

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, January 24, 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 (Ellison/Joe Rich 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
H. Hettinga, Deputy Chief Administrative Officer
D. Plamondon, Deputy Director of Planning Services
K. Roth, Director of Inspection Services
B. Vos, Director of Parks and Recreation
M. Drouin, Administrative Assistant (recording secretary)

Chair Hobson brought the meeting to order at 7:03 p.m. following the Hospital District Meeting.

1. MINUTES

1.1 Public Hearing Meeting – January 10, 2005

1.2 Regular Board Meeting – January 10, 2005

#21/05 NOVAKOWSKI/HEIN

THAT the Public Hearing Minutes of January 10, 2005 be received;

AND FURTHER THAT the Regular Board Meeting minutes of January 10, 2005 be adopted as circulated.

CARRIED

2. DELEGATION

No delegation

3. CORRESPONDENCE

No Board action required/requested.

4. UNFINISHED BUSINESS

No Board action required/requested.

5. FINANCE DEPARTMENT

No Board action required/requested.

6. PLANNING DEPARTMENT

6.1 Development Permits (Unweighted Vote)

- a) Development Permit Application for Yum! Brands Canada Management Holding Inc. (owner) and Kasian Kennedy Architecture (agent) located adjacent to Gellatly Road. (DP-04-18) Westside Electoral Area (Electoral Areas Only)

Staff reviewed the rationale for the development permit outlined in the January 17th Board report.

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

Brian Long, owner of the KFC restaurant was available to answer questions. The question was raised if the Board stipulated guidelines to fit the rural village or small town theme would the KFC corporation revise their corporate image to fit the guidelines. Mr. Long confirmed that the corporation is not out of tune with local government and could supply different theme corporate designs.

It was noted the Regional Board has approved similar development permit applications in downtown Westbank for façade and signage improvements in order to reflect a company's new corporate architecture.

Gary Marvin, local architect, 539 Westside Road – expressed concern that the design has the corporate design character of KFC and that not much effort has been applied to the design to achieve more of a heritage style as stated in the goals of the OCP.

#22/05 NOVAKOWSKI/KNOWLES

THAT Development Permit application DP-04-18 for Yum! Brands Canada Management Holding Inc. (owner) located adjacent to Gellatly Road be approved based on the submitted site plan dated November 2004 and revised elevation drawings dated January 5th, 2005, prepared by Kasian Kennedy Architecture, Interior Design & Planning Inc.

CARRIED

#23/05 NOVAKOWSKI/KNOWLES

THAT staff prepare a report for the Planning and Environment Committee to review the 'rural village theme or 'small town' design guidelines and criteria for the Westbank Town Centre.

CARRIED

It was suggested that staff look at developing guidelines that would require new buildings or remodeling of existing buildings to disguise what is sitting on the roof ie: elevator shafts, vents, etc.

6.2 Development Variance Permits (Unweighted Vote)

- a) Development Variance Permit for 435133 BC Ltd. (owner) located adjacent to Campbell Road. (VP-04-17) Westside Electoral Area (Electoral Areas and Kelowna Fringe Area)

Staff reviewed the rationale for the development variance permit outlined in the January 17th Board report.

Two letters have been received:

Mrs. Rose Gaba – 2595 Campbell Road expressing opposition to the permit noting concerns regarding: curb and gutter, street lighting, sidewalk, storm sewers, Campbell Road is too narrow and a retaining wall is necessary

W. D. Lewicky – letter on behalf of client, Mrs. Gaba, expressing opposition.

The Ministry of Transportation has not commented on the application.

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

The applicant, Rick Bruschinsky, noted they have participated in widening of the road, asphalt, storm sewer, and servicing to lots in advance so the road would not have to be dug up later. The cost for servicing the lots for curb and gutter, sidewalks, street lighting was not available.

#24/05 WANNOP/NOVAKOWSKI

THAT the Regional Board approve Development Variance Permit application VP-04-17 for 435133 BC Ltd. (owner) located adjacent to Campbell Road to exempt the proposed 5-lot subdivision from the required installation of curb and gutter, a storm drain system, sidewalks, and street lighting adjacent to the west side of Campbell Road, as per Schedule C.3 of Subdivision and Development Servicing Bylaw No. 704.

CARRIED

6.3. Bylaws: (First Reading) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-97 for Ewings Estates Ltd. (owner) and David Jones (agent) to amend the text of the P1 Park and Open Space zone by deleting from the Permitted Uses Table, Section 13.1.1., on part of Lot 2, Plan 1965 except plans 2570 & B7383 the word “Seasonal” located adjacent to Westside Road. (Z04/21) Westside Electoral Area (Electoral Areas and Kelowna Fringe Area)

The question was raised:

- What would restrict the owner from developing more than 26 units. Staff noted that there is a restrictive covenant in place for no more than 26 units.
- Is this amendment a way to get around zoning for a subdivision effectively creating fee simple lots? The immediate concern is to address some of the sewer and water issues on the property. This option allows for development of what pre-exists.
- No park requirement as this is not a subdivision.
- Is there anything in place to control docks along the lake. Staff noted that the Regional District does not currently have foreshore policies in place. The Board has requested that staff draft a policy for review by the Planning and Environment Committee.
- Environment issues will be addressed through an ESA Development Permit prior to Public Hearing.

#25/05

WANNOP/KNOWLES

THAT Zoning Amendment Bylaw No. 871-97 application (Z04/21) for Ewings Estates Ltd (owner) be given first reading this 24th day of January 2005;

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

- Receipt of an ESA Development Permit application to address environmental issues of Morden Creek, Berry Spring tributary and the Okanagan Lake foreshore;
- Confirmation from Interior Health that on-site sewage disposal for all residential dwellings is designed to accommodate flows for year round use with no negative impacts to local watercourse(s);
- Information confirming supply of domestic water for each dwelling unit;
- Comments from the Ministry of Transportation, the Ministry of Water, Land and Air Protection, and the North Westside Fire Department.

CARRIED

- b) Zoning Amendment Bylaw No. 871-98 for Green Bay Landing Inc. (owner) and D.E. Pilling & Associates Ltd. (agent) to amend the zoning from R1 Single Detached Housing to R1s Single Detached Housing (Secondary Suite) located adjacent to Green Bay Road. (Z04/22) Westside Electoral Area (Electoral Areas Only)

#26/05 NOVAKOWSKI/KNOWLES

THAT Zoning Amendment Bylaw No. 871-98 application (Z04/22) for Green Bay Landing Inc. (owner) be given first reading this 24th day of January 2005;

AND FURTHER THAT the scheduling of the application for a Public Hearing be withheld pending confirmation that required on-site parking for a residence with a secondary suite will be provided in accordance with Zoning Bylaw No. 871.

CARRIED

It was noted that the Board report was dated August and is to be amended.

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

- a) Zoning Amendment Bylaw No. 871-61 for Mark Anthony Properties Ltd. (owner) and Hamilton Associates (agent) to amend the zoning on part of the property from A1 Agricultural to CD5 Comprehensive Development Zone (The Pines of Mission Hill) located adjacent to Mission Hill Road and Chardonnay Place. (Z03/09) Westside Electoral Area (*Electoral Area Only*)

#27/05 NOVAKOWSKI/KNOWLES

THAT Zoning Amendment Bylaw No. 871-61 application Z03/09 be reconsidered and adopted this 24th day of January 2005.

CARRIED

- b) Zoning Amendment Bylaw No. 871-70 for Neil Bartlett and Mark Mathews (owner) and Karl Miller and D.E. Pilling & Associates Ltd. (agents) to amend the zoning from RU1 Rural 1 to RU2 Rural 2 located adjacent to Bear Creek and Westside Roads. (Z03/18) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

#28/05 WANNOP/KNOWLES

THAT Zoning Amendment Bylaw No. 871-70 be reconsidered and adopted this 24th day of January 2005.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Building violation – Lot 4, Plan 21775, 5051 Lipkovits Road (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Devries (*All Directors - Unweighted Vote*)

#29/05 HANSON/CANNAN

THAT the Regional District Board direct that a notice be filed on the title of Lot 4, Plan 21775, 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 carport enclosure into a garage has not been issued a building permit, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835.

CARRIED

- 7.2 Building violation – Lot 22, Plan 33145, District Lot 1380, 4974 Paradise Valley Road (Westside Electoral Area) Notice to be placed on Title – Owner: Stewart (*All Directors - Unweighted Vote*)

It was noted there was an error in the December 8, 2004 report to the Board: amend “On July 29, 2004, Building Permit” to read “On July 29, 2002”.

#30/05 WANNOP/NOVAKOWSKI

THAT the Regional District Board direct that a notice be filed on the title of Lot 22, Plan 33145, 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 building permit for the subject residential addition, built under authority of Building Permit #9649/02, has not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw #835. The permit cannot be closed until a final inspection has been done.

CARRIED

- 7.3 Building violation – Lot A, Plan 42018, 6862 Sunvalley Road (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: McPherson (*All Directors - Unweighted Vote*)

Staff confirmed that the board report is incorrect and that the building violation applies to one building only.

#31/05 HANSON/WANNOP

THAT the Regional District Board direct that a notice be filed on the title of Lot A, Plan 42018, O.D.Y.D., pursuant to Section 700(3) of the Local Government Act, and pursuant to that section of the Local Government Act, further information regarding the notice be limited to the fact that:

1. An outbuilding (detached garage/storage building) was constructed with no building permit on the above noted property.

CARRIED

8. PARKS AND FACILITIES DEPARTMENT

No Board action required/requested.

9. NEW BUSINESS

- 9.1 Westside Issues Committee Recommendations
a) Westside Arts and Business Council Grant In Aid

The Westside Issues Committee noted they had approved a 2005 grant in aid to the Westside Arts and Business Council in the amount of \$12,000 which was to be payable after April 1, 2005. The Council requests the funding is needed immediately.

#32/05 NOVAKOWSKI/KNOWLES

THAT the 2005 Westside Electoral Area grant in aid for the Westside Arts and Business Council in the amount of \$12,000 be immediately allocated.

CARRIED

- b) Johnson-Bentley Pool – Debt Retirement

It was noted that the debt for the Johnson-Bentley Pool has been paid off early due to the way the debt was serviced through MFA. The Parks Advisory Committee and the Westside Parks Commission have not had the opportunity to review the implications therefore it was suggested that the issue of reducing the annual tax rate be referred to 2005 budget discussions.

#33/05 NOVAKOWSKI/KNOWLES

THAT the following recommendation be forwarded to 2005 budget discussions and to the Parks Advisory Committee and the Westside Parks Commission for their information:

“THAT the annual tax rate for the Johnson/Bentley Pool be reduced to reflect the fact that no further charges are required as the debt is paid off.”

CARRIED

- 9.2 Regional District of Central Okanagan West Kelowna Estates Water System Local Service Area Amending Bylaw No. 1089, 2005, **1st, 2nd and 3rd readings** (All Directors - Unweighted Vote)

#3405 KNOWLES/NOVAKOWSKI

THAT Regional District of Central Okanagan West Kelowna Estates Water System Local Service Area Amending Bylaw No. 1089, 2005 be given first, second and third readings this 24th day of January 2005.

CARRIED

- 9.3 Regional District of Central Okanagan Green Bay Water Service Area Establishment Bylaw No. 1090, 2005, **1st, 2nd and 3rd readings (All Directors - Unweighted Vote)**

#35/05 NOVAKOWSKI/KNOWLES

THAT Regional District of Central Okanagan Green Bay Water Service Area Establishment Bylaw No. 1090, 2005 be given first, second and third readings this 24th day of January 2005.

CARRIED

- 9.4 Regional District of Central Okanagan Green Bay Water Service Area Loan Authorization Bylaw No. 1091, 2005, **1st, 2nd and 3rd readings (All Directors - Weighted Vote)**

#36/05 KNOWLES/WANNOP

THAT Regional District of Central Okanagan Green Bay Water Service Area Loan Authorization Bylaw No. 1091, 2005 be given first, second and third readings this 24th day of January 2005.

CARRIED

10. OTHER BUSINESS

10.1 Director Items

a) Sterile Insect Release Program

Director Day updated the Regional Board on the SIR budget discussions. The SIR Board decided due to the large increase in assessments in some areas and to make it fair to all partners, that all five regional districts would financially contribute equally to the SIR program. For 2005 the increase is set at 6%. The question was raised whether it is a 6% tax or 6% budget increase. It is a 6% tax rate increase. The actual dollar amount is not known at this time.

b) Workshop on the Value of Habitats and Animals Living in Riparian Zones of the Okanagan-Similkameen – January 21, 2005, Oliver, BC

Director Novakowski provided a verbal update on his attendance at the riparian workshop. RDCO staff member, Todd Cashin, was congratulated on his presentation at the workshop—a job well done. Okanagan-Similkameen seems to be more aware of acquiring and protecting riparian areas. It was agreed that more attention is required to protect these areas rather than wait for a crisis.

c) 2005 BC Midget Cross Country Provincial Championships

Director Shepherd noted that the City of Kelowna had provided a sports development grant of \$1,120 to the Championships which are being hosted on the Westside, February 26-27.

d) Regional District of Central Okanagan Annual Report

The Regional District's 2005 Annual Report was presented to the Board. It will be available for distribution and put on the District's website later this week. Bruce Smith was congratulated for a job well done.

11. ADJOURN IN CAMERA

#37/05

HEIN/NOVAKOWSKI

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 and land issue.

There being no further business the meeting was adjourned at 8:14 p.m.

CERTIFIED TO BE TRUE AND CORRECT

R. Hobson (Chair)

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