



## DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: July 9, 2024

From: Ron Mattiussi, Interim CAO

File No: Z 23-09

Subject: **Z 23-09 – Zoning Bylaw Amendment (2355 Marshall Road)**

Report Prepared by: Brad Clifton, Senior Planner

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### BACKGROUND

On January 23<sup>rd</sup>, 2024, the zoning bylaw amendment application was subject to a [Public Hearing](#), and was presented to Council for consideration of [Third Reading](#). The application was postponed, and Council asked direct staff to bring back options and or conditions which will further mitigate impacts to residents and owners, and address any additional considerations of Council.

### DISCUSSION

Following the public hearing on January 23, 2024, Kerr Properties initiated a comprehensive relocation effort to support existing tenants. This included outreach to various non-profit agencies on to explore potential support options for tenant relocation. While the initial response from these agencies was limited (only 1 responded), Kerr Properties partnered with Partners in Resources (PIERS). Through PIERS' assistance, Kerr Properties reports that all willing tenants were successfully relocated.

Four property owners chose not to accept relocation assistance and purchase offers from Kerr Properties, three of which have opted to wait for the formal 12-month notice to vacate which begins once the bylaw is adopted (fourth reading of this bylaw). The one remaining owner is involved in legal proceedings involving an unpermitted structure. The owner of this structure has retained legal counsel, and discussions are currently underway between the applicant and this party. Demolition of vacant manufactured homes on the property is underway excluding the four remaining occupied homes.

Once presented, the notice to vacate will include a \$20,000 compensation payment to each remaining resident (paid at the end of the 12 month notice period). Additionally, under the Manufactured Home Park Tenancy Act, remaining residents may be entitled to receive the assessed value of their homes through dispute resolution.

It's important to note that the notice to vacate triggers the formal compensation process mandated by provincial legislation. Until the rezoning is adopted, there is no legal requirement for Kerr Properties to provide such compensation. Any relocations to date

have been undertaken voluntarily on behalf of the park's residents, largely in part due to considerate buy out options prepared by the applicant.

Kerr Properties has assured staff that they remain committed to providing ongoing relocation assistance to any of the four remaining tenants who ultimately choose to receive a formal notice to vacate. This assistance will be offered in collaboration with PIERS or other relevant body. Additionally, Kerr Properties has also notified and engaged Interior Health to assist with discussions warranting enhanced communication and support.

*City of West Kelowna Manufactured Home Park Redevelopment Policy*

The COWK has a policy in place to help tenants when manufactured home parks are redeveloped. This policy goes beyond the basic requirements of the Manufactured Home Park Tenancy Act by instructing applicant to provide tenants with more notice and assistance during the relocation process. It applies whenever zoning changes are requested that would impact manufactured home parks, and in other situations where tenant displacement is a concern. Table 1 summarizes the applicant's response to this policy. It is noted that should Council feel additional measures are warranted under the policy, additional options for Council's consideration are presented below.

Table 1: Manufactured Home Park Redevelopment Policy Response.

<b>Policy Section</b>	<b>Policy Details</b>	<b>Applicant Response</b>
Communication Requirements	Notify tenants early about redevelopment and relocation plans. Keep tenants informed throughout the redevelopment process.	Throughout the application and relocation process, the applicant has prioritized clear and consistent communication with residents. This commitment has ensured residents were kept informed of key developments and had the opportunity to ask questions and receive timely responses
Relocation Assistance Program	Assess tenant demographics and home conditions. Offer flexible support tailored to tenant needs. Provide financial benefits beyond basic legal requirements. Offer advice and options for new housing.	The applicant has actively collaborated with external agencies to secure relocation assistance and offered buy-out compensation for the majority of residents impacted by the redevelopment. In some instances, this buy out went above assessed value and coincided with relocation assistance funds.
Implementation and Timing	Start the relocation assistance program as soon as redevelopment plans are set. Include this plan in the development application.	By pursuing this rezoning application, the applicant has been able to advance discussions and planning related to relocation assistance for residents in partnership with PIERS.

Evaluation and Assurance	Evaluate the relocation plan to ensure it meets policy goals. Require financial or legal guarantees to ensure the plan's implementation.	The applicant has demonstrated general adherence to the requirements of both the Residential Tenancy Act and the Manufactured Home Park Tenancy Act for the majority of property owners. It is anticipated that the remaining owners will be provided compensation through the provincial dispute resolution process; however, one owner is having difficulty obtaining a satisfactory resolution and legal counsel has been engaged.
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## OPTIONS FOR COUNCIL TO CONSIDER AND RESOLVE

### 1. Give Third Reading

**THAT** Council give third reading to Zoning Bylaw Amendment No. 0265.22, 2023;

**AND THAT** Council direct staff to schedule Zoning Bylaw Amendment No. 0265.22, 2023 for adoption following:

- Approval of the bylaw by the Ministry of Transportation and Infrastructure;
- Registration of an environmental no build no disturb covenant on the existing natural area located in the northeast corner of the property;
- Registration of covenant that includes preliminary design and cost estimates to secure:
  - Land dedication and construction of a turnaround along Marshall Road.
  - Marshall Road to be upgraded to meet Urban Local – 18.0m ROW standard.
  - Watermain along Stevens Road to be upgraded to 300mm diameter, complete with additional hydrants to provide commercial/industrial spacing.
  - Watermain along Marshall Road to be upgraded, complete with additional hydrants to provide commercial/industrial spacing.

Should Council consider this motion, based on the provincial guidelines, when the third reading conditions are met and the Bylaw is adopted, it will trigger the 12 month notice period (prior to displacement) as well as compensation requirements (as outlined in previous Council report).

### 2. Postpone Consideration

**THAT** Council postpone consideration of Zoning Bylaw Amendment No. 0265.22, 2023;

**AND THAT** Council direct staff to bring back options and or conditions which will further mitigate impacts to residents and owners and address any additional considerations of Council.

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

3. Deny Application

**THAT** Council rescind first and second readings of Zoning Amendment Bylaw No. 0265.22, 2023 and abandon the bylaw;

**AND THAT** Council direct staff to close the file (Z 23-09).

Should Council deny the proposed amendment bylaws, the application will be closed in accordance with the Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

**COUNCIL REPORT / RESOLUTION HISTORY**

Date	Report Topic / Resolution	Resolution No.
December 12, 2023	<p><b>THAT</b> Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.22, 2023</p> <p><b>AND THAT</b> Council direct staff to schedule a Public Hearing regarding the proposed zoning amendment.</p>	C411/23
January 23, 2024	Public Hearing	N/A
January 23, 2024	<p><b>THAT</b> Council postpone consideration of Zoning Bylaw Amendment No. 0265.22, 2023.</p> <p><b>THAT</b> Council direct staff to bring back options and or conditions which will further mitigate impacts to residents and owners, and address any additional considerations of Council.</p>	C051/24

**REVIEWED BY**

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

**APPROVED FOR THE AGENDA BY**

Ron Mattiussi, Interim CAO

Powerpoint: Yes  No

Attachments:

1. Applicant's Tenant Relocation Status Report