

Regular MeetingSeptember 2, 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 Tuesday, September 2, 2003.

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; Deputy City Clerk, S.C. Fleming; Director of Planning & Corporate Services//Director of Emergency Operations, R.L. Mattiussi; Manager of Development Services, A.V. Bruce; Director of Financial Services, P.A. Macklem\*; Fire Chief, G. Zimmermann\*; Manager of Community Planning & Real Estate, D.L. Shipclark\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:15 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Regular Meeting, August 18, 2003  
Public Hearing, August 19, 2003  
Regular Meeting, August 19, 2003

Moved by Councillor Given/Seconded by Councillor Blanleil

**R762/03/09/02** THAT the Minutes of the Regular Meetings of August 18 and August 19, 2003 and the Minutes of the Public Hearing of August 19, 2003 be confirmed as circulated.

Carried

4. Councillor Hobson was requested to check the minutes of this meeting.

7. REPORTS

7.0 Okanagan Mountain Park Forest Fire – Interim Report

City Manager:

- Once the Province declared a state of emergency, the leadership provided by Ron Mattiussi as Acting Head of Emergency Operations and Fire Chief Gerry Zimmermann has been outstanding.
- All the other City and Regional staff that have been involved throughout the emergency have shown a high level of cooperation and the media and volunteers have played a huge role as well.

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- At the peak of the fire, there were well over 100 vehicles deployed to the fire from outside communities along with about 300 of their people. Suggest that they be formally acknowledged, maybe through the UBCM. The first truck from out of town was from the District of Langford.
- The cooperation between the Emergency Operations Centre (EOC) and the fire crews was astounding. The police and ambulance gave seamless support and the community support was unbelievable. Council's support was also noticed and appreciated.
- The fire is still out of control on the east flank and is running to the south and east about 3-4 km outside City limits. A lot of the fuel is burned but there are still a lot of hot spots and potential for the fire coming back on the June Springs Road area which is why those residents are still evacuated. Most of the houses in the evacuated area have been jelled and there is a contingency plan in place should the fire come back. Will maintain a presence with at least 2 fire trucks at the boundary for as long as necessary.
- The firefighters gave their all. They lost homes but saved subdivisions.

**Acting Head of Emergency Operations:**

- The EOC was a coming together of the region and enabled decisions to be enacted immediately. EOC dealt with the emergency, provided support to the operations staff, the fire people, the RCMP and all the volunteers who worked with them to evacuate people.
- Because the Province declared a state of emergency a local state of emergency did not have to be called.
- As long as people are still evacuated, the EOC will have a role in ensuring their safety and getting them back into their homes as soon as it is safe to do so.
- The day after the fire storm, people were sent into the affected neighbourhoods to try to identify which homes were burned and which were left standing and that information was relayed in a meeting held with the people who were evacuated.
- A coordinator has been appointed to assemble a team to deal with the recovery efforts. Will be assessing the need, first from those who lost their homes, and then from those people who did not lose a home but who have still been impacted. A Society has been formed to ensure no political interference in how donated money is spent and ensure that donated funds are not used where government funds should be spent or where there is insurance coverage. Information regarding what people need and the resources available to assist will be coordinated through the Recovery Centre so that they can be documented and tracked.
- City staff are already working on organizing an event to celebrate and thank everyone.

**Council:**

- Expressed their pride in the strength of the community, the leadership skills of the EOC team, the skills of the helicopter and water bomber pilots, the resilience and dedication of the firefighters and volunteers, and the media for keeping the public informed.
- The offers of help coming in from across Canada are heart-warming.
- Having an Emergency Plan in place and having practised the plan was a huge benefit.
- Finding homes for the homeless and neighbourhood reconstruction are priorities.
- Need the people to document and tell their story of this experience, good and bad. Communities change when they overcome this type of disaster.
- Need to do what we can to expedite recovery.
- Need to share what we have learned from this experience.
- Need to think more about our interface planning and managing risk balanced with living near forest lands.
- The network of trails in Myra/Bellevue Recreational Park and Okanagan Mountain Park will not be available for public recreation for some time. Will have to work with the Province on what can be done.

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7.1 Manager of Community Development & Real Estate, dated August 28, 2003 re: Kelowna and Area Okanagan Fire Recovery Trust Fund

Staff:

- There has already been a groundswell of support across the country.
- The Kelowna & Area Okanagan Fire Recovery Society met for the first time this evening. The people on the Society have confirmed that they will oversee the disbursement of donated funds. Dispensing of funds will be community driven.
- Social network agencies are meeting tomorrow to identify the needs of individuals and of the community and to determine if there is an agency to fulfil the needs. Resources will be made available to fill any gaps.
- City Finance staff will issue tax receipts and ensure that the funds are spent by the Society without any overhead.
- Offers of help and any ideas from the public should go through the Recovery Centre.

Council:

- Need to coordinate the different agencies that are fundraising; the extensive donations that are coming in response to this fire could have a negative impact on fundraising by the United Way and other resources that also need donations.
- Staff to investigate the opportunity to extend sanitary sewer to the Okaview and Viewcrest areas where so many homes were lost so that if possible they can rebuild on sewer. Federal and/or Provincial funding may also be available to help with that.

Moved by Councillor Hobson/Seconded by Councillor Horning

**R763/03/09/02** THAT Council authorize the receipt of cash donations and the issuing of Income Tax receipts as per Council Policy No. 306 "Charitable Donations and Gifts to the City," effective from August 27, 2003, for donations made to the Kelowna and Area Okanagan Fire Recovery Trust Fund.

Carried

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

5.1 Bylaw No. 9069 (Z03-0026) – Gary & Joan Norkum and William & Valerie Redston (New Town Planning Services) – 587 Fitzpatrick Road

Moved by Councillor Given/Seconded by Councillor Shepherd

**R764/03/09/02** THAT Bylaw No. 9069 be read a second and third time.

Carried

6. PLANNING

6.1 Planning & Corporate Services Department, dated August 12, 2003 re: Development Variance Permit Application No. DVP03-0084 – Laura & Donald Major – 1140 Lacombe Road

Staff:

- The applicants enclosed the carport without a building permit and not knowing that the carport was in a non-conforming location. Requires the reduced side yard setback for the structure to continue to be legally non-conforming.

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The City Clerk advised that no correspondence had been received.

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

Moved by Councillor Blanleil/Seconded by Councillor Day

**R765/03/09/02** THAT Council authorize the issuance of Development Variance Permit No. DV1P03-0084 for Lot 11, Section 26, Township 26, ODYD Plan 18148, located on Lacombe Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 12: Rural Residential 3: Subsection: 12.3.5(d):**

- Vary the flanking side yard setback from 4.5m required to 1.91m existing;

AND FURTHER THAT issuance of a Development Variance Permit be subject to the provision of a corner rounding dedication of 6.0 m radius at the intersection of Sumac Road East and Lacombe Road.

Carried

6.2 Planning & Corporate Services Department, dated August 12, 2003 re: Development Variance Permit Application No. DVP03-0087 – Ronnie & Beverly-Joan Robinson – 831 Royal Pine Drive

Mayor Gray declared a conflict of interest because he is a neighbour to the applicants and left the Council Chamber at 9:02 p.m. Deputy Mayor Cannan assumed the Chair.

The City Clerk advised that no correspondence had been received.

Deputy Mayor Cannan invited anyone in the public gallery who deemed themselves affected by the required variance to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R766/03/09/02** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0087, Lot 15, Section 30, Township 26, ODYD, Plan 40293 except Plan KAP71723, located on Royal Pine Drive, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 13: RU1-Large Lot Housing: Subsection 13.1.5 (d):**

- Vary southern side yard setback from 2.3 m permitted to 0.75 m proposed.

Carried

Mayor Gray returned to the Council Chamber and resumed his place at the Council Table.

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- 6.3 Planning & Corporate Services Department, dated August 26, 2003 re: Agricultural Land Reserve Appeal No. A98-104 – Alfred & Christine Kempf – Teasdale/Belgo

Staff:

- The application to subdivide off a homesite severance has been instream since 1998.
- The proposed subdivision would create a .7 ha parcel rather than the usual .4 ha parcel size. The homesite severance parcel would include a portion of the property that slopes down into the Gopher Creek ravine. There are 2 additional residences and 2 pickers cabins all within the same legal title and an accessory building has been converted for residential units.
- Recommend support subject to no approval of additional dwellings on the parcel remainder other than for replacement of one of the existing residences, and protection of the Gopher Creek ravine from the top of the bank to the bottom of the ravine. The homesite severance parcel could retain the primary dwelling and 1 suite in the accessory building provided that the applicant applies for RU1s zoning; otherwise the suite would have to be removed from the accessory building.

Moved by Councillor Horning/Seconded by Councillor Shepherd

**R767/03/09/02** THAT Agricultural Land Reserve Appeal No. A98-104, Parcel A (Plan B5620) of Lot 2, Sec. 23 & 24, Twp. 26, ODYD, Plan 2329, located on Teasdale 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 conditionally supported by Municipal Council.

Carried

## 7. REPORTS

- 7.1 Manager of Community Development & Real Estate, dated August 28, 2003 re: Kelowna and Area Okanagan Fire Recovery Trust Fund

Dealt with after item No.4 in the minutes.

## 8. BYLAWS

### **(BYLAWS PRESENTED FOR FIRST READING)**

- 8.1 Bylaw No. 9064 (OCP03-0008) – Telus Communications (Kasian Kennedy, P.J. Mallen) – 1500 Hardy Street, and City of Kelowna Official Community Plan Amendment **Requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R768/03/09/02** THAT Bylaws No. 9064, 9073, 9074, 9075 and 9076 be read a first time.

Carried

- 8.2 Bylaw No. 9073 (Z03-0027) – Telus Communications (Kasian Kennedy, P.J. Mallen) – 1500 Hardy Street

See resolution under 8.1 above.

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- 8.3 Bylaw No. 9074 (Z03-0038) – Rancar Services Ltd. – Randy Villeneuve – 644 Lequime Road

See resolution under 8.1 above.

- 8.4 Bylaw No. 9075 (TA03-0006) – OK Corral (Gerald Bruggera) – 1978 Kirschner Road

See resolution under 8.1 above.

- 8.5 Bylaw No. 9076 (Z03-0029) - OK Corral (Gerald Bruggera) – 1978 Kirschner Road

See resolution under 8.1 above.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.6 Bylaw No. 8971 – Road Exchange Bylaw – 3974 Todd Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R769/03/09/02** THAT Bylaw No. 8971 be adopted.

Carried

- 8.7 Bylaw No. 9042 – Kelowna Downtown Business Improvement Area

Withdrawn from agenda.

- 8.8 Bylaw No. 9057 (HRA03-0001) – Heritage Revitalization Agreement – Cheryl & David Negrin – 2094 Abbott Street

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R770/03/09/02** THAT Bylaw No. 9057 be adopted.

Carried

Councillors Cannan, Hobson and Shepherd opposed.

- 8.9 Bylaw No. 9059 (Z03-0030) - Jaskaran Kandola (Axel Hilmer) – 934 Ackerman Crescent

Councillor Day declared a conflict of interest as an owner of property within the notification area for this application and left the Council Chamber at 9:12 p.m.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R771/03/09/02** THAT Bylaw No. 9059 be adopted.

Carried

Councillor Day returned to the Council Chamber at 9:12 p.m. and took his place at the Council Table.

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The meeting was declared terminated at 9:15 p.m.

Certified Correct:\_\_\_\_\_  
Mayor

BLH/am

\_\_\_\_\_  
Deputy City Clerk