

**Minutes of the *REGULAR MEETING* of the Regional District of Central Okanagan held in the Woodhaven Board Room, Regional District Offices on Monday, March 8, 2004**

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Directors  
R. Cannan (City of Kelowna)  
B. Given, alternate for 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)  
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  
J. Johnson, Manager of Current Planning  
M. Kopp, Assistant Director Parks & Recreation Services  
B. Vos, Director of Parks & Recreation Services  
M. Drouin, Administrative Assistant (recording secretary)

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

**1. MINUTES**

- 1.1 Public Hearing Meeting – February 9, 2004
- 1.2 Regular Board Meeting – February 9, 2004
- 1.3 Special Board Meeting – February 26, 2004

**#86/04 WANNOP/KNOWLES**

THAT the Public Hearing minutes of February 9, 2004 be received;

AND FURTHER THAT the regular board meeting minutes of February 9, 2004 and the special board meeting minutes of February 26, 2004 be adopted as circulated.

CARRIED

**2. DELEGATION**

- 2.1 Eric Greer, General Manager – Community Futures Development Corporation of BC

Eric Greer, General Manager, Community Futures Development Corporation provided a program overview and responded to queries. Stephanie Moore, Youth Coordinator was introduced.

- o program started 14 years ago
- o board is made up of volunteers from the community
- o loaned over \$10.5 million to 605 businesses
- o created 2,415 jobs through the Central Okanagan
- o helped start up 1,151 businesses creating 1,251 jobs
- o offers business support and counseling services
- o provided assistance for fire loss victims – deferred interest payments
- o small business startup program
- o Mr. Greer expanded on Community Futures loan loss rate of 11.9% and the loan fund growth.

### **3. CORRESPONDENCE**

- 3.1 Bill Valentine, President and CEO, Land and Water BC Inc. re: Dock Licence Fees on Okanagan Lake

The Board discussed Land and Water BC Inc.'s (LWBC) response to the Regional District's inquiry regarding dock licence fees. It was noted that LWBC does not enforce their mandate to collect the fees, there are illegal docks on Okanagan lake—why are they not removed at the owner's expense and what is the penalty to an owner who does not comply.

**#87/04** NOVAKOWSKI/SHEPHERD

THAT the February 16, 2004 letter from Bill Valentine, President and CEO, Land and Water BC Inc. re: Dock Licence Fees on Okanagan Lake be received.

CARRIED

**#88/04** GRAY/HEIN

THAT a follow-up letter be sent to Land and Water BC asking what the consequences are for not conforming, whether all private docks in the province are required to pay, what resources they have for enforcement and which lakes are being targeted and what lakes, if any, are exempt.

CARRIED

- 3.2 John Slater, Chair – Okanagan Basin Water Board re: Sale of leased recreation lots

**#89/04**

HEIN/HARRIMAN

THAT the February 12, 2004 letter from John Slater, Chair – Okanagan Basin Water Board re: sale of leased recreation lots be received.

AND FURTHER THAT the following resolution be forwarded to the Okanagan Mainline Municipal Association for consideration at the 2004 Conference:

WHEREAS the Okanagan Valley has the fewest water resources per capita of any region in Canada;

AND WHEREAS local governments and water suppliers require the ability to optimise available water resources;

AND WHEREAS local governments and water suppliers are obligated to ensure public health and safety in provision of water supplies;

AND WHEREAS Land and Water B.C. Inc. (LWBC) are proposing to transfer to fee simple numerous existing leased recreation lots surrounding drinking water reservoir lakes which serve Okanagan Valley customers;

AND WHEREAS the vast majority of these lots are substantially smaller than the 1 hectare minimum provincial funding standard for new lot subdivisions not served by community sewer;

THEREFORE BE IT RESOLVED that the Okanagan Mainline Municipal Association request the Minister of Sustainable Resource Management to instruct LWBC to immediately abandon the proposal to transfer to fee simple and sell the leased recreation lots in the watersheds serving drinking water reservoir lakes.

CARRIED

3.3 John Slater, Chair – Okanagan Basin Water Board re: OBWB Sewage Grants

Chair Slater noted in his letter that in order to conform to Provincial guidelines, the Water Board must alter its current Sewage Grant Policy that the minimum acceptable size for lots on septic systems is 0.8 hectares. The new policy states that the creation of lots of less than 1.0 hectare would jeopardize OBWB sewer grants.

**#90/04**

NOVAKOWSKI/CANNAN

THAT the February 12, 2004 letter from John Slater, Chair – Okanagan Basin Water Board re: OBWB Sewage Grants be received.

CARRIED

**4. UNFINISHED BUSINESS**

4.1 Street Lighting Service Area Establishment Bylaws - Specific Areas

- a) Regional District of Central Okanagan Casa Loma Street Lighting Service Area Establishment Bylaw No. 1047, 2004, **Adoption** (*All Directors - Unweighted Vote*)
- b) Regional District of Central Okanagan Green Bay Street Lighting Service Area Establishment Bylaw No. 1048, 2004, **Adoption** (*All Directors - Unweighted Vote*)
- c) Regional District of Central Okanagan Pritchard Drive Street Lighting Service Area Establishment Bylaw No. 1049, 2004, **Adoption** (*All Directors - Unweighted Vote*)
- d) Regional District of Central Okanagan Westside Road Street Lighting Service Area Establishment Bylaw No. 1051, 2004, **Adoption** (*All Directors - Unweighted Vote*)

**#91/04**

**WANNOP/KNOWLES**

THAT the following Street Lighting Service Area Establishment Bylaws be adopted this 8<sup>th</sup> day of March 2004:

- Regional District of Central Okanagan Casa Loma Street Lighting Service Area Establishment Bylaw No. 1047, 2004
- Regional District of Central Okanagan Green Bay Street Lighting Service Area Establishment Bylaw No. 1048, 2004
- Regional District of Central Okanagan Pritchard Drive Street Lighting Service Area Establishment Bylaw No. 1049, 2004
- Regional District of Central Okanagan Westside Road Street Lighting Service Area Establishment Bylaw No. 1051, 2004

CARRIED

**5. FINANCE DEPARTMENT**

No Board action required/requested

**6. PLANNING DEPARTMENT**

**6.1 Correspondence (Unweighted Vote)**

- a) Report regarding Land & Water B.C. Inc. Referral Application to allow a change to an existing Commercial Lease for Postill Lake Resort located adjacent to Postill Lake. (CL-03-09) Ellison / Joe Rich Electoral Area (*All Directors*)

Staff reviewed what facilities exist at Postill Lake Resort. The addition of 8 campsites will have a minimal impact recognizing that the sites would be utilized for approximately 4 months per year. The removal of 5 pit toilets and relocation

of 1 toilet further from Postill Lake will reduce potential impacts on the watershed. Glenmore-Ellison Improvement District has an extensive water quality monitoring program in place and will continue water quality monitoring as well.

The Board discussed the need for guidelines and regulations for pit toilets in order to protect the environment. Concern was expressed that Interior Health Authority should be inspecting new pit toilet installations to ensure they are properly built and not a threat to the water source. The only regulation pertaining to pit toilets is that they are required to comply with the setback in Land Development Guidelines.

**#92/04**      HANSON/NOVAKOWSKI

THAT application CL-03-09 for Postill Lake Resort located adjacent to Postill Lake to permit 8 additional campsites be supported subject to:

- The condition identified by the Glenmore-Ellison Improvement District to post signage advising that Postill Lake is a source of domestic drinking water;
- Submission of a more detailed site plan to Land and Water B.C. Inc. and the Regional District clearly identifying all buildings, structures, campground area, etc., including all setbacks from the high water mark of Postill Lake.

AND THAT the Interior Health Authority be requested to inspect the new pit toilet installation and the decommissioning of the pit toilets.

AND FURTHER THAT the Planning Services Department Report dated March 2<sup>nd</sup>, 2004 be forwarded to Land and Water B.C. Inc. for their information.

CARRIED

*ACTION:* Staff to consider comments which have been made regarding the need for regulations for pit toilets, initiate discussion with Interior Health Authority and bring information back to the Planning and Environment Committee for a broader discussion.

- b) Report regarding Land & Water B.C. Inc. Referral Application to allow a road right-of-way over that part of DL 4183, ODYD located adjacent to Bear Creek Road. (CL-03-11) Westside Electoral Area (*All Directors*)

It was noted that staff do not support the application as the RDCO Parks Plan Bylaw does not allow private access routes through parks.

**#93/04**      SHEPHERD/KNOWLES

THAT the Board hear from the applicant's agent regarding the referral application to allow a road right-of-way.

CARRIED

The applicant's agent, David Pauls of D.E. Pilling & Associates addressed the Board.

- a slope analysis of the property was displayed on the overhead
- less than 30% area shown as the only potential building site on the property. Currently there are no buildings on the site.
- property to the north off Westside Road is too steep for road access to the property. The only access to the property's potential building site would be off Bear Creek Road.
- The property owner to the North has been contacted and is not interested in providing access via their property.

The Board reviewed:

- The License of Occupation for the park has two years remaining on the lease.
- The proposed approaches to the property and the potential building site.
- It was noted that the applicant approached staff three years ago and was apprised of the park plan and what the policy was on regional parks.
- Where the Section 4 road is located.

**#94/04**

NOVAKOWSKI/CANNAN

THAT application CL-03-11 for Richard & Lois Soneff located adjacent to Bear Creek Road not be supported by the Regional Board;

AND FURTHER THAT the Planning Services Department report dated February 17, 2004 be forwarded to Land and Water B.C. Inc. for their information.

CARRIED

- c) Report regarding Land & Water B.C. Inc. Referral Application to legalize filled foreshore fronting a portion of Casa Loma Resort located adjacent to Casa Loma Road & Okanagan Lake. (CL-04-01) Westside Electoral Area (*All Directors*)

The Board discussed that a statutory right-of-way is needed for access above the high water mark along the entire frontage of the resort. This will ensure a complete connected public route from Casa Loma Road to Kalamoior Regional Park.

*ACTION:* Staff to review the signage for the P1 parkland to ensure the public is aware of what is private and public lands

**#95/04**

SHEPHERD/WANNOP

THAT application CL-04-01 for Casa Loma Resort be supported by the Regional Board subject to the following:

- Provision of a 3-metre wide statutory right-of-way for public access above the high water mark being provided over the entire eastern edge of Strata Plan K468 in order to secure a connected publicly accessible route from Casa Loma Road through to Kalamoior Regional Park;
- Completion of an Environmentally Sensitive Areas Development Permit if the 3-metre wide public access requires site disturbance/building permits, as per the requirements of the Lakeview Area Official Community Plan;

AND FURTHER THAT the Planning Services Department Report dated February 17<sup>th</sup>, 2004 be forwarded to Land and Water B.C. Inc. for their information.

CARRIED

### **6.2 Bylaws: (Second and Third Readings) (Unweighted Vote)**

- a) Zoning Amendment Bylaw No. 871-73 for Morningside Estates Ltd. (owner) and Dan Smallwood (agent) to amend the zoning from R1 Single Detached Housing to R2 Duplex Housing located adjacent to Morningside Drive and Glenrosa Road. (Z03/21) Westside Electoral Area (*Electoral Areas and Peachland Fringe Area*)

**#96/04**      KNOWLES/NOVAKOWSKI

That Zoning Amendment Bylaw No. 871-73 for Morningside Estates Ltd. (owner) located adjacent to Morningside Drive and Glenrosa Road (application Z03/21) be given second and third readings this 8<sup>th</sup> day of March 2004.

CARRIED

### **6.3 Bylaws: (Reconsideration and Adoption) (Unweighted Vote)**

- a) Zoning Amendment Bylaw No. 871-66 for Gerry Tremblett (owner) and D.E. Pilling & Associates (agent) to amend the zoning from RU5 Small Lot Country Residential to R1 Single Detached Housing located adjacent to Thacker Drive and Montigny Road. (Z03/14) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

**#97/04**      NOVAKOWSKI/KNOWLES

THAT Zoning Amendment Bylaw No. 871-66 for Gerry Tremblett (owner) application Z03/14 be reconsidered and adopted this 8<sup>th</sup> day of March 2004.

CARRIED

## **7. INSPECTION SERVICES DEPARTMENT**

- 7.1 Building Violation – Lot 3, Plan KAP66788, Upper Booth Road (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Sedmak (*All Directors - Unweighted Vote*) **WITHDRAWN FROM THE AGENDA**

**8. PARKS AND FACILITIES DEPARTMENT**

- 8.1 Mount Boucherie Multiplex Communication Plan (*All Directors - Unweighted Vote*) **WITHDRAWN FROM THE AGENDA**

**9. NEW BUSINESS**

- 9.1 Ellison/Joe Rich Electoral Area Grant in aid (\$4,000) to Joe Rich Community Hall (*All Directors - Unweighted Vote*)

**#98/04 HANSON/SHEPHERD**

THAT a Ellison/Joe Rich Electoral Area grant in aid in the amount of \$4,000 be allocated to the Joe Rich Community Hall for hall improvements

CARRIED

- 9.2 Ellison/Joe Rich Electoral Area Grant in aid (\$5,000) to Ellison Community Hall (*All Directors - Unweighted Vote*)

**#99/04 HANSON/SHEPHERD**

THAT a Ellison/Joe Rich Electoral Area grant in aid in the amount of \$5,000 be allocated to the Ellison Heritage School Centre for hall storage.

CARRIED

- 9.3 Award of contract – Wilsons Landing Fire Hall (*All Directors - Weighted Vote*)

**#100/04 HEIN/NOVAKOWSKI**

THAT the Regional Board authorize the award of the contract for the construction to lock up, of the Wilsons Landing Fire Hall to the lowest bidder, Encan Construction Ltd., for the lump sum amount of \$169,803.00 including GST.

CARRIED

- 9.4 Regional District of Central Okanagan Sewer System Fees & Charges Amendment Bylaw No.1057, 2004, **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings, and Adoption** (*All Directors - Unweighted Vote*)

**#101/04 GIVEN/NOVAKOWSKI**

THAT Regional District of Central Okanagan Sewer System Fees & Charges Amendment Bylaw 1057, 2004 be given first, second and third readings, reconsidered and adopted this 8<sup>th</sup> day of March 2004.

CARRIED



**10. OTHER BUSINESS**

10.1 Verbal Reports Committee Chairs

- a) Parks and Recreation  
No report. The next meeting of the Parks and Recreation meeting is scheduled for March 11<sup>th</sup>.
- b) Transportation  
No report.
- c) Planning and Environment  
No report. The next meeting of the Planning and Environment meeting is scheduled for March 10<sup>th</sup>.
- d) Engineering  
Director Novakowski noted the Casa Loma lift station is near completion; a public meeting held for the Lakeview sewer project was well attended and supportive, Trepanier Bench on/off ramp work is proceeding, road assessment study for the Westside is on hold until a new engineering employee is hired.
- e) Air Quality  
The March 31 meeting has been rescheduled to Tuesday, March 30<sup>th</sup>.
  - i) Agricultural Wood Waste Chipping Project

**#102/04 SHEPHERD/GIVEN**

THAT the Regional Board receive for their information a summary of the Agricultural Wood Waste Chipping Project.

CARRIED

- f) Governance and Services
  - i) February 26, 2004 meeting recommendations  
In follow-up to the February 26, 2004 Governance & Services Committee meeting the following recommendations are brought to the Regional Board for approval.

**#103/04 HARRIMAN/KNOWLES**

THAT the Planning and Environment Committee be requested to review crime prevention guidelines as part of the Regional District's Official Community Plans.

AND THAT Staff draft appropriate recommendations for consideration that would restructure the Air Quality Service, addressing tax limits and service withdrawal.

AND FURTHER THAT the Regional District obtain membership in the Federation of Canadian Municipalities on behalf of the Electoral Areas and co-ordinate regional membership with the municipalities.

AND FURTHER THAT the proposed amendments to RDCO Smoke Control Regulatory Bylaw No. 773 be brought forward to the Regional for approval

CARRIED

ii) Policy concerning tax rate limits for Regional Parks Service

**#104/04**      HEIN/SHEPHERD

THAT Section 3 of Section 4.30 of the Policy and Procedures Manual be amended to read:

- a) 75% of the total weighted vote of the Regional District Board to be cast in favour of the proposed change; and
- b) Approval of 3/5 of the participants to the Regional District Parks Service to be in favour of the proposed change. (In the case where a participant has more than one representative, a majority of those representatives voting in favour of the proposal is approval).

CARRIED

- g) Westside Issues
- i) March 1, 2004 meeting recommendations

**#105/04**      NOVAKOWSKI/KNOWLES

THAT the Westside Issues Committee makes the following recommendations to the Regional District Board:

1. Director Dinwoodie be appointed as the representative on the Westside Directors on the Tourism Committee of the Westbank and District Chamber of Commerce.
2. The Planning Department make a full report to the Regional District on the current status of the proposed Crystal Mountain project in an effort to address some of the discussion in the community.
3. That the resignation of Mr. Mike Duggan from the Westside APC be accepted.
4. That the Casa Loma Residents Association be asked to suggest the name of an individual who could be considered for appointment to the APC.
5. That a Westside Electoral Area grant in aid in the amount of \$750.00 be allocated to the Westside Children's Library.
6. That a Westside Electoral Area grant in aid in the amount of \$300.00 be allocated to the Canadian Open Blind Golf Championship to be held at Shannon Lake Golf Club.
7. That the policy for attendance of Westside Directors at the FCM conference be that up to 3 Directors may attend, however, that the actual number attending is to be determined annually.

8. Directors Dinwoodie and Novakowski be authorized to attend the 2004 FCM Conference in Edmonton, Alberta at the end of May on behalf of Westside Electoral Area.
9. Director Knowles be authorized to attend a Community Futures Workshop in Revelstoke regarding Community Forests April 15-17, 2004 on behalf of Electoral Area Westside.

CARRIED

10.2 Director Items

a) School District No. 23

School District No. 23 Board of School Trustees Chair Moyra Baxter, wrote to the Regional Board extending an invitation to meet with school trustees in order to discuss matters of mutual interest. The municipal partners have also received this request.

It was agreed that the Board would meet with the School Trustees in the fall as the municipalities will be holding meetings this spring.

*ACTION:* Staff to arrange a meeting between the Regional Board and School Trustees in the fall.

11. ADJOURN IN CAMERA

**#106/04**

KNOWLES/GIVEN

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

CARRIED

There being no further business the meeting was adjourned In Camera at 9:30 p.m.

The Board reconvened at 9:55 pm to rise and report on the McCulloch Lake Resort-Court Order Sale.

Chair Hobson and Director Knowles excused themselves from the meeting due to a conflict of interest.

Director Novakowski acted as chair for the remainder of the meeting.

McCulloch Lake Resort – Court Order Sale

The Regional Board has been in negotiation for the joint purchase of assets comprising McCulloch Lake Resort, including Crown Lease 334565 and Licence of Occupation 337732 and other operating equipment, sewage treatment plant, furniture, appliances and chattels. The Regional District has a joint venture/trust agreement with the Okanagan Boys & Girls Clubs and the South East Kelowna Irrigation District for the purchase and operation of the Resort. As financing is required for a period beyond five years, the Regional District of Central Okanagan is required to proceed to alternative approval process (previously called a counter-petition) with the electorate.

Staff to continue purchase negotiations and arrange a press conference later this week to announce the joint venture.

**#107/04**      GRAY/HEIN

THAT the Regional Board approve the upset price of \$525,000 for the Regional District's share of the purchase price of McCulloch Lake Resort;

AND THAT the report providing the total number of electors within the Regional District of Central Okanagan, 119,826 effective March 1, 2004 (BC Stats January 2004 and Statistics Canada 2001) be received;

AND FURTHER THAT the Notice To Electors With the Regional District of Central Okanagan – Elector Approval Process for Agreements relating to the acquisition of the McCulloch Lake Resort be approved;

AND FURTHER THAT the Elector Response Form – Joint Venture/Trust Agreement and Declaration of Trust Agreement be approved.

CARRIED

There being no further business the meeting was adjourned at 10:00 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

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**Robert Hobson (Chair)**

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