

Minutes of the *REGULAR BOARD MEETING* of the Regional District of Central Okanagan held in the Woodhaven Board Room, Regional District Offices on Monday, April 5, 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: K. Arcuri, Director of Planning Services
H. Hettinga, Director of Engineering Services
J. Johnson, Manager of Current Planning
K. Roth, Director of Inspection Services
M. Drouin, Administrative Assistant (recording secretary)
- R. Hobson, Chair brought the meeting to order at 7:03 p.m.

1. MINUTES

- 1.1 Public Hearing Meeting – March 22, 2004
- 1.2 Regular Board Meeting – March 22, 2004
- 1.3 Special Budget Board Meeting – March 26, 2004

#135/04 NOVAKOWSKI/KNOWLES

THAT the Public Hearing minutes of March 22, 2004 be received;

AND FURTHER THAT the Regular Board Meeting minutes of March 22, 2004 and Special Budget Board Meeting minutes of March 26, 2004 be adopted as circulated.

CARRIED

2. DELEGATION

No delegation

3. CORRESPONDENCE

- 3.1 Errin Armstrong, Policy Research Officer, UBCM re: Federal Gas Tax Revenues

#136/04 HEIN/CANNAN

THAT the March 26, 2004 letter from Errin Armstrong, Policy Research Officer, UBCM re: Federal Gas Tax Revenues be received;

AND FURTHER THAT a letter be sent to UBCM requesting that UBCM take the policy position that when Federal gas tax revenues are received that rural BC communities be included in the distribution of funds.

CARRIED

- 3.2 The Corporation of Delta re: Legal Challenge to Bill 75

#137/04 CANNAN/DAY

THAT the March 30, 2004 copy of a letter from Gil Mervyn, Municipal Clerk, The Corporation of Delta re: Legal Challenge to Bill 75 be received.

CARRIED

- 3.3 Harry Pospolita, President North Westside Communities Association re: North Westside Fire/Rescue

#138/04 DINWOODIE/GRAY

THAT the March 29, 2004 letter from Harry Pospolita, President North Westside Communities Association re: North Westside Fire/Rescue be received.

CARRIED

- 3.4 James Sandever, Ministry of Community, Aboriginal and Women's Services re: Name change for the Ellison/Joe Rich Electoral Area to the "Central Okanagan East Electoral Area"

The Ministry will prepare Supplementary Letters Patent to amend the electoral area name change for the Minister to present to Cabinet for their consideration.

#139/04 HANSON/HARRIMAN

THAT the March 29, 2004 letter from James Sandever, Ministry of Community, Aboriginal and Women's Services re: Name change for the Ellison/Joe Rich Electoral Area to the "Central Okanagan East Electoral Area"

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 Land & Water B.C. Inc. referral application to allow mountain biking over Crown Land located in the vicinity of McCulloch Lake, Myra Bellevue and Okanagan Mountain Provincial Parks. (CL-04-02) Ellison / Joe Rich Electoral Area (*All Directors*)

#140/04 DINWOODIE/KNOWLES

THAT application CL-04-02 for West Canada Bike Tours Ltd. be supported by the Regional Board subject to the following:

- Tenure includes conditions that mechanized transport be permitted to and from trail heads only, and that the operator is responsible for packing of waste off the trail and closing all gates (ie: cattle, private land);
- Adjoining local government jurisdictions support the proposal.

AND FURTHER THAT the Planning Services Department Report dated March 29th, 2004 be forwarded to Land and Water B.C. Inc. for their information.

CARRIED

- b) Report regarding Land & Water B.C. Inc. referral application to allow bicycle tours and snowshoeing over Crown Land located in the vicinity McCulloch Lake, Myra Bellevue and Okanagan Mountain Provincial Parks. (CL-04-03) Ellison / Joe Rich Electoral Area (*All Directors*)

#141/04 HANSON/NOVAKOWSKI

THAT application CL-04-03 for Monashee Adventure Tours Ltd. be supported by the Regional Board subject to the following:

- Tenure includes conditions that mechanized transport be permitted to and from trail heads only, and that the operator is responsible for packing of waste off the trail and closing all gates (ie: cattle, private land);
- Adjoining local government jurisdictions support the proposal.

AND FURTHER THAT the Planning Services Department Report dated March 30th, 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 allow horseback trail riding over Crown Land in the vicinity of Rose Valley / Bear Creek Provincial Park. (CL-04-04) Westside Electoral Area (*All Directors*)

#142/04 DINWOODIE/KNOWLES

THAT application CL-04-04 for Mandy and Me Trail Riding be supported by the Regional Board subject to the following:

- Tenure is provided as a short term lease in the interim (ie: 2 years) to allow the operator time to design and receive approval for new trails on Crown Land, and to ensure the issues of trail impact over private land (ie: Lakeview Irrigation District's pipeline) and the Rose Valley Reservoir have been satisfactorily addressed;
- Approval from, and adherence to all conditions of Lakeview Irrigation District;
- Preparation of an access management plan to address access routing, trail management and maintenance, and the use of barriers to protect sensitive areas;
- Applicant obtains a Provincial Use Permit.

AND FURTHER THAT the Planning Services Department Report dated March 30th, 2004 be forwarded to Land and Water B.C. Inc. for their information.

CARRIED

Note: Staff confirmed that Lakeview Irrigation District has yet to respond to the application.

- d) Report regarding Land & Water B.C. Inc. referral application to allow horseback trail riding over Crown Land located in the Garnet Valley area. (CL-04-05) Westside Electoral Area (*All Directors*)

#143/04 HARRIMAN/DINWOODIE

THAT application CL-04-05 for Stiefelknecht Trail Rides Ltd. be supported by the Regional Board subject to the following:

- Tenure includes a condition that the operator is responsible for packing of waste off the trail and closing all gates (ie: cattle, private land);
- Applicant obtains a Provincial Use Permit;
- Adjoining local government jurisdictions support the proposal.

AND FURTHER THAT the Planning Services Department Report dated March 30th, 2004 be forwarded to Land and Water B.C. Inc. for their information.

CARRIED

6.2 Development Permits (Unweighted Vote)

- a) Application for a Development Permit and Variance Permit for Russell Hiram Ensign (owner) and 681832 BC Ltd. (agent) located adjacent to Shannon Ridge Drive. (DP-04-02) Westside Electoral Area (*Electoral Areas Only*)

Staff highlighted the site plan on the overhead and reviewed the variance request to vary the rear yard setback from 9 meters to 7 meters. As well staff recommended the installation of a chain link fence, minimum 2.0 metres high, along the rear property line where it abuts a P1 zoned property.

Two letters were received with reference to the application:

- 1) Norma Waddell, #123, 2220 Shannon Ridge Drive – requested fencing along the boundary of the subject property and the P1 zone as this is a popular walking trail.
- 2) William Bersheid, 2781 Daimler Drive – believed the owner is required to complete a site profile and expressed concern regarding contravention of the Waste Management Act/Regulations on adjoining properties.

Staff confirmed that the Ministry of Water, Land and Air Protection has investigated the validity of the contaminated site profile and has confirmed to the owner, that they are satisfied that the subject property has not received any fill material and that no 'Schedule 2' commercial or industrial activities have taken place, therefore, the applicant is exempt from having to provide a site profile.

Chair Hobson asked if there was anyone in the gallery who deemed their property affected by the development permit.

Mr. William Bersheid addressed the Board regarding the comments in his letter dated March 12, 2004 pertaining to the restrictive covenant and contravention of the Waste Management Act. He was asked to keep his comments pertaining to this application.

Staff confirmed that the restrictive covenant is for the no build 30% slope area of the property.

R. Ensign addressed the Board requesting that a fence not be required as part of the development permit as it would be out of place in the area proposed, would not link to anything and would be required to be installed in the 'no disturb area'. He highlighted the 7 acres parkland dedicated and that the surrounding P1 land is private land and not dedicated park as stated in the report.

Westside South APC supports the recommendation for the chain link fence. The Board discussed the fence requirements and proposed location and usefulness.

#144/04 DINWOODIE/NOVAKOWSKI

THAT Development Permit application DP-04-02 for Russell Hiram Ensign (owner) be approved in accordance with the plans prepared by Oasis Design, dated February 2004, subject to the following conditions:

- The Regional District receives a letter of credit or bank draft in the amount of \$34,910.00 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;
- That the installation of a fence along the rear property line where it abuts a P1 zoned property be *WAIVED* for this development only.

