

Regular Meeting – P.M.June 26, 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, June 26, 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. Shuaghnessy*; Long Range Planning Manager, L.V. Foster*; Traffic & Transportation Planning Engineer, K. Gauthier*; Community Planning Manager, T. Eichler*; Inspection Services Manager, K. Skinner*; Licensing & Bylaw Enforcement Supervisor, A. Dixon*; Airport General Manager, R. Sellick; Spatial Data Analyst, D. Huang*; and Acting Council Recording Secretary, L.M. Taylor.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Signing of Statement of Political Relationship Between the City of Kelowna and Westbank First Nation

Mayor Gray read the Statement for the benefit of the gallery.

The agreement was signed by Chief Derrickson and all members of the Council of Westbank First Nation and Mayor Gray and all members of Kelowna City Council.

3.2 Chris Gibson, ICBC Claims Centre Manager re: Presentation of Cheque for Grants in Lieu of Property Taxes

This item was withdrawn at the request of ICBC.

3.3 Terry Flannigan, President/Chair, Kelowna 2000 Seniors Games re: Seniors Games Update

Dr. Terry Flannigan, President Kelowna 2000 Seniors Games:

- 85% of the funds for the games have been raised
- 700 volunteers are still needed

3.4 Downtown Business Association re: Biz Patrol

Dale Nolan, President of Downtown Business Association:

- Reported this is the 5th year of Biz Patrol.
- Thanked Council for their continued support and sponsorship of the Biz Patrol program.

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- 4.1 Transportation Manager, dated June 21, 2000 re: Proposed Pearson Road Subdivision (S99-113; Z99-1066) (3360-20)

Staff:

- Proposed split access for 29-lot single family residential subdivision.
- 15 of the lots would be accessed from Pearson Road and 14 of the lots would be accessed via a rear lane that would connect to Hollywood Road.
- Local road network can safely accommodate the traffic volume generated by the subdivision.
- Lane is already paved and will be widened as part of subdivision approval process.
- Pedestrian access along the south side of the proposed Lot 29 will be maintained.

Council

- North end of alley has poor visibility.
- Future consideration should be given to making lane one way if required.

Moved by Councillor Hobson/Seconded by Councillor Given

R572/00/06/26 THAT Council support the primary street access be off of Pearson Road with secondary access to be via rear lanes connecting to Hollywood Road, for the proposed subdivision of Lot 9 Plan 25504 and Lot 1 Plan 33327.

Carried5. PLANNING

- 5.1 Planning & Development Services Department, dated June 8, 2000 re: Rezoning Application No. Z98-1009 – J. Elise Clark – 861-863 Fuller Avenue (3360-20)

Staff:

- Applicant has requested rezoning to legalize the third dwelling that exists in the two-family dwelling.
- Applicant needs to make application for an Official Community Plan amendment, development permit and development variance permit but has not yet done so.
- Applicant has also indicated she will not sign a servicing agreement to address off-site servicing requirements.
- Servicing agreement is required under the provisions of the Subdivision Bylaw – the rezoning to the RM1 zone triggers the need for the agreement.
- Existing one-storey single family dwelling was constructed in 1945 and two-storey addition to convert the residence to a two-family dwelling was constructed in 1993.
- Third residential unit was constructed on lower floor of two storey addition without proper building permits or authorization.
- Previous owner had started the rezoning process.
- Planning & Development Services Department is not able to recommend positive consideration of the rezoning without an application for an OCP amendment to change the future land use designation of the property to Multiple Family – Low Density.
- Issue of servicing agreement, development permit and development variance permit can be addressed before adoption of rezoning bylaw.

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Council:

- Requested staff look at the Future Land Use designation of the area during the current review of the OCP.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R573/00/06/26 THAT Council hear from the applicant.

Carried

Elise Clark, Applicant:

- Was aware the property was zoned R2 and that rezoning application would have to be made when she purchased property.
- Understood the building permit issued in 1993 was to approve adding a duplex onto a single family dwelling.
- Cannot afford to pay \$20,000 required under the proposed servicing agreement.
- Would pay share as property owner if improvements were undertaken as part of a local improvements program.
- Basement of two storey addition was never completed.
- Confirmed there are currently three separate dwelling units on property.

Council:

- Servicing agreement is a requirement and needs to be dealt with.

Moved by Councillor Shepherd/Seconded by Councillor Given

R574/00/06/26 THAT further consideration of Rezoning Application No. 98-1009, Lot 14, D.L. 138, O.D.Y.D., Plan 947, located on Fuller Avenue, Kelowna, B.C., to amend the zoning classification from the RU6 - Two Dwelling Housing zone to the RM1 – Four-Plex Housing zone, be deferred for up to six months to allow an appropriate application for an Official Community Plan amendment to be submitted.

Carried

5.2 Planning & Development Services Department, dated June 12, 2000 re: Aggregate Supply and Demand Study (6850-20)

Staff:

- The overall the objective of the study is to ensure that area has adequate supply of sand, gravel and rock to build the community in future years
- The Regional District of Central Okanagan in conjunction with the municipalities of Kelowna, Lake Country and Peachland commissioned EBA Engineering Consultants to produce the study.

Melanie Clark, EBA Engineering Consultants:

- Study has three major components – inventory of existing aggregate resources; assessment of current industry and regulatory climate; and development of management strategy.
- Management strategy will maximize efficient use of aggregate resource; minimize land use and neighbourhood conflicts; minimize environmental impact; and streamline the permit process between agencies with overlapping jurisdictions.
- Input has been received from public at four open houses and numerous stakeholders including the local aggregate industry and representatives of various Provincial Government agencies.

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- There is a projected shortfall of approximately 20 million tonnes of aggregate based on current supply.
- Proposed Soil Deposit and Removal Bylaw is permitted under the Municipal Act and bylaw can determine hours of operation, reclamation and permit fees, noise control, permit requirements and buffering.
- Noted that bylaw can declare certain areas of municipality as a soil extraction area but that both Minister of Municipal Affairs and Minister of Energy and Mines need to approve bylaw.

Staff:

- Need to establish work group to finalize bylaw and enhance communication between municipalities and Ministry of Energy and Mines.

Moved by Councillor Given/Seconded by Councillor Nelson

R575/00/06/26 THAT the report of June 12, 2000 prepared by the Planning and Development Services Department and accompanying Aggregate Supply and Demand Study prepared by EBA Engineering Consultants Ltd. be received for information;

AND THAT a work plan as outlined in the Planning & Development Services Department report of June 12, 2000 be initiated to achieve the following:

1. Enhance the existing referral process between local government and the Ministry of Energy and Mines by improving communication among all parties;
2. Establish a Working Group comprised of local government, Ministry of Energy and Mines, Ministry of Transportation and Highways, and Land Reserve Commission staff, whose objectives are to:
 - (i) Design an integrated Soil Removal and Deposit Bylaw (or Bylaws) for the region, including a detailed discussion of the question of volume-based fees;
 - (ii) Create a Memorandum of Understanding for the Mines Permit Process, outlining the responsibilities and statutory authority over each function of the sand and gravel permit approval process;
3. Develop an Implementation Agreement as part of the Central Okanagan Growth Management Strategy, if appropriate.

Carried

- 5.3 Planning & Development Services Department, dated June 26, 2000 re: Appeal of Community Social Development Grant by the Kelowna Metis Family Services (1850-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R576/00/06/26 THAT Council authorize an additional amount of \$1,000 to be granted to the Kelowna Metis Family Services from the Community Social Development Grant fund, based on the recommendation of the Social Planning Board, as a result of an appeal by the agency.

Carried

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6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 8405 (Z99-1004) – Danny & Halina Scuka – 881 Highway 33 East

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R577/00/06/26 THAT Bylaw No. 8405 be adopted.

Carried

- 6.2 Bylaw No. 8543 (Z00-1008) – Brad Farrell – 927 Tataryn Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R578/00/06/26 THAT Bylaw No. 8543 be adopted.

Carried

7. REPORTS

- 7.1 Inspection Services Manager, dated June 16, 2000 re: ST00-10 – Application for Stratification of a Semi-Detached Dwelling at 1515-1525 Pasadena Road (3760-10)

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

Moved by Councillor Nelson/Seconded by Councillor Given

R579/00/06/26 THAT the application to stratify the semi-detached dwelling at 1515 1525 Pasadena Road – Lot 14, Plan 20099 be approved in the name of Greg McCaw with no conditions.

Carried

- 7.2 Airport General Manager, dated June 20, 2000 re: Purchase of Passenger Loading Bridge – Kelowna International Airport (0550-05; 6640-20)

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R580/00/06/26 THAT Council authorize the Administration to complete a purchase agreement with FMC Jetway of Ogden, Utah for the supply and installation of a passenger loading bridge on the air terminal building at the Kelowna International Airport.

Carried

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- 7.3 Licensing & Bylaw Enforcement Supervisor, dated June 6, 2000 re: Amendment No. 51 to Ticket Information Utilization Bylaw (B/L 8357)

Staff:

- Amendment will allow levy of \$100 fine for constructing or placing a sign without a permit issued under the Sign Bylaw.

Moved by Councillor Hobson/Seconded by Councillor Day

R581/00/06/26 THAT Bylaw No. 8357 – Amendment No. 51 to City of Kelowna Ticket Information Utilization Bylaw be advanced for reading consideration.

Carried

- 7.4 Licensing & Bylaw Enforcement Supervisor, dated June 6, 2000 re: Amendment No. 12 to Business License Bylaw No. 7878 and Amendment No. 56 to Ticket Information Utilization Bylaw No. 6550-89 (B/Ls 8635 & 8535)

Staff:

- Amendments have been requested by RCMP.

Council:

- Requested that all tow truck operators be notified of the bylaw amendments.

Moved by Councillor Nelson/Seconded by Councillor Given

R582/00/06/26 THAT Bylaw No. 8534 - Amendment No. 56 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 be advanced for reading consideration;

AND THAT Bylaw No. 8534 - Amendment No. 12 to Business Licence & Regulation Bylaw No. 7878 be advanced for reading consideration.

Carried

8. RESOLUTIONS

- 8.1 Draft Resolution re: Appointment – Deputy City Clerk (2630-40)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R583/00/06/26 THAT the appointment of Gillian Matthews as Deputy City Clerk for the City of Kelowna be rescinded;

AND THAT Allison Flack be appointed Deputy City Clerk for the City of Kelowna effective immediately;

AND FURTHER THAT Laurie Taylor be appointed as Acting-Deputy City Clerk during the period of Allison Flack's maternity leave which is anticipated to be from August 6, 2000 to March 4, 2001.

Carried

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9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 9.1 Bylaw No. 8357 – Amendment No. 51 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Blaneil/Seconded by Councillor Cannan

R584/00/06/26 THAT Bylaw No. 8357 be read a first, second and third time.

Carried

- 9.2 Bylaw No. 8534 - Amendment No. 56 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Given/Seconded by Councillor Nelson

R585/00/06/26 THAT Bylaw No. 8534 be read a first, second and third time.

Carried

- 9.3 Bylaw No. 8535 - Amendment No. 12 to Business License & Regulation Bylaw No. 7878

Moved by Councillor Nelson/Seconded by Councillor Given

R586/00/06/26 THAT Bylaw No. 8535 be read a first, second and third time.

Carried

10. COUNCILLOR ITEMS

(a) Zoning for Three-Plexes

Councillor Shepherd requested that staff investigate a potential zone that would permit three-plexes.

(b) Motorcycles – Noise Bylaw

Councillor Cannan reported he had received complaints regarding the noise of the motorcycles that are in the area of Abbott Street, City Park and the Sails. He requested that staff investigate the possibility of implementing a bylaw to regulate motorcycle noise.

(c) Brandt Creek and Rotary Marsh

Councillor Hobson reported the Rotary Club is concerned that they had applied for Provincial grant monies on the basis that the ponds at the Rotary Marsh were to be used for filtering of water from Brandts Creek and that this is not yet being done. Staff were requested to provide Council with an update on the project including a timeline as to when the filtration process will start.

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(d) Heritage Tree Inventory

Councillor Hobson reported that recently the First United Church received a notice from the Regional District regarding a maple tree located at the front of their property that was in contravention of the Nuisance Trees and Shrubs bylaw. Members of the Church Board responded to the letter and had the tree pruned and as a result the entire tree must now be removed because it is unstable. Councillor Hobson noted the tree was listed on the City of Kelowna's Heritage Tree Inventory and indicated the bylaw enforcement staff should have better communication with our Heritage staff so that this type of incident does not occur in the future.

11. TERMINATION

The meeting was declared terminated at 5:22 p.m.

Certified Correct:

Mayor

City Clerk

LMT/bn