

**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 26, 2007**

---

- Directors: B. Clark (City of Kelowna)  
C. Day (City of Kelowna)  
A. Dinwoodie (Westside Electoral Area)  
P. Hanson (Central Okanagan East Electoral Area)  
R. Hobson (City of Kelowna)  
D. Knowles (Westside Electoral Area)  
L. Novakowski (Westside Electoral Area)  
G. Reid (District of Peachland)  
S. Shepherd (City of Kelowna)
- Regrets: J. Baker, (District of Lake Country)  
B. Given (City of Kelowna)
- Staff: W. d'Easum, Chief Administrative Officer  
K. Arcuri, Director of Planning Services  
R. Fralick, Planning 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 7:00 p.m. and presented Denis Davis, with a gift of appreciation on his retirement as chair of the Environmental Advisory Committee from 2001-2007.

**1. MINUTES**

- 1.1 Regular Board Meeting – February 12, 2007

**#63/07 DINWOODIE/KNOWLES**

THAT the regular Regional Board meeting minutes of February 12, 2007 be adopted as circulated.

CARRIED

**2. DELEGATION**

- 2.1 Al Harrison (former RDCO Administrator) – *A Historical Review of the Regional District of Central Okanagan*

Al Harrison addressed the Board highlighting the historical review 'A Look Into the Past' he has completed on the Regional District of Central Okanagan.

The document included information on the formation of the Regional District, the voting structure, names of members of the Board and Chairpersons, information on the Central Okanagan Regional Hospital District, boundary changes and incorporation of the District of Lake Country, history of Joe Rich as it relates to the Regional District, regional parks including properties and location, planning milestones, engineering and works completed, Letters Patent received and a description of the services and facilities, development of the current offices, and negotiations with irrigation districts and WFN. The Board thanked Mr. Harrison and Dorothy Weavers for their work completing the document.

2.2 Westside Governance Committee – Doug Findlater, Chair and Allan Neilson-Welch re: Public Communications Program (*scheduled for 8:30 p.m.*)

Doug Findlater and Allan Neilson-Welch addressed the Board and presented a review of the public communication program for Westside Governance and thanked the Board and Regional District staff for the support provided through the whole process. A brief review of the three options available to Westside residents was provided. It was noted residents on Westbank First Nation lands do not have a vote. The public consultation process has now begun with open houses scheduled for March 7-8 and April 3-4 and will end in mid April. The Westside Governance Committee will then wrap up their work and provide a recommendation to the Province at that time.

**3. CORRESPONDENCE**

3.1 Regional District of Central Kootenay re: Fair Compensation from BC Hydro for Transmission and Distribution Lines (*All Directors - Unweighted Vote*)

The Regional District of Central Kootenay has requested support for the findings in the report “Fair Compensation from BC Hydro for Transmission and Distribution Lines” and requests that the Regional Board communicate their support to them in order to facilitated a unified approach to the BC Minister of Finance. It was noted that it is believed the same legislation does not apply to FortisBC lines.

**#64/07**

**DINWOODIE/HANSON**

THAT the January 31, 2007 letter from the Regional District of Central Kootenay regarding Fair Compensation from BC Hydro for Transmission and Distribution Lines be received;

AND FURTHER THAT the Regional Board of the Regional District of Central Okanagan supports the findings of the January 19, 2007 report titled “Fair Compensation from BC Hydro for Transmission and Distribution Lines”, namely – that Regional Districts are not receiving benefits from the 55,000 kilometres of distribution lines and 17,533 kilometres of transmission lines in the rural areas of the province, while all other forms of government are receiving a benefit – and urges the Minister of Finance, the Honourable

Carole Taylor, to implement a fair method of compensation to regional districts in the province based on her stated strong belief that Crown Corporations, wherever possible, should compete on a level playing field.

CARRIED

3.2 Okanagan Basin Water Board (OBWB) re: Okanagan Water Supply and Demand Study (*All Directors - Unweighted Vote*)

The OBWB considered an opportunity to obtain additional grant funding for the provincial Ministry of Environment for the Water Supply and Demand Study. The grant is contingent on 40% matching funds being committed by OBWB. If the Ministry grants the full \$250,000, the OBWB would contribute \$100,000. This expenditure will not require any additional local taxation. As the proposed expenditure is not related to a sewage project, approval of the three regional districts is required.

The Regional Board requested an update on the detail how the review will take place and what the reporting process will be.

**#65/07**

REID/NOVAKOWSKI

THAT the February 9, 2007 letter from the Okanagan Basin Water Board regarding water supply and demand study be received;

AND THAT the Regional Board of the Regional District of Central Okanagan approve the allocation of up to \$100,000 from the Okanagan Basin Water Board Sewage Facilities Fund to provide 40% (forty percent) matching funds for additional Water Supply and Demand Study funding from the Province of BC Ministry of Environment.

CARRIED

3.3 Mayor Graham Reid, District of Peachland re: Restructure Planning Study (*All Directors - Unweighted Vote*)

The District of Peachland confirmed their support for a request to the Province to fund a study regarding the financial impacts of including Brent Road and Paradise Valley areas within the District's boundaries. The District is requesting support from the Regional District for the joint study request to the Province. With the Westside governance study nearing completion, Peachland believes this is an opportune time to make a request for assistance to fund a study to review the feasibility.

**#66/07**

NOVAKOWSKI/KNOWLES

THAT the February 15, 2007 letter from the District of Peachland regarding a request for the Province of B.C. to fund a study regarding the financial impacts of including Brent Road and Paradise Valley areas within the District of Peachland's boundaries be received;

AND FURTHER THAT the Regional Board of the Regional District of Central Okanagan supports sending a request to the Province to fund a study to review the feasibility of boundary extensions within the Central Okanagan.

CARRIED

4. **UNFINISHED BUSINESS**

No Board action required/requested.

5. **FINANCE DEPARTMENT**

No Board action required/requested.

6. **PLANNING DEPARTMENT**

**6.1 Development Variance Permits** (*Unweighted Vote*)

- a) Development Variance Permit for Sheila & Gwendaline Sutton (owners) and Lynn Welder Consulting (agent) located at 5571- 5565 Anderson Road. (VP-06-18) Central Okanagan East Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

The Planning Services report dated February 20<sup>th</sup> outlined the DVP. Staff noted the variance is being requested to reduce the minimum setback for 'kennels' in the A1 Agricultural zone from 15.0 m to 8.6 m (western side of the building) and 10.7 m (eastern side of the building), to recognize an existing dog kennel operation on the subject property. This was brought forward as a non-conforming kennel business operation which necessitates a variance. The kennel also encroaches into a Fortis hydro right-of-way. Fortis is conducting a safety audit at this time and will contact the applicant with its findings.

One letter of opposition from Leslie and Donna Russell, 5530 Anderson Road has been received.

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

Lynn Welder, agent, presented a letter of support for the variance.

*Board:* Have there been complaints received from the kennel operation? *Staff:* A noise complaint was received but it was not determined to be from their business. This is a new application. There was no previous kennel operation on the property.

**#67/07**

**HANSON/KNOWLES**

THAT the Regional Board approve the Development Variance Permit application VP-06-18 for Sheila and Gwendaline Sutton, located at 5571 – 5565 Anderson Road to:

1. Vary Section 5.1.7.3 of Zoning Bylaw No. 871, 2000 by reducing the minimum setback for 'kennels' in the A1 Agricultural zone from 15.0 m (49.2 ft) to 8.6 m (28.2 ft) for the western side of the building and 10.7 m (35.1 ft) for the eastern side of the building, to recognize an existing dog kennel operation on the subject property, as shown in accordance with the survey plan prepared by Fritsch Land Survey Inc. (dated September 25, 2006).

**CARRIED**

**6.2 Agricultural Land Reserve Appeal (All Directors – Unweighted Vote)**

- a) Application for exclusion from the ALR for A. & D. Frank (owners) and New Town Planning Services (agent) located at 3750 West Bay Road (A-06-09) Westside Electoral Area (All Directors)

Planning Services staff report of February 20, 2007 outlined the request to exclude an approximate 2.08 ha portion of the 4.75 ha property from the ALR in order to allow a lakeside resort development and to provide intensified agricultural use on the remainder. It was noted that C5 zone currently applies to the property. Staff reviewed the comments from referral agencies and the background history of the surrounding properties noting the ALC provided a conditional approval in 1990 on the property to the north. It is not known why the conditional approval was not proceeded with by the other property owners.

Staff noted there is uncertainty on what the intended use is for agricultural but that it would be in the best interest of agriculture to ensure uniformity of all three properties to enhance the agricultural uses.

*Applicant:*

Keith Funk, agent, addressed the Board:

- The agricultural land will be used for growing grapes. An agreement with Quail's Gate Winery has been negotiated. The developer will supply bonding for the agricultural intensification and a business case will be provided.
- Depending on land ownership, intensified agricultural is sought on all three properties. Working cooperatively with West Bay Resort.
- The site plan for the property was shown on the overhead.
- The buffer zone requirements of the ALC for the neighboring property was shown on the overhead and reviewed.
- No homes will be built on the agricultural land and they will ask for covenant on the property to ensure this.

*Discussion:*

- Staff noted that where the conditional approval line is located on the neighboring property, a line running smoothly across all three properties would be ideal.

- What will be located on the remaining lands? It would be developed into resort/residential use.
- If the other property owners don't come on board would Quail's Gate Winery be able to use the land? *Agent:* Yes, the issue of frost pockets is no longer an issue with the newer grape varieties being grown.
- What will ALC say about buffering? *Agent:* A level 2 buffer is required by the ALC but they will apply the Regional District's buffer requirements which are higher.
- As there is concern with regard to future exclusion and land use of the adjoining West Bay Beach resort why are staff supporting the application? *Staff:* Although staff have the same concerns as the Ministry of Agriculture and Agricultural Advisory Commission it would be in the best interest of agriculture to ensure uniformity with respect to a newly established ALR boundary separating the three resort properties from the agriculture remainders.
- Is the recommendation specific enough? It was suggested that a line needs to be drawn to deal with all properties at same time conforming to the line established in the 1992 application to the ALC.

*Staff:* The intent is to have a line drawn that makes sense from the continuity of the edge of agriculture versus resort development and across all properties. There was an exception to the C5 zone on the Wiig property which went beyond C5 into the A1 zone parcel, recognizing that, it is hoped the ALC will determine that line should be continued straight across.

**#68/07**

**DINWOODIE/KNOWLES**

THAT the Regional Board of the Regional District of Central Okanagan supports in principle ALR exclusion application A-06-09;

AND THAT the Regional Board recommends that Land Commission consideration to exclude a portion of the subject property be made in context of existing and future land uses on the adjoining properties to the north and south;

AND FURTHER THAT the Regional Board supports the application on the understanding that the boundary will be consistent with the 1992 line drawn by the ALC.

**CARRIED**

**6.3 Temporary Commercial Use Permit (*Unweighted Vote*)**

- a) Temporary Commercial Use Permit for Olga & Dirk Selka (owners/applicants) located at 3261 Corine Road (TCUP-06-01) Westside Electoral Area (*Electoral Areas and the Peachland Fringe Area*)

Planning Services report dated February 19<sup>th</sup> outlined the request for a temporary commercial use permit to allow storage of boats on a portion of the subject property.

Staff noted two letters with 26 signatures supporting the temporary permit have been received. There has been no additional correspondence received.

Chair Hobson asked if there were any members of the public who deemed themselves to be affected by the permit. There was no-one.

**#69/07**      NOVAKOWSKI/KNOWLES

THAT the Regional Board approve Temporary Commercial Use Permit application TCUP-06-01 for a period of 1 year subject to the following:

1. Boat storage restricted to the approximate 700 square metre area outlined on the site plan.
2. Repair/servicing and storage of materials associated with boats considered harmful to the environment (ie: fuel and petroleum products) is not permitted.
3. Applicant to maintain vegetative/treed buffer along Glenrosa Road.
4. Applicant to provide the Regional District with an update 10 months after issuance of the permit outlining progress with respect to securing a properly zoned parcel to store boats.

CARRIED

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

- a) Zoning Amendment Bylaw No. 871-132 for B. Larry Shipowick (owner) to amend the zoning from to R3A Multiple Housing (Low Density) to R3B Multiple Housing (Medium Density) located adjacent to Ross Road and Riffington Place (Z06/12) Westside Electoral Area *(Electoral Areas and Kelowna Fringe)*

**#70/07**      NOVAKOWSKI/DINWOODIE

THAT Zoning Amendment Bylaw No. 871-132 be reconsidered and adopted.

CARRIED

**7.      INSPECTION SERVICES DEPARTMENT**

- 7.1 Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No. 1200, 2007, ***1<sup>st</sup> and 2<sup>nd</sup> readings and Advertise*** *(All Directors - Unweighted Vote)*

Staff noted the bylaw amendments are to pawn shops and will maintain consistency in the jurisdictions. The bylaw will be advertised prior to final readings by the Board.

**#71/07**      KNOWLES/DAY

THAT Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No. 1200, 2007 be given first and second readings and advertised prior to final readings.

CARRIED

**8. PARKS AND RECREATION DEPARTMENT**

8.1 Fortis Black Mountain Substation – Transmission Line Across Scenic Canyon Regional Park (*All Directors - Unweighted Vote*)

Parks and Recreation Services report of February 26, 2007 outlined the Fortis BC application to construct a new distribution substation at Black Mountain.

Staff reviewed history noting that they heard through the press that there was a possibility of a transmission line going over Gallagher's Canyon. As far as the Regional District is aware, the information was not in the original application or PowerPoint presentation at the public hearing and FortisBC has not spoken directly to the Regional District or the City of Kelowna. The Regional District has filed as an intervener, attended a process hearing last Monday and have put forward the Regional District's issues. An order has been received from the BC Utility Commission and they have ordered that an oral hearing occur. The Regional District has retained legal counsel to represent it at the hearings. It was noted that the Regional District is not opposed to a feeder line as long as it does not go across Gallagher's Canyon and obstruct views.

**#72/07**

**SHEPHERD/DAY**

THAT the Regional Board does not support a FortisBC distribution feeder line spanning Layer Cake Mountain, Pinnacle Rock, and Gallagher's Canyon as proposed in their application to the British Columbia Utilities Commission;

AND FURTHER THAT staff be directed to continue with the intervener status with the BC Utilities Commission hearing process;

AND FURTHER THAT the distribution feeder line be relocated to a location that has minimal environmental and visual impact on Scenic Canyon Regional Park and the Mission Creek Greenway.

**CARRIED**

Chair Hobson to send a thank you letter to Judie Steeves for bringing this issue to the Regional District's attention.

8.2 Ellison Heritage School Centre Energy Study (*All Directors - Unweighted Vote*)

The February 9, 2007 Parks and Recreation Services report outlined the results of an Energy study completed at the Ellison Heritage School Centre and the future budget needs.



**#73/07**      **HANSON/DAY**

THAT the Regional Board receive the attached Energy study of the Ellison Heritage School Centre;

AND FURTHER THAT the recommendations be included in future budget considerations of the Ellison Heritage School Centre.

**CARRIED**

**9.      NEW BUSINESS**

- 9.1      Central Okanagan East Grant in Aid (\$6,100) Joe Rich Ratepayers Association for the Joe Rich Community Hall to assist with hall expenses

**#74/07**      **HANSON/DINWOODIE**

THAT a Central Okanagan East grant in aid in the amount of \$6,100 be allocated to the Joe Rich Ratepayers Association for hall expenses for the Joe Rich Community Hall.

**CARRIED**

**10.     OTHER BUSINESS**

- 10.1     Director Items

- a)      Westbank Foodbank grant in aid

Directors discussed issues around a possible Westside grant in aid to the Westbank Foodbank Society.

*Doug Findlater and Allan Neilson-Welch addressed the Board at this time.*

**11.     ADJOURN**

There being no further business the meeting adjourned at 9:30 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

\_\_\_\_\_  
**R. Hobson (Chair)**

\_\_\_\_\_  
**W. B. d'Easum (Chief Administrative Officer)**