



CITY OF WEST KELOWNA REGULAR COUNCIL AGENDA

Tuesday, July 14, 2020, 1:30 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

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.

PROCEDURAL MOTION:

WHEREAS the Minister of Public Safety and Solicitor General under the *Emergency Program Act* has issued Ministerial Order No. M192 dated June 17, 2020 in regards to “Local Government Meetings and Bylaw Process (COVID-19) Order No. 3”, therefore be it resolved;

THAT Council does not allow members of the public to attend this open meeting as the meeting space will not accommodate members of the public in accordance with the requirements or recommendations under the *Public Health Act*; and

THAT Council hereby notifies the public that this meeting is being webcast live and will be archived on the City’s website to ensure openness, transparency, accessibility and accountability in respect of this meeting.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

4. ADOPTION OF MINUTES

4.1 Minutes of the June 23, 2020 Special Council Meeting held in the City of West Kelowna Council Chambers

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4.2 Minutes of the June 23, 2020 Regular Council Meeting held in the City of West Kelowna Council Chambers

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5. MAYOR AND COUNCILLOR’S REPORTS

5.1 Mayor Milsom

- 5.1.1 Congratulations to Dallas Clowes and Rebecca Narinesingh for completing their Local Government Administration Certificates**
- 5.1.2 Regional Economic Recovery Task Force - Update**
- 5.1.3 Regional District of Central Okanagan Highlights from the June 22, 2020 Regional Board Meeting** 13
- 5.1.4 Regional District of Central Okanagan Highlights from the July 9, 2020 Regional Board Meeting** 15

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

8.1.1 Rose Valley Water Treatment Plant

Presentation by the CAO

8.2 DEVELOPMENT SERVICES

- 8.2.1 Z 20-02; Zoning Amendment Bylaw No. 0154.91, 2020 (1st and 2nd Reading), 2417 Apollo Road** 17

Recommended Motion:

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.91, 2020 (File: Z 20-02); and

THAT Council direct staff to schedule a public hearing for the proposed Zoning Amendment Bylaw.

- 8.2.2 TUP 20-02, Temporary Use Permit, 1698 Ross Road** 33

Recommended Motion:

THAT Council approve the issuance of a Temporary Use Permit (File: TUP 20-02) to permit a contractor services use at 1698 Ross Road (Lot 1 District Lot 507 ODYD Plan 15908 Except Plan H17081) for a period of up to three years, subject to the conditions in the attached permit, including:

- The contractor services use is limited to the sale, repair and installation of garage doors and limited to the identified temporary use permit area on Schedule A; and
- A solid screen shall be installed to act as a visual barrier around the garbage and recycling bins; and
- A landscape plan shall be submitted to the satisfaction of the Director of Development Services and approved landscaping shall be installed on site and maintained for the duration of the temporary use permit.

8.2.3 TUP 17-02.01, Temporary Use Permit Renewal, 760 Petterson Road

44

Recommended Motion:

THAT Council renew the Temporary Use Permit (TUP 17-02.01) to allow use of a mobile home at 760 Petterson Road (Lot A District Lot 3111 ODYD Plan KAP89366) for a period of three (3) years subject to the following condition:

- That the property owner provide the City with a security for the removal or decommissioning of the mobile home at the time of Building Permit issuance for a single detached dwelling on the subject property.

8.2.4 TUP 18-05.01, Temporary Use Permit Renewal, 1375 Green Bay Road

56

Recommended Motion:

THAT Council renew the Temporary Use Permit (TUP 18-05.01) to allow use of a recreational vehicle at 1375 Green Bay Road (Lot B, DL 434 & 523, ODYD, Plan KAP76165) on manufactured home site #15A for a period not to exceed six (6) calendar months after the date the Provincial State of Emergency relating to COVID-19 is lifted, subject to the conditions outlined in the attached permit.

8.3 ENGINEERING / PUBLIC WORKS / PARKS

8.4 FIRE RESCUE SERVICES

8.5 CORPORATE INITIATIVES

8.6 FINANCIAL SERVICES

8.6.1 2020 Tax Season Collections and Cash Flow Review

127

8.6.2 Bylaw No. 0282, 2020 Deferral of 2020 Tax Sale

129

Recommended Motion:

THAT Council give first, second, third reading to the “City of West Kelowna 2020 Tax Sales Deferral Bylaw No. 0282”; and, as permitted under the Province of BC Order of the Minister of Public Safety and Solicitor General (Ministerial Order No. M192); and

THAT Council adopt the “City of West Kelowna 2020 Tax Sales Deferral Bylaw No. 0282”.

8.7 CORPORATE SERVICES / RECREATION AND CULTURE

8.7.1 Fees and Charges Bylaw No. 0028.67

133

Recommended Motion:

THAT the “City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.67, 2020” be adopted.

9. CORRESPONDENCE AND INFORMATION ITEMS

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The next Council meeting is scheduled for 6:00 p.m., Tuesday, July 28, 2020.



CITY OF WEST KELOWNA
MINUTES OF THE SPECIAL MEETING OF COUNCIL

Tuesday, June 23, 2020
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

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

MEMBER ABSENT: Mayor Gord Milsom

Staff Present: Paul Gipps, CAO
Allen Fillion, Director of Engineering / Public Works
Jason Brolund, Fire Chief
Sandy Webster, Director of Corporate Initiatives
Mark Koch, Director of Development Services
Shelley Schnitzler, Legislative Services Manager
Kari O'Rourke, Communications Manager

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER

The Special Council meeting was called to order at 4:06 p.m.

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

2. PROCEDURAL MOTION

It was moved and seconded

Resolution No. C160/20

WHEREAS the Minister of Public Safety and Solicitor General under the *Emergency Program Act* has issued Ministerial Order No. M192 dated June 17, 2020 in regards to "Local Government Meetings and Bylaw Process (COVID-19) Order No. 3", therefore be it resolved;

THAT Council does not allow members of the public to attend this open meeting as the meeting space will not accommodate members of the public in accordance with the requirements or recommendations under the *Public Health Act*.

CARRIED UNANIMOUSLY

3. **ADDITIONS OR CHANGES TO THE PROCEDURAL MOTION TO GO IN CAMERA**
4. **ADOPTION OF AGENDA**
5. **PROCEDURAL MOTION TO GO IN CAMERA**

Resolution No. C161/20

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

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

The Special Council meeting adjourned at 5:00 p.m.

MAYOR

LEGISLATIVE SERVICES MANAGER



CITY OF WEST KELOWNA
MINUTES OF THE REGULAR MEETING OF COUNCIL

Tuesday, June 23, 2020
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

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

MEMBER ABSENT: Mayor Gord Milsom

Staff Present: Paul Gipps, CAO
Allen Fillion, Director of Engineering / Public Works
Sandy Webster, Director of Corporate Initiatives
Mark Koch, Director of Development Services
Jason Brolund, Fire Chief
Brent Magnan, Planning Manager
Stacey Harding, Parks and Fleet Operations Manager
Bob Kusch, Recreation and Culture Manager
Shelley Schnitzler, Legislative Services Manager
Neil Wyatt, Service Desk Technician

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

The meeting was called to order at 6:00 p.m.

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

The Acting Mayor acknowledged the passing of Allan Pohl, one of the City's employees. Allan worked for the City since 2009 and lost his battle with cancer last week. Allan will be missed and condolences go out to his family.

PROCEDURAL MOTION:

It was moved and seconded

Resolution No. C162/20

WHEREAS the Minister of Public Safety and Solicitor General under the *Emergency Program Act* has issued Ministerial Order No. M192 dated June 17, 2020 in regards to “Local Government Meetings and Bylaw Process (COVID-19) Order No. 3”, therefore be it resolved;

THAT Council does not allow members of the public to attend this open meeting as the meeting space will not accommodate members of the public in accordance with the requirements or recommendations under the *Public Health Act*; and,

THAT Council hereby notifies the public that this meeting is being webcast live and will be archived on the City’s website to ensure openness, transparency, accessibility and accountability in respect of this meeting; and,

THAT Council does not allow members of the public to attend open committee meetings of the City of West Kelowna as the meeting space will not accommodate members of the public in accordance with the requirements or recommendations under the *Public Health Act*; and,

THAT Council hereby notifies the public that open committee meetings will be webcast live and archived on the City’s website to ensure openness, transparency, accessibility and accountability in respect of these meetings.

CARRIED UNANIMOUSLY

2. INTRODUCTION OF LATE ITEMS

2.1 Replacement Pages 73 and 74 (see item 8.7.3 under Division Reports)

2.2 West Kelowna Finance Department Stats (see item 8.7.3 under Division Reports)

3. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C163/20

THAT the agenda be adopted as amended.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the May 26, 2020 (and continuation on June 2, 2020) Public Hearing held in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C164/20

THAT the Minutes of the May 26, 2020 (and continuation on June 2, 2020) Public Hearing held in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

4.2 Minutes of the June 9, 2020 Special Council meeting held in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C165/20

THAT the Minutes of the June 9, 2020 Special Council meeting held in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

4.3 Minutes of the June 9, 2020 Regular Council Meeting held in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C166/20

THAT the Minutes of the June 9, 2020 Regular Council meeting held in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

4.4 Minutes of the June 16, 2020 Special Council Meeting held in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C167/20

THAT the Minutes of the June 16, 2020 Special Council meeting held in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

5. MAYOR AND COUNCILLOR'S REPORTS

5.1 Mayor Milsom

5.1.1 Regional Economic Recovery Task Force - Update

This item was deferred until Mayor Milsom's return at the next meeting.

5.1.2 Community Visioning

It was noted that the City has launched an exciting project for the community with #OurWK – the development of a community vision. This project forms the first phase of the Official Community Plan review and represents a conversation about the community's future. Everyone is encouraged to complete our first community visioning questionnaire and to watch for further details about Community Visioning.

5.1.3 Regional District of Central Okanagan Highlights from the June 11, 2020 Regional Board Meeting

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 DEVELOPMENT SERVICES

8.1.1 Z 20-01, Zoning Amendment Bylaw No. 154.88 (3rd Reading), 2648 Kyle Road

It was moved and seconded

Resolution No. C168/20

THAT Council rescind first and second readings of City of West Kelowna Zoning Amendment Bylaw No. 0154.88 (Z 20-01) and abandon the bylaw; and

THAT Council direct staff to close File: Z 20-01.

CARRIED; Councillor Friesen opposed

8.1.2 DVP 20-02, Development Variance Permit, 3640 Granada Crescent

It was moved and seconded

Resolution No. C169/20

THAT Council authorize the issuance of a Development Variance Permit (DVP 20-02) for Lot 31, DL 3481, ODYD, Plan 26167 (3640 Granada Crescent) in general accordance with the attached permit to vary Zoning Bylaw No. 0154, Section 3.7.1(d) to reduce the interior side parcel boundary setback for an accessory building in excess of 2.0 m (6.6 ft) in height from 1.5 m to 0.45 m along a portion of the property boundary.

CARRIED UNANIMOUSLY

8.2 ENGINEERING / PUBLIC WORKS / PARKS

8.2.1 FCM Asset Management Grant Application

It was moved and seconded

Resolution No. C170/20

THAT Council direct staff to apply to FCM Municipal Asset Management Program for Asset Management Plan – Phase 2, which will advance the City's Asset Management Program by further developing its Asset Management Policies and Strategies, Data Collection Framework and Database Management; and,

THAT Council, per the conditions of the grant, authorize a commitment of up to 20% of the capital project cost.

CARRIED UNANIMOUSLY

8.3 FIRE RESCUE SERVICES

8.4 CORPORATE INITIATIVES

8.5 FINANCIAL SERVICES

8.6 CORPORATE SERVICES / RECREATION AND CULTURE

8.6.1 Fees and Charges Amendment Bylaw No. 0028.67 Schedule 12

It was moved and seconded

Resolution No. C171/20

THAT Council give first, second and third reading to City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.67, 2020.

CARRIED UNANIMOUSLY

8.7 CHIEF ADMINISTRATIVE OFFICER

8.7.1 Z 19-12; Official Community Plan Amendment Bylaw No. 0100.58 and Zoning Amendment Bylaw No. 0154.89 (1st and 2nd Reading); 1080 Devon Road

It was moved and seconded

Resolution No. C172/20

THAT Council rescind second reading of Official Community Plan Bylaw No. 0100.58 and Zoning Bylaw No. 0154.89; and

THAT the applicant be requested to provide additional information, including community consultation.

CARRIED; Councillor Zanon opposed

8.7.2 Reopening of Parks and Recreation Programs

Verbal Update from the Recreation and Culture Manager and the Parks and Fleet Operations Manager.

8.7.3 2020 Department Statistics

Information Report from the CAO on department statistics over the past six month period.

9. CORRESPONDENCE AND INFORMATION ITEMS

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The meeting adjourned at 8:15 p.m.

MAYOR

LEGISLATIVE SERVICES MANAGER

Highlights of the Regional Board Meeting – June 22, 2020

North Westside Governance Presentation

The Regional Board has received a presentation from the North Westside Communities Association requesting a letter of support to the Province for a possible restructure grant to fund a study into the area's governance options. The Board has asked staff to provide an update on the steps taken since the [January 2018 report](#) from the Chief Administrative Officer following an [independent third-party consultant's services review](#) within the boundary of the North Westside Fire Protection District. As well, staff will provide suggested recommendations on how to move forward.

Ellison-area Zoning Amendment Bylaw

The Regional Board has adopted a Zoning Amendment Bylaw to replace an expired Temporary Use Permit for existing agricultural worker housing. The applicant requested the site specific rezoning for the portion of the property at 4401 Old Vernon Road which provides accommodation for approximately 100 seasonal workers. Two covenants have been registered prohibiting any new temporary farm worker housing units on the applicant's surrounding agricultural lands.

Adventure Park Rezoning Applications

The Regional Board has adopted South Slopes Official Community Plan and RDCO Zoning Amendment bylaws for a property at 4429 June Springs Road to permit an existing outdoor recreational ropes course and zipline business through a new operator. The property owner has confirmed to the RDCO that public access will be maintained along the KLO Creek corridor.

Regional Board Meetings

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

- **Thursday, July 9** – following 8:30 am Governance and Services Committee
- **Monday, July 27** – 7:00 pm

Audio of the Regional Board meeting at:

rdco.com/media/287398/Audio_20_06_22brd.mp3

Canada Day Office Closure

Services and programs provided by staff at the Regional District of Central Okanagan office on KLO Road in Kelowna will not be available Wednesday, July 1 for the Canada Day holiday.

Any emergencies involving Regional District water systems should be directed to 250-868-5299.

Staff will be available to serve you by phone or email at 8:00 am Thursday, July 2.

Regular curbside garbage/recycling/yard waste collection will be provided on Canada Day. The North Westside Road and Traders Cove transfer stations will be open their normal hours on the Wednesday holiday. The Environmental Education Centre for the Okanagan will be closed on the Canada Day holiday.

KLO Road Building Closure



The health and safety of the public and staff is our top priority.

In-person services at the RDCO office have been suspended in support of health authorities efforts to reduce the spread of the COVID-19 virus.

Staff are available weekdays 8:00 am - 4:00 pm by phone or by email. Responses will be provided as quickly as possible during regular hours of operation. During this health emergency, the RDCO will continue to provide essential services such as garbage and recycling, water and fire services, dog control and the Westside Regional Wastewater Treatment Plant.

The Regional District continues to follow the direction of public health experts for the safety of its staff and residents to reduce the impact on our community and our health system.

For updates on the RDCO response to COVID-19 and our provision of essential services visit rdco.com/covid-19.



Volunteer Stewardship Opportunity

Invasive Weed Management

Many of the natural areas in parks are at risk due to invasive species. Volunteers are integral to invasive plant management and improving the ecological health of our parks!

Working together, while maintaining physical distancing, volunteers will pull weeds on the southern slope on this section of the Greenway.

No experience is necessary! Training provided!

Due to Covid-19 restrictions this program is limited to 8 participants.

To participate in this project please register on-line at:
rdco.com/parksvip

Saturday

June 27th

10:00 a.m. –

12:00 p.m.

Bulky Item Collection



North Westside Road Transfer Station

- All Bulky Items - \$20 a truckload
- Fridges and Freezers - \$15 each (Freon removal charge)
- Cash or Cheque Only

No Construction, Renovation Material
No Hazardous Wastes, No Electronics

July 1 – July 15, 2020
During Regular Transfer Station Hours

North Westside Transfer Station Users Only

*Don't forget the dates, take a photo of this poster for future reference

Waste Reduction Office
1450 KLO Road, Kelowna, BC, V1Z 3Z4
250-496-6250 | recycle@rdco.com
rdco.com



Household Hazardous Waste Round Up



North Westside Road Transfer Station

Saturday July 25, 2020

8:00 am to 12:00 noon

(Resident ID card required)

Acceptable Products (In original, non-leaking containers):

- Household Paint Products
- Flammable Liquids & Aerosols (must have flammable or warning sign)
- Domestic Pesticides (with poison symbol and PCP #)
- Gasoline (in approved ULC container only)
- Liquid Adhesives, Undercoat and Tars
- Pool and Hot Tub Chemicals
- Batteries, Electronics, Computers, Small Appliances
- Light Bulbs & Fixtures

Some items may not be accepted
No Propane Tanks, Industrial or Commercial Waste

Waste Reduction Office
1450 KLO Road, Kelowna, BC, V1Z 3Z4
250-496-6250 | recycle@rdco.com
rdco.com



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.

Highlights of the Regional Board Meeting – July 9, 2020

North Westside Restructure Planning Grant

The Regional Board has approved a request from the North Westside Communities Association. It will provide a letter of support to the association which wishes to apply to the Ministry of Municipal Affairs and Housing for a Restructure Planning Grant. In addition, the Board has asked staff to include in the 2021 and 2022 Financial Plan funds to retain an independent consultant to develop and assist in implementing a communications strategy and public engagement process. This work will follow up on several recommendations in an [independent consultant's services review](#) within the boundary of the North Westside Fire Protection District.

2019 Audited Financial Statements

The Regional Board has approved the 2019 Audited Financial Statements for the Regional District of Central Okanagan and Central Okanagan Regional Hospital District. Copies along with a Guide to Understanding Financial Statements are available for viewing online at rdco.com/budgets.

Regional Board Meetings

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

- **Monday, July 27** – 7:00 pm
- **Monday, August 24** – 7:00 pm

Audio of the Regional Board meeting at:

rdco.com/media/288017/Audio_20_07_09brd.mp3

KLO Road Building Closure



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The Regional District continues to follow the direction of public health experts for the safety of its staff and residents to reduce the impact on our community and our health system.

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North Westside Road Transfer Station

Saturday July 25, 2020

8:00 am to 12:00 noon

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- Pool and Hot Tub Chemicals
- Batteries, Electronics, Computers, Small Appliances
- Light Bulbs & Fixtures

Some items may not be accepted

No Propane Tanks, Industrial or Commercial Waste

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The public is welcome to attend.



COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 14, 2020

From: Jayden Riley, Planner II

File No: Z 20-02

Subject: **Z 20-02; Zoning Amendment Bylaw No. 0154.91, 2020 (1st and 2nd Reading), 2417 Apollo Road**

RECOMMENDATION

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.91, 2020 (File: Z 20-02); and

THAT Council direct staff to schedule a public hearing for the proposed Zoning Amendment Bylaw.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Strategic Plan Priorities 2020-2022)

BACKGROUND

This application proposes to amend the zoning designation of the subject property from Single Detached Residential (R1) to Urban Centre Commercial (C1) to support a mixed-use development. The applicant is proposing to mirror a recently approved development (DP 20-03) of the adjacent property, 2411 Apollo Road, consisting of a 3-storey building with 100 sq. m. of commercial space at ground level and two (2) storeys of residential above, each with four (4) residential units – see *Attachment 1, Figure 3*. In anticipation of rezoning, the applicant has submitted a concurrent Form and Character Development Permit application (File: DP 20-11).

PROPERTY DETAILS			
Address		2417 Apollo Road	
PID		012-083-992	
Folio		36412444.000	
Lot Size		566 sq. m.	
Owner	Elias and Kevin Ferreira	Agent	Randi Fox, Fox Architecture

Current Zoning	Single Detached Residential (R1)	Proposed Zoning	Urban Centre Commercial (C1)
Current OCP	Commercial	Proposed OCP	N/A
Current Use	Single Family Dwelling	Proposed Use	Mixed Use
Development Permit Areas	Commercial; Multiple Family and Intensive Residential		
Hazards	No		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Institutional and Assembly (P2)
East	>	Urban Centre Commercial (C1)
West	<	Urban Centre Commercial (C1)
South	v	Urban Centre Commercial (C1)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under Part 14 (S.479) of the *Local Government Act (LGA)* to create and amend its Zoning Bylaw. Section 464(2) of the *Local Government Act* allows local governments to waive the holding of a public hearing on a proposed zoning bylaw amendment if there is an official community plan in effect for the area that is subject to the bylaw and the bylaw is consistent with the plan. Should Council choose to waive the public hearing, the City will be required to give notice that it is waiving the public hearing and the opportunity for the public to review the bylaw.

Rationale for Recommended Motion

The recommended motion is subject to consideration of any comments or concerns raised by the public and is based on the following rationale:

- The proposal is aligned with the subject property's Commercial Land Use Designation;
- The applicant has applied for a concurrent development permit application which intends to mirror the form and character of a mixed-use building approved under DP 20-03 and Z 19-04; and
- The proposal aligns with the Westbank Centre Revitalization Plan and the desired attributes of the Westbank Centre neighbourhood.

DISCUSSION

Official Community Plan No. 0100

The subject property has a Land Use Designation of Commercial, which is intended to support a variety of built form reflecting a diversity of retail, office, and personal service uses, with opportunities for increased density and height in Westbank Centre and above-street residential. The property is also located within Westbank Centre Neighbourhood. Desired attributes of this neighbourhood include excellent pedestrian facilities (i.e. walkability), a mix of residential, commercial and civic uses, and human scale development at street level.

Westbank Centre Revitalization Plan

The Westbank Centre plan area is defined by Butt Road to the north, Old Okanagan Highway and Westbank First Nation lands to the east, agricultural lands to the south, and Glen Canyon Regional Park and Paynter Road to the west (*Figure 1*).

The Westbank Centre Revitalization Plan provides a long-term vision for the Westbank Centre aimed to improve the quality of both private development and the public streetscape, as well as enhancing the cultural and heritage aspects of the community. The vision for Westbank Centre is a thriving, unique, walkable, transit-oriented and highly attractive urban place with a range of businesses, services, and cultural and civic facilities. The vision includes a concentration and mix of housing for a diversity of lifestyles, ages and income levels. The strategy for revitalization of Westbank Centre

includes amending zoning regulations to achieve density and flexibility in unit types and to allow for buildings up to 6 storeys in designated areas. The proposed zoning amendment for 2417 Apollo Road aligns with the vision and strategy of the Westbank Centre Revitalization Plan.

The Westbank Centre Revitalization Plan includes Design Guidelines similar to the OCP Design Guideines, which emphasize desirable form and character, siting and landscaping for new development projects.

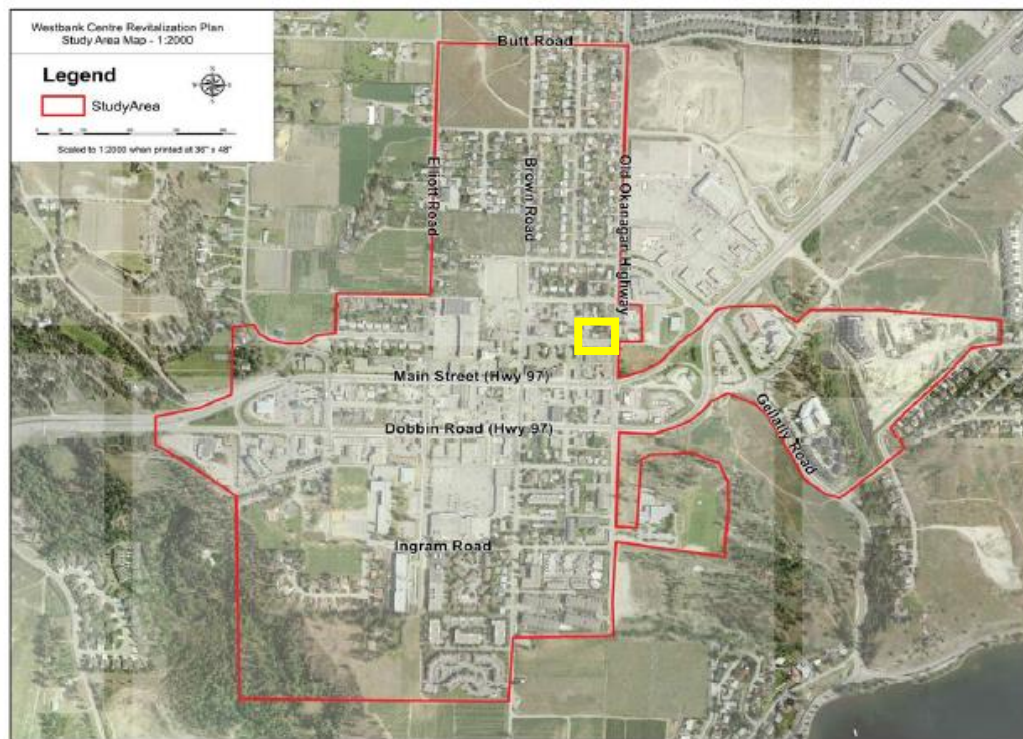


Figure 1: Westbank Centre Revitalization Plan Area

Zoning Bylaw No. 0154

The subject property is currently zoned Single Detached Residential (R1), intended to accommodate low density single detached residential use on parcels of land that are 550 sq. m. and larger. The proposed zone is Urban Centre Commercial (C1), intended to accommodate a mix of uses with active commercial frontages, such as apartment, retail, personal services establishment, and office. The subject property meets the minimum parcel size and frontage requirements of the C1 Zone. No variances to setbacks, building height, or parking are anticipated.

Technical Review

The applicant has provided a functional servicing report, concluding that existing infrastructure will support the proposed development, subject to road upgrades (*Figure 2*), lane upgrades, water service upgrade, and installation of storm and sanitary sewer services.

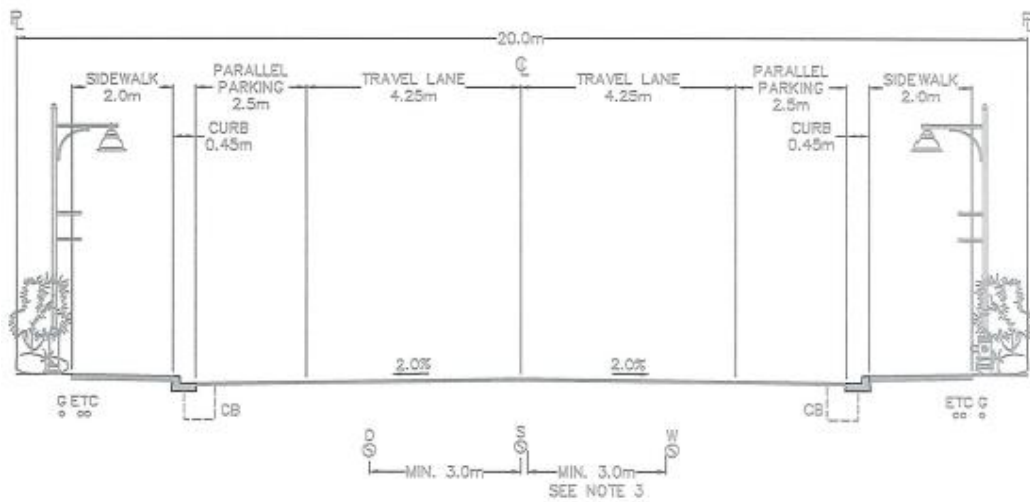


Figure 2: Urban Centre Road Detail

Potential to Waive Public Hearing

Considering the subject property's existing commercial Land Use Designation and the concurrent development permit application submitted (DP 20-11) to mirror the form and character of the approved development permit (DP 20-03) for the adjacent property, 2411 Apollo Road, Council may choose to waive the public hearing. The proposal is consistent with the surrounding commercial and mixed-use nature of the neighbourhood, and the City did not receive any submissions or public comments for file Z 19-04 to rezone 2411 Apollo Road from Single Detached Residential (R1) to Urban Centre Commercial (C1).



Figure 3: Mirrored Concept, Application Summary

ALTERNATE MOTIONS

Alternate 1 - Give 1st and 2nd Reading and Waive Public Hearing

1. **THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.91, 2020 (File: Z 20-02) and direct staff waive the public hearing for the proposed Zoning Amendment Bylaw.

Should Council choose to waive the public hearing, in accordance with S.467 of the *Local Government Act*, the City will be required to give notice that it is waiving the public hearing and the opportunity for the public to review the bylaw.

Alternate 2 – Postpone Consideration

2. **THAT** Council postpone first and second reading to the City of West Kelowna Bylaw No. 0154.91, 2020 (File: Z 20-02).

Should Council postpone consideration of the proposed Amendment Bylaw, further direction to staff on how to proceed is requested.

Alternate 3 – Deny Application

3. **THAT** Council deny first and second reading to the City of West Kelowna Bylaw No. 0154.91, 2020 (File: Z 20-02).

Should Council deny the proposal, the application will be closed in accordance with Development Application Procedures Bylaw No. 0260 and the applicant may re-apply after a period of six (6) months.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager

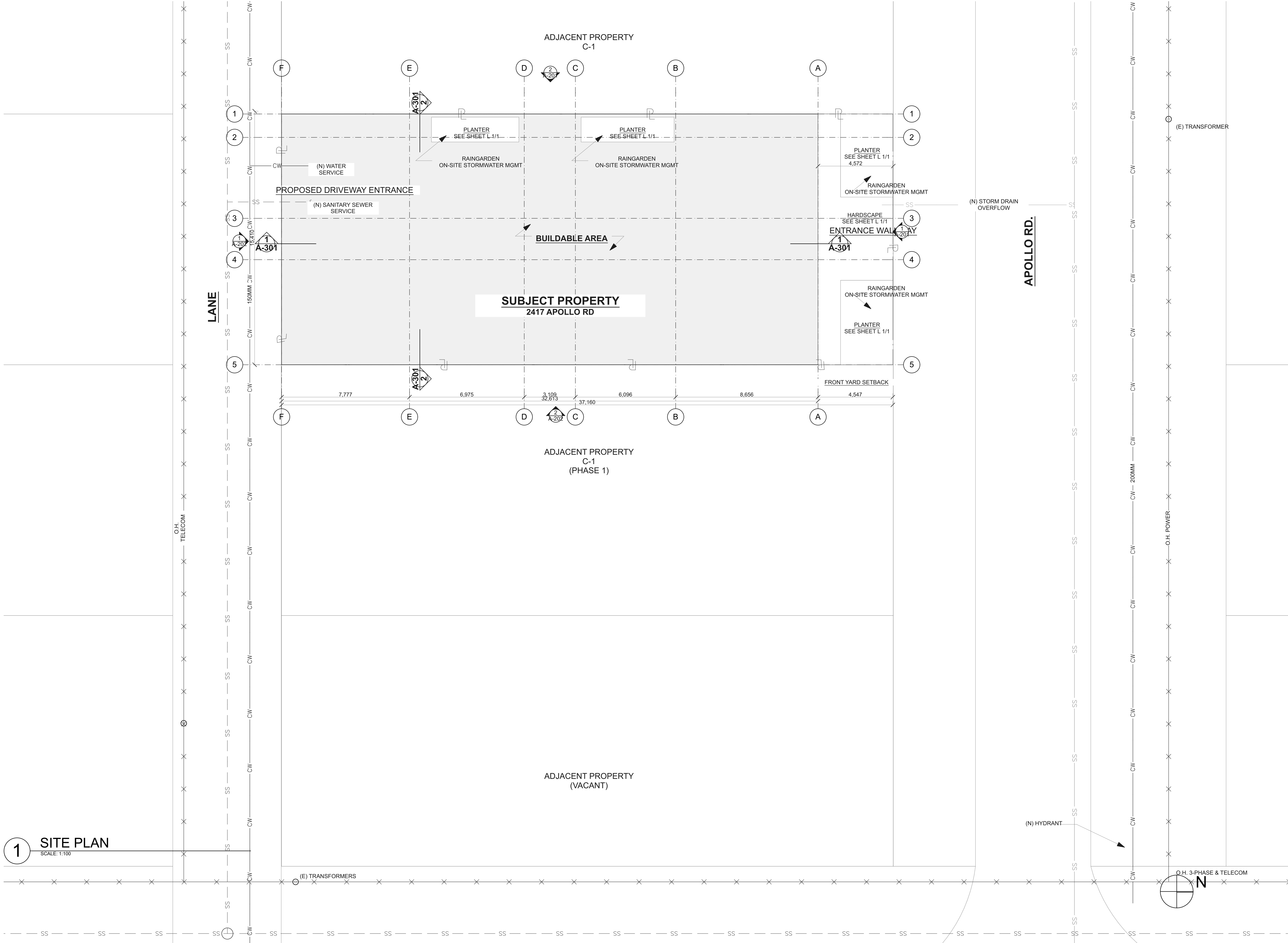
APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Conceptual Site Plan and Renderings
2. C1 Zone
3. Zoning Amendment Bylaw No. 0154.91



1 SITE PLAN

SCALE: 1:100

SITE PLAN ISSUED FOR REZONE & DP 05.12.20	Apollo Mixed-Use Phase 2		PRELIMINARY	20-032	510 West Ave Kelowna BC V1Y 4Z4 foxarchitecture.ca 778.484.3696	SUSTAINABLE MODERN DESIGN FOX ARCHITECTURE
	2417 Apollo Rd West Kelowna BC Lot 3, Blk 2, DL 486, ODYD Pln 761					
A-001						



1 3/4 STREET VIEW



2 STREET VIEW



3 3/4 STREET VIEW



6 3/4 LANE VIEW



5 LANE VIEW



4 3/4 LANE VIEW



1 VIEW TO SE



2 VIEW TO SW



1 PHASE 1 & 2 VIEW TO SE



2 PHASE 1 & 2 VIEW TO SW

PART 11 – COMMERCIAL ZONES

11.1. URBAN CENTRE COMMERCIAL ZONE (C1)

Bylaw No.
154.36

.1 Purpose

To accommodate a mix of uses with active commercial frontages.

.2 Principal Uses, Buildings and Structures

- (a) Agricultural market
- (b) Apartment
- (c) Brewery, distillery or meadery
- (d) Broadcasting studio
- (e) Cabaret, bar or lounge
- (f) Commercial school
- (g) Community or assembly hall
- (h) Care facility, major
- (i) Congregate housing
- (j) Education facility
- (k) Extended medical treatment facility
- (l) Entertainment facility, indoor
- (m) Fire, police or ambulance service
- (n) Food bank
- (o) Funeral establishment
- (p) Group home
- (q) High technology business
- (r) Hotel
- (s) Library, museum or art gallery
- (t) Live/work unit
- (u) Neighbourhood pub
- (v) Office
- (w) Personal service establishment
- (x) Postal or courier service
- (y) Printing or publishing
- (z) Recreation services, indoor
- (aa) Restaurant
- (bb) Retail, general
- (cc) Temporary shelter service
- (dd) Transportation station
- (ee) Vehicular parking areas or structures
- (ff) Vehicle washing facility
- (gg) Winery or cidery

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Home based business, minor

.4 Site Specific Uses, Buildings and Structures

- (a) On Lot 2, DL 486, ODYD, Plan 9660: allow the existing accessory building to be occupied as a dwelling.
- (b) On Lot 1, District Lot 5057, ODYD, Plan 41637: despite Section 11.1.6(c), permit apartments to exceed 40% of the Gross Floor Area of the first storey of a building located only at 2301 Carrington Road.
- (c) On Lot 28, DL 486, ODYD, Plan 19995 Except Plan 40663 (#14-2528 Main Street): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.77.
- (d) On Lot A, DL 468, ODYD, Plan KAP84320 (#101-3710 Hoskins Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.78.
- (e) On Lot A, DL 486, ODYD, Plan 36181 (2475 Dobbin Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.85.

Bylaw No.
154.63

Bylaw No.
154.77

Bylaw No.
154.78

Bylaw No.
154.85

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	400 m ² (4,305.6 ft ²)
(b)	Minimum parcel frontage	5.0 m (16.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	With surface parking	2.35 FAR
.2	With non-surface parking	2.5 FAR
(d)	Maximum parcel coverage	100%
(e)	Maximum building height	15.0 m (49.2 ft) to a maximum of 4 storeys
SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	4.5 m (14.8 ft), except it is: 0.0 m (0.0 ft) for buildings and structures on Elliot Road and Hoskins Road; 2.0 m (6.6 ft) for buildings and structures on Brown Road; and 3.0 m (9.8 ft) for buildings and structures on Main Street that have vehicular

		access from a highway other than a Provincial Highway.
.2	Rear parcel boundary	0.0 m (0.0 ft)
.3	Interior side parcel boundary	0.0 m (0.0 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft), except it is: 0.0 m (0.0 ft) for buildings and structures on Elliot Road and Hoskins Road; 2.0 m (6.6 ft) for buildings and structures on Brown Road; and 3.0 m (9.8 ft) for buildings and structures on Main Street that have vehicular access from a highway other than a Provincial Highway.
.5	A1 Zone or ALR	15.0 m (49.2 ft) for the first two storeys or portion of the building less than or equal to 6.0 m (19.7 ft) in height, whichever is less
		18.0 m (59.1 ft) for the third storey or portion of the building above 6.0 m (19.7 ft) but less than or equal to 9 m (29.5 ft) in height, whichever is less
		21.0 m (68.9 ft) for the fourth storey or portion of the building above 9.0 m (29.5 ft) in height, whichever is less

.6 Other Regulations

- (a) Despite Section 11.1.5(c), in circumstances where a combination of surface and non-surface parking is proposed, the maximum density of 2.35 FAR may be increased by 0.15 multiplied by the ratio of non-surface parking spaces to the total required parking spaces, but in no case shall the FAR exceed 2.5.
- (b) Density bonusing for Westbank Centre Plan Area (As defined in the 2011 Westbank Centre Revitalization Plan)
- .1 Despite Section 11.1.5(c), the maximum density may be increased to 2.8 FAR if the owner of the land pays to the City of West Kelowna prior to the issuance of a building permit, the amount equal to \$26.90 per square metre of additional GFA (\$2.50 per square foot of additional GFA), to be deposited in a Restricted Reserve Fund for Westbank Centre Amenities.

- .2 Buildings that are being constructed at an FAR in excess of 2.5 in accordance with Section 11.1.6(b) shall have a maximum height of 6 storeys, or 22.5 m (73.8 ft), whichever is less, if all of the parking spaces are provided in the form of non-surface parking.
- (c) Apartment and Congregate Housing
 - .1 If apartments or congregate housing units are located on the first storey of a building, no more than 40% of the Gross Floor Area of that storey may be occupied by apartments or congregate housing units and no first storey apartments or congregate housing units shall face parcel boundaries along the following highways:
 - (a) Brown Road
 - (b) Dobbin Road
 - (c) Elliot Road
 - (d) Hoskins Road
 - (e) Main Street
 - (f) Old Okanagan Highway between Main Street and Dobbin Road
 - (g) Hebert Road between Main Street and Dobbin Road

CITY OF WEST KELOWNA

BYLAW NO. 0154.91

A BYLAW TO AMEND “ZONING BYLAW NO. 0154”

WHEREAS the Council of the City of West Kelowna desires to amend “CITY OF WEST KELOWNA ZONING BYLAW NO. 0154” 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. 0154.91, 2020”.

2. Amendments

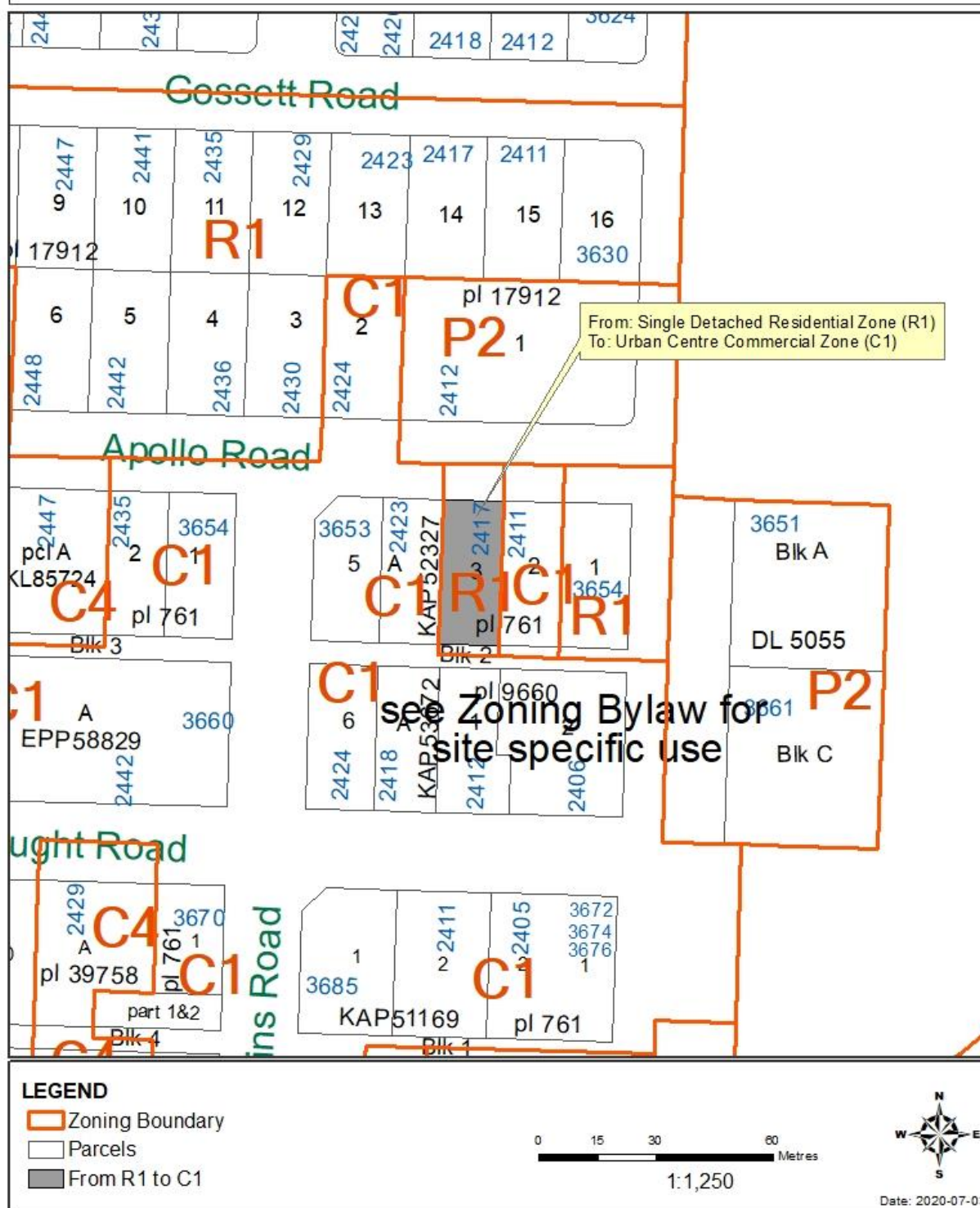
“Zoning Bylaw No. 0154” is hereby amended as follows:

- 2.1 By changing the zoning on Lot 3, Block 2, DL 486, ODYD, Plan 761 as shown on Schedule ‘A’ attached to and forming part of this bylaw from Single Detached Residential Zone (R1) to Urban Centre Commercial Zone (C1).
- 2.2 By depicting the change on “Zoning Bylaw No. 0154 Schedule B” (Zoning Bylaw map).

MAYOR

CITY CLERK

SCHEDULE 'A' of BYLAW NO. 0154.91





COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 14, 2020

From: Hailey Rilkoff, Planner II

File No: TUP 20-02

Subject: **TUP 20-02, Temporary Use Permit, 1698 Ross Road**

RECOMMENDATION

THAT Council approve the issuance of a Temporary Use Permit (File: TUP 20-02) to permit a contractor services use at 1698 Ross Road (Lot 1 District Lot 507 ODYD Plan 15908 Except Plan H17081) for a period of up to three years, subject to the conditions in the attached permit, including:

- The contractor services use is limited to the sale, repair and installation of garage doors and limited to the identified temporary use permit area on Schedule A; and
- A solid screen shall be installed to act as a visual barrier around the garbage and recycling bins; and
- A landscape plan shall be submitted to the satisfaction of the Director of Development Services and approved landscaping shall be installed on site and maintained for the duration of the temporary use permit.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Quality, innovative urban development (Council's 2020-2022 Strategic Priorities)

BACKGROUND

This application proposes a Temporary Use Permit (TUP 20-02) to permit a contractor services use on the subject property (1698 Ross Road) for a period of up to three years. The subject property's current zoning (C1) does not permit the use contractor services.

PROPERTY DETAILS	
Address	1698 Ross Road
Legal Description	Lot 1 District Lot 507 ODYD Plan 15908 Except Plan H17081
Folio	36413490.578
Lot Size	0.16 acres (643 m ²)

Owner	Interlakes R/V Adventures Inc., Inc.No. BC0655088	Agent	Valley Garage Doors
Current Zoning	Urban Centre Commercial (C1)	Proposed Zoning	-
Current OCP	Commercial (C)	Proposed OCP	-
Current Use	Equipment Sales and Rentals (Temporary) Pioneer Meats (Butcher)	Proposed Use	Contractor Services (Temporary)
Development Permit Areas Form & Character			
Hazards n/a			
Agricultural Land Reserve No			

ADJACENT ZONING & LAND USES

North	^	RU1 – Country Residential (Bylands Nurseries)
East	>	C1 – Urban Centre Commercial (Mixed Use)
South	v	C5 – Campground, Cabin and Motel Commercial RMP – Manufactured Home Park (Trailpark Mobile Villas)
West	<	C3 – Gasoline Service Station Commercial (Petro-Canada) C4 – Service Commercial (Sunrise Trailer Sales)

NEIGHBOURHOOD MAP



PROPERTY MAP



Subject Property:

The subject property is a 0.89 acre (3,601 m²) commercial property, located within Boucherie Centre. The property has frontage along three sides with access off of Ross Road and fronting the Bartley Road and Highway 97 intersection. There are two commercial buildings located on the subject property, and this application is specific to the commercial building at the north-east corner of the site.

