

LUC/OCP/Rezoning Application Z20/07

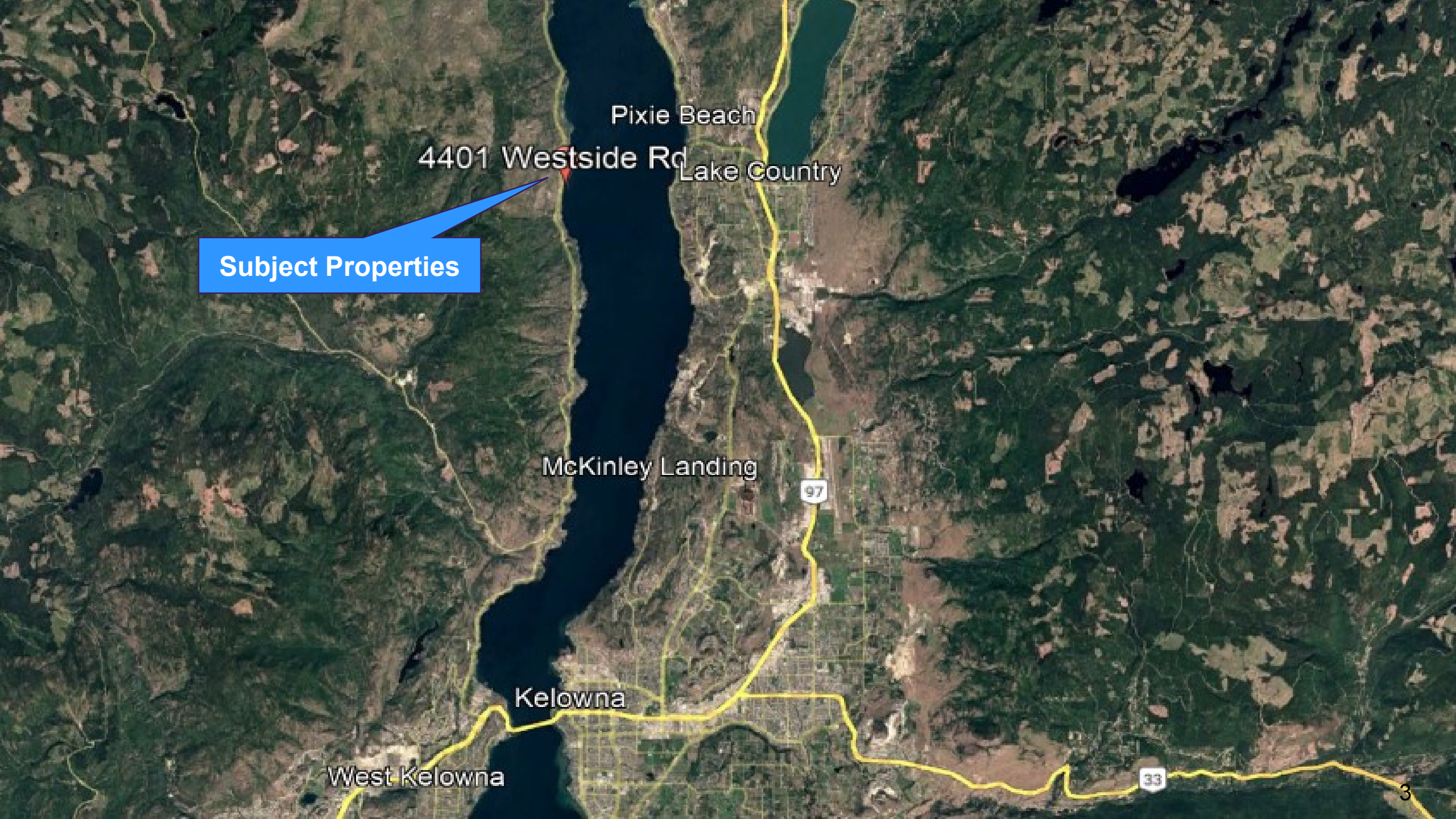
Regional District of Central Okanagan Board Meeting
March 28, 2022

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



Purpose

- To discharge Land Use Contract No. 258 and apply zoning to the subject properties, and to consider an amendment to the Rural Westside Official Community Plan



Pixie Beach
4401 Westside Rd
Lake Country

Subject Properties

McKinley Landing

97

Kelowna

West Kelowna

33

3



Caesars

4401 Westside Rd

Westside Rd

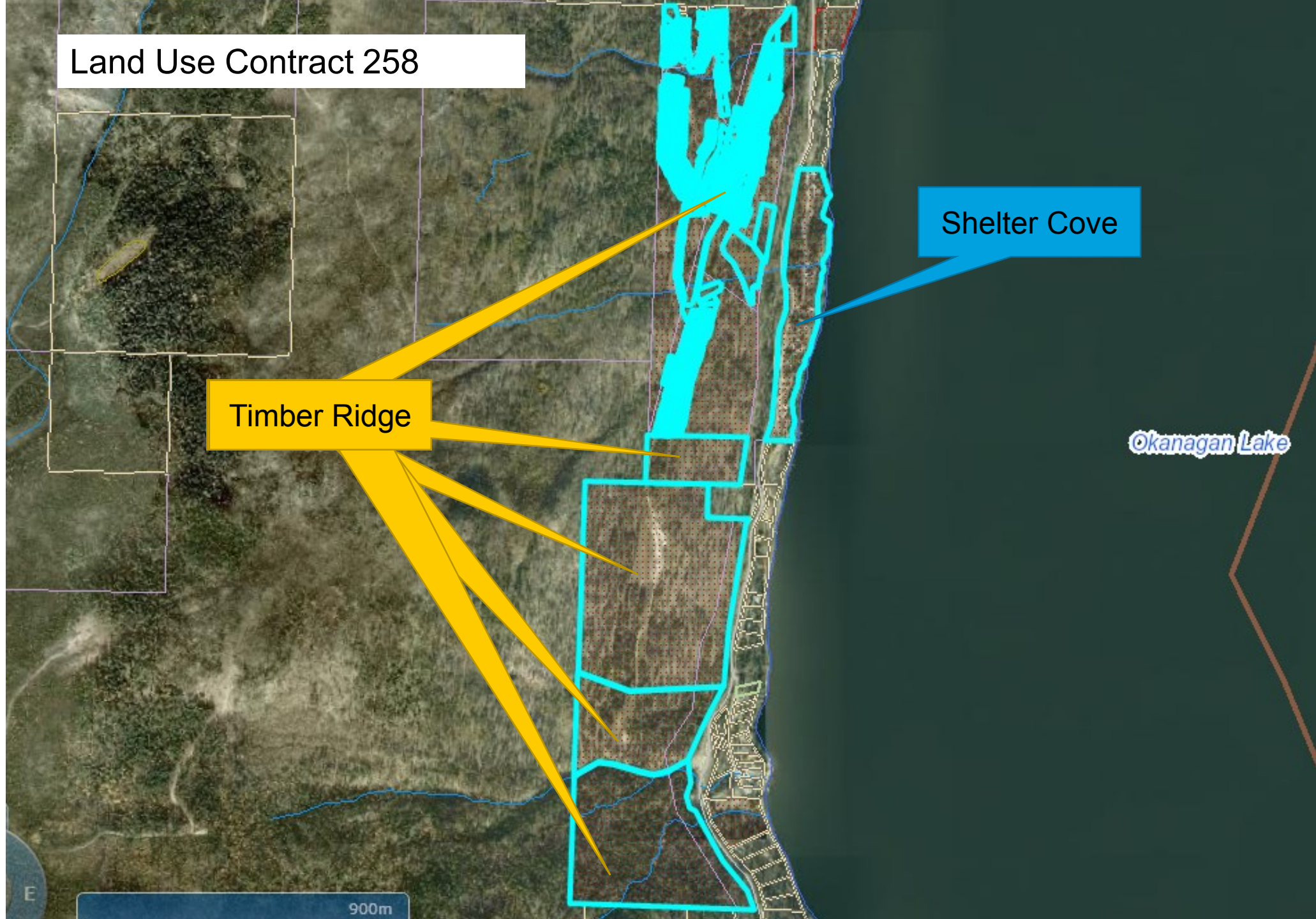
Westside Rd

Land Use Contract 258

Shelter Cove

Timber Ridge

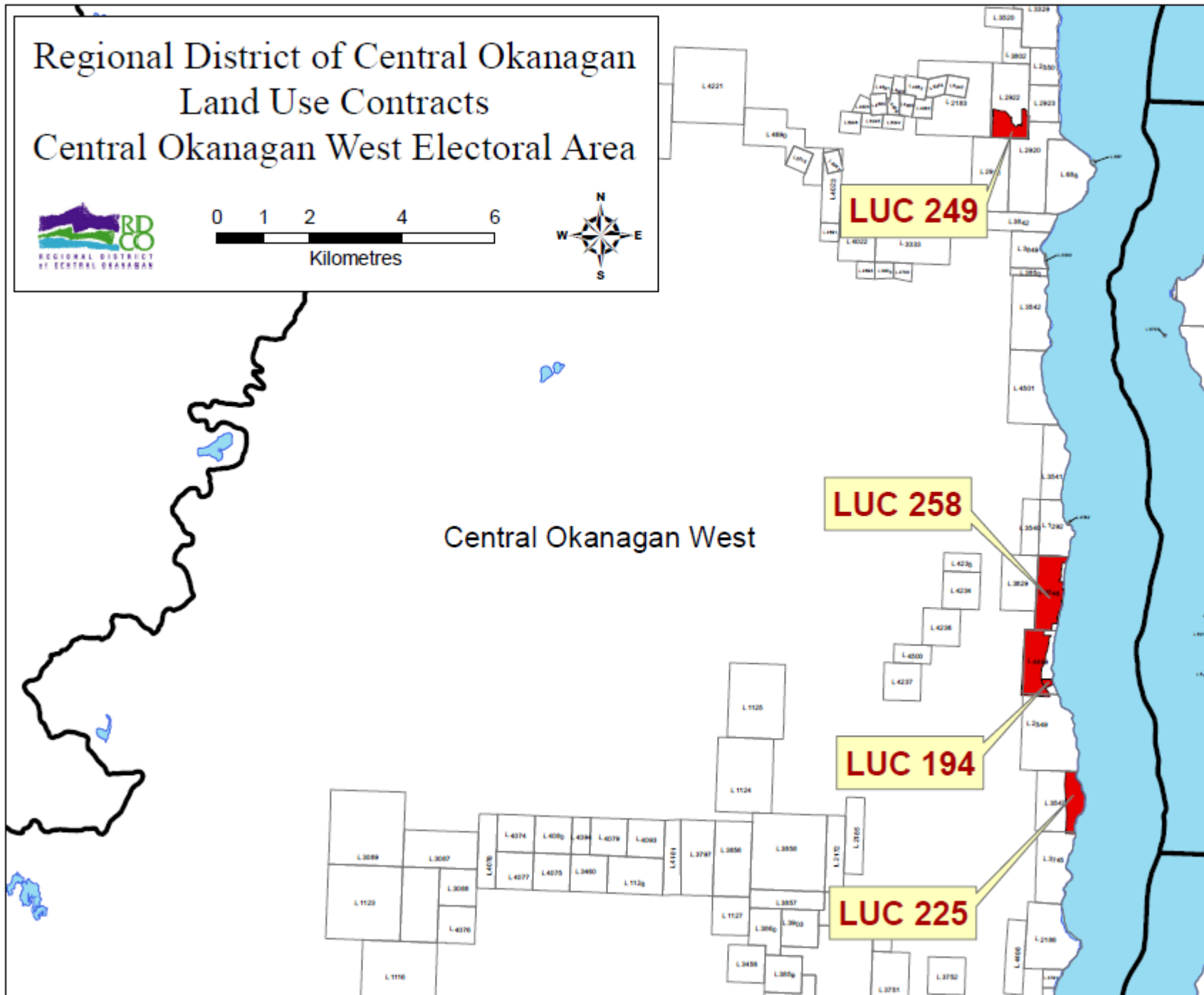
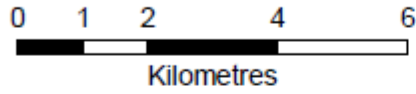
Okanagan Lake



Background

- **Land Use Contract (LUC):** site-specific land use agreements
- **Province amended Local Government Act:** all LUCs must be terminated prior to June 2022
- **LUCs in the RDCO:** 9 total, 5 discharged

Regional District of Central Okanagan Land Use Contracts Central Okanagan West Electoral Area



