

**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 25, 2007**

---

Directors: J. Baker, (District of Lake Country)  
B. Clark (City of Kelowna)  
C. Day (City of Kelowna)  
B. Given (City of Kelowna)  
D. Findlater, alternate for 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)  
L. Derrickson (Westbank First Nation) [non-voting]

Staff: W. d'Easum, Chief Administrative Officer  
K. Arcuri, Director of Planning Services  
H. Hettinga, Director of Engineering Services  
M. Kopp, Assistant Director of Parks and Recreation Services  
G. Leier, Director of Human Resources  
D. Plamondon, Deputy Director of Planning Services  
H. Reay, Director of Financial 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.

**1. MINUTES**

1.1 Public Hearing Minutes – May 30, 2007

1.2 Regular Board Meeting – June 11, 2007

**#252/07 KNOWLES/GIVEN**

THAT the Public Hearing meeting minutes of May 30, 2007 be received;

AND FURTHER THAT the Regular Board meeting minutes of June 11, 2007 be adopted as circulated.

CARRIED

**2. DELEGATION**

No delegation

**3. CORRESPONDENCE**

3.1 Ministry of Energy, Mines and Petroleum Resources re: Applications for Aggregate Mining

Chair Hobson noted that a letter has been sent to the Province highlighting approximately ten years ago this Regional District, in co-operation with the Ministry of Mines, prepared an Aggregate Supply & Demand Study for the Central Okanagan and requesting that at this time it may be appropriate to consider a review of that study along the lines of the current pilot project underway in the Fraser Valley Regional District. Such a review would include not only areas that may be conducive to gravel extraction, but could include a rating system such as that contemplated in the Fraser Valley.

**#253/07 SHEPHERD/HANSON**

THAT the June 7, 2007 letter from Minister Kevin Krueger, Minister of State for Mining in response to Chair Hobson's letter regarding sand and gravel extraction applications be received.

CARRIED

**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 0703008 B.C. Ltd. (owner) and Water Street Architecture (agent) located in the vicinity of Daimler & Auburn Roads. (DP-07-16) Westside Electoral Area (*Electoral Areas only*)

Planning Services report dated June 18<sup>th</sup> reviewed the application for a development permit.

Staff reviewed the application to construct a 142 multi-residential development including the access to the development. As well, the permit requires variances which were reviewed. It was noted that the location of the walkway is as noted in the Public Hearing minutes.

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

The applicant Kevin Bird addressed the Board:

- Expressed concern regarding the amount of the landscaping Letter of Credit required. Letter of Credit seems unreasonable, should the market change it is possible only Phase 1 would be built. If the current real estate market changed and they are not able to continue with the development, the Letter of Credit would remain with the Regional District.
- Will be applying for a building permit one phase at a time.
- There is currently disturbance on the full site.

Staff noted the request is in compliance with policy. An option has been presented to the applicant that if the applicant would only disturb one phase at a time and restrict construction and staging in other phases, the Letter of Credit would be reduced in half. This option would require a phasing plan. This option was unacceptable to the applicant.

Mr. Bird noted the site is very tight and believes staging on only Phase 1 cannot be accommodated, that the whole site is needed for material and construction equipment. The site is 19 acres but only 4-5 acres is buildable. Four phases are planned. The first phase is committed to begin in September.

There were no further comments from the public gallery.

The option of reducing the Letter of Credit by half and phasing of the development so as to have no construction or storage of construction material or alteration of land in future phases unless a building permit was issued was reviewed by the Board.

**#254/07**      NOVAKOWSKI/KNOWLES

THAT the Regional Board authorizes the issuance of Development Permit DP-07-16 for 0703008 B.C. Ltd. (owner) located in the vicinity of Daimler & Auburn Roads subject to the following:

1. The dimensions, siting, elevations and cross-sections of the buildings to be constructed on the land be in general accordance with the drawings A1.0, A.1.6, A2.6, and A3.6 dated February 22nd by Water Street Architecture (save for the minor west exterior building elevation roofline changes shown on the renderings received May 28, 2007 referred to in Point 2. of this development permit;
2. Finishes and colors to be in general accordance with the drawings listed in Point 1, and the renderings received May 28, 2007;
3. The landscaping be in general accordance with the drawings L1, L2, L3, L4, L5 and L6 received June 18, 2007 by Outland Designs with June revisions and including hydro-seeding below the walkway provided the density of the shrub plantings adjacent to the buildings is increased by 25%.

4. Deposition with the Regional District of a phasing plan to the satisfaction of Regional District staff clearly delineating Phases 1 and 2. No construction or storage of construction material or alteration of land is to occur on Phases 3 and 4 of the development unless a building permit has been issued for those phases. This should be indicated on the phasing plan.
5. Deposit with the Regional District of a letter of credit or bank draft in the amount \$215,000.00 for segment one which includes Phases 1 and 2 (representing one-half of the \$430,000.00 for all phases of the development), to ensure installation of the landscaping, an automatic irrigation system, and hydro-seeding of the hillside below the walkway within one (1) year of the issuance of the Development Permit, prior to the issuance of any Building Permits. This includes \$20,000 in reserve should site remediation be required as outlined in Point 6 of this development permit. The same amount of security (\$215,000) will be required prior to the issuance of a building permit for segment two which includes Phases 3 and 4 to ensure installation of the landscaping, an automatic irrigation system, and hydro-seeding of the hillside below the walkway within two (2) years of the issuance of the development permit.

The security is refundable in phases (based upon the June 18<sup>th</sup> phase estimates by the landscape architect) upon completion of the landscaping to the satisfaction of Regional District staff. The approval of a professional landscape architect registered in the Province of BC will be required to verify general compliance with the development permit.

The \$20,000 in reserve for site remediation as outlined in Point 6 of this development permit is refundable upon completion of the final phase (Phase 4);

6. Should the project not be completed within two (2) years the security can be used for remediation of any remaining undeveloped portions of the site to restore a natural landscape through weed removal, soil amendment, hydro-seeding with native shrubs and grasses. A professional rehabilitation plan to restore a naturalized landscape can be required.
7. Receipt of written confirmation from the Westside Fire Department that any concerns they may have with the proposed development have been addressed to their satisfaction, prior to the issuance of any Building Permits.
8. All variances are granted to accommodate the development including:
  - Variance to “10.1.11 maximum building height” in the R3A zone of Zoning Bylaw No. 871 to permit an increase in the height of Building 4 to 15 metres (4 storey);
9. Deposit with the Regional District a letter of credit or bank draft in the amount of \$54,562.00 in order to ensure completion and installation of the walkway and step connection through to Daimler Road with the final location and construction to the satisfaction of the Regional District within one (1) year of the issuance of this development permit. The approval of a professional Engineer registered in the Province of BC will be required to verify construction.

10. Registration on title of a covenant or right-of-way to the satisfaction of Regional District staff prior to the issuance of a building permit, in order to ensure long term access, maintenance, and protection of the walkway approximately in a location as indicated on the landscape plan of this development permit, and, including a connection at the north end to the neighbouring property and, the other end located outside of the wildlife corridor (established through another development permit) ,and, connected to the recently completed walkway offsite by Daimler Road. The exact location is to be to the satisfaction of Regional District staff.

CARRIED

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

- a) Application for non-farm use within the ALR for Allan & Lorraine Penny (owners/applicants) located at 4631 Highway 33 East (A-07-02) Central Okanagan East Electoral Area (All Directors)

Planning Services staff report of June 19, 2007 outlined the application for non-farm use on an approximate 2.02 ha portion of the 7.52 ha property and the reasons for non-support. The applicant wants to use the area for a sales and rental business involving farm and garden equipment, tools and storage containers relating to agriculture in order to supplement the existing greenhouse and retail garden area. It was noted that Planning Services would be prepared to support a reduced non-farm use/retail sale area with the provision that sales of non-farm products is directly related to agriculture. Staff reviewed the application.

**#255/07 HANSON/KNOWLES**

THAT the Regional Board hear from the applicant, Lorraine Penny.

CARRIED

Lorraine Penny addressed the Board noting:

- Purchased the property 11 years ago and have been operating a greenhouse on the property since that time.
- Due to elevation can no longer grow nursery plants outside. Plants are now grown inside the nursery.
- Property is rocky all over and very steep.
- Wants to see reports from AAC and comments noted in it.
- Questionable sensitive aquatic site on land? An agrologist has been hired by her to provide a report.
- Application is to add tool rental and sales in order to sustain their business.

*Questions to Ms. Penny*

- Is there a plan to add more greenhouses? Yes, but need to increase business funds first. The rental business would relate to agriculture – bobcats, scaffolding, wheelbarrows, etc.
- Current business revolves around heating the greenhouses as it is colder in that area.
- Need to increase income to the property before considering expanding the nurseries.
- What percentage would be non-farm use? Retail sale area now is 90% plants. The additional space being asked for is 5 acres.
- Could you live with 2 acres for reduced non-farm use? The total property is 18.6 acres but the rest of land is a rocky, steep ravine.
- What will it look like when completed? Would be 2 acres of graveled parking with equipment neatly stored.
- Black Mountain Irrigation District supports the application.

**#256/07**

**HANSON/BAKER**

THAT the Regional Board recommends to the Agricultural Land Commission that consideration for ALR non-farm use application (A-07-02) for Allan & Lorraine Penny (owners) located at 4631 Highway 33 East be given to a reduced non-farm use/retail sale area of one hectare with the condition that sale of non-farm products is directly related to agriculture;

AND FURTHER THAT specific details and scope of the non-farm use/retail expansion be determined in consultation with the Ministry of Agriculture and Lands, and as approved by the Agricultural Land Commission.

**CARRIED**

- b) Application for exclusion from the ALR for 371382 B.C. Ltd. (owners) and Interior Health Authority (agent) located adjacent to Elliot, Bering, Butt and Brown Roads (A-07-03) Westside Electoral Area (*All Directors*)

Planning Services staff report dated June 18, 2007 outlined the proposal for the Interior Health Authority to develop a multi-purpose health service facility on the site.

Staff reviewed the proposal. One letter of support was received from the owner of Lot 11 West across Elliott Road.

- IHA – Doug Lavelle – agent for owner of property
  - o Articulated the community need for the facility
  - o Needs can be met at this location
  - o Various sites reviewed – request for proposal was followed and following this, reviewed various sites and no other reasonable alternatives on the Westside which would be suitable for population were found.

- Question
  - o Did you discuss with First Nation? Yes, when looking at the life cycle of the building (cost of ownership over a period of time) costs were too high. IHA would be required to pay taxes on IR lands which would triple the costs of the land. Hospitals are in place for a long period of time and leases are required to be negotiated.
  - o If this were to stall at this point, how long would it take to go forward with possible other sites? There are no other lands available to IHA's knowledge. The project would be set back by over a year or more.
  - o Fintry Park has lands they wish to go into ALR, have you considered a land exchange? IHA does not have a land bank but did consider this proposal. It was noted Regional Board members would support this use should they be consulted.
  - o This site is the best site available for a truly community need. Believes the community supports the site.

**#257/07**      NOVAKOWSKI/KNOWLES

THAT the Regional Board support ALR exclusion application A-07-03 for 371382 B.C. Ltd. (owner) located adjacent to Elliot, Bering, Butt and Brown Roads;

AND FURTHER THAT should the parcel be excluded from the ALR, that the Regional District (and/or a new Westside municipal council) establish a Development Permit area on the subject property for protection of farming on adjacent ALR parcels at time of future OCP amendment/rezoning.

CARRIED

**#258/07**      BAKER/KNOWLES

THAT the Regional Board supports the Interior Health Authority raising with the Agricultural Land Commission (ALC) the issue of transferring lands in another part of the region (ie: Fintry) for inclusion in the ALR and approving the exclusion in the town centre for the Westside Health facility;

AND FURTHER THAT should the ALC consider this option that the Regional Board be consulted on the plan.

CARRIED

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

- a) RDCO Joe Rich Rural Land Use Bylaw No. 1195, 2007 to replace the current Joe Rich Rural Land Use Bylaw No. 730, 1997 with the new Joe Rich Rural Land Use Bylaw. *(All Directors)*

Planning Services staff report dated June 18, 2007 outlined the bylaw to replace the current Joe Rich Rural Land Use Bylaw No. 730

- Report prepared in consideration of public hearing and public input.
- Recognizes the work that has been done to date recognizing the 17 property owners who will be made legally conforming.
- Number of substantive issues were raised at the public hearing including to increase density. It is recommend that that discussion go back to the Planning & Environment Committee (P&E) and if any changes are recommended they be undertaken with a groundwater or aquifer study and amendments brought forward to the bylaw.
- How long would it take for aquifer study? P&E needs to review the work program for Planning Services for future work initiatives.
- Mission Creek study will answer some questions but another level of detail needs to be answered.
- The bylaw deals with the development permit areas and 17 properties who will be made legally conforming.

**#259/07**      HANSON/KNOWLES

THAT Joe Rich Rural Land Use Bylaw #1195 be given second reading and third readings this 25<sup>th</sup> day of June 2007;

AND FURTHER THAT the Bylaw be forwarded to the Ministry of Community Services for approval.

CARRIED

*ACTION:* That issues raised at the Public Hearing for the Joe Rich Rural Land Use Bylaw including to increase density be referred to P&E Committee for further review.

**7.      INSPECTION SERVICES DEPARTMENT**

No Board action required/requested.

**8.      PARKS AND RECREATION DEPARTMENT**

8.1      Kinsmen Park Advertising Agreement (*All Directors - Weighted Vote*)

Parks Advisory Committee report dated June 21, 2007 outlined a request by the Kinsmen Club of Westbank to enter into agreement with the Regional District to sell advertising in Kinsmen Park to the mutual benefit of both parties.

**#260/07**      SHEPHERD/KNOWLES

THAT the Regional Board approve the agreement between the Kinsmen Club of Westbank and the Regional District of Central Okanagan that will allow the Kinsmen Club to sell advertising spaces on the outfield fence of Kinsmen Park baseball diamond;



AND FURTHER THAT this agreement will be subject to the Kinsmen Club of Westbank, at their cost, completing an upgrade of the outfield fence to the Regional District's specifications.

CARRIED

8.2 Hydro Statutory Right of Way: Mount Boucherie Community Centre (*All Directors - Unweighted Vote*)

Parks staff report dated June 20, 2007 outlined the details for the need for a statutory right of way in favour of BC Hydro at the Mount Boucherie Community Centre.

**#261/07** KNOWLES/NOVAKOWSKI

THAT the Regional Board approve a Statutory Right of Way agreement with BC Hydro to cover an area of their works at the Mount Boucherie Community Centre.

CARRIED

8.3 Ministry of Transportation (MoT) Right of Way: Mount Boucherie Community Centre (*All Directors - Unweighted Vote*)

Parks staff report of June 20, 2007 outlined the need for a statutory right of way in favour of the Ministry of Transportation at the Mount Boucherie Community Centre.

**#262/07** NOVAKOWSKI/REID

THAT the Regional Board approve a Statutory Right of Way agreement with the Ministry of Transportation for the connecting section of roadway between Cameron and Hewl Roads on Regional District of Central Okanagan property at the Mount Boucherie Community Centre.

CARRIED

**9. NEW BUSINESS**

9.1 Regional Transportation Committee Recommendations from the June 7, 2007 Committee meeting

- 1) 2008 Transit Expansion (*Westside Electoral Area and Peachland only*)

**#263/07** KNOWLES/REID

THAT the Regional Board not proceed with flex funding for the January 6, 2008 proposed transit enhancements;

AND FURTHER THAT the Regional Board approve the proposed January 2008 transit expansion in principal subject to further details being presented to the partner Councils/Regional Board.

AND FURTHER THAT the Regional Board supports the position that if a member partner agrees to flex funding for transit expansion/projects, that BC Transit and the Province consider the expansion/project for future provincial cost sharing funding.

CARRIED

2) BC Transit – Fleet Issues (BRT) (*Westside Electoral Area and Peachland only*)

**#264/07** KNOWLES/REID

THAT the Regional Board approve in principle the selection of the double deck bus as the high capacity bus for BRT, Phase I, II and III.

CARRIED

3) U-Pass Agreement (*Westside Electoral Area and Peachland only*)

**#265/07** KNOWLES/REID

THAT the Regional Board approve the Universal Bus Pass (U-Pass), agreement and recommends execution of the final document by the City of Kelowna and District of Lake Country as well.

CARRIED

4) Fare Increase (*Westside Electoral Area and Peachland only*)

**#266/07** KNOWLES/REID

THAT the Regional Transportation Committee recommends to the Regional Board to support a fare change for Conventional and Custom Transit, effective September 1, 2007, as per Schedules A and B in the June 4<sup>th</sup> Financial Planning Manager's report with the following amendments:

- Senior and student 10 ticket sheet to change to \$15.25
- A 90 minute multi-directional transfer

AND FURTHER THAT effective September 1, 2007, and subject to confirmation of budget implications and review of the Victoria Transit System policy being provided to the partner Councils and the Regional Board, and approval by the partners (Regional District of Central Okanagan, City of Kelowna and the District of Lake Country), the Central Okanagan Regional transit policy be amended to allow children aged 12 and

under to ride the transit system free at any time, when riding with a pass-holder and when boarding and exiting at the same time as the pass-holder.

CARRIED

5) Inter-regional Transit (*All Directors*)

**#267/07** DAY/BAKER

THAT the Regional Board agrees in principle to work on an interregional transit function on a valley-wide basis with their regional partners.

CARRIED

9.2 RDCO Office Closure – December 24, 2007 (*All Directors - Unweighted Vote*)

As December 24<sup>th</sup> falls on a Monday in 2007 and historically when this has occurred the Regional District has closed its offices.

**#268/07** BAKER/NOVAKOWSKI

THAT the Regional Board agrees to close the Regional District offices on Monday, December 24, 2007.

CARRIED

9.3 Trepanier Water System – Study on the Feasibility of an irrigation water license (*All Directors - Unweighted Vote*)

Engineering Services report dated June 20, 2007 outlined the request from owners in the Trepanier Water Service Area who are interested in the possibility of the Regional District proving more irrigation water to the subdivision.

**#269/07** KNOWLES/NOVAKOWSKI

THAT the Regional Board authorizes the Engineering Department to retain a consultant to conduct a study on the feasibility of attaining an available irrigation water license and all associated costs for the Trepanier Water Users;

AND FURTHER THAT a formal petition with estimated capital costs be circulated to area residents to determine the level of support for the establishment of an irrigation water system;

AND FURTHER THAT the Engineering Department apply for grants to offset some or all of the cost of the study;

AND FURTHER THAT the cost of this study, estimated to be \$1,500.00, be paid for out of feasibility funds.

CARRIED

**10. OTHER BUSINESS**

10.1 Director Items

No Board action required/requested.

**11. ADJOURN IN CAMERA**

**#270/07**

REID/KNOWLES

THAT pursuant to Section 90 of the Community Charter the Regional Board adjourn and convene to an 'In-Camera' session first for the Regional Hospital District to discuss a land issue, followed by the Regional Board to discuss land and personnel issues.

CARRIED

There being no further business the meeting was adjourned at 8:20 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

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

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