

Regular Meeting – P.M.March 22, 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, March 22, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, B.D. Given, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil and C.B. Day.

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\*; Manager of Policy, Research and Strategic Planning, S.K. Bagh\*; P.J. McCormick\*; and 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.

Mayor Gray expressed sympathy to those people in the public gallery who were left without homes after a fire in their apartment building last week, and invited them to move to Meeting Room 3 of City Hall where they could meet with the Emergency Social Services Coordinator, Beryl Itani, who would help them determine the agencies available to offer help.

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

3. PLANNING

3.1 Planning & Corporate Services Department, dated March 15, 2004 re: Agricultural Land Reserve Appeal No. A04-0003 – R. Holitzki – 2825-2855 Dunster Road

Staff:

- The applicant does not qualify for a homesite severance and therefore is seeking Council's support of an application to subdivide the 8 ha (20 acre) property into two parcels within the Agricultural Land Reserve (ALR).
- The smaller parcel would be of the same size as would be permitted under a homesite severance.
- Staff cannot recommend support as the relevant planning documents do not support the creation of additional lots within the ALR except as a homesite severance.
- The Agricultural Advisory Committee recommends in support provided that the parcel remainder is consolidated with the property to the south.
- The owner of the property to the south wishes to purchase the property but does not want to consolidate. The current owner also does not support consolidating and wants the two parcels to be separate title.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R276/04/03/22** THAT Council hear from the applicant.

Carried

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Robert Holitzski, applicant:

- The property has been in ownership of the family since 1948.
- His father approached the Land Reserve Commission (LRC) prior to his death in 1982 but passed away before he could accomplish a homesite severance. Since he was the sole name on the title, that extinguished the opportunity to qualify for a homesite severance.
- The LRC have indicated that the proposed subdivision could be granted because of the long family history on the property and the situation as it occurred.
- The staff report indicates no specific concerns with the application. There would be no net loss of agricultural land and no services are required from the City.
- Dunster Road is about 1 km long and is a dead end. There are about 20 lots that gain access from Dunster and of those a number are non-farm lots already.
- If the owner to the south had to consolidate, he would then have a 39 acre parcel and that lowers the per acre value of the land, makes it harder to sell, and his financing source has already indicated it would not approve the purchase if the land is consolidated into one parcel.

Moved by Councillor Hobson/Seconded by Councillor Horning

**R277/04/03/22** THAT Agricultural Land Reserve Appeal No. A04-0003, North ½ of Lot 7, Sec. 15, Twp. 26, ODYD, Plan 187, located at 2825-2855 Dunster Road, Kelowna, B.C. for subdivision within the Agricultural Land Reserve in lieu of a homesite severance application be supported by Municipal Council;

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

Carried

3.2 Planning & Corporate Services Department, dated March 16, 2004 re: Rezoning Application No. Z04-0005 – Ronald & Sharon Egert – 1441 Springfield Road

Staff:

- The applicant is seeking to rezone to allow for a suite in the existing building.
- Concerned about the non-conforming setback of the house to Springfield Road and the proposed parking which would involve changing the carport into a drive-thru to access parking at the rear of the lot, and creating an area to turn around to allow vehicles front entry from the site onto the road.
- Concerned about traffic congestion and safety of vehicles accessing the property from Springfield Road.

Moved by Councillor Shepherd/Seconded by Councillor Horning

**R278/04/03/22** THAT Council hear from the applicant.

Carried

Ron Egert, applicant:

- Surveyed approximately 20 of the closest neighbours with hand delivered letters. There were no issues of concern and the abutting neighbour to the south provided a letter of support.
- The staff report indicates bylaw enforcement complaints with the property but the complaints were all prior to August 2003 when he purchased the home. Since purchasing the home, he has made major improvements to the landscaping and the home and has also brought in new tenants.
- If this is approved, the form and character of the property as it exists would not change because there is already parking through the carport in the rear for the existing tenants.

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Staff:

- The letters of support submitted by the applicant were from the property owners at 1440 Springfield Road and 2100 Kaslo Court.

Moved by Councillor Horning/Seconded by Councillor Shepherd

**R279/04/03/22** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Section 19, Township 26, ODYD Plan 35362, located on Springfield Road, Kelowna, B.C., from the RU2 – Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone;

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

Carried

3.3 Planning & Corporate Services Department, dated March 17, 2004 re: Kelowna Downtown Alley Improvement Project (6530-19)

Staff:

- Getting rid of the dumpsters would be a first step toward trying to make the alleys more attractive in the downtown.
- The downtown merchants are very supportive provided that there is an economically viable alternative.
- Recycling will be an important component.
- Longer term initiatives could be considered once this program was put in place to enhance the aesthetics (lighting and flower boxes) and encourage commercial frontages in the alleys.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R280/04/03/22** THAT the report of the Planning & Corporate Services Department dated March 17, 2004 regarding the Kelowna Downtown Alley Improvement project be received for information;

AND THAT Council authorize staff to provide assistance to the Downtown Kelowna Association in issuing a Request for Proposals (RFP) for alternate waste removal services,

AND FURTHER THAT Council give favourable consideration to supporting enforcement of existing prohibitions against dumpsters within public roadways should such enforcement be requested as an outcome of the RFP process.

Carried

#### 4. REPORTS

4.1 City Manager, dated March 12, 2004 re: Volume 2 – 2004 Financial Plan (1700-20)

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R281/04/03/22** THAT the 2004 Financial Plan be increased by \$1,522,210 to provide for operating carry-over projects and \$30,972,830 for capital carry-over projects as summarized in Financial Plan Volume 2.

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- 4.2 Wastewater Manager, dated March 17, 2004 re: Award of Construction Contract TE04-02 – Okaview Sanitary Sewer Specified Area No. 28A (5340-09-28A)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R282/04/03/22** THAT the Contract for construction of the Sanitary Sewer Specified Area No. 28A be awarded to Con-Ex Civil Contractors for the amount of \$499,519.98 which includes GST;

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

Carried

- 4.3 Cultural Services Manager, and Life & Arts Festival Coordinator, dated March 16, 2004 re: Life and Arts Festival and the Memorial Cup Cultural Events Update (8100-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R283/04/03/22** THAT Council receives the report on the ***Life and Arts Festival and the Memorial Cup Cultural Events*** planned for May 2004 as a component of the City's 2004 Cultural Capitals of Canada Award.

Carried

- 4.4 City Clerk and Revenue Supervisor, dated March 16, 2004 re: 2004 Parcel Tax Review Panel (Court of Revision) (1951-20)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R284/04/03/22** THAT Council appoint Councillors Cannan, Clark and Horning as the members of the 2004 Parcel Tax Review Panel;

AND THAT the time and place for the sitting of the 2004 Parcel Tax Review Panel be set at 1:30 p.m. on April 20<sup>th</sup>, 2004 in Meeting Room 3 at City Hall.

Carried

- 4.5 City Clerk, dated March 16, 2004 re: Skyline Helicopters Hangar Facility Sub-Lease (Alternate Approval Process) (0155-30)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R285/04/03/22** THAT Council receive the Certificate of Sufficiency dated March 16<sup>th</sup>, 2004 pertaining to a sub-lease of approximately 106,000 sq. ft. of land at the Kelowna International Airport to Skyline Helicopters Ltd. for a term of 25 years and 10 months.

Carried

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5. DRAFT RESOLUTIONS

5.1 Draft Resolution re: Resolution to UBCM – Development Permits for Institutional Uses (0230-20)

Council:

- Agreed that the wording of the third paragraph of the resolution be changed to say that the UBCM 'seek' instead of 'lobby' for the amendments.

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R286/04/03/22** THAT **WHEREAS** there is currently no prescribed legislation that defines an ability for a local government to make requirements regarding the character of development, including landscaping, and the form, exterior design and finish of buildings and structures that are to be constructed for institutional uses;

**AND WHEREAS** the lack of that prescribed legislation has lead to institutional buildings that are not acceptable to local government and that are inappropriate and uncomplimentary to the communities in which they are located;

**BE IT THEREFORE RESOLVED THAT** the Union of British Columbia Municipalities be requested to seek amendments through the Ministry of Community, Aboriginal & Women's Services to the Local Government Act (or the applicable new legislation) to prescribe that local government may include institutional uses within community plan and make requirements, by way of mandatory development permit, regarding the character of development, including landscaping, and the form, exterior design and finish of buildings and structures that are to be constructed for institutional uses, with the exception of institutional buildings and structures that are under the direct control of a senior level of government.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R287/04/03/22** THAT the resolution regarding Development Permits for Institutional Uses be presented as a late resolution for endorsement by the Okanagan Mainline Municipal Association at their annual convention in May 2004.

Carried

6. COUNCILLOR ITEMS

(a) Outdoor Burning

Councillor Clark commented on the amount of outdoor burning that was going on this past weekend that did not need to occur. He suggested that even though the Burning Bylaw allows large properties such as golf courses the legal right to burn, where it is possible they should be disposing of material such as piles of grass at the landfill. Councillor Clark further commented that hopefully there will be bylaw amendments coming forward soon to be more restrictive on who can burn.

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(b) Lighting on Highway 97, Between Leathead Road and the Airport

Councillor Horning commented that the stretch of Highway 97 between Leathead and the airport is very dark and it is difficult for motorists to see the centre median. Referred to staff for investigation and report back.

7. TERMINATION

The meeting was declared terminated at 3:39 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/am