



PUBLIC HEARING REPORT  
Development Services  
For the May 14, 2019 Council Meeting

DATE: April 30, 2019 File: Z 19-02

TO: Jim Zaffino, CAO

FROM: Jaleen Rousseau, Planner

RE: Application: Zoning Amendment Bylaw No. 0154.82 (Z 19-02)  
Address: Okanagan Lake abutting 1449 Green Bay Road  
Legal: Unsurveyed Crown Land abutting Lot 1, DL 434 & 523, ODYD, Plan 7108  
Owners: The Crown (Okanagan Lake)  
Agent: Jordan Hettinga (Kent-Macpherson) c/o Green Bay Bible Camp

### LEGISLATIVE REQUIREMENTS

Section 464 of the *Local Government Act* requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the *Local Government Act*.

### BACKGROUND

The proposed bylaw amendment received first and second reading on April 23, 2019, where Council directed staff to schedule the Public Hearing.

#### **Context**

The application area encompasses lands under control of the Province; unsurveyed aquatic Crown land being part of the bed of Okanagan Lake and abutting 1449 Green Bay Rd. A request for a Site Specific Text Amendment on this portion of Crown land is being made by the owners of Green Bay Bible Camp (1449 Green Bay Rd) in order to facilitate the reconstruction of the Camp's existing docks in the same configuration (See *Figure 1*).

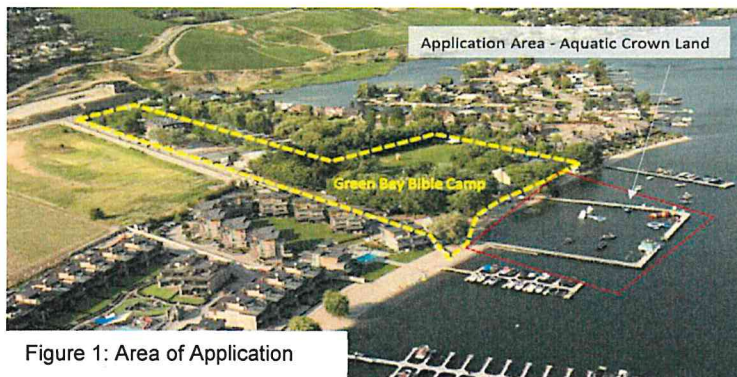


Figure 1: Area of Application

Green Bay Bible Camp is a large waterfront parcel located within the Green Bay Neighbourhood. The portion of aquatic Crown land (Okanagan Lake) immediately abutting the Camp has two existing moorage structures that together form an enclosed swim area of approximately 5,970.4 sqm (See *Figure 3*). The area in and around the moorage structures has been zoned

by the City for the orderly development of boat docks and moorage facilities associated directly with upland uses. Uses surrounding the Camp include:

- North – Green Bay Rd, a manufactured home park development and Green Bay Canal.

- East – A manufactured home park development, a compact single detached residential development and Green Bay Canal.
  - West – Low density multiple family development and Agricultural Land Reserve lands.
  - South – Okanagan Lake
- (Attachments 2 & 3)

### Proposal

The applicant is requesting a Site Specific Text Amendment to the Intensive Water Use Zone (W2) to allow for the replacement of existing moorage facilities in the same configuration and location.

The proposed dock structures would include:

- West moorage structure
- East moorage structure
- Swim platform
- Four boat slips
- A shed

The existing moorage facilities have been damaged by weather events and require reconstruction (*Attachment 4*).

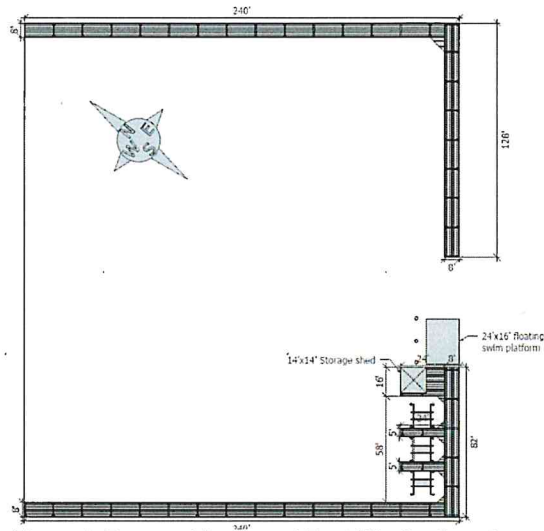


Figure 2: Proposed Docks and Boat Slip Configuration



Figure 3: 1973 RDCO Air Photo

Each moorage structure extends approximately 73 m (240 ft) into Lake Okanagan from the shoreline of 1449 Green Bay Rd and has been in place since prior to 1973 (year of oldest air photo available from the RDCO See *Figure 3*). Reconstruction of the existing docks will result in modern moorage design including steel piles and flow thru decking (See *Attachment 5*).

### Policy and Bylaw Review

#### Official Community Plan (OCP) Bylaw No. 0100

*Land Use Designation:* 1449 Green Bay Road maintains a Land Use Designation of *Institutional*, which anticipates schools, community centres, fire halls, health centres and other associated uses. The purpose of this designation is to provide for institutional uses that support governance, health,

culture and learning.

*Development Permit Areas:* 1449 Green Bay Road is subject to three of the City's Development Permit Areas: Aquatic Ecosystem, Sensitive Terrestrial Ecosystem and Form and Character.

In the case of moorage, none of the City's DPAs apply, as these areas begin where Crown management of Okanagan Lake ends. However, an environmental assessment has been submitted with Z 19-02 and it is anticipated that the proposed works will proceed in a manner sensitive to the aquatic values of Okanagan Lake.

#### Zoning Bylaw No. 0154

Green Bay Bible Camp is currently zoned *Institutional and Assembly Zone (P2)*. The portion of Okanagan Lake immediately abutting the Camp and owned by the Crown (the area subject to the Site Specific Text Amendment) is zoned *Intensive Water Use (W2)*.

*Intensive Water Use (W2) Zone:* This zone is intended to provide recreational opportunities, preserve and protect the natural qualities of Okanagan Lake, and provide for the orderly development of boat docks and moorage facilities associated directly with upland uses and accommodate water-related retail activities. This zone restricts the maximum number of docks and boat slips per each immediately abutting upland parcel to only one dock or one dock plus one boat slip per unit in the case of multiple units on the upland parcel (*Attachment 6*). Developments within West Kelowna that are located upland from the W2 zone include but are not limited to Casa Loma Lakeshore Resort, Barona Beach, The Cove and Seclusion Bay (*Attachment 7*).

The W2 zone restricts development of moorage for 1449 Green Bay Rd to one moorage (dock) structure. The purpose of the Site Specific Text Amendment is to request permission to construct two moorage structures and four boat slips.

## **Technical Review**

### Provincial Licensing

Okanagan Lake is managed and protected by the Crown through the application of relevant legislation such as, *The Water Sustainability Act* and *Riparian Areas Regulations*.

Green Bay Bible Camp has held a Crown Land Lease for the existing dock structure since the mid 1980's. The owners of Green Bay Bible Camp have submitted the required applications for reconstruction of moorage structures and an associated exclusive use request for this part of the Lake (a Section 11 and renewal of an existing Crown Land Tenure). FLNRO has confirmed that the continued processing of these applications is on hold pending Council consideration of the Site Specific Text Amendment request.

## **Referral Responses**

### Fire Protection

The BC Fire Code requires minimum fire protection standards for moorage. The applicant will be required to ensure that adequate fire protection is provided as per the Code. The applicant is aware of this requirement.

### Advisory Planning Commission

The application has not been considered by the City's Advisory Planning Commission (APC), as the City recently filled 2019 - 2021 Commission member positions and the Commission hasn't yet met in 2019.

## **Public Consultation/Notification**

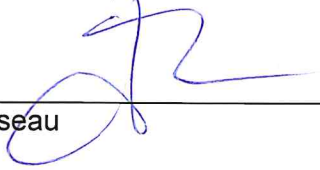
A Notice of Application sign has been posted on site in accordance with the Development Applications Procedures Bylaw No. 0131 and the Public Hearing Notification was placed in the local newspaper on two separate days (May 8 and 10, 2019). Additionally, notification (128 notices) were mailed to property owners and/or tenants within 100 metres of the subject property. At the time of writing this report, no public submissions have been received during the public hearing notification window for the proposed amendments.

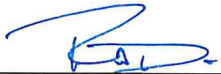
## COUNCIL REPORT/RESOLUTION HISTORY:


Date	Report Topic/Resolution	Resolution No.
April 23, 2019	<b>THAT</b> Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.82, 2019; and  <b>THAT</b> Council direct staff to schedule the proposed bylaw amendment for Public Hearing.	C173/19



Respectfully Submitted,

  
\_\_\_\_\_  
Jaleen Rousseau  
Planner III

  
\_\_\_\_\_  
Bob Dargatz  
Development Manager

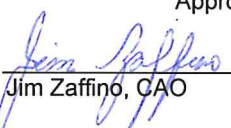
  
\_\_\_\_\_  
Brent Magnan  
Planning Manager

  
\_\_\_\_\_  
Nancy Henderson  
General Manager of Development Services

Attachments:

1. Site Specific Text Amendment Bylaw No. 0154.82
2. Context Map
3. Subject Property Map
4. Proposal Summary
5. Development Plans
6. Intensive Water Use Zone (W2)
7. Map of Notification Area

PowerPoint:   x   Yes      No

Approved for Agenda	
 _____ Jim Zaffino, CAO	<u>May 7, 2019</u> _____ Date

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-02 1449 Green Bay Rd\Bylaw\_Rpts\_Minutes\DRAFT Z 19-02 Public Hearing Report.docx

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**CITY OF WEST KELOWNA**

**BYLAW NO. 0154.82**

**A BYLAW TO AMEND "ZONING BYLAW NO. 0154"**

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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. 0154.82, 2019".

2. Amendments

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

2.1 By adding to the following to 6.2.4 Site Specific Uses, Buildings and Structures:

- (b) On the unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting Lot 1, DL 434 & 523, ODYD, Plan 7108 (1449 Green Bay Road): two docks and four boat slips.

