

**ADOPTED MARCH 10, 2003**

**Minutes of the *REGULAR MEETING* of the Regional District of Central Okanagan held in the Woodhaven Board Room, Regional District Offices on Monday, February 24, 2003**

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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. Hobson (City of Kelowna)  
R. Hein (District of Lake Country)  
D. Knowles (Westside Elect. Area)  
L. Novakowski (Westside Elect. Area)  
S. Shepherd (City of Kelowna)

W. d'Easum, Chief Administrative Officer  
K. Arcuri, Director of Planning Services  
H. Hettinga, Director of Engineering Services  
H. Reay, Director of Financial 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 7:05 p.m.

**1. MINUTES**

- 1.1 Public Hearing – February 10, 2003
- 1.2 Regular Meeting – February 10, 2003

**#81/03**

**DINWOODIE/DAY**

THAT the public hearing minutes of February 10, 2003 be received;

AND FURTHER THAT the regular minutes of February 10, 2003 be adopted as corrected.

*Correction:* Pg. 12 10.1(e) should read: Alternate Director J. Harte attended a recent meeting of the Okanagan Marine Advisory Council”

**CARRIED**

**2. DELEGATION**

No delegation

**3. CORRESPONDENCE**

- 3.1 Letter: District of Lake Country, Mayor Rolly Hein – Mayor's Task Force on Agriculture (*All Directors - Unweighted Vote*)

**#82/03**

**SHEPHERD/CANNAN**

THAT the February 17, 2003 letter from Mayor Rolly Hein, District of Lake Country regarding the Mayor's Task Force on Agriculture be received;

AND FURTHER THAT a letter of support be sent to HRDC for the District of Lake Country's application for funding a research project to assist the agricultural community to overcome barriers to business and employment success.

CARRIED

*Discussion:*

Mayor Hein requested a letter of support for a funding application to HRDC to assist in a pilot project to look at perceptions and legislation (federal, provincial and municipal) to assist the agricultural community to overcome barriers to business. Terms of reference are being developed. The study will take place over a one- year period.

- 3.2 Letter: Westbank First Nation, Chief Robert Louie re: Westbank First Nation Self-government Agreement (*All Directors - Unweighted Vote*)

**#83/03**

**DINWOODIE/SHEPHERD**

THAT the February 21, 2003 letter from Chief Robert Louie, Westbank First Nation regarding Westbank First Nation Self-government Agreement be received;

AND THAT a letter of support for the Westbank First Nation Self-government Agreement be forwarded to the Federal government;

AND FURTHER THAT Westbank First Nation be invited to update the Regional Board on the ratification vote.

CARRIED

**4. UNFINISHED BUSINESS**

No Board action required/requested

**5. FINANCE DEPARTMENT**

No Board action required/requested

**6. PLANNING DEPARTMENT**

**6.1 Correspondence (Unweighted Vote)**

- a) Report regarding a new Public Hearing for Broadview Neighbourhood Plan (Bylaw No. 686-16) Westside Electoral Area (*Electoral Areas Only*)

Mr. Arcuri reviewed the history of the application and noted the Regional District's solicitor recommends that a new Public Hearing be held. The Planning & Environment Committee will review the application prior to the Public Hearing. Staff will determine a date for the Public Hearing.

**#84/03 DINWOODIE/SHEPHERD**

THAT a new Public Hearing be scheduled for the Broadview Neighbourhood Plan Bylaw No. 686-16;

AND FURTHER THAT Bylaw No. 686-16 be amended at second and third readings.

CARRIED

- b) Report requesting 6-month extension for Bylaw 871-37 for Rose Valley Ventures Ltd. (owner) (Z02/01) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

**#85/03 DINWOODIE/DAY**

THAT application Z02/01 for Rose Valley Ventures Ltd. (owners) be given a 6-month extension in order to conclude the outstanding requirements.

CARRIED

**6.2 Development Permits (Unweighted Vote)**

- a) Application for a Development Permit for MKS Resources Inc. (owners) located on Boucherie Road, east of Carral Road (DP-02-13) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

**#86/03 NOVAKOWSKI/DINWOODIE**

THAT Development Permit application DP-02-13 for MKS Resources Inc. (owners) located on Boucherie Road, east of Carral Road be approved based on the site plan and elevation drawings prepared by George Gowlland, Architect, dated December 18, 2002, and landscape plan prepared by Urban Systems, dated November 2002, subject to the following conditions:

Registration of a statutory right-of-way agreement providing access to the proposed park in the southwest corner of the property, prepared to the satisfaction of Regional District Parks Department staff.

CARRIED

**6.3 Agricultural Land Reserve Appeal (*All Directors – Unweighted Vote*)**

- a) Application for exclusion from the ALR for Winifred Hoyer (owner) and Belvedere Place Development (agent) located adjacent to Shannon Lake Road (A-02-09) Westside Electoral Area (*All Directors*)

On behalf of the applicant, Mr. Grifone of Urban Systems made a presentation to the Board reviewing the area of exclusion and the surrounding lands that have been excluded from the ALR.

Mr. Arcuri noted the Agricultural Advisory Committee (AAC) reviewed the new information in the December 5, 2002 Talisman Land Resource Consultants report at their January 28, 2003 meeting and while the AAC was not unanimous in its findings, a majority of the committee does not support the application to exclude the entire parcel from the ALR. The Committee does acknowledge the difficulties and expense involved in supplying water to the property, and factors of soil conditions, topography, and climate which further restricts the agricultural potential of the property.

**#87/03**

**DINWOODIE/NOVAKOWSKI**

THAT the Regional Board support Agricultural Land Commission exclusion application A-02-09 for Winifred Hoyer (owner)/Belvedere Place Development located adjacent to Shannon Lake Road.

CARRIED (Hein/Cannan opposed)

- b) Application for inclusion into the ALR, exclusion from the ALR and non-farm use within the ALR for 498498 BC Ltd./Buy Buy Investments Ltd. (owner) and Gary Yates (agent) located adjacent to Gellatly Road next to the Glenrosa Interchange (A-03-01) Westside Electoral Area (*All Directors*)

Gary Yates, the agent, reviewed the inclusion and exclusion request to the Board. The owner is requesting approval to include approximately 1.9 ha into the ALR, to exclude approximately 1.6 ha out of the ALR, and to allow relocation of the previously approved road right-of-way. The Board reviewed the conceptual layout plan on the overhead.

**#88/03**

DINWOODIE/NOVAKOWSKI

THAT the Regional Board support Agricultural Land Commission inclusion, exclusion, and non-farm use application A03-01 for 498498 BC Ltd./Buy Buy Investments Ltd. (owner) located adjacent to Gellatly Road next to the Glenrosa Interchange.

CARRIED

- c) Application for subdivision in the ALR for G. & J. Barry/R. & F. Barry (owners) and D.E. Pilling & Assoc. Ltd. (agent) located adjacent to Elliott Road and Butt Road (A-03-02) Westside Electoral Area (*All Directors*)

Mayor Gray left the meeting due to a potential conflict of interest.

On behalf of the applicant, Mr. Pilling made a presentation to the Board reviewing the request for approval to subdivide (within the ALR) the property into two lots.

Mr. Arcuri highlighted the Planning Services Department does not support the application as the proposal does not meet the goals and objectives of the OCP, proposal is not in the best interest of agriculture, and the proposed subdivision is not supported by the Ministry of Agriculture and the Agricultural Advisory Committee.

**#89/03**

HEIN/CANNAN

THAT the Regional Board not support Agricultural Land Commission application A-03-02 for G. & J. Barry/R. & F. Barry (owners) located adjacent to Elliott Road and Butt Roads.

CARRIED (Dinwoodie/Hanson opposed)

Mayor Gray returned to the meeting.

**6.4 Bylaws (Second and Third Reading) (*Unweighted Vote*)**

- a) Zoning Amendment Bylaw No. 871-52 for Victor Projects Ltd. (owners) and Protech Consultants Ltd. (agent) to amend the zoning from R2 Duplex Housing to R1 Single Detached Housing located adjacent to Chief Tomat Elementary School in the vicinity of East Boundary Road (Z02/16) Westside Electoral Area (*Electoral Areas Only*)

**#90/03**

DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-52 for Victor Projects Ltd. (owners) located adjacent to Chief Tomat Elementary School in the vicinity of East Boundary Road, application Z02/16 be given second and third readings this 24<sup>th</sup> day of February, 2003.

CARRIED

**6.5 Bylaws (Reconsideration and Adoption) (*Unweighted Vote*)**

- a) Zoning Amendment Bylaw No. 871-38 for Rose Valley Ventures Ltd. (owner) to amend the zoning on part of the subject property from RU2 Rural 2 to CD2(B) Medium Density Residential, CD2(C) Compact Single Family Housing, CD2(G) Open Space, and P1 Park and Open Space located adjacent to Rosewood Drive and McDougall Road (Z02/02) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

**#91/03**

DINWOODIE/DAY

THAT Zoning Amendment Bylaw No. 871-38 for Rose Valley Ventures Ltd. (owner) be reconsidered and adopted this 24<sup>th</sup> day of February 2003.

CARRIED

**7. INSPECTION SERVICES DEPARTMENT**

- 7.1 Report re: Approval as a Dog License Agent - R481 Enterprises, Operating as Bone Appetit (*All Directors - Unweighted Vote*)

**#92/03**

SHEPHERD/HARRIMAN

THAT R481 Enterprises operation as Bone Appetit at 2974 Pandosy Street, Kelowna, B.C. be approved as an agent of the Regional District of Central Okanagan to distribute licenses and tags.

CARRIED

- 7.2 Building Violation – Lot 9, Plan 27945, 7604 Falcon Ridge Crescent (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Molloy (*All Directors - Unweighted Vote*)

The owner was not in the gallery.

**#93/03**

HANSON/DINWOODIE

THAT the Regional District Board direct that a notice be filed on the title of Lot 9, Plan 27945, 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 fire restoration of an existing dwelling and wood stove, built under authority of Building Permit #8417/00, has not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw #835. The permit cannot be closed until a final inspection has been done.

CARRIED

- 7.3 Building Violation – Lot 73, Plan KAS1411, #19 – 6200 Spencer Road (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Welton

The owner was not in the gallery.

**#94/03**

HANSON/SHEPHERD

THAT the Regional District Board direct that a notice be filed on the title of Lot 73, Plan KAS1411, 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 deck, built under authority of Building Permit #7626/99, has not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw #835. The permit cannot be closed until a final inspection has been done.

CARRIED

**8. PARKS AND RECREATION DEPARTMENT**

No Board action required/requested

Director Knowles asked that staff review a request by the North Westside Road Firefighter's Society regarding the forestry site on Okanagan Lake. Mr. Vos noted he has had some discussion with them on this issue. The board agreed that the request be referred to the Parks Advisory Committee for review and that staff contact the Society to give them the information on how to apply for this particular process.

**9. NEW BUSINESS**

- 9.1 Report re: FCM/ITAB Municipal-Aboriginal Community Cooperation Project with the Centre for Municipal/Aboriginal Relations (C-MAR) Steering Committee (*All Directors - Unweighted Vote*)

**#95/03**

DINWOODIE/CANNAN

THAT the February 18, 2003 report from Director Dinwoodie regarding FCM/ITAB Municipal-Aboriginal Community Cooperation Project with the Centre for Municipal/Aboriginal Relations (C-MAR) Steering Committee be received.

CARRIED

- 9.2 Wastewater Treatment Plant Expansion – approval to commence refurbishing of the original Phase 1 Treatment Plant (*All Directors - Weighted Vote*)

**#96/03**      HEIN/NOVAKOWSKI

THAT the Regional District commence refurbishing the original Phase 1 Treatment Plant, in order to provide additional interim capacity;

AND FURTHER THAT the costs estimated at approximately \$350,000 to refurbish the original 2800m<sup>3</sup>/day Phase 1 be obtained through the current operational budget and from short-term internal borrowing as required.

CARRIED

9.3 Award of contract – Casa Loma Liftstation (*All Directors - Weighted Vote*)

**#97/03**      DINWOODIE/DAY

THAT the Regional Board authorize the award of the contract for the construction of the Casa Loma Liftstation to Graham Construction for the amount of \$1,213,702.77 including GST.

CARRIED

9.4 Report re: Sewer Connection Requirement for Priority Areas (*All Directors - Unweighted Vote*)

**#98/03**      DINWOODIE/HARRIMAN

THAT the Regional Board support the Engineering Services Department circulating a letter to the owners of the dark shaded properties on the attached plan, outlining the history of the need for community sewer, the impact on health and environment, and requesting that they connect to the sewer system by December 31, 2003;

AND FURTHER THAT the Regional Board support a recommendation to order those properties that have not connected by the December 31, 2003 deadline, to connect in accordance with Sections 4.07 and 4.08 of the RDCO Sewer Systems Regulation Bylaw #987, 2003.

CARRIED

Discussion:

Mr. Hettinga noted that if residents do not connect by the December 31<sup>st</sup> deadline a report will come back to the Board before applying Sections 4.07 and 4.08 of the RDCO Sewer Systems Regulation Bylaw #987, 2003.



9.5 Governance & Services Committee Report

a) Committee recommendations (*All Directors - Unweighted Vote*)

The Administrators report from the Governance and Services Committee meeting of February 14, 2003 was reviewed.

**#99/03**

DAY/CANNAN

THAT the Regional District create the position of Communications and Information Co-ordinator in order that the websites of the Regional District and Economic Development Commission can be brought up-to-date and maintained. As well, other communications duties not being pursued can be rejuvenated.

