

Regular Meeting – P.M.

September 29, 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 29, 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 Financial Services, P.A. Macklem*; Financial Planning Manager, K. Grayston*; Director of Works & Utilities, J. Vos*; Director of Parks & Leisure Services, D.L. Graham*; Manager of Development Services, A.V. Bruce*; Manager of Policy, Research & Strategic Planning, S.K. Bagh*; Community Planning Manager, T. Eichler*; Parks Manager, J. Creron*; Urban Forestry Supervisor, I. Wilson*; Parks Coordinator, R. Zahara*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:39 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Leigh Campbell re: Presentation of Limited Edition Artwork Entitled "Your Finest Hour" to Mayor and Council

Mayor Gray:

- The original of this artwork has already been presented by the artist to Fire Chief Gerry Zimmermann to hang at the Fire Hall.

Leigh Campbell, artist:

- Presented Mayor Gray with a print of the painting to hang at City Hall and advised that the painting is going on sale to the public and net proceeds will go to the Okanagan Mountain Provincial Park Fire Recovery Trust Fund.

Mayor Gray altered the order of business on the agenda and allowed item No. 7(a) under Councillor Items to be dealt with at this time, because of the number of people in the public gallery for the item.

7. COUNCILLOR ITEMS

(a) Councillor Shepherd re: Notice of Motion – NOW Canada Request for Funding Assistance (0550-05)

Councillor Shepherd advised that NOW Canada was recently assured of a further three months of Provincial funding and so she would like to defer rather than withdraw this item so that it could be raised for future consideration, if necessary, without having to give notice again.

Moved by Councillor Shepherd/Seconded by Councillor Given

R809/03/09/29 THAT Council hear from a representative of NOW Canada.

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Cathrine Williams-Jones, NOW Canada:

- Confirmed that notice was received this morning that the Ministry of Human Resources has agreed to a 3-month extension of the contract with NOW Canada to assist with the 6-month deficit for the safe centre. This funding commitment was not contingent on any other contributions.

3.2 James MacPherson, Pulse Research Ltd. re: Consultant's Presentation of 2003 Citizens' Survey

James MacPherson, Pulse Research Ltd.:

- Presented the highlights of the 2003 citizen survey and drew attention to the historic trends that are starting to appear.
- Traffic congestion and the City's response to growth were the two main issues identified through the survey.

Councillor Cannan entered the Council Chamber at 1:59 p.m. and took his place at the Council Table.

Council:

- Open to suggestions for future surveys on how to generate a greater response from the under 45 age group.

3.3 Cathy Richards re: The Work of the Central Okanagan Community Garden Committee

Cathy Richards, member of the COCGC committee:

- Gave an update of what the committee has accomplished with the \$6,000 grant money from the City of Kelowna.
- Asked that the City help them locate other appropriate sites for community gardens.

4. PLANNING

4.1 Planning & Corporate Services Department, dated September 18, 2003 re: Rezoning Application No. Z00-1012 – Edward and Kazimere Surowiec (Edward Surowiec/Exclusive Investments) – 145, 1555, 165 Taylor Road and 1315, 1325 & 1345 Highway 33 West

Moved by Councillor Day/Seconded by Councillor Given

R810/03/09/29 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8587 (Z00-1012 – Exclusive Investments/Edward & Kazimere Surowiec - southeast corner of Highway 33 West/Taylor Road) be extended to March 12, 2004.

Carried

4.2 Planning & Corporate Services Department, dated September 23, 2003 re: Rezoning Application No. Z03-0035 – Zodiac Pub Beer and Wine Store (Steve Berezan) – 200-210 Highway 33 West

Staff:

- The rezoning is requested to accommodate a private liquor store at the proposed new pub location. The intent is to have the liquor store fronting onto Highway 33 with the pub and tenant space at the rear of the property.
- The existing pub site would still be zoned for 'lp' and 'rls' and if that use of the site is not revived within 6 months of closing down, staff would recommend the 'lp' and 'rls' designations be removed from the property.

