

Regular Meeting – P.M.

July 29, 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, July 29, 2002.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi\*; Special Projects Planning Manager, H.M. Christy\*; Director of Works & Utilities, J. Vos\*; Parks Manager, J. Creron\*; Acting Cultural Services Manager, R. Oddleifson\*; Cultural District Project Manager, L. Gunn\*; 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 Shepherd was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Shannon Bews-Croft, Director, Kelowna Royalty Association re: Introduction of New Royalty – Lady of the Lake

- Introduction of the 2002/03 Kelowna Royalty.
- Lady of the Lake Alanna Nestman and her Princess Colleen Fenton thanked Council for their continued support of the royalty program.

4. UNFINISHED BUSINESS

4.1 Report dated June 14, 2002 from the Council Indemnity Review Committee re: Mayor and Council Remuneration **deferred from the Regular Meeting of July 15, 2002**

Moved by Councillor Shepherd/Seconded by Councillor Given

THAT, in addition to the annual CPI adjustment, the Mayor's remuneration be increased by \$1,866.00, one-third of the increase to be tax free to cover expenses which would have been covered under the annual budget previously created to cover sundry expenses approved by Council;

AND THAT, in addition to the annual CPI adjustment, the Councillors' remuneration be increased by \$555.00, one-third of the increase to be tax free to cover expenses which would have been covered under the annual budget previously created to cover sundry expenses approved by Council;

AND THAT the Mayor and Councillors continue to receive the annual increases based on the CPI Cost of Living Index;

AND THAT the annual budget to accommodate and pay expenses approved by Council (Policy 287, approved February 2, 2002) be eliminated;

AND THAT the workspace at City Hall for Councillors which was recommended by the Council Indemnity Review Committee in 1999 be provided;

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AND THAT the policy of encouraging outside organizations inviting Council Members to participate in their function to pay the cost for the Mayor and/or Councillors to attend be continued;

AND FURTHER THAT a 20 hour per week position be created or the equivalent be built into existing positions to provide administrative support to City Councillors.

Amendment Moved by Councillor Clark/Seconded by Councillor Nelson

**R647/02/07/29** THAT Council appointees to the Regional District of Central Okanagan Board of Directors (other than a Council appointee who is serving as Chairperson of that Board) decline acceptance of the remuneration set out in Regional District of Central Okanagan Bylaw No. 721, with the exception of reimbursement for authorized expenses.

**DEFEATED**

Mayor Gray and Councillors Cannan, Day, Given, Hobson and Shepherd opposed.

Amendment Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R648/02/07/29** THAT the fourth paragraph of the recommendation be amended to indicate that Council will debate at budget time whether to retain or eliminate the annual budget to accommodate and pay expenses approved by Council under Policy No. 287.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Given

**R649/02/07/29** THAT, in addition to the annual CPI adjustment, the Mayor's remuneration be increased by \$1,866.00, one-third of the increase to be tax free to cover expenses which would have been covered under the annual budget previously created to cover sundry expenses approved by Council;

AND THAT, in addition to the annual CPI adjustment, the Councillors' remuneration be increased by \$555.00, one-third of the increase to be tax free to cover expenses which would have been covered under the annual budget previously created to cover sundry expenses approved by Council;

AND THAT the Mayor and Councillors continue to receive the annual increases based on the CPI Cost of Living Index;

AND THAT whether to eliminate or retain the annual budget to accommodate and pay expenses approved by Council (Policy 287, approved February 2, 2002) be debated by Council at 2003 budget discussions;

AND THAT the workspace at City Hall for Councillors which was recommended by the Council Indemnity Review Committee in 1999 be provided;

AND THAT the policy of encouraging outside organizations inviting Council Members to participate in their function to pay the cost for the Mayor and/or Councillors to attend be continued;

AND FURTHER THAT a 20 hour per week position be created or the equivalent be built into existing positions to provide administrative support to City Councillors.

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Councillor Nelson opposed.

- 4.2 Director of Works & Utilities, dated July 23, 2002 re: Subdivision Bylaw Updates (B/L 8847)

Staff:

- The recommended changes allow the developer the option to install sewage pumps for basement floors as long the main floor is served by gravity.
- Staff continue to recommend 4 inches of asphalt on new arterial and collector roadways as part of achieving a road standard capable of handling the traffic loads projected over the 20-year period, recognizing that with the City's transit objectives most if not all collectors will carry transit traffic.

Moved by Councillor Hobson/Seconded by Councillor Given

**R650/02/07/29** THAT the recommendations regarding rear lot sewer grades and asphalt requirements be approved as outlined in the report from the Director of Works & Utilities dated July 23, 2002;

AND THAT Bylaw No. 8847 – Amendment No. 8 to Subdivision, Development & Servicing Bylaw No. 7900 be advanced for reading consideration by Council;

AND FURTHER THAT Council approve amendments to Council Policy No. 266 (Subdivision, Development & Servicing – Approved Products List) as outlined in the report from the Director of Works & Utilities dated July 23, 2002.

Carried

- 4.3 Acting Cultural Services Manager and Cultural District Project Manager, dated July 29, 2002 re: Cultural District Implementation Task Force – Supplemental Report (1853-20) **Deferred from Regular Meeting of July 15, 2002**

Staff:

- The workshop Council directed staff to organize has been concluded.
- The supplemental report before Council still recommends appointment of the task force but now recommends that the activities of the Arts & Cultural Advisory Committee (ACAC) come to an end rather than establishment of an hiatus of the ACAC activities; references to financial resources have now been removed from the report and will be identified when the budget comes back; and recommends the establishment of five sub-committees to serve as work groups.

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Council:

- Expressed appreciation to the outgoing ACAC members for the good job they have done on behalf of the City.

Moved by Councillor Given/Seconded by Councillor Hobson

**R651/02/07/29** THAT the City of Kelowna establish a Cultural District Implementation Task Force;

AND THAT the Cultural District Implementation Task Force be comprised of the following individuals:

- Wayne Wilson - Kelowna Museums Association
- Tim Watson - Okanagan Symphony
- Bob Metcalfe - Sunshine Theatre
- Dave Dakers - Skyreach Place
- Linda Buker - Okanagan Regional Library
- Randy Leslie - Rotary Centre for the Arts
- Rob Grifone - Tourism Kelowna
- Dona Moore - Kelowna Art Gallery
- Clint McKenzie - Downtown Kelowna Association
- Gavin Parry - The Grand Okanagan Lakefront Resort
- Lorna Gunn - Cultural District Project Manager;

AND THAT the activities of the Arts & Cultural Advisory Committee be concluded;

AND THAT Council direct the Cultural District Implementation Task Force to prepare a financial plan from October 2002 to June 2004 to be presented to Council by September 30<sup>th</sup>, 2002;

AND THAT the City of Kelowna establish a membership based Cultural District Network comprised of Cultural District property owners, cultural facilities and business owner/operators and related interested parties;

AND THAT the Cultural District Implementation Task Force include the following work groups;

- Marketing,
- Festivals and Events,
- Product Development,
- Funding, and
- Capital Projects and Long Range Planning;

AND FURTHER THAT the Cultural District Implementation Task Force submit a final report to Council in June 2004.

Carried

Councillor Cannan opposed.

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5. PLANNING

- 5.1 Planning & Development Services Department, dated July 22, 2002 re: Agricultural Land Reserve Appeal No. A02-0103 – Nicholas and Eleanor Bulach (Lynn Welder Consulting Ltd) – 2055 & 2185 Rojem Road (6635-20)

Staff:

- The applicant is requesting Council's support of an appeal for exclusion of the subject property from the Agricultural Land Reserve.
- The owners have no definite plans for the property at this time.
- The Agricultural Advisory Committee recommends non-support because the exclusion is not supported in the area sector plan, the Official Community Plan or the Kelowna Agriculture Plan.
- City Planning staff also recommend non-support because the exclusion could increase speculation on the adjacent agricultural properties and the intent to create a buffer between the properties to the south and north may not be achieved if the exclusion is approved.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R652/02/07/29** THAT Council hear from the applicant.

Carried

Lynn Welder, applicant:

- Showed photos of the property to support her position that topographic constraints are definitely an issue and the property is just too steep to farm.

Richard Bulach:

- Confirmed that he is Chairman of the Agricultural Advisory Committee but advised that he was not at the meeting when the committee dealt with this application.
- The subject property belongs to relatives and they have all farmed jointly for years but have found that the subject property just cannot be farmed economically.
- If the exclusion gets approved, they would definitely sell the property since it cannot be farmed.
- Commented that he did not know where the idea came from for the subject property to be the buffer (between the residential development to the south and the agricultural lots to the north).

Moved by Councillor Nelson/Seconded by Councillor Given

**R653/02/07/29** THAT Agricultural Land Reserve Appeal No. A02-0103; Lots 5 & 6, Block 22, Sec. 33, Twp. 26, ODYD, Plan 1249, located on Rojem Road, Kelowna, B.C., for exclusion from the Agricultural Land Reserve pursuant to Section 15(1) of the Agricultural Land Reserve Act be supported by the Municipal Council;

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

Carried

Councillor Cannan opposed.

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- 5.2 Planning & Development Services Department, dated July 22, 2002 re: Agricultural Land Reserve Appeal No. A02-0104 – George Carr and Elizabeth Zaseybida (New Town Planning) – 3999 – 4025 Field Road (6635-20)

Withdrawn from the agenda at the request of the applicant.

- 5.3 Planning & Development Services Department, dated July 22, 2002 re: Agricultural Land Reserve Appeal No. A02-0107 – Oskar Koetz (New Town Planning) – 2695 Gallagher Road (6635-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R654/02/07/29** THAT Agricultural Land Reserve Appeal No. A02-0107; Lot A, Sec. 7, Twp. 27, ODYD, Plan 35918, located on Gallagher Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Reserve Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Land Reserve Commission

Carried

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R655/02/07/29** THAT staff review the homesite severance appeal process to see if applications that meet all requirements for support by the City can be handled by staff in future.

Carried

- 5.4 Planning & Development Services Department, dated July 17, 2002 re: Rezoning Application No. Z01-1018 – Terry Robertson and Kelly Lawrence – 300 Dundas Road (B/L 8698)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R656/02/07/29** THAT in accordance with the Development Application Procedures Bylaw No. 8698 the deadline for the adoption of Zone Amending Bylaw No. 8698 (Z01-1018, original applicant Tracy Arnold, 300 Dundas Road), be extended for a twelve-month period to July 17, 2003.

Carried

- 5.5 Planning & Development Services Department, dated July 23, 2002, 2002 re: Rezoning Application No. Z02-1004 and OCP02-0002 – Sukhbir Sandhu – 1386-1388 Highland Drive South (B/L8878 & 8879)

Staff:

- The subject application is scheduled to the August 13, 2002 Public Hearing.
- The operator of the facility has clarified that 20 would be the maximum number of occupants in the building.

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Council:

- Staff to report at the Public Hearing on the recent changes to provincial legislation that limits the City's ability to restrict tenancies.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R657/02/07/29** THAT final adoption of OCP amending bylaw No. 8878 and zone amending bylaw No. 8879 for Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, B.C., be considered subsequent to the owner of the subject property entering into a housing agreement limiting the number of residents in the building to 20 total.

Carried

- 5.6 Planning & Development Services Department, dated July 24, 2002 re: Rezoning Application No. Z02-1008 – John & Christine Hawkins – 4042 Finch Road (B/L8876)

Staff

- The subject application is scheduled to the July 30, 2002 Public Hearing.

Moved by Councillor Nelson/Seconded by Councillor Given

**R658/02/07/29** THAT final adoption of zone amending bylaw No. 8876 be considered subsequent to the applicant removing the second kitchen in the basement of the principal dwelling.

Carried

- 5.7 Planning & Development Services Department, dated July 24, 2002 re: Development Permit Application No. DP02-0033 – Paul Bereznicki – 559 Truswell Road (3060)

Staff

- The applicant is proposing to develop a 4-storey, 10-unit apartment hotel on the site.
- The property is already zoned for Tourist Commercial and the applicant has demonstrated how the parking and setback requirements can be met.

Moved by Councillor Cannan/Seconded by Councillor Given

**R659/02/07/29** THAT Council authorize the issuance of Development Permit No. DP02-0033 for Lot A, Sec. 1, Twp. 25, ODYD, Plan 15736, located on Truswell 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";
4. The applicants 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;

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AND FURTHER THAT the applicant be required to register a covenant on the title of the subject property protecting the 15.0 m riparian management area and saving harmless the City of Kelowna against damages from flooding.

Carried

5.8 Planning & Development Services Department, dated July 23, 2002 re: Liquor License Application No. LL02-0006 – Blue Gator Bar & Grill (Treadgold Holding Ltd.) – 441 Lawrence Avenue (4320-20)

Staff

- This is an endorsement on an existing “B” licence to allow dancing for patrons of the Blue Gator at their new location on Lawrence Avenue.

Council:

- Concern about supporting the relocation of the Blue Gator when their new location is only a block and a half from the location of an application that was recently not supported by Council.

