

Regular Meeting – P.M.October 2, 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, October 2, 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* and S.A. Shepherd.

Council members absent: Councillor J.D. Nelson.

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*; Long Range Planning Manager, L.V. Foster*; Planner-Long Range, G.L. Stephen*; Community Planning Manager, T. Eichler*; Special Projects Planning Manager, H.M. Christy*; Director of Works & Utilities, J. Vos*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; General Accounting Manager, R. Mayne*; Cultural Services Manager, I. Forsyth*; 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 Given was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

Mayor Gray presented the Airport General Manager with the B.C. Aviation Council's William Templeton Award for outstanding initiative and achievement in the development of an airport. The award was given to the City of Kelowna at the BCACs award dinner on September 29th and will be displayed at the Kelowna International Airport.

Mayor Gray also presented the Airport General Manager with the model plane given to the City of Kelowna by Horizon Air when they started air service to Seattle, and the model plane Air Canada gave to the City for the inauguration of their non-stop service from Kelowna to Toronto. Both will be displayed at the airport.

Councillor Cannan displayed the trophy awarded to the City of Kelowna for winning the 2000 International Communities in Bloom team competition. Solihull, England was Kelowna's international partner in the competition. Councillor Cannan also announced that Kelowna will be host city for the 2002 Communities in Bloom National Convention.

3.1 Presentation by Nancy Cameron, Chamber of Commerce re: Sports Tourism Update

Todd Sanderson, president of the Chamber of Commerce:

- A year ago Council approved 1-year funding for the Chamber of Commerce to assist with service delivery of sports tourism. This update report is in appreciation for Council's support in going forward with sports tourism initiatives.

Nancy Cameron, Market Development Manager for the Chamber of Commerce:

- Presented the 4 objectives of the Sports Tourism Steering Advisory Committee's 3-year action plan, being (1) developing partners, (2) community recognition and support, (3) resources, and (4) marketing Kelowna for sports.
- Kelowna is teaming with Kamloops to bid for the under 17 Worlds for minor hockey tournament.

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- 4.1 Planning & Development Services Department, dated September 27, 2000 re: Rezoning Application No. Z00-1020 (and OCP00-008) – Al Stober Construction (Doug Lane/Water Street Architecture) – 1621 Harvey Avenue (between Harvey and Dickson Avenues, at the north end of Dayton Street) (3360-20)

Staff:

- The applicant is acquiring property that is currently under Land Use Contract from two abutting property owners in order to square off the easterly boundary of the subject property. The LUC would be quit claimed from the portions of land being consolidated with the subject property as part of the eastern boundary adjustment.
- The rezoning application applies only to the portion of the subject property lying north of the extension of Dickson Avenue.
- The zone has been tailored with the applicant to facilitate a high tech campus model.
- There is a perceived shortage of office space for the high tech sector and this zone addresses essentially the commercial uses found in the C3 zone but with high technology research and product design as the only principal use.
- The project would be developed in two phases. Phase 1 proposes a 6-storey building with parking below grade, a central courtyard feature and significant open space throughout the site. Phase 2 proposes a 4-storey building over a below grade parking structure.
- All access to the site would be from Dickson Avenue.
- The application meets the guidelines for Council to waive the holding of a Public Hearing but that is not recommended by staff.

Council:

- The subject property should be included within the boundaries of a Town Centre.
- Anticipate that in-coming call centres would be permitted tenants in the proposed high tech development but that out-going call centres would be discouraged.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R812/00/10/02 THAT Map 15.1 – *General Future Land Use* of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of part of Lot A, Plan 2742 and part of Lot 1, Plan 14171, D.L. 129, O.D.Y.D., located on Harvey Avenue, and part of Lot 3, Plan 25004, D.L. 129, O.D.Y.D., located on Dickson Avenue, Kelowna B.C., from Commercial to Comprehensive Development Project as shown on Map “A” attached to the report of the Planning & Development Services Department dated September 27, 2000;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the CD14 – Comprehensive High Tech Business Campus zone to Schedule “B” of Zoning Bylaw 8000 as outlined in Schedule “B” attached to the report of the Planning & Development Services Department dated September 27, 2000;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by text amendment adding reference to the CD14 – Comprehensive High Tech Business Campus zone to the section of Zoning Bylaw 8000, as outlined in Schedule “C” attached to the report of the Planning & Development Services Department dated September 27, 2000;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the new definitions to the section of Zoning Bylaw 8000, as outlined in Schedule “D”

attached to the report of the Planning & Development Services Department dated September 27, 2000;

