

Regular Meeting – P.M.

April 22, 2002

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, April 22, 2002.

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; Current Planning Manager, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Environment Manager, M. Watt\*; Deputy Director of Finance, P. Macklem\*; Financial Planning & Systems Manager, K. Grayston\*; Revenue Supervisor, M. Crossley\*; Director of Works & Utilities, J. Vos\*; Development Engineering Manager, S. Muenz\*; Roadways Engineer, G. Parker\*; Waster Water Manager, B. Berry\*; and Acting Council Recording Secretary, L.M. Taylor.

(\* 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. CORRESPONDENCE

3.1 Federation of Canadian Municipalities, dated March 18, 2002 re: Ratification of Kyoto Protocol

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R361/02/04/22** WHEREAS climate change causes drought, permafrost melting, sea-level rise and floods that damage municipal infrastructure, displace citizens and create a financial burden for municipal governments;

WHEREAS economic activity in rural and northern communities relying on fisheries, tourism, forestry and agriculture is disrupted by climate change;

WHEREAS investments in building retrofits, community energy systems, water conservation, renewable energy technologies, waste reduction, landfill gas capture, fleet management and public transit reduce municipal operating costs, help maintain community services and protect public health while cutting greenhouse gas emissions contributing to climate changes;

WHEREAS forestry and agriculture sectors can expand business opportunities by increasing the capacity of trees and soils to absorb carbon dioxide and by developing renewable fuels like ethanol;

WHEREAS fossil fuel producers are increasing investments in renewable energy and alternative fossil fuel technologies that reduce the amount of carbon dioxide going into the air; and

WHEREAS 72 per cent of Canadians want the Kyoto Protocol ratified;

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BE IT RESOLVED THAT the Municipal Council of the City of Kelowna endorses ratification of the Kyoto Protocol; and

BE IT FURTHER RESOLVED THAT this resolution be communicated to our Member of Parliament, provincial environment and energy ministers, federal and provincial opposition leaders, community media, the Federation of Canadian Municipalities and the Regional District of Central Okanagan.

Carried

Councillor Clark opposed.

4. PLANNING

- 4.1 Planning & Development Services Department, dated April 17, 2002 re: Rezoning Application No. Z98-1029 – Rick Hullah/Progressive Lands Ltd. – 5065 Frost Road

Moved by Councillor Nelson/Seconded by Councillor Given

**R362/02/04/22** THAT in accordance with the Development Application Procedures Bylaw No. 8140, Municipal Council authorize an extension to the deadline for adoption of Zone Amending Bylaw No. 8459 (Z98-1029) to October 25, 2002.

Carried

- 4.2 Planning & Development Services Department, dated April 9, 2002 re: Rezoning Application No. Z01-1008 – Board of School Trustees, Central Okanagan School District No. 23 (Central Okanagan) – 805-815, 895 Craig Road, 621 Hartman Road and 650 Webster Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R363/02/04/22** THAT in accordance with the Development Application Procedures Bylaw No. 8140, Municipal Council authorize an extension to the deadline for adoption of Zone Amending Bylaw No. 8677 (Z01-1008) to November 22, 2002.

Carried

- 4.3 Planning & Development Services Department, dated April 16, 2002 re: Rezoning Application No. Z02-1005 – David & Gertrude Degroot (Robert Edwards) – 3933 Bluebird Road

Councillor Day declared a conflict as he owns property within the notification area and left the Council Chamber at 1:50 p.m.

Staff:

- Rezoning would permit construction of a second single family residence on the property.
- Variance is required for minimum lot width and to legalize the non-conforming rear yard setback.
- Proposal is consistent with the future land use designation of the OCP and the policies in the North Mission/Crawford Sector Plan.
- Applicant will register a covenant limiting the maximum footprint of the second dwelling should the City require one.

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Moved by Councillor Given/Seconded by Councillor Nelson

**R364/02/04/22** THAT Rezoning Application No. Z02-1005 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 1, Township 25, ODYD, Plan 30506, located on Bluebird Road, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU6 – Two-Dwelling Housing zone be considered by Council;

AND THAT the zone amending bylaw be forward 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 Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subject to the applicant amending the flooding/save harmless covenant registered on title of the subject property, in order to incorporate current setback requirements.

Carried

Councillors Hobson and Shepherd opposed.

Councillor Day returned to the Council Chamber at 2:05 p.m. and took his place at the Council table.

