

Regular Meeting – P.M.September 11, 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, September 11, 2000.

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

Council members absent: Councillor B.A. Clark.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Long Range Planning Manager, L.V. Foster\*; Current Planning Manager, A.V. Bruce\*; Special Projects Planning Manager, H.M. Christy\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Planner-Long Range, G.L. Stephen\*; Director of Works & Utilities, J. Vos\*; Electrical Manager, R. Carle\*; Wastewater Manager, W.J. Berry\*; Inspection Services Manager, K. Skinner\*; Financial Planning & Systems Manager, K. Grayston\*; Communications Manager, K. Cairns\*; 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.

Mayor Gray altered the order of business and advised that agenda item No. 5.1 would be dealt with next.

5. REPORTS

5.1 2000 Citizens Survey (1470)

Staff:

- The executive summary of the survey results will be posted on the City of Kelowna website.

Rick Appleby, consultant:

- Presented the highlights of the survey results.

Moved by Councillor Given/Seconded by Councillor Cannan

**R740/00/09/11** THAT the 2000 Citizens Survey be received for information.

Carried

3. CORRESPONDENCE

3.1 Downtown Kelowna Association, dated September 5, 2000 re: Downtown Graffiti Removal Program (0550-01)

Staff:

- Read the letter regarding the success of the 2<sup>nd</sup> Annual Graffiti Removal Day on August 18<sup>th</sup> and inviting the public to view a “Downtown Kelowna Brushes Off Graffiti” display in the City Hall lobby from September 11<sup>th</sup> to October 6<sup>th</sup>, 2000.

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Moved by Councillor Day/Seconded by Councillor Hobson

**R741/00/09/11** THAT the letter dated September 5, 2000 from the Downtown Kelowna Association regarding their downtown graffiti removal program be received for information.

Carried

4. PLANNING

4.1 Planning & Development Services Department, dated September 7, 2000 re: Naming of Cannery Lane (B/L 8595)

Staff:

- An art retail store with a gallery has situated in the rear of the Old Cannery building.
- The gallery fronts onto the lane and the proprietors have requested that the lane be named.
- Recommend that the requirement for the applicant to pay construction and instalment costs for the road signs be deleted from the last paragraph of the staff recommendation.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R742/00/09/11** THAT the portion of lane that lies between Lot 1, D.L. 139, O.D.Y.D., Plan 660, Lot 1, D.L. 139, O.D.Y.D., Plan KAP60698 and Lot 3, D.L. 139, O.D.Y.D., Plan KAP60698 as shown on Map "A" attached to the Planning & Development Services report dated September 5, 2000 be named Cannery Lane;

AND THAT staff be instructed to prepare the required bylaw;

AND FURTHER THAT the applicant be responsible for all costs associated with the naming of the lane including but not limited to document execution and land title registration.

Carried

4.2 Planning & Development Services Department, dated August 25, 2000 re: Rezoning Application No. Z99-1031 – Okanagan Hungarian Society (Jack Peters/Terry Gold Realty Ltd.) – 199 Pinto Road (3360-20)

Staff:

- Western Star has been using part of the adjacent industrially zoned lot to the east as an outdoor storage yard for their trucks while they are readied for shipping.
- With the success of the Western Star product line and the increased production, it has become necessary to increase the size of the outdoor storage yard.
- Landscaping and screening issues will be dealt with through the Development Permit.

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Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R743/00/09/11** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 19, Sec. 2, Twp. 23, O.D.Y.D., Plan 18861, located on Pinto Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the I2 – General Industrial zone;

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

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

- 4.3 Planning & Development Services Department, dated September 6, 2000 re: Rezoning Application No. Z99-1049; OCP99-015 and Mission Ridge Area Structure Plan No. ASP99-001 – R127 Enterprises Ltd. (Lynn Welder Consulting Ltd.) – Mission Ridge Road & Westpoint Drive (3360-20)

Staff:

- The applicant's Area Structure Plan is consistent with the generalized land uses acknowledged in the North Mission/Crawford Sector Plan.
- The application is generally consistent with the Official Community Plan.
- The applicant is seeking to rezone the upper flatter area for large lot housing with the sloped area retained as open space.
- A subdivision application is being processed concurrently to create 68 residential lots plus 1 remainder lot on the slope. The technical aspects of the subdivision application are under review.
- Access to 46 lots would be from Westpoint Drive and the remaining 22 lots would be accessed off Mission Ridge Road.
- Grading activities have occurred with a Mines Permit to prepare the site for development. The current Mines Permit expires in December 2000.
- The Mines Permit supersedes any local regulations and allowed the developer to avoid the issuance of a Development Permit which would have imposed conditions.
- Initial estimates were for 140,000 m<sup>3</sup> of material to be removed from the site but that figure is considerably reduced. Approximately 50 truckloads have been removed and another 10 truckloads are yet to be removed.
- Some letters have been received that were directed specifically to this meeting rather than to the Public Hearing. The letters were from the following, and all have been circulated to Council:
  - Dr. Randall Fairey, 877 Westpoint Drive
  - Don Martin, President, Westpoint Drive Residents Association
  - Wayne Judiesch, R127 Enterprises Ltd. (the applicant).

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Council:

- The geotechnical issues need to be dealt with before getting into the issues of whether or not the development is appropriate.
- Staff have not had an opportunity to review in the detail the geotechnical information that has been provided.

Moved by Councillor Day/Seconded by Councillor Shepherd

**R744/00/09/11** THAT further consideration of the Rezoning Application No. Z99-1049 (R127 Enterprises Ltd. – Mission Ridge Road & Westpoint Drive) be deferred for 2 weeks to allow City Works & Utilities staff an opportunity to review geotechnical information recently provided by the applicant and report back to Council.

Carried

Councillor Blanleil opposed.

4.4 Planning & Development Services Department, dated September 6, 2000 re: Draft Official Community Plan – Policy Review (6480-30)

Staff:

- Presented the policies in Chapters 3, 4, 5, 6 and 8 dealing with population, employment, growth management, urban centres and housing.

## 5. REPORTS

5.1 2000 Citizens Survey (1470)

Dealt with first on the agenda.

5.2 Deputy Director of Finance, dated August 31, 2000 re: Amendment No. 1 to Bylaw No. 8538 – Five Year Financial Plan, 2000-2004 (1700-20)

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R745/00/09/11** THAT Council approve amendment #1 to the Five Year Financial Plan, 2000-2004 Bylaw 8538 as required by the Local Government Act, to reflect changes in the Operating Budget and Capital Expenditure Program for 2000.

Carried

5.3 Inspection Services Manager, dated September 1, 2000 re: ST00-08 – Stratification of Semi-Detached Dwelling – 610/612 Bolotzky Court (3760-10)

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

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R746/00/09/11** THAT the application to stratify the semi-detached dwelling at 610 612 Bolotzky Court – Lot 6, Plan 25745 be approved in the names of Jay David Wiens, Loraine Dale Wiens, Abraham Wiens and Katherine Wiens with the condition that a separate water service shall be provided to each unit as requested by Black Mountain Irrigation District.

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- 5.4 Inspection Services Manager, dated September 6, 2000 re: ST00-11 – Stratification of 13-Unit Townhouse Complex – 1255 Bernard Avenue (3760-10)

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

Moved by Councillor Day/Seconded by Councillor Blanleil

**R747/00/09/11** THAT the application to stratify the 13 unit townhouse complex at 1255 Bernard Avenue, Lot A, Plan 67362 be approved in the name of Marble Heights Development Ltd. with no conditions.

Carried

- 5.5 Inspection Services Manager, dated September 1, 2000 re: ST00-13 – Stratification of Semi-Detached Dwelling – 391 Klassen Road/441 Murray Crescent (3760-10)

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

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R748/00/09/11** THAT the application to stratify the semi-detached dwelling at 391 Klassen Road / 441 Murray Crescent, Lot 27, Plan 52940 be approved in the name of Walter Karl Ruck with no conditions.

Carried

- 5.6 Wastewater Manager, dated August 24, 2000 re: Utility Services Across Private Property (5340-20)

Staff:

- The intent of the proposed policy is to create a legal mechanism to allow a property owner to extend a utility line across an adjacent property.
- The option recommended is a dual covenant registered across both properties.
- The policy would be applicable only to single-lot subdivisions in infill areas.
- The \$1,000 fee is the recommended minimum and is possible only because City staff will prepare the documents and look after the registration instead of a solicitor.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R749/00/09/11** THAT Council accept the August 24, 2000 report from the Wastewater Manager entitled Utility Services Across Private Properties, and establish a charge of \$1,000 to be collected from the applicants that choose to extend a service line across an abutting property and protect their interests to maintain and repair their service line by registering a Restrictive Covenant in accordance with Section 219 of the Land Title Act;

AND THAT Council Policy No. 292 – Utility Services across Private Property, be adopted by Council.

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- 5.7 Director of Works & Utilities, dated September 6, 2000 re: Sewer Service – Regional Properties (5340-07)

Staff:

- This policy is triggered by a Sunset Ranch residential development proposal on lands adjacent to the City boundary and concerns about the environmental impact of a package treatment plant.
- The policy addresses the impacts of development outside the city boundary connecting to the City sanitary sewer system while protecting the taxpayers of the city to ensure costs of development in the fringe areas are fully recovered and not subsidized.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R750/00/09/11** THAT Council permits the connection of properties within the Regional District of Central Okanagan to the City Sanitary Sewer under the criteria outlined in the draft policy attached to the report dated September 6, 2000 from the Director of Works & Utilities;

AND THAT Council approves the draft policy for inclusion as Council Policy No. 293;

AND FURTHER THAT Council approves the rates and charges outlined in the staff report for regional property connections for incorporation into the Sewer Connection Charge Bylaw No. 8469 and the Sewerage System User Bylaw No. 3480.

Carried

- 5.8 Electrical Manager, dated September 5, 2000 re: Electrical Utility Rates (1824-02)

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R751/00/09/11** THAT Council approve a change to the City's electrical utility structure and rates resulting in a **4.8% increase** in annual residential customer revenues, a **2.6% increase** in annual commercial customer revenues and a **4.5% increase** in annual municipal and school revenues for an overall electrical utility revenue rate increase of **3.7%**;

AND THAT the approved changes be implemented with the first billing cycle in October, 2000.

Carried

## 6. RESOLUTIONS

- 6.1 Draft Resolution re: Cancellation of September 26, 2000 Council Meetings (0550-01)

Moved by Councillor Given/Seconded by Councillor Shepherd

**R752/00/09/11** THAT the Public Hearing and Regular Council Meeting scheduled for Tuesday, September 26, 2000 be cancelled.

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7. Bylaws (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST, SECOND AND THIRD READINGS)**

7.1 Bylaw No. 8595 – Cannery Lane Naming Bylaw

Moved by Councillor Nelson/Seconded by Councillor Given

**R753/00/09/11** THAT Bylaw No. 8595 be read a first, second and third time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

7.2 Bylaw No. 8351 – Amendment No. 6 to Development Application Fees  
Bylaw No. 8034

Moved by Councillor Given/Seconded by Councillor Shepherd

**R754/00/09/11** THAT Bylaw No. 8351 be adopted.

Carried

7.3 Bylaw No. 8591 – Amendment No. 1 to Freedom of Information Bylaw  
No. 7603

Moved by Councillor Shepherd/Seconded by Councillor Given

**R755/00/09/11** THAT Bylaw No. 8591 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) Bed & Breakfast Signage

Councillor Shepherd noted that when driving around the city many of the bed & breakfast facilities have put out signs that do not comply with the Sign Bylaw but that are unique. She asked that staff review the Sign Bylaw with a view to allowing other than just a single sign attached to the residence.

(b) Accessibility to Sidewalks During Construction

Councillor Shepherd asked that staff consider bringing forward a policy to ensure that an alternate route of access is provided when repair work or other construction impedes accessibility to city sidewalks for wheelchairs, strollers and other pedestrians.

(c) McKinley Landing Fire Department

Councillor Nelson advised that he had attended the 10<sup>th</sup> year anniversary of the McKinley Landing fire department on the weekend and asked that a letter be sent from the Mayor on behalf of Council expressing appreciation to the department and their volunteers.



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(d) Left Turn Signal – Bernard Avenue to Burtch Road

Councillor Blanleil noted that now that the School District has cut back on bus services, more parents are dropping off and picking up their children and the number of vehicles in the vicinity of schools has increased dramatically. He noted the traffic congestion is particularly bad by the Dr. Knox Middle School where, in his opinion, the signal light for left turns onto Burtch Road is not nearly long enough. Staff will investigate.

(e) Watson Road Elementary School

Councillor Blanleil expressed concern that there is currently no school zone sign or crosswalk for the children that have to cross Glenmore Road to get to Watson Road Elementary School. Staff will investigate.

(f) Loud Motorcycles

Councillor Cannan asked that the City Manager work with the RCMP to step up enforcement with respect to motorcycles that are excessively loud.

(g) Stoneybrook Area Residents

Councillor Hobson noted that the Stoneybrook area residents have sent in a letter regarding the environmental impact of the proposed extension of Gordon Drive along Stoneybrook Road and suggested that staff arrange for a site visit in October.

9. TERMINATION

The meeting was declared terminated at 4:54 p.m.

Certified Correct:

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Mayor

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City Clerk

BLH/bn