

Regular Meeting – P.M.

April 11, 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, April 11, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, 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: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Financial Services, P.A. Macklem*; Financial Accounting & Systems Manager, R. Mayne*; Acting Manager of Policy, Research & Strategic Planning, G.L. Stephen*; Community Planning Manager, T. Eichler*; Urban Planner, P.J. McCormick*; Transportation Manager, R.W. Westlake*; Traffic & Transportation Engineer, H. Thompson*; Wastewater Manager, W.J. Berry*; Water Manager, D. Degen*; Parks Manager, J. Creron*; Civic Properties Manager, J. Waugh*; Cultural Services Manager, L. Gunn*; Sports & Facilities Manager, J. Gabriel*; Events & Facilities Supervisor, D. Backmeyer*; Assistant Fire Chief, L. Wilde*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Delegation from Guelph, Ontario re: Presentation of a Cheque for the Kelowna Tree ReLeaf Program

- Mayor Gray was presented with a cheque in the amount of \$15,000 toward the Kelowna Tree ReLeaf Program from a delegation from Guelph, Ontario. The delegation of 33 are in Kelowna to plant 11,000 seedlings to help replace the trees lost in the 2003 Okanagan Mountain Park Forest Fire.

Councillor Hobson joined the meeting at 1:34 p.m.

3.2 Larry Widmer, President Kelowna Arts Foundation re: 2005 Grants

Moved by Councillor Given/Seconded by Councillor Shepherd

R308/05/04/11 THAT Council receive for information, the correspondence from the Kelowna Arts Foundation dated March 9, 2005 advising of the recipients of 2005 grant monies distributed by the Arts Foundation on behalf of Council;

AND THAT the 2005 grants totalling \$210,000 be approved as recommended by the Kelowna Arts Foundation.

Carried

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4. DEVELOPMENT APPLICATIONS

- 4.1 Planning & Corporate Services report dated March 18, 2005 re: Agricultural Land Reserve Appeal No. A05-0003 – Robert & Cheryl Blasco – 2330 Silver Place

Staff:

- The applicant is applying for permission to develop a suite on the second storey of an accessory building on the property.
- The Agricultural Advisory Committee did not support the application because the 2 ha size of the property was considered to be too small.
- Planning staff recommend non-support because City development policies do not allow for a secondary suite in the Agricultural Land Reserve.

Moved by Councillor Shepherd/Seconded by Councillor Given

R309/05/04/11 THAT Council hear from the applicant.

Carried

Robert & Cheryl Blasco, applicants:

- The main floor of the accessory building is intended for use as a shop.
- The suite would be 900 sq. ft. which meets the size requirement for the Agricultural Land Commission.
- The suite would be occupied by their son.
- There would be no net loss of farm land.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R310/05/04/11 THAT Agricultural Land Reserve Appeal No. A05-0003, Lot A, Sec. 33, Twp. 26, ODYD, Plan KAP61113, located on Silver Place, in Kelowna, B.C. for a non-farm use to allow for a secondary suite within the Agricultural Land Reserve, pursuant to Section 25(1) of the Agricultural Land Commission Act, be supported by Municipal Council;

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

Carried

- 4.2 Rezoning Application No. Z05-0005 – Lorie Bradshaw – 999 Lanfranco Road (BL9401)

- (a) Planning & Corporate Services report dated March 30, 2005

Staff:

- The applicant is proposing to create a second lot at the south end of the property fronting onto Barberr Street.
- The application is consistent with City development policies.
- The Advisory Planning Commission recommends support.

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Moved by Councillor Shepherd/Seconded by Councillor Hobson

R311/05/04/11 THAT Rezoning Application No. Z05-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, D.L. 135, ODYD Plan 20294, located on Lanfranco Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the RU2 - Medium Lot Housing 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 in conjunction with Council's consideration of a development variance permit on the subject property.

Carried

BYLAW PRESENTED FOR FIRST READING

(b) Bylaw No. 9401 - Lorie Bradshaw – 999 Lanfranco Road

Moved by Councillor Given/Seconded by Councillor Horning

R312/05/04/11 THAT Bylaw No. 9401 be read a first time.

Carried

4.3 Rezoning Application No. Z05-0007 – Kevin & Pamela Purnell – 4110 Tatlow Road (BL9404)

(a) Planning & Corporate Services report dated April 1, 2005

Staff:

- The applicant is proposing to build an accessory building with a secondary suite at the southeast corner of the site.
- The property is on septic disposal.

Moved by Councillor Shepherd/Seconded by Councillor Given

R313/05/04/11 THAT Rezoning Application No. Z05-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Section 3, Township 26, ODYD, Plan 5504, located on Tatlow Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1s – Agriculture 1 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 South East Kelowna Irrigation District being completed to their satisfaction.

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BYLAW PRESENTED FOR FIRST READING

(b) Bylaw No. 9404 – Kevin & Pamela Purnell – 4110 Tatlow Road

Moved by Councillor Given/Seconded by Councillor Horning

R314/05/04/11 THAT Bylaw No. 9404 be read a first time.

Carried

4.4 Planning & Corporate Services Department, dated April 1, 2005 re: Rezoning Application No. Z05-0004 and OCP05-0001 – The Roman Catholic Bishop of Nelson (Hans Berger & Ted Matte) – 790, 796-798 and 804 Elliot Avenue (BL9402 & BL9403)

Staff:

- The properties are to the immediate west of the Immaculate church site which fronts onto Sutherland Avenue.
- A previous application that was similar but for a larger scale building on both Sutherland and Elliot Avenues was turned down by Council.
- This application is for a similar development, but scaled down.
- The applicant is proposing to develop the property with a 4-storey congregate housing apartment project.
- A Development Permit would be required if the application proceeds.
- The applicant provided correspondence in support along with his application when it was submitted.
- The Advisory Planning Commission recommends support.
- City Planning staff do not recommend support as the proposed form of housing exceeds the highest use of the land around it by more than one increment (two increments) and the height gain is to 4 storeys as compared to 2½ storeys.
- The development would provide housing for the congregation, in close proximity to the church, but the proposed density is too high.

Moved by Councillor Shepherd/Seconded by Councillor Given

R315/05/04/11 THAT Council hear from the applicant.

Carried

Hans Berger, applicant:

- He and other committee members went around the immediate neighbourhood and spoke to those who were home. The design they showed indicated a 4-storey building and only two people objected to the building and there were 74 names.
- The intent is for the project to be non-profit, operated by a society, geared toward seniors on fixed incomes.
- Access would be from the lane.
- If the application proceeds, a variance would be required for parking.
- They already have 157 names of people who have indicated they would like to live in the facility. The majority are 75 years old and up and no longer are driving vehicles.

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Moved by Councillor Horning/Seconded by Councillor Shepherd

R316/05/04/11 THAT OCP Bylaw Amendment No. OCP05-0001 to amend Map 19.1 of *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 12, Sec. 19, Twp. 26, ODYD Plan 3233, and Lots 3 & 4, DL 138, ODYD Plan 4505 located on Elliot Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential – medium density designation be considered by Council;

AND THAT Rezoning Application No. Z05-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, Sec. 19, Twp. 26, ODYD Plan 3233, and Lots 3 & 4, DL 138, ODYD Plan 4505 located on Elliot Avenue, Kelowna, B.C. from the RU6 – Two Dwelling 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 and 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

4.5 Zoning Bylaw Text Amendment No. TA05-0003 and OCP Text Amendment No. OCP05-0006 re Secondary Suites in Agriculture 1 Zone (BL 9399 & BL9400)

(a) Planning & Corporate Services report dated March 9, 2005

Staff:

- A Development Permit (DP) is now required for infill housing when it involves more than one dwelling. When that amendment was made, it should have clarified that it was for urban areas not rural. The proposed OCP amendment exempts the A1s – Agriculture 1 with Secondary Suite zone from the DP requirement for a suite.
- The proposed Zoning Bylaw amendment would allow an accessory building with secondary suite to be located in front of the principle building in the A1s zone provided that the setback requirement can be met.

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Moved by Councillor Hobson/Seconded by Councillor Cannan

R317/05/04/11 THAT OCP Bylaw Text Amendment No. OCP05-0006 to amend Kelowna 2020 - Official Community Plan Bylaw No. 7600 by amending Section 8.3 of Chapter 8 to indicate that properties zoned A1s - Agriculture 1 with Secondary Suite, except those lots subject to Section 1.7.1 of the Zoning Bylaw, qualify for a waiver of the Development Permit requirement for secondary suites;

AND THAT Zoning Bylaw Text Amendment No. TA05-0003 to City of Kelowna Zoning Bylaw No. 8000 by amending Section 9.5.1 to allow an accessory building with a secondary suite in the A1s – Agriculture 1 with Secondary Suite zone to be located in front of the principal dwelling provided it is located at least two times the distance of the required front yard setback, as outlined in Schedule “A” attached to the Planning Department’s report dated March 9, 2005;

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

Carried

BYLAWS PRESENTED FOR FIRST READING

- (b) Bylaw No. 9399 (TA05-0003) – Secondary Suites in Accessory Buildings

Moved by Councillor Shepherd/Seconded by Councillor Clark

R318/05/04/11 THAT Bylaw No. 9399 be read a first time.

Carried

- (c) Bylaw No. 9400 (OCP05-0006) – Amends Section 8.3 – Development Permit Guidelines for the Form & Character of Secondary Suite and Two Dwelling Housing Development **requires majority vote of Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Clark

R319/05/04/11 THAT Bylaw No. 9400 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.

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 9341 (Z04-0076) – Susan Walker – 3240 McCulloch Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R320/05/04/11 THAT Bylaw No. 9341 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Events & Facilities Supervisor, dated April 5, 2005 re: Liquor Primary Stadium Licence for Kinsmen Softball Complex (4322-20)

Moved by Councillor Blanleil/Seconded by Councillor Given

R321/05/04/11 THAT Council approve the application for a Liquor Primary Stadium Licence for the Kinsmen Softball Complex at Mission Recreation Park;

AND THAT the City contract the Kelowna Adult Softball Association to operate the licence under a third party agreement with the City.

Carried

6.2 Financial Accounting & Systems Manager, dated March 18, 2005 re: Bicycle Program – Kelowna & District Society for Community Living (1660-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R322/05/04/11 THAT Council continues to support the Bicycle program with the Kelowna and District Society for Community Living, by entering into a new agreement for the period 2005 - 2009 to provide the collection, safekeeping and ultimate disposal of lost and stolen bicycles within the City of Kelowna.

Carried

6.3 Civic Properties Manager, dated March 30, 2005 re: Regional District of Central Okanagan (RDCO) – Ellison Fire Hall (0870-20)

Moved by Councillor Day/Seconded by Councillor Cannan

R323/05/04/11 THAT City Council approve the five-year lease with the Regional District of Central Okanagan (CORD) for the old Ellison Fire Hall located at 4660 Old Vernon Road attached to the report of the Civic Properties Manager dated March 30, 2005;

AND THAT the Civic Properties Manager be authorized to sign the lease on behalf of the City of Kelowna.

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- 6.4 Civic Properties Manager, dated April 4, 2005 re: Old Chapman Parkade Disposal

Moved by Councillor Day/Seconded by Councillor Blanleil

THAT City Council approve the issuance of a Request for Proposals (RFP) to offer the old Chapman Parkade components for sale.

Moved by Councillor Hobson/Seconded by Councillor Given

R324/05/04/11 THAT further consideration of the Civic Properties Manager's report of April 4, 2005 recommending that the City issue a Request for Proposals for sale of the old Chapman Parkade be deferred for staff to report back on the following:

- Determine whether the operational requirements at the landfill could be met without having to move the parkade pieces, and if not, what the cost would be to move the pieces to an alternate location on the landfill site;
- Consider other options for use of the parkade in the public realm.

Carried

- 6.5 Wastewater Manager, dated March 16, 2005 re: Adjust the Sewer Service Connection Charge Bylaw Amount for Okaview (BL9398)

Moved by Councillor Hobson/Seconded by Councillor Day

R325/05/04/11 THAT Schedule 3 of the Sewer Service Connection Charge bylaw No. 8469 be amended to change the Okaview connection charge amount from \$10,900 to \$17,200 per Single Family Equivalent unit.

Carried

- 6.6 Water/Drainage Manager and Assistant Fire Chief, dated April 4, 2005 re: Hydrant Use Permit Policy (5600-02)

Moved by Councillor Given/Seconded by Councillor Day

R326/05/04/11 THAT Council approve the Hydrant Use Permit Policy for the City of Kelowna Water Utility, as attached to the report dated April 4, 2005 from the Water/Drainage Manager and Assistant Fire Chief;

AND THAT Council authorize staff to bring forward a revised hydrant use fee as part of the Water Regulation Bylaw;

AND FURTHER THAT Council authorize a budget amendment of \$68,200 to implement the Hydrant Use Permit Policy as outlined in the staff report.

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- 6.7 Transportation Manager, dated April 6, 2005 re: Proposed Byrns/Burtch/Guisachan Roundabout (5460-04 & 5400-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R327/05/04/11 THAT the 2005 Financial Plan be amended for the Byrns/Burtch/Guisachan Roundabout to include:

- \$100,000 for trunk sewer installation with funding from the Wastewater Trunks A DCC reserve;
- \$129,000 for civil works and landscaping with funding transferred from existing 2005 budgets for bicycle lanes (\$40,000), replacing taxation funding for Kent Road with Developer Contributions received (\$75,000) and delaying other safety and operational improvements until next year (\$14,000);

AND THAT R & L Excavating be awarded the contract to undertake the project.

Carried

- 6.8 Planning & Corporate Services, dated April 6, 2005 re: Policies and Implementation Strategies for the Provision of Public Washrooms within the Downtown Urban Centre (6480-40)

Council:

- The signs need to also include the times that the washrooms are open.
- Consider some family washrooms so that children do not have to be sent into a washroom on their own.
- Check to see if the federal buildings can be added to the list of locations with publicly available washrooms.

Moved by Councillor Given/Seconded by Councillor Hobson

R328/05/04/11 THAT Council endorse the recommendations outlined in the Planning and Corporate Services report of April 6, 2005 for the provision of public washrooms within the Downtown Urban Centre;

AND THAT staff implement the recommendations as set out in the report over the next two years, subject to final budget review and approval in 2005 and 2006.

Carried

- 6.9 Acting City Clerk, dated April 1, 2005 re: Local Area Service – Pasadena Road (Hollywood Road South to Hollywood Road South)

Moved by Councillor Hobson/Seconded by Councillor Day

R329/05/04/11 THAT the petition received March 30, 2005 from Keith Alimonti and others for the construction of road drainage, road widening, concrete (roll over) curb and gutter, asphalt pavement widening, and topsoil and seeding or sodding of the boulevards on both sides of Pasadena Road be received and referred to the Transportation Manager to place in its order of construction priority;

AND THAT Council receive the Certificate of Sufficiency dated April 1, 2005 declaring that there is sufficient support to allow the requested works to proceed.

Carried

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- 6.10 Acting City Clerk, dated April 5, 2005 re: Local Area Service – Burne Avenue (Richter Street to Ethel Street)

Council:

- Staff should be participating in an information meeting even when the local area service is not City-initiated when there appears to be good level of interest in the neighbourhood. Staff to bring forward a policy outlining when and how that City involvement could occur.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R330/05/04/11 THAT Council receive the Certificate of Sufficiency dated April 5, 2005 declaring that the petition for local improvement works on Burne Avenue between Richter and Ethel Streets did ***not*** meet the requirements of the Community Charter to allow the requested works to proceed.

Carried

- 6.11 Acting City Clerk, dated April 1, 2005 re: 2005 Parcel Tax Roll Review Panel (1951-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R331/05/04/11 THAT the time and place for the sitting of the 2005 Parcel Tax Roll Review Panel be set at 9:00 a.m. on April 26, 2005 in Meeting Room 3 at City Hall, 1435 Water Street, Kelowna, B.C.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9373 – Parcel Tax Bylaw for Local Service Area (Sewer Specified Area) No. 20 – North Rutland

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R332/05/04/11 THAT Bylaws No. 9373, 9396 and 9398 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9396 – Parcel Tax Bylaw – Local Area Service (Sewer Specified Area) No. 28A - Okaview

See resolution adopted under item No. 7.1 above.

- 7.3 Bylaw No. 9398 – Amendment No. 16 to Sewer Connection Charge Bylaw No. 8469

See resolution adopted under item No. 7.1 above.

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(BYLAW PRESENTED FOR AMENDMENT AT THIRD READING)

7.4 Bylaw No. 9384 – Amendment No. 9 to Airport Fees Bylaw No. 7982

Moved by Councillor Day/Seconded by Councillor Cannan

R333/05/04/11 THAT Bylaw No. 9384 be amended at third reading to increase the cap on the recovery fee that the on-site vehicle rental companies charge their customers from 11% to 11.10%.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

7.5 Bylaw No. 9382 – Road Closure Bylaw – Badke Road

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 Cannan/Seconded by Councillor Day

R334/05/04/11 THAT Bylaw No. 9382 be adopted.

Carried

7.6 Bylaw No. 9391 – Amendment No. 12 to Sign Bylaw No. 8235

Councillor Horning declared a conflict of interest because he is running in an upcoming Provincial election and left the Council Chamber at 4:49 p.m.

Moved by Councillor Day/Seconded by Councillor Cannan

R335/05/04/11 THAT Bylaw No. 9391 be adopted.

Carried

Councillor Horning returned to the Council Chamber at 4:49 p.m.

8. COUNCILLOR ITEMS

(a) Civic Awards Finalists

Councillor Given advised that the finalists for the 2004 Civic Awards have been selected. The names and biographies of the finalists have been circulated to Council and the media.

9. TERMINATION

The meeting was declared terminated at 5:06 p.m.

Certified Correct:

Mayor

BLH/am

Acting City Clerk