



**CITY OF WEST KELOWNA  
AGRICULTURAL ADVISORY COMMITTEE AGENDA**

Wednesday, November 1, 2023, 5:00 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

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**Pages**

**1. CALL THE AGRICULTURAL ADVISORY COMMITTEE MEETING TO ORDER**

It is acknowledged that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

This meeting is open to the public. This meeting is being webcast live and will be archived on the City's website.

**2. INTRODUCTION OF LATE ITEMS**

**3. ADOPTION OF AGENDA**

**4. ADOPTION OF MINUTES**

**4.1 Minutes of the Agricultural Advisory Committee Meeting held  
Wednesday, August 2, 2023 in the City of West Kelowna Council  
Chambers**

**3**

**5. PRESENTATIONS**

**6. DELEGATIONS**

**7. UNFINISHED BUSINESS**

**8. REFERRALS**

**8.1 DVP 23-10; Development Variance Permit; 1895 Bartley Road**

**8**

**8.2 Z 23-09; Zoning Bylaw Amendment; 2355 Marshall Road**

**32**

**8.3 P 23-01; City Led ALR Exclusion Application; 3743 and 3737 Old  
Okanagan Highway**

**133**

**9. CORRESPONDENCE AND INFORMATION ITEMS**

**10. OTHER BUSINESS**

**10.1 Agricultural Advisory Committee Meeting Schedule 2024**

142

**11. ADJOURNMENT OF THE MEETING**

The next Agricultural Advisory Committee meeting is scheduled for Wednesday, December 6, 2023 at 5:00 p.m.



**CITY OF WEST KELOWNA**  
**MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE MEETING**

Wednesday, August 2, 2023  
COUNCIL CHAMBERS  
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Geoffrey Oliver, Chair  
Philip Gyug  
Anton Schori  
Nikko Shankman

MEMBERS ABSENT: Jan Bath, Vice Chair  
Serina Penner

Staff Present: Yvonne Mitchell, Planner II  
Cam Graham, Planner I

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**1. CALL THE AGRICULTURAL ADVISORY COMMITTEE MEETING TO ORDER**

The meeting was called to order at 5:00 p.m.

It was acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

This meeting was open to the public. This meeting was webcast live and archived on the City's website.

**2. INTRODUCTION OF LATE ITEMS**

**3. ADOPTION OF AGENDA**

It was moved and seconded

**THAT** the agenda be adopted as presented.

CARRIED UNANIMOUSLY

**4. ADOPTION OF MINUTES**

**4.1 Minutes of the Agricultural Advisory Committee Meeting held Wednesday, May 3, 2023 in the City of West Kelowna Council Chambers**

It was moved and seconded

**THAT** the minutes of the Agricultural Advisory Committee meeting held Wednesday, May 3, 2023 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

**5. PRESENTATIONS**

**6. DELEGATIONS**

**7. UNFINISHED BUSINESS**

**8. REFERRALS**

**8.1 Z 23-04, Zoning Bylaw Amendment, 2004 Bartley Road**

Highlights of the presentation include:

- Subject property is located in the Bartley North Neighbourhood;
- Approximately 9.87 acres and has a single detached dwelling, riding stable and agricultural use (chickens and horses). A 60' x 80' prefabricated steel building in north/east of the property;
- Property is zoned Agricultural (A1) with a Land Use Designation of Agricultural and Resource Land;
- Surrounding uses include: Rural Residential Small Parcel Zone (RU2) and Agricultural Zone (A1);
- Proposal is a site-specific text amendment to allow vehicle and equipment storage in an Agricultural Zone (A1) on approximately 1 acre of the subject property;
- Rational includes new location for Approved Services company equipment is required as current lease is ended and cannot be renewed. Subject property has lots of space;
- Referred to various internal departments and external agencies - no concerns identified at this time;

- Vehicle and equipment storage in the A1 Zone is currently limited to 4 vehicles/equipment, 300m<sup>2</sup> of parcel coverage, and 15m setbacks from rear and interior property lines or streams;
- The Site-Specific Zoning Bylaw Amendment application is for approximately 18 vehicles/equipment, in an area approximately 1 acre in size, with an interior setback less than 15m.

Questions from the Committee for staff on the presentation:

- Is any of the proposed equipment used for farm use? No, the equipment storage is not proposed for farm use;
- Where will access to the storage area be from, is a road going to be constructed through the property? No, access will be directly from Bartley Road adjacent to the existing prefabricated steel building;
- Is there Agricultural Land Reserve surrounding this property? Yes, the property to the south of the subject property is located within the Agricultural Land Reserve;
- Why is this application a site-specific text amendment and not a full rezoning? Staff process applications based on what the applicant submits. If a full rezoning was done to industrial, the agricultural uses on the property would no longer be permitted;
- Discussion from Committee on if the Agricultural Plan policy of no net loss of agricultural land should apply to this application.

*Owners of Approved Services Colleen and Alex Richardson spoke to the Committee and were available for questions:*

- Are currently farming the property and have done a lot of upgrades to the farm since purchasing;
- The bobcat and a couple of the other machines proposed to be stored will be used for farm purposes - to lift hay in the barn;
- Future plans to create pasture lands for cattle.

Questions from the Committee for the applicant:

- What is in the middle of the property looks like an area with some fill on it? It is a mountain with rock straight up, about 100ft in height.

- There is a significant portion of the property you could never farm? Yes, that is correct, and have increased the amount of land used for agriculture since purchasing the property and plan to increase it further in the future.
- What is the history of this property? Was the original Bartley farm. The reason there is only one part of the original farm in the ALR down by Lenz Road is because the rest of the property is mostly rock.
- Discussion from Committee that the City has not identified this property as to be used only for agriculture. The OCP designation of Resource Land speaks to uses expanded beyond agriculture.

*Lailey Wallace, President of Pinewoods Villa Strata on Lenz Road spoke to the Commission:*

- Bartley Road is the only access out from their neighbourhood;
- Traffic has tripled up Bartley;
- Road is extremely narrow with blind corners and cannot be widened;
- Adding 15-30 trucks on the road is dangerous;
- Tax payers shouldn't have to pay for road improvements to accommodate commercial venture on the property;
- Inappropriate to have these vehicles using the road.

Highlights of the discussion include:

- Recommendation to keep it as limited as possible to allow for greater farming use;
- No concerns over the agricultural capabilities of this application;
- Recommendation for consideration to be given for the inadequacy of the road with increased traffic.

It was moved and seconded

**THAT** the Agricultural Advisory Committee recommend support for file Z 23-04, Zoning Bylaw Amendment, 2004 Bartley Road.

CARRIED UNANIMOUSLY

**9. CORRESPONDENCE AND INFORMATION ITEMS**

**10. OTHER BUSINESS**

**11. ADJOURNMENT OF THE MEETING**

The meeting adjourned at 5:38 p.m.

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CHAIR

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RECORDING SECRETARY



# AGRICULTURAL ADVISORY COMMITTEE REPORT

To: Agricultural Advisory Committee Members

Date: November 1, 2023

From: Yvonne Mitchell, Planner II

File No: DVP 23-10

Subject: **DVP 23-10; Development Variance Permit; 1895 Bartley Road**

## BACKGROUND

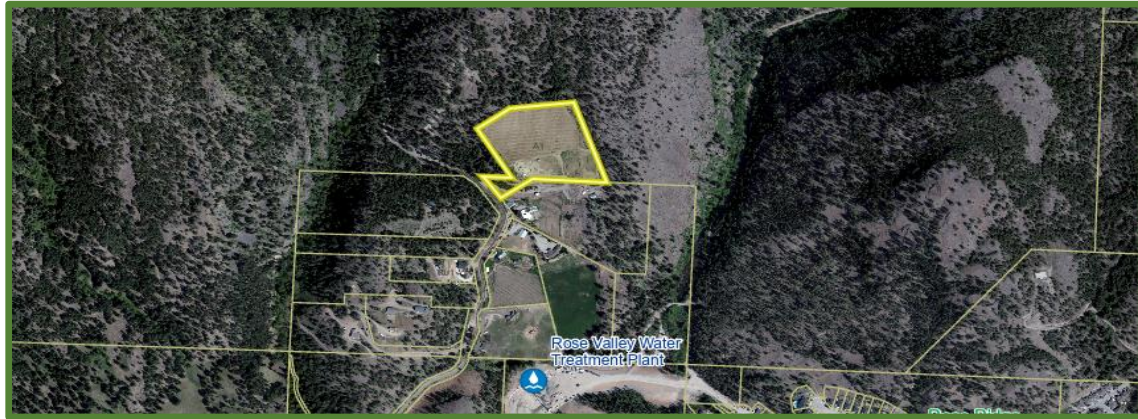
The subject property is located in the Bartley North neighbourhood. The property is occupied by a vineyard and a wine production building with a tasting area which was recently built in 2022. The property is the final lot at the end of Bartley Road.

PROPERTY DETAILS			
<b>Address</b>	1895 Bartley Road		
<b>PID</b>	029-215-765		
<b>Folio</b>	36413764.050		
<b>Lot Size</b>	33,763 m <sup>2</sup>		
<b>Owner</b>	James Schlosser and Joanna Schlosser	<b>Agent</b>	N/A
<b>Current Zoning</b>	A1 – Agricultural Zone	<b>Proposed Zoning</b>	N/A
<b>Current OCP</b>	AG – Agricultural	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Vineyard and Winery	<b>Proposed Use</b>	Vineyard, Winery, and Agri-tourism Accommodation
<b>Development Permit Areas</b>	Wildfire Interface, Hillside, Sensitive Terrestrial Ecosystem		
<b>Agricultural Land Reserve</b>	Yes		

ADJACENT ZONING & LAND USES			
<b>North</b>	^		F1 – Forest Resource Zone
<b>East</b>	>		F1 – Forest Resource Zone
<b>West</b>	<		F1 – Forest Resource Zone
<b>South</b>	v		RU4 – Rural Residential Large Parcel Zone



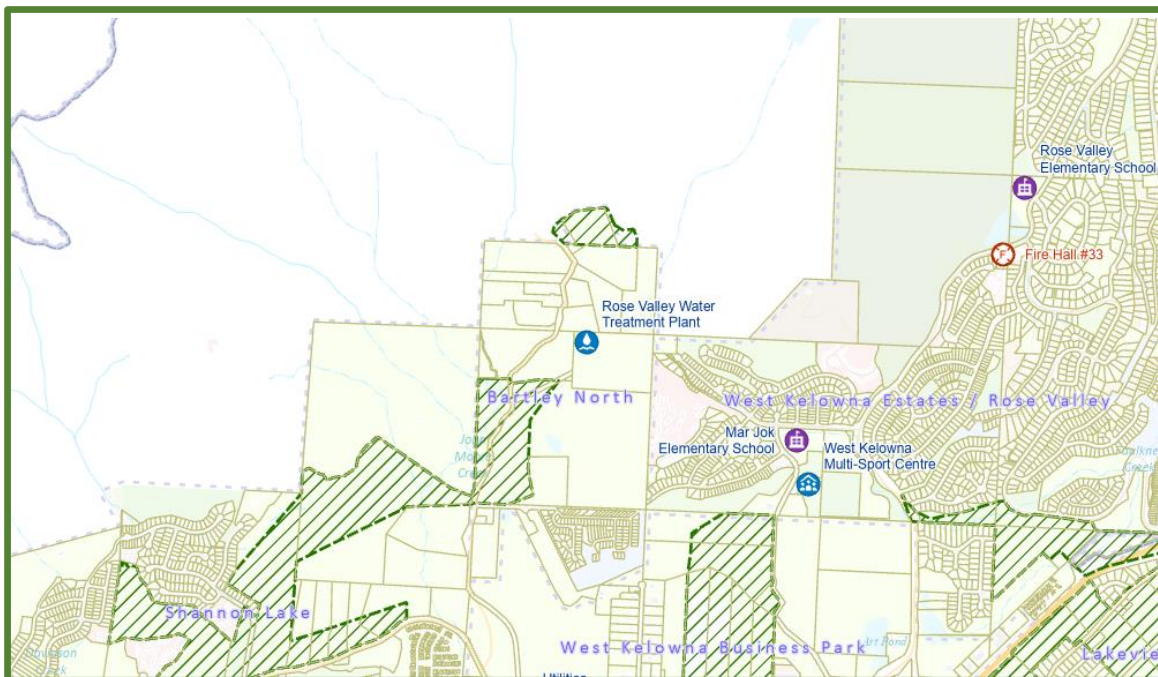
## NEIGHBOURHOOD MAP



## PROPERTY MAP



## NEARBY AGRICULTURAL LAND RESERVE PROPERTIES



## **DISCUSSION**

### Proposal

The application is for a Development Variance Permit to vary S.3.24.1 of the Zoning Bylaw to allow Agri-tourism accommodation outside of a principal single detached dwelling. The owner is proposing to build 4 agri-tourism dwellings separate from the principal dwelling, all 318 ft<sup>2</sup> in size.

This variance is part of a two-phase development plan for the property, encompassing the 4 agritourism units, a carriage house, and a primary residence. The variance is only regarding the agri-tourism units.

### *Applicant's Rationale*

The applicant has provided a rationale for their proposal (Attachment 1).

### Zoning and Policy Review

#### *Official Community Plan Bylaw No. 0300*

The proposal meets all Official Community Plan No. 0300 policies and is supported by providing additional agri-tourism while supporting agricultural use.

*S.2.17.2.3: Support cultivation, production, improvement, processing or marketing of plants and animals, agri-tourism, and other agricultural industries in support of the agricultural sector and a diverse use of agricultural lands.*

#### *Zoning Bylaw No. 0265*

The proposal meets all setbacks, building height, parcel coverage, and other Zoning Bylaw No.0265 requirements except for:

*S.3.24.1: Agri-tourism accommodation shall only be conducted within a principal single detached dwelling.*

The owner is proposing to build 4 agri-tourism dwellings separate from the principal dwelling, all 318ft<sup>2</sup> in size. The property allows for 4 guest rooms as this property is between 3.9 acres and 18.8 acres.

### *Agricultural Plan*

One of the recommendations in the Agricultural Plan is Recommendation 16: "Agritourism and Culinary Tourism". The plan includes a variety of policies to achieve this recommendation, including the following:

- The City of West Kelowna encourage activities that contribute to farming income such as agritourism and culinary tourism.

### **Referrals**

This application has been referred to various external agencies and internal departments, no concerns with the application have been identified at this time.

### **KEY CONSIDERATIONS**

In providing recommendations to City staff and Council, the AAC may wish to consider the following:

- The Zoning Bylaw permits up to 4 agri-tourism units for a property between 4.9 acres and 18.8 acres. The units must be within the primary single detached dwelling.
- The proposal is consistent with the Agriculture Land Use Designation in the Official Community Plan and Agricultural Plan.

Specific comments would be appreciated should the AAC have any concerns with the proposed Development Variance Permit, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Yvonne Mitchell, Planner II

Powerpoint: Yes  No

Attachments:

1. Applicant's Rationale
2. Relevant Zoning Bylaw Sections



# Farm Development Plan

1895 Bartley Road, West Kelowna



## SMALL BATCH. *Big Love.*

Niche Wine Co. is a family owned and operated winery making small-batch wines in West Kelowna. Our small farm produces a home-grown, handcrafted lineup of wines that has sold out vintage over vintage and consistently wins awards on a national and international stage.

Since 2009, we have been both figuratively and literally bootstrapping our way to a sustainably run farm and this next phase of development is critical to our future success.

A recent BC Consumer Segmentation study put out by Wine Growers BC found that accommodations was rated the #2 feature traveller's look to when choosing a wine region to visit. Nature and outdoor adventure was #3.

Our plan? A micro-resort in the hills of West Kelowna that offers travellers the best of both! Authentic, agri-tourism with a side of Pinot Noir.

**THE HEART IS SAID TO BE 10,000 TIMES MORE POWERFUL THAN THE MIND.  
YOU CAN'T GIVE YOURSELF GOOSE BUMPS, BECAUSE IT NEEDS TO COME FROM THE  
HEART. WE NEED TO CONNECT TO SOMETHING WE DEEPLY BELIEVE IN TO BECOME  
EMOTIONAL, TO GET GOOSE BUMPS, BUTTERFLIES AND TEARS.**

**★ IT HAS TO BE AUTHENTIC ★**

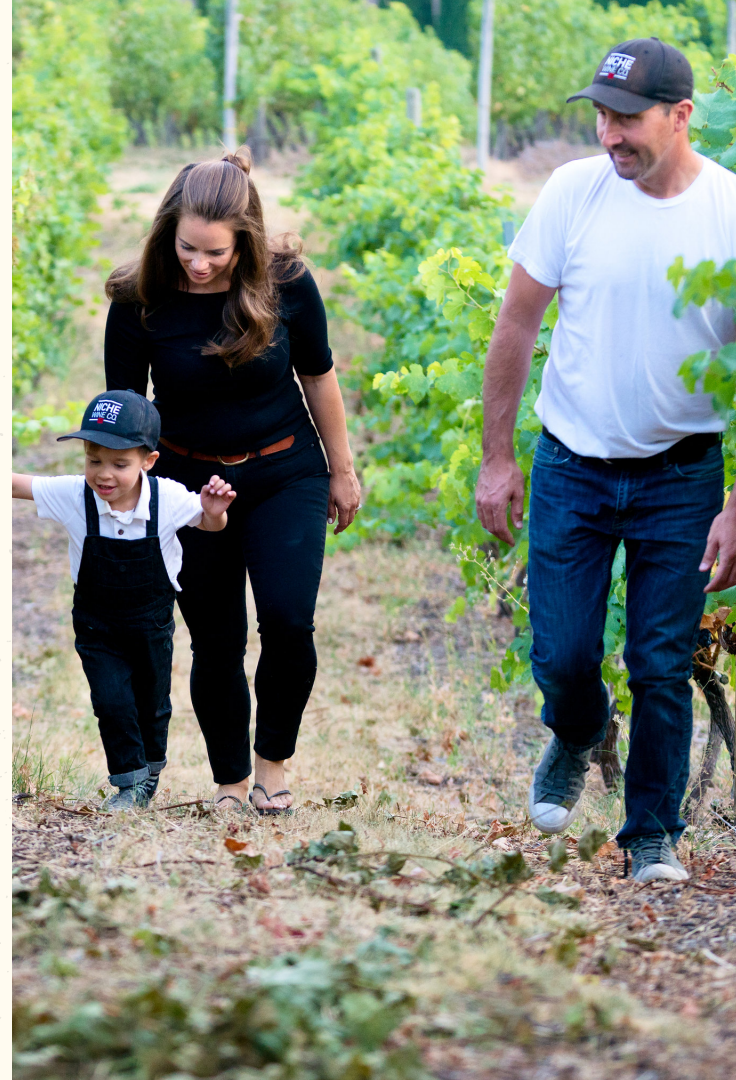
# THE PLAN

## PHASE ONE // COMPLETION JUNE 2024

- ★ **Carriage House** - Under ALR and City of West Kelowna regulations our property zoning allows for both a primary and secondary residence. In phase one, we would like to build a 962 ft carriage house that will first serve as our primary residence, until the completion of phase two of the project. Detailed floor plan attached.
- ★ **4 Agri-tourism Units** - Under ALR regulation we are allowed up to 10 agri-tourism units for short term rental. We would like to seek an amendment to the City of West Kelowna bylaw to build 4 units all 318 ft in size for short term rental and incremental farm income. Details attached.
- ★ **Tasting Room** - Small wine tasting bar for hosting wine enthusiasts looking to try a flight of wine. This small unit will be 30 x 20 feet in size.

## PHASE TWO // COMPLETION JUNE 2026

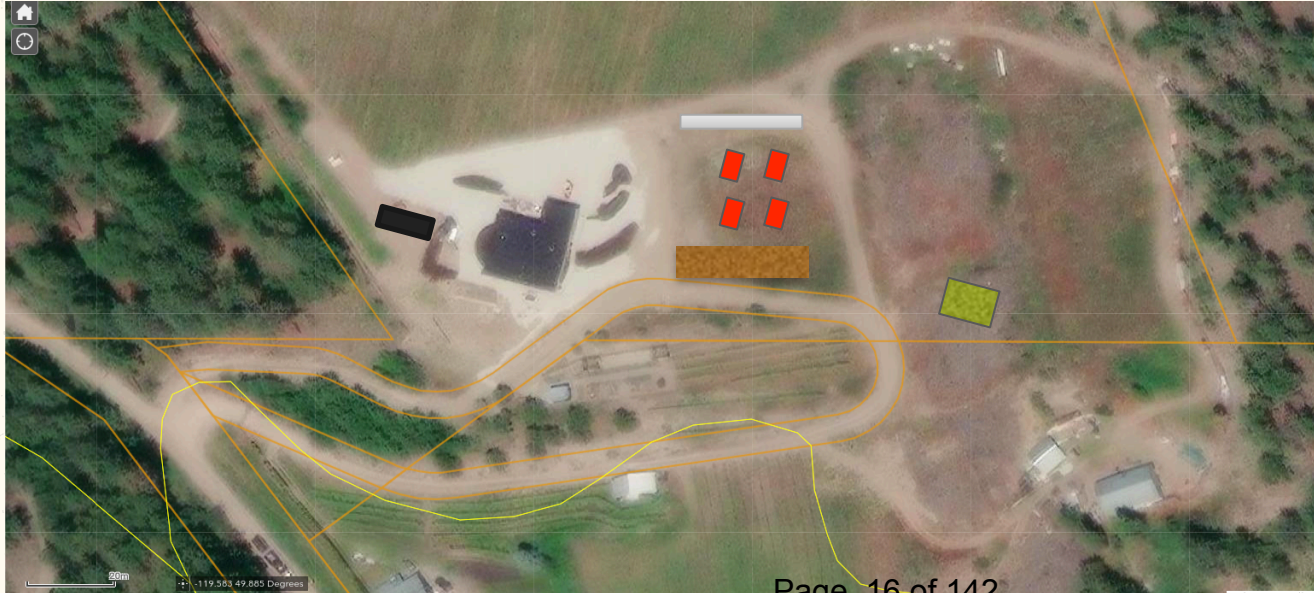
- ★ **Primary Residence** - We would like to build a primary residence approximately 2000ft in size and use the Carriage House as an in-law suite.



# MICRO-RESORT MAP

PHASE ONE // COMPLETION JUNE 2024

Mother Nature continues to teach us the power of diversity and a good farmer knows it's best not to put all your eggs in one basket. With that in mind, we invite you to imagine Niche as a micro-resort destination that celebrates wine, food, and family in a way only we know how.



-  TOURISM UNITS
-  CARRIAGE HOUSE
-  PARKING LOT
-  SEPTIC FIELD
-  TASTING ROOM





# AGRI-TOURISM UNITS

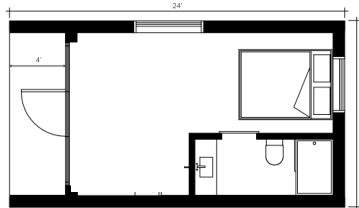
PHASE ONE // COMPLETION JUNE 2024

We would like to seek an amendment to the City of West Kelowna bylaw to build 4 units all 318 sq ft in size for short term rental and incremental farm income.



## The Mini : Plan A

13'3" Wide x 24' Long x 12'6" Tall / 318 sq ft / 29.54 m<sup>2</sup>  
Yoga Studio, Exercise Room, Airbnb, Office Space, Garden Suite



# THE VISION



## PHASE ONE // AGRICULTURE LAND COMMISSION (ALC) APPROVAL

On Mon, Jun 12, 2023 at 10:40 AM McBurnie, Michael ALC:EX <[Michael.McBurnie@gov.bc.ca](mailto:Michael.McBurnie@gov.bc.ca)> wrote:

Hi James,

Thanks for getting in touch. We always appreciate hearing from people before things get started. You are correct that the ALC regulations now permit one 500 m<sup>2</sup> residence, one 90 m<sup>2</sup> residence, and up to 10 agri-tourism sleeping units as long as they are tied to agri-tourism and meet the other criteria outlined in ALC Information Bulletin 6 (copy attached). I have also attached the Information Bulletin 5 – Residences in the ALR which defines the total floor area for the principal and additional residences.

You're also correct that you'll need to confirm with your local government what their rules are. With housing and agri-tourism accommodations, the ALR rules set the maximum that could be allowed, but give the local government the ability to be more restrictive (ie. some only permit one residence, or fewer than 10 agri-tourism accommodations).

If you have any further questions, please let me know.



**Michael McBurnie** (he/him)

Regional Planner: North, Interior, and Okanagan

Agricultural Land Commission

[ALC.Referrals@gov.bc.ca](mailto:ALC.Referrals@gov.bc.ca) | 236-468-3246

## PHASE ONE // AGRICULTURE LAND COMMISSION (ALC) APPROVAL

Hi Michael,

I hope this email finds you well. We met with the Yvonne Mitchel a planner for the City of West Kelowna on August 17th to discuss our proposed plan for our property at 1895 Bartley Road, West Kelowna, BC, V5Z 4E6. I have attached to this email a short presentation that outlines the plan we presented.

The outcome from the meeting was positive. If we reduce the number of agrotourism units from 5 to 4 Yvonne thinks the City would approve the plan provided the City grants us a variance to the City's bylaw requirement that the agrotourism units be included in the primary residence.

Prior to her discussing this with her manager she wanted me to confirm the following with the ALC:

- 1) In our plan we had each agrotourism unit contain a kitchen. Could you confirm whether or not the ALC would have any issue with this.
- 2) Does the ALC have any restrictions on the extent of time that the units could be rented out on a seasonal basis (i.e. is there a maximum amount of months within the year)?
- 3) In our plan we had proposed to put a sauna as an amenity. Would the ALC have any issue with provided this as an amenity?
- 4) We are planning on using Chaparral homes to build both the houses and the agrotourism units. Does the ALC have any restrictions on using a modular home builder?

Thanks,

James.

## PHASE ONE // AGRICULTURE LAND COMMISSION (ALC) APPROVAL

On Wed, Aug 23, 2023, 10:33 a.m. McBurnie, Michael ALC:EX <[Michael.McBurnie@gov.bc.ca](mailto:Michael.McBurnie@gov.bc.ca)> wrote:

Hi James,

I'll answer your questions from the ALC's perspective. Keep in mind that local governments rules can't be more permissive than the ALR rules, but they can be more restrictive regarding tourism accommodations, up to outright prohibiting them. What this generally means is you need to meet the stricter of the ALC or City's rules if they're not the same.

1. The agri-tourism accommodations that are permitted in the ALR are limited to sleeping units only. This doesn't include kitchens. This is covered in [Section 33 of the ALR Use Regulation](#).
2. Accommodations must be on a seasonal OR short-term basis. Short term generally means less than 30 days, which I believe matches West Kelowna's definition. Short term rentals can be year-round. Seasonal is another option which doesn't have the 30 day limit, but it can't be year-round (ie. there must be an off season when they're closed). The general idea is that tourism accommodations aren't residences.
3. Accessory buildings for agri-tourism aren't permitted. Agri-tourism accommodations are limited to sleeping units and other amenities like a sauna, pool, etc, aren't permitted.
4. The ALC doesn't have any concerns if the units are modular homes.

If you have any further questions, please let me know.



**Michael McBurnie** (he/him)

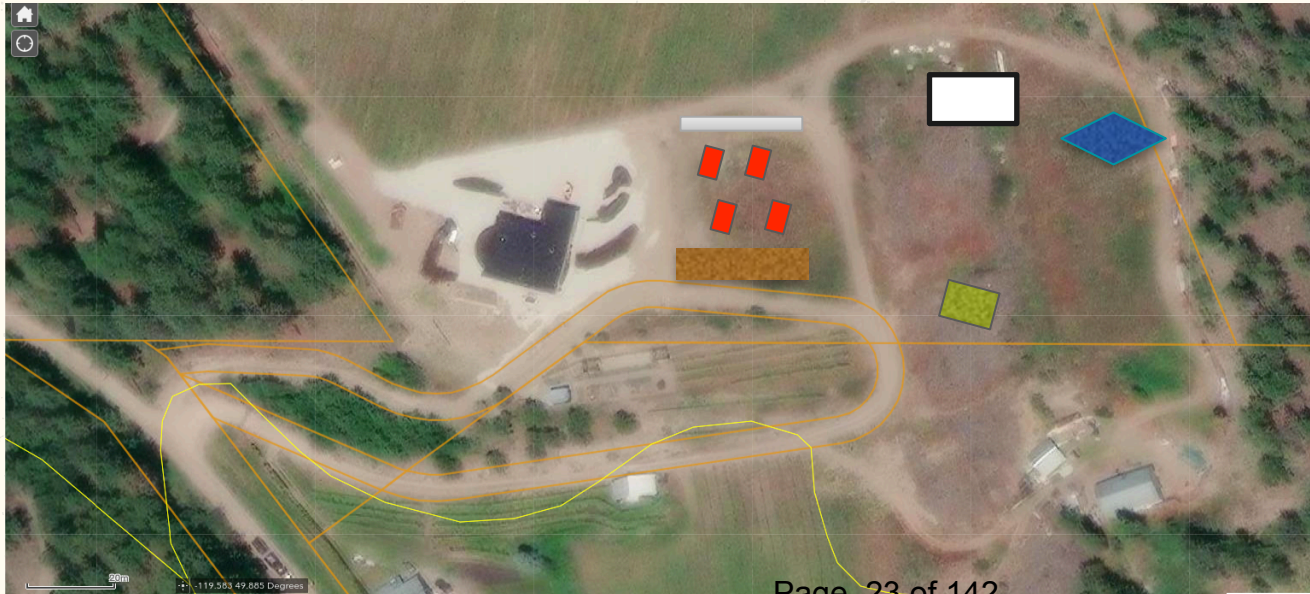
Regional Planner, North and Kootenay regions  
Agricultural Land Commission

[ALC.Referrals@gov.bc.ca](mailto:ALC.Referrals@gov.bc.ca) | 236-468-3246

# PRIMARY RESIDENCE

PHASE TWO // COMPLETION JUNE 2026

We would like to build a primary residence approximately 2000ft in size and use the Carriage House as an in-law suite.



-  TOURISM UNITS
-  CARRIAGE HOUSE
-  PARKING LOT
-  SEPTIC FIELD
-  PRIMARY RESIDENCE
-  ADDITIONAL SEPTIC

# ★ APPENDIX ★



★ **HAVE YOU HEARD OF A DESIRE PATH?** ★

**PAVED ROADS SHOW US WHERE WE OUGHT TO GO,  
BUT DESIRE PATHS ARE MADE WHEN WE STEP OFF THE ROAD AND  
LET OUR HEARTS DECIDE THE WAY.**

# PAPA LOVES *Pinot!*

Hello.

*My name is James Schlosser  
and I am a winemaker.*

I'm also a Master of Science, Hugh's Dad, and Co-Founder of Niche Wine Company. If I'm not pressing grapes, bottling wine or power washing, you can usually find me drinking Pinot noir and smoking something in my Traeger.

I grew here in West Kelowna and I am committed to farming this land to the best of my ability and passing it on for generations to come.



# MOMMA *loves* WINE

Hello.

*My name is Joanna Schlosser  
and I am a wine enthusiast.*

I am also a Creative Director, Hugh's Mom, and Co-Founder of Niche Wine Company. Brand building, content strategy, and wine drinking are probably my three favourite things to do. I am also a big fan of reading books, eating French fries, and a good late-night Instagram scroll.

I am proud member of the Squamish Nation and I am committed to sowing a way towards revitalizing indigenous agriculture here in West Kelowna.



# FIND YOUR *Niche.*

Niche Wine Co. released its first vintage (less than 100 cases of wine) in 2010.

Our production currently sits at approximately 1500 cases and in the next 5 years will scale to 3000.

Our current lineup of wines consists of the following vintages and varietals:



EXTRA MILE FOCH

EXTRA MILE PINOT NOIR

EXTRA MILE MERLOT

FARMHOUSE PINOT NOIR

WILD & FREE PINOT NOIR

FARMHOUSE ROSÉ

FARM FRESH WHITE

PINOT GRIS

SMALL BATCH BUBBLES

- (b) The Occupant Calculations provided in “Schedule F Housing Inspection Report, Seasonal Agricultural Worker Program and Agricultural Stream” (with portable toilets included in the calculation).

### 3.24 AGRI-TOURISM ACCOMMODATION

- .1 Agri-tourism accommodation shall only be conducted within a principal single detached dwelling.
- .2 All or part of the parcel on which the agri-tourism accommodation is located shall be classified as a farm under the *Assessment Act*.
- .3 Agri-tourism accommodation shall only be rented for rental periods of less than 1 month.
- .4 The maximum number of agri-tourism accommodation guest rooms is specified in Table 3.13.

**Table 3.13 Maximum number of guest rooms.**

Parcel Size	Maximum Number of Guest rooms
Parcels less than 2.0 ha (4.9 ac)	0
Parcels equal to or greater than 2.0 ha (4.9 ac) and less than 7.6 ha (18.8 ac)	4
Parcels greater than 7.6 ha (18.8 ac)	10

- .5 When a bed and breakfast or short term accommodation is located on the same parcel as an agri-tourism accommodation, the total number of guest rooms permitted on the parcel is the number specified in Table 3.13.
- .6 Agri-tourist accommodation uses shall be setback a minimum of 30 m (98.4 ft) from adjacent Residential Zones.
- .7 For parcels equal to or greater than 2.0 ha and less than 7.6 ha the total gross floor area of guest rooms in an agri-tourism accommodation facility shall not exceed 120 m<sup>2</sup> (1292 ft<sup>2</sup>); a separate or ensuite washroom and common areas are not included as part of the area of guest rooms.
- .8 For parcels greater than 7.6 ha, the total gross floor area of guest rooms in an agri-tourism accommodation facility shall not exceed 300 m<sup>2</sup> (3230 ft<sup>2</sup>); a separate or ensuite washroom and common areas are not included as part of the area of the guest rooms.

### 3.25 SITING REGULATIONS AND BUFFERING FROM AGRICULTURAL LAND

- .1 Siting Regulations
  - (a) Principal buildings, principal structures, and carriage houses shall be a minimum distance of 15.0 m (49.2 ft) from land within the Agricultural Zone (A1) or land within the Agricultural Land Reserve (ALR).

# PART 8 – AGRICULTURAL ZONES

## 8.1 AGRICULTURAL ZONE (A1)

### .1 Purpose

To accommodate agricultural operations and related activities located on parcels that are typically within the Agricultural Land Reserve.

### .2 Principal Uses, Buildings and Structures

- |   |                                 |
|---|---------------------------------|
| (a) Agriculture, general                        | (f) Greenhouse or plant nursery |
| (b) Agriculture, intensive                      | (g) Mobile home                 |
| (c) Alcohol production facility                 | (h) Modular home                |
| (d) Cannabis production facility in ALR only    | (i) Riding stable               |
| (e) Kennels, service on parcels 4 ha or greater | (j) Single detached dwelling    |

### .3 Secondary Uses, Buildings and Structures

- |  |  |
|--|--|
| (a) Accessory uses, buildings and structures           | (i) Home based business, major                               |
| (b) Agricultural worker dwelling                       | (j) Kennels, hobby   |
| (c) Agricultural worker dwelling, temporary            | (k) Portable saw mill or shake mill                          |
| (d) Agri-tourism                                       | (l) Retail sales of farm products or processed farm products |
| (e) Agri-tourism accommodation                         | (m) Secondary suite  |
| (f) Bed and breakfast                                  | (n) Short term accommodation                                 |
| (g) Care facility, minor                               |  |
| (h) Carriage house (may be subject to ALC regulations) |  |

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

- (a) On Lot 23, DL 486, Plan 761, ODYD (except Plan KAP71035) (2550 Butt Road): one additional single detached dwelling
- (b) On Lot A, DL 3796, ODYD, Plan 29609 (2880 Scharf Road): one additional single detached dwelling
- (c) On Lot 80, DL 1934, Plan KAP5381, ODYD, except Plan 16601 (1061 Ogden Road): one additional single detached dwelling
- (d) On Lot B, DL 3480, ODYD, Plan KAP77505 (3651 Glencoe Road): one agricultural worker dwelling and five agri-tourism campsites
- (e) On Lot A, DL 3480, ODYD, Plan KAP67210 (2670 Highway 97 S): outdoor storage
- (f) On a portion of DL 522, Group 1, ODYD:
  - i. Dock and temporary moorage access, including vehicular and pedestrian, is permitted as sited generally within the area indicated on Schedule 'B' attached to and forming part of Zoning Amendment Bylaw No. 0265.17.

Bylaw No.  
0265.17

### .5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	4.0 ha (9.9 ac), except it is: 2.45 ha (5.73 ac) on the western portion of DL 5075, ODYD, Except Plans 9213 and 12107
(b)	Minimum parcel frontage	30 m (98.4 ft)

<b>DEVELOPMENT REGULATIONS</b>		
<b>(c)</b>	<b>Maximum density:</b>	
i.	Single detached dwelling, mobile home and modular home	Only 1 single detached dwelling or 1 mobile home or 1 modular home per parcel
ii.	Agricultural worker dwelling and temporary agricultural worker dwelling	Subject to Sections 3.22 and 3.23
iii.	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
<b>(d)</b>	<b>Maximum parcel coverage:</b>	
i.	For all uses, buildings and structures other than a greenhouse	35% and together with driveways and parking areas shall not exceed 45%
ii.	Greenhouse	75% less the parcel coverage of other uses
<b>(e)</b>	<b>Maximum building height:</b>	
i.	Single detached dwelling and modular home	12.0 m (39.4 ft)
ii.	Agricultural worker dwelling, temporary agricultural worker dwelling and mobile home	9.5 m (31.2 ft) to a maximum of 3 storeys
iii.	Buildings used as part of a farm operation as defined in the <i>Farm Practices Protection Act</i>	15.0 m (49.2 ft)
iv.	Accessory buildings and structures	8.0 m (26.2 ft)
v.	Carriage house	7.0 m (23.0 ft)
<b>(f)</b>	<b>Maximum building size (per ALC “total floor area” definition):</b>	
i.	Single detached dwelling	500 m <sup>2</sup> (5382 ft <sup>2</sup> )
<b>SITING REGULATIONS</b>		
<b>(g)</b>	<b>Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:</b>	
i.	Front parcel boundary	6.0 m (19.7 ft)
ii.	Rear parcel boundary	3.0 m (9.8 ft) except it is 6.0 m (19.7 ft) for the first 9.0 m (29.5 ft) of building height for an alcohol production facility and 12.0 m (39.3 ft) for any portion above 9.0 m (29.5ft)
iii.	Interior side parcel boundary	3.0 m (9.8 ft) except it is 6.0 m (19.7 ft) the first 9.0 m (29.5ft) of building height for an alcohol production facility and 12.0 m (39.3 ft) for any portion above 9.0 m (29.5ft)
iv.	Exterior side parcel boundary	4.5 m (14.8 ft)
v.	Watercourses	Subject to Section 3.27
<b>(h)</b>	<b>Despite 8.1.5(g), the following uses, buildings and structures shall be sited at least the distance indicated in the right-hand column below, opposite the feature indicated in the middle column, from any parcel boundary:</b>	
i.	Buildings housing animals (other than intensive agriculture), kennel, riding stable and greenhouse	15.0 m (49.2 ft)
ii.	Cannabis production facility	30.0 m (98.4 ft) except it is 60.0 m (196.9 ft) from any P zone
iii.	Intensive agriculture	30.0 m (98.4 ft)

**.6 Other Regulations - Reserved**



# AGRICULTURAL ADVISORY COMMITTEE REPORT

To: Agricultural Advisory Committee Members

Date: November 1, 2023

From: Yvonne Mitchell, Planner II

File No: Z 23-09

Subject: **Z 23-09; Zoning Bylaw Amendment; 2355 Marshall Road**

## BACKGROUND

The subject property, 2355 Marshall Road, is in the West Kelowna Estates/Rose Valley Neighbourhood. The subject property is currently developed with a manufactured home park.

### PROPERTY DETAILS

<b>Address</b>	2355 Marshall Road		
<b>PID</b>	002-878-640		
<b>Folio</b>	36413771.000		
<b>Lot Size</b>	6.517 acres (26373.4 sqm)		
<b>Owner</b>	Kerr Properties 002 Ltd.	<b>Agent</b>	Mike Salter
<b>Current Zoning</b>	Manufactured Home Park Zone (RMP)	<b>Proposed Zoning</b>	Light Industrial Zone (I1)
<b>Current OCP</b>	Business Park	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Manufactured Home Park	<b>Proposed Use</b>	Industrial/Commercial
<b>Development Permit Areas</b>	Aquatic Ecosystem, Hillside, and Sensitive Terrestrial Ecosystem		
<b>Hazards</b>	None		
<b>Agricultural Land Reserve</b>	No		

### ADJACENT ZONING & LAND USES

<b>North</b>	^	Rural Residential Small Parcel Zone (RU2) and Agricultural Zone (A1)
<b>East</b>	>	Westbank First Nation
<b>West</b>	<	Light Industrial (I1)
<b>South</b>	v	Agricultural Zone (A1)



### NEIGHBOURHOOD MAP



### PROPERTY MAP



### AGRICULTURAL LAND RESERVE MAP



## **DISCUSSION**

### Proposal

This application is a zoning bylaw amendment from the Manufactured Home Park Zone (RMP) to the Light Industrial (I1) Zone.

### *Applicant's Rationale*

The applicant's rationale for the zoning bylaw amendment application is provided below:

- The City has done extensive research on creating the OCP, this project falls within an area identified to address the OCP 2.11. – Industrial Objectives; and
- Development Permit Guidelines as well as meeting the intent of the OCP 2.11.2 – Industrial Policies will be followed.

### Zoning and Policy Review

#### *Official Community Plan Bylaw No. 0300*

The Land Use Designation of the subject property in the Official Community Plan is Business Park. The Business Park Land Use Designation permits a variety of commercial and light industrial uses at a low density and up to three storeys in height. The proposed Zoning Bylaw Amendment is consistent with the Business Park Land Use Designation.

#### *Development Permit Areas*

If the applicant wishes to develop the site with industrial/commercial development an Industrial & Business Park Development Permit will be required. In addition, the site is within the Hillside, Sensitive Terrestrial Ecosystem, and Aquatic Ecosystem Development Permit Areas. These development permits would also be required unless exemptions in the Official Community Plan can be met.

#### *Zoning Bylaw No. 0265*

The Manufactured Home Park Zone (RMP) does not permit industrial/commercial development (Attachment 2). A rezoning to the Light Industrial Zone (I1) is therefore proposed to accommodate the proposed development (Attachments 3).

#### *Council's Manufactured Home Park Redevelopment Policy*

The applicant has proposed a relocation assistance plan for tenants of the manufactured home park (Attachment 4). The relocation assistance plan will be provided to Council for consideration as per Council's Manufactured Home Park Redevelopment Policy (Attachment 5).

## *Agricultural Plan*

One of the recommendations in the Agricultural Plan is Recommendation 23: Land Use Management and Buffering. This recommendation includes the following Objective and Policy:

Objective - To create appropriate separations for land uses that abut agriculture and to ensure land in the Agricultural Land Reserve and zoned A1 is engaged in agricultural production.

Policy - The City of West Kelowna continues to consider edge planning strategies that do not interfere with farming operations, as one option for supporting existing farm operations and mitigating potential land use conflict.

The subject property is separated from ALR and A1 zoned land to the North by Keefe Creek and the surrounding vegetated area. To the south, the property is separated from ALR and A1 zoned land by Highway 97.

## **TECHNICAL REVIEW**

### Geotechnical Considerations

The applicant has provided a geotechnical report. The report confirms, from a geotechnical point of view, that the proposed development is feasible, provided the recommendations outlined in the report are followed. Further geotechnical analysis will be required at time of future development.

### Environmental/Aquatic Considerations

The applicant has provided an environmental report. The report states the majority of the development is expected to be contained within Environmental Sensitivity Area (ESA) 4 - Not Sensitive, with some development in ESA 3 - Low associated with the proposed retaining wall. Further environmental analysis would be completed after rezoning when development plans are finalized.

## **KEY CONSIDERATIONS**

In providing recommendations to City staff and Council, the AAC may wish to consider the following:

- The existing Manufactured Home Park Zone (RMP) does not permit industrial/commercial development. A rezoning to the Light Industrial Zone (I1) is required for the proposed development.
- The zoning bylaw amendment application is consistent with the Business Park Land Use Designation in the Official Community Plan and the Agricultural Plan.

Specific comments would be appreciated should the AAC have any concerns with the proposed zoning bylaw amendment, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

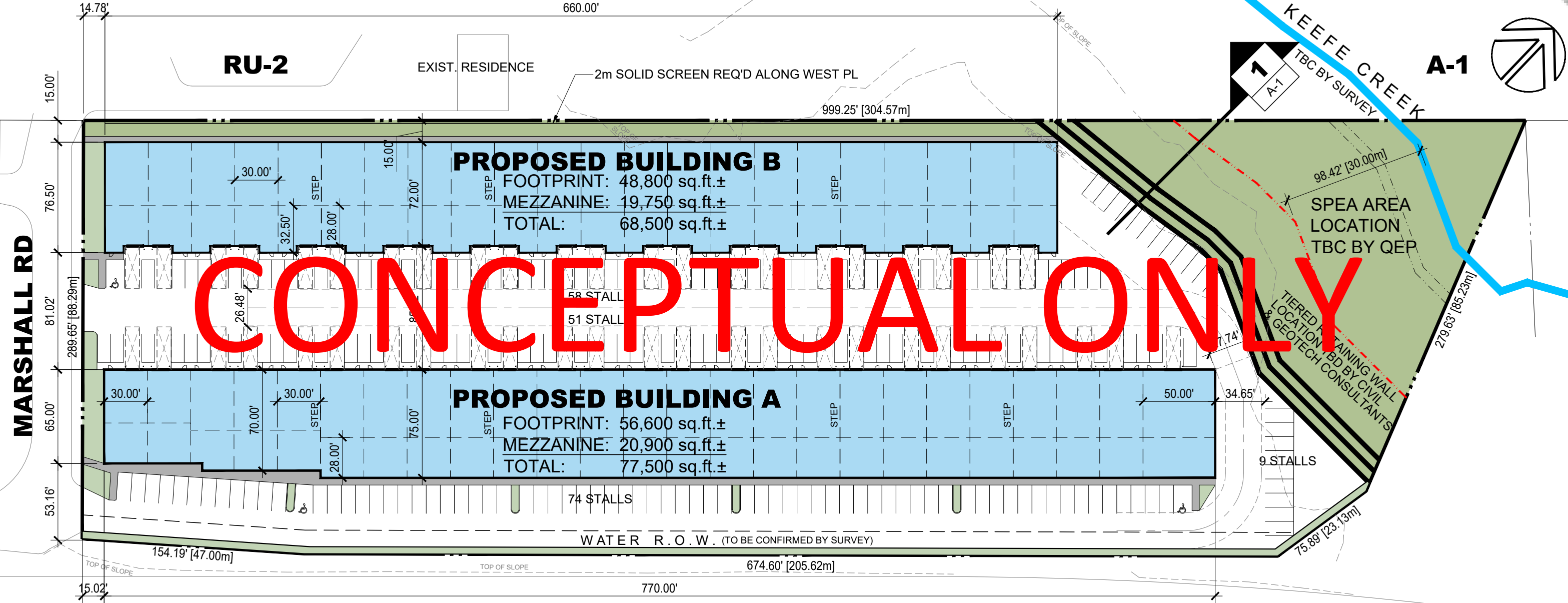
Respectfully submitted,

Yvonne Mitchell, Planner II

Powerpoint: Yes  No

Attachments:

1. Preliminary Development Plans
2. Manufactured Home Park Zone (RMP)
3. Light Industrial Zone (I1)
4. Applicant's Relocation Assistance Plan
5. Council's Manufactured Home Park Redevelopment Policy

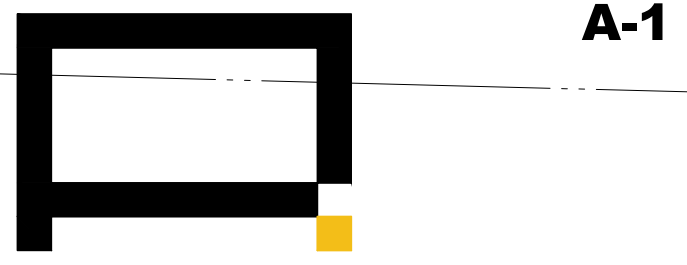


**CONCEPTUAL ONLY**



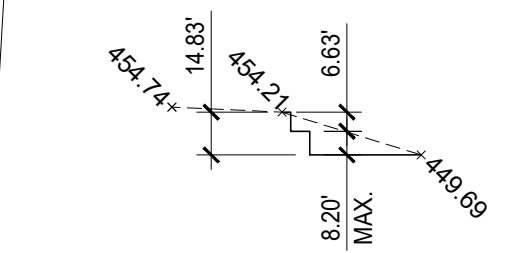
**HWY 97**

5		
4		
3		
2	JUN.29.23	CLIENT REVIEW
1	JUL.07.22	CLIENT REVIEW
NO.	DATE	DESCRIPTION



**ARCHITECTURE PANEL INC.**  
 ARCHITECTURE | LANDSCAPE ARCHITECTURE | URBAN DESIGN  
 206 - 1493 FOSTER STREET, WHITE ROCK, BC, V4B 0C4  
 604 783 1450 | RUCHIR@ARCHITECTUREPANEL.COM

IN ASSOCIATION WITH  
**D.FORCE DESIGN INC.**  
 2625A ALLIANCE STREET, ABBOTSFORD, B.C., V2S 3J9  
 TEL: (604) 607-5655 EMAIL: DARCY@DFORCE.CA



Kerr Marshall Rd			
	↗	↘	TOTAL
<b>Building Areas</b>	sq.ft.	sq.ft.	sq.ft.
Footprint:	56,600	48,800	<b>105,400</b>
Upper floor area:	20,900	19,750	<b>40,650</b>
Total Area	77,500	68,550	<b>146,050</b>
Industrial	35,700	29,050	
Office (1st Floor)	20,900	19,750	
2nd floor offices			
2nd floor storage	20,900	19,750	
<b>Parking Stalls Required</b>			
Warehouse - 1 stall per	1,076	52.6	45.4
Office - 1 stalls per	430	48.6	45.9
Total	<b>101.2</b>	<b>91.3</b>	<b>192</b>
<b>Stalls provided</b>	<b>134</b>	<b>58</b>	<b>192</b>

**KERR PROPERTIES**  
**MARSHALL RD**

CIVIC ADDRESS: 2355 MARSHALL ROAD, WEST KELOWNA, BC

## 10.8. MANUFACTURED HOME PARK ZONE (RMP)

### .1 Purpose

To accommodate manufactured home parks.

### .2 Principal Uses, Buildings and Structures

- (a) Manufactured home park

### .3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures  
 (b) Caretaker unit  
 (c) Care facility, minor  
 (d) Home based business, minor

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

- (a) On Part of Lot 5, Plan 23091, DL 2602, ODYD, except Plan KAP45961 (1850 Shannon Lake Road): single detached dwellings

### .5 Regulations Table

<b>SUBDIVISION REGULATIONS</b>		
<b>(a)</b>	<b>Minimum parcel area:</b>	
i.	Manufactured home park	2.0 ha (4.9 ac)
ii.	Manufactured home space	380 m <sup>2</sup> (4,090.3 ft <sup>2</sup> )
<b>(b)</b>	<b>Minimum frontage:</b>	
i.	Manufactured home park	40.0 m (131.2 ft)
ii.	Manufactured home space	12.0 m (39.4 ft)
<b>DEVELOPMENT REGULATIONS</b>		
<b>(c)</b>	<b>Maximum density:</b>	
i.	Manufactured home park	20 dwelling units/ha
ii.	Caretaker unit	1 per manufactured home park
<b>(d)</b>	<b>Maximum parcel coverage</b>	50% of the manufactured home space
<b>(e)</b>	<b>Maximum building height:</b>	
i.	Caretaker unit and modular home	10.0 m (32.8 ft) to a maximum of 3 storeys
ii.	Mobile home	5.0 m (16.4 ft)
iii.	Accessory buildings and structures	4.0 m (13.1 ft)
<b>SITING REGULATIONS</b>		
<b>(f)</b>	<b>Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:</b>	
i.	Any parcel boundary of the manufactured home park	4.5 m (14.8 ft)
ii.	Front boundary of the manufactured home space or private access easement, whichever is closer	4.0 m (13.1 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
iii.	Interior side boundary of the manufactured home space or private access easement, whichever is closer	1.5 m (4.9 ft) except it is 3.0 m (9.8 ft) from a private access easement

iv.	Exterior side boundary of the manufactured home space or private access easement, whichever is closer	3.0 m (9.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
v.	Rear boundary of the manufactured home space or private access easement, whichever is closer	1.5 m (4.9 ft)
vi.	A1 Zone or ALR	Subject to Section 3.25

## .6 Other Regulations

- (a) Despite the definition of 'parcel coverage', parcel coverage in this zone means the percentage of the surface area of a manufactured home space that is covered by a manufactured home, caretaker unit and accessory buildings and structures, measured to the outer surface of the exterior walls.

# PART 12 – INDUSTRIAL ZONES

## 12.1. LIGHT INDUSTRIAL ZONE (I1)

### .1 Purpose

To accommodate light industrial uses and associated uses.

### .2 Principal Uses, Buildings and Structures

- |  |                                 |
|--|---------------------------------|
| (a) Auctioneering establishment              | (l) Heliport facility           |
| (b) Alcohol Production Facility              | (m) High technology industry    |
| (c) Bulk fuel depot                          | (n) Industry, general           |
| (d) Cannabis production facility             | (o) Kennels                     |
| (e) Commercial storage                       | (p) Office                      |
| (f) Contractor service                       | (q) Outdoor storage             |
| (g) Fire, police or ambulance service        | (r) Recreation services, indoor |
| (h) Food bank                                | (s) Restaurant                  |
| (i) Freight or distribution outlet           | (t) Retail, service commercial  |
| (j) Greenhouse or plant nursery              | (u) Utility service             |
| (k) Heavy equipment sales, rental and repair | (v) Veterinary clinic           |
|  | (w) Warehouse                   |

### .3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Caretaker unit
- (c) Home based business, minor

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

- (b) On Lot 1, Plan KAP51408, DL 506 (1352 Industrial Road): cannabis production facility in a multi-tenant building
- (c) On Plan KAS1290, DL 2683 (2322 Dominion Road): cannabis production facility in a multi-tenant building
- (d) On Lot 2 DL 506 ODYD Plan 18464 Except Plan H16956 (#104-1195 Industrial Road): one Non-Medical Cannabis Retail Store as indicated on Schedule ‘B’ of Zoning Amendment Bylaw No. 0154.80
- (e) On Lot 2 District Lot 506 Osoyoos Division Yale District Plan 18464 Except Plan H16956 (#105 and 106 - 1195 Industrial Road): Personal Service Establishment.

Bylaw No.  
265.07

### .5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	400 m <sup>2</sup> (4,305.6 ft <sup>2</sup> )
(b)	Minimum parcel frontage	12.0 m (39.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density	1 caretaker unit per parcel
(d)	Maximum parcel coverage	75%
(e)	Maximum building height	12.0 m (39.4 ft)
SITING REGULATIONS		

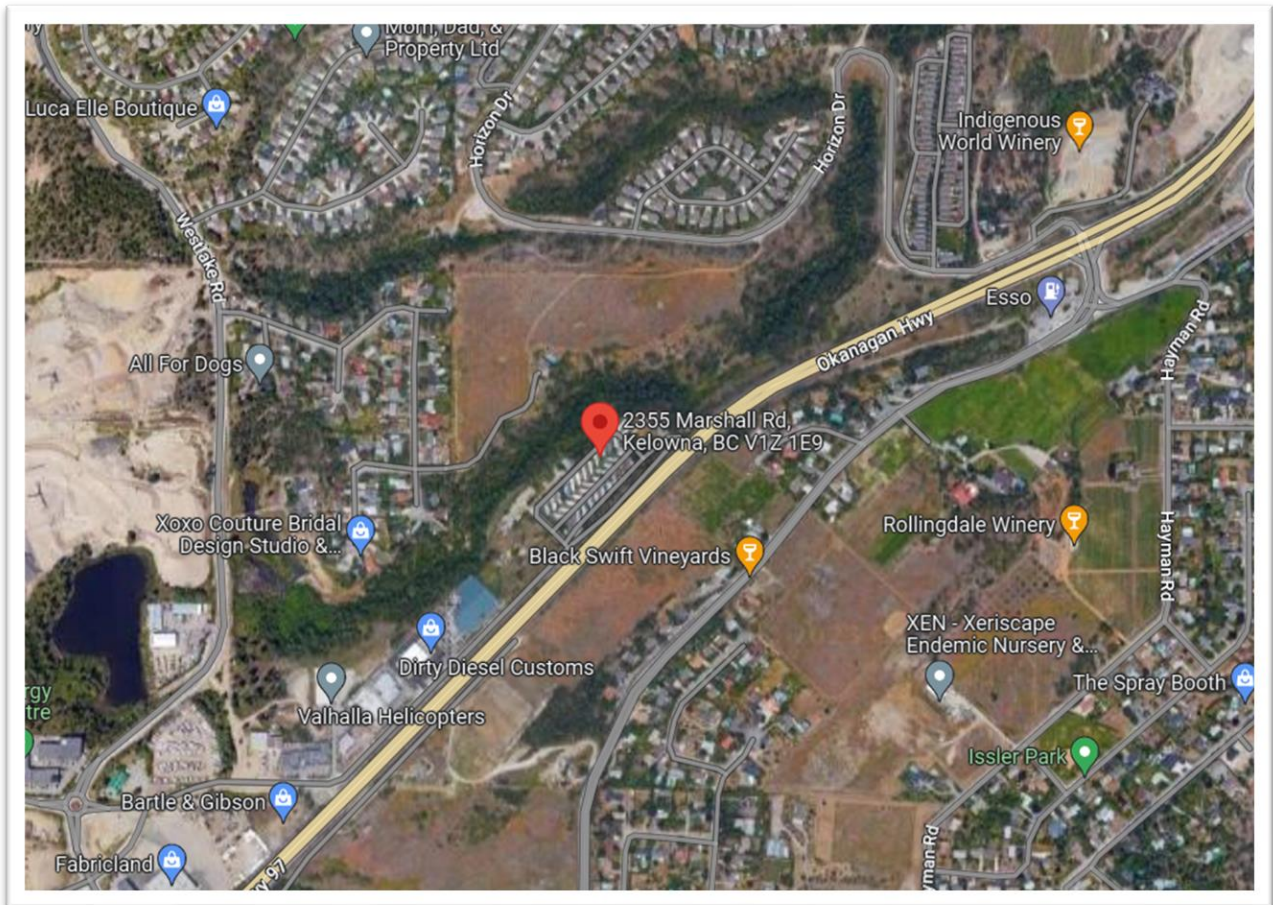


<b>(f)</b>	<b>Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:</b>	
i.	Front parcel boundary	4.5 m (14.8 ft)
ii.	Rear and interior side parcel boundary	0.0 m (0.0 ft), except it is 4.5 m (14.8 ft) where the parcel does not abut an Industrial Zone or Service Commercial Zone
iii.	Exterior side parcel boundary	4.5 m (14.8 ft)
iv.	A1 Zone or ALR	Subject to Section 3.25
<b>(g)</b>	<b>Despite 12.1.5(f), the following uses, buildings and structures shall be sited at least the distance indicated in the right-hand column below, opposite the feature indicated in the middle column, from any parcel boundary:</b>	
i.	Cannabis production facility	150 m (492 ft) from an abutting: (a) Zone that permits dwelling as a principal use; and (b) Any P Zone

**.6 Other Regulations - Reserved**

## 2355 Marshall Rd, West Kelowna BC

### Manufactured Home Park Redevelopment Plan



**Kerr Properties 002 Ltd**

A – 5350 272<sup>nd</sup> Street Langley, BC, V4W 1S3

Tel (604) 856-9772 Fax (604) 856-2325

[www.kerrproperties.ca](http://www.kerrproperties.ca)

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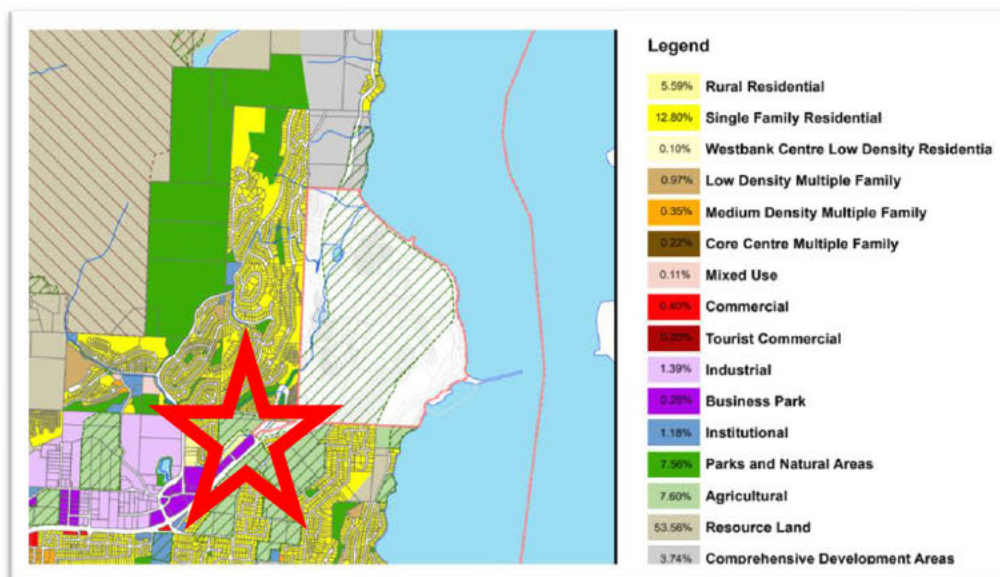
**1. Development Summary**

Kerr Properties 002 Ltd. is pleased to submit this Manufactured Home Park Redevelopment Plan which includes our Communication Plans and Relocation Assistance Program for displaced tenants per the City of West Kelowna “Manufactured Home Park Redevelopment Policy”, and Provincial legislation including the “Manufactured Home Park Tenancy Act”, the “Manufactured Home Park Tenancy Regulation”, and the “Residential Tenancy Act”.

Redevelopment plans include the closure of the existing manufactured home park originally constructed in circa 1960. The park is well past its economic life and in recent years has been plagued with ongoing domestic water, sanitary sewer, and road infrastructure issues.

Originally, the park had 43 manufactured home pads, and one house also built in the 1960’s. Remaining are 27 manufactured homes and the one house. 18 of the remaining homes are owned by Kerr Properties and are rented on a month-to-month basis. 10 of the remaining homes are owned by individual owners, and the remainder of the pads are vacant with manufactured homes already demolished or scheduled for demolition. Like the park itself, all manufactured homes are well beyond their economic life being built in the same era (> 50 years old), and devoid of CSA certification required for relocation.

In keeping with the City of West Kelowna 2040 Official Community Plan (OCP), Kerr Properties is proposing the re-zoning and development of the subject property to a Business Park / Light Industrial land use. The redevelopment of this site will add 6.5 acres of centrally located industrial land along the Highway 97 corridor and will yield approximately 150,000 square feet of high-quality buildings adding to the current low supply of available space for this land use and promoting economic development, attracting new investment, and ultimately generating employment in the City of West Kelowna.



Knowing the impacts this redevelopment will have on the existing park tenants, Kerr Properties has strived to not only meet but exceed the purpose of the City of West Kelowna Manufactured Home Park Redevelopment Policy, and Manufactured Park Home Tenancy Act. With the implementation of this comprehensive plan, we will provide displaced tenants with greater notification and transparency throughout the process, enhanced relocation assistance, financial options that will exceed statutory requirements, and ultimately assist these tenants with their relocation.

Sincerely,  
Travis Tournier



*Development Manager  
Kerr Properties 002 Ltd.*

**2. Communication Plan**

This section outlines how this Relocation Assistance Program will be communicated to the tenants before, during, and after application is made for re-zoning and development of the site.

Notification Details	Timeline for Notice	Method of Delivery	Notice to Who
Notification of Redevelopment Plans Letter (Appendix "A")	Minimum of 30 days prior to application submission to the City of West Kelowna	Registered Mail, hand delivery, posted on park community message boards	All tenants in the park
Communication Plan & Relocation Assistance Program	Minimum 10 days prior to development application being presented to the APC, Council and/or Public Hearing. After approval of plan by City Staff	Registered Mail, hand delivery, posted on park community message boards, email if provided	All tenants in the park
Progress Updates on Re-Zoning / Development Application	Quarterly	Email if provided, posted on park community message boards	All tenants in the park
Formal Notice to Vacate	Issued upon re-zoning approval from the City of West Kelowna	Registered Mail, Hand Delivery,	All tenants in the park. Formal notice type will depend on relocation option selected and tenant type

All communication and queries shall be directed in writing to the Kerr Properties Relocation Coordinator.

**Relocation Coordinator:** Jessica Green

**Mailing Address:** BLDG A – 5350 272<sup>nd</sup> Street, Langley BC, V4W 1S3

**Email:** [REDACTED]

**Phone:** [REDACTED]

### 3. Relocation Assistance Program

This section has been prepared in accordance with the “City of West Kelowna Manufactured Home Park Redevelopment Policy” and will be implemented to assist residents in finding alternative housing arrangements when the park is closed. The program outlines the general demographic of the residents, a detailed profile of the existing manufactured homes, and provides residents with multi options to choose from depending on their individual housing needs.



#### 3.1 Resident Demographic Profile

In general, but not exclusively, residents of the park have low income and consist of single seniors, single individuals, and couples / families. Although there are some residents who are gainfully employed on either a full or part-time basis, many of our residents face low household income, and are unemployed or retired and are on fixed incomes. Many residents have physical or mental disabilities and rely on government assistance programs for financial aid and living assistance.




Based on our knowledge of resident income levels as well as 2020 Census Canada statistics, household income levels range as outlined in the table below.




Type	Source	Approx. Income
Median Employment Income - Full Time Workers	Census Canada 2020 for West Kelowna	\$72,000 Annually
Median Employment Income – Part Time Workers	Census Canada 2020 for West Kelowna	\$22,400 Annually
Persons with disabilities receiving social assistance through the Ministry of Social Development and Poverty Reduction (MSDPR)	General Knowledge	\$1,358.50 - \$1,945.50 per month
Income assistance through MSDPR	General Knowledge	\$935.00 per month
Seniors on CPP, CPP-D, OAS, GIS, SAFER	General Knowledge	\$1,238.0 – 2,073.20 per month




3.2 Manufactured Home Profiles




Unit Number	Tenant or Owner	Approx. Age of Home	Likelihood of Moving	Picture of Unit
1	Vacant pad	1976	Home Already Demolished or Scheduled for Demolition	
2	Owner	1973	Highly Unlikely due to age and condition	



3	Vacant Pad	1960	Home Already Demolished or Scheduled for Demolition	
4	Owner	1970	Highly Unlikely due to age and condition	
5	Owner	1971	Highly Unlikely due to age and condition	

6	Owner	1972	Highly Unlikely due to age and condition	
7	Vacant Pad	1970	Home Already Demolished or Scheduled for Demolition	
8	Tenant	1971	To be Demolished owned by Kerr Properties	

9	Tenant	1971	To be Demolished owned by Kerr Properties	
10	Tenant	1981	To be Demolished owned by Kerr Properties	
11	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	

12	Tenant	1972	To be Demolished owned by Kerr Properties	
13	Owner	1975	Highly Unlikely due to age and condition	
14	Tenant	1967	To be Demolished owned by Kerr Properties	




15	Tenant	1970	To be Demolished owned by Kerr Properties	
16	Tenant	1971	To be Demolished owned by Kerr Properties	
17	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	

18	Tenant	1975	To be Demolished owned by Kerr Properties	
19	Owner	1971	Highly Unlikely due to age and condition	
20	Vacant Pad		Home Already Demolished or Scheduled for Demolition	




21	Tenant	1969	To be Demolished owned by Kerr Properties	
22	Vacant Pad	1978	To be Demolished owned by Kerr Properties	
23	Owner	1972	Highly Unlikely due to age and condition	

24	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	
25	Owner	1975	Highly Unlikely due to age and condition	
26	Vacant Pad	1980	To be Demolished owned by Kerr Properties	






27	Tenant	1982	To be Demolished owned by Kerr Properties	
28	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	
29	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	



30	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	
31	Tenant	1977	To be Demolished owned by Kerr Properties	
32	Owner	1950	<p>Highly Unlikely due to age and condition</p> <p><i>*Unregistered / Unauthorized unit</i></p>	

33	Tenant	1974	To be Demolished owned by Kerr Properties	
34	Owner	1968	Highly Unlikely due to age and condition  <i>*Unregistered / Unauthorized unit</i>	
35	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	

36	Vacant Pad	1966	To be Demolished owned by Kerr Properties	
37	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	
38	Tenant	1981	To be Demolished owned by Kerr Properties	

39	Tenant	1969	To be Demolished owned by Kerr Properties	
40	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	
41	Tenant	1975	To be Demolished owned by Kerr Properties	

42	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	
43	Tenant	1968	To be Demolished owned by Kerr Properties	
44	Vacant Pad	N/A	Home Already Demolished or Scheduled for Demolition	

45	Vacant Pad	1984	Home Already Demolished or Scheduled for Demolition	
House	Tenant	1970	To be Demolished owned by Kerr Properties	

### 3.3 Statutory Requirements

Below is a summary of the statutory requirements set out in the Manufactured Home Park Tenancy Act, the Manufactured Home Park Tenancy Regulation, and the Residential Tenancy Act of British Columbia.

Tenant Type	Notice Period	Compensation	Other
Owner of Manufactured Home which can be moved	12 months	\$20,000.00 CAD	You move your manufactured home at your cost
Owner of Manufactured Home which cannot be moved	12 months	Most recent assessed value minus \$20,000.00 CAD	Tenant will need to apply for dispute resolution through the RTB and may not be awarded this amount of compensation depending on the arbitrator's decision.
Tenant of Kerr Properties Owned Manufactured Home	4 months	One Months Rent	Residential Tenancy Act Applies

### 3.4 Relocation of Tenants Who Don't Own Their Manufactured Home

If you don't own the Manufactured Home you are living in and are residing in the home as a tenant of Kerr Properties, the Manufactured Home Park Tenancy Act and Regulations don't apply to you.

In this case, the applicable legislation is the Residential Tenancy Act of British Columbia, and you will be provided with a 4 month notice for Demolition of the rental unit once the necessary permits are issued by the City of West Kelowna. In this case, you are entitled to compensation equal to one month's rent.

In addition to the one month's rent, Kerr Properties will also provide a relocation assistance payment of \$1000. This one-time payment will be made to the Tenant upon move out of the rental unit.



### 3.5 Relocation Options for Owners of Manufactured Homes

#### Option #1

**SIGN ON AND SELL YOUR MANUFACTURED HOME TO US** (*Offer expires within 60 days of the date this program was received by the tenant through registered mail*)

- We pay you for your manufactured home equal to your 2023 BC Assessment plus 10%. 75% paid upon sale and remaining 25% paid upon move out. <https://www.bcassessment.ca/>
- Maximum 120 days to move out and vacate the property after selling your home to us.
- \$1000 relocation assistance payment paid upon the sale to qualifying owner occupants only.
- We pay for the demolition and disposal of your manufactured home. ~\$20,000 value for hazardous material abatement, demolition, and clean up.

#### Option #2

**RELOCATE YOUR MANUFACTURED HOME**

- You relocate your manufactured home.
- We pay you the amount prescribed by law on the effective date of notice \$20,000.00 CAD
- Owner removes the manufactured home and all structures at their cost. Note, the manufactured home must meet certain qualifications to be relocated. See section 4.2 with website links for more information.
- \$1000 relocation assistance payment paid on the effective date of notice.

#### Option #3

**DON'T SELECT OPTION #1 OR OPTION #2 ABOVE AND THE LANDLORD PROVIDES 12 MONTH NOTICE TO VACATE PER SECTION 42 OF THE MOBILE HOME PARK TENANCY ACT**

- Landlord follows the statutory requirements set out in the Manufactured Home Park Act / Regulation and issues a 12 month notice to vacate upon re-zoning approval. See Appendix "E" for sample notice.

#### 4. Additional Resources

Knowing the inconvenience and stress the closure of the park may cause tenants, we have worked hard to find helpful resources that will assist owners and tenants in relocating. This section provides useful website links, contacts for advice, phone numbers, social programs, market rentals, seniors rentals, law firms, and even moving companies which will help ease the transition into your new home.

##### 4.1 Link to Helpful Websites – Know Your Rights

- BC Assessment  
<https://www.bcassessment.ca/>
  
- Manufactured Home Park Tenancy Act  
[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02077\\_01](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02077_01)
  
- Manufactured Home Park Tenancy Regulation  
[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/481\\_2003](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/481_2003)
  
- Manufactured Home Park Tenancy Guide  
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- Residential Tenancy Act  
[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02078\\_01](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02078_01)
  
- Manufactured Homes Government Website  
<https://www2.gov.bc.ca/gov/content/housing-tenancy/owning-a-home/manufactured-home-registry>

#### 4.2 Housing Resource Websites

- Subsidized housing / low-income seniors housing - <https://www.societyofhope.org/>
- Affordable rental housing for low-to-moderate income but may not be eligible for subsidized housing - <https://www.bchousing.org/>
- CO-OP housing - <https://okhc.ca/>
- Market rental housing with subsidy
  - <https://www.bchousing.org/>
  - <https://www.nowcanada.ca/>
  - <https://cmhkelowna.com/>
  - <https://foundrybc.ca/kelowna/>
  - <http://www.kfs.bc.ca/>
  - <https://www.bchousing.org/housing-assistance/rental-assistance-programs/SAFER>
  - <https://www.bchousing.org/housing-assistance/rental-assistance-programs/RAP>
- Market rental housing without subsidy
  - <https://www.castanet.net/>
  - <https://www.facebook.com/login/?next=%2Fmarketplace%2F>
  - <https://www.kijiji.ca/>
  - <https://kelowna.craigslist.org/>
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**4.3 Family Housing Providers for Low Income Families and Seniors – Telephone Numbers**

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**4.5 Local Moving Companies**

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- Two Small Men with Big Hearts – 250-861-5030
- Brett and Buddies – 250-469-4550

**APPENDIX "A"**

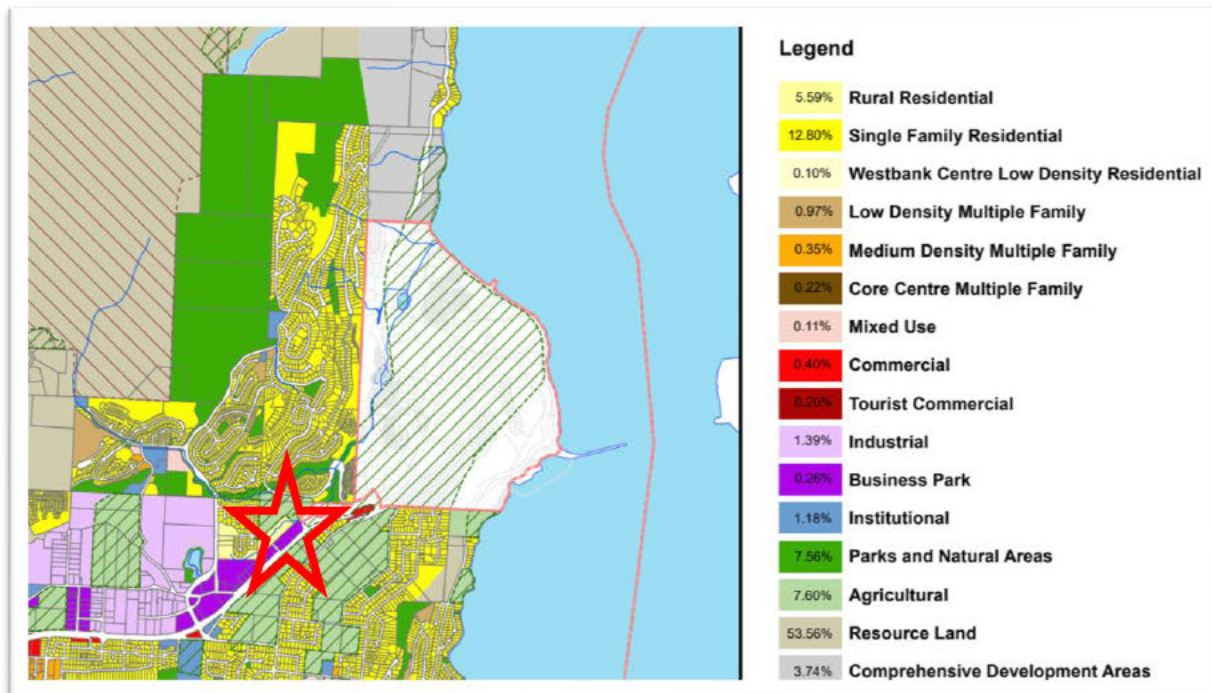
**Sample - Notification Letter to Tenants of Redevelopment Plans**

June 1, 2023

Re: Unit #\_\_\_\_ - 2355 Marshall Rd, West Kelowna, BC V1Z 1E9

Dear (tenants name as it appears on title or residential tenancy agreement)

We write to inform you of our plans to close the manufactured home park in which you live and re-develop the property to a Light Industrial / Business Park land use per the City of West Kelowna Official Community Plan land use designation (Map below).



As part of the application to re-zone and re-develop the site, we will be preparing and implementing both a Communication Plan and Relocation Assistance Program per the City of West Kelowna “Manufactured Home Park Redevelopment Policy”. This program will provide you with clear communication of the process, ample notice periods for relocating, administrative support, and financial assistance greater than the statutory requirements set out in the Manufactured Home Park Tenancy Act of BC or Residential Tenancy Act of BC.

---

Once approved by City of West Kelowna staff, both the Communication Plan and Relocation Assistance Program will be mailed and hand delivered to you prior to the applications being presented to the Advisory Planning Commission, and City Council, and before any Public Hearings are scheduled for the application.

If you have any questions or would like to have a preliminary discussion of your options before these plans are approved and shared with you, please contact the undersigned.

Sincerely,

Jessica Green

*(Sign here)*

*Relocation Coordinator  
Kerr Properties 002 Ltd.*

██████████  
████████████████████

**APPENDIX "B"**

**Status Report & Selection Form**



Unit #	Occupant Name	Tenant or Owner	Initial Notice Provided (Appendix A) (Date)	Communication Plan / Relocation Assistance Program Provided (Date)	Preferred Relocation Option	Notes
1	Vacant Pad	N/A				
2	██████████	Owner				
3	Vacant Pad	N/A				
4	██████████	Owner				
5	██████████	Owner				
6	██████████	Owner				
7	Vacant Pad	N/A				
8	██████████ ██████████ ██████████	Tenant				
9	██████████	Tenant				
10	██████	Tenant				
11	██████████	N/A				
12	██████████	Tenant				
13	██████████	Owner				
14	██████████ ██████	Tenant				
15	██████████	Tenant				
16	██████████	Tenant				
17	Vacant Pad	N/A				
18	██████████	Tenant				
19	██████████	Owner				
20	Vacant Pad	N/A				
21	██████████	Tenant				
22	Vacant Pad	N/A				

23	██████████	Owner				
24	Vacant Pad	N/A				
25	██████████	Owner				
26	Vacant Pad	N/A				
27	██████████	Tenant				
28	Vacant Pad	N/A				
29	Vacant Pad	N/A				
30	Vacant Pad	N/A				
31	██████████	Tenant				
32	██████████	Owner				
33	██████████	Tenant				
34	██████████	Owner				
35	Vacant Pad	N/A				
36	Vacant Pad	N/A				
37	Vacant Pad	N/A				
38	██████████	Tenant				
39	██████████	Tenant				
40	Vacant Pad	N/A				
41	██████████	Tenant				
42	Vacant Pad	N/A				
43	██████████	Tenant				
44	Vacant Pad	N/A				
45	Vacant Pad	N/A				
House	██████████	Tenant				

---

**RELOCATION OPTION SELECTION FORM**

July 21, 2023

**Registered Owners Name(s):** *(Name as it appears on title)*

**Civil Address:** Unit # 2 - 2355 Marshall Rd, West Kelowna, BC V1Z 1E9

**Legal Address:** OSOYOOS DIV OF YALE LAND DISTRICT, MANUFACTURED HOME REG.# 22463, BAY # 2,  
19364 COUNTY MANUFACTURED HOME PARK, MHP ROLL # 19-364-13771.000

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I (\_\_\_\_\_, and \_\_\_\_\_) acknowledge that I / we have read the “Relocation Assistance Program” and understand the options available to us for relocation. Selected below is our preferred relocation option.

Both parties agree that this is not a binding agreement but an expression of the preferred relocation option, and intention to work in good faith with Kerr Properties 002 Ltd towards a mutually acceptable agreement.

<input type="checkbox"/>	<p><b>OPTION #1 - SIGN ON AND SELL YOUR MANUFACTURED HOME TO US</b> <i>(Offer expires within 60 days of the date this program was received by the tenant through registered mail)</i></p> <ul style="list-style-type: none"> <li>• We pay you for your manufactured home equal to your 2023 BC Assessment plus 10%. 75% paid upon sale and the remaining 25% paid upon move out. <a href="https://www.bccassessment.ca/">https://www.bccassessment.ca/</a></li> <li>• Maximum 120 days to move out and vacate the property after selling your home to us.</li> <li>• \$1000 relocation assistance payment paid upon the sale to qualifying owner occupants only.</li> <li>• We pay for the demolition and disposal of your manufactured home. ~\$20,000 value for hazardous material abatement, demolition, and clean up.</li> </ul>
<input type="checkbox"/>	<p><b>OPTION #2 - RELOCATE YOUR MANUFACTURED HOME</b></p> <ul style="list-style-type: none"> <li>• You relocate your manufactured home.</li> <li>• We pay you the amount prescribed by law on the effective date of notice \$20,000.00 CAD</li> <li>• Owner removes the manufactured home and all structures at their cost. Note, the manufactured home must meet certain qualifications to be relocated. See section 4.2 with website links for more information.</li> <li>• \$1000 relocation assistance payment paid on the effective date of notice.</li> </ul>
<input type="checkbox"/>	<p><b>OPTION #3 - DON'T SELECT OPTION #1 OR OPTION #2 ABOVE AND THE LANDLORD PROVIDES 12 MONTH NOTICE TO VACATE PER SECTION 42 OF THE MOBILE HOME PARK TENANCY ACT</b></p> <ul style="list-style-type: none"> <li>• Landlord follows the statutory requirements set out in the Manufactured Home Park Act / Regulation and issues a 12 month notice to vacate upon re-zoning approval. See Appendix "E" for sample notice.</li> </ul>

X

Registered Owners Name

X

Registered Owners Name

X

Kerr Properties 002 Ltd  
Authorized Signatory

**APPENDIX "C"**

**City of West Kelowna – Manufactured Home Park Redevelopment Policy**



# DRAFT DISTRICT OF WEST KELOWNA

## COUNCIL POLICY MANUAL

Pages: 1 of 2

Approval Date: 2008-APR-22

<b>SECTION:</b> DEVELOPMENT SERVICES
<b>SUBJECT:</b> MANUFACTURED HOME PARK REDEVELOPMENT POLICY

### Manufactured Home Park Redevelopment Policy

The following policy address the displacement of tenants resulting from redevelopment of manufactured home parks. The policy is meant to provide tenants with the opportunity for greater notification and assistance from applicant(s) than is currently required under the *Manufactured Park Home Tenancy Act*.

This policy applies to applications for an amendment to the Zoning Bylaw and to any other matters in which the Council may properly take into consideration the displacement of manufactured home park tenants.

While considering applications, Council may require staff to report on any existing manufactured home park use and whether it is in the public interest for Council to support redevelopment of lands presently used for that purpose while there is a shortage of suitable manufactured home sites in the region.

Council may further require a report on whether any relocation assistance plan has been proposed that would have a bearing on the issue.

If the applicant wishes the Council to consider a relocation assistance plan, it should follow the procedures below.

#### I. Communication of Plans for Redevelopment

1. At the pre-application stage, the applicant should notify in writing all tenants that plans for redevelopment are being made, and that a relocation assistance program is part of these plans. All tenants affected by any proposed redevelopment should be advised by the applicant 30 days prior to application submission. Notices should also be posted on communal notice boards and facilities in the manufactured home park. Copies of these communications should be submitted with the development application
2. The applicant(s) should formulate a plan for communicating the relocation assistance program to existing residents. The communication plan should provide tenants with information that will assist them in making plans for alternative living arrangements. The applicant(s) should provide updates to the residents as the process progresses and should provide tenants with a letter at least 10 days prior to the development application being presented to the relevant Advisory Planning Commission, Council Meeting and/or Public Hearing for their consideration.

#### II. Relocation Assistance Program

1. The relocation assistance program:
  1. Should include a profile of resident demographic characteristics, such as family size/structure, general income levels, housing needs/relocation options/preferences, and where this information is attainable;
  2. Should include a profile of manufactured home conditions and potential for moving and re-use of homes;
  3. Should be flexible and multi-dimensional by including various options and components, in order to respond to different tenant characteristics, needs and preferences;
  4. May include, in addition to the statutory requirements under the *Manufactured Home Park Tenancy Act*:
    - i. Arranging and paying for the disposal of manufactured homes;
    - ii. Unconditional compensation payments of a value that would provide tenants with some amount of equity and greater flexibility in their plans for relocation (i.e. a payment equivalent to the assessed value of the “on pad” manufactured home). This would be in addition to the mandatory payment under the *Manufactured Home Park Tenancy Act*;
    - iii. Opportunities for the right of first refusal to purchase and purchase discounts on local units developed by the applicant(s), including new units built on the subject property;
    - iv. Advice on options for relocating in the regional context in regards to market housing, non-market housing and manufactured home park opportunities.
  5. Should include a status report on the implementation of the program, indicating preferred options for the tenants.

### III. Timing

The applicant(s) should formulate, communicate and begin implementing components of the program as soon as possible, after the plans for redevelopment are made. The relocation assistance plan should be provided to the District of West Kelowna with the development application.

### IV. Evaluation of Securing of the Plan

Municipal staff will evaluate the proposed relocation assistance program in conjunction with the development application to determine if it meets the objectives of this policy. The municipality may request adequate assurance, either by way of a financial or legal undertaking (i.e. letter of credit, performance bond, or a similar alternative) that the relocation assistance plan will be implemented. Staff will include this information in the development application evaluation report that is forwarded to the Council for its consideration of the application.

Previous Revision/s: (if applicable)

**APPENDIX "D"**

**Sample - Relocation Assistance Program for Owners of a Manufactured Home**



Unit #2 - 2355 Marshall Rd, West Kelowna BC  
Relocation Assistance Program

Owner / Pad Tenant: [REDACTED]

Address: [REDACTED]



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**1. Introduction**

Dear [REDACTED],

Further to the notification letter submitted to you on **(date)** and attached again for reference as “Appendix A”, the City of West Kelowna Planning Department has now accepted our application to re-zone the property located at 2355 Marshall Rd, West Kelowna BC where your manufactured home is located on Pad #2.

The re-zoning application to a Business Park / Light Industrial land use is now in process and will be presented to the City of West Kelowna Council and Advisory Planning Commission in the near future for consideration and adoption.

Section 2 of this program outlines our Communication Plan and what you can expect from us with respect to notifications, updates, and formal notices as the re-zoning application, and closure of the park progresses.

Section 3 outlines the statutory requirements and options available to you for the sale and or relocation of your manufactured home when the park is ultimately closed.

Section 4 provides additional resources to assist owners in relocating and also provides links to all pertinent websites and information you will need to understand your rights, and legislation surrounding the closure of a Manufactured Home Park in British Columbia.

Please review this program in detail and contact the undersigned to discuss further, and to communicate your desired option for relocation.

Kind Regards,

*Jessica Green*  
*Relocation Assistance Coordinator*  
*Kerr Properties 002 Ltd.*

[REDACTED]  
[REDACTED]

**2. Communication Plan**

This section outlines and formalizes how this Relocation Assistance Program will be communicated to the tenants before, during, and after application is made for re-zoning and development of the site.

Notification Details	Timeline for Notice	Method of Delivery	Notice to Who
Notification of Redevelopment Plans Letter (Appendix "A")	Minimum of 30 days prior to application submission to the City of West Kelowna	Registered Mail, hand delivery, posted on park community message boards	All tenants in the park
Communication Plan & Relocation Assistance Program	Minimum 10 days prior to development application being presented to the APC, Council and/or Public Hearing. After approval of plan by City Staff	Registered Mail, hand delivery, posted on park community message boards, email if provided	All tenants in the park
Progress Updates on Re-Zoning / Development Application	Quarterly	Email if provided, posted on park community message boards	All tenants in the park
Formal Notice to Vacate	Issued upon re-zoning approval from the City of West Kelowna	Registered Mail, Hand Delivery,	All tenants in the park. Formal notice type will depend on relocation option selected and tenant type

All communication and queries shall be directed in writing to the Kerr Properties Relocation Coordinator.

**Relocation Coordinator:** Jessica Green

**Mailing Address:** BLDG A – 5350 272<sup>nd</sup> Street, Langley BC, V4W 1S3

**Email:** [REDACTED]

**Phone:** [REDACTED]

### 3. Relocation Assistance Program

This section has been prepared in accordance with the “City of West Kelowna Manufactured Home Park Redevelopment Policy” and will be implemented to assist residents in finding alternative housing arrangements when the park is closed.

#### 3.1 Statutory Requirements

Are you wondering what you are entitled to by law? Below is a summary of the statutory requirements set out in the Manufactured Home Park Tenancy Act, the Manufactured Home Park Tenancy Regulation, and the Residential Tenancy Act of British Columbia.

Tenant Type	Notice Period	Compensation	Other
Owner of Manufactured Home which can be moved	12 months	\$20,000.00 CAD	You move your manufactured home at your cost
Owner of Manufactured Home which cannot be moved	12 months	Most recent assessed value minus \$20,000.00 CAD	Tenant will need to apply for dispute resolution through the RTB and may not be awarded this amount of compensation depending on the arbitrator’s decision.

### 3.2 Relocation Options for Owners of Manufactured Homes

#### Option #1

**SIGN ON AND SELL YOUR MANUFACTURED HOME TO US** (*Offer expires within 60 days of the date this program was received by the tenant through registered mail*)

- We pay you for your manufactured home equal to your 2023 BC Assessment plus 10%. 75% paid upon sale and remaining 25% paid upon move out. <https://www.bcassessment.ca/>
- Maximum 120 days to move out and vacate the property after selling your home to us.
- \$1000 relocation assistance payment paid upon the sale to qualifying owner occupants only.
- We pay for the demolition and disposal of your manufactured home. ~\$20,000 value for hazardous material abatement, demolition, and clean up.

#### Option #2

##### **RELOCATE YOUR MANUFACTURED HOME**

- You relocate your manufactured home.
- We pay you the amount prescribed by law on the effective date of notice \$20,000.00 CAD
- Owner removes the manufactured home and all structures at their cost. Note, the manufactured home must meet certain qualifications to be relocated. See section 4.2 with website links for more information.
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**DON'T SELECT OPTION #1 OR OPTION #2 ABOVE AND THE LANDLORD PROVIDES 12 MONTH NOTICE TO VACATE PER SECTION 42 OF THE MOBILE HOME PARK TENANCY ACT**

- Landlord follows the statutory requirements set out in the Manufactured Home Park Act / Regulation and issues a 12 month notice to vacate upon re-zoning approval. See Appendix "E" for sample notice.

#### **4. Additional Resources**

Knowing the inconvenience and stress the closure of the park may cause tenants, we have worked hard to find helpful resources that will assist owners and tenants in relocating. This section provides useful website links, contacts for advice, phone numbers, social programs, market rentals, seniors rentals, law firms, and even moving companies which will help ease the transition into your new home.

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- Manufactured Home Park Tenancy Guide  
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  - <https://foundrybc.ca/kelowna/>
  - <http://www.kfs.bc.ca/>
  - <https://www.bchousing.org/housing-assistance/rental-assistance-programs/SAFER>
  - <https://www.bchousing.org/housing-assistance/rental-assistance-programs/RAP>
- Market rental housing without subsidy
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  - <https://www.facebook.com/login/?next=%2Fmarketplace%2F>
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**APPENDIX "A"**

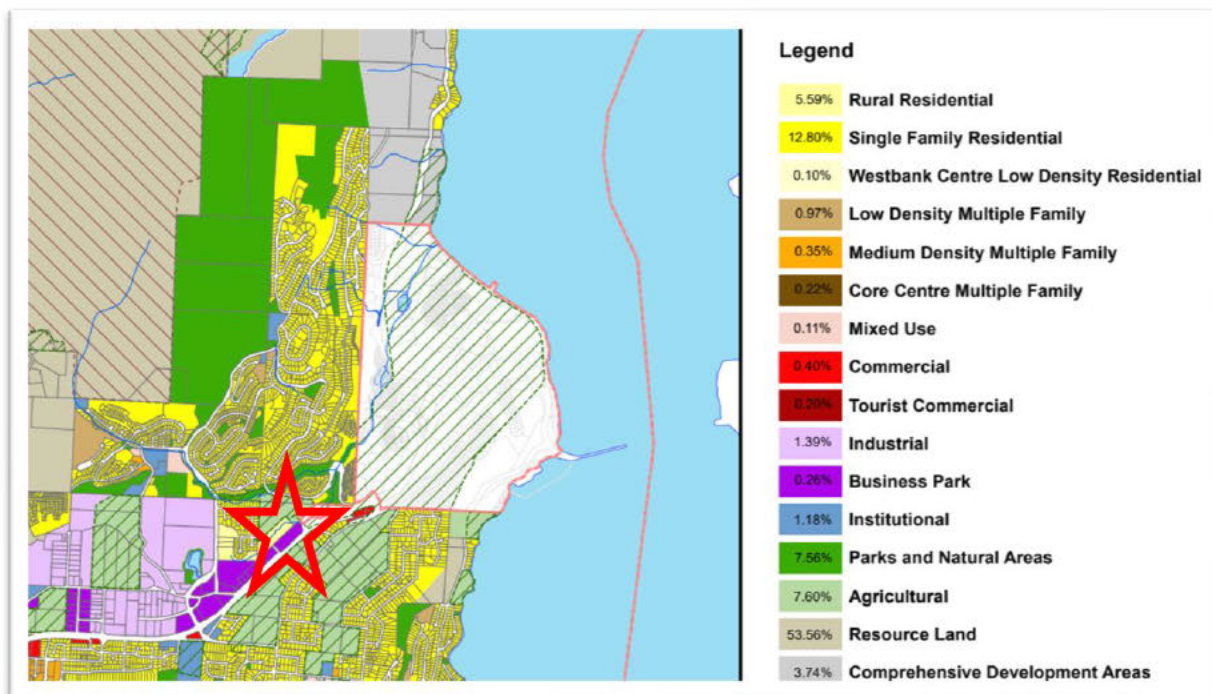
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Once approved by City of West Kelowna staff, both the Communication Plan and Relocation Assistance Program will be mailed and hand delivered to you prior to the applications being presented to the Advisory Planning Commission, and City Council, and before any Public Hearings are scheduled for the application.

If you have any questions or would like to have a preliminary discussion of your options before these plans are approved and shared with you, please contact the undersigned.

Sincerely,

Jessica Green

*(Sign here)*

*Relocation Coordinator  
Kerr Properties 002 Ltd.*

██████████  
████████████████████

**APPENDIX "B"**

**City of West Kelowna – Manufactured Home Park Redevelopment Policy**



# DRAFT DISTRICT OF WEST KELOWNA

## COUNCIL POLICY MANUAL

Pages: 1 of 2

Approval Date: 2008-APR-22

<b>SECTION:</b> DEVELOPMENT SERVICES
<b>SUBJECT:</b> MANUFACTURED HOME PARK REDEVELOPMENT POLICY

### Manufactured Home Park Redevelopment Policy

The following policy address the displacement of tenants resulting from redevelopment of manufactured home parks. The policy is meant to provide tenants with the opportunity for greater notification and assistance from applicant(s) than is currently required under the *Manufactured Park Home Tenancy Act*.

This policy applies to applications for an amendment to the Zoning Bylaw and to any other matters in which the Council may properly take into consideration the displacement of manufactured home park tenants.

While considering applications, Council may require staff to report on any existing manufactured home park use and whether it is in the public interest for Council to support redevelopment of lands presently used for that purpose while there is a shortage of suitable manufactured home sites in the region.

Council may further require a report on whether any relocation assistance plan has been proposed that would have a bearing on the issue.

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- 1. The relocation assistance program:
  - Should include a profile of resident demographic characteristics, such as family size/structure, general income levels, housing needs/relocation options/preferences, and where this information is attainable;
- 2. Should include a profile of manufactured home conditions and potential for moving and re-use of homes;
- 3. Should be flexible and multi-dimensional by including various options and components, in order to respond to different tenant characteristics, needs and preferences;
- 4. May include, in addition to the statutory requirements under the *Manufactured Home Park Tenancy Act*:
  - i. Arranging and paying for the disposal of manufactured homes;
  - ii. Unconditional compensation payments of a value that would provide tenants with some amount of equity and greater flexibility in their plans for relocation (i.e. a payment equivalent to the assessed value of the “on pad” manufactured home). This would be in addition to the mandatory payment under the *Manufactured Home Park Tenancy Act*;
  - iii. Opportunities for the right of first refusal to purchase and purchase discounts on local units developed by the applicant(s), including new units built on the subject property;
  - iv. Advice on options for relocating in the regional context in regards to market housing, non-market housing and manufactured home park opportunities.
- 5. Should include a status report on the implementation of the program, indicating preferred options for the tenants.

**III. Timing**

The applicant(s) should formulate, communicate and begin implementing components of the program as soon as possible, after the plans for redevelopment are made. The relocation assistance plan should be provided to the District of West Kelowna with the development application.

**IV. Evaluation of Securing of the Plan**

Municipal staff will evaluate the proposed relocation assistance program in conjunction with the development application to determine if it meets the objectives of this policy. The municipality may request adequate assurance, either by way of a financial or legal undertaking (i.e. letter of credit, performance bond, or a similar alternative) that the relocation assistance plan will be implemented. Staff will include this information in the development application evaluation report that is forwarded to the Council for its consideration of the application.

Previous Revision/s: (if applicable)

**APPENDIX "C"**

**Title Search**



DRAFT

APPENDIX “C” HAS BEEN  
REMOVED AS IT  
CONTAINS CONFIDENTIAL  
INFORMATION

**APPENDIX "D"**

**Detailed Tax Report**

DRAFT

APPENDIX “D” HAS BEEN  
REMOVED AS IT  
CONTAINS CONFIDENTIAL  
INFORMATION

**APPENDIX "E"**

**RTB 31 – 12 Month Notice to End Tenancy**

*Used only if Option #2 or #3 are selected*

**Tenant: This is a legal notice that could lead to you being evicted from your home**

**HOW TO DISPUTE THIS NOTICE**

You have the right to dispute this Notice within **15 days** of receiving it, by filing an Application for Dispute Resolution with the Residential Tenancy Branch online, in person at any Service BC Office or by going to the Residential Tenancy Branch Office at #400 - 5021 Kingsway in Burnaby. If you do not apply within the required time limit, you are presumed to accept that the tenancy is ending and must vacate the manufactured home park site by the effective date of this Notice.

**See pages 2 and 3 of this notice for important information**

**To the Tenant:** (use Schedule of Parties form #RTB- 26 to list additional tenants)

first and middle name	last name
first and middle name	last name
main phone	other phone

**Tenant Address:**

site/unit #	street # and name	city	province	postal code
-------------	-------------------	------	----------	-------------

**From the Landlord:** (use Schedule of Parties form #RTB- 26 to list additional landlords)

first and middle name	last name
main phone	other phone

**Landlords address:**

site/unit #	street # and name	city	province	postal code
-------------	-------------------	------	----------	-------------

**I, the Landlord, give you 12 months' notice to move out of the manufactured home site located at:**

site/unit #	street # and name	city	province	postal code
-------------	-------------------	------	----------	-------------

DD/MM/YYYY

You must move out of the manufactured home site by:

name of landlord/agent	signature of landlord/agent	date signed DD/MM/YYYY
------------------------	-----------------------------	------------------------

Your personal information is collected under section 26 (a) and (c) of the Freedom of Information and Protection of Privacy Act for the purpose of administering the Residential Tenancy Act. If you have any questions regarding the collection of your personal information, please call 604-660-1020 in Greater Vancouver; 250-387-1602 in Victoria; or 1-800-665-8779 elsewhere in B.C.

Complete the details below at the time of service (not required on landlord's copy; failure to complete does not invalidate notice).

Served by:

- In person to the tenant or agent of the tenant or an adult (over 19) who appears to live with the tenant
- Sending a copy by registered mail to the address at which the person resides
- Leaving a copy in a mailbox or mail slot at the address where the person resides
- Attaching a copy to the door or other conspicuous place where the tenant resides
- Faxes it to a number you have provided as an address for service
- Emails it to an email address you have provided as an address for service
- As ordered by the Director of the Residential Tenancy Branch (attach copy of Substituted Service Order)

Landlords should also complete Proof of Service Notice to End Tenancy (form #RTB-34) as evidence of service.

## IMPORTANT INFORMATION ABOUT THIS NOTICE

### REQUIREMENTS FOR ENDING A TENANCY WITH THIS NOTICE:

A landlord may end a tenancy with twelve month notice to convert all or a significant part of the manufactured home park to a non-residential use or a residential use other than a manufactured home park.

#### 1. LANDLORD MUST ACT IN GOOD FAITH

Your landlord has to intend in good faith to accomplish the purpose for ending your tenancy. A claim of good faith requires honesty of intention with no ulterior motive.

#### 2. PERMITS AND APPROVALS MAY BE REQUIRED

Your landlord has to have all permits and approvals that are required by law in place before they give you this notice. You can ask your landlord to see the permits.

#### 3. EFFECTIVE DATE OF NOTICE

The effective date of this Notice is the date you must vacate the manufactured home site. Your landlord must provide you with at least twelve months' notice and the effective date must be the last day of the rental period. For example, if you pay rent on the first day of each month, the effective date must be the last day of a month.

#### 4. LANDLORD MUST COMPENSATE YOU

On or before the effective date of this Notice, your landlord has to compensate you \$20,000.

#### 5. YOU MAY BE ABLE TO MOVE OUT EARLY

Following receipt of this Notice, you can end the tenancy sooner than the date set out in this Notice as long as you give the landlord at least 10 days' written notice to end the tenancy. Rent is payable only until the date the tenant permanently vacates the site. Ending the tenancy early does not affect your right to the \$20,000 compensation above.

#### 6. IF YOUR MANUFACTURED HOME CANNOT BE MOVED

You may make an application for dispute resolution for additional compensation if your manufactured home is not capable of being moved from the manufactured home site and the most recent assessed value of your manufactured home is more than \$20,000.

## 7. YOU MAY BE ENTITLED TO ADDITIONAL COMPENSATION

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After you vacate the manufactured home site, if your landlord does not take steps to accomplish the stated conversion of the manufactured home park within a reasonable period after the effective date of this Notice, your landlord must compensate you the greater of: \$5000 or the amount equal to 12 times the monthly rent that would have been payable under the tenancy agreement. You must apply to the Residential Tenancy Branch to be awarded this compensation. Your landlord may be excused from paying this amount if there were extenuating circumstances that prevented your landlord from accomplishing the purpose for ending your tenancy within a reasonable period after the effective date of the Notice.

## 8. WHEN YOU ARE CONSIDERED TO HAVE RECEIVED THIS NOTICE

You are considered to have received this notice on the day it is given to you in person (or to an adult (19+) who appears to live with you).

If you were not personally served with this Notice, you are considered to have received the Notice, unless there is evidence to the contrary, on the following:

- 3 days after the landlord either leaves the Notice in the mailbox or through the mail slot; posts it on the door or a noticeable place at the address where you live; or emails/faxes it to a number you have provided as an address for service; or
- 5 days after the landlord sends the Notice by registered or regular mail to the address where you live.

**Note: The date a person receives documents is what is used to calculate the time to respond; the deeming provisions do not give you extra time to respond**

## 9. INFORMATION FOR LANDLORDS

You can file an Application for Dispute Resolution for an Order of Possession if you believe the tenant does not intend to move out and the tenant's deadline to dispute this Notice has expired. The tenant has **15** calendar days from the date of receipt of this notice to file an Application for Dispute Resolution.

If the tenant disputes the Notice, a hearing will be held. You will have an opportunity to participate and prove that the tenancy should end for the reason you have indicated on this Notice. An error in this Notice or an incorrect move-out date on this Notice does not make it invalid. An arbitrator can order that the tenancy ends on a date other than the date specified on this Notice.

If an arbitrator upholds this Notice, the arbitrator must grant an Order of Possession to you. If an arbitrator determines this Notice is not valid, the notice to end tenancy is cancelled and the tenancy continues. Keep copies of all Notices to End Tenancy and record each date and how the Notice was given or received.

You **MUST NOT** physically evict a tenant without a Writ of Possession obtained from the Supreme Court of British Columbia after an arbitrator has issued an Order of Possession, change the locks without an arbitrator's order, or seize a tenant's personal property without a court order

### FOR MORE INFORMATION:

[www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant)

Public Information Lines: 1-800-665-8779 (toll-free) Greater Vancouver: 604-660-1020 Victoria: 250-387-1602

This is page 3 of a 3-page Notice. The landlord must sign page one of this Notice and must give the tenant every page.

**APPENDIX "F"**

**Relocation Option Selection Form**



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**RELOCATION OPTION SELECTION FORM**

July 21, 2023

**Registered Owners Name(s):** *(Name as it appears on title)*

**Civil Address:** Unit # 2 - 2355 Marshall Rd, West Kelowna, BC V1Z 1E9

**Legal Address:** OSOYOOS DIV OF YALE LAND DISTRICT, MANUFACTURED HOME REG.# 22463, BAY # 2,  
19364 COUNTY MANUFACTURED HOME PARK, MHP ROLL # 19-364-13771.000

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I (\_\_\_\_\_, and \_\_\_\_\_) acknowledge that I / we have read the “Relocation Assistance Program” and understand the options available to us for relocation. Selected below is our preferred relocation option.

Both parties agree that this is not a binding agreement but an expression of the preferred relocation option, and intention to work in good faith with Kerr Properties 002 Ltd towards a mutually acceptable agreement.

<input type="checkbox"/>	<p><b>OPTION #1 - SIGN ON AND SELL YOUR MANUFACTURED HOME TO US</b> (<i>Offer expires within 60 days of the date this program was received by the tenant through registered mail</i>)</p> <ul style="list-style-type: none"> <li>• We pay you for your manufactured home equal to your 2023 BC Assessment plus 10%. 75% paid upon sale and the remaining 25% paid upon move out. <a href="https://www.bcasessment.ca/">https://www.bcasessment.ca/</a></li> <li>• Maximum 120 days to move out and vacate the property after selling your home to us.</li> <li>• \$1000 relocation assistance payment paid upon the sale to qualifying owner occupants only.</li> <li>• We pay for the demolition and disposal of your manufactured home. ~\$20,000 value for hazardous material abatement, demolition, and clean up.</li> </ul>
<input type="checkbox"/>	<p><b>OPTION #2 - RELOCATE YOUR MANUFACTURED HOME</b></p> <ul style="list-style-type: none"> <li>• You relocate your manufactured home.</li> <li>• We pay you the amount prescribed by law on the effective date of notice \$20,000.00 CAD</li> <li>• Owner removes the manufactured home and all structures at their cost. Note, the manufactured home must meet certain qualifications to be relocated. See section 4.2 with website links for more information.</li> <li>• \$1000 relocation assistance payment paid on the effective date of notice.</li> </ul>
<input type="checkbox"/>	<p><b>OPTION #3 - DON'T SELECT OPTION #1 OR OPTION #2 ABOVE AND THE LANDLORD PROVIDES 12 MONTH NOTICE TO VACATE PER SECTION 42 OF THE MOBILE HOME PARK TENANCY ACT</b></p> <ul style="list-style-type: none"> <li>• Landlord follows the statutory requirements set out in the Manufactured Home Park Act / Regulation and issues a 12 month notice to vacate upon re-zoning approval. See Appendix "E" for sample notice.</li> </ul>

X

Registered Owners Name

X

Registered Owners Name

X

Kerr Properties 002 Ltd  
Authorized Signatory

**APPENDIX "E"**

**Sample - Relocation Assistance Program for Tenants of Kerr Properties 002 Ltd.**

Unit #8 - 2355 Marshall Rd, West Kelowna BC  
Relocation Assistance Program

Tenant: [REDACTED]

Address: [REDACTED]



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**1. Introduction**

Dear [REDACTED],

Further to the notification letter submitted to you on *(date)* and attached again for reference as “Appendix A”, the City of West Kelowna Planning Department has now accepted our application to re-zone the property located at 2355 Marshall Rd, West Kelowna BC where you are a residential tenant in unit #8.

The re-zoning application to a Business Park / Light Industrial land use is now in process and will be presented to the City of West Kelowna Council and Advisory Planning Commission in the near future for consideration and adoption.

Section 2 of this program outlines our approved Communication Plan and what you can expect from us with respect to notifications, updates, and formal notices as the re-zoning application, and closure of the park progresses.

Section 3 outlines the statutory requirements and process you can expect when a manufactured home park is closed, the home demolished, and residential tenants are being displaced.

Section 4 provides additional resources to assist owners in relocating and also provides links to all pertinent websites and information you will need to understand your rights, and legislation surrounding the closure of a Manufactured Home Park in British Columbia and eviction of residential tenants when a home is scheduled for demolition.

Please review this program in detail and contact the undersigned to discuss further.

Kind Regards,

*Jessica Green*  
*Relocation Assistance Coordinator*  
*Kerr Properties 002 Ltd.*

[REDACTED]  
[REDACTED]

**2. Communication Plan**

This section outlines and formalizes how this Relocation Assistance Program will be communicated to the tenants before, during, and after application is made for re-zoning and development of the site.

Notification Details	Timeline for Notice	Method of Delivery	Notice to Who
Notification of Redevelopment Plans Letter (Appendix “A”)	Minimum of 30 days prior to application submission to the City of West Kelowna	Registered Mail, hand delivery, posted on park community message boards	All tenants in the park
Communication Plan & Relocation Assistance Program	Minimum 10 days prior to development application being presented to the APC, Council and/or Public Hearing. After approval of plan by City Staff	Registered Mail, hand delivery, posted on park community message boards, email if provided	All tenants in the park
Progress Updates on Re-Zoning / Development Application	Quarterly	Email if provided, posted on park community message boards	All tenants in the park
4 months Notice to Vacate for Demolition	Issued Upon Receipt of demolition permits	Registered Mail, Hand Delivery	Tenants of Kerr Properties who don’t own their home

All communication and queries shall be directed in writing to the Kerr Properties Relocation Coordinator.

**Relocation Coordinator:** Jessica Green

**Mailing Address:** BLDG A – 5350 272<sup>nd</sup> Street, Langley BC, V4W 1S3

████████████████████  
████████████████████

**3. Relocation Assistance Program**

This section has been prepared in accordance with the “City of West Kelowna Manufactured Home Park Redevelopment Policy” and will be implemented to assist residents in finding alternative housing arrangements when the park is closed.

**3.1 Statutory Requirements**

Are you wondering what you are entitled to by law? Below is a summary of the statutory requirements set out in the Manufactured Home Park Tenancy Act, the Manufactured Home Park Tenancy Regulation, and the Residential Tenancy Act of British Columbia.

Tenant Type	Notice Period	Compensation	Other
Tenant of Kerr Properties Owned Manufactured Home	4 months	One Months Rent	Residential Tenancy Act Applies

**3.2 Relocation of Tenants Who Don’t Own Their Manufactured Home**

If you don’t own the Manufactured Home you are living in and are residing in the home as a tenant of Kerr Properties, the Manufactured Home Park Tenancy Act and Regulations don’t apply to you.

In this case, the applicable legislation is the Residential Tenancy Act of British Columbia, and you will be provided with a 4 month notice for Demolition of the rental unit once the necessary permits are issued by the City of West Kelowna. In this case, you are entitled to compensation equal to one month’s rent.

In addition to the one month’s rent, Kerr Properties will also provide a relocation assistance payment of \$1000. This one-time payment will be made to the Tenant upon move out of the rental unit.



#### 4. Additional Resources

Knowing the inconvenience and stress the closure of the park may cause tenants, we have worked hard to find helpful resources that will assist owners and tenants in relocating. This section provides useful website links, contacts for advice, phone numbers, social programs, market rentals, seniors rentals, law firms, and even moving companies which will help ease the transition into your new home.

##### 4.1 Link to Helpful Websites – Know Your Rights

- BC Assessment  
<https://www.bccassessment.ca/>
  
- Manufactured Home Park Tenancy Act  
[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02077\\_01](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02077_01)
  
- Manufactured Home Park Tenancy Regulation  
[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/481\\_2003](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/481_2003)
  
- Manufactured Home Park Tenancy Guide  
<https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/guides/mhp-guide19.pdf>
  
- Residential Tenancy Act  
[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02078\\_01](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02078_01)
  
- Manufactured Homes Government Website  
<https://www2.gov.bc.ca/gov/content/housing-tenancy/owning-a-home/manufactured-home-registry>

#### 4.2 Housing Resource Websites

- Subsidized housing / low-income seniors housing - <https://www.societyofhope.org/>
- Affordable rental housing for low-to-moderate income but may not be eligible for subsidized housing - <https://www.bchousing.org/>
- CO-OP housing - <https://okhc.ca/>
- Market rental housing with subsidy
  - <https://www.bchousing.org/>
  - <https://www.nowcanada.ca/>
  - <https://cmhkelowna.com/>
  - <https://foundrybc.ca/kelowna/>
  - <http://www.kfs.bc.ca/>
  - <https://www.bchousing.org/housing-assistance/rental-assistance-programs/SAFER>
  - <https://www.bchousing.org/housing-assistance/rental-assistance-programs/RAP>
- Market rental housing without subsidy
  - <https://www.castanet.net/>
  - <https://www.facebook.com/login/?next=%2Fmarketplace%2F>
  - <https://www.kijiji.ca/>
  - <https://kelowna.craigslist.org/>
  - <https://www.homefinders.rentals/>

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#### **4.3 Family Housing Providers for Low Income Families and Seniors – Telephone Numbers**

- Father Delestre Family Housing – 250-860-1128
- OK Housing CO-OP – 250-860-4718
- Society of Hope – 778-478-7977
- Southgate Mannor – 250-763-2953
- Evangel Housing – 250-762-6225
- Okanagan Metis & Aboriginal Housing – 250-763-7747
- Now Canada – 250-763-3876
- Westbank First Nations – 250-769-4999
- Westbank Lions – 250-768-9590
- Brookside Seniors – 250-763-5707
- Central OK Housing – 250-768-3060
- Seventh Day Adventist – 250-862-9518
- Parkdale Place – 250-494-1161
- Peachland Seniors – 250-767-0183

#### **4.4 Local Law Firms**

- Touchstone Law Group – 250-448-2637
- Pushor Mitchell – 250-762-2108
- Montgomery Miles & Stone – 250-980-3360
- Porrelli Law – 250-768-0717

#### **4.5 Local Moving Companies**

- Packrat Movers Kelowna – 250-869-7479
- Two Small Men with Big Hearts – 250-861-5030
- Brett and Buddies – 250-469-4550

**APPENDIX "A"**

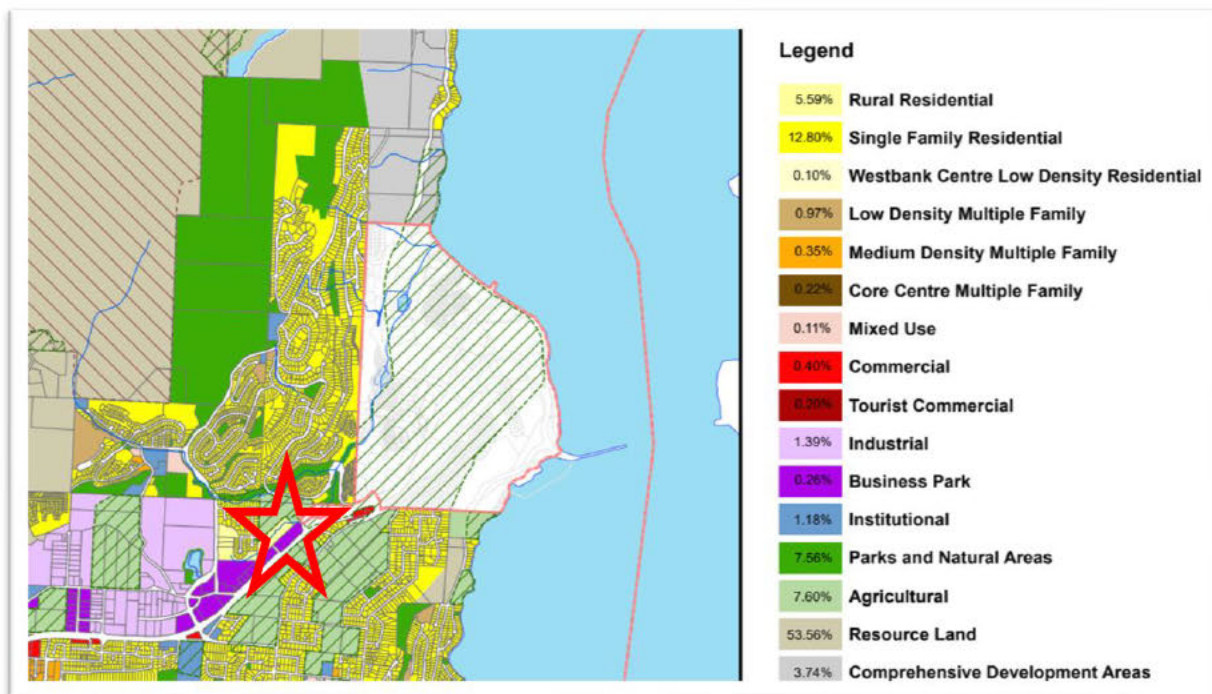
**Sample - Notification Letter to Tenants of Redevelopment Plans**

June 1, 2023

Re: Unit #\_\_\_\_ - 2355 Marshall Rd, West Kelowna, BC V1Z 1E9

Dear *(tenants name as it appears on tenancy agreement)*,

We write to inform you of our plans to close the manufactured home park in which you live and re-develop the property to a Light Industrial / Business Park land use per the City of West Kelowna Official Community Plan land use designation (Map below).



