



COUNCIL REPORT

To: Paul Gipps, CAO

Date: April 19, 2022

From: Carla Eaton / Brent Magnan

File No: Z 20-08 / A 21-07

Subject: **Z 20-08, Official Community Plan and Zoning Amendment Bylaw No. 100.62, 154.96 and 154.97 (3rd); AND A 21-07, Non-Farm Use, 2211 Campbell Road**

Option 1: Give Third Reading to Residential and Water Use Bylaws AND Support ALR Non-Farm Uses for access to moorage facility as outlined in Schedule A including:

- Restrict development to a maximum of 60 units;
- Restrict development pending completion of a second emergency egress and appropriate fire mitigation measures;
- Require proportional financial contribution towards increased emergency egress requirements and fire mitigation;
- Ensure servicing improvements (water and stormwater) are completed to support the proposed development including any SRWs;
- Ensure transportation improvements are identified and agreements completed to support the proposed development (e.g. road dedication, Campbell Road pedestrian improvements);
- Support ALR Non-Farm Uses for access to moorage facility and drainage route.
- Restrict future subdivision of agricultural lands;

Option 2: Give Third Reading to Residential Bylaws only (No approval for Water Use / Moorage facility) AND not support ALR Non-Farm Uses as outlined in Schedule B including:

- Restrict development to a maximum of 60 units;
- Restrict development pending completion of a second emergency egress and appropriate fire mitigation measures;
- Require proportional financial contribution towards increased emergency egress requirements and fire mitigation;
- Ensure servicing improvements (water and stormwater) are completed to support the proposed development including any SRWs;
- Ensure transportation improvements are identified and agreements completed to support the proposed development (e.g. road dedication, Campbell Road pedestrian improvements);
- Support ALR Non-Farm Use utility corridor only for drainage SRW through ALR lands.

Option 3: Postpone Third Reading

THAT Council postpone third reading to the proposed Official Community Plan and Zoning Bylaw Amendments (File: Z 20-08).

Should Council want additional information or time to consider the materials presented, the application may be postponed to allow the applicant the opportunity to provide the necessary technical material to support 3rd reading.

Option 4: Deny Application

THAT Council deny the application (File: Z 20-08) to amend the Official Community Plan and Zoning Bylaw for 2211 Campbell Road; and

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

THAT Council direct staff to close File: Z 20-08.

Should Council deny the proposal, the applicant may not apply for a similar application for a period of six months, in accordance with the City's Development Applications Procedures Bylaw No. 0260.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – support initiatives that promote the community's livability, local business recovery and growth, agriculture, wineries, natural beauty, amenities, rich culture, and other attributes that position West Kelowna as a place to live, invest, work and play (Council's draft 2022 Strategic Priorities)

BACKGROUND

This report is intended to provide an overview of the Public Hearing held on February 9, 2022, and provide options for Council's consideration. Council gave first reading to the proposed amendments on August 24, 2021, and second reading on December 14, 2021.