Staff:

- The recent application that was not supported was for relocation of a “C” licence (cabaret).

Moved by Councillor Nelson/Seconded by Councillor Day

**R660/02/07/29** THAT Council hear from the applicant.

Carried

Darrel Michels, Blue Gator:

- This is not a request to relocate the liquor licence. They are just moving the Blue Gator name and the old Blue Gator will become a comedy club.
- The Blue Gator at the new location will continue to be run as strictly a restaurant; the requested endorsement will just permit a dance floor.
- Seating capacity of the restaurant is 95 people not 85 as indicated in the staff report.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R661/02/07/29** THAT Council supports patron participant entertainment for the Blue Gator Bar & Grill;

AND THAT staff forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Carried

Councillor Clark opposed.



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6. REPORTS

- 6.1 Parks Manager, dated July 22, 2002 re: City Park Master Plan Update (6140-20)

Staff:

- Highlighted the proposed changes to the City Park Master Plan.

Andrew Gibbs, Urban Systems:

- Presented an overview of the proposed new City Park Master Plan.

Council:

- Consider providing a chip trail around the park area for joggers who prefer not to run on pavement, and including a roped off area for synchronized swimming and maybe a diving tower.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R662/02/07/29** THAT Council approve the changes to the City Park Master Plan as outlined in the Parks Manager's report of July 22, 2002;

AND THAT the updated City Park Master Plan serve as a guide for development;

AND THAT the improvements be implemented in accordance with the 10-Year Capital Plan.

Carried

- 6.2 Parks Manager, dated July 24, 2002 re: Waterfront Walkway linking Kinsmen and Strathcona Parks (0910-01)

Andrew Gibbs, Urban Systems:

- Presented an overview of the proposed Waterfront Walkway concept plan.

Moved by Councillor Hobson/Seconded by Councillor Day

**R663/02/07/29** THAT the Waterfront Walkway Concept Plan for the waterfront area between Kinsman Park and Royal Avenue be approved as presented in the Parks Manager's report dated July 24, 2002;

AND THAT upon acquisition of each waterfront property the lot be severed into two properties, a waterfront lot and a non waterfront lot, and the waterfront parcel be retained in City ownership for future waterfront walkway development and the remaining non waterfront parcel of land be resold;

AND THAT development of the walkway is anticipated to start in 2007 within the Parks and Leisure Services 10 Year Capital Plan;

AND FURTHER THAT all waterfront property owners be advised in writing of the plan and proposed implementation date.

Carried

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- 6.3 Parks Manager, dated July 24, 2002 re: Collett Road Beach Access (5820-20)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R664/02/07/29** THAT a road closure bylaw be prepared and brought forward for Council's consideration to close that portion of Collett Road west of Fuller Road;

AND THAT Council resolve, subject to the adoption of such a road closure bylaw, to petition the Minister of Community, Aboriginal and Women's Services to raise title to said portion and have that title vested in the name of the City of Kelowna;

AND FURTHER THAT once the title has been vested in the name of the City of Kelowna, the necessary bylaw be prepared and brought forward for Council's consideration to designate the property as a park.

Carried

## 7. RESOLUTIONS

- 7.1 Notice of Motion re: Rental Waiver – Community Theatre (1850-01)

Councillor Shepherd:

- The Lady of the Lake Society receives \$6,500 annually from the City but that goes strictly toward travel expenses and they travel to over 100 events annually.
- Council needs to consider allocating funds toward facility rental for the pageant, recognizing that the Lady of the Lake Royalty are ambassadors to the community.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R665/02/07/29** THAT Council support a grant-in-aid to the Miss Kelowna Royalty Committee for up to the rental rate of the Community Theatre for the July 19, 2002 Lady of the Lake pageant, dependent on a budget being received from the Royalty committee;

AND THAT Council consider adding funding to the base budget for this event at the next budget discussions.

Carried

- 7.2 Draft Resolution re: Proposed Amendments to Zoning Bylaw – Suites in Accessory Buildings (B/L8000)

Staff:

- The draft resolution is provided in response to concerns raised in the community about the height of accessory buildings in the north end of the city and particularly in the Okanagan Boulevard area.
- In the last 6 months there have been 21 building permits issued for suites in accessory buildings of which 8 were for properties in the north end of the city where most of the properties are zoned RU6 which allows two dwellings on a lot.
- Over time, the permitted scale and height of accessory buildings has changed in reaction to variance requests that became common enough to warrant a change to the Zoning bylaw. The impact of those changes varies where the homes are smaller and are on smaller lots versus where the homes are larger and on larger lots.

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- If Council passes this motion, staff will review the three areas identified in the recommendation for potential change, and bring forward suggested amendments for consideration by the Advisory Planning Commission and by Council. Any amendments to the Zoning Bylaw would be subject to a full Public Hearing before they could be enacted.
- Also, if this motion is passed, after 7 days a 30-day moratorium would be placed on applications for building permits that would be affected by any of the three potential changes identified in the recommendation. After the 30 days Council could extend the moratorium for another 60 days but that would involve a form of compensation.
- The Advisory Planning Commission would provide a forum for receiving advance input from the North End Residents Association and the public.

Council:

- There are some beautiful, well-maintained homes on some blocks in the north end while other blocks are derelict and in need of bulldozing. Staff to report back to Council on the following:
  - Whether a Heritage Conservation Area should be considered in the north end of the city or alternatively applying a Development Permit Area designation to character areas in the city such as some of the blocks in the north end with well-maintained homes.
  - Whether the RU6 zone is appropriate on some of the blocks in the north end of the city where the properties would be best bulldozed and redeveloped.
  - Whether a restriction is needed on how many secondary suites could be permitted in a block.
  - Whether to implement a requirement with Building Permit applications for the owners of adjacent properties to be notified of what is proposed for construction.

Moved by Councillor Nelson/Seconded by Councillor Hobson

R666/02/07/29 THAT Council direct staff to examine the issue of secondary suites in accessory buildings and second single detached dwellings in the RU6 zone and to bring forward the following amendments to the Zoning Bylaw for Council consideration:

1. Reduce the maximum height permitted for accessory buildings in all zones from 6.0 metres to 4.5 metres;
2. Reduce the maximum site coverage permitted from 40% for buildings and structures to 35% and from 50% for buildings and structures together with paved areas to 45% for those residential zones that allow secondary suites in accessory buildings to two single detached housing units on a lot; and
3. Eliminate the provision of allowing two single detached housing units in the RU6 – Two Dwelling Housing zone.

Carried

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

### (BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 8847 – Amendment No. 8 to Subdivision, Development & Servicing Bylaw No. 7900 **See report under Item 4.2**

Moved by Councillor Nelson/Seconded by Councillor Given

R667/02/07/29 THAT Bylaw No. 8847 be read a first, second and third time.

Carried

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- 8.2 Bylaw No. 8884 – Bryns/Baron Trunk Sewer Main Construction Loan Authorization Bylaw

Moved by Councillor Nelson/Seconded by Councillor Given

**R668/02/07/29** THAT Bylaw No. 8884 be read a first, second and third time.

Carried

- 8.3 Bylaw No. 8889 – Amendment No. 16 to Development Application Fees Bylaw No. 8034

Moved by Councillor Nelson/Seconded by Councillor Given

**R669/02/07/29** THAT Bylaw No. 8889 be read a first, second and third time.

Carried

9. COUNCILLOR ITEMS

(a) Sexual Assault Services

Councillor Shepherd put Council on notice that she will be bringing forward a motion for consideration at the next Monday Council meeting asking that a letter be sent from the Mayor and Council to the Province expressing concern about cuts in the funding for the Elizabeth Fry Society to provide sexual assault services in this community.

(b) Dogs in Sutherland Park

Councillor Shepherd reported that the residents in the Sutherland Park area are hoping for an early solution to the ongoing misuse of Sutherland Park as a dog park. The residents would prefer to see the park closed to dogs but at the least would like to see better enforcement of the on-leash requirement. She asked that the report that is pending from staff on Dog Parks come forward sooner than later. Referred to staff.

(c) Foreshore Dedications

Councillor Cannan asked about the status of the staff investigation into the City's ability to require the dedication of foreshore for public access along single family residential properties as they redevelop, similar to the dedications required of multi-family and commercial developments. Referred to staff.

(d) Pawn Shop Bylaw

Councillor Cannan asked when Council can expect a further report from staff on the Pawn Shop Bylaw. Referred to staff.

(e) Chapman Parkade

Councillor Day reported that the Chapman Parkade is behind schedule but is still expected to be completed within budget before the end of this year.

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10. TERMINATION

The meeting was declared terminated at 5:36 p.m.

Certified Correct:

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Mayor

BLH/pp

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City Clerk