

Regular Meeting – P.M.

June 27, 2005

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, June 27, 2005.

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 and S.A. Shepherd.

Council members absent: Councillor E.A. Horning.

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\*; Development Engineering Manager, S. Muenz\*; Roadways Engineer, F. Klotzbach\*; Financial Planning Manager, K. Grayston\*; Financial Accounting & Systems Manager, R. Mayne\*; Assistant General Manager-Airport Development, S. Samaddar\*; Electrical Utilities Manager, R. Carle\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 p.m.

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

3. DEVELOPMENT APPLICATIONS

3.1 Rezoning Application No. Z05-0014 and OCP05-0003 – Singla Bros and Dr. Gary Randhawa (Singla Bros./Tony Lockhurst) – 5241 Chute Lake Road (BL9449 & BL9450)

(a) Planning & Corporate Services report dated June 16, 2005.

Staff:

- The rezoning is requested to facilitate a subdivision to create approximately 125 single family residential lots.

Moved by Councillor Hobson/Seconded by Councillor Day

**R609/05/06/27** THAT OCP Bylaw Amendment No. OCP05-0003 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of part of Lot A, Sec. 24, Twp. 28, SDYD, Plan 18646, located on Chute Lake Road, Kelowna, B.C., from the Future Urban Reserve designation and Single/Two Unit Residential to the Single/Two Unit Residential designation and Major Park/Open Space, as shown on Map "A" attached to the report of the Planning & Corporate Services Department dated June 16, 2005 be considered by Council;

AND THAT Rezoning Application No. Z05-0014 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 24, Twp. 28, SDYD, Plan 18646, located on Chute Lake Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) and P3 – Parks and Open Space zones as shown on Map "B" attached to the report of Planning & Corporate Services Department dated June 16, 2005, be considered by Council;

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AND THAT the OCP Bylaw Amendment No. OCP05-0003 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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.

Carried

Councillor Given joined the meeting at 1:39 p.m.

**BYLAWS PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9449 (OCP05-0003) - Singla Bros and Dr. Gary Randhawa (Singla Bros./Tony Lockhurst) – 5241 Chute Lake Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R610/05/06/27** THAT Bylaw No. 9449 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's financial plan and waste management plan.

Carried

- (c) Bylaw No. 9450 (Z05-0014) - Singla Bros and Dr. Gary Randhawa (Singla Bros./Tony Lockhurst) – 5241 Chute Lake Road

Moved by Councillor Given/Seconded by Councillor Day

**R611/05/06/27** THAT Bylaw No. 9450 be read a first time.

Carried

- 3.2 Rezoning Application No. Z05-0020 and OCP05-0008 – Nicola Consiglio (Mark Consiglio) - 5127 Chute Lake Road (BL9447 & BL9448)

- (a) Planning & Corporate Services report dated June 16, 2005.

Staff:

- The subject property is adjacent to the property dealt with under agenda item No. 3.1.
- The requested rezoning would facilitate a subdivision to create approximately 70 residential lots along with a lineal open space corridor and a utility lot.

Moved by Councillor Hobson/Seconded by Councillor Day

**R612/05/06/27** THAT OCP Bylaw Amendment No. OCP05-0008 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of part of Lot 1, Sec. 24, Twp. 28, SDYD, Plan 5485 except Plans 18646, KAP49406, KAP50989 and KAP64523, located on Chute Lake Road, Kelowna, B.C., from the Future Urban Reserve designation to the Single/Two Unit Residential & Major Park/Open Space designations, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 16, 2005, be considered by Council;

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AND THAT Rezoning Application No. Z05-0020 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 24, Twp. 28, SDYD, Plan 5485 except Plans 18646, KAP49406, KAP50989 and KAP64523, located on Chute Lake Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR2 – Rural Residential 2, RR3 – Rural Residential 3, RU1h – Large Lot Housing (Hillside area), P3 – Parks & Open Space and P4 – Utilities zones as shown on Map "B" attached to the report of Planning & Corporate Services Department dated June 16, 2005, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP05-0008 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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.

Carried**BYLAWS PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9447 (OCP05-0008) - Nicola Consiglio (Mark Consiglio) - 5127 Chute Lake Road

Moved by Councillor Clark/Seconded by Councillor Given**R613/05/06/27** THAT Bylaw No. 9447 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's financial plan and waste management plan.