History:

A Temporary Use Permit (TUP 16-03) was issued in August of 2016 for the sale and rental of compact construction machinery for Finning International out of the larger commercial building on the west side of the site. The Temporary Use Permit was renewed (TUP 16-03.01) in October of 2019 to continue this use, and to specifically permit the sale, rental and repair of construction machines and equipment, including excavators and wheel loaders. TUP 16-03.01 expires in August of 2022. A License of Occupation with the City was required to be maintained for use of lands within the Bartley Road right-of-way.

The smaller commercial building in the north-east corner of the site has two units. One is occupied by Pioneer Meats, the second is currently vacant but was previously occupied by a pawn shop/U-Haul rental business. Pioneer meats is (and the pawn shop was) a non-conforming use in the C1 - Urban Centre Commercial Zone. Non-conforming uses are able to continue so long as the non-conformity is not increased. Once a non-conforming use ceases for a period greater than six months, that use is no longer “grandfathered” to continue on a property.

Proposal:

The current proposal is for a Temporary Use Permit, for a period of three years, to permit a Contractor Service use on the property. The applicant, Valley Garage Doors, is proposing to lease the vacant commercial unit to operate their garage door company. Valley Garage Doors provides sales, installation and repair of garage doors. The site would be used as an office, garage door showroom and storage of garage doors and parts.



Figure 1 – Showroom Display Example



Figure 1 – Showroom Display Example

Deliveries of garage doors would occur weekly to deliver custom orders. Customers may pick up their own orders at the rear of the building or Valley Garage Doors will provide delivery and on-site installation. The applicant has proposed planters along the front façade of the building facing Highway 97 and will be installing signage to face Highway 97 as well.

The applicant has provided examples of what the showroom displays for the garage door products they sell might look like inside the space (*Figures 1 and 2*).

Applicant Rationale:

Valley Garage Doors has provided a Rationale Letter (*Attachment 2*) which outlines their intended use of the site and overview of their business. The applicant feels that their business will bring more traffic to the current commercial property in a positive way. The applicant has indicated that their business is growing, and as their industry continues to boom they anticipate outgrowing the current space and requiring a larger building in the future.

Bylaw & Policy Review:

Official Community Plan Bylaw No. 0100

The subject property has a future land use designation of Commercial, intended to promote a variety of built form reflecting diversity of retail, office, and personal services uses, with opportunities for increased density and height for above street residential.

The property is also located within the identified Boucherie Centre. Boucherie Centre is intended to create a “bookend” urban centre of higher density, pedestrian oriented mixed

use development. The subject property is prominently located along the Bartley Road/Hwy 97 intersection, at the heart of Boucherie Centre. Westbank Centre is the second “bookend” and each urban centre is intended to be a walkable node of employment and community amenities. The City’s Boucherie Centre objectives include increasing the mix and intensity of land uses, promoting economic development, and fostering a positive community image¹.

The City’s OCP provides the guidelines to be considered for Temporary Use Permits². These include that the use must be clearly temporary or seasonal in nature; the use should not create an unacceptable level of negative impact on surrounding permanent uses; and an applicant must submit an outline detailing when and how the use in that location will be ended.

Commercial Development Permit Area (DPA1)

The subject property is within the City’s Commercial DPA1 which ensures that the building and site design of commercial development is attractive. Other than the proposed landscaping improvements and signage, no further external alterations are proposed for the building, therefore this proposal would be exempt from a Commercial Development Permit.

Zoning Bylaw No. 0154

In reviewing the proposed use of the property, the applicant’s business best fits within the use of Contractor Services which is defined in the Zoning Bylaw as:

premises used for the provision of contractor services which typically includes: road construction, landscaping, concrete, electrical, heating and cooling, plumbing or similar services of a construction nature which require on-site storage of equipment and vehicles, warehouse space and accessory sales and office space.

This definition allows for sales and office space, warehouse space, and on-site storage of equipment or vehicles. Contractor Services is not a permitted use in the C1 - Urban Centre Commercial Zone. The C1 zone accommodates a mix of uses with active commercial frontages. Contractor Services is only permitted within the C4 - Service Commercial Zone or the Industrial Zones (I1, I2, I3, I4 & I5).

Contractor Services require 2.0 parking spaces per 100 m² Gross Floor Area (GFA). The applicant has indicated that four parking spaces are proposed in the front of the building, which meets the Zoning Bylaw requirement as the commercial unit is approximately 200 m².

Technical Review:

Planning

The proposed use is not anticipated to create any significant negative impacts on the surrounding permanent uses. The applicant intends to create a showroom for the garage

¹ OCP Section 3.2.2 Boucherie and Westbank Centre Objectives

² OCP Section 4 – Development Implementation Policy 13.

door products they sell, which is similar to the retail uses which are permitted in the C1 Zone. The applicant's rationale letter has indicated that they anticipate outgrowing this commercial unit as their business is growing.

Landscaping improvements are proposed at the front of the commercial unit facing Highway 97. The applicant has proposed planters at the front of the building around the parking area. It has been recommended that the applicant screen the proposed location of the garbage and recycling bins, which is included as a condition in the attached draft permit (*Attachment 1*) in accordance with the City's development guidelines³.

The subject property already has a business operating under a temporary use permit (Finning International, TUP 16-03.01) which has a large outdoor storage component. Valley Garage Doors is not proposing any outdoor storage.

Advisory Planning Commission (APC) Consideration:

The City's APC considered the application at their June 17th, 2020 meeting held via Zoom video conferencing. Discussion points included:

- Question regarding potential for manufacturing use, it was noted the business only sells, installs and repairs and does not manufacture garage doors;
- See this as a positive for the community;
- Pleased to see planters and a good use of the property.

The APC passed the following resolution:

THAT the APC recommend support for file TUP 20-02, Temporary Use Permit Application, 1698 Ross Road as presented.

Legislative Requirements:

Council has the authority under Section 493 (2) (b) of the Local Government Act to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three years and specify conditions under which the use may be carried out. A TUP may be extended once for up to three years at the discretion of Council.

Public Notification:

A Notice of Application sign has been posted on site. Additionally, a notice was sent to all property owners (*Attachment 3*) and their tenants within 100 m of the subject property (91 notices mailed, 16 hand delivered) and an advertisement will be placed in the local newspaper. At time of writing this report, no correspondence has been received by the public in regards to the proposal.

³ OCP Section 4.3.1 General Guidelines That Apply to All Development Permit Areas – 32. Screen Garbage and Recycling Containers.

CONCLUSION

It is recommended that Council approve a Temporary Use Permit (TUP 20-02) to allow for the use of Contractor Services, subject to the conditions of the attached permit (TUP 17-02). The proposed business intends to create a showroom to support their sales, repairs and installation of garage doors. The proposed use is not anticipated to have any significant negative impacts on surrounding permanent uses, and the applicant has indicated they see their business outgrowing this location in the future as their business grows.

Alternate Motion:

THAT Council deny the issuance of a Temporary Use Permit (File TUP 20-02) to permit a Contractor Services use at 1698 Ross Road.

Should Council deny the proposal, the file will be closed. As per the City's Development Application Procedures Bylaw, the applicant could not re-apply for a similar proposal within 6 months after Council's consideration.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

Attachment 1 – Draft Permit (TUP 20-02)

Attachment 2 – Applicant's Rational Letter

Attachment 3 – Notification Map



**CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 20-02**

TO: Valley Garage Doors
c/o Interlakes R/V Adventures
3301 McKellar Road
West Kelowna, BC, V4T 1W1

1. This Permit is issued subject to compliance with all of the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below, and any and all buildings, structures and other developments thereon:

Lot 1 District Lot 507 ODYD Plan 15908 Except Plan H17081 (1698 Ross Rd)

3. The conditions of the Temporary Use Permit (TUP 20-02) are as follows:
 - a. The contractor services use is limited to the sale, repair and installation of garage doors and limited to the identified temporary use permit area on Schedule A;
 - b. A solid screen shall be installed to act as a visual barrier around the garbage and recycling bins;
 - c. A landscape plan shall be submitted to the satisfaction of the Director of Development Services and approved landscaping shall be installed on site and maintained for the duration of the temporary use permit;
 - d. The permit shall be valid for a period of up to three (3) years from the date of approval by Council; and
 - e. The activities associated with the temporary use shall cease following expiration of the temporary use permit.
5. The land described herein shall be used strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.

6. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO. CXXX/20 PASSED BY THE MUNICIPAL COUNCIL ON
DATE XXX.

EXPIRY DATE: DATE XXX

ISSUED ON: DATE XXX

Signed on DATE XXX

City Clerk

Attachments:

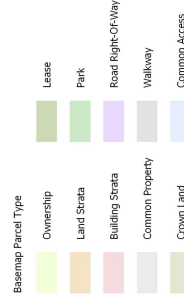
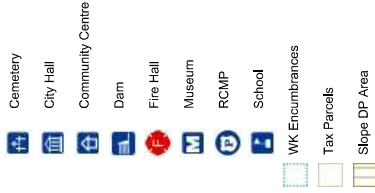
Schedule A – Temporary Use Permit Area



TUP 20-02 - West Kelowna

Legend

Landmarks



Scale 1 : 600

Notes

Temporary Use Permit Area

Temporary Use Permit Area
(TUP 20-02)

pl 1590

1698

1

This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



0 15 30 Meters

Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna

Map Produced on: 7/9/2020 10:27:15 AM

From: Trevor [REDACTED]
Sent: June 8, 2020 3:39 PM

Proposal Summary:

Currently there is no garage door company in West Kelowna. We would like to be the first garage door company to have a store that has a nice display of doors and parts to show our customers the comparison of each make and model. Once our customers have selected the door they want, we put an order in to our supplier. The doors typically are delivered 4-6 weeks.

The property is currently being used for commercial, Finning is a heavy equipment rental store and Pioneer meats is a local butcher. Both these companies already have the same traffic as our customers. I think that Valley Garage Doors would bring in even more traffic to this property in a positive way.

We will need to have a weekly truck delivery for all our new doors and openers that have been custom ordered. Once they arrive we schedule a time with our customers and install the doors usually within a week of the doors arriving.

We want the front of the building to be welcoming to our customers as much as possible. We will be setting up planters in the front of the building and along side the black fence. There will be four parking stalls in front of the stores. Customers will load up doors from the back of the building through the bay door.

Valley Garage Doors is growing and we continue to grow with the valleys current boom. This new space will work for us for a while, but we will out grow the space and need to get a larger building. The 3 year TUP should give us a good amount of time to grow and find a space that is zoned for us.

GIS Notification Map TUP 20-02

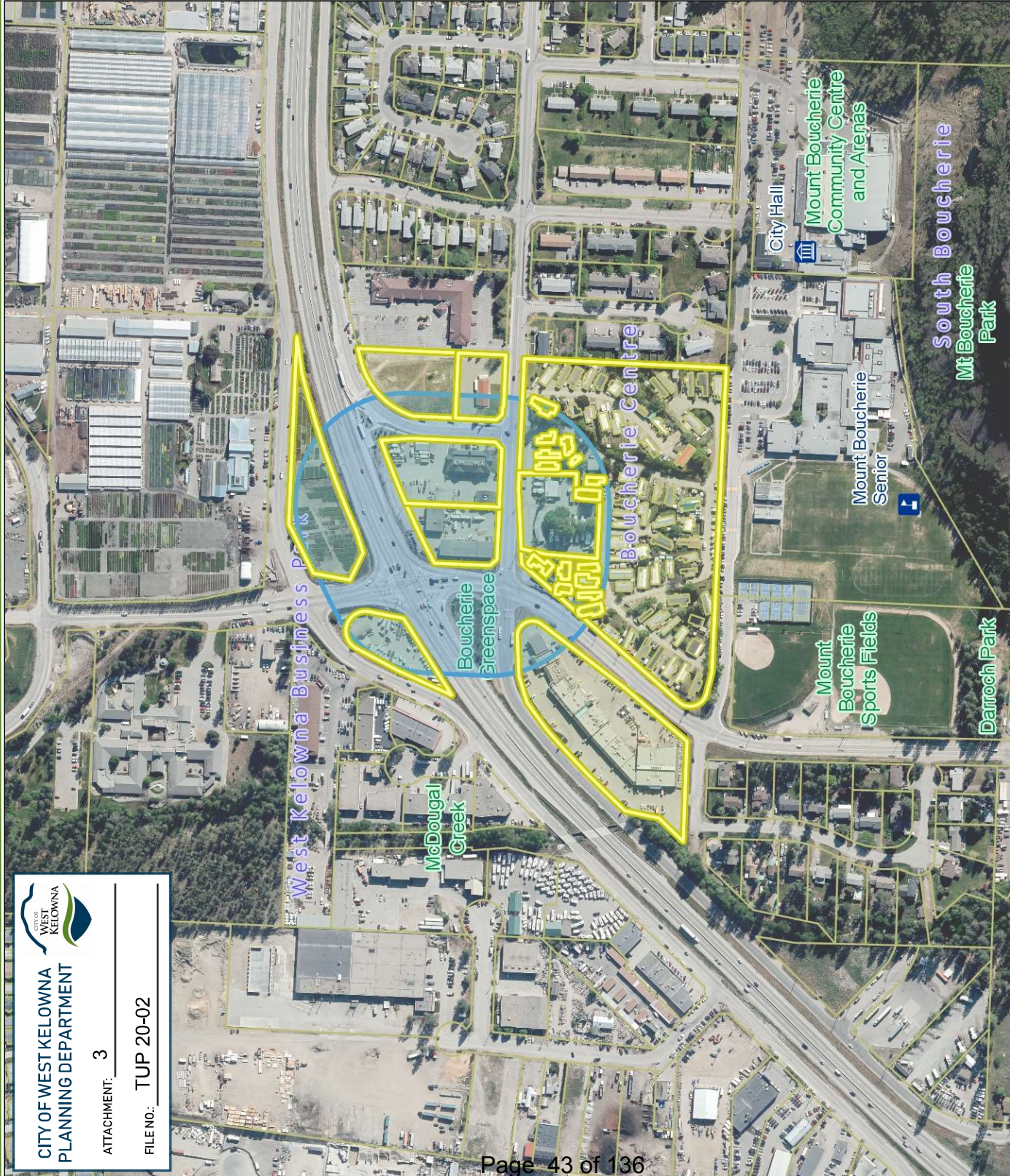
- Legend**
- Landmarks**
- Cemetery
 - City Hall
 - Community Centre
 - Dam
 - Fire Hall
 - Museum
 - RCMP
 - School
 - Tax Parcels

- Basemap Parcel Type**
- Ownership
 - Land Strata
 - Building Strata
 - Common Property
 - Crown Land
 - Lease
 - Park
 - Road Right-Of-Way
 - Walkway
 - Common Access



Scale 1 : 5,000

Notes



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Map Projection: NAD_1983_UTM_Zone_11N

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Map Produced on: 6/22/2020 1:50:22 PM



COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 14, 2020

From: Hailey Rilkoff, Planner II

File No: TUP 17-02.01

Subject: **TUP 17-02.01, Temporary Use Permit Renewal, 760 Petterson Road**

RECOMMENDATION

THAT Council renew the Temporary Use Permit (TUP 17-02.01) to allow use of a mobile home at 760 Petterson Road (Lot A District Lot 3111 ODYD Plan KAP89366) for a period of three (3) years subject to the following condition:

- That the property owner provide the City with a security for the removal or decommissioning of the mobile home at the time of Building Permit issuance for a single detached dwelling on the subject property.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Quality, innovative urban development (Council's 2020-2022 Strategic Priorities)

BACKGROUND

This application proposes to extend a Temporary Use Permit (TUP 17-02) to allow the continued use of a Mobile Home on the subject property (760 Petterson Road) for a period of up to three years. The subject property's current zoning (RU4) does not permit the use of a mobile home.

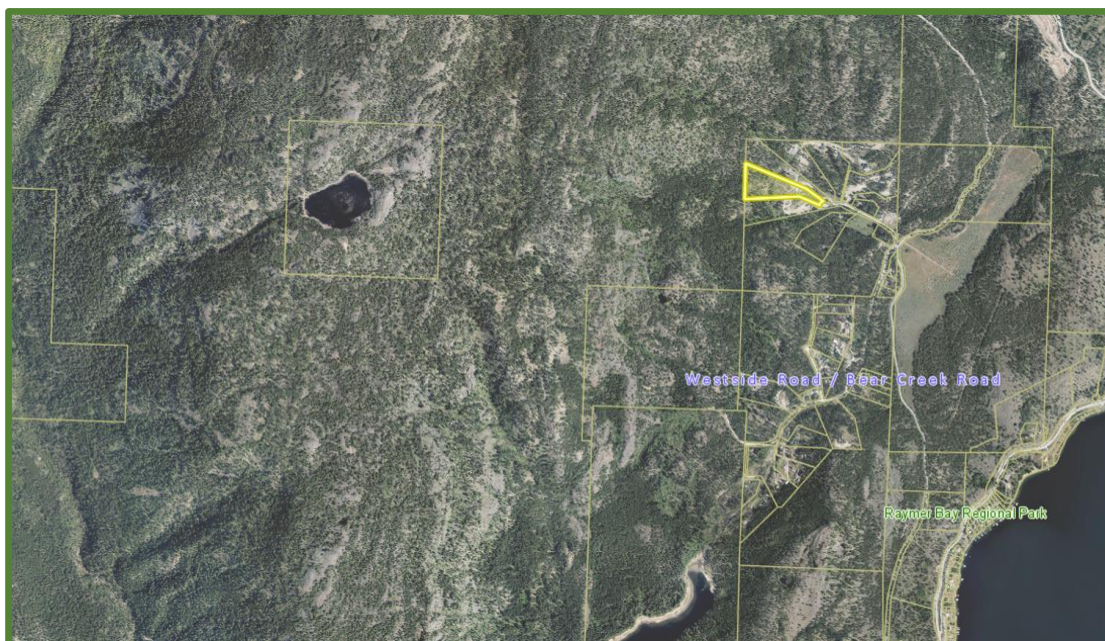
PROPERTY DETAILS			
Address		760 Petterson Road	
PID		027-961-214	
Folio		36414565.954	
Lot Size		9.9 acres (40,000 m ²)	
Owner	Jordan K Lohse	Agent	-
Current Zoning	RU4 – Rural Residential Large Parcel	Proposed Zoning	-
Current OCP	RR – Rural Residential	Proposed OCP	-
Current Use	(Residential)	Proposed Use	-

Development Permit Areas	Hillside; Terrestrial; Wildfire
Hazards	n/a
Agricultural Land Reserve	No

ADJACENT ZONING & LAND USES

North	^	RU4 – Rural Residential Large Parcel (Residential)
East	>	RU4 – Rural Residential Large Parcel (Residential)
West	<	F1 – Forest Resource Zone (Forest)
South	v	RU4 – Rural Residential Large Parcel (Residential)

NEIGHBOURHOOD MAP



PROPERTY MAP



History

A Temporary Use Permit (TUP 13-03) for the subject property was approved in 2013 to permit the use of a Manufactured Home¹ (in the form of a mobile home) for a period of three years on the subject property (760 Petterson Road). The rationale provided for the mobile home was to provide accommodation on the property while the owner constructs a principal building on the lot. A Building Permit was issued for the installation of the mobile home (BP2013-2398) and the mobile home was constructed under the CSA-Z240 (MH) standard. TUP 13-03 expired in June of 2016 and the property was sold.

In 2017, a new owner of the property applied for a new Temporary Use Permit (TUP 17-02) which was approved in October 2017 to allow the use of a Mobile Home for a period of three years. The rationale provided was to continue to provide accommodation on the property while the new (and current) owner constructs a principal building on the lot.

Originally, Council approved TUP 17-02 for a period of 1 year, however this motion was brought back for reconsideration by the Mayor at a subsequent Council meeting. Council amended their previous motion and approved TUP 17-02 for a period of up to 3 years at a subsequent Council meeting when additional details regarding the owner's rationale was provided. The owner indicated the TUP was needed in order to allow for time for a civil matter regarding the adjacent property to be resolved, which was indicated may affect the siting of the proposed principal dwelling, as well as allow the owner to recover from an injury in order to build a new home on the property.

¹ Zoning Bylaw No. 871 did not permit the use of Manufactured Home in the RU2 – Rural 2 Zone.

Proposal

The owner is now proposing the extension of the Temporary Use Permit for an additional three (3) years in order to continue the use of the Mobile Home onsite as a residence.

Applicant's Rationale

The owner has submitted a rationale letter (*Attachment 2*) outlining their proposal. The owner has indicated that since the mobile home was installed in 2013, there have been no issues with its use on the property.



Figure 1 - Mobile Home Installed Onsite

The owner's rationale letter states that they require the extension as they are unable to build a new home on the property due to ongoing legal issues with the adjacent property owner as well as an extended recovery time from the workplace injury in 2017.

At the time of application, the applicant indicated that the mobile home would most likely be decommissioned to an accessory building rather than removed as the structure itself has value. The property is now for sale and securing the temporary use permit renewal is a subject of sale for the interested purchasers. The owner does not know whether any potential buyer of the property would have the mobile home removed or would instead apply to have the mobile home decommissioned.

Policy & Bylaw Review

Official Community Plan Bylaw No. 100

The City's OCP provides the guidelines to be considered for Temporary Use Permits². These include that the use must be clearly temporary or seasonal in nature; the use should not create an unacceptable level of negative impact on surrounding permanent uses; and an applicant must submit an outline detailing when and how the use in that location will be ended.

The subject property is within the City's Hillside, Sensitive Terrestrial and Wildfire Hazard Development Permit Areas. The renewal of the TUP does not require a Development

² OCP Section 4 – Development Implementation Policy 13.

Permit as no construction or development is proposed and the mobile home is existing. Future development on the subject property, including the construction of a single detached dwelling, may require a Development Permit.

Zoning Bylaw No. 0154

The City's Zoning Bylaw defines a Mobile Home as:

“a manufactured home constructed to the CAN/CSA Z240 MH (Mobile Home) standard, capable of being moved from place to place and installed with skirting concealing the chassis and wheels of the home.”

The RU4 – Rural Residential Large Parcel zone does not permit Mobile Homes as a permitted use. Principal residential uses permitted within the RU4 zone include a Modular Home or a Single Detached Dwelling. Permitted secondary residential uses include agricultural worker dwelling, carriage house, and secondary suite.

Mobile Homes are only permitted principal uses in the A1 – Agricultural zone, R1M – Manufactured Home Residential zone or within the RMP – Manufactured Home Park zone.

