

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 26, 2010

Directors:

J. Baker (District of Lake Country)
J. Edgson (Central Okanagan West Electoral Area)
K. Fielding (District of Peachland)
D. Findlater (District of West Kelowna)
K. Hayes (Central Okanagan East Electoral Area)
R. Hobson (City of Kelowna)
C. Hodge (City of Kelowna)
G. James (City of Kelowna)
D. Ophus (District of West Kelowna)
A. Reid (City of Kelowna)
M. Rule (City of Kelowna)
S. Shepherd (City of Kelowna)

Regrets:

L. Derrickson (Westbank First Nation)

Staff:

H. Reay, Chief Administrative Officer
M. Bakelaar, Environmental Planner
R. Fralick, Planner - Development Services
R. Miller, Manager, Fire Services
R. Paterson, Chief Building Inspector
P. Rotheisler, Manager of Waste Management
M. Drouin, Corporate Services Coordinator (recording secretary)

Chair Hobson brought the meeting to order at 7:00 p.m.

1. MINUTES

- 1.1 Regular Board Meeting – June 28, 2010
- 1.2 Special Board Meeting – July 8, 2010
- 1.3 Public Hearing – June 28, 2010

#196/10

BAKER/HODGE

THAT the Regular Board meeting minutes of June 28, 2010 and Special Board meeting minutes of July 8, 2010 be adopted as circulated;

AND FURTHER THAT the Public Hearing minutes of June 28, 2010 be received.

CARRIED

2. DELEGATION

No delegations

3. **CORRESPONDENCE**

- 3.1 Okanagan Basin Water Board Meeting Highlights – July 2010 (*for information*)

#197/10

SHEPHERD/OPHUS

THAT the Okanagan Basin Water Board meeting highlights of July 2010 be received.

CARRIED

4. **UNFINISHED BUSINESS**

No Board action required/requested.

5. **FINANCE**

No Board action required/requested.

6. **DEVELOPMENT SERVICES**

Fire Services:

- 6.1 Ellison Fire Department – Selection and Purchase of Fire Apparatus (*All Directors - Weighted Vote*)

Staff report dated July 14, 2010 outlined the process for the purchase of a fire truck for the Ellison Fire Department. The funds have been budgeted in the 5-year financial plan and this purchase is part of a 20-year plan for the fire department for vehicle replacement. The vehicle will not arrive until sometime in 2011. Staff noted that when the new vehicle arrives it is the intention to use the existing engine as a spare for training or use during wildfire emergencies for the four Regional District fire departments.

#198/10

HAYES/BAKER

THAT the Regional Board approve the purchase for the Ellison Fire Department of a Hub Fire Engine from Hub Fire Engines of Abbotsford, BC, for the purchase price of \$450,269.00 plus applicable taxes.

CARRIED

Inspection:

- 6.2 Building Statistics – June 2010 and Year-To-Date (*All Directors - Unweighted Vote*)

#199/10

BAKER/EDGSON

THAT the building statistics for June 2010 and year-to-date (January-June 2010) be received.

CARRIED

Planning: *(Unweighted Vote)*

- 6.3 Report regarding an application for a Permanent Change to a Food Primary (Restaurant) License for W. Rometsch (owner) Deborah J. Cameron Productions Inc. (applicant) located at 5983 Highway 33 East (Heartland Ranch). (LL-10-01) Central Okanagan East Electoral Area *(All Directors)*

Staff report dated July 20, 2010 outlined the application in support of a Permanent Change to a Food Primary (Restaurant) License. The intent is to permit a Patron Participation Entertainment Endorsement to allow dancing at the Heartland Ranch Lodge.

Staff reviewed the rationale, including:

- The restaurant/lodge facility currently exists and no changes other than to allow dancing is being proposed;
- All uses associated with the existing lodge are permitted under the RTC (Rural Tourist Commercial land use designation); the applicant has a business license from the Regional District;
- The proposed change to the Food Primary (Restaurant) license to allow dancing should not generate any negative impacts on the community;
- Provided that appropriate washroom facilities are provided and associated building permit granted, the applicant will be in conformance with their approved Food Primary (Restaurant) license;
- The proposal is in keeping with approvals previously received from the Agricultural Land Commission;
- Proposal will not generate additional patrons or traffic over and above what is permitted under the applicant's current license;
- The Agricultural Land Commission and Black Mountain Irrigation District have no objections to the proposal;
- Liquor Control & Licensing Branch (LCLB) confirms that there are no previous contraventions against the applicant, and Regional District Inspections staff confirms that there have been no bylaw enforcement issues associated with the restaurant business.

Staff reviewed the current seating arrangements located inside and outside on two patios. It was noted that a response to an agency referral from the RCMP arrived following the Board report and is circulated for the Board's consideration. Their concern is whether this will allow other events at the lodge. Staff noted that any special events or outdoor concerts, exceeding 500 persons and outside the lodge, would require a Special Events Permit.

Discussion:

- It was noted the current washrooms are not up to standard according to the BC Building Code and will require upgrading. The current washrooms

cannot support the 450 people that have been licensed. Currently they could handle approximately 125 people.

- The Province has issued the liquor license for that number of people (450). Anything above this would require a Special Events Permit.
- One option available to the Board would be that the Board could recommend a temporary permit for a specific period of time and then the LCLB would review the issue after a period of time and consider permanent issuance of a license.
- If the special events bylaw is amended and numbers reduced, would this facility be grandfathered? Staff noted it would then be a legal non-conforming use. It was noted that the Regional District may wish to receive a legal opinion regarding this.

#200/10

SHEPHERD/REID

THAT the Regional Board hear from the applicant, Ms. D. Cameron.

CARRIED

Ms. Cameron addressed the Board noting:

- The question was raised where dancing will occur. Ms Cameron explained that the intention is to have the dancing inside the restaurant.
- The 450 capacity that is allowed is not used. Currently, approximately 75 people attend the restaurant at any given time.

Discussion:

- The question was raised if a permit was capped at 150 would the existing washroom facilities be suitable? Yes, it would.
- Concern was expressed regarding the impact for the applicant to upgrade the existing sewer. Staff noted that the applicant would be required to upgrade the sewer if this application is approved.
- Would it be possible to lower the amount of people on the existing license? This is not what the applicant has requested and she is aware of the requirements should this proceed.
- What is the nature of the approval that would allow a temporary license what needs to be accessed?
- Staff noted the RCMP have stated they have little concern with the limited number using the facility for dancing associated with the restaurant/liquor license.

#201/10

HAYES/HODGE

THAT the Regional Board conditionally support a Temporary Allowance, for one calendar year, to a Food Primary (Restaurant) License to permit a Patron Participation Entertainment Endorsement for the existing Lodge at Heartland Ranch subject to the following;

- Applicant to expand washroom facilities to accommodate the number of patrons permitted under their Food Primary (Restaurant) License, as required under the BC Building Code;

- Re-inspection of the building by the Chief Building Inspector and Joe Rich Fire Department Fire Chief to verify occupancy classification;
- Applicant to obtain a Building Permit from the Regional District for the washroom facility additions;
- Confirmation from Interior Health of a potable water supply, adequate on-site sewage disposal, and that inspection of the food service establishment meets their requirements;
- Confirmation from the Kelowna Rural R.C.M.P that they have no issues or concerns with regard to the Patron Participation Entertainment Endorsement.

AND FURTHER THAT the Board resolution and Development Services Department report of July 20, 2010 be forwarded to the Liquor Control and Licensing Branch (LCLB) for their information and consideration.

DEFEATED (Hayes in favor)

#202/10

OPHUS/FIELDING

THAT the Regional Board conditionally support the applicant's request of a Permanent Change to a Food Primary (Restaurant) License to permit a Patron Participation Entertainment Endorsement for the existing Lodge at Heartland Ranch subject to the following;

- Applicant to expand washroom facilities to accommodate the number of patrons permitted under their Food Primary (Restaurant) License, as required under the BC Building Code;
- Re-inspection of the building by the Chief Building Inspector and Joe Rich Fire Department Fire Chief to verify occupancy classification;
- Applicant to obtain a Building Permit from the Regional District for the washroom facility additions;
- Confirmation from Interior Health of a potable water supply, adequate on-site sewage disposal, and that inspection of the food service establishment meets their requirements;
- Confirmation from the Kelowna Rural R.C.M.P that they have no issues or concerns with regard to the Patron Participation Entertainment Endorsement.

AND FURTHER THAT the Board resolution and Development Services Department report of July 20, 2010 be forwarded to the Liquor Control and Licensing Branch for their information and consideration.

CARRIED (Hayes opposed)

Bylaws: (First Reading) *(Unweighted Vote)*

- 6.4 Joe Rich Rural Land Use Amendment Bylaw No. 1195-05 for J. Varga (owner) and B. Varga (agent) for a site-specific text amendment to permit outdoor storage of recreational vehicles located adjacent to Highway 33. (RLUB-10-01) Central Okanagan East Electoral Area *(Electoral Areas)*

Staff report dated July 13, 2010 outlined the purpose of the amendment - to amend the text of Section 2 – Regulations, Subsection 5.6.1 by adding “.8 Part of Lot 1, Plan 25538, District Lot 4051, ODYD only the following use is permitted: Outdoor Storage Recreational Vehicles”. In accordance with the bylaw amendment, the applicant wishes to store recreational vehicles (RVs) on the subject property and has indicated that it is anticipated that a maximum of 40 RVs could be accommodated on the proposed 0.2 ha (0.5 acres) storage area. A covenant would need to be placed on the property to restrict the use of the identified area.

Agency referrals were outlined. It was noted that the Central Okanagan East Advisory Planning Commission did not support the application under the existing Joe Rich Rural Land Use Bylaw guidelines.

Staff noted that site line concerns at Highway 33 and the entrance to the property have been addressed to satisfaction of the Ministry of Transportation and Infrastructure with the clearing of trees from the road right-of-way. Photos of the area were highlighted. Further to posting of the bylaw amendment, several letters of opposition have been received. These will be provided at public hearing should the application proceed.

Staff outlined the rationale for non-support, including:

- The proposed use will impact the unique rural character of the area and may interfere with the use and enjoyment of neighbouring properties;
- More intensive commercial or industrial activities are to be directed to areas of the Regional District that support more intensive commercial or industrial activity;
- Home based businesses are permitted in the Joe Rich Rural Land Use Bylaw area provided they are secondary to and not detract from the residential and rural qualities; however, the proposed outdoor RV storage cannot be considered to be a home occupation as all home occupations are to be located within a building;
- The proposed outdoor RV storage will set a precedent for the Board to consider other similar proposed amendments for commercial business uses which do not conform to the home occupation or a temporary commercial use permit provisions; and
- Safety issues associated with access onto Highway 33 is a concern.

The applicants addressed the Board noting:

- Pictures of the property were provided indicating that the house cannot be seen from the highway. It is their belief that the area for RV storage would also not be seen from the highway.
- Ministry of Transportation and Infrastructure has cleared the site line--this was Crown land.
- The intention is to take RVs which are empty and will have no waste, gas or oil in them. They are to be stored on the property for approximately a seven month period and will be insured while on site. Approximately 20-40 RVs will be on site during this time. This would be an off-season storage area for RVs. This type of facility is desperately needed in the region.
- Transport trucks will not be stored on site.
- The applicant works at an RV dealership and stated that there is no leakage of fluids from RVs.

- Access to the property has been corrected and the driveway is to be paved.
- There is no visibility issue and no noise.

Questions to the applicants:

- How many trees will be cut? Beetle kill trees will be only be removed.
- The neighbor's house can be seen from the property, is this a problem for them? The neighbor has indicated his support.
- Are you planning any screening from the neighbor? There was no plan.

#203/10

HAYES/EDGSON

THAT Joe Rich Rural Land Use Amendment Bylaw No.1195-05, application RLUB-10-01, for J. Varga (owner) for a site-specific text amendment to permit outdoor storage of recreational vehicles located adjacent to Highway 33 not be given first reading this 26th day of July 2010.

CARRIED

7. ENVIRONMENTAL SERVICES

7.1 Completion of Residential Curbside Waste Collection RFID System (*All Directors - Unweighted Vote*)

Staff report dated July 20, 2010 outlined the RFID (Radio-frequency identification) system. The current system is similar to a bar-code on store products. Currently there are readers on each truck, but what is missing is the computers on the vehicles to process and store the information on a web-based server. The contractor will provide the service. Staff reviewed the value of the system in tracking curbside collection for each cart. The total cost of this over the remainder of the contract is about \$80,000 per year. The contractor will acquire the remaining equipment, maintain the equipment and store the data.

#204/10

FINDLATER/EDGSON

THAT the Regional Board approves the completion of the residential curbside waste collection radio-frequency identification system at a cost of between \$1.50 and \$1.70 per household, per year for the six years remaining on the curbside waste collection contract.

CARRIED

8. PARKS SERVICES

No Board action required/requested.

9. NEW BUSINESS

No Board action required/requested.

10. OTHER BUSINESS

10.1 Director Items

a) Safe Premises Bylaw

The question was raised whether the Regional District has the authority to adopt a safe premises bylaw? Staff is reviewing the issue and will report back.

b) Gellatly Nut Farm

The question was raised whether are dogs allowed in the Gellatly Nut Farm Regional Park, as it is believed there is a misunderstanding between the information posted on the Regional District's website and on-site signage? Staff will review both areas and update as required.

c) Seclusion Bay Fire and Soil Removal Bylaw

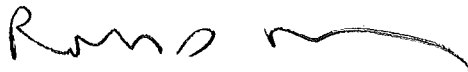
Director Fielding thanked everyone for their assistance during the recent wildfire at Seclusion Bay.

He also noted that the District of Peachland has given third reading to a soil removal bylaw and it is hoped the Province will give its approval in the near future.

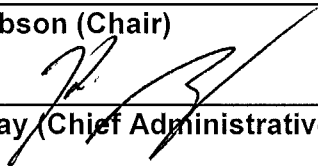
11. ADJOURN

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

CERTIFIED TO BE TRUE AND CORRECT



R. Hobson (Chair)



H. Reay (Chief Administrative Officer)