Carried

- 3.2 (c) Bylaw No. 9448 (Z05-0020) - Nicola Consiglio (Mark Consiglio) - 5127 Chute Lake Road

Moved by Councillor Clark/Seconded by Councillor Given**R614/05/06/27** THAT Bylaw No. 9448 be read a first time.Carried

- 3.3 Rezoning Application No. Z05-0024 – VE Properties (Water Street Architecture) – 3295 Lakeshore Road (BL 9451)

- (a) Planning & Corporate Services report dated May 10, 2005.

Staff:

- The site is currently developed with three buildings.
- The applicant is seeking to rezone and redevelop the property with a 3-storey commercial development with access off Lakeshore and Lanfranco Roads.
- A variance would be required to reduce a side yard setback for one parking stall.

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Moved by Councillor Given/Seconded by Councillor Shepherd

**R615/05/06/27** THAT Rezoning Application No. Z04-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, D.L. 14, ODYD, Plan 42579 located on Lakeshore Road, Kelowna, B.C., from the C9 - Tourist Commercial zone to the C4 - Urban Centre 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 and Development Variance Permit on the subject property.

Carried

**BYLAW PRESENTED FOR FIRST READING**

(b) Bylaw No. 9451 (Z05-0024) - VE Properties (Water Street Architecture) – 3295 Lakeshore Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R616/05/06/27** THAT Bylaw No. 9451 be read a first time.

Carried

3.4 Planning & Corporate Services report, dated June 16, 2005 re: Development Permit Application No. DP05-0071 – Gallaghers Canyon Land Development Ltd. (Tom Weisbeck) – Gallaghers Canyon Golf Resort south side of McCulloch Road, at the end of the extension to Gallaghers Forest South

Staff:

- The Development Permit would allow for the construction of 20 two-storey side by side duplex units in 10 buildings that would be constructed on either side of an extended Gallaghers Forest South road.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R617/05/06/27** THAT Council authorize the issuance of Development Permit No. DP05-0071 for Gallaghers Canyon Land Development Ltd. (Tom Weisbeck) for Lot 2, Sec. 2, Twp. 26, ODYD, Plan KAP76515 and an undivided 1/8 share in Lot 1, Plan KAP63646 (see plan as to limited access) and an undivided 1/96 share in Lot G, Plan KAP53116 (see plan as to limited access) and an undivided 1/6 share in Lot 7, Plan KAP71295 (see plan as to limited access), located on McCulloch Road and Gallaghers Forest South, 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";

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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 prior to issuance of the Development Permit;

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. BYLAWS (ZONING & DEVELOPMENT)

#### (BYLAW PRESENTED RESCINDING 1<sup>ST</sup>, 2<sup>ND</sup> & 3<sup>RD</sup> READINGS AND CLOSING THE FILE)

- 4.1 Bylaw 9191 (Z04-0003) – 684761 BC Ltd. (new owner) - (D.E. Pilling & Associates) – 5127 Chute Lake Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R618/05/06/27** THAT first, second and third readings given Bylaw No. 9191 (684761 BC Ltd. – 5127 Chute Lake Road) on March 9, 2004 under Resolution No. R254/04/03/09 and on March 23, 2004 under Resolution No. R292/04/03/23 be rescinded and the file closed.

Carried

#### (BYLAW PRESENTED FOR ADOPTION)

- 4.2 Bylaw No. 9307 (Z04-0051) – Donald Tulloch – 608 Coronation Avenue

Moved by Councillor Cannan/Seconded by Councillor Day

**R619/05/06/27** THAT Bylaw No. 9307 be adopted.

Carried

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5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Financial Accounting & Systems Manager, dated June 22, 2005 re: 2004 Annual Financial Report (1830-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R620/05/06/27** THAT the Annual Financial Report for the year ended December 31, 2004 be received;

AND THAT the Statement of 2005 and 2006 Municipal Objectives be received;

AND FURTHER THAT the Council Remuneration and Expenses report, Employee Remuneration report and schedule of Payment for the Provision of Goods and Service be received.

Carried

- 5.2 Electrical Utility Manager, dated June 17, 2005 re: Electrical Utility Rates (1824-02)

Moved by Councillor Hobson/Seconded by Councillor Day

**R621/05/06/27** THAT Council approve a change to the City's electrical utility rates resulting in a **4.1% increase** in annual residential customer revenues, a **3.4% increase** in municipal and school customer revenues and a **2.6% increase** in commercial customer revenues;

AND THAT staff bring forward the required bylaw to authorize implementation of the approved changes with the first billing cycle in September, 2005.

Carried

Councillor Cannan opposed.

- 5.3 Airport General Manager, dated June 23, 2005 re: Construct Airport Tugway – Kelowna International Airport (0550-05; 6640-20)

Moved by Councillor Given/Seconded by Councillor Blanleil

**R622/05/06/27** THAT Council approve awarding a unit price construction contract in the amount of \$806,823 to Peter Bros. Construction Ltd. for construction of an aircraft tugway to provide airside access from the runway system to the Westside Commercial Development Property;

AND THAT Council approve an amendment to the 2005 Financial Plan to increase the budget from \$461,780 to \$875,000 for this project with funding from the Airport Groundside Reserve.

Carried

- 5.4 Deputy City Clerk, dated June 22, 2005 re: Amendments to the Parks and Public Spaces Bylaw and the City of Kelowna Ticket Information Italicization Bylaw (BL9453 & BL9454)

Withdrawn from the agenda.

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- 5.5 Transportation Manager, dated June 23, 2005 re: Award of Construction Contract TE05-08 – Central Okanagan Bypass – Phase A (5400-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

**R623/05/06/27** THAT Contract TE05-08 for construction of the Central Okanagan Bypass be awarded to Greenleaf Enterprises Ltd. in the amount of \$3,358,813.85, including GST;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 6.1 Bylaw No. 9453 – Amendment No. 9 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91

Withdrawn from the agenda.

- 6.2 Bylaw No. 9454 – Amendment No. 64 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Withdrawn from the agenda.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 6.3 Bylaw No. 9417 – Road Closure Bylaw – Paret Road

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. There was no response.

Moved by Councillor Day/Seconded by Councillor Cannan

**R624/05/06/27** THAT Bylaw No. 9417 be adopted.

Carried

- 6.4 Bylaw No. 9440 – 2005 General Local Government Election Bylaw

Moved by Councillor Day/Seconded by Councillor Cannan

**R625/05/06/27** THAT Bylaw No. 9440 be adopted.

Carried

7. COUNCILLOR ITEMS

- (a) Grant Request - Wolf's Den Facility for Homeless Youth

Councillor Shepherd asked for an update from staff with respect to a grant request to facilitate the extension of sanitary sewer to the Wolf's Den. The City Manager advised that a report will be coming forward in two weeks.

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Councillor Clark asked for something from staff to clarify the public right of access to strata roads. Referred to staff.

(c) Development Applications with Negative Staff Recommendation

Councillor Clark noted that a controversial development application proposed at the corner of Casorso Road and Gordon Drive ended up being withdrawn from the last Advisory Planning Commission (APC) agenda at the last minute. Members of Council have been receiving complaints from the public whose tempers flared when they attended the meeting only to find out the item had been withdrawn. Councillor Clark suggested that development applications with negative staff recommendations be advanced directly to Council rather than first being referred to the APC. Referred to staff.

(d) Farm Uses on A1 Zoned Properties

Councillor Clark asked that staff consider a name that better reflects the permitted uses in the A1 – Agriculture 1 zone as there appears to be an expectation by some land owners within that zone that the zone is intended for estate lots. Referred to staff.

(e) Resolution to UBCM – Marijuana Grow Operations

Councillor Cannan commented that both Surrey and Abbotsford have implemented pilot projects for dealing with marijuana grow operations. The results in Surrey have been so successful that they intend to continue with the home inspections.

Councillor Clark left the meeting at 2:51 p.m.

Moved by Councillor Hobson/Seconded by Councillor Given

**R626/05/06/27** THAT a resolution be forwarded to the 2005 Union of British Columbia Municipalities convention asking the UBCM to support developing a provincial strategy based on the pilot projects in Abbotsford and Surrey for dealing with residential marijuana grow operations in consultation with local government, the Ministry of Public Safety and Solicitor General, the Ministry of Community Affairs, and the RCMP.

Carried

(f) Letter of Congratulations

Council agreed to send a letter of congratulations to Moura Quayle, former professor at UBC, on her recent appointment as Deputy Minister of Advanced Education.

8. TERMINATION

The meeting was declared terminated at 3:14 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

BLH/am