



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: November 22, 2022

From: Jayden Riley, Planner III

File No: Z 22-01

Subject: **22-01; Zoning Amendment Bylaw No. 0265.03, 2022 (Adoption); 3725 Boucherie Rd (Frind Winery)**

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### RECOMMENDATION

**THAT** Council consider and resolve to adopt the City of West Kelowna Zoning Amendment Bylaw No. 0265.03, 2022.

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity - We will work with our partners on the Westside and throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

### BACKGROUND

The proposed zoning amendment bylaw, seeking to rezone the unsurveyed crown waterfront parcel immediately abutting the upland agricultural property, located at 3725 Boucherie Rd, received Third Reading on September 6, 2022. The condition of adoption established by Council at Third Reading to register a Statutory Right of Way over the upland parcel to provide a public pathway and connectivity has been satisfied.

| PROPERTY DETAILS |                   |                               |                   |
|------------------|-------------------|-------------------------------|-------------------|
| <b>Address</b>   |                   | 3725 Boucherie Road           |                   |
| <b>PID</b>       |                   | 031-189-814                   |                   |
| <b>Folio</b>     |                   | 36412250.040                  |                   |
| <b>Lot Size</b>  |                   | 8,1301 sq. m. (upland parcel) |                   |
| <b>Owner</b>     | Frind Winery Ltd. | <b>Agent</b>                  | Shannon Tartaglia |

|                                  |                                  |                        |  |
|----------------------------------|----------------------------------|------------------------|--|
| <b>Current Zoning</b>            | Recreational Water Use Zone (W1) | <b>Proposed Zoning</b> | Intensive Water Use Zone (W2) with site specific Text Amendments |
| <b>Current OCP</b>               | N/A                              | <b>Proposed OCP</b>    | N/A  |
| <b>Current Use</b>               | Private Use                      | <b>Proposed Use</b>    | Commercial Use   |
| <b>Development Permit Areas</b>  | None                             |                        |  |
| <b>Hazards</b>                   | None                             |                        |  |
| <b>Agricultural Land Reserve</b> | Yes (upland parcel)              |                        |  |

#### ADJACENT ZONING & LAND USES

|              |   |  |
|--------------|---|--|
| <b>North</b> | ^ | Parks and Open Space (P1) / Tourist and Resort Commercial (C6), Intensive Water Use (W2) |
| <b>East</b>  | > | Intensive Water Use (W2)   |
| <b>West</b>  | < | Agriculture (A1/ALR)   |
| <b>South</b> | v | Single Detached Residential (R1) / Recreational Water Use (W1)                           |

#### NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

### Overview of Proposed Zoning Amendment

This application is proposing to rezone the unsurveyed crown waterfront parcel of the immediately abutting upland agricultural parcel, located at 3725 Boucherie Road, from the Recreational Water Use Zone (W1) to the Intensive Water Use Zone (W2). Site specific text amendments include: 1) restriction of the dock structure to a maximum six slips; 2) that the commercial use of the existing dock must be accessory to the upland winery and agricultural use; and 3) that retail convenience and collection or temporary storage of sewage discharge from boats is prohibited (*Attachment 1*).

Should the applicant wish to modify the dock structure, such as increase the number of available slips, a variance application must be considered by Council, notwithstanding any required provincial approvals. However, any proposed change to the use of the dock would require a subsequent rezoning application.

### Summary of Conditions

At time of Third Reading, Council resolved to adopt the proposed amendment bylaw subject to the registration of a Statutory Right of Way over the immediately abutting upland parcel for the purpose of a public pathway and connectivity through the parcel (*Figure 1*). The registration of the SRW will allow public access through the property, construction, and maintenance rights, which may be undertaken at the City's discretion. This condition has been satisfied via a Letter of Undertaking from the applicant's lawyer, with registration to occur concurrently with adoption of the amendment bylaw.



**Figure 1:** survey plan for SRW (rezoning condition)

## COUNCIL REPORT / RESOLUTION HISTORY

| Date          | Report Topic / Resolution   | Resolution No. |
|---------------|---|----------------|
| April 5, 2022 | <p><b>THAT</b> Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.112, 2022; and</p> <p><b>THAT</b> Council direct staff to schedule a Public Hearing for the proposed amendment bylaw.</p>  | <b>C100/22</b> |
| May 17, 2022  | Public Hearing Held   | N/A            |
| May 17, 2022  | <p><b>THAT</b> Council postpone consideration of Third Reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.112, 2022; and direct staff to bring the file back with bylaw amendments to limit the total number of boat slips to six.</p>   | <b>C142/22</b> |
| Sept. 6, 2022 | <p><b>THAT</b> Council give Third Reading as amended to Zoning Bylaw No. 0265.03, 2022; and</p> <p><b>THAT</b> Council direct staff to schedule the amendment bylaw for Adoption, subject to registration of a Statutory Right of Way and any associated agreements to secure the construction of</p> | <b>C248/22</b> |

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a 3 m wide pathway for the purpose of public access  
and connectivity through the subject

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**REVIEWED BY**

Brent Magnan, Director of Development Approvals.

Corinne Boback, Legislative Services Manager/Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

**Attachments:**

1. Zoning Amendment Bylaw No. 0265.03