



## **CITY OF WEST KELOWNA REGULAR COUNCIL AGENDA**

Tuesday, October 4, 2022, 1:30 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

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**Pages**

### **1. CALL THE REGULAR COUNCIL MEETING TO ORDER**

It is acknowledged that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

This meeting is open to the public. All representations to Council form part of the public record. This meeting is being webcast live and will be archived on the City's website.

### **2. INTRODUCTION OF LATE ITEMS**

### **3. ADOPTION OF AGENDA**

### **4. ADOPTION OF MINUTES**

4.1. Minutes of the Special Council Meeting held Tuesday, September 20, 2022 in the City of West Kelowna Council Chambers 5

4.2. Minutes of the Regular Council Meeting held Tuesday, September 20, 2022 in the City of West Kelowna Council Chambers 7

### **5. MAYOR AND COUNCILLOR'S REPORTS**

5.1. Mayor's Presentation to Outgoing Councillor Doug Findlater and Councillor Jayson Zilkie

5.2. Regional District of Central Okanagan Highlights from the September 26, 2022 Regional Board Meeting 15

### **6. DELEGATIONS**

### **7. UNFINISHED BUSINESS**

7.1. Councillor Zilkie

*At the September 20, 2022 Regular Council Meeting, Councillor Zilkie*

*provided the following Notice of Motion, which is now before Council for consideration:*

**THAT** Council direct staff under the City of West Kelowna Council Procedure Bylaw No. 0258, schedule a Committee of the Whole Meeting prior to Budget deliberations; and

**THAT** Council allow for community organizations and agencies to appear at the Committee of the Whole Meeting to make presentations, up to five minutes per Grant in Aid application.

**7.2. Councillor Zilkie**

*At the September 20, 2022 Regular Council Meeting, Councillor Zilkie provided the following Notice of Motion, which is now before Council for consideration:*

**THAT** Council direct staff to provide a compressive update on the status of Short Term Accommodations regulated under the Zoning Bylaw No. 0265; and

**THAT** staff include the number of properties that have been denied by not meeting the Short Term Accommodation regulations of the Zoning Bylaw No. 0265; and

**THAT** staff be directed to bring forward an amendment to the Zoning Bylaw No. 0265 to allow Short Term Accommodations in the Compact Residential (RC1, RC2, RC3 & RC4) Zones and Duplex Residential (R2) Zone.

**8. DIVISION REPORTS**

**8.1. CHIEF ADMINISTRATIVE OFFICER**

**8.2. DEVELOPMENT SERVICES**

**8.2.1. A 22-03; Agricultural Fill Application; 3853 Brown Road**

17

Recommendation:

**THAT** Council support the Non-Farm Use Application for the placement of fill in the Agricultural Land Reserve (File: A 22-03) for the property at 3853 Brown Road as per the attached plans; and

**THAT** Council direct staff to forward the application to the Agricultural Land Commission for consideration.

**8.2.2. Z 17-18, OCP and Zoning Amendment Bylaw No. 0100.51 and**

26

## **0265.05 (3rd as Amended), 2734 & 2736 Lower Glenrosa Road**

### Recommendation:

**THAT** Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018 (File: Z 17-18); and

**THAT** Council give third reading as amended to City of West Kelowna Zoning Amendment Bylaw No. 0265.05, 2022 (File: Z 17-18); and

**THAT** Council direct staff to schedule the bylaw for adoption following submission of the following:

- Confirmation that any necessary legal agreements have been secured to accommodate the proposed off-site drainage improvements through affected private property to the satisfaction of the City;
- Confirmation of the registration of a Section 219 covenant to require the following as a condition of future development and as outlined in Appendix A:
  - Completion of an Archaeological Review and Wildfire Hazard Assessment with any required mitigation prior to future development;
  - Registration of a No Disturb Covenant to protect slopes greater than 30%, and to protect the riparian area;
  - Dedication and completion of wildfire mitigation of the identified Park area as shown generally on the attached Site Plan;
  - Registration of three statutory rights of way and construction of pedestrian walkways (Figure 1) through the subject property;
  - Storm drainage improvements (Figure 5) by the owner in general accordance with approved design drawings and cost estimates and to the satisfaction of the City;
  - Construction of off-site transportation (Figure 3) and water improvements by the owner in general accordance with approved design drawings and cost estimates; and

- Restrict future development until the owner has established and constructed a statutory emergency access/egress route through the subject property (Figure 2), where any required improvements beyond the required minimum road standard necessary to support the proposed strata development would be constructed by the developer but paid for by the City.

### **8.3. ENGINEERING / PUBLIC WORKS / PARKS**

#### **8.3.1. BC Active Transportation Infrastructure Grant**

54

Recommendation:

**THAT** Council direct staff to apply to the BC Active Transportation Infrastructure Grant seeking the maximum contribution of up to \$500,000 eligible costs for Phase 2 of the Boucherie Road Multi-use path between Ogden and Gregory Roads; and,

**THAT** Council authorize the Mayor and/or the Chief Administrative Officer to execute the required contribution agreement with the Province of BC.

### **8.4. FIRE RESCUE SERVICES**

### **8.5. CORPORATE INITIATIVES**

### **8.6. FINANCIAL SERVICES / RECREATION AND CULTURE**

#### **8.6.1. 2023 Permissive Tax Exemption Bylaw No. 0301, 2022 Adoption**

57

Recommendation:

**THAT** Council adopt "Permissive Tax Exemption Bylaw No. 0301, 2022".

### **9. CORRESPONDENCE AND INFORMATION ITEMS**

### **10. NOTICE OF MOTION**

### **11. ADJOURNMENT OF THE REGULAR MEETING**

The next Council meeting is scheduled for November 1, 2022 at 1:30 pm at the Cove Lakeside Resort.





**CITY OF WEST KELOWNA**  
**MINUTES OF THE SPECIAL MEETING OF COUNCIL**

Tuesday, September 20, 2022  
COUNCIL CHAMBERS  
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Mayor Gord Milsom  
Councillor Rick de Jong  
Councillor Doug Findlater  
Councillor Jason Friesen  
Councillor Stephen Johnston (virtually)  
Councillor Carol Zanon  
Councillor Jayson Zilkie

Staff Present: Paul Gipps, CAO/Deputy Corporate Officer

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**1. CALL THE SPECIAL COUNCIL MEETING TO ORDER**

The Special Council meeting was called to order at 4:35 p.m.

It was acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

This meeting was open to the public. All representations to Council form part of the public record.

**2. ADDITIONS OR CHANGES TO PROCEDURAL MOTION**

**3. ADOPTION OF AGENDA**

It was moved and seconded

Resolution No. C253/22

**THAT** the agenda be adopted as presented.

CARRIED UNANIMOUSLY

**4. PROCEDURAL MOTION**

It was moved and seconded

Resolution No. C254/22

**THAT** Council close the meeting in accordance with Section 90(1) of the *Community Charter* for:

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; and

**THAT** Council close the meeting in accordance with Section 90(2) of the *Community Charter* for:

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

**5. ADJOURNMENT OF THE SPECIAL COUNCIL MEETING**

The Special Council meeting adjourned at 5:47 p.m.

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MAYOR

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CAO/DEPUTY CORPORATE OFFICER



**CITY OF WEST KELOWNA**  
**MINUTES OF THE REGULAR MEETING OF COUNCIL**

Tuesday, September 20, 2022  
COUNCIL CHAMBERS  
2760 CAMERON ROAD, WEST KELOWNA, BC

**MEMBERS PRESENT:** Mayor Gord Milsom  
Councillor Rick de Jong  
Councillor Doug Findlater  
Councillor Jason Friesen  
Councillor Stephen Johnston (virtually)  
Councillor Carol Zanon  
Councillor Jayson Zilkie

**Staff Present:** Paul Gipps, CAO  
Allen Fillion, Director of Engineering / Operations  
Warren Everton, Director of Finance / CFO  
Sandy Webster, Director of Corporate Initiatives  
Jason Brolund, Fire Chief  
Brad Savoury, Director of Legal Services  
Brent Magnan, Director of Development Approvals  
Bob Dargatz, Development Manager/Approving Officer  
Corinne Boback, Legislative Services Manager/Corporate Officer

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**1. CALL THE REGULAR COUNCIL MEETING TO ORDER**

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

It was acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

This meeting was open to the public. All representations to Council form part of the public record. This meeting was webcast live and archived on the City's website.

**2. INTRODUCTION OF LATE ITEMS**

**2.1 Replacement Pages 12 and 13 of the Agenda Package for Minutes of the Regular Council Meeting held Tuesday, September 6, 2022 (Item 4.2)**

The replacement pages include corrected meeting minutes for item 8.2.3, 3349 Glenrosa Road.

**2.2 Submission for DP 22-07, Development Permit with Variances, 2749 Shannon Lake Road (Item 8.2.3)**

Letter received from the following:

- Karen Michaud

**3. ADOPTION OF AGENDA**

It was moved and seconded

Resolution No. C255/22

**THAT** the agenda be adopted as amended.

CARRIED UNANIMOUSLY

**4. ADOPTION OF MINUTES**

**4.1 Minutes of the Special Council Meeting held Tuesday, September 6, 2022 in the City of West Kelowna Council Chambers**

It was moved and seconded

Resolution No. C256/22

**THAT** the minutes of the Special Council Meeting held Tuesday, September 6, 2022 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

**4.2 Minutes of the Regular Council Meeting held Tuesday, September 6, 2022 in the City of West Kelowna Council Chambers**

It was moved and seconded

Resolution No. C257/22

**THAT** the minutes of the Regular Council Meeting held Tuesday, September 6, 2022 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

## **5. MAYOR AND COUNCILLOR'S REPORTS**

The Mayor acknowledged that Friday, September 30th is the National Day for Truth and Reconciliation and encouraged the community to wear orange to honour the thousands of survivors of residential schools and continue to listen, reflect and work towards reconciliation.

The Mayor provided an update on the Rose Valley Water Treatment Plant and invited residents to attend an information session. Information and progress can be viewed online at [ourwk.ca/watermains](http://ourwk.ca/watermains).

### **5.1 Regional District of Central Okanagan Highlights from the 2022 Regional Board Meeting**

## **6. DELEGATIONS**

## **7. UNFINISHED BUSINESS**

## **8. DIVISION REPORTS**

### **8.1 CHIEF ADMINISTRATIVE OFFICER**

#### **8.1.1 Council Appointment of Bylaw Compliance and Enforcement Officer**

It was moved and seconded

Resolution No. C258/22

**THAT** Council appoints Michael Gesi as a Bylaw Compliance and Enforcement Officer for the City of West Kelowna effective September 20, 2022.

CARRIED UNANIMOUSLY

#### **8.1.2 2022 Community Emergency Preparedness Fund Application – RDCO Extreme Heat Risk Mapping, Assessment and Planning Project**

It was moved and seconded

Resolution No. C259/22

**THAT** Council approves the Regional District of Central Okanagan applying for, receiving, and managing the UBCM Community Emergency Preparedness Fund grant funding to complete the Extreme Heat Risk Mapping, Assessment and Planning project on behalf of the City of West Kelowna.

CARRIED UNANIMOUSLY

## **8.2 DEVELOPMENT SERVICES**

### **8.2.1 P 20-07, Zoning Bylaw No. 265 (Consequential Bylaw Amendments Adoption)**

It was moved and seconded

Resolution No. C260/22

**THAT** Council adopt the following bylaws as consequential amendments related to the adoption of City of West Kelowna Zoning Bylaw No. 0265, 2022:

- “City of West Kelowna Building Regulation Amendment Bylaw No. 0086.06, 2022”;
- “City of West Kelowna Business Licensing and Regulations Amendment Bylaw No. 0087.15, 2022”;
- “Bylaw Notice Enforcement Amendment Bylaw No. 0093.50, 2022”;
- “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.47, 2022”; and
- “City of West Kelowna Works and Services Amendment Bylaw No. 0249.02, 2022”.

CARRIED UNANIMOUSLY

### **8.2.2 Development Application Process Review Streamlining – Bill 26 (Adoption)**

It was moved and seconded

Resolution No. C261/22

**THAT** Council adopt the City of West Kelowna Development Applications Procedures Amendment Bylaw No. 0260.01, 2022.

CARRIED UNANIMOUSLY

### **8.2.3 DP 22-07; Development Permit with Variances; 2749 Shannon Lake Road**

It was moved and seconded

Resolution No. C262/22

**THAT** Council authorize the issuance of a phased Development Permit (DP 22-07) for a seventy-two (72) unit townhouse and duplex development at 2749 Shannon Lake Road, subject to the conditions outlined in the attached Development Permit; and

**THAT** Council authorize a variance to the City of West Kelowna Zoning Bylaw No. 0265 in accordance with the attached permit, as follows:

- That the maximum building height (s.10.10.5(f)) be increased from 10.0 metres to 11.5 metres for buildings 1 to 4.
- That the 1.2m siting exemption for balconies (s.3.8.4(a)ii.a)) into the required minimum siting distance from the rear parcel boundary be increased from 35% of the overall length of the building face to 63% for buildings 1 to 4.
- That the additional width required for parking spaces adjacent to structures (s.4.3.7(a)) be reduced for 48 parking spaces located in the garages of buildings 1 to 8, 11 and 12 from 0.3 metres to 0.15 metres; and

**THAT** issuance of the Development Permit be withheld pending receipt of:

- Landscaping security for Phase 1 of the landscape plan in the amount of **\$385,711.25**;
- Park improvements security in the amount of **\$328,264.25**; and
- A maintenance agreement for landscaping within the boulevard, including irrigation; and

**THAT** if the Development Permit has not been issued within one year from the date of approval, the Permit with variances shall be deemed to have been refused and the file closed.

CARRIED; Councillor Zanon opposed

**8.2.4 Z 22-03, Zoning Amendment Bylaw No. 0265.06 (Third Reading as Amended and Adoption), 3654 Old Okanagan Highway**

It was moved and seconded

Resolution No. C263/22

**THAT** Council rescind third reading of Zoning Bylaw No. 0154.116; and

**THAT** Council give third reading as amended to Zoning Bylaw No. 0265.06, 2022; and

**THAT** Council adopt Zoning Bylaw No. 0265.06, 2022.

CARRIED UNANIMOUSLY

**8.2.5 Z 22-07 and DVP 22-08; Zoning Amendment Bylaw No. 0265.07 (Third Reading as amended and Adoption) and Development Variance Permit; 1195 Industrial Road**

It was moved and seconded

Resolution No. C264/22

**THAT** Council rescind third reading of Zoning Bylaw No. 0154.117; and

**THAT** Council give third reading as amended to Zoning Bylaw No. 0265.07, 2022; and

**THAT** Council adopt Zoning Bylaw No. 0265.07, 2022; and

**THAT** Council authorize the issuance of a Development Variance Permit (DVP 22-08) for 1195 Industrial Road to vary S4.4.1(a) of the Zoning Bylaw No. 0265 to reduce the number of required parking spaces for a personal service establishment from 6 spaces to 5 spaces.

CARRIED; Councillor Findlater opposed

**8.3 ENGINEERING / PUBLIC WORKS / PARKS**

**8.4 FIRE RESCUE SERVICES**

**8.5 CORPORATE INITIATIVES**



## **8.6 FINANCIAL SERVICES / RECREATION AND CULTURE**

### **8.6.1 2023 Permissive Tax Exemption Bylaw**

It was moved and seconded

Resolution No. C265/22

**THAT** Council give first, second and third reading to Property Tax Exemption Bylaw No. 0301, 2022; and

**THAT** notice of intention to proceed with Bylaw No. 0301 be published on the 21st and 28th day of September 2022 in the WestK News, circulating in the City of West Kelowna, pursuant to Section 94 of the *Community Charter*.

CARRIED UNANIMOUSLY

## **9. CORRESPONDENCE AND INFORMATION ITEMS**

## **10. NOTICE OF MOTION**

### **10.1 Councillor Zilkie**

*The following was provided as Notice of Motion and is scheduled for Council consideration at the October 4, 2022 regular Council meeting:*

**THAT** Council direct staff under the City of West Kelowna Council Procedure Bylaw No. 0258, schedule a Committee of the Whole Meeting prior to Budget deliberations; and

**THAT** Council allow for community organizations and agencies to appear at the Committee of the Whole Meeting to make presentations, up to five minutes per Grant in Aid application.

### **10.2 Councillor Zilkie**

*The following was provided as Notice of Motion and is scheduled for Council consideration at the October 4, 2022 regular Council meeting:*

**THAT** Council direct staff to provide a compressive update on the status of Short Term Accommodations regulated under the Zoning Bylaw No. 0265; and

**THAT** staff include the number of properties that have been denied by not meeting the Short Term Accommodation regulations of the Zoning Bylaw No. 0265; and

**THAT** staff be directed to bring forward an amendment to the Zoning Bylaw No. 0265 to allow Short Term Accommodations in the Compact Residential (RC1, RC2, RC3 & RC4) Zones and Duplex Residential (R2) Zone.

**11. ADJOURNMENT OF THE REGULAR MEETING**

The meeting adjourned at 7:15 p.m.

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MAYOR

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LEGISLATIVE SERVICES MANAGER/CORPORATE OFFICER

## Highlights of the Regional Board meeting – September 26, 2022

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### North Westside governance study report

The Regional Board has received the [final report](#) of the North Westside Governance and Services Study Committee. The report was prepared by the independent consultant that worked with the committee since early this year in a process that involved public meetings and community engagement. The committee recommends *“that the Regional Board in collaboration with the Province and Regional District of North Okanagan pursue a further study to explore in detail the services, governance and financial implications of removing the North Westside from the Central Okanagan West Electoral Area and RDCO boundary and create a separate electoral area within the Regional District of North Okanagan.”* The RDCO chair will forward the final committee report and recommendation for consideration by the Ministry of Municipal Affairs.

### Killiney Beach-Westshore water study

The Regional Board has received a detailed engineering study outlining supply and treatment options for the Killiney Beach and Westshore Estates water systems to meet all Canadian Drinking Water Guidelines. Staff has been directed to prepare a project plan supporting either an overland or underwater transmission main from the Fintry/Shorts Creek groundwater aquifer to service the two systems. In addition, the Board received a second engineering report looking at whether to add backup generators to each system. The Board directed staff to provide a future report on the costs, funding sources and financial implications of adding permanent generators to the Killiney Beach and Westshore water systems.

### Falcon Ridge water service expansion

The Regional Board has approved various bylaws to proceed with expanding Falcon Ridge water service to three properties to the west portion of the service area boundary. Construction is expected to be complete this year. The estimated \$148,500 cost will be funded by the new customers along with along with a \$15,900 contribution from the Community Works Fund to install a fire hydrant.

### Regional Agricultural Strategy update

The Regional Board has received an update on the phased plan to develop a Regional Agricultural Strategy. An experienced consulting firm has been contracted through a public Request for Proposals to complete a Regional Agricultural Background Report and public and stakeholder engagement strategy by the end of 2022.

### Planning Applications considered

The Regional Board considered the following planning applications:

- Adoption of [Official Community Plan \(OCP\) Amendment Bylaw No. 1274-12 and Zoning Amendment Bylaw 871-274 \(Application Z22/02\)](#) for 944 Bear Creek Road to rezone a portion of the 32.4-hectare property for the purpose of future subdivision.
- Approved an additional one year extension for [Development Permit Application \(DP-20-09\)](#) for 2235 Westside Road for demolition of an existing dwelling and construction of a new single detached home and servicing.
- Conditional support for [Agricultural Land Commission \(ALC\) Referral application \(A-22-01\)](#) from a property owner at 4995 Trepanier Road. The applicant is seeking ALC approval to remove gravel from the property and replace it with soil to plant a vineyard. The Board requests the applicant meet several conditions including not removing gravel from the site; review of the application by the ALC Chief Executive Officer; approval of a water license reflecting proposed water use and completion of plans for grading and reclamation, transportation route and construction management.
- Does not support [Agricultural Land Commission \(ALC\) Referral application \(A-22-02\)](#) from a property owner at 3811 Old Vernon Road. The applicant is seeking ALC approval for a non-farm use to operate a landscaping business on 1.2-hectares of the 2.8-hectare A1-zoned parcel on the Agricultural Land Reserve. The application does not meet Provincial or RDCO policies.

## Regional Board meetings

Regional District office – 1450 KLO Road, Kelowna (Woodhaven Boardroom)

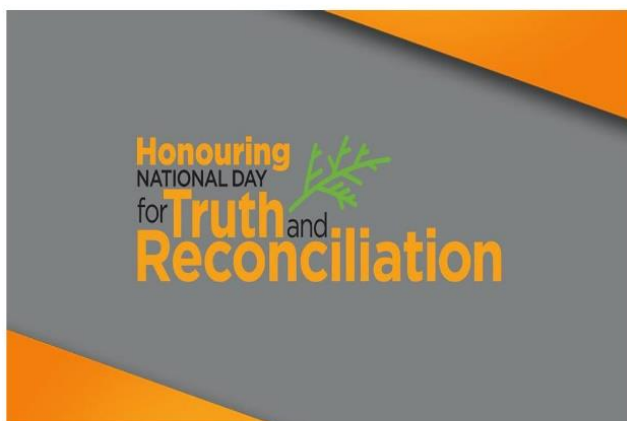
- Thursday, October 13 – 8:30 a.m.
- Thursday, November 10 – 8:30 a.m. – Board Inaugural and Regular meetings

## Stay informed about the Regional District

Sign up at [rdco.com/subscribe](http://rdco.com/subscribe) to receive customized news and information from the Regional District.

Share your thoughts and stay up to date with RDCO projects at [yoursay.rdco.com](http://yoursay.rdco.com).

## National Day for Truth and Reconciliation



### The REGIONAL DISTRICT OF CENTRAL OKANAGAN

#### WILL BE CLOSED

**Friday, September 30**

to observe and acknowledge the

**National Day for Truth & Reconciliation**

Our OFFICE WILL RE-OPEN to serve you

at 8 a.m. on

**Monday, October 3**

During the closure for RDCO water system or Parks Emergencies ONLY call 250-868-5299

Online Payments may be made at [rdco.com/payments](http://rdco.com/payments)

The EECO in Mission Creek Regional Park will be closed September 30

Regular curbside garbage, recycling and yard waste collection will take place on September 30

The Westside Residential Waste Disposal & Recycling Centre, North Westside & Traders Cove transfer stations continue operations Sept. 30.

## Bulky Item Collection



### North Westside Road Transfer Station

- All Bulky Items - \$20 a truckload
- Fridges and Freezers – No Charge, must be empty
- Cash or Cheque Only

No Construction, Renovation Material  
No Hazardous Wastes, No Electronics

**October 5 – October 12, 2022**  
**During Regular Transfer Station Hours**

## Office Closure



The REGIONAL DISTRICT OF CENTRAL OKANAGAN

#### WILL BE CLOSED

**Monday, October 10**  
for Thanksgiving

Our OFFICE WILL RE-OPEN to serve you

at 8 a.m. on Tuesday, October 11

During the closure for RDCO water system or Parks Emergencies ONLY call 250-868-5299

Online Payments may be made at [rdco.com/payments](http://rdco.com/payments)

The EECO in Mission Creek Regional Park will be closed October 10

Regular curbside garbage, recycling and yard waste collection continues on Monday, October 10

The Westside Residential Waste Disposal & Recycling Centre, North Westside & Traders Cove transfer stations continue normal operations

The Board Report is published monthly after each regular meeting of the Board of the Regional District of Central Okanagan. The Regional Board meets twice a month in regular session in the Woodhaven Boardroom at the Regional District office, 1450 KLO Road. The public is welcome to attend.



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: October 4, 2022

From: Holden Blue, Planner II

File No: A 22-03

Subject: **A 22-03; Agricultural Fill Application; 3853 Brown Road**

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### RECOMMENDATION

**THAT** Council support the Non-Farm Use Application for the placement of fill in the Agricultural Land Reserve (File: A 22-03) for the property at 3853 Brown Road as per the attached plans; and

**THAT** Council direct staff to forward the application to the Agricultural Land Commission for consideration.

### STRATEGIC AREA(S) OF FOCUS

**Economic Growth and Prosperity** – We will work with our partners on the Westside and throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

### BACKGROUND

The subject property is located in the Westbank Centre neighbourhood at 3853 Brown Road and is currently used for grape growing as part of a vineyard. The subject property is zoned A1 and situated in the Agricultural Land Reserve. The applicant has submitted a Non-Farm Use Application for placement of fill which requires review from the local government to proceed to the Agricultural Land Commission (ALC) for consideration.

PROPERTY DETAILS			
<b>Address</b>	3853 Brown Rd (PLAN KAP1568 LOT 2 DISTRICT LOT 807 OSOYOOS DIV OF YALE DISTRICT)		
<b>PID</b>	011-295-147		
<b>Folio</b>	36413387.000		
<b>Lot Size</b>	19465.4 m <sup>2</sup>		
<b>Owner</b>	Haakon Investments Ltd.	<b>Agent</b>	David Gill

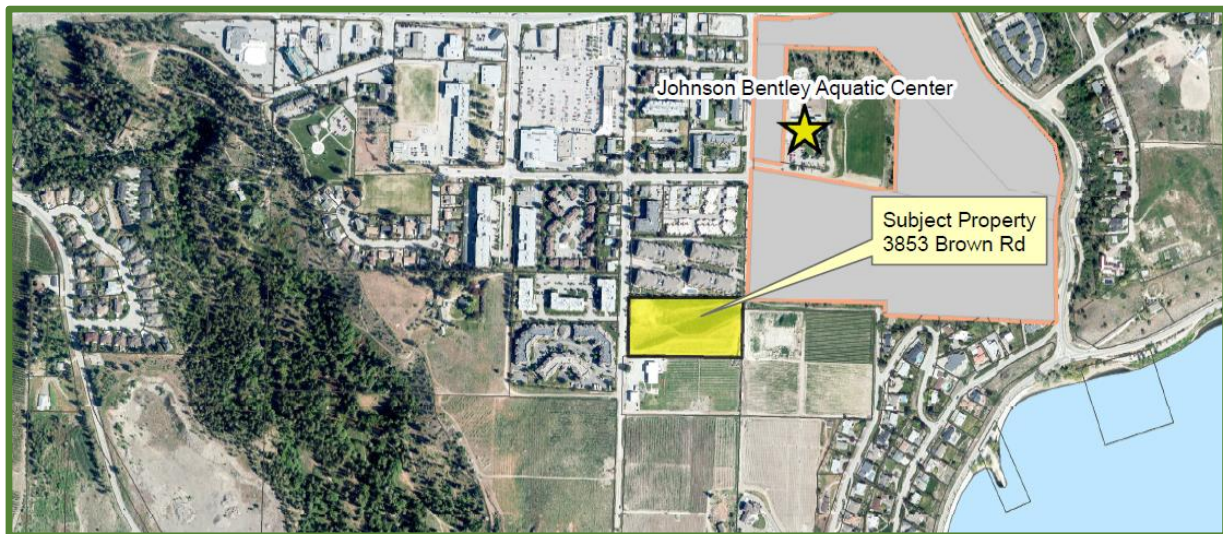


<b>Current Zoning</b>	A1 – Agricultural Zone	<b>Proposed Zoning</b>	A1 – Agricultural Zone
<b>Current OCP</b>	Ag - Agricultural	<b>Proposed OCP</b>	Ag - Agricultural
<b>Current Use</b>	Agriculture	<b>Proposed Use</b>	Agriculture
<b>Development Permit Areas</b>	Aquatic, Hillside, Sensitive Terrestrial Ecosystem		
<b>Agricultural Land Reserve</b>	Yes		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	R5 – Westbank Centre Multiple Residential Zone
<b>East</b>	>	A1 – Agricultural Zone
<b>West</b>	<	R5 – Westbank Centre Multiple Residential Zone
<b>South</b>	v	A1 – Agricultural Zone

#### NEIGHBOURHOOD MAP



#### PROPERTY MAP



## Legislative Requirements

Local Governments that receive a Soil or Fill Use Application under Section 34.1 of the *Agricultural Land Commission Act* must review the application and forward it to the Commission with comments and recommendations.

## **DISCUSSION**

### Proposal

The applicant has submitted a retroactive application to deposit fill on the subject property (Figure 1) as the work was completed as of June 2022. This application was created following a complaint to the ALC regarding unauthorized fill placement on the property. According to the submitted application, the applicant has deposited approximately 400 m<sup>3</sup> of clean blast rock on 1,500 m<sup>2</sup> of the 19,500 m<sup>2</sup> subject property to raise the height of the land by up to 1 meter, as illustrated by the green dashed line on the Site Plan and Cross Section (Attachment 1, Figure 2).

Upon review of the application, it was identified the area of all fill placed (including road crush) covers roughly 3,500m<sup>2</sup> of the property. The area outlined in the black dashed line (Figure 2) illustrates the location of additional ¾ inch road crush (100mm maximum thickness) that was placed on the land, contributing to a larger area of placement than what was outlined in the application.



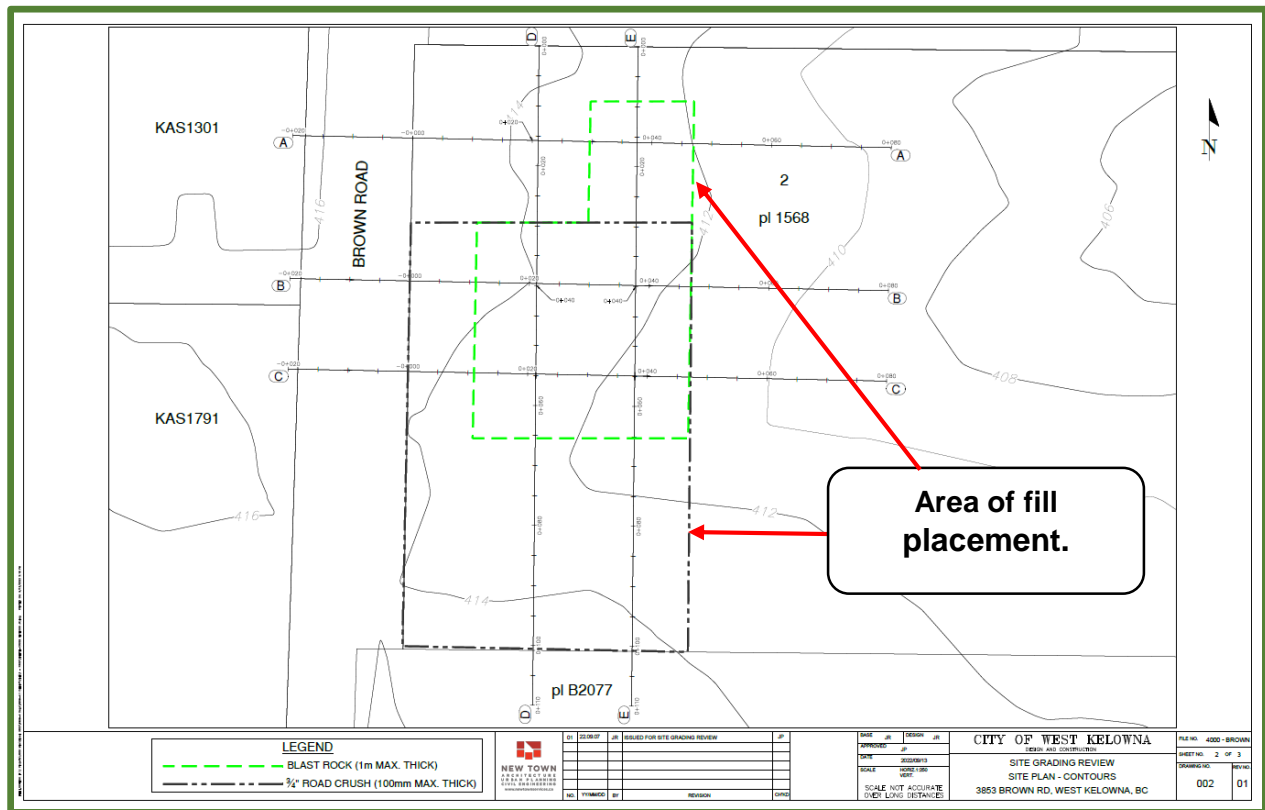
**Figure 1:** Fill placement on the subject property.

### Applicant Rationale

The applicant has stated in their application to the Agricultural Land Commission that this fill deposition will create a flat area for fruit bin storage and farm machinery parking as needed. Figure 2 highlights the larger 1m in depth blast rock fill areas in green with the road crush area in black.

The applicant has also stated that the rest of the parcel will continue to be used for grape growing, with plans to plant another 2400 grape vines on the subject property in addition to the 1200 plants that were planted in May of 2021. The fill placement will support existing

grape growing activities on the property and Truck 59 Ciderhouse located on the neighbouring parcel at 3887 Brown Road.



**Figure 2:** Fill placement area on the subject property.

## POLICY AND BYLAW REVIEW

### Zoning Bylaw No. 0265

The subject property is zoned A1 – Agricultural. It is understood that the fill placement will support future grape vineyard operations by providing an area for fruit bin storage and farm machinery as necessary. General agriculture is a permitted use within the A1 zone.

### Official Community Plan No. 0100

The subject property is designated as Agricultural. Section 3.38 of the Official Community Plan (OCP) details guiding principles for agricultural land, including prioritizing the protection of agricultural capacity, production, and access to agricultural products within the City.

## TECHNICAL AND REFERRAL REVIEW

The application was sent out for referral to various agencies and departments. The below comments were provided.



### Ministry of Agriculture

The subject property was purchased in September 2020. In May 2021, approximately 0.4 hectares were planted with grapes, and another 1.0 hectare is scheduled to be planted in 2022. Grapes generally take 3-4 years of maturing to be harvestable for wine production. Soil types in Gellatly and Glenmore dominate the soil profile of the subject property and are both suited for many agricultural crops, including grapes. Despite the fact a vineyard consultant should have been aware of requirements for fill placement and that the project already completed is relatively small in nature, Ministry staff recommend that a brief Agrologist's report be completed to determine any potential impacts arising from the fill placement activity. Staff have not required an agrologists report. Should it be deemed necessary by the ALC or Council, the applicant would be required to provide a report.

### Agricultural Advisory Committee (AAC)

The AAC considered the application at their July 6, 2022, meeting. The committee discussed a number of items, including the suitability of the parcel for agricultural use, the challenge of retroactive applications as they do not want to create a precedent and that flat areas for parking and storage are required to promote agriculture. The AAC unanimously motioned to support the file, subject to the applicant providing a detailed site plan and cross-section indicating fill placement to scale (as per attached).

## **CONCLUSION**

Staff recommend that Council support the fill application and forward it to the Agricultural Land Commission for consideration. The fill deposited on the property supports existing and future agricultural activities, there are no adverse impacts to neighbouring properties and the works align with the objectives of the OCP and Zoning Bylaw.

### **Alternate Recommendations:**

1. **THAT** Council postpone consideration of A 22-03 and direct staff to request the preparation of an Agrologist's report to determine any potential impacts arising from the fill placement activity and/or confirm the exact area impacted by fill placement.

Should Council choose this motion, staff will reschedule this application for Council consideration once the requested information is available.

2. **THAT** Council direct staff to forward the application to the Agricultural Land Commission for formal consideration.

Should Council choose this motion, a local government report will be sent to the ALC advising that council does not wish to support or deny the application. By forwarding the application, Council is deferring to the ALC for formal consideration.

3. **THAT** Council not support the Non-Farm Use Application for the placement of 400 m<sup>3</sup> of fill in the Agricultural Land Reserve (File: A 22-03) for the property at 3853 Brown Road; and

**THAT** Council direct staff close the file.

Should Council choose this motion, the file will be closed and the ALC will be advised that the application did not receive a motion to proceed. The applicant would need to wait six months before submitting a revised application.

#### **REVIEWED BY**

Chris Oliver, Planning Supervisor

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager, Corporate Officer

#### **APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

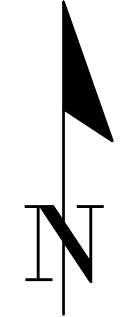
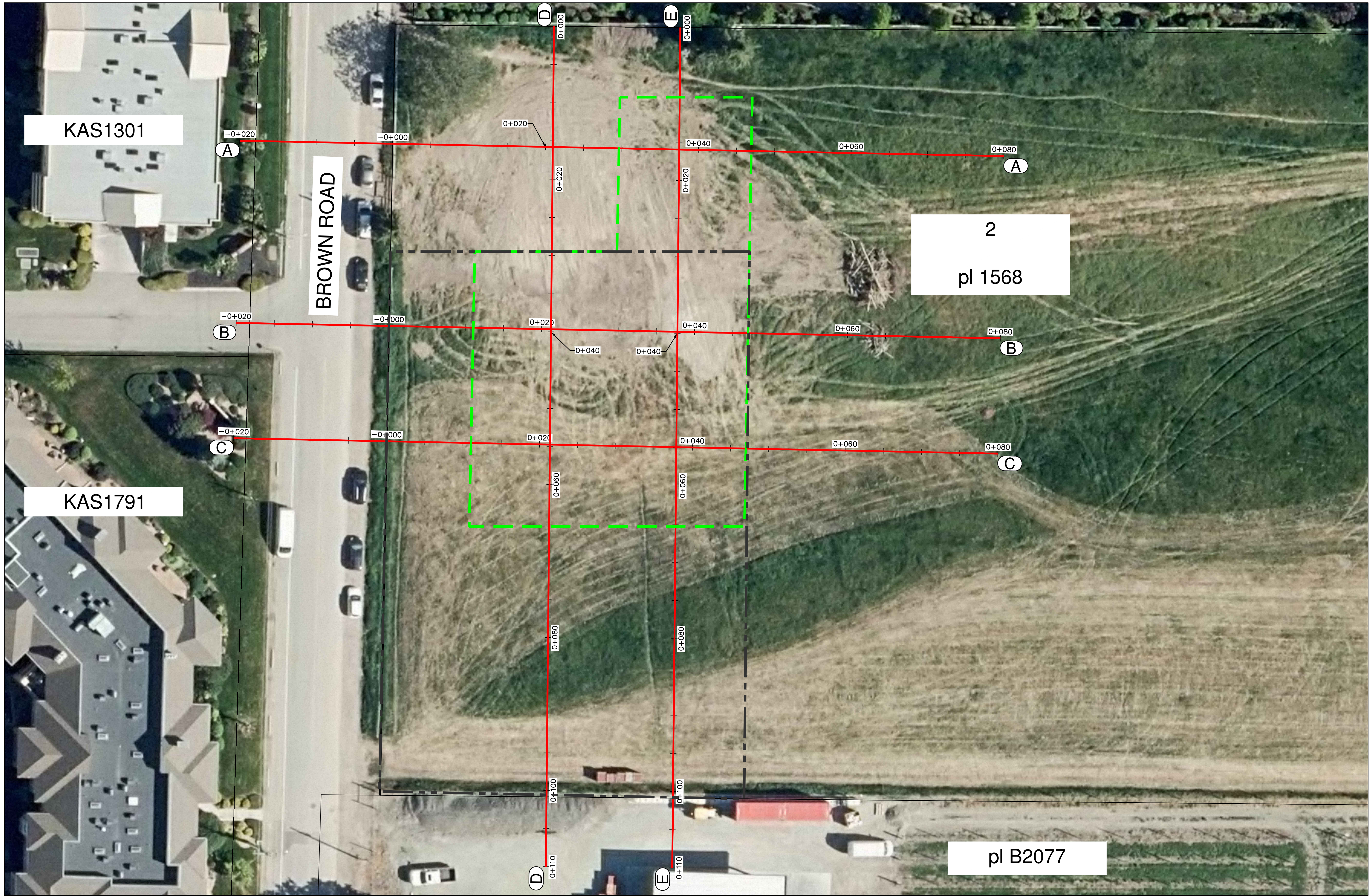
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#### **Attachments:**

1. Site Plan and Cross Section of Proposed Fill



FILE LOCATION: F:\Projects\4000 - Brown Rd\Drawings\4000-1-Grading\4000-1-Grading-1.dwg  
PROJECT NO.: 4000 - BROWN RD  
DRAWING NO.: 4000-1-Grading-1  
DATE: 07/2/2022 2:10 PM  
PRINTED ON: 07/2/2022 2:10 PM



LEGEND	
	BLAST ROCK (1m MAX. THICK)
	3/4" ROAD CRUSH (100mm MAX. THICK)



01	22.09.07	JR	ISSUED FOR SITE GRADING REVIEW	JP
NO.	YY/MM/DD	BY	REVISION	CHKD

BASE	JR	DESIGN	JR
APPROVED		JP	
DATE		2022/09/13	
SCALE		HORIZ. 1:250 VERT.	
SCALE NOT ACCURATE OVER LONG DISTANCES			

CITY OF WEST KELOWNA			
DESIGN AND CONSTRUCTION			
SITE GRADING REVIEW			
SITE PLAN - AERIAL PHOTO			
3853 BROWN RD, WEST KELOWNA, BC			
FILE NO.	4000 - BROWN		
SHEET NO.	1	OF	3
DRAWING NO.			
REV NO.			
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PLOT DATE: 09/13/2022 2:18 PM  
PLOT SCALE: 1/4" = 1'-0"



LEGEND

BLAST ROCK (1m MAX. THICK)

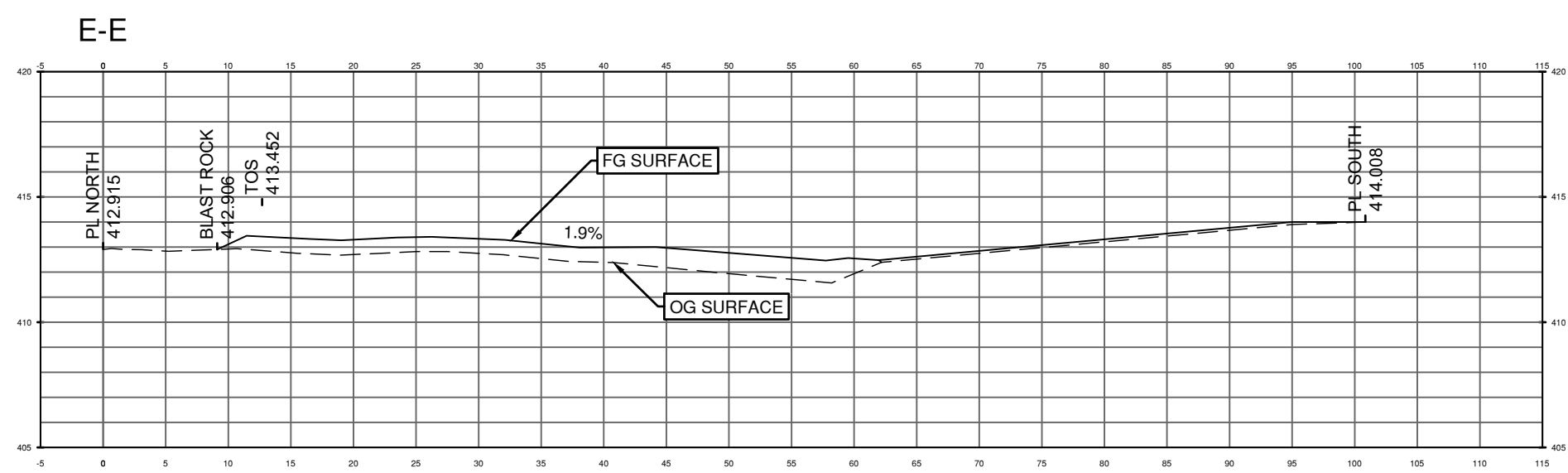
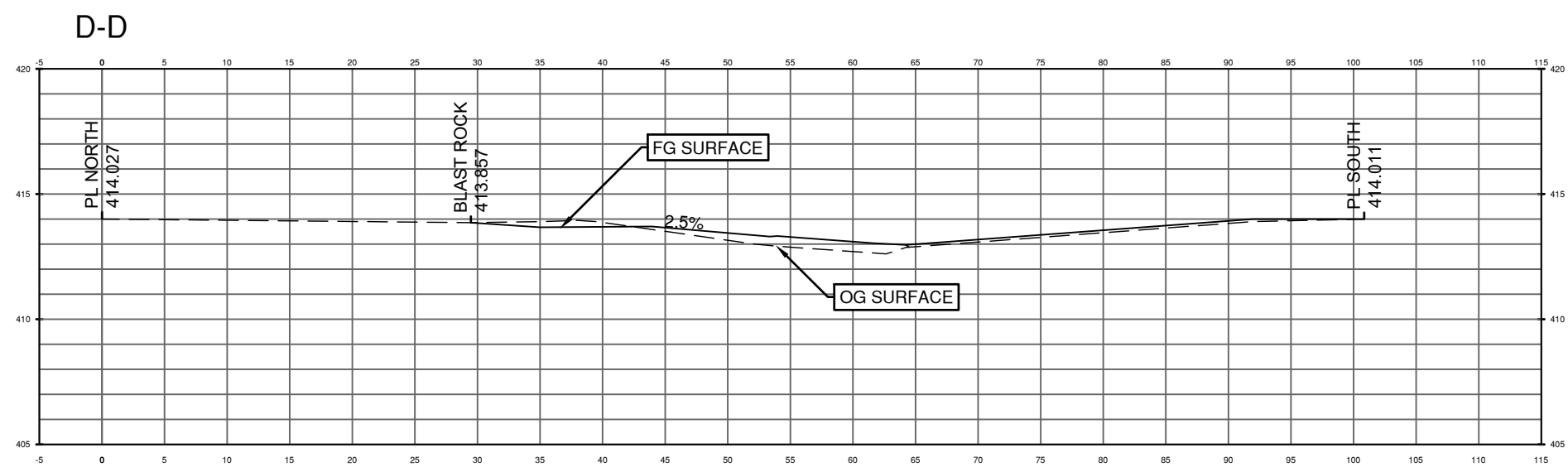
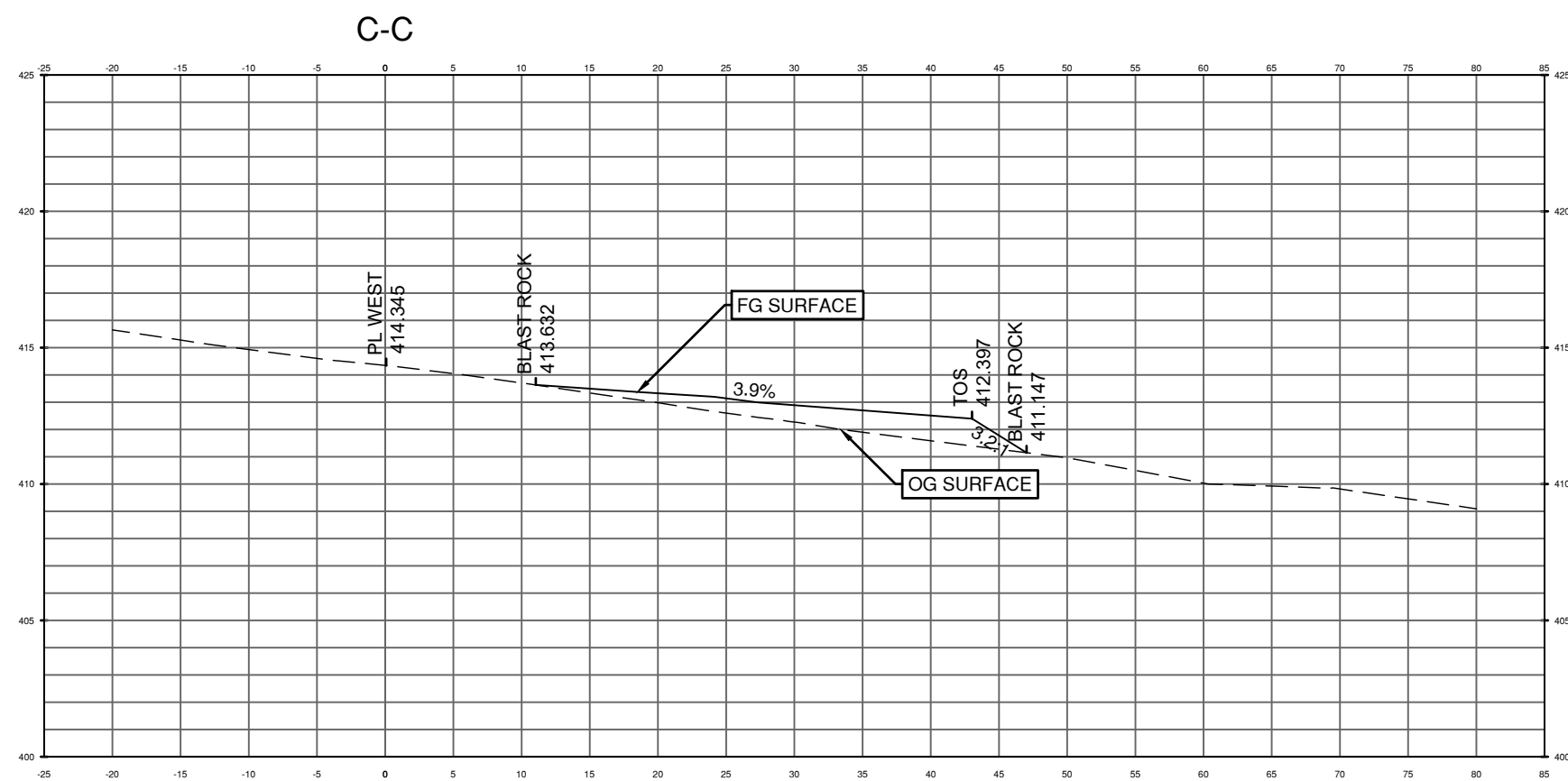
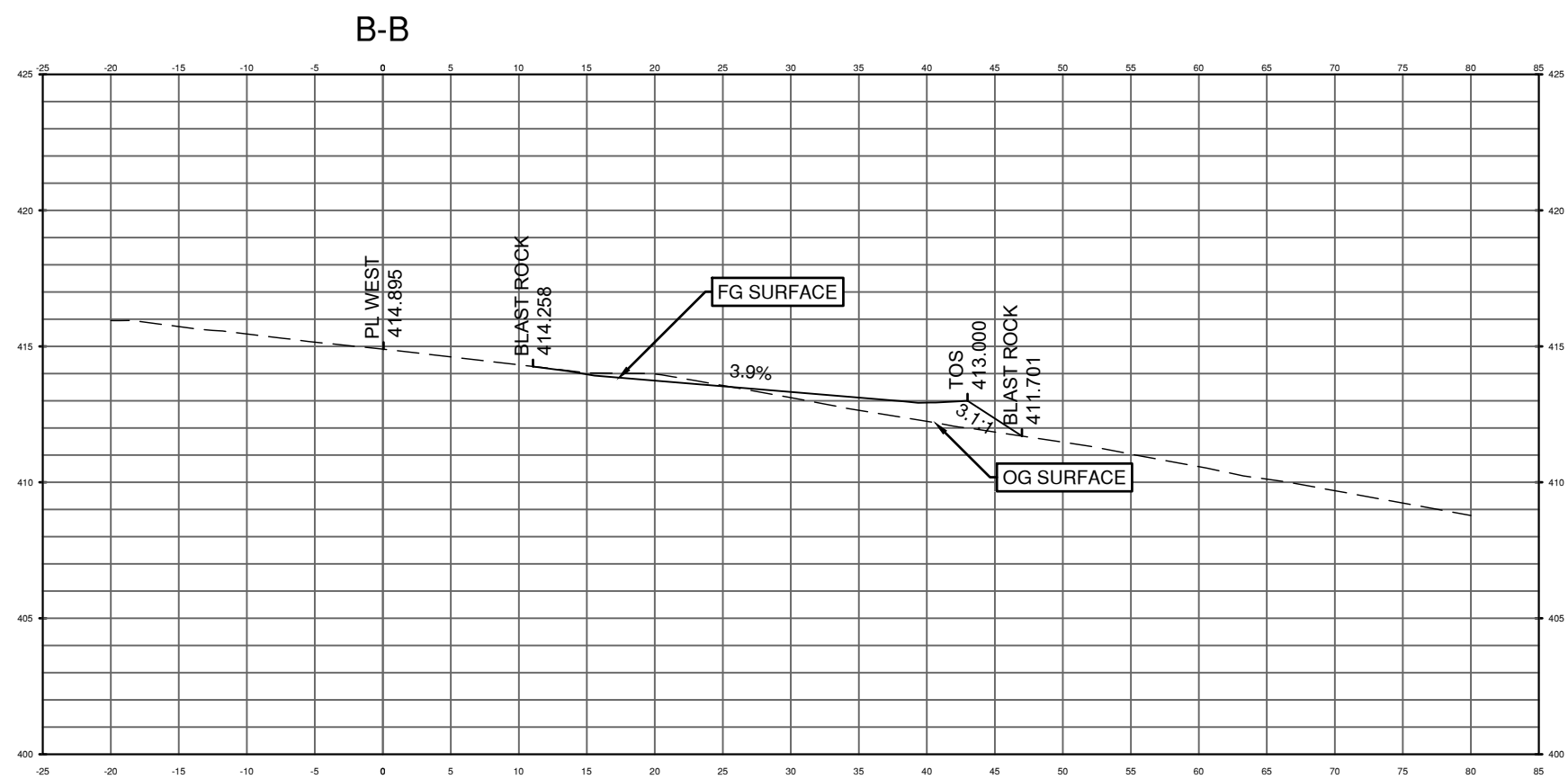
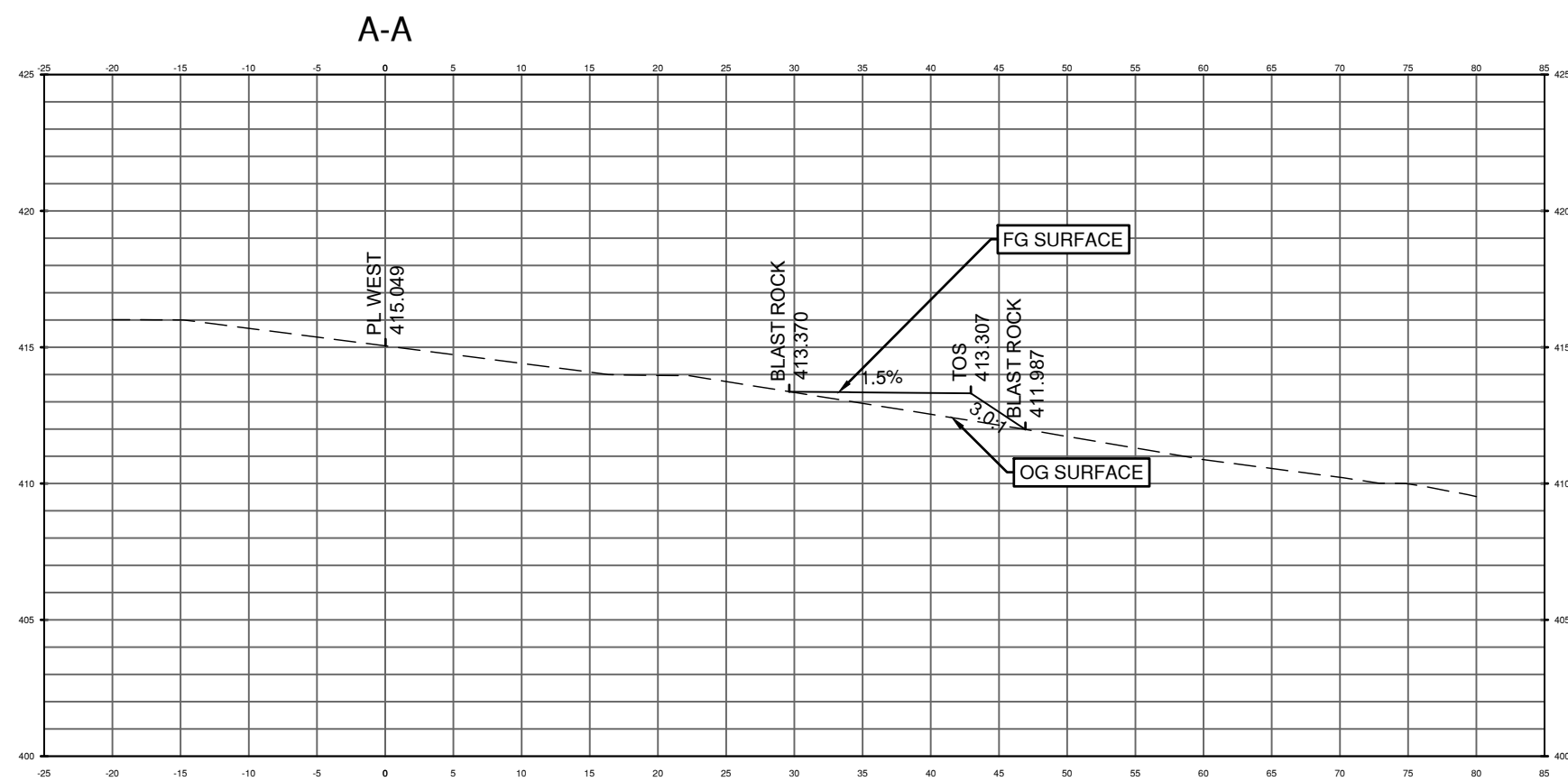
3/4" ROAD CRUSH (100mm MAX. THICK)

 <b>NEW TOWN</b> ARCHITECTURE URBAN PLANNING CIVIL ENGINEERING www.newtownservices.ca	01	22.09.07	JR	ISSUED FOR SITE GRADING REVIEW	JP
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BASE	JR	DESIGN	JR
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DATE		2022/09/13	
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CITY OF WEST KELOWNA		FILE NO. 4000 - BROWN	
DESIGN AND CONSTRUCTION		SHEET NO. 2 OF 3	
SITE GRADING REVIEW SITE PLAN - CONTOURS 3853 BROWN RD, WEST KELOWNA, BC		DRAWING NO.	REV NO.
		002	01

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01	22.09.07	JR	ISSUED FOR SITE GRADING REVIEW	JP
NO.	YY/MM/DD	BY	REVISION	CHKD

BASE	JR	DESIGN	JR
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DATE		2022/09/13	
SCALE		HORIZ.1:500 VERT.1:250	
SCALE NOT ACCURATE OVER LONG DISTANCES			

CITY OF WEST KELOWNA  
DESIGN AND CONSTRUCTION  
SITE GRADING REVIEW  
SITE SECTIONS  
3853 BROWN RD, WEST KELOWNA, BC

FILE NO.	4000 - BROWN
SHEET NO.	3 OF 3
DRAWING NO.	003
REV NO.	01



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: October 4, 2022

From: Carla Eaton, Senior Planner

File No: Z 17-18

Subject: **Z 17-18, OCP and Zoning Amendment Bylaw No. 0100.51 and 0265.05 (3rd as Amended), 2734 & 2736 Lower Glenrosa Road**

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### RECOMMENDATION

**THAT** Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018 (File: Z 17-18); and

**THAT** Council give third reading as amended to City of West Kelowna Zoning Amendment Bylaw No. 0265.05, 2022 (File: Z 17-18); and

**THAT** Council direct staff to schedule the bylaw for adoption following submission of the following:

- Confirmation that any necessary legal agreements have been secured to accommodate the proposed off-site drainage improvements through affected private property to the satisfaction of the City;
- Confirmation of the registration of a Section 219 covenant to require the following as a condition of future development and as outlined in Appendix A:
  - Completion of an Archaeological Review and Wildfire Hazard Assessment with any required mitigation prior to future development;
  - Registration of a No Disturb Covenant to protect slopes greater than 30%, and to protect the riparian area;
  - Dedication and completion of wildfire mitigation of the identified Park area as shown generally on the attached Site Plan;
  - Registration of three statutory rights of way and construction of pedestrian walkways (Figure 1) through the subject property;
  - Storm drainage improvements (Figure 5) by the owner in general accordance with approved design drawings and cost estimates and to the satisfaction of the City;
  - Construction of off-site transportation (Figure 3) and water improvements by the owner in general accordance with approved design drawings and cost estimates; and
  - Restrict future development until the owner has established and constructed a statutory emergency access/egress route through the subject property (Figure 2), where any required improvements beyond the required minimum road standard necessary to support the proposed strata development would be constructed by the developer but paid for by the City.

## STRATEGIC AREA(S) OF FOCUS

**Economic Growth and Prosperity** – We will work with our partners on the Westside and throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

## BACKGROUND

The purpose of this report is to provide Council with an overview of the second Public Hearing held for this application on March 22, 2022, request consideration of third reading, and seek direction on proposed conditions of adoption for the proposed bylaw amendments. The bylaw amendments received first and second reading on July 10, 2018 and a first public hearing was held on August 14, 2018. Third reading was given on March 10, 2020, with conditions of adoption. However, the applicant later revised their development proposal to include additional multi-family lands which required amendment to the proposed bylaws and a new public hearing. As such, Council rescinded third and second reading in order to reconsider the bylaws as amended on November 9, 2021, and directed the second public hearing.

### Bylaw Amendment Proposal

The applicant is requesting an amendment to the Official Community Plan (OCP) future land use designation from Resource Land and Single Family Residential to Low Density Multiple Family and Parks and Natural Area; and Zoning Bylaw amendment to rezone the subject properties from Rural Residential Small Lot Parcel Zone (RU2) and Institutional & Assembly Zone (P2) to the Low Density Multiple Residential Zone (R3) and Parks and Open Space Zone (P1) (*Attachment 1 and 2*). The intent of the application is to permit a multiple family development consisting of approximately 44 townhouses, including park dedication on the eastern portion of the site to tie into the Glen Canyon Regional Park corridor and Inverness Road, as well as proposed pedestrian walkway/trails, and protection of hillside and riparian area through the registration of no disturb covenants.

### PROPERTY DETAILS

<b>Address</b>	Lot A, DL 3188, ODYD, Plan EPP97329; and Lot A, DL 3188, Plan KAP31219 2734 & 2736 Lower Glenrosa Road		
<b>PID</b>	031-030-751 and 003-769-950		
<b>Folio</b>	36414590.194 and 36414590.516		
<b>Lot Size</b>	24,200.2 m <sup>2</sup> and 1,861.56 m <sup>2</sup>		
<b>Owner</b>	1109808 B.C. LTD / Richard Barber	<b>Agent</b>	Pilling & Associates / David Mori
<b>Current Zoning</b>	RU2 – Rural Residential Small Parcel Zone & P2 – Institutional and Assembly Zone	<b>Proposed Zoning</b>	R3 – Low Density Multiple Residential & P1 – Parks and Open Space Zone



<b>Current OCP</b>	SFR – Single Family Residential & Resource Land	<b>Proposed OCP</b>	LDMF – Low Density Multiple Family & Parks and Natural Area
<b>Current Use</b>	Residential	<b>Proposed Use</b>	Residential
<b>Development Permit Areas</b>	Aquatic; Hillside; Sensitive Terrestrial Ecosystem		
<b>Hazards</b>	None identified		
<b>Agricultural Land Reserve</b>	Not within ALR		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	RC3 – Compact Single Detached Residential
<b>East</b>	>	RU2 – Rural Residential; P1 – Park and Open Space (Glen Canyon Regional Park)
<b>West</b>	<	R1 – Single Detached Residential; P2 – Webber Road Community Centre; P1 – Park and Open Space (Glenway Park)
<b>South</b>	v	P2 – Powers Creek Community Centre; Lower Glenrosa Rd/ Hwy 97

#### NEIGHBOURHOOD MAP



#### PROPERTY MAP





## DISCUSSION

### Public Hearing Overview

A Public Hearing was held on March 22, 2022 and was held open to reconvene on April 5, 2022. In accordance with Development Application Procedures Bylaw No. 0260, 93 notification letters were forwarded to property owners and tenants within 100 m of the proposed development in advance of the Public Hearing. Thirteen persons spoke at the public hearing and thirteen written submissions were received including two petitions (one with forty-two signatures and one with 6 signatures) noting the following concerns and issues:

- Protection of steep slopes and neighbouring properties from erosion / drainage issues;
- Protection of wildlife corridors, species at risk and green space / riparian areas;
- Loss of park land;
- Wildfire potential and impact on emergency service response;
- Impacts on water service pressure within the neighbourhood;
- Traffic concerns on Lower Glenrosa Road;
- Impacts on storm water / flooding on Knoppler Brook, and water quality in Powers Creek; and
- Impact of multiple family development density creating potential traffic, noise, visual and neighbourhood character impacts.

The following sections provide follow-up to these identified issues and questions, as well as elaborate on the proposed conditions noted at public hearing. A detailed account of the Public Hearing can be reviewed in the minutes attached to this Council Agenda (*Attachment 3*).

### Protection from Hillside Impacts

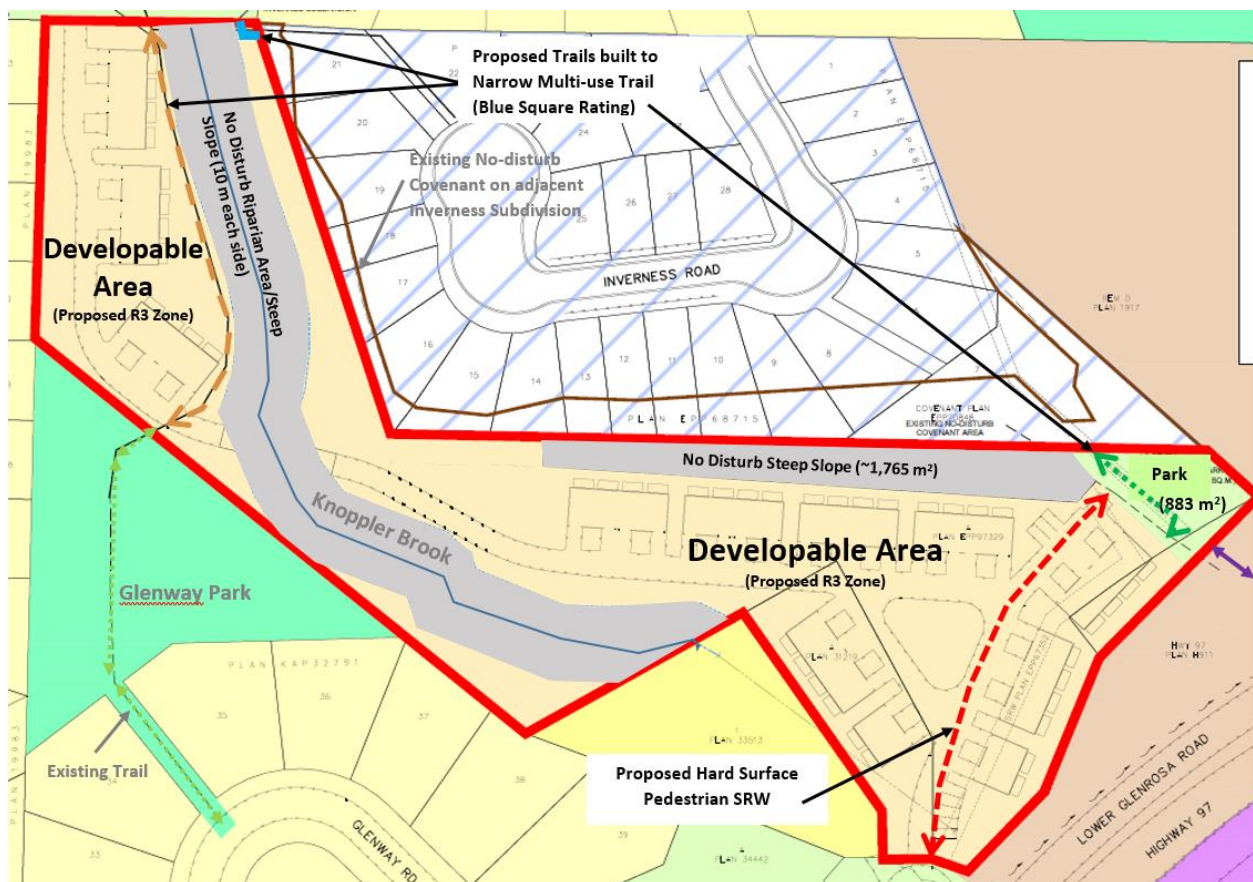
*Steep Slopes and Hillside Development* - A no-disturbance steep slope area is proposed adjacent to homes accessed from Inverness road. This area was previously enlarged as a result of concerns noted at the first Public Hearing and reiterated by Council to address steep slopes and hillside areas. The larger no-disturbance area was then incorporated into the revised development proposal with no change to its area (approximately 1765 m<sup>2</sup>). As shown on Figure 1, the proposed covenant area includes slopes greater than 30% which are an extension of the steep slopes on the properties to the north. As such, it is recommended that a Section 219 covenant be required as a condition of adoption to restrict development until a No Build - No Disturb area has been registered on title in general accordance with area shown on the attached Site Plan (*Attachment 4*).

*Geotechnical Evaluation* - Geotechnical reporting was submitted that identifies the subject properties and larger development area as safe for the intended use, subject to avoidance of steep slopes along the riparian area and the northeast parcel boundary adjacent to the Inverness subdivision. No encroachment is proposed into the Inverness properties to the north. The subject properties are within a Hillside Development Permit Area, which will require further site specific review in conjunction with the future form and character development permit for the site.

## Environmental Impacts (Protection of Park land/Greenspace/Riparian Areas/Wildlife)

**Parkland Dedication** - The revised development proposal includes the dedication of one 883 m<sup>2</sup> park area on the east side the subject property (Park as shown on Figure 1). This park area was considered with the review of the original proposal and was supported by Council. In keeping with Council's new Park Land Acceptance Policy and as the proposed Park will tie into the Glen Canyon Regional Park, it is recommended that a Section 219 covenant be required as a condition of adoption to restrict development until such time as the park has been dedicated and that any required wildfire mitigation works have been completed.

**Riparian Protection** – Consistent with the Parkland Acceptance Policy, a No Disturb covenant has been proposed to protect sensitive riparian area and steep slopes for a minimum of 10 m on either side of Knoppler Brook. Given that the area will no longer be within a dedicated park, the covenant will ensure the protection of steep slopes in accordance with Geotechnical and Environmental Assessment recommendations and aligns with City policy direction for protection of Knoppler Brook and other natural features (including hillsides and environmental landscapes).



**Figure 1: Proposed Park Dedication, Trails, Pedestrian SRW and No Disturb Steep Slope/Riparian Covenant**

**Wildlife Protection** – With the identified no disturb covenant areas and proposed park dedication, the proposed corridors will serve to connect adjacent greenspaces to enhance wildlife movement through the area. However, additional detailed review of the development will be completed as part of the future development permit process where

required environmental reporting would identify any habitat or mitigation concerns or recommendations to be addressed.

*Proposed Trails and Pedestrian Connectivity* - As noted through review of the original development proposal, the subject properties have existing informal trails that indicate residents are travelling through the site as it is located within walking distance proximity to Westbank Centre. As such, the following four pedestrian connections are recommended to be secured as a condition of zoning (see Figure 1):

- 1) Trail through the proposed Park (Figure 1 – Green Arrow) to connect the subject property to the Inverness neighbourhood to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating;
- 2) Hard surface walkway (Figure 1 – Red Arrow) from the dedicated Park to the cul-de-sac at Lower Glenrosa Road (preferred sidewalk or separate path walkway standard) within the proposed development;
- 3) Trail from the Webber Road Community Centre parcel to Glenway Park (Figure 1 – Brown Arrow) to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating; and
- 4) Trail from the Inverness Road subdivision pedestrian walkway to the Webber Road Community Centre (Figure 1 – Blue line) to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating;

As a condition of rezoning and prior to park dedication, it is recommended that construction of the Park trail to the identified standard is secured through the registration of a restrictive covenant. It is further recommended that the three remaining trails are secured through the registration of a Section 219 covenant that restricts development until the statutory rights of way have been registered and the pedestrian walkways constructed to the standards noted above. Final detailed design will be required as a condition of the future Development Permit.

### Emergency Access and Wildfire Concerns

*Emergency Access Routing* – In response to additional review of options related to emergency egress from Glenrosa, the applicant has agreed to enter into a legal agreement as a condition of zoning to facilitate a potential emergency access/egress route through the property (see red arrow in Figure 2). A proposed statutory right of way would follow the alignment of the proposed internal strata development road and would allow for access through rather than just into the site for emergency and public access. As a condition of zoning, the emergency access road, with final design and cost estimates to be addressed as part of the future development permit process, would be constructed at time

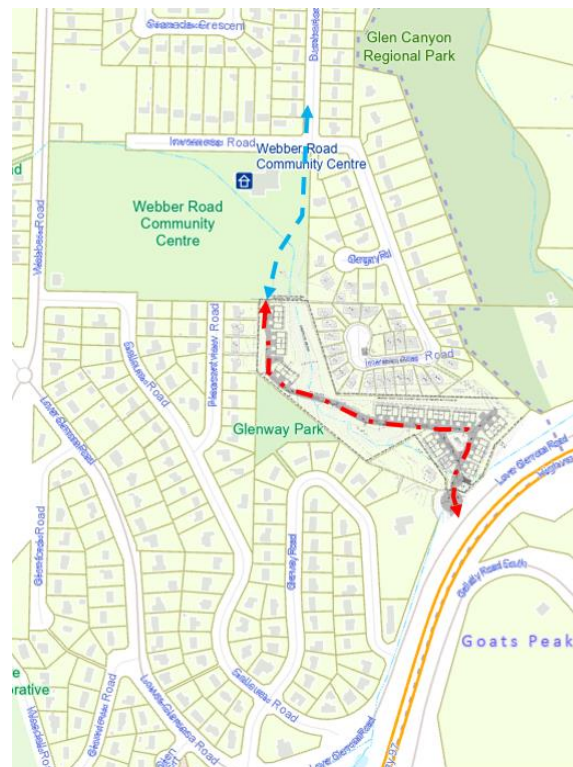


Figure 2: Conceptual Emergency Access Route



of future development by the developer. However, any required improvements beyond the minimum road standard necessary to support the proposed strata development would be paid for by the City, such as additional pavement widths to accommodate emergency vehicles or passing areas related solely to the emergency access/egress route.

Outside this application process, additional approvals and agreements will be required for potential routing through the adjacent School District No. 23 property (see blue arrow in Figure 2).

*Wildfire Concerns* – In response to public concern and based on the adjacency of the site to nearby large forested park corridors, it is recommended as a condition of future development that the owner is required to provide a wildfire hazard mitigation report with the future development permit process, and that any required wildfire mitigation measures to bring the wildfire hazard rating of the site to a low to moderate hazard rating are addressed as a condition of development. The proposed park area, as noted above, will have similar mitigation requirements.

#### Impacts on Water Servicing / Pressure

The applicant identified approximately 145 meters of new water main along Lower Glenrosa Road is required to service the site. Additionally, the City's Water Consultant confirmed the works to support the proposed development. As such, it is recommended that construction of the following works are secured as a condition of zoning through the registration of a Section 219 covenant (including preliminary design and cost estimates to the satisfaction of the City):

- Approximately 145 meters of watermain on Lower Glenrosa Road to increase fire flow to 90 Lps for the proposed development; and
- consolidation of two pressure zones along Lower Glenrosa Road<sup>1</sup>.

#### Traffic Concerns on Lower Glenrosa Road

A traffic study for a proposed development of this size was not required as per the City's Terms of Reference for Professional Reporting as a traffic impact assessment is only required when more than 100 residential units are proposed. However, based on noted concerns for safety on Lower Glenrosa Road presented at both Public Hearings, recommendations to improve traffic safety and access (as shown on Figure 3)

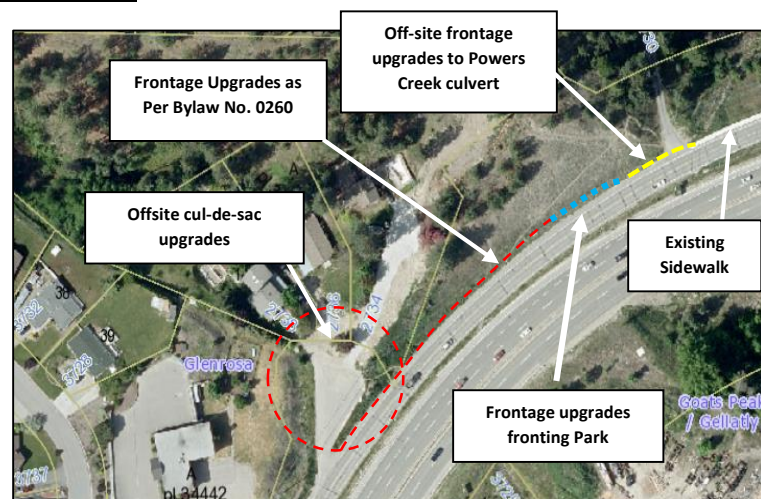


Figure 3: Cul-de-Sac and Proposed Sidewalk Extension Lower Glenrosa

<sup>1</sup> Upgrade the existing 100 mm diameter interconnect to 250 mm diameter and adjust the PRV setpoints as per AECOM Memorandum dated March 19, 2022

are recommended to be secured as a condition of zoning. It is recommended that construction of the following works, including preliminary design and cost estimates to the satisfaction of the City, are secured as a condition of zoning through the registration of a Section 219 covenant:

- Cul-de-sac to urban standard on Lower Glenrosa Road to accommodate sight lines, pedestrian movement, and turning radius for garbage trucks and emergency vehicles (shown in red circle in Figure 3);
- Frontage improvements on Lower Glenrosa Road fronting the Park, including a modified road section with shared pedestrian/cycle path separated from the drive aisle by concrete barrier and improved ditching (as shown as blue line in Figure 3); and
- Additional 25 meters of frontage on the north side of Lower Glenrosa Road from the Park to the Powers Creek culvert which lies east of the subject property (as shown as yellow line in Figure 3).

#### Drainage Impacts (Knoppler Brook flooding and Powers Creek water quality)

*Knoppler Brook* – As previously noted, the existing Knoppler Brook enters the subject property via two culverts which run under the neighbouring property at 2738 Lower Glenrosa Road (as shown with dashed yellow line on Figure 4).

Based on additional review of the storm drainage system and with the objective of reducing future potential flooding risk and damage to downstream infrastructure, a number of drainage improvements have been recommended to address the sub-standard existing piped system. The proposed works consist of:

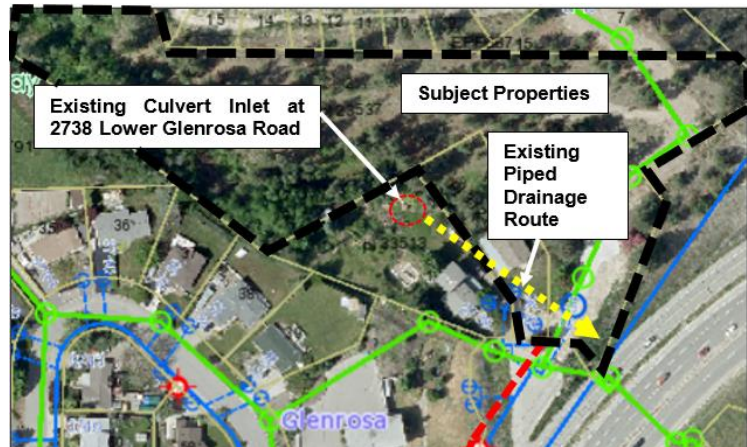


Figure 4: Existing Culvert Inlet for Knoppler Brook at 2738 Lower Glenrosa Road and Existing Piped Drainage Route

- converting the majority of the piped drainage system to an open channel realigned to avoid existing structures and driveways (see Figure 5 - open channel shown as red dashed line);
- relocating the headwall downstream of both existing and proposed residential structures (see Figure 5 – red box);
- increasing the size of the new piped portion (see Figure 5 - green dashed line); and
- to connect to a combination of improved ditches and the existing storm drainage system along Lower Glenrosa Road (general location shown as purple arrow on Figure 5).

The proposed works will require necessary legal agreements to accommodate the proposed off-site drainage improvements through affected private property to the satisfaction of the City, and it is recommended that these are confirmed prior to adoption.



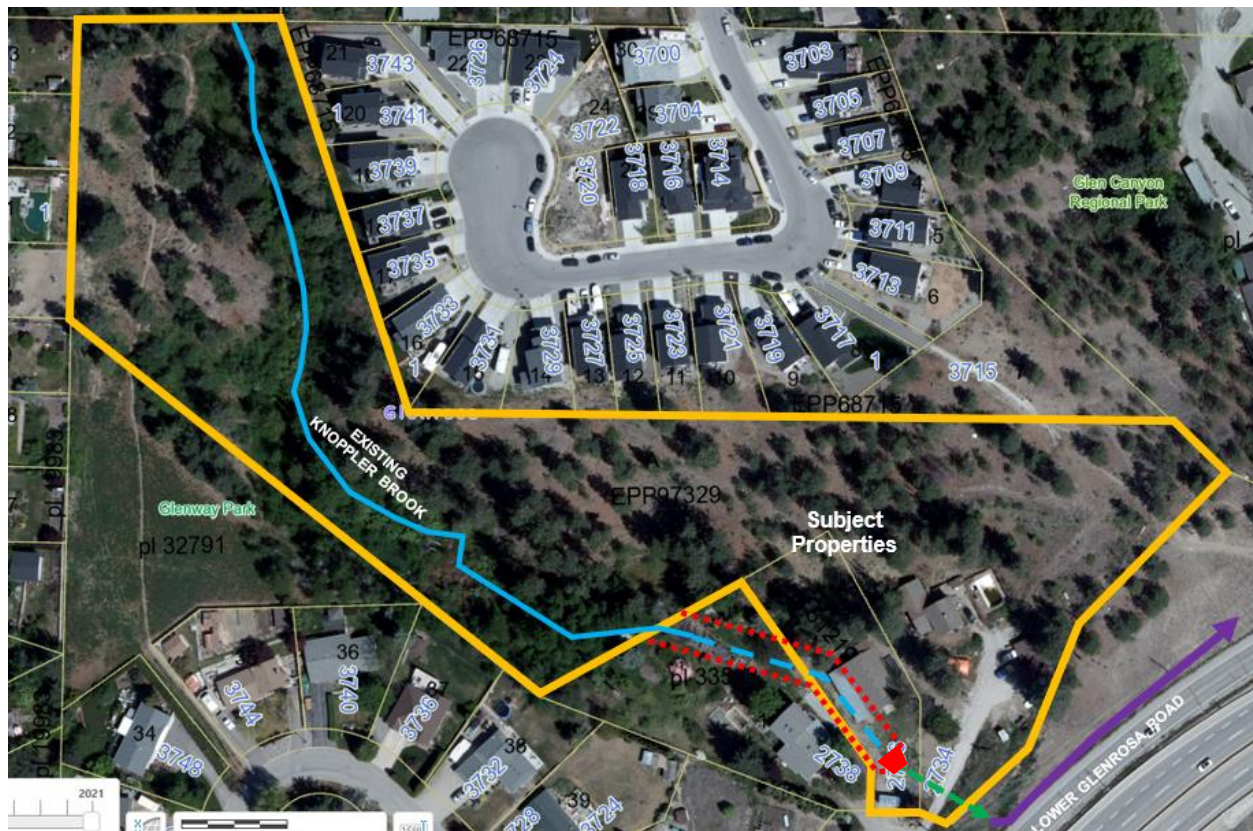


Figure 5: Proposed Open Channel and Piped Drainage System for Knoppler Brook

As such, it is recommended that the developer complete storm drainage improvements as a condition of zoning through the registration of a Section 219 covenant (including preliminary design and cost estimates to the satisfaction of the City). These improvements will include the construction of an open channel that discharges into a new section of larger piped storm drainage system before draining into the existing pipes and improved ditches along Lower Glenrosa Road (as shown generally above in Figure 5 or more technically on *Attachment 5*.)