AND FURTHER THAT the request for a variance to reduce the rear yard setback requirement in the R3B zone, as per section 10.2.8 of Zoning Bylaw No. 871, from 9.0 metres (29' 6") to 7.0 metres (22' 11 3/8") in order to allow for Building 7 to be sited as proposed, be supported.

CARRIED

ACTION: That the Westside Parks & Recreation Commission be requested to review the neighborhood plan for future park requirements.

6.3 Development Variance Permits (Unweighted Vote)

- a) Application for a Development Variance Permit for Aldor Enterprises Ltd. (owner) and R469 Enterprises Ltd. (agent) located adjacent to Menu Road. (VP-04-01) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

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

The applicant was asked to come forward to address the Board's questions from the previous deferral. Barb Danielsen addressed the Board noting: there will be no landscaping on the retaining wall as the wall is solid rock and no irrigation is available; the retaining wall is required in order to provide a safe, wide access to the three homes; the retaining wall is in keeping with other retaining walls in the neighbourhood; the wall has been engineered for safety. Highways have confirmed they have no concerns regarding the encroachment of the retaining wall on the public roadway.

#145/04 NOVAKOWSKI/DINWOODIE

THAT the Regional Board approve Development Variance Permit application VP-04-01 for Aldor Enterprises Ltd. (owner) located adjacent to Menu Road to vary Section 3.10.5 of Zoning Bylaw No. 871 by increasing the maximum height requirement for a retaining wall located within 1.0 metre of a property line, from 1.5 metres (4.9 ft) to 5.04 metres (16.8 ft), in order to permit the existing rock wall shown on the attached plans.

CARRIED

6.4 Agricultural Land Reserve Appeal (All Directors – Unweighted Vote)

- a) Application for Inclusion into the ALR for Dunfield Holdings Inc. (owner) and CTQ Consultants Ltd. (agent) located adjacent to Dunfield Road. (A-04-01) Westside Electoral Area (*All Directors*)

#146/04 NOVAKOWSKI/KNOWLES

THAT ALR application A-04-01 for Dunfield Holdings Inc. to include a 0.65 ha portion of Lot 1, Plan 16695 into the ALR be supported.

CARRIED

6.5 Bylaws: (Extension) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-28 for 455161 B.C. Ltd. (owner) and Bert Willms (agent) request a 6-month extension for their application located adjacent to Hwy 97 South. (Z01/13) Westside Electoral Area (*Electoral Areas Only*)

#147/04 KNOWLES/DINWOODIE

THAT application Z01/13 for 455161 B.C. Ltd. be given a 6-month extension in order to conclude the outstanding requirement.

CARRIED

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

- a) *WITHDRAWN FROM THE AGENDA*

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

- a) Zoning Amendment Bylaw No. 871-76 for Bert and Wenda Babb (owners) and D.E. Pilling & Associates (agent) to amend the zoning from RU5 Small Lot Country Residential to R1 Single Detached Housing located adjacent to Smith Creek Road. (Z03/24) Westside Electoral Area (*Electoral Areas Only*)

#148/04 DINWOODIE/KNOWLES

THAT Zoning Amendment Bylaw No. 871-76 application (Z03/24) for Bert and Wenda Babb (owners) be given second and third readings this 5th day of April 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

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

- a) Official Community Plan Amendment Bylaw No. 785-9 for the Regional District of Central Okanagan to amend the Westside Official Community Plan by changing the name. (*All Directors*)

#149/04 KNOWLES/DINWOODIE

THAT the Westside Official Community Plan Amendment Bylaw No. 785-9 be reconsidered and adopted this 5th day of April 2004.

CARRIED

- b) Zoning Amendment Bylaw No. 871-56 for Rose Valley Ventures Ltd. (owner) and Fred Parent (agent) to amend the zoning from RU2 Rural 2 to CD2 (C) Compact Single Family Housing, CD2 (E) Hillside Housing Single Family, and CD2 (G) Open Space located adjacent to Rosewood Drive and Rosemeadow Drive. (Z03/04) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

#150/04 DINWOODIE/KNOWLES

THAT Zoning Amendment Bylaw No. 871-56 be reconsidered and adopted this 5th day of April 2004.

CARRIED

- c) i) Official Community Plan Amendment Bylaw No. 686-34 for Raymond and Eileen Mortier (owner) and D.E. Pilling & Associates Ltd./Ted Wenner (agents) to amend the Westbank Official Community Plan designation from Tourist Commercial to Medium to High Density Residential located adjacent to Green Bay Road. Westside Electoral Area (*All Directors*)

#151/04 NOVAKOWSKI/KNOWLES

THAT Official Community Plan Amendment Bylaw No. 686-34 be reconsidered and adopted this 5th day of April 2004.

CARRIED

- ii) Zoning Amendment Bylaw No. 871-65 for the above to amend the zoning from C5 Campground, Cabin and Motel Commercial to RC1 Compact Housing. (Z03/13) (*Electoral Areas only*)

#152/04 KNOWLES/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-65 (application Z03/13) be reconsidered and adopted this 5th day of April 2004.

CARRIED

- d) Zoning Amendment Bylaw No. 871-74 for Thomas Mathieson and Henry Maddock (owners) and Water Street Architecture (agent) to amend the zoning from R1 Single Detached Housing to R3D Congregate Care located adjacent to Ingram Road. (Z03/22) Westside Electoral Area (*Electoral Areas Only*)

#153/04 DINWOODIE/KNOWLES

THAT Zoning Amendment Bylaw No. 871-74 (application Z03/22) be reconsidered and adopted this 5th day of April 2004.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Region Wide Building Statistics January & February 2004 (*All Directors - Unweighted Vote*)

#154/04 HEIN/HARRIMAN

THAT the region-wide building statistics for January & February 2004 and the building statistics for January, February and March 2004 be received.

CARRIED

8. PARKS AND FACILITIES DEPARTMENT

No Board action required/requested

9. ENGINEERING DEPARTMENT

- 9.1 Garbage and Recycling Collection Contract Renewal Recommendation (*All Directors - Weighted Vote*)

#155/04 NOVAKOWSKI/DAY

THAT the Regional District of Central Okanagan re-new their garbage collection contract with Okanagan Environmental Services Ltd. for a term of three and a half years expiring June 30, 2008 at a rate equal to the City of Kelowna's recently awarded contract rate of \$41.99 per year.

AND FURTHER THAT the Regional District of Central Okanagan re-new its recycling collection contract with Waste Services of Canada Corp. for a three and a half year term to expire June 30, 2008 at the current rate of \$13.53 per year for collection and \$62.50 per tonne for processing with a CPI annual increase. This contract includes collection, processing and marketing of recyclables from the Regional District, including its member municipalities.

CARRIED

9.2 Applegreen Court Sanitary Sewer Collection System (*All Directors - Unweighted Vote*)

#156/04 NOVAKOWSKI/KNOWLES

THAT the Regional Board approve the Engineering Services Department commencing design of the Applegreen Court Sanitary Sewer Collection System;

AND FURTHER THAT the cost of the survey, geotechnical assessment, rights of way, and design, estimated to be \$15,000.00, be paid by feasibility funds and recovered through Debt Servicing Fees.

CARRIED

9.3 Casa Loma/Lakeview Sewer Servicing Strategy (*All Directors - Unweighted Vote*)

#157/04 DINWOODIE/CANNAN

THAT the Regional Board support the Casa Loma / Lakeview Sewer Servicing Strategy;

AND FURTHER THAT the Engineering Services Department proceed with implementation of the Casa Loma / Lakeview Sewer Servicing Strategy.

CARRIED

9.4 Shannon Lake Road Sidewalk Extension Agreement (*All Directors - Weighted Vote*)

#158/04 NOVAKOWSKI/KNOWLES

THAT the Regional Board approve the Engineering Services Department entering into a joint agreement with Crystal Springs Mobile Home Park and the developer of Shannon Highlands to construct 780 metres of frontage works along Shannon Lake Road;

AND FURTHER THAT the Regional District's maximum contribution to the project will be \$200,000.00 plus GST;

AND FURTHER THAT the costs be paid out of Developer Contribution Reserve Funds.

CARRIED

ACTION: Engineering staff to forward a letter to community members who have expressed an interest in extending these works to provide for better pedestrian access along the road.

9.5 Area 701 Stage 3 – Lakeview Heights Phase 1 Sanitary Sewer – Award of contract (*All Directors - Weighted Vote*)

#159/04 DINWOODIE/CANNAN

THAT the Regional Board authorize the award of the contract to Lawrence Enterprises Ltd. for construction of the Area 701 Stage 3 – Lakeview Heights Phase 1 Sanitary Sewer for the amount of \$2,734,191.87 including GST.

CARRIED

9.6 Sussex Road Sanitary Sewer Collection (*All Directors - Unweighted Vote*)

#160/04 KNOWLES/NOVAKOWSKI

THAT the Regional Board approve the Engineering Services Department commencing design of the Sussex Road Sanitary Sewer Collection System;

AND FURTHER THAT the cost of the survey, geotechnical assessment, rights of way, and design, estimated to be \$51,000.00, be paid by feasibility funds and recovered through Debt Servicing Fees.

CARRIED

9.7 Regional District of Central Okanagan Water Utility User & Maintenance Fee Amendment Bylaw No. 1062, 2004, **1st, 2nd and 3^d readings, and Adoption** (*All Directors - Unweighted Vote*)

#161/04 NOVAKOWSKI/KNOWLES

THAT Regional District of Central Okanagan Water Utility User & Maintenance Fee Amendment Bylaw No. 1062, 2004 be given first, second and third readings, reconsidered and adopted this 5th day of April 2004.

CARRIED

10. NEW BUSINESS

10.1 Municipal Boundary Amendment to Incorporate Kelowna Springs Golf Club into the City of Kelowna (*All Directors - Unweighted Vote*)

The Board discussed the following:

- What is the financial impact to Ellison?
- What is the gross tax impact?
- What services are provided to the property by the Regional District?
- Will there be compensation arrangements for the loss in tax revenue?
- Need to identify the net benefit to the two communities.
- Are there specific policies with regard to transfer of lands?

#162/04

HANSON/DINWOODIE

THAT the request for a municipal boundary amendment to incorporate Kelowna Springs Golf Club into the City of Kelowna be *DEFERRED* for one month (May 3 Board meeting) until further discussions on the tax impact and the benefit to the community be determined.

CARRIED

11. OTHER BUSINESS

11.1 Verbal Reports Committee Chairs

a) Parks and Recreation

Special Parks Advisory Committee meeting is scheduled for April 14th.

b) Transportation

A Transportation Committee meeting will be held April 29th, 1:30-3:00 following a transportation workshop.

c) Planning and Environment

The April 7th Planning & Environment meeting has been cancelled due to lack of agenda items.

d) Engineering

All agenda items discussed at the March 25th Engineering Committee meeting were reviewed by the Board earlier.

e) Air Quality

Agricultural Wood Waste Chipping Project has received 48 applications; Okanagan Wood Stove Exchange Program is going well, 225 individuals have attended the five workshops; Cash for Clunkers program ongoing, North and South Okanagan interested in participating; the 2004 Vehicle Emissions Clinic will be held May 27-29; Municipal Fleet Idling Policy has been adopted by the City of Kelowna and District of Lake Country –the District of Peachland is also reviewing; funding for a baseline community

greenhouse gas inventory has been received from the Ministry of Water, Land and Air Protection; trench burning demonstration was been arranged by the City of Kelowna Fire Department on April 7th at 9:30 a.m.

f) Governance and Services

The April 16th Governance and Services Committee meeting has been cancelled due to lack of agenda items.

g) Westside Issues

The WIC meeting met Friday, April 2. The recommendations will be brought forward at the next Board meeting.

11.2 Director Items

a) Kettle Valley Trestle Rebuilding

#163/04 GRAY/SHEPHERD

THAT a letter be sent to Minister Rick Thorpe, Chair of the Kettle Valley Trestle Rebuild Task Force, asking for an update on the Federal/Provincial commitments to rebuild the trestles and what the community enhancements commitments are expected to be.

CARRIED

12. ADJOURN

There being no further business the meeting was adjourned at 9:15 p.m.

CERTIFIED TO BE TRUE AND CORRECT

Robert Hobson (Chair)

H. Hettinga (Deputy Chief Administrative Officer)