

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 Monday, June 13, 2005

Directors: R. Cannan (City of Kelowna)
C. Day (City of Kelowna)
P. Wannop, alternate for A. Dinwoodie (Westside Elect. Area)
B. Given, alternate for W. Gray (City of Kelowna)
P. Hanson (Central Okanagan East Elect. Area)
B. Harriman (District of Peachland)
R. Hein (District of Lake Country)
R. Hobson (City of Kelowna)
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
D. Plamondon, Deputy Director of Planning Services
K. Roth, Director of Inspection Services
B. Vos, Director of Parks and Recreation Services
M. Drouin, Administrative Assistant (recording secretary)

Chair Hobson brought the meeting to order at 7:06 p.m. following a Public Hearing.

1. MINUTES

1.1 Regular Board Meeting – May 30, 2005

#233/04 DAY/KNOWLES

THAT the Regular Board Meeting minutes of May 30, 2005 be adopted as circulated.

CARRIED

2. DELEGATION

2.1 John Slater re: Highway 97 Border Region Coalition Society

John Slater, of the Hwy 97 Border Coalition Society, addressed the Board as part of a 'Road Show' to update and inform municipalities and regional districts from Osoyoos to Vernon of the Society's work since it was established in 2001 and to encourage buy-in from those communities to assist in promoting Hwy 97. Society Directors include: John Slater, Chair; Aaron Dinwoodie, Vice-Chair; Robert Fine, Secretary; Diana Thomas, Treasurer; Sean Harvey, Director and Arnie Polischuk, Director. Key components have been: cross border dialogue re-established, Hwy 97 Conference in 2003, Highway 97 branding "*Via 97 Experience More*", cross-border marketing (create a website and logo, promotion through rack cards and advertising in visitor guides). The Society will need

funding to carry out their vision and will be requesting funding assistance from the three regional districts of \$15,000 from the Central Okanagan, \$7,500 from North Okanagan and Okanagan-Similkameen to cover project costs for travel and meetings, highway signage, promotional material, logo design, website design and maintenance, photo library. Further budget information will be forthcoming before next year's budget discussions.

Jay Keen (counterpart in US) noted that an economic development district has been created in order to promote Hwy 97 and seek grants. A 30-member board is in place and they are eager to get on board to make things happen.

Mike McKee, Transportation Planner with the Washington State Transportation Dept., reviewed the vision to get travellers from Hwy I-90 and Hwy I-5 to travel the Hwy 97 corridor. Organizations are in place to advertise (e.g.: Cultural Corridor, Tourism Kelowna, Vernon, Osyoos, Penticton).

Discussion:

- The Society is working on a budget for next year.
- UBCM and the Ministry of Transportation have confirmed their interest. The Ministry will budget funds to put signs up where required. Regular billboard signs will likely not be used; smaller highway type signs are to be used.
- Website will tie in communities.
- Comfort rest stop areas are being discussed with Highways. They are receptive to it and want these to be enhanced.
- Is there any political support being requested of the Province? MLAs are supportive of any initiatives in support of the Okanagan. The Society is not at a point where lobbying is required. Formal request and presentations will be done in the future.

The Regional Board is supportive of the project and working together to enhance the Hwy97 corridor.

#234/05 CANNAN/KNOWLES

THAT the Highway 97 Border Region Coalition Society report of June 13, 2005 be received.

CARRIED

3. CORRESPONDENCE

No Board action required/requested.

4. UNFINISHED BUSINESS

- 4.1 Regional District of Central Okanagan Ellison Fire Protection Local Service Area Amendment Bylaw No. 1117, 2005, **Adoption** (All Directors - Unweighted Vote)

#235/05 HANSON/HEIN

THAT Regional District of Central Okanagan Ellison Fire Protection Local Service Area Amendment Bylaw No. 1117, 2005 be reconsidered and adopted this 13th day of June 2005.

CARRIED

5. FINANCE DEPARTMENT

No Board action required/requested.

6. PLANNING DEPARTMENT

6.1 Correspondence (Unweighted Vote)

- a) Report regarding request to reapply for rezoning prior to the six-month time frame for 0703008 B.C. Ltd. (owner) and D.E. Pilling and Associates Ltd. (agent) located adjacent to Auburn Road and Daimler Drive (*All Directors*)

Staff noted that the applicant has requested to reapply for rezoning prior to the six-month timeframe. The policy is unclear whether the timeframe is for a different or similar application. The applicant is interested in making an application sooner rather than waiting six months in order to address the concerns raised by residents at the Public Hearing. If a different zoning was sought it would be considered a new application and the six-month timeframe would not apply.

The Board raised concerns that there must be clear communication with the community and some measure of acceptance before moving ahead.

#236/05 HEIN/KNOWLES

THAT the applicant for 0703008 B.C. Ltd. (owner) *NOT* be granted approval to reapply for the same application for rezoning prior to the six-month time frame identified in Application Procedures Bylaw No. 944 located adjacent to Auburn Road and Daimler Drive.

CARRIED

6.2 Development Permits (Unweighted Vote)

- a) Development Permit Application for Rose Valley Ventures Ltd. (owner) and Meiklejohn Architects (agent) located adjacent to McDougall and Rose Meadow Roads. (DP-05-06) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

Staff reviewed the application.

Chair Hobson asked if there was anyone in the gallery who deemed their property to be affected by the development permit. There were no comments.

#237/05 NOVAKOWSKI/WANNOP

THAT the Regional Board approve Development Permit application DP-05-06 for Rose Valley Ventures Ltd (owner) located adjacent to McDougall and Rose Meadow Roads based on the site plan, floor plan and elevation drawings prepared by Meiklejohn Architects Inc., dated March 9th, 2005, and landscape plans prepared by Site 360, dated June 2004, subject to the following conditions:

- Installation of black or green chain link fencing along the top of slope adjacent to the rear property line;
- Receipt of a letter of credit or bank draft in the amount of \$46,312.50, 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.

CARRIED

- b) Development Permit Application for Anterra Westbank Town Centre Ltd. (owner) and Anthem Properties Group Ltd. (agent) located adjacent to Ingram and Brown Roads. (DP-05-09) Westside Electoral Area (*Electoral Areas Only*)

Staff reviewed the application. Chair Hobson asked if there was anyone in the gallery who deemed their property to be affected by the development permit. There were no comments.

Discussion:

- How much smaller is the proposed sign? The sign is approximately 7 feet lower than the current sign.
- Is there any landscaping enhancement within the parking lot? The landscaping is proposed for the perimeter only (along Brown Road and Hwy 97). Proposed changes will improve the mall signage.
- Is the property address going to be located on the sign? The applicant noted that this had not been considered.
- What is the specific signage planned for the building? The applicant noted that this has not been developed at this time. Staff noted that the sign bylaw does not apply to fascia signs.

Staff noted that one letter had been received from Joseph and Mary Ellen Severn requesting the applicant provide a gate at each end in the right of way area between their fence line and the building wall for private use only.

#238/05 WANNOP/NOVAKOWSKI

THAT the Regional Board approve Development Permit application DP-05-09 for Anterra Westbank Town Centre Ltd. (owner) located adjacent to Ingram and Brown Roads based on the site plan, floor plan and elevation drawings prepared by Scientific Architecture, dated April 2005 and landscape plans prepared by Site 360, dated April 2005, subject to the following conditions:

- Approval of a variance to Regional District of Central Okanagan Sign Bylaw No. 885, Section 7.10, by increasing the maximum allowable sign area of a freestanding sign within 6 metres of a lot line from 6 square metres to 28.98 square metres, and by increasing the maximum allowable height of a freestanding sign within 6 metres of a lot line from 4 metres to 10.67 metres, as shown on Drawing No. A2, prepared by Scientific Architecture Inc.;
- Receipt of a letter of credit or bank draft in the amount of \$60,705.00, 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.

CARRIED

6.3 Bylaws: (First Reading) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-89 for Victor Projects Ltd. (owner) and Protech Consultants Ltd. (agent) to include a new CL Conservation Land Zone into Zoning Bylaw No. 871, and to amend the zoning from RU2 Rural 2 to R1 Single Detached Housing, R2 Duplex Housing, CL Conservation Land and P1 Park and Open Space adjacent to Vineyard Drive and McCallum Road (Z04/13) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

Staff noted that two additional permitted uses have been added: interpretive activity center and recreation services-outdoor. Some individual lots will have two zonings: R2 and CL and R1 and CL. In total, this rezoning along with a previous subdivision will provide for approximately 100 lots which is well under the 170 lots which could be developed. The Ministry of Transportation has not provided comment regarding the Phase 2 of the development. The Board agreed that the Ministry's comments must be received before proceeding to Public Hearing.

#239/05 NOVAKOWSKI/WANNOP

THAT Zoning Amendment Bylaw No. 871-89 application (Z04/13) for Victor Projects Ltd. (owner) located adjacent to Vineyard Drive and McCallum Road be given first reading this 13th day of June 2005;

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

- Receipt of comments from the Ministry of Transportation regarding the Phase 2 subdivision;
- Receipt of an update regarding progress being made with Westbank First Nation on issues raised in their letter of March 9, 2005.

CARRIED

- b) Zoning Amendment Bylaw 871-104 for Arlie and Dianne Dawson (owners) and Melanie Berg (agent) to amend the zoning from R1 Single Detached Housing to R1s Single Detached Housing (Secondary Suite) located adjacent to Aubrey Road. (Z05/05) Westside Electoral Area (*Electoral Areas and Kelowna Fringe*)

It was noted that staff must make it very clear that although the applicant wishes to put in a secondary suite for a family member, it could be rented to anyone.

#240/05 WANNOP/KNOWLES

THAT Zoning Amendment Bylaw No. 871-104 application (Z05/05) For Arlie and Dianne Dawson (owners) located adjacent to Aubrey Road be given first reading this 13th day of June 2005;

AND FURTHER THAT the application be scheduled for a Public Hearing.

CARRIED

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

- a) Land Use Contract Amendment Bylaw No. 183-2 for Arnold Fitzner (owner) to discharge the Land Use Contract in its entirety and to zone the parcel R1 Single Detached Housing located adjacent to Wellington Road and Lindsay Court. (LUCA183-2) Westside Electoral Area (*Electoral Areas and Kelowna Fringe*)

#241/05 NOVAKOWSKI/KNOWLES

THAT Land Use Contract Amendment Application LUCA Bylaw No. 183-2 for Arnold Fitzner (owner) be given second and third readings this 13th day of June 2205;

AND FURTHER THAT consideration of fourth and final readings of Land Use Contract Amendment Bylaw No. 183-2, application LUCA183-2, be withheld pending receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation.

CARRIED

7.1 INSPECTION SERVICES DEPARTMENT

7.1 Building Statistics – May 2005 (*All Directors - Unweighted Vote*)

#242/05 KNOWLES/GIVEN

THAT the building statistics for the month of May 2005 where 85 permits were issued for a total construction value of \$7,918,200 be received.

CARRIED

7.2. Building Violation – Lot 4, Plan 1905, 2850 Old Vernon Road (Central Okanagan East Electoral Area) Notice to be placed on Title – Owners: Carrol and Cullen (*All Directors - Unweighted Vote*)

#243/05 HANSON/WANNOP

THAT the Regional District Board direct that a notice be filed on the title of Lot 4, Plan 1905, O.D.Y.D., pursuant to Section 57 of the Community Charter Act, and pursuant to that section of the Community Charter Act, further information regarding the notice be limited to the fact that:

1. There are three building permits, one for a personal riding arena, built under authority of Building Permit #9683/02, one for four horse shelters, built under the authority of Building Permit #9994/02 and one for placement of a mobile home, built under the authority of Building Permit #0671/03. The three permits have not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw #835.

CARRIED

7.3. Building Violation – Lot B, Plan 16776, District Lot 486, 2442 Ingram Road (Westside Electoral Area) Notice to be placed on Title – Owner: Horner (*All Directors - Unweighted Vote*)

#244/05 NOVAKOWSKI/KNOWLES

THAT the Regional District Board direct that a notice be filed on the title of Lot B, Plan 16776, O.D.Y.D., pursuant to Section 57 of the Community Charter Act, and pursuant to that section of the Community Charter Act, further information regarding the notice be limited to the fact that:

1. The construction of a secondary suite on the lower level of the dwelling has not been issued a building permit, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835.

CARRIED

7.4. Appointment of Bylaw Enforcement Officers (*All Directors - Unweighted Vote*)

Staff noted that Wayne Carson is to be added to recommendation #2. Concern was expressed regarding what the additional costs would be to the volunteer fire departments and whether there would be revenue accrued through fines to help offset the expenses. Staff noted that the fire chiefs have requested the ability to issue tickets for smoke control bylaw/fire prevention bylaw infractions and that it is not expected to be of significant volume. The importance of communicating this change in policy was noted and will be addressed by the communication coordinator.

ACTION: Staff to review revenue/expense impact of bylaw enforcement of the smoke control & fire prevention bylaws to the fire departments and report back to the Board.

#245/05 SHEPHERD/CANNAN

THAT the Regional District of Central Okanagan appoint the following persons as officers for the enforcement of the specified bylaws:

1. Blaise Levay for enforcement of Regional District of Central Okanagan Regional Parks Regulation Bylaw No. 1105, 2005, Regional District of Central Okanagan Community Parks Regulation Bylaw No. 1106, 2005, Regional District of Central Okanagan Recreation Facilities Regulation Bylaw No. 1107, 2005 and Regional District of Central Okanagan Dog Regulation and Impounding Bylaw No. 366.
2. Wayne Schnitzler, Craig Weddell, Brian Livingston, Kurt Szalla, Curtis Nyuli, Wayne Carson, Derek Fletcher for enforcement of Regional District of Central Okanagan Smoke Control Regulation Bylaw No. 773, 1998 and Regional District of Central Okanagan Fire Prevention and Regulations Bylaw No. 1066, 2004.
3. Theresa Trytten and Rachel Leier for enforcement of Regional District of Central Okanagan Dog Regulation and Impounding Bylaw No. 366.

CARRIED

8. PARKS AND FACILITIES DEPARTMENT

8.1 Joe Rich Hall Local Services Area Referendum (*All Directors - Unweighted Vote*)

#246/05 HANSON/CANNAN

THAT the Regional Board authorize a referendum to be held on November 19, 2005 seeking the assent of the electors for a Local Service Area Bylaw for the Joe Rich Community Hall.

CARRIED

8.2 Gellatly Nut Farm Regional Park Organic Walnut Husk Fly Treatment Proposal (*All Directors - Unweighted Vote*)

It was suggested that the Gellatly Nut Farm Society, not the Regional District, contact the company regarding possible sponsorship of the treatment.

#247/05 KNOWLES/DAY

THAT the Regional Board approve the implementation of a one-year trial application of a BC Ministry of Agriculture, Food and Fisheries field experiment to evaluate the efficacy of the organic pest control product GF-120 NF Naturalyte Fruit Fly Bait (active ingredient 0.02% spinosad) against walnut husk fly at the Gellatly Nut Farm Regional Park;

AND THAT the Regional District pay the \$150.00 fee for the site-specific Research Permit issued by the Pest Management Regulatory Agency of Health Canada to allow the application of the organic pesticide at the Gellatly Nut Farm Regional Park;

AND FURTHER THAT the Gellatly Nut Farm Society, through their 5-year operating agreement with the Regional District of Central Okanagan, incur all other costs associated with the organic pesticide treatment;

CARRIED

8.3 Mount Boucherie Phase II Multiplex 'Raising the Roof 2005' – Fundraising Proceeds Allocation (*All Directors - Unweighted Vote*)

#248/05 NOVAKOWSKI/KNOWLES

THAT the Regional Board approve that the net proceeds of the Raising the Roof 2005 event be allocated towards the Phase II Multiplex of the Mount Boucherie expansion;

AND THAT the full amount of the net proceeds will be placed in a Regional District of Central Okanagan Trust and Deposit account;

AND FURTHER THAT the priority for the allocation of funds would be determined upon completion of Phase 2 and applied towards facility amenity needs in the new Multiplex.

AND FURTHER THAT although it is recognized that the Westside Parks and Recreation Commission provided the impetus for the event, it is deemed appropriate that the fundraising commitment of the Mt. Boucherie Expansion Society would be reduced by the net amount raised;

CARRIED

8.4 Jim Lind Sponsorship Recognition (*All Directors - Unweighted Vote*)

#249/05 KNOWLES/NOVAKOWSKI

THAT the Regional Board approve the signage in recognition of the Jim Lind Sponsorship;

AND FURTHER THAT this signage be installed during the seasonal shutdown of the arena in preparation of the 2005/2006 season;

AND FURTHER THAT the Mount Boucherie Arena be renamed the Jim Lind Arena.

CARRIED

8.5 Active Living Entreprises – Share in Operating Surplus of 2004 (*All Directors - Unweighted Vote*)

#250/05 KNOWLES/WANNOP

THAT the Regional Board approve that Active Living Entreprises Ltd. receive a fifty percent (50%) share in the surplus for the 2004 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 2004 is \$2322.50 of the total amount of operating surplus which was \$4645.

CARRIED

8.6 Proposed Washroom Facility – Mission Creek Regional Park (Rutland Waterworks District Proposal) (*All Directors - Unweighted Vote*)

#251/05 HEIN/HANSON

THAT RDCO resolution #311/02 be amended to authorize the Rutland Waterworks District to construct the washroom facility at the revised location as per the June 13, 2003 report drawing Pump Station 13 North Proposed Washroom Facility, April 2005.

CARRIED

8.7 Irrigation Canal – KLO Road (*All Directors - Unweighted Vote*)

#252/05 HANSON/DAY

THAT the Regional Board *NOT* approve the cancellation of Irrigation Licence #C111170 and the closing of the irrigation ditch on the KLO property.

CARRIED

8.8 Casa Loma Lakeshore Resort – Proposed Access to Kalamo Regional Park *(All Directors - Unweighted Vote)*

Staff noted that there has been minor wording changes to the contract and that the solicitors have reviewed it and all parties involved are now satisfied with the terms of the statutory right-of-way and are prepared to move forward.

The Board discussed the divesting of any interest in public access via the foreshore and that the Regional District retains the right to pursue their position with respect to the foreshore should there be any redevelopment outside the guidelines depicted in the master plan. The question was raised where the low and high water marks are located and what the rights of individuals are with regard to use of lands.

#253/05 KNOWLES/WANNOP

THAT the Regional Board approve the registration of a 3-metre wide statutory right-of-way for the purposes of providing public access from Benedick Road and the Casa Loma neighbourhood through the Casa Loma Lakeshore Resort and a portion of Remainder District Lot 521, ODYD into Kalamo Regional Park;

AND FURTHER THAT the proposed public walkway design deliberated upon and approved, in principle, by the Regional Board in conjunction with resolution #515/04 at the Regional Board meeting of December 13, 2004 be given final Regional Board approval;

AND FURTHER THAT the walkway design be constructed in two phases, the first phase to be completed at the beginning of the 2005 summer season, and the second phase to be completed in the fall of 2005;

AND FURTHER THAT the Regional District Aquatic Ecosystem and Wildfire Interface Development Permit Requirements for the walkway design be deferred until the implementation of the second phase of construction;

AND FURTHER THAT upon registration of the statutory right-of-way for public access, the Regional District will divest any interest in public access via the foreshore immediately adjacent to the Casa Loma Resort, or on the lands within Strata Plan K468, now, or during any future redevelopment within the guidelines depicted on the master plan by BKDI Architects and development synopsis;

AND FURTHER THAT upon registration of the statutory right-of-way for public access, the Regional District will fully support an application by the resort to close the Ministry of Transportation Road right-of-way land located on Lot A Plan 50429, D.L. 521;

AND FURTHER THAT any redevelopment outside the guidelines depicted in the master plan will allow the Regional District to pursue their position with respect to the foreshore or within the strata plan;

AND FURTHER THAT a letter be forwarded to Land and Water B.C. to request a determination of individual rights on the use of lands below the natural high water mark.

CARRIED (opposed Hein)

9. NEW BUSINESS

9.1 Water Systems Operator (*All Directors - Unweighted Vote*)

#254/05

HARRIMAN/DAY

THAT the Regional District Engineering Department hire one additional certified water systems operator.

CARRIED

10. OTHER BUSINESS

10.1 Verbal Reports Committee Chairs

a) Parks and Recreation

Director Shepherd noted that staff continue meeting with the Gallagher residents and reviewing options to eliminate the Field Road access.

b) Transportation

The next meeting of the Regional Transportation Committee is scheduled for June 16, 2005.

c) Planning and Environment

The next meeting of the Planning & Environment Committee is scheduled for June 15, 2005.

Director Hein left at 9:40 p.m.

d) Engineering

No report

e) Air Quality

The next meeting of the Air Quality Committee is scheduled for June 29th. Director Shepherd noted the issue of the phone burn messaging is being worked on in co-operation with Environment Canada staff. It was noted that the Province's BC Fire Smart ads propose the use of burn barrels and as these are banned within the regional district, the Ministry of Forests be requested to modify their ads that burn barrels are subject to area restrictions.

ACTION: Staff to contact the Ministry of Forests to inform them that burn barrel usage is subject to area restrictions.

f) Governance and Services
No report

g) Westside Issues
No report.

10.2 Director Items

a) Westside Governance Study

The Ministry of Community, Aboriginal and Women's Services provided a copy of the Letter of Understanding regarding the Westside Governance Study. There is no requirement for any action.

#255/05 NOVAKOWSKI/DAY

THAT the June 9, 2005 Letter of Understanding – Westside Governance Study be received.

CARRIED

b) UBCM – 2005 Community Excellence Awards

It was agreed that the Regional District and City of Kelowna submit a joint award submission for the 2005 School District tree planting partnership for the UBCM 2005 Community Excellence Awards.

c) Dredging of Woods Lake Canal

Staff were requested to report to the Parks Advisory Committee on the status of dredging of the Woods Lake Canal. Public money has been raised but it is believed there are no Federal infrastructure funds remaining for this year.

d) Federation of Canadian Municipalities (FCM)

The Board congratulated Director Dinwoodie on his recent election to the FCM Board of Directors.

e) Regional Boat Launch Facilities

The question was raised what boat launch facilities are available in the region and what is planned for the future. There is a need to generate information on the use, the capacity and develop a regional approach for the boat launch facilities. It was suggested that the Watercraft Committee may wish to discuss the issue at their next meeting.

ACTION: Parks staff to review an approach on how to address the development of a regional approach for boat launch facilities and report back to the Parks Advisory Committee.

f) Union of BC Municipalities (UBCM) Election
Chair Hobson noted that he has made the decision to run for third vice president of the UBCM and seeks the Board's support.

#256/05 SHEPHERD/HARRIMAN

THAT the Regional Board supports Robert Hobson's decision to run for third Vice President of UBCM in 2005/2006.

CARRIED

11. ADJOURN IN CAMERA

#257/04 DAY/KNOWLES

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

CARRIED

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

CERTIFIED TO BE TRUE AND CORRECT

R. Hobson (Chair)

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