ] OF [ ]   |  | Schedule A PLR           |                |





**Development Services  
Subdivision Approval Branch**

City Hall  
1435 Water Street  
Kelowna BC V1Y 1J4  
Tel: (250) 469 8622  
Fax: (250) 862-3320  
Web: [www.kelowna.ca](http://www.kelowna.ca)

December 11, 2008

Canyon Creek Joint Venture  
4480 Walker Road  
Kelowna BC V1W 1Z6

Dear Sir:

Re: Subdivision of East ½ of Section 1, Township 26, Osoyoos Division Yale  
District, Plan 1247 Our File: S04-0026 – McCulloch Road

---

Please be advised that my Preliminary Layout Review letter dated December 22, 2004 for the proposed subdivision of the above-described property expired June 8, 2008.

As stated in my Preliminary Layout Review letter:

*Preliminary Layout Review is valid for a period of 180 days from the date of the Preliminary Layout Review letter.*

*It should be noted that if an extension of this period is required, a request should be made prior to the date of expiry of the current review letter and that if an extension is granted, it will be subject to any new regulations and City policies that have come into force since the date of original review letter. A fee of \$100.00 is required for extension of the Preliminary Layout Review letter.*

In order to keep your file active we will require an application form (copy attached) requesting an extension to the Preliminary Layout Review letter and the \$200.00 extension fee. Please note that if we have not received the required request and fee by December 29, 2008 your file will be closed.

If you have any questions regarding the above, please contact Damien Burggraeve @ (250) 469-8473.

Prior to submitting an application for subdivision approval please contact this office for up to date Application Fees and Development Cost Charges.

Yours truly,

Ryan Smith  
Subdivision Approving Officer



## Planning & Development Services

City Hall  
1435 Water Street  
Kelowna BC V1Y 1J4  
Tel: (250) 469 8626  
Fax: (250) 862-3320  
Web: [www.kelowna.ca](http://www.kelowna.ca)

October 16, 2007

Protech Consultants Ltd.  
200 1449 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Sir:

Re: Subdivision of East ½ of Sec. 1, Twp. 26, ODYD, except Plan KAP48126; and Lot 2A,  
Sec. 1, Twp. 26, ODYD, Plan 1247  
Our File: S04-0026 – McCulloch Road


---

Your application for an extension of my Preliminary Layout Review letter for the above described property is acknowledged. Please be advised that I hereby grant a 180 day extension from June 22, 2007 which is to be in accordance with my Preliminary Layout Review letter dated December 22, 2004, and any subsequent correspondence.

Attached please find invoice #104454 for your extension fee of \$100.00. Please note that this PLR extension will expire on December 22, 2007.

If you have any questions regarding the above, please contact Shelley Gambacort at 250 469 8626.

Yours truly,

  
Shelley Gambacort  
Subdivision Approving Officer

SG/hb



# PROTECH

CONSULTANTS LTD.

#200 - 1461 ST. PAUL STREET, KELOWNA, B.C. V1Y 2E4  
TELEPHONE (250) 860-1771 • FAX (250) 860-1994  
www.protech-consulting.com

504-0026

October 15, 2007  
Our File: 6045

City of Kelowna  
1435 Water St.  
Kelowna BC  
V1Y 1J4

Attention: Mr. Bob Shaughnessy

Dear Sir,

**Re: Canyon Creek Rezoning – Your File: Z04-0020**  
Subdivision of the East ½ of Sec. 1, TWP26, ODYD except Plan KAP 48126  
McCulloch Road

Please find enclosed a PLR Extension Application together with our cheque in the amount of \$100.00 for the application fee

Further, we also request the following:

- #1 Your reconsideration of Clause 8 in the PLR, in order to permit fencing to be controlled by the strata bylaws, and to not permit any fencing that restricts wildlife movement
- #2 To not require landscaping

We request your approval to the PLR extension and Items #1 and #2.

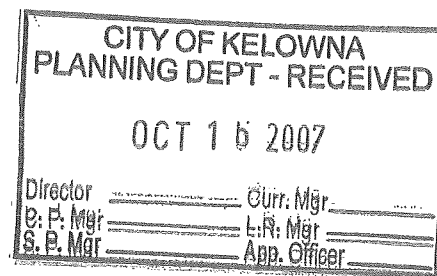
Please contact the writer if you have any questions.

Yours truly,

PROTECH CONSULTANTS LTD.

S. Antonia Maddock (Toni)  
Encl.

/sam  
Via courier # 230964





May 16, 2007

## Planning and Corporate Services

1435 Water Street  
Kelowna, BC V1Y 1J4  
Tel: (250) 469-8626  
Fax: (250) 862-3320  
www.kelowna.ca

Grant Maddock  
Protech Consultants Ltd.  
200 1449 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Sir:

Re: Subdivision of East ½ of Sec. 1, Twp. 26, ODYD except Plan KAP48126; and  
Lot 2A, Sec. 1, Twp. 26, ODYD, Plan 1247  
Our File: S04-0026 – McCulloch Road

Please be advised that I hereby amend my Preliminary Subdivision Layout Review letter dated December 22, 2004 as per subsequent amendments as follows:

1. Item 17 of PLR amendment dated April 19, 2007, is deleted and replaced with the following:

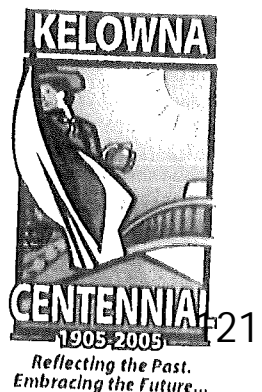
a. On application for subdivision approval, based on 108 lots, the following fees will be payable:

|                     |                    |
|---------------------|--------------------|
| Application Fee     | \$11,600.00        |
| Land Title Act Fee  | \$50.00            |
| Survey Monument Fee | \$5400.00          |
| <b>TOTAL</b>        | <b>\$17,050.00</b> |

Administration Fee  
(Council Reso. R103/82)

3% of the value of construction work as determined by the City's Development Engineering Manager with a minimum charge of \$300.00 plus G.S.T.

Item 18 of PLR amendment letter dated April 19, 2007 is deleted and replaced with the following:



- (i) Development Cost Charge Bylaw #9095 was approved by City Council on February 2, 2004 and this subdivision proposal will be subject to the following charges set down in the Bylaw (as amended) based on 108 lots with 2 credits for two existing dwellings and 1 credit for the P3 zoned lot:

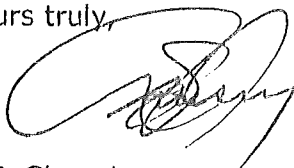
| <u>Water</u> | <u>Sewer Trunk</u> | <u>Roads</u> | <u>Parks</u> | <u>Sewer Trtmt.</u> | <u>Total</u> |
|--------------|--------------------|--------------|--------------|---------------------|--------------|
| \$           | \$                 | \$946,890    | \$225,435    | \$                  | \$1,172,325  |

**NOTE:** The Development Cost Charge Bylaw No. 9095 was amended on April 2, 2007 and as such, you have 1 year from April 2, 2007 to pay the above noted rates. After April 2, 2008, the following rates will be payable:

| <u>Water</u> | <u>Sewer Trunk</u> | <u>Roads</u> | <u>Parks</u> | <u>Sewer Trtmt.</u> | <u>Total</u> |
|--------------|--------------------|--------------|--------------|---------------------|--------------|
| \$           | \$                 | \$1,883,380  | \$379,050    | \$                  | \$2,262,855  |

If you have any questions or wish to set up an appointment, please contact Shelley Gambacort at 469 8583.

Yours truly,



R.G. Shaughnessy  
Subdivision Approving Officer

RGS/

Enclosure

cc:

Development Engineering Manager (Please review construction drawings with Approving Officer prior to drawing approval)





## Planning & Development Services

City Hall  
1435 Water Street  
Kelowna BC V1Y 1J4  
Tel: (250) 469 8626  
Fax: (250) 862-3320  
Web: [www.kelowna.ca](http://www.kelowna.ca)

April 19, 2007

Grant Maddock  
Protech Consultants Ltd.  
200 1449 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Sir:

Re: Subdivision of East ½ of Sec. 1, Twp. 26, ODYD except Plan KAP48126; and  
Lot 2A, Sec. 1, Twp. 26, ODYD, Plan 1247  
Our File: S04-0026 – McCulloch Road

Please be advised that I hereby amend my Preliminary Subdivision Layout Review letter dated December 22, 2004 as per subsequent amendments as follows:

Paragraph 3 of my PLR letter dated December 22, 2004 is deleted and replaced with the following:

1. The layout is to be in general accordance with the attached revised sketch dated March 16, 2007 (drawing No. 6045-over). The revised sketch amends your submission by:
  - (i) Extending the common property road through proposed lots 98, 99, 100 & 101.
  - (ii) Providing a common property emergency access from McCulloch Road southward through proposed lots 99, 100, 101 & 102, fronting onto the common property road.

2. Item 17 of PLR letter dated December 22, 2004 is deleted and replaced with the following:

- (i) On application for subdivision approval, based on 103 lots, the following fees will be payable:

|                     |                  |
|---------------------|------------------|
| Application Fee     | \$11,075.00      |
| Land Title Act Fee  | \$50.00          |
| Survey Monument Fee | <u>\$5150.00</u> |

|       |                    |
|-------|--------------------|
| TOTAL | <u>\$16,225.00</u> |
|-------|--------------------|

Administration Fee  
(Council Reso. R103/82)

3% of the value of construction work as determined by the City's Development Engineering Manager with a minimum charge of \$300.00 plus G.S.T.

3. Item 18 of PLR letter dated December 22, 2004 is deleted and replaced with the following:

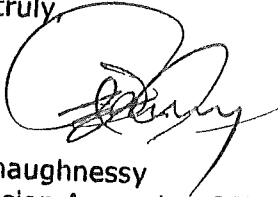
- (i) Development Cost Charge Bylaw #9095 was approved by City Council on February 2, 2004 and this subdivision proposal will be subject to the following charges set down in the Bylaw (as amended) based on 103 lots with 2 credits for two existing dwellings and 1 credit for the P3 zoned lot:

| <u>Water</u> | <u>Sewer Trunk</u> | <u>Roads</u> | <u>Parks</u> | <u>Sewer Trtmt.</u> | <u>Total</u> |
|--------------|--------------------|--------------|--------------|---------------------|--------------|
| \$           | \$                 | 901,800      | 214,700      | \$                  | 1,116,500    |
|              |                    | \$           | \$           | \$                  | \$           |

**NOTE:** The Development Cost Charge set out above must be paid by bank draft or certified cheque.

If you have any questions or wish to set up an appointment, please contact Shelley Gambacort at 469-8583.

Yours truly,



R.G. Shaughnessy  
Subdivision Approving Officer

RGS/sg/hb

cc: Development Engineering Manager

September 12, 2006

Grant Maddock  
Protech Consultants Ltd.  
200 – 1449 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Sir:

Re: Subdivision of East ½ of Sec. 1, Twp. 26, ODYD except Plan KAP48126; and  
Lot 2A, Sec. 1, Twp. 26, ODYD, Plan 1247 – Our File: S04-0026 McCulloch  
Road

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Your application for an extension of my Preliminary Layout Review letter for the above-described property is acknowledged. Please be advised that I hereby grant a 180-day extension from June 22, 2006, which is to be in accordance with my Preliminary Layout Review letter dated December 22, 2004 and any subsequent correspondence.

Attached please find Invoice #103209 for your extension fee of \$100.00.

If you have any questions regarding the above, please contact Shelley Gambacort of this office.

Yours truly,



Robert G. Shaughnessy  
Subdivision Approving Officer

RGS/SG/sg

cc: Development Engineering Manager





## Planning and Development Services

City Hall  
1435 Water Street  
Kelowna BC V1Y 1J4  
Tel: (250) 469 8626  
Fax: (250) 862-3320  
Web: [www.kelowna.ca](http://www.kelowna.ca)

August 1, 2006

Grant Maddock  
Protech Consultants Ltd.  
200 1449 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Sir:

Re: Subdivision of E. ½ of Sec. 1, Twp. 26, ODYD, except Plan KAP48126;  
Lot 2A, Sec. 1, Twp. 26, ODYD, Plan 1247  
Our File: S04-0026 – McCulloch Road

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Please be advised that my Preliminary Layout Review letter dated December 22, 2004 for the proposed subdivision of the above-described property expired June 22, 2006.

As stated in my Preliminary Layout Review letter:

*Preliminary Layout Review is valid for a period of 180 days from the date of the Preliminary Layout Review letter.*

*It should be noted that if an extension of this period is required, a request should be made prior to the date of expiry of the current review letter and that if an extension is granted, it will be subject to any new regulations and City policies that have come into force since the date of original review letter. A fee of \$100.00 is required for extension of the Preliminary Layout Review letter.*

In order to keep your file active we will require an application form (copy attached) requesting an extension to the Preliminary Layout Review letter and the \$100.00 extension fee [or \$200 dollars if two extensions needed].

If you have any questions regarding the above, please contact Shelley Gambacort at 469 8583.

Yours truly,

Shelley Gambacort  
Acting Current Planning Manager

SG/hb

January 26, 2006

Grant Maddock  
Protech Consultants Ltd.  
200 – 1449 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Sir:

Re: Subdivision of East ½ of Sec. 1, Twp. 26, ODYD except Plan KAP48126; and  
Lot 2A, Sec. 1, Twp. 26, ODYD, Plan 1247 – Our File: S04-0026 McCulloch  
Road

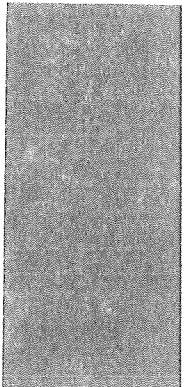
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Your application for an extension of my Preliminary Layout Review letter for the above-described property is acknowledged. Please be advised that I hereby grant a 180-day extension from December 22, 2005, which is to be in accordance with my Preliminary Layout Review letter dated December 22, 2004 and subject to the following amendments:

Item 3 of PLR letter dated December 22, 2004 is deleted and replaced with the following:

3. The layout is to be in general accordance with the attached revised sketch for the 102 lot bareland strata lot subdivision. This revised sketch amends your submission by:
  - i. Adding a cul-de-sac for the proposed road abutting the east property line.
  - ii. Showing an additional 5m wide road dedication on McCulloch Road for a total road dedication of 30m.
  - iii. Provision of a turn-around at the end of the access road for proposed Lots 1 – 6.
  - iv. Re-alignment of the side property line between proposed Lots 43 & 44, and proposed Lots 57 & 68.
  - v. Showing the required park land dedication of 10 m from the top of bank for KLO Creek. Anything less than the 10 m dedication will require approval from our Parks Division.

In addition to the above please indicate how physical access to proposed Lots 99 – 102 will be achieved as no direct access to these lots will be allowed off of McCulloch Road.



Item 17 of PLR letter dated December 22, 2004 is deleted and replaced with the following:

17. On application for subdivision approval, based on 102 lots, the following fees will be payable:

|                     |                    |
|---------------------|--------------------|
| Application Fee     | \$10,970.00        |
| Land Title Act Fee  | \$ 50.00           |
| Survey Monument Fee | <u>\$ 5,100.00</u> |

|              |                           |
|--------------|---------------------------|
| <b>TOTAL</b> | <b><u>\$16,120.00</u></b> |
|--------------|---------------------------|

|   |  |
|---|--|
| Administration Fee<br>(Council Reso. R103/82) | 3% of the value of construction work as determined by the City's Development Engineering Manager with a minimum charge of \$300.00 plus G.S.T. |
|---|--|

Item 18 of PLR letter dated December 22, 2004 is deleted and replaced with the following:

18. Development Cost Charge Bylaw #9095 was approved by City Council on February 2, 2004 and this subdivision proposal will be subject to the following charges set down in the Bylaw (as amended) based on 112 lots with 2 credits for existing dwellings and 1 credit for P3 zoned lot:

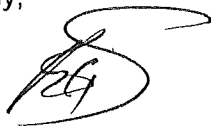
| <u>Water</u> | <u>Sewer Trunk</u> | <u>Roads</u> | <u>Parks</u> | <u>Sewer Trtmt.</u> | <u>Total</u>          |
|--------------|--------------------|--------------|--------------|---------------------|-----------------------|
| \$ --        | \$ --              | \$901,800.00 | \$214,700.00 | \$ --               | <b>\$1,116,500.00</b> |

**NOTE:** The Development Cost Charge set out above must be paid by bank draft or certified cheque.

Attached please find Invoice #102565 for your extension fee of \$100.00.

If you have any questions regarding the above, please contact Shelley Gambacort of this office.

Yours truly,



Robert G. Shaughnessy  
Subdivision Approving Officer

RGS/SG/sg

cc: Development Engineering Manager





August 16, 2005

Grant Maddock  
Protech Consultants Ltd.  
200 – 1449 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Sir:

Re: Subdivision of East ½ of Sec. 1, Twp. 26, ODYD except Plan KAP48126; and Lot  
2A, Sec. 1, Twp. 26, ODYD, Plan 1247 – Our File: S04-0026 McCulloch Road

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Your application for an extension of my Preliminary Layout Review letter for the above-described property is acknowledged. Please be advised that I hereby grant a 180-day extension from June 22, 2005, which is to be in accordance with my Preliminary Layout Review letter dated December 22, 2004.

Attached please find Invoice #102247 for your extension fee of \$100.00.

If you have any questions regarding the above, please contact Shelley Gambacort of this office.

