



## COUNCIL REPORT

To: Mayor and Council

Date: June 13, 2023

From: Paul Gipps, CAO

Subject: **Sufficiency Report for the Owner Initiated Local Area Service for Green Bay Dredge Project Phase 1**

Report Prepared by: Corinne Boback, Legislative Services Manager / Corporate Officer

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### **RECOMMENDATION** to Consider and Resolve:

**THAT** Council receives for information, the report from the CAO pertaining to the receipt of owner initiated Local Area Service (LAS) petitions for the Green Bay Dredge Project Phase 1 for the engineering, biological, and environmental work required to obtain the necessary permits required to complete Phase 2 which would dredge the mouth of the bay; and

**THAT** Council authorize the work to be conducted by Arsenault Environmental Consulting Ltd and Tetra Tech Canada Inc. to provide the affected owners with a refined estimate on the work to be done for the dredging of the Green Bay Area; and

**THAT** Council receives the Certificate of Sufficiency from the Corporate Officer pertaining to the owner initiated Local Area Service (LAS) petitions for the Green Bay Dredge Project Phase 1; and

**THAT** Council give first, second and third reading to Bylaw No. 0309 being the Green Bay Dredging Project - Phase 1 Establishment Bylaw.

### **STRATEGIC AREA(S) OF FOCUS**

**Invest in Infrastructure** – We will invest in building, improving and maintaining infrastructure to meet the needs of, and to provide a high quality of life for, current and future generations.

**Strengthen Our Community** – We will provide opportunities for the residents of West Kelowna to build connections, celebrate successes, embrace the community's strengths and diversity, address shared needs, and contribute to shaping the community's future.

## BACKGROUND

Owners of the Green Bay community approached the City of West Kelowna to inquire about utilizing a Local Area Service process (LAS) to undertake a two (2) phase approach to evaluate and potentially dredge a portion of Green Bay. Staff worked directly with the appointed resident who spearheaded the project outlining the process of petitioning Council. The LAS affects 40 properties in total as outlined in Bylaw No. 0309.

Phase 1 of the program would evaluate the environmental, financial and construction probabilities of the dredging project. Residents worked with both Arsenault Environment Consulting Ltd and Tetra Tech Canada Inc to determine the work to be completed for Phase 1 of the Green Bay Dredging project as follows:

Arsenault Environmental Consulting Ltd (Biological and permit application) will be responsible for:

1. Apply for a provincial Water Sustainability Act Section 11 Change Approval to dredge an area where sand deposits at the mouth of the bay. Use former Section 9 approval as a template.
2. Collect data required to write an environmental impact assessment and environmental protection plan to support the application.
3. Provide a work scope for engineering to a qualified professional to complete the necessary hydrotechnical studies. Facilitate and manage the study.
4. Do not include a groyne in Okanagan Lake as part of the plan.
5. Investigate options for water quality improvements in the bay.
6. Investigate dredging options and provide feasibility recommendations.
7. Apply for other permissions that may be needed to dredge the mouth of the bay including a Fisheries and Oceans Canada (DFO) "request for review" and a Transport Canada Minor Works notification.

Tetra Tech Canada Inc (Engineering) will be responsible for:

1. Site visit.
2. Determination of dredgeate volumes and dredge design.
3. Dredge site profiles and site plan.
4. Hydrotechnical impact assessment
5. Technical memorandum

Under the *Community Charter*, s. 212, for a petition to be sufficient, over 50% of total affected owners and more than 50% of the total values must be submitted. The Corporate Officer must determine the sufficiency and validity of a petition to Council and must certify this determination.

As of 4pm, Friday, May 19, 2023 the Corporate Officer received signatures representing 33 properties. Out of the signatures submitted on owner-initiated petitions forms, 32 are valid and 1 invalid. The petition deemed invalid is because the majority of the property owners did not sign.

As the requirements of the *Community Charter* have been met, Council may consider the details of the proposed project for the affected property owners.

This project will be overseen and managed through the City Engineering department to ensure that the work plan is completed, and the outcome of the evaluation is carefully reviewed.

A report will be brought back to Council for their information once phase 1 is completed. No determination of phase 2 of the project needs to be considered at this time.

## **FINANCIAL IMPLICATIONS**

The entire capital costs of the project will be the responsibility of the benefiting area, as stipulated in Bylaw No. 0309. Payment will commence once the work conducted by Arsenault Environmental Consulting Ltd and Tetra Tech Canada Inc. is completed. The estimated total cost for Phase 1 is \$115,000. These costs will be recovered through a local service tax parcel tax, outlined under s. 216 of the *Community Charter*, and will be divided equally among the affected property owners. It's important to note that Phase 1 costs will not be borrowed externally; instead, they will be internally tracked and recorded with interest.

There are a total of 40 affected properties, and each property will be required to pay an estimated upfront fee of \$2,875. Alternatively, property owners can choose to pay \$207 annually over a 20-year period, based on current Municipal Finance Authority rates (subject to change). It's important to note that two of the affected properties of the 40 are owned by the City.

## **CONCLUSION**

Council must receive the LAS petition for consideration and determine whether to advance with this project or not.

### **Alternate Recommendation to Consider and Resolve:**

**THAT** Council receives for information, the report from the CAO pertaining to the receipt of owner initiated Local Area Service (LAS) petitions for the Green Bay Dredge Project Phase 1 for the engineering, biological, and environmental work required to obtain the necessary permits required to complete Phase 2 which would dredge the mouth of the bay; and

**THAT** Council not authorize the work to be conducted by Arsenault Environmental Consulting Ltd and Tetra Tech Canada Inc. to provide the affected owners with a refined estimate on the work to be done for the dredging of the Green Bay Area; and

**THAT** Council not receive the Certificate of Sufficiency pertaining to the owner initiated Local Area Service (LAS) petitions for the Green Bay Dredge Project Phase 1; and further

**THAT** Council not give first, second and third reading to Bylaw No. 0309 being the Green Bay Dredging Project - Phase 1 Establishment Bylaw.

**REVIEWED BY**

Allen Fillion, Director of Engineering & Operations

Warren Everton, Director of Finance/CFO

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

PowerPoint: Yes  No

Attachments:

1. Certificate of Sufficiency
2. Bylaw No. 0309 being the Green Bay Dredging Project - Phase 1 Establishment Bylaw.