

Minutes of the *REGULAR BOARD MEETING* of the Regional District of Central Okanagan held at Regional District Offices, 1450 KLO Road, Kelowna, B.C. on Wednesday, September 15, 2004

Directors: R. Cannan (City of Kelowna)
C. Day (City of Kelowna)
P. Wannop, alternate for 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)
D. Knowles (Westside Elect. Area)
L. Novakowski (Westside Elect. Area)
S. Shepherd (City of Kelowna)

Regrets: R. Hein (District of Lake Country)

Staff: W. d'Easum, Chief Administrative Officer
K. Arcuri, Director of Planning Services
H. Hettinga, Director of Engineering Services
M. Kopp, Deputy Director of Parks and Recreation Services
G. Leier, Director of Human Resources
D. Plamondon, Deputy Director of Planning Services
M. Rilkoff, Budget Analyst
K. Roth, Director of Inspection Services
M. Drouin, Administrative Assistant (recording secretary)

R. Hobson, Chair reconvened the September 13th Regional Board meeting at 2:00 p.m.

1. **MINUTES**

No minutes

2. **DELEGATION**

No delegation.

3. **CORRESPONDENCE**

3.1 Ted Armstrong, Chair Cariboo Regional District re: Lack of Provincial Response Regarding 2010 Olympic Live Site Funding

It was noted that an announcement regarding funding is expected in the next couple of weeks.

#370/04 NOVAKOWSKI/WANNOP

THAT the August 20, 2004 letter from Ted Armstrong, Chair Cariboo Regional District regarding Lack of Provincial Response Regarding 2010 Olympic Live Site Funding be received;

CARRIED

4. OLD 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 a Development Permit for Provincial Rental Housing Corp. (owners) and Scuka Enterprises Ltd. (agent) located adjacent to Gellatly Road. (DP-04-11) 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 permit. There was no-one.

#371/04 KNOWLES/WANNOP

THAT Development Permit application DP-04-11 for Provincial Rental Housing Corp. (owners) be approved based on the site plan, elevation drawings and landscape plan submitted in conjunction with this application, subject to the following conditions:

- Areas to be preserved free of development shall be clearly identified on the ground by way of temporary fencing prior to development of the site and for the duration of construction, with care taken to include the root system of trees within the fenced areas;
- Upon completion of building construction and installation of landscaping, permanent chain link fencing is to be installed along the rear property line to identify and protect the 15 metre setback from Smith Creek;
- An environmental monitor will be retained to monitor all aspects of the construction project that may affect the aquatic environment, in accordance with the criteria specified by the Regional District's Environmental Technologist. The environmental monitor must have environmental monitor training as well as experience working in ESAs;

- Receipt of written confirmation from Ministry of Transportation and Westside Fire Rescue that any concerns they may have with the proposed development have been addressed to each agency's satisfaction prior to the issuance of any building permits.
- Deposit with the Regional District of a letter of credit or bank draft in the amount of \$29,175.00 (\$24,375.00 for landscaping and \$4800.00 for fencing) in order to ensure installation of the landscaping, an automatic irrigation system and permanent fencing 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 Bylaws: (First Reading) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-87 for R. & L. Kryger / Westville Homes / 561908 BC Ltd. (owners) and D.E. Pilling & Associates Ltd. (agent) to amend the zoning from RU2 Rural 2 to RC1 Compact Housing and R3A Multiple Housing (Low Density); RU6 Small Holdings to RC1 Compact Housing and P1 Park and Open Space; R3A Multiple Housing (Low Density) to RC1 Compact Housing and P1 Park and Open Space. Located adjacent to Asquith Road. (Z04/11) Westside Electoral Area (*Electoral Areas Only*)

Discussion: Concern was expressed regarding the proposed Lots 7 - 10 inclusive as they encroach into the 30%+ slope areas. It was noted the Board has the ability to delete these lots following the results of the Public Hearing.

