

Minutes of the *REGIONAL BOARD MEETING* of the Regional District of Central Okanagan held at the Regional District offices, 1450 KLO Road, Kelowna, B.C. on Monday, May 27, 2019

Directors: J. Baker (District of Lake Country)
M. Bartyik (Central Okanagan East Electoral Area)
C. Basran (City of Kelowna)
W. Carson (Central Okanagan West Electoral Area)
M. DeHart (City of Kelowna)
C. Fortin (District of Peachland)
G. Given (City of Kelowna)
C. Hodge (City of Kelowna)
S. Johnston (City of West Kelowna)
G. Milsom (City of West Kelowna)
B. Sieben (City of Kelowna)
L. Wooldridge (City of Kelowna)
T. Konek (Westbank First Nation)

Absent: L. Stack (City of Kelowna)

Staff: B. Reardon, Chief Administrative Officer
T. Cashin, Director of Community Services
D. Dudzik, Environmental Planner
J. Foster, Manager of Communications
B. Lange, Planner
D. Komaike, Director of Engineering Services
M. Kopp, Director of Parks Services
M. Drouin, Manager - Corporate Services (recording secretary)

1. CALL TO ORDER

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

The meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

2. ADDITION OF LATE ITEMS

There were no late items for the agenda. 8.3 was withdrawn from the agenda.

3. ADOPTION OF THE AGENDA

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

#100/19 WOOLDRIDGE/HODGE

THAT the agenda be adopted.

CARRIED Unanimously

4. ADOPTION OF MINUTES

- 4.1 Regional Board Meeting Minutes – May 9, 2019 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

#101/19 MILSOM/FORTIN

THAT the Regional Board meeting minutes of May 9, 2019 be adopted.

CARRIED Unanimously

5. CORRESPONDENCE

- 5.1 Okanagan Basin Water Board - Reducing Conflict Between Native Mussel Protection and Invasive Milfoil Control in the Okanagan (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

OBWB correspondence dated April 25, 2019 requested a letter of support to the federal and provincial governments in regards to invasive milfoil control.

#102/19 BAKER/WOOLDRIDGE

THAT the April 25, 2019 correspondence from the Okanagan Basin Water Board regarding reducing conflict between native mussel protection and invasive milfoil control in the Okanagan be received;

AND FURTHER THAT the Regional Board approves forwarding a letter of support to the Government of Canada Minister of Fisheries and Oceans Canada and the Province of BC Minister of Forests, Lands and Natural Resource Operations and Rural Development on this issue.

CARRIED Unanimously

6. CORPORATE SERVICES

- 6.1 Appointment of Bylaw Enforcement Officers (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

#103/19 DEHART/JOHNSTON

THAT the Regional Board appoint the following Regional District employees as Bylaw Enforcement Officers to enforce the designated service bylaw(s) outlined:

- Tanya Brunelle - Noxious Weed Control Bylaw and Noxious Insect Control Bylaw
- Tara Denomme - Responsible Dog Ownership Bylaw

- Brad Ackerman - Regional Parks Bylaw and Community Parks Bylaw
- Kirk Licht - Regional Parks Bylaw and Community Parks Bylaw
- Charlie Scholl - Regional Parks Bylaw and Community Parks Bylaw
- Glenn Ross - Regional Parks Bylaw and Community Parks Bylaw

CARRIED Unanimously

7. FINANCIAL SERVICES

- 7.1 Purchase Commitments >\$100,000 during 1Q 2019 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

#104/19 FORTIN/BASRAN

THAT the Regional 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 quarter of 2019.

CARRIED Unanimously

8. COMMUNITY SERVICES

- 8.1 Request for Wireless Telecommunications Facility (Freedom Mobile Inc.) 5819 Chute Lake Road (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report outlined the request by Freedom Mobile Inc. to install a telecommunication tower on privately owned land.

#105/19 HODGE/MILSOM

THAT the Regional District of Central Okanagan confirms that the proposed wireless telecommunications facility on the subject property, 5819 Chute Lake Road, conforms with RDCO Zoning Bylaw No. 871 and therefore has no objections provided it is constructed substantially in accordance with the plans submitted to the Regional District of Central Okanagan.

CARRIED Unanimously

#106/19 BARTYIK/BAKER

THAT the Regional Board direct staff to amend Development Applications Procedures Bylaw No. 944, 2002 to include a development application procedure and application fee for future requests for installation of telecommunication towers.

CARRIED Unanimously

- 8.2 Temporary Use Permit (3-Years) Eldorado Ranch (owner) c/o C. MacPherson (applicant) located at 5932 Old Vernon Road (TUP-18-01) To Operate an outdoor petting zoo business [Kangaroo Creek Farm] (*Custom Vote - Electoral Areas and Kelowna Fringe Area - 1 Director, 1 Vote*)

Staff report outlined the temporary use permit to operate an outdoor petting zoo business in Central Okanagan East Electoral Area for a period of three years. Staff outlined the application and addressed questions of the Board.

The applicant C. MacPherson addressed the Board and answered questions of the Board, including:

- How would the wildlife on the facility be contained? Fencing includes an 8 ft perimeter fence, corridor separation and internal fencing.
- Will peacocks be contained? All females are contained. Males won't go anywhere without females. Don't believe noise from the peacocks will be a concern as it hasn't been in Lake Country.
- Will the kangaroos jump over the fence? They have never had a kangaroo go over a 6 ft fence.
- At some point it is anticipated to request rezoning for a permanent facility.
- How will parking be handled if the public park on Old Vernon Road? It is believed people will not park on the roadway as it is not suitable.

Chair invited anyone in the gallery who deems themselves affected by the permit to comment.

- Mike Melnychuk, property immediately to the south. No objection. Concerned regarding water rights and ensuring it is protected. Believes entrance way is dangerous.
- Larry Wood, Spencer Road – concerned regarding the safety of commercial vehicles at the proposed entrance way. Visibility is poor at the entry point. No bike lane on Old Vernon Road—safety concern. Increased traffic of concern. Concerned if animals escape their enclosure—need to know who to contact if that occurs.
- Kevin Craft – Old Vernon Road. In support. Concern regarding parking on Old Vernon Road. What foliage will be planted to protect Country Rhodes Strata. Concern regarding traffic volume, pedestrian safety, water concerns for fire emergency, and a different entrance would be preferred.
- Don Wallace, Old Vernon Road. Concern regarding traffic congestion. Has a traffic study been done? Position of entrance is not the best.
- Dennis Sherman, Old Vernon Road. Concern regarding entrance and traffic.

- Joan Wood, Spencer Road. Concern regarding parking in the neighbourhood and volume of people and traffic.
- B. Melnychuk, Bark & Fly – in support of the application.

The applicant addressed questions raised.

- Access point – agrees to a different access point. The reason for the existing access was that RDCO Agricultural Advisory and Environmental Advisory Commissions didn't support the access point to the North.
- Buffer will be done to protect Country Rhodes.
- No concerned regarding commercial buses. Mostly in low season (school buses), or retirement buses.
- Water access for emergency – will work with fire department for access to water. Once irrigated chance of fire diminished.
- Interior Health concerns – not potable water from hoses. Bottled water will be available for the public.
- Animal escape – a possibility but not something they have experienced in the past.

Staff addressed questions of the Board.

- In regards to the entrance. Concerns were raised from both the Environmental and Agricultural Advisory Commissions. MOTI typically only allows one access from roadway and jurisdiction is within the Province. Further requirement for consultation would be required if the applicant wanted the entrance to be changed.
- Commercial access permit with MOTI and they would address any impact on adjacent properties.
- Water rights—Glenmore Irrigation District authority.
- Traffic impact study would need to be directed to MOTI. To staff's knowledge it has not been done.
- If applicant wanted to propose an amendment to the TUP, various planning processes would be required.
- MOTI has continually said they do not have concerns with this application in the current access point.

#107/19 HODGE/BARTYIK

THAT Temporary Use Permit TUP-18-01 for Eldorado Ranch Ltd. c/o C. MacPherson to operate an outdoor petting zoo business (Kangaroo Creek Farm) to take place on part of Lot 2, Plan 3497, District Lot 120, ODYD – 5932 Old Vernon Road be issued subject to the following conditions:

- There be no changes to the proposed site plan or site footprint prepared by Ecoscape Environmental Consultants Ltd. dated May 6, 2019;
- Operate the business only between the months of March through to October;
- Receipt of approval from the RDCO Manager of Fire Services regarding an evacuation plan;
- Receipt of approval from Interior Health regarding hand washing facilities;

- The applicant to obtain a commercial access permit from the Ministry of Transportation and Infrastructure;
- Obtain an annual RDCO Business License;
- No permanent structures are to be constructed or situated on the site;
- Use of water from Mill Creek is unauthorized;
- Parking area to be converted and restored after non-farm use ceases (e.g. gravel removal);
- Should the temporary use cease on the property, all materials related to the business are to be removed from the property to the satisfaction of the RDCO;
- Existing on-site services (water and sewer) will not be used to support the operation of the business unless authorized by Interior Health and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
- No impact to the operation and/or maintenance of Kelowna International Airport (YLW);
- The applicant is to apply for and receive building permits for all temporary buildings or structures over 10 m² to the satisfaction of the RDCO Building Inspection Services;
- All parking to be contained on site in accordance with the parking plan prepared by Jade Bay Constructions Ltd. dated May 8, 2019;
- Installation of appropriate fencing/landscape buffering as determined by the ALC;
- In accordance with the RDCO Noxious Weed Control Bylaw No. 179, the owner or occupier of the land shall prevent the infestation of noxious weeds and cut down or otherwise destroy and mulch or remove all noxious weeds and plant with native grasses or other native vegetation;
- No further buildings, structures, land clearing, vegetation removal, or activity related to the outdoor petting zoo business is permitted within 30 metres of the High Water Mark/Top of Bank of Mill Creek; other than that recognized and approved in this Permit;
- All riparian restoration and mitigation activities must be completed as per the recommendations contained in the April 4, 2019 Memorandum conducted by Ecoscape Environmental Consultants Ltd. to the original April 2018 Environmental Assessment conducted by Ecora Engineering and Resource Group Ltd.;
- The applicant shall post a Letter of Credit or bank draft in the amount of \$13,375.00 in order to ensure completion of riparian restoration works and the removal of the materials used for the parking lot, driveway, and other crushed gravel pads associated business after non-farm use ceases. Ninety per cent (90%) of this amount is refundable upon completion of said works and receipt of a substantial completion report signed by a registered professional. The remainder of the bond shall be held to the satisfaction of Regional District Community Services staff;
- The land owner shall obtain the services of an Environmental Monitor to ensure the recommendations of the Development Permit are implemented;
- Best Management Practices are to be used as a means to protect the riparian area;

- The Environmental Monitor shall submit monitoring reports as needed and shall prepare a substantial completion report upon completion of construction and restoration works indicating substantial completion of the conditions and requirements of the Development Permit have been carried out; and
- In the event that greater disturbance occurs due to unforeseen circumstances, the Environmental Monitor will recommend further measures to protect/restore the natural integrity of the site and report on these measures to the RDCO.

AND FURTHER THAT the Temporary Use Permit shall expire on May 27, 2022, and all uses temporarily authorized by the Permit shall cease upon expiry of the Permit, unless otherwise authorized.

CARRIED Unanimously

#108/19 HODGE/CARSON

THAT the Board direct staff to work with the applicant to consider an alternate access point on the property to the north.

CARRIED Unanimously

The Board recessed at 8:50 p.m.

The Board reconvened at 9:03 p.m.

- 8.3 Development Variance Permit (VP-19-03), For P. & J. Uppal (owners). To vary setbacks to accommodate the location of existing Temporary Agricultural Worker Dwellings and Accommodation, located adjacent to Lakha Road, Central Okanagan East Electoral Area (*Custom Vote - Electoral Areas & Kelowna Fringe Area - 1 Director, 1 Vote*)

WITHDRAWN FROM THE AGENDA

- 8.4 First Reading - Joe Rich Rural Land Use Amendment Bylaw No. 1195-18. for T. Lichtenstein (owner) c/o Urban Options Planning and Permits. To permit a secondary suite located at 7520 Goudie Road, RLUB-18-02, Central Okanagan East Electoral Area (*Custom Vote - Electoral Areas & Kelowna Fringe Area - 1 Director, 1 Vote*)

Staff report outlined the application for a secondary suite within an existing single family dwelling.

Staff outlined the application.

#109/19 BARTYIK/CARSON

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 be given first reading;

AND FURTHER THAT scheduling of a Public Hearing be withheld pending receipt of the following:

- a copy of the Water License for the private water source; and
- written confirmation from an Authorized Person under the *Public Health Act: Sewerage System Regulation* which includes a Compliance Inspection which indicates that the existing system is capable of processing the daily domestic sewerage flow for both dwelling units and demonstrates the existing system meets today's standards and can be expanded for the new Daily Design Flow and room on the property for a back-up type 1 trench system.

CARRIED Unanimously

8.5 City of Kelowna Boundary Extension, 4130, 4210, 4310 Old Vernon Road & 4444 Bulman Road, Central Okanagan East Electoral Area, (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report outlined the referral application from the City of Kelowna for a boundary extension.

#110/19 MILSOM/WOOLDRIDGE

THAT the Board supports the boundary redefinition application made by the City of Kelowna and approve a letter being sent to the City of Kelowna with a copy of the Board resolution advising the Regional District of Central Okanagan has no objections to the boundary extension of the following properties:

- 4130 Old Vernon Road, Lot 1, District Lot 122, ODYD, Plan KAP8953; PID:009-766-791
- 4210 Old Vernon Road, Lot 1, District Lot 122, ODYD, Plan KAP1629; PID:001-482-530
- 4310 Old Vernon Road, Lot 2, District Lot 122, ODYD, Plan KAP1629; PID:011-510-544
- 4444 Bulman Road, Lot 1, District Lot 122, ODYD, Plan KAP1608; PID:007-699-883

CARRIED Unanimously

9. PARK SERVICES

- 9.1 Joe Rich Community Hall Operating and Recreation Programming Agreement (*All Directors - Weighted Vote - Simple Majority - LGA 210.2*)

Staff report outlined the process to renew the operating agreement with the Joe Rich Ratepayers and Tenants Society.

It was noted that 4.2 in the agreement is not grammatically correct – the word ‘not’ in the first sentence will be removed.

#111/19 BARTYIK/BAKER

THAT the Regional Board approve renewing the Joe Rich Community Hall Operating Agreement with the Joe Rich Ratepayers and Tenants Society for a term of three (3) years commencing upon the date of execution of the agreement and terminating on the 31st of December 2021.

CARRIED Unanimously

10. NEW BUSINESS

- 10.1 2018 Climate Action/GHG Emissions Summary Report (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report outlined the actions the RDCO has taken to reduce GHG emissions in 2018. A summary is required to be made public as part of the funding commitments the Regional District receives.

#112/19 SIEBEN/HODGE

THAT the Regional Board receive the 2018 Climate Action Revenue Incentive Program Report and the 2018 Greenhouse Gas Emission Summary for information.

CARRIED Unanimously

9. DIRECTOR ITEMS

No Board action required.

10. ADJOURN

There being no further business the meeting was adjourned at 9:40 p.m.

CERTIFIED TO BE TRUE AND CORRECT

G. Given (Chair)

B. Reardon (Chief Administrative Officer)