

Regular Meeting – P.M.December 8, 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, December 8, 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\*; Development Services Manager, A.V. Bruce\*; Financial Planning Manager, K. Grayston\*; Drainage/Solid Waste Manager, A. Newcombe\*; Wastewater Manager, W.J. Berry\*; Recreation Manager, R. Oddleifson\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Steven Francis, Canadian Blood Services re: Interior Drive for Life Blood Donor Challenge

Steven Francis, Canadian Blood Services:

- Presented Mayor Gray with a Prince George Cougars hockey jersey to wear during the Council Meeting as part of the penalty for the City of Prince George winning the latest Interior Drive for Life blood donor challenge.

Mayor Gray altered the order of business and advised that agenda item No. 6.3 would be dealt with next.

6.3 Manager of Recreation & Cultural Services, dated December 2, 2003 re: 2005 Centennial Celebrations Committee (0330-20)

Dr. Terry Flanagan, 2005 Centennial Celebrations Committee Chairperson:

- Asked that Dick Gunoff be added to the list of appointees.

Moved by Councillor Hobson/Seconded by Councillor Day

**R1008/03/12/08** THAT City Council appoint the following individuals to the 2005 Centennial Celebrations Committee:

1. Mayor Walter Gray - Honorary Chairperson
2. Terry Flannigan - Chairperson
3. Lawrence Bates - Vice Chairperson
4. Wayne Wilson
5. Roger White
6. Terri Serwa
7. Dave Maclean
8. Karen Kelly
9. Carmen Salaberry
10. Mitch Atkinson
11. Gillian Thomson
12. Suann Brown
13. Bill Downie
14. Dick Gunoff;

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AND THAT the 2005 Centennial Celebrations Committee be delegated the authority to make changes to the committee membership as they deem necessary;

AND FURTHER THAT the committee be responsible to implement a program for the 2005 Centennial Celebrations based on the Kelowna Centennial Celebration Plan previously approved by Council.

Carried

4. PLANNING

4.1 Planning & Corporate Services Department, dated December 3, 2003 re: Development Permit Application No. DP03-0108 – Ruby Holdings Ltd. (Doug Lane/Water Street Architecture) – 680, 688, 690 Lequime Road

Staff:

- The former Fairview Golf Course site is already developed with a 4-storey apartment building on Lot 4. The intent is to replicate that building on Lot 3 and Lot 5.
- The RM3 portion of the site would be developed with 4 pods of buildings for a total of 14 townhouse units.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R1009/03/12/08** THAT Council authorize the issuance of Development Permit No. DP03-0108 for Lots 2, 3 & 5, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP72953, located on Lequime Road and Gordon Drive, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

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- 4.2 Planning & Corporate Services Department, dated November 25, 2003 re: Rezoning Application No. Z03-0047 and OCP03-0011 and LUC03-0002 – LCC Holdings Inc. (Terry Feeny) – 1094 Lawson Avenue

Staff:

- The Land Use Contract restricts the use of the property to parking for the IGA store which is situated across Gordon Drive but is no longer in operation.
- Even if the IGA was to reopen, parking requirements have changed and parking needs for the store could be met on-site.
- The OCP amendment and rezoning would facilitate development of the site with a 3.5-storey, 15-unit condo/apartment building.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R1010/03/12/08** THAT application No. LUC03-0002 to discharge the Land Use Contract 78-1029 from Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C., be considered by Council;

AND THAT LUC03-0002 be forwarded to a Public Hearing for further consideration;

AND THAT OCP Bylaw Amendment No. OCP03-0011 to amend Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C., from the Multiple Unit Residential Low Density designation to the Multiple Unit Residential Transition designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated November 25, 2003, be considered by Council;

AND THAT the Official Community Plan amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Rezoning Application No. Z03-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM4 – Transition Low Density Housing 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 and Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered following registration of a Road Reservation Agreement in the Land Title Office;

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

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- 4.3 Planning & Corporate Services Department, dated December 2, 2003 re: Rezoning Application No. Z03-0059 – 641300 BC Ltd. (Black Mountain Pub Ltd.) – 2040 Joe Riche Road

Moved by Councillor Horning/Seconded by Councillor Day

**R1011/03/12/08** THAT Rezoning Application No. Z03-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot 5 shown on Plan B4079, Section 18, Township 27, ODYD Plan 1991, located on Joe Riche Road, Kelowna, B.C. from the C2 - Neighbourhood Commercial zone to the C2rls - Neighbourhood Commercial (Retail Liquor Sales) zone be considered by Council;

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

Carried

- 4.4 Planning & Corporate Services Department, dated November 12, 2003 re: Development Permit Application No. DP03-0127 – Randy Mosicki – 310 Prince Edward Drive

Staff:

- The property is a lakefront property within a Natural Features/Hazardous Condition Development Permit Area for a water body and for significant slopes.
- The site is accessed via a private access easement.
- The applicant proposes to regrade and remove the knoll, depositing the material in behind on the site in order to achieve a flat building site.
- Do not recommend support of the application because it would mean turning a hillside lot into a flat area instead of respecting the natural topography of the site. Staff are of the opinion that a good building site could be achieved with less alteration of the site.

Moved by Councillor Given/Seconded by Councillor Shepherd

**R1012/03/12/08** THAT Council hear from the applicant.

Carried

Tom Smithwick:

- The applicants have been in Kelowna for about 20 years. They purchase the subject property about 4 years ago with the idea of creating their dream home on the site.
- The tendency along the lakefront is to build 2-3 storey homes on smaller building envelopes because there are no large flat building areas.
- The subject property is over 8.5 acres in size and the percentage of disturbance area is relatively small. The material removed from the knoll would be deposited into the ravine area in order to achieve a flat home site large enough to allow them to build the proposed 5,000 sq. ft. one level ranch style home.
- Showed photos of typical types of homes that could be built on the property and showed how the knoll could be replaced with the proposed 1 storey structure.
- Building on the knoll dramatically improves the north and south view of the lake and respects the privacy of the immediate neighbours.
- Submitted letters of consent from the neighbours.

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Bob Evans, True Engineering:

- Showed photos of the site from the access road. Showed existing trees that will be retained and how the site could be developed.
- The proposed 1-storey structure would blend in with the topography and not create a dramatic visual impact from the lake.

Randy Mosicki, applicant:

- Confirmed that the property is on septic disposal, that drainage is not a concern as the existing natural water course would not be changed, and that the building to be constructed on the site would indeed be one-storey.

Moved by Councillor Blanleil/Seconded by Councillor Horning

**R1013/03/12/08** THAT Council authorize the issuance of Development Permit No. DP03-00127 for Lot 3, Sections 7 and 8, Township 23, ODYD Plan 41162, located on Prince Edward Drive, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the re-grading on the land be in general accordance with Schedule "A";
2. The applicant be required to submit an environmental report that includes a mitigation plan (monitoring, fencing, tree and vegetation replacement);
3. The applicant be required to post with the City a Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the habitat restoration and enhancement, as determined by an environmental report;
4. The applicant be required to arrange for site monitoring and a system of fencing to prevent the movement of debris from the proposed area of work down slope;
5. The applicant be required to complete a wildland fire assessment and mitigation plan with a covenant registered on title;
6. The applicant be required to protect all remaining land on the subject property with slopes greater than 30% with a no-disturb covenant;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 4.5 Planning & Corporate Services Department, dated November 25, 2003 re: Cedar Avenue Land Use Review (0917-20-040)

Councillor Hobson declared a conflict of interest because a relative lives within the study area and could potentially benefit from the outcome of the review process and left the Council Chamber at 2:25 p.m.

Councillor Shepherd declared a conflict of interest as part owner of a property adjacent to the study area and left the Council Chamber at 2:25 p.m.

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Moved by Councillor Given/Seconded by Councillor Cannan

**R1014/03/12/08** THAT staff appoint consultant resources to review future land use designations in the Cedar Avenue area [bounded by Okanagan Lake (on the west); West Avenue (on the north); the lane running parallel and west of Pandosy Street (on the east); and the intersection of Watt Street and Walnut Street (on the south) as detailed in the Planning and Corporate Services report of November 25, 2003;

AND THAT the Urban Centres Implementation Committee provide guidance into the review of future land use designations in the Cedar Avenue area;

AND FURTHER THAT Council implement, for the Cedar Avenue study area, a six-month moratorium beginning on December 8, 2003 and ending on June 8, 2004, on rezonings that would allow for more intensive development than currently permitted.

Carried

4.6 Director of Planning & Corporate Services, verbal report re: Liquor Control & Licensing Act – Amendment to Regulations re Temporary Amendments to Liquor Licences

Staff:

- Recent changes to provincial regulations now allow Council to delegate the authority for approving temporary changes to liquor licences to the staff level.

Council:

- Staff to report back to Council outlining recent liquor licensing changes.
- Staff to report back at this time next year advising how many temporary licence applications were dealt with by staff and if the approval resulted in any negative impacts.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1015/03/12/08** THAT based on Liquor Control and Licensing Branch Policy Directive No. 03-15, Council amend Council Policy No. 255 to allow local government comments on “Applications for Temporary Change” to be delegated to the Director of Planning and Corporate Services who shall have regard for existing policy and shall seek input as required.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

5.1 Bylaw No. 9066 (Z03-0020) – John & Sarina Weisbeck and Romesha Ventures Inc. (D.E. Pilling and Associates Ltd.) – 1494 and 1374 Highway 33 East

Moved by Councillor Horning/Seconded by Councillor Given

**R1016/03/12/08** THAT Bylaw No. 9066 be adopted.

Carried

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6. REPORTS

- 6.1 Director of Financial Services, dated December 3, 2003 re: Amendment No. 1 to Bylaw No. 9027 – Five Year Financial Plan, 2003-2007 (1700-20; BL9127)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1017/03/12/08** THAT Council approve amendment #1 to the Five Year Financial Plan, 2003-2007 Bylaw 9027 as required by the Local Government Act, to reflect changes in the Operating Budget and Capital Expenditure Program for 2003;

AND THAT the amending bylaw be advanced for reading consideration by Council.

Carried

- 6.2 Director of Financial Services, dated December 2, 2003 re: Land Sales Reserve Bylaw (1700-20; BL9126)

Moved by Councillor Day/Seconded by Councillor Given

**R1018/03/12/08** THAT staff be directed to prepare a bylaw to provide for expenditures up to a maximum of \$4,000,000 from the reserve in 2003;

AND THAT the Land Sales Reserve Fund Expenditure Bylaw No. 9126 be advanced for reading consideration by Council.

Carried

- 6.3 Manager of Recreation & Cultural Services, dated December 2, 2003 re: 2005 Centennial Celebrations Committee (0330-20)

Dealt with after agenda item No. 3.1.

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- 6.4 Wastewater Manager, dated December 3, 2003 re: 2004 Sewer Rates (1824-02; BL9132; BL9133)

Moved by Councillor Shepherd/Seconded by Councillor Day

**R1019/03/12/08** THAT Council approve an increase to Residential and Industrial/Commercial/Institutional (ICI) Sewer rates effective on January 1, 2004 and billings that occur subsequent to that date, as follows:

	(Existing) 2003	(New) 2004
<b>Residential</b>		
- Flat Rate	\$ 12.35/month	\$ 13.20/month
<b>Commercial (I/C/I)</b>		
- Metered base rate (per month)	\$ 8.00	\$ 8.50
- All usage (per m <sup>3</sup> )	\$ 0.75/m <sup>3</sup>	\$ 0.75/m <sup>3</sup>
- Unmetered rate:	n/a	
- ¾ water service size	n/a	12 times the residential rate
- 1" water service size	n/a	24 times the residential rate
- 1½" water service size	n/a	40 times the residential rate
- 2" water service size	n/a	72 times the residential rate
- 3" water service size	n/a	135 times the residential rate
- Greater than 3" water service		based on estimated usage
Parcel Tax (all serviced parcels)	\$ 70.00/parcel/ year	\$ 60.00/parcel/year

AND THAT Council direct staff to prepare an amended Sewer System User Bylaw and Sewer Service Parcel Tax bylaw for approval.

Carried

- 6.5 Drainage/Solid Waste Manager, dated December 4, 2003 re: Drainage Upgrade Policy Resulting from the Okanagan Mountain Park Fire (5225-05)

Staff:

- Asked that funding approval in the recommendation before Council be changed to include only the design of the drainage works rather than the estimated cost of the entire project, reducing the estimated cost from \$2 million to \$350,000.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R1020/03/12/08** THAT Council endorse a policy of providing a service level equivalent to the 1 in 25 year rainfall event under the current hydrologic conditions for the watersheds impacted by the Okanagan Mountain Park Fire;

AND THAT Council endorse a policy for the use of culverts, piping, overland flow routing, storage and/or diversion on a permanent or temporary basis to accommodate the increased runoff potential;

AND FURTHER THAT all costs associated with the design of the drainage works, estimated at \$350,000, be charged to chartfield 1092-0-00126 with the 2003 Financial Plan amended with interim funding from the Drainage Reserve.

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Moved by Councillor Clark/Seconded by Councillor Shepherd

**R1021/03/12/08** THAT a letter be sent to Premier Gordon Campbell outlining the immediate problems the City of Kelowna is experiencing with drainage as a result of hydrophobic soil conditions created by the Okanagan Mountain Provincial Park forest fire that will have to be addressed potentially at a cost of up to \$2 million; the personal costs some individuals will be faced with as a result of the fire event and the unavailability of flood insurance; and the shortfalls being experienced in the PEP program; and advising that the City will be seeking funding assistance and will be submitting a more extensive report in due course.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

7.1 Bylaw No. 9124 – A bylaw to change the name of Laurence Road to Pioneer Road

Moved by Councillor Given/Seconded by Councillor Horning

**R1022/03/12/08** THAT Bylaws No. 9124 and 9125 be read a first, second and third time.

Carried

7.2 Bylaw No. 9125 – A bylaw to change the name of College Way to University Way

See resolution adopted under item No. 7.1 above.

**(BYLAWS PRESENTED FOR ADOPTION)**

7.3 Bylaw No. 9117 – A bylaw to amend City of Kelowna Nuisance Trees and Shrubs Bylaw No. 6469-89

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R1023/03/12/08** THAT Bylaw No. 9117 be adopted.

Carried

7.4 Bylaw No. 9122 – Amendment No. 1 to City of Kelowna Advisory Planning Commission Bylaw No. 8546

Moved by Councillor Day/Seconded by Councillor Cannan

**R1024/03/12/08** THAT Bylaw No. 9122 be adopted.

Carried

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8. COUNCILLOR ITEMS

(a) Alternative Justice Program Funding Grants

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1025/03/12/08** THAT a letter be forwarded to the City of Fort St. John expressing Kelowna City Council's support for the Fort St. John Council's resolution calling on the Province to mandate, implement and fund Alternative Justice Programs in British Columbia.

Carried

(b) One Way Couplet Proposal and Alternative Options

The public information process will consist of the following:

- A public meeting being hosted by the Downtown Kelowna Association on Wednesday, December 17, 2003;
- The City publishing an insert that will be included in the January 4 & 5, 2004 newspapers explaining the options and pros and cons of each in detail;
- City staff to host a public workshop type meeting in the Council Chamber the afternoon of Tuesday, January 13, 2003.
- City staff to set up a hot line that will be manned by a person qualified to answer questions from the public regarding the couplet proposal and alternative options.
- City staff will also be presenting a report in open meeting at the Regular Meeting on December 15, 2003 outlining the one way couplet proposal and alternative options.

9. TERMINATION

The meeting was declared terminated at 4:26 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk