



Regional Board Report

Request for Decision

Approved for Board Consideration

A handwritten signature in black ink, appearing to read "Jodie Foster".

To: Regional Board

Jodie Foster, Acting CAO

From: Todd Cashin, Director of Community Services

Date: March 28, 2022

Subject: RDCO File: Z20/07
Land Use Contract Termination Bylaw No. LUC-258-06
Zoning Amendment Bylaw No. 871-265
Rural Westside Official Community Plan Amendment Bylaw No. 1274-09
Legal Descriptions: 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.

Voting Entitlement: Custom Vote – Electoral Areas & City of West Kelowna – 1 Director 1 Vote

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

Executive Summary:

Land Use Contracts (LUC's) are land-use regulatory tools, similar to a site-specific zoning bylaw, enacted under legislation established in the 1970's. Under the *Local Government Act*, all LUC's in the Province of British Columbia will automatically be terminated on June 30, 2024. The Regional District of Central Okanagan is moving forward with bylaws to terminate the LUC's to ensure that current and appropriate zoning and land use designations apply to the properties.

Five LUCs have been successfully terminated in the Central Okanagan Electoral Areas and LUC 258 is one of the remaining four to be presented to the Regional Board for termination. Should this Community Services initiated application be successful, LUC No. 258 will be removed in its entirety from the subject properties and zoning will apply.

The Rural Westside Official Community Plan (OCP) supports considering alternatives to existing Land Use Contracts which propose more conventional housing where proposed density is consistent with surrounding land uses and the type of servicing and infrastructure provided. The proposal is consistent

with direction provided by the Province and aligns with the objectives and policies of the OCP. No concerns have been raised by affected agencies.

Recommendation(s):

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”).

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;

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.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Prepared by: Brittany Nichols, Environmental Planner

Attachment(s):

1. Orthophoto Map
2. LUC Termination Bylaw No. LUC 258-06
3. Zoning Amendment Bylaw No. 871-265
4. OCP Amendment Bylaw No. 1247-09
5. RU1 Zoning
6. RU2 Zoning

7. RU5 Zoning

Strategic Plan Alignment:

Priorities: Sustainable Communities

Values: Good Governance

Background:

Land Use Contracts (LUC) are land-use regulatory tools, similar to site-specific zoning bylaws, enacted under historical legislation in the 1970's. Properties located within LUC's are not governed by the Regional Districts Zoning Bylaw No. 871 or Joe Rich Rural Land Use Bylaw No. 1195.

The Province of British Columbia has amended the Local Government Act (LGA) so that LUC's in the Province will automatically be terminated on June 30, 2024. Prior to June 30, 2022, all local governments that have jurisdiction over land subject to a LUC must provide zoning. As per the October 9, 2014, staff report to the Regional Board (Land Use Contract Discharge Priority), the intent is for the Regional District to move forward with bylaws to terminate the LUC's and apply the appropriate zoning and land use designation to the parcel(s).

LUC No. 258 is one of the remaining four (of a total of nine) LUCs to be presented to the Regional Board for termination. Should this Community Services initiated application be successful, LUC No. 258 will be removed in its entirety from the subject property and zoning will apply.

Site Context:

The subject properties are located in the Central Okanagan West Electoral Area, in the community of Wilson's Landing just North of Lake Okanagan Resort along Westside Road. Properties under Land Use Contract 258 are divided by Westside Road, with the property known as Shelter Cove located on the east side adjacent to Okanagan Lake and the properties known as Timber Ridge located on the west, upslope of Westside Road.

Shelter Cove

The Shelter Cove community is currently developed with various seasonal residential accommodation units. This single parcel of land has approximately 36 owners listed on one title. There is a mix of vacant land, vacation homes, and recreational vehicles. The existing structures were sited in accordance with the LUC and building and development permits have been issued by the RDCO. In addition, the Province has issued a number of dock licenses and water licences associated with the property.

In terms of servicing, the residential accommodation units are serviced by on-site wastewater disposal (via individual Type II and Type III septic systems) and private water is supplied from Okanagan Lake. Shelter Cove is located within the Wilson's Landing Fire Protection Area.

Timber Ridge

The Timber Ridge lands located upslope of Westside Road remain vacant with most of the existing land disturbance related to road access. Servicing is not yet in place and is to be addressed at time of future development. Timber Ridge is not within a Fire Protection Area and a portion of the lands were impacted by wildfire in 2015.

Land Use Contract No. 258:

There are a total of 363 properties under LUC No. 258 including 5 private residential properties and 358 strata lots with common property. LUC No. 258 was adopted by the Regional District on January 12, 1979, with the intent of developing a recreational vehicle resort with up to 173 RV site and other recreational uses. Subsequently, LUC 258 was amended in 1981 (Bylaw No. LUC-80-1). This amendment allowed for an increase in density to include 463 recreational vehicle sites, 42 vacation homes, a lodge, and a retreat. The LUC also allows for the subdivision of the RV sites and vacation homes into strata titles. The following land uses, buildings, and structures are permitted and continue to be regulated under LUC No. 258:

- 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; and,
- One sani-station.

Proposal:

As required by the Province, Regional District Community Services staff have initiated a proposal to discharge LUC No. 258 and zone the subject properties under Zoning Bylaw No. 871. This will also involve an amendment to the Rural Westside Official Community Plan.

Shelter Cove

Shelter Cove is proposed to be zoned as RU5 – Small Lot Country Residential with a future land use designation of Residential Low Density. The proposed zone and land use designation aligns with policies of the Rural Westside Official Community Plan Bylaw No. 1274 and is consistent with the character and zoning of surrounding properties.

The proposed zone is intended to accommodate rural residential uses and permits a minimum parcel area of 0.61 acres (0.25 hectares) which would allow future subdivision of up to 39 lots. The RDCO Subdivision Servicing Bylaw requires community water and community sewer for parcels zoned RU5. As such, future subdivision may require the property owners apply to the RDCO for approval of a variance to the servicing requirements.

Timber Ridge

The remaining Timber Ridge lands are proposed to be zoned as RU1 – Rural 1 and RU2 – Rural 2. The proposed zone is intended to accommodate rural land uses on parcels of land that are 9.88 acres (4 hectares) or greater. The intent of the large holding designation is to preserve existing large rural parcels with limited community services and infrastructure in recognition that the North Westside area will continue to remain a rural area.

Rural Westside Official Community Plan Bylaw No. 1274:

Policies from the Rural Westside Official Community Plan support considering alternatives to existing Land Use Contracts which propose more conventional housing where proposed density is consistent with the type of servicing and infrastructure provided. Additionally, the OCP provides assessment criteria for future residential development to be evaluated including, but not limited to:

- capability of handling on-site domestic water and sewage disposal;
- impact on adjacent land uses and character of the existing area;
- availability of essential services such as fire protection;
- improvements required to existing roads; and,

- capability of the natural environment and topography to accommodate the additional development.

Additional Information:

The subject properties are located within a number of Development Permit Areas for the purpose of the protection of the natural environment (Sensitive Aquatic and Sensitive Terrestrial) and protection of development from hazardous conditions (Slope Stability and Wildfire Interface). Prior to the consideration of future development proposals, the owner(s) will be required to address the Development Permit guidelines of the OCP.

Applicant:	Regional District of Central Okanagan
Address:	4401 & 4400 Westside Road N
Legal Descriptions:	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.
Lot Size:	Shelter Cove: +/- 9.77 ha (24 acres) Timber Ridge: +/- 128 ha (318 acres)
Land Use Contract:	No. 258
OCP Designation:	Commercial Resort
Existing Use:	Vacant, Residential, Recreational
Surrounding Uses:	North: Residential Low-density South: Rural Residential East: Okanagan Lake West: Vacant Commercial Resort Lands, Large Holdings
ALR:	Outside of the ALR
Fire Protection:	Shelter Cove: Wilsons Landing Fire Protection Area Timber Ridge: Outside of a Fire Protection Area

RDCO TECHNICAL COMMENTS:

Inspection Services, Parks Services, Engineering Services, and Fires Services' interests are unaffected.

AGENCY REFERRAL COMMENTS:

Advisory Planning Committee (Central Okanagan West) recommends support for the application Z20/07 as presented.

Interior Health staff are supportive of the application as the proposed land use designation and zoning for Timber Ridge is in line with the Rural Westside OCP and objectives of preserving large parcels with limited community services and infrastructure. Further, with respect to Shelter Cove, Interior Health has no objections to the proposed zoning and future land use designation and is supportive of zoning that requires community water and community sewer servicing provisions.

Ministry of Transportation and Infrastructure staff has no concerns with the proposal and advises that the property is located within 800 metres of a Controlled Access Highway. As such, the bylaw must be forwarded to the Ministry for signature prior to adoption of the Land Use Contract Termination and Zoning Amendment bylaws.

Ministry of Municipal Affairs staff provided a summary of the legislation under the *Local Government Act* applicable to the application. Ministry staff further indicate no concerns with the proposed Official Community Plan amendment bylaw.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Lands Branch) staff noted that property owners may need to apply for commercial tenures should they wish to operate a home-based business that involves private moorage. Property owners are not permitted to rent their private moorage space nor allow others to place buoys fronting their properties. Shared moorage is not possible unless future subdivision also allows for strata development. Further, landowners should be aware that *Water Sustainability Act* applications are required for any work in and about the lake and any stream that intersects the properties.

Unaffected agencies include Ministry of Environment, Telus, BC Hydro, Shaw Cable, Fortis BC, Okanagan Basin Water Board, City of Kelowna, and City of West Kelowna.

Considerations:

- External:

Written notices were mailed to all registered property owners of lands subject to LUC No. 258 advising of the pending Land Use Contract termination, per Section 549(2) of the *Local Government Act* (LGA). Any correspondence received from residents, or the public will be provided to the Regional Board as part of a future Public Hearing.
- Financial:

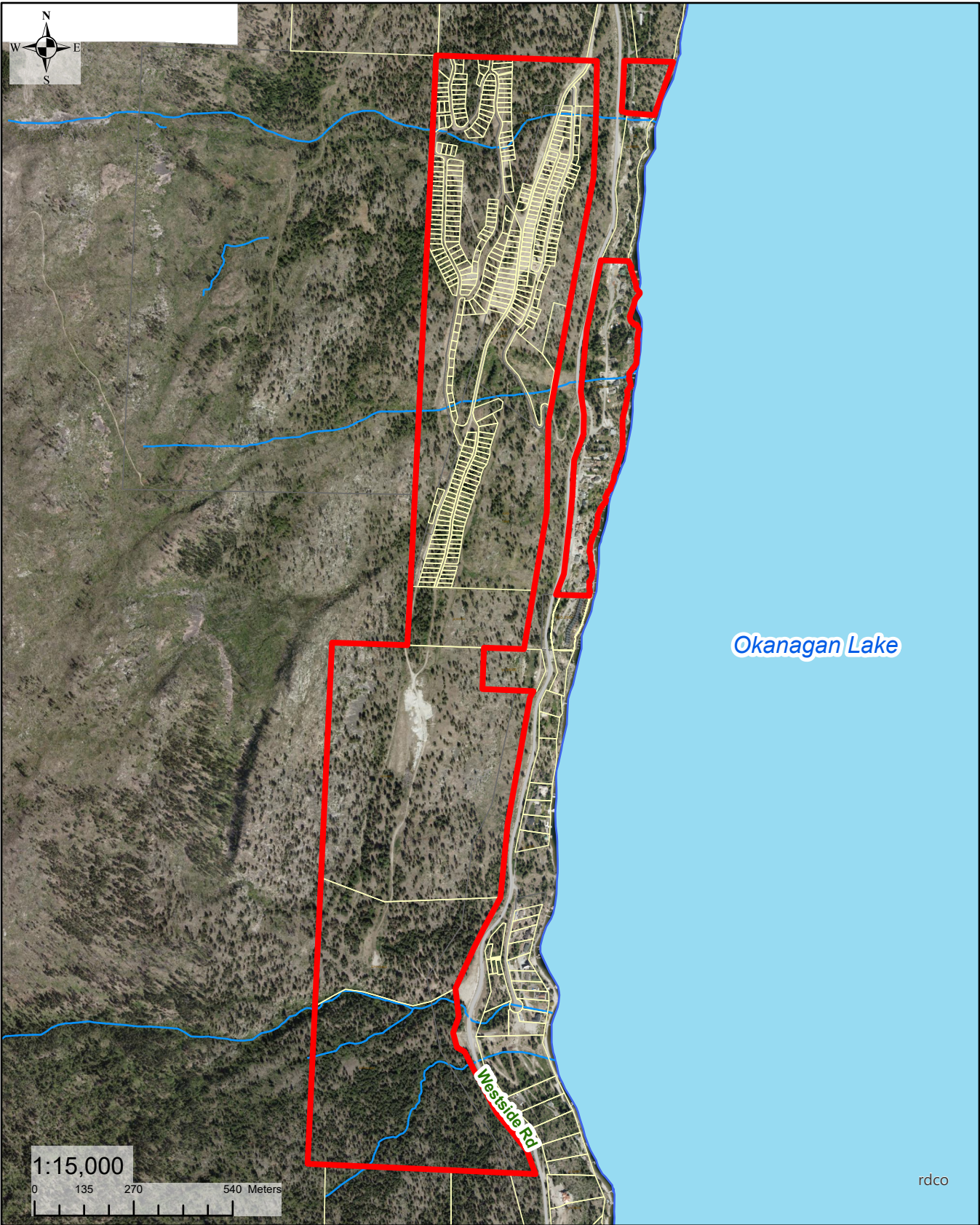
Section 458 of the LGA provides that compensation is not payable with regard to land use decisions for the termination of land use contracts, which extends the existing no-compensation provisions currently provided in the LGA in relation to land use bylaws.
- Legal/Statutory Authority:

Granting first reading to the bylaws complies with Part 14 - Division 16 of the LGA – Discharge and Termination of Land Use Contracts.

Section 543 of the LGA permits owners of land subject to a LUC the ability to apply to the Regional Board for a variance if the timing of the termination causes the owner hardship. The application must be submitted within 6 months of bylaw adoption and the local government may permit the continuation of the LUC for a specified period of time, ending no later than June 30, 2024.
- Considerations not applicable:

- Organizational
 - Alternative Recommendation
-

ORTHOPHOTO (2021)



Land Use Contract 258

REGIONAL DISTRICT OF CENTRAL OKANAGAN
LUC-258-06
A Bylaw to terminate Land Use Contract No. 258

Being a Bylaw of the Regional District to authorize the Regional District of Central Okanagan to enter into an Agreement to terminate an existing Land Use Contract.

WHEREAS the Regional District of Central Okanagan pursuant to the *Local Government Act* may terminate a land use contract that is entered into and registered in a land title office subject to the terms and conditions therein set out;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. This bylaw shall be cited as Regional District of Central Okanagan Land Use Contract Amendment Bylaw No. 258-06.
2. That Land Use Contract No. 258, 1978 is hereby terminated in its entirety from Lot 1, District Lot 3546, ODYD, Plan KAP60766, Lot A, District Lot 4499, ODYD, Plan EPP45863, Lot 1, District Lot 4499, ODYD, Plan EPP45865, Lot A, District Lot 4499, ODYD, Plan EPP45867, Lot 4, District Lot 3546, ODYD, Plan KAP60487, Strata Lots 1 - 70, District Lot 3546, ODYD, Plan KAS1964, Strata Lots 1 – 129, District Lot 3546, ODYD, Plan KAS2021, Strata Lots 1 - 159, District Lot 3546, ODYD, Plan KAS2022 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 as shown on Schedule 'A' attached to and forming part of this bylaw.
3. That the Regional District of Central Okanagan Zoning Bylaw map being Schedule 'B' of the bylaw be AMENDED to depict the change.
4. That Regional District of Central Okanagan Land Use Contract Termination Bylaw No. 258-06 comes into force on _____ pursuant to the Local Government Act, Part 14, Section 548.

This bylaw may be cited as Land Use Contract Termination Bylaw No. 258-06.

READ A FIRST TIME this _____ day of _____

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____
day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

Approved under the Transportation Act this _____ day of _____

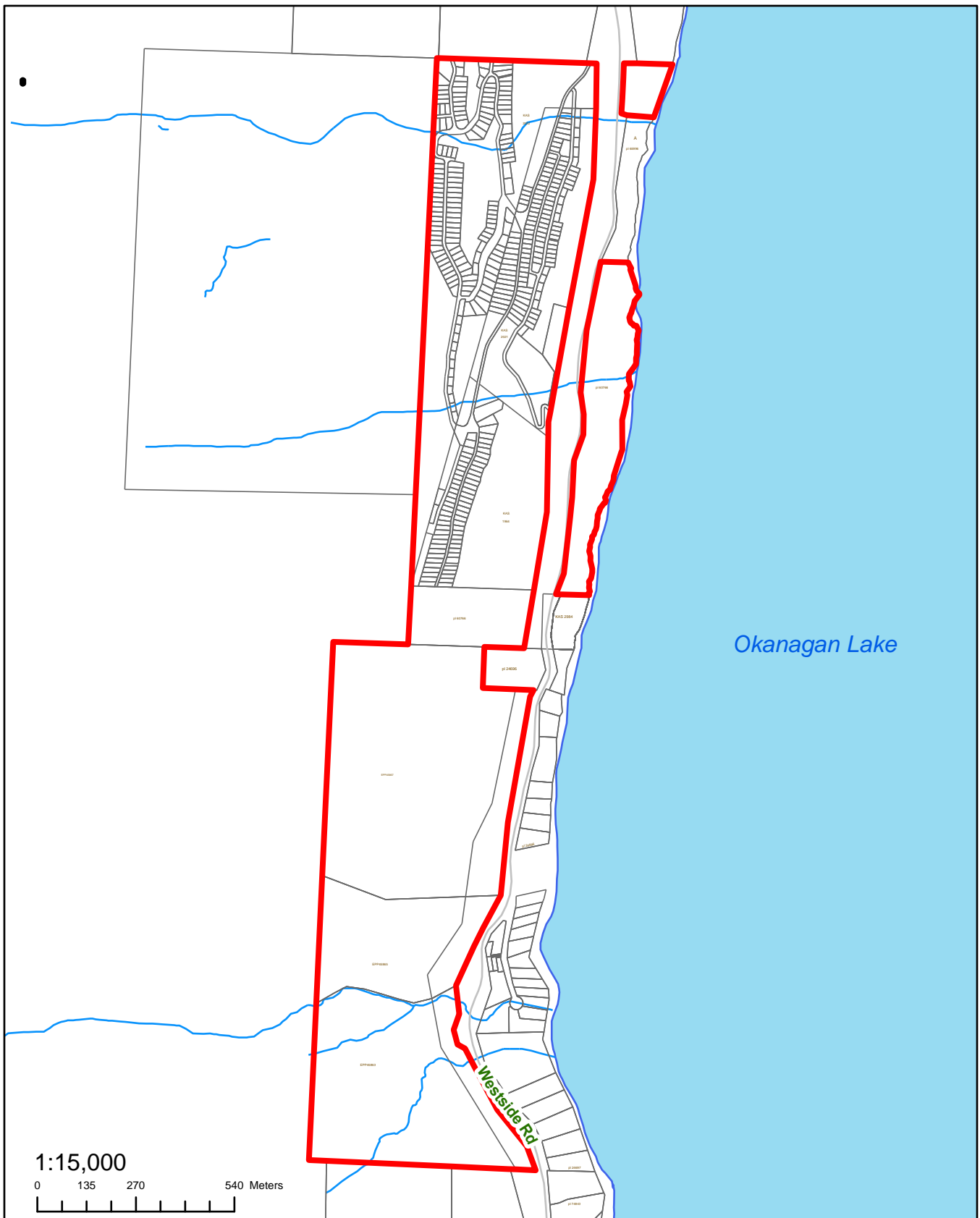
Ministry of Transportation & Infrastructure

ADOPTED this _____ day of _____

Chairperson

Corporate Officer

SCHEDULE 'A'



I hereby certify this to be a true and correct copy of Schedule 'A' as described in
Bylaw No. LUC 258-06 and read a third time by the Regional District of Central Okanagan
on the day of

REGIONAL DISTRICT OF CENTRAL OKANAGAN
BYLAW NO. 871-265
A Bylaw to Amend Regional District of Central Okanagan Zoning Bylaw 871, 2000

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Zoning Bylaw No. 871, 2000 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. This bylaw may be cited as Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-265.
2. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by changing the zoning on Lot 1, District Lot 3546, ODYD, Plan KAP60766 as shown on Schedule 'A' attached to and forming part of this bylaw to RU5 Small Lot Country Residential.
3. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by changing the zoning on Lot A, District Lot 4499, ODYD, Plan EPP45867 as shown on Schedule 'C' attached to and forming part of this bylaw to RU1 Rural 1, and Lot 2, District Lot 3546, ODYD Plan KAP60766, Lot 1, District Lot 4499, ODYD, Plan EPP45865, Lot A, District Lot 4499, ODYD, Plan EPP45863, Lot 4, District Lot 3546, ODYD, Plan KAP60487, Strata Lots 1 - 70, District Lot 3546, ODYD, Plan KAS1964, Strata Lots 1 - 129, District Lot 3546, ODYD, Plan KAS2021, and Strata Lots 1 - 159, District Lot 3546, ODYD, Plan KAS2022 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 to RU2 Rural 2.
4. That the Regional District of Central Okanagan Zoning Bylaw map being Schedule 'B' of the bylaw be AMENDED to depict the change.
5. That Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-265 comes into force on _____ pursuant to the Local Government Act, Part 14, Section 548.

READ A FIRST TIME this _____ day _____

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____
day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day _____

Approved under the Transportation Act this _____ day of _____

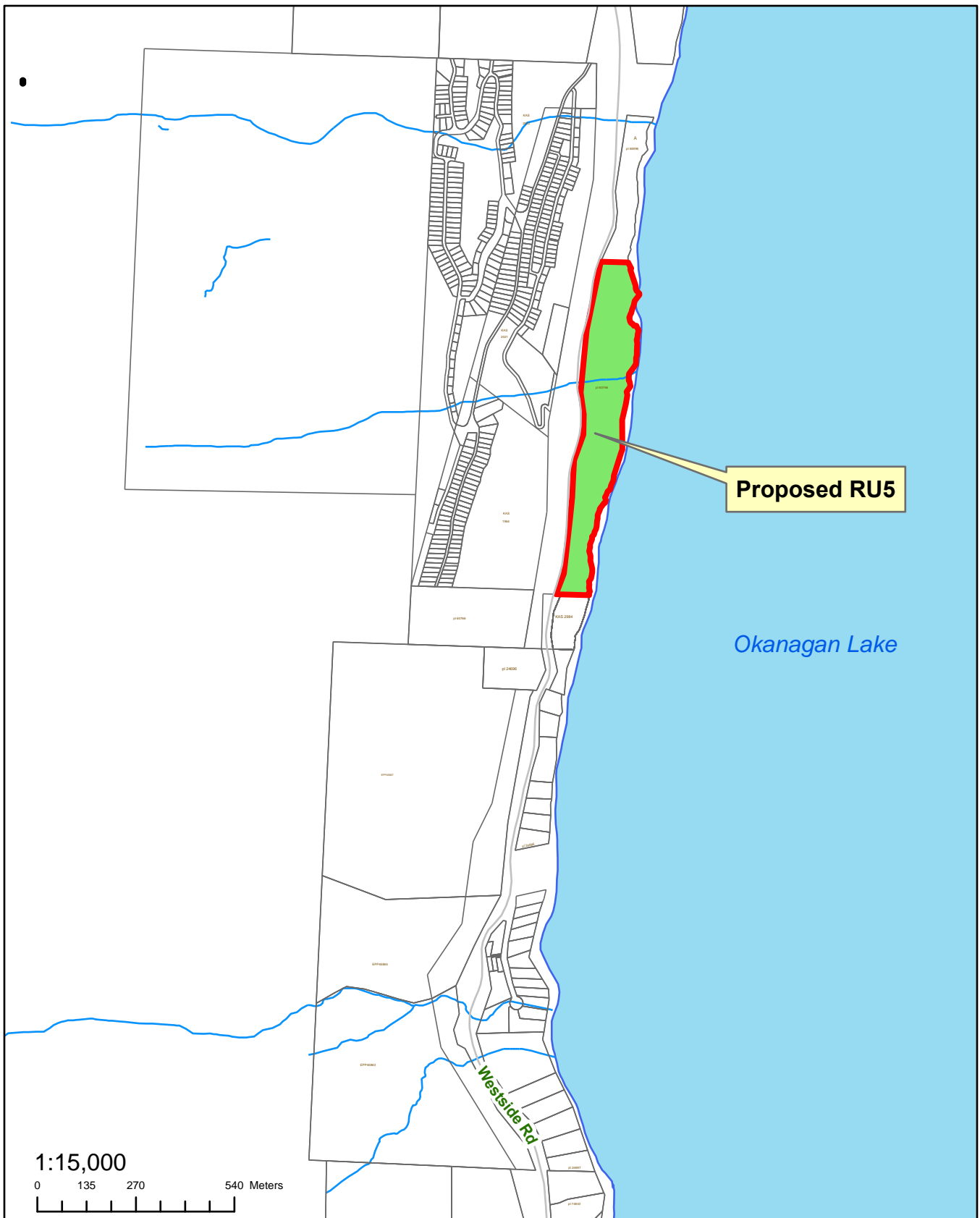
Ministry of Transportation & Infrastructure

