

Regular Meeting – P.M.

November 5, 2001

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 5, 2001.

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

Council members absent: Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, A. Flack; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Special Projects Planning Manager, H.M. Christy\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Director of Works & Utilities, J. Vos\*; Transportation Manager, R.W. Westlake\*; Electrical Utility Manager, R. Carle\*; 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Beryl Itani, Emergency Services Coordinator re: Emergency Preparedness

Beryl Itani, Emergency Services Coordinator:

- Brief follow-up on her presentation 26 weeks ago to see how many members of Council had followed the recommendations for assembling an emergency kit.

4. PLANNING

4.1 Planning & Development Services Department, dated October 30, 2001 re: Rezoning Application No. Z95-1015 – Canyon Creek Joint Venture (John Steil/ Stantec Consulting Group Ltd.) – 5050 McCulloch Road (B/L 8517)

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R859/01/11/05** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 8517 (Z95-1015 – Canyon Creek Joint Venture - John Steil/Stantec Consulting Group Ltd.) McCulloch Road be extended to March 21, 2002.

Carried

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- 4.2 Planning & Development Services Department, dated October 30, 2001 re: Rezoning Application No. Z99-1049 – R127 Enterprises Ltd. (Tony Markoff/Planning Solutions Consulting Inc.) – Mission Ridge Road/Westpoint Drive (B/L 8603)

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R860/01/11/05** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8603 (Z99-1049 – R127 Enterprises, Mission Ridge Road/Westpoint Drive) be extended to June 12, 2002.

Carried

Councillor Clark opposed.

Councillor Blanleil entered the Council Chamber at 1:40 p.m. and took his place at the Council Table.

- 4.3 Planning & Development Services Department, dated October 31, 2001 re: Amendments to Kelowna Hillside Development Guidelines and to Subdivision Development Services Bylaw No. 7900

Staff:

- The proposed amendments as a result of input from the development community and are recommended as the minimum acceptable dimensions for the hillside standards.

Moved by Councillor Nelson/Seconded by Councillor Given

**R861/01/11/05** THAT the Kelowna Hillside Development Guidelines endorsed by Council at its meeting of October 1, 2001, be further amended as noted in the report from the Planning and Development Services Department dated October 31, 2001;

AND THAT the amended Kelowna Hillside Development Guidelines be endorsed by Council;

AND THAT the proposed amendments to the Subdivision and Development Services Bylaw No. 7900 contained in the report from the Planning and Development Services Department dated October 31, 2001, be included in Bylaw No. 8712.

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- 4.4 Planning & Development Services Department, dated October 30, 2001  
re: Rezoning Application No. Z01-1045 – Rychjohn Investments (Carl Scholl Design) – 3163 Richter Street

Staff:

- The applicant is proposing to expand the existing commercial building.
- The strata council of the adjacent condominium has agreed to sell the applicant a portion of their residential land to accommodate the required parking.

Moved by Councillor Given/Seconded by Councillor Cannan

**R862/01/11/05** 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 Common Property KAS896, located on Richter Street, Kelowna, B.C, from "Medium Density Multiple Family" to "Commercial", as shown on Map "A" attached to the report of Planning & Development Services Department dated October 30, 2001;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Common Property KAS896, located on Richter Street, Kelowna, B.C., from the RM5 – Medium Density Multiple Housing zone to the C5 – Transition Commercial zone, as shown on Map "A" attached to the report of Planning & Development Services Department dated October 30, 2001;

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

AND THAT final adoption the zone amending bylaw be considered subsequent to the registration of a lot line adjustment;

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

Carried

- 4.5 Planning & Development Services Department, dated October 31, 2001  
re: Rezoning Application No. Z01-1044 – City of Kelowna (Okanagan Mission Community Hall Association) – 639 Dehart Road

Staff:

- The Okanagan Mission Hall Association is proposing to enclose the existing tennis courts to create an indoor facility and develop 3 outdoor tennis courts for use by the general public on land they would lease from the City.
- Development Permit Applications are not required for development in institutional zones; however, a Development Variance Permit would be required to allow for reduced setbacks for the proposed structure.
- Planning Department staff support the rezoning but do not support granting the variances.

Council:

- Discussed the form and character of the proposed structure.
- People attending the Public Hearing for this application will be coming to talk about the consequence of the rezoning, not the rezoning.

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Staff:

- A meeting has been arranged with the Okanagan Mission Residents Association, the Okanagan Mission Hall Association and the neighbours to try to work through the issues before the Public Hearing.

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R863/01/11/05** THAT the Rezoning (Z01-1044) and the Development Variance Permit (DVP01-10,066) Applications pertaining to the Okanagan Mission Community Hall Association's proposed redevelopment of property on the southeast corner of Lakeshore Road and Dehart Road for indoor and outdoor tennis courts be referred to the Community Heritage Commission for review at their December 4, 2001 meeting.

Carried

Councillors Blanleil and Nelson opposed.

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R864/01/11/05** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot 1, DL 358, O.D.Y.D, Plan KAP69898 and part of Lot 2, DL 358, O.D.Y.D, Plan KAP69898, (Formerly part of Lot 2, DL 358, O.D.Y.D., Plan KAP53605, and Lot 2, DL 358, O.D.Y.D., Plan 25195), as shown on Map "A" attached to the report of the Planning and Development Services Department, dated October 31, 2001, located on Lakeshore Road and Dehart Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional 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 Works & Utilities Department being completed to their satisfaction.

Carried

## 6. REPORTS

### 5.1 Director of Works & Utilities, dated October 30, 2001 re: Follow-up – Undergrounding of Wires and Cables

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R865/01/11/05** THAT the report dated October 30, 2001 from the Director of Works and Utilities outlining the proposed strategy for undergrounding of wires and cables for new and redevelopment properties be received for Council's information;

AND THAT staff bring forward changes to Subdivision, Development & Servicing Bylaw No. 7900 and Local Improvement Charges Bylaw No. 6600 regarding undergrounding requirements for in-fill development and road improvements in existing areas;

AND FURTHER THAT Council approves continued undergrounding in the City Electric Utility service area where financially affordable.

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5.2 Transportation Manager, dated October 31, 2001 re: Potential Cascia Drive/Fuller Road Connection (5400-02)

Staff:

- Initially there was to be full vehicle bridge crossing connecting Cascia to Fuller Road and the developer was going to cost-share in that connection.
- A consultation process was initiated because of the negative response from the community primarily on the south side of the creek but also on the north side of the creek.
- The majority of the residents in the area have indicated preference for a bicycle/pedestrian connection only.
- The bicycle/pedestrian connection would be completed in the 2002 construction season.
- The residents north of the creek would like another vehicular connection to their subdivision and that could potentially occur over City property.
- Redevelopment would have to occur in order to provide an emergency vehicle access for the residents south of the creek.

Moved by Councillor Given/Seconded by Councillor Blanleil

**R866/01/11/05** THAT the City of Kelowna undertake the construction of a pedestrian and cyclist bridge across Bellevue Creek, connecting Fuller Road to Cascia Drive, in 2002.

Carried

Councillor Clark opposed.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

THAT staff undertake a similar consultation process with the neighbourhood regarding future use of the City-owned property at 499 Cascia Drive and the Apsey Road/Corona Crescent road right-of-way.

Council:

- Considered tabling the motion for future debate.
- Councillor Clark asked that the Mayor rule that the motion was out-of-order, as it would re-open a debate that took place and was concluded by resolution during the 'closed session' of the Regular Meeting this morning.
- Mayor Gray ruled the motion to be out-of-order.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R867/01/11/05** THAT the Mayor's ruling that the motion is out-of-order be challenged.

Defeated

Councillors Blanleil, Clark, Day, Given and Nelson opposed.

- It was pointed out that the correct procedure is to vote on whether the Mayor's ruling is sustained.

**The Chair requested a vote on whether the decision was to be sustained.**

Councillors Blanleil, Clark, Day, Given and Nelson voted in the affirmative and Councillors Cannan and Shepherd voted in opposition.

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- 5.3 City Clerk, dated October 29, 2001 re: Housing Opportunities Reserve Fund Bylaw No. 8593

Moved by Councillor Given/Seconded by Councillor Day

**R868/01/11/05** THAT Council receive the Certificate of Sufficiency dated October 29, 2001 pertaining to the Housing Opportunities Reserve Fund Bylaw No. 8593;

AND THAT Housing Opportunities Reserve Fund Bylaw No. 8593 be advanced for adoption consideration.

Carried

## 6. DRAFT RESOLUTIONS

- 6.1 Draft Resolution re: CRTC Local Calling Area Expansion

Council:

- The Peachland Municipal Council has asked that Kelowna City Council send a letter to the CRTC in support of expanding the calling area and asking for prompt development of the new guidelines for local calling expansion.
- Agreed that the letter will also indicate that Kelowna City Council has shown previous support for local calling area expansion and express Council's extreme disappointment in the CRTC for delaying the process.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R869/01/11/05** THAT the Mayor send a letter to the Canadian Radio/Telecommunications Commission (CRTC) on behalf of Council supporting local calling area expansion and urging the prompt development by the CRTC of new guidelines for local calling expansion.

Carried

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

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

- 7.1 Bylaw No. 8750 – Amendment No. 5 to Sewer Connection Charge Bylaw No. 8469

Moved by Councillor Nelson/Seconded by Councillor Given

**R870/01/11/05** THAT Bylaw No. 8750 be read a first, second and third time.

Carried

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**(BYLAW PRESENTED TO RESCIND 2<sup>ND</sup> & 3<sup>RD</sup> READINGS, AMEND THE BYLAW, AND GIVE THE BYLAW 2<sup>ND</sup> & 3<sup>RD</sup> READINGS, AS AMENDED)**

- 7.2 Bylaw No. 8712 – Amendment No. 6 to Subdivision, Development & Servicing Bylaw No. 7900

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R871/01/11/05** THAT second and third readings given Bylaw No. 8712 under Resolution No. R782/01/10/15 be rescinded, and the bylaw be amended at first reading as outlined in the Planning Department's report dated October 31, 2001.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R872/01/11/05** THAT Bylaw No. 8712, as amended, be read a second and third time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.3 Bylaw No. 8593 – Housing Opportunities Reserve Fund

Moved by Councillor Given/Seconded by Councillor Nelson

**R873/01/11/05** THAT Bylaw No. 8593 be adopted.

Carried

- 7.4 Bylaw No. 8739 – Amendment No. 1 to Sewer Specified Area No. 21A, Bylaw No. 8658 – McKenzie Bench

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R874/01/11/05** THAT Bylaw No. 8739 be adopted.

Carried

- 7.5 Bylaw No. 8751 – Amendment No. 5 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Day/Seconded by Councillor Cannan

**R875/01/11/05** THAT Bylaw No. 8751 be adopted.

Carried

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8. COUNCILLOR ITEMS

- (a) Councillor Shepherd re: The Canadian Health Care System – Options for Reform

Councillor Shepherd reported on a forum that she had attended in Vancouver on October 22, 2001. The purpose of the forum was for the Provincial Government to receive input on new ways to deliver health care.

- (b) Farm Bylaw

Councillor Cannan asked when the draft Farm Bylaw would be coming forward and was advised that the bylaw should be to Council in about 2 weeks.

- (c) Homesite Severance Subdivisions

Councillor Cannan noted that based on information he has received from the Assessment Authority, there are about 300 properties in Kelowna that were in the agricultural industry prior to the Agricultural Land Reserve coming into existence and therefore could be eligible for a homesite severance. He asked that staff prepare a report identifying the issues, time and resources that would be involved to identify every property where the dwellings intended for use by the farm help would be within the parcel being severed from the working farm. Referred to staff.

9. TERMINATION

The meeting was declared terminated at 3:23 p.m.

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk