

**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 25, 2020**

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- Directors:
- J. Baker (District of Lake Country)
  - M. Bartyik (Central Okanagan East Electoral Area)
  - C. Basran (City of Kelowna) *(via electronic attendance)*
  - W. Carson (Central Okanagan West Electoral Area)
  - M. DeHart (City of Kelowna)
  - C. Fortin (District of Peachland) *(via electronic attendance)*
  - G. Given (City of Kelowna)
  - C. Hodge (City of Kelowna)
  - S. Johnston (City of West Kelowna) *(via electronic attendance)*
  - G. Milsom (City of West Kelowna) *(via electronic attendance)*
  - B. Sieben (City of Kelowna)
  - L. Stack (City of Kelowna) *(via electronic attendance)*
  - L. Wooldridge (City of Kelowna)
  - J. Coble (Westbank First Nation) *(via electronic attendance)*
- Staff:
- B. Reardon, Chief Administrative Officer
  - T. Cashin, Director of Community Services
  - J. Foster, Director of Communication & Information Services
  - D. Komaike, Director of Engineering Services
  - M. Kopp, Director of Parks Services
  - M. Rilkoﬀ, Director of Financial Services *(via electronic attendance)*
  - M. Drouin, Manager-Corporate Services (recording secretary)

**1. CALL TO ORDER**

Chair Given called the meeting to order at 7:06 p.m.

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

*Roll call was taken as some board members were in attendance electronically due to physically distancing for COVID-19 pandemic.*

Southern Interior Local Government Association award presentation – SILGA announced that the Regional District won the 2020 Environmental Sustainability Excellence Award for our Okanagan Flood Collaboration project.

**2. ADDITION OF LATE ITEMS**

There were no late items for the agenda.

**3. ADOPTION OF THE AGENDA**

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

**#88/20** BAKER/HODGE

THAT the agenda be adopted.

CARRIED Unanimously

**4. ADOPTION OF MINUTES**

4.1 Regional Board Meeting Minutes – April 27, 2020 *(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

**#89/20** BAKER/WOOLDRIDGE

THAT the Regional Board meeting minutes of April 27, 2020 be adopted.

CARRIED Unanimously

**5. DELEGATION**

5.1 Mission Creek Floodplain Mapping Update and Dike Breach Analysis - Marcel LeBlanc, Water Resources Market Sector Leader – AECOM *(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

Staff introduced the item and provided background information on the project. An update of the mapping project was then provided by Marcel LeBlanc.

**#90/20** HODGE/BARTYIK

THAT the Regional Board receive for information the Regional Floodplain Management Plan – Phase 2 report dated May 25, 2020, from the Director of Community Services.

CARRIED Unanimously

**6. CORPORATE SERVICES**

6.1 RDCO Westside Regional Wastewater Treatment Plant Development Cost Charge Bylaw No. 1448, 2020, **Adoption** *(Stakeholder Vote - West Kelowna & Peachland - Weighted - Simple Majority - LGA 209)*

**#91/20**      FORTIN/MILSOM

THAT RDCO Westside Regional Wastewater Treatment Plan Development Cost Charge Bylaw No. 1448, 2020 be adopted.

CARRIED Unanimously

**7.      FINANCIAL SERVICES**

7.1      Purchase Commitments >\$100,000 during 1Q 2020 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report dated May 19, 2020 outlined the purchase commitments exceeding \$100,000 during 1Q 2020.

**#92/20**      SIEBEN/BAKER

THAT the Regional Board, as per section 4.6 of the RDCO Purchasing Policy, receive for information the report dated May 19, 2020 on purchase commitments which exceeded \$100,000 made during the first quarter of 2020.

CARRIED Unanimously

**8.      COMMUNITY SERVICES**

8.1      Land Use Contract Discharge of Land Use Contract No. 225 for Lake Okanagan Resort, (*Custom Vote - Electoral Areas & West Kelowna Fringe Area - 1 Director, 1 Vote, Simple Majority*)

Staff report outlined the background information for discharging Land Use Contract No. 225 for Lake Okanagan Resort. Staff reviewed the regulations and priorities to discharge Land Use Contracts.

**#93/20**      CARSON/MILSOM

THAT the Regional Board direct Planning staff to commence a RDCO initiated amendment to terminate (discharge all lands) Land Use Contract No. 225 along with an amendment to the zoning bylaw.

AND THAT Planning staff close Application Z20/01 and Z20/02.

AND FURTHER THAT Planning staff are authorized to issue a full refund of the application fee for Z20/01 and Z20/02 to the applicant.

CARRIED Unanimously

- 8.2 Development Variance Permit (VP-20-01), J. & H. Denison and J. Knight (owners), located adjacent to Westside Road and Denison Road (Central Okanagan West Electoral Area, *(Custom Vote - Electoral Areas and West Kelowna Fringe Area, 1 Director, 1 Vote, Simple Majority)*)

Staff report outlined the variance to allow an increase of the maximum accessory building height. Staff reviewed the application. No letters of opposition were received.

- The applicant, John Denison, addressed the Board and answered a question raised regarding the covering for the building.

There were no further comments.

**#94/20**

MILSOM/CARSON

THAT the Regional Board approve Development Variance Permit Application VP-20-01 for J. & H. Denison at 3625 North Westside Road, to vary the Provision of Part 6, Section 6.3.14.2 of Zoning Bylaw No. 871 by allowing an increase of the maximum accessory building height from 5.0 m (16.4 ft.) to 6.4 m (21 ft.), based on the Survey Certificate prepared by Bennett Land Surveying Ltd. dated April 2, 2020.

CARRIED Unanimously

- 8.3 Development Permit Application (DP-20-02), B. Gordon (owner) c/o D. Arsenault (agent), 2677 Westside Road, Central Okanagan West Electoral Area, *(Custom Vote - Electoral Areas, Kelowna & West Kelowna Fringe Areas, 1 Director, 1 Vote, Simple Majority)*

Staff report outlined the permit. Staff reviewed the application.

**#95/20**

CARSON/BARTYIK

THAT the Regional Board conditionally approve Development Permit DP-20-02 for B. Gordon located at 2677 Westside Road, subject to the following conditions:

- No further or variance in construction of, addition to or alteration of a building or structure; or alteration or clearing of land is to occur within the Development Permit Area as outlined in the Rural Westside Official Community Plan Bylaw No. 1274 without prior notification and approval by RDCO; other than that recognized and approved in this Development Permit.
- No further buildings, structures or improvements of any kind shall be constructed nor located within the 15m setback from the High Water Mark of Okanagan Lake. And further, there shall be no removal or disturbance of any soil, vegetation, or trees (with the exception of weeds) from within the 30 m setback area without first obtaining the written consent of the RDCO.

- All works must be in compliance with the approvals received from the Province in accordance with the BC Water Sustainability Act.
- All fill removal, mitigation, and restoration activities must be completed as per the recommendations contained in the December 20, 2019 Environmental Management Plan, March 23, 2020 Addendum 1, and May 7, 2020 Addendum 2, completed by Arsenault Environmental Consulting Ltd.
- Should any of the fill remain onsite, the DP must be amended to include a reclamation plan and further environmental assessment completed in the Sensitive Terrestrial area.
- There shall not be any further land disturbance beyond that which is outlined in DP-20-02 without additional environmental assessment work undertaken by a Qualified Environmental Professional and without first obtaining the written consent of the RDCO.
- The applicant must retain a Registered Professional Geotechnical Engineer to provide professional oversight of the proposed upland fill placement.
- Registration of a restrictive Section 219 'No Build No Disturb' Covenant within 15 metres of the high water mark of Okanagan Lake.
- 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.
- Best Management Practices are to be used as a means to protect the riparian area, fish, and fish habitat.

CARRIED Unanimously

- 8.4 Development Permit Application (DP-20-01), T. Robinson (owner), 7379 Fintry Delta Road, Central Okanagan West Electoral Area (*Custom Vote - Electoral Areas - 1 Director, 1 Vote, Simple Majority*)

Staff report outlined the permit for works associated with the construction of a single family dwelling, detached garage and septic field. Staff reviewed the application.

*Director Johnston left the meeting at 8:20 p.m. and returned at 8:22 p.m.*

The agent, Jason Schleppe, Ecoscape, addressed the Board. The lot doesn't fit the full riparian regulations, however work can be done to facilitate the proposed redesign of the dwelling. He believes they have responded to the Environmental Advisory Commission comments as best as can be accomplished.

Don Dobson, Dobson Engineering, addressed the Board and highlighted the flood constraints for this property, noting previous flood events and the work that has been done in an attempt to protect the property in question.

**#96/20**

**CARSON/BARTYIK**

THAT the Regional Board conditionally approve Development Permit DP-20-01 for T. Robinson (owner), 7379 Fintry Delta Road, and that the DP be subject to the following conditions:

- No further or variance in construction of, addition to or alteration of a building or structure; or alteration or clearing of land is to occur within the Development Permit Area as outlined in the Rural Westside Official Community Plan Bylaw No. 1274 without prior notification and approval by RDCO; other than that recognized and approved in this Development Permit. Any future amendments to the Development Permit may require recirculation to internal and external agencies and Regional Board approval.
- No further buildings, structures or improvements of any kind shall be constructed nor located within the 15m setback from the High Water Mark of Shorts Creek. And further, there shall be no removal or disturbance of any soil, vegetation, or trees (with the exception of weeds) from within the 30 m setback area without first obtaining the written consent of the RDCO.
- All construction, land clearing, mitigation, and restoration activities must be completed as per the recommendations contained in the Environmental Assessment prepared by Ecoscape Environmental Consultants Ltd., the Flood Hazard Assessment prepared by Dobson Engineering Ltd., and the on-site sewerage system design plans prepared by Oland Engineering Ltd..
- All individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., contractors, landscaping, service installation) must be advised that if archaeological material is encountered during development, they must stop all activities immediately and contact the Provincial Archaeology Branch for direction.
- Further modifications including construction/alteration of retaining walls, groynes, and substrate modification must not occur at any time without further environmental assessment being conducted and appropriate approvals received from the Province in accordance with the BC *Water Sustainability Act* (Section 11).
- Registration of a restrictive (Floodplain) covenant under section 219 of the *Land Title Act* to limit the potential local government liability in floodplains. The covenant must restrict habitable space to no less than the recommended flood construction level of 350.4m.
- Registration of a restrictive (No-Build / No-Disturb) covenant under section 219 of the *Land Title Act*, restricting construction within the identified SPEA.
- Registration of a restrictive (Wildfire) covenant under section 219 of the *Land Title Act* to address wildfire hazard reduction measures.
- The property owner is responsible for complying with the conditions outlined in all covenants and statutory right of ways registered on title.
- Silt fencing must be installed between the proposed works/soil disturbance and adjacent sensitive areas to mitigate the risks to aquatic resources associated with runoff and sediment transport.

- The riparian and SPEA setback must be surveyed onsite by a legal land surveyor, staked, and clearly delineated to prevent encroachment. Brightly coloured snow fencing must be installed immediately adjacent the development footprint.
- Demolition debris and any fill material must not be stored or deposited within the riparian setback. Material not required for backfill must be transported offsite. All construction debris must be kept outside of the setback and must be removed from the property on a regular basis.
- 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.
- A detailed compensation and landscape restoration plan is to be submitted to and approved by the RDCO prior to commencement of any compensation works.

CARRIED Unanimously

- 8.5 Zoning Amendment Bylaw No. 871-262 (Z20/04) - **First Reading**, D. Leask & S. Macdonald (owners), 4345 Maxwell Road, Central Okanagan West Electoral Area (*Custom Vote - Electoral Areas, West Kelowna and Peachland Fringe Areas - 1 Director, 1 Vote, Simple Majority*)

Staff outlined the application to consider a site-specific amendment to permit a Cannabis Production Facility that does not meet the minimum parcel area allowed for this use and to vary a setback to approve the location of the building intended for this purpose. Agency comments were highlighted and the reasons for deferral. To date three letters of opposition have been received.

**#97/20** FORTIN/CARSON

THAT Zoning Amendment Bylaw No. 871-262 be deferred until such time that specific concerns and requirements of the RDCO Fire Service Manager, RDCO Building Inspector, Ministry of Forests, Lands, Natural Resource Operations and Rural Development District Okanagan Shuswap, and Interior Health Authority are addressed to the satisfaction of each respective RDCO department or agency.

CARRIED (opposed Milsom)

**#98/20** BARTYIK/CARSON

THAT the Regional Board not consider any further zoning amendment applications from the owners of property located at 4345 Maxwell Road until the non-compliance issues associated with the existing accessory building (garage) are addressed to the satisfaction of the RDCO.

CARRIED (opposed Milsom)

- 8.6 Zoning Amendment Bylaw No. 871-261 - **2nd and 3rd Readings & Adoption** (Z20/03), S. Tulloch (owner), c/o D. Tulloch (agent), located at 6880 Sierra Drive, to rezone the subject property from RU2 to RU2s (Secondary Suite) to allow a secondary Suite, Central Okanagan East Electoral Area (*Custom Vote - Electoral Areas and Kelowna Fringe Area*)

**#99/20**

BARTYIK/SIEBEN

THAT Zoning Amendment Bylaw No. 871-261 be given second and third readings;

AND FURTHER THAT Zoning Amendment Bylaw No. 871-261 be adopted.

CARRIED Unanimously

**9. PARK SERVICES**

- 9.1 Robert Lake Regional Park License of Occupation (*All Directors - Weighted Vote - Simple Majority - LGA 210.2*)

Staff report dated April 28, 2020 outlined the purpose is to enter into a License of Occupation agreement with the City of Kelowna to formalize a longstanding arrangement for a parking and bird viewing area at Curtis Road adjacent to Robert Lake Regional Park.

**#100/20**

HODGE/DEHART

THAT the Regional Board approve entering into and completing a five (5) year License of Occupation agreement with the City of Kelowna that will formalize the parking and bird viewing area at Curtis Road immediately adjacent to Robert Lake Regional Park.

CARRIED Unanimously

**10. NEW BUSINESS**

No new business.

**11. DIRECTOR ITEMS**

It was stated that HR matters, including the recent suspensions from the North Westside Fire Department, are considered confidential and cannot be discussed publicly.



**12. ADJOURN**

The meeting was adjourned at 9:07 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

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G. Given (Chair)

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Brian Reardon (Chief Administrative Officer)