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Moved by Councillor Day/Seconded by Councillor Hobson

R811/03/09/29 THAT Rezoning Application No. Z03-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 26, Township 26, ODYD Plan 511, located on Highway 33 West, Kelowna, B.C. from the C4 – Town Centre Commercial zone to the C4lp/rls – Town Centre Commercial (Liquor Primary/Retail Liquor Sales) 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 in conjunction with Council's consideration of a Liquor License application on the subject property.

Carried

4.3 Planning & Corporate Services Department, dated September 23, 2003 re: Rezoning Application No. Z03-0041 – Mamre Holdings Inc. (Renee Wasylyk) – 1856 Ambrosi Road

Staff:

- The applicant is proposing to redevelop the site with a 2-storey building with office space for medical or health uses at-grade and two residential units on the second storey. Parking would be at the rear of the site.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R812/03/09/29 THAT Rezoning Application No. Z03-0041 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

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

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- 4.4 Planning & Corporate Services Department, dated September 16, 2003
re: Rezoning Application No. Z03-0049 – Pierre & Amber Piche – 1086 Raymer Avenue

Staff:

- The applicant intends to raise the existing house and construct a new ground-floor level in order to accommodate a secondary suite within the building envelope.

Moved by Councillor Horning/Seconded by Councillor Shepherd

R813/03/09/29 THAT Rezoning Application No. Z03-0049 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, D.L. 135, ODYD Plan 29776, located on Raymer Avenue, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone;

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

Carried

- 4.5 Planning & Corporate Services Department, dated September 16, 2003
re: Rezoning Application No. Z03-0036 – Eric Weiss (Royce Dockrill) – 3517 Lakeshore Road

Staff:

- The applicant is proposing to remove the existing house and redevelop the site with a 2-storey duplex, as he has done on a property to the south of the subject property.
- A Development Variance Permit would be required to vary the lot width in order to achieve the proposed duplex.

Moved by Councillor Horning/Seconded by Councillor Blanleil

R814/03/09/29 THAT Rezoning Application No. Z03-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 134, ODYD, Plan 7981, located on Lakeshore Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

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

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- 4.6 Planning & Corporate Services Department, dated September 10, 2003 re: Official Community Plan Amendment No. OCP03-0002 – Bertha & Douglas Flintoft (622664 BC Ltd./Grant Gaucher) – 2010 McKinley Road, West of Slater Road, and 3650 Finch Road

Staff:

- The applicant is proposing to develop four large properties with a resort hotel and conference centre, wellness village, golf course, vineyard and cottage winery, and education and retreat centre.
- The proposed OCP amendment would change the future land use designation of two of the parcels and allow the applicant to apply to rezone the the properties to a Comprehensive Development zone. The existing Agriculture 1 zoning would remain on the balance of the site which would be used for agricultural uses or left in its current condition.
- The applicant has undertaken preliminary engineering work, environmental assessment, and an analysis on water provision and is confident the property can be serviced in a manner to meet their development needs.
- Staff are concerned because the property is beyond the 20 year scope of the current OCP for urbanized land uses and therefore not considered in capital planning for infrastructure extensions or road networks. It is an intriguing application that could result in an exciting resort type development, but it is premature. The consequences for the capital plan from a infrastructure point of view would be serious. For those reasons the staff recommendation for this application is negative.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R815/03/09/29 THAT Council hear from the applicant.

Carried

Grant Gaucher, applicant:

- The proposed \$250 million project would put Kelowna on the map as a Health and Wellness destination.
- Water can be provided by the Glenmore-Ellison Irrigation District, the main for the sanitary sewer would only be sized to service the subject property with no oversizing, preliminary studies show that all storm water can be detained on site, road improvements would be carried out by the developers and all costs will be borne by the proposed development.
- At 90 acres the proposed development would use about 2% of the urban potential in the area.
- Will hold the balance of the 720 acres plus his family's 160 acres immediately to the north of the Glenmore Highland project in the Future Urban Reserve for orderly build-out of the City.
- Have already done most of the work required for an Area Structure Plan (ASP) and can produce the ASP information concurrent with the rezoning application. Would not want to have to go through the Sector Plan process because of timing considerations and because not everyone who benefits from the plan participates.
- Would like to open phase 1 of the project in time for Kelowna's 100th anniversary in 2005.