ADOPTED this _____ day of _____

Chairperson

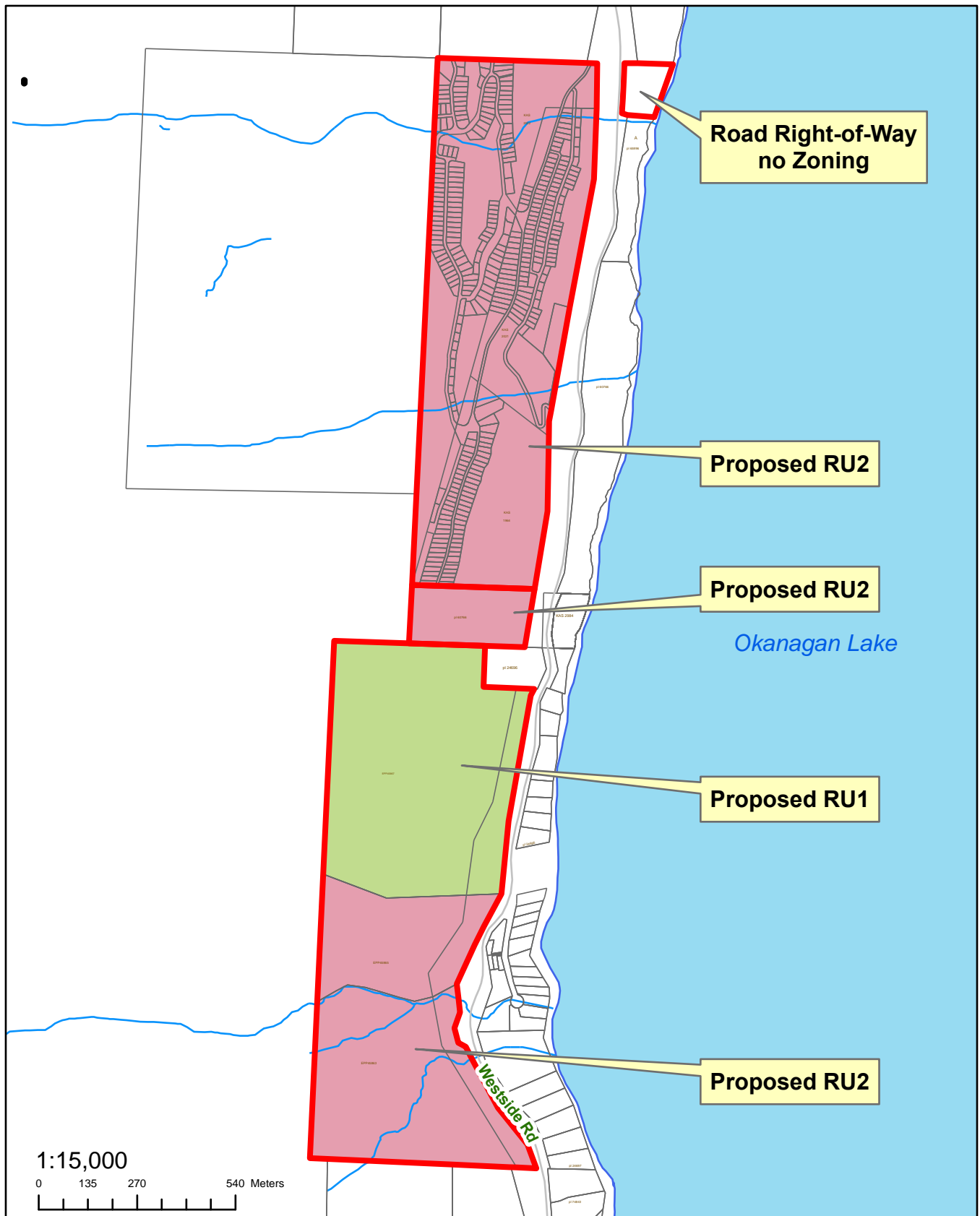
Corporate Officer

SCHEDULE 'A'



I hereby certify this to be a true and correct copy of Schedule 'A' as described in Bylaw No. 871-265 and read a third time by the Regional District of Central Okanagan on the _____ day of _____

SCHEDULE 'C'



I hereby certify this to be a true and correct copy of Schedule 'C' as described in
Bylaw No. 871-265 and read a third time by the Regional District of Central Okanagan
on the day of

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1274-09

**A Bylaw to Amend the Regional District of Central Okanagan Rural Westside Official
Community Plan 1274, 2010**

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Bylaw No. 1274, 2010 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. This bylaw may be cited as Rural Westside Official Community Plan Amendment Bylaw No. 1274-09.
2. That the Rural Westside Official Community Plan Bylaw 1274, 2010 is hereby AMENDED by changing the designation on Lot 1, District Lot 3546, ODYD, Plan KAP60766 as shown on Schedule 'A' attached to and forming part of this bylaw from Commercial Resort to Residential Low Density, and

Lot A, District Lot 4499, ODYD, Plan EPP45867, and Lot 1, District Lot 4499, ODYD, Plan EPP45865, Lot 2, District Lot 3546, ODYD Plan KAP60766, Lot A, District Lot 4499, ODYD, Plan EPP45863, Lot 4, District Lot 3546, ODYD, Plan KAP60487, and Strata Lots 1 - 70, District Lot 3546, ODYD, Plan KAS1964, Strata Lots 1 – 129, District Lot 3546, ODYD, Plan KAS2021, Strata Lots 1 - 159, District Lot 3546, ODYD, Plan KAS2022 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 from Commercial Resort to Large Holdings.

3. That the Rural Westside Official Community Plan 'Future Land Use' map of the bylaw be AMENDED to depict the change.

READ A FIRST TIME this _____ day of _____

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____
day of _____

READ A SECOND TIME this _____ day of _____

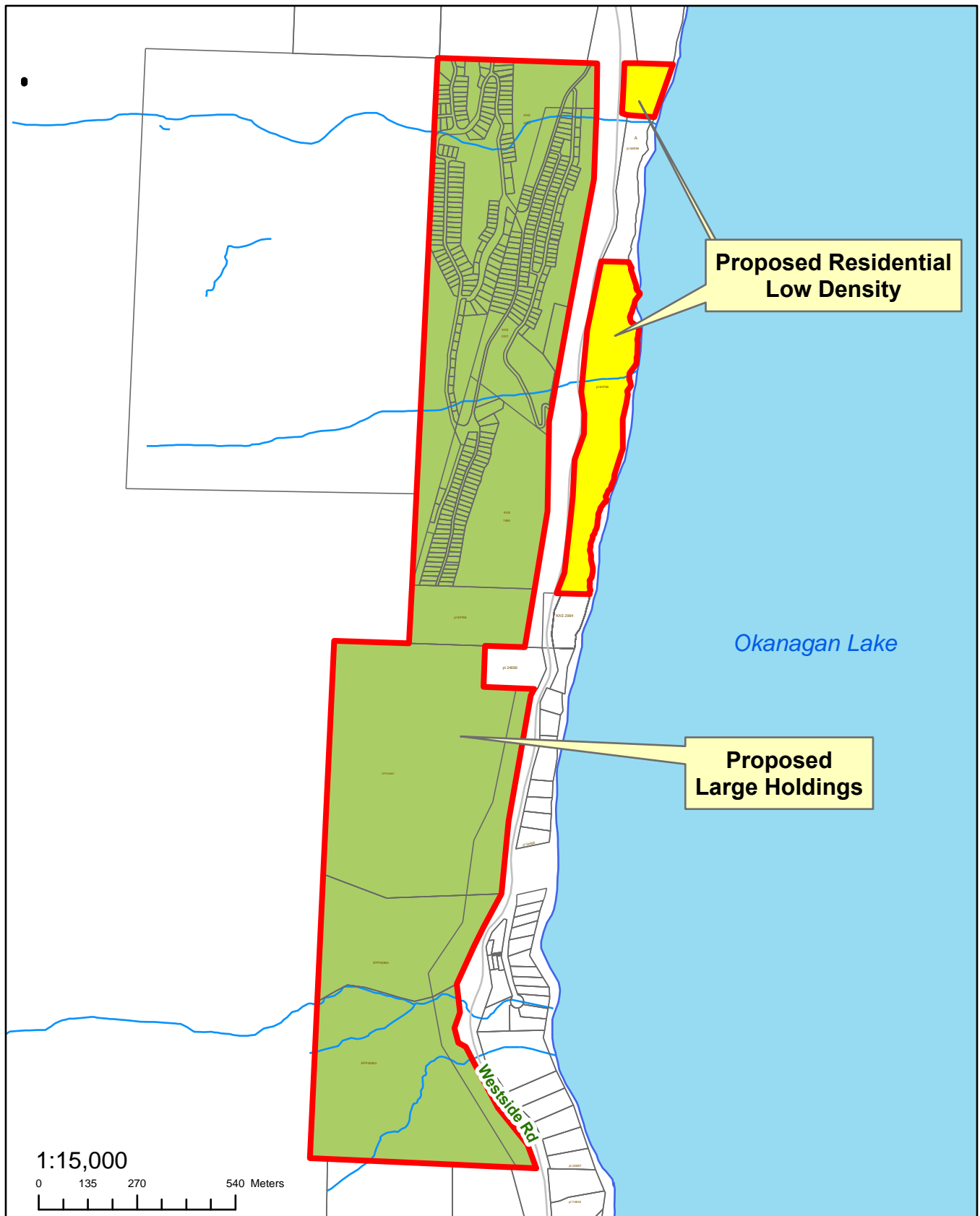
READ A THIRD TIME this _____ day of _____

ADOPTED this _____ day of _____

Chairperson

Corporate Officer

SCHEDULE 'A'



I hereby certify this to be a true and correct copy of Schedule 'A' as described in
Bylaw No. 1274-09 and read a third time by the Regional District of Central Okanagan
on the day of

6.1 RURAL 1

RU1

Purpose: To accommodate agricultural and rural uses on parcels that are 30 hectares or greater and located outside the Land Reserve.

PERMITTED USES TABLE FOR RU1 ZONE

6.1.1 Permitted uses, buildings and structures:

- | | |
|---|--|
| <ul style="list-style-type: none"> .1 <i>Agriculture</i> including intensive agriculture; .2 <i>Agri tourism</i>; .3 <i>Agri tourist accommodation</i>; (Section 3.24) .4 <i>Single detached house</i>; .5 <i>Accessory home</i>; (Section 3.18) .6 <i>Winery and cidery</i> .7 <i>Home based business, major</i>; (Section 3.21) .8 <i>Bed and breakfast accommodation</i>; (Section 3.23) .9 <i>Portable saw mill and portable shake mill</i>; | <ul style="list-style-type: none"> .10 <i>Kennels, Service</i> (permitted only on 4 ha. or larger)* .11 <i>Kennels, Hobby</i> (permitted on properties under 4 ha)*
*(Check with RDCO Dog Control Bylaw) .12 <i>Veterinary clinic</i>; .13 <i>Accessory buildings and structures</i>; (see Section 3.17) .14 <i>Greenhouses</i>; (Section 3.17) .15 <i>Temporary agricultural worker dwellings</i>; may include a recreational vehicle only to accommodate the household of an agricultural worker or caretaker. (Section 3.25). .16 <i>Day care centre, minor</i>; .17 <i>Cannabis Production Facility</i>. (Section 3.31). |
|---|--|

Bylaw
871-51
& 871-211

Bylaw
871-25

Bylaw
871-96

Bylaw
871-125

Bylaw
871-222

Bylaw
871-222
&
Bylaw
871-247

REGULATIONS TABLE FOR RU1 ZONE

Column 1	Column 2
6.1.2 Minimum <i>parcel area</i>	30 ha (74.12 acres)
6.1.3 Minimum <i>parcel frontage</i>	30.0 m (98.4 ft.)
6.1.4 Minimum <i>front setback</i>	6.0 m (19.7 ft.)
6.1.5 Minimum <i>side setback</i>	3.0 m (9.8 ft.)
6.1.6 Minimum <i>corner side setback</i>	4.5 m (14.8 ft.)
6.1.7 Minimum <i>rear setback</i>	3.0 m (9.8 ft.)
6.1.8 Minimum <i>setbacks from the parcel line for:</i>	
.1 <i>intensive agriculture</i>	100.0 m (328.1 ft.)
.2 <i>buildings housing animals overnight (other than intensive agriculture)</i>	15.0 m (49.2 ft.)
.3 <i>kennels</i>	15.0 m (49.2 ft.)
.4 <i>greenhouses</i>	15.0 m (49.2 ft.)
6.1.9 Minimum <i>side and rear setback for buildings with heights greater than 9.0 m and located on parcels adjacent to an R or RC1, R3A, R3B zone</i>	Height of the building minus 6.0m [e.g. 12.0 m – 6.0 m = 6.0 m setback]
6.1.10 Minimum <i>setbacks from A1 Zone</i>	15.0 m (49.2 ft.) [see section 3.11]
6.1.11 Maximum <i>parcel coverage</i>	10% of the <i>parcel area</i>
6.1.12 Maximum <i>number of single detached houses</i>	1 per <i>parcel</i> and <i>accessory homes</i> where permitted under this Bylaw
6.1.13 Maximum <i>building height:</i>	
.1 <i>Principal buildings</i>	12.0 m (39.4 ft.)
.2 <i>Accessory buildings and structures</i> . (See Section 3.17)	8.0 m (26.2 ft.)

Bylaw
871-211

Bylaw
871-194

6.2 RURAL 2

Purpose: to accommodate rural residential, agricultural, home industry, and limited resource management uses on parcels of land that are 4 hectares or greater and located outside the Land Reserve.

RU2

PERMITTED USES TABLE FOR RU2 ZONE

6.2.1 Permitted uses, buildings and structures:

- .1 *Agriculture* including *intensive agriculture*;
- .2 *Single detached house*;
- .3 *Accessory home*; (Section 3.18)
- .4 *Winery and cidery*;
- .5 *Home based business, major*; (Section 3.21)
- .6 *Bed and breakfast accommodation*; (Section 3.23)
- .7 *Portable saw mill and portable shake mill*;
- .8 *Kennels, Service* (permitted only on 4 ha. or larger)*
- .9 *Kennels, Hobby* (permitted on properties under 4 ha)*
*(Check with RDCO Dog Control Bylaw)
- .10 *Veterinary clinic*;
- .11 *Accessory buildings and structures*; (Section 3.17)
- .12 *Greenhouses*; (Section 3.17)

- .13 *Riding Stables*;
- .14 *Day care centre, minor*;
- .15 *Temporary agricultural worker dwellings*; may include a recreational vehicle only to accommodate the household of an agricultural working or caretaker. (Section 3.25);
- .16 On part of that part of District Lot 2550 (shown on Plan B4357), ODYD, except Plan 24545, the following additional use is permitted: 12 seasonal residential dwelling units.
- .17 *Cannabis Production Facility*. (Section 3.31).
- .18 On Lot 1, Plan 12705, District Lot 2198, ODYD the following additional use is permitted: 2 dwelling units.
- .19 On Lot 1, District Lot 2197, ODYD, Plan 22569: a maximum of 8 dwelling units.

Bylaw
871-125

Bylaw
871-196

Bylaw
871-222
&
Bylaw
871-247

Bylaw
871-226

Bylaw
871-233

Bylaw
871-25

Bylaw
871-51 &
871-211

REGULATIONS TABLE FOR RU2 ZONE

Column 1	Column 2
6.2.2 Minimum <i>parcel area</i>	4.0 ha (9.88 acres)
6.2.3 Minimum <i>parcel frontage</i>	30.0 m (98.4 ft.)
6.2.4 Minimum <i>front setback</i>	6.0 m (19.7 ft.)
6.2.5 Minimum <i>side setback</i>	3.0 m (9.8 ft.)
6.2.6 Minimum <i>corner side setback</i>	4.5 m (14.8 ft.)
6.2.7 Minimum <i>rear setback</i>	3.0 m (9.8 ft.)
6.2.8 Minimum <i>setbacks from the parcel line for:</i>	
.1 <i>intensive agriculture</i>	100.0 m (328.1 ft.)
.2 <i>buildings housing animals overnight (other than intensive agriculture)</i>	30.0 m (98.4 ft.)
.3 <i>kennels</i>	15.0 m (49.2 ft.)
.4 <i>greenhouses</i>	15.0 m (49.2 ft.)
6.2.9 Minimum <i>side and rear setback for buildings with heights greater than 9.0 m and located on parcels adjacent to an R or R3 zone</i>	<i>Height of the building minus 6.0 m</i> [e.g. 12.0 m – 6.0 m = 6.0 m setback]
6.2.10 Minimum <i>setbacks from A1 Zone</i>	15.0 m (49.2 ft.) [see section 3.11]
6.2.11 Maximum <i>parcel coverage</i>	10% of the <i>parcel area</i>
6.2.12 Maximum number of <i>single detached houses</i>	1 per <i>parcel</i> and <i>accessory home(s)</i> where permitted under this Bylaw
6.2.13 Maximum <i>building height:</i>	
.1 <i>Principal buildings</i>	12.0 m (39.4 ft.)
.2 <i>Accessory buildings and structures (see Section 3.17)</i>	8.0 m (26.2 ft.)

Bylaw
871-211

Bylaw
871-194

6.5 SMALL LOT COUNTRY RESIDENTIAL

RU5

Purpose: To accommodate rural residential and limited home industry uses on smaller parcels of land that are 2500 square metres or greater and located outside the Land Reserve.

PERMITTED USES TABLE FOR RU5 ZONE

6.5.1 Permitted uses, buildings and structures:

- .1 *Single detached house;*
- .2 *Home based business, standard;* (see Section 3.19)
- .3 *Bed and breakfast accommodation;* (see Section 3.23)
- .4 *Accessory buildings and structures.* (see Section 3.17)
- .5 *Day care centre, minor*

Bylaw
871-25

Bylaw
871-125

REGULATIONS TABLE FOR RU5 ZONE

Column 1	Column 2
6.5.2 Minimum <i>parcel area</i>	2,500 m2 (26,911 sq. ft.)
6.5.3 Minimum <i>parcel frontage</i>	30.0 m (98.4 ft.)
6.5.4 Minimum <i>front setback</i>	6.0 m (19.7 ft.)
6.5.5 Minimum <i>side setback</i>	3.0 m (9.8 ft.)
6.5.6 Minimum <i>corner side setback</i>	4.5 m (14.8 ft.)
6.5.7 Minimum <i>rear setback</i>	3.0 m (9.8 ft.)
6.5.8 Minimum <i>setbacks from A1 Zone</i>	15.0 m (49.2 ft.) [see section 3.11]
6.5.9 Maximum <i>parcel coverage</i>	20% of the <i>parcel area</i>
6.5.10 Maximum number of <i>single detached houses</i>	1 per <i>parcel</i>
6.5.11 Minimum <i>building width of principal building</i>	5.5 m (18.0 ft.)
6.5.12 Maximum <i>building height:</i>	
.1 <i>Principal buildings</i>	3 <i>storeys</i> to a maximum of 9.0 m (29.5 ft.)
.2 <i>Accessory uses, buildings and structures</i> (see Section 3.17)	5.0 m (16.4 ft.)

LUC/OCP/Rezoning Application Z20/07

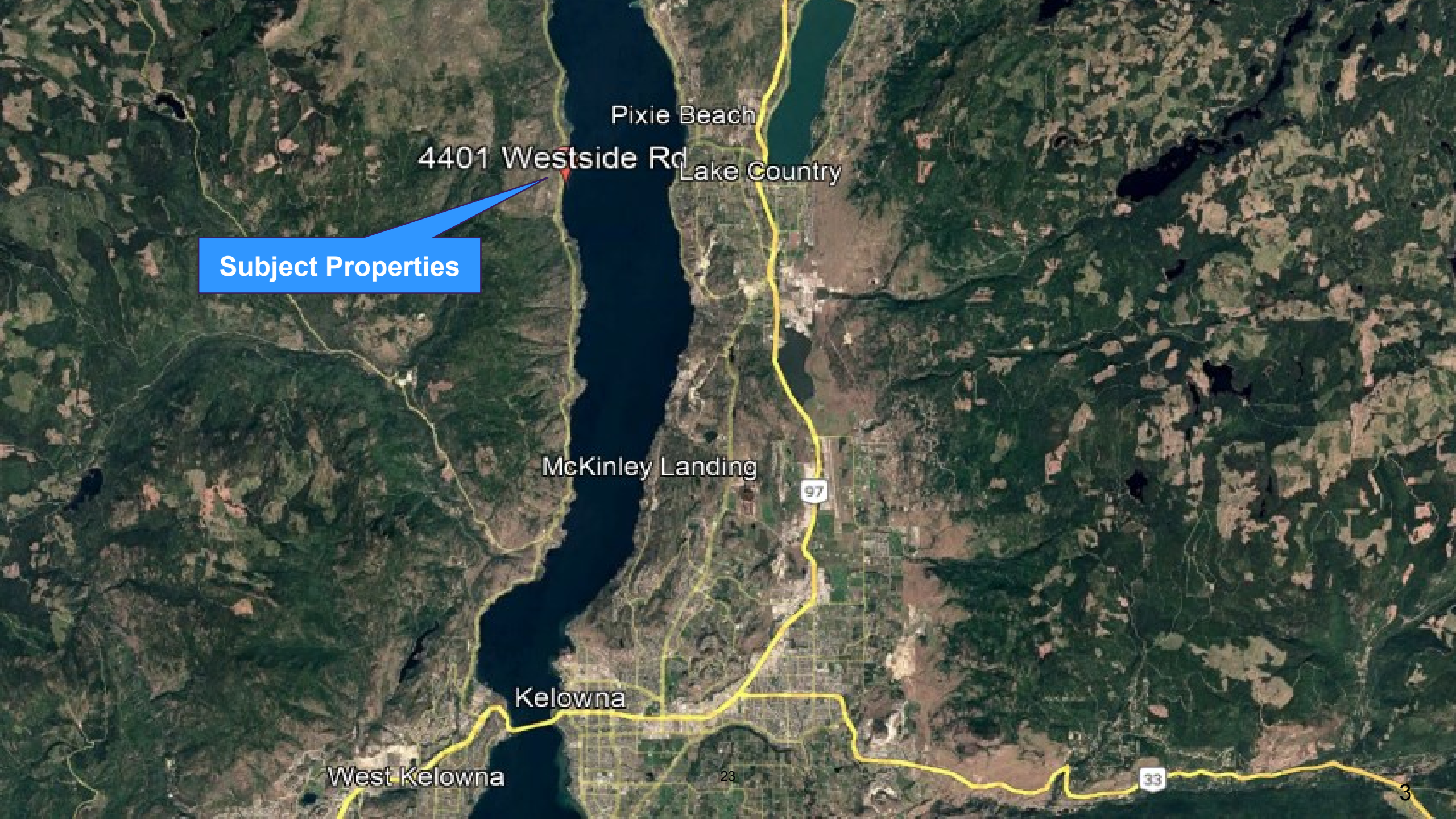
Regional District of Central Okanagan Board Meeting
March 28, 2022

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

23

33

3



Caesars

4401 Westside Rd

Westside Rd

Westside Rd

Land Use Contract 258

Shelter Cove

Timber Ridge

Okanagan Lake

25

900m

E

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



0 1 2 4 6
Kilometres



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



Timber Ridge Properties



Timber Ridge Properties
(facing north)

