



CITY OF WEST KELOWNA REGULAR COUNCIL AGENDA

Tuesday, March 23, 2021

IMMEDIATELY FOLLOWING THE PUBLIC HEARING AT 6:00 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

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

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1. CHIEF ADMINISTRATIVE OFFICER

8.1.1. Rose Valley Water Treatment Plant Update

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

8.1.2. West Kelowna City Hall Project Update

Verbal Update

8.2. DEVELOPMENT SERVICES

8.2.1. Z 20-11; Zoning Amendment Bylaw No. 0154.102 (1st & 2nd Reading); 2416 Saddleback Way 16

Recommendation:

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.102, 2021 (File: Z 20-11); and

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

8.2.2. Z 20-13; Zoning Bylaw Amendment No. 0154.101, 2020 (3rd Reading and Adoption); 2500 Tallus Heights Lane 50

Recommendation:

THAT Council give third reading and adopt the City of West Kelowna Zoning Amendment Bylaw No. 0154.101, 2020 (File Z 20-13).

8.2.3. DP 20-35, FEX 21-01; Development Permit with Variance and Floodplain Exemption; 631 Westside Road 56

Recommendation:

THAT Council authorize the issuance of an Aquatic Ecosystem, Hillside, and Sensitive Terrestrial Ecosystem Development Permit for the demolition and subsequent construction of a single detached dwelling at 631 Westside Road with a variance to S.10.4.5(g).3 of Zoning Bylaw No. 0154 to reduce the minimum setback to the interior parcel boundary from 1.5 m to 0.1 m; and

THAT Council approve a Floodplain Exemption to S.3.24.3(c) of Zoning Bylaw No. 0154 to permit a foundation to be located at a 3.5 m horizontal distance from the natural boundary of a stream,

on the condition that the applicant enter into an indemnity covenant with the City, and in accordance with the attached permit (*Attachment 1*).

8.2.4. DVP 21-02; Development Variance Permit; 3125 Thacker Drive 71

Recommendation:

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-02) for 3125 Thacker Drive to vary Zoning Bylaw No 0154, S.10.4.5(f).3, to increase the maximum height of a carriage house from 1.5 storeys to two storeys, and S.3.26.5, to allow the roof of a carriage house to be higher than the peak of the roof of the principal dwelling on the same parcel, in accordance with the attached permit (*Attachment 1*).

8.3. ENGINEERING / PUBLIC WORKS / PARKS

8.3.1. Carrington Road / Gellatly Road Roundabout – Contract Award 83

Information Report from the Engineering Supervisor

8.4. FIRE RESCUE SERVICES

8.5. CORPORATE INITIATIVES

8.6. FINANCIAL SERVICES / RECREATION AND CULTURE

8.6.1. Ammonia Chiller Contract Award 86

Recommendation:

THAT Council approve the closure of Royal LePage Place between May 17 and August 1, 2021 to complete the construction associated with the Ammonia Chiller Replacement project; and

THAT Council approve the closure of Jim Lind Arena between May 17 and August 8, 2021 to complete the construction associated with the Ammonia Chiller Replacement project.

8.6.2. 2021 Parcel Tax Roll Review Panel 89

Recommendation:

THAT Council appoint at least three members of Council to form a Parcel Tax Roll Review Panel; and

THAT Council direct staff to schedule a meeting of the Parcel

Tax Roll Review Panel for 5:45 pm on Tuesday, April 20th, 2021;
and further

THAT Council direct staff to give notice of the meeting in
accordance with Section 94 of the *Community Charter*.

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

The next Council meeting is scheduled for Tuesday, April 6, 2021.



CITY OF WEST KELOWNA
MINUTES OF THE SPECIAL MEETING OF COUNCIL

Tuesday, March 9, 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

MEMBERS ABSENT: 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
Mark Koch, Director of Development Services
Brad Savoury, Director of Legal Services
Duncan Dixon, Staff Sgt., RCMP
Kathi Watt, Police Services Supervisor
Shelley Schnitzler, Legislative Services Manager/Corporate Officer

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER

The Special Council meeting was called to order at 11:33 a.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 was not permitted to attend Council meetings in person.

2. ADDITIONS OR CHANGES TO PROCEDURAL MOTION

2.1 Late Item - Procedural Motion

Community Charter Section 90(1)(c) labour relations or other employee relations.

3. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C096/21

THAT the agenda be adopted as amended.

CARRIED UNANIMOUSLY

4. PROCEDURAL MOTION

It was moved and seconded

Resolution No. C097/21

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

(c) labour relations or other employee relations; and

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment; and

(g) litigation or potential litigation affecting the municipality.

CARRIED UNANIMOUSLY

5. ADJOURNMENT OF THE SPECIAL COUNCIL MEETING

The Special Council meeting adjourned at 12:56 p.m.

MAYOR

LEGISLATIVE SERVICES MANAGER/CORPORATE OFFICER



PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,
2760 CAMERON ROAD, WEST KELOWNA, BC
TUESDAY, MARCH 9, 2021

MEMBERS PRESENT:

Mayor Gord Milsom
Councillor Rick de Jong
Councillor Doug Findlater
Councillor Jason Friesen
Councillor Stephen Johnson
Councillor Carol Zanon

Member Absent:

Councillor Jayson Zilkie

Staff Present:

Paul Gipps, CAO
Mark Koch, Director of Development Services
Allen Fillion, Director of Engineering and Public Works
Warren Everton, Director of Finance/CFO
Jason Brolund, Fire Chief
Sandy Webster, Director of Corporate Initiatives
Brad Savoury, Director of Legal Services
Brent Magnan, Planning Manager
Bob Dargatz, Development and Engineering Manager
Shelley Schnitzler, Legislative Services Mgr/Corporate Officer
Duncan Dixon, Staff Sergeant, RCMP
Mark Roberts, Special Projects Manager

1. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing was called to order at 1:36 p.m.

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

2. INTRODUCTION OF LATE ITEMS:

2.1 Correspondence received from the following:

- Jim and Bonnie Shields

3. ADOPTION OF AGENDA:

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

4. **OPENING STATEMENT:**

In accordance with the Provincial Health Officer Order on Gatherings and Events, members of the public were restricted from attending the public hearing in person. Public participation was available by phone or by written submission and all representations to Council form part of the public record. The meeting was webcast live and archived on the City's website.

The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, the bylaw and supporting documentation has been made available for inspection at City of West Kelowna offices and on the City's website, and outlined the process for the public hearing.

5. **PUBLIC HEARING:**

The Mayor explained the process of this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by Zoning Amendment Bylaw No. 154.101.

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

5.1 Z 20-13, Zoning Amendment Bylaw No. 154.101, 2500 Tallus Heights Lane

The Planning Manager introduced Zoning Amendment Bylaw No. 154.101 to amend the Zoning Bylaw from Compact Residential Zone (RC3) to a Site Specific Text Amendment for the Compact Residential Zone (RC3) to permit a secondary suite on a parcel less than 550m² located at 2500 Tallus Heights Lane.

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

Jamie Mullen, Willow Developments

- Understands that the main concerns are parking and safety;
- In order to qualify for a one bedroom suite, one off street parking spot is required;
- The front driveway would be the primary parking location;
- Would be willing to put a secondary parking spot on the side of the house;
- Many people require a secondary suite in order to qualify for a mortgage;
- The subject property is 15 m² too small to permit a secondary suite due to the lane that runs along the property;

- The suite access is proposed to be off the right side of the house between this lot and the adjoining lot;
- The driveway will be wider than the garage so parking will not impede cars in the garage.

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

Brad Elenko

- Concern with parking;
- Does not have an issue with secondary suites;
- There is a covenant to prevent parking on the lane, so people will park on the street instead;
- A proposed solution would be to have the developer provide on-site parking at the lower level;
- This would provide an additional spot for parking and make it easier to access the secondary suite from the street.

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

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

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

The Mayor declared the public hearing closed at 2:04 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 2:04 p.m.

MAYOR

I hereby certify this to be a fair and accurate summary of the nature of the representations made by the public at the Public Hearing with regard to Zoning Amendment Bylaw No. 154.101, 2500 Tallus Heights Lane, held on March 9, 2021.

Legislative Services Manager/Corporate Officer



CITY OF WEST KELOWNA
MINUTES OF THE REGULAR MEETING OF COUNCIL

Tuesday, March 9, 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

MEMBER ABSENT: 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
Mark Koch, Director of Development Services
Jason Brolund, Fire Chief
Brad Savoury, Director of Legal Services
Duncan Dixon, Staff Sgt., RCMP
Brent Magnan, Planning Manager
Bob Dargatz, Development Services/Approving Officer
Lisa Siavashi, Financial Services Manager/Deputy CFO
Kari O'Rourke, Communications Manager
Mark Roberts, Special Projects Manager
Shelley Schnitzler, Legislative Services Manager/Corporate Officer

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

The meeting was called to order at 2:04 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 was 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

It was moved and seconded

Resolution No. C098/21

THAT Council add item Z 20-13, Zoning Amendment Bylaw No. 0154.101, 2021, 2500 Tallus Heights Lane, to this agenda for consideration of third reading.

DEFEATED; Councillors de Jong, Findlater and Zanon opposed

3. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C099/21

THAT the agenda be adopted as presented.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the Special Council Meeting held Tuesday, February 23, 2021 in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C100/21

THAT the minutes of the Special Council Meeting held Tuesday, February 23, 2021 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

4.2 Minutes of the Regular Council Meeting held Tuesday, February 23, 2021 in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C101/21

THAT the minutes of the Regular Council Meeting held Tuesday, February 23, 2021 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

5. MAYOR AND COUNCILLOR'S REPORTS

Mayor Milsom sent condolences to the family of Rolli Cacchioni on his recent passing. Mr. Cacchioni was School Trustee as well as a former educator, and community volunteer.

Mayor Milsom advised that the vaccine clinic for COVID-19 will begin in West Kelowna on March 22, 2021 at the Westbank Lions Community Centre.

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

8.1.1 Rose Valley Water Treatment Plant Main Tender Award

The Director of Engineering and Public Works provided a presentation on the Rose Valley Water Treatment Plant and the Main Tender Award.

8.1.2 West Kelowna's City Hall Update – March 2021

The Special Projects Manager provided an update on the West Kelowna City Hall project.

The meeting recessed at 2:56 p.m.
The meeting reconvened at 3:07 p.m.

8.2 DEVELOPMENT SERVICES

8.2.1 DVP 21-01, Development Variance Permit, 2802 Smith Creek Road (Smith Creek Stage 1)

It was moved and seconded

Resolution No. C102/21

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-01) for Lot A, DL 3478, ODYD, Plan KAP56155, Except Plans KAP56156 and KAP57629 (Smith Creek Stage 1) in accordance with the attached permit to vary Zoning Bylaw No. 0154, S.10.4.5(g).1 for all thirty-three lots in the proposed subdivision to reduce the front parcel boundary setback from 4.5 m to 3.5 m, and for a garage or carport having vehicular entry from the front from 6.0 m to 3.5 m, providing that 6.0 m is maintained from garage to laneway or back of curb/sidewalk.

CARRIED UNANIMOUSLY

8.2.2 DVP 21-05; Development Variance Permit; 1884 Diamond View Drive

It was moved and seconded

Resolution No. C103/21

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-05) for 1884 Diamond View Drive to vary S.10.4.5(g).1 of Zoning Bylaw No. 0154 to reduce the minimum setback from a private access easement to a building from 4.5 m to 3.86 m and to a garage from 6.0 m to 3.01 m, in accordance with the attached permit (Attachment 1).

CARRIED UNANIMOUSLY

8.2.3 DP 21-04; Development Permit with Variance; 1631 Pritchard Drive

It was moved and seconded

Resolution No. C104/21

THAT Council authorize issuance of Development Permit (DP 21-04) for 1631 Pritchard Drive with a variance to S.10.4.5(g).1 of Zoning Bylaw No. 0154 to reduce the front setback to a garage from 6.0 m to 5.6 m, in accordance with the attached permit (Attachment 1).

CARRIED UNANIMOUSLY

8.2.4 P 21-04, Regional Growth Strategy Review, RDCO Referral

It was moved and seconded

Resolution No. C105/21

THAT Council recommend the Regional District of the Central Okanagan not undertake a 5-year review of the Regional Growth Strategy.

CARRIED UNANIMOUSLY

8.3 ENGINEERING / PUBLIC WORKS / PARKS

8.3.1 Community Emergency Preparedness Fund – Flood Mitigation Planning

Councillor Johnston left the meeting at 4:05 p.m.

It was moved and seconded

Resolution No. C106/21

THAT Council support the application to the Community Emergency Preparedness Fund, Flood Risk Assessment, Mapping and Mitigation Planning Stream, seeking the maximum \$150,000 toward creating a Flood Risk Assessment and Mitigation Plan;

THAT Council amend the 2021 to 2025 Financial Plan, as may be required; and,

THAT Council authorize the Mayor and/or Chief Administrative Officer to execute the contribution agreement.

CARRIED UNANIMOUSLY (Councillor Johnston was not present for the vote)

The meeting recessed at 4:12 p.m.

The meeting reconvened at 4:20 p.m.

Councillor Johnston returned to the meeting at 4:20 p.m.

8.4 FIRE RESCUE SERVICES

8.5 CORPORATE INITIATIVES

8.6 FINANCIAL SERVICES / RECREATION AND CULTURE

8.6.1 Draft 2021-2025 Financial Plan and Ten-Year Capital Plan

It was moved and seconded

Resolution No. C107/21

THAT Council defer consideration of third reading of the City of West Kelowna Financial Plan Bylaw No. 0284, 2020, to the March 23, 2021 Council meeting.

CARRIED UNANIMOUSLY

9. CORRESPONDENCE AND INFORMATION ITEMS

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The meeting adjourned at 4:21 p.m.

MAYOR

LEGISLATIVE SERVICES MANAGER/CORPORATE OFFICER



COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 23, 2021

From: Hailey Rilkoff, Planner II

File No: Z 20-11

Subject: **Z 20-11; Zoning Amendment Bylaw No. 0154.102 (1st & 2nd); 2416 Saddleback Way**

RECOMMENDATION

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.102, 2021 (File: Z 20-11); and

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

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

This application proposes to amend the zoning designation for the subject property to allow a Congregate Housing use in an Apartment building form. Congregate Housing allows for residential developments with additional supportive services including meal preparation, laundry, transportation, care or cleaning. The property is within the Low Density Multiple Family Residential (R3) Zone, with a previously approved site specific text amendment to permit Apartments. This application would add another site specific text amendment to permit Congregate Housing for seniors as a principal use.

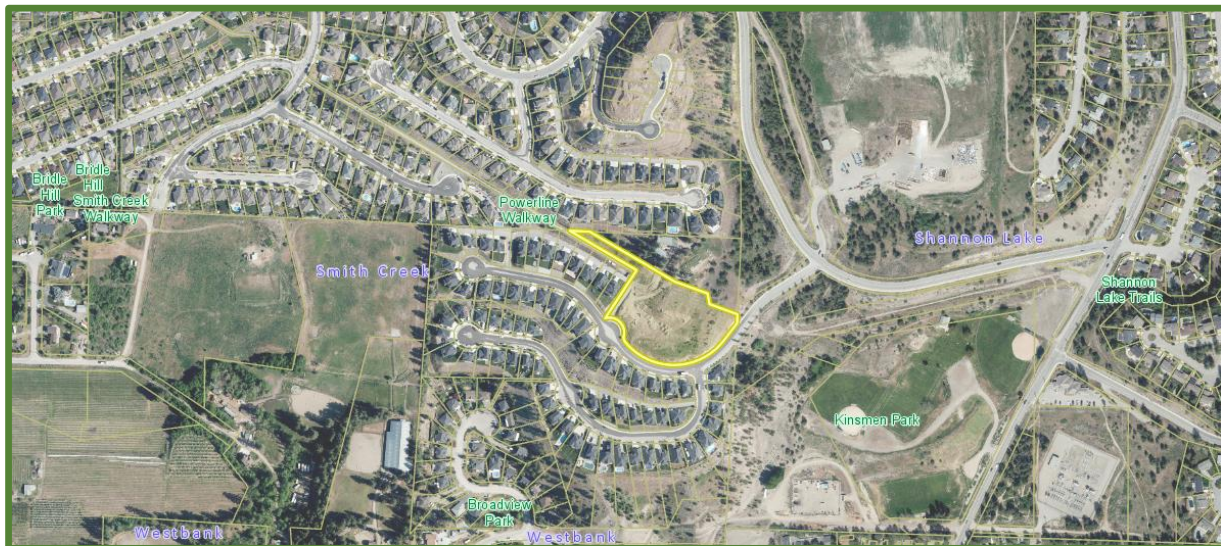
PROPERTY DETAILS			
Address		2416 Saddleback Way	
PID		027-817-750	
Folio		36413300.063	
Lot Size		3.583 Acres (14,499.9 m2)	
Owner	1215975 B.C. LTD., INC.NO BC1215975	Agent	Keith Funk, New Town Architecture & Engineering Ltd.

Current Zoning	R3 - Low Density Multiple Residential; RC3 - Compact Single Detached Residential; Site Specific Zoning permits Apartments on this property	Proposed Zoning	Site Specific Text Amendment to permit Congregate Housing
Current OCP	LDMF – Low Density Multiple Family SFR – Single Family Residential	Proposed OCP	-
Current Use	Vacant	Proposed Use	Apartment Congregate Housing
Development Permit Areas	Hillside; Terrestrial		
Hazards	None		
Agricultural Land Reserve	N/A		

ADJACENT ZONING & LAND USES

North	^	RC3 - Compact Single Detached Residential
East	>	RU5 - Rural Resource Zone; P1 - Parks and Open Space
West	<	RC3 - Compact Single Detached Residential
South	v	RC3 - Compact Single Detached Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



History

Subject Property

The subject property is just over 3.5 acres (~14,500 m²), located on Saddleback Way. The subject property is located in the Smith Creek neighbourhood and is predominantly zoned R3 - Low Density Multiple Family. A small panhandle portion of the property is zoned RC3 - Compact Single Detached Residential.

The property is vacant and has a BC Hydro primary transmission line running across the northern portion of the property.

Zoning History

The subject property was a part of the Broadview Neighbourhood Plan which envisioned Low Density multiple family development on the site, although did not specify the type. The Broadview Neighbourhood Plan guided development in the area and was incorporated into the City's OCP, along with a number of older neighbourhood plans (*Figure 1*).

The property was rezoned in 2004 from RU2 (Rural 2) to R3A (Multiple Housing - Low Density) under Bylaw No. 871 as part of a more comprehensive Zoning Application. At this time it was noted that R3A Development would require consideration of form & character, access and parking at future DP.

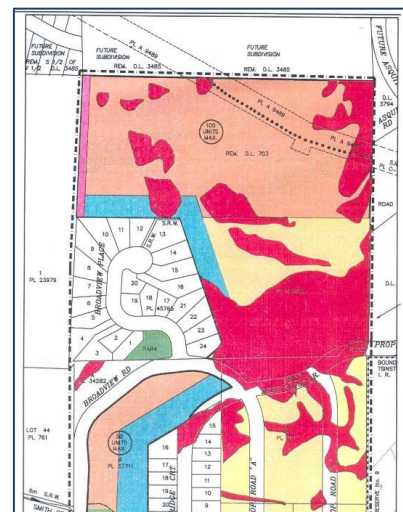


Figure 1 - Map from Broadview Neighbourhood Plan

The R3A Zone permitted Apartments with a maximum density of 30 units/ ha (as the site is 1.44 ha, this would have allowed for approximately 43 units). In 2014 when Zoning Bylaw No. 0154 was adopted, this property was zoned R3 which does not permit Apartments. After adoption, Council reconsidered a number of

similar properties which previously were zoned R3A under Bylaw No. 871, which did permit Apartments. Council adopted a site specific text amendment for six R3 Zoned properties to permit Apartments, of which this property was one.

Part of the rationale for retaining the apartment use on this property was that the site was located at an entrance to a neighbourhood (vs. embedded within a neighbourhood). While the site fronts a Local road (Saddleback Way), it's close to an Urban Collector road (approximately 120m from Asquith Road).

DISCUSSION

Proposal

This application is proposing a site specific text amendment to permit congregate housing on the subject property. The amendment is required in order to facilitate a senior's congregate housing development within an apartment form (*Figure 2*).



Figure 2 - Concept Rendering - Seniors Congregate Housing in Apartments

Applicant Rationale

A Proposal Summary is attached which outlines the development concept, form & character, site planning and other project considerations (*Attachment 2*). The proposal summary states that there is a need for congregate housing in West Kelowna and that there is a current deficit of seniors housing apartments. The proposal summary identifies the difference between traditional residential housing and the proposed Congregate Housing use, which offers a 'residential hotel' setting including in-house services, independent living units, outdoor space, and recreation and hobby facilities.

The applicant has also indicated the intention to provide a number of units as affordable units and will be applying for financing through the Canadian Mortgage and Housing Corporation's (CMHC) affordable housing funding program.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The property is within the City's *Neighbourhood Growth Management Designation*. This designation anticipates low and medium density residential areas, ground oriented residential, slower traffic movement, and a system of safe bicycle & pedestrian pathways. The purposes of this designation include:

- Protect & enhance local housing stock & existing neighbourhood character
- Provide opportunities for localized housing diversity at appropriate locations
- Work towards compact, complete communities that reduce vehicle trips, GHG emissions & foster a healthy, involved community

The majority of the property is within the City's *LMFD – Low Density Multiple Family* future Land Use Designation which permits semi-detached and attached townhouse building forms. The purpose of this designation is to provide a broader range of housing opportunities in areas serviced by transit and in walking distance to community amenities, shops and services, while acknowledging the adjacent land use.

The City's affordable housing objectives in the OCP encourage the private market to increase the supply of affordable housing¹ and identifies seniors as being some of the residents who have the least choice in the housing market².

The property is within the City's Multiple Family & Intensive Residential, Hillside, and Sensitive Terrestrial Ecosystem Development Permit Areas (DPA). The proposal is exempt from a Terrestrial Development Permit (DP) as it meets the City's exemption criteria. If the Rezoning Application is successful, a Development Permit addressing the Multiple Family & Intensive Residential and Hillside Development Permit Area Guidelines will be considered by Council, following adoption of the Zoning. A subsequent Development Permit will be before Council for Consideration following adoption of the Zoning to address site development items such as parking, height, form and character, grading, and building siting. There will be further opportunity for Council consideration of detailed development plans at this time.

Zoning Bylaw No. 0154

The majority of the subject property is Zoned R3 – Low Density Multiple Residential Zone with a site specific text amendment which permits Apartments as an additional principal use. A small portion of the subject property is zoned RC3 – Single Detached Compact Residential Zone.

Congregate Housing is not a principal use in the R3 Zone. Congregate Housing is only permitted within the R5 (Westbank Centre Multiple Residential), C1 (Urban Centre Commercial, and P2 (Institutional and Assembly) zones. Congregate Housing, in the City's Zoning Bylaw, is defined as:

A multiple residential building or group of buildings in which residents may receive supportive services including meal preparation, laundry, transportation, counseling, medical care or room cleaning.

While the zone does permit the similar use of *Care Facility, Major*, this use is only permitted in duplex or townhouse forms and would be required to be licenced under the *Community Care and Assisted Living Act*. The proposed development would not be a licenced facility under this *Act*, and therefore a Zoning Amendment is required to permit Congregate Housing, which could be operated as a private facility.

Community Care and Assisted Living Act

The Province of BC does not regulate all types of retirement residences. Only Long-Term Care and Assisted Living communities require licencing under the *Community Care and Assisted Living Act*. Independent Living communities are not regulated by the Province.

¹ Affordable Housing Objective 3.8.3.3., Official Community Plan

² Affordable Housing Objective 3.8.3.4., Official Community Plan

Technical Review

Planning

Independent living communities can be defined as housing with supportive services for retired adults who are independent and capable of directing their own care³. Congregate housing can be a form of an independent living community. Congregate housing would include individual residential units as well as larger common areas such as dining rooms and recreation rooms and supportive services designed to meet the needs of a specific population⁴. In the case of this proposal, the specific population is seniors and the supportive services are non-medical services such as dining, housekeeping and laundry.

The City's Zoning Bylaw envisions congregate housing developments to be located in urban and neighbourhood centres, close to services and amenities, such as Westbank Centre. Similar congregate housing developments include The Heritage Retirement Residence (3630 Brown Road) or Smith Creek Village (2425 Orlin Road). Both of these developments also include some level of medical care or services, such as medication reminders, assistance bathing and dressing, and 24 hour emergency response in addition to non-medical services such as meals, shuttles and housekeeping. This type of congregate housing development where some residents may be less independent and require additional care and assistance should be located close to services and amenities.

Care Facility Major can be a very similar use to Congregate Housing with a key difference being provincial licencing. However, a licenced care facility providing medical care would be required to meet different fire and safety standards than an independent living congregate housing development. A Care Facility Major is permitted in more zones than Congregate Housing including R3 (in duplex or townhouse form) and R4 (in duplex, townhouse or apartment form), both of which could be located outside of an urban or neighbourhood centre.

Traffic

A Traffic Impact Assessment (TIA) was submitted⁵ which indicated there would be little negative impact to the local neighbourhood from a transportation perspective from this project. Planned improvements to Shannon Lake Road were identified, such as adding sidewalks and bike lanes, which will help improve active modes in the area.

Review of the TIA and proposed development by the City's transportation consultant identified that a congregate care facility has a substantially lower amount of traffic being generated from the proposed development, compared to a multi-family residential apartment development. A congregate care facility has approximately 75% less traffic than a multi-family apartment development with a similar number of units⁶. It's generally found that vehicle ownership levels are lower at congregate care facilities and that the

³ BC Seniors Living Association: <https://www.bcsla.ca/senior-living-frequently-asked-questions/>

⁴ Congregate Housing for Seniors, City of Vancouver (2000)
https://council.vancouver.ca/previous_years/000711/p1.htm

⁵ Transportation Impact Assessment, prepared by Peter A. Truch, P.Eng., dated September 26, 2020

⁶ Weekday AM Peak Hour - 8 trips reduced from 48 trips; and Weekday PM Peak Hour - 19 trips reduced from 58 trips. 2416 Saddleback Way TIA Update Review, Align Engineering

majority of trips to the site are generated by employees or service providers to the facilities⁷.

The TIA review also identified that a northbound left-turn lane is warranted for Shannon Lake Road to Asquith Road, with an increase in traffic at this intersection related to the proposed congregate housing development. Therefore, it is recommended that the development contribute a proportional share of the cost for the northbound Shannon Lake Road left turn lane. This will be recommended as a condition prior to adoption of the rezoning. The developer would be required to provide, to the satisfaction of the City, a cost estimate of the proposed work to calculate their required contribution.

Transit

The subject property is served by BC Transit Route 28 Shannon Lake with stops on Asquith Road. It's anticipated that this transit route would be used by residents, visitors and staff for a congregate housing development. BC Transit and the City's transportation consultant recommend upgrades to the existing northbound transit stop on Asquith Road.

To accommodate sightline restrictions on Asquith Road from the Westside Transfer Station access road, it is proposed that a sidewalk cross to the northwest side of the access road. Construction of a concrete landing, sidewalk connection with letdowns, and lit crosswalk are recommended (Figure 3). These upgrades will be recommended to be completed as a condition prior to adoption of the rezoning.



Figure 3 - Connect Northbound Bus Stop with Sidewalk and Letdowns to Saddleback Way

Servicing

The Functional Servicing Report submitted⁸ concluded that the property can be serviced by the existing service mains. Additional frontage improvements are not anticipated for Saddleback Way.

Referral Responses

BC Hydro

BC Hydro transmission lines run through the subject property within a right of way along the northern (upland) portion of the property. BC Hydro has no objections to the proposed land use, however has provided terms and conditions to the applicant which must be met for development and blasting adjacent to the right of way. The applicant has worked with BC Hydro's design and technical teams to address the terms and conditions.

⁷ Land Use: 253 Congregate Care Facility, ITE Trip Generation Manual 10th Edition

⁸ Servicing Feasibility Study, prepared by New Town Architecture & Engineering Inc. dated October 30, 2020

BC Transit

BC Transit identified that the configuration of the closest bus stop on Asquith Road does not meet BC Transit standards for a safe and accessible bus stop. It was recommended that the bus stop be moved to a location where a concrete pad can be built and a lit cross-walk installed. BC Transit had no objections to the application contingent upon the consideration of their recommendations.

Advisory Committees

The Advisory Planning Commission (APC) considered this application at the February 17, 2021 APC meeting and carried the following motion:

THAT the APC support Z 20-11, Zoning Amendment, 2416 Saddleback Way with consideration for a covenant that would restrict occupancy to seniors.

The APC members had concerns that if Congregate Housing was permitted on the subject property, other forms of development beyond a seniors housing development could be included in this use category. The APC members felt that a seniors congregate housing development would be a benefit to the community and did not feel that all retirement housing should be limited to Westbank Centre. The APC members felt that traffic impacts for seniors housing could be less impactful than a regular apartment development however did express some concern regarding the proposed height variance.

The APC recommendation included a request to consider a covenant to restrict occupancy of any congregate housing development on the property to seniors. Congregate housing is a broad use definition that could include a development to serve a range of vulnerable populations. Examples of congregate housing include housing with supportive services for seniors, persons with disabilities, or persons who have experienced homelessness. Staff have addressed the intent of the APC's recommendation through the site specific text amendment to only permit Seniors Congregate Housing.

DISCUSSION

The Official Community Plan (OCP) *Neighbourhood* Growth Management Designation encourages localized housing diversity and compact, complete communities that reduce vehicle trips. The OCP's *Low Density Multiple Family* future Land Use Designation is specific to semi-detached or attached townhouse forms and encourages walking distance to community amenities. However, the purpose of providing a broader range of housing opportunities in areas served by transit is met by the proposed development. BC Transit's Route 28 – Shannon Lake is located close by on Asquith Road and improvements are proposed to make access to the transit stop safer and more accessible.

Following changes from Zoning Bylaw No. 871 to No. 0154, the property was initially rezoned to R3 and did not permit apartments. The property was identified as being suitable for low density residential development, in the form of duplexes or townhouses. In 2014 Council permitted the apartment use on this property (and five other R3 Zoned

properties) through a site specific text amendment based on requests of the owners of the property at the time and further analysis.

Congregate housing is a broad use, of which seniors congregate housing is one potential option. A restrictive covenant could be used in order to ensure any congregate housing development on the property was restricted to seniors. However, it is proposed to use the site specific text amendment to permit Congregate Housing for seniors only through permitting the following use “Seniors Congregate Housing”. Local governments have the ability to zone for affordable housing or special needs with the property owner’s consent. In this case the Congregate Housing use would be restricted for the special needs use of seniors housing. This would then only permit the housing to be occupied by households where at least one member is considered a senior⁹.

The proposed congregate housing use is typically encouraged within an urban or neighbourhood centre, close to urban services and amenities. The applicant has indicated that the residents of this proposed development would be independent and that a shuttle service is included as part of the development concept to assist residents who require access to services and amenities. The intentions of the applicant to provide affordable housing units as a component of the project (funded through CMHC) will allow for residents to age in place in the community.

CONCLUSION

It is recommended that Council give first and second reading to the proposed Zoning Bylaw Amendment (Z 20-11) and direct staff to schedule a Public Hearing to provide an opportunity for residents to provide comments on the proposal. If the Zoning were supported by Council, a Development Permit to address the Multiple Family Residential Development Permit Area Guidelines would be brought to Council for consideration of the proposed development on the site following adoption.

Alternate Motions:

Alternate Motion 1: Postpone 1st and 2nd Reading

THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.102, 2021 (File: Z 20-11).

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

Alternate Motion 2: Deny the Application

THAT Council deny File: Z 20-11 for 2416 Saddleback Way.

⁹ This typically includes persons of the age of 55 to 65 years or older.

Should Council deny the proposal, the file will be closed. As per the City's Development Application Procedures Bylaw, the applicant could re-apply for a similar proposal six 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. Zoning Amendment Bylaw No. 0154.102, 2021
2. Applicant's Proposal Summary
3. Zoning Bylaw Excerpts (Congregate Housing)
4. Zoning Map



CITY OF WEST KELOWNA

BYLAW NO. 0154.102

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. 0154.102, 2021".

2. Amendments

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

2.1 By deleting 10.9.4(c)(ii) in it's entirety and renumbering the list from (i) to (vii).

2.2 By inserting the following to Part 10.9.4:

- (d) On Lot 41, District Lot 703, ODYD, Plan KAP88313 (2416 Saddleback Way):
Apartments and Seniors Congregate Housing.

READ A FIRST AND SECOND TIME THIS
PUBLIC HEARING HELD THIS
READ A THIRD TIME THIS
ADOPTED THIS

MAYOR

CITY CLERK

SADDLEBACK WAY

CONGREGATE HOUSING PROPOSAL

2416 Saddleback Way

SITE DESCRIPTION

This R3 zoned property fronts on the completed Saddleback Way and includes a BC Hydro primary transmission line that feeds power to West Kelowna. The transmission right of way occupies the western third of the title. This proposal avoids the transmission right-of-way (ROW) and focuses the development on the lower bench facing Saddleback way. An access easement exists along the south side of the property provides access to existing development to the west and south.

The property outside of the ROW was initially used for rock extraction and has been reshaped from its natural condition. The disturbance caused by the extraction has removed much of the natural vegetation on the site.



Figure 1 - 2416 Saddleback Way Aerial Context

PERMITTED USES

This parcel has R3 land use zoning with the special provision for 3 storey apartment development form. The proposed use of the site is to permit congregate housing for seniors. The present R3 zone permits Care Facility use defined as a licensed facility under the Community Care & Assisted Living Act. This form is limited to governmental licensed and often publicly funded facilities. The proposal is to create a private care facility not engaging the governmental license. The required use for this approach is Congregate Housing. Therefore, this application also includes a text amendment application to add Congregate Housing as a permitted use, for this property only.

INTRODUCING THE WILLISTON



Congregate housing is a residential form that offers seniors the opportunity to share in a community of like-minded individuals within a similar stage of their lives. The residents are offered a 'residential hotel' setting with options for meals, house keeping and laundry services. Each home is fully independent with a kitchen, laundry, sleeping and entertainment space along with ample outdoor terraces or balconies. Recreation and hobby facilities are supplemented with a bistro, dining room, lounges, assembly room and fitness facilities.

FORM & CHARACTER

The building is formed in five slope-adaptive adjoining blocks that step along the frontage of Saddleback Way. The contemporary style is tempered by reference to traditional architecture details including post and rail balconies, board and batten siding and cornices. The central feature hosts the dining and other common facilities with a dramatic trellis and integrated terraces.



Figure 2 – 2416 Saddleback Way - Frontage View

The site development shields the required parking from public view within a 2-level parkade situated along the BC Hydro right-of-way. Access is off the existing easement on the south side to an internal driveway that leads to the principle entry and porte-cochere. A secondary pedestrian access central to the structure fronts onto Saddleback Way. Stepped retaining or rock cut excavation will occur as needed on the northern end of the Saddleback Way frontage and at the secondary entry.



Figure 3 – View of Block 1 from Saddleback Way

The back to front step reduces site disturbance but also results in a zoning variance when compared to the overall height and number of storeys yet each half of the split complies with the zone limitations. However, the overall frontage and internal building height exposure is consistent with the 3 storey building height intent of the zone. From the pedestrian realm, the building will appear to be 3 storeys.



Figure 4 – Typical Residential Block Cross Section

The visual exposure of the structure presents a 3 storey façade to the public on Saddleback Way consistent with the intent of RM3 zoning.



Figure 5 – Typical Residential Block Front Façade

The typical residential block is host to homes fronting on Saddleback Way and the internal gardens, parking structure and natural hillside. The lower two storeys are finished with horizontal siding with corner boards and trim while the upper floor is white board and batten siding with a trellis to shade the balcony. The rooftop features planting beds, tree enclosures and shared or private terraces.

SITE PLANNING



Figure 6 – Aerial of Site Development





The BC Hydro 60m wide Right-of-Way will remain undisturbed and will sustain the natural ecology. The interface between the ROW and Saddleback Way is a sloped bench that invites the Congregate Housing development to step along the declining slope in 5 terraced and interconnected blocks. The massing is further subdivided with inset balconies, block embrasures and varied cornice detailing.



Figure 7 – Site Development Plan

CONGREGATE HOUSING NEED

Paul Marsh of CBRE Marketing in Toronto analyzed the need for congregate housing in West Kelowna and identified a present deficit of 340 senior's housing apartments. The Williston is offering West Kelowna 107 new seniors' congregate housing opportunities to help offset this shortfall.

ZONING VARIANCE

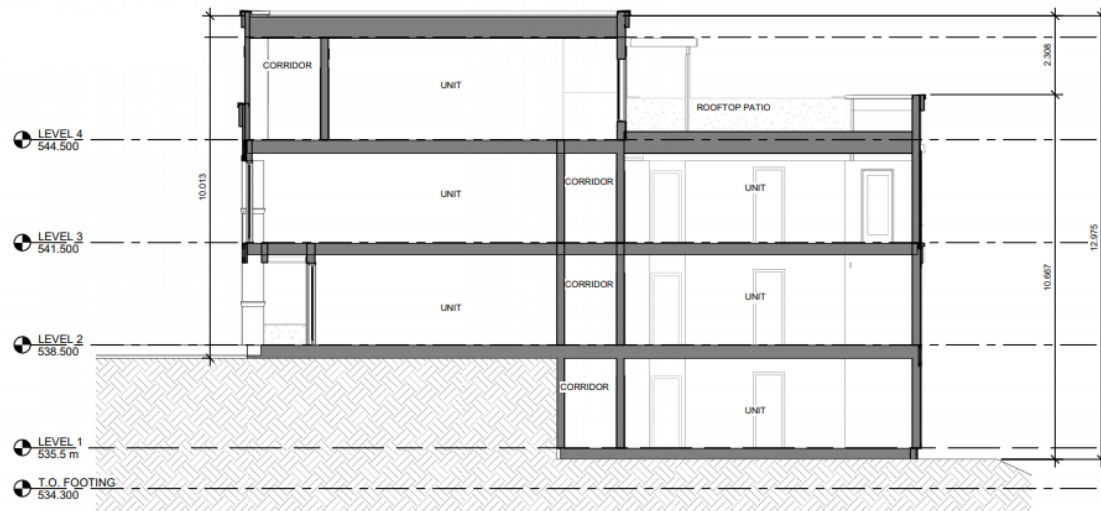


Figure 8 – Typical Cross-Section

To minimize the site disturbance, the Williston has an architecture that sits 'lightly' on the site. The stepping front to back and right to left has developed a built form that appears to be within the bylaw limitation of 3 storeys but is 4 storeys when considering the cross-section of the stepped construction. Furthermore, the 9.0m height is varied to allow for 9' floor-to-ceiling clearance in the homes and a highly insulated attic for the BCBC Step Code requirement.

MOBILITY & PARKING

The parking for residents, visitors and staff is within a two level parkade nested against the BC Hydro ROW. The independent structure is supplemented by three loading bays sufficient to meet the bylaw requirements.

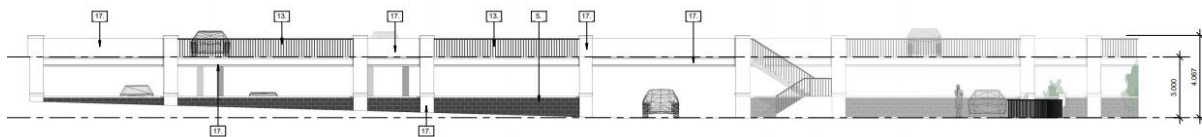


Figure 9 – Parkade Façade

PEDESTRIAN MOBILITY

Pedestrian mobility is comfortably considered with internal sidewalks, courtyards, and gardens for passive relaxation.



Figure 10 – Pedestrian Mobility

THE AMENITY CORE

Central to the five blocks is the amenity core on the middle floor with arrival entry, grand dining hall, tuck shop and lounge with the main kitchen and outdoor dining terraces. Above this level is a bistro and bar with open views to the entry and dining floor. Below the dining floor is the assembly room, craft room, fitness centre and wood shop with a secondary access to Saddleback Way. The assembly room is a programmable space for church services, yoga or other public or semi-public gatherings.



Figure 11 – Amenity Core Façade

CONCLUSION

The Williston is a development to serve the great needs of West Kelowna's older residents. This facility will offer an option for folks from the neighbourhood to 'age-in-place' among friends and a setting familiar to locals. The development is designed as a high quality structure with the use of premium materials and a comfortable residential styling. Adding 'Congregate Housing' to the land use for this location only refines the intent for a Care Facility to permit identical service outside of the limiting licensing maximums to provide a higher than average quality of home and facility.

2.8 DEFINITIONS

.1 In this Bylaw:

- (a) Words or phrases defined in the *Interpretation Act*, the *Community Charter*, the *Local Government Act* or this Part shall be interpreted with those definitions, and words and phrases defined in this Part and one of those statutes shall be interpreted in accordance with this Part.
- (b) all other words or phrases shall have their ordinary or common meaning.

ACCESSORY USE, BUILDING OR STRUCTURE means a use, building or structure that is subordinate, customarily incidental and exclusively devoted to a principal use, building or structure on the same parcel as the accessory use, building or structure, or, in the case of common property in a strata plan, a principal use, building or structure on a strata lot within the same strata plan.

ADULT ENTERTAINMENT STORE means premises used for the principal sale of adult motion pictures or other objects, other than contraceptive devices, designed or intended to be used in a sexual act as defined by the *Motion Picture Act* and Motion Picture Act Regulations.

AGRICULTURAL MARKET means premises used for the sale to the general public of farm products, processed farm products and the accessory sale of crafts.

AGRICULTURAL UNIT means an equivalent live farm animal weight corresponding to 455 kilograms (1003 pounds) of livestock, poultry or farmed game, or any combination equaling this weight.

AGRICULTURE, GENERAL means premises used for the husbandry of plants or livestock or for apiculture and may include the storage or repair of farm machinery and implements used on the farm on which the storage or repair is taking place.

AGRICULTURE, INTENSIVE means the use of land, buildings and structures for:

- The confinement of poultry, livestock or fur bearing animals, where more than 10 agricultural units are located within a confined livestock area, building or structure.
- The growing of mushrooms, where composting is a part of the operation.

AGRI TOURISM means a tourist activity, service or facility secondary to the agricultural use of land that is classified as a farm under the *Assessment Act*.

AMENITY SPACE means an outdoor or indoor area designed and provided for use by all residents of a residential development for cultural, social or recreational activities where a minimum of 25% of the required space is provided at grade. Parking areas, driveways, and decks and patios intended for individual dwelling units, service areas, storage areas and areas within the required minimum siting distances from a front, interior side or exterior side parcel boundary do not constitute amenity space.

APARTMENT means a building or group of buildings, each containing 3 or more dwellings where each dwelling has its principal access from an at-grade entrance common to all dwellings. Where permitted in a Commercial Zone, a building containing fewer than 3 dwellings is an apartment provided that it complies with the rest of this definition.

BREWERY, DISTILLERY OR MEADERY means a building or group of buildings used for the brewing or distilling of beverages or products with alcohol content exceeding 1% by volume, and may include accessory sales and customer seating areas.

Schedule A

BUILDING means a structure wholly or partly covered by a roof or roofs supported by walls or columns which is permanently affixed to the land and is intended for supporting or sheltering any use or occupancy.

BULK FUEL DEPOT means premises used for the sale, including key lock retail sale, and distribution of bulk fuel to commercial vehicles where all bulk fuel products other than propane are stored below ground level.

CABARET, BAR OR LOUNGE means premises with a seating capacity of up to 350 seats used primarily for the sale of liquor for consumption on the premises, and may include the sale of food and incidental sales of liquor for consumption off the premises.

CARE FACILITY, MAJOR means a use licensed as required under the *Community Care and Assisted Living Act*, intended to provide care, educational services, or supervision for children or adults and may include limited overnight accommodation for shift workers.

CARE FACILITY, MINOR means a use of an occupied single detached dwelling, manufactured home or duplex licensed as required under the *Community Care and Assisted Living Act* intended to provide care, educational services or supervision for children or adults and may include limited overnight accommodation for shift workers.

CARETAKER UNIT means a dwelling unit intended to provide on-site accommodation for an occupant that provides maintenance or security services or is employed on the parcel on which the caretaker unit is located.

CARRIAGE HOUSE means a detached building containing a secondary dwelling, which may also contain one or more off street parking spaces required by this bylaw for the single detached dwelling on the same parcel or for the carriage house.

CHEQUE CASHING/PAY DAY LOAN ESTABLISHMENT means a business, other than a bank or credit union, which cashes cheques in exchange for a fee or percentage of the cheque's face value, or offers loans or advances in contemplation of the customer's receipt of a future wage or paycheck.

Bylaw No.
154.14

Bylaw No.
154.64

CANNABIS means any part of the cannabis plant including its preparations and derivatives and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch; fiber derived from such stalks; or the roots of a cannabis plant

Bylaw No.
154.64

CANNABIS PRODUCTION means the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of cannabis, but does not include the retail sale of cannabis.

CANNABIS PRODUCTION FACILITY means premises used for cannabis production, including premises used for cannabis production by a licensed producer under Part 1 of the Federal Regulations and premises used for cannabis production by one or more persons under one or more registrations under Part 2 of the Federal Regulations, but not including residential premises used for the production, processing or storage of cannabis for the medicinal use of a resident of the premises under a registration under Part 2 of the Federal Regulations.

Bylaw No.
154.64

Bylaw No.
154.46

CANNABIS SALES FACILITY means premises used for the retail sale of cannabis, and includes premises used for the service of providing referrals or facilitating access to cannabis not physically sold on the premises, but does not include sales by a pharmacist at a full-service pharmacy licensed under the *Pharmacy Operations and Drug Scheduling Act* or distribution by a licensed producer under Part 1 of the Federal Regulations.

Bylaw No.
154.64

COMMERCIAL SCHOOL means premises used for commercial training, instruction, or certification in a specific trade, skill or service. Typical uses include secretarial, business, hairdressing, information technology, beauty, culture, and music schools.

COMMERCIAL STORAGE means premises providing indoor or outdoor space available for rent for the purpose of storing non-hazardous goods.

COMMERCIAL VEHICLE means

- a motor vehicle having permanently attached to it a truck or delivery body;
- an ambulance, fire apparatus, hearse, bus, tow car, road building machine, taxi or tractor; or
- any commercial vehicle of a type specified by regulation of the Lieutenant Governor in Council under the *Commercial Transport Act*.

COMMUNITY OR ASSEMBLY HALL means a building, or part of a building, used for the gathering together of groups of persons for a specific function. Typical uses include meetings for civic, educational, political, religious, recreational and social purposes.

COMMUNITY GARDEN means land which is gardened collectively or divided into individual plots and which is used by members of the public for demonstration gardening, instructional programming and the production of plants and produce for personal consumption.

COMMUNITY SEWER SYSTEM means a sanitary sewer collection and disposal system.

COMMUNITY WATER SYSTEM means a system of waterworks that provides potable water to more than 1 parcel.

CONFINED LIVESTOCK AREA means an outdoor area where livestock, poultry, or farmed game is confined by fences, other structures or topography, and includes feedlots, paddocks, corrals, exercise yards, and holding areas but does not include a seasonal grazing area.

CONGREGATE HOUSING means a multiple residential building or group of buildings in which residents may receive supportive services including meal preparation, laundry, transportation, counseling, medical care or room cleaning.

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

DETENTION POND means a water body, either constructed or naturally occurring, used to temporarily store storm water run-off or snow-melt for later use or release into a drainage system.

DUPLEX means a building designed and constructed exclusively to accommodate 2 separate dwellings sharing a party wall.

DWELLING means 1 or more rooms which constitute a self-contained unit used or intended to be used by 1 household for living and sleeping purposes and includes only 1 kitchen and at least 1 bathroom.

EDUCATION FACILITY means premises used for education or training purposes, and may include administration offices and dormitories to house students. Typical uses include elementary, middle and secondary schools, storefront schools, community colleges, universities, technical and vocational schools.

10.9. LOW DENSITY MULTIPLE RESIDENTIAL ZONE (R3)

.1 Purpose

To accommodate multiple residential in low density housing form.

.2 Principal Uses, Buildings and Structures

- (a) Care facility, major, in duplex or townhouse form only
- (b) Duplex
- (c) Group home, in duplex or townhouse form only
- (d) Townhouse

.3 Secondary Uses, Buildings and Structures

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

.4 Site Specific Uses, Buildings and Structures

Bylaw No.
154.11

- (a) On Lots 1-16, District Lot 2045, ODYD, Strata Plan KAS1884: single detached dwellings

Bylaw No.
154.11

- (b) On Lots 1-73, District Lot 5070, ODYD, Strata Plan KAS2583: single detached dwellings and apartments.

Bylaw No.
154.11

(c) Apartments on:

- (i) Lot A, District Lot 2602, ODYD, Plan KAP92694;
- (ii) Lot 41, District Lot 703, ODYD, Plan KAP88313;
- (iii) District Lot 2602, ODYD, Plan KAP83141, Except Strata Plan KAS3683, and District Lot 2602, ODYD, Strata Plan KAS3683;
- (iv) Lots 1-14, District Lot 2602, ODYD, Plan KAS3023;
- (v) Lots 1-142, District Lot 2601, ODYD, Strata Plan KAS3485;
- (vi) Lot 1, District Lot 434 and District Lot 2045, ODYD, Plan 36364; and
- (vii) the R3-zoned portion of Lot C, District Lot 2045, ODYD, Plan KAP60462; and
- (viii) Lot A, DL 2602, ODYD, Plan KAP80333

Bylaw No.
154.22

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	1000 m ² (10,763.9 ft ²)
(b)	Minimum usable parcel area	700 m ² (7,534.7 ft ²)
(c)	Minimum parcel frontage	30.0 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density	0.75 FAR
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	9.0 m (29.5 ft) to a maximum of 3 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures

SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary	7.5 m (24.6 ft)
.3	Interior side parcel boundary	3.0 m (9.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) for the first two storeys or portion of the building less than or equal to 6.0 m (19.7 ft) in height, whichever is less 18.0 m (59.1 ft) for the third storey or portion of the building above 6.0 m (19.7 ft) but less than or equal to 9 m (29.5 ft) in height, whichever is less
OUTDOOR AMENITY SPACE		
(h)	Minimum outdoor amenity space per unit	25 m ² (269.1 ft ²)

.6 Other Regulations

- (a) Where side-by-side duplex units or townhouses are subdivided under the *Land Title Act*, Sections 10.9.5(a), 10.9.5(b) and 10.8.9(c) shall not apply provided that each parcel so created contains not less than one half the minimum parcel area, not less than one half the minimum usable site area and not less than one half the minimum frontage specified in those Sections, and Section 10.9.5(g).3 shall not apply.

(b) Siting Regulations for Approved Subdivisions

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures,

Bylaw No.
154.06

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.

10.11.WESTBANK CENTRE MULTIPLE RESIDENTIAL ZONE (R5)

.1 Purpose

To accommodate multiple residential in Westbank Centre.

.2 Principal Uses, Buildings and Structures

- (a) Apartment
- (b) Care facility, major in townhouse or apartment form only
- (c) Congregate housing
- (d) Group home in townhouse or apartment form only
- (e) Townhouse

.3 Secondary Uses, Buildings and Structures

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

.4 Site Specific Uses, Buildings and Structures - *Reserved*

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	1600 m ² (17,222.3 ft ²)
(b)	Minimum parcel frontage	30.0 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	With surface parking	1.4 FAR
.2	With non-surface parking	1.8 FAR
(d)	Maximum parcel coverage	60%
(e)	Maximum building height:	15.0 m (49.2 ft) to a maximum of 4 storeys; except it is 5.0 m (16.4 ft) for accessory buildings and structures. On Lot A, DL 486, ODYD, Plan EPP10728 the maximum height is 22.0 m (72.2 ft) to a maximum of 6 storeys.
SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	
i.	Townhouse	3.0 m (9.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front

ii.	Any built form other than a townhouse	4.5 m (14.8 ft)
.2	Rear parcel boundary	7.5 m (24.6 ft)
.3	Interior side parcel boundary	6.0 m (19.7 ft)
.4	Exterior side parcel boundary	
i.	Townhouse	3.0 m (9.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
ii.	Any built form other than a townhouse	4.5 m (14.8 ft)
.5	A1 Zone or ALR	15.0 m (49.2 ft) for the first two storeys or portion of the building less than or equal to 6.0 m (19.7 ft) in height, whichever is less 18.0 m (59.0 ft) for the third storey or portion of the building above 6.0 m (19.7 ft) but less than or equal to 9 m (29.5 ft) in height, whichever is less 21.0 m (68.9 ft) for the fourth storey or portion of the building above 9.0 m (29.5 ft) in height, whichever is less
AMENITY SPACE		
a.	Minimum Amenity Space (per unit)	
.1	Bachelor dwelling unit and a unit in a group home	7.5 m ² (80.7 ft ²)
.2	One (1) bedroom dwelling unit	15.0 m ² (161.5 ft ²)
.3	More than one (1) bedroom dwelling unit	25.0 m ² (269.1 ft ²)
.4	Congregate housing unit	6.0 m ² (64.6 ft ²) indoor amenity space and 6.0 m ² (64.6 ft ²) outdoor amenity space

.6 Other Regulations

- (a) Where side-by-side townhouses are subdivided under the *Land Title Act*, Sections 10.11.5(a) and 10.11.5(b) shall not apply provided that each parcel so created contains not less than one half the minimum parcel area and not less than one half the minimum frontage specified in those Sections, and Section 10.11.5(f).3 shall not apply.
- (b) Despite Section 10.11.5(c), in circumstances where a combination of surface and non-surface parking is proposed, the maximum density of 1.4 FAR may be increased by 0.4 multiplied by the ratio of non-surface parking spaces to the total required parking spaces, but in no case shall the FAR exceed 1.8.

(c) Density bonusing

- .1 Despite Section 10.11.5(c), the maximum density may be increased to 2.2 FAR if the owner of the land pays to the City of West Kelowna, prior to the issuance of a building permit, the amount equal to \$26.90 per square metre of additional GFA (\$2.50 per square foot of additional GFA), to be deposited in a Restricted Reserve Fund for Westbank Centre Amenities.
- .2 Buildings that are being constructed at an FAR in excess of 1.8 in accordance with Section 10.11.6(c) shall have a maximum height of 6 storeys, or 22.5 m (73.8 ft), whichever is less, if all of the parking spaces are provided in the form of non-surface parking.

(d) In addition to the minimum amenity space outlined in the Regulations Table, congregate housing shall also include the following at a minimum:

- .1 100 m² (1,076.4 ft²) of seating area for common dining facilities; and
- .2 160 m² (1,722.2 ft²) of floor area for common community and assembly hall facilities.

(e) **Siting Regulations for Approved Subdivisions**

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures,

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.

Bylaw No.
154.06

PART 11 – COMMERCIAL ZONES

11.1. URBAN CENTRE COMMERCIAL ZONE (C1)

Bylaw No.
154.36

.1 Purpose

To accommodate a mix of uses with active commercial frontages.

.2 Principal Uses, Buildings and Structures

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

.3 Secondary Uses, Buildings and Structures

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

.4 Site Specific Uses, Buildings and Structures

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

Bylaw No.
154.63

Bylaw No.
154.77

Bylaw No.
154.78

Bylaw No.
154.85

.5 Regulations Table

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

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

.6 Other Regulations

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

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

13.2. INSTITUTIONAL AND ASSEMBLY ZONE (P2)

.1 Purpose

To accommodate institutional, administrative and associated uses.

.2 Principal Uses, Buildings and Structures

- (a) Cemetery
- (b) Community or assembly hall
- (c) Care facility, major
- (d) Congregate housing**
- (e) Education facility
- (f) Extended medical treatment facility
- (g) Fire, police or ambulance service
- (h) Food bank
- (i) Group camp
- (j) Group home
- (k) Library, museum, or art gallery
- (l) Office
- (m) Recreation services, indoor
- (n) Recreation services, outdoor
- (o) Transportation station

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Restaurant
- (c) Retail, general

.4 Site Specific Uses, Buildings and Structures - *Reserved*

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	700 m ² (7,534.7 ft ²)
(b)	Minimum parcel frontage	18.0 m (59.1 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum parcel coverage	50%
(d)	Maximum building height	12.0 m (39.4 ft)
SITING REGULATIONS		
(e)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	4.5 m (14.8 ft)
.2	Rear parcel boundary	3.0 m (9.8 ft)

.3	Interior side parcel boundary	3.0 m (9.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft)
.5	A1 Zone or ALR	15.0 m (49.2 ft) for the first two storeys or portion of the building less than or equal to 6.0 m (19.7 ft) in height, whichever is less
		18.0 m (59.1 ft) for the third storey or portion of the building above 6.0 m (19.7 ft) but less than or equal to 9 m (29.5 ft) in height, whichever is less
		21.0 m (68.9 ft) for the fourth storey or portion of the building above 9.0 m (29.5 ft) in height, whichever is less

.6 Other Regulations - *Reserved*

CITY OF WEST KELOWNA PLANNING DEPARTMENT



ATTACHMENT: 4

FILE NO.: Z 20-11

2416 Saddleback Way - West Kelowna

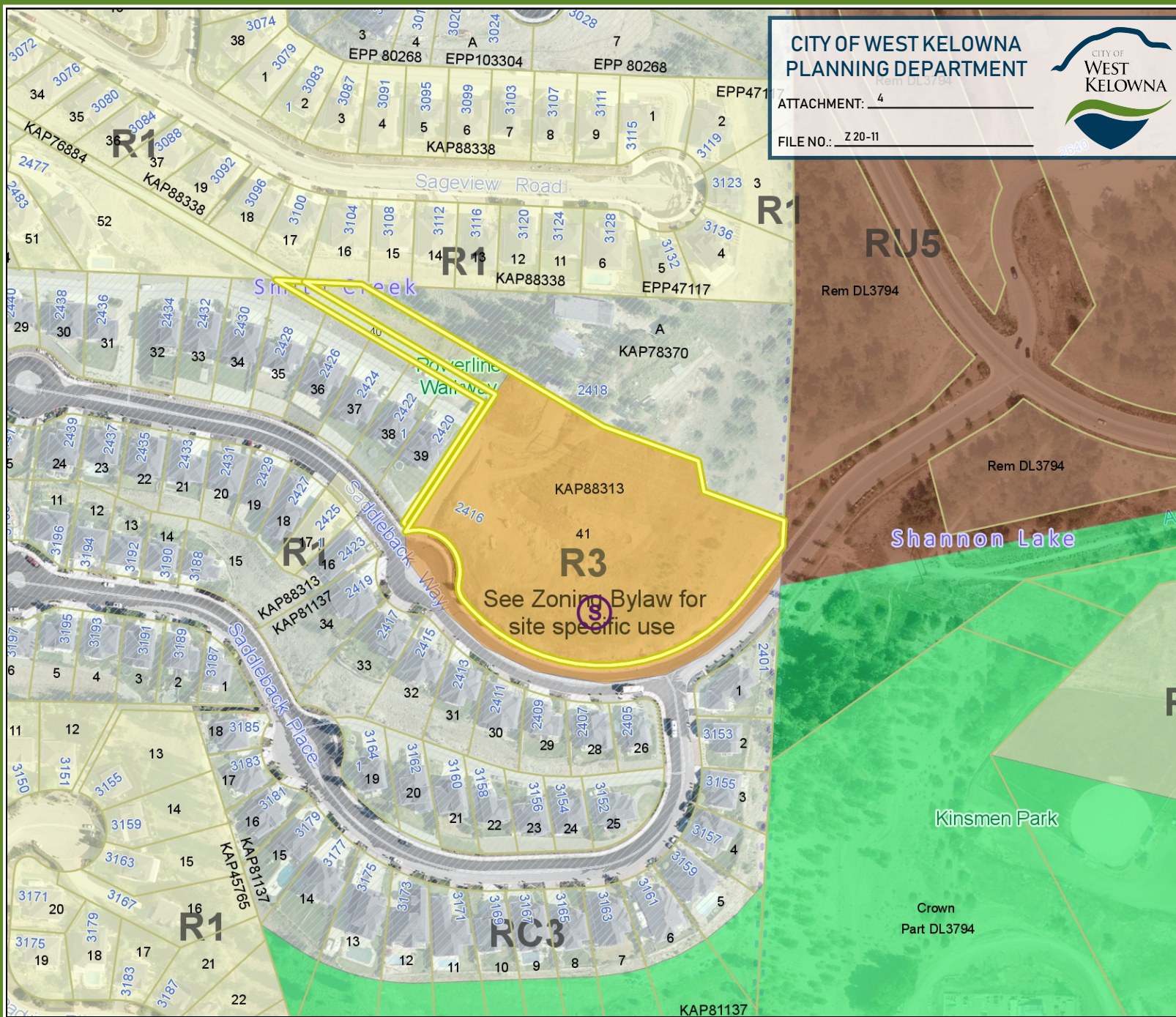
Legend

- Landmarks**
- Cemetery
 - City Hall
 - Community Centre
 - Dam
 - Fire Hall
 - Museum
 - RCMP
 - School
- Tax Parcels**
- Site Specific Zoning**
- Zoning Bylaw 0154**
- Agricultural Zone (A1)
 - Urban Centre Commercial Zone (C1)
 - Neighbourhood Commercial Zone (C2)
 - Gasoline Service Station Commercial Zone (C3)
 - Service Commercial Zone (C4)
 - Campground, Cabin and Motel Commercial Zone (C5)
 - Tourist and Resort Commercial Zone (C6)
- Basemap Parcel Type**
- Ownership
 - Land Strata
 - Building Strata
 - Common Property
 - Crown Land
 - Lease
 - Park
 - Road Right-Of-Way
 - Walkway
 - Common Access



Scale 1 : 2,500

Notes



0 64 127 Meters

Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna

Map Produced on: 2/10/2021 4:36:50 PM



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.



COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 23, 2021

From: Jayden Riley

File No: Z 20-13

Subject: **Z 20-13; Zoning Bylaw Amendment No. 0154.101, 2020 (3rd Reading and Adoption); 2500 Tallus Heights Lane**

RECOMMENDATION

THAT Council give third reading and adopt the City of West Kelowna Zoning Amendment Bylaw No. 0154.101, 2020 (File Z 20-13).

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.

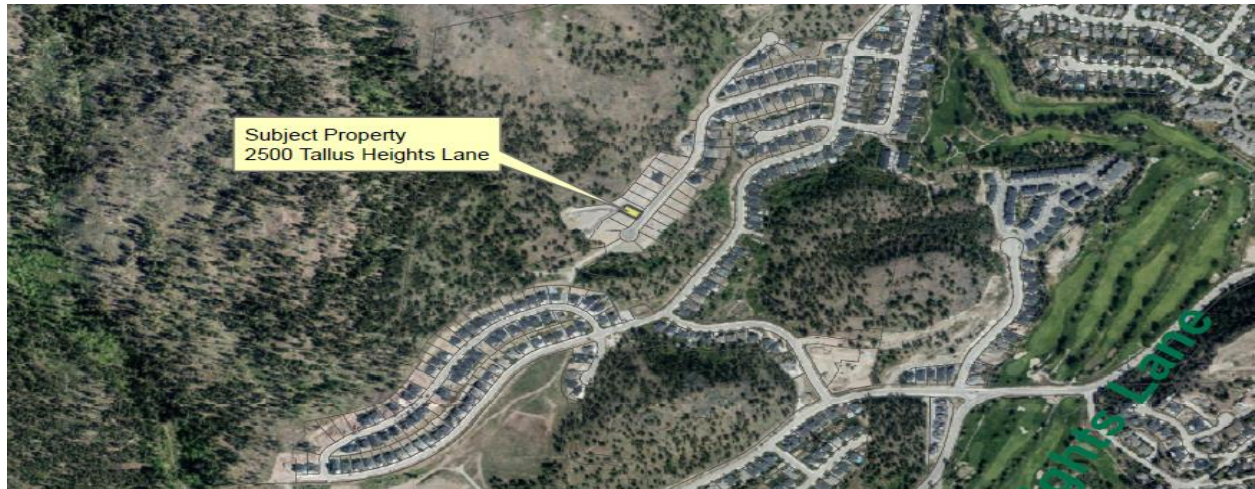
PROPERTY DETAILS			
Address	2500 Tallus Heights Lane		
PID	030-666-791		
Folio	36414916.233		
Lot Size	535 m ²		
Owner	Ryser Developments	Agent	Jamie Mullen, Willow Developments
Current Zoning	Compact Single Detached Residential (RC3)	Proposed Zoning	Compact Single Detached Residential (RC3) with secondary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



Overview of Public Hearing

A Public Hearing was held on March 9, 2021. Staff also received three (3) submissions and one call-in at the Public Hearing. The items raised by the public included concerns of on-street parking interfering with vehicle sightlines, street sweeping and snow clearing, as well as increased potential for nuisances (e.g. noise) caused by permitting a secondary suite. Council raised questions regarding the bylaw permitting tandem parking and if there would be sufficient area for non-tandem off-street parking.

The applicant presented at the Public Hearing and noted they were open to providing non-tandem off-street parking and discussed the affordability factor and demand for new construction to contain secondary suites. The applicant also described the weekly increased cost of building materials and related implications to housing affordability and housing costs.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
February 9, 2021	THAT Council give First and Second Reading to City of West Kelowna Zoning Amendment Bylaw No. 0151.101, 2020 and; THAT Council direct staff to schedule a Public Hearing for the proposed zoning amendment bylaw.	C080/21
March 9, 2021	Public Hearing	N/A

CONCLUSION

Upon hearing the comments from the public, Council, and the applicant, staff recommend that Council give third reading and adopt the proposed zoning amendment bylaw. The subject property has an active covenant with the City that restricts driveway access from Tallus Heights Drive, and the private access easement over Tallus Heights Lane effectively restricts on-street parking within the laneway. One (1) off-street parking space is required for a secondary suite, as regulated by Zoning Bylaw No. 0154, and will be reviewed at time of building permit.

The purpose of the 550 m² minimum parcel area to permit secondary suites in the Compact Single Detached Residential Zone (RC3) is to mirror the minimum parcel area of the Single Detached Residential Zone (R1), which permits secondary suites. When comparing the subject property's 17 m frontage (Tallus Heights Lane) to the R1 Zone's minimum 16 m frontage, the subject property is anticipated to have adequate off-street parking potential, in tandem or otherwise. The suitability of tandem parking to meet off-street parking requirements may be considered during the upcoming Zoning Bylaw review, but at this time is permitted under the City's parking regulations.

Alternate Motion:

1. **THAT** Council postpone Third Reading and Adoption of City of West Kelowna Zoning Amendment Bylaw No. 0154.101, 2020 (File Z 20-13).

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

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. ZB 0154.101, 2020

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 9TH DAY OF FEBRUARY, 2021
PUBLIC HEARING HELD THIS 9TH DAY OF MARCH, 2021

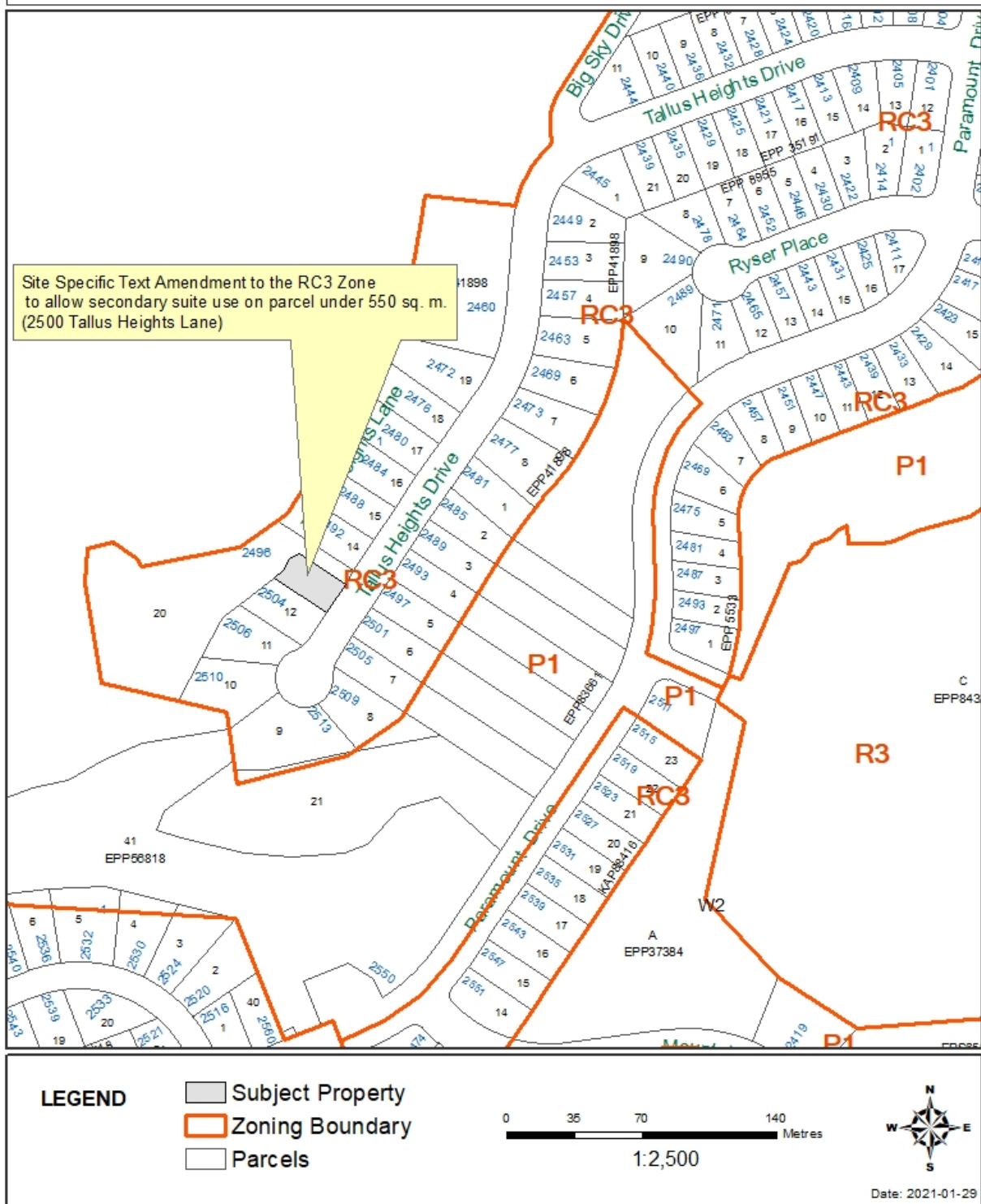
M A Y O R

CITY CLERK



CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.101





COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 23, 2021

From: Brent Magnan, Planning Manager

File No: DP 20-35, FEX 21-01

Subject: **DP 20-35, FEX 21-01; Development Permit with Variance and Floodplain Exemption; 631 Westside Road**

RECOMMENDATION

THAT Council authorize the issuance of an Aquatic Ecosystem, Hillside, and Sensitive Terrestrial Ecosystem Development Permit for the demolition and subsequent construction of a single detached dwelling at 631 Westside Road with a variance to S.10.4.5(g).3 of Zoning Bylaw No. 0154 to reduce the minimum setback to the interior parcel boundary from 1.5 m to 0.1 m; and

THAT Council approve a Floodplain Exemption to S.3.24.3(c) of Zoning Bylaw No. 0154 to permit a foundation to be located at a 3.5 m horizontal distance from the natural boundary of a stream, on the condition that the applicant enter into an indemnity covenant with the City, and in accordance with the attached permit (*Attachment 1*).

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

This application is seeking an Aquatic, Terrestrial, and Hillside Development Permit to demolish and subsequently reconstruct a single family dwelling located adjacent to Luluwap Creek and Okanagan Lake. Although located further away from the creek than the existing foundation, at 3.5 m, the proposed foundation requires a floodplain exemption replacement as it is within 15 m from the natural boundary of the creek. The dwelling is also proposed to be expanded opposite the creek, therefore a variance is requested to reduce the minimum setback to the interior parcel boundary from 1.5 m to 0.1 m.

PROPERTY DETAILS	
Address	631 Westside Road
PID	066-226-523
Folio	36414533.036
Lot Size	2,387 m ²

Owner	Todd Simpson	Agent	N/A
Current Zoning	Single Detached Residential (R1)	Proposed Zoning	N/A
Current OCP	Single Family Residential	Proposed OCP	N/A
Current Use	Singe Detached Dwelling	Proposed Use	Demo and construction of Single Detached Dwelling
Development Permit Areas	Hillside, Aquatic, Terrestrial		
Hazards	Aquatic and Terrestrial, Hillside		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Parks and Open Space / Raymer Regional Park (P1)
East	>	Okanagan Lake
West	<	Bear Creek Road
South	v	Single Detached Residential (R1)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Local Government Act

S.498 of the *Local Government Act* enables Council to issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

S.524 of the *Local Government Act* enables Council to grant an exemption to development from the requirements of a floodplain setback 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, subject to consideration of particular factors (i.e. Flood Hazard Assessment). Under this authority, local governments may also impose conditions considered necessary or advisable.

Community Charter

The *Community Charter* stipulates that where construction on lands subject to flood are proposed, a Building Inspector may require reporting by a qualified professional stating that the land may be used safely for the use intended. The Inspector is required to withhold issuance of a Building Permit where a qualified professional determines the said use is not safe.

Provincial Flood Hazard Area Land Use Management Guidelines

Provincial guidelines state that the local government has the authority to alter any bylaw condition to best match the flood hazard provided the level of protection is not altered. The guidelines stipulate acceptable parameters respecting consideration of hardship conditions which may warrant local government agreement 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

Background

The subject property is located at 631 Westside Road and is accessed by a private lane that intersects the adjacent Raymer Regional Park lands to the north. The property contains steep hillsides, Luluwap Creek, and is directly adjacent to Okanagan Lake to the east.

The applicant has been in discussion with the City since 2018 to address issues related to a failing foundation. Originally, a joint application was submitted with the adjacent property, 639 Westside Road; however, due to timing, the owner/applicant of 631 Westside Road has decided to advance their application independent of their neighbor.

Submission of the original application in 2019 included a geotechnical and environmental reports, as well as structural and floodplain hazard assessments. All of the reports, as well as multiple staff site visits, indicated evidence that the dwelling was experiencing

significant settlement. The reports have recommended removal and replacement of the foundation rather than remediation.

Proposal

This application is proposing to demolish the existing dwelling, including foundations, and reconstruct a single family dwelling within an Aquatic, Hillside and Terrestrial Development Permit Area. Due to the limited developable area, the applicant is requesting a variance to the interior parcel boundary setback from 1.5 m to 0.1 m, the boundary shared with the Raymer Regional Park. The proposal also includes replacing and relocating the building foundation from 1.4 m to 3.5 m (horizontal distance) from the natural boundary of the creek. This requires a floodplain exemption as the new foundation, although sited a further distance from the creek, is less than the minimum 15.0 m required by the City's Zoning Bylaw (*Figure 1, Attachment 2*).

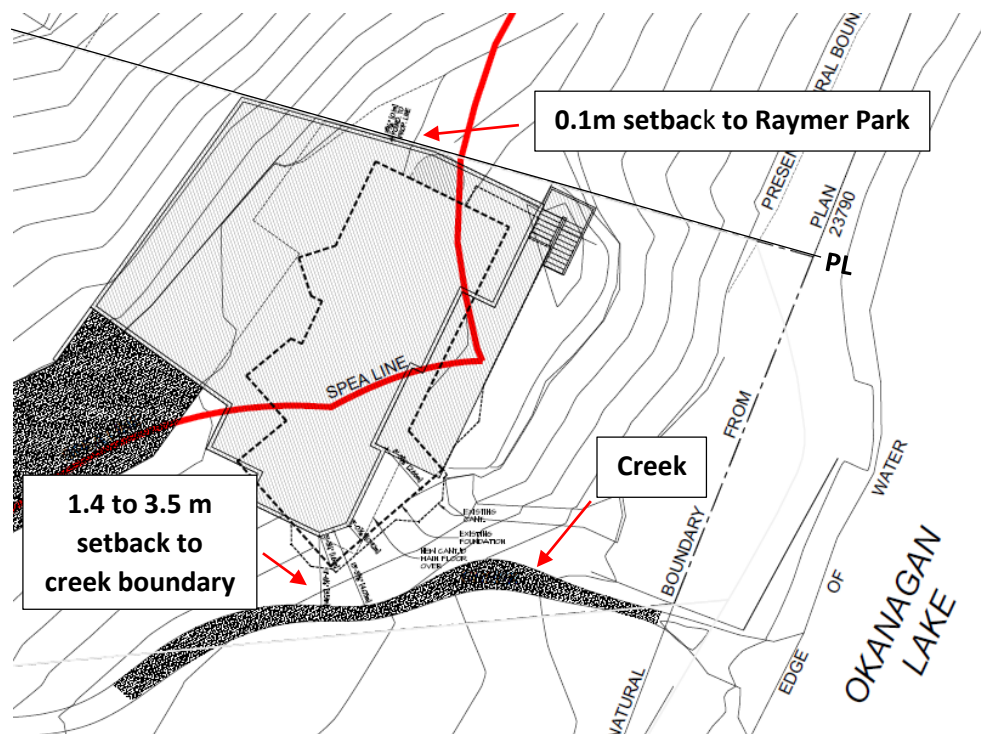


Figure 1: site plan

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The proposed use is consistent with the OCP's Land Use Designation of Single Family Residential, which is intended to serve a diversity of low density housing types appropriate to areas in which they are located.

The subject property is contained within the City's Aquatic and Sensitive Terrestrial Ecosystem Development Permit Areas (DPAs), as it is a waterfront property. This DPA is in line with Provincial Riparian Areas Protection Regulations (2019) and prioritizes the protection and preservation of riparian areas in order to maintain healthy watercourse

environments, as well as protect private property from flooding and potential loss of land due to channel erosion and instability.

The property is also subject to a Hillside DPA as it contains slopes greater than 20%. This requires a geotechnical review prior to site development and a permit to commit development to site-specific recommendations during construction.

Zoning Bylaw No. 0154

The subject property is zoned Single Detached Residential Zone (R1), which accommodates low density single detached dwelling residential use on parcels of land that are 550 m² and larger.

S.10.4.5(g).3 of the Zoning Bylaw requires that all buildings and structures are setback from the interior parcel boundary by minimum 1.5 m. Due to the topography and sensitive aquatic habitat contained within and adjacent to the property, the applicant is requesting a variance to this section of the bylaw to reduce the interior setback from 1.5 m to 0.1 m to maximize the building envelope furthest from the existing aquatic features.

All parcels abutting a body of water are subject to the City's Floodplain Regulations. S.3.24.1 of the Zoning Bylaw states that:

The underside of any floor system, and 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) 343.66 m above Geodetic Survey of Canada datum of parcel abutting Okanagan lake; and*
- b) 1.5 m above the natural boundary of any stream.*

S. 3.24.3 states that any landfill placed to elevate a floor system or pad to achieve levels specified in Section 3.24.1 shall be sited at least:

- a) 15.0 m from the natural boundary of Okanagan Lake; and*
- b) 15.0 m from the natural boundary of any steam.*

The existing dwelling has been identified to be above the required 343.66 m elevation and at exactly 1.5 m above the natural boundary of a stream; however, the proposed replacement and relocation of the foundation will be less than the minimum 15 m distance from the natural boundary of Luluwap Creek, at 3.5 m. Therefore a floodplain exemption is proposed.

Technical Review

Environmental Assessment

Due to development proposed within an Aquatic and Terrestrial Development Permit Area, an Environmental Assessment was submitted with the application that identified the location of the existing dwelling to be within the Streamside Protection and Enhancement Area (SPEA) and therefore legally non-conforming as it relates to existing provincial regulations and the City's Official Community Plan. Regardless, the Environmental Assessment concluded that removing the existing foundation was found to be the least invasive to the environment. An additional assessment was undertaken in 2020 to confirm if the development was eligible for hardship under the newly established Riparian Areas Protection Regulation (RAPR), which it was found not to be. As a result the applicant has agreed to remove the dwelling outside the SPEA as much as possible given hillside and other site constraints (*Figure 2*).

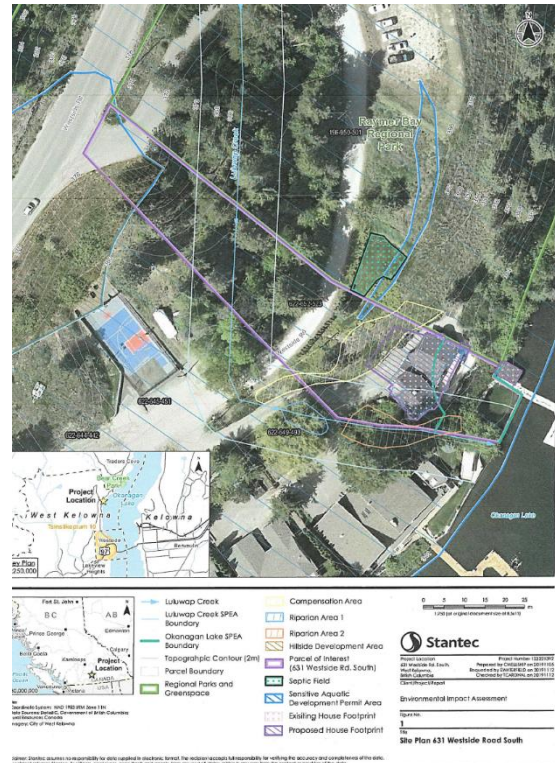


Figure 2: environmental assessment site plan

The applicant has also provided a landscape remediation plan that would be applied to any disturbed area of the site and would be required to restore hillside or riparian areas that have been disturbed by the location of any pre-existing structures. Landscaping would be a condition of the development permit (*Attachment 1*).

Flood Hazard Assessment

A Flood Hazard Assessment Report was submitted with the application, prepared by Dobson Engineering Ltd. The report concluded that the existing dwelling is located greater than 15 m from Okanagan Lake and the underside of the floor system was located above the minimum 343.66 m elevation and 1.5 m above the natural boundary of the creek, as required by the City's floodplain regulations (*Figure 3 and 4*). However, the report indicated that the proximity of the existing foundation to Luluwap Creek was at 1.4 m, whereas 15 m is required under S.3.24.3 of Zoning Bylaw No. 0154. The report is supportive of the proposal to replace the existing foundation on the condition that the underside the foundation is no less than 1.5 m above the natural boundary of the creek, and the setback from the natural boundary of the creek is no less than the existing dwelling (currently 1.4 m), given the constraints of the site. As evidenced by the site plan (*Attachment 2, Figure 1*), the dwelling is proposed to be setback back 3.5 m from the south corner of the structure.

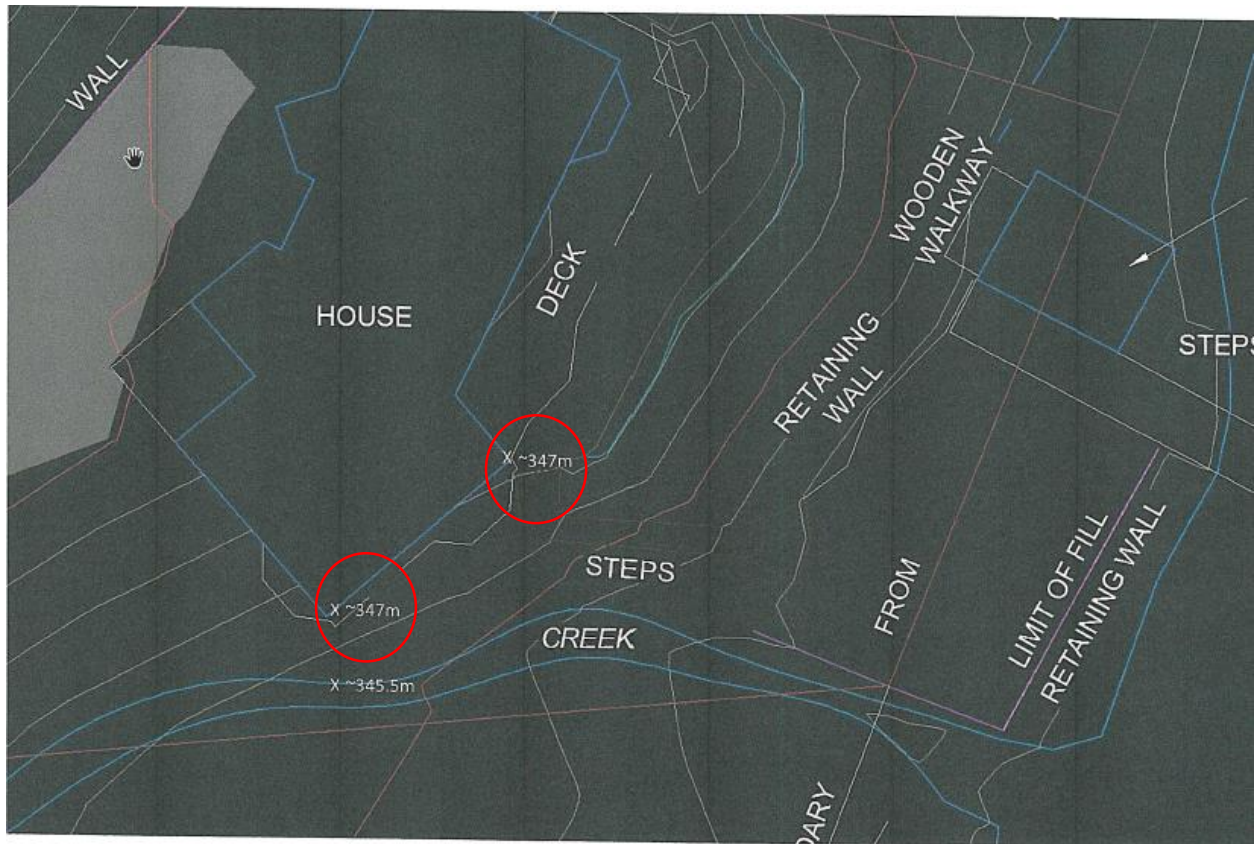


Figure 3: existing elevations from flood hazard assessment report (Dobson, 2019)

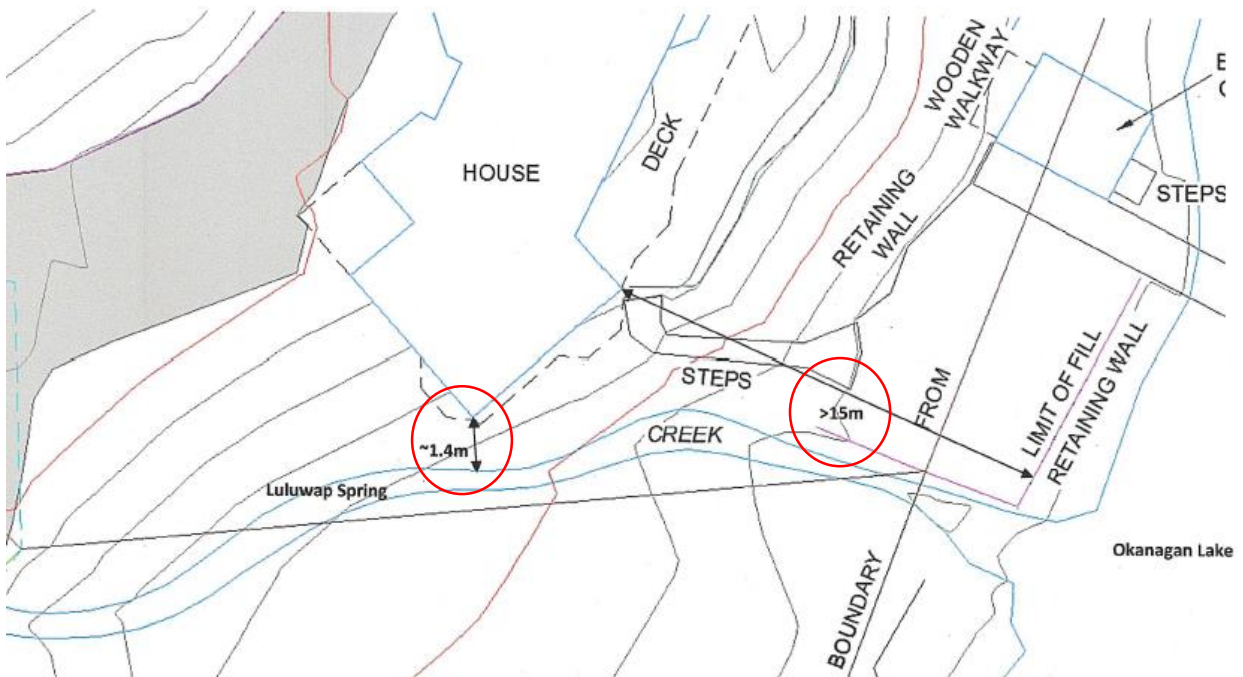


Figure 4: existing setbacks from Okanagan Lake and Luluwap Creek (Dobson, 2019)

Geotechnical Report

Two geotechnical reports were submitted with the application from Interior Testing Services Ltd. The initial report (June 2019) included the results of comparing spot elevations of both the main floor and the basement of the dwelling, which indicated a maximum variation of 188 mm for both the main and basement slab. The standard geotechnical objectives for new construction is on the order of 25 mm, which concludes that significant movement has occurred. The report recommends that the home is rehabilitated in the form of supporting piles, remediation, or removal and replacement of foundation. Complete demolition and replacement was noted as being the most cost effective.

The most recent geotechnical report (October 2019) considers the preferred remediation option of removal and replacement of the building foundation. The report provides a slope stability analysis and construction recommendations related to foundation design, site preparation and grading, and drainage. The report concludes that the site is suitable for residential construction and safe residential occupation is possible. These recommendations will be included in the Development Permit (*Attachment 1*).

Indemnities

Where local governments wish to permit a floodplain exemption, a covenant may be registered to title and contain an “indemnity” clause to protect local government from the financial consequences of a special event (e.g. flood damage to an approved structure within the floodplain)¹. It is advisable that the said covenant is registered against the title of the property under section 219 of the *Land Titles Act* as a condition of permit issuance, which specifies the following:

- The condition(s) that would enable the land to be safely used for the use intended; and
- Granting indemnity to the local government.

However, this indemnity tool may only protect the local government from a legal ruling of full liability.

Referral Comments

The application has been referred to various internal and external agencies. Detailed comments have been provided to the applicant and in most cases are advisory or have been addressed to the satisfaction of City staff for the purposes of the Development Permit. The Regional District of the Central Okanagan has reviewed the application and is in support of the 0.1 m interior parcel boundary setback.

¹ ¹ S12.14, Buholzer, William (February 2018). *British Columbia Planning Law and Practice* (Markham: Butterworths, looseleaf)

Public Notification

In accordance with the *Local Government Act*, 10 notification letters respecting the proposed variance were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment 3*) and a Notice of Application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no public submissions have been received.

CONCLUSION

Staff recommend Council authorize issuance of the Development Permit with Variance and Floodplain Exemption based on the following rationale:

- The single detached dwelling was constructed approximately 30 years ago and does not conform to current Floodplain regulations (legally non-conforming);
- Since construction, the dwelling has experienced significant settlement and is a safety and environmental hazard;
- Removal and replacement of the building foundation was a recommended solution from the structural and geotechnical engineer, in order to reset the lifespan of the foundation and limit disturbance outside of the building footprint;
- The subject property has a limited developable area, given the hillside and aquatic features, which present siting challenges respecting development;
- A report from a qualified environmental professional has provided recommendations to mitigate disturbance;
- The flood hazard assessment report supports the removal and replacement of the building foundations with conditions that will be included in the permit;
- Restoration of any previously disturbed areas will be a condition of the permit; and
- A reduction in the setback to the creek allows the residence to be sited further from its current 1.4 m setback to the natural boundary of the creek, resulting in a long term improvement.

Alternate Motion:

1. **THAT** Council postpone the issuance of an Aquatic Ecosystem, Hillside, and Sensitive Terrestrial Ecosystem Development Permit for the demolition and subsequent construction of a single detached dwelling at 631 Westside Road with a variance to S.10.4.5(g).3 of Zoning Bylaw No. 0154 to reduce the minimum setback to the interior parcel boundary from 1.5 m to 0.1 m; and

THAT Council postpone a Floodplain Exemption to S.3.24.3(c) of Zoning Bylaw No. 154 to permit a foundation to be located at a 3.5 m horizontal distance from the natural boundary of a stream, on the condition that the applicant enter into an indemnity covenant with the City, and in accordance with the attached permit (*Attachment 1*).

Should Council choose to postpone the application, further direction to staff is requested.

2. **THAT** Council deny the proposed Development Permit with Variance and Floodplain Exemption.

Should Council choose to deny the application, a similar application may not be considered for a period of six (6) months, in accordance with the City Development Applications Procedures Bylaw No. 0260.

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. DP 20-35 / FEX 21-01
2. Site Plan
3. Public Notification Map



**CITY OF WEST KELOWNA
DEVELOPMENT PERMIT WITH VARIANCE
AND FLOODPLAIN EXEMPTION
DP 20-35 / FEX 21-01**

TO: Todd Simpson
631 Westside Road
West Kelowna, BC, V1Y 3S2

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 12, DL 2924, ODYD, Plan 23790
(631 Westside Road)

3. This Permit allows for the demolition and subsequent construction of a single detached dwelling with a variance to S.10.4.5(g).3 of Zoning Bylaw No. 0154 to reduce the interior parcel setback from 1.5 m to 0.1 m, and a Floodplain Exemption to S.3.24.3(c) of Zoning Bylaw No. 0154 to locate a building foundation 3.5 m from the natural boundary of a stream (Luluwap Creek), subject to the following conditions and related schedules:
 - a) Siting of the dwelling shall be general accordance with the Site Plan, prepared by Baxter Designs Inc., Drawing 1/1, dated January 21, 2021, attached as 'Schedule A'
 - b) Construction, remediation and mitigation measures to be in accordance with the Environmental Assessment, prepared by Stantec Consulting Ltd., prepared December 12, 2019, attached as 'Schedule B', and the Riparian Areas Protection Regulations Assessment Report, prepared by Stantec Consulting Ltd., dated June 26, 2020, attached as 'Schedule C', including but not limited to:
 - i. **Snow fencing** to be installed at the SPEA boundary, where possible, or installed at the limits of disturbance of the site, as recommended by the QEP, to prevent construction and earth material contamination within sensitive aquatic areas;
 - ii. **Environmental Monitoring** to be in place during construction with a periodic inspection reports submitted to the city, as well as a final report following project completion;
 - iii. To include appropriate **spill containment kits** on site at all times during construction;
 - iv. **No refuelling within 30 m** of the of any watercourse; and
 - v. **Construction debris/waste** is to be transported and disposed of off-site and in accordance with applicable legislation, guidelines and best management practices.

- c) All **restoration plantings** in general conformance with the Riparian and Restoration Plan, prepared by Xeriscape Endemic Nursery and Ecological Solutions, attached as 'Schedule D'.

Requirements in Relation to Floodplain

- a) All site preparation and construction activities shall be consistent with the Floodplain Hazard Assessment Report, prepared by Dobson Engineering Ltd., dated September 16, 2019, attached as Schedule 'E', including but not limited to:
- i. Foundation to be located no less than 1.4 m from the natural boundary of Luluwap Creek and 1.5 m above the natural boundary of the creek.
 - ii. Foundation to be located no less than 15 m from the natural boundary of Okanagan Lake; and
 - iii. Any the underside of any floor system used for dwelling purposes to be located at a minimum Geodetic Survey of Canada datum of 343.66 m.
- b) **As a condition of the Floodplain Exemption, the applicant will enter into an indemnity covenant.**

General Terms

4. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof. Should any change be required to this permit, please ensure that you obtain written approval from the City of West Kelowna prior to making any changes.
5. If this Development Permit has not been issued within two years from approval, Development Permit DP 20-35 / FEX 21-01 shall be deemed to have been refused and the file will be closed.
- 6. This Permit is not a Building Permit.**
7. 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. CXXX/XX PASSED BY COUNCIL ON _____, 2021

Signed on _____, 2021

City Clerk

INDEMNITY COVENANT REGISTERED ON _____, 2021

I hereby confirm that I have read and concur with the conditions of DP 20-35 / FEX 21-01 and will ensure that copies of the Permit will be provided to on-site personnel at time of construction.

Signed on _____

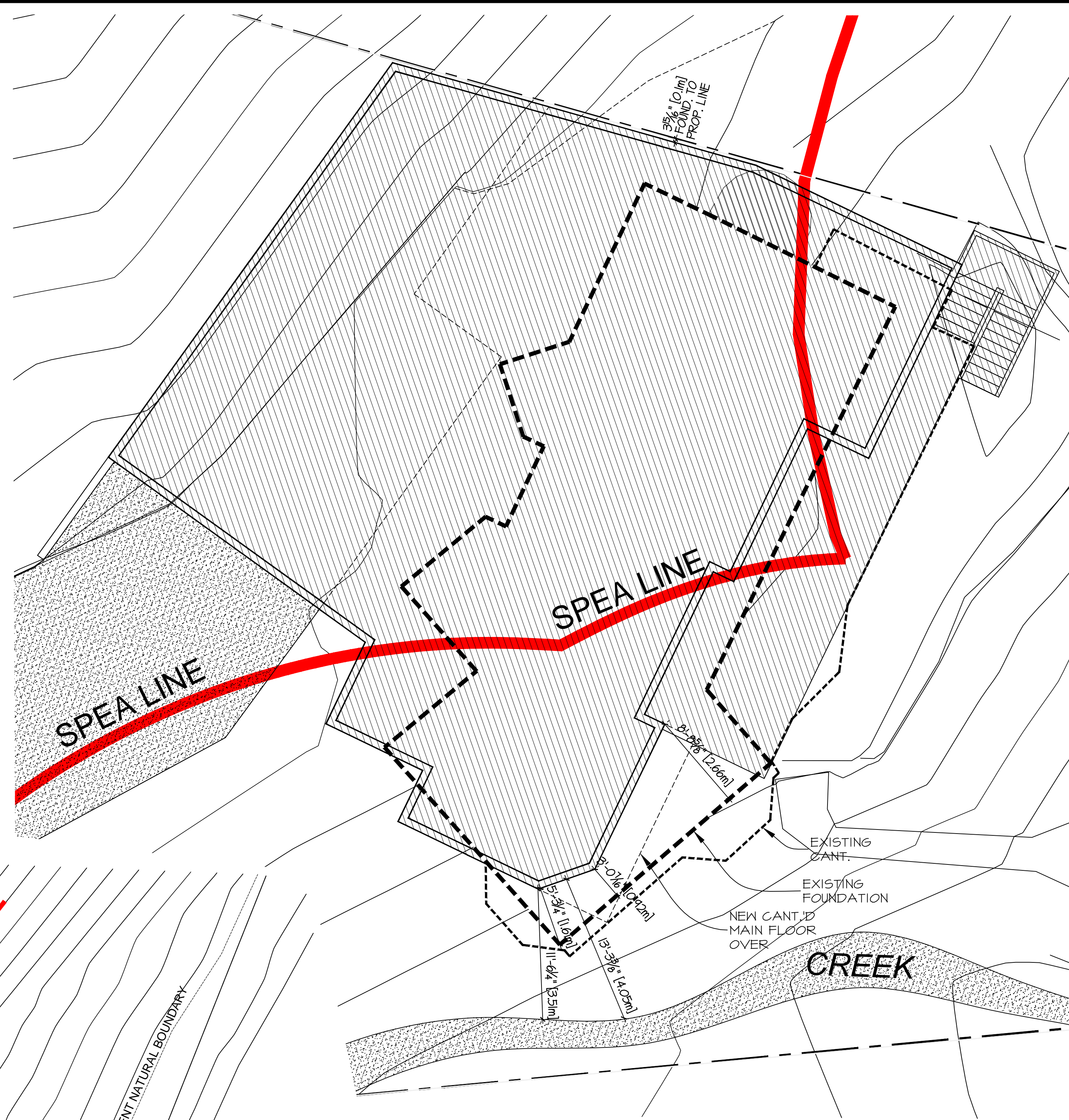
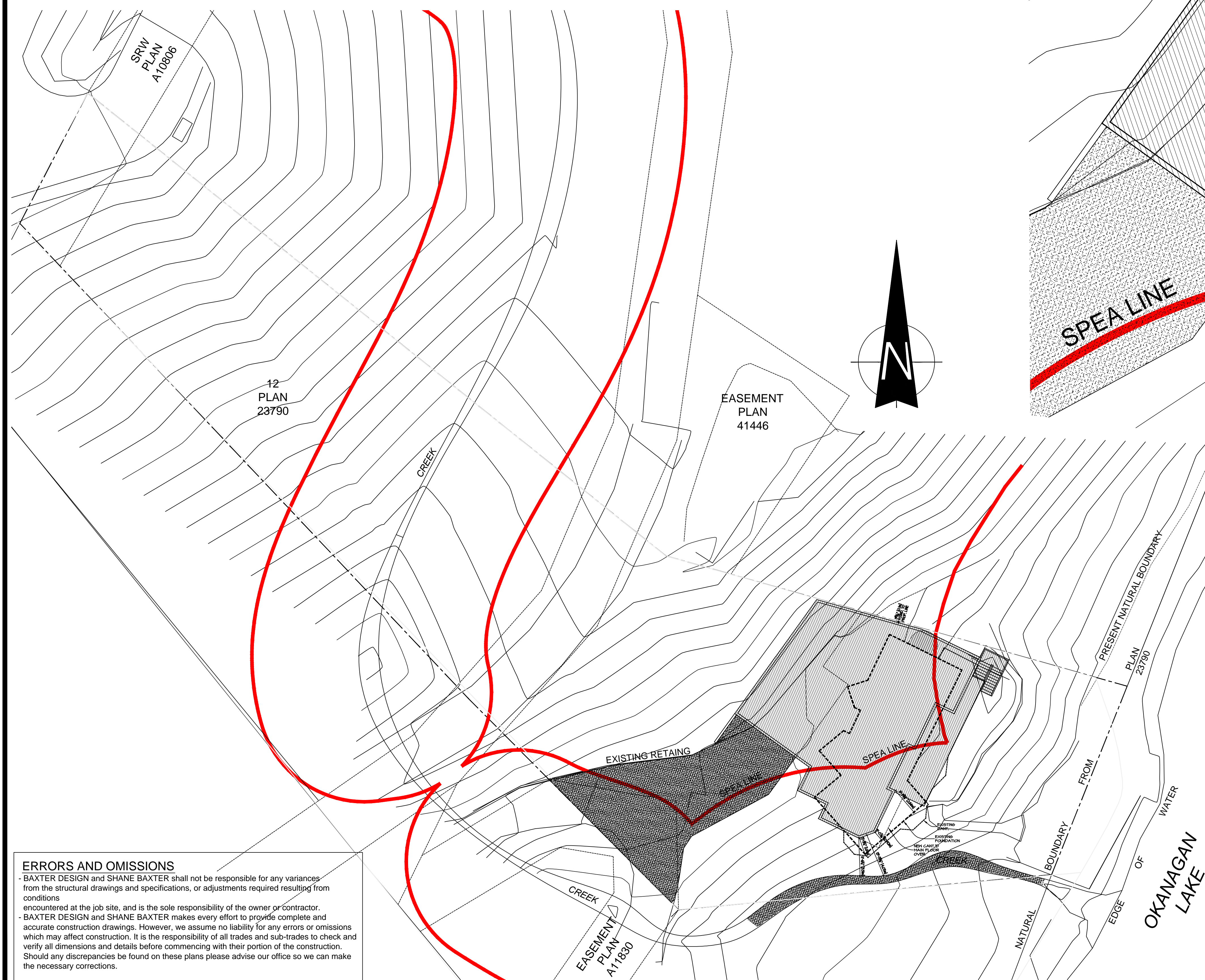
Property Owner or Agent

ISSUED on _____, 2021

Schedules:

- Schedule 'A': Site Plan, prepared by Baxter Designs Inc., Drawing 1/1, dated January 21, 2021
- Schedule 'B': Environmental Assessment, prepared by Stantec Consulting Ltd., prepared December 12, 2019;
- Schedule 'C': Riparian Areas Protection Regulations Assessment Report, prepared by Stantec Consulting Ltd., dated June 26, 2020
- Schedule 'D': Riparian and Restoration Plan, prepared by Xeriscape Endemic Nursery and Ecological Solutions; and
- Schedule 'E': Floodplain Hazard Assessment Report, prepared by Dobson Engineering Ltd., dated September 16, 2019

631 WESTSIDE ROAD PROPOSED BUILDING FOOTPRINT



FOOTPRINT ENLARGEMENT

SCALE = 1:75

SITE PLAN

SCALE = 1:200

ERRORS AND OMISSIONS
- BAXTER DESIGN and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- BAXTER DESIGN and SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

BAXTER DESIGN
Custom Building Design since 1991
SHANE BAXTER DESIGNS INC.
KELOWNA, B.C. CANADA
ph: (250) 862-9662
baxterdesign@shaw.ca | baxterhouseplans.com

PROPOSED RESIDENCE FOR:
631 WESTSIDE ROAD
WEST KELOWNA, B.C.
Drawing Scale: as noted
Date: JAN. 21, 2021
Rev. Date:
Drn. By: S.H.B.

BUILDING FOOTPRINT

GIS Notification Map (DP 20-35)

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 : 2,500

Notes



0 64 127 Meters

Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna

Map Produced on: 3/4/2021 10:58:07 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.



COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 23, 2021

From: Jayden Riley, Planner II

File No: DVP 21-02

Subject: **DVP 21-02; Development Variance Permit; 3125 Thacker Drive**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-02) for 3125 Thacker Drive to vary Zoning Bylaw No 0154, S.10.4.5(f).3, to increase the maximum height of a carriage house from 1.5 storeys to two storeys, and S.3.26.5, to allow the roof of a carriage house to be higher than the peak of the roof of the principal dwelling on the same parcel, in accordance with the attached permit (*Attachment 1*).

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

This application is proposing to vary Zoning Bylaw No. 0154 to increase the height of a carriage house from 1.5 storeys to two storeys and to allow a carriage house to be higher in elevation than the principal dwelling on the same parcel. The subject property is currently vacant and is down-sloping from Thacker Drive. The applicant is proposing to construct a two-storey carriage house with a lower level garage at the front of the parcel. Due to the topography and proposed siting, the carriage house would be at higher elevation than the proposed principal residence. Topography and siting would also result in the carriage house appearing as a single storey from the front elevation and two storeys exposed only at the rear elevation (*Attachment 2 and 3*).

PROPERTY DETAILS			
Address	3125 Thacker Drive		
PID	031-166-997		
Folio	36413689.417		
Lot Size	1,369 m ²		
Owner	Jace and Kayla Albrecht	Agent	N/A

Legislative Requirements

Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect to the land covered in the permit, the provisions of the Zoning Bylaw.

DISCUSSION

Proposal

This application is proposing to vary S.10.4.5(f).3, to increase the maximum height of a carriage house from 1.5 storeys to two storeys and S.3.26.5 to allow the roof of a carriage house to be higher than the peak of the roof of the principal dwelling on the same parcel (*Attachment 2*). The carriage house is proposed to be a maximum height of 6.5 m, measured from the centre of the primary access road to the peak of the roof, which is permitted for a 1.5 storey carriage house.

The subject property is currently vacant and is down-sloping from Thacker Drive. The applicant is proposing to construct a two-storey carriage house with a lower level garage located at the front of the parcel. Due to the topography and proposed siting, the carriage house would be constructed at a higher elevation than the proposed principal residence. Topography and siting would also result in the proposed carriage house appearing as a single storey from the front elevation (Thacker Drive), with partial exposure from the side elevation, to a walk out at the rear elevation (Figure 1-3, *Attachment 3*).

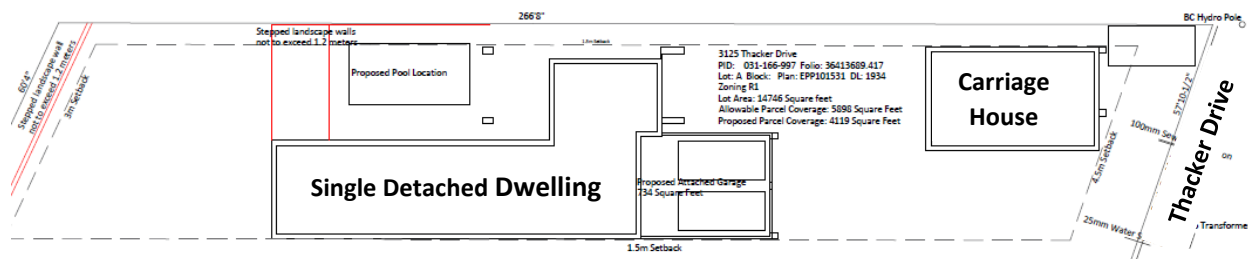


Figure 1: site plan of proposed single detached dwelling.

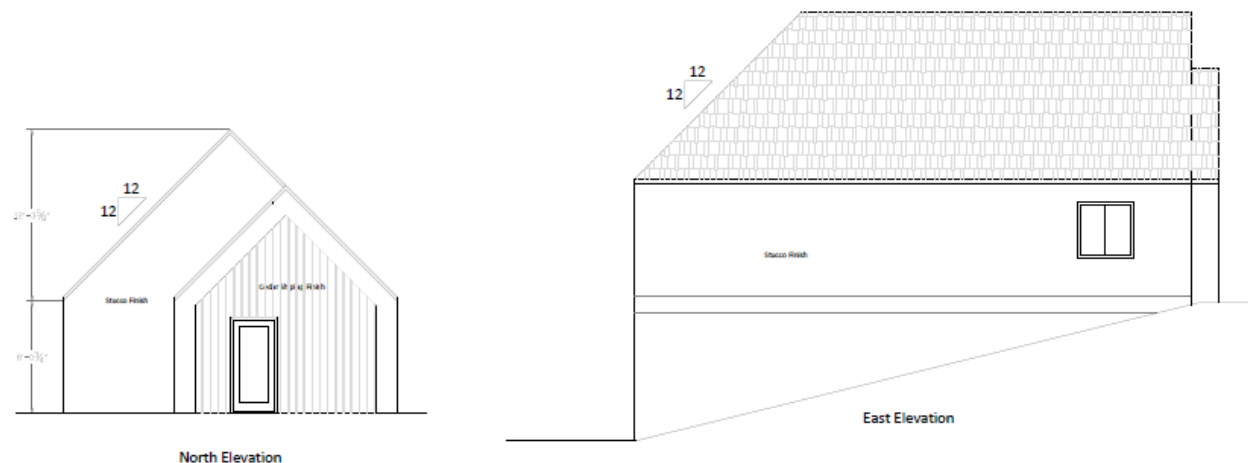


Figure 2: north (front facing) and east elevation of proposed carriage house

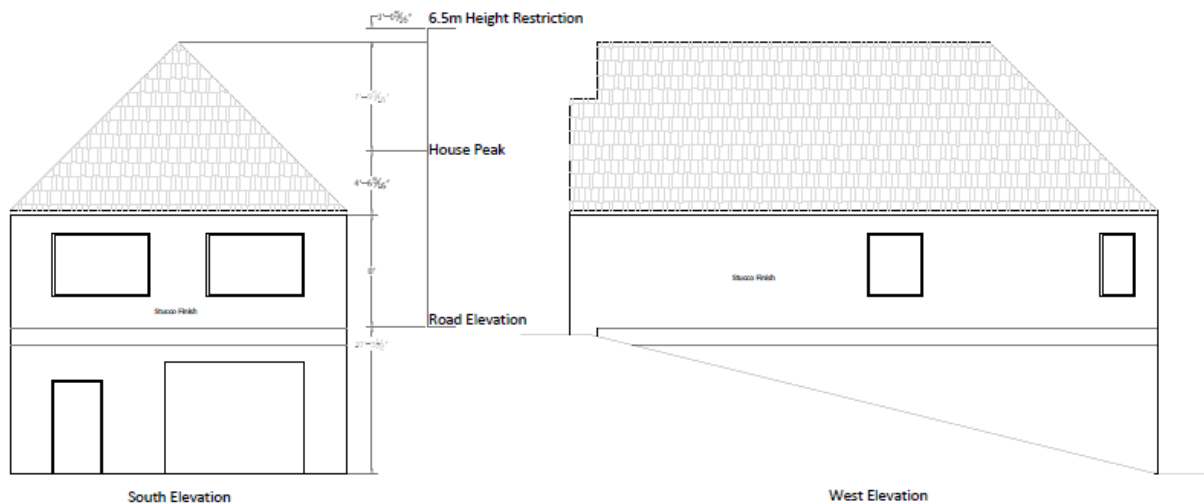


Figure 3: south (rear facing) and west elevations of proposed carriage house

Applicant Rationale

The applicant has submitted a proposal summary letter (*Attachment 4*), which suggests the Zoning Bylaw does not adequately account for situations where a carriage house is proposed at the front of a down-sloping parcel – specifically, as it relates to requiring the highest point of a carriage house to be of a lesser elevation than the principal dwelling on the same parcel. The letter also states that a maximum 75% gross floor area of the upper storey could result in forcing the expansion of the main floor (i.e. garage) to avoid a variance.

The proposal exceeds the maximum number of storeys, therefore the maximum 75% floor area for the upper storey is not being considered with this application.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property has a Land Use Designation of Single Family Residential, which is supportive of traditional single family housing, duplex opportunities and compact housing form for families. The property is not subject to any development permit areas.

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 carriage house as a secondary use. Carriage house regulations are outlined under Part 3 and Part 10 of the Zoning Bylaw.

S. 3.26.5 states that a carriage house must be lower in elevation than the principal dwelling on the same parcel. Due to the topography of the property and proposed siting

of the carriage house in relation to the principal dwelling, a variance to this section of the Zoning Bylaw is being requested (*Attachment 2, Figures 1-3*).

S.10.4.5(f)3. states that a carriage house may be a maximum height of 5.0 m at one storey and 6.5 m at 1.5 storeys. Part 2 of the Zoning Bylaw defines “storey” as the “portion of a building which is situated between the top of any floor and the floor next above, and if there is no floor above it, that portion between the top of such floor and the ceiling above it”. Although the lower garage level of the proposed carriage house will be below grade at the front elevation, semi-exposed at the sides, and fully exposed at the rear (*Attachment 1*), the bylaw considers this a two-storey carriage house; therefore a variance to this section of the Zoning Bylaw is being requested.

The intent of limiting the elevation, height, and number of storeys of a carriage house is to ensure that this type of secondary dwelling remains subordinate in form in relation to the principle dwelling. The siting of a carriage house is not regulated, but regulating the elevation to be lower than the principal dwelling does generally result in the principal residence to be in view from the road frontage or to be screened if the carriage house is located at the rear of the parcel.

S.3.26.6 states that a 1.5 storey carriage house must also be a maximum 75% of the gross floor area of the lower floor, assuming the maximum living space (90 sq. m.) is framed in from the sloping roof (*Figure 4*). A 1.5 storey carriage house is not feasible at the proposed location due to site topography without resembling the appearance of an ‘A-frame’ structure from the front elevation. The applicant does not intend to exceed a height of 6.5 m, measured from the center line of the primary access road, which is otherwise permitted with a 1.5 story carriage house.

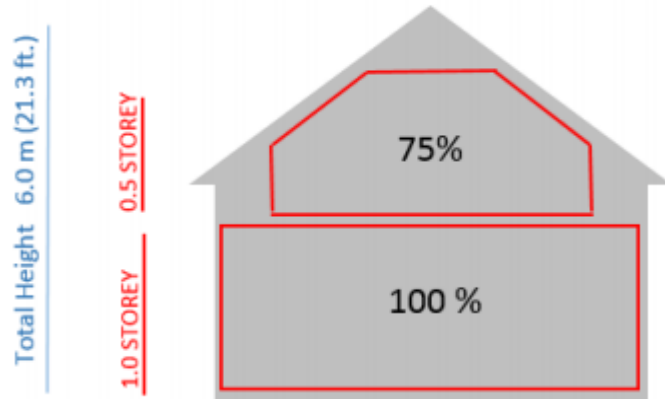


Figure 4: typical cross section of 1.5 storey carriage house

Public Notification

In accordance with the *Local Government Act*, 41 notification letters were sent to all property owners and their tenants within 100 m of the subject property (*Attachment 5*). Notice of Application signage was also installed on the property, in accordance with the Development Application Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public have been received.

Referrals

The application was referred to internal departments. Upon review, additional information was requested in regards to the height of the proposed carriage house, which was provided by the applicant and is attached to the report (*Attachment 3*). The permit language would allow the construction of the carriage house to be in general conformance with the elevations attached to this report. No other concerns were identified during review of the application.

CONCLUSION

Staff recommend Council authorize issuance of the Development Variance Permit (DVP 21-02) based on the following rationale:

- The City's Zoning Bylaw defines the proposed carriage house as a two-storey dwelling, however the carriage house will appear as a two-storey dwelling only from the rear elevation with the front elevation appearing as a one-storey dwelling with side elevation exposing roughly half the lower floor;
- A 1.5 storey carriage house is not be feasible given the proposed siting and topography of the property, as the upper storey cannot accommodate an adequately sloping roof to meet the intent of an upper half storey; and
- The narrow lot does not provide adequate area to access a carriage house located at the rear of the parcel, which results in the proposed carriage house being at a higher elevation than the principal residence.

Alternate Motion:

1. **THAT** Council postpone consideration of the issuance of a Development Variance Permit (DVP 21-02) for 3125 Thacker Drive to vary Zoning Bylaw No. 0154, S.10.4.5(f).3, to increase the maximum height of a carriage house from 1.5 storeys to two storeys, and S.3.26.5, to allow the roof of a carriage house to be higher than the peak of the roof of the principal dwelling on the same parcel.

Should Council postpone consideration of the requested variance, further Council direction to staff is requested.

2. **THAT** Council deny issuance of a Development Variance Permit (DVP 21-02)

Should Council deny the requested variance, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant may re-apply for a similar proposal a minimum six (6) months after initial 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. DVP 21-02
2. Site Plan
3. Carriage House Elevations
4. Applicant Letter of Rationale
5. Public Notification Map



CITY OF WEST KELOWNA
DEVELOPMENT VARIANCE PERMIT
DVP 21-02

To: Jace and Kayla Albrecht
1-877 Morrison Avenue
Kelowna, BC, V1Y 5E6

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 thereon:

Lot A, DL 1934, ODYD, Plan EPP101531
(3125 Thacker Drive)

3. This permit allows the construction of a two-storey carriage house with a higher elevation than the principal dwelling located on the same parcel. Specifically, this permit varies Zoning Bylaw No 154, S.10.4.5(f).3, to increase the maximum height of a carriage house from 1.5 storeys and 6.5 m to 2 storeys and 6.5 m, and S.3.26.5, to allow the roof of a carriage house to be higher than the peak of the roof of the principal dwelling on the same parcel, in general accordance with the site plan, prepared by Jace Albrecht, Drawing No. VAR-001, dated February 1, 2021, attached as 'Schedule A' and elevations, prepared by Jace Albrecht, Rev. BP-001, Page C2, dated February 8, 2021, attached as 'Schedule B'.
4. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
5. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. CXXX/XX PASSED BY THE MUNICIPAL COUNCIL ON _____, 2021

ISSUED ON _____, 2021

Signed on _____, 2021

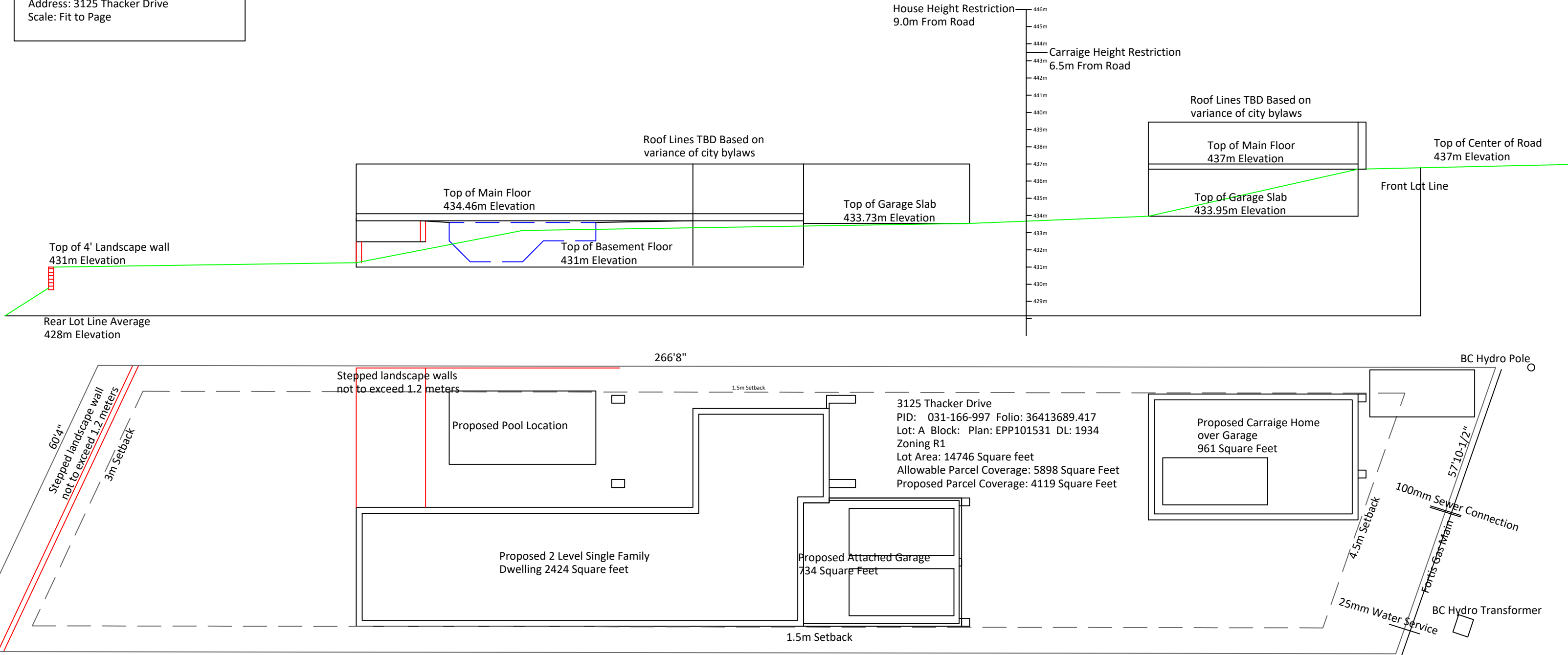
City Clerk

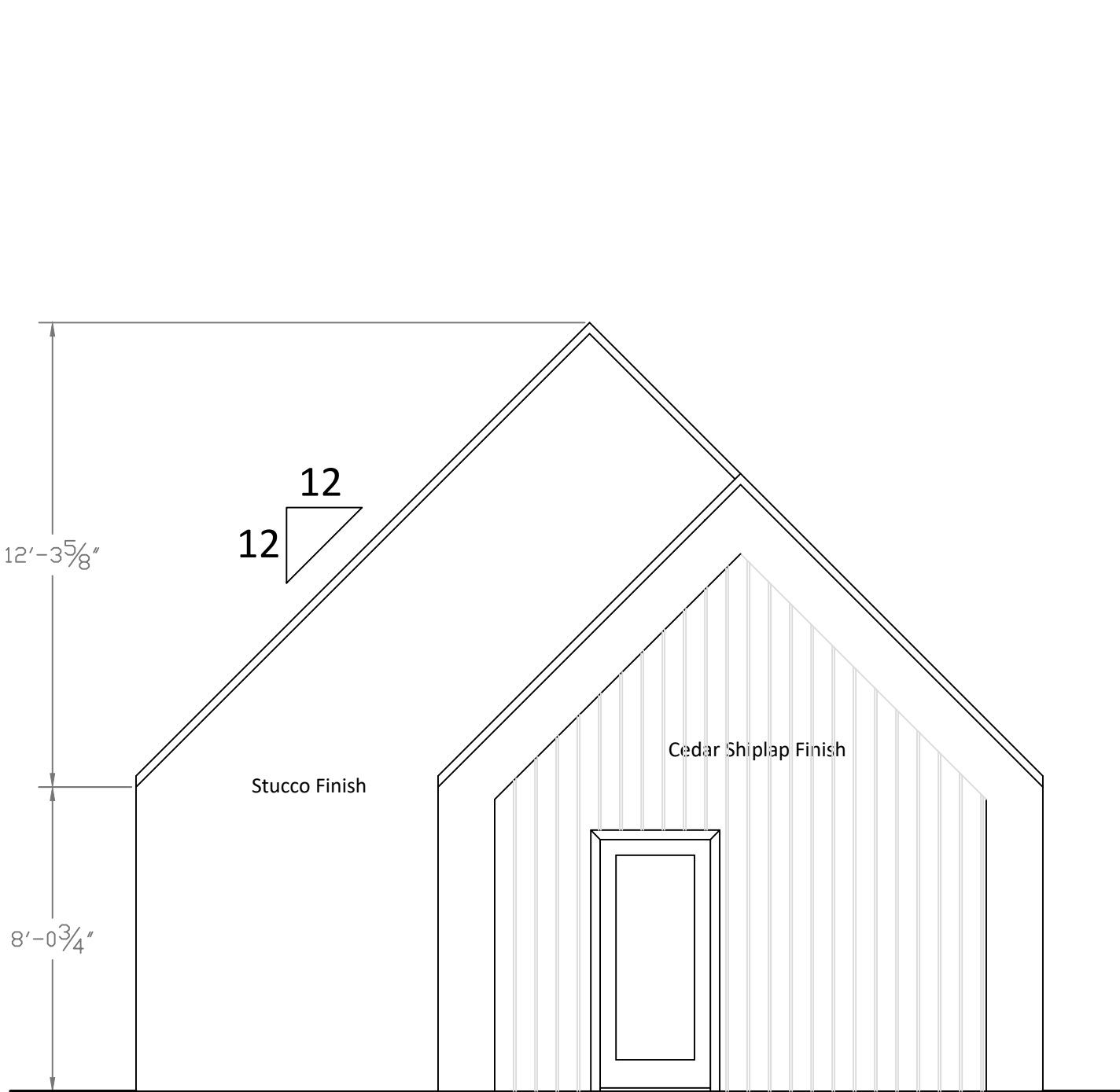
Schedules:

- A. Site plan, prepared by Jace Albrecht, Drawing No. VAR-0001, dated February 1, 2021.
- B. Elevations, prepared by Jace Albrecht, Rev. BP-001, Page C2, dated February 8, 2021.

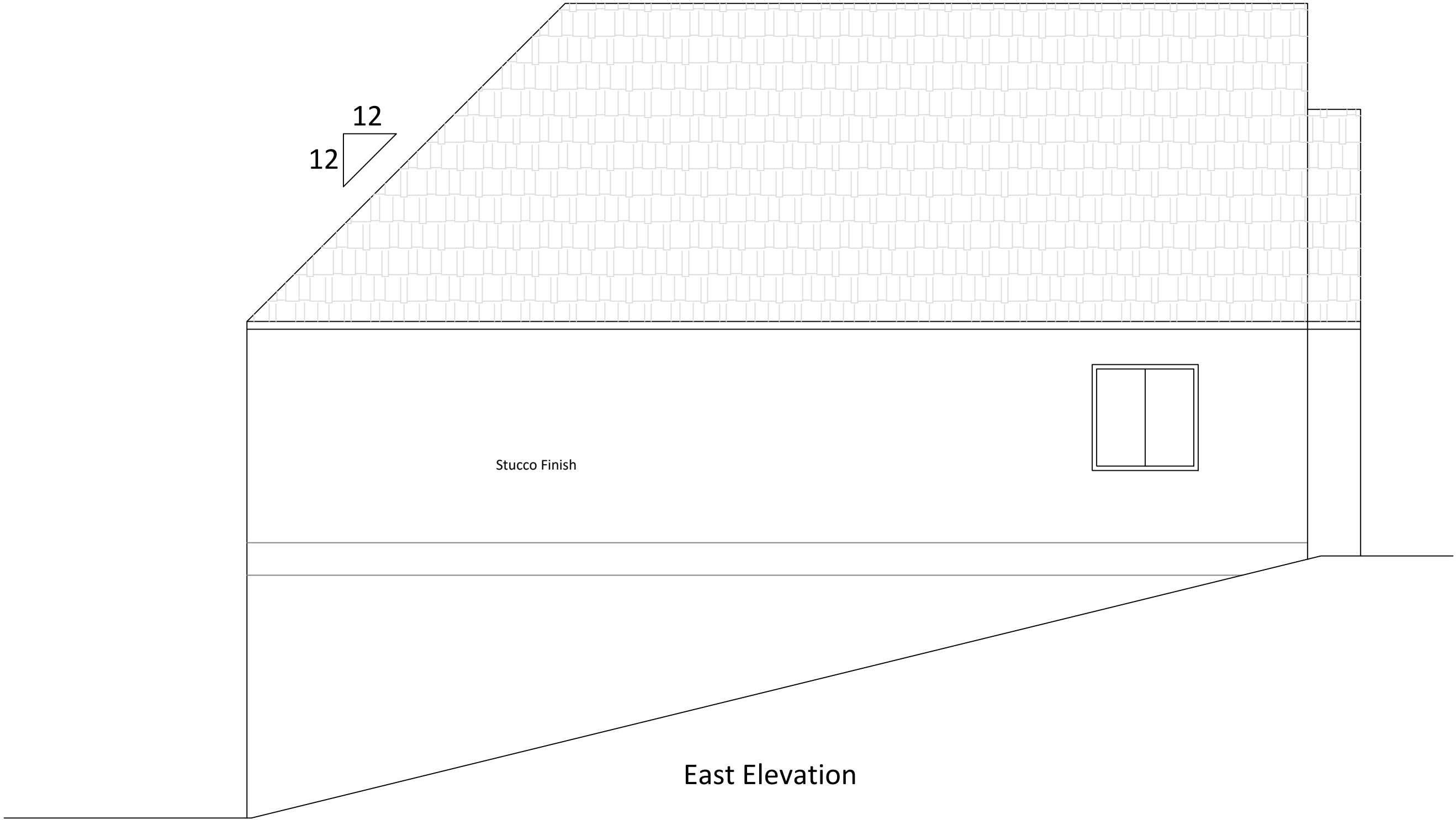
Issued For Variance Application

Drawing: VAR-001
Drawn By: Jace Albrecht
Last Revised: Feb 1,2021
Address: 3125 Thacker Drive
Scale: Fit to Page

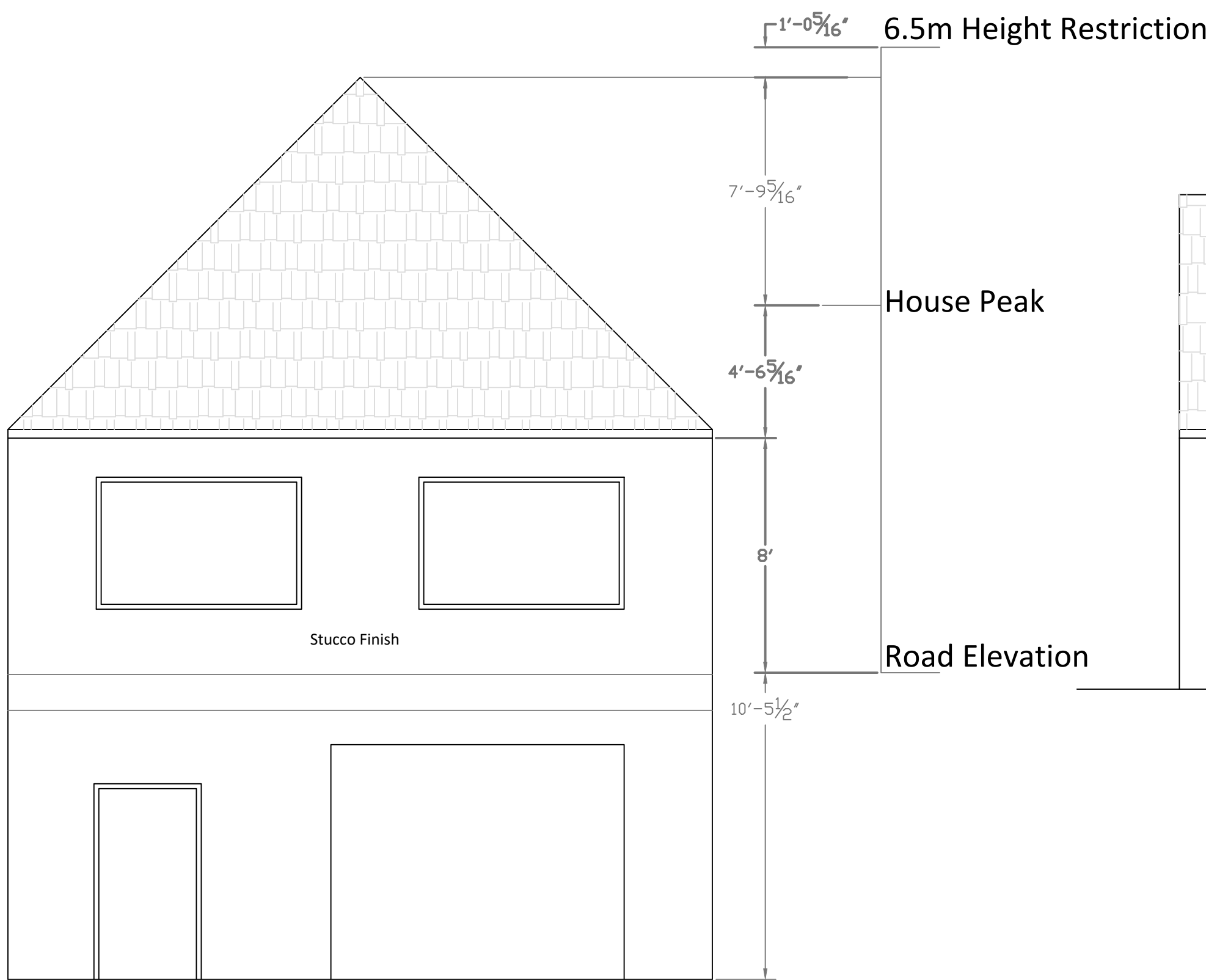




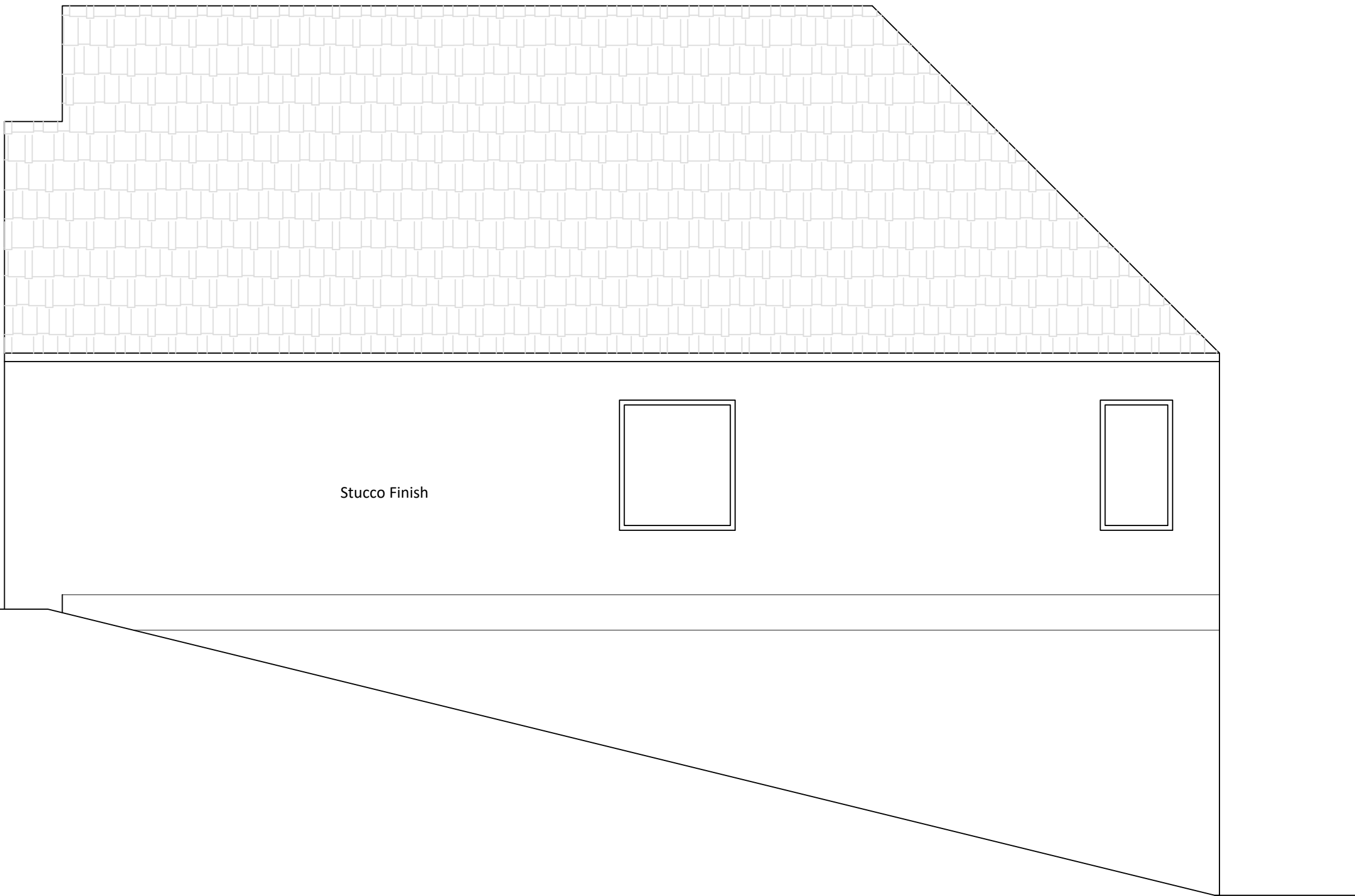
North Elevation



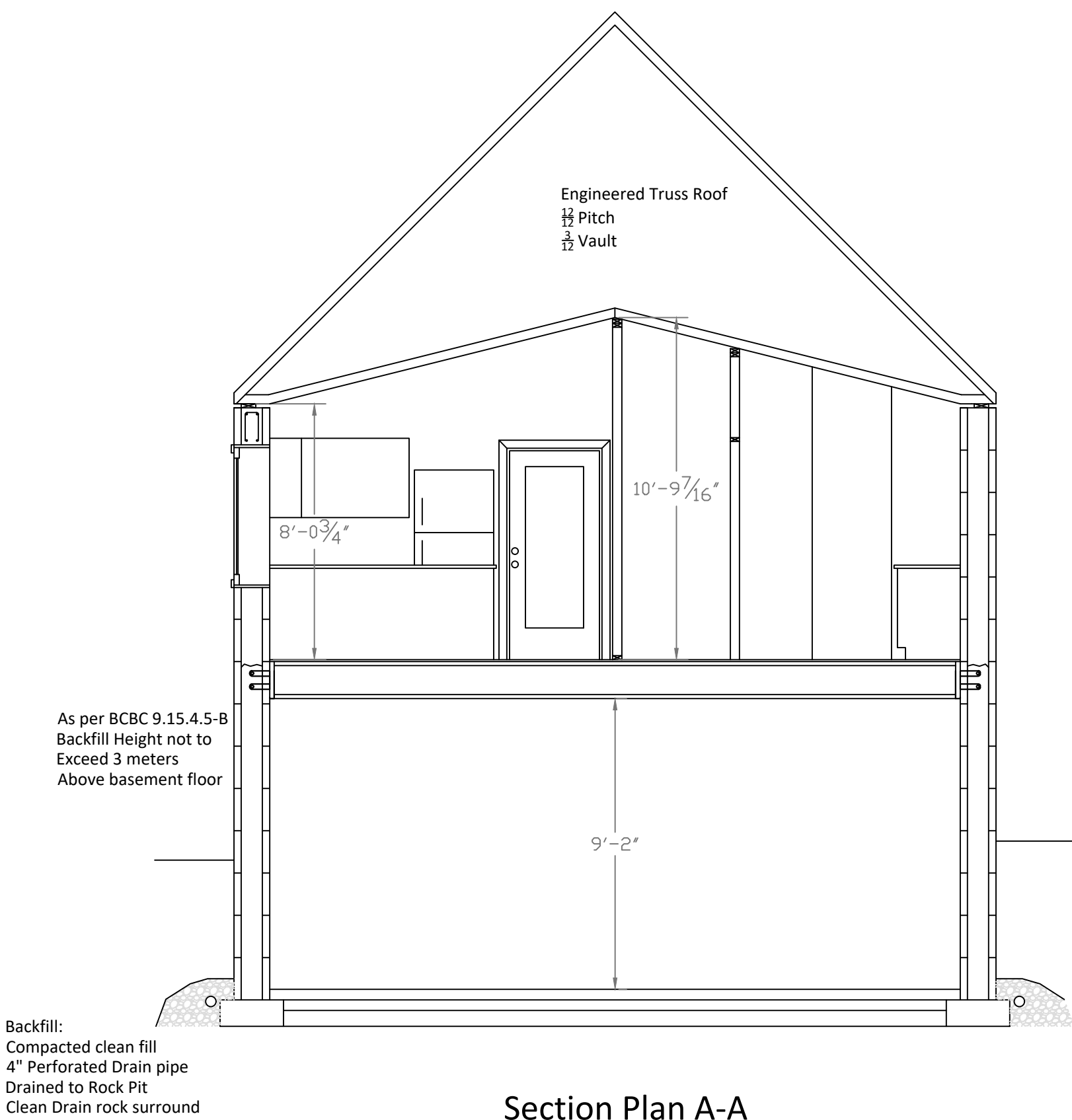
East Elevation



South Elevation



West Elevation



Section Plan A-A

Roof:
Engineered Trusses
5/8\"/>

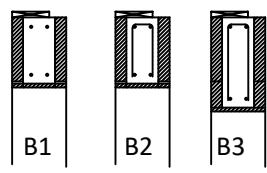
Ceiling:
Bottom Chord of trusses
Poly vapour/air barrier
R50 loose fill insulation
Drywall or t&g ceiling finish

Floor:
Simpson ICFVL Ledger hangers 4\"/>

Wall:
Logix 8\"/>

Slab:
10m Rebar 24\"/>

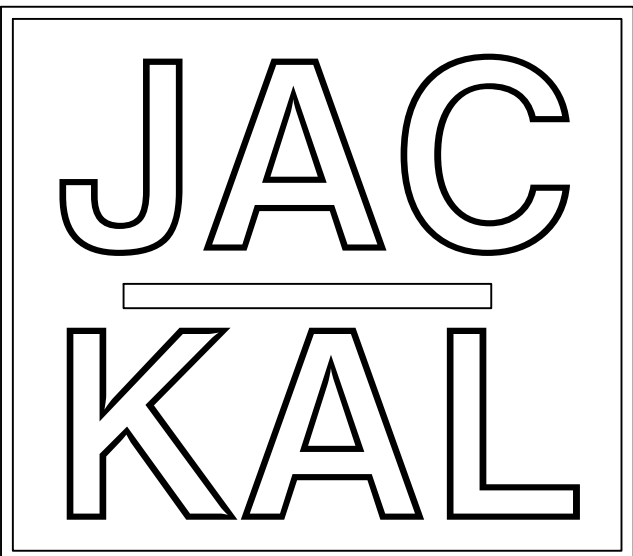
Footing:
24\"/>



Opening Headers:
B1: Max opening width of 48\"/>

B2: Max opening width of 96\"/>

B3: Max opening width of 120\"/>



3125 Thacker Drive
Issued for: Variance
Drawing: Carraige House
Scale: 1/4\"/>

3125 Thacker Drive Development Variance Proposal Summary

Variance of carriage house height bylaw in relation to principal dwelling:

City of West Kelowna General Regulation Bylaw states:

.5 No portion of the roof of a carriage house shall be higher than the peak of the roof of the principal detached dwelling on the same parcel.

This doesn't seem to have accounted for the possibility that a carriage house would be on the uphill side of a lot from a principal dwelling. While I would be fully within my height restriction to do so, I would rather not increase the height of the principal dwelling just to accommodate the Bylaw while causing more of an obstruction of view for the property across Thacker as well as the properties that are on the private drive to the east. I would prefer to keep my roof lines low. This would then cause my carriage house to be in contravention to the bylaws, even though my intention for the reduction in height would seem to be doing exactly what the bylaw is trying to accomplish. In my case the bylaw is actually causing incentive for me to build a more obstructive principal dwelling then I would like to in order to be allowed to build a carriage home within the bylaws regulations.

Variance of carriage house to have a garage below that is equal in size to the living space above:

City of West Kelowna General Regulation Bylaw states:

.6 For carriage house in a 1.5 storey building, the upper storey shall have a maximum floor area of 75% of the main floor area.

Because I am incorporating parking into the carriage home the bylaw states that I can go 6.5 meters in height but if the garage counts as a storey then I am required to expand the footprint of the carriage home by 25% to follow the Bylaw where the second storey has a floor area of no more than 75% of the main floor. This would require me to expand the size of the carriage home. While the Bylaw makes sense for certain applications I believe it has too narrow of a focus and in this case is creating more problems rather than preventing them.

The OCP clearly states that it's focus is to:

2. Ensure that housing development is appropriate and sensitive to the surrounding uses and to the surrounding form and character of the area.

The bylaws in this case are causing me to create a design that will be less sensitive to the surrounding uses. I would like some clarity on these bylaws and some lenience to submit a design that is in line with the OCP wording rather than strictly following the bylaws and causing a more obnoxious design. I understand that there is a variance process but since there is a cost to this and an extended time period to complete it, I would be encouraged to create a design that is contradictory to the OCP.

Thank you,

Jace Albrecht





GIS Notification Map (DVP 21-02)

Legend

Landmarks

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

Basemap Parcel Type

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



Scale 1 : 2,500

Notes



Map Projection: NAD_1983_UTM_Zone_11N
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Map Produced on: 3/4/2021 9:15:59 AM



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INFORMATION ONLY COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 23, 2021

From: Nilton Praticante, Engineering Supervisor

File No: 5330-20-17

Subject: **Carrington Road / Gellatly Road Roundabout – Contract Award**

STRATEGIC AREA(S) OF FOCUS

Following City Council's identified Strategic Priorities, construction of a roundabout at the intersection of Carrington Road and Gellatly Road North supports the objectives set out in Council's *Invest in Infrastructure* framework pillar.

BACKGROUND

Design improvements to Gellatly Road between Highway 97 and Boucherie Road first initiated in 2014. At the time, the design process evolved to include: comments from City Council, feedback obtained from a public open house, and recommendations resulting from a Road Safety Audit conducted by ICBC. The project scope included full road reconstruction along Gellatly Road, storm drainage improvements, sidewalks, bike lanes, intersection improvements at Carrington Road, Witt Road and Boucherie Road, and street lighting improvements. The project was temporarily postponed due to a realignment in capital works priorities.

In January 2019, the City's appointed design consultant, Stantec Consulting Ltd., was re-engaged to update the existing project design. Discussions were held with staff from Westbank First Nation to understand future development intentions for the land located adjacent to Gellatly Road. Utilizing the feedback obtained from Westbank First Nation, in conjunction with reviewing the City's future development plans for the area, a sensitivity analysis was conducted. Results of the analysis determined that a roundabout at the Carrington/Gellatly intersection would be the best-suited application for traffic improvements at this location.

To further provide Council with up-to-date information, the City retained the services of Allnorth Consulting Services in November 2020 to review current road safety data, development projections, pedestrian/bicycle facilities and latent demand for approximately 30 key intersections throughout the community. Data results determined that Gellatly Road between Carrington Road and Boucherie Road ranked #2 for road safety concerns, #1 for intersection capacity needs and #2 for latent demand.

To accelerate the City's Road DCC Program, City staff explored the option to divide the Gellatly Road improvements into two parts in order to make funding available for remedial works to other problematic intersections throughout the community. The amended project scope for the Gellatly Road improvements was reduced to include: a roundabout at the Gellatly/Carrington intersection, introduction of a pedestrian pathway from Witt Road to Boucherie Road, and completion of minor in-stream works to Smith Creek.

Fig. 1 – Carrington/Gellatly Roundabout – Concept Rendering



In accordance with the City of West Kelowna's Purchasing Policy, a tender was issued on February 4, 2021 and closed at 2:00 pm on March 4, 2021. The City received seven compliant bids as identified in the table below:

Table 1 – Carrington/Gellatly Roundabout Tender Results

CONTRACTOR	TOTAL TENDER PRICE (EXCL. GST)
Double T Dirtworx	\$ 1,326,367.35
Bennett Contracting Ltd.	\$ 1,352,382.53
Copcan Civil Ltd.	\$ 1,427,751.00
BC General Contracting Inc.	\$ 1,510,256.89
Twin Con Enterprises Ltd.	\$ 1,528,880.00
BD Hall Constructors Corp.	\$ 1,767,005.81
Hanna Infrastructure Ltd.	\$ 2,190,573.00

The lowest tender price received was provided by Double T Dirtworx in the amount of \$1,326,367.35. The tender price includes optional water main work requested by Westbank First Nation in the amount of \$27,194.50. The cost for this optional work will be reimbursed by Westbank First Nation should they choose to proceed.

Double T Dirtworx is a local contractor that has the resources, labour, equipment and experience to complete the works required for this project. For these reasons, and in following the City's Purchasing Policy, the contract for this project has been awarded to Double T Dirtworx in the amount of \$1,326,367.35.

FINANCIAL IMPLICATIONS

Intersection improvements required to accommodate growth are funded from road Development Cost Charges at a rate of 80%.

The tender price of \$ 1,326,367.35 was approximately 14% lower than the pre-tender estimate provided by the City's consultant, and falls within the approved project budget of \$ 2,500,000.

REVIEWED BY

Rob Hillis, Engineering Manager

Allen Fillion, Director of Engineering/Public Works

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: March 23, 2021

From: Erin Goodwin, Facilities and Recreation Manager

Subject: **Ammonia Chiller Contract Award**

RECOMMENDATION

THAT Council approve the closure of Royal LePage Place between May 17 and August 1, 2021 to complete the construction associated with the Ammonia Chiller Replacement project; and

THAT Council approve the closure of Jim Lind Arena between May 17 and August 8, 2021 to complete the construction associated with the Ammonia Chiller Replacement project.

BACKGROUND

In 2018, the Fernie BC ice rink had a catastrophic failure of its ammonia chiller which resulted in the death of three people. In response to this tragedy, Technical Safety BC (TSBC) mandated that all chillers be tested for possible deterioration and a replacement strategy for all chillers reaching the end of their lifespan be in place. The City of West Kelowna (CWK) existing chiller was installed in 1999. The anticipated lifespan for these chillers is approximately 20-25 years. As recommended by TSBC, the CWK's Preventative Maintenance Program requires annual testing of the ammonia plant which includes, but is not limited to the following:

- Brine PH levels to prevent corrosion.
- Pressure testing of the chiller to ensure there are no leaks.

These tests allow the CWK to continue to have confidence that the chiller is working in a safe, effective manner, while confirming there are no major structural issues.

Although the chiller has no major structural issues at this time, due to the age of the equipment and potential safety risk if the pressure vessel were to fail, staff is recommending replacing it.

Staff is proposing to replace the existing chiller with a new plate and frame system which is much smaller and the critical charge of ammonia in the system will be considerably less

and in turn will allow us to update the technology and add the extra level of safety for our community and staff.

December	2020	This project received early approval from Council. The CWK applied for a grant through the Community Economic Recovery Infrastructure Program. If successful, the CWK could receive up to 100% funding for this project.
January	2021	Engineered drawings and specifications were created.
February	2021	Project contractor pre-qualification was completed. Three (3) contractors were shortlisted to bid on a future tender.
March	2021	The CWK announced that our grant application for the Community Economic Recovery Infrastructure Program was successful and the CWK will now receive 100% funding, up to \$442,200 for the project. Tender closed and Cimco Refrigeration was low bid contractor.

Project Timeline:

May 17 – August 8

<i>Chiller Replacement:</i>	<i>May 17 – July 21</i>
<i>Ice Installation (JLA & RLP)</i>	<i>July 21 – August 8</i>
<i>RLP Open to Public</i>	<i>August 2nd</i>
<i>JLA Open to Public</i>	<i>August 9th</i>

FINANCIAL IMPLICATIONS

During a typical year, the CWK will shut down the arena for annual maintenance for approximately 6 weeks, starting June 1st. To complete this project, the CWK will need to shut the arena down for an additional 4 weeks.

Estimated lost revenue: \$30,000

This projected revenue loss has already been calculated into the current revenue projections for 2021 budget. As a result, no further adjustments to revenue projections for the 2021 budget will be required.

Project Cost: \$321,950

Due to the successful grant application this project will be 100% funded, up to \$442,200 by the Community Economic Recovery Infrastructure Program, saving the CWK approximately \$321,950.

REVIEWED BY

Lisa Siavashi, Financial Services Manager/Deputy CFO

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: March 23, 2021

From: Lisa Siavashi, Financial Services Manager

Subject: **2021 Parcel Tax Roll Review Panel**

RECOMMENDATION

THAT Council appoint at least three members of Council to form a Parcel Tax Roll Review Panel; and

THAT Council direct staff to schedule a meeting of the Parcel Tax Roll Review Panel for 5:45 pm on Tuesday, April 20th, 2021; and further

THAT Council direct staff to give notice of the meeting in accordance with Section 94 of the *Community Charter*.

STRATEGIC AREA(S) OF FOCUS

Economic and financial well-being of the City of West Kelowna

LEGISLATIVE REQUIREMENTS:

Under Section 204 of the *Community Charter*, Council must establish a Parcel Tax Roll Review Panel in order to review the parcel tax roll, hold a Parcel Tax Roll Review Panel meeting to hear any complaints from the taxpayers and give proper notice of the meeting. Once Council has established the Panel and set a date for the meeting, staff will provide the Panel with a copy of the Parcel Tax Roll for their review. Letters are required to be sent to any taxpayers that are being charged a parcel tax for the first time advising them of the Panel meeting date, time and location. In 2021 owners of 162 parcels will receive such a letter.

BACKGROUND

As required in Section 204 (1) of the *Community Charter*, the City is required to establish a Parcel Tax Roll Review Panel (the Panel). The Panel will hear any complaints from the public regarding the assessment of a new parcel tax. The requirements for the Panel as per the *Community Charter* are as follows:

Section 204:

“(1) Before a parcel tax is imposed for the first time, a parcel tax roll review panel must consider any complaints respecting the parcel tax roll and must authenticate the roll in accordance with this Division.

(2) For the purposes of this Division, the Council must

(a) appoint at least 3 persons as the members of the parcel tax roll review panel,

(b) establish the time and place for the sitting of the panel, and

(c) have advance notice of the time and place published in accordance with Section 94 [public notice].”

As indicated above, the notice of the time and place of the Panel meeting must be given in advance in accordance with Section 94 of the *Community Charter*. In addition, at least 14 days before the date of the meeting, the City is required to mail to the owner of every parcel of land that is to be taxed a notice that outlines the date and time of the meeting and details of the parcel tax being charged. The Panel will then hear any complaints and make corrections to the parcel tax roll if required. As per Section 205 of the *Community Charter*, the conditions on which the District can make corrections are as follows:

Section 205:

“(1) Subject to subsection (2), a person may make a complaint to the parcel tax roll review panel on one or more of the following grounds:

(a) there is an error or omission respecting a name or address on the parcel tax roll;

(b) there is an error or omission respecting the inclusion of a parcel;

(c) there is an error or omission respecting the taxable area or the taxable frontage of a parcel;

(d) an exemption has been improperly allowed or disallowed.”

There are also various other limitations on what can be changed and notice requirements for any further additions to the parcel tax roll. In addition, complaints must be made to the Panel in writing, at least 48 hours prior to the meeting. Once all complaints have been addressed, notice of the Panel’s decision must be sent in writing to the complainant within 10 days. The chair of the Panel reviews the amended parcel tax roll to ensure all corrections have been made, and reports this to the Panel. The Panel must then confirm

and authenticate the parcel tax roll and prepare a parcel tax roll certificate signed by a majority of its members.

The number of parcel tax notices issued each year can vary substantially dependent upon what new parcel taxes are implemented from year-to-year. In 2021, notices are being sent to the owners of 162 parcels which are being levied a parcel tax for the first time. These would be new development or new subdivisions in West Kelowna in 2020.

FINANCIAL IMPLICATIONS

N/A

REVIEWED BY

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Attachments:

Sample Parcel Tax Notice



City of West Kelowna
TAX DEPARTMENT
2760 Cameron Road, West Kelowna, BC V1Z 2T6
Tel: (778) 797-8860 Fax: (778) 797-8851
Email: taxes@westkelownacity.ca

2021 PARCEL TAX ASSESSMENT NOTICE

Xxx
Xxxx
Xxxx
xxxxx

Roll No:
Civic Address:
Legal Description:

The City of West Kelowna is required by provincial legislation to serve notice that the property described above is being assessed for a parcel tax levy as described below. This is standard practice for properties which are newly subdivided, consolidated or stratified.

Parcel Tax Description	Effective Dates
RDCO Solid Waste & Recycling Program, Bylaw 0219	2021 - 9999
Landfill Transfer Station, Bylaw 0125	2021 - 9999

PARCEL TAXES WILL BE ADDED TO YOUR 2021 PROPERTY TAX NOTICE THAT WILL BE MAILED AT THE END OF MAY 2021. **

The City of West Kelowna's Parcel Tax Roll of all properties subject to a Parcel Tax in 2021 has been prepared and will be available online for inspection. More information regarding this will be posted on our website when it becomes available www.westkelownacity.ca

As an owner of property included on the Parcel Tax Roll, you may request an amendment to the roll by applying in writing to the City on or before the close of business on Friday, April 16th, 2021. A request for an amendment may only be on one or more of the following grounds:

- (a) there is an error or omission respecting a name or address on the parcel tax roll;
- (b) there is an error or omission respecting the inclusion of a parcel;
- (c) there is an error or omission respecting the charge levied;
- (d) an exemption has been improperly allowed or disallowed.

The Parcel Tax Review Panel, consisting of three (3) members of Council, will convene at 5:45 pm on Tuesday, April 20th, 2021 at Municipal Hall, 2760 Cameron Rd to hear any complaints, make corrections to and authenticate the roll. All property owners who file a written complaint to the panel will be notified in writing of the panel decision.

If you have any questions regarding the Parcel Tax Roll, please contact our Tax staff at 778-797-8860.

Regards,

Lisa Siavashi, CPA, CMA
Financial Services Manager / Deputy CFO
City of West Kelowna