



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: December 8, 2020

From: Jayden Riley, Planner II

File No: Z 19-01

Subject: **Z 19-01; OCP Amendment Bylaw No. 0100.50 and Zoning Amendment Bylaw No. 0154.83 (Adoption); 3060 Seclusion Bay Road**

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### RECOMMENDATION

**THAT** Council adopt Official Community Plan Amendment Bylaw No. 0100.50 and Zoning Amendment Bylaw No. 0154.83.

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Council's Strategic Priorities 2020-2022)

### BACKGROUND

This application is seeking to amend the Official Community Plan land use designation on the lower portion of the property from Resource Land to Tourist Commercial and rezone the subject property from Rural Residential Small Parcel (RU2) to a Comprehensive Development Zone (CD8) to support the development of 16 single detached dwellings. The CD Zone proposes year-round and short-term occupancy in the lower development area and an upper conservation and servicing area. The applicant also proposes to amend the waterfront from the Recreational Water Use Zone (W1) to the Intensive Water Use Zone (W2) to provide for additional boat slips, boatlifts and moorage. The applicant has satisfied all the conditions established at 3<sup>rd</sup> Reading - see resolution history.

PROPERTY DETAILS			
<b>Address</b>		3060 Seclusion Bay Road	
<b>PID</b>		008-406-146	
<b>Folio</b>		36414778.000	
<b>Lot Size</b>		24,329 sq. m.	
<b>Owner</b>	Sky High Metals Corp.	<b>Agent</b>	Kevin Johnson, Bear Land Development Services

<b>Current Zoning</b>	Rural Residential Small Parcel (RU2)	<b>Proposed Zoning</b>	CD8
<b>Current OCP</b>	Resource Land	<b>Proposed OCP</b>	Resource Land / Tourist Commercial
<b>Current Use</b>	Vacant	<b>Proposed Use</b>	Single Detached Dwellings, Tourist Accommodation
<b>Development Permit Areas</b>	Hillside, Aquatic		
<b>Hazards</b>	Steep Slopes		
<b>Agricultural Land Reserve</b>	No		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	Rural Residential Small Parcel (RU2)
<b>East</b>	>	Campground, Cabin, and Motel Commercial Zone (C5) Rural Residential Large Parcel Zone (RU4)
<b>West</b>	<	District of Peachland
<b>South</b>	v	Okanagan Lake

#### NEIGHBOURHOOD MAP



#### PROPERTY MAP



## COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
January 23, 2018	<b>THAT</b> Council give first reading to Official Community Plan Amendment Bylaw No. 0100.50 (File: OCP 17-03).	<b>C100/18</b>
July 23, 2019	<b>THAT</b> Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.50, 2019;  <b>THAT</b> Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and  <b>THAT</b> Council direct staff to schedule the proposed bylaw amendment for a Public Hearing.	<b>C281/19</b>
August 13, 2019	<b>THAT</b> Council rescind second reading of City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and  <b>THAT</b> Council give second reading, as amended, to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and  <b>THAT</b> Council direct staff to schedule the proposed bylaw amendment for a Public Hearing	<b>C297/19</b>
November 12, 2019	Public Hearing	<b>N/A</b>
January 14, 2020	<b>THAT</b> Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.50, 2019;  <b>THAT</b> Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and  <b>THAT</b> Council direct staff to schedule the bylaws for consideration of adoption following: <ul style="list-style-type: none"> <li>• Acquisition of necessary water and sewerage approvals from the Province;</li> <li>• Registration of a blanket Statutory Right of Way across the Upper Development Area for pedestrian access to provide for future regional trail connections between the District of Peachland and Goats Peak Regional Park;</li> </ul>	<b>C012/20</b>

- Registration of a S.219 No Build-No Disturb Covenant within the Upper Development Area to ensure environmental protection of sensitive areas;
- Registration of a S.219 No-Build Covenant, with the exception of one (1) unit, on the property to be discharged following substantial completion of upgrades to the private access road, in accordance with *Attachment 6* and recommendations of Traffic Impact Assessment, prepared by CTQ Consultants, dated December 12, 2017; and
- Registration of a S.219 covenant to ensure the recommendations of the geotechnical reporting are followed.

### **Legislative Requirements**

Council has the authority under Part 14, S.472 of the *Local Government Act* to amend the Official Community Plan. Council has authority under Part 13, S.479, of the *Local Government Act* to amend the Zoning Bylaw.

### **CONCLUSION**

The applicant has satisfied all conditions established at 3<sup>rd</sup> Reading. Staff are recommending Council adopt the Official Community Plan and Zoning amendment bylaws (*Attachments 1 and 2*).

### **Alternate Motion:**

#### **ALTERNATE MOTION POSTPONE**

**THAT** Council postpone adoption of Official Community Plan Amendment Bylaw No. 0100.50, 2019 and Zoning Amendment Bylaw No. 0154.83, 2019 (File Z 19-01).

Should Council postpone adoption of the Official Community Plan and Zoning Amendment Bylaws, further direction to staff on how to proceed is required.

**REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

**Attachments:**

1. Official Community Plan Bylaw No. 0100.50
2. Zoning Amendment Bylaw No. 0154.83