AND THAT City of Kelowna Sign Bylaw, 1998, No. 8235 be amended by adding reference to the CD14 – Comprehensive High Tech Business Campus zone to the section of Sign Bylaw 8235, as outlined in Schedule “E” attached to the report of the Planning & Development Services Department dated September 27, 2000;

AND THAT Land Use Contract No. 76-1054 (Bylaw No. 4406-77) be quit claimed from the part of Lot 1, Plan 14171 being consolidated with Lot A, Plan 2742; and Land Use Contract No. 71-1 (Bylaw No. 3594) be quit claimed from the part of Lot 3, Plan 25004 being consolidated with Lot A, Plan 2742 as indicated on Map “A1” attached to the report of the Planning and Development Services Department dated September 27, 2000;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Plan 2742 and part of Lot 1, Plan 14171, D.L. 129, O.D.Y.D., located on Harvey Avenue, and part of Lot 3, Plan 25004, D.L. 129, O.D.Y.D., located on Dickson Avenue, Kelowna, B.C., from the C10 – Service Commercial zone to the CD14 – Comprehensive High Tech Business Campus zone;

AND THAT the Official Community Plan and zone amending and land use contract amending bylaw and the Zoning Bylaw text amendment bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan and zone amending and land use contract amending bylaw and the Zoning Bylaw text amendment bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit on the subject property;

AND THAT final adoption of the Official Community Plan and zone amending and land use contract amending bylaw and the Zoning Bylaw text amendment bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the Official Community Plan and zone amending and land use contract amending bylaw and the Zoning Bylaw text amendment bylaw be considered subsequent to the applicant decommissioning any land uses on the subject property that do not meet the Permitted Uses, the Development and Subdivision Regulations, and Other Regulations of the proposed CD14 zone;

AND THAT final adoption of the Official Community Plan and zone amending and land use contract amending bylaw and the Zoning Bylaw text amendment bylaw be considered subsequent to the registration of a plan of subdivision for the lot line adjustment with the properties to the east;

AND THAT the quit claiming of the two Land Use Contracts be registered concurrent with registration of the plan of subdivision;

AND FURTHER THAT final adoption of the Official Community Plan and zone amending and land use contract amending bylaw and the Zoning Bylaw text amendment bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

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- 4.2 Planning & Development Services Department, dated September 27, 2000 re: Development Permit Application No. DP00-10,038 – Polson Investments Ltd. (New Town Planning Services) – 4091 Lakeshore Road (3060-20)

Staff:

- A Development Permit was previously approved for four 4-plex dwellings for a total of 16 units. The applicant has revised his plans and is now proposing a conventional strata development consisting of 31 semi-detached and rowhousing units.
- Access would be off Lakeshore Road.
- The phase 1 site plan also indicates development of a gated entry, the common amenity building and 10 outdoor stalls for visitor parking.
- The proposed landscaping plan indicates patio spaces respecting the setback requirements from the pond.
- The revised proposal does not impact the park acquisition and preserves all the same requirements as the initial development proposal with respect to drainage, etc.

Council:

- Concern that with two property owners there may not be consistent comprehensive development over the entire site.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R813/00/10/02 THAT Council hear from the applicant.

Carried

Keith Funk, applicant:

- The fill material will be placed on the P3 area concurrent with the development of phase 1 and prior to transferring ownership of the park site to the City.
- All the infrastructure works discussed with the zoning will be developed with phase 1.
- The agreement to sell the park site to the City is based on DCC credits. If fewer units are built, then fewer credits are earned.
- There are developments pending that include a mix in housing forms.

Council:

- Questioned the need for a cul-de-sac at the end of Belmont Road.

Staff:

- City Parks and Works & Utilities staff are working together for an alternate design that does not call for the cul-de-sac.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R814/00/10/02 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,038; for Lot 2, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568, located on Lakeshore Road, Kelowna, B.C., 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". Plant list shall be reviewed to ensure no non-native plants will be located at or near the natural boundary of the pond. An orange

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snow fence must be placed at the outer edge of the covenant boundary to delineate the boundary of the no-build setback;

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 applicant register a flooding covenant on the subject property;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 4.3 Planning & Development Services Department, dated September 25, 2000 re: Extension of Deadline for Adoption of Zone Amending Bylaw No. 8458 (Z98-1021 - 379736 B.C. Ltd., R265 Enterprises Ltd., Emil Anderson Construction Co. Ltd., Gilmar Management, and Gillen Investments); Bylaw No. 8459 (Z98-1029 - Pendulum Enterprises Ltd.) and Bylaw No. 8460 (Z98-1032 - Hilltop Sand & Gravel)

Councillor Clark declared a conflict of interest because he owns property that is under subdivision within the area and left the Council Chamber at 3:05 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Given

R815/00/10/02 THAT in accordance with Council Policy No. 236, the deadline for adoption of Zone Amending Bylaws No. 8458 (379736 BC Ltd., R265 Enterprises Ltd., Emil Anderson Construction Co. Ltd., Gilmar Management, and Gillen Investments – Z98-1021), No. 8459 (Pendulum Enterprises Ltd. – Z98-1029) and No. 8460 (Hilltop Sand & Gravel - Z98-1032) – be extended for one year to September 7, 2001.

Carried

Councillor Clark returned to the Council Chamber at 3:05 p.m. and took his place at the Council Table.

- 4.4 Planning & Development Services Department, dated September 22, 2000 re: Extension of Deadline for Adoption of Zone Amending Bylaw No. 8467 (Z99-1007 – Aberdeen Holdings Ltd. – SW Corner of Guisachan/Burtch Roads)

Councillor Day declared a conflict of interest because adjoining property is owned by a direct family member and left the Council Chamber at 3:06 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R816/00/10/02 THAT Municipal Council authorize an extension to Rezoning Application No. Z99-1007 (Bylaw No. 8467) for a period of not more than 180 days from October 5, 2000.

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Councillor Day returned to the Council Chamber at 3:07 p.m. and took his place at the Council Table.

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- 4.5 Planning & Development Services Department, dated September 27, 2000 re: Poverty – Everybody's Business (0360-20)

Staff:

- In the fall of 1999, Human Resources and Development Canada appointed a task force to address issues of poverty in Kelowna.
- The Task Force found that there is lack of recognition of poverty and are proposing to hold a trade show type event to educate the local community and provide an opportunity for people with income issues to find out what is available in one place.
- Admission to the event is free and there is no cost to exhibitors.
- The event is funded by Human Resources and Development Canada and Okanagan University College is contributing to the cost of the bringing in Mel Hurtig, author of "Feed the Kids or Pay the Rent" as guest speaker.

Moved by Councillor Shepherd/Seconded by Councillor Day

R817/00/10/02 THAT Council accept for information the Community Planning Manager's report dated September 27, 2000 regarding the upcoming Poverty – Everybody's Business event at the Laurel Building on October 17, 2000 (International Day to Eradicate Poverty established by the United Nations) from 10:00 a.m. to 8:00 p.m.

Carried

- 4.6 Planning & Development Services Department, dated September 25, 2000 re: Social Planning Board (0540-20)

Moved by Councillor Given/Seconded by Councillor Cannan

R818/00/10/02 THAT City Council extend the membership terms of the following members of the Social Planning Board until September 30, 2002:

William J. Downie Mac Campbell Carol Bernard Michael Loewen;

AND THAT City Council appoint the following new members to the Social Planning Board for a term extending to September 30, 2002, when membership can be reconsidered:

Eric Greer Michael Morrill;

AND THAT City Council appoint the following new member to the Social Planning Board to fill an existing vacancy until September 30, 2001, when membership can be reconsidered:

Kerri-Lynn Fisher;

AND THAT City Council recognize the end of the membership term for the following member, who was appointed in 1995:

Diane Klassen;

AND FURTHER THAT City Council accept, with regret, the resignation of the following member from the Social Planning Board, who was also appointed in 1995:

Laurie MacDonald.

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- 4.7 Planning & Development Services Department, dated September 13, 2000 re: Draft Official Community Plan – Policy Review (6480-30)

Staff:

- Highlighted the Services & Utilities and the Institutional policies in Chapters 13 and 18 of the OCP.

Council:

- Include appropriate wording in the OCP on proper maintenance of septic disposal systems.
- Include appropriate wording in the OCP to indicate support for working with the Province toward a future reserve over Crown Land (300-500 acres) for a future landfill site.
- Include appropriate wording in the OCP to ensure the City's ability to welcome the kind of growth that could encourage the establishment of a full education institution in the community.

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 8500 (Z99-1041) – William & Sharon Ridinger – 200 Barber Road

Moved by Councillor Given/Seconded by Councillor Shepherd**R819/00/10/02** THAT Bylaw No. 8500 be adopted.Carried

6. REPORTS

- 6.1 Director of Finance & Corporate Services, dated September 27, 2000 re: Farm Improvements Taxation (1970-01)

Councillor Day advised that there are no farm improvements on the farmland that he owns within the City of Kelowna and so he is not personally affected by this review. However, because his family has been involved in agriculture in Kelowna for over 100 years and direct family members would be affected by this policy, Councillor Day declared a potential conflict of interest and left the Council Chamber at 4:10 p.m.

Councillor Hobson advised that his family has also been involved in agriculture in Kelowna for over 100 years and that he personally has a farm that would be affected by this initiative thereby putting him in a conflict of interest. Councillor Hobson left the Council Chamber at 4:11 p.m.

Staff:

- Since the 1973 amalgamation agreement, farm improvements in the amalgamated areas have been taxed at a reduced municipal tax rate recognizing the minimal municipal services provided at that time.
- Over time the availability of municipal services and amenities to the outer areas has improved and it is timely to implement a more fair and equitable taxation strategy for farm improvements.
- The Local Government Act allows for phasing the change from farm to residential taxation rate.

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- The other communities that were subject to amalgamation agreements have all completed their phase in of the change from farm to residential taxation rate.
- The tax rate on farmland is not at issue and would continue to be assessed at values much lower than urban areas.

Council:

- Consensus to change the date of the Council meeting for receiving public input from November 14 to November 28, 2000 and to change the date for the staff recommendation back to Council from November 27 to December 11, 2000.
- Staff to apply the same rules with respect to time guidelines for presentations as for Public Hearings at the meeting for public input and include those rules in the advertising for that meeting along with an indication of what hopefully will be achieved at the public meeting.

Moved by Councillor Cannan/Seconded by Councillor Given

R820/00/10/02 THAT staff be authorized to engage in a public consultation process regarding farm improvements taxation, with an open meeting of Council on Tuesday, November 28th, 2000 and a recommendation to be forwarded to Council on Monday, December 11th, 2000.

Carried

6.2 Deputy Director of Finance, dated September 27, 2000 re: Council Appointment of the Library Society Chairman (1830-20)

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R821/00/10/02 THAT Council adopt Council Policy Number 294 - Council Appointee to the Library Society.

Carried

6.3 Deputy Director of Finance, dated September 27, 2000 re: Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw No. 8606

Moved by Councillor Clark/Seconded by Councillor Given

R822/00/10/02 THAT Bylaw 8606 Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw be advanced for reading consideration by Council.

Carried

6.4 Cultural Services Manager, dated September 28, 2000 re: Festival Fund Grants (1853-20)

Moved by Councillor Given/Seconded by Councillor Cannan

R823/00/10/02 THAT Council approves a Festival Fund Grant to the Okanagan Potters Association for \$8,000.00.

Carried

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Staff:

- The option to purchase is no longer required now that RG Properties have fulfilled their obligations with respect to the Skyreach Place development.

Moved by Councillor Blanleil/Seconded by Councillor Day

R824/00/10/02 THAT the Mayor and City Clerk be authorized to execute Release of Option to Purchase KM41632.

Carried8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**8.1 Bylaw No. 8606 – Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw, 2000Moved by Councillor Clark/Seconded by Councillor Given

R825/00/10/02 THAT Bylaw No. 8606 be read a first, second and third time.

Carried9. COUNCILLOR ITEMS(a) Bush Parties/Fires

Councillor Clark expressed concern about the apparent general acceptance by the community of bush parties and the fires that take place in connection with them. He advised that an abandoned fire from one such bush party resulted in a total cost to the community of \$13,360 not including policing costs. The fire occurred when air quality venting was at its worst thus also causing severe air quality problems for people suffering from asthma and other breathing problems. Councillor Clark suggested that parents need to educate their children about the importance of air quality and the inherent cost when they leave the scene with fires still burning.

Councillor Shepherd added that bush fires are also a huge concern for the residents in adjacent neighbourhoods.

The City Manager advised that City staff could work with the School District to investigate education opportunities.

(b) Milfoil Problem – Okanagan Lake

Councillor Cannan referenced a letter sent to members of Council regarding the milfoil problem at Hot Sands Beach noting the letter includes possible coordination with the local diving club to get any remaining roots. Councillor Cannan suggested that appropriate measures be taken to have the milfoil harvesting program re-instituted by the Water Board for next summer.

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Councillor Hobson advised that winter rooting is more effective than summer harvesting which spreads the weed more, smells bad and is unsightly in the summer. He further advised he would be attending a meeting of the Water Board this week and that he would take the letter along and find out the status of the milfoil program and report back to Council.

(c) Advance Left Turns on Highway 97

Councillor Cannan noted that a report with respect to advance left turns on Highway 97 was to come back to Council by mid-September. The City Manager will investigate.

10. TERMINATION

The meeting was declared terminated at 5:21 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn