

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, February 7, 2005

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. Hein (District of Lake Country)
B. Given, alternate for 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 Dinwoodie brought the meeting to order at 7:00 p.m.

1. MINUTES

1.1 Regular Board Meeting – January 24, 2005

#38/05 HANSON/KNOWLES

THAT the Regular Board meeting minutes of January 24, 2005 be adopted as circulated.

CARRIED

#39/05 KNOWLES/GIVEN

THAT 9.6 - Proclamation for 'Rotary Week' be moved forward on the agenda.

CARRIED

Rotarian, Jeff Harte gave a brief overview of Rotary and the activities of the eight local Clubs in the region.

#40/05 **KNOWLES/HARRIMAN**

WHEREAS, Rotary is an international organization of over 1.2 million members in more than 30,000 clubs in 166 countries, and;

WHEREAS, Rotary is an organization of business and professional leaders united worldwide to provide humanitarian service, encourage high ethical standards, and help build goodwill and peace in the world, and;

WHEREAS, There are eight Rotary Clubs in the Regional District of Central Okanagan all having volunteer members committed to improving the quality of life in our Region and elsewhere in the world, and;

WHEREAS Funds raised by these Rotary Clubs over the last 75 years have been largely dedicated to community support programs in our Region, and;

WHEREAS February 23rd, 2005 marks the 100th anniversary of the formation of the world's first service club, a Rotary Club;

NOW, THEREFORE the Regional Board of the Regional District of Central Okanagan proclaims the week of February 21-27 'Rotary Week'.

CARRIED

2. DELEGATION

No delegation

3. CORRESPONDENCE

3.1 Nancy MacLeod, BC Hydro re: BC Hydro 2005 Integrated Electricity Plan – Regional Workshop

#41/05 **HEIN/CANNAN**

THAT the January 26, 2005 letter from Nancy MacLeod, BC Hydro regarding BC Hydro 2005 Integrated Electricity Plan – Regional Workshop be received;

AND FURTHER THAT Director Knowles be authorized to attend the workshop as the Regional Board's designate.

CARRIED

3.2 Ralph Goodale, Minister of Finance re: Transit Passes as a Non-taxable Employment Benefit

#42/05 **SHEPHERD/NOVAKOWSKI**

THAT the January 17, 2005 letter from Ralph Goodale, Minister of Finance regarding Transit Passes as a Non-taxable Employment Benefit be received.

CARRIED

4. UNFINISHED BUSINESS

- 4.1 Declaration of Alternative Approval Process Results – Joe Rich Community Hall Service Area Establishment Bylaw No. 1078, 2004 (*All Directors - Unweighted Vote*)

Of the estimated 747 electors eligible to sign the elector response forms, 114 valid signatures were received. This figure exceeds 10% signatures required to prevent the Regional Board from approving Bylaw No. 1078 without first seeking the assent of the electors by referendum.

#43/05

HANSON/KNOWLES

THAT the Declaration of Alternative Approval Process Results for Joe Rich Community Hall Service Area Establishment Bylaw No. 1078, 2004 declaring 114 valid signatures of the estimated 747 electors eligible to sign the elector response forms, be received.

CARRIED

5. FINANCE DEPARTMENT

No Board action required/requested.

6. PLANNING DEPARTMENT

6.1 Correspondence (Weighted Vote)

- a) Report regarding the choice of consultant services for the development of the Agricultural Plan. (*All Directors*)

The Board questioned the selection process for consultant services and expressed concern that the proponents were not personally interviewed prior to a recommendation and that the Agricultural Advisory Committee (AAC) did not take a position on the selection. Staff reviewed the rationale for the recommendation, noted that the Terms of Reference had been approved by the Planning & Environment Committee, that one of the AAC members was involved in one of the submissions and that staff were confident in the abilities of both teams.

#44/05

NOVAKOWSKI/GIVEN

THAT the Regional Board approves entering into a contract with Integra/True Consulting Group in the amount of \$34,930 to supply consultant services to the Regional District for the development of the Agricultural Plan.

CARRIED (Hein opposed)

6.2 Development Permits (Unweighted Vote)

- a) Development Permit Application for 1026562 Alberta Ltd. (owner) and Patrick Adams (agent) located adjacent to Shannon Heights Place. (DP-04-17) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

Staff reviewed the development permit, as well as the two variances required as part of the development permit. It was noted that three letters have been received.

- Linda and Uwe Kroll, 2336 Shannon Woods Drive – objects to the reduction of minimum setbacks and the proposed four-plexes. Requests a covenant to not allow rental units.
- Patrick Lees, Lot 18, 2317 Shannon Heights Place – objects to the setback and the height and closeness of the proposed building to their property line.
- Margaret Bredin, 2335 Shannon Heights Place – objects to the variance as it is believed it will affect the view, expressed concern regarding the building height and what type of retaining wall will be built.

Staff noted that some of the individuals who wrote may be confused where the variance is being requested. The request for a variance is not behind their properties but located at the lower SW corner of the property. This information was not communicated to the individuals prior to the board meeting.

The Board requested clarification on the buildings height, the site lines of the homes on Shannon Heights Place and what are the front and rear setbacks.

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

Pat Lees, Lot 18, 2317 Shannon Heights Place. Mr. Lees confirmed that he had understood the variance was by the parking area. Expressed concern that the duplexes will be located approximately 10 feet from his property and that the back of the buildings will be approximately 20 feet high which will totally block view and sunshine. The proposed buildings will not fit in with the homes already in existence in the neighborhood.

The Board asked if there was any information on the shadow effect of the proposed buildings. Staff confirmed they do not believe a shadow study has been done and that the development is within the height restriction defined for the property.

Marilyn Cady – Lot 28 – Shannon Heights Court - expressed concern whether the six extra parking stalls provide enough parking for the proposal. It is felt visitors will be required to park on Shannon Heights Court. Will this be a gated community?

Staff confirmed that each unit has its own designated parking and that as far as staff is aware a gate is not proposed.

Dareen Genge, Lot 17, 2323 Shannon Heights Place - expressed appreciation that the developer's proposal is under density. How are side and rear lots identified?

Staff confirmed that determination of the side, rear and front is based on the entire lot and that in a lot of this configuration, the shortest lot line fronting on the street is considered the front of the lot.

- There is a need for a retaining wall.

Staff confirmed that retaining walls of 1.5 metres can be built without a variance.

- Shadow plan should be required.

- Buildings do not conform with the rest of the neighborhood.

- Will a fence be built between the RU1 lot and the units?

- Will lose some of their view and that the buildings are so close to the existing homes and tall that you will be able to see into the existing properties. Loss of privacy inevitable.

Staff noted that the actual grade has not been calculated at this time.

Donna Moberg, 2341 Shannon Heights Place, Lot 14

Expressed concern that the height of the buildings will destroy their view scape and that she understood from the original developer of the property that the development would be similar to the existing homes. She is aware that the property has been sold to a new developer.

Margaret Bredin, 2335 Shannon Heights Place, Lot 15

Provided email comments which were included in the Board package.

- Concerned was expressed regarding the height of the buildings and the closeness to her property.

- Sun will be blocked from their property.

- No access from the development to Shannon Heights Place.

- Believes retaining walls will be required or there is potential for damage to their property.

- Why is there not more space required between the homes. This area is zoned R3A and setbacks in multifamily sites are not controlled by zoning but by the BC Building Code.

Staff confirmed that access to the development is through Shannon Heights Court; parking requirements for the development have been met; if the development requires a retaining wall there are rules which need to be followed; the roadway into the development is not a public roadway and therefore does not determine the address of the property (lot line identified earlier).

The applicant, Sam Fisher, addressed the concerns noted:

- Parking – all homes have a double car garage. Cannot guarantee overload parking would not occur on the surrounding streets.
- Gate – have not given significant consideration to a gate.
- Shadow profile – not requesting a height variance. The proposal is within the current approved guidelines.
- Retaining wall – professionals are working on the grade issues

- The setback exemption affects only the southern property adjacent to the golf course.
- Exterior of buildings are wood and stone--higher end type of exterior.
- Significant landscaping which is suitable to the area will be done.
- 7 metre differential between Shannon Heights Place and beginning of the R3A land

Board:

- What is the footprint of the lots to be constructed? The applicant noted it is 23% and that this would include the vacant property above Shannon Heights Place. The applicant's engineer claims the lot coverage for the lower portion is 33% .
- What are the plans for the vacant lot? Would the applicant consider a covenant to protect this land? The applicant noted there are no current plans for this property and would consider a donation as parkland or a covenant. Appropriate land use has not been discussed with planning staff.
- Shadowing - what is the maximum building height for R3A? Staff confirmed it is 12 metres. Concern was expressed that this is too high and will affect neighboring properties.
- Slope stability – how will you ensure and maintain slope stability while the development is being built? The applicant noted this will be addressed as the development is built. Slope stability will be maintained through landscaping or possible retaining walls.
- Is there restriction on parking on a cul-de-sac? Staff confirmed the Ministry of Transportation is responsible to put restrictions on public right-of-way.
- Will there be a fence installed. A chain link fence will be installed along the perimeter of Shannon Heights Place, as well as shrubbery and trees on the North side.
- Was there any consideration for an entrance from Shannon Heights Place? The topography is too high. The proposed entrance to the development is at grade.
- What is the distance between the four-plexes and the the houses on Shannon Heights Place? The applicant was unable to supply this information. It is believed the shadow effect would not be relevant as the sun rises East to West not North to South.
- Concern was expressed regarding the height of the buildings and that the design is not very sensitive to the neighborhood concerns.
- View corridors cannot be protected.
- What is the roof pitch and can it be reduced to provide less of an impact to neighbors? The applicant was unable to provide the details of the roof pitch.

#45/05

SHEPHERD/NOVAKOWSKI

THAT the Development Permit application DP-04-17, for 1026562 Alberta Ltd. (owner) located adjacent to Shannon Heights Place be *DEFERRED* until further information is provided by the applicant, including: building and roof height, the elevations and distances between adjoining properties, site lines and the impact on neighborhood views.

CARRIED

ACTION: Staff to provide on-site photographs of the proposed development.

6.3 Development Variance Permits (Unweighted Vote)

- a) Development Variance Permit Application for Quails Gate Vineyards Estate Winery Ltd. and Boucherie Mountain Vineyards Ltd. (owners) located adjacent to Boucherie and Sunnyside Roads. (VP-04-18) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

Staff reviewed the rationale for the permit application. It was noted that the restaurant has been expanded without a building permit. Staff are working with the owner to rectify this issue.

Two letters of non-support were received:

Mike Trudel – opposed due to concerns of noise and increased traffic. Suggests that a sidewalk be built around the warehouse and wine shop parking.

Susan Shawlee – 3394 Sunnyside Road – opposed due to concerns of increased traffic and noise level experienced by neighbors.

Board:

Will any additional landscaping be completed? It was noted that Quail's Gate won a commercial landscaping award last year. The landscaping project cost over \$370,000. It was noted that both letters of opposition were from individuals who live a distance from the property.

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

Tony Stewart, owner of Quail's Gate addressed the Board noting that Quail's Gate is a public business and that they are concerned how neighbors view the facility. In order to try to address the concerns in the letters of opposition, the open loading bay will be closed in, during the harvest the cooling unit is noisy and they are trying to address these concerns; and have made provision to enclose screening on the roof and loading bay on the east side along Sunnyside Road.

#46/05

NOVAKOWSKI/KNOWLES

THAT the Regional Board approve Development Variance Permit application VP-04-18 for Quails Gate Vineyards Estate Winery Ltd. and Boucherie Mountain Vineyards Ltd. (owners) to vary Section 5.1.5 of the A1 Zoning Regulations of Zoning Bylaw No. 871 by reducing the minimum side yard setback requirement on Lot A, DL 581, ODYD, Plan 18934 and Lot A, DL 581, ODYD, Plan 8937 from 3.0 metres (9.8 ft) to 0.0 metres, as per Drawing No. A1.1 prepared by Ian Annand Architect, dated December 10, 2004.

CARRIED

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

- a) Zoning Amendment Bylaw No. 871-85 for First Island Financial Services Ltd. (owner) and Gary Gilchrist (agent) located adjacent to Gellatly Road. (Z04/09) Westside Electoral Area (*Electoral Areas Only*)

#47/05 NOVAKOWSKI/KNOWLES

THAT Zoning Amendment Bylaw No. 871-85 application (Z04/09) be reconsidered and adopted this 7th day of February 2005.

CARRIED

- b) Official Community Plan Bylaw No.1050 for the Regional District of Central Okanagan to consolidate the current Westbank (No. 686) and Lakeview Official Community (No. 672) Plans into the new Westside Official Community Plan. (*All Directors*)

#48/05 NOVAKOWSKI/KNOWLES

THAT Westside Official Community Plan Bylaw No. 1050 be reconsidered and adopted this 7th day of February 2005.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Building Violation – Lot A, Plan KAP64676, 4675 June Springs Road (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Lashinski (*All Directors - Unweighted Vote*)

#49/05 HANSON/KNOWLES

THAT the Regional District Board direct that a notice be filed on the title of Lot A, Plan KAP64676, 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 two building permits, one for a barn and garage with loft, built under authority of Building Permit #7510/99 and the other for a single family dwelling, built under authority of Building Permit #7512/99, both permits have not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835.

CARRIED

- 7.2 Building Violation – Lot 8, Plan KAP53815, 6695 Langley Court (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Tello (*All Directors - Unweighted Vote*)

#50/05 HANSON/SHEPHERD

THAT the Regional District Board direct that a notice be filed on the title of Lot 8, Plan KAP53815, 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 deck has not been issued a building permit, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835.

CARRIED

- 7.3 Proposed Strata Title Conversion Owners: Brett Allingham and Jason Beath – Lot A, Plan 27082, District Lot 5069, O.D.Y.D. Located at units A and B, 3758 Wetton Road, Westbank (*All Directors - Unweighted Vote*)

The owners of the above noted property have made an application to have the two-family dwelling converted into a strata title building, with each dwelling located on a separate strata lot, with the land held in common ownership. All of the utilities have agreed to the strata title conversion. The tenants have been advised of the strata title application.

#51/05 SHEPHERD/NOVAKOWSKI

THAT the Regional Board approve the conversion of a previously occupied building - Lot A, Plan 27082, District Lot 5069, O.D.Y.D. located at units A and B, 3758 Wetton Road into a strata title building, with each dwelling located on a separate strata lot and the land held in common ownership.

CARRIED

8. PARKS AND FACILITIES DEPARTMENT

No Board action required/requested.

9. NEW BUSINESS

- 9.1 Gypsum Drywall Mandatory Recyclable Ban at Westside Landfill (*All Directors - Unweighted Vote*)

#52/05 KNOWLES/NOVAKOWSKI

THAT the Regional Board recommends all gypsum drywall (Gyproc), including contaminated drywall, becomes a mandatory recyclable and banned at the Westside Landfill.

CARRIED

- 9.2 Public Advisory Committee for Solid Waste Management Plan Review (*All Directors - Unweighted Vote*)

#53/05 KNOWLES/CANNAN

THAT the Regional Board recommends that the list of applicants dated January 27, 2005, selected by Waste Reduction Office staff and Earth Tech Inc., the consultant hired to facilitate the Solid Waste Management Plan Review, be approved to participate on the SWMPR public advisory committee.

CARRIED

- 9.3 Regional District of Central Okanagan Sewer System Service Area 306 – Mount Boucherie Establishment Amendment Bylaw No. 1092, 2005, **1st, 2nd and 3rd readings** (*All Directors - Unweighted Vote*)

#54/05 NOVAKOWSKI/KNOWLES

THAT Regional District of Central Okanagan Sewer System Service Area 306 – Mount Boucherie Establishment Amendment Bylaw No. 1092, 2005 be given first, second and third readings this 7th day of February 2005.

CARRIED

- 9.4 Regional District of Central Okanagan Sewer System Service Area 306 – Mount Boucherie Loan Authorization Bylaw No. 1093, 2005, **1st, 2nd and 3rd readings** (*All Directors - Weighted Vote*)

#55/05 KNOWLES/NOVAKOWSKI

THAT Regional District of Central Okanagan Sewer System Service Area 306 – Mount Boucherie Loan Authorization Bylaw No. 1093, 2005 be given first, second and third readings this 7th day of February 2005.

CARRIED

- 9.5 UBCM Environmental Conference: Integrated Environmental Management – March 3-4, Richmond, BC

#56/05 KNOWLES/HANSON

THAT the conference information for UBCM Environmental Conference: Integrated Environmental Management – March 3-4, Richmond, BC be received;

AND FURTHER THAT Director Novakowski be authorized to attend the conference.

CARRIED

- 9.6 Proclamation: “Rotary Week” February 21-27
This issue was discussed earlier in the agenda.
- 9.7 Proclamation: “Heritage Week” February 21-27

#57/05 SHEPHERD/KNOWLES

WHEREAS ‘Heritage Day’ is a nationally recognized event held each year on the third Monday in February.

AND WHEREAS the theme this year is “Heritage of Faith: Sacred Building & Spiritual Places”.

AND WHEREAS, the goal of Heritage Week is to increase public awareness of the importance of heritage in our everyday lives,

NOW THEREFORE BE IT RESOLVED that the Regional Board of the Regional District of Central Okanagan hereby proclaims the week of February 21-27, 2005 as “HERITAGE WEEK”.

CARRIED

10. OTHER BUSINESS

- 10.1 Verbal Reports Committee Chairs
 - a) Parks and Recreation
The next meeting of the PAC will be held February 10th.
 - b) Transportation
The next meeting of the Transportation Committee is scheduled for February 17th. Director Hanson is unable to attend.
 - c) Planning and Environment
The next meeting of the Planning & Environment Committee is scheduled for February 9th.
 - d) Engineering

#58/05 KNOWLES/HARRIMAN

THAT Director Dinwoodie be authorized to attend the FCM Infrastructure & Capacity Building Conference.

CARRIED

It was noted that the maximum expenditure was anticipated to be \$700-\$800.

e) Air Quality

The following issues discussed at the January 26th Regional Air Quality Committee meeting are brought forward for approval by the Regional Board.

i) Vehicle Fleet Policies – Alternative Fuels/Engine Purchasing Policy

The City of Kelowna currently has two alternative fuel vehicles and is looking at alternative fuel options for the City fleet over the next year or two. Interior Health Authority has also purchased alternative fuel vehicles. Currently, the Regional District does not have an alternative powered/fuel vehicle buying strategy.

Concern was expressed that a policy should have a longer life span than other alternative fuel programs of the past e.g. propane.

#59/05 SHEPHERD/HARRIMAN

THAT the Regional Board direct staff to explore an alternative fuel/engine purchasing policy or other ways to reflect lower fuel efficiency in its vehicles and the budget implications of such a policy.

CARRIED

ii) Regional Air Quality Services – District of Lake Country

In the past year there has been increasing requests from citizens of Lake Country to access programs being offered through the Regional Air Quality program e.g. Cash for Clunkers, Agricultural Wood Waste program. A request has been received from an orchardist in Lake Country for the Agricultural Wood Waste Program. As the District of Lake Country does not contribute to the air quality service the question was raised whether the programs of Regional Air Quality should be provided to residents of Lake Country.

#60/05 SHEPHERD/HARRIMAN

THAT a letter be forwarded to the Mayor and Council of the District of Lake Country to inform them, recognizing that the District's governance issues have yet to be resolved by the Regional District, that the Regional Board authorizes staff to provide air quality services to residents of Lake Country where required even though the District is not contributing financially to the Regional Air Quality Service;

AND THAT the District of Lake Country be asked to reconsider contributing to the air quality service;

AND FURTHER THAT the letter include the benefits of the service (Cash for Clunkers, Agricultural Wood Waste Program, school programs), the cost of belonging to the service for 2005 and data on potential acreages to be removed through the SIR program.

CARRIED

iii) Okanagan Airshed Coalition Memorandum of Understanding
The Okanagan Airshed Coalition MoU between the three regional districts is to be renewed annually. The Air Quality Committee recommends renewal for 2005.

#61/05 SHEPHERD/NOVAKOWSKI

THAT the Okanagan Airshed Coalition Memorandum of Understanding between the three regional districts be renewed for 2005.

CARRIED

iv) Proactive Enforcement of Smoke Control Bylaw
Director Shepherd noted that the Air Quality Committee is reviewing possible options, as well as budget considerations, of proactive enforcement of the smoke control bylaw within the regional district. Director Hein noted that the District of Lake Country administers and enforces its own smoke control bylaw.

f) Governance and Services
The next meeting of the Governance & Services Committee to discuss regional grants in aid is scheduled for February 15th.

g) Westside Issues
The next meeting of the Westside Issues Committee is scheduled for Monday, February 14th. The North Westside Fire Department will be addressing the committee regarding the purchase of a new fire truck and as well the committee will discuss priority projects.

10.2 Director Items

a) Security Alarm Bylaw
Director Hein noted that the District of Lake Country Council has not confirmed their position on the security alarm bylaw. The question was raised, if there is any surplus in the service, how will it be directed to crime prevention service as the City of Kelowna has a separate service from the regional district.

ACTION: Staff to contact the District of Lake Country to discuss the District's questions regarding the security alarm bylaw.

b) Wild Cats

Director Shepherd noted concern has been expressed to her regarding wild cats roaming the region. The Regional District has discussed the issue of wild cats and agreed not to proceed with a cat bylaw. It is understood the Okanagan Humane Society has a program to spay/neuter wild cats and that in the past the Regional District has supported a regional grant in aid to the Society. The Society has requested a grant in aid for 2005.

11. ADJOURN IN CAMERA

#62/05

HARRIMAN/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 legal and land issue.

CARRIED

There being no further business the meeting was adjourned at 10:23 p.m.

CERTIFIED TO BE TRUE AND CORRECT

A. Dinwoodie (Chair)

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