

Regular MeetingMarch 8, 1999

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, March 8, 1999.

Council members in attendance were: Acting-Mayor M.I. Bremner, Councillors A.F. Blanleil, R.D. Cannan, C.B. Day, R.D. Hobson*, J.D. Leask and J.D. Nelson.

Council members absent: Mayor Walter Gray and Councillor S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi*; Subdivision Approving Officer, R.G. Shaughnessy*; Current Planning Manager, F.B. Pritchard*; Special Projects Planning Manager, H.M. Christy*; Long Range Planning Manager, L.V. Foster*; Planning & Development Officer, G. Routley*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Manager, H.R. Hyatt*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; Transportation Manager, R.W. Westlake*; Roadways Engineer, M. Duggan*; Inspection Services Manager, K. Skinner*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Acting-Mayor Bremner called the meeting to order at 1:30 p.m.

2. Councillor Cannan was requested to check the minutes of the meeting.

3. PLANNING

- 3.1 Planning & Development Services Department, dated March 1, 1999 re: Bylaw No. 8323 – OCP Amendment No. OCP98-022 - Amendment to the Abbott Street and Marshall Street Heritage Conservation Areas Development Guidelines (6800-00)

The Long Range Planning Manager outlined the report noting the amended wording is as a result of a presentation at the public hearing by the Friends and Residents of the Abbott Street Heritage Conservation Area Society. The new wording clarifies that both a Heritage Alteration Permit for new construction and a Building Permit for new construction would be required prior to commencement of any demolition activity as opposed to only requiring an approved Heritage Alteration Permit for new construction prior to demolition activities taking place on lots within the heritage conservation area.

Moved by Councillor Leask/Seconded by Councillor Nelson

R159/99/03/08 THAT Bylaw No. 8323 to amend Appendix 13 of the Kelowna Official Community Plan Bylaw No. 7600 be amended at first reading as outlined in Appendix 1 of the Planning & Development Services Department's report of March 1, 1999;

AND THAT the amended Bylaw No. 8323 be advanced to another Public Hearing.

Carried

The Long Range Planning Manager and the Planning & Development Officer left the Council Chamber at 1:34 p.m.

- 3.2 Planning & Development Services Department, dated February 24, 1999, 1999 re: Agricultural Land Reserve Appeal No. A99-102 – Edmund & Irma Hohertz – 1474 Teasdale Road (6635-20)

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The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is requesting permission to subdivide the property into 2 parcels to allow for a homesite severance. The Agricultural Advisory Committee recommends support for the application as do staff.

Moved by Councillor Day/Seconded by Councillor Hobson

R160/99/03/08 THAT Agricultural Land Reserve Appeal No. A99-102; Lot A, Sec. 23, Twp. 26, O.D.Y.D., Plan 4697, located on 1474 Teasdale Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 20(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

- 3.3 Planning & Development Services Department, dated February 24, 1999 re: Agricultural Land Reserve Appeal No. A99-103 – David Taylor (Alfred Kempf) – 3664 Spiers Road (6635-20)

The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is requesting permission to subdivide the property into 2 parcels to allow for a homesite severance. The Agricultural Land Commission allows for a once only homesite severance when documentation is provided giving evidence that the applicant has continuously owned and occupied the property as the principal place of residence since December 21, 1972. In this case, the owner of the property did not legally own the property prior to 1972 but has provided two letters stating that he considers that he bought the land in 1970 and that the owner has occupied the land since 1968.

The Subdivision Approving Officer advised that the Agricultural Advisory Planning Commission has passed a recommendation of support for this application. City Planning staff would be prepared to support the proposed subdivision provided that the Agricultural Land Commission (ALC) determines that the applicant qualifies for a homesite severance and provided that the residual property, after severance of the homesite, is of a size and configuration that would constitute a suitable agricultural parcel. Staff support forwarding the application to the ALC for their consideration.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R161/99/03/08 THAT Agricultural Land Reserve Appeal No. A99-103; Lot A, Sec. 9, Twp. 26, O.D.Y.D., Plan 28797, located on 3664 Spiers Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 20(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

- 3.4 Planning & Development Services Department, dated February 24, 1999 re: Agricultural Land Reserve Appeal No. A98-116 – Alex & Antonia Dudka (Lynn Welder) – 2105 Morrison Road (6635-20)

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The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicants are requesting to subdivide the property into two 4.10 ha parcels that would remain within the Agricultural Land Reserve. The intent is to continue operation of the existing processed farm products business on proposed Lot 1, and proposed Lot 2 which is currently vacant, would be sold. The money generated from the sale of Lot 2 would go toward improvements to the business.

The Subdivision Approving Officer advised that the Agricultural Advisory Commission (ALC) does not support the application because there would be no agricultural benefit achieved by the subdivision. The City of Kelowna Agriculture Plan discourages the subdivision of agricultural land into smaller parcels except where positive benefits to agriculture can be demonstrated and therefore City staff also recommend non-support of this application.

Moved by Councillor Leask/Seconded by Councillor Cannan

R162/99/03/08 THAT Council hear from the applicant.

Carried

Ms. Katalina Dudka noted her letters explain her parents plans for the property. She submitted that the proposed Lot 2 would benefit because the new owner could take the time and effort her family does not have to improve that property. If Lot 2 does not sell, it can still be used as the collateral needed for improvements on proposed Lot 1.

Ms. Dudka responded to questions of Council regarding their farm operation and advised that 10 acres are more than adequate to provide the ingredients needed for their business. It would not be their intent, if the proposed subdivision gets approved by the ALC, to then seek exclusion for proposed Lot 2 from the ALR.

Moved by Councillor Nelson/Seconded by Councillor Leask

R163/99/03/08 THAT Agricultural Land Reserve Appeal No. A98-116 Lot 1, Sec. 36, Twp. 26, O.D.Y.D., Plan 425, located on 2105 Morrison Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 20(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

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- 3.5 Planning & Development Services Department, dated February 24, 1999 re: Agricultural Land Reserve Appeal No. A98-117 – Stonebridge Ventures Ltd. (Richard Bullock) – 1394 Ladner Road (6635-20)

The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and reviewed the report for Council. The applicant is requesting permission to subdivide the property into two parcels, comprising 5.62 ha and 7.89 ha in size. The intent is to subdivide off the northerly wetland, creek, residence and the area of complex land and soil capability which is currently in pear orchard production and contains the horse facilities from the remainder of the property which is half apple orchard and half vacant. The applicant has advised they are prepared to consolidate two of their parcels of land being farmed in East Kelowna as part of this ALR appeal.

The Subdivision Approving Officer advised that the Agricultural Advisory Committee does not support the application because it provides no agricultural benefit; it is not necessary to subdivide the land in order to change the farm use from orchard to pasture land. City Planning staff also recommend non-support of the application on the basis that both the South Pandosy/KLO Sector Plan and the City's Agriculture Plan discourage the subdivision of agricultural land into smaller parcels except where positive benefits to agriculture can be demonstrated.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R164/99/03/08 THAT Council hear from the applicant.

Carried

Mr. Richard Bullock, advised he is Chairman of the City's Agricultural Advisory Committee but that he has been very low key on this application leaving it basically to City staff. He explained that his intent is to continue to live on proposed Parcel 1 and for his daughter to use proposed Parcel 2 as pasture land for her horse operation. Fascieux Creek would act as a natural buffer. He did not anticipate seeking exclusion of the subject property from the ALR in the foreseeable future.

Moved by Councillor Nelson/Seconded by Councillor Day

R165/99/03/08 THAT Agricultural Land Reserve Appeal No. A98-117; assigned Parcel B of Lot 67, D.L. 132, O.D.Y.D., Plan 186 except Plan 8996; located on Ladner Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 20(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

The Subdivision Approving Officer left the Council Chamber at 2:50 p.m.

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- 3.6 Planning & Development Services Department, dated March 1, 1999 re: Rezoning Application No. Z98-1052 – Lakeshore Dental Centres Inc. (Stacey March) – 1255 Gaggin Road (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector noting the rezoning would legalize the continued use of an existing secondary suite in the basement of the dwelling. Staff support forwarding the application to public hearing.

Moved by Councillor Blanleil/Seconded by Councillor Day

R166/99/03/08 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan KAP55532, located on Gaggin Road, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction.

Carried

- 3.7 Planning & Development Services Department, dated March 1, 1999 re: Rezoning Application No. Z98-1046 – Bill & Lise Sinclair – 1506 Dickson Avenue (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The rezoning would permit the construction of a suite on the second floor of the single family dwelling currently under construction. A variance would also be required to allow access to a two car garage off Dickson Avenue in addition to the lane access to the garage in the rear yard.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R167/99/03/08 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 21, D.L. 141, O.D.Y.D., Plan 3736, located on Dickson Avenue, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

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- 3.8 Planning & Development Services Department, dated March 2, 1999 re: Extension for Authorization of Issuance of Development Permit No. DP98-10,058 and Development Variance Permit No. DVP98-10,059 – Greg Salloum – 2402 Highway 97 (3060-20; 3090-20)

The Current Planning Manager indicated the property on a map displayed on the overhead projector.

Moved by Councillor Hobson/Seconded by Councillor Day

R168/99/03/08 THAT Municipal Council renew authorization for issuance of Development Permits No. DP98-10,058 AND DVP98-10,059; Lot A, D.L. 125, O.D.Y.D., Plan 19786, Except Plan H18053 for Greg Salloum located on Harvey Avenue, Kelowna, B.C. for a period of 180 days, to October 6, 1999.

Carried

The Special Projects Planning Manager entered the Council Chamber at 3:00 p.m.

- 3.9 Planning & Development Services Department, dated March 2, 1999 re: Extension for Authorization of Issuance of Development Permit No. DP98-10,038 – Okanagan Similkameen Health Region – Ethel Street & Glenwood Avenue (3060-20; 3090-20)

Councillor Hobson declared a conflict of interest because he is a Director on the Health Board and left the Council Chamber at 3:00 p.m.

The Current Planning Manager indicated the property on a map displayed on the overhead projector.

Moved by Councillor Blanleil/Seconded by Councillor Day

R169/99/03/08 THAT Municipal Council renew authorization for issuance of Development Permit No. DP98-10,038; Lot A, Sec. 19, Twp. 26, O.D.Y.D., Plan 30334 and Lot B, Sec. 19, Twp. 26, O.D.Y.D., and D.L. 136, O.D.Y.D., Plan 30334 for Okanagan Similkameen Health Region located on Burnett Street, Kelowna, B.C. for a period of 180 days, expiring on September 8, 1999.

Carried

- 3.9.1 Planning & Development Services Department, dated March 2, 1999 re: Extension for Authorization of Issuance of Development Permit No. DP96-10,022 and Development Variance Permit No. DVP96-10,028 – Lexington Enterprises – Highway 33/Hollywood Road (3060-20; 3090-20)

The Current Planning Manager indicated the property on a map displayed on the overhead projector.

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R170/99/03/08 THAT Municipal Council authorize the extension of the 180 day period of issuance of Development Permit DP96-10,022, and Development Variance Permit DVP96-10,028 for that portion of that part of the Northeast ¼ of Sec. 22 included in Plan B2030, Twp. 26, O.D.Y.D. included in Plan deposited under D.D. No. 191999F except Plans H14926 and 39372; Lots 1 and 2, Sec. 22, Twp. 26, O.D.Y.D., Plan 19846; That part of the Northeast ¼ of Sec. 22 shown outlined in red on Plan B2030, Twp. 26, O.D.Y.D. except: (1) part included in Plan D.D. 191999F (2) Plans 18610, H14926 and 39372, for a period of 180 days, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. The registration of the required road widening, corner roundings and Highway Reserve Agreement in the Land Title Office.

Carried

Councillor Hobson returned to the Council Chamber at 3:03 p.m. and took his place at the Council Table.

The Current Planning Manager left the Council Chamber at 3:03 p.m.

- 3.10 Planning & Development Services Department, dated February 24, 1999 re: Amendment to Sign Bylaw No. 8235

The Special Projects Planning Manager briefly outlined the report noting the proposed amendment would allow upper floor premises to have at-grade fascia signage.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R171/99/03/08 THAT City of Kelowna Sign Bylaw No. 8235 be amended by adding the following clause to the end of the last sentence under Section 5.5.1(d):

“and, within Town Centres, fascia signs projecting no more than 300 mm over at grade doorways leading to upper storey premises, where no other external signage is possible.”;

AND THAT the necessary amending bylaw be advanced for reading consideration by Council.

Carried

- 3.11 Planning & Development Services Department, dated February 24, 1999 re: Amendments to Zoning Bylaw No. 8000 (TA99-005) (B/L 8367)

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The Special Projects Planning Manager outlined the proposed amendments noting they are minor in nature and would be added to the list of amendments already advanced to the public hearing tentatively scheduled for April 6th.

Moved by Councillor Nelson/Seconded by Councillor Day

R172/99/03/08 THAT the text and Schedule "A" of City of Kelowna Zoning Bylaw No. 8000 be amended as outlined in Tables 1 and 2 attached to the report dated February 24, 1999 from the Director of Planning & Development Services;

AND THAT the amending bylaw No. 8367 be forwarded to a Public Hearing for further consideration.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

4.1 Bylaw No. 8336 (Z98-1026) – Avtar & Darshan Lot – 1212 Friesen Road

Moved by Councillor Nelson/Seconded by Councillor Cannan

R173/99/03/08 THAT Bylaw No. 8336 be adopted.

Carried

Councillor Cannan opposed.

The Special Projects Planning Manager left the Council Chamber at 3:09 p.m.

5. REPORTS

5.1 City Manager, dated March 3, 1999 re: 1999 Provisional Budget Amendment No. 1 – 1998 Carry-Over Projects (1700-20)

The City Manager introduced the report.

The Deputy Director of Finance and the Financial Planning & Systems Manager entered the Council Chamber at 3:10 p.m.

The Financial Planning & Systems Manager summarized the carry-over projects noting none include any additional taxation demand.

Moved by Councillor Hobson/Seconded by Councillor Day

R174/99/03/08 THAT staff finalize 1999 Provisional Budget Amendment No. 1 (1998 Carry-Over Projects) for approval by Council.

Carried

The Inspection Services Manager and the Roadways Engineer entered the Council Chamber and the Deputy Director of Finance and the Financial Planning & Systems Manager left at 3:15 p.m.

5.2 Inspection Services Manager, dated February 23, 1999 re: Application for Stratification of an Industrial Building (ST98-03) – 817 Finns Road (3760-10)

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The Inspection Services Manager briefly presented the report for Council.

Acting-Mayor Bremner invited anyone in the public gallery who deemed themselves affected to come forward. There was no response.

Moved by Councillor Leask/Seconded by Councillor Nelson

R175/99/03/08 THAT the application to stratify the Industrial Building on Lot 2, Plan 16944, 817 Finns Road, into five strata lots, be approved in the name of R.R. Runnalls & Associates with no conditions.

Carried

The Civic Properties Manager entered the Council Chamber and the Inspection Services Manager left at 3:16 p.m.

5.3 Transportation Manager, dated March 3, 1999 re: Tender 1999 Micro Surfacing Program – T99-16 (5400-10)

The Roadways Engineer presented the recommendation and responded to questions of Council regarding the micro-surfacing program.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R176/99/03/08 THAT the tender for the 1999 Micro Surfacing Program be awarded to the low bidder, McAsphalt Western Ltd., in the amount of Five Hundred Twenty-Nine Thousand, Three Hundred Seventy-Six Dollars and Fifty-Six Cents, (\$529,376.56) including G.S.T.

Carried

The City Manager advised that staff are looking at the possibility of doing some additional work because of the cost reductions that have occurred this year and will come forward with a recommendation for Council in due course.

The Director of Parks & Leisure Services entered the Council Chamber at 3:24 p.m.

5.4 Civic Properties Manager, dated March 4, 1999 re: 1999 Water Street Improvements Project – Kelowna Centre Streetscape Works (0360-20)

The Civic Properties Manager reviewed the report and responded to questioning advising that the pedestrian connection between The Grand Hotel and the Yacht Club will be completed at least temporarily this year, hopefully prior to the main summer season.

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Moved by Councillor Nelson/Seconded by Councillor Cannan

R177/99/03/08 THAT City Council approve a budget transfer of \$168,000 from Program C620 Kelowna Centre Streetscape Improvements (upgrading of Waterfront Promenade, from City Park to Waterfront Park) to Kelowna Centre Streetscape, Water Street Streetscape In-Pavement Works, Program C6202.

Carried

The Civic Properties Manager left the Council Chamber at 3:33 p.m.

5.5 Councillor Joe Leask, Chair, Arts & Cultural Development Committee, dated March 3, 1999 re: Arts & Cultural Development Committee – Terms of Reference (8200-01)

Councillor Leask introduced the report and credited the Arts Development Officer for bringing cultural tourism to the forefront in Kelowna.

The Director of Parks & Leisure Services reviewed the committee's mandate and highlights of the Terms of Reference providing details on how the festivals fund and the cultural tourism marketing fund would be administered.

The Transportation Manager entered the Council Chamber at 3:42 p.m.

Council agreed to a friendly amendment to the motion for the Terms of Reference to be amended to indicate that the committee will choose its own chairperson, that the Council liaison would not be the chairperson, and to add "or seeking to create new products within existing events." at the end of 1.2(a).

The ACDC Committee will report back to Council with a formula for the allocation of funds.

Moved by Councillor Hobson/Seconded by Councillor Leask

R178/99/03/08 THAT the Arts and Cultural Development Committee (ACDC) Terms of Reference attached to the committee's report dated March 3, 1999 be amended to indicate that the committee will choose its own chairperson, that the Council liaison would not be the chairperson, and to add the following wording at the end of 1.2(a):

"...or seeking to create new products within existing events.";

AND THAT the ACDC Terms of Reference, as amended, be approved by Council;

AND FURTHER THAT a letter of thanks be sent to retiring members of the ACDC.

Carried

The Director of Parks & Leisure Services left the Council Chamber at 3:57 p.m.

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Councillor Cannan reported that the land resource management plan is a major land planning exercise throughout the Province and negotiations are coming to a head this weekend in Salmon Arm. Mission Creek has been identified by the government body that identifies specific areas of interest, but the importance of Mission Creek has not been identified to the extent that it should be.

Moved by Councillor Cannan/Seconded by Councillor Leask

R179/99/03/08 THAT a letter be sent to Mr. Bill Vos at the Regional District asking that he emphasize the importance of Mission Creek

- as a heritage river designated by the Ministry of Environment
- as the largest contributor of water to Okanagan Lake
- as a source for drinking water, and
- as a major link to the south slopes

at the Land Resource Management Plan process negotiations in Salmon Arm.

Carried

(b) Treaty Process – Update

Councillor Leask reported that while a number of treaty tables have been moving forward, nothing is happening with Westbank First Nations. Chief Derrickson is willing to come back to the table to re-commence negotiations but he wants to deal with the aboriginal interest in taxation, water and land first instead of last and so the process is still at an impasse.

(b) Gallaghers Lands – Reserve Status

The City Manager confirmed that the efforts by Westbank First Nations to gain reserve status for their Gallagher lands is not part of the treaty process and that the technical issues are still being discussed. Hopefully a recommendation will come forward to Council within a month or so on the agreement.

(c) Lane Between Ambrosi/Barlee/Vasile Roads

Councillor Bremner advised that the lane between Ambrosi/Barlee/Vasile Roads is continually subject to pot holes and in need of spraying and asked that upgrading the lane be added to the list when staff are looking for additional projects to be done as a result of cost reductions that have occurred this year.

7. TERMINATION

The meeting was declared terminated at 4:09 p.m.

Certified Correct:

Acting-Mayor Bremner

City Clerk

BLH/am