

Regular Meeting – P.M.August 8, 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 Tuesday, August 8, 2006.

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

Council members absent: Councillors B.D. Given and M.J. Rule.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Acting Manager of Development Services, S. Gambacort\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Planner, N. Wight\*; Communications Manager, K. Cairns\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:36 p.m.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Planning & Development Services Department, dated July 19, 2006 re: Agricultural Land Reserve Application No. A06-0016 – Diane Drummond – 4284 Jaud Road

Staff:

- The applicant is in the process of constructing a new home on the subject property and wants to be able to maintain the existing house as a secondary dwelling unit for non-farm use.
- The Agricultural Advisory Committee and staff do not recommend support because the application is contrary to City planning policies and regulations.

Moved by Councillor Hobson/Seconded by Councillor Day

**R765/06/08/08** THAT Council hear from the applicant.

Carried

Diane Drummond and husband Alex Blanchard, applicants:

- Purchased the property in December.
- The property has not been actively farmed in 10-15 years; the grounds are in poor shape; studies indicate poor soil.
- Have started a horse breeding operation on the property. There is a couple currently living in the existing house; the woman has a veterinarian technician background and will stay if possible to help with the breeding business.
- The new house would be the principal dwelling.
- Wants to convert the basement of the existing house into storage. The house is just over 1,000 sq. ft. which is a little over what is permitted for a secondary suite.
- Maintaining the existing dwelling would help them move forward with the horse breeding business as they need someone else living there to help in order to have a larger operation and make full use of the property.
- City staff are concerned about loss of agricultural land but the new house is being built where the barn was so that portion of the property was not really usable.

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- Questioned staff's interpretation of the regulations as they are being applied to this application in comparison to how they were applied to a rezoning application (Z05-0071) on Silver Place.
- The intent would be to have farm help living in the existing house. The building footprint of the house would not change.
- Was aware when they bought the property that the rules would require that the existing house be removed.
- If the Agricultural Land Commission (ALC) approves this appeal, the next step would be to rezone the property to A1s.

Staff:

- Explained that ALC approval is required because the suite would be in an accessory building. If they put the suite in the  $\pm 4,500$  sq. ft. house they are constructing, ALC approval would not be required.
- The Inspection Services Manager determines the number and size of residential buildings that would be appropriate for farm help on an agricultural property.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R766/06/08/08** THAT Agricultural Land Reserve Appeal No. A06-0016 for Lot A, Plan 13328, Sec. 34, Twp. 29, ODYD, located on Jaud Road, Kelowna, B.C. for non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) 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

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R767/06/08/08** THAT the Inspection Services Manager, in consultation with the Agricultural Advisory Committee, consider potential amendments to existing policies to allow for secondary suites for a non-farm use on agricultural land in other existing farm buildings or within the footprint of an existing accessory building, and to set out a basis for determining what is appropriate with respect to the size and number of additional residential buildings that are permitted on farm land for farm help.

Carried

3.2 Planning & Development Services Department, dated June 30, 2006 re: Agricultural Land Reserve Application No. A06-0014 – Frank & Eileen Teather (Don Teather) – 1485 McKenzie Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R768/06/08/08** THAT Agricultural Land Reserve Application No. A06-0014 for property located at 1485 McKenzie Road and legally described as: Lot 2 Section 36 Township 26 Osoyoos Division Yale District Plan 23935 Except Plan KAP53090 requesting a homesite severance subdivision of the subject property 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

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3.3 Rezoning Application No. Z06-0032 – Dennis & Sheryol Husch – 1542 Belgo Road (BL9655)

- (a) Planning & Development Services report dated July 10, 2006.

Moved by Councillor Day/Seconded by Councillor Letnick

**R769/06/08/08** THAT Rezoning Application No. Z06-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 13 and 14, Township 26, ODYD Plan 25514, located on Belgo Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite 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 and Utilities Department being completed to their satisfaction.

Carried

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

Bylaw No. 9655 (Z06-0032) – Dennis & Sheryol Husch – 1542 Belgo Road

Moved by Councillor Letnick/Seconded by Councillor Clark

**R770/06/08/08** THAT Bylaw No. 9655 be read a first time.

Carried

3.4 Official Community Plan Amendment No. OCP06-0017 and Rezoning Application No. Z06-0005 – 0695136 BC Ltd. and 0737831 BC Ltd. (Lynn Welder Consulting) – 712, 728, 730 Stremel Road (BL9657; BL9658)

- (a) Planning & Development Services report dated July 28, 2006.

Moved by Councillor Letnick/Seconded by Councillor Day

**R771/06/08/08** THAT OCP Bylaw Amendment No. OCP06-0017 to replace Map 12.1 20 Year Major Road Network and Road Classification Plan of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 with new Map 12.1 dated July 28, 2006, attached to the report of Planning & Development Services Department dated July 28, 2006, be considered by Council;

AND THAT Rezoning Application No. Z06-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of (a) Lot 3, Sec. 34, Twp. 26, O.D.Y.D., Plan 4858; (b) Parcel A (Plan B5622) of Lot 8, Sec. 34, Twp. 26, O.D.Y.D., Plan 3236; and (c) Lot 8, Sec. 34, Twp. 26, O.D.Y.D., Plan 3236, Exc. Plan B5622, located on Stremel Road, Kelowna, B.C. from the existing RU1 – Large Lot Housing zone to the proposed I2 – General Industrial zone be considered by Council;

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AND THAT the OCP Bylaw Amendment No. OCP06-0017 and 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 issuance of Preliminary Layout Review Letter by the Approving Officer;

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

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

Carried(b) **BYLAWS PRESENTED FOR FIRST READING**

- (i) Bylaw No. 9657 (OCP06-0017) - 0695136 BC Ltd. and 0737831 BC Ltd. (Lynn Welder Consulting) – 712, 728, 730 Stremel Road **requires majority vote of Council (5)**

Moved by Councillor Gran/Seconded by Councillor Clark

**R772/06/08/08** THAT Bylaw No. 9657 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

- (ii) Bylaw No. 9658 (Z06-0005) - 0695136 BC Ltd. and 0737831 BC Ltd. (Lynn Welder Consulting) – 712, 728, 730 Stremel Road

Moved by Councillor Gran/Seconded by Councillor Clark

**R773/06/08/08** THAT Bylaw No. 9658 be read a first time.

Carried

- 3.5 Planning & Development Services Department, dated July 18, 2006 re: Official Community Plan Amendment No. OCP05-0008 and Rezoning Application No. Z05-0020 – 684761 BC Ltd. (Nicola Consiglio) – 5127 Chute Lake Road (BL9447; BL9448)

Moved by Councillor Hobson/Seconded by Councillor Day

**R774/06/08/08** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Bylaw No. 9447 – Official Community Plan Amendment Application No. OCP05-0008 and Bylaw No. 9448 – Rezoning Application No. Z05-0020, by Nicola Consiglio be extended for a six (6) month period, beginning July 26, 2006.

Carried

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4. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAW PRESENT FOR FIRST READING)**

- 4.1 Bylaw No. 9648 (OCP06-0016) – Amendment *Kelowna 2020* - Official Community Plan Bylaw No. 7600 **requires majority vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

**R775/06/08/08** THAT Bylaw No. 9648 be read a first time.

Carried

Staff:

- Reminded Council that this OCP amendment will not be scheduled to a Public Hearing date until after it has been reviewed by the Affordable and Special Needs Housing Task Force.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 4.2 (a) Bylaw No. 9619 (OCP06-0001) – Rose Enterprises Ltd. (Doug Clark) – 2480, 2490 Richter Street **requires majority vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

**R776/06/08/08** THAT Bylaw No. 9619 be adopted.

Carried

- (b) Bylaw No. 9620 (Z06-0012) – Rose Enterprises Ltd. (Doug Clark) – 2480, 2490 Richter Street

Moved by Councillor Hobson/Seconded by Councillor Day

**R777/06/08/08** THAT Bylaw No. 9620 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Communications Manager, dated July 28, 2006 re: Draft Amendment to Council Policy No. 58 Grant-in-Aid Funding Requests

Moved by Councillor Hobson/Seconded by Councillor Gran

**R778/06/08/08** THAT Council Policy No. 58, Grant-in-Aid Funding Requests, be amended as outlined in the Communication Manager's report dated July 28, 2006, to address requests for a funding or sponsorship contribution from the City.

Carried

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- 6.1 Bylaw No. 9656 – Amendment No. 3 to Housing Opportunities Reserve Fund Bylaw No. 8593

Moved by Councillor Hobson/Seconded by Councillor Day**R779/06/08/08** THAT Bylaw No. 9656 be read a first, second and third time.Carried7. COUNCILLOR ITEMS(a) Crime and Safety Strategic Planning Task Force

Mayor Shepherd asked that Councillor Clark, chair of the Crime and Safety Task Force, have his committee meet with representatives of the RCMP and the Downtown Kelowna Association to develop a strategy to try to address the recent negative incidents that have occurred in the downtown core between 10 p.m. to 4 a.m.

(b) Recreation, Parks & Cultural Services Task Force

Mayor Shepherd asked that Councillor Hobson, chair of the Recreation, Parks & Cultural Services Task Force, have his committee meet with City Transportation and Environment staff to consider policies to get started on developing a linear path system in Kelowna that is similar to the linear corridors at Whistler.

(c) Tour of Development in Other Cities

Councillor Hobson suggested that the City Manager contact local Urban Development Institute representatives to see if they would be willing to arrange a tour sometime in the next year, similar to a tour the UDI sponsored about 10 years ago when Council visited the Lower Mainland to view some of their development projects. Councillor Hobson noted that there are some new design standards out there that we may want to bring to Kelowna and there are also affordable housing projects, mixed commercial/housing developments, waterfront projects, and linear corridors that would be of interest.

Councillor Gran suggested that the UDI also consider including Calgary in the tour to take a look at projects there such as a private sector built housing project in the downtown. The project has the capacity to house 700 homeless people on a given evening.

(d) City In-Put into Locations for Electrical Transmission Sub-Stations

Councillor Hobson commented that he has been receiving emails about the Fortis proposal for a new transmission sub-station in the Dry Valley area, noting that some municipalities identify the most suitable routes/locations for these facilities in their Official Community Plan. Councillor Hobson asked if staff have been involved in assessing alternative locations and added that he would like to know staff's perspective of the alternatives before he responds to the emails. Referred to City Manager.

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(e) Affordable and Special Needs Housing Task Force – Interim Report

Councillor Letnick circulated and reviewed the interim report of the Affordable and Special Needs Housing Task Force noting there will be a workshop on September 8 & 9, 2006. Experts (the housing providers) working in this field have been invited to participate; Council is invited to observe. The Task Force is targeting holding open houses to go to the community with the recommendations from the workshop in October and to bring forward a final report to Council in November.

(f) Process for City of Kelowna Boundary Extensions

Councillor Clark asked for information from staff on how to go about changing our letters patent and the boundaries of the City of Kelowna to include areas not currently within the City boundaries but that are benefiting from services being provided by the City. The pocket of residential development adjacent to Okanagan Mountain Park and the Ellison Area were both mentioned as areas within the Regional District of Central Okanagan (RDCO) that benefit from City services. Council agreed it would be more appropriate for this type of discussion to start at the RDCO level. The Deputy City Clerk advised that there is an information booklet on the process for boundary expansions that is provided by the Province that staff will make available to Council.

(g) Announcement – Director of Planning & Development Services Position

The City Manager announced that the Director of Planning & Development Services position has been filled. Mary Pynenburg will start with the City of Kelowna on August 28, 2006, bringing with her a wealth of experience.

8. TERMINATION

The meeting was declared terminated at 2:59 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

BLH/am