

Regular Meeting – P.M.

February 28, 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 28, 2005.

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

Council members absent: Councillors A.F. Blanliel and R.D. Cannan.

Staff members in attendance were: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi\*; Director of Financial Services, P.A. Macklem\*, Director of Works & Utilities, J. Vos\*; Director of Parks & Leisure Services, D.L. Graham\*; Manager of Development Services, A.V. Bruce\*; Acting Manager of Policy, Research and Strategic Planning, G.L. Stephen\*, Cultural Services Manager, L. Gunn\*; Planner-Long Range, G.L. Routley\*, and Acting Recording Secretary, I. Tilstra.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Dominic Petrarroia, President and Pat Aldous, Treasurer, The Okanagan Symphony Society re: Funding Request for a \$50,000.00 Draw on the Line of Credit

Sharon-Hughes Gecky, Okanagan Symphony Society:

- Outlined the role of the Okanagan Symphony Society and the Society's challenges and vision for the future.

Moved by Councillor Clark/Seconded by Councillor Given

**R178/05/02/28** THAT the request from the Okanagan Symphony Society for a \$50,000 loan from the City of Kelowna be approved;

AND THAT the 2005 Financial Plan be amended to include funding of the loan and repayment in the current year from the Major Facilities Reserve.

Carried

3.2 Jim Inverarity, Assessor Okanagan Region and Jason Sowinski, Deputy Assessor Central Okanagan re: Farm Class, Agriculture Land Reserve and Commercial Business

Jim Inverarity, Assessor, Okanagan Region:

- Explained how the B.C. Assessment Authority assesses farm lands based on use and advised that the information is on their website along with answers to most commonly asked questions regarding minimum income requirements, split classifications on properties, etc.
- The Board is guided by good supporting legislation on how to handle farm properties.
- Reviewed the basis on which the decisions were made for assessing the Clarke Orchards property, noting their RV Park was found by the Board to be a business like other campgrounds.
- Commented on statements made to Council by Al Clarke at the Regular Meeting of February 21, 2005 regarding the evidence that was provided to the appeal board.

Regular Meeting – P.M.

February 28, 2005

Council:

- Recognized that the B.C. Assessment Authority and the Agricultural Land Commission do not have the authority to change how farm land is assessed.
- Agreed that there is no need to proceed with the directives in the last two paragraphs of their resolution from last week.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R179/05/02/28** THAT Council's resolution from the Regular Meeting of Monday, February 21, 2005 with respect to Agricultural Land Reserve Appeal No. A05-0001 (Clarke Orchards – Union Road) be amended by deleting paragraphs three and four.

Carried

4. UNFINISHED BUSINESS

4.1 Heritage Alteration Permit Application No. HAP05-0003 – 474 Cadder Avenue

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

Staff:

- The Heritage Alteration Permit (HAP) would allow for the existing house to be demolished. The building scored 46 under the staff assessment for heritage value; the minimum score is 55 to qualify for being on the Heritage Register.
- If Council denies the HAP, the City could become liable for compensation for infringing on the rights of the property owner.

Moved by Councillor Given/Seconded by Councillor Horning

**R180/05/02/28** THAT the report of the Director of Planning and Corporate Services dated February 24, 2005 be received for information.

Carried

Moved by Councillor Given/Seconded by Councillor Horning

**R181/05/02/28** THAT Council hear from the applicant.

Carried

Councillor Clark opposed.

Jim Langley, representing the property owner:

- Responded to questions of Council and clarified that the applicant is only asking for permission to demolish the building at this point.

Regular Meeting – P.M.

February 28, 2005

- (b) TABLED MOTION (from the Regular Meeting of February 21, 2005)

Moved by Councillor Given/Seconded by Councillor Hobson

THAT staff be instructed not to issue a demolition permit at 474 Cadder Avenue.

Amendment Moved by Councillor Shepherd /Seconded by Councillor Hobson

**R182/05/02/28** THAT the motion be amended to add “until an independent evaluation of the property can be brought before Council”.

Carried

Councillors Clark, Day and Horning opposed.

The original motion was then voted on and carried, as follows:

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R183/05/02/28** THAT staff be instructed not to issue a demolition permit at 474 Cadder Avenue until an independent evaluation of the property can be brought before Council.

Carried

Councillors Clark, Day and Horning opposed.

Moved by Councillor Shepherd /Seconded by Councillor Hobson

**R184/05/02/28** THAT staff ensure that Heritage Procedures Bylaw No. 7776 is clear that Heritage Alteration Permit Applications delegated to the Director of Planning & Corporate Services for approval, may at his discretion, be referred to Council for a decision.

Carried

## 5. DEVELOPMENT APPLICATIONS

### 5.1 Official Community Plan Amendment Application No. OCP05-0005 – Amendment to 20-Year Major Road Network and Road Classification Plan (BL9376, 6480-30)

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

Staff:

- The proposed amendment would incorporate into the OCP the proposed alignment for the future Water/Pandosy connection south of Harvey Avenue as recommended by the Roads Task Force and endorsed by Council.

Regular Meeting – P.M.

February 28, 2005

Moved by Councillor Given/Seconded by Councillor Shepherd

**R185/05/02/28** THAT OCP Text Amending Bylaw No. 9376 to amend Map 12.1 - 20 Year Major Road Network and Road Classification Plan of Kelowna Official Community Plan (2000 – 2020) Bylaw No. 7600 as outlined the report of the Planning & Corporate Services Department dated February 24, 2005 be considered by Council;

AND THAT OCP Text Amending Bylaw No. 9376 be forwarded to a Public Hearing for further consideration.

Carried

**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9376 (OCP05-0005) – An amendment to Map 12.1 – 20 Year Major Road Network and Road Classification Plan

Moved by Councillor Day/Seconded by Councillor Hobson

**R186/05/02/28** THAT Bylaw No. 9376 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.

5.2 Rezoning Application No. Z04-0085 – Angela Percy (Salloum and Company) – 195 Hartman Road (BL9372)

- (a) Planning & Corporate Services report dated February 16, 2005.

Staff:

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

Moved by Councillor Horning/Seconded by Councillor Given

**R187/05/02/28** THAT Rezoning Application No. Z04-0085 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 26, Twp. 26, ODYD Plan 25374 , located on Hartman Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 – Two Dwelling Housing zone as shown on Map "A" attached to the report of the Planning & Corporate Services Department dated February 16, 2005, be considered by Council;

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

Carried

Regular Meeting – P.M.

February 28, 2005

**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9372 (Z04-0085) - Angela Percy (Salloum and Company) – 195 Hartman Road

Moved by Councillor Given/Seconded by Councillor Horning

**R188/05/02/28** THAT Bylaw No. 9372 be read a first time.

Carried

- 5.3 Rezoning Application No. Z04-0086 – Gordon Wiancko and Jennie and Carey Coukell (Lynn Welder Consulting) – 727 & 737 Stremel Road (BL9374)

- (a) Planning & Corporate Services report dated February 23, 2005.

Staff:

- The applicant is proposing to construct a self-storage facility on the site.

Moved by Councillor Horning/Seconded by Councillor Shepherd

**R189/05/02/28** THAT Rezoning Application No. Z04-0086 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 34, Twp. 26, O.D.Y.D., Plan 20471 and Lot 1, Sec. 34, Twp. 26, O.D.Y.D., Plan 18713, located on Stremel Road, Kelowna, B.C. from the existing RU1 – Large Lot Housing zone to the proposed I2 – General Industrial 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

**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9374 (Z04-0086) - Gordon Wiancko and Jennie & Carey Coukell (Lynn Welder Consulting) – 727 & 737 Stremel Road

Moved by Councillor Horning/Seconded by Councillor Given

**R190/05/02/28** THAT Bylaw No. 9374 be read a first time.

Carried

Regular Meeting – P.M.

February 28, 2005

5.4 Rezoning Application No. Z05-0006 – McIntosh Properties Ltd. – 2120 & 2130 Leckie Place (BL9375)

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

Staff:

- The rezoning would allow the applicant to place an office tenant in one of the three existing warehouse spaces.
- If Council agrees to waive the public hearing, the application would still be advertised as if it were going to a Public Hearing.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R191/05/02/28** THAT Rezoning Application No. Z05-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 531, ODYD Plan KAP54290 and Lot 2, District Lots 127 and 531 ODYD Plan KAP54290, located on Leckie Place, Kelowna, B.C. from the I3 – Heavy Industrial zone to the I1 – Business Industrial zone be considered by Council;

AND THAT pursuant to the provisions of the City of Kelowna Council Policy No. 307 and Section 890 of the Local Government Act the requirement for the public hearing be waived;

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.

Carried

**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9375 (Z05-0006) - McIntosh Properties Ltd. – 2120 & 2130 Leckie Place

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R192/05/02/28** THAT Bylaw No. 9375 be read a first time.

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Draft Council Policy – Future Urban Reserve (0550-06)

Staff:

- The policy clarifies that some form of development may still be appropriate for land within the Future Urban Reserve and that a change in land use designation may be supportable.
- The policy is brought forward as requested by Council, as an interim measure until such time as wording can be added to the OCP.

Moved by Councillor Hobson/Seconded by Councillor Given

**R193/05/02/28** THAT Council Policy No. 323 – Future Urban Reserve be approved by Council, as attached to the Draft Resolution dated February 24, 2005.

Carried

Councillors Horning and Shepherd opposed.

Regular Meeting – P.M.

February 28, 2005

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

7.1 Bylaw No. 9330 – Road Closure Bylaw – Abbott Street

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

Moved by Councillor Hobson/Seconded by Councillor Day

**R194/05/02/28** THAT Bylaw No. 9330 be adopted.

Carried

8. COUNCILLOR ITEMS – Nil.

9. TERMINATION

The meeting was declared terminated at 4:09 p.m.

Certified Correct:

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Mayor

IT/SCF/blh

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Acting City Clerk