#372/04 KNOWLES/NOVAKOWSKI

THAT Zoning Amendment Application Z04/11 Bylaw No. 871-87 R. & L. Kryger / Westville Homes / 561908 BC Ltd. (owners) located adjacent to Asquith Road be given first reading this 15th day of September 2004;

AND THAT the applicant provide Westbank First Nation with a copy of the *Environmental Impact Assessment and Remediation* report prepared by Makonis Consulting Ltd. and I.C. Ramsay & Associates;

AND FURTHER THAT proposed Lots 7 to 10 be considered for deletion from the development plan;

AND FURTHER THAT the scheduling of a Public Hearing be withheld pending receipt of the following;

- Site profiles and a geotechnical report that identifies safe building sites for all proposed lots, and verifies the lot and road layout for the development;
- An archaeological assessment, as per the recommendation of Westbank First Nation;

- Information/plans confirming a 10-metre wide established vegetative buffer zone along the west edge of DL 703, as per the requirement of the ALC;
- Information/plans confirming that the proposed drainage system will not adversely impact down-slope properties, specifically on Westbank First Nation lands;

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation, and registration of a Section 219 covenant restricting the development to a maximum of 100 residential units on DL 703.

CARRIED

- b) Zoning Amendment Bylaw No. 871-88 for W. & L. Berscheid / B. Anderson and G. & N. Weber (owners) and D.E. Pilling & Associates Ltd. (agent) to amend the zoning from RU2 Rural 2 to RC1 Compact Housing located adjacent to Daimler Drive. (Z04/12) Westside Electoral Area (*Electoral Areas Only*)

Discussion:

-Staff to request the status of the road designated on the East side bordering Westbank First Nation land with the Ministry of Transportation. The Board's position is that the road donation should be evenly split between WFN and the owner.

-Staff to clarify that the option is still available for continuation of the existing walkway on the Daimler Road right-of-way between Shannon Ridge Drive and Auburn Road.

- The future of Auburn Road will be addressed through the subdivision review process.

#373/04

NOVAKOWSKI/WANNOP

THAT Zoning Amendment Application Z04/12 Bylaw No. 871-88 for W. & L. Berscheid / B. Anderson and G. & N. Weber (owners) located adjacent to Daimler Drive be given first reading this 15th day of September 2004;

AND THAT the scheduling of a Public Hearing be withheld pending receipt of the following;

- Information/plans identifying whether a local road connection of Auburn Road to Shannon Ridge Road and/or Ensign Way is physically possible;
- Comments from the Ministry of Transportation, specifically as to the future status of Daimler Drive and whether direct access will be permitted onto Auburn Road for proposed Lots 1 –16;
- Information/plans identifying how the proposed drainage system will deal with existing Marlow/Marshall springs and Marshall brook, and how storm water from the development will be directed to an approved storm drainage system;
- An amended site plan that identifies adequate building envelopes on all lots adjacent to the stream channel recognizing the comments and recommendations contained in the June 14, 2004 Environmental Impact Assessment and Remediation report with respect to the protection of Marshall Brook;

- Continuation of the walkway

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation, and registration of a Section 219 covenant limiting the development to a maximum of 94 compact housing lots.

CARRIED

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

- a) i) Official Community Plan Amendment Bylaw No. 785-8 for Thomas & Cindy 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*)

#374/04 NOVAKOWSKI/KNOWLES

THAT Official Community Plan Amendment Bylaw No. 785-8 for Thomas & Cindy Ferguson (owner) located adjacent to Bear Creek Road be given second and third readings this 15th day of September 2004;

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*)

#375/04 DAY/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-69 be given second and third readings this 15th day of September 2004.

CARRIED

- b) Official Community Plan Amendment Bylaw No.'s 672-16, 686-27 for the Regional District of Central Okanagan to amend the Lakeview Official Community Plan and the Westbank Official Community Plan to include three schedules. (*All Directors*) **DEFERRED** as the Public Hearing remains open

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

- a) i) Official Community Plan Amendment Bylaw No. 686-36 for Dunfield Holdings Inc. (owner) and CTQ Consultants Ltd. (agent) to amend the Westbank Official Community Plan designation from Agricultural to Industrial located adjacent to Dunfield Road. Westside Electoral Area (*All Directors*)

#375/04(b) NOVAKOWSKI/KNOWLES

THAT Official Community Plan Amendment Bylaw No. 686-36 be reconsidered and adopted this 15th day of September 2004.

CARRIED

- ii) Zoning Amendment Bylaw No. 871-75 for the above to amend the zoning from A1 Agricultural to I3 Timber Processing and Manufacturing. (Z03/23) (*Electoral Areas and Peachland Fringe Area*)

#376/04 KNOWLES/WANNOP

THAT Zoning Amendment Bylaw No. 871-75 be reconsidered and adopted this 15th day of September 2004.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Building Statistics – August 2004 (*All Directors - Unweighted Vote*)

#377/04 SHEPHERD/HANSON

THAT the building statistics for the month of August 2004 where 72 permits were issued with a total construction value of \$7,923,694.00 be received.

CARRIED

- 7.2 Building Violation – Lot 1, Plan 41453, District Lot 485 and 522, 2393 Campbell Road (Westside Electoral Area) Notice to be placed on Title – Owner: Zdrlek (*All Directors - Unweighted Vote*) **WITHDRAWN FROM THE AGENDA**

- 7.3 Building Violation – Lot 1, Plan 37348, District Lots 1 and 121, 4674 Teather Road (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Schrod (*All Directors - Unweighted Vote*) **WITHDRAWN FROM THE AGENDA**

- 7.4 Building Violation – Lot 22, Plan 13335, District Lot 539, 126 Siemens Road (Westside Electoral Area) Notice to be placed on Title – Owner: Teather (*All Directors - Unweighted Vote*)

Staff noted that attempts to resolve the building violation have been ongoing for the past two years and as the owner has recently agreed to resolve the violation, staff requested that the Title Notice be approved and held for 90 days to allow the property owner to complete the work.

#378/04 WANNOP/KNOWLES

THAT the Regional District Board direct that a notice be filed on the title of Lot 22, Plan 13335, 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 dwelling, built under authority of Building Permit #6965/98, has not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835. The permit cannot be closed due to several outstanding items noted on the May 3, 1999 inspection report.

CARRIED

- 7.5 New Water Conservation Plumbing Regulation (*All Directors - Unweighted Vote*)

The Province has requested that any jurisdiction that is interested in establishing new requirements for low consumption toilets advise them by the end of October. As the Regional District has an interest in promoting water conservation the Board is requested to endorse the application.

#379/04 HARRIMAN/HANSON

THAT the Regional District of Central Okanagan endorse an application to apply the New Water Conservation Plumbing Regulation to the Regional District of Central Okanagan electoral areas.

CARRIED

8. PARKS AND RECREATION DEPARTMENT

- 8.1 Park Dedication Proposal – Subdivision Application 03-5296 (Proposed subdivision of Park of the Lot 11, Plan KAP48462, DLs 4662 & 1117, ODYD and Lot B Plan KAP74459, DLs 4662 & 1117 ODYD – Spyglass Way/Scott Crescent (*All Directors - Unweighted Vote*))

#380/04 KNOWLES/WANNOP

THAT the Regional Board approve park dedication requirements in conjunction with subdivision application 03-5296 and any future subdivision of Lot 11, Plan KAP48461, DLs 4662 & 1117, ODYD and Lot B Plan KAP77459, DLs 4662 & 1117, ODYD - Spyglass Way/Scott Crescent;

AND THAT the applicant shall secure the 0.58ha. (1.43 acre) parkland requirement for this subdivision application in the form of an off-site parkland dedication of a portion of Lot 1, Plan 55153 that encompasses Faulkner Creek;

AND FURTHER THAT the off-site parkland dedication be secured by the applicant, on behalf of the Regional District, via a Covenant under Section 219 of the Title Act, to be registered on Lot 1, Plan 55153;

AND FURTHER THAT if the Section 219 Covenant for the off-site parkland dedication on Lot 1, Plan 55153 is not registered prior to registration of the proposed subdivision, the applicant shall submit a letter of credit for \$78,824.90 as security to ensure that the Section 219 Covenant is registered within a one-year (1) timeframe from the date of Regional Board review, or these funds will be withdrawn and be considered as satisfying park dedication requirements in conjunction with registration of the subdivision.

