



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: October 24, 2023

From: Paul Gipps, CAO

File No: Z 22-05

Subject: **Z 22-05; OCP Amendment Bylaw No. 300.01, 2023 and Zoning Amendment Bylaw No. 265.01, 2022 (Adoption); 1045 Bear Creek Rd**

Report Prepared By: Chris Oliver, Planning Manager

RECOMMENDATION to Consider and Resolve:

THAT Council rescind third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 100.68, 2022 (File Z 22-05); and

THAT Council give third reading as amended to City of West Kelowna Official Community Plan Amendment Bylaw No. 300.01, 2023; and

THAT Council adopt the City of West Kelowna Official Community Plan Amendment Bylaw No. 300.01, 2023; and

THAT Council adopt the City of West Kelowna Zoning Amendment Bylaw No. 0265.01, 2022.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders 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 OCP amendment bylaw received first reading on July 12, 2022. The OCP amendment was presented separately and in advance of the zoning amendment bylaw to confirm Council's willingness to advance the application, as the property was noted to be actively involved in a comprehensive planning process, effectively removing it from the Raymer CDP Area to allow it to develop on its own.

On September 6, 2022, Council gave first and second reading to the zoning amendment bylaw concurrently with second reading of the OCP amendment bylaw. A public hearing was later held on November 22, 2022, and third reading was given to both amendment bylaws on December 13, 2022.

The recommended resolution includes rescinding and re-reading the OCP amendment for third reading due to the recent adoption of OCP Bylaw No. 300, to reflect the number change of the parent bylaw.

PROPERTY DETAILS			
Address	1045 Bear Creek Road		
PID	008-347-701		
Folio	36415064.016		
Lot Size	9.1 ha		
Owner	Knights Gate Properties Inc. and Richard Soneff	Agent	Kevin Johnson, Bear Land Developments
Current Zoning	Rural Residential Large Parcel (RU4)	Proposed Zoning	N/A
Current OCP	Raymer CDP	Proposed OCP	Rural Residential
Current Use	Single family dwelling	Proposed Use	1
Development Permit Areas	Hillside, Sensitive Terrestrial Ecosystem, Wildfire		
Hazards	Steep Hillside, Wildfire, Limited Access		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	Rural Residential Large Parcel (RU4)	
East	>	Single Detached Residential (R1)	
West	<	Rose Valley Regional Park (P1)	
South	v	Rural Residential Medium Parcel (RU3)	

PROPERTY MAP



DISCUSSION

Summary of Proposal

This application is proposing to amend the Official Community Plan (OCP) Land Use Designation (LUD) of the subject property from Comprehensive Development (CD) to Rural Residential (RR) and rezone from Rural Residential Large Parcel (RU4) to Rural Residential Small Parcel (RU2) to accommodate subdivision development.

Summary of Conditions

On December 13, 2022, at time of third reading, Council directed staff to schedule the amendment bylaws for adoption subject to:

- Registration of a Section 219 Covenant that includes preliminary design and cost estimates to secure the construction of the water service extension, filling station and turnaround;
- Registration of a Section 219 Covenant to ensure future development is in accordance with the Preliminary Hydrogeological Assessment prepared by Ecoscape Environmental Consultants Ltd., dated January 20, 2022;
- Registration of an easement on the adjacent property over the alignment of the water main; and
- Registration of a Statutory Right of Way over the adjacent lands to support a fire truck turnaround and staging/filling station.

All items noted above have been satisfied, however the conditions related to the turnaround have been modified following subsequent discussion with the applicant and staff to allow for a pull-out within the public right of way (i.e., Bear Creek Road) as opposed to the turnaround on adjacent property. Therefore, the preliminary design and estimate related to the covenant have been modified to reflect the change; also, an SRW over the adjacent lands is no longer necessary as a result.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
July 12, 2022	THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.68; and THAT Council direct staff to complete a technical review and bring the proposed zoning application forward concurrently with the OCP amendment	C191/22
September 6, 2022	THAT Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.68, 2022;	C249/22

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.01,2022; and

THAT Council direct staff to schedule a Public Hearing in respect to the proposed amendment bylaw.

November 22, 2022	Public Hearing	N/A
December 13, 2022	<p>THAT Council resolve to give Third Reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 100.68, 2022;</p> <p>THAT Council resolve to give Third Reading as amended to Zoning Amendment Bylaw No. 265.01, 2022; and</p> <p>THAT Council resolve to direct staff to schedule the amendment bylaws for adoption following:</p> <ul style="list-style-type: none">• Registration of a Section 219 Covenant that includes preliminary design and cost estimates to secure the construction of the water service extension, filling station and turnaround;• Registration of a Section 219 Covenant to ensure future development is in accordance with the Preliminary Hydrogeological Assessment prepared by Ecoscape Environmental Consultants Ltd., dated January 20, 2022;• Registration of an easement on the adjacent property over the alignment of the water main; and• Registration of a Statutory Right of Way over the adjacent lands to support a fire truck turnaround and staging/filling station.	C319/22

CONCLUSION

Staff recommend that Council adopt the amendment bylaws as the conditions established by Council at third reading have been satisfied.

REVIEWED BY

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Official Community Plan Amendment Bylaw No. 300.01
2. Zoning Amendment Bylaw No. 265.01