

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 12, 2004

Directors: B. Given, alternate for R. Cannan (City of Kelowna)
C. Day (City of Kelowna)
A. Dinwoodie (Westside Elect. Area)
W. Gray (City of Kelowna)
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)

Regrets: P. Hanson (Ellison/Joe Rich Elect. Area)

Staff: W. d'Easum, Chief Administrative Officer
K. Arcuri, Director of Planning Services
H. Hettinga, Director of Engineering Services
K. Roth, Director of Inspection Services
B. Vos, Director of Parks and Recreation
M. Drouin, Administrative Assistant (recording secretary)

R. Hobson, Chair brought the meeting to order at 9:15 p.m. following a Public Hearing.

1. MINUTES

- 1.1 Public Hearing – June 7, 2004
- 1.2 Public Hearing – June 14, 2004
- 1.3 Public Hearing – June 21, 2004
- 1.4 Regular Meeting – June 21, 2004

#275/04 GRAY/HARRIMAN

THAT the Public Hearing minutes of June 7, 2004, June 14, 2004 and June 21, 2004 be received with the following amendment to the June 14th minutes;

- add to page 4 – Corrine Derrickson's comments regarding the bitterroot plant:
"This is the time of year the bitterroot plant is blooming and the time that would be best to identify."

AND FURTHER THAT the regular board meeting minutes of June 21, 2004 be adopted as circulated.

CARRIED

2. DELEGATION

No delegation.

3. CORRESPONDENCE

3.1. Peter Austin, Chairman, Traders Cove Residents Association, re: Kelowna Dirt Bike Club, *AND*

i) Dean McKinley, Land and Water BC Inc. re: KDBC Motocross Track recommendations

ii) Kelly Roth, Memorandum, Kelowna Dirt Bike Club, Noise Violation

K. Roth noted that this spring staff began receiving noise complaints with regard to the operation of the Kelowna Dirt Bike Club facility on Bear Creek Road and that recent meetings have occurred with the Club, residents and directors and staff to address the concerns. The Club has been asked to provide a plan for minimizing noise impacts. It was noted that the Club's president is favourable of the process and is working with staff to bring a plan forward for the Board's approval.

B. Vos reviewed the referral agency process (under the LRMP) for the facility. Land and Water BC was responsible for approving the tenure, as well the Ministry of Forests is responsible for managing the use of the crown lands.

#276/04 DINWOODIE/NOVAKOWSKI

THAT the Regional Board invite the Kelowna Dirt Bike Club to make an annual application for waiving the requirements of the Regional District Noise Bylaw pursuant to Section 8 of that bylaw for specific dates and times for ongoing practices and competitions;

AND THAT the Kelowna Dirt Bike Club provide a plan for minimizing noise impacts for the Regional Board's consideration along with the request pursuant to Section 8 of the Noise Bylaw.

AND FURTHER THAT a letter be forwarded to the Ministry of Forests and copied to Land and Water BC about the concerns, on and off site, with respect to use and enforcement issues of the Kelowna Dirt Bike Club facility in the Bear Creek Valley.

CARRIED

#277/04 DAY/DINWOODIE

THAT the July 2, 2004 letter from Peter Austin, Chairman of the Traders Cove Residents Association regarding the Kelowna Dirt Bike Club be received;

AND FURTHER THAT the July 5, 2004 email from Dean McKinley, Acting Commercial Recreation Manager, Land and Water BC Inc. be received.

CARRIED

- 3.2. Mayor Frank Leonard, President, UBCM re: The Capital Regional District Traffic Safety Commission

The Ministry of Community, Aboriginal and Women's Services is making available through UBCM, nine grants of \$10,000 for regional districts that wish to use the CRD as a model to establish a program in the region. The application deadline is August 31, 2004.

#278/04 SHEPHERD/KNOWLES

THAT the June 9, 2004 letter from Mayor Frank Leonard, President, UBCM regarding the Capital Regional District Traffic Safety Commission be received.

AND FURTHER THAT staff review funding requirements, investigate if there is any projects which would qualify and report back to the Regional Board.

CARRIED

- 3.3. Jeremy McCall, President, Federation of BC Naturalists re: Okanagan Water Supply

It was noted that the Okanagan Basin Water Board (OBWB) is currently addressing the issues highlighted in the letter from the Federation of BC Naturalists. The Board supports the general goals of the Federation in principle and suggested that now is the time to lobby the Province to take control over the use and quality of water in BC. The Province has withdrawn funding from the OBWB and it was agreed that it is crucial that it be returned in order to address the issues of water quantity and quality.

#279/04 SHEPHERD/HARRIMAN

THAT the June 30, 2004 letter from Jeremy McCall, President, Federation of BC Naturalists regarding Okanagan Water Supply be received;

AND THAT the Regional Board supports in principle the Federation of BC Naturalist's letter for its overall intent;

AND THAT the Federation's letter be referred to Okanagan Basin Water Board for a response;

AND FURTHER THAT a letter be sent to the Province to take action on the Okanagan's water supply and to sit down with the OBWB to address these issues.

CARRIED

3.4 Municipal Finance Authority of BC Update

#280/04 GRAY/HARRIMAN

THAT the June 23, 2004 Municipal Finance Authority of BC Update be received.

CARRIED

4. OLD BUSINESS

- 4.1 Regional District of Central Okanagan Fire Prevention Services Establishment Bylaw No. 1065, 2004, ***Rescind 3rd reading, reconsider and give 3rd reading (All Directors - Unweighted Vote)***

Amendments to include June Springs Fire Protection, Brent Road Fire Protection and Lakeshore Road Fire Protection Service Areas have been made to the bylaw.

#281/04 GIVEN/KNOWLES

THAT third reading of Regional District of Central Okanagan Fire Prevention Services Establishment Bylaw No. 1065, 2004 be ***RESCINDED***.

CARRIED

#282/04 DINWOODIE/KNOWLES

THAT Regional District of Central Okanagan Fire Prevention Services Establishment Bylaw No. 1065, 2004 be reconsidered and given 3rd reading as amended this 12th day of July 2004.

CARRIED

5. FINANCE DEPARTMENT

No Board action required/requested.

6. PLANNING DEPARTMENT

6.1 Correspondence (Unweighted Vote)

- a) Report regarding the Shannon Lake West Neighbourhood Plan Preparation.
(All Directors)

#283/04 GRAY/NOVAKOWSKI

THAT the July 6, 2004 report regarding the Shannon Lake West Neighbourhood Plan Preparation be received.

CARRIED

- b) Report regarding reconvening a Public Hearing for the South Mt. Boucherie Neighbourhood Plan (*All Directors*)

#284/04 DINWOODIE/KNOWLES

THAT the Regional Board reconvene the Public Hearing for the South Mount Boucherie Neighbourhood Plan prior to the Regional Board meeting on September 13, 2004.

CARRIED

6.2 Development Variance Permits (Unweighted Vote)

- a) Application for a Development Variance Permit for Gareth Brunt (owner) located adjacent to Philpott Road. (VP-04-10) Ellison / Joe Rich Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

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

#285/04 DINWOODIE/NOVAKOWSKI

THAT the Regional Board approve Development Variance Permit application VP-04-10 for Gareth Brunt (owner) located adjacent to Philpott Road to vary Section 9.6 of the Joe Rich Rural Land Use Bylaw No. 730 by reducing the minimum side yard setback requirement in the Small Holdings 2 (SH-2) designation from 6.0 metres (19.7 ft) to 3.0 metres (9.8 ft), in order to permit the siting of an addition to the existing home;

AND FURTHER THAT the owner receives a refund of their application fees in the amount of \$465.00, pending adoption of the proposed amendments to Development Application Procedures Bylaw No. 944 regarding fee reductions and refunds.

CARRIED

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

- a) Application for Exclusion from the ALR for Stephen McCann (owner) and D.E. Pilling & Associates Ltd. (agent) located adjacent to Glenrosa Road and Glen Abbey Place. (A-04-02) Westside Electoral Area (*All Directors*)

The question was raised whether the Agricultural Land Commission has an interest in approving parcels of land under two acres in size. Staff confirmed that although this is the case, the same process is required to have the land removed from the ALR. It was agreed to ask the ALC to turn over that approval process to the Board.

#286/04 NOVAKOWSKI/DINWOODIE

THAT ALR application A-04-02 for Stephen McCann to exclude the 0.36 ha (0.89 acre) property from the Agricultural Land Reserve be supported.

CARRIED

#287/04 HEIN/KNOWLES

THAT a letter be sent to the Agricultural Land Commission to request the delegated authority for removal of lands under 2 acres from the Agricultural Land Reserve.

CARRIED

6.4 Bylaws: (First Reading) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-82 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 (G) Open Space located adjacent to Rosewood Drive. (Z04/06) Westside Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

#288/04 DINWOODIE/KNOWLES

THAT Zoning Amendment Bylaw No. 871-82 be given first reading this 12th day of July 2004;

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

- Receipt of comments from the Ministry of Transportation;
- Receipt of a report confirming the suitability of proposed Lots 26 to 29 for residential use taking into consideration the comments from Lakeview Irrigation District;

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

- b) i) Official Community Plan Amendment Bylaw No. 672-24 for Rose Valley Ventures Ltd. (owner) and Fred Parent (agent) to amend the Lakeview Official Community Plan designation from Low Density Residential to Institutional, and to remove the Multiple Family DP designation from the property located adjacent to McDougall Road. Westside Electoral Area
(All Directors)

#289/04 DINWOODIE/NOVAKOWSKI

THAT Official Community Plan Amendment Bylaw No. 672-24 for Rose Valley Ventures Ltd. (owner) located adjacent to McDougall Road be given first reading this 12th day of July 2004;

AND THAT the scheduling of a Public Hearing be withheld pending receipt of comments from the Ministry of Transportation and Lakeview Irrigation District;

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. 871-83 for the above to amend the zoning from RU2 Rural 2 to P2 Institutional and Assembly. (Z04/07) Westside Electoral Area
(Electoral Areas and the Kelowna Fringe Area)

#290/04 KNOWLES/DAY

THAT Zoning Amendment Bylaw No. 871-83 be given first reading this 12th day of July 2004.

CARRIED

- c) Zoning Amendment Bylaw No. 871-84 for BC Provincial Housing Rental Corp. (owners) and Scuka Enterprises Ltd. (agent) to amend the zoning from R3B Multiple Housing (Medium Density) to R3D Congregate Housing located adjacent to Gellatly Road. (Z04/08) Westside Electoral Area
(Electoral Areas Only)

#291/04 DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-84 application (Z04/08) for BC Provincial Housing Rental Corp (owners) located adjacent to Gellatly Road be given first reading;

AND THAT the application be scheduled for a Public Hearing;

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Zoning Amendment Bylaw No. 871-74 approval from the Ministry of Transportation.

CARRIED

6.5 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*)

Discussion included:

- The amendments as proposed are not in keeping with the current 'Recreation and Conservation' section of the OCP: maintain the rural character of the Westside, encourage new housing on existing vacant lots
- Extent of geotechnical work and that only preliminary testing has been completed.
- No site plan or photographs available.
- 7 meter setback – is this enough space?
- Major portions of the property contain slopes exceeding 30% and concern was expressed whether the property is stable for building sites. The applicants engineer noted that preliminary tests indicate they are and that further testing will be done at the development stage.
- It was agreed to defer a decision in order for the Board to have time to review the information provided.

#292/04 KNOWLES/NOVAKOWSKI

THAT Official Community Plan Amendment Bylaw No. 672-22 application (Z04/01) for 435133 B.C. Ltd. (owner) located adjacent to Lakeview Road be *DEFERRED* for two weeks.

AND FURTHER THAT Zoning Amendment Bylaw No. 871-77 be *DEFERRED* for two weeks.

CARRIED

- b) Zoning Amendment Bylaw No. 871-78 for James and Ginny Strachan (owners) and Amy Johnston (agent) to amend the zoning from RU1 Rural 1 to RU1s Rural 1 (Secondary Suite) located adjacent to Lakeshore Road. (Z04/02) Ellison / Joe Rich Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

#293/04 DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-78 application (Z04/02) for James and Ginny Strachan (owners) located adjacent to Lakeshore Road be given second and third readings this 12th day of July 2004;

AND FURTHER THAT consideration of fourth and final readings be withheld pending registration of a Section 219 wildfire maintenance covenant on title.

CARRIED

- c) 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' (Neighbourhoods and Phasing Map), Phase 1 and 2 of the proposed development located adjacent to Shannon Lake Road. (686-37) Westside Electoral Area (*All Directors*)

#294/04 DINWOODIE/KNOWLES

THAT Official Community Plan Amendment Bylaw No. 686-37 for Catana Developments Ltd. (owner) located adjacent to Shannon Lake Road be given second and third readings this 12th day of July 2004.

CARRIED

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

- a) Zoning Amendment Bylaw No. 871-53 for M. Van Exan and S. Lyttle (owners) to amend the zoning from R1 Single Detached Housing to C1 Town Centre Commercial located adjacent to Hoskins Road and Last Road. (Z03/01) Westside Electoral Area (*Electoral Areas Only*)

#295/04 NOVAKOWSKI/DINWOODIE

THAT Zoning Amendment Bylaw No. 871-53 application be reconsidered and adopted this 12th day of July 2004.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Building Statistics for the month of June 2004 (*All Directors - Unweighted Vote*)

#296/04 HEIN/KNOWLES

THAT the building statistics for the month of June 2004 where 95 permits were issued for a total construction value of \$5,006,800 be received.

CARRIED

8. PARKS AND RECREATION DEPARTMENT

No Board action required/requested

9. NEW BUSINESS

No Board action required/requested

10. OTHER BUSINESS

10.1 MFA Members' Workshop June 22, 2004

Chair Hobson highlighted the points from the June 22, 2004 Municipal Finance Authority Members' Workshop: current practices for special borrowing, operating practices, options-raising of funds, future procedures.

#297/04 HARRIMAN/DAY

THAT the MFA Members' Workshop notes of June 22, 2004 be received.

CARRIED

10.2 Director Items

i) Westside Electoral Area Grant-in-aid

#298/04 DINWOODIE/KNOWLES

THAT a Westside Electoral Area Grant in Aid in the amount of \$750 be allocated to the North Westside Community Association for community expenses while building the firehall.

CARRIED

ii) Drought Management Planning Grants

The Province has announced funding to local government as part of the Provincial Drought Action Plan. The funding, to be administered through Land and Water BC, is intended to assist communities with the preparation of water management plans, water conservation plans and long-term drought management plans. The grant monies are calculated on a per capita basis, with a \$8000 minimum up to a \$50,000 maximum. Applications will be accepted from July 1 to December 31, 2004, or as long as funds remain.

#299/04 DINWOODIE/KNOWLES

THAT staff review the criteria of the Drought Management Planning Grants and report back to the Board with a recommendation.

CARRIED

- 10.3 Verbal Reports Committee Chairs
- a) Parks and Recreation
Staff are reviewing the access issues to Kalamo Regional Park and will report at the July 29th Parks Advisory Committee meeting.
 - b) Transportation
The next meeting of the Transportation Committee is scheduled for August 26. Staff to review if there are any agenda items and report back.
 - c) Planning and Environment
The next meeting of the Planning and Environment Committee is July 14th. The Quest software program (land use scenario and implications) will be discussed at a future planning meeting.
 - d) Engineering
The next meeting of the Engineering Committee is August 12th.
 - e) Air Quality
The Air Quality Committee met June 30th and discussed non-agricultural burning. Staff will bring further information to the next meeting. Staff have prepared a summary of the program's activities and this has been presented to the Committee for review.
 - f) Governance and Services
No report
 - g) Westside Issues
No report
- 10.4 Art Wall – July/August 2004 – Kelowna Photographer – Harry Brust
- Kelowna Photographer, Harry Brust, depiction of the Central Okanagan's strength and resolve during last summer's forest fire is being highlighted in a special exhibit on the Regional District's art wall for the months of July and August.

11. **ADJOURN IN CAMERA**

#300/04

GRAY/DINWOODIE

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 at 11:05 p.m.

CERTIFIED TO BE TRUE AND CORRECT

R. Hobson (Chair)

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