

Regular Meeting – P.M.November 20, 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, November 20, 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, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; Acting Deputy Clerk, L.M. Taylor; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Long Range Planning Manager, L.V. Foster\*; Planner-Long Range, G.L. Stephen\*; Director of Parks & Leisure Services, D.L. Graham\*; Civic Properties Manager, H.R. Hyatt\*; Airport Manager, R. Sellick\*; Inspection Services Manager, K. Skinner\*; Licensing & Bylaw Enforcement Supervisor, A. Dixon\*; 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 Nelson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Russ Greaves, Regional Program Manager, Shaw Cablesystems re: Televising of Council Meetings

Russ Greaves, Regional Program Manager, Shaw Cablesystems:

- Overview of the company, their programs and initiatives.
- With deregulation Shaw Cable is no longer mandated to provide community programming.
- Survey results indicate low viewership of Council meetings.
- Monday Council meetings will continue to be televised gavel to gavel but on a tape delay basis; Tuesday at noon and again at 9:00 p.m. The Tuesday evening meetings will no longer be televised at least for the next 6 months.

Council:

- Prefer that the Monday meeting be televised during a 7:00 p.m. timeslot instead of at noon and 9:00 p.m.
- Prefer that all Council meetings continue to be televised.
- Okay to show the Monday meeting on a tape delay basis but would like the Tuesday Public Hearing to be televised live.
- If it is necessary to chose between the meetings that get televised, prefer that the Monday Regular meeting be dropped and that the Tuesday meetings be televised instead.

Russ Greaves:

- Shaw will consider televising the Tuesday meetings instead of the Monday meeting if that is Council's wish.
- There is considerable competition for new channels when they come available, but Shaw will look into the possibility of allotting a separate channel to carry the Council meetings. That would require an investment by Council (for staffing, etc.).

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4. UNFINISHED BUSINESS

- 4.1 Planning & Development Services Department, dated November 9, 2000 re: Review of Development Applications by Community Heritage Commission (3060-01)

Staff:

- Outlined the Official Community Plan policy for circulating development applications to the Community Heritage Commission.

Council's representative on the Community Heritage Commission (CHC):

- Concerned about the wording in the policy "...if it is determined that a proposed development may have an impact...". Would like assurance that anything to do with heritage will be forwarded to the CHC for review.

Council:

- Council has always wanted to be sure that processing of applications for properties that are on the heritage register would not be delayed for having been placed on the register. If all heritage related applications are going to have to be reviewed by the CHC, then there needs to be a limitation on how long an application can be delayed for their review.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R915/00/11/20** THAT the Planning Department's report dated November 9, 2000 recommending that the current application of Official Community Plan Policy 12.6.5 continue and no new policies be created regarding circulation of development proposals to the Community Heritage Commission be received for information;

AND THAT staff bring back a further report to Council to clarify the building/demolition permit process.

Carried

5. PLANNING

- 5.1 Planning & Development Services Department, dated November 15, 2000 re: Agricultural Land Reserve Appeal No. A00-114 – 537457 BC Ltd. (Gordon Hirtle/ Terre Consultants Ltd.) – 2910 Balldock Road (6635-20)

Staff:

- The applicant is seeking permission from the Land Reserve Commission to exclude the portion of the subject property south of Balldock Road from the Agricultural Land Reserve.
- Balldock Road is the buffer between ALR and non-ALR lands.

Moved by Councillor Hobson/Seconded by Councillor Day

**R916/00/11/20** THAT Agricultural Land Reserve Appeal No. A00-114; part of Lot A, Sec. 34, Twp. 29, O.D.Y.D., Plan 10769, located on Balldock Road, Kelowna, B.C., for partial exclusion from the Agricultural Land Reserve pursuant to Section 15(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

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AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

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5.2 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8596 (Z99-1031) – Okanagan Hungarian Society (Terry Gold Realty Ltd. – 199 Pinto Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R917/00/11/20** THAT Bylaw No. 8596 be adopted.

Carried

- (b) Planning & Development Services Department, dated November 15, 2000 re: Development Permit Application No. DP99-10,033 – Okanagan Hungarian Society (Jack Peters/Terry Gold Realty Ltd.) – 199 Pinto Road (3060-20)

Staff:

- The application is for landscaping improvements on the site Western Star proposes to use for an outdoor truck storage facility.
- A landscape buffer would be provided on 3 sides of the property.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R918/00/11/20** THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,033; for Lot 19, Sec. 2, Twp. 23, O.D.Y.D., Plan 18861, located on Pinto Road, Kelowna, B.C., subject to the following:

1. Landscaping to be provided on the land be in general accordance with Schedule "A";
2. 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;

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

- 5.3 Planning & Development Services Department, dated November 15, 2000 re: Rezoning Application No. Z00-1046 – Merle Lois Serhan – 575 White Road (3360-20)

Staff:

- Secondary suite was discovered when staff responded to a bylaw enforcement complaint about materials stored on the driveway.
- Once the applicant was made aware of the infraction and the process to go through to legalize the suite, the application for rezoning was made.

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Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R919/00/11/20** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, Sec. 23, Twp. 26, O.D.Y.D., Plan 16489, located on 575 White Road, 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;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction.

Carried

5.4 Planning & Development Services Department, dated November 15, 2000 re: Rezoning Application No. Z00-1051 – Douglas Galbraith – 3564 Scott Road (3360-20)

Staff:

- Bylaw enforcement has an open file for investigation of an illegal basement suite on the subject property.

Council:

- Staff to advise at the public hearing how bylaw enforcement staff discovered the illegal suite.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R920/00/11/20** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 134, O.D.Y.D., Plan 31217, located on 3564 Scott Road, 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;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction.

Carried

5.5 Planning & Development Services Department, dated November 15, 2000 re: City of Kelowna Zoning Bylaw Text Amendment No. TA00-005 – Jamie Brown/Lakeshore Road Limited Partnership – 665 Cook Road

Staff:

- The CD4 zone is specific to the development proposed for the subject property.
- The applicant is proposing to reduce the number of lots from 141 to 122 and increase the lot sizes to accommodate larger single storey homes for future phases.

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**R921/00/11/20** THAT City of Kelowna Zoning Bylaw No. 8000, Schedule 'B', CD4 – Comprehensive Small Lot Residential zone be amended by deleting CD4 – Map 'A' and replacing it with the revised Map 'A' as attached to the report of the Planning & Development Services Department dated November 15, 2000 and by:

1. Deleting Section 1.6(e) of the CD4 zone and replacing it with the following wording:
  - (e) Area 2, shown on CD4 Map 'A', shall be developed only with one storey units;
2. Deleting the word "Temporary" from Section 1.6 (j);

AND THAT Text Amendment No. TA00-005 be forwarded to a Public Hearing.

Carried

- 5.6 Planning & Development Services Department, dated November 10, 2000 re: Rezoning Application No. Z00-1045 – City of Kelowna (Ross Hyatt/Civic Properties) – 421 Cawston Avenue (3360-20)

Staff:

- The consolidated site is made up of the existing Art Gallery, the previous Growers Supply building site, and south along the new north spine pedestrian corridor to Smith Avenue.
- Rezoning the consolidated site to C7 allows for a better way for determining parking and regulating the vast array of uses proposed within the arts centre.
- The entire facility will be approximately 3,827 m<sup>2</sup> when completed.
- A direct Development Permit will be processed concurrently by the Director of Planning & Development Services unless public reaction to the application warrants bringing it forward to Council.

Council:

- This building is on the heritage registry. Staff to consider whether the application warrants review by the Community Heritage Commission.

Moved by Councillor Given/Seconded by Councillor Hobson

**R922/00/11/20** THAT Map 15.1 of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot A, D.L. 139, O.D.Y.D., Plan KAP67454, located on Cawston Avenue, Kelowna, B.C., from "Educational/Major Institutional" to "Commercial";

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 139, O.D.Y.D. Plan KAP67454, located on Cawston Avenue, Kelowna, B.C., from the P1 – Major Institutional and the I4 – Central Industrial zones to the C7 – Central Business Commercial zone;

AND FURTHER THAT the Official Community Plan and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

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- 5.7 Planning & Development Services Department, dated November 15, 2000 re: Draft Official Community Plan – Policy Review (6480-30)

Staff:

- Outlined the proposed changes to the land use designations indicated on the Generalized Future Land Use Map in the Draft Official Community Plan (OCP).

Council:

- Consider doing an annual update of the OCP.
- Consider designating the property outside the City boundaries east of Eldorado Ranch as future **rural** reserve rather than future urban reserve for better growth management.
- Leave **institutional** as the future land use for the KSS site on Richter Street.
- Consider holding open houses in various sectors of the city instead of a large open house at a single location.
- Look for creative ways to attract more people to the open houses.
- Suggest to School District 23 that school sites be located away from main arteries.
- Consider preparing a video that could be run by Shaw Cable and be made available to each neighbourhood association, outlining proposed changes of interest to the public.

## 6. BYLAWS (ZONING & DEVELOPMENT)

### (BYLAWS PRESENTED FOR FIRST READING)

- 6.1 Bylaw No. 8603 (Z99-1049) – R127 Enterprises Ltd. (Wayne Judiesch) – Mission Ridge Road/Westpoint Drive, and Mission Ridge Area Structure Plan No. ASP99-001, and City of Kelowna Official Community Plan Amendment No. OCP99-015 **requires majority vote of full Council (5)**

Staff:

- Confirmed that word has been received from Victoria that the Mining Permit for the subject property has been cancelled.

Moved by Councillor Nelson/Seconded by Councillor Given**R923/00/11/20** THAT Bylaw No. 8603 be read a first time.Carried

## 7. REPORTS

- 7.1 Councillor Day, Council representative to the Okanagan Regional Library Board, verbal report re: Regional Library Budget (1700-20)

Council's representative on the Okanagan Regional Library Board:

- The Library Board will be meeting on November 22<sup>nd</sup> and an item for discussion is a proposed almost 6% increase to the budget for 2001.
- Looking for direction from Council as to the City of Kelowna's position with respect to the proposed budget increase.

Don Neddleton, on behalf of the Regional Library Board:

- The Library Board has prepared a 3-year budget which calls for a 5.98% increase for the first year.
- Reviewed the proposed budget highlighting where the additional funds would be applied.

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Staff:

- The impact of the 5.98% increase for the library budget on the City of Kelowna budget would be just under 0.4%.

Council:

- The majority of Council indicated support for either the requested 5.98% increase or a 4.98% increase.
- Council left it to the discretion of their representative on the Library Board when the budget is put to a vote on November 22<sup>nd</sup>.

7.2 Airport General Manager, dated November 1, 2000 re: Proposed Rental Valuation – Airport Ground Leases (0550-05; 2380-01)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R924/00/11/20** THAT the base land rental rates shown on Appendix 'A' attached to the Airport General Manager's report of November 1, 2000 be approved by Council, effective January 1, 2001;

AND THAT Council approve replacing the current five year rent reviews with annual rent and airport maintenance charge adjustments of two percent (2%) per annum effective January 1, 2002 for all existing ground leases for the balance of the individual ground lease terms;

AND THAT Council authorize the Mayor and City Clerk to sign the supplemental agreements for the existing ground leases;

AND THAT Council approve future rental rates based on current market value as determined by an independent appraisal for the initial year of the term plus annual adjustments of two (2%) per annum for the balance of the term beyond the first year;

AND FURTHER THAT staff be instructed to amend Clause #12 of the Airport Fees Bylaw No. 7982 in accordance with this recommendation.

Carried

7.3 Licensing & Bylaw Enforcement Supervisor, dated November 6, 2000 re: Business Licence Fee Increase – 2001 (4000-00)

Staff:

- The 2% increase maintains cost recovery for the level of service now offered by the City for business licensing.

Council:

- It is not fair to charge the casino the same rate as massage parlours.

Amendment Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R925/00/11/20** THAT the Lake City Casino business licence fee be reduced back to what it was before the casino category was established and the licence fee was increased to \$3,000.

Carried

Councillors Cannan, Hobson and Shepherd opposed.



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The amended motion, which reads as follows, was then voted on and carried:

Moved by Councillor Hobson/Seconded by Councillor Nelson

**R926/00/11/20** THAT the Lake City Casino business licence fee be reduced back to what it was before the casino category was established and the licence fee was increased to \$3,000;

AND THAT City Council approve an across the board increase of 2% for City of Kelowna Business Licence Fees for the year 2001.

Carried

Councillors Blanleil and Cannan opposed.

7.4 Inspection Services Manager, dated November 6, 2000 re: New Strata Property Act (3760-10)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R927/00/11/20** THAT City Council delegate to the Inspection Services Manager the right to approve and endorse strata plans for conversion of previously occupied buildings classified as Two Dwelling Housing, Commercial, Industrial and Institutional;

AND THAT Council continue to be the approving authority for stratification of previously occupied buildings classified as Multiple Housing (three dwelling units and greater);

AND FURTHER THAT Council approve the proposed Council Policy No. 148 attached to the Inspection Services Manager's report of November 6, 2000, as revised to reflect this delegation of authority and to replace references to the *Condominium Act* with the *Strata Property Act*.

Carried

7.5 Transportation Manager, dated November 20, 2000 re: Glenmore Drive Speed Zones (5460-01)

Withdrawn.

## 8. RESOLUTIONS

8.1 Draft Resolution re: Helicopter Landing – Santa Claus (8400-01)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R928/00/11/20** THAT Municipal Council grant approval for Northern Air Support Ltd. to fly Santa Claus from the Kelowna Airport to the Kelowna Golf & Country Club on December 10 & 17, 2000, subject to the approval of Transport Canada and compliance with all related flight requirements.

Carried

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- 8.2 Draft Resolution re: Notice of Intention to Amend Council Bylaw No. 7906 (B/L 8614)

Moved by Councillor Given/Seconded by Councillor Clark

**R929/00/11/20** THAT Council give notice of their intention to amend Council Bylaw No. 7906 in compliance with Provincial Legislation to provide procedures for the conduct of public hearings.

Carried

9. COUNCILLOR ITEMS

- (a) Central Okanagan Sports Advisory Council

Councillor Shepherd announced that Council representation will no longer be required on the Central Okanagan Sports Advisory Council as the committee has disbanded.

- (b) Televising of Council Meetings on Shaw Cable 11

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R930/00/11/20** THAT the Mayor write a letter on behalf of Council to the CEO for Shaw Cablesystems to reiterate Council's desire for the Monday afternoon Regular Meetings to be televised at 7:00 p.m. on Mondays and for Public Hearings to be televised live on Tuesdays.

Carried

10. TERMINATION

The meeting was declared terminated at 5:53 p.m.

Certified Correct:

\_\_\_\_\_  
Mayor

BLH/bn

\_\_\_\_\_  
Acting Deputy City Clerk