

LUC/OCP/Rezoning Application (Z21/06)

Regional District of Central Okanagan Board Meeting

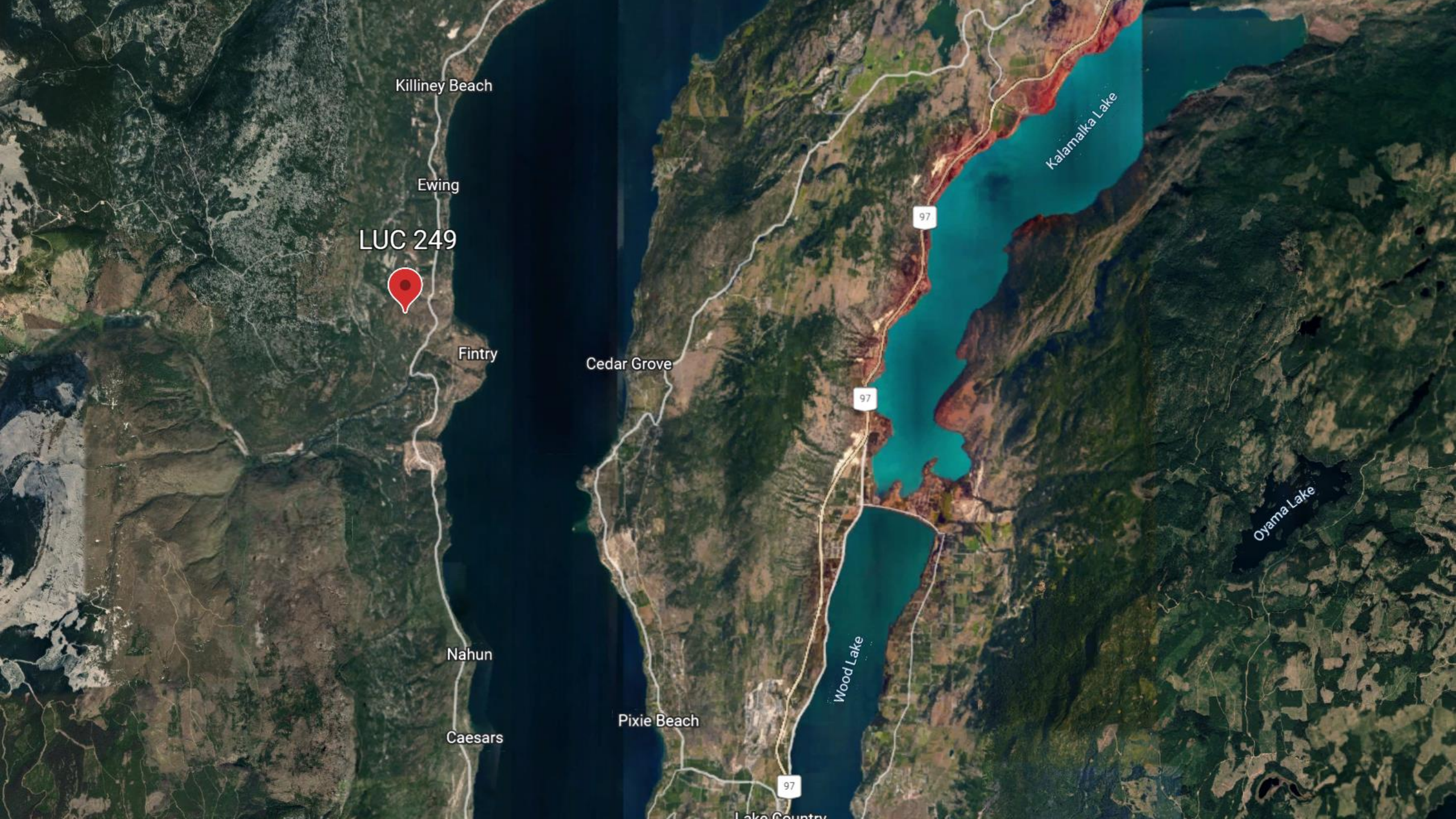
Public Hearing – May 30, 2022

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

Cedar Grove

Nahun

Caesars

Pixie Beach

Wood Lake

Kalamalka Lake

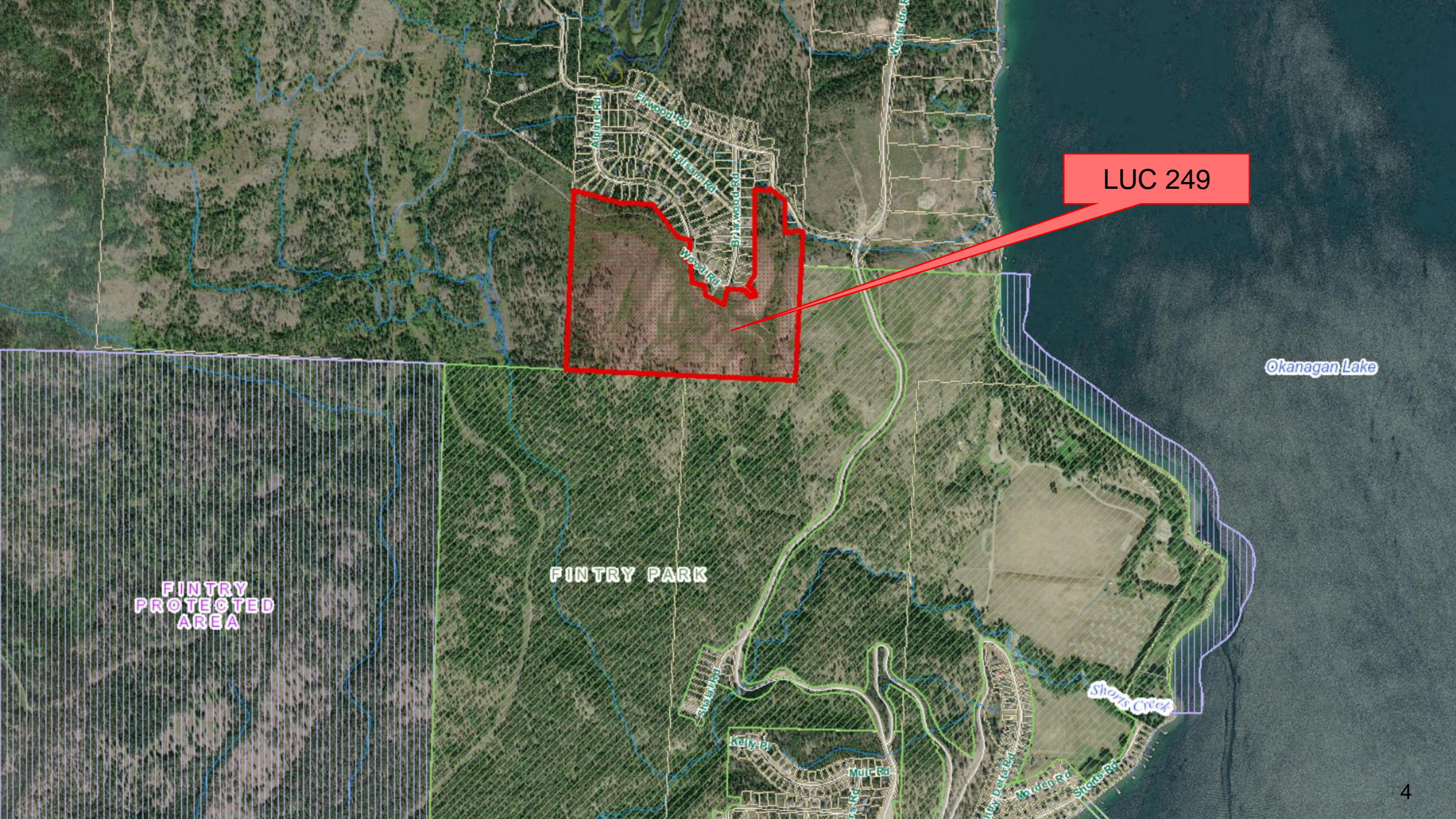
Oyama Lake

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Lake County



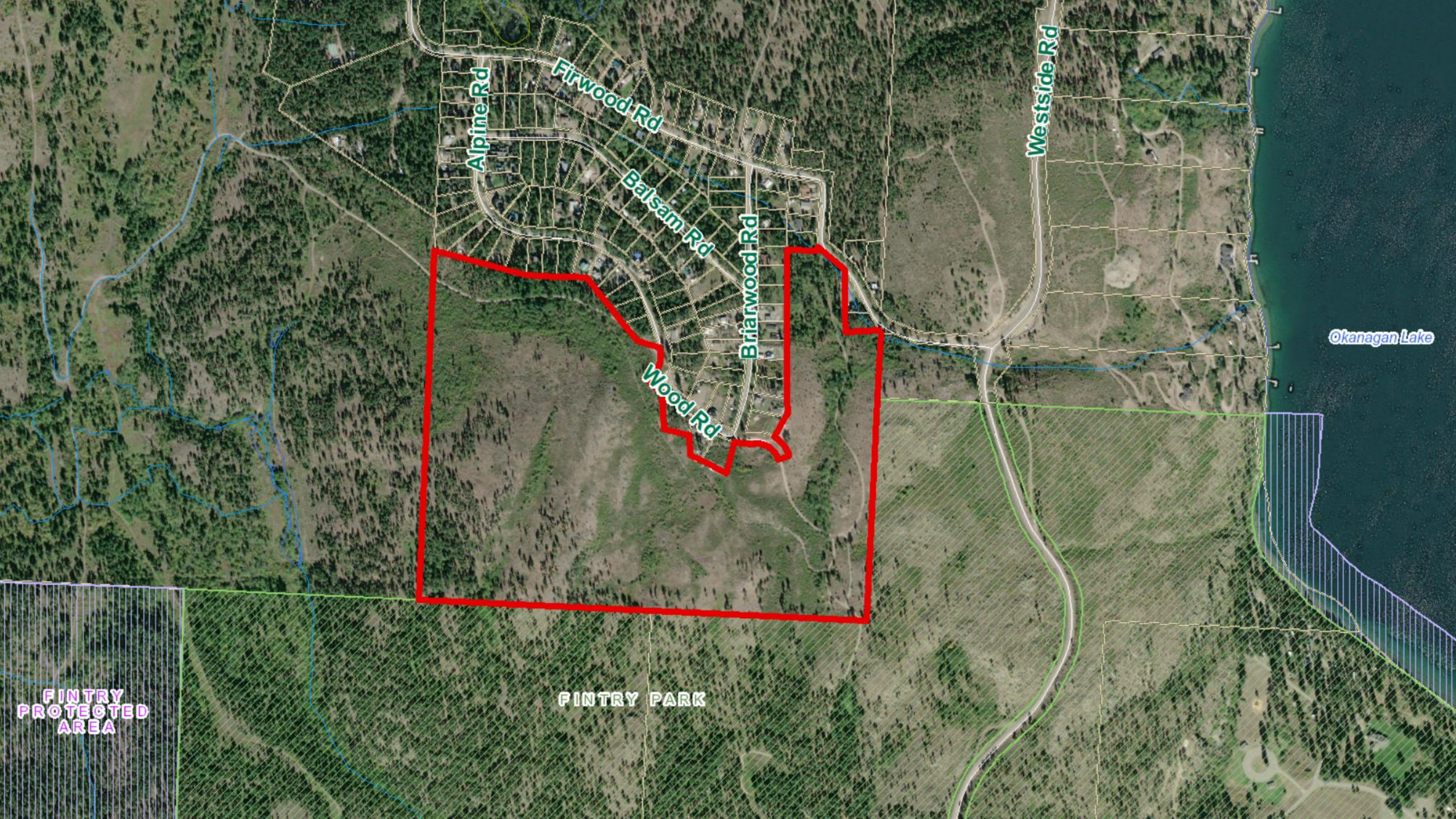
LUC 249

Okanagan Lake

FINTRY PROTECTED AREA

FINTRY PARK

Shorts Creek



Alpine Rd

Firwood Rd

Balsam Rd

Briarwood Rd

Wood Rd

Westside Rd

Okanagan Lake

FINTRY
PROTECTED
AREA

FINTRY PARK



Briarwood

Application Timeline

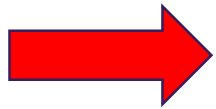
Sept 30, 2014

Regional Board endorsed the Land Use Contract Discharge Project



April 14, 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



May 30, 2023

Land Use Contract Terminates



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

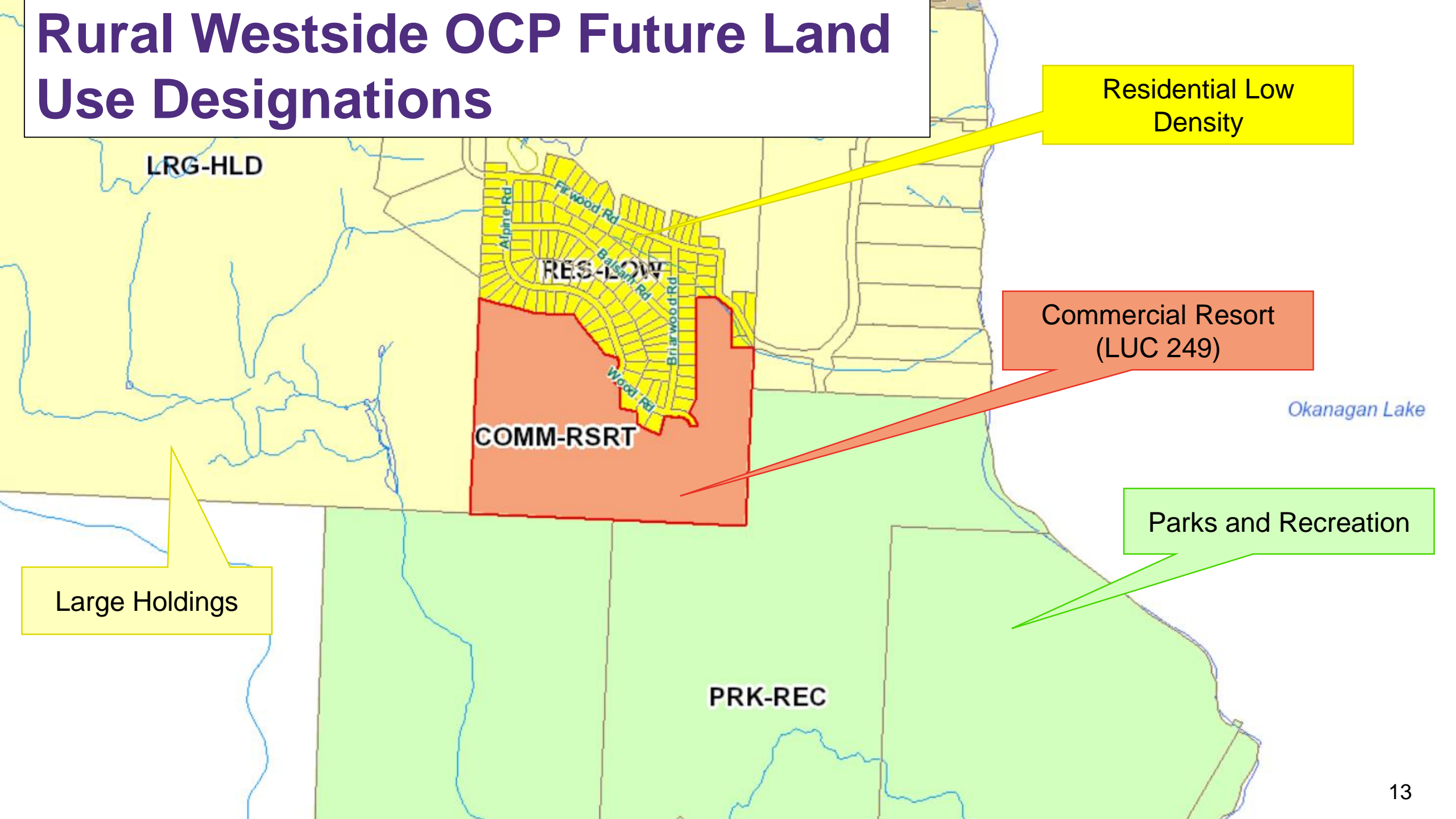
Rural Westside OCP

- 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



Large Holdings

Residential Low Density

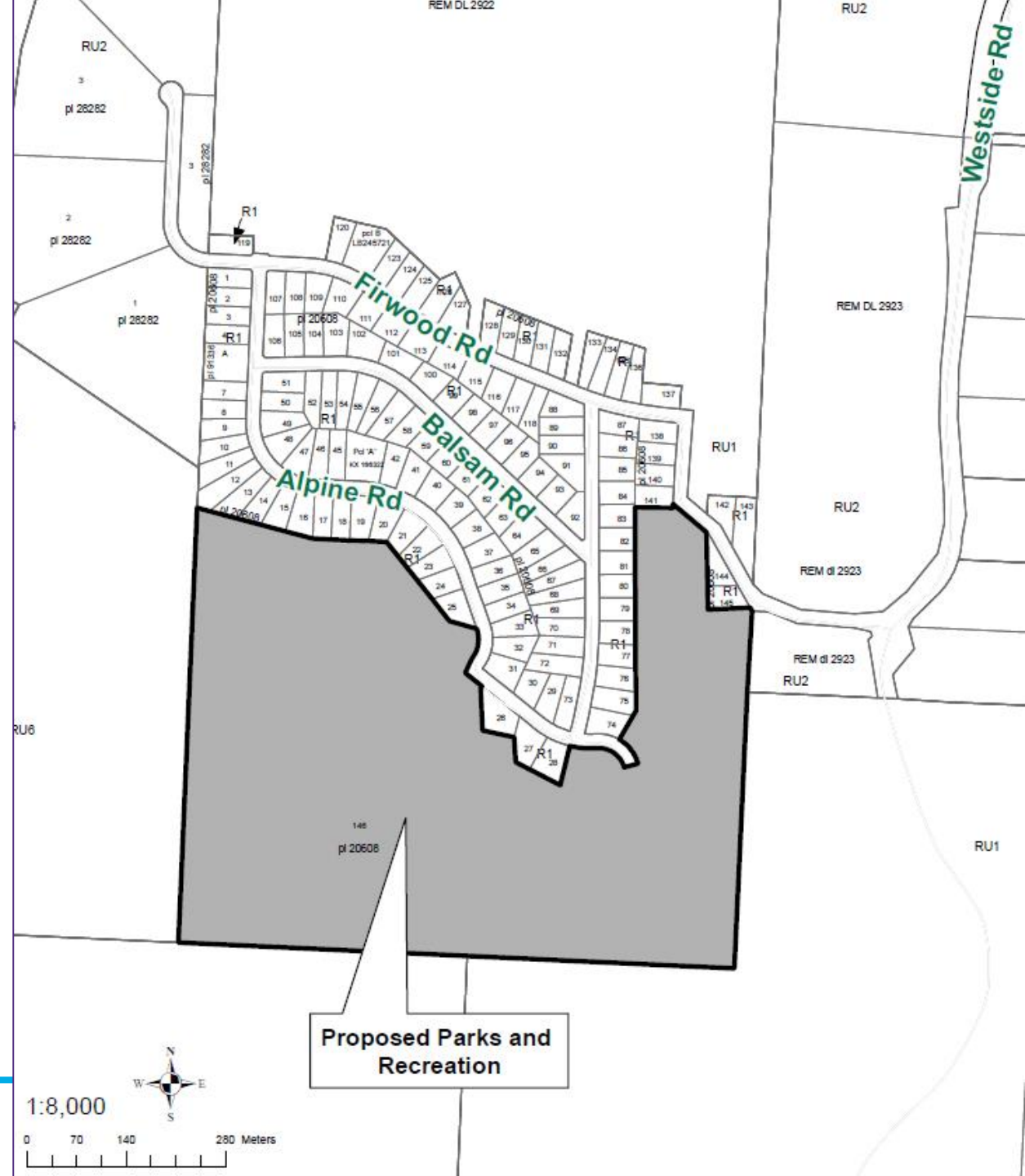
Commercial Resort (LUC 249)

Parks and Recreation

PRK-REC

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)

<i>Land Use Considerations</i>	RDCO Zone					
	<i>P1</i>	<i>RU1</i>	<i>RU2</i>	<i>RU6</i>	<i>R1</i>	<i>C5</i>
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 3rd reading

External Implications

- Written notice was mailed to the registered property owner of LUC No. 249 |



Legal / Statutory Authority

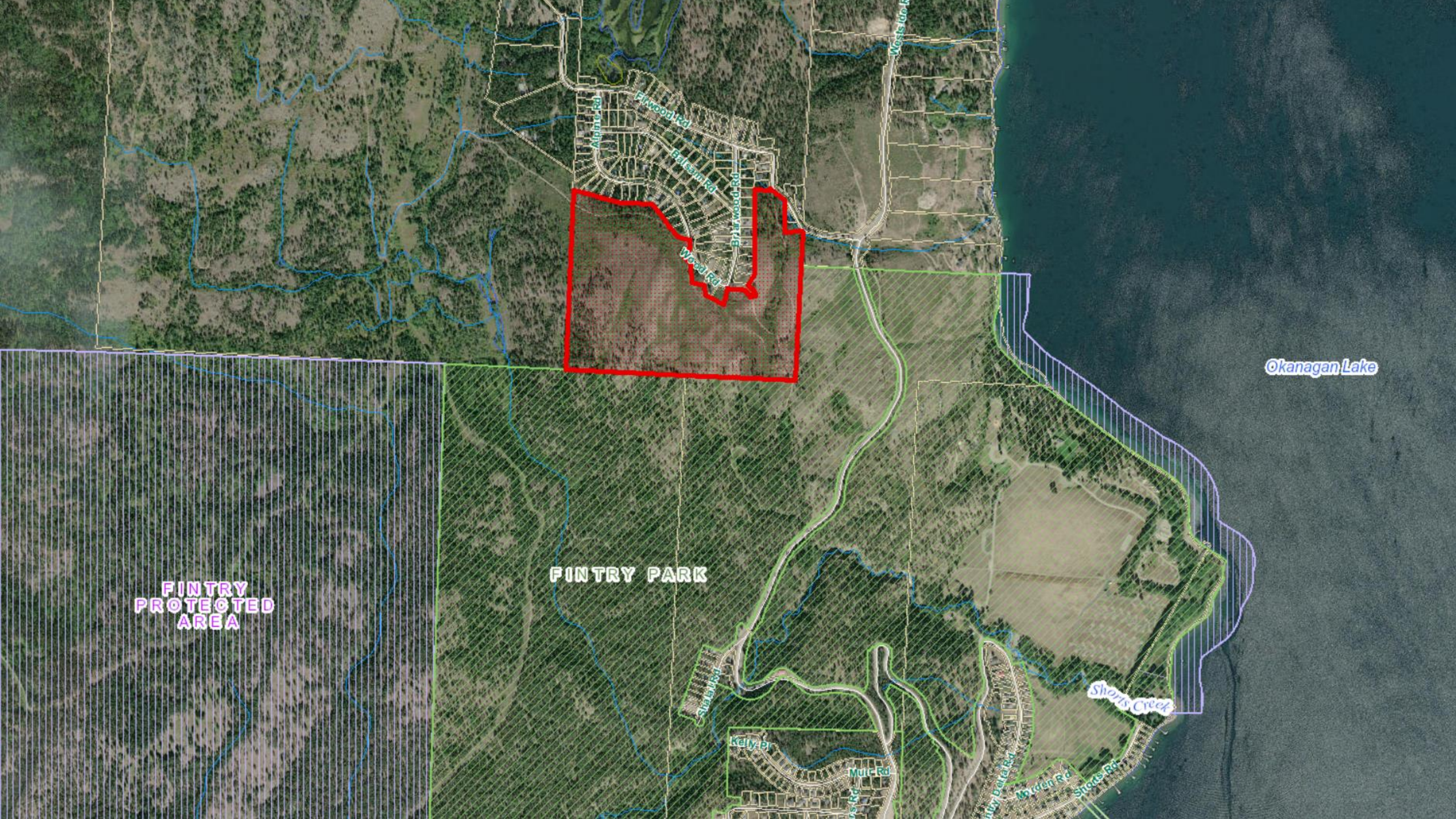
- Bylaws must come into force at least one year from the date they are adopted
- If the timing of the termination causes the property owner hardship, they may apply to the Board for a variance:
 - Variance application must be submitted within 6 months of bylaw adoption
 - Board must determine date for 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



Okanagan Lake

FINTRY
PROTECTED
AREA

FINTRY PARK

Shorts Creek

Alpine Rd

Firwood Rd

Palisades Rd

Birchwood Rd

Wood Rd

Westside Rd

Shalimar Rd

Kelly Dr

Muller Rd

Murray Blvd

Mynden Rd

Storrs Rd