Technical Review

Building Department

The building is currently a CSA Z240 (MH Series) unit and to convert would completely void that certification. A building permit would be required if the mobile home were to be decommissioned as a dwelling and converted into an accessory building. An evaluation by an engineer for a new proposed use may be required.

Bylaw Enforcement Department

There have been no issues or bylaw complaints in regards to the existing mobile home since its installation in 2013.

Planning Department

A review of Zoning Bylaw regulations relating to mobile homes in neighbouring jurisdictions within the Regional District of Central Okanagan (RDCO) was conducted by staff³. Mobile homes are most commonly permitted within Agricultural zones and within specific Residential zones that only allow mobile or manufactured homes as a permitted principal use, similar to the City's R1M – Manufactured Home Residential Zone. Only the District of Lake Country permits mobile homes outside of an agricultural or mobile/manufactured home specific zone, on rural residential and rural large parcel zones.

As a condition of the renewal of the Temporary Use Permit, a security would be required to cover the cost of removal or decommissioning of the mobile home at the time of Building Permit for a single detached dwelling. This security would not be required to be submitted until such time as a Building Permit application is submitted for a proposed new build.

³ Regional District of Central Okanagan, City of Kelowna, District of Lake Country, District of Peachland

Legislative Requirements

Sec. 497(2) of the *Local Government Act* states a person to whom the temporary use permit has been issued may apply to have the permit renewed, subject to the restriction that the temporary use permit may be renewed only once. Sec. 497 of the *Local Government Act* also allows for the modification of conditions at time of renewal. Notification is not a requirement during the renewal of a Temporary Use Permit application. After the expiry of a temporary use permit that has been renewed, an owner or applicant could apply for a new temporary use permit which would require public notification.

DISCUSSION

Mobile homes, while not permitted in the most rural and residential zones, are a familiar housing form within the community and may not seem out of place on larger rural parcels. Mobile homes can also be an affordable option for permanent housing as opposed to construction of a single detached dwelling. However, similar to West Kelowna, a review of neighbouring local government's Zoning Bylaws found mobile homes are not permitted uses in most residential and rural zones.



Figure 2 - Exterior of Mobile Home

In general, the issuance of temporary use permits for residential uses is problematic. It is challenging for residential uses to meet the OCP guidelines for TUP's to be clearly temporary or seasonal, as the temporary use is for a permanent dwelling. Once approved, the form of residential use permitted for the temporary period will understandably become a home. Enforcement after the expiry of a TUP for a residential use can be difficult for the City to action, and it is likely that a TUP extension would be applied for.

The alternative option for the owner would be to apply for a site specific rezoning to permit the residential use of a mobile home permanently on the subject property. The investment to purchase and install the mobile home on the subject property was significant, as the mobile home is serviced by permanent infrastructure and utilities. The cost to provide the required services to the mobile home would have been the same for a single detached dwelling in the same location. The mobile home has been maintained in good condition on the subject property (*Figure 2*).

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
June 11, 2013	THAT Council approve the issuance of a Temporary Use Permit (File: TUP 13-03) to allow the use of a manufactured home on the subject property at 760 Petterson Road (Lot A, DL 3111, ODYD, Plan KAP89366) for a period of three years.	C205/13
September 19, 2017	THAT Council approve the issuance of a Temporary Use Permit for a period of one (1) years to permit the use of a mobile home on the subject property at 760 Petterson Road (Lot A, DL 3111, ODYD, Plan KAP89366) subject to the following condition: <ul style="list-style-type: none">• That the property owner provide the City with a security for the removal of the mobile home at the time of Building Permit issuance for a single family dwelling for the subject property.	C430/17
October 10, 2017	THAT Council approve the issuance of a Temporary Use Permit for a period of three (3) years to permit the use of a mobile home on the subject property at 760 Petterson Road (Lot A, DL 3111, ODYD, Plan KAP89366) subject to the following condition: <ul style="list-style-type: none">• That the property owner provide the City with a security for the removal of the mobile home at the time of Building Permit issuance for a single family dwelling for the subject property.	C450/17

CONCLUSION

It is recommended that Council approve the renewal of the Temporary Use Permit (TUP 17-02.01) to allow for the continued use of a mobile home, subject to the conditions of the original permit (TUP 17-02). The mobile home was installed on the subject property though a building permit, the appropriate services are installed and it was constructed under the CSA-Z240 (MH) standard. There have been no issues with the mobile home since its installation and it has been maintained in good condition.

Alternate Motion 1:

THAT Council renew the Temporary Use Permit (TUP 17-02.01) to allow use of a mobile home at 760 Petterson Road (Lot A District Lot 3111 ODYD Plan KAP89366) for a period of one (1) year subject to the conditions outlined in the attached permit.

Alternate Motion 2:

THAT Council not renew the Temporary Use Permit (TUP 17-02.01) to allow use of a mobile home at 760 Petterson Road (Lot A District Lot 3111 ODYD Plan KAP89366).

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

Attachment 1 – Draft Permit (TUP 17-02.01)

Attachment 2 – Applicant's Rationale Letter

Attachment 3 – Subject Property Photos



**CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 17-02.01**

TO: Jordan K. Lohse
760 Petterson Rd
West Kelowna, BC, V1Z 3T6

1. This Permit is issued subject to compliance with all of the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below, and any and all buildings, structures and other developments thereon:

Lot A, DL 3111, ODYD, Plan KAP89366 (760 Petterson Road)

3. This Temporary Use Permit (TUP 17-02.01) allows for the continued temporary use of a mobile home on 760 Petterson Road, sited as per Schedule A, for a period of three years, subject to the following conditions:
 - a. The property owner provide the City with a security for the removal or decommissioning of the mobile home at the time of Building Permit issuance for a single detached dwelling for the subject property; and
 - b. That the activities associated with the temporary use cease following expiration of the temporary use permit.
5. The land described herein shall be used strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
6. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. CXXX/20 PASSED BY THE MUNICIPAL COUNCIL ON
JULY 14, 2020.

ISSUED DATE: _____

TUP EXPIRY DATE: October 10, 2023

Signed on _____

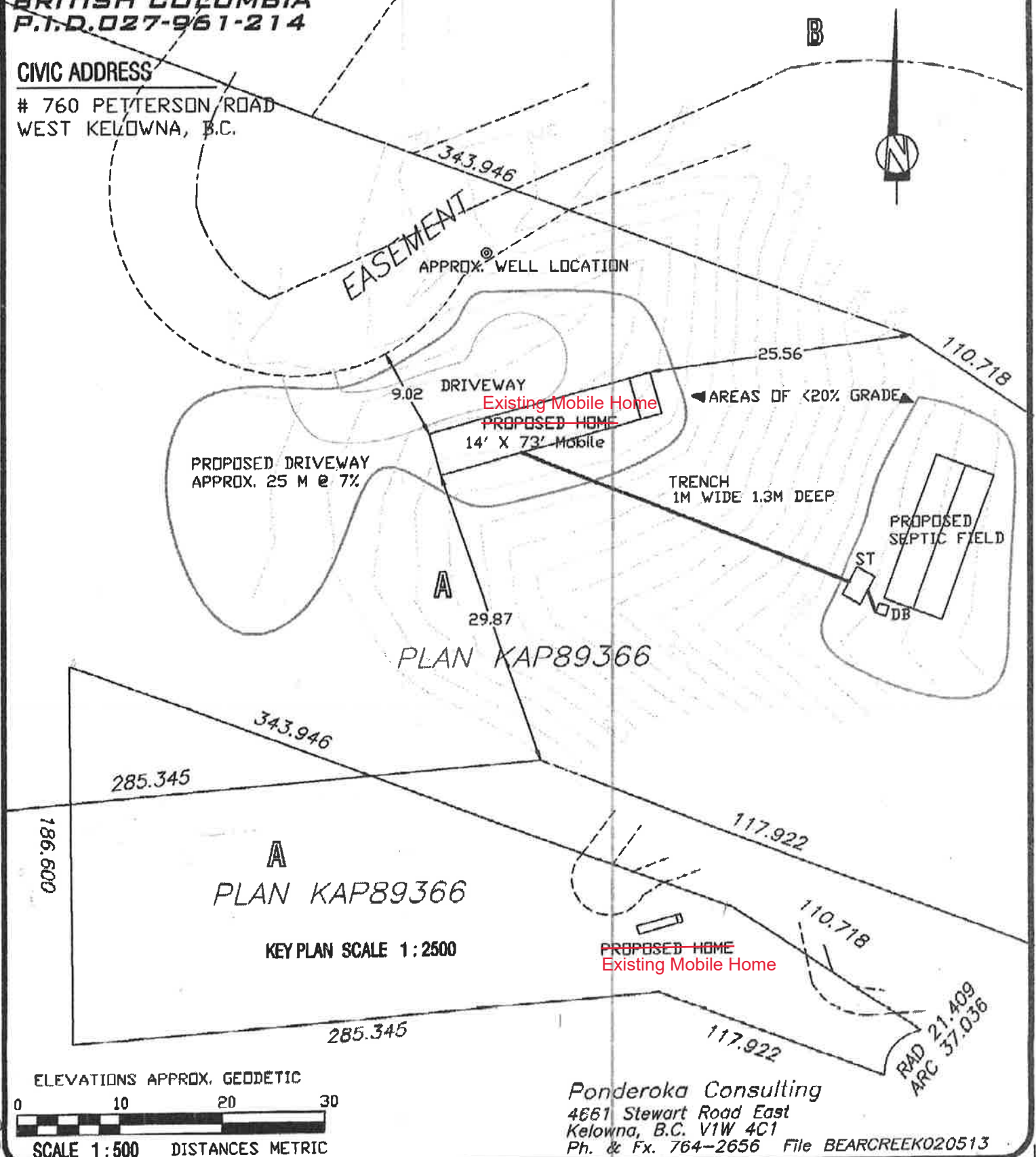
City Clerk

Schedules:
Schedule A – Survey Plan

**SITE PLAN SHOWING PROPOSED LOCATION OF
LOT A, DISTRICT LOT 3111, PLAN KAP89366
OSDY008 DIVISION, YALE DISTRICT,
BRITISH COLUMBIA
P.I.D. 027-961-214**

CIVIC ADDRESS

760 PETERSON ROAD
WEST KELOWNA, B.C.



Ponderoka Consulting

4661 Stewart Road East
Kelowna, B.C. V1W 4C1

Ph. & Fx. 764-2656 File BEARCREEK020513

Dear West Kelowna Council

The mobile home has been updated and I believe adds to the community, it is well maintained and not an eye sore. There are not any impacts due to there are multiple mobile homes in the area and some neighbors are living in tow behind trailers. Since the mobile was installed in 2013 there have been no issues or objections to it being on the property.

The following is a request for the renewal of the temporary use permit File No: TUP 17-02 760 Petterson Rd. Lot A, DL 3111, ODYD, Plan KAP89366. I wish to renew the permit for an Additional three years as I am currently going through civil litigation with my neighbor, the West Kelowna build development department is aware of the issues. I have not been able to build do to a work place injury that took 2 years to recover from. Along with the bank would not lend on the property due to going through title insurance because of the civil litigation. I am currently working with realtor Greg Dusik with Coldwell banker to sell the property, to get away from some of these issues. One of the subjects on the sale of the property is to secure the T.U.P extension for the additional 3 years. I cannot speak to what the new owner's plans are with the mobile after the extension runs out. I hope Council can understand my rational and realize the hardship I have been faced with over the last 4 years and work with myself and the new owners. Thank you for your time and consideration.

Please accept this letter as our official request for renewal

Warmest Regards,

Jordan Lohse

Home owner: 760 Petterson Rd. West Kelowna B.C. V4T 3T6

Ph: [REDACTED]



SITE PHOTOS

File No: TUP 17-02.01
Location: 760 Petterson Road
Legal: Lot A District Lot 3111 ODYD Plan KAP89366
Owner: Jordan Lohse
Agent: -
Subject: TUP 17-02.01 – Mobile Home Photos



Figure 1 – Mobile Home Front



Figure 2 – Mobile Home Entry



Figure 3 – Mobile Home Deck



Figure 4 – Mobile Home Siting



COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 14, 2020

From: Hailey Rilkoff, Planner II

File No: TUP 18-05.01

Subject: **TUP 18-05.01, Temporary Use Permit Renewal, 1375 Green Bay Road**

RECOMMENDATION

THAT Council renew the Temporary Use Permit (TUP 18-05.01) to allow use of a recreational vehicle at 1375 Green Bay Road (Lot B, DL 434 & 523, ODYD, Plan KAP76165) on manufactured home site #15A for a period not to exceed six (6) calendar months after the date the Provincial State of Emergency relating to COVID-19 is lifted, subject to the conditions outlined in the attached permit.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Quality, innovative urban development (Council's 2020-2022 Strategic Priorities)

BACKGROUND

This application proposes to extend a Temporary Use Permit (TUP 18-05) to allow the continued use of a Recreational Vehicle (RV) on the subject property (1375 Green Bay Rd – site 15A). Due to the current Provincial State of Emergency related to COVID-19, it is recommended to extend the TUP for up to six (6) months after the State of Emergency is lifted due to concerns that there may be increased challenges with relocating the recreational vehicle during the State of Emergency.

PROPERTY DETAILS			
Address		1375 Green Bay Road	
PID		026-034-867	
Folio		36412293.002	
Lot Size		6.25 Acres (25,297 m ²)	
Owner	Green Bay Landing Inc.	Agent	Ted Wenner
Current Zoning	RMP - Manufactured Home Park	Proposed Zoning	-
Current OCP	SFR - Single Family Residential	Proposed OCP	-

Current Use	Manufactured Home Park	Proposed Use	Recreational Vehicle
Development Permit Areas	Aquatic Ecosystem, Form and Character		
Hazards	n/a		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	R1 – Single Detached Residential
East	>	R1 - Single Detached Residential; P1 – Parks (Osprey Park)
West	<	P2 - Institutional and Assembly (Green Bay Bible Camp)
South	v	P2 - Institutional and Assembly (Green Bay Bible Camp) RC4 - Compact Single Detached Residential Zone

NEIGHBOURHOOD MAP



PROPERTY MAP



History

Original Temporary Use Permit (TUP 18-05)

In October of 2018, the owner of Green Bay Mobile Home Park applied for a Temporary Use Permit to permit the use of Recreational Vehicles (RV's) on three of the mobile home pad sites for a period of three years. One of the mobile home pad sites (15A) had an existing Recreational Vehicle set up on it as a residence, while the other two sites (16B and 19B) had uninhabitable mobile homes.

Staff recommended to Council that the TUP only be approved for one year and only for pad 15A which was already occupied by an RV. The 1 year timeline was recommended in order for the existing resident of the RV to have time to find alternative accommodation. Council had significant concerns regarding the permanent use of an RV as a dwelling, specifically around moisture and ventilation issues as RV's are not typically designed for year round living, and are instead designed for seasonal recreational use. TUP 18-05 was approved by Council in June of 2019 with the following conditions:

- a. That no additional recreational vehicles or similar camping vehicles be permitted on the parcel;
- b. That no physical structures be constructed and attached to the subject recreational vehicles;
- c. The recreational vehicle shall remain mobile (i.e. with wheels and hitch present on the unit);
- d. Connection to the municipal sanitary sewer system must receive approval from the General Manager of Engineering;
- e. That the activities associated with the temporary use cease following expiration of the temporary use permit.



Temporary Use Permit Expiry

The City of West Kelowna advised the applicant, in a letter dated March 17, 2020, that TUP 18-05 would expire on June 17, 2020. On March 30, the applicant contacted the City and expressed concerns around the end of the temporary use permit due to COVID-19. The applicant was aware of the prohibition on new evictions during the Provincial State of Emergency and did not feel they could make the tenant living in the RV vacate the Mobile Home Park at that time.

Staff offered the applicant assurance that following the expiry of TUP 18-05, the City would not take any enforcement for at least two months after the Provincial State of Emergency was lifted. This would have allowed an extended period of time for the existing tenant to secure alternative housing. Staff felt this approach was sensitive to the

challenges surrounding moving during the pandemic and provided a transitional buffer from the date the State of Emergency would end.

Proposal

The applicant has since submitted a renewal application for the Temporary Use Permit to continue the use of a recreational vehicle on the subject property. The applicant has requested that the Temporary Use Permit be renewed and extended for two years.

Applicant's Rationale

The applicant has provided a letter (*Attachment 2*) which summarizes their rationale for the extended renewal period. The applicant states that the tenants who occupy the RV on site #15A maintain the site in a tidy appearance, are quiet and help the neighbours. The applicant feels that due to the Provincial State of Emergency due to COVID-19, that they are unable to evict the RV tenants. The applicant has also provided rationale that the demand for alternative housing will have increased due to the pandemic and that two years could be how long it takes for things to return to normal.



Figure 1 - View of Site #15A from Green bay Road

Policy & Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property has a future land use designation of Single Family Residential, intended to provide traditional single family housing opportunities and encourage more land efficient compact housing forms for families.

3.3.1 Residential Policies

12. Mobile home parks are recognized as an affordable housing form, and any proposed zoning amendment of existing mobile home parks will be considered in accordance with the Manufactured Home Park Redevelopment Policy¹, and in light of surrounding development, Land Use Designation and optimizing infrastructure provision.

The City's OCP provides the guidelines to be considered for Temporary Use Permits². These include that the use must be clearly temporary or seasonal in nature; the use should not create an unacceptable level of negative impact on surrounding permanent uses; and an applicant must submit an outline detailing when and how the use in that location will be ended.

¹ See Attachment 6 – Council's Manufactured Home Park Redevelopment Policy

² OCP Section 4 – Development Implementation Policy 13.

Zoning Bylaw No. 0154

The Zoning Bylaw defines a **Recreational Vehicle** as:

“a vehicle intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motor homes, slide-in campers, chassis-mounted campers and tent trailers. Recreational vehicle also includes personal watercraft, all terrain vehicles, snowmobiles, and boats.”

Section 3.3.5 restricts the occupancy of recreational vehicles on parcels in any Residential Zone to no more than 10 days in 1 period of 30 consecutive days.

The RMP – Manufactured Home Park Zone does not permit Recreational Vehicles as a permitted use. Manufactured Home Park is the only permitted principal use in the RMP Zone, and manufactured home parks only permit either modular or mobile homes, not recreational vehicles. Permitted secondary uses include accessory uses, caretaker unit and minor care facility. *Attachment 4* provides excerpts from the RMP Zone and relevant definitions.

Recreational Vehicles are only a permitted use in the C5 – Campground, Cabin and Motel Commercial Zone and the C6 – Tourist and Resort Commercial Zone through the Tourist Campsite Space use which is defined as:

“a defined area within a campsite that provides accommodation for recreational vehicles and tents.”

Manufactured Home Park Tenancy Act (MHPTA)

Policy Guideline 9 from the Residential Tenancy Branch indicates that even if a landlord is not in compliance with local bylaws, a tenancy agreement is not invalidated³. The *Manufactured Home Park Tenancy Act (MHPTA)* applies to the tenancy between the tenant of the RV at site 15A and the owner of Green Bay Mobile Home Park. This means that the landlord's responsibilities under the *MHPTA* still apply even though they are not in compliance with the Zoning Bylaw. A valid tenancy however in no way invalidates a City's bylaws and regulations, therefore the use of the RV can still be prohibited.

As the use of an RV on this property is not permitted under the Zoning Bylaw, once the Temporary Use Permit (TUP 18-05) expires, the use of the RV would have to cease if ordered by the City. A Landlord's Notice to end a tenancy under Section 40(1)(j) of the *MHPTA* must provide one month's notice.

BC's Provincial State of Emergency

The Province of BC declared a Provincial State of Emergency on March 18, 2020 to support the province wide response to the novel coronavirus (COVID-19) pandemic. The state of emergency has been renewed, for two week periods, multiple times by the Minister of Public Safety and Solicitor General. At the time of writing this report, the State of Emergency is currently in effect until July 7, 2020.

³ BC Residential Tenancy Branch, Tenancy Policy Guidelines <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/calculators-and-resources/policy-guidelines>

At the time of the application, a Ministerial Order⁴ was in effect which prohibited new evictions and rent increases due to the COVID-19 Pandemic. This did not apply to evictions where the rental unit must be vacated to comply with an order of a municipal authority. This order would not apply to a notice to end a tenancy issued prior to March 18, 2020 or for a notice to end a tenancy in order to bring a property into compliance with the Zoning Bylaw.

On June 24th, 2020, as part of BC's Restart Plan, the Province repealed the original order and made the Residential Tenancy (COVID-19) Order No. 2⁵, which now only prohibits evictions due to unpaid rent under the *MHPTA*. Landlords can now issue a Notice to End Tenancy for any reason (other than unpaid or late payment of rent since the State of Emergency was declared).

Technical Review

Bylaw Enforcement Department

There have been no issues or bylaw complaints in regards to the recreational vehicle at Site 15A since TUP 18-05 was approved in 2019. There has been a complaint regarding the potential removal of a mobile home without a demolition permit at site #16B which has been forwarded to the City's Building Department. The mobile home at site #19B appears to have been removed without the required demolition permit.

Development Engineering Department

There is an insulated water connection and a sanitary connection underneath the RV. The field review of the service connections during a site visit did not result in any required upgrades or changes to the existing connections. The condition from TUP 18-05 requiring the sanitary connection to be inspected has been satisfied.



Figure 2 - Sanitary Service Connection

Planning Department

A site visit was conducted on June 5, 2020. The RV has been skirted and the wheels

⁴ Ministerial Order 89 (MO 89/2020) http://www.bclaws.ca/civix/document/id/mo/mo/2020_m089

⁵ Ministerial Order 195 (MO 195/2020) http://www.bclaws.ca/civix/document/id/mo/mo/2020_m195

removed which is currently in contravention of the existing TUP conditions. It was indicated by the applicant that the wheels were removed prior to TUP 18-05 being issued and they were removed in order to install the skirting to assist with heating the RV in the winter months. Site photos are included in *Attachment 3*.

If the Temporary Use Permit is renewed, it is recommended that the condition specifying that the wheels must be present on the RV is amended to instead simply restrict structures (other than skirting) to be attached to the RV. In addition, the condition to require the RV to remain mobile is recommended to be amended to ensure the RV remains roadworthy with appropriate insurance. This will ensure the RV can still be moved fairly quickly by removing the skirting and re-attaching the wheels if needed, and that it will be insured for transport/towing.



Figure 3 - RV Skirted and Wheels Removed

It is recommended to renew the TUP for a period of up to six months after the Provincial State of Emergency is lifted. This would allow at least 1-2 months outside of the winter season for the RV to be relocated no matter when the state of emergency is lifted, understanding that moving in the winter could be challenging.

Advisory Planning Commission (APC)

The City's APC considered the application at their June 17th, 2020 meeting held via Zoom video conferencing. Discussion points included:

- Changing the conditions of the original TUP – i.e. Requiring the wheels to be present;
- Recognized challenges with setbacks & aquatic regulations for future development;
- Desire for a long-term plan for the property instead of temporary uses;
- Concern whether the RV use is truly temporary or more permanent;
- COVID-19 related challenges only arose in the spring; the permit was issued in June, 2019.

The APC passed the following resolution:

THAT the APC recommend not supporting (denying) the file TUP 18-05.01, Temporary Use Permit Renewal, 1375 Green Bay Road as presented.

Public Notification

Two Notice of Application Signs have been installed on the subject property in accordance with the City's Development Applications Procedures Bylaw No. 0260. Staff have received correspondence from three neighbouring residents opposed to the continued use of the RV and feel RV use should be located within a campground as opposed to a mobile home park.



Figure 4 - Notice of Application Signs

Legislative Requirements

Sec. 497(2) of the *Local Government Act* states a person to whom the temporary use permit has been issued may apply to have the permit renewed, subject to the restriction that the temporary use permit may be renewed only once. Sec. 497 of the *Local Government Act* also allows for the modification of conditions at time of renewal. Notification is not a requirement during the renewal of a Temporary Use Permit application. After the expiry of a temporary use permit that has been renewed, an owner or applicant could apply for a new temporary use permit which would require public notification.

DISCUSSION

Recreational Vehicle vs. Mobile Home

How recreational vehicles are being used in practice varies (strictly for recreational/seasonal use or as permanent dwellings, closer to a mobile home) and outside of regulatory definitions, determining exactly what the functional difference is between them and defining them (as a building, as a vehicle, or as both) can be difficult⁶. However, the construction standard for recreational vehicles (CAN/CSA Z240 RV Series), is a different standard than that of a mobile home (CAN/CSA Z240 MH Series). Based on the City's Zoning Bylaw, the fifth wheel trailer on the subject property is considered a recreational vehicle, not a mobile home, as the mobile home definition specifically references the CSA Z240 MH standard (*Attachment 4*).

The intention for an RV to be used as temporary accommodation in the City's Zoning Bylaw definition is in reference to the construction standard of the RV, not the user's

⁶ B. Russell (2006), Understanding the Role of Recreational Vehicles and Park Model Trailers as an Alternative Housing Option and Barriers to their Use, University of Manitoba

intentions or use of the RV. The City's definition of a recreational vehicle is consistent with the Canadian Recreational Vehicle Association's (CRVA) own definition of a recreational vehicle, which specifically includes fifth wheels in their definition and states that recreational vehicles shall not be used as a principal place of residence⁷.

Safety concerns were noted during Council's consideration of the original TUP, however the CSA Z240 standard does address electrical, gas, plumbing and appliance systems in addition to vehicular safety⁸. While evolving construction standards may address safety concerns and living standards, many land use regulations have remained restrictive in regards to the residential or long-term use of RV's outside of campgrounds.

Manufactured Home Park Tenancy Act (MHPTA)

The tenant of the RV is using it as their primary residence and has a valid tenancy with the applicant under the *MHPTA*. There have been numerous court rulings and interpretations under the *MHPTA* which have confirmed that the use of a recreational vehicle as a primary residence is applicable in the Act⁹. However, the City's Zoning Bylaw regulates the use and density of land and the siting, size, and dimensions of buildings and structures allowed in a specific area. A tenancy created under the *MHPTA* on the subject property does not invalidate the land use regulations within the City's Zoning Bylaw as the RMP zone does not permit permanent RV use.

The *Residential Tenancy Act (RTA)* and *MHPTA* both have requirements for how and when notices to end a tenancy must be served depending on the reasons for ending the tenancy. There is also a dispute resolution process under both Acts which may delay or prevent the ending of a tenancy. This could result in a property owner and landlord being in contravention of a land use bylaw while being unable to end a tenancy, or having to wait the required notice period before the property can be brought into compliance with City bylaws.

COVID-19 Challenges

While it was understood by staff the Ministerial Order restricting evictions would still allow for notice to be given to end a tenancy if the Temporary Use Permit were to expire, this may not be sensitive to the current climate. As such, the City previously confirmed that no enforcement of the TUP expiry would occur until at least two months after the state of emergency is lifted. Moving the current renewal application forward to Council, a similar approach has been taken in order to provide a reasonable timeframe that is sensitive to the challenges that can arise with finding housing and moving in addition to potential new challenges due to COVID-19.

Temporary Use Permits for Residential Uses

⁷ Canadian Recreational Vehicle Association, What is a Recreational Vehicle <https://crva.ca/resources/faqs/>

⁸ B. Russell (2006), Understanding the Role of Recreational Vehicles and Park Model Trailers as an Alternative Housing Option and Barriers to their Use, University of Manitoba

⁹ Residential Tenancy Policy Guideline 9. Tenancy Agreements and Licences to Occupy

In general, the issuance of temporary use permits for residential uses is problematic. It is challenging for residential uses to meet the OCP guidelines for TUP's to be clearly temporary or seasonal, as the temporary use is for a permanent dwelling. Once approved, the form of residential use permitted for the temporary period will understandably become a home. Enforcement after the expiry of a TUP for a residential use can be difficult for the City to action, and it is likely that a TUP extension would be applied for.

This also creates challenges for landlords who may be renting residences or manufactured home sites who create tenancies under the *RTA* or *MHPTA* which are not permitted permanent uses under the Zoning Bylaw, such as in the case of the RV on the subject property.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
June 11, 2019	THAT Council approve a temporary use permit (TUP 18-05) to allow a recreational vehicle on manufactured home site #15A at 1375 Green Bay Road for a period of one year subject to the conditions outlies in the attached permit (Attachment 1); and THAT Council deny the request to utilize the additional two manufactured home sites (#16B and #19B) for recreational vehicles.	C227/19

CONCLUSION

It is recommended that Council approve the renewal of the Temporary Use Permit (TUP 18-05) to allow for the continued use of a recreational vehicle, subject to the conditions of the attached permit (TUP 18-05.01). It is recommended that the TUP be extended for a period of up to six months after the Provincial State of Emergency is lifted to ensure that the tenant would have at least 1-2 months outside of the winter season to relocate the RV. Amendments to the conditions of the TUP to permit the wheels to remain removed in order to maintain the skirting is also recommended.

Alternate Motion 1:

THAT Council not renew the Temporary Use Permit (TUP 18-05.01) to allow use of a recreational vehicle at 1375 Green Bay Road.

If Council chooses to not renew the TUP, the use of a recreation vehicle on the subject property would cease to be permitted. Staff would request the applicant provide

confirmation of the date the tenancy would be ended once the appropriate notice has been served.

Alternate Motion 2:

THAT Council renew the Temporary Use Permit (TUP 18-05.01) to allow use of a recreational vehicle at 1375 Green Bay Road (Lot B, DL 434 & 523, ODYD, Plan KAP76165) on manufactured home site #15A for a period of up to one (1) year, subject to the conditions outlined in the attached permit.

Alternate Motion 3:

THAT Council renew the Temporary Use Permit (TUP 18-05.01) to allow use of a recreational vehicle at 1375 Green Bay Road (Lot B, DL 434 & 523, ODYD, Plan KAP76165) on manufactured home site #15A for a period of up to two (2) years, subject to the conditions outlined in the attached permit.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

PowerPoint: Yes ☒ No ☐

Attachments:

Attachment 1 – Draft Permit (TUP 18-05.01)

Attachment 2 – Applicant's Rationale Letter

Attachment 3 – Site Photos

Attachment 4 – Zoning Bylaw Excerpts

Attachment 5 – Council Report TUP 18-05, June 11, 2019

Attachment 6 – Manufactured Home Park Redevelopment Policy



**CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 18-05.01**

TO: Green Bay Landing Inc.
3697 Green Bay Landing
West Kelowna, B.C. V4T 2B7

1. This Permit is issued subject to compliance with all of the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below, and any and all buildings, structures and other developments thereon:

Lot B, DL 434 & 523, ODYD, Plan KAP76165 (1375 Green Bay Road)

3. This Temporary Use Permit (TUP 18-05.01) allows for manufactured home site (pad) #15A located at 1375 Green Bay Road to be used for a recreational vehicle, subject to the following conditions:
 - a. That no additional recreational vehicles or similar camping vehicles be permitted on the parcel;
 - b. That no physical structures (other than skirting) be constructed and attached to the subject recreational vehicle;
 - c. The recreational vehicle shall remain mobile and roadworthy (i.e. with hitch present on the unit and valid insurance through ICBC);
 - d. That the permit be valid for a period not to exceed six (6) calendar months after the Provincial State of Emergency related to COVID-19 is lifted; and
 - e. That the activities associated with the temporary use cease following expiration of the temporary use permit.
4. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
5. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. C###/20 PASSED BY THE MUNICIPAL COUNCIL ON JULY 14, 2020.

EXPIRY DATE: Six (6) calendar months after the Provincial State of Emergency relating to COVID-19 is lifted by the Minister of Public Safety and Solicitor General.

ISSUED ON: _____

Signed on

City Clerk

/hr

H:\DEVELOPMENT SERVICES\PLANNING\4520 Permits - Individual\4520-20 Temporary Use Permits (TUP)\2018\TUP 18-05.01 1375 Green Bay Rd\Permit\DRAFT Permit (TUP 18-05.01).docx

DRAFT

Please find attached 3 photos of 15A -1375 Green Bay Road. You will note that the property is well maintained, tidy and with a contemporary appearance. It is a fairly new RV in tip top condition.

You will find an additional picture of one of the mobile homes in park. It is shabby, poorly maintained and is was built 40-50 years ago. Almost all of the homes in the mobile home park were built in the sixties and early seventies and their appearance reflects their age.

15A stands out in the mobile home park for it high level of maintenance, and tidy appearance. The fellows that live in this home are some of the best tenants in the Park. They are quiet, well mannered and help the neighbours. The have never caused a problem. This cannot be said for many of our tenants. One call to the RCMP will give you some idea of some of the issues that have arisen in the Park.

We do appreciate that the current temporary use permit expires in June of this year and as a consequence the tenants of this home are in a high level of stress. They have been looking around for alternate accommodation with no luck to date. It appears that at this time there is no way this tenant can find alternative accommodation and once the Provincial State of Emergency ends the pent up demand for alternative housing is going to be overwhelming! At this time the Province has made it clear that no evictions will be allowed due to the Covid Pandemic. That ruling seems to preclude moving these tenants at this time. We don't know how long it will take before things return to ' normal'. Once the City has reviewed this unusual situation it would seem reasonable to revisit their decision. I would suggest a 2 year extension would be the sensitive and reasonable choice.

Thanks for your time on this matter,

Ted Wenner





SITE PHOTOS



File No: TUP 18-05.01
Location: 1375 Green Bay Road
Legal: Lot B, DL 434 & 523, ODYD, Plan KAP76165
Owner: Green Bay Landing Inc.
Agent: Green Bay Mobile Home Park
Subject: TUP 18-05.01 – Site Visit June 5, 2020



Figure 1 – Service Connections and Electrical Panel



Figure 2 – Insulated Water Connection



Figure 3 – Water Connection into RV and Sanitary



Figure 4 – View of Sanitary Connection under RV



Figure 5 – RV Skirting



Figure 6 – Wheels Removed



INDUSTRY, HEAVY means the storage, processing or manufacturing of materials or products predominantly from extracted, bulk, or raw materials, or a use engaged in the storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions and includes incidental sales of such products but specifically excludes the storage, processing or handling of hazardous waste.

INDUSTRY, GENERAL means the storage, processing or manufacturing of previously processed or finished materials or products, including the processing, refinishing, fabrication, assembly, packaging, and wholesale distribution and incidental sales of such products. General industry uses do not include slaughterhouses, rendering plants, foundries, electroplating, and chemical plants and other similar uses.

KENNEL, HOBBY means premises on which 3 to 20 dogs are kept or are intended to be kept and licensed as required by the Regional District of Central Okanagan Dog Control Bylaw or any applicable City of West Kelowna Bylaw.

KENNEL, SERVICE means premises on which more than 20 dogs are kept or are intended to be kept and licensed as required by the Regional District of Central Okanagan Dog Control Bylaw or any applicable City of West Kelowna Bylaw.

KITCHEN means facilities for the storage, preparation or cooking of food, and includes fixtures, appliances, counters, cabinets, and plumbing or wiring intended or used for the installation of fixtures, appliances, or equipment for the storage, preparation or cooking of food.

LANE means a highway intended to provide secondary access to parcels.

LIVE-WORK UNIT means a commercial use combined with a dwelling unit whose occupant of the dwelling unit is the primary operator of the commercial use.

MANUFACTURED HOME means a building containing one dwelling, built in a factory environment in 1 or more sections, intended to be occupied in a place other than its manufacture and is constructed to either the CAN/CSA A277 (Modular Home) or CAN/CSA Z240 MH (Mobile Home) standard.

MODULAR HOME means a manufactured home constructed to the CAN/CSA A277 (Modular Home) standard, built in 2 or more sections to be assembled on a permanent foundation.

MOBILE HOME means a manufactured home constructed to the CAN/CSA Z240 MH (Mobile Home) standard, capable of being moved from place to place and installed with skirting concealing the chassis and wheels of the home.

MANUFACTURED HOME PARK means a parcel of land with spaces designated for occupation by 2 or more manufactured homes.

MANUFACTURED HOME SPACE means a portion of land within a manufactured home park intended for the exclusive use of 1 manufactured home or caretaker unit, which is clearly defined on a plan of the manufactured home park in a manner similar to parcel boundaries on a subdivision or strata plan.

MARINA means premises operated commercially or by a government body without fuel storage or dispensing facilities, containing multiple docking or mooring spaces where boats and other water vessels and their accessories are berthed, stored, serviced, repaired, constructed or kept for sale or for rent.

METAL SHIPPING CONTAINER means a container originally constructed for shipping freight or cargo, typically by sea, rail, or truck.

PARCEL COVERAGE means the percent of the surface area of a parcel that is covered by buildings or structures, measured to the outer surface of the exterior walls.

PARKING, NON-SURFACE means parking spaces provided entirely within the principal building or below grade, or a combination thereof. When located below grade, no portion of the parking structure shall extend more than 0.6 m (2.0 ft) above grade.

PARKING, SURFACE means parking spaces provided at grade or within an accessory building or structure, or a combination thereof.

PERSONAL SERVICE ESTABLISHMENT means premises that provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include hair salons, tattoo parlours and laundries.

PRINCIPAL USE, BUILDING OR STRUCTURE means a use, building or structure in the list of permitted uses in the zones of this bylaw which:

- typically occupies the major or central portion of a parcel;
- is the chief or main use, building, or structure on a parcel; and
- is the primary purpose for which the parcel is used.

PROCESSED FARM PRODUCTS means farm products that have been transformed by such means as fermentation, cooking, canning, smoking or drying.

RECREATIONAL VEHICLE, means a vehicle intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motor homes, slide-in campers, chassis-mounted campers and tent trailers. Recreational vehicle also includes personal watercraft, all terrain vehicles, snowmobiles, and boats.

RECREATION SERVICES, INDOOR means facilities within an enclosed building used for sports, active recreation and performing and cultural arts. Typical uses include health and fitness facilities, skating rinks, bowling alleys, swimming pools, dance studios and yoga studios.

RECREATION SERVICES, OUTDOOR means facilities other than campgrounds which are used for sports and active recreation conducted outdoors. Typical uses include ball fields, soccer fields, go-cart tracks, drive-in theatres, batting cages, miniature golf courses and amusement parks.

RECYCLING DEPOT means premises used for the buying, collecting, sorting, and temporary storage of bottles, cans, newspapers and similar household goods for reuse.

RESORT APARTMENT OR RESORT TOWNHOUSE means apartments or townhouses that may be occupied for periods less than 30 consecutive days. This use typically includes as accessory uses restaurants, banquet and meeting facilities, recreation facilities and personal service establishments.

RETAIL, CONVENIENCE means premises that do not exceed 500 m² (5,381.9 ft²) in gross floor area, where goods are sold, and services are provided primarily to residents or workers in the immediate area.

RETAIL, GENERAL means premises where goods are sold and services are provided and in which exterior seasonal sales and storage areas do not exceed 10% of the gross floor area of the business premises. This use excludes wholesale sales and the sale or repair of heavy agricultural, construction and industrial equipment.

RETAIL, SERVICE COMMERCIAL means general retail except that exterior sales and storage areas are not limited and wholesale sales and the sale or repair of heavy agricultural, construction and industrial

equipment is permitted.

RIDING STABLE means premises used to house, train or exercise horses and typically includes space for instruction, boarding stables and a tack shop.

SALVAGE YARD means premises used for the collection, demolition, dismantling, storage, salvage, recycling or sale of waste materials including, but not limited to, scrap metal, vehicles, machinery, and other discarded materials.

SECONDARY USE, BUILDING OR STRUCTURE means 1 or more uses, buildings or structures that are:

- used in conjunction with a principal use, building or structure;
- located on the same parcel as the principal use, building or structure; and
- accessory to the principal use.

SINGLE DETACHED DWELLING means a detached building containing only 1 dwelling.

STORAGE OF BULK FUEL, CHEMICALS AND OTHER PETROLEUM PRODUCTS means premises used for the above or below ground level storage and distribution of bulk fuel products.

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

STREAM means a natural watercourse or source of water supply, whether usually containing water or not, and a lake, river, creek, spring, ravine, swamp and gulch.

STRUCTURE means any construction fixed to, supported by, or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing of land.

TEMPORARY SHELTER AND SUPPORTIVE SERVICES means the provision of temporary accommodation to persons requiring immediate shelter or supportive services provided by a public authority or non-profit agency. Typical uses include hostels and overnight shelters providing services for vulnerable persons.

TIMBER PROCESSING means premises used to cut, saw or plane timber, either to finished lumber, or as an intermediary step and may include facilities for the drying and storage of lumber.

TOURIST CABIN means a building with a maximum gross floor area of 100 m² (1,076.4 ft²) that provides accommodation and may include kitchen and sanitary facilities.

TOURIST CAMPSITE SPACES means a defined area within a campsite that provides accommodation for recreational vehicles and tents.

TOWNHOUSE means a building or group of buildings divided into 3 or more dwellings where each dwelling shares at least 1 common wall with another dwelling and each dwelling has a separate exterior entrance.

TRANSPORTATION STATION means premises used for the pick-up and discharge of fare paying, intercity and intracity bus, train and taxi passengers and may include vehicle bays and shelters and convenience retail stores.

UTILITY SERVICE means premises used for utility infrastructure purposes. Typical uses include sewage lagoons, sanitary landfills, power generation stations and transmission substations.

10.7.MANUFACTURED HOME PARK ZONE (RMP)Bylaw No.
154.36**.1 Purpose**

To accommodate manufactured home parks.

.2 Principal Uses, Buildings and Structures

- (a) Manufactured home park

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Caretaker unit
- (c) Care facility, minor
- (d) Home based business, major

.4 Site Specific Uses, Buildings and Structures

- (a) On Part of Lot 5, Plan 23091, DL 2602, ODYD, except Plan KAP45961: single detached dwellings

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area:	
.1	Manufactured home park	2.0 ha (4.9 ac)
.2	Manufactured home space	380 m ² (4,090.3 ft ²)
(b)	Minimum frontage:	
.1	Manufactured home park	40.0 m (131.2 ft)
.2	Manufactured home space	12.0 m (39.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	Manufactured home park	20 dwelling units/ha
.2	Caretaker unit	1 per manufactured home park
(d)	Maximum parcel coverage	50% of the manufactured home space
(e)	Maximum building height:	
.1	Caretaker unit and modular home	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Mobile home	5.0 m (16.4 ft)
.3	Accessory buildings and structures	4.0 m (13.1 ft)



COUNCIL
Development Services
For the June 11, 2019 Council Meeting

DATE: June 4, 2019 File: TUP 18-05
TO: Jim Zaffino, CAO
FROM: Corey Scott, Planner
RE: Application: Temporary Use Permit (TUP 18-05)
Legal: Lot B, DL 434 & 523, ODYD, Plan KAP76165
Address: 1375 Green Bay Road
Owner: Green Bay Landing Inc.

RECOMMENDED MOTION:

THAT Council approve a temporary use permit (TUP 18-05) to allow a recreational vehicle on manufactured home site #15A at 1375 Green Bay Road for a period of one year subject to the conditions outlined in the attached permit (Attachment 1); and,

THAT Council deny the request to utilize the additional two manufactured home sites (#16B and #19B) for recreational vehicles.

RATIONALE:

The recommended motion is based on the following:

- No significant alterations to what is already existing are required for the proposal;
- The shortened time period to 1-year gives the resident on manufactured home site (pad) #15A time to search for alternative accommodations;
- The use of recreational vehicles (RVs) in residential zones for extended periods of time is prohibited under Zoning Bylaw No. 0154;
- The use of recreational vehicles for long-term residential tenure could result in adverse health and safety impacts, as the BC Building and Plumbing Codes do not apply to RVs, and;
- A submission coordinated by Green Bay Property Owner Association was received that outlines the concerns of 25 neighbouring residents, 22 of which are against the proposal.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Section 493 (2) (b) of the *Local Government Act* to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three years and specify conditions under which the use may be carried out. A TUP may be extended once for up to three years at the discretion of Council.

BACKGROUND:

The proposal is a request for a temporary use permit to allow a use on the subject property that is not a permitted under the property's zoning designation.

Location and Surrounding Uses

The subject property is a 2.53-hectare mobile home park (Green Bay Mobile Home Park) in the South Boucherie neighbourhood. It is zoned (RMP) for manufactured home park use and has a Single Family Residential Official Community Plan Land Use Designation. Surrounding land uses (Attachments 2 & 3) include:

- North, Single Family Residential (R1) parcels;
- West, Green Bay Bible Camp – zoned for Institutional and Assembly (P2) use;
- East, Single Family Residential (R1) parcels and Osprey Park (P1-zoned road end);
- South, Green Bay Bible Camp (P2) and Green Bay Landing, which is zoned (RC4) for Single Family Residential use.

Proposal

The request is the result of a complaint to Bylaw, as it was discovered that one of the manufactured home pads (15A) had a recreational vehicle (RV) parked on it (Figure 1). The RV has been located on the pad for over a year. RVs are not a permitted use within the RMP zone. In addition, the owner is also requesting two other sites (16B and 19B – Figure 2), to be used by recreational vehicles. The additional pads currently have unoccupied mobile homes on them that would be removed should approval be given.



Figure 1 - Site 15A with RV currently sited on pad.

The temporary use permit application is only for the three manufactured home pads in Green Bay Mobile Home Park. The application is meant to address the current non-conformity on site 15A as well as the challenges of mobile home replacement on the two additional pads. No other pads are being proposed for this use and a new application would be required, should the property owner desire to use additional sites for recreational vehicles.

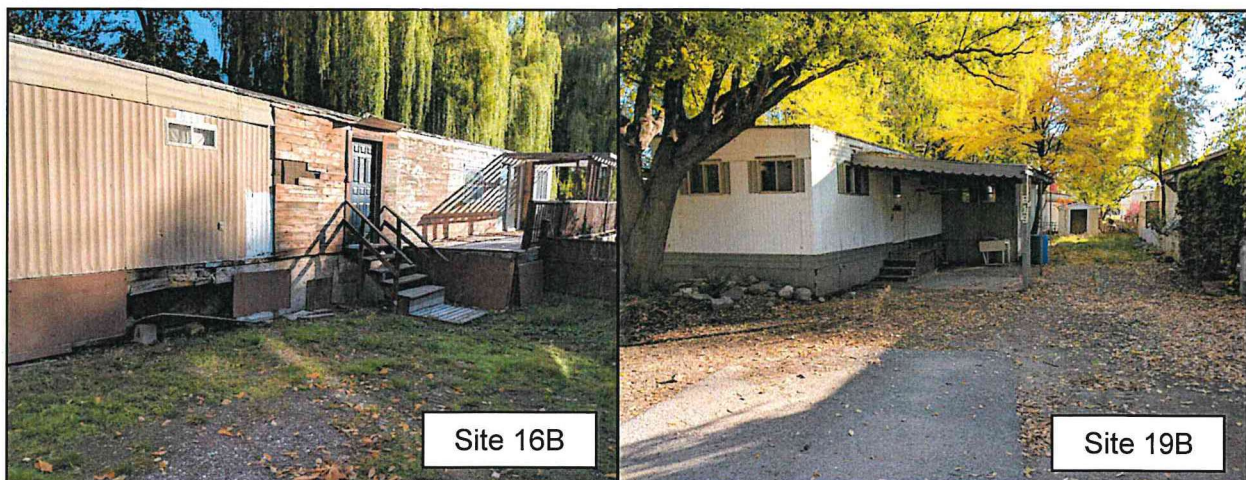


Figure 2 - Sites 16B and 19B with mobile homes currently sited on pads.

Applicant Rationale

The applicant has noted that currently the three pads have major constraints in replacing the existing mobile homes with new ones. Attached (Attachment 4) is the applicant's rationale. To summarize:

1. Given the age of the existing mobile homes, they are non-compliant with current BC Building Code regulations;
2. The existing mobile homes are also non-compliant with the City's floodplain regulations (see Zoning Bylaw section below for more detail);
3. As the existing mobile homes were built only a few feet from the canal, their current siting does not meet Provincial environmental regulations (the Riparian Areas Regulation – RAR);
4. The applicant suggests that utilization of the three pads for RVs provides an opportunity for more housing options, where there is a desperate need for modestly priced housing;
5. Removal of permanent structures reduces the potential for damage associated with flooding on the property, and;
6. The request is a short-term solution to keep the pads generating revenue for the applicant while they begin to address the long-term concerns associated with the Park's non-conformities and aging infrastructure.

POLICY, LEGISLATION AND BYLAW REVIEW:

Official Community Plan (OCP) Bylaw No. 0100

The subject property has a Residential Official Community Plan Land Use Designation. One of the primary objectives of Residential land uses is to ensure that housing development is appropriate and sensitive to the surrounding uses and form and character of an area. Allowing RVs on the mobile home pads would not be considered sensitive to surrounding uses, as their use is more aligned with a "Tourist Commercial" activity. The applicant has noted that the RVs would be used by the same long-term renters of the pads and would not be utilized for tourist-related activity.

Screening, either through landscaping or other means, could be used as a way to manage the inconsistent form and character of the proposed RV use. Any screening would need to meet the Aquatic Development Permit Area (DPA) Guidelines, as the subject property falls within the Aquatic DPA (DPA5).

From a policy perspective, considering recreational vehicles as long-term housing poses a number of challenges. RVs cannot be considered a form of housing suitable for long-term tenure for the reasons outlined in the Zoning Bylaw and Technical Review sections below.

Zoning Bylaw No. 0154

Floodplain Regulations

Green Bay Mobile Home Park is constrained in its ability to meet the floodplain regulations within the Zoning Bylaw.

Section 3.24 of the Bylaw requires that the:

Top of any pad supporting any space or room that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above 343.66m Geodetic Survey of Canada datum for a parcel abutting Okanagan Lake (S.3.24.1(a)).

As the canal is effectively a reach of the Lake, it is given the same consideration with respect to this (343.66m) flood construction level. The three pads under application are below this

minimum required elevation. As such, the pads would need to be raised in order for new mobiles to be sited on them; however, under S.3.24.3 of the Zoning Bylaw:

Any landfill placed to elevate a floor system or pad to achieve the levels specified in Section 3.24.1 shall be sited at least 15.0m from the natural boundary of Okanagan Lake.

Since the canal bisects the property, achieving this required 15.0m setback as well as the 4.0m front parcel boundary setback only leaves about 3.0 to 5.0m of buildable width on many of the sites in the Mobile Home Park. Figure 3 (below) demonstrates the required setbacks on Pad 15A and the approximate buildable area that remains.

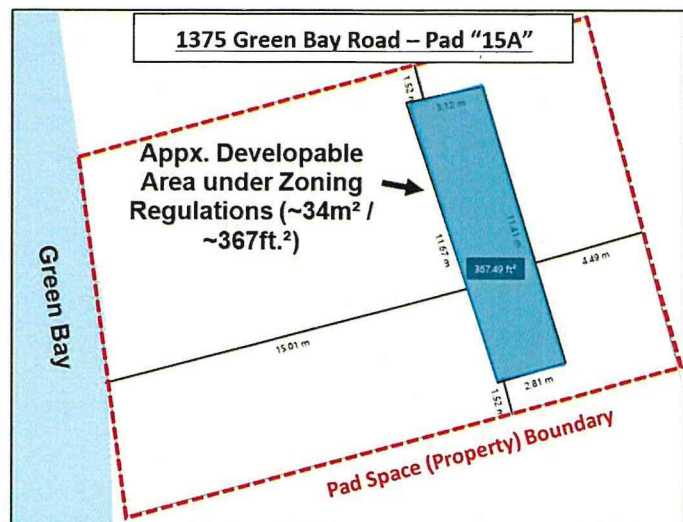


Figure 3 - Developable Area of Pad 15A under Zoning Bylaw No. 0154 Regulations (RMP siting and Floodplain Setback) *Note: This image is for illustrative purposes. Measurements are approximations and may be subject to error.

Given the siting constraints, the applicant would require the approval of a floodplain exemption to reduce the required floodplain setback to locate new mobiles on the pads. Such an exemption would require a separate application and a report from a professional engineer stating that the site may be used safely for the intended use, which would require an engineered solution to elevating the pads above the 343.66m flood construction level.

It would also require Development Permit approval and a report from a Qualified Environmental Professional. The engineered solution would have to complement the recommendations of the environmental report to ensure that the resulting design is environmentally sensitive. The applicant has noted that this approval process is too great to consider on a pad by pad basis. Such a proposal would need to meet both the Province's Flood Hazard Land Use Management Guidelines and the City's Aquatic Development Permit Area Guidelines in order to be considered supportable.

Another potential direction could be to explore opportunities to raise the existing pads outside of the 15.0m setback area and locate new mobiles on the remaining sections of the pad spaces. This replacement scenario would likely require a significant variance to the front parcel setback and a custom-designed unit that meets the required manufactured home specification.

Recreational Vehicle Use

The Zoning Bylaw defines an RV as a vehicle intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motor homes, slide-in campers, chassis-mounted campers and tent trailers. RVs are not considered to be a suitable form of housing for long-term residential tenure, as they are meant for temporary accommodation. Additionally, the Zoning Bylaw prohibits the use of recreational vehicles in residential zones for more than ten days in any one period of thirty consecutive days. As such, the request is to temporarily permit recreational vehicles, which is contrary to the provisions of the Zoning Bylaw.

TECHNICAL REVIEW:

As recreational vehicles are not buildings or structures they are not subject to BC Building and Plumbing Code requirements. This could pose problems with the long-term use of RVs as they

are not specifically designed for long-term year-round tenure. As such, there could be potential air quality and servicing limitations.

Sanitary Waste Disposal

The RV situated on pad 15A has a direct connection into the municipal sanitary sewer system. This appears to be an illegal connection that was made without approval from the City. It has been noted that these connections are not suitable for RVs, as their plumbing fixtures are not designed to connect to a municipal sanitary sewer system. Additionally, as the BC Plumbing Code does not apply to RVs, there are no regulatory measures in place to ensure the connections are made correctly.

Should the applicant's request receive Council approval, approval from the General Manager of Engineering would be required to keep the existing connection and allow for two additional connections to the municipal sanitary sewer system.

Advisory Planning Committee

On May 15, 2019 the APC considered the temporary use permit application. Highlights of the discussion were focused on:

- trying to accomplish the highest and best use of the property under its current land use designation;
- recognizing that the subject property is challenging given the regulations that apply, and;
- the permitting process that would be required to achieve replacement of mobile homes could take more than the typical 2-3 months given the requirement of a Floodplain Exemption and Aquatic Development Permit and the reporting requirements associated with each.

The APC provided the following resolution:

THAT the APC recommend support of TUP 18-05, 1375 Green Bay Mobile Home Park with the following conditions:

- Restrict the TUP to pad 15A only;
- Limit the TUP time period to two years;
- Require a connection to the City sewer system as approved by the General Manager of Engineering.

DISCUSSION:

As part of the proposal, the applicant is requesting:

1. The pads to be used by RVs for year-round, full-time residential tenure;
2. The RVs to be directly connected to the municipal sanitary sewer system, and;
3. The temporary use permit to be issued for a period of three years.

Given the policy direction in the Official Community Plan, recreational vehicles cannot be considered to be suitable long-term housing accommodations. They pose a number of concerns with respect to health and safety, as the BC Building and Plumbing Codes are not applicable to them. However, it is recognized that the existing resident (15A) would need to find alternative accommodations should the applicant's request not receive Council approval. As such, approval of the temporary use for a reduced period of one year is recommended, subject to the following conditions:

- only pad 15A, with the existing RV on it, shall remain;
- no additional structures can be constructed on the recreational vehicle;
- it must remain mobile, with wheels and hitch remaining and must not be skirted-in;

- the existing sanitary service connection must receive approval from the General Manager of Engineering, and;
- the temporary use must cease after the one year covered under the permit.

Additionally, Council has the authority to require the use to be seasonal. Should Council wish to permit the use on a seasonal basis, use between the months of March to October would be recommended.

PUBLIC NOTIFICATION:

In accordance with the *Local Government Act*, 141 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (Attachment 6), an advertisement was placed in the June 5, 2019 edition of Westside Weekly, and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, one submission from the Green Bay Property Association, which included 25 formal responses from surrounding property owners has been received (Attachment 7).

In addition, the City has received a request from the applicant, the mobile home park manager, and the resident of 15A to appear as a delegation to Council to speak to the nature of the application as well as some of the nuances associated with the property (Attachment 8). As per Council's Policy:

3. Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a temporary use permit... Council may support such an opportunity regardless of whether the staff recommendation is to support or not support the application. Council may limit the time permitted.

ALTERNATE MOTIONS:

1. Denial of the Application

THAT Council deny a temporary use permit (TUP 18-05) to allow recreational vehicles on manufactured home sites #15A, #16B, and #19B at 1375 Green Bay Road.

Should Council deny the requested temporary use permit, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal six months after initial Council consideration.

2. Approval as requested by the applicant

THAT Council approve a temporary use permit (TUP 18-05) to allow recreational vehicles on manufactured home sites #15A, #16B, and #19B at 1375 Green Bay Road for a period of three years subject to the conditions outlined in the permit.

Should Council approve the requested temporary use permit, direct connections to the municipal sanitary sewer system will require approval from the General Manager of Engineering.

3. Approval of Manufactured Home Site #15A for a 3-month period

THAT Council Council approve a temporary use permit (TUP 18-05) to allow a recreational vehicle on manufactured home site #15A at 1375 Green Bay Road for a period of 3 months subject to the terms outlined in the permit.


4. Conditional approval of all three pads that is relatively consistent with the provisions of the Zoning Bylaw and the BC Building and Plumbing Codes

THAT Council approve a temporary use permit (TUP 18-05) to allow a recreational vehicle on manufactured home site #15A at 1375 Green Bay Road for a period of 3 years subject to the conditions outlined in the permit.

Respectfully Submitted,



Corey Scott
Planner




Brent Magnan
Planning Manager



Nancy Henderson
General Manager of Development Services

for

Approved for Agenda	
 Jim Zaffino, CAO	<u>June 6/19</u> Date

Powerpoint: Yes ☒ No ☐

Attachments:

- 1) Draft TUP 18-05
- 2) Subject Property Map
- 3) Context Map
- 4) Applicant Rationale
- 5) Site Map
- 6) Public Notification Area Map
- 7) Public Correspondence
- 8) Delegation Request and Delegation Request Policy



**CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 18-05**

TO: Green Bay Landing Inc.
3697 Green Bay Landing
West Kelowna, B.C. V4T 2B7

1. This Permit is issued subject to compliance with all of the Bylaws of the District of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below, and any and all buildings, structures and other developments thereon:

Lot B, DL 434 & 523, ODYD, Plan KAP76165 (1375 Green Bay Road)

3. This Temporary Use Permit (TUP 18-05) allows for manufactured home site (pad) #15A located at 1375 Green Bay Road to be used for recreational vehicles for a period of one year, subject to the following conditions:
 - a. That no additional recreational vehicles or similar camping vehicles be permitted on the parcel;
 - b. That no physical structures be constructed and attached to the subject recreational vehicles;
 - c. The recreational vehicle shall remain mobile (i.e. with wheels and hitch present on the unit);
 - d. Connection to the municipal sanitary sewer system must receive approval from the General Manager of Engineering;
 - e. That the activities associated with the temporary use cease following expiration of the temporary use permit.
4. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
5. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. CXXX/XX PASSED BY THE MUNICIPAL COUNCIL ON
JUNE 11, 2019.

EXPIRY DATE:

ISSUED ON:

Signed on

City Clerk

/cs

H:\DEVELOPMENT SERVICES\PLANNING\4520 Permits - Individual\4520-20 Temporary Use Permits (TUP)\2018\TUP 18-05 1375 Green Bay Rd\Permit\TUP 18-05.docx



SUBJECT PROPERTY: TUP 18-05



File: TUP 18-05

Legal Description: Lot B, DL 434 & 523, ODYD, Plan KAP76165

LEGEND

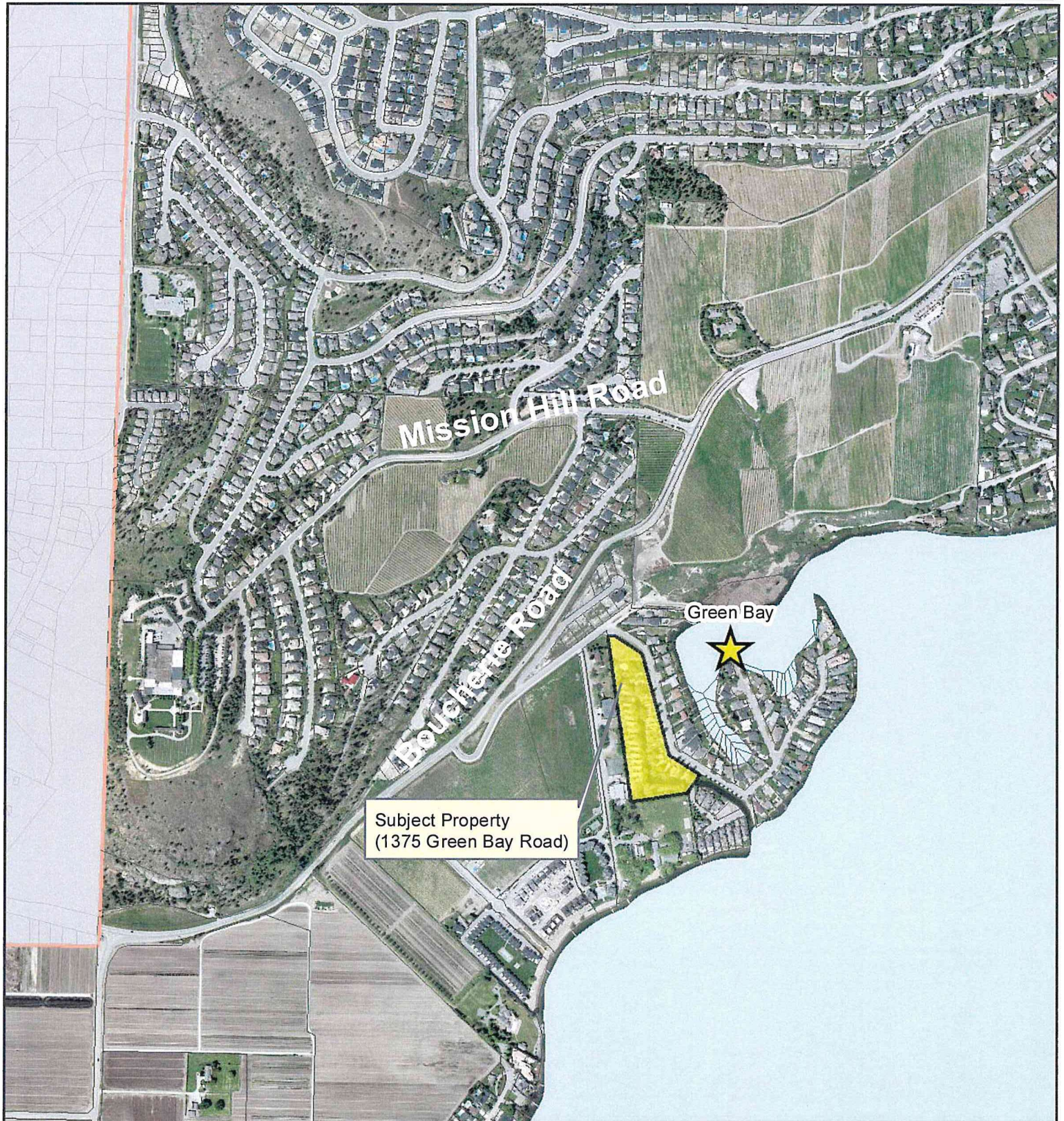
- Subject Property
- Zoning Boundary
- Parcels

0 35 70 140 Metres





CONTEXT MAP: TUP 18-05



Subject Property
(1375 Green Bay Road)

File: TUP 18-05

Legal Description: Lot B, DL 434 & 523, ODYD, Plan KAP76165



Subject Property



City Boundary

150 300 600
Metres



Revised Applicant Rationale – Received via e-mail correspondence on March 24, 2019.

Rationale for a Temporary Permit for 15A, 16B, and 19B - 1375 Green Bay Road, West Kelowna (Green Bay Mobile Home Park)

1. The Green Bay Home Park is in a park like environment with a canal bisecting the property. This is a lovely, but low lying area, that is prone to flooding in the spring time. The City/ Province of BC have determined that all new construction in this area shall be raised up to a level of 343 meters above sea level. In addition, they must be located 15 meters back from the canal.
2. The mobile home park was built in the early sixties, and most of the homes abut the canal, and are only set back a few feet from the canal front.
3. The City/Province has decreed that although the current mobile homes do not meet the current requirements they are 'grandfathered in' and can stay in their current location. This applies to both elevation and setbacks.
4. If any pad is vacated then no new mobile home may be placed on the pad unless it is located 15 meters from the water and is raised up to a level of 343 meters above sea level. In most cases that cannot be achieved.
5. We currently have a lovely RV located on pad 15A. It is of newer construction and has been on site for over a year. According to the City inspectors it cannot remain on this site as it does not meet the manufacturing standards required of mobile homes. This is a bit odd in that **NONE** of our mobile homes meet that standard. Most of our homes are 40-50 years old and are far from meeting current standards.
6. In addition, we have mobile homes located at 16B and 19B that are totally decrepit and completely unlivable. They are currently boarded up and unoccupied.
7. We would like to remove 16B and 19B and have them replaced with new mobile homes, however, they cannot meet the standards outlined above in point 1.
8. Our request is that you allow us a temporary permit to allow RV's to occupy 15A, 16B and 19B. They can easily be removed in case of flooding and will meet a desperate need for modestly priced housing in our community.
9. To date enormous sums of money have been spent to protect the mobile home park from flooding. It is almost certain that flooding will continue over time at which point the government (Municipal and Provincial) will spend additional large sums to compensate for the loss or damage to the existing mobile homes. For every RV on site no compensation will be required as they will have been readily towed away.

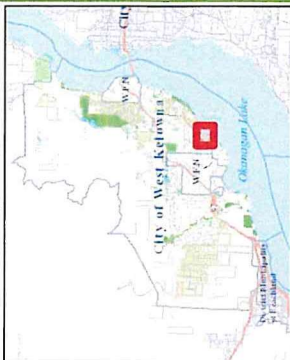
I wish to emphasize the we are only applying for a TEMPORARY REZONING. This is a short term solution. In the long term this property will not be able to withstand continuous flooding. The earthen walls of the canal will not stand up. The water and sewer pipes will not withstand the movement of the flooded soil, and the erosion of soil will impact the stability of the old mobile homes. Nature is trying to reclaim this land!

I don't know how long this mobile home park can continue it's tenure but in the interim I want to keep it functioning. Placing RV's on the 3 sites noted above will help maintain the Park and make it presentable within the Green Bay neighbourhood.

I want to make it very clear that we are not trying to replace a mobile home park with a short term RV Park. If you allow us to place RV's on these three pads i can assure you that NO short term rentals will be allowed. Many of our current tenants live only part time in the mobile home park as they work in a variety of far flung locations. I foresee future RV tenants will keep their RV's in the park on a full time basis but only occupy them part time.



