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. 277, and an amendment to RDCO Zoning Bylaw No. 871.

The Public Hearing was advertised pursuant to the *Local Government Act* as follows:

- The Capital News on Friday, April 13, 2018 and Wednesday, April 18, 2018, and
- The Peachland View on Friday, April 13, 2018

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. However, the main function of the Regional Board members 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.
1.1 Applicant: Regional District of Central Okanagan

1a) Land Use Contract Amendment Bylaw No. 277-10, Received First Reading March 8, 2018 (Central Okanagan West Electoral Area)

1b) Zoning Amendment Bylaw No. 871-242 (RDCO file: Z17/04), Received First Reading March 8, 2018, (Central Okanagan West Electoral Area)

To discharge Land Use Contract No. 277 and to amend RDCO Zoning Bylaw No. 871 by zoning the subject properties as follows:

- The portion of Crown land as shown on Schedule ‘A’
- Lots 10 -12, 14-20, District Lot 1380, ODYD, Plan 33145 as shown on Schedule ‘C’
- Lots 1, 3, 5, District Lots 524 and 1380, ODYD Plan 33145 and Lots 6, 7, 9, 21, 22, 24, 26, District Lot 1380, ODYD Plan 33145 as shown on Schedule ‘D’
- Lots 2 & 4, District Lots 524 & 1380, ODYD, Plan 33145 as shown on Schedule ‘E’

Located within the Trepanier Valley, adjacent to Trepanier Road, Trepanier Court, Venner Court, Paradise Valley Drive and Highway 97C.

Staff to describe the proposed amendments including any correspondence received

Board members to comment or ask questions

Public invited to present their view on the application (limited to 5 minutes)

Board members to make any further comments or ask questions

Public invited to speak a second time only to provide additional information after all others speakers are heard from (limited to 3 minutes)

Final comments

2. TERMINATE & ADJOURN
Purpose: To discharge Land Use Contract No. 277, and zone the subject properties as F1 Forest Resource, RU2 Rural 2, RU3 Rural 3, or RU4 Country Residential.

Executive Summary:
Land Use Contracts (LUC) are land-use regulatory tools, like 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 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. 277 is the fourth to be presented to the Regional Board for discharge. Should this RDCO Community Services initiated application be successful, LUC No. 277 will be removed in its entirety from the subject properties and zoning will apply.

Should the Regional Board close the Public Hearing, the application will come forward for Board consideration of the bylaw amendments.

Respectfully Submitted:

Todd Cashin
Director of Community Services

Prepared by: Janelle Taylor, Planner

Approved for the Board’s Consideration

Brian Reardon, CAO
Background:
Land Use Contracts (LUC) are land-use regulatory tools, like site-specific zoning bylaws, enacted under legislation established in the 1970’s. Properties located within LUC’s are not governed by the Regional District’s Zoning Bylaw No. 871 or Joe Rich Rural Land Use Bylaw No. 1195.

In accordance with changes to the Local Government Act in 2014, all LUC’s in the Province of British Columbia 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 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. 277 is the fourth to be presented to the Regional Board for discharge. Should this Community Services initiated application be successful, LUC No. 277 will be removed in its entirety from the subject properties and zoning will apply.

Project description:
There are 22 private properties and one Crown land parcel currently regulated under LUC No. 277. LUC 277 was adopted in 1979, allowed subdivision of the parent parcel, and continues to regulate the uses permitted, which are:

- Single family residential,
- Agriculture but excludes those agricultural occupations of an offensive nature, and
- The keeping of not more than two boarders or lodgers in each dwelling unit.

Regional District staff is moving forward with bylaws to discharge LUC No. 277 and zone one parcel (Crown land) as F1 Forest Resource, 10 parcels at RU2 Rural 2, 10 parcels as RU3 Rural 3, and two parcels as RU4 Country Residential under Zoning Bylaw No. 871. The proposed zones would not allow 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 kennels. It is noted that all private parcels are each less than 9 acres in size; therefore, an accessory home use would not be permitted. Prior to the Local Government Act amendment, the Regional Board previously discharged LUC No. 277 from four private parcels at time of owner-initiated applications.

Site Context:
The properties are located in the Trepanier Valley, within the Brent Road / Trepanier Official Community Plan Bylaw No. 1303. The subject area is affected by several Development Permit Areas; however, Development Permits are not required through this application as development is not being proposed.

In regards to Crown land located to the north of this subject area (below figure: red linework), on October 26, 2015, the Regional Board conditionally supported a FrontCounter BC Referral Application (RDCO File: CL-15-09) pertaining to the disposition of Crown land for the purpose of transferring land as an addition to the Westbank Indian Reserve. This application was associated with a negotiated land exchange between Westbank First Nation and the Ministry of Transportation and Infrastructure for lands required for a highway improvement project. On
September 15, 2016, the Province advised that they will be proceeding with the addition to reserve process; at this time, the Province notes that the transfer is still in progress.
Additional Information:

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Regional District of Central Okanagan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Adjacent to Trepanier Road, Trepanier Court, Venner Court, Paradise Valley Drive and Highway 97C</td>
</tr>
<tr>
<td>Legals:</td>
<td>• The portion of Crown land as shown on Schedule ‘A’</td>
</tr>
<tr>
<td></td>
<td>• Lots 10 - 12, 14 - 20, District Lot 1380, ODYD, Plan 33145 as shown on Schedule ‘C’</td>
</tr>
<tr>
<td></td>
<td>• Lots 1, 3, 5, District Lots 524 and 1380, ODYD Plan 33145 and Lots 6, 7, 9, 21, 22, 24, 26, District Lot 1380, ODYD Plan 33145 as shown on Schedule ‘D’</td>
</tr>
<tr>
<td></td>
<td>• Lots 2 &amp; 4, District Lots 524 &amp; 1380, ODYD, Plan 33145 as shown on Schedule ‘E’</td>
</tr>
<tr>
<td>Area of Land Affected:</td>
<td>+/- 47.36 ha (117 acres)</td>
</tr>
<tr>
<td>Land Use Contract:</td>
<td>Land Use Contract No. 277</td>
</tr>
<tr>
<td>OCP Designations:</td>
<td>Rural Residential (22 Private Parcels)</td>
</tr>
<tr>
<td></td>
<td>Rural Resource (1 Crown Land Parcel)</td>
</tr>
<tr>
<td>Existing Use:</td>
<td>Rural Residential / Rural Resource</td>
</tr>
<tr>
<td>ALR:</td>
<td>Outside of the ALR</td>
</tr>
<tr>
<td>Fire Protection:</td>
<td>Outside of a Fire Protection Area</td>
</tr>
<tr>
<td>Surrounding Uses:</td>
<td>Rural Residential, Crown land, Highway 97C, Wilderness Resort, Medical Marihuana Production Facility, Sand and Gravel Extraction, Coldham Regional Park</td>
</tr>
</tbody>
</table>

TECHNICAL COMMENTS (Presented at First Reading):

RDCO Parks Services indicates that in keeping with the guidelines and policies in the Brent Road/Trepanier Official Community Plan, Parks Services continues to have long-term interests in the Trepanier Creek area for future recreational and parks/greenway connectivity between Trepanier Provincial Park, Coldham Regional Park, Trepanier Creek Greenway Regional Park and surrounding Crown lands.

At this time, Parks Services’ interests are unaffected by the proposed new zoning designations for the existing properties.

Unaffected Agencies include District of Peachland, Interior Health Authority, Fortis BC, and BC Hydro.

Unaffected RDCO Departments include Fire Services and Environmental Services.

TECHNICAL COMMENTS (Subsequent to First Reading):

Central Okanagan West Advisory Planning Commission (APC) members were contact individually by Planning staff regarding these bylaw amendments initiated by the Regional District. This process is in accordance with RDCO Advisory Planning Commissions Bylaw No. 1229, 2008. The outcome of the poll indicates that the APC is in support of the proposal as presented.
AGENCY REFERRAL COMMENTS (Subsequent to First Reading):

Westbank First Nation advises that they have completed a review of the proposed activity pursuant to their decision-making process, and have decided to allow the proposed activity/development.

External Implications:
Written notices were mailed to all registered property owners of land affected by the proposed amendment bylaws. To date, no letters of support or 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.

Considerations not applicable to this report:
- General
- Organizational
- Financial

Attachment(s):
- Amendment Bylaws No. 277-10 & 871-242
- Orthophoto
- Zones: F1 Forest Resource, RU2 Rural 2, RU3 Rural 3, RU4 Country Residential
- Land Use Contract No. 277
REGIONAL DISTRICT OF CENTRAL OKANAGAN
LUC 277-10
A Bylaw to amend Land Use Contract No. 277

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 enact as follows:

1. This bylaw shall be cited as Regional District of Central Okanagan Land Use Contract Amendment Bylaw No. 277-10.

2. That Land Use Contract No. 277 is hereby discharged in its entirety from Lots 1-5, District Lots 524 & 1380, ODYD, Plan KAP33145, and Lots 6-7, 9-12, 14-22, 24 & 26, District Lot 1380, ODYD Plan 33145 and the portion of Crown land 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 LUC Discharge.

4. That Regional District of Central Okanagan Land Use Contract Amendment Bylaw No. 277-10 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. 277-10.

READ A FIRST TIME this _______________ day of ________________ March 2018

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

LUC 277-10
Page 1 of 2
I hereby certify the foregoing to be a true and correct copy of Bylaw No. 277-10 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. 277-10 which was Adopted by the Regional District of Central Okanagan on the __________ day of ________________

Dated at Kelowna, this _____ day of __________

__________________________
Director of Corporate Services
I hereby certify this to be a true and correct copy of Schedule 'A' as described in Bylaw No. LUC-277-10 and read a third time by the Regional District of Central Okanagan on the day of

Director of Corporate Services
REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 871-242

A Bylaw to Amend Regional District of Central Okanagan Zoning Bylaw 871, 2000

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. 871-242.

2. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by changing the zoning on the portion of Crown land as shown on Schedule ‘A’ attached to and forming part of this bylaw to F1 Forest Resource.

3. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by changing the zoning on the portion Lots 10 - 12, 14 - 20, District Lot 1380, ODYD, Plan 33145 as shown on Schedule ‘C’ attached to and forming part of this bylaw to RU2 Rural 2.

4. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by changing the zoning on Lots 1, 3, 5, District Lots 524 and 1380, ODYD Plan 33145 and Lots 6, 7, 9, 21, 22, 24, 26, District Lot 1380, ODYD Plan 33145 as shown on Schedule ‘D’ attached to and forming part of this bylaw to RU3 Rural 3.

5. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by changing the zoning on the Lots 2 & 4, District Lots 524 & 1380, ODYD, Plan 33145 as shown on Schedule ‘E’ attached to and forming part of this bylaw to RU4 Country Residential.

6. That the Regional District of Central Okanagan Zoning Bylaw map being Schedule ‘B’ of the bylaw be AMENDED to depict the change.

7. That Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-242 comes into force on ________________, pursuant to the Local Government Act, Part 14, Section 548.
READ A FIRST TIME this ___________ 8th ______ day ______ March 2018 ________________

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 Zoning Bylaw No. 871-242 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. 871-242 which was Adopted by the Regional District of Central Okanagan on the _______________ day of ________________________________

Dated at Kelowna, this ___________ day of ________________________________

Director of Corporate Services
I hereby certify this to be a true and correct copy of Schedule 'A' as described in Bylaw No. 871-242 and read a third time by the Regional District of Central Okanagan on the day of

Director of Corporate Services
I hereby certify this to be a true and correct copy of Schedule 'C' as described in Bylaw No. 871-242 and read a third time by the Regional District of Central Okanagan on the day of

Director of Corporate Services
I hereby certify this to be a true and correct copy of Schedule 'D' as described in Bylaw No. 871-242 and read a third time by the Regional District of Central Okanagan on the day of

Director of Corporate Services
I hereby certify this to be a true and correct copy of Schedule 'E' as described in Bylaw No. 871-242 and read a third time by the Regional District of Central Okanagan on the day of

Director of Corporate Services
5.2 FOREST RESOURCE

**Purpose:** to accommodate forest and resource management uses, on large parcels that are within the Forest Land Reserve.

### PERMITTED USES TABLE FOR F1 ZONE

5.2.1 Permitted uses buildings and structures:

1. Timber production, utilization and related purposes;
2. Forage production and grazing of livestock and wildlife;
3. Forest or wilderness oriented recreation and wilderness purposes;
4. Water, fisheries and wildlife, biological diversity and cultural heritage purposes;
5. Dwelling unit;
6. Accessory buildings and structures. (see Section 3.17)

### REGULATIONS TABLE FOR F1 ZONE

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.2 Minimum parcel area</td>
<td>30.0 ha (74 acres)</td>
</tr>
<tr>
<td>5.2.3 Minimum parcel frontage</td>
<td>30.0 m (98.4 ft.)</td>
</tr>
<tr>
<td>5.2.4 Minimum front setback</td>
<td>10.0 m (32.8 ft.)</td>
</tr>
<tr>
<td>5.2.5 Minimum side setback</td>
<td>10.0 m (32.8 ft.)</td>
</tr>
<tr>
<td>5.2.6 Minimum corner side setback</td>
<td>10.0 m (32.8 ft.)</td>
</tr>
<tr>
<td>5.2.7 Minimum rear setback</td>
<td>10.0 m (32.8 ft.)</td>
</tr>
<tr>
<td>5.2.8 Maximum parcel coverage</td>
<td>35% of the parcel area</td>
</tr>
<tr>
<td>5.2.9 Maximum number of dwelling units</td>
<td>1 per parcel</td>
</tr>
</tbody>
</table>

[Note: Some parcels zoned F1 may be located within the Agricultural Land Reserve. Therefore, some uses may not be allowed in the Agricultural Land Reserve without Agricultural Land Commission approval.]
6.2 **RU2**

**Purpose:** To accommodate rural residential, agricultural, home industry, and limited resource management uses on parcels of land that are 4 hectares or greater and located outside the Land Reserve.

### PERMITTED USES TABLE FOR RU2 ZONE

<table>
<thead>
<tr>
<th>Permitted Uses and Structures</th>
<th>RU2 ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>.1 Agriculture including intensive agriculture</td>
<td>.13 Riding Stables;</td>
</tr>
<tr>
<td>.2 Single detached house</td>
<td>.14 Day care centre, minor;</td>
</tr>
<tr>
<td>.3 Accessory home; (Section 3.18)</td>
<td>.15 Temporary agricultural worker dwellings; may include a recreational vehicle only to accommodate the household of an agricultural working or caretaker. (Section 3.25);</td>
</tr>
<tr>
<td>.4 Winery and cidery;</td>
<td>.16 On part of that part of District Lot 2550 (shown on Plan B4357), ODYD, except Plan 24545, the following additional use is permitted: 12 seasonal residential dwelling units.</td>
</tr>
<tr>
<td>.5 Home based business, major; (Section 3.21)</td>
<td>.17 Medical Marijuana Production Facilities (Section 3.31).</td>
</tr>
<tr>
<td>.6 Bed and breakfast accommodation; (Section 3.23)</td>
<td>.18 On Lot 1, Plan 12705, District Lot 2198, ODYD the following additional use is permitted: 2 dwelling units.</td>
</tr>
<tr>
<td>.7 Portable saw mill and portable shake mill;</td>
<td>.19 On Lot 1, District Lot 2197, ODYD, Plan 22569: a maximum of 8 dwelling units.</td>
</tr>
<tr>
<td>.8 Kennels, Service (permitted only on 4 ha. or larger)*</td>
<td></td>
</tr>
<tr>
<td>.9 Kennels, Hobby (permitted on properties under 4 ha.)*</td>
<td></td>
</tr>
<tr>
<td>*(Check with RDCO Dog Control Bylaw)</td>
<td></td>
</tr>
<tr>
<td>.10 Veterinary clinic;</td>
<td></td>
</tr>
<tr>
<td>.11 Accessory buildings and structures; (Section 3.17)</td>
<td></td>
</tr>
<tr>
<td>.12 Greenhouses; (Section 3.17)</td>
<td></td>
</tr>
</tbody>
</table>

### REGULATIONS TABLE FOR RU2 ZONE

<table>
<thead>
<tr>
<th>Regulations</th>
<th>RU2 ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>Minimum parcel area</td>
<td>4.0 ha (9.88 acres)</td>
</tr>
<tr>
<td>Minimum parcel frontage</td>
<td>30.0 m (98.4 ft.)</td>
</tr>
<tr>
<td>Minimum front setback</td>
<td>6.0 m (19.7 ft.)</td>
</tr>
<tr>
<td>Minimum side setback</td>
<td>3.0 m (9.8 ft.)</td>
</tr>
<tr>
<td>Minimum corner side setback</td>
<td>4.5 m (14.8 ft.)</td>
</tr>
<tr>
<td>Minimum rear setback</td>
<td>3.0 m (9.8 ft.)</td>
</tr>
<tr>
<td>Minimum setbacks from the parcel line for:</td>
<td></td>
</tr>
<tr>
<td>.1 intensive agriculture</td>
<td>100.0 m (328.1 ft.)</td>
</tr>
<tr>
<td>.2 buildings housing animals overnight (other than intensive agriculture)</td>
<td>30.0 m (98.4 ft.)</td>
</tr>
<tr>
<td>.3 kennels</td>
<td>15.0 m (49.2 ft.)</td>
</tr>
<tr>
<td>.4 greenhouses</td>
<td>15.0 m (49.2 ft.)</td>
</tr>
<tr>
<td>Minimum side and rear setback for buildings with heights greater than 9.0 m and located on parcels adjacent to an R or R3 zone</td>
<td>Height of the building minus 6.0 m [e.g. 12.0 m – 6.0 m = 6.0 m setback]</td>
</tr>
<tr>
<td>Minimum setbacks from A1 Zone</td>
<td>15.0 m (49.2 ft.) [see section 3.11]</td>
</tr>
<tr>
<td>Maximum parcel coverage</td>
<td>10% of the parcel area</td>
</tr>
<tr>
<td>Maximum number of single detached houses</td>
<td>1 per parcel and accessory home(s) where permitted under this Bylaw</td>
</tr>
<tr>
<td>Maximum building height:</td>
<td></td>
</tr>
<tr>
<td>.1 Principal buildings</td>
<td>12.0 m (39.4 ft.)</td>
</tr>
<tr>
<td>.2 Accessory buildings and structures (see Section 3.17)</td>
<td>8.0 m (26.2 ft.)</td>
</tr>
</tbody>
</table>
6.3 **RURAL 3**

**Purpose:** to accommodate rural residential, limited agricultural, and limited home industry uses on parcels of land that are 1 hectare or greater and located outside the Land Reserve.

### PERMITTED USES TABLE FOR RU3 ZONE

6.3.1 **Permitted uses, buildings and structures:**
- 1. Agriculture excluding intensive agriculture;
- 2. Single detached house;
- 3. Hobby kennel;
- 4. Bed and breakfast accommodation; (see Section 3.23)
- 5. Accessory buildings and structures; (see Section 3.17)
- 6. Greenhouses; (see Section 3.17)
- 7. Day care centre, minor
- 8. Home based business, major

### REGULATIONS TABLE FOR RU3 ZONE

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.3.2 Minimum parcel area</strong></td>
<td>1.0 ha (2.47 acres)</td>
</tr>
<tr>
<td><strong>6.3.3 Minimum parcel frontage</strong></td>
<td>30.0 m (98.4 ft.)</td>
</tr>
<tr>
<td><strong>6.3.4 Minimum front setback</strong></td>
<td>6.0 m (19.7 ft.)</td>
</tr>
<tr>
<td><strong>6.3.5 Minimum side setback</strong></td>
<td>3.0 m (9.8 ft.)</td>
</tr>
<tr>
<td><strong>6.3.6 Minimum corner side setback</strong></td>
<td>4.5 m (14.8 ft.)</td>
</tr>
<tr>
<td><strong>6.3.7 Minimum rear setback</strong></td>
<td>3.0 m (9.8 ft.)</td>
</tr>
<tr>
<td><strong>6.3.8 Minimum setbacks from the parcel line for:</strong></td>
<td></td>
</tr>
<tr>
<td>.1 hobby kennel</td>
<td>15.0 m (49.2 ft.)</td>
</tr>
<tr>
<td>.2 buildings housing animals overnight</td>
<td>15.0 m (49.2 ft.)</td>
</tr>
<tr>
<td>.3 greenhouses</td>
<td>15.0 m (49.2 ft.)</td>
</tr>
<tr>
<td><strong>6.3.9 Minimum side and rear setback for buildings and structures</strong></td>
<td>Height of the building minus 6.0 m [e.g. 12.0 m – 6.0 m = 6.0 m setback]</td>
</tr>
<tr>
<td>permitted under Section 3.9, Height Regulation Exceptions, and located on parcels adjacent to an R or R3 zone.</td>
<td></td>
</tr>
<tr>
<td><strong>6.3.10 Minimum setbacks from A1 Zone</strong></td>
<td>15.0 m (49.2 ft.) [see section 3.11]</td>
</tr>
<tr>
<td><strong>6.3.11 Maximum parcel coverage</strong></td>
<td>10% of the parcel area</td>
</tr>
<tr>
<td><strong>6.3.12 Maximum number of single detached houses</strong></td>
<td>1 per parcel</td>
</tr>
<tr>
<td><strong>6.3.13 Minimum building width of principal building</strong></td>
<td>5.5 m (18.0 ft.)</td>
</tr>
<tr>
<td><strong>6.3.14 Maximum building height:</strong></td>
<td></td>
</tr>
<tr>
<td>.1 Principal buildings</td>
<td>3 storeys to a maximum of 9.0 m (29.5 ft.)</td>
</tr>
<tr>
<td>.2 Accessory buildings and structures (see Section 3.17)</td>
<td>5.0 m (16.4 ft.)</td>
</tr>
</tbody>
</table>
6.4 COUNTRY RESIDENTIAL RU4

**Purpose:** To accommodate rural residential, limited agricultural, and limited home industry uses on parcels of land that are 0.5 hectare or greater and located outside the Land Reserve.

### PERMITTED USES TABLE FOR RU4 ZONE

<table>
<thead>
<tr>
<th>Permitted uses, buildings and structures:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agriculture excluding intensive agriculture;</td>
</tr>
<tr>
<td>2. Single detached house;</td>
</tr>
<tr>
<td>3. Hobby kennel;</td>
</tr>
<tr>
<td>4. Home based business, standard; (see Section 3.19)</td>
</tr>
<tr>
<td>5. Bed and breakfast accommodation; (see Section 3.23)</td>
</tr>
<tr>
<td>6. Accessory buildings and structures; (see Section 3.17)</td>
</tr>
<tr>
<td>7. Greenhouses; (See Section 3.17)</td>
</tr>
<tr>
<td>8. Day care centre, minor</td>
</tr>
</tbody>
</table>

### REGULATIONS TABLE FOR RU4 ZONE

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.4.2 Minimum parcel area</td>
<td>0.5 ha (1.24 acres.)</td>
</tr>
<tr>
<td>6.4.3 Minimum parcel frontage</td>
<td>30.0 m (98.4 ft.)</td>
</tr>
<tr>
<td>6.4.4 Minimum front setback</td>
<td>6.0 m (19.7 ft.)</td>
</tr>
<tr>
<td>6.4.5 Minimum side setback</td>
<td>3.0 m (9.8 ft.)</td>
</tr>
<tr>
<td>6.4.6 Minimum corner side setback</td>
<td>4.5 m (14.8 ft.)</td>
</tr>
<tr>
<td>6.4.7 Minimum rear setback</td>
<td>3.0 m (9.8 ft.)</td>
</tr>
<tr>
<td>6.4.8 Minimum setbacks from the parcel line for:</td>
<td></td>
</tr>
<tr>
<td>1. hobby kennel</td>
<td>15.0 m (49.2 ft.)</td>
</tr>
<tr>
<td>2. buildings housing animals overnight</td>
<td>15.0 m (49.2 ft.)</td>
</tr>
<tr>
<td>3. greenhouses</td>
<td>15.0 m (49.2 ft.)</td>
</tr>
<tr>
<td>6.4.9 Minimum side and rear setback for buildings and structures permitted under Section 3.9, Height Regulation Exceptions, and located on parcels adjacent to an R or R3 zone.</td>
<td>Height of the building minus 6.0 m [e.g. 12.0 m – 6.0 m = 6.0 m setback]</td>
</tr>
<tr>
<td>6.4.10 Minimum setbacks from A1 Zone</td>
<td>15.0 m (49.2 ft.) [see section 3.11]</td>
</tr>
<tr>
<td>6.4.11 Maximum parcel coverage</td>
<td>20% of the parcel area</td>
</tr>
<tr>
<td>6.4.12 Maximum number of single detached houses</td>
<td>1 per parcel</td>
</tr>
<tr>
<td>6.4.13 Minimum building width of principal building</td>
<td>5.5 m (18.0 ft.)</td>
</tr>
<tr>
<td>6.4.14 Maximum building height:</td>
<td></td>
</tr>
<tr>
<td>1. Principal buildings</td>
<td>3 storeys to a maximum of 9.0 m (29.5 ft.)</td>
</tr>
<tr>
<td>2. Accessory uses, buildings and structures (see Section 3.17)</td>
<td>5.0 m (16.4 ft.)</td>
</tr>
</tbody>
</table>
YALE ENTERPRISES LTD. RICHARD GAETZ

and

BEN EDWARD DICK AND KAY DICK

REGIONAL DISTRICT OF CENTRAL OKANAGAN

By-law No. 277

Being a By-law to authorize the Regional District of Central Okanagan to enter into a Land Use Contract.

WHEREAS the Regional District of Central Okanagan pursuant to Section 702A of the Municipal Act, R.S.B.C. 1960, upon application of an owner of land within the development area, or his agent, may by by-law, enter into a Land Use Contract containing such terms and conditions for the use and development of land mutually agreed upon;

AND WHEREAS the Land Use Contract referred to herein was the subject of a Public Hearing pursuant to Section 702A(5) of the Municipal Act, R.S.B.C. 1960.

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

1. That the Land Use Contract between the Regional District of Central Okanagan and Yale Enterprises Ltd.; Richard Gaetz; Ben Edward Dick and Kay Dick, all c/o M.O. Dick, R.R.#5, Kelowna, British Columbia as outlined herein and in the Appendices attached hereto and forming part of By-law No. 277 be hereby approved.

2. That the Chairman and Secretary-Treasurer are hereby authorized to sign the Contract and affix the Seal of the Regional District hereto and deliver the same as the Act of the Regional District.

3. That the said Contract be legal and binding on the date that it is registered in the Land Registry Office, Court House, Kamloops, British Columbia pursuant to Section 702A(4) of the Municipal Act.

4. This By-law may be cited as the Regional District of Central Okanagan Land Use Contract By-law No. 277, 1979.

READ THE FIRST TIME this 6th day of November, 1978

READ THE SECOND TIME this 20th day of November, 1978
READ THE THIRD TIME this 20th day of November, 1978

Contract subjected to Public Hearing pursuant to Section 702A of the Municipal Act this 9th day of November, 1978

RECONSIDERED AND ADOPTED this 12th day of January, 1979

Chairman

Secretary-Treasurer

I hereby certify the foregoing is a true and correct copy of By-law No. 277 as read a third time by the Central Okanagan Regional District on the 20th day of November 1978

Dated at Kelowna this 21st day of November, 1978

Secretary-Treasurer

I hereby certify the foregoing is a true and correct copy of By-law No. 277 which was Reconsidered and Adopted by the Central Okanagan Regional District on the 12th day of January, 1979

Dated at Kelowna this 12th day of January, 1979

Secretary-Treasurer
THIS CONTRACT made the 12th day of January, 1979.

BETWEEN:

REGIONAL DISTRICT OF CENTRAL OKANAGAN

(hereinafter called the "Regional District")

OF THE FIRST PART

AND:

PARADISE VALLEY ESTATES LTD. (Incorporation No. 101,870)
1630 Ellis Street, in the City of Kelowna,
Province of British Columbia.

