

Regular Meeting – P.M.February 7, 2005

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 7, 2005.

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

Council members absent: Councillors B.A. Clark, R.D. Hobson and E.A. Horning.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi, Acting Deputy City Clerk, D.M. Fediuk; Manager of Development Services, A.V. Bruce*; Acting Manager of Policy, Research & Strategic Planning, G.L. Stephen*; Subdivision Approving Officer, R.G. Shaughnessy*; Planner-Long Range, G. Routley*; Financial Planning Manager, K. Grayston*; Wastewater Manager, W.J. Berry*; Inspecting Services Managers, K. Skinner and R. Dickinson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Patrick Allwood, Town Crier, District of Salmon Arm re: Salmon Arm Centennial in 2005

Patrick Allwood, Town Crier, District of Salmon Arm:

- Brought greetings from Salmon Arm in celebration of the centennial of the incorporation of Salmon Arm this year.
- Presented Council with calendars and a plaque with two centennial coins minted to commemorate the founding of Salmon Arm.
- Invited Council to visit Salmon Arm on May 15, 2005, the anniversary date of their 100th birthday.

4. UNFINISHED BUSINESS

4.1 **Deferred from Regular Meeting of January 24, 2005** Planning & Corporate Services Department, dated February 2, 2005 re: City of Kelowna Strategic Plan (2004)

Staff:

- Outlined the proposed amendments that have been implemented into the draft document in response to Council's comments at initial consideration of the Strategic Plan.

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Council:

- Change the wording of the revised vision statement to read "...where the agricultural and beautiful natural setting....".
- Goal 1, Objective 3 – change the word "damages" to "impacts".
- Goal 2, Objective 3 – change the timeframe for the last action item from MT to ST-MT.
- Goal 3, Objective 1 – add a new action plan that reads "Encourage and support planning that promotes Kelowna as a child-friendly community."
- Develop an objective to recognize that we are working cooperatively with the Regional District of Central Okanagan and Westbank First Nation in development of a plan for the region.

Moved by Councillor Cannan/Seconded by Councillor Day

R086/05/02/07 THAT the City of Kelowna Strategic Plan (2004) considered by Council on January 24, 2005 be amended as outlined in the report of the Planning and Corporate Services Department dated February 2, 2005;

AND THAT the draft Plan be further amended as requested by Council at this meeting;

AND FURTHER THAT the 2004 Strategic Plan, as amended, be endorsed by Council.

Carried

5. DEVELOPMENT APPLICATIONS

5.1 Rezoning Application No. Z04-0072 – Richard & Linda Monti (Rob Webster/D.E. Pilling & Associates Ltd.) – 1160 Band Road (BL9459)

(a) Planning & Corporate Services report dated January 20, 2005.

Councillor Day declared a conflict of interest as owner of a substantial land holding in the area and left the Council Chamber at 2:25 p.m.

Staff:

- The rezoning would facilitate a 20-lot single family residential subdivision.
- The application is consistent with the Official Community Plan, the Area Structure Plan (ASP) and the Black Mountain Sector Plan.
- A park site is proposed on the property to the east.
- The ASP shows a road concept plan and that will be refined as properties develop. However, the adjacent property owner has no plans to subdivide at this time and so the subject property would have temporary access off Band Road until such time as the ultimate road alignment can be achieved through an adjacent property.

Moved by Councillor Shepherd/Seconded by Councillor Given

R087/05/02/07 THAT Rezoning Application No. Z04-0072 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 13388 except Plan H8383, located on Band Road, Kelowna, B.C., 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.

Carried

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BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9459 (Z04-0072) - Richard & Linda Monti (Rob Webster/D.E. Pilling & Associates Ltd.) – 1160 Band Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R088/05/02/07 THAT Bylaw No. 9459 be read a first time.

Carried

Councillor Day returned to the Council Chamber at 2:30 p.m.

5.2 Rezoning Application No. Z04-0079 and OCP04-0022 – Ravinderdeep Poonian – 908 El Paso Road (BL9367; BL9368)

- (a) Planning & Corporate Services report dated January 28, 2005.

Staff:

- The applicant was successful in getting permission from the Agricultural Land Commission for exclusion from the Agricultural Land Reserve because the topography made the site difficult to farm.
- The applicant is now wanting to subdivide to create a 24-lot single family residential and 31-unit two family cluster housing development. An Official Community Plan amendment is required to accommodate the proposed subdivision.

Moved by Councillor Shepherd/Seconded by Councillor Day

R089/05/02/07 THAT OCP Bylaw Amendment No. OCP04-0022 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 15, Sec. 25, Twp. 26, ODYD, Plan KAP73538 except Plan KAP75858, located on El Paso Road, Kelowna, B.C., from the Rural/Agricultural designation to the Single/Two-Family designation be considered by Council;

AND THAT Rezoning Application No. Z04-0079 to amend the City of Kelowna Zoning Bylaw No 8000 by changing the zoning classification of Lot 15, Sec. 25, Twp. 26, ODYD, Plan KAP73538 except Plan KAP75858, located on El Paso Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 - Large Lot Housing, RU2 - Medium Lot Housing, and RU4 - Low Density Cluster Housing zones, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated January 28, 2005 be considered by Council;

AND FURTHER THAT the OCP and zone amending bylaws be forwarded to a Public Hearing for further consideration.

Carried

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BYLAWS PRESENTED FOR FIRST READING

- (b) Bylaw No. 9367 (OCP04-0022) - Ravinderdeep Poonian – 908 El Paso Road **Requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Cannan

R090/05/02/07 THAT Bylaw No. 9367 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.

- (c) Bylaw No. 9368 (Z04-0079) - Ravinderdeep Poonian – 908 El Paso Road

Moved by Councillor Cannan/Seconded by Councillor Day

R091/05/02/07 THAT Bylaw No. 9368 be read a first time.

Carried

- 5.3 Rezoning Application No. Z04-0062 – 694230 B.C. Ltd. (Harold Schneider/Mill Creek Developments Ltd.) – 3301 Appaloosa Road (BL9365)

- (a) Planning & Corporate Services report dated January 27, 2005.

Staff:

- The intent is to consolidate the subject property with the adjacent industrially zoned property and develop the site with a comprehensive warehousing project with a total of eight buildings.
- The main access would be from an improved cul-de-sac at the end of Appaloosa Road.

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Moved by Councillor Cannan/Seconded by Councillor Day

R092/05/02/07 THAT Rezoning Application No. Z04-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, Sec. 2, Twp. 23, ODYD, Plan KAP76772, located on Appaloosa Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the I2 - General Industrial zone, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated January 27, 2005 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 withheld pending the registration on title of the subject property, a covenant restricting outdoor storage between the Hollywood Road frontage and the western extent of the previously registered road closure;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

BYLAW PRESENTED FOR FIRST READING

(b) Bylaw No. 9365 (Z04-0062) - 694230 B.C. Ltd. (Harold Schneider/Mill Creek Developments Ltd.) – 3301 Appaloosa Road

Moved by Councillor Given/Seconded by Councillor Shepherd

R093/05/02/07 THAT 9365 be read a first time.

Carried

5.4 Rezoning Application No. Z04-0084 and OCP04-0024 – Stream Harbor Enterprises Ltd. – 2767 Saucier Road (BL9361; BL9362)

(a) Planning & Corporate Services report dated January 26, 2005.

Staff:

- The property was created under a subdivision plan dating back prior to amalgamation. Although a single family dwelling has existed on the property since that time, the property was mistakenly zoned Commercial.
- The subject application would correct the non-conformity and allow the applicant to add an accessory building to the site.
- A variance will also be required to vary the minimum parcel size for lots not serviced with a sanitary sewer system.

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Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R094/05/02/07 THAT OCP Bylaw Amendment No. OCP04-0024 to amend Map 19.1 of the Kelowna 2020 Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Sec. 4, Twp. 26, ODYD Plan 17319, located on Saucier Road, Kelowna, B.C., from the Commercial designation to the Rural/Agricultural designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated January 26, 2005 be considered by Council;

AND THAT Rezoning Application No. Z04-0084 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 4, Twp. 26, ODYD Plan 17319, located on Saucier Road, Kelowna, B.C., from the C1 – Local Commercial zone to the RR3 – Rural Residential 3 zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0024 and 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 South Kelowna Irrigation District being completed to their satisfaction.

Carried

BYLAWS PRESENTED FOR FIRST READING

- (b) Bylaw No. 9361 (OCP04-0024) - Stream Harbor Enterprises Ltd. – 2767 Saucier Road **Requires majority vote of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R095/05/02/07 THAT Bylaw No. 9361 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.

- (c) Bylaw No. 9362 (Z04-0084) - Stream Harbor Enterprises Ltd. – 2767 Saucier Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R096/05/02/07 THAT Bylaw No. 9362 be read a first time.

Carried

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5.5 Rezoning Application No. Z05-0001 – Chris Young and Nadia Spodarek (Peter Chataway) – 358 Cadder Avenue (BL9366)

- (a) Planning & Corporate Services report dated January 27, 2005.

Staff:

- The rezoning would facilitate a secondary suite in an accessory building proposed for construction at the rear of the property.
- The property is within the Abbott Street Heritage Conservation Area and as such a Heritage Alteration Permit will be required to address the issues of form and character for the addition.

Moved by Councillor Blanleil/Seconded by Councillor Given

R097/05/02/07 THAT Rezoning Application No. Z05-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, D.L. 14, ODYD Plan 3514, located on Cadder Avenue, 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.

Carried

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9366 (Z05-0001) - Chris Young and Nadia Spodarek (Peter Chataway) – 358 Cadder Avenue

Moved by Councillor Given/Seconded by Councillor Shepherd

R098/05/02/07 THAT Bylaw No. 9366 be read a first time.

Carried

5.6 Rezoning Application No. Z04-0081 – Elizabeth Csiki and Lisa & Doug Lundquist – 713 Royal Pine Drive (BL9458)

- (a) Planning & Corporate Services report dated January 21, 2005.

Staff:

- The subject property is currently vacant. The applicant proposes to develop a secondary suite within a single family dwelling to be constructed on the site.
- The suite would be above the proposed garage.

Moved by Councillor Given/Seconded by Councillor Shepherd

R099/05/02/07 THAT Rezoning Application No. Z04-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 30, Township 26, ODYD Plan KAP49027, located on Royal Pine Drive, 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.

Carried

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BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9458 (Z04-0081) – Elizabeth Csiki and Lisa & Doug Lundquist – 713 Royal Pine Drive

Moved by Councillor Shepherd/Seconded by Councillor Given

R100/05/02/07 THAT Bylaw No. 9458 be read a first time.

Carried

5.7 Zoning Bylaw Text Amendment No. TA04-0009 – City of Kelowna

- (a) Planning & Corporate Services report dated January 24, 2005.

Staff:

- The added definitions are needed to clarify how the number of storeys is determined when building a home on a slope with a walk-out basement.

Moved by Councillor Shepherd/Seconded by Councillor Given

R101/05/02/07 THAT Zoning Bylaw Text Amendment No. TA04-0009 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Planning & Corporate Services Department dated January 24, 2005 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA04-0009 be forwarded to a Public Hearing for further consideration.

Carried

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9364 (TA04-0009) – City of Kelowna (Walk-Out Basements)

Moved by Councillor Shepherd/Seconded by Councillor Given

R102/05/02/07 THAT Bylaw No. 9364 be read a first time.

Carried

5.8 Planning & Corporate Services Department, dated February 2, 2005 re: Development Permit Application No. DP05-0009 – Sunstone Resorts (Kelowna) Ltd. (FWS Construction Ltd.) – 660 Lequime Road

Staff:

- The subject application amends the schedules that were attached to a previously approved Development Permit in order to allow upper floor units to extend to the ends of a proposed 4-storey apartment building.
- The applicant had revised the plans to have the ends of the building step back in response to concerns expressed by the Advisory Planning Commission.
- The same number of units is proposed now, but the new owner wants to avoid the building form that steps down at the ends. This is consistent with the 4-storey development on adjacent properties.

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Moved by Councillor Blanleil/Seconded by Councillor Cannan

R103/05/02/07 THAT Council authorize the issuance of Development Permit No. DP05-0009 for Lot C, Sec. 6, Twp. 26, O.D.Y.D. Plan KAP76720, located on Lequime 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

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Inspection Services Manager, dated February 2, 2005 re: ST04-26 - Application for Stratification of a Sixplex at 220-240 Asher Road

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward. There was no response.

Moved by Councillor Day/Seconded by Councillor Given

R104/05/02/07 THAT the application to stratify the six unit row housing at 220-240 Asher Road be approved in the name of L & M Marketing Ltd. with no conditions.

Carried

- 6.2 Financial Planning Manager, dated February 2, 2005 re: Transit – Annual Operating Agreement Amendments (8501-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

R105/05/02/07 THAT Council approve the 2004/2005 Annual Operating Agreement amendments for conventional and custom transit services for the City of Kelowna reflecting the cost savings due to the change in GST regulations;

AND THAT Council approve the renewal of the operating contract for two, twelve-month periods, upon the annual approval of BC Transit and the City of Kelowna for both the conventional and custom transit service.

Carried

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- 6.3 Wastewater Manager, dated January 31, 2005 re: Abandoning Arbitrary Sewer Credits (1822-02)

Staff:

- The intent is to replace estimated credits with credits based on meters.
- There are 95 accounts that would be impacted by this change. They will be sent letters well in advance to allow them time to decide if they meet the criteria and want to install a meter or not.

Moved by Councillor Given/Seconded by Councillor Cannan

R106/05/02/07 THAT, effective on January 1, 2006, the practice of allowing sewer use credits based on arbitrary or estimated irrigation water used be abandoned;

AND THAT those customers that are presently utilizing such a credit be advised that a lump-sum credit will no longer be provided on this basis after the end of 2005;

AND FURTHER THAT Sewerage System User Bylaw No. 3480 be amended to remove the wording allowing sewer credits based on landscaped area and add wording establishing conditions under which sewer credits will be allowed based on measured water use.

Carried

7. DRAFT RESOLUTIONS

- 7.1 Draft Resolution re: Start Time – March 8, 2005 Public Hearing/Regular Meeting (0550-01)

Moved by Councillor Day/Seconded by Councillor Cannan

R107/05/02/07 THAT the start time for the March 8, 2005 Public Hearing/Regular Meeting be changed from 7:00 p.m. to 5:00 p.m.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 9360 – Amendment to Sewerage System User Bylaw, 1972, No. 3480

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R108/05/02/07 THAT Bylaws No. 9360 and 9363 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 9363 – Parcel Tax Bylaw – Bertram Street Local Area Service

See resolution adopted under item No. 8.1 above.

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(BYLAWS PRESENTED FOR ADOPTION)

- 8.3 Bylaw No. 9355 – Amendment No. 1 to Bylaw No. 9244 - Local Service Area No. 23 – South West Rutland

Moved by Councillor Day/Seconded by Councillor Cannan

R109/05/02/07 THAT Bylaw No. 9355 be adopted.

Carried

- 8.4 Bylaw No. 9356 – Local Service Area No. 20/23 Merger Bylaw – North Rutland/South West Rutland

Moved by Councillor Cannan/Seconded by Councillor Day

R110/05/02/07 THAT Bylaw No. 9356 be adopted.

Carried

- 8.5 Bylaw No. 9357 – Amendment to Water Regulation Bylaw No. 2173

Moved by Councillor Given/Seconded by Councillor Shepherd

R111/05/02/07 THAT Bylaw No. 9357 be adopted.

Carried

9. COUNCILLOR ITEMS

(a) Roads Task Force

Councillor Shepherd referred to a comment made by the Roads Task Force that City of Kelowna sidewalk requirements for new development are among the lowest in the province. Referred to staff for a response.

(b) Disruption to Public Access to Parking and Sidewalk Space

Councillor Shepherd expressed concern that during the construction stage of new development in the commercial areas of downtown, public access to sidewalks and parking adjacent to the property under development routinely gets disrupted. Referred to staff.

(c) Handicapped Parking Passes

Councillor Shepherd raised concern about the abuse of handicapped parking passes and suggested that a workshop be organized to look for ways to improve the process (i.e. who should be responsible for allocating the passes, what the requirements should be for qualifying for a pass in the first place and then for keeping the pass, how to ensure that expired passes do not continue to be used, etc.). Councillor Day volunteered to co-chair such a workshop with Councillor Shepherd and suggested the Parking Committee as a resource for setting up the workshop.

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(d) Transportation Corridors - Glenmore

Councillor Cannan advised that the Valley/Clifton Residents Association would like a neighbourhood meeting with City Engineering staff regarding the future transportation corridors in the Glenmore Area. Specifically, they want to be consulted not told what the City's timelines are for connecting Clifton with Skyline and regarding what happens at Mountain and High Roads. Staff will report back with how they intend to involve the public in these decisions.

(e) FOI Requests Regarding Issues Dealt with In-Camera

Councillor Shepherd commented that once information has been released under the Freedom of Information and Protection of Privacy Act (FOI) the information then becomes public for anyone, and asked that members of Council be notified when this occurs so that they are aware the information has been made public.

10. TERMINATION

The meeting was declared terminated at 4:03 p.m.

Certified Correct:

Mayor

Acting Deputy City Clerk

/blh