Central Okanagan West

LUC 249

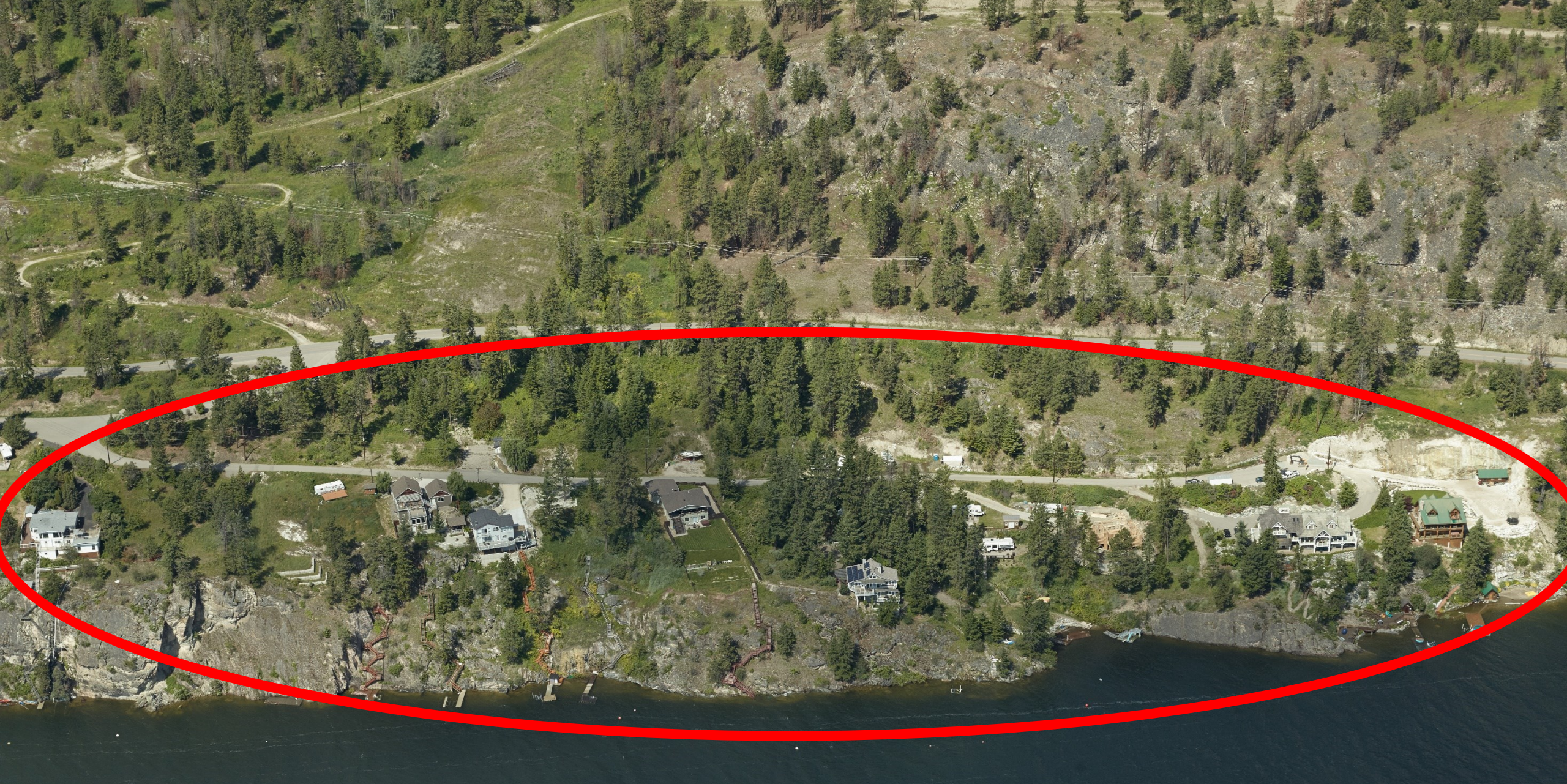
LUC 258

LUC 194

LUC 225

Shelter Cove

- **Developed with seasonal residential accommodation:**
 - Multiple owners on one land title
 - Mix of vacation homes and recreational vehicles
 - Building & development permits issued by the RDCO
 - Dock & water licenses issued by the Province
- **Servicing:**
 - On-site wastewater disposal approved by IHA
 - Private water sources supplied by Okanagan Lake
- **Wilson's Landing Fire Protection Area**



Shelter Cove (north end)



Shelter Cove (south end)



Timber Ridge

- Vacant properties
 - Land disturbance related to road access
- Servicing:
 - To be addressed at time of future development
- Outside of a Fire Protection Area
 - Portion of the lands impacted by wildfire in 2015



4400 Westside Rd

Westside Rd

Timber Ridge Properties



Timber Ridge Properties
(facing north)

LUC No. 258

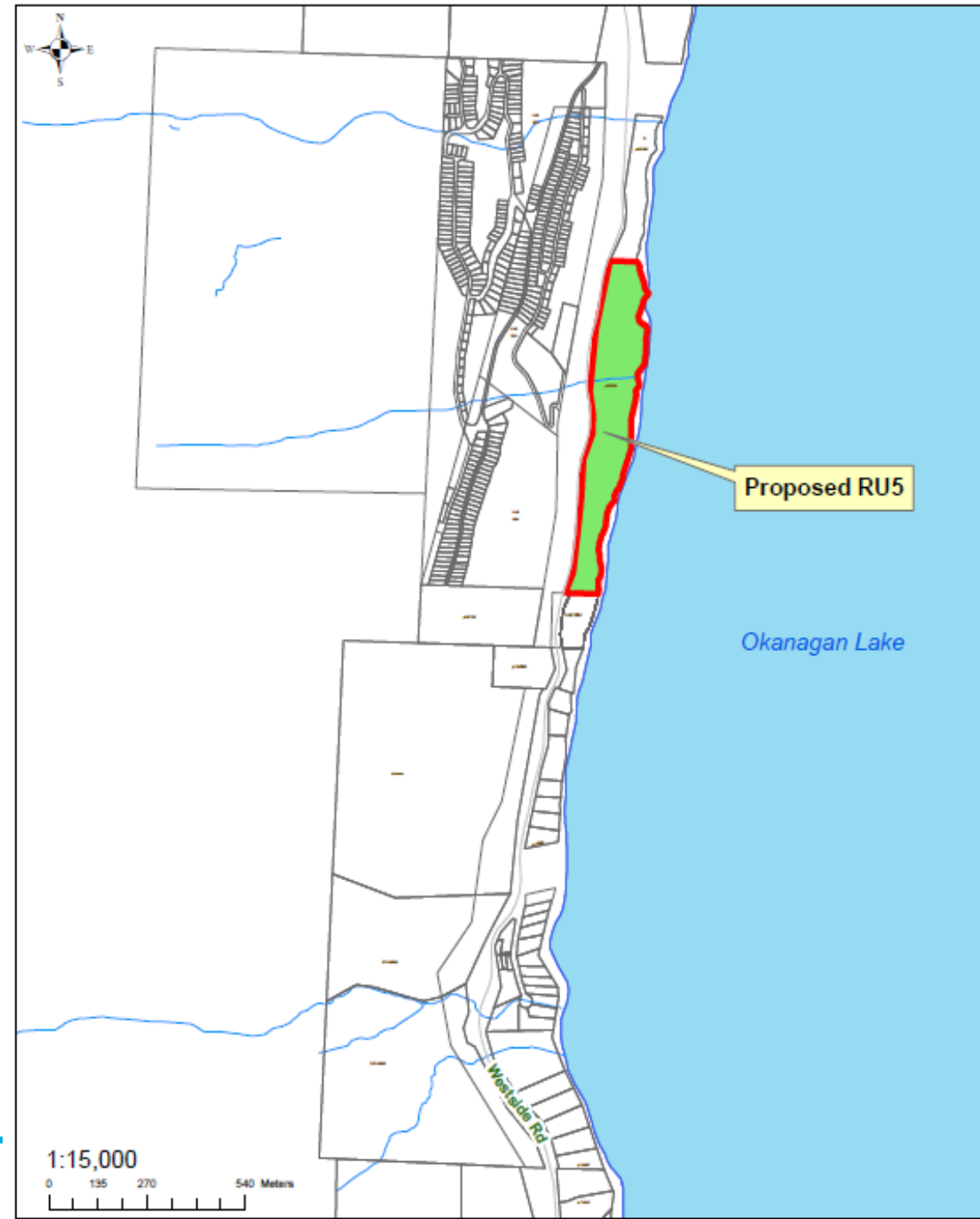
- Adopted 1979, amended 1981
- Permitted Uses:
 - Not more than 463 recreational vehicle sites and 42 vacation home sites
 - One recreation building
 - One retreat building, designed to accommodate up to 110 persons
 - One swimming pool building and swimming pool
 - One administration building
 - One maintenance building
 - One lodge with staff accommodation
 - One sani-station

Proposal

- 1) Discharge LUC No. 258
- 2) Amend Zoning Bylaw and apply zoning to the subject properties as RU1, RU2, and RU5
- 3) Amend the future land use designation under the Rural Westside OCP from Commercial Resort to Large Holdings and Residential Low Density

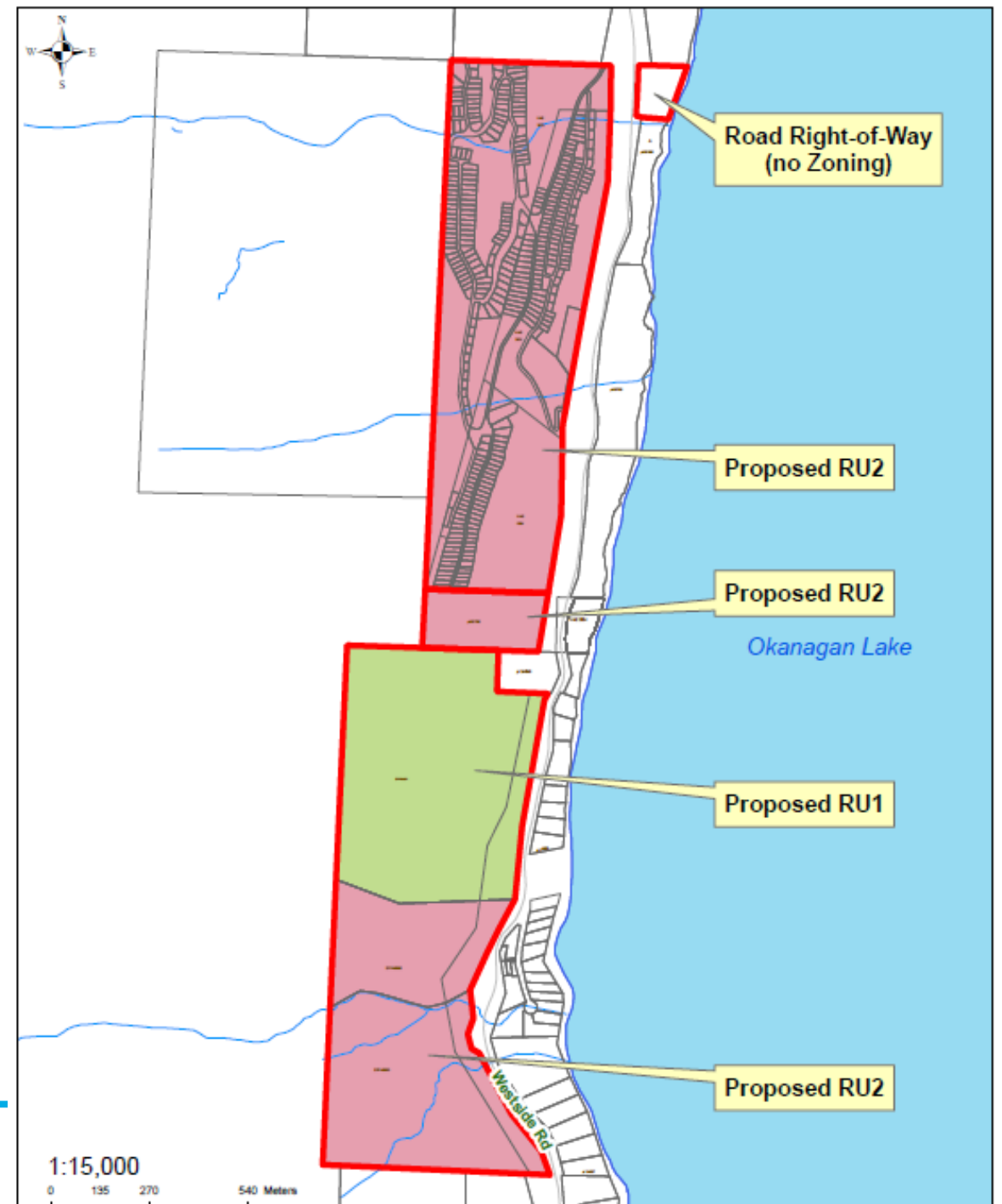
Proposed RU5

- **Single Detached Housing**
 - 2,500m² (.61 acre) min. parcel area
- **Additional Permitted Uses:**
 - Home based business
 - Accessory buildings & structures
- **Subdivision potential:**
 - Approx. 39 parcels
 - Requires community water/wastewater
 - May require variance to servicing requirements



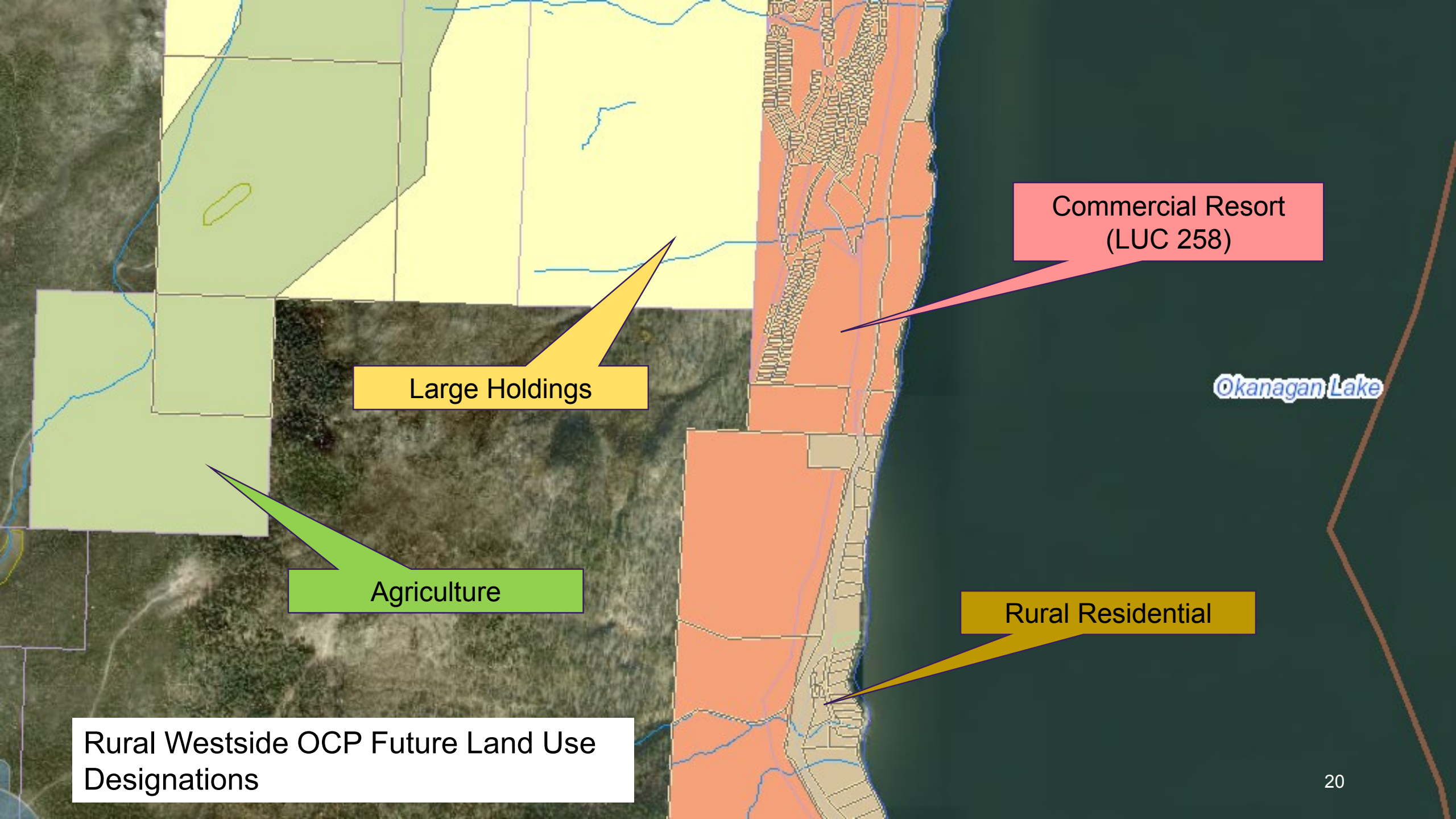
Proposed RU1 & RU2

- **Single Detached Housing**
 - RU1 = 74 acre min. parcel area
 - RU2 = 10 acre min. parcel area
- **Additional Permitted Uses:**
 - Agriculture
 - Home based business
- **Subdivision potential**
 - Approx. 20 parcels (total)
 - On-site wastewater / private water



Rural Westside OCP

- Policy provides assessment criteria for future residential development to be evaluated including:
 - Site servicing
 - Improvements to Westside Road
 - Availability of essential services (e.g. fire services)
 - Capability of the environment to accommodate the development
 - Environmental impact
 - Susceptibility to natural hazards



Rural Westside OCP Future Land Use Designations

Large Holdings

Agriculture

Commercial Resort (LUC 258)

