

Regular Meeting – P.M.

February 3, 2003

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 3, 2003.

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

Council members absent: Councillor A.F. Blanleil and R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Long Range Planning Manager, S. Bagh*; Special Projects Planning Manager, H. Christy*; Civic Properties Manager, J. Waugh*; and Assistant City Clerk, L.M. Taylor acting as Council Recording Secretary.

(* denotes partial attendance)

1. CALL TO ORDER

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

2. Councillor Cannan to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated January 29, 2003 re: Zoning Bylaw Text Amendment No. TA02-0006

Staff:

- Amendment will permit drive-in food services on properties fronting a provincial highway (ie Highway 97 and Highway 33).

Moved by Councillor Given/Seconded by Councillor Cannan

R90/03/02/03 THAT Zoning Bylaw Text Amendment No. TA02-006 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the C4-Town Centre Commercial zone to add drive in food services as a permitted use on properties fronting a provincial highway as outlined in the report of the Planning & Development Services Department dated January 29, 2003 be considered by Council;

AND THAT the Text Amendment bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.2 Planning & Development Services Department, dated January 20, 2003 re: City of Kelowna 2002 Development Statistics

Staff:

- Report summarizes the number and location of residential, commercial, industrial and institutional building permits issued for 2002 with comparisons to previous years.
- Information provides opportunity to assess how the City is managing to meet the OCP future land use objectives and policies.

Moved by Councillor Shepherd/Seconded by Councillor Day

R91/03/02/03 THAT the Planning and Development Services Department report dated January 20, 2003 regarding the City of Kelowna 2002 Development Statistics be received by Council for information.

Carried

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- 3.3 Planning & Development Services Department, dated January 29, 2003
re: Discharge Land Use Contract – Mappin Court

Staff:

- LUC provides for discharge of the contract when the lands have been fully developed and all the buildings occupied. All the conditions of the LUC have been met so it may now be discharged.

Moved by Councillor Day/Seconded by Councillor Cannan

R92/03/02/03 THAT Bylaw No. 8961 to Discharge Land Use Contract No. 76-1028 be forwarded for reading consideration.

Carried

- 3.4 Planning & Development Services Department, dated January 24, 2003
re: Rezoning Application No. Z99-1033 – Barbara Lane, Derrick Elliot & Sharon Loudoun – 1193 Cerise Drive

Staff:

- Application was for rezoning to “s” zone to legalize an existing suite being used by a family member. Applicant has chosen to pursue the option of a second kitchen so rezoning file can now be closed.

Moved by Councillor Shepherd/Seconded by Councillor Given

R93/03/02/03 THAT Bylaw 8438 for Rezoning application No. Z99-1033 be defeated by Municipal Council,

AND THAT Rezoning Application No. Z99-1033 and Development Variance Permit Application No. DVP01-10,081 be closed.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

Mayor Gray altered the order of business and advised that Item No. 4.2 would be dealt with next.

BYLAW PRESENTED FOR DEFEAT AT FOURTH READING

- 4.2 Bylaw No. 8438 (Z99-1033) – Barbara Lane, Derrick Elliott and Sharon Loudoun (Brian Wurst) – 1193 Cerise Drive

Moved by Councillor Day/Seconded by Councillor Cannan

R94/03/02/03 THAT Bylaw No. 8438 be adopted.

DEFEATED UNANIMOUSLY

Mayor Gray and Councillors Cannan, Clark, Day, Given, Horning and Shepherd opposed.

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(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 4.1 Bylaw No. 8961 – Discharge of Land Use Contract 76-1028 – Mappin Court

Moved by Councillor Cannan/Seconded by Councillor Day

R95/03/02/03 THAT Bylaw No. 8961 be read a first, second and third time.

Carried

(BYLAW PRESENTED FOR AMENDMENT AT THIRD READING AND ADOPTION AS AMENDED)

- 4.3 (a) Bylaw No. 8603 (Z99-1049) – R127 Enterprises Ltd. (Wayne Judiesch) – Mission Ridge Road/Westpoint Drive, and Mission Ridge Area Structure Plan No. ASP99-001, and City of Kelowna Official Community Plan Amendment No. OCP99-015 requires majority vote of full Council (5)

Staff:

- Bylaw No. 8603 must be amended before it can be adopted as it provides for the incorporation of the Mission Ridge Area Structure Plan into the OCP as an Appendix. During the review of the OCP conducted in early 2002 all of the ASPs were removed from the OCP and are now simply endorsed by means of a Council resolution and used by City Staff as guidelines. The proposed amendments to Bylaw No. 8603 remove the references to the Mission Ridge Area Structure Plan.
- Servicing agreement and required bonding has been received and a preliminary layout review letter has been issued, so bylaw may now be adopted.

Moved by Councillor Given/Seconded by Councillor Horning

R96/03/02/03 THAT Bylaw No. 8603 be amended by deleting Paragraph (a) of Section 1 in its entirety; replacing the words “Table 15.1” in Paragraph (b) of Section 1 with the words “Table 19.1”; and deleting Section 2 and Schedule “A” in their entirety.

Carried

Councillors Clark and Shepherd opposed.

Moved by Councillor Given/Seconded by Councillor Horning

R97/03/02/03 THAT Bylaw No. 8603 be adopted as amended

Carried

Councillors Clark and Shepherd opposed.

- (b) Planning & Development Services Department, dated January 22, 2003 re: Rezoning Application No. Z99-1049 and Development Permit Application No. DP99-10,067 – R127 Enterprises Ltd. (Planning Solutions Consulting Inc./Stantec) – Mission Ridge Road/Westpoint Drive

Staff:

- Development permit addresses natural environment/hazardous conditions of the area including fire hazard mitigation, hydroseeding of disturbed areas, upgrading of Coronado Hillside Path, site grading plans, erosion and sediment control plans; and drainage improvement at base of Coronado Slope.

Moved by Councillor Day/Seconded by Councillor Given

R98/03/02/03 THAT Council endorse the Mission Ridge Area Structure Plan dated January 6, 2000, prepared by New Town Planning Services;

AND THAT Municipal Council authorize the issuance of Development Permit No. DP099-10,067, R127 Enterprises; Southeast 1/4 of Section 31 not included within the limits of District Lot 580a Similkameen Division Yale District, Township 29, Osoyoos Division Yale District except Plans B3677, 3093, 13170, 17707, 18684, 20390, 32874 and 36632, located on Mission Ridge Road/Westpoint Drive, Kelowna, BC; subject to the following:

1. The Coronado Hillside Path to be built and landscaped in accordance with Schedule A – Stantec Drawing No. WW1, Revision 3 dated January 16, 2003.
2. The erosion and sediment control shall be done in accordance with Schedule B – Stantec Drawing No. ERSC1, Revision 4 dated January 16, 2003.
3. The Coronado Slope drainage to be addressed in accordance with Schedule C – Stantec Drawing No. DR1, Revision 4 dated January 16, 2003.
4. The Coronado Walking Path and Storage Ponds to be developed in accordance with Schedules D₁, D₂ and D₃ – Stantec Drawing Nos. CP1, CP2 and CP3, Revision 3 dated January 16, 2003.
5. All tree removal within proposed Lot B, shall be completed prior to transfer of title to the City of Kelowna and all trees proposed for removal must be flagged for inspection and approved by the City of Kelowna Environment Manager prior to removal.
6. Fire Hazard Mitigation of the subject property to be achieved through the following options, as outlined in the report dated April 23, 2002 prepared by Don Whyte of Montane Resource Management Inc. Note: This work is to be done by hand without the use of motorized vehicles on the slope.
 - (a) Tree pruning dead limbs to 2.0 metres in height;
 - (b) Cut up and scatter coarse fuels such as large branches or down tree trunks;
 - (c) Cut out and remove standing dead or dying trees within densely stocked patches;
 - (d) Scattering large accumulations of moderate and fine fuels;
 - (e) Survey the area, located and remove other fire hazards that could build heat if burned such as firewood piles, tree forts, and other materials and refuse that often occur adjacent to residential areas;
 - (f) Post signs prohibiting motorized vehicles and warning of potential for fire ignition;

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7. Where tree removal has been authorized tree replacement shall occur in accordance with the City of Kelowna, Tree Protection Bylaw No. 8041.
8. Site grading in accordance with Schedules E₁, E₂, & E₃ – Stantec drawings No. SG1, SG2 and SG4, Revision 4 dated January 16, 2003.
9. Provision of black chainlink fencing, 1.8 m in height, at the rear of Lots 1 – 22, Lots 30 – 46 and Lots 52 – 60 in accordance with Schedules E₁, E₂, & E₃ – Stantec drawings No. SG1, SG2 and SG4, Revision 4 dated January 16, 2003.

Carried

Councillors Clark and Shepherd opposed.

5. REPORTS

- 5.1 Civic Properties Manager, dated January 30, 2003 re: Chapman Retail Commercial Space Leasing (0870-20)

Staff:

- Five year lease from April 1, 2003 to March 31, 2008 for 874 square feet of commercial space at a sliding scale ranging from 12.50 per square foot to 14.50 per square foot on water street

Moved by Councillor Shepherd/Seconded by Councillor Day

R99/03/02/03 THAT City Council approve a five year lease with Z'Decor Home Furnishings Ltd. for the commercial space in the new Chapman Parkade as summarized in the report from the Civic Properties Manager dated January 30, 2003;

AND THAT Council authorize the Mayor and City Clerk to execute the lease on behalf of the City of Kelowna.

AND FURTHER THAT the 2003 budget be so amended to reflect this increased revenue source.

Carried

- 5.2 Chair, Kelowna Parking Committee, dated January 29, 2003 re: Appointments to Kelowna Parking Committee (054-20)

Withdrawn by staff.

6. COUNCILLOR ITEMS

- (a) Kelowna Development Corporation

Councillor Clark advised there will be some city-owned developable lots created in his neighbourhood as a result of recent road construction and suggested it may be appropriate to reactivate the Kelowna Development Corporation with a view to maximizing and marketing city-owned lands that are not needed for municipal use as a way to raise revenue.

The City Manager advised staff will report back to Council.

(b) Environment Canada – Mountain Weather Service Office

Councillor Clark reported he had received confirmation at a recent Air Quality Committee meeting that the Federal Government will be relocating the Mountain Weather Service Office from the north campus of OUC to Vancouver. The Okanagan Valley will be impacted by this decision for a number of reasons including the loss of accurate weather forecasting for the valley, avalanche forecasting and career opportunities. The timely and accurate weather forecasting for the fruit industry is critical for their operations including spraying and harvesting. It was also noted that Environment Canada currently owns the building at OUC and by moving the office to Vancouver they will be incurring much higher real estate costs and as well as much higher cost of living for their employees.

Moved by Councillor Clark/Seconded by Councillor Horning

R100/03/02/03 THAT the Mayor send a letter to Federal Minister of the Environment, with a copy to the local MPs and Senator Fitzpatrick, requesting that the decision to move the Mountain Weather Station located at the north campus of OUC to Vancouver be reconsidered;

AND THAT other the municipalities in the Okanagan Valley be encouraged to send a similar letter.

Carried

(c) Federal Government Spending/Municipal Infrastructure

The District of Salmon Arm Council has sent a letter to the Prime Minister requesting additional federal funding for local infrastructure and has requested other municipalities do the same.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R101/03/02/03 WHEREAS the infrastructure delivered by Local Governments is foundational to the standard of living that Canadians enjoy;

AND WHEREAS Local Governments are challenged because of the rising costs to provide infrastructure such as water quality and treatment, sewer collection and treatment, policing, roads and recreation facilities;

AND WHEREAS the Council of the City of Kelowna appreciates the steps the Federal Government has recently taken to provide monies to Local Governments for infrastructure;

NOW THEREFORE the Mayor be directed to send a letter to Prime Minister Jean Chretien, the Honorable Paul Martin, and the Honorable Stephen Harper, encouraging the Federal Government to continue to provide additional monies to Local Government for infrastructure.

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(d) 2010 Olympic Flag

Mayor Gray reported that he had recently received a 2010 Olympic Flag and requested Council's permission to have it flown over City Hall due to the fact that Council had given their unanimous support of the Olympic bid last fall.

Moved by Councillor Given/Seconded by Councillor Horning

R102/03/02/03 THAT the 2010 Olympic Flag be flown over City Hall.

Carried

7. TERMINATION

The meeting was declared terminated at 2:45 p.m.

Certified Correct:

Mayor

City Clerk

LMT/am