The on-site portion of Knoppler Brook would generally continue through its existing course and any long term maintenance would be the responsibility of the future strata development subject to the proposed riparian area protection covenant as well as development permit guidelines.

**Water Quality** – Multiple family residential development is required to provide on-site collection and detention of storm drainage events and discharged in accordance with the Works and Services Bylaw and may include additional water quality control measures if recommended by the environmental consultant. This will be reviewed further through the future development permit and servicing permit processes.

#### Impact of Development on Neighbourhood Character (visual, noise, etc.)

The proposed multiple family development will require Council approve a future form and character, hillside, aquatic and terrestrial development permits. This will address specific building and site design as well as objectives for reducing visual impacts or enhancing the development through building alignment and site grading, landscaping, and building finishes and design. Appropriate transitions to existing residential development are

included in these objectives. Outside of this process, the City's Good Neighbour Bylaw No. 0151 addresses noise regulations within the City.

## COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
March 22, 2022	Public Hearing held	N/A
November 9, 2021	<p><b>THAT</b> Council rescind second and third readings to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018; and</p> <p><b>THAT</b> Council rescind second and third readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018; and</p> <p><b>THAT</b> Council read City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018 a second time as amended; and</p> <p><b>THAT</b> Council read City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018 a second time as amended; and</p> <p><b>THAT</b> Council direct staff to schedule a Public Hearing.</p>	<b>C333/21</b>
March 10, 2020	<p><b>THAT</b> Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018; and</p> <p><b>THAT</b> Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018; and</p> <p><b>THAT</b> Council direct staff to schedule bylaws for consideration of adoption as per the conditions outlined further in this report.</p>	<b>C077/20</b>
October 2, 2018	<p><b>THAT</b> Council postpone third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018; and</p> <p><b>THAT</b> postpone third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018.</p>	<b>C387/18</b>
August 14, 2018	Public Hearing held	N/A
July 10, 2018	<b>THAT</b> Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018;	<b>C290/18</b>

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**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018; and

**THAT** Council direct staff to schedule the bylaw for public hearing pending receipt of additional information regarding the proposed access to the subject property.

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### Legislative Requirements

Council has the authority under Part 14, s. 472 of the *Local Government Act* to amend the *Official Community Plan* and s. 479 to create and amend the Zoning Bylaw. Section 52(3) of the Provincial *Transportation Act* requires that the Ministry of Transportation approve the zoning bylaw amendment prior to adoption as it is within 800 m of a controlled access highway.

### **CONCLUSION**

It is recommended that Council give third reading of the proposed amendment bylaws (Z 17-18) as per the recommended motion based on the following:

- The proposed amended zoning bylaw addresses the reference to the City's new Zoning Bylaw No. 0265.
- The proposed conditions of adoption will protect previously identified sensitive hillside, riparian area, and provide dedicated park land, along with additional north-south trail/pedestrian corridor connections through the site connecting to Glenway Park.
- The proposed boundary of the P1 zone will support the dedication of the proposed park on the east side of the site consistent with Council's previous direction and tie into and enhance the Glen Canyon Regional Park corridor.
- The proposed off-site infrastructure improvements will secure important enhancements to the City's pedestrian network, as well as road and drainage improvements, and accommodate a potential emergency access through the site.
- The future development permit process will address hillside and environmental mitigation and proposed covenant protection areas, as well as form and character issues with the proposed multiple family development.
- Infill development makes more efficient use of community services and reduces development pressures at the urban fringes.

### **Alternate Recommendations:**

#### Alternate Motion 1: Postpone Consideration of Amended Bylaws

THAT Council postpone consideration of third to City of West Official Community Plan Amendment Bylaw No. 0100.51, 2018, and Zoning Amendment Bylaw No. 0265.05, 2022 as amended (File: Z 17-18).



Should Council wish to postpone third reading, it is requested that direction be provided as part of the Council resolution.

Alternate Motion 2: Deny Bylaw Amendments

THAT Council rescind first and second readings to Official Community Plan Amendment Bylaw No. 0100.51, 2018, and Zoning Amendment Bylaw No. 0154.68, 2018 (File: Z 17-18), and abandon the bylaws.

Should Council deny the proposed bylaw amendments, the application will be closed in accordance with Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

**REVIEWED BY**

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager, Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

PowerPoint: Yes ☒ No ☐

**Attachments:**

1. Official Community Plan Amendment Bylaw No. 0100.51, 2018
2. Zoning Amendment Bylaw No. 0265.05, 2022, as amended (updated from Zoning Bylaw No. 0154 to new Zoning Bylaw No. 0265)
3. March 22, 2022 Public Hearing Minutes
4. Site Plan "Red-lined"
5. Technical Storm Drainage Recommendations

## APPENDIX A

Confirmation of the registration of a Section 219 covenant to require the following as a condition of future development:

- 1) Completion of an Archaeological Review prior to future development;
- 2) Completion of a Wildfire Hazard Assessment and any required wildfire mitigation measures to bring the wildfire hazard rating of the site to a low to moderate hazard rating;
- 3) Registration of a No Disturb Covenant to protect slopes greater than 30%, and to protect the riparian area on each side of Knoppler Brook, as shown generally on the attached Site Plan, to the satisfaction of the City;
- 4) Dedication of the identified Park area as shown generally on the attached Site Plan, with wildfire mitigation prior to dedication and construction of the trail through the park is required to a Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating;
- 5) Registration of three statutory rights of way and construction of pedestrian walkways (Figure 1) through the subject property to connect:
  - a) the dedicated Park to the cul-de-sac at Lower Glenrosa Road to a hard surface walkway standard (preferred sidewalk or separate path);
  - b) the Webber Road Community Centre parcel to Glenway Park to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating; and
  - c) the Inverness Road subdivision pedestrian walkway with the Webber Road Community Centre to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating;
- 6) Storm drainage improvements (Figure 5) by the owner in general accordance with approved design drawings and cost estimates and to the satisfaction of the City, including:
  - a) Replacement of the majority of two existing drainage pipes with an open channel as an extension of Knoppler Brook;
  - b) Construction of a new headwall downstream and 1050 mm piped connection to the existing drainage system and improved ditch; and
  - c) Registration of a statutory right of way for the relocated piped system through the subject property for any remaining portion of the piped on-site drainage system;
- 7) Construction of off-site transportation (Figure 3) and water improvements by the owner in general accordance with approved design drawings and cost estimates and to the satisfaction of the City, including:
  - a) off-site improvement to Lower Glenrosa Road for an additional 25 m of frontage to the east of the proposed Park;
  - b) off-site improvements to Lower Glenrosa Road fronting the proposed Park;
  - c) the cul-de-sac on Lower Glenrosa Road;
  - d) approximately 145 m of watermain improvements on Lower Glenrosa Road; including the consolidation of two pressure zones;
- 8) Restrict future development until the owner has established a statutory right of way and constructed a potential emergency access/egress route through the subject property (Figure 2), where any required improvements beyond the required minimum road standard necessary to support the proposed strata development would be constructed by the developer but paid for by the City.

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**CITY OF WEST KELOWNA**

**BYLAW NO. 0100.51**

**A BYLAW TO AMEND “CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100”**

---

WHEREAS the Council of the City of West Kelowna desires to amend “CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100” under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as “CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 0100.51, 2018”.

2. Amendments

“City of West Kelowna Official Community Plan Bylaw No. 0100” is hereby amended as follows:

- 2.1 By changing the designation on Lot A, District Lot 3188, ODYD, Plan EPP97329 as shown on Schedule ‘A’ attached to and forming part of this bylaw from Resource Land to Low Density Multiple Family and Parks and Natural Area.
- 2.2 By changing the designation on Lot A, District Lot 3188, ODYD, Plan KAP31219 as shown on Schedule ‘A’ attached to and forming part of this bylaw from Single Family Residential to Low Density Multiple Family.
- 2.2 By depicting the change on “City of West Kelowna Official Community Plan Bylaw No. 0100 Schedule B” (Land Use map).

READ A FIRST AND SECOND TIME THIS 10<sup>TH</sup> DAY OF JULY, 2018  
PUBLIC HEARING HELD THIS 14<sup>TH</sup> DAY OF AUGUST, 2018  
READ A THIRD TIME THIS 10<sup>TH</sup> DAY OF MARCH, 2020  
RESCIND SECOND AND THIRD READING THIS 9<sup>TH</sup> DAY OF NOVEMBER, 2021  
READ A SECOND TIME AS AMENDED THIS 9<sup>TH</sup> DAY OF NOVEMBER, 2021  
PUBLIC HEARING HELD THIS 22<sup>ND</sup> DAY OF MARCH, 2022  
READ A THIRD TIME  
ADOPTED

---

MAYOR

## Date: 29/10/2021



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**CITY OF WEST KELOWNA**

**BYLAW NO. 0265.05**

**A BYLAW TO AMEND "ZONING BYLAW NO. 0265"**

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WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0265, 2022" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0265.05, 2022".

2. Amendments

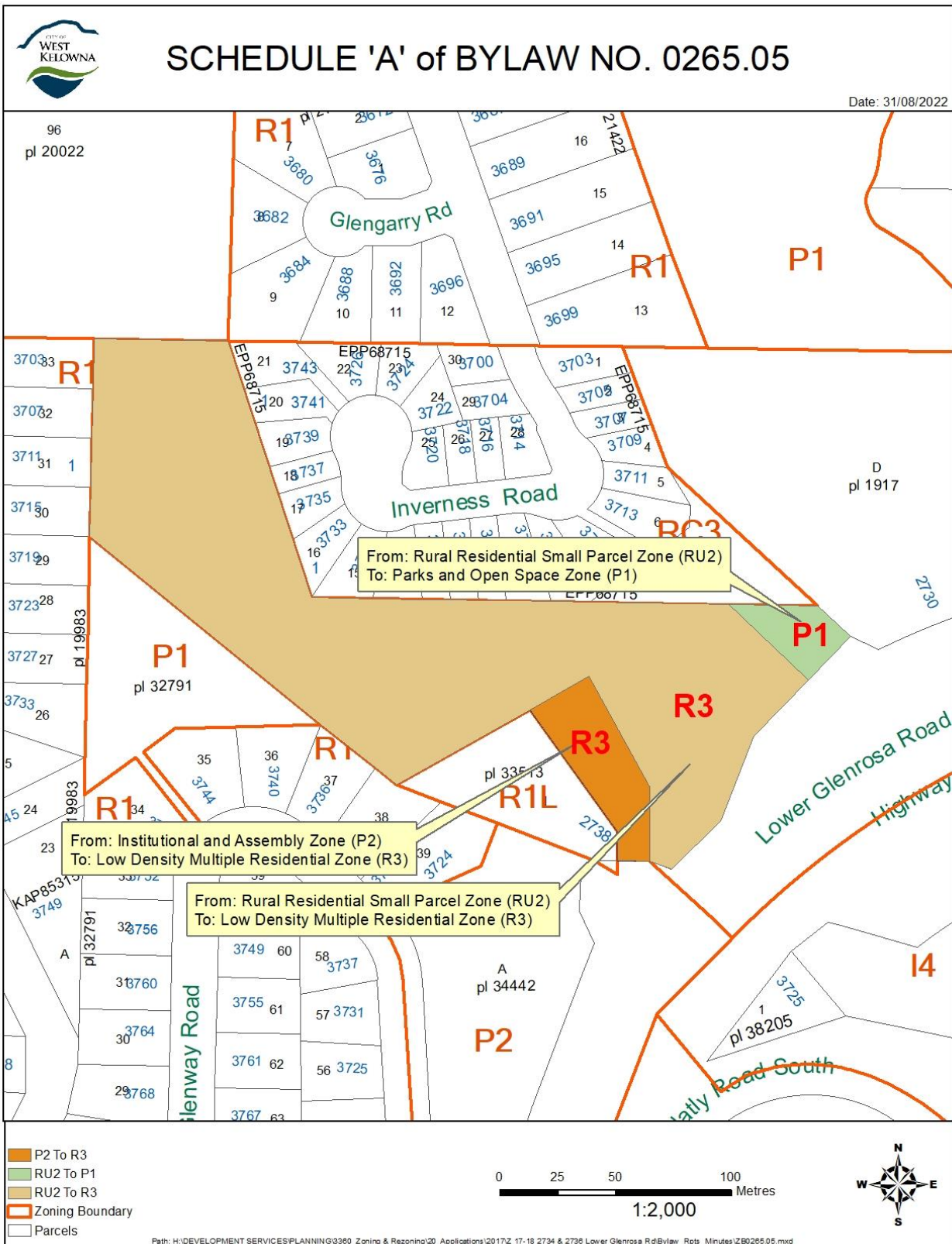
"Zoning Bylaw No. 0265" is hereby amended as follows:

- 2.1 By changing the zoning on Lot A, District Lot 3188, ODYD, Plan EPP97329 as shown on Schedule 'A' attached to and forming part of this bylaw from Rural Residential Small Parcel Zone (RU2) to Low Density Multiple Residential Zone (R3) and Parks and Open Space Zone (P1).
- 2.2 By changing the zoning on Lot A, District Lot 3188, ODYD, Plan KAP31219 as shown on Schedule 'A' attached to and forming part of this bylaw from Institutional and Assembly Zone (P2) to Low Density Multiple Residential Zone (R3).
- 2.3 By depicting the change on "Zoning Bylaw No. 0265 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS 10<sup>TH</sup> DAY OF JULY, 2018  
PUBLIC HEARING HELD THIS 14<sup>TH</sup> DAY OF AUGUST, 2018  
READ A THIRD TIME THIS 10<sup>TH</sup> DAY OF MARCH, 2020  
RESCIND SECOND AND THIRD READING THIS 9<sup>TH</sup> DAY OF NOVEMBER, 2021  
READ A SECOND TIME AS AMENDED THIS 9<sup>TH</sup> DAY OF NOVEMBER, 2021  
PUBLIC HEARING HELD THIS 22<sup>ND</sup> DAY OF MARCH, 2022  
READ A THIRD TIME AS AMENDED  
APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE  
ADOPTED

---

MAYOR





**CITY OF WEST KELOWNA  
PLANNING DEPARTMENT**

ATTACHMENT: 3

FILE NO.: Z17-18



**PUBLIC HEARING  
MINUTES**

**MINUTES OF THE PUBLIC HEARING  
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,  
2760 CAMERON ROAD, WEST KELOWNA, BC  
TUESDAY, MARCH 22, 2022 AND  
TUESDAY, APRIL 5, 2022**

---

**MEMBERS PRESENT:** Mayor Gord Milsom  
Councillor Rick de Jong  
Councillor Doug Findlater  
Councillor Jason Friesen  
Councillor Stephen Johnston  
Councillor Carol Zanon

**MEMBER ABSENT:** Councillor Jayson Zilkie

**Staff Present:** Paul Gipps, CAO  
Brad Savoury, Director of Legal Services  
Sandy Webster, Director of Corporate Initiatives  
Allen Fillion, Director of Engineering and Public Works  
Brent Magnan, Director of Development Approvals  
Shelley Schnitzler, Legislative Services Manager/Corporate Officer  
April Pearson, Receptionist

**1. CALL THE PUBLIC HEARING TO ORDER:**

The Public Hearing was called to order at 6:05 p.m., Tuesday, March 22, 2022

It was acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

**2. INTRODUCTION OF LATE ITEMS:**

Submissions were received from the following:

Michael Smith  
Marvin and April Griffin  
Amy Fink and Micah Joyner  
Steve McGill  
Rob and Pat Leitch  
Carmen and Oscar Breti  
Jacob Realf  
Tom Guenther

Robert and Suzanne Watson  
42 Person Petition  
Jarett and Rachael Harvey

3. **ADOPTION OF AGENDA:**

It was moved and seconded that the agenda be adopted as amended. The motion carried unanimously.

4. **OPENING STATEMENT:**

This meeting was open to the public and public participation was available in person, by phone, and by written submission. All representations to Council form part of the public record. This meeting was webcast live and archived on the City's website.

The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, the bylaws and supporting documentation has been made available for inspection at City of West Kelowna offices and on the City's website, and outlined the process for the public hearing.

5. **PUBLIC HEARING:**

The Mayor explained the process for this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by:

Official Community Plan Amendment Bylaw No. 100.51 and Zoning Amendment Bylaw No. 154.68, 2734 and 2736 Lower Glenrosa Road

The Mayor noted that information has been available for inspection, which includes any written comments received to date for the applications, and that Notice of the Public Hearing was duly advertised in accordance with the requirements of the *Local Government Act*.

5.1 Z 17-18, Official Community Plan Amendment Bylaw No. 100.51 and Zoning Amendment Bylaw No. 154.68, 2734 and 2736 Lower Glenrosa Road

The Director of Development Approvals introduced Official Community Plan Amendment Bylaw No. 100.51 and Zoning Amendment Bylaw No. 154.68 to amend the OCP designation from Resource Land and Single Family Residential to Low Density Multiple Family and Parks and Natural Area; and to amend the zoning from Rural Residential Small Lot Parcel Zone (RU2) and Institutional and Assembly Zone (P2) to Low Density Multiple Residential Zone (R3) and Parks and Open Space Zone (P1) to facilitate a multiple family development consisting of approximately 44 townhouses.

The Mayor asked if the owner/applicant wished to address Council regarding this file.



Dave Mori, D. Pilling and Associates on behalf of the Owner

- In attendance to listen to comments; may return at the end of the meeting to comment on any concerns.

The Mayor asked for a first time if there were any members of the public who wished to address Council regarding this file.

Suzanne Watson

- Strongly oppose the OCP & zoning amendments;
- Has environmental concerns due to the parcel being a steep, forested area of ponderosa pine;
- It is an active wildlife corridor which may disappear if the development proceeds;
- Would like a Wildlife Impact Assessment undertaken;
- Concern for the destabilization of abutting properties and soil erosion;
- The proposed dedicated parkland is very steep and sloped;
- Concern for historical significance to the area;
- This rezoning application is inconsistent with the OCP;
- Concern that with an influx of buildings, residents and vehicles, the natural environment will be destroyed;
- The City should be protecting the natural landscape;
- Would like to see the subject property changed to a protected natural park area;
- Ask that the guidelines of the OCP be honoured;
- Requesting that the City reject the application for rezoning.

Rachael Harvey (and on behalf of Jarett Harvey)

- Opposed to the rezoning and development of the property;
- Their property directly backs onto the subject property;
- An August 9, 2018 Public Hearing Report stated the proposal was for 25 units with the majority of 2734 Lower Glenrosa Road being designated park;
- The current proposal shows the park is on the eastern corner of the property and is 886 sq. metres, with the total units at 44;
- OCP Guidelines discourage development on slopes greater than 30%;
- Concern with the elimination of parks and construction that will occur in steeply sloped areas;
- Concern with the access to the western section of the property and crossing Knoppler Brook, potentially damaging riparian areas;
- Concern that townhouses will disrupt the character of the neighbourhood;
- Concern with potential negative environmental impacts in waterways;
- The current proposal contradicts the August 9, 2018 Public Hearing Report;
- This proposal goes against what residents deem important.

Michael Smith

- His property directly abuts the subject property;
- This is the 3<sup>rd</sup> iteration of this proposal;
- The scope of this project is worse than the previous proposal;
- Previous objections have not been addressed;
- The topography of the site hasn't changed;
- Safety and traffic issues are concerns;
- Concern with speed and traffic volumes on Lower Glenrosa Road;

- With this proposal, Lower Glenrosa Road will be an exit for 44 townhouses;
- It is not a safe intersection;
- Concern with water issues – Knoppler Creek is a source for flooding; the creek will receive more run-off due to development and floods will continue to happen;
- The steepest part of the ravine is where the road is proposed to border the creek up to the creek crossing;
- Will need to have substantial retaining walls;
- Concerns with creek impacts;
- Concern with wildlife protection;
- Concern with access at the west end of property;
- Concern that the emergency exit could be a serious pinch point for emergency evacuations;
- Concern with potable water – reducing and increasing pressure; water pumping stations are expensive; doesn't want to have to pay for that;
- This would be a great area for single family homes which are permitted here.

Steve McGill

- Has lived on his property for 51 years;
- Has knowledge of the Glenrosa drainage system;
- Believes that 80% of storm water from west of Powers Creek and North of the Highway will be directed through that drainage system;
- There's lots of erosion occurring;
- Suggests that the footprint might support 5 duplexes;
- Concern for fire protection and accessibility with the road width, grades and turning radii's;
- The footprint must consider the steep terrain;
- Concern for the proposed bridge span in excess of 30 metres;
- Knoppler Creek should be protected;
- There are numerous springs on the property;
- There are no retention/detention ponds in the current system.

Steve McGill

- Concern with endangered species;
- Concern with protection of the ponderosa pines;
- Concern with water supply issues and fire flows;
- Concern with the sanitary sewer and gravity; how to service the properties in the back of the area;
- His property is continuously flooding.

Michael Smith

- Enjoys the quality of life West Kelowna offers;
- Moved here from Kelowna;
- Growth has been managed carefully in West Kelowna;
- Preserving quality of life may mean less development;
- There are alternatives available for the Developer to make money on this property;
- Wants to preserve the quality of life here.

Greg Frederick (and on behalf of his family)

- Chose West Kelowna for what it has to offer;
- It's a beautiful area, natural beauty, overlooks the lake, enjoys trees and wildlife;
- Questions what the Developer is doing to address concerns on erosion, specifically the slope at the back of 3729 Inverness Road; it is a large drop-off on the slope; there is erosion concerns; what is the plan to protect his home;
- There is lots of wildlife; with trees being taken down, the noise barrier is being lost; there are no studies showing noise levels being decreased between homes and the highway; what is being proposed to address this?

Brad Dobbin

- Family and descendants have lived in West Kelowna for numerous years;
- The City wants the creek fixed by the Developer;
- The walkways leave a corridor for the wildlife;
- From the school grounds, the City is requiring a walking trail that is safe;
- Believes this is a good project for West Kelowna.

Christian Mellett

- New resident to West Kelowna;
- Was assured by the Building Department that there would be no further development other than what was proposed at the time on the subject property;
- The proposal increased to 48 units; seems unreasonable;
- His home/investment is at the top of the hill;
- Concern about preserving a 30 degree bank on his property that is a hazardous bank; had to install guard rails; the slope is sloughing and is hazardous;
- The Developer's Geotechnical Report says the embankment is safe;
- Sand is coming off his slope – it is no longer a 30 degree slope; how does a covenant help when it becomes hazardous;
- Was only given 7 days notice for this hearing; not enough time to get his own reports with evidence;
- Feels like the City has already made up their mind on the application.

Dave Mori, D. Pilling and Associates

- Willing to connect the Environmental Professional with the community to address concerns;
- This is a challenging area and creek crossing; his company builds lots of roads in challenging areas;
- The drainage concerns are being investigated; seepage is coming out of the banks; a solution is being worked on with the City and the residents;
- Willing to arrange a site meeting with the Geotech professional to address resident concerns;
- Restoration of disturbed areas will take time to take hold;
- All the public hearing comments will be compiled and reviewed, and taken into consideration;
- Water servicing for fire flow have been addressed; there are options for providing fire flows to the property.

Jacob Realff

- Why extend the time to contemplate Council's approval or disapproval of the proposal;
- Council can make the decision this evening to cancel this project;
- The notice was provided to the neighbours with improper notification;
- Has lived here 20 years;
- Had to hand deliver the documentation on this project to the neighbours.

Steve McGill

- Concern with water going directly into Power's Creek;
- There are not many kokanee left in the spawning beds;
- It is unknown where the flood plane is; it needs to be re-mapped;
- Reconsider building in a potential flood zone.

Belinda Payne

- How does one find information on this proposal;
- Doesn't understand the information;
- Wants to be properly informed.

Brad Dobbin

- West Kelowna has done a good job where a problem is identified and getting it fixed;
- If no development occurs, the slope will still be a problem and the creek will still flood;
- West Kelowna has the opportunity to have the Developer fix the issues;
- The access road will help with future evacuations.

The Mayor advised that, given the notification issue that has been raised, the City intends on leaving the public hearing open, resuming at 1:30 p.m., Tuesday, April 5, 2022 in the City of West Kelowna Council Chambers, 2760 Cameron Road, West Kelowna, in order to allow re-notification to affected residents. Comments or letters that have already been received will remain part of the public hearing record.

The Mayor adjourned the public hearing at 7:17 p.m. and will reconvene the meeting at 1:30 p.m., Tuesday, April 5, 2022 in the City of West Kelowna Council Chambers.

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The Mayor reconvened the public hearing at 1:33 p.m., Tuesday, April 5, 2022 in the City of West Kelowna Council Chamber.

MEMBERS PRESENT: Mayor Gord Milsom  
Councillor Rick de Jong  
Councillor Doug Findlater  
Councillor Jason Friesen  
Councillor Stephen Johnston  
Councillor Carol Zanon  
Councillor Jayson Zilkie

Staff Present:

Paul Gipps, CAO  
Warren Everton, Director of Finance/CFO  
Brad Savoury, Director of Legal Services  
Sandy Webster, Director of Corporate Initiatives  
Allen Fillion, Director of Engineering and Public Works  
Brent Magnan, Director of Development Approvals  
Michelle Reid, Director of Human Resources  
Jason Brolund, Fire Chief  
Bob Dargatz, Development Manager/Approving Officer  
Mike Cain, Bylaw Services Manager  
Rebecca Narinesingh, Corporate Records Coordinator  
April Pearson, Receptionist

**6. INTRODUCTION OF LATE ITEMS:**

Submissions were received from the following:

Shannon Collens  
Robert and Suzanne Watson  
Brunhilde McGill  
6 Person Petition

**7. ADOPTION OF AGENDA:**

It was moved and seconded that the agenda be adopted as amended. The motion carried unanimously.

**8. OPENING STATEMENT:**

This meeting was open to the public and public participation was available in person, by phone, and by written submission. All representations to Council form part of the public record. This meeting was webcast live and archived on the City's website.

The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, the bylaws and supporting documentation has been made available for inspection at City of West Kelowna offices and on the City's website, and outlined the process for the public hearing.

**9. PUBLIC HEARING:**

The Mayor explained the process for this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by:

Official Community Plan Amendment Bylaw No. 100.51 and Zoning Amendment Bylaw No. 154.68, 2734 and 2736 Lower Glenrosa Road

The Mayor noted that in accordance with the City's Public Hearing Policy, that as this is a continuation of the previous public hearing and those that have spoken twice already will be able to speak one more time and those that have spoken three times will not be able to speak to the application further.

The Mayor noted that information has been available for inspection, which includes any written comments received to date for the applications, and that Notice of the Public Hearing was duly advertised in accordance with the requirements of the *Local Government Act*.

9.1 Z 17-18, Official Community Plan Amendment Bylaw No. 100.51 and Zoning Amendment Bylaw No. 154.68, 2734 and 2736 Lower Glenrosa Road

The Mayor invited members of the public who wished to address Council regarding this file.

Suzanne Watson

- Strongly oppose the OCP and zoning amendments;
- Main concerns are the destruction of the wildlife corridor, habitats, ponderosa pine forest and especially the erosion issues on the hillside that already exist and the potential of the steep slope to become further destabilized;
- A geotechnical engineer and a natural resource biologist have both supported the speakers concerns of the effects of the development on further erosion of the hillside;
- Trees and vegetation are holding that hillside in place;
- Developing this area does not seem like the right thing to do;
- Proposal does not fit the OCP and values that residents expressed;
- Importance of OCP and the policies of the OCP are not being taken into consideration with this project;
- Not everybody can get to the hearings held during spring break and during the work day; along with submissions there has been significant backlash on social media;
- Asking Council to reject this proposal.

The Mayor was advised that there were no callers.

Elaine Hewes Gaines

- Lives further up from the proposal;
- Has seen the effects of spring rains on properties in Glenrosa; massive damage and no recourse to repair damage;
- Development will reduce the amount of land that can take water;
- Worst possible place to put in housing;
- The development will bring in a lot of people which will bring more pollution into the water system;
- Create havoc for the proposed section that is intended to be protected;
- Does not support the application.

Dawn Klappe

- Fragile landscape;
- Major wildlife corridor;
- Concern with trying to escape a wildfire;

- When the forest is taken down it will never come back.

The Mayor asked for a first time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked for a second time if there were any members of the public who wished to address Council regarding this file. There were not comments from the public.

The Mayor asked Council if they had any questions of staff or any specific information needed from staff in anticipation of this coming back to Council for consideration.

The Mayor asked for a third and final time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor declared the public hearing closed at 1:49 p.m. and Council cannot accept any further information regarding this application.

10. **TERMINATION OF PUBLIC HEARING:**

The public hearing terminated at 1:49 p.m.

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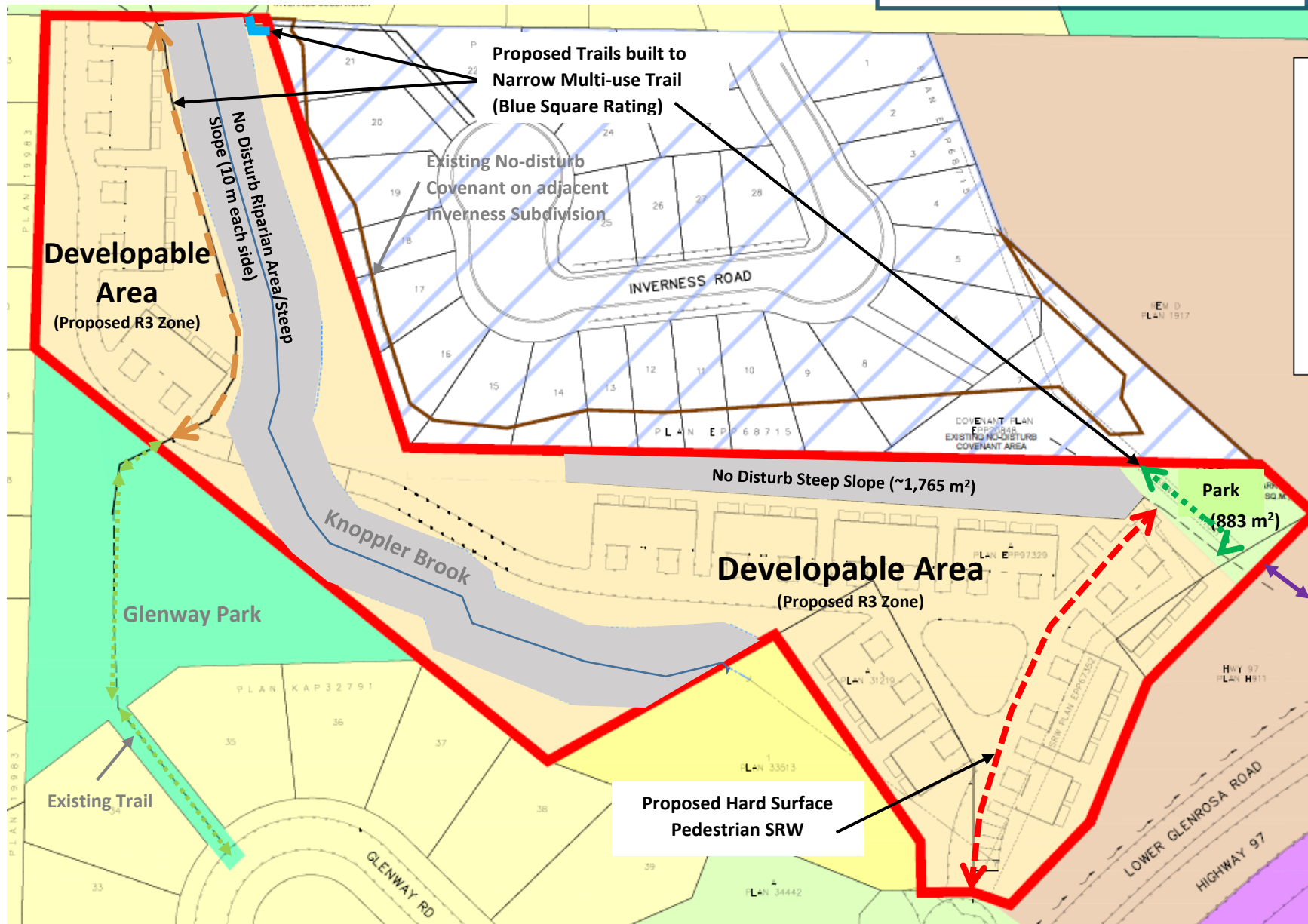
MAYOR

I hereby certify this to be a fair and accurate summary of the nature of the representations made by the public at the Public Hearing with regard to Official Community Plan Amendment Bylaw No. 100.51 and Zoning Amendment Bylaw No. 154.68, 2734 and 2736 Lower Glenrosa Road held on March 22, 2022 and April 5, 2022.

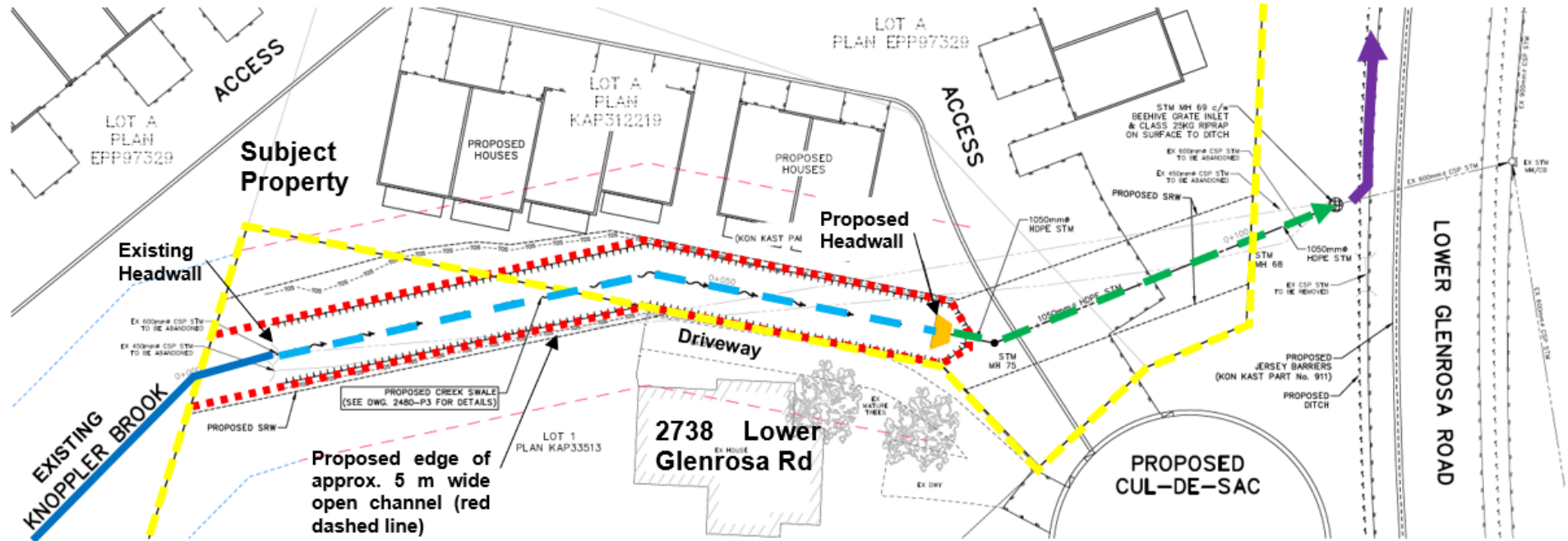
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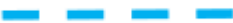



Legislative Services Manager/Corporate Officer





# Technical Elements of Recommended Storm Drainage Improvements



- 
 • Replace majority of 2 existing drainage pipes with an open channel as an extension of Knoppler Brook that can accommodate 100 yr storm flows with routing through the adjacent property (2738 Lower Glenrosa Road) and a portion of the subject property
- 
 • Construction of a new headwall downstream of the existing and proposed residential structures
- 
 • Construction of a new 1050 mm piped connection through the subject property with SRW as necessary
- 
 • Discharge into the existing drainage system and improved ditch along Lower Glenrosa Road

CITY OF WEST KELOWNA  
PLANNING DEPARTMENT

ATTACHMENT: 5

FILE NO.: Z17-18





## COUNCIL REPORT

To: Paul Gipps, CAO

Date: October 4, 2022

From: Jason Luciw, Customer Service Supervisor

Subject: **BC Active Transportation Infrastructure Grant**

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### RECOMMENDATION

**THAT** Council direct staff to apply to the BC Active Transportation Infrastructure Grant seeking the maximum contribution of up to \$500,000 eligible costs for Phase 2 of the Boucherie Road Multi-use path between Ogden and Gregory Roads; and,

**THAT** Council authorize the Mayor and/or the Chief Administrative Officer to execute the required contribution agreement with the Province of BC.

### STRATEGIC AREA(S) OF FOCUS

**Invest in Infrastructure** – We will invest in building, improving, and maintaining quality infrastructure to meet the needs of, and to provide a high quality of life for, current and future generations.

**Strengthen our Community** – We will provide opportunities for the residents of West Kelowna to build connections, celebrate successes, embrace the community's strengths and diversity, address shared needs, and contribute to shaping the community's future.

**Foster Safety and Well-Being** – We will pursue through direct action, advocacy, and partnerships with Westbank First Nation and local service providers, investments in community health, needs-based housing, emergency preparedness, policing, and other services that foster safety and well-being in West Kelowna.

### BACKGROUND

On Sept. 6, the BC Ministry of Transportation and Infrastructure re-opened the Active Transportation Infrastructure Grants Program. The program helps Indigenous and local governments with the costs of building active transportation networks including pathways, bike lanes, trails and overpasses. Applications are due by Oct. 21.

### DISCUSSION

Working with the Chief Administrative Officer, Chief Financial Officer and Director of Engineering and Operations, staff weighed program criteria against eligible City projects that would be shovel ready by the time the Province of BC announces successful

applicants in late winter/early spring 2023. The Province says that grant award timing will align with next year's construction season, and give applicants time to include any provincial contribution in their budget considerations.

In order to be eligible a project must:

- Have completed detailed cost estimates and designs;
- Have a resolution confirming Council support;
- Be part of an active transportation network plan;
- Begin construction after provincial funding has been announced;
- Be completed by March 2024 if valued at less than \$1 million or by March 2025 if estimated expenditures are more than \$1 million;
- Be open to the public;
- Have all land, permits and rights-of-way secured before construction; and,
- Have demonstrated community support and consultation with large vehicle operators along the proposed route to ensure the new infrastructure does not impede larger vehicles.

Staff confirms that Phase 2 of the Boucherie Road Multi-use Pathway between Ogden and Gregory Roads will best meet these grant program criteria. The City of West Kelowna was also successful in receiving funding in 2017/2018, under this program's predecessor, for Boucherie Road Wine Trail Phase 2 improvements between Stuart and Ogden Roads, indicating further alignment with provincial objectives.

## **FINANCIAL IMPLICATIONS**

If West Kelowna should receive BC Transportation Infrastructure Program funds, the City could reallocate an amount equal to the Province's contribution to other priority projects.

## **CONCLUSION**

Senior Management worked closely with staff in reviewing BC Active Transportation Infrastructure Program criteria; Boucherie Road Multi-use Pathway Phase 2 aligns best and provides the City with the best possible chance of success under this very competitive grant program. The program offers \$20 million province-wide and the provincial government aims to disperse funding equitably throughout the various regions of BC.

## **REVIEWED BY**

Allen Fillion, Director of Engineering & Operations

Warren Everton, Director of Finance/CFO

Corinne Boback, Legislative Services Manager, Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: October 4, 2022

From: Lisa Siavashi, Financial Services Manager

Bylaw No. 0301

Subject: **2023 Permissive Tax Exemption Bylaw No. 0301, 2022 Adoption**

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### RECOMMENDATION

**THAT** Council adopt “Permissive Tax Exemption Bylaw No. 0301, 2022”.

### BACKGROUND

At the September 20, 2022, regular meeting, Council gave three readings to Bylaw No. 0301, 2022. This bylaw is now before Council for consideration of adoption.

If adopted, Bylaw No. 0301 would contain full exemptions for 14 places of worship and private schools, full or partial exemptions for 6 not-for-profit organizations and full exemptions for 2 public/local authorities.

### LEGISLATIVE REQUIREMENTS

In accordance with Section 225 (7) of the *Community Charter*, Council may, by bylaw adopted on or before October 31, 2022, exempt eligible properties from taxation for 2023. The bylaw must establish the term of the exemption and may only be adopted after public notice of the proposed bylaw has been given. Notice of the intention to proceed with Bylaw No. 0301 was published in the WestK News on September 21<sup>st</sup> and 28<sup>th</sup>, 2022.

The *Community Charter*, in Sections 220 through 226, provides for both “statutory” and “permissive” tax exemptions to be applicable to a variety of property types such as federal, provincial and municipally owned properties, hospitals, schools, churches. The “statutory” exemptions are managed by BC Assessment using the Charter and supporting regulations as the basis for including the exemptions in the annual assessment roll. “Permissive” exemptions, however, are the jurisdiction of municipal councils and are dealt with through an annual application and bylaw process.



## FINANCIAL IMPLICATIONS

Should Council choose to adopt the “Property Tax Exemption” as presented, the estimated value of property taxes exempted through permissive exemptions is:

a) City of West Kelowna taxes for 2023 \$ 104,282

b) Other tax levies for 2023:

School Tax	74,398
Hospital	8,905
Regional District	9,667
Other	7,600
	<u>\$ 100,570</u>
Total:	<u>\$ 204,852</u>

The respective amounts for the 2022 taxation year were:

a) City of West Kelowna 2022 taxes \$ 121,792

b) Other tax levies in 2022:

School Tax	77,702
Hospital	10,534
Regional District	10,718
Other	9,389
	<u>\$ 108,343</u>
Total:	<u>\$ 230,135</u>

## COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
September 20, 2022	<b>THAT</b> Council give first, second and third reading to “Property Tax Exemption Bylaw No. 0301, 2022; and  <b>THAT</b> notice of intention to proceed with Bylaw No. 0301 be published on the 21st and 28th day of September 2022 in the WestK News, circulating in the City of West Kelowna, pursuant to Section 94 of the <i>Community Charter</i> .	<b>C265/22</b>

**REVIEWED BY**

Warren Everton, Director of Finance

Corinne Boback, Legislative Services Manager, Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

PowerPoint: Yes ☐ No ☒

**Attachments:**

1. Permissive Tax Exemption Bylaw No. 0301, 2022

CITY OF WEST KELOWNA

BYLAW NO. 0301

A BYLAW TO EXEMPT CERTAIN LANDS AND BUILDINGS FROM TAXATION

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**WHEREAS** Section 220 of the *Community Charter* provides general regulations for the exemption of property from taxation; and,

**WHEREAS** Section 224 of the *Community Charter* provides specific exemptions for certain types or uses of property; and,

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

1. This Bylaw may be cited as the “Property Tax Exemption Bylaw No. 0301, 2022”.
2. Subject to Section 224(2) (f)(i), (f)(ii), (f)(iii) and (h) of the *Community Charter*, the following places of worship and private schools, together with all exempt buildings and halls and all lands surrounding the buildings and halls, shall be exempt from taxation for the 2023 taxation year:

- (1) BLOCK D, DISTRICT LOT 486, PLAN 761 (Folio: 12433.000; PID: 004-004-094)  
  
Civic: 3672 Brown Road  
Owner: Trustees of Westbank United Church
- (2) BLOCK D, DISTRICT LOT 486, PLAN 761 (Folio: 12434.000; PID: 012-091-413)  
  
Civic: 3690 Brown Road  
Owner: Synod Diocese of Kootenay (St. George’s Anglican Church)
- (3) LOT 1, DISTRICT LOT 486, PLAN 17912 (Folio: 12617.000; PID: 008-339-392)  
  
Civic: 2412 Apollo Road  
Owner: Trustees of Westbank Bible Chapel
- (4) LOT 7, DISTRICT LOT 486, PLAN 17912 (Folio: 12623.000; PID: 001-901-818)  
  
Civic: 3637 Brown Road  
Owner: Redeemer Lutheran Church of Westbank
- (5) LOT B, DISTRICT LOT 486, PLAN 33022 (Folio: 12643.714; PID: 003-267-695)  
  
Civic: 2547 Hebert Road  
Owner: Roman Catholic Bishop of Nelson (Our Lady of Lourdes Catholic Church)

- (6) LOT A, DISTRICT LOT 486, PLAN 33509 (Folio: 12643.717; PID: 003-164-900)
- Civic: 2549 Hebert Road  
Owner: The Trustees of the Congregation of the Highway Gospel Hall
- (7) LOT B, PLAN 31241 (Folio: 12713.158; PID: 003-761-801)
- Civic: 1190 Stevens Road  
Owner: The B.C. Conference of the Mennonite Brethren Churches (Sunridge Community Church)
- (8) LOT 19, DISTRICT LOT 506, PLAN 29377 (Folio: 12746.675; PID: 004-340-078, PID: 004-340-086, and PID: 004-340-248)
- Civic: 2630 Alhambra Drive  
Owner: Lakeview Heights Baptist Church
- (9) LOT A, DISTRICT LOT 506, PLAN 35557 (Folio: 12746.730; PID: 001-736-795)
- Civic: 1162 Hudson Road  
Owner: Grace Lutheran Church of Westbank
- (10) LOT 2, DISTRICT LOT 2601, PLAN 34258 (Folio: 14135.112; PID: 003-000-842)
- Civic: 2011 Daimler Road  
Owner: Christian and Missionary Alliance-Can (Westside Alliance Church)
- (11) LOT A, DISTRICT LOT 3188, PLAN 32791 (Folio: 14590.552; PID: 003-311-791)
- Civic: 3797 Glenway Road  
Owner: Stach, Edwin G and Ball, James and Montgomery, Darren (Glenrosa Congregation of Jehovah's Witnesses)
- (12) LOT A, DISTRICT LOT 3188, PLAN 34442 (Folio: 14590.670; PID: 002-976-951)
- Civic: 3718 Glenway Road  
Owner: Powers Creek Community Church
- (13) LOT 1, DISTRICT LOT 3189, PLAN 36431 (Folio: 14626.664; PID: 003-490-823)
- Civic: 3155 Glenrosa Road  
Owner: B.C. Corp Seventh Day Adventist Church
- (14) DISTRICT LOT 3480, PLAN B5391 (Folio: 14711.000; PID: 011-347-678)
- Civic: 2600 Hebert Road  
Owner: Pentecostal Assembly of Canada (Emmanuel Assembly)

3. Subject to Section 224 (2)(a) of the *Community Charter*, the following Miscellaneous Non-Profit lands and improvements, unless otherwise specified, shall be exempt from taxation for the 2023 taxation year:

- (1) LOT 1, PLAN 7108 (Folio: 12270.000; PID: 010-024-115)

Civic: 1449 Green Bay Road  
Owner: Green Bay Bible Camp

And

DISTRICT LOT 5205 (Folio: 15592.000)

Civic: 1449 Green Bay Road  
Owner: Green Bay Bible Camp

- (2) LOT 15, DISTRICT LOT 486, PLAN 18115 (Folio: 12643.018; PID: 008-313-857)

Civic: 2545 Churchill Road  
Owner: Central Okanagan Community Food Bank Society

- (3) LOT A, DISTRICT LOT 3189, PLAN KAP68635 (Folio: 14626.035; PID: 024-973-246)

Civic: 3031 McIver Road  
Owner: Morning Star Bible Camp

- (4) LOT 96, DISTRICT LOT 3481, PLAN 20022 (Folio: 14732.099; PID: 007-928-190)

Civic: 2829 Inverness Road  
Owner: Central Okanagan School District #23 (Leased by Okanagan Boys and Girls Club)

- (5) LOT 4, DISTRICT LOT 486, PLAN KAP4967 (Folio: 12562.000; PID: 010-394-672)

Civic: 2476 Main Street  
Owner: Pathways Abilities Society

4. Subject to Section 224 (2)(a) of the *Community Charter*, the following Miscellaneous Non-Profit lands and improvements, unless otherwise specified, shall be partially exempt (90% of value exempted) from taxation for the 2023 taxation year:

- (1) LOT 1, PLAN KAP81960, LAND DISTRICT 41 (Folio: 15509.000; PID: 026-813-912)

Civic: 2372 Dobbin Road  
Owner: City of West Kelowna (Greater Westside of Board of Trade)

5. Subject to Section 224(2) (d)(i) of the *Community Charter*, the following land or improvements that are owned by a public/local authority unless otherwise specified, shall be exempt from taxation for the 2023 taxation year:

- (1) LOT 57, DISTRICT LOT 4662, PLAN 27476 (Folio: 15361.190;  
PID: 004-772-695)

Civic: Westlake Road  
Owner: Nature Trust of BC (Park Leased by the City of West Kelowna)

- (2) LOT B, DISTRICT LOT 485, PLAN KAP85543 (Folio: 12371.021;  
PID: 027-333-680)

Civic: Casa Palmero Drive  
Owner: Westbank First Nations

READ A FIRST, SECOND AND THIRD TIME THIS 20<sup>th</sup> DAY OF SEPTEMBER, 2022

Notice of intention to proceed with this bylaw will be published on the 21<sup>st</sup> and 28<sup>th</sup> day of September 2022, in the WestK News newspaper, circulating in the City of West Kelowna, pursuant to Section 94 of the *Community Charter*.

ADOPTED THIS        DAY OF        , 2022

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER