

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 Monday, May 26, 2008

Directors:

J. Baker (District of Lake Country)
B. Clark (City of Kelowna)
C. Day (City of Kelowna)
J. Edgson (Central Okanagan West Electoral Area)
D. Findlater (Westside District Municipality)
B. Given (City of Kelowna)
T. Foster, alternate for P. Hanson (Central Okanagan East Electoral Area)
R. Hobson (City of Kelowna)
R. Neis (Westside District Municipality) *arrived at 7:09 p.m.*
G. Reid (District of Peachland)
S. Shepherd (City of Kelowna)
L. Derrickson (Westbank First Nation)

Regrets:

M. Rule (City of Kelowna)

Staff:

W. d'Easum, Chief Administrative Officer
M. Kopp, Deputy Director, Parks and Recreation Services
B. Magnan, Environmental Technician – Development Services
R. Paterson, Chief Building Inspector
D. Plamondon, Director of Development Services
H. Reay, Director of Financial Services
M. Drouin (recording secretary)

Chair Hobson brought the meeting to order at 7:00 p.m.

1. MINUTES

- 1.1 Regular Board Meeting – April 28, 2008
- 1.2 Public Hearing – April 28, 2008
- 1.3 Special Board Meeting – May 8, 2008

#122/08

DAY/GIVEN

THAT the Regular Board meeting minutes of April 28, 2008 and Special Board meeting minutes of May 8, 2008 be adopted as circulated;

AND FURTHER THAT the Public Hearing minutes of April 28, 2008 be received.

CARRIED

2. DELEGATION

No delegation

3. CORRESPONDENCE

3.1 Tolko Industries Ltd re: Proposed Private Land Withdrawal from Tree Farm Licence 49

In follow-up to the April 28th Board meeting at which time the Board requested further clarification on the withdrawal from Tree farm License 49 including whether private land and Crown land was included within the tree farm area upon creation, if there are any ramifications of removing this land from the tree farm area and what are Tolko's plan for the property. Tolko responded in its letter of May 5th.

Tolko confirmed that the lands are both Crown and private, the land parcels outlined in the application are as fee-simple private lands, the application represents the first step in developing a strategy for the property and that final plans have not been confirmed for the area but did not confirm if it was compensated by the Province for the lands.

#123/08

SHEPHERD/REID

THAT the May 5, 2008 letter from Tolko regarding the proposed private land withdrawal from Tree Farm License 49 be received.

CARRIED

#124/08

BAKER/EDGSON

THAT the Ministry of Forest and Range be requested to respond to the question whether Tolko was compensated by the Province for lands within Tree Farm Licence 49.

CARRIED

3.2 UBCM re: 2008 West Nile Virus Risk Reduction Initiative Grants Approved

UBCM confirmed funding for West Nile Virus Risk Reduction Initiatives for 2008.

#125/08

SHEPHERD/BAKER

THAT the May 2, 2008 letter from UBCM confirming the 2008 West Nile Virus Risk Reduction Initiative Grants of \$233,486 and \$160,000 (specifically for Crown lands) be received.

CARRIED

4. UNFINISHED BUSINESS

- 4.1 Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No. 1237, 2008, **3rd reading and Adoption** (All Directors - Unweighted Vote)

#126/08

REID/FINDLATER

THAT Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No. 1237, 2008 be given third readings, reconsidered and adopted this 26th day of May 2008.

CARRIED

- 4.2 Approval of Indebtedness Agreement between Okanagan Regional Library and the Regional District of Central Okanagan (All Directors - Weighted Vote)

In follow-up to providing 3rd readings to the service establishment and loan authorization bylaws, the indebtedness agreement between the Okanagan Regional Library (ORL) and the Regional District of Central Okanagan is brought forward for approval by the Regional Board. The ORL Board has approved the agreement.

