



CITY OF WEST KELOWNA REGULAR COUNCIL AGENDA

Tuesday, July 28, 2020, 6:00 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 Special Council Meeting held July 14, 2020 in the City of West Kelowna Council Chambers | 5 |
| 4.2 | Minutes of the Regular Council Meeting held July 14, 2020 in the City of West Kelowna Council Chambers | 8 |
| 4.3 | Minutes of the Special Council Meeting held July 21, 2020 in the City of West Kelowna Council Chambers | 14 |

5. MAYOR AND COUNCILLOR'S REPORTS

5.1 Mayor Milsom

5.1.1 Regional Economic Recovery Task Force - Update

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

8.1.1 UBCM Community Excellence Awards Application

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Recommended Motion:

THAT the City of West Kelowna supports an application to the Union of British Columbia municipalities Community Excellence Awards in the category of Service Delivery for the City of West Kelowna's response to COVID-19

8.1.2 Public Works Yard - Emil Anderson Agreement

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Recommended Motion:

THAT Council consider and resolve to waive purchasing policy and directly award the removal of approximately 180,000 m3 of material from the property located at 2015 Bartley Road to Emil Anderson Construction (EAC) Ltd for the net amount of \$1.85 per cubic meter to be paid by EAC to the CWK; and,

THAT Council authorize EAC to apply for a mining permit through the British Columbia Ministry of Energy, Mines & Petroleum Resources, on behalf of the City of West Kelowna (CWK); and,

THAT Council consider and resolve to waive purchasing policy and directly award the contract to complete earthwork associated with meeting the elevations related with the mining application and future public works yard to Emil Anderson Construction (EAC) at an estimated net cost to be paid by the CWK to EAC of approximately \$256,088.

8.2 DEVELOPMENT SERVICES

- 8.2.1 TUP 17-01.01, Temporary Use Permit (Extension), 2565 Main Street 26

Recommended Motion:

THAT Council grant a three (3) year extension to Temporary Use Permit (TUP 17-01) to allow for an outdoor storage yard on the westernmost portion of 2565 Main Street (Lot 31, DL 486 ODYD Plan 761, Except Plan H18608, 38625, and H911) subject to the conditions outlined in the attached permit (*Attachment 1*).

- 8.2.2 Z 19-12, OCP Amendment Bylaw No. 0100.58 and Zoning Amendment Bylaw No. 0154.89 (Rescind 1st Reading), 1080 Devon Road 35

Recommended Motion:

THAT Council rescind first reading to Official Community Plan Amendment Bylaw No. 0100.58, 2020 and abandon the bylaw; and,

THAT Council rescind first reading to Zoning Amendment Bylaw No. 0154.89, 2020 and abandon the bylaw.

8.3 ENGINEERING / PUBLIC WORKS / PARKS

8.4 FIRE RESCUE SERVICES

8.5 CORPORATE INITIATIVES

8.6 FINANCIAL SERVICES

8.7 CORPORATE SERVICES / RECREATION AND CULTURE

- 8.7.1 Bylaw Notice Enforcement Amendment Bylaw No. 0093.45 and Ticket Information Utilization Amendment Bylaw No. 0095.42 42

Recommended Motion:

THAT Council give first, second and third reading to “Bylaw Notice Enforcement Amendment Bylaw No. 0093.45, 2020”; and

THAT Council give first, second and third reading to “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.42, 2020”.

9. **CORRESPONDENCE AND INFORMATION ITEMS**
10. **NOTICE OF MOTION**
11. **ADJOURNMENT OF THE REGULAR MEETING**

The next Council meeting is scheduled for 1:30 p.m., Tuesday, August 11, 2020.



CITY OF WEST KELOWNA
MINUTES OF THE SPECIAL MEETING OF COUNCIL

Tuesday, July 14, 2020
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

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

Staff Present: Paul Gipps, CAO
Tracey Batten, Deputy CAO / Corporate Officer
Allen Fillion, Director of Engineering / Public Works
Warren Everton, Director of Finance / CFO
Sandy Webster, Director of Corporate Initiatives
Mark Koch, Director of Development Services
Kari O'Rourke, Communications Manager

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER

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

The Special Council meeting was called to order at 12:05 p.m.

2. PROCEDURAL MOTION

It was moved and seconded

Resolution No. C173/20

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 PROCEDURAL MOTION

4. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C174/20

THAT the agenda be adopted as presented.

CARRIED UNANIMOUSLY

5. PROCEDURAL MOTION

Resolution No. C175/20

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

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(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 1:22 p.m.

MAYOR

DEPUTY CAO/CORPORATE OFFICER



CITY OF WEST KELOWNA
MINUTES OF THE REGULAR MEETING OF COUNCIL

Tuesday, July 14, 2020
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

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

Staff Present: Paul Gipps, CAO
Tracey Batten, Deputy CAO / Corporate Officer
Allen Fillion, Director of Engineering / Public Works
Warren Everton, Director of Finance / CFO
Sandy Webster, Director of Corporate Initiatives
Mark Koch, Director of Development Services
Kari O'Rourke, Communications Manager
Kevin Bouchier, Recreation Supervisor
Hailey Rilkoff, Planner II
Brandon Mayne, Help Desk Assistant

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

The meeting was called to order at 1:33 p.m.

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

PROCEDURAL MOTION:

It was moved and seconded

Resolution No. C176/20

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.

CARRIED UNANIMOUSLY

2. INTRODUCTION OF LATE ITEMS

2.1 Rose Valley Water Treatment Plant Presentation, Loan Authorization Bylaw and Local Area Service Establishment Bylaw (see Item 8.1.1 under Division Reports)

3. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C177/20

THAT the agenda be adopted as amended.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

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

It was moved and seconded

Resolution No. C178/20

THAT the minutes of the June 23, 2020 Special Council Meeting held in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

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

It was moved and seconded

Resolution No. C179/20

THAT the minutes of the June 23, 2020 Regular 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 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

5.1.4 Regional District of Central Okanagan Highlights from the July 9, 2020 Regional Board Meeting

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

8.1.1 Rose Valley Water Treatment Plant Presentation, Loan Authorization Bylaw and Local Area Service Establishment Bylaw

It was moved and seconded

Resolution No. C180/20

THAT Council consider and resolve to read the City of West Kelowna Rose Valley Water Treatment Plant Local Area Service Establishment Bylaw No. 280, 2020 a first, second and third time; and further,

THAT Council consider and resolve to read the City of West Kelowna Rose Valley Water Treatment Plant Loan Authorization Bylaw No. 281, 2020 a first, second and third time; and,

THAT Council directs staff to submit the City of West Kelowna Rose Valley Water Treatment Plant Local Area Service Establishment Bylaw No. 280, 2020 and the City of West Kelowna Rose Valley Water Treatment Plant Loan Authorization Bylaw No. 281, 2020 to the Province, publish the required advertising and issue notification to the property owners within the proposed Local Area Service for establishment of the

local area service on Council Initiative -Subject to Petition Against for both the establishment of the Local Area Service and to authorize borrowing.

CARRIED UNANIMOUSLY

The meeting recessed at 2:36 p.m.

The meeting reconvened at 2:48 p.m.

8.2 DEVELOPMENT SERVICES

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

It was moved and seconded

Resolution No. C181/20

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.

CARRIED UNANIMOUSLY

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

It was moved and seconded

Resolution No. C182/20

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.

CARRIED UNANIMOUSLY

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

It was moved and seconded

Resolution No. C183/20

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.

CARRIED Opposed: Councillors de Jong and Zanon

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

It was moved and seconded

Resolution No. C184/20

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 ending October 31, 2020, subject to the conditions outlined in the attached permit.

CARRIED UNANIMOUSLY

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

Information Report from the Director of Finance / CFO

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

It was moved and seconded

Resolution No. C185/20

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

DEFEATED Opposed: Councillors Johnston, Zanon, Zilkie, Findlater, Friesen and Mayor Milsom

It was moved and seconded

Resolution No. C186/20

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);

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

CARRIED Opposed: Councillor de Jong

8.7 CORPORATE SERVICES / RECREATION AND CULTURE

8.7.1 Fees and Charges Bylaw No. 0028.67

It was moved and seconded

Resolution No. C187/20

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

CARRIED UNANIMOUSLY

9. CORRESPONDENCE AND INFORMATION ITEMS

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The meeting adjourned at 4:44 p.m.

MAYOR

DEPUTY CAO/CORPORATE OFFICER



CITY OF WEST KELOWNA
MINUTES OF THE SPECIAL MEETING OF COUNCIL

Tuesday, July 21, 2020
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Mayor Gord Milsom
Councillor Rick de Jong
Councillor Doug Findlater
Councillor Jason Friesen
Councillor Stephen Johnston (arrived at 2:58 p.m.)
Councillor Carol Zanon
Councillor Jayson Zilkie

Staff Present: Paul Gipps, CAO
Tracey Batten, Deputy CAO / Corporate Officer
Allen Fillion, Director of Engineering / Public Works
Warren Everton, Director of Finance / CFO
Jason Brolund, Fire Chief
Sandy Webster, Director of Corporate Initiatives
Michelle Reid, Director of Human Resources
Mark Koch, Director of Development Services
Erin Goodwin, Facilities Manager

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER

The Special Council meeting was called to order at 2:50 p.m.

2. PROCEDURAL MOTION

It was moved and seconded

Resolution No. C188/20

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

3. ADDITIONS OR CHANGES TO PROCEDURAL MOTION

3.1 Add 90(1)(g) litigation or potential litigation affecting the municipality

4. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C189/20

THAT the agenda be adopted as amended.

CARRIED

5. PROCEDURAL MOTION

Resolution No. C190/20

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

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(g) litigation or potential litigation affecting the municipality;

(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

6. ADJOURNMENT OF THE SPECIAL COUNCIL MEETING

The Special Council meeting adjourned at 4:03 p.m.

MAYOR

DEPUTY CAO/CORPORATE OFFICER



PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,
2760 CAMERON ROAD, WEST KELOWNA, BC
TUESDAY, JULY 21, 2020

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

Staff Present: Paul Gipps, CAO
Mark Koch, Director of Development Services
Sandy Webster, Director of Corporate Initiatives
Brent Magnan, Planning Manager
Bob Dargatz, Development and Engineering Manager
Shelley Schnitzler, Legislative Services Manager
Brandon Mayne, Help Desk Assistant

1. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing was called to order at 4:32 p.m.

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

2. INTRODUCTION OF LATE ITEMS:

2.1 Correspondence received from the following:

- Rick and Hillary Jeffery
- Linda Caston
- Geoffrey Oliver (submission includes an 11 name Petition)
- Irene Mul
- Reno Barillari
- Kathryn Wine
- Joanne Rempel
- Robin van de Water
- Donna O'Brien
- C and M Douglas

3. **ADOPTION OF AGENDA:**

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

4. **OPENING STATEMENT:**

The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, is open to the public and webcast live, and outlined the process for the hearing.

5. **PUBLIC HEARING:**

The Mayor explained the process of this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by Comprehensive Development Plan and Official Community Plan Amendment Bylaw No. 0100.57.

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

5.1 CDP 14-01 and OCP 20-01, Comprehensive Development Plan and Official Community Plan Amendment Bylaw No. 0100.57, Smith Creek

The Planning Manager introduced Comprehensive Development Plan and Official Community Plan Amendment Bylaw No. 0100.57 to change the Comprehensive Development Areas to Low Density Multiple Family, Single Family Residential, Mixed Use, and Parks and Natural Areas.

The Mayor asked if the owner/agent wished to address Council regarding this application.

Kim McKechnie, Agent, Protech Consulting

- In total, Protech has produced 16 reports related to this development - 2 geotechnical, 2 hydrology, 5 environmental, wildland interface, archeological impact assessment, 2 water servicing, a visual impact assessment, traffic impact assessment, and a functional servicing report.

Grant Maddock, Agent, Protech Consulting

- Protech Consulting has been the author of this plan;
- Would like to see a document put forward on how a cluster zone would work;
- There are two large storm water detention ponds currently being constructed;

- One of the ponds being built near Smith Creek Road is for the first phase of the development and for the extension of Copper Ridge Drive;
- The other pond is for the balance of the development and for the uplands;
- Two major hydrology studies have been undertaken on the whole site including the lands currently being developed;
- They have identified areas where there may be ground infiltration, and where storm detention is needed to limit the runoff;
- Three monitoring stations have been installed in Smith Creek, along with a climate station in the uplands, on northerly section of land;
- Concern with the impact of major storms and run-off;
- The Traffic Impact Assessment noted approximately 5% of traffic is using Glencoe Road; this is not a preferred route;
- Would like to stage and do site prep work ahead of blasting, however, that is dependent on getting the approvals for subdivision;
- When working on hillsides, they try to save as many trees as possible;
- There are 2 pump stations servicing the Smith Creek reservoir; they will need to be upgraded in the future;
- The upgrades will be within the first 2 phases of the development; this will be a big benefit to existing users as the current stations are in poor shape;
- The flume trail is a big feature for all users and residents; with the Copperridge Drive extension, there won't be as much traffic up the Smith Creek Road switchbacks;
- Relocating Smith Creek through to Tallus Ridge, the grade is excessive; trying to reduce the grade to make it more functional; it is being constructed as an arterial road.

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

Rick Jeffery

- Have lived in Smith Creek for 16 years;
- Concern with traffic; there is no forward looking traffic management plan or final usage plan for the area;
- Smith Creek Road is dangerous at all the times for pedestrians;
- Could potentially see 3,700 trips on Smith Creek Road every day;
- Construction could be over the next 10 – 15 years; there needs to be some analysis undertaken;
- The Traffic Impact Plan is out of date (it was written in 2015);
- The Traffic Impact Plan is not aligned with Bylaw No. 249;
- In the Traffic Impact Plan, the definition of roads does not compare to Bylaw No. 249;
- There needs to be a better review of the traffic as it exists today;
- Support the creation of the community as long it supports the people that currently live in it and the future residents.

Anne Jensen

- Family has lived in the area for 50 years;

- Concern with the road;
- It was a small, rural farming road; now it has the Smith Creek subdivision;
- There are no sidewalks or areas for riding bikes;
- It is a dangerous road;
- Concern with flooding;
- Since the Smith Creek development, they have experienced flooding on their property;
- Smith Creek runs through their property; have had significant flooding and concern that it could get worse;
- Support for the trails; would like a safe trail to get up to the crown land for walkers, bikers, horses, etc.;
- Concern with safety as the road is very dangerous.

Rick Jeffery

- The Bylaw states that a hillside development is limited to a maximum 500 units;
- give consideration to current property owner's enjoyment of the lands; consider the people that live there now;
- Would like a path from west to east and east to west at the lower level to help keep everyone off the roads;
- During construction, there is a greater risk for those on the roads;
- Don't need two separate green spaces; combine them to be one large area.

Grant Maddock

- New development will generate \$1.15 million in DCC's for road upgrades; Elliott Road is a DCC road;
- Next phase – likely west end; probably phases of 40 lots over a several years up to 5 years to do 250 lots; substantial DCC's over that period for road upgrades
- The Tallus Ridge to Smith Creek extension is likely not going to happen for approximately 5 – 7 years;
- There may be possible upgrades to Reece Road and Elliott Road, and Reece and First Avenue; for each phase of rezoning, there will be updated traffic studies for upgrades, at the cost of the developer;
- Smith Creek jumped its banks in 2017 during a major storm event; that is when the second speaker's property flooded; in response, the developer is trying to implement a system to detain the water, with a slow release over 24 hours;
- Development has a threshold of 30 – 40 units over approximately a 1.5 year span;
- The first phase is 33 lots; the second phase will occur approximately 1.5 years after that.

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

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

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

The Mayor declared the public hearing closed at 6:08 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 6:08 p.m.

MAYOR

I hereby certify this to be a fair and accurate summary of the nature of the representations made by the public at the Public Hearing with regard to Comprehensive Development Plan and Official Community Plan Amendment Bylaw No. 0100.57, Smith Creek, held on July 21, 2020.

Legislative Services Manager



COUNCIL REPORT

To: Mayor and Council

Date: July 28, 2020

From: Paul Gipps, CAO

File No:

Subject: **UBCM Community Excellence Awards Application**

RECOMMENDATION

THAT the City of West Kelowna supports an application to the Union of British Columbia municipalities Community Excellence Awards in the category of Service Delivery for the City of West Kelowna's response to COVID-19

BACKGROUND

In March of 2020, the Province of British Columbia issued Public Health Orders to address the spread of COVID-19 that required the City to close many facilities, limit service delivery and alter the way we do business significantly. Through the next several months, Council and staff made numerous changes to our operations and closed many facilities to slow the growth of COVID-19 and bend the curve. During this time the City successfully maintained many operations and services while adhering to the provincial health officer requirements.

As an example, we quickly adapted many of our operations including development services to support the development industry and maintained the issuance of permits and approvals resulting in some of the most productive months in our history. This of course supports the economy and kept those in that industry working where many other individuals were unable to continue.

We were among the first local governments to host a public hearing within the guidelines of the Provincial Health Office ensuring the voice of the public was being heard.

The application must include a Council resolution indicating support for our submission to UBCM therefore we are seeking Council's consideration in this regard

Powerpoint: Yes ☐ No ☒



COUNCIL REPORT

To: Mayor and Council

Date: July 28, 2020

From: Paul Gipps, CAO

File No:

Subject: **Public Works Yard – Emil Anderson Agreement**

RECOMMENDATION

THAT Council consider and resolve to waive purchasing policy and directly award the removal of approximately 180,000 m³ of material from the property located at 2015 Bartley Road to Emil Anderson Construction (EAC) Ltd for the net amount of \$1.85 per cubic meter to be paid by EAC to the CWK; and,

THAT Council authorize EAC to apply for a mining permit through the British Columbia Ministry of Energy, Mines & Petroleum Resources, on behalf of the City of West Kelowna (CWK); and,

THAT Council consider and resolve to waive purchasing policy and directly award the contract to complete earthwork associated with meeting the elevations related with the mining application and future public works yard to Emil Anderson Construction (EAC) at an estimated net cost to be paid by the CWK to EAC of approximately \$256,088.

BACKGROUND

The City of West Kelowna's property located at 2015 Bartley Road, future home to Public Works, has a significant amount of gravels that will eventually need to be removed in order to make the site useable as a future Public Works yard. The amount of materials that need to be removed is estimated to be between 250,000 – 300,000 cubic meters and will require a permit from the Ministry of Energy, Mines and Petroleum Resources; see attached map.

Staff have been evaluating the best and most cost effective means of removing the gravel materials and an option staff is proposing is to work with the adjacent land owner to accomplish this. EAC owns the neighbouring property and is interested in working with the City for mutual benefit.

To fully utilize the property and to maximize the amount of gravel that can be removed, a partnership with the neighbouring land owner (EAC) should be considered. If the CWK and EAC were to continue to maintain a recommended 2:1 slope between properties,

there would be a significant amount of gravel that would not be accessible by either party. As a result, creating such a partnership has mutual benefit for both EAC and the CWK. Without such a partnership, the CWK would need to build a retaining wall at the property line to fully utilize the site and to maximize the amount of gravel that can be removed. Cost to install such a retaining wall is estimated to cost \$2M or more.

If approved by the Ministry of Mines, EAC has expressed an interest in a partnership to purchase the gravels from the CWK and move the piles across onto their property, eliminating the need for a retaining structure and eliminating trucking costs to remove the material.

The CWK is also using some of this gravel to support the civil works currently underway at the Rose Valley Water Treatment Plant. Once this civil work is completed, the majority of the remaining gravel left to be removed from the PWY site is along the property line shared between EAC and CWK. As a result, staff is recommending a direct award to EAC to complete the work as described in this report.

The City of West Kelowna's purchasing policy requires any direct award of a service of this nature must be approved by Council through a resolution.

Staff are seeking Council's authorization to direct award the gravel removal and application for a mines permit to Emil Anderson Construction Ltd.

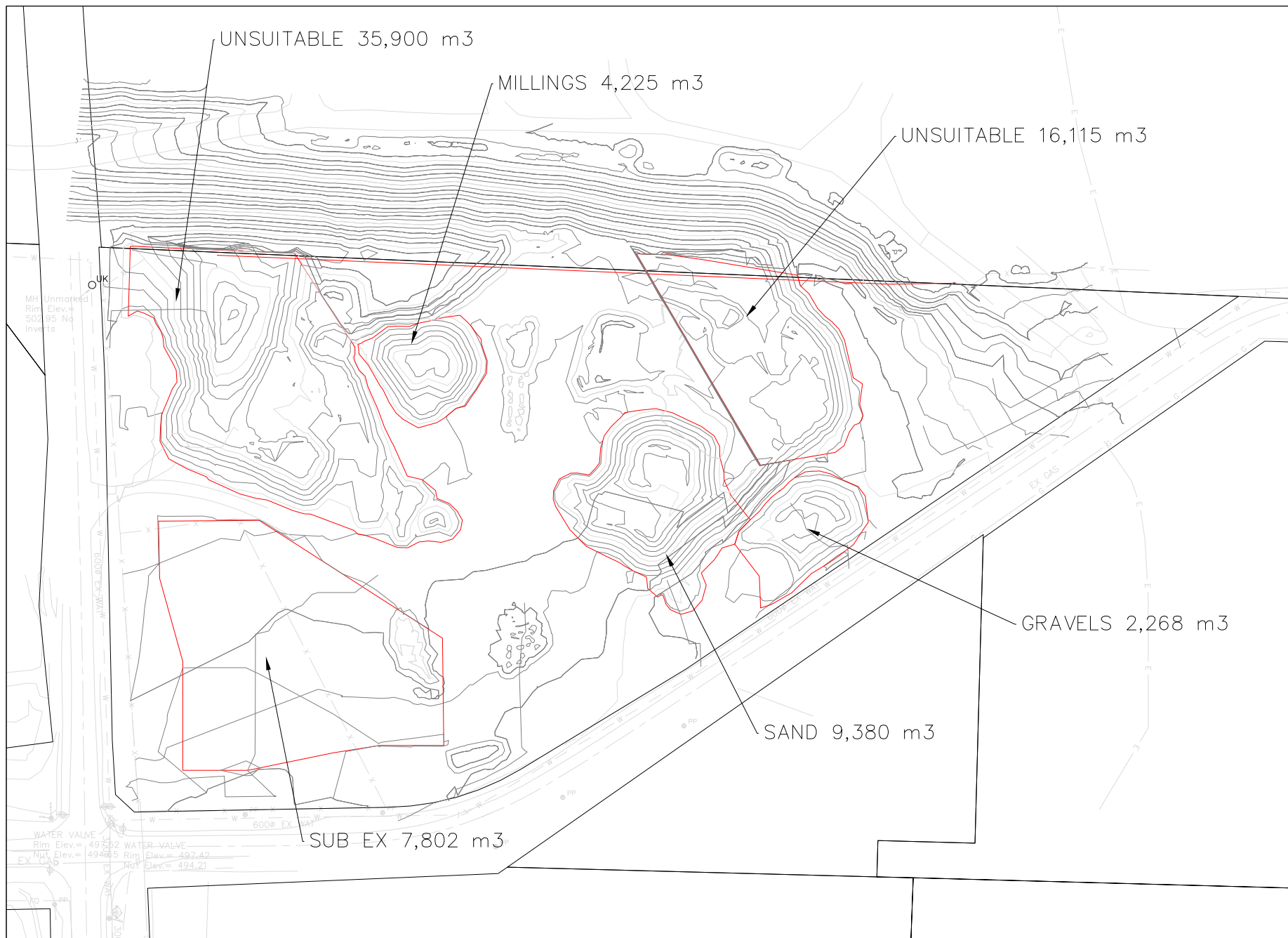
Note: During the period of time when the PWY site is being mined, the CWK will need to remove all storage and equipment items from the site. EAC has offered to lease some of their adjacent property to the CWK at a cost of \$1 per month for 24 months.