Yours truly,



Robert G. Shaughnessy  
Subdivision Approving Officer

RGS/SG/sg

cc: Development Engineering Manager

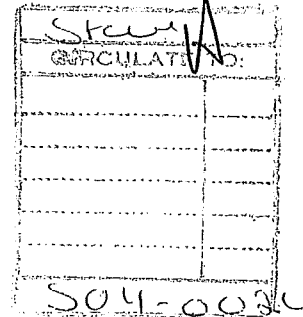
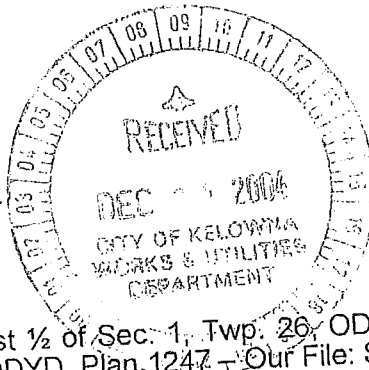


## Planning and Corporate Services

1435 Water Street  
Kelowna, BC V1Y 1J4  
Tel: (250) 469-8626  
Fax: (250) 862-3320  
www.kelowna.ca

December 22, 2004

Grant Maddock  
Protech Consultants Ltd.  
200 - 1449 St. Paul Street  
Kelowna, BC V1Y 2E4



Dear Sir:

Re: Subdivision of East ½ of Sec. 1, Twp. 26, ODYD except Plan KAP48126; and Lot 2A, Sec. 1, Twp. 26, ODYD, Plan 1247 - Our File: S04-0026 McCulloch Road

In reply to your request for a Preliminary Layout Review letter with respect to your subdivision proposal for the above-described property, please be advised of the following requirements:

1. This subdivision request must meet all applicable requirements of the Subdivision, Development & Servicing Bylaw No. 7900, which sets the standards and specifications for works and services in connection with the subdivision of land.
2. The property must be rezoned from the City of Kelowna A1 - Agriculture 1 zone to the City of Kelowna RR1 - Rural Residential 1, RR2 - Rural Residential 2 and P3 - Parks & Open Space zones.

It must be understood that the contents of this letter can in no way be construed that an application to rezone would or would not be successful. Applications to rezone are considered by Kelowna Municipal Council in conjunction with a Public Hearing. The Approving Officer has no jurisdiction in the matter of changes in land use.

3. The layout is to be in general accordance with the attached revised sketch. This revised sketch amends your submission by:
  1. Showing the required park land dedication 10m back from the top of bank for both Mission Creek and KLO Creek as shown outlined in green on the attached sketch. The top of bank will have to be verified by a mutual site visit.
  2. Designating the re-aligned Lot 2A, Plan 1247 as proposed Lot 111.
  3. Add a cul-de-sac for the proposed road abutting the east property line.
  4. Extend cul-de-sac on the south side of McCulloch Road to proposed Lot 110.
  5. Showing an additional 5m wide road dedication on both sides of McCulloch Road.

It should be noted that this plan is conceptual in nature, and accurate within the limitations of a sketch plan. Should further investigation on your part reveal that any alterations of this plan are necessary, this department's review of the alterations will be required.

4. 1.5 m high black chain link fencing will be required along the boundary of the P3 - Parks and Open Space property and the RR1 - Rural Residential 1 and RR2 - Rural Residential 2 zoned properties.





5. Each proposed RR1 – Rural Residential 1 lot must have an area of at least 8000 m<sup>2</sup>, a width of at least 40 m, and a depth of at least 30 m and each proposed RR2 – Rural Residential 2 lot must have an area of at least 4000 m<sup>2</sup>, a width of 36 m and a depth of at least 30 m. The minimum lot width at the front property line of lots in a cul-de-sac must be at least 10 m.
6. The City of Kelowna Fire Department has determined that this area is at risk for wildland fire; therefore, it is necessary to provide a report prepared by a professional proficient in wildland fire management assessment. This report shall provide recommendations to be included in a **Section 219 Covenant** which will save harmless the City of Kelowna in the event of damage to individual homes as a result of the spread of wildfire. Please contact a Fire Prevention Officer with the Kelowna Fire Department (860-6419) for further details on this requirement.
7. Street names being considered for any private roads that are created in connection with a bareland strata development must be reviewed by the Planning & Corporate Services Department staff for potential name conflicts. A road name list is available for preferred names that have historical significance in the area.
8. As proposed Lots 1-5, 80-90, 107-110, 96-98, and the Common Property back onto McCulloch Road, a major grid road, a plan illustrating the proposed landscaping and/or fencing treatment of this frontage will be required for staff review prior to subdivision approval. Landscaping or fencing proposed to be located on private property shall be protected by a **Section 219 Covenant** in favour of the City of Kelowna. The subdivision plan must be endorsed in the usual way to the effect that a covenant is to be registered. This covenant must be registered as a priority charge.

9. **Environmental Requirements**

- a) The subject property is designated as a Natural Environment and Hazardous Condition Development Permit area and a Development Permit will be required prior to any work commencing on the site and associated with the off-site road works.
- b) Identify trees to be removed, retained or replaced. This shall include the identification of the steeper undevelopable portions of the site, which will be subsequently protected by way of a **Section 219 Covenant** in terms of non-disturbance of slopes, no tree removal and no construction thereon.
- c) Clear cut tree removal to be limited to site servicing, building envelopes, and hazard trees.

10. **Works & Utilities**

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

The following Works & Services are required for this subdivision:

.1) **General**

- a) Topographical mapping indicates that numerous parts of the subdivision encroach well into the 30 % slopes, which should be dedicated as park or preserved by restrictive covenant. Detailed mapping and an acceptable layout are needed prior to proceeding with the application. Possible site reconnaissance with staff is recommended.

- b) The application proposes a bareland strata subdivision; however, there is no indication how service to lands beyond will be achieved if the roads are not public (i.e. public access and utility right-of-way).
- c) The subdivision should conform to the Scenic Canyon Regional Park Master Plan for Park land and access locations.
- d) This proposed subdivision will require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- e) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- f) Install a black chain link fence along property lines backing onto the top of the slope that are adjacent to City lands/parks.

**.2) Geotechnical Report**

- a) Provide a comprehensive geotechnical report (**3 copies**), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below.

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

**The Geotechnical reports must be submitted to the Planning and Corporate Services Department (Shelley Gambacort) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.**

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.

- viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix) Recommendations for items that should be included in a Restrictive Covenant.
- x) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- xi) Any items required in other sections of this document.
- xii) Recommendations for erosion and sedimentation controls for water and wind.
- xiii) Recommendations for roof drains and perimeter drains.
- xiv) Recommendations for construction of detention or infiltration ponds if applicable.

.3) Water

- a) The property is located within the South East Kelowna Improvement District service area. SEKID has advised that all costs associated with water service could be considerable given the location and nature of the property. The property is currently assessed with 69 acres of water rights and that all lots created greater than one acre in size must have a minimum of one acre of water rights and all lots created less than one acre in size must be fully vested with water rights. The development as proposed will require more water rights and all applications must be approved by the SEKID board of trustees.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.
- c) Design drawings must be reviewed by SEKID prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.
- d) Proposed roads and utilities are within the limits of the SEKID Right-of-Way, which protects a major 1050mm diameter water supply main. Construction within these limits must be to the complete satisfaction of SEKID and the City. The development must provide for access to the watermain Right-of-Way to the satisfaction of SEKID.
- e) Show any existing wells on the Lot Grading Plan. Wells must be abandoned and filled in accordance with Inspection Services Department requirements.



**.4) Sanitary Sewer**

- a) If the development is permitted to proceed with a package treatment facility then Provincial approval is required and is subject to their requirements.
- b) The disposal system must also satisfy requirements of the Subdivision, Development and Servicing Bylaw Schedule 4, section 2. Sanitary Sewer, item 2.18.

**.5) Drainage**

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw require that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
  - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii) A detailed Stormwater Management Plan for this subdivision; and,
  - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- e) Provide a Restrictive Covenant on all properties created where there are undevelopable areas (slopes greater than 30%) for non-disturbance and to restrict tree removal. This shall also include environmental and geotechnical setback areas adjacent to the canyon walls.
- f) Where ditches are provided they must be adequately lined and protected for the design flows.

**.6) Roads**

- a) McCulloch Road from Field Road to the proposed development is to be upgraded in accordance with Development Variance Permit No. DVP99-10,021. A Development Variance was approved by Council to reduce the design speed from 70 km/h to 30 km/h along that section of McCulloch Road adjacent to the KLO Creek corridor. Therefore, the road design may be based on a 30 km/h design speed. Widening and realignment of the existing roadway is required including:

- i) A new bridge or multiplate culvert at the creek crossing plus sidewalk on one side;
  - ii) Minimum 3.65m driving lanes with 1.5m bike lanes on both sides plus width for no-post barriers and 0.6m shoulders;
  - iii) Sight line improvements at the top of hills on both the west side and east side;
  - iv) No-post barriers (27") on canyon side of road, both sides of creek to top of hills;
  - v) Extra lane width to accommodate large trucks in particular at the bottom of the creek;
  - vi) Appropriate signage.
  - vii) Refer to Exhibit A attached (reduced copy) as a guideline.
- b) Fronting the subdivision, provide an additional highway allowance widening of 5m both sides for the widening of McCulloch Road (for a total width of 30m). This widening is to be accomplished by:
- i) A dedication on the subdivision plan.
  - ii) Sale of the land to the City of Kelowna, provided sufficient funds are available in the City's current budget. Contact Mr. D.L. Shipclark, the City's Manager of Community Development & Real Estate, if this option is selected.
  - iii) A Road Reservation Agreement with the City of Kelowna. Please contact Mr. D.L. Shipclark, the City's Manager of Community Development & Real Estate, to have this documentation prepared. The document must be accompanied by a plan prepared by a B.C. Land Surveyor. The subdivision plan must be endorsed to the effect that there is an agreement to be registered under Section 526 of the Local Government Act. This agreement must be registered as a priority charge.
- c) If the development remains as a bareland strata the internal road system and design standards is subject to the approval of the Approving Officer. All maintenance of roads and utilities becomes the responsibility of the strata.
- d) If the development proposal changes to a fee simple subdivision then the road requirements must satisfy the City Subdivision, Development and Servicing Bylaw.
- e) For public roads provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- f) Provide a Street Sign, Markings and Traffic Control Devices Drawing for signs on public roads.
- g) Driveway access is not permitted onto McCulloch road. A **Section 219 Covenant** in favour of the City of Kelowna, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.

**.7) Power and Telecommunication Services and Street Lights**

- a) Overhead wiring is permitted for this subdivision although underground installation is recommended.
- b) Street lights must be installed on all road intersections.
- c) Before making application for approval of your subdivision plan, please make arrangements with Aquila Networks Canada for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction. Telus has indicated that they will require a 3m x 4m easement at no cost to Telus for a switching equipment cabinet. Telus will require 24 hour access to the switching cabinet.
- e) A transmission line traverses the property. Construction within the limits of the Right-of-Way must be to the satisfaction of FortisBC.

**.8) Design and Construction**

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

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

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



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

**.10) Other Engineering Comments**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands. The subdivision plan must be endorsed in the usual way to the effect that a **right-of-way is to be registered under Section 218** of the Land Title Act. A copy of the City's standard agreement is attached for your information and is available electronically by, contact Shelley Gambacort in this regard. This agreement must be registered as a priority charge.
  - 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.
12. All survey and legal costs associated with the registration of the subdivision plan and any easements, rights-of-way and covenants are the responsibility of the developer.

**Preliminary Layout Review is valid for a period of 180 days from the date of this letter. The Preliminary Layout Review letter will expire June 22, 2005.**

**It should be noted that if an extension of this period is required, a request should be made prior to the date of expiry of the current Preliminary Layout Review letter and that if an extension is granted, it will be subject to any new regulations and City policies that have come into force since the date of original review letter. A fee of \$100.00 is required for extension of the Preliminary Layout Review letter.**

13. Please be advised that pursuant to the City's sunset clause policy for subdivision requests, up to two Preliminary Layout Review extensions will be considered before this subdivision file is closed. Further Preliminary Layout Review extensions may be considered in the case of larger scale, phased subdivisions or where the applicant can demonstrate that the proposed subdivision is being actively pursued.
14. Preliminary Layout Review in support of a proposed subdivision is not to be construed as approval of your subdivision, and is revocable by the Subdivision Approving Officer at any time before approval of your subdivision is granted. A Preliminary Layout Review letter is given for your convenience only, and you should recognize that any costs incurred are your own responsibility.
15. **After registration, a copy of each of the registered right-of-way and covenant documents must be provided to this office, along with a current State of Title Certificate.**
16. In accordance with the Freedom of Information Act, upon your receipt of this Preliminary Layout Review Letter, all information received will form part of this application's public record.
17. On application for subdivision approval, based on 112 lots, the following fees will be payable:

|                     |                    |
|---------------------|--------------------|
| Application Fee     | \$11,915.00        |
| Land Title Act Fee  | \$ 50.00           |
| Survey Monument Fee | <u>\$ 5,550.00</u> |

TOTAL \$17,515.00

Administration Fee  
(Council Reso. R103/82)

3% of the value of construction work as  
determined by the City's Development  
Engineering Manager with a minimum  
charge of \$300.00 plus G.S.T.

18. Development Cost Charge Bylaw #9095 was approved by City Council on February 2, 2004 and this subdivision proposal will be subject to the following charges set down in the Bylaw (as amended) based on 112 lots with 2 credits for existing dwellings and 1 credit for P3 zoned lot:

| <u>Water</u> | <u>Sewer Trunk</u> | <u>Roads</u> | <u>Parks</u> | <u>Sewer Trtmt.</u> | <u>Total</u>   |
|--------------|--------------------|--------------|--------------|---------------------|----------------|
| \$ --        | \$ --              | \$982,962.00 | \$234,023.00 | \$ --               | \$1,216,985.00 |

NOTE: The Development Cost Charge set out above must be paid by bank draft or certified cheque.

If you have any questions or wish to set up an appointment, please contact Shelley Gambacort of this office.

Yours truly,

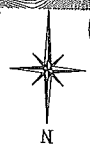


R.G. Shaughnessy  
Subdivision Approving Officer

RGS/SG/sg

Enclosure

cc: City Clerk  
Development Engineering Manager (Please review construction drawings with  
Approving Officer prior to drawing approval)  
Fire Department (Fire Prevention Officer)  
Telus (Attention: W. Van)  
Shaw Cablesystems (BC) Ltd.  
FortisBC (Attention: R. Maschek)  
Terasen  
Land Agent (Park Dedication, Road Widening)  
Inspection Services Manager (for distribution to Inspections Supervisor and Inspection  
Services Clerk [JY])



507-0026

NORTH

|   |                               |                        |
|---|-------------------------------|------------------------|
| <b>THE CITY OF KELOWNA</b><br>DOWNSTREAM DIVISION             |                               | DIVISION<br>6045-01    |
| <b>CANYON CREEK - PROPOSED SUBDIVISION</b><br>LOT LAYOUT PLAN |                               | DRAWING NO.<br>6045-01 |
| DESIGN<br>DATE<br>1998-07-08                                  | CHECKED<br>DATE<br>1998-07-08 | SCALE<br>1:12,500      |
| PROJECT NO.<br>507-0026                                       |                               |                        |
| PROJECT NAME<br>CANYON CREEK - PROPOSED SUBDIVISION           |                               |                        |
| PROJECT LOCATION<br>200 - 1440 St. Paul Street Kelowna B.C.   |                               |                        |
| PROJECT CONTACT<br>PHONE 250-860-1771<br>FAX 250-860-1772     |                               |                        |
| PROJECT STATUS<br>PRELIMINARY                                 |                               |                        |
| PROJECT DESCRIPTION<br>PROPOSED SUBDIVISION                   |                               |                        |
| PROJECT NOTES<br>1. Design level of Subdiv. 100'              |                               |                        |
| 2. Design level of Storm 100'                                 |                               |                        |
| 3. Existing level of Subdiv. 100'                             |                               |                        |
| 4. Existing level of Storm 100'                               |                               |                        |
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**SCHEDULE 'B'**

**ECORA ENGINEERING LTD. JULY 30, 2014 LETTER**

July 30, 2014



City of Kelowna  
1435 Water St.  
Kelowna, BC V1Y-  
1J4

Attn: Mr. Steve Muenz, P.Eng

Dear Sir,

Re: KLO Creek Bridge Replacement

Further to your request, we are pleased to submit our proposal for engineering services for the above referenced project. The current bridge is nearing the end of its lifespan and needs replacing. As you are aware, the bridge design has already been completed by Ecora and approved by the City as part of the Canyon Creek Development. The work we propose to carry out is as follows:

A. Design & Approvals

1. Design of Road Approaches - The west side of McCulloch Road was reconstructed several years ago. A short section of the west approach to the existing bridge will have to be removed and reconstructed to accommodate the new bridge. The new bridge will be approximately 1.5 m higher than the existing bridge deck. In addition, the east approach will have to be designed to accommodate the future road in such a manner so to easily tie into future McCulloch Road reconstruction.

Our Fee: \$4,760.00

2. Environmental Approval - I have talked to Corey Davis with regards to the environmental approvals. The DP has been issued, the restoration plan has been completed by Outland Design and Terrestrial Environment report has been prepared. We understand that the Section 9 approval with the MOE may have lapsed. We will make a new application to the MOE for a Section 9 notification as well with the DFO of the project in compliance with current laws.

