

Minutes of the PUBLIC HEARING of the Regional District of Central Okanagan held at Regional District Offices, 1450 KLO Road, Kelowna, B.C. on Monday, April 25, 2022.

Directors:
(In Person) L. Wooldridge, Chairperson (City of Kelowna)
R. de Jong, Alternate for G. Milsom, Vice Chairperson (City of West Kelowna)
M. Bartyik (Central Okanagan East Electoral Area)
C. Basran (City of Kelowna)
W. Carson (Central Okanagan West Electoral Area)
M. DeHart (City of Kelowna)
G. Given (City of Kelowna)
S. Johnston (City of West Kelowna)
B. Sieben* (City of Kelowna)
L. Stack (City of Kelowna)

Directors:
(Electronically) J. Baker (District of Lake Country)
C. Fortin* (District of Peachland)
C. Hodge* (City of Kelowna)
J. Coble (Westbank First Nation)

Staff:
(In Person) B. Reardon, Chief Administrative Officer
C. Griffiths, Director of Corporate Services/Deputy CAO
T. Cashin, Director of Community Services
M. Kopp, Director of Parks Services
K. Needham, Corporate Officer
S. Horning, Supervisor-Corporate Services (Recording Secretary)
S. Ballan-Brown, Corporate Services Executive Assistant
M. Czarny, Planner

Staff:
(Electronically) J. Foster, Director of Corporate Communications
D. Komaike, Director of Engineering Services
T. Kendel, Manager of Engineering Services

(* denotes partial attendance)

1. PUBLIC HEARING INTRODUCTION

Chairperson Wooldridge commenced the public hearings at 7:00 p.m.

It was acknowledged that these public hearings are being held on the traditional territory of the syilx/Okanagan people.

Noted as these are public hearings, a live audio-video feed is being broadcast and recoded on rdco.com.

Everyone who wishes to speak at a Public Hearing shall be given the opportunity to be heard. No one will be, or should feel, discouraged or prevented from making their views known. However, it is important that all who speak at this hearing

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. The main function of the Regional Board members this evening; however, is to listen to the views of the public. It is not the function of the Regional Board at the public hearing to debate the merits of the proposed bylaw with individual citizens.

No decision will be made at the public hearing, but the bylaws that are the subject of the hearing will be considered by the Regional Board at the regular meeting following the close of the public hearing.

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

2. CALL TO ORDER - Public Hearing #1 for Z20-07 (LUC258 Termination) - Multiple Properties (Shelter Cove and Timber Ridge)

Chairperson Wooldridge called Public Hearing #1 to order at 7:02 p.m.

Roll call was taken as some Board members appeared electronically.

Advised this Public Hearing is being held for the purpose of terminating Land Use Contract Bylaw No. 258 and considering an amendment to the RDCO Rural Westside Official Community Plan Bylaw No.1274, 2010 and Zoning Bylaw No. 871, 2000.

The role of the Regional Board is to hear representation from those persons who wish to provide comments regarding the bylaws that are the subject of this hearing.

3. NOTICE

The Corporate Officer provided information on notice to the public, including posting at the public notice place, advertising on April 7, 14 and 21, 2022 in the Kelowna Capital News, and mailing 93 notices to property owners and adjacent properties on April 5, 2022.

Advised of the following correspondence received as of 4:00 pm, April 25, 2022 regarding the proposed bylaws:

- Letters of Comment – 5 submissions

4. APPLICATION FOR CONSIDERATION - Public Hearing #1

- 4.1 Z20-07 (LUC258 Termination) - Multiple Properties (Shelter Cove and Timber Ridge) (EA West)

Staff:

- Displayed a PowerPoint presentation summarizing the Land Use Contract Termination, OCP Amendment and Rezoning application.

Director Sieben joined the meeting at 7:08 p.m.

Director Hodge joined the meeting at 7:12 p.m.

Staff:

- Responded to questions from the Board.

Public:

Barry Waite, Agent for Arcos Group:

- Arcos Group has entered into a contract to purchase Timber Ridge in March of 2022
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.
- Expressed a concern that there is not a clear delineation between the “Shelter Cove” portion of the property and the “Timber Ridge” portion of the property.
- Advised that the Arcos Group will work with staff to ensure that the property is developed appropriately.

Al Tunningley, Resident of Shelter Cove:

- Resident of Shelter Cove for 30 years.
- Previous member of the Shelter Cove Board.
- Provided historical background regarding the property and the unique land tenure.
- Provided historical background regarding previous strata subdivision applications.
- Shelter Cove is not a co-op or a strata. It's a shared ownership arrangement where each lot owner owns shares in Shelter Cove and an undivided interest in the land.
- Spoke to Schedule “B” of the Land Use Contract, which defines each lot, but the lot numbers are not actually recorded at the Land Title Office.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.
- Submitted speaking notes.

Bob Hefferin, Resident of Shelter Cove:

- Owner of Lot 15.
- Provided historical background regarding building permits and services for Shelter Cove.
- Spoke to the ongoing issues and concerns regarding subdivision of the property.
- Posed a number of questions to staff and the Board.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.

Paul Kos, Resident of Shelter Cove:

- Noted that the Shelter Cove Board submitted its written response to the application.
- Expressed concerns for the ability of Shelter Cove to operate into the future.
- Requested that the Board not approve the zoning until the questions the Shelter Cove Board has have been answered.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.

Tom Mullen, Resident of Shelter Cove:

- Advised Shelter Cove has been operating under the current land tenure model for the past 30 years. The internal lots have all be designated and agreed upon by all of shareholders.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.

Daren Light, Resident of Shelter Cove:

- Purchased a lot in Shelter Cove in August of 2020 with the purpose of it being a recreational property to put an RV on it.
- Have obtained building and development permits and spent a considerable amount of money to develop the lot. The property development is close to completion.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.

Alan Huber, Resident of Shelter Cove:

- Purchased his first lot in 1992 with a goal to retire to Kelowna. Purchased a second lot in 2001 as a retirement investment and plan to develop it.
- For over 30 years he has taken pride in the area and paid toward community improvements.
- Posed questions to the Board and staff.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.
- Submitted speaking notes.

Dave Mori, D.E. Pilling & Associates Ltd.:

- Spoke to the development potential of a RU5 lot and what is currently on the site, including recreational uses.
- Spoke to the challenges of rezoning the property to RU5.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.
- Responded to questions from the Board.

Dale Pilling:

- As an engineer, he has been involved with developments for the past 40 years.
- Spoke to the challenges of rezoning the property to RU5.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.
- Responded to questions from the Board.

Scott Henrickson, Resident of Shelter Cove:

- Purchased Lot 23 just under a year ago.
- His lot has a RV on it. He has a sewer and septic permit and a water license.
- Was planning on developing the lot in the future and is concerned that proposed zoning will impact that future development of the lot.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.

Brent Pearson, Resident of Shelter Cove:

- He is a Canadian citizen currently residing in the United States.
- This property is a second home.
- Spoke to the challenges he faces when trying to obtain building permits from the RDCO.
- Spoke to need for a strata corporation.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.

Steve Marshall, Resident of Shelter Cove:

- Owner of Lot 20 for the past 20 years.
- Spoke to the historical background of his property.
- Spoke to the challenges in obtaining bank financing due to the way the Shelter Cove ownership is set up.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.

Director Fortin joined the meeting at 8:08 p.m.

Hardy Wentzel, Resident of Shelter Cove:

- Has resided in Shelter Cove for the past 20 years.
- Stable community who has operated as a strata for the past 30 years.
- Has served on the Board of Shelter Cove for many years and is currently part of the management committee.
- Spoke to previous discussions with the previous Director of Planning.
- Spoke to the past challenges with respect to the subdivision of the property.
- Expressed concerns with the proposed land use contract termination, OCP amendment and rezoning.

Board/Staff Discussion:

- Staff advised that a subdivision application to the province would be required to recognize the existing lots lines as that could not be accomplished through the RU5 rezoning process.
- Staff advised that only one (1) development variance application would be required to address the variances being requested by the property owners.
- Staff confirmed that the RU5 zone is the best fit for the subject property and clarified that a comprehensive development zone is generally recommended for mixed-use developments.
- Staff clarified 'legal non-conforming uses' as defined in the *Local Government Act*.
- Staff spoke to the land use contract termination process.
- Staff spoke to the building permit process.
- Staff spoke to the development variance application process.
- Staff spoke to the proposed zoning for the Timber Ridge portion of the property.

- Staff confirmed that any subdivision or strata subdivision application would be made to the Ministry of Transportation & Infrastructure and not the RDCO.
- Staff confirmed that the proposed RU5 zone complies with the policies and the area's Official Community Plan.
- Staff advised that the RDCO has been supportive of a proposed subdivision in the past, it was the Province that did not support it.
- Staff advised that the underlying zone for the property once the land use contract is terminated, and the property is not rezoned to RU5, is the C5 Commercial Resort zone.
- Staff spoke to the potential for development of the under C5 zone.
- Staff spoke to the process for a site-specific text amendment.
- Staff spoke to the process for a comprehensive development zone.

There were no further comments.

5. CLOSE PUBLIC HEARING #1

Chairperson Wooldridge declared Public Hearing #1 closed at 9:24 p.m.

6. CALL TO ORDER - Public Hearing #2 for Z21-07 (LUC194 Termination) 3850 Westside Road

Chairperson Wooldridge called Public Hearing #2 to order at 9:34 p.m.

Roll call was taken as some Board members appeared electronically.

Advised this Public Hearing is being held for the purpose of terminating Land Use Contract Bylaw No. 194 and considering an amendment to the RDCO Zoning Bylaw No. 871, 2000.

The role of the Regional Board is to hear representation from those persons who wish to provide comments regarding the bylaws that are the subject of this hearing.

7. NOTICE

The Corporate Officer provided information on notice to the public, including posting at the public notice place, advertising on April 14 and 21, 2022 in the Kelowna Capital News, and mailing 10 notices to property owners and adjacent properties on April 5, 2022.

Advised the only correspondence received as of 4:00 pm, April 25, 2022 regarding the proposed bylaws was from the Property Owners and their Agent in support of their application.

8. APPLICATION FOR CONSIDERATION - Public Hearing #2

8.1 Z21-07 (LUC194 Termination) - 3850 Westside Road (EA West)

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Evelyn Morin, Property Owner/Applicant:

- Introduced John Murray who will be addressing the Board on behalf of herself and her husband.

John Murray, Applicant's Agent:

- Displayed a PowerPoint presentation.
- Outlined the rationale for the application and provided an overview of the proposed future development for the site.
- Responded to questions from the Board.

Staff:

- Responded to questions from the Board.

There were no members of the public who wished to speak.

9. CLOSE PUBLIC HEARING #2

Chairperson Wooldridge declared Public Hearing #2 closed at 9:52 p.m.

L. Wooldridge, Chairperson

K. Needham, Corporate Officer

/slh