#127/08

GIVEN/CLARK

THAT the Regional Board approve the Indebtedness Agreement between the Okanagan Regional Library and the Regional District of Central Okanagan for the borrowing of \$4,500,000 for the construction of a new library headquarters.

CARRIED

5. FINANCE

- 5.1 Regional District of Central Okanagan Security Issuing Bylaw No. 1239, 2008, **1st, 2nd and 3rd readings and Adoption** (All Directors - Unweighted Vote)

#128/08

BAKER/REID

THAT the Regional District of Central Okanagan Security Issuing Bylaw No. 1239, 2008 be given first, second and third readings, reconsidered and adopted this 26th day of May 2008.

CARRIED

Director Neis arrived at 7:09 p.m.

6. DEVELOPMENT SERVICES

6.1 Building Statistics – April 2008 (*All Directors - Unweighted Vote*)

#129/08

EDGSON/GIVEN

THAT the April 2008 building statistics where eight permits for a total construction value of \$489,500 be received.

CARRIED

6.2 Correspondence (*Unweighted Vote*)

- a) Report regarding Front Counter BC referral application for Ministry of Tourism, Sport and the Arts to enlarge an existing recreation site in the vicinity of Hydraulic Lake (McCulloch Lake). (CL-08-04) Central Okanagan East Electoral Area (*All Directors*)

Development Services report dated May 16, 2008 outlined the referral application to enlarge an existing recreation site for non-motorized recreational use.

Chair Hobson declared a conflict of interest and excused himself from the meeting. Chair Reid assumed the chair.

Staff reviewed the application noting that a large part of the area is included within the borders of the Kootenay Boundary Regional District (KBRD) and the Ministry has been advised of this in order to seek a referral from KBRD.

#130/08

SHEPHERD/GIVEN

THAT Front Counter BC referral application CL-08-04 for the Nordic Cross Country Ski Club be conditionally supported subject to:

- Approval from the Kootenay Boundary Regional District;
- Applicant to obtain an appropriate timber cutting authority with the Ministry of Forests and Range if any timber is to be cut during construction of new trails;
- Resolution of all agency and stakeholder (including First Nations) issues and requirements prior to final approval including those of the Environmental Advisory Commission;

AND FURTHER THAT the Development Services Department report dated May 16, 2008 be forwarded to Front Counter BC for their information and consideration.

CARRIED

Chair Hobson returned to the meeting.

- b) Report regarding Front Counter BC referral application for Ministry of Tourism, Sport and the Arts to enlarge an existing recreation site located adjacent to Hydraulic Lake and Minnow Lake. (CL-08-05)
Central Okanagan East Electoral Area (*All Directors*)

Development Services report dated May 20th outlined the referral application to enlarge an existing recreation site in order to ensure enforcement of unregulated camping in an existing recreation site at Hydraulic and Minnow Lakes.

Staff reviewed the application and recommendations for non-support. It was noted the Regional District is currently moving ahead with rezoning of lands adjacent to reservoir lots (CL8 Conservation Lands zone) and that the subject area forms part of an application to rezone undeveloped foreshore areas of reservoir lakes. This rezoning has been initiated in recognition that the Province has previously committed to not allow additional development adjacent to the regions reservoir lakes. Staff noted that they have been unable to speak to the Ministry of Tourism, Sports and the Arts (MTSA) to discuss the conflict between the Province's commitment to not allow added development and the MTSA referral application and as the timeframe for responding to the referral application is brief, it is important for the Regional District to respond.

In discussion, concern was raised that if the camping area is extended whether that would lead to further unregulated camping outside the borders of this extended area.

#131/08

BAKER/GIVEN

THAT Front Counter BC referral application CL-08-05 for the Ministry of Tourism, Sports and the Arts NOT be supported;

AND THAT should the Province proceed with the application, that approval not be granted until such time as the Regional Board and the Southeast Kelowna Irrigation District agree to delete the proposed CL8 zone from the subject area;

AND FURTHER THAT the Development Services Department report dated May 20, 2008 be forwarded to Front Counter BC for their information and consideration.

CARRIED

#132/08

SHEPHERD/GIVEN

THAT staff be directed to initiate discussions with the South East Kelowna Irrigation District to seek their opinion on the proposal to control camping in the area, as well as request a representative from the Ministry of Tourism, Sports and the Arts to provide an update to the Governance and Services Committee to review the broader issue regarding their plans in areas of reservoir lakes.

CARRIED

- c) Report regarding Front Counter BC referral application for District of Lake Country to accommodate a water supply pipeline. (CL-08-07) Central Okanagan East Electoral Area (*All Directors*)

Development Services report dated May 16, 2008 outlined the referral application for the District of Lake Country to accommodate a water supply pipeline.

Staff reviewed the application noting the proposal is in keeping with the objectives of the Regional Growth Strategy.

#133/08

BAKER/GIVEN

THAT Front Counter BC referral application CL-08-07 for the District of Lake Country be conditionally supported subject to:

- Right-of-way (ROW) amended to exclude the Streamside Protection & Enhancement Area (SPEA) along Vernon Creek as identified by a Qualified Environmental Professional;
- Adherence to all mitigation strategy measures outlined in the Eldorado Reservoir Hydroelectric Project Development Plan dated December 14, 2007;
- Receipt of approval for a water license from the Ministry of Environment for any additional water required to operate the hydroelectric power facility (above what has been licensed for the existing reservoir);
- Confirmation that authorization under the *Federal Fisheries Act* and review under the *Canadian Environmental Assessment Act* are not required;
- Receipt of approval from other Provincial agencies including; application for Transportation/Utility Use from the Agricultural Land Commission, exemption as a public utility (*Utilities Commission Act*), changes in and about a stream (Section 9 of the *Water Act*), approval for works with potable water (*Health Act*), overload permit (*Commercial Transport Act*), and permit (*Waste Management Act*);
- Resolution of all other agency and stakeholder (including First Nations) issues and requirements prior to final approval;

AND FURTHER THAT the Development Services Department report dated May 16, 2008 be forwarded to Front Counter BC for their information and consideration.

CARRIED

6.3 Bylaws: (First Reading) (*Unweighted Vote*)

- a) i) Official Community Plan Amendment Bylaw No. 785-15 for South Okanagan Land Developments Inc. (owner) and Urban Systems Ltd. (agent) to amend the North Westside Official Community Plan from Large Holdings to Residential-Low Density and Parks and Recreation located adjacent to Westside Road. Central Okanagan West Electoral Area (*All Directors*)

Development Services report dated May 21, 2008 outlined the application for a 65 lot subdivision, 56 lots fronting Okanagan Lake and 9 lots with access via a frontage road paralleling Westside Road and dedicated park land. Staff reviewed the application and reasons for non-support. It was noted that:

- A legal opinion would be required regarding the sublease to determine the liability of the regional district.
- Limited information regarding the docks and spawning areas has been provided

#134/08

SHEPHERD/GIVEN

THAT as there is a negative recommendation from staff for the OCP and zoning amendment bylaws, the Regional Board hear from the applicant, Ken Enders, of Southern Okanagan Land Development.

CARRIED

Ken Enders – Southern Okanagan Land Development – addressed the Board reviewing the project and noting:

- Committed to rebuilding the area of Westside Road in front of the development.
- A comprehensive wildfire plan will be developed to address community concerns regarding wildfire.
- Preservation of rural character on the North Westside.
- Park dedication prevents further development in area and preserves parkland.
- Focus on sustainability is lost in the staff report. Plan to develop a Land Trust to ensure administration of the head lease.
- A letter from Ian Kilpatrick, North Westside Community Association requesting the opportunity for a public hearing in order for residents to voice their views was circulated to the Board.
- A letter from Oceola Fish & Game Club was circulated highlighting their support of the conceptual site plan and trail network.
- Commitment to hold three meetings before the public hearing to address public concerns.

Questions to Applicant and Response:

- How long has the property been owned? *Enders:* Southern Okanagan Land Development has an option to purchase over the last year.
- Are you planning to address the comments from the Ministry of Community Services where it was noted that the proposed development does not appear to promote efficient growth management and service delivery. *Enders:* Energy conservation is a priority for the development.
- Are docks critical to the project and if so, is there an intention to resolve the issues with the Ministry of Environment in advance? *Enders:* Yes, docks are critical to the project. Believe there is a need for public input before further resources are expended. Docks represent best management practices. A foreshore management plan would be developed and adhered to by all owners.

-Has public consultation occurred? *Enders:* Yes, some discussions have occurred but it is the intent of the developer to speak to all residents in the North Westside.

Staff noted that the Ministry of Environment letter was received after the comments from the APC.

-Under the current zoning how many units could be developed. *Staff:* The property encompasses 127 hectares (RU1 minimum lot size is 30 hectares) which would be 5 units; as well as a small portion zoned at RU3 for one unit.

-Concern was expressed regarding the potential destruction of fish habitat, noting that lessons have been learned with other developments in the valley and that they need to be applied when considering new proposals.

-What would the basis of concern be for administering the head lease? ILMB concerns, the sub-lease component is of concern to staff particularly with regard to liability.

-It was noted that the current OCP does not encourage development due to lack of infrastructure, etc. OCP encourages development only in areas that have existing zoning.

-Concern was expressed regarding the land use implications for the rest of the North Westside and how this fits within the Regional District's Regional Growth Strategy. *Staff:* The current North Westside OCP is being reviewed but land use is not being addressed in the review. In addition, staff noted there are approximately 23 waterfront parcels on the North Westside that have the potential to be developed. These areas need to be identified –are they all zoned the same, are there similarities to the Rockchild development?

#135/08

EDGSON/FINDLATER

Main Motion

THAT OCP Amendment Bylaw No. 785-15 (application Z07/26) NOT be given first reading.

#136/08

SHEPHERD/FINDLATER

THAT the main motion be *DEFERRED* to give an opportunity for the applicant to seek approval by the Ministry of Environment with respect to the environmental issues raised by the Ministry;

AND FURTHER THAT staff be directed to provide further information to the Board on the land use implications for the other 23 parcels in the North Westside area.

CARRIED

Main motion is deferred

ii) Zoning Amendment Bylaw No. 871-170 for the above to amend the zoning from RU1 (Rural 1) and RU4 (Country Residential) to R1 (Single Detached Housing) and P1 (Park and Open Space). (Z07/26) Central Okanagan West Electoral Area (*Electoral Areas, Westside District Municipality Fringe Area and Kelowna Fringe Area*) **WITHDRAWN AS THE OCP AMENDMENT HAS BEEN DEFERRED**

b) Joe Rich Rural Land Use Amendment Bylaw No. 1195-02 for Marguerite Dion (owner) and Pierre Dion (agent) to amend the land use designation on part of the property from Rural Acreage (RA) to Small Holdings 2 (SH-2) located adjacent to Highway 33. (RLUB-08-02) Central Okanagan East Electoral Area (*All Directors*)

Development Services report dated May 16, 2008 outlined the application. The applicant proposes subdivision of two rural residential lots. Staff reviewed the application noting only one further residential unit will be allowed. The majority of issues associated with the application are technical in nature and will be addressed in conjunction with the subdivision approval process.

#137/08

FOSTER/NEIS

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-02 (application RLUB-08-02) be given first reading this 26th day of May 2008;

AND THAT the scheduling of the application for a Public Hearing be withheld pending receipt of confirmation in writing from the applicant that they are prepared to register a Sec. 219 covenant specifying a 30-metre no-build/no-disturb setback along Joe Rich Creek;

AND FURTHER THAT should the applicant wish to pursue a setback of less than 30 metres, that the scheduling of the application for a Public Hearing be withheld pending completion of a detailed assessment by a Qualified Environmental Professional for review by RDCO staff.

CARRIED

7. PARKS AND RECREATION SERVICES

No Board action required/requested.

8. ENGINEERING

No Board action required/requested.

9. NEW BUSINESS

- 9.1 Electoral Area Directors Meeting – Approval to attend for Directors Edgson and Hanson (*Electoral Area Directors - Unweighted Vote*)

#138/08

REID/BAKER

THAT Directors Edgson and Hanson's registration and expenses to attend the UBCM Electoral Area Directors Meeting scheduled for June 12-13, 2008 in Vancouver be approved.

CARRIED

10. OTHER BUSINESS

- 10.1 Governance and Services Committee Meeting Report to the Regional Board (*All Directors - Unweighted Vote*)

The Governance and Services Committee met on May 8th and forwards the following recommendations for consideration.

- a) Proposed National Park in the South Okanagan and Similkameen Valley

In discussion, it was noted that since the Governance and Services meeting and subsequent reports in the media, many letters have been received voicing concern and opposition to a proposed national park in the South Okanagan. The Board discussed the issue of becoming involved in the debate over a national park including: the proposal is not within the borders of the Central Okanagan; Parks Canada has not asked the Board to provide comment; it's a Parks Canada process; that individuals are encouraged to communicate their views directly to Parks Canada; and that Parks Canada should be the one to hear all sides of the debate, not the regional district.

#139/08

REID/EDGSON

THAT the Regional Board receive the recommendation of the Governance and Services Committee (May 8th) regarding the proposed national park in the South Okanagan and Similkameen Valley, take no further action on the recommendation and refer any comments received from the public directly to Parks Canada;

AND FURTHER THAT Parks Canada be requested to inform the Regional District of Central Okanagan of the public process involved as the park development proposal moves forward.

CARRIED

b) Mission Creek Habitat Restoration Project

Parks and Recreation Services report dated May 21, 2008 outlined the background for the Mission Creek Habitat Restoration project and the recommendation that the regional district continue to support the project as it moves forward.

#140/08

EDGSON/NEIS

THAT the Regional Board approve the continued regional district parks staff support for the Mission Creek Restoration Project;

AND THAT any budget implications associated with this project be presented for discussion at future meetings of the Governance and Services Committee and the Regional Board in conjunction with the annual regional park service financial plan review;

AND FURTHER THAT the Regional Board approve entering into a Memorandum of Understanding that supports, in principle, the Mission Creek Restoration Project involving a partnership of the British Columbia Ministry of Environment, City of Kelowna, Central Okanagan Land Trust, Fisheries and Oceans Canada, Friends of Mission Creek Society, Okanagan Nation Alliance, Westbank First Nation and the Regional District of Central Okanagan.

CARRIED

c) Regional District of Central Okanagan Fire Prevention and Regulations Amendment Bylaw No. 1240, 2008, **1st, 2nd and 3rd readings, reconsideration and Adoption**

The amendment moves the start of the open burning season from September 1st to October 1st.

#141/08

GIVEN/FINDLATER

THAT Regional District of Central Okanagan Fire Prevention and Regulations Amendment Bylaw No. 1240, 2008 be given first, second and third readings, reconsidered and adopted this 26th day of May 2008.

CARRIED

10.2 Director Items

No action required/requested.

Director BAKER left the meeting at 9:43 p.m.

11. ADJOURN IN CAMERA

There being no further business the meeting was adjourned at 9:47 p.m.

#142/08

REID/EDGSON

THAT pursuant to Section 90 of the Community Charter the Regional Board adjourn and convene to an 'In-Camera' session to discuss land and personnel issues.

CARRIED

CERTIFIED TO BE TRUE AND CORRECT



R. Hobson (Chair)



W. d'Easum (Chief Administrative Officer)