Our Fee: \$1,040.00

## B. Construction Period Services

### 1. Tender

- e We will prepare tender documents based on MMCD - Platinum edition
- e Call tender for up to 3 qualified contractors
- o Respond to contractors questions during tender period
- a Review tenders and provide a spreadsheet summary and comparison for unit prices and overall costs
- o Prepare contract documents for signing by both parties
- Provide 3 sets of Issued for Construction Designs, as well as 1 digital set
- " Award the contract and gather Worksafe BC Clearance letter and Insurance

Our Fee: \$2,220.00

### 2. Field Reviews

Field Review Services are dependent on the schedule of construction and quality of work by the contractor. We have included an estimated amount for inspections based on previous jobs of similar scope and nature. We propose to base our fees on actual time and charge out rate as per the attached schedule of rates. We have based our inspections on a eight (8) week construction schedule.

|   |   |             |
|---|---|-------------|
| e | Pre-Construction Meeting  | \$530.00    |
| o | Construction Inspections (estimated)  | \$18,100.00 |
| o | Material & Compaction testing (allowance)   | \$5,040.00  |
| o | Environmental Monitoring  | \$7,500.00  |
| o | Deficiency Review with Contractor   | \$210.00    |
| a | Final Inspection with City, Provide deficiency list and Provide Certificate of Bylaw Compliance | \$475.00    |

Our Fee: \$31,855.00

### 3. Post Construction Services

We will prepare as-constructed drawings from topographical survey carried out by Ecora.

- As constructed drawings to City
- Preparation of Engineers Certification, test results, and submission of required schedules to City of Kelowna

Our Fee: \$2,840.00

### C. Contract & Project Management

Construction services will commence upon contract award to the successful contractor. A meeting will be set up to include all project members to discuss schedule and process. Ecora will prepare a list to describe responsibilities of all parties involved and clearly define project roles. Once construction starts the tasks that will be included in Construction & Project management will include:

1. Attend Pre-construction meeting with COK and Contractor to confirm contact information, permit requirements, traffic and communication plan, scope of work, optimum construction staging and the responsibilities of all parties involved;
2. Consult with, and make recommendations to the COK during construction;
3. Review and approve all shop drawings;
4. Monitoring to ensure specified materials and products are used for construction and review proposed alternates by contractor for suitability. (DWK will be notified if a proposed alternative material or product is suitable for construction);
5. Provide to the DWK a monthly budget update and explanations;
6. Provide and justify cost estimates for an additional or deletions;
7. Prepare, certify and promptly submit all progress payment to contractor;
8. Arrange, attend, record and distribute meeting minutes for all weekly meetings;





9. Provide to the COK a Substantial Completion Certificate and a Total Performance Certificate to permit the Release of Holdback;

10. Provide final measurements and costs within 30 days of Substantial Completion;

Our Fee: \$4,680.00

### **FEE SUMMARY**

|                   |                                   |                    |
|-------------------|-----------------------------------|--------------------|
| Design & Approach |                                   |                    |
| A.                | 1.Design of Road Approach         | \$4,760.00         |
|                   | 2.Environmental Approval          | \$1,040.00         |
| B.                | Construction Period Services      |                    |
|                   | 1.Tender                          | \$2,220.00         |
|                   | 2.Field Reviews                   | \$31,855.00        |
|                   | 3.Post Construction Services      | \$2,840.00         |
| C.                | Contract & Project Management     | \$4,680.00         |
|                   | <b>TOTAL ENGINEERING SERVICES</b> | <b>\$47,395.00</b> |

### **Our Terms for Payment is Net 30 Days**

This proposal includes ongoing liaison with the owner involved throughout the course of the project and coordination design with other consultants involved. All drawings and schedules submitted to governing authorities will be signed and sealed by a professional engineer.

Not included in the foregoing proposal are the following:

- ca Applicable taxes
- o Disbursements such as plotted prints, blueprints, mileage, etc.
- o Legal Survey
- o Construction layout survey (to be included in contractors bid)
- o Geotechnical Report



If revisions or change of scope for the project are requested by either the owner or others, after the works have been approved, or if you request additional work to that detailed herein, a budget will be provided prior to proceeding with the work based on our hourly rates as outlined below.

Hourly rates for any work not identified in the above proposal will be billed based on the following fee structure.

| Personnel           | Job Description                         | Hourly Rate |
|---------------------|---|-------------|
| Mike Young, P. Eng. | Senior Engineer                         | \$160.00    |
| Paige Smyth, ASCT   | Sr. Engineering Technologist            | \$105.00    |
| Joanne Koepke       | Sr. Engineering Technologist            | \$105.00    |
| Inspector           | Construction Inspection                 | \$90.00     |
| CADD Support        | Computer Drafting Technician            | \$85.00     |
| Clerical            | Clerical & Administrative Support Staff | \$50.00     |

As requested we have established the construction of the Bridge replacement as follows:

|    |  |                     |
|----|--|---------------------|
| 1. | New Bridge Construction                    | \$375,000.00        |
| 2. | Site Works (Approaches, Temp. Bridge, etc) | \$300,000.00        |
|    | SUB-TOTAL                                  | \$675,000.00        |
|    | Contingency 10%                            | \$67,500.00         |
|    | <b>TOTAL BRIDGE REPLACEMENT</b>            | <b>\$742,500.00</b> |



Thank you for the opportunity to submit this proposal. Please do not hesitate to contact our office if you have any questions or require any clarifications. We look forward to your favorable response.

Yours truly,

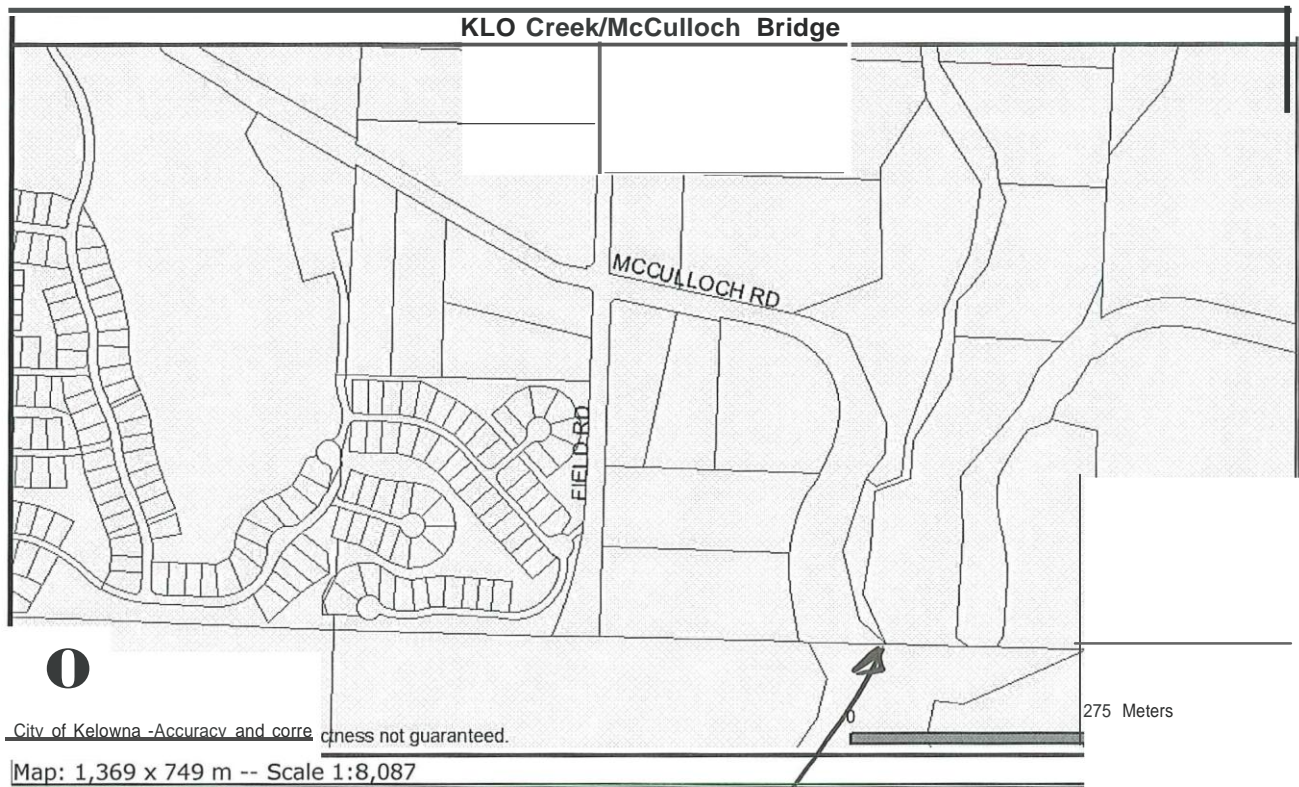
ECORA ENGINEERING LTO.

Michael D. Young, P. Eng.  
MDY



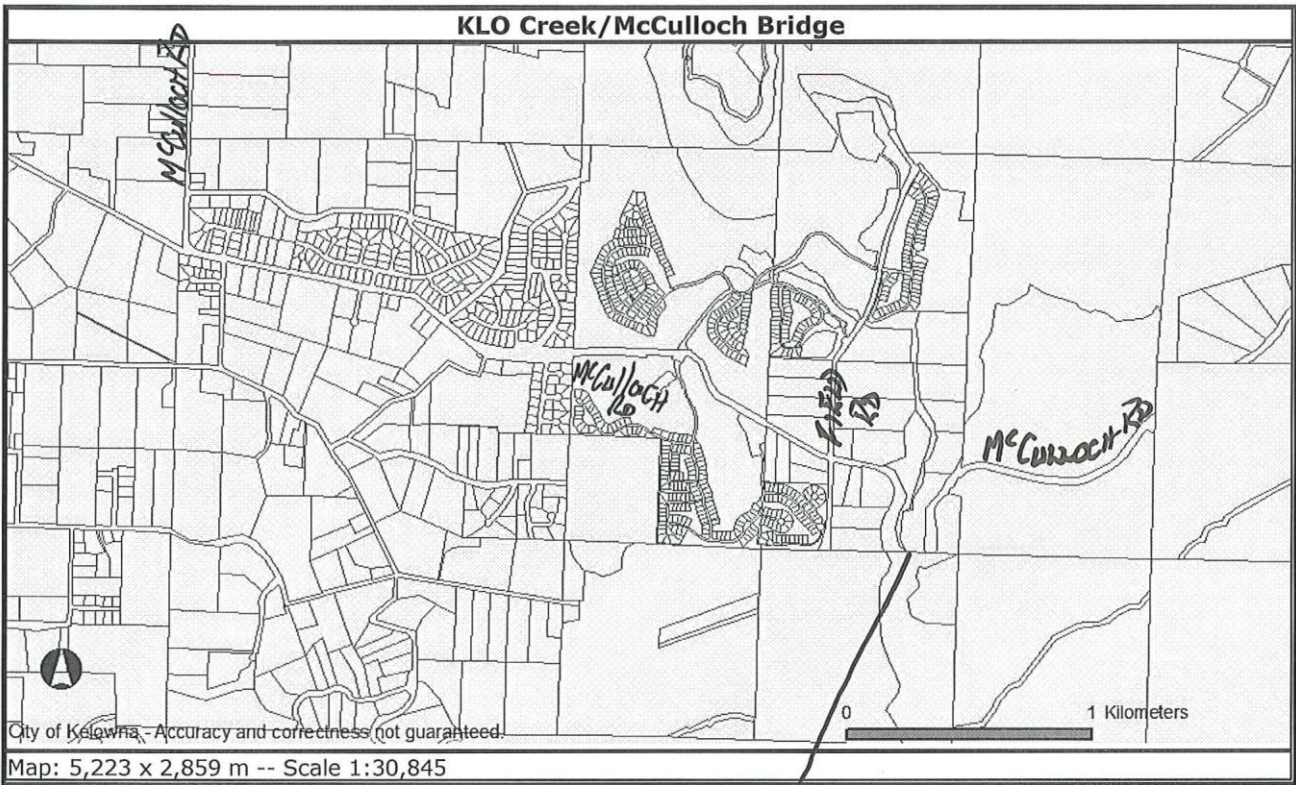
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*This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.*

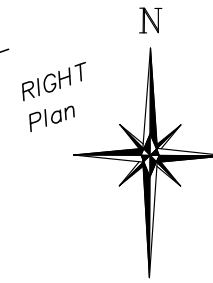
**BRIDGE**



*This map is for aeneral information onlv. The Citv of Kelowna does not quarantee its accuracv. All information should be verified.*

BRIDGE





  
ECORA ENGINEERING LTD.  
579 Lawrence Ave, KELOWNA, B.C. V1Y 6L8  
Phone 250-469-9757

|          |                |
|----------|----------------|
| DRAWN    | JK             |
| DESIGN   | JK             |
| APPROVED | MDY            |
| DATE     | SEPTEMBER 2014 |
| SCALE    |                |
| HORIZ.   | 1:500          |
| VERT.    | 1:50           |

|              |          |
|--------------|----------|
| DIVISION     |          |
|              |          |
| DRAWING NO.  | REV. NO. |
| EK-14-020-10 | 0        |

**SCHEDULE 'C'**  
**Land Title Application**



LAND TITLE ACT  
FORM B (Section 225)

MORTGAGE- PART 1 Province of British Columbia

PAGE 1 OF 8 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

**Doak Shirreff LLP**

**Barristers and Solicitors**

**#200, 537 Leon Avenue**

**Kelowna**

**BC V1Y 2A9**

**Phone: 250-763-4323**

**File: 065-124248/vc**

**LTO client no: 10565**

DeductLTSAFees? Yes **It]**

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[legal description]

**028-452-160 LOT 1 SECTION 1 TOWNSHIP 26 ODYD PLAN EPP8620**

STC? **YES D**

3. BORROWER(S) (MORTGAGOR(S)): (including postal address(es) and postal code(s))

**SEE SCHEDULE**

4. LENDER(S) (MORTGAGEE(S)): (including occupation(s), postal address(es) and postal code(s))

**CITY OF KELOWNA**

**1435 WATER STREET**

**KELOWNA**

**CANADA**

**BRITISH COLUMBIA**

**V1Y 1J4**

5. PAYMENT PROVISIONS:

|  |  |   |           |           |           |
|--|--|---|-----------|-----------|-----------|
| (a) Principal Amount:<br><b>\$900,000.00</b>   | (b) Interest Rate:<br><b>Four (4.0%) Per centum</b>  | (c) Interest Adjustment<br>Date: <b>N/A</b> | <b>Y</b>  | <b>M</b>  | <b>D</b>  |
| (d) Interest Calculation Period:<br><b>Annually, not in advance</b>  | (e) Payment Dates:<br><b>N/A</b>   | (f) First Payment<br>Date: <b>N/A</b>       |           |           |           |
| (g) Amount of each periodic payment:<br><b>N/A</b>   | (h) <i>Interest Act</i> (Canada) Statement.<br>The equivalent rate of interest calculated<br>half yearly not in advance<br>is <b>4.0%</b> per annum. | (i) Last Payment<br>Date:                   | <b>11</b> | <b>10</b> | <b>30</b> |
| G) Assignment of Rents which the<br>applicant wants registered ?<br><b>YESD NO[{}]</b><br>If YES, page and paragraph number: | (k) Place of payment:<br><b>Address in Item 4.</b>   | (l) Balance Due<br>Date:                    | <b>19</b> | <b>06</b> | <b>30</b> |

6. MORTGAGE contains floating charge on land?

YESO NO[{}]

7. MORTGAGE secures a current or running account?

YESO NO[{}]

8. INTEREST MORTGAGED:

Freehold **It]**Other (specify) **D**

9. MORTGAGE TERMS:

Part 2 of this mortgage consists of (select one only):

(a) Prescribed Standard Mortgage Terms [{}]

(b) Filed Standard Mortgage Terms **D**(c) Express Mortgage Terms **D**

DF Number:

(annexed to this mortgage as Part 2)

A selection of(a) or (b) includes any additional or modified terms referred to in item 10 or in a schedule annexed to this mortgage.

10. ADDITIONAL OR MODIFIED TERMS:

SEE SCHEDULE

11. PRIOR ENCUMBRANCES PERMITTED BY LENDER:

Rights of Way 69737E, L39650, Statutory Rights of Way V38606, V82022 and KH9846,  
Covenants LB383942 and CA1846184

12. EXECUTION(S): This mortgage charges the Borrower's interest in the land mortgaged as security for payment of all money due and performance of all obligations in accordance with the mortgage terms referred to in item 9 and the Borrower(s) and every other signatory agree(s) to be bound by, and acknowledge(s) receipt of a true copy of, those terms.

Officer Signature(s)

Execution Date

y M D

14

Borrower(s) Signature(s)

OTTO BABICHUK, by his lawful  
Attorney, Ron CreswellOTTO BABICHUK, by his lawful  
Attorney, Robert Marshall  
(DF CA1779420)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.



