



## COUNCIL REPORT

To: Paul Gipps, CAO  
Date: August 24, 2021

From: Carla Eaton, Planner III  
File No: Z 20-08

Subject: **Z 20-08, OCP and Zoning Amendment Bylaws (1st Reading), 2211 Campbell Road**

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### RECOMMENDATION

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

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

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

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Quality, innovative urban development (Council's 2020-2022 Strategic Priorities)

### EXECUTIVE SUMMARY

The applicant is proposing to develop the property with up to 60 townhomes west of Campbell Road, as well as a 242 slip commercial marina, associated marina access and parking (parkade/greenhouse) on the agricultural lands east of Camad. This report addresses bylaw amendments related to the applicant's proposal which includes:

- Re-zoning the land to R3 to permit townhomes west of Campbell Road;

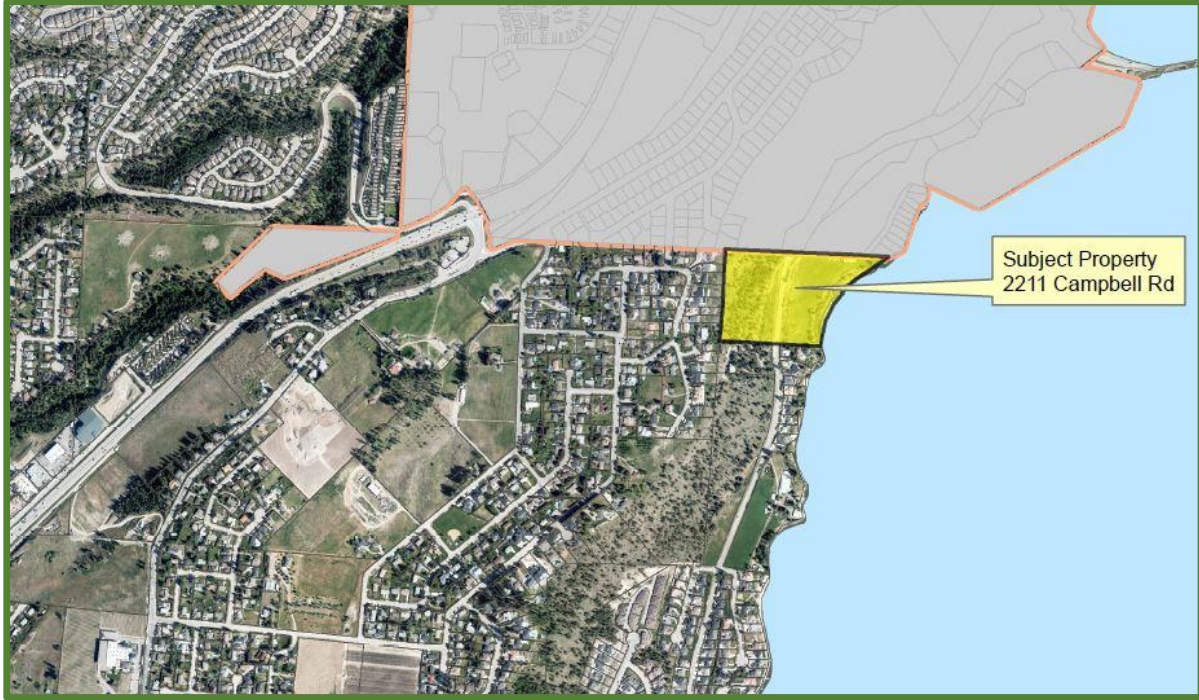
- Re-zoning Okanagan Lake east of the property to W3 to permit a commercial marina; and
- Re-zoning the agricultural lands (via text amendment) to permit access and parking for the proposed marina (parkade/greenhouse structure).

This report recommends first reading of the R3 residential component of the development; however, it proposes a revised marina concept that reduces the scale of marina to be commensurate with the scale of the upland development, thus limiting the moorage opportunities to the number of residential units being developed, similar to other residential developments in the City. The report also outlines additional technical information that is required should the bylaws be advanced to second reading.

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 (Ed Grifone)
Current Zoning	Agricultural (A1)	Proposed Zoning	R3, W3, 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, Marina, 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



### BACKGROUND

This report outlines the applicant's proposed Official Community Plan and Zoning Bylaw amendments, including staff's recommended bylaw amendments (*Attachments 1, 2 and 3*), the applicant's request to permit a commercial marina (alternate position) (*Attachment 4*); a review of the technical reports; a summary of the applicant's Public Engagement process to date (*Attachment 5*); and to seek direction on next steps prior to future consideration of additional readings.

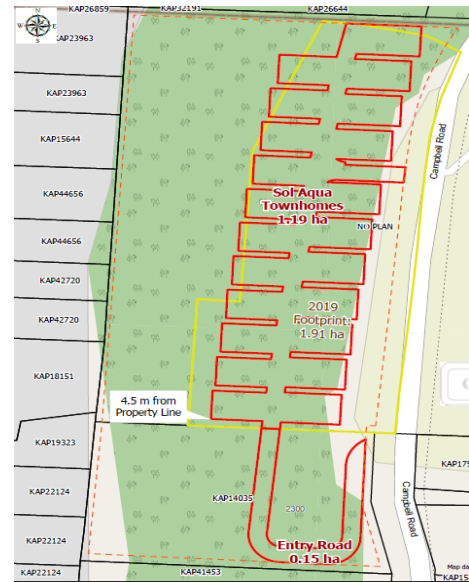
### Overview of Proposal

The applicant has applied to amend the Official Community Plan and Zoning bylaws over portions of the subject property and Okanagan Lake to facilitate a proposed multiple family residential and commercial marina development, with parking, access and agricultural uses on the Agricultural lands within the Agricultural Land Reserve. Since the original proposal, the applicant has substantially reduced the proposed use and density on the site. A summary of the applicant's conceptual plan is provided in more detail below and the three development areas are shown on Figure 1.



Figure 1: Proposed Three Development Areas

**1. Low Density Multiple Family Townhouse Development** - The area to the West of Campbell Road is a proposed residential townhouse development consistent with the proposed Low Density Multiple Family Residential (R3) zone and Low Density Multiple Residential Official Community Plan land use designation (*Attachments 1 and 2*). The applicant anticipates a maximum of 60 townhouses in duplex form (Figure 2 and 3) on the lower portion of the hillside, with protection of the upper, environmentally sensitive portions of the area. An additional private access to the development is proposed through the adjacent rural property to the south as a second access to the subject property. All design and renderings are conceptual at this stage and subject to future Development Permit approvals.

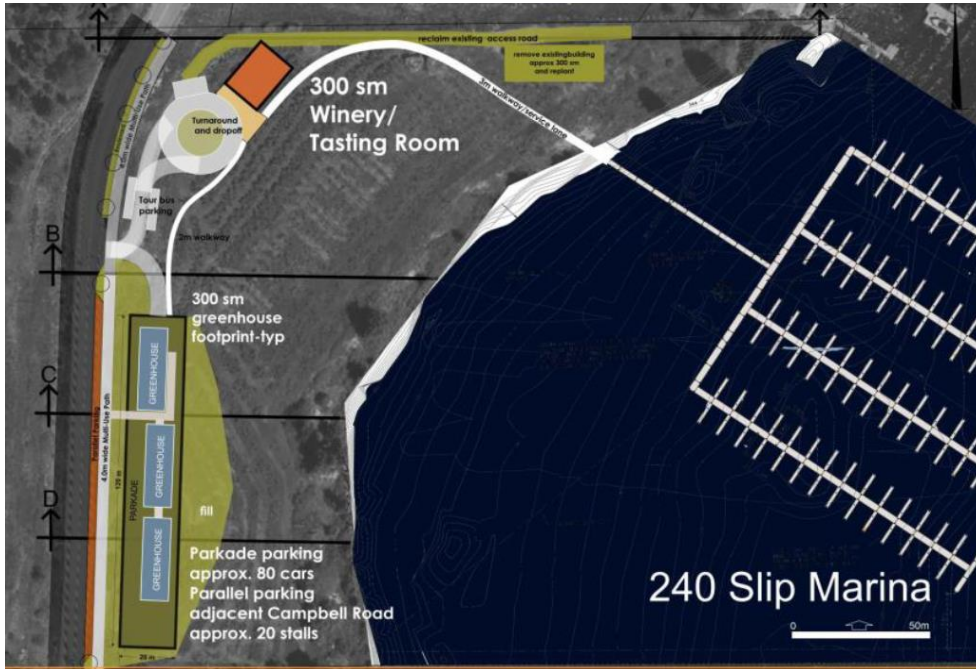


**Figure 2: Proposed Townhouses**



**Figure 3: Conceptual Residential Rendering**

**2. Agricultural Development** - The applicant is proposing a site specific text amendment to the existing A1 zone east of Campbell Road to permit access to a proposed 242 berth marina and associated vehicular parking (*Attachment 4*). In order to mitigate the impacts to agricultural lands, a marina parking structure is envisioned to be a below ground parkade with green houses located on top of the structure. Pedestrian access to the marina is anticipated to be via existing / new farm roads. It is noted that the proposed uses are within the Agricultural Land Reserve and will require consideration of an Agricultural Land Commission Non-Farm Use application.



**Figure 4: Proposed Agricultural Development**

The applicant has also noted their interest in agricultural restoration of the property based on a new farm plan and has provided an agrologist's opinion letter on the

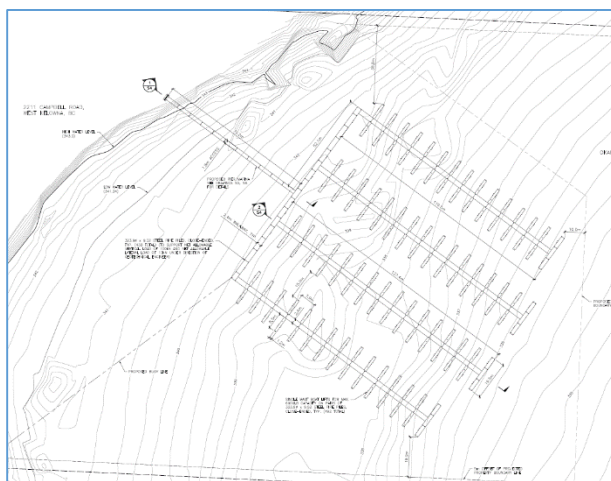
combination of farm and non-farm uses. However, this is not subject to land use approvals providing it is consistent with the permitted farm uses.

**3. Marina Development** - The applicant is requesting a zoning amendment to Okanagan Lake fronting the subject property from the W1 (Recreational Water Use) zone to W3

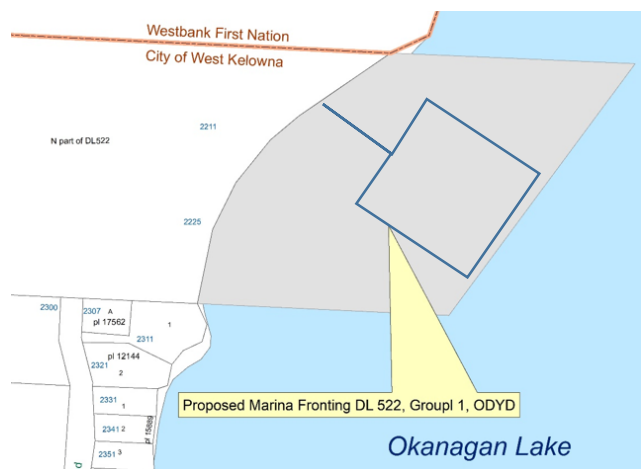


**Figure 5: General Location of Site Specific Agricultural Development (Non-Farm Use in ALR)**

(Commercial Water Use - Attachment 4). The proposed W3 zone is fronting the agricultural lands and is proposed to include a marina for up to 242 boat slips for public use, upland residential use, and emergency watercraft. The proposed marina does not include boat launch or retail convenience, servicing, repair or construction of boats or other water vessels. Note: All provincial approvals previously granted for development of the marina are subject to City zoning approval. The revised development concept has been re-referred to the Ministry of Natural Resource Operations for comment and will be provided once received.



**Figure 6: Proposed Marina Development**



**Figure 7: Proposed Commercial Water Use (W3)**

Summary Report

Given Council's direction with the applicant's previous development proposal for the site, the applicant completed additional public engagement as part of the new application process. In May 2021, the applicant hosted 2 virtual engagement sessions to solicit feedback from the public on the revised proposal. The attached applicant Rationale Letters and Engagement Summary Report provides a synopsis of the applicant's rationale for the new development proposal, reflects on changes from the previous development, and summarizes their engagement process and public responses in a question and answer format to various areas of concern/interest (*Attachment 5, 6 and 7*).

The applicant has also provided additional concept drawings of the proposed residential development, as well as an agrologist's opinion letter that includes conceptual drawings of the agricultural and marina site layout (*Attachment 8*). The proposed location for developments on the A1/ALR are conceptual as this stage of rezoning and subject to consideration through separate non-farm use application.

## **Policy and Bylaw Review**

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

An OCP amendment is required to accommodate the proposed residential development on the west side of the subject property (*Attachment 1*) as the Future Land Use designation is currently "Agriculture". It is noted that the OCP is currently under development and will guide future land use decisions with respect to use or density within the City (Alternate Recommendation #3).

The proposed low density residential development is inconsistent with general growth management policies and objectives for multiple family development in the OCP as the subject property has limitations to transit access and walkable distances to other services. However, there is other policy consideration for the sensitive integration of different housing forms in all residential growth areas in support of housing diversity where the form and character of the development is appropriate and complements the surrounding uses. Consideration is given for infill housing with ground-oriented housing with massing, form and detailing consistent with the neighbourhood. Based on initial technical review and generally supportive referral comments, it is recommended that Council give first reading the proposed OCP amendment (*Attachment 1*).

In terms of the proposed water use zone, Waterfront Growth Management policies support increased public waterfront access opportunities in West Kelowna, along with the promotion of tourist opportunities at specified locations. This includes the support for foreshore leases for uses such as docks when they are ancillary to an upland use, are designed to maintain or enhance the natural function of the foreshore and do not impede public access along the foreshore.

Under the existing Agricultural Precinct Growth Management designation, the proposed development and future agricultural uses do allow for a unique blend of uses in ways that may enhance the livelihood of agriculture but this outcome is highly dependent on the successful development of proposed agricultural uses that are not guaranteed through this zoning process.



## Waterfront Plan

The Waterfront Plan includes policies that support consideration for small-scale, mixed used waterfront development outside of Gellatly Village where it serves residential neighbourhood need and the use meets the intent of the OCP. The proposed development may provide for some residential services not currently available within the Casa Loma area; but those appear to be limited to the future potential farm retail and winery which are currently permitted under the existing Agricultural (A1) zone subject to Agricultural Land Commission regulations (*Attachment 10*). Additionally, the plan recommends preservation of the riparian fringe along the north end of the Casa Loma area, but the environmental reporting does not anticipate any significant shoreline impacts from the proposed dock and elevated dock access.

In support of waterfront access, the plan notes that private marinas have potential to offer temporary moorage which supports West Kelowna as a waterfront destination with the unique opportunity to arrive via boat and that currently there are few places in West Kelowna for people to moor boats for day visits to community destinations. The plan also notes this area as key corridor that will be enhanced by development of a waterfront multi-use trail along Campbell Road.

## Development Permit Areas

The subject property lies within the Sensitive Terrestrial Ecosystem, Aquatic Ecosystem and Hillside development permit areas and will require a Development Permit (DP) prior to development of the lands above Campbell Road. The development will also require of a Multiple Family Residential Development Permit to address form and character and landscaping considerations for the proposed residential area. Agricultural developments within the ALR are exempt from the Development Permit process.

## Zoning Bylaw No. 0154

### *R3 – Multi-Family Residential Component*

The proposed Low Density Multiple Residential (R3) zone will apply to maximum density (FAR), parcel coverage, heights, setbacks, and required outdoor amenity space (*Attachment 11*). With a maximum of three storey heights up to 9.0 m, the proposed townhouses/duplex can be anticipated to have a very similar character to existing nodes of development within the Casa Loma neighbourhood, which has similar height limitations under the R1, R1L, R3, RU2, and RU4 zones.

### Staff Review

Given the considerable reduction in proposed density and scale on the site, protection of environmental and geotechnical features, consistency with policy direction to promote infill housing and a diversity in housing options, and initial technical review, it is recommended that the R3 zone be given 1st reading. Additional technical information to support the revised concept will be required prior to further readings.

### *A1/W3 – Agricultural and Marina Component*

As noted above, the applicant has proposed a zoning text amendment on the A1 and W1 portion of the subject property to support a commercial marina, with the potential to subdivide the subject property along Campbell Road. These amendments are required to address parking and access over the A1 zoned lands and the commercial marina.

#### Staff Review

There continues to be concern with respect to long-term impacts to agricultural lands and ancillary uses to support the proposed scale of the marina fronting the site. Loss of agricultural lands for the parkade structures, use of agricultural lands to administer the marina operations, introduction of significant public access through the agricultural lands in support of a non-agricultural activity, potential parking issues or overflow onto viable agricultural lands or Campbell Road, introduction of a significant public component to a farm operation, and impacts of a potential subdivision on the separation of a waterfront use from the associated upland residential use are all noted.

It is therefore recommended that the marina component of the application not be approved as proposed, and the waterfront be revised to W2 to accommodate private moorage ancillary to the upland residential development (up to 60 slips).

#### *Marina Zoning Options*

Based on the concerns noted above, additional options are available for Council's consideration for the Agricultural and Water Use zoning bylaw amendments:

#### Option 1 – Moorage for Townhome Development Only (recommended)

The recommended bylaw (*Attachment 3*) represents a proposed Intensive Water Use (W2) zone (*Attachment 12*) that would allow for a dock commensurate in size to the associated upland residential use (maximum 60 units) and only allows for access to the dock through the agricultural lands rather than permitting parking structures/areas on A1 zoned/ALR lands. This option would also include a recommendation for a covenant to restrict future subdivision to ensure the moorage would be permanently fixed to the upland residential parcel.

#### Option 2 – Commercial Marina (applicant's proposal)

An alternate bylaw (*Attachment 4*) has been provided to reflect the applicant's development proposal for a Commercial Water Use (W3) zone (*Attachment 13*) to allow a 242 slip marina, including associated access and parking on the A1 zoned/ALR lands for the marina. Potential subdivision of the subject property would remain subject to future consideration at the time of dedication of Campbell Road but would not be constrained other than to meet technical requirements of the Works and Services Bylaw and minimum frontage and parcel area requirements established by the Zoning Bylaw.

#### Option 3 – No Moorage Facilities

The final option is that no moorage facilities be permitted fronting the agricultural portion of the site. This would ensure long term protection of the agricultural land base from activities associated with the marina. This is represented in the alternate recommendations as Option #2.

#### Agricultural Land Reserve (ALR) Non-Farm Use Application

The application requires ALR Non-Farm Use approval to accommodate any uses on ALR lands including the proposed parkade structures and use of the shared driveway/access (pedestrian and emergency vehicle) to any proposed moorage (Figure 7). It is anticipated that this application would be most appropriately brought forward with consideration of third reading. This would enable Council to consider if the zoning amendment is moving forward before providing formal comment to the Agricultural Land Commission (ALC) on the non-farm use, and a number of conditions would be anticipated with any recommendation from the City. It is anticipated that adoption of the bylaw amendments would be conditional on confirmation of the ALC's conditional approval for the proposed non-farm use.



Figure 7: ALR land in Green and Excluded Area in Red

## Technical Review

The applicant has submitted a number of technical reports to support the proposed development, as well as completed update reports in support of the application (*Technical Reports Summary - Attachment 14*). The following sections elaborate where additional revisions or modelling are required prior to second reading as per the recommended motion.

### Servicing Review:

#### *Water*

The City's Water Master Plan Consultant has confirmed that the applicant's proposal can be serviced from the Rose Valley Water System with a connection to Lakeview Heights. The Functional Servicing Report (FSR) provides water demand for domestic and fire flow, but additional information is required for the entire development site. Prior to second reading, it is recommended that:

- 1) The proposed development, including the entire residential, agricultural, and water use area, are modelled by the City's water consultant AECOM<sup>1</sup> at the developer's expense to:
  - Review the City's existing water system capacity in relation to the proposed development; and
  - Comment on the proposed development's impact to the Casa Loma water system and review the capacity of the City's water system to provide water to Casa Loma.

<sup>1</sup> Water system modelling was completed for the previous Blackmun Bay Village Development – Water Servicing Review Final, Memorandum prepared by AECOM, dated July 11, 2019 which was completed at the Developer's expense

- 2) The FSR is updated to the satisfaction of the Director of Development Services to address the entire development area and reflect the new modelling results from AECOM.

