

Regular Meeting – P.M.

February 24, 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 24, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanche, 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; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce*; Long Range Planning Manager, S.K. Bagh*; Subdivision Approving Officer, R.G. Shaughnessy*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Geoff Koganow, ICBC re: Get Home Safe Program

Geoff Koganow, ICBC:

- Asked that Council consider adopting a Get Home Safe policy requiring the organizers of events that will be serving alcohol in City parks/facilities to display designated driver materials at the event.
- Urged Council to support the two draft resolutions to OMMA/UBCM that appear later on this meeting agenda.
- Ignition Interlock systems are being considered for installation in vehicles in British Columbia. The system causes the vehicle to not start if alcohol is detected on the driver's breath.
- Traffic Safety Management Information Tracking is an RCMP program that is under development. It uses global positioning to provide details of vehicle crashes and helps in the design of education and awareness programs and provides RCMP with specific information on where they should target their enforcement. RCMP in Kelowna expect to receive this program within the next 90 days.

Mayor Gray altered the order of business and advised that the resolutions under agenda items No. 7.1 and 7.2 would be dealt with now.

7.1 Draft Resolution re: Resolution to OMMA/UBCM – Designated Driver Program (2030-20)

Council:

- Staff to prepare draft policy for Council consideration.

Moved by Councillor Shepherd/Seconded by Councillor Given

R159/03/02/24 THAT the following resolution be endorsed by Kelowna City Council and forwarded to the Okanagan Mainline Municipal Association for debate at the 2003 OMMA Convention:

WHEREAS the issue of impaired driving continues to be a major social and financial issue in our communities;

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THEREFORE BE IT RESOLVED THAT the Union of British Columbia Municipalities request of the Minister of Competition, Science and Enterprise that the British Columbia Liquor Distribution Department amend the application for special occasion liquor permits such that they require the applicant to display designated driver promotional materials in a visible location at the event for which the permit issued.

Carried

7.2 Draft Resolution re: Resolution to OMMA/UBCM – Law Enforcement – Impaired Driving (0230-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R160/03/02/24 THAT the following resolution be endorsed by Kelowna City Council and forwarded to the Okanagan Mainline Municipal Association for debate at the 2003 OMMA Convention:

WHEREAS the issue of impaired driving continues to be a major social and financial issue in our communities;

THEREFORE BE IT RESOLVED THAT the Union of British Columbia Municipalities request of the Minister of the Attorney General that police services throughout the Province of British Columbia be directed to employ increased specific and scheduled tactics around the enforcement of impaired driving laws.

Carried

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R161/03/02/24 THAT Kelowna City Council supports, in principle, the following suggestions put forward by Mothers Against Drunk Drivers (MADD) for dealing with impaired driving problems in the province:

- require installation of interlock ignition systems in new vehicles;
- increase penalties for roadside suspensions;
- require offenders who are convicted to attend a driver rehabilitation program;

AND THAT this support be conveyed to OMMA along with Council's resolution on impaired driving.

Carried

4. PLANNING

4.1 Planning & Development Services Department, dated February 19, 2003 re: Agricultural Land Reserve Appeal No. A02-0113 – Black Mountain Irrigation District – 2350 Joe Riche Road

Staff:

- The applicant is seeking Council support of an appeal to the Land Reserve Commission for permission to have a non-farm use within the ALR to allow for the construction of a water reservoir.
- The new reservoir would provide additional water supplies for agricultural and domestic use; provide a 3 day minimum storage; and provide an alternative supply of water during spring run-off.

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Moved by Councillor Horning/Seconded by Councillor Hobson

R162/03/02/24 THAT Agricultural Land Reserve Appeal No. A02-0113, Lot A, Township 27, Section 18 & 19, ODYD, Plan 16599 and Part of Lot 8, Township 27, Section 18 & 19, ODYD, Plan 1991 located on Joe Riche Road, Kelowna, B.C., for non-farm use in the Agricultural Land Reserve, pursuant to Section 20(3) of the Agricultural Land Commission Act be supported by the Municipal Council.

Carried

4.2 Planning & Development Services Department, dated February 17, 2003 re: Agricultural Land Reserve Appeal No. A02-0112 – Theodore & Margaret Zarr – 1755 Heimlich Road

Staff:

- The applicant is seeking Council support of an appeal to the Land Reserve Commission to allow a subdivision within the ALR to create a homesite severance lot.

Moved by Councillor Hobson/Seconded by Councillor Horning

R163/03/02/24 THAT Agricultural Land Reserve Appeal No. A02-0112, Lot A, Section 8, Township 26, ODYD, Plan 25537 except Plan 42274, located on Heimlich Road, Kelowna, B.C. for subdivision within the Agricultural Land Reserve, in order to accommodate a homesite severance parcel, pursuant to Section 21(2) of the Agricultural Land Reserve Act be supported by Municipal Council.

Carried

4.3 Planning & Development Services Department, dated February 17, 2003 re: Agricultural Land Reserve Appeal No. A02-0109 – Gordon Ivans – 1308-1312 McKenzie Road

Staff:

- The applicant is seeking Council support of an appeal to the Land Reserve Commission to subdivide within the ALR to create an additional lot.
- The Agricultural Advisory Committee passed a resolution of support for the appeal recognizing the topographic constraints of the property.
- Staff cannot recommend support because the application does not meet the Land Reserve policy for homesite severance applications.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R164/03/02/24 THAT Council hear from the applicant.

Carried

Gordon Ivans, applicant:

- The subject application is in lieu of a homesite severance. The property does not qualify for a homesite severance because of a technicality; the farm was in the family name prior to 1972 and he has farmed it since 1968 but his name was not on title in 1972.

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Council:

- Staff to inform the Land Reserve Commission that Council's support is in lieu of a homesite severance and that they would not support a request for a homesite severance in future.

Moved by Councillor Hobson/Seconded by Councillor Horning

R165/03/02/24 THAT Agricultural Land Reserve Appeal No. A02-0109, Lot 12, Section 25, Township 26, ODYD, Plan 1760 except Plan B4687, located on McKenzie Road, Kelowna, B.C. for subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act be supported by the Municipal Council.

Carried

4.4 Planning & Development Services Department, dated February 17, 2003 re: Rezoning Application No. Z02-1060 – Ian & Marguerite Sisett – 518 McKay Avenue

Staff:

- The applicant is proposing to rezone the property to allow use of the existing dwelling as a retail store. An antique shop will be relocated to the site.
- The applicant will add some off-street parking at the rear of the site off the lane.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R166/03/02/24 THAT Rezoning Application No. Z02-1060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, DL 14, ODYD, Plan 3769 located on McKay Avenue, Kelowna, B.C. from the RU6 - Two Dwelling Housing zone to the C4 - Town Centre Commercial 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 Permit on the subject property.

Carried

4.5 Planning & Development Services Department, dated February 17, 2003 re: Rezoning Application No. Z03-0002 – Fred Geismayr – 2085 Inkar Road

Staff:

- The rezoning would permit the development of a split-level secondary suite along with the required single bay garage in a 2-storey accessory building proposed for construction on the site.

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Moved by Councillor Hobson/Seconded by Councillor Given

R167/03/02/24 THAT Rezoning Application No. Z03-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 19, Township 26, ODYD, Plan 23622 located on Inkar Road, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium 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

4.6 Planning & Development Services Department, dated February 18, 2003 re: Official Community Plan Amendment No. OCP02-0013 and Rezoning Application No. Z02-1045 – Ivanhoe Cambridge 1 Inc. (Simon Schenn/IBI Group) – 2430 Highway 97 North

Staff:

- The OCP amendment and rezoning would facilitate development of the phase 3 lands of the former Central Park Golf Course with four commercial buildings along with associated parking.
- Showed concept plans for how the site would be developed noting there could be some changes when it comes down to planning for actual tenancies.
- The ultimate uses would have to be confirmed with the traffic impact study to ensure that the development would not be using up more than its share of trips to be generated.

Council:

- Staff to provide a diagram at the Public Hearing showing the trees being preserved or replaced.

Moved by Councillor Hobson/Seconded by Councillor Day

R168/03/02/24 THAT OCP Amendment No. OCP02-0013 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot 8, DL 125, O.D.Y.D., Plan KAP69740, located on Highway 97 N., Kelowna, B.C., from the Commercial and Industrial designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department dated February 18, 2003, be considered by Council;

AND THAT Rezoning Application No. Z02-1045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, DL 125, O.D.Y.D., Plan KAP69740, located on Highway 97 N., Kelowna, B.C. from the P3 – Parks and Open Space and I2 – General Industrial zones to the C3 – Community Commercial zone be considered by Council;

AND THAT the OCP Amendment No. OCP02-0013 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 Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and Ministry of Transportation being completed to their satisfaction;

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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

Councillor Cannan opposed.

4.7 Planning & Development Services Department, dated February 19, 2003 re: Revisions to City of Kelowna Zoning Bylaw No. 8000 (BL8900)

Staff:

- The proposed text amendment would amend the C7 Central Business Commercial zone to permit increased building heights in the downtown core.
- The Urban Development Institute (UDI) supports this as a step in the right direction to encourage redevelopment of the downtown core.
- Staff will be approaching the Kelowna Parking Committee to consider creating a stratified parkade in the downtown as an alternative to paying cash in lieu of parking.
- Planning staff are willing to look at variances to parking requirements, provided that they fit within the scale of development and achieve planning objectives, and bring them forward to Council.

Council:

- Discussed parking requirements in the downtown and generally agreed that any changes in parking should be done outside the zoning bylaw.

Moved by Councillor Hobson/Seconded by Councillor Day

R169/03/02/24 THAT Text Amending Bylaw 8900 (TA01-003) to amend the C7 – Central Business Commercial zone to permit increased building heights in the downtown core be advanced for adoption consideration by Council;

AND THAT staff initiate a process to consider the merits of providing dedicated parking in City-owned parking facilities, in conjunction with cash-in-lieu payments for residential and/or commercial occupancies within any C7 zone, and report back to Council;

AND FURTHER THAT the provisions of the C7 zone be re-examined in two years time, or sooner if warranted by market conditions for Downtown residential and/or commercial development.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR ADOPTION)

5.1 Bylaw No. 8900 (TA01-003) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Given/Seconded by Councillor Horning

R170/03/02/24 THAT Bylaw No. 8900 be adopted.

Carried

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6. REPORTS

- 6.1 Director of Works & Utilities, dated February 19, 2003 re: Latecomer Charges – Parks & Leisure Services Department, City of Kelowna – Gordon Drive (2250-70-69)

Staff:

- Requesting permission to establish latecomer charges which would be collected from properties that connect in the next 10 years to the sanitary and storm sewer services installed by the City as part of the development of Mission District Park.

Moved by Councillor Shepherd/Seconded by Councillor Day

R171/03/02/24 THAT the Municipal Council requires the owner of Lots 1 & 2 KAP46027 which is to be subdivided or developed, provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-69, attached to the report of the Director of Works & Utilities dated February 19, 2003

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-69, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Appendix E of Latecomer Agreement No. 2250-70-69, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Appendix D of Latecomer Agreement No. 2250-70-69;

AND THAT the City enter into Latecomer Agreement No. 2250-70-69 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

7. RESOLUTIONS

- 7.1 Draft Resolution re: Resolution to OMMA/UBCM – Designated Driver Program (2030-20)

Dealt with after agenda item No. 3.1.

- 7.2 Draft Resolution re: Resolution to OMMA/UBCM – Law Enforcement – Impaired Driving (0230-20)

Dealt with after agenda item No. 3.1.

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- 7.3 Draft Resolution re: Resolution to OMMA/UBCM – Local Government Purchase of Crown Land (0910-20-030-027; 0230-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R172/03/02/24 THAT the following resolution be endorsed by Kelowna City Council and forwarded to the Okanagan Mainline Municipal Association for debate at the 2003 OMMA Convention:

WHEREAS both titled and unsurveyed Provincial Crown Land exists within the boundaries of most local governments in British Columbia;

AND WHEREAS the public interest in these Crown Lands can often be better served by the local government obtaining control of the Crown Lands;

AND WHEREAS the Province has mandated that Land and Water British Columbia Inc. dispose of Crown Lands at market value;

THEREFORE BE IT RESOLVED THAT the Union of British Columbia Municipalities request the Minister of Water, Land and Air Protection instruct Land and Water British Columbia Inc. that where local governments require title to Provincial Crown Lands for public use, those lands be transferred to the requesting local government by way of Free Crown Grant.

Carried

- 7.4 Draft Resolution re: Provincial Sale/Franchising of Coquihalla Highway (0230-20)

Council:

- Amended the wording of the resolution to indicate that the letters will be sent to the Premier and Minister of Transportation with copies to the MLAs, rather than the other way around, and to also send copies of the letter to the 5 regional districts.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R173/03/02/24 THAT the City of Kelowna write to the Premier and Minister of Transportation opposing the Provincial Government's stated goal of selling/franchising the Coquihalla Highway;

AND THAT the letter be copied to the 5 Regional Districts and the 11 MLAs in the OMMA area.

Carried

- 7.5 Draft Resolution re: Appointment to Canadian Wood Council's WoodWorks Steering Committee (0360-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R174/03/02/24 THAT Councillor Shepherd be appointed as Council's liaison/representative on the Canadian Wood Council's 'WoodWorks Steering Committee' for the remainder of the Council term ending November 30, 2005.

Carried

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8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 8.1 Bylaw No. 8973 – Sewer Specified Area No. 22A (Gerstmar Road) Parcel Tax

Moved by Councillor Shepherd/Seconded by Councillor Clark

R175/03/02/24 THAT Bylaw No. 8973 be adopted.

Carried

- 8.2 Bylaw No. 8974 – Sewer Specified Area No. 21A (McKenzie Road) Parcel Tax

Moved by Councillor Clark/Seconded by Councillor Shepherd

R176/03/02/24 THAT Bylaw No. 8974 be adopted.

Carried

9. COUNCILLOR ITEMS

- (a) Okanagan Academy – Gordon Drive

Councillor Clark commented on how he has voiced frustration in the past about the City's inability to require Development Permits for educational institutions of a private nature. He noted that the Okanagan Academy's site on Gordon Drive has been developed totally contrary to how they told Council the site would be developed. Staff to investigate and report back to Council on exactly what the Academy had indicated they would do, what has actually been done to date, and what is still proposed for their site on Gordon Drive.

- (b) Canadian Homebuilders – Per-Merchant Business License Fee for Homeshows

Councillor Hobson referred to a letter from Canadian Homebuilders asking that the per-merchant business licence fee for trade shows be reconsidered for purposes of their homeshow which is coming up in April. Staff to bring forward a report with a recommendation for discussion by Council.

10. TERMINATION

The meeting was declared terminated at 3:47 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am