



COUNCIL REPORT

To: Paul Gipps, CAO

Date: April 19, 2022

From: Carla Eaton / Brent Magnan

File No: Z 20-08 / A 21-07

Subject: **Z 20-08, Official Community Plan and Zoning Amendment Bylaw No. 100.62, 154.96 and 154.97 (3rd); AND A 21-07, Non-Farm Use, 2211 Campbell Road**

Option 1: Give Third Reading to Residential and Water Use Bylaws AND Support ALR Non-Farm Uses for access to moorage facility as outlined in Schedule A including:

- Restrict development to a maximum of 60 units;
- Restrict development pending completion of a second emergency egress and appropriate fire mitigation measures;
- Require proportional financial contribution towards increased emergency egress requirements and fire mitigation;
- Ensure servicing improvements (water and stormwater) are completed to support the proposed development including any SRWs;
- Ensure transportation improvements are identified and agreements completed to support the proposed development (e.g. road dedication, Campbell Road pedestrian improvements);
- Support ALR Non-Farm Uses for access to moorage facility and drainage route.
- Restrict future subdivision of agricultural lands;

Option 2: Give Third Reading to Residential Bylaws only (No approval for Water Use / Moorage facility) AND not support ALR Non-Farm Uses as outlined in Schedule B including:

- Restrict development to a maximum of 60 units;
- Restrict development pending completion of a second emergency egress and appropriate fire mitigation measures;
- Require proportional financial contribution towards increased emergency egress requirements and fire mitigation;
- Ensure servicing improvements (water and stormwater) are completed to support the proposed development including any SRWs;
- Ensure transportation improvements are identified and agreements completed to support the proposed development (e.g. road dedication, Campbell Road pedestrian improvements);
- Support ALR Non-Farm Use utility corridor only for drainage SRW through ALR lands.

Option 3: Postpone Third Reading

THAT Council postpone third reading to the proposed Official Community Plan and Zoning Bylaw Amendments (File: Z 20-08).

Should Council want additional information or time to consider the materials presented, the application may be postponed to allow the applicant the opportunity to provide the necessary technical material to support 3rd reading.

Option 4: Deny Application

THAT Council deny the application (File: Z 20-08) to amend the Official Community Plan and Zoning Bylaw for 2211 Campbell Road; and

THAT Council rescind first and second reading of City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.62, 2021; and Zoning Amendment Bylaw No. 0154.96, 2021, and No. 0154.97, 2021 (File: Z 20-08); and

THAT Council direct staff to close File: Z 20-08.

Should Council deny the proposal, the applicant may not apply for a similar application for a period of six months, in accordance with the City's Development Applications Procedures Bylaw No. 0260.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – support initiatives that promote the community's livability, local business recovery and growth, agriculture, wineries, natural beauty, amenities, rich culture, and other attributes that position West Kelowna as a place to live, invest, work and play (Council's draft 2022 Strategic Priorities)

BACKGROUND

This report is intended to provide an overview of the Public Hearing held on February 9, 2022, and provide options for Council's consideration. Council gave first reading to the proposed amendments on August 24, 2021, and second reading on December 14, 2021.

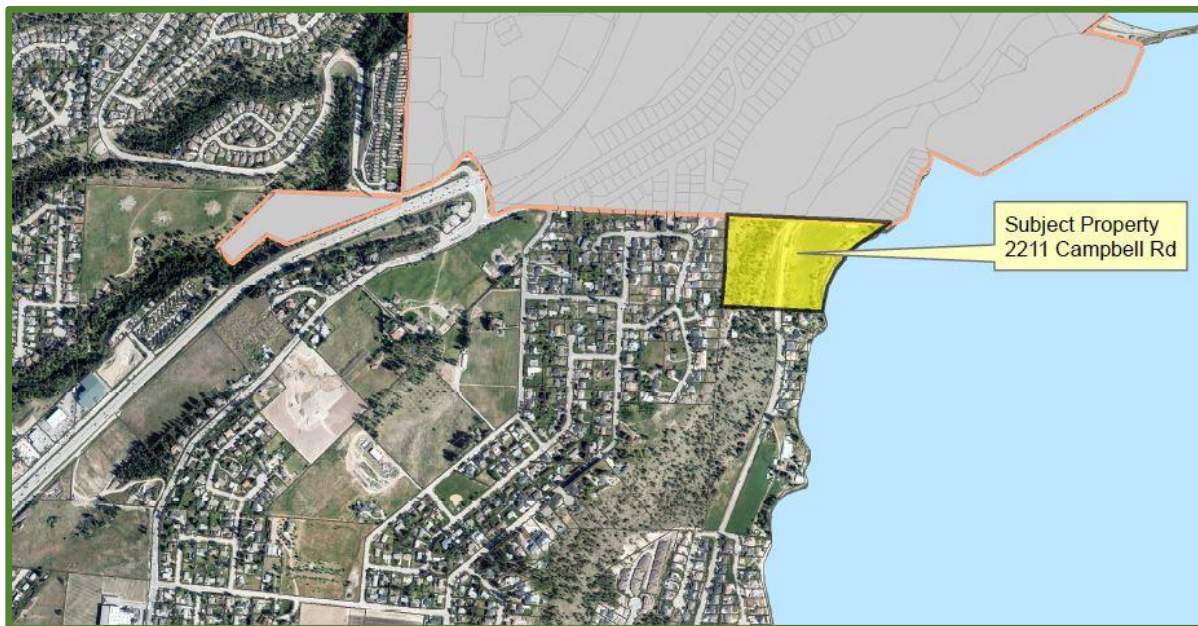
PROPERTY DETAILS			
Address	2211 Campbell Road		
PID	011-516-402		
Folio	36412782.000		
Lot Size	7.09 ha (17.52 acres)		
Owner	1087032 B.C. Ltd. (Inc. No. 1087032)	Agent	CTQ Consultants (Justin Rubello)

Current Zoning	Agricultural (A1)	Proposed Zoning	R3, W2, and A1 with text amendments
Current OCP	Agricultural	Proposed OCP	Agricultural and Low Density Multiple Family
Current Use	Old tree crop / vacant	Proposed Use	Residential, Dock, Agricultural
Development Permit Areas	Hillside, Sensitive Terrestrial Ecosystem, Aquatic Ecosystem		
Hazards	Rockfall		
Agricultural Land Reserve	Partially within (area below Campbell Road)		

ADJACENT ZONING & LAND USES

North	^	Westbank First Nation (IR#10) – multiple residential and single family
East	>	Okanagan Lake
West	<	Single Detached Residential (R1)
South	v	Rural Residential (RU2 and RU4)

NEIGHBOURHOOD MAP



PROPERTY MAP



Overview of Bylaw Amendments Proposal

The applicant has applied to amend the Official Community Plan and Zoning Bylaw to support a residential townhome development of up to 60 units and a private dock up to 60 boat slips on Okanagan Lake (*Attachments 1, 2 and 3*). West of Campbell Road, the proposed OCP amendment is from Agricultural to Low Density Multiple Family and the Zoning Amendment is from Agricultural (A1) to Low Density Multiple Family (R3). East of Campbell Road, the Zoning Amendment includes a site-specific text amendment to the Agricultural (A1) Zone to allow access to a private dock. On Okanagan Lake, the proposed Zoning Amendment is from Recreational water Use (W1) to Intensive Water Use Zone (W2).

Overview of ALC Non-Farm Use Proposal

The applicant has proposed a **shared driveway/access** through the portion of the subject property located within the Agricultural Land Reserve, including **pedestrian access** through the riparian area to a proposed private moorage facility. Agricultural Land Commission (ALC) approval is required to accommodate the proposed non-farm uses on ALR lands, as well as the proposed statutory right of way to accommodate a drainage utility corridor along the shared driveway. The applicant has provided a background and rationale letter to support the Non-Farm Use application, including an agrologist opinion letter on the non-farm use activity within the ALR, a clarification of inconsistencies, as well as a conceptual site plan, site renderings and proposal sketch (*Attachments 4 to 9*).

Overview of Public Hearing

A Public Hearing was held on February 9, 2022, including online and in-person attendance whereby 48 people presented their views to Council on the proposed bylaw, including the agent and agent's consulting team. In addition, 110 written submissions were received as part of the public submission period, including an 80 person petition. The submissions include a variety of concerns regarding the application, as well as supporting comments.

A summary of the items presented at the public hearing are outlined below. A detailed account of the Public Hearing can be reviewed in the minutes attached to this Council Agenda (*Attachment 10*).

Items presented at the Public Hearing in support of the bylaw amendments are as follows:

Housing Availability

- new housing will free up other housing contributing to overall increased affordability and availability in the greater community;
- growth is anticipated in West Kelowna and should be accommodated in order to meet projected housing demands;
- townhouse projects provide a lower maintenance housing option to the single family residential housing stock which forms the primary form of housing within the City;

Form and Character Implications

- applicant has reduced density and scale of project in response to feedback some support for a reduced maximum number of residential units;
- townhouse proposal is consistent with form and character of other townhouse developments in West Kelowna and on Campbell Road;
- support for the proposed development as an infill project given the proximity to the Lake and City of Kelowna;
- the reduced size of the moorage facility will create less impact than the previous large commercial marina;

Economic and Employment Implications

- support for project as it will contribute to the local economy with jobs and tax dollars; and
- proposal supports agri-tourism development and related agricultural diversification.

Items presented at the Public Hearing representing concerns with the bylaw amendments are as follows:

Hillside and Environmental Implications

- loss of wildlife corridor and negative environmental impacts associated with development on the hillside or stormwater outflows into the lake;

- visual aesthetic impact from the anticipated hillside disturbances (rock cuts) and concern with geotechnical stability above the proposed residential area from the degree of anticipated site disturbance;
- impact of two rows of residential development on the hillside cuts, with some preference for a single row to reduce hillside impact by working with the existing topography;

Geotechnical

- concerns regarding the geotechnical stability of the proposal and potential risk to adjacent upslope properties;
- concerns regarding blasting impacts and ensuring upslope properties are protected from future potential damage;

Parks Implications

- impact to existing parks/beaches from increased density within the neighbourhood with no additional improvement proposed;

Moorage Implications

- concern with size of proposed facility and additional boat traffic within the vicinity of other large marinas;
- potential damage to water quality due to proximity of the private moorage to the Casa Loma Water Intake;
- potential shoreline impacts from additional waterfront activity (power boating) associated with the proposed dock such as noise, and water pollution from boat use;
- impact on road safety to accommodate Campbell Road crossing associated with the private moorage facility;

Policy Implications

- development is not in conformance with the vision outlined in the City's Official Community Plan (OCP);
- increased density at this scale is not supported if it includes hillside impacts;
- any changes to the OCP at this scale should be completed during the higher level OCP review;
- increased density will negatively change the character of the neighbourhood;

Infrastructure

- concern with sewer odour in the neighbourhood may be exacerbated by the development;

Traffic / Transportation / Access / Egress

- increased density and traffic in the neighbourhood will:
 - compound the negative impacts of the proposed and existing high density development on Westbank First Nation lands at the throat of Campbell Road, such as bridge access, wait times with congestion, etc.;
- concerns regarding emergency access / egress due to increase development (including planned WFN lands) and lack of conformance to NFPA standards

related to the number of projected units and minimum number of accesses recommended for Casa Loma;

- pedestrian and cyclist safety related concerns during periods of construction and with a busier road;
- negative impact of increased traffic on emergency service response and ability to exit the neighbourhood during emergency evacuations, including parking concerns along Campbell Road related to the private moorage facility;
- concern that the area is not serviced by transit;

Emergency Services

- concern with wildfire management to reduce risk to the area along forested cliff face;
- concern regarding the distance to the nearest fire hall to this area and impacts to insurance ratings for Casa Loma residents;

Construction related impacts

- increase potential noise and disruption to the area during years of proposed construction (construction parking, construction noise, heavy equipment traffic on an already congested road, impacts to health from dust, impact to daily commuter traffic if road is under construction);
- Impacts related to the number of trucks required to remove the fill associated with the development;

Proposed Non-Farm Use on the Agricultural Land Reserve

- impact to ALR lands from the proposed dock access, such as trespass, parking and creating development pressure and loss of agricultural lands from the turnaround and other non-farm uses;
- recommend caveats on any ALR decisions to ensure that the agricultural lands remain productive and farmed responsibly, including security and other terms;
- concern with who will own and manage the ALR land and increased risk that the proposed subdivision restriction will restrict the future agricultural operation if tied to a more complex strata development (townhouse and private moorage); and
- concern with the deteriorating condition of the ALR lands.

It is noted that the applicant's technical team was present to provide additional clarity and comment on many of the items raised during the hearing including environmental impacts, traffic impacts, geotechnical impacts, etc. (see attached minutes).

DISCUSSION

The following sections provide follow-up to questions, as well as elaborating on the proposed conditions of zoning noted at public hearing.

Emergency Access / Fire Mitigation

Issues related to emergency egress of Casa Loma continue to be a concern for the existing neighbourhood and for future development in the area. Given concerns

expressed at the public hearing, consideration of the wildfire risk, and limited egress requirements in Casa Loma, it is recommended that prior to any development of the lands additional measures be put in place to address a secondary egress as well as wildfire mitigation.

It is also recommended that these measures be secured at time of adoption with a Section 219 covenant. The covenant should reflect that prior to the approval of any physical development on the lands, these items be addressed to the satisfaction of the City, and that the developer be required to contribute proportionally towards the cost of the projects.

Should Council proceed with the zoning amendments, staff will bring forward the **necessary agreements** at adoption confirming:

- Completion of a secondary egress (design and construction to be finalized) prior to physical development
- Potential initiatives and/or requirements to address recommendations as proposed by the Casa Loma joint Evacuation Planning Committee including:
 - FireSmart measures, Evacuation Route(s), Fire danger signage and warning siren, fuel treatments, no parking zones, etc.;
- Wildfire mitigation options;
- Community signage (no parking, evacuation routing, etc.);
- Community education; and
- Proportional financial contributions towards the cost of any improvements.

Transportation Infrastructure

Should Council wish to move forward with the residential and agricultural components of the bylaw amendments, staff will confirm technical details prior to adoption related to transportation improvements including:

- Preliminary design drawings for the proposed Campbell Road improvements, including provision for a Narrow Multi-use Trail;
- Conceptual design drawing for the non-farm use access lane, including consideration of turning movements and stormwater improvements (SRW);
- Preliminary design drawings for a Narrow Multi-use Trail along Campbell Road; and
- Dedication of the portion of Campbell Road that crosses the subject property.

Should Council wish to move forward with other iterations of the bylaws, this information would be amended accordingly.

Water Service

As noted at public hearing, the City's water consultant (AECOM) has provided updated water modelling results which identified four potential water servicing options for the site. Based on these results, the applicant is working to finalize the water servicing routing and related off-site water improvements which may include items such as upgrades to water mains, connections, securing rights of way, and installation of water infrastructure between pressure zones.

Should Council wish to move forward with the residential component of the bylaw amendments, staff will confirm the necessary water service improvements prior to adoption including:

- Updated Water Memo to confirm water design criteria, off-site water routing, and to provide preliminary design drawing and cost estimate for the off-site water infrastructure improvements; and
- Covenant to restrict development until off-site water infrastructure works have been constructed or secured, including any required statutory right of ways.

Should Council wish to move forward with other iterations of the bylaws, this information would be amended accordingly.

Storm Water Management

Should Council support the proposed residential amendment bylaws (regardless of support for the proposed private moorage and access), a statutory right of way across the ALR lands will be necessary to accommodate both the City's Master Drainage Plan routing to discharge ultimately at Okanagan Lake, as well as accommodating emergency overland flow routes necessary to address the proposed townhouse development and Campbell Road improvements. The applicant is working to finalize the conceptual stormwater plan based on technical review. The stormwater plan is also a critical component of determining the non-farm use application area required to accommodate the stormwater infrastructure running through the ALR lands.

As such, should Council wish to move forward with the residential components of the bylaw amendments, staff will confirm storm water improvements prior to adoption including:

- Conceptual stormwater plan drawing, including consideration of how all the stormwater components outlined in the FSR work as a whole, and to confirm the stormwater SRW (area, location and design) through the ALR lands;
- Registration of blanket Statutory Right of Way (SRW) for two future stormwater connections through the site in accordance with the City's Master Drainage Plan (Project 10.3 and 10.4), including any required extension for the safe outlet potentially to Okanagan Lake; and
- Registration of a Covenant to restrict development until the collection and safe conveyance of drainage from the Lakeview Heights area through the subject property has been secured.

Should Council wish to move forward with other iterations of the bylaws, this information would be amended accordingly.

Sanitary Sewer - Odour

The concerns noted regarding odour from the sanitary sewer system in the area is related to the RDCO infrastructure which runs along Campbell Road. It is noted that during peak hours of water use, sanitary flows are higher. As the sanitary sewer pipes fills, the (liquid) level rises in the pipe and the air that was in the pipe is displaced and pushed out through any open orifice, such as pick holes in manhole lids. The RDCO uses a liquid additive to the sanitary sewer which eliminates odour and corrosion. RDCO adds this solution at the

IR#10 pump station and the wet well in Casa Loma Park. In recent discussions with the RDCO, they note that they have not received any odour complaints in some time. Additional concerns or comments can be forward to the RDCO.

Non-Farm Use and Agricultural Considerations

Access to the dock is anticipated to be via existing / new farm roads (red arrow) limited to pedestrians, vehicles access with maximum 15 minute loading/unloading, and emergency vehicle access with turnaround area (blue arrow), and a short pedestrian only walkway access to the dock through the riparian area (yellow arrow). The proposed uses are within the Agricultural Land Reserve (ALR).

No parking for boat trailers or vehicles will be permitted on the agricultural lands, or on Campbell Road, and will be accommodated off-site or as part of the future upland townhouse development that lies outside of the ALR.

The applicant notes that they have attempted to address concerns with the use of agricultural lands to administer the moorage facility, such as potential parking issues or introduction of the public into an active farm operation, through proposed operational mitigation measures including signage, fencing, buffering, etc.



Foreshore Ownership and Moorage Licensing

Referral and technical feedback has noted that the viability of agricultural investment on the property may be increased by allowing subdivision of the agricultural lands from the upper residential development. However, IF the dock is permitted, subdivision would not be permitted due to licensing requirements of the province regarding upland ownership. As such, it is recommended that IF the dock is permitted that a covenant restricting subdivision of the residential and agricultural portions of the lands be required, which is reflection in Option 1. In addition to provincial moorage licensing concerns, restricting subdivision will address concerns of vesting foreshore rights in upland residential land owners that do not have tenure of the foreshore. The precedent of an upland land owner (without lake frontage) having rights to foreshore tenure is of considerable concern throughout the community. The applicant had provided a letter outlining an alternate position with regard to allowing subdivision of the agricultural lands (*Attachment 11*); however, they have since rescinded their interest in subdivision of the agricultural lands from the upland parcel based on additional legal advice.

Viability of Agricultural Operations

If a subdivision restriction is placed on the agricultural lands as a result of conditions associated with rezoning to permit the dock, the applicant intends to lease the agricultural lands to ensure long term agricultural use of the ALR portion of the property (see *Attachment 11*). However, there is concern with the level of investment and complexity of the legal agreement that would be reasonably expected when entering into a long term lease with a residential strata. The future viability of intensive agricultural development (e.g. Winery) may be challenged by the proposed lease structure, rather than freehold agricultural land. This concern is reflected in Option 2 that does not permit the dock and dock access through the ALR lands, which would allow the agricultural lands to be subdivided from the upland residential use and may support a more viable agricultural development separate from the upland residential use.

ALR Non-Farm Use - Options for Consideration

Should Council wish to consider private access to the proposed moorage facility via the agricultural lands, then the ALC application may be supported with considerations as per Option 1. This includes placing caveats or controls on agricultural lands to ensure it is maintained as a viable operation including:

- That **buffer fencing and planting** be required to be installed between the shared driveway/access and the productive agricultural lands to reduce potential trespass, including appropriate security to ensure their installation;
- That **active agricultural signs** be required to be posted along the perimeter of the productive agricultural lands, including appropriate security to ensure their installation;
- That ALC require **confirmation of the proposed improvements** for the productive agricultural lands, including consideration for:
 - a **long term farm plan** to address the restoration of the agricultural lands,
 - **planting plans with security** for the installation of new plant material,
 - clarification of the **long term lease terms** or ownership and management scheme for the agricultural lands whether or not they are permitted to be subdivided from the townhouse development.

Should Council wish to only consider permitting the residential townhouse development, then a revised ALC application may be supported to permit a non-farm use utility corridor only for the proposed drainage SRW through the ALR, pending clarification of the SRW area, which is outlined as Option 2.

Hillside Impacts

Significant concern was noted at the public hearing with respect to the level of impact due to the proposed site modifications (rock cut) required to support the development. It is noted that any future development would be required to be in compliance with the City's Hillside Development Permit Guidelines, and that additional geotechnical review would be required to ensure stability is considered for the site. In addition, Council would be required to review and approve the hillside development permit application. Based on the information provided at public hearing, the proposed site modifications/cuts would not meet the hillside development permit guidelines; however, the applicant has noted their

intention to revise the proposal in concert with the City’s Hillside Development Permit guidelines. At this time, Council could provide additional direction on items such as the development footprint, scale of the proposed rock cuts, and visual impacts of the development, in order to reduce hillside impacts in keeping with the guidelines.

Given this, additional oversight and control is in place to ensure that the development is completed in a safe manner for the proposed units as well as residents located above the site.

Rockfall liability

With respect to concerns for liabilities for potential rockfall events which impact the proposed structures, or those surrounding the development; the City requires all geotechnical reporting to be completed as per the City’s Terms of Reference for Professional Reporting. This includes ensuring geotechnical engineers meet an adopted Level of Safety and provide a Landslide Assurance Statement. Geotechnical information and recommendations are registered via Section 219 covenant on title of the property as a condition of development to ensure all future owners are aware of the rockfall protection measures, limitations and recommendations completed by the geotechnical engineer.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
February 9, 2022	Public Hearing held	N/A
December 14, 2021	<p>THAT Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.62, 2021; and</p> <p>THAT Council give second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.96, 2021; and</p> <p>THAT Council give second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.97, 2021; and</p> <p>THAT Council direct staff to schedule the bylaws for Public Hearing.</p>	C381/21
August 24, 2021	<p>THAT Council give first reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.62, 2021; and</p> <p>THAT Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.96, 2021; and</p>	C274/21

THAT Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.97, 2021; and

THAT Council direct staff to schedule the bylaws for consideration of second reading following submission of the following items to the satisfaction of the Director of Development Services:

- Water and Sanitary Modelling;
- Revised Transportation Review;
- Revised Functional Servicing Report;
- Revised Geotechnical Report;
- Updated and Consolidated Environmental Report;
- Submission of outstanding referral comments.

CONCLUSION

The options presented in this report are intended to provide succinct direction to the applicant in moving their application forward.

REVIEWED BY

Brent Magnan, Director of Development Approvals

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.62, 2021
2. Zoning Amendment Bylaw No. 0154.96, 2021 (residential portion)
3. Zoning Amendment Bylaw No. 0154.97, 2021 (agricultural and water portion)
4. CTQ Background and Rationale letter to support the Non-Farm Use Application
5. Agrology Opinion Letter on the non-farm use activity within the ALR
6. CTQ Clarification of Inconsistencies letter
7. Conceptual Site Plan for ALR lands
8. Conceptual Site Renderings
9. Applicant ALR Proposal
10. Public Hearing Minutes Feb 9, 2022
11. Applicant's Letter re: Complexity of Leased Ownership Arrangements for ALR Lands

Schedule 'A'

Option 1: Give Third Reading to Residential and Water Use Bylaws (Restricting future subdivision) AND Support ALR Non-Farm Uses for access to moorage facility.

THAT Council **give third reading** to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.62, 2021 (File: Z 20-08), Zoning Amendment Bylaw No. 0154.96 and 0154.97, 2021 (File: Z 20-08); and

THAT Council support the request to **permit a non-farm use** for the proposed shared driveway/access and drainage through the Agricultural Land Reserve (File: A 21-07), **pending clarification of the SRW** area and direct staff to forward the application to the Agricultural Land Commission for consideration subject to the following:

1. That any ALC Non-Farm Use approval is **subject to the City's adoption** of the Zoning Amendment Bylaw permitting the non-farm use (dock and shared access);
2. That **buffer fencing and planting** be required to be installed between the shared driveway/access and the productive agricultural lands to reduce potential trespass, including appropriate security to ensure their installation;
3. That **active agricultural signs** be required to be posted along the perimeter of the productive agricultural lands, including appropriate security to ensure their installation;
4. That ALC require **confirmation of the proposed improvements** for the productive agricultural lands, including consideration for a long term farm plan to address the restoration of the agricultural lands, planting plans with security for the installation of new plant material, clarification of the long term lease terms or ownership and management scheme for the agricultural lands which are not permitted to be subdivided from the townhouse development; and

THAT Council direct staff to schedule the proposed bylaws **for adoption pending** confirmation of the following:

1. Submission of the following items to the satisfaction of the City:
 - a. **Updated Water Memo** to confirm water design criteria, off-site water routing, and to provide preliminary design drawing and cost estimate for the off-site water infrastructure improvements; and
 - b. Preliminary design drawings for the **proposed Campbell Road improvements**, including provision for a Narrow Multi-use Trail;
 - c. **Conceptual stormwater plan drawing**, including consideration of how all the stormwater components outlined in the FSR work as a whole, and to confirm the stormwater SRW (area, location and design) through the ALR lands; and
 - d. Conceptual design drawing for the **non-farm use access lane**, including consideration of turning movements and stormwater improvements (SRW);
2. **Dedication** of the portion of **Campbell Road** that crosses the subject property;
3. Registration of blanket **Statutory Right of Way (SRW)** for two **future stormwater** connections through the site in accordance with the City's Master Drainage Plan

- (Project 10.3 and 10.4), including any required extension for the safe outlet potentially to Okanagan Lake;
4. Registration of a Covenant to:
 - a. **Restrict subdivision** of the subject property as applicable to address the connection of the upland residential development with the water use zone;
 - b. Restrict development to a **maximum of 60 units**;
 - c. Restrict development until:
 - (i) a **second emergency egress** and appropriate **wildfire mitigation** has been completed to the satisfaction of the City;
 - (ii) a **proportional financial contribution** is submitted by the applicant towards increased emergency egress requirements and wildfire mitigation to the satisfaction of the City;
 - (iii) a **Narrow Multi-use Trail** along Campbell Road has been constructed or secured, including any dedication or required statutory right of ways;
 - (iv) **off-site water infrastructure** works have been constructed or secured, including any required statutory right of ways;
 - (v) the collection and **safe conveyance** of drainage from the Lakeview Heights area through the subject property has been secured;
 - d. Restrict any plant species not recommended adjacent to agricultural lands, and to notify future owners of farm operation;
 5. Confirmation of conditional **approval by the Province** for the proposed dock with the revised zoning amendments; and
 6. Conditional **approval by the ALC** for the proposed non-farm use (File: A 21-07) to permit the proposed shared driveway/access, pedestrian access through the riparian area to the foreshore and dock, and for the statutory right of way to accommodate the safe conveyance of drainage through to Okanagan Lake.

Schedule 'B'

Option 2: Give Third Reading to Residential Bylaws only (No approval for Water Use / Moorage facility) AND Not Support ALR Non-Farm Uses

THAT Council **give third reading** to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.62, 2021 and Zoning Amendment Bylaw No. 0154.96, 2021 (File: Z 20-08); and

THAT Council **rescind first and second readings** to City of West Kelowna Zoning Amendment Bylaw No. 0154.97, 2021 (File: Z 20-08); and

THAT Council **support** the request to permit a **non-farm use utility corridor only** for the proposed drainage SRW through the Agricultural Land Reserve (A 21-07), pending clarification of the SRW area, and direct staff to forward the revised application (to the Agricultural Land Commission for consideration; and,

THAT Council direct staff to schedule the proposed bylaws **for adoption pending** confirmation of the following:

1. Submission of the following items to the satisfaction of the Director of Development Approvals:
 - **Updated Water Memo** to confirm water design criteria, off-site water routing, and to provide preliminary design drawing and cost estimate for the off-site water infrastructure improvements;
 - Preliminary design drawings for the **proposed Campbell Road improvements**, including provision for a Narrow Multi-use Trail;
 - **Conceptual stormwater plan drawing**, including consideration of how all the stormwater components outlined in the FSR work as a whole, and to confirm the stormwater SRW (area, location and design) through the ALR lands; and
 - Conceptual design drawing for the **non-farm use access lane**, including consideration of turning movements and stormwater improvements (SRW);
2. **Dedication** of the portion of **Campbell Road** that crosses the subject property;
3. Registration of blanket **Statutory Right of Way (SRW)** for two **future stormwater** connections through the site in accordance with the City's Master Drainage Plan (Project 10.3 and 10.4), including any required extension for the safe outlet potentially to Okanagan Lake;
4. Registration of a Covenant to:
 - Restrict development to a **maximum of 60 units**;
 - Restrict development until:
 - i. a **second emergency egress** and appropriate **wildfire mitigation** has been completed to the satisfaction of the City;
 - ii. a **proportional financial contribution** is submitted by the applicant towards increased emergency egress requirements and wildfire mitigation to the satisfaction of the City;

- iii. a **Narrow Multi-use Trail** along Campbell Road has been constructed or secured, including any dedication or required statutory right of ways;
 - iv. **off-site water infrastructure** works have been constructed or secured, including any required statutory right of ways;
 - v. the collection and **safe conveyance** of drainage from the Lakeview Heights area through the subject property has been secured; and
5. Conditional **approval by the ALC** for the proposed utility corridor non-farm use (File: A 21-07) to permit the proposed statutory right of way to accommodate the safe conveyance of drainage through to Okanagan Lake.

CITY OF WEST KELOWNA

BYLAW NO. 0100.62

A BYLAW TO AMEND “OFFICIAL COMMUNITY PLAN BYLAW NO. 0100”

WHEREAS the Council of the City of West Kelowna desires to amend “CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100” under the provisions of the *Local Government Act*.

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

1. Title

This Bylaw may be cited as “CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 0100.62, 2021”.

2. Amendments

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

2.1 By changing the designation on a portion of all that portion of District Lot 522, Group 1, ODYD, more particularly described as follows: commencing at the north west corner of said District Lot; thence south 11 chains 61 links more or less along the westerly boundary; thence easterly parallel to the northerly boundary to Okanagan Lake; thence following the shoreline of said lake in a north easterly direction to the north east corner of said District Lot 522; thence westerly along the north boundary to the point of commencement and containing by a measurement 16 acres more or less, as shown on Schedule ‘A’ attached to and forming part of this bylaw from Agricultural to Low Density Multiple Family.

2.2 By depicting the change on “City of West Kelowna Official Community Plan Bylaw No. 0100 Schedule 1” (Land Use Plan).

READ A FIRST TIME THIS 24TH DAY OF AUGUST, 2021
READ A SECOND TIME THIS 14TH DAY OF DECEMBER, 2021
PUBLIC HEARING HELD THIS 9TH DAY OF FEBRUARY, 2022
READ A THIRD TIME
ADOPTED

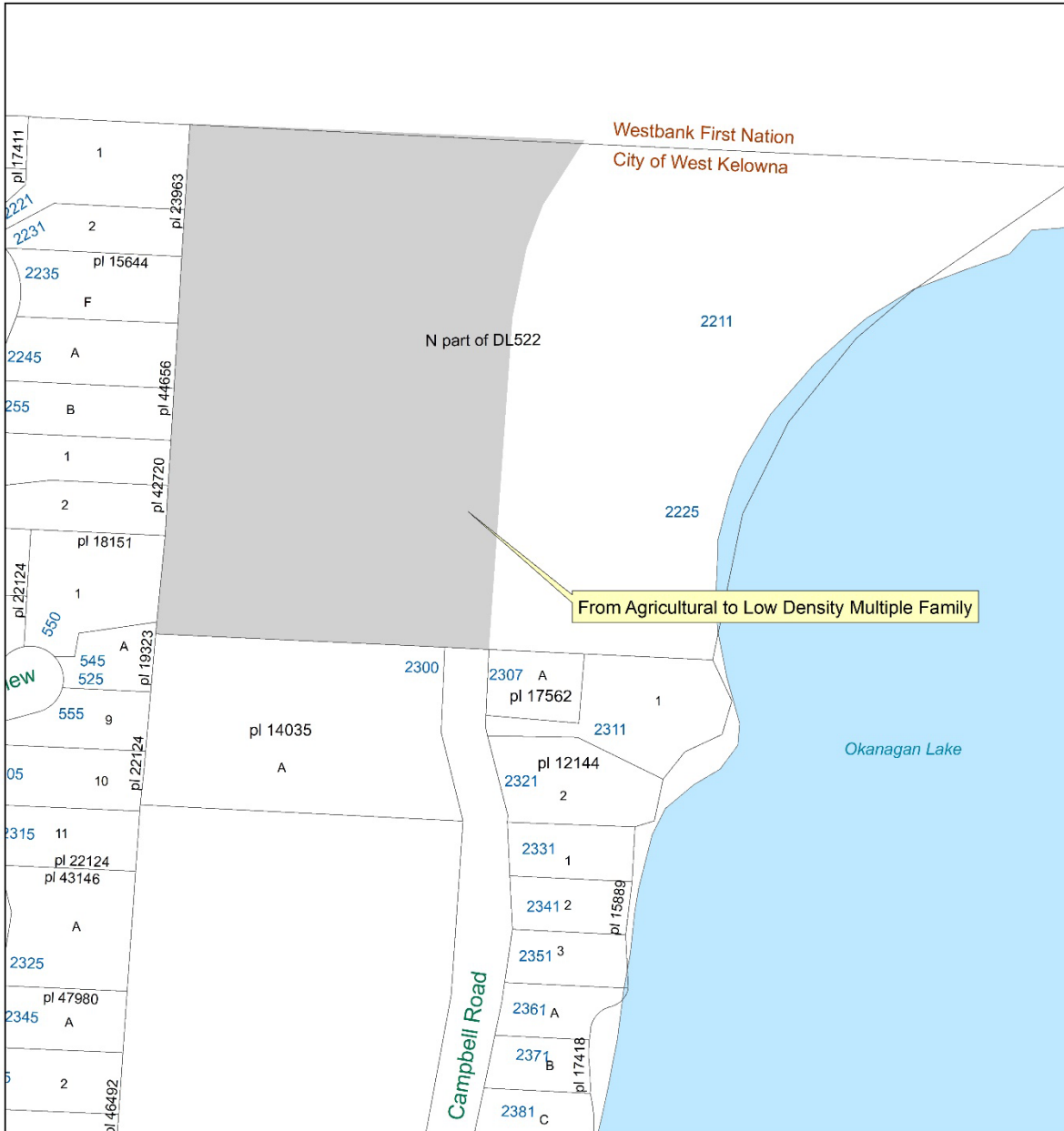
MAYOR

CORPORATE OFFICER



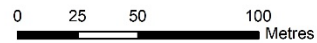
CITY OF WEST KELOWNA

SCHEDULE 'A' of BYLAW NO. 0100.62

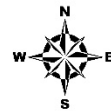


LEGEND

- From Agricultural to Low Density Multiple Family
- Parcels



1:2,400



Date: 07/07/2021

CITY OF WEST KELOWNA

BYLAW NO. 0154.96

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. 0154.96, 2021".

2. Amendments

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

2.1 By changing the zoning on a portion of all that portion of District Lot 522, Group 1, ODYD, more particularly described as follows: commencing at the north west corner of said District Lot; thence south 11 chains 61 links more or less along the westerly boundary; thence easterly parallel to the northerly boundary to Okanagan Lake; thence following the shoreline of said lake in a north easterly direction to the north east corner of said District Lot 522; thence westerly along the north boundary to the point of commencement and containing by a measurement 16 acres more or less, from Agricultural Zone (A1) to Low Density Multiple Residential Zone (R3) as shown on Schedule 'A' attached to and forming part of this bylaw.

2.2 By adding to Part 10 – Low Density Multiple Residential Zone (R3), s. 10.9.4, Site Specific Uses, Buildings and Structures, the following:

(d) On the R3 zone portion of District Lot 522, Group 1, ODYD:

- .1 The parking requirements shall include parking for any boat slips accessory to the upland residential use in any dock permitted on or fronting District Lot 522, Group 1, ODYD sited as indicated on Schedule 'B' attached to and forming part of Zoning Amendment Bylaw No. 0154.96; and
- .2 Despite Section 10.9.2, no more than 60 dwelling units are permitted in either duplex or townhouse form.

2.3 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

READ A FIRST TIME THIS 24TH DAY OF AUGUST, 2021
READ A SECOND TIME THIS 14TH DAY OF DECEMBER, 2021
PUBLIC HEARING HELD THIS 9TH DAY OF FEBRUARY, 2022
READ A THIRD TIME
ADOPTED

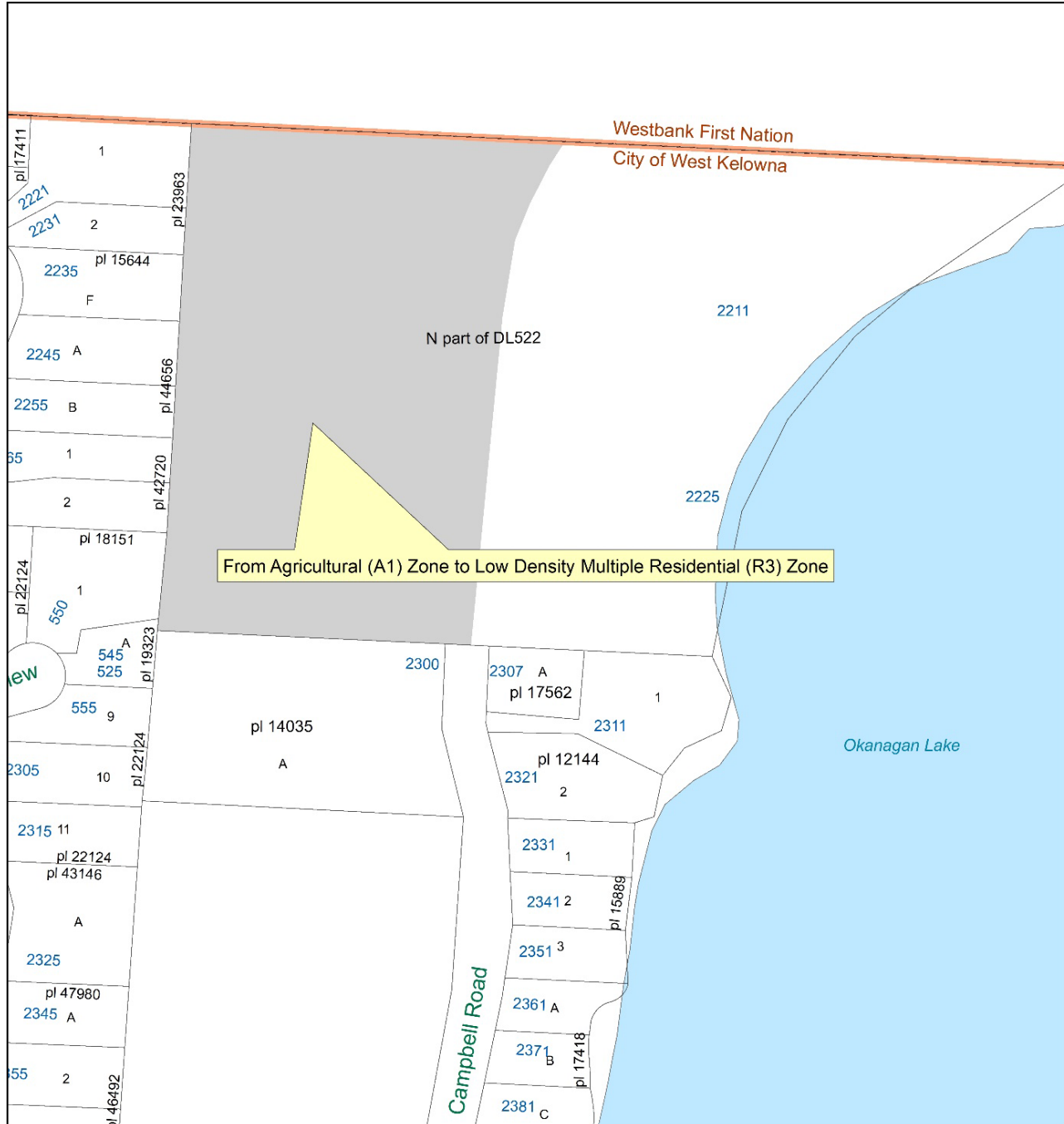
MAYOR

CORPORATE OFFICER



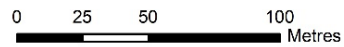
CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.96



LEGEND

- From A1 to R3 Zone
- Parcels



1:2,400

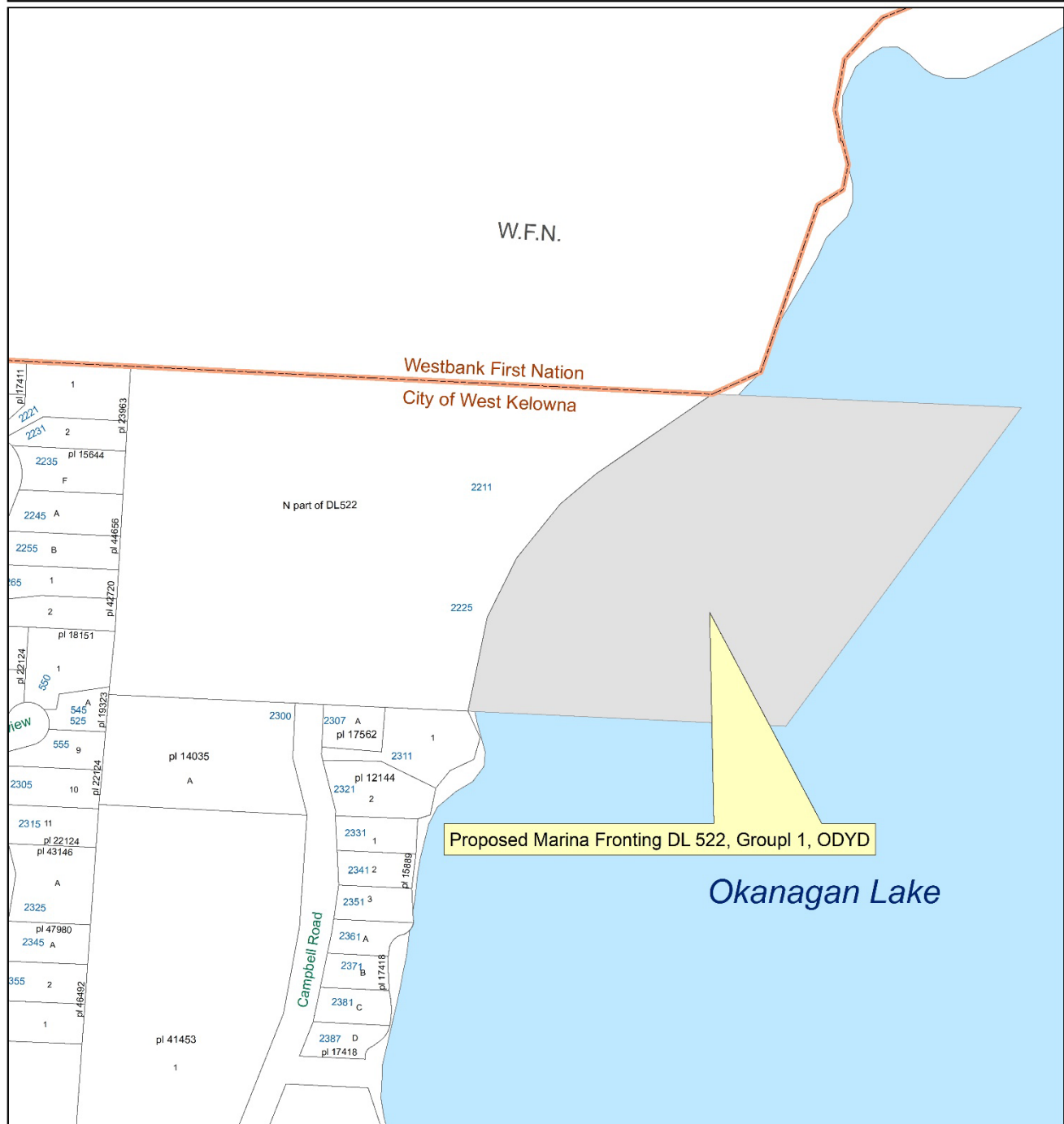


Date: 12/05/2021



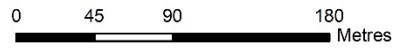
CITY OF
WEST
KELOWNA

SCHEDULE 'B' of BYLAW NO. 0154.96



Parcels

Proposed Marina Fronting DL 522, Group 1, ODYD



1:3,700



Date: 12/05/2021

CITY OF WEST KELOWNA

BYLAW NO. 0154.97

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. 0154.97, 2021".

2. Amendments

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

2.1 By adding to Part 8 – Agricultural Zone (A1), s. 8.1.4 Site Specific Uses, Buildings and Structures, the following:

(e) On a portion of District Lot 522, Group 1, ODYD:

- .1 Dock and temporary moorage access, including vehicular and pedestrian, is permitted as sited generally within the area indicated on Schedule 'B' attached to and forming part of Zoning Amendment Bylaw No. 0154.97.

2.2 By changing the zoning on a portion of the unsurveyed Crown land being part of the bed of Okanagan Lake and fronting on District Lot 522, Group 1, ODYD, more particularly described as follows: commencing at the north west corner of said District Lot; thence south 11 chains 61 links more or less along the westerly boundary; thence easterly parallel to the northerly boundary to Okanagan Lake; thence following the shoreline of said lake in a north easterly direction to the north east corner of said District Lot 522; thence westerly along the north boundary to the point of commencement and containing by a measurement 16 acres more or less, as shown on Schedule 'A' attached to and forming part of this bylaw, from Recreational Water Use Zone (W1) to Intensive Water Use Zone (W2).

2.3 By adding to Part 6 – Intensive Water Use Zone (W2), s. 6.2.4, Site Specific Uses, Buildings and Structures, the following:

(b) On the unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting District Lot 522, Group 1, ODYD:

- .1 No structure shall be greater than 130 m meters in length, as measured from the natural boundary; and
- .2 Despite Section 6.2.2(c), no more than one boat slip per upland residential unit is permitted for the docking of boats accessory to the

upland residential use sited as indicated on Schedule 'C' attached to and forming part of Zoning Amendment Bylaw No. 0154.97;

- .3 Despite Section 6.2.2(b), Boat launch shall not be permitted; and
- .4 Despite Section 6.2.2(d), Retail, convenience shall not be permitted.

2.4 By depicting the changes on "Zoning Bylaw No. 154 Schedule B" (Zoning Bylaw Map).

READ A FIRST TIME THIS 24TH DAY OF AUGUST, 2021
READ A SECOND TIME THIS 14TH DAY OF DECEMBER, 2021
PUBLIC HEARING HELD THIS 9TH DAY OF FEBRUARY, 2022
READ A THIRD TIME THIS
ADOPTED THIS

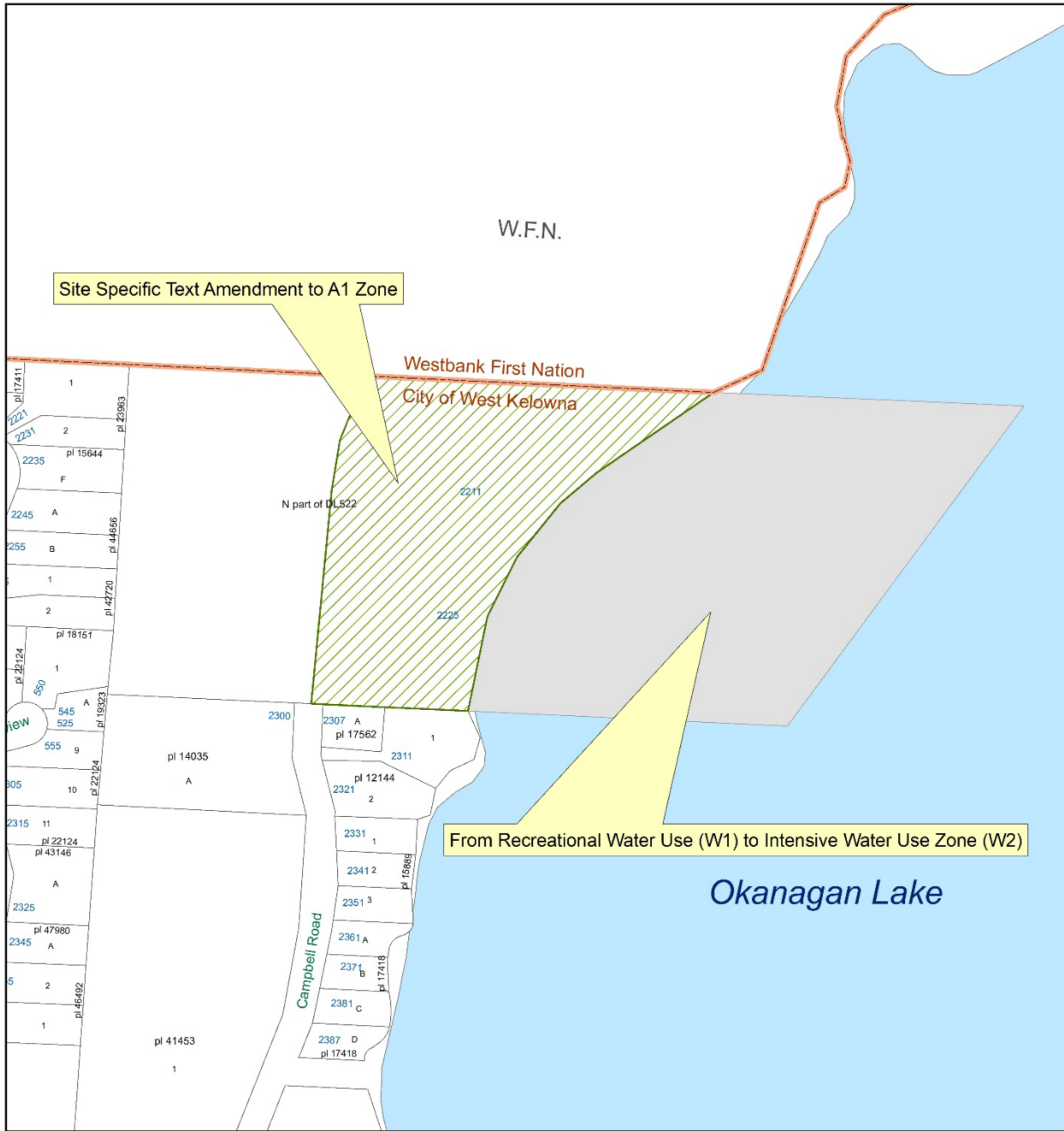
MAYOR

CORPORATE OFFICER

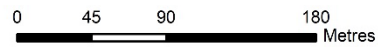


CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.97



- Parcels
- Site Specific Text Amendment to A1 Zone
- From Recreational to Intensive Water Use



1:3,700



Date: 28/07/2021

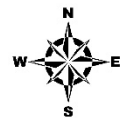
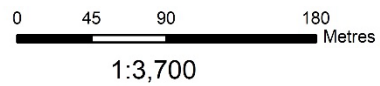


CITY OF
WEST
KELOWNA

SCHEDULE 'B' of BYLAW NO. 0154.97



- Parcels
- Proposed Location for Site Specific Uses

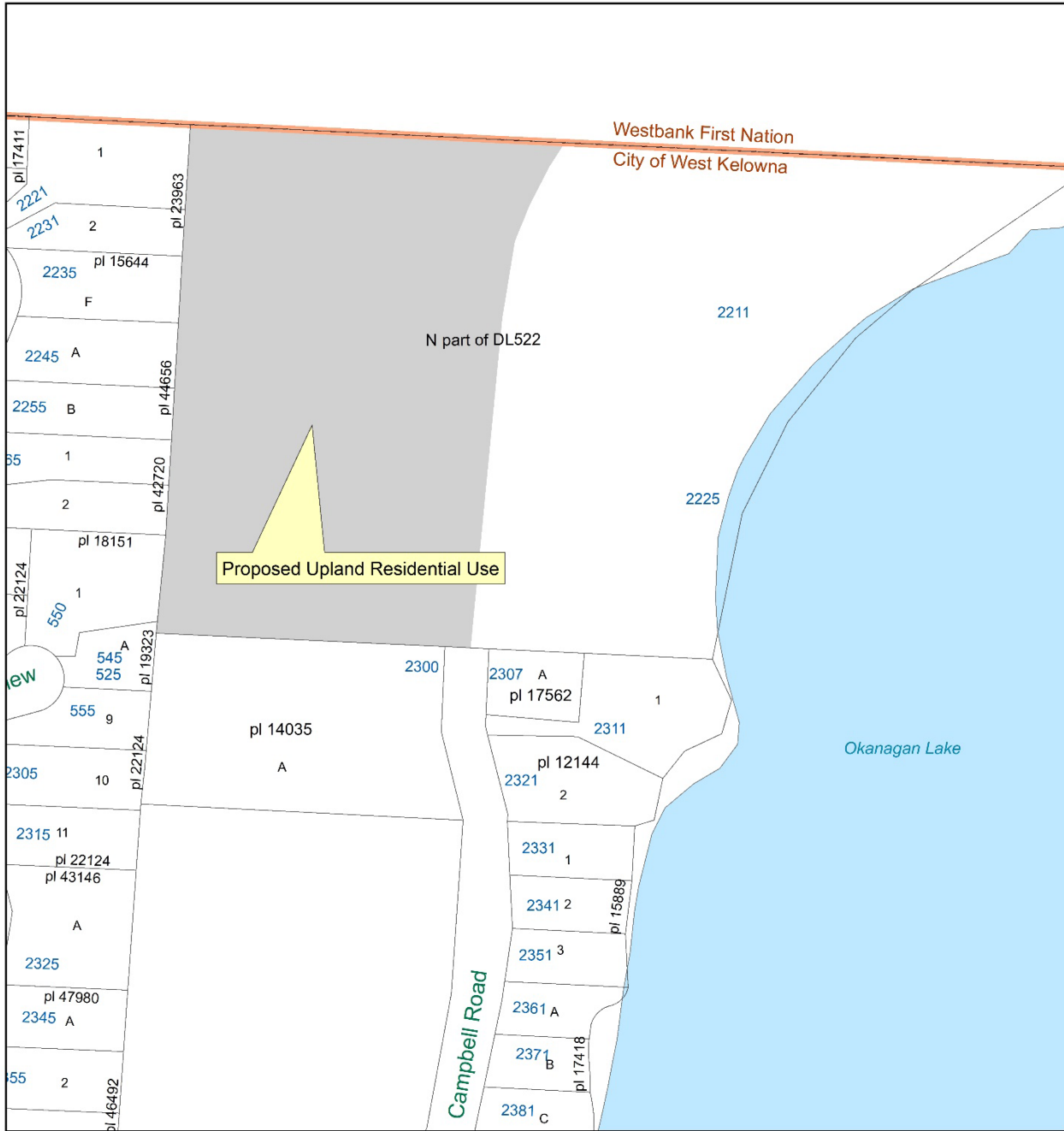


Date: 28/07/2021



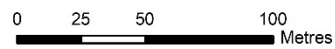
CITY OF
WEST
KELOWNA

SCHEDULE 'C' of BYLAW NO. 0154.97

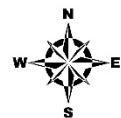


LEGEND

- Proposed Upland Residential Use
- Parcels



1:2,400



Date: 12/05/2021

CITY OF WEST KELOWNA PLANNING DEPARTMENT	
ATTACHMENT: <u>4</u>	
FILE NO.: <u>Z 20-08</u>	

ALC Application ID: 64060
CTQ Project Number: 20021

October 25, 2021

Agricultural Land Commission
201-4940 Canada Way
Burnaby, BC V5G 4K6

To Whom It May Concern:

**Re: Non-Farm Use Application – Application ID 64060
2211 Campbell Road – West Kelowna, BC**

BACKGROUND AND RATIONALE

Landstar Development has been working on planning and design of the 16 +/- acre parcel with the City of West Kelowna since 2018. Background analysis regarding environmental, geotechnical, lake use, transportation, servicing, and a means to protect the integrity of the agricultural aspect of the property dates back to 2015. The upper portion of the property (west of Campbell Road) was excluded from the ALR due to severe slopes and lack of integrity for farm use. The current application at the City of West Kelowna has received First Reading for an OCP Amendment and Rezoning to R3 (Low Density Townhomes) for no greater than 60 Townhouses (Duplex Form) on the upper portion, and for W2 (Private Moorage) to permit moorage associated with upland uses. The marina use was conditionally approved by both the Provincial and Federal Government authorities. The approvals were supported by significant environmental scrutiny. Although originally approved for 240 boat slips, the owner has reduced the moorage to maximum 60 with an amendment to the Bylaw to restrict boat launch or any marine services. The maximum moorage will be commensurate with the number of homes being built on the upper portion of the land. Campbell Road (Section 42 Road) is part of the ownership but will be upgraded to urbanized standard, and serves as a buffer for the agricultural lands below the road. The City of West Kelowna has deemed this development proposal, now moving to Second Reading, to respect the need for housing, increased demand for boat moorage and enhancement of agriculture in the Campbell Road area of the community.

Further Supporting Rationale:

1. The Non-farm use application is for the driveway access between Campbell Road and the moorage/dock at the Okanagan Lake foreshore. Alignment will be essentially the same as the existing access to the old farmhouse.
2. Application for non-farm use is only for the access to the waterfront moorage/dock associated with the Townhouse development proposed above Campbell Road, where the hillside area was excluded from the ALR in recent years.
3. The rezoning application for an integrated development was fully endorsed by the Agricultural Advisory Committee earlier this year. The applicant is aware that the AAC will have an opportunity to comment on the NFU when proceeding to the ALC.
4. Access is to support passage from Campbell Road to the moorage via pedestrian pathway, which can also be used for emergency vehicles as necessary. No boat launch or marine services are permitted as per municipal zoning and approvals.
5. The users of the moorage facility will be the homeowners located on the upper part of the property; no greater than 60. Moorage use will be seasonal and managed by the Strata Corporation (or their professional operator).
6. The intent supports a use that is compatible with the vineyard development/orchard rehabilitation which will enshrine this small (7 acre) isolated ALR parcel for agricultural use.
7. It is compatible with community land use policies and associated agricultural use of the site within what is becoming a predominantly residential area, especially as the Westbank First Nation lands are now being developed into multi-family residential immediately north of the subject property, and along with the proposed townhouse development above Campbell Road.
8. The non-farm use will be compatible with viticulture/vineyard and potentially an associated tasting room/bistro in the future.
9. A professional agrologist has reviewed the concept plans and endorsed the upgrade of the failing stone fruit orchard (over 50 years old), based on the fact that wine grape being the best agricultural use due to soil quality. (Report and Map attached)
10. The NFU concept entails the driveway/pedestrian access to be only 6 meters wide along with an area for vehicle turn around and small parking area. Both pedestrian and emergency vehicle use are proposed on the same facility. Surface to include recycled asphalt or gravel crush to permit passage and use of hand carts for the boat owners.
11. Location of the access is to reflect approximate current alignment of the driveway to the old farmhouse. The farmhouse is to be demolished and the area reclaimed for vineyard and potentially tasting room/bistro in future. (Subject to ALC Regulations and City of West Kelowna A1 Zoning)
12. The farm management plan calls for a farm operator that will use the grapes grown on site, but process at their winery at a separate location in West Kelowna.
13. A buffer planting strip and fence will be incorporated to mitigate passage of moorage users into the vineyard, in keeping with ALC guidelines and recommendations. (See Landscape Plan attached). The access lane will be constructed as close as possible to the most northerly boundary of the ALR lands, thereby minimizing disturbance to the productive farmland.

14. Parking for owners of the boat slips (trailers and vehicles) will be located above Campbell Road in their own designated parking space associated with the townhomes, thereby not impacting the agricultural land.
15. Moorage will include no greater than 60 slips associated with the townhome units above Campbell Road, and in keeping with approval by the City of West Kelowna.
16. On-site parking for patrons of the tasting room/bistro would be in keeping with ALC regulations and City of West Kelowna as per the A1 Zone. (See concept of tentative location)

**CITY OF WEST KELOWNA
PLANNING DEPARTMENT**

ATTACHMENT: 5

FILE NO.: Z20-08



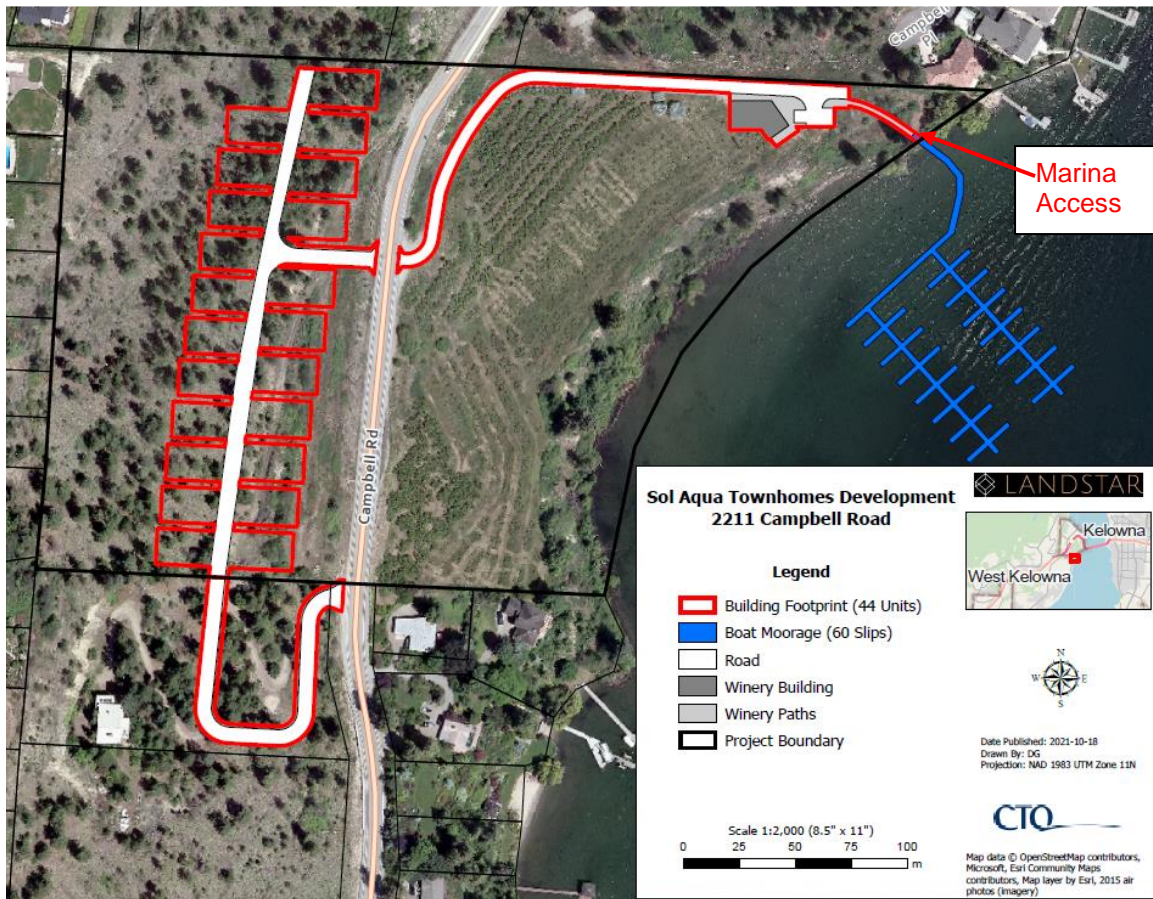
November 1, 2021

An Opinion on an Application for a Non Farm Use of Land within the Agricultural Land Reserve

1.0 Introduction

As part of the development plan for the ALR portion of the parcel, the developer requires a Non Farm Use Permit to access a marina from the farmland. The location of the access is shown in Figure 1.

Figure 1: Site Layout



The commission before me is to determine what impact, if any, will the access allowed by a Non Farm Use permit have on farming on the site.

2.0 Qualifications

I am a licensed Agrologist and have been a full member of the B.C. Institute of Agrologists since 1971 (except 2001-2002). I am a graduate from the University of British Columbia with a Bachelor of Science degree in 1967, specializing in Agriculture Economics, and a Master of Science degree in 1972, specializing in Farm Management. My thesis for my Master's degree was entitled *Resource Allocation for the Median Peace River Farm in British Columbia*

I have been involved in the work of the Agricultural Land Commission since 1974 when the reserve boundaries were proclaimed. At that time, I was District Agriculturist for the British Columbia Ministry of Agriculture in Prince George. In October 1978 I entered private practice and have provided professional opinions for clients who have sought amendments to the Agricultural Land Reserve boundaries, subdivision within the ALR, or who have needed assistance in compliance with requests or orders from the Commission.

During my years in both public and private practice, Courts and Review Boards have accepted me as an expert regarding farming practices in British Columbia. Consequently, I feel qualified to provide an assessment of a proposal under the *Agricultural Land Commission Act*. My qualifications and experience allow me to comment on the value of agricultural land and the practices of farming on that land.

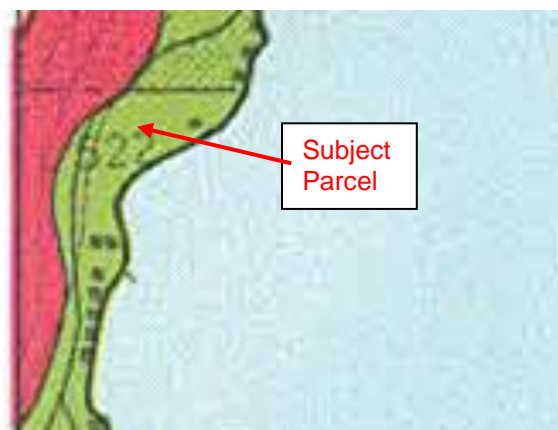
Consequently, I believe I am qualified to comment on the two main purposes of the Agricultural Land Commission. That is: to preserve the agricultural land reserve; and to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest.

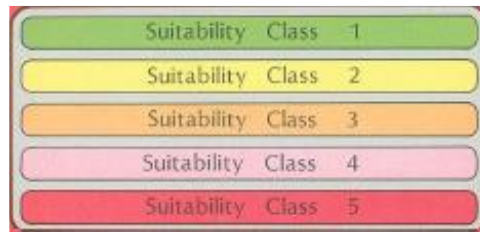
I have been a member of the Environmental Appeal Board and the Forest Appeals Commission. Following these appointments, I have received training in Administrative Law and the Rules of Natural Justice.

3.0 Farming Capability of the Subject Parcel

The Canada Land Inventory rates soils according to their capacity to grow grain crops. When commenting on the capacity for orchard or vineyard crops, other classification criteria should be used. In this case, the Grape Atlas provides a valuable resource.

Figure 2: Grape Atlas Classification of Subject Property





Class 1 areas are defined as:¹

Land areas in this class are the most desirable and are the least restrictive for grape production. Class 1 areas have the highest number of heat units, a long frost free season, high solar radiation and desirable soil characteristics. Land in Class 1 is therefore capable of producing the widest range of grape varieties.

There are only about 7 acres or 2.9 hectares in or capable of production. Therefore, a strategy must be implemented to maximize the production from those acres.

4.0 Farming Strategy

Historically, the farm has produced peaches and some apricots. These trees are well past maturity and in need of replacement either to other soft fruits or to grapes. Both crops have proven viability on this site. As is shown in Section 3, the land is capable of intensive fruit or grape production despite its size limitations. The farmland, as either an orchard or vineyard will provide an aesthetic, as well as a productive asset to the property. I believe it can be a “show place” for farming in the area.

The plan is to lease out the buildings and land to an existing vineyard or orchard. That lease would extend for a minimum of 15 years to enable the lessee to amortize the replanting. If the land is leased to an existing vineyard it will increase the wine production capacity and extend the utility of a proposed tasting room and winery.

The lease agreement should have a “neat and tidy” provision to ensure that the farming area is well maintained and provides an asset to the housing development on the west side of Campbell Road.

A long-term lease cannot be negotiated until the ALC has provided approval for the Non Farm Use.

5.0 Farm vs Non Farm Use

Farm Use vs Non-Farm Use is defined by legislation. The *Act* defines Farm Use as:²

- (a) means an occupation or use of agricultural land for
 - (i) farming land, plants, mushrooms, truffles or animals,
 - (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, or
 - (iii) a purpose designated as a farm use by regulation, and

¹ The Grape Atlas, Chapter 4, Suitability Classification for Grape Production in the Okanagan and Similkameen Valleys, page 1

² Section 1, Definitions, *Agricultural Land Commission Act*

(b) does not include a residential use or a soil or fill use;
Non-Farm Use³ means “a use of agricultural land other than a farm use, a residential use or a soil or fill use.”

The regulations are more specific:⁴

(1) Subject to any limits and conditions set out in this Part, the use of agricultural land to construct, maintain or operate any of the following is designated as a farm use and may not be prohibited as described in section 4:

(a) a structure, other than a residential structure, that is necessary for a farm use;

(b) a driveway or utility that is necessary for a farm use.

The driveway, as sketched in white in Figure 1, is a clear Farm Use and may not be prohibited.

A driveway is essential in the farming operation to provide access to the crop rows from the main road. It also provides a headland to allow machinery to turn at the end of the rows. It is used to bring in inputs to the farm such as fertilizer and fuel and to take out the crops. Consequently, it must be constructed to a standard which allows use by heavy trucks. This driveway would exist whether part of the access or not.

The applicants propose in the plan that the driveway be used for access to the boat moorage. The Non Farm Use occurs between the end of the driveway above the escarpment to the edge of the property line. Consequently, it would use no farmland. That distance is shown at the end of the arrow in Figure 1 and is estimated to be about 5 meters long. The escarpment is shown in Photograph 1.



Photograph 1: Escarpment from the Farmland to the Lake

³ *Ibid.*

⁴ Section 5, *Agricultural Land Reserve Use Regulation*

6.0 Summary and Conclusion

The purpose of the Agricultural Land Commission is stated in Section 6 of the *Act*:

- 6 (1) The following are the purposes of the commission:
- (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest;
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.
- (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
 - (b) the use of the agricultural land reserve for farm use.

As noted above, the proposal allows a use of a driveway for access to a marina. It is common for driveways to be used for public access, particularly in vineyards as part of the farm experience for visitors. Not approving this application would set a wide-ranging precedent that would impact the industry in West Kelowna.

There will be no loss of farmland nor farming capacity on the parcel.

Without support from the residential and marina development, this small vineyard or orchard faces great obstacles to being viable given its small size and isolation from other farming activities. Combining the farming activities with housing and non farm activities increases the prospects for viability without losing any farm land.

In addition to preserving land within the Agricultural Land Reserve, the proposal encourages “farming of land within the agricultural land reserve in collaboration with other communities of interest.”

In my opinion, the proposal for a Non Farm Use in conjunction with Farm Uses allows the Commission to adhere to all aspects of its mandate under the *Act*.

I remain available to discuss my findings and conclusions.

Respectfully,



R.G. (Bob) Holtby, P.Ag.

November 1, 2021

Clarification of Inconsistency: 3rd Reading of Z 21-08 and Consideration of A 21-07

The City of West Kelowna has requested a clarification of inconsistency previously contained within the supporting material of applications Z 21-08 (Official Community Plan Amendment Bylaw and Zoning Amendment Bylaw) and A 21-07 (Non-Farm Use Application) for 2211 Campbell Rd, West Kelowna.

The primary areas of inconsistencies identified, which clarifications are provided below include:

1. Reference to the driveway providing access to the crop rows which would allow machinery to turn at the end of the rows in the driveway which conflicts with the proposed fencing/landscape buffer.
2. Previously noting that the Non-Farm Use only occurs between the end of the driveway and the edge of the property at the waterline. This is in direct conflict with the ALC's interpretation that the Non-Farm Use is for the shared driveway, the pedestrian access through ALR land through the riparian area (the "escarpment area") and the dock as it is attached to ALR land.
3. Incorporating outstanding Stormwater Statutory Rights of Way areas into the site plan for the ALR lands.

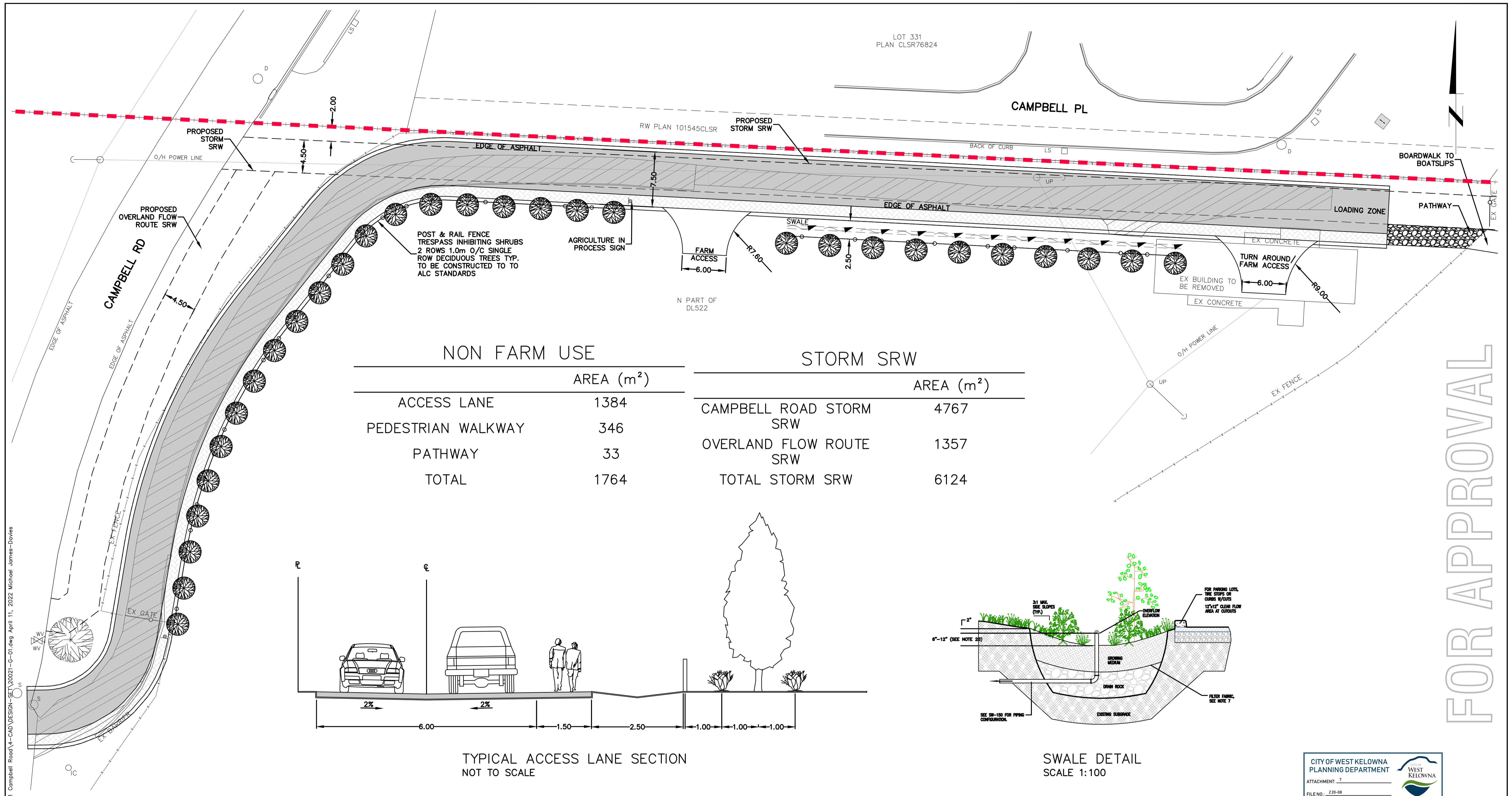
Farm Use and Rationale

1. The intent supports a use that is compatible with the potential vineyard development/orchard rehabilitation which will enshrine this small (7 acre) isolated ALR parcel for agricultural use.
2. It is compatible with community land use policies and associated agricultural use of the site within what is becoming a predominantly residential area.
3. A professional agrologist has reviewed the concept plans and endorsed the upgrade of the failing stone fruit orchard (over 50 years old), based on the fact that wine grape being the best agricultural use due to soil quality.
4. Location of the farm vehicle access is to reflect approximate current alignment of the driveway to the old farmhouse.
5. The farmhouse is to be demolished and the area reclaimed for vineyard and potentially tasting room/bistro in future. (Subject to ALC Regulations and City of West Kelowna A1 Zoning). Please note, such possible future development is not part of the current application.
6. The farm management plan calls for a farm operator that will use the grapes grown on site, but process at their winery at a separate location in West Kelowna.
7. A buffer planting strip and fence will be incorporated to mitigate passage of moorage users into the vineyard, in keeping with ALC guidelines and recommendations.
8. The access lane will be constructed as close as possible to the most northerly boundary of the ALR lands, thereby minimizing disturbance to the productive farmland.
9. Access to the crop rows will only occur at the end of the lane and not through any buffered area.
10. Circulation of farm vehicles would be inside the vineyards and through the farm access area.
11. Machinery will not be accessing the crop rows and turning around in the driveway area shown adjacent to the landscape buffer portion.

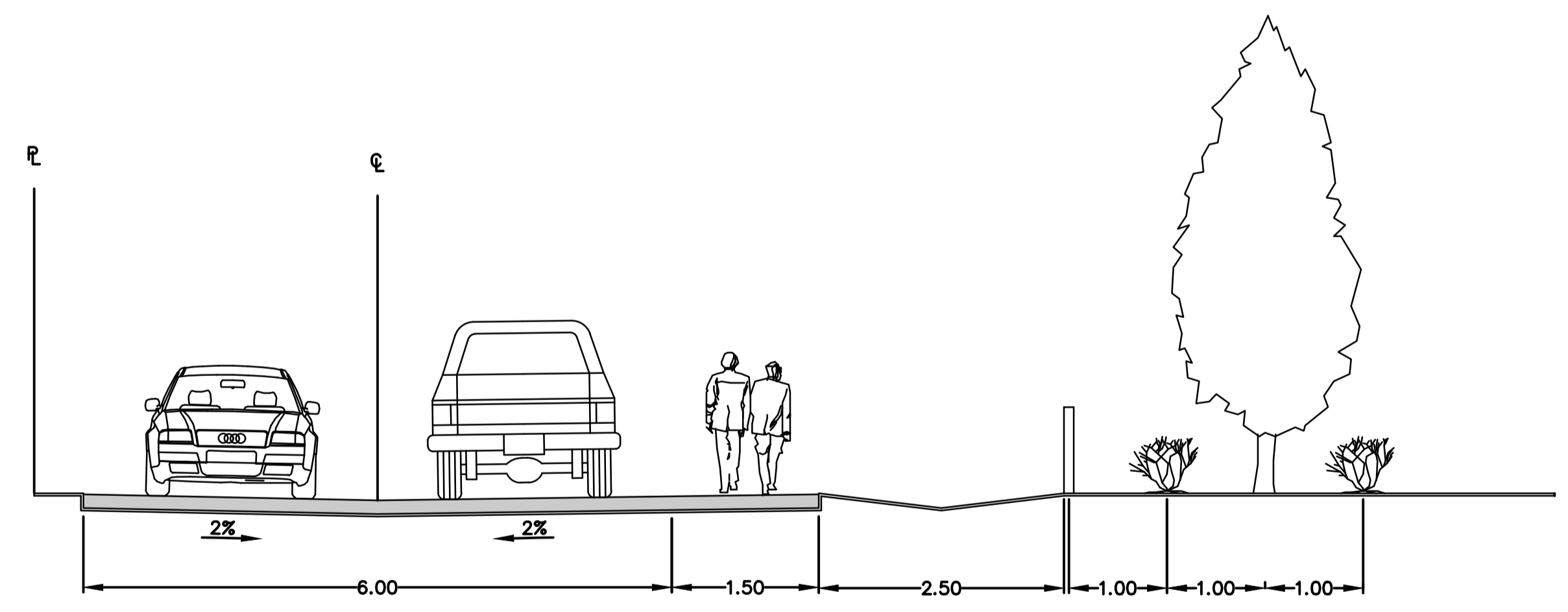
Non-Farm Use and Rationale

1. The Non-farm use application is for the entire driveway access between Campbell Road and the moorage/dock at the Okanagan Lake foreshore. Alignment will be essentially the same as the existing access to the old farmhouse.

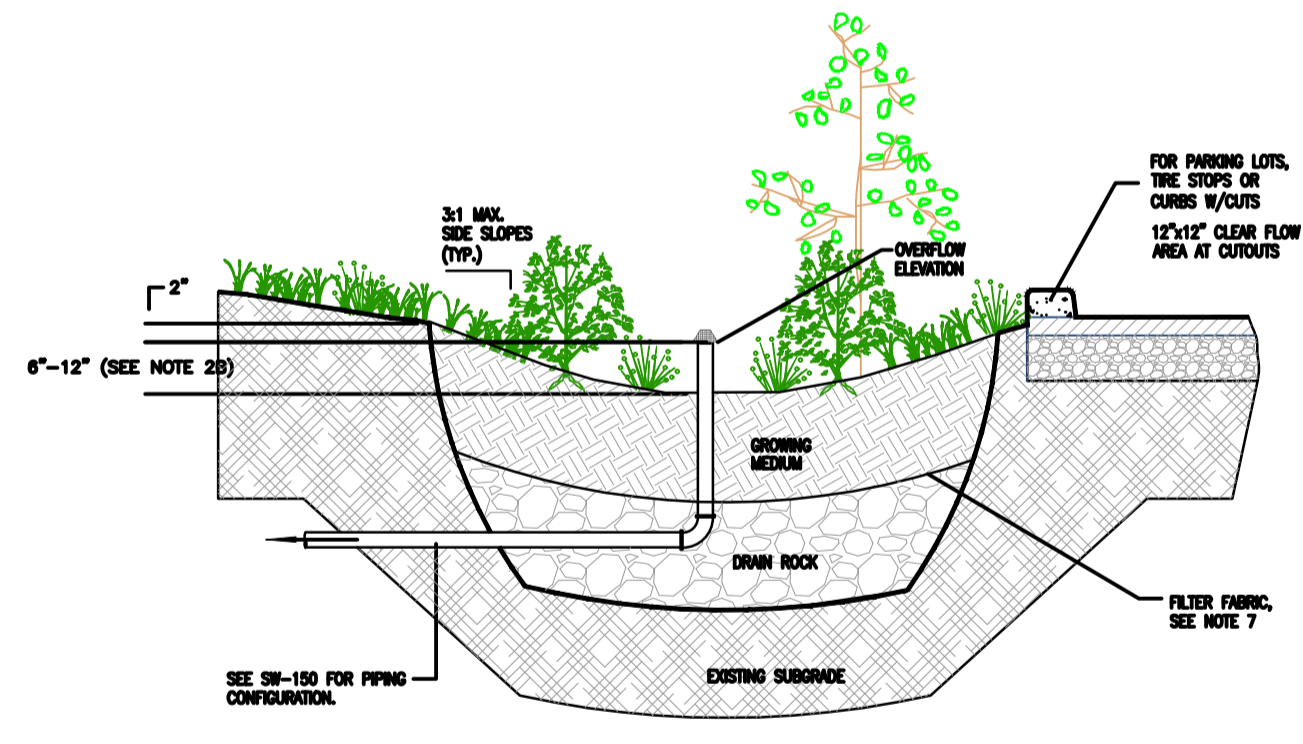
2. Access is to support pedestrian passage from Campbell Road to the boat moorage, as well as for emergency vehicles as necessary.
3. Moorage will include no greater than 60 slips associated with the residential development above Campbell Road and will be commensurate with the number of residential units in keeping with approval by the City of West Kelowna.
4. Parking for owners of the boat slips (trailers and vehicles) will be located above Campbell Road in their own designated parking space associated with the townhomes, thereby not impacting the agricultural land.
5. There will be no designated parking available for the boat slip owners on the ALR lands.
6. No boat launch or marine services are permitted as per municipal zoning and approvals.
7. Surface to include recycled asphalt or gravel crush.
8. The non-farm use concept also entails an area for emergency vehicular turn around.
9. To accommodate Stormwater Management on the subject lands, a Stormwater Management Statutory Right of Way is proposed and will be shown in the detailed site plan for the area.



NON FARM USE		STORM SRW	
	AREA (m ²)		AREA (m ²)
ACCESS LANE	1384	CAMPBELL ROAD STORM SRW	4767
PEDESTRIAN WALKWAY	346	OVERLAND FLOW ROUTE SRW	1357
PATHWAY	33	TOTAL STORM SRW	6124
TOTAL	1764		



TYPICAL ACCESS LANE SECTION
NOT TO SCALE



SWALE DETAIL
SCALE 1:100

CITY OF WEST KELOWNA
PLANNING DEPARTMENT
ATTACHMENT: 7
FILE NO.: Z20-08

FOR APPROVAL

P:\Projects-2020\20021 - 2211 Campbell Road\4-CAD DESIGN-SET\20021-G-01.dwg April 11, 2022 Michael James-Dovies

LEGEND:

	PEDESTRIAN WALKWAY
	EXISTING ACCESS LANE
	PROPOSED ACCESS LANE

No.	YY.MM.DD	By	Issued	Chkd	No.	YY.MM.DD	By	Revision	Chkd
2	22.04.08	DC	FOR 3RD READING APPROVAL	DC					
1	22.03.11	DC	FOR DISCUSSION	DC					



Drawn	MJD
Design	MJD
Approved	
Date	APRIL 8, 2022
Scale	1:250

221-081/
CITY FILE # A21-07
20021

THE CITY OF WEST KELOWNA
ENGINEERING DEPARTMENT

2211 CAMPBELL ROAD
ACCESS LANE DESIGN
SITE PLAN

Division
MUNICIPAL

Drawing No. **G-01** Rev No. **0**

CTQ PHONE: 250-979-1221
www.ctqconsultants.ca



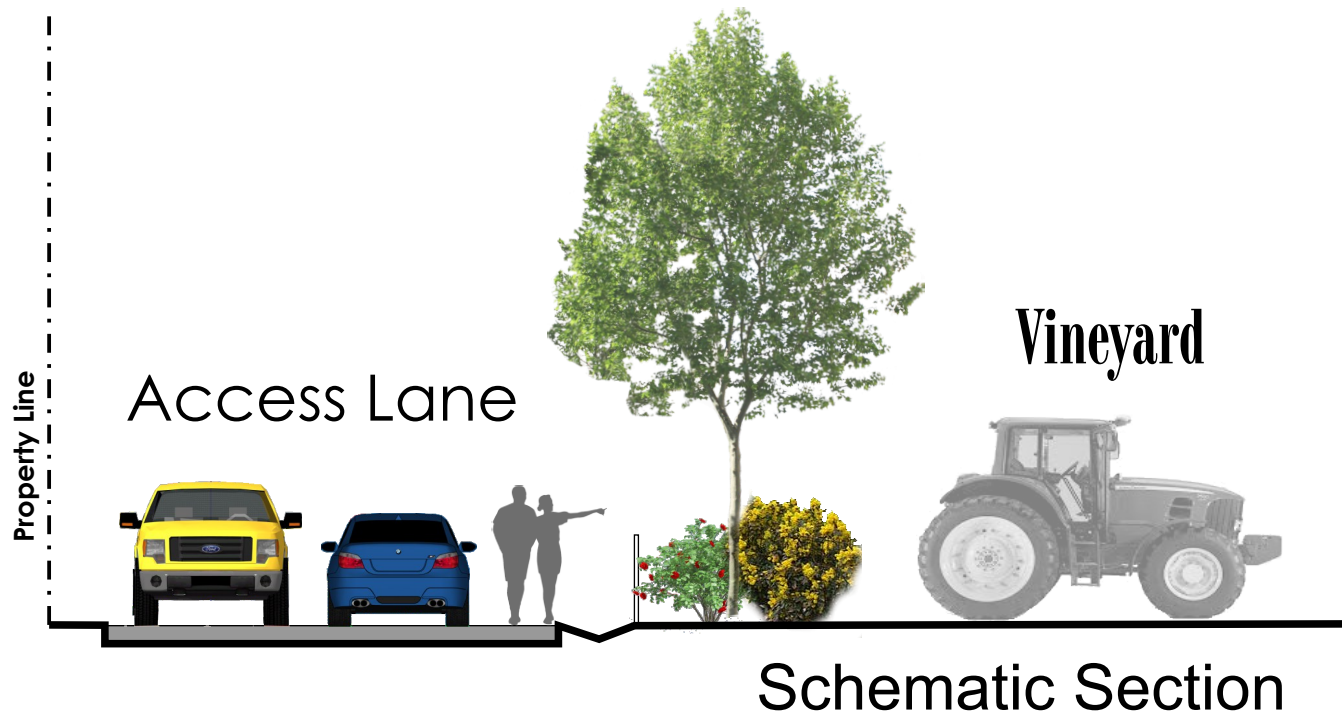




Existing Conditions



Proposed Vineyard and Buffer Planting
nts

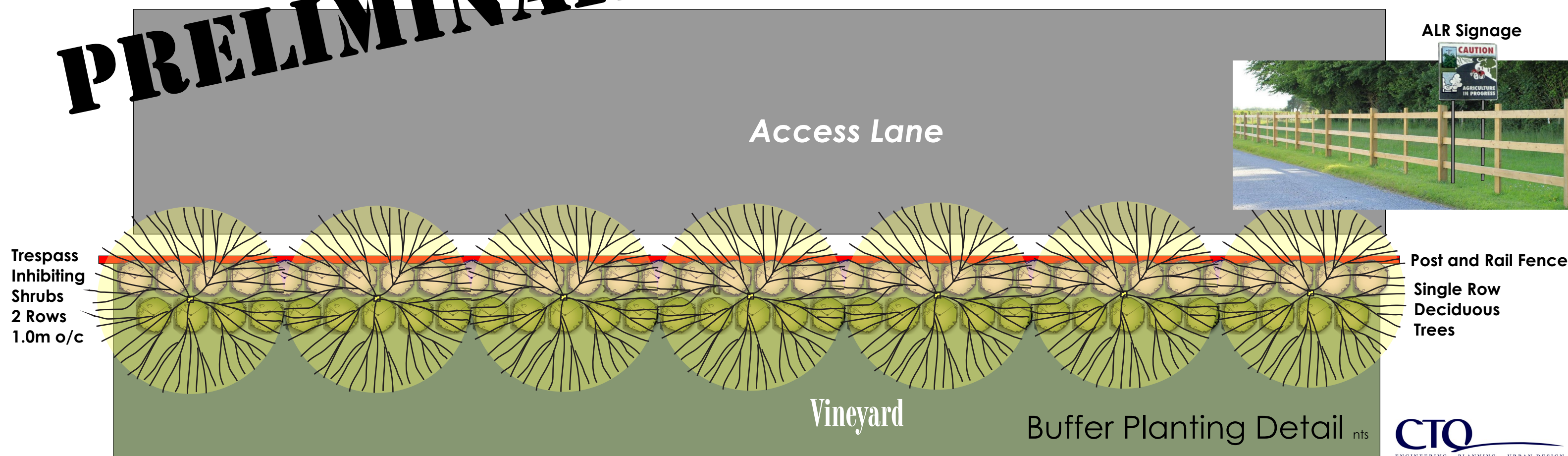


Buffer Planting-see detail



PRELIMINARY

Property Line



ALR Signage



Post and Rail Fence
Single Row
Deciduous
Trees



PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,
2760 CAMERON ROAD, WEST KELOWNA, BC
WEDNESDAY, FEBRUARY 9, 2022

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

MEMBER ABSENT: Councillor Rick de Jong

Staff Present: Paul Gipps, CAO
Brad Savoury, Director of Legal Services
Sandy Webster, Director of Corporate Initiatives
Jason Brolund, Fire Chief
Shelley Schnitzler, Legislative Services Manager/Corporate Officer
Brent Magnan, Planning Manager
Bob Dargatz, Development Manager/Approving Officer
Carla Eaton, Planner III
Christine De Silva, Development Technician

1. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing was called to order at 6:00 p.m.

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

2. INTRODUCTION OF LATE ITEMS:

Submissions were received from the following:

- Herbert and Elisabeth Obst
- Barry Carter
- Helen Houser
- Rodney Hyndman
- Jesper Kock
- Melissa Robinson
- Elizabeth Mikula
- Wynne and Sarah
- Jay Dowhaniuk

- Janice Blunden
- Shirley Pacholok
- Shirley Pacholok
- Shirley Pacholok
- Nancy and Gary Young
- Jay Rowland
- Craig Garries
- Susan Barton
- Mary Jane Martin
- Tremayne and Frances Farr
- Shirley Pacholok
- Scott Rowland
- Jesper Kock
- Yvette Rasmussen
- John Woods
- Ryan Holt
- Dallas Hancock
- Maria Fairholm
- Rod and Jennifer Attwell
- Doug Deschner
- John and Marcia Knapp
- Ron and Sandra Dowhaniuk
- Don Drissell
- Vanessa Moll
- Marc Drysdale
- Bruce Larratt
- Brenda and Brian Henschel
- Sylvia Einfeld
- Dal Anderson
- Rita Myers and Jason Monteleone
- Robert Young
- Sheryl Mattice
- Rebeca Beckley
- Cori McGuire
- Trevor Beckley
- Casa Loma Community Association
- Ruth Young
- Cindy and Ed Henderson
- Bob Young
- Ruth Young
- Shirley Simpson
- Petition (80 names)
- Ron Pavlakovic
- Marilyn Mathieson
- Dr. Mary Ann Murphy
- Michael Budd
- Rachel Pavlakovic
- Josh Pavlakovic

- George Lake
- Chris and Frederica Robertson
- Carole Rosenbaum
- Allison McLean
- Sheri Simson
- Karina Findler
- Emma Bigattini
- Deb Drissell
- Janice Sepnker

3. **ADOPTION OF AGENDA:**

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

4. **OPENING STATEMENT:**

This meeting was open to the public and public participation was available in person, by phone, and by written submission. All representations to Council form part of the public record. In accordance with COVID-19 protocols and the City's COVID-19 Safety Plan regarding indoor-seated gatherings and events, limited seating was provided. This 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 bylaws 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 for this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by:

Official Community Plan Amendment Bylaw No. 100.62 and Zoning Amendment Bylaw No. 154.96 and 154.97, 2211 Campbell Road

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 20-08, Official Community Plan Amendment Bylaw No. 100.62 and Zoning Amendment Bylaw No. 154.96 and No. 154.97, 2211 Campbell Road

The Planning Manager introduced Official Community Plan Amendment Bylaw No. 100.62 and Zoning Amendment Bylaw No. 154.96 and No. 154.97 to amend the OCP designation

from Agricultural to Agricultural and Low Density Multiple Family; and to amend the zoning from Agricultural (A1), and on Okanagan Lake, Recreational Water Use (W1) to Low Density Multiple Family (R3), and a site specific text amendment to the Agricultural (A1) Zone to allow access to a private dock, and on Okanagan Lake, Intensive Water Use Zone (W2).

The Mayor asked if the owner/applicant wished to address Council regarding this file.

Robert Moskovitz, Landstar Development Corp.

- The Sol Aqua project has evolved to better reflect comments and concerns received from West Kelowna residents;
- Have undertaken a multitude of community engagements, spoken to residents, business owners and leaders to find a balance of community concerns and economic viability for the project;
- Have conducted 3 online engagement sessions and produced a detailed report;
- Have continuously updated their website and have kept in touch with the community;
- This project will provide more housing choice and diversity in the townhome format;
- It will provide moorage on Okanagan Lake for the residents of the strata;
- Agri-tourism will be added to the local economy with the addition of grape production;
- Will enshrine seven acres of land to be maintained for agricultural purposes;
- The project will provide a distinct West Kelowna form and character;
- The residential density has been reduced by 90% and the number of boat slips has been reduced by 75%;
- This is a good project in the context of hillside and lakeside development;
- The project involves an investment of over \$75 million into this community and will generate significant economic benefits for the area;
- Campbell Road will be upgraded to urban standards, including pedestrian walkways, bike paths and street lights;
- The water, sanitary, storm infrastructure will be upgraded;
- Several technical reports have been undertaken and all conclude that the project as proposed is safe;
- The proposed vineyard will be run with a long term lease by those who will bring experience to revitalize it;
- The density proposed is within the same range as other recently approved R3 developments in West Kelowna;
- This project will bring significant investment into this community;
- Urge Council to approve the application;
- There will be no reduction in agricultural land on the subject property.

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

Nikki Csek

- Supports the proposed project;
- Has lived in Kelowna since 1998;
- Has watched the region grow significantly;
- Owns a business and finds it a challenge to find staff;

- One of the main issues in finding staff is housing affordability and accessibility;
- This price point may not be targeted to young professionals, but a purchaser in Sol Aqua may be freeing up a unit for a young professional;
- People are buying in the region and commuting to work;
- The Developer has listened to the community and made significant concessions;
- This is an economically viable development;
- Supports the application as submitted.

Ryan Holt, Casa Loma Community Association

- The original Blackmun Bay proposal was 500 plus units;
- This proposal is for 45 – 60 units and it is still economically viable;
- The proposal today is where the discussion should have started;
- A Survey of the community was undertaken and 92% oppose the 60 unit proposal;
- Most people could support a further scaled down version of 1 row of residences, however with the boat moorage eliminated and the agricultural land protected;
- The WFN development is well underway;
- The Shelter Bay rendering shows up to 1000 boat slips, 290 residences, and 600 plus people;
- Concern with congestion;
- Concern with the hillside grade on this proposal;
- Concern with the scale and elevation, with the rock cut being up to 20 metres;
- Casa Loma and Bridgeview residents request the project be scaled back to a maximum of one-row townhomes;
- Concern with disruption of the hillside and wildlife corridor;
- Concern with the aesthetic beauty of the area;
- Concern with additional pressure on infrastructure;
- Concern with parking on Campbell Road, traffic and safely crossing Campbell Road, mixing marina use with active farming ALR land;
- Concern with the number of private boat slips being considered;
- Most residents could support a row of townhomes providing the hillside is not destroyed;
- Most residents do not support a moorage site for each proposed unit.

Jim Fry

- Supports the development;
- Sol Aqua is progress with a significant reduction from the original plan;
- The Developer has listened to the concerns of the community;
- The Developer will do everything required within the Guidelines;
- The project will provide homes, jobs and tax dollars for the City;
- Sol Aqua should be approved.

Joe Gluska

- This proposal from Sol Aqua is where this should have started 3-5 years ago;
- Requesting a caveat or some control be placed on the ALR land for the Blackmun orchard to ensure it remains a productive orchard;
- Concern with the Strata managing the agricultural lands;
- Concern if a lease is broken with an agricultural company;

- There are 1340 marina slips that are built or to be built between West Harbour and Casa Loma;
- There are 240 marina slips between Casa Loma and Goats Peak;
- With an additional 60 slips, there is concern for oil spills, gas leaks, fires, or any other environmental hazards;
- Concern that the Strata have insurance to cover hazards;
- Concern with how parking restrictions will be enforced;
- Concern with impacts to residents with as much as five times the boat traffic;

Mary Jean Schmunk

- Supports the proposed development;
- Have lived in West Kelowna for 10 years;
- Have seen the growth of West Kelowna and it continues to grow;
- Encourage sustainable and ethical growth and development that maintains the unique ambiance and character of West Kelowna;
- The Developers have worked to re-design their original development idea to fit and enhance West Kelowna's landscape;
- West Kelowna needs the economic investment that this project would provide;
- There will be an increased tax revenue that the Sol Aqua residents would provide
- This development is for everyone who lives in West Kelowna.

John Martin

- Concern for public safety in the community;
- This proposal is an attack on the Casa Loma community;
- NFPA has the intent to provide standards for wildland urban interface;
- This interface area is in need of definitive safety initiatives;
- The National Research Council agrees and has adapted that standard;
- Concern with urban wildland interface;
- There is a traffic equation for the NFPA which stipulates the required number of access roads for residential areas;
- The equation doesn't differentiate between road standards;
- Concern with emergency evacuation;
- NFPA guidelines are important;
- Does not support the development proposal.

Terese Cairns

- Supports the proposed development;
- The Developer has listened to the concerns of the community;
- The Developer has reduced the scope to accommodate growth and public opinion;
- Recent census data indicates that Kelowna grew more over the past 5 years than any area in Canada and West Kelowna is up 10.5% in growth;
- Lifestyle and weather is attractive to people moving here;
- There are lots of seniors residing in West Kelowna;
- They contribute to the local economy and should be ensured they have housing options beyond their homes that require care and fund their retirement;
- Seniors should be able to downsize and have maintenance free living;
- Most residential options are single family homes;

- This development will offer a low maintenance option for secondary homes and contribute tax dollars to the economy;
- Have visited the subject property and walked the agricultural land, and the trees are not in good shape and won't be producing much fruit;
- This developer will re-purpose the land for grapes.

Dale Pilling

- Concern with the appearance of the subject property;
- Two rows of housing will be a major gouge in the hillside;
- The first row is approximately 30 feet above Campbell Road;
- The report doesn't show the slope and the cut of the hillside;
- The property grade is 30%; a normal road grade is 10%;
- Proper engineering standards must be required for the roads;
- This development could be fine with a row of single family residences;
- The Developer doesn't need to cut into the hillside;
- Does not support 30 plus units.

Taylor McFadyen

- Supports the proposed development;
- It is a very positive addition for the community;
- The Developer has listened to the community;
- The Developer has taken a scaled back stance;
- Growth is inevitable;
- People want to work in areas where they reside;
- The proposal will bring much needed housing to the area;
- The proposal will support agri-tourism;
- The proposal will add value to the area;
- There is a lack of traffic on Campbell Road and has no concern with traffic flows;
- Developer has planned for the community vision and the long term;
- Supports the development.

The meeting recessed at 7:26 p.m.

The meeting reconvened at 7:35 p.m.

Heather Larratt

- Appreciate the moderated marina which is consistent with a moderated development;
- Going from 242 boat slips to 60 boat slips reduces risk;
- The Casa Loma intake has been repaired from damage from a suspected anchor strike;
- It was repaired and put in at a deeper depth to make it safer;
- A Source Assessment was completed as mandated by Interior Health;
- This assessed the risks of the new repaired intake;
- It showed that the intake is unusually vulnerable to large power boating;
- Soft sediments are prone to creating turbidity plumes that will travel to an intake depth;
- Sediments in lakes are where containments accumulate;
- There is heavy boat traffic in the area;

- The bacteria or blue-green algae count is already higher than the WHO threshold of concern;
- The frequency of seiches (internal waves that take the surface water down) that the intake receives surface water from, is more than double of what is expected;
- This increases the risk of connecting contaminated surface water with the intake;
- A Source Assessment Report lists all the risks; the Casa Loma Utility is willing to provide this document to Council upon request;
- Contamination risks will be increased on the lake;
- There is a heightened risk to the Casa Loma intake with existing docks and the proposed Shelter Bay expansion;
- There are land based impacts to water including storm water outflow plumes;
- The project will generate storm water;
- Concerns with managing sewage;
- May need to seek a safer source for drinking water.

Mark Drysdale

- Lives within 100 metres of the subject property;
- Is in favour of the housing portion of the development;
- Is opposed to the lower ALR portion of the property;
- The ALR portion should be used for agricultural purposes and the marina is not an agricultural use;
- No concerns with the process for the proposed development;
- Need additional new housing in the Kelowna region;
- There is a housing crisis;
- Supports the proposed 60 units;
- This development will have no impact on housing affordability;
- Need to be pragmatic on the emergency fire evacuation issue;
- Casa Loma is surrounded by a few trees; it is not a true interface area;
- With the proximity to the lake, if roads are congested during an emergency, the lake will form an alternate form of egress.

Shirley Pacholok

- There is a net farm loss in land with this proposed development;
- All the land is A1 farmland;
- The ALC protects agricultural land for its highest and best use – agriculture production;
- Uses other than agriculture, drives prices of farmland out of reach from farmers;
- Need to protect ALR land;
- The ALC exercises discretion related to uses that are not listed as pre-approved uses but might still contribute to agriculture;
- This proposal is tying ALR land to a residential strata for their marina;
- Concern with who will own the ALR land, who will manage it, how to structure a residential strata with ALR land;
- This proposal started as sharing an existing farm lane and evolved to a net loss of farm land due to widening of a lane, bringing in foreign fill and road cover, fencing, and buffering;
- The non-farm use application should not advance;
- The proposal is not in alignment with the ALC.

Sheryl Mattice

- Supports the proposed development;
- The Developer has listened to the community;
- The Developer has reduced the density, scale and scope of the development;
- The proposal now best fits West Kelowna's landscape and character;
- This development will bring additional housing supply, economic development, infrastructure improvements, job opportunities and will attract new people to move into West Kelowna;
- This is a comprehensive development and will ensure preservation of the agricultural land and will generate agri-tourism;
- The development will provide positive economic impacts into the future;
- The addition of the wine-tasting room, the vineyard and boat storage facility will attract more people to West Kelowna;
- Supports the development as proposed.

Mary Jane Martin

- Concern that the Developer is not listening to the community;
- Concern that NFPA standards are not being followed;
- Wants to see smart quality development.

Shang Zhu

- Supports the development as proposed;
- The Developer has done a good job to make this development a sensible size;
- The development will fit well within the neighbourhood.

Scott Rowland

- His family has lived in Casa Loma since 1957;
- There has been a lot of development in Casa Loma, mostly positive;
- It is important to work with the topography;
- Decisions that are made need to comply with the OCP;
- It has been a decade since the Blackmun Bay proposal began;
- Concern with Sol Aqua wanting to build 2 level townhomes which will require a massive excavation of the hillside;
- The project will leave an ugly permanent scar visible from across the lake;
- This proposal is contrary to the OCP;
- Need to work with the land and the hillside, not destroy it;
- Concern that accommodating 40 – 60 townhomes on the footprint will eliminate the wildlife corridor;
- Concern for interface wildfire;
- Concern for a chaotic evacuation in the case of an emergency;
- The Developer has allowed the once thriving orchard to wither due to neglect and lack of irrigation;
- The Developer wants a non-farm exemption to allow for a 60 slip dock;
- Would support a single row of townhomes along Campbell Road without destroying the hillside;
- A second row of townhouses would require a 65 ft. retaining wall, contrary to the OCP;
- The ALC is highly unlikely to approve a non-farm use of the orchard;

- The ALC said upper lands will not be removed from ALR until the Applicant has dedicated the road to the City;
- Requesting Council limit the large development proposal.

Craig Garries

- Past president of West Kelowna Board of Trade and current Director (but not representing them in his comments);
- His experience gives a qualified perspective on development;
- Supports the proposed development;
- The Developer has listened to the community;
- The Developer has reduced the density, scale and scope of the development;
- This proposal now fits West Kelowna's landscape and character;
- This development will bring additional housing supply, economic investment, and will allow new people to move into West Kelowna;
- A comprehensive development and will ensure preservation of the agricultural land and will support the growth of tourism;
- This development will provide positive economic impact for the business community;
- Supports the development as proposed.

Michael Budd

- There are many objections to the marina and the agricultural portion of the proposal;
- The housing portion of the proposal should be able to proceed on its own;
- The standard of Campbell Road is being improved by WFN;
- There is a narrow area on Campbell Road where people park that is a dangerous spot;
- Need a betterment of Campbell Road from the Bridge to Casa Rio and Casa Grande that will be a benefit to the community;
- Concern for sewage capacity and how it will be managed
- Need a Neighbourhood Plan for the Lakeview Escarpment area;
- Council has listened to the community.

Marci Paynter

- Supports the development;
- The Developer has listened the community;
- The Developer has reduced the density and scale of the development;
- Preservation of lands and agri-tourism will be of benefit;
- This development will bring additional housing and economic investment;
- Supports the development as proposed.

Shirley Simpson

- Has lived in Casa Loma for 31 years;
- Many seniors lived there but now many young families have moved in;
- The subject property is adjacent to the park;
- Concern if there is a fire in the area;
- Concern with only one egress;
- Concern with people who don't live in the area saying this is good for the community;

- The subject property has many issues;
- This is not a good proposal;
- The subject property has been sold three times since Mr. Blackmun owned it;
- Concern that the orchard is not being maintained;
- Concern with the effects on the wildlife.

Cori McGuire

- Opposed to the proposal;
- Lives in the area;
- This development is close to the bridge; many residents go to Kelowna for their shopping;
- Schools are full and there is no transit;
- This development is for the wealthy, not for single families;
- Purchased her home based on the characteristics of the neighbourhood;
- Not opposed to building a single row of townhomes;
- Evacuating in a boat is not realistic in an emergency situation;
- Concern with the change in zoning from W1 to W2 and to R3 zoning;
- There are massive infrastructure costs;
- Concern with rock fall and who will fix the roads;
- Concern with the sewer and sewer odor due to capacity;
- The Developer needs to pay for infrastructure upgrades;
- Concern with taxes; the Developer is not paying taxes because the property is in ALR;
- The agricultural land is not being farmed;
- Concern with fire risk;
- Concern with traffic;
- Concern with rodent infestation from the rotting fruit;
- Need covenants that will run with the land;
- Need concrete details on who and what will be farmed;
- The orchard is run down due to the Developer.

Chris Grant

- Lives directly south of the proposed development;
- Is a professional engineer;
- Has experience with large scale industrial development (not residential);
- Concern is emergency egress during a wildfire;
- Concern with Campbell Road and guidelines for emergency egress;
- Campbell Road is not usually a congested road;
- The population goes up dramatically in the summer and the bridge is full of traffic;
- Infrastructure can become completely overwhelmed in a major emergency;
- Roadways become a standstill;
- Guidelines and standards for emergency egress should not be taken lightly;
- Encourage development with sufficient infrastructure or add a further egress to Campbell Road;
- The Development has scaled down the proposal;
- Concern with cumulative impact and egress.

Norman Parent

- Supports the development;
- Lakefront property is desirable;
- These are high end value homes and may be in his future;
- The project has a few more hurdles to overcome;
- The proposal is for 'up to' 60 properties;
- Need to find the economic solution for West Kelowna and for the Developer;
- This is a good project;
- It is scaled to a size he is comfortable with;
- There are solutions to any outstanding issues.

Sheri Simson

- Likes how the development has been scaled back;
- There are so many issues still unresolved;
- The community is not totally anti-development;
- There are lots that have been approved yet not been developed at the end of Benedick Road;
- This project could be an asset;
- Egress is a concern;
- The quality of water is not being addressed;
- Concern with sewer issues;
- Concern with traffic;
- Concern with the road and the construction impacts;
- Concern with getting emergency vehicles in and out of the area.

Peter Kerr

- Operated the orchard on Campbell Road for Jim Blackmun;
- Last worked there in 2020;
- The agricultural portion of the property is prime farmland;
- During the last two years, the orchard has not been a priority;
- The irrigation was never adequate;
- This is prime land in the ALR;
- The ALR is there to protect this land;
- The agricultural land should be farmed responsibly.

Fredrick Smith

- Opposed to the application of up to 60 units;
- The OCP does not support this type of development;
- The portion of property in the ALR and should remain in the ALR;
- This development is unique;
- Concern with the 30 degree hillside slope;
- Concern that the City should ensure they are absolved from any liability with respect to the escarpment;
- Owners of Lakeview Heights properties should document the condition of their homes prior to construction due to any damage that may be caused from the construction;
- Concern with building on the escarpment;
- Concern with the orchard; disconcerted to see an 85 stall parking concrete bunker on the orchard;

- There doesn't need to be further development on the lake with the number of boat slips already there;
- Consider passing a Heritage Bylaw for the orchard or site to gain control of the agricultural land.

Karina Findler

- Lives directly above the proposed development;
- The proposal is not in keeping with the OCP;
- The proposal will impact hillside slopes;
- The project will destroy environmentally sensitive areas;
- The Developer is asking for a huge upzone from agricultural to multi-family and marina use and amendments to the A1 zoning to enable the marina use;
- Concern for a secondary egress;
- The property is within a sensitive ecosystem and hillside development permit area;
- The development is filled with safety hazards;
- The development is planned across a single access roadway cutting into the deep hillsides under a vertical rock bluff;
- The proposal poses risks to the residents of the rock bluff above;
- Concern with the wildlife corridor;
- Technical reports do not address protection or mitigation of the upper bluffs;
- There will be rock fracturing and falling;
- There are steep gullies and rock masses where large pieces of the cliff face could collapse;
- Concern with the requirement for large retaining walls;
- Some homes experienced shaking from the site preparation work being undertaken at the Shelter Bay Village WFN site;
- Concern with impacts to agricultural land and the aquatic ecosystems;
- Docks are not a permitted use for agricultural land;
- There is already a marina within 600 metres of the subject property;
- Concern with boats and the Casa Loma water intake;
- The property is agricultural with sensitive habitat areas, steep slopes and fractured rock cliffs with rock fall hazards;
- The property is an excellent orchard; they pay low farm taxes;
- Asking Council to deny the proposal;
- Would support a scaled down proposal to one row of townhomes fronting Campbell Road.

George Lake

- The proposal will affect his property situated above;
- Concern for fire egress with only one exit;
- Concern for the fruit trees in the orchard;
- Concern that the Strata will manage the marina and the orchard;
- It was noted that the fire hall is over 5 km from the proposed Sol Aqua development; The Casa Loma Resort is 8 km from the fire hall; residents in Casa Loma should be within the fire hall range.

The meeting recessed at 8:58 p.m.

The meeting reconvened at 9:09 p.m.

Heather Holmes

- The Developer has made the necessary changes to reduce density and scope;
- The proposed development is a beautiful project;
- The development will have a positive impact on a growing community;
- The proposal has been scaled down by 90%;
- The Developers have done due diligence in addressing community concerns;
- Growth is a positive thing and will bring housing and significant economic investment.

Mary Ann Murphy

- Lives next to the ALR portion of the development;
- Has lived there for past 5 years; her family has resided in Casa Loma since 1968;
- With Phase 4 of the OCP still being prepared, concern that it be completed before a decision is made on this proposal;
- An agrologist has advised the AAC that the agricultural land had deteriorated and the peach orchard was dying off;
- Land does not deteriorate, crops do;
- There is no adequate irrigation, no pruning and the fruit is rotting on the ground;
- Concern that the dry grass is not being cut;
- This Developer is incapable of farming the land or managing it;
- Opposed to the proposed R3 zone;
- Do not support the proposed W1 to W2 zoning due to W2 zoning having a retail component;
- A winery, agri-tourism and boat storage is not part of the proposal;
- Conditions should be imposed on the Developer for accountability and include:
 - No future subdivision of any portion of the ALR;
 - The Developer should provide the City with cash security (\$100,000 – \$250,000 to be held by the City until the agricultural operations have been completed);
 - Lease on the land must be medium to long term and registered on title;
 - The moorage licence should be suspended if the ALR operation or lease in any way fails;
- Concern about intentional neglect of the agricultural land and allowing it to deteriorate;
- The proposed development is of no real benefit to the community; there are no additional amenities;
- This proposal is a liability to the City;
- This proposal is not affordable housing; it is luxury housing;
- The residential development should not be tied to the ALR land that is trying to allow marina;
- The City should impose conditions on the Developer to ensure the land is properly cared for.

Bobby Gidda

- Supports the development;
- Questioned why R3 vs R2 is being proposed;

- From an agricultural standpoint, if townhomes go forward, the strata shouldn't be in charge of agricultural land as they don't have the expertise;
- The agricultural land should be separated from the residential side as its own property whereby the farmer can be in full control of it;
- Concern for parking at the resident's location as well as on Campbell Road;
- Concern with sewer, traffic, and egress.

Russell Ensign

- Supports the development;
- The Developer has listened to the community and downsized to a more reasonable application;
- The project is attractive in form and character and consistent with other developments;
- The development will expand the tax base, increase employment and tourism, and will keep the agricultural retention;
- Neighbourhood development contributes to the tax base and benefits the whole City;
- An expandable tax base benefits all residents of the municipality;
- This location is an efficient use of municipal services;
- Campbell Road is maintained to the city boundary by Ministry of Highways and/or WFN;
- There is a one road egress which is a deficiency and is exasperated by WFN townhouses currently being built;
- If development goes ahead, it will improve the current situation;
- The development should provide neighbourhood benefits.

Carly Newell

- Lives directly above the proposed development;
- Concern with townhomes being built on the wildlife corridor side;
- Concern with the destruction of forest land and the stability and integrity of homes above on Bridgeview Road;
- The homes will be severely compromised and unstable;
- Destroying escarpment may lead to future landslides and mudslides;
- Concern that the proposal may eliminate the wildlife habitat;
- If there must be development, it should be on the north side of Campbell Road;
- Concern with a retaining wall being an eyesore;
- Concern with liability issues and who will be accountable with unforeseen circumstances;
- Concern with the stormwater connection and where the pipe may be located.

Ron Pavlakovic

- Lives above the proposed development;
- Has read the technical reports and has a clear understanding of the rezoning request;
- Although the development can be accomplished as proposed, it doesn't mean it's economically viable or compatible with community character;
- A change in zoning of the western portion of the boundary to R3 to facilitate the 60 unit townhouses will have impacts on the terrain, through the deep cut into the hillside;

- Concern that significant rock removal will be required;
- Concern with the aesthetics and hillside scaring;
- Concern for environmentally sensitive areas (ESA1 and ESA2);
- Concern for the proposed 20' – 65' high rock retaining wall;
- The Province has stated in their letter from FLNRO that they do not support this level of development in the area proposed;
- This proposal is outside OCP growth area;
- Rock fall mitigation measures only benefit the proposed development and do not support the upper bluff area;
- Concern with the impact of rock fall, erosion, sink holes, and future breakage and rock fall;
- Concern with the borehole testing;
- The Bridgeview Bluff properties require protection and surety with covenants registered against the applicant's property;
- Need surety as a pre-condition of zoning;
- Does not support the application;
- Would support single row of townhomes on Campbell Road with the least number of units possible.

Jesper Kock

- Concern that environmental and fire guidelines to protect the public in the event of a disaster are not being considered;
- Concern with current sewer and odor issues;
- The current proposal is not the right fit for this area.

Nikko Shankman

- From a farmers perspective, agricultural lands are limited for development;
- Restrictions should be strict for farming;
- A marina does not support the agricultural economy;
- Could support the proposal if it was not on agricultural land;
- With ALR land, restrictions should be put in place;
- The farm is not the Developer's priority;
- The agricultural portion has not been maintained by the Developer;
- The housing portion is not part of the ALR;
- Concern with parking.

Gary Young

- Strongly object to the proposal;
- His property is directly above and adjacent to the project;
- May compromise the stability of the bank, the cliff, and his property;
- His house has been there since 1969;
- There has been no movement of the earth or the bank;
- This proposal is an improvement from the previous presentation;
- Concern with damage to the natural escarpment;
- The amount of earth to be moved may undermine his property;
- A 20 metre retaining wall requires serious engineering;
- Concern that the above properties above may be compromised with blasting;
- The revised proposal is still too large for the impact on the ridge;
- Concern with the 30 – 70 degree sloped land;

- With the WFN land development underway, approval of this development should wait until the impacts of the WFN development is realized;
- If only 1 row of housing is approved, the cliff face would remain stabilized;
- Not opposed to a residential development below if it is safe;
- Concern with fire and emergency equipment;
- The City needs to look at the risk assessment;
- Concern with potential loss of wildlife.

Mike Shaw

- Opposed to the proposal;
- Concern that there is only one way in and one way out;
- Concern with potential fires;
- Operates a care home; concern with getting clients out of the home in the case of a disaster.

Yvette Rasmussen

- Concern with additional homes, particularly at the entrance to Campbell Road, is creating additional risk for the residents;
- Concern with an evacuation plan;
- Concern for potential losses in the case of an evacuation;
- Concern for getting emergency vehicles into the community;
- Concern with traffic;
- Concern with the road and traffic volumes and access for emergency vehicles;
- There are no infrastructure changes, no improvements, no preservation of wildlife corridors, no consideration for sewage, water maintenance, etc.;
- There are no proposed improvements for the community;
- Concern with a proposed winery on agricultural land and associated traffic;
- Concern for wildlife corridors;
- There is no less risk now than there was a few years ago;
- This is not responsible development or responsible tourism.

Dwayne Tannant

- Is one of the Engineer's that did a study of the site for rock fall and stability of the cliff;
- This cliff is a source of rock fall whether the development goes ahead or not;
- Rock fall hazard mitigation had to be addressed;
- There are strategies for mitigating rock fall risks;
- Some conceptual plans have been prepared;
- The design of rock fall mitigation at the current proposal is conceptual as they are not at the Development Permit stage;
- High cuts will be mostly in soil or a combination of soil and rock;
- Rock will not be removed from the base of the escarpment;
- Excavation work that may or may not occur should have little impact on the homes above the escarpment;
- There will be some noise from blasting and hydraulic hammering, but no damage to homes caused by blasting.

Tyler Snitynsky

- Lives 80 metres from the property;

- Opposed to the proposed development;
- Concern with sewer odors;
- Supportive of a development but one that doesn't cut into the landscape, one that doesn't support a marina and one that doesn't take away from agricultural land;
- Reconsideration of the application needs to take place;
- Sustainable growth is possible;
- Concern with water turbidity;
- Concern with fire safety and egress;
- Concern with the speed of vehicles on Campbell Road;
- These are likely to be \$2 million properties; this is not affordable housing;
- Concern with safety and liability issues;
- Do not support a marina or a change to the ALR lands;
- Not supportive of the application being considered today.

The Mayor was advised that there are no further 'first time' speakers.

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

David Cullen, CTQ Consultants Ltd.

- The subject property is within the steep slope area and a Development Permit will be required;
- Dr. Tannant explained that significant geotechnical investigation has been brought onto the site and more will follow;
- The development will follow the guidelines for Hillside and steep slope development.

Ed Grifone, CTQ Consultants Ltd.

- Has experience dealing with ALR files since 1976;
- All proposals submitted are subject to ALC approval;
- No intent to challenge or remove land from the ALR or to subdivide it;
- Looking at the possibility of using the farm lane as access to possibly the winery and access down to the marina;
- The Developer will protect the agricultural land and make it totally productive;
- The agricultural land is Class 1 grape growing land and will be protected;
- Management of farm will be with a long-term lease to a farm operator/manager;
- Farm access lane will be used as a turn-around area and short term parking toward the marina; this can be achieved with covenants;
- One of the AAC members rebutted the AAC recommendation, which supported the application.

John Martin

- Has worked with the City's Fire Chief and other stakeholders to develop an Emergency Evacuation Plan for Casa Loma;
- The community has vested in the BC Fire Smart program to help the community become more fire resilient;
- Casa Loma has started a community association notification network to provide information transfer to residents in an emergency situation;

- These ventures do not substitute the need for two more egress routes;
- Need to protect ALR land and protect public safety measures;
- Concern for evacuation route availability and capacity and the elements that affect that route;
- Concern with the time it takes to evacuate;
- Deny further development on Campbell Road.

Ron Pavlakovic

- The access to the marina is to be used by the townhome owners;
- A turn-around area is required to access the dock equaling a loss of farm use and ALR land;
- Concern with conflicts between marina access and agricultural activities at their peak;
- If a vineyard is not viable on its own, it should be maintained as an orchard as it has in the past;
- An increase in traffic on the access road may lead to conflicts with active farming operations and those accessing their docks;
- Concern with road design consideration and parking along Campbell Road;
- Without moorage and dock facilities, there would be no impacts to existing farm use or the need for parking on Campbell or the turn-around area;
- Concern with negative impacts to aquatic ecosystems;
- Concern with having a potential storage area for boating paraphernalia, washrooms, picnic area, etc.;
- Council should not approve the A1 or W2 rezoning applications.

Taylor McFadyen

- Looking to live in the neighbourhood;
- With reference to egress, fire management plans need to be in place;
- The lake can be utilized for emergencies;
- There is a moorage system with each unit having a boat slip;
- There are technical reports on building on slopes showing it can be done in a safe manner;
- The economic viability of the area will continue to grow;
- Supports the development.

Norm LeCalvier, Landstar Development Corp.

- Professionals were hired to clean up the derelict orchard;
- The fruit that survived was given to charity.

The Mayor was advised that there are no further callers.

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

Mary Ann Olson-Russello, Eco-Scape Environmental Consultants

- Has been working on this file since 2016;
- Is a Registered Professional Biologist;

- A rock fall barrier fencing option has been proposed by the Geotechnical Engineer to protect the greatest area of slope above the townhouses, which is closest to townhomes;
- It has a smaller footprint within the high environmentally sensitive area;
- The location of the barrier fencing will allow for a great width of the natural ecosystem to remain upslope and will allow wildlife to move in the north/south direction through the property.

John Martin

- Have been involved in some evacuations with distraught individuals;
- People in the community are the most valuable commodity.

Terese Cairns

- The ALR is not going to be disregarded in this development;
- The Developer's plan is to create a vineyard to grow grapes which is within the parameters of the ALR and will contribute to agri-tourism in the area;
- The Developer wants to build 60 turn-key townhouse units;
- Some units will be secondary homes or homes for seniors who travel;
- If there is a wildfire, there likely won't be a full 60 units to be evacuated;
- The marina will give boat egress and will help people evacuate;
- This is a positive option for the evacuation process;
- Supports this development.

Sheri Simson

- Lives in Casa Loma full time;
- A marina does not help residents in the event of an evacuation.

Karina Fidler

- Lives just above the proposed development;
- Not enough assurance from the geotech to ensure there are no impacts to the properties above;
- Concern with the proposed rock catch fences and the need to catch rock before it gains momentum and hits the development below.

Daisy Delossantos

- Concern for fire evacuation;
- A marina and boat evacuation is not an option for residents to leave;
- Opposed to the current proposal.

Shirley Paholok

- An adequate wildlife corridor for all types of animals should be 500 – 1000 metres from the bottom of the rock bluff to the first wildlife trail;
- A rock catchment fence doesn't help with a wildlife corridor;
- The whole west side of Campbell Road should be the wildlife corridor.

The Mayor asked Council if they had any questions of staff or any specific information needed from staff in anticipation of this coming back to Council for consideration.

- Additional information was requested on the impacts of the marina, the new water intake, management of the agricultural land, and on issues around the slope stability.

The Mayor declared the public hearing closed at 10:47 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 10:47 p.m.

MAYOR

I hereby certify this to be a fair and accurate summary of the nature of the representations made by the public at the Public Hearing with regard to Official Community Plan Amendment Bylaw No. 100.62 and Zoning Amendment Bylaw No. 154.96 and No. 154.97, 2211 Campbell Road held on February 9, 2022.

Legislative Services Manager/Corporate Officer



301, 1026 – 16TH Avenue NW
Calgary, Alberta, T2M 0K6
Office: 403.233.0608
Fax: 403.284.3314

March 2, 2022

Attention: Carla Eaton / Brent Magnan
Planning and Development
West Kelowna

RE: Post Zoning Ownership Arrangements – 2211 Campbell Road

Dear Carla / Brent:

Ahead of Third Reading, we are writing to provide you, and your Planning and Development team, clarifications and assurances of our intentions regarding the ownership of the land parcel located at 2211 Campbell Road (Z20-08). As you are aware, this parcel of approximately 16.8 acres spans both the east and west sides of Campbell Road and is currently owned by the 'Blackmun Bay Development LP by its General Partner 1087032 BC Ltd'. We, as Landstar Development are acting as the Development Manager for this site, currently advancing the zoning application that will determine the future development potential for this site.

From the onset of this application, it has been the position of West Kelowna Administration that this site ownership should somehow remain continuous, even after the dedication of Campbell Road post zoning approval and the residential development on the uplands, to maintain ownership continuity due to the connection of the pedestrian pathway to the proposed boat moorage. While we appreciate the intention from West Kelowna Administration, it was never fully discussed and decided what would be the suggested legal ownership mechanism that this intention would fall under.

The simplest and most straight forward way that this would be handled is to subdivide the two parcels upon dedication of Campbell Road (with its given right of ways). The two parcels will then be independently owned, the west portion owned by the Strata, while the east portion remains in the ownership of the developer or sold / leased to a farmer / Vintner. The pedestrian pathway access to the boat moorage can be arranged through a simple 'Easement Agreement' with the strata ownership above. This would be the most logical arrangement based on Land Titles registration ownership unless an alternate mode of ownership can be legally configured and agreed to by all parties.

The matter of the ownership and registration of conditions is something that has always been discussed as a matter to be resolved POST Third Reading, and prior to Fourth and final reading, and would probably require further conversations and final agreement between West Kelowna' legal Counsel and our legal representative, who specializes in matters of development and subdivision (we have engaged Bradley Cronquist of Pushor Mitchell). However, we understand the desire by West Kelowna Administration, prior to Third Reading, for us to provide certain clarifications and assurances.

Clarification on maintaining the farm status:

The Long-Term lease of the agricultural lands was suggested as a condition of approval by the AAC. Although Landstar has agreed via the NFU application and the attendant report by a Professional Agrologist, that the developer is willing to work with the Agricultural Land Commission (ALC) and the City of West Kelowna to lease the said parcel to a farmer / Vintner of reputable status for a minimum of 15 years, the details of such will be defined with input from the ALC and our legal counsel. If the City of West Kelowna is adamant about not permitting subdivision of the agricultural lands from the parent parcel (above Campbell Road), the lease will likely need to be arranged with the owners of the ag lands (possibly the strata council), and management direction of the long term lease for the ag lands will be negotiated between the then owners and the chosen farmer / vintner.

Right to Farm legislation and the ALR status , along with the Municipal Zoning (A1) is expected to protect the integrity of maintaining the land for agricultural use. Landstar and their consultants have always maintained that using the parcel in the best agricultural economic condition will help enshrine its ALR status for the long term. However, the type of agricultural use could change over the years, while still meeting all intents of the legislation, local bylaws and the agreements with the City. Nevertheless, since it is likely that the Strata's objective will always be to protect farm use, especially the aesthetic value of the viewscape below the proposed SolAqua Townhomes, and towards the lake, they will always try to work in the best interest of the vineyard, as well as protect it for a potential future winery/tasting room location.

As noted above, ownership of the said agricultural block is an important matter to protect the integrity of the agricultural use on that land. As such, post Campbell Road dedication, ownership will be considered by either the Strata or the Developer, which should address the important objectives of maintaining access to the waterfront boat moorage, oversight of the farm, relationship with a reputable farm manager in the form of a long-term lease and ensuring farm use and restoration of the agricultural component of their asset. While we cannot comment on details of the farm lease at this juncture, we can provide assurances to the City that the ag lands will continue to be managed and enhanced for its optimal food production use through the services of a credible existing West Kelowna farmer/vintner.

Ownership and Subdivision:

While we have not to this point have concluded with legal counsel the suggested ownership framework, we are open to various alternatives to allow for the simplest ownership structure and would need to discuss this and come up with an acceptable solution for the City, ourselves, future strata, and all parties involved. Once again, legal advice is now being sought to confirm best approach, while still maintaining the above-noted objective to protect farm use and the aesthetic value of the site.

If subdivision of the parcel below Campbell Road is permitted, Landstar could remain as the owner, and would lease to a reputable farmer that would meet zoning and any other conditions applied by the ALC and the City. We certainly would not consider a 'fractional ownership' by strata members due to the various possible complications. Our intent is to ensure that the ownership remains consistent and in the hands of an entity that could make best decisions quickly and in the best interest of the intention of the zoning approval.

We are now seeking advice Mr. Cronquist, who specializes in municipal law, development, and subdivision matters, and would encourage him to start having these conversations with your legal counsel, but especially after we know the outcome of Third Reading. Once we have a clearer idea of what Council directions are, and what West Kelowna would like the ownership structure or framework to be, we can enter into more meaningful discussions and together seek a suitable resolution to this matter.

Please feel free to contact me with any questions.

Sincerely,

Robert Moskovitz

Robert Moskovitz

Executive Vice President, Development & Operations

LANDSTAR

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