

Regular Meeting – P.M.November 19, 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 19, 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*, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

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*; Subdivision Approving Officer, R.G. Shaughnessy, Community Planning Manager, T. Eichler*; Long Range Planning Manager, S.K. Bagh*; Planner-Long Range, G. Routley*; Director of Works & Utilities, J. Vos*; Drainage/Solid Waste Manager, A. Newcombe*; Acting Director of Parks & Leisure Services, H.R. Hyatt*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; 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. PLANNING

3.1 Planning & Development Services Department, dated November 6, 2001 re: Proposed Renaming of a Portion of Killdeer Road to South Crest Drive (B/L 8759; 5450-20)

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R906/01/11/19 THAT Municipal Council consider renaming the portion of Killdeer Road as identified on Schedule "A" attached to the report from the Planning & Development Services Department dated November 6, 2001, to South Crest Drive;

AND THAT the necessary road name change bylaw (No. 8759) be advanced for reading consideration by Council.

Carried

3.2 Community Planning Manager, dated November 6, 2001 re: Procedures for Residents Associations (0230-20)

Council:

- Discussed various of the proposed rules and procedures and agreed on minor amendments to the draft policy as noted in the resolution below.
- Staff to consider inviting the Residents' Associations, at least once a year, to a meeting where staff would review relevant rules and policies and where Council could hear the Residents' Associations' basic concerns.

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Moved by Councillor Cannan/Seconded by Councillor Shepherd

R907/01/11/19 THAT the Community Planning Manager's report dated November 6, 2001 outlining a proposed Council Policy to provide rules of procedure for communication between the City and Residents Associations and/or other neighbourhood-level community groups be received for information of Council;

AND THAT the draft policy be amended as follows:

- No. 5(a) - change the word "*must*" to "*should*";
- No. 5(d) – change to read "The City Manager will coordinate appropriate representation and a response through the Community Planning Manager."
- No. 6 – change the word "*must*" to "*can*" in the first sentence.

AND FURTHER THAT the draft policy, as amended, be forwarded to the Residents Associations for comment and for any suggestions on how City Council can help the Residents Associations to be more effective, before the rules of procedure get adopted as Council Policy.

Carried

- 3.3 Planning & Development Services Department, dated November 12, 2001 re: Minor Heritage Alteration Permit Application Review Process (0540-20)

Moved by Councillor Hobson/Seconded by Councillor Clark

R908/01/11/19 THAT the report dated November 12, 2001 from the Planning and Development Services Department be received for the information of Council;

AND THAT Minor Heritage Alteration Permit applications continue to be reviewed by the Community Heritage Commission.

Carried

Councillors Blanleil and Nelson opposed.

- 3.4 Planning & Development Services Department, dated November 12, 2001 re: Official Community Plan – Status Report/Process Update (6480-30)

Staff:

- If Council approves of proceeding with the policy content of the OCP in advance of the new servicing plan and financing strategy, the draft of the document would be provided to Council 2 or 3 weeks prior to initial consideration to allow time to digest the content and the Public Hearing would be in early spring.

Council:

- Would like an opportunity to review the Terms of Reference for the study regarding the socio-economic impact of a Pandosy/Water/Richter Street couplet before the contract is awarded in order to ensure that all the issues of interest to the public are covered in the terms, to ensure that the terms are broad enough to address the wider community impacts, and to ensure that the report back from the consultant is meaningful and will help in the decision making with respect to the couplet.

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Moved by Councillor Cannan/Seconded by Councillor Given

R909/01/11/19 THAT the Planning and Development Services report of November 12, 2001 on the status of the Official Community Plan review process be received for information of Council;

AND THAT the policy content of draft OCP Bylaw No. 8600 proceed for consideration by Council in advance of the 20-Year Major Road Network Plan, the Future Land Use Chapter and Map, and the Financing Chapter which would be incorporated into the new bylaw 8600 after completion of related consultation on the Pandosy/Water/Richter Street couplet system and work on the new 20 Year Servicing Plan and Financing Strategy;

AND FURTHER THAT the timeframe of the new OCP Bylaw No. 8600 not be extended from 2013 to 2020 until all transportation network issues are resolved and staff have a future land use map to present to Council.

Carried

3.5 Planning & Development Services Department, dated November 8, 2001 re: Status of Head Lease Discussions (6740-20)

Council:

- The letter to the Minister to make reference to the fact that Peachland and Summerland already have head leases, for the letter to also be copied to the three Okanagan MLAs, and for the letter to include excerpts of the Shore Zone Plan as background information.

Moved by Councillor Clark/Seconded by Councillor Hobson

R910/01/11/19 THAT the following resolution be forwarded to the Minister of Sustainable Resource Management with copies to MLAs Sindi Hawkins, John Weisbeck and Rick Thorpe:

Whereas existing management of the Lake Okanagan foreshore has proven unsatisfactory; and

Whereas only the Province of British Columbia is currently equipped to address foreshore trespass issues along Lake Okanagan; and

Whereas provincial staff have indicated that they currently do not have the resources to take proactive action on Lake Okanagan foreshore issues; and

Whereas proper management of the Lake Okanagan waterfront is of critical importance to the economic and environmental health of the City of Kelowna;

Be it resolved that the City of Kelowna urges the Province of British Columbia to devote the resources necessary to improve long-term management of the City of Kelowna's Lake Okanagan foreshore;

AND THAT Council reaffirm that pursuit of a foreshore head lease be predicated upon negotiation of acceptable revenue-sharing arrangements and upon Provincial determination of the legal status of all existing foreshore structures and upon Provincial resolution of non-conforming structures.

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Moved by Councillor Day/Seconded by Councillor Cannan

R911/01/11/19 THAT staff investigate the pros and cons of requiring building permits for new docks as a tool for foreshore management and bring forward a recommendation for Council's consideration.

Carried

3.6 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 8667 (TA01-004) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R912/01/11/19 THAT Bylaw No. 8667 be adopted.

Carried

- (ii) Bylaw No. 8668 (Z01-1012) - D.M.J. Construction Ltd. (John McAfee/Springfield Plaza Inc.) – 1565/1585 Springfield Road, and City of Kelowna Official Community Plan Amendment No. OCP01-002 **Requires majority vote of all Council (5)**

Councillor Day declared a conflict of interest because a direct member of his family owns adjoining property and left the Council Chamber at 3:26 p.m.

Councillor Given declared a conflict of interest because he is employed by CNIB which is a charity that benefits from bingo revenues and left the Council Chamber at 3:26 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R913/01/11/19 THAT Bylaw No. 8668 be adopted.

Carried

- 3.6 (b) Planning & Development Services Department, dated November 13, 2001 re: Development Permit Application No. DP01-10,009 – D.M.J. Construction Ltd. (John McAfee/Springfield Plaza Inc.) – 1565/1585 Springfield Road

Moved by Councillor Hobson/Seconded by Councillor Clark

R914/01/11/19 THAT Council authorize the issuance of Development Permit No. DP01-10,009 for Lot A, D.L. 129, ODYD, Plan KAP70110, located on Springfield 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";

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4. Signage to be in accordance with Schedule "D";
5. 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

Councillors Day and Given returned to the Council Chamber at 3:27 p.m. and took their respective place at the Council Table.

- 3.7 Planning & Development Services Department, dated November 13, 2001 re: City of Kelowna Zoning Bylaw Text Amendment No. TA01-005 and to Establish a Farm Bylaw to Regulate Intensive Agriculture Uses (B/Ls 8760, 8761 and 8694)

Staff:

- The 9 properties being rezoned from A2 to the amended A1 zone would not become non-conforming as a result of the rezoning. Others that are non-conforming today, would be permitted to continue if they can prove that at some time in the past they were a legal operation under appropriate zoning.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R915/01/11/19 THAT Zoning Bylaw Text Amendment No. TA01-005 to amend City of Kelowna Zoning Bylaw No. 8000 by deleting the A2-Agriculture 2 zone and amending the A1-Agriculture 1 zone and miscellaneous text amendments as outlined in the report of the Planning & Development Services Department dated November 13, 2001, be considered by Council;

AND THAT Farm Bylaw No. 8694, to regulate Intensive Agricultural Uses within the City of Kelowna, be considered by Council;

AND THAT Rezoning Application No.Z01-1060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 33, Twp. 23, ODYD, Plan 36642, located on Glenmore Road; Lot 1, Sec. 5, Twp. 26, ODYD, Plan 2243, located on Casorso Road; Lot 2, Sec. 5, Twp. 26, ODYD, Plan 2243 except Plans B4748, B5733, 25257 and 30744, located on Casorso Road; Lot A, Sec. 5, Twp. 26, ODYD, Plan 30744, located on Casorso Road; Lot A, Sec. 5, Twp. 26, ODYD, Plan 16937, located off of Ward Road; and Lot 4, Sec. 5, Twp. 26, ODYD, Plan 2243, located on Casorso Road; Lot 186 and 189, Sec. 33, Twp. 29, ODYD, Plan 1247, located on Sallows Road, Kelowna, BC, from the A2 – Agriculture 2 zone to the A1 – Agriculture 1 zone be considered by Council;

AND THAT Rezoning Application No. Z01-1060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Sec. 5, Twp. 26, ODYD, Plan 25257, located on Swamp Road, Kelowna, BC, from the A2 – Agriculture 2 zone to the A1 – Agriculture 1 zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated November 13, 2001, be considered by Council;

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AND THAT the Zoning Bylaw Text Amendment and the Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT subsequent to third reading the Zoning Text Amendment Bylaw, the Zone Amending Bylaw and the Farm Bylaw be forwarded to the Ministry of Agriculture, Food and Fisheries for approval;

AND THAT staff be directed to prepare the consequential amendments to the Subdivision, Development & Servicing Bylaw, the Sign Bylaw, the Local Improvement Charges Bylaw, the Development Cost Charges Bylaw, the Development Application Fees Bylaw and the Animal and Poultry Regulation and Animal Pound Bylaw, for reading consideration by Council at the appropriate time.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

4.1 Bylaw No. 8760 (TA01-005) – City of Kelowna Zoning Bylaw Text Amendment

Council:

- Concern about the number of existing farm operations that could potentially become non-conforming as a result of the proposed buffering requirements, in particular equestrian operations.
- Discussion on how text amendments such as this are advertised.
- Staff to consider amending the definition of "Confined Livestock Area" to only make reference to feedlots and/or to be more clear about what is ***not*** included.
- Staff to consider amending the definition of "Intensive Agriculture" to make reference to "Confined Livestock Area" for consistency.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R916/01/11/19 THAT Bylaw No. 8760 be read a first time.

Carried

4.2 Bylaw No. 8761 (Z01-1060) – City of Kelowna - Miscellaneous rezonings from the A2 – Agriculture 2 zone to the A1 – Agriculture 1 zone

Moved by Councillor Clark/Seconded by Councillor Shepherd

R917/01/11/19 THAT Bylaw No. 8761 be read a first time.

Carried

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5. REPORTS

- 5.1 Deputy Director of Finance, dated October 30, 2001 re: Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw (B/L 8755)

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R918/01/11/19 THAT Bylaw 8755 – Capital Works, Machinery and Equipment Reserve Expenditure Fund Bylaw be advanced for reading consideration by Council.

Carried

- 5.2 Deputy Director of Finance, dated November 9, 2001 re: Change in Property Tax Penalty Dates (1970-05)

Moved by Councillor Shepherd/Seconded by Councillor Clark

R919/01/11/19 THAT Council receive the Deputy Director of Finance's report dated November 9, 2001, summarizing impacts of the Council resolution on February 5, 2001 to revise the single 10% tax penalty date prior to 2001 to two 5% penalty dates on the second working day in July and the second day following the August statutory holiday.

Carried

- 5.3 Deputy Director of Finance, dated November 14, 2001 re: Funding the Central Okanagan Community Health Advisory Committee (0482-60)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R920/01/11/19 THAT the current City of Kelowna grant funding to the Central Okanagan Community Health Advisory Committee be changed for 2002 so that the funding is included in the Regional Hospital District budget.

Carried

- 5.4 Drainage/Solid Waste Manager, dated November 7, 2001 re: Landfill Operations (5360-03)

Council:

- Staff to include a question in the next citizens' survey asking the community if they find that the hours are adequate or if they would use the landfill more if the hours of operation were expanded.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R921/01/11/19 THAT the Drainage/Solid Waste Manager's report dated November 7, 2001 regarding Glenmore Landfill operations be received for information of Council;

AND THAT Council support the continued operation of the Glenmore Landfill on a six-day per week basis.

Carried

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- 5.5 City Clerk, dated November 14, 2001 re: Okanagan Mission Community Hall Association Loan Authorization Bylaw, Agreements Authorization Bylaw, and Lease Authorization Bylaw (B/Ls 8723, 8724 & 8725)

Staff:

- The Counter Petition period for the subject bylaws closed on November 14, 2001. The 102 valid objections that were received are not enough to defeat the process.

Moved by Councillor Nelson/Seconded by Councillor Hobson

R922/01/11/19 THAT Council receive the Certificate of Sufficiency dated November 14, 2001 pertaining to the following bylaws:

Okanagan Mission Community Hall Association Loan Authorization Bylaw No. 8723,
Okanagan Mission Community Hall Association Agreements Authorization Bylaw No. 8724; and
Okanagan Mission Community Hall Association Lease Authorization Bylaw No. 8725;

AND THAT Okanagan Mission Community Hall Association Loan Authorization Bylaw No. 8723, Okanagan Mission Community Hall Association Agreements Authorization Bylaw No. 8724 and Okanagan Mission Community Hall Association Lease Authorization Bylaw No. 8725 be advanced for adoption consideration.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

- 6.1 Bylaw No. 8694 – Farm Bylaw

Moved by Councillor Clark/Seconded by Councillor Shepherd

R923/01/11/19 THAT Bylaw No. 8694 be read a first time.

Carried

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.2 Bylaw No. 8748 – Amendment No. 4 to Heritage Procedures Bylaw No. 7776 requires 2/3 majority vote of Council (6)

Moved by Councillor Hobson/Seconded by Councillor Day

R924/01/11/19 THAT Bylaw No. 8748 be read a first, second and third time.

Carried

- 6.3 Bylaw No. 8749 – Amendment No. 13 to Development Application Fees Bylaw No. 8034

Moved by Councillor Hobson/Seconded by Councillor Day

R925/01/11/19 THAT Bylaw No. 8749 be read a first, second and third time.

Carried

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- 6.4 Bylaw No. 8755 – Capital Works, Machinery & Equipment Reserve Expenditure, 2001 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Day

R926/01/11/19 THAT Bylaw No. 8755 be read a first, second and third time.

Carried

- 6.5 Bylaw No. 8759 – Killdeer Road Name Alteration Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

R927/01/11/19 THAT Bylaw No. 8759 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.6 Bylaw No. 8723 – Okanagan Mission Community Hall Association Loan Authorization Bylaw

Moved by Councillor Cannan/Seconded by Councillor Nelson

R928/01/11/19 THAT adoption consideration of Bylaws No. 8723 , No. 8724 and No. 8725 (Loan Authorization, Agreement Authorization and Lease Authorization Bylaws - Okanagan Mission Community Hall Association) be deferred to the Regular Meeting of Tuesday, December 11, 2001.

Carried

- 6.7 Bylaw No. 8724 – Okanagan Mission Community Hall Association Agreement Authorization Bylaw

See resolution under 6.6 above.

- 6.8 Bylaw No. 8725 – Okanagan Mission Community Hall Association Lease Authorization Bylaw

See resolution under 6.6 above.

7. COUNCILLOR ITEMS

- (a) Vote By Mail – Method of Conducting Elections

Councillor Shepherd enquired whether existing legislation provides opportunity for municipalities to consider using Vote by Mail as a method of conducting elections. Councillor Hobson advised that conducting Vote by Mail elections is not possible under existing legislation.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R929/01/11/19 THAT a letter be forwarded to the Union of British Columbia Municipalities (UBCM) suggesting that Vote by Mail opportunities be a consideration in discussions regarding the proposed Community Charter.

Carried

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(b) Bed and Breakfast Bylaw

Councillor Clark asked when Council can expect staff recommendations with respect to a possible Bed and Breakfast Bylaw. City Manager will investigate.

(c) Centennial Project

Councillor Clark suggested that Council needs to debate whether the City of Kelowna should have a bricks and mortar Centennial Project that would be completed or at least be well under way by 2005 when Kelowna turns 100. He asked that the matter be placed on an agenda for public discussion, preferably soon enough that a decision can be made before the next civic election.

(d) Posters/Signs on Lamp Standards

Councillor Cannan suggested that the Corps of Commissionaires be asked to watch for and remove posters, signs, etc. that tend to accumulate on the poles and lamp standards in the town centres.

(e) Signs Cautioning Motorists to Watch for Farm Vehicles on the Road

Councillor Day suggested that a sign warning motorists to beware of slow moving farm vehicles be erected somewhere between Corbin's Store and the Glenmore Landfill to assist the agricultural operation along that stretch of Glenmore Road. Mayor Gray suggested that a similar sign be considered to assist the farming operations along Byrns Road as well.

(f) Sportsfield Lighting

Councillor Hobson asked that staff investigate what can be done to address light spillage into residential properties that are adjacent to sportsfields that have night lighting,. He specifically mentioned the Mission Sportsfields and the East Kelowna Sportsfields as problem areas.

8. TERMINATION

The meeting was declared terminated at 4:46 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk