

Regular Meeting – P.M.

May 26, 2003

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, May 26, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan\*, C.B. Day, B.D. Given, E.A. Horning and S.A. Shepherd.

Council members absent: Councillors B.A. Clark and R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi\*; Manager of Development Services, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Director of Works & Utilities, J. Vos\*; Environmental Manager, M. Watt\*; Wastewater Manager, W.J. Berry\*; Transportation Manager, R.W. Westlake\*; Traffic & Transportation Engineer, H. Thompson\*; 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 Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Introduction of Kelowna HEAT Baseball Team

- Introduction of George McMaster, General Manager of the Kelowna HEAT baseball team, Terry (Yogi) Cox, Field Manager and the team players and coaching staff.

3.2 Presentation by Canadian EarthCare Society re: Proposed Registry Program for Notification of Pesticide Use in Private and Public Areas

Charlie Hodge, Executive Director, Canadian EarthCare Society:

- Asked that Council consider the establishment of a Pesticide Exemption Registry Program and explained how the proposed program would work.
- Asked that Council also consider establishing a committee to make recommendations to Council on criteria for a proposed Pesticide Right to Know Bylaw.

Staff:

- Would not support including agricultural properties in such a program.

Council:

- Staff to include a question in the next Citizens Survey asking if people are finding that use of pesticides is a problem in their neighbourhoods.
- The staff recommendation that comes back to Council may lead to consultation with the stakeholders, but that consultation is not required at this point.

Moved by Councillor Day/Seconded by Councillor Shepherd

**R487/03/05/26** THAT Council receive the verbal presentation by the Canadian EarthCare Society and refer their written submission dated May 26, 2003 to staff for review and report back with a recommendation that addresses EarthCare's request for a Pesticide Exemption Registry and Pesticide Right to Know Bylaw for the City of Kelowna.

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4. UNFINISHED BUSINESS

- 4.1 Parks Manager re: Dog Regulation and Control Services and Dog On and Off-Leash Parks **report not available for this agenda** – now targeting for June 9 agenda.

Withdrawn.

- 4.2 Councillor Cannan re: Closing of Kamloops Land Title Office Deferred from the Regular Meeting of May 12, 2003 so that UDI information in the May 12 Regional District agenda package to be circulated to all of Council.

Moved by Councillor Cannan/Seconded by Councillor Hobson

THAT Kelowna City Council request OMMA to encourage all members to write letters to the Hon. Stan Hagen, Minister of Sustainable Resource Management opposing the proposed closure of the Kamloops Land Title Office.

Councillor Cannan suggested that instead of voting on the motion tabled at the last meeting, Council consider the following amended motion:

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R488/03/05/26** THAT a copy of the letter dated May 5, 2003 that Mayor Gray sent to the Hon. Stan Hagen, Minister of Sustainable Resource Management asking for reconsideration of the decision to close the Land Title Office in Kamloops be forwarded to the Okanagan Mainline Municipal Association with a request that the OMMA membership be encouraged to write similar letters expressing their local concerns if appropriate for their community.

Carried

5. PLANNING

- 5.1 Planning & Corporate Services Department, dated May 16, 2003 re: Rezoning Application No. Z01-1045 – Rychjohn Investments (Carl Scholl Design) – 3163 Richter Street

Moved by Councillor Day/Seconded by Councillor Cannan

**R489/03/05/26** THAT Council authorize an extension to Rezoning Application No. Z01-1045 (Bylaw No. 8757) for a period of not more than 180 days from June 11, 2003.

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- 5.2 Planning & Corporate Services Department, dated May 9, 2003 re: Rezoning Application No. Z03-0011 – VGM Holdings Ltd. (Axel Hilmer Planning Consultant) – 1250 Gaggin Road-

Moved by Councillor Given/Seconded by Councillor Blanleil

**R490/03/05/26** THAT Rezoning Application No. Z03-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 22, Township 26, ODYD, Plan 19101, located on Gaggin 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 the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amendment bylaw be considered subsequent to approval by the Ministry of Transportation.

Carried

- 5.3 Planning & Corporate Services Department, dated May 13, 2003 re: Rezoning Application No. Z03-0023 – Sue & Jayson Gordon – 3522 Landie Road

Moved by Councillor Shepherd/Seconded by Councillor Given

**R491/03/05/26** THAT Rezoning Application No. Z03-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, D.L. 134, ODYD, Plan 7981 located on Landie 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 the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

- 5.4 Planning & Corporate Services Department, dated May 14, 2003 re: Rezoning Application No. Z00-1012 – Edward Surowiec/Exclusive Investments – 145, 1555 & 165 Taylor Road and 1315, 1325 & 1345 Highway 33 West

Moved by Councillor Given/Seconded by Councillor Horning

**R492/03/05/26** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8587 (Z00-1012– Exclusive Investments/Edward & Kazimere Surowiec – southeast corner of Highway 33/Taylor Road) be extended to September 12, 2003.

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- 5.5 Planning & Corporate Services Department, dated May 13, 2003 re: Rezoning Application No. Z01-1063 – Luigi Goivanni Russo (Tom Smithwick) – 982 & 1040 Old Vernon Road

Moved by Councillor Day/Seconded by Councillor Blangleil

**R493/03/05/26** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 (Z01-1063 - Luigi Russo - Old Vernon Road) be extended to October 30, 2003.

Carried

- 5.6 Planning & Corporate Services Department, dated May 13, 2003 re: Rezoning Application No. Z01-1061 – Georg-Michael Holzhey Ltd. (John Hertay) – 200 Block of Hollywood Road North (at west end of Lougheed Road)

Moved by Councillor Day/Seconded by Councillor Shepherd

**R494/03/05/26** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8825 (Z01-1061 – Georg-Michael Holzhey Ltd. - Hollywood Road North) be extended to December 11, 2003.

Carried

- 5.7 Planning & Corporate Services Department, dated May 13, 2003 re: Agricultural Land Reserve Appeal No. A03-0005 – Elizabeth Zaseybida and George Carr (Keith Funk/New Town Planning Services Inc.) – 3339 & 4025 Field Road

Staff:

- The applicant is seeking Council's support of an appeal to the Land Reserve Commission to have the property excluded from the Agricultural Land Reserve on the basis that the properties lack reasonable farming soil.
- The Agricultural Advisory Committee agrees that the property is not agriculturally viable and recommends support of the appeal.
- A previous application in 2002 for exclusion of the subject properties was refused by the Land Reserve Commission.
- Staff cannot recommend support because the exclusion is contrary to City planning documents which support retention of properties within the ALR.

Moved by Councillor Day/Seconded by Councillor Shepherd

**R495/03/05/26** THAT Council hear from the applicant.

Carried

Keith Funk, representing the applicant:

- The land has never been farmed and is mostly virgin forest.
- The mandate of the City's planning documents is to preserve productive and sustainable agricultural lands. The land has no agricultural qualities; essentially rocks with sand and a very thin layer of soil on top.
- The last appeal for exclusion was unsuccessful because the Agricultural Advisory Committee had not seen the property and relied on mapping which showed the property as ALR land.

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- When the Agricultural Land Reserve was first established in the 1970s the inventory of ALR land was done on a broad basis and not all classifications reflected the actual site. The inventory was done on the understanding that poor agricultural land could be removed but the subsequent reviews that would have corrected this never happened.
- If the subject appeal is supported by the Land Reserve Commission, then ask that the relative policies in City planning documents be refined to reflect the non-agricultural capability of land in that area of the city.
- If the appeal is successful, the applicant will consult with the neighbours to discuss potential development of the land.

Moved by Councillor Shepherd/Seconded by Councillor Horning

**R496/03/05/26** THAT Agricultural Land Reserve Appeal No. A03-0005, Lots 8 & 11, Sec. 1, Twp. 26, Plan 1247, ODYD 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 Municipal Council.

Carried

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

Bylaw No. 8734 [Z01-1019(b)] - Emil Anderson Construction Co. Ltd., et al (Mike Jacobs) – 902 Summit Drive and 1969, 1983, 2011 & 2025 Rojem Road

Staff:

- The subject bylaw includes two properties for which there are no detailed plans because the owners are not in a position to proceed with development at this time. Normally rezoning for a multi-family development would not occur without a concurrent Development Permit application for the entire site.
- Council has the option of either adopting the full rezoning bylaw at this time in which case it would be strongly recommended to the applicant that the remaining property be developed in a style complementary to the form of development that does receive approval under this current application, or alternatively, amending the subject bylaw to exclude the two properties not currently being developed.
- If Council decides to adopt the full rezoning bylaw now, the other owners would still have to apply for a Development Permit. The two properties not being developed at this time could potentially support about 10-12 units on one parcel and about 50 units on the other.

Council:

- Agreed to adopt the entire bylaw on the premise that the remaining property would be developed with a form and character consistent with this development.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R497/03/05/26** THAT Bylaw No. 8734 be adopted.

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- (b) Planning & Corporate Services Department, dated May 14, 2003 re: Development Permit Application No. DP03-0025 – Mike Jacobs/Emil Anderson Construction Ltd. – 1969, 1983, 2011 & 2025 Rojem Road (east side of Denali Drive north of Summit Drive)

Staff:

- Approval of the subject application would allow for construction of an 82-unit, semi-detached multi-family strata development on a portion of the property just rezoned under the above bylaw.

Moved by Councillor Cannan/Seconded by Councillor Horning

**R498/03/05/26** THAT Council authorize the issuance of Development Permit No. DP03-0025 for Lots 1, 2, 3 and 4, Blk. 22, Sec. 28, Twp. 26, ODYD, Plan 1249 except Plan KAP72143, located on Denali 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 (including restoration work), as determined by a professional landscaper.

Carried

## 6. REPORTS

- 6.1 Wastewater Manager, dated May 20, 2003 re: Award of Construction Contract TE03-12 – North Rutland Sanitary Sewer Specified Area No. 20 – Zone B (5340-09-20)

Moved by Councillor Day/Seconded by Councillor Shepherd

**R499/03/05/26** THAT the Contract for construction of the Sanitary Sewer Specified Area No. 20 – Zone B be awarded to Peters Brothers Construction Ltd. for the amount of \$3,181,940.86 which includes GST;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

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- 6.2 Director of Works & Utilities, dated May 21, 2003 re: North End Sanitary Sewer Extension (5340-09-32)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R500/03/05/26** THAT Council authorize staff to proceed with construction of a sanitary sewer system to service the Northern Industrial area of the city at a budgeted cost of \$2 Million;

AND THAT staff bring back recommendations for service area fees for properties in the area to connect to the new system and amendments to the 20 Year Servicing Plan to incorporate this area in the plan;

AND THAT Council approve the draft agreement between McIntosh Properties Ltd. as attached to the Director of Works & Utilities' report dated May 21, 2003 for the provision of sanitary sewer to the former Hiram Walker properties;

AND THAT Council authorize single source award of engineering consulting services to install the required system to Stantec Consulting Ltd. for a fee of \$161,440 plus GST;

AND FURTHER THAT the 2003 Financial Plan be amended to incorporate this project.

Carried

- 6.3 Transportation Manager, dated May 20, 2003 re: Glenmore Road School Zone – North of Mountain Avenue (5460-01)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R501/03/05/26** THAT Council hear from the representative of the Glenmore Elementary School Parents Advisory Council.

Carried

Irene Failes, Glenmore PAC:

- The speed limit should not even be an issue. There are still children using the crosswalk along Glenmore. The Mountain/Glenmore intersection gives the children a false sense of security – regularly there is almost an accident with traffic turning onto Mountain from Glenmore and not watching for children crossing. There will be even more traffic with redevelopment of the Glenmore Store property.
- If we make it safe enough, parents will not feel they have to drive their children to school in order to protect them while walking to school.
- It only takes 32 seconds to drive through that school zone – not long compared to a child's life.

Council:

- Agreed to post Mountain Avenue as a school zone.

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Moved by Councillor Blanleil/Seconded by Councillor Horning

**R502/03/05/26** THAT Council direct staff to remove the 30 kph school zone on Glenmore Road fronting the Glenmore Elementary School after the current school year ending in June 2003;

AND THAT the speed limit on Glenmore Road be set at 50 kph for southbound travel lanes from High Road southwards to Bernard and at 60 kph for northbound travel lanes from Bernard Avenue northwards past High/Summit roads effective July 1, 2003;

AND FURTHER THAT Mountain Avenue from Kennedy Street to Glenmore Road be posted as a reduced speed School Zone.

Carried

Councillors Cannan and Shepherd opposed.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

7.1 Bylaw No. 9039 – Amendment No. 19 to Development Application Fees  
Bylaw No. 8034

Moved by Councillor Day/Seconded by Councillor Blanleil

**R503/03/05/26** THAT Bylaw No. 9039 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) Mayor Gray re: Naming of the New Pavilion Building on Knox Mountain

Moved by Councillor Day/Seconded by Councillor Blanleil

**R504/03/05/26** THAT, in response to the request of the Simpson Family, the new pavilion being built on Knox Mountain to replace the “Stanley M. Simpson Nature Pavilion” be named “The Pioneer Pavilion”.

Carried

(b) School Zone on Richter Street for Former Central Elementary School

Mayor Gray questioned whether Richter Street north and south of Dehart Avenue still needs to be posed as a reduced speed School Zone noting he has heard that all but three of the students at Central Elementary School are adults and the three who are not have full time aids. Staff to investigate.

(c) National Housing Resources Options Team (5040-20)

Councillor Shepherd alerted Council to expect a request to come forward at the Regular Meeting on June 9, 2003 for approval of a per capita contribution to the National Housing Policy Options Team for the FCM housing initiative.



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(d) Amber Alert Program

Moved by Councillor Given/Seconded by Councillor Shepherd

**R505/03/05/26** THAT the Mayor send a letter to the Hon. Rich Coleman, Solicitor General, expressing support for the Amber Alert program for locating missing children and asking that the initiative be implemented in Kelowna.

Carried

9. TERMINATION

The meeting was declared terminated at 4:48 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk