



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)**

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

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

ADJACENT ZONING & LAND USES

North	^	Parks and Open Space (P1) / Tourist and Resort Commercial (C6), Intensive Water Use (W2)
East	>	Intensive Water Use (W2)
West	<	Agriculture (A1/ALR)
South	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>THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.112, 2022; and</p> <p>THAT Council direct staff to schedule a Public Hearing for the proposed amendment bylaw.</p>	C100/22
May 17, 2022	Public Hearing Held	N/A
May 17, 2022	<p>THAT 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>	C142/22
Sept. 6, 2022	<p>THAT Council give Third Reading as amended to Zoning Bylaw No. 0265.03, 2022; and</p> <p>THAT 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>	C248/22

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

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