(hereinafter called the "Landowner")

OF THE SECOND PART

WHEREAS the Regional District, pursuant to Section 702A and 798A of the Municipal Act, may, notwithstanding any by-law of the Regional District, enter into a Land Use Contract containing such terms and conditions for the use and development of land as may be agreed upon with a Landowner, and thereafter the use and development of the land shall be in accordance with the Land Use Contract;

AND WHEREAS the Municipal Act requires that the Regional Board consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a Land Use Contract and the Regional Board of the Regional District have considered such criteria in arriving at the terms and conditions herein contained;

AND WHEREAS the Landowner has presented to the Regional District a scheme of use and development of the within described lands and premises that would be in contravention of the Zoning By-law of the Regional District and has requested that the Regional Board of the Regional District enter into this contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the land is within an area of the Regional District designated as a development area pursuant to Section 702A(2) of the Municipal Act, R.S. B.C. 1960;
AND WHEREAS if the Land is within a radius of one-half mile of a controlled access highway, the approval of the Minister of Highways of the Province of British Columbia to the terms hereof must be obtained;

AND WHEREAS the Regional District and the Landowner both acknowledge that the Regional Board of the Regional District cannot enter into this Contract, until the Regional Board has held a public hearing in relation to this Contract, and considered any opinions expressed at such hearing, and unless a simple majority of the Directors of the Regional Board present at the meeting at which the by-law to approve this Contract is adopted vote in favour of the Regional District entering into this Contract;

NOW THEREFORE THIS CONTRACT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Regional District and the Landowner covenant and agree as follows:

OWNER

1. The Landowner is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the Regional District of Central Okanagan, in the Province of British Columbia and being more particularly known and described as:

Lot "B", District Lots 524 and 1380, ODYO Plan 26590

(herein called the "Land")

CONSENTS

2. The Landowner has obtained the consent of all persons having a registered interest in the Land as set out in the schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

INCORPORATIONS

3. The Schedules attached hereto hereinafter referred to are hereby incorporated into and made a part of this Contract.

COSTS

4. The Landowner shall pay to the Regional District on invoice by the Regional District, all legal, surveying and advertising costs incurred by the Regional District in the preparation and registration of this Contract.

COMPLIANCE

5. Except for the matters otherwise specifically provided for herein the Landowner shall comply with all of the by-laws of the Regional District as the same apply to the Land.

REPRESENTATIONS

6. It is understood and agreed that the Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Landowner than those set out in this Contract.
7. This Contract shall be construed as running with the land and shall be registered in the Land Registry Office by the Regional District pursuant to the provisions of Section 702A(4) of the Municipal Act.

8. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

9. This Contract shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successor and assigns.

10.1) The Regional District agrees to permit the Landowner to subdivide the Land into twenty six (26) lots which are to be strictly in compliance with the attached Plan marked Schedule "A", and no subsequent subdivision of the twenty six lots so created shall be permitted.

11. The following uses and no others shall be permitted:

1. Single family residential
2. Agriculture but excludes those agricultural occupations of an offensive nature such as hog ranches, raising of fur bearing animals, poultry farms, feed lots, commercial stables and kennels.
3. The keeping of not more than two (2) boarders or lodgers in each dwelling unit

12.1) For the purposes of this section, the following definitions shall apply: "Natural Boundary" - means the visible high-water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water, a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself.

"Watercourse" - is any natural or man-made depression with well-defined banks and a bed two feet or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of one square mile or more or as required by a designated official of the Ministry of the Environment of the Province of British Columbia.

2) "Notwithstanding any other provisions of this by-law, no building or part thereof shall be constructed, moved or extended, nor shall any mobile home or unit, modular home or structure be located:

a) with the underside of the floor system of any area used for habitation business, or storage of goods damageable by floodwaters, or in the case of a mobile home or unit the ground level on which it is located,
lower than five (5) feet above the natural boundary of Trepanier Creek and Pidgeon Creek.

b) within fifty (50) feet of the natural boundary of Trepanier Creek and Pidgeon Creek. If landfill is used to achieve the required elevation, no portion of the landfill slope shall be closer than the above distance(s) from the natural boundary, and the face of the landfill slope must be adequately protected against erosion from floodwaters.

Provided that, with the approval of the Deputy Minister of the Environment, or his designate, these requirements may be reduced."

**CONSERVATION ZONE**

13. A fifty (50) foot conservation zone shall be established on both sides of Trepanier Creek measured from the top of the bank. No buildings, structures, fences or other works shall be moved, constructed or placed in the conservation zone, with the exception of bridges and their approaches, water work systems, and the cattle fence required by clause 15.

**DOMESTIC FARM ANIMALS**

14. Domestic farm animals, and all buildings and structures used for housing, keeping and raising of domestic farm animals shall not be permitted within 100' of the natural boundary of Trepanier Creek, and cattle fences in accordance with the specifications attached hereto as Schedule "B" shall be erected for this purpose by the Landowner on all lots where domestic farm animals are kept, except on proposed Lots 8 and 9 as shown on Schedule "A" attached hereto, the existing uses may remain subject to complying with the Health Act of the Province of British Columbia, and that no additional buildings and structures used for housing, keeping and raising of domestic farm animals shall be constructed, placed or moved within 100' of the natural boundary of Trepanier Creek.

**ATTLE FENCE 15.** The Landowner shall, in consultation with the Range Management Division of the B.C. Forest Service, construct and maintain a barbed wire cattle fence along the entire perimeter of the Land, which is to be built in accordance with the specifications attached hereto as Schedule "B".

**CATTLE GUARDS**

16. The Landowner shall install and maintain cattle guards on all roads entering and leaving the Land.

**BRIDGES AND CREEK CROSSINGS**

17. All bridges crossing Trepanier Creek on private lands shall be constructed in accordance with the requirements of the Water Rights Branch of the Province of British Columbia and all plans and specifications shall be approved by the Water Rights Branch and the Chief Building Inspector prior to the issuance of a Building Permit.

No vehicles, farm implements or machinery, or domestic farm animals shall be permitted to ford or cross Trepanier Creek by any means other than on a bridge.

**PERMITTED BUILDINGS AND STRUCTURES**

18. The following buildings and structures and no others shall be permitted;
1. One single family dwelling per lot;  
2. Buildings and structures which are accessory to one family dwellings;  
3. Bridges in accordance with clause 17.

BUILDING INSPECTOR

19. That the Chief Building Inspector for the Central Okanagan Regional District or his Appointee shall be authorized to enter upon the premises for the purpose of carrying out inspection to see that the provisions of the Land Use Contract are being followed.

A Public Hearing on this Contract was held on the 9th day of November 1978.

This Contract was adopted by an affirmative vote of a simple majority of the members of the Regional Board of the Regional District present at the meeting at which the by-law to authorize this Contract was adopted by the Regional Board of the Regional District on the 12th day of January 1979.

IN WITNESS WHEREOF the said parties to this Contract have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF PARADISE VALLEY CATTLE LTD. was hereunto affixed in the presence of:

[Signature]
President

[Signature]
Secretary-Treasurer

THE CORPORATE SEAL OF PARADISE VALLEY THE REGIONAL DISTRICT was hereunto affixed in the presence of:

[Signature]
Chairman

[Signature]
Secretary-Treasurer
BARBED WIRE SPECIFICATIONS

Metric Equivalents: 2.5 centimetres (cm) = 1 inch
1 metre (m) = 3.28 feet

FORM NO. 205 ACKNOWLEDGMENT OF OFFICER OF A CORPORATION.

Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 4th day of January, 1979, in the Province of British Columbia, Larry Lacelle, who is personally known to me, appeared before me and acknowledged to me that he is the Secretary-Treasurer of PARADISE VALLEY ESTATES LTD., who subscribed his name to the annexed instrument as Secretary-Treasurer of PARADISE VALLEY ESTATES LTD., and that he is the person and affixed the seal of the said Company to the said instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at Kelowna, British Columbia, this 4th day of January, in the Province of British Columbia, this one thousand nine hundred and seventy-nine.

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

NOTE—WHERE THE PERSON MAKING THE ACKNOWLEDGMENT IS PERSONALLY KNOWN TO THE OFFICER TAKING THE SAME, STRIKE OUT THE WORDS IN BRACKETS.
SCHEDULE B

Twister nailed to brace

Brace set in notch and spiked in.

Wires stapled to post.

'PERSPECTIVE'

WIRED FENCE — CORNER CONSTRUCTION

POSTS — 1.8 m (6 feet) to 2 m (7 feet 11 inches), 24 m (9 feet) or more
Treated cedar or peeled and pressure treated pine — 15 cm (6 inch) minimum diameter set in 76 cm (30 inch) dug hole and well tamped.

BRACES — Peeled round poles, 12.5 cm (5 inches)
minimum at small end or equivalent
set in notches in posts and spiked in
with 15 cm (6 inch) nails.
RANGE DIVISION
BRITISH COLUMBIA FOREST SERVICE
FOUR STRAND GARED WIRE FENCE SPECIFICATIONS

- Drive staples on stakes.
- Wires:
  - 22 ga.
  - 20 ga.
- Double staples at fence corners.
- Minimum post diameter on staples:
  - 6 in.
- Staples to be intertwined in fence and wires to alternate strands, or to all strands if not intertwined.
- Gate brace:
  - 1.2 m
  - Pull wire over.
  - Throat doubled wire.
  - Gate brace:
  - Staples.
  - Large rocks.
- Jack post:
  - 1.2 m
  - Stainless steel.
- Use double gate brace on side indicated.

ALL LINE AND GATE BRACES TO BE NOT LESS THAN 12.5 CM DIAMETER.

CONVERSION TABLE
1 m = 3.28 ft
2.5 cm = 1 inch