

Regular Meeting – P.M.September 27, 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, September 27, 2004.

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

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Financial Services, P.A. Macklem*; Director of Parks & Leisure Services, D.L. Graham*; Recreation Manager, R. Oddleifson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:36 p.m.

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

3. UNFINISHED BUSINESS

3.1 **Deferred from the Regular Meeting of September 13, 2004** Recreation Manager, dated September 7, 2004 re: Future Aquatic Facility (6240-20)

Staff:

- It would be necessary to prepare a conceptual plan for the pool in order to apply for grant money and it would cost from \$200,000-\$400,000 to come up with the design.
- A building for a 50 m pool would require the borrowing of approximately \$32.9 million. In order to achieve a maximum 4% tax increase, it would be necessary to come up with another \$9.2 million above the \$6 million already being taken from reserves.

Council:

- Staff to arrange an itinerary for members of Council to tour some of the facilities in other communities at the Lower Mainland that have 50 m pools.
- Staff to contact the Regional District and arrange to make a presentation to the Regional Parks Committee to seek support for a contribution of regional tax dollars toward the annual operating costs for a 50 m pool.
- Staff to investigate potential grants and other funding sources to enable this project to proceed within or very near to the 4% tax rate impact.
- Modified the staff recommendation as follows:
 - clause 1 - changed the length of the pool from 25 m to 50 m
 - clause 3 (re referendum) - eliminated
 - last clause - removed "in December 2004" and deleted everything after "...with a detailed work plan and budget."
- Confirmed that their intent is for staff to proceed with the initial design work, recognizing that means spending \$200,000 to \$400,000.

Regular Meeting – P.M.

September 27, 2004

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R897/04/09/27 THAT City of Kelowna develop a conceptual design for the future aquatic centre to include a 50 metre main pool and a major leisure waterpark to be located in the Mission Recreation Park;

AND THAT the property tax increase required for the annual operating cost and capital cost debt financing not exceed 4%;

AND THAT Council direct staff to conduct a request for proposal process to retain the services of a qualified design/build team, and a qualified aquatic facility operator;

AND THAT Council direct staff to conduct further research and market analysis to verify attendance and revenue projections, admission fee levels, and facility programming options;

AND THAT a public education and communication strategy be prepared for Council approval;

AND FURTHER THAT Council direct staff to report back with a detailed work plan and budget.

Carried

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 (a) Planning & Corporate Services Department, dated September 14, 2004 re: TA04-0008 – City of Kelowna Zoning Bylaw Text Amendment (BL9306)

Staff:

- As part of the first phase of development within the Kirschner Mountain Area Structure Plan boundary, an area was designated for RU4h – Cluster Housing (hillside) development and a lot designated for RU6h – Two Family Dwelling Housing (Hillside) development. However, the text amendment that would have included the two zones in Zoning Bylaw 8000 was inadvertently missed.
- The proposed text amendment also includes wording clarification of the setbacks.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R898/04/09/27 THAT Zoning Bylaw Text Amendment No. TA04-0008 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Planning & Corporate Services Department dated September 14, 2004 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA04-0008 be forwarded to a Public Hearing for further consideration.

Carried

Regular Meeting – P.M.

September 27, 2004

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9306 (TA04-0008) – City of Kelowna Zoning Bylaw Amendment

Moved by Councillor Given/Seconded by Councillor Horning

R899/04/09/27 THAT Bylaw No. 9306 be read a first time.

Carried

- 4.2 (a) Planning & Corporate Services Department, dated September 8, 2004 re: OCP04-0015 – Official Community Plan Text Amendment (BL9310)

Staff:

- On June 7, 2004 Council supported a request from staff to pursue an amendment to the Official Community Plan (OCP) to further restrict development potential on lands designated Future Urban Reserve.
- Future Urban Reserve is defined as lands with some development potential that are not projected for development within the 20 year time horizon, and states that lands within the designation will not be supported for development to parcels less than 4.0 ha (10 acres) in size. That wording is proving to not be a sufficient deterrent.
- The proposed amendment would change the definition to state that lands within the Future Urban Reserve will not be supported for further parcelization without an OCP amendment by Council to remove the Future Urban Reserve designation in favour of some other land use designation. Applications for a secondary suite or homesite severance would be exempt.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R900/04/09/27 THAT Official Community Plan Amendment Application No. OCP04-0015 to amend Kelowna 2020 – Official Community Plan Bylaw No. 7600 by changing the description for Future Urban Reserve in Section 19 to read as follows be considered by Council:

“Future Urban Reserve

Land that has some development potential but is not projected for development within the Official Community Plan 20-year time horizon. There is potential for the reconsideration of the status of these lands as part of a future review and updating of the Official Community Plan. These boundaries are schematic in nature, and include lands that may remain within the ALR. Lands within this designation will not be supported for any further parcelization.”;

AND THAT the Official Community Plan amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT staff send written notification of the Public Hearing date for this OCP amendment to the registered owner and occupants of the affected properties.

Carried

Councillor Shepherd opposed.

Regular Meeting – P.M.

September 27, 2004

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9310 (OCP04-0015) – Official Community Plan Text Amendment **requires majority vote of Council (5)**

Moved by Councillor Given/Seconded by Councillor Clark

R901/04/09/27 THAT Bylaw No. 9310 be read a first time.

Carried

Staff:

- Now that Council has given this OCP amendment first reading, in accordance with the Local Government Act, this will confirm that the OCP amendment was considered in conjunction with the City's financial plan and waste management plan and staff have agreed that the application can go forward without affecting either of those two plans.

4.3 (a) Planning & Corporate Services Department, dated September 7, 2004 re: Rezoning Application No. Z04-0051 – Donald Tulloch – 608 Coronation Avenue (BL9307)

Staff:

- The rezoning is requested to legalize an existing suite that was discovered as a result of a bylaw enforcement complaint.

Moved by Councillor Given/Seconded by Councillor Cannan

R902/04/09/27 THAT Rezoning Application No. Z04-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 49, District Lot 139, ODYD Plan 1037, located on Coronation Avenue, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium 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 amending bylaw be withheld pending inspection and approval of the proposed secondary suite by the Inspection Services Department.

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9307 (Z04-0051) – Donald Tulloch – 608 Coronation Avenue

Moved by Councillor Hobson/Seconded by Councillor Given

R903/04/09/27 THAT Bylaw No. 9307 be read a first time.

Carried

Regular Meeting – P.M.

September 27, 2004

- 4.4 (a) Planning & Corporate Services Department, dated September 10, 2004 re: Rezoning Application No. Z04-0054 – Andjefa Whitehouse and Stephane Archer – 857 Raymer Road (BL9308)

Staff:

- The proposed suite would be on the main floor of the 2 storey building. On-site parking requirements can be met.

Moved by Councillor Shepherd/Seconded by Councillor Given

R904/04/09/27 THAT Rezoning Application No. Z04-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, D.L. 580a, SDYD Plan KAP73731, located on Raymer 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 amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction.

Carried

- (b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9308 (Z04-0054) – Andjefa Whitehouse and Stephane Archer – 857 Raymer Road

Moved by Councillor Given/Seconded by Councillor Shepherd

R905/04/09/27 THAT Bylaw No. 9308 be read a first time.

Carried

- 4.5 (a) Planning & Corporate Services Department, dated September 16, 2004 re: Rezoning Application No. Z04-0058 – Albert & Edeltraud Schadek – 3381 Oliver Court (BL9309)

Staff:

- The applicant is proposing to move a modular home onto the rear of the site and attach a carport to the structure.
- Vehicle and pedestrian access to the suite would be via an extension of the existing driveway.
- A separate septic tank would have to be installed for the suite; the existing septic field has the capacity to accommodate the additional load.
- City Works & Utilities staff have concern with the septic disposal but leave it up to the (Provincial) Public Health Officer to approve.
- The Hall Road area has been identified as needing sewer and water before any additional development occurring. However, this application is brought forward because an application for a secondary suite on a nearby property was recently approved by Council.
- The subject property is on its own well.

Regular Meeting – P.M.

September 27, 2004

Council:

- Concerned about this area being on wells and septic given the high water table and ponds in the area. Would like to know when sewer and water is planned for the area.
- Concerned that the Public Health Inspector may not be aware of the location of all the wells in the area.

Moved by Councillor Given/Seconded by Councillor Blanleil

R906/04/09/27 THAT Rezoning Application No. Z04-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 32, Sec. 16, Twp. 26, ODYD, Plan 24182 located at 3381 Oliver Court, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RR3s - Rural Residential 3 with Secondary Suite zone be considered by Council;

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

Carried

Councillors Cannan, Clark, Hobson and Shepherd opposed.

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9309 (Z04-0058) – Albert & Edeltraud Schadek – 3381 Oliver Court

Moved by Councillor Horning/Seconded by Councillor Given

R907/04/09/27 THAT Bylaw No. 9309 be read a first time.

Carried

Councillors Cannan, Clark, Hobson and Shepherd opposed.

4.6 (a) **BYLAWS PRESENTED FOR ADOPTION**

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

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R908/04/09/27 THAT Bylaw No. 9259 be adopted.

Carried

Councillors Clark, Hobson and Shepherd opposed.

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

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R909/04/09/27 THAT Bylaw No. 9260 be adopted.

Carried

Councillors Clark, Hobson and Shepherd opposed.

Regular Meeting – P.M.

September 27, 2004

- (b) Planning & Corporate Services Department, dated September 16, 2004 re: Development Permit Application No. DP04-0025 – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road

Staff:

- The applicant is proposing to develop the site with 56 units of two storey rowhousing in 3 phases. This is reduced from the 60 units that the applicant was initially proposing.
- Displayed an artist's rendering showing proposed building elevations and exterior finishes.
- Changes were made to the building exteriors as a result of input at the Advisory Planning Commission.

Moved by Councillor Horning/Seconded by Councillor Given

R910/04/09/27 THAT Council authorize the issuance of Development Permit No. DP04-0025 for Lot A, Section 26, Township 26, ODYD Plan 19712, located on Craig Road, 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 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

Councillors Clark, Hobson and Shepherd opposed.

5. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Given/Seconded by Councillor Shepherd

R911/04/09/27 THAT Bylaw No. 9262 be adopted.

Carried

Regular Meeting – P.M.

September 27, 2004

- 5.2 Bylaw No. 9292 (TA03-0008) – Amendment to City of Kelowna Zoning Bylaw No. 8000.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R912/04/09/27 THAT Bylaw No. 9292 be adopted.

Carried

- 5.3 Bylaw No. 9297 (Z04-0032) – Gerry Toye – 595 Ziprick Road

Moved by Councillor Hobson/Seconded by Councillor Day

R913/04/09/27 THAT Bylaw No. 9297 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Civic Properties Manager, dated September 17, 2004 re: “Old Surtees Property” Request for Proposals/Expressions of Interest (0890-20)

Withdrawn.

- 6.2 Director of Financial Services, dated September 22, 2004 re: Policy No. 253 – Mileage Reimbursement Allowance 1800-00)

Moved by Councillor Hobson/Seconded by Councillor Day

R914/04/09/27 THAT Council Policy 253 - Use of City Owned and Personal Vehicles for City Use be amended by increasing the per-kilometre rate for constant users from \$0.40 to \$0.45 for the first 5,000 kilometres driven in a calendar year, and to increase the per-kilometre rate for kilometres driven over 5,000 in a calendar year from \$0.15 to \$0.24; and to increase the occasional users per-kilometre rate from \$0.35 to \$0.45;

AND THAT the \$150.00 monthly flat rate allowance currently paid to constant users be reaffirmed.

Carried

- 6.3 Director of Financial Services, dated September 22, 2004 re: Policy 164 – Travel Expenses – Employee and Officers (1800-00)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R915/04/09/27 THAT Council Policy 164 - Travel Expenses, Officers and Employees, be amended by increasing the per kilometre rate to \$0.45 per kilometre, consistent with Council Policy 253;

AND THAT Policy 164 be further amended to add an accommodation allowance of \$50.00 per night to persons travelling on approved City business travel, who stay with friends or relatives in lieu of a hotel.

Carried

Regular Meeting – P.M.September 27, 20047. RESOLUTIONS7.1 Draft Resolution re: 2005 Council Meeting Schedule (0530-01)

Staff:

- Subsequent to the agenda package being printed, realized that what with members of Council traveling to Japan to attend the Kelowna Day and Canada Day celebrations during the 2005 World Exposition, there is a risk that a quorum would not be achieved for the April 4 and 5 Council meeting dates.

Council:

- Agreed not to schedule any meetings for April 4 and 5 and to schedule a Public Hearing/Regular Meeting on April 12 instead.

Moved by Councillor Given/Seconded by Councillor Day**R916/04/09/27** THAT the 2005 Council Meeting schedule be adopted as follows:Monday Regular Meetings

January 10, 17, 24 and 31
 February 7, 14, 21 and 28
 March 7, 14, 21
 April 11, 18 and 25
 May 2, 9, 16 and 30
 June 13, 20 and 27
 July 11 and 25
 August 8, and 22
 September 12 and 19
 October 3, 17, 24 and 31
 November 7, 14 and 28
 December **5, 12 and 19

Public Hearing/Regular Meetings

January 11 and 25
 February 8 and 22
 March 8 and 22
 April 12 and 19
 May 3 and 24
 June 14 and 28
 July 12 and 26
 August 9 and 23
 September 6 and 20
 October 4 and 18
 November 1, 15 and 29
 December 13

** Inaugural Meeting – 7:00 p.m.

Carried8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**8.1 Bylaw No. 9311 – Amendment No. 17 to Solid Waste Management Bylaw No. 7173Moved by Councillor Day/Seconded by Councillor Cannan**R917/04/09/27** THAT Bylaw No. 9311 be read a first, second and third time.Carried

Regular Meeting – P.M.

September 27, 2004

8.2 Bylaw No. 9312 – Amendment No. 11 to Fire Prevention Regulations
Bylaw No. 6110-88

Council:

- The bylaw amendment was to also include definitions for 'fuel reduction' and hazard abatement'.

Staff:

- The bylaw could be amended at third reading to include the definitions.

Moved by Councillor Day/Seconded by Councillor Cannan

R918/04/09/27 THAT Bylaw No. 9312 be read a first, second and third time.

Carried

Councillors Clark and Given opposed.

9. COUNCILLOR ITEMS

(a) 2004 UBCM Convention in Kelowna

Members of Council congratulated David Shipclark and the other organizers of the UBCM conference for the success of the convention, and commented on meetings with various cabinet ministers during the convention.

(b) Provincial Legislation for WCB Compensation for Fire Fighters

Councillor Horning noted that the fire fighters are looking for support from Council in this matter. Mayor Gray reminded Council that labour relations issues are to be discussed in-camera.

(c) Extension of Abbott Street Recreational Corridor

Councillor Cannan commented that to his recollection the Abbott Street recreational corridor was to be extended to the Hospital and asked for a status report from staff on that, and for a report from staff to initiate a discussion about options and cost implications for extending the recreational corridor south beyond the Hospital.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R919/05/09/27 THAT staff report back to Council with the options and cost implications for extending the Abbott Street recreational corridor south.

Carried

10. TERMINATION

The meeting was declared terminated at 4:29 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am