

Minutes of the *REGULAR MEETING* of the Regional District of Central Okanagan held in the Woodhaven Board Room, Regional District Offices on Monday, November 17, 2003

Directors

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

Staff

W. d'Easum, Chief Administrative Officer
K. Arcuri, Director of Planning Services
K. Roth, Director of Inspection Services
B. Vos, Director of Parks & Recreation Services
M. Drouin, Administrative Assistant (recording secretary)

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

1. MINUTES

1.1 Regular Board Meeting – November 3, 2003

#470/03

KNOWLES/NOVAKOWSKI

THAT the regular board meeting minutes of November 3, 2003 be adopted as circulated.

CARRIED

2. DELEGATION

No delegation

3. CORRESPONDENCE

3.1 UBCM – Bill 75 – Significant Projects Streamlining Act

On November 3, 2003, Minister of State for Deregulation, the Honourable Kevin Falcon, introduced Bill 75 – *Significant Projects Streamline Act*. The Act came as a surprise to the UBCM in that consultation had not occurred. The Act allows any minister authorized by Cabinet to replace any local government bylaw, plan, regulation, policy, etc. to facilitate the approval or development of a “provincially

significant project”. Cabinet can make that determination without any prior notice to the local government or the community.

The Board expressed concern that this legislation is in total contravention to the principles of the Community Charter and discussed their opposition to the Bill.

#471/03 CANNAN/HARRIMAN

THAT the November 7, 2003 memo from UBCM Executive regarding Bill 75 – Significant Projects Streamlining Act be received;

AND FURTHER THAT a letter be forwarded to the Premier, with copies to Minister Falcon and the Okanagan MLAs voicing opposition to Bill 75.

CARRIED

4. UNFINISHED BUSINESS

No Board action required/requested

5. FINANCE DEPARTMENT

No Board action required/requested

6. PLANNING DEPARTMENT

6.1 Development Permits (Unweighted Vote)

- a) Application for an Environmental Sensitive Development Permit for Catana Development Ltd. (owner) and D.E. Pilling & Associates (agent) located adjacent to Shannon Lake Road. (DP-03-12) Westside Electoral Area (*Electoral Areas Only*)

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

K. Arcuri noted that additional information had been received since the Board report was circulated regarding the mitigation plans for natural features preservation and the 30% plus slopes. A revised recommendation was presented for review.

#472/03 DINWOODIE/KNOWLES

THAT the Regional Board approves the Environmentally Sensitive Area Development Permit for Catana Development Ltd. (owner) located adjacent to Shannon Lake Road (application DP-03-12) subject to the following:

- All works must be undertaken as per the recommendations contained in the Environmental Impact Assessment and Remediation Plan prepared by Makonis Consulting Ltd. and I.C. Ramsay & Associates, dated August 22, 2003;

- As a mitigation measure for areas already disturbed, the 30% plus slopes as shown on Graphic 'A' will be set aside for preservation and protected by way of a Section 219 "no build/no disturbance" restrictive covenant and reference plan;
- All remediation works will be completed and approved to the satisfaction of the Director of Planning Services by December 1, 2004;
- That a cost estimate for the remediation works be prepared by a Registered Professional Biologist and a bond in the amount of 125% of the cost estimate be provided to the Planning Services Department, in accordance with section 6.6 of Regional District Application Procedure Bylaw No. 944, to secure all required remediation works.

CARRIED

- b) Application for a Development Permit for Penda Holdings Ltd (owner) and Fred Parent (agent) located adjacent to McDougall Road. (DP-03-13) Westside Electoral Area (*Electoral Area and Kelowna Fringe Area*)

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

#473/03 DINWOODIE/KNOWLES

THAT Development Permit for Penda Holdings Ltd (owner) located adjacent to McDougall Road (application DP-03-10) be approved subject to the following condition:

- The Regional District receives a letter of credit or bank draft in the amount of \$22,500.00, in order to ensure completion of the landscaping, mulching and installation of an automatic irrigation system within 1 year of the issuance of the Development Permit. This amount is refundable upon completion of the landscaping to the satisfaction of Regional District staff.