LAND TITLE ACT  
FORMD  
EXECUTIONS CONTINUED

PAGE 4 of 8 pages

Officer Signature(s)

Execution Date

Transferor /Borrower /Party Signature(s)

Y

M

D

537584 ALBERTA INC.,  
by its authorized signatories:

\_\_\_\_\_  
Ron Cresswell

\_\_\_\_\_  
Robert Marshall

CHER-KEN HOLDINGS LTD.,  
by its authorized signatories:

\_\_\_\_\_  
Ron Cresswell

\_\_\_\_\_  
Robert Marshall

MJC DEVELOPMENT  
CORPORATION,  
by its authorized signatories:

\_\_\_\_\_  
Ron Cresswell

\_\_\_\_\_  
Robert Marshall

## OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.



Officer Signature(s)

Execution Date

Transferor /Borrower /Party Signature(s)

JORIS HOLDINGS LTO.,  
by its authorized signatories:

Ron Cresswell

Robert Marshall

SEADRIFT PROPERTIES LTD.,  
by its authorized signatories:

Ron Cresswell

Robert Marshall

DLANOR DEVELOPMENTS LTD.,  
by its authorized signatories:

Ron Cresswell

---

Robert Marshall

## OFF1CER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.



LAND TITLE ACT  
FORM E

## SCHEDULE

PAGE 7 OF 8 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

## 3. Borrowers:

OTTO BABICHUK, Businessman,  
c/o 11523 - 100th Avenue  
Edmonton, AB T5K 0J8

JOMADA VENTURES CORP. (Inc. No. A58332)  
592 KLO Road  
Kelowna, BC V1Y 7S2

NEWPORT INVESTMENTS LTD. (Inc. No. 203585732)  
5503 - 174 Street  
Edmonton, AB T6M 1E3

244584 ALBERTA LTD. (Inc. No. 202445847)  
312 Wolf Ridge Point NW  
Edmonton, AB T5T 5R7

537584 ALBERTA INC. (Inc. No. 205375843)  
45 Glenmeadow Crescent  
St. Albert, AB T8N 5S7

CHER-KEN HOLDINGS LTD. (Inc. No. 20340721)  
Box 69 RR#4  
Edmonton, AB T5E 5S7

MJC DEVELOPMENT CORPORATION (Inc. No. 20629751)  
19 Lancaster Crescent  
St. Albert, AB T5T 5R7

SEADRIFT PROPERTIES LTD. (Inc. No. 20272010)  
803 Wheeler Road West  
Edmonton, AB T6M 2E5

DLANOR DEVELOPMENTS LTD. (Inc. No. 201597725)  
17515- 106A Avenue  
Edmonton, AB T5S 1M7

407904 B.C. Ltd., (Inc. No. 407904)  
799 Young Road  
Kelowna, BC V1W 2K7

LAND TITLE ACT  
FORM ESCHEDULE

PAGE 8 OF 8 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

**10. Additional or Modified Terms:**

Notwithstanding anything herein provided to the contrary, the Mortgagor and the Mortgagee expressly agree that

(i) The Interest Adjustment Date shall be the date on which Encora Engineering Ltd. issues the Certificate of Total Performance with respect to the Bridge Upgrade, as that term is defined in that certain Partnering Agreement dated October\_\_, 2014 entered into between the Mortgagor and the Mortgagee, a true copy of which was certified by the City Clerk of the Mortgagee on October\_\_, 2014.

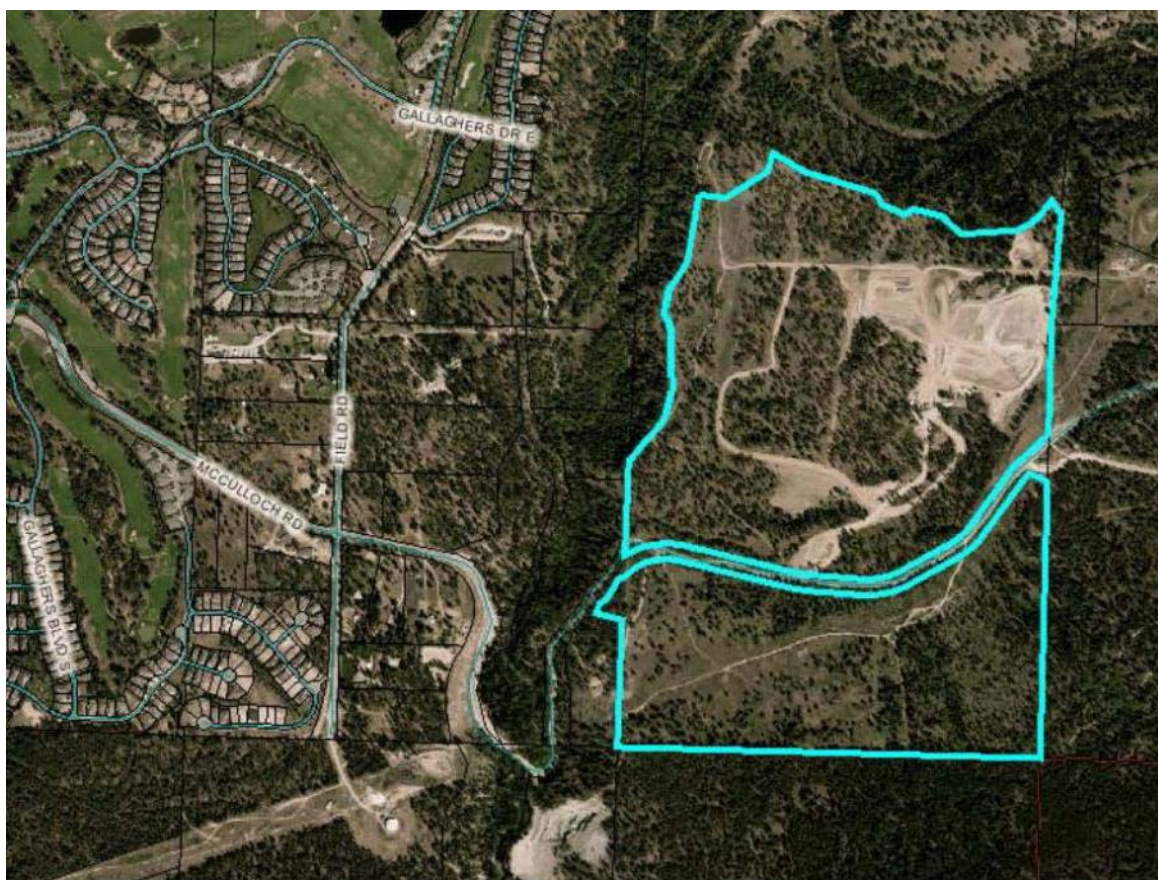
(ii) The Last Payment Date and the Balance Due Date as indicated in paragraphs S(i) and 5(1) shall be the earlier of:

a. That date upon which the Mortgagor shall commence construction of the Development on the Lands charged by this Mortgage; or

b. June 30, 2019.



# CANYON CREEK PROPOSED 2<sup>ND</sup> PARTNERING AGREEMENT



# CANYON CREEK BACKGROUND

- ▶ Approx. 74 ha property, in SE Kelowna
- ▶ East of Gallagher's Canyon and on the way to the Myra Canyon Trestles
- ▶ Proposed 110 Lot bare land strata subdivision

# CANYON CREEK BACKGROUND

- ▶ 1<sup>st</sup> Partnering Agreement Canyon Creek (CC) - received approval of rezoning to large lot Residential (RR2) in exchange for;
  - ▶ Park lands (approx. 50 ha)
  - ▶ Lands they acquired to facilitate McCulloch road improvements, and
  - ▶ Repayment including interest for;
    - ▶ the cost of lands the City expropriated
    - ▶ the cost of the McCulloch road improvements that were undertaken.
    - ▶ City received full repayment of \$1,626,768.50 (inclusive of interest) in spring 2014

## CANYON CREEK BACKGROUND

- ▶ Bridge over KLO Creek is reaching it's functional lifespan.
- ▶ CC remains years away from development & do not wish to replace the bridge at their cost until they proceed.
- ▶ City has no means to 'compel' the Bridge replacement at this time.



# CANYON CREEK BACKGROUND



# MCCULLOCH ROAD BRIDGE



# CANYON CREEK BACKGROUND

- ▶ Staff proposed a 2<sup>nd</sup> Partnering Agreement
- ▶ Bridge / approach redesign completed
- ▶ Estimate of total works approx. \$900,000 (incl. interest)
- ▶ Recommend a 4 year term / 4% interest secured by a first Mortgage
- ▶ Repayment with interest shall be made the sooner of;
  - a) the start of Canyon Creek development or,
  - b) June 30, 2019

# PARTNERING AGREEMENT

## Benefits to City

- ▶ Bridge reaching its functional life
- ▶ Bridge / approach too narrow for existing traffic
- ▶ Bridge has weight restrictions
- ▶ Route to Myra Canyon Trestles made much safer
- ▶ Design of new Bridge accommodates cyclists
- ▶ City receives full repayment & interest



# PARTNERING AGREEMENT

## Next Steps

- ▶ Public Notification has been completed
- ▶ Subject to Council Approval, Agreement is signed by City / Canyon Creek (CC)
- ▶ CC has 30 days to provide the Mortgage
- ▶ CC Engineer (Ecora) tender the bridge / road access works for spring 2015 construction
- ▶ Interest accrues effective the date of construction Total Performance.

# Report to Council



**Date:** October 29, 2014  
**File:** 5460-00  
**To:** City Manager  
**From:** Darryl Astofooroff, Public Works Manager  
**Subject:** Amendment to Policy No. 373 - Tourist Oriented Destination Signs & Bylaw No. 8120 - Traffic Bylaw  
Report Prepared by: Laurens Campbell, Engineering Traffic Technician

---

## **Recommendation:**

THAT Council receives, for information, the Report from the Public Works Manager dated October 29, 2014 pertaining to recommended changes to amend Council Policy No. 373 - Tourist Oriented Destination Signs;

AND THAT Council Policy No. 373, Tourist Oriented Destination Signs be revised as outlined in the Report from the Public Works Manager dated October 29, 2014;

AND FURTHER THAT Bylaw No. 11034 being Amendment No. 25 to Traffic Bylaw No. 8120 be forwarded for reading consideration.

## **Purpose:**

To update Council Policy 373 - Tourism Oriented Destination Signs (TODS) such that wineries and golf course names are permissible on tourist destination signs and amend the associated fee schedule within Traffic Bylaw No. 8120.

## **Background:**

Council Policy 373 was prepared in cooperation with Tourism Kelowna and in consultation with local tourism operators. Council adopted Policy 373 during the regular Council meeting of March 24, 2014.

The objectives of the policy are:

- Minimize sign proliferation in order to maintain road safety and avoid driver confusion
- To ensure clear way-finding for tourists and residents in order to optimize business success and to present tourists with clear and consistent directional signage.
- Set eligibility criteria for applicants
- Formalize the application process

- Have a self-funding program that recovers sign manufacturing, installation and administration costs from the sign beneficiaries.

After adoption, numerous winery operators realized that implementation of the new policy would see business names removed from some of the signs, in an effort to reduce the clutter and make the signs more legible.

Council asked staff to clarify the details of the policy at the morning Council meeting on June 14, 2014. Staff provided an overview of the policy and confirmed that the policy was in response to the new Services and Attractions Manual that was developed by the Ministry of Transportation and Infrastructure over the past couple of years. Policy 373 was to be consistent with the Ministry's new manual.

The resolution from the June 14 meeting (R393/14/06/09) is as follows; THAT Council directs staff to hold off on the implementation of Policy 373 AND THAT staff report back to Council with options for amending the policy. In addition to the resolution, Council directed staff to include winery and golf course names on signs.

Staff recommends that Policy 373 be amended to include winery and golf course names at major decision points (intersections) on arterial and major collector roads. Generic wine route signs would be installed on the minor roads, until a turn off of the route is required to access a facility. See example in Appendix 'A'.

Staff recommends that the FEE SCHEDULE 'A' of Traffic Bylaw No. 8120 be amended to include a fee for 'Personalized signs for wineries and golf courses' at \$210 per sign. This is an increase of \$30 to the previous sign fee to cover the cost of additional sign size and lettering.

This amendment would have costs associated with sign installation exceeding current budgets if changes to all existing signs were implemented in 2015. Staff will therefore implement within existing resources during 2015 and 2016. If implementation requires more than 2 years, additional budget will be requested.

The implementation strategy would include;

1. Clean up areas on a priority basis that currently have excessive or confusing signage
2. Consolidate all signs into a more legible and consistent format
3. Take applications for new signs
4. Remove illegal signs

**Internal Circulation:**

Stephen Fleming - City Clerk

Fred Wollin - Traffic Operations Supervisor

Moudud Hasan - Manager, Transportation and Mobility

Carla Weaden - Director, Communications and Information Services

Greg Wise - Bylaw Services Manager

**Legal/Statutory Authority:**

City of Kelowna Traffic Bylaw 8120

**Existing Policy:**

Council Policy 373 - Tourist Oriented Destination Signs

**Financial/Budgetary Considerations:** Variable

**External Agency/Public Comments:**

An open house was held on February 19, 2014, with Tourism Kelowna and approximately 30 of their stakeholders. The information was well received and all attending were in favour of moving forward with the policy, with the hope that new applicants can have signs installed by the beginning of the tourist season.

**Considerations not applicable to this report:**

**Legal/Statutory Procedural Requirements:**

**Personnel Implications:**

**Communications Comments:**

**Alternate Recommendation:**

Submitted by:

D. Astofooroff, Public Works Manager

**Approved for inclusion:**



cc: Corinne Boback, Legislative Coordinator





City of Kelowna  
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Kelowna, BC V1Y 1J4  
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kelowna.ca

# Council Policy

## Tourist Oriented Destination Signs

Contact Department: Civic Operations – Traffic Operations

### **Policy Statement**

Clear and consistent Tourist Oriented Destination Signs (TODS) assist visitors and residents with getting to major attractions within the city. Less roadside sign clutter decreases driver confusion, is easier to understand and maintain and does not compete with other important traffic control devices. This contributes to a safer road network.

### **Purpose**

- To ensure clear way-finding for tourists in order to optimize business success and to present tourists with clear and consistent directional signage;
- Set eligibility criteria for tourist attraction operators;
- Formalize the application process to qualified tourist attraction operators;
- Minimize sign proliferation on City roadways, in order to maintain safety and to avoid driver confusion at all times;
- Recover sign manufacturing, installation, maintenance and administration costs; and
- integrate with the current provincial signage program

The following policy is intended to be consistent with the British Columbia Ministry of Transportation and Infrastructure's '2013 Service and Attraction Sign Manual' and the Transportation Association of Canada's 'Manual of Uniform Traffic Control Devices'. The current volume of signs at some locations is too high to be effective. The intent is to modify these installations for clarity and consistency with best practices.

### **Background**

The City of Kelowna's practice has been to allow attraction signs on the city road network, if the business qualified for the signs under the Provincial Service and Attraction Sign Policy. In 2011, the province changed their policy, advising applicants that they would need to apply to the local road authority first, and if the signage is approved on the local road system, the Ministry of Transportation and Infrastructure (MoTI) would install the supporting signs on the provincial highway.

Tourist Oriented Destination Signs (TODS) are an integral part of our transportation system. The message conveyed on signs should be consistent with national standards so that they are easily recognized and interpreted. TODS benefit tourists and businesses but should not be so prolific as to detract from other traffic control devices. The TODS system is designed to direct road users, destined for tourist facilities, from provincial highways to local businesses. The signs are intended for traffic direction and not for advertising. All signs for tourist attractions on City of Kelowna roadways must be installed under the City of Kelowna TODS program. Home-made or unapproved signs are not permitted.

### **Procedure**

**Application**

An application for Tourism Oriented Destination Signs on City of Kelowna roadways can be made through the City of Kelowna, Traffic Operations department, located at the City Works Yard or on-line at [www.kelowna.ca](http://www.kelowna.ca)

**Facilities which are eligible for TODS**

For an operation to be eligible for signs, it must meet the following basic criteria:

- Comply with all Federal, Provincial and Municipal regulations.
- Maintain a valid Business License.
- If the attraction is located just outside the Kelowna city limits, but primary access is through Kelowna, consideration may be given to signs within Kelowna city limits.
- Be open to the general public and serve tourists.
- Be accessible by public roads.
- Be a registered stakeholder with Tourism Kelowna and advertise its location, season, hours of operation and contact information in tourism publications.
- Be open at least five days per week for a minimum of 12 consecutive weeks per year. Shorter term openings will only be considered if the attraction is a significant traffic generator and at the discretion of the program administrator. Dates should be displayed on the signs e.g. *May to Sept.*
- Must have regular, stated hours of operation.
- Facilities must have appropriate signage on their own property so that they are easily identifiable from the fronting roadway.

**Facilities which are not eligible for TODS:**

- General commercial enterprises (including malls, plazas and shops)
- Restaurants, pubs, bars and, nightclubs
- Attractions located within urban centres
- Fruit/vegetable stands
- Cemeteries
- Antique Shops
- Cinemas/Theatres
- Bowling Alleys
- Driving Ranges
- Mini Golf Courses
- Souvenir/Gift Shops
- Public or private Primary, Elementary, Middle and High Schools
- Religious Facilities such as churches and mosques
- Essential Services such as gas, food, hotel/motel lodging
- U-pick operations
- Neighbourhood park facilities
- Subdivisions, neighbourhoods and real estate developments
- Facilities who's primary visitors are invited guests
- Locations already covered by existing way-finding sign programs

**Eligible Facilities:**

Any eligible facility can only be classified and signed as a single type of attraction. It is possible that not all eligible facilities will be granted signs.

