

**Minutes of the *REGULAR BOARD MEETING* of the Regional District of Central Okanagan held in the Woodhaven Board Room, Regional District Offices on Monday, July 26, 2004**

---

Directors: 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)

Staff: W. d'Easum, Chief Administrative Officer  
K. Arcuri, Director of Planning Services  
H. Reay, Director of Financial Services  
K. Roth, Director of Inspection Services  
T. Cashin, Environmental Technician  
R. Fralick, Assistant Planner  
M. Drouin, Administrative Assistant (recording secretary)

R. Hobson, Chair brought the meeting to order at 7:10 p.m. following a Public Hearing.

**1. MINUTES**

- 1.1 Public Hearing – July 12, 2004
- 1.2 Regular Meeting – July 12, 2004

**#301/04 DINWOODIE/KNOWLES**

THAT the Public Hearings minutes of July 12, 2004 be received;

AND FURTHER THAT the regular board meeting minutes of July 12, 2004 be adopted as circulated.

CARRIED

**2. DELEGATION**

No delegation.

**3. CORRESPONDENCE**

No Board action required/requested

**4. OLD BUSINESS**

4.1 Regional Grant in Aid Policy (*All Directors - Unweighted Vote*)

Currently the Regional Board's policy requires that regional grant in aid applications be submitted by the third Friday of October. Now that the Regional Board no longer is required to approve a provisional budget in the fall but adopts a five-year financial plan in March of every year, it would be more timely for the Board to review regional grants later in the year.

**#302/04** HEIN/DINWOODIE

THAT the Regional Board amend the Regional grant in aid policy to read "an application must be submitted each year by the 15<sup>th</sup> of December, for the following fiscal year January 1<sup>st</sup> to December 31<sup>st</sup>."

CARRIED

**5. FINANCE DEPARTMENT**

5.1 Regional District of Central Okanagan Security Issuing Bylaw No. 1069, 2004, **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>d</sup> readings, and Adoption** (*All Directors - Weighted Vote*)

**#303/04** KNOWLES/HEIN

THAT Regional District of Central Okanagan Security Issuing Bylaw No. 1069, 2004 be given first, second and third readings, reconsidered and adopted this 26<sup>th</sup> day of July 2004.

CARRIED

5.2 Regional District of Central Okanagan Security Issuing Bylaw No. 1070, 2004, **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>d</sup> readings, and Adoption** (*All Directors - Weighted Vote*)

**#304/04** HARRIMAN/KNOWLES

THAT Regional District of Central Okanagan Security Issuing Bylaw No. 1070, 2004 be given first, second and third readings, reconsidered and adopted this 26<sup>th</sup> day of July 2004.

CARRIED

**6. PLANNING DEPARTMENT**

**6.1 Development Permits (Unweighted Vote)**

- a) Application for a Development Permit for Lorne Dobbin (owner) and D.E. Pilling and Associates Ltd. (agent) located adjacent to Asquith Road. (DP-02-10) 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.

Staff reviewed the proposal:

- the applicant does not agree with the staff recommendation and has submitted a different plan for consideration. It is the developer's contention that the areas identified in their consultant's report were not accurate. Staff offered to use the GPS to identify all remaining slopes greater than 35%. This work was carried out and the information provided to the developer.
- Maps showing the two proposals (Regional District and D.E. Pilling), gravel extraction permit area and the subject property were shown on the overhead
- The conditions of the development permit are in accordance with the recommendations of the EBA Engineering Environment report of September 2002
- Staff believe the conditions of the ESA Development Permit address potential impacts to the ecological health of the subject properties and surrounding areas.
- The Development Permit addresses the entire site
- Westbank APC expressed concern regarding water flow to the area and had reservations about conditions being imposed post facto on the developer and recommends 'grandfathering' be considered.
- Staff are recommending mitigation in the area to the southeast and northwest as mitigation for areas that have already been disturbed.
- The recommendations and suggested mitigation measures of EBA's Environmental Assessment satisfies the ESA Development Permit guidelines for the Westbank Official Community Plan.

The Board questioned:

- What is the difference in land mass between the applicant's proposal and Regional District's staff recommendation? This information was unavailable at this time.
- When the property was rezoned was there an expression about having a buffer area adjacent to the landfill to keep residential dwellings as far away as possible? Currently zoned to allow one residential house in the area adjacent to the landfill.
- Is the proposed area all 30% slope? The sections identified on Planning's recommendations are 35% or greater.

- Mr. Pilling addressed the Board and provided a history of the development.
- Plan was revamped in early 1994. Gravel extraction permit was applied for in 1995 (public process was carried out) and environmental assessment was done in 1995. 1996 report came back to the Board. In April 97 the Board gave 2<sup>nd</sup> and 3<sup>rd</sup> reading subject to PLA (PLA took two years to get). Zoning approved August 2000
  - ESA report was based on terms of reference established by Regional District. The applicant disagreed with report as it did not take into account the existing zoning, topography was incorrect.
  - Gravel extraction permit approved 1996 – designated gravel pit as an ESA area after permit was approved. This did not make any sense. It should have been part of approval process in 1997.
  - Applicant expressed concern regarding waivers in the gravel extraction areas; subdivision with the 135 acres of parkland is being held up due to ESA permit; drainage study has been reviewed six times and believes the drainage study includes the Smith Creek and Asquith Road area; mapping errors on draft report re: Davidson Creek and Hoyer property; Asquith Road dedication information has been around for years but followed up early this year and to date no response has been received from the Regional District and Ministry of Transportation; covenants in place for land adjacent to the landfill, questioned items A, F, J and D in Schedule A

The Board further reviewed the ESA mapping, difference in land mass in both recommendations and why the three smaller areas to the Northwest are being protected; drainage concerns, restrictive covenant and the area of 35% slope and whether an ESA area is sustainable when buildings are built around it.

Geoff Paynter addressed the Board noting that as part of the review of the hillside development guidelines changes may occur as a result of ongoing work with Planning Services, the Environmental Advisory Committee and UDI. Geoff Paynter is part of the process.

**#305/04**      DINWOODIE/KNOWLES

THAT the staff recommendation for Development Permit [DP-02-10] not be approved;

AND THAT the Development Permit [DP-02-10] proposal for Lorne Dobbin (owner) located adjacent to Asquith Road submitted by the applicant D. E. Pilling & Associates be supported;

AND FURTHER THAT Items A, F, J, D in Schedule A, which forms part of the development permit, be conditional subject to confirmation by staff.

CARRIED

**6.2 Bylaws: (First Reading) (Unweighted Vote)**

- a) i) Official Community Plan Amendment Bylaw No. 785-8 for Thomas Ferguson (owner) to amend the Westside Official Community Plan designation from Large Holdings to Rural Residential located adjacent to Bear Creek Road. Westside Electoral Area (*All Directors*)

**#306/04**     DINWOODIE/NOVAKOWSKI

THAT Official Community Plan Amendment Bylaw No. 785-9 for Thomas Ferguson (owner) located adjacent to Bear Creek Road, application Z03/17 be given first reading this 26<sup>th</sup> day of July 2004;

AND THAT the application be scheduled for a public hearing;

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation.

CARRIED

- ii) Zoning Amendment Bylaw No. 871-69 for the above to amend the zoning from RU1 Rural 1 to RU6 Small Holdings. (Z03/17) Westside Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

**#307/04**     NOVAKOWSKI/KNOWLES

THAT Zoning Amendment Bylaw No. 871-69 be given first reading this 26<sup>th</sup> day of July 2004.

CARRIED

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

- a) i) Official Community Plan Amendment Bylaw No. 672-22 for 435133 B.C. Ltd. (owner) and D.E. Pilling & Associates Ltd. (agent) to amend the Lakeview Official Community Plan designation from Recreation and Conservation to Residential Low Density located adjacent to Lakeview Road Westside Electoral Area (*All Directors*)
- ii) Zoning Amendment Bylaw No. 871-77 for the above to amend the zoning from RU2 Rural 2 to R1 Single Detached Housing. (Z04/01) Westside Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

**#308/04**     DINWOODIE/NOVAKOWSKI

THAT the Regional Board reopen the Public Hearing to receive additional information regarding Official Community Plan Amendment Bylaw 672-22 and Zoning Amendment Bylaw No. 871-77.

CARRIED

Discussion:

- The Public Hearing will be tentatively scheduled for August 23<sup>rd</sup>
- How much reshaping of the site can be done before it comes to the Board for approval? Staff confirmed that if a property is not located within a development permit area of the OCP, the owner can remove trees and alter the site and would not require prior permits or approvals. If the area is located in a development permit area, the land must remain in the natural state prior to approval. This property is not designated a development permit area in the current OCP.
- Site grading and tree preservation – staff to request information from developer what trees will be left on site and any information with regard to privacy and view corridors and also quantify drainage benefits. How does the Regional District designate recreation and conservation without paying for the land?

- b) Zoning Amendment Bylaw No. 871-85 for First Island Financial Services Ltd. (owner) and Gary Gilchrist (agent) located adjacent to Gellatly Road. (Z04/09) Westside Electoral Area (*Electoral Areas Only*)

**#309/04**      DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-85 for First Island Financial Services Ltd. (owner) located adjacent to Gellatly Road be given second and third readings this 26<sup>th</sup> day of July 2004;

AND FURTHER THAT fourth and final readings be withheld pending receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation.

CARRIED

**6.4 Bylaws: (Reconsideration and Adoption) (Unweighted Vote)**

- a) Official Community Plan Amendment Bylaw No. 686-37 for Catana Developments Ltd. (owner) and D.E. Pilling & Associates Ltd. (agent) to amend the Westbank Official Community Plan by Deleting from Schedule 'D' (Neighborhoods and Phasing Map), Phase 1 and 2 of the proposed development located adjacent to Shannon Lake Road. (686-37) Westside Electoral Area (*All Directors*)

**#310/04**      KNOWLES/DINWOODIE

THAT Official Community Plan Amendment Bylaw No. 686-37 be reconsidered and adopted this 26<sup>th</sup> day of July 2004.

CARRIED

**7. INSPECTION SERVICES DEPARTMENT**

No Board action required/requested

**8. PARKS AND RECREATION DEPARTMENT**

No Board action required/requested

**9. NEW BUSINESS**

- 9.1 Westside Electoral Area Grant in Aid (\$500) Westside Holidaze (*All Directors - Unweighted Vote*)

The funds are to assist in raising funds for the Westbank food bank to relocate to a better location. The goal is for the food bank to become self-sustaining.

**#311/04 NOVAKOWSKI/DINWOODIE**

THAT a Westside Electoral Area grant-in-aid in the amount of \$500 be allocated to the Westside Community Food Bank Society to aid in fundraising for 'Westside Holidaze' for 2004"

AND FURTHER THAT they be advised that due to limited funds and high requests for 2004 this is the maximum that can be supported.

CARRIED

- 9.2 Regional District of Central Okanagan Noise Control Amendment Bylaw No. 1071, 2004, **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>d</sup> readings, and Adoption** (*All Directors - Unweighted Vote*)

Various complaints from residents adjacent to appropriately zoned industrial operations have been made over the past two years about noise emanating from the legal industrial uses. The proposed amendments deal with prescriptions to help resolve the nuisance noise complaint problem.

**#312/04 HEIN/KNOWLES**

THAT the July 21, 2004 Noise Bylaw, industrial properties report be received;

AND FURTHER THAT Regional District of Central Okanagan Noise Control Amendment Bylaw No. 1071, 2004 be given first, second and third readings, reconsidered and adopted this 26<sup>th</sup> day of July 2004.

CARRIED

**10. OTHER BUSINESS**

10.1 Director Items

a) Federation of Canadian Municipalities (FCM)

Director Dinwoodie was congratulated on his appointment to two standing committees of the FCM-the standing committee on Social Development and the standing committee on Finance and Intergovernmental Arrangement.

b) Interior Health Authority

Director Harriman noted in follow-up to Murray Ramsden's, Chief Executive Officer of the Interior Health Authority, letter regarding the suspected SARS case at KGH, further clarification was requested regarding whether SARS training is mandatory for all staff, when education of the staff began and whether Interior Health was prepared for a potential SARS case.

c) "Grow Op" Bylaw

Director Cannan noted City of Kelowna staff discussed the City of Chilliwack and North Vancouver's bylaw regarding 'Grow Op' and Crystal Meth labs in homes and the re-renting of properties following the discovery of this activity. The Board questioned whether it would be useful to have a regional bylaw (allow inspection, prohibit various activities).

*ACTION:* Staff to request the City of Kelowna distribute the 'Grow Op' bylaw information to the Regional District, District of Peachland and District of Lake Country.

And further that staff review whether it would be feasible to adopt and enforce a similar bylaw within the Regional District.

d) North Westside Fire Protection

Director Novakowski - *NOTICE OF MOTION* to authorize the purchase of a snuffer truck for the North Westside Fire Protection

It was noted that Fire Chief Carson presented a request to the Westside Electoral Area directors to purchase a snuffer truck for the North Westside Fire Protection.

- community is supportive of the purchase
- monies are available to purchase the truck - \$179,000
- there is a need to act fairly quickly as a demo truck is available and \$10,000 can be saved
- timing may not permit the issue to be discussed at the next Engineering Committee meeting as the next scheduled meeting is August 12<sup>th</sup> and the next scheduled Board meeting is August 9<sup>th</sup>.

The Board briefly discussed the request and agreed that staff are to:

- 1) Ensure the purchasing policy is followed,



- 2) Justify a sole source purchase and the need for a snuffer truck for the community, and
- 3) That the Fire Chief's Technical Committee are to comment in writing on the purchase.
- 4) Bring a report back to the August 9<sup>th</sup> Board meeting.

e) Transportation Committee Meeting

The August 26<sup>th</sup> Transportation Committee Meeting was rescheduled to take place on Wednesday, August 25<sup>th</sup> at 11:00 a.m. following the Air Quality Committee meeting.

**11. ADJOURN**

There being no further business the meeting was adjourned at 9:35 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

---

**R. Hobson (Chair)**

---

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