CARRIED

6.2 Development Variance Permits (Unweighted Vote)

- a) Application for a Development Variance Permit for Richard Everson (owner) located adjacent to Whitworth Road. (VP-03-20) Westside Electoral Area (*Electoral Areas Only*)

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

#474/03 NOVAKOWSKI/KNOWLES

THAT the Regional Board approve Development Variance Permit for Richard Everson (owner) located adjacent to Whitworth Road (application VP-03-20) to vary Section 7.1.7 of the R1 Regulations of Zoning Bylaw No. 871 by reducing the minimum rear setback requirement from 3.0 metres (9.8 ft) to 2.13 metres (7 ft), in order to allow for the siting of an addition to the existing residence, in accordance with the site plan submitted.

CARRIED

- b) Application for a Development Variance Permit for Jim and Nicole Hamilton (owners) located adjacent to Chute Lake Road. (VP-03-21) Ellison /Joe Rich Electoral Area (*Electoral Area and Kelowna Fringe Area*) **WITHDRAWN FROM THE AGENDA**

6.3 Bylaws: (Amended First Reading) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-61 for Mark Anthony Properties Ltd. (owner) and Hamilton Associates c/o Art Phillips (agent) to amend the zoning on part of the property from A1 Agricultural to CD5 Comprehensive Development Zone (The Pines of Mission Hill) located adjacent to Mission Hill Road and Chardonnay Place. (Z03/09) Westside Electoral Area (*Electoral Area and Kelowna Fringe Area*)

The amendment to the first reading is to correct a minor administrative correction to Zoning Amendment Bylaw No. 871-61.

#475/03 DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871–61 for Mark Anthony Properties Ltd. (owner) located adjacent to Mission Hill Road and Chardonnay Place, application Z03/09, be given first reading as amended this 17th day of November 2003;

AND THAT the scheduling of a Public Hearing be withheld pending receipt of a Development Permit application to address form and character of the residential buildings, access, parking and landscaping/buffering, and receipt of information/plans identifying how truck traffic will be mitigated;

AND FURTHER THAT consideration of fourth and final readings be withheld pending the following:

- Receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation;
- Registration of a Section 219 covenant restricting the development to a maximum of 11 residential housing units.

CARRIED

6.4 Bylaws: (First Reading) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-71 for Duck Lake Enterprises Ltd. (owner) and Dale Pilling & Associates Ltd. (agent) to amend Zoning Bylaw 871, 2000 Section 8.1.1 by ADDING a site-specific use after Accessory Building & Structures, located adjacent to Shannon Lake Road. (Z03/19) Westside Electoral Area (*Electoral Areas Only*)

#476/03 NOVAKOWSKI/DAY

THAT the Board hear from the applicant's agent on the issue of waiving the application fees only.

CARRIED

The agent for the applicant, Mr. Pilling, spoke to the Board explaining that they did not receive notice that change to the use within the mobile park zone was contemplated therefore has asked for the fees to be waived.

Staff reviewed the notification for the amendment and confirmed that proper notices as per the Local Government Act had been completed. As 10 or more properties were affected there was no requirement to send out individual property notices. The change came about when Zoning Bylaw No. 871 was adopted to replace the former Zoning Bylaw No. 176.

#477/03 DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-71 for Duck Lake Enterprises Ltd. (owner) located adjacent to Shannon Lake Road, application Z03/19 be given first reading;

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. 871-71 approval from the Ministry of Transportation;

AND FURTHER THAT the applicant's request to waive the application processing fee be supported.

