

Approved June 16, 2003

Minutes of the *REGULAR MEETING* of the Regional District of Central Okanagan held in the Woodhaven Board Room, Regional District Offices on Monday, May 26, 2003

Directors B. Given, alternate for R. Cannan (City of Kelowna)
C. Day (City of Kelowna)
A. Dinwoodie (Westside Elect. Area)
W. Gray (City of Kelowna)
P. Hanson (Ellison/Joe Rich Elect. Area)
B. Harriman (District of Peachland)
R. Hein (District of Lake Country)
D. Knowles (Westside Elect. Area)
L. Novakowski (Westside Elect. Area)
S. Shepherd (City of Kelowna)

Regrets R. Hobson (City of Kelowna)

Staff: W. d'Easum, Chief Administrative Officer
K. Arcuri, Director of Planning Services
H. Hettinga, Director of Engineering Services
J. Johnson, Manager of Current Planning
R. Patterson, Deputy Chief Building Inspector
H. Reay, Director of Financial Services
B. Vos, Director of Parks and Recreation Services
M. Drouin, Administrative Assistant (recording secretary)

A. Dinwoodie, brought the meeting to order at 7:11 p.m.

1. MINUTES

1.1 Regular Board Meeting – May 12, 2003

#211/03 DAY/HANSON

THAT the Regular Board meeting minutes of May 12, 2003 be adopted as circulated.

CARRIED

2. DELEGATION

No delegation

3. CORRESPONDENCE

- 3.1 Letter - Bernice Magee, Mayor, The Village of Burns Lake re:
Reinstatement of Community Health Councils (*All Directors - Unweighted
Vote*)

#212/03 HEIN/SHEPHERD

THAT the letter from Bernice Magee, Mayor, The Village of Burns Lake re:
Reinstatement of Community Health Councils be received.

CARRIED

#213/03 SHEPHERD/HARRIMAN

THAT the Regional Board supports the concerns expressed by Mayor Magee of The
Village of Burns Lake in the letter dated April 10, 2003 regarding the reinstatement of
Community Health Councils;

AND WHEREAS the Regional Board is thankful for the opportunity to meet with the
Interior Health Authority and found the meetings to be very beneficial and is impressed
with local changes, the Regional Board recognizes that other communities within British
Columbia may not be as well served as the Central Okanagan;

THEREFORE a letter be forwarded to the Minister of Health, with copies to the local
MLAs, that since the Community Health Councils have been removed there has been a
lack of community input and that we would encourage the various health authorities to
have further dialogue with their constituents.

CARRIED

Discussion:

The Board discussed Mayor Magee's letter and reviewed the consultation
process that has been occurring within our region.

- IHA is beginning to make progress.
- Disagree with the statement in the letter 'required by law'.
- Our region may be better supported than others where hospitals have been
closed.
- Effort to communicate is occurring in the Central Okanagan.
- Meaningful consultation with communities is required.
- Thankful to have had the opportunity to meet with the local IHA.

4. UNFINISHED BUSINESS

4.1 Air Quality Planning Flowchart 2003-2007 with projected costs (*for information*)

Director Shepherd pointed out that the projected budget for the regional air quality program as presented includes a cost of living increase for each year and that the program only occurs if external funding is received.

#214/03 SHEPHERD/HANSON

THAT the Air Quality Planning Flowchart 2003-2007 with projected costs be received.

CARRIED

4.2 Report re: Petition from residents of Fintry Delta re: backyard cooking fires/campfires (*All Directors - Unweighted Vote*)

#215/03 KNOWLES/NOVAKOWSKI

THAT staff forward a letter to the Fintry Delta Community Association explaining the Regional District's bylaws with regards to campfires.

CARRIED

4.3 Award of contract – Westside Regional Wastewater Treatment Plant Stage II Expansion (*All Directors - Weighted Vote*)

At the May 12th Regional Board meeting, the Board expressed concern regarding the significant difference in fees between the proposals submitted and requested additional information to assist them in reviewing and awarding the contract. The low bid submitted by Earth Tech was \$290,568. The recommended proposal from CH2M Hill is for \$428,500.

