

Regular Meeting – P.M.July 26, 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, July 26, 2004.

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

Council members absent: Councillor B.D. Given.

Staff members in attendance were: City Manager, R.A. Born; Acting Deputy City Clerk, D.M. Fediuk; Director of Parks & Leisure Services, D.L. Graham*; Financial Planning Manager, K. Grayston*; Risk Manager, L. Kayfish*; Manager of Development Services, A.V. Bruce*; Manager of Community Development & Real Estate, D.L. Shipclark*; Special Projects Manager, H.M. Christy*; Community Planning Manager, T. Eichler*; Inspection Services Manager, K. Skinner*; 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.

2. UNFINISHED BUSINESS

BYLAWS FROM THE JULY 13 PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 2.1 Bylaw No. 9259 (OCP04-0005) – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road **requires majority vote of Council (5)**

Moved by Councillor Horning/Seconded by Councillor Blanleil

R713/04/07/26 THAT Bylaw No. 9259 be read a second and third time.

DEFEATED

Mayor Gray and Councillors Clark, Hobson and Shepherd opposed.

- 2.2 Bylaw No. 9260 (Z04-0012) – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road

Bylaw abandoned (could not be voted on because the corresponding OCP amending bylaw was defeated).

- 2.3 Bylaw No. 9261 (Z04-0028) – Isha Blue (Peter Chataway) – 822 Lawrence Avenue

Moved by Councillor Horning/Seconded by Councillor Blanleil

R714/04/07/26 THAT Bylaw No. 9261 be read a second and third time.

Carried

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- 2.4 Bylaw No. 9262 (Z04-0039) - Beverly & Gary Billings (Liz Bennett) – 142 Celano Crescent

Moved by Councillor Horning/Seconded by Councillor Blanleil

R715/04/07/26 THAT Bylaw No. 9262 be read a second and third time.

Carried

3. DEVELOPMENT APPLICATION REPORTS

- 3.1 Planning & Corporate Services Department, dated July 13, 2004 re: Rezoning Application No. Z04-0037 – Rob Joyal and Bill Ferguson – 2490 Richter Street

Staff:

- The requested zoning would facilitate a 2-lot subdivision of the property.
- The applicant proposes to develop a duplex on the interior lot and a single family dwelling on the corner lot.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R716/04/07/26 THAT Rezoning Application No. Z04-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot 33, District Lot 14, ODYD, Plan 1141, located on Richter Street, Kelowna, B.C. from the P4 - Utilities zone to the RU6 - Two Dwelling Housing zone be supported 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 Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

- 3.2 Planning & Corporate Services Department, dated July 14, 2004 re: Rezoning Application No. Z04-0042 – Jim Gretzinger (Serko Properties Services) – 1703 Lynrick Road

Staff:

- The lot is legally non-conforming because it does not meet the minimum lot size requirements for an A1 use.
- The applicant is seeking to rezone to subdivide the property into three lots. The existing home would be retained on the most northerly lot which would be rezoned RU1 as would the middle lot. The most southerly lot would be zoned RU6.

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Moved by Councillor Hobson/Seconded by Councillor Cannan

R717/04/07/26 THAT Rezoning Application No. Z03-0042 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, Sec. 18, Twp. 27, ODYD, Plan 25460, Except Plan KAP53392, located on Lynrick Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone and the RU6 – Two Dwelling Housing zone, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated July 14, 2004 be considered by Council;

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

Carried

3.3 Planning & Corporate Services Department, dated June 13, 2004 re: Agricultural Land Reserve Appeal No. A04-0007 – Emma Waters (Velma Feeny) – 3797 Feeny Road

Staff:

- The majority of the surrounding properties are within the Agricultural Land Reserve. The subject property is about 1.6 ha and the proposed homesite severance lot would be 0.4 ha in size.
- The applicant meets the qualifications for a homesite severance; however, staff are not recommending support because the parcel remainder would be only 1.20 ha in area and does not constitute a viable agricultural holding.

Moved by Councillor Horning/Seconded by Councillor Shepherd

R718/04/07/26 THAT Council hear from the applicant.

Carried

Velma Feeny, applicant:

- Her parents purchased the property in the 1940's and her Mother is aging but wants to remain on the property. The intent is to build a modest single storey home for her on the homesite severance lot.
- Would have no problem with the homesite severance lot being reduced in size.

Staff:

- Further parcelization of the already small property would make the parcel remainder even less viable for farming than it is now, and would add to urban impacts on the other agricultural parcels in the area. So regardless of the size of the homesite severance parcel, staff would have to recommend against this application.

Applicant:

- Has no recollection of the land ever being used for agriculture and the site is in a state of disrepair and needs work.
- Her family owned 36 acres at one time; the subject property is the only parcel they have left. Would like to preserve the family heritage and willing to make the homesite severance lot size as small as is acceptable for a lot on septic disposal.

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Moved by Councillor Hobson/Seconded by Councillor Shepherd

R719/04/07/26 THAT Agricultural Land Reserve Appeal No. A04-0007, Lot 2, Sec. 11, Twp. 29, ODYD Plan 5787 except Plan 23919, located on Feeny 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, subject to the size of the homesite severance lot being reduced to the minimum acceptable to the Health Inspector;

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

Carried

3.4 Planning & Corporate Services Department, dated July 22, 2004 re: Official Community Plan Application No. OCP04-0004 and Rezoning Application No. Z04-0010 – Huntington Homes Ltd (Coast Architectural Group/Kevin Ryan) – 2901-2975 Abbott Street and 408-416 Groves Avenue

Staff:

- The future land use designation of two of the lots that the applicant hoped to incorporate into the development have been changed to 'green' (park and open space).
- The applicant is proposing to develop 48 units in a 4-storey apartment building over below building parking. The building would be stepped back at the third level and considerably more at the fourth floor level, both at the ends and at the middle of the building. In order to provide the linkage the City wants to the adjacent neighbourhood park, the intent is to provide a 2-storey gateway (at grade) that would serve as a breezeway connection through the building for the public to access the park.
- The applicant has committed to a very high level of architecture.
- The land for the breezeway would be held by the developer or future strata council and a right-of-way would be registered as a priority charge in favour of the City to ensure public accessibility through the breezeway to the park.

Council:

- At the Public Hearing, would like assurance that the breezeway through the building would not create a sense of separation and would be inviting to the public; that the park would not be overshadowed by the building and would continue to have sunlight and appear as public open space; and that the covenant for the right-of-way over the breezeway area would not ever be interfered with by any future strata council.

Moved by Councillor Hobson/Seconded by Councillor Day

R720/04/07/26 THAT OCP Bylaw Amendment No. OCP04-0004 to amend Map 15.1 of the Kelowna Official Community Plan (2000 - 2020) Bylaw No. 7600 by changing the Future Land Use designation of Lots 2 and 3, Block 1, D.L. 14, ODYD Plan 4743, located on Abbott Street, Kelowna, B.C., from the Major Park/Open Space designation to the Multiple Unit Residential – Medium Density designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated July 22, 2004, be considered by Council;

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AND THAT Rezoning Application No. Z04-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 2, 3, 4 and 5, Block 1, D.L. 14, ODYD Plan 4743 and Lots 1, 2 and 3, D.L. 14, ODYD Plan 3856 located on Abbott Street and Groves Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM5 – Medium Density Multiple Housing zone be considered by Council;

AND THAT the OCP and zone amending bylaws 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 on the subject property;

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 FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and Parks Department being completed to their satisfaction.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

4.1 Bylaw No. 9228 (Z04-0022) – City of Kelowna – Various Properties

Moved by Councillor Clark/Seconded by Councillor Shepherd

R721/04/07/26 THAT Bylaw No. 9228 be adopted.

Carried

4.2 Planning & Corporate Services Department, dated July 21, 2004 re: Rezoning Application No. Z03-0021e – Evergreen Lands Limited (City of Kelowna) – 1180 Sunset Drive

Staff:

- The bylaw has been held at third reading pending confirmation from the Liquor Control Branch that the Sandman Hotel has been approved for a retail liquor store.

4.2(a) Bylaw No. 9020 (Z03-0021e) – Corrigan (Waterfront Wines) – 1180 Sunset Drive

Moved by Councillor Shepherd/Seconded by Councillor Blancheil

R722/04/07/26 THAT Bylaw No. 9020 be adopted.

Carried

Councillor Clark opposed.

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5. REPORTS

5.1 Planning & Corporate Services Department, dated July 14, 2004 re: Heritage Building Tax Incentive Program

Staff:

- The proposed policy would allow an owner of a commercial/industrial building that is listed in the Kelowna Heritage Registry to apply for a tax incentive grant to allow them to recover the capital costs of the restoration of the heritage building. In most cases, eligible restoration improvements would be limited to the exterior of the building. The incentive would be divided equally over a 10-year period and be initially based on waiving only the improvement value of the municipal portion of the taxes but could include the land assessment as well. The policy also provides for review of exemption levels to be increased over the 10 year period for eligible restoration costs if necessary.

Council:

- The first sentence of the first bullet under 1.0 of the policy needs to be clarified to indicate that accuracy is to the extent of the eligibility of the project re costs.
- Change the word 'may' to 'can' in the last sentence of 1.1(a) in the policy so that the sentence reads: "Alternatively the heritage designation **can** be made a condition of the requested tax exemption."
- Change 1.1(b) of the policy to read...after the rehabilitation and **be used for any use other than single or two family residential.**"
- Staff to send a letter to the landowners on the Heritage Registry to advise of this policy.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R723/04/07/26 THAT Council approve Policy No. 318 – Heritage Building Tax Incentive Program, as revised by Council, to encourage the rehabilitation of commercial, industrial and institutional buildings listed on the City's Heritage Register.

Carried

5.2 Inspection Services Manager, dated July 15, 2004 re: Meat Inspection Bylaw (4000-00)

Moved by Councillor Hobson/Seconded by Councillor Day

R724/04/07/26 THAT Council rescind Meat Inspection Bylaw 6498-89 in its entirety.

Carried

5.3 Assistant Airport General Manager, dated July 12, 2004 re: Additional Land Sub-Lease Area – 600897 B.C. Ltd. (Carson Air) – Kelowna International Airport (2380-20-8057)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R725/04/07/26 THAT Council approve expanding 600897 B.C. Ltd.'s existing airport sub-lease through a supplemental agreement, by approximately 26,479.44 sq. ft. of airport land;

AND THAT Council authorize the Mayor and City Clerk to sign the lease on behalf of the City.

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- 5.4 Acting City Clerk, dated July 20, 2004 re: Alternative Approval Process, Additional Land Sub-Lease Area Agreement – 600897 B.C. Ltd (Carson Air) – Kelowna International Airport (2380-20-8057)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R726/04/07/26 THAT an alternate approval process opportunity open to all electors within the City of Kelowna be initiated subject to the report of the Assistant Airport General Manager dated July 12, 2004;

AND THAT 4:00 p.m. Tuesday, September 7, 2004 be set as the deadline for receipt of elector responses in the form attached to the July 20, 2004 report of the Acting City Clerk in relation to the additional Land Sub-Lease Agreement with 600897 BC Ltd. (Carson Air) and the City of Kelowna;

AND FURTHER THAT following the close of the alternative approval process the Acting City Clerk make a determination and certification as to the results of the alternative approval process.

Carried

- 5.5 Assistant Airport General Manager, dated July 12, 2004 re: Additional Land Sub-Lease Area – Northern Air Support Ltd. – Kelowna International Airport (2380-20-8083)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R727/04/07/26 THAT Council approve expanding Northern Air Support Ltd.'s existing airport sub-lease by approximately 5,372.31 sq. ft. of airport land, through a supplemental agreement;

AND THAT Council authorize the Mayor and City Clerk to sign the lease on behalf of the City.

Carried

- 5.6 Acting City Clerk, dated July 20, 2004 re: Alternative Approval Process, Additional Land Sub-Lease Area Agreement – Northern Air Support Ltd. – Kelowna International Airport (2380-20-8083)

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R728/04/07/26 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated subject to the report of the Assistant Airport General Manager dated July 12, 2004;

AND THAT 4:00 p.m. Tuesday, September 7, 2004 be set as the deadline for receipt of elector responses in the form attached to the July 20, 2004 report of the Acting City Clerk in relation to the additional Land Sub-Lease Agreement with Northern Air Support Ltd and the City of Kelowna;

AND THAT following the close of the alternative approval process the Acting City Clerk make a determination and certification as to the results of the alternative approval process.

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- 5.7 Acting City Clerk, dated July 16, 2004 re: Alternative Approval Process, Proposed License for Long Term Private Crossing Agreement with the City of Kelowna and Kelowna Pacific Railway Ltd. (2380-20-8024)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R729/04/07/26 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated;

AND THAT 4:00 p.m. Tuesday, September 7, 2004 be set as the deadline for receipt of elector responses in the form attached to the July 16, 2004 report of the Acting City Clerk in relation to the leasing agreement for the proposed License for Long Term Private Crossing Agreement with the City of Kelowna located at the Kelowna International Airport;

AND FURTHER THAT following the close of the alternative approval process the Acting City Clerk make a determination and certification as to the results of the alternative approval process.

Carried

- 5.8 Director of Financial Services, dated July 21, 2004 re: Disbursement of City Funds Bylaw

Staff:

- These approvals would only be exercised when time is of the essence and it is necessary to expedite a contract between Council meetings.

Council

- Staff to bring forward an information report to a subsequent Council meeting whenever this approval is exercised, in order to get the expenditure into the public record.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R730/04/07/26 THAT Council approve changes to the Disbursement of City Funds Bylaw as identified in the July 21, 2004 report from the Director of Financial Services;

AND THAT staff be directed to prepare the necessary amending bylaw for reading consideration by Council.

Carried

Councillors Cannan and Shepherd opposed.

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- 5.9 Director of Parks and Leisure Services, dated July 21, 2004 re: Master Plan for the Development of Civic Facilities in the Downtown (0710-01)

Moved by Councillor Hobson/Seconded by Councillor Clark

R731/04/07/26 THAT City Council supports the preparation of a master plan for the development of civic facilities within the Cultural District;

AND THAT stakeholder input be sought as a first step in determining the future expansion opportunities for civic facilities including City Hall, the RCMP Detachment, the Kelowna Community Theatre, the Kelowna Museum, the Military Museum, the Laurel Packinghouse, the Kelowna Art Gallery, the Rotary Centre for the Arts, the Library, the Memorial Arena and vacant City properties;

AND FURTHER THAT the results of the facility planning process be considered in conjunction with the City's 10 Year Capital Plan.

Carried

- 5.10 Manager Community Development and Real Estate/Recovery Manager, dated July 19, 2004 re: Okanagan Mountain Fire Recovery Operations (7131-01)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R732/04/07/26 THAT Council receive the report from the Manager of Recovery Operations dated July 19, 2004 concerning activities and costs associated with recovery from the Okanagan Mountain Park Fire as information;

AND THAT staff be instructed to investigate all potential avenues of appeal to the PEP decision not to fund the assessment of the fires impact on local watersheds and the related work done to protect life and property and report back to Council;

AND THAT staff be instructed to explore all options and costs for the following items and report back to Council:

1. keeping the legal structure of the Fire Recovery Society active;
2. determining the source for a small pool of emergency funds to be used in the early stages of recovery for any future emergency and developing protocol and authorities for expenditure of those funds;
3. assigning responsibilities to staff under the Regional Emergency Plan for community recovery and developing a plan for how the additional resources required for any future community recovery plan will be secured;

AND THAT the following resolution be endorsed by Kelowna City Council and advanced for debate as a late resolution at the UBCM Convention:

WHEREAS the Province has enacted legislation through the *BC Emergency Program Act* which requires local authorities to prepare emergency plans respecting preparation for, response to and recovery from emergencies and disasters;

AND WHEREAS there are many local, provincial, national and international groups and organizations that provide social services at the local level in response to any emergency;

AND WHEREAS many of these groups and agencies believe they are bound by different rules governing privacy concerns for their clients;

AND WHEREAS many of these groups, agencies and private individuals want to respond generously to assist the victims of emergencies and disasters;

AND WHEREAS the recording of victim information under the Provincial Emergency Social Services process is currently a manual system;

AND WHEREAS most groups and agencies that provide services to victims of emergencies and disasters also require personal information from these victims and are protective of the personal information they collect;

NOW THEREFORE BE IT RESOLVED THAT the Ministry of Public Safety and Solicitor General be requested to create a virtual warehouse and make that software available online to local authorities responding under an adopted local emergency plan;

THEREFORE BE IT FURTHER RESOLVED THAT the Ministry of Public Safety and Solicitor General be requested to replace the current Provincial ESS manual client intake system with an electronic system and make that system available online to local authorities responding under an adopted local emergency plan;

THEREFORE BE IT FURTHER RESOLVED THAT the Ministry of Public Safety and Solicitor General be requested to work with appropriate social service providers (such as Red Cross, Salvation Army etc.) to develop a single-standard, client intake system as an expansion of the electronic provincial emergency social services client intake system, make that system available online to all local authorities responding under an adopted local emergency plan and request those agencies work co-operatively with local authorities in sharing the information collected on this form and coordinating the response to all victims.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9255 – Road Closure and Removal of Highway Dedication Bylaw (3200 Block – Appaloosa Road)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R733/04/07/26 THAT Bylaws No. 9255, 9265, 9275 and 9280 be read a first, second and third time.

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- 6.2 Bylaw No. 9265 – Road Closure and Removal of Highway Dedication Bylaw (Loseth Road)

See resolution adopted under item No. 6.1 above.

- 6.3 Bylaw No. 9275 – Road Closure and Removal of Highway Dedication Bylaw (4223 & 4313 Bedford Road/Talka Road)

See resolution adopted under item No. 6.1 above.

- 6.4 Bylaw No. 9280 – Repeal Meat Inspection Bylaw No. 6498-89

See resolution adopted under item No. 6.1 above.

(BYLAWS PRESENTED FOR ADOPTION)

- 6.5 Bylaw No. 9264 – Bertram Street Local Area Service (Construction) Bylaw (File 653)

Moved by Councillor Day/Seconded by Councillor Hobson

R734/04/07/26 THAT Bylaw No. 9264 be adopted.

Carried

- 6.6 Bylaw No. 9266 – Amendment No. 10 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Hobson/Seconded by Councillor Day

R735/04/07/26 THAT Bylaw No. 9266 be adopted.

Carried

7. COUNCILLOR ITEMS

- (a) Rutland Centennial Hall

Councillor Horning put Council on notice that he would be bringing forward a motion to provide financial assistance from Council Contingency to the Rutland Parks Society to repair the air conditioning in Rutland Centennial Hall. The motion will come forward as soon as the Society provides the necessary details.

- (b) Bylaw to Restrict House Sizes

Councillor Cannan noted that the District of Delta has drafted a bylaw dealing with monster houses and suggested that City of Kelowna staff work with staff at Delta to find ways to restrict house sizes.

- (c) Bylaws to Assist with Law Enforcement

Councillor Hobson referred to bylaws from the City of Chilliwack and the City of North Vancouver dealing with the control of grow operations and crystal meth labs, and advised that he would pass the bylaws on to staff for review/investigation and report back to Council.

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(d) ICBC Crash Reduction Challenge with Kamloops

Mayor Gray announced that the City of Kelowna lost the challenge and as a result he would be wearing a Kamloops Blazer hockey jersey at the August 9th Council meeting.

8. TERMINATION

The meeting was declared terminated at 4:49 p.m.

Certified Correct:

Mayor

BLH/am

Acting Deputy City Clerk