

Regular Meeting – P.M.

November 17, 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, November 17, 2003.

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

Council members absent: Councillors B.A. Clark and E.A. Horning.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi*; Director of Financial Services, P.A. Macklem*; Director of Works & Utilities, J. Vos*; Manager of Development Services, A.V. Bruce*; Manager of Policy, Research and Manager of Policy, Research & Strategic Planning, S.K. Bagh*; 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 Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Draw for Prizes - Survey for Future Aquatic Facility Investigation – Mission District Park

- Mayor Gray drew the names of the winners of 4 prizes being awarded for having completed an on-line survey regarding a future aquatic facility at Mission District Park.
- Will bring forward a report on the results of the survey before year-end.

4. UNFINISHED BUSINESS

4.1 Planning & Corporate Services Department, dated October 20, 2003 re: Rezoning Application No. Z03-0051 – David & Joan Poole (Rob Richardson) – 464 Morrison Avenue

Staff:

- This item was deferred from the Regular Meeting of October 27, 2003 for staff to find out what had changed since the application was defeated by Council in January.
- The owner met with residents in the neighbourhood in July 2003 to try to address their concerns. The residents did not want to see any changes in the neighbourhood and did not want to see renters in their block.
- Other than shifting the building slightly to one side, the application before Council today is the same as the initial application.
- Staff recommend in support because the rezoning is consistent with relevant Planning documents.

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Moved by Councillor Cannan/Seconded by Councillor Given

R928/03/11/17 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, DL 14, ODYD, Plan 3398, located on Morrison Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

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

Carried

Councillors Hobson and Shepherd opposed.

5. PLANNING

5.1 Planning & Corporate Services Department, dated November 12, 2003 re: Proposed Bylaw Amendments for Secondary Suites in Accessory Buildings (TA03-0010)

Moved by Councillor Given/Seconded by Councillor Cannan

R929/03/11/17 THAT Zoning Bylaw Text Amendment No. TA03-0010 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Option 1 of Schedule 'A' attached to the report of the Planning & Corporate Services Department dated November 12, 2003 be considered by Council;

AND THAT the bylaw for Text Amendment No. TA03-0010 be advanced to a Public Hearing for further consideration.

Carried

Councillor Shepherd opposed.

5.2 Planning & Corporate Services Department, dated November 10, 2003 re: Rezoning Application No. Z03-0054 – Robert & LeeAnne Ursel – 4684 Fordham Road

Staff:

- The existing house is at the rear of the property. The applicant is proposing to construct an accessory building at the front of the property with a secondary suite over a 2 vehicle garage.
- This is contrary to the text amendment that Council just advanced to Public Hearing.
- Would look at holding the Text Amendment at third reading in order to allow this applicant time to get his Building Permit. Alternatively, if the text amendment were to proceed first, the applicant would be required to apply for a Development Variance Permit to allow the accessory building in the front yard.

Moved by Councillor Shepherd/Seconded by Councillor Given

R930/03/11/17 THAT Rezoning Application No. Z03-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, DL 357, ODYD, Plan 18457 located on Fordham 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.

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- 5.3 Planning & Corporate Services Department, dated November 10, 2003 re: Rezoning Application No. Z03-0042 – G. Toye Construction – 140-160 Woods Road

Staff:

- The applicant is proposing to develop 14 units of 2-storey row housing in a total of four buildings. Access would be from Terai Road.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R931/03/11/17 THAT Rezoning Application No. Z03-0042 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sec. 22, Twp. 26, ODYD Plan 35387 and Lot 1, Sec. 22, Twp. 26, ODYD Plan 23665, located on Woods Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

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 Permit and 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 considered following the consolidation of the lots.

Carried

- 5.4 Planning & Corporate Services Department, dated November 12, 2003 re: Rezoning Application No. Z03-0024 – Jack Scherle and 481124 BC Ltd. (Don Green) – 1430, 1440, 1460 and 1480 Highway 33 West

Staff:

- The applicant is proposing to develop 28 units of 2-storey row housing in a total of eight buildings.

Council:

- At the public hearing, staff to advise the location of the nearest bus stop and crosswalk on Highway 33; the nearest open space areas for children to play; whether a fence is adequate for noise attenuation from Highway 33; clarify the Development Cost Charges; and clarify the variances that would be required.

Moved by Councillor Given/Seconded by Councillor Shepherd

R932/03/11/17 THAT Rezoning Application No. Z03-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 4, 5 & 6, DL 125, ODYD, Plan 9286 except Plan 39705; and Lot A, DL 125, ODYD, Plan 17322 except Plan 39705, located on Highway 33 West, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone be considered by Council;

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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 Permit and 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 THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Ministry of Transportation being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered following consolidation of the lots.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 9091 (Z03-0040) - Melvin & Rita Uppenborn (D.E. Pilling & Associates/Greg Reschke) – 1101 Bentien Road

Councillor Day declared a conflict of interest because he owns property within the notification area and left the Council Chamber at 2:45 p.m.

Moved by Councillor Given/Seconded by Councillor Cannan

R933/03/11/17 THAT Bylaw No. 9091 be adopted.

Carried

Councillor Day returned to the Council Chamber at 2:46 p.m. and took his place at the Council Table.

7. REPORTS

- 7.1 Director of Financial Services, dated November 6, 2003 re: Bill 66 (1992) – Assessment and Property Tax Reform Act (1970-01)

Staff:

- Outlined the advantages and disadvantages for phasing of land values on residential, light industrial, business and recreation/non-profit classes.
- Explained how property owners can qualify for the property tax deferral program.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R934/03/11/17 THAT Council tax properties on the 2004 Authenticated Roll, as provided by the BC Assessment Authority, at the full market taxable values.

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- 7.2 Wastewater Manager, dated November 12, 2003 re: Okaview Sewer Specified Area No. 28A (BL9088; 5340-09-28A)

Staff:

- Presented 6 options for establishing a boundary for this specified area and gave a comparison of costs for each.

Council:

- Staff to consider offering incentives (i.e. extend the 1-year connection deadline to 3 years) to make the specified area more attractive to the homeowners who were not burned out but suffered other losses as a result of the fire.

Moved by Councillor Day/Seconded by Councillor Shepherd

R935/03/11/17 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 the map attached to the report dated November 12, 2003 from the Wastewater Manager, which indicates the proposed service area of 252 homes at an estimated cost of \$6,700 per home;

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

AND FURTHER THAT Council authorize the payment of all the funds collected from the Service Area Reserve Account No. 995-73-*FU580-R885 (Service Area 28) to assist in the costs of the Okaview Sewer Specified Area project.

Carried

Councillor Cannan opposed.

- 7.3 City Clerk, dated November 13, 2003 re: AOG Air Support Inc. – Supplemental Agreement to Land Sub-Lease at Kelowna International Airport Counter Petition Opportunity (0550-05; 2380-20-8089)

Moved by Councillor Hobson/Seconded by Councillor Day

R936/03/11/17 THAT Council receive the Certificate of Sufficiency dated November 13th, 2003 pertaining to a supplemental agreement to increase the area of a sub-lease of land at the Kelowna International Airport to AOG Air Support Inc. by approximately 45,085 sq. ft.

Carried

8. RESOLUTIONS

- 8.1 Draft Resolution re: Helicopter Landing – Santa Claus (8400-01)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R937/03/11/17 THAT Council grant approval to Northern Air Support Ltd. to fly Santa Claus from the Kelowna Airport to the Kelowna Golf & Country Club and back on December 7th and 14th, 2003, subject to the approval of Transport Canada and compliance with all related flight requirements.

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8.2 Draft Resolution re: Helicopter Landing – Western Star (8400-01)

Moved by Councillor Hobson/Seconded by Councillor Day

R938/03/11/17 THAT Council grant approval to Northern Air Support Ltd. to fly from the Kelowna Airport to the north parking lot of the former Western Star site on Enterprise Way on November 21st, 2003 and returning to the airport on the next date available weather permitting, subject to the approval of Transport Canada and compliance with all related flight requirements.

Carried

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

9.1 Bylaw No. 9092 – Road Exchange Bylaw – Portion of North End Connector

Moved by Councillor Shepherd/Seconded by Councillor Given

R939/03/11/17 THAT Bylaw No. 9092 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

9.2 Bylaw No. 9077 - Road Exchange Bylaw – Mill Creek Frontage Road

Moved by Councillor Given/Seconded by Councillor Shepherd

R940/03/11/17 THAT Bylaw No. 9077 be adopted.

Carried

9.3 Bylaw No. 9089 – Water Specified Area – South Lakeshore Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R941/03/11/17 THAT Bylaw No. 9089 be adopted.

Carried

10. COUNCILLOR ITEMS

(a) Christmas Decorations for Town of Barrier

Councillor Shepherd commented that the Town of Barrier is looking for old Christmas decorations for their community. Referred to the Parks Manager to see if we have any decorations we could spare.

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(b) Roads in South Mission

Councillor Shepherd commented that temporary road closures on Frost Road, and South Ridge Road not being paved, are frustrating the area residents and would be of concern should the residents ever need to exit the area in a hurry. She asked that staff provide Council with an update on the timing for road improvements in South Mission area.

The City Manager reported that a second access road to Southridge Drive is under construction now and will likely be completed by next Spring. Access through the quarry will be available sometime in 2004 depending on the rate of development.

(c) Proposed New Provincial Legislation - Bill 75

Councillor Cannan referred to a bulletin put out by the Union of British Columbia Municipalities about proposed Bill 75 – Significant Projects Streamlining Act. The Bill usurps the power from local government as it would allow any Minister authorized by Cabinet to replace any local government bylaw, plan, regulation, policy, etc. to facilitate the approval or development of a provincially significant project.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R942/03/11/17 THAT the Mayor write a letter to the Premier with copies to the Hon. Kevin Falcon, Minister of State for Deregulation and the local MLAs asking that local government be removed from Bill 75.

Carried

(d) Mission District Park Sports & Recreation Complex

Councillor Hobson commented that construction work on the Mission District Park Sport & Recreation Complex is apparently behind schedule and asked for a report from staff on the status of the project.

Councillor Blanleil reported that the ice surfaces are all built but the pre-load area for the indoor fields is still sinking. It could be that the ice surfaces get opened for use in advance of the rest of the facility.

(e) Crawford/Stewart Road Truck Route

Councillor Hobson asked for a report from staff on what has been done, to date, toward implementation of the plan for handling truck traffic Crawford Road and Stewart Road West.

(f) Casorso Bridge

Councillor Blanleil asked that staff have a look at the Casorso Bridge because the anti-slip surface on top of the wood and the lines are gone.

(g) Fire Recovery

The City Manager commented that many Kelowna businesses are generously offering discounts to people who suffered losses from the Okanagan Mountain Provincial Park forest fire. In order that the businesses can know when an individual qualifies for this discount, an official letter is being sent out from the City Manager's office to all individuals who have registered losses at the Recovery Centre. The letters can be presented to local businesses as proof of loss.

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11. TERMINATION

The meeting was declared terminated at 4:15 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am