

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, July 28, 2014

Directors

J. Baker (District of Lake Country)
C. Basran (City of Kelowna)
J. Edgson (Central Okanagan West Electoral Area)
D. Findlater (District of West Kelowna)
G. Given (City of Kelowna)
W. Gray (City of Kelowna)
P. Hanson (Central Okanagan East Electoral Area)
R. Hobson (City of Kelowna)
D. Ophus (District of West Kelowna)
L. Stack (City of Kelowna)
G. Zimmermann (City of Kelowna)

Regrets:

K. Fielding (District of Peachland)
C. Derickson, (Westbank First Nation)

Staff:

B. Reardon, Chief Administrative Officer
A. Brennan, Manager of Purchasing
R. Fralick, Manager of Planning
M. Kopp, Director of Parks Services
C. Radford, Director of Community Services
B. Smith, Communications Coordinator
D. Wildeman, Manager of Fire Services
M. Drouin, Manager - Corporate Services (recording secretary)

1. **CALL TO ORDER**

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

2. **ADDITION OF LATE ITEMS**

There were no late items for the agenda.

3. **ADOPTION OF THE AGENDA**

#126/14

BAKER/OPHUS

THAT the agenda be adopted.

CARRIED Unanimously

4. **ADOPTION OF MINUTES**

4.1 Regular Board Minutes – July 17, 2014

#127/14

STACK/EDGSON

THAT the Regular Board Meeting Minutes of July 14, 2014 be adopted

CARRIED Unanimously

5. DELEGATIONS

No delegations

6. CORRESPONDENCE

No Board action required/requested.

7. FINANCE & ADMINISTRATIVE SERVICES

7.1 Purchase Commitments > \$100,000 during 1Q & 2Q – 2014 (*for information*) (*All Directors – Unweighted Vote*)

Staff report dated July 22, 2014 outlined seven purchase commitments exceeding \$100,000 made during the first and second quarter of 2014.

#128/14

GRAY/BAKER

THAT the Board, as per section 4.6 of the RDCO Purchasing Policy, receive for information the report on the purchase commitments which exceeded \$100,000 made during the first and second quarters, ending June 30, 2014.

CARRIED Unanimously

8. CORPORATE SERVICES

Bylaw Enforcement

8.1 Dog Control Service Update/Statistics (*for information*) (*All Directors – Unweighted Vote*)

Staff report dated July 24, 2014 provided an update on dog control service and stats to June 30, 2014. To date, dogs licensed has increased to 18,169 (from 11,409 in 2013) with an additional 3,709 new dogs licensed this year. Staff continues to work on programs such as the online licensing to make it more user friendly; increasing partners in the 'My Dog Matters Rewards Program'; and working with the SPCA on continuing education and adoption of dogs to new homes. The newly created Ambassador Program is well underway positively reminding dog owners about responsible behaviours. The administrative policy adopted for multiple fines for non-licenses was reviewed. Staff will review the policy in 2015 and determine if any changes to the policy and bylaw amendments are required going forward. West Kelowna confirmed that staff have been considering the required bylaw amendment should the Board agree to amending the region's bylaw to a three-dog limit.

#129/14

BAKER/FINDLATER

THAT the Board receive for information the Dog Control Service Update and Program Performance Measure Statistics – April-June 2014.

CARRIED Unanimously

9. COMMUNITY SERVICES

Referral Application:

- 9.1 Report regarding a FrontCounter BC referral application for License of Occupation (up to 30 year term) for a trap and skeet shooting field, located on approximately 23.22 ha (57.38 acres) of Crown Land adjacent to Trepanier Road. (CL-14-01) Central Okanagan West Electoral Area (*All Directors – Unweighted Vote*)

Staff report dated July 21, 2014 outlined the referral application for a 30 year License of Occupation for a development of a trap and skeet shooting facility on Crown Land in the Trepanier area. The Central Okanagan Shotgun Sports Club operated in Kelowna since the 1920s. The Club ceased operation at the Kelowna site in November 2012 and have actively searched for a new site to operate. The Club proposes to construct a trap and skeet shooting field on 23.22 ha of Crown land. The proposal does not comply with the current RU1 zoning therefore approval of a zoning amendment would be required to proceed should the Province grant the License.

Staff highlighted that the application is a provincial crown land referral application, not a rezoning application, the Regional District is one of many referral agencies.

Staff reviewed the site location in the Trepanier area of Central Okanagan West. Road access was reviewed. The project is to be developed in three phases. A site plan provided by the proponents was highlighted.

Issues and concerns raised include:

- Risk of wildfire, not within an established fire protection district;
- Close proximity to Peachland Community Water System intake;
- Permanent nature of proposal – includes construction of a clubhouse;
- Not in keeping with RU1 zone – need for rezoning for construction.

A variety of community letters have been received--predominantly residents of the Trepanier subdivision area voicing concerns regarding the application: close to a residential area (noise) and fire protection.

In discussion:

- The question was raised whether it would be a more appropriate process to go through a zoning application first, prior to going through the Province? Staff noted there has been a previous application years ago where staff requested zoning prior to the referral comments, but proponents can chose to go to the Province first.
- If FrontCounter approves the application, will rezoning be required? *Staff:* The use could be approved long term without the rezoning. The purpose of

staff's recommendation is to be clear to FrontCounter BC that a rezoning application is required.

- It can be difficult for shooting sports to find suitable locations. There has been a site in Kelowna for a number of years with very few complaints. There would need to be buffering but 500m to the nearest residence is quite close. The preference is to have a site further from residential areas.
- Concern was expressed regarding the potential for development of an RV park in the area as well.
- Public consultation process should be a requirement for the applicant prior to consideration by the Province.

#130/14

EDGSON/OPHUS

THAT FrontCounter BC referral application for a License of Occupation to allow a trap and skeet shooting field on 23.22 ha (57.38 acres) of Crown Land NOT BE APPROVED until such time as the proponent makes application and receives approval from the Regional District to rezone the land from RU1 to C6 Recreation Commercial;

AND FURTHER THAT the Community Services Department report dated July 21, 2014 be forwarded to FrontCounter BC for their information and consideration.

CARRIED Unanimously

Development Variance Permit

- 9.2 Development Variance Permit Application for D. Sheard & K. Carter (owners) to allow a reduction of the front setback from 6.0 m (19.7 ft.) to 1.49 m (4.89 ft.) and to 1.79 m (5.87 ft.) to permit two existing detached carports adjacent to Winchester Road. (VP-14-01) Central Okanagan West Electoral Area (*Electoral Areas, Kelowna and West Kelowna Fringe Areas – Unweighted Vote*)

Staff report dated July 21, 2014 outlined an application for a variance to allow a reduction of a front setback from 6.0 m to 1.49 m and to 1.79 m in order to permit the siting of two existing detached carports. Staff noted that no objections have been received regarding the variance.

Staff noted that a survey certificate has confirmed encroachment of the two carports. The carports do not impact site lines from the roadway. Approval was provided by MOTI for the setback. The setback does not affect neighbouring properties.

Chair Hobson asked if there was anyone in the gallery who deemed their property affected by the variance. There was no comment from the public gallery.

#131/14

EDGSON/FINDLATER

THAT Development Variance Permit Application VP-14-01 to vary Section 6.5.4 of Zoning Bylaw No. 871 by allowing a reduction of the minimum front setback from 6.0m (19.7 ft) to 1.49m (4.89 ft) and 1.79 m (5.87 ft) in order to permit two separate accessory structures be approved.

CARRIED Unanimously

Temporary Use Permit

9.3 Temporary Use Permit for C. Stowell (owner) to allow a Medical Marihuana Production Facility on the 4.0 ha (9.88 acre) property adjacent to Paradise Valley Drive. (TUP-14-01) Central Okanagan West Electoral Area (*Electoral Areas, Peachland and West Kelowna Fringe Areas - Unweighted Vote*)

Staff report dated July 21, 2014 outlined the application for a Temporary Use Permit for a period of three years to allow a medical marihuana production facility on the 4.0 ha property. The parcel and building do not meet the minimum lot size and required building setback. Under legislation permits can be considered for up to three years.

A site plan was provided. Staff reviewed the site access and location of the planned facility. 30m setback requirement has highlighted. The applicant is proposing to increase the property size by reconfiguring the property – three existing parcels down to two parcels. It was noted the applicant's proposal will create a small setback requirement by the configuration of a corner of the existing building. Camp Okanagan is located adjacent to the subject property. This area is rural residential with the exception of Camp Okanagan.

Issues and concerns raised in the four letters of objection received include:

- Risk of wildfire
- Environmental/watershed impacts
- Impacts to neighbourhood and adjacent to recreational resort development

Discussion:

- The question was raised whether an environmental watershed study is something that absolutely needs to be done – is it not overly legislative? *Staff:* the recommendation came forward from the Environmental Advisory Commission and the environmental planner. The applicant needs to demonstrate there will be no impact to the watershed.
- To get the minimum 8 ha site required to meet the bylaw, it will be necessary to consolidate the neighbouring property.

Chair Hobson asked if there was anyone in the gallery who deemed their property affected by the Temporary Use Permit.

- Deany Fernley, 4447 Trepanier Road – concern about safety issues with a 'grow-up' in the area.
- Roberta Kirkwood, 4660 Trepanier Road – lives in an unprotected fire protection area. Greater risk for fire – how will this be addressed?
- Bruce York, 4460 Trepanier Road – concerned about fire protection.

- Andy Lefranier – 4880 Maxwell Road. Concerned about the high fire hazard in the area. Road access is one way in, one way out. Safety concerns with break-in, electrical issues.
- Joel Chase, 4979 Paradise Valley Road – rural residential zoning area, unprotected fire protection area, road access concerns. Policing issues in a rural area.
- Roy Ralph, Paradise Valley/Trepanier (corner lot) – prepared to do a land swap with the applicant. Fully support the sustainable industry and the application.
- Colleen Sulka, 4915 Paradise Valley Drive – concern fire protection in the area. Rules must be followed.

The applicant, Cliff Stowell, 4715 Paradise Valley Drive addressed the Board regarding concerns raised for fire, police and security. An engineer has been hired to address electrical requirements for the facility. There should be no fire related issues with the facility. A fire protection system for the facility will be in place. In addition, natural gas will be brought into Camp Okanagan with the applicant paying for the natural gas connection for the facility. Police support the facility site. The amount of cameras and motion detectors required for the facility will ensure security. People are leery of the unknown – medical marihuana. The applicant will be required to meet Health Canada's high standards for the facility which include safety and security.

Board:

- It was noted that various directors have toured facilities in operation. The security and requirements to operate are very stringent and are laid down by Health Canada. These facilities are not like the illegal or legal home operated facilities which may be hazardous to the environment and surrounding neighbourhood.
- What is the requirement for disposal of the plant? Mr. Stowell noted the plants can be disposed at a landfill. He is also looking at onsite options.
- It was noted that when Camp Okanagan was developed an extensive water study was completed. The requirement for another water study would be 'overkill'—if it was a tomato plant would a study be required?
- As this is in an unprotected fire protection district, what type of water supply will be used for fire protection? Is there anything being done for wildfire protection?
Applicant: There is a home well on site which pumps 36 gallons per minute. A well which pumps 100 gallons per minute will be used for the facility. A pump would handle the amount of water required for the facility. The applicant has cleared trees around the building, the building is built with non-flammable material, and a wildfire covenant has been registered.
- It was noted the application for the facility is with Health Canada. Health Canada only provides final approval once the facility is complete.

Further public comment:

Roberta Kirkwood – concern was expressed regarding any smell. The applicant noted there are mechanical systems required as part of Health Canada's regulations to eliminate any odour. Board members noted that on their tour of facilities in operation there is no odour emitted.

George Sulka – 4918 Paradise Valley – will there be a tour of the facility?

Board:

It was reiterated that there is a huge difference between a regulated medical marihuana facility and the illegal operations.

Health Canada facilities are extremely secure, no smell, and limited water usage. There is a lack of understanding from the public of what the new requirements are for these new facilities.

#132/14

EDGSON/OPHUS

THAT the Temporary Use Permit (Application TUP-14-01) for C. Stowell to allow a Medical Marihuana Production Facility be conditionally approved subject to the following:

- The applicant to complete an updated Wildfire Risk Assessment Report taking the proposed use into account. The applicant to complete and adhere to all recommendations outlined in the report.
- The applicant to address how this land use will affect the availability of water in the area as well as how the release or disposal of treated water may impact the aquifer. The assessment is to be reviewed by District of Peachland and RDCO staff.
- Submission of a plan to RDCO Planning staff for installation of a vegetative buffer/solid screen along the subject parcel line adjacent to Lot 5, Plan KAP81460, District Lot 1380, ODYD. The vegetative buffer/solid screen (or an appropriate bond) must be in place within six-months of issuance of the temporary use permit, and must be in compliance with the Wildfire Covenant registered on title (LA099911) and updated wildfire assessment that is to be completed.
- The site must be licensed by the Federal Government prior to producing, manufacturing, processing, packaging, shipping and/or destroying of marihuana for medical purposes.
- No additional buildings used for Medical Marihuana Production Facilities shall be permitted in conjunction with approval of this permit.
- The buildings used for medical marihuana production facilities shall not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards.
- Completion of all requirements associated with the Building Permit for retro-fit renovations (BP No. 6986/14) and applicant to obtain a Business License from the RDCO once a Federal License has been issued.

AND THAT the applicant provides an update in writing to the Community Services Department six months after issuance of the permit regarding;

- Status of the lot consolidation/boundary adjustment application and an access permit with the Ministry of Transportation and Infrastructure,
- Status of the application with Health Canada for a Marihuana for Medical Purposes Regulations (MMPR) license;
- Status of all conditions imposed with this permit.

AND THAT the Temporary Use Permit may be rescinded by the Regional Board in six-months in the event that conditions of the permit have not been addressed or are not being adhered to;

AND FURTHER THAT the Temporary Use Permit shall expire in one year and all uses temporarily authorized by the Permit shall cease upon expiry of the Permit, unless otherwise authorized.

CARRIED (Findlater opposed)

10. PARKS SERVICES

10.1 2014 Regional Parks Service Review *(All Directors – Unweighted Vote)*

Staff report dated July 11, 2014 outlined the proposal to review the regional parks service.

Director Edgson left the meeting at 8:25 p.m.

Four categories of the review (problem statement) were highlighted:

- Cost benefit analysis related to increased external park operations and resource management service contracts;
- Options for the RDCO—local government partnerships in relation to potential shared regional park & RDCO facility uses (ie: KLO office and grounds lease space, DLC park & ride facility at the Reiswig-Beasley park locations, etc.)
- Evaluation of current and future park assets and infrastructure needs and estimate anticipated costs over the next 10 years; and
- Review and update the existing regional parks regulatory bylaw.

It was felt that staff can undertake the work required on the review instead of hiring an external consultant. Staff will draft a service review document and report back to the Board.

#133/14

FINDLATER/GIVEN

THAT the Board approve the 2014 Regional Parks Service Review Problem Statement and Process contained in the July 11, 2014 report to complete the service review.

CARRIED Unanimously

Director Edgson returned at 8:27 p.m.

11. NEW BUSINESS

No Board action required/requested.

12. DIRECTOR ITEMS

a) Smith Creek Fire

Director Findlater thanked all those who helped with the recent Smith Creek Fire. It was a great regional emergency response.

b) Excessive Noise Issues

Director Stack noted that in the past there has been no appetite by the Province to provincially address the issue of excessive noise complaints. The RCMP had thought they could address the issue but a court challenge prevents that. The question was raised whether there is the ability to adopt the same set of rules throughout the Central Okanagan to deal with excessive noise issues from motorbikes, boats, etc. There are many challenges involved: provincial highways, federal waterway, how would it be enforced, etc. How are other bordering municipalities/regional districts dealing with the issue. West Kelowna and Kelowna have had lengthy discussions on the issue in the past. It was suggested the local government CAOs discuss the issue at a future CAO meeting.

#134/14

STACK/EDGSON


THAT the Regional Board refer the matter of excessive noise issues (ie: motorbikes, boats on the lake) to the municipal/regional district CAOs to review the issue and draft a proposal/recommendation for discussion and how the issue may be addressed locally.

CARRIED Unanimously


13. ADJOURN

There being no further business the meeting was adjourned at 8:52 p.m.

CERTIFIED TO BE TRUE AND CORRECT



R. Hobson (Chair)



B. Reardon (Director of Corporate Services)