

Regular Meeting – P.M.

June 24, 2002

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, June 24, 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.M. Flack; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Long Range Planning Manager, S.K. Bagh\*; Planner-Long Range, G. Routley\*; Financial Planning Manager, K. Grayston\*; Transportation Manager, R.W. Westlake\*; Drainage/Solid Waste Manager, A. Newcombe\*; Roadways Engineer, G. Parker\*; Traffic Technician, B. Braden\*; Cemetery Manager, D. Radford\*; Environmental Manager, M. Watt\*; Environmental Technician, T. Gow\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 p.m.

2. Councillor Given was requested to check the minutes of the meeting.
3. 3.1 Council Indemnity Review Committee, Presentation of the Committee's Recommendations

Bruce Jones, Chair of the Council Indemnity Review Committee:

- Thanked Council for the opportunity to serve the City on behalf of himself and Ben Lee and Lawrence Bates, the other members of the review committee.
- Apologized that the report was not provided for Council earlier so that they could have had a chance to read the recommendations.

Moved by Councillor Cannan/Seconded by Councillor Given

**R545/02/06/24** THAT the report dated June 14, 2002 from the Council Indemnity Review Committee be received;

AND THAT the recommendations in the report be considered by Council at the Regular Meeting of July 15, 2002.

Carried

- 3.2 Kit and Kristal Polley, Lady of the Lake Society re: Presentation of Trophy and Cash Award Won Over the Weekend by the New City of Kelowna Float

Kristal Polley, Lady of the Lake Society:

- Thanked Council and City staff for their assistance in getting a new float for the City of Kelowna.
- Presented Mayor Gray with \$300 cash and the trophy for winning best float in the Sam Steel Days Parade in Cranbrook.

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Councillor Blanleil entered the Council Chamber at 1:47 p.m. and took his place at the Council Table.

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R546/02/06/24** THAT the \$300 cash award presented to the City by the Lady of the Lake Society for the City of Kelowna's float winning the best float category at the 2002 Sam Steel Day's parade in Cranbrook, B.C. be received and put back into the Lady of the Lake Royalty program.

Carried

3.3 Go Green Commuter Challenge Award Presentation to the winning organizations who participated in the Go Green Commuter Challenge

- Mayor Gray noted that the Central Okanagan achieved first place in the 2002 Go Green Commuter Challenge against other Canadian cities.
- Invited Councillor Hobson, as Chair of the Regional District of Central Okanagan, to assist with presenting the awards to representatives of the organizations with the highest percentage participation.

3.4 Mayor Gray re: Presentation of Certificate of Commendation, Awarded by the Governor General to Mr. August Lawrence Beetlestone of Kelowna in Recognition of an Act of Heroism

- Mayor Gray read the heroic story of how, on December 9, 2000, Mr. Beetlestone rescued a mother and her two children from a vehicle that had rolled and then begun to smoke and presented Mr. Beetlestone with the Certificate of Commendation on behalf of Her Excellency, the Right Honourable Adrienne Clarkson, Governor General of Canada.

#### 4. UNFINISHED BUSINESS

4.1 Transportation Manager, dated June 19, 2002 re: Traffic Planning –Byrns Road (8330-0)

Councillor Day declared a conflict of interest because family members own property in the Byrns Road area and left the Council Chamber at 2:03 p.m.

Staff:

- The average daily traffic noted on page 2 of the report for Byrns Road near Benvoulin should be indicated as 3,100 rather than 2,900.
- The proposed raised agricultural crossing would be about 3 inches in height and wide enough for a farm vehicle to cross. The City would pay the estimated \$12,000 to \$15,000 cost of installation.
- Signs would be erected to warn motorists of the raised crossing ahead.

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Council:

- Staff to consult with Steven Day to ensure that he would use the crossing and if so, that it gets constructed in the right location to meet his needs for a safe crossing.

