

LUC/OCP/Rezoning Application Z20/05

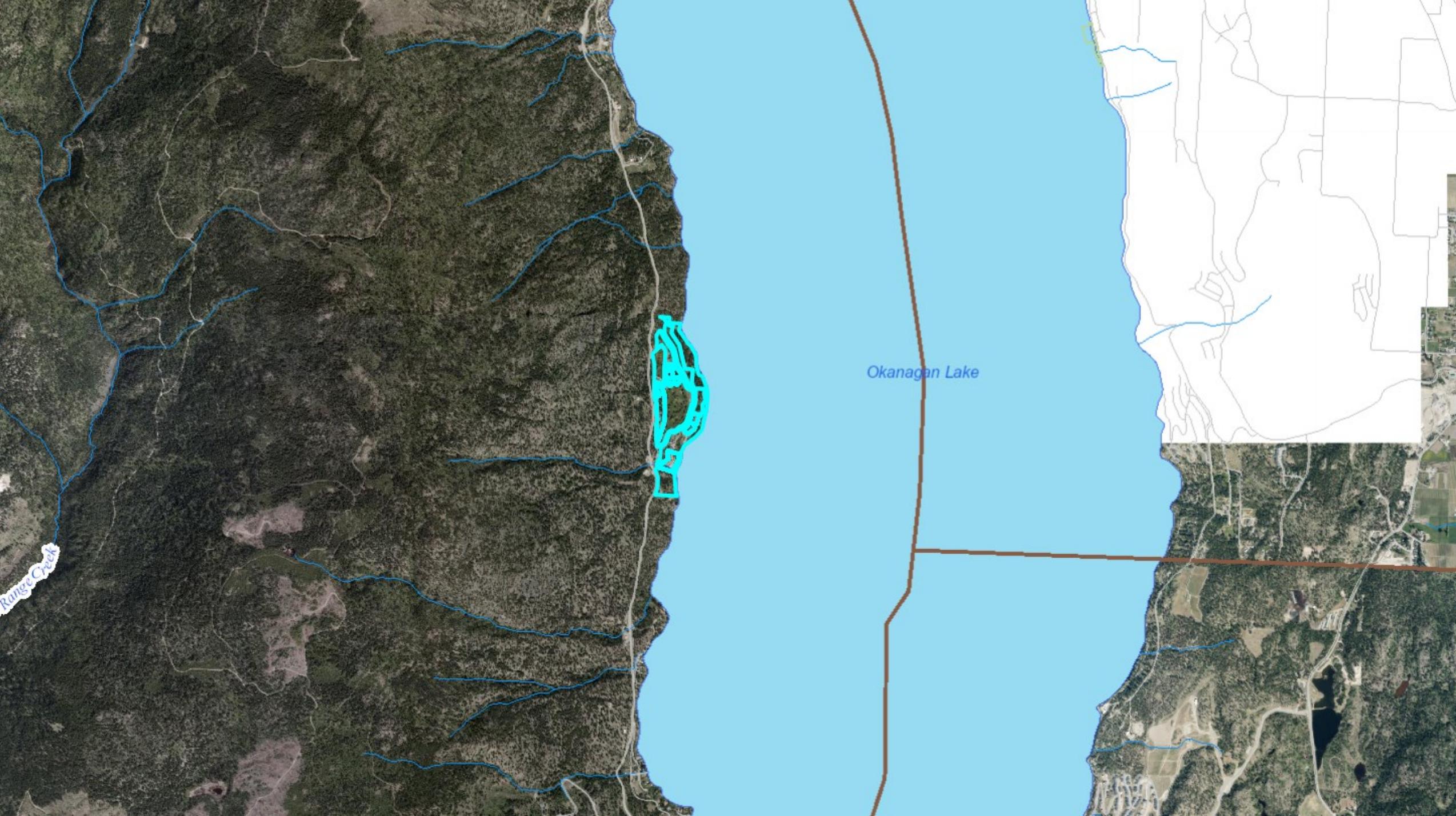
Regional District of Central Okanagan Board Meeting
April 25, 2022

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



Purpose

- To discharge Land Use Contract No. 225 and apply zoning to the subject properties, and to consider an amendment to the Rural Westside Official Community Plan