Rural Residential

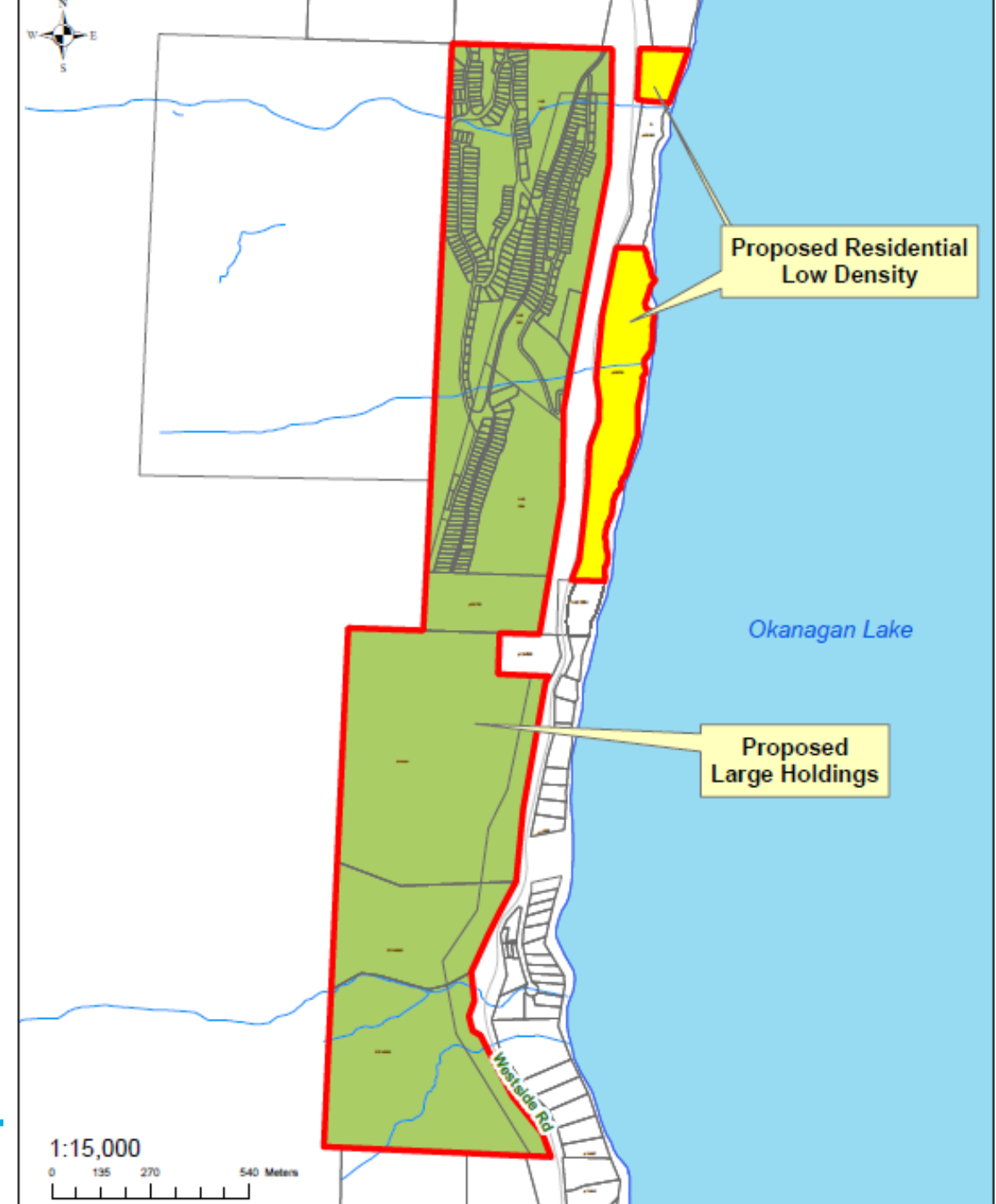
Okanagan Lake

Rural Westside OCP

- North Westside has maintained a large inventory of vacant lots in all residential categories
 - Over 1,200 undeveloped parcels
- Policy provides that alternatives to the existing LUC's be considered
- Concerns regarding the capacity of existing infrastructure to handle uses permitted under all LUCs

Proposed OCP Amendment

- **Residential low density**
 - Intent is to accommodate single family residential uses
- **Large holdings**
 - Intent is to preserve existing large rural parcels with limited services
 - Minimum parcel size of 4 hectares (10 acres)



Advisory Planning Committee

- Recommends support for the application

Interior Health Authority

- Supports the proposal as it is in line with OCP objectives and min 4-hectare lot size
- Supports zoning that requires community water and community wastewater as part of the subdivision process
- Must consider capability, availability, and adequacy of servicing

Ministry of Transportation & Infrastructure

- No concerns with the discharge of the LUC
- Bylaws must be signed by MOTI after 3rd reading

Ministry of Municipal Affairs

- No concerns with the proposed OCP amendment

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

- No concerns with the proposal
- May require commercial tenures for home-based business
- Shared moorage not permitted unless subdivision for strata development
- WSA applications required for works in/around streams

Next Steps

- Public Hearing
- Further readings of Bylaws

External Implications

- Written notices were mailed to all registered property owners in LUC No. 258
- Any correspondence received from the public or owners will be provided to the Regional Board as part of a future Public Hearing

Legal / Statutory Authority

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

Summary

- Provincial legislation stipulates that all LUC's must be discharged, and zoning put in place prior to June 2022
- Local governments have authority to unilaterally discharge LUC's
- Future residential development must consider impacts on existing servicing and infrastructure, the environment, and natural hazards

Staff Rationale

- Consistent with policies of the OCP
- Future land use consistent with surrounding land uses
- Zoning will recognize and formalize existing land uses
- Allows flexibility for property owners to come forward with future development proposals

Recommendation

THAT the Regional Board, receives the report from the Director of Community Services, dated March 28, 2022, with respect to RDCO File: Z20/07 for the properties legally described as Lot 1, District Lot 3546, ODYD, Plan KAP60766; Lot 2, District Lot 3546, ODYD, Plan KAP60766; Lot A, District Lot 4499, ODYD, Plan EPP45867; Lot 1, District Lot 4499, ODYD, Plan EPP45865; Lot A, District Lot 4499, ODYD, Plan EPP45863; Lot 4, District Lot 3546, ODYD, Plan KAP60487; Common Property Strata Plan KAS 1964, Strata Lots 1 - 70, District Lot 3546, ODYD; Common Property Strata Plan KAS2021, Strata Lots 1 – 129, District Lot 3546, ODYD; and, Common Property Strata Plan KAS2022, Strata Lots 1 - 159, District Lot 3546, ODYD, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (the “Shelter Cove and Timber Ridge Properties”).

Recommendation (continued)

AND THAT LUC Termination Bylaw No. 258-06 for the Shelter Cove and Timber Ridge Properties be given first reading.

AND THAT OCP Amendment Bylaw No. 1274-09 for the Shelter Cove and Timber Ridge Properties be given first reading;

AND THAT Zoning Amendment Bylaw No. 871-265 for the Shelter Cove and Timber Ridge Properties be given first reading;

Recommendation (continued)

AND THAT the Regional Board schedule a Public Hearing on April 28, 2022, for LUC Termination Bylaw No. 258-06, Zoning Amendment Bylaw No. 871-265, and OCP Amendment Bylaw No. 1274-09, RDCO File No. Z20/07;

AND FURTHER THAT the Regional Board direct staff to accept no further development applications related to the Shelter Cove and Timber Ridge Properties pending completion of the proposed bylaw amendments.



Caesars

4401 Westside Rd

Westside Rd

Westside Rd

Land Use Contract 258

Shelter Cove

Timber Ridge

Okanagan Lake

