



# Regional Board Report

## Request for Decision

**To:** Regional Board

**From:** Director of Community Services

**Date:** March 16, 2023

**Subject:** RDCO File: Z22/06  
K. Johnson (applicant), Drama Developments Inc, Inc. No 0510488 (owner),  
5100618 B.C LTD., Inc. No. 0510618 (owner), K. Boxall (owner), L.G.L Holdings LTD.,  
Inc. No 0225389 (owner), D. Hall (owner)  
Rockchild Landing, DL 4501 Westside Road (Central Okanagan West Electoral Area)

**Voting Entitlement:** *Custom Vote – Electoral Area West & West Kelowna Fringe Area – Electoral Area Directors, West Kelowna - 1 Director, 1 Vote*

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**Purpose:** To consider support for an application to amend the Rural Westside Official Community Plan to rezone the subject property from Parks and Open Space (P1) and Single Detached Housing (R1) to Rural 1 (RU1) and Rural 2 (RU2), and the discharge of three covenants.

### Executive Summary:

In 2011, the Regional Board adopted an Official Community Plan and Zoning Bylaw Amendment to allow the development of 43 residential lots on the subject property. In conjunction with this amendment, three restrictive covenants were registered to ensure subdivision was limited to 43 lots, to ensure environmental protection of the foreshore and to ensure securities be paid for road improvements, fire protection improvements, environmental assessments, and park construction. No development has occurred since these amendments were adopted in 2011.

In November of 2022, the owners made an application to amend the Rural Westside Official Community Plan to rezone the subject property to similar conditions prior to the 2011 amendments. Additionally, the applicant is seeking Regional Board support to discharge three covenants associated with the previous application. Given that the proposal shows alignment with the Regional Growth Strategy and Official Community Plan, staff are providing a recommendation of support for the Board's consideration.

### Recommendation(s):

**THAT** the Regional Board receives the report from the Director of Community Services, dated March 16, 2023, with respect to RDCO file: Z22/06 for the property known as Rockchild Landing, legally described as District Lot 4501, ODYD, Except Plans B1329 and 36131 ("the subject property");

**AND THAT** OCP Amendment Bylaw No. 1274-13 for the subject property be given first reading;

**AND THAT** Zoning Amendment Bylaw No. 871-277 for the subject property be given first reading;

**AND THAT** upon adoption of OCP Amendment Bylaw No. 1274-13 and Zoning Amendment Bylaw No. 871-277, the Regional Board support for the discharge of covenants CA2266460, CA2219468, and CA2219466 from the subject property;

**AND FURTHER THAT** the Regional Board schedule a Public Hearing on April 20, 2023, for OCP Amendment Bylaw No. 1274-13 and Zoning Amendment Bylaw 871-277.

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*Respectfully submitted by: Michael Czarny, Senior Planner*

Approved by:



Todd Cashin, Director of Community Services

Attachments:

- Orthophoto Map
- Subject Property Map
- OCP Amendment No. 1274-13
- Zoning Amendment Bylaw No. 871-277
- Zoning Bylaw No.871, Section 6.1 – Rural 1
- Zoning Bylaw No.871, Section 6.2 – Rural 2
- Regional Board Presentation

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### **Strategic Plan Alignment:**

Priorities: Sustainable Communities, Environment

Values: Resiliency

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### **Background:**

The previous application for the property was an Official Community Plan and Zoning Amendment in 2007 (finalized in 2011) that changed the future land use designation from Large Holdings to Residential – Low Density, Rural Residential and Parks and Recreation and changed the zoning from Rural 1 (RU1), Rural 3 (RU3) and Country Residential (RU4) to Single Detached Housing (R1) and Parks and Open Space (P1). The purpose of this application was to allow a single detached residential subdivision of 43 lots and dedication of significant lands for park purposes.

In conjunction with the approved bylaw amendments, several restrictive covenants were registered on the title of the property between the landowners and the RDCO. They include:

- CA2266460: To restrict use and subdivision of the land until the owners can provide security for the provision of certain road improvements, fire protection improvements, park construction, and the completion of environmental studies which will mitigate the impact of the proposed development.
- CA2219468: To ensure that no more than 43 R1 parcels may be subdivided from the lands.
- CA2219466: To ensure the lands and foreshore will be managed in a responsible and sustainable manner including monitoring, management, and enforcement of appropriate protection of the riparian area, the foreshore and the critical spawning habitat of Okanagan Lake.

Since time of the previous application, subdivision and development has not occurred on the subject property.

**Proposal:**

The purpose of this application is to amend the future land use designation for the subject property from Parks and Recreation and Residential – Low Density to Large Holdings and to rezone from Parks and Open Space (P1) and Single Detached Housing (R1) to Rural 1 (RU1) and Rural 2 (RU2). Additionally, the applicant is proposing to discharge CA2266460, CA2219468, and CA2219466. The applicant indicates they would like to return the land use regulations as they were prior to 2011.

**Regional Growth Strategy Bylaw No. 1336:**

The following policies from the Regional Growth Strategy are supportive of the proposal:

- Policy 3.2.1.1 Support logical and sequential growth patterns that minimize urban encroachment into rural areas;
- Policy 3.2.1.3 Support the protection of the rural areas that offer a rural lifestyle choice;
- Policy 3.2.8.3 Manage growth to minimize disturbance to habitat watershed and natural drainage areas and systems;

**Rural Westside Official Community Plan Bylaw No. 1274:**

Residents in the Rural Westside community value retaining the predominantly rural character of their communities. Residents envision the North Westside area to remain a predominantly rural area, and that major residential development will be directed to other areas of the Region where urban services and infrastructure are available.

The subject property has a Parks and Recreation and Residential Low Density future land use designation. The proposed Large Holdings future land use designation aligns with the proposed RU1 and RU2 zoning. One of the objectives for the Large Holding future land use designation is to preserve existing large rural and agricultural parcels in recognition that the North Westside area will continue to remain a rural area within the regional context of the Rural Westside Official Community Plan, with limited community services and infrastructure. The proposal shows alignment with the Official Community Plan.

**Zoning Bylaw No. 871:**

The subject property is currently zoned Parks and Open Space (P1) and Single Detached Housing (R1). The purpose of the proposed RU1 and RU2 zones are to accommodate rural residential, agricultural, home industry, and limited resource management uses on parcels of land that are located outside the Agricultural Land Reserve. The minimum parcel area of the RU1 and RU2 zones is 30 hectares (74.12 acres) and 4.0 hectares (9.88 acres) respectively, which reduce the residential development potential of the subject property.

**Site Context:**

The subject property is not within a Fire Protection Area. As per the Rural Westside Official Community Plan, the parcel is affected by several Development Permit Areas. A Development Permit will be required at time of subdivision and prior to any development.

Applicant:	Kevin Johnson
Legal Description:	District Lot 4501, ODYD, Except Plans B1329 and 36131
Address:	DL 4501 Westside Road
Lot Size:	+/- 112.87 hectares (278.90 acres)
OCP Designation:	Parks and Recreation, Residential - Low Density
Zoning:	Parks and Open Space (P1), Single Detached Housing (R1)
Water Supply:	N/A
Sewage Disposal:	N/A
Existing Use:	Vacant
Surrounding Uses:	North: Parks and Recreation, Vacant South: Crown Land, Large Holdings, Rural Residential East: Okanagan Lake West: Vacant Crown Land
ALR:	Not within the ALR
Fire Protection:	Not within a Fire Protection Area

**RDCO TECHNICAL COMMENTS:**

**Parks Services** staff have no objections to the applicant's proposal to downzone the current P1 zones to RU1 and RU2. Park dedication requirements under Local Government Act Section 510 do not apply to the rezoning application since there is no subdivision proposed. Parks Services has no objections to discharging the registered covenant on title for park construction improvements and the letter of credit in favour of the Regional District, which was a condition of rezoning under the previous property development proposal.

**Unaffected RDCO Departments** include Fire Services, Engineering Services, and Inspection Services.

**AGENCY REFERRAL COMMENTS:**

Staff are awaiting comments from the Ministry of Transportation and Infrastructure and the Ministry of Environment and Climate Change Strategy.

Unaffected agencies include Interior Health Authority, City of West Kelowna, Telus, FortisBC, City of West Kelowna.

**Considerations:**

Organizational/External:

In accordance with the Development Applications Procedures Bylaw No. 944, a Notice of Application Sign has been posted. Any correspondence received from the public will be provided to the Board as part of a future public hearing report.

**Legal/Statutory Authority:**

Section 479 of the Local Government Act grants local governments the power to enact bylaws that define zones and regulate the use of land, buildings, and other structures within each zone. Under Section 460 of the Act, a local government that has adopted a zoning bylaw must define procedures under which an owner of land may apply for an amendment to a land use bylaw. In accordance with Part 14, Division 3 of the Act, the Regional District of Central Okanagan Development Applications Procedures Bylaw No. 944 defines the processes for public hearings and Board consideration of bylaw amendment applications.

As the property is located within 800 metres of a controlled access highway, Ministry of Transportation and Infrastructure approval is required after third reading and prior to adoption of a zoning amendment bylaw.

**Considerations not applicable:**

- External
- Financial
- Alternate Recommendation

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**Approved for Agenda**



**Brian Reardon, CAO**