

Regular Meeting – P.M.December 22, 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 22, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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\*; Director of Parks and Leisure Services, D.L. Graham;\* Transportation Manager, R.W. Westlake\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Recreation Manager, R. Oddleifson\*; Roads/Equipment Supervisor, D. Beaudry\*; and Acting Council Recording Secretary, I.M. Tilstra.

(\* denotes partial attendance)

1. CALL TO ORDER

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

2. Councillor Day was requested to check the minutes of this meeting.

3. PLANNING

3.1 Planning & Corporate Services Department, dated December 17, 2003 re: Rezoning Application No. Z03-0056 (TA03-0011) – Petro-Canada (Ken Webster/R492 Enterprises) – 520 Cawston Avenue and 1265 Ellis Street

Staff:

- The text amendment amends Diagram "A" which forms part of the C7 – Central Business Commercial zone to include the four subject properties.
- The rezoning application is intended to facilitate a proposed 4.5 storey, mixed-use commercial/residential development.
- The site has been cleared of contaminants and is considered safe for redevelopment, as long as the residential component is above the main floor.

Moved by Councillor Hobson/Seconded by Councillor Given

**R1052/03/12/22** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by expanding Area 1 of Diagram "A" in the C7 – Central Business Commercial zone to include Lot 2, D.L. 139, ODYD Plan 3585 and Lots 10, 11 & 12, D.L. 139, ODYD Plan 1303, as shown Diagram "A" attached to the report of the Planning & Corporate Services Department dated December 17, 2003 be considered by Council;

AND THAT Rezoning Application No. Z03-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, D.L. 139, ODYD Plan 3585 located on Cawston Avenue and Lots 10, 11 & 12, D.L. 139, ODYD Plan 1303 located on Ellis Street, Kelowna, B.C. from the I2 - General Industrial and I4 – Central Industrial zones to the C7 - Central Business Commercial zone be considered by Council;

AND THAT the zone amending bylaw and text amendment bylaw be forwarded to a Public Hearing for further consideration;

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

Regular Meeting – P.M.

December 22, 2003

- 3.2 Planning & Corporate Services Department, dated December 15, 2003  
re: Agricultural Land Reserve Appeal No. A03-0013 – Edward & Mary Holitzki – 3257 Reid Road

Moved by Councillor Horning/Seconded by Councillor Given

**R1053/03/12/22** THAT Agricultural Land Reserve Appeal No. A03-0013, Lot 1, Plan 5458, Sec. 14 & 15, Twp. 26, ODYD, located on Reid 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 supported by Municipal Council.

Carried

- 3.3 Planning & Corporate Services Department, dated December 15, 2003  
re: Agricultural Land Reserve Appeal No. A03-0012 – Dennis & Phyllis Pilon – 1145 McKenzie Road

Councillor Day declared a conflict of interest because direct family members own property in the area and left the Council Chamber at 1:50 p.m.

Staff:

- The applicant is proposing to include the 1.5-acre orchard in the ALR, and in return is asking for an exclusion of the north end of the property. The north end of the subject property is rocky and hilly, and would be very difficult to farm.
- The relevant planning documents do not support the exclusion of lands from the ALR lands, so staff cannot recommend in support of this application.
- The subject property would remain as one parcel, whether subdivided or excluded.
- The Land Commission has recommended subdivision within the ALR, rather than an exclusion of the northerly portion.
- Subdivision at this point would trigger a subdivision bylaw requirement to upgrade the road, at a cost of \$100-\$150/running metre.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1054/03/12/22** THAT Council hear from the applicant.

Carried

Applicant:

- Upon purchasing the subject property, the applicant replanted the orchard in the southern portion. The remainder of the property is hilly and rocky.
- Feels that exclusion of the unfarmable land from the ALR would provide the option of making the property available to family or selling it.
- Concerned about the potential responsibility for upgrading the road.
- Maps possessed by the applicant indicate a slightly different ALR boundary than that shown by staff today.

Staff:

- There is a future road reserve to the east of the subject property, upgrading of which will likely be triggered by development on property to the east of the road reserve. However, should the subject property proceed to subdivision at the present time, the subdivision bylaw would trigger a requirement for that land to be dedicated and constructed as a rural road.
- There are some discrepancies between older manual maps and newer digital maps.

Regular Meeting – P.M.

December 22, 2003

Moved by Councillor Shepherd/Seconded by Councillor Horning

**R1055/03/12/22** THAT Agricultural Land Reserve Appeal No. A03-0012, Lot B, Sec. 24 & 25, Twp. 26, ODYD, Plan 40893, Except Plan KAP47397, located on McKenzie Road, Kelowna, B.C. for a partial inclusion into and a partial exclusion from the Agricultural Land Reserve pursuant to Sections 17(3) and 30(1) of the Agricultural Land Reserve Act be supported by Municipal Council.

Carried

Councillor Day returned to the Council Chamber at 2:05 p.m. and took his place at the Council Table.

4. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

4.1 Bylaw No. 9113 (TA03-0009) – WGP 236 Holdings Ltd. (Breakers Billiards & Bistro) - #1-1525 Dilworth Drive

Moved by Councillor Day/Seconded by Councillor Hobson

**R1056/03/12/22** THAT Bylaw No. 9123 be adopted.

Carried

4.2 Bylaw No. 9107 (Z03-0053) – WGP 236 Holdings Ltd. (Breakers Billiards & Bistro) - #1-1525 Dilworth Drive

Moved by Councillor Day/Seconded by Councillor Cannan

**R1057/03/12/22** THAT Bylaw No. 9107 be adopted.

Carried

5. REPORTS

5.1 Planning & Corporate Services Department, dated December 17, 2003 re: 2003 Public Art Committee Report (7800-01)

Moved by Councillor Blanleil/Seconded by Councillor Day

**R1058/03/12/22** THAT City Council receive the 2003 report of the Public Art Committee dated December 17, 2003 for information.

Carried

5.2 Roadways Superintendent, dated December 16, 2003 re: Award of Tender for Operation of Compost Facility (T03-106) (1280-01)

Moved by Councillor Given/Seconded by Councillor Cannan

**R1059/03/12/22** THAT Council approve awarding Tender T03-106 for the operation of the Compost Facility to Ansell Construction Ltd.

Carried

Regular Meeting – P.M.December 22, 20035.3 Director of Parks & Leisure Services, dated December 18, 2003 re: Future Lease to Central Okanagan Heritage Society (0870-20)

## Staff:

- Staff is bringing this forward in response to a request from the Central Okanagan Heritage Society (COHS).
- The mill, dairy barn and house have been placed on new foundations on City-owned land at Leckie Place and Dilworth Drive.
- The COHS is asking Council to approve in principle a lease, which would allow the organization to move ahead in their attempts to secure funding to begin the restoration process on the house.
- The COHS is facing a December 31<sup>st</sup> grant deadline.
- There is a need for servicing on the lot. This is included in the 2004 budget as a priority 2 item and will be addressed in budget deliberations in January.
- More information will be required from the COHS prior to moving ahead with the lease.

## Council:

- The COHS is a volunteer society that operates two important heritage sites in Kelowna and has not requested funding assistance in the past.
- This site has the potential to become a major tourist attraction.
- Urge professional heritage advice prior to restoration.

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R1060/03/12/22** THAT City Council approve in principle the City entering into a lease with the Central Okanagan Heritage Society for City land at Leckie Place and Dilworth Drive for the purpose of developing and operating Brent's Mill Heritage Park;

AND THAT subject to the Central Okanagan Heritage Society raising \$100,000 for the renovation of the house at the Brent's Mill Heritage Park, the City make a commitment to provide up to \$85,000 toward the cost of urban services for the Brent's Mill Heritage Park.

Carried5.4 Recreation Manager, dated December 17, 2003 re: Future Aquatic Facility – Survey Results (6240-20)

## Staff:

- Outlined the four prototypes presented to the public for feedback.
- The information presented to the public included capital costs, predicted operating costs and tax impacts. The numbers were made very clear throughout the survey documents.
- Staff made a presentation to the Hotel/Motel Association. This group has responded in writing, indicating their unanimous support for Prototype #4, despite the tax implications for their membership. They believe the long-term benefit and tourism impact far outweigh the cost of the project.
- Once the 2004 budget is approved, staff will report on the best development process.

## Rick Appleby, independent consultant:

- Spoke to the reliability of survey techniques used.

Regular Meeting – P.M.

December 22, 2003

Council:

- The operating costs of this facility and the two existing facilities must be analysed carefully.
- Concern that the public has not grasped the financial significance of the facility in regard to total tax impacts.
- A simpler survey could be done to present the financial information more clearly and double-check the level of support indicated by the previous survey.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1061/03/12/22** THAT the City of Kelowna continue with the Future Aquatic Facility project for Mission Recreation Park with the target completion date in 2007;

AND THAT Council direct staff to develop a new conceptual design for the facility to include a 50 metre main pool and a significant leisure waterpark area, based on prototype 4 as described in the Future Aquatic Facility Preliminary Investigation Report presented to Council on June 10, 2003;

AND THAT staff report to Council in the winter of 2004 on the most effective approach to the development process, which will include the full design and construction of this project;

AND THAT the Council direct staff to investigate strategies to reduce the capital cost and net operating cost so that the tax impact is not greater than 4%;

AND THAT staff establish an input process to include periodic presentations, open house sessions and workshops for stakeholders and the public;

AND THAT Council consider \$400,000 from general taxation or the Major Facilities Reserve for the costs associated with the preparation of the new conceptual design in the 2004 budget;

AND THAT staff report to Council in the fall of 2004 with a recommended approach to the required borrowing and the public approval process, once the conceptual design, capital cost, operating cost and tax impact are finally determined;

AND FURTHER THAT staff report progress on the conceptual design and input process to the Parks and Facilities Committee on a regular basis.

Carried

Councillor Clark opposed.

5.5 Transportation Manager, dated December 18, 2003 re: Logging Operations for South Slopes (5460-09)

Council:

- Truck traffic has the potential to cause significant damage to roads, especially rural roads. This cost should be included in Kelowna's PEP claim.
- Correspondence with residents' associations is urged, communicating the early start time.

Regular Meeting – P.M.December 22, 2003Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R1062/03/12/22** THAT Council authorize logging trucks accessing the burnt areas on the City's south slopes to start operation on City roads beginning at 4:00 am (instead of 7:00 am bylaw start time) between the period of December 29, 2003 and March 1, 2004.

Carried6. RESOLUTIONS

6.1 Draft Resolution re: Start Time for January 13, 2004 Public Hearing (0550-01)

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R1063/03/12/22** THAT the rules of procedure under Section 3.1.4 of Council Bylaw No. 7906 be waived and the Public Hearing on Tuesday, January 13, 2004 be scheduled to begin at 5:00 p.m. rather than 7:00 p.m.

Carried7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

7.1 Bylaw No. 9138 – Amendment to Sewerage System User Bylaw No. 3480

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R1064/03/12/22** THAT Bylaw Nos. 9138, 9139, 9141 and 9143 be read a first, second and third time.

Carried

7.2 Bylaw No. 9139 – Amendment No. 1 to Housing Opportunities Reserve Fund Bylaw No. 8593

See resolution adopted under agenda item No. 7.1.

7.2.1 Bylaw No. 9141 – Road Renaming Bylaw – Leathead Road

See resolution adopted under agenda item No. 7.1.

7.2.2 Bylaw No. 9143 – Amendment No. 2 to Kelowna Noise Control Bylaw No. 6647-90

See resolution adopted under agenda item No. 7.1.

**(BYLAWS PRESENTED FOR ADOPTION)**

7.3 Bylaw No. 9079 – Amendment No. 61 to Municipal Ticketing Information Bylaw 6550-89

Moved by Councillor Given/Seconded by Councillor Horning

**R1065/03/12/22** THAT Bylaw No. 9079 be adopted.

Carried

Regular Meeting – P.M.

December 22, 2003

7.4 Bylaw No. 9126 – Land Sales Reserve Fund Expenditure Bylaw

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R1066/03/12/22** THAT Bylaw No. 9126 be adopted.

Carried

7.5 Bylaw No. 9127 - Amendment No. 1 to Bylaw No. 9027 – Five Year Financial Plan, 2003-2007

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R1067/03/12/22** THAT Bylaw No. 9127 be adopted.

Carried

7.6 Bylaw No. 9132 – A bylaw to amend Sewer System User Rates Bylaw, 1972, No. 3480

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R1068/03/12/22** THAT Bylaw No. 9132 be adopted.

Carried

7.7 Bylaw No. 9133 – A bylaw to amend Sewer Service Parcel Tax Bylaw No. 8924

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R1069/03/12/22** THAT Bylaw No. 9133 be adopted.

Carried

7.8 Bylaw No. 9137 – Amendment No. 3 to Petroleum Storage Tank Bylaw

Moved by Councillor Given/Seconded by Councillor Horning

**R1070/03/12/22** THAT Bylaw No. 9137 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) 2004 UBCM Convention

Councillor Clark expressed concern regarding the \$100,000 cost attached to Kelowna's hosting of the 2004 UBCM convention. Councillor Cannan asked that the City Manager provide him with background information to clarify Kelowna's hosting commitment for discussion with the Convention Committee.

Regular Meeting – P.M.

December 22, 2003

(b) January 15, 2004 OCP Public Hearing

Councillor Cannan said that new information and ideas are being brought forward regarding bridge construction, and presented a petition requesting that the public hearing be deferred to the middle of February to allow more time for public consideration.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R1071/03/12/22** THAT the Official Community Plan Public Hearing scheduled for January 15, 2004 be postponed.

**DEFEATED**

Mayor Gray and Councillors Blanleil, Clark, Day, Given, Horning and Hobson opposed.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1072/03/12/22** THAT the City of Kelowna make a request for written information from the Ministry of Transportation, with the Ministry's response to include details regarding the definition, measurement and evaluation of traffic levels and traffic flow performance, definition of traffic flow failure, the expected life of the existing bridge, and possible dates for a workshop with the Transportation Minister and Westbank First Nations to work towards solutions.

Carried

9. TERMINATION

The meeting was declared terminated at 5:22 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

SCF/IMT/blh/am