

Regular Meeting – P.M.

August 12, 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, August 12, 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; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Special Projects Planning Manager, H.M. Christy*; Long Range Planning Manager, S.K. Bagh*; Community Planning Manager, T. Eichler*; Urban Design Planner, P.J. McCormick*; Drainage/Solid Waste Manager, A. Newcombe*; 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Downtown Kelowna Association re: Biz Patrol

Rita Milne, President of the Downtown Kelowna Association:

- Thanked Council for the continued support.
- Introduced the Biz Patrol who entertained Council with a song.

4. UNFINISHED BUSINESS

4.1 Planning & Development Services Department, dated August 7, 2002 re: City of Kelowna Zoning Bylaw Text Amendment No. TA02-0004 – City of Kelowna

Staff:

- At the Regular Meeting of July 29, 2002, Council directed staff to review potential amendments to address recently raised concerns about secondary suites in accessory buildings (the scale/massing/height of suites in accessory buildings, potential parking problems, loss of privacy for adjacent residents, etc.) in the north end of the city.
- Some of the suites today are not secondary in nature. Recommending that the maximum height of accessory buildings be reduced and a requirement be introduced to include a garage in the accessory building. The garage would make the suite secondary to the principle use again and it allows for the on-site parking.
- People wishing to construct an accessory building higher than 4.5 m could apply for a variance.
- If the proposed text amendment was approved, existing accessory buildings that are over 4.5 m in height would become legally non-conforming.
- Twelve applications for suites in accessory buildings were received within the 7-day grace period and will proceed under the existing regulations. Any applications received now, that would be affected by the proposed change, would be subject to the 30-day moratorium.
- Showed photos of suites in accessory buildings at various building heights.

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Council:

- Larger size lots can probably accommodate the 6 m high accessory building with no problem. Staff to investigate whether the City has the ability to impose different rules for different lot sizes within the same zone.
- Many of the residents in the north end of the city do not want suites in accessory buildings in their area because they change the character of the area.
- Staff to investigate potential for creating special character areas or applying a Development Permit area designation to certain areas as a means of preserving form and character.
- Staff to prepare a report clearly explaining to Council what they can do after expiration of the 30-day moratorium period.

Moved by Councillor Nelson/Seconded by Councillor Clark

R689/02/08/12 THAT the Planning Department's report dated August 7, 2002 regarding potential amendments to the requirements for secondary suites in accessory buildings be received for information of Council;

AND THAT staff prepare a Text Amendment (TA02-0004) to reduce the maximum height permitted for accessory buildings in all zones from 6 m to 4.5 m.

Carried

5. PLANNING

- 5.1 Urban Centre Implementation Committee (0540-20)
 Report dated June 27, 2002 from the Urban Centre Implementation Committee
 Report dated July 3, 2002 from the Downtown Plan Committee (sub-committee)

Councillor Hobson, Chair of Urban Centre Implementation Committee:

- Outlined the role of the committee and updated Council on the Committee's activities.
- The Downtown Plan Committee was established to implement the objectives of the Downtown Plan.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R690/02/08/12 THAT the activity update reflected in the June 27, 2002 report from the Urban Centre Implementation Committee be received for information.

Carried

Greg Dusik, Chair, Downtown Plan Committee
 - Updated Council on the Committee's activities.

Moved by Shepherd/Seconded by Day

R691/02/08/12 THAT the Planning and Development Services Department's report of July 3, 2002 regarding the Annual Report from the Downtown Plan Committee be received for information.

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- 5.2 Planning & Development Services Department, dated August 6, 2002 re: Update on the Homelessness Steering Committee, Supporting Community Partners Initiative, Human Resources and Development Canada (5040-20)

Michael Loewen, Homelessness Steering Committee:

- Outlined the situation with respect to homelessness in Kelowna.
- Updated Council on the activities of the committee to help address the problems of homelessness to date.
- Responded to questions of Council.

Moved by Councillor Shepherd/Seconded by Councillor Given

R692/02/08/12 THAT the Community Planning Manager's report dated August 6, 2002 updating Council on the homelessness projects resulting from the federal Supporting Community Partners Initiative in Kelowna be received for Council's information.

Carried

- 5.3 Planning & Development Services Department, dated August 7, 2002 re: Flex Housing Proposal for 2490 Richter Street (5040-20)

Staff:

- Asked that the recommendation before Council be amended to also include authorization to apply to CMHC for the funding.
- The second bullet at the top of page 2 of the staff report should read *exempting* development cost charges not *waiving* DCCs.
- The estimated cost for Environmental Test shown in the table on page 4 of the staff report should read \$10,071 not \$70,000 and that same table needs to be changed to indicate the DCCs as being exempted rather than waived.
- The objective is to demonstrate the flex housing concept through this project in hopes that the educational part of the flex housing concept may encourage the market to build houses with design features at initial construction that would allow changes to be incorporated into the home over time as they are needed and can be afforded.

Council:

- Too much grey area in the proposal before Council.
- Flex housing is more expensive to build than regular housing.
- Since it is CMHC that is promoting flex housing, CMHC should be initiating a project.
- The site may be too small to generate the anticipated revenue. It may be better to consider selling the subject property and putting the revenue in the Housing Opportunities Reserve Fund or to look for an alternate site that would allow for a higher density use.

Moved by Councillor Hobson/Seconded by Councillor Given

R693/02/08/12 THAT further consideration of the Community Planning Manager's report dated August 7, 2002 requesting authorization to issue a proposal call for flex housing on the properties at 2490 Richter Street be deferred for staff to consider other options and report back to Council.

Carried

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- 5.4 Planning & Development Services Department, dated August 6, 2002 re: Rezoning Application No. Z00-1013 – Vince & Giovannia Magaldi – 2131 Scenic Road (B/L 8714)

Moved by Councillor Nelson/Seconded by Councillor Given

R694/02/08/12 THAT Municipal Council authorize an extension to Rezoning application No. Z00-1013 (Bylaw No. 8714) for a period of not more than 180 days from August 28, 2002.

Carried

- 5.5 Planning & Development Services Department, dated August 6, 2002 re: Rezoning Application No. Z01-1004/OCP01-001 – W. H. & M.W. Reid – 659-687 Dehart Road (B/L 8700)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R695/02/08/12 THAT Municipal Council authorize an extension to Rezoning application No. Z01-1004 (Bylaw No. 8700) for a period of not more than 180 days from July 17, 2002

Carried

- 5.6 Planning & Development Services Department, dated August 7, 2002 re: HA02-002 - Housing Agreement – Dennis Dandeneau (Okanagan Families Society) – 628-630 Cadder Avenue

Moved by Councillor Given/Seconded by Councillor Hobson

R696/02/08/12 THAT Council receive for information, the Planning and Development Services Department's report of August 7, 2002 regarding a proposal by Okanagan Families Society to use the property at 628-630 Cadder Avenue to provide care for up to six residents under the age of nineteen who have mental, social and emotional disabilities;

AND THAT staff be directed to prepare the necessary bylaw authorizing the City to enter into a Housing Agreement with the Okanagan Families Society to ensure that the development will be reserved for Special Needs housing.

Carried

- 5.7 Planning & Development Services Department, dated August 7, 2002 re: Rezoning Application No. Z00-1026 – Total Mechanical Systems Inc. – 700 McCurdy Road (B/L 8573)

Staff:

- The applicant has had sufficient time to comply with the conditions of the zone amending bylaw. Staff do not recommend granting a further extension to the deadline for adoption of the bylaw.
- The applicant was informed of the negative staff recommendation and that it would be considered by Council at this meeting.

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Moved by Councillor Hobson/Seconded by Councillor Cannan

R697/02/08/12 THAT further consideration of the Planning Department's report dated August 7, 2002 recommending that a further extension of Zone Amending Bylaw No. 8573 (Z00-1026) not be granted and that the bylaw defeated at final reading be deferred to the Regular Meeting of August 26, 2002 to allow the applicant to prepare a written response or be in attendance at the meeting.

Carried

Councillors Blanleil, Day, Nelson and Shepherd opposed.

5.8 Planning & Development Services Department, dated August 6, 2002 re: Rezoning Application No. Z02-1019 and OCP02-0006 – Al Stober Construction Ltd., Ermar Estates Ltd., E & I Developments Ltd. and Jabs Construction Ltd. (Mike Jacobs/Emil Anderson Construction Ltd.) – 2060 Summit Drive

Staff:

- The western portion of the property is in the Agricultural Land Reserve. The eastern portion is out of the ALR and it is that portion of the property that is under application to amend the OCP future land use designation and to rezone to facilitate a 12-lot single family residential subdivision.

Moved by Councillor Given/Seconded by Councillor Nelson

R698/02/08/12 THAT the City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Generalized Future Land Use Map 15.1 designation of part of Lot 2, Secs. 28 & 29, Twp. 26, ODYD, Plan KAP71444 located on Summit Drive, Kelowna, B.C., from Rural/Agricultural to Single/Two Unit Residential;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 2, Secs. 28 & 29, Twp. 26, ODYD, Plan KAP71444, as shown on Map "A" attached to the report of the Planning & Development Services Department dated August 6, 2002, located on Summit Drive, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone;

AND FURTHER THAT the Official Community Plan and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

5.9 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)

Staff:

- Total area of the subject properties is approximately 8.3 ha (20 acres).
- The applicant is requesting exclusion and contends that the properties lack reasonable farming soil.
- The owners have no plans for the property at this point in time.
- Both the Agricultural Advisory Committee and City Planning staff recommend non-support because the exclusion is not supported in the City of Kelowna Official Community Plan, the Southeast Kelowna Sector Plan, or the Kelowna Agriculture Plan.

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Moved by Councillor Nelson/Seconded by Councillor Shepherd

R699/02/08/12 THAT Council hear from the applicant.

Carried

Keith Funk, New Town Planning:

- The property has never been agriculturally used and is essentially very stoney.
- Suggested that the exclusion is consistent with OCP and Agriculture Plan policies.
- The Agricultural Advisory Committee's vote for non-support was 4 to 3 and the one member of the AAC who chose not to vote has provided a letter with his personal opinion that the ALR designation should be removed from the subject property.

Mr. Luttmerding, Agrologist:

- His report on the agricultural capability of the property was based on an on-site inspection. Test holes depended on how stoney it was.
- With enough top soil the property could be cultivated but the elevation of the property makes it marginal for anything but natural grazing or limited forage production.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R700/02/08/12 THAT Agricultural Land Reserve Appeal No. A02-0104; Lot 8, Sec. 1, Twp. 26, ODYD, Plan 1247 except Plan H18624 and Lot 11, Sec. 1, Twp. 26, ODYD, Plan 1247 except Plans 17674 and H18624, located on Field 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

Councillors Day, Given and Hobson opposed.

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 8459 (Z98-1029) – Pendulum Enterprises Ltd. (New Town Planning Services) - 5065 Frost Road

Moved by Councillor Nelson/Seconded by Councillor Given

R701/02/08/12 THAT Bylaw No. 8459 be adopted.

Carried

- 6.2 Bylaw No. 8862 (TA02-0002) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Clark/Seconded by Councillor Given

R702/02/08/12 THAT Bylaw No. 8862 be adopted.

Carried

Councillors Blanleil, Nelson and Shepherd opposed.

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(BYLAW PRESENTED FOR DEFEAT AT FOURTH READING)

- 6.2 Bylaw No. 8573 (Z00-1026) – Total Mechanical Systems Inc. – 700 McCurdy Road **See Report under Agenda Item No. 5.7**

Deferred by resolution under agenda item No. 5.7 to August 26TH agenda.

7. REPORTS

- 7.1 Drainage/Solid Waste Manager, dated August 7, 2002 re: Green Municipal Enabling Fund – Funding Agreement Signing Authority (5360-03)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R703/02/08/12 THAT the Mayor and City Clerk be authorized to execute the Grant Agreement between the City of Kelowna and the Federation of Canadian Municipalities on behalf of the City of Kelowna for a Sustainable Bioreactor Study.

Carried

- 7.2 Water Manager, dated August 12, 2002 re: Richter Street (Highway 97 to Bernard Avenue) – TE02-08 (5600-04)

Moved by Councillor Nelson/Seconded by Councillor Day

R704/02/08/12 THAT the tender for the Richter Street Construction project (Highway 97 to Bernard Avenue) TE02-08 be awarded to the low bidder Ansell Construction Ltd. in the amount of \$653,167.59 including GST.

Carried

- 7.3 City Clerk, dated August 12, 2002 re: Byrns/Baron Trunk Sewer Main Construction Loan Authorization Bylaw No. 8884

Moved by Councillor Day/Seconded by Councillor Clark

R705/02/08/12 THAT 4:00 p.m. on Monday, September 16, 2002 be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to Bylaw No. 8884.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 8891 – Housing Agreement Authorization Bylaw – Okanagan Families Society – 628 & 630 Cadder Avenue

Moved by Councillor Hobson/Seconded by Councillor Day

R706/02/08/12 THAT Bylaw No. 8891 be read a first, second and third time.

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(BYLAWS PRESENTED FOR ADOPTION)

8.2 Bylaw No. 8789 – Fireworks Bylaw

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R707/02/08/12 THAT Bylaw No. 8789 be adopted.

Carried

8.3 Bylaw No. 8816 – Amendment No. 59 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Shepherd/Seconded by Councillor Clark

R708/02/08/12 THAT Bylaw No. 8816 be adopted.

Carried

8.4 Bylaw No. 8830 – Road Closure Bylaw – Walker Road

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. There was no response.

Moved by Councillor Given/Seconded by Councillor Nelson

R709/02/08/12 THAT Bylaw No. 8830 be adopted.

Carried

9. COUNCILLOR ITEMS

- (a) Councillor Shepherd, Notice of Motion re: Provincial Funding Cuts – Community-Based Victim Assistance Programs (0410-20)

Councillor Shepherd outlined the notice of motion and noted that she has just learned that our Crown-based victim service program has also been lost.

Councillor Hobson suggested that the letter from the Mayor recognize that the RCMP will be receiving additional support for victim's services in the District of Lake Country.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R710/02/08/12 THAT a letter be sent from the Mayor and Council to The Hon. Geoff Plant, Attorney General; The Hon. George Abbott, Minister of Community, Aboriginal and Women's Services; and The Hon. Lynn Stephens, Minister of State for Women's Equality expressing concern about the impact of funding cuts on community-based victim assistance programs in the Central Okanagan and in particular on the Women's Sexual Assault Services provided by the Elizabeth Fry Society;

AND THAT the Minister of State be urged to, instead of developing a new strategy to address issues of violence against the women of B.C., focus on supporting existing programs and services which have proven to be fiscally responsible and successful.

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(b) Letter From Council to Telus

Councillor Clark asked if the Mayor has received a response to the letter from Council to Darren Entwhistle, President and CEO of Telus, expressing concern about the disproportionately high number of employee layoffs proposed in Kelowna. Mayor Gray advised that no response has been received to date.

Councillor Clark moved a motion that Council invite Mr. Entwhistle to attend a Council meeting to present his rationale behind the large number of proposed layoffs. However, Mayor Gray noted that the Economic Development Commission has been meeting with Telus and suggested that until the outcome of those meetings is known, he simply phone Mr. Entwhistle to let him know informally that Council is considering inviting him to a future meeting. Councillor Clark withdrew his motion on that basis.

(c) Tree Removal – Double Decker Bus Routes

Councillor Nelson asked who will be paying the costs of tree removal along the routes proposed for double decker buses and which routes are planned for the double decker buses. Referred to staff.

(d) Linear Park Dedications - Foreshore

Councillor Cannan suggested that staff bring forward a report with a recommendation that would give the City's Approving Officer the authority to obtain foreshore dedications for public access along bareland strata and single family residential subdivisions.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R711/02/08/12 THAT staff prepare an OCP amendment for Council's consideration to extend the requirement for linear park dedications at time of development from the present multi-family, commercial, industrial and institutional developments to include all development.

Carried

(e) Noise from Motorcycles and Loud Boats

Councillor Cannan commented that although City Bylaw Enforcement staff were trained about a year ago in the use of decimeters for measuring the noise level of motorcycles and boats on the water, he has never seen them using the meters. He advised that he has been getting complaints about noise from both sources and asked for a report from staff.

Mayor Gray advised that the City Manager is working with the RCMP on how to deal with the problem.

10. TERMINATION

The meeting was declared terminated at 5:45 p.m.

Certified Correct:

Mayor

BLH/pp

City Clerk