

Regular Meeting – P.M.March 6, 2000

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 6, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Special Projects Planning Manager, H.M. Christy\*; Director of Works & Utilities, J. Vos\*; Director of Parks & Leisure Services, D.L. Graham\*; Inspection Services Manager, K. Skinner\*; Drainage/Solid Waste Manager, A. Newcombe\*; Financial Planning & Systems Manager, K. Grayston\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Citizens Against Sexual Exploitation of Youth re: Awareness Week

Jill Watson, Community Liaison Worker with CASEY:

- Gave a presentation advising what CASEY has done in the past year and what they propose to do in the coming year to increase awareness of violence and sexual exploitation of youth.

Council:

- Mayor Gray read a proclamation declaring March 6-12, 2000 as Stop the Sexual Exploitation of Children and Youth Week.

4. UNFINISHED BUSINESS

4.1 Director of Planning & Development Services, verbal report re: Splash's Nite Club – Sunday Extended Hours (0540-20)

Staff:

- The Director of Planning & Development Services attended a meeting, organized by Splash's, with downtown nightclub representatives last Friday to discuss the concerns identified by Council when the request for Sunday extended hours was initially considered.
- The Club representatives were provided with a copy of New Westminster's Social Contract as a sample contract for their review, recognizing that the problems to be addressed in Kelowna are different and will require different solutions.
- The Planning Director will meet with the night club representatives again next week and report back to Council on the social contract issue and then will bring back the request for extended hours after that.

Regular Meeting – P.M.March 6, 20005. PLANNING

5.1 Planning & Development Services Department, dated February 29, 2000  
 re: Agricultural Land Reserve Appeal No. A00-101 – Gabriel & Linda  
 Coupal – 3683 Berard Road (6635-20)

Staff:

- The applicant is proposing a 2-lot subdivision of the 2.5 ha parcel within the Agricultural Land Reserve.
- The applicants have owned the property since 1976 and over the years have leased additional land to augment their farm operation.
- In 1989 they applied for a similar subdivision request but were denied by the Agricultural Land Commission. At that time, the property was zoned A-2 under Zoning Bylaw 4500 and the City of Kelowna supported the application.
- When Zoning Bylaw 8000 was adopted, at the recommendation of the Agricultural Land Commission, the property was designated A1 with a smaller minimum parcel size.
- The subject application differs from the 1989 application because the subdivision boundary has been changed to include all of the arable land within one parcel.
- If the subdivision is approved by the Land Commission, then a Rezoning Application would be required and the servicing requirements of the Subdivision, Development and Servicing Bylaw would have to be met.
- The Agricultural Advisory Committee recommends non-support because of concern for the future agricultural viability of the property.
- Staff do not recommend support because of concern about the potential negative impact on agriculture as the proposed subdivision could be precedent setting for further subdivisions within the immediate area.

Moved by Councillor Blanleil/Seconded by Councillor CannanR172/00/03/06 THAT Council hear from the applicant.Carried

Gabe Coupal, applicant:

- Read a presentation advising he has farmed since 1976 and providing personal farming background.
- Efforts to market this property in an effort to buy a larger parcel have been unsuccessful.
- All of the arable portion of the land would remain with the bottom parcel and that would enhance the viability because the farm operation would not be saddled with the non-farm portion of the parcel and it would also cost less to buy the farm portion.
- It has become increasingly difficult to lease land and this sale would provide the necessary capital to invest in a larger farm unit.
- Each individual application needs to be considered on its own merits so support for an appeal would not be precedent-setting provided it benefits agriculture.
- Urban uses are not compatible with agricultural uses.
- The Agriculture Plan looks at ensuring that certain roads are retained at a rural standard for farm use and others at an urban standard for urban use.

Regular Meeting – P.M.

March 6, 2000

Council:

- The potential costs of road improvements that would be a requirement of the subdivision may well defeat the applicant's purpose for subdividing.
- Asked that staff review the servicing costs of the Subdivision, Development and Servicing Bylaw for 2-lot subdivisions in rural areas.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R173/00/03/06** THAT further consideration of Agricultural Land Reserve Appeal No. A00-101 (Gabriel & Linda Coupal – 3683 Berard Road) be deferred for staff to discuss the estimated potential costs of subdivision requirements with the applicant.

Carried

5.2 Planning & Development Services Department, dated February 29, 2000 re: Agricultural Land Reserve Appeal No. A00-102 – P & D Logging Ltd. (Al Horning) – 1850 Brentwood Road (6635-20)

Staff:

- The applicant is seeking to legalize the existing non-farm use within the Agricultural Land Reserve on the northerly 1.2 ha portion of the 17 ha site for storage of logging equipment.
- The Agricultural Advisory Committee (AAC) supports continuation of the non-farm use but is concerned that if approved by the Agricultural Land Commission (ALC), the property would have to be rezoned to Industrial to meet City zoning regulations. The AAC recommends that the ALC decision take precedent over City zoning regulations to protect from further intrusion of industrial uses in the area.
- Staff do not support this appeal because it is highly unlikely that the ALC would override the zoning and Industrial zoning would be contrary to the City's development policies that are applicable to the subject property and to the ALR objective to protect agricultural land.

Moved by Councillor Day/Seconded by Councillor Blanleil

**R174/00/03/06** THAT Council hear from the applicant.

Carried

Ms. Phyllis Pilon, P & D Logging Ltd.

- The subject portion of the property would be used for seasonal storage only.
- The portion of the property under consideration was a former gravel pit.
- There would be no change in access to the site.
- Some landscaping would be provided to visually improve the aesthetics of the site.
- The areas they log are east of the subject property and they would have to bring their trucks and equipment further into the city to find Industrial zoned property on Highway 33.
- P & D Logging is also leasing the adjacent property to the west of the 1.2 ha northerly portion of this site.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R175/00/03/06** THAT Agricultural Land Reserve Appeal No. A00-102; Lot 1, Sec. 18, Twp. 27, O.D.Y.D., Plan 32945, located on Highway 33, Kelowna, BC, for a non-farm use within the Agricultural Land Reserve pursuant to Section 22(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

Councillor Clark opposed.

Regular Meeting – P.M.

March 6, 2000

- 5.3 Planning & Development Services Department, dated February 29, 2000 re: Amendment to Land Use Contract No. 77-1085 – Cambridge Shopping Centres Ltd – 2430 Highway 97 North

Staff:

- This is a minor boundary adjustment between Shaw Cable and Cambridge Western Leasehold Ltd. in order to permit a realignment of Enterprise Way. The sliver of land being added to the LUC covering the Shaw Cable site will be used by Shaw Cable for parking.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R176/00/03/06** THAT Municipal Council support an amendment to Land Use Contract No. 77-1085 (Bylaw 4655) to permit the extension of the boundary to include a portion of Lot B, Plan 19786 in accordance with Schedule “A”, attached to the report from the Planning & Development Services Department dated February 29, 2000;

AND THAT Land Use Contract No. 77-1085 be amended to restrict the uses on that portion of Lot B, Plan 19786, to parking uses ancillary to the principal use only;

AND FURTHER THAT the proposed amendment to LUC 77-1085 be forwarded to a Public Hearing.

Carried

- 5.4 Planning & Development Services Department, dated March 1, 2000 re: TA99-011 – General Text Amendments to Zoning Bylaw No. 8000 – City of Kelowna

Council:

- Asked that staff send a copy of the proposed changes to the Urban Development Institute and the Residents Associations prior to the Public Hearing.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R177/00/03/06** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by updating the provisions of Bylaw No. 8000 as detailed in Schedule “A” as outlined in the report of the Planning & Development Services Department dated March 1, 2000;

AND THAT Text Amendment No. TA99-011 be forwarded to a Public Hearing.

Carried

Regular Meeting – P.M.March 6, 20006. REPORTS

- 6.1 Inspection Services Manager, dated February 25, 2000 re: Application for Stratification of a Duplex at 685/687 Fraser Road (Dowhaniuk) (3760-10)

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

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R178/00/03/06** THAT the application to stratify the semi-detached dwelling on Lot 2, Plan 18768 – 685-687 Fraser Road be approved in the name of Ron Dowhaniuk subject to the installation of a second water service.

Carried

- 6.2 Director of Works & Utilities, dated February 16, 2000 re: Landscaping of City Road Rights-of-Way (5400-00)

Staff:

- The policy provides direction to staff and the public when dealing with complaints or giving advice to property owners regarding landscaping and maintenance of City road rights-of way.
- The policy addresses both urban and rural road standards and the intent is to provide more flexibility to the landscaping.
- The policy requires the property owner to assume responsibility for maintaining the boulevard in front of their property.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R179/00/03/06** THAT the revised Council Policy No. 16 – City Road Right-of-Way Landscaping & Maintenance Policy attached to the report dated February 16, 2000 from the Director of Works & Utilities, be approved by Council to replace the existing Policy No. 16 - Boulevard Landscaping.

Carried

- 6.3 Director of Parks & Leisure Services, dated February 29, 2000 re: Request for a Grant-in-Aid for the Okanagan Mission Community Hall Association (1850-20)

Staff:

- The Okanagan Mission Community Hall Association is requesting a grant of \$50,000 to assist with their Millennium Project which is to upgrade and refurbish both the Okanagan Mission Community Hall and the Scout Hall on their site.
- The total cost of the project is estimated at \$199,000.
- The request does not qualify for any of the City's existing grant programs and so staff recommend that any funds approved by Council should be through Council Contingency.
- There are a number of other non-profit societies that own halls so approval of this request could be precedent setting for similar requests for assistance.

Regular Meeting – P.M.

March 6, 2000

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R180/00/03/06** THAT Council hear from the representatives of the Okanagan Mission Community Hall Association.

Carried

Tom Rothery, director of the Hall Association:

- The OKM Community Hall was built in 1937 on donated land with volunteer labour.
- The site comprises approximately 2 acres of land in total.
- The grant would be used to renovate and restore the scout hall and the main hall.
- The main hall and the scout hall are both connected to sanitary sewer.
- This is a priority project with the Community Hall Board.
- Senator Fitzpatrick has agreed to be the honorary chairman of this initiative.
- The City's interest will start to trigger the federal grant.

Gordon Butler, President of the Hall Association:

- The grey barn (main hall) will be changed back to a red barn.
- The Association has applied for federal and provincial funding under their millennium grant programs. Both grant programs require the funding to be matched with donations from the community.
- Hopefully the work will be finished by the end of October.

Council:

- This project may qualify for a grant from the Kelowna Heritage Foundation, and WoodWORKS! is a community organization where there could also be opportunities for funding or there may be funds available as a result of the Arts & Development Officer position not being replaced.
- Asked that staff refrain from bringing forward recommendations for appropriating money from Council Contingency.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R181/00/03/06** THAT City Council consider funding up to \$50,000 to the Okanagan Mission Hall Association to assist with the renovation of the Community Hall;

AND THAT staff report back with recommendations for the funding sources.

Carried

6.4 Drainage/Solid Waste Manager, dated March 1, 2000 re: Amendments to Garbage Collection Bylaw (Bylaw No. 8509)

Staff:

- The proposed amendments are required for the implementation of the curbside blue bag recycling program.

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R182/00/03/06** THAT Council approve the proposed amendments to the Garbage Collection Bylaw as outlined in the report from the Drainage/Solid Waste Manager dated March 1, 2000;

AND THAT appropriate Garbage Collection Bylaw amendments be brought forward to incorporate these changes.

Carried

Regular Meeting – P.M.