A correction was made to Page 5 of the report -Sunnyside noted at 2,070,000, should read 2,702,000.

The Board reviewed the additional documents and questioned the following:

- the process used to select the consultant.
- whether all the consultants are capable of completing the project,
- criteria percentages used in the evaluation process includes 60% for methodology, team experience, innovative/creative consideration and project understanding, and 40% for costs.
- detailed costs, projected hours, staff experience, technical expertise comparisons between Earth Tech and CH2M Hill were reviewed.
- the price difference between the lowest and the recommended tender.
- time factor in order to move forward with the project.

#216/03 KNOWLES/NOVAKOWSKI

THAT the Regional District of Central Okanagan enter into a contract with CH2M Hill/CTQ Consultants Ltd. to complete the preliminary design, detail design and tendering for the proposed Stage II Expansion of the Westside Regional Wastewater Treatment Plant for a total upset fee of \$428,500 (plus GST).

DEFEATED

#217/03 HARRIMAN/GRAY

THAT the Regional District of Central Okanagan enter into a contract with Earth Tech to complete the preliminary design, detail design and tendering for the proposed Stage II Expansion of the Westside Regional Wastewater Treatment Plant for a total upset fee of \$290,568 (plus GST).

CARRIED (opposed Knowles, Given)

5. FINANCE DEPARTMENT

- 5.1 Financial statements for the year ended December 31, 2002 (*All Directors - Unweighted Vote*)

#218/03 HEIN/DAY

THAT the financial statements for the year ended December 31, 2002 be received.

CARRIED

6. PLANNING DEPARTMENT

6.1. Correspondence (Unweighted Vote)

- a) Report regarding Land and Water B.C. Inc. referral application for a License of Occupation to allow low impact recreational use adjacent to Esperon Lake. (CL-03-02) Westside Electoral Area (*All Directors*)

Mr. Johnson noted that the Advisory Planning Commission supports the application, as well as the Environmental Advisory Committee with two caveats— a 15 metre setback and that the lake be restricted to the use of electrical motors only.

#219/03 KNOWLES/NOVAKOWSKI

THAT the Land and Water B.C. Inc. application for Lakeview Irrigation District for a License of Occupation (Indefinite) to allow low impact recreational use adjacent to Epseron Lake be supported;

AND THAT the comments of the Advisory Planning Commission and the Environmental Advisory Committee be forwarded directly to Land and Water B.C. Inc. as an addendum to the Board's recommendation;

AND FURTHER THAT the Planning Services Department report dated May 20, 2003 be forwarded to Land and Water B.C. Inc. for their information and consideration.

CARRIED

- b) Report regarding an update on Crystal Mountain - Westside Electoral Area
(All Directors)

Staff were asked to update the Board on the proposed Crystal Mountain development. Mr. Johnson noted that the Regional District does not have an active application with Crystal Mountain. Staff meetings have occurred with representatives of the Ministry of Sustainable Resource Management to outline the detail the Regional District requires at the various stages of the approval process. Another meeting is planned for May 29th after which staff will have an idea of timelines for a deliverable product.

The question of how the Province will resolve the traffic issue and road structure to Crystal Mountain was raised.

#220/03 HEIN/KNOWLES

THAT the report regarding an update on Crystal Mountain be received.

CARRIED

6.2 Development Variance Permits (Unweighted Vote)

- a) Application for a Development Variance Permit for Telus Communications Group (owner) and Renaissance Architecture Planning Inc. (agent) located adjacent to Anders Road. (VP-03-07) Westside Electoral Area *(Electoral Areas and Kelowna Fringe Area)*

Chair Dinwoodie asked if there was anyone in the gallery who deemed their property to be affected by the variance. There was no-one.

One letter has been received from Bylands concerning drainage. Mr. Johnson noted that any drainage issues will have to be resolved as a result of any subdivision application.

#221/03 NOVAKOWSKI/GIVEN

THAT the Regional Board approve Development Variance Permit application VP-03-07 to reduce the required side yard setback in the P2 zone from 3.0 metres (9.8 ft) to 0.91 metres (2.99 ft), as per Section 13.2.5 of the P2 Regulations Table in Zoning Bylaw No. 871 as shown on the proposed plan of subdivision.

CARRIED

6.3 Bylaws: (First Reading) (Unweighted Vote)

- a)i) Official Community Plan Amendment Bylaw No. 672-17 for Towncor Investment Group Inc. (owner) and Renaissance Architecture Planning Inc. (agent) to amend the Lakeview Official Community Plan designation from Institutional to Neighbourhood Village Commercial located adjacent to Anders and Olalla Roads Westside Electoral Area (*All Directors*)

#222/03 KNOWLES/NOVAKOWSKI

THAT the Official Community Plan Amendment Bylaw No. 672-17 for Towncor Investment Group Inc. be given first reading this 26th day of May 2003;

AND THAT the application be scheduled for a Public Hearing;

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Official Community Plan Amendment Bylaw No. 672-17 approval from the Ministry of Community, Aboriginal and Women's Services and Zoning Amendment Bylaw No. 871-54 approval from the Ministry of Transportation.

CARRIED

- ii) Zoning Amendment Bylaw No. 871-54 for the above to amend the zoning from P2 Institutional and Assembly and C3 Gasoline Service Station to C1 Town Centre Commercial. (Z03/02) (*Electoral Areas and Kelowna Fringe Area*)

#223/03 NOVAKOWSKI/DAY

THAT Zoning Amendment Bylaw No. 871-54 be given first reading this 26th day of May 2003.

CARRIED

- b) Zoning Amendment Bylaw No. 871-57 to amend the zoning from R1 Single Detached Housing to R1s Single Detached Housing (with Secondary Suite) located adjacent to Brentwood Road. (Z03/05) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

#224/03 NOVAKOWSKI/KNOWLES

THAT Zoning Amendment Bylaw No. 871-57 application (Z03/05) be given first reading this 26th day of May 2003;

AND THAT the application be scheduled for a Public Hearing;

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Zoning Amendment Bylaw No. 871-57 from the Ministry of Transportation.

CARRIED

6.4 Bylaws: (Second and Third Readings) (*Unweighted Vote*)

- a) Zoning Amendment Bylaw No. 871-51 initiated by the Regional District Planning Services Department proposing a number of administrative changes to Zoning Bylaw No. 871, 2000. (Z02/15) (*All Directors*)

#225/03 SHEPHERD/KNOWLES

THAT Zoning Amendment Bylaw No. 871-51 be given second and third readings, as amended by deleting Section 2.6 and Schedule 'F';

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Zoning Amendment Bylaw No 871-51 from the Ministry of Transportation, and registration of a Section 219 covenant on the title of Lot 2, Plan 1965, DL 3329 which ties the most recent site plan for the development to the property (prepared by Russell N. Shortt, BCLS, dated January 30, 2003).

CARRIED

6.5 Bylaws: (First, Second, Third Readings and Adoption) (*Unweighted Vote*)

- a) Regional District of Central Okanagan & 530688 BC Ltd. Tenancy Agreement Approval Bylaw No. 1016, 2003 for 530688 BC Ltd. (owner) and Salloum & Co. (agent) to facilitate an affordable housing development adjacent to Horizon Drive. (LA-03-1) Westside Electoral Area (*All Directors*)

#226/03 SHEPHERD/NOVAKOWSKI

THAT the Regional Board approve in principal a lease for 99 years on proposed Lots 1-43, DL1117, ODYD located on Horizon Drive pursuant to Section 3(3) of the Residential Tenancy Act;

AND FURTHER THAT Regional District of Central Okanagan & 530688 BC Ltd. Tenancy Agreement Approval Bylaw No. 1016, 2003 be given first, second and third readings, reconsidered and adopted this 26th day of May 2003.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

7.1 Report re: Prohibited Animals Bylaw (*All Directors - Unweighted Vote*)

Director Shepherd noted that after many meetings and public input the Exotic Animal Committee has proposed a draft bylaw for review by the Regional Board and member municipalities. The bylaw as proposed would allow certain prohibited animals in a recognized facility and that current owners of prohibited animals would be grandfathered. The Board questioned in the case of grandfathering what happens to the animal if the owner dies first. This issue has not been considered and will need further review.