Moved by Councillor Hobson/Seconded by Councillor Given

**R547/02/06/24** THAT Council receive the report of the Transportation Manager dated June 19, 2002;

AND THAT Council direct staff to construct a raised agricultural crossing on Byrns Road in conjunction with the farming operations of Mr. Steve Day, if such a crossing meets with his approval;

AND FURTHER THAT staff be directed to amend the classification for Byrns Road from arterial to collector status in the Transportation Plan to 2020.

Carried

Councillor Day returned to the Council Chamber at 2:33 p.m. and took his place at the Council Table.

5. PLANNING

5.1 Planning & Development Services Department, dated June 18, 2002 re: Demolition of the Heritage Building Located at 2046 Pandosy Street (6800-00)

Staff:

- The former Hewetson school house building was demolished without the required Demolition Permit or Heritage Alteration Permit.
- The property is listed For Sale and filing a notice on title would notify any potential purchasers that there are outstanding law enforcement issues related to the property.
- The property owner is aware of the City's intent to take this action.

Moved by Councillor Hobson/Seconded by Councillor Day

**R548/02/06/24** THAT Municipal Council file a notice in the Land Title Office under Section 980(1)(a) of the *Local Government Act* for the contravention related to Section 971(1) of the *Local Government Act* and the demolition of the heritage building located at 2046 Pandosy Street.

Carried

5.2 Planning & Development Services Department, dated May 22, 2002 re: Guidelines for the Adaptive Re-Use of Residential Heritage Buildings (0540-20)

Staff:

- The revised guidelines provide more specific conditions for adaptive re-uses, apply to heritage buildings throughout the city rather than just in the inner-city area, require a residential component, reflect changes to the Zoning Bylaw and OCP, and are designed to act as a more user-friendly, stand alone document.
- Having now processed several agreements to date, staff have been able to standardize the review process and that has reduced the actual costs associated with processing Heritage Revitalization Agreement applications.

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Moved by Councillor Shepherd/Seconded by Councillor Given

**R549/02/06/24** THAT Municipal Council endorse the Guidelines for the Adaptive Re-Use of Residential Heritage Buildings as contained in Appendix 1 attached to the report of the Planning & Development Services Department dated May 22, 2002 as a replacement for the Guidelines that were endorsed at the Regular Meeting of December 18, 1995;

AND THAT staff prepare the necessary bylaw to amend City of Kelowna Development Application Fees Bylaw No. 8034 to reduce the fee for Heritage Revitalization Agreement applications from \$3,526.75 to \$2,178.75;

AND FURTHER THAT the amending bylaw be advanced for reading consideration by Council.

Carried

5.3 Planning & Development Services Department, dated June 19, 2002 re: Rezoning Application No. Z02-1001 – Ranjit Padda and Gurnam Padda – 339-349 Fitzpatrick Road

Staff:

- The applicant is proposing to rezone the subject property to facilitate a 29-lot single family residential subdivision along with a 1.5 ha park lot that would form part of the Chichester Park system.

Council:

- Staff to clarify at the Public Hearing the road improvements that will be required at the intersection of Aldon Road and Hillaby Avenue and advise whether the area from the bottom of the slope to the top of the slope of Lot 21 should be protected by covenant.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R550/02/06/24** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the west ½ of Block 17, Sec. 35, Twp. 26, ODYD, Plan 264, located on Fitzpatrick Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone, RU2 – Medium Lot Housing zone and the P3 – Parks & Open Space zones as shown on Map "A" attached to the report of the Planning & Development Services Department, dated June 19, 2002;

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 withheld pending the execution, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna.

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- 5.4 Planning & Development Services Department, dated June 14, 2002 re: Rezoning Application No. Z02-1005 – David & Gertrude Degroot (Robert Edwards) – 3933 Bluebird Road

Councillor Day declared a conflict of interest because he owns property within the notification radius for this application and left the Council Chamber at 3:14 p.m.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R551/02/06/24** 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, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT Zone Amending Bylaw No. 8840 (Z02-1005 – David & Gertrude DeGroot – 3933 Bluebird Road) be amended at first reading by changing the requested zoning from RU6 – Two Dwelling Housing to RU1s – Large Lot Housing with Secondary Suite;

AND THAT the zone amending bylaw, as amended, be forward to a Public Hearing for further consideration;

AND FURTHER 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

Councillor Day returned to the Council Chamber at 3:17 p.m. and took his place at the Council Table.

- 5.5 Planning & Development Services Department, dated June 14, 2002 re: Rezoning Application No. Z02-1013 – Brenda Csolle (Leslie Csolle) – 1124 Kelview Street

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R552/02/06/24** THAT Rezoning Application No. Z02-1013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, Sec. 30, Twp. 26, ODYD, Plan 4411, located on Kelview Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forward to a Public Hearing for further consideration.

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- 5.6 Planning & Development Services Department, dated June 14, 2002 re: Rezoning Application No. Z02-1020 – Jeremy & Amanda Welder (Lynn Welder Consulting Ltd.) – 1627 Blondeaux Crescent

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R553/02/06/24** THAT Rezoning Application No. Z02-1020 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sec. 29, Twp. 26, ODYD, Plan KAP67511, located on Blondeaux Crescent, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forward to a Public Hearing for further consideration.

Carried

- 5.7 Planning & Development Services Department, dated June 14, 2002 re: Rezoning Application No. Z02-1004 and OCP02-0002 – Sukhbir Sandhu – 1386-1388 Highland Drive South

Staff:

- The rezoning is requested in order to legalize the existing duplex that is currently being used on both sides as congregate housing facilities by separate tenants.
- The application to rezone stems from Bylaw Enforcement issues.
- The building would require major upgrades to conform to the Building and Fire Codes. Variances would also be required for reduced side yard setbacks and parking if the rezoning was approved.
- Do not recommend support on the basis that the existing and proposed use of the building for congregate housing is not consistent with the future land use designation in the OCP and the Glenmore/Clifton/Dilworth Sector Plan nor is it considered an appropriate use in a predominantly single/two unit residential neighbourhood.
- If the subject application was defeated by Council, City staff would continue with bylaw enforcement action.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R554/02/06/24** THAT Council hear from the applicant.

Carried

Gary Enns, Shepherd's Reach Ministries:

- Shepherd's Reach Ministries leases both sides of the duplex and sub-leases one side to the Kelowna Friendship Society. Both sides provide affordable housing and associated services for women and children in need.
- Need to be able to house 10 residents per side to be viable.
- The owner has indicated willingness to comply with whatever construction is needed to bring the building up to Code.

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Council:

- Staff to report back at first reading of the bylaw on whether a Housing Agreement could be used to restrict use of both sides of the building to the equivalent of the existing tenancies; on the complaints received by Bylaw Enforcement staff over the past couple of years about the subject property and any other properties in the area; and with an estimate of the costs to upgrade the building to meet Fire and Building Code requirements.
- Agreed the application not be scheduled to a Public Hearing date until after staff report back at first reading.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R555/02/06/24** THAT OCP Bylaw Amendment No. OCP02-002 to amend Map 19.1 of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 by changing the Future Land Use designation of Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, B.C., from the Single-Two Unit Residential designation to the Multiple Unit Residential – Low Density designation, as shown on Map “A” attached to the report of Planning and Development Services Department dated June 13, 2002, be considered by Council;

AND THAT Rezoning Application No. Z02-1004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing 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 the OCP Bylaw and zone amending bylaw be considered in conjunction with Council’s consideration of a Development Permit and Development Variance Permit;

AND FURTHER THAT final adoption of the OCP Bylaw and zone amending bylaw be considered subsequent to the applicant meeting the requirements of the Inspection Services Department to the Department’s satisfaction.

Carried

Mayor Gray and Councillors Clark and Hobson opposed.

5.8 Planning & Development Services Department, dated June 18, 2002 re: Rezoning Application No. Z02-1022 – Chris & Alice Greenway (Chris Greenway) – 453 Groves Avenue

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R556/02/06/24** THAT Rezoning Application No. Z02-1022 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Amended Lot 13, D.L. 14, ODYD, Plan 3856, located on Groves Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forward to a Public Hearing for further consideration.

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- 5.9 Planning & Development Services Department, dated June 17, 2002 re: Rezoning Application No. Z02-1017 – John, Jeanne and James Petals (Jim Petals) – 2402 Harvard Road

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R557/02/06/24** THAT Rezoning Application No. Z02-1017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 33, Township 29, ODYD, Plan 38411, located on Harvard Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forward to a Public Hearing for further consideration.

Carried

- 5.10 Planning & Development Services Department, dated June 18, 2002 re: Rezoning Application No. Z02-1008 – John & Christine Hawkins (John Hawkins) – 4042 Finch Road

Moved by Councillor Day/Seconded by Councillor Nelson

**R558/02/06/24** THAT Rezoning Application No. Z02-1008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, Sections 32 and 33, Township 23, ODYD, Plan 13462, located on Finch Road, Kelowna, B.C., from the RR3 – Rural Residential zone to the RR3s – Rural Residential with Secondary Suite 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 subsequent to the applicant registering a covenant on title specifying the relaxation of floodplain management provisions;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the applicant providing an assessment by a qualified Professional Engineer regarding the flood protection works and, if required, committing to upgrading the existing flood protection structure.

Carried

## 6. BYLAWS (ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR ADOPTION)**

- 6.1 Bylaw No. 8859 (Z02-1009) – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 2350 Burtch Road

Councillor Day declared a conflict of interest because direct family members own adjoining property and left the Council Chamber at 4:05 p.m.

Moved by Councillor Given/Seconded by Councillor Nelson

**R559/02/06/24** THAT Bylaw No. 8859 be adopted.

Carried

Councillor Day returned to the Council Chamber at 4:05 p.m. and took his place at the Council Table.



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7. REPORTS

- 7.1 Cemetery Manager, dated June 18, 2002 re: Kelowna Memorial Park Cemetery Bylaw 8807

Moved by Councillor Hobson/Seconded by Councillor Given

**R56002/06/24** THAT Kelowna Memorial Park Cemetery Bylaw No. 8807 be advanced for reading consideration by Council.

Carried

- 7.2 Deputy Director of Finance, dated June 14, 2002 re: Tax Assistance Request – Servants Anonymous Society (1970-50)

Council:

- Agreed to grant the assistance on a one-time basis.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R561/02/06/24** THAT Council approve, on a one-time basis, granting assistance for the municipal portion of taxes for the year 2002 for the Servants Anonymous Society in consideration of the use of roll no.'s 33110 and 78779 meeting the permissive exemption definition under section 341(2)(c) of the Municipal Act;

AND THAT funding in the amount of \$5,966.57 be provided from Council Contingency and refunded to the Servants Anonymous Society.

Carried

- 7.3 Environmental Manager, dated June 13, 2002 re: Stream Restoration and Enhancement Summary (5280-14)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R562/02/06/24** THAT the Environmental Manager's report of June 13, 2002 providing a summary of the stream restoration and enhancement done in Kelowna since 1997 be received for information of Council.

Carried

- 7.4 Director of Works & Utilities, dated June 19, 2002 re: Abbott Street Construction - Highway 97 to Park Avenue (TE02-06) (5400-20)

Moved by Councillor Blanleil/Seconded by Councillor Day

**R563/02/06/24** THAT the tender for Abbott Street Construction (Highway 97 to Park Avenue) TE02-06 be awarded to the low bidder Peters Bros. Construction Ltd. in the amount of One Million, Two Hundred Forty-Six Thousand, Five Hundred Eighty-Four Dollars and Twenty-Four Cents (\$1,246,584.24) including GST.

Carried

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- 7.5 Transportation Manager, dated June 19, 2002 re: Caramillo-Spruceglen Neighbourhood Traffic Management Plan (5460-04)

Staff:

- The proposed plan would introduce traffic calming measures into the neighbourhood.
- Figure 2 in the staff report indicates that a curb extension and speed hump would be added at the pathway access for a narrowing of the road in that area; however, that has been removed from the plan.

Council:

- Agreed to change the wording of the proposed sign to read "Welcome to Caramillo-Spruceglen, a Traffic Calmed Neighbourhood".

Moved by Councillor Shepherd/Seconded by Councillor Given

**R564/02/06/24** THAT Council endorse the Caramillo-Spruceglen Neighbourhood Traffic Management Plan as presented by the Transportation Manager;

AND THAT Council authorise the Transportation Division to proceed with implementation of the Caramillo-Spruceglen Neighbourhood Traffic Management Plan in the Summer of 2002.

Carried

- 7.6 Councillor Hobson, Chair, Regional Transportation Committee, dated June 19, 2002 re: BC Transit Discussion Paper – Funding & Service Strategy Review (8500-01)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R565/02/06/24** THAT the City of Kelowna Council objects to the Provincial downloading proposed in the Discussion Paper and Consultation Guide prepared by B.C. Transit on Funding and Service Strategy Review as a violation of the provincial election commitment regarding downloading and the downloading provisions in the draft Community Charter;

AND THAT the City of Kelowna Council request that no changes be made to the current transit funding formula(s) between the Provincial and local governments;

AND THAT transit expansion plans be put on hold pending a resolution to the Provincial funding commitment to municipal transit systems;

AND THAT cost increases for public transit be limited to the cost-of-living until the provincial funding situation is resolved;

AND FURTHER THAT B.C. Transit be asked how to achieve the budgetary limits through cost efficiencies or improved service delivery methods.

Carried

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8. DRAFT RESOLUTIONS

- 8.1 Draft Resolution re: Provincial Proposal to Sell the Coquihalla Highway (8330-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R566/02/06/24** THAT the resolution in the letter dated June 13, 2002 from the Chair of the Regional Transportation Committee opposing the proposed sale of the Coquihalla Highway be endorsed by Council;

AND THAT a letter be forwarded to the Province to so indicate Kelowna City Council's endorsement of the resolution.

Carried

9. COUNCILLOR ITEMS

- (a) Kirschner Mountain Area Structure Plan

Councillor Clark referred to a letter that was sent some time ago from the Mayor to the Minister of Transportation asking about their policy for requiring improvements to provincial highways via development because of the impact of those requirements on the Kirschner property on Highway 33. The Minister responded via a letter dated May 30, 2002 advising that her Deputy would be in contact with Mayor.

Mayor Gray advised that he has not yet been contacted and that he would follow-up on the matter.

- (b) Surveillance Camera

Councillor Clark noted that on Friday last the federal Privacy Commissioner filed a writ against the Kelowna RCMP detachment and suggested that now that legal action has commenced it would be prudent to discontinue use of the surveillance camera until the matter has been resolved in the courts.

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R567/02/06/24** THAT plans for any future surveillance camera purchases or installations be put on hold and that the existing camera be removed until the courts have ruled on the Charter challenge between the federal Privacy Commissioner and the Kelowna RCMP Detachment.

**DEFEATED**

Mayor Gray and Councillors Blanleil, Cannan, Day, Given, Hobson and Nelson opposed.

City Manager to confirm for Council the date of the action being filed in the courts by the Privacy Commissioner and to talk to the RCMP about holding off on buying more cameras until such time as the matter has been settled in court.

- (c) Graffiti Program

Councillor Cannan noted that a committee was appointed last August to work with staff and the RCMP toward resolving graffiti problems and suggested that the Committee be asked to report to Council with an update of their progress and any success stories, challenges and suggestions from other communities.

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(d) Sight Line Policy - Hedges along Sidewalks/Walkways

Councillor Cannan commented that Rhoda Mueller of the Regional District is in a quandary because she is still enforcing sight line requirements for hedges along sidewalks/walkways that were supposed to have been reviewed last year. City Manager to investigate.

10. TERMINATION

The meeting was declared terminated at 5:33 p.m.

Certified Correct:

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Mayor

BLH/pp

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Deputy City Clerk