March 6, 2000

- 6.5 City Manager, dated March 1, 2000 re: 2000 Provisional Budget Amendment #2 – 1999 Carry-Over Projects (1700-20)

Staff:

- The 1999 carry-over projects total \$17.2 million
- The carry-overs result in no additional taxation demand.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R183/00/03/06** THAT staff finalize 1998 Provisional Budget Amendment No. 1 (1997 Carry-Over Projects) for approval by Council.

Carried

## 7. RESOLUTIONS

- 7.1 Draft Resolution re: OMMA and UBCM Conventions (0230-20)

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R184/00/03/06** THAT all members of Council be authorized to travel to attend the 2000 Okanagan Mainline Municipal Association Convention being held May 3-5, 2000 in Salmon Arm, B.C., with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001;

AND THAT all members of Council be authorized to travel to attend the 2000 Union of British Columbia Municipalities Convention being held October 23-27, 2000 in Victoria, B.C., with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001.

Carried

## 8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 8.1 Bylaw No. 8509 – Amendment No. 13 to Garbage Collection Bylaw No. 7173 (add provisions for Recycling Collection Program)

Moved by Councillor Nelson/Seconded by Councillor Clark

**R185/00/03/06** THAT Bylaw No. 8509 be read a first, second and third time.

Carried

### **(BYLAWS PRESENTED FOR ADOPTION)**

- 8.2 Bylaw No. 8515 – Amendment No. 4 to Council Remuneration and Expenses Bylaw No. 7547 (reimbursement of expenses within CORD boundaries)

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R186/00/03/06** THAT Bylaw No. 8515 be adopted.

Carried

Regular Meeting – P.M.March 6, 2000

- 8.3 Bylaw No. 8516 – Amendment No. 1 to Sewer Connection Charge Bylaw No. 8469 (McCurdy Sewer Trunk Area)

Moved by Councillor Clark/Seconded by Councillor Shepherd**R187/00/03/06** THAT Bylaw No. 8516 be adopted.Carried

9. COUNCILLOR ITEMS

(a) Pedestrian Crossing at Mission Park Shopping Centre

Councillor Shepherd expressed appreciation to staff for finding a solution to her concern about pedestrian safety crossing Lakeshore Road at the Mission Park Shopping Centre. She reported that a signalized pedestrian crossing could not be justified but the City will enter into a partnership trial program with ICBC for the installation of in-pavement flashers. Small amber lights, based on lights used on airport runways, are embedded slightly above the asphalt surface and are activated by a push button.

(b) Kelowna Secondary School Site – Richter Street

Councillor Cannan noted that the School District is being forced to sell the existing Kelowna Secondary School (KSS) properties to contribute to their share of the costs of developing the future KSS site. He suggested that Council send a letter to the Ministry of Education stating the City's position that the KSS site is to be retained for future school use.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

THAT a letter be sent to the Ministry of Education and the Ministry of Finance advising that the City believes that the existing Kelowna Secondary School site will be required for education purposes at a future date and asking that no school properties within the downtown area be sold so as to retain the option for future school uses;

AND THAT a copy of the letter be sent to the School Board.

Council discussed incorporating the City's ownership interest in the land into the letter.

Councillor Clark questioned whether sending letters is the best approach and suggested that more time is needed to consider whether it may be more appropriate for the City and the School Board to approach Victoria jointly and to involve the local MLAs in the issue as well.

Councillor Blanleil suggested that if a letter does get sent, the public's expectation that at least a portion of the existing KSS site would be retained as park should also be mentioned.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R188/00/03/06** THAT further Council consideration of the motion to send a letter to Victoria regarding the disposition of the KSS site be deferred for one week.

Carried



Regular Meeting – P.M.

March 6, 2000

Mayor Gray read a proclamation declaring the month of March 2000 as B.C. Wood Works! Month.

10. TERMINATION

The meeting was declared terminated at 4:30 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/bn