Concern was expressed who the bylaw is meant to protect, the animal or humans and that that issue needs further review as certain animal species that are not listed in the bylaw may be considered dangerous to humans and are not prohibited. There may be a need to look more broadly at this issue.

Director Shepherd noted the committee did not intend to meet further and that the intent is for member municipalities to review and comment on the draft bylaw.

#227/03 SHEPHERD/GIVEN

THAT the Regional Board give approval in principal to the establishment of a new service for Prohibited Animal Control with the regulatory bylaw being in the form of the draft Prohibited Animal Bylaw;

AND THAT the Regional Board request that the Electoral Areas, City of Kelowna, District of Lake Country and District of Peachland become participating areas and municipalities in the proposed service of Prohibited Animal Control.

CARRIED (Hein, Harriman, Hanson opposed)

7.2 Regional District of Central Okanagan Dog Control Extended Service Establishment Amendment Bylaw No. 1017, 2003, **1st, 2nd and 3^d reading** (*All Directors - Unweighted Vote*)

7.3 Regional District of Central Okanagan Dog Regulation and Impounding Amendment Bylaw No. 1018, 2003, **1st, 2nd and 3^d reading** (*All Directors - Unweighted Vote*)

- 7.4 Regional District of Central Okanagan Ticket Information and Utilization Amendment Bylaw No. 1019, 2003, **1st, 2nd and 3^d reading** (All Directors - Unweighted Vote)

#228/03 GIVEN/KNOWLES

THAT the following bylaws be given first, second and third readings this 29th day of May 2003:

- Regional District of Central Okanagan Dog Control Extended Service Establishment Amendment Bylaw No. 1017, 2003
- Regional District of Central Okanagan Dog Regulation and Impounding Amendment Bylaw No. 1018, 2003.
- Regional District of Central Okanagan Ticket Information and Utilization Amendment Bylaw No. 1019, 2003.

CARRIED

- 7.5 Building Violation – Lot A, Plan 34928, 5350 Deadpine Road (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Waygood (All Directors - Unweighted Vote) **WITHDRAWN FROM THE AGENDA**
- 7.6 Building Violation – Lot 58, Plan 21925, District Lot 3910, 9492 Houghton Road (Westside Electoral Area) Notice to be placed on Title – Owner: Sterry and Sanchez de Bustamante (All Directors - Unweighted Vote)

#229/03 NOVAKOWSKI/KNOWLES

THAT the Regional District Board direct that a notice be filed on the title of Lot 58, Plan 21925, O.D.Y.D., pursuant to Section 700(3) of the Local Government Act, and pursuant to that section of the Local Government Act, further information regarding the notice be limited to the fact that:

1. The building permit for the subject residential addition, built under authority of Building Permit #7239/99, has not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw No.835. The permit cannot be closed until a final inspection has been done.

CARRIED

8. PARKS AND FACILITIES DEPARTMENT

- 8.1 Mission Creek Greenway Phase 2 (All Directors - Unweighted Vote)

#230/03 HEIN/HANSON

THAT the Regional Board support the Mission Creek Greenway Phase 2 project scheduled for completion in 2005;

AND THAT the Mission Creek Greenway Phase 2 project be approved as the RDCO Regional Parks celebration project for the City of Kelowna 2005 Centennial;

AND FURTHER THAT the Regional Board recommend that the Friends of Mission Creek initiate a fund raising campaign in 2003/2004 to complement the 2005 RDCO funds identified for the project in the 2003 RDCO Five Year Financial Plan.

CARRIED

- 8.2 Lease Agreement with Ellison Parks and Recreation Society for the Operation of Ellison Heritage School Centre (*All Directors - Weighted Vote*)

#231/03 HANSON/HEIN

THAT the Regional District of Central Okanagan enter into a five-year lease agreement with the Ellison Parks and Recreation Society for the operation of the community portion of the Ellison Heritage School Centre.

