

Regular Meeting – P.M.April 3, 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, April 3, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil\*, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given\*, R.D. Hobson\*, J.D. Nelson and 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\*; Current Planning Manager, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Special Projects Planning Manager, H.M. Christy\*; Community Planning Manager, T. Eichler\*; Deputy Director of Finance, P.A. Macklem\*; Financial Planning & Systems Manager, K. Grayston\*; Development Engineering Manager, S. Muenz\*; Roadways Engineer, M. Duggan\*; Cultural Services Manager, I. Forsyth\*; Airport General Manager, R. Sellick\*; Manager – Airport Terminal and Commercial Operations, B. Hawick\*; 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 Cannan was requested to check the minutes of the meeting.

Councillor Hobson joined the meeting at 1:31 p.m.

3. CORRESPONDENCE

3.1 Kelowna Charities Association, dated March 16, 2000 re: Request for Letter of Approval for the Installation of Hand Held Bingo Units at Dabbers Bingo Hall (0230-01)

Staff:

- The electronic bingo card minders are being offered to Dabbers by the B.C. Lottery Corporation on a 1-year test basis.

Councillor Given declared a conflict of interest being an employee of the Canadian National Institute for the Blind which is one of the charities in the Kelowna Charities Association and left the Council Chamber at 1:33 p.m.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R282/00/04/03** THAT the Kelowna Charities Association be provided with a letter advising that Kelowna City Council has no objection to the B.C. Lottery Corporation proceeding with the installation of Hand Held Bingo Units at Dabbers Bingo Hall for a one-year test.

Carried

Councillor Given returned to the Council Chamber at 1:34 p.m.

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4. PLANNING

- 4.1 Planning & Development Services Department, dated March 29, 2000 re: Rezoning Application No. Z00-1014 – Lance Pillot and Donalene Zacharias – 4632 Gordon Drive (3360-20)

Staff:

- A secondary suite is proposed within the lower level of a new single family dwelling that is under construction.

Moved by Councillor Given/Seconded by Councillor Cannan

**R283/00/04/03** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, DL 357, ODYD, Plan KAP63101, located on Gordon Drive, Kelowna, B.C., 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.

Carried

- 4.2 Planning & Development Services Department, dated March 29, 2000 re: Area Structure Plan (ASP00-001) – Kirschner Family – Black Mountain Area (6630-20)

Staff:

- The applicant is requesting authorization from Council to proceed with preparation of an Area Structure Plan for +128 ha of land south of Highway 33 east of Garner Road and west of Lynrick Road.

Council:

- Staff to coordinate a site visit for Council.

Moved by Councillor Hobson/Seconded by Councillor Day

**R284/00/04/03** THAT Municipal Council approve authorization for the Kirschner family and their consultants to prepare an Area Structure Plan for the properties identified in Schedule “A”;

AND THAT preparation of the Area Structure Plan take into consideration the items identified in the report from the Planning & Development Services Department dated March 29, 2000, and the various Terms of Reference to be provided by the following City Departments to the proponents’ consultant team:

- Transportation (MOTH and City Staff)
- Environment
- Drainage
- Parks
- Services (Sanitary Sewer);

AND THAT the applicants be requested to consider amending the name of the proposed Area Structure Plan to the “Kirschner Ridge ASP” or a suitable alternative and that City staff amend the Official Community Plan accordingly;

AND FURTHER THAT the applicant be clearly advised that support to prepare the Area Structure Plan does not necessarily embody support for adoption of the Plan presented.

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Councillor Blanleil joined the meeting at 1:43 p.m.

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- 4.3 Planning & Development Services Department, dated February 28, 2000 re: Agricultural Land Reserve Appeal No. A99-112 – Luigi & Marisa Russo (Tom Smithwick/Porter Ramsay) – 944, 982, 1040, 1124 & 2332 Old Vernon Road (6635-20)

**Staff:**

- The Russo sawmill was established on Lot 2 in the 1950s prior to the establishment of an Agricultural Land Reserve (ALR) and zoning issues.
- In 1985 the sawmill operation was expanded onto a part of Lot 3 with the approval of the Agricultural Land Commission; however that portion of Lot 3 was never rezoned to meet zoning bylaw requirements of the day.
- The applicant is now proposing to remove the sawmill uses from Lot 1 and use it entirely for agricultural purposes in return for the Land Reserve Commission allowing all of Lot 3 to be utilized as a sawmill, thereby concentrating the saw mill, wood waste recycling and pallet operation on Lots 2 and 3 only.
- The applicant is also requesting a soil placement permit in order to reduce the amount of stockpiled composted material on Lots 2 and 3 by gradually placing the material on Lot 4 as a soil replenishing nutrient for use as a turf farm. In addition to selling the turf for landscaping purposes, the composted soil materials from the wood waste recycling/composting operation would also be sold from Lot 4.
- The Agricultural Advisory Committee does not recommend support of this appeal because if approved, a subsequent rezoning application would be required to recognize the Industrial use and then should the sawmill operation cease, other industrial uses could occur on the land instead of the land reverting back to an agricultural use.
- City Planning staff also do not recommend support of this appeal because of concerns with respect to site drainage, fire safety, and the impact of industrial uses on surrounding agricultural properties.

Moved by Councillor Day/Seconded by Councillor Blanleil

**R285/00/04/03** THAT Council hear from the applicant.

Carried

**Tom Smithwick, applicant:**

- The sawmill operation began in the 1950s and precedes the ALR and zoning issues.
- The sawmill operation started on Lot 2 but Lot 1 was also used for combined agricultural and sawmill uses since the 1950s.
- In 1985 the owners applied to extend the sawmill operation onto Lot 3 and that was approved by the ALC.
- In April 1986 the owners applied to the City for rezoning but something happened to that file and it never did go forward.
- In the 1990s the owners responded to the City's proposal call for Wastewood Recycling and they added that to their operation and that led into the pallet operation and composting.
- The survival of approximately 40 employees, depending on the time of year, is at stake.
- The sawmill use on Lots 1 and 2 is grandfathered and the owners are hoping that the grandfather rights on Lot 1 can be switched to Lot 3.
- The proposed compromise would put agricultural uses on either side of the sawmill operation and Mr. Fry of the Land Reserve Commission has indicated that he is prepared to recommend in support when the application gets to the LRC.

**Don Fraser, Interior Lumber Manufacturer's Association:**

- Slide presentation showing the Russo operation and the products they produce.

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- In addition to the +40 people that are directly employed there are about 70 others also indirectly dependent on the viability of this business for their livelihood.

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Robert Russo

- 3<sup>rd</sup> generation and youngest family member working within the family operation.
- Explained how all activities on their properties are interconnected.

Council:

- Servicing requirements would be onerous if Lot 3 had to be rezoned to Industrial.
- Prefer that a covenant be registered to transfer the grandfathering rights from Lot 1 to Lot 3.
- Concern about water contamination into Mill Creek.

Mr. Smithwick:

- Confirmed that the owners will address the safety concerns with respect to compliance with B.C. Fire Code regulations.

Moved by Councillor Day/Seconded by Councillor Nelson

**R286/00/04/03** THAT Agricultural Land Reserve Appeal No. A99-112; Lot 1, Sec. 1, Twp. 23, O.D.Y.D., Plan 546 except that part lying southeast of Government Road as shown on Plan 546; Lots 2, 3 and 4, Sec. 1, Twp. 23, O.D.Y.D., Plan 546, located on Old Vernon Road, Kelowna, BC, for an existing non-farm use within the Agricultural Land Reserve and a soil placement permit pursuant to Section 22(1) of the Agricultural Land Commission Act and Section 2 of the Soil Conservation Act respectively, be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Land Reserve Commission;

AND FURTHER THAT Council recommend to the Land Reserve Commission that they register a covenant that would forego the normal rezoning approvals required by the City of Kelowna, recognizing that the sawmill has existed in the area since the 1950s and prior to the City's land use bylaws and establishment of the Agricultural Land Reserve.

Carried

Councillor Cannan opposed.

4.4 Planning & Development Services Department, dated March 29, 2000 re: Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth (1850-20)

Council:

- Acknowledge the significant amount of work that goes into reviewing the grant applications.

Moved by Councillor Given/Seconded by Councillor Shepherd

**R287/00/04/03** THAT City Council accept the recommendations from the Social Planning Board for the award of grants totalling \$33,250 under the Community Social Development grant program and for the award of grants totalling \$14,000 to address the Sexual Exploitation of Youth programs, as set out in the report of the Community Planning Manager dated March 29, 2000;

AND THAT the applicants identified to receive funds under these grant programs follow the procedures outlined in Council policies 218 and 277.

Carried

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5.0 BYLAWS (ZONING & DEVELOPMENT)

**BYLAW PRESENTED FOR FIRST READING)**

5.0.1 Bylaw No. 8537 [Z99-1028(a)] – Cambridge Shopping Centre Ltd. and Shaw Cablesystems Company – 2350 Hunter Road and 2430 Highway 97 North

Staff:

- Bylaw No. 8518 is on the April 4, 2000 Public Hearing agenda to extend the Land Use Contract to include the sliver of land being transferred to Shaw Cable to facilitate the realignment of Enterprise Way.
- Staff have just learned that the Land Titles office will not register an extension of the LUC. Consequently, Bylaw No. 8518 will be withdrawn from the April 4, 2000 Public Hearing/Regular Meeting agendas.
- The subject Bylaw No. 8537 rezones the entire Shaw Cable property, including the sliver of land being transferred, to the I1 zone.

Moved by Councillor Given/Seconded by Councillor Nelson

**R288/00/04/03** THAT Bylaw No. 8537 be read a first time.

Carried

5. REPORTS

5.1 Airport General Manager, dated March 29, 2000 re: Vehicle Rental Licences – Kelowna International Airport (2380-20-8000; -8002; -8043; -8068.01; 0550-05)

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R289/00/04/03** THAT Council award airport vehicle rental concession licences to the following companies on the basis of tenders received on March 23, 2000:

Hertz Canada Limited  
Budget Rent-A-Car  
Aviscar Inc.  
National Car Rental System;

AND THAT Council authorize the Mayor and City Clerk to sign the agreements on behalf of the City of Kelowna.

Carried



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- 5.2 Director of Works & Utilities, dated March 1, 2000 re: Latecomer Charges – Bill & Isabella Gambouras – Lakeshore Road (2250-70-061)

Councillor Shepherd advised that she owns property immediately adjacent but that her property is not within the service area and questioned whether that puts her in a conflict of interest for this item. The City Manager ruled that she was not in conflict.

Moved by Councillor Nelson/Seconded by Councillor Given

**R290/00/04/03** THAT the Municipal Council requires the owner of Lot 2 Plan 22895 which is to be subdivided or developed, provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-61, attached to the report of the Director of Works & Utilities, dated January 12, 2001 March 1, 2000;

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-61, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Appendix E of Latecomer Agreement No. 2250-70-61, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Appendix D of Latecomer Agreement No. 2250-70-61;

AND THAT the City enter into Latecomer Agreement No. 2250-70-61 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

- 5.3 Transportation Manager, dated March 24, 2000 re: Tender No. T00-19 – Mill & Fill Program 2000 (5400-10)

Staff:

- The contract is an overlay program that involves milling the existing asphalt and repaving portions of Enterprise Way and Bay Avenue.

Moved by Councillor Blancheil/Seconded by Councillor Cannan

**R291/00/04/03** THAT the tender for the Mill & Fill Program 2000 be awarded to the low bidder, Peter's Bros. Construction Ltd. in the amount of Three Hundred Twenty-seven Thousand, Five Hundred Twenty-eight Dollars and Seven Cents (\$327,528.07 including GST).

Carried

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- 5.4 Director of Finance & Corporate Services, dated March 28, 2000 re: 5-Year Financial Plan Preparation – 2000-2004 (1700-20)

Staff:

- Bill 88 requires municipalities to prepare a financial plan for a 5 year period.
- The plan must cover operating and capital expenditures, include sources of revenue, be adopted annually by bylaw, and provide for a public consultation process prior to bylaw adoption.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R292/00/04/03** THAT Council approve the schedule and process for public consultation and adoption of the City of Kelowna's 5-year Financial Plan bylaw for the years 2000 – 2004, as outlined in the report dated March 28, 2000 from the Director of Finance & Corporate Services;

AND THAT the process for public consultation of the 5-year financial plan be further reviewed for future years using a cost-benefit approach to determine the most effective method available;

AND FURTHER THAT Council approve the definition for 'emergency expenditure' as included in the report dated March 28, 2000 from the Director of Finance & Corporate Services.

Carried

Moved by Councillor Blanleil/Seconded by Councillor Day

**R293/00/04/03** THAT a letter be sent to the Minister of Finance and Corporate Relations suggesting that the Provincial Government comply with the Financial Management provisions of Bill 88 for adoption of a financial plan for the province.

Carried

- 5.5 Cultural Services Manager, dated March 28, 2000 re: Festival Fund Grant – Peregrine Falcon Society (0360-20)

Moved by Councillor Given/Seconded by Councillor Nelson

**R294/00/04/03** THAT Council approve a Festival Fund Grant in the amount of \$4,000 to the Return of the Peregrine Falcon Society to assist with the creation of an Endangered Wildlife Festival to be held in Kelowna on May 7-12, 2000.

Carried

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

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

- 6.1 Bylaw No. 8531 – Amendment No. 5 to Airport Fees Bylaw No. 7982

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R295/00/04/03** THAT Bylaw No. 8531 be read a first, second and third time.

Carried

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7. COUNCILLOR ITEMS

(a) Letter to Minister of Finance

Council agreed with a suggestion from Councillor Clark to delay sending the letter requested under agenda item No. 5.4 until after issues regarding the ownership of the Kelowna Secondary School site have been resolved.

(b) Settlement Between B.C. Transit and Kelowna Bus & Transportation

Mayor Gray read a letter from B.C. Transit advising that the details of the settlement between B.C. Transit and Kelowna Bus & Transportation will remain confidential.

(c) Municipal Finance Association

Councillor Hobson reported that he has been elected municipal trustee with the Municipal Finance Association.

8. TERMINATION

The meeting was declared terminated at 3:29 p.m.

Certified Correct:

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Mayor

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City Clerk

BLH/bn