

Regular Meeting – P.M.

February 23, 2004

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, February 23, 2004.

Council members in attendance were: Deputy Mayor S.A. Shepherd, Councillors A.F. Blanleil, B.A. Clark, B.D. Given and E.A. Horning.

Council members absent: Mayor Walter Gray and Councillors R.D. Cannan, C.B. Day 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 Community Development & Real Estate, D.L. Shipclark*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Manager, J. Waugh*; Transportation Manager, R.W. Westlake*; Traffic & Transportation Engineer, H. Thompson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Shepherd called the meeting to order at 1:34 p.m.

2. Councillor Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Deputy Mayor Shepherd to Present GFOA Award for Financial Accounting to City of Kelowna Financial Services Staff

- Deputy Mayor Shepherd presented City of Kelowna Finance Services staff with the Canadian award for financial reporting from the Government Finance Officers Association. The award is in recognition of the City of Kelowna's Annual Financial Report for the year 2002.
- Financial Accounting & Systems Manager Rob Mayne introduced the staff team and received the award on behalf of Finance Services.

3.2 Kelowna International Regatta Association re: 2004 Regatta

Shari McDowell, marketing:

- Introduced the Regatta Association board of directors and chairs, and spoke of the Regatta successes from 2003 and the 2004 goals.

Ken Wall, finances:

- Presented a brief overview of the Association's financial position, events that are planned for the 2004 Regatta, and 2005 goals for Kelowna's 100th Regatta.
- Confirmed that the Association will be asking for \$25,000 from the City this year, rather than \$20,000.

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4. PLANNING

- 4.1 Planning & Corporate Services Department, dated February 17, 2004 re: Rezoning Application No. Z03-0072 – Okanagan Sikh Temple & Cultural Society (Ted Thomas) – 1145, 1125 Rutland Road North

Staff:

- The property was under application in 1998/99 and was supported through to third reading where it remained until the bylaw was rescinded because the society was not proceeding with the planned expansion.
- This application is to rezone the two properties to the immediate north of the existing temple, remove the two buildings that are there and build a new temple developing the rest of the site for parking and landscaping. The society intends to consolidate the properties and utilize the existing temple building as an auxiliary facility in conjunction with the new temple.
- As an Institutional application, no Development Permit is required; however, the applicant has provided details of proposed landscaping which indicate that bylaw requirements would be met.

Council:

- Concerned that without a Development Permit application, Council has no authority to ensure that what actually gets built is what Council was told to expect. Staff to bring this back for further discussion with Council.

Moved by Councillor Horning/Seconded by Councillor Given

R172/04/02/23 THAT Rezoning Application No. Z03-0072 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots A & B, Sec. 26, Twp. 26, O.D.Y.D., Plan 32402, located on Rutland Road North, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional 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 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 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9150 (Z03-0057) – Professional Diving Technology Ltd. (Vern Johnston/Diving Dynamics) – 1884 Ambrosi Road

Moved by Councillor Clark/Seconded by Councillor Given

R173/04/02/23 THAT Bylaw No. 9150 be adopted.

Carried

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- (b) Planning & Corporate Services Department, dated February 11, 2004 re: Development Permit Application No. DP03-0133 – Professional Diving Technology Inc. – 1884 Ambrosi Road

Moved by Councillor Given/Seconded by Councillor Blanleil

R174/04/02/23 THAT Council authorize the issuance of Development Permit No. DP03-0133 for Lot 9, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi Street, 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;

AND FURTHER 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 Planning & Corporate Services Department, dated February 10, 2004 re: Rezoning Application No. Z03-0064 – Robert Bennett – 5065 Frost Road

Staff:

- The rezoning is requested to facilitate a proposed 15-lot residential subdivision.

Moved by Councillor Given/Seconded by Councillor Blanleil

R175/04/02/23 THAT Rezoning Application No. Z03-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, DL 357, SDYD, Plan KAP48057, located on Frost Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing 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 amending bylaws be withheld pending the execution and registration, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna.

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- 4.4 Planning & Corporate Services Department, dated February 17, 2004 re: Agricultural Land Reserve Appeal No. A04-0002 – Alfred & Anne Steppuhn (Melanie Steppuhn) – 2785 Dunster Road

Moved by Councillor Horning/Seconded by Councillor Clark

R176/04/02/23 THAT Agricultural Land Reserve Appeal No. A04-0002, Lot 1, Sec. 15, Twp. 26, ODYD, Plan 3855, located at 2785 Dunster Road, Kelowna, B.C. for subdivision within the Agricultural Land Reserve, in order to accommodate a homesite severance, pursuant to Section 21(2) of the Agricultural Land Reserve Act be supported by Municipal Council.

