

Regular Meeting – P.M.

September 15, 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, September 15, 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; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Manager of Policy Research & Strategic Planning, S.K. Bagh*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Financial Services, P.A. Macklem*; Transportation Manager, R.W. Westlake*; Traffic & Transportation Engineer, H. Thompson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Mr. Dave Rush, Chair, Kelowna & Area Okanagan Fire Recovery Society re: Introduction of the Society Board; Dispersment of Donated Funds - Fire Recovery Trust Fund

Dave Rush, Chair, Kelowna & Area Okanagan Fire Recovery Society:

- Introduced the members of the Society and provided an update on the status of the Society's activities.
- The Society intends to continue working with the City to provide assistance to those individuals identified through the 'unmet needs' process; establish a list of possible projects and individuals that require assistance in the recovery process, and provide support to the Events Committee in organizing an appropriate commemorative event to honour those involved in and affected by the fire.
- The volunteer fire fighters have agreed to entrust the Society with distribution of the funds that they raise through the sale of T-shirts. 100% of the net proceeds from the sales will go to the Fire Recovery Trust Fund.
- The Society has also agreed to accommodate donations for rebuilding the Kettle Valley trestles and a segregated account has been setup to accept donations for that purpose.

4. PLANNING

4.1 Planning & Corporate Services Department, dated September 5, 2003 re: DP03-0007 – Interior Fisheries Ltd. (T & G Enterprises Ltd.) – 3960 Lakeshore Road

Withdrawn from the agenda.

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- 4.2 Planning & Corporate Services Department, dated September 10, 2003 re: Rezoning Application No. Z03-0046 – Timothy Pincin & Amanda Erdely (Timothy Pincin) – 142 Celano Crescent

Staff:

- The property is currently vacant.
- The area was pre-planned for a mix of housing types.
- The applicant proposes to build a house with a secondary suite.

Council:

- Staff to provide information at the public hearing on what the future road and pedestrian connectivity will be and the timing for that to occur.

Moved by Councillor Cannan/Seconded by Councillor Day

R787/03/09/15 THAT Rezoning Application No. Z03-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 26, Section 4, Township 23, ODYD, Plan KAP46412, located on Celano Crescent, 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

- 4.3 Planning & Corporate Services Department, dated September 5, 2003 re: Rezoning Application No. Z03-0040 – Melvin & Rita Uppenborn (D.E. Pilling & Associates) – 1101 Bentien Road

Councillor Day declared a conflict of interest for this item because he owns property within the notification area of the subject property. He also declared a conflict of interest for agenda item No. 4.4 because he owns property within the Bell Mountain Area Sector Plan area. Councillor Day left the meeting at 2:22 p.m.

Staff:

- The applicant intends to retain the one dwelling that is on the property and subdivide to create a 7 lot single family subdivision.
- The Advisory Planning Commission recommends supports with no conditions, as do staff.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R788/03/09/15 THAT Rezoning Application No. Z03-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for part of Lot 1, Plan KAP52172, Sec. 24, Twp. 26, ODYD, located on Bentien Road, Kelowna, B.C. from the A1–Agriculture 1 zone to the RU1– Large Lot Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

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- 4.4 Planning & Corporate Services Department, dated September 9, 2003 re: Bell Mountain Area Structure Plan (ASP02-0001) and OCP03-0012 – Weninger Construction and Design Ltd. (Marlin Weninger) – (E of) Lone Pine Drive/1151 McKenzie Road/Lots A & B, Plan 31717, Swainson Road/Swainson Road (Near)

Staff:

- The Area Structure Plan would be used as a guide for the future rezoning, subdivision and development of the Bell Mountain area.
- The Bell Mountain Area Structure Plan comprises five properties and covers approximately 209 ha or just over 500 acres of which 120 acres are identified for future residential for development of a total of about 650 units. Parks and open space will be approximately 11.7 ha or 29 acres and will include a neighbourhood park and selected slopes over 30%. The proposed golf course will comprise 48.7 ha or 120 acres and the local commercial component of .36 ha or 0.9 acres includes potential for a hotel.
- Slopes over 30% will be protected by no-disturb covenant whether in public or private ownership.
- Phasing is projected to proceed over a 7-10 year period, developing from south to north.

Council:

- Staff to respond to the following at the Public Hearing:
 - Show the visual impact of the development proposed on Mine Hill
 - Clarify the dedication of the top of Mine Hill as parkland.
 - Provide details of the proposed trail network around the golf course;
 - Staff to be in attendance to speak specifically on how drainage will be dealt with on the property.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R789/03/09/15 THAT Council endorse the Bell Mountain Area Structure Plan dated August 8, 2003, attached as Schedule “A” to the report of the Planning & Corporate Services Department dated September 9, 2003;

AND THAT OCP Amendment No. OCP03-0012 to amend Table 19.1 of the Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 by deleting line 11 in its entirety be considered by Council;

AND THAT OCP Amendment No. OCP03-0012 to amend Map 19.1 – Generalized Future Land Use of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of SE ¼ of Sec. 24, Twp. 26, ODYD, Except Plans KAP54413, KAP58342, KAP59957, KAP63620, and KAP69503; Lot 2, Sec. 24 & 25, Twp. 26, ODYD, Plan KAP62397; Lot A, Sec. 19, Twp. 27, ODYD, Plan 31717; Lot B, Sec. 19, Twp. 27, ODYD, Plan 31717; Lot D1, Sec. 3 & 19, Twp. 27, ODYD, Plan 1760, Except Plan 33849; located: (E of) Lone Pine Drive / 1151 McKenzie Road / Lots A & B, Plan 31717, Swainson Road / Swainson Road (Near), Kelowna, B.C., **FROM** the Single/Two Family Residential and Rural/Agricultural designations **TO** the Single/Two Unit Residential; Multiple Unit Residential – Low Density; Multiple Unit Residential – Medium Density; Commercial; Major Park/Open Space; and Private Recreational designations, as shown on Figure 2.1, following Page 37 in Schedule “A” dated August 8, 2003, be considered by Council;

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AND THAT OCP Bylaw Amendment No. OCP03-0012 be forwarded to a public hearing for further consideration;

AND FURTHER THAT final adoption of any related zone amending bylaw be withheld pending Ministry of Transportation approval.

Carried

Councillor Day returned to the Council Chamber at 2:37 p.m. and took his place at the Council Table.

4.5 Planning & Corporate Services Department, dated September 9, 2003 re: One Way Couplets Impact Analysis (8330-20)

Staff:

- Converting Richter and Pandosy into one-way streets has been determined to be the most cost-effective option to accommodate north/south traffic needs as 3 lanes of traffic can be accommodated on each road without having to widen the roads, other than at key intersections.
- Water/Pandosy would be designated for south bound traffic and Richter would be for north bound traffic.
- Proposing to phase the couplet with the first phase being from Clement Avenue in the north to Cadder Avenue/Springfield Road in the south; the balance of the couplet would proceed as demand requires.
- The connection of Water Street to Pandosy Street and proposed changes in traffic movement at the intersections of Highway 97 at Abbott Street and Pandosy Street are necessary to address improvements that are needed to the east approach to Okanagan Lake Bridge in support of the new 5-lane bridge now proposed by the Province.

Paul Ardagh, Development Consulting Group:

- Presented the key findings of a study of the social and economic impacts associated with the first phase of the proposed one-way couplet.
- The impact is deemed to be insignificant with the exception of about 30,000 sq. ft. of retail businesses on Pandosy Street where the traffic volumes would decrease significantly and could result in about a 10-20% sales reduction. That impact could be reduced by 1/3 to 1/2 with implementation of mitigation measures.
- Problems on Lawrence and Leon Avenues are more to do with the surface parking lots and unfriendly land uses than because the streets are one-way.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R780/03/09/15 THAT Council receive the *One Way Couplets Impact Analysis* study attached to the Planning and Corporate Services report of September 9, 2003 as input into the City of Kelowna's "five-year" review of its Official Community Plan (OCP) road network;

AND THAT Pandosy/Richter be converted into one-way streets in conjunction with mitigative measures to reduce negative social and economic impacts [measures to be considered include those noted in the *One Way Couplets Impact Analysis (section 7.20)*];

AND FURTHER THAT the public consultation process related to preparation of the *One Way Couplets Impact Analysis* study be considered to have addressed Council's March 21, 2001 directive regarding stakeholder consultation.

