

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, October 3, 2005

Directors: R. Cannan (City of Kelowna)
C. Day (City of Kelowna)
A. Dinwoodie (Westside Elect. Area)
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)
L. Novakowski (Westside Elect. Area)
S. Shepherd (City of Kelowna)

Regrets: D. Knowles (Westside Elect. Area)

Staff: W. d'Easum, Chief Administrative Officer
L. Hartley, Planner
M. Kopp, Assistant Director of Parks and Recreation Services
H. Hettinga, Director of Engineering 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 7:10 p.m. and updated the Board on Director Knowles' condition following surgery to donate a kidney to his daughter. Both are recovering well and were wished a speedy recovery.

Presentations of Certificates

Chair Hobson and Central Okanagan Crime Stoppers Society President, Dorothy Schoneberg, 1st VP Vern Nielsen and 2nd VP Herb Comben presented Crime Stoppers Awards to:

- The Capital News for Print Media Award for Best Magazine/Newsletter
- CKOV for Best Unsolved Crime of the Week
- CHBC-TV for the Best Public Service Announcement 2004 and Best Crime Reenactment

1. MINUTES

1.1 Regular Board Meeting – September 12, 2005

#373/05 NOVAKOWSKI/DAY

THAT the Regular Board Meeting minutes of September 12, 2005 be adopted as circulated.

CARRIED

2. DELEGATION

2.1 No delegation

3. CORRESPONDENCE

3.1 Ministry of Economic Development re: Canada/British Columbia Infrastructure Program Completion

The Ministry of Economic Development confirmed that CBCIP funding is now fully committed and no further applications will be approved. The two projects which will not receive funding include the Green Bay Community Water System and the Westside Wastewater Treatment Plant Expansion-Stage 2.

#374/05 DINWOODIE/NOVAKOWSKI

THAT the September 13, 2005 letter from the Ministry of Economic Development regarding the Canada/British Columbia Infrastructure Program being fully funded be received.

CARRIED

4. UNFINISHED BUSINESS

4.1 Alternative Approval Process for Loan Authorization Bylaw – Westside Park Land Acquisition – approval of revised elector response forms (*All Directors - Unweighted Vote*)

The elector response forms for the Alternative Approval Process for the Westside Park Land Acquisition have been amended to include electors within Westbank First Nation I.R #9 and #10. A total of 26,440 residents are eligible to respond to the Process. The required 10% threshold is 2,644 electors. Staff noted that the elector response forms are available on the website, and the Westside and main Regional District offices.

#375/05 DINWOODIE/NOVAKOWSKI

THAT the Regional Board approve the revised elector response forms and information contained therein attached to the October 3, 2005 report, including the deadline established for receiving elector responses and the total number of electors of the area to which the approval process applies.

CARRIED

5. FINANCE DEPARTMENT

No Board action required/requested.

6. PLANNING DEPARTMENT

6.1 Development Permits (Unweighted Vote)

- a) Application for a Development Permit for Belco Holdings (owner) and Coast Architectural Group (agent) located adjacent to Pritchard Drive. (DP-05-08) Westside Electoral Area (*Electoral Areas Only*)

Staff reviewed the application.

One letter was received from S. Andreen, expressing concern regarding the proposed variance setbacks.

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

Questions:

The Board questioned whether the Westside Fire Department has any concerns regarding access to the building. Staff confirmed that Westside Fire Department is satisfied with the access to the buildings. As well the applicant's architect, Kevin Ryan, noted that the fire code consultant has reviewed the plan with the fire department and is satisfied with the design.

The question was raised whether consideration has been given to any future increase in the size of fire equipment and whether the entrances are large enough to accommodate this. It was noted that the entrances have been increased in size in consideration of future fire equipment needs to 5 metres in height and 20 feet in width.