As part of the application to re-zone and re-develop the site, we will be preparing and implementing both a Communication Plan and Relocation Assistance Program per the City of West Kelowna “Manufactured Home Park Redevelopment Policy”. This program will provide you with clear communication of the process, ample notice periods for relocating, administrative support, and financial assistance greater than the statutory requirements set out in the Manufactured Home Park Tenancy Act of BC or Residential Tenancy Act of BC.

---

Once approved by City of West Kelowna staff, both the Communication Plan and Relocation Assistance Program will be mailed and hand delivered to you prior to the applications being presented to the Advisory Planning Commission, and City Council, and before any Public Hearings are scheduled for the application.

If you have any questions or would like to have a preliminary discussion of your options before these plans are approved and shared with you, please contact the undersigned.

Sincerely,

Jessica Green

*(Sign here)*

*Relocation Coordinator  
Kerr Properties 002 Ltd.*

██████████  
████████████████████

**APPENDIX "B"**

**City of West Kelowna – Manufactured Home Park Redevelopment Policy**



# DRAFT DISTRICT OF WEST KELOWNA

## COUNCIL POLICY MANUAL

Pages: 1 of 2

Approval Date: 2008-APR-22

<b>SECTION:</b> DEVELOPMENT SERVICES
<b>SUBJECT:</b> MANUFACTURED HOME PARK REDEVELOPMENT POLICY

### Manufactured Home Park Redevelopment Policy

The following policy address the displacement of tenants resulting from redevelopment of manufactured home parks. The policy is meant to provide tenants with the opportunity for greater notification and assistance from applicant(s) than is currently required under the *Manufactured Park Home Tenancy Act*.

This policy applies to applications for an amendment to the Zoning Bylaw and to any other matters in which the Council may properly take into consideration the displacement of manufactured home park tenants.

While considering applications, Council may require staff to report on any existing manufactured home park use and whether it is in the public interest for Council to support redevelopment of lands presently used for that purpose while there is a shortage of suitable manufactured home sites in the region.

Council may further require a report on whether any relocation assistance plan has been proposed that would have a bearing on the issue.

If the applicant wishes the Council to consider a relocation assistance plan, it should follow the procedures below.

#### I. Communication of Plans for Redevelopment

1. At the pre-application stage, the applicant should notify in writing all tenants that plans for redevelopment are being made, and that a relocation assistance program is part of these plans. All tenants affected by any proposed redevelopment should be advised by the applicant 30 days prior to application submission. Notices should also be posted on communal notice boards and facilities in the manufactured home park. Copies of these communications should be submitted with the development application
2. The applicant(s) should formulate a plan for communicating the relocation assistance program to existing residents. The communication plan should provide tenants with information that will assist them in making plans for alternative living arrangements. The applicant(s) should provide updates to the residents as the process progresses and should provide tenants with a letter at least 10 days prior to the development application being presented to the relevant Advisory Planning Commission, Council Meeting and/or Public Hearing for their consideration.

#### II. Relocation Assistance Program



1. The relocation assistance program:
  1. Should include a profile of resident demographic characteristics, such as family size/structure, general income levels, housing needs/relocation options/preferences, and where this information is attainable;
  2. Should include a profile of manufactured home conditions and potential for moving and re-use of homes;
  3. Should be flexible and multi-dimensional by including various options and components, in order to respond to different tenant characteristics, needs and preferences;
  4. May include, in addition to the statutory requirements under the *Manufactured Home Park Tenancy Act*:
    - i. Arranging and paying for the disposal of manufactured homes;
    - ii. Unconditional compensation payments of a value that would provide tenants with some amount of equity and greater flexibility in their plans for relocation (i.e. a payment equivalent to the assessed value of the “on pad” manufactured home). This would be in addition to the mandatory payment under the *Manufactured Home Park Tenancy Act*;
    - iii. Opportunities for the right of first refusal to purchase and purchase discounts on local units developed by the applicant(s), including new units built on the subject property;
    - iv. Advice on options for relocating in the regional context in regards to market housing, non-market housing and manufactured home park opportunities.
  5. Should include a status report on the implementation of the program, indicating preferred options for the tenants.

### III. Timing

The applicant(s) should formulate, communicate and begin implementing components of the program as soon as possible, after the plans for redevelopment are made. The relocation assistance plan should be provided to the District of West Kelowna with the development application.

### IV. Evaluation of Securing of the Plan

Municipal staff will evaluate the proposed relocation assistance program in conjunction with the development application to determine if it meets the objectives of this policy. The municipality may request adequate assurance, either by way of a financial or legal undertaking (i.e. letter of credit, performance bond, or a similar alternative) that the relocation assistance plan will be implemented. Staff will include this information in the development application evaluation report that is forwarded to the Council for its consideration of the application.

Previous Revision/s: (if applicable)

**APPENDIX "C"**

**Title Search**

DRAFT

APPENDIX “C” HAS BEEN  
REMOVED AS IT  
CONTAINS CONFIDENTIAL  
INFORMATION

**APPENDIX "D"**

**Residential Tenancy Agreement**

DRAFT

APPENDIX “D” HAS BEEN  
REMOVED AS IT  
CONTAINS CONFIDENTIAL  
INFORMATION

**APPENDIX "E"**

**RTB 29 – 4 Month Notice to End Tenancy for Demolition**

**Tenant: This is a legal notice that could lead to you being evicted from your home**
**HOW TO DISPUTE THIS NOTICE**

You have the right to dispute this Notice **within 30 days** of receiving it, by filing an Application for Dispute Resolution with the Residential Tenancy Branch online, in person at any Service BC Office or by going to the Residential Tenancy Branch Office at #400 - 5021 Kingsway in Burnaby. If you do not apply within the required time limit, you are presumed to accept that the tenancy is ending and must move out of the rental unit by the effective date of this Notice.

**To the Tenant: (use Schedule of Parties form #RTB-26 to list additional tenants)**

first and middle name	last name
first and middle name	last name
main phone	other phone

**Tenant Address:**

unit #	street # and name	city	province	postal code
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**From the Landlord: (use Schedule of Parties form #RTB-26 to list additional landlords)**

first and middle name	last name
main phone	other phone

**Landlords address:**

site/unit #	street # and name	city	province	postal code
-------------	-------------------	------	----------	-------------

**I, the Landlord, give you Four Month's Notice to move out of the rental unit located at:**

unit #	street # and name	city	province	postal code
--------	-------------------	------	----------	-------------

You must move out of the rental unit by:	DD/MM/YYYY		
name of landlord/agent	signature of landlord/agent	date signed DD/MM/YYYY	

Your personal information is collected under section 26 (a) and (c) of the Freedom of Information and Protection of Privacy Act for the purpose of administering the Residential Tenancy Act. If you have any questions regarding the collection of your personal information, please call 604-660-1020 in Greater Vancouver; 250-387-1602 in Victoria; or 1-800-665-8779 elsewhere in B.C.

**I am ending your tenancy because I am going to: (check a box that applies)**

- Demolish the rental unit.
- Convert the residential property to strata lots under the Strata Property Act.
- Convert the residential property into a not for profit housing cooperative under the Cooperative Association Act.
- Convert the rental unit for use by a caretaker, manager, or superintendent of the residential property.
- Convert the rental unit to a non-residential use.
- I have obtained all permits and approvals required by law to do this work. Please complete the information below.

DRAFT

Date Issued <small>DD/MM/YYYY</small>	Issued by	Description	Permit Number

No permits and approvals are required by law to do this work.

**The work I am planning to do is detailed in the table below:**

Planned Work	Details of work

**Complete the details below at the time of service: (Not required on landlord's copy; failure to complete does not invalidate notice).**

**Served by:**

- In person to the tenant or agent or with an adult (over 19) who apparently lives with the tenant
- Sending a copy by registered mail to the address at which the tenant resides
- Leaving a copy in a mailbox or mail slot at the address where the tenant resides
- Attaching a copy to the door or other conspicuous place where the tenant resides
- As ordered by the Director of the Residential Tenancy Branch (attach copy of Substituted Service Order)
- Fax it to a fax number you have provided as an address for service
- Email it to an email address you have provided as an address for service

**Landlords should also complete Proof of Service Notice to End Tenancy (form #RTB-34) as evidence of service.**



# IMPORTANT INFORMATION ABOUT THIS NOTICE

## REQUIREMENTS FOR THIS NOTICE

# DRAFT

### 1. LANDLORD MUST ACT IN GOOD FAITH

Your landlord has to intend in good faith to accomplish the purpose for ending your tenancy. A claim of good faith requires honesty of intention with no ulterior motive.

### 2. PERMITS AND APPROVALS REQUIRED BY LAW

Your landlord must have all permits and approvals required by law **before** they give you this notice. Permits and approvals required by law can include demolition, building or electrical permits issued by a municipal or provincial authority, a change in zoning required by a municipality to convert the rental unit to a non-residential use, and a permit or license required to use it for that purpose. Strata corporations may also require certain permits and approvals before a rental unit can be converted to a non-residential use and there may be strata bylaws that prohibit the rental unit from being used for a non-residential purpose.

### 3. EFFECTIVE DATE OF NOTICE

The effective date of this Notice is the date you must move out by. Your landlord must provide you with at least four month's notice and the effective date must be the last day of the rental period. For example, if you pay rent on the first day of each month, the effective date must be the last day of a month. For a fixed term tenancy agreement, the effective date cannot be earlier than the date the term ends.

### 4. LANDLORD MUST COMPENSATE YOU

On or before the effective date of this Notice, your landlord has to compensate you an amount equal to one month's rent payable under your tenancy agreement. You may withhold your last month's rent instead of being paid compensation. If you have already paid your last month's rent, your landlord has to refund you that amount.

### 5. YOU MAY BE ABLE TO MOVE OUT EARLY

If your tenancy is periodic (e.g. month-to-month), you can end the tenancy sooner than the date set out in this Notice as long as you give the landlord at least 10 days written notice and pay the proportion of rent due to the effective date of that notice. Ending the tenancy early does not affect your right to the one month compensation above. Fixed term tenancies cannot be ended earlier than the end of the term.

### 6. YOU MAY BE ENTITLED TO ADDITIONAL COMPENSATION

After you move out, if your landlord does not take steps toward the purpose for which this Notice was given within a reasonable period after the effective date of this Notice, your landlord must compensate you an amount equal to 12 month's rent payable under your current tenancy agreement. You must apply to the Residential Tenancy Branch to be awarded this compensation. Your landlord may be excused from paying this amount if there were extenuating circumstances that prevented your landlord from accomplishing the purpose for ending your tenancy or using the rental unit for that purpose for at least 6 months.

## 7. WHEN YOU ARE CONSIDERED TO HAVE RECEIVED THIS NOTICE

DRAFT

You are considered to have received this notice on the day it is given to you in person (or to an adult (19+) who appears to live with you). If you were not personally served with this Notice, you are considered to have received the Notice, unless there is evidence to the contrary, on the following:

- 3 days after the landlord either leaves the Notice in the mailbox or through the mail slot; posts it on the door or a noticeable place at the address where you live; or emails/faxes it to a number you have provided as an address for service; or
- 5 days after the landlord sends the Notice by registered or regular mail to the address where you live; or
- **Note: The date a person receives documents is what is used to calculate the time to respond; the deeming provisions do not give you extra time to respond**

## 8. INFORMATION FOR LANDLORDS

You can file an Application for Dispute Resolution for an Order of Possession if you believe the tenant does not intend to move out and the tenant's deadline to dispute this Notice has expired. The tenant has 30 calendar days from the date of receipt of this notice to file an Application for Dispute Resolution.

If the tenant disputes the Notice, a hearing will be held. You will have an opportunity to participate and prove that the tenancy should end for the reason you have indicated on this Notice. An error in this Notice or an incorrect move-out date on this Notice does not make it invalid. An arbitrator can order that the tenancy ends on a date other than the date specified on this Notice.

If an arbitrator upholds this Notice, the arbitrator must grant an Order of Possession to you. If an arbitrator determines this Notice is not valid, the notice to end tenancy is cancelled and the tenancy continues. Keep copies of all Notices to End Tenancy and record each date and how the Notice was given or received.

You **MUST NOT** physically evict a tenant without a Writ of Possession obtained from the Supreme Court of British Columbia after an arbitrator has issued an Order of Possession, change the locks without an arbitrator's order, or seize a tenant's personal property without a court order.

### FOR MORE INFORMATION:

[www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant)

Public Information Lines: 1-800-665-8779 (toll-free) Greater Vancouver: 604-660-1020 Victoria: 250-387-1602

This is page 4 of a 4-page Notice. The landlord must sign page one of this Notice and must give the tenant every page.



# DISTRICT OF WEST KELOWNA

## COUNCIL POLICY MANUAL

Pages: 1 of 2

Approval Date: 2008-APR-22

<b>SECTION:</b> DEVELOPMENT SERVICES
<b>SUBJECT:</b> MANUFACTURED HOME PARK REDEVELOPMENT POLICY

### Manufactured Home Park Redevelopment Policy

The following policy address the displacement of tenants resulting from redevelopment of manufactured home parks. The policy is meant to provide tenants with the opportunity for greater notification and assistance from applicant(s) than is currently required under the *Manufactured Park Home Tenancy Act*.

This policy applies to applications for an amendment to the Zoning Bylaw and to any other matters in which the Council may properly take into consideration the displacement of manufactured home park tenants.

While considering applications, Council may require staff to report on any existing manufactured home park use and whether it is in the public interest for Council to support redevelopment of lands presently used for that purpose while there is a shortage of suitable manufactured home sites in the region.

Council may further require a report on whether any relocation assistance plan has been proposed that would have a bearing on the issue.

If the applicant wishes the Council to consider a relocation assistance plan, it should follow the procedures below.

#### I. Communication of Plans for Redevelopment

1. At the pre-application stage, the applicant should notify in writing all tenants that plans for redevelopment are being made, and that a relocation assistance program is part of these plans. All tenants affected by any proposed redevelopment should be advised by the applicant 30 days prior to application submission. Notices should also be posted on communal notice boards and facilities in the manufactured home park. Copies of these communications should be submitted with the development application
2. The applicant(s) should formulate a plan for communicating the relocation assistance program to existing residents. The communication plan should provide tenants with information that will assist them in making plans for alternative living arrangements. The applicant(s) should provide updates to the residents as the process progresses and should provide tenants with a letter at least 10 days prior to the development application being presented to the relevant Advisory Planning Commission, Council Meeting and/or Public Hearing for their consideration.

#### II. Relocation Assistance Program

- The relocation assistance program:
1. Should include a profile of resident demographic characteristics, such as family size/structure, general income levels, housing needs/relocation option preferences, and where this information is attainable;
  2. Should include a profile of manufactured home conditions and potential for moving and re-use of homes;
  3. Should be flexible and multi-dimensional by including various options and components, in order to respond to different tenant characteristics, needs and preferences;
  4. May include, in addition to the statutory requirements under the *Manufactured Home Park Tenancy Act*.
    - i. Arranging and paying for the disposal of manufactured homes;
    - ii. Unconditional compensation payments of a value that would provide tenants with some amount of equity and greater flexibility in their plans for relocation (i.e. a payment equivalent to the assessed value of the “on pad” manufactured home). This would be in addition to the mandatory payment under the *Manufactured Home Park Tenancy Act*;
    - iii. Opportunities for the right of first refusal to purchase and purchase discounts on local units developed by the applicant(s), including new units built on the subject property;
    - iv. Advice on options for relocating in the regional context in regards to market housing, non-market housing and manufactured home park opportunities.
  5. Should include a status report on the implementation of the program, indicating preferred options for the tenants.

### **III. Timing**

The applicant(s) should formulate, communicate and begin implementing components of the program as soon as possible, after the plans for redevelopment are made. The relocation assistance plan should be provided to the District of West Kelowna with the development application.

### **IV. Evaluation of Securing of the Plan**

Municipal staff will evaluate the proposed relocation assistance program in conjunction with the development application to determine if it meets the objectives of this policy. The municipality may request adequate assurance, either by way of a financial or legal undertaking (i.e. letter of credit, performance bond, or a similar alternative) that the relocation assistance plan will be implemented. Staff will include this information in the development application evaluation report that is forwarded to the Council for its consideration of the application.

Previous Revision/s: (if applicable)
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<b>DEVELOPMENT REVIEW REFERRAL</b>		
<b>REFERRAL TYPE:</b>		City led ALR Exclusion Application
<b>FILE NO:</b>		
<b>REFERRAL ISSUED:</b>	10/06/2023	<input checked="" type="checkbox"/> ORIGINAL APPLICATION REFERRAL
<b>COMMENTS DUE BY:</b>	10/24/2023	<input type="checkbox"/> REVISED APPLICATION REFERRAL

THIS DEVELOPMENT APPLICATION HAS BEEN REFERRED TO THE FOLLOWING:

- Agricultural Advisory Committee
- Westbank First Nation
- Ministry of Agriculture

<b>CWK OFFICE USE ONLY</b>	<b>File Manager:</b> Shannon Tartaglia	<b>Support/Technical Staff:</b>	
<b>DRC Meeting Date:</b>	This application is scheduled for discussion at the Internal Development Review Committee meeting as noted:		
<b>N/A</b>	Applicant attending?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Background Information:**

<b>File No:</b> 23-01	<b>Property Size:</b>	2 properties:	3 ha & 0.95ha
<b>Location:</b>	3743 and 3737 Old Okanagan Highway (Memorial Park and Johnson Bentley Aquatic Centre)	<b>Current Zoning:</b>	P2 - Institutional and Assembly Zone, <u>and</u> P1 Parks and Open Space Zone.
<b>Legal:</b>	3743 Old Okanagan Hwy – PID: 008-929-891 3737 Old Okanagan Hwy – PID: 017-816-700 (see attached Proposal Summary for full legal description)		
<b>Owner:</b>	City of West Kelowna	<b>OCP Designation:</b>	Westbank Urban Centre: Commercial Core
<b>Agent:</b>	Shannon Tartaglia	<b>Related Files:</b>	
<b>Subject:</b>	This is a City led ALC application to exclude two City owned properties from the ALR. The two properties, totaling 3.95 ha in area, are currently operated as City recreation facilities in Westbank Centre.		

**DESCRIPTION/OVERVIEW:**

**Background/Proposal:**

The proposed 3.95 ha exclusion area is part of the City’s downtown civic and recreation hub, which includes the Johnson Bentley Aquatic Centre (JBMAC), the City amphitheatre, the community skate park, and the under-construction City Hall and public library.

This civic hub is made up of three properties, with two located in the ALR. The subject area is surrounded by Westbank First Nation Community Lands to the north, east and south, and established residential development across Old Okanagan Highway that is identified for high density mixed-use development in the City’s land use bylaws. In ALC Decision Resolution #236/2021, the Commission confirmed that the majority of the exclusion area is not suitable for



Figure 1. Proposed ALR Exclusion Area and surrounding land uses.

agriculture based on the historical use as wastewater treatment settling pond and the fill associated with the aquatic centre and associated roads and parking areas.

See attached Proposal Summary for further details.

**Comments:**

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

Shannon Tartaglia  
Land Use Planner - consultant for the City of West Kelowna

**Development Services**  
2760 Cameron Road, West Kelowna, BC V1Z 2T6  
Telephone: 778-797-8830  
Fax: 778-797-1001  
Email: shannon.tartaglia.1@gmail.com

## WESTBANK CENTRE – ALR EXCLUSION - PROPOSAL SUMMARY 2023-10-02

This is a City led application to exclude two City owned properties that are operated as City recreation facilities within the Westbank Centre downtown core (‘the exclusion area’ - see Table 1 and Figure 1). The proposed exclusion area is part of the City’s downtown civic and recreation hub, which includes the Johnson Bentley Aquatic Centre (JBMAC), the City amphitheatre, the community skate park, and the under construction City Hall and public library. While this civic hub is made up of three City owned properties, only two are located in the ALR<sup>1</sup>.

The subject area is surrounded by Westbank First Nation Community Lands to the north, east and south, and established residential development across Old Okanagan Highway that is identified for high density mixed-use development in the City’s land use bylaws.



Figure 1. Proposed Exclusion Area and surrounding land uses.

Table 1. The Proposed Exclusion Properties (the ‘Exclusion Area’)

Property	Civic address	PID	Size	Existing Land Uses
1	3743 Old Okanagan Hwy	008-929-891	7.57 acres (3 ha)	Memorial Park, Annette Beaudreau Amphitheatre, and Skateboard Park.
2	3737 Old Okanagan Hwy	017-816-700	2.35 acres (0.95 ha)	Johnson Bentley Aquatic Centre
		<b>Total Area</b>	<b>9.92 acres (3.95 ha)</b>	

Note: Of the proposed 3.95 ha exclusion area, over 2 ha (50%) of the area has been developed with City recreation infrastructure (the aquatic centre, skateboard park, amphitheatre, and ancillary uses).



The ALC has approved several non-farm uses within the exclusion area, the most recent in 2021. As discussed during the recent non-farm use application, these parcels have played an essential role in West Kelowna’s recreational and cultural history and identity prior to and since the City’s incorporation. The vision for this site as a mixed use civic/recreation hub has long been established in both the City and WFN’s land use plans, and this vision has been further cemented with the partnership and construction of the new West Kelowna City Hall and Okanagan Regional Library.

As anticipated, the construction of City Hall and the library on the non-ALR lands next to the exclusion lands has been a catalyst for a variety of positive government and other community partnership discussions and has led to further expansion discussions. While these discussions are in their infancy, the positive social and economic benefit of a central Westbank Urban Centre civic hub has been established; however, the limited publicly owned, non-ALR lands within Westbank Centre has been identified as a critical constraint to the realization of this longstanding vision.

<sup>1</sup> See [Property Information Summary](#).

## WESTBANK CENTRE – ALR EXCLUSION - PROPOSAL SUMMARY 2023-10-02

The City has a long history of working collaboratively with the ALC, Ministry of Agriculture and the local farming community to protect agricultural lands and support the existing and future farmers in the community, and the City's decision to apply to exclude these remaining ALR lands was not entered into lightly. In ALC Decision Resolution #236/2021 (ALC File: 62186), the Commission confirmed that the majority of the exclusion area is not suitable for agriculture based on the historical use as wastewater treatment settling pond and the fill associated with the aquatic centre and associated roads and parking areas. This confirmation of the agricultural condition of the site combined with the expanded civic presence in the area and the recently adopted OCP spurred the proposed City led exclusion. This exclusion request is firmly supported by the City's land use management, Westbank Centre Revitalization and economic agritourism policies. Evidence to justify the proposed exclusion lies in the following:

### City Policy Support:

Through the City's land use management plans, bylaws, and strategies, the long-term vision for the site as a civic, cultural and recreation hub has been clearly established and is in line with the historical use of the subject properties and surrounding properties. An excerpt from the background report presented to the Commission as part of the 2021 non-farm use application has been included as part of this application (see attached [Exclusion Application Overview](#)). This backgrounder provides the detailed existing City policy review and conformance.

### Westbank Centre Agricultural Plan

The areas surrounding the Westbank Centre Revitalization area (to the south of the exclusion area) contain a significant amount of agriculturally viable land. The ALR and other agricultural lands in this area are viewed as an opportunity, not a constraint, and through the development of the 2010 Westbank Centre revitalization plan, exclusion applications for these southern ALR lands are not to be considered as part of the Westbank Centre Plan implementation. Even with the 2010 agricultural protection policies, the underutilized ALR lands south of Westbank Centre were under continued development pressure.

In 2016, the City developed the Westbank Centre Agricultural Plan. This study area included eight vacant agricultural parcels, seven of which are in the ALR. With policy to discourage non-agricultural development, this plan was developed to encourage agri-tourism and agricultural business in the area by developing an agricultural feasibility assessment and a market opportunity review for up to three crop scenarios on the underutilized parcels.

Since the completion of this plan in 2016, all but one of the previously fallow ALR parcels are now actively farmed (see Figure 2).

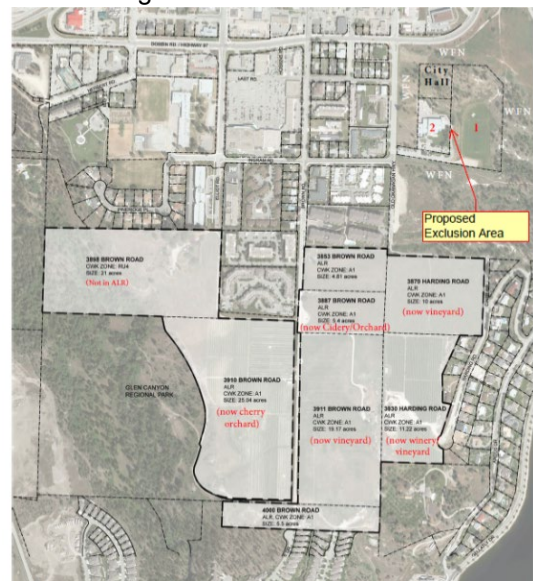
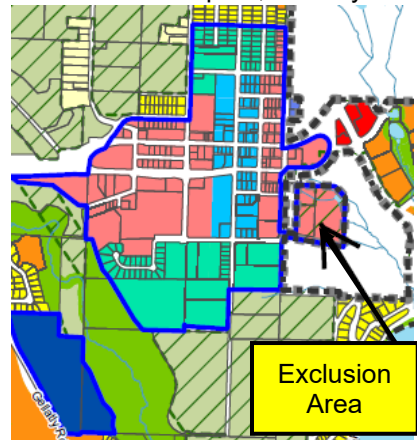


Figure 2. Study Area for Westbank Centre Agricultural Plan (larger plan attached)



**New Official Community Plan:**

Since the Commission’s 2021 non-farm use decision to allow the relocation of the skatepark, the City has recently adopted a new Official Community Plan (OCP) to guide the City for the next 20 years (adopted on September 12, 2023). The ALC was a key review partner in the development of the City’s new OCP and the 2010 Westbank Centre Revitalization Plan. The new OCP was developed following an extensive visioning exercise that reconfirmed that West Kelowna residents maintain a deep connection with their agricultural roots and celebrate the one-of-a-kind agricultural character of the community. West Kelowna residents understand that maintaining and celebrating West Kelowna’s agricultural roots is critical to the City’s prosperity. In line with the community vision, strong agricultural protection and enhancement policies continue to heavily influence the City’s new OCP policy framework.



OCP Land Use Map

The new OCP has identified the proposed exclusion area for a *Westbank Urban Centre - Commercial Core* land use that will support and complement existing and planned institutional and civic functions within the Westbank Urban Centre including City Hall and other municipal facilities. The new OCP reaffirms the importance of the proposed exclusion area as a future civic and recreation hub within the Westbank Urban Centre’s commercial core. This shift in future land use reflects the recreation and civic uses that are currently on the site and the City’s vision for the Westbank Centre downtown.

**Continued Agriculture Commitment as Part of this Exclusion Application**

As discussed during the non-farm use application for the City’s skatepark, the continued use of the subject properties as West Kelowna’s most prominent gathering spaces for residents, visitors, and community partners such as Westbank First Nation provides an opportunity to promote agriculture within the community. As part of the City’s continued commitment to support and advance agriculture, the City still intends to advance the following projects as part of the future use of the subject property:



**Permanent Farmers’ Market Site**

A permanent farmers’ market site is anticipated to encourage year-round availability of local agricultural products, particularly those provided through local processing facilities. As part of this application, the City remains committed to ensuring space is made available to any community organizations interested in operating a farmers market site.

**Agricultural Learning Centre**

A sustainable food system is enhanced by education facilities for the farm community, public figures, and consumers of agricultural products. The subject property already includes community amenities and resources and as part of the future development of City Hall, space could be allocated to support the agricultural community by providing resources and presenting materials that illustrate the historical significance of agriculture in West Kelowna. Space allocated for use for agricultural learning could also lead to effective agricultural training and mentoring programs for beginning farmers.

**Wayfinding Program**

Since the two initial phases of the Wine Trail, the wineries in the Glencoe and Elliot Road corridor requested additional signs and upgrades (banners and barrels) similar to what was used along the Boucherie Road corridor to help improve awareness of the area as part of the community’s Wine Trail, promote more visitation amongst the wineries in the corridor, and make it easier for visitors to find their wineries.

**Update:**

In 2022, the City expanded its Wine Trail/Farm Loop Wayfinding Program to include new wine barrel stacks at two locations, along with new gateway/wayfinding street banners and directional/wayfinding signage that also supports agri-tourism along the Farm Loop portion of the Westside Wine Trail. This new signage was

## WESTBANK CENTRE – ALR EXCLUSION - PROPOSAL SUMMARY 2023-10-02

developed and installed in collaboration with the local businesses and residents along the wine trail/farm loop corridor. More specifically, new investments adjacent to and in the ALR in the Glencoe area in West Kelowna were implemented in 2022 including:

- Installation of twenty-three new single banner poles, with eleven on Elliott and twelve on Glencoe Roads
- Banner designs are being finalized with West Kelowna City Council that feature the Wine Trail, Wine Barrel, Farm Loop, and tree graphics, among other designs that celebrate our agricultural roots.
- Two-barrel stacks were installed showing the logos of local wine trail/farm loop in partnership with local wine trail/farm loop businesses.
- Directional/wayfinding signage installed at/near driveway entrances along agricultural business loop.

The City will continue to expand this program across the City in and adjacent to the ALR as we support, preserve, and celebrate our agriculture roots.



### Exclusion Rationale:

- The City's OCP and Westbank Centre Revitalization Plan have identified the area as an important civic/recreation hub since 2010, and the Ministry of Agriculture, ALC and the City's AAC were all consulted extensively during the development of these plans.
- Over 50% of the proposed exclusion area is occupied by existing City owned recreation infrastructure approved by the ALC.
- In previous decisions, the ALC confirmed that due to the historical uses and surrounding non-farm use, that the agricultural potential of the subject property is limited and likely not suitable for agricultural use.
- The City has a limited inventory of City owned lands and has an identified need for an expanded civic/recreation presence in the City's urban core.

The City has a strong policy framework that protects, strengthens, and celebrates the agricultural lands within the City and has a proven record of supporting farming in the community and the Westbank Centre area.



With the new OCP confirming the future non-agricultural land use designation, and the construction of City Hall and the public library on the adjacent non-ALR sites, the City is requesting that the Commission exclude the two City owned ALR parcels within this area to allow for the realization of City's long standing vision for a civic/recreation hub in Westbank Centre.

# WESTBANK CENTRE – ALR EXCLUSION - PROPOSAL SUMMARY 2023-10-02

## Property Information: Westbank Urban Centre Civic/Recreation Hub – City Owned Parcels

### 1. 3737 Old Okanagan Hwy: City owned Johnson Bentley Aquatic Centre

- Proposed Exclusion from the ALR

Jurisdiction: City of West Kelowna  
LTO PID: 017-816-700  
BCA Folio: 36415507.504  
BCA Lot Size: 2.35 acres (9510.12 sqm)  
Parcel Area: 9427.9348 sqm  
Legal Desc.: PLAN KAP47408 LOT 2 DISTRICT LOT 5066 OSOYOOS DIV OF YALE DISTRICT  
Actual Use: 600 - Recreational & Cultural Buildings  
Zoning: P2 - Institutional and Assembly Zone  
OCP Land Use Westbank Urban Centre: Commercial Core

### 2. 3743 Old Okanagan Highway: City owned, Memorial Park and Annette Beaudreau Amphitheatre

- Proposed Exclusion from the ALR

LTO PID: 008-929-891  
BCA Folio: 36415507.101  
BCA Lot Size: 7.57 acres (30634.7 sqm)  
Parcel Area: 30727.1704 sqm  
Legal Desc.: BLOCK A DISTRICT LOT 5066 OSOYOOS DIV OF YALE DISTRICT  
Actual Use: 570 - Irrigation Systems (Vacant & Improved)  
Zoning: P1 - Parks and Open Space Zone  
OCP Land Use Westbank Urban Centre: Commercial Core

### 3. 3731 Old Okanagan Hwy: City owned City Hall /Regional Library Location

- Not in the ALR

Jurisdiction: City of West Kelowna  
LTO PID: 017-816-696  
BCA Folio: 36415507.502  
BCA Lot Size: 1.5 acres (6070.29 sqm)  
Parcel Area: 6049.9156 sqm  
Legal Desc.: PLAN KAP47408 LOT 1 DISTRICT LOT 5066 OSOYOOS DIV OF YALE DISTRICT  
Actual Use: 601 - Civic/Institutional/Recreational - Vacant  
Zoning: P2 - Institutional and Assembly Zone  
OCP Land Use Westbank Urban Centre: Commercial Core



**WESTBANK CENTRE – ALR EXCLUSION - PROPOSAL SUMMARY 2023-10-02**

**Exclusion Application Overview Table:**

<p><b>Is the property currently used for agriculture?</b></p>	<p>These properties generally operate as one contiguous civic/recreation area as part of the ongoing operation of the Johnson Bentley Aquatic Centre (JBMAC), Memorial Park, and other ancillary civic and recreational uses for the City of West Kelowna.</p>
<p><b>Is the property suitable for agriculture?</b></p> <ul style="list-style-type: none"> <li>▪ What is the agricultural capability?</li> </ul>	<p>The subject property is identified as having Class 5A soil capability that restricts its capability to producing perennial forage crops. This has been confirmed by the Ministry of Agriculture. The property was used as part of an early model for wastewater treatment, which limits the suitability for agriculture. The treatment area may have been constructed prior to the establishment of the ALR.</p> <p>As part of decision #236/2021 (ALC File: 62186), the Commission stated that the proposed exclusion area:</p> <ul style="list-style-type: none"> <li>• <i>“has been utilized for recreational uses (i.e., Johnson Bentley Aquatic Centre, community skate park and vehicle parking) and are either approved for non-farm use (via Resolution #466/86 or Resolution #266/92) or have been excluded from the ALR (via Resolution #790/96).</i></li> <li>• <i>The lands to the north, east and south are federally administered First Nations land, and are designated for future residential and/or commercial use. The Panel finds that the Property is surrounded by non-farm uses approved by the Commission, land outside of the ALR slated for development or federally administered First Nations lands that are not subject to the ALC Act or its regulations.</i></li> <li>• <i>The Panel finds that the majority of the Proposal area has been negatively impacted by historic use and fill placed on the Property to construct the parking lot and has resulted in this area having limited agriculture potential for the future. Given these circumstances, the Panel finds that the Proposal area is not suitable for agricultural use.”</i></li> </ul>
<p><b>Have there been any attempted agricultural improvements to the property?</b></p>	<p>Based on a review of the limited historical information available there has been no historical agricultural use of the property. The only identifiable use based on a 1967 air photo is a settling pond that was used as part of an early model of wastewater treatment from the Westbank area. This pond was established prior to 1972 and signifies that the subject property was used for community purposes prior to the establishment of the ALR. The most prominent use that has occurred in this area is the aquatic centre, which was constructed in 1987.</p>
<p><b>What types of land uses surround the property?</b></p>	<p>The surrounding Westbank First Nation lands isolate the subject property, and the City’s municipal hall and regional library are being constructed on the adjacent non-ALR Lands.</p>
<p><b>Could this proposal be accommodated on lands outside of the ALR, or on an alternative site within the ALR that is less capable or suitable for agriculture?</b></p>	<p>The City has a limited inventory of City owned lands and has an identified need for an expanded civic/recreation presence in the City’s urban core.</p> <p>The construction of the city hall, library, amphitheatre, and skateboard park has solidified the vision of this important recreation/cultural gathering area as the civic/recreation hub in Westbank Centre.</p>
<p><b>(A) How does the proposal relate to the local government’s Agricultural Plans, Official Community Plan, and bylaws?</b></p>	<p>Through the City’s existing land use management plans, bylaws, and strategies, the long-term vision for the site as a civic, cultural and recreation hub has been clearly established and is in line with the historical use of the exclusion area and surrounding properties. In the recently adopted OCP, ALR exclusion applications will generally not be supported, except at the discretion of the City consideration may be given to specific circumstances where there is significant community benefit consistent with the objectives and policies of the OCP and Community Vision. This may include the consideration of existing City owned lands historically and currently operated as parks within the ALR.</p>

## WESTBANK CENTRE – ALR EXCLUSION - PROPOSAL SUMMARY 2023-10-02

<p><b>(B) What are the recommendations from the Board/Council, Agricultural Advisory Committee, Advisory Planning Committee, and Planning Staff of the local government?</b></p>	<p><u>Agricultural Advisory Committee (AAC)</u> In their previous consideration of the non-farm use proposal on the site, the AAC noted that there were concerns regarding the ability for these lands to be used for agricultural purposes in the future, and questioned whether an exclusion application would be more appropriate.</p>
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[https://d.docs.live.net/84d84eb720f89652/Work/CONTRACT-CONSULTING WORK/CWK - ALC Applications/City Hall site/ALC Proposal Summary\\_CWK Civic Hub\\_2023-10-02.docx](https://d.docs.live.net/84d84eb720f89652/Work/CONTRACT-CONSULTING%20WORK/CWK%20-%20ALC%20Applications/City%20Hall%20site/ALC%20Proposal%20Summary_CWK%20Civic%20Hub_2023-10-02.docx)



## CITY OF WEST KELOWNA AGRICULTURAL ADVISORY COMMITTEE MEETING SCHEDULE – 2024

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**LOCATION:** All AAC meetings will be held at the City of West Kelowna City Hall, 2760 Cameron Road, West Kelowna, in the Council Chambers.

**DATE/ TIME:** Meetings are scheduled for the first Wednesday of every month, from 5:00 p.m. to 7:00 p.m.

### **THE MEETING DATES FOR 2024 ARE AS FOLLOWS:**

- Wednesday, January 10<sup>th</sup>
- Wednesday, February 7<sup>th</sup>
- Wednesday, March 6<sup>th</sup>
- Wednesday, April 3<sup>rd</sup>
- Wednesday, May 1<sup>st</sup>
- Wednesday, June 5<sup>th</sup>
- Wednesday, July 3<sup>rd</sup>
- Wednesday, August 7<sup>th</sup>
- Wednesday, September 4<sup>th</sup>
- Wednesday, October 2<sup>nd</sup>
- Wednesday, November 6<sup>th</sup>
- Wednesday, December 4<sup>th</sup>