



CITY OF WEST KELOWNA REGULAR COUNCIL AGENDA

Tuesday, July 23, 2019, IMMEDIATELY FOLLOWING THE PUBLIC HEARING AT 6:00 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

I would like to acknowledge that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

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

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

4. ADOPTION OF MINUTES

4.1 Minutes of the Public Hearing held July 9, 2019, in the City of West Kelowna Council Chambers 4

4.2 Minutes of the Regular Council Meeting held July 9, 2019, in the City of West Kelowna Council Chambers 9

5. MAYOR AND COUNCILLOR'S REPORTS

5.1 Mayor Milsom

5.1.1 2018 Annual Report 16

In accordance with Section 99 of the Community Charter, the public is invited to present submissions or questions to Council regarding the 2018 Annual Report.

Recommended Motion:

THAT Council consider the 2018 Annual Report, prepared in accordance with Section 98 and 99 of the *Community Charter*.

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 DEVELOPMENT SERVICES

- 8.1.1 **Z 19-01, Official Community Plan Amendment Bylaw No. 0100.50 and Zoning Amendment Bylaw No. 0154.83, 3060 Seclusion Bay Road** 18

Recommended Motion:

THAT Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.50, 2019; and

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and

THAT Council direct staff to schedule the proposed bylaw amendment for a Public Hearing.

- 8.1.2 **Z 19-04, Zoning Amendment Bylaw No. 0154.75, 2411 Apollo Road** 43

Recommended Motion:

THAT Council adopt City of West Kelowna Zoning Amendment Bylaw No. 0154.75, 2019.

- 8.1.3 **Consideration of an Application for a Government Operated Cannabis Retail Outlet** 48

Recommended Motion:

THAT Council direct staff to accept a Non-Medical Cannabis Retail Store Rezoning Application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.

- 8.1.4 **Community Visioning Update** 58

Information Report from the GM of Development Services

- 8.1.5 **Okanagan Collaborative Conservation Program (OCCP) Request for Support for the Okanagan Lake Protection Strategy** 61

Recommended Motion:

THAT Council support the Okanagan Lake Protection Strategy to foster regional collaboration, commitment and communication to address the importance of protecting Okanagan Lake; and,

THAT Council direct staff to provide a letter of support to Okanagan Collaborative Conservation Program.

8.2 ENGINEERING AND PUBLIC WORKS

8.3 FINANCE, ADMINISTRATIVE AND PROTECTIVE SERVICES

Recommended Motion:

THAT Council appoint Paul Gipps, Chief Administrative Officer, as a signing authority for the City of West Kelowna.

8.4 CHIEF ADMINISTRATIVE OFFICER

9. CORRESPONDENCE AND INFORMATION ITEMS

9.1 E-mail dated July 9, 2019 from Sabrina Locicero, Stakeholder Engagement Advisor, BC Hydro, re West Kelowna Transmission Project: Delegation Follow-up

67

9.2 Letter dated July 11, 2019 from Hon. Carole James, Minister of Finance and Deputy Premier re Implementation of Speculation and Vacancy Tax

69

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The next Council meeting is scheduled for 1:30 p.m., Tuesday, August 13, 2019 in the City of West Kelowna Council Chambers.



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 9, 2019

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
Tracey Batten, Deputy CAO
Nancy Henderson, GM of Development Services
Allen Fillion, GM of Engineering and Public Works
Bob Dargatz, Development Manager / Approving Officer
Shelley Schnitzler, Legislative Services Manager
Brandon Mayne, Help Desk Assistant
Carla Eaton, Planner III
Krishan Hewitt, IS Summer Student
Mike Cain, Bylaw Enforcement Supervisor
Mark Roberts, Flood Remediation Project Supervisor

1. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing was called to order at 1:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

Submissions received from the following:

- Barb Jackson
- Ed and Deborah Dyck (letter and photos)
- Tyrone and Sherri Hiles
- Tad and Elaine Kondo

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 Official Community Plan Amendment Bylaw No. 0100.56 and Zoning Amendment Bylaw No. 0154.76.

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

5.1 Z 19-05, Official Community Plan Amendment Bylaw No. 0100.56 and Zoning Amendment Bylaw No. 154.76, 2370 Tallus Ridge

The Planner III introduced Official Community Plan Amendment Bylaw No. 0100.56 and Zoning Amendment Bylaw No. 0154.76, to change the OCP designation from Single Family Residential and Agricultural to Medium Density Multiple Family, and to change the Zoning from R%1 (Single Detached Residential) and A1 (Agricultural) to R3 (Low Density Multiple Residential) to accommodate a 26 unit strata townhouse development and one single family dwelling.

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

Kyle Lorincz, Protech Consulting

- Was on site of the Tuscany rock slope earlier today with the Geotechnical Engineer, Dr. Dwayne Tannant;
- In Dr. Tannant's view, there are no major concerns with the rock slope provided regular maintenance and upkeep is undertaken on the rock slope;
- Dr. Tannant noted that this development should have no effect on the rock slope itself;
- It is recommended that rock scaling be undertaken and the ditch cleaned of all debris;
- The Contractor for the Developer was on site and will be getting started on this work soon;
- All construction activity will access off Mt. Hollows Road; not behind the existing easement road;
- A majority of the blasting for site grading and rock work was already been completed by the previous owner;
- The amount of rock work still to be done is minimal and will include benching and cleaning up the slope;

- Surveying and monitoring from the blasting will be undertaken through the process to ensure no damage to homes;
- It doesn't appear that any scaling has ever occurred on the property;
- There has been regular ditch cleaning & maintenance conducted by the City of West Kelowna;
- A report from the Specialized Rock Specialist should be completed prior to third reading of the Bylaw.

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

Frank Seip

- When he moved into the neighbourhood, it was a quiet street with large condo complex at the end;
- Was led to believe where the 80 plus medium-density homes were being built was going to be bungalows;
- Concern with the endangered species lizard; wondering if this has been considered;
- Concern with erosion;
- Staff have shown some good detail of the subject property; residents didn't get this information before;
- Wondering if this application opens the door for the entire subject area for the zoning to be R3;
- There are already 80 plus medium density homes crammed in there and now the proposal is for homes above;
- In the 6 years since he owned his home, the patio and garage floor are cracking;
- The proposal is too close in proximity to his property;
- This will affect his quality of life;
- Would like more neighbourhood residents to see the detailed drawing of the subject property shown in the powerpoint prior to adoption of the bylaw.

Colleen Whattam

- In 2016, she submitted a letter to Council regarding the slope of the subject property;
- Although there is now a different developer, she has the same concerns;
- In 2016, the previous developer sent an Insurance Company through her house to look at the home in case of damage;
- The previous developer voiced concern with falling debris, and cleanup continued;
- Concern is how stable the rock face is;
- Request the stability of the slope be assessed for safety by a qualified person;
- Request scaling before work commences;
- Request cleanup of boulders;
- Wondering who will be responsible for any damage from blasting;
- Suggest that mesh netting be placed over the rock face for preventative measures;
- Wondering if an Insurance Company will return to re-inspect homes;

- Wondering who will be responsible for monitoring debris;
- Concern with safety; children play on the street;
- Every week, neighbours remove rock that has fallen;
- Concern with fire; three years ago, it took 20 minutes to get out of Tuscany to get onto Shannon Lake Road;
- There are more than 350 new homes on Tallus; and now another new development is being proposed;
- Wondering where the exit will be for residents in the case of fire.

Steven Schott

- Concern is with the rock face along Tuscany Drive and the re-zoning from R1 to R3;
- Any work done on top (increasing personnel, increase in traffic, etc.) could result in an interaction with the cliff or something falling off the cliff;
- Concern with erosion;
- Would like construction limited along the rock face;
- There is a safety issue;
- Would like the zoning to remain R1;
- To the east and to the west, there is medium density already;
- Too much medium density housing will disrupt the balance of the neighbourhood;
- Currently, there is a good mix of single and multiple residences;
- Specific concern is the slope stability above the rock face along Tuscany Drive;
- At the very least, the development should be single family homes, not multiple family;
- The requirement for cliff maintenance should be a City responsibility to look after and not future strata owners.

Marshall Whattam

- The subject area rock face is not bedrock; it has been sluffing off for the past 10 years;
- Maintenance was done four years ago by the previous developer and last year the City undertook the maintenance;
- The rock face is sluffing off continually.

Tyrone Hiles

- The development abuts his back yard;
- Concern with blasting, vibration and drilling that may affect his foundation;
- Concern with increase in traffic which is already an issue; if this development is added, traffic will be immense;
- Currently, his property has privacy with the mountain and forest; with this proposed development, his property may not get any sun;
- The development may affect his property value.

Sherry Kirchner-Reimer

- Concern with safety and the rock fall;
- Concern with safety and exiting in an emergency or fire;

- Concern with the emergency exit;
- If there's an emergency, it will be difficult getting out due to more traffic;
- Concern with the slope and rocks falling; it's a safety issue.

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 application.

Frank Seip

- The rock face is unstable;
- Residents witness the rock come down;
- The previous owner did the cleanup and removal;
- The proposed round-about should be moved to priority due to the increase in traffic;
- With all the residents trying to exit Tuscany, the new developments, and Tallus Ridge, a bottleneck will result.

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 2:30 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 2:30 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 Official Community Plan Amendment Bylaw No. 0111.56 and Zoning Bylaw No. 0154.76, held on July 9, 2019.

Legislative Services Manager



CITY OF WEST KELOWNA
MINUTES OF THE REGULAR MEETING OF COUNCIL

Tuesday, July 9, 2019
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
Nancy Henderson, GM of Development Services
Allen Fillion, GM of Engineering and Public Works
Bob Dargatz, Development Services/Approving Officer
Shelley Schnitzler, Legislative Services Manager
Mike Cain, Bylaw Enforcement Supervisor
Mark Roberts, Flood Remediation Supervisor
Stacey Harding, Parks and Fleet Operations Manager
Justin Larratt, Engineering Student
Krishan Hewitt, IS Student
Mike Ummenhoffer, Purchasing Manager

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

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

The meeting was called to order at 2:39 p.m.

2. INTRODUCTION OF LATE ITEMS

2.1 Rise and Report from the July 3, 2019 In-camera Council Meeting to be added to Mayor's Report (see item 5.1)

3. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C266/19

THAT the agenda be adopted as amended.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the June 25, 2019 Regular Council Meeting

It was moved and seconded

Resolution No. C267/19

THAT the minutes of the Regular Council Meeting held June 25, 2019 in the City of West Kelowna Council Chambers be adopted as amended by removing the word "Zanon" from the Opposed Councillors for Resolution C248/19.

CARRIED UNANIMOUSLY

5. MAYOR AND COUNCILLOR'S REPORTS

5.1 Mayor Milsom

Introduction: Mr. Paul Gipps, Chief Administrative Officer for the City of West Kelowna

Rise and Report from the July 3, 2019 In-camera Council Meeting - Council appointed Paul Gipps as the Chief Administrative Officer under Section 147 of the *Community Charter*.

5.2 Councillor Findlater

Federation of Canadian Municipalities - Update

5.3 Councillor Zanon

Federation of Canadian Municipalities - Update

5.4 Councillor de Jong

Federation of Canadian Municipalities - Update

5.5 Councillor Johnston

Federation of Canadian Municipalities - Update

5.6 Councillor Zilkie

Federation of Canadian Municipalities - Update

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 DEVELOPMENT SERVICES

8.1.1 Z 19-04, Zoning Amendment Bylaw No. 0154.75, 2411 Apollo Road

It was moved and seconded

Resolution No. C268/19

THAT Council give third reading to West Kelowna Zoning Amendment Bylaw No. 0154.75, 2019.

CARRIED UNANIMOUSLY

8.1.2 Z 19-06 (Prime Cannabis), Zoning Amendment Bylaw No. 154.77, 14 - 2528 Main Street

It was moved and seconded

Resolution No. C269/19

THAT Council adopt City of West Kelowna Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis, Z 19-06); and

THAT Council direct staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch in support of the issuance of a non-medical cannabis retail store license in accordance with Amendment Bylaw No. 0154.77 with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated; and
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached.

CARRIED UNANIMOUSLY

8.1.3 Z 19-07 (Flora), Zoning Amendment Bylaw No. 0154.78, 3710 Hoskins Road

It was moved and seconded

Resolution No. C270/19

THAT Council adopt City of West Kelowna Amendment Bylaw No. 0154.78, 2019 (Flora, Z 19-07); and

THAT Council direct staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch in support of the issuance of a non-medical cannabis retail store license in accordance with Amendment Bylaw No. 0154.78 with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated; and
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached.

CARRIED UNANIMOUSLY

8.1.4 Z 19-08 (Cheeba Cheebas), Zoning Amendment Bylaw No. 154.79, 1812 Byland Road

It was moved and seconded

Resolution No. C271/19

THAT Council adopt City of West Kelowna Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas, Z 19-08); and

THAT Council direct staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch in support of the issuance of a non-medical cannabis retail store license in accordance with Amendment Bylaw No. 0154.79 with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated; and
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached.

CARRIED UNANIMOUSLY

8.1.5 Z 19-09 (Spirit Leaf), Zoning Amendment Bylaw No. 154.80, 1195 Industrial Road

It was moved and seconded

Resolution No. C272/19

THAT Council adopt City of West Kelowna Amendment Bylaw No. 0154.80, 2019 (Spirit Leaf, Z 19-09); and

THAT Council direct staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch in support of the issuance of a non-medical cannabis retail store license in accordance with Amendment Bylaw No. 0154.80 with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated; and
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached.

CARRIED UNANIMOUSLY

8.1.6 Z 19-10 (Canndara), Zoning Amendment Bylaw No. 0154.81, 1192 Industrial Road

It was moved and seconded

Resolution No. C273/19

THAT Council adopt City of West Kelowna Amendment Bylaw No. 0154.81, 2019 (Candara, Z 19-10); and

THAT Council direct staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch in support of the issuance of a non-medical cannabis retail store license in accordance with Amendment Bylaw No. 0154.81 with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated; and
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached.

CARRIED UNANIMOUSLY

8.2 ENGINEERING AND PUBLIC WORKS

8.2.1 Water Supply Update

Information Report from the GM of Engineering and Public Works

The meeting recessed at 4:11 p.m.

The meeting reconvened at 4:16 p.m.

8.2.2 Multi-Sport Facility Update #11, July

Information Report from Engineering

8.3 FINANCE, ADMINISTRATIVE AND PROTECTIVE SERVICES

8.3.1 Good Neighbour Amendment Bylaw No. 151.01

It was moved and seconded

Resolution No. C274/19

THAT "City of West Kelowna Good Neighbour Amendment Bylaw No. 151.01, 2019" be adopted.

CARRIED UNANIMOUSLY

8.3.2 Amendment to Bylaw Notice Enforcement Bylaw

It was moved and seconded

Resolution No. C275/19

THAT "Bylaw Notice Enforcement Amendment Bylaw No. 0093.44, 2019" be adopted.

CARRIED UNANIMOUSLY

8.3.3 Appointment of Bylaw Enforcement Supervisor

It was moved and seconded

Resolution No. C276/19

THAT Council appoint Mike Cain as the Bylaw Enforcement Supervisor for the City of West Kelowna effective July 9, 2019.

CARRIED UNANIMOUSLY

8.3.4 2019 Towing Services Contract

Information Report from the Purchasing Manager

8.4 CHIEF ADMINISTRATIVE OFFICER

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



COUNCIL REPORT
Finance, Administrative & Protective Services
For the July 23, 2019 Council Meeting

DATE: July 15, 2019
TO: Paul Gipps, CAO
FROM: Kirsten Jones, Communications Supervisor
RE: 2018 Annual Report

RECOMMENDED MOTION:

THAT Council consider the 2018 Annual Report, prepared in accordance with Section 98 and 99 of the *Community Charter*.

RATIONALE:

A municipality must prepare an Annual Municipal Report and provide it for public review, as required in the *Community Charter*.

LEGISLATIVE REQUIREMENTS:

As required under Section 98 and 99 of the *Community Charter*, a municipality must prepare an Annual Municipal Report and provide it for public review.

BACKGROUND:

In accordance with Section 98 and 99 of the *Community Charter*, the City of West Kelowna's 2018 Annual Report is presented for Council's consideration.

As noted in the legislation, each year, a Council must prepare an annual report which must include the audited annual financial statements, permissive tax exemptions, a report respecting municipal services and operations, performance measures and objectives and any other information the Council considers advisable.

The advertising requirements have been met, and the 14 day public inspection time period has taken place. The final requirement is for Council to consider questions from the public at the meeting, and to endorse the report.

REVIEWED AND APPROVED BY:

Kirsten Jones, Communications Supervisor
Tracey Batten, Deputy CAO
Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Link to the 2018 Annual Report:

<https://www.westkelownacity.ca/en/our-community/resources/Documents/2018-Annual-Report.pdf>



COUNCIL REPORT
Development Services
For the July 23rd, 2019 Council Meeting

DATE: July 11, 2019 File: Z 19-01
TO: Paul Gipps, CAO
FROM: Hailey Rilkoff, Planner I
RE: Application: Official Community Plan Amendment Bylaw No. 0100.50 and
Zoning Amendment Bylaw No. 0154.83
Legal: Lot 1, DL 3493, ODYD, Plan KAP17359 Except Plan 25556
Address: 3060 Seclusion Bay Road
Owner: Sky High Metals Corp.
Agent: Kevin Johnson / Bear Land Development Services

RECOMMENDED MOTION:

THAT Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.50, 2019;

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and

THAT Council direct staff to schedule the proposed bylaw amendment for a Public Hearing.

RATIONALE:

- Council provided direction on January 23, 2018 at first reading of OCP Amendment Bylaw No. 0100.50 to proceed with an application and review for rezoning in relation to the development proposal on this site;
- The proposed CD8 Zone is tailored to the sites unique characteristics and the applicant's vision;
- The site is adjacent to a similarly zoned development (Seclusion Bay Resort) and is not a property that is typical of the Rural Reserve designation.
- The applicant will obtain necessary water and sewerage approvals from the Province prior to adoption of the CD8 zone;
- A Statutory Right of Way will be secured for pedestrian access to provide for future regional trail connections between the District of Peachland and Goats Peak Regional Park;
- A Section 219 No Build-No Disturb Covenant will be registered within the Upper Development Area to ensure environmental protection of sensitive areas; and
- Geotechnical and Environmental reports were submitted which support the proposal and provide recommendations for future analyses and works during the detailed design stages for the development and servicing.

LEGISLATIVE REQUIREMENTS:

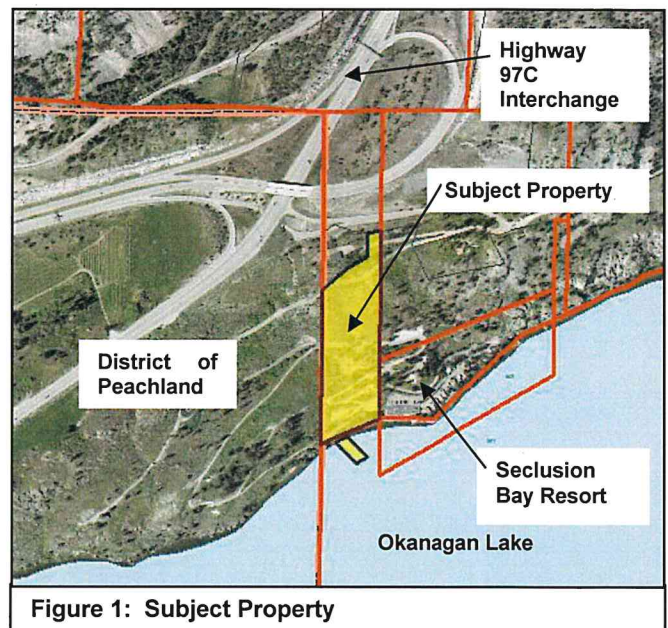
Council has the authority under Part 14, s. 472 of the *Local Government Act* to amend the Official Community Plan. Council has the authority under Part 14 (s. 479) of the *Local Government Act* (LGA) to amend its Zoning Bylaw.

BACKGROUND:

Location and Context

The subject property currently zoned Rural Residential Small Parcel (RU2) and is 2.48 hectares in size (6.1 acres) (*Attachment 1 and 2; Figure 1*). The property is vacant due to wildfires in 2010 that destroyed the existing dwelling. The property is steeply sloped on the northern half (greater than 30 percent) and slopes moderately on the south half towards Okanagan Lake. The subject property includes several paved roadways providing access over the property to adjacent properties by easement. An existing structure is located on the waterfront, in addition to a dock, grassy area, and beach. The property is composed of talus rock outcrops, natural springs, and secondary regrowth after the wildfires. The surrounding land uses include:

- North – Rural Residential Small Parcel (RU2) and Highway 97C (Okanagan Connector) interchange
- West – District of Peachland Zoning A-2 Rural (Non-ALR)
- East – Seclusion Bay Resort, is split zoned: Campground, Cabin, and Motel Commercial (C5) and Rural Residential Large Parcel (RU4).
- South – Okanagan Lake



Proposal

The applicant proposes to amend the Official Community Plan (OCP) land use designation on the lower (lakefront) portion of the property from Resource Land to Tourist Commercial. Additionally, the applicant proposes to amend the zoning of the subject property from the Rural Residential Small Parcel Zone (RU2) to a Comprehensive Development Zone (CD) to support the development of 16 single detached dwelling units. The CD Zone proposes year-round and short-term occupancy in the lower development area and an upper conservation and servicing area. The applicant also proposes to amend the waterfront from the Recreational Water Use Zone (W1) to the Intensive Water Use Zone (W2) to provide for additional boat slips with boatlifts and visitor moorage.

The applicant's vision is for a strata development of 16 eco-villas (single detached dwelling units), an amenity building, and a dock extension to accommodate one boat slip per unit, boatlifts, and visitor moorage (*Attachment 3; Figure 2*). The proposed single detached dwelling units would be approximately 185 m² (1,991 ft²) in area and include kitchen and bathroom facilities (*Figure 3*). The development concept, as proposed, is envisioned by the applicant to utilize the natural features and environmental assets of the site to minimize development

impacts. The applicant anticipates the proposed development will result in a positive economic benefit to the community through the permitted short-term tourist accommodations in addition to development DCC's. Due to the lack of community servicing the applicant is proposing on-site servicing (i.e. water, sanitary sewer, storm sewer) for the property, however Provincial approval for these servicing systems will be required prior to rezoning.

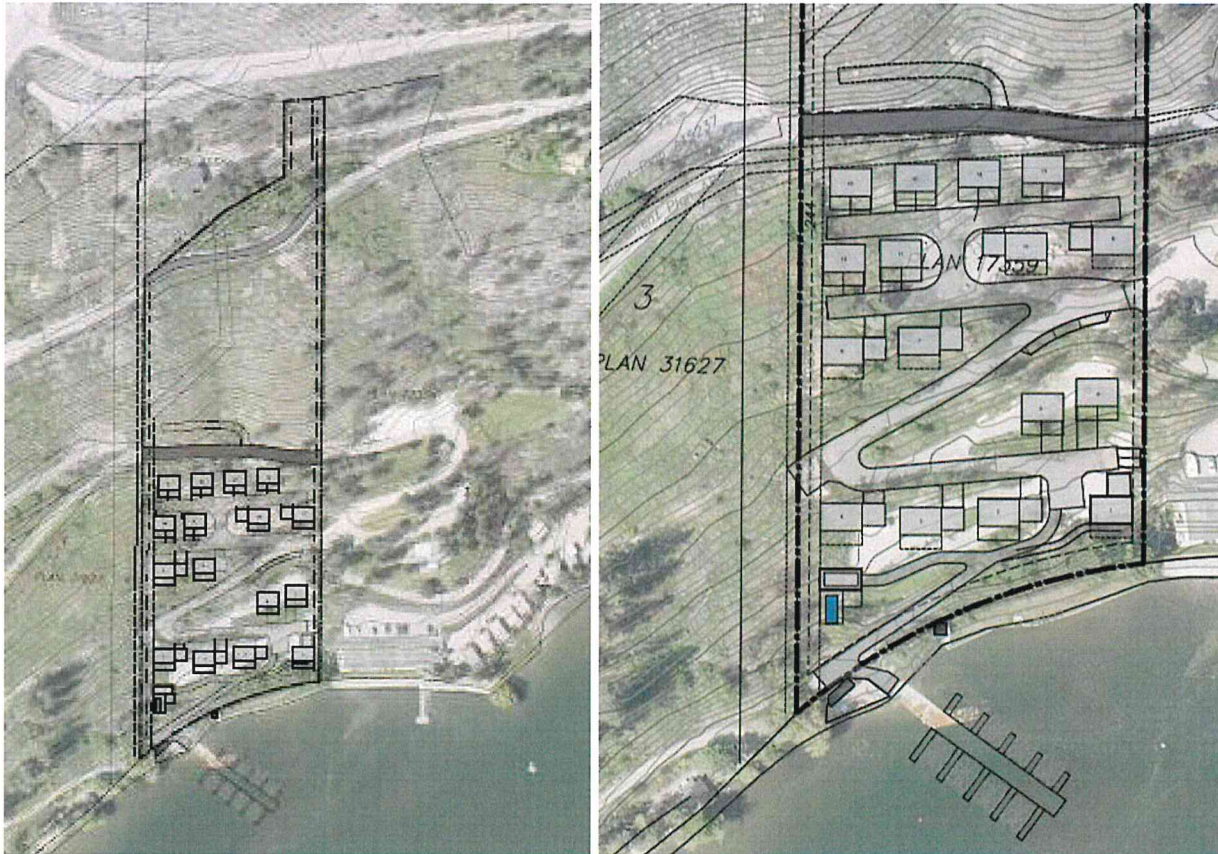


Figure 2: Conceptual Site Plan for 3060 Seclusion Bay Road



Figure 3: Conceptual Eco-Villa Design

The applicant has proposed a suite of development features to support their vision for an eco development:

- Reuse of stormwater for landscaping
- Planned supplemental wind and solar energy
- Proposed Ecoflo® Biofilter for pre-treatment of waste water
- Plans to select green building materials and goals for net-zero energy units
- Low flow plumbing and energy efficient appliances

The registration of a Section 219 Covenant on the property is recommended to guarantee that green building design and the applicant's proposed eco-features are tied to the land and any future development.

BYLAW AND POLICY REVIEW

Regional Growth Strategy (RGS) RDCO Bylaw No. 1336

The proposal does not align with several policies within the RGS (see the RDCO Referral Response on p. 8).

Official Community Plan (OCP) Bylaw No. 0100

The Growth Management Designation (GMD) for the subject property is Rural Reserve.¹ The parcel is located outside of the Rural Reserve Boundary, which is the growth boundary derived from servicing capabilities and long-term infrastructure planning. The Rural Reserve Boundary is intended to promote more efficient use of land and infrastructure and focus growth within existing developed areas. Rural Reserve policies do not support rezoning applications to facilitate subdivision outside the Rural Reserve Boundary.² However, at the previous first reading of the OCP Amendment Bylaw No.0100.50 on January 23, 2018, Council provided direction for staff to consider this development proposal within the rural reserve. The subject property is not typical of the Rural Reserve designation due to it's proximity to a similarly zoned development (Seclusion Bay Resort), proximity to the Highway 97 Exchange , and potential development site adjacent in the District of Peachland.

The Land Use Designation (LUD) for the subject property is Resource Land. Resource Land policies seek to minimize road access and protect the resource and environmental values of parcels outside the Rural Reserve Boundary. Accordingly, rezoning applications to facilitate subdivisions that would create parcels less than 30 hectares in size are not typically supported.³

The proposed Tourist Commercial land use designation applies to projects that are developed primarily for tourist use. Tourist Commercial policies direct developments to be sensitive to environmental impacts, emphasize high-quality green building design, and encourage transportation and pedestrian connectivity.⁴ Examples of existing developments that are designated as Tourist Commercial in the OCP include: The Cove Lakeside Resort, Barona Beach Resort, Casa Loma Lakeshore Resort, and Mission Hill Winery. Attachment 4 includes excerpts of OCP policies that relate to the subject application.

Tourist commercial developments can foster local economic development which is supported by the OCP's Economic Sustainability policies, such as supporting economic development that protects and promotes the community's natural assets (e.g. Okanagan Lake).

Development Permit Areas

The subject property is located in three Development Permit Areas (DPAs): Aquatic Ecosystem DPA, Sensitive Terrestrial Ecosystem DPA, and the Hillside DPA. These DPAs identify areas of environmental, riparian and hillside (geotechnical) concerns and will require further analysis prior to development. At the Development Permit stage, existing development within the

¹ The West Kelowna Official Community Plan (s. 3.2, pp. 25-54) delineates and describes the Growth Management Designations throughout the community. Growth Management Designations are intended to identify growth priority areas and support OCP Land Use Designations. Although Growth Management Designations are more descriptive than they are regulatory, a proposal to amend the OCP Land Use Designation for a property should be considered with regard to the policies contained in both the respective Growth Management Designation and the Land Use Designation.

² Official Community Plan Bylaw No. 0100, Part 3 – Objectives and Policies, s. 3.2.11 Rural Reserve

³ Official Community Plan Bylaw No. 0100, Part 3 – Objectives and Policies, s. 3.3.9 Resource Land

⁴ Official Community Plan Bylaw No. 0100, Part 3 – Objectives and Policies, s. 3.3.3 Commercial

foreshore shall be assessed by the Environmental Assessment report with recommendations for required restoration or compensation to be determined. In addition, a Commercial Development Permit is required to address form and character, siting, access and landscaping considerations for the proposed development.

Parks Master Plan & Recreational Trails Master Plan

In addition to the Waterfront Plan, both the Parks Master Plan and the Recreational Trails Master Plan identify and value future trail connections in the vicinity of the subject property, such as pedestrian access through the subject property providing recreational and active transportation connections between the District of Peachland and Goats Peak Regional Park. Accordingly, the applicant proposes to provide a statutory right of way (SRW) for public access over the upper portion of the property to provide a connection from Drought Road in the District of Peachland to Goat's Peak Regional Park. This pedestrian pathway aligns with the Okanagan Trail 2000 initiative and the RDCO's RGS, which envisions recreational and alternate transportation routes linking communities in the Okanagan Valley. As the exact routing of this connection has not been finalized and is an ongoing process that will involve further discussions with stakeholders within the region, in order to ensure that a feasible connection is established it is recommended that an SRW for public access along or adjacent to the current shared access road be secured.

Waterfront Plan

The Waterfront Plan identifies an opportunity through future development to support expanded public spaces and facilities through land dedication and community amenity contributions. However, the plan also realizes that steep slopes and private land ownership present limitations to additional lake accesses and public spaces. Although the Waterfront Plan notes that as properties develop in the waterfront area, securing trail connections should be a priority, the waterfront of the subject property is difficult to access from existing established trail networks in the area. The SRW over the subject property for public access will support new regional linkages between neighbourhoods, parks, and communities in place of a waterfront trail.

Zoning Bylaw No. 0154

The applicant is proposing to rezone the subject property from the Rural Residential Small Parcel Zone (RU2) to a Comprehensive Development Zone (CD8) and to rezone the waterfront from the Recreational Water Use Zone (W1) to the Intensive Water Use Zone (W2) (Figure 4 and 5). The applicant has requested a Comprehensive Development Zone in order to design the zoning regulations specific to the site conditions. The CD8 Zone will allow for 16 residential/tourism units with a maximum floor area of 185 m² that may be used for short-term or long-term occupancies.



Figure 4: Proposed Conceptual Rendering

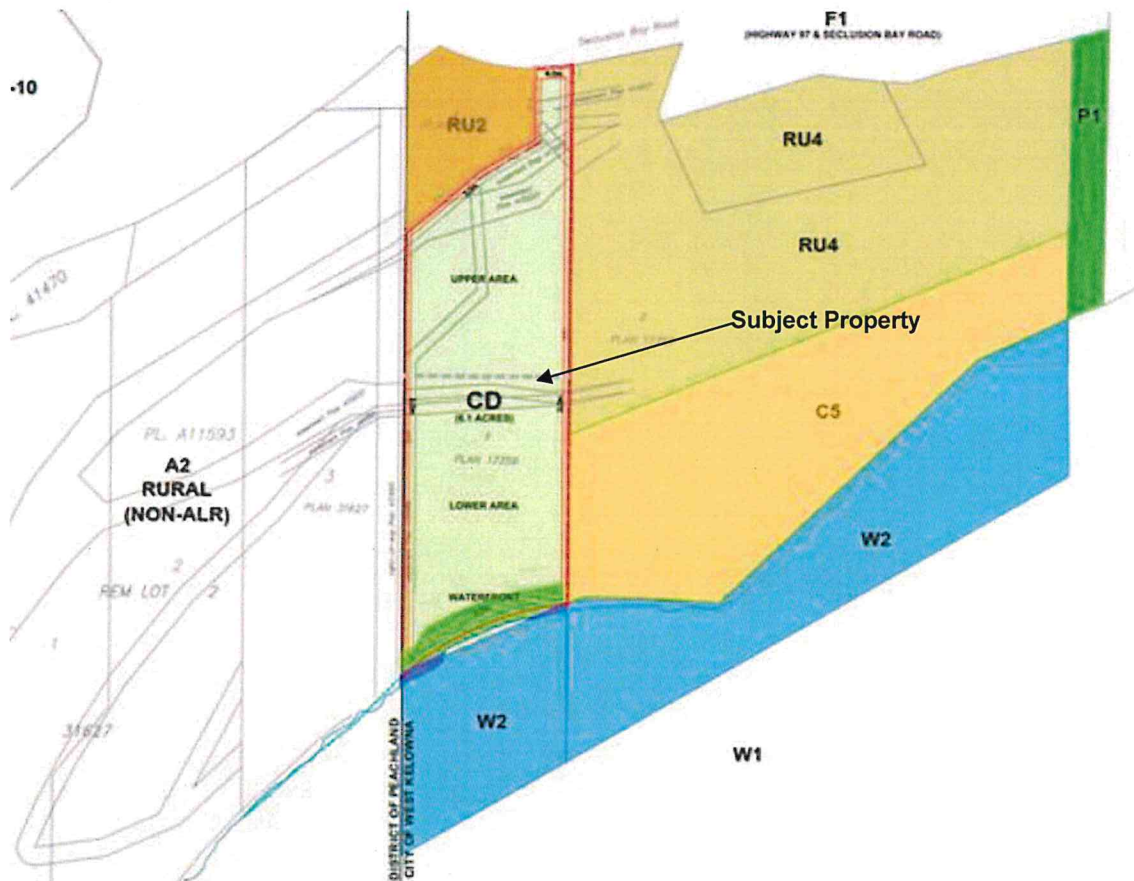


Figure 5: Proposed Comprehensive Development Zone (CD8) and Intensive Water Use Zone (W2)

The CD8 Zone also includes provisions for an amenity building and conservation areas. The adjacent property, "Seclusion Bay Resort" is zoned Campground, Cabin, and Motel Commercial Zone (C5), which also allows for short-term and long-term rental accommodation; however, permits a maximum floor area of 100m² for a Tourist Cabin. There is a significant difference in the maximum allowable Floor Area between the C5 Zone of Seclusion Bay (100m²) and the proposed CD8 Zone (185m²). The proposal intends to maintain the riparian shoreline of Okanagan Lake and includes a dock with boat slips (one per unit), boatlifts, and visitor moorage. Table 1 provides a comparison of the proposed CD8 Zone with the existing RU2 Zone and to the C5 Zone, which also allows for short-term and long-term rental accommodation (e.g. Seclusion Bay Resort). A draft CD8 Zone is included in Attachment 5.

Table 1: Comparison of Zoning Regulations

Zone	Existing Zone (RU2)	Proposed Zone (CD8)	Comparison Zone (C5)
Min. Parcel Area	1.0 ha	2.477 ha	1.0 ha
Min. Parcel Frontage	30 m	20 m	50.0 m
Max. Density	1 SFD	<ul style="list-style-type: none"> 16 Single Detached Dwellings 1 Amenity Building or Structure 0.12 FAR 	<ul style="list-style-type: none"> 1 caretaker unit per parcel 0.8 FAR for motel and tourist cabin 20 campsites per ha
Max. GFA	N/A	• 185 m ² (per	N/A

		dwelling unit) <ul style="list-style-type: none"> • 100 m² (per amenity building) • 100m² (combined accessory buildings and structures) 	
Max. Parcel Coverage	10%	40%	30%
Max. Building Height	9.0 m	9.0 m to a maximum of two storeys	9.0 m (3 storeys)
Siting Regulations - Setback			
Front Parcel Boundary	6.0 m	6.0 m	4.5 m
Rear Parcel Boundary	7.5 m	6.0m	3.0 m (6.0 abutting a residential zone)
Interior Parcel Boundary	4.5 m	3.0 m	3.0 m (6.0 abutting a residential zone)
Exterior Side Parcel Boundary	4.5 m	N/A	4.5 m

The proposed CD8 Zone is designed to fit the proposal with the character of the site and to allow uses that are complementary to the adjacent Seclusion Bay Resort property. The siting regulations meet and exceed the setbacks of the C5 Zone. The proposed building height of 9 m is limited to a maximum of two storeys, which is one storey less than permitted for Seclusion Bay Resort. The subject property will have a greater density than Seclusion Bay Resort; however, less units will be located on the subject property. A density comparison between the proposal and the adjacent Seclusion Bay Resort is summarised in Table 2.

Table 2: Density Comparison of Proposal with Seclusion Bay Resort

	Proposal (CD8)	Seclusion Bay Resort (C5)
Parcel Area (ha)	2.477 ha	5.80 ha
Units	16	28
Density (d.u./ha)	6.46	4.83
Floor Area Ratio (FAR)	0.12	0.8

TECHNICAL CONSIDERATIONS:

Servicing

As noted, the subject property is in the Rural Reserve, i.e. outside the urban growth boundary, and there are no plans to extend community services to the subject property. The applicant indicates that the project proposes to accommodate water and sewer services on site (Attachment 6). Concerns about servicing the development with private water and sewer systems include the significant burden placed on private property owners as private systems are typically less reliable than municipal servicing.

Water System

Concerns regarding the water system are exacerbated in this situation because a private water system is proposed to supply firefighting water. Moreover, the City's infrastructure and servicing policies discourage the establishment of new private water systems.⁵ The applicant is proposing to utilize existing springs on the property, which have water licenses and have historically supplied water to the property and adjacent properties including Seclusion Bay

⁵ Official Community Plan Bylaw No. 0100, Part 3 – Objectives and Policies, s. 3.6.2 Water

Resort. Further, the applicant is proposing a lake intake to provide domestic and firefighting water to the development and has applied to the Province for licensing. Provincial approval for the water licence and Interior Health approval of a small water system will be required prior to adoption. The applicant will need to demonstrate that the water supply system meets the requirements of the Works and Services Bylaw No. 0249. A Development Variance Permit application will be required to allow onsite water supply where a community water system is not available.

Sewage Disposal

The applicant is proposing an onsite sewage disposal gravity system that includes pre-treatment of the waste water, flow into a lift station, and a septic field located above the proposed development. The Works and Services Bylaw permits onsite sewage disposal systems when a community waste water system is not available for parcels over one-hectare. Finally, the proposal exceeds the regional standard of one-hectare minimum parcel area for developments without a connection to a community waste water system. The subject property is larger than one hectare; however, the proposed density of 6.46 units per hectare exceeds the expectations of the one-hectare policy.

Stormwater

The applicant proposes to reduce the need for major stormwater infrastructure by implementing onsite rain gardens and integrated stormwater landscape design. The internal road network is proposed to include a bio-swale on the upper side of the road to help reduce flow rates and erosion and also promote ground water infiltration. The proposed stormwater network is proposed to tie into the existing storm drains that discharge at the waterfront which may require additional approval from the Province through a Section 11 Notice. Due to the proximity to the waterfront, no detention systems are anticipated.

Access

The application proposes to maintain use of the existing private access road, which includes various access easement agreements and a portion that actually extends through land in the District of Peachland. The owner is responsible for frontage improvements on Seclusion Bay Road. There is sufficient space for fire truck turning movements on the site and the improvements proposed are suitable for year-round emergency vehicle access. Maintenance of the private access road will not be provided by the City.

Geotechnical

Several geotechnical reports were submitted, including a third party review commenting on the instability on the property and adjacent areas. The reports include a Landslide Assessment Assurance Statement and indicate the subject property is suitable for the intended use. To support the application, a geotechnical report has been submitted that indicates that the subject property is suitable for the proposed sewage disposal system.

Environmental

An environmental report has been submitted that provides recommendations to maintain a wildlife corridor in the proposed septic field area, development of a restoration plan during the detailed design stages of the development and compensation areas for encroachment into the 15m riparian setback. A Section 219 No Build No Disturb Covenant will be required to be registered to protect the steep slope and environmentally sensitive areas in the Upper Development Area.

To support the application, an environmental report has also been submitted that indicates that the subject property is suitable for an on-site sewage disposal system. However, the report also identifies that further hydrogeological issues remain to be understood and that additional works and analysis will be required at the time of detailed system design. Additional environmental

reporting will be required as part of the Development Permit process for the proposed development.

REFERRAL RESPONSES

Interior Health

No concerns for the rezoning proposal provided that the size of the sewerage system is determined by the estimated daily sewage produced in a development and the soil characteristics of the land. Interior Health approval to operate a small water system will also be required prior to adoption of the Zoning Bylaw Amendment.

Regional District of Central Okanagan

The subject property is located within the Rural Reserve and the proposal does not align with the policies of the Regional Growth Strategy (RGS). Specifically, the proposal does not align with the following RGS policies:

- Support logical and sequential growth patterns that minimize urban encroachment into rural areas⁶;
- Protect the rural areas that offer a rural lifestyle choice⁷; nor
- Limit development to the identified urban/village centres in current community plans to provide a range of amenities and services⁸.

RDCO supports future recreational and active transportation opportunities in the Seclusion Bay area that allows for regional linkages, open space connectivity, and pedestrian infrastructure. To support the goals of the Okanagan Trail 2000 and Active Transportation Corridors it is recommended a Statutory Right of Way for pedestrian access over the subject property be secured as a condition of rezoning.

District of Peachland

The District of Peachland Council was presented the referral and provided the following response:

- That the applicant register a blanket statutory right of way on the subject property for public access to support inter-regional active transportation opportunities in accordance with the RDCO Regional Growth Strategy and the Peachland Parks and Recreation Master Plan;
- That a development permit be issued prior to any works occurring on the lands within the District of Peachland; and
- That prior to consideration of rezoning, a comprehensive hydrogeological assessment be completed, including full design of the on-site treatment and disposal system approved by Interior Health.

Advisory Planning Commission

The Advisory Planning Commission considered the application on May 15, 2017 and supported the proposal as presented.

PUBLIC NOTIFICATION

Development Proposal signs have been posted on site in accordance with Development Applications Procedures Bylaw No. 0249.

⁶ RDCO Regional Growth Strategy, Policy 3.2.1.1

⁷ RDCO Regional Growth Strategy, Policy 3.2.1.3

⁸ RDCO Regional Growth Strategy, Policy 3.2.1.9

ALTERNATE MOTIONS:

1. **THAT** Council rescind first reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.50, 2018 and abandon the bylaw; and

THAT Council deny reading City of West Kelowna Zoning Application Z 19-01..

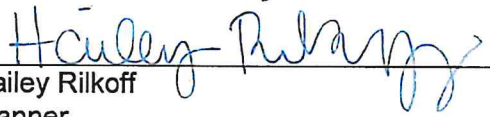
Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant may re-apply for a similar proposal 6 months after initial Council Consideration.

2. **THAT** Council postpone second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.50, 2018; and

THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019.

Should Council postpone consideration of the proposed bylaw amendment, further direction to staff on how to proceed is required.

Respectfully submitted,


Hailey Rilkoff
Planner


'Bob Dargatz'
Bob Dargatz
Development Manager


Nancy Henderson
GM Development Services

Powerpoint: Yes ☒ No ☐

Attachments:

1. Context Map
2. Subject Property Map
3. Seclusion Bay Summary Report – Executive Summary (1 page)
4. OCP Policy Excerpts
5. Draft CD8 Zone
6. Conceptual Servicing Plan
7. Minutes of the Advisory Planning Commission
8. OCP and Zoning Bylaw Amendments

Approved for Agenda	
 Paul Gipps, CAO	July 18, 2019 Date

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-01 3060 Seclusion Bay Rd\Bylaw_Rpts_Minutes\1st and 2nd Reading\Council Report Z 19-01 v.2.doc

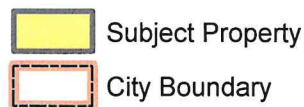


CONTEXT MAP: Z 19-01



File: Z 19-01

Legal Description: Lot 1, DL 3493, ODYD,
Plan 17359 Except Plan 25556

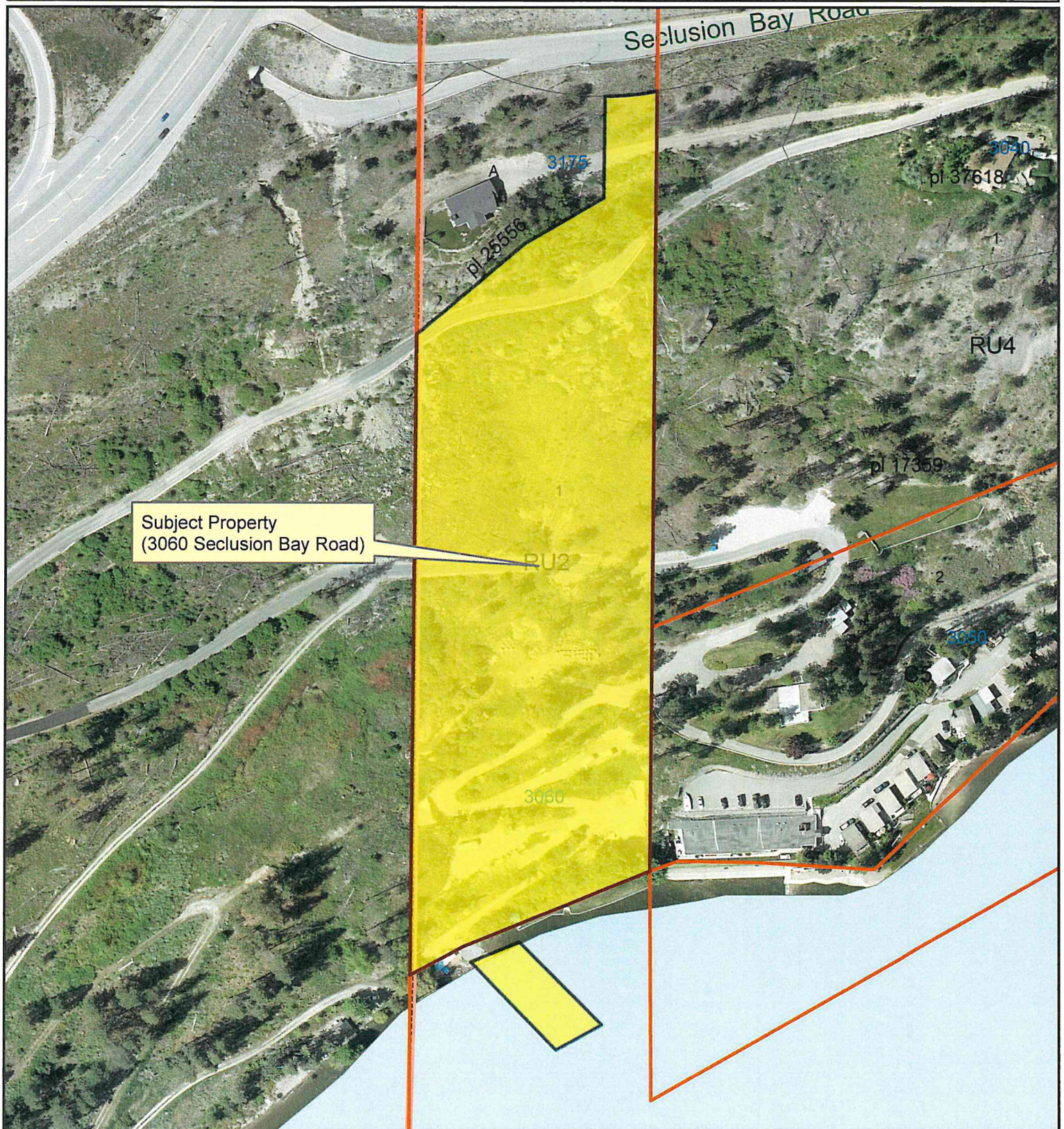


0 105 210 420
Metres





SUBJECT PROPERTY: Z 19-01



File: Z 19-01

Legal Description: Lot 1, DL 3493, ODYD,
Plan 17359 Except Plan 25556

LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 25 50 100
Metres

1:2,000



1.0 Executive Summary

The applicants, Sky High Metals Ltd. (Trent and Ester Kitsch), have had previous discussions with City Staff regarding the re-development and revitalization of the 6.1 acre lot at **3060 Seclusion Bay Road**, located in the City of West Kelowna. The site and existing home was destroyed and has remained vacant since the wildfires in July of 2010. A positive Initial Consideration for an OCP amendment for the development proposal has been received (**OCP 17-03**). As recommended by city staff, the applicant, and agent (Bear Land Development Services Ltd.), wish to advance the OCP amendment and rezoning process simultaneously moving forward. A Comprehensive Development rezoning approach has been selected for the proposed strata development due to the unique character of the site, specific land uses proposed, and to provide assurances and certainty to the owner, neighbouring community, and the City.

The application proposes a rezoning change to the subject property from **Rural Residential Small Parcel Zone (RU2)** to a **Comprehensive Development Zone (CD)**, as per drawings provided (Z-01 & Z-02).



The proposed CD zone includes specific land uses and definitions which supports the proposed strata development, including **16 Eco-Villas** and an amenity building (Pool Cabana) with outdoor pool. The proposed CD zone also permits an **Eco-Servicing** strategy, as the subject property will remain off-grid from municipal services.

In addition to the CD zone, the proposed development includes an extension of the existing dock, which requires rezoning from **Recreational Water Use (W1)** to **Intensive Water Use Zone (W2)** to provide for additional boat slips (one per unit), with boat lifts, and visitor moorage.



The proposed CD zone supports the natural progression and revitalization of this previously disturbed and neglected site. The proposed CD zone also helps ensure the property conforms to similar uses, size and scale to the adjacent property, Seclusion Bay Resorts, which is zoned Commercial and Rural Residential. The development also provides direct tourism-related economic benefit to the City West Kelowna and Westbank Town Center from short-term and long-term vacation rentals. Additional, economic benefits result from consulting, manufacturing, and construction related jobs.

The development puts no additional burden on existing or future city infrastructure, maintenance, or operational services as a result of the Eco-Serving Strategy. The City will realize an additional tax revenue increase of approximately \$150,000-\$200,000 per year, in perpetuity. This additional investment, along with associated development, application, and administration fees will help pay for other capital projects that benefits the entire community.

Policy Review

Official Community Plan Bylaw No. 0100

Section 2 Community Context, Vision and Guiding Principles

2.4 Our Community Vision

How We Will Grow: The community retains a smaller town feel as it guides future development through designation of growth areas [...].

2.5 Guiding Principles

2.5.1 OCP Guiding Principles for Planning & Design

- Recognize and help create positive and unique characteristics of place
- Create compact, complete and safe neighbourhoods

Section 3 Objectives and Policies

3.2 Growth Management Designations (GMDs)

GMDs assist in the prioritization of long-range planning and servicing needs by directing new development to focused priority areas. The designations also create opportunities to design development incentives for specific areas, such as Boucherie and Westbank Centres, the Corridor and Neighbourhoods. Tools available to local government to expedite development in priority areas should be considered where possible and staff resources directed to those development applications that comply with the GMDs (p. 26).

3.2.1 General Objectives and Policies

Overall Growth Management Designation Objectives

1. GMD designated lands are the priority areas for new growth and development in West Kelowna.
2. Ensure municipal servicing efficiency through prioritizing development of full urban services in already developed neighbourhoods within the Rural Reserve Boundary and promoting infill development on vacant or underutilized lands within serviced areas.
3. Protect environmentally significant lands, including sensitive ecosystems, hillsides and natural areas identified by the community.
4. Promote more efficient use of finite resources and encourage compact development patterns that also reduce the consumption of these resources.
5. Preserve and enhance the view and natural quality of hillsides which contribute to the positive image of West Kelowna, providing aesthetic, social, cultural and economic community benefits.

Overall Growth Management Policies

1. Focus new growth and development in Boucherie and Westbank Centres, Gellatly Village, the Corridor and Neighbourhoods.
2. Discourage greenfield development outside of existing developed areas or approved Comprehensive Development Plan areas.

3.2.10 Waterfront

Waterfront Objectives

1. Increase public waterfront access opportunities in CWK.
2. Over the long term, identify, plan and strive to complete a continuous public access waterfront trail.
4. Promote tourist commercial uses at specified locations.

3.2.11 Rural Reserve

Rural Reserve Objectives

2. Identify lands for future community needs (parkland, natural areas, future transmission or transportation corridor, [...]) in advance of urban expansion.

Rural Reserve Policies

1. In the next 5 to 10 years, no new additional greenfield areas in Rural Reserve lands are expected to be required to meet the needs of the community. After this time period, a CWK land analysis should be completed to identify potential new greenfield development opportunities based on any identified need. This analysis will bring greater certainty regarding future residential supply, as well as the orderly provision of supporting infrastructure.
2. Subdivision in the Rural Reserve is not supported, except where zoning amendments are not required and minimum parcel sizes within the designation can be met.

3.3 Land Use Designations

3.3.3 Commercial

Commercial Policies

12. Ensure that all Tourist Commercial development includes the creation of facilities and amenities for the tourists that they draw to the area, that also benefit the surrounding local community. They should also generate opportunities for interaction with and employment for members of the community.
13. Projects developed primarily for tourist use should be sensitive to the environmental impacts of their placement and a primary emphasis should be placed on high quality green building design and extensive well maintained landscaping. Buffering of abutting uses and service areas as well as transit and pedestrian connectivity will be encouraged.

3.3.9 Resource Land

Resource Land Policies

3. In order to minimize road access and to protect resource and environmental values, subdivision is not supported within the Resource Land designation, where lands are

outside the Rural Reserve Boundary and require any zoning amendment allowing parcel sizes less than 30 hectares.

3.6 City Infrastructure & Services

3.6.1 General Objectives and Policies

City Infrastructure Objectives

1. Develop orderly, efficient and integrated infrastructure plans to meet current and future community needs in an efficient and sustainable manner.
5. Support infill development as a means of efficient use of existing infrastructure.

City Infrastructure Policies

2. Plan, design and develop infrastructure in cooperation with the Westbank First Nation, the RDCO and adjacent municipalities, where such infrastructure is of mutual benefit.
3. Consider opportunities for non-traditional approaches to infrastructure development and management that may be of community benefit, including:
 - b. Power generation on watercourses or at dam facilities;
 - d. Incorporating recreational opportunities (e.g. pedestrian and cycling trails);
 - e. Environmental design (e.g. bio-swales).

Water Servicing & Conservation Policies

6. Discourage the establishment of new private water system providers within West Kelowna, except for non-potable water systems for agricultural use only.

3.9 Economic Sustainability

3.9.1 General Objectives and Policies

Economic Sustainability Actions

4. Through the development of a Waterfront Plan, create and maintain public access to West Kelowna's waterfront, and encourage tourist commercial development on the waterfront that enhances the community's natural assets.

Waterfront Plan

Section 5 Land Use & Development

- Public input suggests that new waterfront development that supports the public nature of the waterfront is desirable. However, it is important to maintain the character and integrity of the waterfront area (p. 50).

Section 6 Recreation

Recreation Opportunities and Issues

- Future development in the waterfront area, as well as throughout West Kelowna, could support expanded public spaces and facilities through land dedication and community amenity contributions (p. 66).

Section 7 Connectivity & Access

7.2.5 Connected Waterfront Trail

This process, as well as previous initiatives, including Trail 2000, have identified the importance of a complete waterfront trail connection. The popularity of the existing 1.5 km Gellatly Recreational Corridor attests to the significance of a linked waterfront for the people of West Kelowna.

A connected trail along the waterfront will be a prize amenity and will promote the waterfront as a recreation destination for visitors. Successful waterfront trails stimulate tourism and bolster the economy (p. 136).

