



CITY OF WEST KELOWNA REGULAR COUNCIL AGENDA

Tuesday, February 9, 2021, 1:30 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, it will be webcast live and will be archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

4. ADOPTION OF MINUTES

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5. MAYOR AND COUNCILLOR'S REPORTS

5.1. Mayor Milsom

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6. PRESENTATIONS

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Overview of Property Assessment and Assessment Roll 2021

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1. CHIEF ADMINISTRATIVE OFFICER

8.1.1. Rose Valley Water Treatment Plant Progress Update

Verbal Update from the CAO and the Director of Engineering and Public Works

8.1.2. West Kelowna's City Hall Project Update – Award of Construction Management Services Contract

29

Recommendation:

THAT Council award the City Hall/Library Construction Management Services contract in the total amount of \$988,985 (excluding GST) to Bird Stuart Olson Construction Ltd.

8.2. DEVELOPMENT SERVICES

8.2.1. LL 20-02; Lounge Endorsement and Special Event Area Liquor License, 3930 Harding Road

33

Recommendation:

THAT Council support the proposed Liquor and Cannabis Regulations Branch Lounge Endorsement and Special Event Area application (LL 20-02) for Crown and Thieves Winery (3930 Harding Road) in accordance with the information contained in this report (including attachments); and

THAT as a condition of the Business License, patron access associated with the Lounge Endorsement and Special Event Area be limited to 3887 Brown Road.

8.2.2. Z 20-13; Zoning Amendment Bylaw No. 154.101, 2021, 2500 Tallus Heights Lane

53

Recommendation:

THAT Council give first and second reading to Zoning Amendment Bylaw No. 0154.101, 2021 (File Z 20-13); and

THAT Council direct staff to schedule a Public Hearing for the proposed Zoning Amendment Bylaw.

8.2.3. TUP 20-04; Temporary Use Permit, 3145 Coventry Crescent

61

Recommendation:

THAT Council approve the Temporary Use Permit (TUP 20-04) to allow a home based brewery at 3145 Coventry Crescent subject to the conditions outlined in the attached permit (*Attachment 3*)

8.2.4. DP 20-29 and FEX 20-01, Aquatic Development Permit and Floodplain Exemption Application, 1905 Jennens Road

77

Recommendation:

THAT Council authorize the issuance of an Aquatic Development Permit (DP 20-29) for Lot C, DL 434, ODYD, Plan EPP5742 (1905 Jennens Road) for a proposed single detached dwelling and restoration works within the identified Streamside Protection and Enhancement Area subject to the following conditions:

- A Site Alteration Permit from Archaeology BC be approved prior to recommencement of any work on the property, including proposed restoration works; and

THAT issuance of DP 20-29 be withheld pending the receipt of a landscape security for the proposed restoration plan attached to DP 20-29 within Schedule C in the amount of \$12,033; and

THAT Council approve the Floodplain Exemption (FEX 20-01) to S. 3.24 of Zoning Bylaw No. 0154 for Lot C, DL 434, ODYD, Plan EPP5742 (1905 Jennens Road) for the construction of a single detached dwelling subject to the following conditions:

- A minimum of 12.3 m setback is provided from the top of bank of McDougall Creek to the foundation of the proposed dwelling; and
- The underside of the floor system shall meet or exceed 344.2 m; and further

THAT issuance of FEX 20-01 be withheld pending the registration to title of an indemnity covenant.

8.2.5. Alternate Approving Officer Appointment

120

Recommendation:

THAT Council appoint Mark Koch, Director of Development Services, as Alternate Approving Officer for the City of West Kelowna.

8.3. ENGINEERING / PUBLIC WORKS / PARKS

8.4. FIRE RESCUE SERVICES

8.5. CORPORATE INITIATIVES

8.6. FINANCIAL SERVICES / RECREATION AND CULTURE

8.6.1. Water Rates Bylaw No. 0028.69, 2021

122

Recommendation:

THAT Council give first, second and third reading to “City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.69, 2021” (Schedule 8).

9. CORRESPONDENCE AND INFORMATION ITEMS

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The next Council meeting is scheduled for 6:00 p.m., Tuesday, February 23, 2021.



CITY OF WEST KELOWNA
MINUTES OF THE SPECIAL MEETING OF COUNCIL

Tuesday, January 26, 2021
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

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

Staff Present: Paul Gipps, CAO
Allen Fillion, Director of Engineering / Public Works
Warren Everton, Director of Finance / CFO
Jason Brolund, Fire Chief
Sandy Webster, Director of Corporate Initiatives
Michelle Reid, Director of Human Resources
Mark Koch, Director of Development Services
Brent Magnan, Planning Manager
Shelley Schnitzler, Legislative Services Manager/Corporate Officer

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER

The Special Council meeting was called to order at 4:33 p.m.

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person.

2. ADDITIONS OR CHANGES TO PROCEDURAL MOTION

3. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C058/21

THAT the agenda be adopted as presented.

CARRIED UNANIMOUSLY

4. PROCEDURAL MOTION

It was moved and seconded

Resolution No. C059/21

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

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

(g) litigation or potential litigation affecting the municipality.

CARRIED UNANIMOUSLY

5. ADJOURNMENT OF THE SPECIAL COUNCIL MEETING

The Special Council meeting adjourned at 5:29 p.m.

MAYOR

LEGISLATIVE SERVICES MANAGER/CORPORATE OFFICER



CITY OF WEST KELOWNA
MINUTES OF THE REGULAR MEETING OF COUNCIL

Tuesday, January 26, 2021
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

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

Staff Present: Paul Gipps, CAO
Allen Fillion, Director of Engineering / Public Works
Warren Everton, Director of Finance / CFO
Sandy Webster, Director of Corporate Initiatives
Michelle Reid, Director of Human Resources
Mark Koch, Director of Development Services
Jason Brolund, Fire Chief
Brent Magnan, Planning Manager
Bob Dargatz, Development Services/Approving Officer
Shelley Schnitzler, Legislative Services Manager/Corporate Officer
Kari O'Rourke, Communications Manager
Mark Roberts, Special Project Manager

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

The meeting was called to order at 6:01 p.m.

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council

meetings in-person. As an open meeting, it was webcast live and is archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C060/21

THAT the agenda be adopted as presented.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the Special Council Meeting held Tuesday, January 12, 2021 in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C061/21

THAT the minutes of the Special Council Meeting held Tuesday, January 12, 2021 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

4.2 Minutes of the Regular Council Meeting held Tuesday, January 12, 2021 in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C062/21

THAT the minutes of the Regular Council Meeting held Tuesday, January 12, 2021 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

4.3 Minutes of the Special Council Meeting held Tuesday, January 19, 2021 in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C063/21

THAT the minutes of the Special Council Meeting held Tuesday, January 19, 2021 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

4.4 Minutes of the Special Council Meeting held Tuesday, January 19, 2021 in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C064/21

THAT the minutes of the Special Council Meeting held Tuesday, January 19, 2021 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

5. MAYOR AND COUNCILLOR'S REPORTS

5.1 Mayor Milsom

5.1.1 Regional District of Central Okanagan Highlights from the January 14, 2021 Regional Board Meeting

5.1.2 Council's 2021 – 2022 Strategic Priorities

It was moved and seconded

Resolution No. C065/21

THAT Council direct staff to post the attached draft of Council's *2021 – 2022 Strategic Priorities* for public input, prior to staff finalizing the document for Council's consideration and adoption, in conjunction with the 2021 Budget and 5-year Financial Plan process.

CARRIED UNANIMOUSLY

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

8.1.1 Rose Valley Water Treatment Plant Progress Update

The CAO provided a verbal update on the Rose Valley Water Treatment Plant progress.

8.1.2 West Kelowna's City Hall Project Update

The CAO introduced the location for West Kelowna's new City hall. Mayor Milsom, along with Okanagan Regional Library Chair Karla Kozakevich, and Westbank First Nation Chief Chris Derickson, as partners in this project, provided their remarks on the city hall collaborative project.

It was moved and seconded

Resolution No. C066/21

THAT Council award the City Hall/Library Building Design Services contract in the total amount of \$953,120 (excluding GST) to Johnston Davidson Architecture.

CARRIED UNANIMOUSLY

8.1.3 2020 Department Statistics – 4th Quarter

Information Report from the CAO

8.2 DEVELOPMENT SERVICES

8.2.1 Z 20-05, Zoning Amendment Bylaw No. 154.100 (1st and 2nd Reading), 2485 Hayman Road

It was moved and seconded

Resolution No. C067/21

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.100, 2021 (File: Z 20-05); and

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

CARRIED UNANIMOUSLY

The meeting recessed at 7:24 p.m.

The meeting reconvened at 7:36 p.m.

8.2.2 Z 20-10, OCP and Zoning Amendment Bylaw No. 100.63 and 154.98 (1st and 2nd Reading), 2749 and 2769 Shannon Lake Road

It was moved and seconded

Resolution No. C068/21

THAT Council give first reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.59, 2021 (File: Z 20-10); and

THAT Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 154.98, 2021 (File: Z 10-10).

CARRIED UNANIMOUSLY

8.2.3 DVP 20-14; Development Variance Permit; 835 and 845 Anders Road

It was moved and seconded

Resolution No. C069/21

THAT Council authorize the issuance of a Development Variance Permit (DVP 20-14) for Lot 2 DL 2689 ODYD Plan EPP76307 (835 and 845 Anders Road) in accordance with the attached permit to vary Zoning Bylaw No. 0154, S.11.1.5.(f).1 and S.11.1.5.(f).4 to reduce the front and exterior side parcel setbacks from 4.5m to 0m for two pergola structures.

CARRIED; Councillor de Jong opposed

8.2.4 DVP 20-15; Development Variance Permit; 3372 Gates Road

It was moved and seconded

Resolution No. C070/21

THAT Council support the issuance of a Development Variance Permit (DVP 20-15) for 3372 Gates Road to vary Zoning Bylaw No. 0154 S. 3.7(e) to increase the maximum floor area of an accessory building from 100 sq. m. to 116 sq. m. and S. 10.4.4(f).2 to increase the maximum height of an accessory building from 5.0 m to 6.3 m.

CARRIED UNANIMOUSLY

8.2.5 DVP 20-16; Development Variance Permit; 979 Pinewood Place

It was moved and seconded

Resolution No. C071/21

THAT Council support the issuance of a Development Variance Permit (DVP 20-16) for 979 Pinewood Place to vary Zoning Bylaw No. 0154, S. 3.26.2 to increase the maximum floor area of a carriage house from 90 sq. m. to 95 sq. m. and S. 3.26.11 to allow a carriage house to include an above ground patio in accordance with the attached permit (*Attachment 5*).

CARRIED UNANIMOUSLY

8.2.6 P 20-16, Information Update for Council on Short Term Rental Engagement Results

The Director of Development Services provided an information update on the Short Term Rental Engagement results.

8.3 ENGINEERING / PUBLIC WORKS / PARKS

8.3.1 COVID-19 Grant Programs: Infrastructure Resilience and Disaster Mitigation

It was moved and seconded

Resolution No. C072/21

THAT Council direct staff to apply to the Investing in Canada COVID-19 Resilience Infrastructure Stream seeking 100 per cent funding for active transportation improvements on Stevens Road between Dominion and Westlake Roads; and

THAT Council support staff's Jan. 11, 2021 application to the Adaptation, Resilience and Disaster Mitigation Stream seeking 100 per cent funding for Rock Ridge Recovery Phase II; and

THAT Council agree to amend the 2021 to 2030 Capital Plan to reflect grant contributions, subject to successful applications; and

THAT Council authorize the Mayor and Chief Administrative Officer to execute the contribution agreements.

CARRIED UNANIMOUSLY

8.4 FIRE RESCUE SERVICES

8.5 CORPORATE INITIATIVES

8.6 FINANCIAL SERVICES / RECREATION AND CULTURE

9. CORRESPONDENCE AND INFORMATION ITEMS

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The meeting adjourned at 9:24 p.m.

MAYOR

LEGISLATIVE SERVICES MANAGER/CORPORATE OFFICER

Highlights of the Regional Board Meeting – January 25, 2021

Secondary Suite Applications

The Regional Board has given first reading to two bylaw amendments regarding the following individual applications for approval of secondary suite designations:

- **Joe Rich Rural Land Use Bylaw Amendment No. 1195-24 (RLUB-20-02)** for K and P Bartha, 8991 Highway 33 East – the applicants wish to add a secondary suite within their existing single-family dwelling.
- **Zoning Bylaw Amendment Bylaw No. 871-264 (Z20/06)** for M. Basra, adjacent to Old Vernon Road and Black Road – the applicant would like to add a secondary suite within the existing single-family dwelling.

A Public Hearing will be scheduled and advertised for these applications once the applicants meet additional requirements.

Regional Board Meetings

Regional District office – 1450 KLO Road, Kelowna (Woodhaven Boardroom) – No public attendance allowed with health orders on public gatherings

- **Thursday, February 11** – following 8:30 am Governance & Services Committee
- **Thursday, February 18** – 8:30 am Preliminary Review 2021-2025 Budget and Financial Plan
- **Monday, February 22** – 7:00 pm

Live/Recorded Meeting Video

When a meeting begins, a Live Stream Video link will be available for that meeting in the Upcoming Meeting agenda section of the rdco.com website. When available, a link to the Video recording will be posted in the Past Meetings section for the individual meeting date. Links at rdco.com/agenda

- **Jan. 25 Regional Board Meeting Video**

Program and Service Highlights

A video is available highlighting various service and program accomplishments between October and December in the four key areas of the Regional Board Strategic Priorities. The video and previous highlight videos can be viewed online at rdco.com/your-services/video-highlights.aspx.

Christmas Tree Chipping



Kelowna:

- Ben Lee Park, off Houghton Road
- Behind Capital News Center (off Lequime Road)
- Glenmore Landfill (3 tree limit)
7:30am-4:45pm

West Kelowna:

- Residential Waste Disposal Centre on Asquith Road Fri-Mon
7:30am-3:50pm

Lake Country:

- Jack Seaton Park parking lot
1950 Camp Road

Please remove all decorations,
tinsel and bags used for
transporting the tree



Regional District Financial Plan



Let's Hear From You

The Regional District of Central Okanagan is preparing its 2021 – 2025 Financial Plan.

You have several opportunities to learn about and comment by email on the budget priorities. When available, detailed budget documents, presentations and feedback can be found on the Regional District website - rdco.com/budgets.

As Health Orders prohibit public meetings, in-person opportunities to address the Board are not currently available.

Residents are encouraged to provide comments, feedback or questions by email or regular mail about the proposed Financial Plan priorities.

In addition, budget meetings are livestreamed so that residents may watch the Regional Board budget discussions. Each meeting is recorded and also available online at rdco.com/agenda.

RDCO Budget Meetings

Thursday, February 18
8:30 am

Monday, February 22
7:00 pm
(public comments only)

Thursday, March 11
8:30 am

Information about the RDCO budget and Financial Plan is available at rdco.com/budgets

That's also where you can provide feedback and comments on the budget.

BC Family Day Office Closure

All services and programs provided from the Regional District of Central Okanagan office on KLO Road in Kelowna will be closed on Monday, February 15 for the BC Family Day holiday.

During this time any emergencies involving Regional District water systems should be directed to 250-868-5299.

We look forward to serving you again at 8:00 am Tuesday, February 16.

The Westside Residential Waste Disposal and Recycling Centre on Asquith Road in West Kelowna will be open its normal hours Friday through Monday. The North Westside Road Transfer Station will be open its normal hours Saturday, Sunday and Monday. The Traders Cove Transfer Station will be open its regular winter hours on Sunday.

The Environmental Education Centre for the Okanagan in Mission Creek Regional Park will be closed on the holiday.

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



BC ASSESSMENT

Overview of Property Assessment & Assessment Roll 2021

City of West Kelowna

Tracy Shymko, (Acting) Assessor, Thompson Okanagan Region
February 9th, 2021



Topics

1. About BC Assessment
2. Valuation
3. Classification
4. Assessment cycle & key dates
5. Relationship between assessments & taxes
6. 2021 assessment roll overview
7. Appeals process
8. Collaborating with BC Assessment



Who we are, what we do, & how we do it

BC ASSESSMENT

Evolution of BC Assessment

- Established in 1974 under the *Assessment Authority Act*
- A provincial Crown corporation, operating independent of taxing function & politics
- Provides uniform and fair property assessments to B.C.'s property owners
- 1975: 879,000 properties assessed
- 2021: 2.1 million property assessed



British Columbia
Assessment Authority



Our product

The Assessment Roll

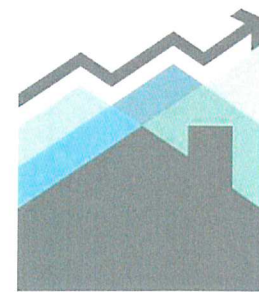
- Annual list of property values identifying ownership, value, classification & exemptions for each property
- Represents over 2 million properties with total value of \$2 trillion
- Provides stable, predictable base for taxing authorities to raise over \$8 billion annually in property taxes for important local services & schools

How we value different properties

- Market value as of July 1st

Market Value: The most probable price which a property should bring in a competitive market under all conditions requisite to a fair sale, the buyer & seller, each acting prudently, knowledgeably & assuming the price is not affected by undue stimulus.

- Legislated (regulated values)

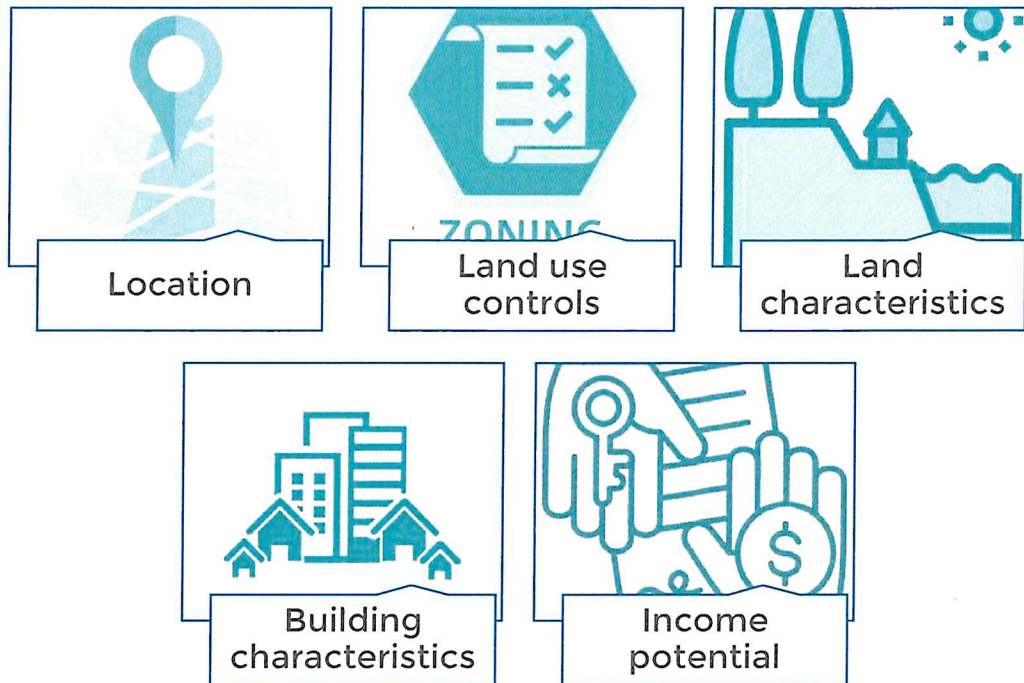


Residential



Commercial

Factors affecting market value



BC ASSESSMENT

Presentation

7

Highest & best use (H&BU)

- Foundation of market value is H&BU, which is the reasonable probable use of a property that is:



BC ASSESSMENT

Presentation

8

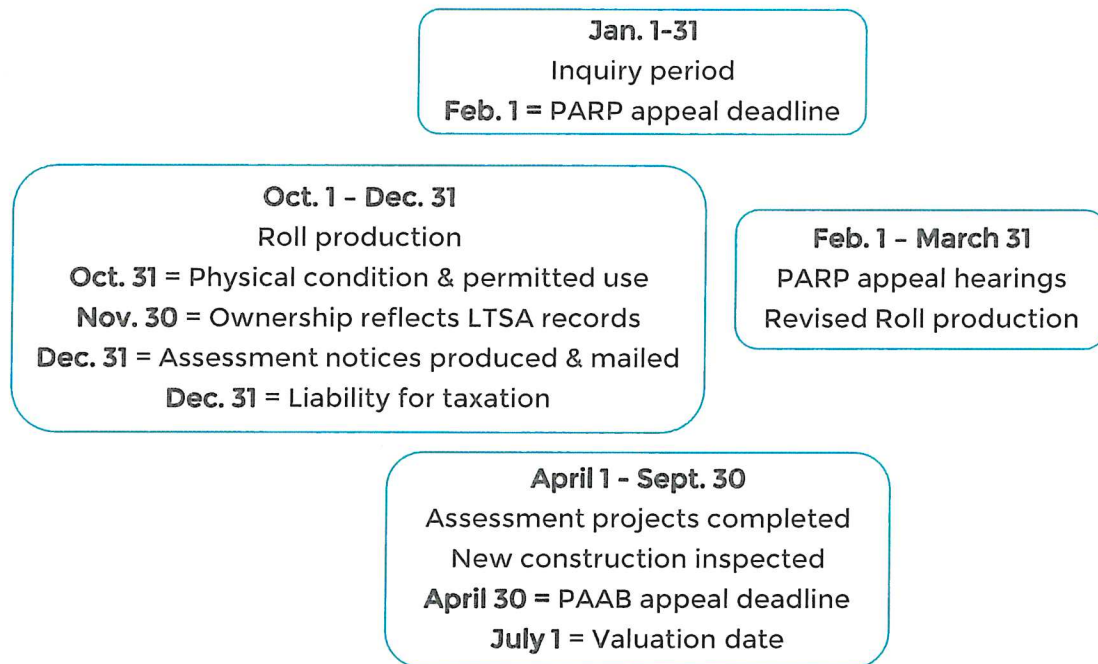
How land use affects market value



How we classify properties



Assessment cycle & key dates



Relationship between assessment & taxation



**Unless your taxing authority has enacted an alternative municipal tax collection structure under Section 235 of the Community Charter.*

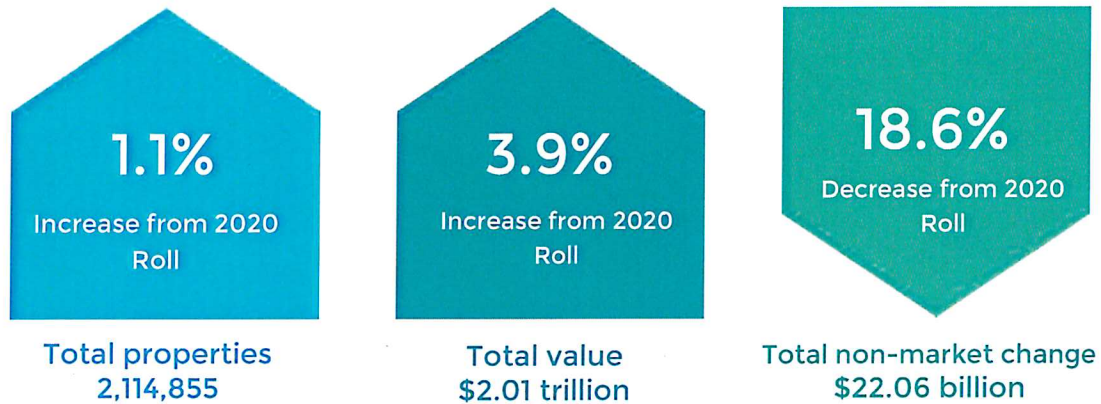
Impact of changes in assessed value on taxes

"My assessment has gone up 20%, I can't afford for my taxes to go up 20%!"

	Your Property's Value Change	Property Tax Impact
1.	 LOWER than Average Change for Property Class	Taxes Likely DECREASE
2.	 SIMILAR to the Average Change for Property Class	Taxes Likely DO NOT CHANGE
3.	 HIGHER than Average Change for Property Class	Taxes Likely INCREASE

2021 assessment roll overview

2021 completed assessment roll highlights- Provincial



2021 completed assessment – City of West Kelowna

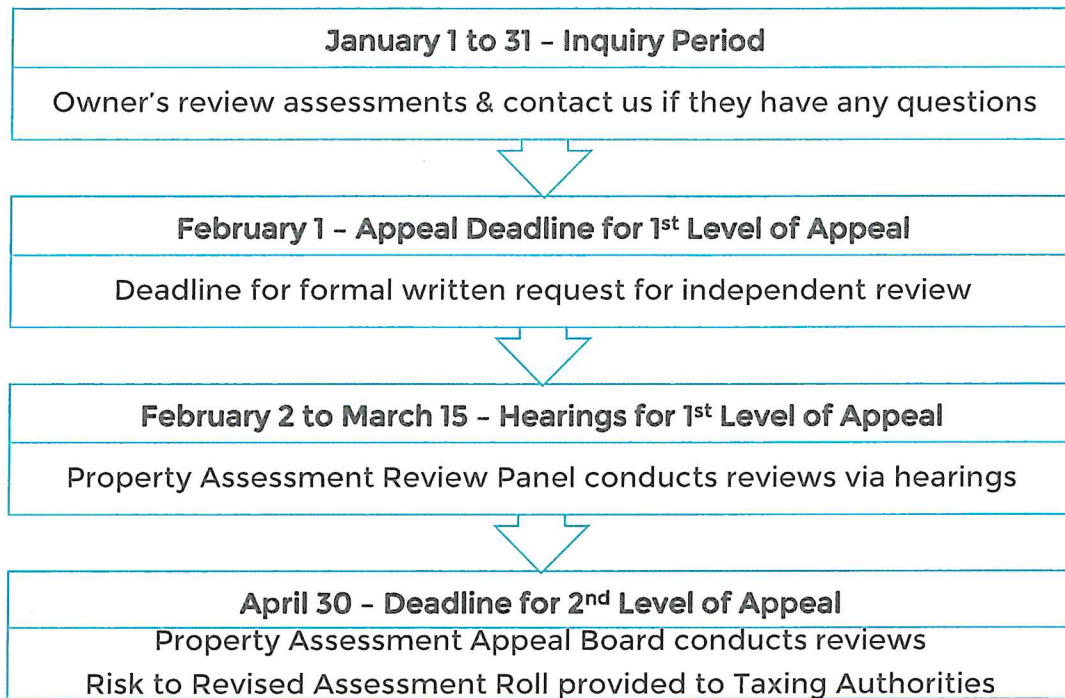


2021 completed assessment roll – West Kelowna

Property Type	Typical % Change July 2019- July 2020
Residential – SFD & MH	-10% to +10%
Residential Strata	-15% to 10%
Commercial	-15% to +5%
Industrial	0% to +5%
Rental Apartment	-5% to +10%
Accommodations	-15% to -10%

Appeal process

Appeal process

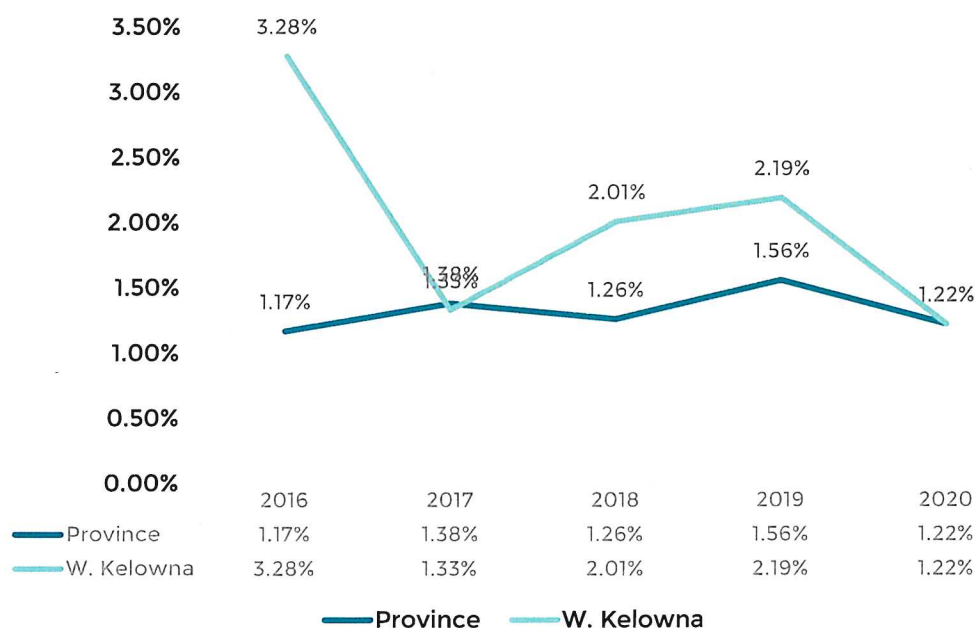


BC ASSESSMENT

Presentation

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Percentage of Folios Appealed: 2016 to 2020 Roll

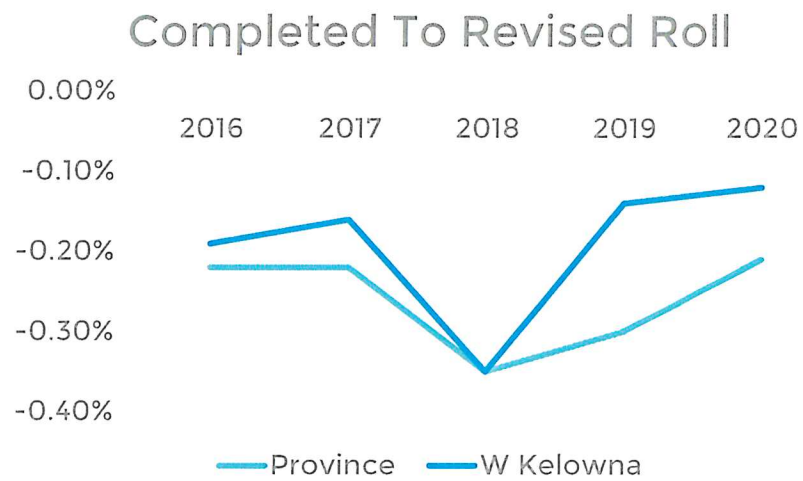


BC ASSESSMENT

Presentation

20

Change Completed to Revised Roll: 2016 to 2020



West Kelowna 5 year average is -.19%

Collaborating with BC Assessment

Collaborating to achieve our mandates

- By sharing information & working together BC Assessment & Local Governments can:
 - ✓ Ensure fair & equitable property assessments
 - ✓ Maintain a stable & predictable assessment roll
 - ✓ Optimize property tax revenue levied & collected by taxing authorities
 - ✓ Increase citizen awareness of property assessment & taxation



Taxing Authority information sharing

- The following information can affect assessed value, classification, & taxability of properties:

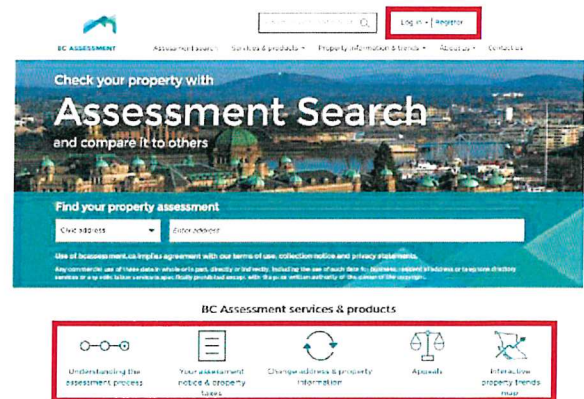
Information	Method
Building permits	Standard Permit Program Citrix ShareFile
Building plans Land use control amendments Development applications & approvals Extensions of service infrastructure Permissive & revitalization tax exemptions Occupiers/lessees of civic properties Situs (civic address) assignments	Citrix ShareFile
Mailing address changes	e-form Citrix ShareFile



BC Assessment resources

www.bccassessment.ca

- Assessment search tool
- Property information & trends
- Interactive property trends map
- Information pages (FAQs)
- BC Assessment YouTube channel
- Data Advice
- Assessment LinkBC
- Standard Building Permit Report
- Service Boundary Web Map





COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Mark Roberts

Subject: **West Kelowna's City Hall Project Update – February**

RECOMMENDATION

THAT Council award the City Hall/Library Construction Management Services contract in the total amount of \$988,985 (excluding GST) to Bird Stuart Olson Construction Ltd.

STRATEGIC AREA(S) OF FOCUS

As part of Council's Strategic Priorities, the City Hall Project meets the objectives set out in Council's *Invest in Infrastructure* and *Strengthen our Community* pillars.

BACKGROUND

In order for West Kelowna to eventually build its first City Hall, funds were transferred annually into a reserve to reduce the future borrowing amount. Now that the City has enough reserve funds and approved a borrowing model, and Council has awarded the Design contract to Johnston Davidson Architecture, staff are seeking Council's approval of the Construction Management contract and as we begin the next phase of design. The City's cost of the project remains unchanged at up to \$18 million, which will be covered under the City's existing budget.

At the January 26 Regular Council Meeting, it was announced that the City Hall location is at 3731 Old Okanagan Hwy, near the City's Johnson Bentley Memorial Aquatic Centre (JBMAC). Staff have now engaged and initiated the design phase with the design consultants on the preliminary space needs assessment and initial program reporting.

Concurrently, Council announced the Okanagan Regional Library (ORL) as an equity partner in the building, as the ORL is exploring options for a larger and new space as they look toward their lease expiring in 2022. The ORL is actively engaged in the design process of the City Hall/Library building.

Council's Strategic Priorities also include the importance to strengthen relationships with Westbank First Nation (WFN). Staff are collaborating on area and site opportunities with WFN, including incorporating Indigenous art and culture as we look to the future.

DISCUSSION

Construction Management Award: Bird Stuart Olson Construction Ltd.

A Request for Proposal (RFP) for the Construction Management Services of City Hall closed on January 24, 2021. This RFP requested that the Construction Manager deliver high quality pre-construction services, acting as a key member of the Integrated Project Team (IPT), while balancing their role as the Prime Contractor in the delivery of the project. This method of construction was chosen to provide the City with greater control of scope and costs.

During Pre-Construction services, using their on the ground experience, the Construction Manager will work with the design team to help develop a Schematic Design that is highly functional, constructible based on the local market conditions and availability, and cost effective. As part of their lump sum contract, the Construction Manager will be integral in the development and tendering of the multiple Tender Packages later this year, by assisting the IPT with the preparation, issuance, review and contractor award recommendations. With recommendations in hand, and per the Purchasing Policy, the tenders will be awarded to the lowest qualified bid, and Council will be informed as part of their regular updates.

Once construction is initiated, the Construction Manager will act as Prime Contractor onsite, and will be responsible for delivering the project on schedule, and managing site health and safety, site coordination, and scheduling the sub-trades to complete the work. A project of this size, scale and complexity will require a significant dedicated team to ensure its success and having a fully qualified and experienced personnel to deliver the project will be a key to success.

The City formed a review committee, which included an external consultant with expertise in the field, who reviewed the five (5) qualified responses to the RFP. Each RFP response was scored on:

- Qualifications and Experience
 - Corporate capacity, capability, social responsibility and financial stability.
 - Comparable project experience of the firm including evidence of experience with municipal facilities, fast-track new building construction.
 - Construction Management Team experience, depth, capacity, continuity and availability for the project.
- Proposed Approach and Methodology
 - Project understanding
 - Responsiveness of Proponent's methodology and approach to project delivery

- Value added services
- Schedule
 - Milestone dates and clear strategy for achieving accelerated timelines.
 - Level of confidence in schedule details and realistic timelines associated with the Proponent's unique and innovative approach in managing to an accelerated schedule.
- Environmental and Occupational Safety Policy
 - Evidenced strong understanding and commitment to environmental and safety procedures.
- COVID-19 Business Continuity Plan
 - Evidenced strong understanding of current health guidelines and clear policy and safety procedures developed to suit.
- Exceptions to the Contract
- Fee Proposal
 - (Fee Calculation: lowest fee / proposed fee x maximum points)

Firms who were scored included:

Bird Stuart Olson Construction	PCL Constructors
Maple Reinders Constructors	Chandos Construction
Wales McLelland Construction Company	

Based on the results of the scoring matrix, the review committee and the external consultant unanimously recommend award of the RFP to:

Bird Stuart Olson Construction Ltd.	Total Contract: \$988,985 (plus GST)
--	---

Subject to contract award, staff will work with the integrated project team to bring the Construction Manager up to speed and actively involved in the design process.

FINANCIAL IMPLICATIONS

As part of the 2021 Capital Budget, Council approved up to \$2,000,000 for the City Hall Concept Plan, Tender Drawings & Consulting Services. This recommendation of award will be drawn from that budget line.

As was outlined in the October 6, 2020 Council Report, where Council resolved to adopt the "City of West Kelowna City Hall Loan Authorization Bylaw No. 0272, 2020." the existing budget for West Kelowna's first City Hall remains unchanged.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
January 26, 2021	THAT Council award the City Hall/Library Building Design Services contract in the total amount of \$953,120 (excluding GST) to Johnston Davidson Architecture. <u>CARRIED UNANIMOUSLY</u>	C066/21
October 6, 2020	THAT Council adopt the “City of West Kelowna City Hall Loan Authorization Bylaw No. 0272, 2020.” <u>CARRIED UNANIMOUSLY</u>	C246/20
February 11, 2020	THAT Council give first, second and third reading to “City of West Kelowna City Hall Loan Authorization Bylaw No. 0272, 2020”. <u>CARRIED UNANIMOUSLY</u>	C051/20

REVIEWED BY

Sandy Webster, Director of Corporate Initiatives

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

PowerPoint: Yes ☐ No ☒



COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Chris Oliver, Senior Planner

File No. LL 20-02

Subject: **LL 20-02; Lounge Endorsement and Special Event Area Liquor License, 3930 Harding Road**

RECOMMENDATION

THAT Council support the proposed Liquor and Cannabis Regulations Branch Lounge Endorsement and Special Event Area application (LL 20-02) for Crown and Thieves Winery (3930 Harding Road) in accordance with the information contained in this report (including attachments); and

THAT as a condition of the Business License, patron access associated with the Lounge Endorsement and Special Event Area be limited to 3887 Brown Road.

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

This report builds on the existing report that was considered at the January 12, 2021 regular Council meeting (Attachment 1). As previously presented, the applicant is applying for a Lounge and Special Event Area Liquor License Endorsement for an existing winery. As part of Council's previous consideration for the requested licenses, the application was postponed pending additional information regarding access to the winery.

DISCUSSION

Following the January 12, 2021 meeting, the applicant provided a letter intending to address the questions and concerns raised by Council and the public (Attachment 2). The letter also includes operational comments and three key points regarding the access that have been verified by staff:

- An easement has been granted and registered over 3887 Brown Road (Truck 59) and 3870 Harding Road, the property to the north creating a formal access to the subject property (Crown & Thieves Winery) off Brown Road (Figure 1);
- An existing access to 3887 Brown Road (Truck 59) will be used to create additional access and parking (Figures 2 - 5); and
- The applicant is committed to having the access as a condition of the Business License.

Policy Review

Since the initial consideration of the application, it has been confirmed that there are opportunities to have patron access limited to Brown Road through the Business Licensing Bylaw (s.2.15(e)):

A License Inspector may establish terms and conditions that must be met for obtaining, continuing to hold, or renewing a license, including conditions related to:

(e) Requirements that, in the opinion of the License Inspector, are necessary to ensure that the licensed business does not have a negative impact on the public, the neighbourhood or other businesses in the vicinity of the premises.

Through this section of the Bylaw, we would be able to require that the access be a condition of the Business License associated with the Lounge Endorsement and Special Event Area Liquor Licenses. If in the event the access could no longer be used (e.g., the easement was discharged), the City, under s.2.7 of the Business Licensing Bylaw could refuse or suspend the license. An additional motion has been included to address this requirement.

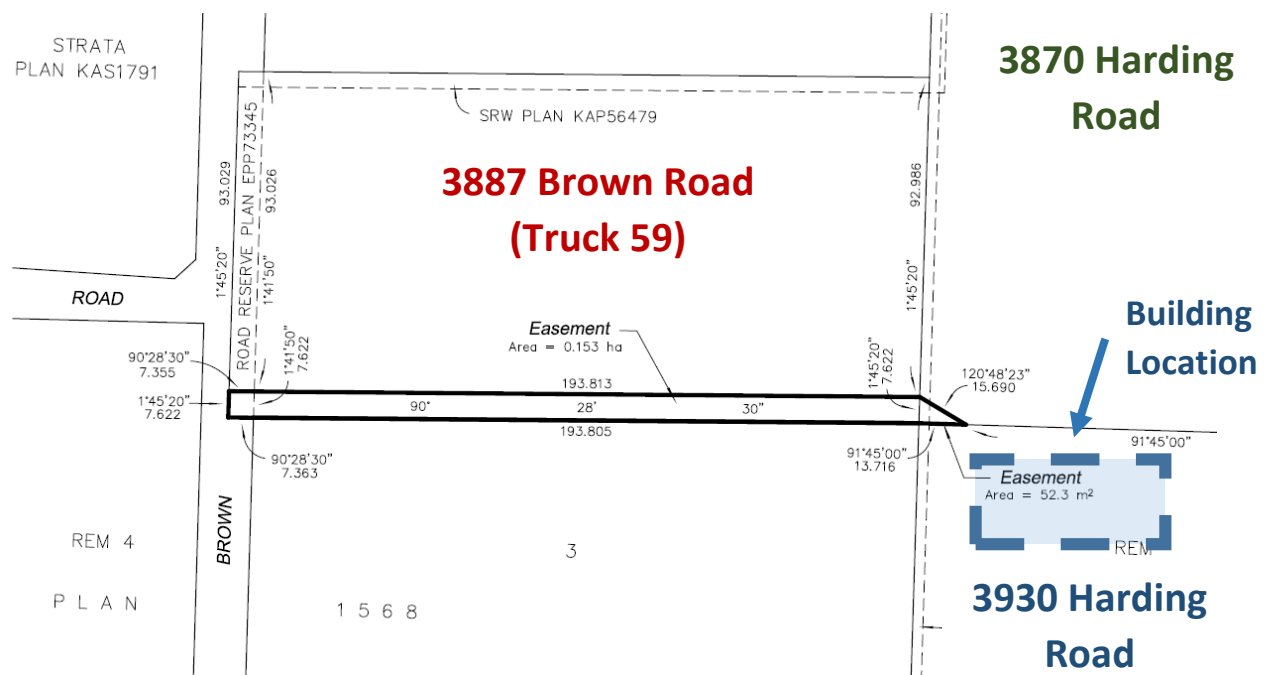


Figure 1. Registered Easement Area From Brown Road to the Subject Property



Figure 2. Access Easement Location and Neighbouring Properties



Figure 3. Brown Road Access



Figure 4. Parking Area and Winery



Figure 5. Winery Entrance

PUBLIC NOTIFICATION

As part of the initial application process, notices were mailed to property owners and tenants within 100m of the subject property (64 notices) and a sign was posted on the property. At the time of writing the previous report, two submissions were received citing concerns related to access and traffic impacts (Harding Road and Angus Drive), noise and the hours of operation. Since the January 12th meeting, additional comments have been submitted directly to the Mayor and members of Council. The more recent submissions generally identify concerns with the existing condition of Brown Road and the safety of residents in the area with additional traffic, with some submissions supporting the access from Brown Road.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
January 12, 2021	THAT Council postpone consideration of the proposed Lounge Endorsement and Special Event Area Liquor License (LL 20-02).	C013/21

CONCLUSION

The applicant's submission is intended to address the concerns raised by Council as well as the initial submissions from residents on Harding Road and Angus Drive. As part of the consideration for this alternative access, other residents who feel as though the access would impact them have also cited concerns related to the additional traffic. The current proposal would require agricultural and winery staff to access from Harding Road with patrons accessing the winery from Brown Road. Brown Road is an area in transition with multiple new wineries being planned, and some road improvements to Brown Road may be made as part of adjacent projects (partial development works requirements).

ALTERNATE MOTIONS

Support Application

1. **THAT** Council postpone consideration of the proposed Lounge Endorsement and Special Event Area Liquor License (LL 20-02).

Should Council wish to postpone consideration of the application, it is requested direction be provided.

Deny Application

2. **THAT** Council deny the proposed Liquor and Cannabis Regulations Branch Lounge Endorsement application (LL 20-02) for Crown and Theives Winery (3930 Harding Road) and direct staff to close the file.

Should Council deny the requested liquor license, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. January 12, 2021 Council Report
2. Letter from Applicant



COUNCIL REPORT

To: Paul Gipps, CAO

Date: January 12, 2021

From: Chris Oliver, Planner III

File No. LL 20-02

Subject: **LL 20-02; Lounge Endorsement and Special Event Area Liquor License;
3930 Harding Road**

RECOMMENDATION

THAT Council support the proposed Liquor and Cannabis Regulations Branch Lounge Endorsement and Special Event Area application (LL 20-02) for Crown and Thieves Winery (3930 Harding Road) in accordance with the information contained in this report.

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

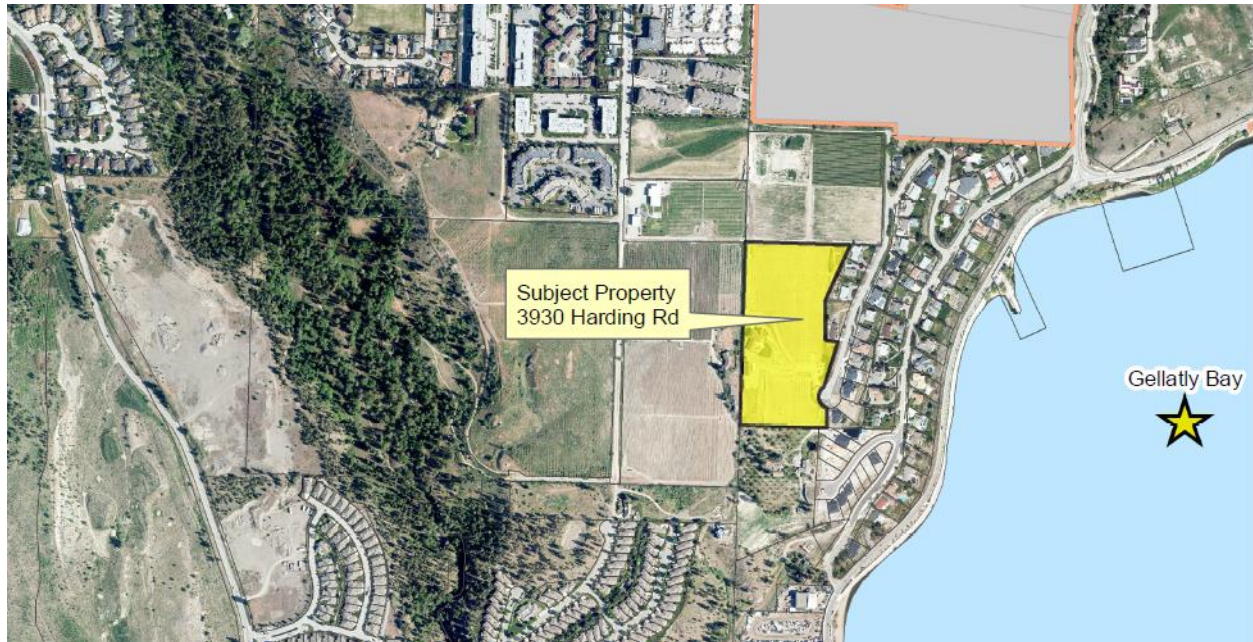
The applicant is applying for a Lounge and Special Event Area Liquor License Endorsement for a winery that is under construction. The license areas include indoor and outdoor (rooftop) spaces all located within the footprint of the winery. The total occupancy of the lounge area is 146 (including staff) for the lounge areas and 150 for the special event area. The proposed hours of operation are 10:00 am to 11:00 pm, Monday to Sunday for both license endorsements.

PROPERTY DETAILS			
Address		3930 Harding Road	
PID		011-812-613	
Folio		36415514.002	
Lot Size		11.22 acres (45405.8 sqm)	
Owner	Jason Parkes	Agent	Graham Dell
Current Zoning	Agricultural (A1)	Proposed Zoning	Agricultural (A1)
Current OCP	Agriculture	Proposed OCP	Agriculture
Current Use	Single Family Dwelling and Winery	Proposed Use	Single Family Dwelling, and Winery
Agricultural Land Reserve		Yes	

ADJACENT ZONING & LAND USES

North	^	Agricultural (A1) zoned property
East	>	Single Family Residential (R1) zoned property
West	<	Agricultural (A1) zoned property
South	v	Agricultural (A1) zoned property

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The applicant is applying for two liquor license endorsements for a winery that is under construction in accordance with the ALC's and City's applicable regulations. Currently, the operation of the winery would be limited to tasting purposes with the ability to also apply for a picnic area endorsement (staff issuable). The requested endorsements would allow for the building to be used in a manner similar to other wineries in West Kelowna (offer food service, serve glasses of wine, etc.). The building is not subject to any Official Community Plan Development Permit guidelines, but renderings have been provided to provide context to the request (Figures 1 - 4).



Figures 1- 4. Construction Photos and Interior Renderings

Liquor License Review Requirements

The *Liquor Control and Licensing Act* requires the Liquor and Cannabis Regulation Branch to consult local governments on requests for the issuance, amendment or renewal of certain liquor licenses. This gives local governments an opportunity to gather the views of residents within the application area, as well as consider potential implications of the proposal. Upon making a resolution, LCRB requests that the local government forward the applicable resolution, report, and meeting minutes.

The LCRB requests that all local governments consider specific criteria as outlined below:







Location

The subject property is located in the Gellatly Neighbourhood and is surrounded by agricultural and single-family residential properties. The subject property is located in close proximity to Gellatley Road and the proposal is intended to benefit from and contribute to the success of the operators in the area (e.g., Truck 59 Cidery).

Person Capacity

The proposed occupancy is similar to wineries located within the area of the subject property as the Agricultural Land Commission regulates seating sizes and typically allows for up to 130 patrons (not including staff). The applicant is proposing to have seasonal outdoor lounge areas and when closed, the patron capacity of those outdoor areas are transferred into the indoor lounge areas (Table 1 and Attachment 1).

Table 1 Lounge and SEA Occupancy Breakdown

LCRB OCCUPANCY + LOUNGE	AREA	OCCUPANCY (patrons + staff)
1. MAXIMUM TOTAL BUILDING OCCUPANCY:		150 persons max.
2. TOTAL OUTDOOR LOUNGE AREA:	1292 sq ft / 120 sq m	83 persons max.
 ROOF TOP (BCBC 3.4.2.1.2))	978 sq ft / 91 sq m	63 persons max.
 TERRACE (FIXED SEATING)	313 sq ft / 29 sq m	20 persons
3. TOTAL INDOOR LOUNGE AREA:	1335 sq ft / 124 sq m	63 persons (146 if all Outdoor Lounges are closed)
 MAIN FLOOR (STANDING SPACE 0.4/m ²)	360 sq ft / 33 sq m	26 persons (47 if Terrace is closed)
 BASEMENT INTERIOR LOUNGE (FIXED SEATING 0.75/m ²)	978 sq ft / 91 sq m	37 persons (99 if Rooftop Patio is closed)
4. TASTING ROOM ONLY:		
 MEZZANINE TASTING FLOOR (NON-FIXED SEATING)	150 sq ft / 14 sq m	up to 14 persons (limited by Lounge Occupancy)
5. SPECIAL EVENT AREA (W/ MAIN FLOOR W/C ACCESS):		
 BASEMENT INTERIOR LOUNGE	980 sq ft / 91 sq m	150 person max. (Lounge + Tasting Areas closed)

The following is a comparison of other Lounge Endorsement Areas operating in the area:

- Mt. Boucherie Winery (150 persons)
- Volcanic Hills (200 persons, non-farm use application for an oversized lounge)
- Frind Winery (130 persons)

The applicant is also requesting a Special Event Area (SEA) endorsement that requires a separate authorization from the LCRB. The SEA designation allows for events both indoors and/or outdoors and may overlap with other designated areas (e.g. Lounge Area). When an event is taking place, the conditions of the special event area endorsement are

in effect. When an event is not taking place, the conditions of the special event area endorsement are not in effect. In this instance, the applicant is generally proposing a shift of occupancy for special events from the indoor and outdoor lounge areas into the basement of the building increasing the occupancy of that area to 150 persons. The proposed hours of operation are the same as the lounge areas.

Proposed Hours of Liquor Service

The applicant is proposing the following hours of operation for both the Lounges and SEA:

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
10: 00 AM	10: 00 AM	10: 00 AM	10: 00 AM	10: 00 AM	10: 00 AM	10: 00 AM
11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM

For context, the following are permitted hours of operation for liquor establishments along the Wine Trail:

- Mt. Boucherie from 10:00 AM to 11:00 PM (10:00 AM to 10:00 PM weekdays);
- Mission Hill from 11:00 AM to 11:00 PM; and
- Volcanic Hills from 11:00 AM to 11:00 PM.

Despite these being the permitted hours per each operator's license, not all of these operators choose to service during these hours and instead are used as maximum limits for hours of operation. The applicant has indicated that similar to these other Lounge Endorsements, they do not intend to operate to the full extent of the proposed hours of operation and instead would like the ability to do so for some events throughout the year. The applicant has indicated they intend to typically operate from 11:00 AM to 8:00 PM, Monday to Sunday. Despite the applicant indicating these are their typical hours of operation, if approved, the applicant could operate from 10:00 am to 11:00 pm daily.

Impact of Traffic, Noise & Parking

The proposed winery is located in an agricultural area and the building location is adequately set back from the adjacent single-family dwellings east of the winery (Figure 5).

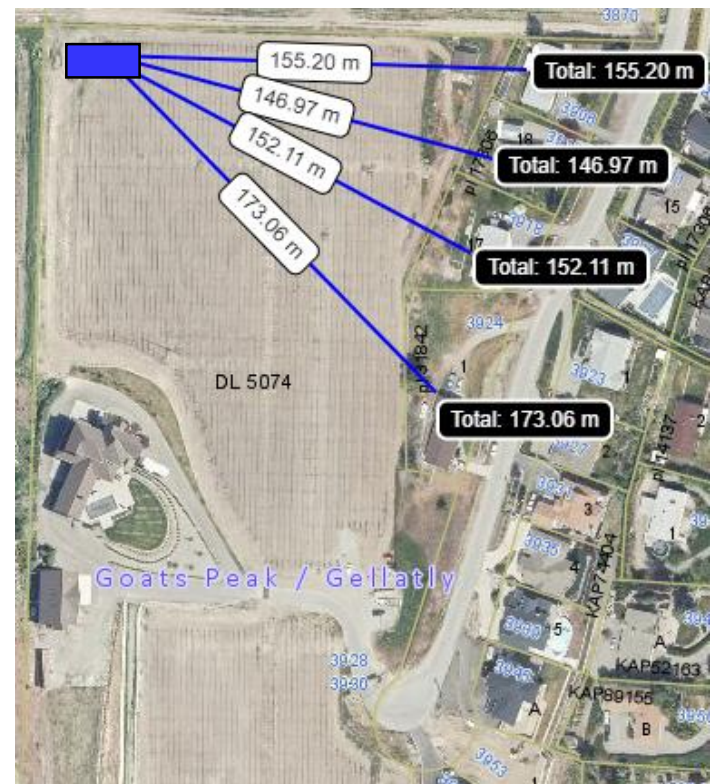


Figure 5. Setback Distances

The building has also been designed to minimize impacts to adjacent residents with a narrow profile east-west orientation limiting the exposure to the east. The easterly façade also includes a faux wall that will contribute to the noise attenuation of the rooftop area. In addition to these lounge related considerations, the SEA is entirely located indoors in the basement which will reduce any potential impact of events held in that area.

Impact on the Community if the Application is Approved

The applicant is an experienced operator in the community and in conjunction with their other establishments will continue to advance the tourism industry in West Kelowna. The use is permitted as part of the A1 – Agricultural Zone and the winery is currently under construction. The Lounge and SEA endorsements are anticipated to increase the amount of traffic on Harding Road over the base approvals that allow for tasting and a picnic area. An important consideration regarding the access to the Winery is that the property owner is also an owner of Truck 59 Cidery which is adjacent to the subject property and would benefit from access to Brown Road (Figure 6). The applicant has indicated that they intend to utilize this access but in discussion with the LCRB, requiring the registration of an easement or SRW through an adjacent property is not typical under the scope of a Lounge Endorsement Liquor License. If the traffic associated with the Lounge Endorsement is concerning, the method for reducing traffic impacts would be to reduce the hours of operation or occupancy of the lounge area.

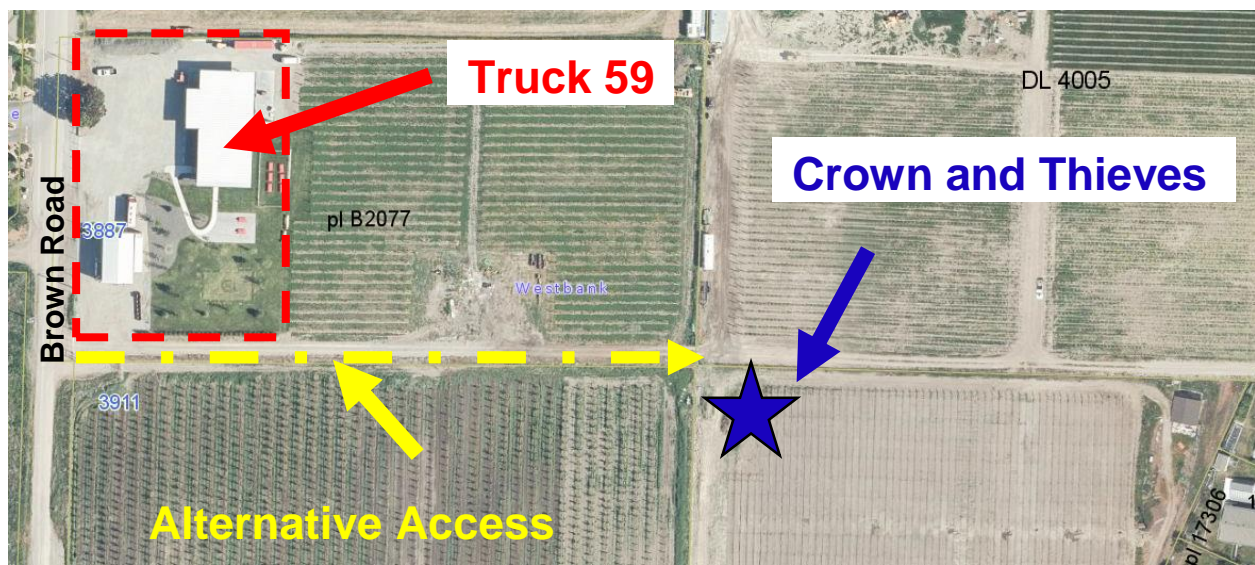


Figure 6. Alternative Access from Brown Road

Public Notification and Consultation

As per the *Liquor Control and Licensing Act*, and the *Local Government Act* the City has met applicable requirements to gather the comments and/or concerns of residents within the area of the proposal. As such, a sign was posted on the subject property notifying the surrounding neighbours of the proposal and a notice was mailed to all property owners or tenants within 100m of the subject property (64 mailed). Following discussions with the LCRB, the occupancy of the lounge area was updated to include staff members. The updated occupancy requirement was included on the notice of application sign and has been reflected in this report.

At the time of writing this report, two submissions have been received citing concern for the following (Attachment 2):

- Access and traffic impacts on the surrounding road network

- Noise impacts from the lounge areas to the residents of Harding Road and Angus Drive; and
- The hours of operation being too late.

CONCLUSION

Council may wish to consider the following as part of the consideration for the recommended motion:

- Crown and Thieves Winery is well situated to supplement the ongoing success of other operators in the area;
- The winery and lounge area are set back from residential properties and the building design will reduce impacts to surrounding properties;
- The proposed SEA is entirely located in the basement of the building and will significantly reduce and potential impacts to surrounding properties; and
- The proposal meets all applicable ALC and Zoning Bylaw requirements.

ALTERNATE MOTIONS

Support Application

1. **THAT** Council postpone consideration of the proposed Lounge Endorsement and Special Event Area Liquor License (LL 20-02).

Should Council wish to postpone consideration of the application, it is requested direction be provided.

Deny Application

2. **THAT** Council deny the proposed Liquor and Cannabis Regulations Branch Lounge Endorsement application (LL 20-02) for Crown and Theives Winery (3930 Harding Road) and direct staff to close the file.

Should Council deny the requested liquor license, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

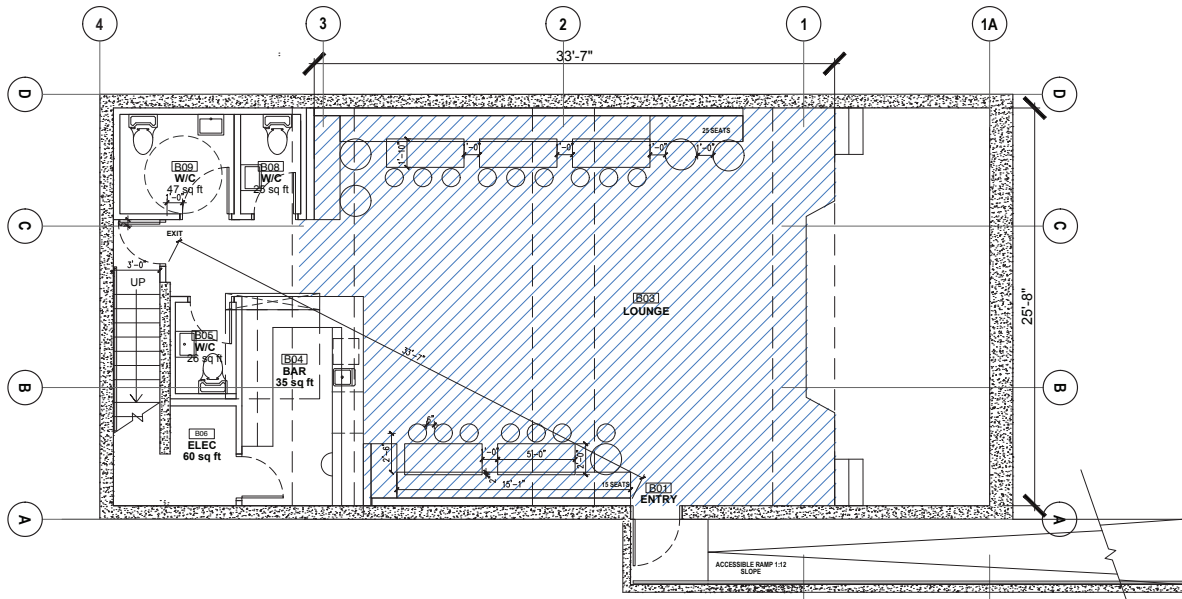
APPROVED FOR THE AGENDA BY

Paul Gipps, CAO





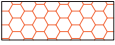

Powerpoint: Yes ☒ No ☐

Attachments:

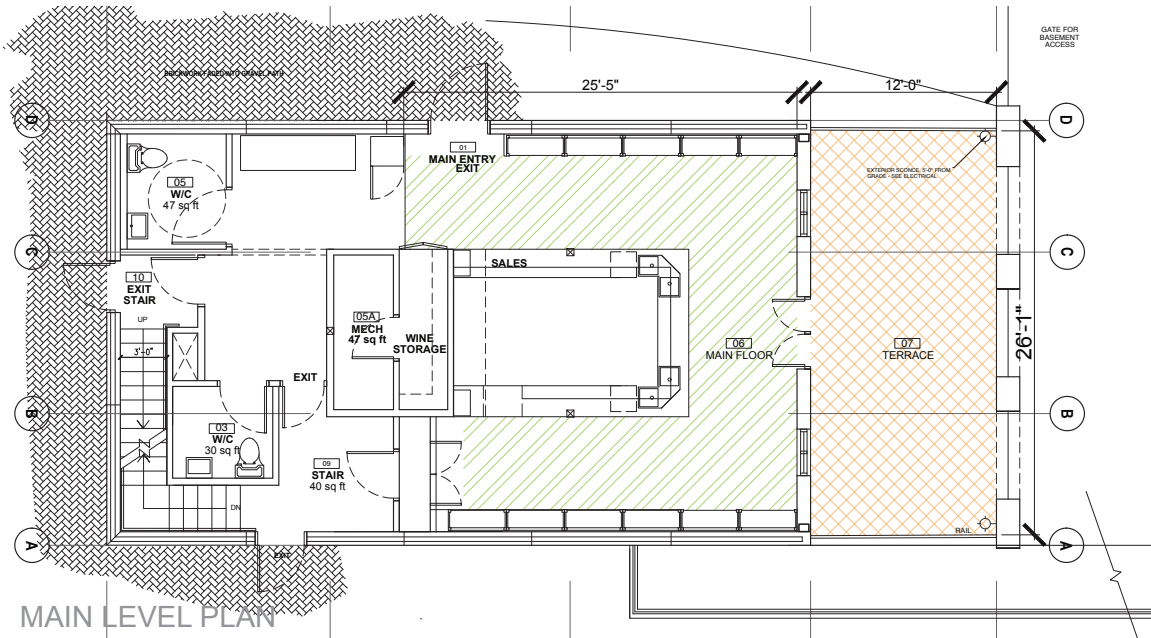
1. Floor Plan Breakdown, prepared by Lake Monster Studio
2. Public Submissions









BASEMENT LEVEL PLAN

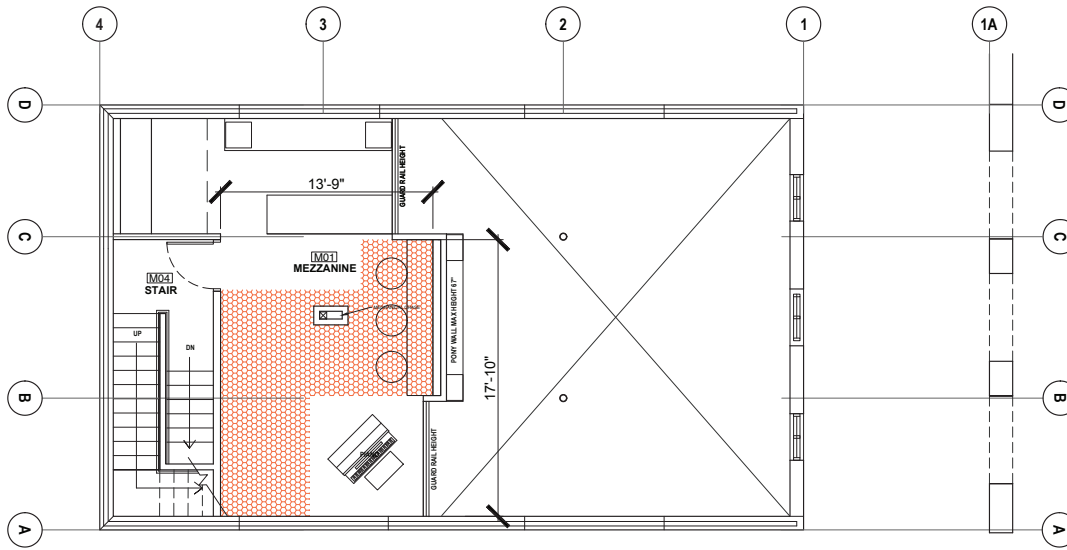
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OCCUPANCY PLANS





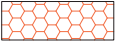



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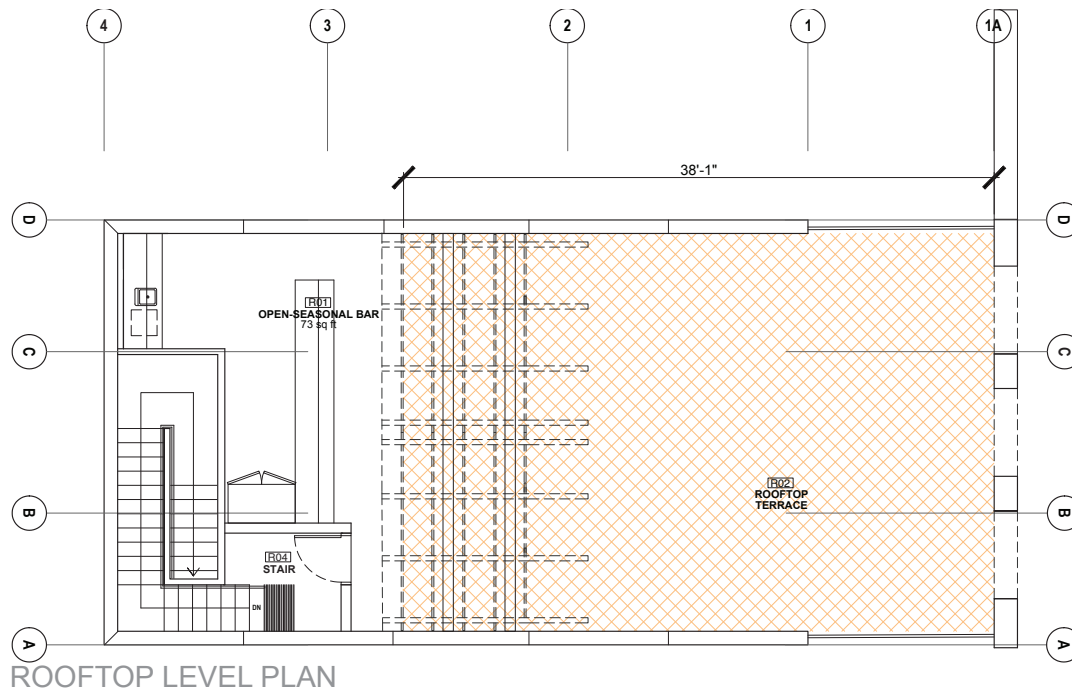
OCCUPANCY PLANS









MEZZANINE LEVEL PLAN

LCRB OCCUPANCY + LOUNGE	AREA	OCCUPANCY (patrons + staff)
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OCCUPANCY PLANS



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OCCUPANCY PLANS

Chris Oliver

Subject: FW: File No. LL 20-02 (Xiaohong He,Lot 3 Plan KAP1568 District Lot 807 Land District 41)

From: 晓红 何 <[REDACTED]>

Sent: December 31, 2020 12:13 PM

To: City of West Kelowna Submissions <Submissions@westkelownacity.ca>

Subject: File No. LL 20-02 (Xiaohong He,Lot 3 Plan KAP1568 District Lot 807 Land District 41)

Hi,

I disagree the operation hour for winery 10am-11pm. This operation hour close too late and it will affect neibourghs' daily life. I prefer the operation hour ending as early as 8pm. Thank you.

Xiaohong He

Sent from [Mail](#) for Windows 10

January 4, 2021 @ 6:27 pm

2

January 4th, 2021

Attn: City Clerk

From: William Talalayeovsky, owner

3906 HARDING ROAD WESTBANK, BC V4T 2J9

Lot 19 Plan KAP17306 District Lot 5074 Land District 41

PID: 004-616-189

Subject: How **LL 20-02** effects 3906 HARDING ROAD WESTBANK, BC V4T 2J9 and the surrounding area

Any traffic to and from 3930 HARDING ROAD WESTBANK will take place via Harding road, Angus drive, Gellatly road, and possibly Boucherie road. Harding road and Angus drive currently have very little traffic and certainly no drunk driving at 11pm. Harding road, Angus drive, and Gellatly road are very winding and steep, residents along these roads will be affected by up to 150 people on any given night who have recently had their fill of wine. This seems like a very dangerous idea that will negatively affect the entire area (especially when snow is on the ground). Also, there will be a high possibility of loud music uphill from all of the residence of Harding road and Angus drive until 11pm. All residents down hill from this noise will be affected. As a result of this all home values in the area downhill from Harding road and Angus drive will drop, thereby reducing property taxes for the area impacting West Kelowna budgets. Please do NOT approve Liquor License Permit LL 20-02.

William Talalayeovsky
2323 Palisview PL SW
Calgary, AB
T2V 3R7

REF: Liquor License Permit LL 20-02



RE: Crown and Thieves Operating Plan for Access of Brown Road

The City of West Kelowna's Council recently deferred its decision regarding the approval of a Lounge Endorsement for Crown & Thieves, citing traffic concerns related to Harding Road.

To mitigate all traffic concerns related to Harding Road we are proposing the following:

- Crown & Thieves has joint ownership with Truck 59 Ciderhouse which is adjacent to the 3390 Harding Road. An easement (copies have been provided to city staff) has been granted and registered over Truck 59 and the other corner neighboring property creating a formal access to Crown & Thieves off Brown Road.
- A pre-existing secondary access to 3887 Brown Road (Truck 59 Ciderhouse) will be used to create additional access and parking for Crown & Thieves. A gate with formal signage has been installed.
- The listed address online (website and google) for Crown & Thieves is listed as 3887 Brown Road. This will help ensure that all local and out of town guests looking up the address online will be directed to Brown Road rather than Harding Road.
- Truck 59 Ciderhouse has an established customer based and had a record year for visits and sales in 2020. It is expected that 2021 will be another strong year for the cider. As operators of both Truck 59 and Crown & Thieves, we expect customers already visiting Truck 59 will also be a larger % of Crown & Thieves customers. This should help give comfort to increase of traffic on Brown Road with Crown & Thieves opening as many of these cars and guests are already there.
- The 3rd neighboring property, owed by Okanagan Properties Ltd has intentions of developing a winery. Amongst the 3 properties owners there is a mutual goal to create a secondary "hub" for the west side wine trail off of Brown Road where all 3 properties will be accessible by foot for guests visiting the area regardless of where they are parked. The corner of the 3 lots where the Easement has been registered will be at the center of this. The goal is to work together to help each business succeed and create a destination for Agri-tourism in old Westbank center.
- To give assurance that Brown Road will be used as the public access for Crown & Thieves rather than Harding Road, we are happy to have using Brown Road as access as a condition of the business license. Should the Easement be discharged, we would accept having the city rescind or not issue future business licenses.
- Although Harding Road will exist as the legal access for Crown & Thieves, the property is gated and the access will only be used for members of the on-site personal residence, winery staff (max 5 to 8) and the fire department.

Crown and Thieves

3191 Boucherie Road, West Kelowna, V1Z 3M6





COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Jayden Riley, Planner II

File No: Z 20-13

Subject: **Z 20-13; Zoning Amendment Bylaw No. 154.101, 2021; 2500 Tallus Heights Lane**

RECOMMENDATION

THAT Council give first and second reading to Zoning Amendment Bylaw No. 0154.101, 2021 (File Z 20-13); and

THAT Council direct staff to schedule a Public Hearing for the proposed Zoning Amendment Bylaw.

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

This application is proposing a site-specific text amendment to permit a secondary suite on a parcel that is under the required minimum parcel size for secondary suite use. The subject property is zoned Compact Single Detached Residential (RC3), which permits secondary suites on parcels greater than 550 m², whereas the subject property is 535 m².

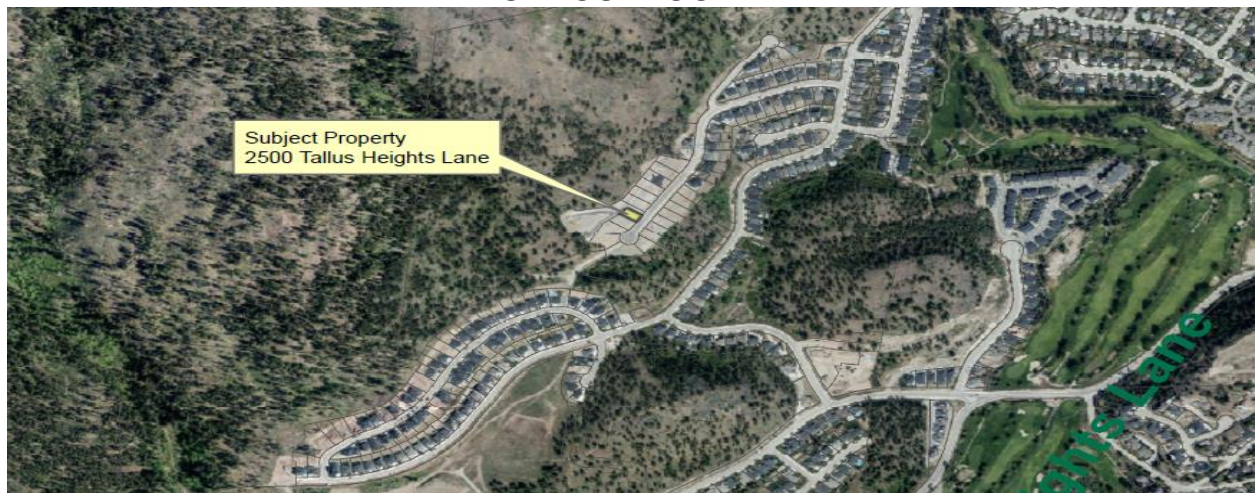
PROPERTY DETAILS			
Address		2500 Tallus Heights Lane	
PID		030-666-791	
Folio		36414916.233	
Lot Size		535 m ²	
Owner	Ryser Developments	Agent	Jamie Mullen, Willow Developments
Current Zoning	Compact Single Detached Residential (RC3)	Proposed Zoning	Compact Single Detached Residential

			(RC3) with secondary suite
Current OCP	Single Family Residential	Proposed OCP	N/A
Current Use	vacant	Proposed Use	Single Family Dwelling with secondary suite
Development Permit Areas	None		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Compact Single Detached Residential (RC3)
East	>	Tallus Heights Drive Compact Single Detached Residential (RC3)
West	<	Compact Single Detached Residential (RC3) Parks and Open Space (P1)
South	v	Compact Single Detached Residential (RC3)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under S. 479 of the *Local Government Act* to amend its Zoning Bylaw, including the creation of provisions specific to a single zone.

DISCUSSION

Background

The subject property is located in the Shannon Lake neighbourhood within a compact residential neighborhood. The subject property was subdivided in 2018 as part of a 20-lot subdivision.

Proposal

This application is proposing a site-specific text amendment to allow a secondary suite on a parcel zoned Compact Single Detached Residential (RC3) under the minimum 550 m² required by the RC3 zone. The applicant has submitted a letter of rationale with the application (*Attachment 1*).

Policy and Bylaw Review

Official Community Plan

The property has a Land Use Designation of Single Family Residential, intended to support traditional single family housing opportunities and encourage more land efficient compact housing forms for families. The property is not subject to any development permit areas.

Zoning Bylaw No. 0154

The property is zoned Compact Single Detached Residential (RC3), which permits single detached dwelling on parcels 325 m² and larger. The RC3 zone also permits secondary suites on parcels 550 m² and larger. The minimum parcel size for a secondary suite is specifically stated within the list of permitted secondary uses; therefore, a site-specific text amendment is required to permit the use, as opposed to a variance, as the *Local Government Act* does allow the local government to vary use.

Technical Review

Subject to rezoning approval, the applicant is not anticipated to require a variance to accommodate off-street parking for the secondary suite. An existing covenant registered on the parcel would not permit access from Tallus Heights Drive.

Due the topography of the parent parcel and the location of the subject property in relation to the private access road, Tallus Heights Lane, the parcel was configured to accommodate sightlines and an adequate vehicle turning radius, resulting in the north corner of the parcel are being reduced.

Referrals

Advisory Planning Commission

The Advisory Planning Commission (APC) discussed the application on January 20, 2021. The APC was in support of the application, as proposed.

Public Notification

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0260. Should Council give first and second reading to the proposed bylaw amendment, a Public Hearing will be held in accordance with the *Local Government Act*.

CONCLUSION

Staff recommend that Council give first and second reading to the proposed amendment bylaw. The proposed zoning amendment is not anticipated to have any significant negative impacts to surrounding properties, as secondary suites are permitted on the surrounding lots, which share the same RC3 zoning and have adequate size to accommodate potential suites. Following first and second reading, the public will be notified and given the opportunity to submit feedback on the proposal, which will be summarized at the Public Hearing.

Alternate Motion:

1. **THAT** Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.101, 2021 (File Z 20-13).

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

2. **THAT** Council deny Zoning Amendment Bylaw No. 0154.101, 2021 (File: Z 20-13).

Should Council deny the zoning amendment bylaw, the applicant may not apply for a similar application for a period of six (6) months.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Applicant Letter of Rationale
2. ZB 0154.101, 2021

Development Services

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

Letter of Rationale regarding 2500 Tallus Heights Lane, West Kelowna

This letter is regarding the proposed: Site specific amendment to allow for secondary suite use on parcel under 550 sq. m. within RC3 parcel

The empty building lot is currently 535.3 sq. m. so it is just slightly smaller than the required 550 sq. m. that is required to put a legal suite in single family homes as per zoning regulations of RC3 areas. The developer admittedly made a mistake when laying out the lot sizes as all other surrounding lots are of ample size to accommodate legal suites. Their intent was to have lot sizes that allowed for legal suites in the Phase 9 area of the Tallus Ridge Development, and for that fact in all future phases of Tallus Ridge.

This particular lot is actually corner lot, so it has better parking availability than most other larger lots that only allow for parking at the front of the dwelling. We have requested and provided floor plans for a 1 bedroom legal suite. We recognize with a laneway home, we don't want to cause traffic congestion, thus the request for a 1 bedroom suite instead of 2 bedroom.

With the cost of construction, we feel the need for legal suites in homes is greater than ever before in order for homeowners to qualify for the mortgages required to pay for these homes. We also recognize that rental suites are in demand right now, so providing a legal suite in new construction built to BC Building Code and West Kelowna requirements benefits the homeowner with the piece of mind that the suite is safe, soundproofed and completely separated from the main living area of their home. It also benefits the tenant in knowing that their space is safe and secure from the rest of the home.

Willow Development has built a number of homes in West Kelowna over the last few years, many with legal suites (including Tallus Ridge area). We are actually building a custom home on the lot right next door (2504 Tallus Heights Lane) and as such have discussed the suite with the owners of that home. The quality of construction as well as the design elements will be suited to the neighboring homes, and it is our goal to build homes with legal suites, so the suites themselves blend in to the design and style of the home. Being that the lot size is so close to West Kelowna zoning requirements for suites in RC3 zoned homes and that the quality of construction is of utmost importance to us at Willow Development, we are hopeful that council will approve our request as stated above.

If there are any questions or additional information is required, please don't hesitate to reach out.

Kind Regards,
 Jamie Mullen
 President
 Willow Development Inc.
 1662 Pritchard Drive, West Kelowna
jamie@willowdevelopment.ca

CITY OF WEST KELOWNA

BYLAW NO. 0154.101

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. 0154.101, 2021”.

2. Amendments

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

2.1 By adding to the following to 12.1.4 Site Specific Uses, Buildings and Structures:

- (d) On Lot 13, DL 3793, ODYD, Plan EPP83661 (2500 Tallus Heights Lane): a secondary suite on a parcel zoned RC3 under 550 m², as indicated on Schedule ‘B’ attached to and forming part of this bylaw.

2.2 By depicting the change on “Zoning Bylaw No. 0154 Schedule B” (Zoning Bylaw Map) as shown on Schedule ‘A’ attached to and forming part of this bylaw.

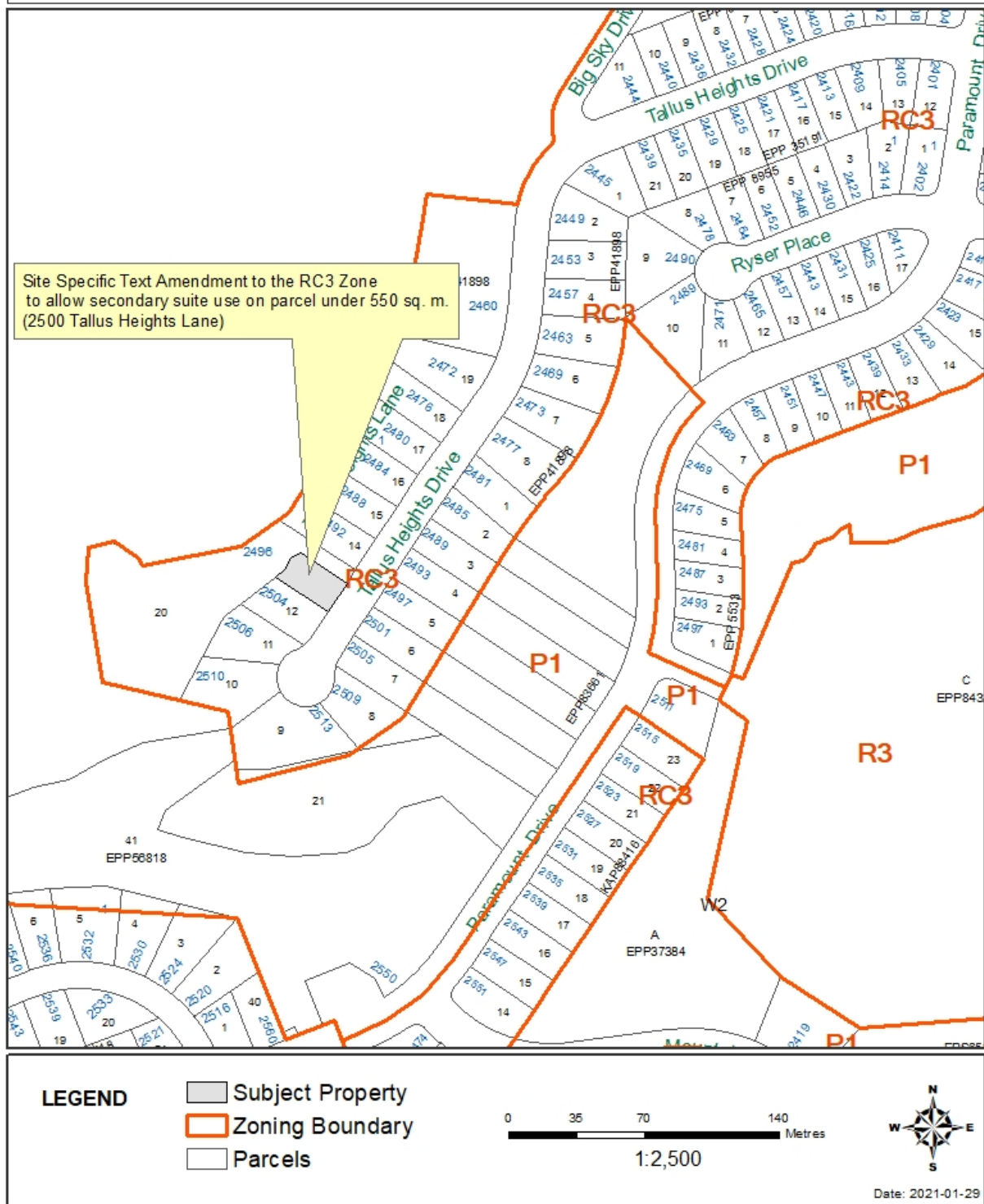
READ A FIRST AND SECOND TIME THIS

MAYOR

CITY CLERK



SCHEDULE 'A' of BYLAW NO. 0154.101





COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Jayden Riley, Planner II

File No: TUP 20-04

Subject: **TUP 20-04; Temporary Use Permit; 3145 Coventry Crescent**

RECOMMENDATION

THAT Council approve the Temporary Use Permit (TUP 20-04) to allow a home based brewery at 3145 Coventry Crescent subject to the conditions outlined in the attached permit (*Attachment 3*)

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

This application is seeking a Temporary Use Permit (TUP) to operate a brewery within an enclosed garage of a single detached dwelling. Home based brewery is not an intended use of a home based business, major, which is otherwise permitted in the Single Detached Residential (R1) Zone, therefore a TUP is required. No accessory structures are proposed to support the use. A TUP is valid for maximum of three (3) years with the possibility for renewal.

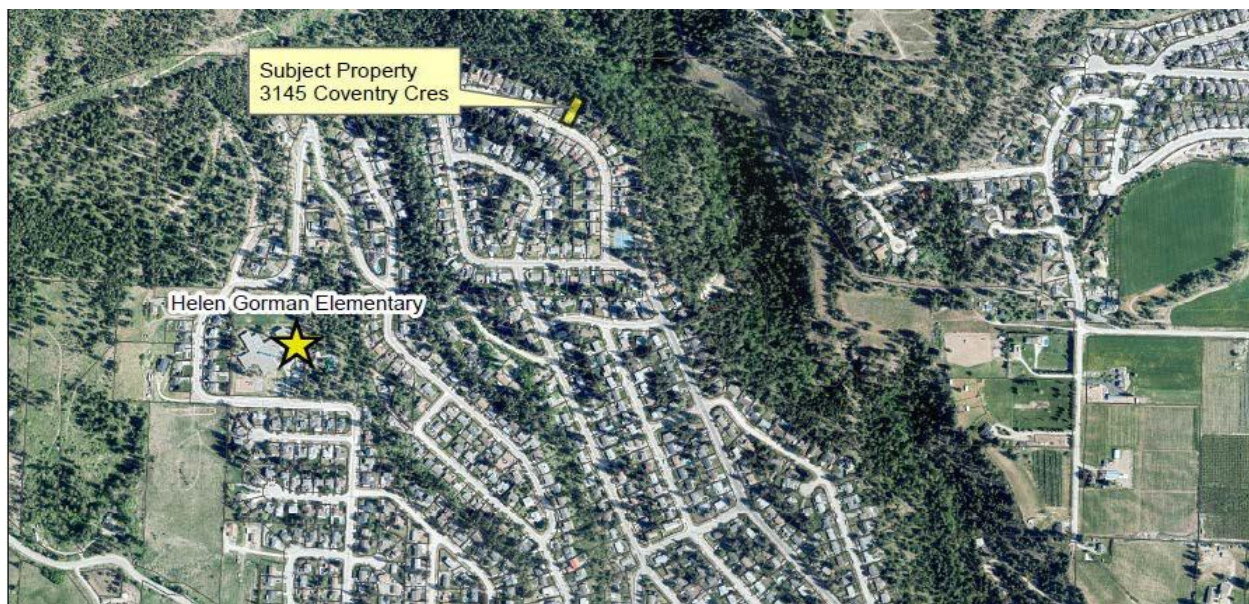
PROPERTY DETAILS			
Address		3145 Coventry Crescent	
PID		009-666-184	
Folio		36415069.356	
Lot Size		1,015 m ²	
Owner	Brad Kotnik	Agent	N/A
Current Zoning	Single Detached Residential (R1)	Proposed Zoning	N/A
Current OCP	Single Family Residential	Proposed OCP	N/A
Current Use	Single family dwelling	Proposed Use	Home based brewery

Development Permit Areas	Aquatic, Terrestrial, Hillside
Hazards	None
Agricultural Land Reserve	No

ADJACENT ZONING & LAND USES

North	^	Parks and Open Space (P1) (Glen Canyon)
East	>	Single Detached Residential (R1)
West	<	Single Detached Residential (R1)
South	v	Single Detached Residential (R1)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Local Government Act

Section 493 of the *Local Government Act* gives Council the authority to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three (3) years and may specify conditions under which the use may be carried out. A TUP may be extended once for a period of up to three (3) years at the discretion of Council.

DISCUSSION

Background

The subject property is located at 3145 Coventry Crescent within the Glenrosa neighbourhood, containing one single detached dwelling. The subject property is located within a residential neighborhood with surrounding single detached dwelling (R1) land use to the east, south, and west, and Glen Canyon Regional Park (P1) to the north. The adjacent property to the east, located nearest to the garage where the proposed operation of the brewery is to be contained, is owned by the City of West Kelowna and is vacant except for a booster (water) station (*Figure 1*).



Figure 1: proposed brewery location (garage)

Proposal

This application is seeking a Temporary Use Permit to operate a brewery within the garage of a single detached dwelling and Single Detached Residential (R1) Zone. No accessory structures or outdoor storage is proposed to accommodate the use. See below floor plan and summary of the proposed temporary use (*Table 1, Figure 2*):

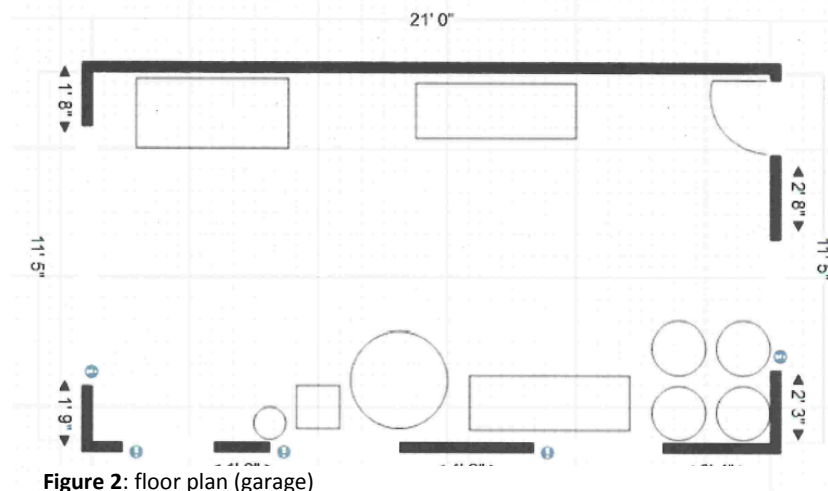


Figure 2: floor plan (garage)

House of operation	Brewing 1 day per week, 4:30 PM to 9:30 PM
Client visits	Customer pick-up Thursday and Friday 5:00 PM to 7:00 PM, Saturday 4:00 PM to 6:00 PM, no sampling permitted at the brewery.
Storage needs	20 cases of growlers (6 x 1.89 L), maximum 20 bags of grain
Equipment	2 x 115 L kettles, propane burner, pump and plate chiller, brew commander, 4x 150L Unitank, 1 x glycol chiller
Anticipated production volume	117 L per week (58.5 growlers) up to 4x 117L per week
Mitigation measures	All activities proposed within enclosed garage, limited LED lighting
Potential nuisances	Noise from propane burner and odor from grain and hops aroma on brew day

Table 1: Proposal Summary

Official Community Plan Bylaw No. 0100

The subject property has a land use designation of Single Family Residential (SFR), which is intended to provide traditional single family housing opportunities.

Zoning Bylaw No. 0154

The subject property is zoned Single Detached Residential (R1). The R1 Zone permits single detached dwelling as a principal use and home based business (major) as a secondary use. Although brewery is not explicitly prohibited as a home based business use it was determined not to meet the intent of home based business due to the presence of commercial or industrial equipment. The proposed temporary use would otherwise align with the home based business regulations outlined in S.3.14 of the Zoning Bylaw for parcels under 0.5 ha, such as:

- The business is occurring within the dwelling unit;
- The combined maximum floor area is under the 50 m² maximum;
- Limited to 3 client visits at a time;
- No outdoor storage is proposed; and
- Retail sales are limited to products produced on the premises.

Should the brewery operate under a TUP, it would be regulated by the TUP as opposed to the home based business regulations. Therefore, the TUP (*Attachment 3*) has included language to mirror the regulations outlined under S. 3.14 for “home based business, major” for parcels under 0.5 ha. The applicant has not requested any provisions outside of these regulations, but has offered additional restrictions, as outlined in *Table 1*, such as limiting the number of days for brewing (1) and customer pick up (3, with limited hours).

Licensing Requirements

A manufacturing license is required from the Liquor and Cannabis Regulation Branch (LCRB) to operate a brewery, which requires the zoning to support manufacturing use. A TUP that allows brewery has been confirmed to meet the LCRB's use requirements. A business license with the City would also be required to operate, as well as a building permit for the change of use.

Referral Responses

Advisory Planning Commission

The Advisory Planning Commission (APC) discussed the application on December 16, 2020. The APC did not recommend support for the proposal based on the following rationale:

- Difficult to control the amount of customer visits
- Neighbourhood impacts caused by increased traffic, noise, odour
- May set unwanted precedent

Public Notification

In accordance with the *Local Government Act*, 41 notices were mailed to property owners and their tenants within 100 m of the subject property and a notice was placed in the local newspaper. A Notice of Application sign was also installed on the subject property, in accordance with the City's Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public have been received.

CONCLUSION

It is recommended that Council approve the proposed temporary use to allow a home based brewery at 3145 Coventry Crescent. The conditions outlined in the permit mirror those of the City's home based business regulations, including limited client visits, no exterior storage, and limited floor area. In addition to mirroring the regulations, there will be a limitation on the number of brewing days and customer pick-up. The TUP will also prohibit on-site consumption and limit the activities to occur within the garage. The applicant will also require a business license from the City and liquor license from the LCRB prior to operating, as well as a building permit for the change of use.

The TUP would allow the business to become operational under the conditions of the permit. The TUP would limit the duration the use would be permitted; therefore, should the brewery prove to be a nuisance for the neighborhood, these factors would be evaluated and direct Council's consideration at time of permit renewal.

Alternate Motions:

1. **THAT** Council deny the proposed Temporary Use Permit (TUP 20-04) application at 3145 Coventry Crescent.

2. **THAT** Council postpone consideration for the Temporary Use Permit (TUP 20-04) application at 3145 Coventry Crescent.

Should Council postpone consideration of the temporary use permit application, direction to staff is required.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Applicant Proposal Summary
2. Public Notification Map
3. TUP 20-04



PROPOSAL SUMMARY – LAST MOUNTAIN BREWING COMPANY

**Proposal:**

Last Mountain Brewing Company Ltd. (LMB) is focused on quality, trustworthiness, honesty and loyalty, with an emphasis on FUN! (Brad Kotnik) has been passionate about the craft beer scene since late 2006 and I am committed to creating and sharing my own craft. I've been brewing craft beer for over 14 years and using an all-grain brewing process for over 9 years. By focusing on minimizing waste, my commitment to the environment and sustainability are core values of LMB. Having balance between a healthy lifestyle and being conscious of the environment and outdoor activities. Balance has always been a part of Brad Kotnik's lifestyle and will shine through operations and into all products at LMB. Giving back to the community through charitable donations and local sports sponsorship are important to LMB. Uniqueness is key, I do not want to be just another label; I want customer to LOVE my product and LOVE the lifestyle created by what LMB represents. When walking through the doors of LMB or stepping up to the bar, each customer will be engaged in a FUN atmosphere. In order to get LMB's brand in front of customers, I am planning to start off in a dedicated area for manufacturing purposes in the garage which is to be used as a full-time brewing facility. Distribution will be in 1.89 Litre beer pre-filled glass growlers both available for pickup at LMB or at each farmer's market throughout the interior region. Also, after year 1, having LMB beer in better liquor stores and on tap through the Okanagan region. There will also be special emphasis on having LMB on tap at all interior British Columbia ski resorts.

Over the past 5 years, I have participated in the annual CAMRA Okanagan Brewer's competition at Square One and Tin Whistle Brewing in Penticton and I've placed in the top 2 among all entries.

In the newly created garage, construction will be completed in December 2020. Commitment to legitimacy by utilizing all necessary approvals for permits: Interior Health, BCLDB, BC Liquor Board, Canada Excise and Duty, GST and 3-year Temporary Use Permit (TUP) from the city of West Kelowna.

Community and Neighborhood Benefit:

- There are studies showing that having a manufacturing only craft brewery in the neighborhood (under 1KM distance) increases property value by 10%. For those neighbors over 1KM in distance, studies show that property values increased by 3%. Having a craft brewery in the neighborhood minimizes people's need to commute by vehicle to purchase quality craft beer.
- Spent grain products will not be messy, Last Mountain Brewing Company Ltd. (LMB) has verbal agreements with local farmers to dispose of the waste product and it to be used to feed chickens and other farm animals.

- Free spent grains are available for pickup (with appointment) to be used in home-made dog cookies
- Future sponsorship of a local sports team (TBD)

Minimal Impacts of the Proposal:

First of all, brew day will be 1 day per week from 4:30 PM to 9:30 PM:

- **Lighting from manufacturing:** On brew day, there will be minimal lighting required, all lights are LED and only cast up the driveway of the property and into the neighboring property Glen Canyon/Power's Creek pathway. Also, next door to the brewery is the West Kelowna water pump station.
- **Noise from manufacturing:** On brew day, there is some noise when using the propane burner required to boil water and finished wort (beer)
- **Smell from manufacturing:** On brew day, there will be a neighboring odor of grain and grassy hop aroma (think baked bread and cut grass).
- **Waste materials from manufacturing:** Liquids will be disposed into ground and evaporation. No chemicals that are harmful to humans are used in any part of the manufacturing process.
- **Customer product pickup:** Customers will be permitted to visit the brewery during set hours to only purchase product. No sampling is permitted at the brewery.

Development Permit Guidelines. Development will meet these guidelines by:

- **Notice of Application signage** to be placed on my property
- **Mail/hand delivery notice** to all residents within 100m of the subject property to advise of the application
- **Date that Council** will consider approval TBD



NATURE OF TEMPORARY USE PERMIT – LAST MOUNTAIN BREWING COMPANY



Community and Neighborhood Benefit:

- There are studies showing that having a manufacturing only craft brewery in the neighborhood (under 1KM distance) increases property value by 10%. For those neighbors over 1KM in distance, studies show that property values increased by 3%. Having a craft brewery in the neighborhood minimizes people's need to commute by vehicle to purchase quality craft beer.
- Spent grain products will not be messy, Last Mountain Brewing Company Ltd. (LMB) has verbal agreements with local farmers to dispose of the waste product and it to be used to feed chickens and other farm animals.
- Free spent grains are available for pickup (with appointment) to be used in home-made dog cookies
- Future sponsorship of a local sports team (TBD)

Minimal Impacts of the Proposal:

First of all, brew day will be 1 day per week from 4:30 PM to 9:30 PM:

- **Lighting from manufacturing:** On brew day, there will be minimal lighting required, all lights are LED and only cast up the driveway of the property and into the neighboring property Glen Canyon/Power's Creek pathway. Also, next door to the brewery is the West Kelowna water pump station.
- **Noise from manufacturing:** On brew day, there is some noise when using the propane burner required to boil water and finished wort (beer)
- **Smell from manufacturing:** On brew day, there will be a neighboring odor of grain and grassy hop aroma (think baked bread and cut grass).
- **Waste materials from manufacturing:** Liquids will be disposed into ground and evaporation. No chemicals that are harmful to humans are used in any part of the manufacturing process.
- **Customer product pickup:** Customers will be permitted to visit the brewery during business hours to only purchase product. No sampling is permitted at the brewery.
 - **Thursday 5:00 – 7:00 PM**
 - **Friday 5:00 – 7:00 PM**
 - **Saturday 4:00 – 6:00 PM**
- **Notice of Application signage** to be placed on my property
- **Area required for manufacturing:** All brewing activities will occur within the enclosed garage. All storage will also be contained within the enclosed garage
- **Date that Council** will consider approval TBD

Storage Needs:

- 20 cases of glass growlers (6 x 1.89L) to be stored in the attic storage at the brewery
- Up to 20 bags of grain stored on premises
- 80 cases of glass growlers (6 x 1.89L) stored at dry storage facility in Kelowna

**Production Volume:**

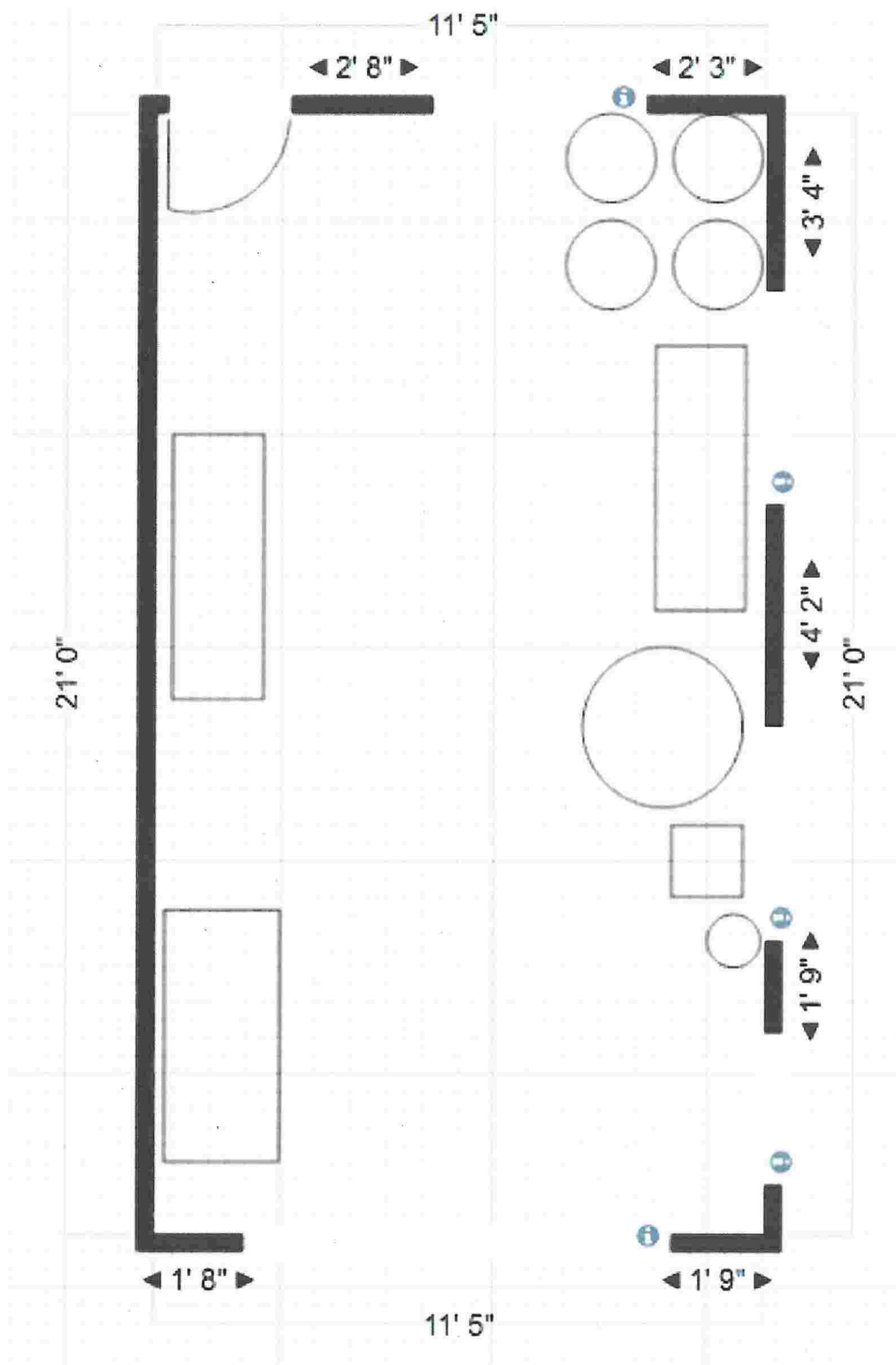
- Each weekly production volume is 117L (58.5 growlers)
- Expected growth in year 1 is to be 4 x 117L
- Method of sale is from the manufacturing facility (Last Mountain Brewing Company location) and at farmer's markets

Equipment:

- Hot side (production)
 - 2 x 115L kettles (Blichmann Engineering)
 - Propane burner (Blichmann Engineering)
 - Pump and plate chiller (Blichmann Engineering)
 - Brew Commander (Blichmann Engineering)
- Cold side (fermentation and serving)
 - 4 x 150L Unitank (Spike Brewing)
 - 1 x Glycol chiller












FLOOR PLAN – LAST MOUNTAIN BREWING COMPANY



GIS Notification Mail Map (TUP 20-04)

Legend

Landmarks

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

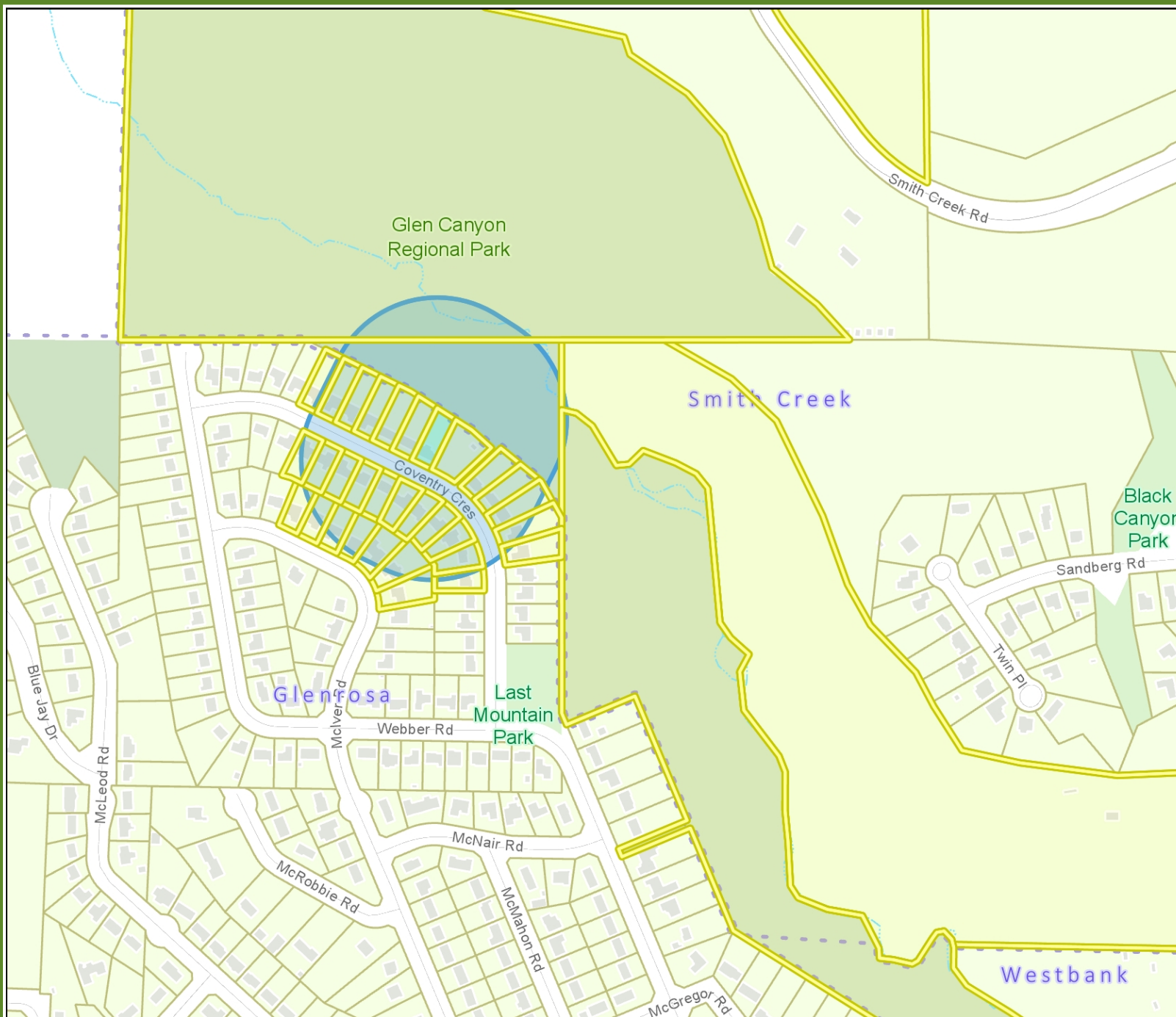
Basemap Parcel Type

- | | |
|---|--|
|  Ownership |  Lease |
|  Land Strata |  Park |
|  Building Strata |  Road Right-Of-Way |
|  Common Property |  Walkway |
|  Crown Land |  Common Access |



Scale 1 : 5,000

Notes



0 127 254 Meters

Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna

Map Produced on: 1/14/2021 11:01:07 AM



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.



CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 20-04

TO: Bardley Kotnic, Nicole Langlands-Kotnik
3145 Coventry Crescent
West Kelowna, BC, V4T 1E8

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

Lot 1 District Lot 3904 ODYD Plan 39174
(3145 Coventry Crescent)

3. This Temporary use Permit (TUP 20-04) allows for a home based brewery for a period of three (3) years, subject to the following conditions:
 - a. All activities associated with the temporary use must occurring within the enclosed garage, as per 'Schedule A';
 - b. No on-site sampling of the product produced on the premises is permitted;
 - c. Brewing is limited to one (1) day per week;
 - d. Customer pick-up limited to a maximum three (3) client visits at a time, Thursday 5:00 – 7:00 pm, Friday 5:00-7:00 pm, and Saturday 4:00 – 6:00 pm;
 - e. No exterior storage permitted in conjunction with the temporary use;
 - f. The temporary use must operate in accordance with regulations outlined in S.3.14 of Zoning Bylaw No. 0154 for "home based business major";
 - g. The permit shall be valid for a period of up to three (3) years from the date of approval by Council.
5. The land described herein shall be used strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
6. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. C XXX/XX PASSED BY THE MUNICIPAL COUNCIL ON
DATE _____, 2021.

EXPIRY DATE: _____

ISSUED ON: _____

Signed on _____

City Clerk

Attachments:

Schedule A – Site Plan



COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Hailey Rilkoff, Planner II

File No: DP 20-29 &
FEX 20-01

Subject: **DP 20-29 & FEX 20-01, Aquatic Development Permit & Floodplain
Exemption Application, 1905 Jennens Road**

RECOMMENDATION

THAT Council authorize the issuance of an Aquatic Development Permit (DP 20-29) for Lot C, DL 434, ODYD, Plan EPP5742 (1905 Jennens Road) for a proposed single detached dwelling and restoration works within the identified Streamside Protection and Enhancement Area subject to the following conditions:

- A Site Alteration Permit from Archaeology BC be approved prior to recommencement of any work on the property, including proposed restoration works; and

THAT issuance of DP 20-29 be withheld pending the receipt of a landscape security for the proposed restoration plan attached to DP 20-29 within Schedule C in the amount of \$12,033; and

THAT Council approve the Floodplain Exemption (FEX 20-01) to S. 3.24 of Zoning Bylaw No. 0154 for Lot C, DL 434, ODYD, Plan EPP5742 (1905 Jennens Road) for the construction of a single detached dwelling subject to the following conditions:

- A minimum of 12.3 m setback is provided from the top of bank of McDougall Creek to the foundation of the proposed dwelling; and
- The underside of the floor system shall meet or exceed 344.2 m; and further

THAT issuance of FEX 20-01 be withheld pending the registration to title of an indemnity covenant.

STRATEGIC AREA(S) OF FOCUS

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

The applicant has applied for an Aquatic Development Permit and Floodplain Exemption to permit the construction of a new single detached dwelling on the subject property. Development is proposed within the 30m Riparian Assessment Area of Okanagan Lake and McDougall Creek, which includes both the construction of the new home as well as riparian restoration due to historical unauthorized site disturbances. A Floodplain Exemption is required to reduce the required horizontal setback from McDougall Creek for the home, which will meet the Flood Construction Level required by the City's Floodplain Regulations and the submitted Flood Hazard Assessment.

ADJACENT ZONING & LAND USES		
North	^	R1 – Single Detached Residential
East	>	R1 – Single Detached Residential
West	<	R1 – Single Detached Residential
South	v	W1 - Recreational Water Use (Okanagan Lake)

PROPERTY MAP



DISCUSSION

Subject Property

The subject property is just under 1 acre and was historically developed with a single detached dwelling. The property is adjacent to Okanagan Lake and McDougall Creek runs adjacent to and partially through the property. The mouth of McDougall Creek at Okanagan Lake is at the south-west corner of the property. A majority of this property is within the Riparian Assessment Area and the City's Aquatic Development Permit Area due to the adjacent creek and lake.

History

The owner, through agents, has been discussing redevelopment proposals for the property with City staff since 2012. The subject property has had significant disturbance within the streamside protection and enhancement areas (SPEA's) of both Okanagan Lake and McDougall Creek without the required municipal or provincial approvals.

Historical Disturbances

It was noted by City staff in 2012 that tree/vegetation removal around the mouth of McDougall Creek had taken place sometime in 2011. No enforcement action was taken at that time.

In 2017, a complaint was submitted in relation to an excavator working adjacent to McDougall Creek on the subject property. A Natural Resource Violation (NRV) was issued by the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD) for significant works in stream of McDougall Creek and infill of the foreshore of Okanagan Lake without authorization under the *Water Sustainability Act*. It is understood by staff that a ticket was not issued by the Province in regard to the violation.

The City's Bylaw Enforcement Department was also involved in 2017 due to the works completed without an Aquatic Development Permit (DP). The owner was directed to work with City staff in order to obtain a Development Permit for the works completed without a permit and future desired landscaping works.



Figure 1 - Works along McDougall Creek in 2017

DP 18-19 & FEX 18-02

In 2018, an application was submitted for an Aquatic DP and Floodplain Exemption for removal of the existing single family dwelling/garage and construction of a new single family dwelling, garage, pool & cabana within 15m of McDougall Creek.

As part of the application for DP 18-19 in 2018, an Environmental Impact Assessment (EIA) was submitted which recommended a restoration area of 1,155 m² to enhance areas within the SPEA's of Okanagan Lake and McDougall Creek that were subject to the historic disturbances.

The application progressed through the technical review process and was being prepared for consideration of Council, but was ultimately withdrawn by the applicant.

2020 Demolition and Building Permits

A Demolition Permit was issued in March 2020 (BP2019-0271) for the existing dwelling. No environmental monitoring or riparian area protection measures were required as a condition of the Demolition Permit.

A Building Permit was issued in April of 2020 for a renovation of the existing dwelling. Subsequently, no environmental monitoring or riparian area protection measures were required as a condition of the Building Permit. In August of 2020, construction on the property was halted as the scope of work for the renovation had changed from the approved building permit. In addition, it was determined an Aquatic Development Permit was required.

Proposal

The current application proposes to construct a new house on the existing foundation (*Attachment 3*). An Aquatic DP is required for works within 30m of McDougall Creek. A Floodplain Exemption is required as the existing foundation does not meet the 15.0 m horizontal floodplain setback requirement from McDougall Creek.

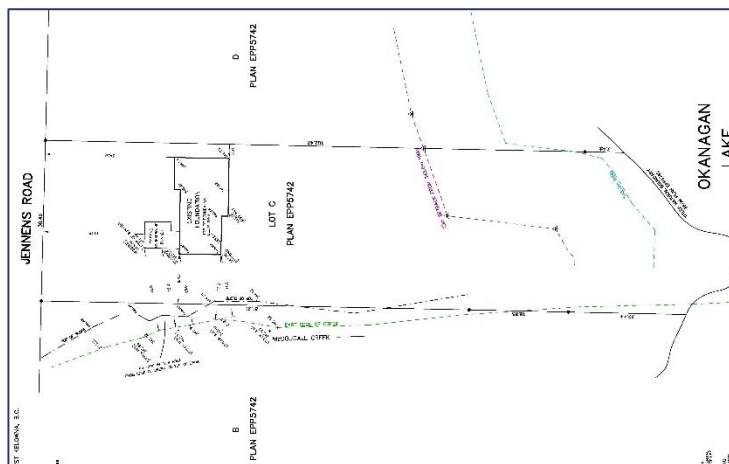


Figure 2 - Proposed Site Plan

Policy & Bylaw Review

Provincial Flood Hazard Area Land Use Management Guidelines

The Province allows local governments the authority to grant flood hazard area land development exemptions if the exemptions are consistent with the provincial guidelines. Under the guidelines, setback requirements should not be reduced unless a serious hardship exists and no other reasonable option are available. The proposed redevelopment will not increase the non-conforming floodplain setback, as the new house is proposed to be redeveloped on the existing footprint/foundation of the historic single detached dwelling.

Riparian Areas Protection Regulation

The proposal is subject to the Provincial Riparian Areas Protection Regulation (RAPR). Under RAPR a proposed development meets the riparian protection standard if no development occurs within the Streamside Protection and Enhancement Area (SPEA) and appropriate measures to protect the SPEA are applied. The Environmental Impact Assessment (EIA) submitted has identified the SPEA for the subject property to be 15.0 m from the High Water Mark of Okanagan Lake and 10.3 m from McDougall Creek.

Site disturbance is proposed within 30m of McDougall Creek, but is not proposed within the SPEA. The existing access road within the McDougall Creek SPEA is identified in the EIA as an area of human disturbance which can be grandfathered and continued to be used. Restoration is proposed within the McDougall Creek SPEA to address unauthorized vegetation removal in the past.

Official Community Plan Bylaw No. 0100

The Subject Property is within the City's Aquatic and Terrestrial Development Permit Areas (DPA's). The DPA Guidelines encourage intact ecosystems to be maintained where possible and a leavestrip for the protection and restoration of the riparian ecosystem to remain undisturbed near watercourses. The guidelines aim to protect native vegetation by requiring a re-vegetation plan prepared by a Qualified Environmental Professional (QEP) where a site has previously been cleared. The guidelines call for plans for restoration where the riparian area has been damaged by previous development and removal of invasive weeds.

Zoning Bylaw No. 0154

Section 3.24 of the Zoning Bylaw speaks to development located within floodplain areas. The underside of a floor system or top of any pad supporting any space or room that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be located a minimum of 343.66 metres above Geodetic Survey of Canada (GSC) for a parcel abutting Okanagan Lake and 1.5m above the natural boundary of any stream.

The regulations also require setbacks of 15.0 m from the natural boundary of Okanagan Lake or a stream for any landfill required to elevate a floor system to the required elevations. The existing foundation is located at a distance of 12.3 m from McDougall Creek.

Table 1 - Zoning Bylaw No. 0154 Floodplain Regulations

Floodplain Regulations	S 3.24 Requirements	Proposed
Underside of any floor system	343.66 m elevation &	<i>344.3 m proposed (344.2 m proposed FCL)</i>
	1.5 m above natural boundary of stream	
Landfill placed to elevate a floor system	15.0 m from natural boundary of Okanagan Lake	<i>~40 m from natural boundary of Okanagan Lake</i>
	15.0 m from natural boundary of a stream	<i>12.3 m from natural boundary of McDougall Creek</i>

This proposal requires a Floodplain Exemption in order to reduce the required 15 m setback from McDougall Creek to 12.3 m for the elevated floor system of the dwelling, as recommended in the Flood Hazard Assessment prepared by the professional engineer (See Technical Review and *Attachment 5*).

Technical Review

Environmental Impact Assessment

An Environmental Impact Assessment (EIA) was prepared by Karen Grainger RPBio (*Attachment 4*). The EIA indicates that site disturbance and vegetation removal activities have taken place within the 30m Riparian Assessment Area since 2019, however they have not encroached within the identified Streamside Protection and Enhancement Area's (SPEA's).

The EIA assessed the impacts of the development works done without an Aquatic DP. It was noted there were no measures to protect the riparian area from potential erosion and sediment transport and that tree/vegetation removal within the RAA (but outside the SPEA) may have disrupted migratory nesting birds as there was no nesting activity assessment completed by a qualified environmental professional (QEP).

An area of ~600 m² along McDougall Creek (Figure 3) is proposed to be restored with native plantings at a spacing of 1 plant/m (~ 600 plants) and a cost estimate has been provided for the restoration. A Security in the amount of \$12,033.01 (125% of the cost estimate provided) will be required to be provided prior to issuance of a Development Permit.

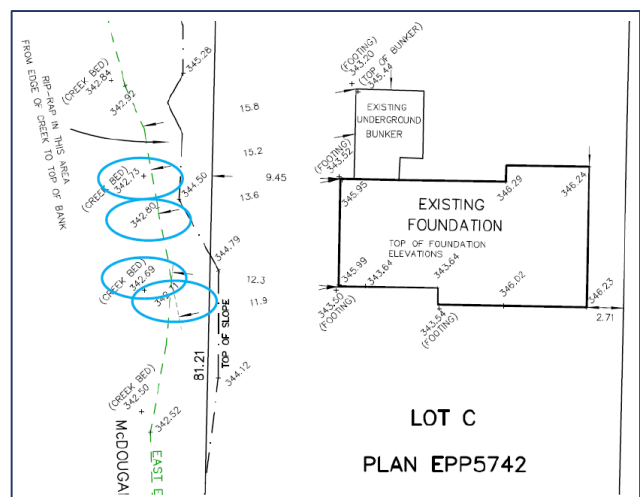


Figure 3 - Proposed Restoration Area

Flood Hazard Assessment

A Flood Hazard Assessment was prepared by Dobson Engineering Ltd., dated October 19, 2020 (*Attachment 5*). The assessment identifies two flood hazards on the property: McDougall Creek and Okanagan Lake. The assessment considers the flood risk to the proposed dwelling to be low from McDougall Creek, as the top of bank of the stream ranges between 2.1 m to 2.4 m above the natural boundary of the stream, and the left bank has been armoured with riprap and has established vegetation. The assessment considers the flood risk to the proposed dwelling to be low from Okanagan Lake, as the dwelling is setback approximately 40 m from the natural boundary.

The assessment recommends a Flood Construction Level (FCL) of 344.2 m to address the flood risks. The assessment recommends a reduced setback from the natural boundary of the creek from 15.0 m required to 12.3 m, which is the setback to the existing foundation. Access is also confirmed to be maintained by the proposal in order for equipment to safely access the creek channel during a flood event. No flood mitigation works are proposed. The elevation of the lower floor is proposed to be raised from the existing elevations shown in Figure 4 to exceed the recommended 344.2 m FCL.



conditions that would enable the land to be safely used for the use intended and granting indemnity to the City. This covenant will reference the Flood Hazard Assessment prepared by Dobson Engineering Ltd. and will essentially transfer liabilities from potential flood damage to the property owner.

Archaeological Review

A review from a Registered Professional Archaeologist was submitted at the request of staff after referral responses from the Province indicated that the property has an identified archaeological site within it. The proposed riparian restoration overlapped with the identified archaeological site area. To ensure that the proposed restoration can be completed within the site area, the applicant provided a report from a Registered Professional Archaeologist outlining the permitting requirements under the *Heritage Conservation Act* and recommendations including visual monitoring. This desktop review was prepared by Similkameen Consulting and dated January 25, 2021.

Having all required permits or approvals from the Archaeology Branch prior to recommencing work on the property (construction and restoration works) is a recommended condition of the Development Permit.

Building Permit Amendment

A Building Permit Amendment application is in stream to address the changes to the issued Building Permit for the development. The scope of the permit is proposed to change from a renovation to new construction and the new home will include a secondary suite. It was identified that the existing Root Cellar shown on the development drawings does not meet the recommended FCL from the Flood Hazard Assessment, which will be addressed through the Building Permit review process. Issuance of a Building Permit Amendment would be contingent upon approval and issuance of an Aquatic DP and Floodplain Exemption.

Local Government Act

The *Local Government Act* empowers local governments to exempt development from the requirements of a floodplain setback or flood construction elevation in relation to a specific parcel of land or a use, building or other structure on the parcel of land, if the local government considers it advisable. Decisions on floodplain exemptions should include consideration on the following:

- That the exemption is consistent with Provincial Flood Hazard Area Land Use Management Guidelines (Section 524(7)(a) of the *Local Government Act*); or
- The local government has received a report from a certified professional (in geotechnical engineering) that the land may be used safely for the use intended (Section 524(7)(b) of the *Local Government Act*).

Under this authority, local governments may also impose conditions considered necessary or advisable.

Provincial Flood Hazard Area Land Use Management Guidelines

The Province allows local governments the authority to grant flood hazard area land development exemptions if the exemptions are consistent with the provincial guidelines. The Guidelines are based on the policies and procedures established over the life of the provincial flood hazard management program and must be considered by local governments in making bylaws under Section 524 of the *Local Government Act* and address the following:

- Permit the local government to require engineering reports assessing flood hazards and require restrictive covenants;
- Provide guidance on whom is deemed to be a qualified professional (must have geotechnical expertise) to report on flooding hazards;
- Provide the scope of work required for flood hazard assessment reporting; and
- Stipulate acceptable parameters for conditions of hardship, which may warrant that a local government agrees to site-specific modifications to floodplain regulations. The hardship must be of a serious nature and cannot include economic circumstances or design and siting preferences.

DISCUSSION

The application is proposing restoration works to address the historical disturbance and vegetation removal on the site. The Environmental Impact Assessment (EIA) proposes 600 m² of restoration works within the Streamside Protection and Enhancement Area (SPEA) to compensate for previous development impacts.

The Aquatic DP will outline environmental protection measures for the aquatic ecosystem once construction recommences on the property and environmental monitoring will be in place. The Aquatic DP will also require approvals from the Archaeology Branch for site alteration prior to any of the proposed works to commence. The Site Alteration Permit will ensure that any required archaeological monitoring will be in place.

The Flood Hazard Assessment recommends a Flood Construction Level (FCL) 0.54m higher than what is currently regulated by the City's Zoning Bylaw, and the reduced floodplain setback is no less than where the existing foundation sits on the property (12.3 m). A covenant will be registered on the property's title indemnifying the City in the event the proposed dwelling is damaged due to a flood event.

CONCLUSION

It is recommended that Council approve the Development Permit and Floodplain Exemption to allow the construction of a new single detached dwelling. Staff have worked with the applicant to achieve a restoration plan to address the historic disturbances along McDougall Creek. The applicant has provided professional reports from a Registered Professional Biologist, Archaeologist and Professional Engineer to support their proposal and provide recommendations for the proposed works. Both Environmental and Visual Monitoring will be required during the duration of construction and restoration activities,

as well as additional permits are required from the Archaeology Branch prior to commencing the proposed restoration. A covenant will be registered to the title of the subject property indemnifying the City in the event the new home is damaged due to a flood event.

Alternate Motion:

THAT Council deny the issuance of an Aquatic Development Permit (DP 20-29) for Lot C, DL 434, ODYD, Plan EPP5742 (1905 Jennens Road); and

THAT Council deny the Floodplain Exemption (FEX 20-01) to S. 3.24 of Zoning Bylaw No. 0154 for Lot C, DL 434, ODYD, Plan EPP5742 (1905 Jennens Road).

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft DP 20-29 & FEX 20-01
2. Site Plan
3. Development Drawings
4. Environmental Impact Assessment & Restoration Cost Estimate
5. Floodplain Hazard Assessment



CITY OF WEST KELOWNA
DEVELOPMENT PERMIT WITH FLOODPLAIN EXEMPTION
DP 20-18 & FEX 20-01

TO: LapCorp Holdings Ltd.
Inc.No. BC0289606
3791 West 37th Avenue
Vancouver BC, V6N 2W1

c/o Barnett Construction Ltd.
2885 Arawana Road
Naramata BC, V0H 1N1

CITY OF WEST KELOWNA PLANNING DEPARTMENT	
ATTACHMENT: <u>1</u>	
FILE NO.: <u>DP 20-29 & FEX 20-01</u>	

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

**Lot C District Lot 434 Osoyoos (formerly Kamloops) Division Yale District Plan
EPP5742 (1905 Jennens Road)**

3. **This permit allows for the demolition of existing structures and construction of a new single detached dwelling in an Aquatic Ecosystem and Terrestrial Development Permit Area subject to the following conditions and related schedules:**
 - a) The siting of the building to be constructed on the subject property be in accordance with the existing foundation siting shown on the Site Plan prepared by Mandeville Land Surveying Inc., dated September 2020, attached as Schedule 'A'.
 - b) The dimensions and siting of buildings to be constructed on the subject property be in accordance with the Development Permit Drawings, prepared by Helliwell + Smith Blue Sky Architecture Inc., dated October 16, 2020, attached as Schedule 'B'.
 - c) All construction, landscaping and restoration works and activities shall be in conformance with the recommendations of the Riparian Assessment and Impact Assessment, prepared by Karen Grainger RPBio and Estimate prepared by Sagebrush Nursery, dated December 1, 2020 attached as Schedule 'C'.
 - d) Siting of the single detached dwelling shall be in conformance with the Flood Hazard Assessment prepared by Dobson Engineering Ltd., dated October 19, 2020, attached as Schedule 'D'.
 - e) All site alteration works are shall be in conformance with the recommendations of the Desktop Review, prepared by Similkameen Consulting, dated January 25, 2021, attached as Schedule 'E'.
4. **This Permit includes a Floodplain Exemption. Specifically this permit exempts the following:**

- a) Floodplain Regulations contained in Section 3.24 of Zoning Bylaw No. 0154.

Requirements in Relation to Environmental Monitoring

5. An Environmental Monitor shall be retained to document compliance with the recommendations, mitigation measures, and operational best practices for the duration of the construction activities.
6. Regular monitoring reports must be completed by an Environmental Monitor and submitted to the City of West Kelowna and any other applicable regulatory agencies, consistent with the recommendations in Schedule 'C'. Upon substantial completion of the construction works, a final report must also be submitted to the City of West Kelowna.

Protection & Maintenance of the Riparian Area

7. Prior to commencing the works, a silt fence will be placed along the lakeside edge of the construction zone, between the construction and Okanagan Lake and McDougall Creek.
8. Once demolition works are completed, the Streamside Protection and Enhancement Area (SPEA) boundary, as identified in Schedule 'C', must be clearly marked (i.e. with silt fencing) on the subject property to accurately delineate setbacks.
9. Encroachment into the SPEA with construction and associated materials, machinery or soils during construction shall not occur.
10. Stockpiling of fill material shall not occur within the SPEA, unless it is considered advisable by the Environmental Monitor and is carried out under their direction.
11. Excess soil material must be removed from the property and disposed of appropriately.
12. All equipment must be in good operating condition, clean, and free of leaks. No equipment refuelling can take place within 30 metres of Okanagan Lake or McDougall Creek.
13. All materials and equipment associated with concrete works used during construction must be washed offsite away from any watercourse. Sediments, debris, concrete, concrete fines, and wash water must not come into contact with Okanagan Lake, McDougall Creek, or any other watercourse.

Restoration Works within the SPEA

14. All landscape works, including siting, plant quantities, sizes, and type, shall be in general accordance with Schedule 'C'. Changes to the plant list may be permitted under the approval of an Environmental Monitor, provided that the changes are consistent with the Aquatic Development Permit Area guidelines within the City's Official Community Plan Bylaw No. 0100.
15. Any future landscaping works in the SPEA beyond those specified in Schedule 'C' of this permit must not occur without authorization from the City of West Kelowna by approval of a Development Permit or Development Permit Amendment application.

Revegetation outside the SPEA

16. Vegetation removal (i.e. shrubs, trees) outside of the SPEA will be subject to timing restrictions to reduce risk of disturbing breeding/nesting migratory birds. The work window for shrub and tree removal is September 1 to March 31.
17. All vegetation added outside of the SPEA will be native species or considered non-invasive.

Requirements in Relation to Floodplain

18. The underside of any floor system shall meet or exceed a Flood Construction Level of 344.2 m;
19. The floodplain setback from the top of the bank of McDougall Creek can be relaxed to no less than 12.3 m; and
20. The applicant will enter into an indemnity covenant in order to permit construction of a single detached dwelling on the property.

Requirements in Relation to Archaeological Approvals and Monitoring

21. Prior to any land alteration works, a Site Inspection Permit and Site Alteration Permit, pursuant to Sections 12.2 and 12.4, respectively, of the *Heritage Conservation Act*, must be approved and issued.
22. A Visual Monitor shall be retained for the duration of all construction and restoration activities.
23. Regular monitoring reports must be completed by a Visual Monitor and submitted to applicable regulatory agencies, consistent with the recommendations in Schedule "E" and a final report must also be submitted to the City of West Kelowna.

Security

24. As a condition of the issuance of this permit, the City of West Kelowna is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of the Permit within the time provided, the City of West Kelowna may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this permit within the time set out below, the security shall be returned to the Permittee. There is filed accordingly:
 - a) **An Irrevocable Letter of Credit or Bank Draft in the amount of \$12,033.01**

General Terms

25. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof. Should any changes be required to this permit, please ensure that you obtain written approval from City of West Kelowna prior to making any changes.
26. If this Development Permit has not been issued within one year from approval, Development Permit DP 20-29 & FEX 20-01 shall be deemed to have been refused and the file will be closed.
27. **This Permit is not a Building Permit.**
28. Subject to the terms of the permit, where the holder of a permit issued under the *Local Government Act* does not substantially commence any construction with respect to which the

permit was issued within two years after the date it is issued, the permit lapses.

AUTHORIZING RESOLUTION NO. C _____ PASSED BY THE MUNICIPAL COUNCIL
ON _____, _____.

Signed on _____, _____

City Clerk

I hereby confirm that I have read and concur with the conditions of DP 20-29 & FEX 20-01 and will ensure that copies of DP 20-29 & FEX 20-01 will be provided to onsite personnel at time of construction.

Signed on _____, _____

Property Owner or Agent

ISSUED ON _____, _____

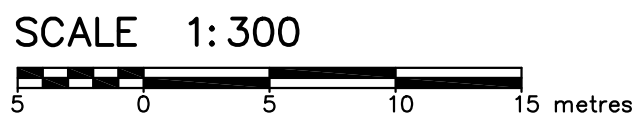
Attached Schedules:

- A: Site Plan prepared by Mandeville Land Surveying Inc., dated September 2020
- B: Development Permit Drawings, prepared by Helliwell + Smith Blue Sky Architecture Inc., dated October 16, 2020
- C: Riparian Assessment and Impact Assessment, prepared by Karen Grainger RPBio and Estimate prepared by Sagebrush Nursery, dated December 1, 2020
- D: Desktop Review, prepared by Similkameen Consulting, dated January 25, 2021

H:\DEVELOPMENT SERVICES\PLANNING\3060 Development Permits\3060-20 Permits\2020\DP 20-29 1905 Jennens Rd\Permit_Security\DRAFT DP 20-29.docx

SITE PLAN SHOWING CERTAIN FEATURES ON LOT C, DL 434, ODYD, PLAN EPP5742

CIVIC ADDRESS:1905 JENNENS ROAD, WEST KELOWNA, B.C.
PID: 028-144-511



JENNENS ROAD

CITY OF WEST KELOWNA
PLANNING DEPARTMENT



ATTACHMENT: 2

FILE NO.: DP 20-29 & FEX 20-01

B
PLAN EPP5742

D
PLAN EPP5742

LOT C
PLAN EPP5742



LEGEND

- STANDARD IRON POST FOUND
- * 345.99 SPOT ELEVATION
- ▲ STAKE PLACED

NOTE: SUBJECT TO THE NON-FINANCIAL CHARGES AND INTERESTS WHICH MAY AFFECT THE PROPERTY SEE CERTIFICATE OF TITLE AND RELATED CHARGE DOCUMENTS FOR CONFIRMATION

THIS PLAN IS BASED ON LAND TITLE AND SURVEY AUTHORITY RECORDS AND A FIELD SURVEY. UNREGISTERED INTERESTS HAVE NOT BEEN CONSIDERED.

LAND SURVEYING COMPANY AND SURVEYOR ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE

THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN MANDEVILLE LAND SURVEYING AND OUR CLIENT. IT IS NOT TO BE USED FOR THE LOCATION OF PROPERTY LINES. WE ACCEPT NO RESPONSIBILITY FOR ANY UNAUTHORIZED USE.

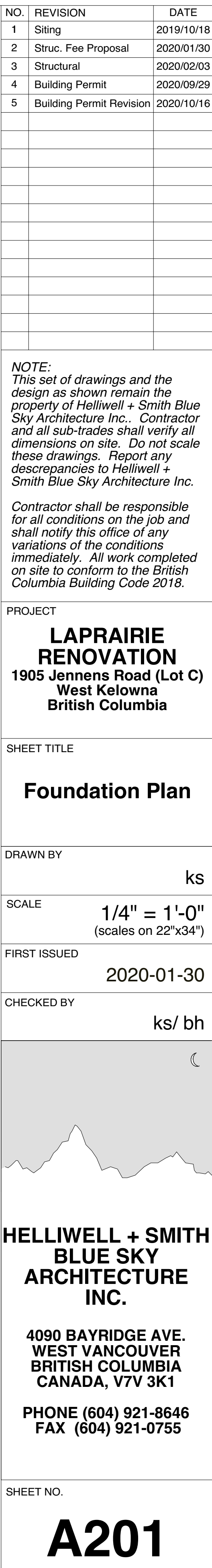
FIELD SURVEY COMPLETED THIS 01st DAY OF SEPTEMBER, 2020.

ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM GNSS OBSERVATION AND PRECISE POINT POSITIONING (PPP)

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

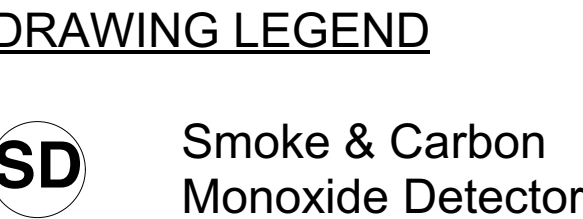


MANDEVILLE LAND SURVEYING INC.
PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
582 MARTIN STREET, PENTICTON, B.C.
PH: 250-488-6377 WEB: MSURVEYING.COM
FILE: 20-147 DWG: 20-147

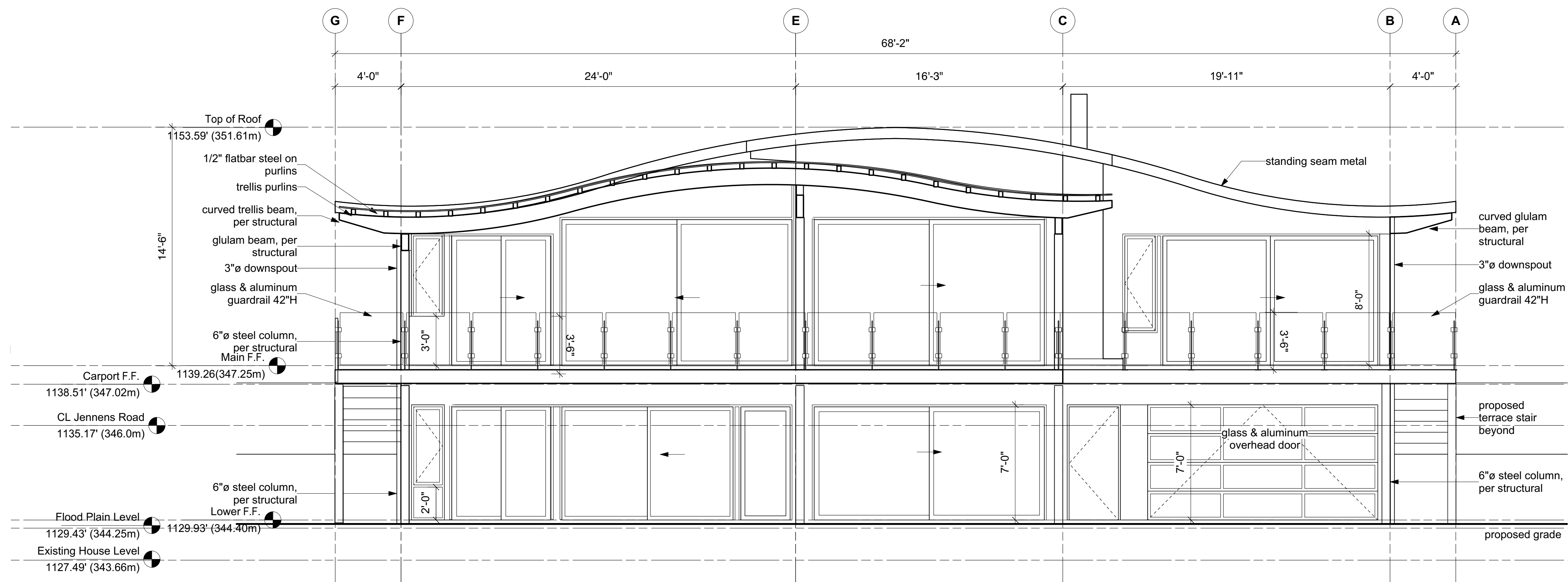
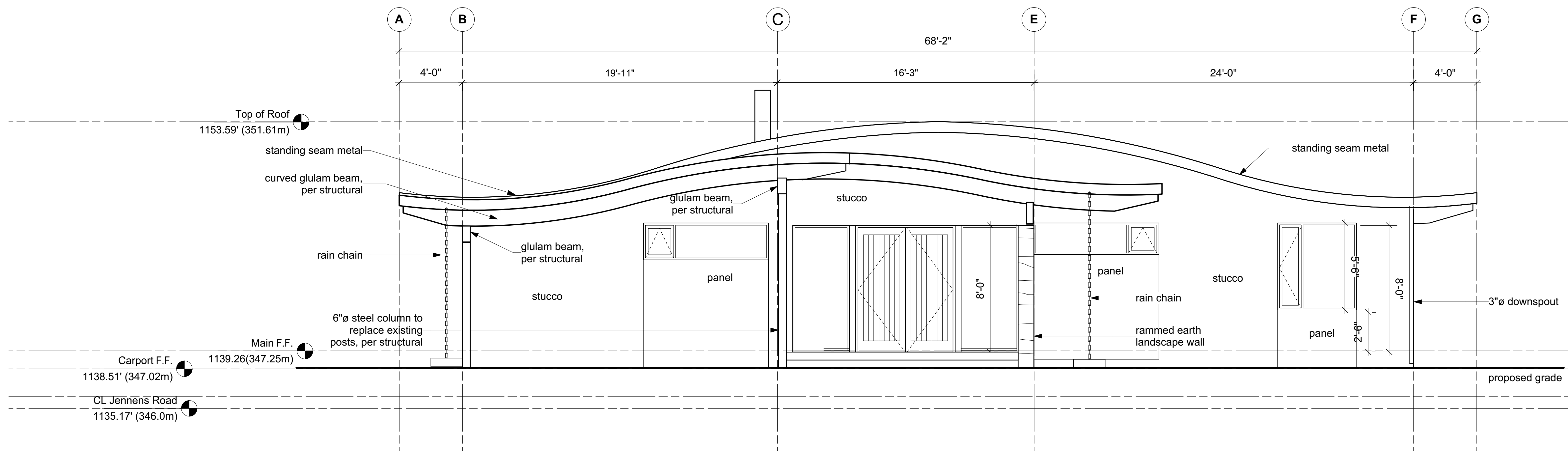




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PROJECT

**LAPRAIRIE
RENOVATION**
1905 Jennens Road (Lot C)
West Kelowna
British Columbia

SHEET TITLE

Elevations

DRAWN BY

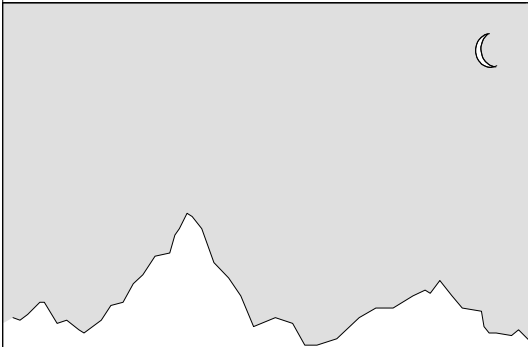
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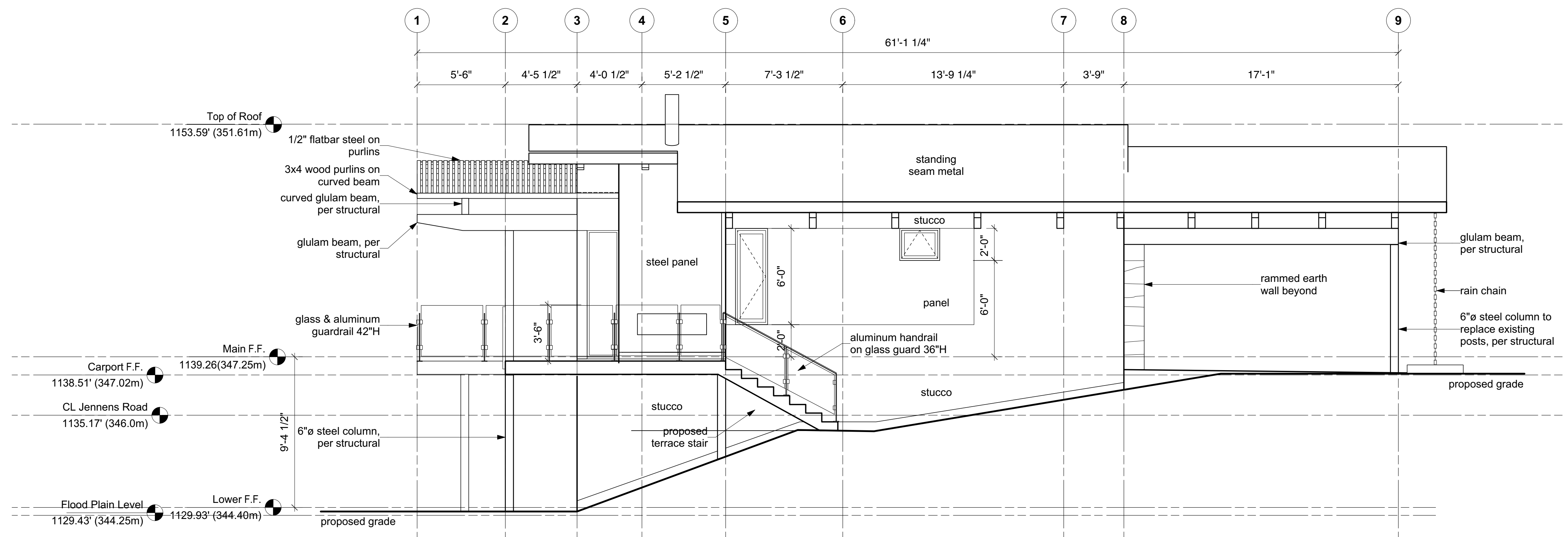
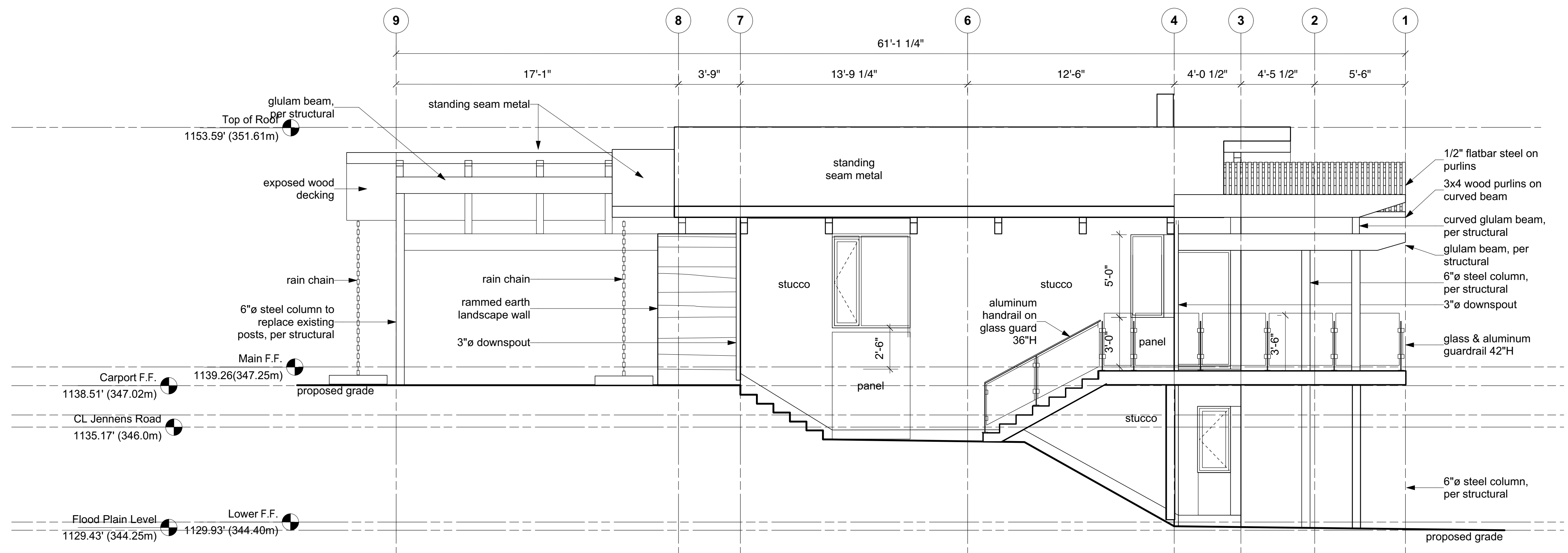
**HELLIWELL + SMITH
BLUE SKY
ARCHITECTURE
INC.**

4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A301

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PROJECT

**LAPRAIRIE
RENOVATION**

**1905 Jennens Road (Lot C)
West Kelowna
British Columbia**

SHEET TITLE

Elevations

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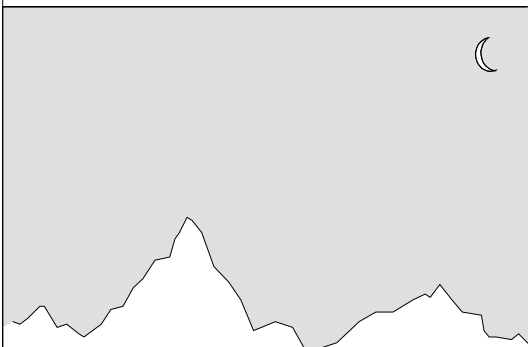
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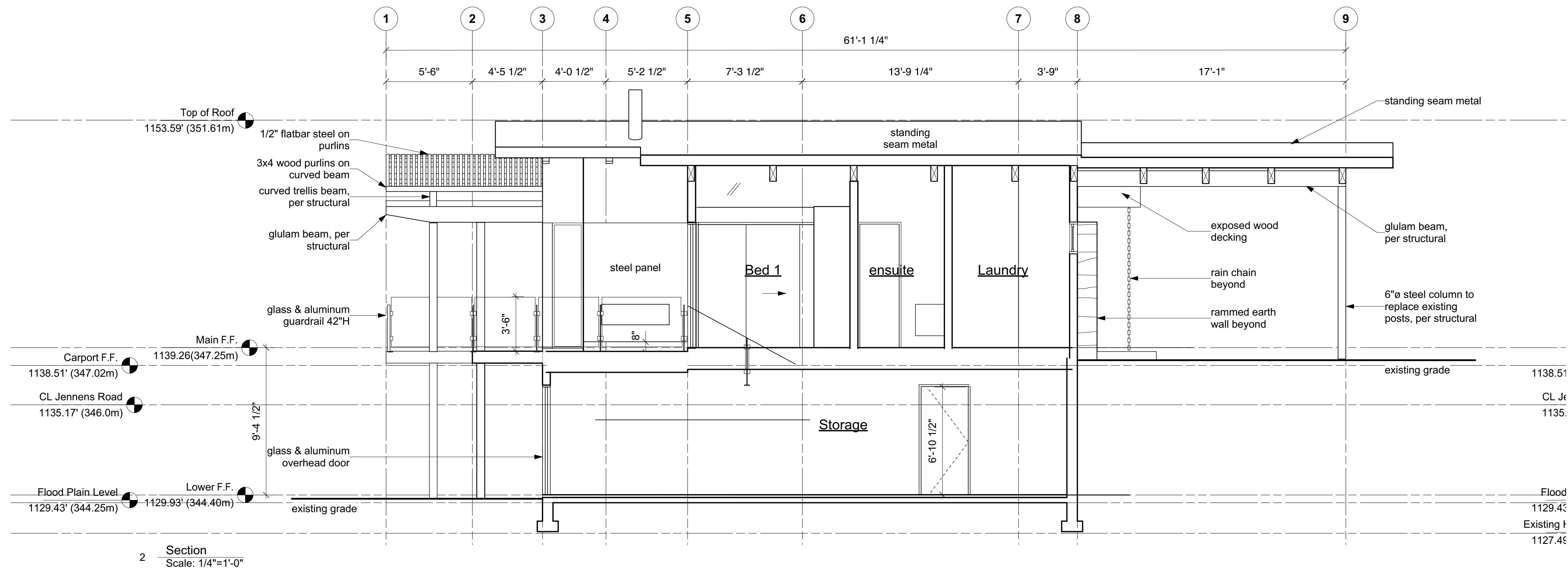
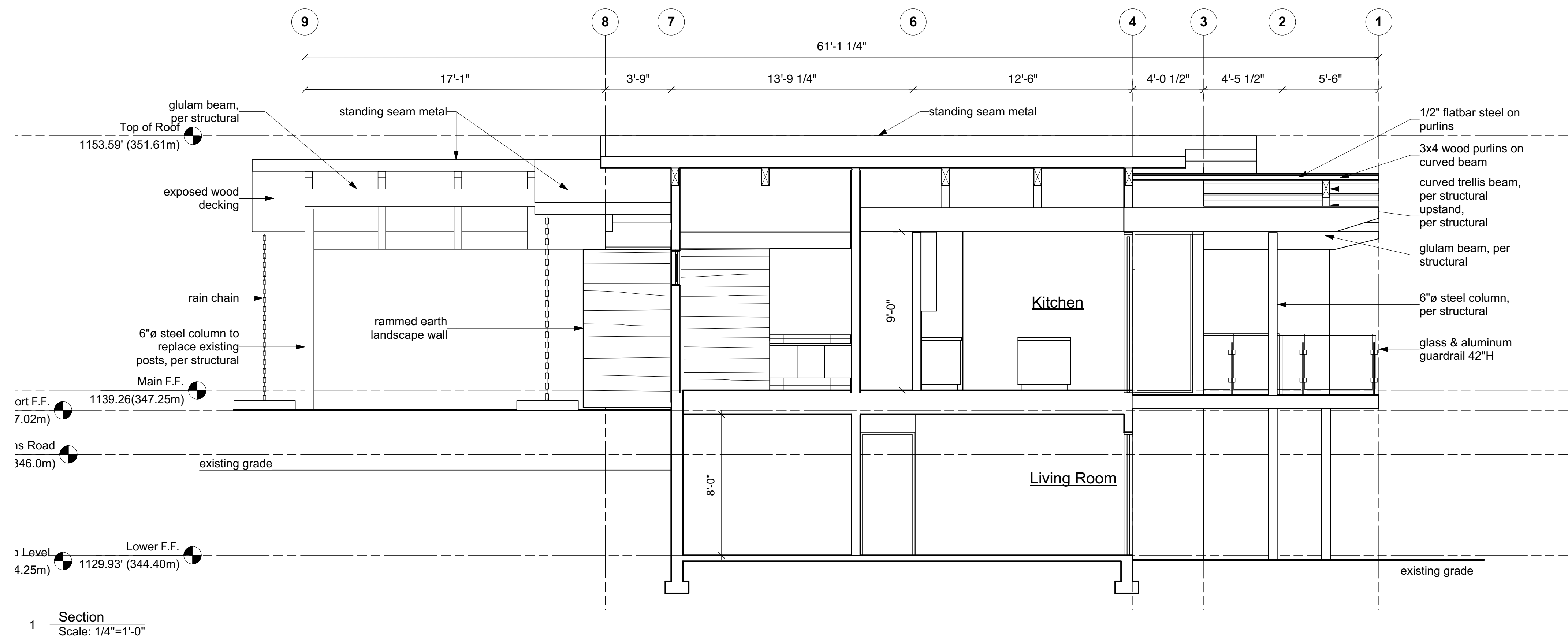
**HELLIWELL + SMITH
BLUE SKY
ARCHITECTURE
INC.**

**4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1**

PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A302

[illegible]

NOTE:
This set of drawings and the design as shown remain the property of Helliwell + Smith Blue Sky Architecture Inc.. Contractor and all sub-trades shall verify all dimensions on site. Do not scale these drawings. Report any discrepancies to Helliwell + Smith Blue Sky Architecture Inc.

Contractor shall be responsible for all conditions on the job and shall notify this office of any variations of the conditions immediately. All work completed on site to conform to the British Columbia Building Code 2018.

PROJECT

**LAPRAIRIE
RENOVATION**

**1905 Jennens Road (Lot C)
West Kelowna
British Columbia**

SHEET TITLE

Sections

DRAWN BY

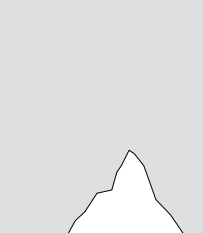
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SCALE $1/4" = 1'-0"$
(scales on 22"x34")

FIRST ISSUED	2020-02-03
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CHECKED BY

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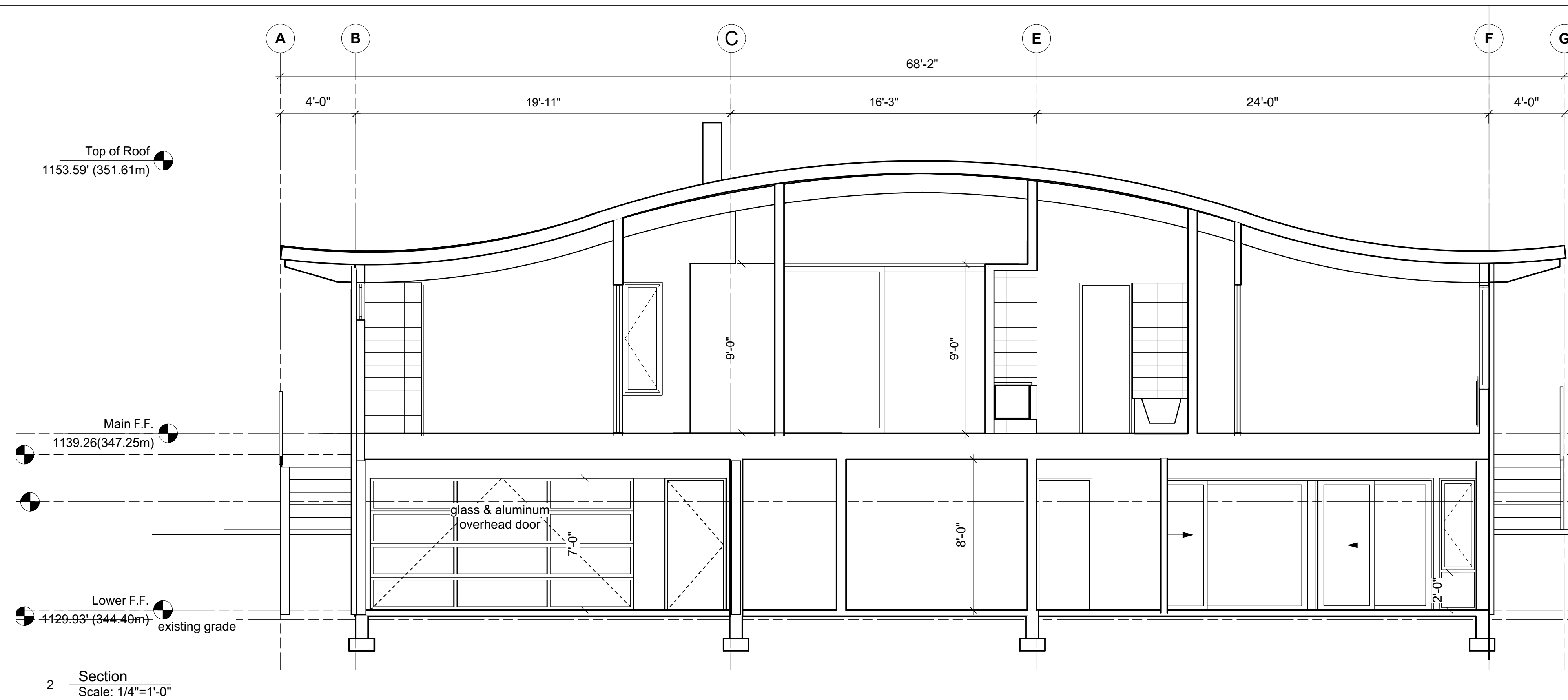
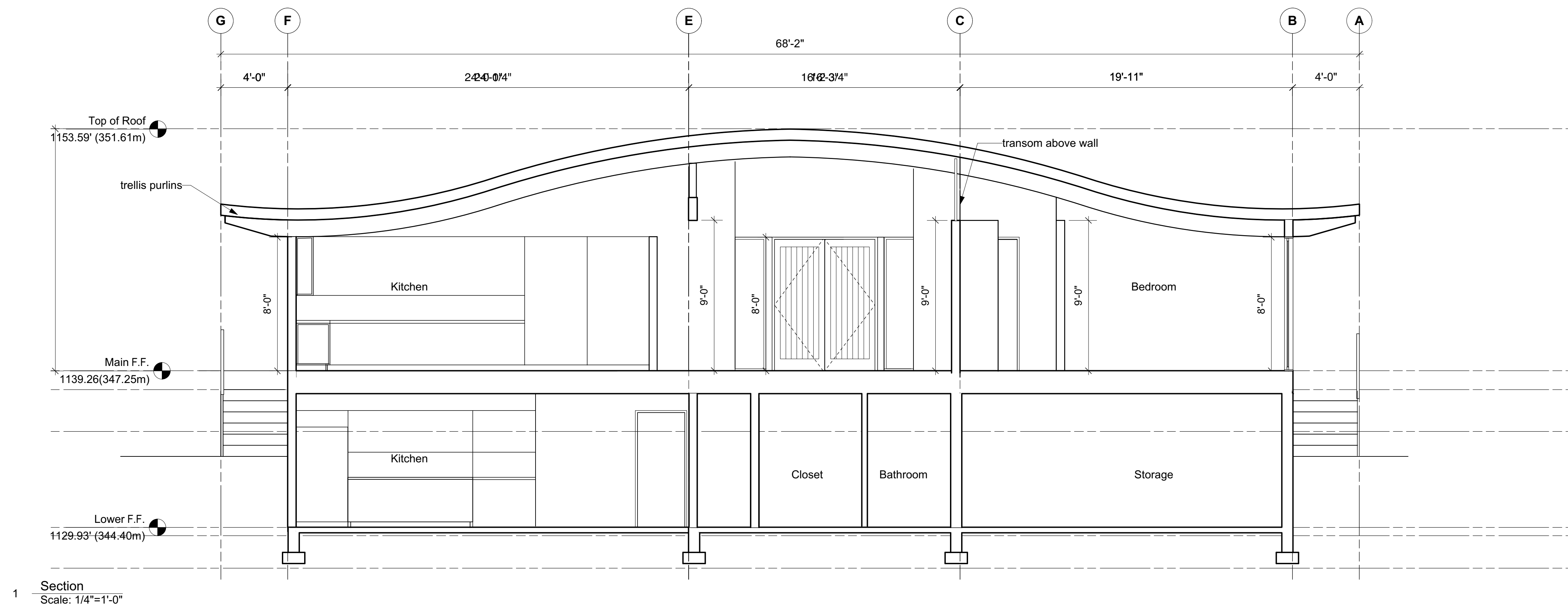
**HELLIWELL + SMITH
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INC.**

**4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1**

PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A401

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PROJECT

LAPRAIRIE RENOVATION

1905 Jennens Road (Lot C)
West Kelowna
British Columbia

SHEET TITLE
Sections

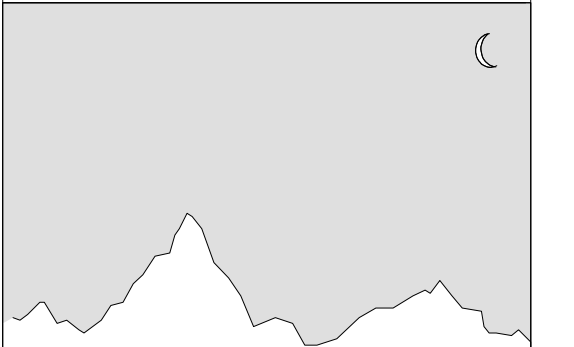
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SCALE $1/4" = 1'-0"$
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FIRST ISSUED	2020-02-03
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**HELLIWELL + SMITH
BLUE SKY
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**4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1**

PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A402

Riparian Assessment and Impact Assessment of Development without a Permit for 1905 Jennens Road, West Kelowna

1.0 Background

In summer 2019, I prepared a Riparian Assessment for 1905 Jennens Road in West Kelowna. The assessment followed the methods of the RAR and included surveys to determine the High Water Mark and setbacks. That assessment was prepared with respect to a proposed demolition of the existing house and landscaping. The report was not submitted as development plans were not finalized and the secondary QEP (Don Dobson, P.Eng.) had not completed the Measures section regarding Floodplain Concerns.



In August 2020, I was contacted by the agent for the owner that demolition of the structure had been in progress and a stop work order was put in place by the City of West Kelowna due to the lack of an Aquatic Development Permit (all other permits are in place). The current plan for the property includes a rebuild of the house on the original foundation. The site was visited on August 19 2020 with the agent for the owner and Don Dobson (P.Eng.). While there have been site disturbance and vegetation removal activities are within the 30m Riparian Assessment Area (default setback under the Fisheries Act), they have not resulted in a HADD (**harmful alteration, disruption or destruction of fish habitat**) under the Fisheries Act and would not have encroached into the SPEA setbacks that would have been in place if the original assessment had been submitted (considering areas of human disturbance).

Since November 2019, the RAR legislation has changed (now called the RAPR). The methods that would be used for this property have not changed except some terminology. **One change that is applicable to this property is that areas of invasive weed species are now considered an area of human disturbance so removal and replanting can take place without submission and approval of a RAPR assessment.** As before, the Province has no process to approve an assessment after development has taken place so the assessment now lies entirely with the City of West Kelowna.

Therefore, I am submitting the following in support of an Aquatic Development Permit:

1. RAPR assessment on new forms and conducted with respect to the current development proposal;
2. An impact assessment of the development without a permit;
3. Increased measures and monitoring for the duration of the project.

In summary, the development prior to being stopped:

1. Encroached in the 30m Riparian Assessment Area without having an approved Riparian Assessment Report;
2. Did not employ measures that would protect the riparian area from potential erosion and sediment transport, encroachment or tree damage; and
3. May have destroyed, damaged or disrupted nesting birds protected under the Federal Migratory Birds Convention Act by clearing trees and shrubs in June without a nesting activity assessment completed by a QEP (this would have been an additional measure in a standard riparian or environmental assessment with respect to any development that included clearing); and
4. The property has areas of previous unauthorized disturbance (vegetation removal) that have not been rehabilitated within the McDougall Creek SPEA.

2.0 Impacts of Development

1. **Removal of Shrubs and Trees within the Migratory Nesting Bird Window (2020):** The property originally had a shrubby area and at least 2 trees (one Ponderosa Pine <30cm dbh and one large non-native Oak tree) that were cleared in approximately June of 2020. No nests, and no persistent (eg., stick nests, platform nests) were observed in 2019 but there is a possibility that clearing resulted in disturbance or destruction of a migratory bird nest. There is no way of confidently determining this now as the cleared vegetation has been hauled away except for the stem of a large oak tree which is still on site.



Photo 1. Vegetation in 2019.



Photo 2. Vegetation in 2019.



Photo 3. Vegetation removed without a watercourse development permit and within the migratory bird nesting season.

2. **Encroachment:** In the absence of an approved riparian assessment, the default setback from a watercourse that is protected under the Fisheries Act is 30m. The site disturbance is not within the 30m setback from Okanagan Lake, but it is within the 30m setback from McDougall Creek. The resultant creek SPEA setback from the 2019 RAR assessment was 10.3m while the floodplain setback superseded the SPEA at 15m. The creek SPEA was encroached by the access trail used for demolition and site clearing. This access, however, was existing and is considered an existing area of human disturbance that is able to be grandfathered and can continued to be used in this way.



Photo 4. 2019 photo of access road; an existing area of human disturbance in the SPEA that can be maintained for the same use.

3.0 Outstanding Vegetation Removal prior to 2020

CWK had documented unauthorized vegetation removal on the property along McDougall Creek in 2017. Replanting is an outstanding issue.



Photo 5. Area of vegetation removal documented in 2017 requiring replanting.

3.0 Measures

A riparian assessment includes measures to protect the SPEA. Considering this development (clearing, demolition, rebuilding of the house), the measures will be:

- a. **Permanently mark the SPEA:** this is a standard measure
- b. **Encroachment and Erosion/Sediment Control:** The boundaries of the construction site will have keyed-in silt fence; this fence will be further than the lake SPEA but inside of the creek SPEA considering the grandfathered access road.
- c. **Protection of Trees:** the maple tree outside of the SPEAs will have snowfencing at the perimeter of the drip line to protect the roots from damage during construction.
- d. **Additional measures:** additional to measures discussed in the riparian assessment methods, the following measures will be instated:
 - i. No staging of fuel or other hazardous materials within 30m of a watercourse
 - ii. No refueling or maintenance of machinery within 30m of a watercourse
 - iii. Machinery used within 30m of a watercourse must be clean and free of leaks.
 - iv. Spill kits for spills to water and land must be on site.

3.1 Replanting Plan

A November 26 2020 conference call with Brent Magnan (CWK Planning Manager), Kevin Barnett (General Contractor, Barnett Construction) and Karen Grainger (QEP), determined the scope of replanting as:

1. Equivalent to 60m x 10m (600m²) of area along McDougall Creek. This area (m²) was decided on during the conference call. On the ground it will be bounded by the property line, the lake high water mark, and the SPEA or access road as applicable.
2. With a replanting density of 1 shrub/m² will require 600 plants (mostly shrubs, will include a few Cottonwood at Brent's request).
3. The area will be above the HWM, within the SPEA and on the property (there are small portions of the SPEA on the neighboring property to the south).
4. Areas of existing invasive weed species will be prioritized. Invasive species that are removed will be disposed of at a landfill. Invasive species known within the SPEA include burdock, hound's tongue and nightshade. No native vegetation will be removed.
5. Planting material will be provided by an Okanagan nursery with native stock. Species will include those presently on site: willow, cottonwood, rose, red-osier dogwood, Douglas maple, snowberry and Oregon-grape. Species can include elderberry, ash, spirea, aspen, chokecherry, mock-orange and oceanspray.
6. Planting will be completed in May 2021 with conditions regarding monitoring and survivorship targets provided by the CWK in the development permit. If planting is done in April, a nesting assessment will be required to ensure nesting migratory birds are not disturbed as per the Migratory Birds Convention Act.
7. Exposed soils will be seeded with a native grass mix to prevent establishment of weeds.



Figure 1. Area of replanting is in red. Property lines are in blue. The area is red is approximately 500m², which will allow for 500 shrubs/trees at the recommended spacing. The additional 100 plants will be used to replace invasive plants along the creek north of the planting area, respecting the need for access. There is no existing landscaping in the red polygon, which is a current combination of native plants and noxious weeds.

3.2 Planting Budget

A quote was provided by Sagebrush Nurseries of Oliver that includes some larger pot sizes and seeding with planting suggested for the end of March.

Sagebrush Quote	AMOUNT	COST
Shrubs/trees (fertilizers, grass seed)	600 @ \$6.5125	\$3,907.50
Planting	Lump sum	\$5,000.00
GST and PST (on plants)	5% on all, 7% on plants	\$ 718.91
TOTAL		\$ 9,626.41

4.0 Monitoring

Activities are predicted to re-start in January 2021, outside of the breeding bird window so disturbance is not a consideration. Monitoring will be:

- a.** prior to restarting to ensure measures are in place;
- b.** Weekly during site works to monitor for erosion and sediment control risks, and staging/use of hazardous materials; and
- c.** Monthly during construction to monitor for encroachment.
- d.** Prior to planting to determine boundaries and invasive species removal procedures.
- e.** After planting for confirmation.

A post-development report will be submitted to the City of West Kelowna along with Conformance Statements from the QEPs.

Sagebrush Nursery

7556 Island Road
 Oliver, BC V0H 1T7
 Ph# 250.498.8898
 Fax# 250.498.8892

Estimate

Date	Estimate #
2020-12-01	816

Name / Address
Karen Grainger

Description	Qty	Rate	Total
1905 Jennens Road, West Kelowna			
1 gallon - Willow ssp.	100		
1 gallon - Dogwood	100		
2 gallon - Black Cottonwood - Populus trichocarpa	50		
1 gallon - Oregon Grape	50		
1 gallon - Woods Rose - Rosa Woodsii	100		
1 gallon - Snowberry	100		
1 gallon - Douglas Maple - Acer glabram	70		
1 gallon - Saskatoon	30		
Native Grass Seed Mix - To overseed around the plantings. Helps minimize the encroaching weedy species.	15		
Habitat Restoration - Planting the above trees and shrubs. All soil amendments, fertilizers and bonemeal. Spreading and raking in the grass seed.	1		
GST on sales			
PST (BC) on sales			
		Total	\$9,626.41

Project: 20998

October 19, 2020

Barnett Construction Ltd.
2885 Arawana Road
Naramata, BC V0H 1N1

Attention: Kevin Barnett
sent by email to Barnett Construction <v4-6-30f233f-71f78-dd310@reply.coconstruct.com>

Re: Flood Hazard Assessment for Reconstruction of Dwelling at 1905 Jennens Road, West Kelowna, BC

This letter has been prepared to address proposed reconstruction of the dwelling at 1905 Jennens Road, West Kelowna, BC with regards to the requirements set out in the City of West Kelowna Bylaw 0154, section 3.24 Floodplain Regulations.

The Floodplain Regulations require that:

3.24.1 The underside of any floor system, and the top of any pad supporting any space or room that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater, shall be above the following levels:

- (a) 343.66m (1,127.5ft) above the Geodetic Survey of Canada datum for a parcel abutting Okanagan Lake, and*
- (b) 1.5m (4.9ft) above the natural boundary of any stream.*

3.24.3 Any landfill placed to elevate a floor system or pad to achieve the levels specified in Section 3.24.1 shall be sited at least:

- (a) 15.0m (49.2 ft) from the natural boundary of Okanagan Lake;*
- (c) 15.0m (49.2 ft) from the natural boundary of any stream.*

1. Background

There is an existing dwelling situated on the lot at 1905 Jennens Road, [legal description: Lot C, Plan EPP 5742, DL 434, ODYD] (Figure 1). This flood hazard assessment has been prepared to address the proposal to rebuild the dwelling using the existing foundation that presently does not meet the 15m setback stated in the bylaw and may require a relaxation in the setback if it is deemed safe to do so.

2. Current Dwelling Setting with Regards to Bylaw 0154 Requirements

McDougall Creek Setback

The foundation is situated approximately 12.3m away from the left bank natural boundary of McDougall Creek (when looking downstream). The top of the concrete footing of the foundation is at ~343.5m. The setback is less than the 15m specified in the Bylaw and the existing concrete floor elevation is less than the required 1.5m above the natural boundary for McDougall Creek (Figure 2).

Okanagan Lake Setback

The existing foundation is situated >30m back from the natural boundary of Okanagan Lake. The top of the concrete footing of the foundation is at ~343.5m. The setback exceeds the required 15m setback from the

5087 Seon Crescent, Kelowna, BC V1W 5G8 (O) 250.861.5595 (Cell) 250.878.4502

natural boundary of Okanagan Lake, but the concrete floor elevation is less than the required 343.66m (Figure 2).

3. Proposed Reconstruction

It is proposed to utilize the existing foundation for the reconstructed dwelling with the underside of the lowest floor system used for dwelling or storage of goods to be set at the required flood construction elevation. As stated previously, the setback of the existing foundation is ~12.3m from the natural boundary of McDougall Creek.

4. Flood Hazard Assessment

There are two flood hazards on this property. The first is related to McDougall Creek and the second is related to Okanagan Lake. A field inspection of the property was completed on August 19, 2020.

The flood risks to the foundation and reconstructed dwelling from McDougall Creek is considered to be low. McDougall Creek flows across Jennens Road through a bridge just upstream of the subject property then flows along the west boundary of the property to Okanagan Lake. Throughout the reach adjacent to the dwelling the stream is well contained within its channel. The risk of McDougall Creek overtopping its banks and flooding the dwelling is low since the top of the bank adjacent to the dwelling ranges in elevation from 345.3m upstream of the dwelling to 344.5m adjacent, and 344.8m downstream. These elevations range from 2.4m to 2.1m above the natural boundary. In addition, the left bank has been armoured with riprap (0.3-0.6m diameter) and has well established vegetation protecting the bank (Photo 1). The date of installation is not known but appears to be likely several decades ago based on the weathered appearance of the rock (Photo 1). Inspection of the channel and the bank line adjacent and upstream of the dwelling noted that the channel was generally straight, stable and did not identify any recent erosion (Photo 2). There could be elevated groundwater levels around the foundation during extended periods of high flows in the creek and there for the FCL for the underside of the lowest floor system of the reconstructed building should meet or exceed the required 1.5m above the natural boundary of the creek.

The flood risks to the dwelling from Okanagan Lake are also considered to be low. The dwelling is setback ~40m from the natural boundary of Okanagan Lake. The foundation footing is set at ~343.5m but the recommended FCL for the lowest floor system of the reconstructed dwelling would exceed 343.66m since it would be set relative to the natural boundary of McDougall Creek. There is also a flood risk associated with wave action on the lake during high water levels. This hazard is also considered to be low at the dwelling site due to the significant setback distance of ~40+m combined with the naturally rising ground elevation.

For the two flood hazards, the greater risk is considered to be from McDougall Creek but associated with an elevated water table during periods of high flow. There can be elevated groundwater levels associated with prolonged periods of high lake levels as well but since the recommended FCL is greater than that required from the lake, the flood risks related to an elevated groundwater level from the lake is low.

The recommended FCL is the greater of either 343.66m or the average natural boundary elevation for McDougall Creek + 1.5m. A recent survey of the natural boundary of McDougall Creek adjacent to the dwelling indicated that the average elevation is ~342.7m (Figure 3). The FCL for the creek would be 344.2m (342.7+1.5). Since this the greater elevation, it is the recommended FCL.

5. Access for Emergency Equipment

During flood events it is important that heavy equipment such as excavators and dump trucks can safely access the creek channel and lakeshore beyond the dwelling. The reconstructed dwelling would not change the access past the dwelling which is adequate for the passage of emergency equipment.

6. Recommendations

The following recommendations are provided for the proposed reconstructed dwelling:

Flood Hazard - McDougall Creek

- Flood Construction Level - The recommended flood construction level of the lowest floor system used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater, should meet or exceed 344.2m.
- Setback – The existing foundation wall is ~12.3m back from the natural boundary of the creek. This setback is less than the 15m stated in the bylaw however, as stated in Section 4, the channel is generally straight, stable with the bank armoured with riprap and well vegetated with mature plants and shrubs. There was no evidence of flooding nor any channel or bank erosion from the recent high stream flows in 2017 and 2018. Since the risk from bank erosion is low, it is recommended that the reduced setback distance of ~12.3m be approved.

Flood Hazard - Okanagan Lake

- Flood Construction Level - The recommended flood construction level of the lowest floor system used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater, should be the FCL for MacDougall Creek. That FCL is 344.2m which exceeds the bylaw requirement of 343.66m.
- Setback – The existing foundation wall is >40m from the natural boundary of the lake and exceeds the bylaw requirement of 15m.
- Waves – Although not stated in the bylaw, the risks from wave damage during highwater on the lake was also considered and is rated as low due to the distance the existing foundation is from the natural boundary of the lake (>40m), and the ground elevation at the foundation that is ~343.5m and rising.

Climate change

- The potential impacts of climate change on flows in McDougall Creek were considered. It is likely that peak flows may increase over time. The recommended FCL that is 1.5m above the present natural boundary is considered to be adequate since the crest of the bank adjacent to the dwelling is ~2m higher than the natural boundary, providing an additional factor of safety.
- The OBWB has released a recent report by Northwest Hydraulic Consultants regarding future water levels for Okanagan Lake and recommendations for revised FCLs. The results of this study are under review by local governments at this time. The recommended FCL of 344.2m exceeds the present FCL for Okanagan Lake by ~0.5m.

7. Summary

- The reconstructed dwelling should have an FCL of 344.2m, that is consistent with the bylaw requirement of 1.5m above the natural boundary of McDougall Creek.
- The existing foundation is ~12.3m from the natural boundary of the creek that is less than the 15m in the bylaw but the flood risks due to the armoured, vegetated bank line that has a crest elevation ~2m above the natural boundary are low and the reduced setback is considered to be safe.
- The reconstructed dwelling exceeds the 15m setback requirements from the natural boundary of Okanagan Lake and the recommended FCL of 344.2m exceeds the bylaw requirement for the lake of 343.66m.
- These reconstructed dwelling would not obstruct the access for equipment past the dwelling during a flood event, should that be required.

8. Flood Assurance Statement

The professional practice guidelines *Legislated Flood Assessments in a Changing Climate in BC*, prepared by the Engineers and Geoscientists of BC, requires that a Flood Assurance Statement be completed as part of this assessment. A copy of the signed statement is provided in Appendix A.

9. Closure and Limitations

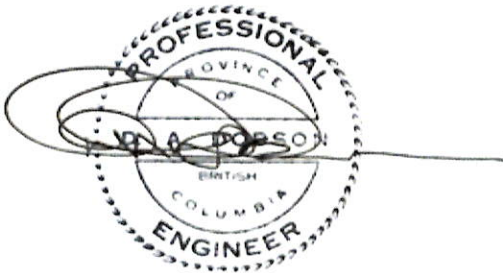
This report has been prepared exclusively for use by Barnett Construction Ltd., the registered property owner, and the City of West Kelowna. The assessments were carried out in accordance with generally accepted practice. Professional judgment has been applied in the interpretations provided in this report. No other warranty is made, either expressed or implied. Please note that the flood hazard assessment is based on the conditions at the subject property at the time of the assessments. If conditions change, or if observed features are found to be different, please contact the undersigned for a follow up review.

10. Reference Documents

- Barnett Construction Ltd. CAD drawing detailing recent survey results
- City of West Kelowna, Zoning Bylaw No. 0154; and
- Dobson Engineering Ltd. 2018 report *La Prairie Lake House - 1905 Jennens Road, West Kelowna, BC – Floodplain Setback Assessment Recommendations as per West Kelowna Bylaw 0154.*

Please contact me if you have any questions.

Sincerely,



D.A. Dobson, PEng



Reviewed by J. Clarke, PGeo



Figure 1 – Location Map for 1905 Jennens Road, West Kelowna, BC

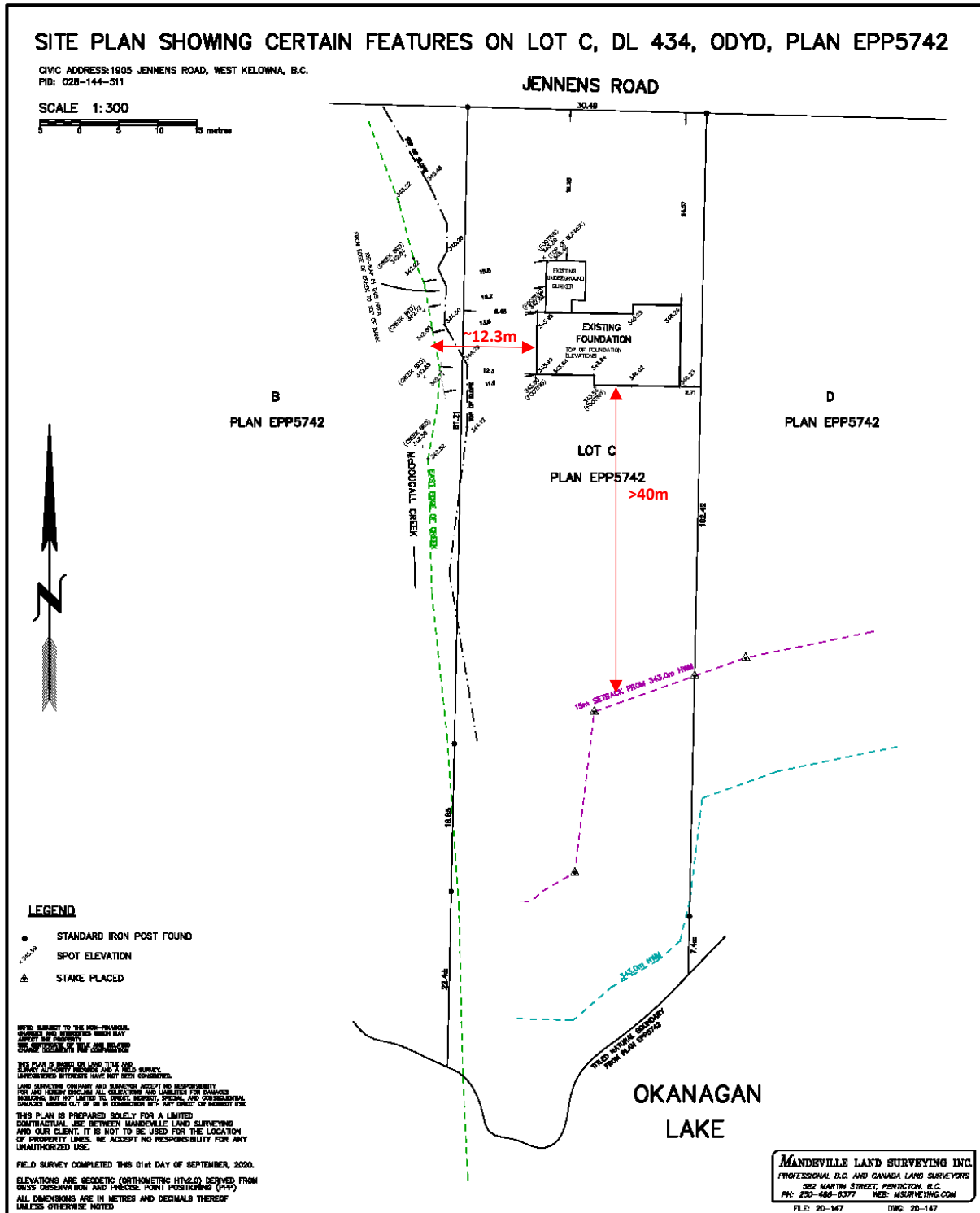


Figure 2 – Site Survey showing relevant elevations and setback distances

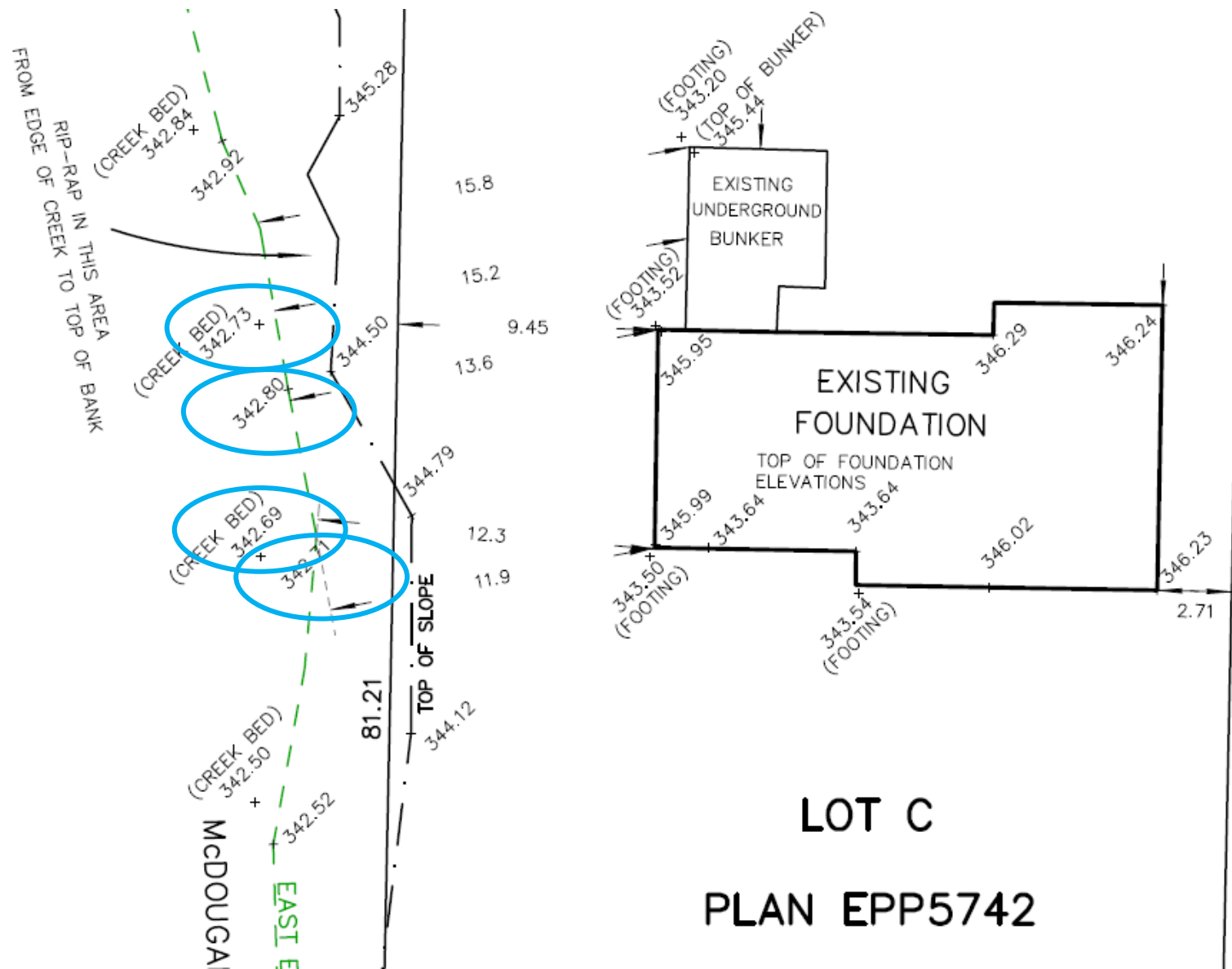


Figure 3 – McDougall Creek Natural Boundary Elevations – (average of 4 circled elevations = 342.7m)



**Photo 1 – McDougall Creek looking downstream showing armoured and vegetated, stable banks.
Subject property on left side.**



Photo 2 – McDougall Creek looking downstream illustrating straight channel past subject property on left.

Appendix A

EGBC Flood Guidelines Flood Assurance Statement

FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC *Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC* ("the guidelines") and is to be provided for flood assessments for the purposes of the *Land Title Act*, *Community Charter*, or the *Local Government Act*. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority
City of West Kelowna
2760 Cameron Road, West Kelowna, BC V1Z 2T6
Jurisdiction and address

Date: October 10, 2020

With reference to (CHECK ONE):

- ☐ *Land Title Act* (Section 86) – Subdivision Approval
- ☐ *Local Government Act* (Part 14, Division 7) – Development Permit
- ☒ *Community Charter* (Section 56) – Building Permit
- ☐ *Local Government Act* (Section 524) – Flood Plain Bylaw Variance
- ☐ *Local Government Act* (Section 524) – Flood Plain Bylaw Exemption

For the following property ("the Property"):

Lot c, Plan EPP5742, DL 434, ODYD

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

- ☒ 1. Consulted with representatives of the following government organizations:
City of West Kelowna Planning Staff
- ☒ 2. Collected and reviewed appropriate background information
- ☒ 3. Reviewed the Proposed Development on the Property
- ☒ 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- ☒ 5. Conducted field work on and, if required, beyond the Property
- ☒ 6. Reported on the results of the field work on and, if required, beyond the Property
- ☐ 7. Considered any changed conditions on and, if required, beyond the Property
- 8. For a Flood Hazard analysis I have:
 - ☒ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
 - ☒ 8.2 Estimated the Flood Hazard on the Property
 - ☒ 8.3 Considered (if appropriate) the effects of climate change and land use change
 - ☐ 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others
 - ☒ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report
- 9. For a Flood Risk analysis I have:
 - ☒ 9.1 Estimated the Flood Risk on the Property
 - ☒ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
 - ☒ 9.3 Estimated the Consequences to those Elements at Risk

PROFESSIONAL PRACTICE GUIDELINES
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☒ 10.1 A standard-based approach
 - ☐ 10.2 A Risk-based approach
 - ☒ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
 - ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
 - ☐ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
 - ☒ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
 - ☐ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
 - ☒ 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
 - ☒ 12.4 Compared the guidelines with the findings of my flood assessment
 - ☒ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
- ☒ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
- ☐ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- ☐ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☒ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

[CHECK ONE]

- ☐ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":

[CHECK ONE]

- ☒ With one or more recommended registered Covenants.
- ☐ Without any registered Covenant.
- ☒ For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".
- ☒ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":

[CHECK ONE]

- ☒ With one or more recommended registered Covenants.
- ☐ Without any registered Covenant.
- ☐ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".
- ☐ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

October 10, 2020

Date

Dobson Engineering Ltd.

Prepared by

Don Dobson, PEng

Name (print)



Signature

5087 Seon Crescent

Address

Kelowna, BC V1W 5G8

250-878-4502

Telephone

ddobson@dobsoneng.com

Email

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm Dobson Engineering Ltd.

and I sign this letter on behalf of the firm.

Clarke Geoscience Ltd.

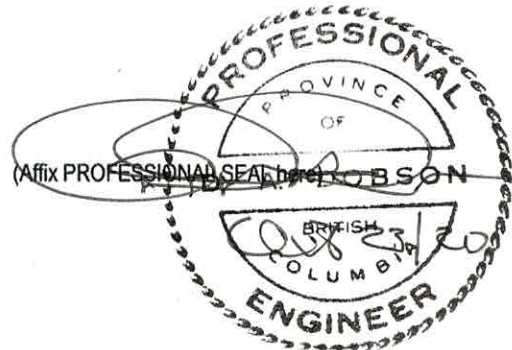
Reviewed by

Jennifer Clarke, PGeo

Name (print)



Signature



(Affix PROFESSIONAL SEAL here)

(Name of firm)



COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Meg Jacks, Development Technician

Subject: **Alternate Approving Officer Appointment**

RECOMMENDATION

THAT Council appoint Mark Koch, Director of Development Services, as Alternate Approving Officer for the City of West Kelowna.

STRATEGIC AREA(S) OF FOCUS

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

REPORT SUMMARY

This report recommends that Council appoint an Alternate Approving Officer. The City's current Approving Officer is Development Manager, Bob Dargatz. Approving an Alternative Approving Officer would ensure coverage and continuity in the approval of subdivisions and other Land Title documentation. To appoint an Alternate Approving Officer, our client's needs can still be met in a timely manner.

BACKGROUND

The role of the Approving Officer is to make decisions regarding subdivision approvals. The Approving Officer is appointed by Council with responsibilities to independently apply provincial statutes and local bylaws regarding subdivision and uses their independent discretion in making those decisions about subdivision approval. This position is a statutory official with separate and independent jurisdiction from Council.

DISCUSSION

Bob Dargatz is the City's primary Approving Officer. In order to provide coverage for vacation relief and other absences, it is necessary to designate additional personnel. It is recommended that Mark Koch, Director of Development Services be appointed as the alternate Approving Officer. Mr. Koch has over 12 years' experience as an Approving

Officer in two municipalities, Peachland and Lake Country, as well as teaching experience in subdivision roles.

FINANCIAL IMPLICATIONS

None. The Approving Officer is a statutory position that allows for subdivision of land approvals within the City of West Kelowna.

CONCLUSION

In order to provide a high level of service to our customers, it is necessary to designate an Alternative Approving Officer. This report recommends the appointment of the Director of Development Services, Mark Koch as the alternate Approving Officer.

Alternate Motion:

THAT Council postpone consideration of appointing an Alternative Approving Officer.

Further direction from Council would be requested.

REVIEWED BY

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒



COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Lisa Siavashi, Financial Services Manager

Subject: **Water Rates Bylaw No. 0028.69, 2021**

RECOMMENDATION

THAT Council give first, second and third reading to “City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.69, 2021” (Schedule 8).

STRATEGIC AREA(S) OF FOCUS

Financial well-being of the City of West Kelowna’s water system – operating and infrastructure funding.

BACKGROUND

In 2017 Council adopted a revised water rates schedule, with staged increase over a four year period. 2021 marks the fourth year of this adopted schedule. Rates were based on the needs of both the Powers Creek Treatment Plant and the soon to be Rose Valley Water Treatment Plant, as determined at that time. For 2021 that means an average rate increase of 11% (\$17.29 per quarter) for Rose Valley water customers and 8% (\$12.74 per quarter) for Powers Creek water users.

The 2021 rate schedule also sees the return of the 1% per month interest on overdue accounts. Council removed the interest penalty for 2020 as a relief measure for residents due to financial hardships due to COVID-19; however, staff noted that as of December 31st, 2020 the amount of outstanding accounts was similar to past years. The cost of removing the interest penalty for 2020 was approximately \$85,000.

2020 also saw a re-structuring of the agricultural billing methodology to implement a quarterly flat-rate and consumption-based model for all agricultural customers. Consumption charges were billed on the fourth quarter bill for 2020 (September – December, due February 15, 2021). This change has been well received by most agricultural customers, with the exception of a small number who were not able to meet the farm class qualification in order to receive agricultural rates.

FINANCIAL IMPLICATIONS

The proposed water rates are designed to meet the financial needs of the City in 2021 and will continue to be reviewed as part of our annual budget process each year and amended as required. During the current review of the 10-year Capital Plan, it was noted that the reserve balances and funding levels were not sufficient to cover the plan.

If Council were to delay water rates increases for 2021 this would create a loss of approximately \$500,000 in water revenue, or \$125,000 per quarter. Such a loss without equivalent reduction in expenses would cause a deficit for 2021, hamper the ability to transfer funds to reserves for much needed infrastructure and ultimately trigger larger increases to water rates in the future.

Staff will continue to review the timing of capital requests and operating needs year over year as well as prepare a new rate schedule for Council to review in 2022.

Alternate Motion:

That Council direct staff to amend the bylaw under consideration.

REVIEWED BY

Warren Everton, Director of Finance/CFO

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

PowerPoint: Yes ☐ No ☒

Attachments: Bylaw No. 0028.69 (Schedule 8 – Water Rates)

CITY OF WEST KELOWNA

BYLAW NO. 0028.69

A BYLAW TO AMEND THE FEES AND CHARGES BYLAW

WHEREAS the Council of the City of West Kelowna may by bylaw, amend Bylaw No. 0028 under the provisions of the *Community Charter*;

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

1. Title

This Bylaw may be cited as the “CITY OF WEST KELOWNA FEES AND CHARGES AMENDMENT BYLAW NO. 0028.69, 2021.”

2. Amendments

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

- 2.1 By deleting Schedule “8” in its entirety and replacing with the attached, and forming part of this bylaw, Schedule “8”.

READ A FIRST, SECOND AND THIRD TIME THIS
ADOPTED

MAYOR

CORPORATE OFFICER

SCHEDULE 8 - WATER RATES (Effective January 1, 2021)		
CATEGORY	POWERS CREEK	ROSE VALLEY
Water Maintenance: Unimproved Parcels Only-billed quarterly	\$42.75	\$42.75
RESIDENTIAL- billed quarterly		
Water Flat Single Family	\$171.02	\$171.01
Up to four SFD Equivalent/unit	\$171.02	\$171.01
Secondary Suite or Equivalent	\$68.41	\$68.40
Metered Consumption (per cubic meter):		
0 - 100	\$0.42	\$0.42
101 - 300	\$0.83	\$0.83
301 +	\$1.33	\$1.33
COMMERCIAL/INDUSTRIAL/INSTITUTIONAL/MULTI-FAMILY (> four units) - billed quarterly		
Flats: (based on meter size)		
5/8"-3/4"-1"	\$171.02	\$171.01
1.5"	\$384.78	\$384.78
2"	\$684.05	\$684.05
3"	\$1,539.12	\$1,539.12
4"	\$2,736.21	\$2,736.21
6"	\$6,156.47	\$6,156.47
8"	\$10,944.83	\$10,944.83
Metered Consumption (per cubic meter):	\$0.83	\$0.83
AGRICULTURAL		
Per hectare quarterly flat fee-billed quarterly		\$29.64
Metered Consumption (per cubic meter): billed annually		
0 - 7,491 m3/hectare/year		\$0.03
7,492 m3/hectare/year +		\$0.10
BULK WATER SALES:		
Set up Fee - Residential	\$35.00	
Bulk Water rate per m3	\$1.33	
LATE PAYMENT CHARGE - A late payment charge of 1% per month (compounded monthly = 12.68% p.a.) will be levied on all overdue account balances.		
TRANSFER TO TAXES - All utility charges imposed on benefitting premises under this bylaw will be transferred to tax arrears if unpaid as of December 31st of the year in which they are due. Interest thereon will accrue at rates established under Section 11(3) of the Taxation (Rural Area) Act.		