CARRIED

6.5 Bylaws: (Second and Third Readings) (Unweighted Vote)

- a) i) Official Community Plan Amendment Bylaw No. 672-5 for 435133 B.C. Ltd. (owner) and Rick Bruschinsky (agent) to amend the Lakeview Official Community Plan designation from Recreation and Conservation to Residential-Low Density and to Residential-Multifamily (Low to Medium Density) located adjacent to Campbell Road and Lucinde Road. Westside Electoral Area (*All Directors*)

#478/03 NOVAKOWSKI/DINWOODIE

THAT Official Community Plan Amendment Bylaw No. 672-5 application (Z00/7) be given second and third readings this 17th day of November 2003;

AND FURTHER THAT consideration of fourth and final readings be withheld pending;

- Receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation;
- Receipt of Official Community Plan Amendment Bylaw No. 672-5 approval from the Ministry of Community, Aboriginal and Women’s Services.

CARRIED

ii) Zoning Amendment Bylaw No. 871-6 for the above to amend the zoning from P2 Administration, Service and Assembly to RU2 Rural 2, R3A Multiple Housing (Low Density) & R1 Single Detached Housing; and from RU2 Rural 2 to R3A Multiple Housing (Low Density) & R1 Single Detached Housing. (Z00/7) (*Electoral Areas and Kelowna Fringe Area*)

#479/03 DAY/KNOWLES

THAT Zoning Amendment Bylaw No. 871-6 be given second and third readings this 17th day of November 2003.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Building Violation – Lot 6, Plan KAP54381, 1685 Boone Court (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Rose (*All Directors - Unweighted Vote*) **WITHDRAWN FROM THE AGENDA**
- 7.2 Building Violation – Lot 88, Plan 16594, District Lot 3842 Dunwaters Drive (Westside Electoral Area) Notice to be placed on Title – Owner: Stang **WITHDRAWN FROM THE AGENDA**
- 7.3 Building Statistics and Region Wide Building Statistics for the month of September 2003 and Building Statistics for the month of October 2003 (*All Directors - Unweighted Vote*)

#480/03 SHEPHERD/CANNAN

THAT the building statistics and region wide building statistics for the month of September 2003 and building statistics for the month of October 2003 be received.

CARRIED

8. PARKS AND FACILITIES DEPARTMENT

- 8.1 Fire Management Plan for Regional/Westside Parks (*All Directors - Unweighted Vote*)

#481/03 SHEPHERD/KNOWLES

THAT the Regional Board approve the Parks Department implementing a fire management strategy as a precursor to a fire management plan which will include all budget implications, schedules and operational details.

CARRIED

8.2 HRDC Grant Application for Fuel Modification Crew (*All Directors - Unweighted Vote*)

#482/03 DINWOODIE/SHEPHERD

THAT the Regional Board approve the submission of a grant application to Human Resources Development Canada in the amount of \$473,575 for a total project cost of \$632,508 based on the proposed budget.

AND FURTHER THAT the Regional Board approve \$89,976 as a special project cost in the 2004 budget.

CARRIED

8.3 Kaloya Regional Park – Proposed Sculpture Placement (District of Lake Country Public Art Advisory Committee (*All Directors - Unweighted Vote*))

#483/03 SHEPHERD/KNOWLES

THAT the Regional Board approve in principal the installation of a sculpture entitled 'Dancing Goose' within Kaloya Regional Park;

AND FURTHER THAT the Regional Board approve entering into an agreement with the District of Lake Country for the placement of a sculpture in Kaloya Regional Park subject to the following requirement:

- 1) all land tenure issues with regard to the placement of the sculpture in the lily pond be resolved,
- 2) the Regional District of Central Okanagan will be exempt from all costs associated with the placement and maintenance of the sculpture.

CARRIED

- 8.4 Rose Valley Regional Park – Proposed Statutory Right-of-Way (RDCO West Kelowna Estates Water Utility) (*All Directors - Unweighted Vote*)

#484/03 CANNAN/SHEPHERD

THAT the Regional Board approve the registration of a statutory right-of-way for water utility purposes within Rose Valley Regional Park (DL 1979 and DL 4090) subject to the following requirements:

- 1) the existing trail be restored and surfaced with crushed gravel to a 1.2 meter width (Klein Road – Westlake Road),
- 2) fire flow standpipes be installed at the three locations along the route complete with secure access lock systems,
- 3) tree removal be minimized and fire fuel modification works are completed within the proposed right of way area, and
- 4) an aggregate surfaced parking lot to service a minimum of three vehicles be constructed off Westlake Road inclusive of wheel stops, RDCO entrance kiosk and signs, post and rail fencing surrounding the lot inclusive of a pedestrian gate.

CARRIED

- 8.5 Lakeview Wellness Centre (Lakeview Elementary School) (*All Directors - Unweighted Vote*)

#485/03 SHEPHERD/NOVAKOWSKI

THAT the Regional Board approve the allocation of \$7,800 for a joint feasibility study for the Lakeview Wellness Centre (formerly Lakeview Elementary School). The feasibility study will determine the recreation needs for residents of the entire Westside;

AND THAT \$600.00 be allocated in 2003 from the existing recreation budget and the remaining \$7,200 be considered, in conjunction with the five-year financial plan, for the 2004 recreation budget;

AND FURTHER THAT the feasibility study be presented to the Westside Parks and Recreation Commission for their information, comments and recommendations before moving onto the planning and implementation of programs.

CARRIED

9. NEW BUSINESS

- 9.1 Regional District of Central Okanagan Brent Road Fire Protection

- a) Regional District of Central Okanagan Brent Road Fire Protection Service Area Establishment Bylaw No. 1038, 2003 **RESCIND 1st, 2nd and 3rd readings** (*All Directors - Unweighted Vote*)

#486/03 DINWOODIE/KNOWLES

THAT Regional District of Central Okanagan Brent Road Fire Protection Service Area Establishment Bylaw No. 1038, 2003 be *RESCINDED* this 17th day of November 2003.

CARRIED

- b) Regional District of Central Okanagan Brent Road Fire Protection Service Area Establishment Bylaw No. 1042, 2003, **1st and 2nd readings** (*All Directors - Unweighted Vote*)

Director Harriman confirmed that the District of Peachland has given first reading to their bylaw but have asked for a legal opinion on issues related to providing fire service to Brent Road.

#487/03 DINWOODIE/KNOWLES

THAT Regional District of Central Okanagan Brent Road Fire Protection Service Area Establishment Bylaw 1042, 2003 be given first and second readings this 17th day of November 2003.

CARRIED

- c) Regional District of Central Okanagan Brent Road Fire Protection Service Area Loan Authorization Bylaw No. 1039, 2003 **RESCIND 1st, 2nd and 3rd readings** (*All Directors - Weighted Vote*)

#488/03 DINWOODIE/NOVAKOWSKI

THAT Regional District of Central Okanagan Brent Road Fire Protection Service Area Loan Authorization Bylaw No. 1039, 2003 be *RESCINDED* this 17th day of November 2003.

CARRIED

- d) Regional District of Central Okanagan Brent Road Fire Protection Service Area Loan Authorization Bylaw 1043, 2003, **1st and 2nd readings** (*All Directors - Weighted Vote*)

ACTION: Staff to confirm whether a new petition is required with the change 'shall not exceed \$2.00 per \$1,000 of net taxable value'.

#489/03 NOVAKOWSKI/KNOWLES

THAT Regional District of Central Okanagan Brent Road Fire Protection Service Area Loan Authorization Bylaw No. 1043, 2003 be given first and second readings this 17th day of November 2003.

CARRIED

- 9.2 Proclamation – Canadian HIV/Aids Awareness Week– November 24-December 1, 2003 and Worlds Aids Day – December 1, 2003 (*All Directors - Unweighted Vote*)

#490/03 SHEPHERD/HARRIMAN

WHEREAS the Joint United Nations Programme on HIV/AIDS (UNAIDS) estimates that more than 40 million people are infected with the Human Immunodeficiency Virus (HIV) worldwide;

WHEREAS UNAIDS has called upon governments, organizations and individuals to recognize the week of November 24 to December 1, 2003 as HIV/AIDS Awareness Week and World Aids Day with the theme 'Stigma and Discrimination', the goals of which are:

- To raise awareness of HIV/AIDS and challenge discrimination towards those affected by or infected with HIV/AIDS,
- To challenge stigma and discrimination based on gender, sexual orientation, culture, ethnicity and race as it relates to HIV/AIDS, and
- To promote and support HIV prevention efforts.

WHEREAS Health Canada estimates that almost 50,000 Canadians are currently living with HIV/AIDS and 15,000 Canadians are unaware they are infected,

WHEREAS the number of Canadians living with HIV/AIDS continues to increase, with approximately 4,200 new infections each year,

WHEREAS in the absence of a cure or vaccine, education is our only defense against HIV/AIDS, and

WHEREAS Canadian HIV/AIDS Awareness Week and Worlds AIDS Day offer an opportunity to enhance tolerance and understanding while communicating prevention information about the epidemic,

THEREFORE BE IT RESOLVED, that the Regional Board do hereby proclaim November 24 to December 1, 2003 Canadian HIV/AIDS Awareness Week and December 1, 2003 Worlds AIDS Day for the Regional District of Central Okanagan.

CARRIED

- 9.3 Board Meeting Schedule – 2004 (*All Directors - Unweighted Vote*)

The 2004 schedule for meetings for the Regional Board committees was circulated to the Board for their information. It was noted that the May 6th Parks Advisory Committee meeting needs to be moved as it takes place during the OMMA Conference. The meeting dates will be posted on the Regional District website.

#491/03 SHEPHERD/KNOWLES

THAT the 2004 Board Meeting Schedule for 2004 be approved as circulated.

CARRIED

- 9.4 2003/04 Central Okanagan Regional Conventional Annual Operating Agreements (*All Directors - Weighted Vote*)

A revised agreement was circulated to the Board. Although the same contract, the Kelowna contract had been circulated in the board package.

#492/03 DAY/KNOWLES

THAT the 2003/04 Central Okanagan Regional Conventional Annual Operating Agreements be approved.

CARRIED

Mayor Gray arrived at 7:45 p.m.

10. OTHER BUSINESS

10.1 Director Items

- a) 'Keeping Pace In A Changing World' seminar

Director Novakowski updated the Board on the one-day 'Keeping Pace In A Changing World' seminar that explored ways of implementing successful innovation strategies in BC's communities. The seminar was hosted by the Leadership and Management Development Council of BC, in partnership with the Chamber of Commerce.

- b) Interface Fire Issues

It was noted that Gary Filmon will be in Kelowna next week to receive input regarding the Okanagan Mountain Park fire. The Filmon review only includes the Province's role responding to and managing the fire. The City of Kelowna is preparing a joint submission for the City and Regional District for the Filmon hearing.

A summary report on the overall impacts of the fire to the region will be developed over the next couple of months. A Municipal Finance Authority grant will be used to pay for the report.

- c) Communication – Remembrance Day

ACTION: It was suggested that the Region take an active role in future years in communicating to the public the Remembrance Day services that are held throughout the region.

- d) Okanagan Lake Bridge Project

In follow up to the meeting last Friday with the Westbank First Nation, the Board reviewed a draft letter to Transportation Minister Reid and draft press release regarding the Okanagan Lake Bridge project. It was agreed the draft letter be presented to Chief Louie for review and signature.

11. ADJOURN TO IN CAMERA

#493/03 DINWOODIE/HARRIMAN

THAT pursuant to Section 242.2 of the Local Government Act, the Board adjourn and convene to an 'In-Camera' session to discuss a property issues

CARRIED

There being no further business the meeting was adjourned at 8:45 p.m.

CERTIFIED TO BE TRUE AND CORRECT

Robert Hobson (Chair)

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