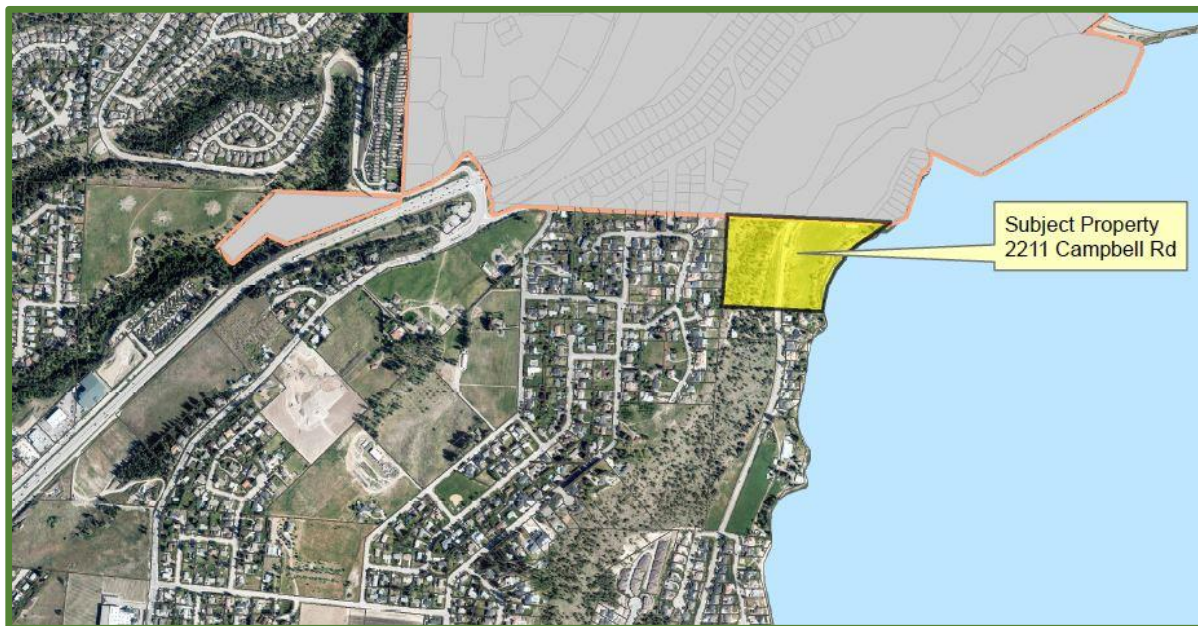
PROPERTY DETAILS			
Address	2211 Campbell Road		
PID	011-516-402		
Folio	36412782.000		
Lot Size	7.09 ha (17.52 acres)		
Owner	1087032 B.C. Ltd. (Inc. No. 1087032)	Agent	CTQ Consultants (Justin Rubello)

Current Zoning	Agricultural (A1)	Proposed Zoning	R3, W2, 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, Dock, 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



Overview of Bylaw Amendments Proposal

The applicant has applied to amend the Official Community Plan and Zoning Bylaw to support a residential townhome development of up to 60 units and a private dock up to 60 boat slips on Okanagan Lake (*Attachments 1, 2 and 3*). West of Campbell Road, the proposed OCP amendment is from Agricultural to Low Density Multiple Family and the Zoning Amendment is from Agricultural (A1) to Low Density Multiple Family (R3). East of Campbell Road, the Zoning Amendment includes a site-specific text amendment to the Agricultural (A1) Zone to allow access to a private dock. On Okanagan Lake, the proposed Zoning Amendment is from Recreational water Use (W1) to Intensive Water Use Zone (W2).

Overview of ALC Non-Farm Use Proposal

The applicant has proposed a **shared driveway/access** through the portion of the subject property located within the Agricultural Land Reserve, including **pedestrian access** through the riparian area to a proposed private moorage facility. Agricultural Land Commission (ALC) approval is required to accommodate the proposed non-farm uses on ALR lands, as well as the proposed statutory right of way to accommodate a drainage utility corridor along the shared driveway. The applicant has provided a background and rationale letter to support the Non-Farm Use application, including an agrologist opinion letter on the non-farm use activity within the ALR, a clarification of inconsistencies, as well as a conceptual site plan, site renderings and proposal sketch (*Attachments 4 to 9*).

Overview of Public Hearing

A Public Hearing was held on February 9, 2022, including online and in-person attendance whereby 48 people presented their views to Council on the proposed bylaw, including the agent and agent's consulting team. In addition, 110 written submissions were received as part of the public submission period, including an 80 person petition. The submissions include a variety of concerns regarding the application, as well as supporting comments.

A summary of the items presented at the public hearing are outlined below. A detailed account of the Public Hearing can be reviewed in the minutes attached to this Council Agenda (*Attachment 10*).

Items presented at the Public Hearing in support of the bylaw amendments are as follows:

Housing Availability

- new housing will free up other housing contributing to overall increased affordability and availability in the greater community;
- growth is anticipated in West Kelowna and should be accommodated in order to meet projected housing demands;
- townhouse projects provide a lower maintenance housing option to the single family residential housing stock which forms the primary form of housing within the City;

Form and Character Implications

- applicant has reduced density and scale of project in response to feedback some support for a reduced maximum number of residential units;
- townhouse proposal is consistent with form and character of other townhouse developments in West Kelowna and on Campbell Road;
- support for the proposed development as an infill project given the proximity to the Lake and City of Kelowna;
- the reduced size of the moorage facility will create less impact than the previous large commercial marina;

Economic and Employment Implications

- support for project as it will contribute to the local economy with jobs and tax dollars; and
- proposal supports agri-tourism development and related agricultural diversification.

Items presented at the Public Hearing representing concerns with the bylaw amendments are as follows:

Hillside and Environmental Implications

- loss of wildlife corridor and negative environmental impacts associated with development on the hillside or stormwater outflows into the lake;

- visual aesthetic impact from the anticipated hillside disturbances (rock cuts) and concern with geotechnical stability above the proposed residential area from the degree of anticipated site disturbance;
- impact of two rows of residential development on the hillside cuts, with some preference for a single row to reduce hillside impact by working with the existing topography;

Geotechnical

- concerns regarding the geotechnical stability of the proposal and potential risk to adjacent upslope properties;
- concerns regarding blasting impacts and ensuring upslope properties are protected from future potential damage;

Parks Implications

- impact to existing parks/beaches from increased density within the neighbourhood with no additional improvement proposed;

Moorage Implications

- concern with size of proposed facility and additional boat traffic within the vicinity of other large marinas;
- potential damage to water quality due to proximity of the private moorage to the Casa Loma Water Intake;
- potential shoreline impacts from additional waterfront activity (power boating) associated with the proposed dock such as noise, and water pollution from boat use;
- impact on road safety to accommodate Campbell Road crossing associated with the private moorage facility;

Policy Implications

- development is not in conformance with the vision outlined in the City's Official Community Plan (OCP);
- increased density at this scale is not supported if it includes hillside impacts;
- any changes to the OCP at this scale should be completed during the higher level OCP review;
- increased density will negatively change the character of the neighbourhood;

Infrastructure

- concern with sewer odour in the neighbourhood may be exacerbated by the development;

Traffic / Transportation / Access / Egress

- increased density and traffic in the neighbourhood will:
 - compound the negative impacts of the proposed and existing high density development on Westbank First Nation lands at the throat of Campbell Road, such as bridge access, wait times with congestion, etc.;
- concerns regarding emergency access / egress due to increase development (including planned WFN lands) and lack of conformance to NFPA standards

related to the number of projected units and minimum number of accesses recommended for Casa Loma;

- pedestrian and cyclist safety related concerns during periods of construction and with a busier road;
- negative impact of increased traffic on emergency service response and ability to exit the neighbourhood during emergency evacuations, including parking concerns along Campbell Road related to the private moorage facility;
- concern that the area is not serviced by transit;

Emergency Services

- concern with wildfire management to reduce risk to the area along forested cliff face;
- concern regarding the distance to the nearest fire hall to this area and impacts to insurance ratings for Casa Loma residents;

Construction related impacts

- increase potential noise and disruption to the area during years of proposed construction (construction parking, construction noise, heavy equipment traffic on an already congested road, impacts to health from dust, impact to daily commuter traffic if road is under construction);
- Impacts related to the number of trucks required to remove the fill associated with the development;

Proposed Non-Farm Use on the Agricultural Land Reserve

- impact to ALR lands from the proposed dock access, such as trespass, parking and creating development pressure and loss of agricultural lands from the turnaround and other non-farm uses;
- recommend caveats on any ALR decisions to ensure that the agricultural lands remain productive and farmed responsibly, including security and other terms;
- concern with who will own and manage the ALR land and increased risk that the proposed subdivision restriction will restrict the future agricultural operation if tied to a more complex strata development (townhouse and private moorage); and
- concern with the deteriorating condition of the ALR lands.

It is noted that the applicant's technical team was present to provide additional clarity and comment on many of the items raised during the hearing including environmental impacts, traffic impacts, geotechnical impacts, etc. (see attached minutes).

DISCUSSION

The following sections provide follow-up to questions, as well as elaborating on the proposed conditions of zoning noted at public hearing.

Emergency Access / Fire Mitigation

Issues related to emergency egress of Casa Loma continue to be a concern for the existing neighbourhood and for future development in the area. Given concerns

expressed at the public hearing, consideration of the wildfire risk, and limited egress requirements in Casa Loma, it is recommended that prior to any development of the lands additional measures be put in place to address a secondary egress as well as wildfire mitigation.

It is also recommended that these measures be secured at time of adoption with a Section 219 covenant. The covenant should reflect that prior to the approval of any physical development on the lands, these items be addressed to the satisfaction of the City, and that the developer be required to contribute proportionally towards the cost of the projects.

Should Council proceed with the zoning amendments, staff will bring forward the **necessary agreements** at adoption confirming:

- Completion of a secondary egress (design and construction to be finalized) prior to physical development
- Potential initiatives and/or requirements to address recommendations as proposed by the Casa Loma joint Evacuation Planning Committee including:
 - FireSmart measures, Evacuation Route(s), Fire danger signage and warning siren, fuel treatments, no parking zones, etc.;
- Wildfire mitigation options;
- Community signage (no parking, evacuation routing, etc.);
- Community education; and
- Proportional financial contributions towards the cost of any improvements.

Transportation Infrastructure

Should Council wish to move forward with the residential and agricultural components of the bylaw amendments, staff will confirm technical details prior to adoption related to transportation improvements including:

- Preliminary design drawings for the proposed Campbell Road improvements, including provision for a Narrow Multi-use Trail;
- Conceptual design drawing for the non-farm use access lane, including consideration of turning movements and stormwater improvements (SRW);
- Preliminary design drawings for a Narrow Multi-use Trail along Campbell Road; and
- Dedication of the portion of Campbell Road that crosses the subject property.

Should Council wish to move forward with other iterations of the bylaws, this information would be amended accordingly.

Water Service

As noted at public hearing, the City's water consultant (AECOM) has provided updated water modelling results which identified four potential water servicing options for the site. Based on these results, the applicant is working to finalize the water servicing routing and related off-site water improvements which may include items such as upgrades to water mains, connections, securing rights of way, and installation of water infrastructure between pressure zones.

Should Council wish to move forward with the residential component of the bylaw amendments, staff will confirm the necessary water service improvements prior to adoption including:

- Updated Water Memo to confirm water design criteria, off-site water routing, and to provide preliminary design drawing and cost estimate for the off-site water infrastructure improvements; and
- Covenant to restrict development until off-site water infrastructure works have been constructed or secured, including any required statutory right of ways.

Should Council wish to move forward with other iterations of the bylaws, this information would be amended accordingly.

Storm Water Management

Should Council support the proposed residential amendment bylaws (regardless of support for the proposed private moorage and access), a statutory right of way across the ALR lands will be necessary to accommodate both the City's Master Drainage Plan routing to discharge ultimately at Okanagan Lake, as well as accommodating emergency overland flow routes necessary to address the proposed townhouse development and Campbell Road improvements. The applicant is working to finalize the conceptual stormwater plan based on technical review. The stormwater plan is also a critical component of determining the non-farm use application area required to accommodate the stormwater infrastructure running through the ALR lands.

As such, should Council wish to move forward with the residential components of the bylaw amendments, staff will confirm storm water improvements prior to adoption including:

- Conceptual stormwater plan drawing, including consideration of how all the stormwater components outlined in the FSR work as a whole, and to confirm the stormwater SRW (area, location and design) through the ALR lands;
- 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; and
- Registration of a Covenant to restrict development until the collection and safe conveyance of drainage from the Lakeview Heights area through the subject property has been secured.

Should Council wish to move forward with other iterations of the bylaws, this information would be amended accordingly.

Sanitary Sewer - Odour

The concerns noted regarding odour from the sanitary sewer system in the area is related to the RDCO infrastructure which runs along Campbell Road. It is noted that during peak hours of water use, sanitary flows are higher. As the sanitary sewer pipes fills, the (liquid) level rises in the pipe and the air that was in the pipe is displaced and pushed out through any open orifice, such as pick holes in manhole lids. The RDCO uses a liquid additive to the sanitary sewer which eliminates odour and corrosion. RDCO adds this solution at the

IR#10 pump station and the wet well in Casa Loma Park. In recent discussions with the RDCO, they note that they have not received any odour complaints in some time. Additional concerns or comments can be forward to the RDCO.

Non-Farm Use and Agricultural Considerations

Access to the dock is anticipated to be via existing / new farm roads (red arrow) limited to pedestrians, vehicles access with maximum 15 minute loading/unloading, and emergency vehicle access with turnaround area (blue arrow), and a short pedestrian only walkway access to the dock through the riparian area (yellow arrow). The proposed uses are within the Agricultural Land Reserve (ALR).

No parking for boat trailers or vehicles will be permitted on the agricultural lands, or on Campbell Road, and will be accommodated off-site or as part of the future upland townhouse development that lies outside of the ALR.

The applicant notes that they have attempted to address concerns with the use of agricultural lands to administer the moorage facility, such as potential parking issues or introduction of the public into an active farm operation, through proposed operational mitigation measures including signage, fencing, buffering, etc.



Foreshore Ownership and Moorage Licensing

Referral and technical feedback has noted that the viability of agricultural investment on the property may be increased by allowing subdivision of the agricultural lands from the upper residential development. However, IF the dock is permitted, subdivision would not be permitted due to licensing requirements of the province regarding upland ownership. As such, it is recommended that IF the dock is permitted that a covenant restricting subdivision of the residential and agricultural portions of the lands be required, which is reflection in Option 1. In addition to provincial moorage licensing concerns, restricting subdivision will address concerns of vesting foreshore rights in upland residential land owners that do not have tenure of the foreshore. The precedent of an upland land owner (without lake frontage) having rights to foreshore tenure is of considerable concern throughout the community. The applicant had provided a letter outlining an alternate position with regard to allowing subdivision of the agricultural lands (*Attachment 11*); however, they have since rescinded their interest in subdivision of the agricultural lands from the upland parcel based on additional legal advice.

Viability of Agricultural Operations

If a subdivision restriction is placed on the agricultural lands as a result of conditions associated with rezoning to permit the dock, the applicant intends to lease the agricultural lands to ensure long term agricultural use of the ALR portion of the property (see *Attachment 11*). However, there is concern with the level of investment and complexity of the legal agreement that would be reasonably expected when entering into a long term lease with a residential strata. The future viability of intensive agricultural development (e.g. Winery) may be challenged by the proposed lease structure, rather than freehold agricultural land. This concern is reflected in Option 2 that does not permit the dock and dock access through the ALR lands, which would allow the agricultural lands to be subdivided from the upland residential use and may support a more viable agricultural development separate from the upland residential use.

ALR Non-Farm Use - Options for Consideration

Should Council wish to consider private access to the proposed moorage facility via the agricultural lands, then the ALC application may be supported with considerations as per Option 1. This includes placing caveats or controls on agricultural lands to ensure it is maintained as a viable operation including:

- That **buffer fencing and planting** be required to be installed between the shared driveway/access and the productive agricultural lands to reduce potential trespass, including appropriate security to ensure their installation;
- That **active agricultural signs** be required to be posted along the perimeter of the productive agricultural lands, including appropriate security to ensure their installation;
- That ALC require **confirmation of the proposed improvements** for the productive agricultural lands, including consideration for:
 - a **long term farm plan** to address the restoration of the agricultural lands,
 - **planting plans with security** for the installation of new plant material,
 - clarification of the **long term lease terms** or ownership and management scheme for the agricultural lands whether or not they are permitted to be subdivided from the townhouse development.

Should Council wish to only consider permitting the residential townhouse development, then a revised ALC application may be supported to permit a non-farm use utility corridor only for the proposed drainage SRW through the ALR, pending clarification of the SRW area, which is outlined as Option 2.

Hillside Impacts

Significant concern was noted at the public hearing with respect to the level of impact due to the proposed site modifications (rock cut) required to support the development. It is noted that any future development would be required to be in compliance with the City's Hillside Development Permit Guidelines, and that additional geotechnical review would be required to ensure stability is considered for the site. In addition, Council would be required to review and approve the hillside development permit application. Based on the information provided at public hearing, the proposed site modifications/cuts would not meet the hillside development permit guidelines; however, the applicant has noted their

intention to revise the proposal in concert with the City’s Hillside Development Permit guidelines. At this time, Council could provide additional direction on items such as the development footprint, scale of the proposed rock cuts, and visual impacts of the development, in order to reduce hillside impacts in keeping with the guidelines.

Given this, additional oversight and control is in place to ensure that the development is completed in a safe manner for the proposed units as well as residents located above the site.

Rockfall liability

With respect to concerns for liabilities for potential rockfall events which impact the proposed structures, or those surrounding the development; the City requires all geotechnical reporting to be completed as per the City’s Terms of Reference for Professional Reporting. This includes ensuring geotechnical engineers meet an adopted Level of Safety and provide a Landslide Assurance Statement. Geotechnical information and recommendations are registered via Section 219 covenant on title of the property as a condition of development to ensure all future owners are aware of the rockfall protection measures, limitations and recommendations completed by the geotechnical engineer.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
February 9, 2022	Public Hearing held	N/A
December 14, 2021	<p>THAT Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.62, 2021; and</p> <p>THAT Council give second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.96, 2021; and</p> <p>THAT Council give second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.97, 2021; and</p> <p>THAT Council direct staff to schedule the bylaws for Public Hearing.</p>	C381/21
August 24, 2021	<p>THAT Council give first reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.62, 2021; and</p> <p>THAT Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.96, 2021; and</p>	C274/21

THAT Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.97, 2021; 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.

CONCLUSION

The options presented in this report are intended to provide succinct direction to the applicant in moving their application forward.

REVIEWED BY

Brent Magnan, Director of Development Approvals

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. CTQ Background and Rationale letter to support the Non-Farm Use Application
5. Agrology Opinion Letter on the non-farm use activity within the ALR
6. CTQ Clarification of Inconsistencies letter
7. Conceptual Site Plan for ALR lands
8. Conceptual Site Renderings
9. Applicant ALR Proposal
10. Public Hearing Minutes Feb 9, 2022
11. Applicant's Letter re: Complexity of Leased Ownership Arrangements for ALR Lands

Schedule 'A'

Option 1: Give Third Reading to Residential and Water Use Bylaws (Restricting future subdivision) AND Support ALR Non-Farm Uses for access to moorage facility.

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

THAT Council support the request to **permit a non-farm use** for the proposed shared driveway/access and drainage through the Agricultural Land Reserve (File: A 21-07), **pending clarification of the SRW** area and direct staff to forward the application to the Agricultural Land Commission for consideration subject to the following:

1. That any ALC Non-Farm Use approval is **subject to the City's adoption** of the Zoning Amendment Bylaw permitting the non-farm use (dock and shared access);
2. That **buffer fencing and planting** be required to be installed between the shared driveway/access and the productive agricultural lands to reduce potential trespass, including appropriate security to ensure their installation;
3. That **active agricultural signs** be required to be posted along the perimeter of the productive agricultural lands, including appropriate security to ensure their installation;
4. That ALC require **confirmation of the proposed improvements** for the productive agricultural lands, including consideration for a long term farm plan to address the restoration of the agricultural lands, planting plans with security for the installation of new plant material, clarification of the long term lease terms or ownership and management scheme for the agricultural lands which are not permitted to be subdivided from the townhouse development; and

THAT Council direct staff to schedule the proposed bylaws **for adoption pending** confirmation of the following:

1. Submission of the following items to the satisfaction of the City:
 - a. **Updated Water Memo** to confirm water design criteria, off-site water routing, and to provide preliminary design drawing and cost estimate for the off-site water infrastructure improvements; and
 - b. Preliminary design drawings for the **proposed Campbell Road improvements**, including provision for a Narrow Multi-use Trail;
 - c. **Conceptual stormwater plan drawing**, including consideration of how all the stormwater components outlined in the FSR work as a whole, and to confirm the stormwater SRW (area, location and design) through the ALR lands; and
 - d. Conceptual design drawing for the **non-farm use access lane**, including consideration of turning movements and stormwater improvements (SRW);
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 subdivision** of the subject property as applicable to address the connection of the upland residential development with the water use zone;
 - b. Restrict development to a **maximum of 60 units**;
 - c. Restrict development until:
 - (i) a **second emergency egress** and appropriate **wildfire mitigation** has been completed to the satisfaction of the City;
 - (ii) a **proportional financial contribution** is submitted by the applicant towards increased emergency egress requirements and wildfire mitigation to the satisfaction of the City;
 - (iii) a **Narrow Multi-use Trail** along Campbell Road has been constructed or secured, including any dedication or required statutory right of ways;
 - (iv) **off-site water infrastructure** works have been constructed or secured, including any required statutory right of ways;
 - (v) the collection and **safe conveyance** of drainage from the Lakeview Heights area through the subject property has been secured;
 - d. Restrict any plant species not recommended adjacent to agricultural lands, and to notify future owners of farm operation;
 5. Confirmation of conditional **approval by the Province** for the proposed dock with the revised zoning amendments; and
 6. Conditional **approval by the ALC** for the proposed non-farm use (File: A 21-07) to permit the proposed shared driveway/access, pedestrian access through the riparian area to the foreshore and dock, and for the statutory right of way to accommodate the safe conveyance of drainage through to Okanagan Lake.

Schedule 'B'

Option 2: Give Third Reading to Residential Bylaws only (No approval for Water Use / Moorage facility) AND Not Support ALR Non-Farm Uses

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

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

THAT Council **support** the request to permit a **non-farm use utility corridor only** for the proposed drainage SRW through the Agricultural Land Reserve (A 21-07), pending clarification of the SRW area, and direct staff to forward the revised application (to the Agricultural Land Commission for consideration; and,

THAT Council direct staff to schedule the proposed bylaws **for adoption pending** confirmation of the following:

1. Submission of the following items to the satisfaction of the Director of Development Approvals:
 - **Updated Water Memo** to confirm water design criteria, off-site water routing, and to provide preliminary design drawing and cost estimate for the off-site water infrastructure improvements;
 - Preliminary design drawings for the **proposed Campbell Road improvements**, including provision for a Narrow Multi-use Trail;
 - **Conceptual stormwater plan drawing**, including consideration of how all the stormwater components outlined in the FSR work as a whole, and to confirm the stormwater SRW (area, location and design) through the ALR lands; and
 - Conceptual design drawing for the **non-farm use access lane**, including consideration of turning movements and stormwater improvements (SRW);
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:
 - Restrict development to a **maximum of 60 units**;
 - Restrict development until:
 - i. a **second emergency egress** and appropriate **wildfire mitigation** has been completed to the satisfaction of the City;
 - ii. a **proportional financial contribution** is submitted by the applicant towards increased emergency egress requirements and wildfire mitigation to the satisfaction of the City;

- iii. a **Narrow Multi-use Trail** along Campbell Road has been constructed or secured, including any dedication or required statutory right of ways;
 - iv. **off-site water infrastructure** works have been constructed or secured, including any required statutory right of ways;
 - v. the collection and **safe conveyance** of drainage from the Lakeview Heights area through the subject property has been secured; and
5. Conditional **approval by the ALC** for the proposed utility corridor non-farm use (File: A 21-07) to permit the proposed statutory right of way to accommodate the safe conveyance of drainage through to Okanagan Lake.