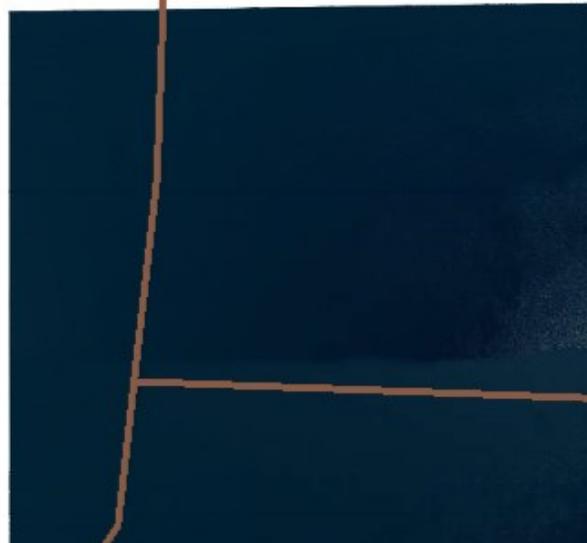
Okanagan Lake

Range Creek



Lambton Rd

Okanagan Lake





Westside Rd

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

LUC No. 225

- Adopted 1978, amended 1982 and 1997
- Permitted Uses:
 - Maximum of 500 units
 - Club house
 - Swimming pools
 - Tennis courts
 - Beaches
 - Marina
 - Golf course
 - Garage and maintenance building
 - Boat launch
 - Restaurant



SITE PLAN 1:750

Revised Schedule B-9

Revised Schedule B-96-9

Lake Okanagan Resort

- 9 properties managed by 5 Strata companies
- Existing uses:
 - Residential uses (217 existing units)
 - Commercial uses
 - Recreational uses



Lake Okanagan Resort

- Servicing:
 - Private communal water system
 - Private communal wastewater system
- Wilson's Landing Fire Protection Area

Proposal

- 1) Terminate LUC No. 225
- 2) Amend Zoning Bylaw and apply zoning to the subject properties as CD-2
- 3) Amend the Rural Westside OCP

Proposed CD-2 Zone

- CD-2 zone closely resembles regulations of LUC No. 225
- Maximum density of 500 units

CD-2 Zone - Area Designations

- A - Resort Commercial & Recreation
- B - Multiple Unit Resort & Residential 1
- C - Multiple Unit Resort & Residential 2
- D - Chalet Housing
- E - Multiple Unit Resort 1
- F - Multiple Unit Resort 2
- G - Resort Motel 1
- H - Resort Motel 2
- I - Passive Recreation Area



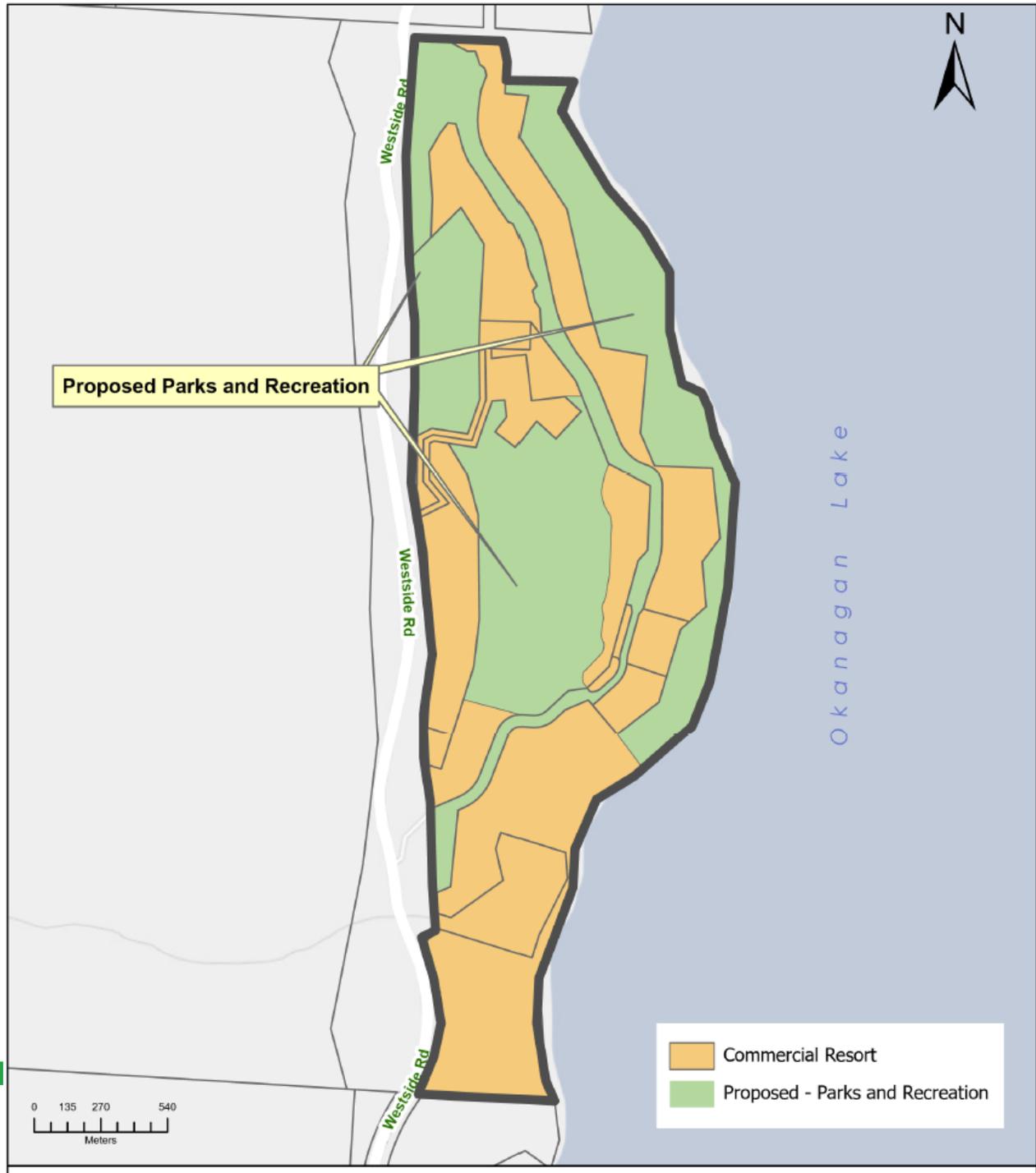
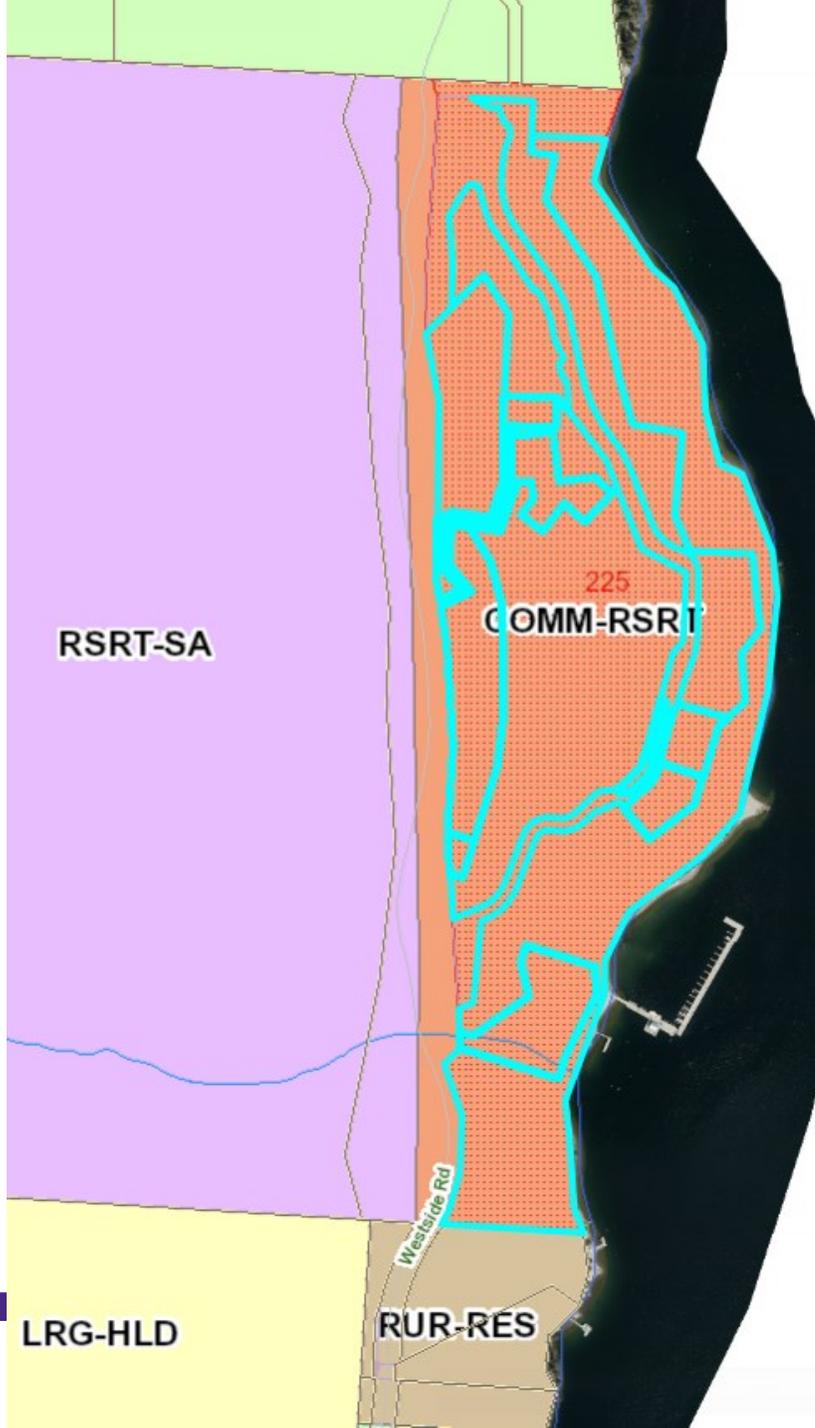
Proposed CD-2 Zone

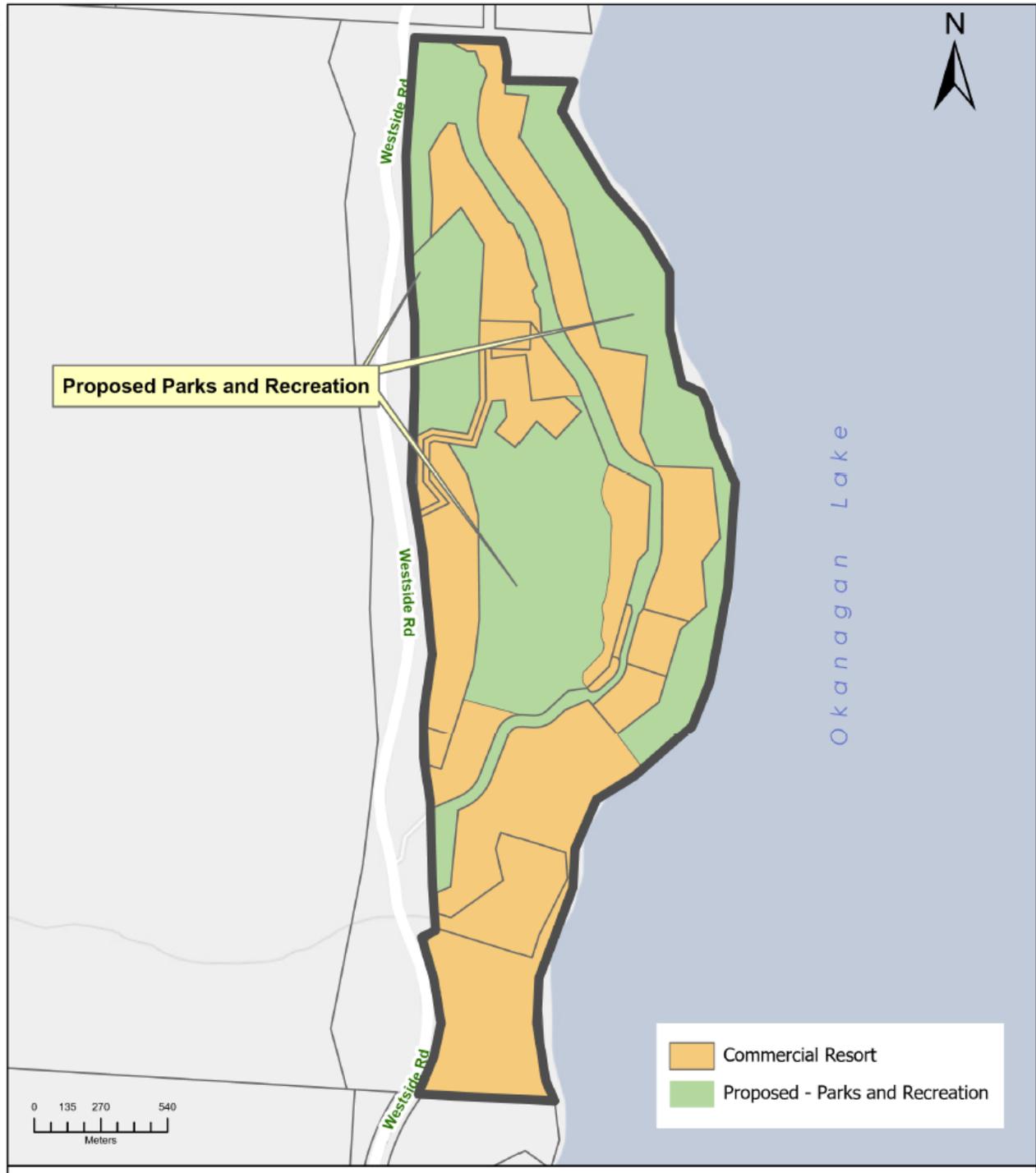
- Same permitted uses at LUC No. 225
- Uses not permitted by LUC. No. 225 are not permitted in the CD-2 zone



Proposed OCP Amendment

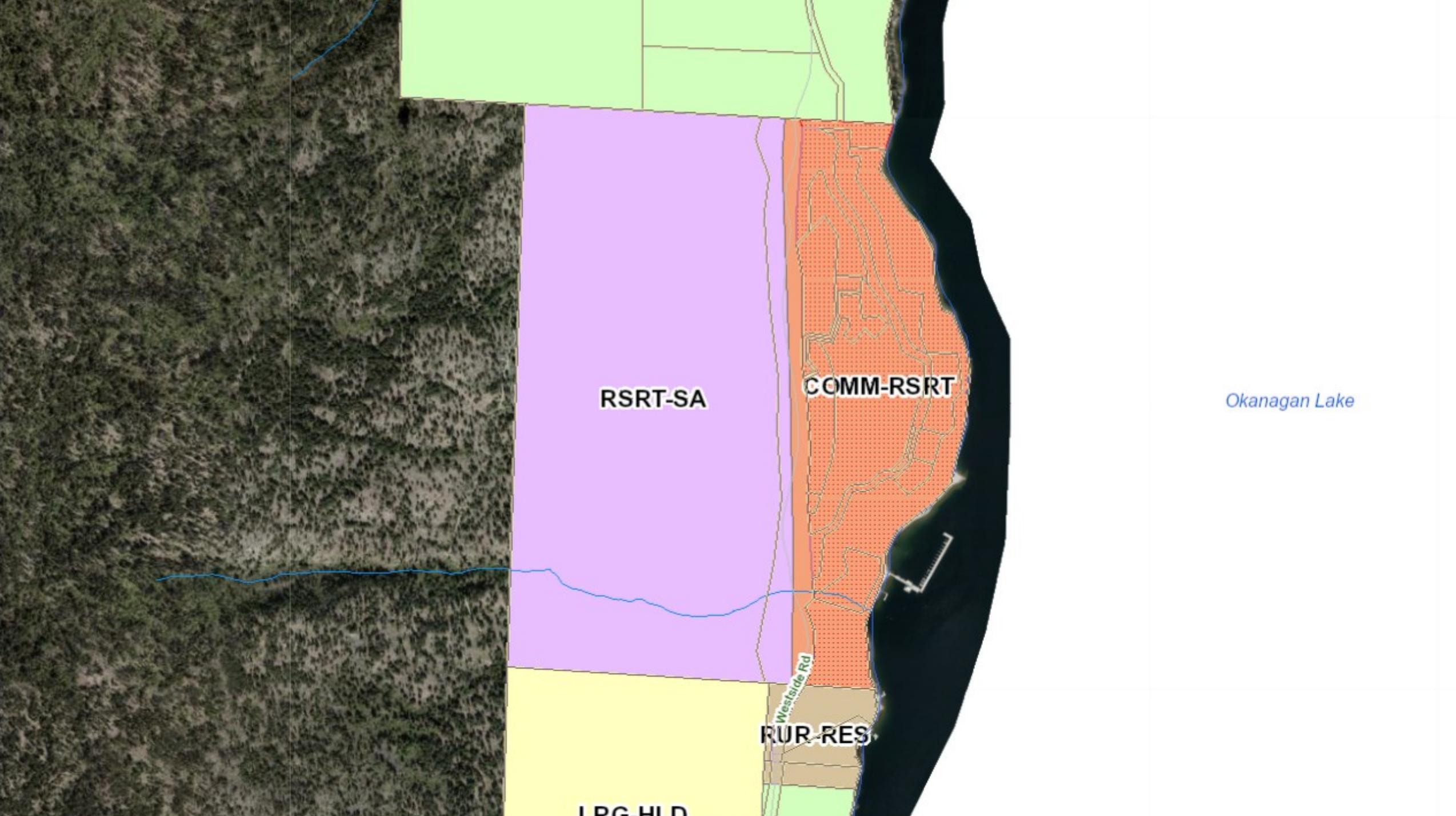
- Add language under Chapter 6 Residential
- Add policy under Chapter 7 Commercial
- Add language under Chapter 10 Parks and Facilities
- Change the future land use of a portion LOR to Parks and Recreation





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



RSRT-SA

COMM-RSRT

Okanagan Lake

RUR-RES

Westside Rd

LRG HLD

Rural Westside OCP

- The COW Electoral Area 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

Fire Services

- Recommends support for the application
- Existing Fire Code compliance issues

Advisory Planning Committee

- Recommends support for the application

Ministry of Transportation & Infrastructure

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

Next Steps

Sept 30, 2014

Regional Board endorsed the Land Use Contract Discharge Project



April 25, 2022

1st Reading – Regional Board Meeting



May 30, 2022

Public Hearing, 2nd and 3rd Reading – Regional Board Meeting



June 27, 2022

Adoption – Regional Board Meeting



June 27, 2023

Land Use Contracts Terminate



External Implications

- Written notices were mailed to all registered property owners in LUC No. 225
- 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 terminate LUC's
- Future residential development must consider impacts on existing servicing and infrastructure, the environment, and natural hazards

Summary

- Proposal: terminate LUC, zone CD-2, and amend the OCP
- Consistent with many policies of the OCP
- Zoning will closely resemble uses of the LUC
- No concerns from external agencies

Recommendation

THAT the Regional Board, receives the report from the Director of Community Services, dated April 25, 2022, with respect to file Z20/05 for the properties legally described as Lot 1, DL 3547, ODYD, Plan 30301, Except Plans 32216, KAP61751 & KAP89299; Lot 4 and an undivided 220/268 Share in Lot 1, DL 3547, ODYD, Plan KAP91945; Common Property Strata Plan KAS3867 & Strata Lots 1-24, and an undivided 24/268 share in Lot 1, DL 3547, ODYD, Strata Plan KAS3867; Common Property Strata Plan KAS3858 & Strata Lots 1-24, and an undivided 24/268 share in Lot 1, Plan KAP91945 both in DL 3547 ODYD; Common Property Strata Plan KAS294 & Strata Lots 1-12, DL 3547, ODYD, Strata Plan K294; Common Property Strata Plan KAS287 & Strata Lots 1-18, DL 3547, ODYD, Strata Plan K287; Common Property Strata Plan KAS520 & Strata Lots 1-99, DL 3547, ODYD, Strata Plan K520; Common Property Strata Plan KAS322 & Strata Lots 1-22, DL 3547, ODYD, Strata Plan K322; and Common Property Strata Plan KAS316 & Strata Lots 1-18, DL 3547, ODYD, Strata Plan K316 (“Lake Okanagan Resort Properties”);

Recommendation (continued)

AND THAT LUC Termination Bylaw No. 225-04 for the Lake Okanagan Resort Properties be given first reading;

AND THAT OCP Amendment Bylaw No. 1274-10 for the Lake Okanagan Resort Properties be given first reading;

AND THAT Zoning Amendment Bylaw No. 871-263 for the Lake Okanagan Resort Properties be given first reading;

Recommendation (continued)

AND THAT the Regional Board Schedule a Public Hearing on May 30, 2022, for LUC Termination Bylaw No. 225-04, OCP Amendment Bylaw No. 1274-10, and Zoning Amendment Bylaw No. 871-263, RDCO File: Z20/05.

AND FURTHER THAT the Regional Board direct staff to accept no further development applications related to the Lake Okanagan Resort Properties pending completion of the proposed bylaw amendments.