



COUNCIL REPORT  
Development Services  
For the February 25, 2020 Council Meeting

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DATE: February 18, 2020 File: Z 17-14

TO: Paul Gipps, CAO

FROM: Carla Eaton, Planner III

RE: Z 17-14; Zoning Amendment Bylaw No. 0154.58, 2017 (Rescind Readings);  
3545 McIver Road  
Legal: Lot A, DL 3189, ODYD, Plan 16849  
Owner: Kenneth and Sharron Slonski  
Agent: D.E. Pilling and Associates / David Mori

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**RECOMMENDED MOTION:**

**THAT** Council rescind first, second and third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.58, 2017 and abandon the bylaw; and,

**THAT** Council direct staff to close the file.

**RATIONALE:**

As per our Procedure Bylaw No. 0260, Section 12.2, in the event that an application made pursuant to this bylaw has not been given final adoption by Council within one (1) year after the date it was given third reading or one (1) year after the date of last consideration by Council and Section 12.2.1, the application will be deemed to be abandoned and will be closed.

**LEGISLATIVE REQUIREMENTS:**

Council has authority under Part 14, Section 472 of the *Local Government Act* to amend the Official Community Plan and Section 479 to create and amend the Zoning Bylaw.

**BACKGROUND:**

On December 11, 2018, Council gave third reading with conditions to the proposed zoning amendment. To date, the applicant has not moved forward or provided additional information on the outstanding conditions of adoption.

Over the last year, staff has contacted the applicant's agent numerous times by email and phone to discuss the status of the file with no resulting action. On December 20, 2019, the applicant's agent was advised in writing that there has been no activity on the file since 3<sup>rd</sup> Reading on December 11, 2018. The agent confirmed by email dated February 11, 2020 that they had received the letter and they noted that the applicant's "position on the file was they were not interested in pursuing the file further." As we have not received any notice of activity from the

agent or applicant over a period exceeding one year, it is recommended that the file is closed pursuant to the Procedures Bylaw No. 0260.

**COUNCIL REPORT/RESOLUTION HISTORY:**

Date	Report Topic/Resolution	Resolution No.
Dec 11, 2018	<p><b>THAT</b> Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.58, 2017 (File: Z 17-14); and</p> <p><b>THAT</b> Council direct staff to schedule the bylaws for consideration of adoption following:</p> <ul style="list-style-type: none"> <li>• Submission of the following items to the satisfaction of the General Manager of Development Services: <ul style="list-style-type: none"> <li>○ Preliminary design drawing and cost estimate for a narrow multi-use trail along the length of McTaggart Road extending from the subject property to Gorman Road; and</li> </ul> </li> <li>• Registration of a Section 219 Covenant: <ul style="list-style-type: none"> <li>○ Restricting future subdivision of proposed Lot 4 unless road access is provided to the required road standard, or an alternate road alignment creates safe access to the lot; and</li> <li>○ Requiring future maintenance of the private driveway operations within the McTaggart within the McTaggart Road right of way by the owner of Lot 4 and that current and future owners acknowledge that there should be no expectation of road maintenance by the City; and</li> <li>○ Requiring the construction of a narrow multi-use trail with asphalt finish (2 m width) along the length of McTaggart Road extending from the subject property to Gorman Road as a condition of any future subdivision;</li> </ul> </li> <li>• Council consideration and approval for the proposed exemption for required frontage works for McTaggart Road.</li> </ul>	C437/18
Aug 14, 2018	Public Hearing Held	N/A
Nov 14, 2017	<p><b>THAT</b> Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.58, 2017; and</p> <p><b>THAT</b> Council direct staff to schedule the bylaw for public hearing pending receipt of additional information regarding the proposed access to the subject property.</p>	C514/17

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager  
Mark Koch, Director of Development Services  
Tracey Batten, Deputy CAO/Corporate Officer  
Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Attachments:

1. Letter to Applicant, December 20, 2019