



CITY OF WEST KELOWNA PUBLIC HEARING AGENDA

Tuesday, May 14, 2019, 6:00 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE PUBLIC HEARING TO ORDER

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

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

4. PUBLIC HEARING

4.1 Z 19-06, 14-2528 Main Street

3

To amend the Zoning Bylaw for Lot 28, DL 486, ODYD, Plan 19995, Except Plan 40663, 14-2528 Main Street, for a site specific text amendment to permit a Non-Medical Cannabis Retail Store as well as an application for a Cannabis Retail Store License.

4.2 Z 19-07, 3710 Hoskins Road

14

To amend the Zoning Bylaw for Lot A, DL 486, ODYD, Plan KAP84320, 3710 Hoskins Road, for a site specific text amendment to permit a Non-Medical Cannabis Retail Store as well as an application for a Cannabis Retail Store License.

4.3 Z 19-08, 1 - 1812 Byland Road

37

To amend the Zoning Bylaw for Lot 7, District Lots 507 and 2601, ODYD, Plan KAP50056, 1 - 1812 Byland Road, for a site specific text amendment to permit a Non-Medical Cannabis Retail Store as well as an application for a Cannabis Retail Store License.

4.4 Z 19-09, 104 - 1195 Industrial Road

49

To amend the Zoning Bylaw for Lot 2, DL 506, ODYD, Plan 18464, Except Plan H16956, 104 - 1195 Industrial Road, for a site specific text amendment to permit a Non-Medical Cannabis Retail Store as well as an application for a Cannabis Retail Store License.

4.5 Z 19-10, 1192 Industrial Road 60

To amend the Zoning Bylaw for Lot 1, DL 506, ODYD, Plan KAP46828, 1192 Industrial Road, for a site specific text amendment to permit a Non-Medical Cannabis Retail Store as well as an application for a Cannabis Retail Store License.

4.6 Z 19-02, 1449 Green Bay Road 70

To amend the Zoning Bylaw for Lot 1, District Lots 434 and 523, ODYD, Plan 7108, 1449 Green Bay Road, for a site specific text amendment to the W2 Zone to allow 2 docks plus a swim platform (maximum 4 boat slips) to replace 2 existing docks of the same configuration.

5. ADJOURNMENT OF THE PUBLIC HEARING

No other submissions from the public or applicant may be received by Council.

Copies of the proposed bylaws, information and reports are available for review at the City of West Kelowna Planning Department, 2760 Cameron Road, between 8:30 a.m. and 4:30 p.m., Monday through Friday (excluding statutory holidays).

PUBLIC HEARING REPORT
Development Services
For the May 14, 2019 Council Meeting

DATE: April 25, 2019 File: Z 19-06 (Prime Cannabis)
TO: Jim Zaffino, CAO
FROM: Chris Oliver, Planner III
RE: Application: Zoning Amendment Bylaw No. 154.77, 2019 (Z 19-06)
Legal: Lot 28 DL 486 ODYD Plan 19995 Except Plan 40663
Address: #14-2528 Main Street
Owners: Otter Farm & Home Co-Operative
Agent: 1184962 BC Ltd. (Prime Cannabis)

LEGISLATIVE REQUIREMENTS

Section 464 of the *Local Government Act* requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the *Local Government Act*.

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. Municipalities are required to provide a positive recommendation to the Province before any application for a non-medical cannabis retail store can be approved by the Province under the Cannabis Control and Licensing Regulations. As part of the licensing process local governments are required to gather the views of residents of the area if the location of the proposed store may affect nearby residents. Input can be gathered by:

- Receiving written comment in response to a public notice of the application;
- Conducting a public hearing in respect of the application;
- Holding a referendum; or
- Using another method the local government considers appropriate.

BACKGROUND

The proposed amendment bylaw received first and second reading on April 23, 2019, where Council directed staff to schedule the Public Hearing. At the April 23 meeting, Council also decided to consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license. The notification for the

¹ Previously named the Liquor Control and Licensing Branch

public hearing included pertinent information for the Cannabis Retail Store license to ensure it can be considered adequate for gathering the views of residents for licensing purposes.

The Non-Medical Cannabis Retail Store Rezoning Policy in accordance with the Development Application Procedures Bylaw outlines the application procedures under which proposals for retail cannabis applications are submitted, assessed and approved to operate in the City. In accordance with the Policy, the highest scoring applications are being brought forward to rezone with a site-specific text amendment to permit the Non-Medical Cannabis Retail Store use within the proposed unit.

Figure 1 provides an overview of the Westbank Centre neighbourhood area with the two store locations being considered for rezoning as well as the two stores being placed on hold. The Prime Cannabis location on Main Street has been highlighted in blue.

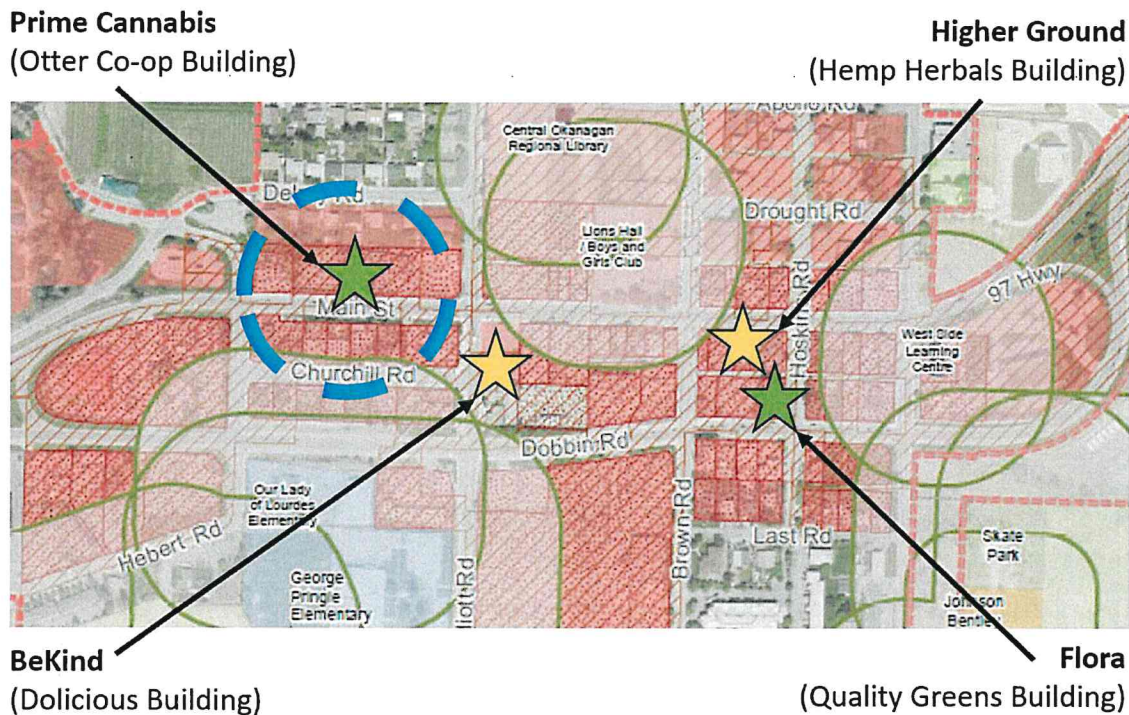


Figure 1. Westbank Centre Applications

Proposal

The proposed site-specific text amendment and Cannabis Retail Store License would allow for a Non-Medical Cannabis Retail Store in the proposed unit located at 2528 Main Street. The proposed unit and subject building were renovated under a Commercial Development Permit in 2016 and comply with applicable OCP guidelines. Prime Cannabis has proposed as part of their application to install decorative window treatments as required by the LCRB licensing requirements and install signage associated with their unit (Figure 2.)

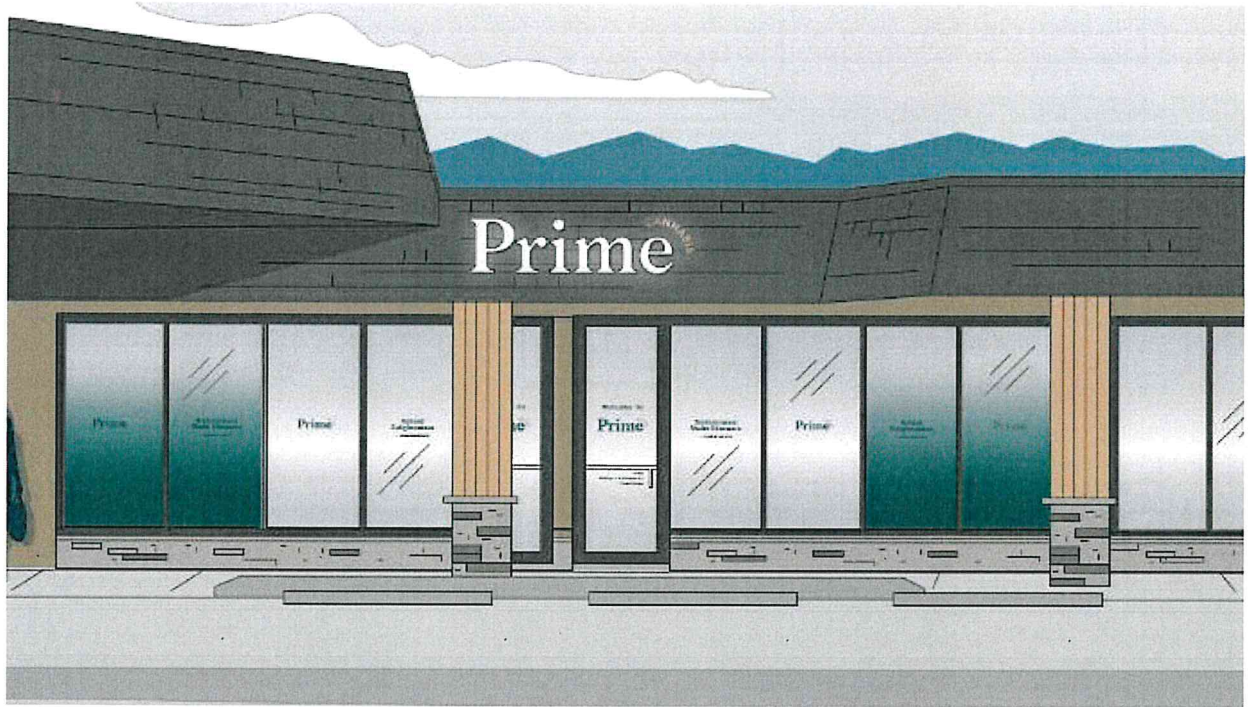


Figure 2. Proposed Signage and Window Treatment

LOCATION AND SURROUNDING USES

The subject property is located in a unit on the west side of the existing multi-tenant building located at 2528 Main Street. This building includes the new Otter Co-op gas station and was the former Cattle Country restaurant. The building includes various units all of which are currently vacant. The surrounding land uses include:

- North – R1 Single Detached Residential Zoned Parcels
- East – C3 Gasoline Service Station Commercial Zoned Parcel (Otter Co-op)
- South – Duplex Residential Zoned parcels and R1 Single Detached Residential Zoned Parcels
- West – R1 Single Detached Residential Zoned Parcel

POLICY AND BYLAW REVIEW

Official Community Plan (OCP) Bylaw No. 0100

The proposed site-specific text amendment to allow for a Non-Medical Cannabis Retail Store is supported by the existing Commercial Land Use Designation in the Official Community Plan.

Zoning Bylaw No. 0154

The subject property is zoned C1-Urban Centre Commercial which currently supports a mix of uses including general retail which permits the sale of alcohol. In addition to being commensurate with the purpose of the C1 Zone, the proposed use can be accommodated in the existing building and satisfies all applicable parking requirements in the Zoning Bylaw.

Cannabis Retail Store License (Liquor and Cannabis Regulation Branch)

The LCRB has stringent requirements that each retail store licensee must achieve prior to approval. These requirements regulate various items related to store layout, security

requirements, use of smell jars, sale of accessories, branding, gift cards, etc. The proposed exterior improvements for Prime Cannabis are related to the following LCRB requirements:

- The store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent;
- Non-medical cannabis, cannabis accessories and transactions involving those products must not be visible from outside the store;
- Licensees and employees must take reasonable measures to prevent disturbances. This means performing actions that are appropriate in the circumstances and within their capacity to do. Examples of reasonable measures include:
 - Installing adequate lighting outside the store and in the parking lot;
 - Supervising parking areas; and/or
 - Posting signs asking patrons not to disturb the neighbours.

No additional permitting or conditions are required to ensure that the required LCRB improvements such as window treatments are implemented.

The LCRB also limits the hours of operation for Cannabis Retail Stores to between the hours of 9 a.m. and 11 p.m., unless their hours are further restricted by the local government. The proposed hours of operation for Prime Cannabis are 9:00 a.m. - 11:00 p.m. Monday through Sunday. The applicant may as part of future operational considerations choose to reduce these hours with no impact to their license, but they would not be able to be extended. The hours of operation limited by the LCRB are the same as licensee retail stores (private liquor stores) which have limited hours of sale between 9:00 a.m. and 11:00 p.m.

REFERRAL RESPONSES

The application has not been considered by the City's Advisory Planning Commission (APC), as the City recently filled 2019 - 2021 Commission member positions and the Commission hasn't yet met in 2019.

Public Consultation/Notification

A Development Proposal sign has been posted on site in accordance with the Development Applications Procedures Bylaw No. 0131. Two advertisements have been placed in the local newspaper and notices were mailed to 120 property owners and/or tenants within 100 metres of the subject property (Attachment 4).

Should Council consider adopting the proposed amendment bylaw, staff will include a motion at adoption that meets the Provincial licensing requirements for the British Columbia Liquor and Cannabis Regulation Branch.

At the time of writing this report, no public submissions have been received during the public hearing notification window for the proposed bylaw amendments and LCRB Cannabis Retail License.

COUNCIL REPORT/RESOLUTION HISTORY:

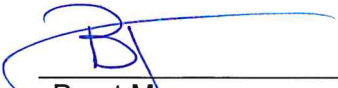
Date	Report Topic/Resolution	Resolution No.
Apr 23, 2019	THAT Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis, Z 19-06);	C168/19

	<p>THAT Council direct staff to schedule the bylaw for public hearing; and</p> <p>THAT Council consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license.</p>	
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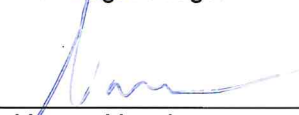
Respectfully Submitted,



 Chris Oliver
 Planner III



 Brent Magnan
 Planning Manager



 Nancy Henderson
 General Manager of Development Services

Powerpoint: Yes No

Attachments:

1. Zoning Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis Z19-06)
2. Context Map
3. Subject Property Map
4. Map of Notification Area

Approved for Agenda	
 Jim Zaffino, CAO	<u>May 8, 2019</u> Date

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-06 #14 - 2528 Main St - Prime Cannabis\Bylaw_Rpts_Minutes\Public Hearing\DRAFT Z 19-06 Public Hearing Report.docx

CITY OF WEST KELOWNA

BYLAW NO. 0154.77

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. 0154.77, 2019".

2. Amendments

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

2.1 By adding to Section 11.1 Urban Centre Commercial Zone (C1), Sub-section 11.1.4 (Site Specific Uses, Building and Structures):

On Lot 28 DL 486 ODYD Plan 19995 Except Plan 40663 (#14-2528 Main Street): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.77.

2.2 By depicting the site specific text amendment on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map) as shown on Schedule 'A' attached to and forming part of this bylaw.

READ A FIRST TIME AND SECOND TIME THIS 23RD DAY OF APRIL, 2019

PUBLIC HEARING HELD THIS ____ DAY OF _____

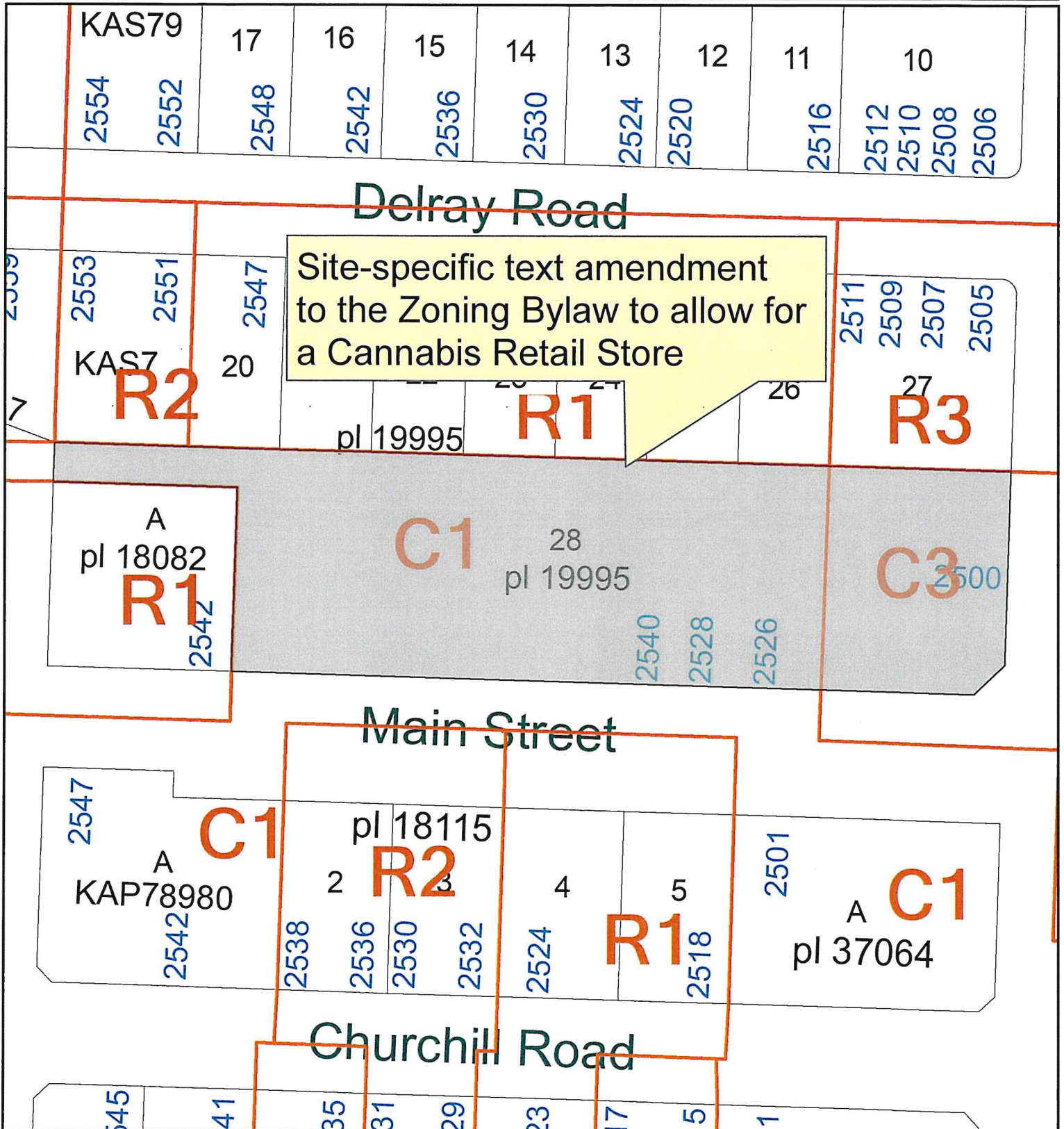
READ A THIRD TIME THIS ____ DAY OF _____

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS

ADOPTED THIS ____ DAY OF _____

MAYOR

CITY CLERK

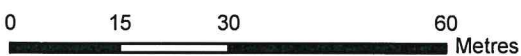


File: Z 19-06

Legal Description: Lot 28 District Lot 486, ODYD, Plan 19995 Except Plan 40663

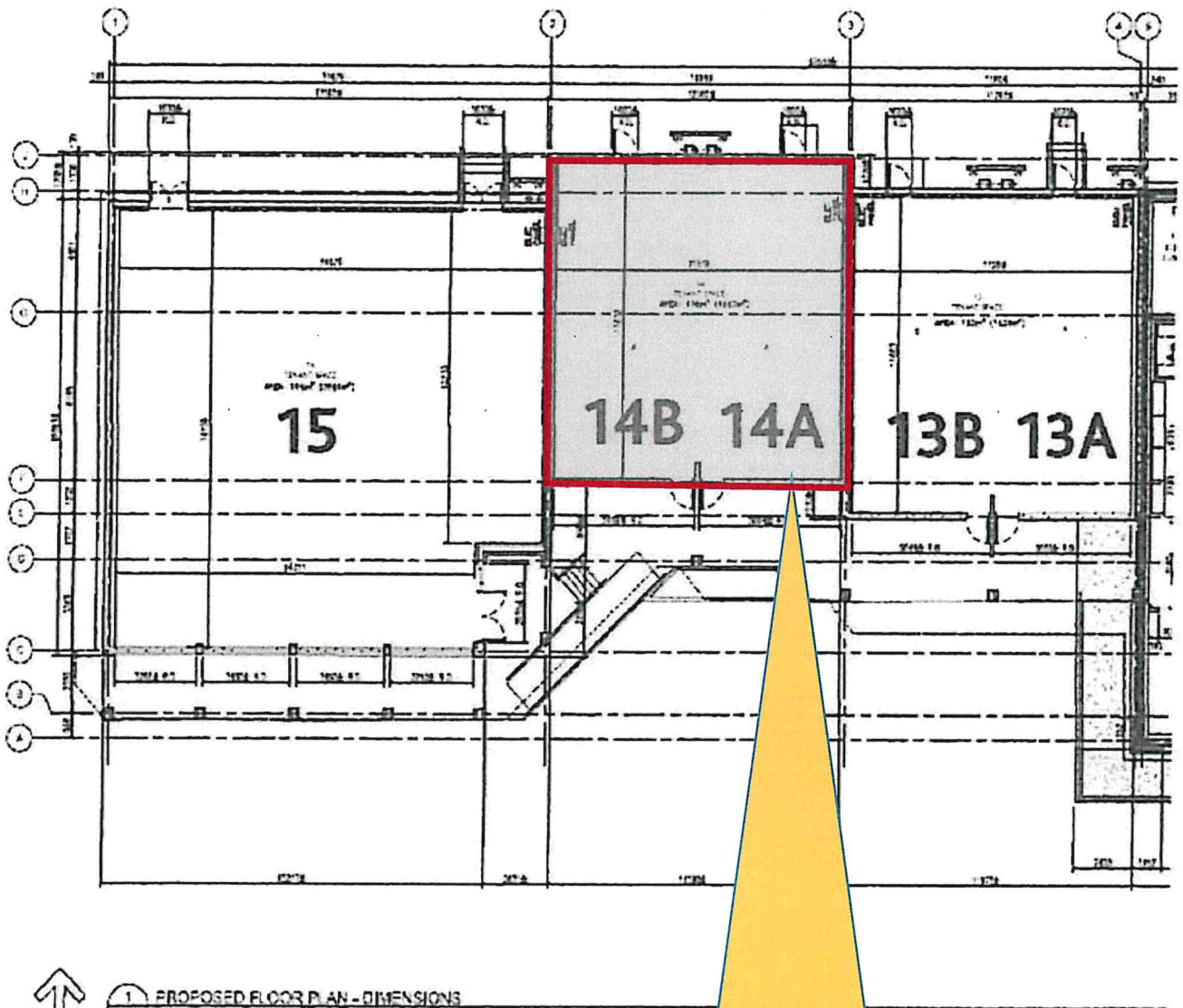
LEGEND

- Subject Property
- Zoning Boundary
- Parcels





SCHEDULE 'B' of BYLAW NO. 0154.77



Site-specific text amendment to the
Zoning Bylaw to allow for a Cannabis
Retail Store

File: Z 19-06

Legal Description: Lot 28 District Lot 486, ODYD, Plan 19995 Except
Plan 40663



Address: Unit #14 (14A & 14B) 2528 Main Street, West Kelowna, BC

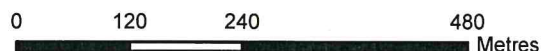
Date: 2019-04-08



File: Z 19-06

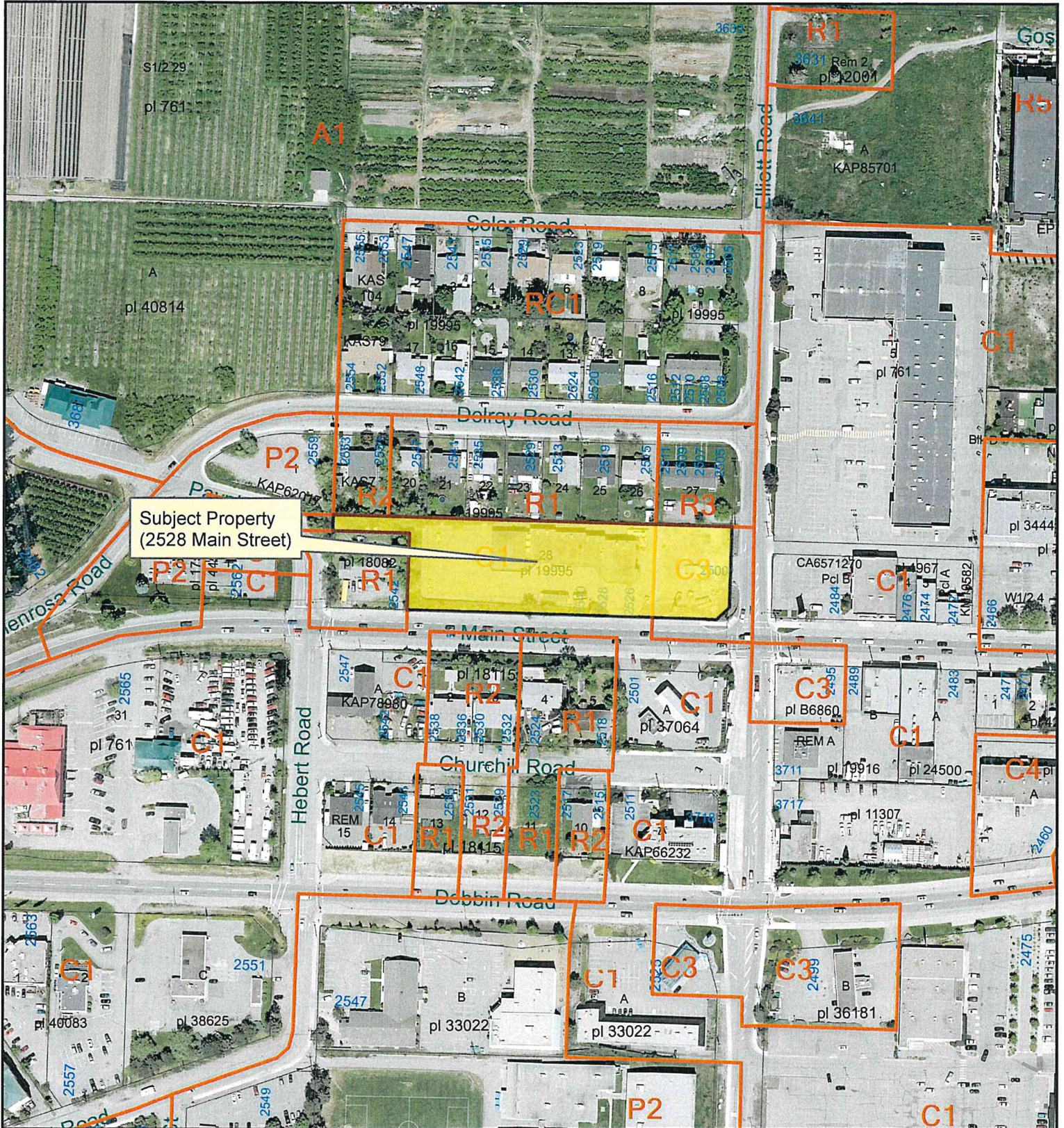
Legal Description: Lot 28, DL 486, ODYD, Plan 19995
Except Plan 40663

-  Subject Property
-  City Boundary





SUBJECT PROPERTY: Z 19-06



Subject Property
(2528 Main Street)

File: Z 19-06

Legal Description: Lot 28, DL 486, ODYD, Plan 19995
Except Plan 40663

LEGEND

- Subject Property
- Zoning Boundary
- Parcels



Z 19-06 GIS Mail Notification Map



Legend

Landmarks

- Cemetary
- City Hall
- Community Centre
- Dam
- Fire Hall
- Museum

Basemap Layers

- WK Admin Boundary
- Regional Admin Boundary
- Highway
- River / Stream
- Intermittent Stream
- Parcels

Waterbody

- Waterbody
- Lake Access
- Regional Park
- Municipal Park
- Westbank First Nation

Ownership

- Lease
- Park
- Road Right-Of-Way
- Walkway
- Common Access

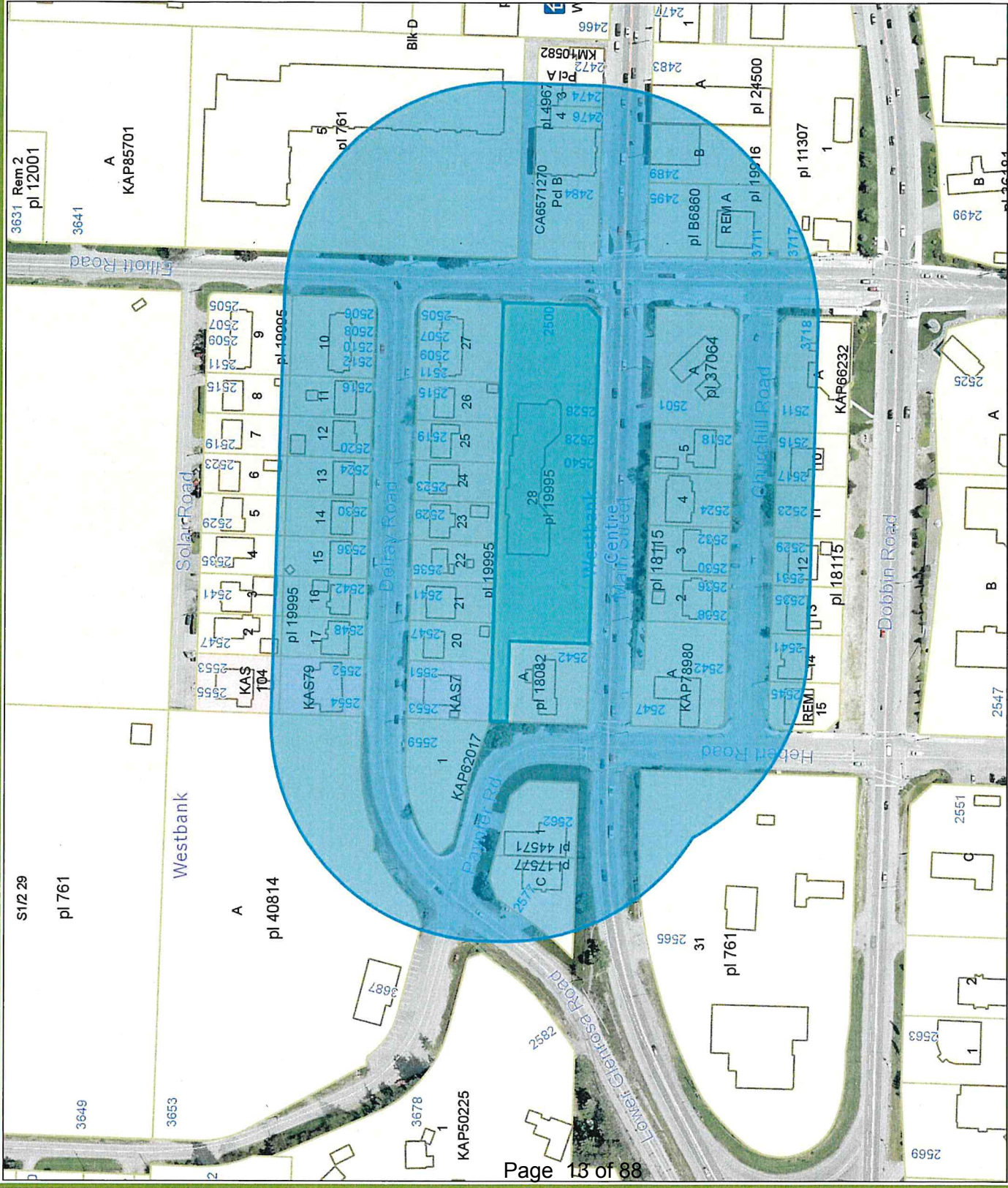
Other

- Land Strata
- Building Strata
- Common Property
- Crown Land

Attachment 4

Scale 1 : 2,507

Notes



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

0 64 127 Meters

Map Projection: NAD_1983_UTM_Zone_11N
© City of West Kelowna (2015)

Map Produced on: 4/23/2019 4:30:53 PM



PUBLIC HEARING REPORT
Development Services
For the May 14, 2019 Council Meeting

DATE: April 25, 2019 File: Z 19-07 (Flora)

TO: Jim Zaffino, CAO

FROM: Chris Oliver, Planner III

RE: Applications: Zoning Amendment Bylaw No. 154.78, 2019 (Z 19-07)
Legal: Lot A, DL 468, ODYD Plan KAP84320
Address: 3710 Hoskins Road
Owners: 0778967 B.C. LTD. Inc.
Agent: Flora Enterprises Inc.

LEGISLATIVE REQUIREMENTS

Section 464 of the *Local Government Act* requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the *Local Government Act*.

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. Municipalities are required to provide a positive recommendation to the Province before any application for a non-medical cannabis retail store can be approved by the Province under the Cannabis Control and Licensing Regulations. As part of the licensing process local governments are required to gather the views of residents of the area if the location of the proposed store may affect nearby residents. Input can be gathered by:

- Receiving written comment in response to a public notice of the application;
- Conducting a public hearing in respect of the application;
- Holding a referendum; or
- Using another method the local government considers appropriate.

BACKGROUND

The proposed amendment bylaw received first and second reading on April 23, 2019, where Council directed staff to schedule the Public Hearing. At the April 23 meeting, Council also decided to consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license. The notification for the

¹ Previously named the Liquor Control and Licensing Branch

public hearing included pertinent information for the Cannabis Retail Store license to ensure it can be considered adequate for gathering the views of residents for licensing purposes.

The Non-Medical Cannabis Retail Store Rezoning Policy in accordance with the Development Application Procedures Bylaw outlines the application procedures under which proposals for retail cannabis applications are submitted, assessed and approved to operate in the City. In accordance with the Policy, the highest scoring applications are being brought forward to rezone with a site-specific text amendment to permit the Non-Medical Cannabis Retail Store use within the proposed unit.

Figure 1 provides an overview of the Westbank Centre neighbourhood area with the two store locations being considered for rezoning as well as the two stores being placed on hold. The Flora location on Hoskins Road has been highlighted in blue.

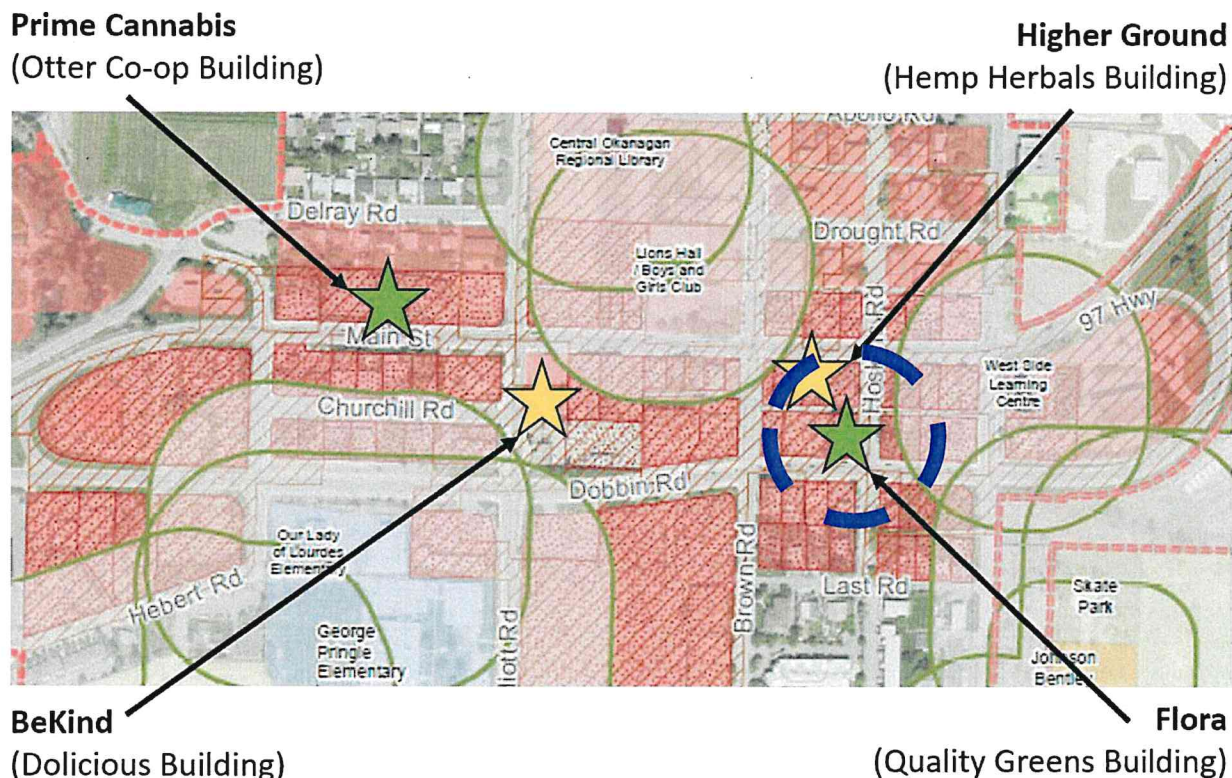


Figure 1. Westbank Centre Applications

Proposal

The proposed site-specific text amendment and Cannabis Retail Store License would allow for a Non-Medical Cannabis Retail Store in the proposed unit located at 3710 Hoskins Road. The proposed unit and subject building constructed under a Commercial Development Permit in 2006 and generally comply with current OCP guidelines. Flora has proposed as part of their application to install decorative window treatments as required by the LCRB licensing requirements and install signage associated with their unit (Figure 2).

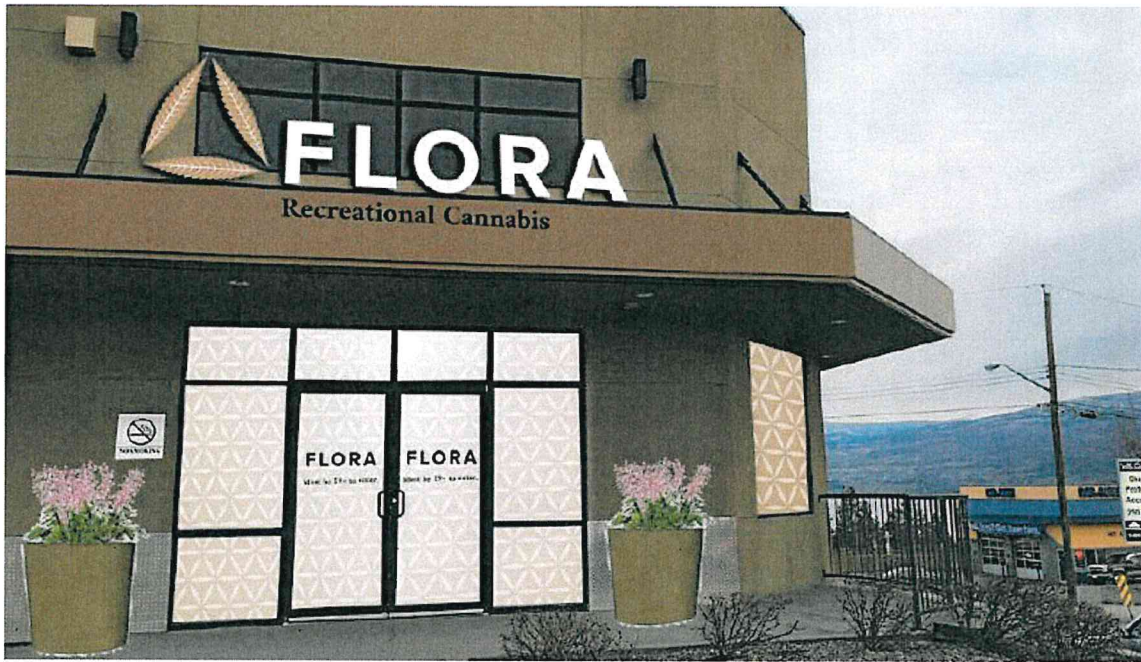


Figure 2. Proposed Signage and Window Treatment

LOCATION AND SURROUNDING USES

The subject property is located in a unit on the south side of multi-tenant building located 3710 Hoskins Road. This building includes T-Bones Fresh Meat Market and was the Quality Greens grocery store. The building includes various units which include a variety of different uses. The surrounding land uses include:

- North, South and West – C1 Urban Centre Commercial Zone
- East – R1 Single Detached Residential Zoned Parcels

POLICY AND BYLAW REVIEW

Official Community Plan (OCP) Bylaw No. 0100

The proposed site-specific text amendment to allow for a Non-Medical Cannabis Retail Store is supported by the existing Commercial Land Use Designation in the Official Community Plan.

Zoning Bylaw No. 0154

The subject property is zoned C1-Urban Centre Commercial which currently supports a mix of uses including general retail which permits the sale of alcohol. In addition to being commensurate with the purpose of the C1 Zone, the proposed use can be accommodated in the existing building and satisfies all applicable parking requirements in the Zoning Bylaw.

Cannabis Retail Store License (Liquor and Cannabis Regulation Branch)

The LCRB has stringent requirements that each retail store licensee must achieve prior to approval. These requirements regulate various items related to store layout, security requirements, use of smell jars, sale of accessories, branding, gift cards, etc. The proposed exterior improvements for Flora are related to the following LCRB requirements:

- The store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent;

- Non-medical cannabis, cannabis accessories and transactions involving those products must not be visible from outside the store;
- Licensees and employees must take reasonable measures to prevent disturbances. This means performing actions that are appropriate in the circumstances and within their capacity to do. Examples of reasonable measures include:
 - Installing adequate lighting outside the store and in the parking lot;
 - Supervising parking areas; and/or
 - Posting signs asking patrons not to disturb the neighbours.

No additional permitting or conditions are required to ensure that the required LCRB improvements such as window treatments are implemented.

The LCRB also limits the hours of operation for Cannabis Retail Stores to between the hours of 9 a.m. and 11 p.m., unless their hours are further restricted by the local government. The proposed hours of operation for Flora have been revised from their original LCRB application to 9:00 a.m. - 11:00 p.m. Monday through Sunday. The applicant may as part of future operational considerations choose to reduce these hours with no impact to their license, but they would not be able to be extended. The hours of operation limited by the LCRB are the same as licensee retail stores (private liquor stores) which have limited hours of sale between 9:00 a.m. and 11:00 p.m.

REFERRAL RESPONSES

The application has not been considered by the City's Advisory Planning Commission (APC), as the City recently filled 2019 - 2021 Commission member positions and the Commission hasn't yet met in 2019.

PUBLIC CONSULTATION/NOTIFICATION

A Development Proposal sign has been posted on site in accordance with the Development Applications Procedures Bylaw No. 0131. Two advertisements have been placed in the local newspaper and notices were mailed to 127 property owners and/or tenants within 100 metres of the subject property (Attachment 4).

Should Council consider adopting the proposed amendment bylaw, staff will include a motion at adoption that meets the Provincial licensing requirements for the British Columbia Liquor and Cannabis Regulation Branch.

At the time of writing this report, 12 submissions have been received during the public hearing notification window for the proposed bylaw amendments and LCRB Cannabis Retail License. These submissions were provided as letters of support by the applicant and were completed by West Kelowna residents and business operators. All of the letters received indicate support for the proposed store location and the operators (Attachment 5).

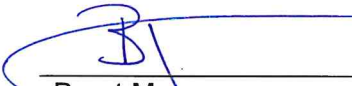
COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
Apr 23, 2019	<p>THAT Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.78, 2019 (Flora, Z 19-07);</p> <p>THAT Council direct staff to schedule the bylaw for public hearing; and</p> <p>THAT Council consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license.</p>	C169/19


Respectfully Submitted,



 Chris Oliver
 Planner III



 Brent Magnan
 Planning Manager




 Nancy Henderson
 General Manager of Development Services

Powerpoint: Yes No

Attachments:

1. Zoning Amendment Bylaw No. 0154.78, 2019 (Flora Z19-07)
2. Context Map
3. Subject Property Map
4. Map of Notification Area
5. Public Hearing Submissions

Approved for Agenda

 May 8, 2019

 Jim Zaffino, CAO Date

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-07 3710 Hoskins Rd - Flora\Bylaw_Rpts_Minutes\Public Hearing\Z 19-07 Public Hearing Report.docx

CITY OF WEST KELOWNA

BYLAW NO. 0154.78

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. 0154.78, 2019".

2. Amendments

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

2.1 By adding to Section 11.1 Urban Centre Commercial Zone (C1), Sub-section 11.1.4 (Site Specific Uses, Building and Structures):

On Lot A, DL 468, ODYD Plan KAP84320 (#101-3710 Hoskins Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.78.

2.2 By depicting the site specific text amendment on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map) as shown on Schedule 'A' attached to and forming part of this bylaw.

READ A FIRST TIME AND SECOND TIME THIS 23RD DAY OF APRIL, 2019

PUBLIC HEARING HELD THIS ____ DAY OF _____

READ A THIRD TIME THIS ____ DAY OF _____

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS

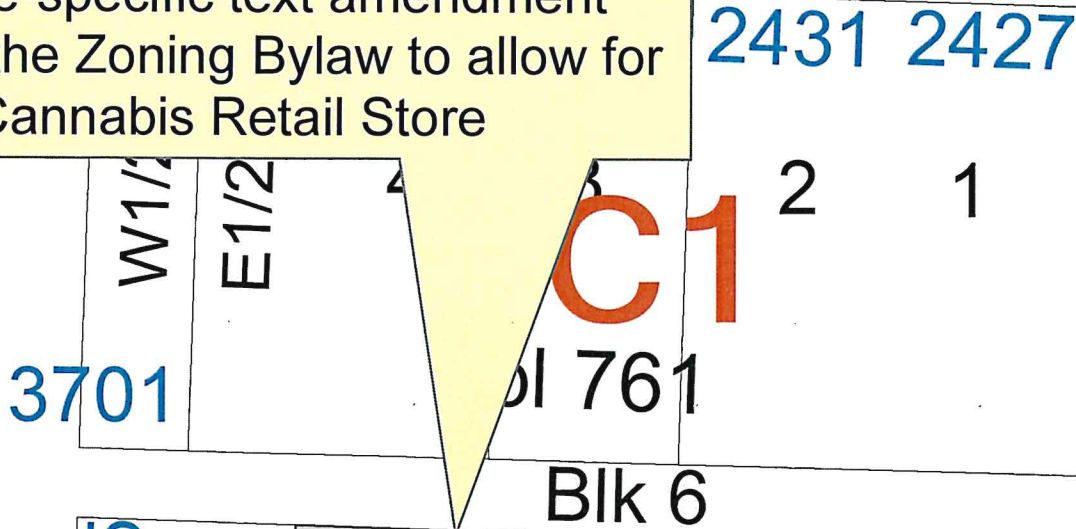
ADOPTED THIS ____ DAY OF _____

MAYOR

CITY CLERK



Site-specific text amendment to the Zoning Bylaw to allow for a Cannabis Retail Store






Dobbin Road

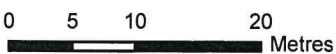


File: Z 19-07

Legal Description: Lot A, District Lot 486, ODYD, Plan KAP84320

LEGEND

-  Subject Property
-  Zoning Boundary
-  Parcels







Subject Property
(3710 Hoskins Road)

Johnson Bentley Aquatic Center

File: Z 19-07

Legal Description: Lot A, DL 476, ODYD, Plan KAP84320

-  Subject Property
-  City Boundary





SUBJECT PROPERTY: Z 19-07





Subject Property
(3710 Hoskins Road)

see Zoning Bylaw for
site specific use

File: Z 19-07

Legal Description: Lot A, DL 486, ODYD, Plan KAP84320

LEGEND

-  Subject Property
-  Zoning Boundary
-  Parcels



Z 19-07 GIS Mail Notification Map



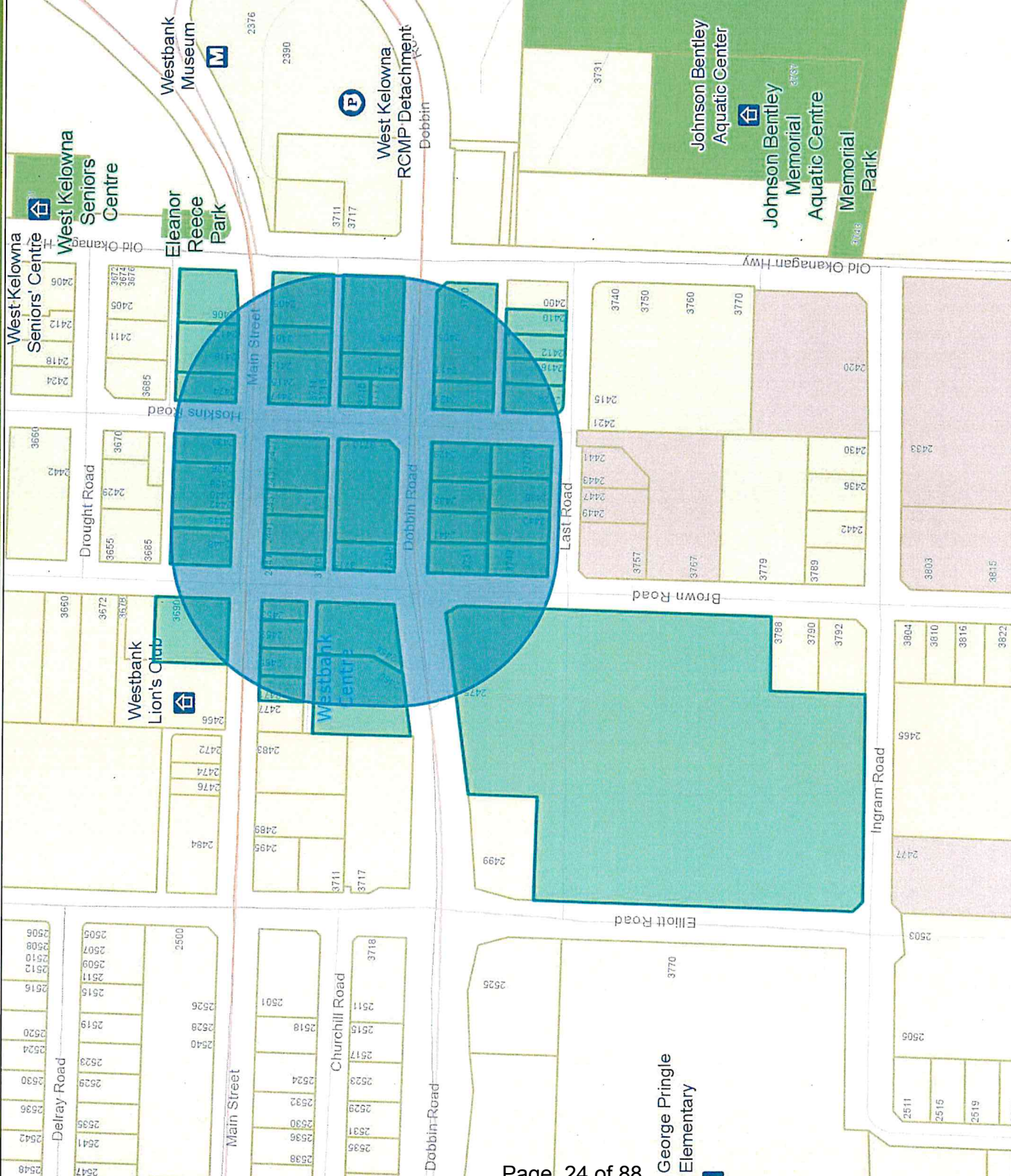
Legend

- Landmarks**
 - Cemetery
 - City Hall
 - Community Centre
 - Dam
 - Fire Hall
 - Museum
- Gasmap Layers**
 - WK Admin Boundary
 - Regional Admin Boundary
 - Highway
 - River / Stream
 - Intermittent Stream
 - parcels
- Waterbody**
 - Lake Access
 - Regional Park
 - Municipal Park
 - Westbank First Nation
- Ownership**
 - Lease
 - Park
 - Road Right-Of-Way
 - Walkway
 - Common Access
- Other**
 - Land Strata
 - Building Strata
 - Common Property
 - Crown Land

Scale 1 : 3,400

Notes

ATTACHMENT 4



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

0 86 173 Meters

Map Projection: NAD_1983_UTM_Zone_11N

Map Produced on: 4/23/2019 4:36:29 PM

© City of West Kelowna (2015)

Approval Letter for Retail Cannabis Sales

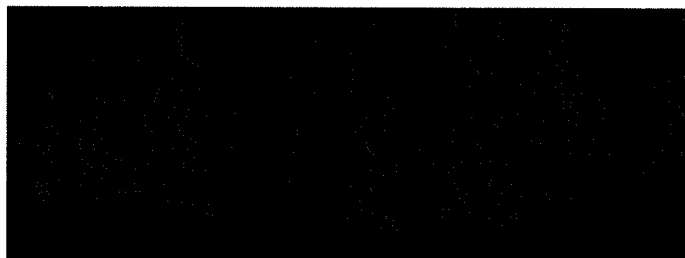


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name:

Cynthia LAKOVIĆ

Address:

2043 moonbeam close
west Kelowna BC
V1Z 3X9.

Date:

Apr. 15. 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

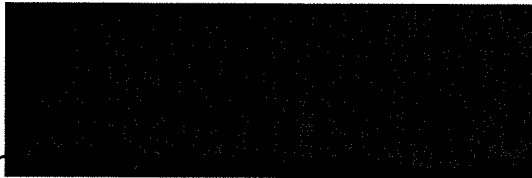


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name: MILOSH LAKOVIC

Address: 2043 MOONBEAM CLOSE
WEST KELOWNA BC V1Z3X9

Date: Apr. 15. 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

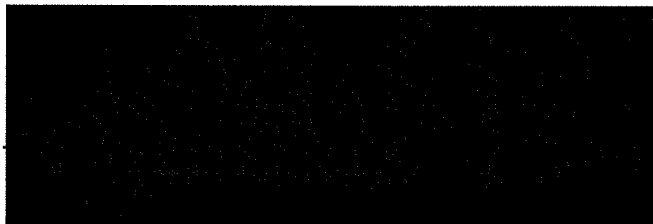


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name: MARSHA LAKOVIC

Address: 1274 LAKEVIEW CLOVE PLACE
WEST KELOWNA BC

Date: Apr. 15. 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales



Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you

Signature:



Print Name: NICOLE RAYNAUD

Address: 2043 MOONBEAM CLOSE, WEST KELOWNA

Date: APRIL 6TH, 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

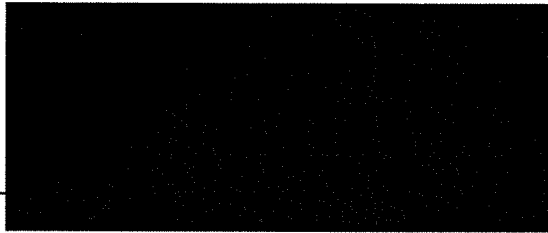


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name:

Will Chambers

Address:

2742 Cameron rd., West Kelowna

Date:

5/4/19



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

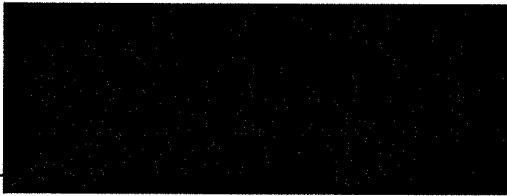


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature: _____



Print Name: Amy Ruocco

Address: 2742 Cameron Rd, West Kelowna

Date: 4/5/2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

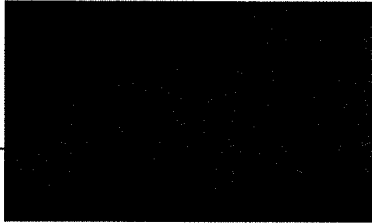


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature: _____



Print Name: CHRIS LEWICKI

Address: 30-2490 TUSCANY DR. WEST KELOWNA

Date: APRIL 5/2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

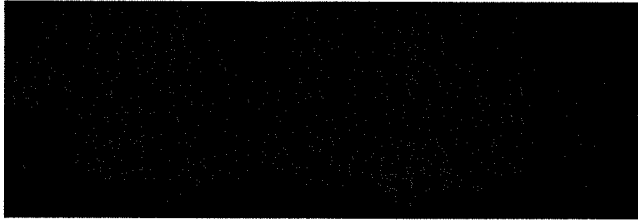


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name:

Brett Leveque

Address:

2043 Mountain Close

Date:

April 2nd 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

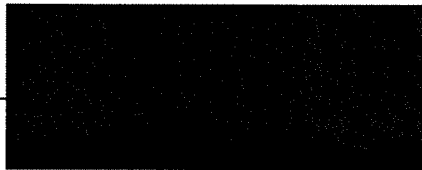


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature: _____



Print Name: _____

Jillian Earl.

Address: _____

162 V4T 1S6

Date: _____

April 1, 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

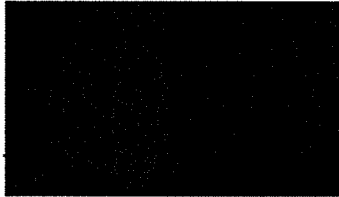


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name:

George Gerio

Address:

#30 - 2490 Tuscomy Drive West Kelowna

Date:

April 5/2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

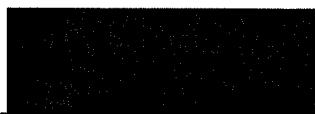


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature: _____



Print Name: _____

MORGAN-LEE GENIO

Address: _____

30-2490 TUSCANY DR. WEST KELOWNA

Date: _____

APRIL 5/2019



FLORA

Recreational Cannabis



April 2, 2019

Dear City of West Kelowna:

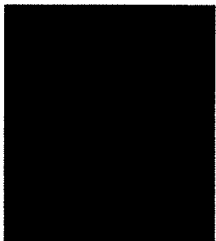
Letter of Support: Flora Recreational Cannabis

I am the owner of Sovereign Cycle, located at #110, 3480 Carrington Rd. Recently I have been informed regarding the non-medical retail cannabis store proposed for the unit in my area neighbourhood at 3710 Hoskins Road.

I have been provided the opportunity to discuss Flora with the operators and would like to put my support behind this project.

I believe that Flora Recreational Cannabis will definitely be an asset for our area. Their passion to be leaders in this new industry will set an example of how a non-medical cannabis retail store should operate. With a great reputation as contributing members within our community and an excellent track record as positive business leaders, I know they will do a superb job of running the store and ensuring responsible operations.

Sincerely,



Russell Morton
Owner, Sovereign Cycle



PUBLIC HEARING REPORT
Development Services
For the May 14, 2019 Council Meeting

DATE: April 25, 2019 File: Z 19-08 (Cheeba Cheebas)

TO: Jim Zaffino, CAO

FROM: Chris Oliver, Planner III

RE: Applications: Zoning Amendment Bylaw No. 154.79, 2019 (Z 19-08)
Legal: Lot 7 DLS 507 and 2601 ODYD Plan KAP50056
Address: 1812 Byland Road
Owners: Canada West Realty Ltd.
Agent: Christy and Associates Ltd. (On behalf of Cheeba Cheebas)

LEGISLATIVE REQUIREMENTS

Section 464 of the *Local Government Act* requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the *Local Government Act*.

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. Municipalities are required to provide a positive recommendation to the Province before any application for a non-medical cannabis retail store can be approved by the Province under the Cannabis Control and Licensing Regulations. As part of the licensing process local governments are required to gather the views of residents of the area if the location of the proposed store may affect nearby residents. Input can be gathered by:

- Receiving written comment in response to a public notice of the application;
- Conducting a public hearing in respect of the application;
- Holding a referendum; or
- Using another method the local government considers appropriate.

BACKGROUND

The proposed amendment bylaw received first and second reading on April 23, 2019, where Council directed staff to schedule the Public Hearing. At the April 23 meeting, Council also decided to consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license. The notification for the

¹ Previously named the Liquor Control and Licensing Branch

public hearing included pertinent information for the Cannabis Retail Store license to ensure it can be considered adequate for gathering the views of residents for licensing purposes.

The Non-Medical Cannabis Retail Store Rezoning Policy in accordance with the Development Application Procedures Bylaw outlines the application procedures under which proposals for retail cannabis applications are submitted, assessed and approved to operate in the City. In accordance with the Policy, the highest scoring applications are being brought forward to rezone with a site-specific text amendment to permit the Non-Medical Cannabis Retail Store use within the proposed unit. Figure 1 provides an overview of the Boucherie Centre/ West Kelowna Business Park areas with the two other store locations being considered for rezoning. The Cheeba Cheebas location on Byland Road has been highlighted in blue.

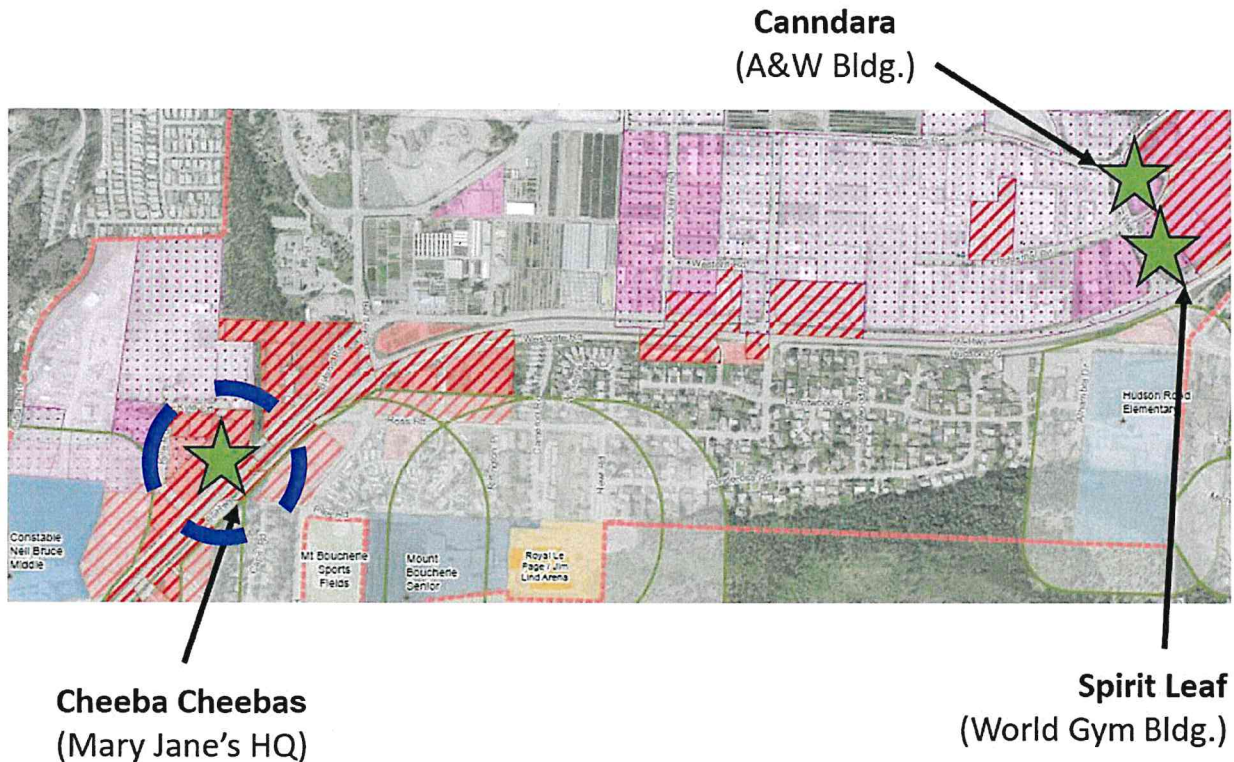


Figure 1. Boucherie Centre and West Kelowna Business Park Applications

Proposal

The proposed site-specific text amendment and Cannabis Retail Store License would allow for a Non-Medical Cannabis Retail Store in the proposed unit located at 1810 Bylands Road (Figure 2.). The proposed unit and subject building were recently renovated with minor façade improvements which were exempt from the development permit requirements. Cheeba Cheebas has proposed as part of their application to install decorative window treatments, and remove an existing garage door as required by the LCRB licensing requirements and install signage associated with their unit (Figure 3.).



Figure 2. Mary Jane's HQ

1812 Byland Road
West Kelowna
Cheeba Cheebas



Figure 3. Proposed Signage and Window Treatment

LOCATION AND SURROUNDING USES

The subject property is located in a unit on the east side of the multi-tenant building located at 1812 Byland Road. This building includes Nifty Gifty and is directly across from the West Kelowna Veterinary Hospital. The surrounding land uses include:

- North, and East– C4 Service Commercial Zoned Parcels
- West– I1 – Light Industrial Zoned Parcel
- South – R1 Single Detached Residential Zoned Parcels

POLICY AND BYLAW REVIEW

Official Community Plan (OCP) Bylaw No. 0100

The proposed site-specific text amendment to allow for a Non-Medical Cannabis Retail Store is supported by the existing Commercial Land Use Designation in the Official Community Plan.

Zoning Bylaw No. 0154

The subject property is zoned C4 - Service Commercial which currently supports a mix of uses including general retail which permits the sale of alcohol. In addition to being commensurate with the purpose of the C4 Zone, the proposed use can be accommodated in the existing building and satisfies all applicable parking requirements in the Zoning Bylaw.

Cannabis Retail Store License (Liquor and Cannabis Regulation Branch)

The LCRB has stringent requirements that each retail store licensee must achieve prior to approval. These requirements regulate various items related to store layout, security

requirements, use of smell jars, sale of accessories, branding, gift cards, etc. The proposed exterior improvements for Cheeba Cheebas are related to the following LCRB requirements:

- The store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent;
- Non-medical cannabis, cannabis accessories and transactions involving those products must not be visible from outside the store;
- Licensees and employees must take reasonable measures to prevent disturbances. This means performing actions that are appropriate in the circumstances and within their capacity to do. Examples of reasonable measures include:
 - Installing adequate lighting outside the store and in the parking lot;
 - Supervising parking areas; and/or
 - Posting signs asking patrons not to disturb the neighbours.

No additional permitting or conditions are required to ensure that the required LCRB improvements such as window treatments are implemented.

The LCRB also limits the hours of operation for Cannabis Retail Stores to between the hours of 9 a.m. and 11 p.m., unless their hours are further restricted by the local government. The proposed hours of operation for Cheeba Cheebas are:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00 a.m. to 9:00 p.m.	10:00 a.m. to 9:00 p.m.	10:00 a.m. to 9:00 p.m.	10:00 a.m. to 9:00 p.m.	10:00 a.m. to 10:00 p.m.	10:00 a.m. to 10:00 p.m.	10:00 a.m. to 5:00 p.m.

The applicant may as part of future operational considerations choose to reduce these hours with no impact to their license, but they would not be able to be extended. The hours of operation limited by the LCRB are the same as licensee retail stores (private liquor stores) which have limited hours of sale between 9:00 a.m. and 11:00 p.m.

REFERRAL RESPONSES

The application has not been considered by the City’s Advisory Planning Commission (APC), as the City recently filled 2019 - 2021 Commission member positions and the Commission hasn’t yet met in 2019.

PUBLIC CONSULTATION/NOTIFICATION

A Development Proposal sign has been posted on site in accordance with the Development Applications Procedures Bylaw No. 0131. Two advertisements have been placed in the local newspaper and notices were mailed to 59 property owners and/or tenants within 100 metres of the subject property (Attachment 4).


Should Council consider adopting the proposed amendment bylaw, staff will include a motion at adoption that meets the Provincial licensing requirements for the British Columbia Liquor and Cannabis Regulation Branch.

At the time of writing this report, one submission has been received during the public hearing notification window for the proposed bylaw amendments and LCRB Cannabis Retail License. The submission indicates support for the proposed store location and the operator (Attachment 5).


COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
Apr 23, 2019	<p>THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas, Z 19-08);</p> <p>THAT Council direct staff to schedule the proposed bylaw amendment for Public Hearing; and</p> <p>THAT Council consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license.</p>	C172/19

Respectfully Submitted,



Chris Oliver
Planner III



Brent Magnan
Planning Manager




Nancy Henderson
General Manager of Development Services

Powerpoint: Yes No

Attachments:

1. Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas Z19-08)
2. Context Map
3. Subject Property Map
4. Map of Notification Area
5. Public Hearing Submission

Approved for Agenda	
 Jim Zaffino, C/O	<u>May 8, 2019</u> Date

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-08 1812 Byland Rd - Cheeba Cheeba\Bylaw_Rpts_Minutes\Public Hearing\DRAFT Z 19-08 Public Hearing Report.docx

CITY OF WEST KELOWNA

BYLAW NO. 0154.79

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. 0154.79, 2019".

2. Amendments

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

2.1 By adding to Section 11.4 Service Commercial Zone (C4), Sub-section 11.4.4 (Site Specific Uses, Building and Structures):

On Lot 7 DLS 507 and 2601 ODYD Plan KAP50056 (#1-1812 Byland Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.79.

2.2 By depicting the site specific text amendment on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map) as shown on Schedule 'A' attached to and forming part of this bylaw.

READ A FIRST TIME AND SECOND TIME THIS 23RD DAY OF APRIL, 2019

PUBLIC HEARING HELD THIS ___ DAY OF _____

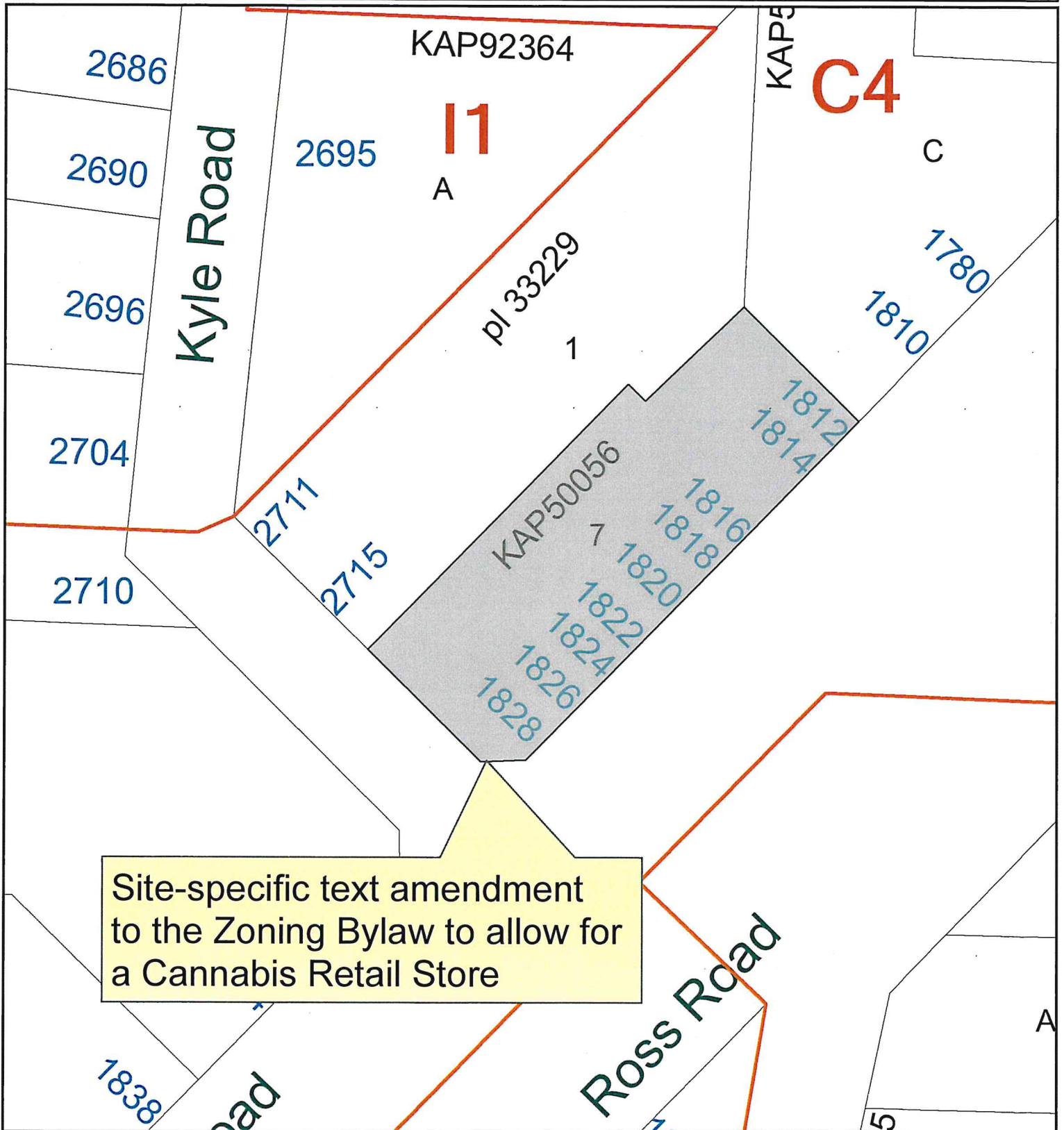
READ A THIRD TIME THIS ___ DAY OF _____

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS

ADOPTED THIS ___ DAY OF _____

MAYOR




CITY CLERK



Site-specific text amendment to the Zoning Bylaw to allow for a Cannabis Retail Store

File: Z 19-08
 Legal Description: Lot 7, District Lots 507 and 2601, ODYD, Plan KAP50056

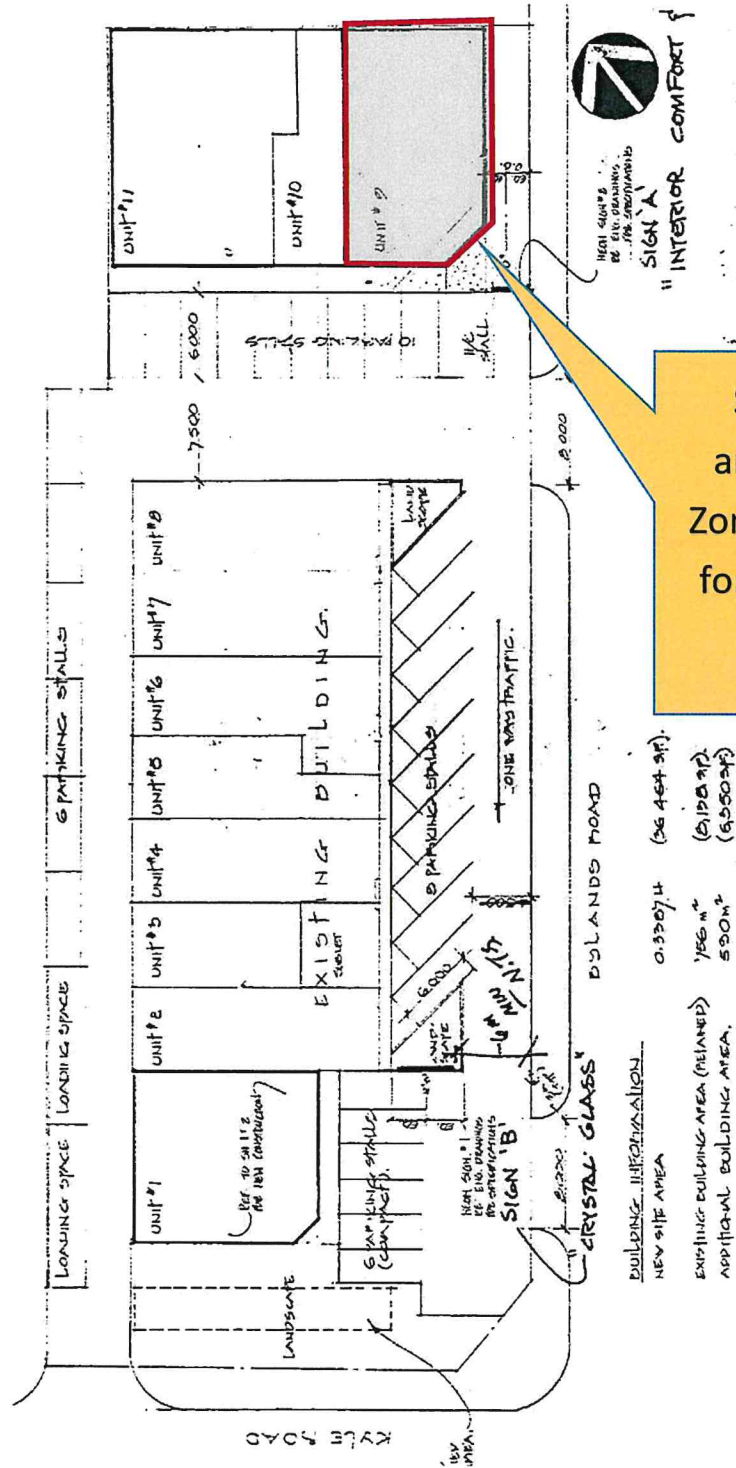
LEGEND

-  Subject Property
-  Zoning Boundary
-  Parcels





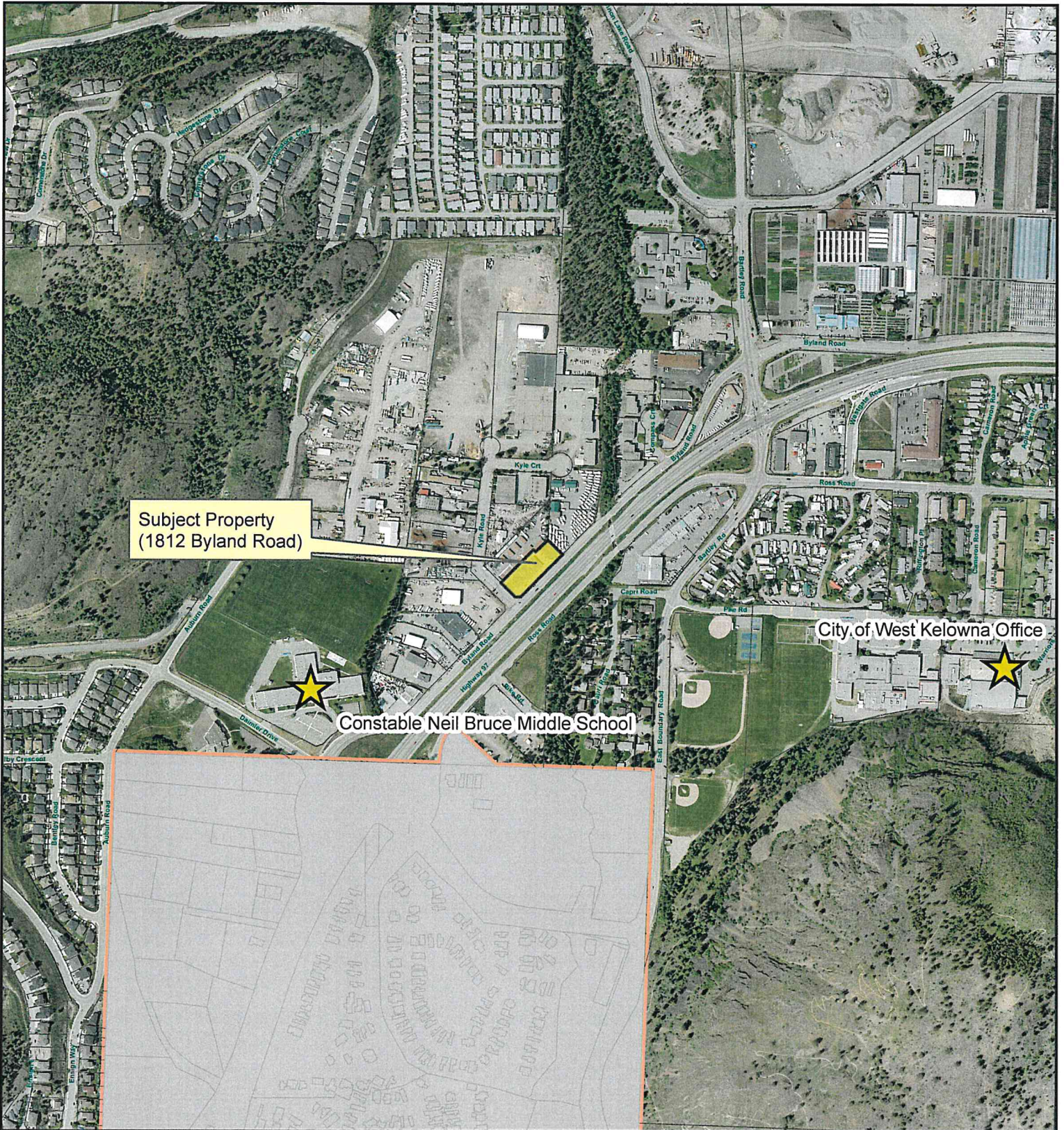
SCHEDULE 'B' of BYLAW NO. 0154.79



Site-specific text amendment to the Zoning Bylaw to allow for a Cannabis Retail Store

NEW SITE AREA	0.33074 (36,424 sq ft)
EXISTING BUILDING AREA (RELINQUISHED)	786 m ² (8,490 sq ft)
ADDITIONAL BUILDING AREA	530 m ² (5,700 sq ft)

File: Z 19-08
 Legal Description: Lot 7, District Lots 507 and 2601, ODYD, Plan KAP50056
 Address: Unit 1 - 1812 Byland Road, West Kelowna, BC





Subject Property
(1812 Byland Road)

City of West Kelowna Office

Constable Neil Bruce Middle School

File: Z 19-08

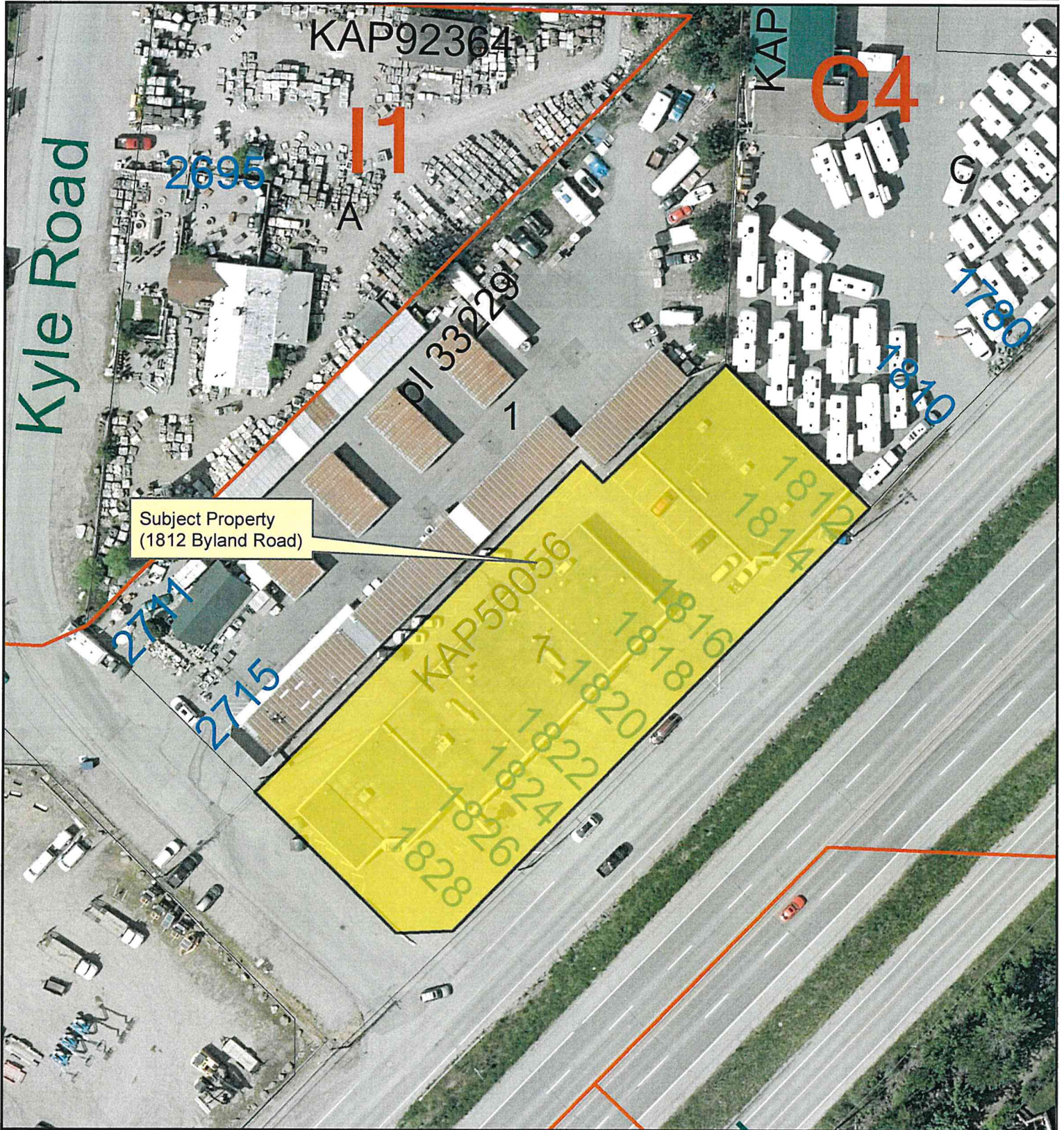
Legal Description: Lot 7, DL 507 & 2601, ODYD,
Plan KAP50056

-  Subject Property
-  City Boundary





SUBJECT PROPERTY: Z 19-08



Subject Property
(1812 Byland Road)

File: Z 19-08

Legal Description: Lot 7, DL 507 & 2601, ODYD,
Plan KAP50056

LEGEND

- Subject Property
- Zoning Boundary
- Parcels



Z 19-08 GIS Mail Notification Map



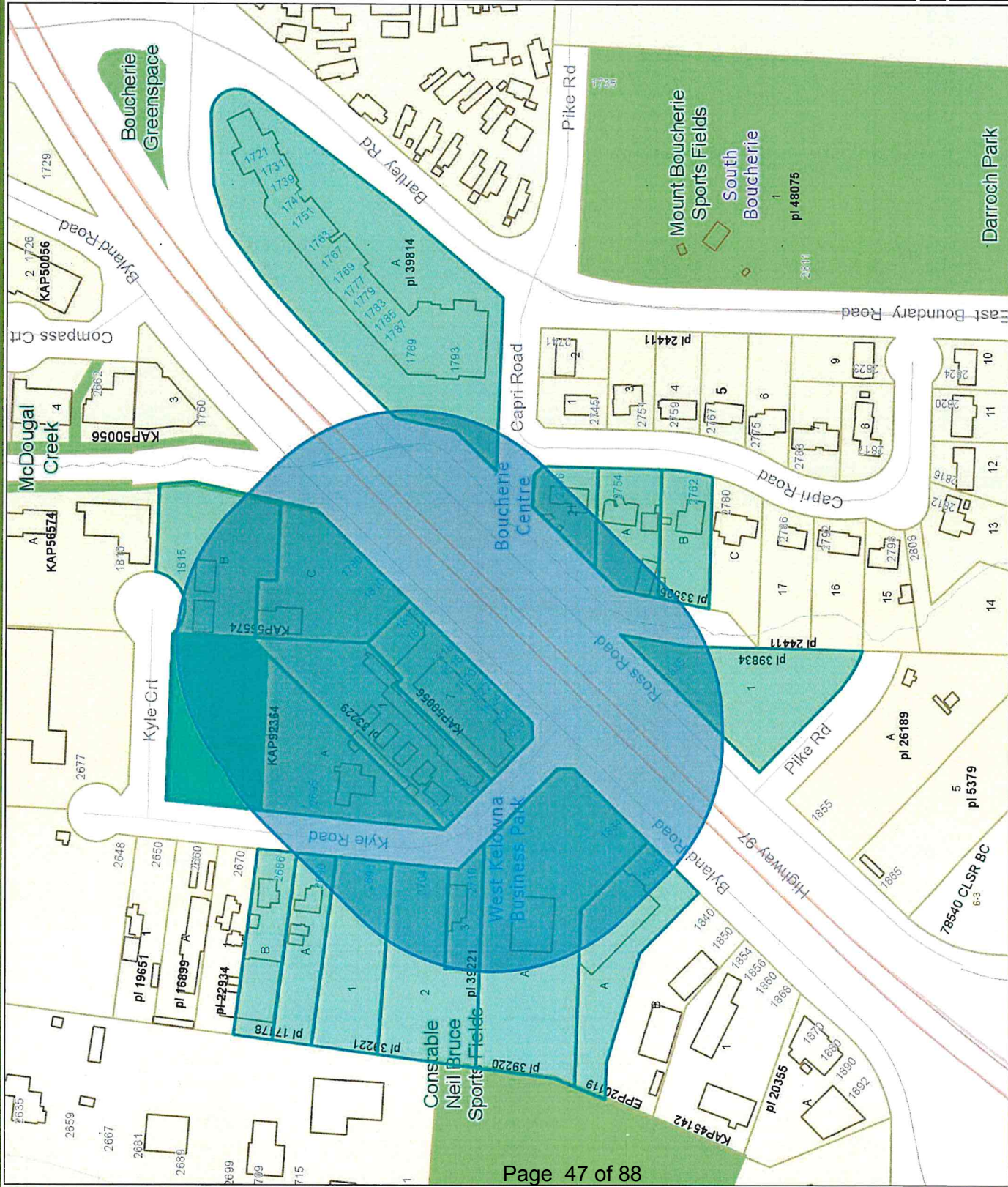
- Legend**
- Landmarks**
- Cemetry
 - City Hall
 - Community Centre
 - Dam
 - Fire Hall
 - Museum
- Basemap Layers**
- WK Admin Boundary
 - Regional Admin Boundary
 - Highway
 - River / Stream
 - Intermittent Stream
 - Waterbody
 - Lake Access
 - Regional Park
 - Municipal Park
 - Westbank First Nation
- parcels**
- Ownership
 - Land Strata
 - Building Strata
 - Common Property
 - Crown Land
 - Lease
 - Park
 - Road Right-Of-Way
 - Walkway
 - Common Access



Scale 1 : 2,892

Notes

ATTACHMENT 4



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



Map Projection: NAD_1983_UTM_Zone_11N
 © City of West Kelowna (2015)

Map Produced on: 4/23/2019 4:39:49 PM

From: Ernie Drvaric <[REDACTED]>
Sent: May-07-19 11:00 AM
To: Chris Oliver <Chris.Oliver@westkelownacity.ca>
Subject: Bylaw No.0154.79 File No. Z- 1908

To whom it may concern,
Please accept this submission as support for the application of a cannabis Retail Store license for #1-1812 Bylands Rd. West Kelowna.
Mary Janes has been a good corporate citizen of West Kelowna and as Cheeba Cheeba's It will continue to be part of our tax base which we need in West Kelowna.

My name is Ernest Drvaric of 910 Rumney Road, West Kelowna, V1Z 1H9.
I am also a member in good standing of LHCA and believe that this application if worthy of support of city council.

Yours sincerely,
Ernest J. Drvaric



PUBLIC HEARING REPORT
Development Services
For the May 14, 2019 Council Meeting

DATE: April 25, 2019 File: Z 19-09 (Spiritleaf)

TO: Jim Zaffino, CAO

FROM: Chris Oliver, Planner III

RE: Applications: Zoning Amendment Bylaw No. 154.80, 2019 (Z 19-09)
Legal: Lot 2 DL 506 ODYD Plan 18464 Except Plan H16956
Address: 1195 Industrial Road
Owners: BMK133 Holdings Inc.
Agent: 1143782 B.C. Ltd. (Spiritleaf)

LEGISLATIVE REQUIREMENTS

Section 464 of the *Local Government Act* requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the *Local Government Act*.

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. Municipalities are required to provide a positive recommendation to the Province before any application for a non-medical cannabis retail store can be approved by the Province under the Cannabis Control and Licensing Regulations. As part of the licensing process local governments are required to gather the views of residents of the area if the location of the proposed store may affect nearby residents. Input can be gathered by:

- Receiving written comment in response to a public notice of the application;
- Conducting a public hearing in respect of the application;
- Holding a referendum; or
- Using another method the local government considers appropriate.

BACKGROUND

The proposed amendment bylaw received first and second reading on April 23, 2019, where Council directed staff to schedule the Public Hearing. At the April 23 meeting, Council also decided to consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license. The notification for the public hearing included pertinent information for the Cannabis Retail Store license to ensure it can be considered adequate for gathering the views of residents for licensing purposes.

¹ Previously named the Liquor Control and Licensing Branch

The Non-Medical Cannabis Retail Store Rezoning Policy in accordance with the Development Application Procedures Bylaw outlines the application procedures under which proposals for retail cannabis applications are submitted, assessed and approved to operate in the City. In accordance with the Policy, the highest scoring applications are being brought forward to rezone with a site-specific text amendment to permit the Non-Medical Cannabis Retail Store use within the proposed unit.

Figure 1 provides an overview of the Boucherie Centre/ West Kelowna Business Park areas with the two other store locations being considered for rezoning. The Spiritleaf location on Industrial Road has been highlighted in blue.

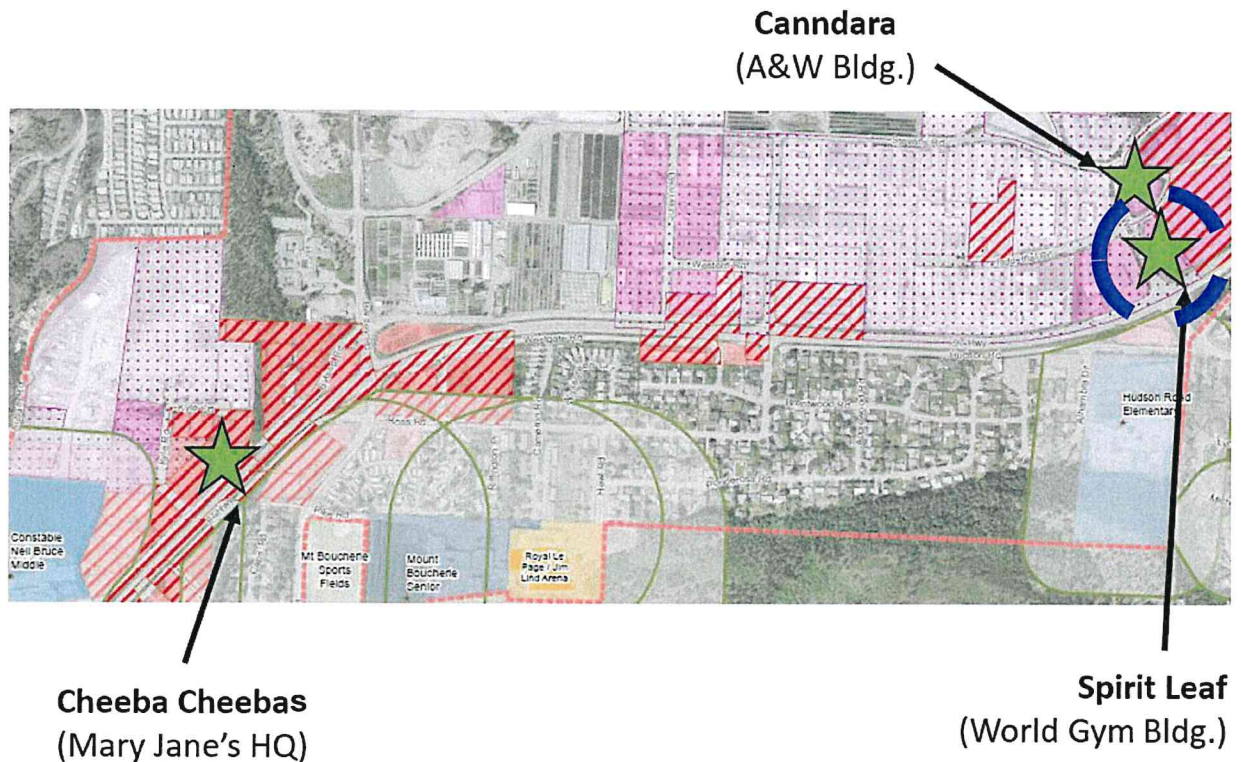


Figure 1. Boucherie Centre and West Kelowna Business Park Applications

Proposal

The proposed site-specific text amendment and Cannabis Retail Store License would allow for a Non-Medical Cannabis Retail Store in the proposed unit located at 1195 Industrial Road. The proposed unit and subject building were constructed under an Industrial Development Permit in 2004 and generally comply with applicable OCP guidelines. Spiritleaf has proposed as part of their application to install decorative window treatments as required by the LCRB licensing requirements and install signage associated with their unit (Figure 2).



Figure 2. Proposed Signage and Window Treatment

LOCATION AND SURROUNDING USES

The subject property is located in a unit on the north side of the existing multi-tenant building located at 1195 Industrial Road. This building includes World Gym, Hergott Law, as well as other existing tenants. The surrounding land uses include:

- North – C3 Gasoline Service Station Zoned Parcel
- East– C4 Service Commercial Zoned Parcels
- South – P2 Parks and Institutional Zoned Parcel and C3 Zoned Parcel (Sonic Car Wash)
- West – I1 Light Industrial Zoned Parcel

POLICY AND BYLAW REVIEW

Official Community Plan (OCP) Bylaw No. 0100

The proposed site-specific text amendment to allow for a Non-Medical Cannabis Retail Store is supported by the existing Business Park Land Use Designation in the Official Community Plan.

Zoning Bylaw No. 0154

The subject property is zoned I1 – Light Industrial which currently a variety of uses including retail uses. In addition to being commensurate with permitted uses in the I1 Light Industrial Zone, the proposed use can be accommodated in the existing building and satisfies all applicable parking requirements in the Zoning Bylaw.

Cannabis Retail Store License (Liquor and Cannabis Regulation Branch)

The LCRB has stringent requirements that each retail store licensee must achieve prior to approval. These requirements regulate various items related to store layout, security requirements, use of smell jars, sale of accessories, branding, gift cards, etc. The proposed exterior improvements for Spiritleaf are related to the following LCRB requirements:

- The store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent;
- Non-medical cannabis, cannabis accessories and transactions involving those products must not be visible from outside the store;
- Licensees and employees must take reasonable measures to prevent disturbances. This means performing actions that are appropriate in the circumstances and within their capacity to do. Examples of reasonable measures include:
 - Installing adequate lighting outside the store and in the parking lot;
 - Supervising parking areas; and/or
 - Posting signs asking patrons not to disturb the neighbours.

No additional permitting or conditions are required to ensure that the required LCRB improvements such as window treatments are implemented.

The LCRB also limits the hours of operation for Cannabis Retail Stores to between the hours of 9 a.m. and 11 p.m., unless their hours are further restricted by the local government. The proposed hours of operation for Spiritleaf are 9:00 a.m. - 11:00 p.m. Monday through Sunday. The applicant may as part of future operational considerations choose to reduce these hours with no impact to their license, but they would not be able to be extended. The hours of operation limited by the LCRB are the same as licensee retail stores (private liquor stores) which have limited hours of sale between 9:00 a.m. and 11:00 p.m.

REFERRAL RESPONSES

The application has not been considered by the City's Advisory Planning Commission (APC), as the City recently filled 2019 - 2021 Commission member positions and the Commission hasn't yet met in 2019.

PUBLIC CONSULTATION/NOTIFICATION

A Development Proposal sign has been posted on site in accordance with the Development Applications Procedures Bylaw No. 0131. Two advertisements have been placed in the local newspaper and notices were mailed to 34 property owners and/or tenants within 100 metres of the subject property (Attachment 4).

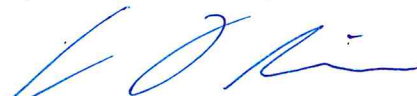
Should Council consider adopting the proposed amendment bylaw, staff will include a motion at adoption that meets the Provincial licensing requirements for the British Columbia Liquor and Cannabis Regulation Branch.

At the time of writing this report, no public submissions have been received during the public hearing notification window for the proposed bylaw amendments and LCRB Cannabis Retail License.


COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
Apr 23, 2019	<p>THAT Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.80, 2019 (Spiritleaf, Z 19-09);</p> <p>THAT Council direct staff to schedule the bylaw for public hearing; and</p> <p>THAT Council consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license.</p>	C170/19


Respectfully Submitted,



Chris Oliver
Planner III



Brent Magnan
Planning Manager




Nancy Henderson
General Manager of Development Services

Powerpoint: Yes No

Attachments:

1. Zoning Amendment Bylaw No. 0154.80, 2019 (Spiritleaf Z19-09)
2. Context Map
3. Subject Property Map
4. Map of Notification Area

Approved for Agenda	
 Jim Zaffino, CAO	<u>May 8, 2019</u> Date

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-09 #104 - 1195 Industrial Rd - Spiritleaf\Bylaw_Rpts_Minutes\Public Hearing\DRAFT Z 19-09 Public Hearing Report.docx

CITY OF WEST KELOWNA

BYLAW NO. 0154.80

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. 0154.80, 2019".

2. Amendments

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

2.1 By adding to Section 12.1 Light Industrial Zone (I1), Sub-section 12.1.4 (Site Specific Uses, Building and Structures):

On Lot 2 DL 506 ODYD Plan 18464 Except Plan H16956 (#104-1195 Industrial Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.80.

2.2 By depicting the site specific text amendment on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map) as shown on Schedule 'A' attached to and forming part of this bylaw.

READ A FIRST TIME AND SECOND TIME THIS 23RD DAY OF APRIL, 2019

PUBLIC HEARING HELD THIS ____ DAY OF _____

READ A THIRD TIME THIS ____ DAY OF _____

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS

ADOPTED THIS ____ DAY OF _____

MAYOR

CITY CLERK





CONTEXT MAP: Z 19-09



File: Z 19-09

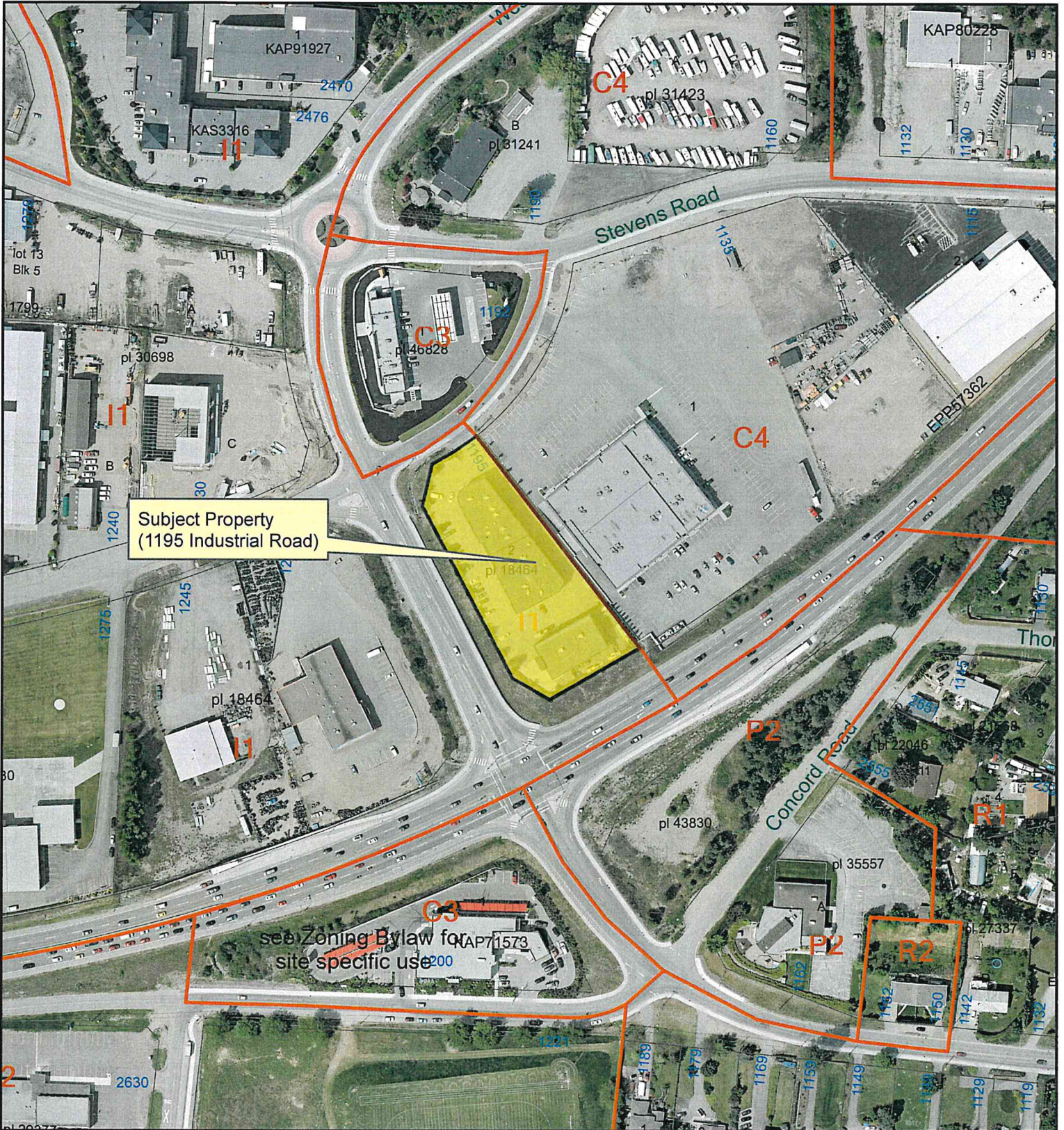
Legal Description: Lot 2, DL 506, ODYD, Plan 18464
Except Plan H16956

-  Subject Property
-  City Boundary





SUBJECT PROPERTY: Z 19-09



Subject Property
(1195 Industrial Road)

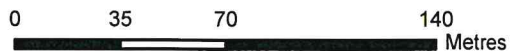
see Zoning Bylaw for
site specific use

File: Z 19-09

Legal Description: Lot 2, DL 506, ODYD, Plan 18464
Except Plan H16956

LEGEND

- Subject Property
- Zoning Boundary
- Parcels





PUBLIC HEARING REPORT
Development Services
For the May 14, 2019 Council Meeting

DATE: April 25, 2019 File: Z 19-10 (Canndara)

TO: Jim Zaffino, CAO

FROM: Chris Oliver, Planner III

RE: Applications: Zoning Amendment Bylaw No. 154.81, 2019 (Z 19-10)
Legal: Lot 1 DL 506 ODYD Plan KAP46828
Address: 1192 Industrial Road
Owners: Prairiewest Centre Ltd.
Agent: Raveen Raey (Canndara)

LEGISLATIVE REQUIREMENTS

Section 464 of the *Local Government Act* requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the *Local Government Act*.

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. Municipalities are required to provide a positive recommendation to the Province before any application for a non-medical cannabis retail store can be approved by the Province under the Cannabis Control and Licensing Regulations. As part of the licensing process local governments are required to gather the views of residents of the area if the location of the proposed store may affect nearby residents. Input can be gathered by:

- Receiving written comment in response to a public notice of the application;
- Conducting a public hearing in respect of the application;
- Holding a referendum; or
- Using another method the local government considers appropriate.

BACKGROUND

The proposed amendment bylaw received first and second reading on April 23, 2019, where Council directed staff to schedule the Public Hearing. At the April 23 meeting, Council also decided to consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license. The notification for the public hearing included pertinent information for the Cannabis Retail Store license to ensure it can be considered adequate for gathering the views of residents for licensing purposes.

¹ Previously named the Liquor Control and Licensing Branch

The Non-Medical Cannabis Retail Store Rezoning Policy in accordance with the Development Application Procedures Bylaw outlines the application procedures under which proposals for retail cannabis applications are submitted, assessed and approved to operate in the City. In accordance with the Policy, the highest scoring applications are being brought forward to rezone with a site-specific text amendment to permit the Non-Medical Cannabis Retail Store use within the proposed unit.

Figure 1 provides an overview of the Boucherie Centre/ West Kelowna Business Park areas with the two other store locations being considered for rezoning. The Canndara location on Industrial Road has been highlighted in blue.

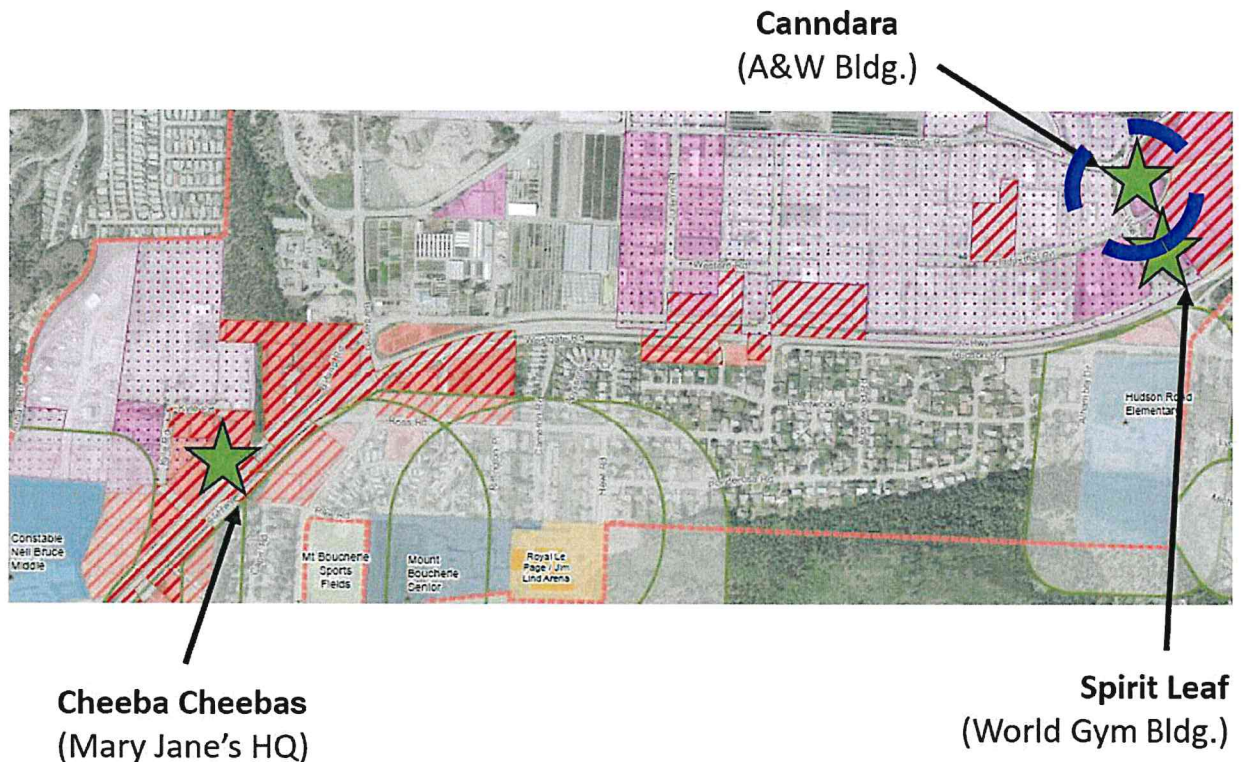


Figure 1. Boucherie Centre and West Kelowna Business Park Applications

Proposal

The proposed site-specific text amendment and Cannabis Retail Store License would allow for a Non-Medical Cannabis Retail Store in the proposed unit located at 2528 Main Street. The proposed unit and subject building was built under a Commercial Development Permit in 2016 and comply with applicable OCP guidelines. Canndara has proposed as part of their application to install decorative window treatments as required by the LCRB licensing requirements and install signage associated with their unit (Figure 2.)



Figure 2. Proposed Signage and Window Treatment

LOCATION AND SURROUNDING USES

The subject property is located in a unit on the north side of the existing multi-tenant building located at 1192 Industrial Road. This building includes the new Chevron gas station and A&W restaurant. The surrounding land uses include:

- North and East– C4 Service Commercial Zoned Parcels
- South and West – I1 Light Industrial Zoned Parcel

POLICY AND BYLAW REVIEW

Official Community Plan (OCP) Bylaw No. 0100

The proposed site-specific text amendment to allow for a Non-Medical Cannabis Retail Store is supported by the existing Business Park Land Use Designation in the Official Community Plan.

Zoning Bylaw No. 0154

The subject property is zoned C3-Gasoline Service Station Commercial Zone which currently supports gasoline service stations and associated uses. In addition to being commensurate with permitted accessory uses in the C3 Zone, the proposed use can be accommodated in the existing building and satisfies all applicable parking requirements in the Zoning Bylaw.

Cannabis Retail Store License (Liquor and Cannabis Regulation Branch)

The LCRB has stringent requirements that each retail store licensee must achieve prior to approval. These requirements regulate various items related to store layout, security requirements, use of smell jars, sale of accessories, branding, gift cards, etc. The proposed exterior improvements for Canndara are related to the following LCRB requirements:

- The store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent;
- Non-medical cannabis, cannabis accessories and transactions involving those products must not be visible from outside the store;
- Licensees and employees must take reasonable measures to prevent disturbances. This means performing actions that are appropriate in the circumstances and within their capacity to do. Examples of reasonable measures include:
 - Installing adequate lighting outside the store and in the parking lot;
 - Supervising parking areas; and/or
 - Posting signs asking patrons not to disturb the neighbours.

No additional permitting or conditions are required to ensure that the required LCRB improvements such as window treatments are implemented.

The LCRB also limits hours of operation for Cannabis Retail Stores to between the hours of 9 a.m. and 11 p.m., unless their hours are further restricted by the local government. The proposed hours of operation for Canndara are 9:00 a.m. - 11:00 p.m. Monday through Sunday. The applicant may as part of future operational considerations choose to reduce these hours with no impact to their license, but they would not be able to be extended. The hours of operation limited by the LCRB are the same as licensee retail stores (private liquor stores) which have limited hours of sale between 9:00 a.m. and 11:00 p.m.

REFERRAL RESPONSES

The application has not been considered by the City's Advisory Planning Commission (APC), as the City recently filled 2019 - 2021 Commission member positions and the Commission hasn't yet met in 2019.

CITY OF WEST KELOWNA

BYLAW NO. 0154.81

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. 0154.81, 2019".

2. Amendments

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

2.1 By adding to Section 11.3 Gasoline Service Station Commercial Zone (C3), Sub-section 11.3.4 (Site Specific Uses, Building and Structures):

On Lot 1 DL 506 ODYD Plan KAP46828 (#3-1192 Industrial Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.81.

2.2 By depicting the site specific text amendment on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map) as shown on Schedule 'A' attached to and forming part of this bylaw.

READ A FIRST TIME AND SECOND TIME THIS 23RD DAY OF APRIL, 2019

PUBLIC HEARING HELD THIS ____ DAY OF _____

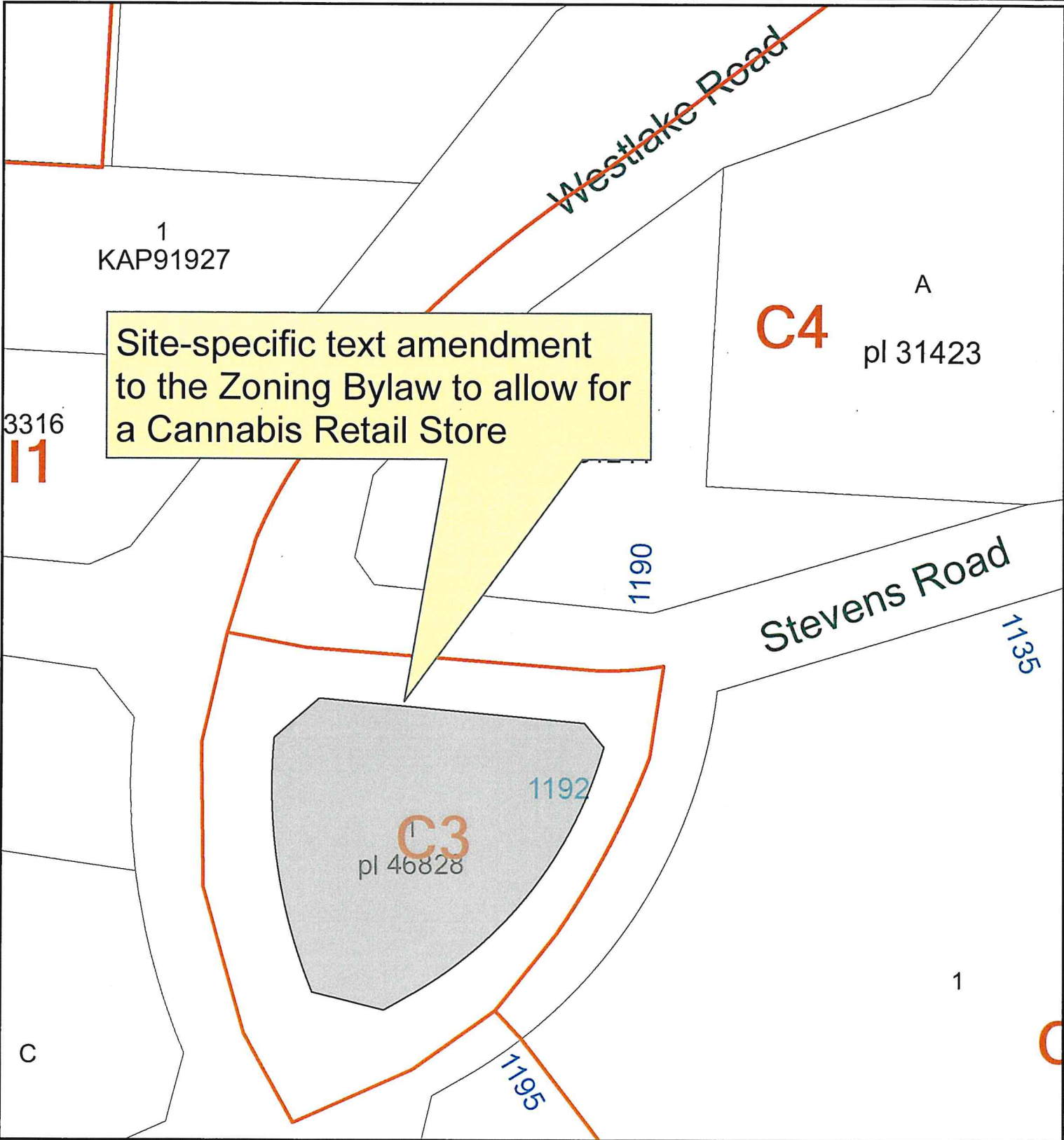
READ A THIRD TIME THIS ____ DAY OF _____

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS

ADOPTED THIS ____ DAY OF _____

MAYOR



CITY CLERK



Site-specific text amendment to the Zoning Bylaw to allow for a Cannabis Retail Store

File: Z 19-10
Legal Description: Lot 1, District Lot 506, ODYD, Plan KAP46828

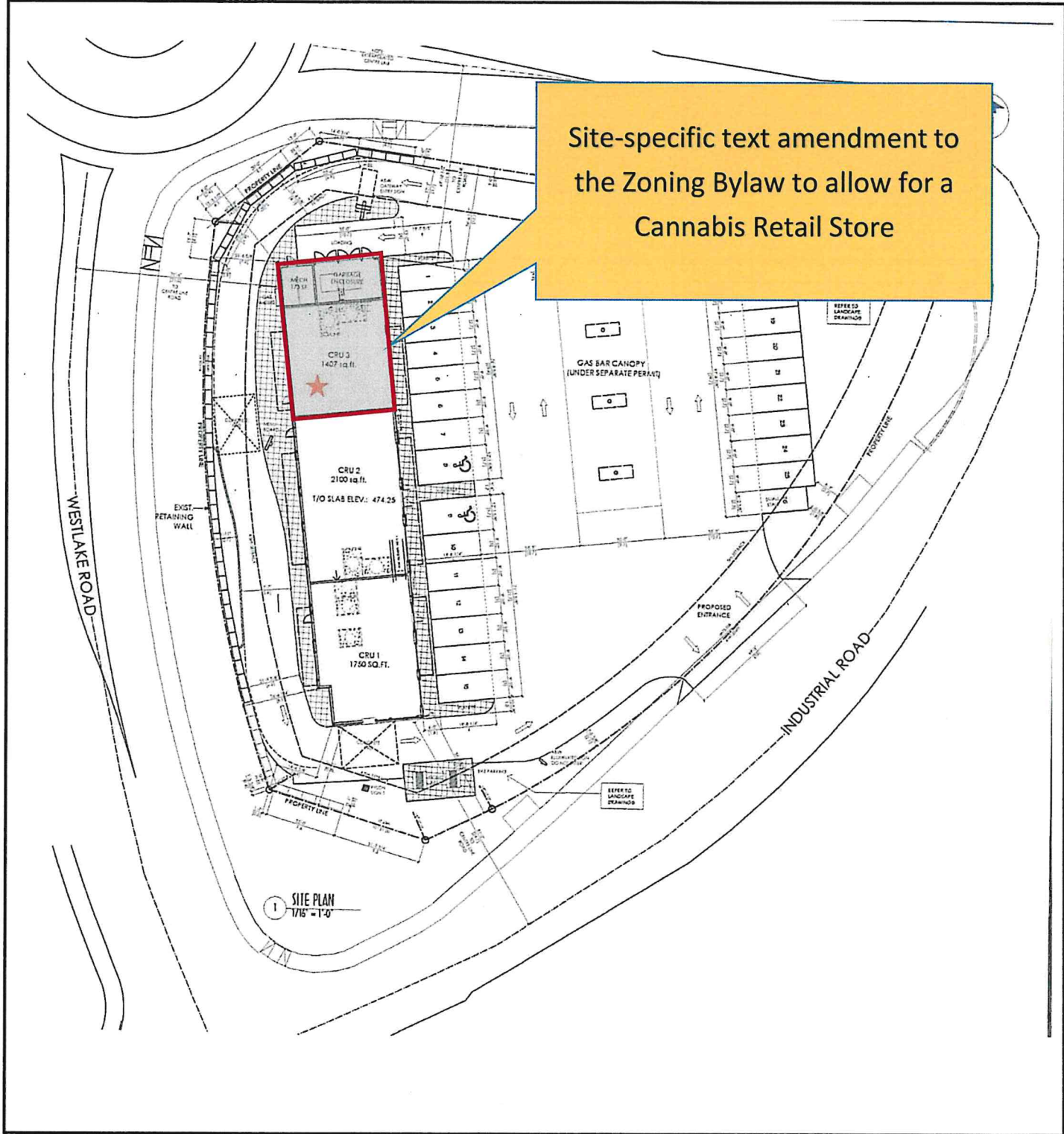
LEGEND

-  Subject Property
-  Zoning Boundary
-  Parcels





SCHEDULE 'B' of BYLAW NO. 0154.81



Site-specific text amendment to the Zoning Bylaw to allow for a Cannabis Retail Store

1 SITE PLAN
1/16" = 1'-0"

File: Z 19-10
 Legal Description: Lot 1, District Lot 506, ODYD,
 Plan KAP46828
 Address: #103 - 1192 Industrial Road, West Kelowna, BC





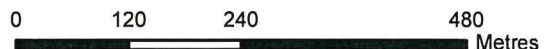
Subject Property
(1192 Industrial Road)

Hudson Road Elementary

File: Z 19-10

Legal Description: Lot 1, DL 506, ODYD, Plan KAP46828

-  Subject Property
-  City Boundary





SUBJECT PROPERTY: Z 19-10



Subject Property
(1192 Industrial Road)

LEGEND

- Subject Property
- Zoning Boundary
- Parcels

File: Z 19-10

Legal Description: Lot 1, DL 506, ODYD, Plan KAP46828



Z 19-10 GIS Mail Notification Map



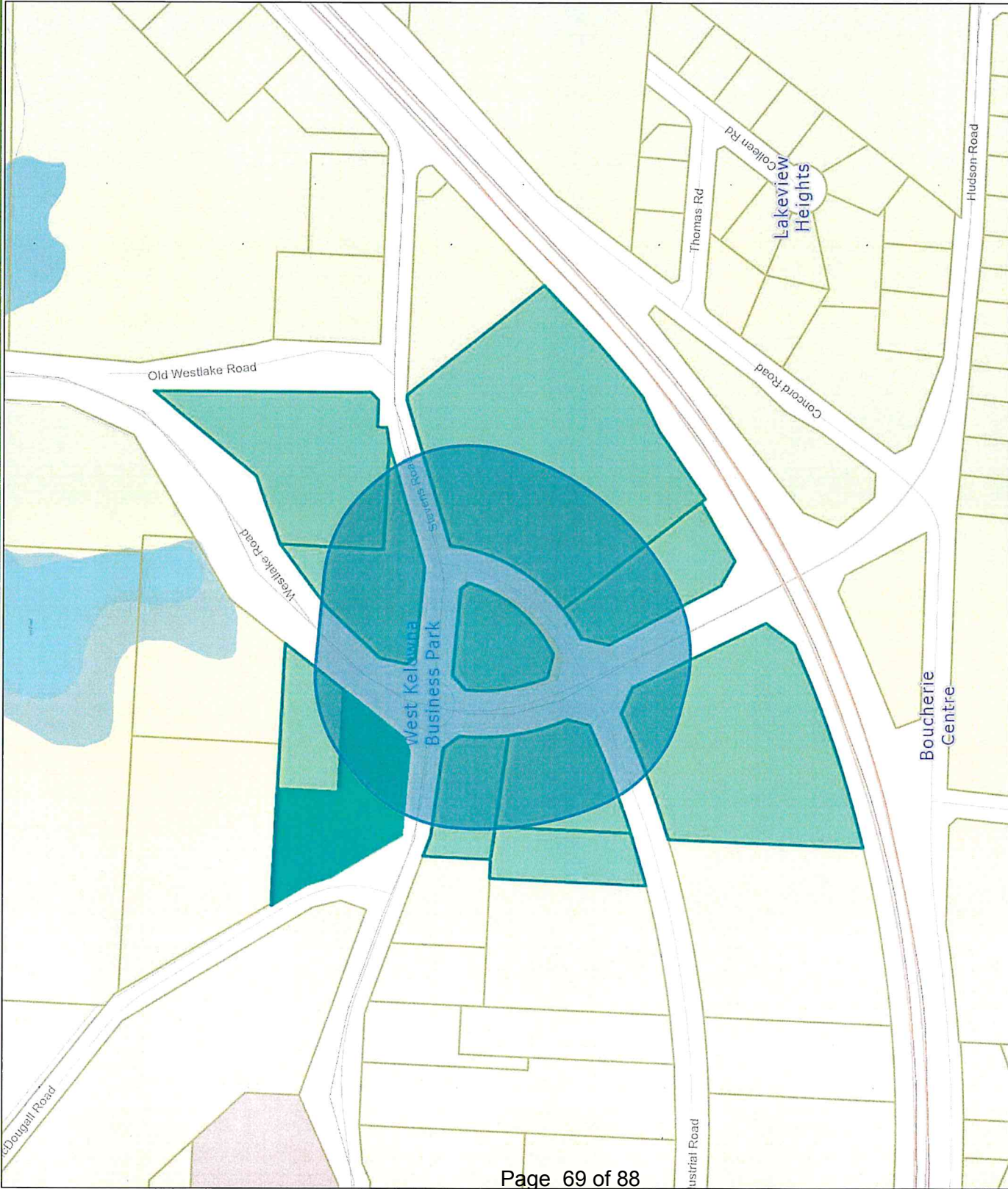
Legend

Cemetery	City Hall	Community Centre	Dam	Fire Hall	Museum
Basemap Layers	WK Admin Boundary	Regional Admin Boundary	Highway	River / Stream	Intermittent Stream
Waterbody	Lake Access	Regional Park	Municipal Park	Westbank First Nation	Lease
Ownership	Land Strata	Building Strata	Common Property	Crown Land	Park
Road Right-Of-Way	Walkway	Common Access	Parcels		



Scale 1 : 4,021

Notes



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



0 102 204 Meters

Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna (2015)

Map Produced on: 4/23/2019 4:47:06 PM



DATE: April 30, 2019 File: Z 19-02

TO: Jim Zaffino, CAO

FROM: Jaleen Rousseau, Planner

RE: Application: Zoning Amendment Bylaw No. 0154.82 (Z 19-02)
 Address: Okanagan Lake abutting 1449 Green Bay Road
 Legal: Unsurveyed Crown Land abutting Lot 1, DL 434 & 523, ODYD, Plan 7108
 Owners: The Crown (Okanagan Lake)
 Agent: Jordan Hettinga (Kent-Macpherson) c/o Green Bay Bible Camp

LEGISLATIVE REQUIREMENTS

Section 464 of the *Local Government Act* requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the *Local Government Act*.

BACKGROUND

The proposed bylaw amendment received first and second reading on April 23, 2019, where Council directed staff to schedule the Public Hearing.

Context

The application area encompasses lands under control of the Province; unsurveyed aquatic Crown land being part of the bed of Okanagan Lake and abutting 1449 Green Bay Rd. A request for a Site Specific Text Amendment on this portion of Crown land is being made by the owners of Green Bay Bible Camp (1449 Green Bay Rd) in order to facilitate the reconstruction of the Camp's existing docks in the same configuration (See *Figure 1*).

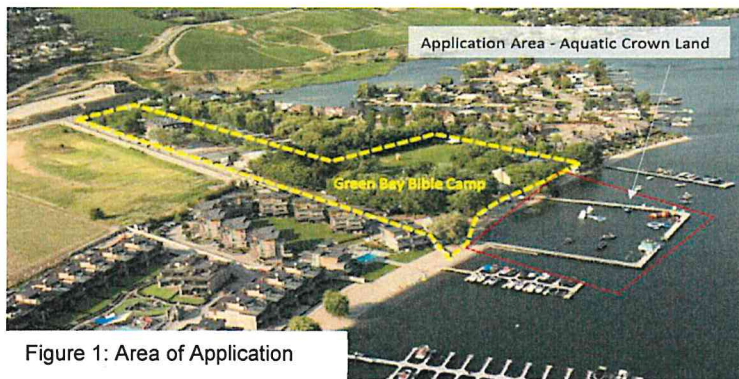


Figure 1: Area of Application

Green Bay Bible Camp is a large waterfront parcel located within the Green Bay Neighbourhood. The portion of aquatic Crown land (Okanagan Lake) immediately abutting the Camp has two existing moorage structures that together form an enclosed swim area of approximately 5,970.4 sqm (See *Figure 3*). The area in and around the moorage structures has been zoned

by the City for the orderly development of boat docks and moorage facilities associated directly with upland uses. Uses surrounding the Camp include:

- North – Green Bay Rd, a manufactured home park development and Green Bay Canal.

- East – A manufactured home park development, a compact single detached residential development and Green Bay Canal.
 - West – Low density multiple family development and Agricultural Land Reserve lands.
 - South – Okanagan Lake
- (Attachments 2 & 3)

Proposal

The applicant is requesting a Site Specific Text Amendment to the Intensive Water Use Zone (W2) to allow for the replacement of existing moorage facilities in the same configuration and location.

The proposed dock structures would include:

- West moorage structure
- East moorage structure
- Swim platform
- Four boat slips
- A shed

The existing moorage facilities have been damaged by weather events and require reconstruction (Attachment 4).

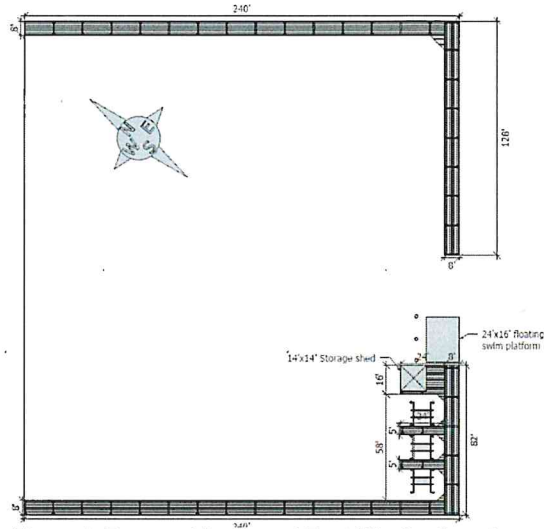


Figure 2: Proposed Docks and Boat Slip Configuration



Figure 3: 1973 RDCO Air Photo

Each moorage structure extends approximately 73 m (240 ft) into Lake Okanagan from the shoreline of 1449 Green Bay Rd and has been in place since prior to 1973 (year of oldest air photo available from the RDCO See Figure 3). Reconstruction of the existing docks will result in modern moorage design including steel piles and flow thru decking (See Attachment 5).

Policy and Bylaw Review

Official Community Plan (OCP) Bylaw No. 0100

Land Use Designation: 1449 Green Bay Road maintains a Land Use Designation of *Institutional*, which anticipates schools, community centres, fire halls, health centres and other associated uses. The purpose of this designation is to provide for institutional uses that support governance, health,

culture and learning.

Development Permit Areas: 1449 Green Bay Road is subject to three of the City's Development Permit Areas: Aquatic Ecosystem, Sensitive Terrestrial Ecosystem and Form and Character.

In the case of moorage, none of the City's DPAs apply, as these areas begin where Crown management of Okanagan Lake ends. However, an environmental assessment has been submitted with Z 19-02 and it is anticipated that the proposed works will proceed in a manner sensitive to the aquatic values of Okanagan Lake.

Zoning Bylaw No. 0154

Green Bay Bible Camp is currently zoned *Institutional and Assembly Zone (P2)*. The portion of Okanagan Lake immediately abutting the Camp and owned by the Crown (the area subject to the Site Specific Text Amendment) is zoned *Intensive Water Use (W2)*.

Intensive Water Use (W2) Zone: This zone is intended to provide recreational opportunities, preserve and protect the natural qualities of Okanagan Lake, and provide for the orderly development of boat docks and moorage facilities associated directly with upland uses and accommodate water-related retail activities. This zone restricts the maximum number of docks and boat slips per each immediately abutting upland parcel to only one dock or one dock plus one boat slip per unit in the case of multiple units on the upland parcel (*Attachment 6*). Developments within West Kelowna that are located upland from the W2 zone include but are not limited to Casa Loma Lakeshore Resort, Barona Beach, The Cove and Seclusion Bay (*Attachment 7*).

The W2 zone restricts development of moorage for 1449 Green Bay Rd to one moorage (dock) structure. The purpose of the Site Specific Text Amendment is to request permission to construct two moorage structures and four boat slips.

Technical Review

Provincial Licensing

Okanagan Lake is managed and protected by the Crown through the application of relevant legislation such as, *The Water Sustainability Act* and *Riparian Areas Regulations*.

Green Bay Bible Camp has held a Crown Land Lease for the existing dock structure since the mid 1980's. The owners of Green Bay Bible Camp have submitted the required applications for reconstruction of moorage structures and an associated exclusive use request for this part of the Lake (a Section 11 and renewal of an existing Crown Land Tenure). FLNRO has confirmed that the continued processing of these applications is on hold pending Council consideration of the Site Specific Text Amendment request.

Referral Responses

Fire Protection

The BC Fire Code requires minimum fire protection standards for moorage. The applicant will be required to ensure that adequate fire protection is provided as per the Code. The applicant is aware of this requirement.

Advisory Planning Commission

The application has not been considered by the City's Advisory Planning Commission (APC), as the City recently filled 2019 - 2021 Commission member positions and the Commission hasn't yet met in 2019.

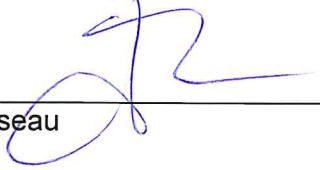
Public Consultation/Notification

A Notice of Application sign has been posted on site in accordance with the Development Applications Procedures Bylaw No. 0131 and the Public Hearing Notification was placed in the local newspaper on two separate days (May 8 and 10, 2019). Additionally, notification (128 notices) were mailed to property owners and/or tenants within 100 metres of the subject property. At the time of writing this report, no public submissions have been received during the public hearing notification window for the proposed amendments.


COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
April 23, 2019	THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.82, 2019; and THAT Council direct staff to schedule the proposed bylaw amendment for Public Hearing.	C173/19

Respectfully Submitted,



Jaleen Rousseau
Planner III



Brent Magnan
Planning Manager



Bob Dargatz
Development Manager

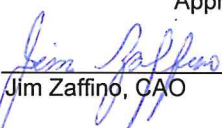


Nancy Henderson
General Manager of Development Services

Attachments:

1. Site Specific Text Amendment Bylaw No. 0154.82
2. Context Map
3. Subject Property Map
4. Proposal Summary
5. Development Plans
6. Intensive Water Use Zone (W2)
7. Map of Notification Area

PowerPoint: Yes No

Approved for Agenda	
 _____ Jim Zaffino, CAO	<i>May 7, 2019</i> _____ Date

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-02 1449 Green Bay Rd\Bylaw_Rpts_Minutes\DRAFT Z 19-02 Public Hearing Report.docx

CITY OF WEST KELOWNA

BYLAW NO. 0154.82

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. 0154.82, 2019".

2. Amendments

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

2.1 By adding to the following to 6.2.4 Site Specific Uses, Buildings and Structures:

(b) On the unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting Lot 1, DL 434 & 523, ODYD, Plan 7108 (1449 Green Bay Road): two docks and four boat slips.

2.2 By depicting the change on "Zoning Bylaw No. 0152 Schedule B" (Zoning Bylaw Map).

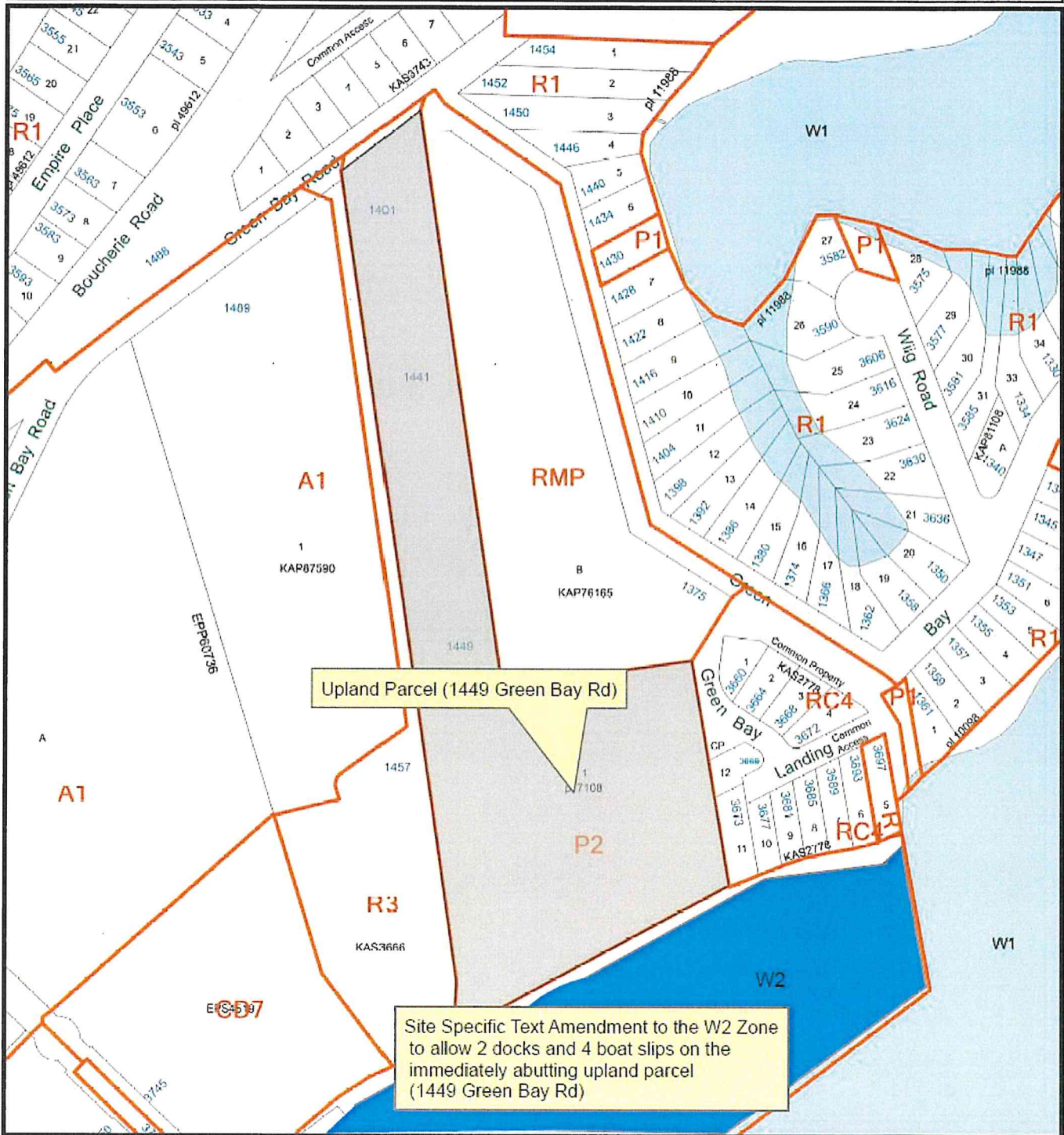
READ A FIRST AND SECOND TIME THIS 23RD DAY OF APRIL, 2019
PUBLIC HEARING HELD THIS DAY OF
READ A THIRD TIME AND ADOPTED THIS DAY OF

MAYOR

CITY CLERK

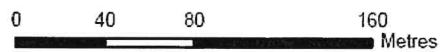


SCHEDULE 'A' of BYLAW NO. 0154.82



LEGEND

- Subject Property
- Zoning Boundary
- Parcels



1:3,000



Date: 11/04/2019





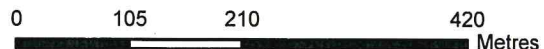
CONTEXT MAP: Z 19-02



File: Z 19-02

Legal Description: Lot 1, DL 434 & 523, ODYD, Plan 7108

-  Subject Property
-  City Boundary





SUBJECT PROPERTY: Z 19-02



Subject Property
 (1449 Green Bay Road)
 KAP87590

LEGEND

- Subject Property
- Zoning Boundary
- Parcels

File: Z 19-02

Legal Description: Lot 1, DL 434 & 523, ODYD, Plan 7108





Kent Macpherson

February 12, 2019

Development Services
City of West Kelowna
2760 Cameron Road
West Kelowna, V1Z 2T6



Attention: Jaleen Rousseau, Development Services

**Re: Text Amendment Application
W2 – Intensive Water Use Zone
1449 Green Bay Road, West Kelowna - Lot 1, DL 434 & 523, ODYD,
Plan KAP 7108**

Applicant: Green Bay Bible Camp

Please accept this application as a site-specific text amendment to the W2 – Intensive Water Use Zone to add the following:

- 6.2.4 (b) On the unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting Lot 1, DL434 & 523, ODYD, Plan KAP 7108:
- (i) 2 docks plus a swim platform containing a maximum of 4 boat slips
 - (ii) 1 storage shed

Green Bay Bible Camp has been part of the fabric of Westbank, BC since 1954. The original property of 11 acres was purchased as an oasis for youth to gather away from the city; the original Okanagan Lake Floating Bridge would not appear for another 4 years. Over the past 65 years the lands surrounding the camp have developed, as have the programs that Green Bay provides.

This application is to add a text amendment to the current zoning bylaw (No. 0154) to allow Green Bay Bible Camp to reconstruct their existing dock. The existing dock has been the same size and configuration since prior to 1973 (oldest air photo available from the RDCO). There have been a number of major weather events, along with Okanagan Lake exceeding full pool, that have made it necessary to reconstruct the existing infrastructure with its modern equivalent (steel piles and flow thru decking).

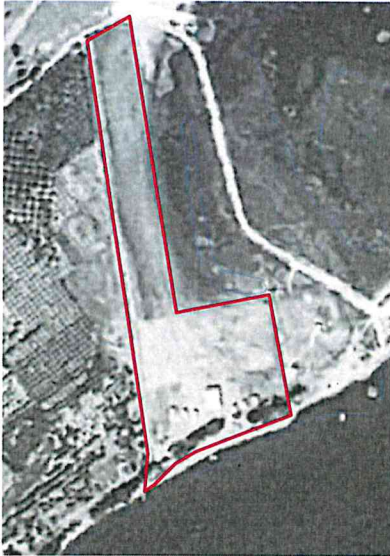
In our application to the Province, it was noted that West Kelowna's Intensive Water Use Zone (W2) that was adopted after incorporation, does not permit the current structure due to the number of docks, boat slips and storage shed.

Explanation of proposed text amendment:

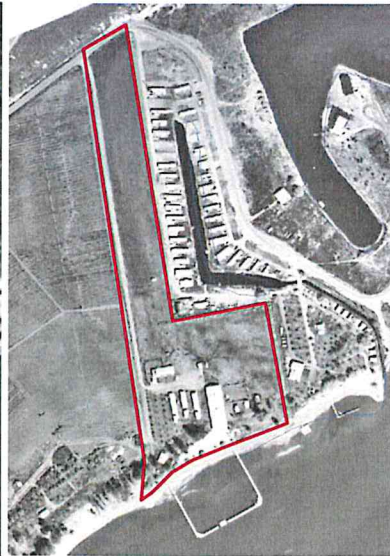
- 2 Docks -** Over the past 15 years, the surrounding properties have changed from campgrounds and residential to predominantly multifamily, with the number of boat slips (and indirectly boats) increasing from 7 to 88 within 250 meters of the camp. The requirement to provide a safe space for children and families to swim and recreate has increased significantly. The current (and historical) design has been two "L" shape docks with a gap to allow boats/kayaks/canoes/SUPs to enter and exit.
- Swim Platform -** Green Bay Bible Camp teaches watersports (wakeboarding, water skiing, surfing) and provides other boat related activities such as tubing. Having a floating swim platform allows for campers to enter and exit the water in the safest and most comfortable way possible.
- 4 Boat Slips -** The upland portion of land contains a number of buildings including a lodge and cabins and contains ~80 units (not stratified). To ensure clarity in our application, we are requesting a minimum of 4 boat slips to be permitted should the definition of 'unit' in the zoning bylaw change or be determined to be only strata units.
- 1 Storage Shed -** As the 'ski school' operates off the dock every day for up to 4 months a year, a storage shed to contain waterfront equipment (skis, boards, tubes, lifejackets) ensures the safety of the equipment and organization of the dock.

Green Bay Bible Camp has been working with the Ministry of Forest Lands and Natural Resource Operations and Rural Development on the dock rebuild and has both a Section 11 application for the construction of the dock, and an application to renew the existing Crown Land Tenure. Both of these applications have been reviewed and are contingent on the adoption of this text amendment.

Green Bay Bible Camp:



1959



1973



2015

For more information on Green Bay Bible Camp and the work they do, please visit their website at: www.greenbay.bc.ca

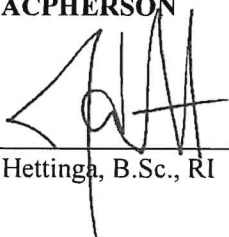
We look forward to working with the City to see this site-specific text amendment to the W2 zone adopted to allow for the rebuild of the existing dock, creating a safe place for campers to play and to enhance the services that Green Bay provides within the community.

If you have any questions pertaining to this Application, please do not hesitate to contact me.

Sincerely,

KENT-MACPHERSON

Per:

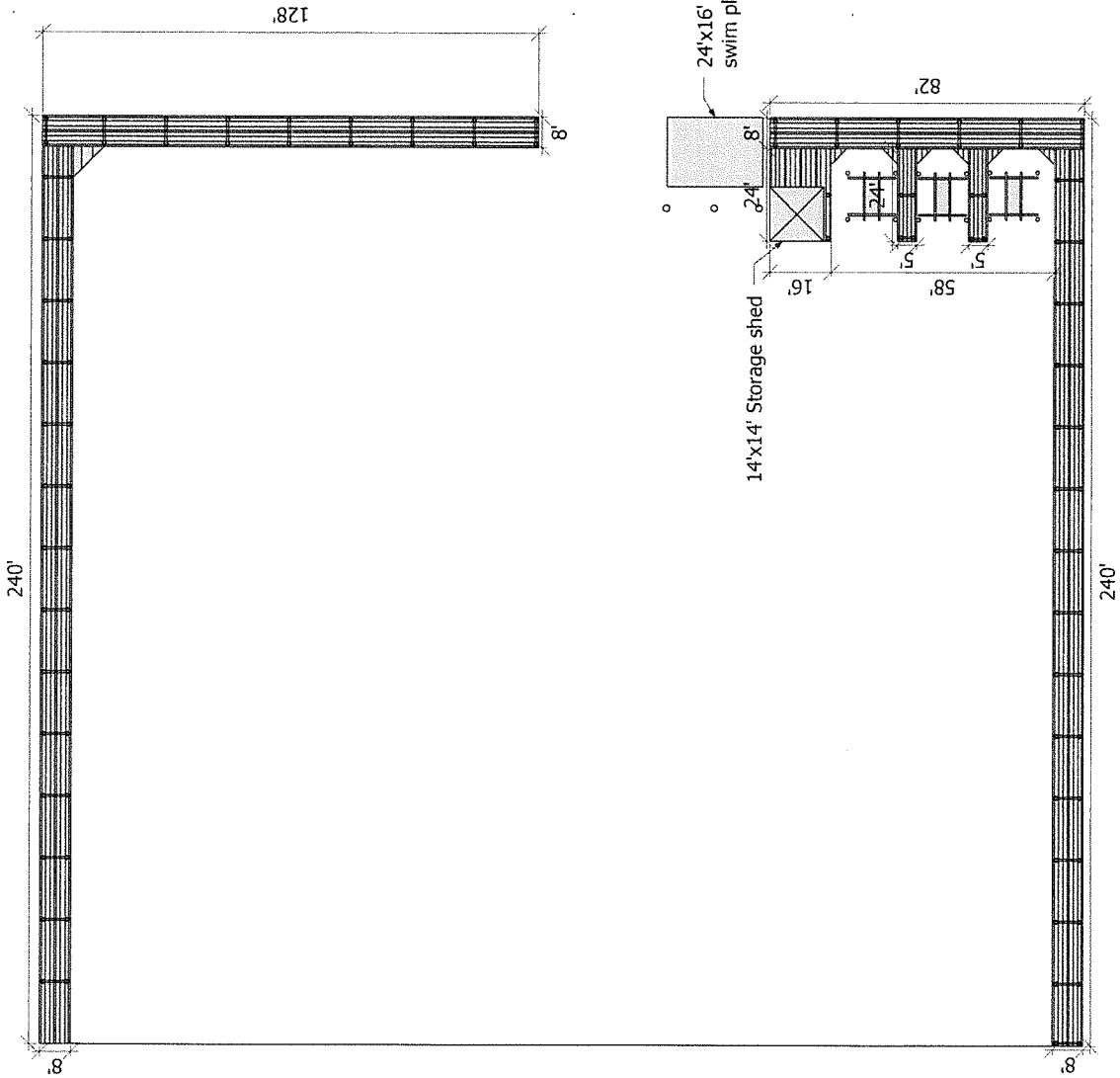
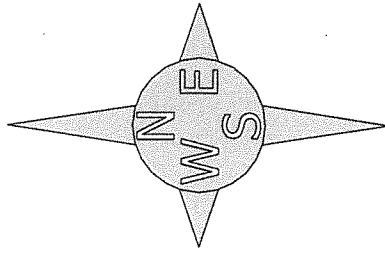


J. Hettinga, B.Sc., RI

cc: Jenn Koop, Executive Director, Green Bay Bible Camp

Green Bay Bible Camp

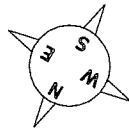
1449 Green Bay Road
West Kelowna, BC
D2-Complete Structure
August 15th 2018



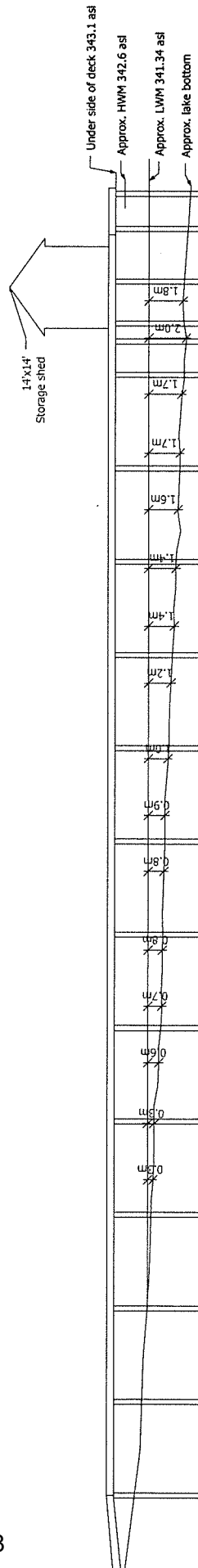
Green Bay Bible Camp

West Structure

Side Profile

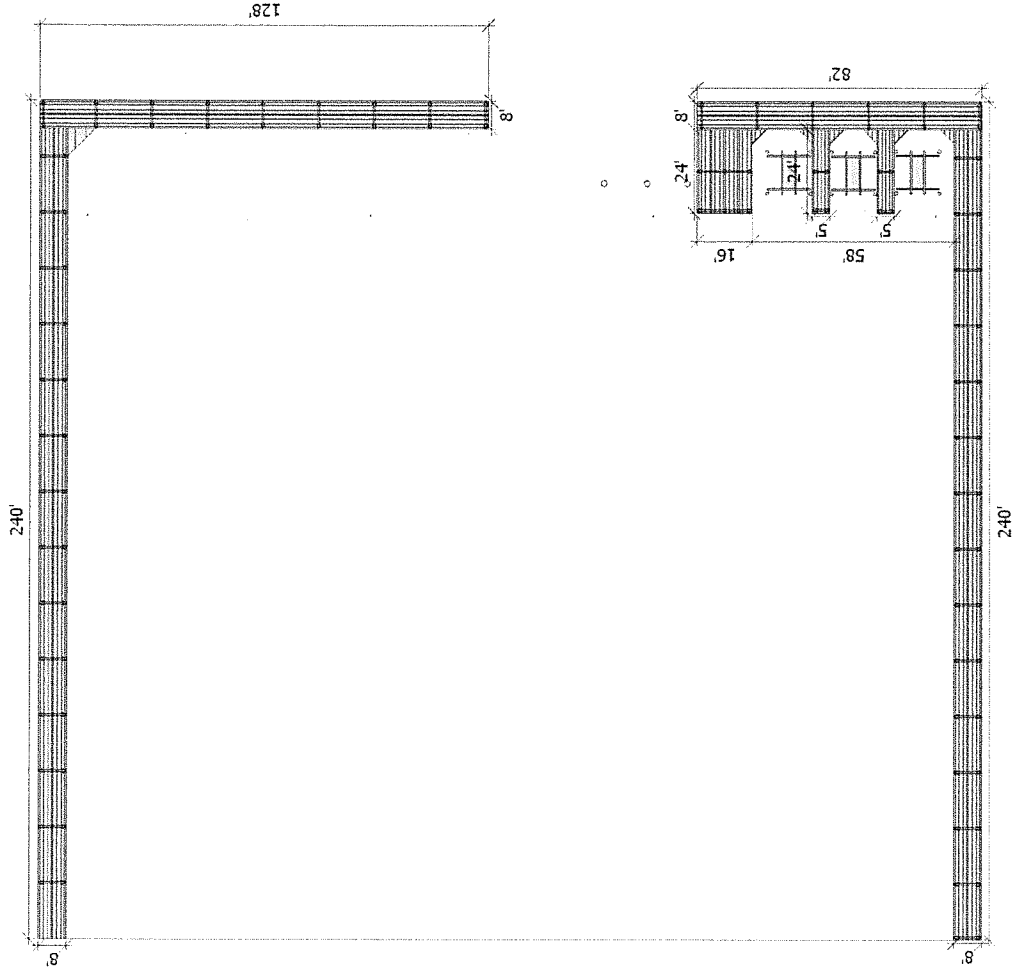


1449 Green Bay Road
 West Kelowna BC
 PID:010-024-115, K487108
 Lot 1, Districts 105-434&523
 Okanagan Div of Yale Land District

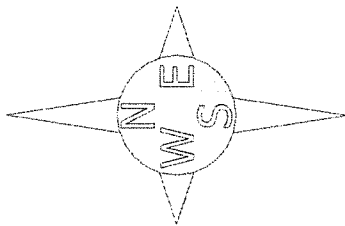


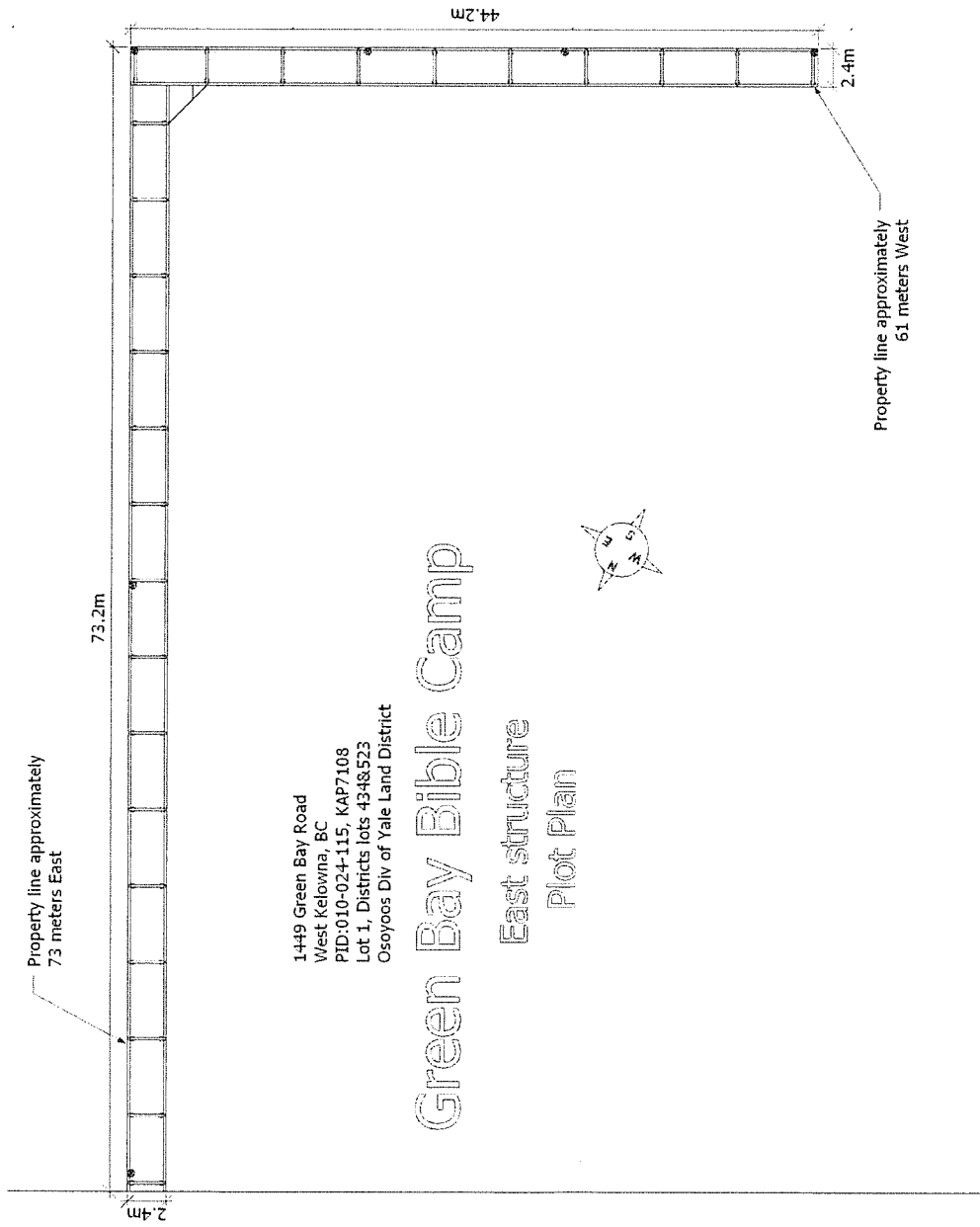
Green Bay Bible Camp

1-449 Green Bay Road
 West Kelowna, BC
 D2-Complete Structure
 August 15th 2018



Shoreline Piledriving and Boatlifts
 2053 Campbell Rd. W. Kelowna
 PO Box 20253 Kelowna BC V1Y 9H2
 Off 250.769.7694
 Fax 250.769.7693
 info@shorelinepiledriving.com
 www.shorelinepiledriving.com



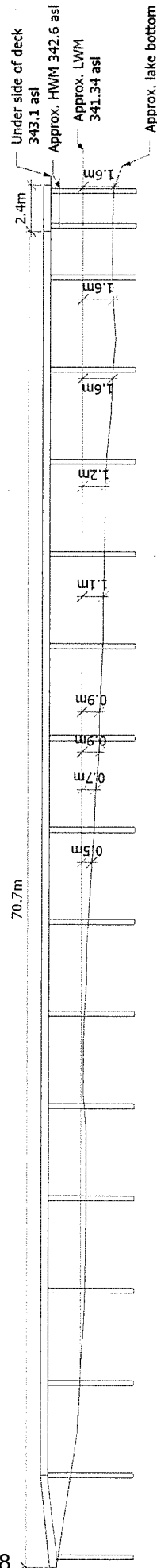


1449 Green Bay Road
West Kelowna, BC
PID:010-024-115, KAP7108
Lot 1, Districts lots 434&523
Osoyoos Div of Yale Land District



Green Bay Bible Camp

East Structure Side Profile

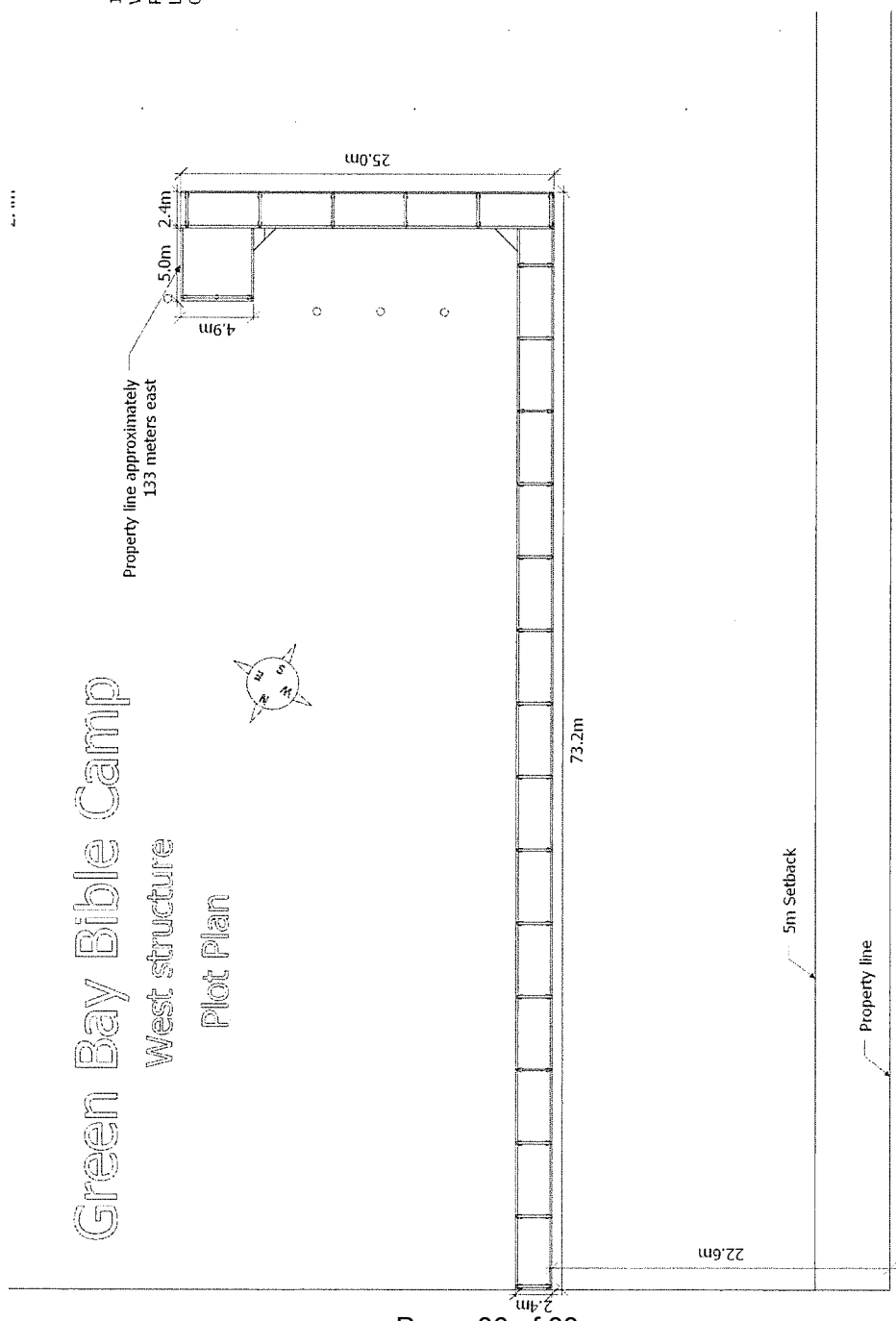


Green Bay Bible Camp

West structure

Plot Plan

1449 Green Bay Road
West Kelowna, BC
PID: 010-024-115, KAP7108
Lot 1, Districts lots 43-48523
Osoyoos Div of Yale Land District

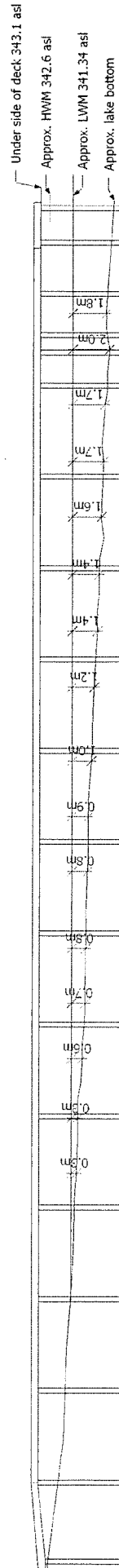


1449 Green Bay Road
West Kelowna, BC
PID:010-024-115, KAP7108
Lot 1, Districts lots 4348523
Osoyoos Div of Yale Land District

Green Bay Bible Camp

West Structure

Side Profile



6.2 INTENSIVE WATER USE ZONE (W2)

.1 Purpose

To provide recreational opportunities, preserve and protect the natural qualities of Okanagan Lake, and provide for the orderly development of boat docks and moorage facilities associated directly with upland uses and accommodate water-related retail activities.

.2 Principal Uses, Buildings and Structures

- (a) Beach and water-based recreational activities
- (b) Boat launch
- (c) Docks, wharves and mooring buoys accessory to the use of the immediately abutting upland parcel
- (d) Retail, convenience
- (e) Temporary moorage for periods less than 48 hours

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Boat lifts other than overhead boat lift mechanisms
- (c) Collection and temporary storage of sewage discharge from boats
- (d) Moorage accessory to the use of the immediately abutting upland parcel

.4 Site Specific Uses, Buildings and Structures

- (a) On the unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting Lot 2, DL 434, ODYD, Plan EPP 29959:
 - (i) No structure shall be greater than 114.5 m in length, measured from the natural boundary; and
 - (ii) One additional boat slip is permitted.

.5 Regulations Table

DEVELOPMENT REGULATIONS		
(a)	Maximum number of docks	Only 1 dock per each immediately abutting upland parcel <u>OR</u> Only 1 dock containing 1 boat slip per unit in the case of multiple units on the upland parcel.
(b)	Maximum number of wharves	1 per each immediately abutting upland parcel
(c)	Maximum height	9.0 m (29.5 ft)

.6 Other Regulations - *Reserved*