Estimated savings on leasing land (2 years): \$100,000 - \$300,000

FINANCIAL IMPLICATIONS

Estimated EAC Mining and Earthwork Costs:	\$657,366.04
Estimated CWK Gravel Revenue:	\$401,278.50
CWK Net Costs to Pay EAC:	\$256,087.54
Estimated Lease Land Savings:	\$100 - \$300K

Attachment: Material Pile Survey



General Notes

TOPO COMPLETED
SEPT 2021/19

EAC
EMIL ANDERSON
CONSTRUCTION INC.

EMIL ANDERSON CONSTRUCTION INC.
907 Emal St. Kelowna, BC
V1Y 2N5
P(250) 762-9999

COORDINATE SYSTEM: UTM 11N
ORIENTATION:

NP

No.	Revisions/Issue	Date
0	Issued for use	2019/10/23

File Name and Address

Project Name and Address

CoWK PUBLIC WORKS YARD
STAGE 1

Project Lead: PVP, Drawn By: JG
Date: 2019, Issued By: JG
Scale: 1/4" = 1', Printed By: JG
Sheet: DWG-01



COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 28, 2020

From: Jayden Riley, Planner II

File No: TUP 17-01.01

Subject: **TUP 17-01.01, Temporary Use Permit (Extension), 2565 Main Street**

RECOMMENDATION

THAT Council grant a three (3) year extension to Temporary Use Permit (TUP 17-01) to allow for an outdoor storage yard on the westernmost portion of 2565 Main Street (Lot 31, DL 486 ODYD Plan 761, Except Plan H18608, 38625, and H911) subject to the conditions outlined in the attached permit (*Attachment 1*).

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Council's 2020-2022 Strategic Priorities)

BACKGROUND

This application seeks to extend an existing Temporary Use Permit to allow for the continued use of a 623 m² outdoor storage yard specific to the Buckerfields retail business. The outdoor storage area (*Attachment 2*) exceeds the permitted outdoor storage area permitted under the property's current zoning (C1).

PROPERTY DETAILS			
Address		2565 Main Street	
PID		008-346-071	
Folio		36412518.001	
Lot Size		14,524 m ²	
Owner	1230911 BC LTD	Agent	Gary Johal
Current Zoning	Urban Centre Commercial (C1)	Proposed Zoning	N/A
Current OCP	Commercial	Proposed OCP	N/A
Current Use	Commercial	Proposed Use	Commercial /Storage
Development Permit Areas		Commercial	
Hazards		None	

Agricultural Land Reserve N/A

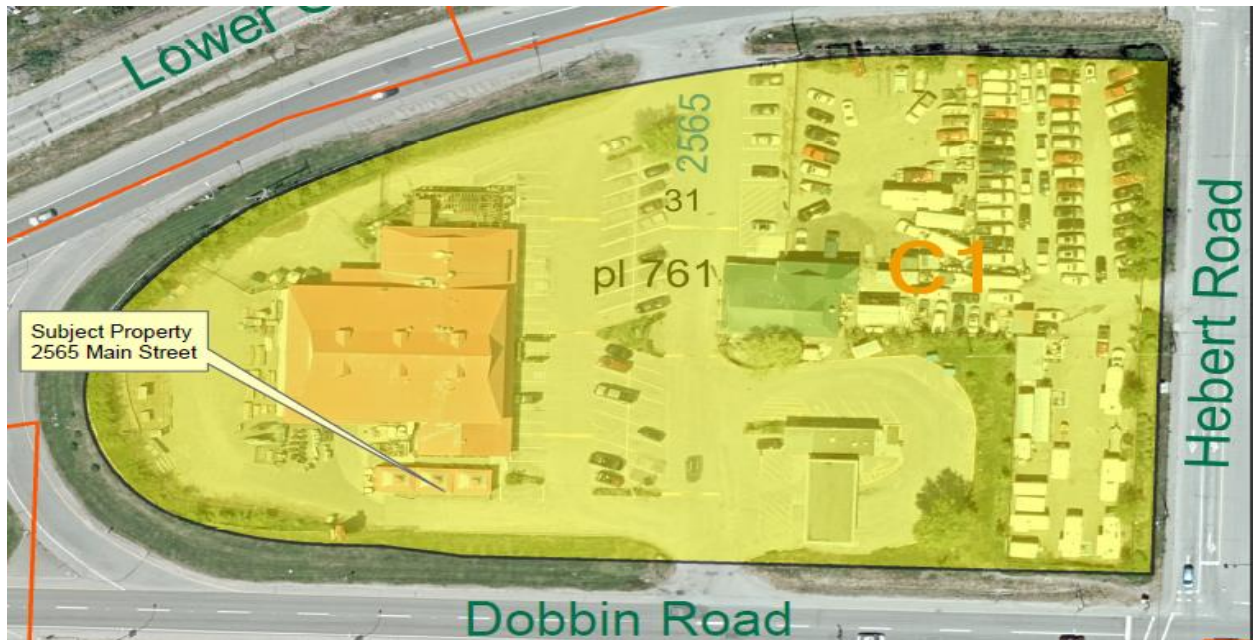
ADJACENT ZONING & LAND USES

North	^	Hwy 97 / Country Residential (RU1)
East	>	Urban Centre Commercial (C1)
West	<	Hwy 97
South	v	Hwy 97 / Urban Centre Commercial (C1)

NEIGHBOURHOOD MAP



PROPERTY MAP



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 (3) years and specify conditions under which the use may be carried out. A TUP may be extended once for a period of up to three years at the discretion of Council.

DISCUSSION

Proposal

This permit extension is associated with the operation of Buckerfields, an agricultural and pet supply store located in the Westbank Center. While this retail use is permitted in the Urban Center Commercial Zone (C1), the proposed outdoor storage area exceeds the maximum outdoor storage area of the current zone (C1), calculated at 10% of the floor area of the business.

The existing permit conditions include the following:

- a. The total area of the Outdoor Storage Yard shall not exceed 623 m² and shall be in accordance with the attached 'Site Plan' prepared by D.A. Goddard Land Surveying, dated December 23, 2010;
- b. The materials to be stored outdoors must be directly associated with the Buckerfields retail business;
- c. No hazardous materials shall be stored outdoors;
- d. Any materials stored outdoors and placed immediately in front of the berm shall not exceed the height of the existing berm. Any materials stored against the rear of the existing building shall not exceed a height of 2.4 metres (8 feet);
- e. That the landscape plantings be maintained in general accordance with the submitted Landscape Plan, prepared by outland Design Landscape Architecture, dated March 31, 2011;
- f. No parking stalls and/or internal site accesses shall be altered to ensure that there are no impacts to Highway 97 northbound and southbound; and
- g. Unless otherwise amended by this permit, all other City of West Kelowna Bylaws shall apply.

History

In April 2011, Council authorized the issuance of a TUP to permit the outdoor storage of supplies ranging from farm gates, fence posts and corral panels to fertilizers, on a 623 m² area on the western portion of the subject property. Following the issuance of the TUP, a subsequent renewal was completed for another three (3) years. In 2017 the applicant was successful in re-applying for a Temporary Use Permit under the same conditions, with an expiration date of July 25, 2020.

Under the initial TUP (2011), in an effort to reduce the visual impact of the outdoor storage area, and in light of the visually prominent location of the property, the applicant installed both a black chain link fence at the top of the existing berm for security purposes and a

post and rail type fence to soften the visual impact of the proposed use. Fir trees were also planted amongst existing apricot and plum trees to provide additional screening (*Figure 1*).

The purpose of a TUP is to monitor the effects of the land use on both adjacent properties and the Westbank Centre, generally. It is evident that the landscaping and fencing installed nine (9) years ago functions to sufficiently screen the outdoor storage area. Staff have not received any negative feedback from the community and surrounding businesses associated with the use.

Policy and Bylaw Review

Zoning Bylaw 0.154

The Zoning Bylaw allows limited outdoor storage associated with general retail uses provided that the area is limited to 10% of the gross floor area of the business premises. As the approximate floor area of Buckerfields is 1,115 m² (12,000 ft²), the maximum allowable outdoor storage space is 115 m². As 623 m² of outdoor storage space is used (56% of the floor area of the business) Council approval is required.



Figure 1: Screening of Storage Area

Westbank Centre Plan

Since the issuance of the original TUP (2011), the City has adopted the Westbank Centre Plan. In this Plan, the subject property has been identified as a “Gateway Site” which is a visual property that presents opportunities to establish a strong sense of arrival as people enter the Westbank Centre. Based on the proximity to Westbank’s agricultural lands, the plan envisions the subject property as a food and agricultural destination that could accommodate related food and beverage uses.

In addition, the Plan acknowledges there are a variety of existing uses operating on the subject property and generally supports the existing agricultural supply building as a year-round retail outlet. Better utilization of the subject property as gateways and activity nodes is however encouraged by allowing both existing and new uses through rezoning should re-development be proposed.

CONCLUSION

It is recommended that Council approve the extension of the Temporary Use Permit (TUP 17-01) to allow for the outdoor storage yard, subject to the conditions of the attached permit (*Attachment 1*). The outdoor storage area is integral to the operation of Buckerfields and is a business that is directly supported by the City's Westbank Centre Plan. The existing landscaping has also remained in good condition and adequately screens the storage yard from passing motorists entering Westbank Centre. No negative feedback has been received during the nine (9) years the outdoor storage yard has been in operation.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
2011-04-19	THAT Council approve the issuance of a Temporary Use Permit for a period of three (3) years to permit the use of an Outdoor Storage Yard on the westernmost portion of Lot 31, DL 486, ODYD, Plan 761 located at 2565 Main Street subject to the conditions specified in Schedule 'A' (<i>Attachment 1</i>), which is attached to and will form part of the Temporary Use Permit; and THAT Council direct staff to close Zoning Amendment application Z10/13 until such time that the District has had an opportunity to monitor the impact of the proposed temporary use.	C167/11
2014-08-12	THAT Council give a three (3) year extension to Temporary Use Permit (TUP 11-01) to allow the continued use of a 623m ² outdoor storage area on the westernmost portion of Lot 31, DL 486, ODYD, Plan 761 located at 2565 Main Street.	C313/14
2017-07-25	THAT Council authorize the issuance of a Temporary Use Permit for a period of three (3) years to permit the use of an outdoor storage yard on the westernmost portion of 2565 Main street (Lot 31, DL 486, ODYD, Plan 761, Except Plans H18608, 38625, and H911) subject to conditions outlined in the attached permit (<i>Attachment 1</i>).	C375/17

Alternate Motion:

THAT Council deny the issuance of a Temporary Use Permit (File: TUP 17-01.01) to permit the use of an outdoor storage area subject to the conditions of *Attachment 1*.

Should Council deny the proposal, the file will be closed. As per the City's Development 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

Tracey Batten, Deputy CAO/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft permit (TUP 17-01.01)
2. Site Plan – Proposed Temporary Use Area



**CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 17-01.01**

TO: 1230911 B.C. LTD
3140 Juniper Drive
Penticton, BC
V2A 7T1

c/o Gary Johal

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 31, DL 486 ODYD Plan 761, Except Plan H18608, 38625, and H911
(2565 Main Street)

3. This Temporary Use Permit (TUP 17-01.01) allows for the use of an outdoor storage yard on the westernmost portion of 2565 Main Street (Lot 31, DL 486 ODYD Plan 761, Except Plan H18608, 38625, and H911) for a period of three years subject to the following conditions:
 - a. The total area of the Outdoor Storage Yard shall not exceed 623 m² and shall be in accordance with the attached 'Site Plan' prepared by D.A. Goddard Land Surveying, dated December 23, 2010;
 - b. The materials to be stored outdoors must be directly associated with the Buckerfields retail business;
 - c. No hazardous materials shall be stored outdoors;
 - d. Any materials stored outdoors and placed immediately in front of the berm shall not exceed the height of the existing berm. Any materials stored against the rear of the existing building shall not exceed the height of 2.4 metres (8 feet).
 - e. That the landscape plantings be maintained in general accordance with the submitted Landscape Plan, prepared by outland Design Landscape Architecture, dated March 31, 2011;
 - f. No parking stalls and/or internal site accesses shall be altered to ensure that there are no impacts to Highway 97 northbound and southbound; and
 - g. Unless otherwise amended by this permit, all other City of West Kelowna Bylaws shall apply
4. 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.
5. **This Permit is not a Building Permit.**
5. **This Permit is not a Business License.**

Attachments:

1. Site Plan, prepared by D.A Goddard Lands Surveying Inc., dated December 23, 2010.

I hereby confirm that I have read and agree with the conditions of this Temporary Use Permit (TUP 17-01.01) and will ensure copies of the Permit are provided on site.

OWNER:

Signed on _____, 2020

Name/Title

OR

AGENT:

Signed on _____, 2020

Name/Title

AUTHORIZING RESOLUTION NO. _____ PASSED BY THE MUNICIPAL COUNCIL ON
DATE _____

ISSUE DATE _____, 2020

EXPIRY DATE _____, 2020

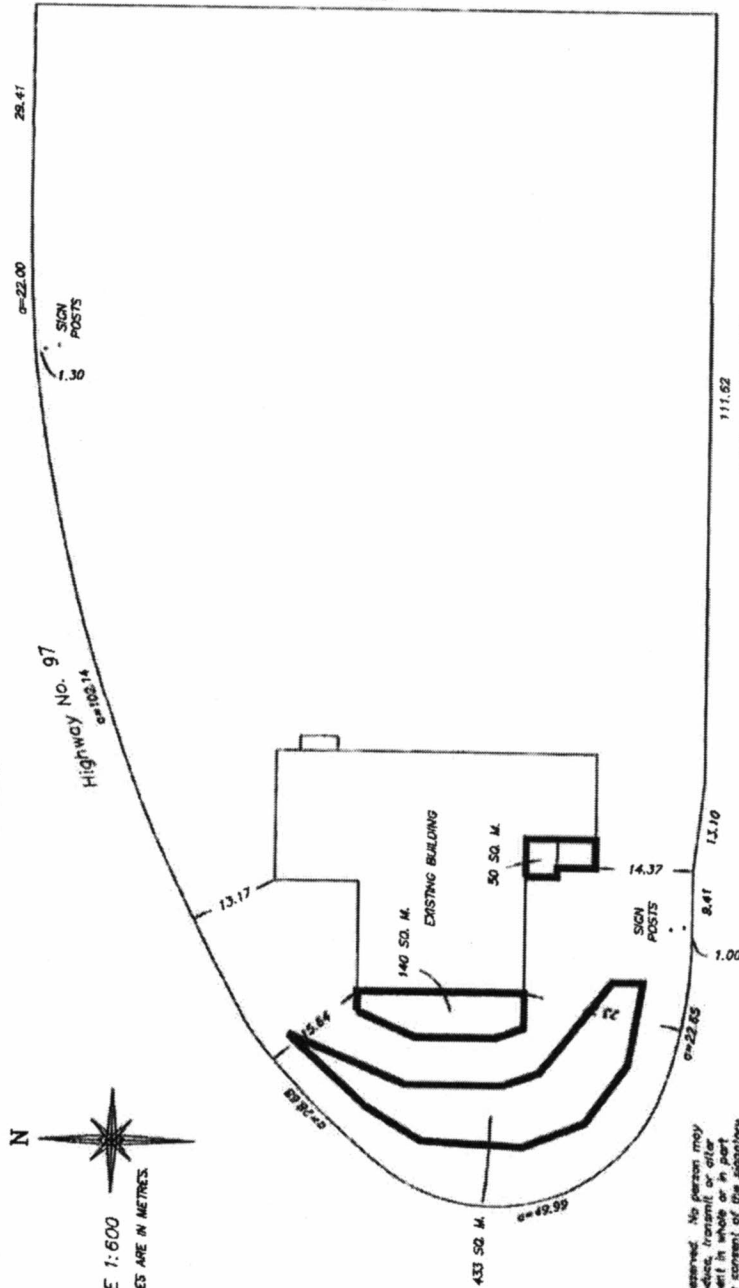
Signed on _____, 2020

City Clerk

**SITE PLAN OF PART OF LOT 31 PLAN 761 DL 486
O.D.Y.D. EXCEPT PLANS H8608, 38625 AND H911**



SCALE 1:600
DISTANCES ARE IN METRES



All rights reserved. No person may copy, reproduce, transmit or otherwise use this document in whole or in part without the consent of the signatory.
(C) This document is not valid unless originally signed and sealed.

CERTIFIED CORRECT
this 23rd day of December, 2010.

D.A. Goddard BCLS

This plan was prepared for municipal purposes and is for the exclusive use of our client.

FILE 14728 FB 310
G. Paynter

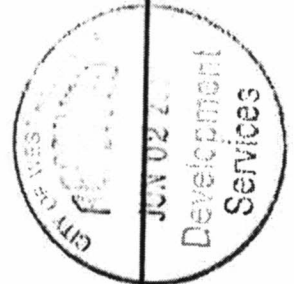
Highway No. 97

Hebert Road

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the lot shown above. This document shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

D.A. Goddard Land Surveying Inc.
103-1358 ST. PAUL STREET KELLOWNA PHONE 763-3723





COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 28, 2020

From: Jayden Riley, Planner II

File No: Z 19-12

Subject: **Z 19-12, OCP Amendment Bylaw No. 0100.58 and Zoning Amendment Bylaw No. 0154.89 (Rescind 1st Reading), 1080 Devon Road**

RECOMMENDATION

THAT Council rescind first reading to Official Community Plan Amendment Bylaw No. 0100.58, 2020 and abandon the bylaw; and,

THAT Council rescind first reading to Zoning Amendment Bylaw No. 0154.89, 2020 and abandon the bylaw.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity, Strengthen Our Community Focus

BACKGROUND

The applicant for file Z 19-12 has requested to withdraw their application. As such, staff recommend Council rescind first reading the Official Community Plan and Zoning Amendment bylaws in order to close the file.

PROPERTY DETAILS			
Address	1080 Devon Road		
PID	006-080-791		
Folio	36412713.110		
Lot Size	15,985 sq. m.		
Owner	Evangel Baptist Church	Agent	Andreas Schaefer
Current Zoning	Rural Residential Small Parcel (RU2)	Proposed Zoning	Institutional and Assembly (P2)
Current OCP	Rural Residential	Proposed OCP	Institutional
Current Use	Vacant	Proposed Use	Church
Development Permit Areas	Hillside, Sensitive Terrestrial Ecosystem, Aquatic Ecosystem		
Hazards	None		
Agricultural Land Reserve	None		

ADJACENT ZONING & LAND USES

North	^	Single Detached Residential (R1)
East	>	Single Detached Residential (R1)
West	<	Westlake Road / Gravel Extraction (I4)
South	v	Country Residential (RU1)

NEIGHBOURHOOD MAP



PROPERTY MAP



FINANCIAL IMPLICATIONS

N/A

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
April 21, 2020	THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.58, 2020; THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.89, 2020; THAT Council direct staff to schedule the proposed bylaw amendment for Public Hearing, when appropriate.	C114/20
June 23, 2020	THAT Council rescind second reading of Official Community Plan Bylaw No. 0100.58 and Zoning Amendment Bylaw No. 0154.89; and THAT the applicant be requested to provide additional information, including community consultation.	C172/20

REVIEWED BY

Brent Magnan, Planning Manager

Tracey Batten, Deputy CAO/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.58
2. Zoning Amendment Bylaw No. 0154.89

CITY OF WEST KELOWNA

BYLAW NO. 0100.58

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

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

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

1. Title

This Bylaw may be cited as “CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 0100.58, 2020”.

2. Amendments

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

2.1 By changing the designation on Lot 26, DL 505, ODYD PLAN 24204, as shown on Schedule ‘A’ attached to and forming part of this bylaw, from Rural Residential (RR) to Institutional (Inst).

2.2 By depicting the change on “City of West Kelowna Official Community Plan Bylaw No. 0100 Schedule 1” (Land Use map).

READ A FIRST AND SECOND TIME THIS 21ST DAY OF APRIL, 2020

RESCIND SECOND READING THIS 23RD DAY OF JUNE, 2020

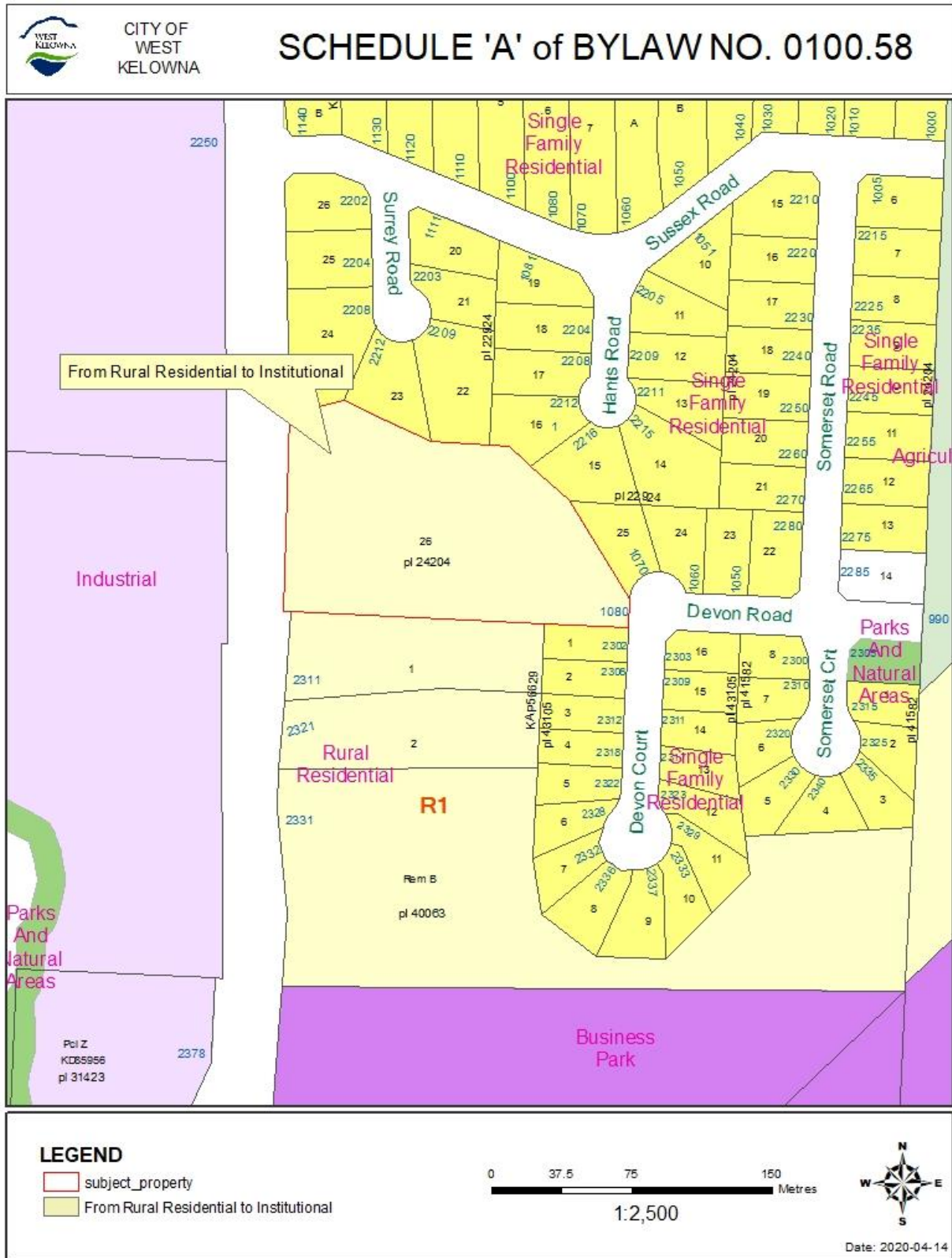
PUBLIC HEARING HELD

READ A THIRD TIME

ADOPTED

MAYOR

CITY CLERK



CITY OF WEST KELOWNA

BYLAW NO. 0154.89

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. 0154.89, 2020".