CARRIED

- 8.3 Okanagan Lake Recreation Site – Memorandum of Understanding between the Regional District of Central Okanagan and the North Westside Road Firefighters Society (*All Directors - Unweighted Vote*)

#232/03 NOVAKOWSKI/KNOWLES

THAT the Regional Board approve the Regional District of Central Okanagan entering into the Memorandum of Understanding between the Regional District of Central Okanagan and the North Westside Road Firefighter's Society which sets out and defines the roles and responsibilities, and financial commitments in conjunction with volunteer park site enhancement projects from May 27, 2003 until May 27, 2004 for the Okanagan Lake Recreation Site.

CARRIED

- 8.4 Park Dedication Proposal – Subdivision Application 03-5271 (Lot 2, Plan KAP 68432, D.L. 2602, O.D.Y.D. – Shannon Lake Road (Westside Electoral Area) (*All Directors - Unweighted Vote*)

#233/03 KNOWLES/NOVAKOWSKI

THAT the Regional Board approve park dedication requirements in conjunction with subdivision application 03-5271 and any future subdivision of Lot 2 – Plan KAP 68432, D.L. 2602, O.D.Y.D – Shannon Lake Road

AND THAT the applicant will donate areas of land with slopes in excess of 30% as park (open space), as illustrated in the attached plan of subdivision, outlining a total park land area of 2.47ha. (6.11 acres);

AND FURTHER THAT upon donation, by the applicant, of land with slopes in excess of 30%, park dedication requirements (5% of total area) shall be calculated on a reduced development area of 11.105ha. (27.44 acres) which results in a total of 0.5553ha. (1.37 acres) of required park land dedication;

AND FURTHER THAT a cash-in-lieu option be utilized for the 0.5553ha. (1.37 acres) park dedication requirement;

AND FURTHER THAT if registration of the proposed subdivision is completed within one (1) year of Regional Board approval of subdivision application 03-5271, the cash-in-lieu payment required will be \$61,764.58;

AND FURTHER THAT if the rockfall mitigation work is not completed prior to registration of the subdivision, the applicant shall provide a letter of credit and/or bank receipt & agreement as security for the value of the mitigation work within Proposed Lot 1 (Park and Open Space);

AND FURTHER THAT the applicant shall register of a 4.5m (15') wide Statutory Right-of-Way over Proposed Lot 1 (Park and Open Space) for the provision of storm and sanitary sewer to the development;

AND FURTHER THAT the applicant shall construct a pathway within Proposed Lot 1(Park and Open Space), to a non-urban standard walkway specification (as per Subdivision and Servicing Bylaw 704), connecting to the existing 3.0m (10') walkway located between Lot 3 & 4, Plan 23091 (Shannon View Road) and fronting onto Shannon Lake Road;

AND FURTHER THAT if the subdivision registration is not completed within a one-year time frame from the date of RDCO Board review, a re-evaluation of the park dedication requirements will be required for further review by the Westside Parks & Recreation Commission and the Regional Board.

CARRIED

8.5 Dogs On-Leash Parks – Proposed 2003/2004 Pilot Project *(All Directors - Unweighted Vote)*

Mr. Vos noted that the proposal to allow for dogs on-leash in certain parks will be for a trial period of one year and that signs will be posted in the parks notifying the public. A report will be brought back to the board after the trial period.

#234/03 NOVAKOWSKI/SHEPHERD

THAT the Regional Board approve the Regional and Eastside Parks listed on Attachment No. 1 be designated “DOGS ON LEASH ON TRAILS AND WALKWAYS” for a trial period lasting from June 16, 2003 to April 30, 2004.

AND THAT the Regional Board approve the Westside Parks listed on Attachment No. 2 as approved from the Westside Parks and Recreation Commission;

AND FURTHER THAT Conservation Parks will not be opened to dogs on leash. Conservation Parks as defined by the Board are Mount Boucherie, Robert Lake, Rose Valley, Stevens Coyote Ridge. Parks Bylaw No. 755 currently allows dogs on leash in Antlers Beach/ Hardy Falls, Glen Canyon, Kalamoior, Mill Creek, Mission Creek, and Rotary Trails. Westside Aquatic Park is open to dogs off leash in specified area;

AND FURTHER THAT all dogs on leash be restricted to trails and walkways within the Park unless otherwise posted. Trails and walkways are defined by a corridor, four meters wide with two meters on either side of the centreline of the trail or walkway unless otherwise posted;

AND FURTHER THAT no dogs are allowed in any body of water or wetland adjacent to or within the four-meter corridor of any trail (unless designated);

AND FURTHER THAT dogs on bridges with or without side restrictions are restricted to the structure of that bridge if it passes over any body of water or wetland.

