

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, June 22, 2020

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) (*via electronic attendance*)
G. Given (City of Kelowna)
C. Hodge (City of Kelowna)
S. Johnston (City of West Kelowna) (*via electronic attendance*)
B. Sieben (City of Kelowna)
L. Wooldridge (City of Kelowna)

Absent: G. Milsom (City of West Kelowna)
L. Stack (City of Kelowna)
J. Coble (Westbank First Nation) (*via electronic attendance*)

Staff: B. Reardon, Chief Administrative Officer
T. Cashin, Director of Community Services
D. Komaik, Director of Engineering Services
B. Lange, Environmental Planner
M. Rilkoff, Director of Financial Services
M. Drouin, Manager Corporate Services (recording secretary)

Chair Given brought the Public Hearing to order at 7:00 p.m. and acknowledged that this Public Hearing is being held on the traditional territory of the Syilx/Okanagan Peoples.

Roll call was taken as some board members were in attendance electronically due to physically distancing for COVID-19 pandemic.

This Special Meeting is being held for the purpose of considering amendments to RDCO Zoning Bylaw 871

The **Public Hearing was advertised** (pursuant to the *Local Government Act*) in the Kelowna Capital News on Wednesday, June 10 and June 17, 2020.

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: S. & P. Sandher

Zoning Amendment Bylaw No. 871-251
(RDCO File: Z18/06)
Received First Reading: July 18, 2019
(Central Okanagan East Electoral Area)

To amend the zoning on Lot D, District Lots 121 and 122, ODYD, Plan KAP63914 to permit Temporary Agricultural Worker Dwellings and to vary setbacks to approve the location of existing Temporary Agricultural Worker Dwellings and Accommodation.

Staff:

Staff report dated June 22, 2020 outlined the application. Staff presented the amendments to the bylaw.

The Regional Board granted first reading to Zoning Amendment Bylaw No. 871-251 on July 18, 2019. On January 27, 2020, Board resolution #142/19 was amended such that scheduling of a Public Hearing be withheld pending receipt of the following:

- *A draft covenant prohibiting new Temporary Agricultural Worker Dwellings and Accommodation on neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd; and,*
- *Written confirmation that a covenant which achieves Zoning Bylaw No. 871, Section 3.25.9 requirements will be registered prior to final adoption on the subject property.*

RDCO staff received the required documentation confirming the two (2) covenants have been registered.

Proposal:

The subject property forms part of a large agricultural operation. The agricultural property includes accommodation for approximately 102 farm workers on-site, which allows for operational efficiency of a centralized site to coordinate and transport workers, plus the social benefit of common housing.

The following is an overview of the accommodation provided on-site:

- 24 temporary farm worker housing (TFWH) located within three atco trailers (~1,300ft²),

- 18 TFWH located within an accessory home/agricultural dwelling (~2,034 ft²), and
- 60 TFWH located within a residential lodge (~5,180 ft²).

The owners previously received conditional approvals in 2013 and 2016 (File: TUP-13-01) to permit temporary farm worker housing (TFWH) on the subject property. At the time, Zoning Bylaw No. 871 did not have provisions to allow TFWH.

On March 28, 2014, the Regional Board adopted a Zoning Bylaw text amendment to allow TFWH on properties subject to a specific list of conditions and requirements. The accessory home/agricultural dwelling, lodge and three atco trailers were placed on the property prior to the Regional District's current Temporary Farm Worker Dwelling and Accommodation regulations. The TUP has expired and is not eligible for a renewal; therefore, the applicant is requesting a site-specific rezoning to recognize the TFWH use occurring.

The TFWH at the subject property does not achieve the following provisions of Zoning Bylaw No. 871, Section 3.25 Temporary Agricultural Worker Dwellings and Accommodation:

- The maximum building gross floor area on the property utilized for TFWH is greater than 250m².
- The minimum setback from a parcel line is less than 15.0 m.
- The maximum setback from the principal building is greater than 15.0 m.
- Two of the structures have permanent foundations.

Servicing:

Water

Glenmore Ellison Improvement District provides the property with potable water. GEID has indicated that the owner has satisfied all requirements for the existing TFWH.

Sewerage Disposal

Through the building permit process, RDCO is in receipt of on-site sewerage disposal system information which confirms that the buildings are adequately serviced.

Agency referrals were outlined.

In accordance with Development Applications Procedures Bylaw No. 944, a Notice of Application Sign has been posted. Subsequent to the Public Hearing notification process, up to and including the date of this report, no letters of support and two (2) letters of opposition have been received regarding this application.

Board:

- A question was raised whether the property is on sewer? There is septic and no comments were received from Interior Health.
- The letters of opposition were received last year prior to first reading.

Public:

There were no comments from the public.

There were no further comments and the Public Hearing for this application was terminated at 7:15 p.m.

2. APPLICANT: S. Schoenherr (agent: G. Fedoriuk)

- a) South Slopes Official Community Plan Amendment Bylaw No. 1304-02
(RDCO file: Z19/06)
Received First Reading April 27, 2020
Central Okanagan East Electoral Area

To amend the Future Land Use Designation on part of the South ½ of Section 36, Township 29, ODYD from Rural Resource to Parks and Natural Open Space.

- b) Zoning Amendment Bylaw No. 871-258
(RDCO file: Z19/06)
Received First Reading April 27, 2020
Central Okanagan East Electoral Area

To amend the zoning from RU1 Rural 1 to CL8 Conservation Lands, P1 Park and Open Space, and F1 Forest Resource, and a site-specific amendment to permit adventure eco-tourism as a use in the CL8 Conservation Lands zone.

Staff:

Staff report dated June 22, 2020 outlined the application. Staff presented the amendments to the bylaw.

The subject property is bisected by KLO Creek and the corridor surrounding the creek has historically been utilized for recreational purposes. The majority of the 129 ha (320 acre) parcel remains in a natural state with the exception of the existing outdoor recreational aerial adventure park, ropes and challenge course known as Myra Canyon Adventure Park. Through the amendment applications, the applicant intends to continue the use which is not currently permitted in the zoning bylaw and historically permitted under a Temporary Use Permit.

The subject property is currently zoned RU1 Rural 1, this zone is intended to accommodate rural and agricultural uses on parcels that are 30 hectares or greater and located outside the Land Reserve and allows for a variety of permitted uses.

The existing land use designation in the South Slopes Official Community Plan (OCP) is Rural Resource, intended for privately owned large rural lots with minimal services. Private lands within this designation are intended to support resource industries such as cattle range, agriculture, timber harvest and gravel extraction as well as outdoor recreation on large parcels (30 ha or larger).

Myra Canyon Adventure Park has been previously supported by the Regional Board on a portion of the subject property under a Temporary Use Permit and upon expiry of the TUP, a Board resolution to not pursue active enforcement on the operation subject to various conditions. One of these conditions was the preparation and submission of an OCP and zoning amendment application.

The business provides an outdoor based activity site for families with children of all ages as well as for leisure and corporate groups, including school classes. Currently, Myra Canyon Adventure Park utilizes an approximate 5.85 ha (14.2 acres) portion of the 129 ha (320 acre) property which includes a ropes and challenge course area, zip-lines, and a parking area. No permanent buildings are associated with the business and it operates with minimal negative environmental impact.

The Temporary Use Permit was conditionally approved for three years by the Regional Board on April 22, 2013. In 2013, the intent of the original applicant was to obtain approval of the TUP and establish the business while continuing negotiations with the property owner for a long-term lease and/or purchase of the property. Since the initial application, Planning staff has communicated that a permanent remedy must be accomplished via submission of, and approval of both an OCP and zoning amendment application.

On April 11, 2019 the Regional Board was informed that the owner had engaged with a consultant to develop a land use proposal for consideration by the Board and intended to submit a comprehensive development zone application later in the year.

Since this time, the owner engaged Greg Fedoriuk to represent the owners' interests in the property. Mr. Fedoriuk is the current operator of Myra Canyon Adventure Park and has continued operation of the business in a manner that complies with the previous TUP conditions.

RDCO Parks Services has had ongoing interests in the KLO Creek corridor as a future trail and greenway connection between KLO Creek Regional Park, Scenic Canyon Regional Park and Myra-Bellevue Provincial Park. The KLO Creek trail corridor and greenway connectivity between these adjacent parks is supported in the South Slopes Official Community Plan. In 2013, the RDCO was presented with the opportunity to secure a trail access along KLO Creek, as part of the TUP requirements. The agreement entered into between the RDCO and owner in 2014 allowed the RDCO to fulfill this trail connection for multi-use recreation purposes between Regional Parks, and Myra-Bellevue Provincial Park which was actively used for recreation.

Agency referral comments were highlighted.

Subsequent to the Public Hearing notification process, up to and including the date of this report, one letter of support and no opposition have been received regarding this application. Further to posting the agenda, information was received from the Friends of South Slopes.

Board:

- Were any species at risk identified? The province indicated that there were but did not provide specifics.

Agent:

- There were no comments

Public:

- Daphne Richard, spokesperson for Friends of the South Slopes, addressed the Board. Support for the application. Outlined recommendations in their June 22 correspondence e.g.: would like to see the applicant pursue the outdoor activities in the northern boundary; commented on protection of the KLO Creek Corridor and would like to see guaranteed access to Myra Bellevue Provincial Park, and beyond.

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

CERTIFIED TO BE TRUE AND CORRECT

G. Given (Chair)

B. Reardon (Director of Corporate Services)