



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: September 10, 2024

From: Ron Bowles, CAO

File No: Z 23-09

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

Report Prepared by: Brad Clifton, Senior Planner

BACKGROUND

On January 23rd, 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 directed staff to bring back options and or conditions which will further mitigate impacts to residents and owners, and address any additional considerations of Council. On July 9th, 2024, the application was brought back reconsideration of Third Reading and again postponed due to concerns about inaccurate notification timelines, as outlined in the City's Manufactured Home Park Redevelopment Policy, and uncertainties regarding compensation for all affected owners. Consequently, Council requested the following which forms the basis of discussion in this report:

“...confirmation that all remaining residents will be eligible to pursue compensation through the *Manufactured Home Park Tenancy Act (MHPTA)*, or by mutual agreement between applicant and the residents.”

DISCUSSION

Kerr Properties provided a letter to Council confirming that all remaining residents at 2355 Marshall Road are eligible to pursue compensation either through the MHPTA or by mutual agreement (Attachment 1). Kerr Properties further reiterated its intention to follow all Provincial Acts, Regulations, and Municipal Bylaws.

Under the *Manufactured Home Park Tenancy Act*, the (future) adoption of the zoning bylaw will trigger a 12 month notice to end tenancy as well as compensation requirements for the remaining 4 residents.

It is also confirmed that the applicant has provided the remaining residents with notification that the application is being brought to Council for third reading on September 10, 2024 as per Council's Manufactured Home Park Redevelopment Policy.

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 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.

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. 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>THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.22, 2023</p> <p>AND THAT 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>THAT Council postpone consideration of Zoning Bylaw Amendment No. 0265.22, 2023.</p> <p>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.</p>	C051/24
July 9, 2024	<p>THAT Council postpone consideration of the application pending confirmation that all remaining residents will be eligible to pursue compensation through the <i>Manufactured Home Park Tenancy Act</i>, or by mutual agreement between applicant and the residents.</p>	C202/24

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Services

APPROVED FOR THE AGENDA BY

Trevor Seibel, Deputy CAO

Powerpoint: Yes No

Attachments:

1. Council Letter July 17, 2024