

Minutes of the *REGULAR MEETING* of the Regional District of Central Okanagan held in the Woodhaven Board Room, Regional District Offices on Monday, October 20, 2003

Directors R. Cannan (City of Kelowna)
C. Day (City of Kelowna)
P. Wannop, alternate for A. Dinwoodie (Westside Elect. Area)
B. Clark, alternate for W. Gray (City of Kelowna)
P. Hanson (Ellison/Joe Rich Elect. Area)
B. Harriman (District of Peachland)
R. Hobson (City of Kelowna)
R. Hein (District of Lake Country)
D. Knowles (Westside Elect. Area)
L. Novakowski (Westside Elect. Area)
S. Shepherd (City of Kelowna)

Staff W. B. d'Easum, Chief Administrative Officer
K. Arcuri, Director of Planning Services
J. Johnson, Manager of Current Planning
K. Roth, Director of Inspection Services
B. Vos, Director Parks & Recreation Services
M. Drouin, Administrative Assistant (recording secretary)

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

Presentation to Land Donors

The Board acknowledged and thanked the following for land donated to the Regional District for parkland. A plaque hangs in the entrance of the Regional District offices noting the land contributions.

- The District of Peachland for Hardy Falls Regional Park
- Mr. & Mrs Coldham for Coldham Regional Park
- Black Mountain Irrigation District for Philpott Road Trail

1. MINUTES

1.1 Public Hearing – October 6, 2003

1.2 Regular Board Meeting – October 6, 2003

#435/03 CANNAN/HANSON

THAT the Public Hearing minutes of October 6, 2003 be received;

AND FURTHER THAT the Regular Board Meeting minutes of October 6, 2003 be adopted as circulated.

CARRIED

6.1a) was moved forward to this section of the agenda.

2. DELEGATION

2.1 Don Nettleton, Financial Manager, Okanagan Regional Library Board

Mr. Nettleton, Financial Manager for the Okanagan Regional Library Board, gave an overview on the libraries programs for 2003/04

- Mission branch will have additional hours in 2004
- Rutland branch moved to a more functional location
- OK Falls branch delayed
- New branch in Vernon next year
- New Summerland branch in 2004
- Westbank branch has new checkout system in place
- Strategic planning ongoing and as part of this, money has been added to the book budget by approximately 25% over the next five years
- Adding telephone systems into branches (voice mail)
- The board has made an effort to try and hold cost increases to \$1 per household. This year it has come in at \$1.04 per household
- Library circulation is about 3 million
- Use of internet and databases increasing (by July reached same number as all of last year)
- Best sellers – long waiting periods, shortening loan periods, increasing fines (Fast Lane Collectors)

The Board questioned:

- What is the process for violators who do not return books – turned over to collection agency if required.
- Is the library open for donations of best sellers – most definitely, people are encouraged to donate their current best sellers.
- Friends of the Library - annual sale to the community – funds go to purchase extra needs of the library.
- Are there computers in all branches? Yes, there are.
- Any possibility of linking to 'live' librarian as it is available in Vancouver. Not at this time.

2.2 Bill Ross, Ministry of Transportation, Adopt-a-Highway Program

Bill Ross, contractor for the Ministry of Transportation for the Adopt-a-Highway Program, reviewed the following with the Board:

- what is Adopt-a-Highway
- who may participate
- how it works
 - corporate sponsor makes the donation, community association does the pickup (2 kl. of highway x 4 times per year). Corporate sponsor would be required to have liability insurance.
 - community groups would need liability insurance which is available through their national organization (\$2 mil liability required)

- individuals are covered under Province liability insurance
- road maintenance contractor erects the sign, provides bags, vests, signage for day of pickup
- safety is a priority for individuals participating
- quality control done by Ministry of Transportation
- Ministry has promoted the program to municipalities, Chamber of Commerce, press
- weed control is approved by the Ministry and coordinated with the road contractor
- If interested in the program, Ministry of Transportation is point of contact

#436/03 CANNAN/HARRIMAN

THAT a letter of support endorsing the Adopt-a-Highway program be forwarded to Fowler Products Canada Inc.

CARRIED

3. CORRESPONDENCE

No Board action required/requested

4. UNFINISHED BUSINESS

- 4.1 Regional District of Central Okanagan Sewer System Service Area 203-Westbank Establishment Bylaw No. 1033, 2003, **Adoption** (All Directors - Unweighted Vote)

#437/03 NOVAKOWSKI/WANNOP

THAT Regional District of Central Okanagan Sewer System Service Area 203-Westbank Establishment Bylaw No. 1033, 2003 be reconsidered and adopted this 20th day of October 2003.

CARRIED

- 4.2 Regional District of Central Okanagan Sewer System Service Area 203-Westbank Loan Authorization Bylaw No. 1034, 2003, **Adoption** (All Directors - Weighted Vote)

#438/03 KNOWLES/NOVAKOWSKI

THAT Regional District of Central Okanagan Sewer System Service Area 203-Westbank Loan Authorization Bylaw No. 1034, 2003 be reconsidered and adopted this 20th day of October 2003.

CARRIED

- 4.3 Regional District of Central Okanagan Sewer System Service Area 203 - Westbank Temporary Borrowing Bylaw No. 1040, 2003, **1st, 2nd and 3^d readings, and Adoption** (All Directors - Weighted Vote)

#439/03 WANNOP/DAY

THAT Regional District of Central Okanagan Sewer System Service Area 203 - Westbank Temporary Borrowing Bylaw No. 1040, 2003 be given first, second and third readings, reconsidered and adopted this 20th day of October 2003.

CARRIED

- 4.4 Regional District of Central Okanagan Sewer System Service Area 203 - Westbank Parcel Tax Commutation Bylaw No. 1041, 2003, **1st, 2nd and 3^d readings, and Adoption** (All Directors - Unweighted Vote)

#440/03 NOVAKOWSKI/KNOWLES

THAT Regional District of Central Okanagan Sewer System Service Area 203 - Westbank Parcel Tax Commutation Bylaw No. 1041, 2003 be given first, second and third readings, reconsidered and adopted this 20th day of October 2003.

CARRIED

- 4.5 Regional District of Central Okanagan Killiney Beach Water System Amending Bylaw No. 1035, 2003, **Adoption** (All Directors - Unweighted Vote)

#441/03 WANNOP/KNOWLES

THAT Regional District of Central Okanagan Killiney Beach Water System Amending Bylaw No. 1035, 2003 be reconsidered and adopted this 20th day of October 2003.

CARRIED

5. FINANCE DEPARTMENT

No Board action required/requested

6. PLANNING DEPARTMENT

6.1 Development Variance Permits (Unweighted Vote)

- a) Application for a Development Variance Permit for William Raine (owners) and Pisces Pools (agent) located adjacent to Gregory Road. (VP-03-09) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

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

#442/03 WANNOP/CANNAN

THAT the Regional Board approve Development Variance Permit application VP-03-09 for William Raine (owners) located adjacent to Gregory Road to:

1) reduce the required front yard setback in the R1 zone from 4.5 metres (14.8 ft) to 0 metres, as per Section 7.1.4 of the R1 Regulations Table in Zoning Bylaw No. 871; and

2) waive the requirements of Part 3, Section 3.5.1(f) of the General Regulations of Zoning Bylaw No. 871, which states that an uncovered swimming pool may not be located within any required front setback, nor nearer than 1.0 metre (3.3 ft) to any parcel line;

in order to allow construction of an in-ground swimming pool, pool mechanical room and retaining wall.

CARRIED

b) Application for a Development Variance Permit for Rolland and Nancy Wellman (owners) located adjacent to McIver Road. (VP-03-17) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

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

J. Johnson noted that a letter of support for the variance has been received from Ken & Sheri Skura. The applicant has also written a letter requesting the permit fees be waived due to financial hardship. The fee is \$425. It was noted that under Bylaw No. 943 there is no possibility to waive fees. Mr. Johnson explained that the variance has been sought due to a complaint that a section of fence measuring less than 2.4 metres is over height. The fence does not impede, interfere with, or obstruct the view from residences in the neighborhood.

#443/03 NOVAKOWSKI/WANNOP

THAT the Regional Board approve Development Variance Permit application VP-03-17 for Rolland and Nancy Wellman located adjacent to McIver Road to vary Section 3.10.2 of Zoning Bylaw No. 871 by increasing the maximum height requirement for a fence within an R zone from 1.3 metres (4.3 ft) in a front setback and corner side setback, and 2.0 metres (6.6 ft) in a side setback or rear setback, to 2.4 metres (7.9 ft), in order to complete a partially constructed fence as shown on the plans.

CARRIED

#444/03 SHEPHERD/WANNOP

THAT staff review the height issue as it relates to fences, considering the topography of the lot, and report back to the Planning & Environment Committee.

CARRIED

#445/03 NOVAKOWSKI/WANNOP

THAT the issue of waiving permit fees be referred to staff to determine if there is a mechanism to waive such fees at the discretion of the Board and report back to the Planning & Environment Committee.

CARRIED

#446/03 CANNAN/KNOWLES

THAT staff review the policy issue whereby bylaw enforcement responds when one complaint is received and report to Planning & Environment Committee.

CARRIED

- c) Application for a Development Variance Permit for Dan Miziolek (owner) and Team Construction Management (1981) Ltd. (agent) located adjacent to Westside Road approximately 2 km north of IR #10. (VP-03-19) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

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

J. Johnson presented additional information received today from the applicant regarding plans for landscaping on the concrete retaining walls.

In addition, a letter has been received from the adjacent property owner, Truly Roxanne Kerr, expressing opposition to the variance believing it will affect the value of her property.

Letters of support from surrounding property owners Barry Miller and Paul Nesbitt, Nesbitt Originals Ltd., on behalf of Martin Good were also received.

The contractor, Gord Wilson of Team Construction, and the owner Dan Miziolek spoke to the board reviewing the design concept and work completed to date. It was noted that no variance will be required on the North side of the lot.

#447/03 WANNOP/CANNAN

THAT the Regional Board approve Development Variance Permit application VP-03-19 for Dan Miziolek (owner) located adjacent to Westside Road to vary Section 3.10.5 of Zoning Bylaw No. 871 by increasing the maximum height requirement of a retaining wall from 1.5 metres when located 1.0 metre from a property line and 2.5 metres when located further than 1.0 metre from a property line, to a maximum allowable height of 5.5 metres, in order to allow the construction of two reinforced concrete retaining walls as shown on the plans and cross section drawings.

CARRIED

6.2 Bylaws: (First Reading) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-60 for 436178 B.C. Ltd. (owner) and Khangura Eng. Ltd. (agent) to amend the zoning from RU2 Rural 2 and R1 Single Detached Housing to R2 Duplex Housing and P1 Park and Open Space adjacent to Sunview Drive, Moonbeam Close & Westlake Road. (Z03/08) Westside Electoral Area (*Electoral Areas Only*)

#448/03 NOVAKOWSKI/WANNOP

THAT Zoning Amendment Bylaw No. 871-60 application (Z03/08) for 436178 B.C. Ltd. (owner) be given first reading this 20th day of October 2003;

AND THAT the application be scheduled for a Public Hearing;

AND THAT the applicant provides the following at a Public Hearing (as identified in the Engineer's correspondence of September 26, 2003):

- Additional information/reports regarding slope stability, post development groundwater containment, natural drainage courses, etc.;
- Viewscape analysis of the proposed development;
- Cross sections to clarify amount of grading and impact to adjoining properties;
- Plans/renderings that show the style and appearance of the proposed housing units.

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation, and registration of a Section 219 covenant restricting the development to a maximum of 48 duplex housing lots.

CARRIED

- b) i) Official Community Plan Amendment Bylaw No. 686-34 for Raymond and Eileen Mortier (owner) and D.E. Pilling & Associates Ltd./Ted Wenner (agents) to amend the Westbank Official Community Plan designation from Tourist Commercial to Medium to High Density Residential located adjacent to Green Bay Road Westside Electoral Area (*All Directors*)

#449/03 NOVAKOWSKI/KNOWLES

THAT Official Community Plan Amendment Bylaw No. 686-34 for Raymond and Eileen Mortier located adjacent to Green Bay Road be given first reading this 20th day of October 2003;

AND THAT the application be referred to the Planning and Environment Committee for review and comment;

AND FURTHER THAT the application be scheduled for a Public Hearing;

AND FURTHER THAT the applicant provide confirmation at the Public Hearing that all proposed lots along the canal and lakeshore will accommodate reasonable building envelopes after setback considerations, and that all of the dwellings will meet the flood construction elevation requirement of Zoning Bylaw #871, and the Province (MWLAP);

AND FURTHER THAT consideration of fourth and final readings be withheld pending the following:

- Receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation;
- Resolution of the issues identified by the Ministry of Water, Land and Air Protection in their letter of August 13, 2003;
- Resolution of the foreshore access issue to the satisfaction of Regional District staff.

CARRIED

- ii) Zoning Amendment Bylaw No. 871-65 for the above to amend the zoning from C5 Campground, Cabin and Motel Commercial to RC1 Compact Housing. (Z03/13) (*Electoral Areas and Kelowna Fringe Area*)

#450/03 NOVAKOWSKI/WANNOP

THAT Zoning Amendment Bylaw No. 871-65 application Z03/13 be given first reading this 20th day of October 2003.

CARRIED

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

- a) Zoning Amendment Bylaw No. 871-63 for Hihannah Land and Cattle Co. Ltd. (owner) and RDCO (agent) to amend the zoning from P1 Park and Open Space to R1 Single Detached Housing located adjacent to Ensign Way in the Shannon Lake area. (Z03/11) Westside Electoral Area (*Electoral Areas and Kelowna Fringe Area*)

#451/03 WANNOP/KNOWLES

THAT Zoning Amendment Bylaw No. 871-63 for Hihannah Land and Cattle Co. Ltd. (owner) application Z03/11 be reconsidered and adopted this 20th day of October 2003.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Building Violation – Lot 2, Plan 37694, District Lot 3483, 3431 Preston Road (Westside Electoral Area) Notice to be placed on Title – Owner: Bridge ***WITHDRAWN FROM THE AGENDA***
- 7.2 Building Violation – Lot 14, Plan 31650, 5824 Farmers Drive (Ellison/Joe Rich Electoral Area) Notice to be placed on Title – Owner: Sea Shell Farms Limited

#452/03 HANSON/KNOWLES

THAT the Regional District Board direct that a notice be filed on the title of Lot 14, Plan 31650, O.D.Y.D., pursuant to Section 700(3) of the Local Government Act, and pursuant to that section of the Local Government Act, further information regarding the notice be limited to the fact that:

- 1. Numerous buildings have been constructed with no building permits on the above noted property.

CARRIED

The Board requested clarification on what buildings have been constructed on the property and what liability issues there are to the owner, and to possible subsequent owners. It was questioned whether the Board has ever taken action to remove buildings on a property that were constructed without permits and inspection. The Board agreed the action is not condoned and expressed concern that an individual would ignore the requirement to obtain a building permit.

#453/03 NOVAKOWSKI/HANSON

THAT staff review the policy on building violations including the history, what enforcement options are available and liability issues and report to the Planning & Environment Committee with recommendations.

CARRIED

8. PARKS AND FACILITIES DEPARTMENT

- 8.1 Bertram Creek Regional Park Recovery Plan Costs (*All Directors - Unweighted Vote*)

B. Vos highlighted the recovery plan, focusing on safety and erosion control, for Bertram Creek park. Staff recommend that in order to ensure public safety and to prevent erosion, the recovery plan is estimated to cost approximately \$92,679. Profits from the sale of trees will be applied to this cost. As the destruction of the park along Lakeshore Road is so complete, fencing will be required to prevent vehicles driving into the park. An application will be submitted to the Provincial Emergency Plan for reimbursement but it is not known whether the Plan will pay for any losses. It was noted that due to this emergency expense there will be a deficit in this years' parks budget unless cuts can be made elsewhere.

#454/03 HEIN/CANNAN

THAT the Regional Board approve the expenditures described in the report of October 20, 2003 for the recovery of Bertram Creek Regional Park.

CARRIED

9. NEW BUSINESS

9.1 Appointment of Election Officials for December 6, 2003 Referendum (*All Directors - Unweighted Vote*)

#455/03 HANSON/WANNOP

THAT pursuant to Section 41(1) and (2) of the *Local Government Act*, the Regional Board appoints Lyla Lindsay as Chief Election Officer, and Tina Bouwman as Deputy Chief Election Officer, for conducting the other voting on December 6, 2003, with power to appoint other election officials as required for the administration and conduct of the referendum vote.

CARRIED

9.2 Ellison Connecting to the City of Kelowna Sanitary Sewer System (*All Directors - Unweighted Vote*)

#456/03 HANSON/SHEPHERD

THAT the Regional District commit to collecting the Monthly User Fees and Capital Connection Charges from properties connecting to the sanitary sewer system;

AND THAT the Regional District forward the Monthly User Fees collected, currently \$18.21 per equivalent dwelling unit semi-annually, to the City of Kelowna;

AND FURTHER THAT the Regional District forward upon receipt the Capital Connection Charges collected, currently \$2,796 per equivalent dwelling unit, to the City of Kelowna.

CARRIED

- 9.3 Provincial Meeting of Local Governments on Crime Prevention and Community Safety (*All Directors - Unweighted Vote*)

#457/03 HEIN/SHEPHERD

THAT one Westside Electoral Area Director be supported to attend the Provincial Meetings of Local Governments on Crime Prevention and Community Safety being held November 20-21, 2003 in New Westminister, BC.

CARRIED

It was agreed that the Westside Directors will decide amongst themselves who will attend the session.

- 9.4 Westside Electoral Area Grant-in-aid (\$1,000) to the Westside Community Food Bank Society for 'Westside Holiday' (*All Directors - Unweighted Vote*)

#458/03 NOVAKOWSKI/WANNOP

THAT a Westside Electoral Area Grant-in-aid in the amount of \$1,000 be allocated to the Westside Community Food Bank Society to aid in fundraising for 'Westside Holiday'.

CARRIED

- 9.5 Award of Contract – Logan Road/Evelyn Road Sanitary Sewer (Area 203 Westbank (*All Directors - Weighted Vote*))

#459/03 KNOWLES/NOVAKOWSKI

THAT the Regional Board authorize the award of the contract to Neil Marrs Contracting Ltd. For the construction of the Logan Road/Evelyn Road Sanitary Sewer Program for the amount of \$80,878.00 plus GST.

CARRIED

10. OTHER BUSINESS

10.1 Director Items

a) Budget Discussions

Chair Hobson reviewed the budget discussion plans for 2004. The Board and senior staff will meet in January to review any changes to next years budget, regional grants-in-aid discussions will occur at the Nov. 14th Governance & Services Committee meeting and the final public budget meeting will take place in March 2004.

- b) Planning & Environment Meeting
It was agreed to move the November 5th Planning & Environment Committee meeting to November 13th at 8:30 a.m.

10. ADJOURN IN CAMERA

#460/03 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 property issue.

CARRIED

There being no further business the meeting was adjourned at 9:02 p.m.

CERTIFIED TO BE TRUE AND CORRECT

Robert Hobson (Chair)

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