

# LUC/OCP/Rezoning Application (Z21/06)

Regional District of Central Okanagan Board Meeting

April 14, 2022

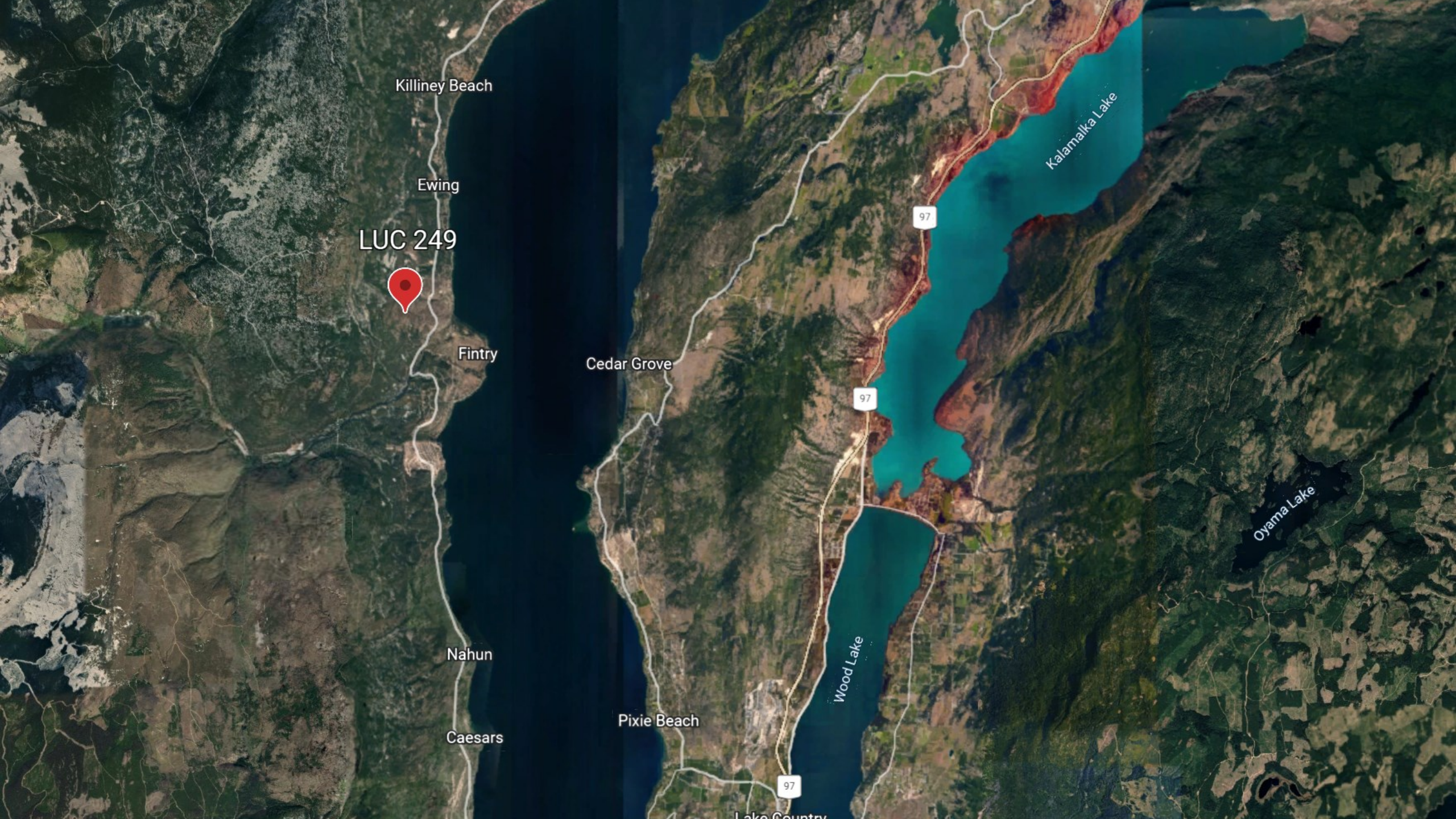
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1450 K.L.O. Road  
Kelowna, BC, V1W 3Z4  
rdco.com



# Purpose

- To terminate **Land Use Contract No. 249**, apply zoning to the subject property, and consider an amendment to the Rural Westside Official Community Plan



LUC 249



Killiney Beach

Ewing

Fintry

Nahun

Caesars

Cedar Grove

Pixie Beach

Lake County

Kalamalka Lake

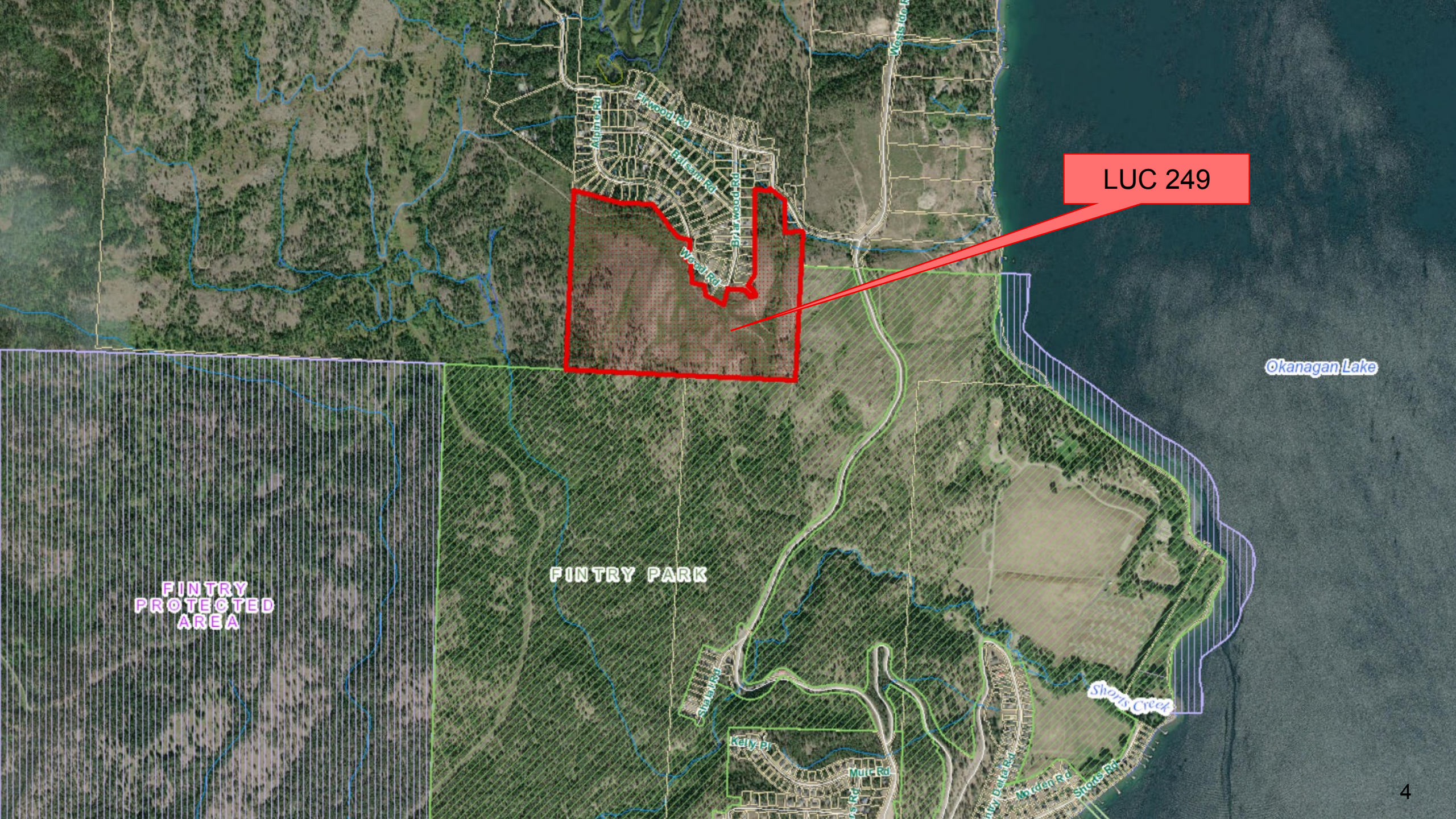
Oyama Lake

Wood Lake

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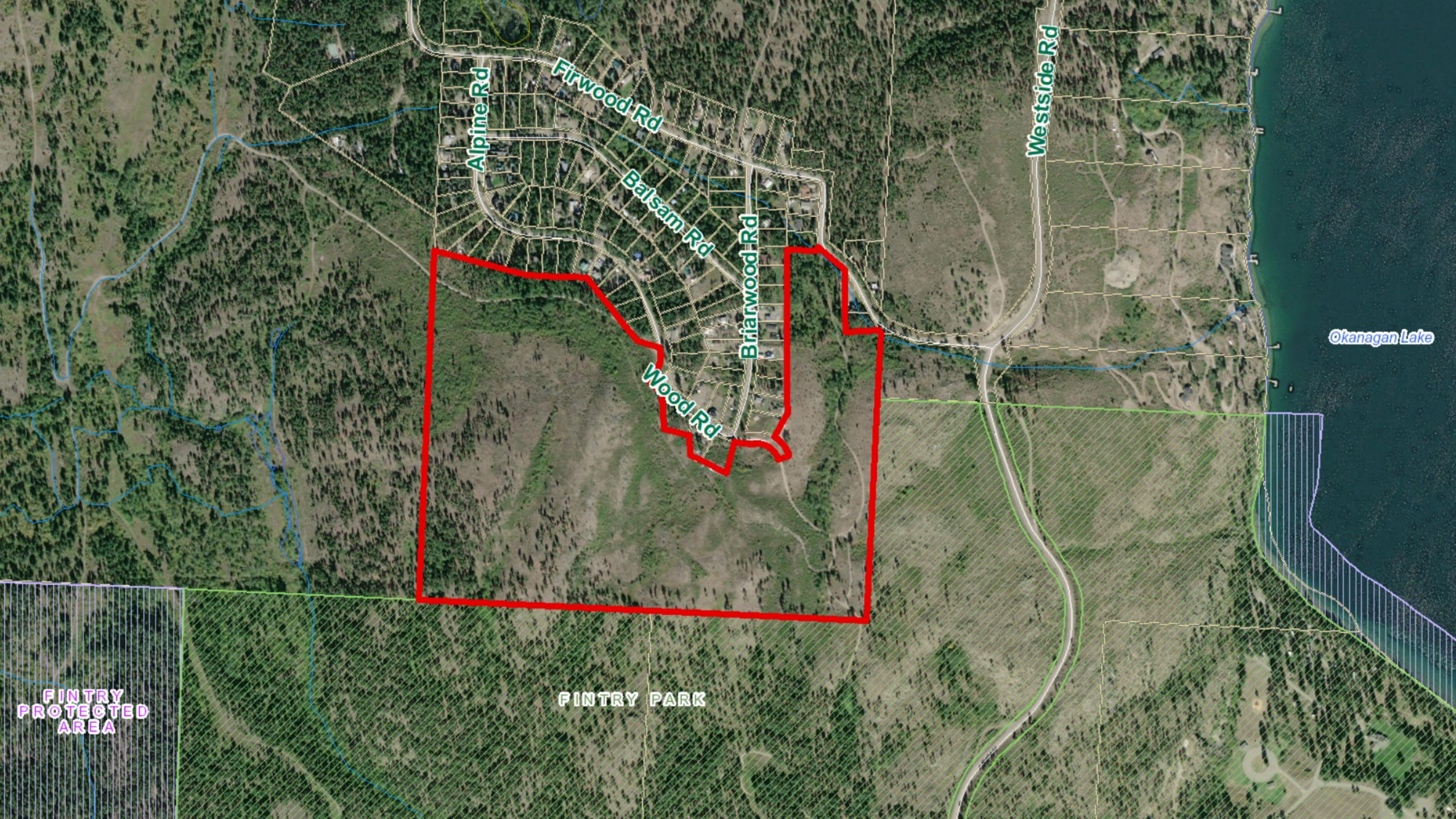
LUC 249

Okanagan Lake

FINTRY PROTECTED AREA

FINTRY PARK

Shorts Creek



Alpine Rd

Firwood Rd

Balsam Rd

Briarwood Rd

Wood Rd

Westside Rd

Okanagan Lake

FINTRY PARK

FINTRY PROTECTED AREA



Briarwood

# Background

- **Land Use Contracts (LUC's):** site-specific land use agreements
- **Province amended Local Government Act:** Local Governments must adopt zoning for all LUC properties prior to June 30, 2022
- **LUC's in the RDCO:** 9 total, 5 terminated, 4 in-process

# LUC 249 Permitted Uses

- Adopted 1978

- Permitted uses:

- Up to 150 campsites
- Recreational accommodation (Include. tents and tent trailers, motor homes, vans and campers, RVs)
- One lodge building
- One washroom building
- One sani-station
- One swimming pool



# Proposal

- LUC Termination Bylaw No. 249-01
  - Terminate the LUC
- OCP Amendment Bylaw No. 1274-11
  - Amend the future land use designation for the subject property, changing it from Commercial Resort to Parks and Recreation
- Zoning Bylaw Amendment No. 871-271
  - Zone the subject property P1 – Park and Open Space

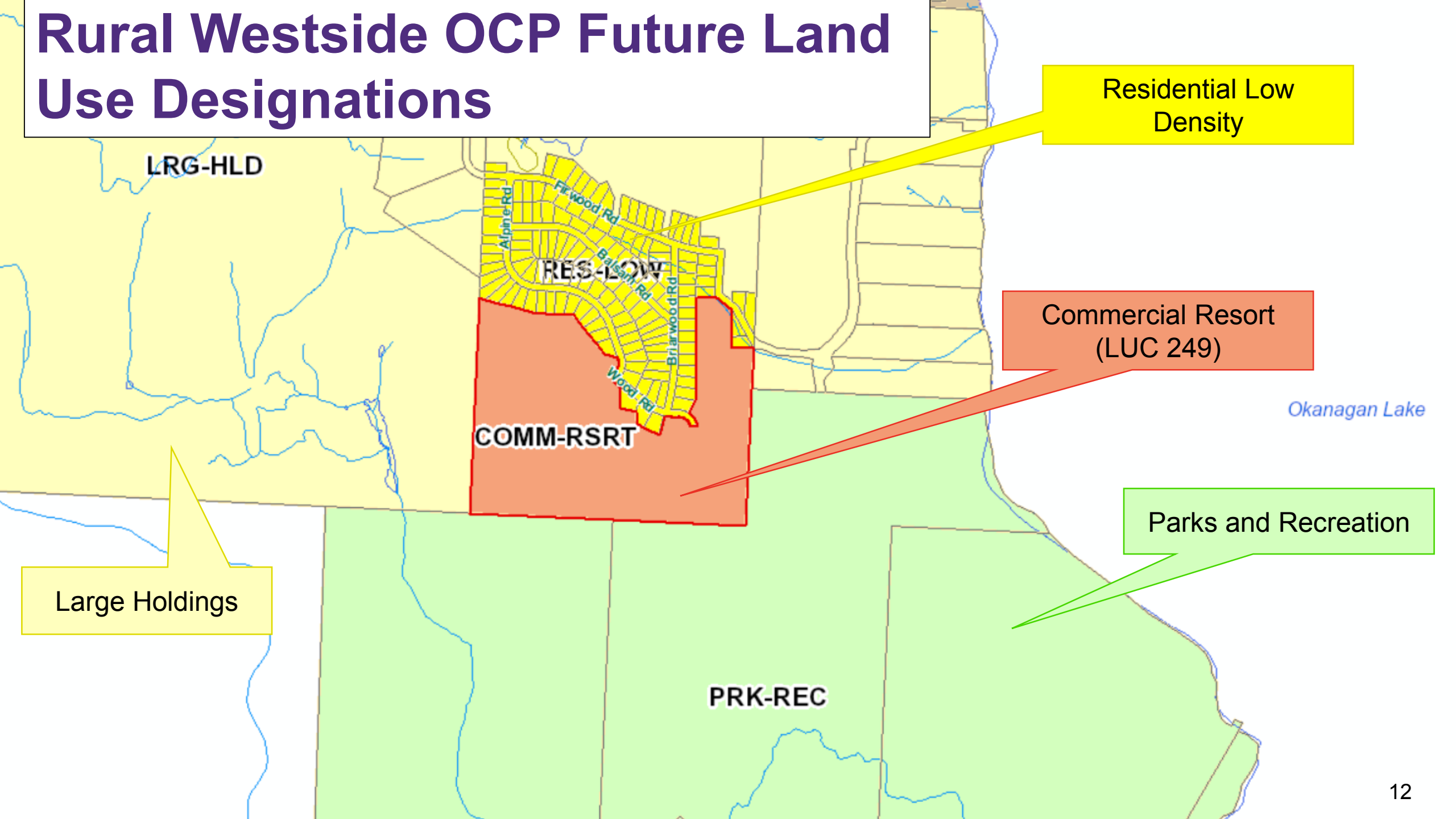
# Rural Westside OCP

- Policy states that alternatives to the existing LUC's be considered
- Objectives to address further expansion of resort developments and rezone the Fintry site to park designation
- Direction to prepare a land use plan for the area that is compatible with surrounding uses and natural environment

# Rural Westside OCP

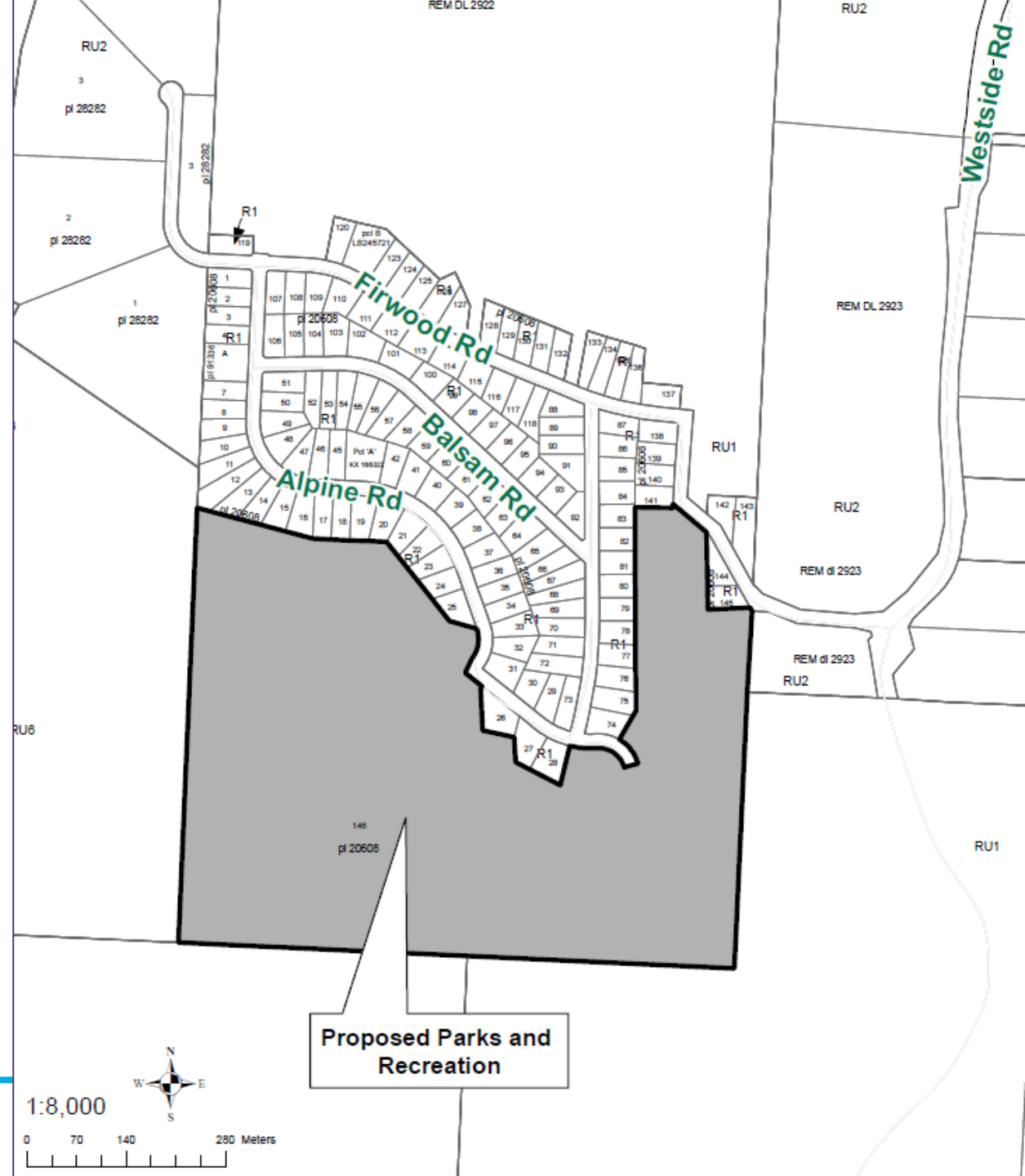
- North Westside has maintained a large inventory of vacant lots in all residential zones
  - Over 1,200 undeveloped parcels
- Concerns regarding the capacity of existing infrastructure to handle uses permitted under all LUCs
- Potential for a remaining number of commercial resorts to be developed in the area is a concern to residents

# Rural Westside OCP Future Land Use Designations



# Proposed OCP Amendment

- Commercial Resort → Parks and Recreation
- **Intent:** provide recreational and park opportunities



# Land Use Planning Considerations

- OCP policy, direction, and objectives
- Zones of adjacent properties
- Future development potential (density and subdivision)

# Zone Comparison

## ■ P1

- Following OCP objectives

## ■ RU1, RU2, RU6, and R1

- Residential zones in the Westside Road area

## ■ C5

- Example of common commercial resort zone

# Zone Comparison (continued)

<b><i>Land Use Considerations</i></b>	<b>RDCO Zone</b>					
	<b><i>P1</i></b>	<b><i>RU1</i></b>	<b><i>RU2</i></b>	<b><i>RU6</i></b>	<b><i>R1</i></b>	<b><i>C5</i></b>
Align with Rural Westside OCP?						
Prevent incompatible uses to surrounding areas?						
Prevent increased density/small lot subdivisions?						



# Proposed P1 Zone

- **Intent:** accommodate parks and recreational open space
- No minimum parcel area
- **Additional Permitted Uses:**
  - Parks and playground
  - Conservation area
  - Recreation services
  - Dwelling unit (1)
  - Accessory buildings and structures

# BC Parks

- Recommends approval of the application as a means to add additional natural space between the developed areas and Fintry Provincial Park and ease possible acquisition in the future

# Interior Health Authority

- Supports the proposal as it appears to be inline with the objectives of the Rural Westside OCP
- Assists in supporting sustainable development
- Community planning that preserves and connects the natural environment can have significant health and wellbeing impacts on the community

# Ministry of Forests, Lands, Natural Resource Operations & Rural Development

- Provincial approval will be required for any work in or around any watercourses on the property

# Ministry of Municipal Affairs

- No concerns with the proposed OCP amendment

# Ministry of Transportation & Infrastructure

- No concerns with the proposal
- Bylaws must be signed by MOTI after 3<sup>rd</sup> reading

# Next Steps

- Public Hearing
- Further readings of bylaws

# External Implications

- Written notice was mailed to the registered property owner of LUC No. 249
- Any correspondence received from the public or owner will be provided to the Regional Board as part of the future Public Hearing



# Legal / Statutory Authority

- Bylaws must come into force at least one year from the date they are adopted
- If the timing of the termination causes the property owner hardship, they may apply to the Board for a variance:
  - Variance application must be submitted within 6 months of bylaw adoption
  - Board must determine date for LUC to continue to apply (no later than June 30, 2024)

# Summary

- Provincial legislation stipulates that local governments must adopt zoning for all LUC properties within their jurisdiction by June 30, 2022
- Local governments have authority to unilaterally terminate LUC's
- Consider alternatives to existing LUC's

# Staff Rationale

- Consistent with OCP policies, direction, and objectives
  - Rezone the Fintry site to park designation
  - Address further expansion of commercial resort developments
- Proposed future land use is compatible with surrounding uses
- Ensures alignment of OCP and zoning

# Recommendation

**THAT** the Regional Board receives the report from the Director of Community Services, dated April 14, 2022, with respect to RDCO File: Z21/06 for the property located on Alpine Road and legally described as Lot 146, District Lot 2922, Osoyoos Division Yale District, Plan 20608 except Plan EPP49860 (“the Subject Property”);

# Recommendation

**AND THAT** LUC Termination Bylaw No. 249-01 for the Subject Property be given first reading

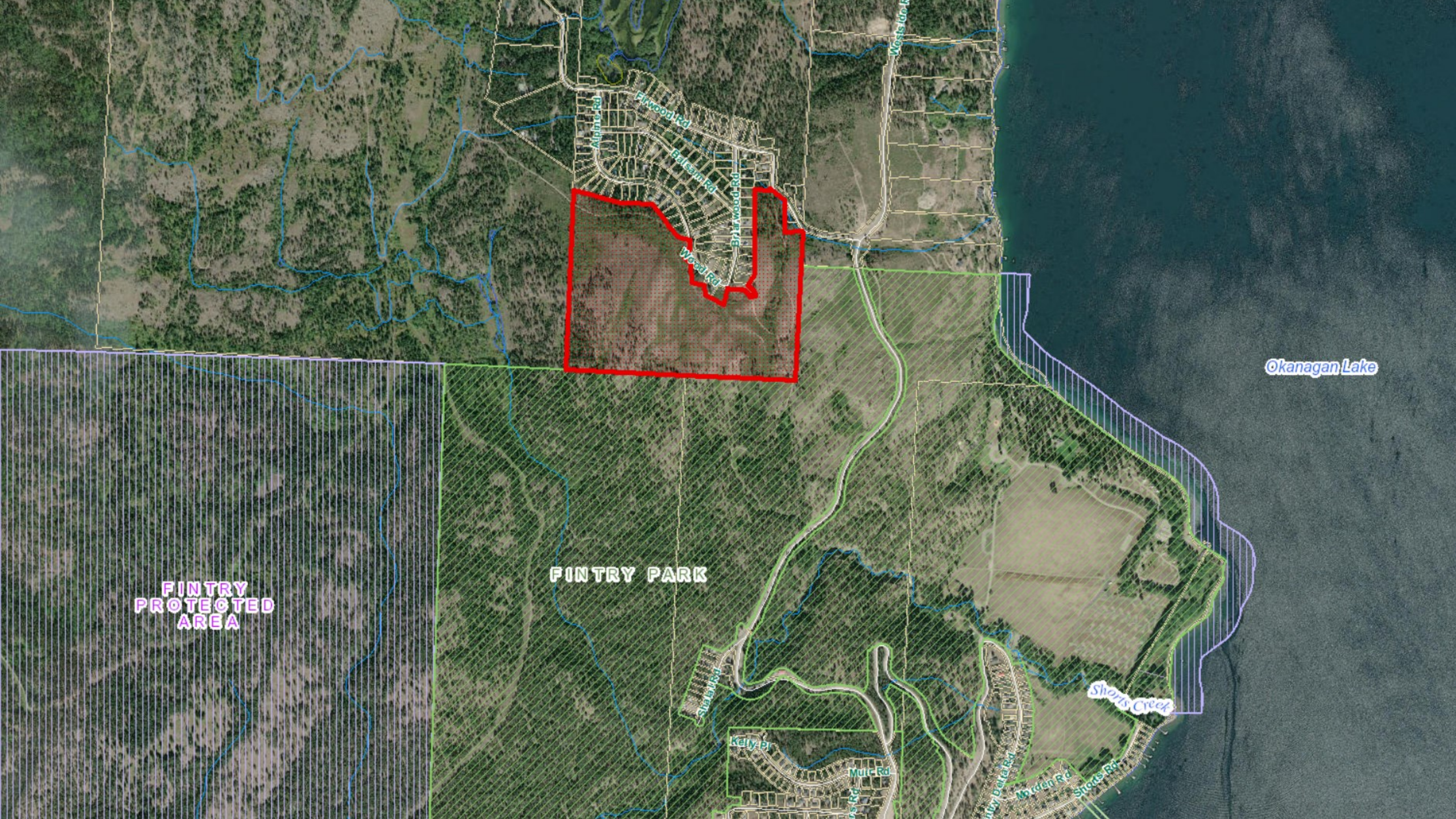
**AND THAT** OCP Amendment Bylaw No. 1274-11 for the Subject Property be given first reading

**AND THAT** Zoning Amendment Bylaw No. 871-271 for the Subject Property be given first reading

# Recommendation (continued)

**AND THAT** the Regional Board schedule a Public Hearing on May 30, 2022, for LUC Termination Bylaw No. 249-01, OCP Amendment Bylaw No. 1274-11, and Zoning Amendment Bylaw No. 871-271, RDCO File No. Z21/06;

**AND FURTHER THAT** the Regional Board direct staff to accept no further development applications related to the Subject Property pending completion of the proposed bylaw amendments



Okanagan Lake

FINTRY  
PROTECTED  
AREA

FINTRY PARK

Shorts Creek

Alpine Rd  
Finwood Rd  
Palesun Rd  
Birkwood Rd  
Wood Rd

Shelburne Rd

Kelly Br  
Muir Rd  
Morden Rd

Fintry Bette Rd  
Shorts Rd

Westside Dr