

Regular Meeting – P.M.

August 8, 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, August 8, 2005.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi\*; P. Macklem, Director of Financial Services\*; R. Westlake, Transportation Manager\*; G. Davidson, Revenue Supervisor\*; and Recording Secretary, I. Tilstra.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:35 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Dr. Paul Hasselback, Interior Health Authority, re: Update on Community Health Initiatives

- Presented information regarding the health issues facing Kelowna's street-oriented populations.
- Discussed the current status of the Interior Health Authority's clinic, which provides basic health services to those on the street as well as many others.
- Approximately 65,000 needles are exchanged per year, a 95% return rate. There is a need in Kelowna for more drop box locations.
- A balanced Four Pillars program is needed to address the social issues related to a large street population.
- It is expected that a West Nile virus control program will be full implemented in the Interior of BC prior to the arrival of the virus.

4. DEVELOPMENT APPLICATIONS

4.1 Planning & Corporate Services Department, dated July 27, 2005 re: Official Community Plan Amendment No. OCP05-0009; Rezoning Application No. Z05-0023 – Monashee Financial Corporation/Patrick McBride (Pending transfer to RA Quality Homes Ltd./Tony Khun) – 632 Craig Road

Councillor Cannan declared himself to be in a potential conflict of interest and excused himself from Council Chambers.

Staff:

- Due to a concern about single-family dwellings abutting directly against an active agricultural area, staff had recommended against a previous application for this property.
- Council had approved the previous application on the condition that the existing barn be removed and an appropriate buffer be created between the subdivision and ALR land, however, the previous owner of the property did not wish to remove the barn and so the conditions were never met.
- While the new owner/applicant has agreed to the removal of the barn, staff are maintaining a position of non-support due to the proximity of agricultural activity.

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Moved by Councillor Shepherd/Seconded by Councillor Given

**R747/05/08/08** THAT Council hear from the applicant.

Carried

Tony Khun, Applicant:

- Intends to consult with those neighbours directly adjacent to the proposed subdivision to address their concerns.
- Cedar hedging and a fence will be installed to provide a buffer between the subdivision and agricultural activity, as per discussions with the Subdivision Approving Officer.
- The applicant would agree to the placement of a covenant on the title of subdivision lots, informing prospective purchasers of agricultural activity on the adjacent ALR land.

Moved by Councillor Given/Seconded by Councillor Horning

**R748/05/08/08** THAT OCP Bylaw Amendment No. OCP05-0009 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot B, Sec. 26, Twp. 26, ODYD, Plan 28885, located on Craig/Lacombe Roads, Kelowna, BC, from the Rural/Agriculture designation to the Single/Two Unit Residential designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated July 27, 2005 be considered by Council;

AND THAT Rezoning Application No. Z05-0023 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sec. 26, Twp. 26, ODYD, Plan 28885, located on Craig/Lacombe Roads, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone and the RU1s – Large Lot Housing with Secondary Suite zone as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated July 27, 2005, be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP05-0019 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

Councillor Cannan returned to Council Chambers.

4.2 **Rezoning Application No. Z00-1059 – Romesha Ventures Inc. (Protech Consultants Ltd./Grant Maddock) – 1374 Highway 33 East (BL9195)**

Councillor Day declared himself to be in a conflict of interest on items 4.2 and 4.3 as he is the owner of adjoining properties and excused himself from Council Chambers.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R749/05/08/08** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 9195 (Z00-1059 – Romesha Ventures Inc) 1374 Highway 33 East be extended to September 23, 2005.

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- 4.3 Planning & Corporate Services Department, dated July 26, 2005 re: Rezoning Application No. Z03-0066 – Melcor Lakeside Inc./David Poppitt – South of Swainson & Treetop Roads, North of Lund & Begley Roads & East of Henderson Drive (BL9208)

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R750/05/08/08** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 9208 (Z03-0066 Bell Mountain Estates Ltd./Black Mountain Irrigation District) be extended to November 4, 2005.

Carried

Councillor Day returned to Council Chambers.

- 4.4 Rezoning Application No. Z05-0049 – Aberdeen Holdings Ltd (716309 BC Ltd) – 2355-2395 Gordon Drive (BL9476)

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

Staff:

- The applicant is proposing to install a neighbourhood pub and adjoining outdoor patio within the Guisachan Village, which is surrounded by multi-family development.
- The current zoning of Guisachan Village would allow for the installation of a food primary establishment without further Council approval; this is an application for a liquor primary designation, which would apply to the entire commercial development due to the fact that the entire parcel is the subject of the rezoning.
- While staff is supporting forwarding the application to a public hearing, there is concern regarding potential noise issues related to the patio and impact on surrounding residents.
- It may be possible to amend the application to limit the LP designation to a specific portion of the overall commercial site.

Council:

- Members of the public have expressed strong concern over the impact of noise and increased traffic on their established lifestyle.
- Increased parking demand in the area would likely impact on the residential area to the rear of the proposed restaurant site.
- More detailed information regarding the proposed and/or alternate sites was requested, as well information about possibly limiting the LP designation to a specific portion of the commercial development.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R751/05/08/08** THAT consideration of Rezoning Application No. Z05-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of LOT B, DISTRICT LOT 136, ODYD PLAN KAP46155, located on Gordon Drive, Kelowna, B.C. from the C3rls – Community Commercial (Retail Liquor Sales) zone to the C3rls/lp – Community Commercial (Retail Liquor Sales/Liquor Primary) zone be deferred to allow the applicant to investigate and address the concerns of Council and area residents.

Carried

Councillor Horning opposed.

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**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9476 (Z05-0049) - Aberdeen Holdings Ltd (716309 BC Ltd) – 2355-2395 Gordon Drive

Agenda item 4.4(b) was not dealt with because of the deferral of the consideration of the related staff report under agenda item 4.4(a).

- 4.5 Rezoning Application No. Z05-0034 – Bevanda Architecture Inc. (Mark Brebric) – 454 & 464 West Avenue (BL9477)

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

Staff:

- The proposed development is adjacent to land designated as future commercial.
- A development permit application with variances will also come before Council at a future date, to allow for an increase in height from 4 to 4.5 stories to accommodate the high water table, along with a side yard variance to protect access for the Works & Utilities department.
- The APC did not support original building design; the applicant has extensively redesigned the proposed apartment building.
- Staff is recommending that the application be sent to a public hearing. No concerns have been identified to this point.

Moved by Councillor Hobson/Seconded by Councillor Given

**R752/05/08/08** THAT Rezoning Application No. Z05-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3 District Lot 136 ODYD Plan 38928 and Amended Lot 3(DD138121F) District Lot 14, ODYD Plan 3056, located on West Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing 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 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 being completed to their satisfaction.

Carried

**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9477 (Z05-0034) - Bevanda Architecture Inc. (Mark Brebric) – 454 & 464 West Avenue

Moved by Councillor Horning/Seconded by Councillor Given

**R753/05/08/08** THAT Bylaw No. 9477 be read a first time.

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- 4.6 **BYLAW PRESENTED FOR 2<sup>ND</sup> & 3<sup>RD</sup> READINGS** (The Public Hearing was waived for this application.)

Bylaw No. 9460 (Z05-0019) – 564913 BC Ltd. (Hans Neumann) – 1347 Ellis Street

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R754/05/08/08** THAT Bylaw No. 9460 be read a second and third time.

Carried

- 4.7 Rezoning Application No. Z05-0026 – Ronald Rutledge – 405 Dougall Road (BL9424)

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

**BYLAW PRESENTED FOR ADOPTION**

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R755/05/08/08** THAT Bylaw No. 9424 be adopted.

Carried

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

(a) Planning & Corporate Services report dated August 2, 2005.

**BYLAW PRESENTED FOR ADOPTION**

Moved by Councillor Day/Seconded by Councillor Cannan

**R756/05/08/08** THAT Bylaw No. 9458 be adopted.

Carried

- 4.9 Rezoning Application No. Z03-0006 – Bob Volk – 795 Hollywood Road (BL9000)

(a) Planning & Corporate Services report dated August 2, 2005.

Moved by Councillor Given/Seconded by Councillor Shepherd

**R757/05/08/08** THAT Municipal Council authorize an extension to Rezoning Application No. Z03-0006 (Bylaw No. 9000);

AND THAT Final Adoption of Zone Amending Bylaw No. 9000 be considered by Council.

Carried

Regular Meeting – P.M.August 8, 2005**BYLAW PRESENTED FOR ADOPTION**(b) Bylaw No. 9000 (Z03-0006) – Bob Volk – 795 Hollywood RoadMoved by Councillor Day/Seconded by Councillor Cannan**R758/05/08/08** THAT Bylaw No. 9000 be adopted.Carried5. **NON-DEVELOPMENT APPLICATION REPORTS**5.1 Revenue Supervisor, dated July 26, 2005 re: Permissive Tax Exemption Policy (1970-50)

Staff:

- Background for the policy was presented, along with policies in effect in other BC municipalities, and hard copies of the presentation distributed to Council.
- A five-year cycle is recommended for churches, private schools and hospitals, and a one-year cycle for non-profit organizations.
- Applications were mailed in June. Forms were available from the City's website and in two other locations. Eventually, an on-line application process will be in place.

Council:

- Requested further information regarding avenues of support for those non-profit organizations that lease, rather than own, their premises; should the Province be lobbied for legislative change, or are there other ways to support?
- Further information was requested on the permissive tax exemption cap in place in Kamloops, along with that city's rationale for implementing a cap.

Moved by Councillor Shepherd/Seconded by Councillor Hobson**R759/05/08/08** THAT Council approve the Permissive Tax Exemption Policy attached as Schedule 'A' to the July 26, 2005 report from the Revenue Supervisor.Carried5.2 Transportation Manager, dated July 29, 2005 re: Hybrid Vehicle Parking Pass (Eco-Pass)

Staff:

- The Parking Committee has reviewed and approved of the concept of an Eco-Pass program, intended to encourage the public to purchase identified environmentally friendly vehicles.
- As vehicles are proven to meet program criteria, they could be added.
- Users will still be restricted to posted time limits, but will not be required to pay at metered parking stalls.
- At the end of the trial period (end of 2006), a report will be made to Council.

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Council:

- Staff to also consider other vehicles with low emissions and high fuel economy, such as the new scooters, for inclusion in the program.

Moved by Councillor Day/Seconded by Councillor Given

**R760/05/08/08** THAT Council approve the “Eco-Pass” program be introduced as a way to reward owners of environmentally friendly vehicles through offering free parking at on-street metered locations for the remainder of 2005 and throughout 2006.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

6.1 Bylaw No. 9475 – Amendment No. 10 to Airport Fees Bylaw No. 7982

Moved by Councillor Cannan/Seconded by Councillor Day

**R761/05/08/08** THAT Bylaws No. 9475 and 9478 be read a first, second and third time.

Carried

6.2 Bylaw No. 9478 – Amendment No. 13 to Sign Bylaw No. 8235

See resolution adopted under agenda item No. 6.1.

7. COUNCILLOR ITEMS

(a) Homeowner Grant Applications

Councillor Shepherd expressed concern regarding penalties imposed for Home Owner Grant forms submitted without signature or other required information, even though property taxes are paid on time. City Manager will have staff investigate and follow up on possible improvements to the form or process.

(b) Hell’s Angels Clothing Ban

Councillor Shepherd informed Council that Manitoba and Saskatchewan have banned the service of liquor to anyone wearing gang-related ‘colours’ in licensed premises (as a condition of the liquor license) and requested that Mayor Gray forward a letter to the Premier asking for a similar policy in BC.

(c) Noise Attenuation Policy

Councillor Cannan referred to a 1996 draft policy regarding noise attenuation relating to road construction and traffic adjacent/through residential areas. A final draft was never presented to Council. The City Manager will have staff revisit the issue with stakeholders and report back to Council.



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(d) On-Street Security Camera

The City Manager reported that the RCMP received permission to again monitor the on-street security camera at the foot of Leon Avenue, just prior to the August long weekend. There are no plans to expand RCMP camera use at this stage. A report will be forwarded to Council shortly regarding the Kasugai camera plus one other. Mayor Gray added that the RCMP camera had been instrumental in five arrests over the long weekend.

Councillor Clark said that he had been contacted by a University of Victoria professor who has been commissioned by the federal government to study the effectiveness of cameras in six cities across Canada, including Kelowna. He directed the professor to contact the City Manager.

(e) Stuart Park/Waterfront

Councillor Cannan inquired about a workshop regarding the City's vision for the downtown waterfront. Staff will report back to Council regarding this matter.

8. TERMINATION

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

Certified Correct:

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Mayor

City Clerk

IT/am