AND FURTHER THAT if the subdivision registration is not completed within a one-year time frame from the date of Regional 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

8.2 *Active Living Entreprises – Share in Operating Surplus of 2003 (All Directors - Unweighted Vote)*

#381/04 KNOWLES/NOVAKOWSKI

THAT the Regional Board approve the Active Living Entreprises Ltd. receive a fifty percent (50%) share in the surplus for the 2003 operating year as per the terms of the current contract between ALE and the Regional District of Central Okanagan;

AND FURTHER THAT the fifty percent (50%) share for 2003 is \$3707 of the total amount of operating surplus which was \$7,414.

CARRIED

8.3 *Webber Road Community Centre Sublease (All Directors - Weighted Vote)*

#382/04 KNOWLES/WANNOP

THAT the Regional Board approve the lease agreement #4718 between the Westside Boys and Girls Club and the British Columbia Building Corporation.

CARRIED

Director Cannan arrived at 2:30 p.m.

9. NEW BUSINESS

9.1 Kelowna Dirt Bike Club Practice Schedule and Noise Reduction Plan (*All Directors - Unweighted Vote*)

Staff noted that two emails were received from the public (Andrew Schauerte and Bruce Larratt) expressing concern with approving practice days for the remainder of the year.

K. Roth noted that a number of meetings have occurred with the Kelowna Dirt Bike Club and that a sound reduction plan has been completed by the Club. The onus is now on the Club to act quickly and implement the plan as soon as possible.

K. Roth confirmed that in addition, a meeting has occurred with staff from the Ministry of Forests, Ministry of Sustainable Development and BC Lands. The Ministries will work with the Club to identify parking, new signage to direct non-race riders to the recreational zone and to cut off accesses to staging areas along the roads.

#383/04 HARRIMAN/CANNAN

THAT the Regional Board hear from local resident, Bruce Larratt.

CARRIED

Mr. Larratt requested confirmation that the Bike Club will address the landscaping berm issue. It was confirmed that this is part of the Club's plan.

#384/04 SHEPHERD/NOVAKOWSKI

THAT pursuant to the Noise Bylaw, the Regional Board give approval for the Kelowna Dirt Bike Club's (KDBC) practice days for the remainder of the 2004 year subject to implementation by the KDBC of their sound reduction plan as presented to the Regional Board;

AND FURTHER THAT the KDBC make application for their 2005 practice and race schedule before the end of January 2005 in order that the Regional Board have time to consider the effects of the noise reduction plan for area residents before considering the 2005 practice and race schedule.

CARRIED

9.2 Exemption from East Trunk Development Cost Charge (DCC) (*All Directors - Unweighted Vote*)

#385/04 KNOWLES/NOVAKOWSKI

THAT the Regional Board recognizes that, in accordance with Section 933 of the Local Government Act, the following properties may be exempted from paying the East Trunk Development Cost Charge:

- District Lot 2045, ODYD except:
 - The most Northerly 40 chains thereof;
 - Plans 15168, 16622, and 36364;
 - Part shown outlined red on Plan E9289.
- District Lot 4227, ODYD.
- The Most Northerly 40 chains of District Lot 2045, ODYD;
- That part of District Lot 581 shown on Plan B159 ODYD except Plans 8090, 13544, and 36938.
- Lot A, District Lot 581, ODYD, Plan 8937.

CARRIED

9.3 Proposed Westside Land Purchase DL5056 ODYD and DL5065 ODYD and all associated road closures and rights-of-way (*All Directors - Unweighted Vote*)

Staff have been in negotiations with British Columbia Building Corporation and the Transportation Finance Authority since the agencies declared the properties surplus and would be offered for sale. The appraisal price has been held for two years. Negotiations have progressed to the point where public consultation is appropriate. Two open houses have been scheduled for Mount Boucherie (Sept 22) and Westbank Community Hall (Sept.30). The Establishing bylaw and Loan Authorization bylaw will then be brought forward to the Board, followed by an alternative approval process before final approval.

#386/04 SHEPHERD/NOVAKOWSKI

THAT staff enter into a process of public consultation with the purpose of obtaining feed back as to the public will regarding the purchase of the properties DL 5056 ODYD and DL 5065 ODYD and all associated road closures and rights-of-way located at the corner of Pamela Road and Highway 97 in Westside Electoral Area.

