



DEVELOPMENT REVIEW REFERRAL

File No: **Z 20-08** Original Application Referral
 Referral Type: **OCP and Zoning Amendment** Revised Application Referral
 File Manager: **Carla Eaton**
 Subject: **Z 20-08, 1087032 BC LTD, 2211 Campbell Rd**
 Referral Issued: June 28, 2021
Comments Due By: July 14, 2021

This Development Application has been referred to the following for information:

- Building Department Review
- Fire
- Parks
- Planning Review
- Dev. Engineering
- Economic Dev. Office
- BC Hydro
- Interior Health Authority
- SD No. 23
- Shaw Cable
- Telus
- BC Transit
- Westbank First Nation
- Agricultural Land Commission
- Ministry of Transportation & Infrastructure (via eDAS)
- Min. of Environment
- Min. of Forests, Lands & Natural Resource Operations
- Min. of Agriculture
- Neighbourhood Assoc.
- Fortis BC

CWK OFFICE USE ONLY

DRC Meeting Date: July 14, 2021

Support/ Technical Staff: Catherine Snow

Applicant attending: July 21, 2021 Yes No

Related Files: A 11-04; Z 13-09; Z 17-07 (Blackmun Bay)

PROPERTY DETAILS

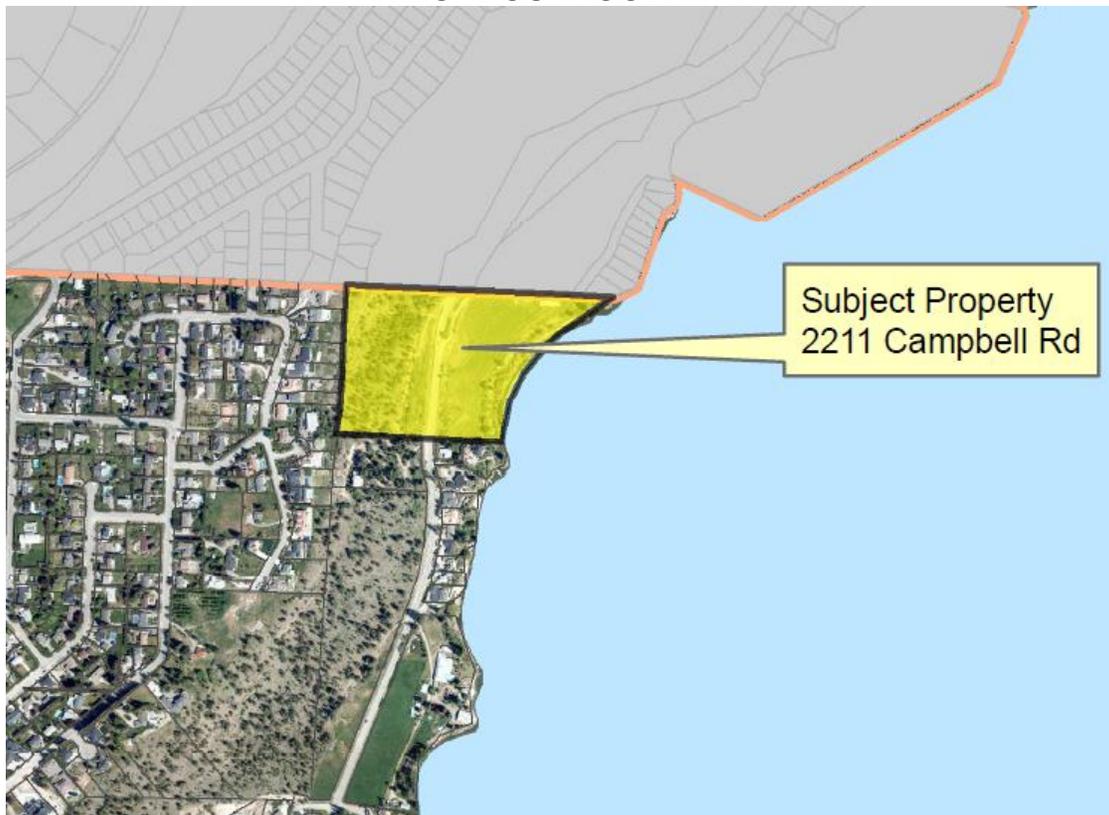
Address	2211 Campbell Rd		
PID	011-516-402		
Folio	36412782.000		
Lot Size (m²)	7.009 Ha (17.52 acres)		
Owner	1087032 BC LTD	Agent	CTQ Consultants Ltd./ E. Griffone
Current Zoning	A1 (Agricultural)	Proposed Zoning	R3 (Low Density Multiple Residential); A1 (Agricultural); W1

		(Recreational Water Use); & W3 (Commercial Water Use)
Current OCP	Agricultural	Proposed OCP Low Density Multiple Family & Agricultural
Current Use	Vacant	Proposed Use Residential townhouse development with waterfront marina and agricultural uses
Development Permit Areas	Hillside, Terrestrial, Aquatic, and possible future Form and Character for Multiple Family	
Hazards	Rock fall areas	
Agricultural Land Reserve	Partial area above Campbell Road	

ADJACENT ZONING & LAND USES

North	^	Westbank First Nation
East	>	Okanagan Lake, Waterfront
West	<	R1 - Single Detached Residential (Lakeview Heights)
South	v	RU2 – Rural Residential Small Parcel & R1 – Single Detached Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



DESCRIPTION / OVERVIEW

BACKGROUND:

In February 2013, an appeal to the Agricultural Land Commission resulted in the exclusion from the ALR of a 1.7 hectare (4.30 acre) portion of the subject property along the western side of Campbell Road (File: A 11-04).

In March 2017, an application was made to amend the OCP designation of the property from Agricultural to Tourist Commercial and rezone the upper portion of the property and foreshore to a Comprehensive Development and Commercial Water use zone to facilitate a large (approximately 500 unit) mixed residential, hotel and marina development (Blackmun Bay). On November 12, 2019, following a Public Hearing with significant public opposition to the proposed development, Council denied the bylaw amendments and the file was closed.