#376/05 NOVAKOWSKI/DINWOODIE

THAT Development Permit for Belco Holdings (owner) application DP-05-08 be approved and issued subject to all recommended conditions listed in the staff report and receipt of the following:

- Receipt by the Regional District of a letter of credit or bank draft in the amount of \$366,045.00 in order to ensure completion of the works and associated riparian landscaping identified in the August 3 Addendum to the Foreshore Impact Assessment and Mitigation Plan within 1 year of the issuance of the Development Permit; the landscaping, mulching and installation of the automatic underground irrigation system indicated in the submitted landscape plan; and the completion of the berm, planting and fencing as required by Agricultural Land Commission Resolution #525/04. This amount is refundable upon completion of the above noted landscaping works to the satisfaction of Regional District staff.

AND THAT Aquatic Ecosystem Development Permit (application DP-05-08) be approved and issued pending confirmation of the following:

- The applicant must provide proof in writing of the retention of the services of an environmental monitor (Qualified Environmental Professional) who will ensure compliance with the recommendations of the reports outlined below.

AND FURTHER THAT the development permit be approved subject to the following conditions:

- All mitigation, compensation and protection activities must be completed as per the recommendations contained in the June 29, 2005, Foreshore Impact Assessment and Mitigation Plan, the August 3, 2005 Addendum, and the September 8, 2005 letter RE: Barona Beach Resort Potential Effects of Sediment Movement and Erosion at the NE Property Corner prepared by EBA Engineering Consultants Ltd.;
- The Environmental Monitor shall submit monitoring summary reports to Regional District Environmental Planning Staff on a monthly basis through to completion of construction;
- Sediment and erosion control measures must be in place prior to construction, and remain in place until construction and re-grading is complete;
- No disturbance shall occur within the restoration area post development;
- Vegetation at the canal's confluence with Okanagan Lake not be disturbed;
- Any works in or about a waterbody (removal of boat launch from shoreline of Okanagan Lake) will require a Section 9 approval from LWBC before such works take place; and
- All mitigation actions must be completed and approved to the satisfaction of the Regional District's Environmental Coordinator.

AND FURTHER THAT Commercial Development Permit application DP-05-08 be approved and issued based on the site plan and elevation drawings submitted in conjunction with this application, subject to the following conditions:

1. Submission of a revised landscape plan indicating the following changes:
 - a. Substitution of acceptable plant material for those plants indicated as prohibited species in accordance with the landscape design guidelines Appendix A-1 Section 2.13 of the Westside Official Community Plan; and
 - b. Landscaping that reflects the updated fire access roads.

AND FURTHER THAT Development Permit application DP-05-08 be approved to include the following variances:

1. To vary Section 11.7.4 of Regional District of Central Okanagan Zoning Bylaw #871 by reducing the minimum Front Yard Setback in the C7 Tourist and Resort Commercial zone, Section 11.7.4 for Building No. 8 shown on the attached Site Plan A1.0, prepared by Coast Architectural Group, from 6.0 metres (19.7 ft.) to 0.0 metres;
2. To vary Section 11.7.4 of Regional District of Central Okanagan Zoning Bylaw #871 by reducing the minimum Front Yard Setback in the C7 Tourist and Resort Commercial zone for Building No. 7 shown on the attached Site Plan A1.0, prepared by Coast Architectural Group, from 6.0 metres (19.7 ft.) to 1.15 metres (3.7 ft.); and

3. To vary Section 3.9.2 of Regional District of Central Okanagan Zoning Bylaw #871 by increasing the maximum height of exempted structures for the tower on Building No. 8 shown on the attached Site Plan A1.0, prepared by Coast Architectural Group, from 20.0 metres (65.6 ft.) to 21.6 metres (70.9 ft).

CARRIED

6.2 Bylaws: (First Reading) (Unweighted Vote)

- a) i) Official Community Plan Amendment Bylaw No. 1050-6 for Betty Dobbin (owner) and D.E. Pilling & Associates Ltd. (agent) to amend the Westside Official Community Plan designation from Country Residential to Intensive Multiple Family located adjacent to Gellatly Road (*All Directors*)

Staff reviewed the bylaw amendment and highlighted an error in the Board report (Pg.4 Lot Size is actually 1.62 ha for 97.2 units). It was noted that seven letters of opposition have been received: Dawn and Jack Thrasher; David and Irene Miller; Vi and Duncan Laidlow; Penny and Ian Williams; Harold Ashley; Elinor and Don Wheatley; and Doris and Doug Vestner. Five letters of support were received: William Passant, Walter Rozniak, Russell Bennett, MJ Bennett and R. Lind. It was noted that the letters were dated April/May 2005 well before first reading to the Board.

Discussion:

The Board questioned:

- Why letters are being brought forward to the Board before the Public Hearing. Staff noted as there were quite a few they were added to the report. It was requested that in the future the lots of property owner writing letters be identified on the maps.
- Is there public transit to the area? Staff noted there is public transit on Gellatly Road but not down to the development. Directors continue to lobby for increase in transit service.
- Is the adjacent Cove development of the same size? The buildings are approximately the same height. The question was raised whether there is an opportunity to work with the applicant regarding the visual impact to the Gellatly Nut Farm and whether the property can be screened on the park side. Staff will work with the applicant on this issue.
- A new funding formula towards off-site road right-of-way improvements for Gellatly Road area will be provided.
- Park DCCs may apply at the time of building permit.

#377/05

DINWOODIE/NOVAKOWSKI

THAT Official Community Plan Amendment Bylaw No. 1050-6 be given first reading this 3rd day of October 2005;

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

- A revised site plan that establishes Gellatly Road 14m from mean centerline, and demonstrates that adequate on-site parking will be provided;

- Receipt of a storm water management plan to identify how post-development drainage will be handled on the site;
- Information/plans to address the buffering treatment along the south property boundary adjacent to Gellatly Nut Farm Regional Park, and to address proposed access into the Park.

CARRIED

- ii) Zoning Amendment Bylaw No. 871-99 for the above to amend the zoning from RU4 Country Residential to R3B Multiple Housing (Medium Density). (Z04/23) Westside Electoral Area (*Electoral Areas Only*)

#378/05 DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-99 (Application Z04/15) be given first reading this 3rd day of October 2005.

CARRIED

ACTION: It was agreed that the Planning & Environment Committee would review the issue of correspondence received prior to first reading and Public Hearing and the policy for that correspondence. Staff to draft a recommendation for review.

- b) Official Community Plan Amendment Bylaw No. 1050-10 for Spring Point Management (proponent) and Protech Consultants Ltd. (agent) Okanagan to amend the Westside Official Community Plan to include the Shannon Lake West Concept Development Plan adjacent to Shannon Lake Road. (1050-10) (All Directors)

Staff reviewed the Shannon Lake West Concept Development Plan and OCP Amendment.

Discussion:

- Community water - Staff to request comment from Lakeview Irrigation District for the Public Hearing regarding the water requirements for the proposed density.
- Concern was expressed regarding development in the area of 70% slope. Staff confirmed that no residential development would be built close to slope hazards.
- What is the difference between the Environmental Advisory Committee and Westside Parks and Recreation Commission comments and is one being favored over the other? Comments from EAC members have been reflected in the August 22 draft plan, including protection of the riparian wetland. This is not included in the park configuration dated Sept. 20, 2005 and supported by the Westside Parks and Recreation Commission.

#379/05 NOVAKOWSKI/DINWOODIE

THAT the Board receive the “Shannon Lake West Concept Development Plan”, dated August 22, 2005;

AND THAT Westside Official Community Plan Amendment Bylaw 1050-10 be given first reading this 3rd day of October 2005;

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

CARRIED

- c) Zoning Amendment Bylaw No. 871-103 for Winifred Hoyer (owner) and Protech Consultants Ltd. (agent) to amend the zoning from A1 Agriculture to R1 Single Detached Housing and P1 Park and Open Space located adjacent to Shannon Lake Road. (Z05/04) Westside Electoral Area (Electoral Areas only)

#380/05 DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-103 application Z05/04 for Winifred Hoyer be given first reading this 3rd day of October 2005;

AND THAT the application be scheduled for a Public Hearing;

AND FURTHER THAT should the Board grant further readings to the amending bylaw, that consideration of fourth reading and final approval of the zoning be withheld pending the following items:

- Preliminary Layout Approval of Subdivision;
- Establishment of a road reserve to provide for a future 25 meter right of way width on the access route from Shannon Lake Road;
- Provisions for sustainable management of environmentally sensitive (compensation) areas and wildlife corridors either through a Section 215 No Build No Disturb covenant or voluntary dedication as public park;
- Undertaking of wildfire interface hazard reduction measures; receipt of a storm drainage master plan, and provisions for reducing geotechnical hazards as proposed within the Shannon Lake West Concept Development Plan;

AND FURTHER THAT the Public Hearing remain open pending the following items:

- Consideration of a detailed environmental assessment as described in this report;
- Presentation of the parkland dedication to the Westside Parks and Recreation Commission for approval.

CARRIED

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

- a) Zoning Amendment Bylaw No. 871-107 for Toni & Patricia Kristinsson (owners) to amend the zoning from R1 Single Detached Housing to R1s Single Detached Housing with Secondary Suite located adjacent to Sunview Drive. (Z05/08) Westside Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

#381/05 DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-107 (application Z05/08) be given second and third readings this 3rd day of October 2005.

CARRIED

6.4 Bylaws: (Reconsideration and Adoption) (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*)

#382/05 DINWOODIE/NOVAKOWSKI

THAT Official Community Plan Bylaw No.'s 785-8 (application Z03/17) be reconsidered and adopted this 3rd day of October 2005.

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*)

#383/05 NOVAKOWSKI/DINWOODIE

THAT Zoning Amendment Bylaw No. 871-88 be reconsidered and adopted this 3rd day of October 2005.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Building Violation – Lot 17, Plan KAP52689, District Lot 1119, 2120 Sunview Drive (Westside Electoral Area) Notice to be placed on Title – Owner: Donison (*All Directors - Unweighted Vote*)

#384/05 NOVAKOWSKI/DINWOODIE

THAT the Regional District Board direct that a notice be filed on the title of Lot 17, Plan KAP52689, 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:

- The construction of basement development has not been issued a building permit, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835.

CARRIED

8. PARKS AND FACILITIES DEPARTMENT

8.1 Bear Creek Boat Launch Agreements (*All Directors - Unweighted Vote*)

During the development of the agreement for use of a portion of the Bear Creek Boat Launch for constructing portions of the new bridge, it was determined that because of a recent court decision the property could not be subdivided through the use of a lease without the consent of the Approving Officer. The lease agreement that the Regional District had with Riverside has recently been determined to be invalid, based on a recent ruling in the lower mainland, and is now being proposed to be replaced with the attached License of Occupation.

The Agreement between with Okanagan Lake Concession Limited Partnership and the Regional District allows joint use of the Bear Creek Boat Launch parking area. It also requires Concessionaire at the completion of the bridge.

#385/05 HARRIMAN/DAY

THAT the Regional Board approve the License of Occupation for a portion of Lot B, District Lot 539, ODYD Plan 31195 between Riverside Forest Products Limited and the Regional District for the use as a boat launch;

AND FURTHER THAT the Regional Board approve the agreement with Okanagan Lake Concession Limited Partnership for a joint use of Lot B, District Lot 539, ODYD Plan 31195.

CARRIED

9. NEW BUSINESS

9.1 Regional District of Central Okanagan Smoke Control Regulatory Amendment Bylaw No. 1130, 2005, **1st, 2nd and 3rd readings, and Adoption** (*All Directors - Unweighted Vote*)

The intent of the amendment to the Smoke Control Bylaw is to prevent the installation of outdoor furnaces or boilers used for space heating of a building.

#386/05 SHEPHERD/HARRIMAN

THAT Regional District of Central Okanagan Smoke Control Regulatory Amendment Bylaw No. 1130, 2005 be given first, second and third readings, reconsidered and adopted this 3rd day of October 2005.

CARRIED

- 9.2 Regional District of Central Okanagan Joe Rich Fire Protection Local Service Amendment Bylaw No. 1131, 2005, **1st, 2nd and 3rd readings** (*All Directors - Unweighted Vote*)

The intent of the amendment is to provide that medical first responder service be included in the power permitted in the Joe Rich Fire Protection local service area.

#387/05 HANSON/SHEPHERD

THAT Regional District of Central Okanagan Joe Rich Fire Protection Local Service Amendment Bylaw No. 1131, 2005 be given first, second and third readings this 3rd day of October 2005.

CARRIED

- 9.3 Construction of the Asquith Road Connector (*All Directors - Weighted Vote*)

#388/05 DINWOODIE/NOVAKOWSKI

THAT the Regional Board support the proposed re-alignment of Asquith Road and the necessary road dedication and road closures;

AND FURTHER THAT the Regional Board approves a maximum contribution of \$669,279.45 toward the total cost of constructing the Asquith Road Connector;

AND FURTHER THAT the Regional District's contribution is to be paid out of the Asquith Road Reserve Account to be advanced as a percentage of each progress payment based on the Regional District's contribution divided by the overall cost of construction;

AND FURTHER THAT the Regional Board authorizes the Engineering Services Department to enter into a latecomer agreement with the Developers.

CARRIED

ACTION: H. Hettinga to forward information on the Asquith Road re-alignment to the Smith Creek Neighborhood Association.

9.4 Award of Contract – Westside Road Assessment Study (*All Directors - Weighted Vote*)

#389/05 DINWOODIE/CANNAN

THAT the Regional District retain EBA Engineering Consultants Ltd. in conjunction with St. Michel Consulting Inc. to complete the Westside Electoral Area Road Study for an upset fee of \$126,100.

CARRIED

9.5 UBCM Community Health Promotion Fund

The deadline for the Expression of Interest for the UBCM pilot projects for the Community Health Promotion Fund was September 30th. The Regional District submitted an Expression of Interest for the 4-Pillar project – Coordination of misuse of drugs and related issues.

As well, an expression of interest has been received from the University of BC-Okanagan for support for a UBC-0 project Creating the Healthiest Campus Community Possible.

The Board discussed whether the projects should be prioritized and if so, which project would be first on the priority list.

#390/05 SHEPHERD/GRAY

THAT the Regional Board support the 4-Pillar Expression of Interest for the UBCM Community Health Promotion Fund.

CARRIED

#391/05 SHEPHERD/DINWOODIE

THAT the Regional Board receive the UBC-O Expression of Interest for the UBCM Community Health Promotion Fund;

AND FURTHER THAT the UBCM Community Health Promotion Fund committee be informed that the 4-pillar Expression of Interest is the Regional District's highest priority.

CARRIED

10. OTHER BUSINESS

- 10.1 Verbal Reports Committee Chairs
- a) Parks and Recreation
No report

b) Transportation

The next meeting of the Regional Transportation Committee is scheduled for October 27th.

c) Planning and Environment

The next meeting of the Planning & Environment Committee is scheduled for October 12th. A meeting between the Regional Board and the Agricultural Land Commission will be held October 13th.

d) Engineering

The next meeting of the Engineering Committee is scheduled for October 6th.

e) Air Quality

The next meeting of the Regional Air Quality Committee meeting is scheduled for October 26th.

f) Governance and Services

The next meeting of the Governance & Services Committee is scheduled for October 21st.

g) Westside Issues

No report

10.2 Director Items

a) Household Hazardous Waste Roundup

Staff were congratulated on the success of the Hazardous Waste Roundup program. Over 47,000 litres of waste oil, paints, solvents, anti-freeze, pesticides and other chemicals were collected during the six-hour roundup.

b) Killiney Beach Boat Launch

The question was raised whether it is possible to extend the ramp at the Killiney Beach boat launch further into the water to assist boaters in removing their boats in the spring and fall. Staff will speak with the community association and if necessary add the work to the 2006 budget.

c) Canadian Blood Services

The Canadian Blood Services-Kelowna Branch requests support for permanent road signage on highways for blood donor clinics.

#392/05

HANSON/GRAY

THAT a letter be forwarded to the Ministry of Transportation, and copied to Ministry of Health and local MLAs, to support the Canadian Blood Services-Kelowna Branch request for permanent road signage sites for blood donor clinics in Kelowna, Prince George, Vancouver, and Victoria.

CARRIED

11. ADJOURN

There being no further business the meeting was adjourned at 9:32 p.m.

CERTIFIED TO BE TRUE AND CORRECT

R. Hobson (Chair)

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