

Regular Meeting – P.M.

October 27, 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, October 27, 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, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Community Planning Manager, T. Eichler*; and 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Lise Cloutier and Robyn Clarkson, Outreach Workers, Kelowna Drop-In & Information Centre re: Kelowna Homelessness Networking Group

Lise Cloutier and Robyn Clarkson, Outreach Workers:

- The Kelowna Homelessness Networking Group was formed in June 2002 and is comprised of representatives from over 50 different community agencies.
- Presented the results of their first census which was conducted on the night of March 12, 2003 out of the Kelowna Drop-In and Information Centre.
- The goal is to conduct a census bi-annually. The next census is scheduled for November 2003 and the intent would be to report those results to Council in early 2004.
- Asked for the same in-kind City support for the November census as was given for the June census and that the Mayor strike a task force to address the issue of homelessness in the community and find ways to implement the recommendations in the census report.

Council:

- Asked questions of the Outreach Workers about the information presented.
- Thanked the Outreach Workers for the presentation.

4. UNFINISHED BUSINESS

4.1 Draft Resolution re: Cancellation of November 10, 1002 Council Meeting (0550-01) Deferred from the Regular Meeting of October 14, 2003

Moved by Councillor Hobson/Seconded by Councillor Given

R881/03/10/27 THAT further consideration of a motion to cancel the Regular Meeting scheduled for Monday, November 10, 2003 be deferred to the Regular Meeting of Monday, October 27, 2003.

Carried

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5. PLANNING

- 5.1 Planning & Corporate Services Department, dated October 15, 2003 re: 4 Pillars Addictions Event (0360-20)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R882/03/10/27 THAT Council endorse the hosting of a community information event by the Mayor, to address the issue of addictions in the Kelowna area and introduce the 4 Pillars approach to this problem;

AND THAT Council authorize payment of the rental cost of the Mary Irwin Theatre in the Rotary Centre for the Arts, \$200 towards the cost of bringing in a panelist from Vancouver, and \$400 towards catering costs for the addictions event to be paid from Community Planning Account No. 694.

Carried

- 5.2 Planning & Corporate Services Department, dated October 21, 2003 re: Application No. LUC03-0001 and Rezoning Application No. Z03-0045 – J.W. Bedford Ltd. (Doug Sperling) – 4223 & 4313 Bedford Road

Councillor Day declared a conflict of interest because his family owns property adjacent to the subject property and left the Council Chamber at 2:10 p.m.

Staff:

- The rezoning would facilitate an 8-lot rural residential subdivision.

Moved by Councillor Horning/Seconded by Councillor Given

R883/03/10/27 THAT Application No. LUC03-0001 to discharge the Land Use Contract LUC76-1110 from Lot 231, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499, 31918 and H9875, and Lot 234, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499 and H9875, located on Bedford Road, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z03-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 231, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499, 31918 and H9875, and Lot 234, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499 and H9875, located on Bedford Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone be considered by Council;

AND FURTHER THAT Application No. LUC03-0001 and the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Given

R883/03/10/27 THAT a letter be sent to the Minister of Agriculture that the Land Title Office should support registration of a covenant on lots being created adjacent to lands within the Agricultural Land Reserve advising of the potential conflict between rural/urban activities, machinery noise, spray, etc.

Carried

Councillor Day returned to the Council Chamber at 2:35 p.m. and took his place at the Council Table.

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- 5.3 Planning & Corporate Services Department, dated October 14, 2003 re: Agricultural Land Reserve Appeal No. A03-0010 – 654736 BC Ltd. (New Town Planning Services Inc.) – 202 Drake Road

Staff:

- The applicant is seeking permission from the Land Reserve Commission to exclude the subject property from the Agricultural Land Reserve in order to facilitate a 22-lot subdivision.
- Do not recommend support for the application as it is contrary to relevant Planning documents.

Moved by Councillor Blanleil/Seconded by Councillor Day

R884/03/10/27 THAT Council hear from the applicant.

Carried

Keith Funk, New Town Planning Services:

- The applicant applied to subdivide with a different lot layout prior to amalgamation of the City and prior to the Land Reserve Commission coming into being.
- The property was farmed as an apple orchard but has since decayed. The nutrient value is not good.

Moved by Councillor Day/Seconded by Councillor Given

R885/03/10/27 THAT Agricultural Land Reserve Appeal No. A03-0010, Lot 9, Blk. 4, Sections 4 & 9, Twp. 23, ODYD, Plan 896, Except Plan KAP72431, located at 202 Drake Road, Kelowna, B.C. for exclusion from the Agricultural Land Reserve pursuant to Section 15(1) of the Agricultural Land Reserve Act be supported by Municipal Council.

Carried

Mayor Gray and Councillors Blanleil, Cannan and Hobson opposed.

Mayor Gray left the Council Chamber for a telephone meeting with Heritage Minister Sheila Coppins at 2:55 p.m. Deputy Mayor Horning assumed the Chair.

- 5.4 Planning & Corporate Services Department, dated October 15, 2003 re: Rezoning Application No. Z02-1052 – Allan, Murray & Mable Hill and Douglas & Janet Stranaghan (Grant Maddock) – 3732 Highway 97 North

Staff:

- The owner wishes to rezone for the purpose of sale rather than development.
- Conceptual plans submitted by the applicant indicate 4 buildings with access from Highway 97 and surface parking.
- The Advisory Planning Commission recommends non-support because of concerns with potential access from Highway 97, the multitude of buildings in the area, and approving the rezoning in the absence of a development plan.
- Planning department staff recommend support.

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Moved by Councillor Blanleil/Seconded by Councillor Given

R886/03/10/27 THAT Rezoning Application No. Z02-1052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 35, Twp. 26, ODYD, Plan 3993, except Plans 4410 and H8110, located on Highway 97 North, Kelowna, B.C., from the A1 - Agriculture 1 zone to the I2 - General Industrial 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 following registration of a Road Reservation Agreement (on Section 1 of Appendix "A") in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered following registration of a Road Reservation Agreement and "No Disturb" Covenant (on Section 2 of Appendix "A") in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered following registration of an Easement (on Section 3 of Appendix "A") in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered following the dedication of Section 3 of Appendix "A" (to the specifications of the Ministry of Transportation);

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;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be withheld pending Council's consideration of a development permit on the subject property.

Carried

5.5 Planning & Corporate Services Department, dated October 20, 2003 re: Rezoning Application No. Z03-0051 – David & Joan Poole (Rob Richardson) – 464 Morrison Avenue

Staff:

- The rezoning would allow for construction of a 1-storey accessory building that would be developed as a secondary suite.
- The applicant has waited the mandatory 6-month period and submitted the same application as was previously denied by Council.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R887/03/10/27 THAT further consideration of Rezoning Application No. Z03-0051 (David & Joan Poole – 464 Morrison Avenue) be deferred to the Regular Meeting of November 17, 2003 to allow the applicant time to clarify any changes between this application and their previous application (Z02-1047) which was not supported by Council.

Carried

Councillor Shepherd opposed.

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- 5.6 Planning & Corporate Services Department, dated October 21, 2003 re: Rezoning Application No. Z03-0053 – WGP 236 Holdings Ltd. (Breakers Billiards & Bistro) - #1-1525 Dilworth Drive

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R888/03/10/27 THAT Rezoning Application No. Z03-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, D.L. 125 & 531, ODYD Plan KAP46845, located on Dilworth Drive, Kelowna, B.C. from the C10 – Service Commercial zone to the C10lp – Service Commercial Liquor Primary zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing concurrently with the liquor license application for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending Council consideration of the associated liquor license application.

Carried

- 5.7 Planning & Corporate Services Department, dated October 21, 2003 re: Official Community Plan Amendment No. OCP03-0003; Zoning Bylaw Text Amendment No. TA03-0004 and Rezoning Application No. Z03-0016 – Pier Mac Petroleum Installations Ltd. (Dell Balfour) – 5220, 5520 & 5822 Highway 97 North and 3575 Lochrem Road

Staff:

- The application is to incorporate the Pier Mac Area Structure Plan into the OCP, create the CD15 – Airport Business Zone, and rezone a portion of the property to accommodate the first phase of an industrial business park development focused on airport and university-college associated uses.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R889/03/10/27 THAT Map 19.1 – *General Future Land Use* of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; West ½ of Sec. 14, Twp. 23, O.D.Y.D., Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790 and KAP57365; Lot 1, Sec. 11, Twp 23, O.D.Y.D., Plan 34113; Lot B, DL 32 and Sec. 14, Twp 23, O.D.Y.D., Plan KAP52924 and Lot A, DL 32 and Sec. 14, Twp. 23, O.D.Y.D., Plan KAP52924, located on Highway 97 North Kelowna B.C., from Mixed-Use Development to Comprehensive Development Project as shown on Map “A” attached to the report of the Planning and Corporate Services Department dated October 21, 2003;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the CD15 – Airport Business Park zone to Schedule “B” of Zoning Bylaw 8000 as outlined in Schedule “B” attached to the report of the Planning and Corporate Services Department dated October 21, 2003;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by text amendment adding reference to the CD15 – Airport Business Park zone to the section of Zoning Bylaw 8000, as outlined in Schedule “C” attached to the report of the Planning and Corporate Services Department dated October 21, 2003;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the new definitions to the section of Zoning Bylaw 8000, as outlined in Schedule "D" attached to the report of the Planning and Corporate Services Department dated October 21, 2003;

AND THAT City of Kelowna Sign Bylaw, 1998, No. 8235 be amended by adding reference to the CD15 – Airport Business Park zone to the section of Sign Bylaw 8235, as outlined in Schedule "E" attached to the report of the Planning and Corporate Services Department dated October 21, 2003;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of the West ½ of Sec. 14, Twp. 23, O.D.Y.D., Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790 and KAP57365, located on Harvey Avenue, Kelowna, B.C., from the existing I5 – Extraction zone to the new CD15 – Airport Business Park zone, C9 – Tourist Commercial, and P3 – Park and Open Space Zones as shown on Map "B" attached to the report of Planning and Corporate Services Department, dated October 21, 2003, be considered by Council;

AND THAT the Official Community Plan, text amendment, and zone amending bylaws be forwarded to a Public Hearing for further consideration;

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

AND FURTHER THAT final adoption of the Official Community Plan and zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

Mayor Gray returned to the Council Chamber at 3:30 p.m. and resumed the Chair.

6. REPORTS

6.1 Transportation Manager, dated October 22, 2003 re: Truck Traffic on Crawford Road (5460-09)

Moved by Councillor Hobson/Seconded by Councillor Clark

R890/03/10/27 THAT Council approve the plan by staff to restrict truck traffic on Crawford Road to southbound only, and to implement short term improvements to the Stewart Road West/Saucier/Bedford/DeHart route, in accordance with the report from the Transportation Manager dated October 22, 2003;

AND THAT the 2003 Financial Plan be amended to include the cost of temporary upgrades on Stewart Road West in the amount of \$75,000 to be funded from the Rural Roads reserve;

AND FURTHER THAT staff bring back a report for Council consideration on truck traffic on Crawford Road and Stewart Road West after getting further input from the operators of the gravel pits and the residents that have corresponded with the City.

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Mayor Gray altered the order of business and advised that agenda item No. 8.1 would be dealt with next because of concern that some members of Council would be leaving the meeting early and the bylaw requires a 2/3 majority vote of Council.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 8.1 Bylaw No. 9104 – 2004 Tax Exemptions **requires 2/3 majority vote of Council (6)**

Moved by Councillor Clark/Seconded by Councillor Shepherd

R893/03/10/27 THAT Bylaw No. 9104 be adopted.

Carried

- 6.2 Wastewater Manager, dated October 22, 2003 re: Okaview Sewer Specified Area No. 28A (5340-09-28A)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R891/03/10/27 THAT Council accept the report dated October 22, 2003 from the Wastewater Manager and direct staff to continue with the engineering work for the Okaview sewer project and if Senior Government grant funding has not been announced by November 7, 2003, to take the appropriate steps to reconfigure the proposed project boundaries to facilitate a Sewer Specified Area of a reduced size.

Carried

7. RESOLUTIONS

- 7.1 Draft Resolution re: 2004 Council Meeting Schedule (0530-01)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R892/03/10/27 THAT the 2004 Council Meeting schedule be adopted as follows:

Monday Regular Meetings

January 12, 19 and 26
February 2, 9, 16 and 23
March 1, 8, 15, 22 and 29
April 5, 19 and 26
May 3, 10 and 17
June 7, 14, 21 and 28
July 12 and 26
August 9, 23 and 30
September 13 and 27
October 4, 18 and 25
November 1, 8, 15, 22 and 29
December 6, 13 and 20

Public Hearing/Regular Meetings

January 13 and 27
February 10 and 24
March 9 and 23
April 6 and 20
May 4 and 18
June 1, 15 and 29
July 13 and 27
August 10 and 24
September 14 and 28
October 5 and 19
November 2, 16 and 30
December 7 and 21

Carried

Mayor Gray and Councillor Hobson left the meeting at 4:32 p.m. Deputy Mayor Horning assumed the Chair.

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- 8.1 Bylaw No. 9104 – 2004 Tax Exemptions **requires 2/3 majority vote of Council (6)**

Dealt with after agenda item No. 6.1.

9. COUNCILLOR ITEMS

- (a)
- 2003 Tax Waiver – MADAY Society for Seniors

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R894/03/10/27 THAT Council grant a waiver of the municipal portion of the 2003 tax levy for the MADAY Society for Seniors (Branch 55) in the amount of \$2,231.08;

AND THAT the funds be appropriated from Council Contingency.

Carried10. TERMINATION

The meeting was declared terminated at 4:45 p.m.

Certified Correct:_____
Mayor_____
Deputy Mayor Horning_____
Deputy City Clerk

MT/SCF/blh/am