2.2 By depicting the change on "Zoning Bylaw No. 0152 Schedule B" (Zoning Bylaw Map).

READ A FIRST AND SECOND TIME THIS 23<sup>RD</sup> DAY OF APRIL, 2019  
PUBLIC HEARING HELD THIS     DAY OF  
READ A THIRD TIME AND ADOPTED THIS     DAY OF

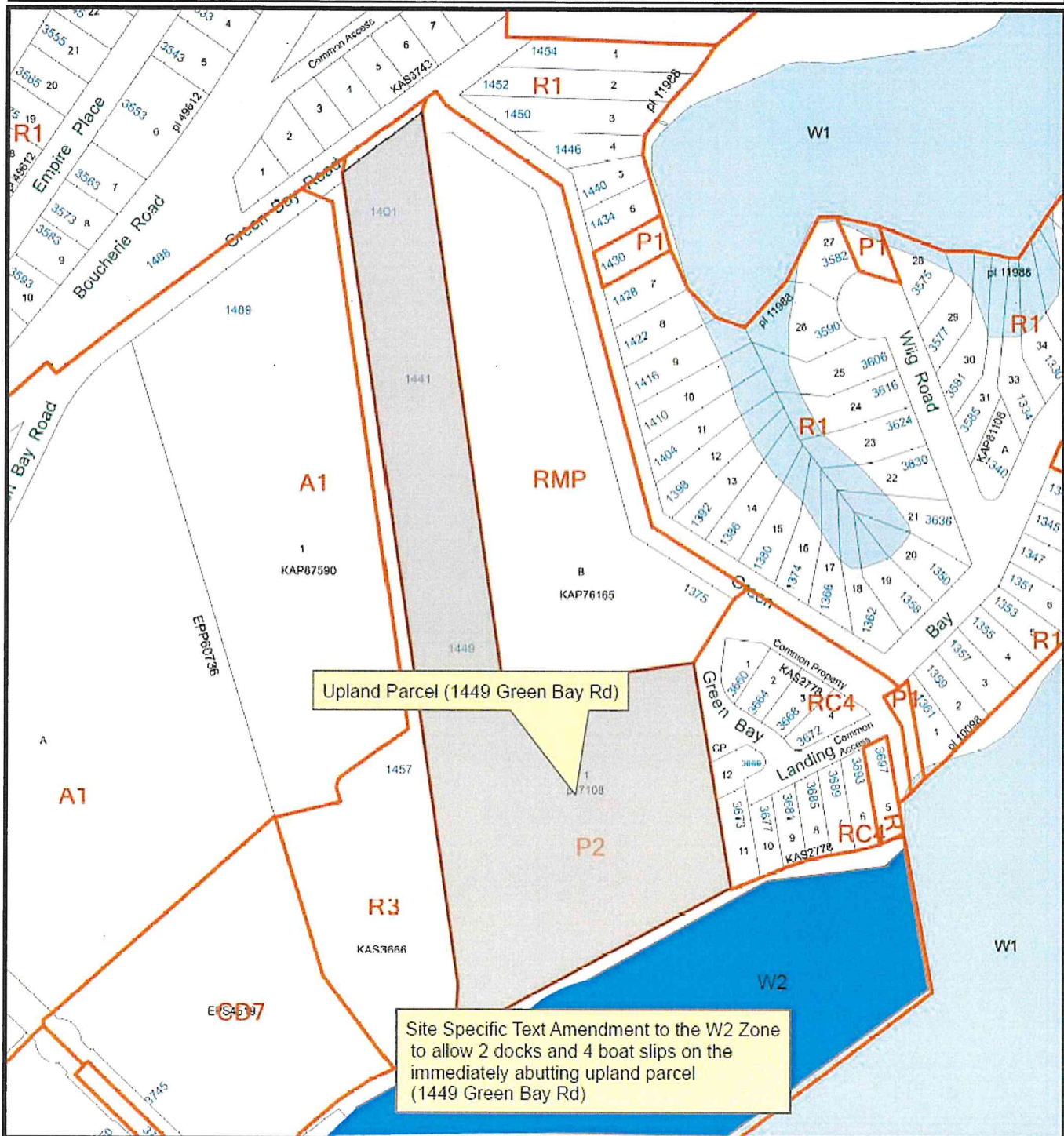
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK



CITY OF  
WEST  
KELOWNA

# SCHEDULE 'A' of BYLAW NO. 0154.82



## LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 40 80 160 Metres  
1:3,000



Date: 11/04/2019



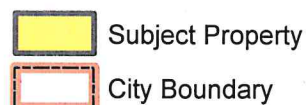


# CONTEXT MAP: Z 19-02



File: Z 19-02

Legal Description: Lot 1, DL 434 & 523, ODYD, Plan 7108



0 105 210 420 Metres







# SUBJECT PROPERTY: Z 19-02



File: Z 19-02

Legal Description: Lot 1, DL 434 & 523, ODYD, Plan 7108

## LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 35 70 140 Metres

1:2,500







**Kent Macpherson**

February 12, 2019

Development Services  
City of West Kelowna  
2760 Cameron Road  
West Kelowna, V1Z 2T6



**Attention:** Jaleen Rousseau, Development Services

**Re:** Text Amendment Application  
W2 – Intensive Water Use Zone  
1449 Green Bay Road, West Kelowna - Lot 1, DL 434 & 523, ODYD,  
Plan KAP 7108

**Applicant:** Green Bay Bible Camp

Please accept this application as a site-specific text amendment to the W2 – Intensive Water Use Zone to add the following:

- 6.2.4 (b) On the unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting Lot 1, DL434 & 523, ODYD, Plan KAP 7108:
- (i) 2 docks plus a swim platform containing a maximum of 4 boat slips
  - (ii) 1 storage shed

Green Bay Bible Camp has been part of the fabric of Westbank, BC since 1954. The original property of 11 acres was purchased as an oasis for youth to gather away from the city; the original Okanagan Lake Floating Bridge would not appear for another 4 years. Over the past 65 years the lands surrounding the camp have developed, as have the programs that Green Bay provides.

This application is to add a text amendment to the current zoning bylaw (No. 0154) to allow Green Bay Bible Camp to reconstruct their existing dock. The existing dock has been the same size and configuration since prior to 1973 (oldest air photo available from the RDCO). There have been a number of major weather events, along with Okanagan Lake exceeding full pool, that have made it necessary to reconstruct the existing infrastructure with its modern equivalent (steel piles and flow thru decking).



In our application to the Province, it was noted that West Kelowna's Intensive Water Use Zone (W2) that was adopted after incorporation, does not permit the current structure due to the number of docks, boat slips and storage shed.

Explanation of proposed text amendment:

- 2 Docks -** Over the past 15 years, the surrounding properties have changed from campgrounds and residential to predominantly multifamily, with the number of boat slips (and indirectly boats) increasing from 7 to 88 within 250 meters of the camp. The requirement to provide a safe space for children and families to swim and recreate has increased significantly. The current (and historical) design has been two "L" shape docks with a gap to allow boats/kayaks/canoes/SUPs to enter and exit.
- Swim Platform -** Green Bay Bible Camp teaches watersports (wakeboarding, water skiing, surfing) and provides other boat related activities such as tubing. Having a floating swim platform allows for campers to enter and exit the water in the safest and most comfortable way possible.
- 4 Boat Slips -** The upland portion of land contains a number of buildings including a lodge and cabins and contains ~80 units (not stratified). To ensure clarity in our application, we are requesting a minimum of 4 boat slips to be permitted should the definition of 'unit' in the zoning bylaw change or be determined to be only strata units.
- 1 Storage Shed -** As the 'ski school' operates off the dock every day for up to 4 months a year, a storage shed to contain waterfront equipment (skis, boards, tubes, lifejackets) ensures the safety of the equipment and organization of the dock.

Green Bay Bible Camp has been working with the Ministry of Forest Lands and Natural Resource Operations and Rural Development on the dock rebuild and has both a Section 11 application for the construction of the dock, and an application to renew the existing Crown Land Tenure. Both of these applications have been reviewed and are contingent on the adoption of this text amendment.





Green Bay Bible Camp:



1959



1973



2015

For more information on Green Bay Bible Camp and the work they do, please visit their website at:  
[www.greenbay.bc.ca](http://www.greenbay.bc.ca)

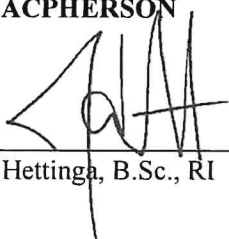
We look forward to working with the City to see this site-specific text amendment to the W2 zone adopted to allow for the rebuild of the existing dock, creating a safe place for campers to play and to enhance the services that Green Bay provides within the community.

If you have any questions pertaining to this Application, please do not hesitate to contact me.

Sincerely,

**KENT-MACPHERSON**

Per:

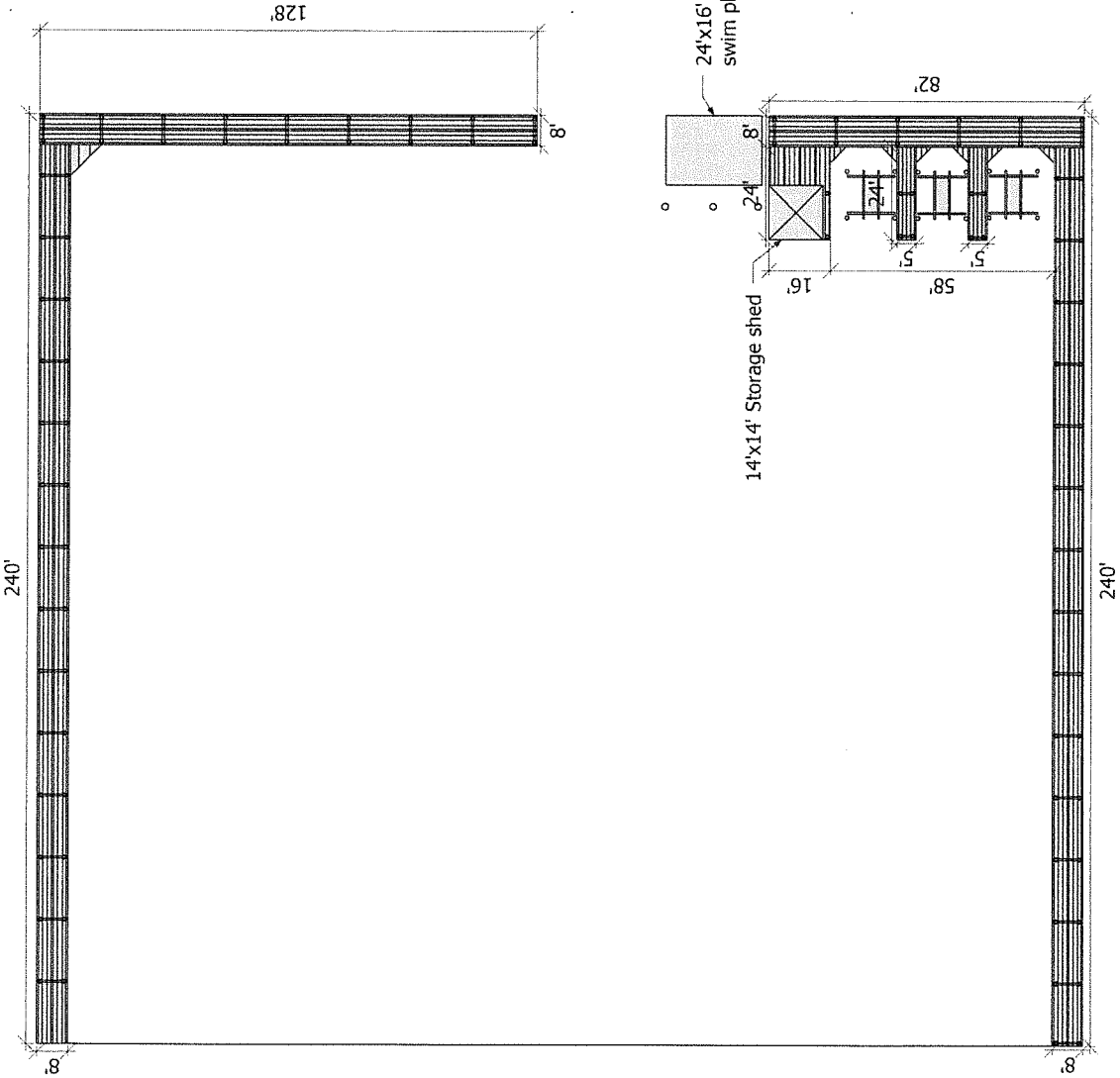
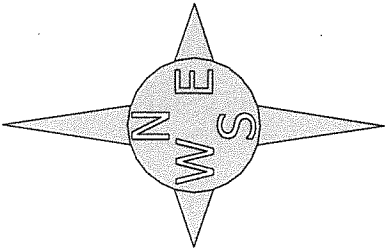
  
\_\_\_\_\_  
J. Hettinga, B.Sc., RI

cc: Jenn Koop, Executive Director, Green Bay Bible Camp



Green Bay Bible Camp

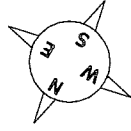
1449 Green Bay Road  
West Kelowna, BC  
D2-Complete Structure  
August 15th 2018



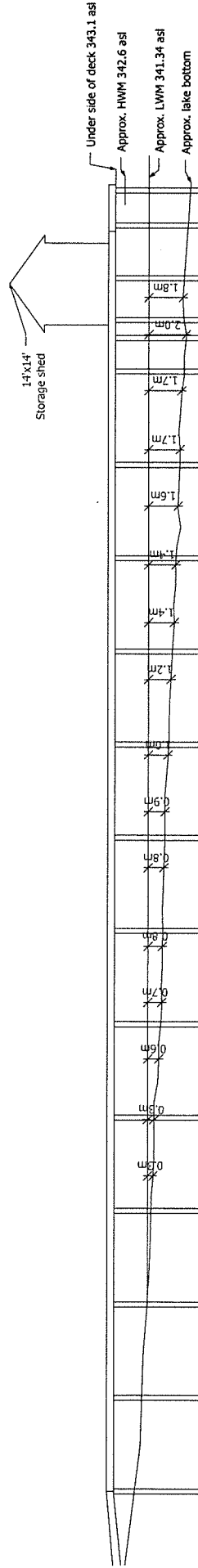
# Green Bay Bible Camp

## West Structure

### Side Profile

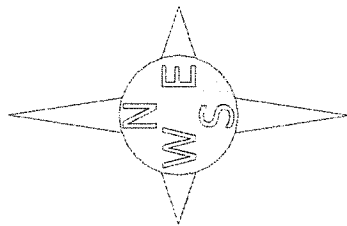


1449 Green Bay Road  
West Kelowna BC  
PID:010-024-115, K4P7108  
Lot 1, Districts 105 434&523  
Osoyoos Div of Yale Land District



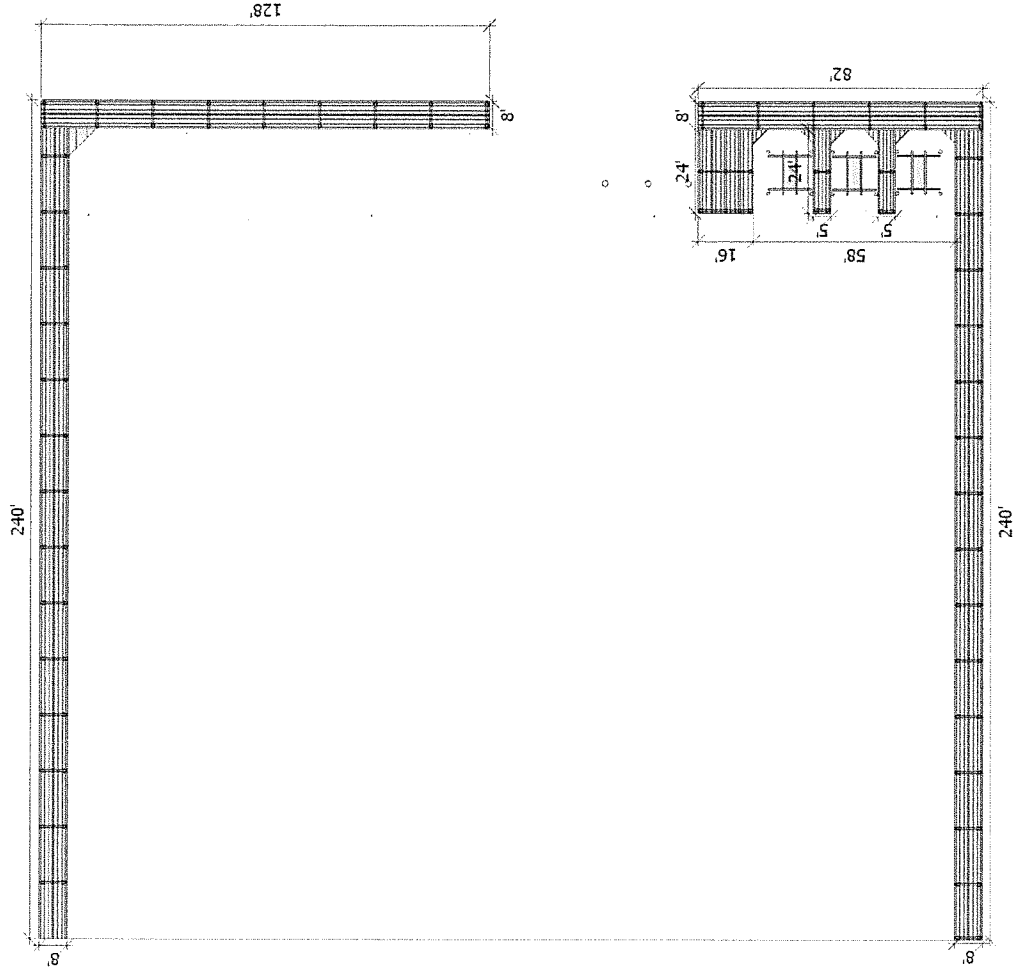


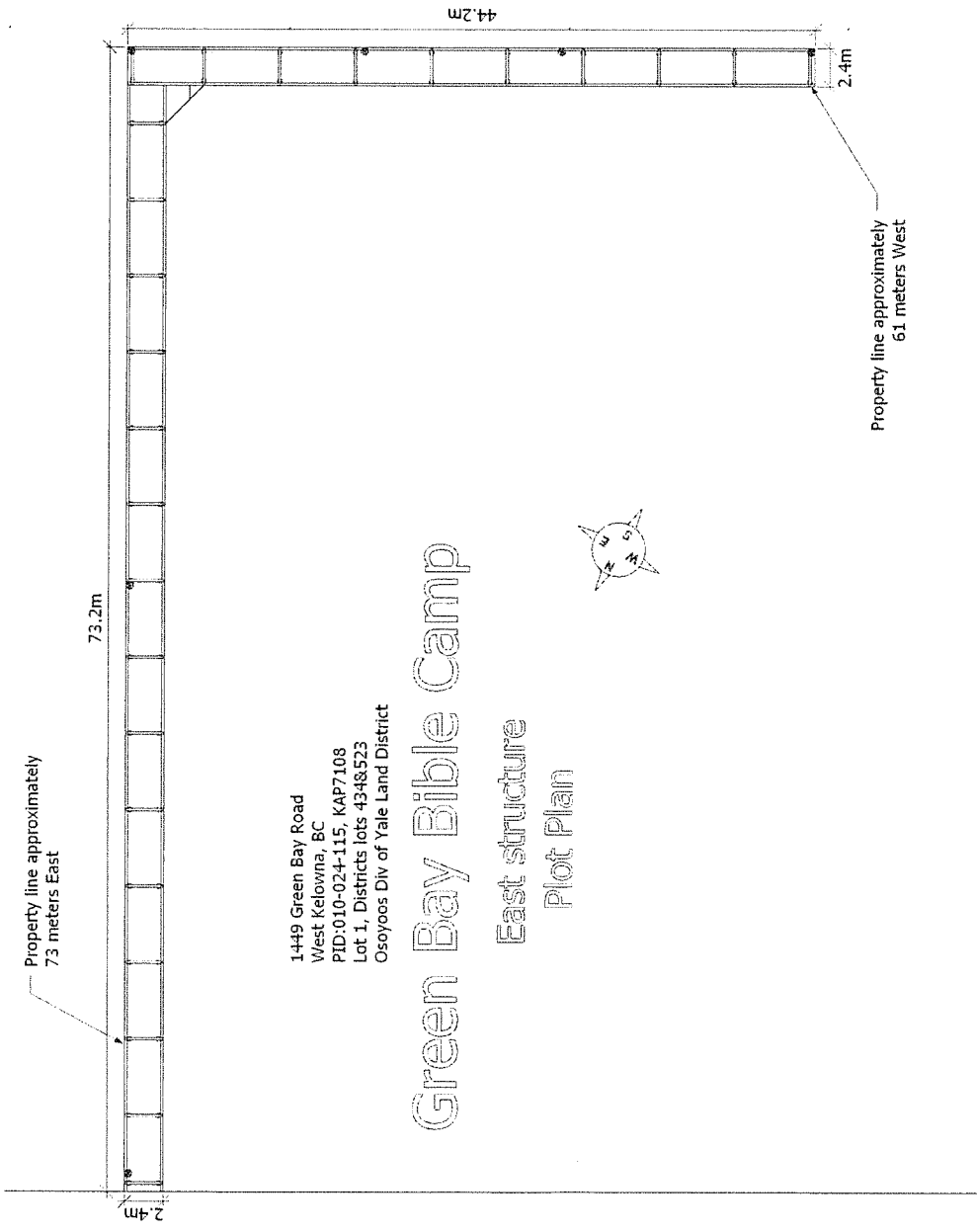
Shoreline Piledriving and Boatlifts  
 2053 Campbell Rd. W. Kelowna  
 PO Box 20253 Kelowna BC V1Y 9H2  
 Off 250.769.7694  
 Fax 250.769.7693  
[info@shorelinepiledriving.com](mailto:info@shorelinepiledriving.com)  
[www.shorelinepiledriving.com](http://www.shorelinepiledriving.com)



# Green Bay Bible Camp

1449 Green Bay Road  
 West Kelowna, BC  
 D2-Complete Structure  
 August 15th 2010





Property line approximately  
73 meters East

73.2m

2.4m

44.2m

2.4m

Property line approximately  
61 meters West

1449 Green Bay Road  
West Kelowna, BC  
PID:010-024-115 KAP7108  
Lot 1, Districts lots 4348523  
Osoyoos Div of Yale Land District

# Green Bay Bible Camp

## East structure Plot Plan

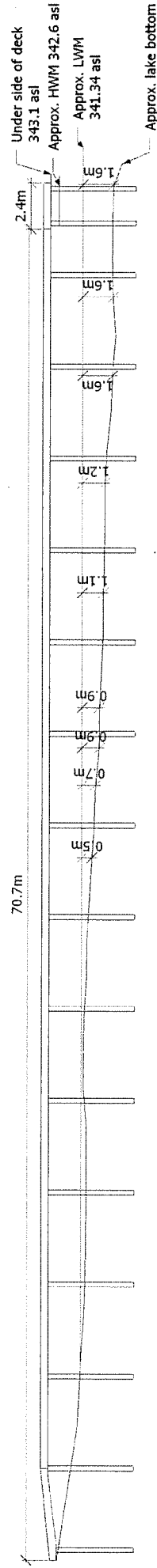
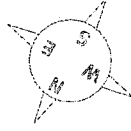




# Green Bay Bible Camp

## East Structure Side Profile

1449 Green Bay Road  
West Kelowna, BC  
PID:010-024-115, KAP7108  
Lot 1, Districts lots 4348523  
Osoyoos Div of Yale Land District

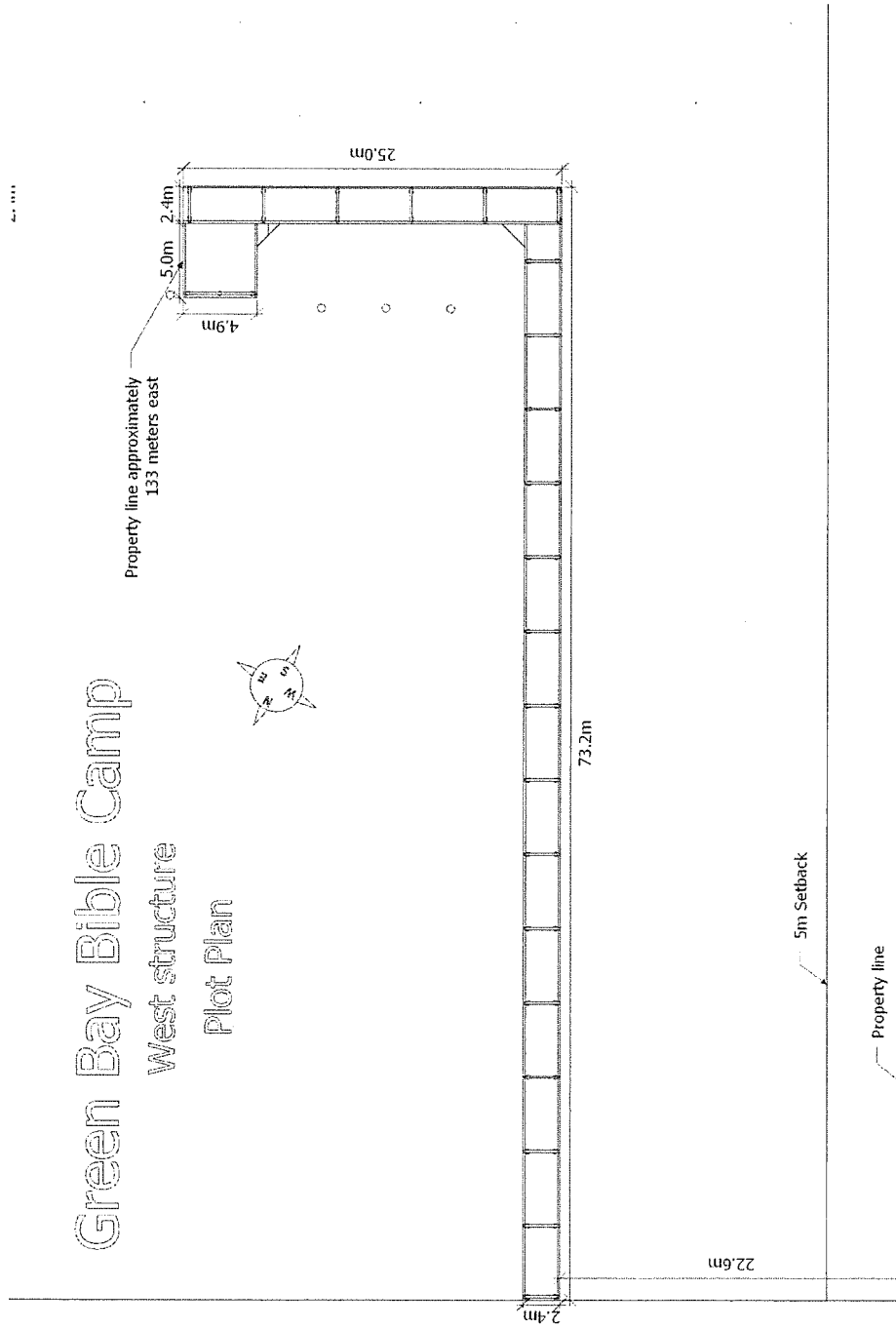


# Green Bay Bible Camp

## West structure

### Plot Plan

1449 Green Bay Road  
West Kelowna, BC  
PID: 010-024-115, KAP7108  
Lot 1, Districts lots 43-48523  
Osoyoos Div of Yale Land District

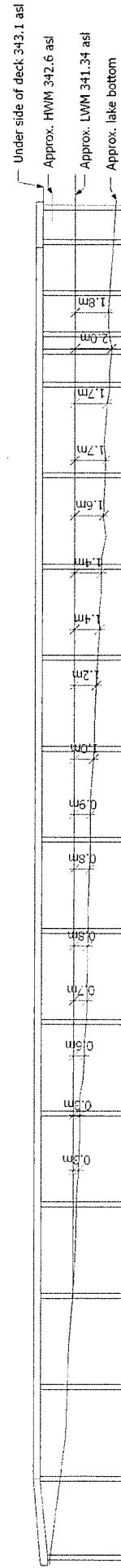




# Green Bay Bible Camp

## West Structure

### Side Profile



## 6.2 INTENSIVE WATER USE ZONE (W2)

### .1 Purpose

To provide recreational opportunities, preserve and protect the natural qualities of Okanagan Lake, and provide for the orderly development of boat docks and moorage facilities associated directly with upland uses and accommodate water-related retail activities.

### .2 Principal Uses, Buildings and Structures

- (a) Beach and water-based recreational activities
- (b) Boat launch
- (c) Docks, wharves and mooring buoys accessory to the use of the immediately abutting upland parcel
- (d) Retail, convenience
- (e) Temporary moorage for periods less than 48 hours

### .3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Boat lifts other than overhead boat lift mechanisms
- (c) Collection and temporary storage of sewage discharge from boats
- (d) Moorage accessory to the use of the immediately abutting upland parcel

### .4 Site Specific Uses, Buildings and Structures

- (a) On the unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting Lot 2, DL 434, ODYD, Plan EPP 29959:
  - (i) No structure shall be greater than 114.5 m in length, measured from the natural boundary; and
  - (ii) One additional boat slip is permitted.

### .5 Regulations Table

DEVELOPMENT REGULATIONS		
(a)	Maximum number of docks	Only 1 dock per each immediately abutting upland parcel <u>OR</u> Only 1 dock containing 1 boat slip per unit in the case of multiple units on the upland parcel.
(b)	Maximum number of wharves	1 per each immediately abutting upland parcel
(c)	Maximum height	9.0 m (29.5 ft)

### .6 Other Regulations - *Reserved*