TUP 18-05 GIS Mail Notice

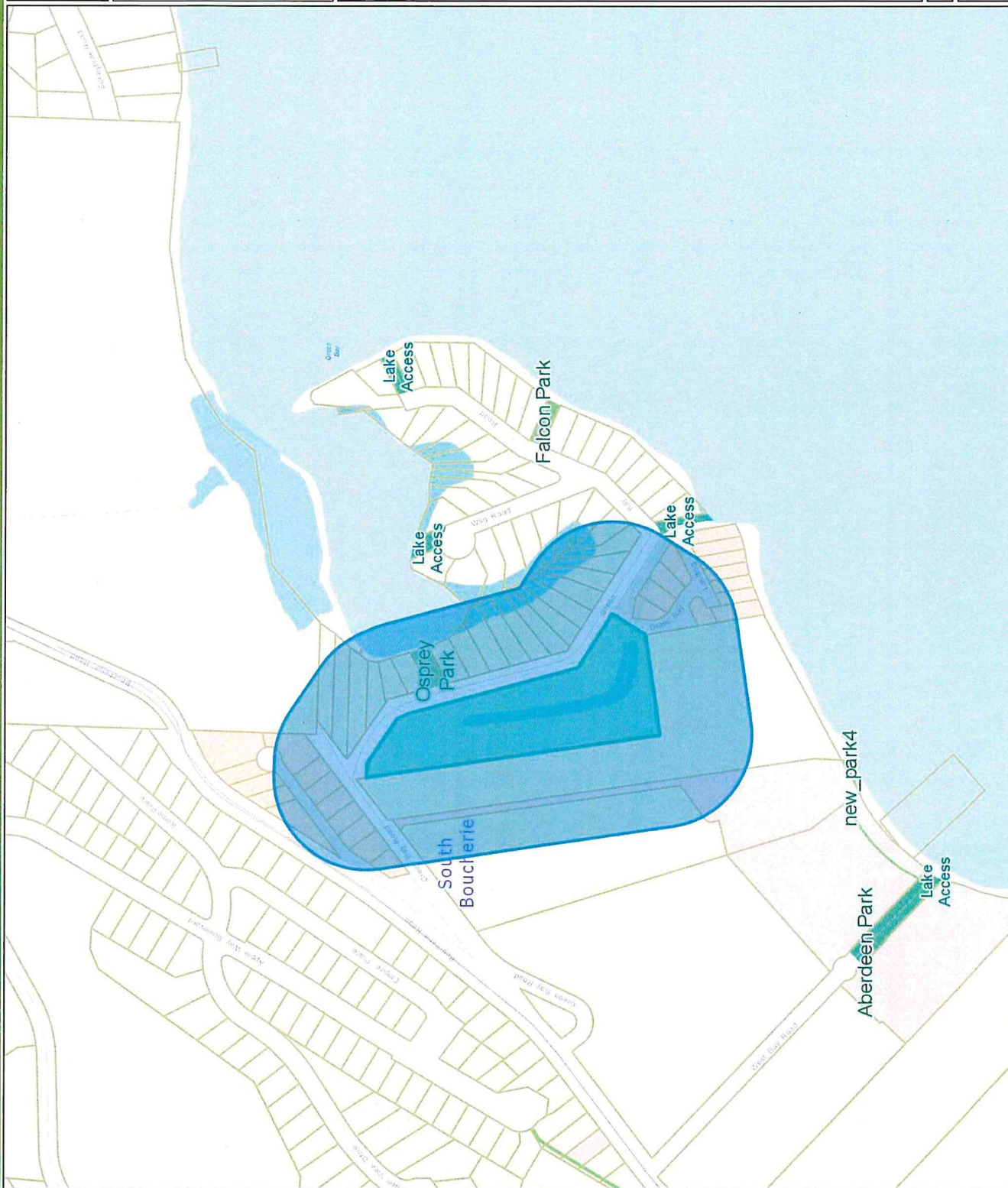


Legend
Landmarks
 Cemetery
 City Hall
 Community Centre
 Dam
 Fire Hall
 Museum
 Bathhouse
 WK Admin Boundary
 Regional Admin Boundary
 Highway
 River / Stream
 Intermittent Stream
 Parcels
 Ownership
 Land Stata
 Building Strata
 Common Property
 Crown Land

Waterbody
 Lake Access
 Regional Park
 Municipal Park
 Westbank First Nation
 Lease
 Park
 Road Right-Of-Way
 Walkway
 Common Access

Scale 1 : 6,000

Notes



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



0 152 305 Meters

Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna (2015)

Map Produced on: 5/23/2019 3:13:37 PM

Rejection of Proposal File # TUP 18 – 05

Location 1375 Green Bay Road

Legal Description Lot B DLS 434 and 523 ODYD Plan KAP76165



May 31, 2019

Green Bay Property Owners Association

1359 Green Bay Road

Attention: City Clerk

Green Bay Property Owners Association regrets that we are unable to accept or in agreement with the proposal file number TUP 18 – 05 a temporary use permit to permit recreational vehicles on site 15a, 16b and 19b.

Green Bay Property Owners Association members understand the difficulty for redevelopment for old infrastructure to new infrastructure specifications and standards which does affect all homeowners or land developers wanting to redevelop by Okanagan Lake.

Green Bay Property Owners Association members have noted in an article from 2003 newspaper that we are for the new development with Green Bay Landing and the idea for the future development of the Mobile Park. The members of Green Bay area are not for recreational vehicle as the answer for the new development. We are in agreement with applicant that much needed improvements are needed for this mobile park along with the beautification for the area but again not in agreement with this proposal of recreational vehicles given a temporary permit.

Please accept this letter with the addition of the correspondence emails from our members.

Best Regards GBPOA



DEVELOPMENT PROPOSAL

File No.: TUP 18-05

Applicant: Green Bay Landing Inc.

Summary:

Temporary Use Permit to permit recreational vehicles on site #15A, 16B & 19B.



For more information...

This application will be scheduled for Council consideration.
Please contact the undersigned for additional details.

Developer Contact

Agent: Ted Wenner
250-215-3877
greenbaymhpark@hotmail.com

City Contact

Planner: Corey Scott

778-797-8830

Corey.Scott@westkelownacity.ca

www.westkelownacity.ca

2760 Cameron Road, West Kelowna, BC

From: Melvin Jordison
Sent: November 21, 2018 9:33 AM
To: Beatrice Kline
Subject: Re: Development Proposal

Re: 1305 Green Bay road, West Kelowna.

Geraldine and I don't want the mobile park turned back to a campground again which we think it would become if this proposal was passed So we are definitely against the proposal as it stands. Thanks Mel & Geraldine Jordison.

Sent from my iPad

> On Nov 21, 2018, at 9:54 AM, Beatrice Kline [REDACTED] wrote:

>

> They are wanting to put temporary 3-6 years of letting recreational vehicles on the 3 empty lots instead of park models. Concerns this would be opening more recreational vehicle in the area for year round living. Neighbours would like it stopped would rather see future development that does not include recreational vehicles for affordable living which is the theme the city and developer are going to present it to the city.

> So I need to know who is for it and who is against it .

> Thanks

> Bea

>

> Sent from my iPad

>

>> On Nov 21, 2018, at 8:21 AM, Melvin Jordison [REDACTED] wrote:

>>

>> We received the e- mail from Len and Diane. The picture attached is too blurry to tell us where the lots are and what kind of recreational vehicle their taking about and how long these recreational vehicles would be on site. Do you have anymore information?

>>

>> Sent from my iPad

Bea Kline

From: JILLIAN HENDERSON [REDACTED]
Sent: November 21, 2018 11:10 AM
To: Bea Kline; Beatrice Kline
Cc: steve
Subject: Fwd: Development Proposal
Attachments: image1.jpeg

Hi Bea,

Steve and I are both ok with this proposal.

Thanks, Jill
[REDACTED]

From: "Len and Diane" [REDACTED]
Sent: Wednesday, November 21, 2018 6:21:27 AM
Subject: Fwd: Development Proposal

Subject: Development Proposal

Hello Green Bay Owners,

Your Homeowners Association has received many concerns from some neighbours that they do not want any recreational vehicles on any of the sites by the Proposal posted at the mobile home park.

They are not against future development just no recreational vehicles. On November 15 the G.B.P.O.A had a meeting with this topic on the agenda. The directors felt it was important to vote on and to write a letter on behalf of the neighbourhood of our concerns. It was passed and we will be writing a letter.

What your Association needs from you, the homeowners, is an email sent to Bea about your concerns and if you are for the City proposal or against the City proposal. If you have sent an email already to Corey Scott please forward it to Bea. Please include your name and address as confirmation that you live in Green Bay. We need to get everyone's email to be effective.

email to [REDACTED]

Best Regards
G.B.P.O.A

Bea Kline

From: [REDACTED]
Sent: November 21, 2018 9:23 AM
To: [REDACTED]
Subject: No to recreational vehicles

Wayne and Ronne Heal are strongly opposed to the development proposal (file no. : TUP 18-05 APPLICANT: Green Bay Landing Inc.) for recreational vehicles being used as part time or full time residences on any of the sites at the mobile home park indicated on the development proposal sign.

Wayne and Ronne Heal
3581 Wiig Road
West Kelowna, BC
V4T 2B7
[REDACTED]

Sent from my iPad

From: Bea Kline
Sent: November 21, 2018 9:16 AM
To: Bea
Subject: Fwd: Development Proposal

Sent from my iPad

Begin forwarded message:

From: Denis Kruse <[REDACTED]>
Date: November 21, 2018 at 6:57:37 AM PST
To: " " <[REDACTED]>
Subject: Development Proposal

Good morning Bea,

Betty and I are both against the City of West Kelowna proposal #TUP 18-05. We are not opposed to development of the property but are opposed the type of development currently proposed.

*denis & betty kruse
1337 Greenbay Road
West Kelowna, BC
V4T 2B6*

[REDACTED]

Bea Kline

From: Joan Rowein [REDACTED]
Sent: November 22, 2018 4:46 AM
To: [REDACTED]
Subject: RV Proposal

Sent from [Mail](#) for Windows 10

We are against the proposal for RV parking in the mobile park of Green Bay for reasons that you are already aware. I have talked to Corey by phone & stipulated our concerns. Thank you for the community letter on all of our behalf.

Tim & Joan Rowein
1358 Green Bay Road
[REDACTED]

Bea Kline

From: R FITZPATRICK [REDACTED]
Sent: November 21, 2018 5:44 PM
To: [REDACTED]
Subject: Recreational Property Proposal - Green Bay

Good Evening Bea

As per the e-mail we received in relation to the proposal which would allow recreational vehicles/trailers to occupy site at the Green Bay Mobile Park we are not in favor of this proposal.

Roy and Elaine Fitzpatrick
1347 Green Bay Road
West Kelowna

Thank you;

Roy

Bea Kline

From: Len and Diane [REDACTED]
Sent: November 21, 2018 4:42 PM
To: [REDACTED]
Subject: Fwd: Development Proposal

Begin forwarded message:

From: Rob Anderson [REDACTED]
Date: November 21, 2018 at 9:32:59 AM EST
To: Beatrice Kline [REDACTED], Len and Diane [REDACTED]
Subject: Re: Development Proposal

Hi,

I live at 1310 Green Bay Rd, and I agree with the Green Bay Home Owner's Association.

Where as I am not against development, I am **absolutely against** the current mobile home park on my street being allowed recreational vehicles. I moved down here to live on the water amongst a neighbourhood of nice houses and pay fairly high taxes to the municipality in order to do so. I did not move down here to live in a recreational vehicle park. Allowing a development of recreational vehicles would be a catastrophe for the neighbourhood.

Thank you for hearing my concerns.

Rob Anderson.

On Wed, Nov 21, 2018 at 6:14 AM Len and Diane [REDACTED] wrote:

Subject: Development Proposal

Hello Green Bay Owners,

Your Homeowners Association has received many concerns from some neighbours that they do not want any recreational vehicles on any of the sites by the Proposal posted at the mobile home park.

They are not against future development just no recreational vehicles. On November 15 the G.B.P.O.A had a meeting with this topic on the agenda. The directors felt it was important to vote on and to write a letter on behalf of the neighbourhood of our concerns. It was passed and we will be writing a letter.

What your Association needs from you, the homeowners, is an email sent to Bea about your concerns and if you are for the City proposal or against the City proposal. If you have sent an email already to Corey Scott please forward it to Bea. Please include your name and address as confirmation that you live in Green Bay. We need to everyone's email to be effective.

email to: [REDACTED]

From: Robert & Maureen

Sent: November 21, 2018 4:48 PM

To: [REDACTED]

Subject: recreational vehicles prop0sal

My wife and I we are not against future development just no recreational vehicles m y name is Robert ,
stewart and Maureen stewart we have lived in green bay since we bought our lot in 1973 and built our
home in 1976 this is for file no tup 1905 green bay landing inc

Robert and Maureen stewart
[REDACTED]

Bea Kline

From: Kelly Gillam <[REDACTED]>
Sent: November 21, 2018 2:52 PM
To: Bea Kline
Subject: Recreational Vehicles - GreenBay Area/s

Hello Bea,

I am writing to convey our concerns on the rumours floating about that they are discussing the allowance of parking and potentially occupying recreational type vehicles along Greenbay Road and in and about the Greenbay area/s. We strongly rebut this, and want no part of it whatsoever. Our home was purchased in what was believed to be a respectable area for just shy of \$2M, and we certainly were not purchasing in this area to live in a god awful trailer park, or heaven forbid, an RV park???

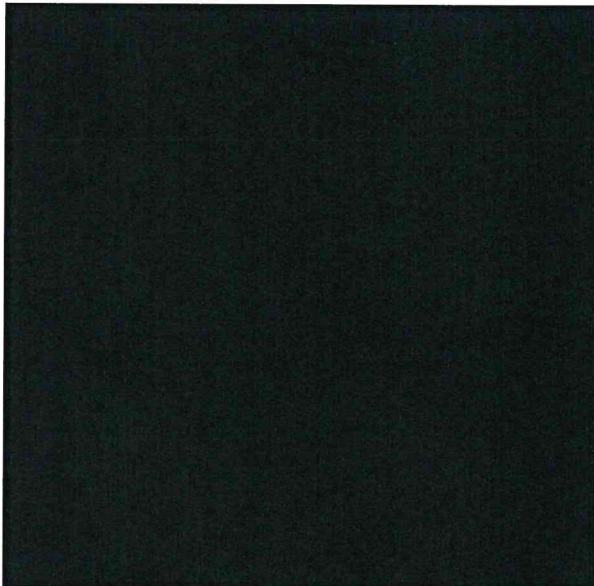
Who comes up with these absurd ideas anyways?? Certainly not anyone that has any significant investment in the area, nor respect for the community in which we all live and take pride in!

Please let us know if there is anything we can do to further support the fight against this atrocity.

Thank you in advance

Regards,

Kelly Gillam
President



From: Hans Hoogendam
Sent: November 23, 2018 11:14 AM
To: Kline Bea & Rick
Subject: Development Proposal

Bea

I know we are not currently in Green Bay but I want it to be put on notice that we are 100% against allowing recreational vehicles in Green Bay area. Allowing this will result in Green Bay having a campground atmosphere. This is a residential area! Allowing recreational vehicles will likely attract transient people. This is not in the best interest of Green Bay.

If you need anything else to make sure this does not happen please let us know

Hans and Shirley Hoogendam
1353 Green Bay Road

From: Diane Rinn
Sent: November 23, 2018 5:21 PM
To: BEA KLINE
Subject: Green Bay Development Proposal

MY name is Diane Rinn I live at 1422 green bay Road
West Kelowna V4t 2B8

I am against the Development Proposal for Recreational Vehicles
Applicant ; Green Bay Landing Inc
File number TUP 18 05.

Diane Rinn

Bea Kline

From: Murray and Debby Savard [REDACTED]
Sent: November 24, 2018 3:40 PM
To: [REDACTED]
Subject: GreenBay

We, Dr. Murray and Debby Savard, home owners in GreenBay, are very concerned with the City's consideration to allow RV parking in the Mobile home park across from us, on Greenbay Rd.

We have a small, friendly, very desirable, neighbourhood here in GreenBay. Every one of us residents works extremely hard to protect the natural beauty, safety,.....environment and wildlife of our Bay, the neighbourhood, and our community.

It can get very congested in the summer with many users, tourists, renters, boaters, and such, as it is, but we all welcome the intrusion. We are proud to share.

We have not had any support from our Council to date, but have managed to maintain our wonderful "Landmark". Pictures of GreenBay can be found all over the world.

It would devastate our efforts as a united community to add any kind of transient population.

We have lived harmoniously beside Green Bay Bible camp for many, many years.

We support each other's respect for the whole area, and have a very strong working relationship.

We strongly believe that allowing seasonal, temporary transients, with no invested interest in the neighbourhood would seriously jeopardize all of our efforts, investment, and harmony.

All for financial gain ?

Sincerely, Dr. Murray & Debby Savard
[REDACTED]

Bea Kline

From: Gary Gylytiuk [REDACTED]
Sent: December 6, 2018 6:22 AM
To: 'Dale Dubinsky'
Cc: 'Bea Kline'
Subject: RE: Green Bay - Response from Dale Dubinsky

Thanks Dale

Bea Can you print an include this with the others Thanks

-----Original Message-----

From: Dale Dubinsky [REDACTED]
Sent: December 5, 2018 1:10 PM
To: [REDACTED]
Subject: Green Bay

To whom it may concern.

I am writing to you in regards to the new proposal of development permits. (Ted Werner) I am strongly apposed of the application that has been advertised (seasonal rentals.) This is a Residential area that I invested in a house and home under the existing zoning restrictions.

I feel that that what Ted is proposing is acceptable and should not be granted the permits.

Some of my concerns are

- 1) parking
- 2) condition of RV unit
- 3) extra traffic moving in the confined area as Green Bay is a crescent .
One way in one way out.

3) Green Bay residents take pride in keeping the Neighbourhood safe and environmentally friendly .

With seasonal people

moving in and out threw out the year I believe that could be jeopardized.

4) also I am really concerned about the way the existing trailer park is being run to date .

There does not seem to be any type of standard to be upheld in the age or condition of existing trailers.

5) I feel that this type of application if granted will not improve the area only make it worse.

Thank you

Dale Dubinsky
1334 Green Bay rd.
West kelowna

Sent from my iPhone

November 4, 2018

To whom it may concern

We are residents of 3616 Wiig Rd in the Green Bay Area.

This is in Regards to a Developments Proposal for a Trailer Park on Green Bay Landing.
File No.: TUP 18-05

Summary:

Temporary Use Permit to permit recreational vehicles on
Site #15A, 16B, 19B

We do NOT approve of this Proposal.

This will bring in a constant change of unknown people and RV's staying for short stints much like a campground. We bought in Green Bay knowing that it has a long standing of residential neighbours. We know each of our neighbours and work together in keeping it safe along with helping keep this unique bay beautiful for all to enjoy. Most of the residents have million dollar houses which have paid this if not more only to see it turn into a campground type area. We feel this is going to decrease our property value, bring in more crime only to need more funding for this area which has been difficult already.

The City of West Kelowna should rethink this Proposal as we feel it will cause more damage and concerns for all of us.

[Redacted signature]

Eric Norman

[Redacted signature]

Mary Stone

3616 Wiig Rd
West Kelowna, B.C

Bea Kline

From: ROBERTA AGENT [REDACTED]
Sent: December 7, 2018 12:51 PM
To: [REDACTED]
Subject: RV Site proposal for Green Bay

To The City of West Kelowna We are against any development of RV sites in the Green Bay Area. My option as a realtor and property owner believe this would adversely effect our property values as well as make it a campgrounds for parties. We are not against redevelopment of the site but NOT RV sites!!

Thank you for your email

Mitch and Roberta Gullacher,

Licensed in BC



From: [REDACTED]
Sent: December 10, 2018 8:12 PM
To: Beatrice Kline
Subject: Issues

Re: The RV's in the mobile home park, it's a no from Peter Bang.

Re: The Drainage, Yes of course we would like this, but as we live in the world of changing weather issues especially the last 2 years, I can understand that financially this could be a project that may have to be revisited at a future date, not forgotten.

Peter Bang



[FREE Animations for your email](#)

[Click Here!](#)

From: Lisa Plocktis
Sent: December 10, 2018 9:43 PM
To: [REDACTED]
Subject: Development Proposal

Dear Bea:

We do not approve of the Development Proposal for Recreational Vehicles for Green Bay Mobile Park.

The temporary nature of recreational vehicles will change the culture of the otherwise permanent residential dwellings in our neighbourhood. We are concerned that the recreational vehicle owners may not properly dispose of their waste, may start short term rentals leading to increased traffic of large recreational vehicles, and may not care for their properties as permanent home owners would to maintain the value of their property.

Thanks,
Lisa Plocktis

[REDACTED]
3630 Wiig Rd
West Kelowna
V4T2B7

Bea Kline

From: Beatrice Kline [REDACTED]
Sent: December 11, 2018 7:47 PM
To: Bea Kline
Subject: FW: Green Bay - Development Proposal

Sent from [Mail](#) for Windows 10

From: [Kelly Petersen](#)
Sent: December 11, 2018 6:13 PM
To: 'Beatrice Kline'
Cc: [REDACTED]
Subject: Green Bay - Development Proposal

Based upon this info- I do not support the development permit to allow people living year round in their RV, 5th-wheels, etc.

Pls feel free to post my objection as required

Thx

From: terry balfour

Sent: December 12, 2018 5:55 AM

To: [REDACTED]

Subject: Development Proposal For Green Bay Mobile Home Park

We reside at 1416 Green Bay Road, West Kelowna B.C. and are definitely against the Development Proposal for Green Bay Mobile Home Park allowing recreational vehicles. The element of the overall neighborhood will change if this proposal is approved by West Kelowna council.

Currently we have a number of neighbors who reside in the Mobile Home Park and have spent a lot of money improving their properties as have we who live in single family homes in the Green Bay area of West Kelowna.

We feel if the mobile park starts to develop as a recreational vehicle park neighboring property values will be affected in a negative way.

There have been a number of sales in the park in 2018 for decent dollars. If RV's are allowed to move in than expect prices within and outside the park to fall as well as the demand as the general public will hesitate about buying in an area allowing RVs.

Also, there is a noise factor. People on holidays have a tendency to party a lot more than normal while on holidays. If the mobile home park is allowed to accept RV's (coming and going) than the spirit of the park will change as well.

Lastly, from our point of view, the current owner does little to maintain the park and if it wasn't for the current individual mobile home owners putting in the effort to maintain their individual lots than the park would not look as good as it does today. The park owner will certainly not maintain any RV designated lots.

So the question is why allow RV's in neighborhood when the only person to benefit is one individual and that person is the park owner?

We ask City Council to turn down this proposal.

Terry Balfour and Linda Macmillan

December 20, 2018

CITY OF WEST KELOWNA

ATTENTION: Mr. Corey Scott

Dear Sir:

Re: File No. TUP 18-05
Green Bay Landing Inc.

I am opposed to this application.

I am not opposed to redevelopment. I just don't think this is the right choice for our neighbourhood.

I think the City of West Kelowna should consider grandfathering areas like Green Bay and Pritchard Drive concerning the new flood plain regulations. The new regulations make it impossible to rebuild or redevelop in these areas. Instead of the large setbacks perhaps the new buildings could be raised up to a higher level and keep the same distance from the water.

I also feel Mr. Wenner could rejuvenate/remodel these mobile homes and make them saleable. They could use the existing footprint. Or he could sell them to someone that is interested in doing so.

Yours truly

Sherene Youngberg
1380 Green Bay Road

DEC. 14TH 2018

THIS SHOULD NOT BE ALLOWED AT ALL
I THINK ITS A DISGRACE TO OUR
NEIGHBORHOOD THAT THEY WANT TO
MAKE THE MOBILE HOME PARK ON
GREENBAY RD. INTO PARTIAL R.V. SITES
FOR SHORT TERM OCCUPANTS AND
DIFFERENT PEOPLE COMING & GOING
IN OUR SMALL GREENBAY AREA.
WE HAVE JUST RECENTLY BECOME
A BLOCK WATCH NEIGHBORHOOD SO WE
ALL KNOW WHATS GOING ON IN OUR
QUIET AREA
MY WIFE AND I AND MANY OTHERS I KNOW
ARE TOTALY AGAINST THIS HAPPENING

KEN & BEV HARRISON
1366 GREENBAY RD.
WEST KELOWNA
V4T 2B4

From: Beatrice Kline
Sent: December 14, 2018 12:45 PM
To: Beatrice Kline
Subject: FW: Development Proposal

Sent from [Mail](#) for Windows 10

From: [Len and Diane](#)
Sent: December 13, 2018 5:07 PM
To: [Bea Kline](#)
Subject: Fwd: Development Proposal

Begin forwarded message:

From: Anita Rau [REDACTED]
Date: December 13, 2018 at 2:31:59 PM EST
To: Len and Diane [REDACTED]
Subject: Re: Development Proposal

We are definitely against The Development Proposal for Recreational Vehicles for Green Bay Mobile Park.

Dennis and Anita Rau

From: [REDACTED]
Sent: December 17, 2018 5:49 PM
To: [REDACTED]
Subject: development proposal

Ruth Johnson
Heinz Bartkowski
1351 Green Bay Rd
West Kelowna B.C.
V4T 2B6

We are strongly against the Development Proposal for Recreations Vehicles for Green Bay Mobile Park.

Ruth Johnson/ Heinz Bartkowski

From: Len and Diane
Sent: November 22, 2018 5:26 PM
To: Bea Kline
Subject: Recreational vehicle proposal

Dear Green Bay Presidents,
I am NOT in favour of having recreational vehicles on Green Bay Road in the mobile Park.
Regards,
Diane and Len Fettig
1398 Green Bay Road

From: Bea Kline
Sent: November 21, 2018 9:09 AM
To: Bea
Subject: Fwd: Rv park

Sent from my iPad

Begin forwarded message:

From: Gary Grimes < >
Date: November 21, 2018 at 8:50:15 AM PST
To:
Subject: Rv park

Not against rv park probably better than what's there, but it has to be two weeks an out!
GCG 1333-green Bay Rd

Sent from my iPhone

Bea Kline

From:

Sent:

November 21, 2018 7:45 AM

To:

Hi Bea

Doug Keith

1450 Greenbay Rd.

I don't have a problem with them having recreational vehicles, so I guess I am in favour of the proposal.

Thanks

Doug

Doug Keith

Shelley Schnitzler

From: noreply@esolutionsgroup.ca
Sent: June-03-19 1:04 PM
To: Delegation Requests
Subject: New Response Completed for Request to Appear As a Delegation

Hello, Please note the following response to Request to Appear As a Delegation has been submitted at Monday June 3rd 2019 1:03 PM with reference number 2019-06-03-003.

- **Request to appear as a delegation on:**
6/11/2019
- **Name of person making the presentation:**
Ted Wenner,
- **Name of the group or organization that the person is representing:**
Green Bay Landing Inc
- **Daytime phone number:**
- **Email address:**
- **Presentation title:**
Rationale for temporary rezoning of 3 pads at Green Bay Mobile Home Park
- **What is your request to Council?**
I have already sent in a full presentation that will be given to each Council Member. I would also like the current tenant of Pad 15A to comment on his existing home and how well it works in the Park.

[This is an automated email notification -- please do not respond]

Shelley Schnitzler

From: Shelley Schnitzler
Sent: June-07-19 8:18 AM
To: Shelley Schnitzler
Subject: FW: File no: TUP 18-05

-----Original Message-----

From: Mark Davis
Sent: June-03-19 7:37 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: File no: TUP 18-05

Attn: City Clerk

I Mark Davis am asking permission to speak to council regarding my occupation of 1375 GreenBay road unit 15A file number TUP18-05

Sent from my iPad

Corey Scott

From: GreenBay MobileHomePark
Sent: June 3, 2019 9:43 PM
To: info west kelowna
Cc: Corey Scott
Subject: Attn: City Clerk

To Whom It May Concern

Please may I be considered to speak at the upcoming hearing on June 11th, 1.30pm for 1375 Green Bay Rd,
File No: TUP 18-05.

Thank you
Sandy James
Green Bay Mobile Home Park Manager



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 2
Adoption Date: 2018-SEP-04

SUBJECT: DEVELOPMENT APPLICATION DELEGATION REQUEST

Purpose:

This policy outlines the process for applicants and the public to address Council or Council Committees for the following development applications: Official Community Plan amendments, Zoning amendments, development permits, development variance permits, Agricultural Land Commission applications (requiring notification as per the *Agricultural Land Commission Act*) and temporary use permits.

Policy:

1. An Official Community Plan amendment or Zoning amendment application or where staff support the application.

These types of applications are considered by Council in a process that mandates an opportunity for public input through a public hearing following first and second readings. The process includes comprehensive public notification, advertisement, and is the appropriate venue for anyone to provide input. Therefore delegations from the applicant and members of the public will not be considered prior to the public hearing. At the discretion of Council, however, Council may ask questions of the applicant for the purposes of clarification only during a Council meeting where the application is being considered.

Should Council, regardless of the positive staff recommendation, consider not giving first and second reading to the application, the applicant may be provided an opportunity to address Council. Council may limit the time permitted.

2. An Official Community Plan amendment or Zoning amendment application where staff do not support the application.

When staff do not support an application, the developer may wish to address Council prior to Council considering first and second readings. In these cases, delegation requests will be accepted on an application to not support, by Legislative Services until 4:00 p.m., the business day prior to the Council meeting.

3. A development variance permit application, Agricultural Land Commission application (requiring notification as per of the *Agricultural Land Commission Act*), or application for a temporary use permit.

Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a development variance permit, Agricultural Land Commission application (e.g. Agricultural Land Reserve Exclusion application) or, a temporary use permit. Council may support such an opportunity regardless of whether the staff recommendation is to support or not support the application. Council may limit the time permitted.

4. Applications which do not require or allow for public input.

The public or the applicant are not provided an opportunity to address Council prior to Council considering any application which does not require or allow for public input (e.g. Development Permits and Non-Farm Use applications). Council's decision to approve or deny an application must fall within the parameters of enabling legislation and not be based on extraneous factors which would exceed Council's statutory authority.

Previous Revision/s: 2008-APR-22 2018-FEB-27



DISTRICT OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 2

Approval Date: 2008-APR-22

SECTION: DEVELOPMENT SERVICES
SUBJECT: MANUFACTURED HOME PARK REDEVELOPMENT POLICY

Manufactured Home Park Redevelopment Policy

The following policy address the displacement of tenants resulting from redevelopment of manufactured home parks. The policy is meant to provide tenants with the opportunity for greater notification and assistance from applicant(s) than is currently required under the *Manufactured Park Home Tenancy Act*.

This policy applies to applications for an amendment to the Zoning Bylaw and to any other matters in which the Council may properly take into consideration the displacement of manufactured home park tenants.

While considering applications, Council may require staff to report on any existing manufactured home park use and whether it is in the public interest for Council to support redevelopment of lands presently used for that purpose while there is a shortage of suitable manufactured home sites in the region.

Council may further require a report on whether any relocation assistance plan has been proposed that would have a bearing on the issue.

If the applicant wishes the Council to consider a relocation assistance plan, it should follow the procedures below.

I. Communication of Plans for Redevelopment

1. At the pre-application stage, the applicant should notify in writing all tenants that plans for redevelopment are being made, and that a relocation assistance program is part of these plans. All tenants affected by any proposed redevelopment should be advised by the applicant 30 days prior to application submission. Notices should also be posted on communal notice boards and facilities in the manufactured home park. Copies of these communications should be submitted with the development application
2. The applicant(s) should formulate a plan for communicating the relocation assistance program to existing residents. The communication plan should provide tenants with information that will assist them in making plans for alternative living arrangements. The applicant(s) should provide updates to the residents as the process progresses and should provide tenants with a letter at least 10 days prior to the development application being presented to the relevant Advisory Planning Commission, Council Meeting and/or Public Hearing for their consideration.

II. Relocation Assistance Program

- The relocation assistance program:
1. Should include a profile of resident demographic characteristics, such as family size/structure, general income levels, housing needs/relocation option preferences, and where this information is attainable;
 2. Should include a profile of manufactured home conditions and potential for moving and re-use of homes;
 3. Should be flexible and multi-dimensional by including various options and components, in order to respond to different tenant characteristics, needs and preferences;
 4. May include, in addition to the statutory requirements under the *Manufactured Home Park Tenancy Act*:
 - i. Arranging and paying for the disposal of manufactured homes;
 - ii. Unconditional compensation payments of a value that would provide tenants with some amount of equity and greater flexibility in their plans for relocation (i.e. a payment equivalent to the assessed value of the “on pad” manufactured home). This would be in addition to the mandatory payment under the *Manufactured Home Park Tenancy Act*;
 - iii. Opportunities for the right of first refusal to purchase and purchase discounts on local units developed by the applicant(s), including new units built on the subject property;
 - iv. Advice on options for relocating in the regional context in regards to market housing, non-market housing and manufactured home park opportunities.
 5. Should include a status report on the implementation of the program, indicating preferred options for the tenants.

III. Timing

The applicant(s) should formulate, communicate and begin implementing components of the program as soon as possible, after the plans for redevelopment are made. The relocation assistance plan should be provided to the District of West Kelowna with the development application.

IV. Evaluation of Securing of the Plan

Municipal staff will evaluate the proposed relocation assistance program in conjunction with the development application to determine if it meets the objectives of this policy. The municipality may request adequate assurance, either by way of a financial or legal undertaking (i.e. letter of credit, performance bond, or a similar alternative) that the relocation assistance plan will be implemented. Staff will include this information in the development application evaluation report that is forwarded to the Council for its consideration of the application.

Previous Revision/s: (if applicable)



COUNCIL INFORMATION REPORT

To: Paul Gipps, CAO

Date: July 14, 2020

From: Warren Everton, Director of Finance/CFO

Subject: **2020 Tax Season Collections and Cash Flow Review**

STRATEGIC AREA(S) OF FOCUS

The consistency and reliability of revenues are the foundation of the City's operating and capital structure. Without certainty in this aspect of the financial picture, Economic Growth and Prosperity becomes tentative at best during COVID-19. Thus in the current climate it is critical to monitor, encourage and promote timely tax and services payments.

BACKGROUND

After an extended budget deliberation season, the 2020-2024 Financial Plan was adopted at the April 7th Council meeting with a reduced increase of 2.8%. Adding another layer of relief, the Utility Billing interest charge on late payments was delayed to December 31st, and finally during the Tax Rate Adoption meeting on April 28th, the penalty date on all tax classes was extended to October 1st, 2020. As a group, these initiatives provided a necessary level of financial relief to the City's citizens, but also created some challenges to cash flow certainty for the budget season.

During the early weeks of the COVID-19 pandemic (spring 2020), Council directed staff to look for ways to ease the financial hardship of COVID-19 to the community. A number of steps were taken by the City to provide some relief to businesses and residents, including extending the utility payment penalty and property tax penalty in 2020.

Since COVID-19 began, the organization has scrutinized spending, delayed some projects, redeployed staff and delayed hiring where possible. The first revenue test followed in mid-May during the first utility billing cycle. Utility payments within the first utility billing cycle saw a slight increase over the previous year's collection. The next test for this payment structure will be at the second quarter due date (August 15th).

On the tax side, the season got off to a good start with an overall tax requisition of \$57.06 million of which 29% was collected by the third week of June. This was reasonably normal and attributable in large part to the pre-approved payment program that the City offers to residents.

By June 30th the receipt percentage had increased to 61% with about \$22 million still outstanding. After everything was accounted for on the July 2nd due date, 80% of the tax requisition was collected, leaving \$11.5 million outstanding. By class, this breaks out in the chart below. A portion

of the \$11.5 million would have been for school tax, which the Provincial Government has allowed local governments to delay paying until the end of the year.

In a typical year, the collected amount would be at least 90% as of July 2nd leaving 2020 a good 10% behind that. In 2019 we reached 92% of the tax requisition as of the tax due date and by September most of the arrears had been collected bringing the collected percentage to 97%. The take away from this is that at any point in the year there will always be some portion of the tax requisition in collection.

In summary, the tax season progressed quite smoothly with a significant reduction in walk-in payments and the City remains on solid financial ground despite COVID-19. Staff did an excellent job of promoting our pre-approved monthly payment system as well as the on-line systems and our physical drop box. The addition of a staff ambassador at the front entrance along with social distancing lines, tents and railings kept traffic moving well and tax payers reasonably happy.

FINANCIAL SNAPSHOT

	Residential	Business & Other	2020 Total	2019 Total
Tax Requisition	49,211,520	7,850,298	57,061,818	56,131,073
Balance July 2nd	9,360,939	2,205,121	11,566,060	4,231,086
Percentage Collected	81%	72%	80%	92%

In light of the tax penalty delay on all classes to October 1, 2020, staff will return with another update and financial snapshot later in October.

REVIEWED BY

Shelley Schnitzler, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒



COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 14, 2020

From: Lisa Siavashi, Financial Services Manager

File No: Bylaw No. 0282

Subject: **Bylaw No. 0282, 2020 Deferral of 2020 Tax Sale**

RECOMMENDATION

THAT Council give first, second, third reading to the “City of West Kelowna 2020 Tax Sales Deferral Bylaw No. 0282”; and, as permitted under the Province of BC Order of the Minister of Public Safety and Solicitor General (Ministerial Order No. M192); and

THAT Council adopt the “City of West Kelowna 2020 Tax Sales Deferral Bylaw No. 0282”.

BACKGROUND

The *Community Charter* and *Local Government Act* require an Annual Property Tax Sale to be held on the last Monday of September involving any properties that have three years of unpaid property taxes. The process starts with staff notifying these property owners (including any lien holders on the property) in August that, due to having three years’ worth of unpaid property taxes, their property is subject to tax sale. The property owners are then given until the morning before the tax sale to pay the delinquent taxes owing in order to not have their property sold. After the tax sale has occurred, and payments received for the auctioned properties, the municipality must file notice of the tax sale with land titles, and under section 657 of the *Local Government Act*, must give written notice of the sale and the redemption process to the property owner and any lien holders, within three months. If this is not done within the time limit, the tax sale can be considered null and void, and may create legal consequences for the municipality.

Due to COVID-19, the Province of BC issued Ministerial Order No M159 which provided municipalities with some abilities to assist tax payers who may be facing financial difficulties as a result of the pandemic. One of the options for municipalities, by way of a bylaw, to defer the 2020 tax sale until September 27, 2021. The order does stipulate that (section 15 (2a)) written notice must be sent within two weeks of the bylaw’s adoption, advising the property owner that the tax sale has been deferred to September 27, 2021 and that applicable interest (currently 5.95% set by the province) would continue to accrue until the balance is paid. This notice will also be forwarded to any lien holders (i.e. mortgage holders). Staff anticipates that, as per normal follow-up, any lien holder would work with the property owner to provide payment for the outstanding property taxes. The intention then is to use the additional year to make contact and work with any others to create a payment plan for them to get caught up on their accounts before the 2021 tax sale date.

The Ministerial Order also gives Council the ability to extend the tax sale redemption period that ends on September 2020 to September 27, 2021, however the City only had one property and that was redeemed on June 15th, 2020.

FINANCIAL IMPLICATIONS

As of June 28th, 2020 the delinquent property tax balance was \$343,933.16 (including interest of \$10,040.08), with an additional amount of \$1,011,254.08 (including interest of \$15,796.58) in arrears and 2020 property taxes owing on these folios. As the City has the ability to sell these properties during tax sale, there is little risk of loss to the City. In addition, the City earns interest at the rate prescribed by the Province until the balances are paid.

CONCLUSION

Staff recommend deferring the 2020 property tax sale until September 27, 2021. This measure will allow the City to assist those who may be experiencing further financial hardships during the COVID-19 pandemic. It also allows the staff to work with the property owners, without time pressures under Section 657 of the *Local Government Act* on top of the extended tax collection season created by the delayed tax penalty dates that have been put in place for 2020.

Alternate Motion:

THAT Council direct staff to proceed with the City of West Kelowna annual tax sale on September 28, 2020.

REVIEWED BY

Warren Everton, Director of Finance/CFO

Shelley Schnitzler, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps , CAO

Powerpoint: Yes ☐ No ☒

Attachments: 1. Ministerial Order No. M159 Division 4 – Annual Tax Sales
2. Bylaw No. 0282

**Extension of borrowing –
Greater Vancouver Water District**

- 14** (1) For debt incurred as borrowing in anticipation of revenue in 2020 in accordance with section 58 [*borrowing in anticipation of revenue*] of the *Greater Vancouver Water District Act*, the money must be repaid on or before the earlier of the following dates:
- (a) the date when the anticipated revenue with respect to which the borrowing was authorized is received;
 - (b) December 31, 2021.
- (2) The amount of any outstanding debt from 2020 that remains unpaid in 2021 under subsection (1) does not limit the maximum allowable amount of borrowing in anticipation of revenue in 2021.
- (3) This section applies despite section 58 of the *Greater Vancouver Water District Act*.

Division 4 – Annual Tax Sales

Deferral of tax sale – municipalities

- 15** (1) A council of a municipality may, by bylaw adopted on or before August 31, 2020, defer the annual tax sale for 2020, provided for under Division 7 [*Annual Municipal Tax Sale*] of Part 16 [*Municipal Provisions*] of the *Local Government Act*, until September 27, 2021, with the effect that the annual tax sale would be on that date in respect of the upset price described in section 649 [*upset price for tax sale*] of that Act.
- (2) If a bylaw is adopted deferring the annual tax sale,
- (a) written notice must be sent within 2 weeks of the bylaw's adoption to the property owner of a property that is subject to the deferred annual tax sale advising the owner that
 - (i) the annual tax sale for 2020 has been deferred to September 27, 2021,
 - (ii) any taxes that are delinquent will remain delinquent for 2021, with applicable interest charges, and
 - (iii) unless the delinquent taxes are paid before the start of the tax sale on September 27, 2021, the property will be subject to tax sale on September 27, 2021,
 - (b) it is not required to provide public notice of the deferral of the annual tax sale, and
 - (c) for certainty, any taxes that are delinquent, as described in section 246 (1) [*delinquent taxes*] of the *Community Charter*, remain delinquent for 2021, with interest charges that are carried under that Act.
- (3) For certainty, this section does not limit the application of the *Local Government Act* to an annual tax sale in respect of a municipality that does not defer its annual tax sale.
- (4) This section applies despite Division 7 of Part 16 of the *Local Government Act*.

CITY OF WEST KELOWNA

BYLAW NO. 0282

A BYLAW TO DEFER THE 2020 PROPERTY TAX SALE

WHEREAS, under Division 7 of Part 16 of the *Local Government Act*, the City of West Kelowna must hold an annual tax sale at 10 am on the last Monday in September, where the collector must offer for sale by public auction each parcel of real property on which taxes are delinquent;

AND WHEREAS, the Province of BC Order of the Minister of Public Safety and Solicitor General, (Emergency Program Act) Ministerial Order No. M159 provides the ability for a municipality to defer the 2020 annual tax sale;

AND WHEREAS, Council desires to defer the annual tax sale for 2020 until September 27, 2021, with the effect that the annual tax sale would be on that date in respect of the upset price described in Section 649 of the Local Government Act;

THEREFORE BE IT RESOLVED that the Municipal 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 2020 Tax Sale Deferral Bylaw No. 0282, 2020".
2. The annual property tax sale under section 645 of the Local Government Act for 2020 be deferred until September 27, 2021.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
ADOPTED

MAYOR

CITY CLERK



COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 14, 2020

From: Kevin Bouchier, Recreation Supervisor

File No: 0028.67

Subject: **Fees and Charges Bylaw No. 0028.67, 2020 – Recreation and Culture**

RECOMMENDATION

THAT the “City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.67, 2020” be adopted.

BACKGROUND

General admission fees are paid by individual patrons for each program session. It is common practice for Municipalities in the Okanagan and British Columbia to include taxes in general admission fees so that transactions are efficient for patrons and staff.

The general admission fees under Schedule 12 of the City of West Kelowna Fees and Charges Bylaw typically included taxes. However due to an error in wording, Schedule 12 in the current Fees and Charges Bylaw does not include taxes.

The Fees and Charges Amendment Bylaw No. 0028.67, 2020 was given first, second and third reading on June 23, 2020. This Amendment Bylaw is now before Council for consideration of adoption.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
June 23, 2020	THAT Council give first, second and third reading to City of West Kelowna Fees and Charges Amendment Bylaw No.0028.67, 2020	0028.67

Alternate Motion (1):

THAT Council postpone consideration of adoption of “City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.67, 2020”.

Additional direction from Council would be requested.

Alternate Motion (2):

THAT Council rescind first, second and third reading of “City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.67, 2020 and abandon the bylaw.

REVIEWED BY

Bob Kusch, Recreation and Culture Manager

Shelley Schnitzler, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Attachments:

1. Bylaw No 0028.67

CITY OF WEST KELOWNA

BYLAW NO. 0028.67

A BYLAW TO AMEND THE FEES AND CHARGES BYLAW

WHEREAS the Council of the City of West Kelowna desires to amend District of West Kelowna Fees and Charges Bylaw No. 0028 under the provisions of the *Community Charter*;

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 the "CITY OF WEST KELOWNA FEES AND CHARGES AMENDMENT BYLAW NO. 0028.67, 2020."

2. Amendments

"District of West Kelowna Fees and Charges Bylaw 2009 No. 0028" is hereby amended as follows:

- 2.1 By deleting Schedule 12 in its entirety and replacing with the attached, forming part of this Bylaw, Schedule 12.

READ A FIRST, SECOND AND THIRD TIME THIS 23RD DAY OF JUNE, 2020
ADOPTED THIS DAY OF

M A Y O R

CITY CLERK

Schedule 12

CITY OF WEST KELOWNA DROP-IN PROGRAM RATES

Effective September 1, 2020 - August 31, 2023 (Prices include Taxes)

Fee Increase	3%	3%	3%
Fee	2020 - 2021	2021 - 2022	2022 - 2023
Public Skate - Adult	\$4.50	\$4.65	\$4.80
Adult (Only) Skate - Adult	\$4.50	\$4.65	\$4.80
Adult (Only) Skate - Senior 55+	\$3.35	\$3.50	\$3.60
Adult (Only) Skate - Senior 75+	\$2.70	\$2.80	\$2.90
Therapy Skate	\$2.85	\$2.95	\$3.05
Parent & Tot - Adult	\$2.70	\$2.80	\$2.90
Parent & Tot - Tot	\$1.35	\$1.40	\$1.45
Public Skate - Child	\$2.70	\$2.80	\$2.90
Public Skate - Youth	\$3.35	\$3.50	\$3.60
Public Skate - Senior 55+	\$3.35	\$3.50	\$3.60
Public Skate - Senior 75+	\$2.70	\$2.80	\$2.90
Public Skate Family	\$9.90	\$10.25	\$10.55
Hockey 19+	\$6.45	\$6.65	\$6.85
Hockey 55+	\$5.40	\$5.55	\$5.70
Stick n Puck - Child/Youth	\$2.85	\$2.95	\$3.05
Stick n Puck - Adult	\$3.10	\$3.20	\$3.30
Skate Rentals	\$2.30	\$2.35	\$2.40

10 Ticket Punch Pass Formula: Single Admission rate multiplied by 9 Admissions)

Other Programs

Program rates not identified above will be created in compliance with the following

Registered Program Pricing Formula:

Programming Costs + 18% Admin Fee = Program Fee

Minimum Number of Participants

Program Costs include Instructor fees and program supply costs.