CARRIED

8.6 Active Living Entreprises Operational Contract Amendment (*All Directors - Weighted Vote*)

#235/03 KNOWLES/NOVAKOWSKI

THAT the Regional Board approve the amended clause 12.1 of the operational contract for the Johnson-Bentley Memorial Aquatic Centre (JBMAC) with Active Living Entreprises;

AND THAT the amended clause will be as follows:

- 12.1 Upon mutual agreement with ALE, the Commission may consider recommending sharing the surplus, if any, with ALE as per the following conditions:
 - 12.1.1 ALE must submit in writing a request to share in the surplus of a fiscal period by the last business day of February of the next year.
 - 12.1.2 The Commission may recommend that ALE share in 50% of the surplus and that the remaining surplus be put into Capital Reserves.
 - 12.1.3 The Commission must conduct a complete review of the surplus year's operation and maintenance to ensure that the level and quality of service provided has not diminished or decreased from previous years, but has continued to be enhanced. The Commission will utilize the program measurements (Schedule A) collected as part of the Planning and Performance Based Budget to aid in their decision.

12.1.4 The Commission shall forward a recommendation to the Regional Board including the rationale for their decision. The Regional Board's decision is final.

AND FURTHER THAT the amended clause will replace the existing clause and form part of the existing contract until the expiry date.

AND FURTHER THAT Schedule "A" will also form part of the contract until its expiry date.

CARRIED

9. NEW BUSINESS

9.1 2003/04 Transit Annual Operating Agreement (*All Directors - Weighted Vote*)

#236/03

GRAY/KNOWLES

THAT the Regional Board approve the 2003/04 Transit Annual Operating Agreement.

CARRIED

9.2 Endorsement of Memorandum of Understanding for the formation of an Okanagan Airshed Coalition (*All Directors - Unweighted Vote*)

The Okanagan's three Regional Districts have agreed to work together to improve the air quality of the Valley. It is hoped that by working together, the three will see common policy and program development and increased leverage when applying for funds from senior levels of government.

#237/03

SHEPHERD/HARRIMAN

THAT the Regional Board endorse the Memorandum of Understanding for the formation of an Okanagan Airshed Coalition between the Regional District of North Okanagan, Regional District of Okanagan Similkameen and the Regional District of Central Okanagan.

CARRIED

9.3 Rails to Trails Infrastructure Development and Marketing Funding (*All Directors - Unweighted Vote*)

It was noted that there is no cost or involvement to the Regional District and that Tourism BC is making the application. 40% of the funding would come from the Province, with the remainder from SICEAI.

#238/03 SHEPHERD/GIVEN

THAT the Regional Board of the Regional District of Central Okanagan support the Tourism British Columbia application for Rails To Trails Infrastructure Development and Marketing Fund to the Softwood Lumber Industry Community Economic Adjustment Initiative (SICEAI).

CARRIED

10. OTHER BUSINESS

10.1 Director Items

a) Amber Alert

Director Given asked the Regional Board to support a letter being written to Solicitor General Rich Coleman encouraging him to introduce a system in British Columbia similar to the U.S.'s Amber Alert whereas the approach is to alert emergency response agencies, the media and the public advising a child abduction has occurred.

#239/03 GIVEN/HARRIMAN

THAT a letter be forwarded to Solicitor General Rich Coleman to request the 'Amber Alert' program be implemented in British Columbia.

CARRIED

11. ADJOURN

There being no further business the meeting as adjourned at 10:10 p.m.

CERTIFIED TO BE TRUE AND CORRECT

Robert Hobson (Chair)

W.B. d'Easum (Chief Administrative Officer)