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Staff:

- It is generally the Sector Plan that guides what will occur in the Area Structure Plan. There is no sector plan for this area and staff are concerned that the proposed development would trigger other development to support it and that would open up the entire northern sector of town for development and compromise development that has been planned for in the City's 20-year servicing plan and financing strategy.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R816/03/09/29 THAT staff report back in two weeks with further information with regard to capital costs and infrastructure funding for the project proposed in conjunction with Official Community Plan Amendment No. OCP03-0002 (Grant Gaucher for Bertha & Douglas Flintoft – McKinley/Finch Roads) and with respect to the City of Kelowna 20-Year Financing & Servicing Plan.

Carried

Councillor Clark opposed.

Councillor Given left the meeting at 4:20 p.m.

5. REPORTS

- 5.1 Community Planning Manager, dated September 23, 2003 re: Emergency Grant Applications (1855-20)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R817/03/09/29 THAT Council accept the recommendations of the Social Planning & Housing Committee to authorize the following emergency grants, in accordance with Council Policy 312:

\$2,000 to the Kelowna Family Centre Society
\$5,000 to the Kelowna Drop-In Centre.

Carried

5.1.0 Communities in Bloom

- Councillor Cannan, Chair of Communities in Bloom, presented Mayor Gray and Council with the National Award for the 50,001 to 100,000 population category which the City of Kelowna received at the Communities in Bloom convention held last weekend in Stratford, Ontario.
- Kelowna was also cited for outstanding community involvement.

- 5.2 Parks Manager, dated September 24, 2003 re: Kelowna Tree ReLeaf Program (6300-03)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R818/03/09/29 THAT Council endorse a new tree planting program called Kelowna Tree ReLeaf, as part of the rehabilitation efforts from the Okanagan Mountain Provincial Park forest fire.

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- 5.3 Director of Financial Services, Director of Works & Utilities, and Director of Parks & Leisure Services, dated September 23, 2003 re: 20-Year Servicing Plan and Financing Strategy (BL 9095; 3150-20)

Staff:

- The two major changes to the strategy are the adoption of the density gradient methodology for Development Cost Charges, and integration of drainage into the arterial roads program.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R819/03/09/29 THAT Council receive staff information regarding the public and stakeholder consultation process of the 20 Year Servicing Plan and Financing Strategy, including the 'Public and Stakeholder Input' document dated July, 2003;

AND THAT Council approve proposed changes for inclusion into the draft 20 Year Servicing Plan and Financing Strategy as detailed in Appendix "A";

AND FURTHER THAT Council direct staff to prepare a new Development Cost Charge Bylaw with a bylaw effective date of February 1, 2004.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR FIRST THREE READINGS)

- 6.0 Bylaw 9090 - Amendment No. 9 to Fire Prevention Regulations Bylaw No. 6110-88

Staff:

- Alternatives to burning are also being actively pursued; however, the proposed amendment would provide the option of issuing a special burning permit for burning wood waste removed from properties of less than 1.0 ha in size that were damaged by the 2003 Okanagan Mountain Provincial Park forest fire.
- The wood waste would have to be moved to a designated site for burning and all normal rules of burning would apply.

Council:

- Concerned about the impact of heavy truck traffic taking wood waste from the burned areas to the selected pit in Crawford Estates. Staff to look at options for dealing with heavy truck traffic at Gordon Drive and Dehart Road, particularly during prime school times.

Moved by Councillor Hobson/Seconded by Councillor Horning

R820/03/09/29 THAT Bylaw No. 9090 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Clark/Seconded by Councillor Shepherd

R821/03/09/29 THAT Bylaw No. 9084 be adopted.

Carried

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7. COUNCILLOR ITEMS

- (a) Councillor Shepherd re: Notice of Motion – NOW Canada Request for Funding Assistance (0550-05)

Dealt with after agenda item No. 3.1.

- (b) Okanagan Mountain Park Forest Fire

Mayor Gray agreed to send a letter to Premier Gordon Campbell commending him on the decision to call for an independent review of the fire fighting process throughout the Province of British Columbia.

- (c) Proposed Okaview Sewer Project

The City Manager updated Council on the proposed Okaview Sewer Project noting staff are still trying to gauge the level of support and looking at options for providing the service. No final decisions have been made at this stage.

8. TERMINATION

The meeting was declared terminated at 5:58 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk