

Minutes of the *REGULAR BOARD MEETING* of the Regional District of Central Okanagan held at Regional District Offices, 1450 KLO Road, Kelowna, B.C. on Friday, January 16, 2015

Directors:

J. Baker (District of Lake Country)
C. Basran (City of Kelowna)
W. Carson (Central Okanagan West Electoral Area)
M. DeHart (City of Kelowna)
D. Findlater (District of West Kelowna)
C. Fortin (District of Peachland)
G. Given (City of Kelowna)
T. Gray (City of Kelowna)
P. Hanson (Central Okanagan East Electoral Area)
D. Ophus (District of West Kelowna)
B. Sieben (City of Kelowna)
L. Stack (City of Kelowna)
C. Derickson (Westbank First Nation)

Staff:

B. Reardon, Chief Administrative Officer
C. Radford, Director of Community Services
M. Kopp, Director of Parks Services
B. Smith, Communications
M. Drouin, Manager - Corporate Services (recording secretary)

1. **CALL TO ORDER**

Chair Given brought the meeting to order at 10:30 a.m.

2. **ADDITION OF LATE ITEMS**

There were no additions to the agenda.

3. **ADOPTION OF THE AGENDA**

#01/15

STACK/OPHUS

THAT the agenda be adopted.

CARRIED Unanimously

4. **ADOPTION OF MINUTES**

4.1 Statutory Board Minutes – December 8, 2014 & Regular Board Minutes – December 8, 2014

#02/15

BAKER/CARSON

THAT the Statutory Board meeting minutes of December 8, 2014 & the Regular Board meeting minutes of December 8, 2014 be adopted.

CARRIED Unanimously

5. CORRESPONDENCE

- 5.1 Southern Interior Local Government Association (SILGA) – Call for Resolutions for 2015 SILGA Convention (for information) (*All Directors – Unweighted Vote*)

The SILGA Call for Resolutions for the 2015 Convention and Call for Nominations for the Board was received. At this time the Board does not have any resolutions for submission. February 27, 2015 is the deadline for submission.

#03/15

OPHUS/FORTIN

THAT the Regular Board receive for information the Southern Interior Local Government Association Call for Resolutions for the 2015 SILGA Convention.

CARRIED Unanimously

6. CORPORATE SERVICES

- 6.1 Regional Board 2015 Committee/Board Appointments (*All Directors – Unweighted Vote*)

The 2015 recommended Board and Committee appointments were presented for approval. Appointments are approved annually. No alternate for CATCH is appointed but should one be required either Chair Given or Director Basran will attend.

#04/15

FINDLATER/BASRAN

THAT the Regional Board approve the 2015 Board committee/Board appointments.

CARRIED Unanimously

7. COMMUNITY SERVICES

Planning

Referral Applications

- 7.1 Report regarding a FrontCounter BC referral application for License of Occupation (up to 30 year term) to designate Crown land for a recreational trail (30 year term), adjacent to Rose Valley Lake (CL-14-03) Central Okanagan West Electoral Area (*All Directors- Unweighted Vote*)

Staff report dated January 5, 2015 outlined a FrontCounter BC referral application to convert information nature trails over Crown land within the District of West Kelowna into a designated recreational trail. The application is to allow upgrades to existing trails, to manage and maintain key connections including connections to trails in Rose Valley Regional Park. The recreational trails are located on Crown lands adjacent to the Park.

#05/15

FINDLATER/HANSON

THAT FrontCounter BC referral application for a License of Occupation (up to 30 year term) to designate Crown land for a recreational trail (30 year term), adjacent to Rose Valley Lake (CL-14-03) for the District of West Kelowna to convert informal nature trails over Crown land into a designated recreational trail under Sections 56 or 57 of the *Forest and Range Practices Act* be supported subject to the recommendations from the RDCO Parks Department & Ministry of Forests, Land and Natural Resource Operations (Ecosystems Section);

AND FURTHER THAT the Community Services Department report dated January 5, 2015 be forwarded to FrontCounter BC for their information and consideration.

CARRIED Unanimously

7.2 Report regarding a FrontCounter BC referral application for Transportation – Roadway purposes to designate Crown land for a public road adjacent to Johns Family Nature Conservancy Regional Park (CL-14-04) Central Okanagan East Electoral Area (*All Directors – Unweighted Vote*)

Staff report dated January 5, 2015 outlined a FrontCounter BC referral application to designate Crown land for a public road. The application is to provide public road frontage to allow the adjacent private parcel to be subdivided into two lots under existing zoning. It appears the majority of required road frontage for the subdivision can be accommodated via the private parcel.

As there is a staff recommendation of non-support the Board discussed whether they should hear from the applicant.

#06/15

FINDLATER/BASRAN

THAT the Regional Board agrees to have the applicant address the Board on his application to FrontCounter BC.

CARRIED Unanimously

Neil Jaud addressed the Board:

- Stated he has owned the property in a partnership with another person for 40 years. Although not subdivided into two lots he stated the agreement with his partner was he had the upper portion, his partner had the lower portion. The intent is that proposed Lot B is his land.
- The partner sold off undivided parcels of land in their section. Now approximately 80 acres is owned by 12 or more separate owners. Those owners either do not live here or live 'off the grid', and are not interested in upgrades (subdivision, roads) to the property, and are not interested in any financial upgrades to the property.
- The application would provide access to what Mr. Jaud's believes is his section of land so he can move forward with subdivision plans.
- Surveys, environment assessments and road design have been completed on his section of the property. Mr. Jaud is now attempting to have legal title for what he considers is his section of the property.

- Mr. Jaud cannot get all the other owners to agree to a road on the private property but does have support for this application by some of the other owners.
- MOTI will not entertain extending Chute Lake Road to this property.
- The applicant believes this is the only avenue to access his portion of the land.
- He owns 50% of entire parcel. If subdivided he would take 100% of proposed lot B.

Discussion:

- Staff prepared to work with the applicant and the Province.
- The reason for staff's non-support of the referral is due to environmental issues.
- Multiple owners of properties is this normal? Staff noted that yes this does occur throughout this and other rural areas in the region. Many were purchased 30-40 years ago.
- One option for all the owners is to consider a panhandle lot. Moving the road on the private property. There are environmental issues in some locations (Lebanon Creek area).
- Are there any different environmental impacts for either proposal—Crown land versus the privately held land? EAC felt there was more sensitivity on the Crown land.
- Placing a road outside the private property is very uncommon.
- Standard of road is a rural standard.
- Cost of road would be borne by applicant.
- This situation is very complex for the applicant.
- There is a lot of history on this property starting during the Okanagan Mountain Park fire in 2003 when it was determined there were people living 'off the grid' in this area.
- Staff looking at this as a simple subdivision. The number of owners does not come into play in considering a subdivision. RDCO does not approve subdivision. The Provincial Approving Officer is the authority to approve subdivision.
- Staff is working with the applicant on any environmental permitting required for the subdivision.
- Staff recommendation may be the right way to go but on compassionate grounds and where the property is located (off the grid) and that it is an impossible task to move forward for the applicant, consideration should be given to support the applicant.
- Whether the road is on private or Crown land the impact to the environment is the same.

#07/15

FINDLATER/BASRAN

THAT FrontCounter BC referral application for N. & T. Jaud (applicant) for Transportation – Roadway purposes to designate Crown land for a public road adjacent to Johns Family Nature Conservancy Regional Park (CL-14-04) to designate a 1.21 ha portion of Crown land for a public road be supported;

AND FURTHER THAT the Community Services Department report dated January 5, 2015 be forwarded to FrontCounter BC for their information and consideration.

CARRIED Unanimously

7.3 Report regarding a FrontCounter BC referral application to convert a current License of Occupation to a permanent easement to access private property in the vicinity of June Springs Road (CL-14-05) Central Okanagan East Electoral Area (*All Directors – Unweighted Vote*)

Staff report dated January 6, 2015 outlined a FrontCounter BC referral application to convert a current License of Occupation to a permanent easement for access to a private property. The applicant currently has a License of Occupation with the Province (expires Aug.2021) over the subject Crown land for the purpose of road access from June Springs Road to the land-locked property. It is not anticipated any new land disturbance would be required and conversion to an easement would provide the applicant with permanent access rights to the existing private parcel of land. This is the only access to the private property which has the Myra Canyon Adventure Park located on the property.

#08/15

HANSON/OPHUS

THAT FrontCounter BC referral application for R. Schoenerr (applicant) to convert a current License of Occupation to a permanent easement to access private property in the vicinity of June Springs Road (CL-14-05) be supported subject to the easement encapsulating the existing developed access;

AND FURTHER THAT the Community Services Department report dated January 6, 2015 be forwarded to FrontCounter BC for their information and consideration

CARRIED Unanimously

7.4 Report regarding a FrontCounter BC referral application for License of Occupation (30-year plus term) for a recreational trail on Crown Land in the vicinity of Pincushion Mountain (CL-14-06) Central Okanagan West Electoral Area (*All Directors – Unweighted Vote*)

Staff report dated January 6, 2015 outlined a referral application from FrontCounter BC to permit the Peachland Outdoors Club to construct, rehabilitate or maintain a trail for a 30-year term. The proposed trail is located on Crown land adjacent to the District of Peachland.

The question was raised who will manage or 'police' the trails? The Peachland Outdoors Club is the applicant. Staff noted these are not regional park trails. RDCO bylaws do not apply to Crown land and RDCO will not oversee the management plan. The Province determines when trails need to be closed for fire hazard, etc.

#09/15

BAKER/BASRAN

THAT FrontCounter BC referral application for License of Occupation (30-year plus term) for a recreational trail on Crown Land in the vicinity of Pincushion Mountain (CL-14-06) for the Peachland Outdoors Club to allow construction, rehabilitation or maintenance of a trail for a 30-year term be supported subject to the following conditions:

- Trail to be limited exclusively to non-motorized use;
- Trail signage to be installed to identify trail directions and locations relative to Crown, private and RDCO owned lands, and to identify non-motorized use; and
- Completion of an environmental assessment & management plan for review by RDCO that identifies best management practices and mitigation to ensure that environmental impacts from construction, maintenance, and use of new and existing trails are minimized. The management plan should also address access to the trail heads, parking, signage, waste management, safety and fire hazards;
- The District of Peachland's conditions outlined in their Council resolution.

AND FURTHER THAT the Community Services Department report of January 6, 2015 be forwarded to FrontCounter BC for their information and consideration.

CARRIED Unanimously

8. NEW BUSINESS

- 8.1 Approval for Director Hanson and Director Carson's attendance to the 2015 SILGA, FCM and UBCM Conventions and LGMA Newly Elected Seminar (*All Directors – Unweighted Vote*)

#10/15

OPHUS/SIEBEN

THAT the Regional Board approve Director Hanson and Director Carson's attendance to the 2015 SILG, FCM and UBCM conventions and the LGMA Newly Elected Seminar, including registration and travel expenses as per Board policy No. 7.15.

CARRIED Unanimously

9. DIRECTOR ITEMS

There were no items requiring Board action

10. ADJOURN IN CAMERA

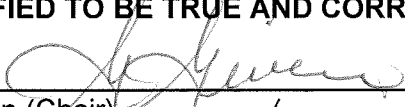
#11/15

BAKER/SIEBEN


THAT pursuant to Section 90 (g) of the *Community Charter* the Regional Board adjourn and convene to an 'In-Camera' session to discuss:
Litigation or potential litigation.

There being no further business the meeting was adjourned at 11:25 a.m.

CERTIFIED TO BE TRUE AND CORRECT



G. Given (Chair)



B. Reardon (Director of Corporate Services)