

Regular Meeting – P.M.

September 30, 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, September 30, 2002.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, 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*; Acting Cultural Services Manager, R. Oddleifson*; Cultural District Project Manager, L. Gunn*: Transportation Manager, R.W. Westlake*; Wastewater Manager, W.J. Berry*; 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 Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Dr. Barry Urness, Director, Duke of Edinburgh's Award Program (BC & Yukon Division) re: Duke of Edinburgh's Awards Presentation

Dr. Barry Urness:

- Outlined the history of the Duke of Edinburgh's award program and the challenges that must be met by the young people who participate in order to attain the bronze, silver then gold awards.
- Invited Mayor Gray and the 6 candidates to come forward to present/receive the awards.

4. PLANNING

4.1 Planning & Development Services Department, dated September 12, 2002 re: Rezoning Application No. Z02-1026 – Interior Health Authority (Norm Hatlevik) - 135 Davie Road

Staff:

- Rezoning in order to renovate the former May Bennett care home to a community health services use that would include office space, food service, and day care programs.
- The Interior Health Region acknowledges that the proposed use is for the interim only and that the City would not support a permanent expanded office use on the subject property.
- The Advisory Planning Commission recommends support of the application subject to the uses permitted being restricted, by way of a covenant, to office space for the community support program. The applicant has volunteered to have such a covenant in registrable form prior to the Public Hearing if this application is advanced.

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Moved by Councillor Nelson/Seconded by Councillor Shepherd

R825/02/09/30 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 14, Sec. 22, Twp. 26, O.D.Y.D., Plan 18085, located on Davie Road, Kelowna, B.C., from the P2 – Education and Minor Institutional zone to the P1 – Major Institutional zone;

AND THAT the zone amending bylaw be forwarded 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

- 4.2 Planning & Development Services Department, dated September 25, 2002 re: Development Permit Application No. DP02-0058 – Ruby Holdings Ltd. (Water Street Architecture) – Gordon Drive/Lequime Road

Staff:

- The subject application is for the first phase of redevelopment of the former Fairview Golf Course site and is for construction of a 4-storey, 47-unit apartment building.
- A full traffic signal would be triggered at the intersection of Lequime Road and Gordon Drive when Gordon Drive is 4-laned in conjunction with the work on the Mission District Park.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R826/02/09/30 THAT Municipal Council authorize the issuance of Development Permit No. DP02-0058; for Lot A, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP70075, located on Gordon Drive, 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 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;
5. The applicant register a plan of subdivision at the land titles office in Kamloops for required lot line adjustment, and concurrent discharge of Road Reserve Agreement as shown on Plan KAP66417.

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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

4.3 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8901 (Z02-1025) – Donald & Sharifah Luttmmer – 926 Lawrence Avenue

Moved by Councillor Nelson/Seconded by Councillor Given

R827/02/09/30 THAT Bylaw No. 8901 be adopted.

Carried

- (b) Planning & Development Services Department, dated September 23, 2002 re: Development Permit Application No. DP02-1051 – Donald & Sharifah Luttmmer – 926 Lawrence Avenue

Staff:

- The applicant is proposing to construct a 2-storey four-plex on the currently vacant site.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R828/02/09/30 THAT Council authorize the issuance of Development Permit No. DP02-0051 for the west 70.55 feet of Lot 6, D.L. 138, ODYD, Plan 262, except Plan B7988, located on Lawrence Avenue, 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.

Carried

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- 4.4 Planning & Development Services Department, dated September 25, 2002 re: Rezoning Application No. Z98-1042 – Fredor Holdings Ltd. (Matt Cameron/Earth Tech Canada Inc.) – 1361 Mountain Avenue

Moved by Councillor Blanleil/Seconded by Councillor Given

R829/02/09/30 THAT Municipal Council authorize an extension to Rezoning application No. Z98-1042 (Bylaw No. 8506) for a period of not more than 180 days from October 4, 2002.

Carried

Councillor Cannan opposed.

- 4.5 Planning & Development Services Department, dated September 20, 2002 re: Agricultural Land Reserve Appeal No. A02-0108 – George & Marjorie Hopkins (Gehue & Van Gulp) – 2030 Treetop Road

Staff:

- The applicant is seeking exclusion of the easterly portion of the property to allow for future rezoning and subdivision of the property into two 1 ha parcels.
- The westerly portion of the property is not within the ALR.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R830/02/09/30 THAT Agricultural Land Reserve Appeal No. A02-0108; Lot 3, Section 19, Township 27, ODYD, Plan 33849, located on Treetop 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

- 4.6 Planning & Development Services Department, dated September 20, 2002 re: Rezoning Application No. Z02-1002 (OCP02-0001) – 647160 BC Ltd. (David Batten) - 1677 McKinley Road

Staff:

- The subject property is within a portion of the McKinley sector area that is not projected for urban development within the 20 year OCP time horizon. The OCP targets more readily servicable land.
- The requested zoning would facilitate a 14-lot rural residential subdivision with minimum 1 ha parcel sizes and would also facilitate the realignment of the McKinley Road switchback.
- In the last year 67 minimum 2 ha lots have been approved in the McKinley area. Do not recommend support because of concern that approval could result in increased pressure for more development in the area.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R831/02/09/30 THAT Council hear from the applicant.

Carried

There was no response.

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Staff:

- The applicant was made aware that this application was on today's agenda.
- The property would yield approximately 3 lots under the A1 zoning requirement for a minimum 4 ha parcel size.
- The City already has the cash in hand to realign half of McKinley Road and already owns the road right-of-way required to widen the other half.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R832/02/09/30 THAT further consideration of OCP Bylaw Amendment No. OCP02-0001 and Rezoning Application No. Z02-1002 (David Batten for 647160 BC Ltd. – 1677 McKinley Road) be deferred to the Regular Meeting of Monday, October 7, 2002 for Council to hear from the applicant because of the negative staff recommendation.

DEFEATED

Mayor Gray and Councillors Clark, Day, Given and Hobson opposed.

Moved by Councillor Hobson/Seconded by Councillor Given

R833/02/09/30 THAT OCP Bylaw Amendment No. OCP02-0001 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of part of the NE ¼ of Sec. 20 shown of Plan B593, Twp. 23, ODYD, located on McKinley Road, Kelowna, B.C., from the Future Urban Reserve designation to the Rural Agricultural designation, as shown on Map "A" attached to the report of Planning & Development Services Department dated July 11, 2002, **not** be supported by Council;

AND THAT Rezoning Application No. Z02-1002, to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of part of the NE ¼ of Sec. 20 shown of Plan B593, Twp. 23, ODYD, located on McKinley Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone **not** be supported by Council.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 8817 (Z01-1067) – Deby Helpard & David Gelpke – 956 Ryder Drive

Councillor Nelson declared a conflict of interest because he lives in the neighbourhood and left the Council Chamber at 2:29 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Given

R834/02/09/30 THAT Bylaw No. 8817 be adopted.

Carried

Councillor Nelson returned to the Council Chamber at 2:29 p.m. and took his place at the Council Table.

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- 5.2 Bylaw No. 8888 (TA02-0004) – To reduce the permitted height of accessory buildings with secondary suites.

Moved by Councillor Day/Seconded by Councillor Cannan

R835/02/09/30 THAT Bylaw No. 8888 be adopted.

Carried

Councillor Blanleil opposed.

6. REPORTS

- 6.1 Councillor Day, Chair, Parking Advisory Committee, dated September 23, 2002 re: Chapman Parkade Rental Rate Structure (5480-06)

Staff:

- The former Chapman Parkade rates averaged \$70.85 per month and the proposed rates average \$71.20 per month.
- The 64 stalls on the main floor would be 24-hour reserved. Otherwise, the rates would be in effect 6 a.m. to 6 p.m. after which parking would be free at least for the first year.
- Parking would be free on Saturdays and Sundays.

Moved by Councillor Day/Seconded by Councillor Given

R836/02/09/30 THAT the City Council accept the recommendation of the Parking Advisory Committee to approve the rate structure for the Chapman Parkade based on the following:

- \$88.00 per month (incl. gst) for reserved ground floor (64 stalls); and
- \$64.00 per month (incl. gst) for unreserved floors 2-5 (416 stalls shared with hourly parking on a first come first served basis); and
- \$0.50 per hour for short-term parking with \$4.00 maximum daily (incl. GST) (416 shared stalls as above).

Carried

- 6.2 Acting Cultural Services Manager, and Cultural District Project Manager, dated September 25, 2002 re: Cultural District Implementation Update and Financial Report (1853-20)

Staff:

- If approved, the Capitals of Canada Grant would have to be matched by the City and that could result in staff coming back to Council for between \$100,000 to \$200,000.

Council:

- The policy for administration of the Festivals Fund needs to be revised to permit pre-approved funding or funding for the same festival for more than one year.

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Moved by Councillor Hobson/Seconded by Councillor Day

R837/02/09/30 THAT Council accept the Cultural District Financial Plan for 2003-2004 as attached to the report dated September 25th, 2002 from the Cultural Services Manager and the Cultural District Project Manager;

AND THAT Council approve \$25,000 for 2003 and 2004 from the Festivals Fund for the Sunshine Theatre Comedy Festival;

AND THAT Council approve \$25,000 for 2003 and 2004 from the Festivals Fund for the Okanagan Symphony New Music Festival;

AND THAT the Cultural District Implementation Task Force be authorized to approve grants up to \$10,000 from the Festivals Fund with grants over \$10,000 continuing to be recommended to Council;

AND THAT Council authorize staff to apply to the Central Okanagan Foundation and the Vancouver Foundation for funds to support the Canadian Heritage Capacity Building Grant;

AND FURTHER THAT Council direct staff to prepare a draft application to Canadian Heritage for the Cultural Capitals of Canada Grant to meet the February 1st, 2003 submission date.

Carried

6.3 City Clerk, dated September 25, 2002 re: Petitioned Work – Sewer Specified Area – Acland Road (5340-05)

Withdrawn from the agenda.

6.4 Director of Works & Utilities, dated September 25, 2002 re: Acland/Old Vernon Sewer Specified Area No. 30 (5340-05)

Withdrawn from the agenda.

6.5 Wastewater Manager, dated September 25, 2002 re: Hein Road – Proposed Sewer & Road Improvements (5340-09)

Moved by Councillor Clark/Seconded by Councillor Shepherd

R838/02/09/30 THAT the City of Kelowna initiate a Sewer Specified Area project pursuant to Section 646 of the Local Government Act, for the area shown on Map A attached to the Wastewater Manager's report dated September 25, 2002, which indicates the proposed Specified Area No. 22C;

AND THAT the City of Kelowna initiate a Local Improvement Project as shown on Map B attached to the report, consisting of road widening, road drainage, concrete curb and gutter and boulevard landscaping in conjunction with the City funded sidewalk and street lighting on both sides of Hein Road from Leathead Road to Houghton Road and including the south side of Lot CP K1577, pursuant to Section 629 of the Local Government Act;

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AND THAT Council receive the Transportation Manager's 2002 Local Improvements Project report as attached to the Wastewater Manager's report of September 25, 2002, for the proposed Local Improvement project prepared under Section 635 of the *Local Government Act*;

AND FURTHER THAT Council direct staff to take the necessary steps of advising and involving the affected property owners as required by the Local Government Act.

Carried

6.6. City Clerk, dated September 27, 2002 re: New Hangar Development Land Sub-Lease – Kelowna T-Hangars Inc. (2380-20-8116)

Staff:

- A new counter petition period is required because the area of land to be sub-leased to Kelowna T-Hangars is 180,500 sq. ft. rather than 57,000 sq. ft. as previously agreed to and advertised.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R839/02/09/30 THAT Friday, November 1, 2002 at 4:00 p.m. be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to the proposed land sub-lease with Kelowna T-Hangars Inc. for a new hangar facility at the Kelowna International Airport.

Carried

7. COUNCILLOR ITEMS

(a) Councillor Shepherd, Notice of Motion re: Clean Air Action Plan (0230-20)

Councillor Shepherd requested a couple of changes to the wording of the motion and asked for Council's support of the amended resolution to encourage the federal government to implement its commitment to clean air.

Council:

- Staff to also forward an information package on our own air quality issues (i.e. inversions, etc.) along with this resolution.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R840/02/09/30 THAT the following model resolution provided by the Federation of Canadian Municipalities to encourage the federal government to implement its commitment to clean air be supported by Council:

WHEREAS a high quality of life depends on healthy and sustainable communities;

WHEREAS air pollution threatens quality of life;

WHEREAS exposure to today's concentrations of fine particulate matter, a major component of smog, increases the risk of premature death, asthma attacks, breathing difficulty, lung cancer and heart attacks;

WHEREAS thousands of Canadians die prematurely each year from air pollution;

WHEREAS health costs from air pollution reach \$1 billion dollars annually in Ontario alone, according to the Ontario Medical Association;

WHEREAS Canadians need to be fully informed on the state of the air they breathe;

WHEREAS Canadians need to better understand options for cutting air pollution;

WHEREAS it is known that the pollution causing smog can contribute to climate change, and that taking action on clean air will also help protect the climate;

WHEREAS municipal governments must partner with federal and provincial/territorial governments to develop and implement programs and policies to improve air quality;

WHEREAS the 2001 Speech from the Throne made clean air a priority for the Government of Canada;

WHEREAS more scientific research is needed to better understand the link between air pollution and health;

BE IT RESOLVED THAT Kelowna City Council call on the Government of Canada to accelerate the delivery of its Clean Air Agenda and specifically focus on the need to develop and implement a comprehensive Clean Air Action Plan that will:

- Advance scientific understanding of the link between air pollution and health;
- Provide financial resources to municipal governments for programs that cut smog and climate pollution;
- Ensure Canadians have access to accurate information on the quality of their air and on action they can take to reduce their exposure and their emissions;
- Ensure significant emission reductions from the transportation sector; and
- Partner with provincial/territorial governments to encourage stronger pollution reduction standards for industry and the electric power generation sector; and

BE IT FURTHER RESOLVED THAT this resolution be communicated to our Member of Parliament, federal environment, health and finance ministers, provincial/territorial finance, health, environment and energy ministers, federal and provincial/territorial opposition leaders, community media and the Federation of Canadian Municipalities.

Carried

(b) Dogs Participating in Fundraising Walks

Councillor Shepherd noted that apparently some people who wanted to participate in the Heart & Stroke Walk on the weekend were turned away by City Bylaw Enforcement staff because the people had dogs with them. She recognized that staff were enforcing City Bylaws but suggested that a policy is needed to facilitate people participating in these walks with their dogs. The policy could stipulate that the dogs must be licenced and on a leash and that the owners must have doggie bags for clean up after their dogs.

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(c) 2002 UBCM Convention

Councillor Clark commented on a speech delivered by the Hon. Gordon Campbell at the UBCM convention. The speech was mainly dedicated to a transportation plan for the province over a 10-year period and a new Okanagan Lake Bridge was the second project he mentioned. Councillor Clark suggested that it would be prudent for Council to follow-up on this commitment with a letter within the next 2 weeks indicating to the Premier that we are ready to proceed and asking what we have to do as a community in order to get on with the tendering for this project.

After considerable discussion, Council agreed that a letter be drafted and circulated to all members of Council for input before being sent to the Premier.

Councillors Cannan, Given, Hobson, and Nelson commented on the sessions they attended while at the UBCM Convention.

(d) Awards to the City

Mayor Gray announced that the City of Kelowna received an award from Trout Unlimited Canada on B.C. Rivers and Fisheries Awareness Day which was September 29, 2002, for the work on Mill Creek Restoration Project.

Mayor Gray also announced that the City of Kelowna has received an Environmental Award from the Association of Professional Engineers and Geoscientists of British Columbia. The City's study of the Influence of Limnology on Domestic Water Intakes was chosen as this year's winner in the Concept and Assessment Category of the 2002 APEGBC Environmental Awards.

(e) Item No. 4.6 on this Agenda (Z02-1002)

The City Manager noted he has been advised that the applicant, Mr. Clark Smith, had intended to be here but thought the meeting was at 7 p.m. Council agreed that he be scheduled for a presentation to Council under the Unfinished Business section of next Monday's agenda. Council can then decide if they wish to reconsider their resolution of non-support that was adopted when this item was dealt with earlier in this agenda.

8. TERMINATION

The meeting was declared terminated at 4:41 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am