It is anticipated that the new modelling will identify off-site infrastructure improvements or upgrades to the existing water system in order to support the proposed development, such as extension of water lines, securing statutory rights of way, and other technical improvements.

Should the development proceed, it is recommended that a covenant is registered as a condition of adoption to restrict development until off-site water infrastructure works have been constructed or secured, including any required statutory right of ways (SRW). It is also recommended that a conceptual design drawing and cost estimate is submitted as a condition of zoning, with the final detailed design completed with the future development and building permit processes.

#### *Casa Loma Water System*

The Casa Loma water intake lies approximately 1.2 km south of the proposed development at an approximate depth of 23 m. Given concerns regarding water quality related to the proposed development, a number of professional reports have considered this issue. The AECOM report (July 2019) noted that they do not anticipate impacts from the proposed now Sol Aqua development on the Casa Loma water intake, reiterating comments from the Ecoscapes letter<sup>2</sup> (June 2019) that the marina and boat launch are not likely a significant risk to water quality in Okanagan Lake or to the Casa Loma water intake. Tetra-Tech was also engaged by the developer to specifically review the Casa Loma water intake in relation to the proposed development, concluding the proposed marina would not add more risk than that which is already present in Okanagan Lake and would not impact the water-quality drawing at the Casa Loma water intake.

In reviewing the water systems, the AECOM report also noted that the existing City water system has adequate capacity to supply water to Casa Loma however there are constraints with peak water demand<sup>3</sup> that would require further review if the proposed Sol Aqua development and Casa Loma were to be serviced.

#### *Sanitary Sewer*

A Servicing Report was provided that confirms the proposed development can be adequately serviced by community sanitary sewer. An existing sanitary trunk sewer extends along the frontage of the subject property and the downstream system is composed of gravity sewers, lift stations and force mains owned and operated by the RDCO.

Prior to second reading, it is recommended that the RDCO's consultant, Urban Systems, provide an updated model of the downstream sanitary system<sup>4</sup> at the developer's

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<sup>2</sup> Casa Loma Water Quality, letter prepared by Ecoscape Environmental Consultants Ltd., dated June 5, 2019

<sup>3</sup> Concerns with potential bylaw compliance with peak hour demand, maximum day demand and fireflow (150 L/s) if water was supplied to Casa Loma and Blackmun Bay simultaneously (AECOM, pg 5)

<sup>4</sup> The previous development completed a model for the Blackmun Bay Village - Offsite Sanitary Sewer Capacity (Rev 1), memorandum prepared by Urban Systems, dated October 4, 2019 which was completed at the Developer's expense

expense. The updated model will provide clarification of the anticipated off-site sanitary sewer infrastructure improvements that will be necessary to support or will be accelerated by the proposed development. The report will also consider whether or not the projects are identified in the Regional District's Development Cost Charge program. Based on the previous modeling for a greater density, it is anticipated that the updated modelling may identify scaled back improvements to the sanitary system. This information will be presented with consideration of second reading, as applicable.

It is recommended that a covenant is registered as a condition of adoption to restrict development until the identified off-site sanitary sewer infrastructure works have been constructed or secured, including any required statutory rights of way (SRW), where both the Regional District and City are parties to the agreement.

### *Stormwater Management*

A Stormwater Management report was provided that outlines a preliminary stormwater site design for onsite collection, retention and infiltration. Future design (through the development permit process) will address technical comments provided by the City's stormwater consultant, RSB Engineering, based on review of the drainage areas above the proposed development in consideration of the City's Master Drainage Plan<sup>5</sup>.

It is recommended that a blanket Statutory Right of Way (SRW) be registered as a condition of adoption for two future stormwater connections through the site in accordance with the City's Master Drainage Plan (Attachment 9 - Project 10.3 and 10.4), including any required extension for the safe outlet potentially to Okanagan Lake. This will accommodate the existing overland flow routes from adjacent upland areas. Prior to second reading, it is recommended that this information is incorporated in the Functional Servicing Report.

Additionally, it is recommended that a covenant be registered as a condition of adoption to restrict development until storm water improvements, to accommodate drainage from the Lakeview Heights area through the subject property, have been constructed or secured. The final design detail will be addressed through the future development and building permit processes.

### Transportation and Off-Site Impacts at Hwy 97:

The applicant has provided a number of updated Transportation Impact Assessments (TIA) to address their revised proposal and to update background traffic estimates. The most recent TIA review updated traffic volumes, which was reviewed by the City's Traffic Consultant with the following recommendations to be incorporated in an updated report prior to second reading:

- Include all aspects of the proposed development, including the potential agricultural and water use areas, such as:
  - Incremental development on City and WFN lands loading directly and indirectly to Campbell Road;

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<sup>5</sup> Blackmun Bay Drainage, memorandum prepared by RSB Engineering, dated May 29, 2019

- Emergency access and strategies to mitigate;
- Parking needs for the marina site; and
- Expected operations for launching of boats off-site;
- Review turning sight distances and accommodate in the preliminary site design;
- Include provision for multi-use pathway along Campbell Road.

The previous TIA review updated traffic volumes, site access, off-site impacts, and active transportation using a projected six (6) year build out for the project. Analysis also included the proposed neighbouring development in Westbank First Nation that will also access Campbell Road and noted the area is currently not serviced by transit service. The report reviewed the weekday morning congestion on the bridge which includes shortcutting through Sneena and the Campbell Road roundabout. To reduce congestion and longer wait times at the Campbell roundabout, several options for mitigation were presented. Based on the review, the report makes recommendations to reduce traffic related impacts to residents of Casa Loma including:

- **Short-term improvements** - addition of signage to the approaches of the roundabout that identify that drivers should alternate during times of congestion.
- **Medium-term improvements** - consideration of ramp metering which is a signal (red/green) that stops vehicles upstream of the roundabout.

No other off-site improvements were noted and despite concerns with traffic operations at the Hwy 97 interchange, the TIA noted that the existing roundabouts have sufficient capacity until 2034. This previous TIA was reviewed by the City's Traffic Consultant (formerly - Watt Consulting Group) and referred to the Ministry of Transportation and Westbank First Nation, as these works lie outside the City's jurisdiction. However, comments associated with this previous version may need to be clarified and as noted in the referrals section below, the City is working on updated comments from Westbank First Nation.

### Emergency Services:

With the addition of the proposed residential units, commercial marina, and agricultural development, additional pressure may be added to egress of the area. **The applicant's Traffic Assessment suggests that a holistic discussion that includes all stakeholders (MOTI, WFN, CWK, and emergency response) is required to review emergency access options.**

Due to steep slopes and existing development including park and residential uses, there are limited options for additional emergency access/egress routes out of the neighbourhood other than Campbell Road. The City's Traffic Consultant notes that with limited emergency access opportunities, careful consideration should be taken to allow additional development in the Casa Loma area.

A working group, led by the City is currently working on an Evacuation Plan for the Casa Loma Neighbourhood to mitigate risks associated with the emergency egress of existing and proposed development along Campbell Road.

Fire Hall Station 32 is outside the recommended maximum 2.5 to 5 km response distance from fire stations for insurance purposes (approximately 5.8 km to the edge of the subject

property with a 9 minute response time). Additionally, the proposed residential development and marina could result in an increased volume of Fire Department responses at the edge of the fire response area which may leave other areas left uncovered. Parking on Campbell Road is not supported, as it has the potential to increase evacuation times out of the area.

#### Campbell Road Improvements and Dedication:

A portion of Campbell Road that extends through the subject property is not currently located within a dedicated road right of way and is considered a Section 42 road under the *Transportation Act*. This would be required to be dedicated to the City as a condition of the development of the lands to support anticipated improvements to the roadway.

Campbell Road is identified with an Urban Minor Collector road standard as per the Works and Services Bylaw No. 0249, and the Recreational Trails Master Plan recommends a Narrow Multi-Use Trail (pedestrians and cyclists) along Campbell Road<sup>6</sup>.

Should the amendment proceed, it is recommended that as condition of zoning:

- A preliminary design drawing for the proposed Campbell Road improvements, including provision for a Narrow Multi-use Trail, is provided to the satisfaction of the Director of Development Services within the required covenant noted below; and
- That a Section 219 covenant is registered to restrict development until a Narrow Multi-use Trail along Campbell Road, with a 1.8 m wide, asphalt paved surface to connect seamlessly with the recently constructed multi-use pathway on Westbank First Nations land has been constructed or secured, including any dedication or required statutory right of ways.

Given the concerns regarding conflicts with parking associated with any proposed marina, road design considerations will also include potential parking restrictions along Campbell Road.

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<sup>6</sup> Campbell Road is identified as a major trail corridor route.

### Geotechnical Review:

The development site gradually steepens above Campbell Road to include slopes in excess of 30% and ranging up to 80% slopes with near vertical rock bluff upslope of the development, resulting in the proposed development lying within a rock fall hazard zone. A Geotechnical Recommendations memo<sup>7</sup> indicated that there are no obvious geotechnical hazards that would have an impact on the proposed development site, except for rockfall hazard above the proposed building site which can be mitigated by installing a rockfall fence/barrier. Previous development proposals which involved significant cuts and disturbance in hillside areas are no longer applicable with the new site design. The geotechnical investigation was undertaken to confirm that the land could be developed safely to tolerable risks provided that rock fall mitigation measures are undertaken.



Figure 8: Conceptual Rockfall Barrier Location

Additional subsurface testing and surface analysis was completed to provide greater background for determining the impact of potential cuts and related rock fall mitigation measures, as well as making a series of preliminary design comments and recommendations for consideration at time of more detailed design. Based on the results, “it is Golder’s professional opinion that the land may be used safely for the use intended” and meets the City’s standards for landslide assurance where all recommendations are followed and the rockfall hazard is sufficiently mitigated.

The more recent Calibre report also includes specific recommendations for:

- The use of a rock fall fence/barrier with locations to be determined with the design of the final building locations (conceptual location shown as red dashed line in Figure 8);
- Options for mitigation of rockfall hazard with manual scaling or the installation of a drapery system pinned to the rock face; and
- Consideration of access for future fence maintenance, debris removal and limiting additional hillside disturbance<sup>8</sup>.

