

**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, November 23, 2015**

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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 (City 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 (City of West Kelowna)  
B. Sieben (City of Kelowna)  
C. Hodge, alternate for L. Stack (City of Kelowna)  
C. Derickson (Westbank First Nation)

Staff:

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

**1. CALL TO ORDER**

Chair Given called the meeting to order at 7:15 p.m.

**2. ADDITION OF LATE ITEMS**

There were no late items for the agenda.

11.1 staff report was added to the agenda

**3. ADOPTION OF THE AGENDA**

**#223/15**

BAKER/OPHUS

THAT the agenda be adopted.

CARRIED Unanimously

**4. ADOPTION OF MINUTES**

4.1 Regular Board Meeting – November 12, 2015 (*All Directors – Unweighted Vote*)

**#224/15**

OPHUS/FORTIN

THAT the Regular Board meeting minutes of November 12, 2015 be adopted.

CARRIED Unanimously

**5. DELEGATION(S)**

**#225/15**

BAKER/SIEBEN

THAT item 5.2 delegation be heard first.

CARRIED Unanimously

5.1 Starling Control Program Update, BC Grapegrowers' Association – Carl Withler, Ministry of Agriculture, Industry Specialist, Tree Fruits and Grapes  
(All Directors – Unweighted Vote)

On behalf of the BC Grapegrowers' Association, Carl Withler, provided an overview of the Starling Control Program.

- Each regional district in the Okanagan Similkameen contributes \$25,000 annually to the trapping program.
- Funding is also received from the BC Fruit Growers' Association, BC Tree Fruits Co-op and the BC Grapegrowers' Association
- BC Grapegrowers' Association provides the administration and program management since 2006
- Trapping program costs average \$115,000/year
- Bird counts for the last 12 years was provided
- Trappers work up and down the valley in a variety of locations, working with live traps. Some of the trappings are sold to raptor rehab centres.
- The population is being held down through the trapping program.
- Program successes were highlighted: reduction in propane cannons and other devices, reduction in cost of bird control measures for farmers, reduction in the amount of bird damage to crops and the return of native songbirds to the region.

**#227/15**

HODGE/CARSON

THAT the presentation on the Starling Control Program be received for information.

CARRIED Unanimously

5.2 Westside Road Upgrades – “Where we are Today; Working for the Future” – Jim Edgson, Cofounder of the MLA Westside Road Improvement Committee (All Directors – Unweighted Vote)

Jim Edgson provided an update on the Westside Road upgrades. A committee was formed at the request of previous Member of the Legislative Assembly (MLA) Rick Thorpe, and supported by the current MLA. The committee works, as consensus driven, with the Ministry of Transportation and Infrastructure staff and have developed a good working relationship with provincial staff regarding upgrades to Westside Road. The upgrades which have been done over the past ten years and \$10mil was reviewed. The committee has worked with Tourism Kelowna on promoting the tourism aspect of the road and its area.

It was noted that the upgrades and blasting currently being done will add to the safety of those citizens using the road. The road is being significantly widened in the current work area.

#226/15

FORTIN/BAKER

THAT the presentation on the Westside Road Upgrades be received for information.

CARRIED Unanimously

**6. CORRESPONDENCE**

6.1 Okanagan Basin Water Board Meeting Highlights – Nov, 5, 2015

#228/15

FINDLATER/BAKER

THAT the Okanagan Basin Water Board meeting highlights of November 5, 2015 be received for information.

CARRIED Unanimously

**7. COMMUNITY SERVICES**

**Planning**

**Referral Application:**

7.1 Report regarding a FrontCounter BC referral application to purchase three parcels of Crown land currently under tenure in the vicinity of La Casa Lakeside Cottage Resort (CL-15-10) Central Okanagan West Electoral Area (*All Directors – Unweighted Vote*)

Staff report dated November 16, 2015 outlined the FrontCounter BC referral application to permit the purchase of three parcels of Crown land currently under tenure. La Casa Resort Development users have historically been accessing the adjacent Fintry Provincial Park and Protected Area with ATVs. The strata council has worked collaboratively with BC Parks to address ATV access concerns with a focus on stewardship of the adjacent environmentally friendly lands.

The three Crown land parcels are approximately 8 acres in size. The survey plan was highlighted. It was noted that the management plan appended to the Board report is not the most current report La Casa has developed (a new one has just recently been drafted which illustrates how the lands will be managed in such a manner consistent with limiting environmental impacts to the neighbouring protected area).

Staff provided an overview of the site including the upper and lower loop roads including signage placed prohibiting motorized vehicle access.

BC Parks letter of support was noted. In addition, Westbank First Nation has consented to the sale of the lands.

Mr. Curtis Darmohray of Pushor Mitchell, lawyer for the applicant, asked through staff to address the Board regarding the recommended condition for consolidation of the parcels with Strata KAS2428.

#229/15

BASRAN/CARSON

THAT Mr. Darmohray be invited to address the Board.

CARRIED Unanimously

Mr. Darmohray addressed the Board

- A request to remove from the staff recommendation that the parcels be consolidated. Consolidating these three parcels would require unanimous approval by the 501 strata owners which would be difficult as many of the owners do not live in the area—owners are from all over Canada, as well as outside Canada. The question was asked if there isn't a more practical way to address this issue.
- The Strata Council proposes that a covenant be registered on title that the Crown parcels cannot be sold.

Staff noted consolidation would be a better approach as registering a covenant may create difficulty down the road for development on the property (ie: buildings encroaching the property boundary) and as long as the newly created lot is 1 ha minimum in keeping with the C5 zone of Zoning Bylaw No. 871. Technical issue of registering the covenant can be addressed at rezoning.

- Mr. Darmohray noted the Strata Corporation would own the three parcels and the covenant would be binding on the Strata Corporation. The roadway will provide direct access to the common property of the Strata therefore the parcels will always be required and would never be sold. All green space lots are owned by the Strata Corporation. Green space lots cannot be combined as unanimous approval would be required for this as well.

*Director Hanson arrived at 8:10 p.m.*

#230/15

BAKER/CARSON

THAT FrontCounter referral application to permit the purchase of three Crown land parcels adjacent to the La Casa Resort development, south of Fintry (CL-15-10) for the Owners of Strata Plan KAS2428 (La Casa) be **conditionally supported** subject to the following being addressed prior to the issuance of, or applied as conditions to, the sale of the subject parcels:

- Issues and recommendations of other agencies (included and appended to the Regional District staff report dated November 16, 2015).
- Strata KAS2428 bylaws be amended to reflect the 'no motorized vehicle' areas.
- That a covenant be registered on title on the subject Crown parcels stating the parcels cannot be sold, without Regional District consent and that the parcels be managed by the Strata Corporation.
- For Block C: the applicant to install a fence along the eastern border, to apply for a Development Permit, and to submit an application to amend the zoning and OCP designation.

CARRIED Unanimously

*Director Findlater declared a conflict of interest due to owning property in the area and left the meeting at 8:11 p.m.*

**Bylaws: (Second & Third Reading)**

7.2 Zoning Amendment Bylaw No. 871-226 for Aljac Holdings Company Ltd. c/o Monashee Surveying and Geomatics to amend the Permitted Uses Table for the RU2 Rural 2 zone, Section 6.2.1 by adding a new subsection 6.2.1.18 - *On Lot 1, Plan KAP12705, District Lot 2198, ODYD the following additional use is permitted: 2 residential dwelling units located adjacent to Kilkenny Place, Westside Road and Okanagan Lake. Central Okanagan West Electoral Area (Z14/06) (All Directors – Unweighted Vote)*

Staff report dated November 16, 2015 outlined the zoning amendment. Currently two dwellings exist on the subject property. Under the current zoning only one single-detached house is permitted. The land owners have agreed to register a covenant on title restricting building footprint and replace the two existing septic systems. A Public Hearing was held November 23, 2015.

#231/15

**SIEBEN/CARSON**

THAT Zoning Amendment Bylaw No. 871-226, application Z14/06, be given second and third readings;

AND THAT final consideration be withheld pending the following:

- Receipt of bylaw approval from the Ministry of Transportation and Infrastructure,
- Covenant restricting building footprint is registered on title the subject property,
- A Development Permit application associated with replacement of the septic system to be submitted and approved by the Regional District, and
- Submission of record confirming that the two septic systems have been replaced (ie: completed Record of Sewerage System and a completed Sewerage System Letter of Certification as accepted by Interior Health).

CARRIED Unanimously

*Director Findlater returned at 8:13 p.m.*

**8. FINANCIAL & ADMINISTRATIVE SERVICES**

8.1 2015 – 3<sup>rd</sup> Quarter Work Plan and Budget Variance Report (*All Directors – Unweighted Vote*)

Staff report dated November 17, 2015 outlined the 3<sup>rd</sup> quarter work plan and budget variance to September 30, 2015.

The Administrator reviewed the report. Three exceptions were highlighted:

- Potential deficit in legal expenses for electoral area planning due to unforeseen legal expenses;
- Projected deficit for Economic Development Commission – due to a reduction in revenue and staff benefit payout. It was noted that when end of employment occurs funds for vacation, sick time are paid out and are not budgeted in the current budget.
- Unexpected operating expenses for maintenance at the Trepanier Bench Water system.

The question was raised how deficits covered.

- If expenses for the service are higher than revenue at the end of the year, it may require additional taxation in the next year to cover a deficit.
- As legal expenses for dog control are higher than anticipated, how will this be covered? It is anticipated the additional revenue for licensing, and reduction of expenditure will cover the deficit. The question was raised if a legal reserve for dog control should be established. Staff noted this can be reviewed at budget.
- How will a deficit in legal fees in electoral area planning be covered? Currently this will be borne by the entire Board as all partners participate in electoral area planning?

#232/15

BASRAN/DEHART

THAT the 2015 3<sup>rd</sup> Quarter Work Plan and Budget Variance report be received for information.

CARRIED Unanimously

## **9. NEW BUSINESS**

### 9.1 2016 Meeting Schedule (*All Directors - Unweighted Vote*)

It was noted in response to a question that at this time no Board strategic planning session is planned.

#233/15

BAKER/FORTIN

THAT the 2016 Board meeting schedule be approved.

CARRIED Unanimously

## **10. DIRECTOR ITEMS (*items for information*)**

No items for discussion.

**11. ADJOURN TO A CLOSED SESSION**

Staff report dated November 20<sup>th</sup> outlined what the parameters are for closing a Board meeting to the public.

#234/15

**SIEBEN/HODGE**

THAT the Board receive the report from the Chief Administrative Officer;

AND THAT pursuant to Section 90 (1) (c), (g), (n) (o) of the *Community Charter* the Regional Board adjourn to a closed meeting to the public to consider matters:


- Labour relations or other employee relations;
- Litigation or potential litigation affecting the municipality (Regional District);
- The consideration of whether a council (Board) meeting should be closed under a provision of this subsection or subsection (2);
- The consideration of whether the authority under section 91 [other persons attending closed meetings] should be exercised in relation to a council (Board) meeting.

CARRIED Unanimously

The meeting adjourned to a closed meeting to the public at 8:30 p.m. The Board did not rise from the closed meeting.

**CERTIFIED TO BE TRUE AND CORRECT**

  
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G. Given (Chair)

  
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B. Reardon (Director of Corporate Services)