4.4 Planning & Development Services Department, dated April 17, 2002 re: Rezoning Application No. Z02-1010 – Edward Weiss (Royce Dockrill) – 3525 Lakeshore Road

Staff:

- Permit construction of a two-storey duplex on the property.
- Each unit would have five bedrooms, three bathrooms, and two-car garage.
- Variance is required for minimum lot width.
- Proposal is consistent with future land use designation of OCP and the policies in the South Pandosy/KLO Sector Plan.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R365/02/04/22** THAT Rezoning Application No. Z02-1010 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 134, ODYD, Plan 31819, located on Lakeshore Road, Kelowna, BC, from RU1 – Large Lot Housing to RU6 – Two-Dwelling Housing be considered by Council;

AND THAT the zone amending bylaw be forward 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 Variance Permit on the subject property.

Carried

Councillor Shepherd opposed

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- 4.5 Planning & Development Services Department, dated April 17, 2002 re: Rezoning Application No. Z01-1058 and OCP01-016 – Christian & Missionary Alliance (Art Huber Architect Inc.) – 3690 Gordon Drive

Staff:

- Applicant proposes to construct privately owned, but publicly accessible, recreation club including indoor and outdoor swimming pools, gyms, indoor tennis courts, squash courts, conference rooms, restaurant and health facilities.
- Initially the access to the site will be from Casorso Road but once the Mission Springs Drive extension is completed access will be from the extension.
- Proposed development would add wide range of recreational facilities to an area of the City that is lacking such facilities.
- This facility is expected to complement future recreational services to be offered at the Mission District Park.
- Staff recommend support.

Council:

- Questioned if there would be any tax exemption based on religious aspects for this property and were advised there were no plans to include a sanctuary in the development which might qualify for exemption.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R366/02/04/22** THAT OCP Bylaw Amendment No. OCP01-016 to amend Map 19.1 of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot A, D.L. 134, ODYD, Plan KAP56005, located on Gordon Drive, Kelowna, BC, from the Multiple Unit Residential – Low and Medium Density designations to the Educational / Major Institutional designation, as shown on Map “A” attached to the report of Planning and Development Services Department, dated April 17, 2002 be considered by Council;

AND THAT Rezoning Application No. Z01-1058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 134, ODYD, Plan KAP56005, located on Gordon Drive, Kelowna, BC, from the A1 – Agriculture 1 zone to the P2 – Education and Minor Institutional zone be considered by Council;

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

AND THAT final adoption of OCP Bylaw and zone amending bylaw be considered subsequent to the registration of a road reserve along the west property line of subject property.

Carried

- 4.6 Planning & Development Services Department, dated April 17, 2002 re: Council Policy for Residents’ Associations (0230-20)

Withdrawn from agenda.

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5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.1 Bylaw No. 8820 (TA02-001) – Miscellaneous Amendments to City of Kelowna Zoning Bylaw 8000

Moved by Councillor Given/Seconded by Councillor Clark

**R367/02/04/22** THAT Bylaw No. 8820 be adopted.

Carried

6. REPORTS

- 6.1 Deputy Director of Finance, dated April 16, 2002 re: Bylaw to Charge the 2002 Sterile Insect Release (SIR) Parcel Tax to Specific Rolls (B/L 8824)

Moved by Councillor Hobson/Seconded by Councillor Given

**R368/02/04/22** THAT Council direct staff to prepare the necessary bylaw (No. 8824) to charge the 2002 Sterile Insect Release (SIR) Parcel Tax to individual rolls in accordance with the 2002 SIR Parcel Tax Assessment Roll provided to the City of Kelowna by the Regional District of North Okanagan.

Carried

- 6.2 Deputy Director of Finance, dated April 17, 2002 re: 2002 Tax Distribution Policy (1970-01)

Moved by Councillor Cannan/Seconded by Councillor Day

**R369/02/04/22** THAT Council approve a Municipal Tax Distribution Policy for the year 2002 which will result in a modification of the 2001 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

| <u>Property Class</u> | <u>Description</u>                | <u>2002 Tax Class Ratios</u> | <u>2001 Tax Class Ratios</u> |
|-----------------------|-----------------------------------|------------------------------|------------------------------|
| 01/08                 | Residential/Recreation/Non-Profit | 1:0000:1                     | 1.0000:1                     |
| 02                    | Utilities                         | 3.6638:1                     | 3.5815:1                     |
| 04                    | Major Industrial                  | 2.6777:1                     | 2.6265:1                     |
| 05/06                 | Light Industrial/Business/Other   | 1.9955:1                     | 1.9400:1                     |
| 09                    | Farm Land                         | .0778:1                      | .0780:1                      |
| 91                    | Farm Improvements                 | .4977:1                      | .5091:1                      |

AND THAT Council approve development of 2002 tax rates to reflect the 2002 assessment changes in property market values.

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6.3 Development Engineering Manager, dated April 17, 2002 re: Subdivision Development & Servicing Bylaw – Revisions (B/L 7900)

Staff:

- This is the first major review of the bylaw since it was adopted in 1998.
- Proposed changes are as a result of changes in technology.
- Meetings were held with stakeholder groups and as a result of these meetings agreement has been reached between City staff and representatives of Urban Development Institute on all but seven proposed changes as follows:
  1. grades to cul-de-sacs;
  2. Increasing the fireflow protection for row housing, stacked row housing and apartments;
  3. tooled lines on driveway crossings in areas where there is Type 1 curbing;
  4. radius of cul-de-sacs;
  5. sideslope steepness flexibility on retention ponds only;
  6. grade for sanitary sewer right-of-way accesses; and
  7. asphalt thickness for collector roads.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R370/02/04/22** THAT Council hear from a representative of the Urban Development Institute.

Carried

Mike Jacobs, Urban Development Institute:

- The seven outstanding issues will result in added costs for developers that would have to be passed on to the future property owners.
- Increasing the required radius of cul-de-sacs from 15 metres to 16 metres will increase the amount of land needed to create a cul-de-sac.
- The City should pay for the cost for the additional 25mm of asphalt for collector roads.

Council

- Requested staff to provide additional information on local collector roads that have failed in the past.
- The staff's recommendation for 16 metres for the radius of a cul-de-sac right of way and 13.5 metres for a back of curb cul-de sac radius would not be an efficient use of land. Would like the requirements changed to 15 metres and 12.5 metres respectively.
- Requested more information from staff on the 12% grade requirements for access to sanitary sewer manholes.

Councillor Nelson left the Council Meeting at 4:15.p.m.

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Moved by Councillor Hobson/Seconded by Councillor Day

**R371/02/04/22** THAT staff be instructed to draft the amendments to the Subdivision, Development and Servicing Bylaw No. 7900 as outlined in the report of the Development Engineering Manager dated April 17, 2002 including:

1. Allowing 12% grades up to cul-de-sacs and 8% grades down to cul-de-sacs;
2. Increasing the fireflow protection from the current 90 litres/second for row housing, stacked row housing and apartments to 150 litres/second;
3. Requiring tooled lines at 150mm spacing on driveway crossings in areas where there is Type 1 curbing;
4. Permitting a radius of 15 metres for cul-de-sacs and 12.5 metres for the cul-de-sac back of curb radius;
5. Permit sideslope steepness flexibility on dry (retention) ponds only;
6. Permitting a maximum 12% grade for sanitary sewer right-of-way accesses; and
7. Requiring 100mm asphalt thickness for collector and arterial roads with no allowance to 75mm for collector roads if extra sub-base is added.

AND THAT staff be instructed to provide further information on the sanitary sewer right-of-way access and the asphalt thickness for collector roads prior to reading consideration of the amending bylaw.

Carried

Councillors Clark and Shepherd opposed.

7. COUNCILLOR ITEMS

(a) Queensway Marina Lease

Councillor Clark indicated that based on new information received by Council on this issue, Council should reconsider their previous decision.

Moved by Councillor Clark/Seconded by Councillor Given

**R372/02/04/22** THAT Resolution No. R326/02/04/08 DEFEATED by Kelowna City Council on April 8, 2002 instructing staff to negotiate a lease agreement with 381713 BC Ltd. (Turtle Bay Marina Ltd.) to construct, own and operate a marina at the foot of Queensway and to so amend the 2002 budget document be reconsidered by Council.

Carried

Moved by Councillor Clark/Seconded by Councillor Hobson

**R373/02/04/22** THAT reconsideration of Resolution No. R326/02/04/08 regarding negotiation of a lease for the operation of a marina at the foot of Queensway be deferred until April 29, 2002 to permit staff to be present and to permit staff to notify the two proponents of the lease proposal.

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(b) BC Transit

Councillor Clark expressed concern that BC Transit has made changes to their RFP process despite Council's objections. He asked that the issue be put on the April 29 Council meeting agenda to allow staff to be present.

(c) Clean Indoor Air Bylaw

Councillor Cannan questioned when amendments to the Clean Indoor Air Bylaw would be presented to Council. The City Manager advised a draft of the proposed changes to our bylaw that are consistent with the Environment Tobacco Smoke Regulation, along with a letter recently received from the Regional District of Central Okanagan will be put on the April 29 agenda.

8. TERMINATION

The meeting was declared terminated at 4:45 p.m.

Certified Correct:

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Mayor

Deputy City Clerk

LMT/am