

**Minutes of the PUBLIC HEARING of the Regional District of Central Okanagan held in the Woodhaven Board Room, Regional District Offices of Kelowna on Monday, January 22, 2018**

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Directors:

J. Baker (District of Lake Country)  
C. Basran (City of Kelowna)  
W. Carson (Central Okanagan West Electoral Area)  
M. DeHart (City of Kelowna)  
R. de Jong (City of West Kelowna)  
D. Findlater (City of West Kelowna)  
C. Fortin (District of Peachland)  
G. Given (City of Kelowna)  
T. Gray (City of Kelowna)  
M. Bartyik, alternate for P. Hanson (Central Okanagan East Electoral Area)  
C. Hodge (City of Kelowna)  
B. Sieben (City of Kelowna)  
L. Stack (City of Kelowna)

Staff:

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

Chair Given brought the Public Hearing to order at 7:00 p.m.

This Special Meeting is being held for the purpose of considering amendments to the Joe Rich Rural Land Use Bylaw No. 1195 and RDCO Zoning Bylaw No. 871

The **Public Hearing was advertised** as follows:

- The Capital News on Friday, January 12, 2018 and Wednesday, January 17, 2018 (pursuant to the *Local Government Act*).

In accordance with the Development Applications Procedure Bylaw No. 944, a 'Notice of Application' sign was also posted on the subject property.

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. It is important that all who speak at this meeting restrict their remarks to matters contained in the bylaw and it is the responsibility as Chair of this meeting to ensure that all remarks are so restricted.

Members of the Regional Board may if they so wish, ask questions following the presentation, however noted that 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 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. i) **OWNERS:** K. Gibbard & L. King  
  
AGENT: P. Schuster, Novation Design Studio
- ii. Joe Rich Rural Land Use Amendment Bylaw No. 1195-12 (Our file: RLUB-16-01)  
Received First Reading May 30, 2017  
Central Okanagan East Electoral Area

To amend the Joe Rich Rural Land Use Bylaw No. 1195 from Rural Acreage (RA) to Small Holdings 2 (SH-2) on a part of Lot A, District Lot 3459, ODYD, Plan EPP52578 located adjacent to Highway 33.

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**Staff:**

Staff report dated January 15, 2018 outlined the application.

The owners of two adjacent properties wish to adjust the property lines so that one parcel will contain the existing residential footprint and the second will be a large agricultural property. No new parcels will be created and the number of dwelling units permitted would remain unchanged. In addition to the RDCO land use designation amendment application, a Ministry of Transportation and Infrastructure (MOTI) application will be required to permit the boundary adjustment.

The owners continue to farm two parcels (Lot A and Lot 1); however, this proposal is to operate Red Star Ranch on one legal parcel. The intent is to adjust the property lines to create a 2.67 ha parcel containing an existing residential footprint and consolidate the remainder of Lot A with adjoining Lot 1 to create a large 15.49 ha agricultural property. The outcome of the boundary adjustment would provide for the majority of the farm operation to be contained within one larger agricultural parcel. The other parcel would contain the homestead. In addition, instead of two parcels being bisected by Joe Rich Creek, only one property would cross the stream.

A PowerPoint presentation summarized the application and responded to questions from the Board.

14 letters of support and 15 letters of opposition were received prior to Public Hearing.

**Board:**

- Staff answered questions from the Board:
  - The lot configuration prior to the last boundary adjustment and the new boundary adjustment proposed?
  - The size of properties in close proximity and that they are large agricultural type properties.

- This is a technical subdivision application. There cannot be further subdivision on the lot. The application is simply a lot line adjustment. There are currently two lots, if approved there will be a large lot and small lot and there is no change to the existing allowable density. All lands are in the Agricultural Land Reserve. This remains unchanged. The land has good agricultural capability.

**Applicant:**

- Mr. Schuster addressed the Board.
  - They have been working on the property adjustments for some time--started with 3 lots, will end with 3 lots. There are no future subdivision plans. The land remains in the ALC. They must prove to the ALC the farming viability is better.
  - Better utilizing the farming capability of the land by one large lot. Land is now contiguous.
  - Bridges are needed to reach the agricultural lands.
  - Area of farmable land remains the same.
  - Access points were outlined.
  - The single family homes, hay sheds, utility shed were highlighted.
  - The applicant lives and owns the property highlighted.
  - Configuration for homes doesn't change from original lot configuration.

**Public:**

- Kelly MacMillan, Hwy 33 – concern expressed changing large agricultural land to small acreages/hobby farms. Owns the land west to these lands which is used for ranching. Doesn't believe the application is more agricultural friendly. Concerned what may happen in the future if further subdivision occurs.
- Cam Weddell, Hwy 33. Owns property bordering the lands to the north. Nothing stops other owners from changing their lot sizes. Concerned creating country estates. Limited on type of crops one can grow due to the weather—gets colder in area earlier. Concerned with creek and the amount of water being taken out of the creek. Don't trust the one larger parcel won't be made smaller parcels in the future.
- Jean Frederick, Hwy 33 – concerned regarding moving to small lots. Wants to see farming done.
- Laurie Takoff – Schram Road – concerned that precedence is being set that large holdings are being broken down. People buying small holdings are not farming the land.
- Jason Melhoff - Hwy 33 – concerned a house going to build on the large parcel? Concerned about water availability.
- Louise Fenez - Jackpine Road – Doesn't like to see a hobby farms being developed. Believes the application is going against the Rural Land Use Bylaw.

**Applicant:**

- The Province is responsible for water issues in the creek.
- The creek defines the use of the farm--a front parcel and a rear parcel which needs to be navigated over and through it. There are many hurdles to put a bridge in place.
- Plan is to use the lands for cattle.
- No further subdivision is allowed by the ALR.
- Large lot is more viable to farm and that discussion has occurred with the ALC.
  
- Have you considered developing the land into one large lot? Started with three lots and wants to keep it three lots. They could have sold each lot which would have been three smaller lots instead of one very large lot.

**Public**

- Kelly MacMillan -- believes the land is farmed differently when lot size is reduced.

**Board:**

Questions to staff:

- Does the Board have the ability to ask for a covenant restricting further subdivision? Yes, as part of the bylaw amendment a recommendation could go forward to the provincial approving officer. Technically, there are three levels of governance: ALC would not allow subdivision; RDCO would allow subdivision in the current bylaw; Ministry of Transportation and Infrastructure would make the final decision as the subdivision approving officer.
- Covenant remains on the land if the land were to be sold.
- Current designation for this area is Rural Acreage. The larger agricultural parcels remain, the higher the chances that they will be farmed into the future.
- Staff clarified the allowable density on each lot.

The Public Hearing was terminated at 8:35 p.m.

The Chair introduced the following bylaw:

1. i) **OWNERS:** D. & S. Clark
- ii. Zoning Amendment Bylaw No. 871-244 (Our file: Z17/06)  
Received First Reading August 28, 2017  
Central Okanagan East Electoral Area

To amend the zoning from R1 Single Detached Housing to R1s Single Detached Housing (Secondary Suite) on Lot A, Section 6, Township 24, ODYD, Plan 41175 5065 Scotty Creek Road.

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**Staff:**

Staff report dated January 15, 2018 outlined the application.

The owners wish to add a secondary suite attached by a breezeway to the existing single detached house. The parcel is currently zoned R1 Single Detached Housing, which does not permit a secondary suite. Subsequent to receiving First Reading, the applicants have reduced the proposed length of the breezeway from 30' to 15' 6" inches in response to site constraints.

All technical requirements will be addressed in conjunction with the zoning amendment and building permit process, including achieving setbacks and buffering from the Agricultural Land Reserve. The proposal is technically in compliance with the Okanagan Basin Water Board 1.0 Hectare Policy.

Staff displayed a PowerPoint presentation summarizing the application.

To date, no opposition has been received from affected agencies or neighbouring property owners regarding the application. Two letters of support have been received.

**Board:**

How many other similar applications have there been? Staff: Four similar applications.

**Applicant:**

Dean Clark addressed the Board. They are looking at putting a secondary suite on the property. There are other suites in the neighborhood and they want to do it legally.

**Public:**


No comment


**Board:**

No comment

The Public Hearing was terminated at 8:43 p.m. and adjourned.

**CERTIFIED TO BE TRUE AND CORRECT**

  
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G. Given (Chair)

  
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B. Reardon (Director of Corporate Services)