

Regular Meeting – P.M.February 13, 2006

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, February 13, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blancheil, B.A. Clark, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson*, N.J. Letnick and M.J. Rule.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi*; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Recreation Parks & Culture, D.L. Graham*; Acting Civic Properties Manager, R. Forbes*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:31 a.m.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Rezoning Application No. Z05-0076 – Emil Anderson Construction Co. Ltd. (Greg Asling) – East of South Crest Drive (BL9556)

(a) Planning & Corporate Services report dated February 2, 2006.

Staff:

- The rezoning would facilitate a proposed 18-lot subdivision and an open space/wildlife corridor lot.

Moved by Councillor Hobson/Seconded by Councillor Given

R140/06/02/13 THAT Rezoning Application No. Z05-0076 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 21, Sec. 24, Twp. 28, SDYD, Plan KAP69262, located on South Crest Drive, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) and P3 – Parks & Open Space zones as shown on Map "A" attached to the report of Planning & Corporate Services Department dated February 2, 2006 be considered by Council;

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

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9556 (Z05-0076) - Emil Anderson Construction Co. Ltd. (Greg Asling) – East of South Crest Drive

Moved by Councillor Letnick/Seconded by Councillor Given

R141/06/02/13 THAT Bylaw No. 9556 be read a first time.

Carried

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3.2 Planning & Corporate Services Department, dated February 1, 2006 re: Agricultural Land Reserve Appeal No. A06-0001 – Mark Turton – 3974 Todd Road

Staff:

- Agricultural Land Commission approval of the permit is required because of the volume of material to be removed.
- The applicant is proposing to remove sand and replace it with better soil to get the property back into agricultural use.
- Staff recommend support because of the net benefit to agriculture.
- The material would be removed from the site on a demand basis.

Council:

- Agreed to provide for a 5-year extension of the permit, if required.

Moved by Councillor Hobson/Seconded by Councillor Day

R142/06/02/13 THAT Agricultural Land Reserve Appeal No. A06-0001 for Lot A, Sec. 4, Twp. 26, O.D.Y.D, Plan KAP78689, located on Todd Road, Kelowna, B.C. which is an application For a Non-farm Use To Place Fill or Remove Soil, pursuant to Section 20 (3) of the *Agricultural Land Commission Act*, be supported by Municipal Council, subject to the following conditions:

1. That the Applicant ensure that all extraction and reclamation work be done in compliance with those recommendations of the consulting professional, H.A. Luttmending;
2. That all extraction AND reclamation work be completed within a 5-year period, beginning on the date of issuance of the City of Kelowna Soil Removal Permit, with the option of a 5-year extension to the permit should the applicant be unable to complete the extraction/reclamation in the initial 5-year time frame;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

3.3 Planning & Corporate Services Department, dated February 1, 2006 re: Agricultural Land Reserve Appeal No. A05-0018 – David & Margaret Hobson – 1655 Geen Road

Councillor Hobson declared a conflict of interest because the applicants are direct family members and left the Council Chamber at 1:41 p.m.

Staff:

- The property is hooked over Geen Road with about 10 acres on the west side and 8 acres on the east side.
- The recommendation of support from the Agricultural Advisory Committee and City Planning Department staff is subject to the owners not applying for a future homesite severance. If in future an application was to come forward for a homesite severance, staff would recommend non-support.

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Moved by Councillor Day/Seconded by Councillor Gran

R143/06/02/13 THAT Agricultural Land Reserve Appeal No. A05-0018 for Lot B, Sec. 14, Twp. 26, O.D.Y.D, Plan 24707, located on Geen Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

Councillor Hobson returned to the meeting at 1:45 p.m.

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 9492 (Z04-0082) - 298874 BC Ltd., Jorde Holdings Ltd., 218555 BC Ltd., and P & D Logging Ltd. (Lyn Welder Consulting) – 3260 Highway 97 North

Moved by Councillor Gran/Seconded by Councillor Clark

R144/06/02/13 THAT Bylaw No. 9492 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Director of Recreation Parks & Cultural Services, dated February 6, 2006 re: Recreation, Parks & Culture Task Force (0540-20)

Council:

- Agreed to amend the terms of reference to allow for two members of Council on the Task Force.
- Councillor Letnick volunteered be the second Council representative. [Councillor Hobson was appointed Chair of the Task Force at Council's Inaugural Meeting in December 2005].

Moved by Councillor Letnick/Seconded by Councillor Day

R145/06/02/13 THAT Council approve the Terms of Reference for the Recreation, Parks and Culture Task Force as attached to the report from the Director of Recreation Parks and Cultural Services dated February 6, 2006, **AMENDED** to increase the Council representation from one to two members of Council.

Carried

Councillor Blanleil opposed.

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- 5.2 Acting Civic Properties Manager, dated January 7, 2006 re: Tugboat No. 6 (0890-20)

Mayor Jake Kimberley, City of Penticton:

- Expressed appreciation for the donation as former president of the SS Sicamous Society and Mayor of Penticton.

Moved by Councillor Rule/Seconded by Councillor Hobson

R146/06/02/13 THAT the City of Kelowna donate Tugboat #6 to the S. S. Sicamous Society;

AND THAT the S. S. Sicamous Society pay for all insurance and moving costs associated with relocating the Tugboat from the present moorage site in Sutherland Bay to a permanent moorage spot in Penticton at the Okanagan Inland Marine Heritage Park.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 9554 – Water Regulation Bylaw No. 2173, Amendment Bylaw No. 9554

Moved by Councillor Rule/Seconded by Councillor Day

R147/06/02/13 THAT Bylaw No. 9554 be adopted.

Carried

7. COUNCILLOR ITEMS – Nil.

8. TERMINATION

The meeting was declared terminated at 2:19 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am