CARRIED

**#100/03**

DINWOODIE/HARRIMAN

THAT the municipalities of Kelowna, Peachland and Lake Country be asked to review the issue paper on governance developed by Victoria Consulting Network for the Regional District and offer comments over approximately two months time.

CARRIED

Director Dinwoodie noted that the Westside directors met and recommend the following amendments to the Board Expense Policy and Remuneration and Expenses of Directors and Committee Members Bylaw:

- Changes to Schedule A include:
  - Planning & Environment Committee is a regional committee
  - Add Emergency Plan Executive Board
  - Add Okanagan Marine Advisory Committee
  - Include Treaty Advisory Committee as an electoral area expense to OBWB & SIR section
- Section III change:
  - a) To read “expenses incurred for attending community meetings when requested, or as authorized by the board, to be charged to the electoral area”
  - b) mileage expenses required for constituency work to be charged to the electoral area.
- Section V change:
  - To read “Fifty percent (50%) of director expenses for election to the Union of B.C Municipalities (UBCM) or Okanagan Mainline Municipal Association (OMMA) will be paid to a maximum of \$350.00.”
- Changes to Remuneration Bylaw
  - Monthly Remuneration 5) should read \$25.00 per meeting.

The Board discussed the amendments and asked for clarification on what constitutes a community meeting, what is constituency work and whether a telephone conference meeting is considered remunerable and if so should it be at

the regular rate. It was agreed that a community meeting is a meeting with the area community associations that electoral area directors are requested to attend. The director's time when spent meeting with individual residents is covered in a director's monthly stipend. Mr. Reay confirmed that only mileage can be claimed for community meetings. The Board further agreed that a telephone conference meeting is considered to be a meeting and if applicable, the appropriate expense would be chargeable.

The Board agreed to the proposed amendments to the Board Expense Policy and the Board of Directors Remuneration Bylaw.

- b) Approval of Board Expenses Policy (*All Directors - Unweighted Vote*)

**#101/03**

DINWOODIE/NOVAKOWSKI

THAT the Regional Board repeal the Board Remuneration Policy No. 7.4;

AND FURTHER THAT the Regional Board adopt the revised Board Expenses Policy No. 7.11 this 24<sup>th</sup> day of February 2003.

CARRIED (Hein opposed)

- c) Regional District of Central Okanagan Board of Directors Remuneration Bylaw No.1008, 2003, **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings, and Adoption** (*All Directors - Unweighted Vote*)

**#102/03**

DINWOODIE/KNOWLES

THAT Regional District of Central Okanagan Board of Directors Remuneration Bylaw No. 1008, 2003 be given first, second and third readings, reconsidered and adopted this 24<sup>th</sup> day of February 2003.

CARRIED (HEIN opposed)

- 9.6 Regional District of Central Okanagan S.I.R. Parcel Tax Bylaw No. 1009, 2003, **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings, and Adoption** (*All Directors - Weighted Vote*)

**#103/03**

DAY/SHEPHERD

THAT Regional District of Central Okanagan S.I.R. Parcel Tax Bylaw No. 1009, 2003 be given first, second and third readings, reconsidered and adopted this 24<sup>th</sup> day of February 2003.

CARRIED

- 9.7 Proclamation: "Education Week in School District No. 23 – March 3-7, 2003"

**#104/03**

**SHEPHERD/KNOWLES**

THAT the Regional District of Central Okanagan proclaim March 3-7, 2003 as "Education Week in School District No. 23".

**CARRIED**

**10. OTHER BUSINESS**

10.1 General Items

- a) Sale of lease lots on reservoir lakes  
Mayor Hein updated the Board on Lake Country's efforts lobbying the Provincial government regarding the sale of lease lots on reservoir lakes. He requested that the board discuss a notice of motion regarding a legal opinion. The Board agreed that the discussion be deferred to 'In Camera' as it relates to a legal opinion.
- b) Planning Workshop with BC Land & Water Inc.  
Mr. Arcuri confirmed a Board workshop will be held March 12<sup>th</sup> 11:30 am-1:00 pm with BC Land & Water Inc. to review the Crystal Mountain proposal.
- c) BC Transit Feedback & Discussion Session  
The Board was informed the Feedback & Discussion Session on BC Transit Funding and Service Strategy Review has been rescheduled for March 13, 11:00-1:00 p.m.

10.2 Director Items

- a) Citizen letters regarding the Joe Rich Fire Department  
The Board noted that various citizens have been writing letters to them regarding issues surrounding the purchase of the fire trucks for Joe Rich and that it is not clear whether the letters have been also sent to the Chair. Board members were asked to refer letters to the Administrator. Copies of the acknowledged letters are filed in the Board 'Reader File'.  
  
The Board agreed to discuss 'In Camera' the issues surrounding staff and contracts for the fire trucks.
- b) Board Meeting with School District No. 23  
It was noted that School District No. 23 has invited all member municipalities, as well as the Regional Board to meet with them. The Regional Board's meeting is scheduled for April 2 at 7:00 p.m. in the Woodhaven Board Room. The District of Lake Country has had their meeting with the School Board.

*ACTION:* It was agreed that the City of Kelowna Council would be invited to attend the Regional District's meeting with School District No. 23 and that the District of Peachland would confirm whether they want to have a joint or separate meeting.

c) Premier's Provincial Congress

Mayor Gray noted that he and Director Cannan, OMMA President, have been invited to the Premier's Congress and that they have been invited to submit topics for discussion. Topics that have been submitted are: infrastructure (sewer, roads), tourism and forestry.

*ACTION:* The Board was asked to submit any other topics for discussion at the Premier's Congress to either Mayor Gray or Director Cannan.

d) Resolution for OMMA – Coquihalla Highway

Director Cannan, as President of OMMA, previously circulated information to the Board regarding the Provincial government's plan to franchise or sell the Coquihalla Highway.

**#105/03**

CANNAN/SHEPHERD

THAT the Regional District write to the Premier and the Ministry of Transportation with copies to the Members of the Legislative Assembly in the OMMA region opposing the government's stated goal of selling/franchising the Coquihalla Highway;

Amendment

SHEPHERD/DAY

AND FURTHER THAT the Regional Board is opposed to the collection of tolls on Coquihalla Highway and that this be communicated in the letter.

CARRIED

e) Mount Boucherie Expansion

Director Dinwoodie requested that in follow up to a letter from the Mount Boucherie Expansion Committee, the Director of Parks & Recreation request a meeting of the Mount Boucherie Expansion Committee, the Westside Parks & Recreation Commission, Chair of the Parks Advisory Committee, Westside directors and the Administrator to review the business plan with respect to the expansion phase of Mount Boucherie.

f) Political Protocol

*ACTION:* Director Dinwoodie requested the Chair send a letter to Chief Robert Louie, Westbank First Nation, requesting a meeting to trigger the Regional District's regular protocol agreement and also that a letter be forwarded to Chief Lyle Brewer, Okanagan Indian Band, to request a political protocol be developed between the Regional District and the Band.

g) Gas Tax Revenues

Director Dinwoodie requested that a resolution on gas tax revenues be forwarded to the Okanagan Mainline Municipal Association (OMMA) for consideration at the Annual General Meeting during the 2003 Convention.

In British Columbia, gas tax is invested in the transportation system. However, only a small portion of Federal tax dollars are returned to the province. Of the \$750M collected in Federal gas taxes in 2000/01, only \$2.8M or 0.37% is provided for transportation improvements.

**#106/03**

DINWOODIE/HARRIMAN

WHEREAS the Federal government is receiving a financial windfall from gas tax revenues;

AND WHEREAS a mere pittance of Federal Gas Tax Revenues are being reinvested in road infrastructure improvements;

THEREFORE local governments encourages the Federal government to dedicate a significant portion of Federal Gas Tax Revenues to improvement of road infrastructure.

CARRIED

h) Grants-in-aid

**#107/03**

NOVAKOWSKI/DINWOODIE

THAT a Westside Electoral Area Grant-in-aid in the amount of \$750.00 be allocated to the Killiney Beach Community Association for funding to provide material for the library.

CARRIED

**#108/03**

NOVAKOWSKI/KNOWLES

THAT a Westside Electoral Area Grant-in-aid in the amount of \$1,000.00 be allocated to the Kelowna RCMP Rural Bicycle Patrol (Westside).

CARRIED

i) Regional Grant-in-aid

Chair Hobson noted that a regional grant-in-aid request has been received from the Kelowna Geology Committee requesting funds for printing a second edition of "Geology of the Kelowna Area, and origin of the Okanagan Valley, British Columbia".

The Board agreed to consider the request at the final budget meeting in March.

**10. ADJOURN 'IN CAMERA'**

**#109/03**      DINWOODIE/SHEPHERD

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

CARRIED

There being no further business, the meeting was adjourned by the Chair at 9:45 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

\_\_\_\_\_  
**Robert Hobson (Chair)**

\_\_\_\_\_  
**W.B. d'Easum (Chief Administrative Officer)**