2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

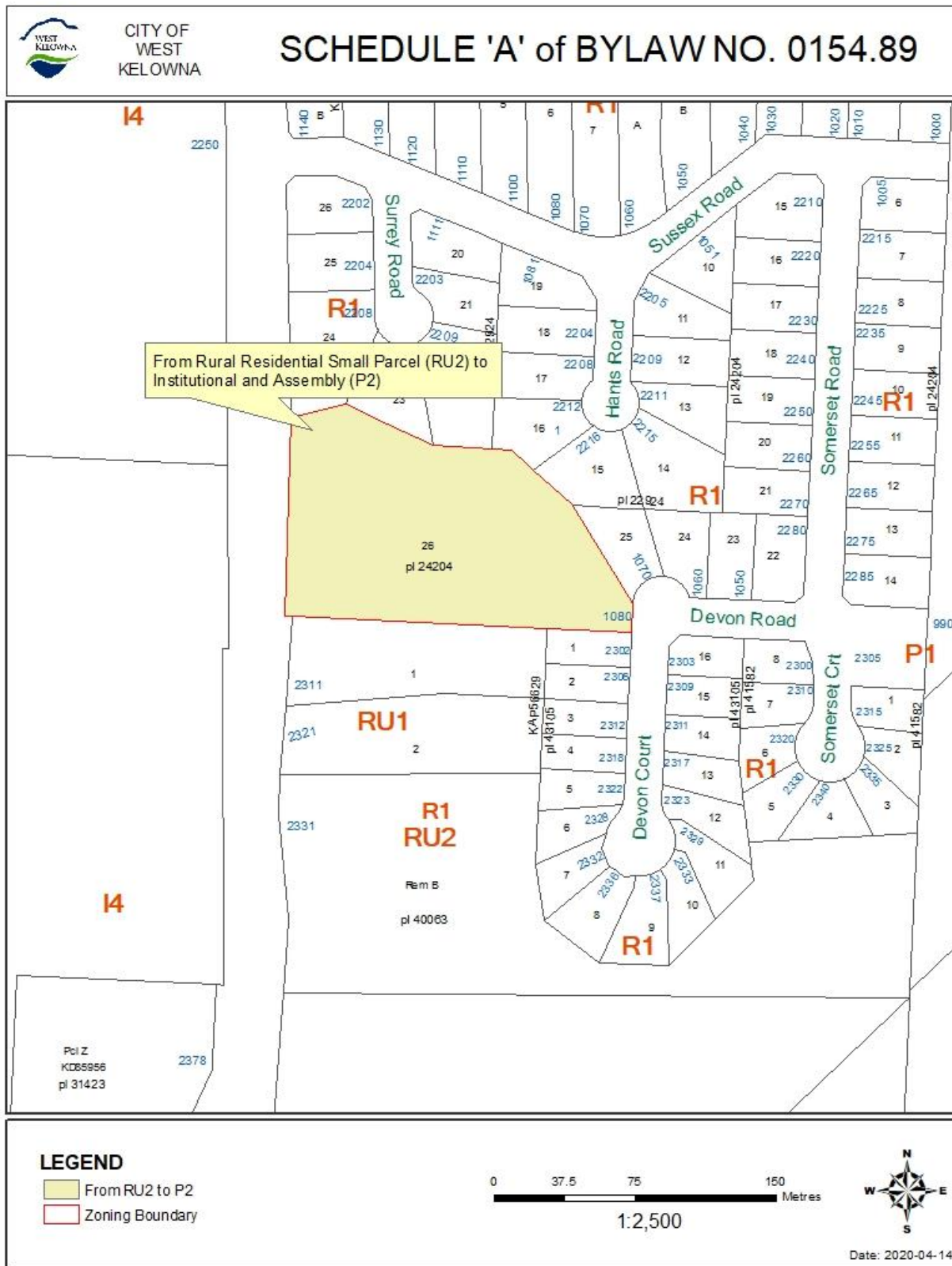
2.1 By changing the zoning on Lot 26, DL 505, ODYD PLAN 24204, as shown on Schedule 'A' attached to and forming part of this bylaw, from Rural Residential Small Parcel Zone (RU2) to Institutional and Assembly Zone (P2).

2.2 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS 21ST DAY OF APRIL, 2020
RESCIND SECOND READING THIS 23RD DAY OF JUNE, 2020
PUBLIC HEARING HELD
READ A THIRD TIME
ADOPTED

MAYOR

CITY CLERK





COUNCIL REPORT

To: Paul Gipps, CAO Date: July 28, 2020

From: Shelley Schnitzler, Legislative Services Manager File No: 93.45 & 95.42

Subject: **Bylaw Notice Enforcement Amendment Bylaw No. 0093.45 and Ticket Information Utilization Amendment Bylaw No. 0095.42**

RECOMMENDATION

THAT Council give first, second and third reading to “Bylaw Notice Enforcement Amendment Bylaw No. 0093.45, 2020”; and

THAT Council give first, second and third reading to “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.42, 2020”.

BACKGROUND

This is a housekeeping amendment to Schedule 12 (Ticket Offences for Parks and Public Spaces Bylaw No. 0184) of Bylaw Notice Enforcement Bylaw No. 0093 and Ticket Information Utilization Bylaw No. 0095 (the City’s two ticketing bylaws) to remove a ticketing offence, as the offence is not referenced in the Parks and Public Spaces Bylaw.

Parking in a disabled area is addressed in the City’s Traffic Bylaw and the associated fine is in Schedule 16 of the ticketing bylaw. As such, the Parks and Public Spaces Bylaw does not reference ‘parking in a disabled area’ as noted in Section 3.13 g) of the bylaw, thereby the ticket offence should be removed from Schedule 12.

Alternate Motion:

That Council postpone first, second and third reading of “Bylaw Notice Enforcement Amendment Bylaw No. 0093.45, 2020”; and

That Council postpone first, second and third reading of “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.42, 2020”.

Additional direction from Council would be requested.

REVIEWED BY

Tracey Batten, Deputy CAO/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Attachments:

- Bylaw Notice Enforcement Amendment Bylaw No. 0093.45, 2020
- City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.42, 2020
- Schedule 12 of the City's Ticketing Bylaw (for the Parks and Public Spaces Bylaw)
- Schedule 16 of the City's Ticketing Bylaw (for the Traffic Bylaw)

CITY OF WEST KELOWNA

BYLAW NO. 0093.45

A BYLAW TO AMEND THE BYLAW NOTICE ENFORCEMENT BYLAW

WHEREAS the Council of the City of West Kelowna desires to amend the Bylaw Notice Enforcement Bylaw No. 0093;

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 "BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW NO. 0093.45, 2020."

2. Amendments

"Bylaw Notice Enforcement Bylaw No. 0093" is hereby amended as follows:

2.1 By deleting the following line from Schedule 12 of Bylaw No. 0093:

Park in disabled area	3.13 g)	\$100.00
-----------------------	---------	----------

READ A FIRST, SECOND AND THIRD TIME THIS
ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF WEST KELOWNA

BYLAW NO. 0095.42

A BYLAW TO AMEND THE TICKET INFORMATION UTILIZATION BYLAW

WHEREAS the Council of the City of West Kelowna desires to amend the City of West Kelowna Ticket Information Utilization Bylaw No. 0095;

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 TICKET INFORMATION UTILIZATION AMENDMENT BYLAW NO. 0095.42, 2020."

2. Amendments

"City of West Kelowna Ticket Information Utilization Bylaw No. 0095" is hereby amended as follows:

2.1 By deleting the following line from Schedule 12 of Bylaw No. 0095:

Park in disabled area	3.13 g)	\$100.00
-----------------------	---------	----------

READ A FIRST, SECOND AND THIRD TIME THIS
ADOPTED

MAYOR

CORPORATE OFFICER

Bylaw No. 0095.16, adopted September 24, 2013, amended Bylaw No. 0095 by adding the following to Schedule 12:
 Exceed 15 minute moorage 13(5) \$100.00.
 Bylaw No. 0095.21, adopted January 28, 2014, amended Bylaw No. 0095 by deleting "Exceed 15 minute moorage, 13(5), \$100.00" from Schedule 12 and inserting "Moor contrary to posted signage, 13(5), \$100.00" into Schedule 12.
 Bylaw No. 0095.24, adopted September 29, 2015, deleted Schedule 12 in its entirety and replaced it with the following:
 Bylaw No. 0095.26, adopted November 24, 2015, deleted Schedule 12 in its entirety and replaced it with the following:
 Bylaw No. 0095.34, adopted November 28, 2017, deleted Schedule 12 in its entirety and replaced it with the following:
 Bylaw No. 0095.40, adopted October 9, 2018, deleted Schedule 12 in its entirety and replaced it with the following:
 Bylaw No. 0095.41, adopted September 3, 2019 amended Bylaw No. 0095 by deleting 3.9 a) and replacing with new wording:

SCHEDULE 12 OF BYLAW NO. 0095

Ticket Offences for Parks and Public Spaces Bylaw No. 0184

Ticket Offence	Section #	Fine
Enter a park or public space when prohibited	3.1 b)	\$ 500.00
Use contrary to regulations	3.1 c)	\$ 75.00
Person or vehicle in Parks between dusk & 6 am	3.1 d)	\$ 75.00
Person in closed park	3.1 e)	\$ 500.00
Access without permit	3.1 f)	\$ 250.00
Interfere or feed birds/wildlife	3.2 a)	\$ 75.00
Permit dog at large in park or public space	3.2 b)	\$ 100.00
Permit dog in park	3.2 c)	\$ 100.00
Fail to dispose of feces	3.2 e)	\$ 100.00
Permit animal in beach or swim area	3.2 f)	\$ 100.00
Prohibited animal in park or public space	3.2 h)	\$ 75.00
Damage park or public space	3.3 a)	\$ 500.00
Damage vegetation or City asset	3.3 b)	\$ 500.00
Damage park or public space signs	3.3 c)	\$ 100.00
Drain or redirect water	3.3 d)	\$ 100.00
Litter not in receptacle	3.4 a)	\$ 50.00
Leave garbage in park or public space	3.4 b)	\$ 250.00
Swing a golf club or propel a golf ball	3.5 a)	\$ 100.00
Prohibited weapon	3.5 b)	\$ 100.00
Explode material	3.5 c)	\$ 250.00
Fight in park or public space	3.5 d)	\$ 500.00
Urinate or defecate	3.5 f)	\$ 100.00
Operate remote control devices	3.5 g)	\$ 100.00
Vehicle outside of designated area	3.5 h)	\$ 75.00

Loitering in park or public space	3.5 i)	\$ 75.00	
Place or remove apparatus	3.5 j)	\$ 100.00	
Use structure contrary to regulations	3.6 a)	\$ 50.00	
Erect tent, building, or structure in park or public space	3.6 b)	\$ 50.00	
Use of electrical or utility service without a permit	3.6 d)	\$ 50.00	
Play without permission	3.7 a)	\$ 100.00	
Use contrary to regulations	3.7 b) & c)	\$ 50.00	
Assembly	3.8 a)	\$ 100.00	
Obstruct or interfere with public	3.8 b)	\$ 100.00	
Unlawful mooring or beaching	3.9 a)	\$ 100.00	
Watercraft in swim area	3.9 b)	\$ 200.00	
Illegal watercraft use	3.9 c)	\$ 100.00	
Launch or load a watercraft where prohibited	3.9 d)	\$ 100.00	
Liquor in park or public space	3.10 a)	\$ 100.00	
Smoke in park or public space	3.10 b)	\$ 100.00	
Smoke cannabis not on private parcel	3.10 c)	\$ 500.00	
Drug paraphernalia	3.10 d)	\$ 500.00	
Make fire in park or public space	3.11 a)	\$ 500.00	
Place burning material	3.11 b)	\$ 500.00	
Operate non-propane BBQ without permit	3.11 c)	\$ 250.00	
Sell in park	3.12 a)	\$ 100.00	
Conduct business in park	3.12 b)	\$ 100.00	
Advertise in a park	3.12 c)	\$ 75.00	
Service vehicle in a park	3.13 a)	\$ 100.00	
Park in closed park	3.13 b)	\$ 75.00	
Unsafe use of vehicle	3.13 c)	\$ 100.00	
Fail to stop	3.13 d)	\$ 100.00	
Drive contrary to signage	3.13 e)	\$ 100.00	
Obstruct or interfere with public	3.13 f)	\$ 100.00	
Park outside of designated area	3.13 g)	\$ 100.00	
Park in disabled area	3.13 g)	\$ 100.00	Item to be removed
Damage trees	3.14 a), b) & c)	\$ 500.00	
Unauthorized encroachment	3.15	\$ 75.00	

Bylaw No. 0095.01 adopted 2010-JAN-26 replaced Schedule 16 with the following Schedule 16:
 Bylaw No. 0095.03 adopted August 10, 2010 amended Bylaw 0095 by adding 12.1(ab) and 12.1 (ac);
 Bylaw No. 0095.15, adopted August 27, 2013, amended Bylaw No. 0095 by deleting 12.1(a) of Schedule 16 in its entirety and replacing with the following 12.1(a):
 Bylaw No. 0095.31 adopted September 18, 2018, deleted Schedule 16 in its entirety and replaced it with the following:
 Bylaw No. 0095.35 adopted October 2, 2018, added Section 12.1(ad) to Schedule 16:

Schedule 16

Ticket Offences for City of West Kelowna Traffic Bylaw No. 0092.

<u>Section</u>	<u>Prohibition</u>	<u>Fine</u>
3.1	Disobey traffic control device	100.00
3.2	Deface traffic control device	100.00
3.3	Remove notice placed on vehicle	100.00
3.4	Disobey person directing traffic	100.00
4.1(a)	Deposit substance on highway	100.00
4.1(b)	Fail to safeguard obstruction/excavation	100.00
4.1(c)	Interfere with traffic control device	100.00
4.1(d)	Unlawful use of highway	100.00
4.1(e)	Interfere with vehicle	100.00
4.1(f)	Interfere with parade/funeral	100.00
4.1(g)	Occupy trailer on highway	100.00
4.1(h)	Repair vehicle on highway	100.00
4.1(i)	Unauthorized vehicle entry	100.00
4.1(j)	Operate motor vehicle on trail	100.00
4.2	Operate truck off Highway 97	100.00
4.3	Fail to follow road hierarchy	100.00
5.1	Fail to remove debris	100.00
6.1(a)	Place material on highway	100.00
6.1(b)	Deposit material on highway	100.00
6.1(c)	Debris from property on highway	500.00
6.1(d)	Drag anything on highway	500.00
6.1(e)	Excavation of highway/tree removal	500.00
6.1(f)	Change level of highway	500.00
6.1(g)	Disrupt flow of drain/sewer/culvert	500.00
6.1(h)	Unauthorized work on highway	500.00
6.1(i)	Effluent causing damage or injury	500.00
6.1(j)	Deface highway or structure	500.00
6.1(k)	Drive over curb, sidewalk, ditch, boulevard	100.00
6.1(l)	Damage trees, plants on boulevard	500.00
6.1(m)	Oversize vehicle	500.00
7.1	Construct/alter crossing without permit	100.00
9.3(a)	Park in disabled zone without permit	250.00
9.3(b)	Park in disabled zone	250.00

This is the current (correct) ticketing schedule for parking in a disabled zone