CARRIED

9.4 Award of Contract – Brent Road Reservoir (*All Directors - Weighted Vote*)

#387/04 HARRIMAN/NOVAKOWSKI

THAT the Regional Board authorize the award of the contract for the Brent Road reservoir to the lowest bidder, David Calla, for the amount of \$43,208.00 plus GST.

CARRIED

9.5 Proclamation: Canada's Citizenship Week – Oct. 18-24, 2004 (*All Directors - Unweighted Vote*)

#388/04 SHEPHERD/KNOWLES

WHEREAS Canada's Citizenship Week will be held from October 18-24, 2004;

AND WHEREAS Canada's Citizenship Week provides an opportunity to reflect on the value of citizenship and immigration and to focus on the privileges, rights, responsibilities and obligations of citizenship;

AND WHEREAS New Canadians bring a strong sense of commitment to their new home, make many valuable contributions to Canada and play an important role in our economic strength and cultural diversity;

AND WHEREAS the themes and values of Canadian citizenship reinforce an important message for all Canadians—that newcomers are welcome in Canada and that we all belong;

AND WHEREAS all Canadians, old and new, can join together in reaffirming their commitment to Canada;

THEREFORE the Regional Board do hereby proclaim the week of October 18-24, 2004, as "Canada's Citizenship Week in the Regional District of Central Okanagan.

CARRIED (Cannan opposed)

9.6 Data Network and Phone System Upgrade (*All Directors - Weighted Vote*)

The Regional District has been experiencing data network and phone system problems over the last few years. Lines have been upgraded to improve the network but problems are still be experienced. An unsolicited proposal to provide a new data network and telephone system has been received from the District's current supplier. A similar contract with the City of Kelowna would result in cost savings to the Regional District of: \$286,215 capital savings, \$585,000 monthly charges savings.

The Board reviewed the issues surrounding the upgrading the District's current system and the reasons for continuing to use the current supplier to prevent conflict in systems should problems arise.

#389/04 **HARRIMAN/KNOWLES**

THAT the Regional Board approves in principle entering into a contract with Telus in the amount of \$311,844 (taxes included) for a data network and telephone system and monthly network charges of \$5,200;

AND FURTHER THAT staff continue to negotiate the price for the Data Network and Phone System Upgrade.

CARRIED (opposed Cannan)

10. OTHER BUSINESS

10.1 Verbal Reports Committee Chairs

a) Parks and Recreation

The next meeting of Parks Advisory Committee is scheduled for September 16. The December 16 meeting is to be rescheduled.

b) Transportation

Transportation Minister K. Falcon has not yet confirmed a meeting date with the Transportation Committee. Chair Hobson and Director Gray will meet the Minister during the UBCM Convention next week to review transportation corridors in the Okanagan. Director Novakowski agreed to participate in the meeting with the Minister.

c) Planning and Environment

No report

d) Engineering

The next meeting of the Engineering Committee is scheduled for October 21. The Westside Landfill contract should be ready to retender by the end of September.

e) Air Quality

The next meeting of the Air Quality Committee is scheduled for September 29th. At the August meeting the Committee discussed trench burning and requested the Regional Fire Technical Committee to review recommendations; the City of Kelowna has extended the dates for fall and spring burning; Agricultural Chipping programs continues; Cash for Clunkers program has been a great success—210 applications have been received and 135 cars have been sent to the scrap yard. The City of Kelowna and the Abbott street resident's association is planning a car free day on Abbott Street in September.

f) Governance and Services

The next meeting of the Governance and Services Committee is scheduled for November 19th.

g) Westside Issues

The next meeting of the Westside Issues Committee is scheduled for Monday, September 27th.

10.2 Director Items

a) Letter to the Editor - Dog Owners Association newsletter

Director Shepherd noted that in the most recent issue of the Dog Owners Association newsletter statements were made in a Letter to the Editor regarding the District's dog control officers.

ACTION: K. Roth to communicate with the President of the Dog Owners Association to clarify the inaccuracies in the Letter to the Editor.

11. ADJOURN

#390/04 CANNAN/HANSON

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

CARRIED

There being no further business the meeting was adjourned at 3:40 p.m.

CERTIFIED TO BE TRUE AND CORRECT

R. Hobson (Chair)

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