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

Carried

- 4.5 Planning & Corporate Services Department, dated February 17, 2004 re: Agricultural Land Reserve Appeal No. A04-0001 – Julius & Ingeborg Ziegler (Susanne Astfalk) – 2389 Rojem Road

Staff:

- There are two existing homes on the site. The applicants wish to subdivide off about a ¼ ha lot so that their daughter can remain in her home, and to sell the parcel remainder.
- Displayed two potential subdivision layouts showing options being considered for accessing the parcel remainder.
- Recommend Council not support the appeal because the Official Community Plan and the Agricultural Plan do not support further subdivision of the property unless it is for a homesite severance within the Agricultural Land Reserve. Also, Rojem Road would have to be extended to permit the proposed lot configurations, and the Land Reserve Commission does not encourage road extensions into ALR lands.
- The house would have to be removed or relocated in order to meet setback requirements.
- The Agricultural Advisory Committee does not recommend in support of the appeal.

Moved by Councillor Blanleil/Seconded by Councillor Given

R177/04/02/23 THAT Council hear from the applicant.

Carried

Susanne Astfalk:

- Does not feel that the proposed subdivision would negatively impact agriculture because the house, shed and workshop are there now and the proposed smaller lot is not being used for orchard.
- Intend to sell the orchard and have it continue as agricultural industry.
- Access could be via easement rather than road.

Staff:

- The applicants have only owned the property since 1977 and therefore do not qualify for a homesite severance.
- The Approving Officer has to abide by Zoning Bylaw requirements and the suggested easement access would set a precedent for other subdivisions.

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Moved by Councillor Clark/Seconded by Councillor Blanleil

R178/04/02/23 THAT Agricultural Land Reserve Appeal No. A04-0001, Lot A, Sec. 33, Twp. 26, ODYD, Plan 26223, in Kelowna, B.C. for subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act be supported by the Municipal Council;

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

Carried

5.1 Civic Properties Manager, dated February 18, 2004 re: City Park Pavilion Use Agreement (0870-20)

Moved by Councillor Given/Seconded by Councillor Horning

R179/04/02/23 THAT City Council instruct staff to finalize a short term use agreement with the Okanagan Nature Centre Society for use of the City Park in 2004 for an "Okanagan Mountain Fire 2003 Exhibit";

AND THAT the Civic Properties Manager be authorized to approve the agreement.

Carried

Councillors Blanleil and Clark opposed.

5.2 Transportation Manager, dated February 18, 2004 re: Truck Traffic on Crawford Road (5460-09)

Deputy Mayor Shepherd noted for the record that a package of faxes and letters were just circulated for Council's information.

Council:

- Asked that staff consider stepping up the enforcement of the traffic restrictions to hopefully improve the level of cooperation; lowering the 50 km speed limit; and restricting the trucks from being on the roads during the hours when children are walking to and from school buses.

Moved by Councillor Blanleil/Seconded by Councillor Given

R180/04/02/23 THAT Council support the retention of the restriction of truck traffic on Crawford Road to southbound only, as approved by Council on 27th October, 2003.

Carried

Councillor Shepherd opposed.

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- 5.3 Manager of Community Development & Real Estate, dated February 3, 2004 re: 260 Franklyn Road – City-Owned Property

Moved by Councillor Horning/Seconded by Councillor Blanleil

R181/04/02/23 THAT, further to resolution No. R644/03/07/21, adopted by Council at the Regular Meeting of Monday, July 21, 2003 pertaining to property at 260 Franklyn Road, Council authorize advertisement for development proposals addressing the City's requirements for this property by the means of a qualified MLS listing instead of proceeding with a Request for Proposals.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 9174 – Amendment No. 62 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Given/Seconded by Councillor Clark

R182/04/02/23 THAT Bylaw No. 9174 be adopted.

Carried

- 6.2 Bylaw No. 9175 – Amendment No. 8 to City of Kelowna Parks Bylaw No. 6819-91

Moved by Councillor Clark/Seconded by Councillor Given

R183/04/02/23 THAT Bylaw No. 9175 be adopted.

Carried

- 6.3 Bylaw No. 9178 – Amendment No. 3 to Kelowna Noise Control Bylaw No. 6647-90

Moved by Councillor Given/Seconded by Councillor Clark

R184/04/02/23 THAT Bylaw No. 9178 be adopted.

Carried

7. COUNCILLOR ITEMS

- (a) Tree Removal Covenant

Councillor Shepherd asked to hear back from staff regarding the registration of covenants on title that make the property owners responsible for tree removal on their lots as they develop in subdivisions on fringe areas of the city that are at risk of wildfires.

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8. TERMINATION

The meeting was declared terminated at 2:58 p.m.

Certified Correct:

Deputy Mayor Shepherd

City Clerk

BLH/am