Carried

Councillor Shepherd opposed.

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No 8976 (Z02-1024) – Tyson Properties Ltd. (Grant Maddock/Protech Consultants Ltd.) – 5109 Killdeer Road

Moved by Councillor Horning/Seconded by Councillor Given

R781/03/09/15 THAT Bylaw No. 8976 be adopted.

Carried

6. REPORTS

- 6.1 Wastewater Manager, dated September 9, 2003 re: Partnership with OUC on Re-Use of the Wastewater Treatment Facility (WWTF) Effluent (5350-01)

Aidan Kiernan, Campus Development & Facilities Management:

- Utilizing the clear water discharge from the adjacent Wastewater Treatment facility as a heat source will provide a positive impact to the environment and increase overall energy efficiency of the University.

Moved by Councillor Shepherd/Seconded by Councillor Given

R782/03/09/15 THAT the Mayor and City Clerk be authorized to execute an Agreement with the Okanagan University College to allow OUC to connect to the Wastewater Treatment Facility effluent pipe and re-use the treated effluent for heat recovery and re-use for their KLO facilities.

Carried

- 6.2 Director of Financial Services, and RCMP Superintendent, Kelowna Detachment, dated August 8, 2003 re: Crime Prevention Initiative (7401-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

R783/03/09/15 THAT Council approve the purchase of a Firearms Training Simulator system for the Kelowna detachment of the RCMP for an amount to not exceed \$50,000;

AND THAT the 2003 Financial Plan be amended to include revenues from the sale of a 28' Eliminator boat of \$37,000 and an expenditure of up to \$50,000 for the Firearms Training Simulator system, with the remaining amount transferred from savings within the 2003 RCMP budget.

Carried

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- 6.3 Transportation Manager, dated September 10, 2003 re: Spruceview Place Traffic Calming/Removal of Temporary Closure (BL 9084; 5460-04)

Moved by Councillor Shepherd/Seconded by Councillor Given

R784/03/09/15 THAT the temporary closure of Spruceview Place South at Clifton Road be *rescinded*;

AND THAT traffic calming measures be approved for Spruceview Place South as detailed in the report of the Transportation Manager dated September 10, 2003.

Carried

Mayor Gray left the meeting at 4:04 p.m. Deputy Mayor Cannan assumed the Chair.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9084 – Road Re-Opening Bylaw – Spruceview Place South

Moved by Councillor Shepherd/Seconded by Councillor Clark

R785/03/09/15 THAT Bylaw No. 9084 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.2 Bylaw No. 9043 – Repeal Dog Regulation and Impounding Bylaw No. 5880-88

Moved by Councillor Clark/Seconded by Councillor Shepherd

R786/03/09/15 THAT Bylaw No. 9043 be adopted.

Carried

- 7.3 Bylaw No. 9080 – Amendment No. 2 to Traffic Bylaw No. 8120

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R787/03/09/15 THAT Bylaw No. 9080 be adopted.

Carried

- 7.4 Bylaw No. 9082 – Amendment No. 1 to Utility Billing Customer Care Bylaw No. 8754

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R788/03/09/15 THAT Bylaw No. 9082 be adopted.

Carried

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- 7.5 Bylaw No. 9083 – A bylaw to Further Amend Water Regulation Bylaw No. 2173, as Amended

Moved by Councillor Day/Seconded by Councillor Hobson

R789/03/09/15 THAT Bylaw No. 9083 be adopted.

Carried

8. COUNCILLOR ITEMS

- (a) Initial Response to Okanagan Mountain Park Forest Fire

City Manager to investigate with the Ministry of Forests and the office of the Fire Commission when Council will be debriefed on the fire activities and whether there will be an opportunity for public or City involvement.

- (b) Notice of Motion – NOW Canada Society Request for Funding Assistance

Councillor Shepherd put Council on notice that she will be bringing forward a request to the September 29th Council Meeting for a one-time grant of \$24,000 for the NOW Canada Society.

9. TERMINATION

The meeting was declared terminated at 4:27 p.m.

Certified Correct:

Mayor

Deputy Mayor Cannan

City Clerk

BLH/bn