

**Minutes of the PUBLIC HEARING of the Regional District of Central Okanagan held in the Regional District's Woodhaven Boardroom, 1450 KLO Road on Monday, July 29, 2019**

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Directors: J. Baker (District of Lake Country)  
M. Bartyik (Central Okanagan East Electoral Area)  
C. Basran (City of Kelowna)  
W. Carson (Central Okanagan West Electoral Area)  
M. DeHart (City of Kelowna)  
C. Fortin (District of Peachland)  
G. Given (City of Kelowna)  
S. Johnston (City of West Kelowna)  
G. Milsom (City of West Kelowna)  
B. Sieben (City of Kelowna)  
L. Stack (City of Kelowna)  
L. Wooldridge (City of Kelowna)  
T. Konek (Westbank First Nation)

Absent: C. Hodge (City of Kelowna)

Staff: B. Reardon, Chief Administrative Officer  
T. Cashin, Director of Community Services  
B. Lange, Planner  
M. Drouin, Manager-Corporate Services (recording secretary)

**WOOLDRIDGE/DEHART**

THAT the presentation for years of service for retiring Fire Chief, Don Bennison, be moved from the regular Board meeting.

**CARRIED** Unanimously

*Staff presented Don Bennison a 10 year dedication medal for his service to the RDCO. As well, Renee Beck was introduced as the new fire chief of the Wilsons Landing Fire Department.*

Chair Given brought the Public Hearing to order at 7:05 p.m. and acknowledged that this Public Hearing is being held on the traditional territory of the Syilx/Okanagan Peoples.

This Special Meeting is being held for the purpose of considering amendments to the RDCO Zoning Bylaw No. 871.

The **Public Hearing was advertised** (pursuant to the *Local Government Act*) in the Kelowna Capital News 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 bylaws. 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 bylaws 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 bylaws 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 bylaws 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.

The Chair introduced the following bylaw:

**1. APPLICANT:** Regional District of Central Okanagan

- a) Land Use Contract Amendment Bylaw No. 247-4  
Received First Reading June 24, 2019  
(Central Okanagan East Electoral Area)
- b) Zoning Amendment Bylaw No. 871-252 (RDCO file: Z19/01)  
Received First Reading June 24, 2019  
(Central Okanagan East Electoral 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'

Located within the Scotty Creek Subdivision in the Ellison area.

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**Staff:**

Staff report outlined the requirement 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.

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.

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).

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".

Referral comments were outlined. To date no comments were received from the public.

*Director Stack arrived at 8:17 p.m.*

**Board:**

Staff explained that secondary suites are not currently permitted under the LUC. The Board has given first reading to a bylaw regarding secondary suites and a public hearing will be held in the fall. Staff explained why some properties are in the boundary of the LUC and others are not. They have the same zone which will apply to these lands – R1 zone.

**Public:**

- Don McRae – 3441 Esquire Road. Believes secondary suites should be allowed.
- Don Ferry – 4870 Daryl Rd. What happens with suites currently in place?
- Lori Ferry – 4870 Daryl Rd Concern expressed regarding septic regulations. It was noted that Interior Health is responsible for septic regulations.
- Cindy Binette – 3310 Marion Road, concerned with buffering requirements. What will occur with current homes next to agricultural land?
- Andrea Finnamore - 3445 Norwood Road – concern RDCO does not know where current septic systems are located on property. What is the hardship fund?
- Edna Thiessen – Scotty Heights resident. Concerned secondary suites not allowed versus a Bed and Breakfast. What is the difference? Wants suites to be allowed.

**Staff:**

- Staff answered questions raised: comments on septic should be addressed with IHA and may be brought forward to the public hearing for secondary suites; buffering: there is no requirement for buffering in the LUC--residents are required to do their own buffering on their land; sewage system – where a septic system is located is available through the IHA; hardship fund is through the Local Government Act but has nothing to do with septic systems; R1s applications for site specific secondary suites may be considered once the moratorium is lifted; bylaw enforcement for illegal secondary suites is by complaint; Bed & Breakfast accommodation is short term--no more than 30 days unlike a permanent secondary suite.

**Board:**

- If community sewer in the future there would need to be a boundary adjustment with the City of Kelowna.
- Today a subdivision such as this would not be allowed without a community sewer and water.
- There are three legal suites in the subdivision area. As far as illegal suites, the numbers are unknown.
- Secondary suite approval is through a rezoning process with the Board.

There were no further comments and the Public Hearing for this application was terminated at 7:40 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

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G. Given (Chair)

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B. Reardon (Director of Corporate Services)