In September 2020, a new OCP and Zoning Amendment application was made to allow for a proposed multiple family townhouse and apartment development, with marina. The OCP amendment from Agricultural to Core Centre Multiple Family land use designation was proposed to accommodate a Comprehensive Development Zone (CD 8). The amendment from the Agricultural (A1) zone to the CD8 zone was proposed to allow for a mixed townhouse and apartment development with up to 175 combined units. The proposal also included an amendment of the foreshore area from the Recreational Water Use (W1) zone to the Commercial Water Use Zone (W3) to allow for a 242 slip marina that has already received conditional approval from the Province subject to the successful rezoning application. Based on feedback from a public

consultation and City technical reviews, the application has since been revised and this new referral is being provided for your updated comment.

***** REVISED*** PROPOSAL:**

The revised application is proposing Official Community Plan and Zoning Amendments to allow for a proposed multiple family townhouse development with 45 to 60 units in duplex format, and a public waterfront marina. The OCP amendment from Agricultural to Low Density Multiple Family land use designation is necessary to support the proposed R3 Low Density Multiple Family Zone above Campbell Road. A site specific text amendment to the Agricultural (A1) zoned area below Campbell Road will allow for the proposed parking with roof top greenhouses in support of marina and agricultural related uses, subject to a separate Agricultural Land Commission approval for any non-farm uses. The proposal also includes an amendment of the foreshore area from the Recreational Water Use (W1) zone to the Commercial Water Use Zone (W3) to allow for a 242 slip marina that has already received conditional approval from the Province subject to the successful rezoning application. The proposed W3 Zone would include site specific text amendments to restrict the use of the area to 242 slips, identify a maximum dock length, and restrict boat launch, retail, or convenience operations from the zone.

REFERRAL INFORMATION:

The following information is attached for your review:

- Applicant Proposal Summary
- Proposed New Zoning Amendment Drawing
- Development Concept Drawings
- Agricultural and Marina Site Layout
- Conceptual Building Footprints for Townhouse Development
- Cross Section of Parking Structure/Greenhouse
- Agrologist Opinion Letter (Apr 21, 2021)

As there is an extensive history of technical reports prepared for the site, the applicant has submitted a number of update letters and revised reporting, and has committed to submit further technical reporting following a first reading consideration of Council for the proposed development concept. The following technical documents have been provided in support of the application. These are available for viewing internally through shared files (<H:\Shared Files\DRC>), **OR** for external agencies these reports may be requested by contacting the file manager directly by email (Carla.eaton@westkownacity.ca).

****NEW OR UPDATED REPORTS:****

- Functional Servicing Report (Apr 22, 2021)
- Transportation Review (Apr 23, 2021)
- Engagement Summary Report (Jun 2021)

PREVIOUSLY SUBMITTED REPORTS:

- Functional Servicing Report (Apr 22, 2021)

- Geotechnical Recommendations – Safe Site to Use, prepared by Calibre Geotechnical Engineering Ltd., dated August 28, 2020
- Geotechnical Assessment Update/Addendum, prepared by CTQ Consultants Ltd., dated September 8, 2020
- Functional Servicing Report, prepared by CTQ Consultants Ltd., dated September 4, 2020
- Transportation Review, prepared by CTQ Consultants Ltd., dated September 3, 2020
- Environmental Assessment Update/Addendum, prepared by CTQ Consultants Ltd., dated September 8, 2020
- Environmental Assessment Status for a New Submission, prepared by Ecoscape Environmental Consultants Ltd., dated September 3, 2020
- Casa Loma Water Intake Impact, prepared by CTQ Consultants Ltd., dated September 3, 2020
- Archaeological Overview Assessment Update Letter, prepared by Ursus Heritage Consulting, dated September 1, 2020
- Conceptual Architectural and Visual Impact Drawings for Sol-Aqua Terraces, prepared by MQN Architects, dated September 4, 2020

HISTORICAL REPORTING SUBMITTED WITH APPLICATION:

- Archaeological Overview Assessment, prepared by Ursus Heritage Consulting Ltd., dated August 17, 2017
- Species at Risk Inventory, prepared by Ecoscape Environmental Consultants Ltd., dated April 2019
- Environmental Assessment of a Proposed Marina, prepared by Ecoscape Environmental Consultants Ltd., dated March 2014
- Addendum to the Environmental Assessment, prepared by Ecoscape Environmental Consultants Ltd., dated November 15, 2017
- Phase 1 – Preliminary Geotechnical Investigation, prepared by Golder Associates Ltd., dated November 22, 2017
- Phase 2 – Geotechnical Investigation Report, prepared by Golder Associates Ltd., dated September 11, 2019
- Ph. 2 Geotechnical Executive Summary, prepared by Golder Associates Ltd., dated September 11, 2019
- Overview Geohazard Assessment Report, prepared by Tetra Tech EBA, dated September 15, 2016
- Casa Loma Water Quality Letter, prepared by Ecoscape Environmental Consultants Ltd., dated June 5, 2019
- Proposed Marina Impact on Water Quality, prepared by Tetra Tech Canada Inc., dated October 2, 2019
- Functional Servicing Report Revision 02, prepared by IBI Group, dated April 12, 2019

- Transportation Impact Assessment, prepared by Bunt & Associates, dated August 27, 2019

Referenced Historical City Reports:

- Offsite Sanitary Sewer Capacity (Rev 1), prepared by Urban Systems, dated October 4, 2019
- Water Servicing Review FINAL Memorandum, prepared by AECOM, dated July 11, 2019

COMMENTS:

Should you require any further information, or are unable to provide comments prior to the aforementioned comments due date, please contact the undersigned.

Carla Eaton
Planner III

Development Services

2760 Cameron Road, West Kelowna, BC V1Z 2T6

Telephone: 778-797-8830

Fax: 778-797-1001

Email: Carla.Eaton@westkelownacity.ca

ENGINEERING

PLANNING

URBAN DESIGN

CTQ - #20021

June 15, 2021

ATTENTION:

Ms Carla Eaton, Senior Planner
City of West Kelowna

City File# Z 20-08
Application Type: OCP and Zoning Amendment (CD Zone and Water Zone)
Application Date: September 09, 2020
Property Address: 2211 CAMPBELL RD
PID: 011-516-402

RE: Revised Submission for Rezoning of Property: 2211 Campbell Road - Landstar Development

Please note that this application is a revision to the submission of September 2020, noted above.