**Bed & Breakfast**

Bed & Breakfasts are a type of smaller lodging establishment that are signed using a distinctive symbol and meet the following criteria:

- Provide, at a minimum, 3 units for overnight accommodation
- Lockable door for each unit
- Provide at least one meal for guests, typically breakfast
- Provide at least one dedicated bathroom for guests

**Wineries/Breweries/Distilleries**

- Registered with BC Wine Institute
- Participant of Kelowna 'Wine Trails' program
- Must produce the product on site
- Must offer tours/tasting on site

**Heritage Sites**

Heritage sites include significant heritage sites, typically registered with Heritage BC

Heritage Site Types:

- First Nations Heritage Sites
- Historic/Heritage Villages or Buildings
- Historic Train Tours
- Interpretive Centres
- Museums
- Provincial Historic Sites

**Cultural Attractions**

Cultural Attractions include attractions that express traditions, aesthetics, values and customs passed along from generation to generation

Cultural Attraction Types:

- Artisan Demonstration Studio
- Building of Unusual Construction
- Live Performing Arts Theatre
- Outdoor Live Performing Arts Theatre
- Public Art Gallery

**Entertainment Attractions**

Attractions with the main purpose of providing an experience for tourists. These should involve amusement, excitement, fun and/or entertainment. This includes, but is not limited to:

- Aerial Tramway
- Casinos
- Horse Racing
- Racetracks/Raceways/Speedways
- Suspension Foot Bridge
- Theme (Amusement) Park
- Zip-lining

**Natural Attractions**

Natural Attractions are significant geographical, biological, or geological features in the environment, which may include a scenic destination with a combination of natural and man-made features. Destinations must be supported by infrastructure for travelling public (signage, access to public road, adequate parking)

**Natural Attraction Types:**

- Botanical or Display Garden
- Forest, Wood, or Tree Related
- Natural Hot or Mineral Spring
- Significant Public Beach

**Educational Attractions**

May be a natural or human-made attraction, whose main purpose is to educate from a social, business/industrial, cultural, scientific, and/or historical perspective, with the intent of providing visitors with the opportunity to acquire knowledge, skills or abilities. Educational attractions must be supported by infrastructure for travelling public (signage, access to road, adequate parking)

**Educational Attraction Types:**

- Fish Hatcheries
- Hydroelectric Dam Tours
- Industrial Tours
- Mine Tours
- Regional Zoo
- Colleges and Universities

**Agri-Business Attractions**

Agri-Business is an enterprise that combines the natural setting and agricultural products with a tourism experience. This includes a wide spectrum of products and services.

**Agri-Business Types:**

- Cidery
- Dairy Products
- Plant Tours
- Equestrian Centre
- Farm Tours
- Fish Farm (Commercial) Tours
- Honey/Mead Producer

**Sign Types and Design:**

**Mainline signs** - Signs located along provincial highways advising of the direction of local attractions or services (Ministry of Transportation guidelines).

**Trailblazing signs** - Signs located along City of Kelowna roadways, guiding tourists from provincial highways, to the attraction.

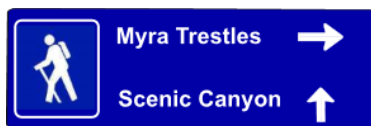
**Confirmatory Signs** - Signs located either after a turn or mid-block to confirm to drivers that they are on the correct route.

**Personalized Signs** - Standard trailblazing sign showing attraction/facility name

All sign graphics will be consistent with service and attraction signs specified by the BC Ministry of Transportation and Infrastructure. Signs will be made of retro-reflective sheeting material, with white legend and symbol on a blue background and will show the same colour and shape by night or day. At minimum, signs will contain a symbol and a directional arrow.

With the exception of wineries and golf courses, symbol signs only will be permitted on arterial and major collector roadways - no specific names of attractions on those roads. A personalized sign may be used where a turn off of the arterial or major collector road is required.





Example:

Personalized signs will contain the standard symbols along with the destination name, directional arrow and possibly the distance. Logos will not be permitted. Personalized signs will be kept to a minimum and will only be permitted once the route to a single attraction splits from the main route and/or travel onto a minor road is required.

#### Sign Size:

- Single signs on **arterial and major collector** classes of roads will be a maximum size of 30cm high x 120cm wide. Where signs will be grouped with other attraction signs on a single panel, there will be a maximum of four attractions per panel.
- Stand-alone signs, for a single attraction, placed along **minor collector** or local classed roadways will be a maximum size of 30cm high x 90 cm wide. Signs will be grouped with other attraction signs on a single panel. There will be a maximum of four attractions per panel.

#### Sign Location:

Where space permits, facilities will be signed along one route, which will lead motoring tourists to their destination in a reasonably direct manner. Signs will be limited to locations where a change in direction to the destination is required. Generally, signs for a single facility will not be permitted on multiple routes. Routes will be determined by the Public Works Manager or their designate, in consultation with the business owner/operator.

Tourism signs must not interfere or detract from other traffic control devices or signs. Priority will always be given to traffic signals, regulatory, warning and other signs used for traffic control by the City.

The number of attraction signs approaching an intersection will be limited to a single panel of up to four attractions. A second panel can be considered if it can be located at least 50m away from the first panel. Signs will be mounted on existing infrastructure, wherever possible.

Multiple similar attractions, where signed along a common route, will utilize a single sign until a change in routing is required. For example, multiple golf courses could be directed down an arterial road, from the highway, until the route splits in order to access the different golf courses.

Any variation will be at the discretion of the Public Works Manager or their designate.

Any existing unauthorized signs will be removed by the City of Kelowna and will not be returned to the owner.

Businesses that meet guidelines and wish to participate in the City of Kelowna's TODS Program, once it is at capacity, will be placed on a waiting list until a space becomes available.

#### Sign Maintenance

The City of Kelowna will maintain an inventory of signs. The City of Kelowna does not inspect tourism signs on a regular basis. Missing or damaged signs will need to be identified by the sign beneficiary. The City will replace signs where necessary. Repair/replacement costs will be as per the fee schedule.

#### Fees

All Fees are identified in Bylaw No. 8120 – City of Kelowna Traffic Bylaw

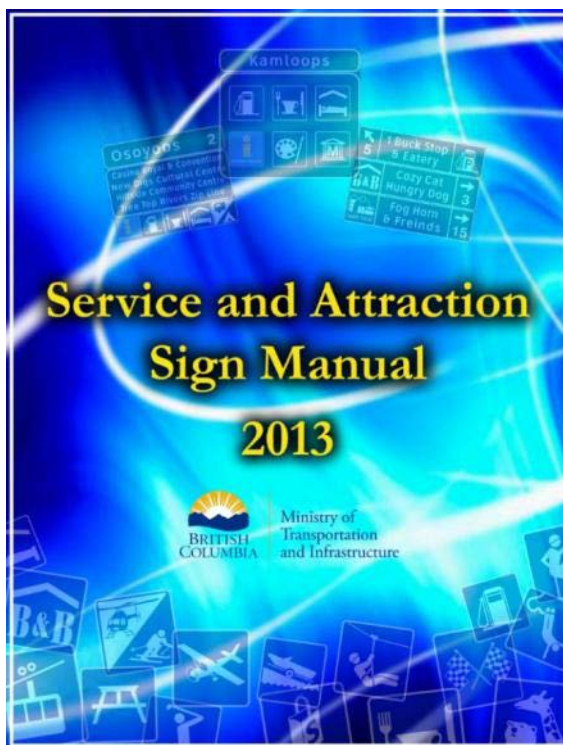
#### Amendments


# TOURIST ORIENTED DESTINATION SIGNS

Proposed revision to Council Policy 373



# MOTI SERVICES AND ATTRACTION MANUAL



| WineTrail  |  |
|--|--|
|  | <b>Description</b><br>Indicates the presence of a wine trail consisting of 3 or more individual wineries.  |
|  | <b>Application</b><br>Wine trails may be signed on Rural Service and Attraction signs or on Agri-business signs.<br><br>See section 7.1 for details on signing wineries. |



# POLICY 373

From these

To this



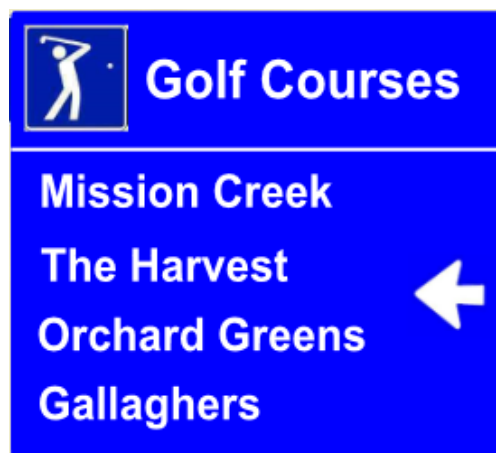


# POLICY 373 - CONDENSED SIGNAGE



# PROPOSED REVISION TO POLICY

Southbound Benvoulin - approaching KLO



# TRAILBLAZING SIGNS

KLO approaching Spiers



KLO/East Kelowna/McCulloch



McCulloch approaching Pooley



Spiers approaching Ward



McCulloch approaching Rose



McCulloch approaching Rose



McCulloch approaching June Springs



# CITY OF KELOWNA

## BYLAW NO. 11034

### Amendment No. 25 to Traffic Bylaw No. 8120

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. THAT **Schedule "A"PART 6 TOURIST ORIENTED DESTINATION SIGN**, be amended by adding the following to the table in its appropriate location:

|  |          |                   |
|--|----------|-------------------|
| Personalized signs for wineries and golf courses | \$100.00 | \$210.00 per sign |
|--|----------|-------------------|

2. This bylaw may be cited for all purposes as "Bylaw No. 11034, being Amendment No. 25 to Bylaw No. 8120."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# Report to Council



**Date:** 11/5/2014  
**File:** 0610-53  
**To:** City Manager  
**From:** Don Backmeyer, Sport & Event Development Manager  
**Subject:** Community Sport Delivery Program

---

## **Recommendation:**

THAT Council receives the report from the Sport & Event Development Manager regarding the development of a Community Sport Delivery Program dated November 5, 2014;

AND THAT Council direct staff to implement the Community Sport Delivery Program as outlined in the report dated November 5, 2014;

AND THAT Council approves the use of \$35,500 from the Sport Education Fund as the funding source for the Community Sport Delivery Program;

AND THAT Council approves the transfer of these funds to the PacificSport Regional Sport Centre-Okanagan Society for program administration;

AND FURTHER THAT Council direct staff to report back to Council regarding the success of the program and future direction.

## **Purpose:**

To seek Council approval to re-allocate legacy funding from the 2008 BC Summer Games, currently used for the Sport Education Grant, to create a Community Sport Delivery Program.

## **Background:**

### Sport Education Grant:

In December 2009, approximately \$45,000 of surplus operating funds from the 2008 BC Summer Games Society was transferred to the City for the creation of a Sport Education Grant (Council Policy 349 Schedule 1). The grant was designed to provide financial assistance to:

- Local coaches or officials interested in upgrading their training and/or certification beyond introductory levels.
- Local sport organizations hosting advanced sport development courses/seminars for local coaches and officials.

These funds, totaling \$45,000, was intended to be dispersed through a granting process over a three year period of \$15,000 annually, with a provision for unused funds to be carried forward. To date, only \$6,500 of the initial \$45,000 has been accessed by individual coaches, officials and Local Sport Organizations. Twelve different sports have benefited from the Sport Education Grant including: Athletics, Boxing, Swimming, Free Style Skiing, Diving, Speed Skating, Gymnastics, Volleyball, Basketball, and Taekwondo (see attached Schedule 2). The Sport Education Grant is administered by PacificSport Regional Sport Centre-Okanagan Society (PacificSport Okanagan) on behalf of the City of Kelowna's Active Living & Culture Division.

#### History of Regional Sport Program

Prior to 2007 the Province of BC supported a Regional Delivery Program, in conjunction with Local Sport Organizations (LSO's). Coaches certified through the Level 3 National Coaches Certification Program, were hired to deliver programs and services to athletes, coaches and volunteer leaders, in their home communities. These coaches worked to provide specific sport programs from entry level to high performance, at the community level.

After 2007, a new Provincial sport strategy focused on high performance athletes in the lead up to the 2010 Vancouver Olympics. Funding parameters were changed and as a result, funding was directed to areas of highest population density (Lower Mainland and Victoria) and regional coaches no longer received this funding.

The impact of this "migration" of resources" from the region had on sport in the Okanagan includes:

- Reduction in the number of trained/certified coaches in the region
- Reduction in the level of technical support provided to coaches
- Decreased sport participation opportunities
- Decreased quality of sport specific programming
- Decreased commitment to sport performance initiatives

#### Community Sport Delivery Program

To address these consequences, Active Living & Culture is proposing to direct \$35,500 of the funds allocated to the Sport Education Grant to create a new Community Sport Delivery Program. The new Community Sport Delivery Program's objective is to enhance the provision of local sport development and participation opportunities by re-creating some of the best components of the community based "Regional Delivery Program" model.

The funding formulae has City funds being matched by additional funds from PacificSport Okanagan. Successful applicants will be required to match the combined City/PacificSport funds. This program model multiplies the City's financial contribution four times. The City's contribution of \$35,500 will translate into a \$142,000 of resources dedicated to the local sport delivery system.

Funds will be dispersed to Local Sport Organizations through a two year funding cycle starting in the spring 2015. The funds will be allocated via an application and evaluation process. There will be an application intake for summer sports beginning in January of 2015 and a separate intake for winter sports later in 2015.

Program funds will be dedicated to hiring local community coaches or administrators in specific sports. These paid positions will ensure the provision of a wide range of sport programs and services to local athletes, coaches and volunteers from beginner to competitive

levels. The coaches/administrators will focus their efforts on sport development, sport performance and sport participation initiatives. Positive outcomes anticipated from this program include:

- Community Coaches/Administrators will serve as course facilitators, mentors and resource persons to providing enhanced coach education and training
- Technical support for new sport program partners will be provided locally
- Increased sport participation opportunities will be available in the community.
- A greater level of connectivity and accountability will be established with the local sport community.
- Quality sport-specific programs and services will be offered locally to athletes and coaches on a regular basis.
- Locally based high performance athletes will receive increased levels of support and service.

#### Process to Access Program

If approved, the program will be initiated with a call for submissions by PacificSport Okanagan.

1. Local Sport Organizations will apply to the program by filling out an application form (attached as Schedule 4) for a grant of \$2,500 to \$5,000 per year.
2. A review team will conduct an analysis of submissions based on;
  - a. Impact on the sport community.
  - b. Financial support Local and Provincial Sport Organization (PSO)
  - c. Alignment with the Canadian Sport 4 Life (CS4L) model
  - d. Plans to provide various levels of programming from participation to performance
  - e. Local Sport Organizations "track record" in the community
  - f. Need and willingness to engage in sport development
3. PacificSport Okanagan will then create a short list from submissions received.
4. Short listed Local Sport Organization will be contacted and required to submit a detailed sport plan outlining their goals, objectives and delivery strategy for this program

This sport plan will provide details on program implementation and will be evaluated using the following criteria;

- Athlete development plan
- Coach development plan
- Alignment with CS4L, Long Term Athlete Development and physical literacy initiatives
- Financial Stability
- Community Outreach
- Support (PSO and partner clubs)
- Management

Upon approval of the submitted sport plan and confirmation that matching funds are in place Local Sport Organizations will be granted the amount applied for and the program will be implemented.

Should Council support the recommendations, the Community Sport Delivery Program will be administered by PacificSport Okanagan, on behalf of the City of Kelowna's Active Living & Culture Division. The grant money requested will be transferred to PacificSport Okanagan to administer the program.

The current Sport Education Grant Program will continue until available funds (\$3000), are depleted.

The Community Sport Delivery Program will be evaluated near the end of the 2 year funding cycle for value, effectiveness and future direction. Staff will report back to Council at this time.

**Internal Circulation:** Division Director, Active Living & Culture; Director, Financial Services

**Existing Policy:** Sport Education Grant, Policy 349

**Financial/Budgetary Considerations:** Of the \$38,500 remaining funds left in the Sport Education Grant reserve, \$35,500 will be allocated to the Community Sport Delivery Program and transferred to PacificSport Okanagan Society. \$3,000 will be retained to fund the existing Sport Education Grant program.

**Personnel Implications:** While the program will be administered by PacificSport Okanagan, City staff will collaborate and monitor the implementation of the Community Sport Delivery Program.

**Considerations not applicable to this report:**

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by: D Backmeyer, Sport & Event Development Manager

**Approved for inclusion:** J. Gabriel, Division Director, Active Living & Culture

Attachments:

Schedule 1: Council Policy 349 (Sport Education Grant) includes application form

Schedule 2: Sport Education Grant Summary

Schedule 3: Community Sport Delivery Information Page

Schedule 4: Community Sport Delivery Program Application

Schedule 5: Community Sport Delivery Program - Final Scoring Matrix

Cc: Division Director, Active Living & Culture  
Division Director, Finance Services / Corporate & Protective Services  
Division Director, Communications and Information Services





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

# Council Policy

## Sport Education Grant

APPROVED December 7, 2009

RESOLUTION: R1155/09/12/07

REPLACING: NA

DATE OF LAST REVIEW: December 2009

### A. GENERAL

Supported by the Kelowna 2008 BC Summer Games Legacy Fund, the Sport Education Grant is designed to provide financial assistance to local coaches or officials interested in upgrading their training and/or certification beyond introductory levels; and to local sport organizations hosting advanced sport development courses/seminars for local coaches and officials. Examples may include: a level 2 coach pursuing level 3 certification; a referee taking training to instruct other referees; a local sport organization bringing in a special guest presenter to speak at a conference or to a group of coaches/officials.

These funds, totaling \$45,000, will be dispersed through a granting process over a three year period of \$15,000 annually. In the event that these funds are not fully allocated in a given year the balance will be carried forward and applied to the next budget year until funds are fully allocated.

The Sport Education Grant will be administered by PacificSport Okanagan, on behalf of the City of Kelowna's Recreation & Cultural Services Department.

### B. CRITERIA

Selection of deserving coaches/sport organizations will be based on the following criteria:

1. Applicant(s) must be a locally based coach/official/organization currently residing or based in Kelowna for a minimum of 6 months.
2. All applicants must be endorsed by their local sport governing body.
3. The maximum allocation will be \$500.00 to any one coach/official or \$1000.00 to any one sport organization per calendar year, and will represent not greater than 50% of the total cost for the upgrading.
4. Grant funds are to be used for course-related expenses only, including: registration fees, facility fees, instructor fees, transportation, meals and accommodation.
5. Applicants are responsible for initial payment of all course related expenses and will be reimbursed as approved through the grant application.
6. This grant cannot be accessed in combination with any other City of Kelowna sport grant, i.e.: Sport Event Development Grant and Athletic Excellence Grant.

### C. FUNDING LEVELS

Funding levels will be based on the level and location of the course/seminar and will adhere to the following guidelines:

1. Coaches & Officials are eligible for funding up to the following levels:
  - Up to \$150.00 per coach/official for courses held in the Okanagan
  - Up to \$250.00 per coach/official for courses held outside of the Okanagan in Western Canada (BC/AB/SK/MB/NWT/YK/NU)
  - Up to \$350.00 per coach/official for courses held in Eastern Canada (ON/QB/ND/NB/NS/PEI)
  - Up to \$400.00 per coach/official for courses held in North America
  - Up to \$500.00 per coach/official for courses held outside of North America

### C. FUNDING LEVELS (CON'T)

643-000-0000  
Kelowna, BC V1X 5H1  
PacificSport

2. Sport Organizations are eligible for funding up to the following levels:

- Up to \$250.00 per Sport Organization for sport specific courses (< 50 participants)
- Up to \$500.00 per Sport Organization for sport specific courses (> 50 participants)
- Up to \$350.00 per Sport Organization for general multi-sport courses (< 50 participants)
- Up to \$600.00 per Sport Organization for general multi-sport courses (>50 participants)
- Up to \$1000.00 per Sport Organization for Sport Conferences (with multi-presenters)

### D. APPLICATION PROCESS

1. Applications will be accepted year round and reviewed three times per year: April, August and December.
2. Completed application forms should be submitted prior to the commencement of the event.
3. All enquiries regarding application eligibility and other pertinent information go through PacificSport Okanagan.

### E. APPROVAL PROCESS

1. Applications will be reviewed by the Sport Education Grant (SEG) Review Team, with representation from the Recreation & Cultural Services Department, Tourism Kelowna and PacificSport Okanagan.
2. The SEG Review Team will evaluate the application(s), make the final decision, and notify the applicant(s) within thirty (30) days of the review period.
3. The decisions of the Review Team will be final.
4. If the applicant is successful in receiving grant monies, they must complete and submit the Post-Event Report (Grant Information Form) and copies of related event receipts prior to receipt of funds.
5. Upon completion and submission of the Post-Event Report, a cheque requisition will be processed and funds provided to applicant(s).

**REASON FOR POLICY:** Establish a policy for coach and official education and training grant requests from the legacy of the 2008 BC summer games

**LEGISLATIVE AUTHORITY:** Council Resolution

**PROCEDURE FOR IMPLEMENTATION:** See Policy



Recreation & Cultural Services  
Sport Kelowna Centre  
645 Dodd Road  
Kelowna, BC V1X 5H1  
250 469-8504

# 2008 BC Summer Games Sport Education Grant Application

## ORGANIZATION INFORMATION

|                               |       |
|-------------------------------|-------|
| Local Sport Organization Name |       |
|                               |       |
| Address                       |       |
|                               |       |
| President                     | Phone |
|                               |       |
| Alternate Contact             | Phone |
|                               |       |
| BC Society #                  |       |
|                               |       |

## APPLICANT INFORMATION

|                     |      |      |
|---------------------|------|------|
| Name of applicant   |      |      |
|                     |      |      |
| Address             |      |      |
|                     |      |      |
| Phone - Home        | Work | Cell |
|                     |      |      |
| Email               |      |      |
|                     |      |      |
| Date of application |      |      |
|                     |      |      |

Is this application for a coach, official, sport organization or other? (If you indicated "other", please list who the application is for)

☐ Coach    ☐ Official    ☐ Sport Organization    ☐ Other:

Please indicate previous courses/seminars that you have participated in or that your sport organization has offered (include all applicable certifications):

|  |
|--|
|  |
|--|

## TRAINING REQUEST

|                            |
|----------------------------|
| Name of Course/Seminar     |
|                            |
| Date of Course/Seminar     |
|                            |
| Location of Course/Seminar |
|                            |

Please indicate how this training opportunity will benefit you, your sport organization, and/or sport development in Kelowna

|  |
|--|
|  |
|--|

**ALLOCATION OF FUNDS**

|                  |
|------------------|
| Amount Requested |
|                  |

|   |                              |
|---|------------------------------|
| If approved, what will the funds be used for? Please itemize your expenditures and list who is paying for these expenses. |                              |
| Expenditures  | Who is covering these costs? |
|   |                              |
|   |                              |
|   |                              |
|   |                              |
|   |                              |

|                    |
|--------------------|
| Any other comments |
|                    |

**STATEMENT**

I declare the information in this application is accurate:

\_\_\_\_\_  
Applicant Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Sport Organization Contact (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (YY/MM/DD)

Please complete the application form and submit to:

**Sport Kelowna Centre**

Attention: SEG Review Team

645 Dodd Road

Kelowna, BC V1X 5H1

Fax #: 250-862-3327





**Sport Education Grant Summary**  
**Active Living & Culture**

| Year | Individuals | Organizations | Granted            | Sports   |
|------|-------------|---------------|--------------------|--|
| 2010 | 4           | 2             | \$ 350.00          | Boxing, Basketball   |
| 2011 | 3           | 5             | \$ 1,750.00        | Swimming, Free Style Skiing, Diving, Speed Skating, Gymnastics, Volleyball, Basketball |
| 2012 | 3           | 1             | \$ 1,450.00        | Basketball, XC Running, Soccer   |
| 2013 | 7           | 0             | \$ 2,000.00        | Diving, Basketball, Gymnastics, Taekwondo  |
| 2014 | 4           | 0             | \$ 950.00          | Baseball, Gymnastics, Swimming, XC Running   |
|      |             |               | <u>\$ 6,500.00</u> |  |

Through funding from the City of Kelowna and PacificSport Okanagan, the Community Sport Delivery Program (CSDP) has been created to support the staffing needs (i.e. Head Coach, Administrator) of Local Sport Organizations and assist in the delivery of local sport participation and performance initiatives. These paid positions will ensure the provision of a wide range of programs and services to athletes, coaches and volunteers from the grassroots to competitive levels that align with the Canadian Sport For Life (CS4L), Model 1.

Funds, totaling \$70,000.00, will be dispersed to Local Sport Organizations through a two year funding cycle (\$35,000.00 per year) starting spring 2015. In the event that these funds are not fully allocated in a given budget year, the balance will be carried forward and applied to the next budget year until funds are fully allocated. The Community Sport Delivery Program will be administered by PacificSport Okanagan, on behalf of the City of Kelowna's Active Living & Culture Division.

## CRITERIA

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*Selection of deserving local sport organizations will be based on the following criteria:*

1. Applicants must be a local not-for-profit sport organization (charitable status not required) based and operating in Kelowna.
2. Applicants must be fully endorsed/supported by their provincial sport organization.
3. Grant funds must be at least equally matched (in cash) and are only to be used for the approved paid position within the sport organization.
4. Program funds may not be used for any existing paid positions
5. Applicants must be able to demonstrate the organizational need and capacity to support the position
6. Applicants must be able to lever the CSDP contribution with cash and/or in-kind support (above and beyond the matching component) to be directed towards the paid position.
7. Applicants must not be in a deficit financial situation or have an outstanding receivable with the City of Kelowna.
8. Priority will be given to sports that participate in BC Games, Canada Games, Olympic and Paralympic Games and delivery of programs and services that align with CS4L.

## FUNDING LEVELS

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*Funding levels will adhere to the following guidelines:*

- ▶ The maximum funding allocation to any one local sport organization will be \$10,000.00 over the two year funding cycle (\$5,000.00 per year).
- ▶ Grant funds must be at least equally matched (in cash) and are only to be used for the approved paid position within the sport organization.
- ▶ Approved local sport organizations will be eligible to receive the CSDP funds for a two year funding cycle upon completion of the contribution agreement and reporting requirements.

## APPLICATION PROCESS

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1. Applications will be accepted year round and reviewed two times per year: February and August.
2. To be eligible for a specific review date, completed applications must be received at least one month prior to the review period.
3. Applications should be submitted to PacificSport Okanagan, c/o Sport Kelowna Centre, 645 Dodd Road, Kelowna, BC, V1X 5H1.

## APPROVAL PROCESS

---

1. Applications will be reviewed by the Community Sport Delivery Program (CSDP) Review Team, with representation from the City of Kelowna, Tourism Kelowna and PacificSport Okanagan.
2. The CSDP Review Team will evaluate the applications, make the final decision, and notify the applicant within thirty (30) days of the review period. Please Note: In some cases, an applicant may be required to submit further information before a final decision can be made.
3. The decisions of the CSDP Review Team will be final.
4. A PacificSport representative (CSDP liaison) will be assigned to work with the successful applicant in order to provide program accountability and support.
5. Successful applicants will be required to sign a contribution agreement that will clearly outline the terms and conditions of the CSDP grant.
6. Upon receipt of the signed contribution agreement, the CSDP grant funding for the year will be released.
7. Successful applicants will be required to complete a program report annually.

## ORGANIZATION INFORMATION

|                                    |        |
|------------------------------------|--------|
| Local Sport Organization Name:     |        |
|                                    |        |
| Mailing Address:                   |        |
|                                    |        |
| President:                         | Phone: |
|                                    |        |
| BC Society #:                      |        |
|                                    |        |
| Date Organization was established: |        |
|                                    |        |

## APPLICANT INFORMATION

|                      |               |
|----------------------|---------------|
| Contact Name:        |               |
|                      |               |
| Mailing Address:     |               |
|                      |               |
| Phone (Work):        | Phone (Home): |
|                      |               |
| Email Address:       |               |
|                      |               |
| Date of Application: |               |
|                      |               |

## SPORT INFORMATION

|   |             | 2014  |                          | 2013                     |                          | 2012                     |                          |
|---|-------------|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Please indicate the number of participants that are registered with your organization.  |             |   |                          |                          |                          |                          |                          |
|   | CS4L Stages | AS<br>0-6 yrs                                 | FUN<br>7-9 yrs           | L2T<br>10-12 yrs         | T2T<br>13-15 yrs         | T2C<br>16-18 yrs         | A4L<br>19+ yrs           |
| At what stages of the CS4L are your participants?   |             | <input type="checkbox"/>                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| What types of sport programs are offered to participants?<br>Please check all boxes that apply for each age group.<br>Development (e.g. - skill camps, physical literacy)<br>Performance (e.g. - games, competitions) |             | Development<br><input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   |             | Performance<br><input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| When does your sport organization offer programs?<br>Please check all boxes that apply for each age group.  |             | Fall<br>Sep-Nov<br><input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   |             | Winter<br>Dec-Feb<br><input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   |             | Spring<br>Mar-May<br><input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   |             | Summer<br>Jun-Aug<br><input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Canadian Sport for Life (CS4L) Stages Key**

|                      |                        |
|----------------------|------------------------|
| AS - Active Sport    | T2T - Train to Train   |
| FUN - Fundamental    | T2C - Train to Compete |
| L2T - Learn to Train | A4L - Active for Life  |

|   | 2014                     |                          | 2013     | 2012 |
|---|--------------------------|--------------------------|----------|------|
| Please indicate the number of coaches, officials and administrators that are supporting your organization.  |                          |                          |          |      |
|   | Yes                      | No                       | Comments |      |
| Are any of your coaches, officials or administrators paid? If yes, please indicate the number in the space provided.  | <input type="checkbox"/> | <input type="checkbox"/> |          |      |
| Are your coaches, officials and administrators required to have training or certification(s)? (e.g. - NCCP, First Aid etc.) If yes, please specify in the space provided. | <input type="checkbox"/> | <input type="checkbox"/> |          |      |
| Does your organization provide support or training opportunities for your coaches, officials or administrators? If yes, please specify in the space provided.             | <input type="checkbox"/> | <input type="checkbox"/> |          |      |



|  |                          |                          |          |
|--|--------------------------|--------------------------|----------|
| Are there other roles/responsibilities in your organization that are being filled by paid staff or volunteers? If yes, please specify.                         | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Please indicate the training and competition sites used for your sport organization.   |                          |                          |          |
|  | Yes                      | No                       | Comments |
| Does your organization require specific facilities/fields for the delivery of your programs? If yes, please provide a brief description in the space provided. | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Does your organization require specific equipment for the delivery of your programs? If yes, please provide a brief description in the space provided.         | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Does your organization host any events/competitions? If yes, please specify in the space provided.   | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Does your Provincial Sport Organization endorse/support your application? If yes, please indicate their level of support for the program.                      | <input type="checkbox"/> | <input type="checkbox"/> |          |

|  |
|--|
| Please indicate the greatest successes/achievements for your organization in the previous year:  |
| Please indicate the most significant challenges that your organization has faced in the previous year:   |
| Please list your organization's priorities for the upcoming year:  |
| How will the community benefit from the development of your sport?   |
| If approved, how will your organization match funding for this program? Please specify the amount that your organization will be able to match (up to \$5,000.00). |
| If approved, how does your organization intend to use the funding from this program?   |

## STATEMENT

I declare the information in this application is accurate.

Representative completing this form:

| Name (print): | Address: | Signature: | Date: |
|---------------|----------|------------|-------|
|               |          |            |       |

Two Board Members of the Organization:

| Name (print): | Address: | Signature: | Date: |
|---------------|----------|------------|-------|
|               |          |            |       |
|               |          |            |       |

Please complete the application form and submit to:

Sport Kelowna Centre  
 Attention: Community Sport Review Team  
 645 Dodd Road, Kelowna BC V1X 5H1  
 Fax: 250 862-3327

## Community Sport Delivery Program

### **Final Scoring Matrix**

#### Athlete Development (    /25)

Plans describing:

- Programs and services to athletes
- Special initiatives for target populations (women, aboriginal athlete development, and people with disabilities).
- Competitions
- Sport education
- Athlete recognition
- Talent ID process

#### Coach Development (    /25)

Plans describing:

- Programs and services to coaches.
- Coach mentoring
- Succession plan
- Professional and personal development initiatives
- Coach recognition

#### System Alignment (    /20)

Planned programs and services that are:

- Aligned with CS4L stages and include Physical literacy initiatives
- Aligned with PSO/NSO LTAD plan
- Aligned with community sport system (municipal/PacificSport/LSO)

#### Financial Stability (    / 10)

Plans outlining:

- revenues and expenses for the first two years of operations
- financial contributions of LSO/PSO
- fundraising initiatives (events, grants, etc)

Outreach ( / 10)

Strategies that outline:

- Recruitment and retention of athletes, coaches, officials, etc.
- Entry level programs
- Community engagement/development
- Membership growth
- Special initiatives
- Hosting Opportunities
- Communications/Marketing of the sport

Support ( / 5)

Letters of Support for the sport proposal from:

- The Provincial Sport Organization (PSO)
- Partner clubs and organizations

Management ( /5)

Plans providing:

- A brief description of the structure of the LSO management committee
- A “Sport Contact” to PacificSport
- A committee position responsible for program delivery
- Operational structure / policies

# Community Sport Delivery Program





# Sport Education Grant

- ▶ 2008 BC Summer Games Legacy funding
- ▶ Administered by PacificSport Okanagan
- ▶ Funding available for:
  - ▶ Local coaches / officials to upgrade training
  - ▶ Local sport organizations to host courses / seminars
- ▶ Only 14% utilized to date

# BC's Regional Sport Delivery Program History

- ▶ Hired professional Coaches to deliver programs at the community level
- ▶ Became focused on high-performance sport leading up to 2010 Olympics
- ▶ Resources relocated to lower mainland and Victoria

# Impact

## Decreased :

- ▶ number of trained coaches in region
- ▶ level of technical support provided to coaches
- ▶ participation opportunities
- ▶ quality of sport specific programming
- ▶ commitment to sport performance initiatives



# Proposed Program

- ▶ Utilize unused funds in the Sport Education Grant
- ▶ Hire sport specific, local coaches or administrators to provide sport development opportunities
- ▶ City funds approved matched by PacificSport Okanagan.
- ▶ Combined funds to be matched again by the sport organization (PSO/LSO).
- ▶ Leave \$3000 for Sport Education Grant



# Benefits



- ▶ Local coaches and administrators will serve as course facilitators
- ▶ New program partners
- ▶ Technical and coaching support provided locally
- ▶ Increase in sport participation opportunities
- ▶ Greater level of connectivity with local sport community
- ▶ Quality programming offered regularly and locally
- ▶ More support for local high performance athletes

# Next Steps

- ▶ Approval of program and funding source
- ▶ Pacific Sport administers program
- ▶ Notifying sport community of opportunity
- ▶ Application and approval process
- ▶ Partnership agreement with successful applicants
- ▶ Review after 2 years

# Better sport, greater health, and higher achievement. Questions?



# Report to Council



**Date:** November 10, 2014  
**File:** 0245-80  
**To:** City Manager  
**From:** Matt Friesen, Accountant, Revenue Branch, Financial Services Department  
**Subject:** Amendment No. 4 to Water Regulation Bylaw No. 10480

---

## **Recommendation:**

THAT Bylaw No. 11022 being amendment No. 4 to the Water Regulation Bylaw No. 10480 be forwarded to Council for reading consideration.

## **Purpose:**

To seek Council's approval to amend the Water Regulation Bylaw to adjust the Water Meter fees and to remove two Utility Billing sections that are no longer required within this bylaw.

## **Background:**

Water Meter fees charged to City of Kelowna customers are outlined in the fee schedule of the contract between Corix Utilities Inc. and the City of Kelowna. Changes to the Water Regulation bylaw are required to align with the new contracted fee schedule.

The attached Appendix A is the existing "Schedule B - Water Meter Fees and Service Charges". Appendix B is the recommended Revised "Schedule B - Water Meter Fees and Service Charges".

Section 7.8 of the current Water Regulation bylaw refers to interest charged on overdue utility accounts. Section 7.9 of the current Water Regulation bylaw refers to the City's transfer to tax policy where utilities outstanding after December 31<sup>st</sup> in a year are deemed taxes in arrears and transferred to the property tax roll of the property incurring the utility charges. These sections are not required within the Water Regulation bylaw because they are both utility billing processes that are already included in sections 8.4 and 8.6 of the Utility Billing Customer Care Bylaw No. 8754. It is recommended that Sections 7.8 and 7.9 of the Water Regulation Bylaw be removed.



The following have been included as attachments:

Appendix A: EXISTING Schedule "B" - Water Meter Fees and Service Charges

Appendix B: REVISED Schedule "B" - Water Meter Fees and Service Charges

**Internal Circulation:**

Kevin Van Vliet, Utility Services Manager  
Cam Moody, Cross Connection Program Coordinator

**Legal/Statutory Procedural Requirements:**

The Water Regulation Bylaw will require an amendment if the recommendations are approved.

**Financial/Budgetary Considerations:**

Meter rates are intended to recover the costs of the service to the City Utility. Failure to update the Meter Fees and Service Charges Bylaw will result in a discrepancy between revenues and costs which would affect other ratepayers.

**Considerations not applicable to this report:**

Existing Policy:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

M. Friesen, Revenue Accountant

Approved for inclusion:



(Genelle Davidson, CPA, CMA, Director, Financial Services)

cc: Kevin Van Vliet, Utility Services Manager

## **Appendix A, EXISTING Schedule “B” - Water Meter Fees and Service Charges:**

### **SCHEDULE “B”**

#### **Water Meter Fees and Service Charges**

##### **1. Water Meter Fees**

Customers shall pay a **Water Meter Fee** at the time of application for water service as follows:

| METER TYPE                         |                 |                 |                   |
|------------------------------------|-----------------|-----------------|-------------------|
| Meter Size                         | I Perl Standard | Omni T2 (Turbo) | Omni C2 (Compond) |
| 5/8" x 3/4"<br>(residential)       | \$ 268.00       |                 |                   |
| 3/4"<br>(commercial)               | \$268.00        |                 |                   |
| 1" (commercial)                    | \$ 285.00       |                 |                   |
| 1.5" (commercial)                  |                 | \$ 1,100.00     | \$1367.00         |
| 2" (commercial)                    |                 | \$ 1,428.00     | \$ 2,817.00       |
| 3" (commercial)                    |                 | \$ 2,292.00     | \$ 3,155.00       |
| 4" (commercial)                    |                 | \$ 4,065.00     | \$ 5,247.00       |
| 6" (commercial)                    |                 | \$ 6,247.00     | \$ 8,061.00       |
| 8" (commercial)                    |                 | \$ 8,572.00     |                   |
| 4" Protectus fire<br>service meter | \$ 6,837.00     |                 |                   |
| 6" Protectus fire<br>service meter | \$ 9,690.00     |                 |                   |
| 8" Protectus fire<br>service meter | \$ 15,271.00    |                 |                   |

## **Appendix B, REVISED Schedule “B” - Water Meter Fees and Service Charges:**

### **SCHEDULE “B”**

#### **Water Meter Fees and Service Charges**

##### **1. Water Meter Fees**

Customers shall pay a **Water Meter Fee** at the time of application for water service as follows:

| METER TYPE                   |              |             |             |
|------------------------------|--------------|-------------|-------------|
| Meter Size                   | Standard     | Turbine     | Compound    |
| 5/8" x 3/4"<br>(residential) | \$ 251.00    |             |             |
| 3/4"<br>(commercial)         | \$ 251.00    |             |             |
| 1" (commercial)              | \$ 325.00    |             |             |
| 1.5" (commercial)            |              | \$ 1,178.00 | \$1,695.00  |
| 2" (commercial)              |              | \$ 1,428.00 | \$ 2,440.00 |
| 3" (commercial)              |              | \$ 2,267.00 | \$ 3,256.00 |
| 4" (commercial)              |              | \$ 3,680.00 | \$ 5,195.00 |
| 6" (commercial)              |              | \$ 5,680.00 | \$ 7,230.00 |
| 8" (commercial)              |              | \$ 8,492.00 |             |
| 4" Fire line                 | \$ 8,170.00  |             |             |
| 6" Fire line                 | \$ 10,885.00 |             |             |
| 8" Fire line                 | \$ 16,125.00 |             |             |

# CITY OF KELOWNA

## BYLAW NO. 11022

### Amendment No. 4 to Water Regulation Bylaw No. 10480

---

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Water Regulation Bylaw No. 10480 be amended as follows:

1. THAT PART 7 - RATES AND CHARGES, 7.8 Interest and 7.9 Taxes in Arrears be deleted in their entirety that read as follows:

#### **"7.8 Interest**

7.8.1 Any money due and owing to the City under this bylaw shall bear interest at the **Rate** of 3.75% per annum calculated from the date on which the money was to have been paid.

#### **7.9 Taxes in Arrears**

7.9.1 All fees, **Rates** and charges set out in this bylaw not paid on or before the 31st day of December in any year shall be deemed to be taxes in arrear in respect of the properties served by the **City Water Utility** and such sum shall be recoverable as taxes under the *Community Charter*."

2. AND THAT **SCHEDULE "B" Water Meter Fees and Service Charges** be deleted in its entirety and replaced with a new **SCHEDULE "B" Water Meter Fees and Service Charges** as attached to and forming part of this bylaw.
3. This bylaw may be cited for all purposes as "Bylaw No. 11022, being Amendment No. 4 to Water Regulation Bylaw No. 10480."
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



## SCHEDULE "B"

### Water Meter Fees and Service Charges

#### 1. Water Meter Fees

Customers shall pay a Water Meter Fee at the time of application for water service as follows:

| METER TYPE                   |              |             |             |
|------------------------------|--------------|-------------|-------------|
| Meter Size                   | Standard     | Turbine     | Compound    |
| 5/8" x 3/4"<br>(residential) | \$ 251.00    |             |             |
| 3/4"<br>(commercial)         | \$ 251.00    |             |             |
| 1" (commercial)              | \$ 325.00    |             |             |
| 1.5" (commercial)            |              | \$ 1,178.00 | \$1,695.00  |
| 2" (commercial)              |              | \$ 1,428.00 | \$ 2,440.00 |
| 3" (commercial)              |              | \$ 2,267.00 | \$ 3,256.00 |
| 4" (commercial)              |              | \$ 3,680.00 | \$ 5,195.00 |
| 6" (commercial)              |              | \$ 5,680.00 | \$ 7,230.00 |
| 8" (commercial)              |              | \$ 8,492.00 |             |
| 4" Fire line                 | \$ 8,170.00  |             |             |
| 6" Fire line                 | \$ 10,885.00 |             |             |
| 8" Fire line                 | \$ 16,125.00 |             |             |

# Report to Council



**Date:** November 10, 2014

**File:** 0912-20-219-020

**To:** City Manager

**From:** J. Hancock, Real Estate Services Manager

**Subject:** 2014-11-10 Report - Airport License Agreement - Fortis 2014

Report Prepared by: Jeff Hancock, Real Estate Services Manager

---

## **Recommendation:**

That Council approve the City entering into a License Agreement with Fortis BC Inc. in order to accommodate Fortis BC Inc.'s ongoing need to access and expand electrical works on the Airport lands, including those leased by the City from the Federal Government;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the License Agreement.

## **Purpose:**

To allow Fortis BC Inc. the necessary authority to construct and maintain their electrical works at the Airport through a License Agreement.

## **Background:**

The City of Kelowna and Fortis BC Inc. have agreed to enter into a License Agreement in order to provide Fortis BC Inc. the necessary tenure they require to operate and expand their electrical facilities at the Airport (See Schedule A & B for the properties covered by the License Agreement).

This form of tenure provides the most flexibility, as it can be easily updated or changed to demark expected expansion at the Airport. Transport Canada has reviewed the License Agreement and has no concerns.

The table outlines some of the key terms of the License Agreement:

|                                 |   |
|---------------------------------|---|
| <i>Term</i>                     | Expires 2034 (no automatic renewal)   |
| <i>Financial Considerations</i> | No financial considerations associated with the License Agreement               |
| <i>Approval</i>                 | Provides the Airport Director additional authority over access and future works |

**Financial/Budgetary Considerations:**

There are no costs associated with entering into the License Agreement with Fortis BC Inc.

**Internal Circulation:**

Director, Airport  
Director, Real Estate

**Considerations not applicable to this report:**

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

Submitted by:

J. Hancock, Manager, Real Estate Services

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

Attachments: Previously Approved Council Resolution

cc: S. Samaddar, Director, Airport

## Schedule A

### Lands Covered by the License Agreement:

| <i>LEGAL</i>        | <i>PID</i>  | <i>CIVIC</i>            | <i>OWNER</i>           |
|---------------------|-------------|-------------------------|------------------------|
| Lot 1 Plan 1929     | 011-071-125 | 5997 Hwy 97 N           | City of Kelowna        |
| Lot 19 Plan 1502    | 011-518-162 | 5837 Hwy 97 N           | City of Kelowna        |
| Lot A Plan KAP89704 | 028-015-061 | 196 Convair Pl          | City of Kelowna        |
| Lot B Plan KAP89704 | 028-015-070 | 5600 Aerospace Dr       | City of Kelowna        |
| Lot C Plan KAP89704 | 028-015-088 | 5650 Aerospace Dr       | City of Kelowna        |
| Lot 18 Plan 1502    | 011-518-154 | 5550 Aerospace Dr       | City of Kelowna        |
| Lot 6 Plan 1502     | 011-518-146 | 5525 Airport Way        | City of Kelowna        |
| Lot 1 Plan 11796    | 009-458-921 | 4680-4720 Old Vernon Rd | City of Kelowna        |
| Lot 2 Plan 1629     | 011-510-544 | 4310 Old Vernon Rd      | City of Kelowna        |
| Lot 3 Plan 1629     | 011-510-625 | 5269 Hwy 97 N           | City of Kelowna        |
| Lot 3 Plan 11796    | 009-459-014 | 5533-6305 Airport Way   | HMQ in Right of Canada |
| Lot 7 Plan 1502     | 011-518-189 | 5540 Airport Way        | HMQ in Right of Canada |
| Lot B Plan 41159    | 013-949-101 | 4125 Conroy Rd          | HMQ in Right of Canada |



SHEET 14



| DOCUMENT APPROVAL |            |      |       |
|-------------------|------------|------|-------|
| Cir.              | Department | Date | Init. |
|                   | Airport    |      |       |
|                   | REBS       |      |       |

## LICENCE AGREEMENT

This Agreement dated for reference \_\_\_\_\_, 2014, is

BETWEEN:

**CITY OF KELOWNA**, a municipality incorporated under the *Local Government Act*, R.S.B.C. 1979, c. 290 and having its municipal office at 1435 Water Street, Kelowna, British Columbia, V1Y 1J4

(hereinafter "the Grantor")

AND:

**FORTISBC INC.**, a public utility incorporated by Special Act of the Legislature of the Province of British Columbia, having its head office at #100-1975 Springfield Road, Kelowna, BC V1Y 7V7

(the "Grantee")

### GIVEN THAT:

- A. The Grantor is the Lessee of certain lands and premises in the City of Kelowna, British Columbia, legally described as:

| LEGAL               | PID         | CIVIC                   | OWNER                  |
|---------------------|-------------|-------------------------|------------------------|
| Lot 1 Plan 1929     | 011-071-125 | 5997 Hwy 97 N           | City of Kelowna        |
| Lot 19 Plan 1502    | 011-518-162 | 5837 Hwy 97 N           | City of Kelowna        |
| Lot A Plan KAP89704 | 028-015-061 | 196 Convair Pl          | City of Kelowna        |
| Lot B Plan KAP89704 | 028-015-070 | 5600 Aerospace Dr       | City of Kelowna        |
| Lot C Plan KAP89704 | 028-015-088 | 5650 Aerospace Dr       | City of Kelowna        |
| Lot 18 Plan 1502    | 011-518-154 | 5550 Aerospace Dr       | City of Kelowna        |
| Lot 6 Plan 1502     | 011-518-146 | 5525 Airport Way        | City of Kelowna        |
| Lot 1 Plan 11796    | 009-458-921 | 4680-4720 Old Vernon Rd | City of Kelowna        |
| Lot 2 Plan 1629     | 011-510-544 | 4310 Old Vernon Rd      | City of Kelowna        |
| Lot 3 Plan 1629     | 011-510-625 | 5269 Hwy 97 N           | City of Kelowna        |
| Lot 3 Plan 11796    | 009-459-014 | 5533-6305 Airport Way   | HMQ in Right of Canada |
| Lot 7 Plan 1502     | 011-518-189 | 5540 Airport Way        | HMQ in Right of Canada |
| Lot B Plan 41159    | 013-949-101 | 4125 Conroy Rd          | HMQ in Right of Canada |

(the "Lands") and is the operator of the Kelowna Airport located thereon;

- B. Her Majesty the Queen in right of Canada as represented by the Minister of Transport (the "Minister") is the Owner of the Lands;
- C. The Minister has given the Grantor permission to enter into this license agreement and the Grantor has agreed to grant to the Grantee a licence to facilitate the construction, installation, improvement, extension, removal, alteration, repair, maintenance, operation, and replacement of electrical works, including all wires, conduits, poles, transformers, switches, anchors, guy wires, casings, lines, meters, appliances, facilities, attachments, devises, and other ancillary or incidental things, or any of them, ("Works");
- D. The Grantee operates an electrical utility within the City of Kelowna and this licence is necessary for the operation and maintenance of the Grantee's undertaking;
- E. The City of Kelowna and FortisBC Energy Inc. ("Energy") have existing works and utilities (respectively the "City Works" and the "Energy Works") within the licence area being requested by the Grantee, that are to remain undisturbed by the Grantee's exercise of the rights under this instrument.
- F. The Grantor has agreed to grant permission to the Grantee to operate and maintain its Works within the licence area on the terms and conditions set forth below in this licence agreement (the "Agreement").

**THIS AGREEMENT IS EVIDENCE** that in consideration of \$1.00 now paid by the Grantee to the Grantor, and other good and valuable consideration (the receipt and sufficiency of which the Grantor hereby acknowledges), and of the mutual covenants and agreements set out in this Agreement, the Grantor and Grantee covenant and agree, and the Grantor hereby grants to the Grantee, as follows:

- 1 The Grantor hereby grants to the Grantee, its employees and contractors, a non exclusive contractual licence over that portion of the Lands shown on the sketch plan of the licence area prepared by Neil Denby, and dated the 21st day of July, 2011, a reduced copy of which forms Schedule A to this Agreement (the "Licence Area") until 2034 or such time as actually used by the Grantee for the following purposes:
  - (a) lay down, entrench, construct, erect, dig, and install the Works upon the Licence Area and to repair, operate, maintain, inspect, alter, remove, bury, cleanse, clear, string, replace, or otherwise establish the Works from time to time in the Grantee's discretion;
  - (b) to have unobstructed access over the Lands for egress to and from the Licence Area at any and all times with the prior approval of the Grantor and the Airport Director of the Kelowna Airport;
  - (c) make surveys and tests;
  - (d) establish grades and levels;
  - (e) excavate or otherwise alter the contours of the Licence Area and to backfill trenches;



- (f) store all personal property (including equipment) necessary to carry out the activities referred to in Section 1(a), provided that the Grantee shall consult the Grantor and the Airport Director of the Kelowna Airport as to the duration and location of such storage, which is to be limited to the time and place necessary to complete the work for which it is needed;
  - (g) remove with the prior approval of Grantor and the Airport Director of the Kelowna Airport, from the Licence Area such structures, improvements, fixtures, fences, gates, cattle guards, trees, shrubs, plants, and other obstructions whatsoever, as, is necessary in order to carry out the activities referred to in Section (a) to (f); and
  - (h) do all other things on the Licence Area as may be reasonably required to operate and maintain the Works;
- 2. With respect to any obligation on the part of the Grantee under this Agreement, any reference to the Grantee includes its servants, officers, employees, agents, contractors, sub-contractors, invitees, licensees, successors, permitted assigns, and those for whom either or both of them is responsible in law.
- 3. The rights granted to the Grantee hereunder may be exercised by its duly authorized employees, officers, contractors, sub-contractors, agent, invitees, licensees, successors, and permitted assigns.
- 4. The Parties agree that the sketch attached to this Agreement as Schedule A reasonably represents the approximate alignment of the Works existing as of the date of this Agreement.
- 5. Should the Grantee wish to expand or modify its Works on, over or under the Licence Area, the Grantee will require the prior approval of the Grantor and the Airport Director of the Kelowna Airport.
- 6. The Parties agree that the Grantee has no right to grant a sublicense in relation to the Licence Area granted under this Agreement.
- 7. The term of this Licence may be renewed for such further term as may be agreed, provided such renewal does not exceed the lease term under which the Grantor occupies the Lands.
- 8. Alteration of Works at the Request of the Grantor:
  - (a) The Grantor or the Airport Director of the Kelowna Airport may provide notice in writing to the Grantee that it requires the Works to be altered, changed or relocated to accommodate its requirements. The Grantee shall comply with the Grantor's request so long as and to the extent that it is possible to do so and with reasonable speed and dispatch after receipt of a written request.
- 9. The Grantor must:
  - (a) permit the Grantee to peaceably hold and enjoy the rights hereby granted;
  - (b) not diminish or increase the soil cover over any of the Works in the Licence Area and in particular, without limiting the foregoing, must not construct open drains or ditches along or across any of the Works in the Licence Area.

10. (a) The Works installed by the Grantee in, on, or under the Licence Area remain chattels and the property of the Grantee, despite the fact that the same may be annexed or affixed to the freehold, and the Works may at any time be removed in whole or in part by the Grantee in its discretion;
- (b) In the event that the Grantee abandons the Works or any part thereof the Grantor may, if it so elects, request that the Grantee remove the whole Works at the Grantee's cost.
11. (a) In the exercise of its powers under this Agreement, the Grantee shall, so far as possible and subject to Sections 1 and 2 hereof, restore the Licence Area to substantially its original condition, promptly after completing the Works;
- (b) Despite Section 11(a), nothing in this Agreement requires the Grantee to restore any trees or surface growth but the Grantee must leave the lands in a condition that will not inhibit natural re-generation of such growth.
- (c) The Grantee requires the prior approval of the Grantor and the Airport Director of the Kelowna Airport before undertaking any construction under, on or over the Licence Area.
12. In the exercise of its rights and powers under this Agreement, the Grantee shall not disturb, damage or otherwise interfere with the City Works or the Energy Works, but nothing herein shall be construed as creating an obligation on the Grantor to monitor the conduct of the Grantee or to ensure that the Grantee does not disturb, damage or otherwise interfere with the City Works or the Energy Works.
13. (a) The Grantee will at all times save harmless and indemnify and keep the Grantor indemnified against and be responsible for all claims, demands, actions, expenses, damages, costs, suits or other legal proceedings by whomsoever made or brought against the Grantor, by reason or arising out of:
  - (i) the construction, maintenance or operation of the Works,
  - (ii) any act or omission on the part of the Grantee, its contractors and sub-contractors and its or their officers, servants, agents, or employees in respect of or in relation to the Works on or within the Licence Area, including the construction, maintenance or operation of same, and
  - (iii) any act or omission on the part of any officer, servant, agent, or employee of the Grantor in respect of or in relation to the Works on or within the Licence Area, notwithstanding that such act or omission may give rise in law to an action in negligence or wilful conduct,except to the extent that such claims, demands, actions, expenses, damages, costs, suits or other legal proceedings arise out of the negligence or wilful misconduct of the Grantor's contractors, subcontractors, tenants, licensees and invitees or their officers, agents or employees;
- (b) The Grantee will at all times hereafter pay to the Grantor the amount of any loss, damages, expenses or costs which may be suffered or sustained by the Grantor



by reason or arising out of the matters set forth in paragraphs (i) to (iii) of Section 13(a);

- (c) The Grantor will not be liable to the Grantee for any loss or damages which may be suffered or sustained by the Grantee by reason or arising out of the matters set forth in paragraph (iii) of Section 13(a).
- 14. The Grantee will at all times save harmless and indemnify and keep the Grantor indemnified and be responsible for all claims, demands, actions, expenses, damages, costs, suits or other legal proceedings by whomsoever made or brought against the Grantor, by reason or arising out of any damage, disturbance or interruption of the City Works, the Energy Works or the roadway, Airport Way, arising from the Grantee exercising its rights or any act or omission on the part of the Grantee, its contractors and subcontractors and its or their officers, agents or employees.
- 15. The Grantor will at all times save harmless and indemnify and keep the Grantee indemnified and be responsible for all claims, demands, actions, expenses, damages, costs, suits or other legal proceedings by whomsoever made or brought against the Grantee, by reason or arising out of any damage, disturbance or interruption of the Works, the Energy Works or the roadway, Airport Way, arising from the Grantor's use of the City Works or any act or omission on the part of the Grantor, its contractors and subcontractors and its or their officers, agents or employees.
- 16. The Grantee shall, at its expense, in relation to its use of the Licence Area comply with all laws from time to time in force, including federal laws, relating to environmental matters, the manufacture, use, storage, disposal and transportation of any substance and the protection of the environment generally.
- 17. The Grantee must do all Works and other things authorized under this Agreement to be done by it over, through, under, and upon the Licence Area in a good and workmanlike manner so as to cause no unnecessary damage or disturbance to the Licence Area or to any improvements thereon.
- 18. Nothing in this Agreement restricts the Grantor from using the Licence Area in any manner which does not interfere with or endanger the activities referred to in Section 1 or the unobstructed access to the Works. The Grantor must not carry on blasting on or adjacent to the Licence Area without the Grantee's prior written consent. Whenever reasonably possible, and with the prior written consent of the Grantor and the Airport Director of the Kelowna Airport, the Grantee may cross over the remainder of the Lands to gain access to the Licence Area to perform work on it.
- 19. The Grantee will keep clean, repair, and maintain the Works during the term of this Agreement..
- 20. Any repair work on or in the Licence Area, which in the reasonable opinion of the Grantor is required as a direct result of the operation, maintenance, repair or replacement of the Works, shall be performed by Grantee to the satisfaction of the Grantor's Director of Works and Utilities (the "Director"), acting reasonably. If the Grantee fails to perform the repair work to the satisfaction of the Director, the Grantor is entitled to take all such actions on Grantee's behalf as are considered reasonably necessary by the Grantor's Director to rectify the Grantee's failure but the Grantor is under no circumstance liable for not taking such action or for the manner of doing so, provided the Grantor acts reasonably. The Grantee shall pay to the Grantor the Grantor's costs incurred pursuant to this provision forthwith upon receipt of an invoice.

21. Despite the fact that the Grantor may require the Grantee to perform repair work the Grantor is not responsible for the condition or safety of the Works and the Grantor is not required to give any notice to repair. The Grantee acknowledges and agrees that, by granting this Agreement, the Grantor is not accepting any responsibility for the Works or any consequences of their location in the Licence Area.
22. The Grantee shall use all reasonable efforts to cause a minimum of obstruction and inconvenience during any excavation, maintenance or repairs in the Licence Area, and shall place and maintain such warning signs, barricades, lights, or flares and erect such fencing or barriers at or near the site of any work in progress as will give reasonable warning and protection to members of the public.
23. The covenants herein shall not in any way restrict the right of the Grantor at any time from altering the City's Works, structures and improvements within the Licence Area in any way.
24. Waiver of any default by either party is not to be deemed to be a waiver of any subsequent default by that party.
25. Whenever it is required or desired that either party must deliver or serve a notice on the other, delivery or service is deemed to be satisfactory if and deemed to have occurred when:
  - (a) the Grantee or the Grantor, as the case may be, has been served personally, on the date of service; or
  - (b) mailed by prepaid registered mail, on the date received or on the sixth day after receipt of mailing by any Canada post office, whichever is the earlier, so long as the notice is mailed to the party at the address provided herein or to whatever address the party may from time to time provide to the other party.
26.
  - (a) Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.;
  - (b) Where the Grantor includes more than one person, all covenants in this Agreement on the part of the Grantor shall be construed as joint and several.
27. Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, and invitees of such party wherever the context so requires or allows.
28. Any opinion which the Grantee is entitled by virtue of this Agreement to form may be formed on behalf of the Grantee by the Grantee's Vice President of Operations, in which event the opinion of that person is deemed to be the opinion of the Grantee for the purposes of this Agreement. If any section, sub-section, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion is to be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.
29. Where, on the reference date of this Agreement, the Grantor is not the sole registered owner of the Lands, this Agreement shall nevertheless bind the Grantor to the full extent



of the Grantor's interest in the Lands, and where the Grantor acquires a greater or the entire interest in fee simple, this Agreement extends to the after-acquired interests.

30. Where the expression "Grantor" includes more than one person, all covenants herein on the part of the Grantor shall be construed as being several as well as joint.
31. This Agreement enures to the benefit of and is binding on the parties hereto notwithstanding any rule of law or equity to the contrary.
32. No transfer or assignment of this Agreement will be made by the Grantee without the consent of the Grantor.
33. Despite anything contained in this Agreement, neither the Grantor named in this Agreement nor any future owner of the Lands or any portion thereof is liable under any of the covenants and agreements contained in this Agreement where such liability arises by reason of an act or omission occurring after the Grantor named in this Agreement or any future owner ceases to have a further interest in the Lands.
34. Wherever this Agreement creates a power or obligation of the Grantee to make a decision or to exercise any contractual right or remedy, the Grantee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.
35. This Agreement is to be governed and construed according to the laws of the Province of British Columbia insofar as they apply to the Grantor, and in any case, without prejudice to the Grantor's prerogatives and the constitutional principles of federal paramountcy and immunity.

Officer Signature(s)

Execution Date

Party(ies) Signature(s)

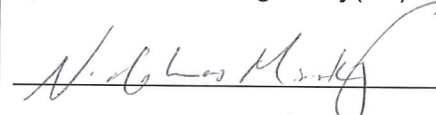


**Lisa Margaret McCarthy**  
Commissioner for Taking Affidavits  
in British Columbia  
Exp. June 30, 2016

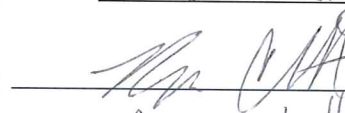
1730 Stayman Rd., Kelowna, BC V1P 1B2  
AS TO ALL SIGNATURES

| Y    | M  | D  |
|------|----|----|
| 2014 | 10 | 31 |

FORTISBC INC.  
by its authorized signatory(ies):



Name: Nicholas Mirsky



Name: Ryan Corbett

Officer Signature(s)

Execution Date

Party(ies) Signature(s)

\_\_\_\_\_

AS TO ALL SIGNATURES

| Y | M | D |
|---|---|---|
|   |   |   |

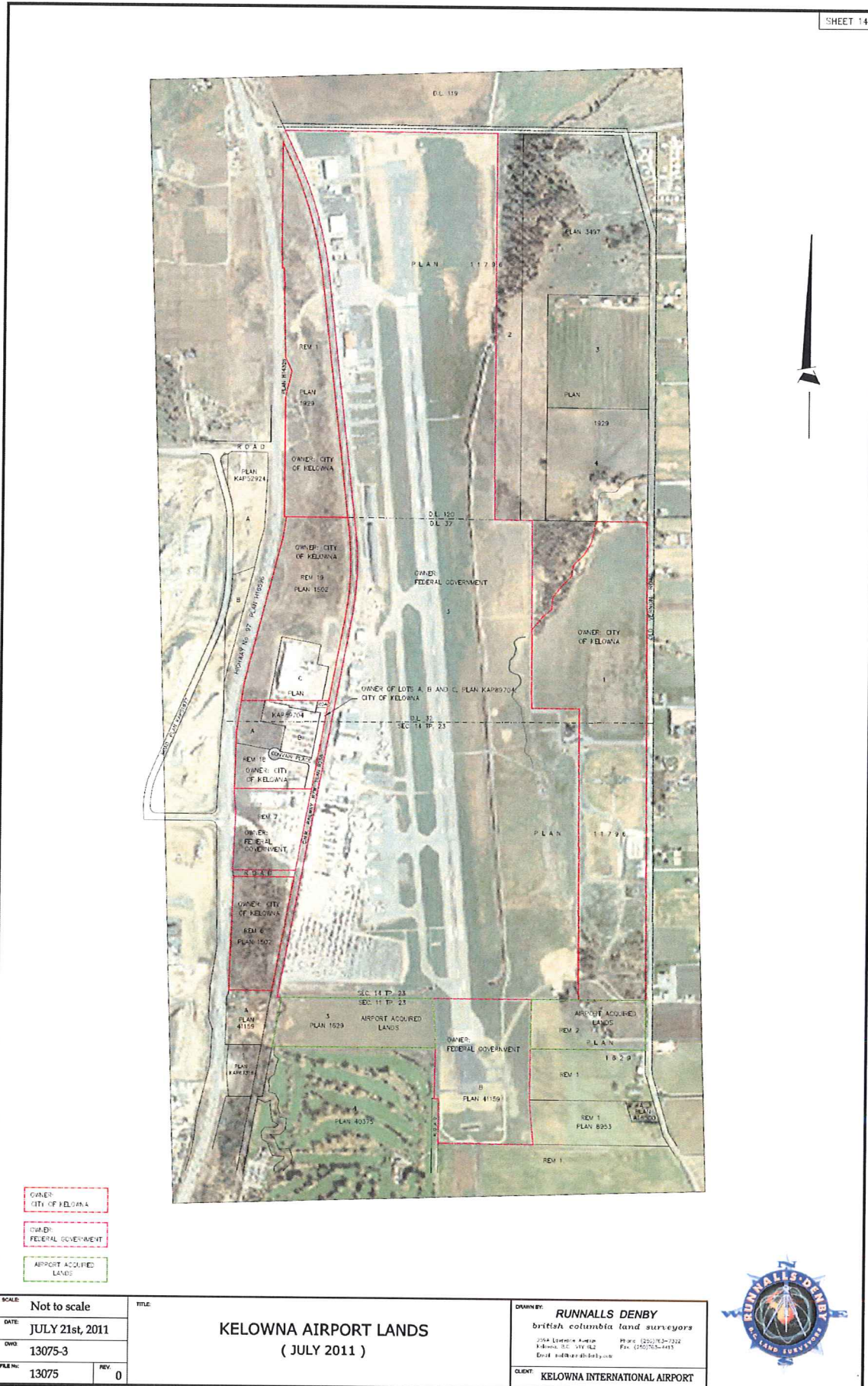
CITY OF KELOWNA  
by its authorized signatory(ies):

\_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_



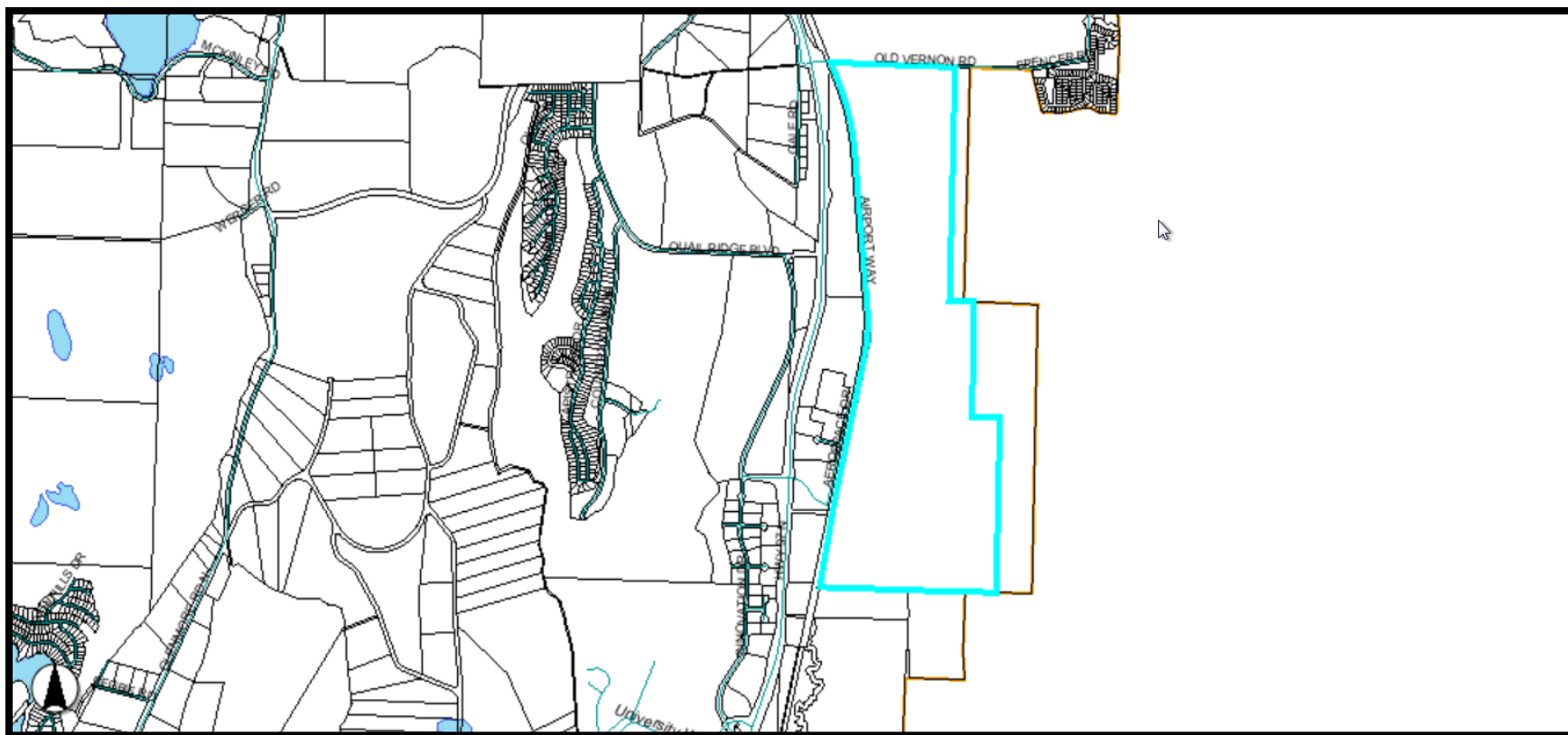


# LICENSE AGREEMENT - FORTIS

Kelowna International Airport



## LOCATION OF SUBJECT PROPERTY



# PROPERTY LIST

## Lands Covered by the License Agreement:

| <i>LEGAL</i>        | <i>PID</i>  | <i>CIVIC</i>            | <i>OWNER</i>           |
|---------------------|-------------|-------------------------|------------------------|
| Lot 1 Plan 1929     | 011-071-125 | 5997 Hwy 97 N           | City of Kelowna        |
| Lot 19 Plan 1502    | 011-518-162 | 5837 Hwy 97 N           | City of Kelowna        |
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| Lot B Plan 41159    | 013-949-101 | 4125 Conroy Rd          | HMQ in Right of Canada |

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# LICENSE SUMMARY

|                          |   |
|--------------------------|---|
| Term                     | Expires 2034 (no automatic renewal)   |
| Financial Considerations | No financial considerations associated with the License Agreement               |
| Approval                 | Provides the Airport Director additional authority over access and future works |