CD8 – Comprehensive Development Zone (Seclusion Bay)

1. Purpose

To allow for single detached dwellings and tourist accommodation, including vacation rentals. The zone provides the opportunity for the preservation of environmentally sensitive areas, two or more permitted uses, and private servicing.

2. Definitions

All definitions of Zoning Bylaw No. 0154 apply unless specified or modified in this comprehensive development zone.

- (a) **Single Detached Dwelling:** a dwelling with only 1 dwelling unit, with a maximum gross floor area of 185 m² (1,991 ft²), and that may be occupied for periods of less than 30 days.

3. Development Areas

3.1 Development Areas Within CD 8 Zone

This CD Zone is divided into three development areas, as shown on the attached Figure 1:

- (a) Upper Area
 - i. Ensures environmental protection of sensitive areas with conservation and preservation of open spaces. Provides opportunity for private servicing infrastructure including a water reservoir, water treatment system, waste water disposal field(s), solar panels, wind turbines, and related accessory buildings and structures.
- (b) Lower Area
 - i. Includes a maximum of 16 single detached dwellings, 1 amenity building or structure, solar panels and supporting servicing infrastructure.
- (c) Riparian Area
 - i. Ensures environmental protection of sensitive riparian areas with conservation, open spaces and limited recreational access.

3.2 Development Areas Table

	Development Area	Area
.1	Upper Area	1.11 ha (2.74 ac)
.2	Lower Area	1.17 ha (2.89 ac)
.3	Riparian Area	0.2 ha (0.49 ac)
.4	Total Parcel Area	2.48 ha (6.12 ac)

4. Permitted Uses and Zoning Regulations By Development Area

The following regulations are specific to each development area identified in the attached Figure 1; development in these areas shall occur in conformance with the following regulations.

4.1 Upper Area

.1 Principal Uses, Buildings and Structures:

- (a) Private servicing infrastructure (water reservoir, water treatment system, waste water disposal field(s), solar panels, and wind turbines)

.2 Secondary Uses, Buildings and Structures

- (b) Accessory uses, building and structures

4.2 Lower Area

.1 Principal Uses, Buildings and Structures

- (a) Single detached dwelling
- (b) Amenity building or structure (primarily used for accessory pool uses, community gathering and events)

.2 Secondary Uses, Buildings and Structures

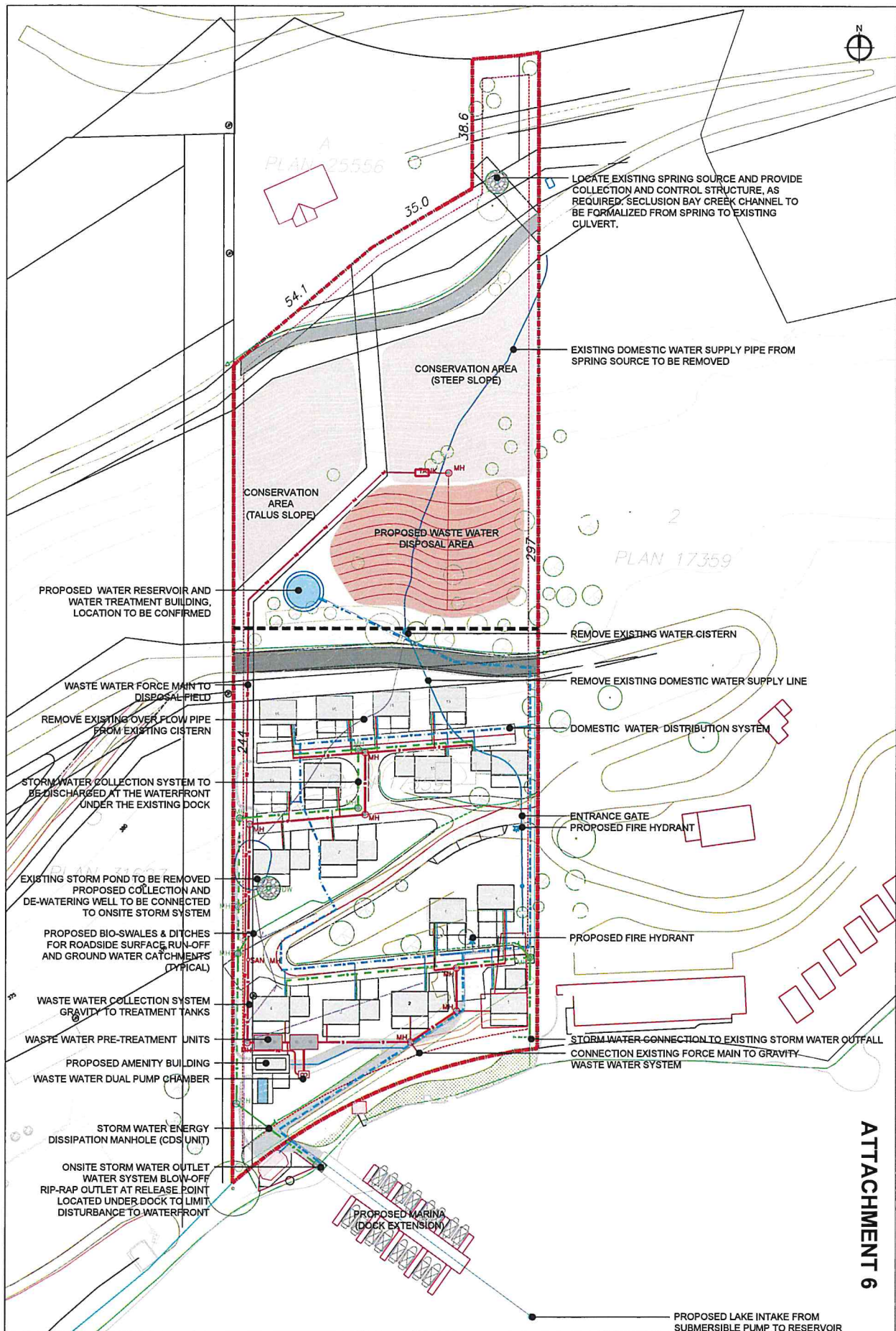
- (a) Accessory uses, buildings and structures
- (b) Home based business, minor
- (c) Private servicing infrastructure (water treatment, waste water treatment, solar panels)

4.3 Regulations Table

DEVELOPMENT REGULATIONS		
(a)	Maximum Floor Area Ratio	0.13
(b)	Maximum Density	
.1	Single Detached Dwelling	16
.2	Amenity Building or Structure	1
(b)	Maximum Gross Floor Area per Building	
.1	Single Detached Dwelling	185 m ² (1,991.3 ft ²)
.2	Amenity Building or Structure	100 m ² (1,076.4 ft ²)
.3	Accessory Building or Structure	200 m ² (2152.8 ft ²) of all accessory buildings and structures combined
(c)	Maximum parcel coverage	40%
(d)	Maximum building height	9.0 m (29.5 ft) to a maximum of 2 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures
SITING REGULATIONS		
(e)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the	
.1	Interior parcel boundary	3.0 m (9.8 ft)
.2	Front parcel boundary (Seclusion Bay Road)	6.0 m (19.7 ft)
.3	Rear parcel boundary (Okanagan Lake)	6.0 m (19.7 ft)



FIGURE 1
CD ZONE PLAN & DEVELOPMENT AREAS
Page 37 of 70



ATTACHMENT 6

CITY OF WEST KELOWNA

BYLAW NO. 0100.50

A BYLAW TO AMEND "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. 0100.50, 2018".

2. Amendments

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

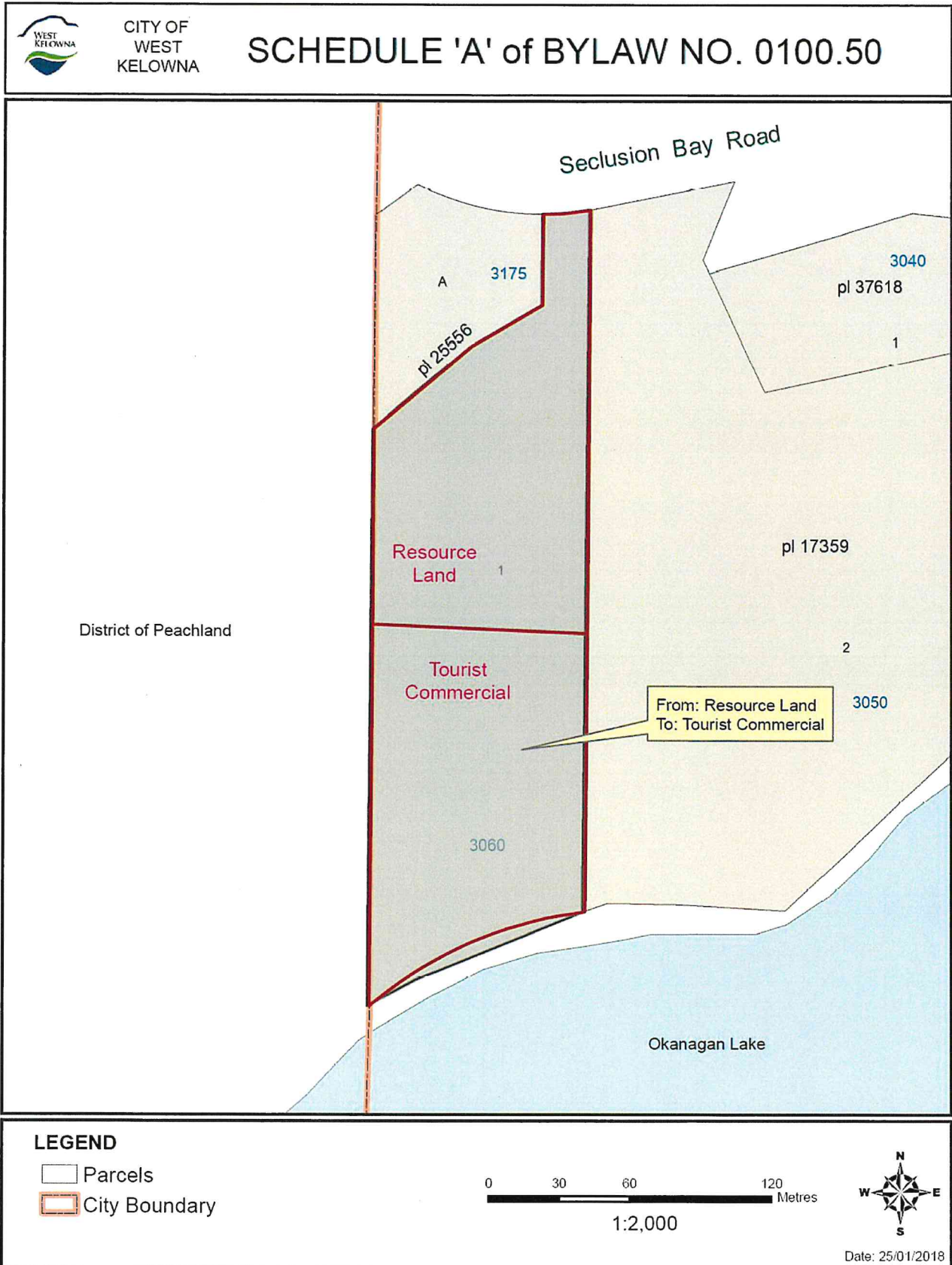
2.1 By changing the designation on the lower (lakefront) portion of Lot 1, DL 3493, Plan KAP17359 Except Plan 25556 as shown on Schedule 'A' attached to and forming part of this bylaw from Resource Land to Tourist Commercial.

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

READ A FIRST TIME THIS 23RD DAY OF JANUARY, 2018
READ A SECOND TIME
PUBLIC HEARING HELD
READ A THIRD TIME
ADOPTED

MAYOR

CITY CLERK



CITY OF WEST KELOWNA

BYLAW NO. 0154.83

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. 0154.83, 2019".

2. Amendments

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

- 2.1 By changing the zoning on Lot 1, DL 3493, ODYD, Plan KAP17359 Except Plan 25556 as shown on Schedule 'A' attached to and forming part of this bylaw from Rural Residential Small Parcel Zone (RU2) to Comprehensive Development Zone (CD8).
- 2.2 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS ____ DAY OF _____, 2019
PUBLIC HEARING HELD
READ A THIRD TIME
ADOPTED

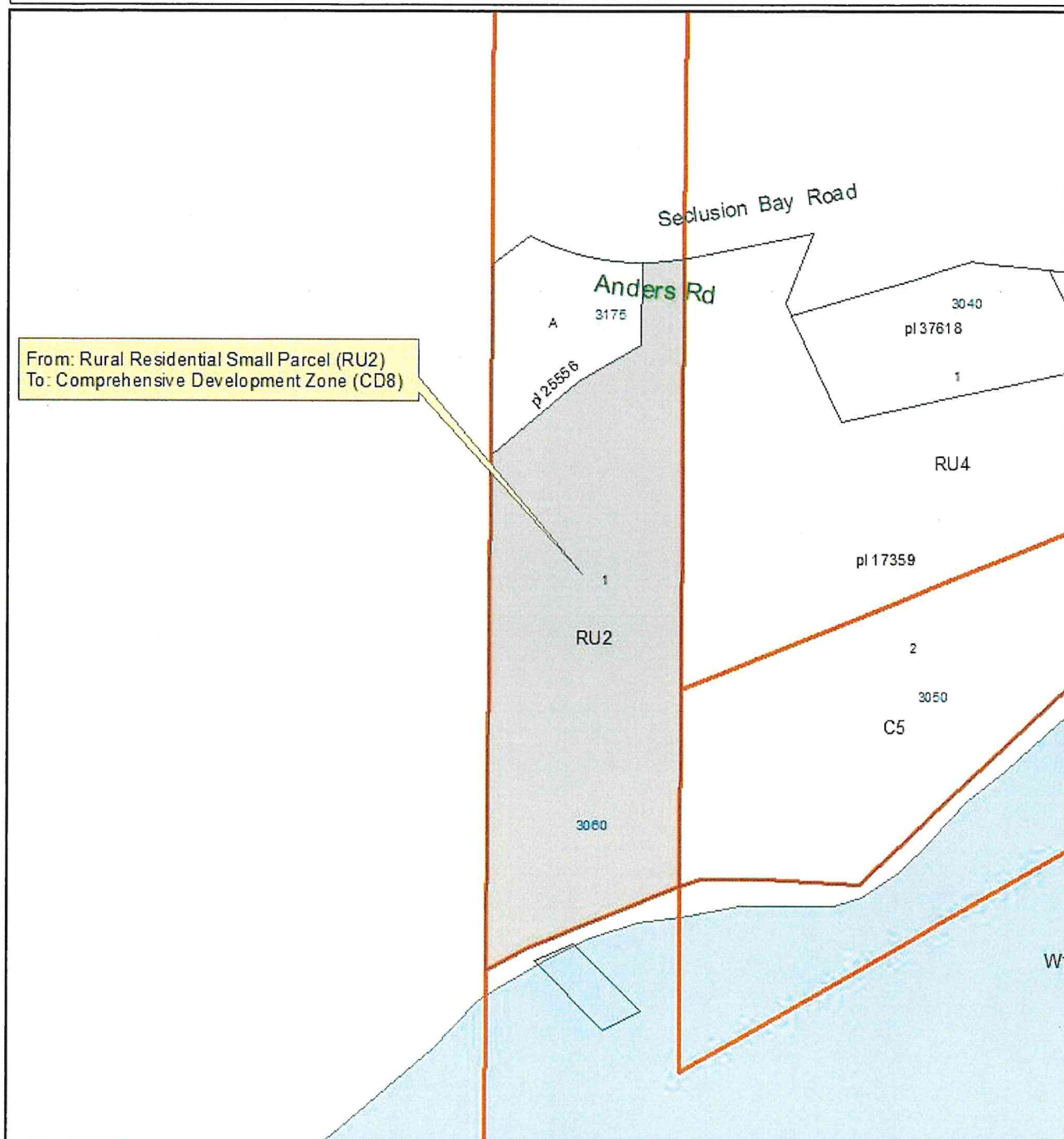
MAYOR

CITY CLERK



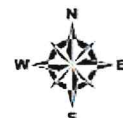
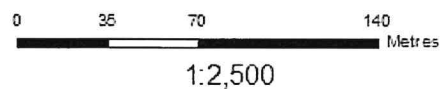
CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.83



LEGEND

- From RU2 to CD8
- Zoning Boundary
- Parcels



Date: 25/04/2019

Path: H:\DEVELOPMENT SERVICES\PLANNING\CD80 - Zoning & Rezoning\20 - Approvals\2019\25-04-2019 Seclusion Bay\0154.yaw - Hpak - Minix\0154.yaw\2019-04-25.mxd



COUNCIL REPORT
Development Services
For the July 23, 2019 Council Meeting

DATE: July 15, 2019 File: Z 19-04
TO: Paul Gipps, CAO
FROM: Hailey Rilkoff, Planner I
RE: Application: Zoning Amendment Bylaw No. 0154.75
Legal: Lot 2, DL 486, ODYD, Plan KAP761
Address: 2411 Apollo Road
Owner: E. & K. Ferreira
Agent: M. Shahidul Islam / Rai Consulting Services Inc.

RECOMMENDED MOTION:

THAT Council adopt City of West Kelowna Zoning Amendment Bylaw No. 0154.75, 2019.

RATIONALE:

The recommended motion is based on the following considerations

- The proposal aligns with the future land use designation for Commercial Mixed Use within Westbank Centre; and
- The Ministry of Transportation and Infrastructure has approved the amendment Bylaw and all conditions have been met.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Part 14 (s. 479) of the *Local Government Act (LGA)* to create and amend the Zoning Bylaw.

BACKGROUND:

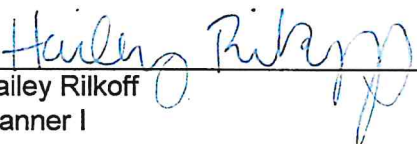
The proposed bylaw amendment received first and second readings on April 9, 2019 and a Public Hearing was held on May 28, 2019. No issues were raised at the Public Hearing. The proposed bylaw amendment received third reading on July 9, 2019 after which staff forwarded the bylaw to the Ministry of Transportation and Infrastructure for approval.

The applicant is requesting an amendment to Zoning Bylaw No. 0154 to rezone the subject property from Single Detached Residential (R1) to Urban Centre Commercial (C1).

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
July 9, 2019	THAT Council give third reading to West Kelowna Zoning Amendment Bylaw No. 0154.75, 2019.	C268/19
May 28, 2019	Public Hearing	N/A
April 9, 2019	THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.75, 2019; and THAT Council direct staff to schedule the proposed bylaw amendment for a Public Hearing.	C152/19

Respectfully submitted,


Hailey Rilko
Planner I

'Bob Dargatz'

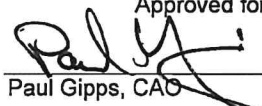
Bob Dargatz
Development Manager


Naney Henderson
GM Development Services

Powerpoint: ___ Yes X No

Attachments:

1. Zoning Amendment Bylaw No. 0154.75, 2019
2. Subject Property Map

Approved for Agenda

Paul Gipps, CAO
July 18, 2019
Date

CITY OF WEST KELOWNA

BYLAW NO. 0154.75

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. 0154.75, 2019".

2. Amendments

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

- 2.1 By changing the zoning on Lot 2, DL 486, ODYD, Plan KAP761 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).

READ A FIRST AND SECOND TIME THIS 9TH DAY OF APRIL, 2019

PUBLIC HEARING HELD THIS 28TH DAY OF MAY, 2019

READ A THIRD TIME THIS 9TH DAY OF JULY, 2019

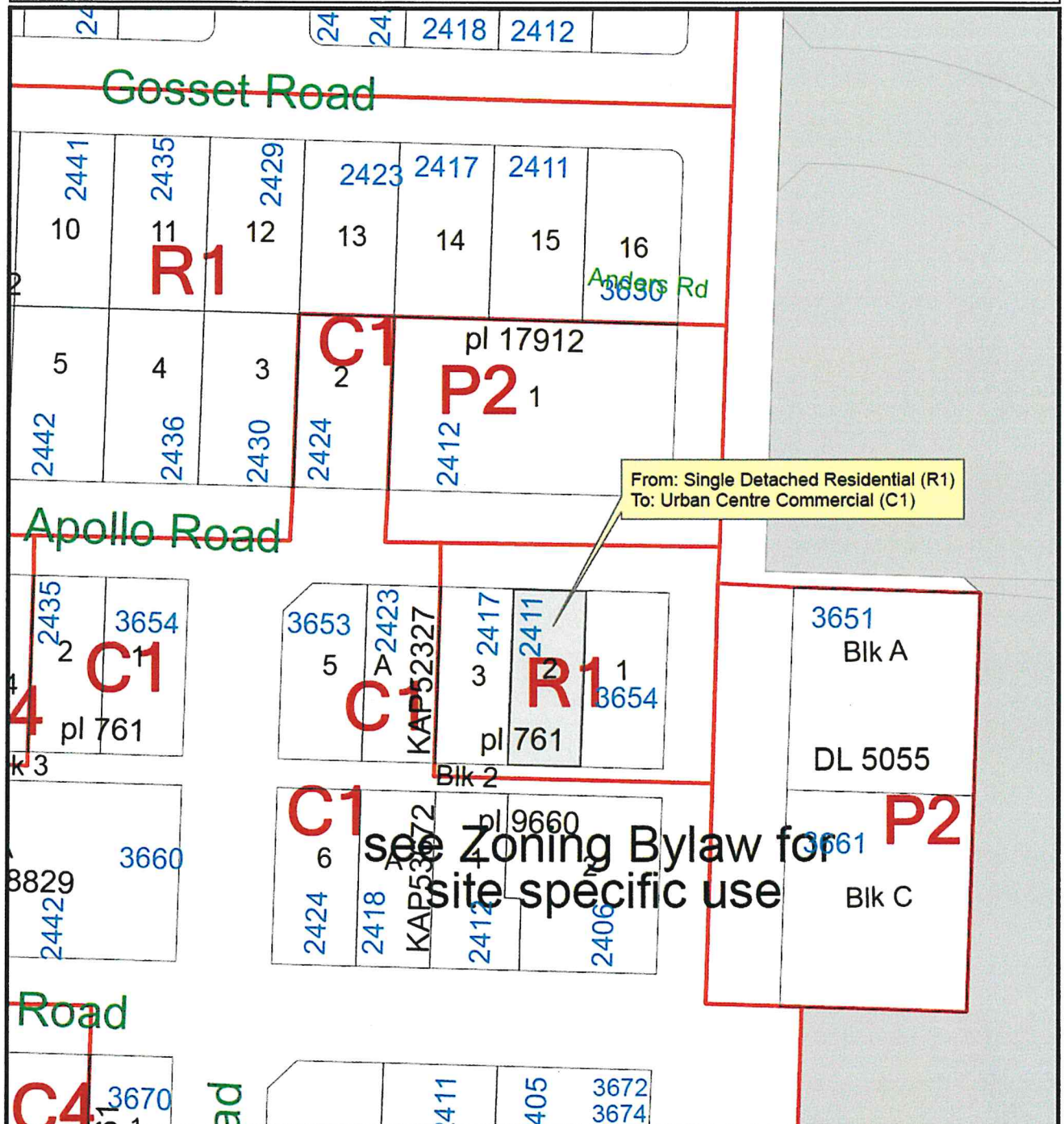
APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS 15TH DAY OF JULY, 2019

ADOPTED

MAYOR

CITY CLERK

SCHEDULE 'A' of BYLAW NO. 0154.75



- LEGEND**
- Parcels
 - Zoning Boundary
 - W.F.N. Lotlines
 - WFN Advisory Council Districts
 - From R1 to C1

0 15 30 60 Metres

1:1,100



Date: 25/03/2019





COUNCIL REPORT
Development Services
For the July 23, 2019 Council Meeting

DATE: July 12, 2019
TO: Paul Gipps, CAO
FROM: Chris Oliver, Planner
RE: Consideration of an Application for a Government Operated Cannabis Retail Outlet

RECOMMENDED MOTION:

THAT Council direct staff to accept a Non-Medical Cannabis Retail Store Rezoning application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.

RATIONALE:

The recommended motion is based on the following considerations:

- The Government of Canada legalized non-medical cannabis on October 17, 2018 and proceeding to rezone this location will further the goal of providing safe access to cannabis in West Kelowna;
- The Liquor and Distribution Branch (LDB) operates under a public-private model, with revenue generated through the LDB's wholesale and retail operations being directed to the Provincial Government and contributes to supporting vital public services such as health care and education;
- The operator and proposed location are in general conformance with the Non-Medical Cannabis Retail Store Rezoning Policy; and
- Council will have the opportunity to further evaluate the application and gather input from the public through the Public Hearing process.

LEGISLATIVE REQUIREMENTS:

As of October 17, 2018, non-medical cannabis is legal in Canada under the Federal *Cannabis Act*. In British Columbia, the Liquor and Cannabis Regulation Branch¹ oversees retail sales of non-medical cannabis as per the *Cannabis Control and Licensing Act*, *Cannabis Distribution Act* and the Cannabis Control and Licensing Regulations. Under this Federal and Provincial framework, municipalities in BC have the authority to regulate certain aspects of non-medical cannabis retail sales, including zoning regulations, public consultation methods, public consumption and business licensing regulations.

Under the *Cannabis Control and Licensing Act*, private retail stores may not operate without a license issued by the general manager, but public cannabis stores are authorized under different legislation, the *Cannabis Distribution Act*, and do not require a license. While licences are not required, the LDB are committed to following all municipal zoning processes and

¹ Previously named the Liquor Control and Licensing Branch

meeting all bylaw requirements, as well as working with local law enforcement agencies to maintain public safety.

Council has the authority under s.479 of the *Local Government Act* to create and amend the Zoning Bylaw. Council has the authority under the *Community Charter* to create and amend regulatory bylaws.

BACKGROUND:

Since 2014, West Kelowna Council has reviewed the topic of cannabis production and cannabis sales a number of times as a result of evolving changes to Federal legislation for medical cannabis as well as the increasing establishment of illegal dispensaries within the community. Council last amended the City's Zoning Bylaw in June 2018 to ensure a clean slate in the bylaw prior to the legalization of non-medical cannabis.

On September 4, 2018 Council reviewed a variety of decision points regarding the preferred City framework for the future retail sale of non-medical cannabis in the community. At this meeting, Council directed the development of a municipal framework that would require proponents for non-medical cannabis retail stores to obtain site-specific zoning approval and further directed the development of a proposed intake framework and review matrix that would guide the acceptance and evaluation of applications. The framework and matrix were largely based on the criteria that the LDB were applying in the selection of their store locations and store operation.

On October 2, 2018, Council adopted the Non-Medical Cannabis Retail Store Rezoning Policy. The Policy was created to help inform Council's decision making on selecting four retail cannabis retail stores in the City based on the following considerations:

- Proposed Neighbourhood and Proposed Location Within Neighbourhood
- Preferred Underlying Zoning and/or Land Use Designation
- Separation from Sensitive Uses
- Separation from other Non-Medical Cannabis Retail Stores
- Building Design, Aesthetics and Neighbourhood Security (including CPTED review)
- Nuisance Activity
- Parking
- Municipal Bylaw Compliance History
- Qualifications and Experience of the Applicant/ Owner (including operational plan)

The Council Policy further outlines the framework for the review and processing of applications for non-medical cannabis stores in West Kelowna. While the recommended motion is based on the Policy, Council retains full discretion to choose to follow the Policy and approve or reject recreational cannabis stores through the subsequent rezoning application process. There is currently no ability to operate a non-medical cannabis retail store in the City without amending the Zoning Bylaw.

As part of the initial Council consideration of the 10 non-medical cannabis retail applications received, Staff were directed to process Zoning Bylaw amendment applications for five locations instead of the four determined as part of the development of the Non-Medical Cannabis Retail Store Rezoning Policy. As of July 9, 2019 all five rezoning applications have been adopted by Council.

PROPOSAL:

Having concluded the rezoning process, the LDB has requested that Council consider an additional (6th) Non-Medical Cannabis Retail Store Application in the Westbank Centre Neighbourhood area (Attachment 1).

The proposed Government operated cannabis retail outlet would be located in a 7,116 ft², C1-Urban Centre Commercial Zoned Unit within the Westbank Town Centre complex (2475 Dobbin Road) (Figure1.).