The reports note that some recommendations may be preliminary in nature which will require refinement as additional design details become available, such as specific foundation considerations, the rock catchment locations, conveyance of storm drainage from Lakeview Heights, etc. Final design details will be addressed through the future

<sup>7</sup> Geotechnical Recommendations Memo prepared by Calibre Geotechnical Engineering Ltd., dated August 28, 2020

<sup>8</sup> Geotechnical Investigation Report, pg. 16, “...based on the configuration of the proposed development and the environmental considerations, it is Golder’s opinion that only the implementation of a rockfall catchment fencing system between the upper cut area for the development and the rock bluff will provide the required rockfall mitigation measures.”



development permit process with collaboration between the civil and geotechnical engineers.

It is recommended that an Updated Geotechnical Report is provided prior to second reading that includes a Landslide Assessment Assurance Statement, as well as updates to the proposed building footprints.

### Environmental Review:

A number of environmental reports have been provided by the applicant in support of the proposed development. The most recent report was in support of the marina and included additional technical information regarding the proposed access through the ALR lands, as well as provided recommended species at risk (SAR) studies (upland and foreshore).

In addition to the original studies, recommendations included:

- Maintaining the proposed larger 20 m riparian area and foreshore setback;
- Moving development away from identified high environmental sensitivity areas (ESA);
- Ensuring rock fall mitigation measures include the least environmental disturbance; and
- Identification of endangered and blue listed species of special concern (bats and birds) resulting in the requirement for site development to preserve key habitat areas and follow protocol regarding construction timing and methods (noise and vibration).

This information was in addition to the original reports, where it was noted that the conceptual design will have direct impact on ESA2 areas and some potential impact on ESA1 areas upslope of the development, as well as impacts from the marina. These details would be addressed in greater detail through the future development permit process and were used in support of revisions to the building footprints to reduce the impact to the ESA.

### Referral Responses

A referral for the application was circulated to all departments and key agencies, and the following external comments were received:

- *Fortis*
  - No objections to the proposed development;
- *BC Hydro*
  - Requires a statutory right of way from the developer;
- *BC Transit*
  - Has no objection to the development but noted that density, location, road network and usage surrounding the development means that future transit service to this area will be either unlikely or extremely limited;
- *Ministry of Transportation*
  - Had no updated comments except to note that the development was outside 800 m from a Controlled Access Highway which would mean they are not required to approve the zoning amendment;

- (Note: any proposed traffic improvements on the Hwy 97 corridor require MOTI approval);
- *Interior Health*
  - Concern the revised proposal does not support food security with the permanent loss of land for parking areas and permanent facilities and noted that healthy built environments include connectivity to encourage active transportation;
- *Ministry of Agriculture, Fisheries and Food*
  - Noted concern that the proposed development will reduce productive land for winery, driveways and parkade with impact to natural soil, drainage and aspect;
  - Recommend Agricultural Covenant on adjacent residential area to advise of agricultural operations (noise, dust, etc.) and consideration for buffering even with the road separating the ALR land;
  - Concern with future trespass and increased access to orchard/vineyard from public affecting viability to maneuver farm equipment on shared accesses; and
  - Concern with future pressure from the marina development to exclude more lands later for parking as vehicle commuting to location is more likely than pedestrian access.

### Outstanding Referrals

Technical comments have not been received from the following agencies on the revised proposal. Additional information will be provided at second reading of the bylaw amendments.

- Westbank First Nation;
- Agricultural Land Commission;
- Ministry of Environment; and
- Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (related to marina approvals).

### Advisory Planning Commission (AAC)

The AAC considered the application on July 7, 2021 and carried the following motion:

***THAT the Agricultural Advisory Committee recommend support for file Z 20-08, OCP and Zoning amendment, 2211 Campbell Road [as presented].***

The AAC gave support for the proposed marina, including the proposed parking structures, with consideration for the specific greenhouse element as a key feature to mitigate the impact of the parking structure. However, they did note that they would have additional comments through their review of any future non-farm use application that would likely result in additional recommendations for conditions associated with any approval of the proposed non-farm uses by both the City and the Agricultural Land Commission.

### Advisory Planning Commission (APC)

The APC considered the application on July 21, 2021 and carried the following motion:

***THAT the Advisory Planning Commission recommend support for Official Community Plan Amendment to Low Density Multiple Family and Zoning Amendment from A1 to R3 on the Western portion of the property as presented.***

Although the APC supported the R3 zoning above Campbell Road, they were split over the proposed W3 and A1 amendments. They had considered two other motions with regard to the proposed A1 and W3 Zoning Bylaw Amendments which were both defeated noting concerns with:

- Marina parking on Agricultural land and traffic impacts to Campbell Road;
- Impact from intensified use adjacent to and on Agricultural land;
- Impact to water quality and public use of the waterline adjacent to shore; and
- Potential loss of Agricultural land.

Acknowledging these concerns as well as other technical and policy implications noted above, the bylaws recommended by staff now include moorage limited to a number of boat slips commensurate with the maximum number of upland residential units which is proposed as sixty (60) units; rather than the applicant's proposed commercial 242 boat slip marina. With this change, the proposed parkade and parking areas have also been removed from the agricultural portion of the bylaw amendment to limit the potential impacts to the agricultural lands to just the dock access, including vehicular or pedestrian movements through the A1 zoned area. The applicant's request for the 242 slip marina and parking on the A1 zoned area is represented in the "Optional" bylaw for Council should they wish to consider this option.

#### Public Notification

Two notice of application signs have been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0260, along Campbell Road at the north and south ends of the property. In addition, the applicant has completed additional public open house events (attached).

#### Legislative Requirements

Council has the authority under Part 14, s. 472 of the *Local Government Act* to amend the Official Community Plan and s. 479 to create and amend the Zoning Bylaw.

### **CONCLUSION**

It is recommended that Council give first reading to the staff recommendation based on the following:

- The proposed low density multiple family and R3 zoning amendments are consistent with Official Community Plan policy:

- Residential policies encourage the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities.
- Infill development makes more efficient use of community services and reduces development pressures at the urban fringes.
- Additional technical reporting will be provided prior to any further consideration of the bylaw amendments to clarify the potential future off-site servicing impacts that may be required as a condition of zoning.
- The proposed A1 and W2 zoning amendments strikes a balance between the provision of waterfront amenities to upland residential uses and access through the section of remaining agricultural lands, where non-farm use conditions will be addressed through the review of a conditional ALR application.
- The future development permit process will ensure that the proposed upland covenant area is in place to protect existing steep slopes and environmentally sensitive areas, as well as ensure the form and character of the proposed development fits within the character of the surrounding neighbourhood.
- The boundary of the low density multi-family residential use has an appropriate transition to the existing adjacent compact single family residential zone with a large hillside buffer between the areas, and is consistent with development to the north on Westbank First Nation lands.
- The required dedication of Campbell Road will formalize the road network connectivity to the Casa Loma neighbourhood, as well as key infrastructure and utility rights of way, and will act as a buffer between the new residential area above Campbell Road and the agricultural land below Campbell Road.

### **Summary of Anticipated Zoning Conditions**

Should the bylaw amendments proceed, the following list summarizes the anticipated conditions of rezoning; it is a preliminary list and is subject to change through the application review and public hearing process:

1. Submission of the following items to the satisfaction of the Director of Development Services:
  - a. Off-site water infrastructure improvements (conceptual design drawing and cost estimate); and
  - b. Preliminary design drawings for the proposed Campbell Road improvements, including provision for a Narrow Multi-use Trail;
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 development to a maximum of 60 units;
  - b. Restrict subdivision of the subject property as applicable to address the connection of the upland residential development with the water use zone;

- c. Restrict development until a Narrow Multi-use Trail along Campbell Road has been constructed or secured, including any dedication or required statutory right of ways;
  - d. Restrict development until off-site water infrastructure works have been constructed or secured, including any required statutory right of ways;
  - e. Restrict development until off-site sanitary sewer infrastructure works have been constructed or secured; and
  - f. Restrict development until the collection and safe conveyance of drainage from the Lakeview Heights area through the subject property has been constructed or secured;
5. Confirmation of conditional approval<sup>9</sup> by the Province for the proposed marina with the revised zoning amendments; and
  6. Conditional approval<sup>10</sup> by the ALC for the proposed non-farm use (separate application required) to permit the proposed shared driveway access (including pedestrian access to the foreshore) and potentially parkade/parking structures.

### **Alternate Motion(s):**

#### Option 1 – Applicant’s Request:

Give 1<sup>st</sup> Reading to Bylaws in support of 242 slip Marina and Parkade Structures as follows:

- 1) **THAT** Council give first reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.62, 2021 (File: Z 20-08); and
- 2) **THAT** Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.96, 2021 (File: Z 20-08); and
- 3) **THAT** Council give first reading to the City of West Kelowna Zoning Amendment Bylaw No. 0154.107, 2021 (File: Z 20-08), as per the attached W3 Marina Option reflecting the applicant’s requested amendment (*Attachment 4*); and
- 4) **THAT** Council direct staff 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;
  - Revised Geotechnical Report; and
  - Updated and Consolidated Environmental Report.

Should Council give first reading to the proposed bylaw amendments including the optional W3 Marina option, staff will continue to work with the applicant on any required technical reporting revisions or updates in preparation for consideration of second reading.

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<sup>9</sup> Approval subject to successful rezoning for the Commercial Water Use Zone (W3)

<sup>10</sup> Approval subject to successful rezoning for the Commercial Water Use Zone (W3)

Option 2 – 1<sup>st</sup> Reading of residential component without moorage opportunities

- 5) **THAT** Council give first reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.62, 2021 (File: Z 20-08); and
- 6) **THAT** Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.96, 2021 (File: Z 20-08); and
- 7) **THAT** Council direct staff 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;
  - Revised Geotechnical Report; and
  - Updated and Consolidated Environmental Report.

Option 3: Postpone 1<sup>st</sup> Reading until of completion of OCP update

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

Option 4: Deny the Application

- 1) **THAT** Council deny File: Z 20-08 for 2211 Campbell Road.

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal six months after initial Council consideration.

**REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

**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. Optional Zoning Amendment Bylaw No. 0154.107 for Marina and Agricultural Area - Applicant's Position
5. Applicant Public Engagement Summary
6. Applicant Letter of Rationale
7. Applicant Marina Rationale
8. Development Concept Drawings
9. Agrologist Opinion Letter – including the Agricultural and Marina Site Layout and Cross Section of Parking Structure Greenhouse
10. Agricultural (A1) Zone
11. Low Density Multiple Residential (R3) Zone
12. Intensive Water Use (W2) Zone
13. Commercial Water Use (W3) Zone
14. Summary of Technical Reports