LUC No. 258

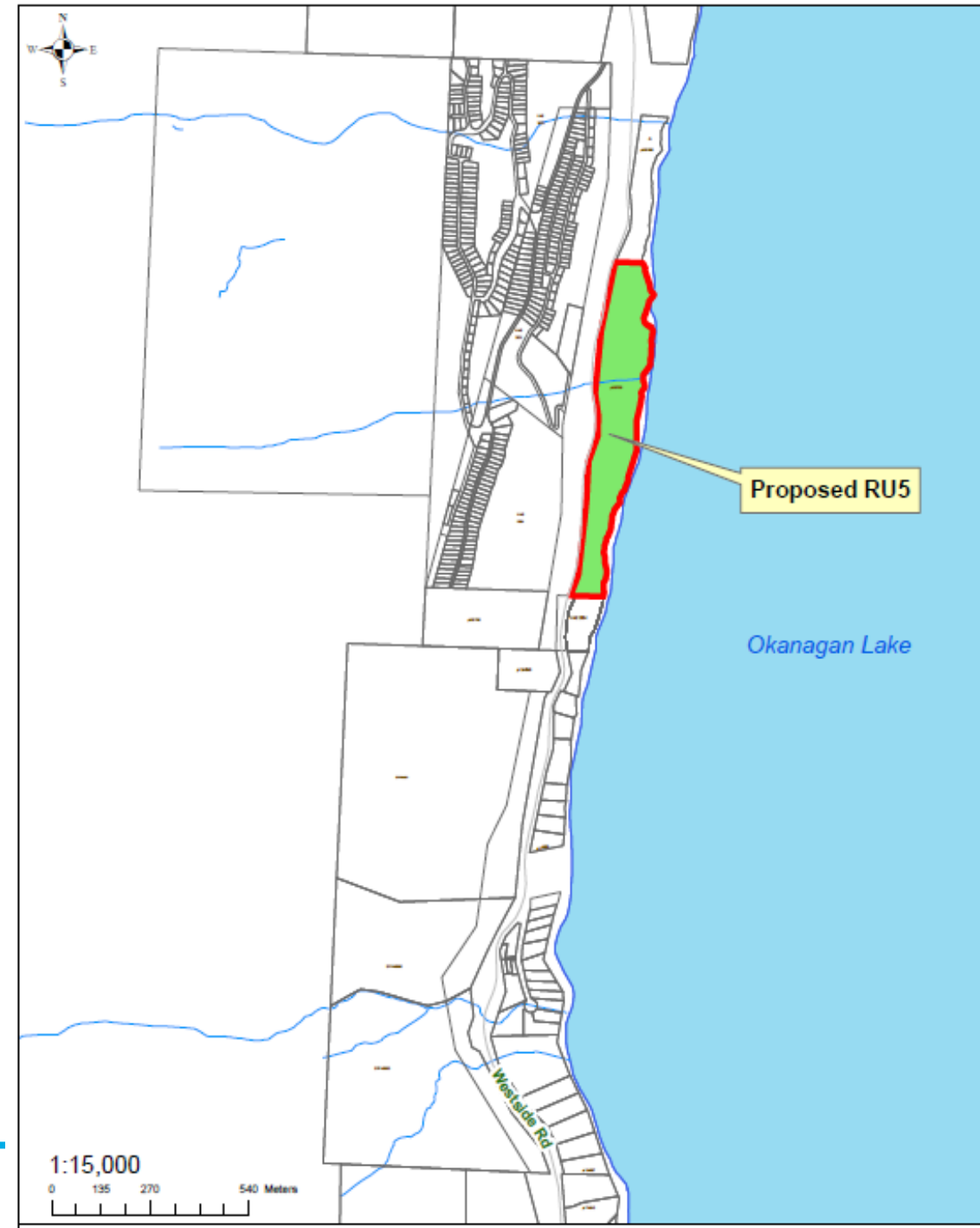
- Adopted 1979, amended 1981
- Permitted Uses:
 - Not more than 463 recreational vehicle sites and 42 vacation home sites
 - One recreation building
 - One retreat building, designed to accommodate up to 110 persons
 - One swimming pool building and swimming pool
 - One administration building
 - One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

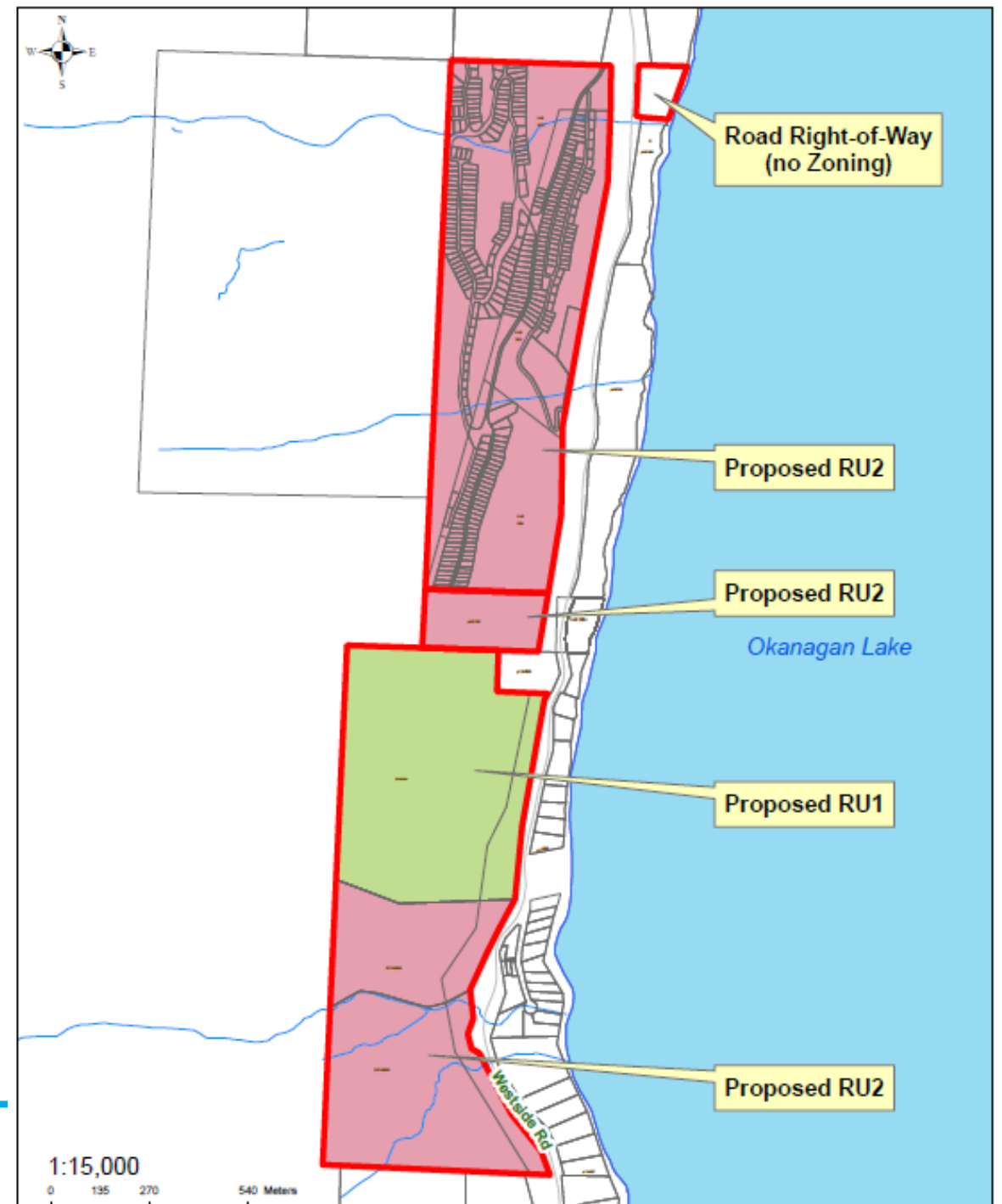
Proposed RU5

- **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



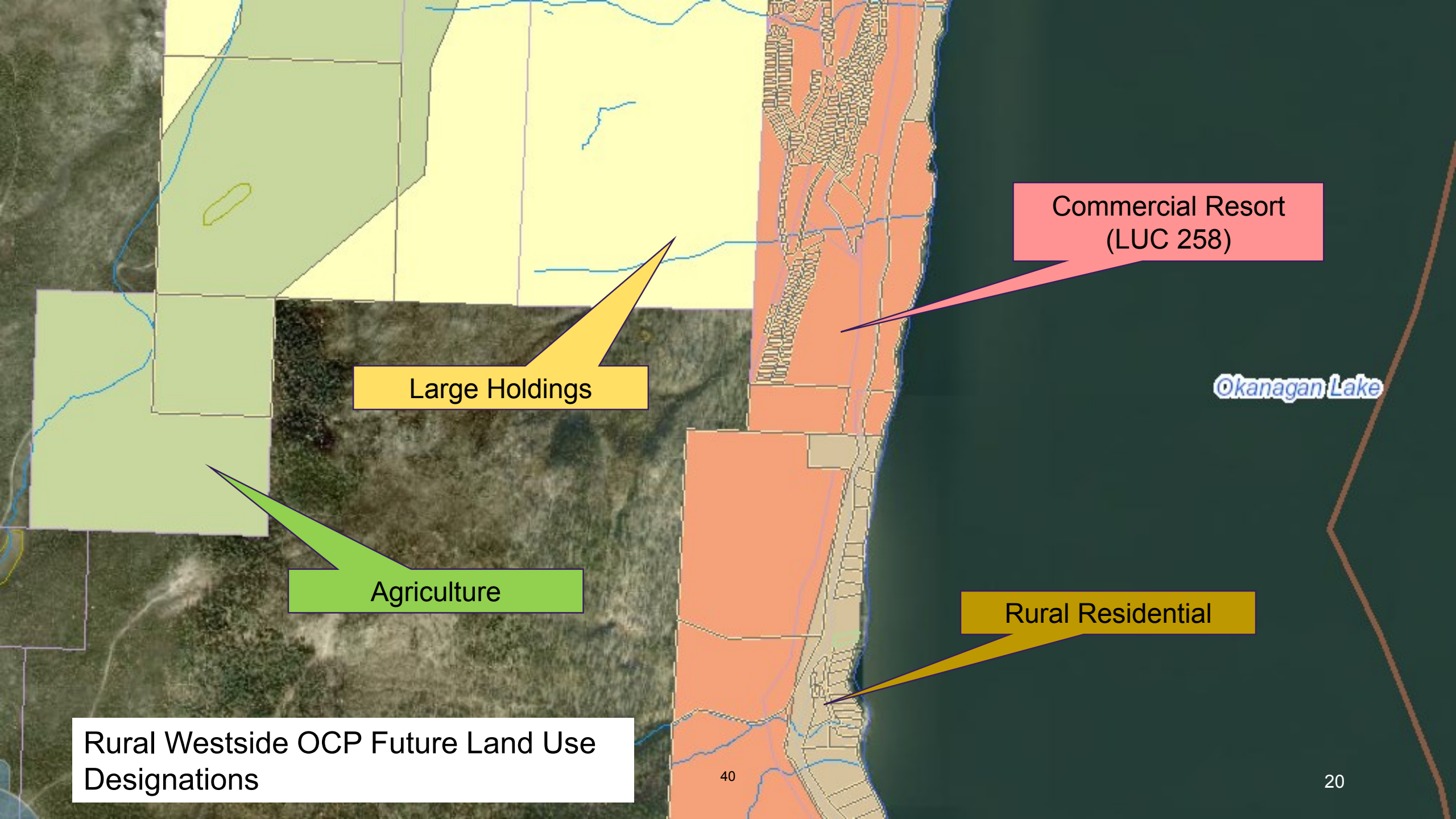
Proposed RU1 & RU2

- **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



Large Holdings

Agriculture

Commercial Resort
(LUC 258)

Okanagan Lake

Rural Residential

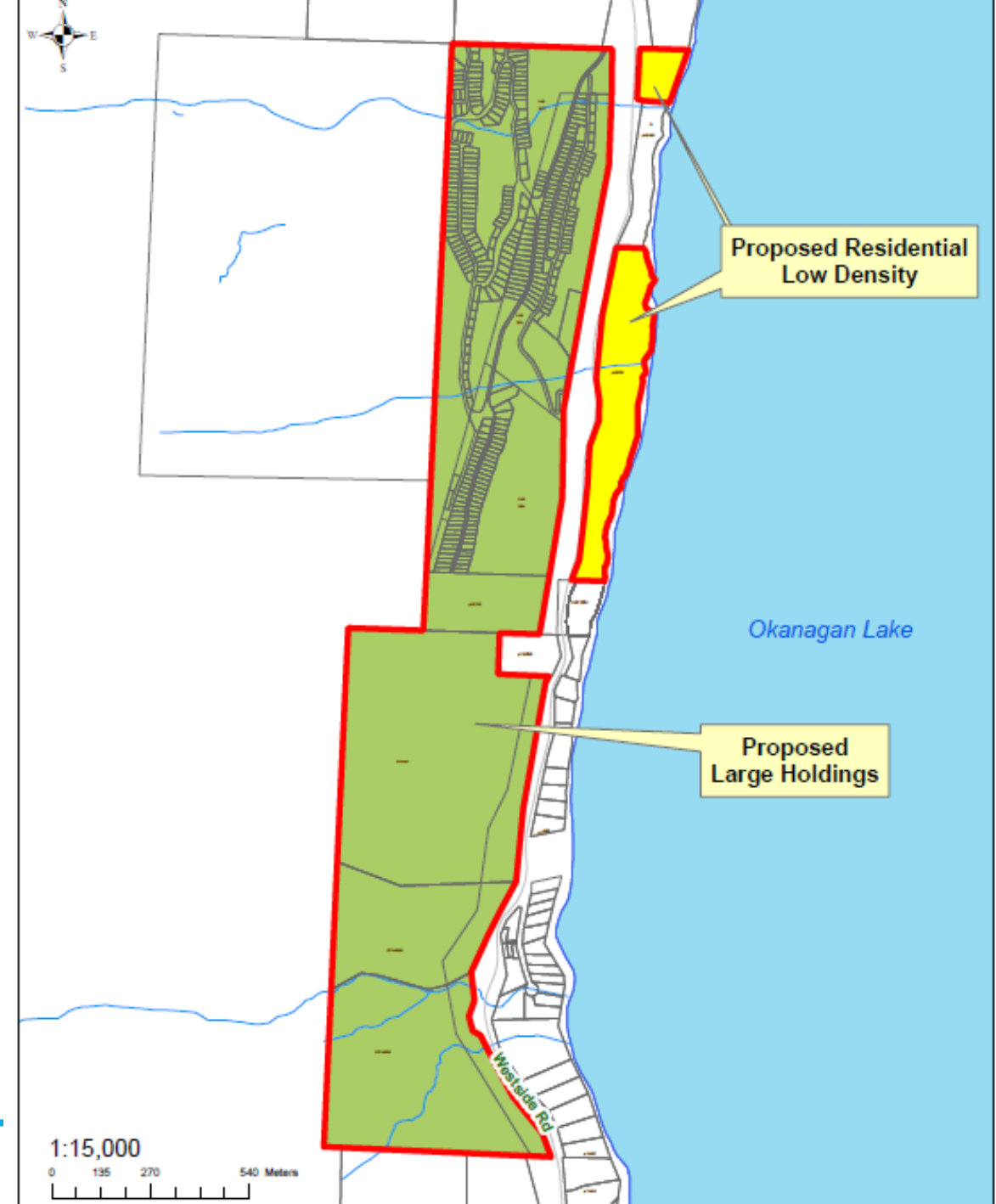
Rural Westside OCP Future Land Use
Designations

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

57

900m

E

LUC/OCP/Rezoning Application Z20/07

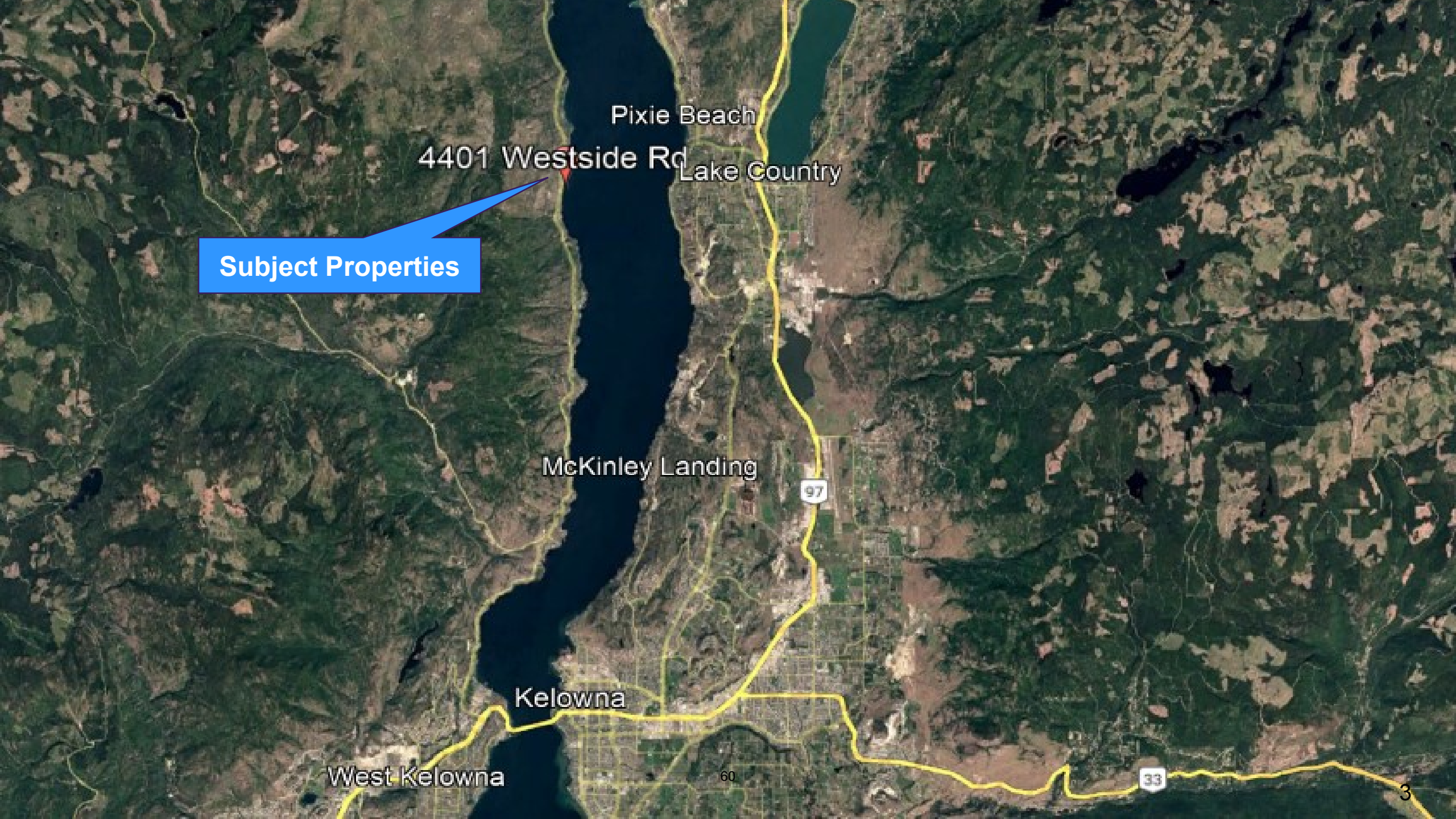
Regional District of Central Okanagan Public Hearing
April 25, 2022

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

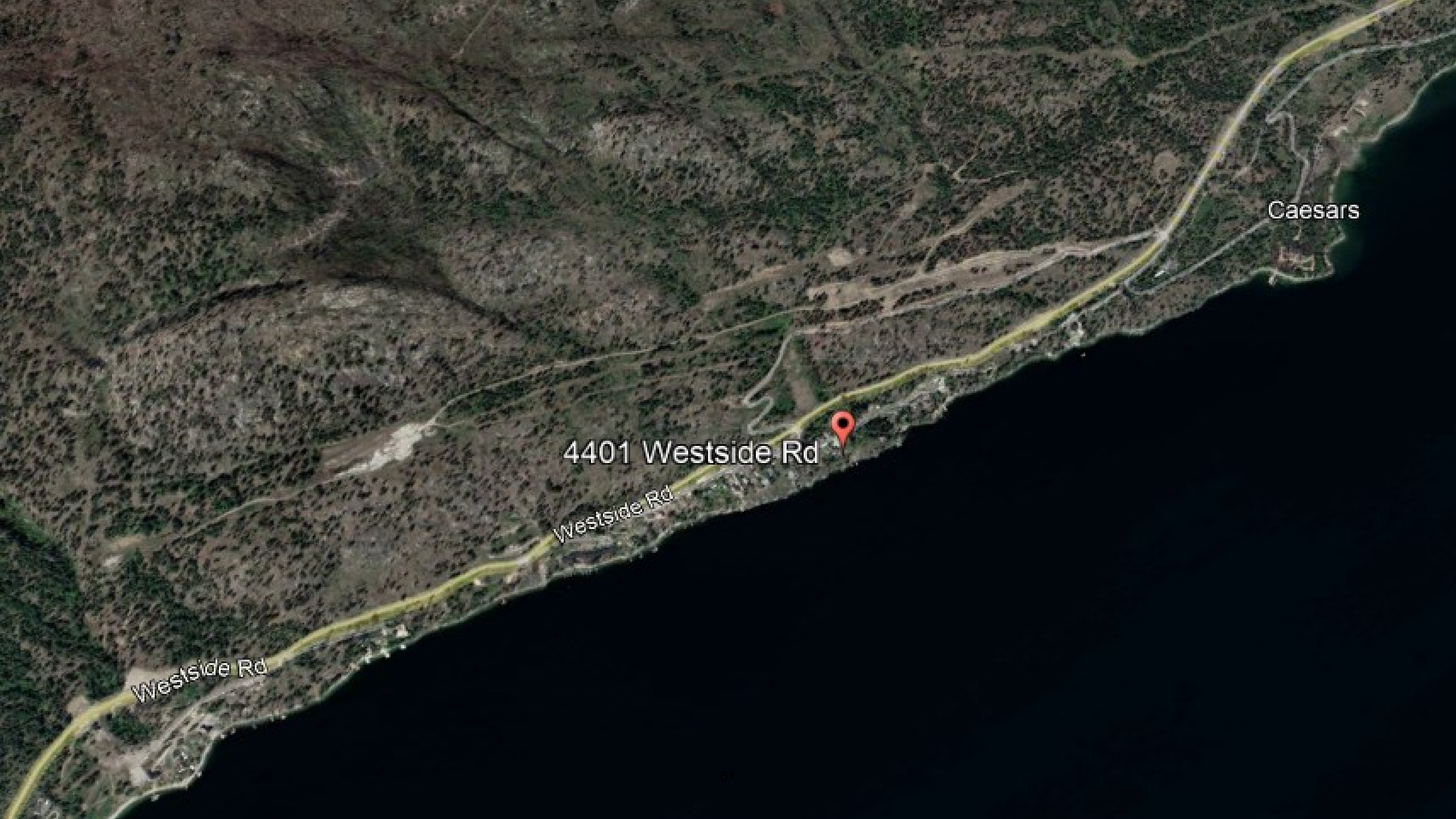
Kelowna

West Kelowna

60

33

3



Caesars

4401 Westside Rd

Westside Rd

Westside Rd

Land Use Contract 258

Shelter Cove

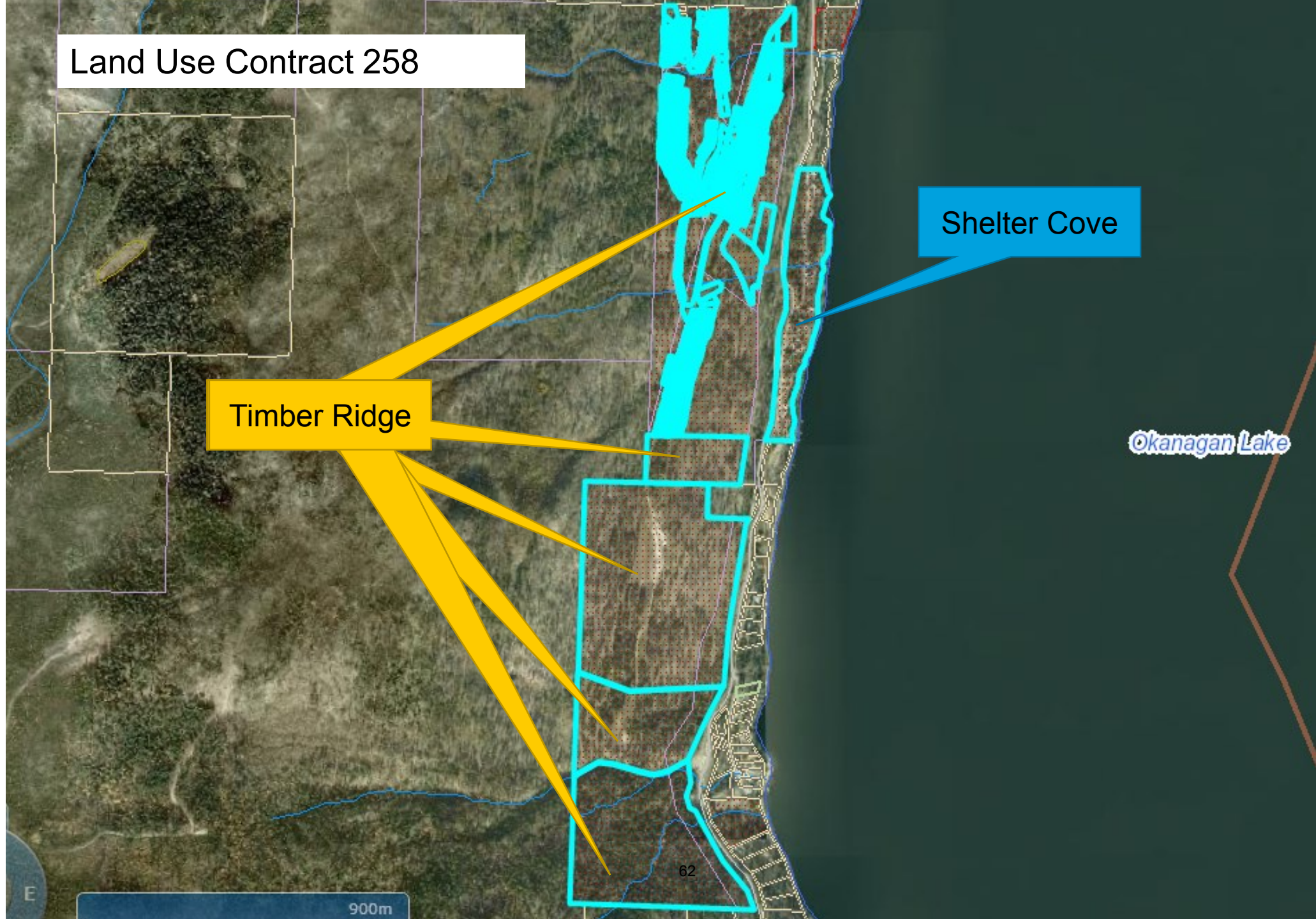
Timber Ridge

Okanagan Lake

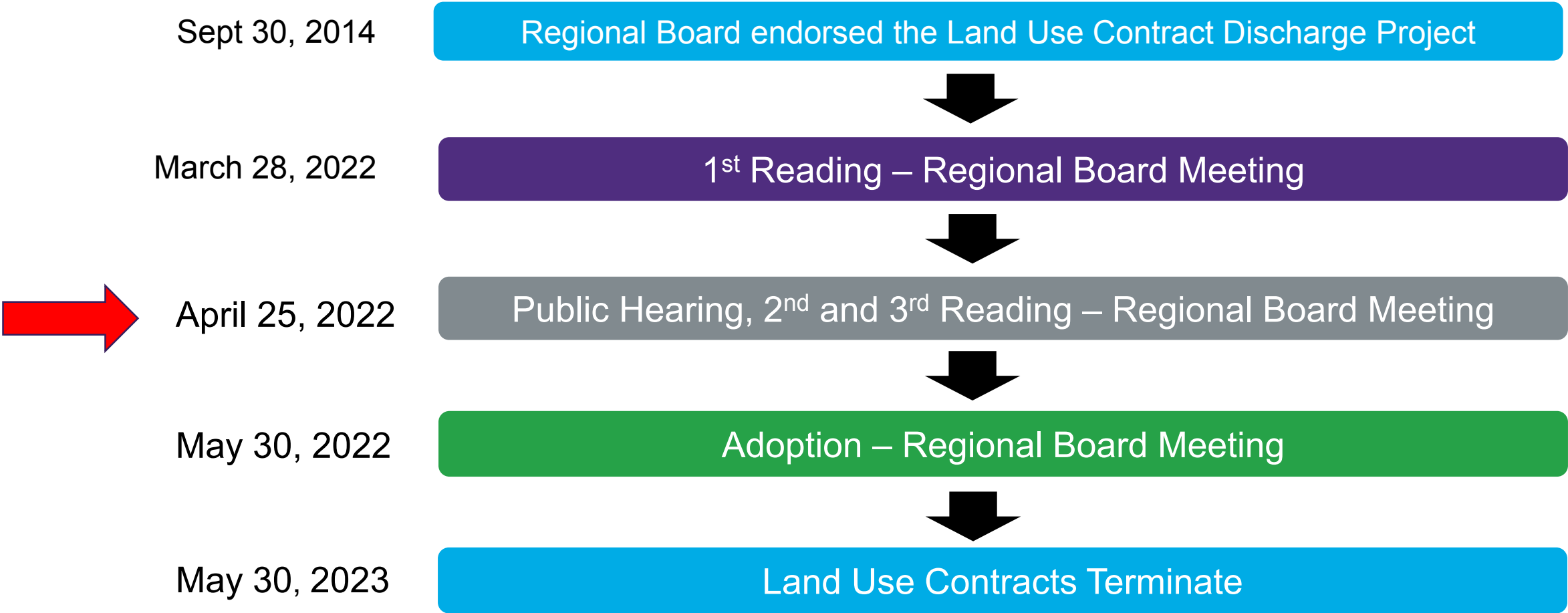
62

900m

E



Next Steps



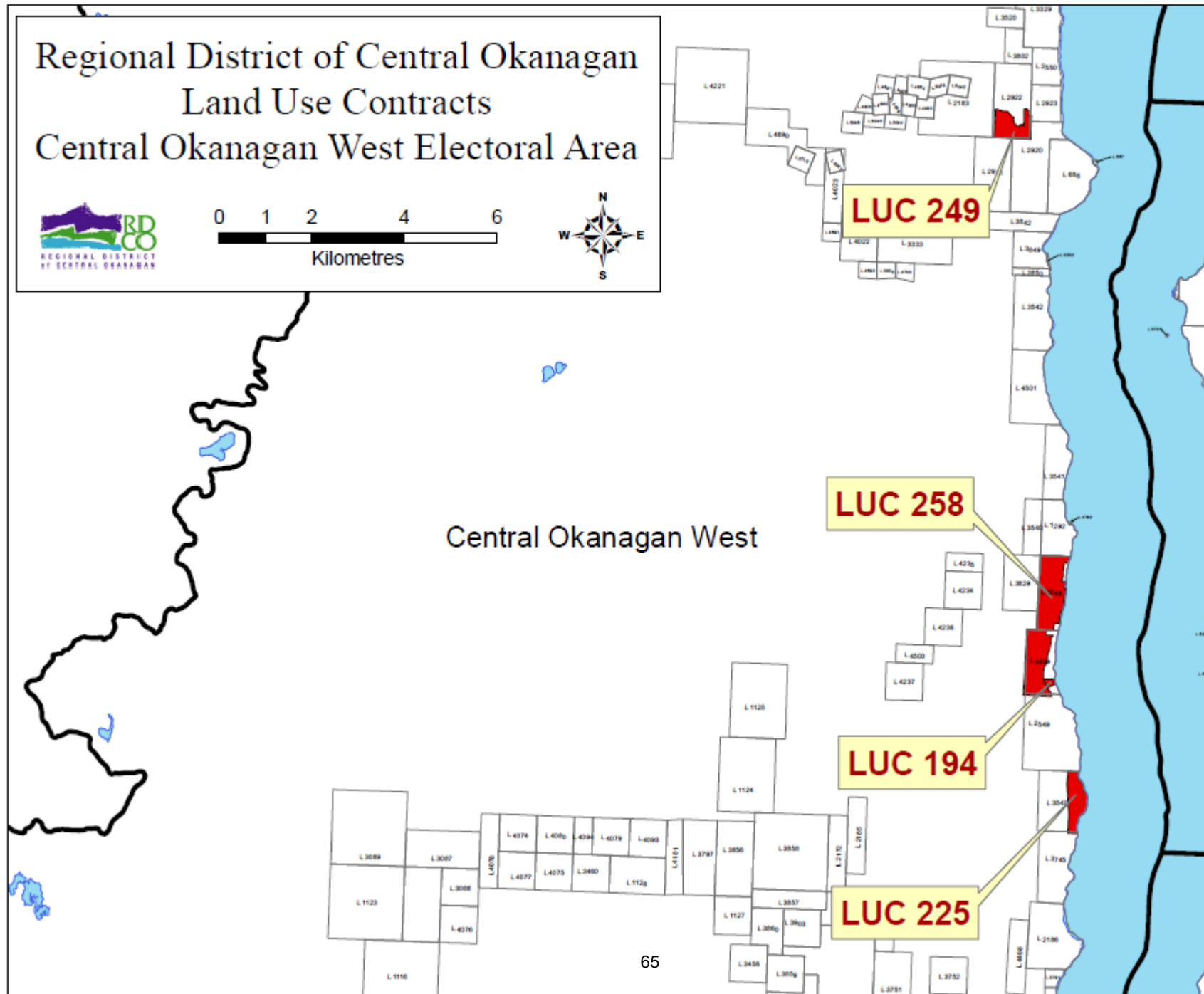
Background

- **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



0 1 2 4 6
Kilometres



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



Timber Ridge Properties



Timber Ridge Properties
(facing north)

LUC No. 258

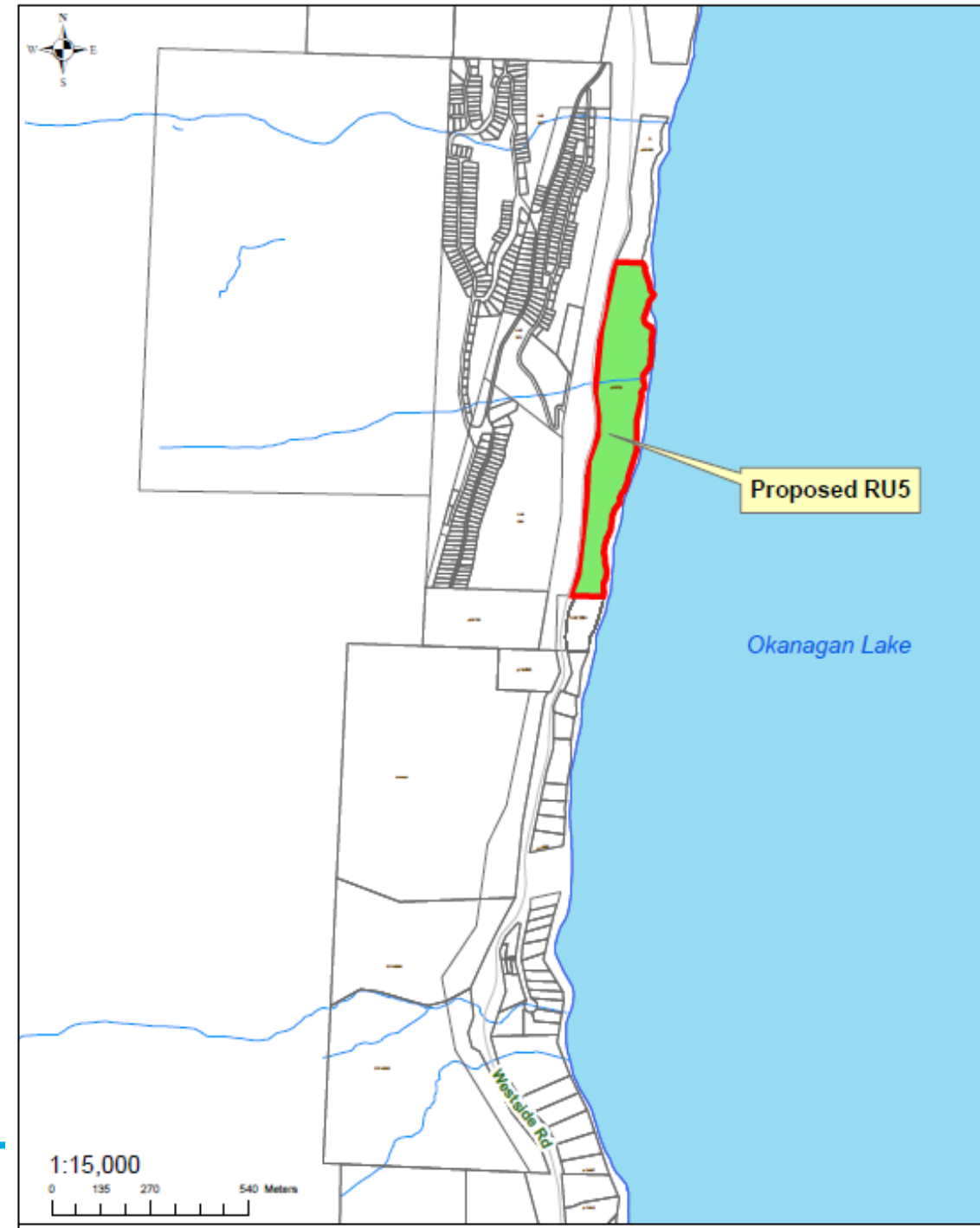
- Adopted 1979, amended 1981
- Permitted Uses:
 - Not more than 463 recreational vehicle sites and 42 vacation home sites
 - One recreation building
 - One retreat building, designed to accommodate up to 110 persons
 - One swimming pool building and swimming pool
 - One administration building
 - One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

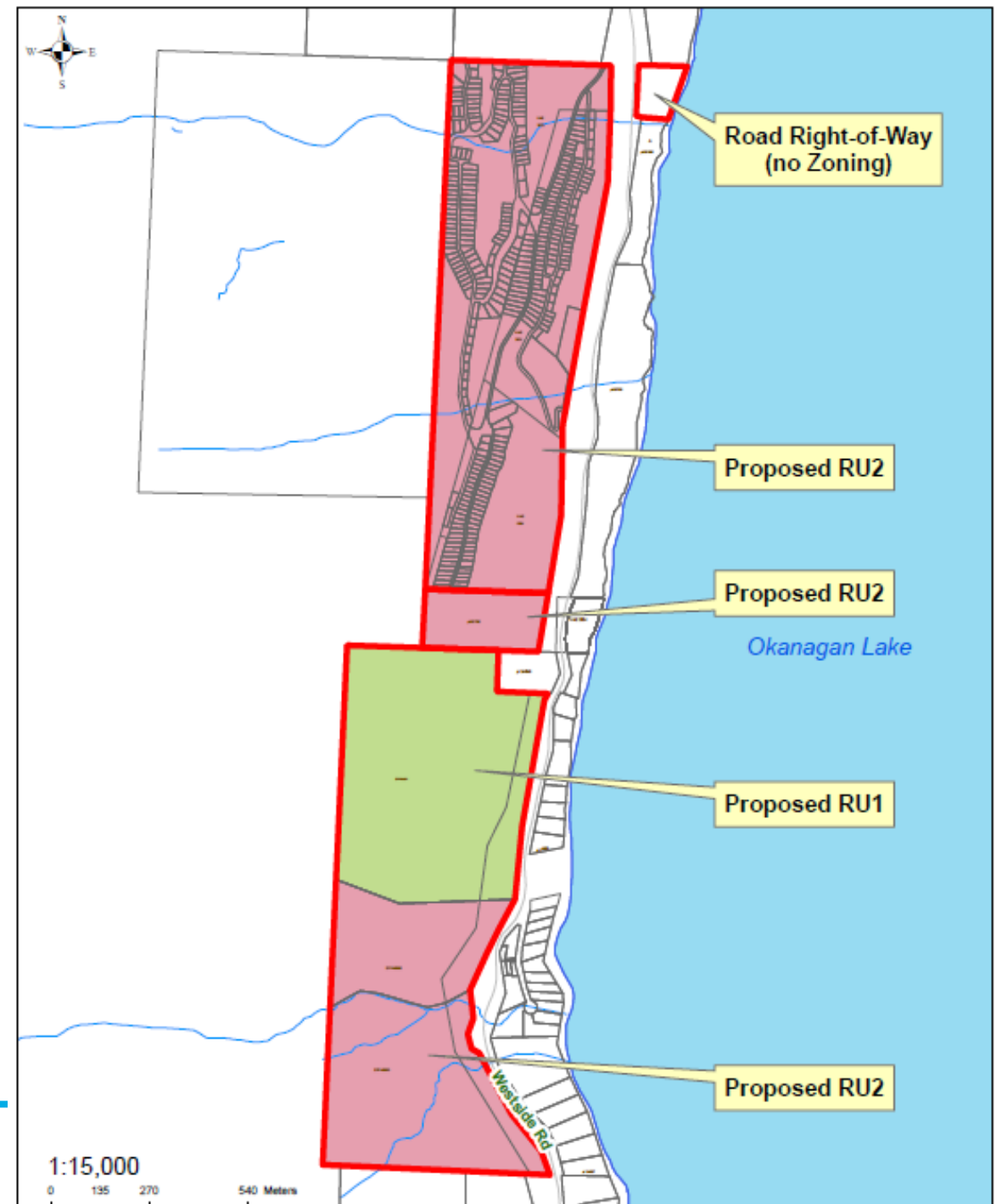
Proposed RU5

- **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



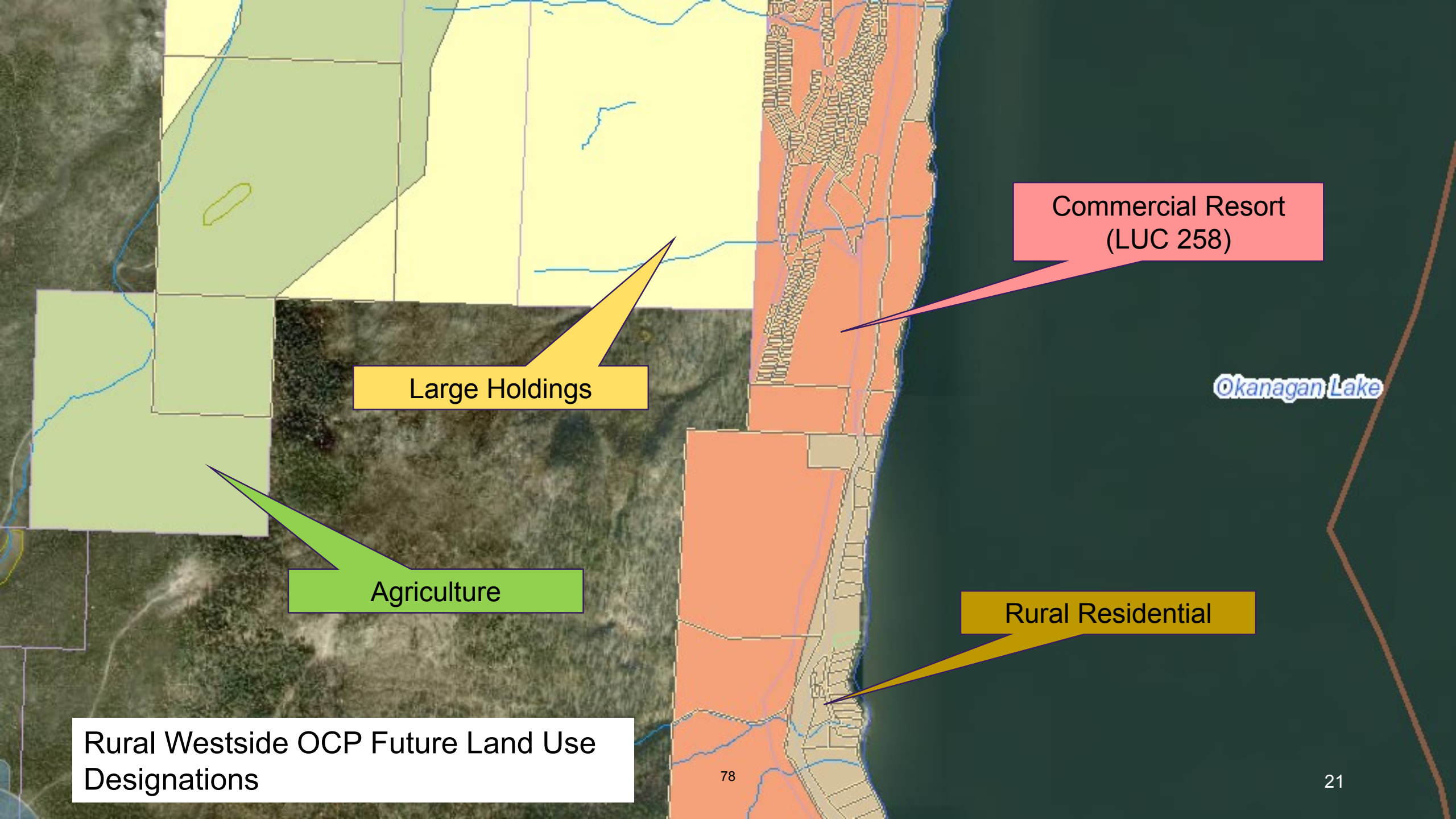
Proposed RU1 & RU2

- **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



Commercial Resort
(LUC 258)

Large Holdings

Agriculture

Rural Residential

Rural Westside OCP Future Land Use
Designations

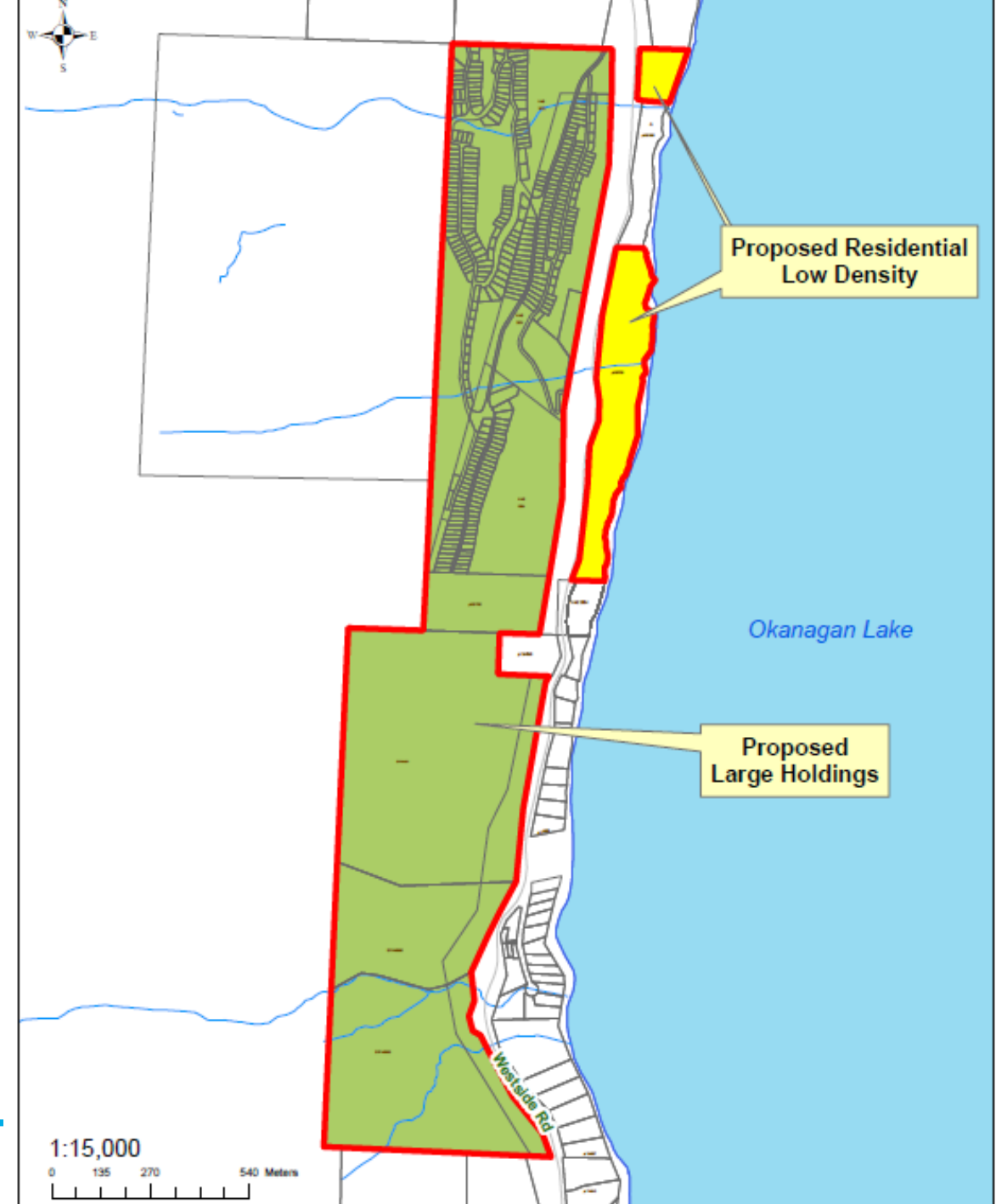
Okanagan Lake

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

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

Summary

- 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



Caesars

4401 Westside Rd

Westside Rd

Westside Rd

Land Use Contract 258

Shelter Cove

Timber Ridge

Okanagan Lake

90

900m

E