

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, July 23, 2007

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

Staff: W. d'Easum, Chief Administrative Officer
D. Plamondon, Director of Development Services
L. Hartley, Planner, Development Services
R. Fralick, Planner, Development Services
H. Hettinga, Director of Engineering Services
B. Vos, Director of Parks and Recreation Services
R. Paterson, Chief Building Inspector
M. Rilkoff, Deputy Treasurer
G. Leier, Director of Human Resources
L. Lindsay (recording secretary)

Chair Hobson brought the meeting to order at 7:30 p.m. following a Public Hearing.

1. MINUTES

- 1.1 Public Hearing – July 9, 2007
- 1.2 Regular Board Meeting – July 9, 2007

#298/07 REID/NOVAKOWSKI

THAT the Public Hearing minutes of July 9, 2007 be received;

THAT the Regular Board meeting minutes of July 9, 2007 be adopted as circulated.

CARRIED

2. DELEGATION

No delegation

3. CORRESPONDENCE

No correspondence

4. UNFINISHED BUSINESS

No Board action required/requested.

5. FINANCE DEPARTMENT

5.1 Regional District of Central Okanagan Security Issuing Bylaw No. 1212, 2007 **1st, 2nd and 3rd readings and Adoption** (All Directors - Weighted Vote)

#299/07 DINWOODIE/KNOWLES

THAT Regional District of Central Okanagan Security Issuing Bylaw No. 1212, 2007 be given first, second and third readings, reconsidered and adopted this 23rd day of July 2007.

CARRIED

6. PLANNING DEPARTMENT

6.1 Correspondence (Unweighted Vote)

- a) Report regarding development applications in progress. Westside & Central Okanagan East Electoral Areas (All Directors)

Planning Services report dated July 18, 2007 requesting direction from the Regional Board to address development applications “in process” that may be affected by incorporation of the new Westside District Municipality on December 6, 2007.

Director Given left the meeting at 7:47 p.m.

Planning Services staff recommend that all current and new applicants in the Westside area be notified of the pending incorporation and be advised whether they are likely to meet requirements for final approval prior to Westside incorporation.

Director Given returned to the meeting at 7:51 p.m.

#300/07 KNOWLES/DINWOODIE

THAT the Regional Board adopts the following procedure for Zoning, Official Community Plan amendment, Development Variance and Development Permit applications within the new Westside District Municipality:

- a. Potential applicants and all new applications will be advised if the application is unlikely to be concluded before the incorporation date;
- b. All new applications (up to time of incorporation) will be processed to the Regional Board and the Planning Department will advise the Regional Board whether or not

it is likely that the application could be concluded prior to the incorporation date. The Regional Board could then consider this information in their resolution to either support or not support the application;

- c. All individuals with development variance, development permit, rezoning and Official Community Plan amendment applications currently in stream will be notified of the timelines for incorporation and all applicants will be advised of their options to complete the requirements for Final Approval prior to incorporation or to apply for an application fee refund;
- d. Requirements for zoning and official community plan amendment bylaws have timelines attached which are outlined in this report and all requirements for referrals, Public Hearing and future readings of the bylaw must be satisfied; and
- e. Requirements for development permits, development variance permits, and other similar applications have timelines typically shorter than zoning and Official Community Plan amendments noted in this report; however requirements for referrals and review of qualified professional reports must be satisfied.

CARRIED

- b) Report regarding fringe area development policies. Westside & Central Okanagan East Electoral Areas (*All Directors*)

Planning Services report dated July 17, 2007 to propose a Regional Board policy that applies to lands outside of municipal or First Nation boundaries and to lands outside of Official Community Plan or Rural Land Use Bylaw boundaries.

#301/07 REID/DAY

THAT the Planning Services Report of July 23, 2007 be received;

AND FURTHER THAT the Regional Board approves the following policies:

- In areas where no Official Community Plan or Rural Land Use Bylaw exists, watershed protection, forest ecosystem protection, open space, agriculture, and forest resource uses are supported. Impacts from new residential or urban uses are discouraged.
- Zoning amendment applications are discouraged in areas where no Official Community Plan or Rural Land Use Bylaw exists unless there is consideration of development and servicing needs as well as potential future impacts on the adjacent community.
- Approval of a land use application may be subject to a boundary expansion by an adjacent community that is able to service the land and proposed development with full urban services and to manage the forest interface. In this instance, approval of the land use application may be subject to an extension of municipal fire protection and water purveyor boundaries and subject to a reduction in interface hazards (e.g.: flooding, wildfire, beetle infestation).

- Provincial Land Act dispositions for purpose of development should be consistent with the applicable regional district and municipal Official Community Plans, Rural Land Use Bylaw, and/or Zoning Bylaw. Dispositions for residential or urban uses in areas outside of Official Community Plan or Rural Land Use Bylaw boundaries are discouraged.

CARRIED

- c) Report regarding a Special Event License at 'Heartland' (formerly Eight Mile Ranch) located at 5983 Highway 33 East. Central Okanagan East Electoral Area (*All Directors*)

Planning Services report dated July 17, 2007.

#302/07

HANSON/DINWOODIE

THAT the Regional Board conditionally support a one time Special Event Licence for Debra J. Cameron Productions Inc. at 'Heartland' in the Rural Tourist Commercial (Eight Mile Ranch) RTC designation of the Joe Rich Rural Land Use Bylaw, subject to the following:

- Approval, or support of the concert event in writing from the Agricultural Land Commission, Joe Rich Fire Chief, RCMP's Chief of Police, and Black Mountain Irrigation District (BMID);
- Approval in writing from the Ministry of Transportation regarding access (to and from Highway 33), on-site parking, and traffic control at the site;
- Receipt of a scaled site plan clearly identifying stage area with setback from top of bank, all parking areas, access/entrances, all buildings and structures, and any other features related to the concert event;
- Receipt of a security deposit in the amount of \$1000.00 for the reimbursement of any costs which may be incurred by the Regional District because of, and as a consequence of the Special Event; and further that the applicant must undertake to pay any extra policing costs that may be incurred as a result of this event;
- Receipt of proof of \$2,000,000 liability insurance (including a save harmless clause protecting the Regional District);
- Payment of a one dollar \$1.00 licence fee;

AND THAT the applicant is advised that no further Special Event Licences will be considered by the Regional District until such time as appropriate steps have been taken to obtain approval to allow concert events at 'Heartland' from the Agricultural Land Commission and an amendment has been approved by the Board to the Rural Tourist Commercial (Eight Mile Ranch) RTC designation of Joe Rich Rural Land Use Bylaw No. 730;

AND FURTHER THAT Planning Services Department staff initiate an amendment to Regional District Special Events Bylaw No. 80 to include an appropriate application form, processing & licence fee, checklists information sheet, and certificate of insurance form.

This initiative should be completed in consultation with other jurisdictions (ie: City of Kelowna) having a similar Special Events Bylaw.

CARRIED

6.2 Development Permits (Unweighted Vote)

- a) Development Permit Application for Larry Shipowick (owner/applicant) located on the corner of Ross Road and Riffington Place (1663 Ross Road). (DP-07-13) Westside Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

Planning Services report dated July 10, 2007 presented the application for a development permit. It was noted that no correspondence was received from surrounding property owners.

Director Hanson left the meeting at 8:12 p.m.

Staff reviewed the application to construct a five-plex multi-residential development on a site that currently contains a four-plex built in 1972.

Director Hanson returned to the meeting at 8:16 p.m.

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

Considering the staff recommendation that the application not be supported, Chair Hobson accepted a request from the applicant to address the Board. Mr. Shipowick explained the process he has followed to meet parking requirements for the site. Residents will no longer back onto Ross Road when leaving the site. He further noted that the variances requested are not of his making. The side yard variance is required because of 1972 siting of the first building. The rear setback was suggested by the landscape architect to give more green space between units. It also addresses parking in spaces 12 and 9. The Ministry of Transportation okayed two plans. Only units 13 – 18 will be required to back out but there will be no backing onto Ross Road.

There were no further comments from the public gallery.

#303/07 NOVAKOWSKI/DINWOODIE

THAT the Regional Board support the Development Permit application for form, character and landscaping of the additional multiple unit residential building based on the site plan and landscape plan submitted with this application, subject to the following conditions:

- That building form and colours conform to drawings A-1 through A-7 by ArcDrafting Design dated April 23, 2007 submitted with the application;

- That site layout conform to the Outland Design Plan dated May 25, 2007 save for the changes provided for in this permit;
- That all landscaped areas, and parking/aisle areas, be edged and well defined by means such as concrete curbing;
- That, prior to the issuance of a building permit a security in the form of a letter of credit or certified cheque be submitted in the amount of \$42,000 in order to ensure completion of the landscaping, automatic underground irrigation system, landscape fabric and mulch within one year of the issuance of this permit.

CARRIED

6.3 Bylaws: (First Reading) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-147 for Ken and Gwenith Harding (owners) and Site 360 (agent) to amend the zoning part of the property from A1 Agricultural to R1 Single Detached Housing located adjacent to Angus Drive. (Z07/03) Westside Electoral Area (*Electoral Areas Only*)

Planning Services report dated July 17, 2007 outlined the zoning amendment bylaw. Staff reviewed the amendment.

No correspondence was received from neighbouring property owners regarding the application.

It was noted that as part of the final approval, registration of a covenant on title will be required advising future owners of potential nuisances resulting from normal farm practices.

Regarding the potential for the cul-de-sac to become a through road in future, the Planning staff and the other agencies involved have been working with the applicant to determine what future use of the buffer area might be contemplated. The Board commented that in similar instances, a covenant has been placed on title advising of future road connection.

#304/07

DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871- 147 application Z07/03 be given first reading;

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

- Receipt of written confirmation from the Agricultural Land Commission and/or the Ministry of Agriculture that the revised site plan has their support;
- Receipt of an archaeological impact assessment as requested by the Ministry of Tourism, Sports and the Arts (Archaeology Branch);
- Receipt of a resolution from the Parks Advisory Committee confirming a cash in lieu option to address the 5% park dedication requirement;

CARRIED

- b) Official Community Plan Amendment Bylaw No. 1050-19 for (various owners) and D.E. Pilling & Associates Ltd. (agent) to amend the Westside Official Community Bylaw No. 1050 to include the Lower Glenrosa Neighbourhood Plan. Westside Electoral Area (*All Directors*)

Planning Services report dated July 18, 2007 outlined the OCP amendments. Staff reviewed the application.

Staff noted that two open house meetings have been held. Opposition was expressed to the use of local roads for construction vehicle traffic at the time of subdivision and development. Concern about safety on Glenrosa Road was also voiced. Staff noted that neighbouring residents requested that traffic impacts be addressed through approval of the plan.

Questions from the Board were about parkland and trails for the area. It is critical to put these in place during development so they are not put on the back burner. Can an area-specific Parks DCC bylaw be completed by the end of November?

The Board also commented that there seems to not be much sensitivity to the topography in the plan. It is preferred that building not take place on 30% slopes or in ESA areas.

#305/07 NOVAKOWSKI/DINWOODIE

THAT the Board receives the “Lower Glenrosa Neighbourhood Plan, July 2007”;

THAT Westside Official Community Plan Amendment Bylaw 1050-19 be given First Reading;

THAT the public Notice of Consultation clearly detail the connecting roads and construction roads as outlined in the attached bylaw including the details outlined in the attached May 16, 2007 Recommended Implementation Strategy;

THAT the Environmental Advisory Committee receives the revised Neighbourhood Plan for consideration prior to Public Hearing;

AND FURTHER THAT the application be scheduled for a Public Hearing subject to the conditions outlined in the May 16 2007 “Implementation” attachment.

CARRIED

6.4 Bylaws: (Second & Third Readings) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-124 for Victor Projects Ltd. (owner) and Protech Consultants Ltd. (agent) to amend the zoning from RU1 Rural 1 and RU2 Rural 2 to R1 Single Detached Housing located adjacent to McCallum Road and Pinot Gris Drive. (Z06/03) Westside Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

#306/07 DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-124 be given second and third reading;

AND FURTHER THAT should the Board grant further readings to Zoning Amendment Bylaw No. 871-124 application Z06/03 that consideration of fourth and final readings be withheld pending receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation

CARRIED

- b) Zoning Amendment Bylaw No. 871-146 for 315454 Alberta Ltd. (owner) and D.E. Pilling & Assoc. Ltd. (agent) to amend the zoning from RU4 (Country Residential) to R1 (Single Detached Housing) located at 1411 Bear Creek Road and adjacent to I.R. #10. (Z07/02) Westside Electoral Area (*Electoral Areas and the Kelowna Fringe Area*)

#307/07 KNOWLES/DINWOODIE

THAT Zoning Amendment Bylaw No. 871-146 be given second and third reading;

AND FURTHER THAT should the Board grant further readings to Zoning Amendment Bylaw No. 871-146 application Z07/02 that consideration of fourth and final readings be withheld pending the following;

- Receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation;
- Zoning Amendment Bylaw No. 871-146 approval from the Ministry of Transportation.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Building Violation, Lot 35, Plan 26101, District Lot 3688, 20 Valley Drive (Westside Electoral Area) Notice to be placed on Title – Owner: French (*All Directors - Unweighted Vote*)

Inspection Services staff report dated June 4, 2007 outlined the building violation. It was noted that the property owner was notified of the date of the Board meeting but was not in attendance.

#308/07 NOVAKOWSKI/KNOWLES

THAT the Regional District Board direct that a notice be filed on the title of Lot 35, Plan 26101, 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 a single family dwelling, built under the authority of Building Permit #2344/05, has not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835.

CARRIED

- 7.2 Building Violation, Strata Lot 11, Plan KAS1512, District Lot 2186, 1-1750 Westside Road North (Westside Electoral Area) Notice to be placed on Title – Owner: Cameron (All Directors - Unweighted Vote)

Inspection Services staff report dated June 6, 2007 outlined the building violation.

It was noted that the property owner was notified of the date of the Board meeting but was not in attendance.

#309/07 KNOWLES/NOVAKOWSKI

THAT the Regional District Board direct that a notice be filed on the title of Strata Lot 11, Plan KAS1512, 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 a detached garage, built under the authority of Building Permit #0821/03, has not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835.

CARRIED

- 7.3 Building Violation, Lot A, Plan 12716, District Lot 2926, 386 Westside Road North (Westside Electoral Area) Notice to be placed on Title – Owner: Fruson (All Directors - Unweighted Vote)

Inspection Services staff report dated June 8, 2007 outlined the building violation.

The property owner was notified of the date of the Board meeting but was not in attendance.

#310/07 NOVAKOWSKI/KNOWLES

THAT the Regional District Board direct that a notice be filed on the title of Lot A, Plan 12716, 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 a single dwelling house, built under the authority of Building Permit #9095/01, has not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835.

CARRIED

- 7.4 Building Violation, Lot 53, Plan 475, District Lot 1, 5850 Anderson Road (Central Okanagan East Electoral Area) Notice to be placed on Title – Owner: Mackenzie and Loeth (All Directors - Unweighted Vote)

Inspection Services staff report dated June 1, 2007 outlined the building violation. The Chief Building Inspector advised that Permit #2073/05 was noted in his recommendation as being incomplete but has now been completed.

The property owner was notified of the date of the Board meeting but was not in attendance.

#311/07 **HANSON/REID**

THAT the Regional Board direct that a notice be filed on the title of Lot 53, Plan 475, 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:

There are two building permits, one for a detached ten stall barn with loft and deck, built under the authority of Building Permit #1592/04, and one for a swimming pool, built under the authority of Building Permit #2617/05. The two permits have not been finalized, which is a violation of Regional District of Central Okanagan Building Bylaw No. 835.

CARRIED

8. PARKS AND RECREATION DEPARTMENT

- 8.1 Mount Boucherie Community Centre Concession Contract (*All Directors - Weighted Vote*)

Parks and Recreation Services report dated July 23, 2007 outlined the terms of the proposed contract to provide concession services at Mount Boucherie Community Centre. A copy of the contract was attached to the report.

#312/07 **NOVAKOWSKI/DINWOODIE**

THAT the Regional Board approve a contract with Vision Sports Group to provide concession services to Royal LePage Place and the Jim Lind Arena in the Mt. Boucherie Community Centre for a five year plus one month period commencing August 1, 2007 and ending on August 31, 2012;

CARRIED

9. NEW BUSINESS

- 9.1 Regional District of Central Okanagan Water Systems Amending Bylaw, ***1st, 2nd and 3rd readings and Adoption*** (*All Directors - Unweighted Vote*)

#313/07 DINWOODIE/BAKER

THAT the Regional District of Central Okanagan Water Systems Amending Bylaw No. 1213, 2007 be given first, second and third readings reconsidered and adopted this 23rd day of July, 2007.

CARRIED

10. OTHER BUSINESS

10.2 Director Item (verbal)

There were no verbal items from Regional Directors.

11. ADJOURN IN CAMERA

#314/07 NOVAKOWSKI/DINWOODIE

THAT the Regional Board adjourn and convene to an Regional Hospital District 'In-Camera' session.

CARRIED

There being no further business the meeting was adjourned at 9:22 p.m.

CERTIFIED TO BE TRUE AND CORRECT

R. Hobson (Chair)

W. d'Easum (Chief Administrative Officer)