Figure 1. Proposed BC Cannabis Outlet Location

The LDB has indicated in their letter to Mayor and Council that they undertook efforts to locate available spaces as part of the City's initial intake process but were unable to do so due to a lack of availability to substantiate long term tenancy and capital investment (Attachment 1). In addition to the background on location selection, the LDB also outlines the various priorities and operational considerations that they establish as part of their operation including:

- Community engagement and social responsibility.
- Keeping cannabis out of the hands of minors.
- Creating a safe and favorable alternative to purchasing non-medical cannabis from the illicit market.
- A neighbourhood strategy training program for employees.

- Implementing Crime Prevention Through Environmental Design (CPTED) strategies.

Since the Non-Medical Cannabis Retail Store Rezoning Policy was largely based on the criteria the LDB utilize when selecting their locations and operational format, the LDB (as an operator) and proposed location are in general accordance with the Policy. Should Council wish to accept an application for a Non-Medical Cannabis Retail Store from the LDB, at First and Second Reading a motion to waive the Policy for the proposed Provincial Cannabis Outlet will be included. Additional review of the proposal and information will be presented to Council as part of the rezoning process.

ALTERNATE MOTION:

1. **THAT** Council postpone acceptance of a government operated cannabis retail outlet.

Should Council wish to postpone acceptance of an application from the LDB, it is requested that Council provide specific direction as to what is required prior to reconsideration.

2. **THAT** Council direct staff to not accept a Non-Medical Cannabis Retail Store Rezoning application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.

Should Council wish to not accept an application for an additional store in the Westbank Centre neighbourhood area, the applicant would be directed wait until the Non-Medical Cannabis Retail Store Rezoning Policy is reviewed in April – October 2020 (18-24 months after Policy adoption) to determine if additional applications will be accepted.

Respectfully submitted,

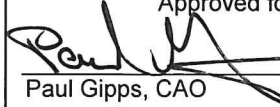
FOR 
Chris Oliver
Planner III


Nancy Henderson
General Manager of Development
Services

Powerpoint: Yes ☐ No ☒

Attachments:

1. Letter from the Liquor and Distribution Branch

Approved for Agenda

Paul Gipps, CAO
Date July 18, 2019

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Cannabis Applications\Westbank Centre\Provincial Store\Provincial Cannabis Report.doc



LIQUOR DISTRIBUTION BRANCH

May 8, 2019

City of West Kelowna
2760 Cameron Road,
West Kelowna, bC V1Z 2T6

Dear Mayor and Councillors:

Re: Cannabis Retail Store Application

Please accept this letter and information package to request that Council consider adding a 6th non-medical retail cannabis store to the recently amended Cannabis Retail Store Rezoning Policy.

The store, located at Westbank Town Centre (2475 Dobbin Road) would be a **Government operated cannabis retail outlet**. The Liquor Distribution Branch (LDB) has received support from the property owner to proceed with an application, should Council decide to amend the policy.

In 2018 The LDB undertook efforts to locate available retail spaces within the permitted zones in order to submit an application within the October 17th, 2018 to January 2nd, 2019 intake period. Unfortunately there was a lack of availability at that time to substantiate long term tenancy and capital investment. The BC Cannabis Store model calls for a minimum spatial requirement of 3,500 sq feet which significantly reduced options.

Discussions were held over a number of locations which were ultimately not fruitful due to the aforementioned size constrictions or impingement upon sensitive use buffers.

The unit proposed in this letter has subsequently become available and is within the required C1 Zone designation.

At 7,116 sq feet, it offers the space and layout to optimize customer experience.

About the LDB

The LDB is one of two branches of government responsible for the beverage alcohol industry in BC. The *Liquor Distribution Act* gives the LDB the sole right to purchase and distribute beverage alcohol for the Province. The LDB is also the public liquor retailer in the province's mixed public-private model, operating 197 retail outlets under the brand 'BC Liquor Stores.'

As per the *Cannabis Distribution Act*, the LDB is also the sole wholesale distributor of non-medical cannabis for the province and operates standalone, public retail stores and provides online sales. The LDB currently operates one non-medical cannabis store, under the brand 'BC Cannabis Stores,' in the City of Kamloops.

The LDB is self-insured as a branch of the provincial government.

Revenue generated through the LDB's wholesale and retail operations is directed to the Provincial Government and contributes to supporting vital public services such as health care and education. For the 2017/2018 fiscal year, the LDB contributed \$1.12 billion to fund government services.

Location of Proposed BC Cannabis Store

The location at was selected by the LDB for a proposed BC Cannabis Store for a number of reasons, including that the site is:

- Located in an existing retail node and therefore consistent with the nature of the immediate area;
- Easily accessible to customers with ample parking; and
- Not expected to adversely impact traffic in the surrounding area, given its location in an already established retail complex.
- The property is within range of the 100m sensitive use separation distance for both George Pringle Elementary School and Our Lady of Lourdes Catholic School, however the public entrance of unit itself is well over 100m from both locations as required in section 4.1.(d) of the Policy.

Community engagement and social responsibility

The LDB works closely with the Liquor and Cannabis Regulation Branch (LCRB), the Ministry of Public Safety and Solicitor General, and the Ministry of Attorney General to encourage the safe and responsible consumption of alcohol and non-medical cannabis in BC.

The LDB is committed to working in partnership with local governments to ensure a smooth introduction of the legal cannabis retail market to BC communities. While government-operated BC Cannabis Stores do not require a licence from the LCRB^[1], we are committed to following all municipal zoning processes and meeting all bylaw requirements, as well as working with local law enforcement agencies to maintain public safety.

Social responsibility is integral to the LDB and is one of the four pillars we have identified to support our success. Our efforts are focused on three themes: encouraging and promoting the responsible use of alcohol and cannabis, reducing the impact our business has on the environment, and giving back to the communities we serve. We meet these objectives by:

- Delivering products that meet strict safety and quality requirements. All cannabis products purchased through the LDB wholesale channel and sold through BC Cannabis Stores are purchased from federally licensed producers..
- Promoting the safe and responsible use of non-medical cannabis through social responsibility campaigns aimed at keeping cannabis out of the hands of youth*,

^[1] As a branch of the Ministry of Attorney General, the LDB does not require a formal license from the LCRB to operate a retail cannabis store - written confirmation from the LCRB is attached.

preventing driving under the influence, and informing the public about potential associated health risks.

- Actively discouraging customers from engaging in high-risk behavior such as driving high, consuming cannabis during pregnancy and participating in sporting activities while under the influence of cannabis;
- Increasing awareness of the dangers associated with over-consumption or risky behavior through various [in-store campaigns](#) with strategically placed messaging;
- Running regular in-store fundraising campaigns for dry grad celebrations, Red Cross disaster relief, kids in need, and local community charities (through the Provincial Government's Employee Workplace charitable giving campaign); and
- Incorporating environmental sustainability into all facets of our business with a goal of reducing our environmental footprint and being a leader in sustainable retailing.

Keeping cannabis out of the hands of minors is a top priority for the LDB. Unlike liquor stores, minors will not be permitted to enter cannabis retail stores, even if they are accompanied by a parent or guardian. Our two ID-check policy at store entrances prevents minors from entering our cannabis stores. All staff receive comprehensive training for ID-checking

Store Operations

BC Cannabis Stores are bright, clean, welcoming and professional, with the intent of creating a safe and favourable alternative to purchasing non-medical cannabis from the illicit market. Storefronts have frosted windows to align with Health Canada's requirement that cannabis not be visible to minors.

All BC Cannabis Stores employ unionized staff; stores in large municipalities will have approximately 12-20 employees and stores in smaller municipalities will have approximately 6-12 employees. Each store will have a Store Manager, at least one Assistant Store Manager, and staff comprised of full and part-time Cannabis Consultants. Wages start at \$21.00 per hour. All prospective employees must undertake an Enhanced Security Screening (ESS) as mandated by the provincial government.

Store hours may vary by location, with most stores being open from Monday to Sunday 10 am to 10 pm.

The LDB's neighbourhood strategy includes:

- *Keep It Safe*, a mandatory full-day training program, for all staff. This program covers best practices for dealing with intoxicated customers, suspicious activities, and instances of violence, theft or nuisance. Additional topics covered include understanding cannabis related laws and strategies for maintaining a safe environment for employees and customers.
- Implementation of procedures on how to deal with unruly customers, store safety, loitering, and consumption outside the premises. Procedures are in place to ensure there are at least two employees in the store at all times and that stores are armed and locked outside

business hours. For events that occur outside of the store, staff are trained to contact mall security, if applicable, or to call 911.

- Training staff on how to verify a customer's age and to spot signs of fraudulent I.D.
- Transporting expired or defective product off-premises for destruction. There will be no disposal of cannabis at any store, further reducing the risk that cannabis will fall into the hands of minors or the illicit market

Security

Customer, employee, and community safety is paramount. The LDB brings over 40 years of experience working with local government, enforcement agencies, and security experts in establishing and operating secure retail stores in BC. The LDB utilizes Crime Prevention through Environmental Design (CPTED) principles when designing our retail stores.

BC Cannabis Stores are supported by the LDB's Corporate Loss Prevention department and privately contracted security personnel are available to work in conjunction with store staff to ensure security practices and protocols are followed.

All BC Cannabis Stores have:

- Centrally maintained province-wide intruder and fire monitoring systems;
- Interior and exterior camera surveillance;
- Locked and tempered glass display cases for cannabis accessories;
- A secure storage room for product storage;
- Durable and reliable commercial-grade doors and locks;
- Security shutters and smash-resistant windows.

Further details regarding BC Cannabis Stores and the LDB's social responsibility efforts are included in the attached presentation and accompanying materials. We appreciate Councils' consideration.

Best Regards,

Kevin Satterfield

Director of Retail Operations, Cannabis Operations – Store Operations
BC Liquor Distribution Branch.



October 5, 2018

Erin McEwan
Liquor Distribution Branch
2625 Rupert Street, Vancouver BC V5M 3T5

Dear Ms. McEwan:

Re: Non-Role of the Liquor and Cannabis Regulation Branch in the licensing of public stores.

This letter is to confirm that public stores that are established and operated by the Liquor Distribution Branch (LDB) do not require a licence from and are not regulated by Liquor and Cannabis Regulation Branch.

Under the *Cannabis Control and Licensing Act*, private retail stores may not operate without a licence issued by the general manager, but public cannabis stores are authorized under different legislation, the *Cannabis Distribution Act*, and do not require a licence. LDB should work directly with local governments that are interested in having public cannabis stores in their jurisdictions.

For information on the Liquor and Cannabis Regulation Branch, please refer to:
<https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing>

The guides below are intended to help local governments and Indigenous nations understand their role in the cannabis retail store licence application process. That role involves gathering the views of those potentially affected by the location of a private retail store and providing a recommendation to the General Manager. Please note that these guides may be updated from time to time.

https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf

https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/indigenous_nation_role_in_licensing_cannabis_retail_stores.pdf

.../2

**Liquor and Cannabis
Regulation Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
400-645 Tye Road
Victoria, BC V9A 6X5

www.gov.bc.ca/liquorregulationandlicensing

If you have any questions or concerns, please do not hesitate to contact me at 778 974-2347 or Suzanne.Bell@gov.bc.ca.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Suzanne Bell', written in a cursive style.

Suzanne N. Bell
Deputy General Manager
Licensing and Local Government Liaison
Liquor Control & Licensing Branch

cc: Joshua Huska, Licensing Manager
Julia Bates, Licensing Manager



INFORMATION REPORT
Development Services
For the July 23, 2019 Council Meeting

DATE: July 16, 2019 File No. 6480-01
TO: Paul Gipps, CAO
FROM: Nancy Henderson, GM of Development Services
RE: Community Visioning Update

PURPOSE:

The purpose of this report is to provide Council with an update regarding the community visioning process that will constitute Phase 1 of the Official Community Plan (OCP) Review.

STRATEGIC PRIORITY OBJECTIVE:

Community Visioning and Involvement is identified as a 2019 Council Priority with the goal of increasing engagement within the community and developing long-range plans that meet the needs of residents and visitors alike. The establishment of a long-range community vision is intended to guide future strategic priority considerations, master planning, and policy development.

In response to Council's priority of Community Visioning and Involvement, Phase 1 of the Official Community Plan Review has been listed as a key project in the 2019 Operational Plan. Phase 1 of the review will be a comprehensive engagement and visioning process. The estimated completion date for this phase of the review is December 2019. Phases 2-4 of the OCP review will involve policy development, additional community consultation focusing on more specific policy direction and land use planning, mapping, agency referral and the final round of consultation, with an estimated completion date of December 2020.

BACKGROUND:

The purpose of the community visioning exercise is to engage with the citizens of West Kelowna to reflect on the community's current state and to help shape a shared direction for the community's future. Establishing a long-term community vision will be collaborative and based on input obtained through extensive community engagement.

The engagement process will include both active and passive forms of involvement ensuring diverse and extensive community participation. While traditional forms of outreach and participation such as community pop-ups, forums, open houses, and stakeholder consultation form the active component of involvement, the City will work with the consultant to formulate and launch a digital communications and engagement campaign to reach a broader sample of the community to achieve a greater diversity of engagement.

A Request for Proposals was issued on May 29, 2019 with a closing date of June 24, 2019. The City received 10 proposal submissions, and awarded the contract to Lanarc Consultants Ltd. on

July 4, 2019. Lanarc has extensive experience in the field of community engagement and the project team is well-versed with comprehensive community, neighbourhood, and revitalization engagement and planning as well as large projects that involve extensive community outreach and engagement. Additionally, the City of West Kelowna has worked with Lanarc in the past on a number of major projects, including:

- The Parks Master Plan (Initial 2010 Plan & 2015-2016 review/update);
- The CNR Wharf and Park Concept Design and Construction (2012-2014);
- The Recreational Trails Master Plan (2013);
- The Waterfront Master Plan (2011); and,
- The Westbank Centre Revitalization Plan (2010).

The visioning project was initiated on July 8th and a draft work plan for the initial stages has been developed.

A first step in this process is developing a plan on how we will raise awareness and encourage members of the community to participate. To launch the initial stage of community outreach, staff have coordinated a series of kick-off meetings on July 24th to introduce the consultant and engage a variety of community stakeholders early in the process.

The purpose of the kick-off event is to introduce the project, discuss roles, gather thoughts and comments on the proposed communications plan, and get feedback on and test some project ideas. A variety of broader community engagement activities will be launched mid-August and span into November.

Proposed Timeline

The proposed timeline for the community visioning exercise is outlined in Table 1 below.

Table 1. Proposed Timeline for Community Visioning Exercise

Task/Deliverable	Proposed Timeline
Develop Request for Proposal and advertise for consultants	May/June 2019
Selection of Consultants, Initiation of Project and review of Background Materials (Council's Strategic Priorities, existing Official Community Plan, Master Plans, etc)	July 2019
Selection of Digital Media Platform with assistance from Consultant that will be suitable to engage the entire community	July 2019
Preliminary community engagement, graphic design, community surveys, data collection, development of draft vision	August-October 2019
Community Open House	October 24, 2019 (tentative)
Check in with community re: Draft Vision	November 2019
Refinement of Draft Vision	November 2019
Council review and consideration of endorsement of Draft Community Vision	December 2019

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
May 21, 2019	Community Visioning Information report was presented to Council.	N/A
February 26, 2019	THAT Council adopt the 2019-2022 Strategic Plan as presented.	C118/10

FINANCIAL IMPLICATIONS:


The 2019 capital budget includes \$100,000 to undertake Phase 1 of the Official Community Plan Review – Community Engagement and Visioning. The budget for the project fits within the allocated portion of the capital budget. The project budget will also include the purchase of the digital engagement platform.

Next Steps

1. Staff and Consultants to conduct Community Visioning Kick-off Meetings on July 24, 2019.
2. Staff will purchase an appropriate digital media platform based on comparative research on available platforms, how well the platform can achieve the intended results, and consultant input.
3. Staff will present a detailed work plan and project update to Council in August 2019.
4. Launch of the digital engagement platform and community engagement activities in mid-August 2019.

Respectfully submitted,


Corey Scott
Planner


Nancy Henderson
General Manager of Development Services


Kirsten Jones
Communications Supervisor

Approved for Agenda

Paul Gipps, CAO
July 18, 2019
Date

Powerpoint: Yes ☒ No ☐



COUNCIL REPORT
Development Services
For the July 23, 2019 Council Meeting

DATE: July 16, 2019
TO: Paul Gipps, CAO
FROM: Hailey Rilkoff, Planner I
RE: Okanagan Collaborative Conservation Program (OCCP) Request for Support for the Okanagan Lake Protection Strategy

RECOMMENDED MOTION:

THAT Council support the Okanagan Lake Protection Strategy to foster regional collaboration, commitment and communication to address the importance of protecting Okanagan Lake; and,

THAT Council direct staff to provide a letter of support to Okanagan Collaborative Conservation Program.

RATIONALE:

- Development has resulted in negative impacts along Okanagan Lake's foreshore resulting in a loss of natural shoreline.
- The City of West Kelowna has been involved in various projects with regional partners that have informed the projects development.
- Formal support will help foster regional collaboration, commitment and communication for this project and will provide elected officials with the opportunity to discuss and address local water challenges and the importance of protecting Okanagan Lake.

BACKGROUND:

In 2005, the development of a Lake Management Plan and multi-jurisdictional shoreline management was recommended by the Okanagan Lake Foreshore Inventory and Mapping (FIM) report. In the 2016 FIM report, it was identified that significant loss of natural shoreline due to development has occurred with only 41% of the natural shoreline remaining. This high degree of loss as been identified as having a negative impact on the ecosystems of Okanagan Lake and the ability to provide clean, and safe drinking water. In addition to negative impacts on fisheries and wildlife, recreation and tourism values in the area were also identified as being negatively impacted.

In 2018, stakeholders involved in the Okanagan Lake Management Strategy were brought together to discuss ways to improve land use planning and management, identify common

approaches, best management practices, and next steps to enhance shoreline management for Okanagan Lake. Stakeholders involved include the RDCO, RDOS, RDNO, Local Governments, Westbank First Nation, the Okanagan Nation Alliance, and the Thompson Okanagan Tourism Association. The 2019 Okanagan Lake Protection Strategy will provide a multi-jurisdictional approach to addressing challenges in shoreline management and create a roadmap for the future.

The main objective of the project is to develop a better understanding amongst stakeholders of the most pertinent issues impacting Okanagan Lake. This initiative will result in consistent policies and programs throughout the region. While funding sources are still being finalized, the project is being funded through a variety of sources including grants and contributions from stakeholder partners. To date, the City has contributed staff time through participation in stakeholder meetings surrounding an Okanagan Lake Management Strategy.

BYLAW AND POLICY REVIEW

Regional Growth Strategy RDCO Bylaw

This initiative is supported by the objectives and policies of the Regional Growth Strategy.

Official Community Plan (OCP) Bylaw No. 0100

An objective of the Official Community Plan is to balance development and community use of the waterfront with the protection and enhancement of areas of natural foreshore habitat. Waterfront policies encourage the City to “*support and implement the recommendations of watercourse specific management plans such as the Okanagan Lake Foreshore Plan (2007) and the Central Okanagan Lake Foreshore Inventory and Mapping Report (2005)*”.

Waterfront Plan

The Waterfront Plan’s Vision is supported by five Waterfront Principles including, in reference to ecological net gain, that “waterfront improvements will respect shoreline ecology”. The Waterfront Plan echoes the issues identified by the 2016 FIM report including the identification that ongoing development pressures could contribute to further shoreline and habitat degradation.

NEXT STEPS

- May - August 2019: The Leadership Team and working groups will be established and a high level gap analysis will be completed for shoreline management.
- September - October 2019: Recommendations for enhanced shoreline management will be developed, Terms of Reference will be developed for an Okanagan Lake Management Strategy, a Communications and Engagement Plan will be developed and a workshop will be hosted to engage land use and environmental professionals.
- November – January 2019: The Communications and Engagement Plan will be implemented, approaches to implement the recommendations will be developed, and a framework with next steps towards a comprehensive Lake(s) Protection Strategy will be developed.
- January – March 2019: Findings, recommendations and next steps will be shared with stakeholders through presentations to elected officials and land managers and final reporting will be completed and distributed.

ALTERNATE MOTIONS:

1. **THAT** Council not provide support for the Okanagan Lake Protection Strategy.

REVIEWED AND APPROVED BY:

Nancy Henderson, GM Development Services
Allen Fillion, GM of Engineering & Public Works
Tracey Batten, Deputy CAO
Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Attachments: OCCP Request for Support Letter

June 7, 2019



Re: Request for Expression of Support - Okanagan Lake Protection Strategy

The Okanagan Collaborative Conservation Program and the South Okanagan Similkameen Conservation Program are requesting an expression of support for the Okanagan Lake Protection Strategy from your organization. At the workshop in November 2018, participants identified the need for formal support by way of council resolution or a letter of support from their respective agencies, local government, or First Nations to help foster regional collaboration, commitment and communication for this project. Formal support will enable elected officials and decision makers with the opportunity to discuss and address local water challenges and the importance of protecting Okanagan Lake.

The Project

The goal of the Okanagan Lake Protection Strategy is to identify policies, regulations, and best practices to enhance multi-jurisdictional shoreline management to protect water quality and environmental values of Okanagan Lake.

Background

In 2016, an updated Foreshore Inventory and Mapping (FIM) project for Okanagan Lake identified significant, cumulative losses of natural shoreline areas. Increased development and loss of natural areas impacts the ecological functioning of the lake and has negative consequences for the health and well-being of our communities, including reducing the ability of the lake to provide safe drinking water and habitat for fish and wildlife. The loss of natural areas also negatively impacts recreation values and opportunities to attract investment to the region.

Findings from the 2016 FIM reinforced the importance of previous foreshore assessment recommendations, including the development of a collaborative Shoreline Management Plan, and an education program to increase public awareness of the lake's critical importance. Currently, an outreach initiative is being coordinated by Okanagan Collaborative Conservation Program and the South Okanagan Similkameen Conservation Program to provide practical information on best practices for lakeshore landowners.

What is needed now is enhanced collaboration to improve effective shoreline management through the participation of all agencies, local and provincial government, First Nations, environmental organizations, and community groups.

Foundations for Collaborative Management

This initiative is supported by the objectives and policies of all three Regional Growth Strategies in the Okanagan with regards to water stewardship, ecosystems, and natural lands and additionally aligns with both the 2016 *State of the Basin Report*, and the ongoing implementation of *Keeping Nature in Our Future – A Biodiversity Conservation Strategy* for the Okanagan Region.

Deliverables for Phase 1 (2019)

As supported by OCCP and SOSCP, the collaborative working group will:

- Engage with all applicable agencies, First Nations, and partners to gather input, build consensus, and establish support for developing an approach/model for a region-wide protection strategy for Okanagan Lake.
- Formalize a Terms of Reference.
- Review existing policies, discussion papers, and other previous works related to shoreline development for Okanagan Lake, and review shoreline management plans that have been developed in other jurisdictions in British Columbia.
- Conduct a high-level gap analysis and create recommendations for policy and direction to effectively manage shoreline development.
- Establish a Communications Strategy for public engagement.
- Develop a framework for the Okanagan Lake Protection Strategy.

Respectfully,



Scott Boswell BA, MEdes
OCCP Program Manager



Bryn White, BA
SOSCP Program Manager

For more information regarding the project, please contact:

Okanagan Collaborative Conservation Program

1450 KLO Road, Kelowna, BC V1W3Z4

Office: 250-469-6292

Brittany Lange, Project Coordinator: occpprojects@gmail.com
www.okcp.ca



COUNCIL REPORT
Finance, Administrative & Protective Services
For the July 23, 2019 Council Meeting

DATE: July 15, 2019
TO: Paul Gipps, CAO
FROM: Warren Everton, CFO
RE: Signing Authority Appointment - CAO

RECOMMENDED MOTION:

THAT Council appoint Paul Gipps, Chief Administrative Officer, as a signing authority for the City of West Kelowna.

RATIONALE:

Council appointment is required for all City signing authorities.

BACKGROUND:

Mr. Gipps is the Chief Administrative Officer for the City of West Kelowna. As the senior member of staff, it is critically important that this position act as a signing authority for the organization.

ALTERNATE MOTIONS(S):

THAT Council postpone consideration of signing authority appointments at this time.

REVIEWED AND APPROVED BY:

Warren Everton, CFO
Tracey Batten, Deputy CAO

Powerpoint: Yes ☐ No ☒

From: Locicero, Sabrina [<mailto:Sabrina.Locicero@bchydro.com>]
Sent: July 9, 2019 3:48 PM
Subject: West Kelowna Transmission Project: Delegation Follow Up

Mayor Milsom and council,

At our last delegation to council regarding the West Kelowna Transmission Project, council asked if BC Hydro had considered alternative generation options that could meet local electricity needs. As part of the early planning process for the project, BC Hydro screened a range of non-wire alternatives that could supply the load in West Kelowna's Westbank Substation (WBK). This included combined cycle gas turbine generators, simple cycle gas turbine generators and other non-intermittent generating sources such as geothermal, biomass, biogas and battery storage. Wind turbine generators and run-of-river hydro units were not considered because of their intermittent nature and are not considered a dependable alternative for redundancy of electricity supply.

The option for local generation through combined cycle and simple cycle gas turbine generators would install generators near Westbank Substation and would provide full redundancy of supply at WBK. This means that if the existing transmission line between Nicola Substation and Westbank Substation experienced an outage, these sources of generation would be able to reliably supply West Kelowna and Peachland with electricity. While this alternative could provide a similar level of reliability as a new transmission line, it's anticipated that it would cost significantly more than the transmission line alternatives. Also, this alternative does not align with the Province's *Clean Energy Act* which aims to reduce greenhouse gas emissions as a key objective.

The expected capital costs and risks for all of the non-wire resource alternatives were assessed as part of our process. High capital costs are anticipated for the range of non-wire alternatives. From a risk perspective, the non-wire alternatives offer varying levels of supply redundancy. Non-intermittent resources such as geothermal and biomass offer limited dependable generation capacity and battery storage offers a limited duration of supply (4-6 peak hours).

Given the anticipated high capital costs and the varying level of supply redundancy mentioned above, we have no plans to continue to study any non-wire alternatives. Our efforts are focused on the redundancy alternatives for a new transmission line and the resiliency alternative. As we've discussed with council, given the increase in the estimated cost to build the new secondary transmission line, we're currently undertaking a detailed review of the costs for the redundancy alternatives (new transmission line). We understand that redundancy is a priority for council and want to confirm that the redundancy alternatives are still being considered. At this time, we're also studying the resiliency alternative that focuses on improving the resiliency of the existing transmission line to minimize the risk of outages resulting from forest fires and geotechnical events. We expect to complete our review of costs for all the alternatives this fall. We'll provide council with an update at that time.

Thank you for your ongoing engagement with this project. Please let us know if you have any follow up questions.

Regards,
Sabrina

Sabrina Locicero | Stakeholder Engagement Advisor

BC Hydro

333 Dunsmuir, 15th floor
Vancouver, BC V6B 5R3

P 604 623 3517

M 604 603 1481

E sabrina.locicero@bchydro.com

bchydro.com

Smart about power in all we do.



July 11, 2019

383353

Gord Milsom, Mayor
City of West Kelowna
2760 Cameron Rd
West Kelowna BC V1Z 2T6
gord.milsom@westkelownacity.ca

Dear Mayor Milsom:

When our government took office, we inherited a housing crisis that affected all British Columbians.

We implemented the speculation and vacancy tax (SVT) last year to turn empty homes into housing for people, and to target foreign owners and satellite families who live in our province but don't pay tax here. Ministry of Finance data confirms that over 99% of British Columbians are not paying the SVT.

Last fall I committed to meeting annually with mayors in the areas where the speculation tax applies to discuss its impact on your communities.

Today, I write to invite you to participate in the first annual consultation on September 12, 2019. There, I will share the early initial data and insights collected from the speculation and vacancy tax, and how your community may benefit from affordable housing investments from this initiative. In addition, this consultation will be an opportunity to hear directly from you on how the SVT has impacted your community.

Further details regarding the plenary meeting will follow in the coming weeks.

.../2

I look forward to meeting with you in September.

Sincerely,

A handwritten signature in blue ink that reads "Carole James". The signature is written in a cursive style, with the first name "Carole" and the last name "James" clearly legible.

Carole James
Minister and Deputy Premier