



## REGIONAL DISTRICT OF CENTRAL OKANAGAN PUBLIC HEARING AGENDA

Monday, July 29, 2019

7:00 p.m.

Woodhaven Board Room  
1450 K.L.O. Road, Kelowna, BC

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Pages

### 1. CALL TO ORDER

Chair Given acknowledged that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

This Special Meeting is being held for the purpose of considering the discharge of Land Use Contract No. 247, and an amendment to the RDCO Zoning Bylaw No. 871.

The Public Hearing was advertised pursuant to the Local Government Act on:

- Friday, July 19, 2019; and
- Wednesday, July 24, 2019

The role of the Regional Board is to hear representation from those persons who wish to provide comments regarding the proposed bylaw. Everyone who wishes to speak shall be given the opportunity to be heard. No one will be, or should feel, discouraged or prevented from making his or her views known. However, it is important that all who speak at this meeting restrict their remarks to matters contained in the bylaw and it is my responsibility as Chairperson of this meeting to ensure that all remarks are so restricted.

Members of the Regional Board may, if they so wish ask questions of you following your presentation. However, the main function of the Regional Board members this evening is to listen to the views of the public. It is not the function of the Regional Board at this public hearing to debate the merits of the proposed bylaw with individual citizens.

No decision will be made at the Hearing, but the entire proceedings will be considered by the Regional Board at a subsequent meeting.

Submissions regarding the proposed bylaw may be received prior to or at this Hearing.

No further information or representations can be considered by the Regional Board after the Public Hearing is terminated.

## **2. Application for Discharge of Land Use Contract and Rezoning**

### **2.1 APPLICANT: Regional District of Central Okanagan**

#### **2.1.1 Land Use Contract Amendment Bylaw 247-4**

1 - 19

Received First Reading June 24, 2019  
(Central Okanagan East Electoral Area)

#### **2.1.2 Zoning Amendment Bylaw No. 871-242 (File No. Z19/01)**

Received First Reading June 24, 2019  
(Central Okanagan East Electoral Area)

Located within the Scotty Creek Subdivision in the Ellison Area.

To discharge Land Use Contract No. 247 and to amend RDCO  
Zoning Bylaw No. 871 by zoning the subject properties as follows:

- Lots 1-21, 25-81, Section 12, Township 23, ODYD, Plan 30525, Lots 1-15, 17-22, 24-65, Section 12, Township 23, ODYD, Plan 33240, Lots A and B, Section 12, Township 23, ODYD, Plan 35211, Lots A and B, Section 12, Township 23, ODYD, Plan KAP46998, Lots 1-15 and 17, Section 12, Township 23, ODYD, Plan KAP48547 as shown on Schedule 'A'
- Lot C, Section 12, Township 23, ODYD, Plan 30526 as shown on Schedule 'C'
- Lot B, Section 12, Township 23, ODYD, Plan 30526 as shown on Schedule 'D'

## **3. TERMINATE & ADJOURN**



# Regional Board Report

For the Public Hearing July 29, 2019

**TO:** Regional Board

**FROM:** Todd Cashin  
Director of Community Services

**DATE:** July 29, 2019

**SUBJECT:** Land Use Contract Amendment Bylaw No. 247-04  
Zoning Amendment Bylaw No. 871-252 (Z19/01)  
Central Okanagan East Electoral Area – Scotty Creek Subdivision

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**Purpose:** To discharge Land Use Contract No. 247 and zone the subject properties as R1 Single Detached Housing, P1 Park and Open Space, or P2 Institutional and Assembly.

## Executive Summary:

Land Use Contracts (LUC) are land-use regulatory tools, similar to site-specific zoning bylaws, enacted under legislation established in the 1970's. All LUC's in the Province of British Columbia will automatically be terminated on June 30, 2024, under the *Local Government Act*. The Regional District of Central Okanagan is moving forward with bylaws to discharge LUC's and apply the equivalent land use designation or zone to the parcels.

Of the nine LUC's that affect the RDCO, LUC No. 247 is the fifth to be presented to the Regional Board for discharge. Should this Community Services initiated application be successful, LUC No. 247 will be removed in its entirety from the subject properties and zoning will apply.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Todd Cashin'.

Todd Cashin  
Director of Community Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read 'Brian Reardon'.

Brian Reardon, CAO

*Prepared by: Brittany Lange, Planner*

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**Background:**

Land Use Contracts (LUC) are land-use regulatory tools, similar to site-specific zoning bylaws, enacted under historical legislation in the 1970's. Properties located within LUC's are not governed by the Regional Districts Zoning Bylaw No. 871 or Joe Rich Rural Land Use Bylaw No. 1195.

The Province of British Columbia has amended the *Local Government Act* (LGA) so that LUC's in the Province will automatically be terminated on June 30, 2024. Prior to June 30, 2022, all local governments that have jurisdiction over land subject to a LUC must provide zoning. As per the October 9, 2014 staff report to the Regional Board (Land Use Contract Discharge Priority), the intent is for the Regional District to move forward with bylaws to discharge the LUC's and apply the equivalent land use designation or zone to the parcel(s).

Of the nine LUC's that affect the RDCO, LUC No. 247 is the fifth to be presented to the Regional Board for discharge. Should this Community Services initiated application be successful, LUC No. 247 will be removed in its entirety from the subject properties and zoning will apply.

**Land Use Contract No. 247:**

There are a total of 163 properties under LUC No. 247 including 160 private residential properties, 1 irrigation district water facility, 1 elementary school, and 1 park. LUC No. 247 was adopted in 1979, which allowed for the initial subdivision and development of the land to not more than eight-four (84) lots subject to minor deviations as approved by the Regional District and the Ministry of Transportation and Infrastructure.

LUC No. 247 was amended in April 1982 to allow for further subdivision of sixty five (65) lots and the construction of water wells and related pump houses' for Black Mountain Irrigation District (Bylaw No. LUCA-81-5). Furthermore, in January of 1985, LUC No. 247 was amended to permit an additional two-lot subdivision (Bylaw No. LUCA-84-12).

LUC No. 247 also required the landowner to enter into a restrictive covenant to prohibit development within the floodwaters of Scotty Creek as well as include park dedication to be held by the Regional District.

The following land uses, buildings, and structures are permitted and continue to be regulated under LUC No. 247:

- Single family residential;
- The keeping of not more than two (2) boarders or lodgers in each dwelling unit;
- One single family dwelling per lot; and,
- Buildings and structures which are accessory to one family dwelling.

Prior to the *Local Government Act* amendment, the Regional Board previously discharged LUC No. 247 from 1 private parcel and zoned to R1s at time of owner-initiated applications (RDCO Files: LUCA-247-1 / Z06-17).

**Project Description:**

Regional District staff is moving forward with bylaws to discharge LUC No. 247 and zone one parcel as P1 Park and Open Space, one parcel as P2 Institutional and Assembly, and the remaining 161 lots as R1 Single Detached Housing under Zoning Bylaw No. 871. The proposed zones would not allow for future subdivision or an increase in the number of dwelling units.

The proposed zones do allow for additional uses not currently permitted under the LUC; some examples include home based business and bed and breakfast accommodation. It is noted that all private parcels are each less than 9.0 acres in size; therefore, an accessory home use would not be permitted. Furthermore, as per RDCO Zoning Amendment Bylaw No. 871-243 currently in process, RDCO staff are recommending that secondary suites not be permitted in R1 zones.

It is noted that a number of parcels under LUC No. 247 are located adjacent to lands within the Agricultural Land Reserve (ALR) and zoned A1 Agriculture. Once zoned, Zoning Bylaw's Section 3.11 Setback and Buffering from ALR will apply at time of development as the R1 zone is considered a "R zone" (See attached). For example, Level 1 Buffer Requirements would become mandatory at time of a building permit (ie. replacing a home).

**Additional Information:**

**Applicant:** Regional District of Central Okanagan  
**Location:** Adjacent to Scotty Creek Road, Old Vernon Road, and Sunset Ranch Golf Course and Developments

**Legals:**

- Lots 1-21, 25-81, Section 12, Township 23, ODYD, Plan 30525; Lots 1-15, 17-22, 24- 65, Section 12, Township 23, ODYD, Plan 33240; Lots A and B, Section 12, Township 23, ODYD, Plan 35211; Lots A and B, Section 12, Township 23, ODYD, Plan KAP46998; and, Lots 1-15 and 17, Section 12, Township 23, ODYD, Plan KAP48547 as shown on Schedule 'A'
- Lot C, Section 12, Township 23, ODYD, Plan 30526 as shown on Schedule 'C'
- Lot B, Section 12, Township 23, ODYD, Plan 30526 as shown on Schedule 'D'

**Area of Land Affected:** +/- 19.07 ha (47.12 acres)  
**Land Use Contract:** Land Use Contract No. 247  
**OCP Designations:** Residential (161 Parcels)  
 Park and Open Space (1 parcel)  
 Community Facilities (1 parcel)  
**Existing Use:** Residential, Public Utilities, Elementary School, Park and Open Space  
**Surrounding Uses:** Agriculture, Residential, Manufactured Home Park, Golf Course  
**A.L.R.:** Not within the A.L.R.  
**Fire Protection:** Within the Ellison Fire Protection Area

**Site Context:**

The properties are located in the Scotty Creek subdivision, within the Ellison Official Community Plan. Two properties along the eastern portion of Bulman Road near Scotty Creek are impacted by Sensitive Aquatic Development Permit Areas.

**RDCO TECHNICAL COMMENTS (Presented at First Reading):**

**Regional Parks** advise that the park and school site dedication and park development requirements under the Land Use Contract No. 247 - Clauses 6(iii) and 10(1) and 10(2) has been fulfilled. The proposed park site (Lot C, Sec. 12, Tp 23, Plan 30526, ODYD) was transferred to the Regional District in 1979 at the time of subdivision and is now known as Scotty Creek Park. The School District No. 23 school site had also been dedicated at time of subdivision and is now the Ellison Elementary School (Lot B, Sec. 12, Tp 23, Plan 30526, ODYD).

Parks Services supports the discharge of LUC No. 247 and proposed amendment bylaw under the Regional District's Zoning Bylaw No. 871 for Scotty Creek Park (P1- Parks and Open Space) and the Ellison Elementary School (P2 – Institutional and Assembly).

**RDCO TECHNICAL COMMENTS (Subsequent to First Reading):**

**Agricultural Advisory Commission** recommends conditional support for the proposed bylaw amendments. The conditions are:

- That the Regional District of Central Okanagan and the Ministry of Agriculture provides information to residents located adjacent to farm land on agricultural practices and buffering requirements.

**Unaffected RDCO Departments** include Engineering Services, Fire Services, and Inspection Services.

**AGENCY REFERRALS (Presented at First Reading):**

**Ministry of Transportation and Infrastructure** indicates that LUC No. 247 is outside of MOTI jurisdiction as it is beyond 800 metres of an intersection with a Controlled Access Highway (e.g. Highway 97). As such, their interests are unaffected.

**Fortis B.C.** notes that there are FortisBC Inc. (Electric) ("FBC(E)") primary distribution facilities within the Ellison neighbourhood along public roads and lanes servicing the affected properties; however, FBE(E) has no concerns with this proposal.

**Black Mountain Irrigation District** indicates that they are aware of their public utilities water facility located at Lot 10, Plan KAP30525, Sec 12, Township 23, ODYD which falls under LUC No. 247. BMID staff has no issues regarding the discharge of LUC No. 247 and understand the new zone will not impact the operation of supplying water to the area.

**School District No. 23** notes that they have no concerns with the proposal at this time.

**AGENCY REFERRALS (Subsequent to First Reading):**

**Interior Health Authority** has concerns regarding the long term sustainability of lots less than 700m<sup>2</sup> needing to be independent for servicing, particularly with the addition of a secondary suite. For existing lots with onsite sewage disposal systems looking to add a secondary suite, it is recommended that the applicant retain the services of an Authorized Person (AP) to provide documentation to support that the proposal will not conflict with the existing on-site sewage disposal system.

An increase in daily design flow necessitates an “upgrade” to the system meaning that it must meet all current regulations and standards. Furthermore, it is recommended that the applicant provides evidence that there is adequate reserve area for a type 1 system on the lot prior to allowing the addition of a secondary suite. Alternatively, connection to community sewer should be considered as a long term approach to sustainability in the Scotty Creek subdivision.

**The Ministry of Agriculture** supports the proposed bylaw amendments and the provisions of Bylaw No. 871 regarding buffering requirements. Furthermore, Ministry staff suggests that RDCO staff include a strategy to communicate with potential residents located adjacent to parcels designated for farming to educate/inform of the *Farm Practices Protection Act* as well as normal farm practices. For example, there are many activities associated with the business of farming that may generate noise, dust, odours, and other disturbances. These activities may potentially create nuisance complaints and land use conflict if not adequately addressed.

**Unaffected Agencies** include the Agricultural Land Commission, Ministry of Forests, Lands, Natural Resource Operations, and Rural Development, Ministry of Municipal Affairs and Housing, Telus, B.C. Hydro, Shaw Cable, Okanagan Indian Band, Westbank First Nation, and the City of Kelowna.

### **External Implications:**

Newspaper notices advertising the Public Hearing and proposed amendments were printed in the Capital News (two consecutive days), the Peachland View and the Vernon Morning Star. In accordance with the *Local Government Act*, since more than 10 properties owned by 10 different people is involved with the proposed bylaw amendments the 100 metre notification to surrounding property owners is not required.

For housekeeping amendments (Regional District initiated), Planning Service’s notification procedures exceed *Local Government Act* requirements by advising owners of the site specific properties referenced in the bylaw amendments via regular mail. Furthermore, Public Hearing Notices were delivered to all registered property owners. A total of 167 copies were mailed on July 9, 2019.

To date, no letters of opposition have been received.

### **Conclusion:**

Should the Regional Board close the Public Hearing, the application will come forward with a separate report for Board consideration of further readings to the bylaw amendments.

#### **Attachment(s):**

- LUC Amendment Bylaw No. 247-04
- Zoning Amendment Bylaw No. 871-252
- Orthophoto
- R1 Single Detached Housing, P1 Park and Open Space, and P2 Institutional and Assembly Zones
- Section 3.11 Setback and Buffering from the ALR
- July 3, 2019 Letter from Interior Health
- July 4, 2019 Letter from the Ministry of Agriculture

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**REGIONAL DISTRICT OF CENTRAL OKANAGAN**

**LUCA -247-4**

**A Bylaw to amend Land Use Contract No. 247**

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Being a Bylaw of the Regional District to authorize the Regional District of Central Okanagan to enter into an Agreement amending an existing Land Use Contract.

WHEREAS the Regional District of Central Okanagan pursuant to the Local Government Act may discharge a land use contract that is entered into and registered in a land title office subject to the terms and conditions therein set out;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. **This bylaw shall be cited as Regional District of Central Okanagan Land Use Contract Amendment Bylaw No. 247-4.**
2. **That Land Use Contract No. 247, 1978 is hereby discharged in its entirety from Lots 1-21, 25-81, Section 12, Township 23, ODYD, Plan 30525, Lots 1-15, 17-22, 24-65, Section 12, Township 23, ODYD, Plan 33240, Lots A and B, Section 12, Township 23, ODYD, Plan 35211, Lots A and B, Section 12, Township 23, ODYD, Plan KAP46998, Lots 1-15 and 17, Section 12, Township 23, ODYD, Plan KAP48547, Lots B and C, Section 12, Township 23, ODYD, Plan 30526 as shown on Schedule 'A' attached to and forming part of this bylaw.**
3. **That the Regional District of Central Okanagan Zoning Bylaw map being Schedule 'B' of the bylaw be AMENDED to depict the change.**
4. **That Regional District of Central Okanagan Land Use Contract Amendment Bylaw No. 247-4 comes into force on \_\_\_\_\_ pursuant to the Local Government Act, Part 14, Section 548.**

This bylaw may be cited as Land Use Contract Amendment Bylaw No. 247-4.

READ A FIRST TIME this 24th day of June 2019

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this \_\_\_\_\_  
day of \_\_\_\_\_

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_



ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 247-4 as read a third time by the Regional District of Central Okanagan the \_\_\_\_\_ day of \_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 247-4 which was Adopted by the Regional District of Central Okanagan on the \_\_\_\_\_ day of \_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

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**REGIONAL DISTRICT OF CENTRAL OKANAGAN**  
**BYLAW NO. 871-252**  
**A Bylaw to Amend Regional District of Central Okanagan Zoning Bylaw 871, 2000**

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WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Zoning Bylaw No. 871, 2000 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. This bylaw may be cited as **Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-252.**
2. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby **AMENDED** by changing the zoning on Lots 1-21, 25-81, Section 12, Township 23, ODYD, Plan 30525, Lots 1-15, 17-22, 24-65, Section 12, Township 23, ODYD, Plan 33240, Lots A and B, Section 12, Township 23, ODYD, Plan 35211, Lots A and B, Section 12, Township 23, ODYD, Plan KAP46998, Lots 1-15 and 17, Section 12, Township 23, ODYD, Plan KAP48547 as shown on Schedule 'A' attached to and forming part of this bylaw to R1 Single Detached Housing.
3. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby **AMENDED** by changing the zoning on Lot C, Section 12, Township 23, ODYD, Plan 30526 as shown on Schedule 'C' attached to and forming part of this bylaw to P1 Park and Open Space.
4. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby **AMENDED** by changing the zoning on Lot B, Section 12, Township 23, ODYD, Plan 30526 as shown on Schedule 'D' attached to and forming part of this bylaw to P2 Institutional and Assembly.
5. That the Regional District of Central Okanagan Zoning Bylaw map being Schedule 'B' of the bylaw be **AMENDED** to depict the change.
6. That Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-252 comes into force on \_\_\_\_\_ pursuant to the Local Government Act, Part 14, Section 548.

READ A FIRST TIME this 24th day June 2019

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this \_\_\_\_\_  
day of \_\_\_\_\_

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_

READ A THIRD TIME this \_\_\_\_\_ day \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-252 as read  
a third time by the Regional District of Central Okanagan the \_\_\_\_\_ day of

\_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-252 which  
was Adopted by the Regional District of Central Okanagan on the \_\_\_\_\_ day of

\_\_\_\_\_

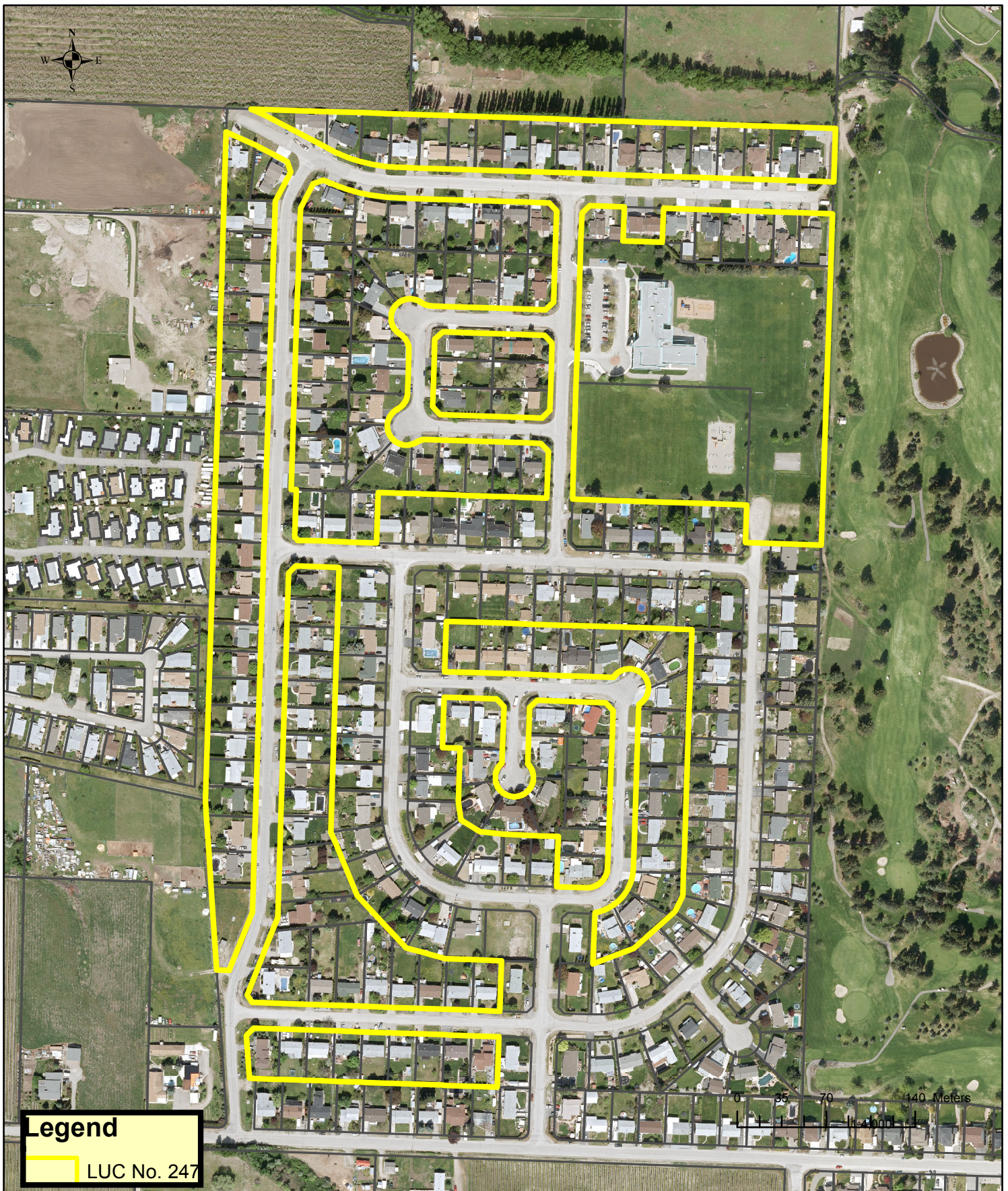
Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

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# ORTHOPHOTO





# 7.1 SINGLE DETACHED HOUSING

# R1

**Purpose:** To accommodate low density single family residential use with some associated uses.

## PERMITTED USES TABLE FOR R1 ZONE

### 7.1.1 Permitted uses, buildings and structures:

- .1 *Single detached house;*
- .2 *Home based business, standard;* (see Section 3.19)
- .3 *Neighbourhood recreation and storage;*
- .4 *Bed and breakfast accommodation;* (see Section 3.23)
- .5 *Accessory buildings and structures.* (see Section 3.17)
- .6 *Day care centre, minor*

Bylaw  
871-125

Bylaw  
871-25

Bylaw  
871-13

## REGULATIONS TABLE FOR R1 ZONE

Column 1	Column 2
7.1.2 <b>Minimum <i>parcel area</i></b>	700 m <sup>2</sup> (7,535 sq. ft.)
7.1.3 <b>Minimum <i>parcel frontage</i></b>	18.0 m (59.0 ft.)
7.1.4 <b>Minimum <i>front setback</i></b>	4.5 m (14.8 ft.)
7.1.5 <b>Minimum <i>side setback</i></b>	1.5 m (4.9 ft.)
7.1.6 <b>Minimum <i>corner side setback</i></b>	4.5 m (14.8 ft.)
7.1.7 <b>Minimum <i>rear setback</i></b>	3.0 m (9.8 ft.)
7.1.8 <b>Minimum <i>setbacks</i> from A1 Zone</b>	15.0 m (49.2 ft.) [see section 3.11]
7.1.9 <b>Maximum <i>parcel coverage</i></b>	35% of the <i>parcel area</i>
7.1.10 <b>Maximum number of <i>single detached houses</i></b>	1 per <i>parcel</i>
7.1.11 <b>Minimum <i>building width of principal building</i></b>	5.5 m (18.0 ft.)
7.1.12 <b>Maximum <i>building height</i>:</b>	
.1 <i>Principal buildings</i>	9.0 m (29.5 ft.) to a maximum of 3 <i>storeys</i>
.2 <i>Accessory buildings and structures</i> (see Section 3.17)	5.0 m (16.4 ft.)

# 13.1 PARK AND OPEN SPACE

# P1

**Purpose:** To accommodate parks and recreational open space and other associated uses.

## PERMITTED USES TABLE FOR P1 ZONE

### 13.1.1 Permitted uses, buildings and structures:

- .1 Parks and playgrounds;
- .2 *Conservation area*;
- .3 Ecological reserves;
- .4 Gift and snack shop;
- .5 *Golf courses*;
- .6 *Golf driving ranges*;
- .7 Interpretive centre;
- .8 *Recreation services, outdoor*;
- .9 *Dwelling unit*;
- .10 *Accessory buildings and structures*. (See Section 3.17)
- .11 *Religious or non-denominational camps*
- .12 **On part of Lot 2, Plan 1965, (except plans 2570 and B7383), DL 3329 ODYD, only the following site specific uses are permitted: 26 residential dwelling units, accessory buildings, parking areas, and tennis court.**

Bylaw  
871-25

Bylaw  
871-51

Bylaw  
871-97

## REGULATIONS TABLE FOR P1 ZONE

Column 1	Column 2
13.1.2 <b>Minimum <i>parcel frontage</i></b>	30.0 m (98.4 ft.)
13.1.2 <b>Minimum <i>front setback</i></b>	4.5 m (14.8 ft.)
13.1.3 <b>Minimum <i>side setback</i></b>	3.0 m (9.8 ft.)
13.1.4 <b>Minimum <i>corner side setback</i></b>	4.5 m (14.8 ft.)
13.1.5 <b>Minimum <i>rear setback</i></b>	3.0 m (9.8 ft.)
13.1.6 <b>Minimum <i>setbacks from A1 Zone</i></b>	15.0 m (49.2 ft.) [see section 3.11]
13.1.7 <b>Maximum <i>parcel coverage</i></b>	35% of the <i>parcel area</i>
13.1.8 <b>Maximum number of <i>single detached houses</i></b>	1 per <i>parcel</i>
13.1.9 <b>Maximum <i>building height</i></b>	9.0 m (29.5 ft.)

Bylaw  
871-215

# 13.2 INSTITUTIONAL AND ASSEMBLY

# P2

**Purpose:** To accommodate administrative, institutional and service uses.

## PERMITTED USES TABLE FOR P2 ZONE

### 13.2.1 Permitted uses, buildings and structures:

- .1 *Clubs and lodges;*
- .2 *Cemeteries;*
- .3 *Community and assembly halls;*
- .4 *Day care centre, major;*
- .5 *Day care centre, minor;*
- .6 *Emergency and protective services;*
- .7 *Extended medical treatment facility;*
- .8 *Group home, major;*
- .9 *Education service facility;*
- .10 *Libraries, museums and art galleries;*
- .11 *Recreation services, indoor;*
- .12 *Religious assembly facility;*
- .13 *Restaurant;*
- .14 *Temporary shelter services;*
- .15 *Transportation station;*
- .16 *Accessory buildings and structures. (See Section 3.17)*
- .17 *Religious or non-denominational camps*
- .18 *Recreation Services, Outdoor*

Bylaw  
871-51

Bylaw  
871-51

**13.2.2 Additional Permitted Use and Buildings:** Dormitory use and building(s) are only permitted where a use listed in Section 13.2.1 exists on the parcel.

## REGULATIONS TABLE FOR P2 ZONE

Column 1	Column 2
13.2.3 <b>Minimum <i>parcel area</i></b>	700 m <sup>2</sup> (7,535 sq. ft.)
13.2.4 <b>Minimum <i>parcel frontage</i></b>	18.0 m (59.0 ft.)
13.2.5 <b>Minimum <i>front setback</i></b>	4.5 m (14.8 ft.)
13.2.6 <b>Minimum <i>side setback</i></b>	3.0 m (9.8 ft.)
13.2.7 <b>Minimum <i>corner side setback</i></b>	4.5 m (14.8 ft.)
13.2.8 <b>Minimum <i>rear setback</i></b>	3.0 m (9.8 ft.)
13.2.9 <b>Minimum <i>setbacks from A1 Zone</i></b>	15.0 m (49.2 ft.) [see section 3.11]
13.2.10 <b>Maximum <i>parcel coverage</i></b>	50% of the <i>parcel area</i>
13.2.11 <b>Maximum <i>building height</i></b>	12.0 m (39.4 ft.)

### 3.11 Setback and Buffering from ALR

Bylaw  
871-204

#### Standard Setback

1. The required minimum *setback* of the *principal building* from land in the A1 zone or Agricultural Land Reserve is 15.0 m (49.2 ft.) as set out in the regulations table for each *zone*, except where provisions of Section 23 (1) of the Agricultural Land Commission Act apply, the applicable setback for the zone applies.

#### Reduced Setback in RU and R zones

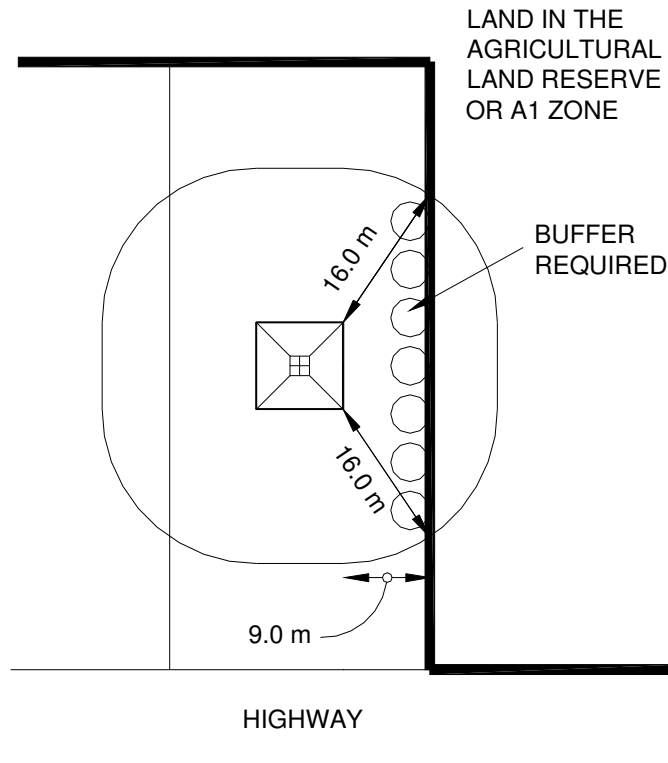
2. In an RU and *R zone*, the required *setback* of the *principal building* from the A1 zone or *ALR* is reduced to 9.0 m (29.5 ft.) if a level 1 buffer is provided and maintained.

#### Level 1 Buffer Requirements

3. When required, a level 1 buffer shall be provided and maintained in an *R zone* in the following location:
  - a) along the *parcel* line adjacent to the A1 zone or *ALR* boundary, and
  - b) along a *parcel* line located across a *lane* from the A1 zone or *ALR* boundary.
4. When required, a level 1 buffer shall be provided and maintained in an *RU zone* in the following location:
  - a) Along the *parcel* line adjacent to the A1 zone or *ALR* boundary, where the *parcel* line is located within 16.0 m (52.5 ft.) of any part of the *principal building*, as shown in Figure 3.1, and
  - b) Along the *parcel* line located across a *lane* from the A1 zone or *ALR* boundary, where the *parcel* line is located within 16.0 m (52.5 ft.) of any part of the *principal building*.

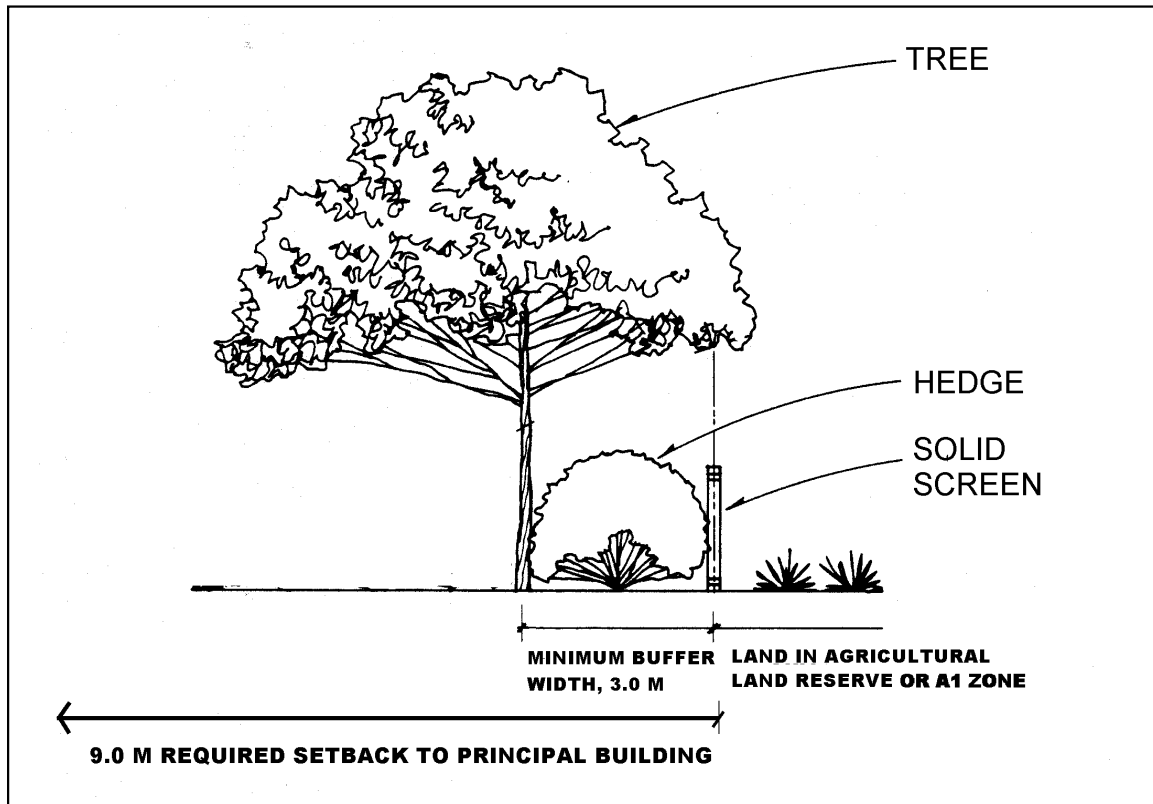


Figure 3.1  
Buffer in RU zone



5. A level 1 buffer shall be 3.0 m (9.8 ft.) wide and consist of
  - a) a *solid screen* at least 2.0 m (6.6 ft.) high located along the *parcel* line adjacent to land in the A1 zone or *ALR*, and
  - b) a continuous screening evergreen hedge with plants at less than 1.0 m (3.3 ft.) on centre, and
  - c) trees at least 2.0 m (6.6 ft.) high, with a trunk diameter of at least 5.0 cm (2.0 in.) measured 15.0 cm (6.0 in.) above the ground, planted at less than 5.0 m (16.4 ft.) on centre, as illustrated in Figure 3.2 below

Figure 3.2  
Level 1 Buffer





July 3, 2019

Brittany Lange, Planner  
Regional District of Central Okanagan  
1450 KLO Road Kelowna BC V1X 3Z4  
[planning@cord.bc.ca](mailto:planning@cord.bc.ca)

Z19/01  
NX2019-85976

Dear Brittany Lange,

**RE: LUCA Bylaw No. 247-04  
Zoning Amendment Bylaw No. 871-252**

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Thank you for the opportunity to provide comments on the above referenced Land Use Contract Discharge & Zoning Bylaw Amendment Referral from the viewpoint of our policies and regulations governing onsite sewage disposal systems and water supply.

The Ministry of Community, Sport, and Cultural Development has proposed a minimum parcel size of one hectare as sustainable in the long term when needing to be independent for onsite water and sewer servicing. Interior Health supports and recommends this minimum parcel size.

Interior Health has concerns regarding long term sustainability of lots less than 700m<sup>2</sup> needing to be independent for servicing, particularly with the addition of a secondary suite.

For existing lots with onsite sewage disposal systems looking to add a secondary suite, it is recommended that the applicant retain the services of an Authorized Person (AP) to provide documentation to support that the proposal will not conflict with the existing on-site sewage disposal system. An increase in daily design flow necessitates an “upgrade” to the system meaning that it must meet all current regulations and standards. Further, it is recommended that the applicant provides evidence that there is adequate reserve area for a type I system on the lot prior to allowing the addition of a secondary suite. Alternatively, connection to community sewer should be considered as a long term approach to sustainability in this development.

Please note at the subdivision stage, it is recommended that the applicant retain the services of an AP to provide a report indicating that there is room for a primary and reserve type I septic system for a four bedroom residence to ensure the long term sustainability of the lot.

If you have any questions, concerns or require additional explanation, please email [HBE@InteriorHealth.ca](mailto:HBE@InteriorHealth.ca) or phone toll free at 1-855-744-6328, then choose the HBE option.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol Leung', with a stylized flourish extending to the right.

Carol Leung  
Environmental Health Officer – Environmental Management  
Copy sent by email



July 4, 2019

File: Z19/01

RDCO Planning Services  
Regional District of Central Okanagan  
1450 KLO Road  
Kelowna, B.C. V1W 3Z4  
Via E-mail: [planning@cord.bc.ca](mailto:planning@cord.bc.ca)

Re: RDCO Referral Z19/01 Land Use Contract Discharge No. 247-04 and Zoning Bylaw No. 871-252

To the Regional District of Central Okanagan,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the discharge of Land Use Contract (LUC) No.247 and zoning of the subject properties to R1, P1, and P2 located within the Scotty Creek Subdivision. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- Ministry staff positively note that following the LUC discharge, future development within the Scotty Creek subdivision along the Agricultural Land Reserve (ALR) will be subject to buffer requirements as per Section 3.11 of the RDCO Zoning Bylaw No. 871.
- The Ministry's Guide to Edge Planning generally suggests a greater vegetative buffer width of 15m, in addition to fencing, to further mitigate and protect residences from current and future farming disturbances.
- Future development within the Scotty Creek Subdivision next to agricultural lands should be done with the knowledge that adjacent parcels are designated for farming. There are many activities associated with the business of farming that may generate noise, dust, odours, and other disturbances. These activities may potentially create nuisance complaints and land use conflict if not adequately addressed.
- It would be beneficial to include a strategy to disseminate information that will educate/inform potential residents of the *Farm Practices Protection Act* which allows normal farm practices to occur on neighbouring agriculture property despite complaints of impact to non-farm residences.

If you have any questions please contact me directly at [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca) or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag., Regional Agrologist  
B.C. Ministry of Agriculture – Kelowna  
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E-mail: [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca)

Email copy: Sara Huber, ALC Regional Planner, [Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)