It now includes the following:

1. OCP Amendment and Rezoning to R3 to permit Low Density Townhome Development (45-60 units) on portion above Campbell Road
2. A-1 Text Amendment to permit site specific use for parking/parking structure (with Greenhouses on top) on ALR portion below Campbell Road
3. W-3 with Text Amendment for a Marina at edge of subject land/Okanagan Lake, to permit a 241 boat-slip marina/moorage with limitations prescribed in the Text Amendment. The Marina has received conditional approval by both necessary Federal and Provincial authorities.

The request for changes is depicted on the "Overall Zoning Map" attached herewith.

In keeping with our understanding of necessary submittal requirements, we also attach the following:

1. Updated Functional Servicing Report that reflects the development scenario of no greater than 60 MFR units.
2. Updated Traffic Impact Assessment Letter that reflects the development of no greater than 60 MFR units.
3. An updated Footprints plan that depicts location of the Townhouse development on the west side of Campbell Road, including emergency access road through adjacent property, and the remaining lands on the upper side of the development footprint to be protected by Restrictive Covenant. The footprint also defines the approximate location of the main entry road/lane off Campbell Road.

4. Schematic Drawings that illustrate the Concept of the proposed townhouse development, including the scenario of 44 townhomes in duplex strata format. This scenario was developed with relatively large units.
5. Conceptual representation of the parking proposal and supporting documentation for the A-1 Text Amendment, including:
 - a. Plan view concept drawing of where the parking could be located
 - b. Cross-section of the parking structure with Greenhouses located on top level
 - c. Agrologist Opinion Letter (includes Map from BC Grape Atlas in support of the Farm Restoration)
6. Text Amendment for W-3 Zone in Draft Form
7. Letter of Support by Owner of Adjacent Property to the South (Mr and Mrs Don McEachern) for a Mutual Road Access Agreement.
8. Titles (Updated) for the Subject Property and adjacent Property.
9. Our report on Public Engagement Results for the Revised Application.

In keeping with our discussions between CTQ and Ms Carla Eaton, we acknowledge the following:

- A series of supporting technical studies have already been filed with the City, and will continue to serve as part of this revised application;
- That the City of West Kelowna may request additional or updated information related to the above noted technical studies, subsequent to First Reading of Council;
- That the City of West Kelowna may request additional information or clarification on the attached submission;
- That Signs must be posted at the site in a format prescribed by the municipality;
- That the City of West Kelowna reserves the right to determine when a Non-farm Use Application for parking on the ALR lands to the Agricultural Land Commission may be submitted.

CTQ thanks you and your colleagues very much for your cooperation and support to date. We are excited about moving forward with this application and trust that staff will do its utmost to move the application forward to consideration of First Reading by Council in the coming weeks. If CTQ can do anything to assist your review, please do not hesitate to ask. We are hoping that we can beat the summer slow down period.

Sincerely,

Ed Grifone, MCIP, RPP, M.A.
Senior Consultant, Planning and Development

Copy: Mr Robert Moskovitz, Landstar Development Corporation

ATTACHMENTS



Reference Map

Scale 1:250,000 (8.5" x 11")



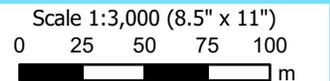
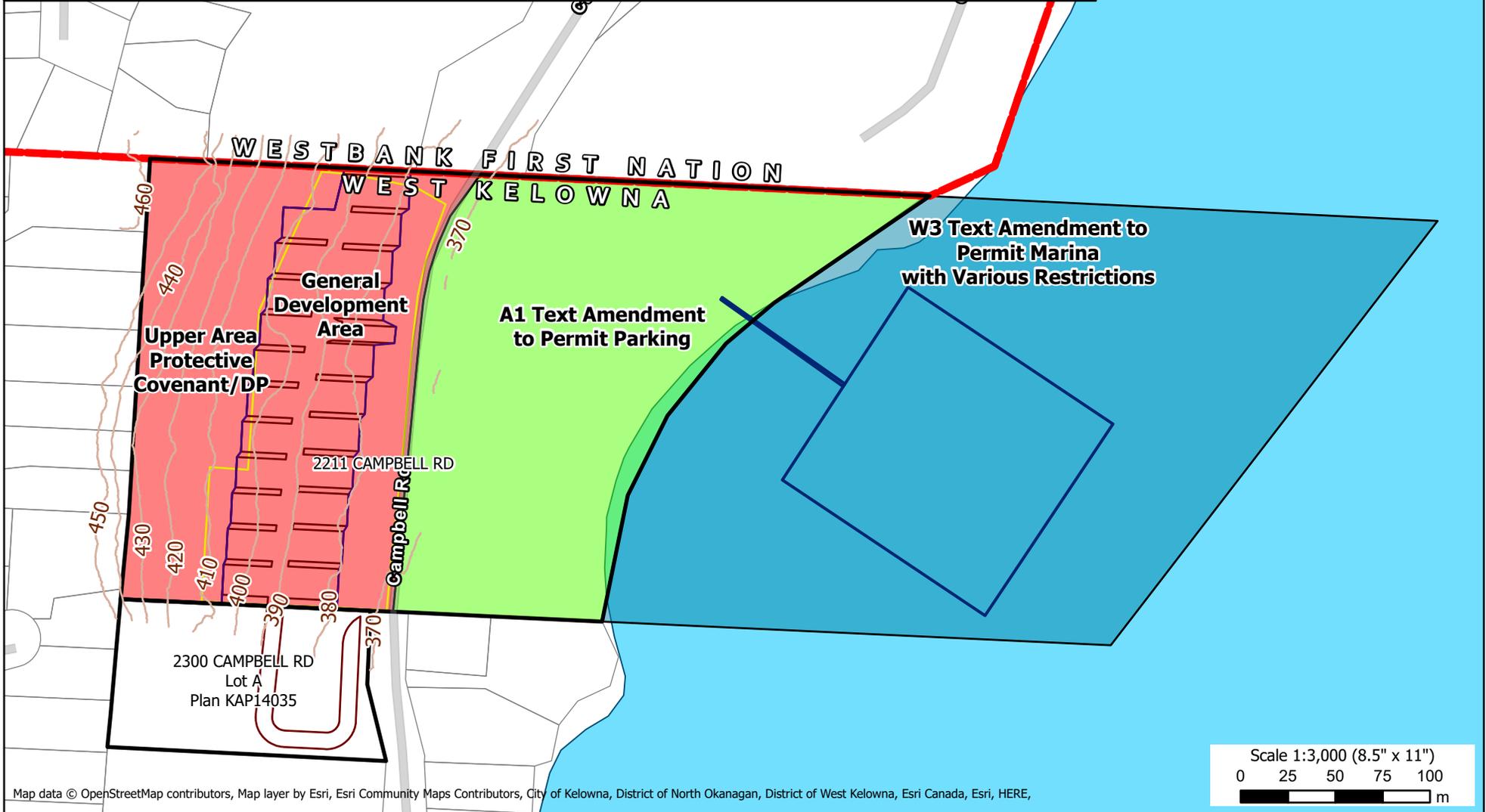
Sol Aqua Townhomes Proposed New Zoning 2211 Campbell Road



Date Published: 2021-06-10
 Drawn By: DG
 Projection: NAD 1983 UTM Zone 11N

Legend

- Contours
- New Zoning
- A1 to R3
- A1 with Text Amendment
- W3 with Text Amendment
- Jurisdictional Boundary
- Project Parcel Boundaries
- General Development Footprint
- Moorage Construction Area
- 2021 Development Footprint
- 2019 Development Footprint
- Parcels
- Okanagan Lake



West Kelowna SolAqua Townhouses

Schematic Design | March 19, 2021

NORR

Table of Contents

Introduction	01
Precedents	02
Renderings: Overall Site	05
Renderings: Internal Site	09

Renderings: Buildings	13
Renderings: Development Comparisons	15
Site Section	17

Introduction

Project Overview - Site Plan and Statistics

CONCEPT ONLY



SolAqua - Approximate Statistics

WEST KELOWNA, BC

Units

40 - 50 TOTAL UNITS

UPHILL UNITS: 259 SM (2,784 SF) TOTAL UNIT AREA
 177 SM (1,906 SF) ABOVE GRADE (GFA)
 130 SM (1,394 SF) FOOTPRINT

DOWNHILL UNITS: 233 SM (2,509 SF) TOTAL UNIT AREA
 111 SM (1,193 SF) ABOVE GRADE (GFA)
 152 SM (1,636 SF) FOOTPRINT

GARAGE / UNIT: 41 SM (440 SF)

Approximate Development Areas (44 Unit Example)

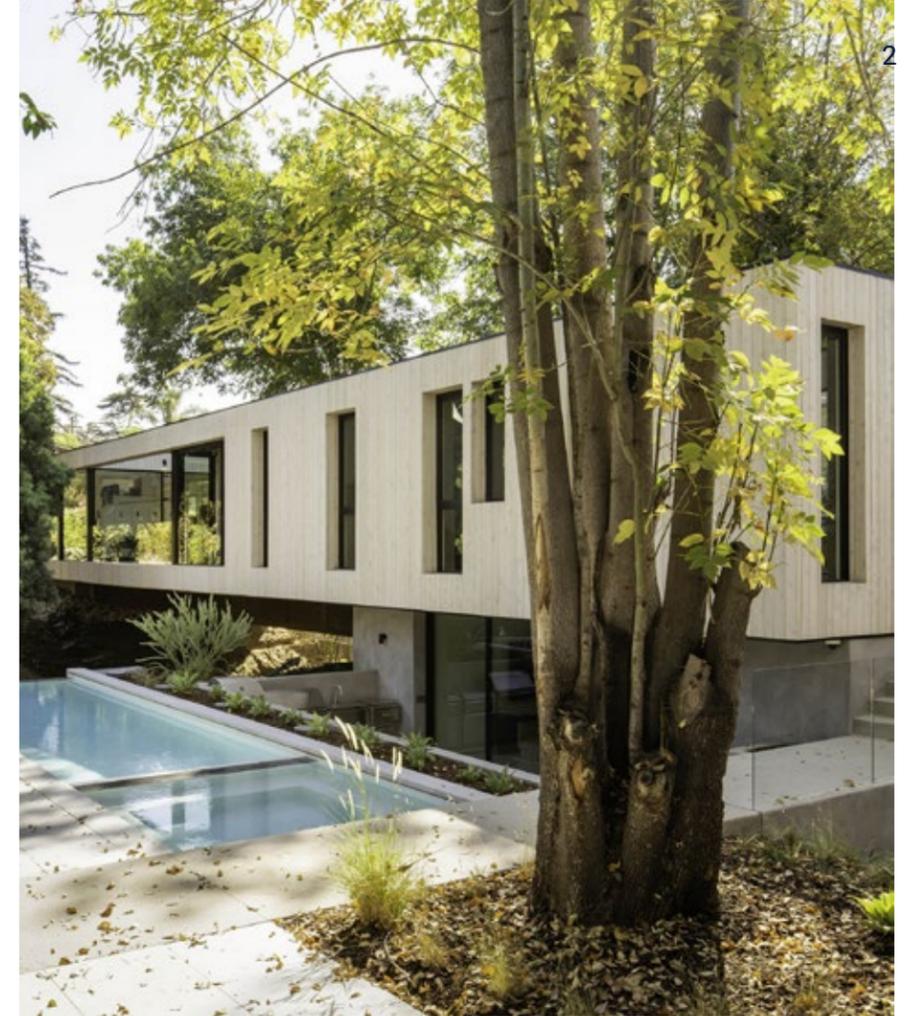
ABOVE GRADE (GFA): 6,336 SM (68,200 SF)
 BELOW GRADE: 4,488 SM (48,308 SF)
 GARAGES: 1,804 SM (19,360 SF)
 TOTAL BUILT FORM: 12,628 SM (135,927SF)
 TOTAL BUILDING FOOTPRINT: 6,204 SM (66,779 SF)
 FOOTPRINT INCLUDING PAVING: 13,384 SM (144,064 SF)



Precedents

- Clean and contemporary volumes.
- Simple material palette.
- Large, strategically placed windows to maximize the view and minimize heat gain in hot summers.

CONCEPT ONLY



Precedents

- Slope adaptive design.
- Warm interiors.
- Feature entrances.
- High-quality garage door finish:
 - Polycarbonate.

CONCEPT ONLY



Materiality

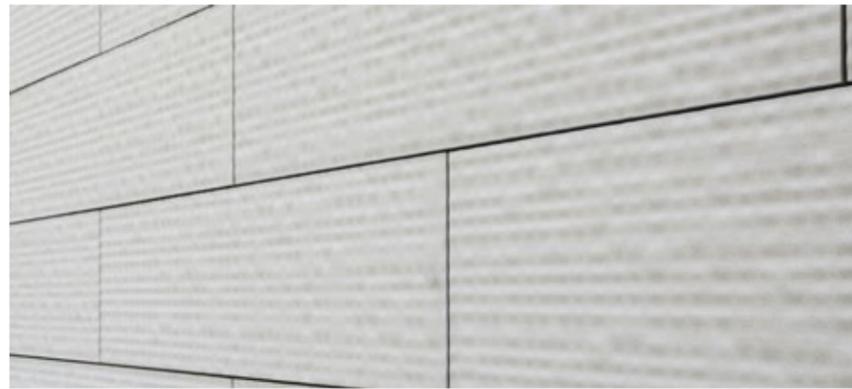
Options

CONCEPT ONLY

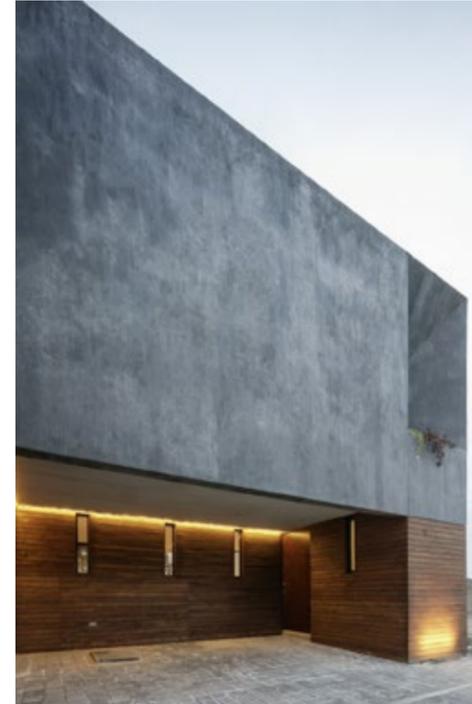
Fibre Cement / Standing Seam
Horizontal / Vertical



Glass Fibre Reinforced Concrete Panels



Exposed Concrete / EIFS



Rendering

Campbell Road Travelling South

CONCEPT ONLY

5



Rendering

Campbell Road Travelling North

CONCEPT ONLY



Rendering

Aerial View Northwest

CONCEPT ONLY



Rendering

Aerial View West

CONCEPT ONLY



Rendering

Entering the Site

CONCEPT ONLY

9



Rendering

Internal Road View 1

CONCEPT ONLY



Rendering

Internal Road View 2

CONCEPT ONLY

11



Rendering

Internal Road View 3

CONCEPT ONLY

12



Rendering

Uphill Units

CONCEPT ONLY

13



Rendering

Downhill Units

CONCEPT ONLY

14



Renderings

Development Comparison

CONCEPT ONLY

Blackmun Bay (550 Units)



Sol Aqua Townhouses (44 Units)



Renderings

Development Comparison

CONCEPT ONLY

Blackmun Bay (550 Units)

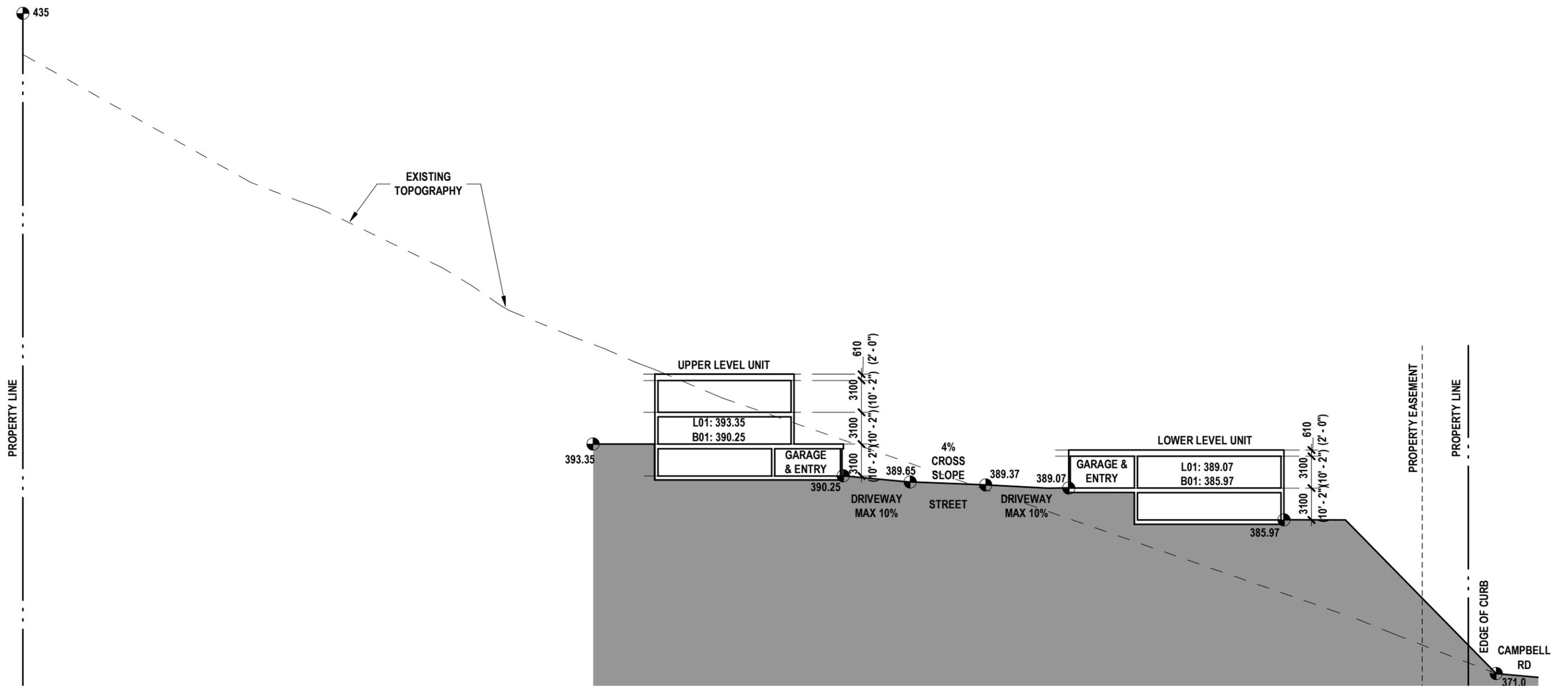


Sol Aqua Townhouses (44 Units)



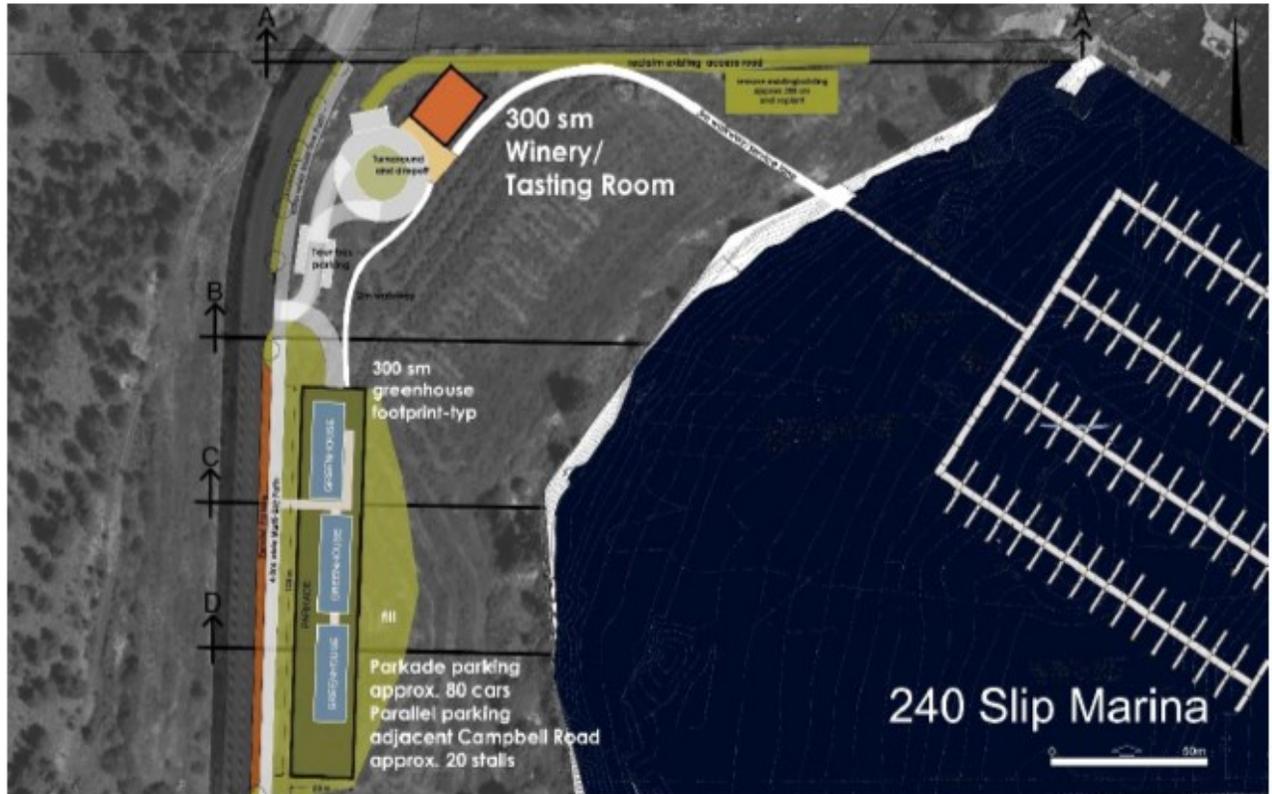
Site Section

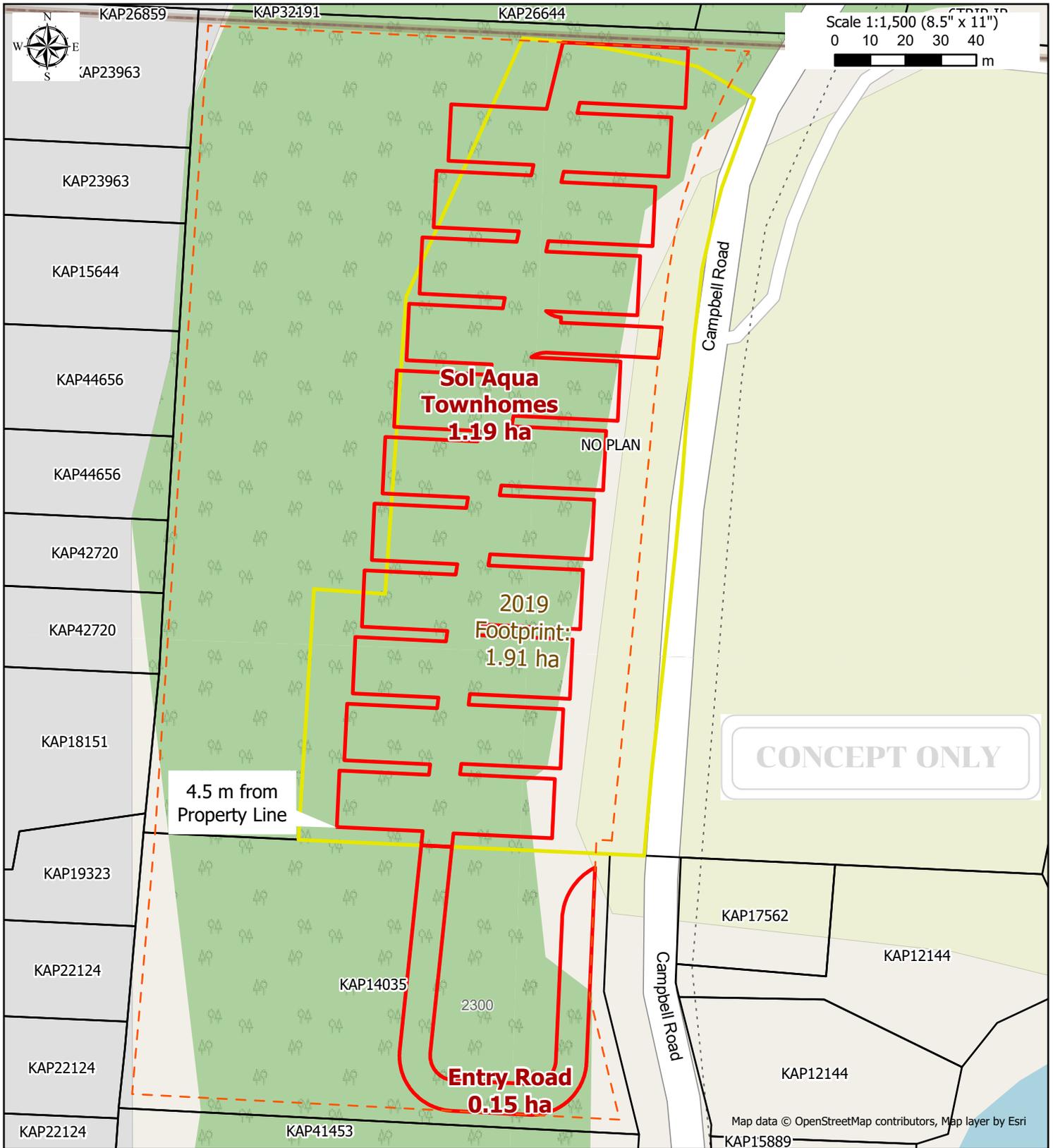
Sample Section



CONCEPT ONLY

Figure 1: Site Layout





Reference Map
Scale 1:250,000 (8.5" x 11")
0 2 4 6 8 km

Sol Aqua Townhomes Building Footprints 2211 Campbell Road

Legend

- 2021 Development Footprint
- 2019 Development Footprint
- 4.5 m Setback

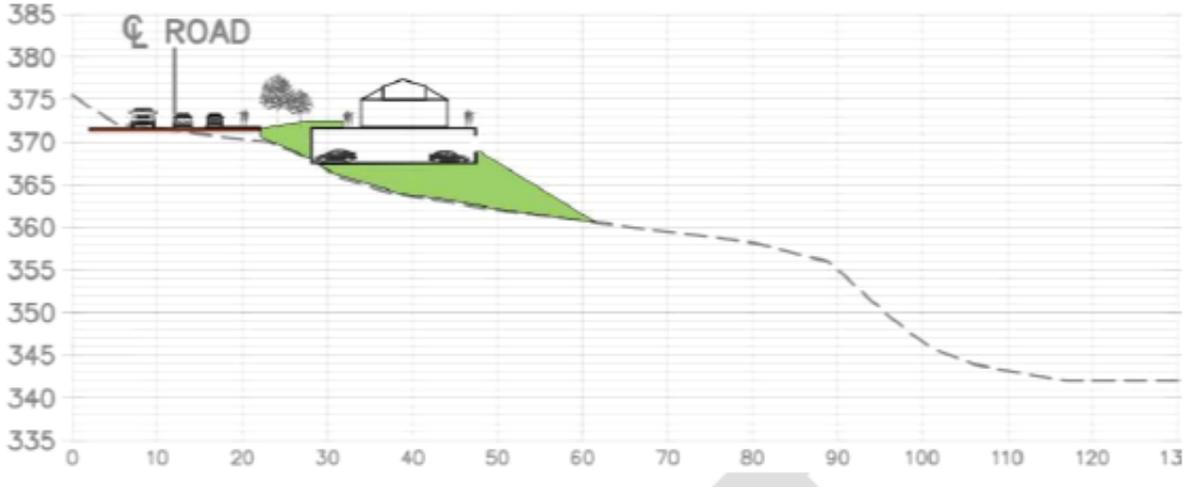


Date Published: 2021-04-21
Drawn By: DG
Projection: NAD 1983 UTM Zone 11N



CONCEPT ONLY

Figure 3: Cross Section of Greenhouses and Parking



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

1.0 Introduction

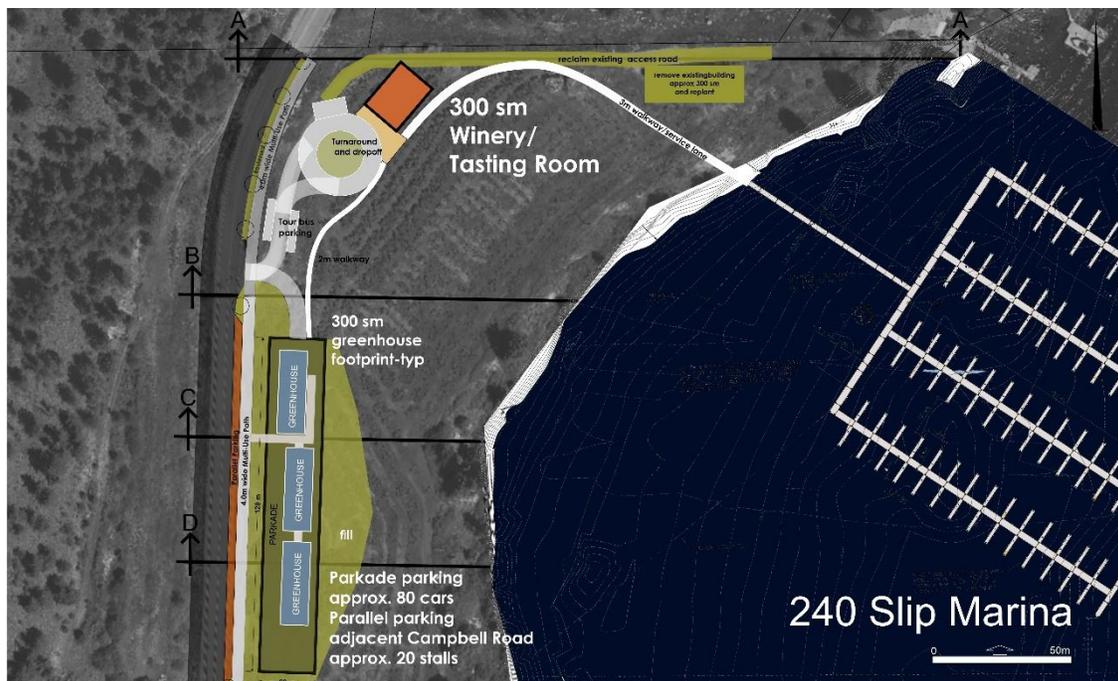
On April 19, 2013, by Resolution #97/2013, the Agricultural Land Commission allowed the previous owner to remove lands lying west of Campbell Road in West Kelowna from the Agricultural Land Reserve. The current owner, Blackmun Bay Development LP has developed plans to construct housing on the non ALR portion of the parcel.

As part of the development plan for the ALR portion of the parcel, the owner has initiated a farm plan with the following components:

- A long term lease of the arable land (currently in Peach and Apricot production) for redevelopment to a vineyard. It is anticipated that the lessee will be an existing vineyard operator who will be able to utilize the land for grape production. The lessee will be able to combine existing production with that on the subject parcel to expand overall production available for sale in the tasting facility. The lease will also include:
 - A winery and tasting facility.
 - Greenhouses which will be raised to allow for below parking and to reduce shading from the escarpment to the west.

The parking area is designed to fit under the farm use structures as shown in Figure 1.

Figure 1: Site Layout



The principal purpose of the parking area is to accommodate traffic from both the marina and the wine tasting area.

The commission before me is to determine what impact, if any, will the provision of parking under the greenhouses 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.

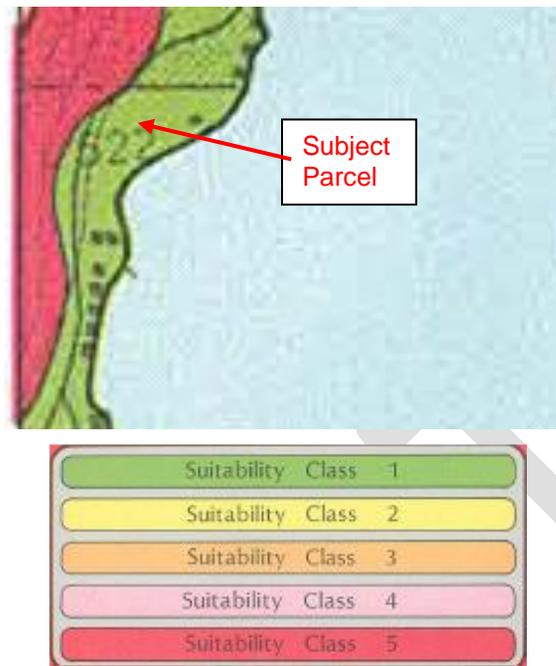
Consequently, I believe I am qualified to comment on the two main purposes of the Agricultural Land Commission. That is: to preserve the agricultural land reserve; and to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest.

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 standard 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

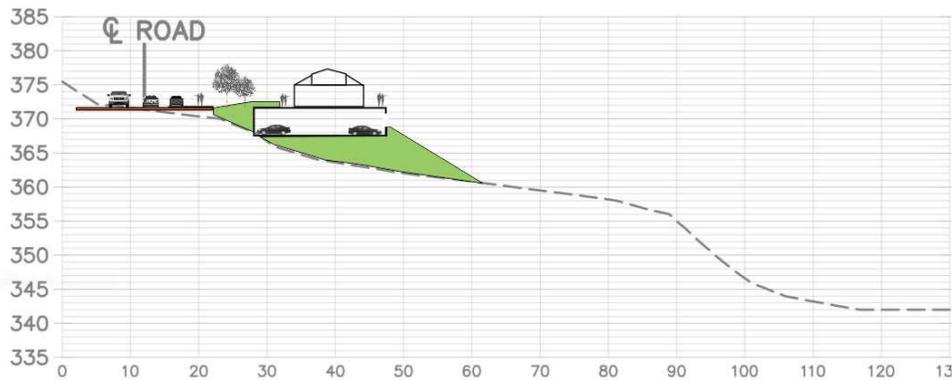
Land areas in this class are the most desirable and are the least restrictive for grape production. Class 1 areas have the highest number of heat units, a long frost free season, high solar radiation and desirable soil characteristics. Land in Class 1 is therefore capable of producing the widest range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

Unfortunately, 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.

Farm production on the parcel will be increased through the construction of greenhouses. As Figure 3 illustrates, having the greenhouses lifted to accommodate parking reduces the shading from the western escarpment.

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

Figure 3: Cross Section of Greenhouses and Parking



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 with other soft fruits or grapes. Both crops have proven viability on this site. This replacement will revitalize the farm to make it a “show place” for farming in the area.

As Figure 1 illustrates, the owners propose both soil based and non soil based agriculture. The plan is to lease out the buildings and land to an existing vineyard. That lease would extend for a minimum of 15 years to enable the lessee to amortize the planting of the grapes. Using an existing vineyard operator will increase the wine production capacity therefore extending the utility of the tasting room and winery.

The lease agreement will 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 issue of parking has been resolved.

5.0 Regulations and Policies

There is no mention of Parking in either the *Agricultural Land Reserve Use Regulation* or Policy L-01. In other policies:

- Policy L-02
- Parking is not included in “retail sales area”
 - The total area from which soil is removed or fill is places is 1,000 m² or less
- Policy L-04
- Permanent facilities must not be included in Agri-Tourism activities. Parking areas are included in Permanent facilities.
 - Parking areas must not be permanent
 - Parking must not interfere with agricultural productivity
 - Parking should be along field edges, adjacent to internal farm diveways and in farm yard areas or immediately adjacent to farm buildings and structures
 - Local government have the authority to regulate structures and building occupancy including parking.
- Policy L-24
- Parking should be permeable in nature, whenever possible, to reduce impervious cover and impacts of stormwater discharge on surround agricultural lands

- Parking is included in calculations for lot coverage for farm-related commercial and farm-related industrial uses

6.0 Summary and Conclusion

As noted above, the proposal combines farm and non farm uses on the same footprint. Consequently, there will be no loss of farmland from the development of parking on the parcel. The policies of the ALC do not provide for such a combination. However, the policies do allow for local government to regulate structures such as these. I would assume that the City of West Kelowna can permit the structures through the building permit process.

In my opinion, a small vineyard such as this one faces great obstacles to being viable. By combining the farming activities with housing and non farm facilities increases the prospects for viability without losing any farm land.

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.

In my opinion, the City has the delegated authority under Policy L-04 to permit the construction of greenhouses with parking below. By approving this proposal, the land will be retained and improved for agriculture, the ALR will be maintained, and farm use enhanced.

If the City declines to use its delegated authority, the application can be forwarded to the ALC as a Non-Farm Use application.

I remain available to discuss my findings and conclusions.

Respectfully,