

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, March 21, 2011

Directors:

J. Baker (District of Lake Country)
J. Edgson (Central Okanagan West Electoral Area)
K. Fielding (District of Peachland)
D. Findlater (District of West Kelowna)
K. Hayes (Central Okanagan East Electoral Area)
C. Hodge (City of Kelowna)
R. Hobson (City of Kelowna)
G. James (City of Kelowna)
D. Ophus (District of West Kelowna)
A. Reid-Nagy (City of Kelowna)
M. Rule (City of Kelowna)
S. Shepherd (City of Kelowna)
M. Werstuik (Westbank First Nation)

Staff:

H. Reay, Chief Administrative Officer
M. Bakelaar, Environment/Land Use Planner
R. Paterson, Chief Building Inspector
D. Plamondon, Director of Developmental Services
M. Rilkoﬀ, Director of Administrative and Finance
M. Drouin, Corporate Services Coordinator (recording secretary)

1. CALL TO ORDER

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

2. ADDITION OF LATE ITEMS

3. ADOPTION OF THE AGENDA

#68/11

BAKER/EDGSON

THAT the agenda be adopted as circulated.

CARRIED

4. ADOPTION OF MINUTES

4.1 Regular Board Meeting – March 10, 2011

#69/11

EDGSON/OPHUS

THAT the Regular Board meeting minutes of March 10, 2011 be adopted as circulated.

CARRIED

5. DELEGATIONS

5.1 Okanagan Indian Band (ONIB) – Councillors Raymond Marchand and Tim Isaac re: Addition to Okanagan IR#1 – Laura Demers

Okanagan Indian Band in its letter of February 4, 2011 requested a delegation to discuss the Regional District's opposition to the addition of the subject lands to I.R. No. 1. The opposition to the addition was provided to Indian and Northern Affairs Canada in 2009.

Councillor Marchand addressed the Board noting:

- ONIB wants better dialogue between the two governments
- Four Regional Board members supported the addition to reserve, and now requests a new resolution of support in light of information provided today.
- This is a result of a specific claim filed over two decades ago. Believe portions of land were illegally excluded.
- Land which is being added to reserve constitutes a relatively small acreage. Land is being returned as a result of unlawfully excluded from reserve before the regional district existed.
- Integral part of claim Canada conceded was valid.
- Want to work out practical solutions from issues raised in Board resolution.
 - No forestry road in the area.
 - Zoning issues--will not be subject to ALR and zoning requirements. Bylaws don't apply to reserve lands. Willing to sit down to address issues how lands will be developed.
- Willing to sit down to work out a protocol between the governments to help harmonize land use decisions.
- Want contiguous Band lands. Canada said that the lands are to be touching – but they are not – Canada considers in this instance they are.
- The North Okanagan Regional District is not opposed to the addition to lands.

Discussion:

- Very positive that dialogue has started.
- Is it possible for the Band to hold an information meeting for residents in the area? Yes, this could be done.
- Majority of the land is within the North Okanagan Regional District.
- Residents have expressed concern in the past with regard to road access. Information blocks have been done in the past regarding other issues. ONIB has never blocked road access.
- Staff reviewed the lots identified. Lots are privately owned by the band. One lot is in the ALR. ONIB bought the lands and now want to move them to reserve status.
- How is the land contiguous? They aren't in this area but it is as a whole— these are remnant pieces.
- The error by Canada was made off Rattlesnake Point not these lands. In a land settlement with Canada monies were offered by Canada but the Band asked for lands to be moved to reserve status. The Band is now requesting other lands be added to reserve. The Band bought the lands and now want them transferred to reserve.
- Need staff report to revisit the issue and report back on ie: historical information; confirm process currently in place; confirm road access issues; what future land use is being planned by the Band; and what public consultation process is planned by the Band.

- Is there a timeline for response? June 12 is the deadline for ONIB so a response would be appreciated as soon as possible.

The delegation was thanked for their presentation. Chair Hobson noted the Regional District is willing to continue discussions with the Band that can lead to establish principles and benchmarks for a Protocol Agreement between the two governments. The Administrator will contact ONIB for discuss this further.

#70/11

FINDLATER/EDGSON

THAT the February 4, 2011 letter from the Okanagan Indian Band regarding Addition to Okanagan I.R. #1 be received;

AND THAT the Regional Board reconsider its original resolution #153/09 in opposition to the addition of the subject lands to I.R. No. 1;

AND FURTHER THAT staff be directed to provide a report on the issues raised on June 22, 2009 and further considering the items raised by the Board and the Okanagan Indian Band at the March 21, 2011 meeting.

CARRIED

6. CORRESPONDENCE

- 6.1 Okanagan Basin Water Board – Meeting Highlights - March 4, 2011
(for information)

#71/11

JAMES/HODGE

THAT the Okanagan Basin Water Board meeting highlights of March 4, 2011 be received.

CARRIED

- 6.2 Okanagan Basin Water Board – Letter to Minister of Environment re: Open and Accountable Governance of the Water Sustainability Act *(for information)*

#72/11

SHEPHERD/EDGSON

THAT the Okanagan Basin Water Board letter of February 21, 2011 to the Minister of Environment regarding open and accountable governance of the Water Sustainability Act be received;

AND FURTHER THAT the Board supports the Okanagan Basin Water Board's letter to the Ministry of Environment.

CARRIED

6.3 Regional District of North Okanagan re: Sterile Insect Release Program
Legislative Review (*for information*)

#73/11

BAKER/SHEPHERD

THAT the Regional District of North Okanagan's letter of February 19, 2011 to the SIR Board and the Ministry of Community, Sport and Cultural Development regarding the Sterile Insect Release Program Legislative Review be received.

CARRIED

6.4 Westbank First Nation (WFN) – re: WFN becoming a voting member of
the RDCO Board

The Regional Board received a letter dated February 28, 2011 from Westbank First Nation Council requesting that WFN become a voting member at the Regional Board table. It was noted that due to the relationship with the Regional District many issues affect WFN but that the WFN member does not have a vote particularly issues on contractual in nature.

The issue of a vote was offered to WFN many years ago, but the Band at the time did not want to be a voting member. It was noted that Metro Vancouver has a voting Band member at their Board table.

Questions were raised on whether there are costs associated with representation, what services would they vote on, what services would they participate in, and what is the voting structure? Staff noted that the Province will need to be contacted to discuss the logistics and any technical issues to be worked out.

#74/11

BAKER/EDGSON

THAT the February 28, 2011 letter from Westbank First Nation Council requesting WFN become a voting member at the Regional Board table be received;

AND FURTHER THAT staff enter into discussion with the Province and Westbank First Nation around the principle of WFN participating as a full member of the Regional Board and that staff report back to the Board with a preliminary report.

CARRIED

6.5 Regional District of North Okanagan re: Okanagan Similkameen
Airshed Coalition

The Regional District of North Okanagan's letter of February 22, 2011 confirmed that the regional district has passed a bylaw dissolving their regional air quality service in the North Okanagan. Their Board has not renewed the Okanagan Similkameen Airshed Coalition Memorandum of Understanding and is not a party to a further extension of the MOU.

It was noted that the City of Vernon is discussing options to participate in some air quality programs such as the wood stove exchange program. Without NORD participating in the Coalition, it is understood that grants for inter-regional air quality programs from the Province may be affected. It was further noted that it is not fair to expect our staff or RDOS to carry out any air quality services for the North Okanagan. Discussions continue between staff at the RDOS and RDCO on options for the future of the Coalition.

#75/11

OPHUS/FIELDING

THAT the Regional District of North Okanagan letter of February 22, 2011 confirming that the Regional District has passed a bylaw dissolving their air quality service in the North Okanagan and that the Board has not renewed the Okanagan Similkameen Airshed Coalition MOU be received;

AND FURTHER THAT a letter be forwarded to the Regional District of North Okanagan that the Central Okanagan is disappointed the Regional District has made the decision to dissolve their air quality service and participation in the Okanagan-Similkameen Airshed Coalition and that should the Regional District wish to participate in air quality programs they will have to initiate the process.

CARRIED

7. UNFINISHED BUSINESS

No Board action required/requested.

8. FINANCE

No Board action required/requested.

9. DEVELOPMENT SERVICES

Inspection:

9.1 Building Statistics – February 2011 (*All Directors - Unweighted Vote*)

#76/11

BAKER/EDGSON

THAT the building statistics for the month of February 2011 be received.

CARRIED

Planning: (*Unweighted Vote*)

9.2 Floodplain Exemption Application for Linda Badke (owner) located adjacent to Beachwood Road (FEX-11-01) Central Okanagan West Electoral Area (*All Directors*)

Staff report dated March 15, 2011 outlined the floodplain exemption application to permit the construction of an addition to an existing house to be located 10 metres from the natural boundary of Okanagan Lake.

In 2005 the Regional Board adopted a zoning bylaw amendment which increased the floodplain setback from 7.5 m to 15.0 m from the natural boundary of Okanagan Lake, as per the recommendations of the provincial floodplain regulations. Other properties located in the Beachwood Road subdivision were developed before the new floodplain requirements were adopted and are generally located within 15 m of the high water mark. The proposed addition is required to conform to the new setback unless the applicant receives an exemption granted by the local government as per Section 910(5) of the *Local Government Act*. The proposed development meets the required flood construction level of 343.66 m (1,127.49 ft) Geodetic Survey of Canada datum for land adjacent to Okanagan Lake but does not meet the floodplain setback of 15 m from Okanagan Lake.

The applicant has applied for an Aquatic Ecosystem Development Permit under the Rural Westside OCP (DP-11-01). The proposed development, located within 15m of Okanagan Lake, was considered acceptable by the Qualified Environmental Professional given mitigation and protection measures.

Agency comments were reviewed.

As a result of posting the sign on the property regarding the proposed floodplain exemption application and efforts of the applicant to obtain neighbourhood input, a total of 27 letters of support have been received.

The question was raised regarding the 'save harmless' clause in that should the owner sell the property, the 'save harmless' clause is extended to future owners. Staff noted that this occurs through the covenant. Staff also noted that there are outstanding issues to be resolved on the covenant for the upper portion of land.

The applicant had no comment. No members of the public had comment.

#77/11

EDGSON/SHEPHERD

THAT the Board approve Floodplain Exemption application FEX-11-01 subject to the following conditions:

- Registration of a Floodplain Covenant under Section 219 of the Land Title Act, restricting construction within the Floodplain Setback required by RDCO Zoning Bylaw No. 871, s.3.28.2.1.1, to that referenced in the January 19, 2011 Floodplain Assessment Report by Clarke Geoscience Ltd. and the attached site plan, to the satisfaction of Regional District staff.
- Registration of a restrictive no build no disturb covenant under section 219 of the Land Title Act, restricting construction on the upper portion of the property west of Beachwood Road.
- All construction and site rehabilitation be undertaken in conformance with the Environmental Assessment Report by Ecoscape Environmental Consultants

Ltd., dated January 17, 2011 and the Floodplain Assessment Report by Clarke Geoscience Ltd. dated January 19, 2011.

- The applicant be required to “save harmless” the Regional District.
- Confirmation of the location of the septic field, and the capacity of the septic system to accommodate the proposed development or an alternate system approved prior to issuing the required Aquatic Ecosystem Development Permit.

CARRIED

10. NEW BUSINESS

- 10.1 Dog Licensing Agent Appointment – Rose Valley Veterinary Hospital
(All Directors-Unweighted Vote)

#78/11

HODGE/FINDLATER

THAT Rose Valley Veterinary Hospital in West Kelowna be appointed as an agent of the Regional District of Central Okanagan for the purpose of selling dog licenses.

CARRIED

11. OTHER BUSINESS

11.1 Director Items

- a) Southern Interior Beetle Action Coalition (SIBAC)
Director Edgson reminded the Board if they had any comments regarding the SIBAC information forwarded on the Green Energy Project to speak directly to him.
- b) Beasley Park
Director Baker noted that he has been receiving complaints that the washrooms are not yet open at Beasley Park. As the weather warms residents are at the park and sport practices are beginning. Staff was asked to look into this issue.
- c) Future meetings
Director Rule noted she will be away April 7th. Director Shepherd and Chair Hobson will be away May 30th. Alternates have been asked to attend these meetings.
- d) Dog Advisory Committee meeting
Director Hodge noted the next Dog Advisory Committee meeting will take place on April 12th.

12. ADJOURN IN CAMERA

#79/11

EDGSON/FINDLATER

THAT pursuant to Section 90 of the *Community Charter* the Regional Board adjourn and convene to an 'In-Camera' session to discuss a legal and personnel issue.

CARRIED

There being no further business the meeting was adjourned In Camera at 8:15 p.m.

The Board reconvened at 8:20 p.m.

Ad Hoc Committee on Regional Relations

Chair Hobson noted that further to the March 10, 2011 Board meeting where the Regional Board approved the Board's Strategic Plan Initiatives for 2011, it had been agreed to formulate a Memorandum of Understanding (MOU) on regional relations and an 'ad hoc' committee was to be named to develop a draft MOU which will then be discussed with the Regional Board and municipal partners. The Chair of the Committee, Director Fielding, will call the meeting.

#80/11

SHEPHERD/HODGE

THAT the following Directors be appointed to an 'Ad Hoc Subcommittee' on regional relations:

- Director Fielding, Chair
- Director Baker
- Director Rule

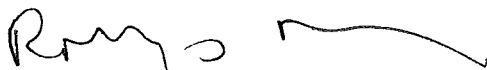
CARRIED

Inland Lake Issue Task Force

It was noted that the Regional District had sent a letter to UBCM in September 2010 requesting that they consider the formation of an Inland Lake Issue Task Force. To date a response has not been received and staff will follow up on the request and report back to the Board.

There being no further business the meeting was adjourned at 8:25 p.m.

CERTIFIED TO BE TRUE AND CORRECT



R. Hobson (Chair)


H. Reay (Chief Administrative Officer)